IN RE: PETITION FOR VARIANCE
NE/S Campbell Boulevard
152 feet W of Philadelphia Road
14th Election District
6th Councilmanic District
(5350 Campbell Boulevard.)

Campbell-Philadelphia Business Trust

Petitioners

- \* BEFORE THE
- \* DEPUTY ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* CASE NO. 06-432- A

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

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Campbell-Philadelphia Business Trust. The Petitioners are requesting variance relief for property located at 5350 Campbell Boulevard, in the White Marsh section of the County. Variance relief is requested from Section 450.4.5(d) of the Baltimore County Zoning Regulations to permit a maximum aggregate sign area of 660 sq. feet in lieu of the permitted 320 sq. feet and from Section 450.4.F.5 (d) of the Baltimore County Zoning Regulations to permit a maximum 18 signs in lieu of the permitted one wall mounted sign for each separate exterior entrance to a commercial entity.

The property was posted with Notice of Hearing on April 1, 2006, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief and time and date of the public hearing. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on March 30, 2006 to notify any interested persons of the scheduled hearing date and relief requested.

#### Applicable Law

Section 307 of the B.C.Z.R. - Variances.

m. 284/06 Filtim.

"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, offstreet parking or sign regulations, and only in such manner as to grant relief without injury to the 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."

#### **Zoning Advisory Committee Comments**

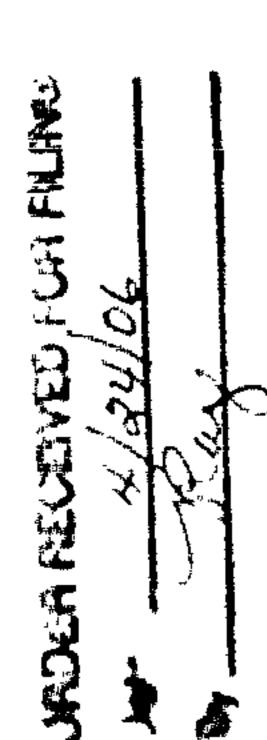
The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning dated April 5, 2006 recommending approval of the requests.

#### Interested Persons

Appearing at the hearing on behalf of the variance request were Murray deMuth from Nottingham Properties, and James Matis, professional engineer who prepared the Plat to Accompany. John Gontrum, Esquire represented the Petitioners. No protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

#### Testimony and Evidence

Testimony and evidence indicated that the subject property is a pad site known as Lot 1B on the Nottingham Square Shopping Center which is zoned BM. The lot is located on the corner of Philadelphia Road and Campbell Boulevard and sits on the



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parking lot in front of the Lowe's home center. See Petitioner's Exhibit 1A. The proposed retail building will hold no more than 8 stores but the number could also be one tenant if the right fit is found in the future.

The problem with signs arises because the proposed building is surrounded by parking fields, a driveway and public roads. Mr. Gontrum explained that for the safety and convenience of customers, each tenant should have a sign on both the front and back of the leased portion of the building. Signs on the front would identify tenants for travelers on Campbell Boulevard and the parking in the front parking field as shown on Exhibit 3. Signs on the rear of the building would identify tenants parked on the main parking field in front of Lowe's.

However, the east side of the building is on Philadelphia Road so that travelers on this road and those parking on the east parking field need signs on the side of the building to locate stores in the end caps of the building. Similarly, there is a driveway between this building and the bank to the west and a parking field on this side of the building. Again, for the safety and convenience of drivers on this driveway and parking field on the west there should be signs to identify the end cap tenants in the building. Thus, signs need to be on all four sides of the proposed building, and since 8 tenants could be in the building, 8 signs would be on both the front and rear while 2 signs would be on the sides. Together this means 18 signs could be needed. One wall-mounted sign is allowed for each separate exterior entrance under the regulations. In other words, 8 signs are allowed by right.

Similarly, the 8 signs allowed by right could be 320 sq. feet in size. The Petitioner is requesting 8 signs on the rear entrance of each tenant for an additional 180

sq. feet. Finally, they are requesting two signs on the ends of the building with a total of 160 sq. feet. Taken together, they are asking for 660 sq. ft of signage while 320 sq. ft. is allowed.

The Petitioner recognizes there may be less than 8 tenants eventually in the building. As a result, they presented a "Comprehensive Sign Package" to the Planning Department shown on Exhibit 5 which adjusts the signage to the number of tenants. For example, if there are only 4 tenants, there would be 4 on the front, 4 on the rear, and 2 on the sides. Mr. Gontrum noted that this same relief was granted by the Zoning Commissioner in Case No 06-133-A for the bank pad site to the west. He also pointed out that the Planning Office supports this request as it did in the prior case.

#### Findings of Fact and Conclusions of Law

I agree with Commissioner Wiseman's findings in Case No. 06-133-A.

Considering all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. This is an odd parking configuration with parking on four

sides of the building, driveways on two sides, and two major public roads. Therefore, I

find the property unique in zoning sense.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. While each tenant would suffer hardship and/or practical difficulty, the focus of this request is for the traveling public who need to safely locate retail stores in the shopping center.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the

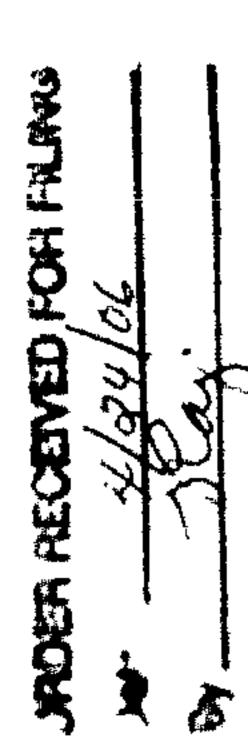
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public health, safety and general welfare. In fact, it is concern for the safety of the public that drives this request.

My only problem is that the words of the Petition reflect the worse case scenario of 18 signs and 660 sq. feet. If only four tenants are in the building, the number of signs and square footage should be scaled down to that appropriate for that number of tenants. Otherwise, some future owner of the pad site might erect some really outlandish signs. The Petitioner has already thought out this problem and submitted a Comprehensive Sign Package as Exhibit 5. This defines the number of signs per tenant and size of each sign. Therefore, I will incorporate this exhibit into the order so that it is clear how the number of signs and square footage of each relates to the number of tenants.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

1. The Petitioners may apply for a 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



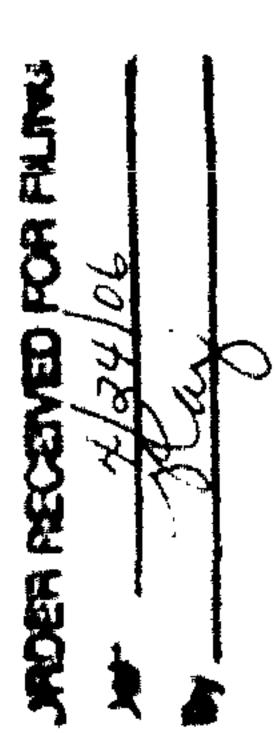
Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. When applying for any permits, the site plan and/or landscape plan filed must reference this case and set forth and address the restrictions of this Order.

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

John V. Murphy

Deputy Zoning Commissioner





JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

April 24, 2006

John B. Gontrum, Esquire Whiteford, Taylor & Preston 210 W. Pennsylvania Avenue, 4<sup>th</sup> Flr. Towson, MD 21204

Re: Petition for Variance
Case No. 06-431-A
Property: 7308 York Road

Dear Mr. Gontrum:

Enclosed please find the decision rendered in the above-captioned case. The petition for Variance has been granted with restrictions in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

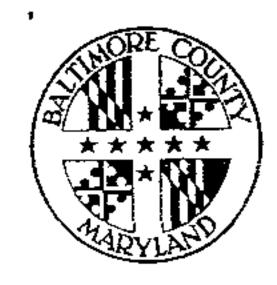
Deputy Zoning Commissioner

John V. onufly

for Baltimore County

JVM:dlw Enclosure

c: Murray deMuth, Nottingham Properties, 100 W. Pennsylvania Ave., Towson, MD 21204 James Matis, c/o Matis/Warfield, 10540 York Road, Suite M. Hunt Valley, MD 21204



# Petition for Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 5350 Campbell Boulevard

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 demonstrated 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: Legal Owner(s): n/a Campbell-Philadelphia Business Trust, a Maryland business trust Name - Type or Print Name - Type or Print By: Commercial Property Investors Trust Company LLC, a Maryland limited liability company, Trustee Signature Signature By: Charles E. McMahon, Vice President Address Telephone No. Name - Type-of Print City State Zip Code Signature Attorney For Petitioner: 100 West Pennsylvania Avenue 410-832-2077 Address Telephone No. Jennifer R. Busse Towson, Maryland 21204 Name - Type or Print City State Zip Code Representative to be Contacted: Signature Whiteford, Taylor & Preston L.L.P. Jennifer R. Busse Company Name 10 West Pennsylvania Avenue 410-832-2077 210 West Pennsylvania Avenue 410-832-2077 Address Telephone No Address Telephone No. owston, Maryland 21204 Towson, Maryland 21204 State City Zip Code State Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING UNAVAILABLE FOR HEARING

#### Attachment to Petition for Variance

5350 Campbell Boulevard

Variance from BCZR §450.4.E.5(d) pursuant to BCZR §500.7 to permit a maximum aggregate sign area of 660 square feet in lieu of the permitted 320 square feet.

Variance from BCZR §450.4.F.5(d) to permit a maximum of 18 signs in lieu of one wallmounted sign for each separate exterior entrance to a single commercial entity.

355632

A32

February 21, 2006

Description to Accompany Zoning Petition Lot 1B White Marsh Community Section H 5350 Campbell Boulevard

Beginning for the same at a point located on the northeast side of Campbell Boulevard, at a point distant North 26° 31'West 152 feet +/- from the intersection of the centerlines of Campbell Boulevard and Philadelphia Road, Route 7 thence binding along the northeast side of Campbell Boulevard,

- 1) North 50° 07' 04" West 298.50 feet, thence leaving said northeast side of Campbell Boulevard and running thence the four following courses viz:
- 2) North 39° 52' 56" East 31.42 feet, to a point, thence
- 3) North 50° 07' 04" West 30.54 feet, to a point, thence
- 4) North 39° 03' 40" East 186.27 feet, to a point, thence
- 5) South 50° 56' 20" East 364.21 feet, to a point on the west side of Philadelphia Road, Route 7 thence binding along the west side of Philadelphia Road, Route 7,
- 6) South 30° 36' 04" West 190.00 feet, to a point at the beginning of the cutoff leading to Campbell Boulevard, thence binding along said cutoff
- 7) South 77° 15' 48" West 93.47 feet, to the place of beginning.

Containing 1.8464 acres, more or less.

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

Matia Warfield, Inc.
10540 york road \* suite in
bunt valley, maryland 21030
phono 410 683 7004 \* fax 410 663 1798

# CERTIFICATE OF POSTING

	RE; Case No.: 06-432-A
•	Petitioner/Developer: CAMPBELL-
	BUSINESS TRUST
	Date of Hearing/Closing: 4-17-04
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews {(410) 887-339	4}
Ladies and Gentlemen:	•
This letter is to certify under the penalties posted conspicuously on the property local	of perjury that the necessary sign(s) required by law were ted at:
5350 CAM	PBELL BOULEVARD
<u> </u>	•
The sign(s) were posted on	4-1-06
	(Month, Day, Year)
	Sincerely,
	$\dot{a} = \frac{1}{2} \left( \frac{1}{2} + \frac{1}{2$
The part of the control of the contr	(Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(416) 282-7946
	(Telephone Number)

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: #06-432-A

5350 Campbell Boulevard

Northeast side of Campbell Boulevard, 152 feet west of Philadelphia Road (Shops at Nottingham Square) 14th Election District — 6th Councilmanic District

Legal Owner(s): Campbell-Philadelphia Business Trust, a Maryland business trust By: Commercial Property

Investors Trust Company, LLC

Variance: to permit a maximum aggregate sign area of 660 square feet in lieu of the permitted 320 square feet and to permit a maximum of 18 signs in lieu of one wallmounted sign for each separate exterior entrance to a

Single commercial entity.

Hearing: Monday, April 17, 2006 at 11:00 a.m., 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) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. 3/409 March 30

# CERTIFICATE OF PUBLICATION

3/30/,2006
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 $3 30 $ ,2006.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. Wilking

LEGAL ADVERTISING

21ma/a/	PAID RECEIPT  ASSINCES ACTUAL TIPE TAM  JAIS/2006 JAIG/2006 18:45:07  ASS ASSIGN AMALYON NAVO CON  DISECTOR * 4535.7 7 10/2006 17:18
RECEIVED Whitehal Cultury Prester	Tept 5 528 # FEE VERTOATION  If was appears to the second of the second
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION

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HEREN

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 30, 2006 Issue - Jeffersonian

Please forward billing to:

Jennifer R. Busse, Esquire (410-832-2077) c/o Whiteford, Taylor & Preston 210 W. Pennsylvania Ave., Ste. 400 Towson, MD 21204

#### **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: 06-432-A

5350 Campbell Boulevard

Northeast side of Campbell Boulevard, 152 feet west of Philadelphia Road (Shops at Nottingham Square)

14th Election District—6th Councilmanic District

Legal Owners: Campbell-Philadelphia Business Trust, a Maryland business trust By: Commercial Property Investors Trust Company, LLC

Variance to permit a maximum aggregate sign area of 660 square feet in lieu of the permitted 320 square feet and to permit a maximum of 18 signs in lieu of one wall-mounted sign for each separate exterior entrance to a single commercial entity.

Hearing Monday, April 17, 2006 @ 11:00 a.m., Room 407, County Courts Building, 401 Bosley Avenue Towsop 1204

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 410-887-3868.

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

# Department of Permits and Development Management

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



# **Baltimore County**

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

March 21, 2006

#### **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: 06-432-A

5350 Campbell Boulevard

Northeast side of Campbell Boulevard, 152 feet west of Philadelphia Road (Shops at Nottingham Square)

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By: Commercial Property Investors Trust Company, LLC

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Hearing: Monday, April 17, 2006 @ 11:00 a.m., Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

Timothy Kotroco Director

TK:raj

C: Jennifer R. Busse, Esq., Whiteford, Taylor & Preston, 210 W. Pennsylvania Ave., 4<sup>th</sup> Flr., Towson, MD 21204 Charles E. McMahon, VP, c/o Campbell-Philadelphia Business Trust, 100 W. Pennsylvania Ave., Towson, MD 21204

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN <u>POSTED</u> BY AN APPROVED POSTER ON THE PROPERTY <u>BY SATURDAY, APRIL 1, 2006.</u>

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-339

# 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:  Petitioner: Comphell-Philadelphia Business Truste					
Address or Location: 100 january 5350 Campbell Blvd.					
Please Forward Advertising Bill to:  Name: Service R. Busse, Esq.					
Address: do whiteford Tapler & Preston					
210 W- Henry Vana Are. Ste. 400 Towson MA 21204					
Telephone: (0 832 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

April 13, 2006

Jennifer R. Busse Whiteford, Taylor & Preston L.L.P. 210 West Pennsylvania Avenue Towson, MD 21204

Dear Ms. Busse:

RE: Case Number: 06-432-A, 5350 Campbell Boulevard

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 8, 2006.

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

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

Very truly yours,

u. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

**Enclosures** 

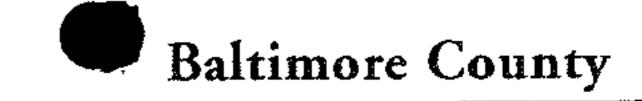
c: People's Counsel
Campbell-Philadelphia Business Trust Charles E. McMahon, Vice President 100 West
Pennsylvania Avenue Towson 21204



## Fire Department

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





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 March 21, 2006

ATTENTION: Zoning Review planners

Distribution Meeting of: March 20, 2006

Item No.: Item Numbers 427 through 434 and 436 through 439 and 441

432

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

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

LT. Roland P. Bosley Jr. Fire Marshal's Office PHONE 887-4881 MS-1102F

cc: File



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

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director

**DATE:** March 27, 2006

Department of Permits & Development

Management

FROM: Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

For March 27, 2006

Item Nos. 429, 430, 431, 432, 433, 434, 435,

436, 437, 439, 440, and 441

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

DAK:CEN:clw cc: File

ZAC-NO COMMEN 18-03272006 doc

A/17

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

5350 Campbell Boulevard

INFORMATION:

**Item Number:** 

6-432

Petitioner:

Commercial Property Investors Trust Company LLC, a Maryland limited liability

**DATE:** April 5, 2006

company, Trustee

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 660 square feet in lieu of the permitted 320 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 Commercial Property Investors Trust Company LLC, a Maryland limited liability company, Trustee 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. The subject site was also visited 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.

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

3.21.06 Date:

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

RE:

**Baltimore County** 

Item No. 437 JLL

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

1.1. Duell

Engineering Access Permits Division

RE: PETITION FOR VARIANCE \* BEFORE THE

5350 Campbell Blvd; NE/S Campbell Blvd, 152'

W Philadephia Rd (Shops @ Nottingham Sq)\* ZONING COMMISSIONER

14<sup>th</sup> Election & 6<sup>th</sup> Councilmanic Districts

Legal Owner(s): Campbell-Philadelphia \* FOR

Business Trust, a MD business trust

Petitioner(s) \* BALTIMORE COUNTY

\* 06-432-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

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 23rd day of March, 2006, a copy of the foregoing Entry of Appearance was mailed to, Jennifer R. Busse, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVEU

MAR 2 3 2006

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

P81 .......



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

20 COLUMBIA CORPORATE CENTER 10420 LITTLE PATUXENT PARKWAY \$UITE 495

COLUMBIA MARYLAND 21044-3528 TELEPHONE 410 884-0700 FAX 410 884-0719

JENNIFER R BUSSE

410 832-2077 jbusse@wtplaw.com 210 WEST PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204-4515

> 410 832-2000 DIRECT FAX 410 339-4027 www wtplaw com

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

115 ORONOCO STREET
ALEXANDRIA, VIRGINIA 22314
TELEPHONE 703 836-5742
FAX 703 836-3558

February 23, 2006

#### **VIA HAND DELIVERY**

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

Re: 5350 Campbell Boulevard

Drop Filing of Petition for Variance Package

Dear Mr. Richards:

Thank you for allowing me to "drop file" the attached complete Petition for Variance package. Please let me know whether there are any questions or concerns with regard to this Petition. I look forward to receiving your office's notification of the hearing date. I will follow-up with your office to obtain the receipt for this filing and the zoning item number.

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

Sincerely,

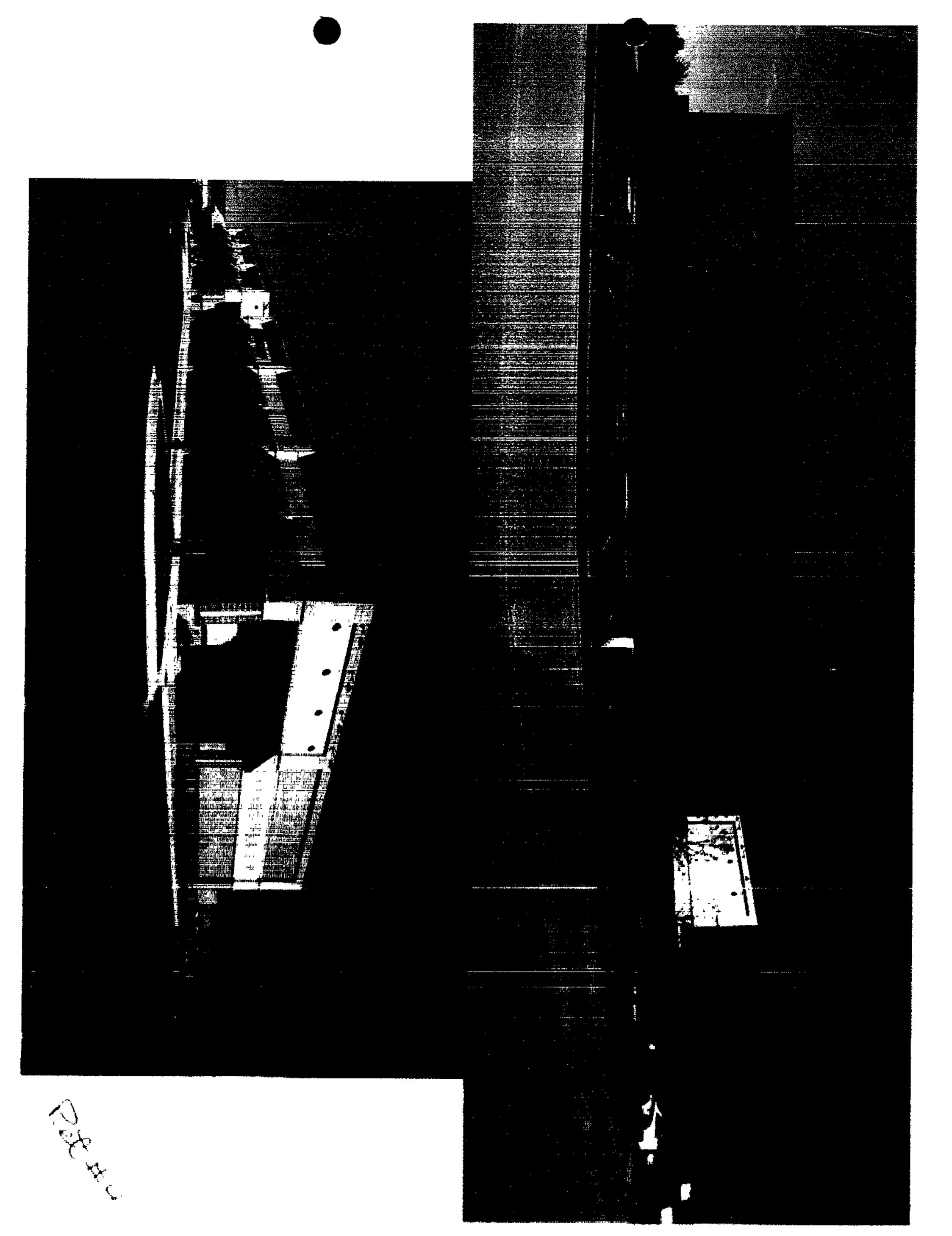
Jennifer R. Busse

JRB:tdm Enclosures 355906

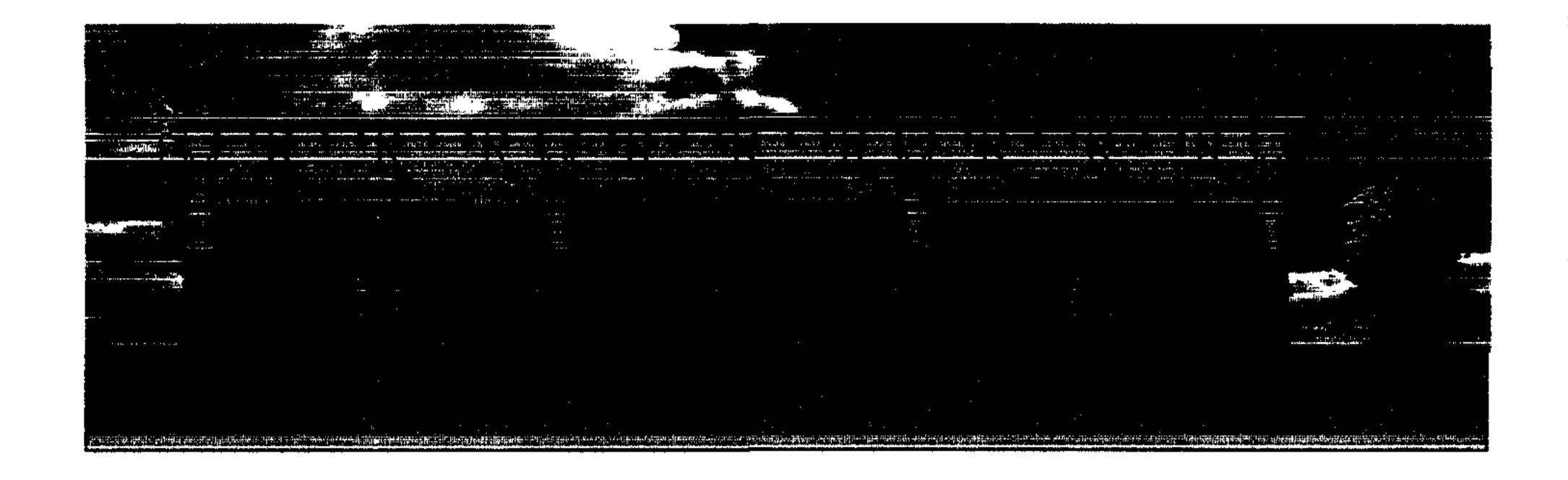
ce: Charles E. McMahon Murray R. P. de Muth

James E. Matis

# 432



# COMPREHENSIVE SIGN PACKAGE





THE SHOPPES AT NOTTINGHAM SQUARE

WHEEE MARRIE, MARYLAND EXCITEMBER 27, 2004





The Shoppes at Nottingham Square consists of two single-story multi-tenant retail buildings. The tenant mix will consist of restaurants and retailers of sizes ranging from 1,400 square feet to a maximum tenant size of 5,600 square feet per building. The sign criteria contained herein pertains to all signage located on the façade of the building. The Shoppes at Nottingham Square will not employ any monument signage or any other signage not detailed within this criteria.

The Shoppes at Nottingham Square Sign Criteria is based on the sign regulations dictated by Baltimore County and the Nottingham Square Architectural Design Criteria. It is the sole responsibility of the tenant to verify that their signage conforms to these criteria, and their signage package has been approved by the Landlord in writing.

The tenant signs for the center are separated into tenant size:

Tenant Size 2,100 S.F. or Greater: All tenants allowed one (1) location based on their premises.

Tenant Size less than 2,100 S.F.: All tenants allowed one (1) location based on their premises.

Exterior End-Cap Premises Sign: End-Cap tenants allowed one (1) sign at side elevation.

All Tenants Rear Signs: All tenants allowed one (1) sign at rear of buildings.

#### General Design Requirements:

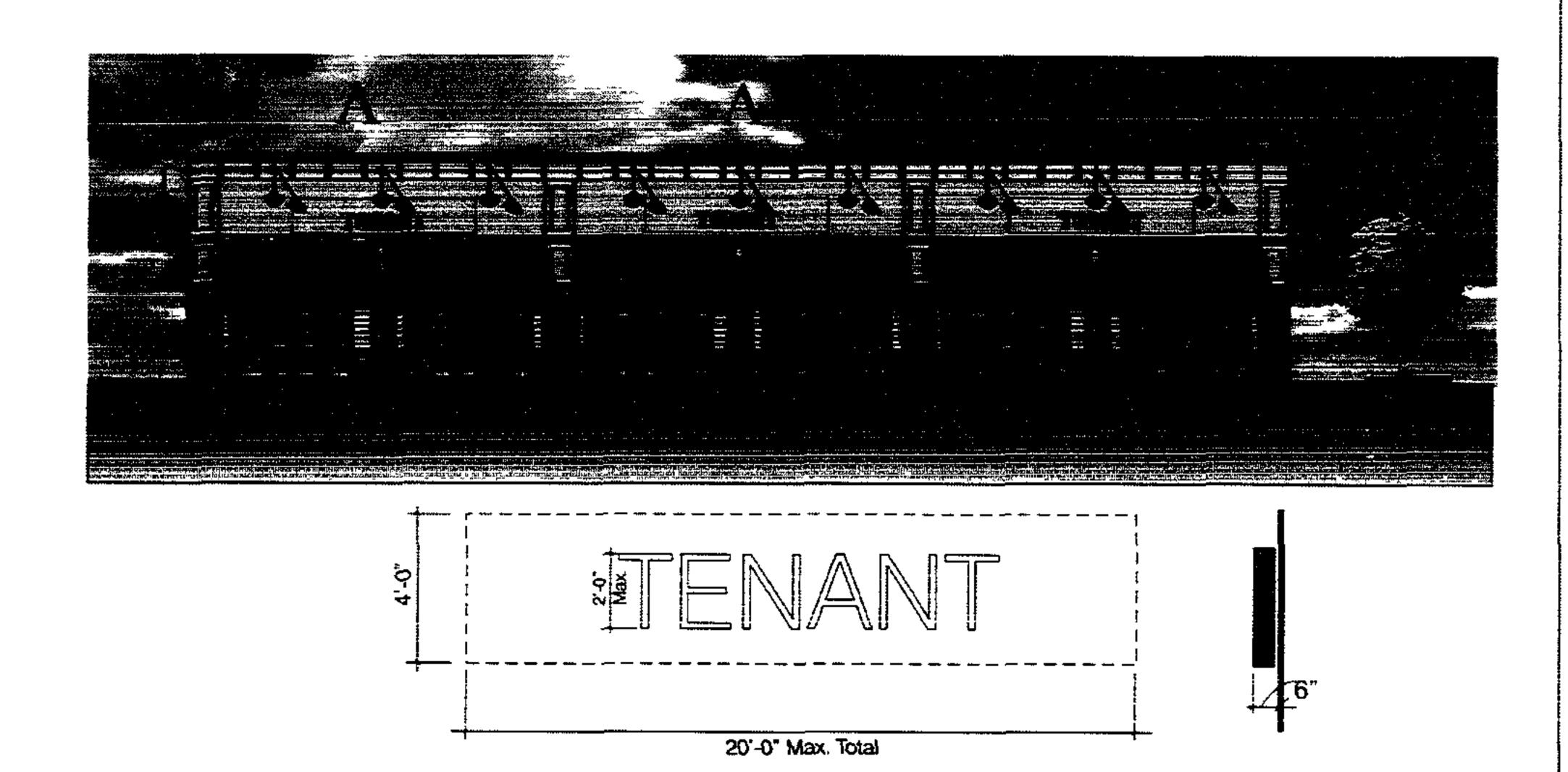
- 1.All signs are to be internally illuminated, individual "channel" letters pin mounted on the individual façades of the building.
- 2. The signs shall be pin mounted with a return that is to be Light Grey to match the background sign wall.
- 3. Style: A variety of sign styles/fonts are allowed in both upper and lower cases. Signs shall include only the name of the business.
- 4. No individual letters in each sign shall be taller than 2'-0".
- \*Signage indicated on elevation is for illustrative purposes only to show field where signage is to be mounted.\*





THE SHOPPES AT NOTTINGHAM SQUARE





## Tenant Size 2,100 S.F. or Greater:

#### Mounting:

Location A: The mounting location of the sign shall be centered within the E.I.F.S. field located between 18'-0" a.f.f. and 24'-0" a.f.f.

Size: The sign size shall be no greater than 4'-0" x 20'-0" at locations "A" and 2'-6" x 18'-0" at location "B".

Height: No individual letters shall be taller than 2'-0".

Design: The signs shall be internally illuminated, individually pin mounted "channel" letters.

Material and Color: The sign face and color may vary as required by tenant, but must be approved by landlord in writing.

\*Signage indicated on elevation is for illustrative purposes only to show field where signage is to be mounted.\*

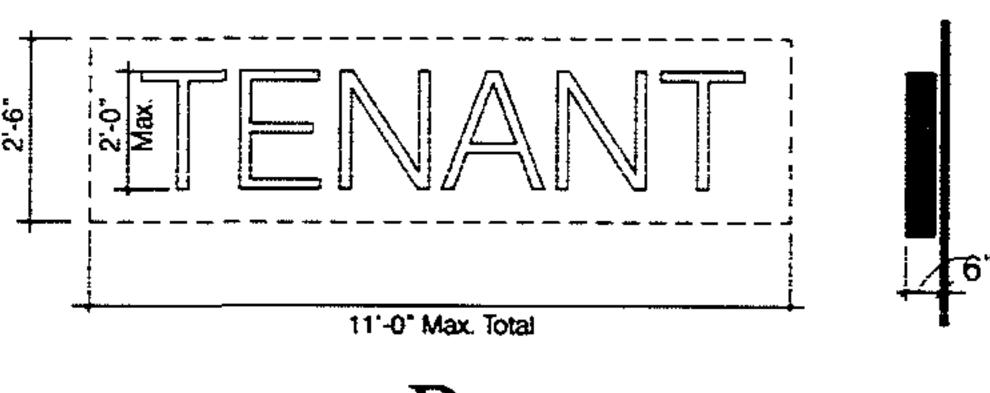


THE SHOPPES AT NOTTINGHAM SQUARE

WHITE MARKE, MARYLAND
(X\*P(MRR 27, 2004







B

# Tenant Size less than 2,100 S.F.:

#### Mounting:

Location B: The mounting location of the sign shall be centered within the small E.I.F.S. field located between 11'-6" a.f.f. and 14'-6" a.f.f.

Size: The sign size shall be no greater than 3'-6" x 13'-0" at locations "A" and 2'-6" x 11'-0" at locations "B".

Height: No individual letters shall be taller than 2'-0".

Design: The signs shall be internally illuminated, individually pin mounted "channel" letters.

Material and Color: The sign face and color may vary as required by tenant, but must be approved by landlord in writing.

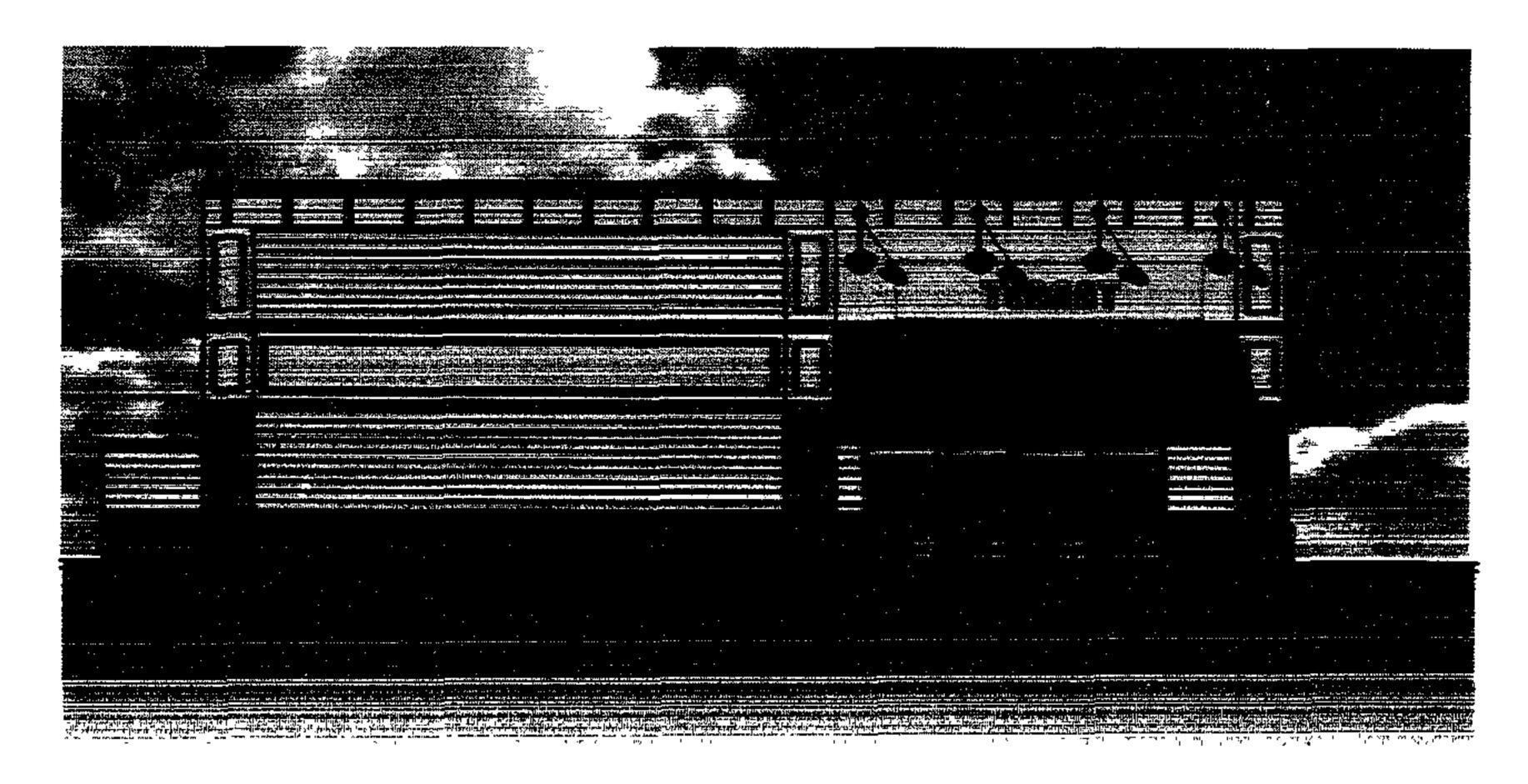
\*Signage indicated on elevation is for illustrative purposes only to show field where signage is to be mounted.\*

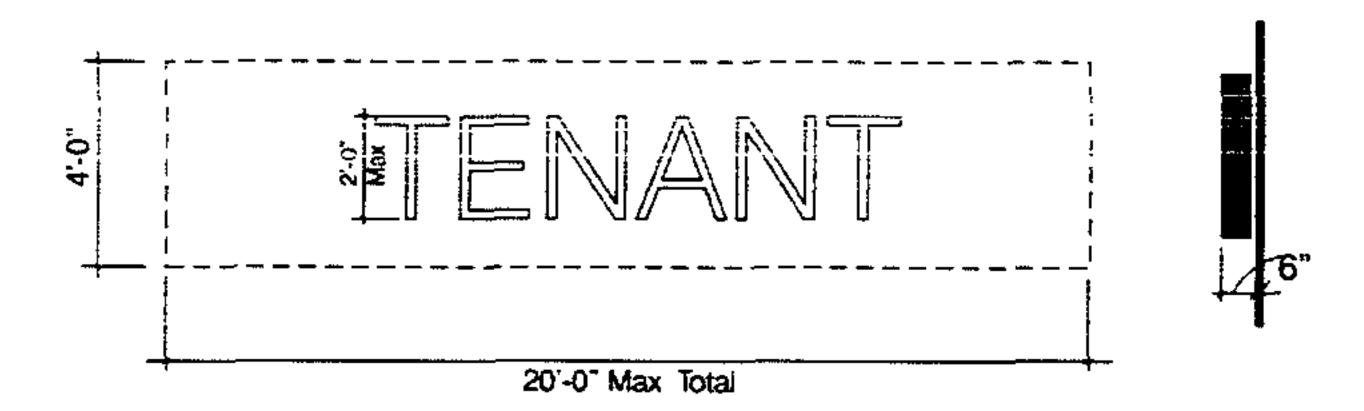


THE SHOPPES AT NOTTINGHAM SQUARE

CIPA SYRAM, HRMAN STIRING MARKETTANDE.







# Exterior End-Cap Premises Sign:

Mounting: The mounting location of the sign shall be centered within the E.I.F.S. field located between 18'-0" a.f.f. and 24'-0" a.f.f.

Size: The sign size shall be no greater than 4'-0" x 20'-0".

Height: No individual letters shall be taller than 2'-0".

Design: The signs shall be internally illuminated, individually pin mounted "channel" letters.

Material and Color: The sign face and color may vary as required by tenant, but must be approved by landlord in writing.

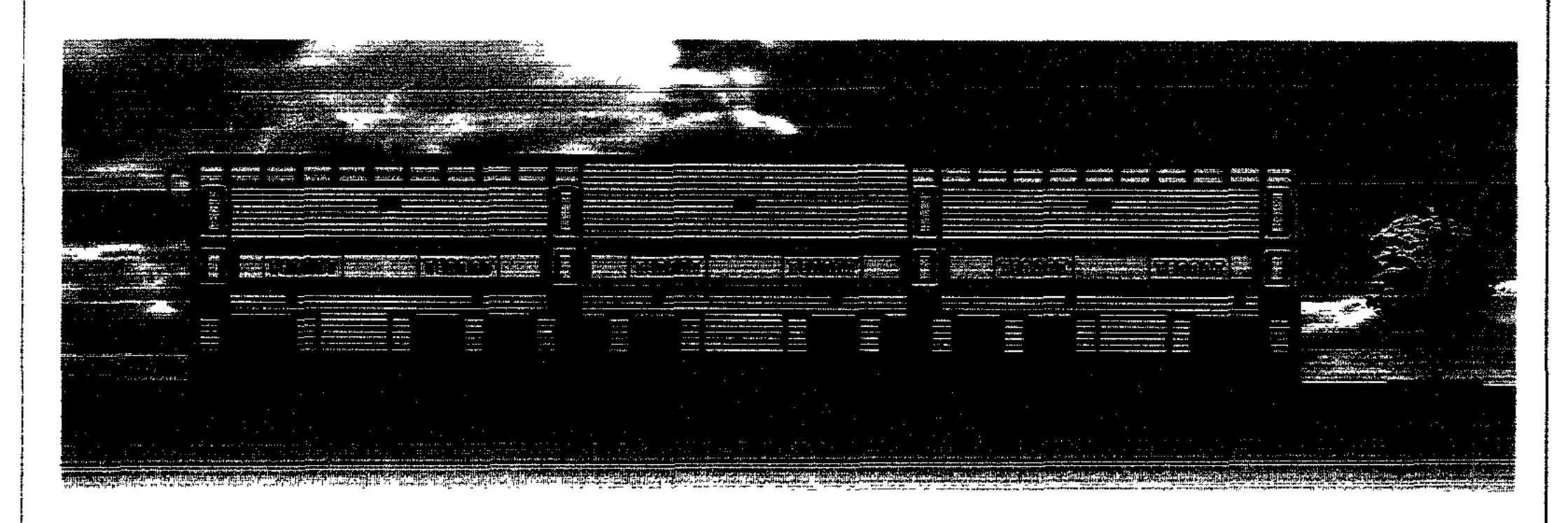
\*Signage indicated on elevation is for illustrative purposes only to show field where signage is to be mounted.\*

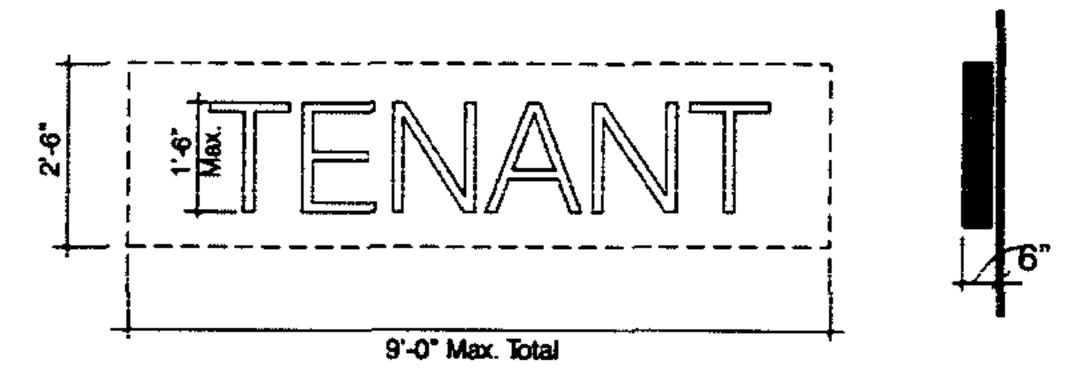


THE SHOPPES AT NOTTINGHAM SQUARE

TIMA TYRAM, HERMANI STIFFW FOOT, TE MRMOTTES







# All Tenant Rear Signs:

Mounting: The mounting location of the sign shall be centered within the small E.I.F.S. field located between 11'-6" a.f.f. and 14'-6" a.f.f.

Size: The sign size shall be no greater than 2'-6" x 9'-0".

Height: No individual letters shall be taller than 1'-6".

Design: The signs shall be internally illuminated, individually pin mounted "channel" letters.

Material and Color: The sign face and color may vary as required by tenant, but must be approved by landlord in writing.

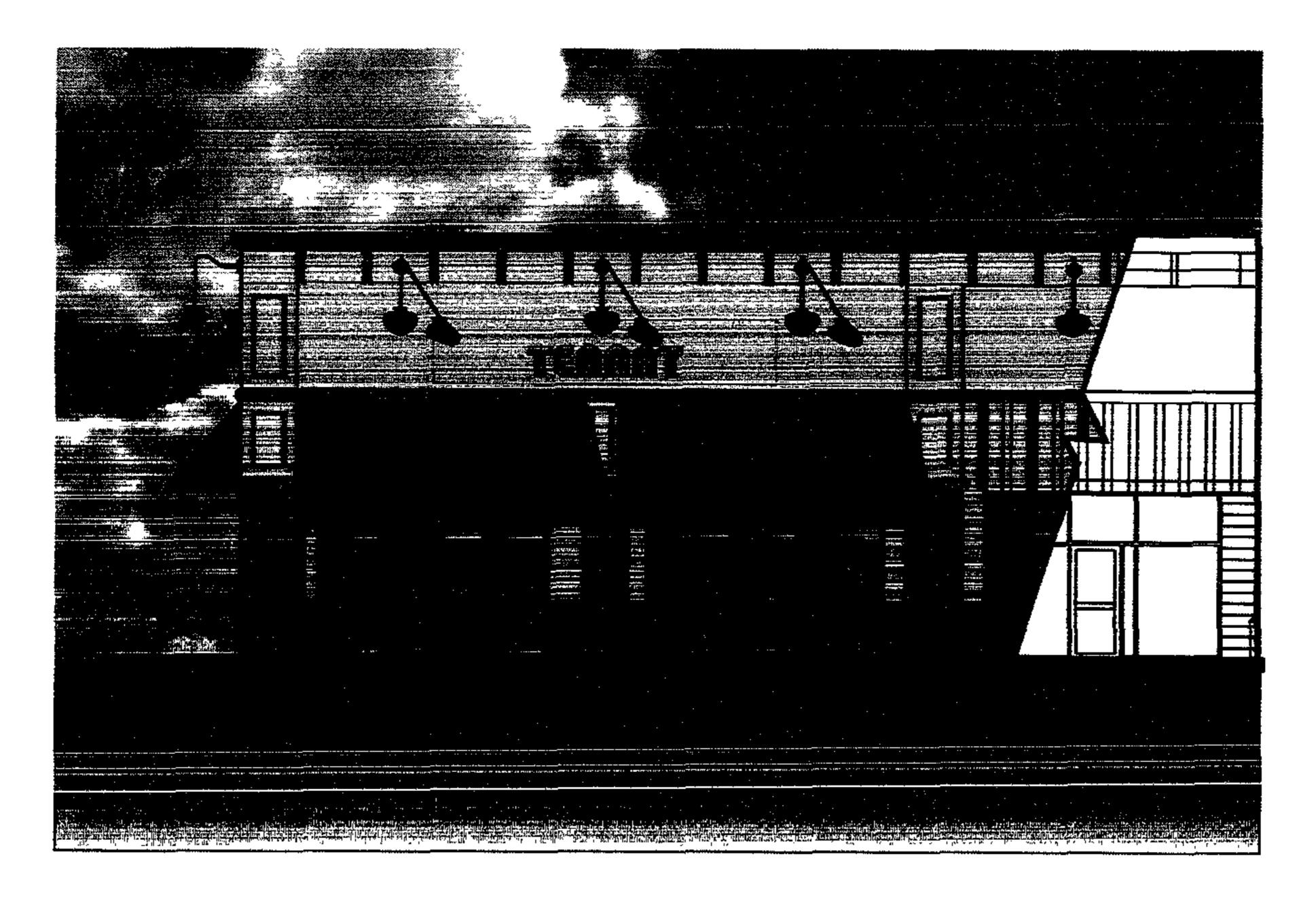
\*Signage indicated on elevation is for illustrative purposes only to show field where signage is to be mounted.\*



THE SHOPPES AT NOTTINGHAM SQUARE

WHITE MARRH, MARYI AND OCTUMBA 27, 2004





# Enlarged Elevation-Typical Tenant.:

#### General Design Requirements:

- 1.All signs are to be internally illuminated, individual "channel" letters pin mounted on the individual façades of the building.
- 2. The signs shall be pin mounted with a return that is to be Light Grey to match the background sign wall.
- 3. Style: A variety of sign styles/fonts are allowed in both upper and lower cases. Signs shall include only the name of the business.
- 4. No individual letters in each sign shall be taller than 2'-0".



THE SHOPPES AT NOTTINGHAM SQUARE

WHITE MARKE MARYEANES CHIEFMARK 27, 2004



Baltimore County - My Neighborhood

KEEP COPY IN ALL ZONING. PILES. 06-432-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.
- 2. 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.

3/22/05 JLL/rjc IN RE: PETITION FOR VARIANCE

N/S Campbell Blvd, 477' east of Franklin Square Drive

(5272-5282 Campbell Boulevard)

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

Shoppes at Nottingham Square Business Trust, Legal Owner/Petitioner \* BEFORE THE

\* ZONING COMMISSIONER

\* FOR

BALTIMORE COUNTY

Case No. 06-133-A

# 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

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.
- 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.

William J. Wiseman, Ill Zoning Commissioner for

Baltimore County

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER & 133 1


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
PETITIONER'S SIGN-IN SHEET

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# ZONING HEARING FILE INTERNAL CHECKLIST Zoning Case No. 06-432 A

Date Completed/Initials	
2/9/00	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)
	DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)
	TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)
	UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)
3/2/2	COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)
	POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)
	RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)
	INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)
<u> </u>	ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)
<u>,</u>	COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)
	FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)







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