IN RE: PETITION FOR SPECIAL HEARING \*

N/S Joppa Road, 27' W of the c/l

LaSalle Road

(1220 East Joppa Road)

9<sup>TH</sup> Election District

4<sup>TH</sup> Council District

Fund IV Radio Park, LLC,

Legal Owner

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 06-185-SPH

: \* \* \* \* \* \*

\*

\*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner of Baltimore County for consideration of a Petition for Special Hearing filed by the owner of the subject property, Fund IV Radio Park, LLC, through its attorney, Patricia A. Malone, Esquire. As filed, the Petitioner requests a special hearing, pursuant to Section 500.6 of the Baltimore County Zoning Regulations (BCZR), to approve an amendment to the relief granted in prior Case No. 00-403-A to allow a second freestanding, joint identification sign of 30 sq.ft., 7'3" in height, for an office park. The subject property and requested relief are more particularly described on the site plan submitted at the hearing, which was received into evidence as Petitioner's Exhibit 1. However, in response to comments from the Office of Planning and Development Plans Review, Petitioner made revisions to the plan, and the amended plan was introduced into evidence as Petitioner's Exhibit 2. The amended request seeks approval of a 30 sq.ft. sign, 9'1" in height.

At the requisite public hearing, Patricia A. Malone appeared as attorney for Petitioner. Appearing in support of the petitions were John C. Cannella, Vice President of Design and Construction for Heritage Properties, Inc., Managing Agent for the legal owner Fund IV Radio Park, LLC.; Christopher Smith, an investor in Glory Days Grill of Towson, LLC; Michael Dolinger, Regional Manager for the Glory Days Grill restaurants; and David Martin of G.W.

Stephens, Jr., and Associates, Inc, registered landscape architect, who prepared the site plan in this case. Donna Spicer, Executive Director, Loch Raven Community Council, also attended the hearing in support of the petition. No one appeared in opposition.

Testimony and evidence disclosed that the subject property is zoned ML-IM and has been redeveloped into an office park known as Radio Park. The portion of the property at issue is located on the northwest corner of the intersection of East Joppa Road and LaSalle Road. It is at this particular location that Petitioner seeks to have a second joint identification sign for the purpose of providing two of its more remote tenants additional visibility from Joppa Road: Glory Days Grill restaurant and a second future tenant. The proposed sign is shown on the amended Plan to Accompany Special Hearing, accepted into evidence as Petitioner's Exhibit 2.

At the hearing, Mr. Cannella described the history of the property, including the redevelopment of the site into the current office park. The property is unusually narrow and deep. Redevelopment of the property included the demolition of portions of an existing building to provide parking courts and plazas and the reuse of the remainder of the existing building to create three separate buildings. Under the new configuration of the property, Buildings B and C are located behind Building A, which fronts along Joppa Road.

This configuration results in many of the businesses located in the office park having no visibility from Joppa Road. To deal with the lack of visibility, in May of 2000, Petitioner sought and obtained approval to have one joint identification sign, larger and taller than otherwise permitted. According to BCZR Section 450.4.7.d, Petitioner would have been permitted two joint identification signs, each of a smaller size. Petitioner provided a copy of the Findings of Fact and Conclusions of Law from Case No. 00-403-A, which outlines that approval.

Subsequent to that approval, Radio Park leased space in Building B to Glory Days Grill restaurant. Since its opening, Glory Days believes that it has suffered in terms of sales because it lacks visibility from Joppa Road. Glory Days has resorted to displaying temporary banners in an attempt to attract attention and to draw in customers. As Mr. Cannella explained, the landlord wishes to find a more permanent solution for Glory Days and came up with the solution of turning the park's "East Drive" directional sign into a second joint identification sign as shown on Petitioner's Exhibit 1. In response to comments from Lynn Lanham with the Office of Planning, who wanted "Radio Park" to be incorporated into the sign to match the existing joint identification sign, Petitioner revised the sign detail accordingly and amended the special hearing request to allow for this change. As indicated above, these revisions are reflected on Petitioner's Exhibit 2.

Having considered all of the evidence and testimony on this issue, I am persuaded to grant the Petition for Special Hearing. In my judgment, Petitioner has demonstrated that the request is reasonable and justified and that it will have no adverse impact on any surrounding properties or on motorists traveling along East Joppa Road. Petitioner has indicated on the site plan that the sign will maintain a 6 foot setback from the right-of-way as requested by Development Plans Review. Glory Days also has agreed to remove any existing temporary banner signs.

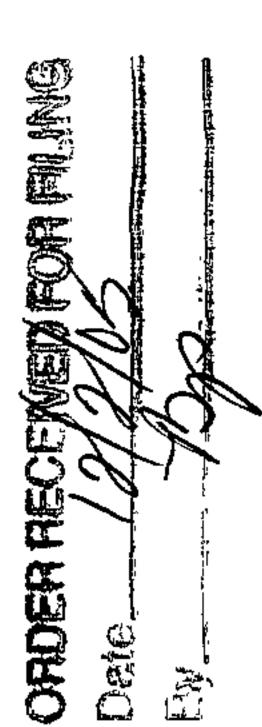
Donna Spicer, speaking as a community representative spoke in favor of the request, especially in light of the fact that it will eliminate the need for the temporary banner signs that Glory Days has displayed periodically. At the request of the Office of Planning, I will, however, condition this relief on Petitioner being required to attend a public hearing for any additional requests or changes to the sign beyond that which is shown on Petitioner's Exhibit 2.

Pursuant to the Zoning Regulations of Baltimore County, the advertising and posting of the property, and public hearing held thereon, for the reasons set forth above, the Petition for Special Hearing shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of December, 2005, that the Petition for Special Hearing, seeking relief, pursuant to BCZR Section 500.6, to approve an amendment to the relief granted in prior Case No. 00-403-A to allow a second freestanding, joint identification sign of 30 sq.ft., with a height of 9'1", in accordance with the amended plan entered into evidence as Petitioner's Exhibit 2, be and is hereby GRANTED, subject to the following restrictions:

- 1. Petitioner may apply for building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its 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 relief granted herein shall be rescinded.
- 2. Any changes to the joint identification sign in either height or total square footage from that shown on Petitioner's Exhibit 2 and approved in this case shall require a public hearing.

WILINAM J. WISEMAN, III
Zoning Commissioner of
Baltimore County





JAMES T. SMITH, JR. County Executive

December 2, 2005

WILLIAM J. WISEMAN III

Zoning Commissioner

Patricia A. Malone, Esquire Venable, LLP 210 Allegheny Avenue Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
N/S Joppa Road, 27' W of the c/l LaSalle Road
(1220 East Joppa Road)
9<sup>th</sup> Election District – 4<sup>th</sup> Council District
Fund IV Radio Park, LLC - Petitioners
Case No. 06-185-SPH

Dear Ms. Malone:

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

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

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner

for Baltimore County

WJW:bjs

cc: Mr. John C. Cannella, Heritage Properties, Inc.

515 Fairmount Avenue, Towson, Md. 21286

Mr. Chris Smith, 40 York Road, Towson, Md. 21204

Mr. David L. Martin, 1020 Cromwell Bridge Road, Towson, Md. 21286

Ms. Donna Spicer, 8719 Eddington Road, Baltimore, Md. 21234

People's Counsel; Case File



Case No. 06-185-SPH

ORDER!

### Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at	1220 East Jopp	a Road
which is	presently zoned	ML-IM

UNAVAILABLE FOR HEARING

Reviewed By D.T. Date 9/09/05

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

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

See Attached.

zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

iWe 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> fund) IV/Racio Park Name - Type or Print Name - Type or Frint Signature John C. Cannella, Vice-President of Signature Design and Construction, Heritage Address Mame - Type or PrintProperties, Inc., Managing Telephone No. Agent for Fund IV Radio Park City State Zip Code Signature Attorney For Petitioner: 515 Fairmount Avenue (410) 769-6100 **Address** Telephone No. Robert A. Hoffman Towson, MD 21286 Name - Type or Print City State Zip Code Representative to be Contacted: Signature Venable LLP Robert A. Hoffman Company Name 210 Allegheny Avenue (410) 494-6200 210 Allegheny Avenue (410) 494-6200 Address Telephone No. Address Telephone No. Towson, MD 21204 Towson, MD 21204 Zip Code State City State Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING.

### Petition for Special Hearing

Petition for Special Hearing pursuant to Baltimore County Zoning Regulations Section 500.6 to amend the relief granted in Case No. 00-403-A, to allow a second free-standing joint identification sign of 30 square feet having a height of 7 feet 3 inches.

91 1" fale

ORDER RECEIVED FOR FILING
Date
By
A
By

TO1DOCS1/#214027 v1

### FROM THE OFFICE OF

### GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.

CONSULTING ENGINEERS • LAND PLANNERS • LAND SURVEYORS 1020 CROMWELL BRIDGE ROAD • TOWSON, MARYLAND 21286-3396

Description of a 0.011
Acre Parcel of Land
known as the Sign Location Area
for Special Hearing

September 28, 2005

Beginning for the description of a 0.011 Acre area, at a point on the northerly Right-of-Way line of a 92 foot wide Right-of-Way of Joppa Road, said point of beginning having a Maryland State (nad83/91) Coordinate Value of North 630,126.91 and East 1,432,152.08 being measured North 17 degrees 4 minutes 41.4 seconds West 49.89 feet from the centerline intersection of said Joppa Road and Lasalle Road, running thence leaving said point of beginning the following courses;

- 1) North 79 degrees 55 minutes 58 seconds West 18.97 feet thence,
- 2) North 10 degrees 4 minutes 2 seconds East 26.23 feet thence,
- 3) South 79 degrees 55 minutes 58 seconds East 18.97 feet thence,
- 4) South 10 degrees 4 minutes 2 seconds West 26.23 feet to the point of beginning.

Containing 497.6 Square Feet or 0.011 Acres of Land more or less.

The above bearings are based on the Maryland State Coordinate System (NAD83/91).

NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND IS NOT TO BE USED FOR CONTRACTS, CONVEYANCES OR AGREEMENTS.



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### MOTICE OF ZINGUIG 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: #06-185-SPH

1220 East Joppa Road N/side of Joppa Road, 27 feet west of centerline of LaSalle Road

9th Election District — 4th Councilmanic District

Legal Owner(s): Fund IV Radio Park, LLC

Special Hearing: to amend the relief granted in Case No. 00-403-A, to allow a second free-standing joint identification sign of 30 square feet having a height of 7

feet 3 inches.

Hearing: Tuesday, November 29, 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.

JT-11/672 November 15

75067

### CERTIFICATE OF PUBLICATION

11/17/, 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 11 15 ,20 05.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. William

LEGAL ADVERTISING

### CERTIFICATE OF POSTING

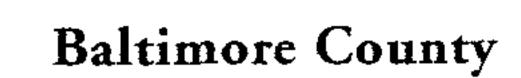
	RE: Case No.: 06 - 185 - 594
	Petitioner/Developer: FUND /V
	RADIO PARK, LCC
	Date of Hearing/Closing: 11-29-05
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews {(410) 887-3394}	•
Ladies and Gentlemen:	•
This letter is to certify under the penalties of pe- posted conspicuously on the property located at	rjury that the necessary sign(s) required by law were
	T JOPPA R.D
	COTPH PU
The sign(s) were posted on	<i>jt-i4-05</i> (Month, Day, Year)
	Sincerely,
	Robert Black 11-16-05
CO 185 SPH	(Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
SE TODAR RD	(Telephone Number)

1220 E. OOPF

### 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





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

October 20, 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: 06-185-SPH

1220 East Joppa Road

N/side of Joppa Road, 27 feet west of centerline of LaSalle Road

9<sup>th</sup> Election District – 4<sup>th</sup> Councilmanic District

Legal Owners: Fund IV Radio Park, LLC

Special Hearing to amend the relief granted in Case No. 00-403-A, to allow a second free-standing joint identification sign of 30 square feet having a height of 7 feet 3 inches.

Hearing: Tuesday, November 29, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Robert A. Hoffman, 210 Allegheny Avenue, Towson 21204 John Cannella, 515 Fairmount Avenue, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, NOVEMBER 14, 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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, November 15, 2005 Issue - Jeffersonian

Please forward billing to:

Amy Dontell Venable, LLP 210 Allegheny Avenue Towson, MD 21204 410-494-6244

### 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: 06-185-SPH

1220 East Joppa Road

N/side of Joppa Road, 27 feet west of centerline of LaSalle Road

9<sup>th</sup> Election District – 4<sup>th</sup> Councilmanic District

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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 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 which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:
Item Number or Case Number: 06-185-SPH
Petitioner: Fund IV Radio Park, UC
Address or Location: 1220 E. Joppa Road
PLEASE FORWARD ADVERTISING BILL TO:  Name: Amy Dontell
Address: <u>30 Alle aheny Avenue</u>
Address: <u>210' Allegheny Avenue</u> <u>Tawson HD.</u> 21204
Telephone Number: (410) 494 - 10 244

### Department of Permit Development Management

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





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

November 28, 2005

Robert A. Hoffman Venable, LLP. 210 Allegheny Avenue Towson, Maryland 21204

Dear Mr. Hoffman:

RE: Case Number: 06-185-SPH, 1220 East Joppa Road

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

W. Callaball D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Fund IV Radio Park John Cannella 515 Fairmount Avenue Towson 21286



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

### Fire Department



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





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

October 18, 2005

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

ATTENTION: Zoning Review planners

Distribution Meeting of: October 17, 2005

Item No. 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197

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

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

Acting Lieutenant William F Connolly, Jr.

Fire Marshal's Office

(0) 4:10-887-4880

MS-:.102F

cc: File



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

### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** October 27, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For Occoper 24, 2005

Item No. 185

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

To maintain adequate line of site, the front of the sign should be 6-feet from the right-of-way line.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 185-10272005.doc

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

DATE: November 18, 2005

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

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

SUBJECT:

1220 East Joppa Road

INFORMATION:

Item Number:

6-185

Petitioner:

John C. Cannella

Zoning:

ML-IM

Requested Action:

Special Hearing

### SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's revised sign elevations and does not oppose the petitioner's request provided the following conditions are met:

- 1. All additional requests or changes beyond what is proposed in the subject petition shall require a public hearing.
- 2. Remove the banner sign located along the front of the main building façade; this façade fronts East Joppa Road.

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

Prepared by:

Division Chief: AFK/LL: CM



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

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

### Maryland Department of Transportation

RE:

Date: 10.14.05

Baltimore Coun

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

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 SPECIAL HEARING 1220 East Joppa Road; N/side Joppa Road, 27' W of c/line LaSalle Road 9<sup>th</sup> Election & 4<sup>th</sup> Councilmanic Districts Legal Owner(s): Fund IV Radio Park, LLC by John C. Cannella, Vice-President Petitioner(s)

BEFORE THE

\* ZONING COMMISSIONER

FOR

BALTIMORE COUNTY \*

06-185-SPH \*

\*

### ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue Towson, MD 21204 (410) 887-2188

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14<sup>th</sup> day of October, 2005, a copy of the foregoing Entry of Appearance was mailed to Robert A Hoffman, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

> RECEIVED OC' 1 - 200E

PETER MAX ZIMMERMAN People's Counsel for Baltimore County

Per.....



, A.

### Baltimore County Zoning Commissioner

Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

May 22, 2000

Robert A. Hoffman, Esquire Venable, Baetjer & Howard 210 Allegheny Avenue Towson, Maryland 21204

RE: PETITION FOR VARIANCE
NW/Corner East Joppa Road and Lasalle Road
(1220 E. Joppa Road)
9<sup>th</sup> Election District – 4<sup>th</sup> Councilmanic District

Fund IV/Radio Park, LLC - Petitioners

Case No. 00-403-A

Dear Mr. Hoffman:

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

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

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc:

Messrs. David Rhodes and Jack Cannella, Heritage Properties, Inc.

515 Fairmount Avenue, Towson, Md. 21286

Mr. Brian McGraw, 8 Edgeclift Road, Towson, Md. 21286

Ms. Donna Spicer, 8719 Eddington Road, Baltimore, Md. 21234

Mr. Mike Sarkin, 1308 Putty Hill Avenue, Towson, Md. 21286

People's Counsel; Case File



Census 2000



For You, For Baltimore County



Census 2000



IN RE: PETITION FOR VARIANCE
NW/Corner East Joppa Road and
LaSalle Road
(1220 E. Joppa Road)
9<sup>th</sup> Election District
4<sup>th</sup> Councilmanic District

Fund IV/Radio Park, LLC Petitioners

- \* BEFORE THE
- \* ZONING COMMISSIONER
- OF BALTIMORE COUNTY
- \* Case No. 00-403-A

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Fund IV/Radio Park, LLC by David Rhodes, President of Heritage Properties, Inc., Manager, through their attorney, Robert A. Hoffman, Esquire. The Petitioners request relief from Section 450.4.I.7(d) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a single, freestanding, joint identification sign of 200 sq.ft. with a maximum height of 15 feet, in lieu of the permitted two freestanding joint identification signs of 75 sq.ft. each and allowed height of 12 feet. 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 held in support of the request were Jack Cannella on behalf of Fund IV/Radio Park, LLC, property owners, and Robert A. Hoffman, Esquire, attorney for the Petitioners. Appearing as a Protestant in the matter was Brian McGraw who appeared on behalf of the Towson Estates Community Association. Appearing as interested citizens were Donna Spicer and Mike Sarkin, representatives of the Loch Raven Community Council.

Testimony and evidence offered revealed that the subject property is an irregularly shaped parcel containing a gross area of 22.087 acres, more or less, split zoned M.L.-I.M and B.R. The property is located on the northwest corner of East Joppa Road and Lasalle Road, just east of

Towson Marketplace and was formerly the site of the Bendix Corporation, which later became the corporate headquarters for Merry Go Round. The Petitioners recently acquired the property and propose a major redevelopment of the subject site. As shown on the site plan, the Petitioners propose the construction/renovation of three buildings to house a variety of tenants for use as an office park. The Petition relates to a proposed sign that will identify the tenants who will be located in the park. At issue is the size and height of the proposed sign. On behalf of the Petitioners, Mr. Hoffman testified that the proposed sign is necessary to adequately identify the tenants of the proposed office park. Testimony indicated that due to the configuration of the property, Buildings B and C are located behind Building A. Thus, the tenants located in Buildings B and C are not easily seen from Joppa Road. Thus, only the tenants in Buildings B and C will be identified on the proposed sign. It should be noted that the regulations allow for two freestanding joint identification signs; however, the Petitioners propose to erect only one sign, albeit larger and slightly taller than that allowed. Moreover, the proposed sign will be located on East Joppa Road in the center of the property, not at either of the entrances to the site. Thus, the sign will not be located adjacent to residential properties to the east, or commercial properties to the west.

As noted above, Ms. Spicer and Mr. Sarkin appeared as interested persons and indicated that they understood the need for the sign. Mr. McGraw, however, is opposed to the sign. He believes that the proposed sign is too big and is out of character for the area.

With all due respect to Mr. McGraw, I disagree. I believe that the proposed sign is appropriate, given the size and configuration of the property, and the fact that the buildings to the rear of the site are not visible from Joppa Road. Moreover, the sign will be located in the center of the property which will buffer its view from the Towson Estates residential community to the east. I further find that the property at issue is unique, by virtue of its unusual shape and depth, and that the proposed sign is warranted. However, the Petitioners agreed to limit the number of tenants identified on the sign to ten (10) and to extinguish the sign after 10:00 PM on any given evening. Thus, as a condition to the relief granted, I shall impose these two limitations as restrictions.

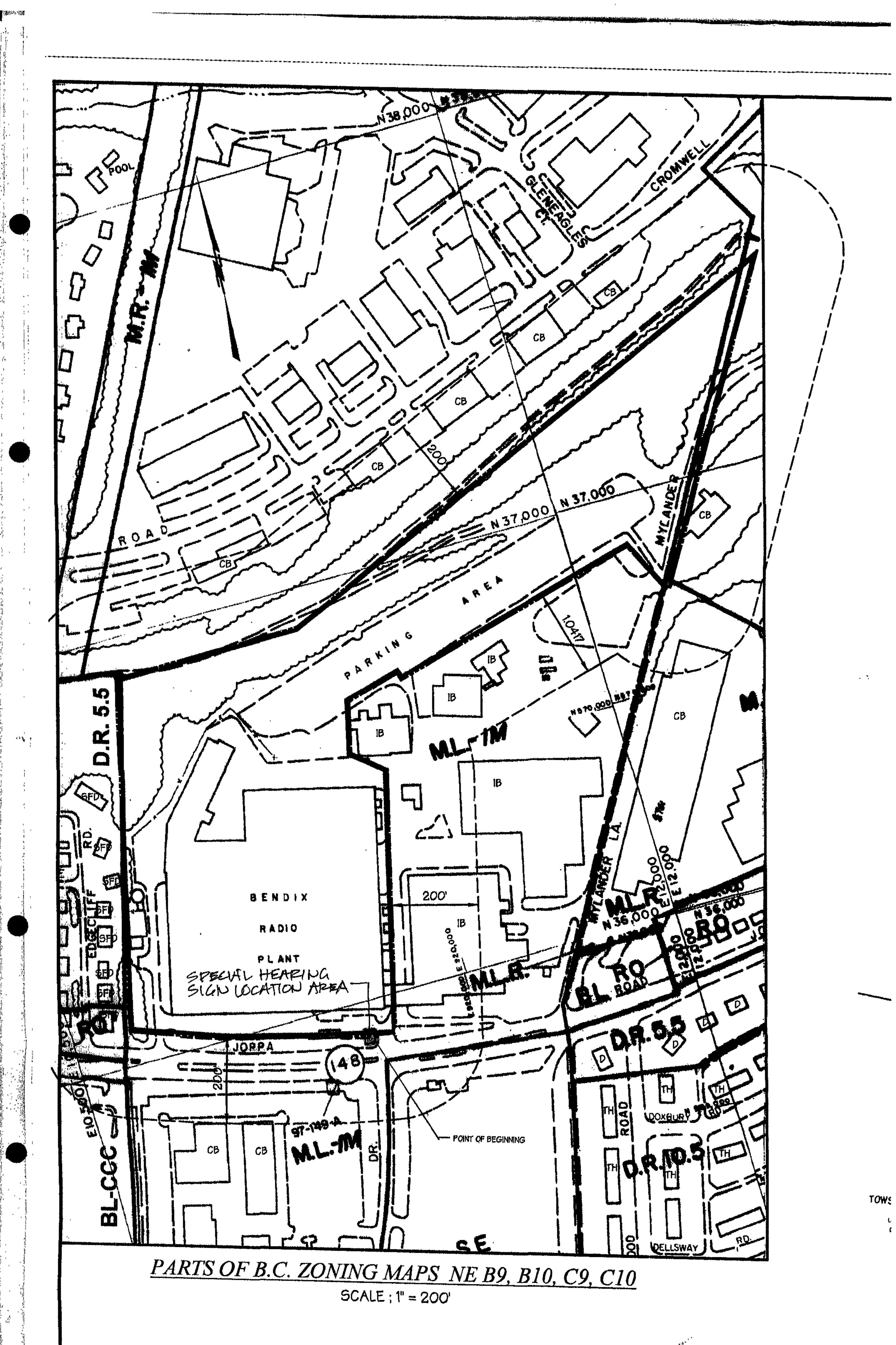
$t_{\text{ase No.:}} 06 - 185$	SPH
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**Exhibit Sheet** 

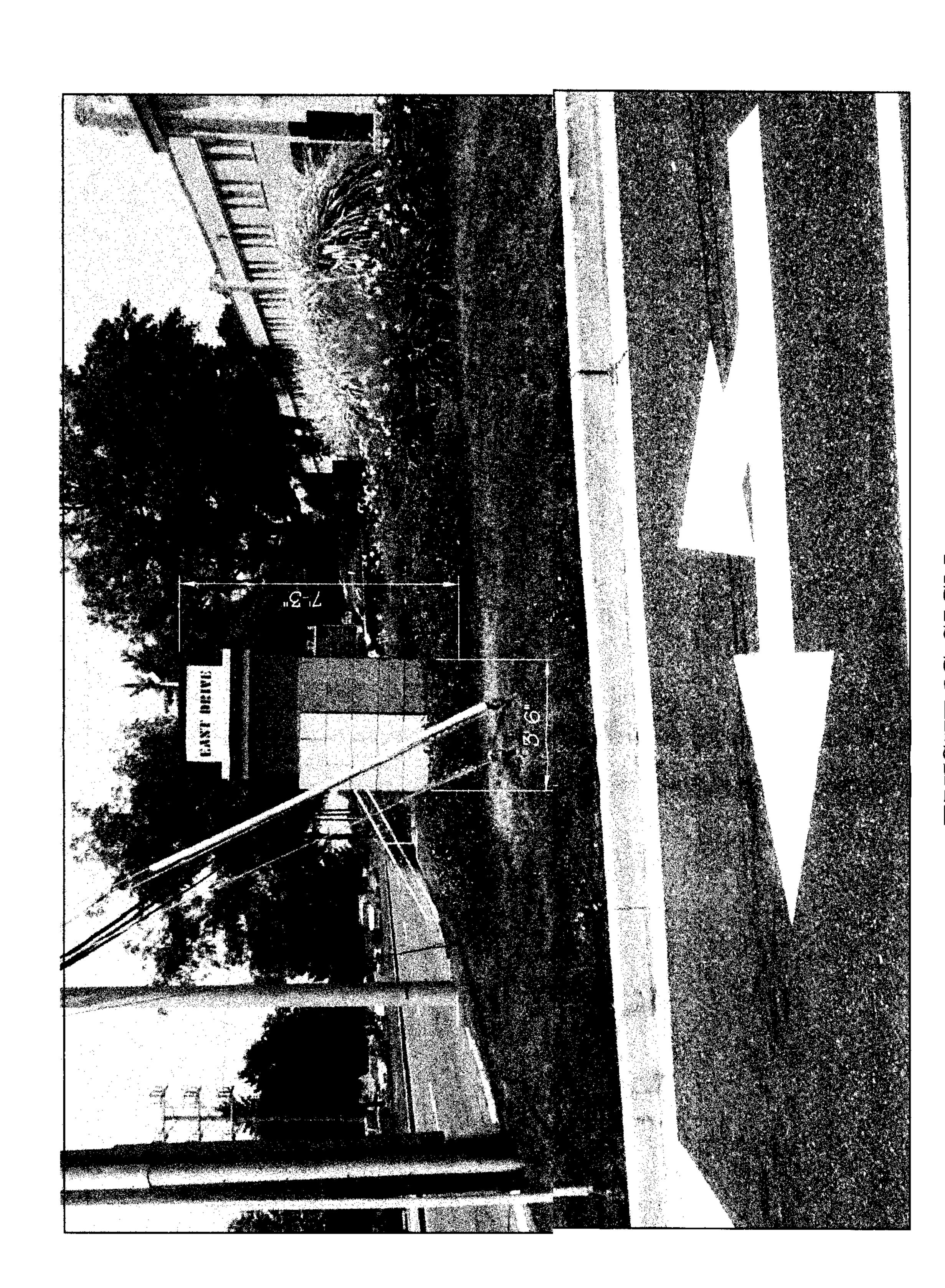
### Petitioner/Developer

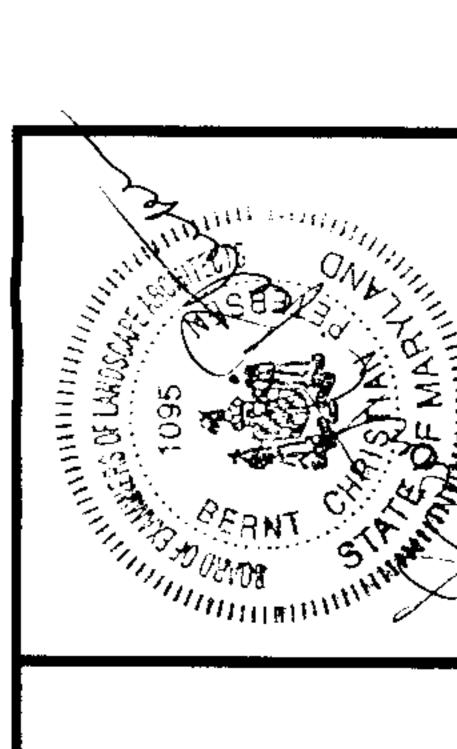
### Protestant

No. 1	ORIGINAL SITE PLAN	
No. 2	AMENDED SITE PLAN Plan TO INCORPORATE ONKI & Plan COMMENTS	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



06-185-SPH





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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22 day of May, 2000 that the Petition for Variance seeking relief from Section 450.4.I.7(d) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a single, freestanding, joint identification sign of 200 sq.ft. with a maximum height of 15 feet, in lieu of the allowed two freestanding joint identification signs of 75 sq.ft. each with a height of 12 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at 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.
- 2) There shall be no more than ten (10) tenants identified on the sign and the sign shall not be illuminated after 10:00 PM on any given evening.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

AWRENCE E. SCHMIDT

Zoning Commissioner

for Baltimore County

LES:bjs

DATE	CASE NUMBER	CASE NAME

# HILIONER'S SIGN-IN SHEET

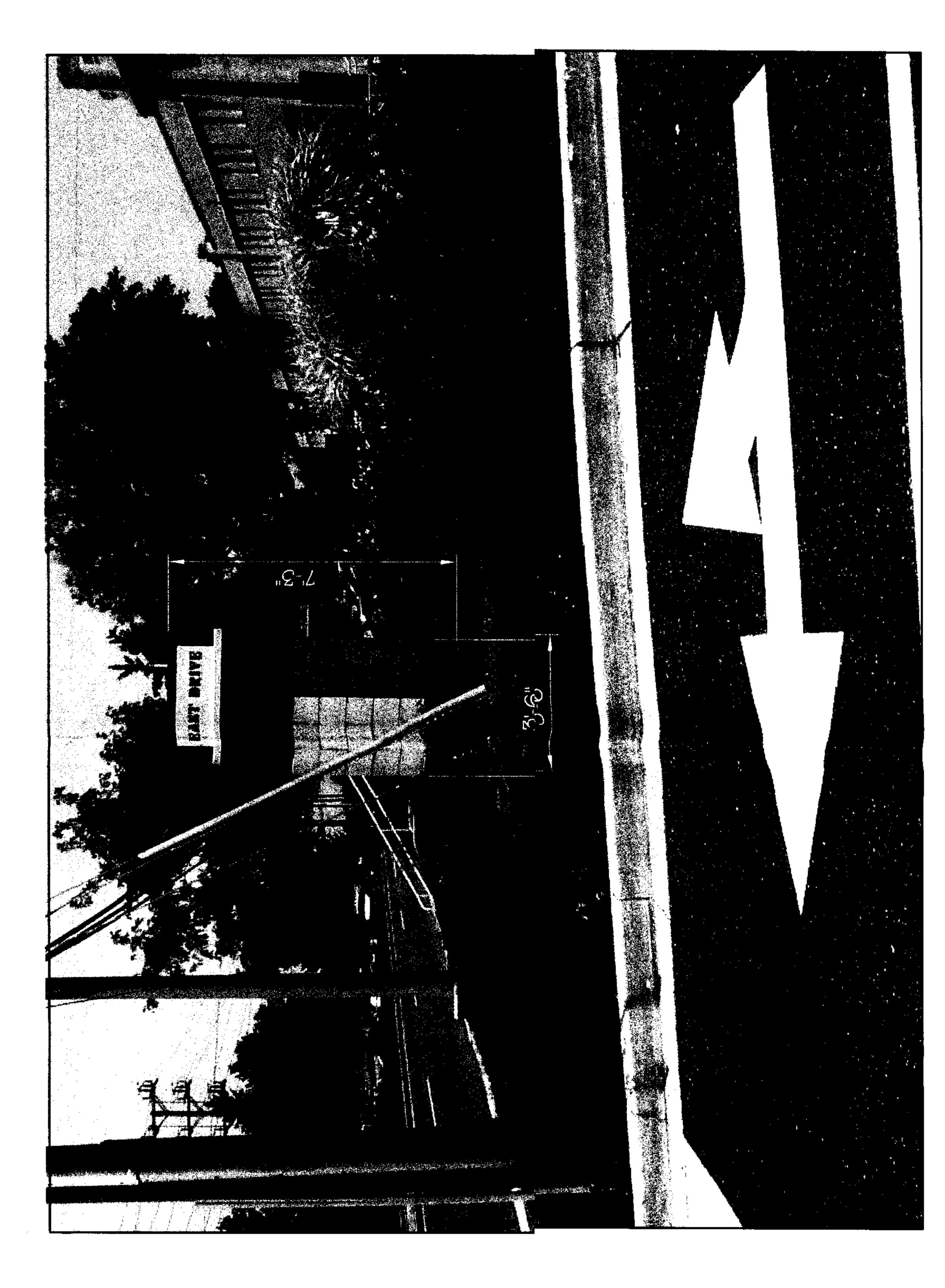
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							40 York Rd	MS FAMOUNT AVA	1220 SOPA RIV	JORD CROMMEN BRIDE	701	ADDRESS
								MO	方のなったとのといるの	TOWNERS MD 21/200	、メワ	CITY, STATE, ZIP
							csmith @ triciliance com	Som ind	MOOCINGERO GOCINALI	amartin Equistrations	Damalone @ varble con	E-MAIL

CASE NAME 1220 & Josepa Re CASE NUMBER 06-185 SPH DATE 11-29-05

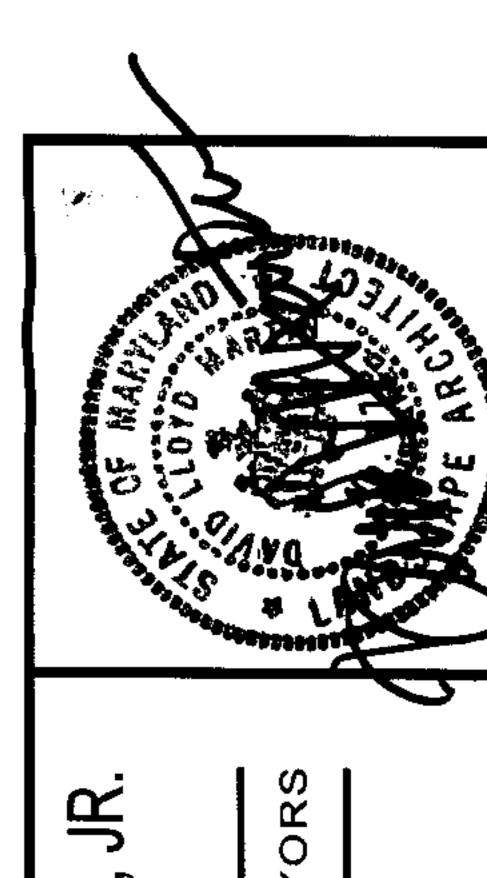
## CITIZEN'S SIGN-IN SHEET

									Doning Spicer	NAME
									8719 Eddington Rd.	ADDRESS
									Bath. MD. 21234	CITY, STATE, ZIP
									FAX 410-668-0569	AIL

## PROPC SCALE:



### EXIST



GEOR

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