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IN RE:	PETITION FOR VARIANCE	*	BEFORE THE
	N/S Campbell Blvd, 477' east		
	of Franklin Square Drive	*	ZONING COMMISSIONER
	(5272-5282 Campbell Boulevard)		- :
	14th Election District	*	FOR
	6th Council District		
		*	BALTIMORE COUNTY
	Shoppes at Nottingham Square		, ; , ;
	Business Trust,	*	Case No. 06-133-A

Legal Owner/Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Shoppes at Nottingham Square Business Trust, through its attorney, John B. Gontrum, Esquire. The Petitioner seeks relief from Section 450.4E.5(d) of the Baltimore County Zoning Regulations (BCZR) to permit a maximum aggregate sign area of 1,070 sq.ft. in lieu of the permitted 480 sq.ft., and from Section 450.4F.5(d) thereof to erect more than one wall-mounted sign for each separate exterior entrance to a single commercial entity. The subject property and requested relief are more particularly shown on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 2.

Appearing at the requisite public hearing on behalf of the Petitioner were Charles E. McMahon, Vice President of Nottingham Properties, Inc.; James E. Matis, P.E., with Matis Warfield, Inc., the consultants who prepared the site plan for this

property; and Jennifer R. Busse, Esquire, attorney for the Owner/Petitioner. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the subject property is an irregular shaped parcel located on the northeast side of Campbell Boulevard, between Franklin Square Drive and Philadelphia Road (Maryland Route 7) in the White Marsh area of eastern Baltimore County. The property contains a gross area of 2.8122 acres, more or less, zoned B.M., and is developed as a Planned Shopping Center, as defined by the BCZR, identified as "Nottingham Square." This Planned Shopping Center is comprised of major retailers and freestanding pad sites, including two multi-tenant retail one-story buildings containing 8,400 sq.ft. each, identified on the plan as "The Shoppes at Nottingham Square". Petitioner's Exhibit 1 is a rendered overview of the Nottingham Square Planned Shopping Center and clearly identifies The Shoppes at Nottingham Square.

The requested zoning relief relates only to the two buildings within The Shoppes at Nottingham Square. Petitioner's Exhibit 2 clearly sets forth the applicability of the sign regulations set forth in Section 450 of the BCZR. On behalf of the Petitioner, Ms. Busse proffered the need for the requested relief. The "Buildings" provide for a flexible configuration of tenants and the number of separate tenants per building may change over time. Although the Buildings front on Campbell Boulevard, customers/patrons of the tenants therein will view the Buildings not only from

Campbell Boulevard, but also from the sides and rear of the Buildings as they circulate through the parking lot. The sign regulations only permit one sign for each tenant and restrict the square footage of the signs on the Buildings, using a calculation based on the linear footage of the Buildings. However, in order to provide adequate identification to customers as they approach the Buildings, and depending on the configuration of the tenants within the Buildings, each tenant may need more than one sign. Petitioner's Exhibits 1 and 2 clearly demonstrate this situation, and the unique configuration of the Planned Shopping Center, which drives the need for the requested variance relief. Petitioner's Exhibit 3 contains two color photographs, which also provide a better understanding of this unique situation.

The Petitioner presented evidence as to the property's uniqueness and the practical difficulties that would arise without the requested variances. Mr. Matis, an expert in zoning and land development, testified that the property is unique, given the layout and orientation of the Buildings, and the fact that patrons enter the property from Campbell Boulevard, but then circle around the Buildings before parking. Specifically, patrons approaching the site first view the Buildings from Campbell Boulevard (the front) and then view the Buildings from the side and rear as they circulate through the property. Therefore, signs are necessary on the front, sides and rear of the Buildings in order for prospective shoppers to properly identify the location of the Buildings' tenants. Mr. Matis further testified that no surrounding properties

have the same unique orientation. Mr. Matis explained that practical difficulties would result without the requested variance relief because the tenants' patrons would be unable to easily identify their locations. Such confusion could create safety hazards because vehicles would be forced to navigate around the Planned Shopping Center for a longer period of time in order to find their destinations.

The Office of Planning has reviewed the proposal, the site plan for the Planned Shopping Center and the developer's Comprehensive Sign Plan for the Property. The Office of Planning's Division Chief, Ms. Lynn Lanham, also visited the Property on October 10, 2005. As stated in her memorandum, dated October 20, 2005 and made a part of the file for this case, the Office of Planning has recommended approval of the requested variance relief. In making its recommendation, the Office of Planning noted the property's unique circumstances, the carefully defined sign criteria set in place by Nottingham Properties, Inc. (the Developer of the property), and the Developer's record of creating high-quality development in White Marsh.

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. The uniqueness of the property is its unusual configuration and the fact that the two buildings have "frontage" on two public roads. The Petitioner has requested the minimum amount of relief necessary to accommodate these unique circumstances. I further find that the sign package proposed meets the spirit and intent of the BCZR and will promote the security, convenience, prosperity

WAR WE

and general welfare of the community. In fact, granting the requested variances will uphold the intent of the parking regulations since they are intended to provide for adequate signage.

There is no indication of any adverse impact from the proposal to the surrounding properties. In the absence of evidence to the contrary and based on the representations of counsel and Mr. Matis, I find that the property is peculiar and disproportionately affected by the sign regulations contained in Section 450 of the BCZR. I further find that strict compliance with Section 450.4.5(d) thereof would create a practical difficulty upon the Petitioner, and that the granting of the variances meets the spirit and intent of the BCZR and will not cause any injury to public health, safety or general welfare.

The Zoning Review Division of the Department of Permits and Development Management (DPDM) provided a comment that the appropriate section from which variance relief should be sought was Section 450.4.5(D) of the BCZR. The distinction is minor - the sections cited by the Petitioner include the narrative explanation for the Chart found within Section 450.4, which provides the restrictions that are the subject of the requested variance relief. The Zoning Review Division also requested that a maximum number of signs be identified should I decide to grant the requested relief. Given the flexible nature of the tenants within the Buildings and the most likely changing internal tenant configuration within the Buildings, I will require that there be

no more than 28 separate wall-mounted signs on the Buildings at any one time. As shown on Petitioner's Exhibit 2, it is anticipated that there will be a maximum of 12 separate tenants in the Buildings at any one time, four of which will be "end cap" tenants and occupy corner spots that will require a total of 3 wall-mounted signs (1 on front, 1 on the back and 1 on the side).

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of November 2005, that the Petition for Variance seeking relief from Section 450.4E.5(d) of the BCZR to permit a maximum aggregate sign area of 1,070 sq.ft. in lieu of the permitted 480 sq.ft., and from Section 450.4F.5(d) thereof to erect more than one wall-mounted sign for each separate exterior entrance to a single commercial entity, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their sign permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

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2) A maximum number of 28 wall-mounted signs are permitted to exist at any one time on The Shoppes at Nottingham Square Buildings.

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 any appeal of this decision must be entered

within thirty (30) days of the date hereof.

Zoning Commissioner for Baltimore County



JAMES T. SMITH, JR. County Executive

November 8, 2005

WILLIAM J. WISEMAN III

Zoning Commissioner

John B. Gontrum, Esquire Jennifer Busse, Esquire Whiteford, Taylor & Preston 210 W. Pennsylvania Avenue Towson, Maryland 21204

RE: PETITION FOR VARIANCE

N/S Campbell Boulevard, 477' E of the c/l Franklin Square Drive (5272-5282 Campbell Boulevard)

14<sup>th</sup> Election District – 6<sup>th</sup> Council District

The Shoppes at Nottingham Square Business Trust - Petitioners

Case No. 06-133-A

Dear Mr. Gontrum & Ms. Busse:

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

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

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. Charles E. McMahon, Vice President, Shoppes at Nottingham Square 100 W. Pennsylvania Avenue, Towson, Md. 21204
Mr. James E. Matis, Matis Warfield, Inc.
10540 York Road, Suite M, Hunt Valley, Md. 21030

People's Counsel; Case File



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5272-5282 Campbell Blvd which is presently zoned BM

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

Please see attached

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

to be presented at hearing

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

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

Contract Purchaser/Lessee:	<u>Legal Owner(s):</u>
N/A	Shoppes at Nottingham, Square Business
Name - Type or Print	a - Type or Print
Signature	BY: Signature harles E. McMallon, Vice President
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature 100 W. Pennsylvania Ave (410) 825-0549
John B. Gontrum Jennik R. Bus	
John B. Gontrum / City  Name - Type or Print  City	
Signature	Representative to be Contacted:  John B. Gontrum / Jennih R. Susse.
Whiteford Taylor & Preston  Company 210 W. Pennsylvania Ave 410-832-20	Name
210 W. Pennsylvania Ave 410-832-20 Address Telephone No.	Address 0.7.00.4
Address Telephone No.  Towson, MD 21204  City State Zip Code	Towson, MD 21204 City State Zip Code
City State Zip Code	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING
Reviewed By	NA Date 9 02/05
Pt 29/13/98	DROP-OFF FILZD BY JLL

### Attachment to Petition for Variance

5272-5282 Campbell Blvd

Petition for Variance from BCZR § 450.4E.5(d) to permit a maximum aggregate sign area of 1,070 square feet in lieu of the permitted 480 square feet; and

Petition for Variance from BCZR § 450.4F.5(d) for approval to erect more than one wall-mounted sign for each separate exterior entrance.

343251



### Matis

consulting engineers

August 24, 2005

# 133

Description to Accompany Zoning Petition Lot 30-C White Marsh Community Section H 5272 + 5282 Campbell Boulevard

Beginning for the same at a point located on the northeast side of Campbell Boulevard, at a point distant South 55° 07'

East 477 feet +/- from the intersection of the centerlines of Campbell Boulevard and Franklin Square Drive, thence leaving Campbell Boulevard and running the five following courses viz,

- 1) North 39° 03' 40" East 259.71 feet, to a point, thence
- 2) South 50° 56' 20" East 416.00 feet, to a point, thence
- 3) South 07° 01' 21" East 36.02 feet, to a point, thence
- 4) South 36° 58' 33" West 187.38 feet, to a point, thence
- 5) South 79° 44' 14" West 29.33 feet, to a point on the northeast side of Campbell Boulevard, thence binding along the northeast side of Campbell Boulevard the four following courses viz:
- 6) North 57° 25' 11" West 19.66 feet, to a point, thence
- 7) by a curve to the right having a radius of 7,049.00 feet for an arc length of 58.31 feet, to a point, thence
- 8) North 54° 13' 36" West 307.61 feet, to a point, thence
- 9) by a curve to the right having a radius of 3,235.13 feet for an arc length of 45.11 feet, to the place of beginning.

Containing 2.5156 acres, more or less.

This description is intended for zoning purposes only and is not for use in conveyance of land.

Matis Warfield, Inc.
10540 york road • suite m
hunt valley, maryland 21030
phone 410-683-7004 • fax 410-683-1798



DISTRIBUTION WHITE - CASHIER PINK - AGENCY YE	5372-5282	FROM:	DATE 9/03/05 NOCCOU	BALTIMORE COUNTY, MARYLA OFFICE OF BUDGET & FMANCE MISCELLANEOUS RECEIPT
YELLOW - CUSTOMER	Cambblel Blush	The sale of	100 006 6150	DROPIES RETINANT No. 449417
CASHIER'S VALIDATION		, T	1 mm mm	
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BALTIMORE COUNTY, MARYLANT # 133 PETITION
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT DRUI JUNE No. 449417

DATE 9/02/05 ACCOUNT 00/ 006 6/50 PAID MILIPI 门框 ACTUAL. 師互使器 27年27年6日 9月12日20日 1月日日1日 HE WALL MARKED ANGEL DAY 中国大学工具 特种的 为集党的第一 5 528 MINIS VERIFICATION AMOUNT \$ 325.00 r int, 499417 43,4,00 Recod tot Hallimore County, opryland CASHIER'S VALIDATION DISTRIBUTION YELLOW - CUSTOMER PINK - AGENCY WHITE - CASHIER

DW.

作用

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

Case: #08-138-A
5272-5282 Campbell Boulevard
N/side of Campbell Boulevard, 477 feet east of Franklin Square Drive

N/side of Campbell Bodievard, 477 lost state of Square Drive 14th Election District - 6th Councilmanic District Legal Owner(s): Shoppes at Nottingham Square Business Trust, Charles McMahon, V.P.

Variance: to permit a maximum aggregate sign area of 1,070 sq. ft. in lieu of the permitted 480 sq. ft. and for approval to erect more than one wall-mounted sign for each separate exterior entrance.

Hearing: Monday, October 24, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

69827

### CERTIFICATE OF PUBLICATION

I .
106,2005
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 106,2005.
The Jeffersonian
Arbutus Times
☐ Catonsville Times
Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. WUKM82-
LEGAL ADVERTIONS

### CERTIFICATE OF POSTING

	RE: Case No.: 06-138-H
	Petitioner/Developer: Shoppes A7
	NOTEINGHAM BOWARE BUSINESS  CHARLES MEMBAROW, VP.  Date of Hearing/Closing:
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	00724,200
ATTN: Kristen Matthews {(410) 887-3394}	
posted conspicuously on the property located	perjury that the necessary sign(s) required by law were at:  82 CAMBELL BLVD
The sign(s) were posted on	10-8-05 (Month, Day, Year)
	Sincerely,
	Robert Black 10-11-05. (Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)
5272-5282 CAMPBELL BOULEYARD	
BOULEYARD	**

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TO: PATUXENT PUBLISHING COMPANY

Thursday, October 6, 2005 Issue - Jeffersonian

Please forward billing to:

Jennifer Busse, Esq.
Whiteford, Taylor & Preston

210 W. Pennsylvania Avenue, Ste. 400

Towson, MD 21204

410-832-2077

### **NOTICE OF ZONING HEARING**

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

CASE NUMBER: 06-133-A

5272-5282 Campbell Boulevard

N/side of Campbell Boulevard, 477 feet east of Franklin Square Drive

14th Election District -6th Councilmanic District

Legal Owners: Shoppes at Nottingham Square Business Trust, Charles McMahon, V.P.

<u>Variance</u> to permit a maximum aggregate sign area of 1,070 sq. ft. in lieu of the permitted 480 sq. ft. and for approval to erect more than one wall-mounted sign for each separate exterior entrance.

Hearing: Monday, October 24, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

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

# Department of Permits Development Management

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



### Baltimore County

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

September 15, 2005

### NOTICE OF ZONING HEARING

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

CASE NUMBER: 06-133-A

5272-5282 Campbell Boulevard

N/side of Campbell Boulevard, 477 feet east of Franklin Square Drive

14<sup>th</sup> Election District –6<sup>th</sup> Councilmanic District

Legal Owners: Shoppes at Nottingham Square Business Trust, Charles McMahon, V.P.

<u>Variance</u> to permit a maximum aggregate sign area of 1,070 sq. ft. in lieu of the permitted 480 sq. ft. and for approval to erect more than one wall-mounted sign for each separate exterior entrance.

Hearing: Monday, October 24, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

D.1. 00101

TK:klm

C: John Gontrum/Jennifer Busse, 210 W. Pennsylvania Avenue, Towson 21204 Charles McMahon, 100 W. Pennsylvania Avenue, Towson 21204

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY OCTOBER 8, 2005.

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



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

## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:	
Item Number or Case Number: 06-133-A	
Petitioner: Snappes at Nothingham Square Building Trus	+
Address or Location: 5272-5282 Campbell 13/0	1 al
Please Forward Advertising Bill to:	
Name: Jennite Busse, esq.	
Address: Whiteford, Taylor & Preston UP	
210 W. Pennsylvanic Ave. Suit-400	
Tousan MM 21204	
Telephone: 400 f32 2077	

# 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

October 24, 2005

John B. Gontrum Whiteford, Taylor & Preston 210 W. Pennsylvania Avenue Towson, Maryland 21204

Dear Mr. Gontrum:

RE: Case Number: 06-133-A, 5272-5282 Campbell Blvd.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 2, 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.

U. Call Rill D

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Charles E. McMahon Shoppes At Nottingham Sq. 100 W. Pennsylvania Ave. Towson 21204



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

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

September 13, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of September 19, 2005

Item No. 126,128,129,130,132,132,136, and 137.

Pursuant to your request, the above referenced plan(s) have been reviewed by this Office and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

### The Fire Department has no comments at this time.

If you have any questions contact my office.

Acting Lt. Warren T. Moffitt Fire Marshal's Office 410-887-4880 MS-1102F

Cc:file

### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits & Development

DATE: September 19, 2005

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For September 26, 2005

Item Nos. 126, 128, 129, 130,132, 132, 134 and 135

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-09192005.doc

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

DATE: October 4, 2005

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

5272-5282 Campbell Boulevard

INFORMATION:

Item Number:

6-133

Petitioner:

Shoppes at Nottingham Square Business Trust

Zoning:

BM

Requested Action:

Variance

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's comprehensive sign package and does not oppose the request to permit a maximum aggregate sign area of 1,070 square feet in lieu of the permitted 480 square feet; and the request for approval to erect more than one wall-mounted sign for each separate exterior entrance.

For further information concerning the matters stated here in, please contact David Pinning at 410-887-3480.

Prepared by:

**Division Chief:** 

AFK/LL: CM

06-111-A

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By/14

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BW 24

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

RECEIVED

**DATE:** October 20, 2005

**SUBJECT:** 

5272-5282 Campbell Boulevard

OCT 2 0 2005

INFORMATION:

Item Number: 6-133 AMENDED COMMENTS

ZONING COMMISSIONER

Petitioner:

Shoppes at Nottingham Square Business Trust

Zoning:

BM

Requested Action:

Variance

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's comprehensive sign package to permit a maximum aggregate sign area of 1,070 square feet in lieu of the permitted 480 square feet; and the request for approval to erect more than one wall-mounted sign for each separate exterior entrance.

I met with Chuck McMahon of Nottingham Properties, Inc. who presented me with a site plan for the Nottingham Square shopping center, a site plan for the retail center that is the subject of their request, and a copy of their comprehensive sign criteria for the center. I also visited the site on October 10, 2005.

Based on the unique circumstances of the retail center location, the carefully defined sign criteria for the center, and Nottingham's record of creating high-quality development in White Marsh, the Office of Planning would recommend granting the Variance.

For further information concerning the matters stated here in, please contact Lynn Lanham at 410-887-3480.

Division Chief:

AFK/LL: CM



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

Maryland Department of Transportation

Date:

9.13.05

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

RE:

Baltimore County
Item No. 133

) --

Dear. Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration 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

RE: PETITION FOR VARIANCE 5272-5292 Campbell Blvd: N/side Campbell

Blvd, 477' E Franklin Square Drive 14<sup>th</sup> Election & 6<sup>th</sup> Councilmanic Districts

Legal Owner(s): Shoppes at Nottingham \*
Square Business Trust, Charles McMahon, VP

Petitioner(s) \*

BEFORE THE

ZONING COMMISSIONER

**FOR** 

**BALTIMORE COUNTY** 

06-133-A

\* \* \* \* \* \* \* \*

### ENTRY OF APPEARANCE

\*

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Copie's Counsel for Dairmiore 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 15th day of September, 2005, a copy of the foregoing Entry of Appearance was mailed to, John B. Gontrum, Esquire, Whiteford, Taylor & Preston, LLP, 210 W Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

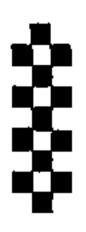
RECEIVED

SEP 1 5 2005

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per....





# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT 111 WEST CHESAPEAKE AVENUE TOWSON, MD 21204 410-887-3391

### SIGN USE PERMIT

Permit Fous are Non-Refundable; Make Check Pay	able to "Baltimore Count	y. Marviand''		
PROPERTY ADDRESS 5350 Can	shell Blud Si	te ElF	21/	MJDIAZZ
BUSINESS NAME			Wafe to be a same	,
OWNER'S NAME Campbell Blvd Pizz	TO PHONE NO. 301	873-5556	HISTORIO DISTOR	
MAILING ADDRESS	Kd Ste 200		INSTORIC DISTRIC	AGE TX N
APPLICANT/OWNER'S AGENT ROSE 1	h/2		DUONE NA MAZ	J. On C. J. A.
SIGN COMPANY NAME Bruce Signs	Inc		PHONE NO. <u>737</u>	1-845-6654
TYPE OF SIGN:		ACCOUNT NO.	/ // // // // // // // // // // // // /	-075-6024
Property Line/Street Right-of-Way Setbacks: fine/Street Right-of-Way Setbacks: fine/Street Right-of-Way Setbacks: fine NOTE: A construction plan, drawn to scale and plan also must be attached for freestant PROHIBITIONS - including roof aligns (Sections 1. Signs cannot impair motorist's clear view 2. Signs cannot impair motorist's clear view 3. Signs cannot imitate or resemble government of the sign or framework cannot obstruct windows. Signs cannot be placed in or project into 6. Sign or framework cannot obstruct windows. Vehicle cannot be parked for the purpose 6. Except for flags exempted, flags, pennant are prohibited. 7. Portable signs are prohibited.	Wall   Factoring   Factoring	ted (separate elements height: and requirements height: and requirements height: all signs are traffic contrate traffic contr	Ave been met, must v Zoning Regulation are subject to Sec rol and notice signs of property. to building; fire hydr laser projections, a	red) ## # 6 734 freestanding signs) freestandi
8. There can be no display or simulation of ne changeable copy sign, or a thermometer Work Description (Including number of signs, in stall channel Letters of PLEASE PRINT OR TYPE LEGIBLY	barometer, weather var	except for an o	utdbor advertising .	sign with tri-vision,
OWN	ERVAGENT CERTIFICA	ATION	<del></del>	<u></u>
hereby certify, under penalty of law, that the proposition is true, complete, and dorrect.	ed sign will be located at	as not to violat		at the information
gnature	<u>/0 - 3 - 0</u> ]	Print/Type Name	<i>C/2/2)</i>	
opies: White - Office; Yellow - Applicant (keep this copy for your permanent records)	Authority under Section 500,4, BOZR	· ,	- -	; ; ; ;
EV 8/98	Signature		Iritials	Date
No. 4408 P. 3	· · · · · · · · · · · · · · · · · · ·	RUCE SIGNS	8 MA38:01 7(	0cf. 9. 200

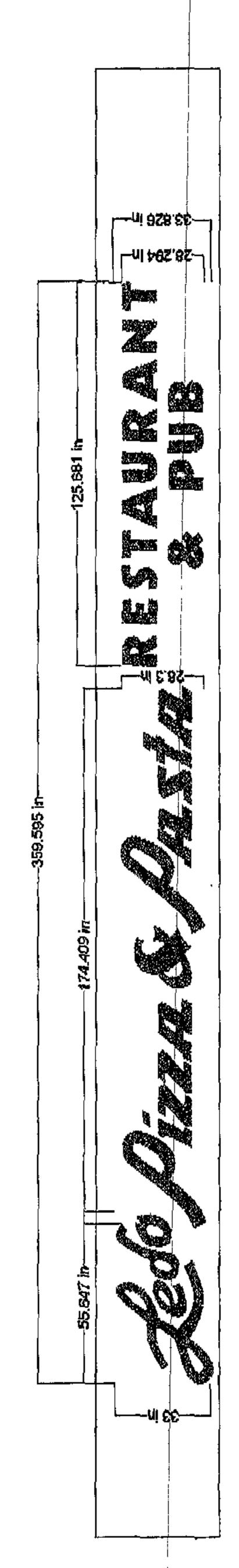
-20	
	TO: Craig
	COMPANY:
	DATE: 10-9-07
	FAX NUMBER:
	FROM: Bruce Signs
	PAGES:
	MESSAGE:
	Please Call (434-845-6624)
	It you have any questions Please ceturn A5AP
	Thanks Becky
	ANY QUESTIONS, CALL 845-8624
	OR EMAIL brucesigns@verizon.net BRUCE SIGNS, INC. MADISON HEIGHTS, VA.

-20		
	TO: Caig	
	COMPANY:	
	DATE: 10/9/	07
	FAX NUMBER 410-337-503	
	FROM: Druce	Sighs
	PAGES:	591
	MESSAGE:	Well out
	Sony These of	est Jest
	Beeka	2
	ANY QUESTIONS, OR EMAIL bruces BRUCE SIGNS, INC. M	igns@verizon.net

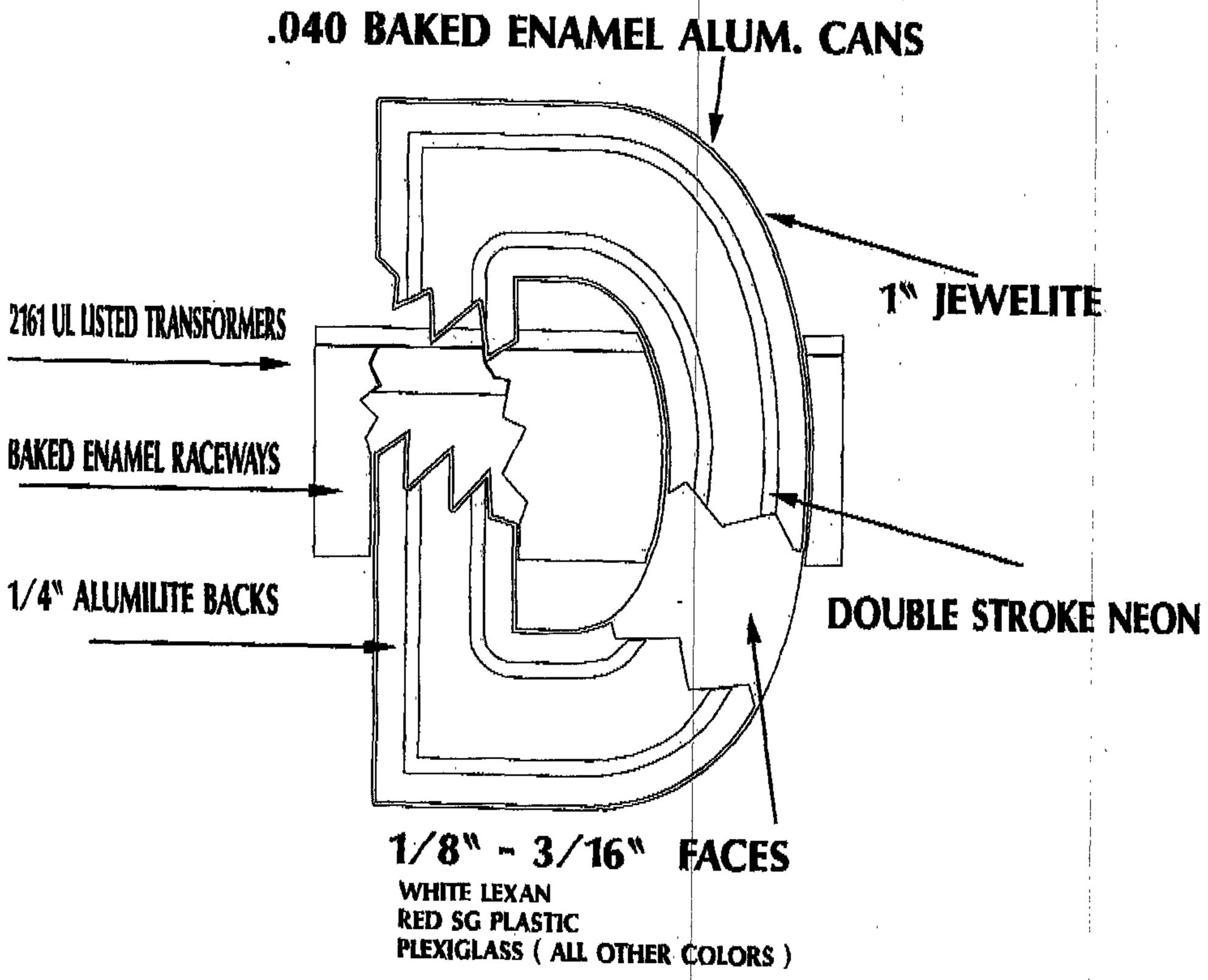
-161.502 in -u! 42-

No. 4411 P. 2

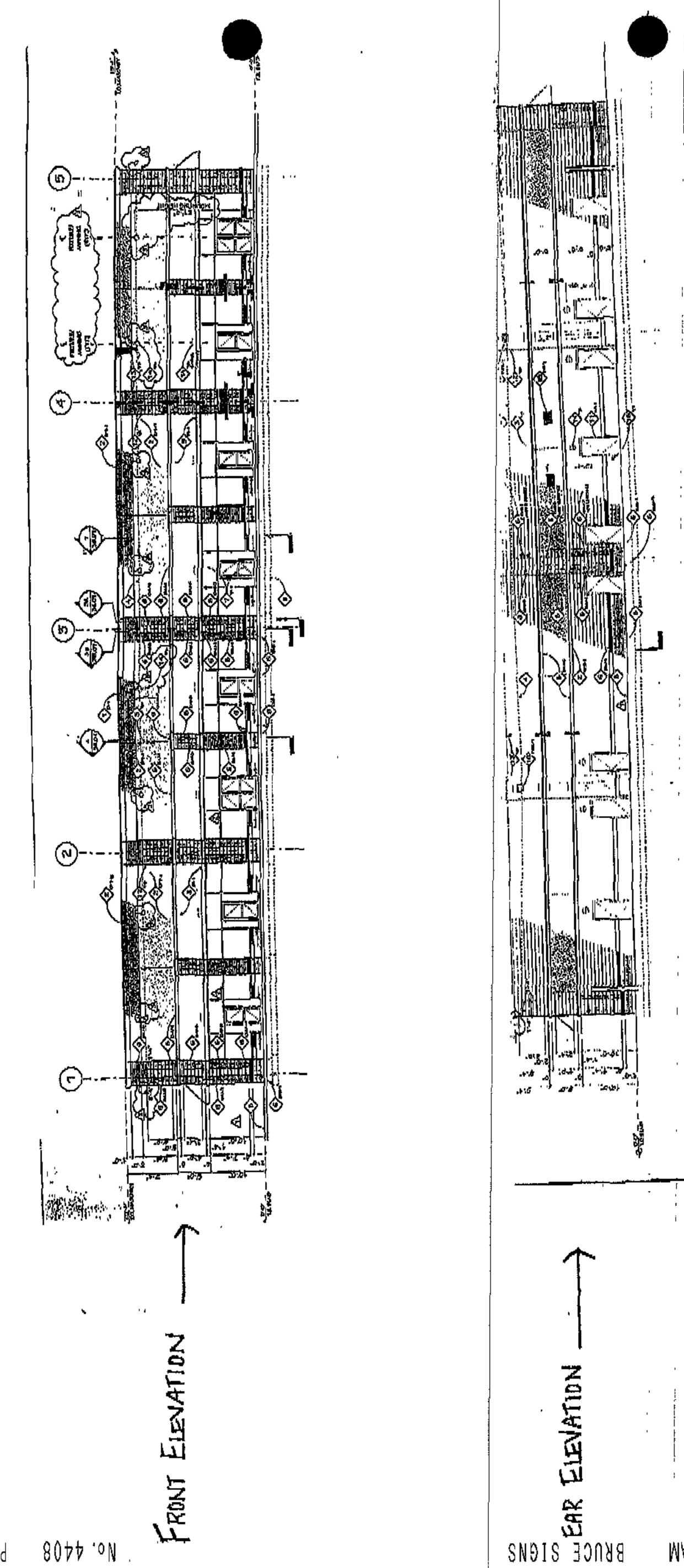
Oct. 9, 2007 11:36AM BRUCE SIGNS



8 .9 11pp.oN



ALL CHANNEL LETTERS AND RACEWAYS MUST BE BUILT IN COMPLIANCE WITH UL. ALL SIGNS BUILT AND INSTALL ON THIS LOCATION MUST DISPLAY A UL LABEL FURNISH AND INSTALLED BY THE MANUFACTURE OF THE CHANNEL LETTERS AND RACEWAY BEING INSTALLED.

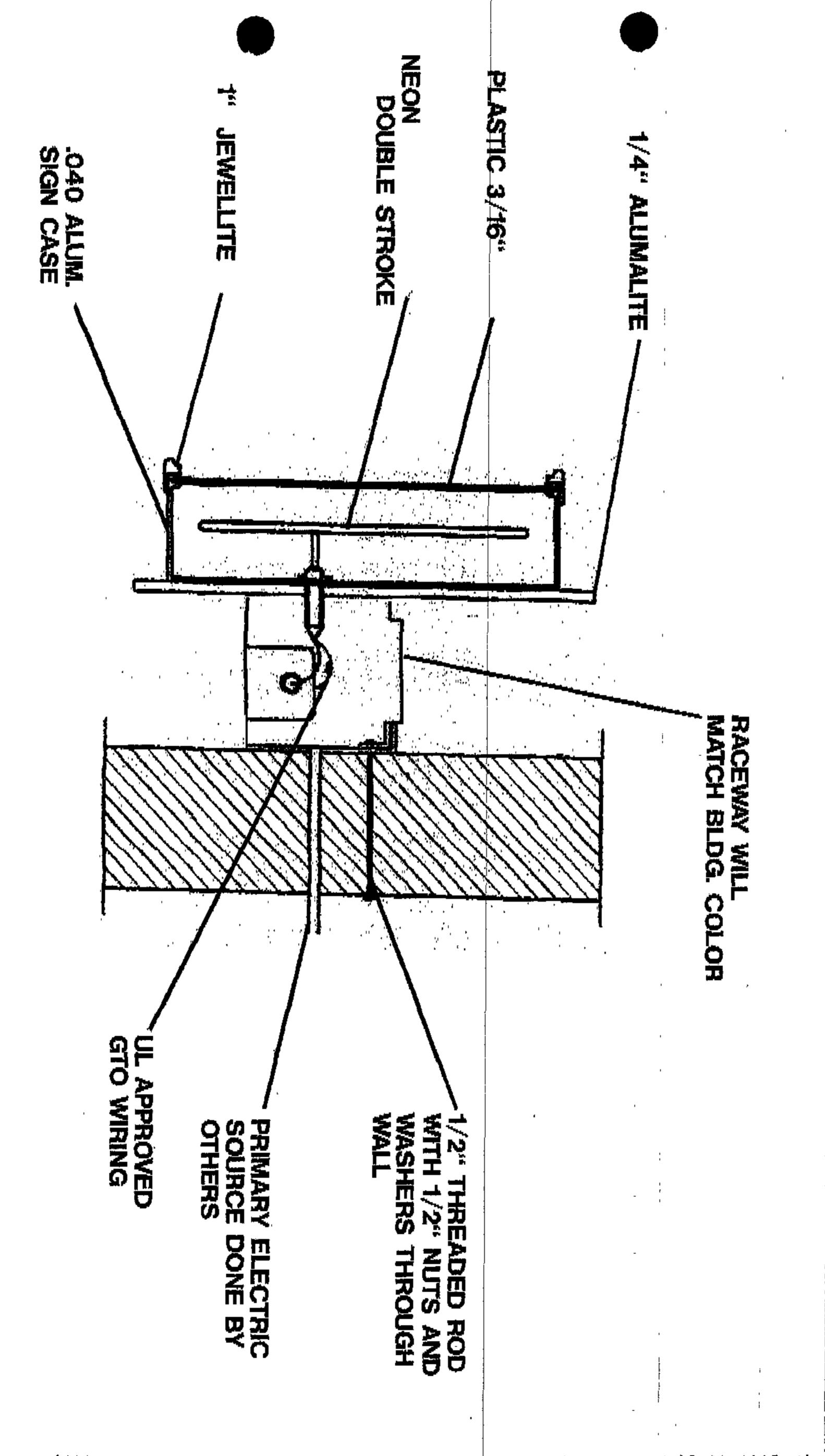


Shoppes II at Nottingham Square 5350 Campbell Booleoard farsh, Balfigner County, Maryland 21236 (Meyed hoss) 34.01 BRUCE SIGNS MATE: 01 2007 10:37AM

þ 'd

IEFERSE SIDE FOR NAME ANDIOR ADDRESS CHANGE

No. 4408 P. 5



0 .9 8044 .0N

Oct. 9, 2007 10:38AM BRUCE SIGNS

Wo.	4129 P	aus D.	et Kon
	`	<b>9</b>	

	djøct Sheet for E		i i	
911 Address 5350 CA	MPBELL BIND.	SUITE E/F	BALTIMOR	E, MD 21234
Company Name CAMPBE	IL BLUD PIZ	2A, INC 7	TA LEDOF	7/22A + PA6TA
County BALTIMORE	Town or	City BA	LTIMORE	
Land Owner CAMPBELL.	PHILADELPHIA	BUSINES	TRUST C	O FEDERAL REA
Lessee CAMPBILL BL				inuesthen
		] <b>!</b>		i

Is property in a shopping center \_\_\_\_\_yes\_\_ If yes Name of Center NOTTINGHAM SOUARE

Nearest Cross Street or

POUTE. Intersection CAMPBELL BLVD. and Street Frontage of Parcel 40' WIDE right left

Corner Lot yes

Side Street frontage NONE

Distance from Road to building APPROX. 100 Feet

Parcel Identification lot# Suite Number of Existing signs NONE square footage NONE

Electrical Contractor WILL ADVISE Electrical Permit#

Any other important info

Draw site plan below

- NEED INSTALL BY APPROX. OCT. 12th.
- PLEASE CONFER WITH BILL ANDERSON @. FEDERAL REALTY FOR REQUIRED SIGN SPEC & INSTALL.

ELECTRICAL CONTRACTOR

ATECH ELECTRICAL, INC ATTN: ALDRIC WILLIAMS (WILL) 410.299.7555 : CELL#

ELECTRICAL PERMIT # E673411

16 Jellin

# WHITEFORD, TAYLOR & PRESTON L.L.P.

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

20 COLUMBIA CORPORATE CENTER 10420 LITTLE PATUXEN'T PARKWAY COLUMBIA, MARYLAND 21044-3528 TELEPHONE 410 884-0700

FAX 410 884-0719

JENNIFER R. BUSSE

DIRECT NUMBER 410 832-2077 jbussc@wtplaw.com

210 West Pennsylvania Avenue Towson, Maryland 21204-4515

> 410 832-2000 Fax 410 832-2015 www.wtplaw.com

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

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

#133

August 31, 2005

#### **DELIVERY BY HAND**

Mr. W. Carl Richards Jr. Department of Permits and Development Management 111 W. Chesapeake Avenue Towson, Maryland 21204

> "Drop-Filing" for 5272-5282 Campbell Blvd - Petition for Variance Re:

Dear Mr. Richards:

Enclosed please find a "drop-filing" package for the above-referenced property. Specifically enclosed are:

- Our check in the amount of \$325.00; 1.
- 2. Three executed copies of the Petition for Variance;
- 3. One zoning map;
- Three legal descriptions; and 4.
- 5. Twelve Plans to Accompany Zoning Petition for Variance.

Please contact me with any questions or concerns. Thank you for your cooperation in this matter.

Jennifey R. Busse

Sincerely,

JRB:sll **Enclosures** 

cc:

Mr. Charles E. McMahon James E. Matis, P.E.

## WHITEFORD, TAYLOR & PRESTON L.L.P.

SEVEN SAINT PAUL STREET BALTIMORE, MARYLAND 21202 1626 TBLEPHONE 410 347-8700 PAX 410 752-7092

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

> JENNIFER R. BUSSE DIRECT NUMBER 410 832-2077 Jpnzse@wiblaw.com

210 WEST PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204-4515

> 410 832-2000 FAX 410 832-2015

> > www.wtplaw.com

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

1317 KING STREET ALBXANDRIA, VIRGINIA 22314-2928 THLBPHONE 703 836-5742 PAX 703 836-0265

August 31, 2005

### SENT VIA FACSIMILE

Mr. W. Carl Richards Jr. Department of Permits and Development Management 111 W. Chesapeake Avenue Towson, Maryland 21204

Re:

"Drop-Filing" for 5272-5282 Campbell Blvd - Petition for Variance

ATTACHED IS ADVERTISING FORM

Dear Mr. Richards:

I failed to include the Advertising Form with my filing package on the above referenced property, which was hand delivered to you today. I apologize for this error. Attached hereto is a completed Advertising Form for inclusion in my filing package.

Please contact me with any questions or concerns. Thank you for your cooperation in this matter.

Sincerely,

Jennifer R. Busse

JRB:sll Enclosures

cc:

Mr. Charles E. McMahon James E. Matis, P.E.

34333002

WHITEFORD, TAYLOR & PRESTON L.L.P.

400 Court Towers 210 W. Pennsylvania Ave Towson, Maryland 21204 (410) 832-2000 Fax - (410) 832-2015 # 133 PORTONOS

# FACSIMILE TRANSMITTAL COVER SHEET

TOTAL PAGES (including cover sheet): 3			Date 08/31/05	
	······································	F	ile No.: 9's	
SENT TO: Carl Richards	FAX	#: <i>(41</i>	o) 887-5708	
FROM: Jennifer R. Busse (410) 832- 2077				
RE: 5272-5282 Campbell Blvd.				! !
SPECIAL INSTRUCTIONS: Advertising Form			!	-
PRIVILEGED AND CONFIDENTIAL: All information transmitted he reader of this message is not the intended recipient or the employee or agplease note that any distribution or copying of this communication is strictly should notify us immediately by telephone and return the original message.	ent respo ctly prohi	nsible for deliv bited. Anyone	vering the message to the intended it who receives this communication it	բարւշում»),

## Bill Wiseman - FW: Shoppes at Nottingham Square

From:

"James E. Matis" <jem@matiswarfield.com>

To:

<wwiseman@co.ba.md.us>
10/31/2005 5:30:01 PM

Date: Subject:

FW: Shoppes at Nottingham Square

----Original Message-----

From: James E. Matis [mailto:jem@matiswarfield.com]

**Sent:** Monday, October 31, 2005 5:18 PM

To:

**Subject:** Shoppes at Nottingham Square

Bill,

Sorry I missed your call on Friday.

I agree with you in that signage that is not visible from a "highway," is not governed by the zoning regulations.

This has come up on other projects.

The rear building signage labeled #2 as depicted on the zoning plat may not be entirely visible from the public roadway; however I believe that some portion of this signage could be visible to a pedestrian on Philadelphia Road and would therefore necessitate the variance relief requested.

In situations like this we tend to be overly cautious, especially since we are dealing with corporate tenants that seem to want nothing less than absolute certainty that they are in compliance with the regs. Nottingham's finance partners typically look for these same types of assurances.

You also indicated that you wanted to speak to the maximum number of signs. Chuck, Jen and I did speak about this after the hearing and felt that the project would never have more than 28 signs, (12 on the front, 12 on the back and 4 on the sides). The current architectural design wouldn't allow the project to have anymore than 12 separate tenants, so I think it would be fair to say that this project could be limited to a maximum of 28 signs in lieu of the 12 permitted signs - assuming a maximum of 12 separate commercial entities.

As you know the signage is limited in terms of square footage for each separate commercial entity. Our interpretation of the regs, is that they provide for a maximum number per premises of 1 wall mounted for each separate commercial entity, therefore, regardless of the number of entrances each tenant is limited to a single wall mounted sign. Assuming our interpretation is correct the four "endcap" tenants require a variance since they would have a total of 3 wall mounted signs, 1 on the front, 1 on the back and 1 on the side.

Give me a call with your thoughts.

Jim

James E. Matis, P.E.
Matis Warfield, Inc.
10540 York Road Suite M
Hunt Valley, Maryland 21030
Phone 410-683-7004
Direct 410-683-7005 ext 113
Mobile 443-324-4667

Case No.:

06-133A

5272-5282 Composell Blud

# **Exhibit Sheet**

Petitioner/Developer

Protestant

No. 1	RENDERED DYERVIEW		-	······································	-
No. 2	SITE DATA			<u>-</u>	
No. 3	PHOD & 1/5E			· · · · · · · · · · · · · · · · · · ·	
No. 4			<u> </u>		 
No. 5		<u> </u>		······································	 
No. 6					
No. 7				<u> </u>	
No. 8			······································		
No. 9					
No. 10		<del>     </del>			 
No. 11		·		· · · · · · · · · · · · · · · · · · ·	1 
No. 12		: :			

HO6-133-A

# FREQUENT FLYER ATTORNEYS DROP OFF ZONING PETITIONS POLICY PROCEDURES

The following zoning policy is related to the filing of zoning petitions and is aimed at expediting the petition filing process with this office:

- 1. The Director of the Office of Permits and Development Management (PDM) allows zoning attorneys who frequently file for zoning hearings and who are capable of filing petitions that comply with all technical aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of an appointment for review by zoning personnel.
- Any attorney using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. In the event that the petition has not been filed correctly, there is the possibility that another hearing will be required or the zoning commissioner may deny the petition due to errors or incompleteness. All petitions filed in this manner will receive a cursory review and if necessary they will be commented on by zoning personnel prior to the hearing. A corrective memo by zoning review may be placed in the hearing file to be considered by the Hearing Officer.
- 3. When a petition has been dropped off by the attorney, it will only be reviewed for very basic necessary input, logging, and distribution information.

THE VARIANCE SECTIONS REFERENCED IN THE PETITION ARE INCORRECT.
450.4.5.(d) 15 THE APPROPRIATE REFERENCE.

THE PETITION DOES NOT INDICATE CLEARLY THE NUMBER OF SIONS
BEING GARIANCED 28 IN LIEU OF 16 ETC...,

3/22/05 JLL/rjc

(3) door by Right

Honer Village Ceiter

Honego Village - Menysty Wolfgham

PLEASE PRINT CLEARLY

CASE NAME 060-133-14 CASE NUMBER DATE 10/24/05

PETITIONER'S SIGN-IN SHEET

ibusseau Haindhamproparties temama tismustalian E- MAIL Mrcey IND 21204 STATE, ZIP AW Mosmal 17m2 CITY, 100 W. PENNSTUKRUR AVE. ADDRESS 108 NAME AMES

Typical Sign Location Rear of Project -Side Facing Nottingham Square hopping Center

Typical Sign Location

American Signature Home/Value City

pbell Boulevard Side of Project (from Southeast Corner)
Nottingham Square Shopping Center in background

PETITIONER'S

EXHIBIT NO.

