

IN RE: PETITIONS FOR SPECIAL HEARING *

AND VARIANCE

N/S Fork Road, 166' W of c/line of *

Harford Road

(12607 Fork Road) *

11th Election District *

3rd Council District *

Creta Enterprises, LLC

Petitioner *

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

Case No. 2010-0361-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, Creta Enterprises, LLC, by William Marvelis, its managing member, through their attorney, John B. Gontrum, Esquire. The Petitioner requests a special hearing for parking to support a restaurant use in a R.C.5 zone, pursuant to Section 409.8.B of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, variance relief is requested from B.C.Z.R. Sections 259.3.C.2.a and 303.2 to permit a front yard setback of 12 feet in lieu of the required 15 feet and 87 feet respectively; from Section 259.3.C.2b to permit a side yard setback of 2 feet in lieu of the required 15 feet; from Section 409.8.A.2 to permit parking on turf cells in lieu of the required durable and dustless parking surface; from Section 409.A.6 to permit parking spaces separated by visible markers other than striping; from Sections 259.3.C.7.b, 259.3.C.7.c and 450.4 (4 Attachment 1:3) to permit two (2) freestanding illuminated signs in lieu of the one freestanding sign permitted, and lastly, from Section 259.3.C.7.b to permit an existing, illuminated sign of 55 square feet per side in lieu of the permitted 25 square feet and to permit a proposed, illuminated sign with manual changeable copy containing 32 square feet per side in lieu of the permitted 25 square feet per side in a C.R.

ORDER RECEIVED FOR FILING

Date

10-19-10

By

103

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

Appearing at the requisite public hearing in support of the requests were William and Effie Marvelis, on behalf of the owner; Jeffrey J. Deegan, P.E. of Wilson Deegan & Associates, Inc, the consultant who prepared the site plan for the property, and nearby residents; namely, Bobby and Pam Prigel, Stephen G. Kiel and Darrell Edwards, Vice Chairman of the Greater Long Green Community Association. John B. Gontrum, Esquire, of Whiteford, Taylor & Preston, LLP appeared on behalf of the Petitioner. Mike Pierce, a resident of Kingsville, appeared as an interested person. Electronic mail correspondence was also received from the Greater Kingsville Civic Association, Inc. asking for a delay in the closing of the record for its input. The record was left open, and this input was received September 21, 2010 from Ila Christenbury as was correspondence from Carol Trela, the Long Green Valley Association Secretary.

Testimony and evidence offered disclosed that the subject property consists of approximately one (1) acre located on the northwest side of Fork Road approximately 166 feet west of the center line of Harford Road. On the eastern side of the property is the commercially zoned and used Fork Plaza strip center. To the north and western sides of the site are residential properties. Across Fork Road from the site is the Fork Veterinary Clinic, a beauty salon and the Fork Post Office. The subject site has been used commercially for many years as a delicatessen and now as the Sunshine Grill restaurant. The front two thirds of the property is zoned B.L-C.R. The C.R. district is a commercial district applied in the rural areas to modify and ameliorate some of the more urban aspects of the commercial zones. The rear portion of the site is the rural, residential zone R.C.5.

The restaurant facility is located in close proximity to Fork Road on the eastern side of the property. See Photo Exhibit 3. Access to the restaurant is from the western side, and there is parking along the western property line extending to the rear and across the R.C.5 zoning line. The parking area currently is paved. As the site plan indicates, underneath the parking area is an extensive septic treatment and reservation area. The private well and private septic services serve as a deterrent to major site development.

The restaurant has been very popular with the community. The building has existed in its current configuration for many years. The current owner has put on a porch and foyer on the side adjacent to the parking lot with accessibility for wheelchairs. There is an existing sign supported by two (2) posts, which look like they have been in place for quite a few years.

The owner is seeking to continue the front entrance improvement across the entire front of the building and to add on to the side of the building closest to the Fork Plaza as depicted on Petitioner's Exhibit 1. Additional kitchen space is sought in the rear of the building. Testimony indicated that kitchen storage is very crowded and that there is a need in keeping with good management and safety to expand this area. No variances are needed with respect to that extension. The extension of the front building area from its current bump out and the expansion on the side drive the need for front and side yard variances. Testimony and Exhibit 1 indicate that although expansion might otherwise be possible to the building without variances to the west side and to the rear such expansion either intrudes into the access area for the parking or interferes with the ramps used for disabled access or interferes with the private septic area. The site just does not permit the expansion in the areas that would not require a variance.

The front yard variance was initially sought in the alternative, for although B.C.Z.R. Section 259.3.C.2 requires that the setback be not less than 15 feet from the street right-of-way

ORDER RECEIVED FOR FILING

Date

10-19-10

By

102

line, Section 303.2 requires averaging for this setback. A much greater setback would be required under Section 303.2 because of the fact that the Fork Plaza has parking in front of its building on Fork Road and because the residential structure to the west of the property like Fork Plaza is set well off of Fork Road. The C.R. (Commercial, Rural District) zoning regulations, however, state that the maximum setback that can be required in the C.R. district is the averaging of the setbacks of adjacent buildings. Applying both Section 303.2 and Section 259.3.C.2 would mean that the average setback of 87 feet would be both the minimum and the maximum setback, which in this case makes little sense. The whole building at 12607 Fork Road is within the setback. One of the cardinal rules of interpretation is to read sections together in order to effectuate a reasonable outcome. In this case, the overlay district is intended to create additional standards to the normal standards of the B.L. zone, and it makes sense that the 15 foot minimum front yard setback, stated in Section 259.3.C.2.a, is the applicable setback.

In either event, it was also suggested that the only right-of-way which currently exists for Fork Road is the paving itself since the County claims no deeded public right-of-way. The Petitioner and its engineer have assumed a 30 foot prescriptive right-of-way despite the fact that the paving is only 22 feet wide. If the paving width is considered, then the Petitioner meets the 15 foot setback requirement of the C.R. district for the proposed addition. Baltimore County only maintains the paved portion of the right-of-way. The 30 foot right-of-way may be assumed by the County for some purposes, but there is no showing that it actually exists. The closest point of the porch of the existing building is now 9.6 feet from the 30 foot right-of-way and is still closer than 15 feet to the edge of paving. The proposed addition will sit back over 2 feet further from the right-of-way. Based on the fact that the Petitioner is requesting an extension and enclosure of the porch area and will be 15 feet from the paved area, and based on the site

ORDER RECEIVED FOR FILING

Date

10-19-10

By

102

issues pertaining to the desire to provide convenient access for disabled patrons, I find that peculiar conditions do pertain to this site that make compliance with the front setback requirements a practical difficulty, if indeed they are not already met given the right-of-way of the paved portion of the road claimed by the County.

The side yard variance requested by Petitioner will have an impact on no one but for the Fork Plaza. It does not interfere with adequate light or air and abuts the rear of the existing High's market. The Petitioner desires to increase its seating by this rather small addition for economic reasons given the future cost of the installation of a special nitrogen septic removal treatment facility. Cost is certainly not a factor in granting a variance, but the alternatives for adding the seating are few given the site constraints and the desire and necessity to provide as much parking as possible. It is apparent from the testimony and site plan that the site requires ample parking that meets or exceeds County requirements, for there is no opportunity for on-street parking. The proposed 512 square feet seating addition is not large, will have little or no impact on adjoining properties and will not create any visual issues. It should be noted that Mr. Pierce, who was present to hear the testimony and view the exhibits, stated that he had no issues with the setback variances requested. The Greater Kingsville Civic Association concurred in its comments.

Mr. Pierce likewise had no problems with the parking variances being requested. The variances were originally sought because the Baltimore County Department of Environmental Protection and Resource Management (DEPRM) was requiring removal of a substantial amount of the paving, for which no permit had been obtained. There are limitations on the amount of paving that can be placed on property without grading permits or storm water management waivers, and over the years, whether by the current owner or a series of owners, these limits have

ORDER RECEIVED FOR FILING

Date

10-19-10

By

103

been exceeded. In addition, no permission was sought to put a commercial parking area in the R.C.5 zoning classification. This area of the property drains to the rear of the site. Subsequent to the filing of the Petitions before me, and prior to the hearing, agreements were reached with the neighbors to the rear of the site on the filing for a storm water management waiver. DEPRM has indicated that it is willing to grant a waiver to storm water management for the site subject to certain conditions. If this waiver is ultimately granted, the Petitioner has agreed to abandon the variance requests pertaining to the parking lot.

Testimony from the neighbors in attendance evidence the fact that the Sunshine Grill has become something of a community amenity. *See* Greater Long Green Community Association's letter of support – Petitioner's Exhibit 4. It is the only sit down restaurant of any kind serving this area of Baltimore County. Consequently, it has become quite popular for both its breakfasts and dinners. Parking is very important. There are 71 spaces designated on the site plan. Elimination of the parking area from the R.C.5 zone by no means makes sense. According to the site plan at least 20 parking spaces exist within the R.C.5 zone, and at least another four (4) spaces would be impacted. This would not be sufficient to adequately serve the existing use. It would force patrons either onto the narrow strip along Fork Road or infringe upon neighboring properties as trespassers. No neighbor objects to the use of the R.C.5 zone for the parking. The necessity for its use is obvious. The existing restaurant needs it and not because of an addition of 512 square feet. It also is clear that the use of the area is not constant. Most mornings and evenings patrons will park closer to the restaurant, and the parking is sufficient in the B.L. zone. Testimony from Mr. Marvelis, however, was clear that there are times when all of the parking is necessary, and Mr. Pierce agreed. Parking in the R.C.5 zone is permitted with a use permit, and

ORDER RECEIVED FOR FILING

Date

10-19-10

By

103

there is no evidence of any kind that granting it would be injurious to the public health, safety or general welfare.

I am aware of the Office of Planning's comment on this site plan and petition. While appreciative of their view – that because the C.R. overlay was not extended to the R.C.5 area in 2008 that parking was not favored by the Councilman at that time. At the same time the County Council was considering many issues of zoning and may well have been aware that a public hearing would be required prior to the consideration of a use permit for the parking. Furthermore, the site plan presented does not call for parking over the entire R.C.5 zoned area. Without meaning to speculate, it is clear to me that had the Council and the Office of Planning had the same opportunity as I did to hear the testimony, understand that the neighbors did not object and indeed were working with Petitioner to provide sufficient parking, then I believe that it would have found as I do that the provision of parking in the R.C.5 area as shown and as limited on the site plan is appropriate. I would note further that this is the last expansion of parking that may occur on this site. DEPRM will either require storm water management for any additional paving, which can not be provided on the site, and which would not be permissible off-site, or will grant its waiver, which is conditioned on the open area in the rear of the site remaining open and pervious. The restaurant exists as a permitted use, and the parking should accommodate that use.

Section 409.A.2 of the B.C.Z.R. requires a durable and dust free surface for parking. Turf cells are a relatively recent technological development intended to allow porous surfaces that are solid enough for parking and driving. They appear to be durable and with less frequent use are not prone to dust creation. While such a surface may not be suitable for all parking areas, in areas such as this where use is occasional, they would appear to be a very reasonable

alternative. Given the site constraints and their proposed location on this site a variance to allow their use is most appropriate. Similarly, it is clear that typical striping is not possible on grass, but it is not difficult to delineate parking spaces by other measures. In the Chesapeake Bay Critical Area (CBCA) and in Coastal Bay critical areas, such measures are common where paving is not encouraged. If, indeed, the storm water management waiver is not granted and the paving has to be removed, these measures will be sufficient. With that being said, it is clear that the parking and setback relief should be granted.

The most troublesome issues presented at the hearing pertained to the sign variances requested. Indeed, Mr. Pierce, who has received some well-deserved notoriety for his diligence as an advocate for the sign regulations, was in attendance to listen and give testimony on these requests in particular. As noted above, he made a point of stating that the other variance requests appeared reasonable.

Testimony at the hearing pertained to two (2) signs and sign locations. The existing lighted sign for the Sunshine Grill is located on two (2) poles directly in front of the restaurant. *See Photo Exhibit 2.* Prior to its use by the restaurant, it was used by the Fork Delicatessen and its presence on the site is of indeterminate duration. Of more recent vintage on the poles are the starburst symbol for the Grill and an arrow indicating when the restaurant is open containing 15 square feet per side. No one really objected to the continuation of this sign. As Mr. Pierce noted, in this particular instance the size of the sign, the fact that it is internally lighted, and its placement are justified.

What created the real problematic issue was the request for a second sign located on the road frontage adjacent to the western property line which would be internally lighted and provide for manual, changeable copy. *See Photo Exhibit 3.* Such a sign had existed for quite some time

on the site until in response to a zoning violation notice the sign was removed. The sign served the purpose of advertising specific events at the restaurant as well as being a quasi-community bulletin board.

Interestingly, all parties agreed that in this particular case the manual changeable copy sign served a legitimate community purpose. Particularly troubling were the requests for two (2) sign locations and the square footage of the variances. It was agreed at the hearing to allow the record to remain open for the parties to confer and to see if a suitable compromise could be reached. In addition, the parties agreed to submit the compromise to the Baltimore County Office of Planning for its input and comment. This was done. A copy of the Agreement and sign plan is attached hereto for reference as Parties Joint Exhibit A. In this regard, I wish to commend Mr. Pierce for taking his time to work with Petitioner and making his considerable familiarity with the sign regulations available to the Petitioner. I truly appreciate his willingness to come up with a solution for the benefit not only of the Petitioner but also of the greater community.

Prior to reviewing the compromise it would perhaps be useful to review the regulations and the relief the Petitioner has sought. Section 250.3.C.7 contains sign requirements in addition to those contained in Section 450. There may be only one (1) wall mounted sign of no more than 8 square feet and only one (1) freestanding sign of no more than 25 square feet per side. The section does not mention other types of signs otherwise permitted in the commercial zones. Read in the context of Section 450, which allows more than one (1) freestanding sign and more than one (1) wall-mounted enterprise sign in B.L. zone, this section does not intend to limit the classes of signs to only enterprise signs, nor does it appear to preclude other structural types of signs not mentioned. Instead, if a business in a C.R. district chooses to put up a freestanding or a

wall-mounted enterprise sign it must abide by these requirements or obtain a variance. Section 450.7.B forbids electronic changeable copy signs in the C.R. district, but only a manual changeable copy sign is being sought, which presumably is otherwise permitted. Illumination of signs is not permitted unless granted by the Zoning Commissioner after a hearing.

Petitioner sought relief from Sections 259.3.C.7.b, 259.3.C.7.c and 450.4 (4 Attachment 1:3) to permit two (2) freestanding illuminated signs in lieu of the one (1) freestanding sign permitted; from Section 259.3.C.7.b to permit an existing, illuminated sign of 55 square feet per side in lieu of the permitted 25 square feet and to permit a proposed, illuminated sign with manual changeable copy containing 32 square feet per side in lieu of the permitted 25 square feet per side in a C.R. district. A total of 87 square feet per side of signage was initially requested. Despite the fact that the current C.R. regulations only permit a freestanding sign of only 25 square feet per side, the existing freestanding sign containing 50 square feet per side has existed without protest for many years and possibly predates the C.R. sign regulations adopted in Bill No. 89-1997. In any event, the existing sign on the poles on the front of the building have never been the subject of any enforcement proceeding nor have they been the subject of complaint. Section 450.7.B.2 only permits up to 50% of the area of an enterprise sign to be devoted to changeable copy.

The Petitioner has agreed to abandon the variance request for two (2) freestanding signs and has agreed to limit the square footage of the proposed signage. Instead, the one (1) freestanding sign now on the property would be modified so that the existing illuminated 5 by 7 foot sign would remain, but the starburst symbol and open arrow would be removed. In place of the starburst and the open symbol, which contain approximately 15 feet per side, would be a

ORDER RECEIVED FOR FILING

Date

10-19-10

By

103

manual changeable copy sign of approximately the same size. See page 4 – proposed sign – Joint Exhibit Agreement.

The parties have agreed that the approximately 50 square feet per side currently existing is a reasonable square footage, and I would note that such square footage has existed for quite some time. The parties also agreed that an additional 5 square feet may be devoted to adding a street address to the sign. Section 450.2.C.10 exempts from the square footage of an enterprise sign the street address if it does not exceed 30% of the sign's area. These agreements would all fall within the variances requested. In addition, the parties have agreed to two (2) conditions pertaining to the illumination of the signs. The illumination may be no brighter than that necessary to allow the sign to be read by a person with normal vision and the lighting must be turned off within one (1) hour after the business closes and turned on no sooner than one (1) hour before it opens. The parties further agreed that the sun symbol may be placed in the window near or above the foyer, which would be illuminated when the business is open. Because its location on the side of the building above the foyer sits well back on the building and faces the side of the property, it is doubtful that it would qualify as a sign that can be seen and read from the road. It also is questionable whether it would count as an enterprise sign. If the lettering on the sign is visible from Fork Road, it may be no more than 3 square feet without a variance.

The parties, however, have also agreed to an alternative sign arrangement. This would require the elimination of the existing free-standing sign and permit the construction of a projecting wall sign. A projecting sign is defined in Section 450.5.B.6, is permitted in the B.L zone and is not otherwise restricted by the C.R. overlay district. Section 450 allows projecting wall signs to be twice the length of the wall to which the signs are affixed. Regardless of what the regulations may permit, however, there appears to be an attempt to restrict the size of the sign

to no more than 50 square feet. No variances would appear to be necessary for this type of sign. The restrictions in the agreement would conform the projecting sign to the current zoning regulations. Also, not to be overlooked in the Agreement is a set of conditions and restrictions as to location of signs, height, lighting, etc. which would apply to all signs.

The Agreement also permits an interior window sign of up to 3 square feet would also be permitted on the façade facing Harford Road. Section 450.5.B.10 defines an enterprise window sign as "An enterprise sign mounted on the interior of an enclosed structure that is visible from the exterior of the structure." In Section 450 (4 Attachment 1:3), an "enterprise sign" is defined to mean "an accessory sign which displays the identity and which may otherwise advertise the products or services associated with the individual organization." Section 450 (4 Attachment 1:2.1) permits enterprise window signs in a B.L. zone provided that such signs are limited to no more than three (3) in number and no more than 3 square feet in size on any one sign; furthermore, such signs are only permitted on a window or door that is not a front façade. Consequently, the limitation in the Agreement would not appear to require any further variances.

After review of the Agreement and the attached drawing of the proposed freestanding sign, the Office of Planning stated that it could agree to the proposed signs as limited. The Greater Kingsville Civic Association in its letter dated September 21, 2010, stated it did not oppose the setback and parking requests but still had concerns with the sign variances. They requested a dark background for the backlit sign and suggested that the variance for the existing freestanding sign be limited to 35 square feet. They believed that the changeable copy sign was not part of the otherwise permitted enterprise sign. The Long Green Valley Association opposed all sign variances in its letter of September 21, 2010.

ORDER RECEIVED FOR FILING

Date

10-19-10

By

103

After consideration of all of the testimony, evidence and exhibits, including the Agreement discussed above, I find that the amended sign relief attempts to restrict the signage to the intent of the zoning regulations in the B.L. zone and C.R. overlay district. But for the Agreement the Petitioner could (without a variance) construct on the property a projecting, non-illuminated, enterprise sign of up to 100 square feet (twice the length of the front wall of approximately 50 feet). For whatever reason, such signs are not limited in the C.R. district beyond the limitations imposed by Section 450. The Agreement calls for a much smaller sign albeit with a variance for square footage only. No other variances are necessary or required. The permission to illuminate the sign does not call for a variance, only a hearing to determine whether such illumination would be consistent with the public interest (Section 450.3.C.7.c). Furthermore, the Agreement really perpetuates a sign configuration and size that basically has remained unchanged for many years without objection. Although I appreciate the Greater Kingsville Civic Association's concern about whether the changeable copy portion of the freestanding sign is "an integral part of an otherwise permitted enterprise . . . sign", I believe that given the fact that changeable copy is limited in size to no more than the existing sign area, is constructed on the same freestanding poles as the existing signage and is illuminated by the same wiring that such sign is an integral part of the signage as a whole. On its own removed from the Sunshine Grill sign the changeable copy would have no meaning. I also see no point in requiring the property owner to purchase an all new sign to identify its premises when the existing sign has served its purpose without complaint. There is both benefit and protection to the community contained within the restrictions of the Agreement. In exchange for the amended variance relief sought for the proposed signage area, Petitioner has foregone its right to the broader law the signage regulations might otherwise provide.

ORDER RECEIVED FOR FILING

Date

10-19-10

By

103

Ultimately, however, the sign variance request for more square footage must stand or fall based on zoning variance criteria, not on the presence of an Agreement. In this case the existence of the sign and the structure for quite a few years, the fact that this area is not particularly well lit, the fact that it is a destination type use, and the only one of its kind anywhere in the vicinity, all indicate that there is justification for a sign that can be easily seen and read from a distance. A 25 square foot sign at this site given the use and the circumstances of the site simply is not reasonable, a point on which all parties to the hearing agreed. Keeping the sign restricted to approximately the current square footage instead of the square footage initially requested by the Petitioner and restricting the Petitioner to one such sign whether free-standing or projecting is also reasonable. There is no need for both type signs. I also agree with the conditions in the Agreement as reasonable conditions to impose as a condition for the variance granted and the illumination of the sign.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the relief as modified herein shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of October 2010, that the Petition for Special Hearing seeking approval pursuant to Section 409.8.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit commercial parking in the R.C.5 zoned portion of the site, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from B.C.Z.R. Section 259.3.C.2.a to permit a front yard setback of 12 feet in lieu of the required 15 feet and from B.C.Z.R. Section 259.3.C.2.b to permit a side yard setback (east side) of 2 feet in lieu of the required 15 feet be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from B.C.Z.R. Section 409.8.A.2 to permit parking on turf cells in lieu of the required durable and dustless parking surface and from Section 409.A.6 to permit parking spaces separated by visible markers other than striping, be and is hereby GRANTED, subject to the following condition:

ADVISORY: The Petitioner may apply for a waiver of the storm water management regulations to permit the existing paving on the site to remain. In the event that a final, unappealable waiver is granted allowing the paving to remain then this variance shall terminate, and the Petitioner shall continue to provide a durable and dust free surface properly striped under the applicable zoning regulations.

IT IS FURTHER ORDERED that the Petition for Variance, as filed, seeking relief from B.C.Z.R. Section 259.3.C.7.b to permit two (2) freestanding signs is hereby DISMISSED; and the Variance request from B.C.Z.R. Section 259.3.C.7.b is hereby MODIFIED to allow a freestanding sign of 55 square feet per side in lieu of the permitted 25 square feet per side including a manual, changeable copy area of no more than 15.3 square feet per side, and is hereby GRANTED; and the Variance from B.C.Z.R. Section, 259.3.C.7.c to permit an illuminated freestanding sign, is also hereby GRANTED, subject to the following restrictions:

1. The Petitioner may as an alternative to the freestanding enterprise sign relief granted, *but not in addition to such signage relief*, construct a single, illuminated projecting sign, extending no more than five feet from the building with a maximum of 50 square feet per face.
2. All illuminated signs on the premises shall be turned off within one (1) hour after the business closes and may not be turned on more than one (1) hour before it opens.
3. The illumination in any freestanding or projecting sign shall not be more than that necessary to be read by a person with normal eyesight.
4. No part of the empty space existing between the freestanding enterprise sign and the changeable copy sign shall be considered part of the overall square footage but only those rectangular physical elements of the signage shall be considered.

ORDER RECEIVED FOR FILING

Date

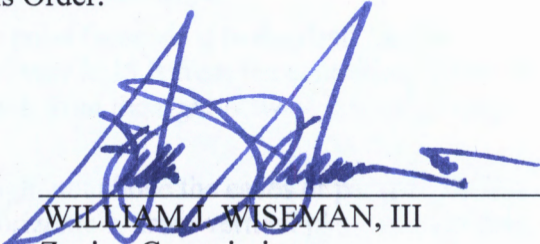
10-19-10

By

102

5. Any address affixed to either the freestanding or the projected sign shall be no more than 5 square feet and shall be included in the 55 square feet per side variance granted.
6. The illuminated sunburst and a single illuminated window sign of no more than 3 square feet on the building front shall be permitted, provided that neither sign advertises a specific product brand name.
7. Notwithstanding the variances granted herein all present and future signs on the site are subject to the B.C.Z.R. sign regulations in effect as of this date and as may be from time to time amended or modified.
8. No flashing interior or exterior sign may be placed on the site visible from any public right-of-way.
9. Temporary signs may only be used with a permit in accordance with B.C.Z.R. Section 4:50. No other temporary wall or window signs will be used except those in or near the foyer intended to be visible by persons on foot and not visible from any public right-of-way.
10. A maximum of three (3) official, standard sized flags will be permitted on site representing national or local governments. No other flags will be permitted.
11. The Petitioner may apply for any required building permits and be granted same upon the receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until the thirty (30) day appeal period from the date of 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.
12. The decision in this case is not legal precedent that may be cited in any other zoning case involving restaurant use in a C.R. District.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code (B.C.C.) and filed within thirty (30) days of this Order.


 WILLIAM J. WISEMAN, III
 Zoning Commissioner
 for Baltimore County

ORDER RECEIVED FOR FILING

Date 10-19-10

By 103

Therefore, we have agreed to the following:

(For help in reading this agreement, variances are shown underlined in red and conditions for variances are shown with dashed underlines in blue. Comments shown in [square bracket] are for explanation and would not be included in the final order.)

That Sunshine Grill may be granted variances to erect either one of the following enterprise signs:

- One freestanding sign maximum 50 sq ft per face; or
- One projecting wall sign, maximum 50 sq ft per face, allowed to extend more than 4 ft from wall provided that it complies with other requirements for a projecting sign;

provided that either sign shall be setback no less than 1 ft from the edge of the 30 ft right-of-way and no less than 1 ft from the existing vertical curb face and shall maintain a 10 ft clearance with the ground;

at least 5 sq ft of which shall be used for a decorative Greek key pattern;

may contain a manual changeable-copy portion of up to 15 sq ft; and [code would allow 50% of 50 sq ft]

either sign may be illuminated with the following conditions:

- The illumination is no brighter than is necessary to be read by a person with normal eyesight
- It is turned off within one hour after the business closes and is turned on no sooner than one hour before it opens.

The area of the sign face may be calculated as the sum of two separate, non-contiguous rectangles each encompassing a physical element of the sign so that a space between them is not included in the calculation.

Sunshine Grill is allowed and encouraged to add their street address to the above sign, however limited to an additional 5 sq ft. [Without this condition, it could be an additional 20 sq ft for the address for a total sign of 70 sq ft.]

Also, the existing "sun" logo may be used on the side facade above or near the foyer, also illuminated but only when the business is open. It is of an irregular shape which is enclosed in a single rectangle of about 5' x 5' which would normally be calculated as being 25 sq ft, however, its actual effective area is significantly less.

Also, one illuminated window sign of no more than 3 sq ft is allowed on the facade facing Harford Rd provided that it does not advertise a specific product brand name and is turned off when the business is closed.

With all variances in this agreement being conditional on the following provisions of the BCZR being acknowledged and complied with:

- All present and future signs on this parcel are subject to current sign regulations in BCZR §259.3 and §450 as modified by future legislation and these variances and further restricted by this agreement, not to §413 which was repealed in 1997. [This is needed to ensure that the Zoning office does not issue any future permits according to the old §413 as they have continued to do since 1997 in other cases, for example, additional illuminated, oversized wall signs without approval by the Zoning Commissioner.]
- No flashing interior or exterior sign may be visible from the road.

Case 2010-361-SPHA, Sunshine Grill, 12607 Fork Rd

- Temporary signs may only be used with a permit in accordance with BCZR §450 (for 60 days total per year). No other temporary wall or window signs will be used except for those in or near the foyer intended to be read by persons on foot. [This is needed since the exemption in §450 is being used by other businesses to fill the windows with advertising.]
- The exemption for "flags" will not be used except for, at most, three official national or local flags. [This is needed to prevent the use of strings of pennants or "feather" flags with stars and stripes, claimed to be US flags, as is common at some businesses.]

The undersigned agree that the above represents our best results at an agreeable resolution and further agree that this letter itself carries no legal force or implications following the issuance of a final order by the Zoning Commissioner regarding this case.

Further, this letter does not represent an agreement by any community association.

We have also enclosed a constructed picture of what the resulting freestanding sign might look like.

Please feel free to call either of us if you have questions regarding this matter. We appreciate your desire and accommodation to reach a jointly agreed resolution in this case.

Regards,

Michael Pierce

William Marvelis
12607 Fork Rd
Fork, MD 21051
443-956-9076

Michael Pierce
7448 Bradshaw Rd
Kingsville, MD 21087
410-817-4795

William Marvelis
9/16/2010

ORDER RECEIVED FOR FILING

Date

10-19-10

By

103

Example free-standing sign with changeable copy portion.

50 sq ft
+ allowance for address
height 19'
(pictured with 6" CC letters)



ORDER RECEIVED FOR FILING

Date

10-19-10

By

103



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

October 19, 2010

John B. Gontrum, Esquire
Whiteford, Taylor & Preston, L.L.P.
Towson Commons, Suite 300
One West Pennsylvania Avenue
Towson, MD 21204

RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE**
N/S Fork Road, 166' W of c/line of Harford Road
(12607 Fork Road)
11th Election District - 3rd Council District
Creta Enterprises, LLC – Petitioner
Case No. 2010-0361-SPHA

Dear Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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

Very truly yours,

WILLIAM J. WISEMAN
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: William and Effie Marvelis, 4344 Chapel Road, Perry Hall, MD 21128
William Marvelis, Creta Enterprises, LLC, 12607 Fork Road, Fork, MD 21051
Jeffrey J. Deegan, P.E., Wilson Deegan & Associates, Inc, 2309 Belair Road, Suite C,
Fallston, MD 21047
Bobby and Pam Prigel, 4851 Long Green Road, Glen Arm, MD 21057
Stephen G. Kiel, 4517 Hydes Road, Hydes, MD 21082
Darrell Edwards, Vice Chairman, Greater Long Green Community Association,
P.O. Box 164, Glen Arm, MD 21057
Michael Pierce, 7448 Bradshaw Road, Kingsville, MD 21087
Ila Christenbury, President, Greater Kingsville Civic Association, Inc., P.O. Box 221,
Kingsville, MD 21087
Carol Trela, Secretary, Long Green Valley Association, P.O. Box 91, Baldwin, MD 21013
People's Counsel, Office of Planning, DEPRM; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 12607 Fork Road
which is presently zoned B.L. - C.R.; R.C. 5

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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
(This box to be completed by planner)

Parking to support a restaurant use in a R.C. 5 zone pursuant to Sec. 409.8.B.

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:

ORDER RECEIVED FOR FILING
10-19-10
BY [Signature]
Name - Type or Print _____
Signature _____
Date _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

John B. Gontrum, Esquire
Name - Type or Print _____
Signature [Signature]
Whiteford, Taylor & Preston, LLP
Company _____
1 W. Pennsylvania Ave., St. 300
Address _____ Telephone No. 410-832-2000
Towson, Maryland 21204
City _____ State _____ Zip Code _____

Legal Owner(s):

Creta Enterprises, LLC
Name - Type or Print _____
Signature [Signature]
William Marvelis, Member
Name - Type or Print _____
Signature _____
12607 Fork Road 410-592-3378
Address _____ Telephone No. _____
Fork, Maryland 21051
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2010-0361-SPHA

REV 9/15/98

UNAVAILABLE FOR HEARING
Reviewed By D.T. Date 6/23/10



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 12607 Fork Road
which is presently zoned B.L. = C.R.; R.C. 5

Deed Reference: 22498 / 184 Tax Account # 1107059502

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.)

See attached.

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:

John B. Gontrum, Esquire

Name - Type or Print

Signature

Whiteford, Taylor & Preston, LLP

Company

One W. Pennsylvania Ave., St. 300 410-832-2000

Address

Telephone No.

Towson, Maryland 21204-5025

City

State

Zip Code

Legal Owner(s):

Creta Enterprises, LLC

Name - Type or Print

Signature

William Mavelis

Name - Type or Print

Signature

12607 Fork Rd. 410-592-3378

Address

Fork, Maryland 21051

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

Case No. 2010-0361-SPHA

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by D.T. Date 6/23/10

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

TO: Zoning Office
FROM: John B. Gontrum
DATE: June 18, 2010
RE: Creta Enterprises, LLC t/a Sunshine Grill

Attached please find petitions for Special Hearing and Variance pertaining to the property located at 12607 Fork Road in the 3rd Council District.

The site plan and petitions were initially received at an appointment with Donna Thompson and revised according to her comments.

Attachments

2010-0361-SHA

Variances:

Setbacks:

From Section 259.3.C.2.a and Section 303.2 to permit a front yard setback of 12' in lieu of the permitted required 15' and 87' respectively.

From Section 259.3.C.2.b to permit a side yard setback of 2' in lieu of the required 15'

Parking:

From Section 409.8.A.2 to permit parking on turf cells in lieu of required durable and dust free surface

From Section 409.8.A. 6 to permit parking spaces separated by visible markers other than striping.

Signage:

From Section 259.7.b, 259.7.c. and 450.4 (4 Attachment 1:3) to permit two freestanding illuminated signs in lieu of the one freestanding sign permitted.

From Section 259.7.b to permit an existing, illuminated sign with 55 square feet per side in lieu of the permitted 25 square feet and to permit a proposed, illuminated sign with manual changeable copy containing 32 square feet per side in lieu of the permitted 25 square feet per side in a C.R. district

Statement of Justification:

The subject property is improved with a restaurant building and signage pre-existing the current regulations. Petitioner wishes to add to kitchen food preparation area and enclose porch area on restaurant. There is no current right of way for Fork Road, and adjacent properties contain buildings set so far back off the road that improvements to the site in compliance with setbacks would interfere with septic reserve areas or access. Petitioner also wishes to remove paved area to facilitate better storm water management and septic reserve treatment area. The cells proposed will stabilize parking area and provide permeable area acceptable to DEPRM. Square footage and illumination of signs on commercial corner is important for visibility as a destination use and for listing of events relevant to community.

Specific practical difficulty pertaining to each variance will be presented at the hearing on the variance petition.

ZONING DESCRIPTION OF PROPERTY
for
12607 FORK ROAD, FORK, MD 21051

Beginning at a point on the north side of Fork Road which is a 30' wide prescriptive R/W, at the distance of $\pm 166'$ northwest of the centerline of the nearest improved intersecting street; Harford Rd., which has a variable width right-of-way. The following courses and distances:

N 39° 39' 07" E	349.36'	
N 52° 50' 53" W	119.13'	
S 39° 39' 07" W	351.43'	
S 51° 50' 58" E	119.06'	to the place of beginning

as recorded in Deed Liber 22498, Folio 184, containing 0.957 acres of land more or less. Being known as 12607 Fork Road, Fork, MD 21051 and located in the 11th Election District, and 3th Councilmanic District of Baltimore County.



2010-0361 - SPHA

**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/neighborhood 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: 2010-0361-SPHA
Petitioner: CRETA ENTERPRISES, LLC
Address or Location: 12607 FORK RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: WILLIAM MARVELIS
Address: CRETA ENTERPRISES, LLC
12607 FORK RD.
FORK, MD 21051
Telephone Number: 410-592-3378

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

No. 73372

Date: 6/29/10

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	000						05.00

Total: 05.00

Rec

From: UNIVERSITY OF MARYLAND - COLLEGE PARK

For:

2010-2011 BUDGET

12/07 - 2010

12/07-2010

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: # 2010-0361-SPHA

12607 Fork Road

N/side of Fork Road, 166 feet n/west of the centerline of Harford Road

11th Election District — 3rd Councilmanic District

Legal Owner(s): Creta Enterprises, LLC, William Marvells, Member

Special Hearing: for parking to support a restaurant use in a RC-5 zone. **Variance:** to permit a front yard setback of 12 feet in lieu of the permitted required 15 feet. To permit parking on turf cells in lieu of required durable and dust free surface. To permit parking spaces separated by visible markers other than striping. To permit two freestanding illuminated signs in lieu of the one freestanding sign permitted. To permit an existing, illuminated sign with 55 square feet per side in lieu of the permitted 25 square feet and to permit a proposed, illuminated sign with manual changeable copy containing 32 square feet per side in lieu of the permitted 25 square feet per side in a C.R. district.

Hearing: Tuesday, August 24, 2010 at 9:00 a.m. in Room 104, Jefferson Building, 105 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 08/738 August 10

250456

CERTIFICATE OF PUBLICATION

8/12/, 2010

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 8/10/, 2010.

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

J. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

2010-0361-SPHA

RE: Case No.: _____

Petitioner/Developer: _____
Creta Enterprises, LLC William Marvelis, Member

August 24 , 2010
Date of Hearing/Closing: _____

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristin 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: _____
12607 Fork Road

August 9 2010
The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

Robert Black Aug 11, 2010
(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)

ZONING NOTICE

CASE # 2010-0361-SPHA

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

Room 104, JEFFERSON BUILDING
PLACE: 105 WEST CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME TUESDAY, AUGUST 24, 2010 AT 9:00 A.M.

REQUEST: SPECIAL HEARING FOR PARKING TO SUPPORT A
RESTAURANT USE IN A RC-5 ZONE.

VARIANCE TO PERMIT A FRONT YARD SETBACK OF 12 FEET IN LIEU OF
THE PERMITTED REQUIRED 15 FEET TO PERMIT PARKING ON TONS CELLS
IN LIEU OF REQUIRED DURNABLE AND DIRT FREE SURFACE TO PERMIT
PARKING SPACES SEPARATED BY VISIBLE MARKERS OTHER THAN STRIPING.
TO PERMIT TWO FREESTANDING ILLUMINATED SIGNS IN LIEU OF THE ONE
FREESTANDING SIGN PERMITTED. TO PERMIT AN EXISTING ILLUMINATED
SIGN WITH 55 SQUARE FEET PER SIDE IN LIEU OF THE PERMITTED 25
SQUARE FEET AND TO PERMIT A PROPOSED ILLUMINATED SIGN WITH
MANUAL CHANGEABLE COPY CONTAINING 32 SQUARE FEET PER SIDE
IN LIEU OF THE PERMITTED 26 SQUARE FEET PER SIDE
IN A C-R DISTRICT.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 10, 2010 Issue - Jeffersonian

Please forward billing to:
William Marvelis
Creta Enterprises, LLC
12607 Fork Road
Fork, MD 21051

410-592-3378

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: 2010-0361-SPHA

12607 Fork Road

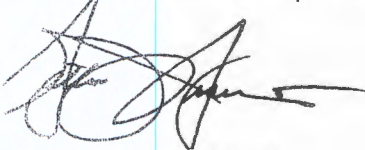
N/side of Fork Road, 166 feet n/west of the centerline of Harford Road

11th Election District – 3rd Councilmanic District

Legal Owners: Creta Enterprises, LLC, William Marvelis, Member

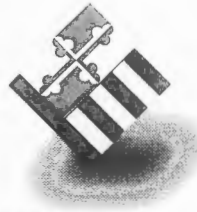
Special Hearing for parking to support a restaurant use in a RC-5 zone. Variance to permit a front yard setback of 12 feet in lieu of the permitted required 15 feet. To permit parking on turf cells in lieu of required durable and dust free surface. To permit parking spaces separated by visible makers other than striping. To permit two freestanding illuminated signs in lieu of the one freestanding sign permitted. To permit an existing, illuminated sign with 55 square feet per side in lieu of the permitted 25 square feet and to permit a proposed, illuminated sign with manual changeable copy containing 32 square feet per side in lieu of the permitted 25 square feet per side in a C.R. district.

Hearing: Tuesday, August 24, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management
July 28, 2010

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: 2010-0361-SPHA

12607 Fork Road

N/side of Fork Road, 166 feet n/west of the centerline of Harford Road

11th Election District – 3rd Councilmanic District

Legal Owners: Creta Enterprises, LLC, William Marvelis, Member

Special Hearing for parking to support a restaurant use in a RC-5 zone. Variance to permit a front yard setback of 12 feet in lieu of the permitted required 15 feet. To permit parking on turf cells in lieu of required durable and dust free surface. To permit parking spaces separated by visible makers other than striping. To permit two freestanding illuminated signs in lieu of the one freestanding sign permitted. To permit an existing, illuminated sign with 55 square feet per side in lieu of the permitted 25 square feet and to permit a proposed, illuminated sign with manual changeable copy containing 32 square feet per side in lieu of the permitted 25 square feet per side in a C.R. district.

Hearing: Tuesday, August 24, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Handwritten signature of Timothy Kotroco in cursive.

Timothy Kotroco
Director

TK:kl

C: John Gontrum, 1 West Pennsylvania Ave., Ste. 300, Towson 21204
William Marvelis, Creta Enterprises, LLC, 12607 Fork Road, Fork 21051

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, AUGUST 9, 2010.
(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

August 19, 2010

John B. Gontrum
Whiteford, Taylor & Preston, LLP
1 W. Pennsylvania Ave. Ste. 300
Towson, MD 21204

Dear: John B. Gontrum

RE: Case Number 2010-0361-SPHA, 12607 Fork Rd

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 23, 2010. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
William Marvelis: Creta Enterprise, LLC; 12607 Fork Rd.; Fork, MD 21051

BW 8/24

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 4, 2010

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

RECEIVED

SUBJECT: 12607 Fork Road

SEP 27 2010

INFORMATION:

ZONING COMMISSIONER

Item Number: 10-361 (addendum)

Petitioner: Creta Enterprises, LLC

Zoning: BL CR and RC 5

Requested Action: Special Hearing and Variance

The petitioner requests a special hearing for parking to support a restaurant use in a RC 5 zone pursuant to Section 409.8.B.

The petitioner is also requesting variances for the following:

- *From Section 259.3.C.2.a and Section 303.2 of the BCZR to permit a front yard setback of 12 feet in lieu of the required 15 feet and 87 feet respectively*
- *From Section 259.3.C.2b to permit a side yard setback of 2 feet in lieu of the required 15 feet.*
- *From Section 409.8.A.2 to permit parking on turf cells in lieu of the required durable and dust free parking surface.*
- *From Section 409.8.A.6 to permit parking spaces separated by visible markers other than striping.*
- *From Section 259.7.b, 259.7.c and 450.4 (4 Attachment 1:3) to permit two freestanding illuminated signs in lieu of the one freestanding sign permitted.*
- *From Section 259.7.b to permit and existing, illuminated sign with 55 square feet per side in lieu of the permitted 25 square feet and to permit a proposed, illuminated sign with manual changeable copy containing 32 square feet per side in lieu of the permitted 25 square feet per side in a CR District.*

SUMMARY OF RECOMMENDATIONS:

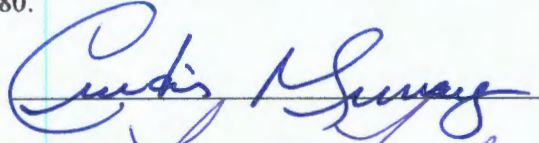
The Office of Planning opposes the petitioner's request for a special hearing and variances. This property was the subject of 2008 CZMP Issue 3-049, where the petitioner requested that the property be re-zoned from 0.8 acres of BL CR and 0.4 acres of RC 5 to 1.1 acres of BL CR. The Office of Planning recommended that the zoning be changed to RC 5 CR for the entire site to ensure that there would not be a large commercial enterprise outside of the URDL. This area of the County is not a designated rural commercial center and is listed as an Agricultural Preservation Area under the Rural Land Management Areas in the Master Plan 2010 and the property is also included in the Rural Legacy Area.

Addendum:

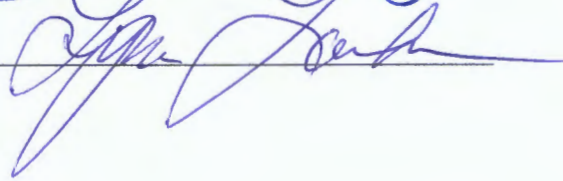
The Office of Planning files the subject addendum in response to information received from the petitioner and community. This Office only files the subject matter as an addendum to previously submitted comments. This action in no way revises or changes the Office position. However, this office has agreed to reconsider the two highlighted variance requests above for signage. The Office of Planning agreed to allow the petitioner and community to work out a sign package and agreement that was amendable to the community at large. The Office received a copy of this proposal dated September 16, 2010. The Office of Planning does not oppose the agreement and sign package that has been presented by the petitioner and community.

For further information concerning the matters stated here in, please contact Jessie Bialek or Jeff Mayhew at 410-887-3480.

Prepared by:



Division Chief:
AFK/LL: CM



BW 8/24
9am

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

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

DATE: August 4, 2010

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

RECEIVED

SUBJECT: 12607 Fork Road

INFORMATION:

AUG 10 2010

Item Number: 10-361

Petitioner: Creta Enterprises, LLC

ZONING COMMISSIONER

Zoning: BL CR and RC 5

Requested Action: Special Hearing and Variance

The petitioner requests a special hearing for parking to support a restaurant use in a RC 5 zone pursuant to Section 409.8.3.

The petitioner is also requesting variances for the following:

- From Section 259.3.C.2.a and Section 303.2 of the BCZR to permit a front yard setback of 12 feet in lieu of the required 15 feet and 87 feet respectively
- From Section 259.3.C.2b to permit a side yard setback of 2 feet in lieu of the required 15 feet.
- From Section 409.8.A.2 to permit parking on turf cells in lieu of the required durable and dust free parking surface.
- From Section 409.8.A.6 to permit parking spaces separated by visible markers other than striping.
- From Section 259.7.b, 259.7.c and 450.4 (4 Attachment 1:3) to permit two freestanding illuminated signs in lieu of the one freestanding sign permitted.
- From Section 259.7.b to permit and existing, illuminated sign with 55 square feet per side in lieu of the permitted 25 square feet and to permit a proposed, illuminated sign with manual changeable copy containing 32 square feet per side in lieu of the permitted 25 square feet per side in a CR District.

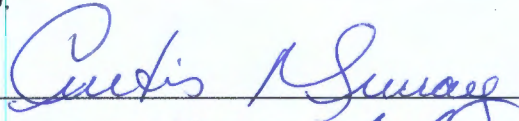
SUMMARY OF RECOMMENDATIONS:

The Office of Planning opposes the petitioner's request for a special hearing and variances. This property was the subject of 2008 CZMP Issue 3-049, where the petitioner requested that the property be re-zoned from 0.8 acres of BL CR and 0.4 acres of RC 5 to 1.1 acres of BL CR. The Office of Planning recommended that the zoning be changed to RC 5 CR for the entire site to ensure that there would not be a large commercial enterprise outside of the URDL. This area of the County is not a designated rural commercial center and is listed as an Agricultural

Preservation Area under the Rural Land Management Areas in the Master Plan 2010 and the property is also included in the Rural Legacy Area.

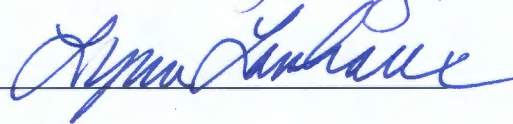
For further information concerning the matters stated here in, please contact Jessie Bialek or Jeff Mayhew at 410-887-3480.

Prepared by:



Division Chief:

AFK/LL: CM



BW 8/24/10
9 AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

AUG 13 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: August 13, 2010
SUBJECT: Zoning Item # 10-361-SPHA
Address 12607 Fork Road
(Sunshine Grill)

Zoning Advisory Committee Meeting of July 5, 2010

X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

Additional Comments:

This restaurant (permits) will be reviewed by Groundwater Mgmt., since it has well & septic.

Reviewer: Dan Esser

Date: 7/29/10



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

July 7, 2010

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

ATTENTION: ZONING REVIEW

Distribution Meeting of: July 5, 2010

Item No.: Administrative Variance: 2010-0360A, 2010-364A - 0366A,
2010-0368A.

Special Hearing Variance: 2010-0340-SPHA, 2010-0361-SPHA.

Variance: 2010-0363A, 2010-0367A

Pursuant to your request, the referenced plans have been reviewed by the Baltimore County Fire Marshal's Office and the comments below are applicable and required to be corrected or incorporated into the final plans for the listed properties.

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

Don W. Muddiman, Acting Lieutenant
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
410-887-4880
Mail Stop: 1102

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For July 19, 2010
Item Nos. 2010- 340, 360, 361, 363,
364, 365, 366, 367, and 368

DATE: July 7, 2010

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

DAK:CEN:elim

cc: File

G:\DevPlanR\Z\AC -No Comments\ZAC-07192010 -NO COMMENTS.doc



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

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: JULY 8, 2010

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

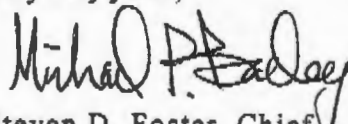
RE: Baltimore County
Item No. 2010-0361-SPHA
12607 FORK ROAD
CRETA ENTERPRISES, LLC
SPECIAL HEARING -
VARIANCE -

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. 2010-0361-SPHA.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 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

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE * ZONING COMMISSIONER
12607 Fork Road; N/S of Fork Road, 166' *
NW of c/line of Harford Road *
11th Election & 3rd Councilmanic Districts * FOR
Legal Owner(s): Creta Enterprises, LLC *
Petitioner(s) * BALTIMORE COUNTY
* 10-361-SPHA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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

JUL 14 2010

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 14th day of July, 2010, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esquire, Whiteford, Taylor & Preston, LLP, One W Pennsylvania Avenue, Suite 300, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Bill Wiseman - Sunshine Grille in fork Md.

From: Effie Athan <effiea729@yahoo.com>
To: <wwiseman@baltimorecountymd.gov>
Date: 10/2/2010 7:23 AM
Subject: Sunshine Grille in fork Md.

Dear Mr. Wiseman,

Today I was informed the LGVA and GKCA have objected to my case:

It has taken me since 2008 (about 18 months) to reach your courtroom; our hearing was in late August. In that time it has been necessary for me to make the following adjustments to the life of my family in order to pay for the legal and engineering fees required to go through the process of obtaining variances and complying with DEPRM.

1. Stopped taking vacations and begin taking equity out of my home. (home equity loans over \$60,000)
2. Ceased paying into my and my wife's 401K and considering reducing or eliminating family health insurance coverage
3. Received a prescription for anti-anxiety medication to handle the stress from this situation
4. Removed our son from private education and place him in the public school system

These decisions were part of the real cost of trying to expand our business. Regardless what happens, no one can compensate us for loss from making some of these choices, and yet we believe they were necessary to create a viable and sustainable business entity. Since 2008, business has dropped off and become less consistent. New players have entered the area further slicing the pie. The prime opportunity has been lost.

Let it also be said that Carol Trela called me in Nov 2009 because she said, "I have been getting numerous phone calls to stop bothering the Grill...", Further she said, "LGVA takes no position on Sunshine Grille... you have a clear and open road to obtaining your sign permit.... the people's council is not concerned if LGVA is not concerned." I call her yesterday about that conversation to ask her why she back peddled and sent you an objection letter. She does not deny the conversation, however she denies that her comments were giving me the green light to proceed. How else could I have interpreted those statements?

Sir, the GKCA and LGVA do not represent the will of the people; they are a narrow minority of conservation zealots. I can easily produce a petition with over 500 signatures from local residents who have no problem with my plans and in fact want to see them implemented. Don't you question the validity of a system where a few mean spirited people can hide beneath the "conservation blanket" and produce so much suffering to hard working families like mine? All they have to do is wave their finger, while people like me have to jump through rings of fire. They should also have something to risk, if they choose to play this game.

I have put everything I have into getting this far. Please do not let a simple letter of objection from two fringe groups derail my train.

I ask that you do use your position so that these groups do not prevail; for if they do, all the sacrifices listed above were in vain.

Sincerely,

Bill & Effy Marvelis

Bill Wiseman - Sunshine Grill Hearing

From: <ichristenbury@comcast.net>
To: <wwiseman@baltimorecountymd.gov>
Date: 8/23/2010 4:00 PM
Subject: Sunshine Grill Hearing

Dear Mr. Wiseman,

Yesterday I, for the first time, saw the Zoning Variance Notification posted at the Sunshine Grill. Unfortunately no one on the GKCA Board saw or reported this Variance request. We have a member who regularly reads the County zoning postings, but this particular issue was not on the official web site. Therefore I respectfully request that you keep the record open for two weeks so that the GKCA Board has time to gather information, to talk to the owner, and to submit our official position to the Zoning Office. In the past, our position vis-a-vis signage has been very clear--- we support the County regulations which limit the size and number of signs in this rural zone. Obviously we are opposed to variances which go beyond the County regulations.

Thank you for your attention to this matter.

Ila Christenbury
President -Greater Kingsville Civic Association

PS

Speaking for myself only, I want to state that I enjoy eating at the Sunshine Grill and hope for their continued success. However, their expansion should not come at the expense of subverting County Zoning regulations.

Bill Wiseman - Re: Case 2010-361-SPHA, Sunshine Grill

From: Bill Wiseman
To: Mpierce1@aol.com
Date: 9/7/2010 11:27 AM
Subject: Re: Case 2010-361-SPHA, Sunshine Grill
CC: ichristenbury@comcast.net

Mike-

Thank you for providing me with an updated status. Ila Christenbury called my office on 9/3 and informed my secretary that meaningful discussions were in progress. Please accept this note as my concurrence to an extension of time to reach an amicable resolution. I received notification from the Office of Planning that they too would like to review the alternative (sign) solution if achieved.

Regards,

William J. Wiseman, III
Zoning Commissioner
Jefferson Building, Suite 103
105 West Chesapeake Avenue
Towson MD 21204

Ph: 410-887-3868 Fax: 410-887-3468
wwiseman@baltimorecountymd.gov

>>> <Mpierce1@aol.com> 9/7/2010 11:04 AM >>>
Mr. Wiseman,

In the subject case, you delayed the order for 2 weeks at the request of the Greater Kingsville Civic Association, since there had been insufficient notification (not posted online). Since then, I have met with the owner and he is planning to propose alternative solutions without multiple free-standing signs. I have also discussed it with members of the GKCA, and I believe Ila Christenbury will be calling you about this.

It will obviously take more time to come to an agreement with the owner, which may require a change in the variances requested - possibly an illuminated wall sign or a protruding sign (in place of the freestanding). We hope to meet with him next week when I return from a short vacation. I, just as you, wish to come to an agreement that we all are satisfied with and think is fair.

Mike Pierce
410 817-4795

From: Curtis Murray
To: Gontrum, John
Date: 8/26/2010 10:39 AM
Subject: 12607 Fork Road- Sunshine Grill Zoning Case 2010-0361 Special Hearing and Variance

John,

It was great meeting with you yesterday to discuss the referenced zoning case. It was nice to get the additional information about the site that was not included in the petition. After conferring the Office of Planning has decided not to change our comments as written. However as an addendum the Office of Planning recognizes the position of the community with respect to negotiation of the signage and their overall non-opposition to the petition. That being said the Office of Planning is willing to review a sign package after the petitioner and community has come to a resolution. After such review and approval the Office of Planning will reconsider the opposition of the sign variances.

Regards,

Curtis J. Murray
Development Planner
Baltimore County Office of Planning
105 W. Chesapeake Avenue, Suite 101
Towson, MD 21204
Phone (410) 887-3480
Fax (410) 887-5862
(DK) cjmurray@baltimorecountymd.gov

CC: Itter, Diana; Keller, Pat; Lanham, Lynn; Mayhew, Jeff; Wiley, Debra; Wiseman, Bill

8/24 9AM

CASE NO. 2010- 0361-SPHACHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose No Comment</u>
<u>7-7</u>	DEVELOPMENT PLANS REVIEW	<u>None</u>
<u>8-13</u>	DEPRM	<u>Comments</u>
<u>7-7</u>	FIRE DEPARTMENT	<u>None</u>
<u>8-10</u>	PLANNING (if not received, date e-mail sent _____)	<u>Opposes</u>
<u>7-8</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. None)None per data base 8-16-10NEWSPAPER ADVERTISEMENT Date: 8-10-10SIGN POSTING Date: 8-9-10PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

results



Assessments and Taxation

Search (2007 vw3.1e)

Go Back
View Map
New Search

District - 11 Account Number - 1107059502

CRETA ENTERPRISES LLC

12607 FORK RD
FORK MD 21051-9706

Use:
Principal Residence:
Deed Reference:

COMMERCIAL
NO
1) /22498/ 184
2)

Location & Structure Information

Legal Description
1 AC
12607 FORK RD
160 NW OF HARFORD RD

Assessment Area
1

Plat No:
Plat Ref:

Sub District	Subdivision	Section	Block	Lot	Assessment Area	County Use
					1	06

Primary Structure Built	Town	Ad Valorem	Enclosed Area	Property Land Area	Type	County Use
0000		Class	3,420 SF	1.00 AC	Exterior	06

Stories	Base Value	Value	Phase-In Assessments	As Of	As Of
		01/01/2010	07/01/2009	07/01/2010	

Land	Improvements:	Base Value	Value	Phase-In Assessments	As Of	As Of
		250,000	275,000	07/01/2009	07/01/2010	
		156,300	169,000			
		406,300	444,000			
		0	0			

Transfer Information

Date: 09/07/2005
Deed1: /22498/ 184
Date: 06/06/2001
Deed1: /15267/ 1
Date: 09/28/1990
Deed1: / 8608/ 342

Price: \$300,000
Deed2:
Price: \$185
Deed2:
Price: \$0
Deed2:

Seller: GANGI PROPERTIES LLC
Type: IMPROVED ARMS-LENGTH
Seller: MUELLER EDNA
Type: IMPROVED ARMS-LENGTH
Seller: BLACKISTON LINDA S MUELLER EDNA
Type: NOT ARMS-LENGTH

Exemption Information

Class	07/01/2009
000	0
000	0
000	0

Special Tax
* N

Partial Exempt Assessments

County
State
Municipal
Tax Exempt:
Exempt Class: NO

WHITEFORD, TAYLOR & PRESTON L.L.P.

JOHN B. GONTRUM
DIRECT LINE (410) 832-2055
DIRECT FAX (410) 339-4058
JGontrum@wtplaw.com

TOWSON COMMONS, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5025
MAIN TELEPHONE (410) 832-2000
FACSIMILE (410) 832-2015

BALTIMORE, MD
COLUMBIA, MD
FALLS CHURCH, VA
TOWSON, MD
WASHINGTON, DC
WILMINGTON, DE*

WWW.WTPLAW.COM
(800) 987-8705

September 13, 2010

Lynn Lanham
Baltimore County Office of Planning
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Sunshine Grill
Zoning Case No. 2010-361-SPHA

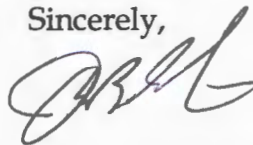
Dear Ms. Lanham:

Attached please find a revised sign drawing proposal for the Sunshine Grill at 12607 Fork Road. The zoning petitioner is proposing to drop the variance request for two freestanding illuminated signs and to place all illuminated signage on the existing poll. In addition, the square footage requested has been reduced.

We would also note that the existing sign, which predated the zoning changes contained the proposed 35 square foot illuminated restaurant sign, and a 5' diameter lit sunburst with an "open" arrow. Arguably, the total square footage on the single pole has not appreciably increased. The sunburst and arrow are being placed in a window to show when the restaurant is open or closed.

Your consideration and approval of the revised zoning variance would be appreciated.

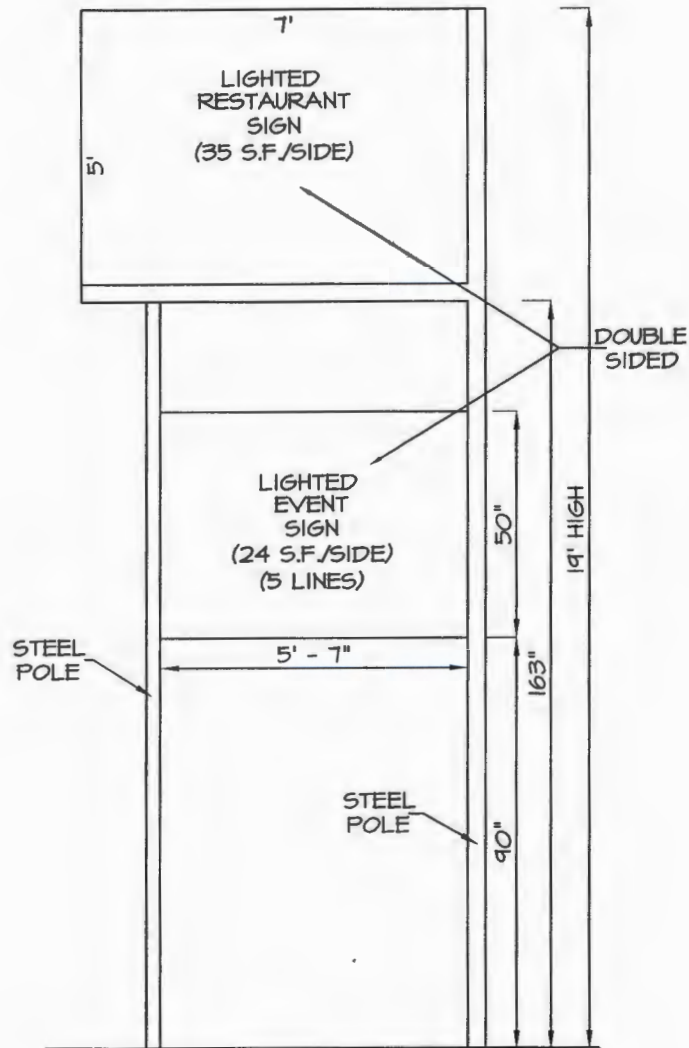
Sincerely,



John B. Gontrum

JBG:jbg

Attachment



PROP. SIGN
DETAIL
SCALE: N.T.S.

DATE: SEPT 2010

SCALE: N.T.S.

JOB NUMBER: 10021

DRAWN BY:

*Wilson Deegan
& Associates, Inc.*

SURVEYORS * ENGINEERS
2309 Bel Air Road - Suite A
Fallston, Maryland 21047
PHONE: (410) 843-3700/FAX: (410) 871-0700

REVISED SIGN DETAIL
#12607 FORK ROAD

OWNER
CRETA ENTERPRISES, LLC.
c/o WILLIAM MARVELIS
12607 FORK ROAD
FORK, MARYLAND
PHONE: (410) 542-3378

COUNCILMATIC DISTRICT #3
11TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BLW 8/24/10 9am

LONG GREEN VALLEY ASSOCIATION

PO Box 91
Baldwin, Maryland 21013

Founded 1972

Mr. William J. Wiseman, III
Zoning Commissioner, Baltimore County
The Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, Maryland 21204

RECEIVED

SEP 23 2010

ZONING COMMISSIONER

September 21, 1020

Dear Commissioner Wiseman:

This letter is regarding the request for zoning changes at the Sunshine Grille in Kingsville, Maryland. The LGVA's position is that the current BLCR zoning is sufficient and should not be changed. The CR overlay added to the BL zoning places limitations to protect rural areas. Any exceptions granted to these regulations weakens them and encourages others to ask for exceptions resulting in a signage race.

For context please consider the following. CR allows only one sign with a maximum of 25 feet. Presently there are two signs out from of the Grille that exceed that limit.

It is the position of the Long Green Valley Association that exceptions should only rarely be granted and then for only the most compelling reasons. The above request does not approach this standard.

Sincerely,



Carol Trela
Secretary, Long Green Valley Association

Cc:
LGVA board members
Mr. Bill Marvelis, owner Sunshine Grille
Kingsville Civic Association
Peter Zimmerman, People's Counsel
Councilman Brian McIntire

BW 8/24/10
9am

Greater Kingsville Civic Association, Inc.

P.O. BOX 221 • KINGSVILLE, MARYLAND 21087

Mr. William Wiseman
Zoning Commissioner, Baltimore County
105 W. Chesapeake Ave., Towson, MD 21204

RECEIVED

SEP 23 2010

September 21, 2010

ZONING COMMISSIONER

Re: Case 2010-361-SPHA—Sunshine Grill, 12607 Fork Road, Fork

Dear Mr. Wiseman,

As you know, the petitioner is requesting a high number of variances on this site. As variances are to be granted on the basis of evidence of hardship or practical difficulty, the Greater Kingsville Civic Association (GKCA) understands the practical difficulty in the setback and parking variance requests, and in the spirit of conciliation, are not opposing these requests, but we see no reason to grant variances for signage as have been requested.

You should have received another letter in regard to this case from Mike Pierce. He sat down with the petitioner, Bill Marvelis, and they came to an agreement on some of the signage issues. While several items covered in this agreement are important to the GKCA (and we support your including them in your final order), there are a few that have not been addressed. We respectfully request that your final order includes them. They are as follows:

- 1) We request a dark background for the backlit sign. (See attached for possible layout)
- 2) The present free-standing sign measures approximately 5 by 7 feet, which exceeds by ten square feet the maximum square footage allowable without a variance. Because the physical framework exists, the GKCA is not opposed to the county allowing the petitioner these extra ten square feet in any new sign, but to go beyond this ten square feet seems incompatible with the requirements of granting a variance. Therefore we do not support approval of a second sign which Mr. Pierce shows on his layout. If the petitioner desires changeable copy it should be incorporated into the 35 square foot area he presently has (we have shown this option in our attachment). According to BCZR 450.7 B 1, such a separate sign is not allowed in any event: "A freestanding changeable copy sign may be erected only as an integral part of an otherwise permitted enterprise or joint identification sign."

We are grateful for your consideration and feel certain that this much-loved local restaurant will continue to thrive without the need for such increased signage.

Thank you.



Ila Christenbury
President



Sunshine Grill

GREEK-AMERICAN RESTAURANT

ALL DAY BREAKFAST LUNCH DINNER

www.sunshinegrill.com

MOVIE NIGHT FRIDAY OCT 1



12607

Sunshine Grill

GREEK-AMERICAN RESTAURANT

ALL DAY BREAKFAST LUNCH DINNER

www.sunshinegrill.com

MOVIE NIGHT FRIDAY OCT 1



12607

CASE NAME Cheta Enterprises LLC
CASE NUMBER 2010-0361-SPH
DATE 8-24-10

CASE NAME Cheta Enterprises LLC
CASE NUMBER 2010-0361-SPH
DATE 8-24-10

[illegible]

PLEASE PRINT CLEARLY

CASE NAME Creta Enterprise LLC
CASE NUMBER 2010-0361-SCH
DATE 8-24-10

CITIZEN'S SIGN-IN SHEET

[illegible]

Case No.: 2010-0361-SPHA 12607 FORK ROAD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	Joint Exhibit A - Agreement
No. 2	PHOTO - EXISTING PORCH IS PROPOSED TO BE ENCLOSED	
No. 3	PRIOR CHANGEABLE COPY SIGN - REMOVED	
No. 4	Greater Long Green Community Assoc. SUPPORTS SIGN VARIANCE RE QUEST(S)	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S

EXHIBIT NO. 2



PETITIONER'S

EXHIBIT NO. 3

GREATER LONG GREEN COMMUNITY ASSOCIATION

P.O. BOX 164

GLEN ARM, MD 21057

29 October 2009

Baltimore County Zoning Office
111 West Chesapeake Avenue
Towson, MD 21204

SUBJECT: Sunshine Grille signage

Gentlemen and Ladies:

At a meeting of the general membership of the Greater Long Green Community Association on October 13, 2009, the members present voted to support the application of the Sunshine Grille in Fork, MD for a variance to the County sign regulations to allow them to maintain all of their current signage along Fork Road. We feel that the Grille has been an asset to our community since it was opened several years ago and we are anxious that it be able to maintain its commercial viability.

Sincerely,

Darrell C. Edwards

Darrell C. Edwards
Secretary

10/29/09

NOW VICE CHAIR

Ryan Paul

8/24/2010

PETITIONER'S

EXHIBIT NO. 4

September 16, 2010

Mr. William J Wiseman, III
Zoning Commissioner
105 W Chesapeake Ave
Towson, MD 21204

Re: Case 2010-361-SPHA, Sunshine Grill, 12607 Fork Rd

Dear Mr. Wiseman,

As a result of several discussions regarding the subject case, the undersigned have agreed to the following described sign variances and conditions as first discussed in the hearing of August 24. The intent is to allow:

- continued use of the existing 19 ft high structure and the 5'x7' portion of the freestanding sign, with the permitted addition of a small manual changeable copy sign, both illuminated;
- possible future alternative use of a projecting sign instead of the freestanding sign;
- moving of the existing "sun" logo sign to the side facade, also illuminated; and
- a small window sign on the opposite side, such as an "Open" sign, since this issue is somewhat ambiguous in the present BCZR.

In addition, the agreement establishes a number of conditions regarding illumination and other potential signs to avoid the possibility of future disagreements.

We have provided text as it may appear in the final order.

In devising these variances and conditions, we make note of the following provisions of the BCZR:

1. The Sign Code regulations in the BCZR §450 limit this BL-zoned premise to one free-standing sign, 25 ft height. It limits any changeable-copy portion to 50% of the total sign and prohibits ECC and any type of flashing. A wall sign must be turned off when the business is closed. Interior, permanent window signs require a permit and are limited to 3 sq ft each and 3 per building, not on side (but this is unclear in the BCZR due to faults in Bill 106-08)
2. The CR district regulations in §259.3 also limit to one freestanding sign, a maximum of 25 sq ft per side. Limits to 1 wall sign, 8 sq ft. No sign illuminated without approval by the Zoning Commissioner.
3. The BCZR §450.2.C.10 exempts from the size limits that part of an enterprise sign that displays the address, provided it is less than 30% of the whole sign.
4. Sunshine Road is a 30-ft wide right-of-way at this point (according to the deed for the adjoining Fork Plaza), thus the edge of the right-of-way is 15 ft from the centerline. There is no specific requirement in the BCZR for the setback from the right-of-way, but a sign may not overhang the right-of-way.
5. §450 also defines a "projecting sign", max 25 ft high, not above the eaves or parapet, no less than 10 ft above the curb, at least 1 ft measured horizontally from vertical plane of curb face, extending no more than 4 ft from wall, maximum area unclear. It is not clear how or if §259.3 affects or restricts this.

PARTIES
JOINT EXHIBIT

A

Therefore, we have agreed to the following:

(For help in reading this agreement, variances are shown underlined in red and conditions for variances are shown with dashed underlines in blue. Comments shown in [square bracket] are for explanation and would not be included in the final order.)

That Sunshine Grill may be granted variances to erect either one of the following enterprise signs:

- One freestanding sign maximum 50 sq ft per face; or
- One projecting wall sign, maximum 50 sq ft per face, allowed to extend more than 4 ft from wall provided that it complies with other requirements for a projecting sign;

provided that either sign shall be setback no less than 1 ft from the edge of the 30 ft right-of-way and no less than 1 ft from the existing vertical curb face and shall maintain a 10 ft clearance with the ground;

at least 5 sq ft of which shall be used for a decorative Greek key pattern;

may contain a manual changeable-copy portion of up to 15 sq ft; and [code would allow 50% of 50 sq ft]

either sign may be illuminated with the following conditions:

- The illumination is no brighter than is necessary to be read by a person with normal eyesight
- It is turned off within one hour after the business closes and is turned on no sooner than one hour before it opens.

The area of the sign face may be calculated as the sum of two separate, non-contiguous rectangles each encompassing a physical element of the sign so that a space between them is not included in the calculation.

Sunshine Grill is allowed and encouraged to add their street address to the above sign, however limited to an additional 5 sq ft. [Without this condition, it could be an additional 20 sq ft for the address for a total sign of 70 sq ft.]

Also, the existing "sun" logo may be used on the side facade above or near the foyer, also illuminated but only when the business is open. It is of an irregular shape which is enclosed in a single rectangle of about 5' x 5' which would normally be calculated as being 25 sq ft, however, its actual effective area is significantly less.

Also, one illuminated window sign of no more than 3 sq ft is allowed on the facade facing Harford Rd provided that it does not advertise a specific product brand name and is turned off when the business is closed.

With all variances in this agreement being conditional on the following provisions of the BCZR being acknowledged and complied with:

- All present and future signs on this parcel are subject to current sign regulations in BCZR §259.3 and §450 as modified by future legislation and these variances and further restricted by this agreement, not to §413 which was repealed in 1997. [This is needed to ensure that the Zoning office does not issue any future permits according to the old §413 as they have continued to do since 1997 in other cases, for example, additional illuminated, oversized wall signs without approval by the Zoning Commissioner.]
- No flashing interior or exterior sign may be visible from the road.

Case 2010-361-SPHA, Sunshine Grill, 12607 Fork Rd

- Temporary signs may only be used with a permit in accordance with BCZR §450 (for 60 days total per year). No other temporary wall or window signs will be used except for those in or near the foyer intended to be read by persons on foot. [This is needed since the exemption in §450 is being used by other businesses to fill the windows with advertising.]
- The exemption for "flags" will not be used except for, at most, three official national or local flags. [This is needed to prevent the use of strings of pennants or "feather" flags with stars and stripes, claimed to be US flags, as is common at some businesses.]

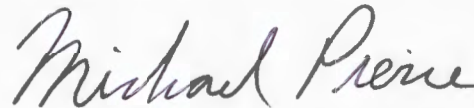
The undersigned agree that the above represents our best results at an agreeable resolution and further agree that this letter itself carries no legal force or implications following the issuance of a final order by the Zoning Commissioner regarding this case.

Further, this letter does not represent an agreement by any community association.

We have also enclosed a constructed picture of what the resulting freestanding sign might look like.

Please feel free to call either of us if you have questions regarding this matter. We appreciate your desire and accommodation to reach a jointly agreed resolution in this case.

Regards,



William Marvelis
12607 Fork Rd
Fork, MD 21051
443-956-9076

Michael Pierce
7448 Bradshaw Rd
Kingsville, MD 21087
410-817-4795



9/16/2010

Example free-standing sign with changeable copy portion.

50 sq ft
+ allowance for address
height 19'
(pictured with 6" CC letters)



1103039220

RC 2

MAP#

054C1

1119065125

12613

1103068170

RC-5 12616

RC 5

SITE

12620

3 CD 1119051650

NE 16-I

11 ED

1119051651

FORK RD

BL CR

FORK RD

12607

12600

12600

12600

12600

1108067920

2400004016

2400004017

12548

BM CR

1107047151

12546

12546

12546

HARFORD RD

19930430

1108005720

20000264

19680262
19563968

1102064800

12601

19990199
19543164

SUNSHINE AVE

12536

Pt. Bk. 5, Folio 70

1102057825

RCC

19870001

RC 6

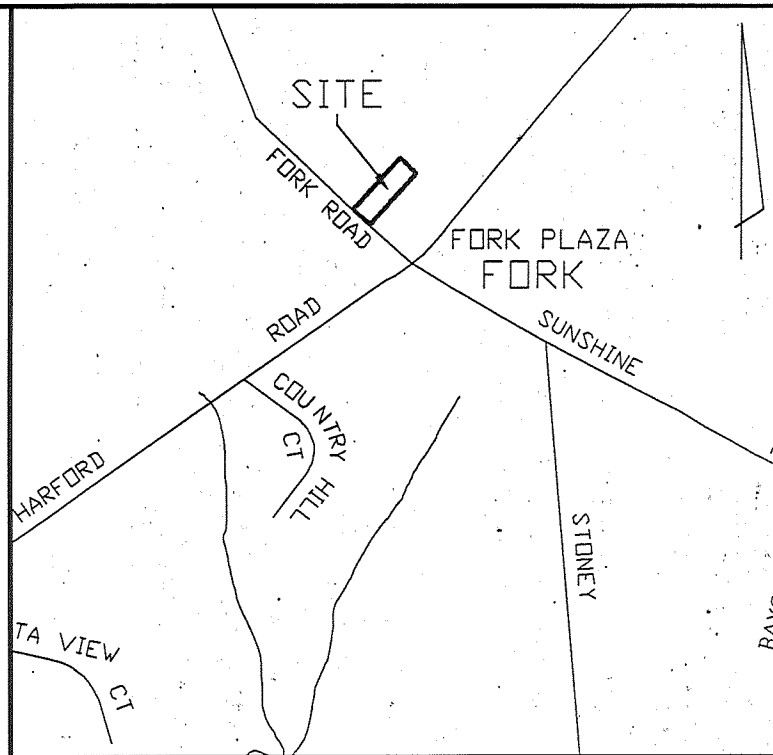
1117010175

HARFORD RD

Pt. Bk. 8, Folio 12

"OFFICIAL ZONING MAP"
PRINTED 5/11/10

2010-0361-SPHA



1) OWNER: CRETA ENTERPRISES, LLC.
12607 FORK ROAD
FORK, MARYLAND 21051

- | | |
|--|---|
| <p style="text-align: center;"><i>Wilson Deegan
& Associates, Inc.</i></p> <p style="text-align: center;">SURVEYORS * ENGINEERS</p> <p style="text-align: center;">2309 Belair Road
Fallston, Maryland 21047
PHONE: (410) 893-3700</p> | <p style="text-align: center;">PLAN TO ACCOMPANY VARIANCE HEARING</p> <p style="text-align: center; font-size: 1.5em;">#12607 FORK ROAD</p> <p style="text-align: center;">OWNER
CRETA ENTERPRISES, LLC.
c/o WILLIAM MARVELIS
12607 FORK ROAD
FORK, MARYLAND
PHONE: (410) 592-3378</p> <p style="text-align: center;">PETITIONER</p> |
| SCALE: 1" = 30' | DATE: 4/25/2010 |
| JOB NO.: 10021 | DRAWN / DESIGN BY: WSTIFLER |
| SHEET: of | CHECKED BY: J.J.D. |

[illegible]