PADER REGENTED FOR FILLING

IN RE: PETITION FOR VARIANCE

Ridgely and York Roads

w/s York Road, 560 N of Ridgely Road

(115 W. Ridgely Road)

8th Election District

3rd Councilmanic District

Cecelia Schwaber Trust, Legal Owner Petitioner

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

CASE NO. 05-259-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance from Baltimore County Zoning Regulations (B.C.Z.R.) Section 450.4.7.(b) to permit an illuminated, double-faced, shopping center joint identification sign having an area of 218.7 square feet/face [169.5 square feet/face if the 49.2 square feet of structural supports are not included per B.C.Z.R. 450.3A] in lieu of the 150 square feet/face permitted; and from Section 450.4.7.(b) to permit the display of up to 10 lines for the names of tenants or occupants in lieu of the five lines permitted with the copy of each being not less than 6 inches in height in lieu of the required 8 inches and to amend the site plan and sign detail in Case No. 64-177-A, consistent with the relief requested. The subject property is located on the west side of York Road, north of Ridgely Road and is improved with an existing shopping center, which is presently under redevelopment.

Appearing at the public hearing on this Petition was Sidney Weiman, a Trustee of the Owner and Mr. William P. Monk, a professional land planner with the engineering, planning, design and surveying firm of Morris & Ritchie Associates, Inc. The Petitioner was represented by Howard L. Alderman, Jr., Esquire. There were no Protestants or other interested parties present at the hearing.

The proffered testimony indicated that the subject property is presently zoned BL-CCC and is comprised of 15.7 \pm acres, improved with a single-level, community shopping center and a Restanding bank. Until several years ago this property, known as the Yorkridge Center, included

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several movie theaters. The building, which housed the theaters, has been razed, together with another portion of the Center, to permit the construction of a new Kohl's department store. Kohl's and the Michael's craft store are the anchor tenants, with a variety of other tenants and services located in the Center. At present, there are two, freestanding signs for the Center which were approved by prior variance cases. The existing signs are located adjacent to York Road and comprise over 700 square feet in size.

The Petitioner proposes to remove both existing, freestanding signs and replace them with one architecturally designed, illuminated joint identification sign. The proposed sign includes up to 10 lines for the names of tenants in the Yorkridge Center. The plat, which accompanied the Petition for Variance includes all information, required by the zoning petition submission checklist and contains a detail of the proposed sign. That plat was accepted into evidence as Petitioners Exhibit No. 1. Also shown on that exhibit is the proposed location for the replacement sign adjacent to York Road.

Variances have been granted twice before for freestanding signs on the subject property. In Case No. 64-177-A a variance was approved to permit a double-faced, illuminated advertising sign and structure of 420 square feet in lieu of the 150 square feet allowed. Two years later, in Case No. 66-226-A, a variance was approved to permit a freestanding sign of 285 square feet in lieu of the 150 square feet allowed. In each of those cases, the variances granted were to the sign regulations that existed prior to the adoption of entirely new and updated sign regulations in 1997 pursuant to County Council Bill No. 89-97 which has been codified as Section 450 of the B.C.Z.R.. While the Petitioner could have proceeded to erect the proposed sign under the previously granted variance relief (B.C.Z.R. 450.8A.3), within fifteen years of the effective date of Bill No. 89-97, the Owner would have had to either obtain variance relief from B.C.Z.R. 450 or remove the nonconforming

sign (B.C.Z.R. 450.8D.1). The Owner elected to seek the required relief now, rather than wait until the deadline when there will, no doubt, be a flood of requests for sign variances.

The proffered testimony was that the variance relief requested is necessitated because of the existing topographic elevations between the heavily traveled York Road and the storefronts in Yorkridge Center. The stores sit, effectively, in a valley with the majority of the storefronts oriented toward Ridgely Road and away from York Road. There is no signage for the Yorkridge Center on Ridgely Road. Additionally, as part of the permit review process for the rejuvenation of the Center, the Office of Planning has required that the existing improvements located parallel to York Road (the backs of the stores face York Road) be fitted with roof parapets that will shield the heating, ventilation and air conditioning units on the roof. Those parapets will likewise shield from view storefront signage and further obstruct ones ability to determine from York Road what stores are located in the Yorkridge Center.

The testimony revealed that the Owners representatives have worked very closely with the community in the selection of a new anchor tenant and the aesthetic improvements being made to the Center. Representatives of the community and the Owner worked together with officials of the County's Bureau of Traffic Engineering to redesign aspects of the middle Ridgely Avenue entrance to the Center to address traffic concerns of residents.

The relief requested can be grouped into three, distinct parts. The first deals with the total area of the proposed sign. The B.C.Z.R. permit a joint shopping center identification sign of not more than 150 square feet in area of each face of the sign. In calculating the size of the proposed sign the proffered testimony was that officials of the County's Zoning Office insisted that the structural supports located within the perimeter of one continuous rectangle enclosing the face of a sign must be included in the total area calculation. B.C.Z.R. 450.3 Applying that requirement, the area of the proposed sign would be 218.7 square feet. However, as pointed out by counsel for the

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Petitioner and included in the record of this case as Petitioners Exhibit No. 3, B.C.Z.R. 4503.A provides that the area of a sign does not include any structural, supporting or decorative features, which are not part of the message of the sign. If the area of the structural supports of the proposed sign are removed from the calculation, the sign has a total area of 169.5 square feet per face. I find that, based upon a careful review of the detail of the proposed sign included on Exhibit No. 1, the portions of the structural supports within the rectangle enclosing the face of the sign are not part of the message of the sign and, therefore, are not to be included in the calculation of sign area.

The second part of the Petitioners request pertains to the number of lines that can be utilized to display the names of tenants and the size of the copy on each line. As proffered, in order to minimize the size of the proposed sign, the Petitioner requested relief to permit the size of the letters to be six inches in height in lieu of the eight inches required. The six-inch height is the minimum necessary to convey information to those traveling on York Road. Given the number of tenants in the Yorkridge Center, the fact that the sign proposed will be the only freestanding, joint identification sign and the fact that the names of the stores included on the storefront facade are not otherwise readily visible from York Road to permit all tenants names to be displayed, the requested relief in maximum size of letters is warranted. Based on the proffered testimony and evidence submitted, I find that the relief requested will permit the appropriate identification of the businesses located in this Center and should, therefore be granted.

As the third prong of its relief, the Petitioner has requested that the site plans approved in the previously described variance cases be amended consistent with any approval granted in this case. If granted, Petitioners Exhibit No. 1 would be the controlling site plan. Consistent with the findings above, it is appropriate and proper to amend the previously approved site plans consistent with the clief granted in this Order.

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Accepted into evidence as Petitioners Exhibit No. 2 was a photographic montage of the existing signage on the subject property, in relation to the elevation of York Road and the rooftops of existing improvements. The removal of these two, less than architecturally aesthetic signs and replacing them with the sign proposed by Petitioner, even with the variance relief granted herein, will achieve for the subject property the signage policies adopted as part of B.C.Z.R. 450.1E.

It was evident from the proffered testimony, including the portions recited above, that the conditions that justify the variance relief requested are unique and peculiar to the land and buildings at the Yorkridge Center and that strict compliance with the B.C.Z.R. would unreasonably prevent the Owner from identifying properly the tenants of that Center. It is equally evident that the requested relief is approximately one-sixth (1/6) of the sign variance relief previously granted in the same area of the subject property and that the proposed sign is more compatible than that previously granted.

The Petitioner would encounter real, practical difficulty in conforming the signage on the subject property to the strict requirements of the B.C.Z.R.. In reducing the sign, conveyance of the tenant information would be jeopardized. Additionally, the uncontradicted evidence showed that the size of the anchor tenants signs was the minimum size that each major corporation would allow. Jeopardizing the investment of national, corporate tenants would discourage the revitalization of this business property. The Petitioner has worked closely with the affected communities to ensure that relief requested will afford substantial justice for all parties. The proffered testimony showed clearly that the relief requested is the minimum relief necessary to alleviate the impact of the B.C.Z.R. on the subject property. Finally, the testimony and evidence reflects that the requested relief will permit a sign that is less confusing than the existing, larger, permitted signage thereby assisting the public to locate facilities, goods and services without undue difficulty, danger, or confusion. B.C.Z.R. Section 450.1G.1

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted subject to the conditions enumerated below.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this day of February, 2005, that the Petition for Variance relief requested from B.C.Z.R. Section 450.4.7.(b) to permit an illuminated, double-faced, shopping center joint identification sign having an area of 169.5 square feet/face in lieu of the 150 square feet/face permitted; and from Section 450.4.7.(b) to permit the display of up to 10 lines for the names of tenants or occupants in lieu of the five lines permitted with the copy of each being not less than 6 inches in height in lieu of the required 8 inches and to amend the site plan and sign detail in Case No. 64-177-A, as depicted on Petitioners Exhibits No. 1 and 2 shall be and is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

- 1. Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the thirty-day Appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. Within five (5) business days of the complete installation of the sign approved by this Order, the existing, freestanding signs adjacent to York Road shall be removed.

3. When applying for a sign permit, the site plan filed must reference this Case and set forth and address the conditions and restrictions of this Order.

WHILIAM ICWISHMAN, III

Zoning Commissioner for Baltimore County

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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 William J. Wiseman III, Zoning Commissioner

February 2, 2005

Howard L. Alderman, Jr., Esquire Levin & Gann 502 Washington Avenue, 8th Floor Towson, Maryland 21204

RE: PETITION FOR VARIANCE
NW/Corner York Road and Ridgely Road
(115 W. Ridgely Road)
8th Election District – 3rd Council District
Cecelia Schwaber Trust – Petitioner
Case No. 05-259-A

Dear Mr. Alderman:

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

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

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs

cc: Mr. Sidney Weiman, 910 Reisterstown Road, Baltimore, Md. 21208 Mr. William P. Monk, Morris & Ritchie Assoc., Inc. 1220 E. Joppa Road, Suite 505, Towson, Md. 21286 People's Counsel; Case File





۲, ,

Date

Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at Ridgely & York Roads

which is presently zoned ____BL-CCC

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

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)

SEE ATTACHED

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):

			Gecella Schwaber Trust, da	itea September	27, 1983
Name - Type or Print		Na	me - Type or Print By:	Da	
Signature			Signature Sidney Welman,	ferman Trustee	<u> </u>
Address		Telephone No.	Name - Type or Print		<u> </u>
City	State	Zip Code	Signature		<u> </u>
Attorney For Petit	tioner:		910 Reisterstown Road	410-484	-6100
			Address		Telephone No.
Howard L. Alde	rman, Jr., Esquir	е	Baltimore, MD	21208	
Name Type or Print		Cit		State	Zip Code
Laura /	Vellerat	/	Representative to be	Contacted:	
Signature	Nottingham Centre,	8th Floor	Sidney Welman, Truste	е	
Company 502 Washington Av	······································		Name 910 Relsterstown Road	410-484	-6100
Address	<u></u>	Telephone No.	Address		Telephone No.
Towson	, MD 21204	•	Baltimore, MD	21208	·
City	State	Zip Code	City	State	Zip Code
			OFFICE US	E ONLY	
Case No. 05	259 A		ESTIMATED LENGTH OF HEAD	RING HR	- -
Case No		Reviewed By	UNAVAILABLE FOR HEARING	17/04	
			TO DE THE		

Attachment 1

PETITION FOR VARIANCE

	CASE NO:	05-	_A_	
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Address:

Ridgely & York Road [Yorkridge Shopping Center]

Legal Owners: Cecelia Schwaber Trust, dated September 27, 1983

Present Zoning:

BL-CCC

REQUESTED RELIEF:

Grant a variance from BCZR: i) § 450.4.7.(b) to permit an illuminated, double-faced, shopping center joint identification sign having an area of 218.7 square feet/face [169.5 square feet/face if the 49.2 square feet of structural supports are not included per BCZR § 450.3A] in lieu of the 150 square feet/face permitted; and ii) § 450.4.7.(b) to permit the display of up to 10 lines for the names of tenants or occupants with the copy of each being not less than 6 inches in height in lieu of the required 8 inches, as shown more particularly on the Plat to Accompany this Petition and to amend the site plan and sign detail in Case No. 64-177-A, consistent with the relief requested.

JUSTIFICATION:

- 1. Proposed new sign will replace 856 square feet of existing signage;
- 2. Existing topographic constraints that constrain the location and ability to view a smaller sign; and

- in heir of the permitted 5 lines

3. For such further reasons that will be presented at the hearing on this Petition.

FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

Howard L. Alderman, Jr., Esquire Levin & Gann, P.A. 8th Floor, Nottingham Centre 502 Washington Avenue Towson, Maryland 21204

(410) 321-0600 Fax: (410) 296-2801 halderman@LevinGann.com PROM: OFFICE OF BUDGET & MISCELLANEOUS BALTIMORE COUN TY, MARYL RECEIPT FINANCE AMOUNT ACCOUNT No. 42634 ** 205# 939 XELEIPI 11/19/2004 11/19/2004 Recort Tot Baltimore County, Maryland 042634 13.5.0 G MI

11/18/304 10:27:06 台川路 म्ह भम TIE **安**

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CASHIER'S VALIDATION

DISTRIBUTION
WHITE - CASHIER

PIN

AGENCY

YELLOW - CUSTOMER

NOTICE OF ZOMMG 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: #05-259-A

Ridgley & York Roads

W/side of York Road, 560 feet north of Ridgely Road 8th Election District - 3rd Councilmanic District Legal Owner(s): Cecilia Schwaber Trust by Sidney Weiman, Trustee

Variance: to permit an illuminated, double-faced,

Variance: to permit an illuminated, double-faced, shopping center joint identification sign having an area of 218.7 square feet/face [169.5 square feet/face if the 49.2 square feet of structural support are not included per BCZR section 450.3A] in lieu of the 150 square feet/face permitted; and to the display of up to 10 lines for the names of tenants or occupants with the copy of each being not less than 6 inches in height in lieu of the required 8 inches to amend the site plan and sign detail in Case No. 64-177-A.

Hearing: Wednesday, January 19, 2005 at 9:80 a.m. in Room 407, County Courts Building, 401 Bostey.

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Zoning Commissioner for Baltimore County

Zoning Commissioner for Baltimore County

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

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

(2) For information concerning the File and/or Hearing,

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

JT/1/609 Jan. 4

34540

E OF PUBLI

that the annexed advertisement was published successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., THIS IS TO CERTIFY, 002once in each of

女 The Jeffersonian

Arbutus Times

Times Towson Times Catonsville

Owings Mills Times

NE Booster/Reporter North County News LEGAL ALVERTISING

CERTIFICATE OF POSTING

	RE: Case No.: 05-259-A
	Petitioner/Developer EC 11.1A SCHWABER TRUST BY SCHWABER SIDNEY WEIMAN
	Date of Hearing/Closing: 1/19/05
Paltimore County Department of Permits and Development Management County Office Building, Room 111 11 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews {(410) 887-3394}	
Ladies and Gentlemen:	1
	f perjury that the necessary sign(s) required by law were
posted conspicuously on the property located \mathcal{D}	D VORK R.DS
ICILISCOT AIR	D JOUR KND
The sign(s) were posted on	//4/05 (Month, Day, Year)
	Sincerely,
	(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)

TO: PATUXENT PUBLISHING COMPANY

Tuesday, January 4, 2005 Issue - Jeffersonian

Please forward billing to:

Cecilia Schwaber Trust c/o Sidney Weiman, Trustee 910 Reisterstown Road

Baltimore, MD 21208

410-484-6100

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: 05-259-A

Ridgley & York Roads

W/side of York Road, 560 feet north of Ridgely Road

8th Election District – 3rd Councilmanic District

Legal Owners: Cecilia Schwaber Trust by Sidney Weiman, Trustee

<u>Variance</u> to permit an illuminated, double-faced, shopping center joint identification sign having an area of 218.7 square feet/face [169.5 square feet/face if the 49.2 square feet of structural support are not included per BCZR section 450.3A] in lieu of the 150 square feet/face permitted; and to the display of up to 10 lines for the names of tenants or occupants with the copy of each being not less than 6 inches in height in lieu of the required 8 inches to amend the site plan and sign detail in Case No. 64-177-A.

Hearing: Wednesday, January 19, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM WISEMAN

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Department of Permits and Development Management

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

December 3, 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: 05-259-A

Ridgley & York Roads
W/side of York Road, 560 feet north of Ridgely Road
8th Election District ~ 3rd Councilmanic District

Legal Owners: Cecilia Schwaber Trust by Sidney Weiman, Trustee

Variance to permit an illuminated, double-faced, shopping center joint identification sign having an area of 218.7 square feet/face [169.5 square feet/face if the 49.2 square feet of structural support are not included per BCZR section 450.3A] in lieu of the 150 square feet/face permitted; and to the display of up to 10 lines for the names of tenants or occupants with the copy of each being not less than 6 inches in height in lieu of the required 8 inches to amend the site plan and sign detail in Case No. 64-177-A.

Hearing: Wednesday, January 19, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotrodo

Director

TK:klm

C: Howard Alderman, Levin & Gann, 502 Washington Avenue, 8th Fl., Towson 21204 Sidney Weiman, 910 Reisterstown Rd., Baltimore 21208

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 4, 2005.

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



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

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.

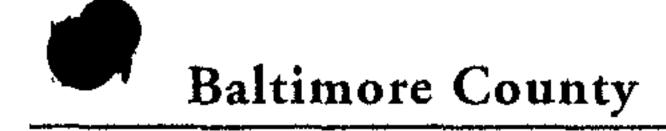
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
tem Number or Case Number:
Petitioner: Cecelia Schwaber Trust, dated September 27, 1983
Address or Location: Ridgely & York Roads
PLEASE FORWARD ADVERTISING BILL TO: Name: Cecelia Schwaber Trust c/o Sidney Weiman, Trustee
Address: 910 Reisterstown Road
Baltimore, MD 21208
elephone Number: 410-484-6100

Department of Permits Development Management

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





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

January 12, 2005

Howard L. Alderman, Jr. Esquire Levin & Gann, P.A. 502 Washington Avenue Towson, Maryland 21204

Dear Mr. Alderman:

RE: Case Number: 05-259-A

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 17, 2005.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

u. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Sidney Weiman Cecella Schwaber Trust 910 Reisterstown Road Baltimore 21208



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

Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive John J. Hohman, Chief

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

November 24, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: November 29, 2004

Item No.: 251, 25

251, 253, 255-266

Pursuant to your request, the referenced plan(s) have been reviewed 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

DATE: December 9, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 6, 2004

Item Nos. 251, 253, 255, 256, 257, 258, 259, 260, 261, 263, 264, 265,

and 266

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

RWB:CEN:jrb

cc: File

APP 9

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

PDM

FROM:

John D. Oltman, Jr Joan

DEPRM

DATE:

December 10, 2004

RECEIVED

DEC 1 0 2004

ZONING COMMISSIONER

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of November 29, 2004.

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

05-251

05-253

05-255

05-256

05-259

05-261

05-263

05-264

05-265

Reviewers:

Sue Farinetti, Dave Lykens

BW 1/19

DATE: January 18, 2005

Fill Carly

JAN 1 9 2005

ZOMMG COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

115 W. Ridgely Road

INFORMATION:

Item Number:

5-259

Petitioner:

Cecelia Schwaber Trust

Zoning:

BL-CCC

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends approval of the petitioner's request to replace an existing sign.

Prepared by:

Division Chief:

AFK/LL:MAC:







Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

」しし

Maryland Department of Transportation

Date: 11.24.04

Item No.

Baltimore County

RE:

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

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,

Steven D. Foster, Chief

1. 1. Gred

Engineering Access Permits Division

PETITION FOR VARIANCE RE:

Ridgley & York Road; W/side York Road,

560' N of Ridgely Road

8th Election & 3rd Councilmanic Districts Legal Owner(s): Cecelia Schwaber Trust,

Sidney Weiman, Trustee

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

05-259-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 1st day of December, 2004, a copy of the foregoing Entry of Appearance was mailed to, Sidney Weiman, Trustee, 910 Reisterstown Road, Baltimore, MD 21208 and Howard L. Alderman, Jr. Esquire, Levin & Gann, P.A., 502 Washington Avenue, 8th Floor, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

People's Counsel for Baltimore County

HOWARD L. ALDERMAN, JR. halderman@LevinGann.com

DIRECT DIAL 410-321-4640

LAW OFFICES

LEVIN & GANN

A PROFESSIONAL ASSOCIATION

NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

November 12, 2004

ELLIS LEVIN (1893-1960) CALMAN A. LEVIN (1930-2003)

HAND DELIVERED

Mr. John L. Lewis
Baltimore County Department of Permits
and Development Management
111 West Chesapeake Avenue, Suite 109
Towson, Maryland 21204

RE: Yorkridge Shopping Center

Petition for Variance - BCZR § 450

Dear Mr. Lewis:

After our meeting earlier in the week, I transmitted your comments and additional information to MRA, the preparers of the Plan to accompany the Petition for zoning relief in connection with proposed signage at the Yorkridge Shopping Center. All plans/petitions have been revised per your written requirements and I am pleased to deliver to you the following:

- 1. A revised *Plan to Accompany Variance Request*, with the changes indicated in yellow shading;
 - 2. Twelve copies of the revised Plan to Accompany Variance Request;
 - 3. The filing fee check in the amount of \$325;
 - 4. Three copies of the required zoning description;
 - 5. One Zoning Exhibit at 200' scale with the subject property outlined;
 - 6. One advertising form; and
 - 7. Three originals of a Petition for Variance.

Upon your receipt and review of these revised materials, please do not hesitate to call me should you or members of the other review agencies need additional information.

Very truly yours,

Howard L. Alderman, Jr.

HLA/gk Enclosures

HEARING-FILE Deliting met minimum issue is that the 10 tenant lines on the sign so requested in the variance doesn't Song in heir of the permitted 5 lines. Mease la delvised that drup of we petitions are Siled at the sisk of the Siling attorney without a standard Silving review. This office does Not accept responsebility for The infination, forms and accuracy of this Drup of pelling,

YORKRIDGE SHOPPING CENTER

CASE NAME

CASE NUMBER 05-529-A

DATE 19 JANITADY

PETITIONER'S SIGN-IN SHEET

SE PRINT CLEARLY

E- MAIL halderman@LevinGam.com	Want @ Mash	1 - 31			1				
CITY, STATE, ZIP TOWSON, MD 21204	1812 W 182	Bath MD 21208							
ADDRESS Levin & Gann, PA Suite 800	502 Washington Avenue 1220-C E. Joyne Rd Suite 305	910 Restrant ford	-						
NAME Howard L. Alderman, Jr., Esquire	Month Work	Sidney Werman, Trustee							

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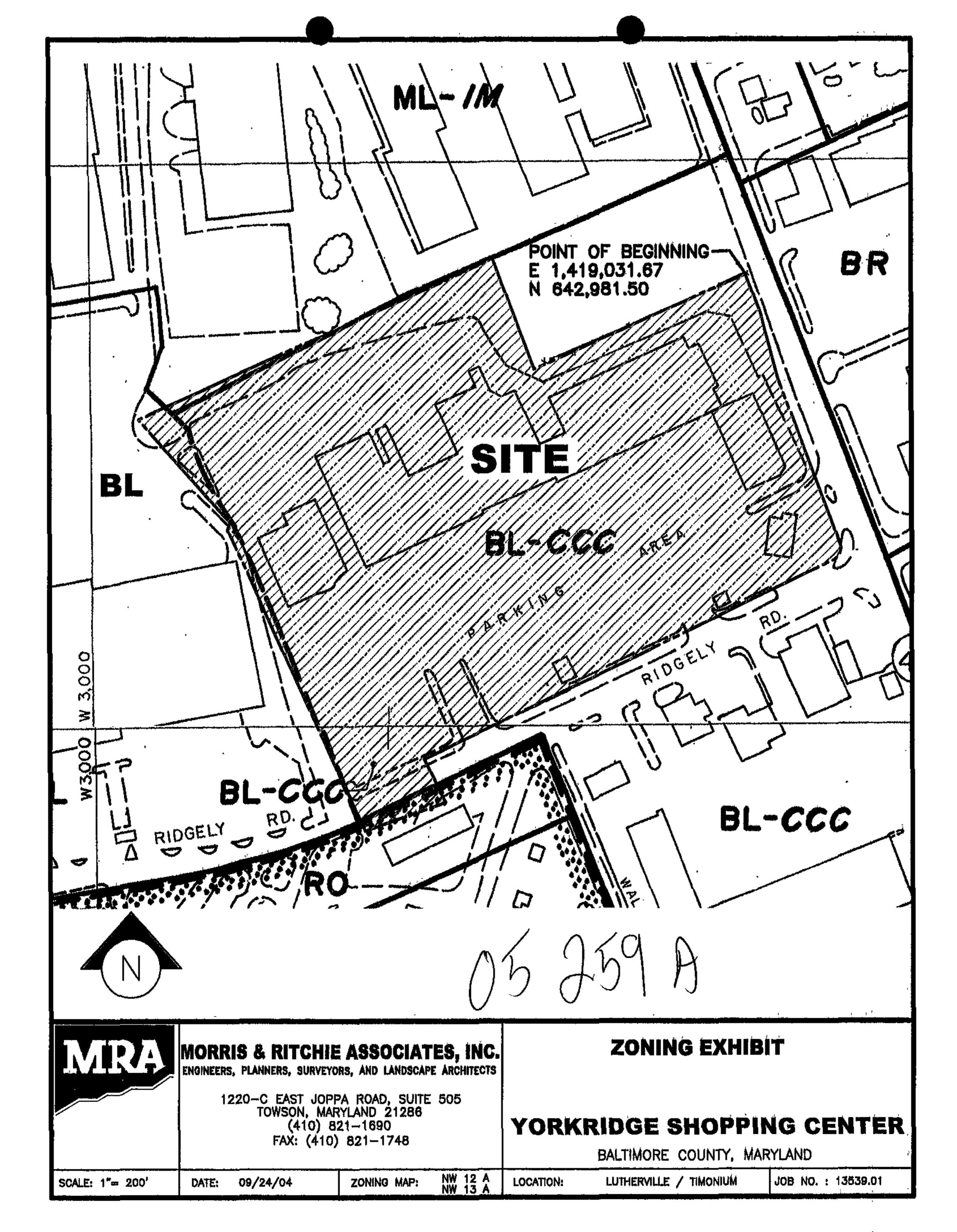
Case No.:	()	5-	259	A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1		
	SITE PLAN	
No. 2	DEPICTION OF EXISTING SIGNS	(ک)
	DEPICTION OF EXISTING SIGNS AND EXISTING BLOGS ON SHOPPING GENTER PROFERBLY	
No. 3	·	
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No. 4		
No. 5		
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No. 6		
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No. 7		
No. 8		
No. 9		
No. 10		·
No. 11		
No. 12	**************************************	<u></u>
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- 12. A temporary window sign.
- 13. A seasonal display or decoration, for events such as national holidays, not advertising a product, service or activity.
- 14. A permanent freestanding or wall-mounted sign of a volunteer fire company lawfully erected as of July 1, 1997, provided that no additional permanent freestanding or wall-mounted signs otherwise permitted by Section 450 may be erected on the volunteer fire company's premises.
- 15. Bus shelters, Class B. [Bill No. 32-04]
- General sign definitions. Unless otherwise provided, the following words, as used in Section 450, are defined as follows:

AREA — The number of square feet within the perimeter of one continuous rectangle enclosing the face of a sign. Except in the case of a wall-mounted sign, "area" includes the surface of all integral color, framing or other design feature by which the sign is differentiated from the structure supporting it or upon which it is erected. "Area" does not include:

- A. Any structural, supporting or decorative features which are not part of the message of the sign;
- B. Architectural features of the building upon which the sign may be erected, provided that such features are distinguishable from the sign by means of differences of color or similar attributes; or
- C. Air spaces located between freestanding signs of different classes which are erected on a common or shared supporting structure.

COMMERCIAL — That which relates to a for-profit business organization engaging in the sale, rental, lease or exchange of goods, products, services or properties of any kind.

COMMUNITY BUILDING — A building used for recreational, social, educational or cultural activities which is open to the public or a designated part of the public and is operated by a public or noncommercial organization.

CONTIGUOUS SIGN — A sign having any part located within one foot from any part of another sign in the same class, except that, in the case of a freestanding sign, "contiguous sign" means a sign having its support structure integral to the support structure of another sign in the same class.

(Cont'd on page 4-129)



PETITION FOR VARIANCE TO Sec. 1113.2 of Zening Regulations - N.S. Ridgeley Road 3751 W. of York Road, 8th Dist., Yorkridge Realty Co. Inc., Pett tioner

BEFORE ZONING COMITSSIONER

> CHAITIMRE COUNTY No. 64-117-12

The petitioner in the above matter requested a variance to Section 113.2 of the Baltimore County Zoning Regulations to permit a double-face illuminated Advertising Structure of 420 square feet in area instead of the allowable 150 square feet on the west side of York Road, 375 fect mest of York Road, in the Eighth District of Baltimcre County.

The patitioner has a peculiar problem in that he has erected a very fine theatre area but in such position as required by the Baltimore County Zoning Regulations that effective advertising cannot be accomplished by erecting a theatre marquee. Instead that a separate sign setting forth coming attractions for the theatre must be erected on a site located within the Shopping Center but some distance away from the theatre.

In order to be effective and list the attractions and names of the actors and actresses, a larger sign than normal is required.

For the above reasons the variance should be granted.

It is this the day of September, 1964, by the Zoning Commissioner of Baltimore County, CRDERED that the hersin petition for a variance should be and the same is granted, from and after the date of this Order, which permits an Advertising Structure of 120 square feet in area in stead of the allowable 150 square feet.

Zoning Commissioner

PETITIONER'S EXHIBIT

Baltimore County

INVOICE BALTIMORE COUNTY, MAR' AND OF FINANCE mint and the transfer and promitive

No. 23010

DATE 6/5/64

TELEPHONE B23-3C00

RE: PETITION FOR VARIANCE for a Sign
West Side of York Road 300'

North of Ridgely Road

8th District

Yorkridge Realty Co.: Inc.

Petitioner

BEFORE

COUNTY BOARD OF APPEALS

\$942.844530 (4364 **OF** 1971 75 647

BALTIMORE COUNTY

No 66-226-A

OPINION

The petitioner in this case requests a Variance from Section 413.2(e) of the Zoning Regulations of Baltimore County to permit an identification sign for the Yorkridge Shopping Center of 285 square feet instead of the 150 square feet allowed by the Regulations.

The petitioner proposes to add identification lines to the presently existing sign, as shown on Petitioner's Exhibit No. 2, and further testified that the identification signs proposed to be added would only fill in vacant space between the "Yorkridge" sign and ground level.

The partitioner and his witness stated that it is an extrame hardship to the small tenants of the Shopping Center not to be able to advertise their names on the integrated shopping center sign, and further, that there are ununous other integrated shopping center signs in Baltimore County that greatly exceed the ISC square fact limit as set forth in Section 413.2(e) of the Regulations. It was further testified that the construction of an integrated sign such as proposes nere would be protected to numerous small incivioual signs advertising tennots located within the Shopping Center.

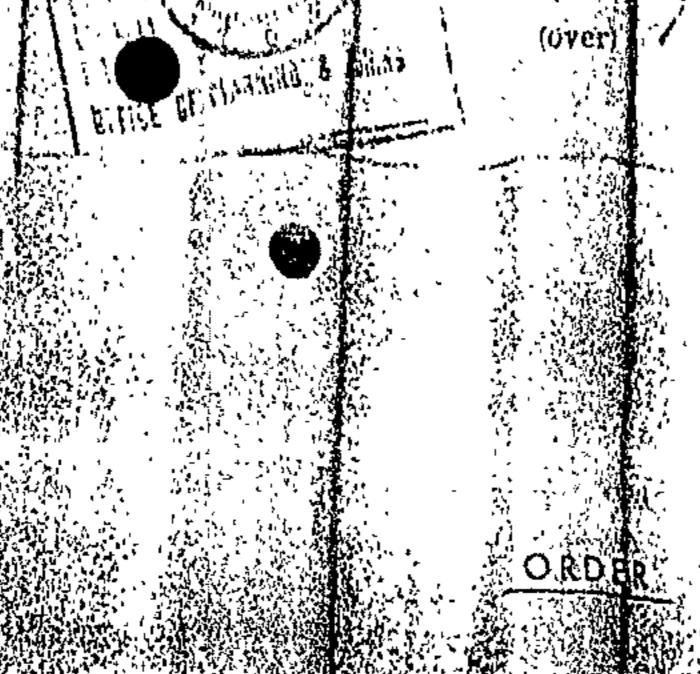
No protestants appeared at the bearing active to 3 and to minte the statuments of the petitioner.

For the reasons given above, the Board feet on the cost ticher has shown a practical difficulty and unicasonable hardship that a fill of the source requested variances.

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STATE LEGAL®

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day of November, 1968, by the County Bodid of Appeals ORDIRED, hat the

Any appeal from this decision mist be in accordance with Chapter 1100, subtitle B of the Maryland Rules of Procedure, 1961 edition.

OF ALTIMORE COUNTY

William S. Ballwin, Chairman

W. Giles Purker

R. Buce Aldemon

