

RE: PETITION FOR VARIANCE

9615 Deereco Road
S/west of Deereco Road, at w/side of
Padonia Road intersection
8th Election District - 3rd Councilmanic
District
Legal Owners: Deereco Road
Associates, Ltd. Partnership

* BEFORE THE
* COUNTY BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
* CASE NO.: 2009-0198-A

* * * * *

OPINION

The above-captioned case stems from People's Counsel for Baltimore County's appeal of the Decision rendered in the above-captioned case by the Deputy Zoning Commissioner for Baltimore County. The case involves proposed signage modifications in connection with the change from a Days Hotel to Holiday Inn at the corner of Padonia Road and Deereco Road. The case is complicated by the existence of the existing attached Chili's Restaurant which is accessible both externally and internally.

After appeal of the above-captioned case to this Board, People's Counsel had the opportunity to discuss the facts and circumstances of the above-captioned case with counsel for the Petitioner, Francis X. Borgerding, Jr., and together the parties have come up with the following proposed resolution of the issues outstanding in the above-captioned case, subject to the Board's review. The proposed resolution involves a reduction of the proposed variance for wall-mounted signs from 4 to 3, eliminating the proposed sign on the west wall of the Holiday Inn, while allowing new Holiday Inn wall-mounted signs on the east wall (the entrance side) and the north wall (facing Deereco Road), and retaining the existing Chili's wall-mounted sign, also on the north wall of the hotel building. The proposed resolution for the variance for freestanding signs allows a

new Holiday Inn freestanding sign at the Deereco Road entrance, replacing the Days Hotel sign, and a term-limited variance for the existing Chili's sign facing the northbound I-83 exit ramp, until the applicable October 19, 2012 legislative sunset date. Chili's also has existing wall-mounted signs on its restaurant building, which are not at issue. In conjunction with the proposed resolution, Holiday Inn has already taken down the Days Hotel roof sign and cage. There shall be no roof signs on the Holiday Inn or Chili's buildings.

The subject property is zoned M.L.-I.M (Manufacturing-Light, Industrial-Major). A hotel or motel use is permitted in the M.L. Zone by right when in a contiguous area of 25 acres or more of industrial zoning. BCZR § 253.1.G. There is ample M.L. zoning around this site.

The property is located on the southwest corner of Padonia Road and Deereco Road, just off of Interstate 83 at the Padonia Road Exit, in the Timonium-Cockeysville area of Baltimore County. The property is improved with an existing seven-story Holiday Inn Hotel, formerly Days Hotel, with an attached Chili's Restaurant. The area in which the property is located contains numerous commercial uses, including several restaurants, retail shopping and other businesses along Deereco Road.

The signage from the previous hotel franchise, the Days Hotel, included a large 25-foot tall cage sign on the roof of the hotel. The Petitioner has taken down the large signage on the roof of the hotel as well as other Days Hotel signage and is proposing to replace it with smaller and more aesthetically pleasing signage on the hotel for the newly franchised Holiday Inn. In addition, the Petitioner is proposing to change the freestanding sign on Deereco Road over from a larger sign face letter board sign for the

previous Days Hotel to a new more aesthetically pleasing smaller sign face Holiday Inn sign. The before and after signage is illustrated on the amended Plat entered as Petitioner's Number 1 prepared by Bruce Doak of the firm of Gerhold, Cross & Etzel.

The Baltimore County Office of Permits and Development Management considers the Petitioner's property a multi-tenant property in light of the fact the hotel and restaurant have adjoining walls with internal as well as external door access for the convenience of the patrons of both establishments. However, since the property is considered a multi-tenant property notwithstanding the fact that only two tenants use the hotel and restaurant, the Petitioner has been required to request the variances now before the Board from Section 450.4.5.d of the Baltimore County Zoning Regulations (herein "BCZR") to allow four enterprise wall signs in lieu of one permitted wall sign.

The Petitioner is also requesting a term-limited variance from Section 450.4.5.b of the BCZR to allow a second free standing enterprise sign with no road entrance from road frontage on the north side of the property in lieu of a second free standing enterprise sign with road frontage in relation to the free standing Chili sign on the Padonia Road side of the property.

If the hotel and restaurant did not have adjoining walls and in fact were separate buildings, BCZR § 450.4.5(a) would allow, and the Office of Permits and Development Management would permit each structure to have a total of three-wall mounted signs instead of a total of one permitted wall mounted sign because the stand-alone structures would not be one multi-tenant building. There has been a hotel and restaurant operating on the subject property for the last 20 years. The signage from the previous hotel on the property, the Days Hotel, is larger, more obtrusive and less

aesthetically pleasing signage than the signage being proposed by the Petitioner in conjunction with the transition to the Holiday Inn Hotel. Meanwhile, in 1997, the County Council enacted comprehensive new sign legislation in Bill 89-97, which is codified in BCZR § 450.

The subject property is unique and unusual due to its topography in relation to the adjacent I-83 and Padonia Road. In consideration of the People's Counsel's agreement to support the proposed resolution of this matter, Petitioner has agreed to drop its request for a wall-mounted sign on the west face of the building, therefore, amending the requested variance under Section 450.4.5.d of the BCZR to allow three instead of four enterprise wall mounted signs in lieu of the permitted one wall sign. It is conceded by the Petitioner that it would be difficult given the property's topography for travelers on Interstate 83 to see the sign in any event.

The parties further agree that the given the facts and circumstances of this case - the history, the improved signage, and the unusually limited character of the multi-tenancy - there is justification for Petitioner's amended variance to allow three enterprise wall-mounted signs in lieu of the permitted one wall sign pursuant to Section 450.4.5.d of the BCZR. There is also justification to allow, as term-limited, a second freestanding enterprise sign with no road entrance from the road frontage on the north side of the property in lieu of the second free standing enterprise sign with road frontage from Section 450.4.5.b of the BCZR without limitations. However, Petitioner's variance from Section 450.4.5.b of the BCZR shall terminate at a time commensurate with the sunset provisions contained in BCZR § 450.8.D.1. This provision provides for sunset 15 years after the effective date of Bill 89-97. Therefore, the Chili's freestanding sign

variance shall terminate on or before the applicable October 19, 2012 sunset date, subject to any amendment of the sunset date by the Baltimore County Council. It should be kept in mind that Chili's will retain the advantage of its existing wall-mounted sign on the north wall of the hotel and other wall-mounted signage on the walls of the restaurant building.

The parties further agree and propose that the termination of Petitioner's freestanding sign variance for Chili's restaurant with regard to Section 450.4.5.b of the BCZR shall be without prejudice to the Petitioner filing a new Petition for a variance in relation to the freestanding sign at issue in the case, and without prejudice to the rights of People's Counsel or any other person to participate in the proceedings.

Upon consideration of evidence presented in open hearing on June 16, 2009 consistent with the above, and upon review of an amended redlined site plan reflecting the proposed resolution, the County Board of Appeals has considered the applicable standards for variances under BCZR § 307.1. The Board has considered the interrelated criteria of "uniqueness" and resulting "practical difficulty" as explained in Trinity Assembly of God v. People's Counsel for Baltimore County 407 Md. 53 (2008). The Board finds that the peculiar circumstances with respect to the property and its history do result in some practical difficulty, and that the proposed resolution provides a reasonable combined hotel and restaurant use at this location consistent with the spirit and intent of the law under BCZR § 450. The criteria for practical difficulty include consideration of whether lesser variance relief than initially requested would be appropriate. That is the situation here.

The parties have discussed the variances proposed by the Petitioner with Eric Rockel, President of the Greater Timonium Council of Community Associations, Inc. Mr. Rockel has indicated that he supports the Petitioner's requested variances and the proposed resolution of this matter now before the Board.

ORDER

THEREFORE, it is this 16th day of June, 2009, by the County Board of Appeals of Baltimore County,

ORDERED, that the Amended Petition for Variance from Section 450.4.5.d of the Baltimore County Zoning Regulations to allow three enterprise wall-mounted signs in lieu of the permitted one wall-mounted sign is **GRANTED**, as described in this opinion and shown on Petitioner's amended redlined Exhibit One, for two new Holiday Inn signs, one on the east wall of the hotel building and one on the north wall, and for retention of the existing Chili's sign on the north wall; and it is further

ORDERED, that the Petition for Variance under Section 450.4.5.b of the Baltimore County Zoning Regulations to allow a second freestanding enterprise sign with no road entrance from road frontage on the north side of the property in lieu of a second free standing enterprise sign with road frontage is hereby **GRANTED**, consistent with this opinion and shown on amended redlined Exhibit One, allowing the new Holiday's Inn sign at the Deereco Road entrance, and allowing the term-limited retention of the existing Chili's sign near the northbound I-83 exit ramp, subject to the termination of the variance for the Chili's sign herein granted on the applicable October 19, 2012 sunset date under BCZR § 450.8.D.1, 15 years after the effective date of Bill 89-97; subject further to any amendment of this sunset date by the Baltimore County

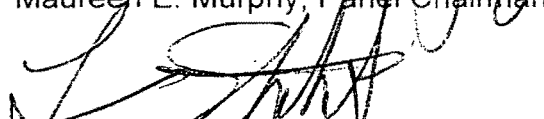
Council, and without prejudice both to the Petitioner to file a new Variance in relation to the freestanding Chili's enterprise sign at issue and to other parties to assert any rights in such proceedings; and it is further

ORDERED, that there shall be no construction or reconstruction of any roof signs on the hotel and restaurant buildings.

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

**COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY**


Maureen E. Murphy, Panel Chairman


Lawrence M. Stahl


Robert W. Witt



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-5182

June 16, 2009

Francis X. Borgerding, Jr., Esquire
409 Washington Avenue, Ste 600
Towson, MD 21204
Via Hand Delivery

Office of People's Counsel
The Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, MD 21204
Via Hand Delivery

RE: *In the Matter of: Deereco Road Associates Ltd Partnership*
Case No.: 09-198-A

Dear Counsel:

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

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

Very truly yours,

A handwritten signature in black ink that reads "Theresa Shelton/kc".

Theresa R. Shelton
Administrator

TRS/klc
Enclosure

c: Edward V. Julio, General Partner/Deereco Road Associates Ltd Partnership
Bruce Doak/Gerhold, Cross & Etzel
William Bissell/Hill Management Services
Josie Fontanazza
Tim Wiegard/Gale Signs
Robert Cobert, Dept of Economic Development
William J. Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director/PDM
Arnold F. "Pat" Keller, Director/Planning
John Beverungen, County Attorney

IN RE: PETITION FOR VARIANCE

SW side of Deereco Road at W side
of Padonia Road intersection
8th Election District
3rd Councilmanic District
(9615 Deereco Road)

Post-it® Fax Note 7671		Date 9/12/12	# of pages 9
To Teri	From Aaron Tsum		
Co./Dept.	Co. Zoning		
Phone #	Phone # 410.887.3391		
Fax # 866-560.9588	Fax # 410.887.3048		

* FOR BALTIMORE COUNTY

Deereco Road Associates Ltd. Partnership
Petitioner

* Case No. 2009-0198-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Deereco Road Associates Limited Partnership. Variance relief is requested as follows:

- From Section 450.4.5.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a second freestanding enterprise sign with no road entrance from road frontage on the north side of the property in lieu of a second freestanding enterprise sign with road frontage; and
- From 450.4.5.d of the B.C.Z.R. to allow 4 enterprise wall signs in lieu of the permitted 1 wall sign.

The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance requests on behalf of the legal owner was William B. Russell with Hill Management Services, Inc., the Developer of the hotel site (hereinafter referred to as "Petitioner"), and Josie Fontanazza, the manager of the subject hotel, as well as their attorney, Francis X. Borgerding, Jr., Esquire. Also appearing in support of the requested relief was Bruce E. Doak with Gerhold, Cross & Etzel, Ltd., the firm that prepared the site plan, and Tim Wiegard with Gale Signs, the firm hired to erect the proposed new signage on the property. Also appearing on behalf of the Baltimore County Department of Economic

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Development was Richard Cobert. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is square-shaped, zoned M.L.-I.M. The property is located at the southwest corner of Padonia Road and Deereco Road, just off Interstate 83 at the Padonia Road exit, in the Timonium/Cockeysville area of Baltimore County. The property is improved with an existing seven story Holiday Inn hotel (formerly Days Hotel) with an attached Chili's restaurant. There are also other commercial uses nearby including several restaurants, retail shopping, and other local businesses along Deereco Road.

In support of the variance requests, Mr. Doak was offered and accepted as an expert in land use and zoning and testified about the particulars of the property in relation to the existing as well as the proposed signage. Mr. Doak entered a series of photographs that were marked and accepted into evidence as Petitioner's Exhibits 2A through 2R, which show the overall property and the hotel and restaurant located on the property. Mr. Doak noted that the signage for the previous hotel franchise, the Days Hotel, included a large 25 foot tall "cage" sign on the roof of the hotel. Said sign is illustrated as sign number 2 on the site plan. Mr. Doak noted that Petitioner, as part of the requested relief before this Commission, has taken down this large signage on the roof of the hotel and is proposing to replace it with smaller and more aesthetically pleasing signage on the façade of the hotel for the newly franchised Holiday Inn. Mr. Doak noted that the Crowne Plaza Hotel located adjacent to Interstate 83, just south of Timonium Road, has signage similar to what is being requested by Petitioner, although Petitioner's property has a greater need for the signage due to the characteristics of the property vis-à-vis travelers on Interstate 83.

In particular, Mr. Doak noted that Petitioner's property topographically sits low -- approximately 30 feet below Interstate 83 -- and the structure on the subject property is oriented in

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a way so as not to be parallel with I-83, but rather sits at an irregular angle from the expressway. Further, the exit ramp from Interstate 83 veers off from the expressway in such a way as to create difficult access to Petitioner's property. Additionally, the adjacent property owned by the State Highway Administration in between the exit ramp and the expressway has heavy tree cover which creates a natural screen, and hence limited visibility from the expressway to Petitioner's property.

Mr. Doak expressed his opinion that in light of the physical characteristics of Petitioner's property, the property is unique in a zoning sense. Further, Mr. Doak expressed an opinion that in light of the unique physical characteristics of the property, strict enforcement of the sign regulations would have a disproportionate impact on Petitioner's property. In addition, Mr. Doak testified that Petitioner would suffer practical difficulty if its requested sign variance were not granted to allow for appropriate signage on the hotel to identify the Holiday Inn brand.

The next witness to testify on behalf of Petitioner was William Russell, Vice-President of Hill Management Services, Inc., whose firm manages the hotel on the subject property. Mr. Russell indicated that the property was developed with the aforementioned hotel and restaurant approximately 20 years ago. He indicated that the restaurant on the subject property originally opened as a Denny's and about 10 years ago transferred the operation to a Chili's Restaurant. In addition, the hotel originally opened as a Days Hotel and recently was changed to a Holiday Inn. It was the change from the Days Hotel to the Holiday Inn that necessitates the requested signage and results in the instant variance request.

Mr. Russell indicated that when the hotel changed to a Holiday Inn, Holiday Inn requested appropriate signage to promote its brand name, which includes three wall mounted signs on the façade of the hotel where it faces Deereco Road, Padonia Road, and Interstate 83, and one freestanding sign on Deereco Road. Although the previous operator had a freestanding sign on

Deereco Road, that which is proposed by Petitioner is actually smaller than the previous freestanding sign and would not contain changeable lettering as before. The proposed freestanding sign for Holiday Inn has a smaller sign face and no changeable lettering. In addition, the Days Hotel had a "caged" sign (also referred to as a "birdcage" design) approximately 25 feet in height on the roof of the hotel, which was triangular in shape and towered over the top of the existing hotel. It certainly gave motorists on Interstate 83 and elsewhere in the vicinity a view of where the hotel was located, but was rather unattractive and lacking proportion in size. The Days Hotel also had two wall mounted signs on the façade of the Deereco Road side of the hotel. Mr. Russell made clear that all Days Hotel signage had been removed as part of Petitioner's requested relief, including the large signage on the roof of the hotel. Accordingly, Mr. Russell indicated the proposed signage would consist of less square footage and would be more aesthetically pleasing than the previous signage on the property. Because of this, Mr. Russell indicated he was surprised when he went to obtain a sign permit from Baltimore County, but was told that the matter would have to proceed for a hearing before this Commission in relation to the sign variance relief.

In any event, Mr. Russell indicated it was his belief the subject property was unique due to its topography as related to the adjacent Interstate 83 and the angled orientation of the hotel on the subject property as related to Interstate 83. Mr. Russell also noted the natural screening on the property owned by the State Highway Administration between the subject property and Interstate 83, as well as the configuration of the nearby exit ramp and roads that give limited access to the property, thus necessitating the freestanding sign for the hotel on Deereco Road. Finally, Mr. Russell testified that Petitioner would suffer practical difficulty if the requested sign variance is not granted, as the physical characteristics of the property dictate the need for the requested relief.

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Josie Fontanazza also testified on behalf of Petitioner. Ms. Fontanazza has been the on-site Manager of the hotel since the hotel and restaurant began operation on the subject property 20 years ago. Ms. Fontanazza testified that based upon the property's physical characteristics, appropriate signage such as requested is necessary for identification of the hotel. By way of example, Ms. Fontanazza explained that the nearby streets have some unusual configurations that result in inconsistent labeling. For instance, the subject property is geographically located at the southwest corner of Padonia Road and Deereco Road and bounded to the west by Interstate 83. Although the subject property's physical address lists a location of 9615 Deereco Road, the part of Deereco Road north of Padonia Road is listed as Beaver Dam Road; moreover, as one proceeds further south on Deereco Road from Padonia Road towards Timonium Road, the road becomes Greenspring Drive, thus creating a great deal of confusion for the hotel's existing and potential customers. On a related note, Ms. Fontanazza indicated that if the hotel's address is entered into a global positioning system ("GPS") for "Timonium," the address and directions will not be revealed in patrons' GPS systems. It is necessary to specify "Lutherville" because of how the Lutherville, Timonium, and Cockeysville areas come together geographically. Ms. Fontanazza further indicated that given the lack of visibility of the hotel due to the property's physical characteristics, the signage requested is necessary to allow customers to locate the hotel.

Ms. Fontanazza also explained, pursuant to her experience, that almost all of the customers of the hotel are out of town guests who are not familiar with the subject property and they need appropriate signage to locate the property. The photograph marked and accepted into evidence as Petitioner's Exhibit 2S shows a road sign on Interstate 83 north of the subject property and south of Shawan Road indicating the various hotels which are accessible via the Shawan Road exit. Ms.

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Fontanazza indicated that no such sign exists on Interstate 83 for Padonia Road to identify the subject hotel, or even others in the vicinity.

Since the Days Hotel signage has been taken down and the requested signage for the Holiday Inn has not yet been affixed, Ms. Fontanazza indicated that the hotel's occupancy rate is the lowest it has been in her 20 years of managing the property. Based on her experience in the business, Ms. Fontanazza directly attributes the lack of identification signage on the subject property to the low occupancy rate. In fact, Ms. Fontanazza testified that she has recently had to lay off employees for the first time in her 20 years of managing the hotel. Ms. Fontanazza also related several examples of individuals having trouble locating the hotel because of a lack of identification signage. Finally, she introduced several letters written by area businesses indicating that as the hotel's occupancy numbers have gone down, so has their business. These letters were marked and accepted into evidence collectively as Petitioner's Exhibit 7.

Also testifying in support of the variance relief was Tim Wiegard with Gale Signs. Mr. Wiegard was offered and accepted as a sign expert and testified that the signage requested by Petitioner is industry standard hotel signage. He related that the requested signage is smaller in square footage and more aesthetically pleasing than the signage previously on the property for the Days Hotel. Mr. Wiegard testified that the proposed signage was both appropriate and necessary for the operation of the hotel on the subject property. In addition, Mr. Wiegard testified the proposed signage, in his opinion, did not create any safety issues for traffic surrounding the subject property.

The final witness to testify in support of the requested relief was Richard Cobert with the County's Department of Economic Development. Mr. Cobert indicated his Department is supportive of the variance relief for a number of reasons. First, he indicated that the Deereco

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Road/Padonia Road corridor is undergoing a significant redevelopment of aging buildings into new and updated retail and service facilities for local businesses. As part of that redevelopment, Petitioner has renovated the former Days Hotel and has opened the hotel under the Holiday Inn brand, investing over \$5 million to upgrade the property and roll out the new Holiday Inn brand logo. Second, the success of this project will have a positive impact on the businesses that are currently being negatively impacted by the hotel's decrease in bookings -- attributable to the lack of visible identifying signage on the hotel. Finally, Mr. Cobert indicated that from a practical and aesthetic viewpoint, the proposed signage will be a noticeable improvement over the "birdcage" style sign on the roof of the hotel, and will complement the adjacent Chili's restaurant. In short, the new signage will give the site a clean, fresh look for the area, as the Crowne Plaza has done at the former Holiday Inn Select at nearby Greenspring Drive, just south of Timonium Road. A copy of a Memorandum from the Department of Economic Development dated March 19, 2009 endorsing Petitioner's variance requests was marked and accepted into evidence as Petitioner's Exhibit 6.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated March 13, 2009 which indicates their support of the additional wall mounted signs provided the roof-mounted signs are removed. They also support the replacement of the freestanding enterprise sign as long as it is not a changeable copy sign. Witnesses on behalf of Petitioner have testified that the previous roof-mounted sign has been removed and the replacement for the freestanding enterprise sign will not contain changeable copy sign, notwithstanding the fact that the previous sign for the Days Hotel contained changeable lettering.

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Based upon the testimony and evidence presented, I am persuaded to grant Petitioner's variance requests. I am easily convinced the signage proposed by Petitioner will be of a smaller square footage and be more aesthetically pleasing than the previous signage on the property. I also find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. Testimony indicates that the subject property lies 30 feet lower than the adjacent Interstate 83 and the structure on the subject property is angled away from Interstate 83. In addition, there is natural screening between the hotel and Interstate 83 and access from the expressway is indirect (only from Deereco Road and not Padonia Road) due to the road layout. Indeed, it is the unique physical characteristics of the property which necessitate the variance relief. I also find that these constraints cause the subject property to be disproportionately affected by the Zoning Regulations as compared with other surrounding properties. I further find that if the variance is not granted Petitioner will suffer practical difficulty.

Finally, I find that these variance requests can be granted in strict harmony with the spirit and intent of said regulations, and in such a manner as to grant relief without injury to the public health, safety and general welfare.

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

THEREFORE, IT IS ORDERED this 3RD day of April, 2009 by this Deputy Zoning Commissioner, that Petitioner's Variance requests as follows:

- From Section 450.4.5.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a second freestanding enterprise sign with no road entrance from road frontage on the north side of the property in lieu of a second freestanding enterprise sign with road frontage; and

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- From Section 450.4.5.d of the B.C.Z.R. to allow 4 enterprise wall signs in lieu of the permitted 1 wall sign,

be and are hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

1. Petitioner is advised that it may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

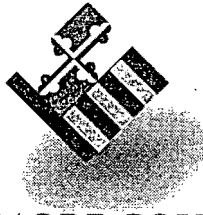
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

Thomas H. Bostwick

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

April 3, 2009

FRANCIS X. BORGERDING, JR., ESQUIRE
409 WASHINGTON AVENUE, SUITE 600
TOWSON, MD 21204

Re: Petition for Variance
Case No. 2009-0198-A
Property: 9615 Deereco Road

Dear Mr. Borgerding:

Enclosed please find the decision rendered in the above-captioned case.

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,

A handwritten signature in cursive script, reading "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Bruce Doak, Gerhold, Cross & Etzel, Ltd., 320 East Towsontown Blvd., Suite 100, Towson, MD 21286
William B. Russell, Hill Management Services, Inc., 9640 Deereco Road, Timonium MD 21093
Josie Fontanazza, 9615 Deereco Road, Timonium MD 21093
Tim Wiegard, Gale Signs, 20 Tree Hollow Drive, Shrewsbury PA 17361
Richard Cobert, Baltimore County Department of Economic Development



Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property
located at 9615 Deereco Road, Timonium, MD 21093
which is presently zoned ML-IM

Deed Reference: 78141783 Tax Account # 20-00-011023

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)

450.4.5.b. of the Baltimore County Zoning Regulations to allow a second freestanding enterprise sign with no road entrance from road frontage on the north side of the property in lieu of a second freestanding enterprise sign with road frontage - and

450.4.5.d. of the Baltimore County Zoning Regulations to allow four enterprise wall signs in lieu of the permitted one wall sign

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

Uniqueness of property and for such other and further reasons that will be explained 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

Attorney For Petitioner:

Francis X. Borgerding, Jr.

Name - Type or Print

Signature

Company

409 Washington Ave., #600 410-296-6820

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Deereco Road Associates Limited Partnership

Name - Type or Print

Signature

By: Edward V. Julio, General Partner

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

Case No. 2009 0198 A

Office Use Only

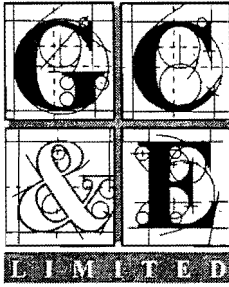
Estimated Length of Hearing 1 HR
Unavailable For Hearing

Reviewed by SL

Date 4/29/09

REV 8/20/07

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Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

0198
January 29, 2009

ZONING DESCRIPTION

Deereco Road Limited Partnership property
9615 Deereco Road
Baltimore County, Maryland

All that piece or parcel of land situate, lying and being in the Eighth Election District, Third Councilmanic District of Baltimore County, Maryland and described as follows to wit:

Beginning for the same at a point on the south west side of the intersection of Padonia Road with Deereco Road along the south west side of Deereco Road and running thence,

- 1) South 50 degrees 42 minutes 1 second East 66.95 feet,
- 2) Line curving to the left having a radius 380 of feet for an arc distance of 128.74 feet (the chord of said arc bearing South 15 degrees 27 minutes 15 seconds West 128.12 feet),
- 3) Line curving to the right having a radius of 1127 feet for an arc distance of 218.17 feet (the chord of said arc bearing South 30 degrees 42 minutes 18 seconds East 217.83 feet),
- 4) South 55 degrees 27 minutes 53 seconds West 490.26 feet,
- 5) Line curving to the left having a radius of 797.80 feet for an arc distance of 20.21 feet (the chord of said arc bearing North 26 degrees 17 minutes 36 seconds West 20.21 feet),
- 6) South 55 degrees 27 minutes 53 seconds West 101.10 feet,
- 7) Line curving to the right having a radius of 897.80 feet for an arc distance of 143.23 feet (the chord of said arc bearing North 22 degrees 00 minutes 12 seconds West 143.07 feet),
- 8) North 17 degrees 25 minutes 58 seconds West 231.62 feet,
- 9) Line curving to the right having a radius of 175 feet for an arc distance of 297.60 feet (the chord of said arc bearing North 31 degrees 17 minutes 08 seconds East 263.02 feet),
- 10) North 72 degrees 08 minutes 21 seconds East 299.77 feet to the point of beginning.

Containing 5.768 Acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

166
0198

No. 35050

Date 1/29/09

PAID RECEIPT

BUSINESS ACTION TIME 000
 30/2009 1/29/2009 14:22:13 12

WEB 0002 MAIL JELVA JEE
 RECEIPT # 621654 1/29/2009 OFU

5-528 ZONING VERIFICATION

0: 035050

Recpt Tot \$325.00

\$325.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	006	0000		6150				325.00

Total: 325.00

Rec.

From:

For:

C.V. 9115 Deane Rd

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

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: #2009-0198-A

9615 Deereco Road

S/west of Deereco Road, at w/side of Padonia Road Intersection

8th Election District -- 3rd Councilmanic District.

Legal Owner(s): Deereco Road Associates Ltd. Partnership, Edward Julio

Variance: to permit to allow a second freestanding enterprise sign with no road entrance from road frontage on the north side of the property in lieu of the second freestanding enterprise sign with road frontage and to allow four enterprise wall sign in lieu of the permitted one wall sign.

Hearing: Thursday, March 19, 2009 at 2:00 p.m. In Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

JT 3/628 March 3:

195751

CERTIFICATE OF PUBLICATION

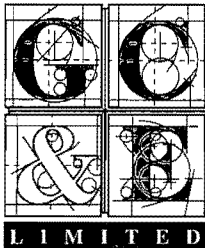
3/5/2009

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 3/3/2009.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE# 2009-0198-A

OWNER/DEVELOPER:
Deerco Road Associates Ltd.
Partnership, Edward Julio

DATE OF HEARING: March 19, 2009

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

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

(see pages 2 & 3 for full size photos
of the two signs posted)

LOCATION:
9615 Deerco Road

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: 3/03/09



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

February 23, 2009
TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

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: 2009-0198-A

9615 Deereco Road

S/west of Deereco Road, at w/side of Padonia Road intersection

8th Election District – 3rd Councilmanic District

Legal Owners: Deereco Road Associates Ltd. Partnership, Edward Julio

Variance to permit to allow a second freestanding enterprise sign with no road entrance from road frontage on the north side of the property in lieu of the second freestanding enterprise sign with road frontage and to allow four enterprise wall sign in lieu of the permitted one wall sign.

Hearing: Thursday, March 19, 2009 at 2:00 p.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Francis Borgerding, Jr., 409 Washington Avenue, #600, Towson 21204

- NOTES:** (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., MARCH 4, 2009.
- (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.

ZONING NOTICE

CASE #: 2009-0198-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

Room 106 County Office Building

PLACE: 111 West Chesapeake Ave., Towson, MD

TIME &

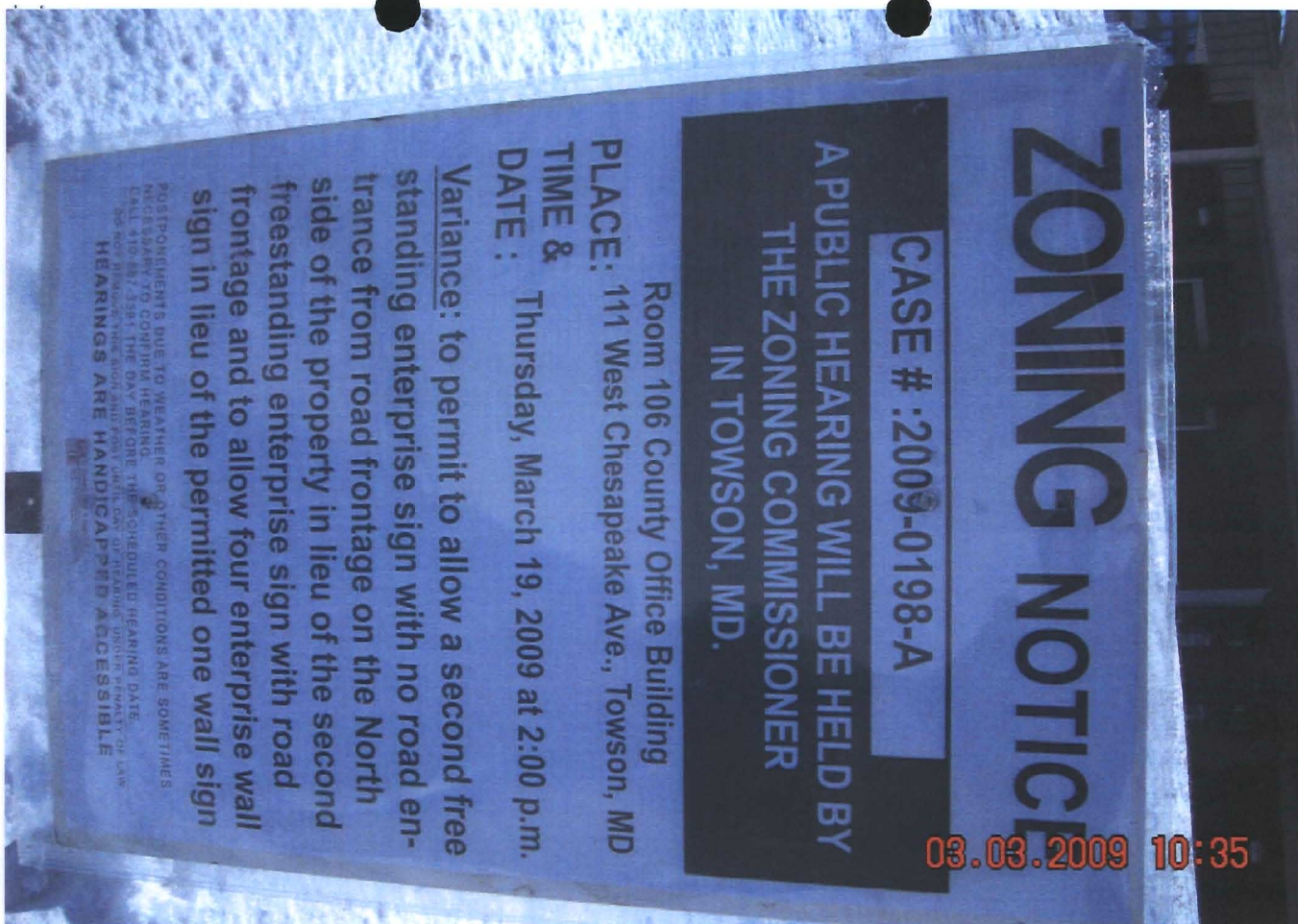
DATE: Thursday, March 19, 2009 at 2:00 p.m.

Variance: to permit to allow a second free standing enterprise sign with no road entrance from road frontage on the North side of the property in lieu of the second freestanding enterprise sign with road frontage and to allow four enterprise wall sign in lieu of the permitted one wall sign

IF YOU ARE SPENT TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CANCEL THE HEARING DATE
CALL 410-338-1111 FOR THE DAY OF THE SCHEDULED HEARING DATE
IF YOU ARE SPENT TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
HEARINGS ARE HANDICAPPED ACCESSIBLE

03.03.2009 10:29





Requested: May 28, 2009

APPEAL SIGN POSTING REQUEST

CASE NO.: 09-198-A

9615 Deereco Road

8th ELECTION DISTRICT

APPEALED: 4/16/09

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

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

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
The Jefferson Building, Suite 203
102 W. Chesapeake Avenue
Towson, MD 21204

Attention: Theresa Shelton
Administrator

RECEIVED
JUN 02 2009

**BALTIMORE COUNTY
BOARD OF APPEALS**

CASE NO.: 09-198-A

LEGAL OWNER: Deereco Road Associates Limited Partnership

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

9615 DEERECO ROAD
SW/S OF DEERECO ROAD AT W/S OF PADONIA ROAD INTERSECTION

The sign was posted on 6.2.09, 2009.

By: _____

(Signature of Sign Poster)

(Print Name)

PHOTOGRAPHIC RECORD

CASE #

Facility # 09-198-A Record No. CORNER OF

Date of Photograph(s): 6-2-09 PADONIA AND DEERCO



I HEREBY CERTIFY that I took 2 photographs set out above, and that these photographs fairly and accurately depict the condition of the property that is the subject of the above referenced Facility/Record Number on the date set above.

M. Stuart Kelly
(Enforcement Officer)





County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Hearing Room #2, Second Floor
Jefferson Building, 105 W. Chesapeake Avenue

June 3, 2009

NOTICE OF ASSIGNMENT

CASE #: 09-198-A

MATTER OF: Deereco Road Associates Ltd. Partnership – Petitioner
9615 Deereco Road. / 8th Election District; 3rd Councilmanic District

RE: Variance request from §450.4.5.b of BCZR to allow a second freestanding enterprise sign with no road entrance from road frontage on the north side of the property and a second freestanding enterprise sign with road frontage; and Variance request from §450.4.5.d of BCZR to allow 4 enterprise wall signs and the permitted 1 wall sign

4/03/2009 – ZC decision that Petition for Variance – GRANTED with restrictions.

ASSIGNED FOR: TUESDAY, JUNE 16, 2009, AT 9:00 A.M.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

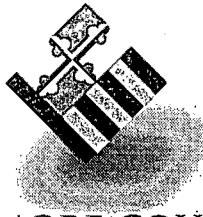
If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

c. Appellant	: Peter Max Zimmerman People's Counsel for Baltimore County
Counsel for Petitioner Petitioner	: Francis Borgerding, Jr., Esquire : Deereco Road Associates Ltd. Partnership

Bruce Doak, GC & E
William Bissell, Hill Management Services
Josie Fontanazza Tim Wiegard, Gale Signs

William Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director/PDM
Richard Cobert, Dept. of Economic Development
Arnold F. "Pat" Keller, Director/Planning
Nancy West, Assistant County Attorney
John Beverungen, County Attorney



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

February 23, 2009
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

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:

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S/west of Deereco Road, at w/side of Padonia Road intersection

8th Election District – 3rd Councilmanic District

Legal Owners: Deereco Road Associates Ltd. Partnership, Edward Julio

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Hearing: Thursday, March 19, 2009 at 2:00 p.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Francis Borgerding, Jr., 409 Washington Avenue, #600, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., MARCH 4, 2009.**
- (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, March 3, 2009 Issue - Jeffersonian

Please forward billing to:
William Russel
Hill Management Services, Inc.
9640 Deereco Road
Timonium, MD

410-561-1300

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: 2009-0198-A

9615 Deereco Road

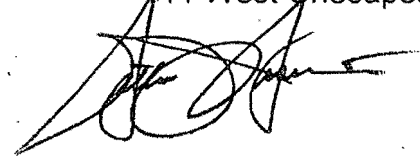
S/west of Deereco Road, at w/side of Padonia Road intersection

8th Election District – 3rd Councilmanic District

Legal Owners: Deereco Road Associates Ltd. Partnership, Edward Julio

Variance to permit to allow a second freestanding enterprise sign with no road entrance from road frontage on the north side of the property in lieu of the second freestanding enterprise sign with road frontage and to allow four enterprise wall sign in lieu of the permitted one wall sign.

Hearing: Thursday, March 19, 2009 at 2:00 p.m. in Room 106, County Office Building,
111 West Chesapeake 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.

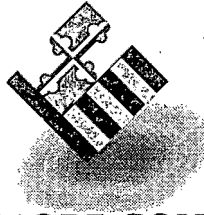
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2009 - 0198 - A
Petitioner: 9615 Deereco Rd
Address or Location: Deereco Rd. Assoc. Ltd. PRINCEGEORGE

PLEASE FORWARD ADVERTISING BILL TO:

Name: Hill Management Services, Inc.
Address: 9640 Deereco Rd
Timonium, md 21093
Contact ~~William~~ William Russell
Telephone Number: (410) 561-1300



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
March 12, 2009

Francis X. Borgerding Jr.
409 Washington Ave. Ste. 600
Towson, MD 21204

Dear: Francis X. Borgerding Jr.

RE: Case Number 2009-0198-A, 9615 Deereco Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 29, 2009. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Deereco Road Associates Limited Partnership



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

February 11, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 9, 2009

Item Numbers 0195, 0197, ~~0198~~, 0199, 0201

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 12, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For February 16, 2009
Item Nos. 2009-0198, 0201, and 0202

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

DAK:CEN:lrk
cc: File
ZAC-02162009-NO COMMENTS



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: FEB. 10, 2009

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

RE: Baltimore County
Item No 2009-0198-A
9615 DEERCO RD
DEERCO ROAD ASSOCIATES
LIMITED PARTNERSHIP
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. 2009-0198-A.

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,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



TB 3/19
2PM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 13, 2009

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

RECEIVED

MAR 17 2009

SUBJECT:

ZONING COMMISSIONER

INFORMATION:

Item Number: 09-198
Petitioner: Deerco Road Associates Limited Partnership
Property Size: 5.76 acres
Zoning: ML-IM
Requested Action: Variance
Hearing Date:

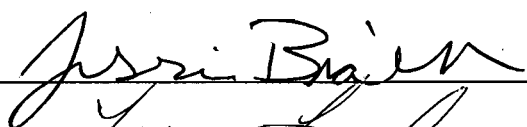
The petitioner requests a variance from Section 450.4.5.b of the BCZR to allow a second free standing enterprise sign with no road entrance from road frontage on the north side of the property in lieu of a second freestanding enterprise sign with road frontage. Also from Section 450.5.4.d of the BCZR to allow four enterprise wall signs in lieu of the permitted one sign.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the additional wall mounted signs, provided the roof-mounted signs are removed. The Office of Planning also supports the replacement of the freestanding enterprise sign, as long as it is not a changeable copy sign.

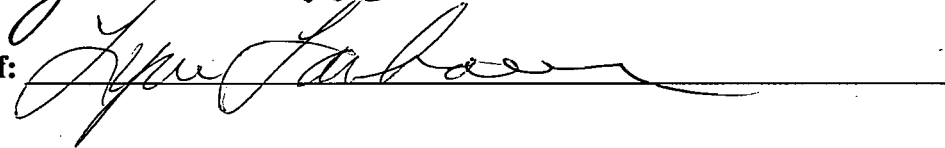
Notwithstanding the aforementioned the Hunt Valley/Timonium Master Plan states under the design guidelines section that where possible signage should be integrated into the building design rather than freestanding. A changeable copy sign would be far off course from the said plan. Signage should also improve the visual continuity of the area; they should not serve as a distraction.

Prepared By:



Section Chief:

AFK:jb



RE: PETITION FOR VARIANCE * BEFORE THE
9615 Deereco Road; SW of Deereco Road, * ZONING COMMISSIONER
W/S of Padonia Intersection *
8th Election & 3rd Councilmanic Districts *
Legal Owner(s): Deereco Road Associates * FOR
Limited Partnership *
Petitioner(s) * BALTIMORE COUNTY
* 09-198-A

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

FEB 18 2009

[Signature]

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

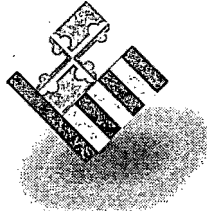
CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of February, 2009, a copy of the foregoing Entry of Appearance was mailed to Francis X. Borgerding, Jr, Esquire, 409 Washington Avenue, St 600, Towson, MD, 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
May 27, 2009
*Department of Permits and
Development Management*

Francis Borgerding, Jr.
409 Washington Avenue, Ste. 600
Towson, MD 21204

Dear Mr. Borgerding, Jr.:

RE: Case: 2009-0198-A, 9615 Deereco Road

Please be advised that an appeal of the above-referenced case was filed in this office on April 16, 2009 from the office of People's Counsel. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Timothy Kotroco".
Timothy Kotroco
Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Bruce Doak, GC & E, 320 E. Towsontown Blvd., Ste. 100, Towson 21286
William Bissell, Hill Management Services, 9640 Deereco Rd., Timonium 21093
Josie Fontanazza, 9615 Deereco Road, Timonium 21093
Tim Wiegard, Gale Signs, 20 Tree Hollow Dr., Shrewsbury PA 17361
Richard Cobert, Baltimore Co. Dept. of Economic Development



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

April 16, 2009

Hand-delivered

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

RECEIVED

APR 16 2009

Ken
.....

Re: PETITION FOR VARIANCE
SW/S of Deereco Road at W/S of Padonia Road intetersection
(9615 Deereco Road)
8th Election District; 3rd Council District
Deereco Road Associates Ltd., Partnership - Petitioner
Case No.: 09-198-A

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated April 3, 2009 by the Baltimore County Deputy Zoning Commissioner.

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

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: Francis X. Borgerding, Jr, Esquire

APPEAL

Petition for Variance
9615 Deereco Road
SW side of Deereco Road at W/side of Padonia Road intersection
8th Election District – 3rd Councilmanic District
Petitioners: Deereco Road Associates Ltd. Partnership

Case No.: 2009-0198-A

Petition for Variance (January 29, 2009)

Zoning Description of Property

Notice of Zoning Hearing (February 23, 2009)

Certification of Publication (Jeffersonian – March 3, 2009)

Certificate of Posting (March 3, 2009) by Bruce Doak

Entry of Appearance by People's Counsel (February 18, 2009)

Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet – None

Citizen(s) Sign-In Sheet - None

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Plan to accompany petition
2. Photos (a thru s)
3. Photos (a & b)
4. Photos (a thru c)
5. Photos (a thru c)
6. Memorandum dated March 19, 2009 from David Iannucci, Director, DED
7. Letters of Support

Protestants' Exhibits - None

Miscellaneous (Not Marked as Exhibit) –

1. CD-R

Deputy Zoning Commissioner's/Zoning Commissioner's Order (GRANTED – April 3, 2009)

Notice of Appeal received on April 16, 2009 from People's Counsel

c: People's Counsel of Baltimore County, MS #2010.
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Francis Borgerding, Jr.
Bruce Doak
William Russell
Josie Fontanazza
Time Wiegard
Richard Cobert

date sent May 27, 2009, klm

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Deereco Road Associates, Ltd. Partnership 09-198-A

DATE: June 16, 2009

BOARD/PANEL: Maureen Murphy
Lawrence Stahl
Robert Witt

RECORDED BY: Sunny Cannington/Legal Secretary

PURPOSE: To deliberate the following:

1. Opinion and Order submitted by Counsel at the Hearing before the Board on the same date.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

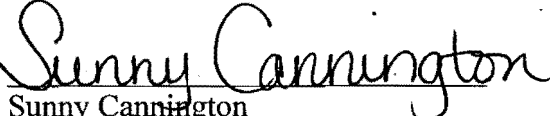
- Upon review of the testimony, facts, law and submitted Opinion and Order, the Board feels that the Opinion as submitted is appropriate in this matter. If Counsel had not come to agreement in this matter, the Board would feel that it is necessary to add language to the Opinion citing Cromwell v. Ward. It would also be necessary to further elaborate in the Opinion as to why they have findings of "uniqueness" and practical difficulty.

DECISION BY BOARD MEMBERS: The Opinion and Order as submitted is appropriate for this case.

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to execute the Opinion and Order as submitted by Counsel GRANTING the Petition for Variance.

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

Respectfully Submitted,


Sunny Cannington

CASE #: 09-198-A

MATTER OF: Deereco Road Associates Ltd. Partnership –
Petitioner

9615 Deereco Road. / 8th Election District; 3rd
Councilmanic District

RE: Variance request from §450.4.5.b of BCZR to allow a second freestanding enterprise sign with no road entrance from road frontage on the north side of the property; a second freestanding enterprise sign with road frontage; and
Variance request from §450.4.5.d of BCZR to allow 4 enterprise wall signs; the permitted 1 wall sign

4/03/2009 – ZC decision that Petition for Variance – GRANTED with restrictions.

6/3/09 Matter specially assigned and notices sent by agreement of counsel for
settlement on the record.

The hearing is scheduled for **Tuesday, June 16, 2009 at 9:00.**

Notices sent to the following:

c. Appellant

: Peter Max Zimmerman

People's Counsel for Baltimore County

Counsel for Petitioner
Petitioner

: Francis Borgerding, Jr., Esquire

: Deereco Road Associates Ltd.

Partnership

Bruce Doak, GC & E

William Bissell, Hill Management Services

Josie Fontanazza

Tim Wiegard, Gale Signs

William Wiseman, III, Zoning Commissioner

Timothy Kotroco, Director/PDM

Richard Cobert, Dept. of Economic Development

Arnold F. "Pat" Keller, Director/Planning

Nancy West, Assistant County Attorney

John Beverungen, County Attorney

6/16/09 Board (1-2-6) convened for hearing; Counsel reached an agreement and presented testimony to the Board. Counsel submitted an Opinion and Order for review by Board. Board convened for Public Deliberation on the submitted Opinion.

Opinion as submitted by Counsel was executed and issued this date.

8/24/09 File closed and returned to Zoning.

BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County

Interoffice Correspondence

Phone: 410-887-3180

Fax: 410-887-3182

To: Stuart Kelly, Code Enforcement

From: Sunny Cannington, Legal Secretary

Date: June 25, 2009

Re: Sign Pick up

Deereco Road Associates, Ltd.
Board of Appeals Case No.: 09-198-A
9615 Deereco Road

Please be advised that this case has settled and the sign can be picked up at your convenience. Please be advised that the property owners were anxious to take the sign down and have it stored in the lobby of the hotel. To pick up the sign please see the Hotel Manager, Josie Fontanazza.

Thank you for staying on top of these sign postings and pick ups. I appreciate all your help. Please do not hesitate to contact us should you have any problems or questions.

BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County

Interoffice Correspondence

DATE: August 24, 2009

TO: Timothy Kotroco, Director
Permits & Development Management

FROM: Sunny Cannington, Legal Secretary
Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILES/CASES DISMISSED**

Please be advised that the following case has been closed and is being returned to you for storage.

<u>Case No.</u>	<u>Case Name</u>	<u>Notes:</u>
09-198-A	Deereco Road Associates, Ltd.	

PLEASE PRINT CLEARLY

CASE NAME DEERCO ROAD ASSOC.

CASE NUMBER 2009-0198-A

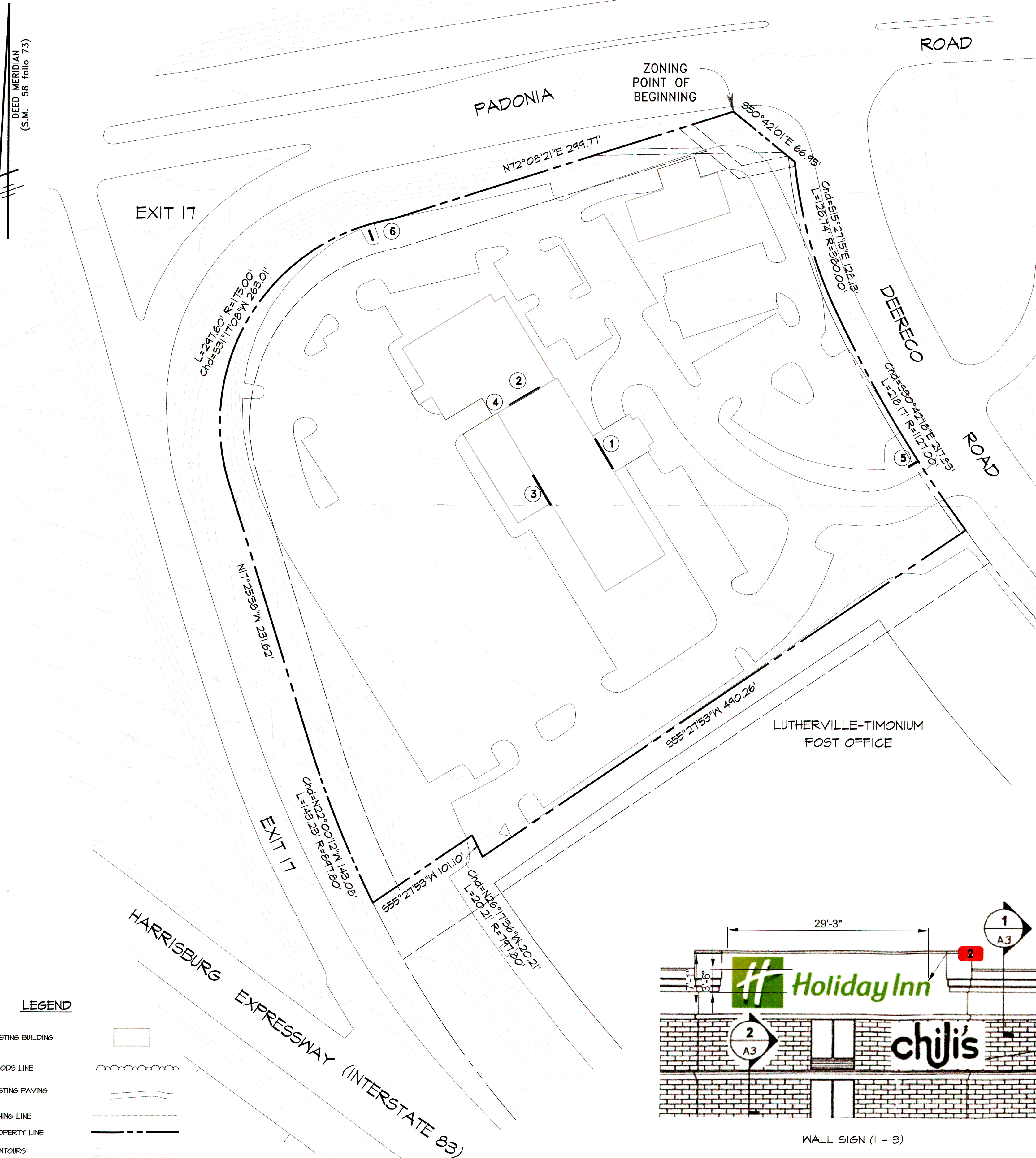
DATE 3/19/09

PETITIONER'S SIGN-IN SHEET

[illegible]

BALTIMORE COUNTY ZONING REGULATIONS
M.L. ZONE AREA REGULATIONS

- 255.1 THE AREA REGULATIONS IN THE M.L. ZONE SHALL BE THE SAME AS THOSE IN B.R. ZONE UNLESS SUCH B.R. ZONE REGULATIONS CONFLICT WITH THE PROVISIONS OF SECTION 255.2
- 255.2 WITHIN 100 FEET OF ANY RESIDENTIAL ZONE BOUNDARY OR THE RIGHT-OF-WAY OF ANY STREET ABUTTING SUCH A BOUNDARY, OR WITHIN 100 FEET OF THE RIGHT-OF-WAY OF AN EXISTING OR PROPOSED INTERSTATE HIGHWAY, OTHER FREEWAY OR EXPRESSWAY, WHICH MOTORWAY IS OFFICIALLY SO DESIGNATED BY THE STATE HIGHWAY ADMINISTRATION, MARYLAND DEPARTMENT OF TRANSPORTATION, AND/OR THE COUNTY, THE FRONT, SIDE AND REAR YARDS SHALL BE AS REQUIRED IN M.R. ZONE (SEE SECTIONS 243.1, 243.2 AND 243.3).



VARIANCE FOR 4 ENTERPRISE WALL SIGNS (1-4) AND TWO FREESTANDING SIGNS (5, 6)



DEERECO ROAD



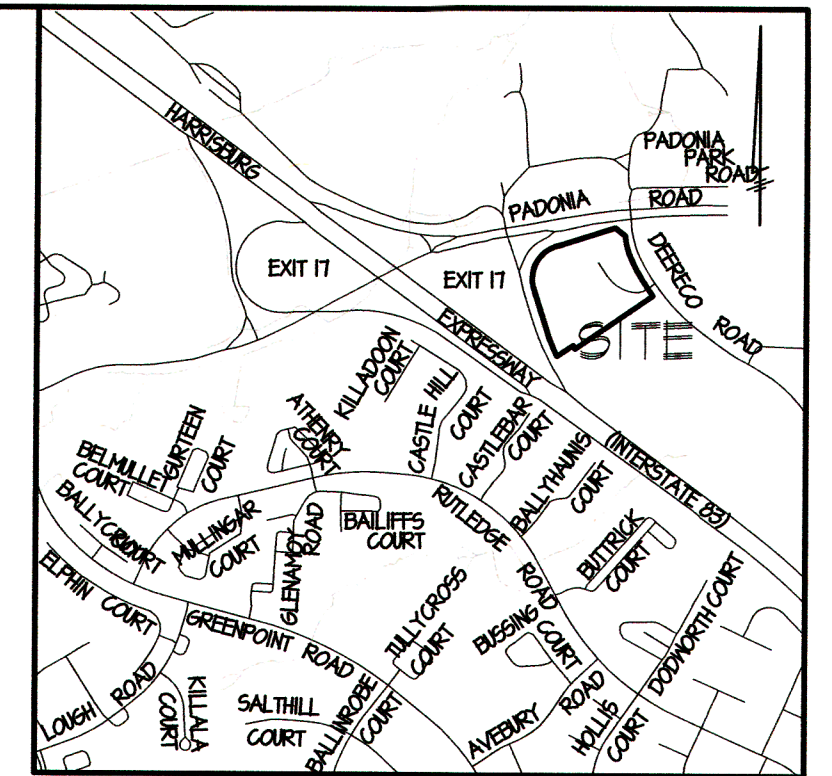
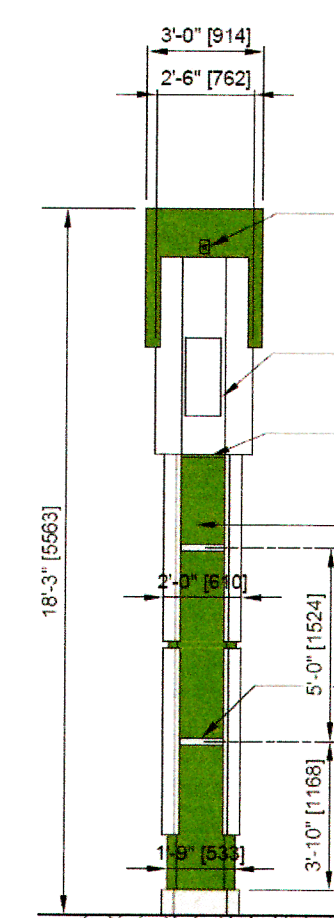
WEST PADONIA ROAD



INTERSTATE 83



FREESTANDING SIGN (5 & 6)



VICINITY MAP
1" = 2000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM RECORD PLAT S.M. 58 folio 73.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 051B3.
3. A.D.C. MAP 1 GRID IS IN 1/4
4. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
5. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
6. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.

OWNER/DEVELOPER
DEERCO ROAD ASSOCIATION LTD. PARTNERSHIP
9615 DEERECO ROAD
LUTHERVILLE, MARYLAND 21093-6987
(410) 561-1300

0198 PETITIONER'S
EXHIBIT NO. 1

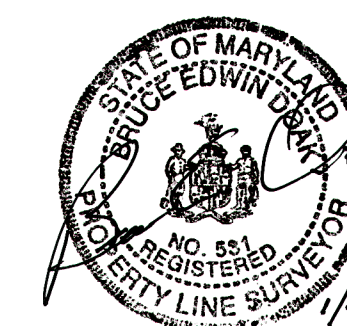
VARIANCES REQUESTED

Section 450.4.5.b. of the Baltimore County Zoning Regulations to allow a second freestanding enterprise sign with no road entrance from road frontage on the north side of the property in lieu of a second freestanding enterprise sign with road frontage. (Signs 5 & 6)

Section 450.4.5.d. of the Baltimore County Zoning Regulations to allow four enterprise wall signs in lieu of the permitted one wall sign. (Signs 1 - 4)

PLAN TO ACCOMPANY A PETITION FOR
ZONING VARIANCE
HOLIDAY INN PROPERTY

9615 DEERECO ROAD
"DAYS INN PLAZA"
PLAT REF.: S.M. 58 folio 73
PARCEL B
Deed Ref: S.M. No. 7814 folio 783
Tax Account No.: 20-00-011023
Zoned ML-1M; GIS Tile 051B3
Tax Map 51; Grid 22; Parcel 338
8th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND



Scale: 1"=50' Date: JANUARY 23, 2009

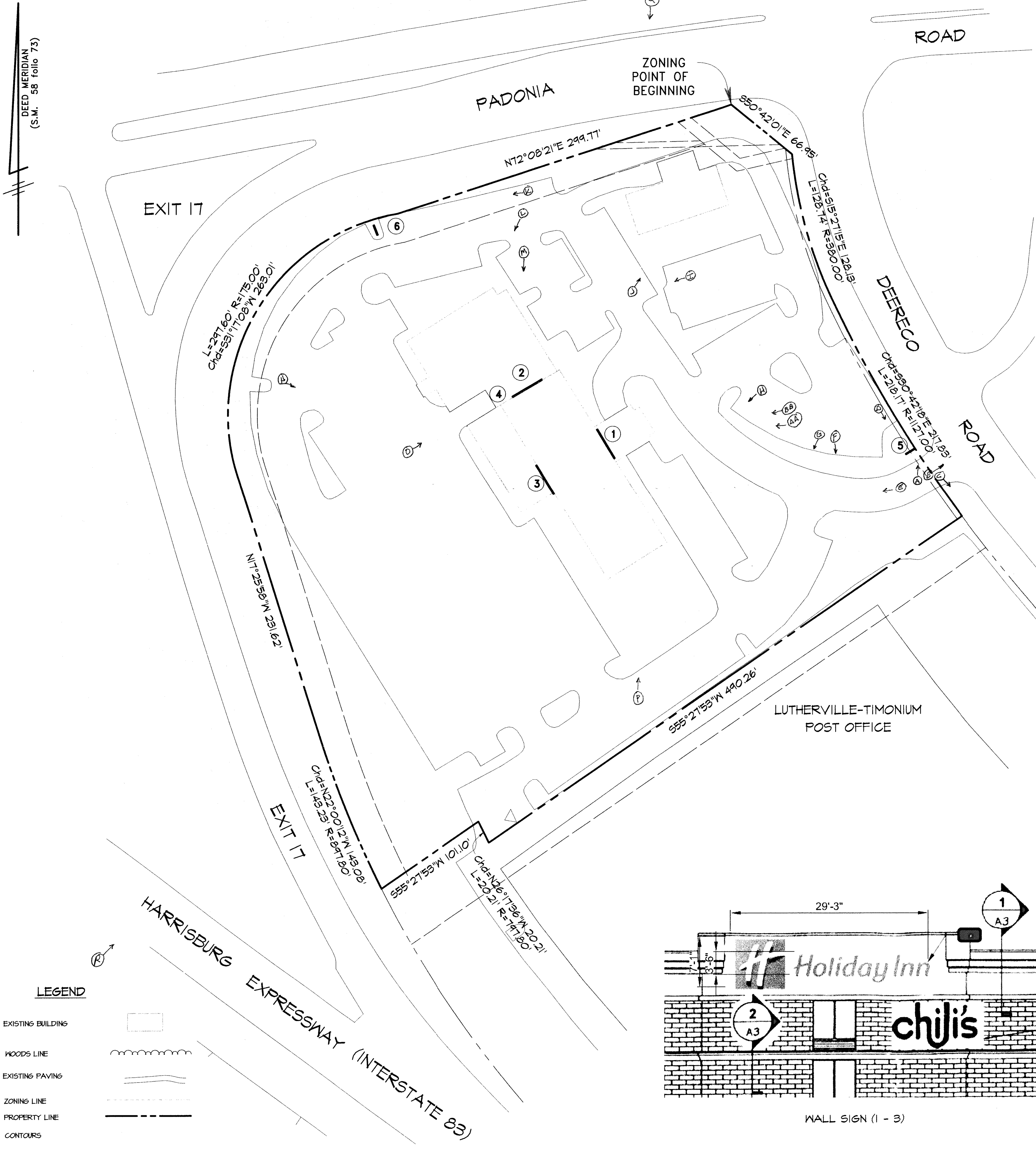
GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

REVISION	DATE	COMPUTED:	DRAWN: C.L.M.	CHECKED:	FILE: X:\HHH\Hh Mgmt_Holiday Inn\ZONING PLAN.pro

BALTIMORE COUNTY ZONING REGULATIONS
M.L. ZONE AREA REGULATIONS

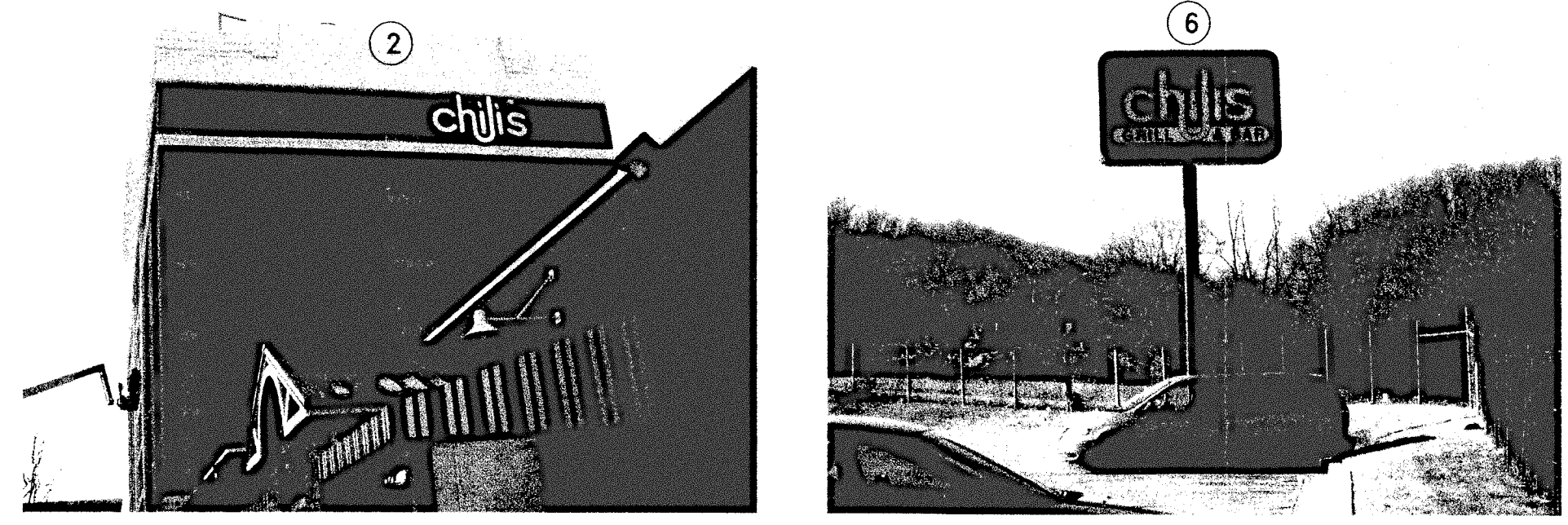
- 255.1 THE AREA REGULATIONS IN THE M.L. ZONE SHALL BE THE SAME AS THOSE IN B.R. ZONE UNLESS SUCH B.R. ZONE REGULATIONS CONFLICT WITH THE PROVISIONS OF SECTION 255.2
- 255.2 WITHIN 100 FEET OF ANY RESIDENTIAL ZONE BOUNDARY OR THE RIGHT-OF-WAY OF ANY STREET ABUTTING SUCH A BOUNDARY, OR WITHIN 100 FEET OF THE RIGHT-OF-WAY OF AN EXISTING OR PROPOSED INTERSTATE HIGHWAY, OTHER FREEWAY OR EXPRESSWAY, WHICH MOTORWAY IS OFFICIALLY SO DESIGNATED BY THE STATE HIGHWAY ADMINISTRATION, MARYLAND DEPARTMENT OF TRANSPORTATION, AND/OR THE COUNTY, THE FRONT, SIDE AND REAR YARDS SHALL BE AS REQUIRED IN M.R. ZONE (SEE SECTIONS 243.1, 243.2 AND 243.3).



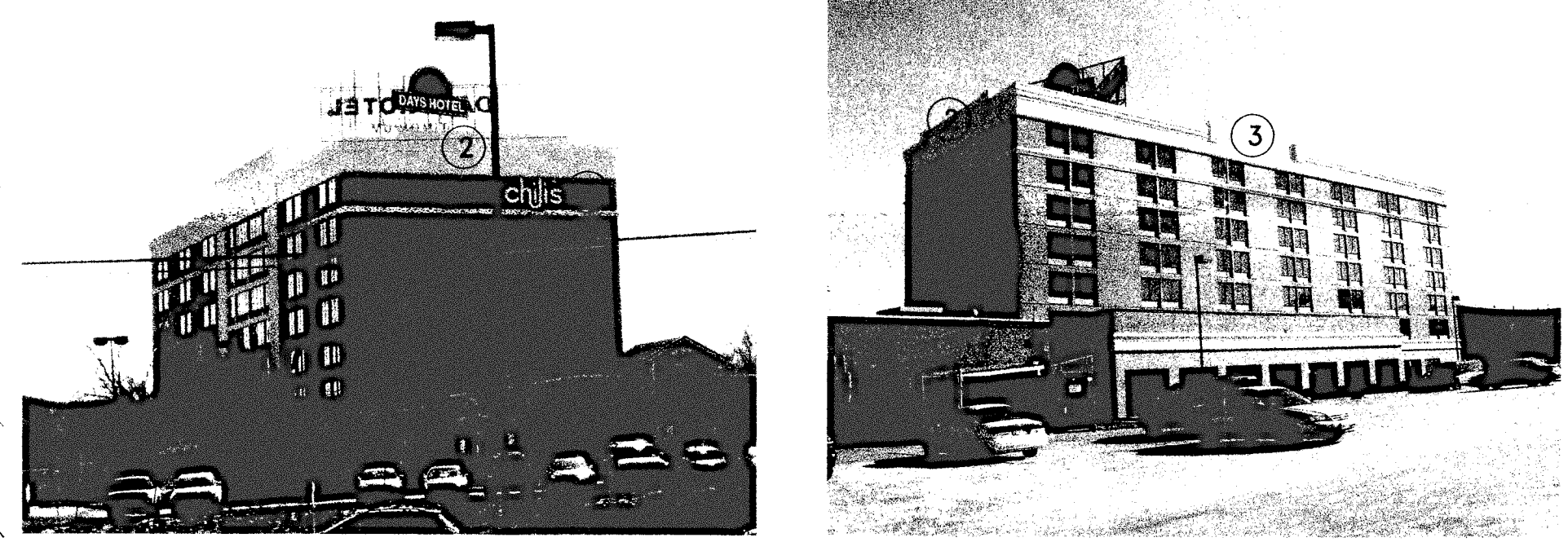
VARIANCE FOR 4 ENTERPRISE WALL SIGNS (1-4) AND TWO FREESTANDING SIGNS (5, 6)



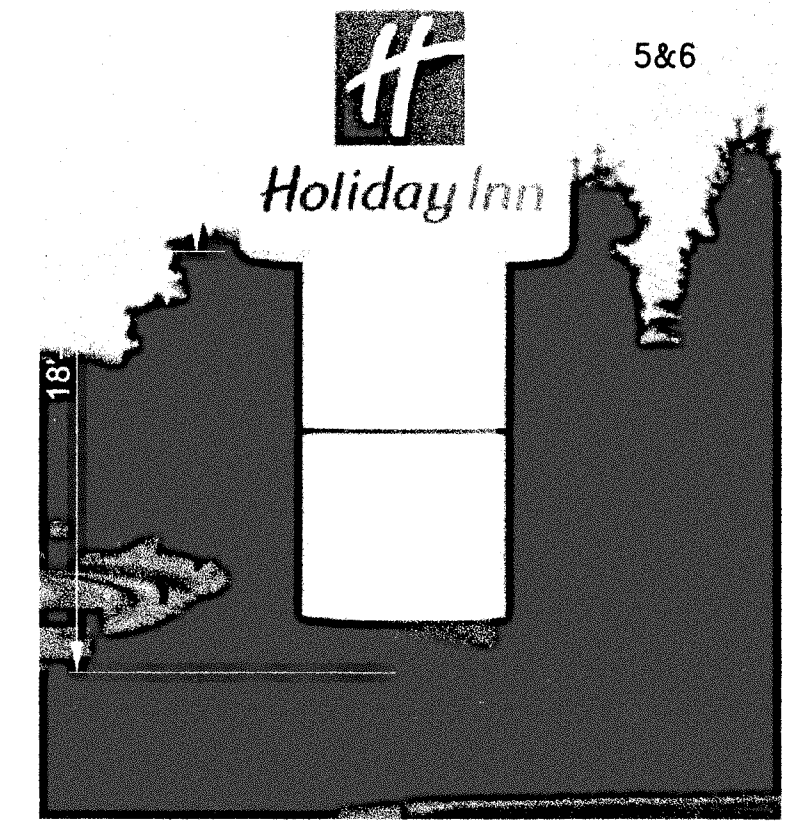
DEERECO ROAD



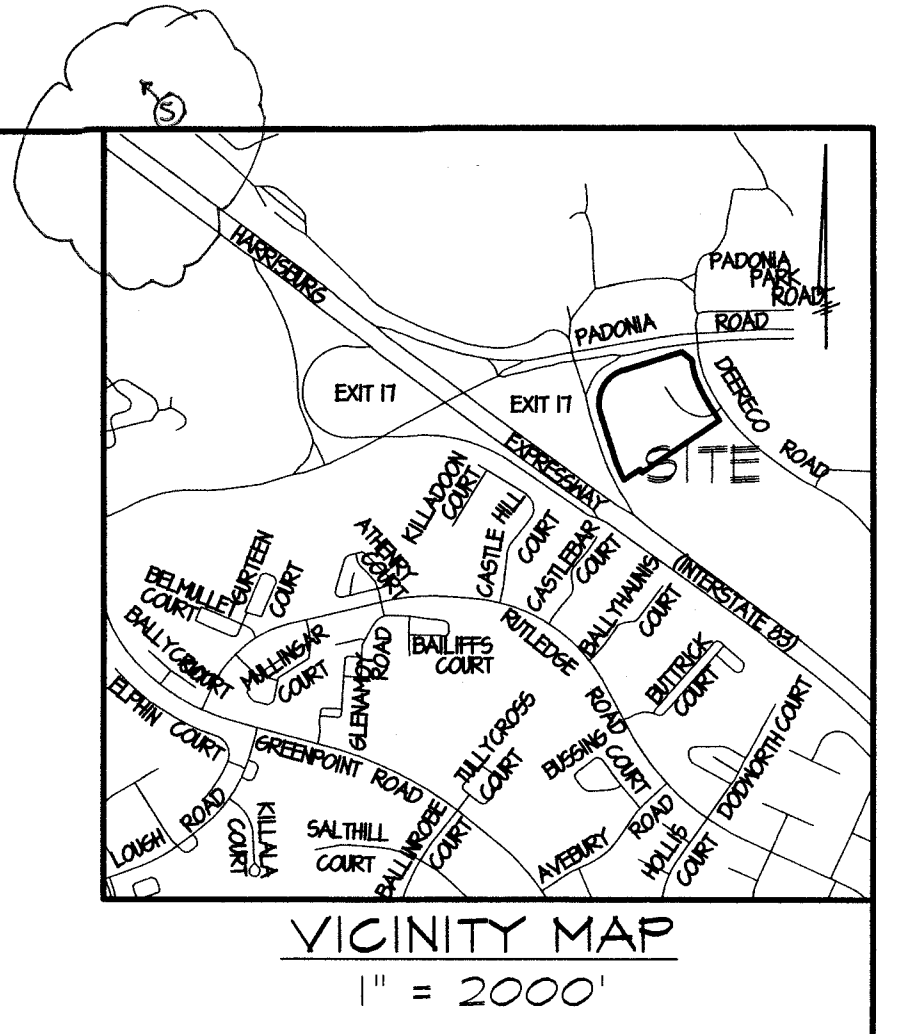
WEST PADONIA ROAD



INTERSTATE 83



FREESTANDING SIGN (5 & 6)



GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM RECORD PLAT S.M. 58 folio 73.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 051B3.
3. A.D.C. MAP # 51D 18 H.
4. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
5. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
6. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.

OWNER/DEVELOPER
DEERECO ROAD ASSOCIATION LTD. PARTNERSHIP
9615 DEERECO ROAD
LUTHERVILLE, MARYLAND 21093-6987
(410) 561-1300

VARIANCES REQUESTED

Section 450.4.5.b. of the Baltimore County Zoning Regulations to allow a second freestanding enterprise sign with no road entrance from road frontage on the north side of the property in lieu of a second freestanding enterprise sign with road frontage. (Signs 5 & 6)

Section 450.4.5.d. of the Baltimore County Zoning Regulations to allow four enterprise wall signs in lieu of the permitted one wall sign. (Signs 1 - 4)

PLAN TO ACCOMPANY PHOTOGRAPHS

PLAN TO ACCOMPANY A PETITION FOR ZONING VARIANCE
HOLIDAY INN PROPERTY

9615 DEERECO ROAD
"DAYS INN PLAZA"
PLAT REF.: S.M. 58 folio 73
PARCEL B
Deed Ref: S.M. No. 7814 folio 783
Tax Account No.: 20-00-011023
Zoned ML-1M; G15 Tile 051B3
Tax Map 51; Grid 22; Parcel 338
8th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND



Scale: 1"=50' Date: JANUARY 23, 2009

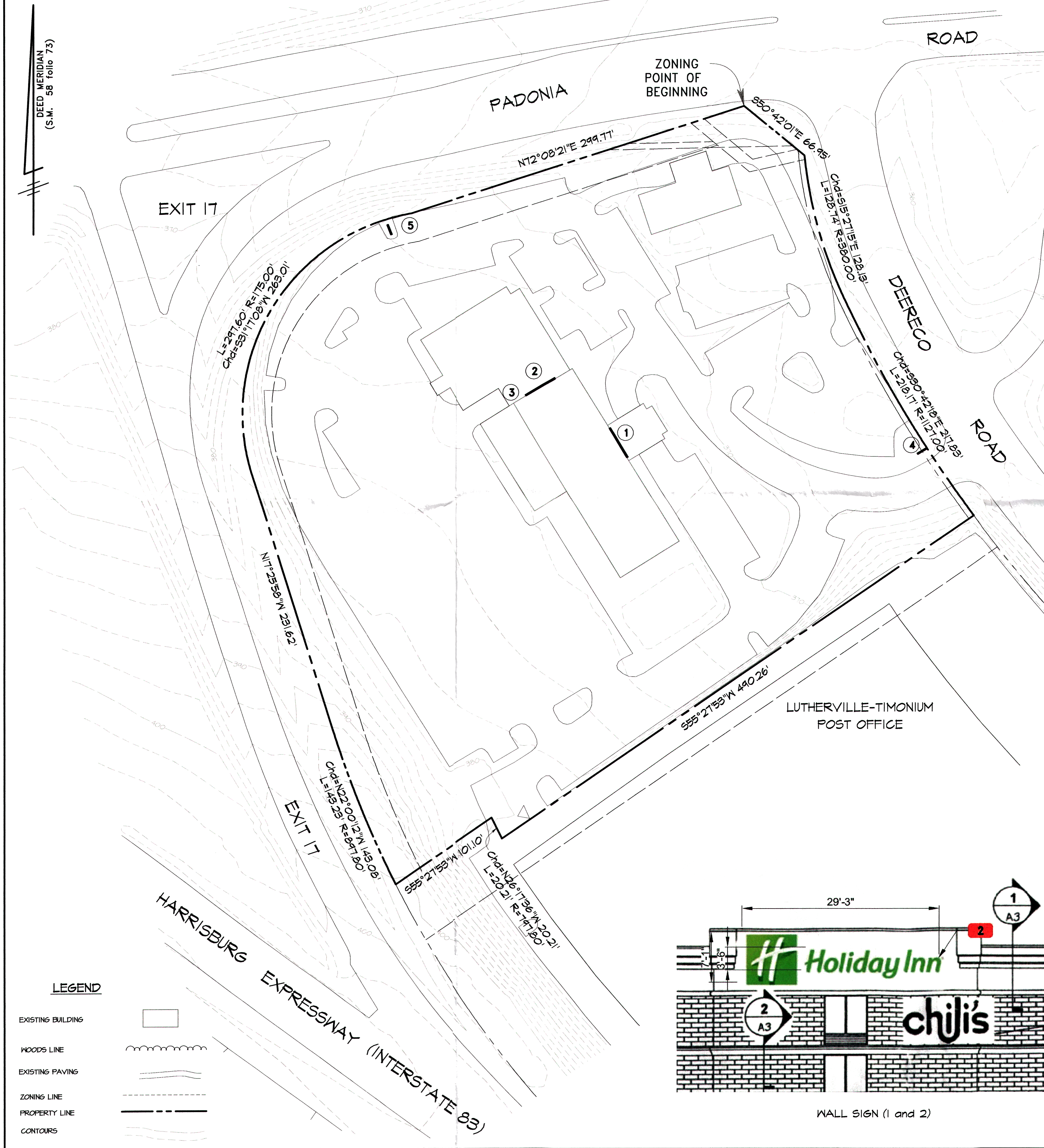
GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

REVISION	DATE	COMPUTED:	DRAWN: C.L.M.	CHECKED:	FILE: X:\VH\Hill Mgmt_Holiday Inn\ZONING PLAN.pro

BALTIMORE COUNTY ZONING REGULATIONS

M.L. ZONE AREA REGULATIONS

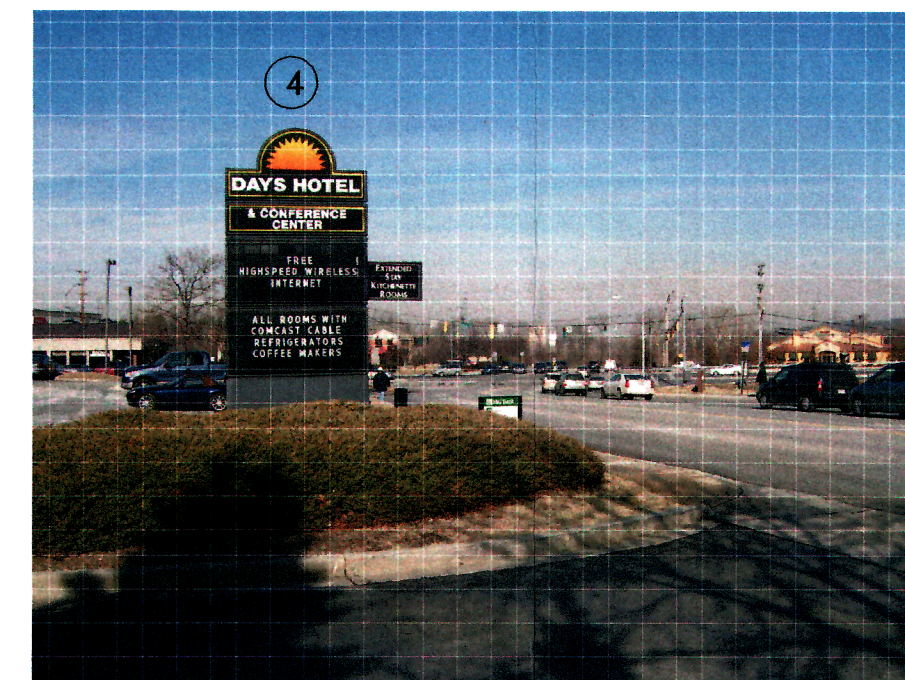
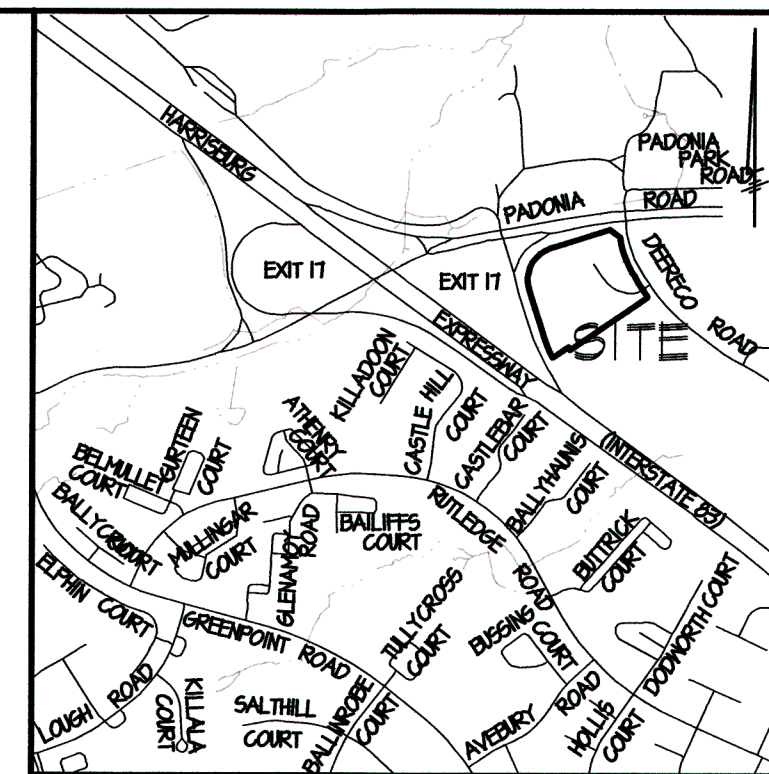
- 295.1 THE AREA REGULATIONS IN THE M.L. ZONE SHALL BE THE SAME AS THOSE IN B.R. ZONE UNLESS SUCH B.R. ZONE REGULATIONS CONFLICT WITH THE PROVISIONS OF SECTION 295.2
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VARIANCE FOR 3 ENTERPRISE WALL SIGNS (1-3) AND TWO FREESTANDING SIGNS (4, 5)



Proposed Holiday Inn Sign

TO BE REPLACED BY Holiday Inn
FREESTANDING SIGNVICINITY MAP
1" = 2000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM RECORD PLAT S.M. 58 folio 73.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 051B3.
3. A.D.C. MAP # GRID 10 H1
4. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
5. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
6. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.

ORDER

THEREFORE, it is this ____ day of June, 2009, by the County Board of Appeals of Baltimore County,

ORDERED, that the Amended Petition for Variance from Section 450.4.5.d of the Baltimore County Zoning Regulations to allow three enterprise wall-mounted signs in lieu of the permitted one wall-mounted sign is GRANTED, as described in this opinion and shown on Petitioner's amended redlined Exhibit One, for two new Holiday Inn signs, one on the east wall of the hotel building and one on the north wall, and for retention of the existing Chili's sign on the north wall; and it is further

ORDERED, that the Petition for Variance under Section 450.4.5.b of the Baltimore County Zoning Regulations to allow a second freestanding enterprise sign with no road entrance from road frontage on the north side of the property in lieu of a second free standing enterprise sign with road frontage is hereby GRANTED, consistent with this opinion and shown on amended redlined Exhibit One, allowing the new Holiday Inn sign at the Deereco Road entrance, and allowing the time-limited retention of the existing Chili's sign near the northbound I-83 exit ramp, subject to the termination of the variance herein granted on the applicable October 19, 2012 sunset date under BCZR § 450.8.0.1, 15 years after the effective date of Bill 89-97; subject further to any amendment of this sunset date by the Baltimore County Council, and without prejudice both to the Petitioner to file a new Variance in relation to the freestanding Chili's enterprise sign at issue and to other parties to assert any rights in such proceedings; and it is further

ORDERED, that there shall be construction or reconstruction of any roof signs on the hotel and restaurant buildings.

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

VARIANCES REQUESTED

Section 450.4.5.b. of the Baltimore County Zoning Regulations to allow a second freestanding enterprise sign with no road entrance from road frontage on the north side of the property in lieu of a second freestanding enterprise sign with road frontage. (Signs 5 & 6)

Section 450.4.5.d. of the Baltimore County Zoning Regulations to allow three enterprise wall signs in lieu of the permitted one wall sign. (Signs 1-3)

PLAN TO ACCOMPANY A PETITION FOR
ZONING VARIANCE
HOLIDAY INN PROPERTY

9615 DEERECO ROAD
"DAYS INN PLAZA"
PLAT REF.: S.M. 58 folio 73
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BALTIMORE COUNTY, MARYLAND

Scale: 1"=50'

Date: JANUARY 23, 2009

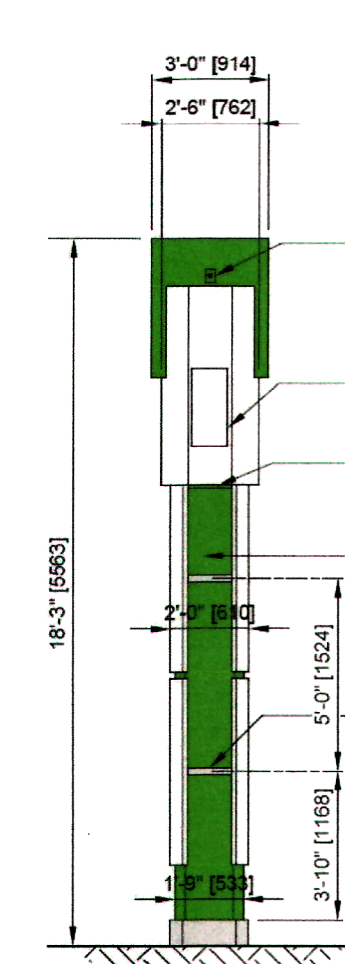
GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

COMPUTED: DRAWN: T.E.H. CHECKED: B.E.D.



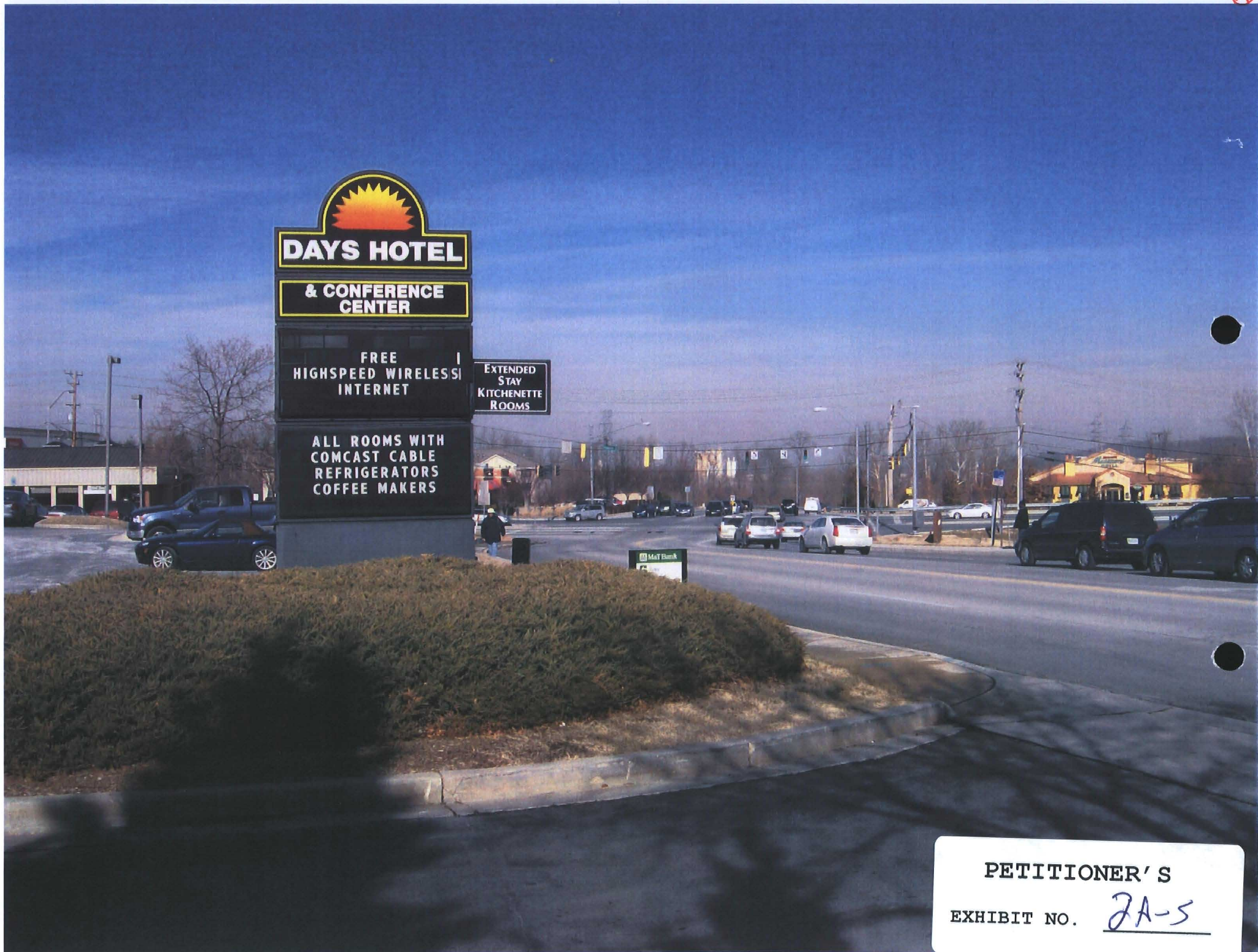
FREESTANDING SIGN (5 and 6)



OWNER/DEVELOPER
DEERECO ROAD LIMITED PARTNERSHIP
216 SCHILLING CIR. STE. 300
HUNT VALLEY, MARYLAND 21031-0632
(410) 561-1300

Misc. COMMENTS IN HEARING	6/16/09
CAPTION UNDER PHOTO	6/16/09
REVISED VARIANCE REQUESTED	6/15/09

LBA Petition #1 6/16/09



PETITIONER'S

EXHIBIT NO.

2A-5








DAYS HOTEL

**& CONFERENCE
CENTER**

FREE
HIGHSPEED WIRELESS
INTERNET

EXTENDED
STAY
KITCHENETTE
ROOMS

Mid Bank
ATM













DAYS HOTEL
TIMONIUM

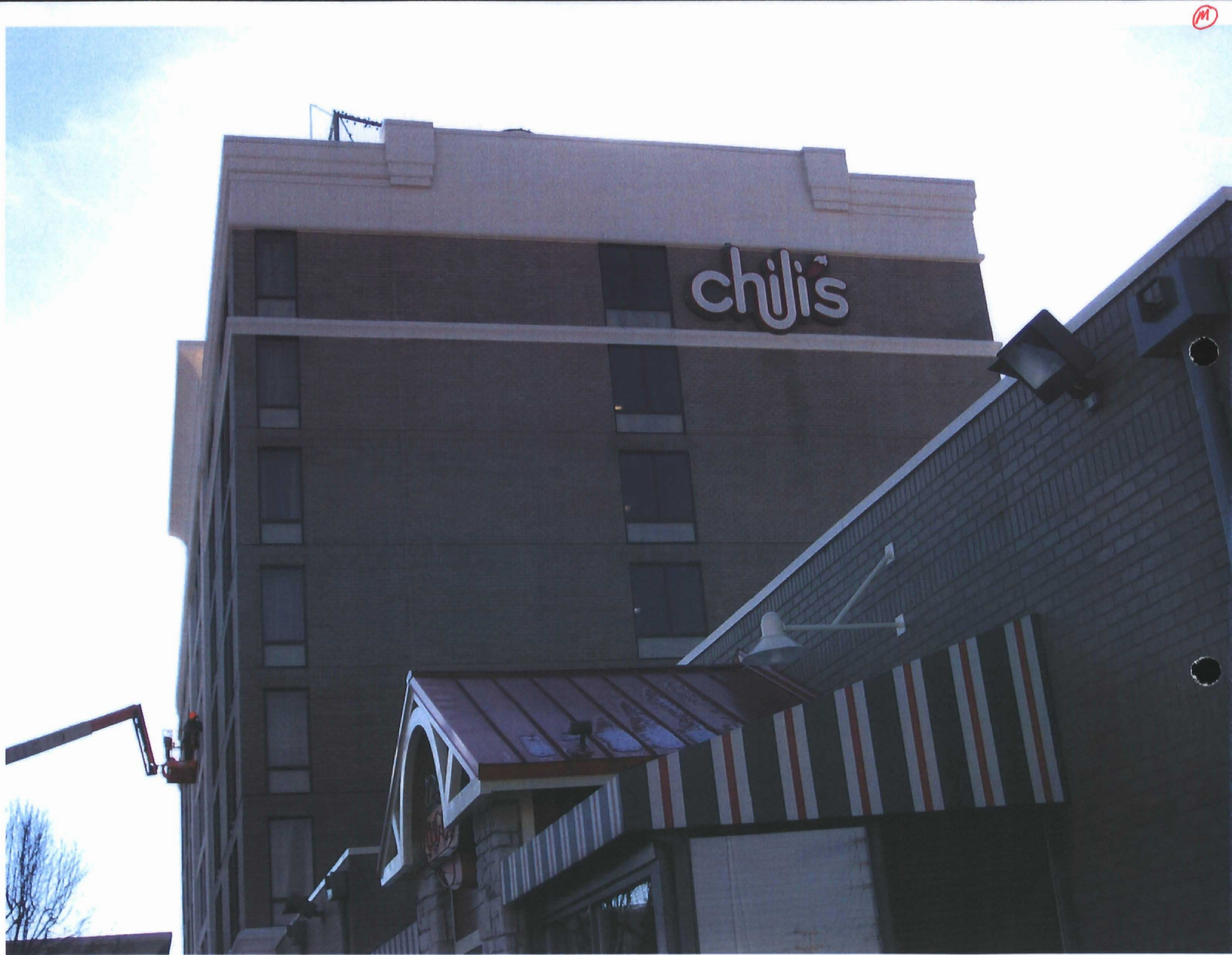










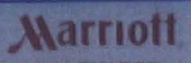








LODGING EXIT 20A

 BALTIMORE HUNT VALLEY INN	 EMBASSY SUITES HOTELS
	
	



PETITIONER'S

EXHIBIT NO.

3A+B



A-C



PETITIONER'S
EXHIBIT NO. 4A-C







PETITIONER'S

EXHIBIT NO. SA-C







BALTIMORE COUNTY
MARYLAND

PETITIONER'S

EXHIBIT NO. 6

MEMORANDUM

TO: Deereco Road Associates Limited Partnership
FROM: David Iannucci *DI* Executive Director, DED
RE: 9615 Deereco Road Zoning Hearing
DATE: March 19, 2009

Francis X. Borgerding, Jr, Esquire has contacted our department on your behalf concerning the zoning variance hearing for this project. The case information is:

CASE NUMBER: 2009-0198-A Location: S/West of Deereco Road; at West side of Padonia Road intersection 8th Election District Legal Owner: Deereco Road Associates Limited Partnership.

We understand that Deereco is performing a complete renovation of the former Days Inn Hotel to reopen as a new Holiday Inn at 9615 Deereco Road. The 146 room facility with 4,000 square feet of meeting space will add 20 new employees to their current employment of 30. Deereco is redeveloping an aging and obsolete hotel into a brand new hotel, conference center, and special event facility. The capital investment for the project exceeds \$5,000,000.

The Deereco/Padonia Roads corridor is undergoing redevelopment of aging buildings into new and updated retail and service facilities for local firms such as Tessco Technologies and Bill Me Later. Branding these amenities promotes the accessory retail services sought by high-wage financial, insurance, real estate, IT, and pharmaceutical operations in the local community.

The signage change involves the removal of five obsolete Days Inn signs and addition of four new Holiday Inn signs with a decrease in total sign face square footage.

Our department endorses Deereco's signage request. The location is zoned ML-IM, and the immediate area includes primarily office, manufacturing, and retail businesses.

CC: Francis X. Borgerding, Jr. Esquire

CHRISTOPHER-DANIEL

Restaurant

106 WEST PADONIA ROAD
TIMONIUM, MD 21093

PHONE 410-308-1800
FAX 410-308-8872

March 16, 2009

Zoning Commissioner
Baltimore County
Towson, MD 21204

Dear Commissioner:

Our restaurant, Christopher Daniel, located on Padonia Road in Timonium has been following the construction/renovation of the Holiday Inn property located at Deerco Road and Padonia Road. The property is less than one quarter of a mile from our site.

It has come to our attention from a road sign and other conversations that they are requesting some kind of a sign variance to get them better signage. We write this letter in full support of their request and we highly urge you to grant the variance. We are unfamiliar with the specific specifications of the Zoning Board, but proper signage will improve our business and well as theirs.

Their requested signage is critical to our business development (especially in the current economic climate) since we offer a menu suitable to their clientele. Granted they have a Chili's restaurant on their property, but many of their guests travel the short distance to us to have an upscale dining experience. It is hard to quantify the exact dollar amount of business we get from them, but having been in this location under 3 different names for 15 years, you get a general feel from conversations with your customer and the Holiday Inn name is mentioned quite often.

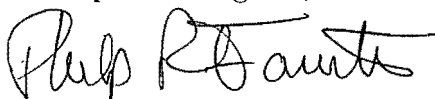
"A high tide floats all boats" and when the hotels in general and the close Holiday Inn in particular is doing well, we are doing well!

It should also be pointed out that we pay for advertising in a promotional book that is placed in each room of the Holiday Inn and many times that drives customers to our location. Simply stated, if the Holiday Inn does not have a great sign, there are fewer gusts to read the book and we suffer a loss in our business.

Our food is great and we are an independent restaurant (not a franchise) that serves a super crab cake. Let's let the out of town guests enjoy and remember Baltimore County as a great place to stay and a great place to eat.

Any further information needed, simply call the above letterhead address.

Best personal regards,



Philip R. Forrester
Chief Financial Officer
Christopher Daniel Restaurant

PETITIONER' S

EXHIBIT NO. 7