

5/1/07

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF		
<u>RAMJI-KRUPA, INC. -PETITIONER</u>	*	COUNTY BOARD OF APPEALS
FOR SPECIAL HEARING AND		
VARIANCE ON PROPERTY LOCATED	*	OF
ON THE CORNER OF BALTIMORE		
NATIONAL PIKE AND INGLESIDE AVE *		BALTIMORE COUNTY
(5701 BALTIMORE NATIONAL PIKE)		
1 ST ELECTION DISTRICT	*	CASE NO. 05-413-SPHA
1 ST COUNCILMANIC DISTRICT		
* * * * *		

OPINION

This matter was heard *de novo* over two days by the Board of Appeals. Petitioner requests a special hearing to approve a wall-mounted illuminated sign in a B.M.-C. C. zone on a pre-existing frame, as well as a variance to approve a roof and wall-mounted illuminated enterprise sign of 156 square feet in a B.M.-C.C. zone in lieu of the maximum allowed 150 square feet pursuant to *Baltimore County Zoning Regulation* (BCZR), §§ 450.4.(I)(5) and 307. Petitioner, Ramji-Krupa, Inc., was represented by Michael P. Tanczyn, Esquire, and was opposed by People's Counsel for Baltimore County, Peter M. Zimmerman.

Petitioner called John Mellema who, after appropriate *voire dire*, was accepted as an expert property surveyor. He testified as to his prior involvement in 2000 in the case relating to a freestanding sign on the same subject property, and related that he was hired again to prepare the plat in the instant case. He described the area of the subject site, including both the building and the sign frame and described various photos and other exhibits entered into evidence. He testified that the sign was needed because the subject property site was lower and less visible to traffic on I-695. He concluded that the sign was both necessary and appropriate.

On cross-examination he acknowledged the previous lettering on the frame had been removed and the frame empty since about 1999. He also confirmed the use of the

brackets and braces of the framework connected to the top of the roof and projecting out from the wall.

Yeswant Patel, president of Ramji-Krupa, Inc., was called and related to the Board his purchase of the motel and the activities connected with the property since November 1996. He described in detail his attempts to improve the motel and create a successful business at the site, which is in a Baltimore County designated economic revitalization area. Referencing the location and elevation of the property, he testified at length regarding what he believes to be the need for the proposed sign in order for vehicles on I-695 to recognize the location of his business. He testified as to the structure of the sign, including the fact that supports for the sign are attached to a portion of the roof of the building. On cross-examination, the witness confirmed that the frame had been empty of any signage since the late 1990's.

On day two, Mr. Zimmerman called Dennis Wertz of the Baltimore County Office of Planning to the stand. Mr. Wertz testified as to his 23 years of experience with the County in land use matters, most recently as community planner for the First Councilmanic District, as well as his prior testimony as an expert in planning. He was, after appropriate *voire dire*, accepted as an expert in land planning. He further testified that he was familiar with the site in question, was present for the hearing prior to his testimony, and had actually visited the site in question twice, the most recent time being just before the Board hearing. Among the exhibits presented during his testimony were photos taken by him of the sign frame under discussion.

He went into some detail as to the applicable Baltimore County sign regulations, noting that roof signs are expressly prohibited by those regulations. He noted that it was clear to him that part of the frame supports of the proposed sign were in fact connected to the subject building's roof. As such, he considered this structure a "roof sign" as defined by § 450.5(B)(7)

of the BCZR and therefore prohibited. Moreover, he believed that under § 450.5(B)(9a) it failed to qualify as a wall-mounted sign. He did comment, however, that with adjustments it was possible that the sign could qualify as a wall-mounted sign under existing County regulations.

Finally, he expressed his opinion that the variance requested by Petitioner was a "use" variance and thus prohibited under § 307 of the BCZR. He stated that, under any circumstances, there was, in his opinion, no uniqueness of the Petitioner's property, and since a sign could be theoretically constructed to meet the applicable regulations, no practical difficulty existed.

The regulations concerning signs are located in § 450 of the BCZR. Section 450.3 defines "sign" as any structure or other object, or part thereof, which displays any word, illustration, decoration or other symbolic representation which:

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.

Has a "face" that is "visible" from a "highway" as each of these terms is defined in this section.

Section 450.4 contains the table of allowable sign uses under the (BCZR). Section 450.5(B)(7) defines a roof sign, stating:

Roof sign: A sign erected upon the roof of a building. "Roof sign" includes a sign having its structural framework or supporting elements attached, in whole or in part, to a roof, but does not include a sign erected upon a mansard, as that term is defined in Section 450.3. Roof signs are prohibited.

Section 450.8(B)(2)(3) defines abandoned signs. It states:

Abandoned signs. In order to prevent blight in established communities, diminution of property values, hazards of personal injury or damage to adjacent properties, the provisions of Section 450.8.B shall be construed, to the greatest extent possible, to require the removal of abandoned signs at the earliest possible moment.

1. A temporary sign is considered abandoned on the seventh consecutive day following the conclusion of the event or activity to which it pertains.
2. A permanent sign is considered abandoned one year after the commercial or noncommercial organization to which it was accessory permanently ceased operating.
3. An outdoor advertising sign is considered abandoned 180 days after its owner has ceased to display a message thereon.

A legally nonconforming sign under § 450.8(C) is subject to removal under § 450.8(D)(3) if considered abandoned under § 450.8(B).

Section 104.1 of the BCZR regarding nonconforming use states that:

A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these regulations, provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, the right to continue or resume such nonconforming use shall terminate. **[Bill nos. 18-1976; 123-191]**

Section 307.1 relates to variance requests. It states:

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

The concept of "uniqueness" under that section is further defined (as to the concept of uniqueness) by the Maryland Appellant Courts in *North v. St. Mary's County*, 99 Md. App. 502 (1994):

In *North v. St. Mary's County*, The Court held that "...the 'unique' aspect of a variance requirement does not refer to the extent of improvements on the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions. In respect to structures, it would relate to such characteristics as unusual architectural aspects and bearing or party walls. *Id* at 514

The Appellate Court addressed the issue of variance as to the issue of practical difficulty or reasonable hardship in the case of *McClean v. Soley*, 270 Md. 216 (1973), where the Court defined those terms as:

- 1) Whether compliance with the strict letter of the restrictions governing various variances would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.
- 2) Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
- 3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

The Board has reviewed the testimony, exhibits, memoranda of law provided by Counsel, as well as the applicable regulations and case law as they relate to this matter. We find unanimously that the definition of a "sign" includes both its structure and message fascia. We further find, based upon the testimony of virtually all witnesses, that the pre-existing sign face, which was placed upon the presently existing sign frame that is the subject of this case, was removed and thereby "abandoned" sometime in 1998 or 1999 (depending upon the witness), and

since the abandonment and nonuse continued until the present day, it has certainly continued for more than a year so that there is presently no existing nonconforming use.

The sign frame in question is therefore not an already existing sign, but rather a new sign, subject to present Baltimore County Zoning Regulations. Based therefore upon the photos presented as well as the testimony from Mr. Wertz, as confirmed by the Petitioner himself, we find that part of the supports for this existing framework in question is attached to the roof of the subject building; rendering it a sign frame for a "roof" sign as defined under § 450.5(B)(7) and therefore prohibited under that section.

We further find unanimously that no case for granting of a variance has been made by the Petitioner. ~~We believe that since roof signs are clearly prohibited by the zoning regulations, any variance requested would be considered to be a "use" variance and hence barred under § 307.1~~ Even if that were not the case, Petitioner has failed to present any facts supporting a claim of "uniqueness." We do not agree with the argument of the Petitioner that the elevation of his property in relation to the beltway or the effect of other nearby existing buildings constitute facts that would render his property to be "unique."

Finally, even if uniqueness were found, a failure to grant the variance requested by the Petitioner would not, in our opinion, unreasonably prevent the use of the property as a motel. While we are not unmindful of Petitioner's desire to succeed in his endeavor as a motel owner, Maryland law clearly rejects variance claims based on financial or revenue considerations. *Cronwell v. Ward*, 102 Md. App. 691 (1995).

Accordingly, and for the above noted reasons, Petitioner's request for special hearing and variance are hereby denied.

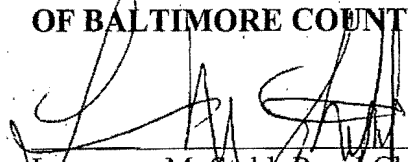
ORDER

THEREFORE, IT IS THIS 1st day of May, 2007 by the
County Board of Appeals of Baltimore County

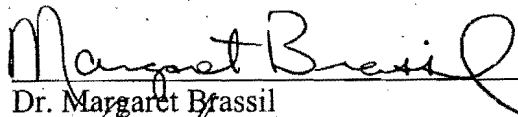
ORDERED that, for the reasons as stated in the foregoing Opinion, Petitioner's request
for special hearing and variance be and the same is hereby **DENIED**.

Any petition for judicial review from this decision must be made in accordance with Rule
7-201 through Rule 7-210 of the *Maryland Rules*.

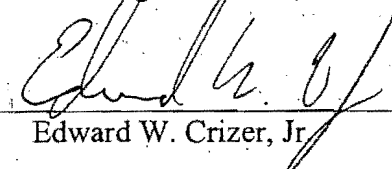
**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**



Lawrence M. Stahl, Panel Chairman



Dr. Margaret Brassil



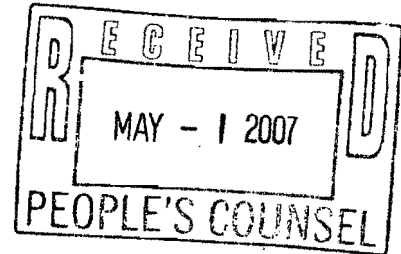
Edward W. Crizer, Jr.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

May 1, 2007



Peter Max Zimmerman
People's Counsel for
Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: *In the Matter of: Ramji-Krupa, Inc.* – Petitioner
Case No. 05-413-SPHA

Dear Mr. Zimmerman:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, with a photocopy provided to this office concurrent with filing in Circuit Court. **Please note that all subsequent Petitions for Judicial Review filed from this decision should be noted under the same civil action number as the first Petition.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Kathleen C. Bianco
Kathleen C. Bianco
Administrator

Enclosure

c: Michael P. Tanczyn, Esquire
Yeswant Patel, President
Ramji-Krupa, Inc.
John Charles Mellema, Jr.
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM



2/24/06

FILE COPY

RE: PETITION FOR SPECIAL HEARING * BEFORE THE COUNTY
AND VARIANCE *
5701 Baltimore National Pike; Corner * BOARD OF APPEALS
Baltimore National Pike & Ingleside Avenue *
1st Election & 1st Councilmanic Districts * FOR
Legal Owner(s): Ramji-Krupa, Inc *
by Yeswant Patel, President * BALTIMORE
Petitioner(s) * 05-413-SPHA

RECEIVED
FEB 24 2006

* * * * *

* BALTIMORE COUNTY
BOARD OF APPEALS

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY'S MEMORANDUM

People's Counsel submits this memorandum to the County Board of Appeals to present the facts and law relevant to the resolution of the petitions for special hearing and variance at issue. This follows a *de novo* hearing conducted on January 10 and 26, 2006.

The petition is for a new sign on the roof of a seven-story motel building at 5701 Baltimore National Pike (U.S. 40) in the Catonsville area. The identification of "DAYS INN" would be displayed in capital letters (156 square feet, 19'6" x 8', we are told). It would be mounted on part of a huge "bracket" or grid (60'+ at top x 16'), which extends across, above, and out from the west wall. See Pet. Exh. 6. The bracket is attached, in part, directly to the roof of the building. It projects out from the wall substantially more than 18 inches (about 4 feet, to this writer's recollection, subject to the Board's careful notes). Both the bracket and the display would, in part, rise above part of the parapet edge of the roof.

The property, zoned BM-CCC, occupies about 2 acres. It is located at the southwest corner of the Pike and Ingleside Avenue, across from the Westview Mall. It is about 1500 feet (3/10) of a mile distant from and inside the Beltway (I-695). The property is improved with a seven-story motel building and a restaurant building.

This is a good location. The CBA took notice that U.S. 40 is a major arterial road. Indeed, it is the most significant east-west road extending out of Baltimore City into the County, past the

Beltway, and to western Maryland land. Ingleside Road is also a prominent road in Catonsville. In other words, this is a major commercial corner and convenient to the Beltway.

There was at one time a Howard Johnson's/Ronda's sign on the roof, associated with an earlier motel/restaurant use of the property. That sign came down in 1997 or 1998, subsequent to the Petitioner's acquisition of the property. Howard Johnson's and Ronda's were out of business by then. The bare "bracket" or grid, which held the old sign, has remained on the roof since then (not a pretty sight). Petitioner tried another motel operation, the "Best Inn," for a period of time. It also made an arrangement around 2000 for a Checkers franchise to operate the restaurant, with its own freestanding sign. Eventually, Best Inn went out. Petitioner decided to affiliate with Days Inn by 2003, and put up a Days Inn freestanding sign at the corner. The permit shows it to be 99 square feet in area and 25 feet high for the main Days Inn section of the sign. There has been added a message board. No zoning approval or permit has been located relating to the extra message board, although it would appear to exceed the standard of 100 square feet for freestanding signs in the Business Zones. (BCZR 450.4, Table).

The current legislation most relevant to the case is found in BCZR 450. This comprehensive sign law has its source in Bill 89-97. Specific subsections of BCZR 450 and other BCZR sections will be cited as necessary and appropriate.

Petitioner's President, Yeswant Patel, described various improvements he has made to the property. He also noted a significant increase in his occupancy rates, the majority of which include transients from out of the area. He feels that an added sign on the roof would be visible from the Beltway and would increase his occupancy, especially in relation to other motels in the area located closer to the Beltway. At the present time, he is part of the Days Inn national system and has the advantage of the Days Inn 800 number, Days Inn marketing, and a helpful website.

Mr. Patel's surveyor, John Mellema, was presented as a zoning expert. It turned out that despite his surveying ability and sketch of the site plan, his knowledge of zoning was limited.

The only witness with true expertise in planning and zoning was Dennis Wertz, the area planner. He identified key zoning issues and controls, evaluated their relevance, and provided valuable planning perspective. His testimony is attached as Exhibit A and supports the conclusions below.

The key points or topics, integrating facts and law, are these:

1) **The site plan is legally insufficient.** There is no drawing to scale of the shape, size, or dimensions of the proposed roof sign, and no front or side view. The plan also omits any drawing of the Days Inn freestanding sign. The only sign shown with any degree of specificity is the Checkers sign, which is not in controversy. Petitioner added a drawing by Mr. Mellema of the bracket dimensions and building background, marked as Petitioner's Exhibit 6, but this still did not show the "DAYS INN" display. Nor did it have a cross-section to show the way the bracket is attached to the roof and projects out from the wall.

The site plan insufficiency problem is not a quibbling or trivial pursuit. In the absence of a proper site plan, it is difficult for the public, county agencies, and the Board to assess a proposal. Here, Petitioner devoted much time to abstract and disembodied minutia pertaining to the measurements of the bracket and the display. Meanwhile, People's Counsel had to cross-examine extensively just to establish the location and size of the bracket and display in relation to the roof. A proper drawing would have made all that unnecessary.

Ironically, when People's Counsel attempted to have Mr. Patel draw the proposed sign for illustrative purposes, Petitioner's counsel objected that it wasn't to scale or, by implication, perfect. Having failed to meet its burden to produce a proper description, Petitioner's objection was unwarranted in the extreme.

2) **A sign by its nature is a type of use.** This is particularly true in the B.M. zone, where it is referred to as a use. BCZR 233.2B (“Accessory uses or structures, including signs”), 233.3.A (“All permitted uses are subject to the following conditions: A. They shall be contained, except in the case of signs ... within a completely enclosed building.”). Depending on the situation, it may be a principal or accessory use. Here all of the signs -- past, present, and proposed -- were, are, or would be accessory to the motel and restaurant uses.

3) **A sign by definition includes both the structure and the message.** BCZR 450.3, definition of “sign” (“Any structure or object, or part thereof, which displays any word, illustration, decoration, or other symbolic representation”). When a message portion of a sign is removed or dismantled, the sign as such, therefore, no longer exists.

4) **The proposal here is for a roof sign** because it would be “a sign having its structural framework or supporting elements attached, in whole or in part, to a roof ...” (There is an exception for a mansard roof, but the roof here is not a mansard roof.) It is also noteworthy that the structure and the message will partly project above the parapet on top of the wall. **Roof signs are prohibited.** See BCZR 450.5.B.7.

5) **The proposed sign is not a wall-mounted sign** because it would “... project more than 18 inches from the wall to which it is attached.” Moreover, again, part of the sign, both structure and message, would “extend above the eaves or parapet” BCZR 450.5.B.9.a, b.

A properly located true wall-mounted enterprise sign would be allowed on the west wall, subject to the limits in the BCZR 450.4 table (page 4-134). The maximum area is “twice the length of the wall to which it is attached.” Here, that would be 120 square feet, twice the length of 60 feet, not 150 feet as assumed in the petition.

6) **The proposed sign would be a new sign.** The old Howard Johnson’s/Ronda’s sign was abandoned or discontinued by the end of 1998, either before the enactment of Bill 89-

97 or shortly thereafter. Even if the old sign predated the new law and were arguably nonconforming, it must be considered abandoned because the Howard Johnson's/Ronda's use to which it was accessory permanently ceased operation much more than a year ago. BCZR 450.8.B.2. ("A permanent sign is considered abandoned one year after the commercial or noncommercial organization to which it was accessory permanently ceases operating."). Moreover, from the objective point of view of discontinuity, BCZR 104.1 effects the termination of nonconforming uses one year after abandonment or discontinuation of the use. See Canada's Tavern v. Town of Glen Echo 260 Md. 206 (1970).

7) Even if the Howard Johnson's/Ronda's sign still were in existence and were considered a nonconforming use, the proposed sign involves such a structural alteration, replacement, relocation, and change as would not qualify as "only for the purpose of correcting nonconformity" under BCZR 450.8.C.4. It would not be exempt as a "changes of copy or message on a face" in that there no longer is any facial surface (BCZR 450.3 definition of "face") and/or the message display comprising the face would itself be substantially altered (BCZR 450.3 definition of "message"). To illustrate, that exemption would apply where the only change would be to the wording on an unchanged flat surface board. Here, the location, size, and arrangement of the face and message would be altered to provide a new roof sign.

8) The proposed sign is not eligible for a variance because BCZR 307.1 does not allow use variances and because BCZR 450.5.B.7 specifically prohibits roof signs.

9) Even if the proposed sign were arguably eligible under BCZR 307.1 for review with an area or sign variance, it would fail. There is nothing unique about the property which results in any practical difficulty or unnecessary hardship. The sign law does not unreasonably prevent the use of the property for permitted motel/restaurant use. There are already two freestanding signs on the property, one for the Days Inn and one for Checkers. There also could

be wall-mounted signage, such as a sign 120 square feet in area on the west wall of the building, below the area where the roof sign is proposed. There are also available to Petitioner many other uses in the B.M. zones, for which the sign law is more than adequate.

10) The Petitioner's complaint that he needs visibility from the Beltway for his chosen use is without merit; historical context; illustrative past decisions. The purpose and function of the law allowing identification signs is to provide identification at the adjacent local road, not from a distant interstate or other highway. The fact that other motels or businesses may be closer to the Beltway, with possibly better visibility, does not justify relaxation of the sign laws for distant properties. If that were the case, every motel, auto dealership, business or institution with customers or members coming from the Beltway would request larger and higher signs the farther away the location from the Beltway. On that basis, a motel at the City line might request a sign on a bracket extending 300 square feet in area and 200 feet high.

This is not the first time that a property owner has presented the argument that better visibility from the interstate highway should justify a deviation from sign restrictions. To illustrate, under the earlier (1955) sign law, the CBA denied business sign variances for freestanding and rooftop signs, respectively, in Carpenter Realty Corp. 85-273-A (Exhibit B) and SSE Associates Partnership 87-110-A (Exhibit C). The CBA denied a major variance for a church sign in Rock Church 88-65-A (Exhibit D), affirmed by the Court of Special Appeals. Under the new law, the CBA has often addressed and denied freestanding sign variances requested by automobile dealerships. The Auto Properties Case No. 02-471-A (Exhibit E) involves a property near Harford Road and the Beltway. The CBA decision there has been affirmed by the Circuit Court and is currently awaiting a decision by the Court of Special Appeals.

Recently, on January 20, 2006, the CBA denied a relatively modest freestanding sign variance for the Len Stoler Hyundai dealership in High Falcon Realty Corp. 05-308-A (Exhibit F). As the decision shows, that dealership is five miles away from the Beltway. There, the petitioner, having had a previous petition denied for a sign of 96 square feet instead of 50 denied, Case No. 00-559-A, returned with a much more modest request of 55 square feet instead of 50. The CBA still found that there was no legal justification for the variance.

Also recently, the CBA addressed Trinity Assembly of God church's request for a substantial sign variance for a freestanding sign adjacent to the Beltway near Joppa Road. Upon remand, having already found the sign variance unwarranted under county law, the CBA deliberated and found that there was no substantial burden on religious exercise under the federal Religious Land Use and Institutionalized Persons Act. The CBA record is available for review.

In short, the prevailing pattern of decisions reflects the CBA's understanding that it is rarely appropriate to allow deviation from the sign regulations. This includes cases where property owners seek better beltway visibility. The 1997 sign law reinforces this point of view.

11) One of the explicit purposes of the sign law is to reduce clutter. In fact, a variance may not be granted unless there is proof that the proposal will reduce clutter. BCZR 450.8.A.1. Here, there is no such proof. To the contrary, the disproportionate height and area of the proposed roof sign would bring area clutter to a higher level.

12) The predominant purposes of the sign law stated in BCZR 450.1.C., D., E., F. and G. are to control excessive and incompatible signage, not to facilitate their proliferation. Petitioner's focus in isolation on the BCZR 450.1.B stated need for signage disregards the context. In Umerley v. Peoples' Counsel 108 Md. 497 (1996), the petitioner made a comparable argument of need, even public need, for variances to facilitate expansion of a trucking facility. The Court rejected this argument because it was not a substitute for satisfaction

of the specific statutory standards. Carried to its logical conclusion, the isolated focus on "need" would trump the rest of the law if so loosely applied.

13) That there may remain any roof signs in the area, on motels or other businesses, is not a justification for the present proposal. Any such signs are holdovers from before the enactment of Bill 89-97. It is elementary that the purpose of nonconforming use law is to eliminate nonconforming uses, not to allow their use as leverage for new deviations from legal standards. See Prince George's County v. E.L. Gardner 293 Md. 259 (1982).

14) There is no evidence that a variance has ever been approved for a roof sign in Catonsville or any other area of the county. Even if such a case did exist, it would not justify another variance here. As to other variances in the area, Park Shopping Center v. Lexington Park Theater Co. 216 Md.271 (1958) held:

"With respect to the appellants' first contention [regarding the absence of any showing of unwarranted hardship], it is evident from both the opinion of the Board of Zoning Appeals and the opinion of the Circuit Court that the Board used the existence of other violations or variances in the immediate area tolerated or granted by the Planning and Zoning Commission to justify the issuance of the Certificate of Use and Occupancy here in question.

"This Court has held that it is not proper to consider the existence of surrounding ill-advised or illegal variances as grounds for granting additional variances."

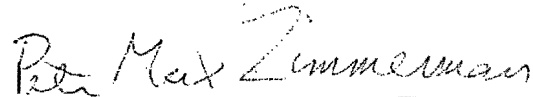
15) It is also basic that increased revenue and profit do not justify approval of a variance. Appellate courts have, in this connection, rejected variance claims based on financial or revenue considerations. Burns v. Mayor & City Council, 251 Md. 554 (1968); Daihl v. County Board of Appeals, 258 Md. 157 (1970); Cromwell v. Ward 102 Md. App. 691 (1995), quoting Xanthos v. Board of Adjustment, 685 P.2d 1032, 1037 (1985):

"Hardship is not demonstrated by economic loss alone... Every person requesting a variance can indicate some economic loss. To allow a variance any time any economic loss is alleged would make a mockery of the zoning program."

Here, Mr. Patel described property improvements, which helped him increase occupancy and revenue. That may be, but it does not justify a sign variance in derogation of the sign law.

Conclusion

The proposed sign is for use of a new roof sign, which is explicitly prohibited. Even were the sign eligible for a variance, it does not meet the applicable standards. On top of that, the site plan is inadequate and unacceptable. It also misrepresents the sign as a wall-mounted sign. Finally, the sign does not in any way qualify as a "nonconforming" sign.



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 24 day of February, 2006, a copy of the foregoing

Entry of Appearance was mailed Michael Tanczyn, Esquire, 606 Baltimore Avenue, St. 106,

Towson, MD 21204, Attorney for Petitioner(s).



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

1
2 IN THE MATTER OF: * BEFORE THE
3 RAMJI-KRUPA, INC. * COUNTY BOARD OF APPEALS
4 YESWANT PATEL, PRESIDENT* OF
5 Legal Owner/Petitioner * BALTIMORE COUNTY
6 * Case No. 05-413-SPHA
7 * January 26, 2006
8

9 * * * *

10 The above-entitled matter came on for hearing
11 before the County Board of Appeals of Baltimore County at
12 the Old Courthouse, 400 Washington Avenue, Towson,
13 Maryland, 21204, at 10 a.m., January 26, 2006.
14

15 * * * *

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
NO. 85-273-A

OPINION

Several residents of the area took the stand to object to the erection of the sign. Their testimony indicated that the plant already has a number of signs clearly denoting the facility and that a sign of such magnitude would, in their opinion, be for the purpose of advertising the bottling

Exhibit B

IN THE MATTER OF	:	BEFORE
THE APPLICATION OF	:	
<u>S. S. E. ASSOCIATES PARTNERSHIP</u>	:	COUNTY BOARD OF APPEALS
<u>FOR ZONING VARIANCE ON</u>	:	
PROPERTY LOCATED ON THE SOUTH-	:	OF
EAST SIDE OF OLD GEORGETOWN RD.,	:	
145 FT. NORTHEAST OF SULPHUR	:	BALTIMORE COUNTY
SPRING RD. - 13th DISTRICT	:	
1st COUNCILMANIC DISTRICT	:	No. 87-110-A

: : : : : :: : : : :

O P I N I O N

This case comes before this Board on appeal from a decision by the Zoning Commissioner granting a variance with restrictions from Section 413.6.a.2 of the Baltimore County Zoning Regulations (BCZR).

The Petition for a zoning variance will permit a stationary business sign to project fourteen (14) feet above the roof line of a warehouse facility located at Old Georgetown Road and Sulphur Spring Road.

Counsel for the Petitioner called two witnesses to testify to the difficulty visitors have in locating the subject warehouse, constructed two years ago on a site that is adjacent to but without direct access to Interstate I-95 and I-695.

Mr. Charles Howard, employee of the Petitioner and Mr. Wes Guckert, expert traffic engineer, were called to testify as to the necessity of the variance. Their testimony indicated that the warehouse cannot be seen from the Baltimore Beltway (I-695) by traffic travelling north or south because it is hidden from view by other commercial buildings. Mr. Charles Howard stated that customers have a difficulty locating the subject building and, consequently, tenants of the warehouse are at a disadvantage. A sign on top of the roofline would better identify the facility, but only for northbound traffic. Mr. Howard testified that the proposed sign would not be visible to southbound traffic due to the topography and bridge configuration in the area.

Testifying in behalf of the Petitioner, Mr. Guckert confirmed that a roof-top sign would not have a distracting affect on passing motorists, and that signs are generally considered to be positive factors in safely directing traffic.

Exhibit C

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 88-65-A

• • • • •

O P I N I O N

This matter comes before the Board as an appeal of the decision of the Zoning Commissioner, dated July 30, 1987. In his Order, the Zoning Commissioner denied the property owner's Petition for Zoning Variance from Sections 413.1(b) and 413.5(d) of the Baltimore County Zoning Regulations (B.C.Z.R.). Specifically, the Rock Church seeks a variance to allow construction of an illuminated sign larger than the size permitted within the residential area (D.R. 2) in which this property is located.

Exhibit D

IN THE MATTER OF
THE APPLICATION OF
STEVE B. FADER, AUTO PROPERTIES, LLC
- OWNERS/PETITIONERS FOR VARIANCE
ON PROPERTY LOCATED ON THE
E/S OF HARFORD RD, 260' S OF EAST AVE.
3001 EAST AVENUE
11TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 02-471-A

* * * * *

OPINION

This case comes to the Baltimore County Board of Appeals by way of an appeal from a decision by the Deputy Zoning Commissioner relative to a variance issue. That Order and Opinion was issued under date of June 26, 2002. An appeal was made by the Baltimore County Office of People's Counsel on July 3, 2002 and the appropriate notification given to Counsel for the Petitioner. Unfortunately, several months transpired until June 26, 2003 when People's Counsel for Baltimore County wrote to the Chairman of this Board noting the fact that the Office of People's Counsel had appealed the case but that it had not been scheduled on the docket of the Board of Appeals. The Chairman of this Board responded to People's Counsel on the afternoon of June 26, 2003, noting that the Board had never received the necessary file from Baltimore County's Department of Permits and Development Management (PDM) and that, since the Board had no record of the appeal being filed nor having received the PDM file, "our records do not indicate that this file was ever 'logged in' for Board action."

Accordingly, PDM was notified, their file sent over to the Board and subsequently received. The case was scheduled for public hearing on December 8, 2003. At that time, J.

Exhibit E

IN THE MATTER OF
THE APPLICATION OF
HIGH FALCON REALTY CORP.
FOR A VARIANCE ON PROPERTY
LOCATED ON THE SE/S HIGH FALCON
ROAD, 89' NE OF C/L REISTERSTOWN
ROAD (11317 REISTERSTOWN ROAD)

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY

4TH ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT

* CASE NO. 05-308-A

* * * * *

OPINION

This matter is before the Board on an appeal from a decision of the Deputy Zoning Commissioner in which the requested variance relief for a sign for the Petitioner's business was denied. A Petition for Variance was filed by High Falcon Realty Corp., by Leonard Stoler, one of the principals of the corporation. He was requested variance relief for the property located at 11317 Reisterstown Road in Baltimore County. The relief is requested from § 450.4 of the *Baltimore County Zoning Regulations* (BCZR) to permit the erection of a double-faced, illuminated freestanding business sign with a size of 55 sq. ft. per side in lieu of the 50-square-foot sign now permitted by the regulations. Petitioner was represented by Marvin Singer, Esquire. A hearing was held on August 23, 2005. No one appeared in opposition to the request. A public deliberation was held on October 26, 2005.

Background

The Petitioner presented Jim Collins, the District Sales Manager for the Baltimore District for Hyundai Motor Company of America. Mr. Collins testified that the Hyundai Motor Company offered various types of signs for their dealers. The standard size sign, HP-100 and HP-150, is 55 sq. ft. in area. He stated that he was familiar with the leasing agreement required of their dealers by Hyundai and that the leasing agreement on page 13, which was entered into evidence, indicates that "subject to applicable law, dealer agrees to purchase from sources designated by HMA and to erect and maintain at the dealership locations, entirely at dealer's expense, standard product and service signs of types authorized by HMA (Hyundai Motor America) as well as such other authorized signs

Exhibit F

4/21/05

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE – SW/Corner		
Baltimore National Pike & Ingleside Ave.	*	ZONING COMMISSIONER
(5701 Baltimore National Pike)		
1 st Election District	*	OF BALTIMORE COUNTY
1 st Council District		
	*	Case No. 05-413-SPHA
Ramji-Krupa, Inc.		
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 owners of the subject property, Ramji-Krupa, Inc., through its attorney, Michael P. Tanczyn, Esquire. The Petition for Special Hearing, as filed, requests a determination as to whether the Zoning Commissioner should approve the following relief: 1) a roof-mounted, illuminated enterprise sign in a B.M.-C.C.C. zone of 156 sq.ft. in lieu of the maximum allowed 150 sq.ft., pursuant to Section 450.4(I)(5) of the B.C.Z.R. to replace a pre-existing sign ad frame with a smaller profile sign at a lower elevation on the roof façade in lieu of the previous roof-mounted sign, structure and frame; 2) a roof-mounted, illuminated enterprise sign in a B.M.-C.C.C. zone of 156 sq.ft. in lieu of the maximum allowed 150 sq.ft., pursuant to Section 450.4(I)(5) of the B.C.Z.R. to replace a pre-existing sign ad frame with a smaller profile sign at a lower elevation on the roof façade in lieu of the previous roof-mounted sign, structure and frame, which will be partially mounted on the top of the west side wall façade; or, 3) that the existing sign structure is a legal, nonconforming sign structure, pursuant to Section 450.8.C(6) of the B.C.Z.R. 4) In the alternative, the Petitioners request a determination that the proposed smaller profile replacement roof sign/wall-mounted sign at a lower elevation on the roof façade than the pre-existing sign frame is a legal, nonconforming sign, which may continue to be used, pursuant to Section 450.8.C(2) of the B.C.Z.R.; or, 5) that a smaller profile roof-mounted sign at a lower elevation on the roof façade, which is partially wall-mounted on the west side wall, can be

approved, in lieu of the previous roof-mounted sign structure and frame and that same complies with the provisions of Section 450.5.8.C(4) of the B.C.Z.R., which allows a structurally altered, replaced, relocated or otherwise changed sign for the purposes of correcting nonconformity, where this requirement is not applicable to changes of copy or message on the face of a legally nonconforming sign.

In addition to the special hearing relief, the Petitioners request a variance from Section 450.4.(I)(5) of the B.C.Z.R. to permit a roof- and/or wall-mounted, illuminated enterprise sign in a B.M.-C.C.C. zone of 156 sq.ft in lieu of the maximum allowed 150 sq.ft. The subject property and requested relief are more particularly described 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 were Yeswant Patel, President of Ramji-Krupa, Inc., property owners, and his wife, Sangita Patel; John Charles Mellema, Jr., the Professional Land Surveyor who prepared the site plan for this property; and Michael P. Tanczyn, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence presented demonstrated that the subject property is a rectangular shaped parcel located on the southwest corner of Baltimore National Pike (Maryland Route 40) and Ingleside Avenue in Catonsville. The property contains a gross area of 86,074 sq.ft., more or less, zoned B.M.-C.C.C., and is improved with a seven-story, brick building, a Checkers restaurant, and accessory parking area. The property was originally developed as a Howard Johnson's Motor Lodge with an adjacent restaurant; however, since the Petitioners' purchase of the property in 1996, has operated as a Best Inn and is now currently operating as a Days Inn. In this regard, the Petitioners previously sought special hearing and variance relief for the subject property under Case No. 00-218-SPHA. By his Order dated January 20, 2000, then Deputy Zoning Commissioner Timothy M. Kotroco granted approval of an existing freestanding sign and variance relief to allow 172 parking spaces in lieu of the required 269 for a combination hotel/motel and

restaurant. Photographs of the building and signage as it existed at that time are more particularly shown in a panoramic photo exhibit, which was submitted into evidence as Petitioner's Exhibit 3.

The Petitioners recently contracted with the Days Inn franchise and are in the process of renovating and improving the property to their standards. Proffered testimony indicated that the Petitioners have replaced room windows, removed balconies, and installed a new façade, including a 4' stucco extension at the top of the existing walls of the building to create parapet walls on all four sides. These dramatic improvements are more particularly shown in a series of photographs, marked as Petitioner's Exhibits 9 and 10. Testimony indicated that despite the Petitioners upgrade to the Days Inn, their occupancy rate only rose by 7% to its present average of 53%. It was indicated that the average occupancy rate for similar inns in the metropolitan Baltimore area is 65%. Further testimony revealed a shift from local clientele to regional or long distance visitors to the site, who were unfamiliar with the area. The Petitioners believe that the property lacks sufficient signage, given its location along this busy stretch of Route 40, just east of the Baltimore Beltway (I-695). Thus, the Petitioners come before me seeking alternative special hearing relief to approve an existing sign frame, which is mounted on the west side façade of the existing building (facing I-695), as a nonconforming use for a proposed enterprise sign for the Days Inn. As shown in photographs submitted into evidence as Petitioner's Exhibits 11, 12, 14 and 15, the frame itself extends beyond the top of the roofline; however, the Days Inn letters themselves will not extend beyond the green line at the top of the extended parapet walls.

In support of their request, the Petitioners submitted old photographs marked as Petitioner's Exhibits 4A and 4B, which show the sign frame remains located in its original position and the signage advertising the Howard Johnson's motor lodge and Ronda's Diner. Sealed elevation calculations prepared by Mr. Mellema were submitted into evidence as Petitioner's Exhibit 5 and show the sign frame in relationship to the west wall of the building. The Petitioners propose to display 8' channel letters spelling out "Days Inn" on the existing sign frame and to position the letters so that they will not extend above the green line at the top of the wall façade as shown Petitioner's photo Exhibit 10. Relief is requested as set forth above to approve the existing

sign frame as nonconforming and to its use to display the Days Inn sign. Variance relief is also requested to allow a 156 sq.ft. sign in lieu of the maximum allowed 150 sq.ft. In this regard, the proposed signage will actually be smaller than the pre-existing sign in terms of the overall space; however, will exceed the maximum allowed area by today's standards.

There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agencies, but for the Office of Planning. In this regard, the Planning Office noted a prohibition of roof signs, pursuant to Section 450.5.B.7 of the B.C.Z.R. In a response letter to Dennis Wertz of the Planning Office, Counsel for the Petitioners argued that the Days Inn letters would not exceed beyond the top of the roofline and would therefore not constitute a roof sign. Numerous photographs of adjacent and surrounding properties were submitted which demonstrate the view of the subject site from I-695 and the substantial number of rooftop signs that exist in the neighborhood, which are apparently nonconforming. It was indicated that rooftop signs are specifically designed to identify national hotel/motel chains for visitors travelling from various points along interstate roads, as well as local roads near interstate roads. The Petitioners further argued that they are required by the franchising entity to contribute 3½% of their motel revenues to a national advertising campaign to promote the Days Inn and that they are at a competitive disadvantage with other Days Inns that have elevated side wall or roof top signs.

After due consideration of the testimony and evidence presented, I find that the existing sign frame can be approved as a nonconforming sign, pursuant to the provisions of Section 450.8.C of the B.C.Z.R. and does not violate the provisions of Section 450.6 thereof. I find that the relief requested will not result in a drastic enlargement or extension of the original nonconforming sign. In fact, the proposed Days Inn lettering will result in a smaller sign face and take up less space than the original sign, in keeping with the legislative intent to reduce the size of nonconforming signage where possible. McKemy v. Baltimore County, 39 Md. App. 257, 385 A.2d 96 (1978), and will not extend above the roof/green line shown in Petitioner's Exhibits 10.

I further find that the requested variance relief is appropriate in this instance and will not increase density beyond that presently allowed for occupancy at the center. This Zoning

Commissioner believes that strict compliance with the zoning regulations would result in practical difficulty as well as unreasonable hardship for the Petitioner and that the relief requested meets the spirit and intent of the sign regulations. The fact that the sign frame has existed in its present location for many years and the sign message will be restricted to the west wall façade facing I-695 is persuasive. Moreover, the relief requested is the minimum necessary to afford relief and can be granted without injury to the public health, safety, or general welfare.

It is also to be noted that County Council Bill No. 89-1997, which greatly revamped the sign regulations throughout Baltimore County was passed a year after the Petitioners purchased their property. As noted above, the sign frame has existed where located since construction of the building. I find that the sign frame meets the test of a pre-existing nonconforming sign frame prior to the adoption of Bill 89-1997 and may continue to exist, as specified in Section 450.8.C.2 of the B.C.Z.R. I further find that none of the prohibitions set forth in Section 450.6.A thereof are applicable to this sign. As noted above, the proposed Days Inn replacement lettering represents a substantial reduction in the size of the sign and will take up approximately half of the space formerly taken up by the previous signage.

For the reasons stated, I will approve the relief requested under the Petition for Special Hearing. Similarly, I will approve the variance requested to allow a sign face of 156 sq.ft. in lieu of the maximum allowed 150 sq.ft. allowed under the applicable sign section.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of April 2005, that the Petition for Special Hearing to approve a wall-mounted, illuminated enterprise sign in a B.M.-C.C.C. zone on a pre-existing sign frame with a smaller profile at a lower elevation on the west wall façade, in place of the previous wall mounted sign structure and frame, in accordance with Petitioner's Exhibit 1, be and the same is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 450.4.(I)(5) of the B.C.Z.R. to permit a wall-mounted, illuminated enterprise sign in a B.M.-C.C.C. zone of 156 sq.ft in lieu of the maximum allowed 150 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their use/sign permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 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) The top of the letters of the Days Inn sign shall not extend above the green line shown in the photograph marked as Petitioner's Exhibit 10. The sign, including structural framework or supporting elements, shall be securely erected and maintained in a safe and presentable condition at all times through replacing defective, missing or damaged parts, cleaning, painting; or other acts necessary for proper upkeep, provided that maintenance may not be used to alter the sign's character to the extent that it is no longer permitted at the subject location.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that a building or use permit or special exception is not required for changing the sign's face only, provided that this does not alter the sign's character to the extent that it is no longer permitted at its location, should the brand of the motel chain change in the future, so long as the replacement lettering does not exceed the sign face limits of the proposed sign, as approved and located on the frame.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

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

April 21, 2005

Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
SW/Corner Baltimore National Pike & Ingleside Avenue
(5701 Baltimore National Pike)
1st Election District – 1st Council District
Ramji-Krupa, Inc. - Petitioners
Case No. 05-413-SPHA

Dear Mr. Tanczyn:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III", is written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. & Mrs. Yeswant Patel
5709 Baltimore National Pike, Catonsville, Md. 21228
Mr. John C. Mellema, 5409 East Drive, Baltimore, Md. 21227
Office of Planning; People's Counsel; Case File

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



C.D. reviewed PMR



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 5701 Baltimore National Pike
which is presently zoned BM CCC

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve 1. A roof illuminated enterprise sign in a BM-CCC zone for 156 square ft. face in lieu of the maximum 150 feet, pursuant to BCZR 450.4(I)(5), to replace a pre-existing sign ad frame to a smaller profile sign at a lower elevation on the roof facade in lieu of the previous roof mounted sign structure and frame.

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:

Michael P. Tanczyn, Esquire
Name - Type or Print _____
Signature _____
Law Offices of Michael P. Tanczyn
Company _____ 410-296-8823
606 Baltimore Avenue, Suite 106
Address _____ Telephone No. _____
Towson, MD 21204
City _____ State _____ Zip Code _____

Legal Owner(s):

Ramji-Krupa, Inc.
Name - Type or Print _____
Signature _____
Yeswant Patel, President
Name - Type or Print _____
Signature _____
410-747-8900
5709 Baltimore National Pike
Address _____ Telephone No. _____
Catonsville MD 21228
City _____ State _____ Zip Code _____

Representative to be Contacted:

John Mellema
John C. Mellema, Sr., Inc.
Name _____
5409 East Drive 410-247-7488
Address _____ Telephone No. _____
Baltimore MD 21227
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By LTm Date 2/16/05

Case No. 05-413-SPLA

ATTACHMENT

2. A roof illuminated enterprise sign in a BM-CCC zone for 156 square feet face, in lieu of the maximum 150 feet, pursuant to BCZR 450.4(I)(5), to replace a pre-existing sign ad frame to a smaller profile sign at a lower elevation on the roof facade in lieu of the previous roof mounted sign structure and frame, which will be partially mounted on the top of the side wall.
3. To determine and approve whether, pursuant to BCZR 450.8.C(.6), the existing sign structure is a legal, non-conforming sign structure, where a smaller profile sign at a lower elevation on the roof facade is proposed to replace a pre-existing roof sign and frame.
4. In the alternative, to determine and approve, under BCZR 450.8(c).2, that the proposed replacement smaller roof sign/wall mounted smaller profile sign at a lower elevation on the roof facade than the pre-existing sign frame is a legal non-conforming sign, which may continue to be used.
5. In the alternative, to determine and approve, under BCZR 450.5.8(c).4, that a smaller profile roof mounted sign at a lower elevation on the roof facade, which is partially wall mounted on the side wall, can be approved, in lieu of the previous roof mounted sign structure and frame and that same complies with the provisions of this section of the BCZR, which allows a structurally altered, replaced, relocated, or otherwise changed sign for the purposes of correcting non-conformity, where this requirement is not applicable to changes of copy or message on the face of a legally non-conforming sign.



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5701 Baltimore National Pike
which is presently zoned BM CCC

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) To approve
roof and wall mounted, illuminated enterprise sign in a BM-CCC zone, 156 square
feet face in lieu of the maximum 150 sq. ft. pursuant to Baltimore County
Zoning Regulations 450.4(I)(5) and BCZR 307.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
topography, preexisting sign ad frame, to aid travellers, with
reservations, in locating the Inn and for reasons to be presented
at the 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 bound 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:

Michael P. Tanczyn, Esquire

Name - Type or Print

Signature

Law Offices of Michael P. Tanczyn

Company

606 Baltimore Avenue, Ste. 106

Address

410-296-8823

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

Legal Owner(s):

Ramji-Krupa, Inc.

Name - Type or Print

Signature

Yeswant Patel, President

Name - Type or Print

Signature

5709 Baltimore National Pike

Address

410-747-8900

Telephone No.

Catonsville

MD

21228

City

State

Zip Code

Representative to be Contacted:

John Mellema

John C. Mellema, Sr., Inc.

Name

5409 East Drive

410-247-7488

Address

Telephone No.

Baltimore

MD

21227

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By LCM Date 2/16/05

Case No. 05-413-SP4A

**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

March 22, 2005

Michael P. Tanczyn, Esquire
Law Offices of Michael P. Tanczyn
606 Baltimore Avenue, Ste. 106
Towson, Maryland 21204

Dear Mr. Tanczyn:

RE: Case Number: 05-413-SPHA , 5701 Baltimore National Pike

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 16, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Ramji-Krupa, Inc. Yeswant Patel 5709 Baltimore National Pike Catonsville 21228
John Mellema 5409 East Drive Baltimore 21227

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



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



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

Maryland Department of Transportation

Date: 2.25.05

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

RE: Baltimore County
Item No. 413 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 1, 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,

Steven D. Foster, Chief
Engineering Access Permits Division

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

February 24, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: February 28, 2005

Item No.: 405-407, 410-415 413

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.

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

Lieutenant Franklin J. Cook
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 8, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For March 7, 2005
Item Nos. 407, 413, 414, and 415

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

I N T E R O F F I C E M E M O R A N D U M

TO: S.G. SAMUEL MOXLEY, COUNTY COUNCIL CHAIRMAN,
1ST DISTRICT COUNCILMAN

FROM: PETER MAX ZIMMERMAN, PEOPLE'S COUNSEL *PMZ*

SUBJECT: RAMJI KRUPA, INC
CASE NOS: 05-413-SPHA

DATE: OCTOBER 31, 2007

Enclosed for your reference is a copy of the County Board of Appeals decision dated May 1, 2007, denying the Petitioner, Ramji Krupa, Inc.'s request for special hearing and variance relief.

The Petitioner proposed a roof sign for Days Inn on the grid which many years ago supported a Howard Johnson sign. The 1997 sign law does not allow roof signs, and there is no provision for "use" variances. Even if a variance were possible, the evidence did not support it. Dennis Wertz provided his usual excellent testimony.

We hope you find this information helpful, as this matter appears likely to be the source of continuing attention and controversy in the community. If you have any questions or comments, please do not hesitate to call us.

If you have any questions or need any further information, please call this office.

PMZ/rmw
Enclosures

BALTIMORE COUNTY, MARYLAND

INTEROFFICE MEMORANDUM

TO: ARNOLD F. KELLER, DIRECTOR
OFFICE OF PLANNING

FROM: PETER MAX ZIMMERMAN, PEOPLE'S COUNSEL PMZ

SUBJECT: RAMJI-KRUPA, INC & PULLEN TOUR SERVICES
CASE NO.: 05-413-SPHA & 06-389-A

DATE: AUGUST 9, 2007

Enclosed for your review are the County Board of Appeals decisions respectively in Ramji Krupa, Case No. 05-413-SPHA dated May 1, 2007 and Pullen Tour Service, Case No. 06-389-A dated August 9, 2007. The first opinion relates to a proposed reestablishment of a roof sign at the Day's Inn (formerly Howard Johnson) on U.S. 40 West, Baltimore National Pike. The second opinion relates to the transit storage and repair yard for a bus company on Hammonds Ferry Road.

In both of these cases, your office made a significant contribution with your recommendation and expert testimony. These cases are in the First Councilmanic District. Dennis Wertz provided expert planning testimony. I cannot emphasize enough the excellence, professionalism and integrity which Mr. Wertz's brings to each case in which he participates.

Once again, I would like to thank your office and Mr. Wertz for the important contributions in these cases.

PMZ/rmw

Enclosure

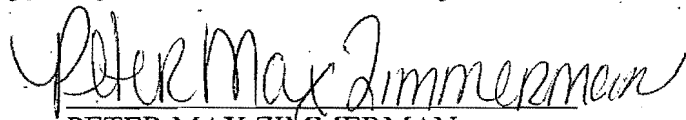
cc: Jeffrey Long, Deputy Director of Planning
Dennis Wertz

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
5701 Baltimore National Pike; Corner * ZONING COMMISSIONER
Baltimore National Pike & Ingleside Avenue *
1st Election & 1st Councilmanic Districts * FOR
Legal Owner(s): Ramji-Krupa, Inc *
by Yeswant Patel, President * BALTIMORE COUNTY
Petitioner(s) *
05-413-SPHA

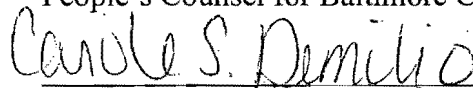
* * * * *

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
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

RECEIVED

Per.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of March, 2005, a copy of the foregoing Entry of Appearance was mailed to John Mellema, John C. Mellema, Sr, Inc, 5409 East Drive, Baltimore, MD 21227 and Michael Tanczyn, Esquire, 606 Baltimore Avenue, St. 106, Towson, MD 21204, Attorney for Petitioner(s).



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

May 4, 2005

Timothy Kotroco, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Hand-delivered

Re: PETITION FOR SPECIAL HEARING & VARIANCE
Ramji-Krupa, Inc- Petitioners
5701 Baltimore National Pike
Case No.: 05-413-SPHA

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law and Order dated April 21, 2005 by the Baltimore County Zoning Commissioner in the above-entitled case

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

RECEIVED
MAY 04 2005
Per *CLB*

PMZ/CSD/rmw

cc: Michael Tanczyn, Esquire

**Department of Permits and
Development Management**

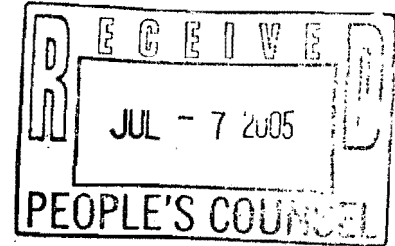
Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708



cd PMZ
Baltimore County

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

July 5, 2005



Michael Tanczyn
606 Baltimore Avenue, Ste. 106
Towson, MD 21204

Dear Mr. Tanczyn:

RE: Case: 05-413-SPHA, 5701 Baltimore National Pike

Please be advised that an appeal of the above-referenced case was filed in this office on May 4, 2005 by People's Counsel of Baltimore County. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

A handwritten signature in cursive script that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Yeswant Patel, 5709 Baltimore National Pike, Catonsville 21228
John Mellema, 5409 East Drive, Baltimore 21227

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



APPEAL

Petition for Special Hearing & Variance
5701 Baltimore National Pike
Corner of Baltimore National Pike and Ingleside Avenue
1st Election District – 1st Councilmanic District
Legal Owners: Ramji-Krupa Inc., Yeswant Patel, President

Case No.: 05-413-SPHA

Petition for Special Hearing & Variance (February 16, 2005)

Zoning Description of Property

Notice of Zoning Hearing (March 2, 2005)

Certification of Publication (The Jeffersonian – March 17, 2005)

Certificate of Posting (March 16, 2005) by Garland E. Moore

Entry of Appearance by People's Counsel (March 2, 2005)

Petitioner(s) Sign-In Sheet – None in file

Protestant(s) Sign-In Sheet – None in file

Citizen(s) Sign-In Sheet – None in file

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Site Plan
2. Sign
3. Panoramic – Before Improvements
- 4A-- Old Signage on top of Inn
- 4B. Old Signage
5. Sealed Elevations – Existing Sign Frame
6. Letter to Dennis Wertz dated March 16, 2005
7. Photos of different views
8. Photos depicting non-conforming (1 Block East of Petitioner)
9. Improved Inn with Surrounding Signage
10. Photo depicting clutter of neighboring Dodge Dealer
11. Photos
12. Photos displaying West Wall
13. Photos
14. Photos of N/side view
15. Photos of E/side view
16. Photos
17. Photo of Competitor Sign (Days Inn & Motel 6
18. Photos
19. Photos of York Road
20. Photos of Loch Raven/Cromwell Area

Protestants' Exhibits – None in file

Miscellaneous (Not Marked as Exhibit) – None in file

Zoning Commissioner's Order (April 21, 2005 - GRANTED)

Notice of Appeal received on May 4, 2005 from People's Counsel of Baltimore County

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner
Timothy Kotroco, Director of PDM
Michael Tanczyn
Mr. & Mrs. Yeswant Patel
John Mellema

date sent July 6, 2005, klm

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: RAMJI-KRUPA, INC.
 5701 Baltimore National Pike
 05-413-SPHA

DATE : March 23, 2006

BOARD/PANEL: Lawrence M. Stahl
 Dr. Margaret Brassil
 Edward W. Crizer, Jr.

RECORDED BY: Linda B. Fliegel/Legal Secretary

PURPOSE: To deliberate:

Petition for Variance - to approve a roof and wall mounted sign, illuminated Enterprise Sign, in a B.M.-CCC zone, 156 sq. feet in lieu of the maximum 150 sq. ft., pursuant to B.C.Z.R. Sections 450.4(I)(5) and 307.

Petition for Special Hearing - to approve a wall mounted illuminated sign in a B.M.-C.C.C. zone on a pre-existing frame.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The sign frame work remains, however, the initial sign was taken down in the early 1990's.
- Section 104.1 of the B.C.Z.R. (Nonconforming use) states "discontinuance of such nonconforming use for a period of one year or more, the right to continue or resume such nonconforming use shall terminate."
- One of the questions raised, was whether or not this is a wall mounted sign or a roof sign.
- Section 450.3 (General sign definition) of the B.C.Z.R. was discussed.
- Under Section 450.5.B.7 roof signs are prohibited. This section clearly defines a roof sign as "a sign having its structural framework or supporting elements attached, in whole or in part, to a roof, but does not include a sign erected upon a mansard."
- Section 450.5.B.9 (Structural types of signs), most particularly wall-mounted signs, was discussed with respect to definition and restrictions.
- Section 450.4.I.5 (Table of Sign Regulations) was reviewed.
- Uniqueness and practical difficulty were addressed, however, none was found to exist.

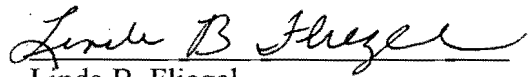
RAMJI-KRUPA, INC.
Public Deliberation
March 23, 2006
05-413-SPHA
Page 2

DECISION BY BOARD MEMBERS:

FINAL DECISION: After a deliberation and through review of the facts and law, the Board reached a unanimous decision to *DENY* Petitioner's request.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place that date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted

A handwritten signature in cursive script, reading "Linda B. Fliegel", written over a horizontal line.

Linda B. Fliegel
County Board of Appeals

1
2 IN THE MATTER OF: * BEFORE THE
3 RAMJI-KRUPA, INC. * COUNTY BOARD OF APPEALS
4 YESWANT PATEL, PRESIDENT* OF
5 Legal Owner/Petitioner * BALTIMORE COUNTY
6 * Case No. 05-413-SPHA
7 * January 26, 2006
8

9 * * * *

10 The above-entitled matter came on for hearing
11 before the County Board of Appeals of Baltimore County at
12 the Old Courthouse, 400 Washington Avenue, Towson,
13 Maryland, 21204, at 10 a.m., January 26, 2006.
14

15 * * * *

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: RAMJI-KRUPA, INC.
 5701 Baltimore National Pike
 05-413-SPHA

DATE : March 23, 2006

BOARD/PANEL: Lawrence M. Stahl
 Dr. Margaret Brassil
 Edward W. Crizer, Jr.

RECORDED BY: Linda B. Fliegel/Legal Secretary

PURPOSE: To deliberate:

Petition for Variance - to approve a roof and wall mounted sign, illuminated Enterprise Sign, in a B.M.-CCC zone, 156 sq. feet in lieu of the maximum 150 sq. ft., pursuant to B.C.Z.R. Sections 450.4(I)(5) and 307.

Petition for Special Hearing - to approve a wall mounted illuminated sign in a B.M.-C.C.C. zone on a pre-existing frame.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The sign frame work remains, however, the initial sign was taken down in the early 1990's.
- Section 104.1 of the B.C.Z.R. (Nonconforming use) states "discontinuance of such nonconforming use for a period of one year or more, the right to continue or resume such nonconforming use shall terminate."
- One of the questions raised, was whether or not this is a wall mounted sign or a roof sign.
- Section 450.3 (General sign definition) of the B.C.Z.R. was discussed.
- Under Section 450.5.B.7 roof signs are prohibited. This section clearly defines a roof sign as "a sign having its structural framework or supporting elements attached, in whole or in part, to a roof, but does not include a sign erected upon a mansard."
- Section 450.5.B.9 (Structural types of signs), most particularly wall-mounted signs, was discussed with respect to definition and restrictions.
- Section 450.4.I.5 (Table of Sign Regulations) was reviewed.
- Uniqueness and practical difficulty were addressed, however, none was found to exist.

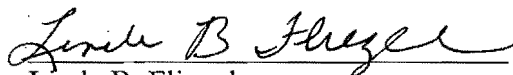
RAMJI-KRUPA, INC.
Public Deliberation
March 23, 2006
05-413-SPHA
Page 2

DECISION BY BOARD MEMBERS:

FINAL DECISION: After a deliberation and through review of the facts and law, the Board reached a unanimous decision to *DENY* Petitioner's request.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place that date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted

A handwritten signature in cursive script, appearing to read "Linda B. Fliegel", is written over a horizontal line.

Linda B. Fliegel
County Board of Appeals



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 5701 Baltimore National Pike
which is presently zoned BM CCC

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

That the existing free standing sign be a legally non-conforming sign pursuant to Baltimore County Zoning Regulations 450.8(c)1(a) and (c)2 and (c) 6 pursuant to Section 500.7 of the Zoning Regulations.

review
cd

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:

Michael P. Tanczyn, Esq.

Name - Type or Print

Signature

Law Offices of Michael P. Tanczyn

Company 410-296-8823

606 Baltimore Avenue, Suite 106

Address Telephone No.

Towson, MD 21204

City State Zip Code

Legal Owner(s):

Ramji-Krupa, Inc.

Name - Type or Print

Signature

Yeswant Patel, President

Name / Type or Print

Signature

5709 Baltimore National Pike

Address

Telephone No.

Catonsville

MD

21228

City

State

Zip Code

Representative to be Contacted: 410-747-8900

John Mellema

John C. Mellema, Sr., Inc.

Name

5409 East Drive

410-247-7488

Address

Telephone No.

Baltimore,

MD

21227

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By UCI Date 11-19-99

Case No. 00-218-SPHA

REV 9/15/98

DROP OFF

NO REVIEW

1120/100
Priz

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
SWC Baltimore National Pike *
and Ingleside Avenue * DEPUTY ZONING COMMISSIONER
1st Election District *
1st Councilmanic District * OF BALTIMORE COUNTY
(5701 Baltimore National Pike) * CASE NO. 00-218-SPHA
Ramji-Krupa, Inc. *
Petitioner *

JAN 21

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owners of the subject property, Ramji-Krupa, Inc., by and through Yeswant Patel, its president. The Petitioner is requesting a variance for property they own at 5701 Baltimore National Pike. The subject property is zoned BM-CCC. The Petition was filed by Michael P. Tanczyn, attorney at law, representing the Petitioner.

Appearing at the hearing on behalf of the special hearing and variance request were Yeswant Patel, John Mellama, Jr. and Michael Tanczyn, attorney at law. Also attending the hearing was Mr. Ken Harn, a representative from the State Highway Administration. There were no protestants in attendance.

As stated previously, the Petitioner is requesting a special hearing to approve an existing free standing sign as a legally non-conforming use pursuant to Baltimore County Zoning Regulations (B.C.Z.R.) 450.8 (c).1.(a) and (c) 2 and (c) 6. In addition, the Petitioner is requesting a variance from Section 409.6 (a) 1 of the B.C.Z.R. to allow 172 parking spaces in lieu of the required 269 for a combination hotel/motel and restaurant. The property which is the subject of this request is situated at the southwest corner of the intersection of Baltimore National Pike and Ingleside Avenue in the Catonsville area of Baltimore County. The subject property is improved with a seven-story brick hotel/motel known as the "Best Inn". The subject

1/20/2000
K. J. J. J.

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

DATE: 7-1-78

OEA: J6
HISTORIC DISTRICT/BLDG.

PERMIT # 0-345278
RECEIPT # 0-354437
CONTROL # 20
XREF #

PROPERTY ADDRESS 5701 Baltimore Nat'l Pike YES ☒ NO ☐
SUITE/SPACE/FLOOR
SUBDIV: ☐ DO NOT KNOW
TAX ACCOUNT # 01-23-157040-9 DISTRICT/PRECINCT
OWNER'S INFORMATION (LAST, FIRST) 1
NAME: YVES PAUL RAMJI-KRUPALINE
ADDR: 5701 Baltimore Nat'l Pike 21228

FEE: 37.00
PAID: 37.00
PAID BY:
INSPECTOR:

APPLICANT INFORMATION

NAME: SANBATA PAUL
COMPANY: HOWARD JOHNSON
STREET: 5701 Baltimore Nat'l Pike
CITY/ST/ZIP: Baltimore MD 21228
PHONE: 410 743-8900 MHC LICENSE #
APPLICANT SIGNATURE: Sanbata Paul DCA
PLANS: CONST ☐ PLOT ☐ PLAT ☐ DATA ☐ EL 2 PL 2
TENANT
CONTR: PIONEER CONTRACTING CO. INC.
ENGR:
SELLR:

DOES THIS BLDG.
HAVE SPRINKLERS
YES ☐ NO ☒

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

BUILDING: 1 or 2 FAM.

CODE CODE
BOCA CODE ☒

TYPE OF IMPROVEMENT
1. NEW BLDG CONST
2. ADDITION
3. ALTERATION
4. REPAIR
5. ☒ WRECKING
6. MOVING
7. OTHER

TYPE OF USE

RESIDENTIAL

01. ONE FAMILY
02. TWO FAMILY
03. THREE AND FOUR FAMILY
04. FIVE OR MORE FAMILY
05. (ENTER NO. UNITS)
06. SWIMMING POOL
07. GARAGE
08. OTHER

TYPE FOUNDATION BASEMENT
1. SLAB 1. FULL
2. BLOCK 2. PARTIAL
3. CONCRETE 3. NONE

DESCRIBE PROPOSED WORK:

RAZE FIRE DAMAGED RESTAURANT. TO BE TORN DOWN
& DEBRIS MOVED TO AN APPROVED SANITARY LANDFILL IN
ACCORDANCE WITH APPLICABLE COUNTY SITE REGULATIONS.
SEWER TO BE CAPED. PERMIT EXPIRES 90 DAYS FROM DATE

NON-RESIDENTIAL OR ISSUE.

90' X 96' = 9,400 SF
08. AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. CHURCH, OTHER RELIGIOUS BUILDING
10. FENCE (LENGTH HEIGHT)
11. INDUSTRIAL, STORAGE BUILDING
12. PARKING GARAGE
13. SERVICE STATION, REPAIR GARAGE
14. HOSPITAL, INSTITUTIONAL, NURSING HOME
15. OFFICE, BANK, PROFESSIONAL
16. PUBLIC UTILITY
17. SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. SIGN
19. STORE MERCANTILE RESTAURANT
20. SWIMMING POOL SPECIFY TYPE
21. TANK, TOWER SPECIFY TYPE
22. TRANSIENT HOTEL, MOTEL (NO. UNITS)
23. OTHER

TYPE OF CONSTRUCTION

1. MASONRY
2. WOOD FRAME
3. STRUCTURE STEEL
4. REINF. CONCRETE

TYPE OF HEATING FUEL

1. GAS 3. ELECTRICITY
2. OIL 4. COAL

TYPE OF SEWAGE DISPOSAL

1. PUBLIC SEWER EXISTS PROPOSED
2. PRIVATE SYSTEM
SEPTIC EXISTS PROPOSED
PRIVY EXISTS PROPOSED

CENTRAL AIR: 1. 2.
ESTIMATED COST: \$ 17,000

OF MATERIALS AND LABOR

PROPOSED USE: Hotel
EXISTING USE: RESTAURANT & MOTEL

OWNERSHIP

1. PRIVATELY OWNED 2. PUBLICLY OWNED 3. SALE 4. RENTAL

RESIDENTIAL CATEGORY: 1. DETACHED 2. SEMI-DET. 3. GROUP 4. TOWNHSE 5. MIDRISE
#FF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS: 6. MIRISE

1 FAMILY BEDROOMS CLASS 21 FOLIO
GARAGE DISPOSAL 1. 2. N. BATHROOMS LIBER
POWDER ROOMS KITCHENS

BUILDING SIZE LOT SIZE AND SETBACKS
FLOOR 9400 SIZE 1,362 AC
WIDTH 92 FRONT STREET
DEPTH 96 SIDE STREET
HEIGHT FRONT SETBK
STORIES SIDE SETBK
LOTS SIDE STR SETBK
CORNER LOT REAR SETBK
1. 2. N ZONING

APPROVAL SIGNATURES

DATE
BLD INSP
BLD PLAN
FIRE
SEDI CTL
ZONING
PUB SERV
ENVRMNT
PERMITS: None For Cap Off

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

APPLICATION FOR PERMIT
BALTIMORE COUNTY, MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

ISSUED

OEABJ8/315
HISTORIC DISTRICT/BLDG.

PERMIT # 8157301
RECEIPT # A-174336
CONTROL # 519070
XREF # 15-15-1

PROPERTY ADDRESS 5701 BALT. NATL. PIKE
BALT. MD. 21228
SUBDIV.
TAX/ACCOUNT #
OWNER'S INFORMATION (LAST, FIRST)
NAME PATEL ROGER
ADDR: 5701 BALT. NATL. PIKE BALT. MD. 21228

☐ YES ☒ NO
☐ DO NOT KNOW
DISTRICT/PRECINCT
1 6

FEE: 45.00
PAID: 15.00
PAID BY: APPK
INSPECTOR: HC

I HAVE CAREFULLY READ THIS APPLICATION
AND KNOW THE SAME IS CORRECT AND TRUE,
AND THAT IN DOING THIS WORK ALL PROVI-
SIONS OF THE BALTIMORE COUNTY CODE AND
APPROPRIATE STATE REGULATIONS WILL BE
COMPLIED WITH WHETHER HEREIN SPECIFIED
OR NOT AND WILL REQUEST ALL REQUIRED
INSPECTIONS.

BUILDING 1 or 2 FAM

CODE CODE

BOCA CODE ☒

TYPE OF IMPROVEMENT

1 ☒ NEW BLDG CONST

2 ☐ ADDITION

3 ☒ ALTERATION

4 ☐ REPAIR

5 ☐ WRECKING

6 ☐ MOVING

7 ☐ OTHER

TYPE OF USE

RESIDENTIAL

01 ☐ ONE FAMILY

02 ☐ TWO FAMILY

03 ☐ THREE AND FOUR FAMILY

04 ☐ FIVE OR MORE FAMILY

(ENTER NO. UNITS)

05 ☐ SWIMMING POOL

06 ☐ GARAGE

07 ☐ OTHER

TYPE FOUNDATION BASEMENT

1 ☐ SLAB

2 ☐ BLOCK

3 ☐ CONCRETE

1 ☐ FULL

2 ☐ PARTIAL

3 ☐ NONE

TYPE OF CONSTRUCTION

1 ☐ MASONRY

2 ☐ WOOD FRAME

3 ☐ STRUCTURE STEEL

4 ☐ REINF. CONCRETE

CENTRAL AIR: 1 ☐

ESTIMATED COST: 52000.00

OF MATERIALS AND LABOR

PROPOSED USE: RESTAURANT

EXISTING USE: RESTAURANT

OWNERSHIP

1 ☒ PRIVATELY OWNED

2 ☐ PUBLICLY OWNED

3 ☐ SALE

4 ☐ RENTAL

RESIDENTIAL CATEGORY

1 ☐ DETACHED

2 ☐ SEMI-DET

3 ☐ GROUP

4 ☐ TOWNHSE

5 ☐ MIDRISE

6 ☐ HIGHRISE

#FAM: 1 BED: 1 #2 BED: 1 #3 BED: 1

TOT BED: 3 TOT APTS/CONDOS: 3

GARBAGE DISPOSAL: 1 BATHROOMS: 1

KITCHENS: 1 CLASS: LIB

POLIO: 1

BUILDING SIZE: 128 LOT SIZE AND SETBACKS

FLOOR: 1 SIZE: 128

WIDTH: 128 FRONT STREET

DEPTH: 128 SIDE STREET

HEIGHT: 128 FRONT SETBK: 128

STORIES: 1 SIDE SETBK: 128

LOT # 1 SIDE STR. SETBK: 128

CORNER LOT: 1 REAR SETBK: 128

ZONING: BR

APPLICANT INFORMATION

NAME: MARC KESSIAN

COMPANY: GABLE SIGNS

ADDR1: 1948 FT. SMALLWOOD RD.

ADDR2: BALT. MD. 21226

PHONE: (410) 255-6100 MHC LICENSE #: 388088

APPLICANT SIGNATURE: M. Kessian

PLANS: CONST 2 PLOT: 2 PLAT: DATA

TENANT: HOWARD JOHNSON

CONTR: GABLE SIGNS

ENGR:

SELLR:

TRACT:

BLOCK:

EL: 1 PL: 2

DESCRIBE PROPOSED WORK

REPLACE EXISTING

HOWARD JOHNSONS SIGN WITH

NEW SIGN USING EXISTING POLES

AND NO INCREASE IN SIZE OF

SIGN 8'x16' = 128 sq. DOUBLE FACED 1/4" ALUM.

SEE PC 16521 FOR ELEC. PERMIT

NON-RESIDENTIAL

08 ☐ AMUSEMENT, RECREATION, PLACE OF ASSEMBLY

09 ☐ CHURCH, OTHER RELIGIOUS BUILDING

10 ☐ FENCE (LENGTH, HEIGHT, ETC.)

11 ☐ INDUSTRIAL, STORAGE BUILDING

12 ☐ PARKING GARAGE

13 ☐ SERVICE STATION, REPAIR GARAGE

14 ☐ HOSPITAL, INSTITUTIONAL, NURSING HOME

15 ☐ OFFICE, BANK, PROFESSIONAL

16 ☐ PUBLIC UTILITY

17 ☐ SCHOOL, COLLEGE, OTHER EDUCATIONAL

18 ☐ SIGN

19 ☐ STORE, MERCANTILE, RESTAURANT

20 ☐ SPECIFIC TYPE

21 ☐ SWIMMING POOL

22 ☐ TANK, TOWER

23 ☐ TRANSIENT HOTEL, MOTEL (NO. UNITS)

24 ☐ OTHER

TYPE OF HEATING/FUEL

1 ☐ GAS

2 ☐ ELECTRICITY

3 ☐ COIL

4 ☐ COAL

TYPE OF WATER SUPPLY

1 ☐ PUBLIC SYSTEM

2 ☐ PRIVATE SYSTEM

3 ☐ EXISTS

4 ☐ PROPOSED

TYPE OF SEWAGE DISPOSAL

1 ☐ PUBLIC SEWER

2 ☐ PRIVATE SYSTEM

3 ☐ EXISTS

4 ☐ PROPOSED

5 ☐ EXISTS

6 ☐ PROPOSED

7 ☐ EXISTS

8 ☐ PROPOSED

9 ☐ EXISTS

10 ☐ PROPOSED

11 ☐ EXISTS

12 ☐ PROPOSED

13 ☐ EXISTS

14 ☐ PROPOSED

15 ☐ EXISTS

16 ☐ PROPOSED

17 ☐ EXISTS

18 ☐ PROPOSED

19 ☐ EXISTS

20 ☐ PROPOSED

21 ☐ EXISTS

APPROVAL SIGNATURES

BLD INSPECTION

BLD PLAN

FIRE

SEDI CTL

ZONING

PUB SERV

ENVRMNT

PERMITS

DATE

NO PERMIT FEES REFUNDED

APPLICATION FOR PERMIT
BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

DATE: 11/5/97
OEA: PLS
HISTORIC DISTRICT/BLDG.

PERMIT # B302865
RECEIPT # 1321554
CONTROL # 100
XREF # 100

PROPERTY ADDRESS: 5701 BALTO NATE PK YES ☐ NO ☒
SUITE/SPACE/FLOOR: 1
SUBDIV: 70123-157040 DO NOT KNOW ☒
TAX ACCOUNT # 09-146834-00-8 DISTRICT/PRECINCT: 1

FEE: 200.00
PAID: 200.00
PAID BY: XPP

OWNER'S INFORMATION (LAST, FIRST)
NAME: HOWARD JOHNSON, INC.
ADDR: 5701 BALTO NATE PK

INSPECTOR: 1/1
(I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS, I ACKNOWLEDGE ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH, WHETHER HEREIN SPECIFIED OR NOT, AND WILL REQUEST ALL REQUIRED INSPECTIONS.)

APPLICANT INFORMATION
NAME: YESWART Patel
COMPANY: HOWARD JOHNSON, INC.

BUILDING: 1 OF 2 FAM.
CODE: 1 CODE: 2
BOCA CODE: 1

STREET: 5701 BALTO NATE PK
CITY, ST, ZIP: BALTO MD 21228
PHONE: (410) 247-1800 MHIC LICENSE #:

TYPE OF IMPROVEMENT
1. NEW BLDG/CONST
2. ADDITION
3. ALTERATION
4. REPAIR
5. WRECKING
6. MOVING
7. OTHER

APPLICANT: Howard Johnson, Inc.
SIGNATURE: Howard Johnson TRACT: 1 BLOCK: 2
PLANS: CONST PLOT: 1 PLAT: DATA EL: 2 PL: 2

TYPE OF USE

RESIDENTIAL

01. ONE FAMILY
02. TWO FAMILY
03. THREE AND FOUR FAMILY
04. FIVE OR MORE FAMILY
05. (ENTER NO. UNITS)
06. SWIMMING POOL
07. GARAGE
08. OTHER

NON-RESIDENTIAL

09. AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
10. CHURCH, OTHER RELIGIOUS BUILDING
11. FENCE (LENGTH HEIGHT)
12. INDUSTRIAL, STORAGE BUILDING
13. PARKING GARAGE
14. SERVICE STATION, REPAIR GARAGE
15. HOSPITAL, INSTITUTIONAL, NURSING HOME
16. OFFICE, BANK, PROFESSIONAL
17. PUBLIC UTILITY
18. SCHOOL, COLLEGE, OTHER EDUCATIONAL
19. SIGN
20. STORE MERCANTILE RESTAURANT
21. SPECIFY TYPE
22. TANK TOWER
23. TRANSIENT HOTEL (MOTEL) (NO. UNITS 60+/-)
24. OTHER

TYPE FOUNDATION: BASEMENT
1. SLAB 1. FULL
2. BLOCK 2. PARTIAL
3. CONCRETE 3. NONE

TYPE OF CONSTRUCTION

1. MASONRY
2. WOOD FRAME
3. STRUCTURE STEEL
4. REIN. CONCRETE

TYPE OF HEATING FUEL

1. GAS 3. ELECTRICITY
2. OIL 4. COAL

TYPE OF SEWAGE DISPOSAL

1. PUBLIC SEWER EXISTS ☒ PROPOSED ☐
2. PRIVATE SYSTEM SEPTIC ☐ EXISTS ☐ PROPOSED ☐
3. PRIVY EXISTS ☐ PROPOSED ☐

CENTRAL AIR: 1
ESTIMATED COST: 56700

TYPE OF WATER SUPPLY
1. PUBLIC SYSTEM EXISTS ☒ PROPOSED ☐
2. PRIVATE SYSTEM EXISTS ☐ PROPOSED ☐

OF MATERIALS AND LABOR
PROPOSED USE: Howard Johnsons Tank Removal
EXISTING USE: Howard Johnsons

OWNERSHIP

1. PRIVATELY OWNED 2. PUBLICLY OWNED 3. SALE 4. RENTAL

RESIDENTIAL CATEGORY

1. DETACHED 2. SEMI-DET. 3. GROUP 4. TOWNHSE 5. MIDRISE
#EFF: 1 #BED: 2 #BED: 3 TOT BED: 3 TOT APTS/CONDOS: 6 #RISE: 1

1. FAMILY BEDROOMS 2. BATHROOMS 3. CLASS 4. LIBER 5. FOLIO

1. GARAGE DISPOSAL 2. KITCHENS

1. POWDER ROOMS

BUILDING SIZE

FLOOR: 1 LOT SIZE AND SETBACKS

WIDTH: 160 FRONT STREET: 160

DEPTH: 160 SIDE STREET: 160

HEIGHT: 160 FRONT SETBK: 160

STORIES: 1 SIDE SETBK: 160

LOT # 1 SIDE STR. SETBK: 160

CORNER LOT: 1 REAR SETBK: 160

1. Y 2. N ZONING: 1

APPROVAL SIGNATURES

DATE

BLD INSP: 11/5/97
BLD PLAN: 11/5/97
FIRE: 11/5/97
SEDI CTL: 11/5/97
ZONING: 11/5/97
PUB SERV: 11/5/97
ENVRMT: 11/5/97
PERMITS: 11/5/97

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

Issued

9-25-97

DEA

HISTORIC DISTRICT/BLDG.

PERMIT # 13319054
RECEIPT # 44220641
CONTROL # 16
XREF # 160.004.50012.00

PROPERTY ADDRESS 5701 Baltimore National Pike YES ☐ NO ☒
Baltimore, MD
SUBDIV. 2nd Inclusive Ave DO NOT KNOW
TAX ACCOUNT # 01-23-15-1000 DISTRICT/PRECINCT
OWNER'S INFORMATION (LAST, FIRST) 1 23
NAME Howard Johnson Hotel
ADDR. 5701 Baltimore Natl. Pike, Baltimore MD

FEE 160.004.50012.00
PAID 117.00
PAID BY 100

INSPECTOR 100
I HAVE CAREFULLY READ THIS APPLICATION
AND KNOW THE SAME IS CORRECT AND TRUE
AND THAT IN DOING THIS WORK ALL PROVI-
SIONS OF THE BALTIMORE COUNTY CODE AND
APPROPRIATE STATE REGULATIONS WILL BE
OBTAINED WITHIN THE HEREIN SPECIFIED
OR NOT AND WILL REQUEST ALL REQUIRED
INSPECTIONS

APPLICANT INFORMATION
NAME R. Christine Brinton
COMPANY Rapid Permit Service
ADDR1 7711 Garrison Road, #200, Landover Hills, MD 20784
ADDR2 8113 Cindy Lane, Bethesda, MD 20817
PHONE # 301-731-4767 MHIC LICENSE #
APPLICANT
SIGNATURE Christine Brinton TRACT BLOCK:
PLANS CONST PLOT PLAT DATA EL 2PL 2
TENANT Howard Johnson Hotel
CONTR TBD
ENGR
SELLR

BUILDING 1 OF 2 FAM.
CODE CODE
BOCA CODE
TYPE OF IMPROVEMENT
1. NEW BLDG CONST
2. ADDITION
3. ALTERATION
4. REPAIR
5. WRECKING
6. MOVING
7. OTHER

DESCRIBE PROPOSED WORK
Remove existing canopy and install new canopy over front of
Howard Johnson Hotel. 25' x 25' = 625 sq ft.
Also replace existing metal roof panels +
new downspouts for 15' x 15' = 225 sq ft.
Also become a canopy company.

TYPE OF USE
RESIDENTIAL
01. ONE FAMILY
02. TWO FAMILY
03. THREE AND FOUR FAMILY
04. FIVE OR MORE FAMILY
05. (ENTER NO. UNITS)
06. SWIMMING POOL
07. GARAGE
08. OTHER

NON-RESIDENTIAL
08. AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. CHURCH, OTHER RELIGIOUS BUILDING
10. FENCE (LENGTH, HEIGHT)
11. INDUSTRIAL, STORAGE BUILDING
12. PARKING GARAGE
13. SERVICE STATION, REPAIR GARAGE
14. HOSPITAL, INSTITUTIONAL, NURSING HOME
15. OFFICE, BANK, PROFESSIONAL
16. PUBLIC UTILITY
17. SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. SIGN
19. STORE, MERCANTILE, RESTAURANT
20. SPECIFY TYPE
21. SWIMMING POOL, SPECIFY TYPE
22. TANK, TOWER
23. TRANSPORTATION, HOTEL (NO. UNITS)
24. OTHER

TYPE OF FOUNDATION
1. SLAB
2. BLOCK
3. CONCRETE
1. BASEMENT
2. FULL
3. PARTIAL
4. NONE

TYPE OF HEATING/FUEL
1. GAS
2. OIL
3. ELECTRICITY
4. COAL
5. PUBLIC SYSTEM
6. PRIVATE SYSTEM
7. SEPTIC
8. PRIVY
9. EXISTING
10. PROPOSED
11. EXISTING
12. PROPOSED
13. EXISTING
14. PROPOSED
15. EXISTING
16. PROPOSED
17. EXISTING
18. PROPOSED
19. EXISTING
20. PROPOSED
21. EXISTING
22. PROPOSED
23. EXISTING
24. PROPOSED
25. EXISTING
26. PROPOSED
27. EXISTING
28. PROPOSED
29. EXISTING
30. PROPOSED
31. EXISTING
32. PROPOSED
33. EXISTING
34. PROPOSED
35. EXISTING
36. PROPOSED
37. EXISTING
38. PROPOSED
39. EXISTING
40. PROPOSED
41. EXISTING
42. PROPOSED
43. EXISTING
44. PROPOSED
45. EXISTING
46. PROPOSED
47. EXISTING
48. PROPOSED
49. EXISTING
50. PROPOSED
51. EXISTING
52. PROPOSED
53. EXISTING
54. PROPOSED
55. EXISTING
56. PROPOSED
57. EXISTING
58. PROPOSED
59. EXISTING
60. PROPOSED
61. EXISTING
62. PROPOSED
63. EXISTING
64. PROPOSED
65. EXISTING
66. PROPOSED
67. EXISTING
68. PROPOSED
69. EXISTING
70. PROPOSED
71. EXISTING
72. PROPOSED
73. EXISTING
74. PROPOSED
75. EXISTING
76. PROPOSED
77. EXISTING
78. PROPOSED
79. EXISTING
80. PROPOSED
81. EXISTING
82. PROPOSED
83. EXISTING
84. PROPOSED
85. EXISTING
86. PROPOSED
87. EXISTING
88. PROPOSED
89. EXISTING
90. PROPOSED
91. EXISTING
92. PROPOSED
93. EXISTING
94. PROPOSED
95. EXISTING
96. PROPOSED
97. EXISTING
98. PROPOSED
99. EXISTING
100. PROPOSED

TYPE OF CONSTRUCTION
1. MASONRY
2. WOOD FRAME
3. STRUCTURE STEEL
4. REINFORCED CONCRETE
5. CENTRAL AIR
6. ESTIMATED COST
7. OF MATERIALS AND LABOR
8. PROPOSED USE
9. EXISTING USE

TYPE OF SEWAGE DISPOSAL
1. PUBLIC SEWER
2. PRIVATE SYSTEM
3. SEPTIC
4. PRIVY
5. EXISTING
6. PROPOSED
7. EXISTING
8. PROPOSED
9. EXISTING
10. PROPOSED
11. EXISTING
12. PROPOSED
13. EXISTING
14. PROPOSED
15. EXISTING
16. PROPOSED
17. EXISTING
18. PROPOSED
19. EXISTING
20. PROPOSED
21. EXISTING
22. PROPOSED
23. EXISTING
24. PROPOSED
25. EXISTING
26. PROPOSED
27. EXISTING
28. PROPOSED
29. EXISTING
30. PROPOSED
31. EXISTING
32. PROPOSED
33. EXISTING
34. PROPOSED
35. EXISTING
36. PROPOSED
37. EXISTING
38. PROPOSED
39. EXISTING
40. PROPOSED
41. EXISTING
42. PROPOSED
43. EXISTING
44. PROPOSED
45. EXISTING
46. PROPOSED
47. EXISTING
48. PROPOSED
49. EXISTING
50. PROPOSED
51. EXISTING
52. PROPOSED
53. EXISTING
54. PROPOSED
55. EXISTING
56. PROPOSED
57. EXISTING
58. PROPOSED
59. EXISTING
60. PROPOSED
61. EXISTING
62. PROPOSED
63. EXISTING
64. PROPOSED
65. EXISTING
66. PROPOSED
67. EXISTING
68. PROPOSED
69. EXISTING
70. PROPOSED
71. EXISTING
72. PROPOSED
73. EXISTING
74. PROPOSED
75. EXISTING
76. PROPOSED
77. EXISTING
78. PROPOSED
79. EXISTING
80. PROPOSED
81. EXISTING
82. PROPOSED
83. EXISTING
84. PROPOSED
85. EXISTING
86. PROPOSED
87. EXISTING
88. PROPOSED
89. EXISTING
90. PROPOSED
91. EXISTING
92. PROPOSED
93. EXISTING
94. PROPOSED
95. EXISTING
96. PROPOSED
97. EXISTING
98. PROPOSED
99. EXISTING
100. PROPOSED

OWNERSHIP
1. PRIVATELY OWNED
2. PUBLICLY OWNED
3. SALE
4. RENTAL
RESIDENTIAL CATEGORY
1. DETACHED
2. SEMI-DET
3. GROUP
4. TOWNHSE
5. MIDRISE
6. HIGHRISE
7. FAMILY BEDROOMS
8. GARAGE DISPOSAL
9. BATHROOMS
10. KITCHENS
11. CLASS
12. FLOOR

APPROVAL SIGNATURES
DATE
BLDG INSP
FIRE
ELECTRICAL
ZONING
ENVIRONMENTAL
PLANNING
PERMITTING

BUILDING SIZE
FLOOR
WIDTH
DEPTH
HEIGHT
STORIES
LOT
CORNER LOT
ZONING

LOT SIZE AND SETBACKS
SIZE
FRONT STREET
SIDE STREET
FRONT SETBK
SIDE SETBK
REAR SETBK
ZONING

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND
NO PERMIT FEES REFUNDED

(410) 887-3900

APPLICATION FOR PERMIT
BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
BALTIMORE, MARYLAND 21204

update

DATE: 12/03/07

OEA: SAS
HISTORIC DISTRICT/BLDG.

PERMIT #: B506205
RECEIPT #: A475008
CONTROL #: C
XREF: 1500+5+60

FEE: 200 + 5 + 60 =
PAID: 265.00

PAID BY: 1500
INSPECTOR: 1500

I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE WORK IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

PROPERTY ADDRESS: 5701 BALTIMORE
SUITE/SPACE/FLOOR: NATIONAL PIKE
SUBDIV: SW Ingle side AVE
TAX ACCOUNT #: 0923157040
OWNER'S INFORMATION (LAST, FIRST): 01 7
NAME: RAMSI-KRUPA INC.
ADDR: 5701 BALTIMORE NATIONAL PIKE
BALTIMORE MD 21228-1701

DOES THIS BLDG.
HAVE SPRINKLERS
YES NO

APPLICANT INFORMATION
NAME: YESWANT PATEL
COMPANY: RAMSI-KRUPA INC. BEST INNS
STREET: 5701 BALTIMORE NAT. PIKE
CITY, ST, ZIP: BALTIMORE MD 21228
PHONE #: (410) 747-8900 MHIC #
APPLICANT SIGNATURE: [Signature] DRC#
PLANS: CONST PLOT PLAT DATA EL 2 PL 2
TENANT:
CONTR: IMPERIAL CONSTRUCTION
ENGR:
SELLR:

TYPE OF IMPROVEMENT

1. NEW BLDG CONST
2. ADDITION
3. ALTERATION
4. REPAIR
5. WRECKING
6. MOVING
7. OTHER

DESCRIBE PROPOSED WORK:

STUCCO FACE of hotel remove & replace
AND REPAIR WINDOWS
25,000 sq (work area)

TYPE OF USE

RESIDENTIAL

01. ONE FAMILY
02. TWO FAMILY
03. THREE AND FOUR FAMILY
04. FIVE OR MORE FAMILY
(ENTER NO UNITS)
05. SWIMMING POOL
06. GARAGE
07. OTHER

NON-RESIDENTIAL

08. AMUSEMENT, RECREATION, PLACE OF ASSEMBLY
09. CHURCH, OTHER RELIGIOUS BUILDING
10. FENCE (LENGTH HEIGHT)
11. INDUSTRIAL, STORAGE BUILDING
12. PARKING GARAGE
13. SERVICE STATION, REPAIR GARAGE
14. HOSPITAL, INSTITUTIONAL, NURSING HOME
15. OFFICE, BANK, PROFESSIONAL
16. PUBLIC UTILITY
17. SCHOOL, COLLEGE, OTHER EDUCATIONAL
18. SIGN
19. STORE MERCANTILE RESTAURANT
SPECIFY TYPE
20. SWIMMING POOL
SPECIFY TYPE
21. TANK, TOWER
22. TRANSIENT HOTEL, MOTEL (NO. UNITS 145)
23. OTHER

TYPE FOUNDATION

1. SLAB
2. BLOCK
3. CONCRETE

BASEMENT

1. FULL
2. PARTIAL
3. NONE

TYPE OF CONSTRUCTION

1. MASONRY
2. WOOD FRAME
3. STRUCTURE STEEL
4. REINF. CONCRETE

TYPE OF HEATING FUEL

1. GAS
2. OIL
3. ELECTRICITY
4. COAL

TYPE OF SEWAGE DISPOSAL

1. PUBLIC SEWER EXISTS PROPOSED
2. PRIVATE SYSTEM SEPTIC EXISTS PROPOSED
3. PRIVY EXISTS PROPOSED

CENTRAL AIR: 1. 2. 1. PUBLIC SYSTEM
ESTIMATED COST: \$110,000 2. PRIVATE SYSTEM
OF MATERIALS AND LABOR

PROPOSED USE:
EXISTING USE:

OWNERSHIP

1. PRIVATELY OWNED
2. PUBLICLY OWNED
3. SALE
4. RENTAL

RESIDENTIAL CATEGORY: 1. DETACHED 2. SEMI-DET. 3. GROUP 4. TOWNHSE 5. MIDRISE
#FAM: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS: 6. HIRISE

GARBAGE DISPOSAL 1. Y 2. N BATHROOMS CLASS 21
POWDER ROOMS KITCHENS LIBER 00 FOLIO 00

BUILDING SIZE LOT SIZE AND SETBACKS

FLOOR 25,000 SIZE 1.960 AC
WIDTH FRONT STREET
DEPTH SIDE STREET
HEIGHT FRONT SETBK
STORIES SIDE SETBK
LOT #3 SIDE STR SETBK
CORNER LOT REAR SETBK

1. Y 2. N ZONING

APPROVAL SIGNATURES

DATE

BLD INSP : :
BLD PLAN P. 5/20/07 (Final) : 12-3-02
FIRE : 5/2/07 (Final) : 12-3-02
SEDI CTL : :
ZONING : NO CHG IN USE : :
PUB SERV : :
ENVRMT : :
PERMITS : :

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

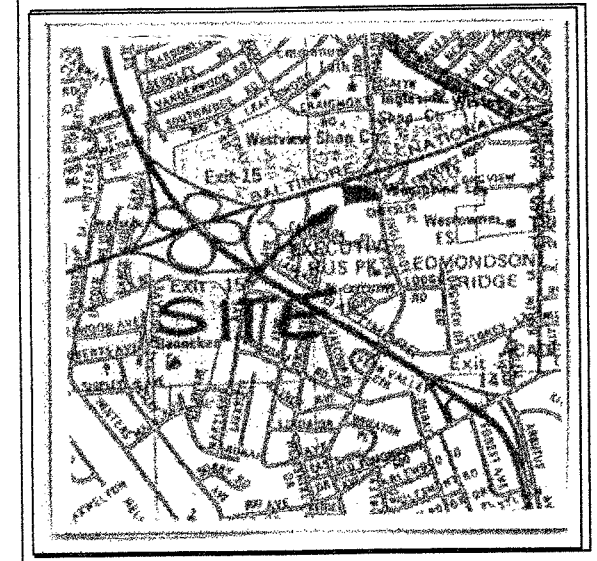
JEFFERSON BLDG #2ND FL.

BALCONY CHART	
THIRD AND FOURTH FLOOR	A-C-E-G-I-K-M-O-Q-R-S-J
SIXTH AND SEVENTH FLOOR	B-D-F-H-J-L-N-P-R-T

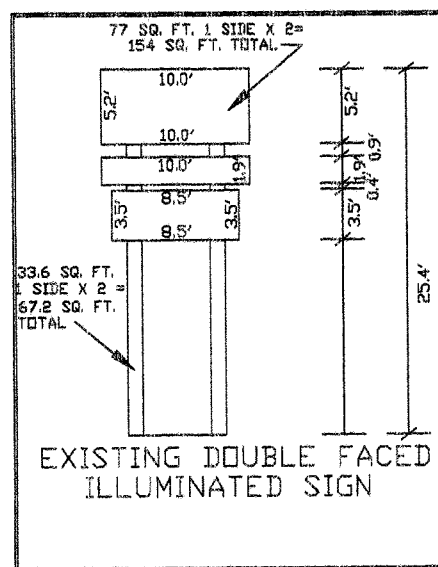
PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING AND VARIANCE

NOTE:
1) TO APPROVE ROOF AND WALL MOUNT, ILLUMINATED ENTERPRISE SIGN IN BM-CCC ZONE, 156 SQUARE FOOT FACE IN LIEU OF THE MAXIMUM 150 SQUARE FEET PURSUANT TO BALTIMORE COUNTY ZONING REGULATIONS 450.4 (1)(5) AND BCZR 307.
2) A ROOF ILLUMINATED ENTERPRISE SIGN IN A BM-CCC ZONE FOR 156 SQUARE FOOT FACE IN LIEU OF THE MAXIMUM 150 SQUARE FEET, PURSUANT TO BCZR 450.4(5) TO REPLACE PRE-EXISTING SIGN AD FRAME TO A SMALLER PROFILE SIGN AT A LOWER ELEVATION ON THE ROOF FACE IN LIEU OF THE PREVIOUS ROOF MOUNTED SIGN STRUCTURE AND FRAME.

PARKING TABULATION
HOTEL AREA (147 UNITS) 1 PER UNIT=147 SPACES
RESTAURANT 16 SPACES PER 1000 SQ. FT.
RESTAURANT AREA = 7626 SQ.FT. = 122 SPACES
TOTAL SPACES REQUIRED = 269 SPACES
TOTAL SPACES AVAILABLE = 172 SPACES
167 REGULAR
5 HANDICAP



VICINITY MAP
SCALE 1"=2000'



EXISTING DOUBLE FACED ILLUMINATED SIGN

"MUSSELMANS DODGE"
CHRYSLER MOTOR CORP.
4390/548
TAX NO. 0103231880

LEGEND

- FENCE
- UTILITY POLE
- WATER VALVE
- FIRE HYDRANT
- SANITARY MANHOLE
- STORM DRAIN MANHOLE
- HANDICAP PARKING
- LIGHT POLE



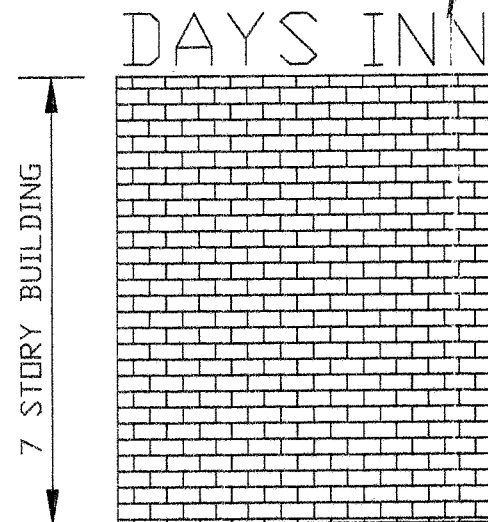
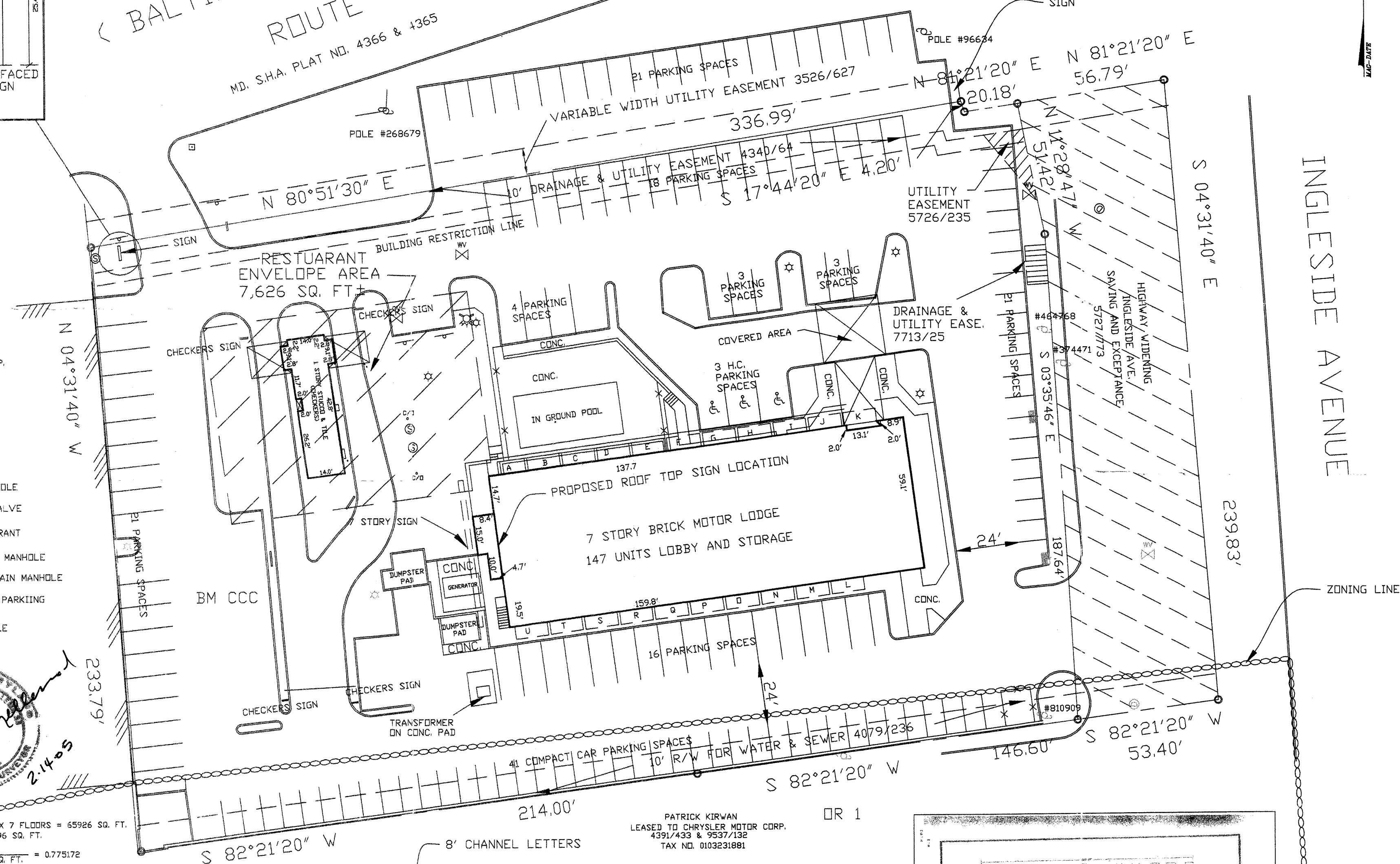
F.A.R.
TOTAL SQ. FT. OF LODGE = 9418 X 7 FLOORS = 65926 SQ. FT.
TOTAL SQ. FT. OF CHECKERS = 796 SQ. FT.
TOTAL SQ. FT. = 66,722 SQ. FT.
TOTAL AREA OF SITE = 86,074 SQ. FT. = 0.775172

NOTE: THERE ARE NO STRUCTURES WITHIN 200 FEET OF THE NORTHERN AND EASTERN PARTS OF THIS PROPERTY.
NOTE: THE PROPOSED WILL NOT EFFECT, OR REDUCE THE EXISTING AMENITY OPEN SPACE.
NOTE: THIS PROPERTY IS NOT LOCATED IN A FLOOD PLAIN

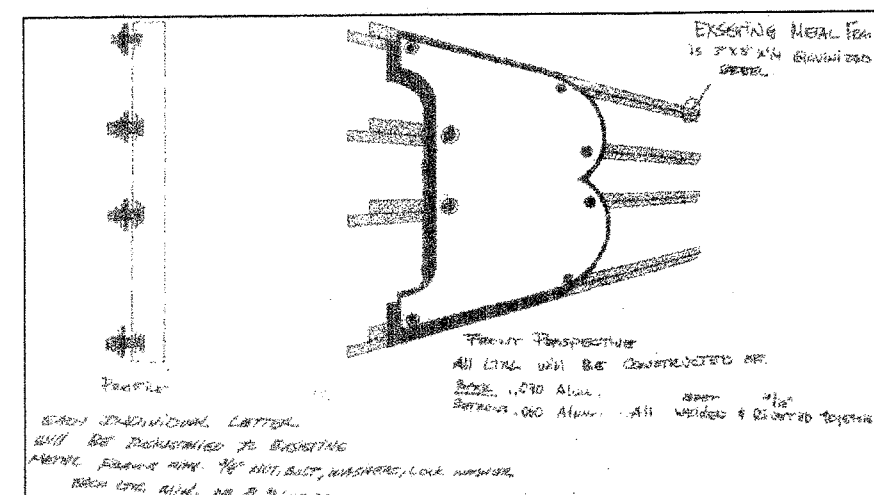
ZONING HISTORY
CASE NO. 00-218 SPHA, PETITION FOR SPECIAL HEARING AND VARIANCE APPROVED A FREE STANDING SIGN AS A LEGAL NON-CONFORMING USE AND PARKING VARIANCE TO ALLOW 172 SPACES, IN LIEU OF THE REQUIRED 269, FOR A COMBINATION HOTEL/MOTEL AND RESTAURANT, APPROVED BY THE DEPUTY ZONING COMMISSIONER

PREPARED BY
JOHN C. MELLEMA SR., INC.
LAND SURVEYORS
5409 EAST DRIVE BALTO. CO. MD. 21227
PHONE: 410-247-7488 FAX: 410-247-2507

BALTIMORE NATIONAL PIKE
ROUTE 40
MD. S.H.A. PLAT NO. 4366 & 4365

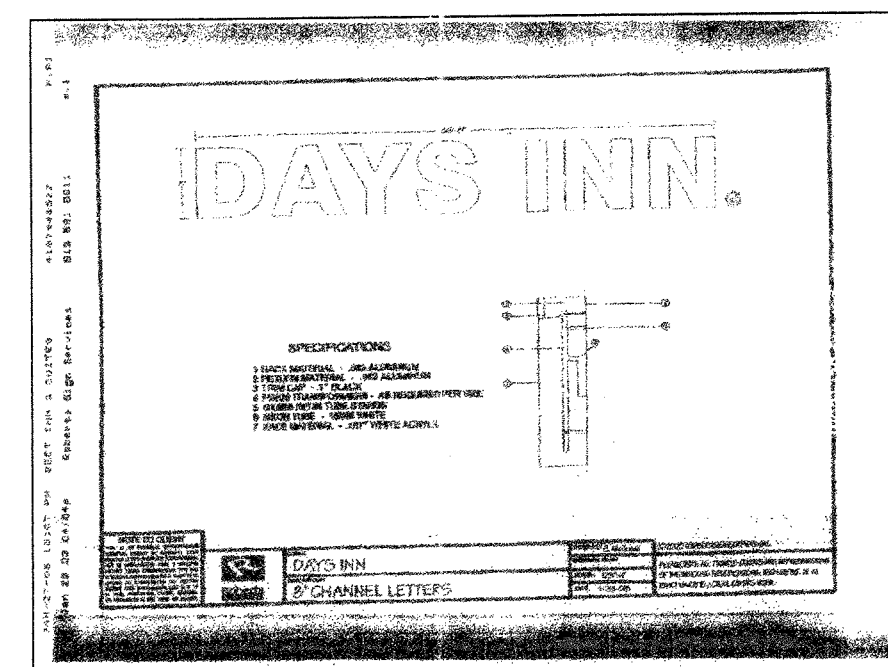


SIDE DETAIL FOR SIGN



PATRICK KIRWAN
LEASED TO CHRYSLER MOTOR CORP.
4391/433 & 9537/132
TAX NO. 0103231881

OR 1



NOTE: THIS VARIANCE DOES NOT REMOVE ANY OPEN SPACE

#5701 BALTIMORE NATIONAL PIKE
DAYS INN
1ST. ELEC. DIST. BALTO. CO. MARYLAND
SCALE 1"=30' DATE: DECEMBER, 2004
JOB NO. 97157

LOCATION INFORMATION

COUNCILMANIC DIST.: FIRST
ELECTION DIST.: FIRST
ZONING: BM-CCC
1"=200' SCALE MAP=SW 1F
LOT SIZE: 86,074

PUBLIC PRIVATE
SEWER: ☒ ☐
WATER: ☒ ☐
CHESAPEAKE BAY CRITICAL AREA: ☐ ☒ YES NO

SUBDIVISION NAME: N/A

DEED REFERENCE: 11891/296

OWNER: RAMJI-KRUPA INC.
5701 BALTIMORE NATIONAL PIKE

TAX ID NO.: 0123157040

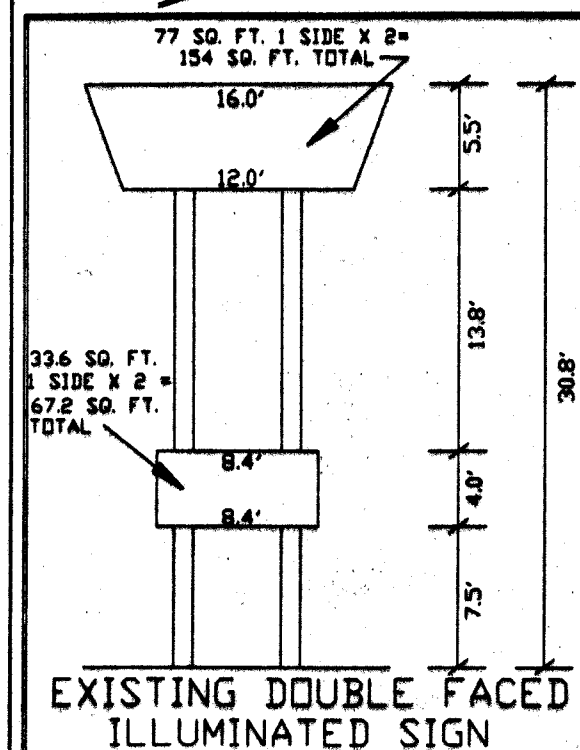
DATE: OCTOBER, 1999
SCALE: 1"=30'

ZONING OFFICE USE ONLY

REVIEWED BY: ITEM: CASE:
LTM 413

BALCONY CHART

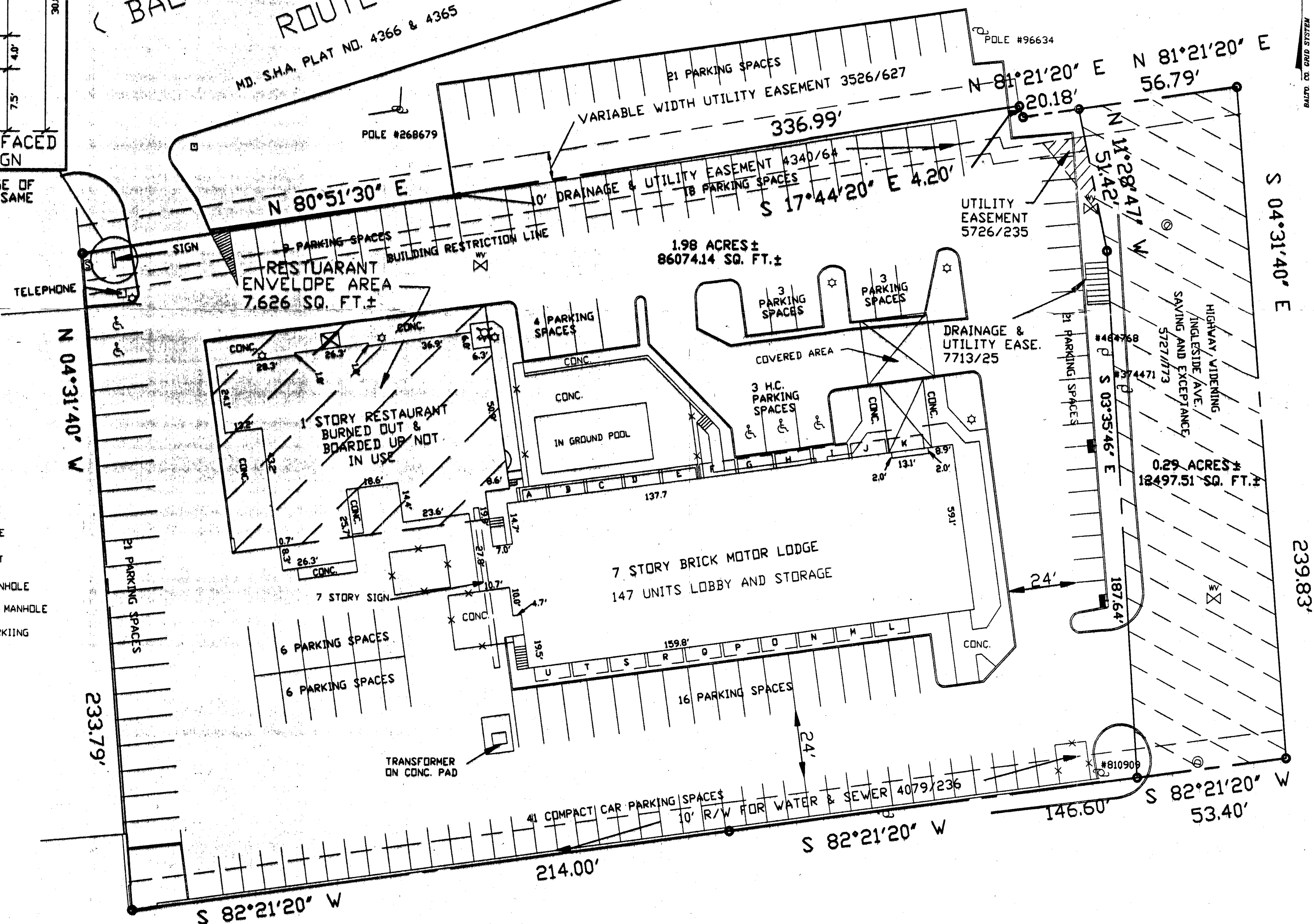
THIRD AND FOURTH FLOOR	A-C-E-G-I-K-M-O-Q-R-S-U
SIXTH AND SEVENTH FLOOR	B-D-F-H-J-L-N-P-R-T

 PLAT TO ACCOMPANY ZONING ☒ VARIANCE ☒ SPECIAL HEARING


NOTE: SQUARE FOOTAGE OF SIGN TO REMAIN THE SAME

LEGEND

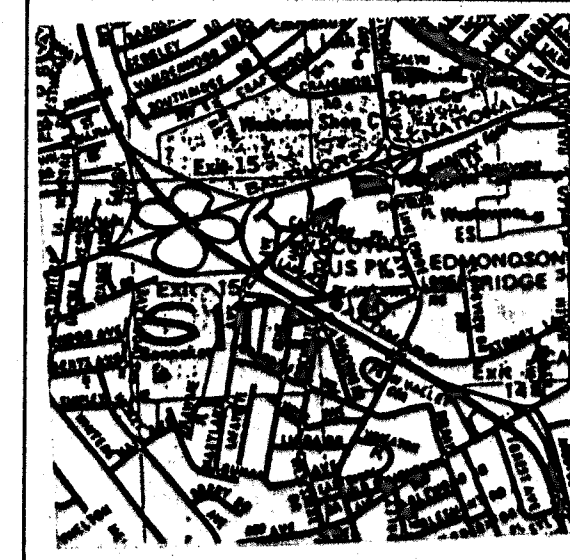
- FENCE
- UTILITY POLE
- WATER VALVE
- FIRE HYDRANT
- SANITARY MANHOLE
- STORM DRAIN MANHOLE
- HANDICAP PARKING
- LIGHT POLE

 BALTIMORE NATIONAL PIKE
 ROUTE 40
 MD. SHA. PLAT NO. 4366 & 4365


PARKING TABULATION

HOTEL AREA (147 UNITS) 1 PER UNIT=147 SPACES
 RESTAURANT 16 SPACES PER 1000 SQ. FT.
 RESTAURANT AREA = 7626 SQ. FT. = 122 SPACES
 TOTAL SPACES REQUIRED = 269 SPACES
 TOTAL SPACES AVAILABLE = 172 SPACES
 167 REGULAR
 5 HANDICAP

PREPARED BY:
 JOHN C. MELLEMA SR., INC.
 LAND SURVEYORS
 5409 EAST DRIVE BALTO. CO. MD. 21227
 PHONE: 410-247-7488 FAX: 410-247-8307

 NOTE: THIS VARIANCE DOES NOT
 REMOVE ANY OPEN SPACE

 VICINITY MAP
 SCALE 1"=2000'

LOCATION INFORMATION

 COUNCILMANIC DIST.: FIRST
 ELECTION DIST.: FIRST
 ZONING: BM-CCC
 1"=200' SCALE MAP=SW 1F

LOT SIZE:

	PUBLIC	PRIVATE
SEWER:	☒	☐
WATER:	☒	☐
CHESAPEAKE BAY	YES	NO
CRITICAL AREA:	☐	☒

SUBDIVISION NAME: N/A

DEED REFERENCE: 11891/296

 OWNER: RAMJI-KRUPA INC.
 5701 BALTIMORE
 NATIONAL PIKE

TAX ID NO.: 0123157040

DATE: OCTOBER, 1999

SCALE: 1"=30'

ZONING OFFICE USE ONLY

REVIEWED BY:	ITEM:	CASE:
	218	00-218-
		SPHA

 #5701 BALTIMORE NATIONAL PIKE
 BEST INN & SUITES
 MOTOR LODGE AND RESTAURANT
 1ST. ELEC. DIST. BALTO. CO. MARYLAND.
 SCALE 1"=30' DATE: OCTOBER, 1999

JOB NO. 97157