

IN RE: PETITION FOR VARIANCE
(5401 Baltimore National Pike)
Catonsville Plaza, LLC
Petitioner

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE NO. 2013-0030-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Variance filed by Jeffrey H. Scherr, Esquire, on behalf of the legal owner, Catonsville Plaza, LLC. The Petitioner is requesting Variance relief from § 450.4 Attachment 1.7(b) as follows:

- (1) To permit two free standing joint identification signs along the same frontage at Baltimore National Pike (US Route 40) in lieu of the permitted one per frontage,
- (2) To permit six lines of copy for the display of tenant names on the existing lower level joint identification sign in lieu of the permitted five lines of tenant copy, and
- (3) To permit an existing double faced, 241.08 sq. ft. per face joint identification sign (lower level) and an existing double faced, 232.96 sq. ft. per face joint identification sign (upper level) in lieu of the permitted one per frontage at 150 sq. ft per face.

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

Appearing at the public hearing in support for this case was Jeffrey H. Scherr, Esquire and David L. Taylor, Jr. with Dewberry & Davis, LLC, the consulting firm that prepared the site plan. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

ORDER RECEIVED FOR FILING

Date 10-11-12

By [Signature]

The Zoning Advisory Committee (ZAC) comments were received and made a part of the file. There were no adverse ZAC comments received from any of the County review agencies.

Testimony and evidence revealed that the subject property is approximately 15.33 acres in size, and is zoned BM-CCC. The site is improved with a shopping center, that has been in existence for approximately 50 years. In 1989, former Zoning Commissioner Haines granted variance relief allowing two freestanding joint identification signs at the site. See Order 09-384-A, Exhibit 2. In light of the County's sign abatement laws, the Petitioner required variance relief to continue using the two signs in question, which were erected 22 years ago.

Based upon the testimony and evidence presented, I will grant the request for variance relief, and do so on the same grounds recited in Zoning Commissioner Haine's Order. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioner has met this test.

Petitioner's engineer David Taylor, who was accepted as an expert, testified via proffer that the site is unique in that it is over 15 acres in size, while surrounding parcels are much smaller. There is also a 30' topographical change along Route 40, onto which the center fronts. In addition, Mr. Taylor noted that the buildings on site face each other rather than the roadway. In other words, the buildings in the center are perpendicular to Route 40, which reduces visibility into the site.

If the B.C.Z.R. were strictly enforced, the Petitioner would indeed suffer a practical difficulty and/or hardship. The Petitioner would be unable to use the signs which were erected

ORDER RECEIVED FOR FILING

Date 10-11-12

By [Signature]

over 20 years ago. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of opposition from the community and the lack of negative comments from Baltimore County reviewing agencies.

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

THEREFORE, IT IS ORDERED, this 11th day of October, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 450.4 Attachment 1.7(b) as follows:

- (1) To permit two free standing joint identification signs along the same frontage at Baltimore National Pike (US Route 40) in lieu of the permitted one per frontage,
- (2) To permit six lines of copy for the display of tenant names on the existing lower level joint identification sign in lieu of the permitted five lines of tenant copy, and
- (3) To permit an existing double faced, 241.08 sq. ft. per face joint identification sign (lower level) and an existing double faced, 232.96 sq. ft. per face joint identification sign (upper level) in lieu of the permitted one per frontage at 150 sq. ft per face,

be and is hereby GRANTED.

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

ORDER RECEIVED FOR FILING

Date 10-11-12

By [Signature]



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

October 11, 2012

Jeffrey H. Scherr, Esquire
Kramon & Graham, P.A.
One South Street, Suite 2600
Baltimore, Maryland 21202-3201

RE: Petition for Variance
Case No.: 2013-0030-A
Property: 5401 Baltimore National Pike

Dear Mr. Scherr:

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 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name.

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:

Address 5401 Baltimore National Pike, Baltimore, MD which is presently zoned BM CCC
 Deed References: 14735/604 10 Digit Tax Account # 0 1 0 2 0 0 4 3 6 0
 Property Owner(s) Printed Name(s) Catonsville Plaza LLC

(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:

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. X a **Variance** from Section(s)

450.4 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)

See attached

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).

Contract Purchaser/Lessee:

Name- Type or Print _____
 Signature _____
 Mailing Address _____ City _____ State _____
 Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Jeffrey H. Scherr
 Name- Type or Print _____
 Signature _____
 One South Street, Suite 2600 Baltimore MD
 Mailing Address _____ City _____ State _____
 21202 / 410-752-6030 / jscherr@kg-law.com
 Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Catonsville Plaza LLC
 Name #1 - Type or Print _____ Name #2 - Type or Print _____
 Signature #1 _____ Signature #2 _____
 a/o The Hutensky Group
 100 Constitution Plaza, 7th Floor Hartford CT
 Mailing Address _____ City _____ State _____
 06103 /
 Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print _____
 Signature _____
 Mailing Address _____ City _____ State _____
 Zip Code Telephone # Email Address

CASE NUMBER 2013-0030-A Filing Date 8/9/12 Do Not Schedule Dates: _____ Reviewer [Signature]

REV. 10/4/11

Variance Request for 2013-0030-A

Section: 450.4 Attachment 1 #7(b)

1. TO PERMIT TWO FREE STANDING JOINT IDENTIFICATION SIGNS ALONG THE SAME FRONTAGE AT BALTIMORE NATIONAL PIKE (US ROUTE 40) IN LIEU OF THE PERMITTED ONE PER FRONTAGE.
2. TO PERMIT SIX LINES OF COPY FOR THE DISPLAY OF TENANT NAMES ON THE EXISTING LOWER LEVEL JOINT IDENTIFICATION SIGN IN LIEU OF THE PERMITTED FIVE LINES OF TENANT COPY.
3. TO PERMIT AN EXISTING DOUBLE FACED, 241.08 SQUARE FEET PER FACE, JOINT IDENTIFICATION SIGN (LOWER LEVEL) AND AN EXISTING DOUBLE FACED, 232.96 SQUARE FEET PER FACE, JOINT IDENTIFICATION SIGN (UPPER LEVEL) IN LIEU OF THE PERMITTED ONE PER FRONTAGE AT 150 SQUARE FEET PER FACE.

ATTACHMENT TO PETITION FOR VARIANCE

5401 Baltimore National Pike, Baltimore, MD

Petitioner seeks a variance from Section 450.4 of the Baltimore County Zoning Regulations to permit the following, with respect to two free standing, joint identification signs located along Baltimore National Pike (US Route 40) relating to a two-tier, multi-building shopping center:

(i) Two free standing, joint identification signs along the same frontage, Baltimore National Pike (US Route 40), in lieu of one per frontage;

(ii) Six lines of copy for the display of tenant names on one free standing, joint identification sign in lieu of five lines of copy;

(iii) ^{241.09}~~212.48~~ square feet of area per face for the lower level free standing, joint identification sign in lieu of 150 square feet; and

(iv) ^{232.96}~~200.09~~ square feet of area per face for the upper level free standing, joint identification sign in lieu of 150 square feet.

Petitioner seeks the above-referenced variances for the reasons hereinafter set forth. The subject property is a large 15.233 acre parcel zoned BM-CCC and is improved by four separate commercial buildings housing various businesses and services. The building uses include a grocery store, fitness center, restaurant, automobile service center and armed forces recruitment center. The improvements consist of: one multi-story, multi-tenant building; one single-story, multi-tenant building; and two additional single-story, single-tenant buildings.

The property is topographically unique in that it consists of two tiers of varying heights. The "upper level" of the property is approximately 30 feet higher than the "lower level" of the property. The large multi-story building is a two-tier building with the upper level being serviced from the west side of the building and the lower level being serviced from the east side of the building. As a result of the height difference, the property is served by two separate parking areas. The height difference between the two levels of the property as well as the separate parking areas are shown on the satellite image attached hereto as Exhibit A. Despite the varying height and multiple buildings with multiple postal addresses, the property is considered only one parcel of record according to the Maryland State Department of Assessments and Taxation.

The two separate free standing, joint identification signs located along Baltimore National Pike have existed for approximately twenty years and are currently legally

nonconforming signs pursuant to Section 450.8(C). Photographs and detailed specifications of the signs are provided on the Plan to Accompany Variance Hearing attached hereto as Exhibit B (the "**Plan**"). The two separate, large signs are necessary due to the uniqueness of the property with respect to its multiple levels, separate parking areas and parcel size. One of the free standing, joint identification signs is located on the upper level of the property and lists the tenants of the multi-level building. That sign is located on the westernmost side of the property prior to the entrance of the upper level parking area. The other free standing, joint identification sign is located on the lower level of the property and lists the anchor tenants of the single-story buildings as well as the multi-story building. This lower level sign is located on the easternmost side of the property prior to the entrance of the lower level parking area. The property frontage on Baltimore National Pike is nearly 1100 feet. The two signs are located on opposite sides of this frontage, approximately 850 feet apart. The locations of the signs are shown on the Plan.

The improvements located upon the property are also unique in that the multi-story building was constructed perpendicular to the fronting roads. As a result, the front of the shops and wall-mounted signs are not easily visible from the roadway. The free standing, joint identification signs are located adjacent to the roadway and allow drivers to identify the services located within the shopping center without creating a danger on the road as a result of drivers slowing and straining to see the wall-mounted signs or becoming distracted in an attempt to locate a particular retailer or service provider located within the shopping center.

The unique topography of the property, building location, large size of the property and location of multiple buildings on the property necessitate the two separate free standing, joint identification signs. The number and varying types of tenants and need to identify the location of tenants located on the multiple levels of the property also create a need for larger signs with additional tenant identifications. Strict compliance with Section 450.4 would create practical difficulty and unreasonable hardship to the property owner due to the unique nature of the property. The identification of the separate entrances and levels is necessary to inform drivers of the locations of the services and to maintain the utility of the site. The variances requested can be granted in harmony with the spirit and intent of the zoning regulations and without causing injury to the public health, safety and general welfare. Due to the size and nature of the subject property and the significant distance between each sign, the existing signage is not excessive. The signs not only do not create a distraction to drivers, but actually add utility and ease of identification of services.

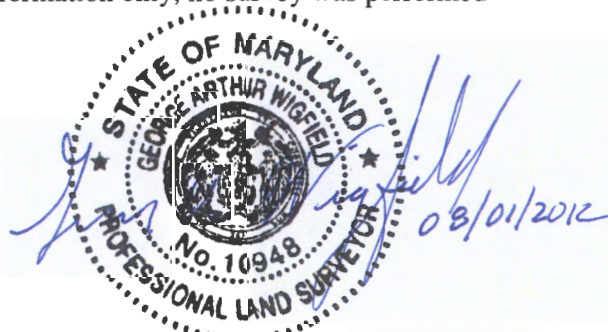
ZONING PROPERTY DESCRIPTION FOR:**Catonsville Plaza****Address: 5401 Baltimore National Pike****Parcel 242, Tax Map 95 Grid 21**

Beginning at a point on the North side of Old Frederick Road, which is 60' wide at the distance of 1006 feet +/- East of the centerline of the nearest improved intersecting street Academy Road, which is 60' wide.

Thence with said Catonsville Plaza, LLC property the following courses and distances:

- 1) North 08° 08' 40" East 543.66 feet to a point on the south side of Baltimore National Pike.
- 2) Thence with said south side of Baltimore National Pike 1,098.90 feet along a curve deflecting to the right having a radius of 14,248.95' with a chord bearing and distance of North 80° 08' 55" East 1,098.63 feet to a point.
- 3) Thence leaving said Pike South 36° 40' 20" East 305.18 feet to a point on the north side of said Old Frederick Road running with said north side of Old Frederick Road the next seven (7) courses and distances.
- 4) Thence South 60° 55' 40" West 179.22 feet to a point.
- 5) Thence 190.90 feet along a curve deflecting to the left having a radius of 940.00 feet with a chord bearing and distance of South 55° 06' 35" West 190.57 feet to a point.
- 6) Thence South 49° 17' 30" West 333.09 feet to a point.
- 7) Thence 400.26 feet along a curve deflecting to the right having a radius of 470.00 feet with a chord bearing and distance of South 73° 41' 19" West 388.27 feet to a point..
- 8) Thence North 81° 54' 50" West 246.80 feet to a point.
- 9) Thence 106.90 feet along a curve deflecting to the left having a radius of 700.00 feet with a chord bearing and distance of North 86° 17' 20" West 106.80 feet to a point.
- 10) Thence South 89° 20' 10" West 52.69 feet back to the **POINT OF BEGINNING** as recorded in Deed Liber S.M. 14735, Folio 604, containing 15.3291 acres. Located in the 1st Election District and 1st Council District.

This description is based on deed information only, no survey was performed

Dewberry & Davis LLC

MY LICENCE EXPIRES 6/27/2014

2013-0030-A

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

No. **87124**
 Date **8/9/12**

PAID RECEIPT

BUSINESS ACTUAL TIME DAY
 8/09/2012 8/09/2012 12:00:46 2
 REC MGR MAIL JEVA JEL
 RECEIPT # 70030 8/09/2012 OFLA
 5 328 ZIMING VERIFICATION
 087124
 Recpt Tot: \$385.00
 \$385.00 0.00 \$385.00
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	206	0000		60150				385.00

Total: **385.00**

Rec From: **Dawberry**
 For: **Sign Variance**
2013-0030-A
Catonsville Plaza LLC

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!

**CASHIER'S
 VALIDATION**

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

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: 2013 - 0030 - A
Petitioner: Catonsville Plaza LLC
Address or Location: 5401 Baltimore National Pike, Baltimore, md.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Catonsville Plaza LLC
Address: c/o Jeffrey H. Scherr
ONE South Street - 26th Floor
Baltimore, Maryland 21202

Telephone Number: _____

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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For Newspaper Advertising:

Item Number or Case Number: 2013-0030-A
Petitioner: Catonsville Plaza LLC
Address or Location: 5401 Baltimore National Pike, Baltimore, Md.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Catonsville Plaza LLC
Address: c/o Jeffrey H. Scherr
ONE South Street - 26th Floor
Baltimore, Maryland 21202
Telephone Number: _____

TO: PATUXENT PUBLISHING COMPANY
Thursday, September 20, 2012 Issue - Jeffersonian

Please forward billing to:

Catonsville Plaza, LLC
c/o Jeffrey Scherr
One South Street, Ste. 2600
Baltimore, MD 21202

410-752-6030

NOTICE OF ZONING HEARING

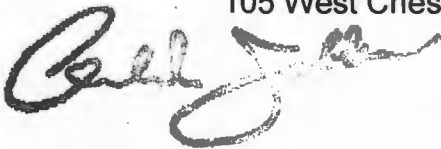
The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2013-0030-A

5401 Baltimore National Pike
N/side of Old Frederick Road, 1006 ft. east of centerline of Academy Road
1st Election District – 1st Councilmanic District
Legal Owners: Catonsville Plaza, LLC

Variance to permit two freestanding joint identification signs along the same frontage at Baltimore National Pike (US Rte. 40) in lieu of the permitted one per frontage; to permit 6 lines of copy for the display of tenant names on the existing lower level joint identification sign in lieu of the permitted 5 lines of tenant copy; to permit an existing double faced 241.08 sq. ft. per face joint identification sign (lower level) and an existing double faced 232.96 sq. ft. per face joint identification sign (upper level) in lieu of the permitted one per frontage at 150 sq. ft. per face.

Hearing: Thursday, October 11, 2012 at 11:00 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 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.



KEVIN KAMENETZ
County Executive

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

August 30, 2012

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2013-0030-A

5401 Baltimore National Pike
N/side of Old Frederick Road, 1006 ft. east of centerline of Academy Road
1st Election District – 1st Councilmanic District
Legal Owners: Catonsville Plaza, LLC

Variance to permit two freestanding joint identification signs along the same frontage at Baltimore National Pike (US Rte. 40) in lieu of the permitted one per frontage; to permit 6 lines of copy for the display of tenant names on the existing lower level joint identification sign in lieu of the permitted 5 lines of tenant copy; to permit an existing double faced 241.08 sq. ft. per face joint identification sign (lower level) and an existing double faced 232.96 sq. ft. per face joint identification sign (upper level) in lieu of the permitted one per frontage at 150 sq. ft. per face.

Hearing: Thursday, October 11, 2012 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Jeffrey Scherr, One South Street, Ste. 2600, Baltimore 21202
Hutensky Group, 100 Constitution Plaza, 7th Fl., Hartford CT 06103

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, SEPTEMBER 21, 2012.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
5401 Baltimore National Pike; N/S Old Frederick	*	
Road, 1006' E of c/line of Academy Road	*	OF ADMINSTRATIVE
1 st Election & 1 st Councilmanic Districts	*	
Legal Owner(s): Catonsville Plaza LLC	*	HEARINGS FOR
Petitioner(s)	*	BALTIMORE COUNTY
	*	2013-030-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.

RECEIVED

AUG 14 2012

.....

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 August, 2012, a copy of the foregoing Entry of Appearance was mailed to Jeffrey H. Scherr, Esquire, One South Street, Suite 2600, Baltimore, MD 21202, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Kevin Kamenetz
County Executive



Arnold Jablon
Deputy Administrative Officer &
Director, Department of Permits,
Approvals & Inspections

TELEFAX TRANSMISSION

To: Jeffrey H Scherer

Date: 8/10/12

Fax: 410 361 8221

From: Len Wasilewski

Pages: 3 (including cover page)

RE: 2013-0030-A
5401 Baltimore National Plk.

Message/Comments:

Correct per telecom w/
Jeffrey H Scherer
A handwritten signature, likely of Len Wasilewski, is written below the message.

CONFIDENTIALITY NOTICE

The documents accompanying this telecopy transmission contain confidential information belonging to the sender, which is legally privileged and confidential. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby advised that any disclosure, copying, distribution, or the taking of any action based on the contents of this telecopy information is strictly prohibited. If you have received this telecopy in error, please immediately notify the sender to arrange for return of the original documents.

Director's Office /County Office Building
111 W. Chesapeake Avenue, Room105/ Towson, Maryland 21204/phone 410-887-3353/Fax 410-887-5708
www.baltimorecountymd.gov

VARIANCE REQUESTS:

1. PERMIT TWO FREE STANDING, JOINT IDENTIFICATION SIGNS ALONG THE SAME FRONTAGE AT BALTIMORE NATIONAL PIKE (US ROUTE 40) IN LIEU OF ONE PER FRONTAGE, PER BCZR 450.4. ATTACHMENT 1#7(b)
2. PERMIT SIX LINES OF COPY FOR THE DISPLAY OF TENANT NAMES ON THE EXISTING LOWER LEVEL JOINT IDENTIFICATION SIGN IN LIEU OF FIVE LINE OF COPY, PER BCZR 450.4. ATTACHMENT 1#7(b)
3. PERMIT ^{241.08}~~242.48~~ SQUARE FEET (LOWER ELEVATION JOINT IDENTIFICATION SIGN) AND ^{232.96}~~200.09~~ SQUARE FEET (UPPER ELEVATION JOINT IDENTIFICATION SIGN) OF AREA PER FACE IN LIEU OF 150 SQUARE FEET OF AREA PER FACE FOR A JOINT IDENTIFICATION SIGN, PER BCZR 450.4.

original

2013-0030-A

Variance Request for 2013-0030-A

Section: 450.4 Attachment 1 #7(b)

1. TO PERMIT TWO FREE STANDING JOINT IDENTIFICATION SIGNS ALONG THE SAME FRONTAGE AT BALTIMORE NATIONAL PIKE (US ROUTE 40) IN LIEU OF THE PERMITTED ONE PER FRONTAGE.
2. TO PERMIT SIX LINES OF COPY FOR THE DISPLAY OF TENANT NAMES ON THE EXISTING LOWER LEVEL JOINT IDENTIFICATION SIGN IN LIEU OF THE PERMITTED FIVE LINES OF TENANT COPY.
3. TO PERMIT AN EXISTING DOUBLE FACED, 241.08 SQUARE FEET PER FACE, JOINT IDENTIFICATION SIGN (LOWER LEVEL) AND AN EXISTING DOUBLE FACED, 232.96 SQUARE FEET PER FACE, JOINT IDENTIFICATION SIGN (UPPER LEVEL) IN LIEU OF THE PERMITTED ONE PER FRONTAGE AT 150 SQUARE FEET PER FACE.

Corrected copy

M E M O R A N D U M

DATE: November 13, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0030-A - Appeal Period Expired

The appeal period for the above-referenced case expired on November 9, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>8-17</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>8-14</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>1991-0231-SPH, 1989-0384-A</u> <u>1989-0385-A + 1966-0240-A</u>)	
NEWSPAPER ADVERTISEMENT	Date: <u>9-20-12</u> <u>The Jeffersonian</u>	
SIGN POSTING	Date: <u>9-21-12</u> by <u>Black</u> <u>30 days</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Maryland Department of Assessments and Taxation
Real Property Data Search (vw2.2A)
BALTIMORE COUNTY

[Go Back](#)
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[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier:

District - 01 Account Number - 0102004360

Owner Information

Owner Name:	CATONSVILLE PLAZA LLC	Use:	COMMERCIAL
Mailing Address:	C/O THE HUTENSKY GROUP 100 CONSTITUTION PLAZA 7TH FLR HARTFORD CT 06103-1703	Principal Residence:	NO
		Deed Reference:	1) /14735/ 00604 2)

Location & Structure Information

Premises Address	Legal Description
5401 BALTO NATL PIKE BALTIMORE MD 21229-2102	15.2958 AC SS BALTO NATL PIKE 200 E OF ST AGNES LA

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0095	0021	0242		0000				3	
									Plat Ref:

Special Tax Areas	Town	NONE
	Ad Valorem	
	Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		15.2900 AC	14

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2012	07/01/2013
Land	3,833,200	3,833,200		
Improvements:	12,915,600	15,942,200		
Total:	16,748,800	19,775,400	17,757,667	18,766,533
Preferential Land:	0			0

Transfer Information

Seller:	CATONSVILLE PLAZA	Date:	10/05/2000	Price:	\$9,567,000
Type:	NON-ARMS LENGTH OTHER	Deed1:	/14735/ 00604	Deed2:	
Seller:	SPARTA BROOK REA LTY CORP	Date:	07/26/1988	Price:	\$9,100,000
Type:	ARMS LENGTH IMPROVED	Deed1:	/07926/ 00472	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:	Special Tax Recapture:
Exempt Class:	NONE

Homestead Application Information

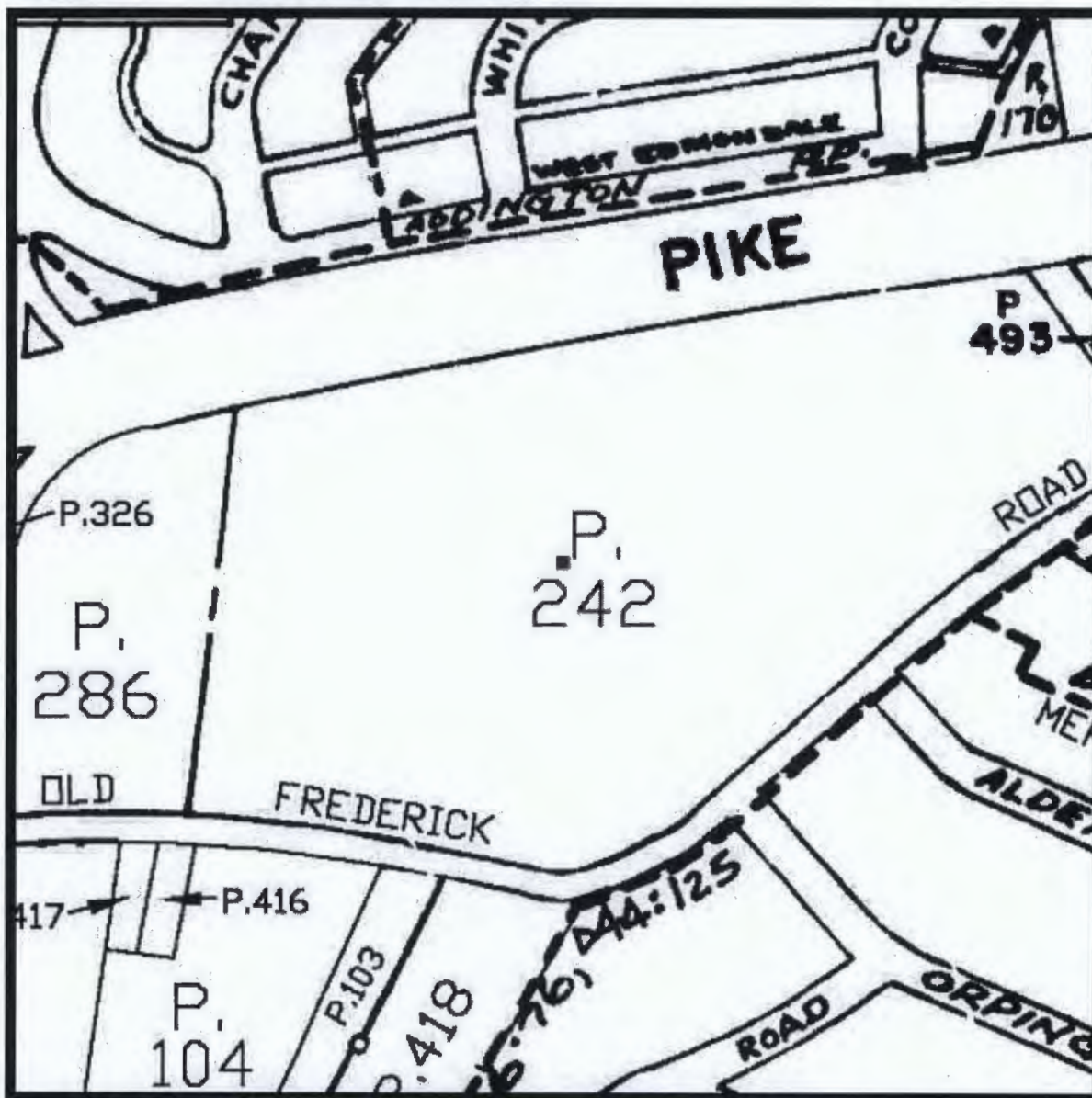
Homestead Application Status:	No Application
--------------------------------------	----------------



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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District - 01 Account Number - 0102004360



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2010. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

10/11
11 AM**Debra Wiley - ZAC Comments - Distribution Mtg. of 8/13**

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 8/15/2012 11:09 AM
Subject: ZAC Comments - Distribution Mtg. of 8/13

Good Morning,

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.

2013-0022-A - 1734 York Rd.
No hearing date in data base as of 8/15

2013-0024-A - 2533 Farringdon Rd.
Administrative Variance - Closing Date: 9/3

2013-0025-A - 7 Overhill Rd.
Administrative Variance - Closing Date: 9/3

2013-0026-SPHX - 13801 Jarrettsville Pike
No hearing date in data base as of 8/15

2013-0027-A - 1508 Leslie Road
No hearing date in data base as of 8/15

2013-0028-A - 1319 Malbay Drive
Administrative Variance - Closing Date: 9/3

2013-0029-A - 309 Delight Meadows Road
Administrative Variance - Closing Date: 8/27

2013-0030-A - 5401 Baltimore National Pike
No hearing date in data base as of 8/15

2013-0031-A - 12 Oakwood Road
No hearing date in data base as of 8/15

Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
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*

October 3, 2012

Catonsville Plaza LLC
C/O The Hutensky Group
100 Constitution Plaza 7th Floor
Hartford CT 06103

RE: Case Number: 2013-0030 A, Address: 5401 Baltimore National Pike

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 9, 2012. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Jeffrey H. Scherr, Esquire, One South Street, Suite 2600, Baltimore MD 21202

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



Maryland Department of Transportation

Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 8-14-12

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

RE: Baltimore County
Item No. 2013-0030-A
Variance
Catonsville Plaza LLC
5401 Baltimore National
Pike.
US 40

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 8-13-12. A field inspection and internal review reveals that an entrance onto US 40 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2013-0030-A.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard Zeller", is written over a printed name.

Steven D. Foster, Chief
Access Management Division

SDF/raz

My telephone number/toll-free number is _____

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director **DATE:** August 17, 2012.
2012

Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For August 27, 2012
Item Nos. 2013-0022, 0024, 0025, 0026, 0027, 0028, 0029, 0030 and 0031

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC08272012-NO COMMENTS.doc

Case No.: 2013-0030-A

Exhibit Sheet

Petitioner/Developer

Protestant

BW 11-13-12
BW 10-572

No. 1	Site Plan	
No. 2	Zoning Order 09-384-A	
No. 3	Aerial Photo	
No. 4	Detail of Signage	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PETITIONERS

1989-0384-A

EXHIBIT NO. #5

IN RE: PETITION FOR ZONING VARIANCE
S/S Baltimore National Pike,
330' E of c/l of St. Agnes Lane
(Catonsville Plaza)
1st Election District
1st Election District
Catonsville Plaza Ltd. Part.
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 89-384-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit two (2) double-faced identification signs to be located on the same street; to permit each of the two signs to contain 1,184 sq.ft. total (592 sq.ft. per side) in lieu of the maximum permitted 300 sq.ft.; to permit said signs to be located on the subject property where the land on the opposite side of the thoroughfare is not zoned commercial; and to permit said signs to be 38 feet, 6 inches high in lieu of the maximum permitted 25/25 feet height, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Hugh D. Robinson, Tri-Land Properties, Inc., a General Partner, appeared, testified and were represented by Robert M. Cannon, Esquire and Steven C. Nilnes, Esquire. Also appearing on behalf of the Petition were J. S. Thaler with D. S. Thaler and Associates, Inc., and Adam Wasserman, Revitalization Coordinator for Baltimore County. There were no Protestants.

Testimony indicated that the subject property, located between Baltimore National Pike (Route 40) and Old Frederick Road, consists of 15.3 acres more or less, zoned EM-CDC, and is improved with a shopping center known as Catonsville Plaza. Petitioners are in the process of remodeling the existing facility, which is approximately 25 years old, to create more space and give the shopping center a more modern appearance.

ORDER RECEIVED FOR FILING

Date

By

4/14/89
Baltimore

ORDER RECEIVED FOR FILING

Date 4/2/89

By Robert J. Delatorre

In addition to the proposed improvements, Petitioner are desirous of installing the proposed signs. Testimony indicated that due to the grade of Route 40 at the entrance to the site, the topography of the land, and the grade at which the two parking lots are situated, the site and locations proposed for the signs are necessary in order to be visible from the road. Testimony indicated that the grade of Route 40 changes radically alongside the shopping center and as a result, there are lower level and upper level parking lots. Due to the fact that all the stores are oriented towards the parking lots and not towards Route 40, as can be seen by Petitioner's Exhibit 1, the existing identification signs on the store fronts are not visible from the road. Testimony indicated that since there are two separate parking lots, each on a different level, two identification signs are necessary. Testimony indicated that one of the signs will be erected across the street from residentially zoned property. The Petitioner believes that since the residential property is on the other side of Route 40, which is more than 50 feet wide at this location, the proposed sign will not create any adverse impact upon the community. Testimony indicated that both signs will identify each store in the shopping center and that the existing Merchant's Place sign will be removed upon the installation of the new signs.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLaren v. Mayor, 270 Md. 708 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unreasonably burdensome;
- 2) whether the grant would do substantial injustice

to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 26 (1974).

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the area and height variances requested are extremely excessive and unnecessary. Petitioners request 12 for two signs, each containing 1,184 sq.ft. (992 sq.ft. per side), or 2,368 sq.ft. total, in lieu of the maximum permitted 300 sq.ft. (150 sq.ft. per side). Further, petitioners request a height variance of 30 feet, 6 inches for each sign in lieu of the 25 feet and 35 feet height restrictions. In the opinion of the Zoning Commissioner, if variances are granted, as hereinafter modified, such uses as proposed would not be contrary to the spirit of the D.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and for the reasons given above, the variances requested, as modified, should be granted.

WHEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of April, 1969 that variances from Section 413.2(e) to permit two (2) double-faced identification signs to be located on the same street in lieu of the one multiple-faced sign on each street recognized as a thoroughfare; to permit two double-faced identification signs to contain 500 sq.ft. each, or 250 sq.ft. per side, for a total of 1,000 sq.ft. of identification signs in lieu of the maximum permitted

ORDER RECEIVED FOR FILING

Date

4/4/69
By Beth J. Skutumpah

ORDER FOR FILING

Date

By *Bette J. Seligman*

300 sq.ft. total for a double-faced identification sign, or 150 sq.ft. per side; and to permit two (2) identification signs to be located on the subject property where the land on the opposite side of the thoroughfare is not zoned commercial in lieu of the requirement that such signs be located opposite a commercial zone, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their sign permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Prior to the issuance of any sign permits, Petitioners shall submit to the Zoning Commissioner for approval a new design plan of the proposed signage incorporating the size and height variances granted herein.
- 3) The existing Merchant sign shall be removed at such time as the new signs are installed.
- 4) There shall be no other freestanding signage for the subject property.
- 5) Upon applying for the sign permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.
- 6) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order; and,
- IT IS FURTHER ORDERED that a variance to permit two double-faced

identification signs to be 38 feet, 6 inches high in lieu of the maximum permitted 25/15 foot height, be and is hereby DENIED.

JRB:djs

B. J. Seligman
B. J. Seligman
Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 587-3353

J. Robert Haines
Zoning Commissioner

April 6, 1989



Dennis F. Rasmussen
County Executive

Robert W. Cannon, Esquire
Steven C. Hulse, Esquire
100 S. Charles Street, 14th Floor
Baltimore, Maryland 21201

RE: PETITION FOR ZONING VARIANCE
3/3 Baltimore National Pike, 330' E of the c/l of St. Agnes Lane
(Catonsville Plaza)
1st Election District - 1st Councilmanic District
Catonsville Plaza Limited Partnership - Petitioners
Case No. 89-384-1

Dear Mr. Cannon:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

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 Ms. Charlotte Radcliffe at 494-3351.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel
JRH

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

89-381-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section 411.2(a) to permit: (1) 2 identification signs to be located on the same street; (ii) each of the 2 double-face identification signs to contain 1184 square feet in area of the permitted 200 square feet; and (iii) each of the 2 identification signs to be located on the subject property where the land on the opposite side of the thoroughfare is not used commercially, and a Variance from Section 411.3(d) to permit each of the 2 identification signs to be 36 feet 6 inches in height in line of the permitted 25/25 feet.

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

Due to the topography of the site, the subject shopping center effectively operates as two separate centers with separate "uphill" and "downhill" marketing, advertising, and business identification needs. Strict compliance with the 1 identification sign limitation per street would cause severe practical difficulties as one portion of the shopping center would not have the benefit of an identification sign and strict compliance with the 150 square foot restriction would prevent adequate identification of the shopping center(s).

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

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

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

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Robert W. Cannon

(Type or Print Name)

Signature

100 South Charles Street, 14th Floor

Address

Baltimore, Maryland 21201

City and State

Attorney's Telephone No.: (301) 322-8816

Legal Owner(s):

Catonville Place Limited Partnership

(Type or Print Name)

By:

Signature Robert W. Cannon

Authorized Representative

(Type or Print Name)

Signature

c/o Mr. Hugh B. Robinson

One Westbrook Corporate Center, Suite 320

Address

Phone No.

Westbrook, Illinois 60152

City and State

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

Robert W. Cannon

Name

100 South Charles Street, 14th Floor
Baltimore, Maryland 21201 (301) 322-8816

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 8th day

of February, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commission of Baltimore County in Room 104, County Office Building in Towson, Baltimore

County, on the 21st day of March, 1989, at 9 o'clock

A. 11

J. Robert Cannon
Zoning Commissioner of Baltimore County

(over)

ORDER RECEIVED FOR FILING

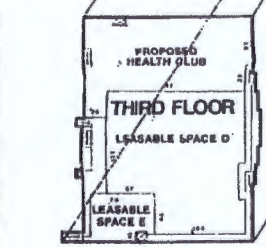
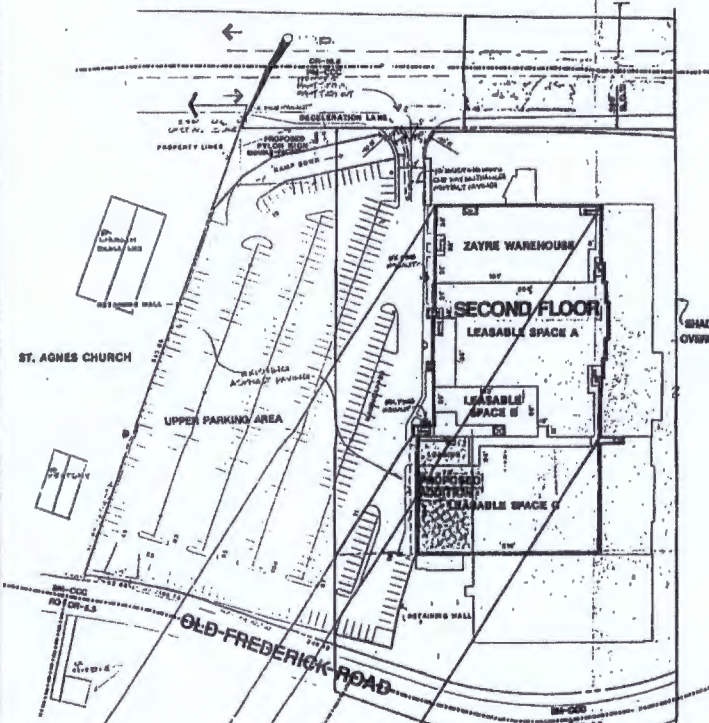
Date

By

Robert W. Cannon

ARCHITECTS HERBERT SCHAFER ASSOCIATES, INC.
CHICAGO, ILLINOIS

NOTES
1. THIS PLAN IS A REVISION OF THE PREVIOUS PLAN.
2. THE PROPOSED BUILDING IS TO BE CONSTRUCTED ON THE SITE OF THE EXISTING BUILDING.
3. THE PROPOSED BUILDING IS TO BE CONSTRUCTED ON THE SITE OF THE EXISTING BUILDING.

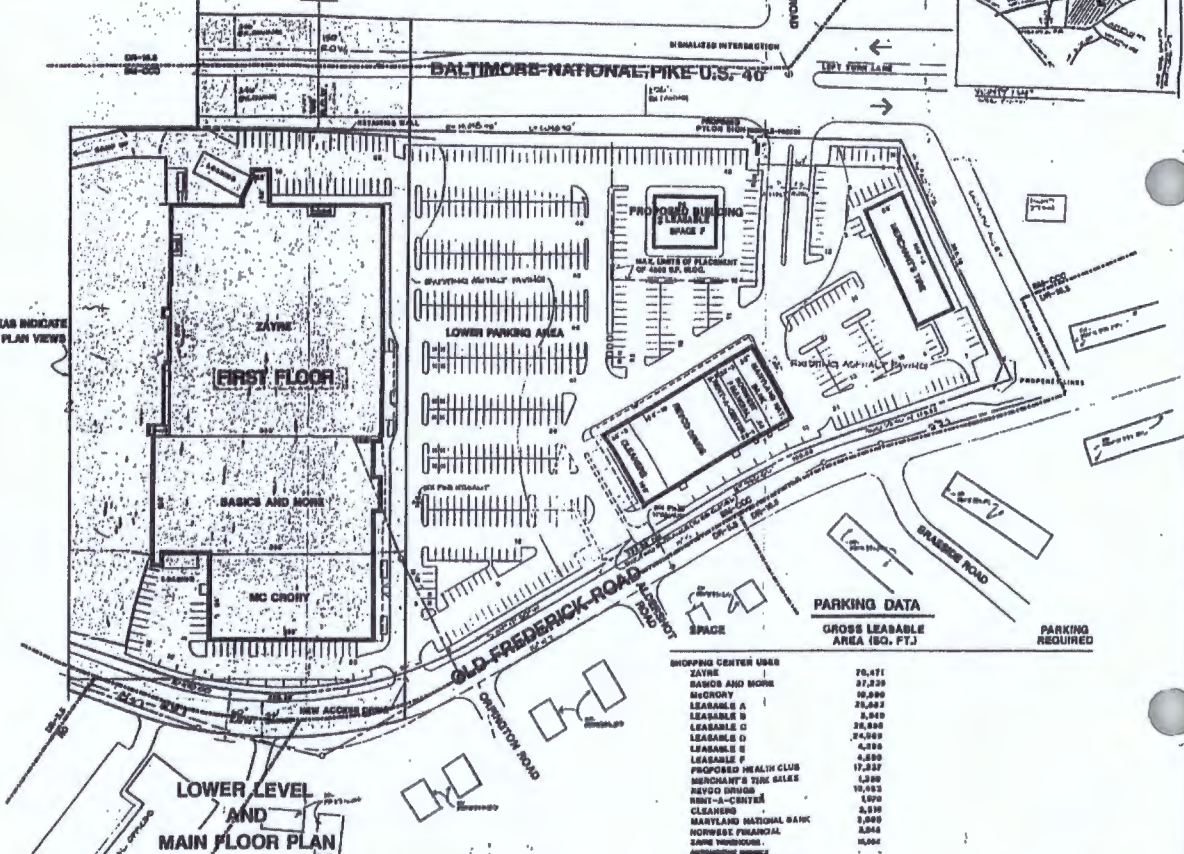


THIRD FLOOR PLAN

D.S. THALER & ASSOCIATES, INC.
CIVIL ENGINEERS LANDSCAPE ARCHITECTS SURVEYORS
11 WARREN ROAD
BALTIMORE, MD. 21208 (301) 484-4100

AMENDED
PLAN TO ACCOMPANY VARIANCE PETITION

PROPOSED PYLON SIGN (2 DOUBLE-FACE SIGNS @ 88' PER FACE)



LOWER LEVEL
AND
MAIN FLOOR PLAN

- REASONS FOR VARIANCE REQUEST
1. TO ALLOW THE PROPOSED BUILDING TO BE LOCATED ON THE SAME SITE.
 2. TO ALLOW THE PROPOSED BUILDING TO BE LOCATED ON THE SAME SITE.
 3. TO ALLOW EACH OF THE 2 PROPOSED BUILDINGS TO BE LOCATED ON THE SAME SITE.
 4. TO ALLOW EACH OF THE 2 PROPOSED BUILDINGS TO BE LOCATED ON THE SAME SITE.

WORKING CENTER USE

ZAYRE	75,471
BANKS AND MORE	27,228
MACY'S	25,000
LEASABLE A	25,000
LEASABLE B	25,000
LEASABLE C	25,000
LEASABLE D	25,000
LEASABLE E	25,000
LEASABLE F	25,000
PROPOSED HEALTH CLUB	17,227
MERCHANT'S TIME SALES	1,200
REVO DRUGS	10,000
RENT-A-CENTER	1,000
CLEARING	5,000
MARYLAND NATIONAL BANK	5,000
NORTHWEST FINANCIAL	5,000
ZAYRE WAREHOUSE	10,000
MERCHANT'S TIME SALES	1,200

PARKING DATA
GROSS LEASABLE
AREA (SQ. FT.)

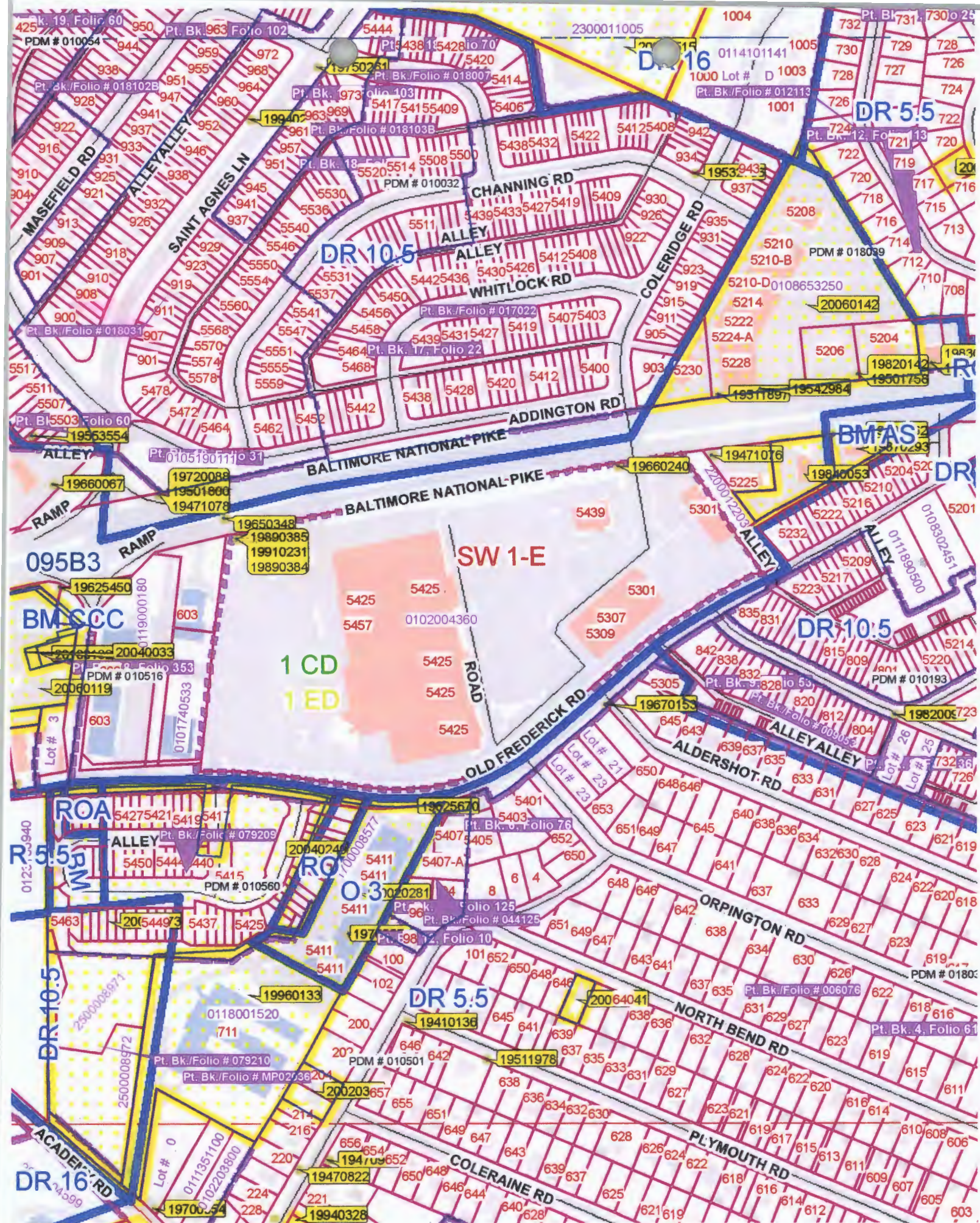
PETITIONER'S
EXHIBIT 1

PROJECT TOTALS	250,747	1,404
PARKING PROVIDED INCL. 37 HANDICAP AND 14 IN SERVICE BAYS		1,358
UPPER LEVEL		487
LOWER LEVEL		868

REDEVELOPMENT-PHASE TWO
CATONVILLE PLAZA
CATONVILLE, MARYLAND

PROPOSED
SITE AND
LEASE PLAN

PROJ. NO. 89-38-A
DRAWING NO.
SL-1A



2013-0030-A

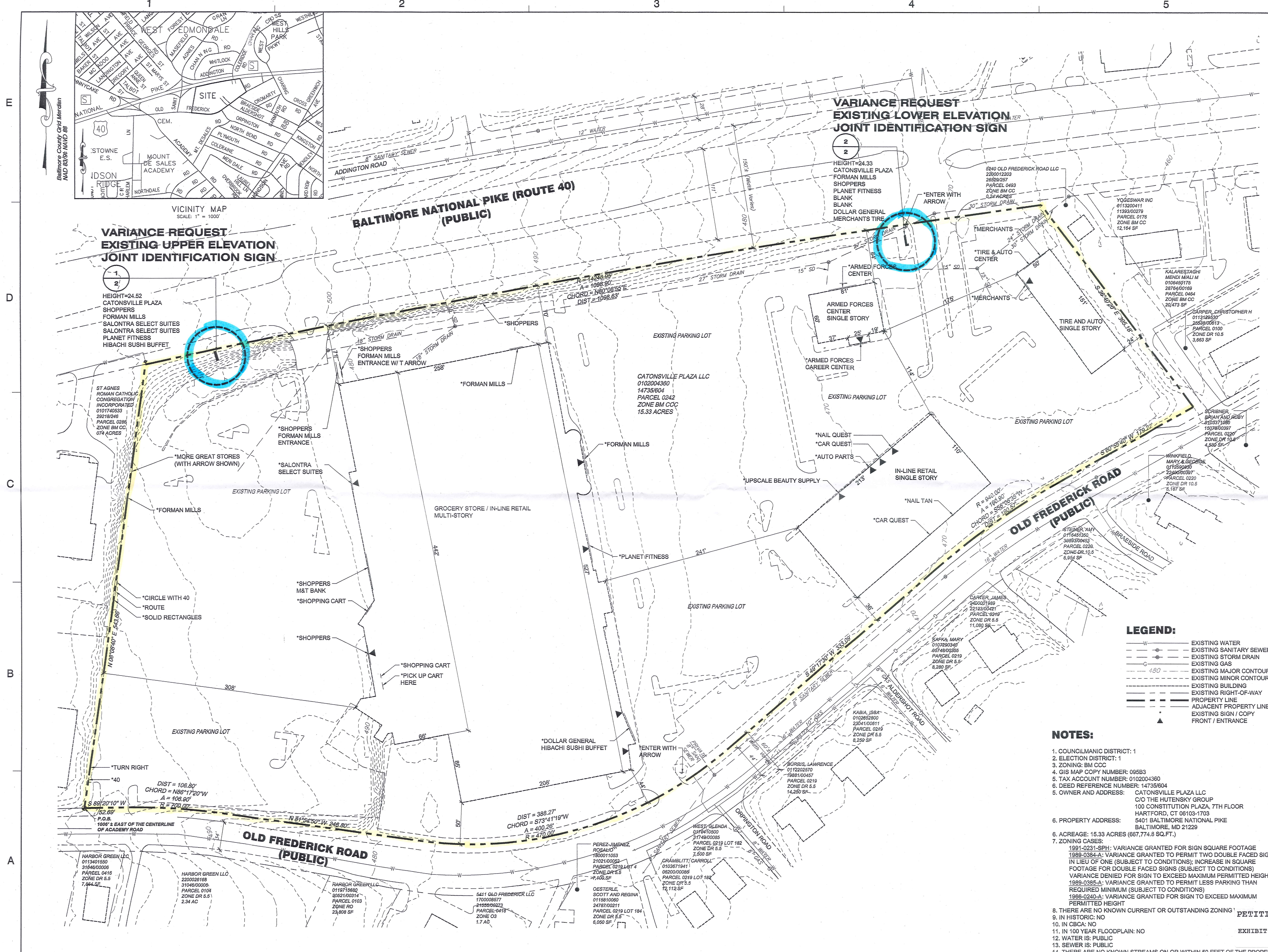
No.	DATE	BY	Description
REVISIONS			

DRAWN BY	ELD
APPROVED BY	DLT
CHECKED BY	LRB
DATE	JULY 31, 2012
TITLE	PLAN TO ACCOMPANY VARIANCE HEARING

PROJECT NO. 50047268

PETITIONER'S
EXHIBIT NO. 1

SHEET NO. 1 OF 2





No.	DATE	BY	Description

DRAWN BY	ELD
APPROVED BY	DLT
CHECKED BY	LRB
DATE	JULY 31, 2012

PETITIONER'S

EXHIBIT NO. 4



	EXISTING SQUARE FOOTAGE	PROPOSED SQUARE FOOTAGE
PLAZA IDENTIFICATION COPY	55.17 S.F.	55.17 S.F.
LINE COPY #1	47.04 S.F.	47.04 S.F.
LINE COPY #2	23.52 S.F.	23.52 S.F.
LINE COPY #3	23.52 S.F.	23.52 S.F.
LINE COPY #4	23.52 S.F.	23.52 S.F.
LINE COPY #5	23.52 S.F.	23.52 S.F.
CONTACT SIGN	3.80 S.F.	3.80 S.F.
TOTAL PER SIDE WITHOUT PLAZA ID COPY	144.92 S.F.	144.92 S.F.
TOTAL BOTH SIDES WITHOUT PLAZA ID COPY	289.84 S.F.	289.84 S.F.
TOTAL PER SIDE WITH PLAZA ID COPY	200.09 S.F.	200.09 S.F.
TOTAL BOTH SIDES WITH PLAZA ID COPY	400.18 S.F.	400.18 S.F.

FINISH GRADE

1 EXISTING UPPER ELEVATION JOINT IDENTIFICATION SIGN
2 SCALE: 1"=2'

VARIANCE REQUESTS:

- PERMIT TWO FREE STANDING, JOINT IDENTIFICATION SIGNS ALONG THE SAME FRONTAGE AT BALTIMORE NATIONAL PIKE (US ROUTE 40) IN LIEU OF ONE PER FRONTAGE, PER BCZR 450.4, ATTACHMENT 1#7(d)
- PERMIT SIX LINES OF COPY FOR THE DISPLAY OF TENANT NAMES ON THE EXISTING LOWER LEVEL JOINT IDENTIFICATION SIGN IN LIEU OF FIVE LINE OF COPY, PER BCZR 450.4, ATTACHMENT 1#7(d)
- PERMIT 212.48 SQUARE FEET (LOWER ELEVATION JOINT IDENTIFICATION SIGN) AND 200.09 SQUARE FEET (UPPER ELEVATION JOINT IDENTIFICATION SIGN) OF AREA PER FACE IN LIEU OF 150 SQUARE FEET OF AREA PER FACE FOR A JOINT IDENTIFICATION SIGN, PER BCZR 450.4.



	EXISTING SQUARE FOOTAGE	PROPOSED SQUARE FOOTAGE
PLAZA IDENTIFICATION COPY	36.85 S.F.	36.85 S.F.
LINE COPY #1	36.51 S.F.	36.51 S.F.
LINE COPY #2	24.71 S.F.	24.71 S.F.
LINE COPY #3	18.24 S.F.	36.48 S.F.
LINE COPY #4	0.00 S.F.	24.71 S.F.
LINE COPY #5	24.71 S.F.	24.71 S.F.
LINE COPY #6	24.71 S.F.	24.71 S.F.
CONTACT SIGN	3.80 S.F.	3.80 S.F.
TOTAL PER SIDE WITHOUT PLAZA ID COPY	132.68 S.F.	175.63 S.F.
TOTAL BOTH SIDES WITHOUT PLAZA ID COPY	265.36 S.F.	351.26 S.F.
TOTAL PER SIDE WITH PLAZA ID COPY	169.53 S.F.	212.48 S.F.
TOTAL BOTH SIDES WITH PLAZA ID COPY	339.06 S.F.	424.96 S.F.

FINISH GRADE

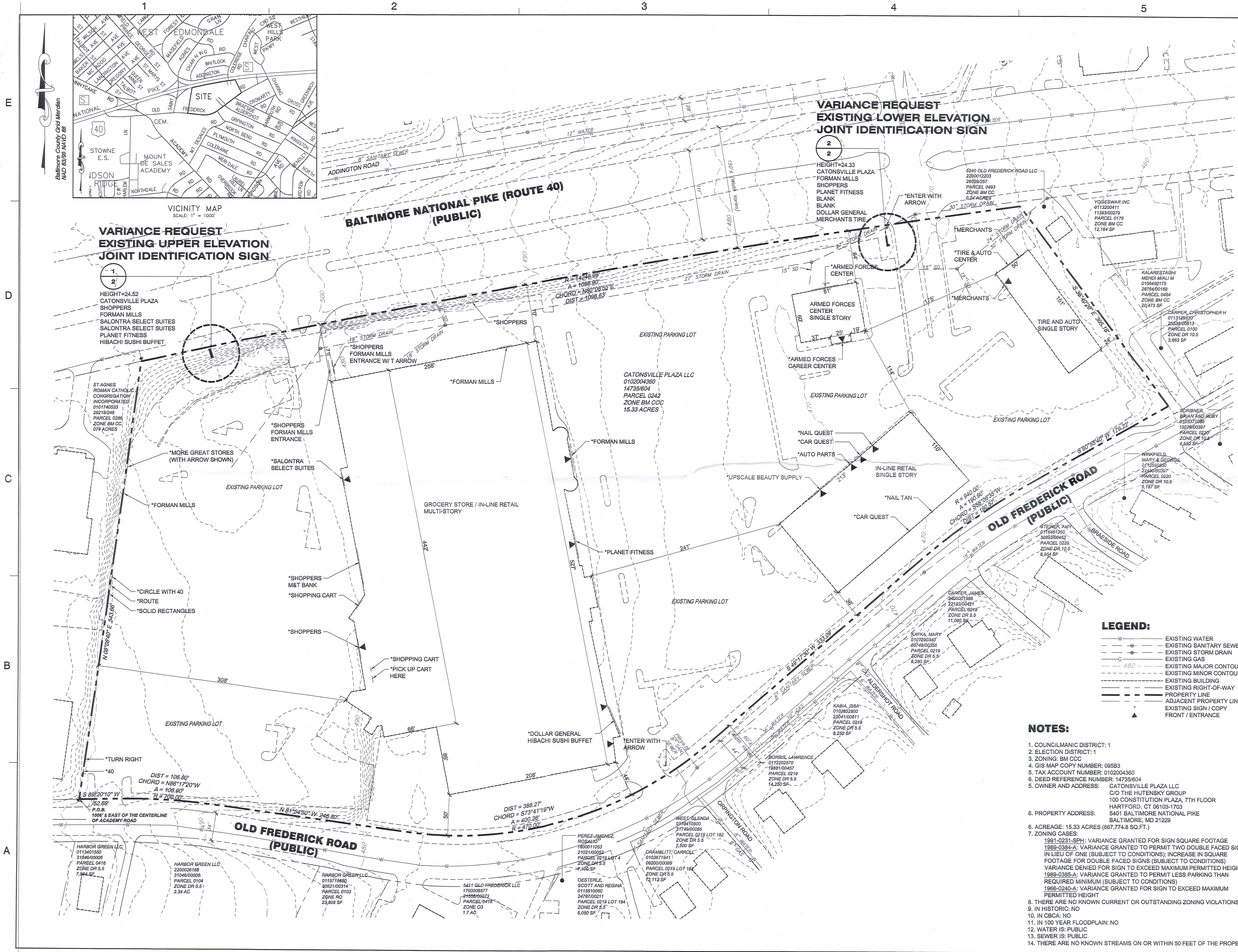
2 EXISTING LOWER ELEVATION JOINT IDENTIFICATION SIGN
2 SCALE: 1"=2'



Q:\50047266\CAD\Civil\1-Master\Aerial.dwg, 10/11/2012 8:49:41 AM

PETITIONER'S
EXHIBIT NO. 3

11-1001



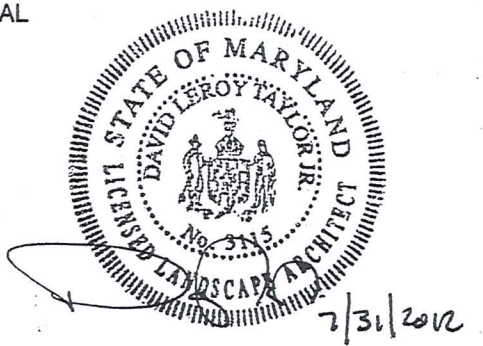
Dewberry & Davis LLC
3108 LORD BALTIMORE DRIVE
SUITE 110
BALTIMORE, MARYLAND 21204
PHONE: 410.265.8600
FAX: 410.265.8875

DEVELOPER/APPLICANT
HUTENSKY GROUP

100 CONSTITUTION PLAZA,
7TH FLOOR
HARTFORD, CT 06103-1703

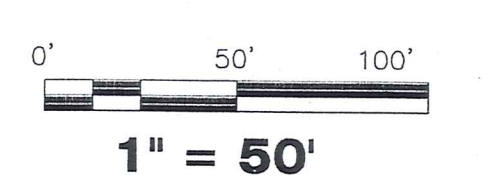
CATONSVILLE
PLAZA
BALTIMORE, MARYLAND
5401 BALTIMORE NATIONAL PIKE
TAX MAP 0035; PARCEL 242

SEAL



KEY PLAN

SCALE



LEGEND:

- EXISTING WATER
- EXISTING SANITARY SEWER
- EXISTING STORM DRAIN
- EXISTING GAS
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- EXISTING BUILDING
- EXISTING RIGHT-OF-WAY
- PROPERTY LINE
- ADJACENT PROPERTY LINE
- EXISTING SIGN / COPY
- FRONT / ENTRANCE

NOTES:

- COUNCILMANIC DISTRICT: 1
- ELECTION DISTRICT: 1
- ZONING: BM CCC
- GIS MAP COPY NUMBER: 09583
- TAX ACCOUNT NUMBER: 0102004360
- DEED REFERENCE NUMBER: 14735/604
- OWNER AND ADDRESS: CATONSVILLE PLAZA LLC
C/O THE HUTENSKY GROUP
100 CONSTITUTION PLAZA, 7TH FLOOR
HARTFORD, CT 06103-1703
5401 BALTIMORE NATIONAL PIKE
BALTIMORE, MD 21229
- PROPERTY ADDRESS: 5401 BALTIMORE NATIONAL PIKE
- ACREAGE: 15.33 ACRES (667,774.8 SQ.FT.)
- ZONING CASES:
1991-0231-SPH: VARIANCE GRANTED FOR SIGN SQUARE FOOTAGE
1989-0384-A: VARIANCE GRANTED TO PERMIT TWO DOUBLE FACED SIGNS
IN LIEU OF ONE (SUBJECT TO CONDITIONS); INCREASE IN SQUARE
FOOTAGE FOR DOUBLE FACED SIGNS (SUBJECT TO CONDITIONS)
VARIANCE DENIED FOR SIGN TO EXCEED MAXIMUM PERMITTED HEIGHT
1989-0385-A: VARIANCE GRANTED TO PERMIT LESS PARKING THAN
REQUIRED MINIMUM (SUBJECT TO CONDITIONS)
1986-0240-A: VARIANCE GRANTED FOR SIGN TO EXCEED MAXIMUM
PERMITTED HEIGHT
- THERE ARE NO KNOWN CURRENT OR OUTSTANDING ZONING VIOLATIONS.
- IN HISTORIC: NO
- IN CBQA: NO
- IN 100 YEAR FLOODPLAIN: NO
- WATER IS: PUBLIC
- SEWER IS: PUBLIC
- THERE ARE NO KNOWN STREAMS ON OR WITHIN 50 FEET OF THE PROPERTY.

No.	DATE	BY	Description
REVISIONS			
		ELD	
		DLT	
		LRB	
DATE			JULY 31, 2012
TITLE			
PLAN TO ACCOMPANY VARIANCE HEARING			
PROJECT NO.			50047286
2013-0030-A			
1			
SHEET NO.			OF 2

