IN RE: PETITION FOR VARIANCE

SW corner of Lionhead Court and Franklin Square Drive 14th Election District 6th Council District (100 Lionhead Court)

Consolidated Franklin Square, LLC Todd A. Tilson, Member Petitioner **BEFORE THE**

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2012-0112-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County for consideration of a Petition for Variance filed by the legal owner of the property, Consolidated Franklin Square, LLC. The Petitioner is requesting Variance relief from Section 450.4, (Attachment 1, 6) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a free-standing identification sign (for an apartment complex) with a maximum sign area/face of 33 square feet +/- and a maximum height of 16 feet +/- in lieu of the permitted 25 square feet sign area/face and height of 6 feet. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the variance request was David L. Martin, landscape architect, from Martin & Phillips Design Associates, Inc. Patricia Malone, Esquire represented the Petitioner. The file reveals that the Petition was properly advertised and the site was properly posted as required by the B.C.Z.R. There were no Protestants or other interested persons in attendance, and the file does not contain any letters of protest and/or opposition.

The Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. No County agencies or departments submitted any substantive comments.

By___

10.01

Considering all of the testimony and evidence presented, I am persuaded to grant the requested variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Specifically, as shown on the aerial photographs marked as Petitioner's Exhibit 2, the subject property consists of six (6) apartment buildings which sit far off of Franklin Square Drive. Lionhead Court is a private road, and the apartments are situated at the end of this narrow and long road, surrounded by woodlands. Petitioner also submitted color photographs which depict the present sign for the complex, and it is obvious that the view of the sign for passing motorists is obstructed by both the Franklin Square Hospital sign and a large MTA bus stand/shelter that was recently constructed. <u>See</u> Petitioner's Exhibit 3A-G. In these circumstances, I believe Petitioner has made the requisite showing of uniqueness, and if the B.C.Z.R. were strictly enforced the apartment owner would have almost no means available to identify his complex.

I further find that the granting of the relief as set forth herein can be accomplished without injury to the public health, safety, and general welfare. Therefore, in all manner and form, I find that variance relief can be granted in accordance with the requirements of Section 307 of the B.C.Z.R. as articulated in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's pariance request should be granted.

THEREFORE, IT IS ORDERED, this ______ day of December, 2011 by this dministrative Law Judge that Petitioner's Variance request from Section 450.4, Attachment 1, 6 for the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a free-standing identification ignification (for an apartment complex) with a maximum sign area/face of 33 square feet +/- and a

maximum height of 16 feet +/- in lieu of the permitted 25 square feet sign area/face and height of 6 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. The Petitioner may apply for a building permit and may be granted same upon receipt of this Order, however the Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason, this Order is reversed, the Petitioner will be required to return and be responsible for returning said property to its original condition.

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

JEB:dlw

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

Date 12-2(1)



KEVIN KAMENETZ County Executive LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

December 21, 2011

Patricia A. Malone, Esquire Venable, LLP 210 West Pennsylvania Avenue Suite 500 Towson, MD 21204

RE: Petition for Variance

Case No.: 2012-0112-A

Property: 100 Lionhead Court

Dear Ms. Malone:

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 Office of Administrative Hearings at 887-3868.

Sincerely,

JOHN E. BEVERUNGEN Administrative Law Judge

for Baltimore County

JEB:dlw Enclosure

PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections To the Office of Administrative Law of Baltimore County for the property located at: which is presently zoned OR-1 address 100 Lionhead Court 10 Digit Tax Account # 1 6 0 0 0 0 5 0 6 1 Deed Reference SM16579 / 0321 Property Owner(s) Printed Name(s) Consolidated Franklin Square LLC CASE NUMBER Z012-0112 A Filing Date 121/11 Estimated Posting Date _____ (SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST) The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan 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 a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for X a Variance from Section(s) 450.4 Attachment 1 See attached. of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "To Be Presented At Hearing". If you need additional space, you may add an attachment to this petition) To Be Presented At Hearing Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above petition(s), 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. Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s). Legal Owners: Contract Purchaser/Lessee: Todd A. Tilson, Member Name #1 - Type or Print Name-Type or Print Name #2 - Type or Print odd a. / Consolidated Franklin Square LLC Signature #1 Signature # 2 Signature P.O. Box 1189, Brooklandville, MD Mailing Address City State Mailing Address City 21022-1189 / 410-823-8100 Email Address Zip Code Email Address Zip Code Telephone # Telephone # Representative to be contacted: Attorney for Petitioner: Patricia A. Malone Patricia A. Malone Tope or Print Type or Print Name. Signature Signature 210 W. Pennsylvania Avenue, Suite 500 210 W. Pennsylvania Avenue, Suite 500 MD Towson Towson Mailing Address State Mailing Address 410-494-6206 21204 410-494-6206 / pamalone@venable.com 21204 pamalone@venable.com **Email Address** Zip Code Telephone # Email Address Zip Code Telephone # ORDER RECEIVED FOR FILING RFV 2/23/11

Petition for Variance

100 Lionhead Court Apartment at Franklin Square

Variance from Section 450.4, Attachment 1, 6, of the Baltimore County Zoning Regulations to permit a free-standing identification sign (for a multi-family building) with a maximum sign area/face of 33 square feet± and a maximum height of 16 feet± in lieu of the permitted 25 square foot sign area/face and height of 6 feet.





PHILLIPS

DESIGN ASSOCIATES, INC.

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

October 17, 2011

ZONING DESCRIPTION Sign Easement

100 Lionhead Court - Franklin Square Apartments

Beginning for the description of a 0.002 acre (84 square feet) sign easement recorded in the land records of Baltimore County in liber 31099, folio 309; located on Parcel 75 Tax Map 82 at a point at the centerline intersections of Franklin Square Drive, (Public 70' wide) and Lionhead Court (Private 30' wide) thence S27° 32' 41" W, 45.05' feet more or less to a point of beginning `at the north eastern corner of a sign easement thence the following courses:

- 1) N78° 10' 17"E, 12.00', thence
- 2) S12° 53′ 56″E, 7.00′ thence
- 3) S78° 10′ 17″W, 12.00′, thence
- 4) N12° 53' 56"W, 7.00', thence
- 5) back to the point of beginning

Containing 84 Square Feet or 0.002 Acres of Land more or less.

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

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



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PLEASE PRESS HARD!!!!

CASHIER'S VALIDATION

TO: PATUXENT PUBLISHING COMPANY

Thursday, December 1, 2011 Issue - Jeffersonian

Please forward billing to:

Patricia Malone Venable, LLP 210 W. Pennsylvania Avenue, Ste. 500 Towson, MD 21204 410-494-6204

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2012-0112-A

100 Lionhead Court
S/west corner of Lionhead Court and Franklin Square Drive
14th Election District – 6th Councilmanic District
Legal Owners: Consolidated Franklin Square, LLC, Todd A. Tilson, Member

<u>Variance</u> to permit a free standing identification sign (for a multi-family building) with a maximum sign area face of 33 square feet (+/-) and a maximum height of 16 feet (+/-) in lieu of the permitted 25 square foot sign area/face and height of 6 feet.

Hearing: Monday, December 19, 2011 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

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

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: # 2012-0112-A

200 inspect County

100 Lionhead Court S/west corner of Lionhead Court and Franklin Square

14th Election District — 6th Councilmanic District Legal Owner(s): Consolidated Franklin Square, LLC, Todd A. Tilson, Member

Variance: to permit a free standing identification sign (for a warrante. to entire a reasonable for the following standing understanding the following multi-family building) with a maximum sign area face of 33 square feet (+/-) and a maximum height of 16 feet (+/-) in lieu of the permitted 25 square foot sign area/face and height of 6 feet.

Hearing: Monday, December 19, 2011 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
12/004 December 1

CERTIFICATE OF PUBLICATION

12 20 11
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of successive weeks, the first publication appearing
on 12 1, 20 11.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

P. WUKINSON

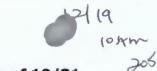


	2012-0112-A
	RE: Case No.:
	Petitioner/Developer:
	Petitioner/Developer: Todd A. Tilson
	Consolidated Franklin Square, LLC
	December 19, 2011
	Date of Hearing/Closing:
Baltimore County Department of	
Permits, Approvals and Inspections	
County Office Building, Room 111	
111 West Chesapeake Avenue	
Towson, Maryland 21204	
Attn: Kristen Lewis:	
Ladies and Gentlemen:	
This letter is to certify under the penalties of posted conspicuously on the property locate	f perjury that the necessary sign(s) required by law were dat:
100 Lionhead Court	
	December 3, 2011
The sign(s) were posted on	
	(Month, Day, Year)



Sincerely,

Sulpe	December 3,
(Signature of Sign Poster)	(Date)
SSG Robert B	lack
(Print Nam	e)
1508 Leslie R	oad
(Address)	
Dundalk, Marylan	nd 21222
(City, State, Zip	Code)
(410) 282-79	40
(Telephone Nur	nber)



Debra Wiley - ZAC Comments - Distribution Meeting of 10/31

From: Debra Wiley

To: Murray, Curtis; Lanham, Lynn; Kennedy, Dennis; Muddiman, Don; Lykens, Da...

Date: 10/30/2011 2:27 PM

Subject: ZAC Comments - Distribution Meeting of 10/31

Hi there,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision. Thank you.

2012-0108-A - 37 Belfast Road No hearing date as of 10/28

2012-0109-A - 39 Belfast Road No hearing date as of 10/28

2012-0110-SPHA - 4800 Deer Park Road No hearing date as of 10/28

2012-0111-A - 822 Wamper Road Administrative Variance (Closing Date: 11/14)

2012-0112-A - 100 Lionhead Court No hearing date as of 10/28

2012-0113-A - 11 Misty Hollow Court Administrative Variance (Closing Date: 11/21)

2012-0014-A - 906 Chariot Road

Administrative Variance (Closing Date: 11/21)

Debbie Wiley Legal Administrative Secretary Office of the Zoning Commissioner 105 West Chesapeake Avenue, Suite 103 Towson, Md. 21204 410-887-3868 410-887-3468 (fax) dwiley@baltimorecountymd.gov



KEVIN KAMENETZ County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

December 13, 2011

Mr. Todd Tilson, Member P. O. Box 1189 Brooklandville, MD 21022

RE: Case Number 2012-0112-A, 100 Lionhead Court

Dear Mr. Tilson,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 21, 2011. 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,

U. Cal Richal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel Patricia Malone, 210 W. Pennsylvania Ave. Ste. 500, Towson, MD 21204

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: November 3, 2011

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 14, 2011

Item Nos. 2012-108,109,110,111,112,113

And 114.

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

DAK:CEN

G:\DevPlanRev\ZAC -No Comments\ZAC-11142011 -NO COMMENTS.doc

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



Beverley K. Swaim-Staley, Secretary Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

145 E.

Date: 11-2-11

Ms. Kristen Matthews Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 109 Towson, Maryland 21204

Baltimore County RE:

Item No. 2012 - 0112-A

Varionce

Consolidated Franklin Equare Todd A. Tilson, Member 100 Lionhead Court

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. 2012-0112-A

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,

Access Management Division

SDF/rz

1. Addith.



RE: PETITION FOR VARIANCE

100 Lionhead Court; SW corner of Lionhead

Court and Franklin Square Drive

14th Election & 6th Councilmanic Districts

Legal Owner: Consolidated Franklin Square LLC*

Petitioner(s)

BEFORE THE OFFICE

OF ADMINSTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

2012-112-A

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.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

NOV 0 1 2011

.....

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 1st day of November, 2011, a copy of the foregoing

Entry of Appearance was mailed to Patricia Malone, Esquire, Venable, LLP, 210 W.

Pennsylvania Avenue, Suite 500, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zummerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME	00	Lion	head	Ct.
CASE NUMBER	? 2	2012	-0112	2-A
DATE 12-19	-11			

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL	
Patricia A. Molore	210 W. Penn. Suite 500	Towson MD 21204	pamalone evendble.com	
DAVID L. MAPTIN	222 BOSIEY ARE S. BI	TOWSON, MD 21704	amartin e martinand phollip	
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JB 12/19

Case No.: 2012 - 0112 - A - 100 Lionhead Ct.

Exhibit Sheet

Petitioner/Developer

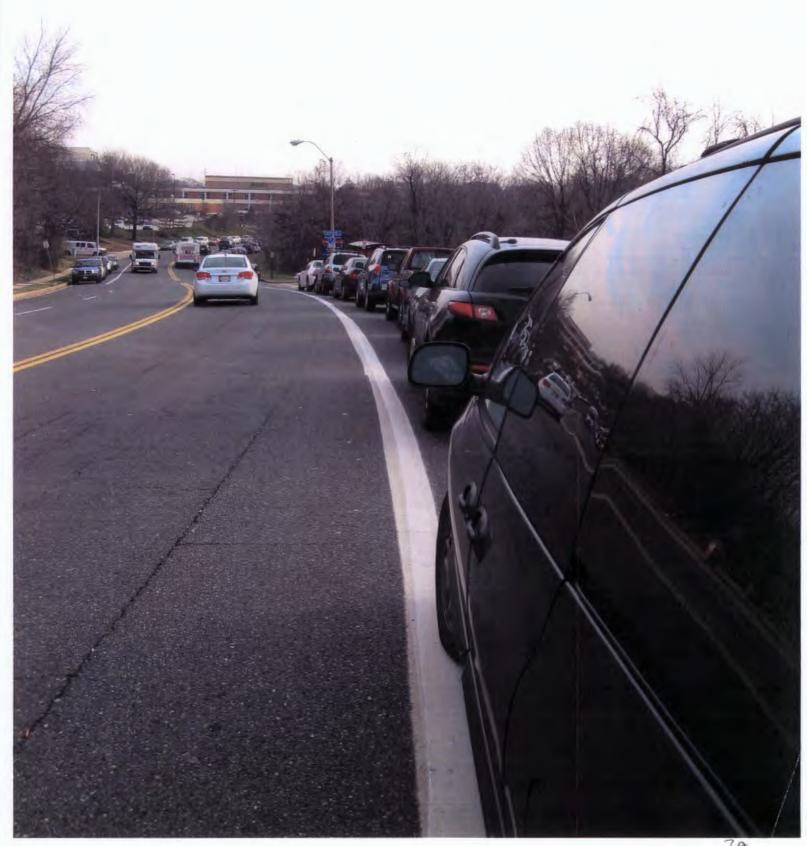
Protestants

1/33/18

No. 1	SitzPlan	
No. 2	Aerial Photo	
No. 3	Color Photos (A-G)	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

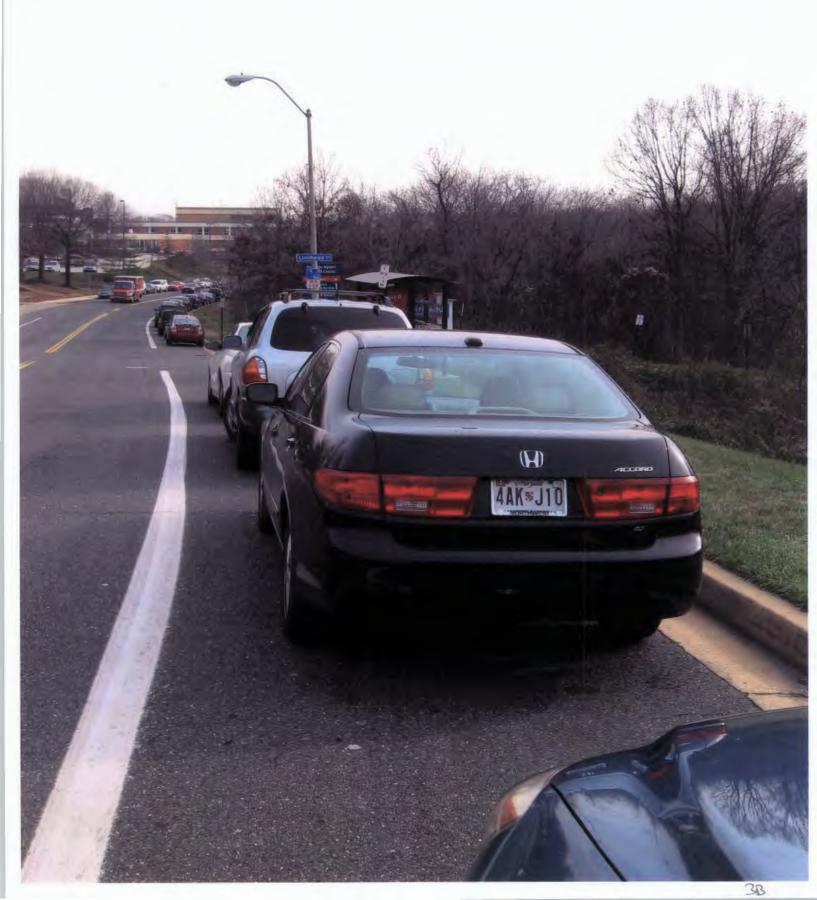
PETITIONER'S

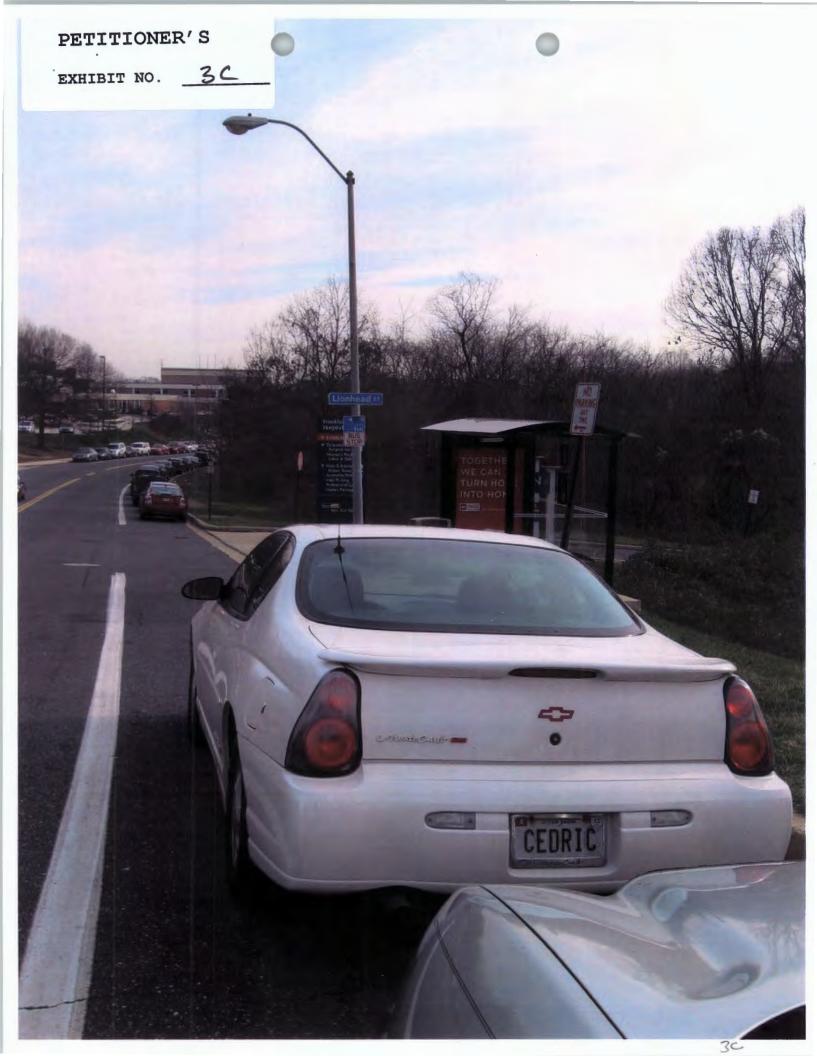
EXHIBIT NO. 3A



PETITIONER'S

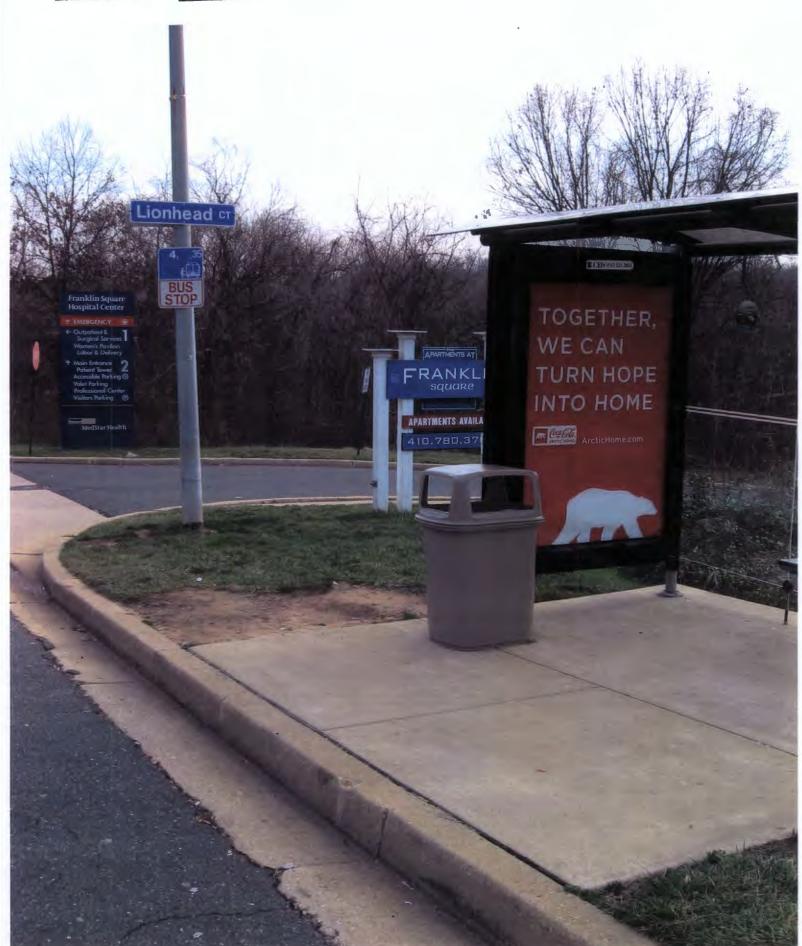
EXHIBIT NO. 3B





PETITIONER'S

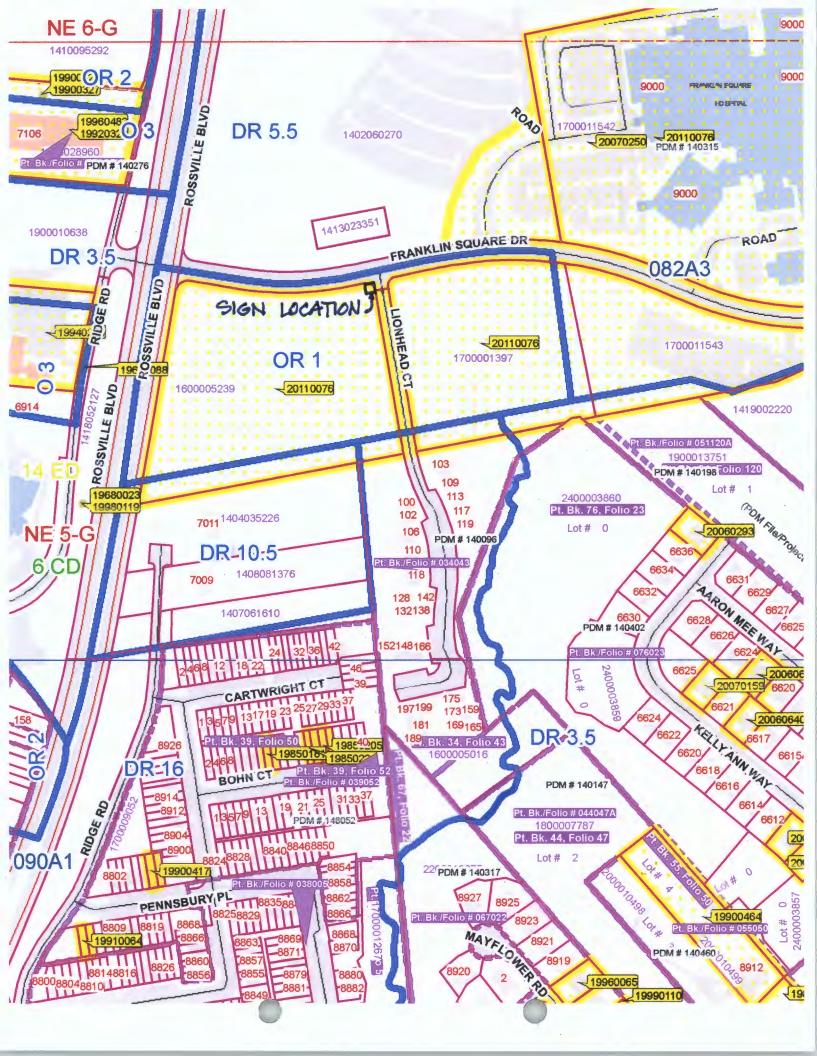
EXHIBIT NO. 3D

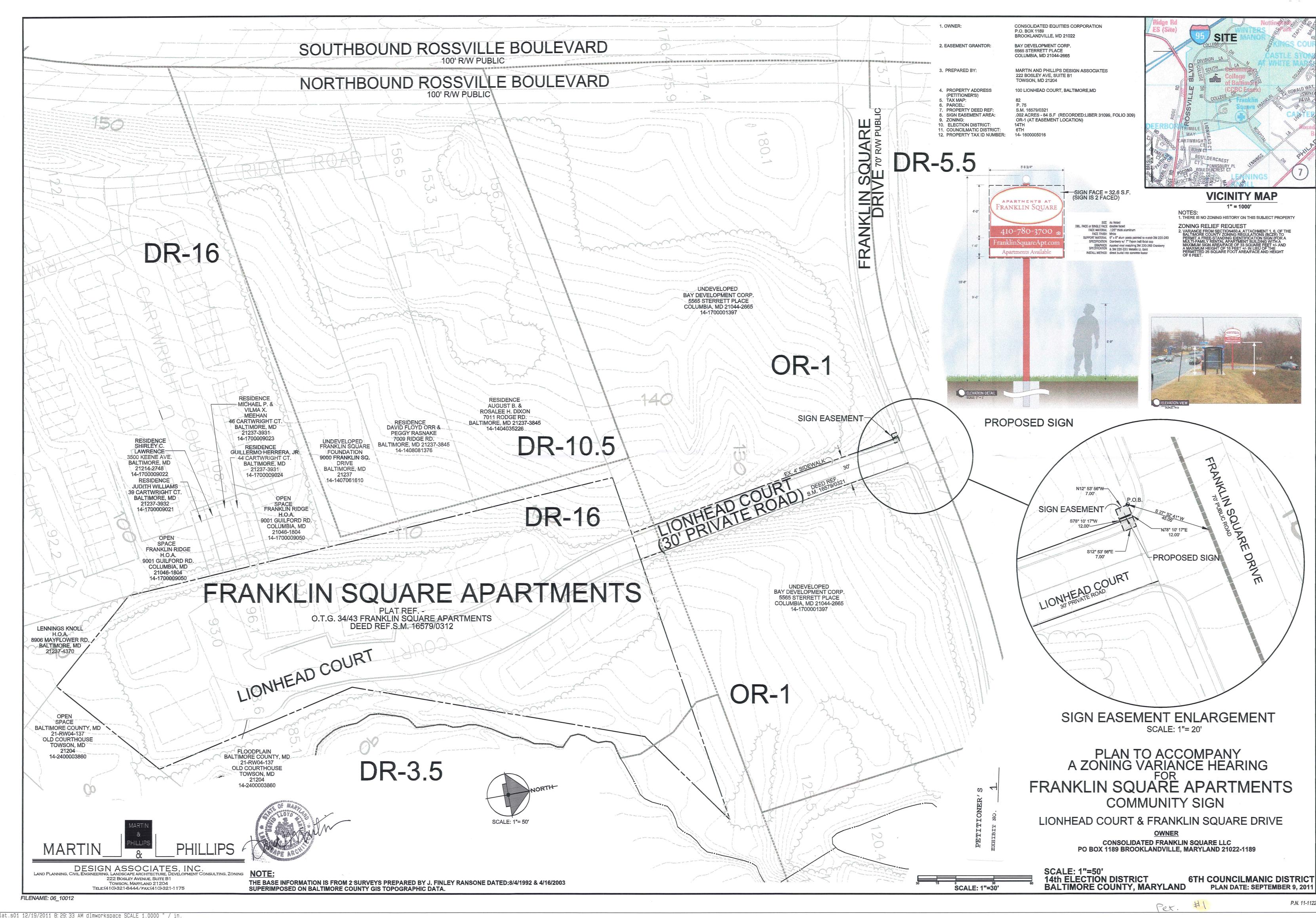


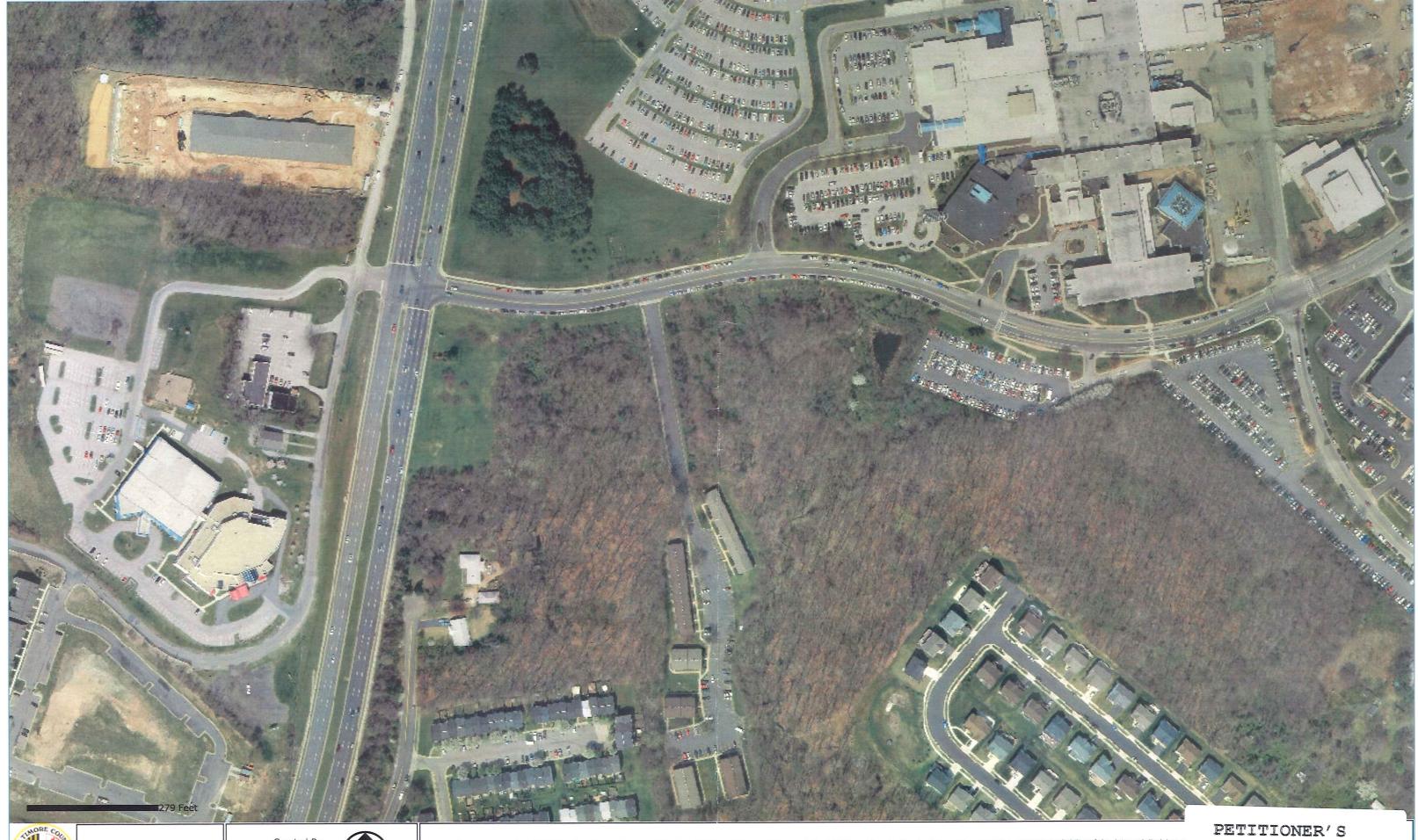












My Neighborhood Map

Created By Baltimore County My Neighborhood This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims a to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, speci fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

EXHIBIT NO.

