IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
NE side Reisterstown Road, NW of Chartley Drive	*	DEPUTY ZONING COMMISSIONER
4th Election District	*	FOR
3rd Councilmanic District		
(East side of Reisterstown Road, North of Chartley Blvd.)	*	BALTIMORE COUNTY
Chartley Limited Partnership, LLP; By Continental Realty Corporation, Agent Christopher J. Nowalk, Vice President	*	
Legal Owner	*	CASE NO. 07-219-SPHA

* * * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owners of the subject property, Chartley Limited Partnership, LLP; by Continental Realty Corporation, Agent Christopher J. Nowalk, Vice President. The Petitioners are requesting special hearing and variance relief for property known as the Chartley Shopping Center located on the east side of Reisterstown Road, north of Chartley Boulevard. The Variance is to permit a freestanding joint identification sign with a sign face area of 150 square feet in lieu of the permitted 100 square feet. The Special Hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to amend the site plan approved in Case No. 99-138-X.

The property was posted with Notice of Hearing on January 2, 2007 for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on January 9, 2007, to notify any interested persons of the scheduled hearing date.

Date 1-29-07

Applicable Law

Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

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

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to 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 Comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Planning Office dated November 28, 2006 in support of the Petitioner's requests.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing and variance relief were Christopher J. Nowalk, Vice President, Chartley Limited Partnership LLP, and David Martin, with Martin & Phillips Design Associates, Inc., who prepared the site plan. David H.

Karceski, Esquire, represented the Petitioners. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The subject property contains 15.4 +/- acres zoned BM-CCC and is improved by the existing Chartley Shopping Center and associated parking field. Mr. Karceski indicated that the Petitioner was renovating the shopping center which was originally constructed in the 1950's. The center consists of four stand alone structures, some with multiple tenants as shown in Petitioner's exhibit 1. Although the center is undergoing extensive structural and parking redesign, none of these changes require zoning relief. The only change requiring relief is the identification sign on Reisterstown Road. The special hearing concerns only the sign as it relates to prior approved site plans.

Mr. Karceski indicated that the Center is located at the intersection of Chartley Boulevard and Reisterstown Road, has an irregular shape and all entrances to the Center are on Chartley Boulevard. He noted that Reisterstown Road has a much greater volume of traffic than Chartley Boulevard, that the Center's frontage on Reisterstown Road is only 255 feet due to a fuel service station on Reisterstown Road, and that the Center's buildings have no exposure to Reisterstown Road. In fact one of the four buildings is physically behind the other three and has small professional and service tenants. Consequently wall mounted signs on the buildings do little to notify the great majority of travelers on Reisterstown Road where the tenants are located.

He presented aerial photographs of the center, zoning map of the subject property and a birds eye view of the center as exhibit 2 in support of his observation that the subject property is bordered on the north by BM zoned property, west (across Reisterstown Road) by BR-AS zoned

property and south by BM-AS zoned property. The uses in these adjoining properties include used car sales, fuel service station and service garage, etc.

Included in the $2 million upgrade of the Center are new front facades for the buildings (see exhibit 3). Also shown on exhibit 3 is the Center's present free standing identification sign on Reisterstown Road. The subject sign would replace the present sign. Mr. Karceski indicated that the present sign was permitted by variance in Case No. 89-404-A is 576 square feet in size (both faces are 288 square feet per face). See the Order in the earlier sign case exhibit 4. The proposed sign would be smaller at 150 square feet per face. Section 450.4.7b allows 100 square feet. Thus the request for variance.

Mr. Karceski pointed out that Section 450.4.7b allows a scale of sign proportional to the linear frontage of the center which if applied to the Center's frontage on Chartley Boulevard would allow a sign of 150 square feet. However because of the limited frontage on Reisterstown Road the regulations specify a default size of 100 square feet.

In regard to exhibit 1, the Plat to Accompany, he noted that the redline changes involve relocating the changeable copy portion of the sign from the bottom to the top of the sign. He noted that the changeable portion the sign is allowed by right up to 50 % but that this request is only 20%. The sign message would change every 10 seconds. In addition as shown on exhibits 1 and 3, the proposed sign is ground mounted rather than pole mounted as is the present sign, has an attractive brick base and architectural feature reflecting the design of the new facades. After review of these facts the Planning Office issued a ZAC comment supporting the requests including the changeable copy portion of the sign. He noted that the regulations do not address interval of messages but that the Petitioner proposes to limit the interval to 10 seconds or greater as shown on the redline changes to exhibit 1.

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In regard to the request for variance, Mr. Karceski argued that the property is unique because of its irregular shape, and relatively small frontage on Reisterstown Road compared to Chartley Boulevard. He indicated that the traveling public would suffer a hardship and practical difficulty if they could not locate the tenants safely and that tenants need to advertise to attract customers. He opined that the visibility of the Center from Reisterstown Road is limited by the orientation of the buildings. Finally he argued that there would be no adverse impact on the community by locating the sign on Reisterstown Road as opposed to a sign on Chartley Boulevard as the proposed sign is farther from residences behind and to the south of the Center.

At this point in the hearing, there was a general discussion of the message content and presentation of changeable copy signs. The Petitioner's representative pointed out that the request for changeable copy sign originated with tenants who need to advertise their products and services, that similar messages have been successful in keeping tenants in business and that this aspect is particularly important in secondary markets such as the subject center. Finally the Petitioner indicated that he could live with message intervals of 15 seconds without strobe light features. There are 27 tenants in this Center.

Findings of Fact and Conclusions of Law

The Order in Case No. 89-404-A noted that an earlier case, 76-188-XA allowed an identification sign at this location on Reisterstown Road of 218 square feet per side. Apparently reflecting new owners, a sign 288 feet per side was allowed in Case 89-404-A. This request is for a sign 150 square feet per side and so is substantially smaller than either sign previously allowed.

Like the prior Zoning Commissioners, I find that the property is unique in a zoning sense based upon the fact that the existing buildings do not face the most heavily traveled road

ORDER RECEIVED FOR FILING
Date 12/9/07
By B

(Reisterstown Road) so the wall mounted signs are not visible. Its irregular shape means there is limited frontage on Reisterstown Road and so the regulations provide the default size allowed of 100 square feet. The requested sign would be allowed by right on Chartley Boulevard given its frontage but because of the limited frontage on the heavily traveled road, the regulations impact this property disproportionately as compared to other properties in the district.

I find that the Petitioner would suffer practical difficulty and the public suffer hardship of the zoning regulations are strictly enforced. The need to find the location of tenants in heavy traffic is a safety issue for the traveling public.

Finally I find that the variance requested can be granted within the spirit and intent of the BM-CCC regulations and will not adversely affect the community if certain conditions are met.

As I mentioned at the hearing, my concern is using the changeable copy sign for advertising. The request for variance was filed under the proper category of "joint identification" sign under Section 450.4.7. The heading of this section defines "joint identification" sign as " meaning an accessory sign displaying the identity of a multi-occupant non residential development such as a shopping center". There is nothing in this definition to allow advertising as part of the changeable copy sign. There are 27 tenants in this Center but only seven spaces to list the largest tenants. It would make logical sense to list the other tenants every 15 seconds, to do so tastefully without strobe sequences.

However the Petitioner reflecting its tenants' requests wants to use the sign for advertising. Mr. Karceski argues that a changeable copy sign is allowed by right. I agree. Section 405.4.1(c) allows freestanding changeable copy signs and refers to Section 450.7.B for further requirements. Section 450.7.B2 directs that up to 50 % of the a joint identification sign may be devoted to changeable copy. The proposed changeable copy sign easily meets that

regulation. Section 405.4.1 "changeable copy" is defined as "meaning an on-premises sign displaying a message which may be changed periodically etc."

However, just because a changeable copy sign is allowed in a joint identification sign does not mean that the Petitioner may ignore the requirement under Section 450.4.7. Again the heading of this section defines "joint identification" sign as "meaning an accessory sign displaying the identity of a multi-occupant non residential development such as a shopping center". Under "additional limitations" of this section, the regulations provide " For shopping center, display the names of tenants or occupants ..." There is no provision for advertising in these regulations. Advertising is specifically allowed on enterprise signs (Section 450.4.5) and outdoor advertising signs (Section 450.4.11).

As I mentioned at the hearing, these signs are proliferating across the county and have evolved in many cases to provide the most garish display of messages. Some are equipped with brilliant colors, strobe effect flashes, and wildly configured symbols, all to catch the eye of the traveling public. In my view they have become a distraction to drivers who see some brilliant flash of color and light off to the side of the road and could turn to see the cause of such. Unfortunately this is often in heavy traffic.

Again as mentioned I cannot regulate good taste. I agree with Mr. Karceski that there is no regulation on the period of the message or the brilliance of the sign or the configuration of the message. However I am confident this Petitioner will use the changeable copy feature in good taste given the extensive and expensive renovations being undertaken at this Center. I am also very aware of the need for this kind of investment in secondary markets such as this Center. However grateful the County is for this investment, the Petitioner must still comply with the

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1-25-07

regulations. In my view this does not include advertising on changeable copy signs meant to identify tenants.

In regard to the request for Special Hearing, I will approve the request for the reasons above.

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' special hearing and variance requests should be granted with conditions.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 29th day of January, 2007, that the Petitioners' request for Variance to permit a freestanding joint identification sign with a sign face area of 150 square feet in lieu of the permitted 100 square feet is hereby GRANTED; and

IT IS FURTHER ORDERED, the Petitioner's request for Special Hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to amend the site plan approved in Case No. 99-138-X. is hereby GRANTED subject to the following:

1. The Petitioners may apply for their permits 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; and
2. The Petitioner may not use any portion of the subject sign to advertise products or services including the changeable copy portion of the sign. The subject sign shall be used exclusively to identify occupants of the shopping center.

PLAINS
1-25-07

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

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

ORDER RECEIVED FOR FILING
Date 12/9/03
By B

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF		
CHARTLEY LIMITED PARTNERSHIP LLP	*	COUNTY BOARD OF APPEALS
LEGAL OWNER BY CONTINENTAL		
REALTY CORP., AGENT; CHRISTOPHER J.	*	OF
NOWALK, V.P. /PETITIONER FOR SPECIAL		
HEARING AND VARIANCE ON PROPERTY	*	BALTIMORE COUNTY
LOCATED ON THE E/S RISTERSTOWN RD,		
N OF CHARTLEY BOULEVARD	*	CASE NO. 07-219-SPH
4TH ELECTION DISTRICT		
3RD COUNCILMANIC DISTRICT	*	

* * * * * * * *

ORDER OF DISMISSAL OF PETITIONS

This case comes to the Board on appeal filed by Arnold Jablon, Esquire, and David Karceski, Esquire, VENABLE, LLP, on behalf of Chartley Limited Partnership, LLP, Appellant /Petitioner, from the January 29, 2007, decision of the Deputy Zoning Commissioner in which the requested zoning relief was granted with restrictions.

WHEREAS, the Board is in receipt of a letter of withdrawal of Petitions in Case No. 07-219-SPHA filed on February 5, 2008, by Arnold Jablon, Esquire, VENABLE, LLP, on behalf of Chartley Limited Partnership, LLP, Petitioner /Appellant (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Counsel for Petitioner /Appellant requests that the Petitions for Special Hearing and Variance filed in Case No. 07-219-SPHA be withdrawn and dismissed as of February 5, 2008,

IT IS THEREFORE this 11th day of February 2008, by the County Board of Appeals of Baltimore County

ORDERED that said Petitions filed in Case No. 07-219-SPHA be and are hereby **WITHDRAWN AND DISMISSED with prejudice**, pursuant to Rule 3.b.II of the Board's Rules of Practice and Procedure, and that the Deputy Zoning Commissioner's Order dated January 29, 2007, including any and all relief granted therein, is rendered **null and void.**

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Edward W. Crizer, Jr., Chairman

Lawrence S. Wescott

Wendell H. Grier

VENABLE LLP

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517

Telephone 410-494-6200
Facsimile 410-821-0147

www.venable.com

ARNOLD JABLON
(410) 494-6298

aejablon@venable.com

25 January 2008

Ms. Kathleen C. Bianco
Administrator
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Ave.
Towson, Maryland 21204

Re: Case No 07-219SPHA
H/D: 2/14/08

Dear Ms. Bianco:

Please be advised my client, Chartley Limited partnership, LLP, has advised me it no longer wishes to pursue its appeal in this matter.

Therefore, pursuant to Rule 3 of the Board's Rules of Practice and Procedure, my client moves to dismiss its petition. My client understands that by dismissing within 10 days of the scheduled hearing day, its petition will be dismissed with prejudice. My client further understands that it will not be able to resubmit its petition for a period of 18 months after the dismissal.

Thank you for your consideration.

Sincerely,

Arnold Jablon
AEJ/aj

FEB 05

County Board of Appeals of Baltimore County

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

February 11, 2008

Arnold Jablon, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: *In the Matter of: Chartley Ltd. Partnership, LLP; By Continental Realty Corporation, Agent; Christopher J. Nowalk, Vice President* - Legal Owner / Petitioner
Case No. 07-219-SPHA /Order of Dismissal of Petitions

Dear Mr. Jablon:

Enclosed please find a copy of the Order of Dismissal of Petitions issued this date by the County Board of Appeals of Baltimore County in the above-captioned matter in which the subject Petitions have been withdrawn and dismissed.

Very truly yours,

Kathleen C. Bianco

Kathleen C. Bianco
Administrator

Enclosure

c: David Karceski, Esquire
Chartley Limited Partnership, LLP By
Continental Realty Corp., Agent /
Christopher Nowalk, V.P.
David Martin /Martin & Phillips Design Assoc., Inc.
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

Printed with Soybean Ink
on Recycled Paper

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE DEPUTY
NE/S Reisterstown Road, NW of Chartley Boulevard	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
3rd Councilmanic District 4th Election District	*	
Chartley Limited Partnership LLLP, *Legal Owner*	*	
Case No. 07-219-SPHA	*	

* * * * *

NOTICE OF APPEAL

Chartley Limited Partnership LLLP, legal owner of the subject property, with an address of 1427 Clarkview Road, Suite 500, Baltimore, Maryland 21209, by and through its attorneys, Arnold Jablon and David H. Karceski, Venable, LLP, feeling aggrieved by the final decision and determination of the Deputy Zoning Commissioner of Baltimore County in Case No. 07-219-SPHA, dated January 29th, 2007 and attached hereto and incorporated herein as Exhibit A, note an appeal to the County Board of Appeals. Appellant submits that the review by the County Board of Appeals from the final decision of the Deputy Zoning Commissioner shall be a hearing *de novo* pursuant to the Baltimore County Charter.

Filed concurrently with this Notice of Appeal is a check made payable to Baltimore County to cover the costs of the appeal.

Respectfully submitted

Arnold Jablon
David H. Karceski
Venable LLP
210 Allegheny Ave.
Towson, Maryland 21204
410-494-6200

Attorneys for Appellant

RECEIVED
FEB 2 8 2007
Per.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT copies of the foregoing Notice of Appeal were hand-delivered to the Baltimore County Board of Appeals, Basement, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204; and Timothy M. Kotroco, Director, Department of Permits and Development Management, Towson, Maryland 21204, on this 28th day of February, 2007.

Arnold Jablon

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at E/S REISTERSTOWN ROAD NORTH OF CHARTLEY BOULEVARD

which is presently zoned BM-CCC

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

SEE ATTACHED

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Legal Owner(s):

See Attached

Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

David H. Karceski

Name - Type or Print

Signature

Venable LLP

Company

210 Allegheny Avenue 410-494-6200

Address Telephone No.

Towson, MD 21204

City State Zip Code

Representative to be Contacted:

David H. Karceski

Name

210 Allegheny Avenue 410-494-6200

Address Telephone No.

Towson, MD 21204

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By RJ Date 11/14/06

Case No. 07-219-SPHA

RZV 9/15/98

[illegible] FOR FILING

Date 1-29-07

By PM

Petition for Special Hearing
Chartley Park Shopping Center

Legal Owner:

CHARTLEY LIMITED PARTNERSHIP, LLLP

By: Continental Realty Corporation, Agent

Christopher J. Nowalk, Vice President
1427 Clarkview Road
Suite 500
Baltimore, Maryland 21209

Petition for Special Hearing
Chartley Park Shopping Center

Petition Language:

Special Hearing to amend the site plan approved in Case No. 99-138-X.

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at E/S REISTERSTOWN ROAD, NORTH OF CHARTLEY BOULEVARD

which is presently zoned BM-CCC

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

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 DETERMINED 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:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

See Attached

Name - Type or Print

Signature

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Attorney For Petitioner:

David H. Karceski
Name - Type or Print

Signature

Venable LLP
Company

210 Allegheny Avenue — (410) 494-6200
Address — Telephone No.

Towson, MD 21204
City — State — Zip Code

Representative to be Contacted:

David H. Karceski
Name

210 Allegheny Avenue — (410) 494-6200
Address — Telephone No.

Towson, MD 21204
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING
Reviewed By _____ Date 11/14/06

Case No. 07-219-SPHA

REV 9/15/98

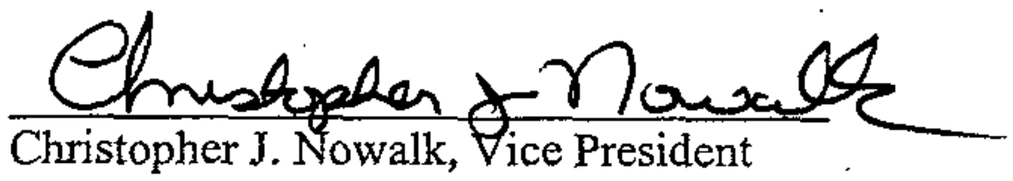
RECEIVED FOR FILING
Date 1-29-07
By DM

Petition for Variance
Chartley Park Shopping Center

Legal Owner:

CHARTLEY LIMITED PARTNERSHIP, LLLP

By: Continental Realty Corporation, Agent



Christopher J. Nowalk, Vice President
1427 Clarkview Road
Suite 500
Baltimore, Maryland 21209

Petition for Variance
Chartley Park Shopping Center

Variance Language:

Petition for Variance to allow a free-standing joint identification sign with a sign face area of 150 square feet in lieu of the permitted 100 square feet, pursuant to Section 450.4.7 of the Baltimore County Zoning Regulations ("BCZR").

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 29, 2007

DAVID KARCESKI, ESQUIRE
VENABLE, BAETJER & HOWARD, LLP
210 ALLEGHENY AVENUE
TOWSON, MD 21204

Re: Petition for Special Hearing and Variance
Case No. 07-219-SPHA
Property: East side of Reisterstown Road, North of Chartley Blvd.

Dear Mr. Karceski:

Enclosed please find the decision rendered in the above-captioned case. The petition for Special Hearing and Variance have been granted 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
for Baltimore County

JVM:pz

Enclosure

c: David Martin, 222 Bosley Avenue, Towson MD 21014
Christopher Nowalk, Vice President, 1427 Clarkview Road, Suite 500, Baltimore MD 21209

307

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-404-A

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 413.2.e to permit a sign of 576 sq. ft. total in lieu of 300 sq. ft. (288 sq. ft. per side)

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

1) Needed identification for Center

2) Distance from high speed road from Center

3) Such other reasons to be presented at time of hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

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

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

S. Erlc DiNenna

(Type or Print Name)

Signature

409 Washington Ave., Suite 600

Address

Towson, Maryland 21204

City and State

Attorney's Telephone No.: 296-6820

Legal Owner(s):

Charley Limited Partnership

(Type or Print Name)

By: [illegible]

Signature

(Type or Print Name)

Signature

c/o Continental Realty Corp.

17 West Pennsylvania Avenue

Address Phone No.

Towson, Maryland 21204

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

S. Erlc DiNenna

Name

409 Washington Ave., Suite 600

Address 296-6820 Phone No.

MAP
E.D.
DATE
200
1000
OP

ORDER RECEIVED FOR FILING
Date 3/16/89
By [illegible]

ORDERED By The Zoning Commissioner of Baltimore County, this 24 day of Feb, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 14 day of April, 1989, at 9:30 o'clock A.M.

J. Robert Haines

Zoning Commissioner of Baltimore County

(over)

PET Ex. No. 4

ORDER RECEIVED FOR FILING

Date 5/8/89

By Kathy Schlossner

IN THE MATTER OF THE PETITION FOR ZONING VARIANCE
NE/S Relistertown Road, 35' NW of the c/l of Charley Blvd.
4th Election District, 3rd Councilmanic District

Charley Limited Partnership
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 89-404-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a sign of 576 sq.ft. in accordance with Petitioner's Exhibit 1.

The Petitioners, by Steven Erlanger, General Manager, and Mary Patt Baxter, In-house Counsel, appeared, testified and were represented by S. Eric DiNenna, Esquire. Also appearing on behalf of the Petition were Bert Somer with Triangle Signs, and Bob Spellman of Spellman, Larson and Associates. There were no Protestants.

Testimony indicated that the subject property consists of 17.69 acres, more or less, zoned B.M.-C.C.C. and is improved with retail stores originally known as the Charley Shopping Center and now known as Charley Park Plaza. Testimony indicated the shopping center has existed at the subject location since the mid-1950s. Pursuant to a special exception and variance granted in Case No. 76-188-XA, Petitioners were granted an out-door advertising sign and variances to permit a multi-faced shopping center identification sign of 218 sq.ft. per side. Testimony presented by Petitioner's witnesses indicated that the existing sign, which has existed on the property since prior to the issuance of the 1976 Order, is 300 sq.ft. per side.

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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 413.2.e to permit a sign of 576 sq. ft. total in

300

ORDER RECEIVED FOR FILING

Date

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 8th day of May, 1989 that the Petition for Zoning Variance to permit a sign of 576 sq.ft. total (288 sq.ft. per side) in lieu of the maximum permitted 100 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

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 his 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) The variance granted herein is limited to one sign totalling 576 sq.ft. of the character and design as set forth in Petitioner's Exhibit 2.

3) Prior to the issuance of any permits, Petitioners shall submit a landscaping plan for approval by the Baltimore County Landscape Planner. Said plan shall include landscaping around the base of the sign and Reisterstown Road as deemed appropriate by the Landscape Planner, whether or not strictly required by the County Landscaping Manual.

ORDER RECEIVED FOR FILING
Date
By

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

9

ZONING ADVISORY HEARING COMMENTS

MARTIN & PHILLIPS

MARTIN & PHILLIPS

DESIGN ASSOCIATES, INC.
LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING
222 BOSLEY AVENUE, SUITE B1, TOWSON, MARYLAND 21204

This Zoning Description is for two parcels, parcels 233 & 656, located in Baltimore County on Tax Map 48 containing 15.4 acres +/- of land and known as the Chartley Shopping Center. This subject property is located at the intersection of Reisterstown Road and Chartley Boulevard.

BEGINNING at the intersection of Reisterstown Road and Chartley Blvd
North 33 degrees 25 minutes 41 seconds East 59.90', thence
1. North 43 degrees 40 minutes 45 seconds West 225.53 feet, thence
2. North 43 degrees 40 minutes 45 seconds West 150.68 feet; thence
3. North 51 degrees 21 minutes 05 seconds East 125.49 feet; thence
4. North 51 degrees 21 minutes 05 seconds East 307.78 feet; thence
5. North 33 degrees 18 minutes 08 seconds West 115.58 feet; thence
6. North 05 degrees 38 minutes 04 seconds West 330.00 feet; thence
7. North 83 degrees 44 minutes 09 seconds East 803.38 feet; thence
8. South 06 degrees 15 minutes 51 seconds East 81.46 feet: thence
9. South 67 degrees 45 minutes 51 seconds East 195.87 feet, thence
10. Southwesterly, by a curve to the right with a radius of 235.00 feet, the arc distance of 252.24 feet, the chord of said arc being South 37 degrees 00 minutes 54 seconds East 240.30 feet; thence
11. South 06 degrees 15 minutes 51 seconds East 40.00 feet; thence
12. South 83 degrees 44 minutes 09 seconds West 124.52 feet; thence
13. Southwesterly, by a curve to the left with a radius of 970.00 feet, the arc distance of 633.33 feet, the chord of said arc being South 65 degrees 01 minutes 54 seconds West 622.14 feet; thence
14. South 46 degrees 19 minutes 35 seconds West 568.97 feet; thence
15. North 88 degrees 40 minutes 38 seconds West 21.21 feet to the place of beginning.
CONTAINING 15.4 acres of land.+/-

4th Election District
3rd Councilmanic District

STATE OF MARYLAND
DAVID LLOYD MARTIN
No. 4
LANDSCAPE ARCHITECT

TELEPHONE: 410.321.8444, TOLL FREE: 866.395.8595
FAX: 410.321.1175

Item #219

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: #07-219-SPHA

East side Reisterstown Road, North of Chartley Boulevard, Northeast side Reisterstown Road, northwest of Chartley Drive.

4th Election District 3rd Councilmanic District

Legal Owner(s): Chartley Limited Partnership, LLLP; By: Continental Realty Corporation, Agent, Christopher J. Nowalk, Vice President

Special Hearing: to, amend the site plan approved in Case No. 99-138-X. **Variance:** To permit a free-standing joint identification sign with a sign face area of 150 square feet in lieu of the permitted 100 square feet.

Hearing: Tuesday, January 23, 2007 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) 887-3868.

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

JT/1/663 Jan. 9 120905

CERTIFICATE OF PUBLICATION

1/11, 2007

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/9, 2007.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 22611

DATE 3/1/07 ACCOUNT 001-006-6150

AMOUNT $ 400.00

RECEIVED FROM: Mirakto

FOR: Appeal

07-214-SPHA

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 22705

DATE 11/14/06 ACCOUNT R 001 006 6150

AMOUNT $ 650.00

RECEIVED FROM:

FOR: Zoning hearing Case # 07-219-SPHA

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
11/14/2006	11/14/2006	09:25:07	1

REG W601 WALKIN JRIC JHR
>>RECEIPT # 308922 11/14/2006 CFLN
Dept 5 529 ZONING VERIFICATION
CR NO. 022705
Rcpt Tot $650.00
$650.00 CK $0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

Requested: 6/19/07

APPEAL SIGN POSTING REQUEST

CASE NO. 07-219-SPHA

CHARTLEY LIMITED PARTNERSHIP, LLP

4th ELECTION DISTRICT

APPEALED: 2/28/2007

Requested: 6/19/07

16A9

APPEAL SIGN POSTING REQUEST

CASE NO. 07-219-SPHA

CHARTLEY LIMITED PARTNERSHIP, LLP

4th ELECTION DISTRICT APPEALED: 2/28/2007

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

*****COMPLETE AND RETURN BELOW INFORMATION******

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

Attention: Kathleen Bianco
Administrator

CASE NO.: 07-219-SPHA

LEGAL OWNER: CHARTLEY LIMITED PARTNERSHIP, LLP

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

E/s Reisterstown Road, N/of Chartley Blvd.

The sign was posted on 8/24/7, 2007.

By: _____
(Signature of Sign Poster)

Chen, Jerry
(Print Name)

CERTIFICATE OF POSTING

RE: Case No.: 07-219-SPHA

Petitioner/Developer: CHARTLEY LIMITED PARTNERSHIP, LLP

Date of Hearing/Closing: 1-23-07

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}

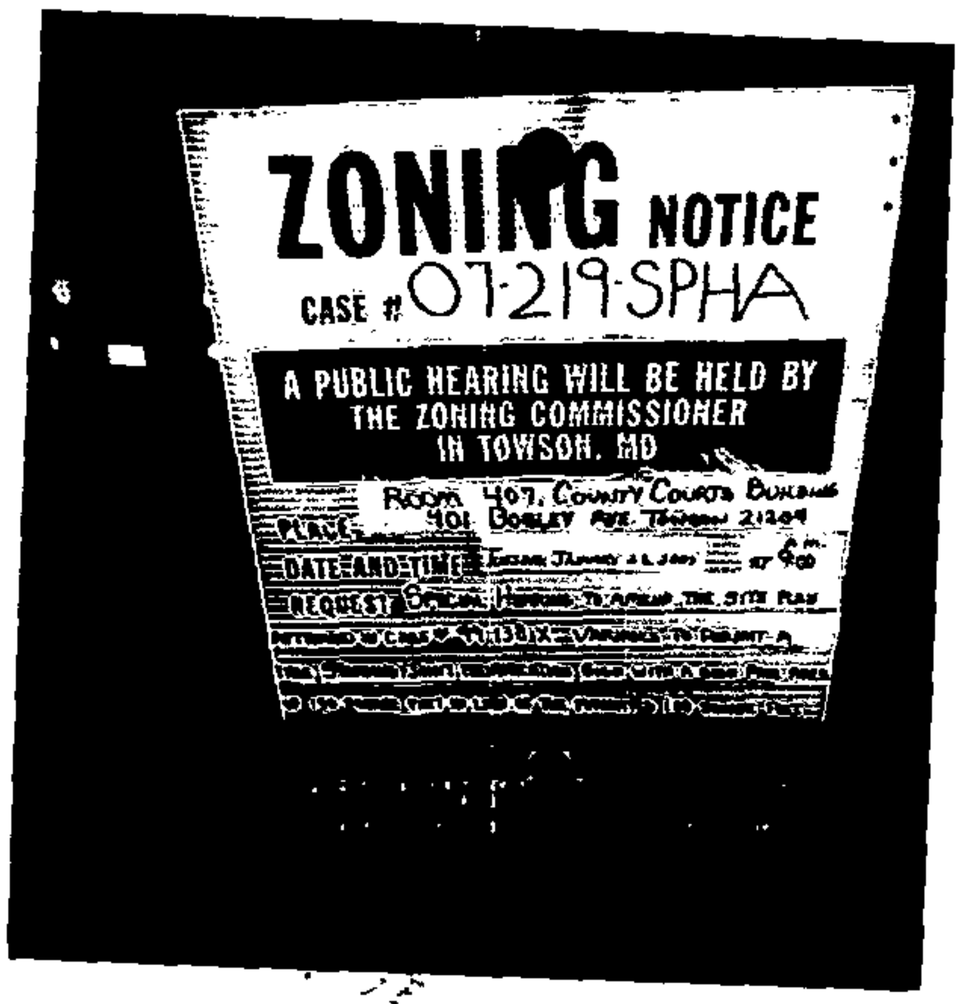
Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

E/SIDE OF RIESTERSTOWN RD, N. OF CHARTLEY BOULEVARD

The sign(s) were posted on 1-2-07
(Month, Day, Year)

Sincerely,



Robert Black 1-3-07
(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)

RE: PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
E/S Reisterstown Road, N of Chartley Blvd	*	ZONING COMMISSIONER
NE/S Reisterstown Rd, NW Chartley Drive		
4th Election & 3rd Councilmanic Districts	*	FOR
Legal Owner(s): Chartley Limited Partnership		
LLLP, by Continental Realty Corporation	*	BALTIMORE COUNTY
Petitioner(s)		
	*	07-219-SPHA

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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 20th day of November, 2006, a copy of the foregoing Entry of Appearance was mailed David Karceski, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED
NOV 20 2006
Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

December 18, 2006

NEW 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: 07-219-SPHA
East side Reisterstown Road, North of Chartley Boulevard
Northeast side Reisterstown Road, northwest of Chartley Drive.
4th Election District – 3rd Councilmanic District
Legal Owner(s): Chartley Limited Partnership, LLLP; By: Continental Realty Corporation, Agent, Christopher J. Nowalk, Vice President

Special Hearing to amend the site plan approved in Case No. 99-138-X. Variance to permit a freestanding joint identification sign with a sign face area of 150 square feet in lieu of the permitted 100 square feet.

Hearing: Tuesday, January 23, 2007 at 9:00 a.m. in Room 407 in the County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Christopher J. Nowalk, 1427 Clarkview Road, Suite 500, Baltimore 21209
David H. Karceski , Venable LLP 210 Allegheny Avenue, Towson 21204

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 8, 2007.**
(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.

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

December 6, 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: 07-219-SPHA
East side Reisterstown Road, North of Chartley Boulevard
Northeast side Reisterstown Road, northwest of Chartley Drive.
4th Election District – 3rd Councilmanic District
Legal Owner(s): Chartley Limited Partnership, LLLP; By: Continental Realty Corporation, Agent, Christopher J. Nowalk, Vice President

SPECIAL HEARING To amend the site plan approved in Case No. 99-138-X.
VARIANCE To permit a free-standing joint identification sign with a sign face area of 150 square feet in lieu of the permitted 100 square feet.

Hearing: Thursday, January 18, 2007 at 9:00 a.m. in Room 407 in the County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:amf

C: Chartley Limited Partnership, LLLP; By: Continental Realty Corporation, Agent, Christopher J. Nowalk, Vice President 1427 Clarkview Road, Suite 500 Baltimore 21209
David H. Karceski Venable LLP 210 Allegheny Avenue Towson 21204

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, DECEMBER 28, 2006.**
(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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 9, 2007 Issue - Jeffersonian

Please forward billing to:
Amy Dontell 410-494-6200
210 Allegheny Avenue
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: 07-219-SPHA
East side Reisterstown Road, North of Chartley Boulevard
Northeast side Reisterstown Road, northwest of Chartley Drive.
4th Election District – 3rd Councilmanic District
Legal Owner(s): Chartley Limited Partnership, LLLP; By: Continental Realty Corporation, Agent, Christopher J. Nowalk, Vice President

Special Hearing to amend the site plan approved in Case No. 99-138-X. Variance to permit a freestanding joint identification sign with a sign face area of 150 square feet in lieu of the permitted 100 square feet.

Hearing: Tuesday, January 23, 2007 at 9:00 a.m. in Room 407 in the 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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, December ~~6~~ 28, 2006 Issue - Jeffersonian

Please forward billing to:
Amy Dontell 410-494-6200
210 Allegheny Avenue
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: 07-219-SPHA
East side Reisterstown Road, North of Chartley Boulevard
Northeast side Reisterstown Road, northwest of Chartley Drive.
4th Election District – 3rd Councilmanic District
Legal Owner(s): Chartley Limited Partnership, LLLP; By: Continental Realty Corporation, Agent, Christopher J. Nowalk, Vice President

SPECIAL HEARING To amend the site plan approved in Case No. 99-138-X.
VARIANCE To permit a free-standing joint identification sign with a sign face area of 150 square feet in lieu of the permitted 100 square feet.

Hearing: Thursday, January 18, 2007 at 9:00 a.m. in Room 407 in the 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 AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 07-219-SPHA

Petitioner: CHARTLEY LIMITED PARTNERSHIP, LLLP

Address or Location: E/S REISTERSTOWN RD., N OF CHARTLEY BLVD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: AMY DONTELL

Address: 210 ALLEGHENY AVENUE
TOWSON, MD 21204

Telephone Number: 410-494-6200

Revised 2/20/98 - SCJ

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

January 18, 2007

David H. Karceski
Venable LLP
210 Allegheny Avenue
Towson, MD 21204

Dear Mr. Karceski:

RE: Case Number: 07-219-SPHA, E/S Reisterstown Road, North of Chartley Boulevard

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 14, 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,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Chartley Limited Partnership, LLLP Christopher J. Nowalk, Vice President 1427 Clarkview Road, Suite 500 Baltimore 21209

Jm 1/23

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 28, 2006

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 7-219- Variance**

The Office of Planning has reviewed the above referenced case(s) and supports the petitioner's request.

For further questions or additional information concerning the matters stated herein, please contact Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By: Curtis Murray

Division Chief: Lyn Lanham

CM/LL

W:\DEVREV\ZAC\7-219.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 28, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 27, 2006
Item Nos. 07-72, 139, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 226, 227, and 228

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-11272006.doc

Fire Department

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

Baltimore County

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

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

November 22,2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 20, 2006

Item Number(s): 213 through 228

219

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

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C)443-829-2946
MS-1102F

cc: File

Printed on Recycled Paper

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

SHA State Highway Administration Driven to Excel

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: NOVEMBER 20, 2006

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

RE: Baltimore County
Item No. 7-219A
EAST SIDE REISTERTOWN RD
NORTH OF CHARTLEY BLVD
SPECIAL HEARING &
VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-219A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Michael P. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

123

PETITIONER Ex. No. 5

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 28, 2006

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 7-219- Variance**

The Office of Planning has reviewed the above referenced case(s) and supports the petitioner's request.

For further questions or additional information concerning the matters stated herein, please contact Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By: Curtis Murray

Division Chief: Lyn Lanham

CM/LL

TO
Amy Dontell

FAX #
410-821-0147

W:\DEVREV\ZAC\7-219.doc

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

December 18, 2006

David Karceski
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

Dear Mr. Karceski:

RE: Case Number: 07-219-SPHA, E/S Reisterstown Road, N of Chartley Boulevard

The above matter, previously scheduled for January 18, 2007, has been postponed, due to scheduling conflicts with the Zoning Commissioner's Office. The hearing has been rescheduled for the date listed in the attached hearing notice.

Please be advised that the responsibility of the appropriate posting of the property is with the Petitioners. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with the notice of the original hearing date, as quickly as possible after you have been notified, the new hearing date should be affixed to the sign(s).

Very truly yours,

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Christopher Nowalk, 1427 Clarkview Road, Ste. 500, Baltimore 21209

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

April 19, 2007

David H. Karceski
Venable LLP
210 Allegheny Avenue
Towson, MD 21204

Dear Mr. Karceski:

RE: Case: 07-219-SPHA, East side Reisterstown Road, North of Chartley Boulevard

Please be advised that an appeal of the above-referenced case was filed in this office on February 28, 2007 by Arnold Jablon. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

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

Sincerely,

Timothy Kotroco

Timothy Kotroco
Director

RECEIVED
APR 20 2007
BALTIMORE COUNTY
BOARD OF APPEALS

TK:amf

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Arnold Jablon Venable LLP 210 Allegheny Avenue Towson 21204
David Martin 222 Bosley Avenue Towson 21014
Christopher Nowalk, Vice President Chartley Limited Partnership, LLLP 1427 Clarkview Road, Suite 500 Baltimore 21209

APPEAL

Petition for Special Hearing and Variance
East side Reisterstown Road, North of Chartley Boulevard
4th Election District – 3rd Councilmanic District
Legal Owner(s): Chartley Limited Partnership, LLP;
By Continental Realty Corporation, Agent
Christopher J. Nowalk, Vice President

Case No.: 07-219-SPHA

Petition for Special Hearing and Variance (November 14, 2006)

Zoning Description of Property

Notice of Zoning Hearing (December 6 and 18, 2006)

Certification of Publication (January 11, 2007)

Certificate of Posting (January 2, 2007) by Robert Black

Entry of Appearance by People's Counsel (November 20, 2006)

Petitioner(s) Sign-In Sheet – 1 Sheet

Protestant(s) Sign-In Sheet – None

Citizen(s) Sign-In Sheet – None

Zoning Advisory Committee Comments

Petitioners' Exhibit
1. Redlined Plat to accompany a Special Hearing request and a Variance request
2. My Neighborhood Zoning map
3. Photographs of site
4. Order for Petition for Zoning Variance Case #89-404-A
5. Office of Planning comments

Protestants' Exhibits: None

Miscellaneous (Not Marked as Exhibit)
1. Letter from Director regarding a postponement of hearing
2. Overview photograph of site
3. 200 scale map 048C3
4. Plat to accompany a Special Hearing request and a Variance request

Deputy Zoning Commissioner's Order (GRANTED in accordance w/order – January 29, 2007)

Notice of Appeal received on February 28, 2007 from Arnold Jablon

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Arnold Jablon Venable LLP 210 Allegheny Avenue Towson 21204
David Martin 222 Bosley Avenue Towson 21014
Christopher Nowalk, Vice President Chartley Limited Partnership, LLLP 1427 Clarkview Road, Suite 500 Baltimore 21209
David Karceski Venable LLP 210 Allegheny Avenue Towson 21204

date sent April 19, 2007, amf

CASE #: 07-219-SPHA

IN THE MATTER OF: CHARTLEY LIMITED PARTNERSHIP, LLP, by Continental Realty Corp., Agent; Christopher J. Nowalk, V.P. -LO
E/s Reisterstown Road, N of Chartley Boulevard 4th E; 3rd C

SPH – To amend site plan approved in Case No. 99-138-X;
VAR – To permit freestanding joint ID sign with sign face of 150 sq ft ilo permitted 100 sq ft.1/20/2007 - D.Z.C.'s Order in which requested zoning relief was GRANTED with restrictions.

1/20/2007 - D.Z.C.'s Order in which requested zoning relief was GRANTED with restrictions.

12/03/07 --Notice of Assignment sent to following; assigned for hearing on Wednesday, February 13, 2008 at 10 a.m.:

Arnold Jablon, Esquire
David Karceski, Esquire
Chartley Limited Partnership, LLP /
Christopher Nowalk, V.P.
David Martin /Martin & Phillips Design Assoc., Inc.
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

2/05/08 – T/C from Arnold Jablon, Esquire – is withdrawing petitions filed in this matter; will submit letter of withdrawal via e-mail.
-- Signed letter of withdrawal of Petitions filed by Arnold Jablon, Esquire, on behalf of Chartley Ltd Partnership,
LLP, Petitioner /Appellant; withdrawing petitions within 10 days of hearings and therefore with prejudice; Order of Dismissal with prejudice to be issued pursuant to Rule 3. Case pulled from schedule; panel members and PC notified.

PLEASE PRINT CLEARLY

CASE NAME Charfley S. C.
CASE NUMBER
DATE 1/23/07

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
David Karcerski	210 Allegheny Ave	Towson MD 21204	dhkarcerski@verable.com
DAVID MARTIN	222 BOSLEY AVE.	TOWSON MD 21014	dmartin@martinandphillips.com
Christopher Nowalk	1427 Clarkview Rd Suite 500	Baltimore MD. 21209	chrisno@cbcrealty.com

RE: PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
E/S Reisterstown Road, N of Chartley Blvd	*	ZONING COMMISSIONER
NE/S Reisterstown Rd, NW Chartley Drive 4th Election & 3rd Councilmanic Districts	*	FOR
Legal Owner(s): Chartley Limited Partnership LLLP, by Continental Realty Corporation	*	BALTIMORE COUNTY
Petitioner(s)	*	07-219-SPHA

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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 20th day of November, 2006, a copy of the foregoing Entry of Appearance was mailed David Karceski, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED
NOV 20 2006
Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

APPEAL

Petition for Special Hearing and Variance
East side Reisterstown Road, North of Chartley Boulevard
4th Election District – 3rd Councilmanic District
Legal Owner(s): Chartley Limited Partnership, LLP;
By Continental Realty Corporation, Agent
Christopher J. Nowalk, Vice President

Case No.: 07-219-SPHA

✓ Petition for Special Hearing and Variance (November 14, 2006)

✓ Zoning Description of Property

NEW NOTICE

✓ Notice of Zoning Hearing (December 6 and 18, 2006)

✓ Certification of Publication (January 11, 2007)

✓ Certificate of Posting (January 2, 2007) by Robert Black

✓ Entry of Appearance by People's Counsel (November 20, 2006)

✓ Petitioner(s) Sign-In Sheet – 1 Sheet

- Protestant(s) Sign-In Sheet – None
- Citizen(s) Sign-In Sheet – None

✓ Zoning Advisory Committee Comments

Petitioners' Exhibit
1. ✓ Redlined Plat to accompany a Special Hearing request and a Variance request
2. ✓ My Neighborhood Zoning map
3. ✓ Photographs of site
4. ✓ Order for Petition for Zoning Variance Case #89-404-A
5. ✓ Office of Planning comments

Protestants' Exhibits: None

Miscellaneous (Not Marked as Exhibit)
1. ✓ Letter from Director regarding a postponement of hearing
2. Overview photograph of site
3. 200 scale map 048C3
4. Plat to accompany a Special Hearing request and a Variance request

✓ Deputy Zoning Commissioner's Order (GRANTED in accordance w/order – January 29, 2007)

✓ Notice of Appeal received on February 28, 2007 from Arnold Jablon

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Arnold Jablon Venable LLP 210 Allegheny Avenue Towson 21204
David Martin 222 Bosley Avenue Towson 21014
Christopher Nowalk, Vice President Chartley Limited Partnership, LLLP 1427 Clarkview Road, Suite 500 Baltimore 21209
David Karceski Venable LLP 210 Allegheny Avenue Towson 21204

date sent April 19, 2007, amf

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
NE side Reisterstown Road, NW of Chartley Drive	*	DEPUTY ZONING COMMISSIONER
4th Election District	*	FOR
3rd Councilmanic District		
(East side of Reisterstown Road, North of Chartley Blvd.)	*	BALTIMORE COUNTY
Chartley Limited Partnership, LLP; By Continental Realty Corporation, Agent Christopher J. Nowalk, Vice President	*	
Legal Owner	*	CASE NO. 07-219-SPHA

* * * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owners of the subject property, Chartley Limited Partnership, LLP; by Continental Realty Corporation, Agent Christopher J. Nowalk, Vice President. The Petitioners are requesting special hearing and variance relief for property known as the Chartley Shopping Center located on the east side of Reisterstown Road, north of Chartley Boulevard. The Variance is to permit a freestanding joint identification sign with a sign face area of 150 square feet in lieu of the permitted 100 square feet. The Special Hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to amend the site plan approved in Case No. 99-138-X.

The property was posted with Notice of Hearing on January 2, 2007 for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on January 9, 2007, to notify any interested persons of the scheduled hearing date.

EXHIBIT A

Karceski, Esquire, represented the Petitioners. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The subject property contains 15.4 +/- acres zoned BM-CCC and is improved by the existing Chartley Shopping Center and associated parking field. Mr. Karceski indicated that the Petitioner was renovating the shopping center which was originally constructed in the 1950's. The center consists of four stand alone structures, some with multiple tenants as shown in Petitioner's exhibit 1. Although the center is undergoing extensive structural and parking redesign, none of these changes require zoning relief. The only change requiring relief is the identification sign on Reisterstown Road. The special hearing concerns only the sign as it relates to prior approved site plans.

Mr. Karceski indicated that the Center is located at the intersection of Chartley Boulevard and Reisterstown Road, has an irregular shape and all entrances to the Center are on Chartley Boulevard. He noted that Reisterstown Road has a much greater volume of traffic than Chartley Boulevard, that the Center's frontage on Reisterstown Road is only 255 feet due to a fuel service station on Reisterstown Road, and that the Center's buildings have no exposure to Reisterstown Road. In fact one of the four buildings is physically behind the other three and has small professional and service tenants. Consequently wall mounted signs on the buildings do little to notify the great majority of travelers on Reisterstown Road where the tenants are located.

He presented aerial photographs of the center, zoning map of the subject property and a birds eye view of the center as exhibit 2 in support of his observation that the subject property is bordered on the north by BM zoned property, west (across Reisterstown Road) by BR-AS zoned

In regard to the request for variance, Mr. Karceski argued that the property is unique because of its irregular shape, and relatively small frontage on Reisterstown Road compared to Chartley Boulevard. He indicated that the traveling public would suffer a hardship and practical difficulty if they could not locate the tenants safely and that tenants need to advertise to attract customers. He opined that the visibility of the Center from Reisterstown Road is limited by the orientation of the buildings. Finally he argued that there would be no adverse impact on the community by locating the sign on Reisterstown Road as opposed to a sign on Chartley Boulevard as the proposed sign is farther from residences behind and to the south of the Center.

At this point in the hearing, there was a general discussion of the message content and presentation of changeable copy signs. The Petitioner's representative pointed out that the request for changeable copy sign originated with tenants who need to advertise their products and services, that similar messages have been successful in keeping tenants in business and that this aspect is particularly important in secondary markets such as the subject center. Finally the Petitioner indicated that he could live with message intervals of 15 seconds without strobe light features. There are 27 tenants in this Center.

Findings of Fact and Conclusions of Law

The Order in Case No. 89-404-A noted that an earlier case, 76-188-XA allowed an identification sign at this location on Reisterstown Road of 218 square feet per side. Apparently reflecting new owners, a sign 288 feet per side was allowed in Case 89-404-A. This request is for a sign 150 square feet per side and so is substantially smaller than either sign previously allowed.

Like the prior Zoning Commissioners, I find that the property is unique in a zoning sense based upon the fact that the existing buildings do not face the most heavily traveled road

regulation. Section 405.4.1 "changeable copy" is defined as "meaning an on-premises sign displaying a message which may be changed periodically etc."

However, just because a changeable copy sign is allowed in a joint identification sign does not mean that the Petitioner may ignore the requirement under Section 450.4.7. Again the heading of this section defines "joint identification" sign as "meaning an accessory sign displaying the identity of a multi-occupant non residential development such as a shopping center". Under "additional limitations" of this section, the regulations provide " For shopping center, display the names of tenants or occupants ..." There is no provision for advertising in these regulations. Advertising is specifically allowed on enterprise signs (Section 450.4.5) and outdoor advertising signs (Section 450.4.11).

As I mentioned at the hearing, these signs are proliferating across the county and have evolved in many cases to provide the most garish display of messages. Some are equipped with brilliant colors, strobe effect flashes, and wildly configured symbols, all to catch the eye of the traveling public. In my view they have become a distraction to drivers who see some brilliant flash of color and light off to the side of the road and could turn to see the cause of such. Unfortunately this is often in heavy traffic.

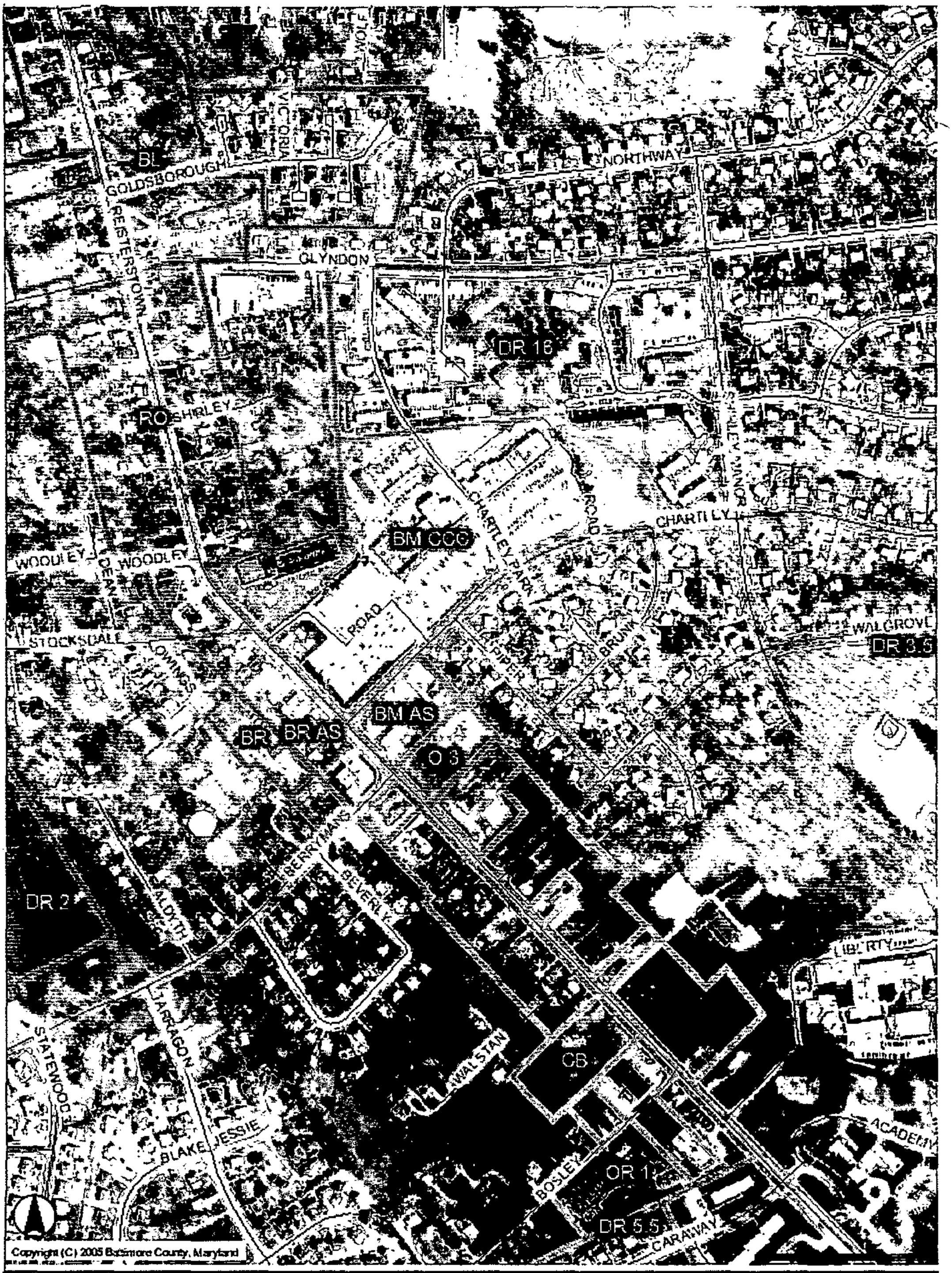
Again as mentioned I cannot regulate good taste. I agree with Mr. Karceski that there is no regulation on the period of the message or the brilliance of the sign or the configuration of the message. However I am confident this Petitioner will use the changeable copy feature in good taste given the extensive and expensive renovations being undertaken at this Center. I am also very aware of the need for this kind of investment in secondary markets such as this Center. However grateful the County is for this investment, the Petitioner must still comply with the

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

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz


BL
GOLDSBOROUGH
NORTHWAY
GLYNDON
DR 16
RO
SHIRLEY
CHARTLEY PARK
CHARTLEY
BM CCC
WOODLEY
WOODLEY
STOCKSDALE
ROAD
WALGROVE
DR 3.5
BM AS
BR BR AS
O 3
BERRYMAN
BEVERLY
DR 2
CALDYTH
LIBERTY
CB
WALSTAN
ACADEMY
OR 1
DR 5.5
CARAWAY
Copyright (C) 2005 Baltimore County, Maryland

PET. EX. NO. 2A

PET. EX. No. 3

307

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-404-A

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 413.2 e to permit a sign of 576 sq. ft. total in lieu of 300 sq. ft. (288 sq. ft. per side)

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

1) Needed identification for Center

2) Distance from high speed road from Center

3) Such other reasons to be presented at time of hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

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

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

S. Eric DiNenna

(Type or Print Name)

Signature

409 Washington Ave., Suite 600

Address

Towson, Maryland 21204

City and State

Attorney's Telephone No.: 296-6820

Legal Owner(s):

Charkley Limited Partnership

(Type or Print Name)

By: [illegible]

Signature

(Type or Print Name)

Signature

c/o Continental Realty Corp.

17 West Pennsylvania Avenue

Address Phone No.

Towson, Maryland 21204

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

S. Eric DiNenna

Name

409 Washington Ave., Suite 600

Address 296-6820 Phone No.

MAP

E. D.

DATE

200

1000

DP

ORDER RECEIVED FOR FILING

Date

By

ORDERED By The Zoning Commissioner of Baltimore County, this 8th day of March, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 14th day of April, 1989 at 9:30 o'clock A.M.

J. Robert Haines

Zoning Commissioner of Baltimore County

(over)

PET Ex. No. 4

IN RE: PETITION FOR ZONING VARIANCE
NE/S Reisterstown Road, 35'
NW of the c/l of Chartley Blvd.
4th Election District
3rd Councilmanic District
Chartley Limited Partnership
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-404-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a sign of 576 sq.ft. total (288 sq.ft. per side) in lieu of the maximum permitted 300 sq.ft., in accordance with Petitioner's Exhibit 1.

The Petitioners, by Steven Erlanger, General Manager, and Mary Pat Baxter, in-house Counsel, appeared, testified and were represented by S. Eric DiNenna, Esquire. Also appearing on behalf of the Petition were Bert Sommer with Triangle Signs, and Bob Spellman of Spellman, Larson and Associates. There were no Protestants.

Testimony indicated that the subject property consists of 14.99 acres, more or less, zoned B.M.-C.C.C., and is improved with retail stores originally known as the Chartley Shopping Center and now known as Chartley Park Plaza. Testimony indicated the shopping center has existed at the subject location since the mid-1950s. Pursuant to a special exception and variance granted in Case No. 76-188-XA, Petitioners were granted an out-door advertising sign and variances to permit a multi-faced shopping center identification sign of 218 sq.ft. per side. Testimony presented by Petitioner's witnesses indicated that the existing sign, which has existed on the property since prior to the issuance of the 1976 Order, is 300 sq.ft. per side.

ORDER RECEIVED FOR FILING
Date 5/8/89
By Kathy Gallman

ORDER RECEIVED FOR FILING
5/8/89

309

PETITION FOR ZONING VARIANCE

89-404-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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 413.2 e to permit a sign of 576 sq. ft. total in

Testimony indicated the Petitioners acquired the property in 1986 and that at that time, there were numerous vacancies and the need for extensive repair. Testimony and pictures presented verified the extensive renovations undertaken by Petitioner to upgrade the property and increase the occupancy ratio. Petitioners argued the requested variance is necessary to modernize the sign and provide adequate identification for tenants in the premises. Testimony presented by Petitioners indicated the proposed sign is very critical due to the layout of the stores facing Chartley Boulevard rather than the main entrance of traffic from Reisterstown Road.

Petitioners argued that the granting of the variance will not result in any detriment to the health, safety or general welfare of the community. Petitioners further argued that since their acquisition of the property, the shopping center has, in fact, been an improvement to the community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

ORDER RECEIVED FOR FILING
Date 5/8/89
By

ORDER RECEIVED FOR FILING
5/8/89

SPELLMAN LARSON

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 8th day of May, 1989 that the Petition for Zoning Variance to permit a sign of 576 sq.ft. total (288 sq.ft. per side) in lieu of the maximum permitted 300 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

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 his 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) The variance granted herein is limited to one sign totalling 576 sq.ft. of the character and design as set forth in Petitioner's Exhibit 2.

3) Prior to the issuance of any permits, Petitioners shall submit a landscaping plan for approval by the Baltimore County Landscape Planner. Said plan shall include landscaping around the base of the sign and Reisterstown Road as deemed appropriate by the Landscape Planner, whether or not strictly required by the County Landscaping Manual.

ORDER RECEIVED FOR FILING
Date 5/8/89
By

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

9

ZONING ADVISORY HEARING COMMENTS
OFFICE OF PLANNING

123

PETITIONER EXH. NO. 5

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 28, 2006

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 7-219- Variance**

The Office of Planning has reviewed the above referenced case(s) and supports the petitioner's request.

For further questions or additional information concerning the matters stated herein, please contact Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By: Cindy Murray

Division Chief: Lyn Lanham

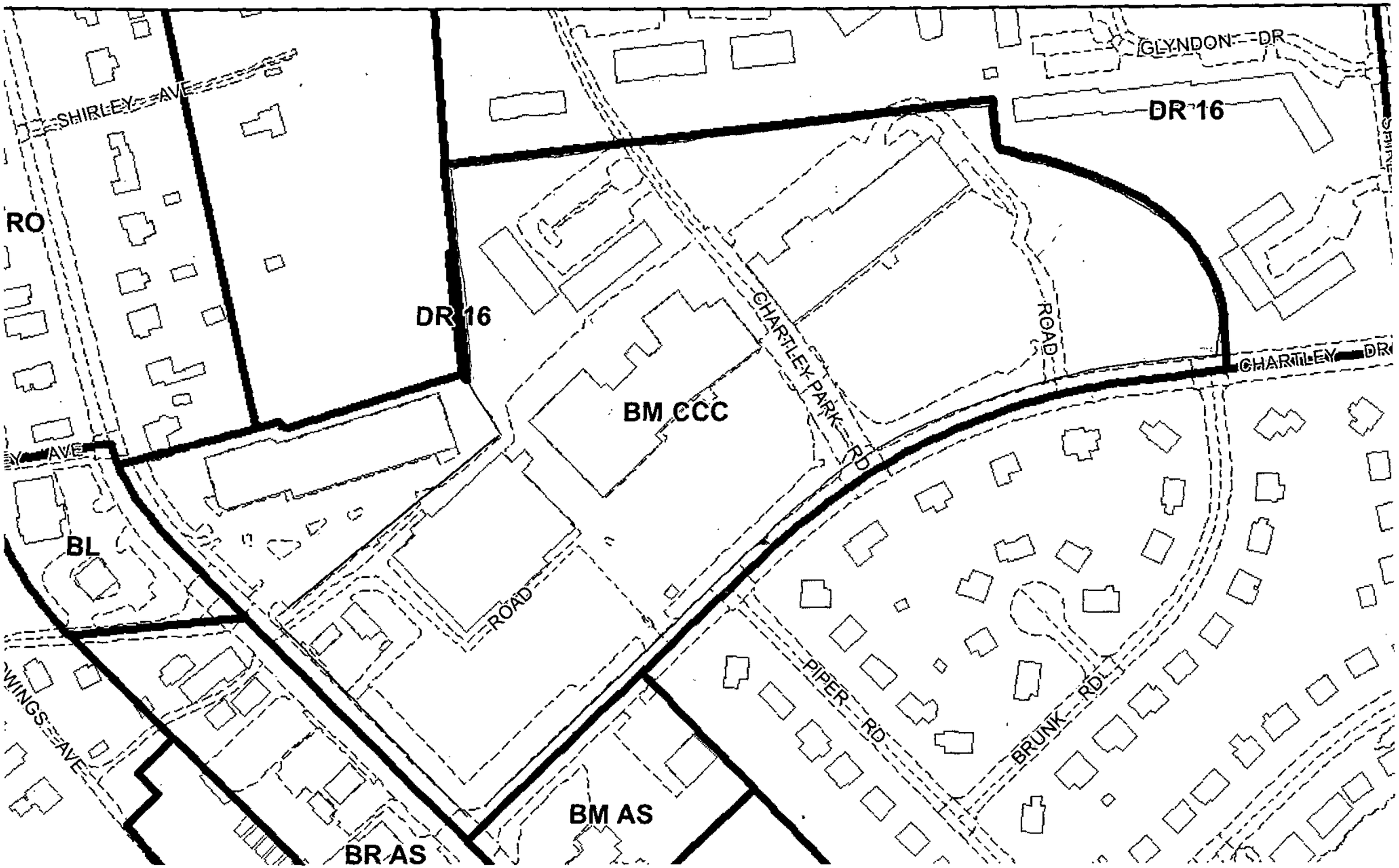
CM/LL

TO
Amy Dontell

FAX #
410-821-0147

W:\DEVREVIZAC\7-219.doc

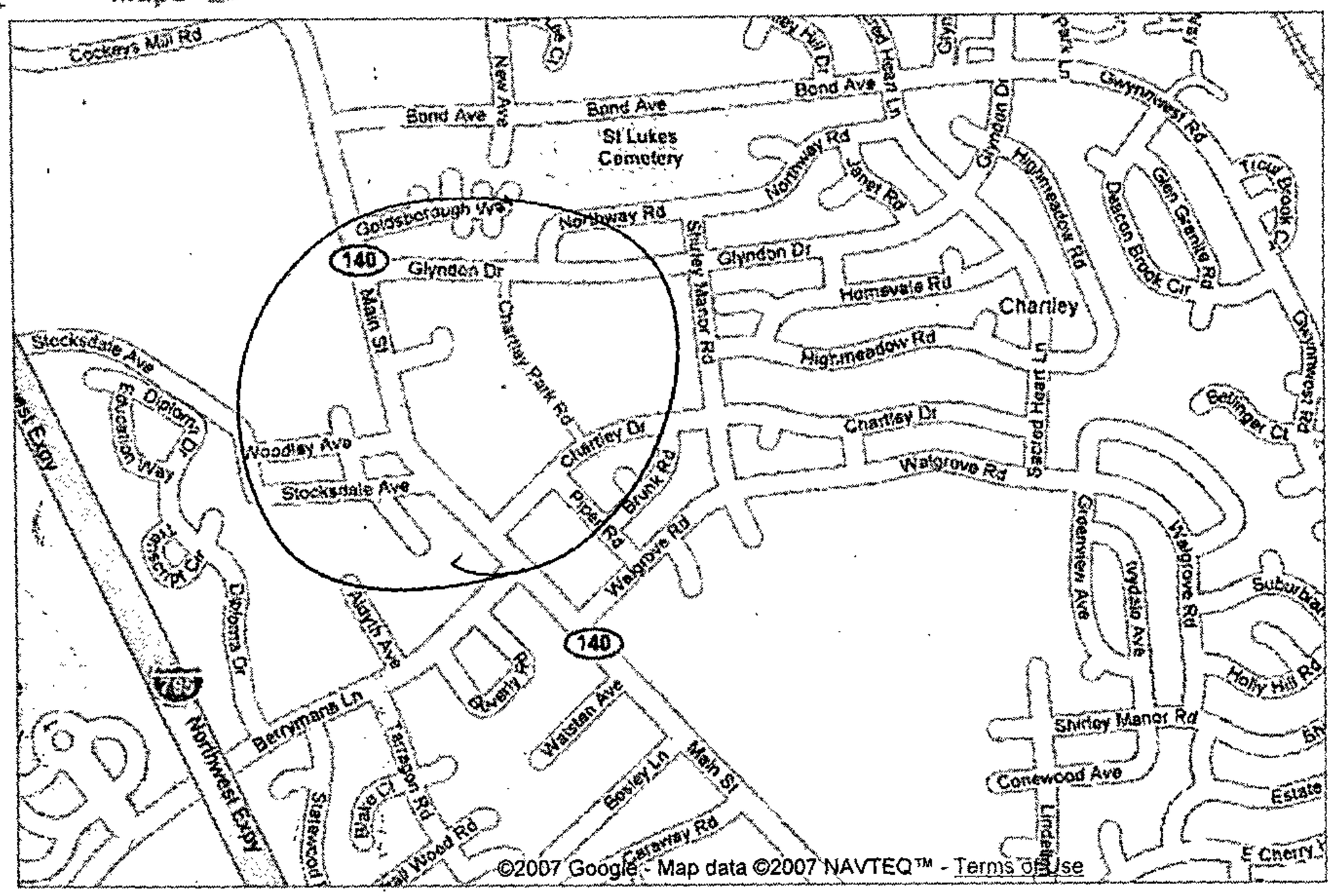
200' Scale Map 048C3



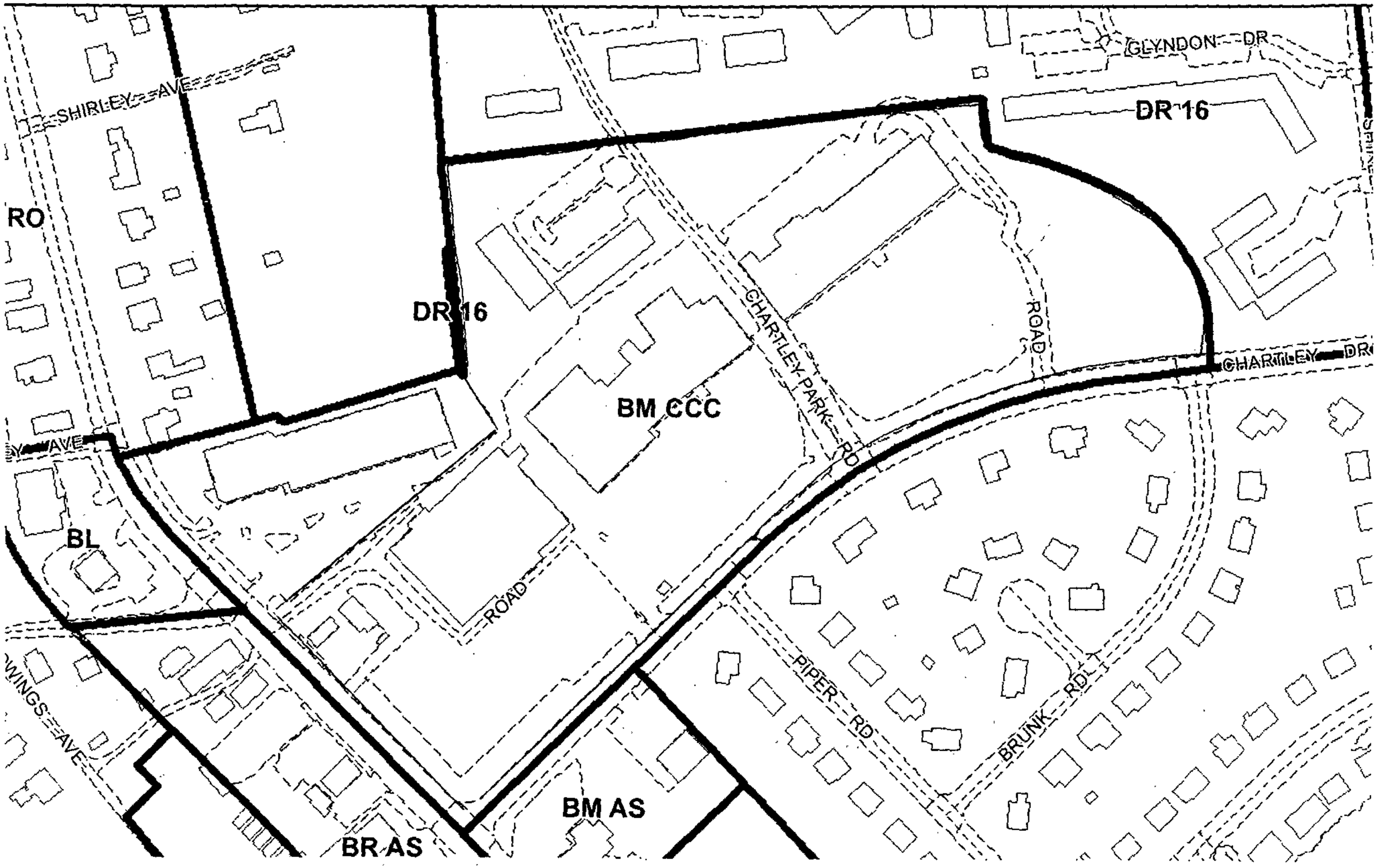
Item # 219

Google Maps

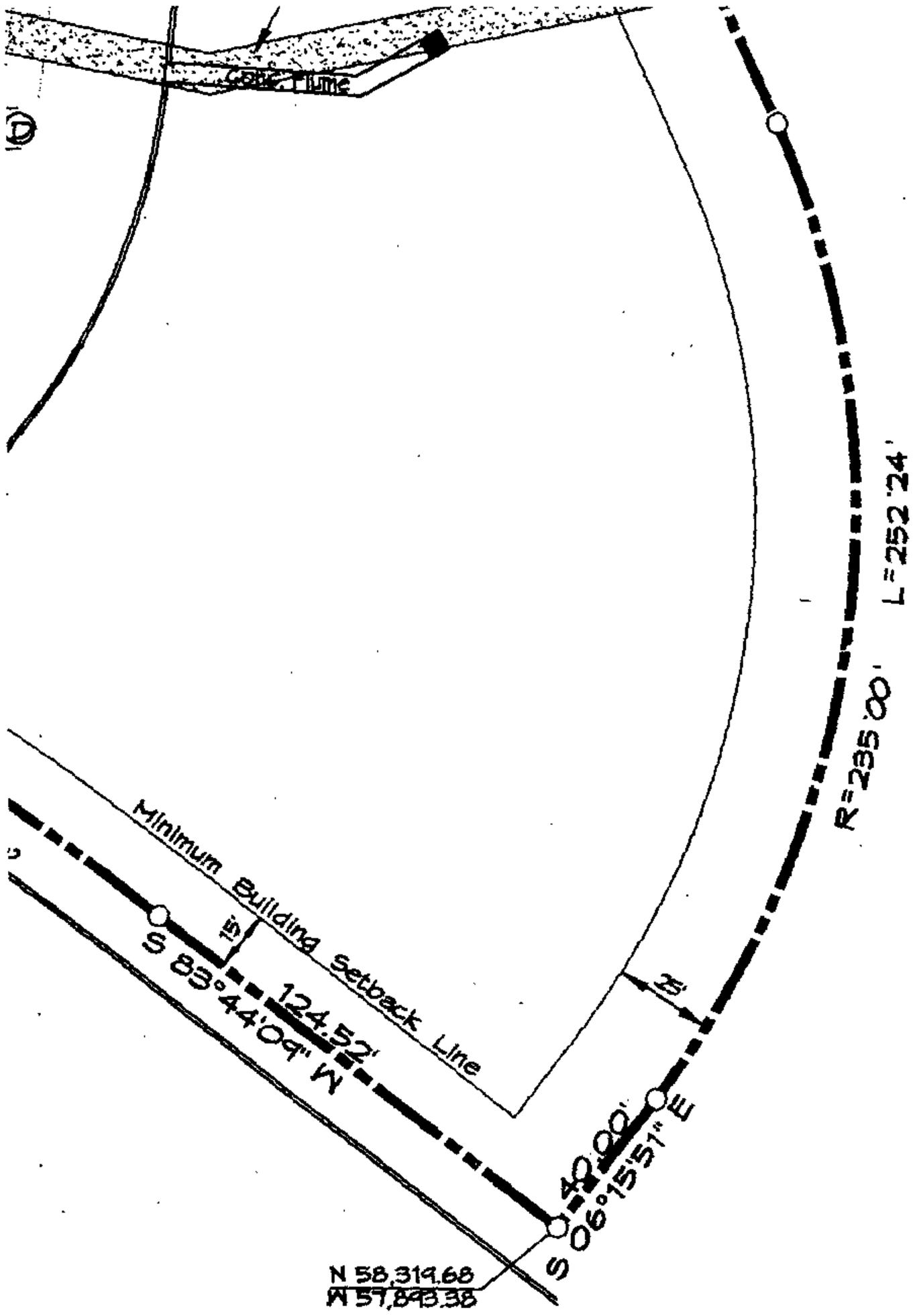
Address **Old Hanover Rd**
Reisterstown, MD 21136



200' Scale Map 048C3



Item # 219



PLAT TO ACCOMPANY A SPECIAL HEARING REQUEST AND A VARIANCE REQUEST

CHARTLEY SHOPPING CENTER

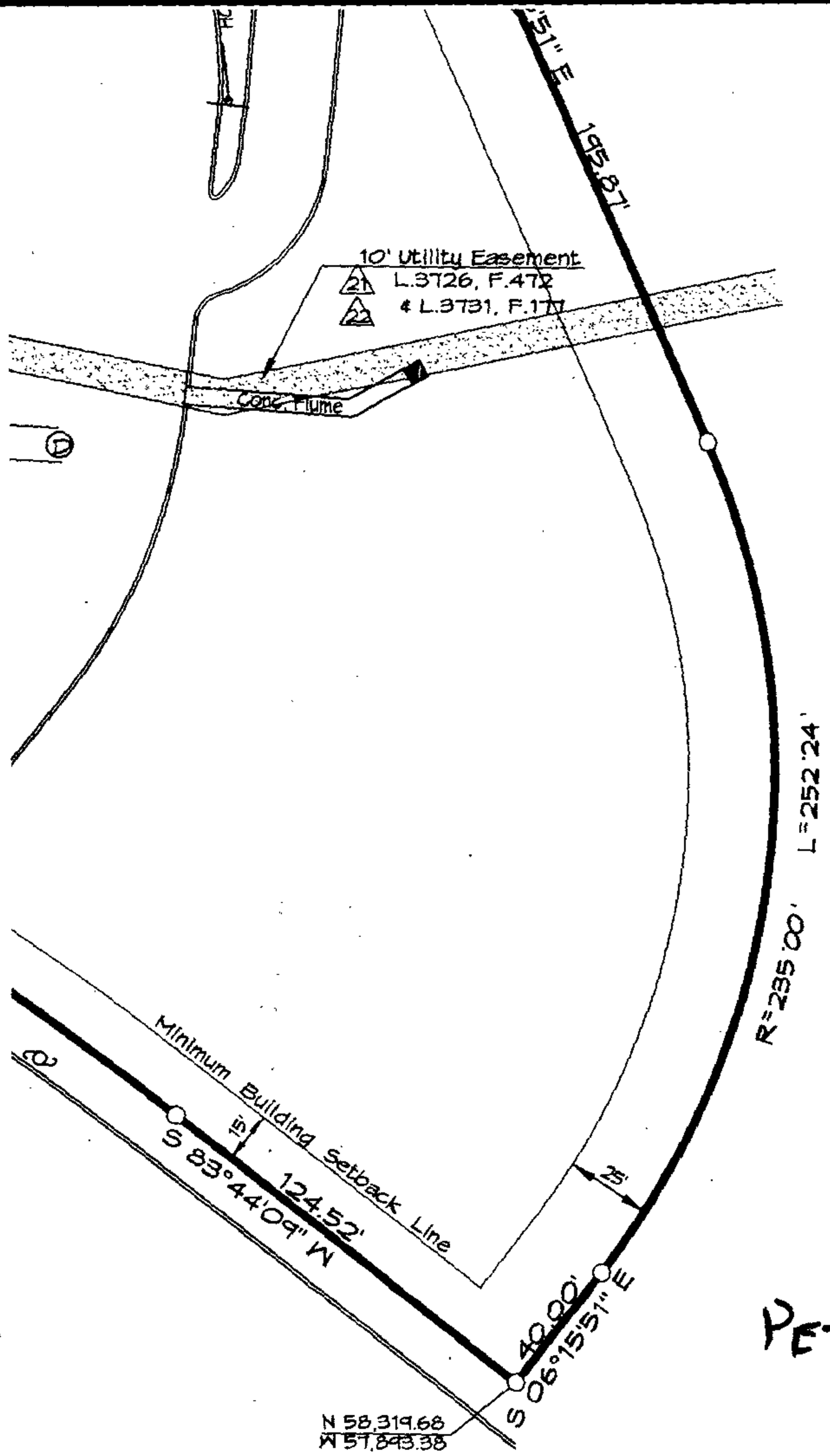
REISTERSTOWN ROAD at CHARTLEY BOULEVARD

BALTIMORE COUNTY, MARYLAND

4th. ELECTION DISTRICT NOVEMBER 14, 2006 SCALE: 1" = 50'

P.N. 06_1011

07-219-SPHA



PETITIONER'S EX. NO. 1

NED PLAT TO ACCOMPANY A SPECIAL HEARING REQUEST AND A VARIANCE REQUEST

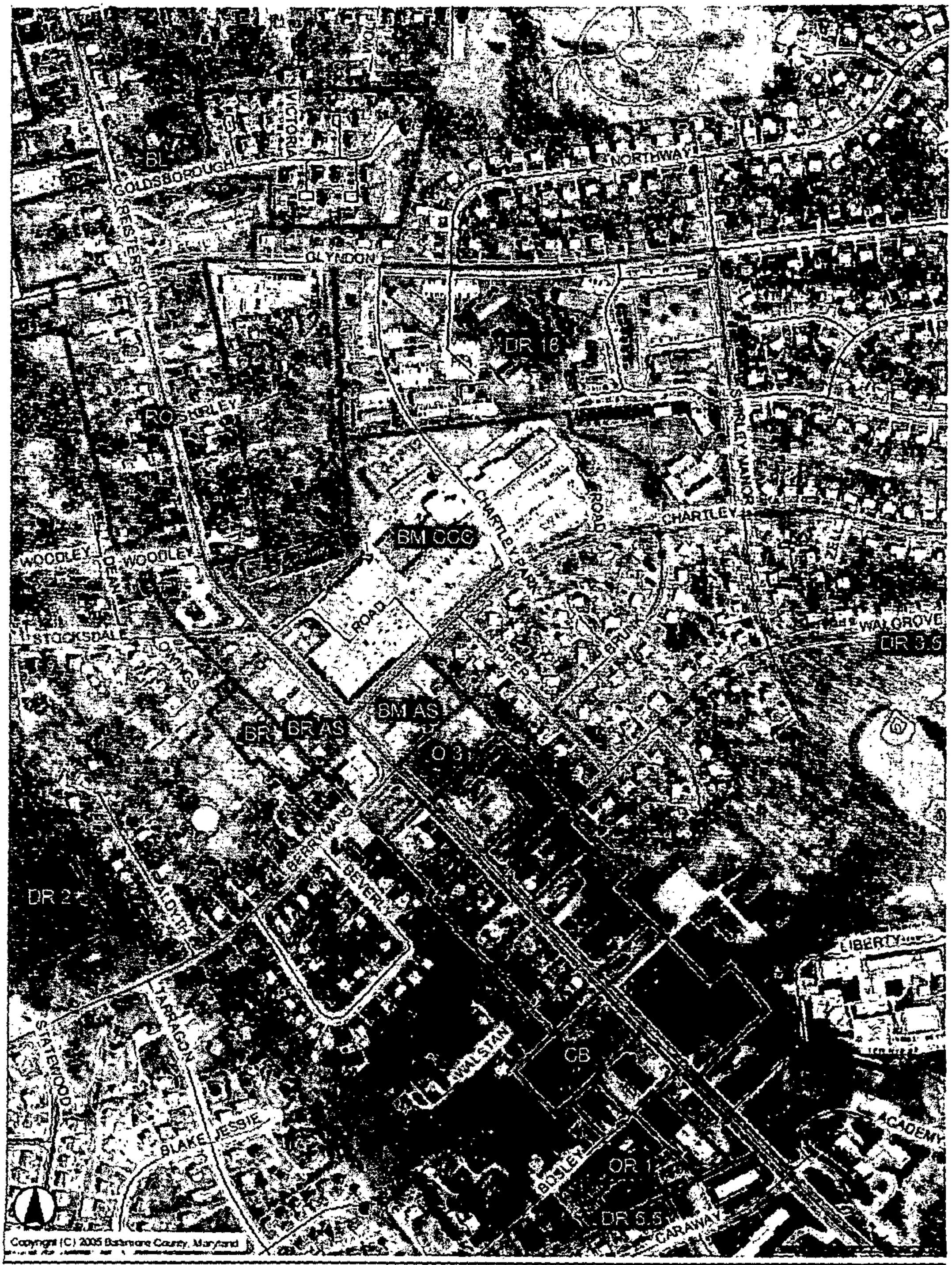
CHARTLEY SHOPPING CENTER

REISTERSTOWN ROAD at CHARTLEY BOULEVARD

BALTIMORE COUNTY, MARYLAND

11,2007 4th. ELECTION DISTRICT NOVEMBER 14, 2006 SCALE: 1" = 50'

P.N. 06_1011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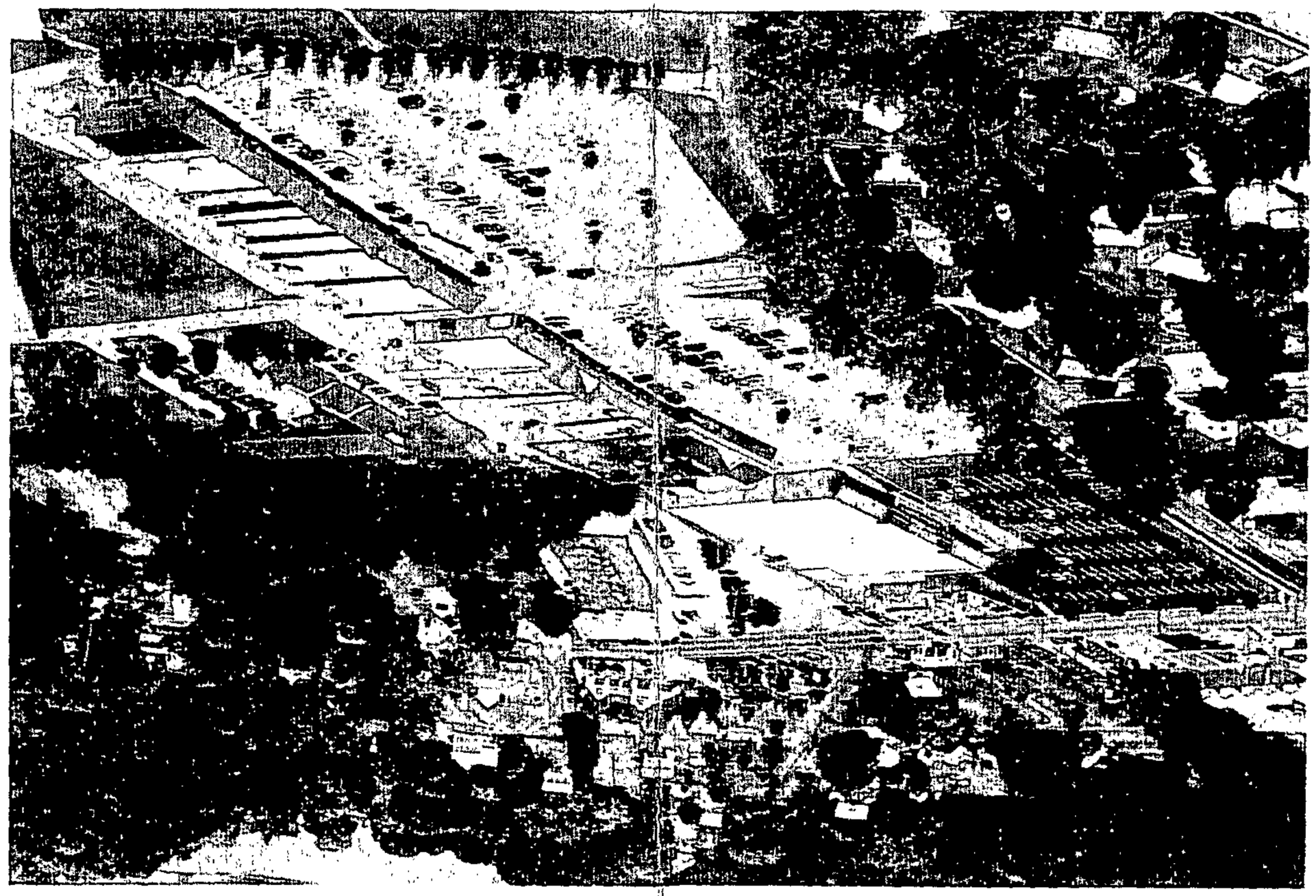
VICTORIA
NORTHWAY
GLYNDON
DR 16
ROSKIRLEY
CHARTLEY
BM CCC
WOODLEY
STOCKSDALE
WALGROVE
DR 5.5
BM AS
BR BR AS
O 3
DR 2
LIBERTY
CB
DR 1
DR 5.5
CARAWAY
ACADEMY
Copyright (C) 2005 Baltimore County, Maryland

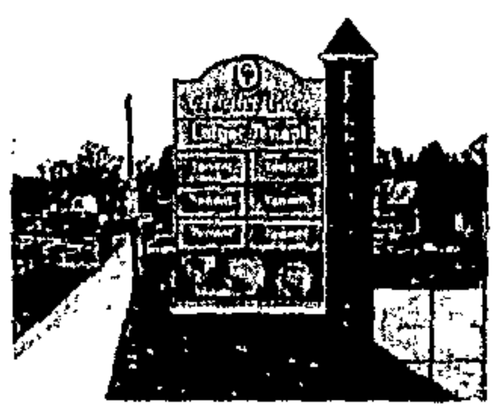
PET. EX. NO. 24

38



Chartley

Chartley
PARK CENTRE
GEBCO


Chartley Park
Larger Tenant

Chartley Park
Larger Tenant

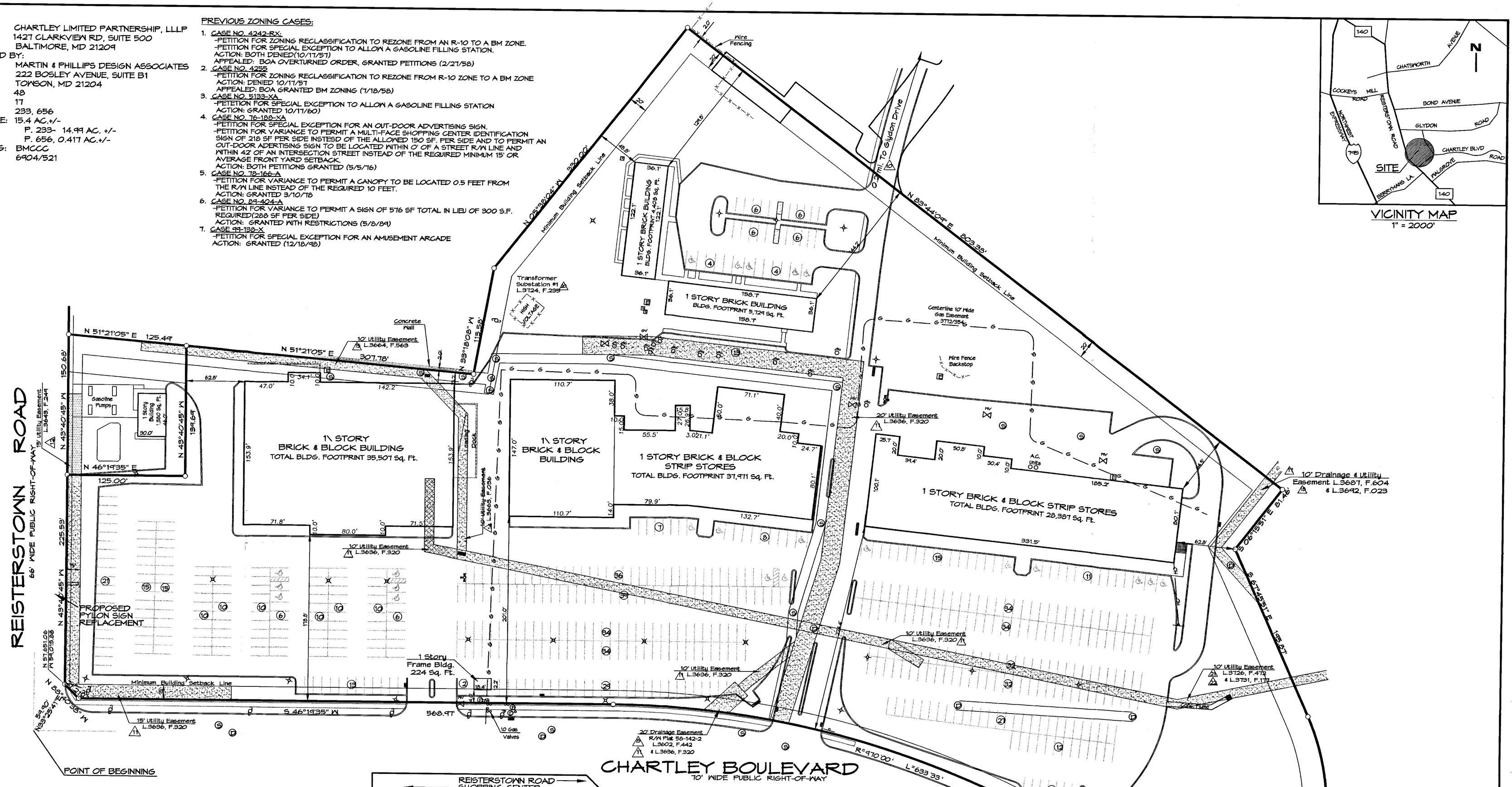
IET. EX. NO. 3

SITE DATA:

1. OWNER: CHARTLEY LIMITED PARTNERSHIP, LLLP
   1427 CLARKVIEW RD, SUITE 500
   BALTIMORE, MD 21209
2. PLAN PREPARED BY:
   MARTIN & PHILLIPS DESIGN ASSOCIATES
   222 BOSLEY AVENUE, SUITE B1
   TOWSON, MD 21204
3. TAX MAP: 48
   GRID: 17
   PARCEL: 233, 656
4. TOTAL ACREAGE: 15.4 AC.+/-
   P. 233- 14.99 AC. +/-
   P. 656, 0.417 AC.+/-
5. EXISTING ZONING: BMCCC
6. DEED REF: 6904/521

PREVIOUS ZONING CASES:

1. CASE NO. 4242-RX:
   -PETITION FOR ZONING RECLASSIFICATION TO REZONE FROM AN R-10 TO A BM ZONE.
   -PETITION FOR SPECIAL EXCEPTION TO ALLOW A GASOLINE FILLING STATION.
   ACTION: BOTH DENIED(10/11/57)
   APPEALED: BOA OVERTURNED ORDER, GRANTED PETITIONS (2/27/58)
2. CASE NO. 4255
   -PETITION FOR ZONING RECLASSIFICATION TO REZONE FROM R-10 ZONE TO A BM ZONE
   ACTION: DENIED 10/11/57
   APPEALED: BOA GRANTED BM ZONING (7/18/58)
3. CASE NO. 5133-XA
   -PETITION FOR SPECIAL EXCEPTION TO ALLOW A GASOLINE FILLING STATION
   ACTION: GRANTED 10/11/60)
4. CASE NO. 76-188-XA
   -PETITION FOR SPECIAL EXCEPTION FOR AN OUT-DOOR ADVERTISING SIGN.
   -PETITION FOR VARIANCE TO PERMIT A MULTI-FACE SHOPPING CENTER IDENTIFICATION SIGN OF 218 SF PER SIDE INSTESD OF THE ALLOWED 150 SF. PER SIDE AND TO PERMIT AN OUT-DOOR ADERTISING SIGN TO BE LOCATED WITHIN 0' OF A STREET R/W LINE AND WITHIN 42' OF AN INTERSECTION STREET INSTEAD OF THE REQUIRED MINIMUM 15' OR AVERAGE FRONT YARD SETBACK.
   ACTION: BOTH PETITIONS GRANTED (5/5/76)
5. CASE NO. 78-166-A
   -PETITION FOR VARIANCE TO PERMIT A CANOPY TO BE LOCATED 0.5 FEET FROM THE R/W LINE INSTEAD OF THE REQUIRED 10 FEET.
   ACTION: GRANTED 3/10/78
6. CASE NO. 89-404-A
   -PETITION FOR VARIANCE TO PERMIT A SIGN OF 576 SF TOTAL IN LIEU OF 300 S.F. REQUIRED(288 SF PER SIDE)
   ACTION: GRANTED WITH RESTRICTIONS (5/8/89)
7. CASE 99-138-X
   -PETITION FOR SPECIAL EXCEPTION FOR AN AMUSEMENT ARCADE
   ACTION: GRANTED (12/18/98)



VICINITY MAP
1" = 2000'

PETITION FOR SPECIAL HEARING:
SPECIAL HEARING TO AMEND THE SITE PLAN APPROVED IN CASE 99-138-X

PETITION FOR VARIANCE:
ALLOW A FREE-STANDING JOINT IDENTIFICATION SIGN WITH A SIGN FACE AREA OF 150 SQUARE FEET IN LIEU OF THE PERMITTED 100 SQUARE FEET, PURUANT TO SECTION 450.4.7 OF THE BALTIMORE COUNTY ZONING REGULATIONS ("BCZR")

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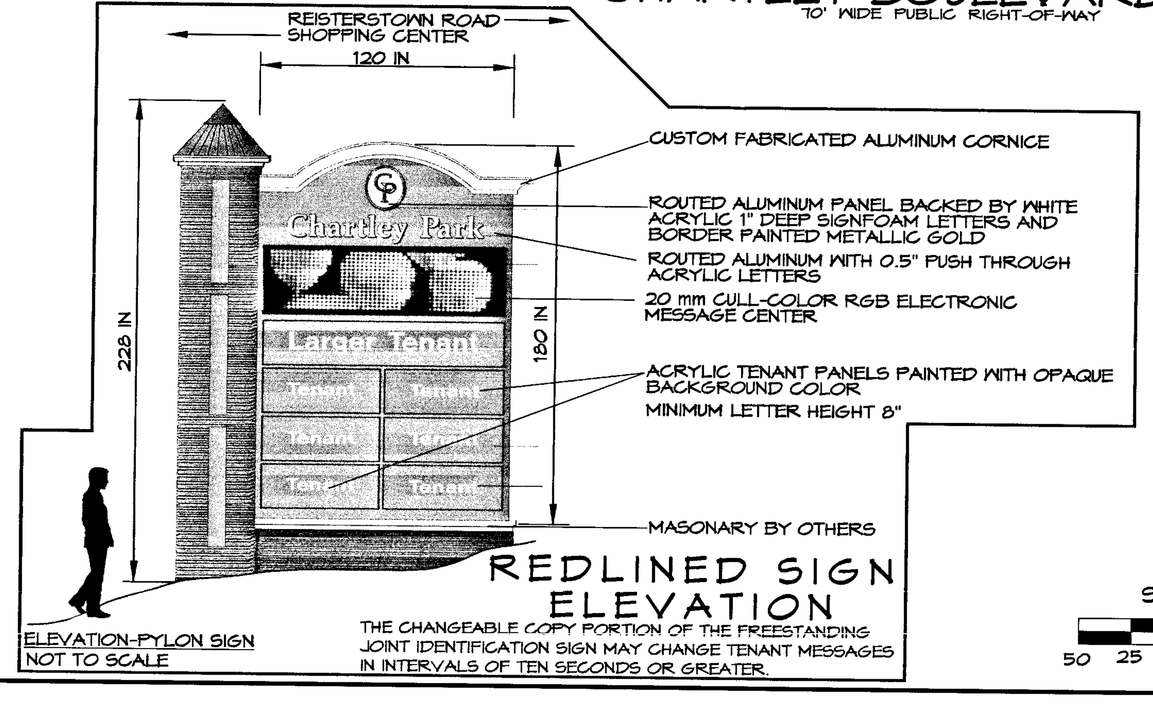
2. THE PROPOSED PYLON SIGN WAS PREPARED BY AA SIGNS, 1800 UNION AVENUE, BALTIMORE, MD 21211



ELEVATION-PYLON SIGN
NOT TO SCALE

REDLINED SIGN ELEVATION

THE CHANGEABLE COPY PORTION OF THE FREESTANDING JOINT IDENTIFICATION SIGN MAY CHANGE TENANT MESSAGES IN INTERVALS OF TEN SECONDS OR GREATER.

NAVD 88-MSC 1988

SCALE: 1" = 50'

50 25 0 50 100 150

MARTIN & PHILLIPS
DESIGN ASSOCIATES, INC.
LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING
222 BOSLEY AVENUE, SUITE B1
TOWSON, MARYLAND 21204
TELE:(410)321-8444/FAX:(410)321-1175

REDLINED PLAT TO ACCOMPANY A SPECIAL HEARING REQUEST AND A VARIANCE REQUEST

CHARTLEY SHOPPING CENTER

REISTERSTOWN ROAD at CHARTLEY BOULEVARD
BALTIMORE COUNTY, MARYLAND

REDLINE DATE: JANUARY 11,2007 4th. ELECTION DISTRICT NOVEMBER 14, 2006 SCALE: 1" = 50'

FILENAME: 06_1011VarianceRequest.s01

P.N. 06_1011

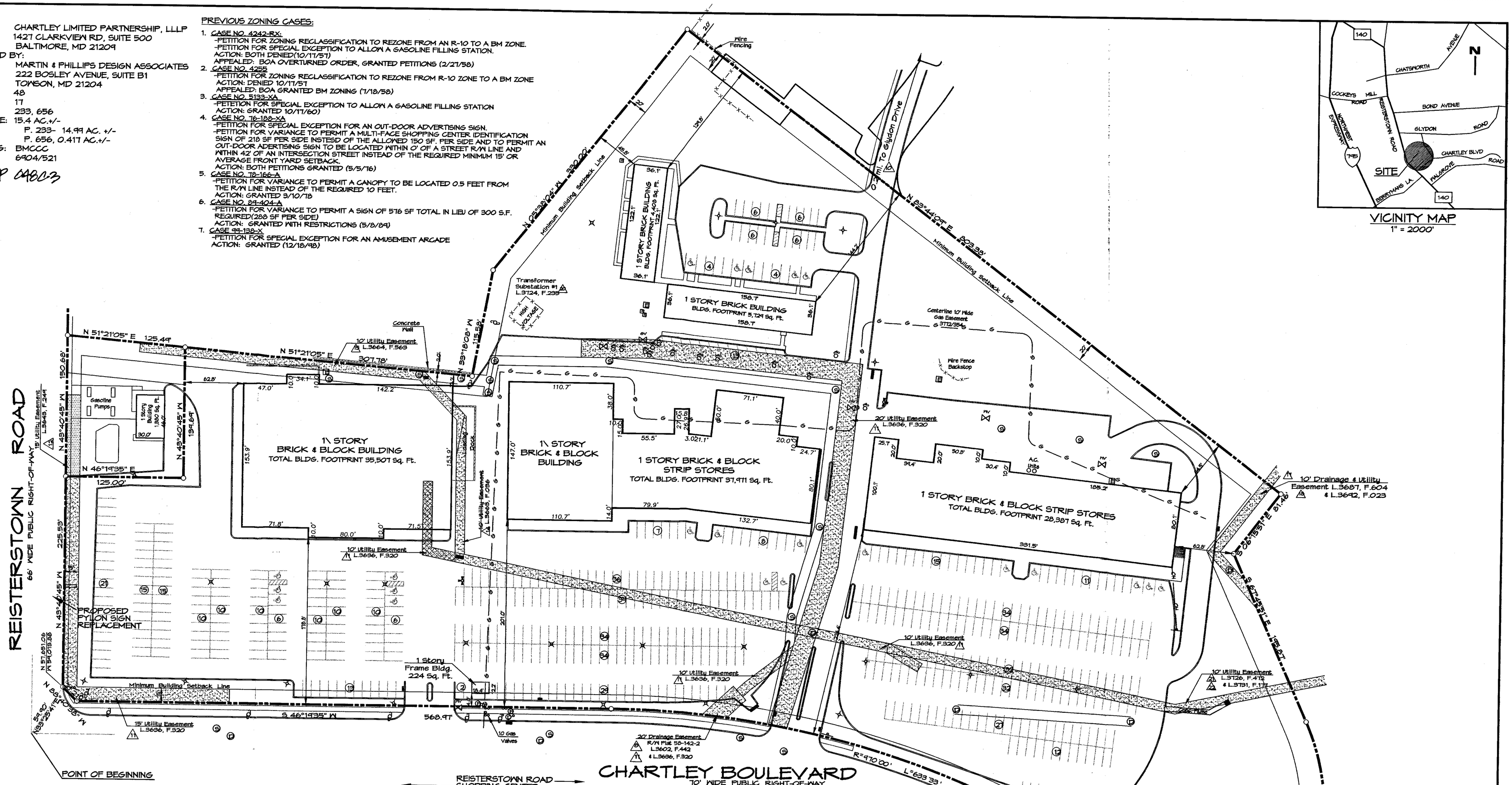
SITE DATA:

1. OWNER: CHARTLEY LIMITED PARTNERSHIP, LLLP
   1427 CLARKVIEW RD, SUITE 500
   BALTIMORE, MD 21209
2. PLAN PREPARED BY:
   MARTIN & PHILLIPS DESIGN ASSOCIATES
   222 BOSLEY AVENUE, SUITE B1
   TOWSON, MD 21204
3. TAX MAP: 48
   GRID: 17
   PARCEL: 233, 656
4. TOTAL ACREAGE: 15.4 AC.+/-
   P. 233- 14.99 AC. +/-
   P. 656, 0.417 AC.+/-
5. EXISTING ZONING: BMCCC
6. DEED REF: 6904/521

ZONING MAP 048C3

PREVIOUS ZONING CASES:

1. CASE NO. 4242-RX:
   -PETITION FOR ZONING RECLASSIFICATION TO REZONE FROM AN R-10 TO A BM ZONE.
   -PETITION FOR SPECIAL EXCEPTION TO ALLOW A GASOLINE FILLING STATION.
   ACTION: BOTH DENIED(10/11/57)
   APPEALED: BOA OVERTURNED ORDER, GRANTED PETITIONS (2/27/58)
2. CASE NO. 4255
   -PETITION FOR ZONING RECLASSIFICATION TO REZONE FROM R-10 ZONE TO A BM ZONE
   ACTION: DENIED 10/11/57
   APPEALED: BOA GRANTED BM ZONING (7/18/58)
3. CASE NO. 5133-XA
   -PETETION FOR SPECIAL EXCEPTION TO ALLOW A GASOLINE FILLING STATION
   ACTION: GRANTED 10/17/60)
4. CASE NO. 76-188-XA
   -PETITION FOR SPECIAL EXCEPTION FOR AN OUT-DOOR ADVERTISING SIGN.
   -PETITION FOR VARIANCE TO PERMIT A MULTI-FACE SHOPPING CENTER IDENTIFICATION SIGN OF 218 SF PER SIDE INSTESD OF THE ALLOWED 150 SF. PER SIDE AND TO PERMIT AN OUT-DOOR ADERTISING SIGN TO BE LOCATED WITHIN 0' OF A STREET R/W LINE AND WITHIN 42' OF AN INTERSECTION STREET INSTEAD OF THE REQUIRED MINIMUM 15' OR AVERAGE FRONT YARD SETBACK.
   ACTION: BOTH PETITIONS GRANTED (5/5/76)
5. CASE NO. 78-166-A
   -PETITION FOR VARIANCE TO PERMIT A CANOPY TO BE LOCATED 0.5 FEET FROM THE R/W LINE INSTEAD OF THE REQUIRED 10 FEET.
   ACTION: GRANTED 9/10/78
6. CASE NO. 84-404-A
   -PETITION FOR VARIANCE TO PERMIT A SIGN OF 576 SF TOTAL IN LIEU OF 300 S.F. REQUIRED(288 SF PER SIDE)
   ACTION: GRANTED WITH RESTRICTIONS (5/8/84)
7. CASE 99-138-X
   -PETITION FOR SPECIAL EXCEPTION FOR AN AMUSEMENT ARCADE
   ACTION: GRANTED (12/18/98)


REISTERSTOWN ROAD
66' WIDE PUBLIC RIGHT-OF-WAY
CHARTLEY BOULEVARD
70' WIDE PUBLIC RIGHT-OF-WAY
1\ STORY BRICK & BLOCK BUILDING
TOTAL BLDG. FOOTPRINT 95,507 Sq. Ft.
1\ STORY BRICK & BLOCK BUILDING
1 STORY BRICK & BLOCK STRIP STORES
TOTAL BLDG. FOOTPRINT 37,971 Sq. Ft.
1 STORY BRICK & BLOCK STRIP STORES
TOTAL BLDG. FOOTPRINT 28,387 Sq. Ft.
1 STORY BRICK BUILDING
BLDG. FOOTPRINT 5,724 Sq. Ft.
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PROPOSED PYLON SIGN REPLACEMENT
POINT OF BEGINNING
Minimum Building Setback Line
Transformer Substation #1
Wire Fencing
Wire Fence Backstop
Centerline 10' Wide Gas Easement
10' Utility Easement L.3664, F.563
10' Utility Easement L.3636, F.320
20' Utility Easement L.3636, F.320
10' Drainage & Utility Easement L.3687, F.604 & L.3692, F.023
10' Utility Easement L.3726, F.472 & L.3731, F.171
15' Utility Easement L.3636, F.320
20' Drainage Easement R/W Plat 58-142-2 L.3602, F.442 & L.3636, F.320
1 Story Frame Bldg. 224 Sq. Ft.
Gasoline Pumps
Concrete Pad
Loading Dock
10 Gas Valves
R=470.00' L=693.33'
R=295.00' L=252.24'
N 51°21'05" E 125.49'
N 51°21'05" E 327.78'
N 43°40'45" W 194.69'
N 46°19'35" E 125.00'
S 46°19'35" W 568.97'
N 43°40'45" W 225.53'
N 43°40'45" W 150.65'
N 43°40'45" W 30.0'
N 43°40'45" W 225.53'
N 43°40'45" W 20.0'
N 43°40'45" W 20.0'
N 43°40'45" W 20.0

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   PARCEL: 233, 656
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   P. 233- 14.99 AC. +/-
   P. 656, 0.417 AC.+/-
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6. DEED REF: 6904/521

ZONING MAP - 048C3

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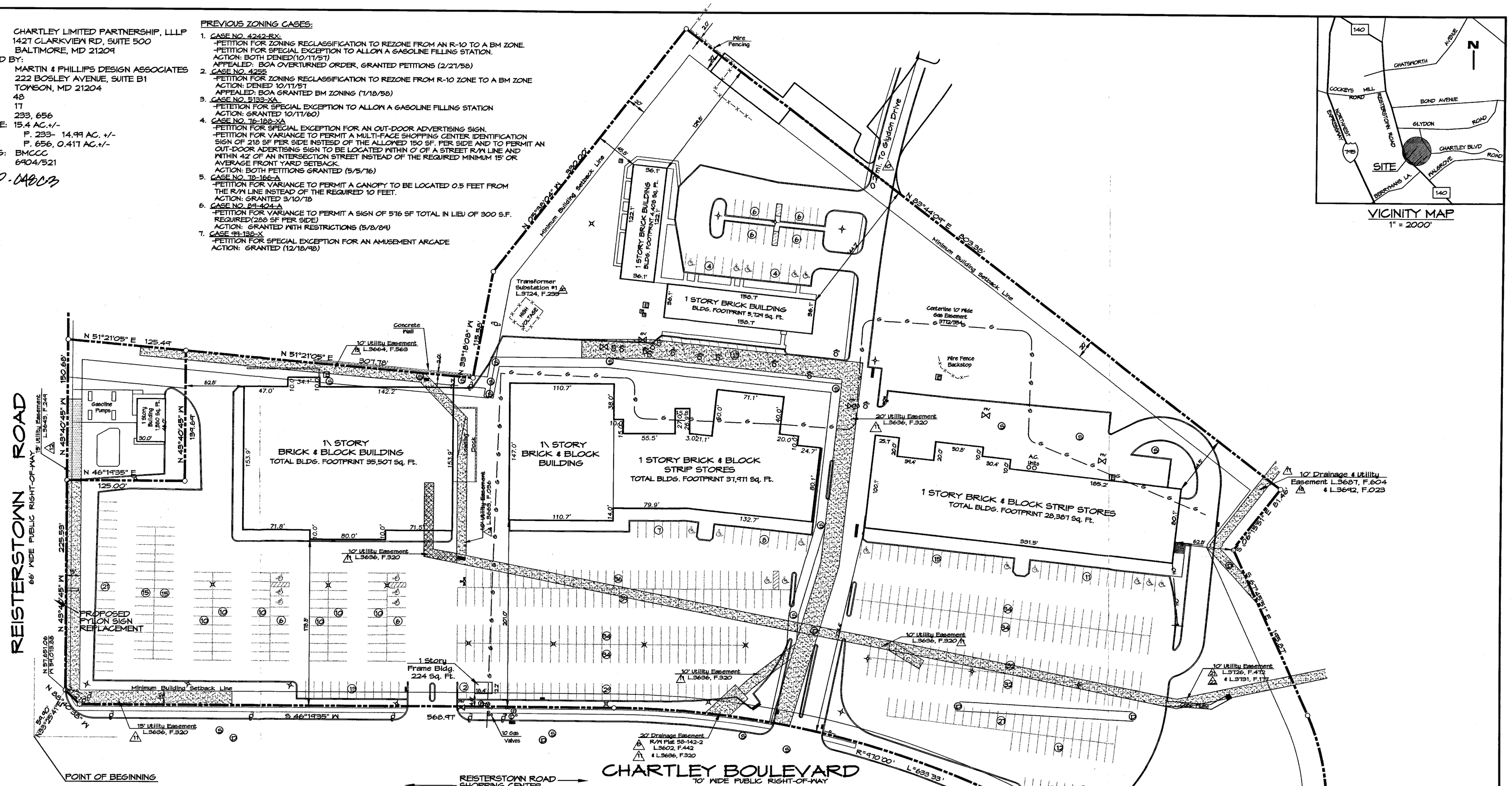

VICINITY MAP
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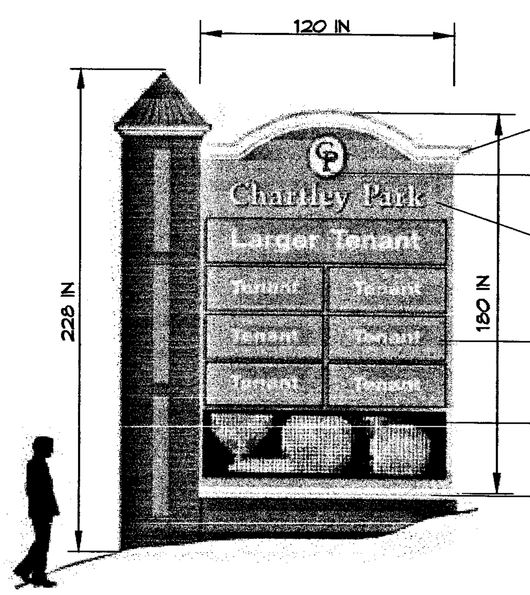
REISTERSTOWN ROAD SHOPPING CENTER



CUSTOM FABRICATED ALUMINUM CORNICE

ROUTED ALUMINUM PANEL BACKED BY WHITE ACRYLIC 1" DEEP SIGNFOAM LETTERS AND BORDER PAINTED METALLIC GOLD

ROUTED ALUMINUM WITH 0.5" PUSH THROUGH ACRYLIC LETTERS

ACRYLIC TENANT PANELS PAINTED WITH OPAQUE BACKGROUND COLOR
MINIMUM LETTER HEIGHT 8"

20 mm CULL-COLOR RGB ELECTRONIC MESSAGE CENTER

MASONARY BY OTHERS

ELEVATION-PYLON SIGN
NOT TO SCALE

NAVD 88-MSC 1988

SCALE: 1"=50'
50 25 0 50 100 150

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TELE:(410)-321-8444/FAX:(410)-321-1175

STATE OF MARYLAND
DAVID LLOYD MARTIN
No. 7194
LANDSCAPE ARCHITECT

PLAT TO ACCOMPANY A SPECIAL HEARING REQUEST AND A VARIANCE REQUEST

CHARTLEY SHOPPING CENTER

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4th. ELECTION DISTRICT NOVEMBER 14, 2006 SCALE: 1" = 50'

FILENAME: 06_1011VarianceRequest.s01

P.N. 06_1011

07-219-SPHA

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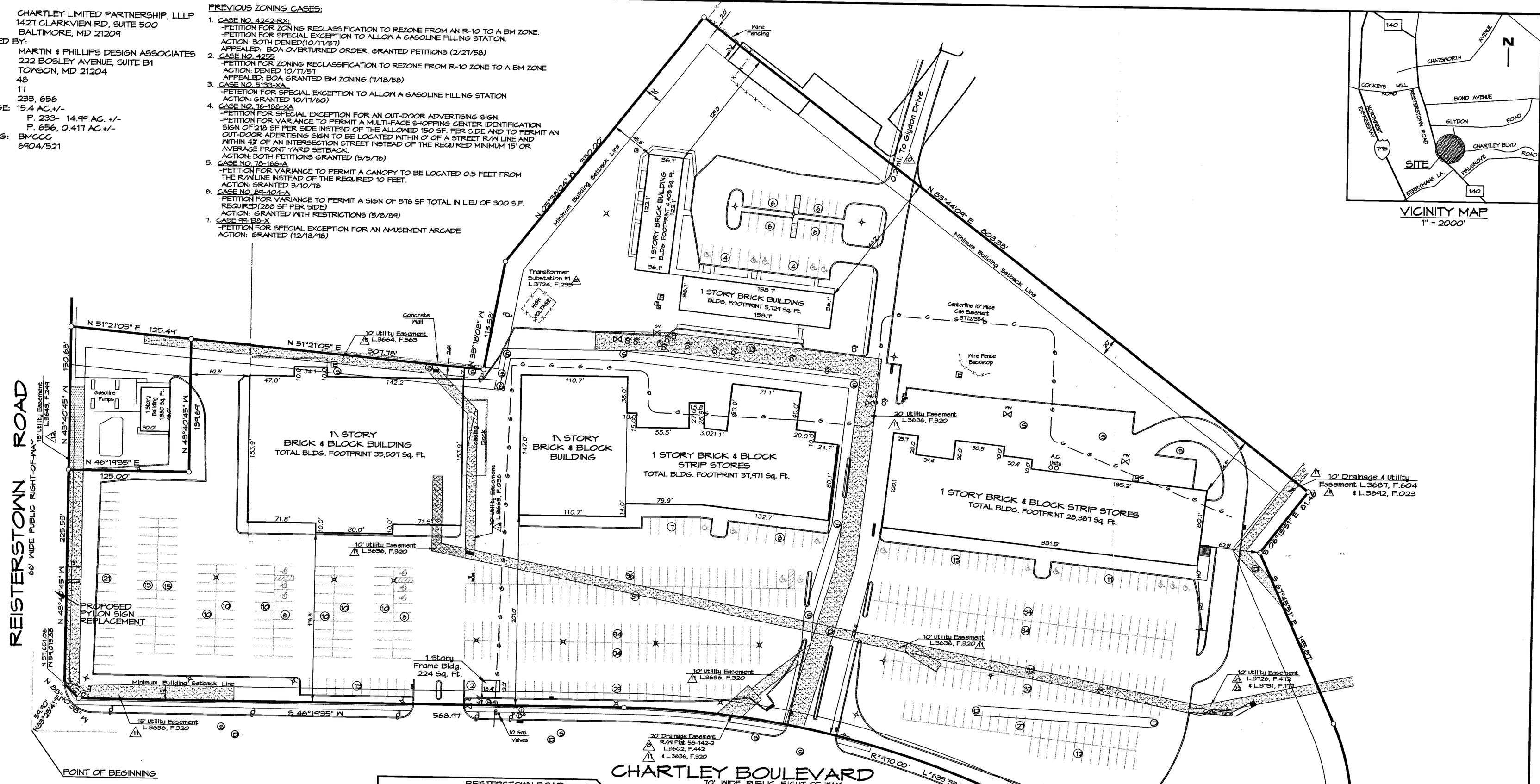

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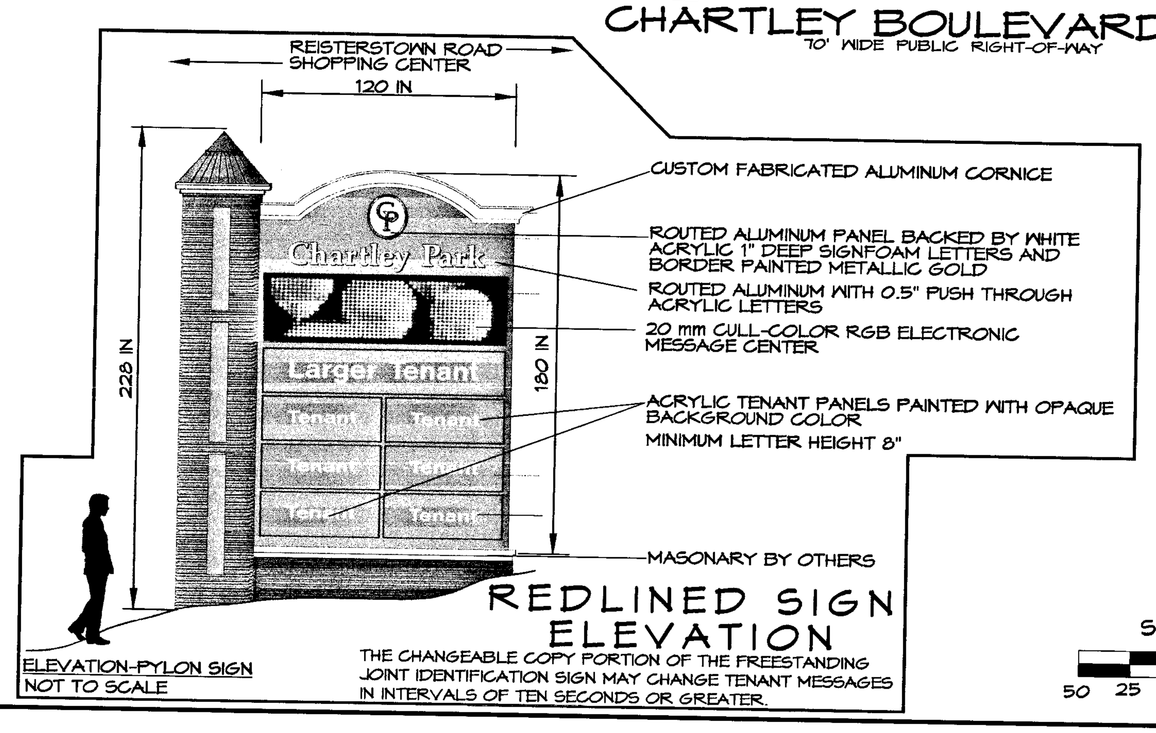

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PETITIONER'S EX. NO. 1

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