

IN RE: PETITION FOR VARIANCE

(2235 York Road)

8th Election District

3rd Councilman District

Eugene Lipman, Authorized Representative *

York Road 2301, Inc.

Petitioner

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2014-0017-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Jason T. Vettori, Esquire, on behalf of the legal owner of the subject property. The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) pursuant to §450.4 Attachment 1.5(a)(vi) to permit seven (7) enterprise signs in lieu of the permitted three (3); (2) to permit three (3) enterprise signs on the west façade in lieu of the permitted two (2)¹; (3) pursuant to §450.5.B.6.b to permit a projecting enterprise sign which extends 6 feet from the wall to which it is attached in lieu of the maximum 4 foot extension; and (4) pursuant to §450.5.B.6.e to permit a projecting enterprise sign with visible structural framework and supporting elements. 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 of the requests was James Lenchner, Joel McLaren, Eugene Lipman and Mitch Kellman from Daft McCune Walker, Inc., the firm that prepared the site plan. Jason Vettori, Esquire with Smith, Gildea & Schmidt, LLC, appeared as

¹ With respect to variance requests numbers 1 and 2, Mr. Kellman noted that the B.C.Z.R. in fact allows only one (1) enterprise sign on a parcel zoned MR. As such, the Order to follow will use that figure.

ORDER RECEIVED FOR FILING

Date

9/11/13

By

Sen

counsel and represented the Petitioner. The file reveals that the Petition was properly advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants or interested citizens in attendance.

There were no substantive Zoning Advisory Committee (ZAC) comments received.

Testimony and evidence revealed that the subject property is approximately 6.17+/- acres and is zoned MR. The site is located in the Timonium area, and was the subject of a recent zoning case (2012-178-SPHA) wherein Special Hearing and Variance relief was granted. The opinion in that case discussed certain unusual aspects of the property (including its MR zoning designation) and ultimately approved commercial uses at the site. One aspect of the former case concerned the orientation on the lot of a "proposed restaurant," the front entrance of which faces north and is angled away from York Road. The present case concerns that restaurant (Famous Dave's Bar-B-Que), which requires zoning relief to install the signage package shown on the second sheet of the site plan. Exhibit 1B.

Based upon the testimony and evidence presented, I will grant the request. 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. As noted in the prior case, the subject property is unique in that it is separated from York Road by a service road, and the restaurant entrance also does not front onto the roadway.

If the B.C.Z.R. were strictly enforced, the Petitioner would indeed suffer a practical difficulty, given it would be unable to install the proposed signs. Finally, I find that the variance

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Date 9/11/13
By Sen

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 County and/or community opposition.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted.

THEREFORE, IT IS ORDERED, this 11th day of September, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) to permit seven (7) enterprise signs in lieu of the permitted one (1); (2) to permit three (3) enterprise signs on the west façade in lieu of the permitted one (1); (3) pursuant to §450.5.B.6.b to permit a projecting enterprise sign which extends 6 feet from the wall to which it is attached in lieu of the maximum 4 foot extension; and (4) pursuant to §450.5.B.6.e to permit a projecting enterprise sign with visible structural framework and supporting elements, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

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Date 9/11/13
By Sen

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:slm

ORDER RECEIVED FOR FILING

Date 9/11/13

By slm

✓ JH
4-9-12

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
E/side of York Road at the NE	*	OFFICE OF ADMINISTRATIVE
corner of Landstreet Road		
(2301 York Road)	*	HEARINGS FOR
8 th Election District		
3 rd Council District	*	BALTIMORE COUNTY
York Road 2301, Inc.	*	CASE NO. 2012-0178-SPHA
Petitioner		

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Hearing and Variance filed by Eugene M. Lipman, Vice President, York Road 2301, Inc. The Petitioner is requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to determine whether or not the Administrative Law Judge should approve:

- Abandonment of a General Development Planned Unit Development (PUD) approved in Case No. VIII-858;
- An amended plan in a M.R. zone to a plan approved in Zoning Case No. 95-377-SPHA;
- A modified parking plan for uses including a tile shop, and
- A freestanding enterprise sign of 150 square feet and 25' in height for a pad building.

In addition, Petitioner is seeking variance relief from the B.C.Z.R. as follows:

- From § 243.1 to permit a front building setback of 60' in lieu of the permitted 75';

Baltimore County Code [B.C.C.]). In addition, a ZAC comment was received from the Department of Planning, dated April 5, 2012, which states in pertinent part the following:

"It is the understanding of this department that the petitioner has or plans to withdraw the special hearing request for a freestanding enterprise sign of 150 square feet and 25 feet in height for a pad building mentioned above. This department opposes this additional freestanding enterprise sign. Nonetheless, this office is not opposed to the petitioner withdrawing this portion of the special hearing request.

The Department of Planning does not oppose the following:

The petitioner's request to abandon the previously approved Planned Unit Development known as *Global View PUD*, the requested reduced setbacks for the proposed restaurant use, as well as, requests to provide 188 parking spaces in lieu of the required 232 and a modified parking plan.

The following comments are offered and should be made a part of the Administrative Law Judge's decision (where appropriate) regarding any relief granted:

1. Provide pedestrian connection from York Road and the unnamed slip road to the existing and proposed building(s).
2. Show the location of any dumpsters (existing and future) and provide details of the enclosure that will be provided for screening. The applicant shall use materials consistent with the primary building on the subject site. Masonry or other high quality materials are preferred to screen and enclose dumpsters.
3. Provide a detailed landscape plan that shows the plantings that will be used for screening, mitigation and site beautification.
4. Provide details (elevations, colors, type, etc...) of proposed signage for the site. Also provide photos of any existing signage that is to remain.
5. The applicant provided preliminary architectural elevations of the proposed façade for the existing building on 3/29/2012. The Department of Planning has requested that additional Arriscraft material be added.
6. All architecture and site improvements are subject to the Hunt Valley/Timonium Design Guidelines. All proposed improvements, site enhancements and changes to existing buildings shall comply with the aforementioned guidelines."

The subject site is located in the Timonium area, and is approximately 6.17 acres in size. The site is improved with an industrial building that has been vacant for some time, and the Petitioner now desires to have commercial uses on the property. The property is zoned MR, which is a rarely seen zoning designation that, pursuant to a legislative amendment in 2010, now

is in a sense isolated, and there would really be no convenient location for overflow parking. Given the Petitioner is providing over 80% of the required number of spaces, and may in fact be able to avail itself of the 24 nearby spaces located on County property, the relief requested does not seem out of line, and should be granted.

Finally, the Petitioner seeks approval of an amended plan in a MR zone. As indicated above, the Planning Board has recommended approval of the Petitioner's site plan, and I am inclined to follow their recommendation. *See B.C.Z.R. § 240.3.*

Variance Requests

The Petitioner seeks a variety of variance relief to accomplish the transformation of the site from an industrial to commercial use. The first variance seeks approval of a 60' front building setback in lieu of the 75' required by the regulations. As indicated at the hearing, both Messrs. Barnhart and Kellman opined that the property in question was indeed unique in a zoning sense, given the orientation of the buildings on the site, and the fact that a "service road" is situated between the subject property and York Road. In fact, the presence of the service road not only renders the subject property unique, but it also creates a practical difficulty for the Petitioner concerning how it will gain the attention of passing motorists, and direct them to the site, which can only be entered through this service road, which runs parallel to York Road.

In this regard, the Petitioner also seeks a zoning variance to permit a 150 square foot freestanding joint identification sign with a 20' height in lieu of the 75 square feet and 12' height limitation set forth in the regulations. As noted above, the property is indeed unique, and if the zoning regulations were strictly enforced, the Petitioner would have a hard time drawing the attention of motorists on York Road. The situation is also exacerbated by the orientation of the proposed restaurant, the front of which faces north and is angled away from York Road. The Petitioner had earlier requested an additional freestanding enterprise sign for the restaurant site,

Petitioner has met this test, as indicated above.

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

THEREFORE, IT IS ORDERED, this 15 day of May, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to determine whether or not the Administrative Law Judge should approve:

- Abandonment of a General Development Planned Unit Development (PUD) approved in Case No. VIII-858;
- An amended plan in a M.R. zone to a plan approved in Zoning Case No. 95-377-SPHA, and
- A modified parking plan for uses including a tile shop,

be and are hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. as follows:

- From § 243.1 to permit a front building setback of 60' in lieu of the permitted 75';
- From § 243.2 to permit an existing side yard setback of 47' and proposed side yard setbacks of 18' and 11' and rear setback of 30', all in lieu of the permitted 50';
- From § 409.6A to permit 188 parking spaces in lieu of the required 232 parking spaces, and



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

September 11, 2013

Jason T. Vettori, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

RE: Petition for Variance
Property: 2235 York Road
Case No.: 2014-0017-A

Dear Mr. Vettori:

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:slh
Enclosure

IN RE: PETITION FOR VARIANCE

(2235 York Road)

8th Election District

3rd Councilman District

Eugene Lipman, Authorized Representative *

York Road 2301, Inc.

Petitioner *

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2014-0017-A

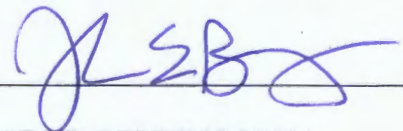
* * * * *

ORDER ON MOTION FOR RECONSIDERATION

Now pending is the Petitioner's Motion for Reconsideration, and a short response thereto filed by the Office of People's Counsel. The Motion seeks an additional aspect of variance relief beyond the variances granted in the Order dated September 11, 2013.

The additional variance concerns the size of a circular sign (wall mounted) for the proposed restaurant. As noted by Mr. Zimmerman, the grant of additional zoning relief would typically require a Petitioner to provide notice, as provided in the B.C.Z.R. But in the circumstances of this case, I believe the variance for the size of the circular sign is a "lesser included" or subsidiary aspect of the relief granted in the prior Order, and that notice of such request was therefore not required.

WHEREFORE, the Petitioner's Motion for Reconsideration seeking an additional variance for a circular sign (as shown on Petitioner's Exhibit 1B) with a face area of 65 square feet, in lieu of the maximum permitted 50 square feet, be and is hereby GRANTED.



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:slm

ORDER RECEIVED FOR FILING

Date 9-25-13

By DW



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

September 25, 2013

Jason T. Vettori, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, Maryland 21204

MOTION FOR RECONSIDERATION

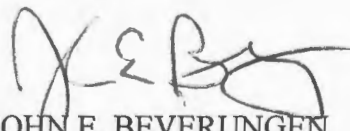
RE: Petitions for Variance
Case No.: 2014-0017-A
Property: 2235 York Road

Dear Mr. Vettori:

Enclosed please find a copy of the decision rendered in the Motion for Reconsideration.

In the event any party finds the Motion for Reconsideration 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,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

IN RE: PETITION FOR VARIANCE
2235 York Road; E/S York Road,
736' NW of Roundridge Road
8th Election District
3rd Councilmanic District
Legal Owner(s): York Road 2301, Inc.
Petitioner(s)

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2014-0017-A

* * * * *

PETITIONER'S MOTION FOR RECONSIDERATION OF
OPINION AND ORDER

York Road 2301, Inc., Petitioner, by and through its attorneys, Jason T. Vettori and Smith, Gildea & Schmidt, LLC, files this Motion for Reconsideration of ALJ Beverungen's Opinion and Order dated September 11, 2013 pursuant to Rule K of the Rules of Practice and Procedure before the Zoning Commissioner/Hearing Officer of Baltimore County, and respectfully states the following:

1. This matter came before ALJ Beverungen for a public hearing on Monday, September 9, 2013 to consider Petitioner's Petition for Zoning Relief requesting Variance relief from Baltimore County Zoning Regulations Section(s) as follows: (1) BCZR § 450.4 Attachment 1.5(a)(vi) to permit seven (7) enterprise signs in lieu of the permitted three (3); and (2) BCZR § 450.4 Attachment 1.5(a)(vi) to permit three (3) enterprise signs on the west façade in lieu of the permitted two (2); and (4) BCZR § 450.5.B.6.b to permit a projecting enterprise sign which extends 6 feet from the wall to which it is attached in lieu of the maximum 4 foot extension; and (5) BCZR § 450.5.B.6.e to permit a projecting enterprise sign with visible structural framework

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and supporting elements; and (6) for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

2. The Petitioner requested the aforementioned relief in order to erect signage for a Famous Dave's Bar-B-Que fast-food restaurant, which "was the subject of a recent zoning case (2012-178-SPHA) wherein Special Hearing and Variance relief was granted."

3. The instant Petition for Zoning Relief was granted via ALJ Beverungen's written Opinion and Order dated September 11, 2013.

4. I respectfully request that you reconsider your order and to allow us to amend our request to include an additional variance for the maximum area/face of one sign as "such other and further relief as may be required by the Administrative Law Judge for Baltimore County," for reasons that follow.

5. First and foremost, please keep in mind that there are no changes being made to the plan to accompany the petition for zoning relief as part of the Motion for Reconsideration.

6. During the hearing on Monday, September 9, 2013 you asked me if any of the requested variance relief was for the size of the signs. At that time, I proffered that we were not requesting any variances for the maximum area/face, as that term is defined in BCZR § 450.4.E. However, after the hearing, Mitch Kellman indicated to me that the circle shaped sign on Sheet 2 of the attached exhibit may have a larger face/area than is authorized by the additional limitation on enterprise signs in the MR zone. It appears as if enterprise signs in the MR zone have a 50 foot face/area limit.

7. In the instant matter, granting the instant motion for reconsideration is appropriate as Mr. Wasilewski indicated the relief that was needed for the proposed signage

and we allowed him to modify our relief requested accordingly. At no point has the signage changed, therefore anyone who had an opportunity to review the plan to accompany the petition for zoning relief had ample opportunity to review the signage, which clearly indicated that the diameter of the circle shaped sign was 108" or 9'. Therefore, the reviewing agencies could have found that the additional relief presently being requested was needed in order to approve the proposed signage.

8. As explained at the hearing, the MR zone has distinct regulations that apply to it. For instance, as you already noted, BCZR § 450.4 Attachment 1.5(a)(vi) restricts the number of enterprise signs per premises to one (1) in the MR zone. In addition to the discrepancy in the maximum number of enterprise signs that are permitted per premises in the MR zone, as well as the number of signs permitted on each façade, the MR zone further restricts the generally applicable regulation regarding the maximum permitted face/area for wall-mounted enterprise signage. BCZR § 450.4 Attachment 1.5(a)(v) limits the maximum face/area for wall-mounted enterprise signage to "[t]wice the length of the wall to which the signs are affixed." However, BCZR § 450.4 Attachment 1.5(a)(ix) limits the maximum face/area to 50 square feet in the MR zone. It is evident from Exhibit No. 1B that the circle shaped sign with the pig depicted on it and the words "SOOOOOEEEEEE!" and "COME 'N GET IT!" has a face/area in excess of 50 square feet. As such, we respectfully request that the circle shaped sign be granted a variance from BCZR § 450.4 Attachment 1.5(a)(ix) to permit a maximum face area of 65 square feet in lieu of the maximum permitted 50 square feet.

9. As indicated on Petitioner's Exhibit No. 1B and the attached exhibit, which I will mark as Petitioner's Exhibit No. 3, the aforementioned circle shaped sign provides that it is 108"

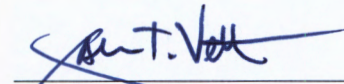
x 108" (or 9' by 9'). If called to testify the witnesses would testify that they're familiar with Exhibit No. 3 and that it was submitted to the Department of Planning to satisfy them that the elevations and building materials were in accordance with what they previously authorized. The Petitioner agreed to certain elevations and materials to be used in the construction of the restaurant and the instant request for relief is limited to the proposed signage. Exhibit No. 3 is being introduced for the express purpose of illustrating the signage only. I would move to have Exhibit No. 3 admitted into evidence.

10. I determined that the circle shaped sign was approximately 65 square feet by using the formula for determining the area of a circle. The formula for computing the area of a circle is $\pi \times \text{radius}^2$. The radius (4.5') of a circle is half of its diameter (9'). The radius² (4.5×4.5) = 20.25 square feet. $20.25 \times 3.14159 = 63.6172$ square feet. BCZR § 450.4.E regulates how area/face is computed. If the maximum area/face of a circle shaped sign is the diameter² then the instant variance request on reconsideration is for a maximum area/face of 81 square feet. This method of calculation does not make sense though. The instant circle shaped sign is not found within a square or rectangular shaped frame. It is a stand alone circle shaped sign. Therefore, computing the area/face for the subject sign by using the formula diameter² would include the nonexistent corners in the area/face of a circle shaped sign which does not seem to be the legislative intent of BCZR § 450.4.E. If only the area of the circle is used to calculate the square footage of the sign, it appears as if the circle shaped sign has an area/face of 65 square feet.

Wherefore, the Petitioner respectfully requests that the ALJ amend/revise the Opinion and Order dated September 11, 2013 to approve the additional variance for the maximum

area/face based upon the above referenced reasons as well as the testimony and argument in support thereof.

Respectfully submitted,

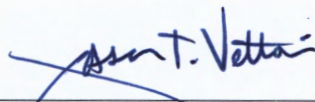
A handwritten signature in blue ink, appearing to read "J. T. Vettori", written over a horizontal line.

Jason T. Vettori
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18 day of **September, 2013**, a copy of the foregoing Motion for Reconsideration was mailed first-class, postage prepaid to:

Peter Max Zimmerman
People's Counsel for Baltimore County
The Jefferson Building
105 W. Chesapeake Avenue, Room 204
Towson, MD 21204



Jason T. Vettori



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 2235 York Road

which is presently zoned MR

Deed Reference 27573/405 (Plat Ref: 79/314)

10 Digit Tax Account # 2500009780

Property Owner(s) Printed Name(s) York Road 2301 Inc.

CASE NUMBER 2014-0017-A Filing Date 7/24/2013 Estimated Posting Date 1/1 Reviewer u

(SELECT THE HEARING(S) BY MARKING ☒ 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
Please see the attached.

3. ☒ 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 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).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Date

Mailing Address

City

State

BY

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Jason T. Vettori, Smith Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200, Towson, MD

Mailing Address

City

State

21204 , (410) 821-0070 , jvettori@sgs-law.com

Zip Code

Telephone #

Email Address

Legal Owners:

Eugene Lipman, Authorized Representative of York Road 2301 Inc.

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

17 Stenerson Lane, Cockeysville, MD

Mailing Address

City

State

21030 , (410) 252-1020

, emlipman@aaglobal.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Jason T. Vettori, Smith Gildea & Schmidt, LLC

Name - Type or Print

Signature

600 Washington Avenue, Suite 200, Towson, MD

Mailing Address

City

State

21204 , (410) 821-0070 , jvettori@sgs-law.com

Zip Code

Telephone #

Email Address

ATTACHMENT TO PETITION FOR ZONING HEARING

2301 York Road

8th Election District

3rd Councilmanic District

Variance from Section(s):

1. BCZR § 450.4 Attachment 1.5(a)(vi) to permit seven (7) enterprise signs in lieu of the permitted three (3); and
2. BCZR § 450.4 Attachment 1.5(a)(vi) to permit three (3) enterprise signs on the west façade in lieu of the permitted two (2); and
3. BCZR § 450.5.B.6.b to permit a projecting enterprise sign which extends 6 feet from the wall to which it is attached in lieu of the maximum 4 foot extension; and
4. BCZR § 450.5.B.6.e to permit a projecting enterprise sign with visible structural framework and supporting elements; and
5. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

0017-A

2014-0017-A

DMW
DAFT MCCUNE WALKER INC

Description
To Accompany Petition
For a Variance
York Road (MD Route 45)
Baltimore County, Maryland

Commencing for the same at a point formed by the intersection of the centerline of York Road (MD Route 45) and the centerline of York Road Service Drive, thence with the center line of said Service Road in a Northeasterly direction 138 feet, more or less, thence continuing with said center line Northwesterly 413 feet, more or less, thence leaving said centerline Northeasterly 21 feet, more or less, to the point of beginning. Said point of beginning being on the South 18 degrees 30 minutes 21 seconds East 437.56 foot line, as laid out and shown on a plat entitled "Stratford Industrial Site" dated June 19, 1957, and recorded among the Land Records of Baltimore County, Maryland, in Plat Book G.L.B. 24, Page 36, said point of beginning being 357.35 feet from the end of said line, thence leaving said point of beginning and binding reversely on a portion of said line of the abovementioned Plat as now described, referring all courses of this description to the Maryland Coordinate System (NAD 83): (1) North 18 degrees 52 minutes 03 seconds West 80.21 feet; thence (2) Northwesterly by a line curving to the right, having a radius of 468.00 feet, for a distance of 250.78 feet (the arc of said curve being subtended by a chord bearing North 03 degrees 30 minutes 59 seconds West 247.79 feet); thence (3)

Northwesterly by a line curving to the left, having a radius of 82.00 feet, for a distance of 41.84 feet (the arc of said curve being subtended by a chord bearing North 02 degrees 46 minutes 57 seconds West 41.39 feet); thence (4) North 72 degrees 36 minutes 01 seconds East 630.79 feet; thence (5) South 01 degrees 41 minutes 04 seconds West 550.00 feet; thence (6) South 89 degrees 38 minutes 18 seconds West 542.61 feet to the point of beginning; containing 268,760 square feet or 6.170 acres of land, more or less, as now described by Daft-McCune-Walker, Inc., in April 30, 2007.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

July 16, 2013

Project No. 05082 (L05082-2)



Michael David Martin
7.16.13

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/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

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

For Newspaper Advertising:

Item Number or Case Number: 2014-0017-A
Petitioner: York Road 2301 Inc.
Address or Location: 2235 York Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jason T. Veltari
Address: Smith, Golder & Schmidt, LLC
600 Washington Ave., Ste. 200
Towson, MD 21204
Telephone Number: (410) 821-0070

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

No. **101526**

Date: **7/24/13**

PAID RECEIPT

BUSINESS ACTUAL TIME 5
7/23/2013 7/24/2013 14:29:39

REC 0505 WALKTH R005 L00
RECEIPT # 676266 7/24/2013 OFLN

Dept 5 528 ZONING VERIFICATION
CP NO. 101526

Receipt Tot \$385.00
\$385.00 CR \$1.00 CR
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150						385.00

Total: **385.00**

Rec From: **Smith Golden & Schmitt, LLC**

For: **2235 York Rd.**

2014-0017-A

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 08/20/2013

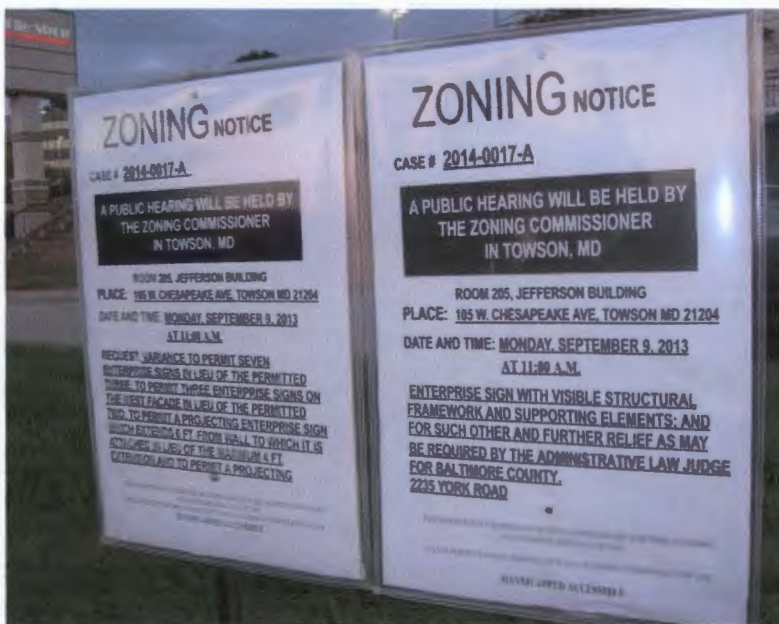
Case Number: 2014-0017-A

Petitioner / Developer: JASON VETTORI, ESQ.~EUGENE LIPMAN

Date of Hearing (Closing): SEPTEMBER 09, 2013

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
2235 YORK ROAD

The sign(s) were posted on: AUGUST 19, 2013



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

ZONING NOTICE

CASE # 2014-0017-A

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

ROOM 205, JEFFERSON BUILDING

PLACE: 105 W. CHESAPEAKE AVE. TOWSON MD 21204

DATE AND TIME: MONDAY, SEPTEMBER 9, 2013
AT 11:00 A.M.

REQUEST: VARIANCE TO PERMIT SEVEN
ENTERPRISE SIGNS IN LIEU OF THE PERMITTED
THREE; TO PERMIT THREE ENTERPRISE SIGNS ON
THE WEST FACADE IN LIEU OF THE PERMITTED
TWO; TO PERMIT A PROJECTING ENTERPRISE SIGN
WHICH EXTENDS 6 FT. FROM WALL TO WHICH IT IS
ATTACHED IN LIEU OF THE MAXIMUM 4 FT.
EXTENSION AND TO PERMIT A PROJECTING

FOR INFORMATION ONLY: THIS NOTICE IS NOT A PERMIT. A PERMIT IS REQUIRED FOR ANY STRUCTURE, SIGN, OR OTHER OBJECT PLACED ON OR ATTACHED TO A BUILDING OR LAND. A PERMIT IS REQUIRED FOR ANY STRUCTURE, SIGN, OR OTHER OBJECT PLACED ON OR ATTACHED TO A BUILDING OR LAND. A PERMIT IS REQUIRED FOR ANY STRUCTURE, SIGN, OR OTHER OBJECT PLACED ON OR ATTACHED TO A BUILDING OR LAND.
HANDWRITTEN ACCESSIBLE

ZONING NOTICE

CASE # 2014-0017-A

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

ROOM 205, JEFFERSON BUILDING

PLACE: 105 W. CHESAPEAKE AVE. TOWSON MD 21204

DATE AND TIME: MONDAY, SEPTEMBER 9, 2013
AT 11:00 A.M.

ENTERPRISE SIGN WITH VISIBLE STRUCTURAL
FRAMEWORK AND SUPPORTING ELEMENTS; AND
FOR SUCH OTHER AND FURTHER RELIEF AS MAY
BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE
FOR BALTIMORE COUNTY.
200 YORK ROAD

FOR INFORMATION ONLY: THIS NOTICE IS NOT A PERMIT. A PERMIT IS REQUIRED FOR ANY STRUCTURE, SIGN, OR OTHER OBJECT PLACED ON OR ATTACHED TO A BUILDING OR LAND. A PERMIT IS REQUIRED FOR ANY STRUCTURE, SIGN, OR OTHER OBJECT PLACED ON OR ATTACHED TO A BUILDING OR LAND. A PERMIT IS REQUIRED FOR ANY STRUCTURE, SIGN, OR OTHER OBJECT PLACED ON OR ATTACHED TO A BUILDING OR LAND.
HANDWRITTEN ACCESSIBLE



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

August 22, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on August 20, 2013

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

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: # 2014-0017-A

2235 York Road

E/s York Road, 736 ft. +/- NW of the centerline of

Roundridge Road

8th Election District - 3rd Councilmanic District

Legal Owner(s): York Road 2301, Inc.

Variance: to permit seven enterprise signs in lieu of the permitted three; to permit three enterprise signs on the west facade in lieu of the permitted two; to permit a projecting enterprise sign which extends 6 ft. from wall to which it is attached in lieu of the maximum 4 ft. extension and permit a projecting enterprise sign with visible structural framework and supporting elements; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Monday, September 9, 2013 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 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.

JT 8/794 Aug. 20

941605



KEVIN KAMENETZ
County Executive

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

August 12, 2013

CORRECTED 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: 2014-0017-A

2235 York Road

E/s York Road, 736 ft. +/- NW of the centerline of Roundridge Road

8th Election District – 3rd Councilmanic District

Legal Owners: York Road 2301, Inc.

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Hearing: Monday, September 9, 2013 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Jason Vettori, 600 Washington Ave., Ste. 200, Towson 21204
Eugene Lipman, 17 Stenerson Lane, Cockeysville 21030

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 20, 2013.**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 20, 2013 Issue - Jeffersonian

Please forward billing to:

Jason Vettori
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

CORRECTED 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: 2014-0017-A

2235 York Road

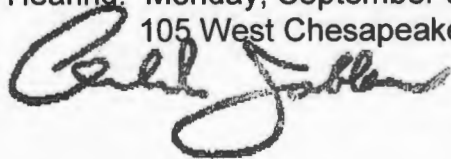
E/s York Road, 736 ft. +/- NW of the centerline of Roundridge Road

8th Election District – 3rd Councilmanic District

Legal Owners: York Road 2301, Inc.

Variance to permit seven enterprise signs in lieu of the permitted three; to permit three enterprise signs on the west façade in lieu of the permitted two; to permit a projecting enterprise sign which extends 6 ft. from wall to which it is attached in lieu of the maximum 4 ft. extension and to permit a projecting enterprise sign with visible structural framework and supporting elements; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Monday, September 9, 2013 at 11:00 a.m. in Room 205, Jefferson Building,
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Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 20, 2013 Issue - Jeffersonian

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Jason Vettori
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

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CASE NUMBER: 2014-0017-A

2235 York Road

E/s York Road, 736 ft. +/- NW of the centerline of Roundridge Road

8th Election District – 3rd Councilmanic District

Legal Owners: York Road 2301, Inc.

Variance to permit seven enterprise signs in lieu of the permitted three; to permit three enterprise signs on the west façade in lieu of the permitted two; to permit a projecting enterprise sign which extends 6 ft. from wall to which it is attached in lieu of the maximum 4 ft. extension and to permit a projecting enterprise sign with visible structural framework and supporting elements; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Monday, September 11, 2013 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

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KEVIN KAMENETZ
County Executive

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

August 6, 2013

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: 2014-0017-A

2235 York Road

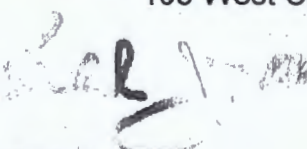
E/s York Road, 736 ft. +/- NW of the centerline of Roundridge Road

8th Election District – 3rd Councilmanic District

Legal Owners: York Road 2301, Inc.

Variance to permit seven enterprise signs in lieu of the permitted three; to permit three enterprise signs on the west façade in lieu of the permitted two; to permit a projecting enterprise sign which extends 6 ft. from wall to which it is attached in lieu of the maximum 4 ft. extension and to permit a projecting enterprise sign with visible structural framework and supporting elements; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Monday, September 11, 2013 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Arnold Jablon
Director

AJ:kl

C: Jason Vettori, 600 Washington Ave., Ste. 200, Towson 21204
Eugene Lipman, 17 Stenerson Lane, Cockeysville 21030

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 20, 2013.**
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- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR VARIANCE
2235 York Road; E/S York Road,
736' NW of Roundridge Road
8th Election & 3rd Councilmanic Districts
Legal Owner(s): York Road 2301, Inc
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2014-017-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 01 2013

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 2nd day of August, 2013, a copy of the foregoing Entry of Appearance was mailed to Jason Vettori, Esquire, Smith, Gildea & Schmidt, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

M E M O R A N D U M

DATE: October 28, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0017-A - Appeal Period Expired

The appeal period for the above-referenced case expired on October 25, 2013. 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>8/1/13</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>N/c</u>
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>7/30/13</u>	STATE HIGHWAY ADMINISTRATION	<u>No Obj.</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 2012-0178-SPHA)NEWSPAPER ADVERTISEMENT Date: 8/20/13SIGN POSTING Date: 8/19/13 by O'heyePEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____



KEVIN KAMENETZ
County Executive

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

September 4, 2013

Eugene Lipman
17 Stenerson Lane
Cockeysville MD 21030

RE: Case Number: 2014-0017 A, Address: 2235 York Road

Dear Mr. Lipman:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 24, 2013. 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
Jason T. Vettori, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 7-30-13

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

RE: Baltimore County
Item No. 2014-0017-A
Variance
Eugene Lipman
Authorized Representative of
York Road 2301 Inc.
MD45

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 7-29-13. A field inspection and internal review reveals that an entrance onto MD45 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance. Case Number 2014-0017-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,

Steven D. Foster, Chief/
Development Manager
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

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

John Beverungen - 2014-0017

From: John Beverungen
To: Peter Zimmerman
Date: 9/18/2013 1:36 PM
Subject: 2014-0017
CC: Sherry Nuffer; jvettori@sgs-law.com

Mr. Zimmerman,

This is the case involving the Famous Dave's BBQ restaurant. I issued an Order on September 11, and Mr. Vettori has just filed a motion to reconsider, seeking an additional aspect of variance relief with regard to one of the enterprise signs approved for the location.

I noted you were copied on the filing, so if you have not yet received it I trust you soon will. After you have had an opportunity to review the motion, would you please let me know if you have any objections or concerns with the request.

Thanks,

John Beverungen
ALJ

TK 4-9 10AM, 21

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: March 5, 2012

SUBJECT: DEPS Comment for Zoning Item # 2012-0178-SPHA
Address 2301 York Road
(York Road 2301, Inc. Property)

Zoning Advisory Committee Meeting of February 6, 2012.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Reviewer: Michael S. Kulis, Environmental Impact Review

RECEIVED

MAR 05 2012

OFFICE OF ADMINISTRATIVE HEARINGS

The Department of Planning does not oppose the following:

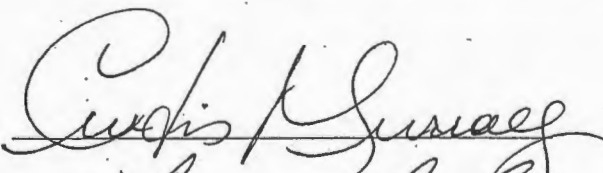
The petitioner's request to abandon the previously approved Planned Unit Development known as *Global View PUD*, the requested reduced setbacks for the proposed restaurant use, as well as, requests to provide 188 parking spaces in lieu of the required 232 and a modified parking plan.

The following comments are offered and should be made a part of the Administrative Law Judge's decision (where appropriate) regarding any relief granted:

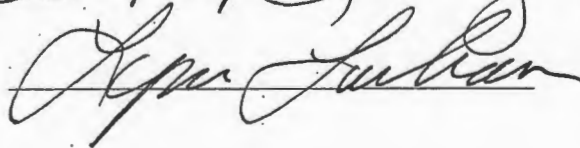
1. Provide pedestrian connection from York Road and the unnamed slip road to the existing and proposed building(s).
2. Show the location of any dumpsters (existing and future) and provide details of the enclosure that will be provided for screening. The applicant shall use materials consistent with the primary building on the subject site. Masonry or other high quality materials are preferred to screen and enclose dumpsters.
3. Provide a detailed landscape plan that shows the plantings that will be used for screening, mitigation and site beautification.
4. Provide details (elevations, colors, type, etc...) of proposed signage for the site. Also provide photos of any existing signage that is to remain.
5. The applicant provided preliminary architectural elevations of the proposed façade for the existing building on 3/29/2012. The Department of Planning has requested that additional Arriscraft material be added.
6. All architecture and site improvements are subject to the Hunt Valley/Timonium Design Guidelines. All proposed improvements, site enhancements and changes to existing buildings shall comply with the aforementioned guidelines.

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

Prepared by:



Division Chief:
AVA/LL: CM



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: August 1, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For July 29, 2013
Item Nos. 2014-0010, 0011, 0012, 0013, 0015, 0016, 0017, 0018 and
0019.

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

DAK
cc:file

Real Property Data Search (w1)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 08 Account Number - 2500009780		
Owner Information		
Owner Name:	YORK ROAD 2301 INC	Use: INDUSTRIAL
Mailing Address:	PO BOX 5618 TIMONIUM MD 21094-5618	Principal Residence: NO
		Deed Reference: 1) 2)
Location & Structure Information		
Premises Address:	2301 YORK RD LUTHERVILLE MD 21093-2215	Legal Description: 6.170 AC 2301 YORK RD ES GLOBAL VIEW
Map: 0051	Grid: 0023	Parcel: 0183
Sub District:	Subdivision: 9314	Section: 4A
Block:	Lot: 2014	Assessment Year:
Plat No:	Plat Ref: 79/ 314	
Special Tax Areas:	Town:	Ad Valorem: NONE
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1994	37,359 SF	6.1700 AC
Property Land Area	County Use	
07		
Stories	Basement	Type
		LIGHT MANUFACTURING
Exterior	Full/Half Bath	Garage
Last Major Renovation		
Value Information		
	Base Value	Value
		As of
		01/01/2011
Land:	4,627,500	4,627,500
Improvements	662,300	662,300
Total:	5,289,800	5,289,800
Preferential Land:	0	
		Phase-in Assessments
		As of
		07/01/2013
		07/01/2014
Transfer Information		
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

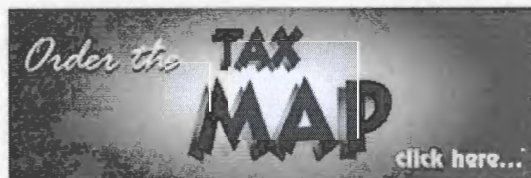
[New Search \(http://sdat.resiusa.org/RealProperty\)](http://sdat.resiusa.org/RealProperty)District: **08** Account Number: **2500009780****A map was not found for this property.**

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 (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).

[\(http://imsweb05.mdp.state.md.us/website/mosp/\)](http://imsweb05.mdp.state.md.us/website/mosp/)☐ Loading... Please

Loading... Please Wait.

-->

John Beverungen - Re: Zoning Case 2014-0017, 2235 York Road, Petitioner's Motion for Reconsideration

From: Peter Zimmerman
To: Beverungen, John
Date: 9/20/2013 11:29 AM
Subject: Re: Zoning Case 2014-0017, 2235 York Road, Petitioner's Motion for Reconsideration
CC: Lanham, Lynn; Nugent, Jenifer; jvettori@sgs-law.com

Dear Judge Beverungen,

Thank you for your note. I have reviewed the opinion, the site plan, the previous opinion in case 12-178-SPH, as well as petitioner's motion for reconsideration. I have spoken with Mr. Vettori, attorney for petitioner. He has informed me also that the Jennifer Nugent of the Planning Department had no objection to the site plan or the sign package, although there is no formal comment. A copy of this e-mail is accordingly being sent also to Lynn Lanham, as supervisor in the DOP for review of zoning petitions, as well as Ms. Nugent..

This concerns your September 11, 2013 opinion approving the sign variance package for Famous Dave's Bar-B-Que and, as noted, petitioner's motion for reconsideration. The motion involves an additional sign variance for the size of a circular sign which is shown on the site plan, but not shown as necessitating a variance. The petitioner has candidly recognized the omission and requested reconsideration.

The question is whether the request for the additional variance gives rise to a notice problem. The leading Maryland case on notice in zoning cases is still the venerable Cassidy v. County Board of Appeals 218 Md. 418 (1958), which did allow the grant of a special exception as lesser included in the zoning reclassification, notwithstanding the lack of specific mention in the original petition.

Ordinarily, the addition of a new variance not included in a zoning petition should warrant a new notice, posting of the property and hearing.

On the other hand, it may be arguable under the particular and unusual circumstances here that a new notice is not required in light of the following history and situation:

1. On May 15, 2012, you approved the MR Zone general plan in Case No. 12-178-SPH. This included a development plan, a modified parking plan, front building and side yard setbacks, parking space number variance, and a modified freestanding joint identification sign variance. The Planning Director provided a favorable recommendation; Eric Rockel of GTCC attended, and our office participated in the case. There was no appeal, so that order is final.
2. In the present case, there have been approved additional variances for the Famous Dave's Bar B Que plan, including the number of wall-mounted signs and a projecting enterprise sign.
3. The additional variance not included involves the size of the circular sign shown on the site plan, which appears to be on the wall. The diameter is 9 feet. Based on the $\pi \times \text{radius-squared}$ ($3.14 \times 4.5 \times 4.5$), this comes close to 65 square feet instead of the apparent maximum 50 feet. This sign, I gather, is one of the wall-mounted signs for which a variance was approved with respect to the number of signs.
4. Given that this is the second zoning review within about a year for this property, and given your satisfaction with all of the other variances for signs as well as building and parking, the size variance for the circular sign does seem to be a matter of course and without any consequence not already considered.
5. If you are satisfied that the additional variance for the sign, already disclosed on the site plan, is incidental or

virtually nominal, then under the particular circumstances of this case, we would not insist on the petitioner's having to amend formally the petition and re-post the property. We would see no public interest in opposing the additional variance if you find it is very modest and in line with the rest of the relief approved.

6. These observations should not be understood as implying that it is normally acceptable, without new formal notice, to approve additional variances or other zoning relief not explicitly requested.

Sincerely, Peter Max Zimmerman, People's Counsel

.>>> John Beverungen 9/18/2013 1:36 PM >>>

Mr. Zimmerman,

This is the case involving the Famous Dave's BBQ restaurant. I issued an Order on September 11, and Mr. Vettori has just filed a motion to reconsider, seeking an additional aspect of variance relief with regard to one of the enterprise signs approved for the location.

I noted you were copied on the filing, so if you have not yet received it I trust you soon will. After you have had an opportunity to review the motion, would you please let me know if you have any objections or concerns with the request.

Thanks,

John Beverungen
ALJ

CASE NAME _____
CASE NUMBER 2014-0017-A
DATE 9/9/13

[illegible]

Case No.: 2014-0017-A

Exhibit Sheet

9-11-13

10-28-13

slr

Petitioner/Developer

Protestant

No. 1	Site plan < 1A 1B	
No. 2	color photos	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

6/20/2013
Approved
JBN & JB

Famous Dave's
BAR-B-QUE

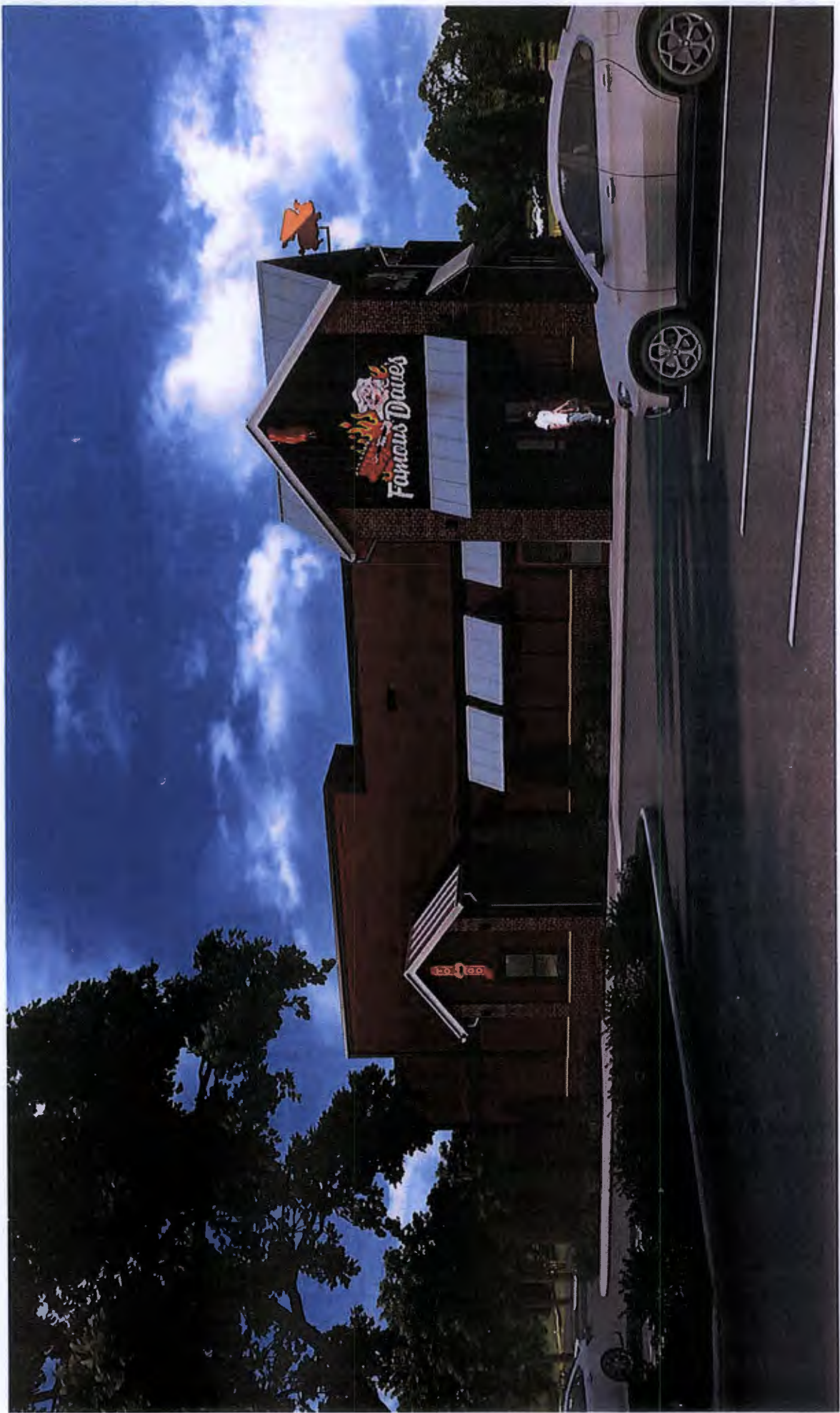
Famous Dave's

PETITIONER'S

EXHIBIT NO.

2









EXTERIOR PAINT



STANDING SEAM METAL ROOF / AWNING



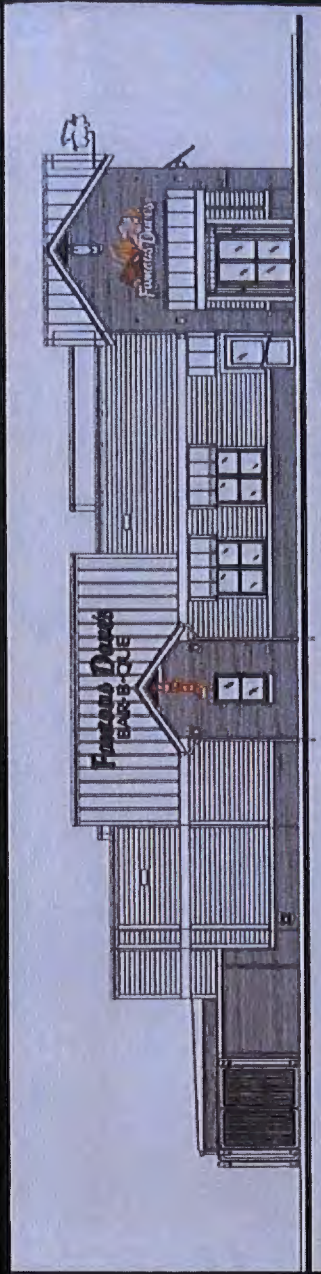
EXTERIOR TRIM PAINT



EXTERIOR DOOR PAINT



EXTERIOR PAINT



FRONT ELEVATION



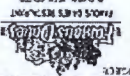
BRICK VERNEER WAINSCOT



FAMOUS DAVE'S RESTAURANT
© GLOBAL VIEW CENTER
2301 YORK ROAD (RT. 45)
TIMONIUM, MARYLAND 21093

- THE UNIVERSITY OF CHICAGO PRESS
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U.S.A. and Canada
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[illegible]



FAMOUS DAVES OF AMERICA
12701 WHITEWATER DRIVE, SUITE 200
MINNETONKA, MN 55343-1155

PROFESSIONAL

JANET L. PUGH, RA
239-C SOUTHLAND DRIVE
LEXINGTON, KY 40503

DATE	05-08-20
EXAMINER	DR. J. L. HARRIS
LOCATION	IN THE

RESEARCH

[illegible]

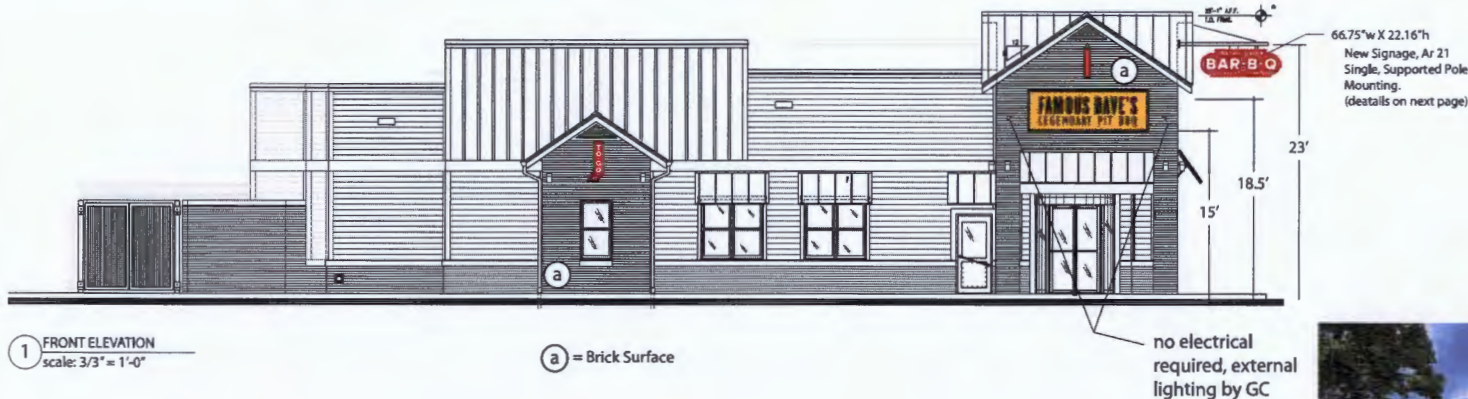
Y

**EXTERIOR
FINISHES
SCHEDULES
SPECIFICATIONS**

A7.

EXTERIOR FINISH MATERIAL SCHEDULE

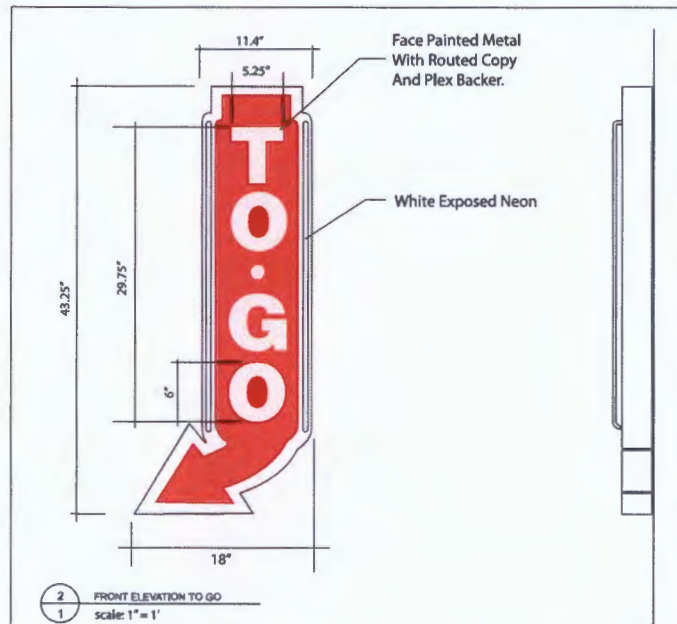
ITEM	DESCRIPTION	UNIT	QTY	PRICE	TOTAL	REMARKS
ROOFING R-#						
R-1	ASPH/FLT SHINGLES	SQ YD	100	1.50	150.00	100 SQ YD
R-2	3" X 12" JOISTS	LF	100	1.00	100.00	100 LF
R-3	2" X 10" JOISTS	LF	100	1.00	100.00	100 LF
R-4	1" X 8" JOISTS	LF	100	1.00	100.00	100 LF
R-5	1/2" X 6" JOISTS	LF	100	1.00	100.00	100 LF
R-6	1/4" X 4" JOISTS	LF	100	1.00	100.00	100 LF
R-7	1/8" X 2" JOISTS	LF	100	1.00	100.00	100 LF
R-8	1/4" X 4" JOISTS	LF	100	1.00	100.00	100 LF
R-9	1/8" X 2" JOISTS	LF	100	1.00	100.00	100 LF
R-10	1/4" X 4" JOISTS	LF	100	1.00	100.00	100 LF
R-11	1/8" X 2" JOISTS	LF	100	1.00	100.00	100 LF
R-12	1/4" X 4" JOISTS	LF	100	1.00	100.00	100 LF
R-13	1/8" X 2" JOISTS	LF	100	1.00	100.00	100 LF
R-14	1/4" X 4" JOISTS	LF	100	1.00	100.00	100 LF
R-15	1/8" X 2" JOISTS	LF	100	1.00	100.00	100 LF
R-16	1/4" X 4" JOISTS	LF	100	1.00	100.00	100 LF
R-17	1/8" X 2" JOISTS	LF	100	1.00	100.00	100 LF
R-18	1/4" X 4" JOISTS	LF	100	1.00	100.00	100 LF
R-19	1/8" X 2" JOISTS	LF	100	1.00	100.00	100 LF
R-20	1/4" X 4" JOISTS	LF	100	1.00	100.00	100 LF
R-21	1/8" X 2" JOISTS	LF	100	1.00	100.00	100 LF
R-22	1/4" X 4" JOISTS	LF	100	1.00	100.00	100 LF
R-23	1/8" X 2" JOISTS	LF	100	1.00	100.00	100 LF
R-24	1/4" X 4" JOISTS	LF	100	1.00	100.00	100 LF
R-25	1/8" X 2" JOISTS	LF	100	1.00	100.00	100 LF
R-26	1/4" X 4" JOISTS	LF	100	1.00	100.00	100 LF
R-27	1/8" X 2" JOISTS	LF	100	1.00	100.00	100 LF
R-28	1/4" X 4" JOISTS	LF	100	1.00	100.00	100 LF
R-29	1/8" X 2" JOISTS	LF	100	1.00	100.00	100 LF
R-30	1/4" X 4" JOISTS	LF	100	1.00	100.00	100 LF
R-31	1/8" X 2" JOISTS	LF	100	1.00	100.00	100 LF
R-32	1/4" X 4" JOISTS	LF	100	1.00	100.00	100 LF
R-33	1/8" X 2" JOISTS	LF	100	1.00	100.00	100 LF
R-34	1/4" X 4" JOISTS	LF	100	1.00	100.00	100 LF
R-35	1/8" X 2" JOISTS	LF	100	1.00	100.00	100 LF
R-36	1/4" X 4" JOISTS	LF	100	1.00	100.00	100 LF
R-37	1/8" X 2" JOISTS	LF	100	1.00	100.00	100 LF
R-38	1/4" X 4" JOISTS	LF	100	1.00	100.00	100 LF
R-39	1/8" X 2" JOISTS	LF	100	1.00	100.00	100 LF
R-40	1/4" X 4" JOISTS	LF	100	1.00	100.00	100 LF
R-41	1/8" X 2" JOISTS	LF	100	1.00	100.00	100 LF
R-42	1/4" X 4" JOISTS	LF	100	1.00	100.00	100 LF
R-43	1/8" X 2" JOISTS	LF	100	1.00	100.00	100 LF
R-44	1/4" X 4" JOISTS	LF	100	1.00	100.00	100 LF
R-45	1/8" X 2" JOISTS	LF	100	1.00	100.00	100 LF
R-46	1/4" X 4" JOISTS	LF	100	1.00	100.00	100 LF
R-47	1/8" X 2" JOISTS	LF	100	1.00	100.00	100 LF
R-48	1/4" X 4" JOISTS	LF	100	1.00	100.00	100 LF
R-49	1/8" X 2" JOISTS	LF	100	1.00	100.00	100 LF
R-50	1/4" X 4" JOISTS	LF	100	1.00	100.00	100 LF
R-51	1/8" X 2" JOISTS	LF	100	1.00	100.00	100 LF
R-52	1/4" X 4" JOISTS	LF	100	1.00	100.00	100 LF
R-53	1/8" X 2" JOISTS	LF	100	1.00	100.00	100 LF
R-54	1/4" X 4" JOISTS	LF	100	1.00	100.00	100 LF
R-55	1/8" X 2" JOISTS	LF	100	1.00	100.00	100 LF



1 FRONT ELEVATION
scale: 3/32" = 1'-0"

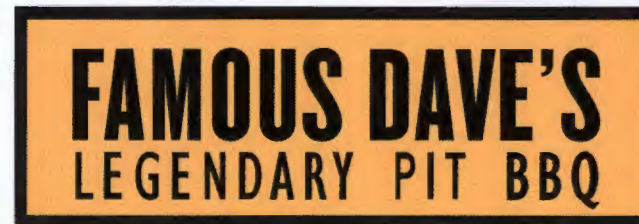
a = Brick Surface

no electrical
required, external
lighting by GC



2 FRONT ELEVATION TO GO
scale: 1\"/>

MATERIAL:	TYP. CABINET / LED CHANNEL LETTERS
DIMENSIONS:	18.5\"/>



Panel V.O. - 127.75\"/>

shoebox on a QMI - 3012 frame extrusion with .125\"/>

1 FD - Timonium, MD

MATERIAL:	Paint	ORIENTATION:	See Notes	scale:	1/4\"/>
	Painted Alum, Painted				
	COLORS:		FINISH:		
NOTES:					

LANDMARK[®] Architectural Signs

17576 Hemlock Avenue
Lakeville, MN 55044
(952) 292-2141

Contact:

Mike Pankey

email:
mikep@landmarkarchitecturalsigns.com
web:
landmarkarchitecturalsigns.com

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will result in additional charges.

Revisions

2-21-13 Addition of Flame Border
3-5-13 Flat Cabinet projection

Location

Timonium, MD.

File

Date

MAIN I.D.

sign type

2013 RE-BRANDING

Customer

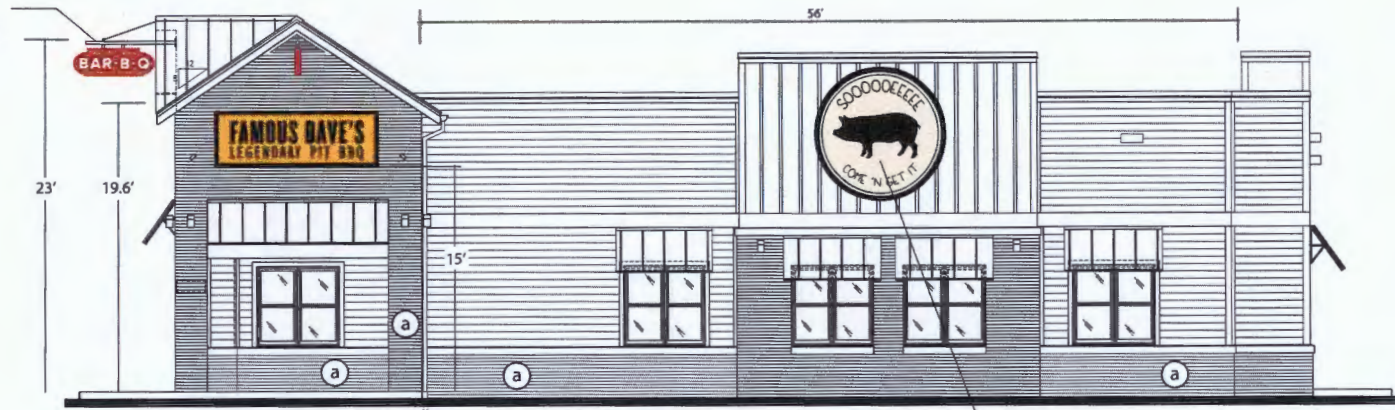


Location

Timonium, MD.

PAGE 1

66.75" w X 22.16" h
New Signage, AR 21
Single, Supported Pole
Mounting



2 RIGHT SIDE ELEVATION
scale: 1/8" = 1'-0"

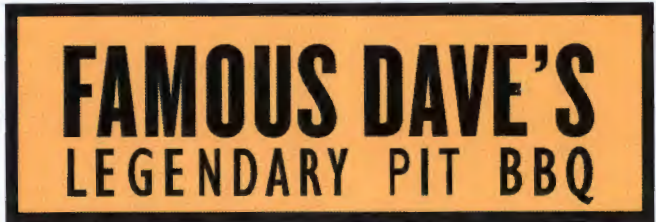
(a) = Brick Surface

no electrical
required



Project QTY. - (2) 66.75" w X 22.16" h,
'PORK, BEEF, CHICKEN' & 'Best Eatin' in Town'
Routed Alum. White Plex Backer
'BAR-B-Q' -
Routed Alum. White Plex backer
(exposed neon not permitted at this location)

(Metal Canopy Matches Metal Canopy On
Main Entrance, Supplied By G.C.
Hung w/ Chains, Eye Bolts, and Clevis.
Electrical In Conduit To Follow Mount Closest
To Building)



Panel V.O. - 127.75" w X 39.75" h
Frame 132" x 44.75"
.125" Alum. Painted Yellow Background w/Digital Printed or Painted Text Sign
on 5" Tube Border Metal Frame Mounted With Angle Clip On Back Side

shoebox on a QMI - 3012 frame extrusion with .125" alum. face



108" X 108"
Flat Cut, Aluminum Panel,
Black Painted Parts & Letters
Yellow Background.
1" returns Mounted on cleats

Benjamin Moore
CSP-245 'Stoneware'

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Revisions

Location
Timonium, MD.

File Date

MAIN I.D.

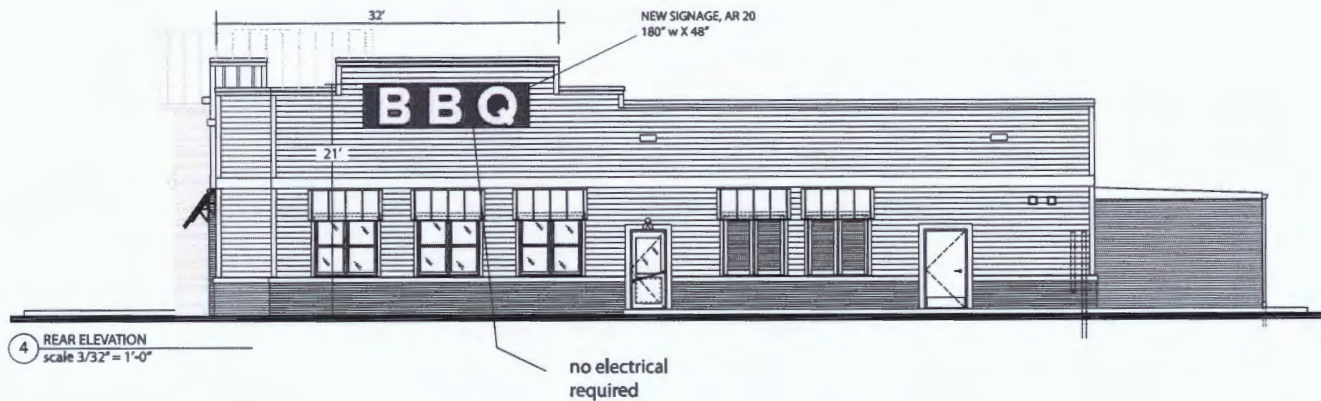
sign type

2013
Rebranding

Customer



Location
Timonium, MD.



BBQ

180" w X 48" h
Alumn. Panel, 1" Returns, Cleate Mounted.
Painted Colors: Grey And Black

MATERIAL:	Alumn. Panel Sign
DIMENSION:	18" w X 48" h
COLOR(S):	STND. BRAND COLORS
FINISH:	Satin Grey
FILE:	FD_Timonium
NOTES:	Alumn. Panel, 1" Returns, Cleate Mounted. Painted Colors: Grey And Black

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Revisions

Location
Timonium, MD.

File Date

Secondary
I.D.

sign type

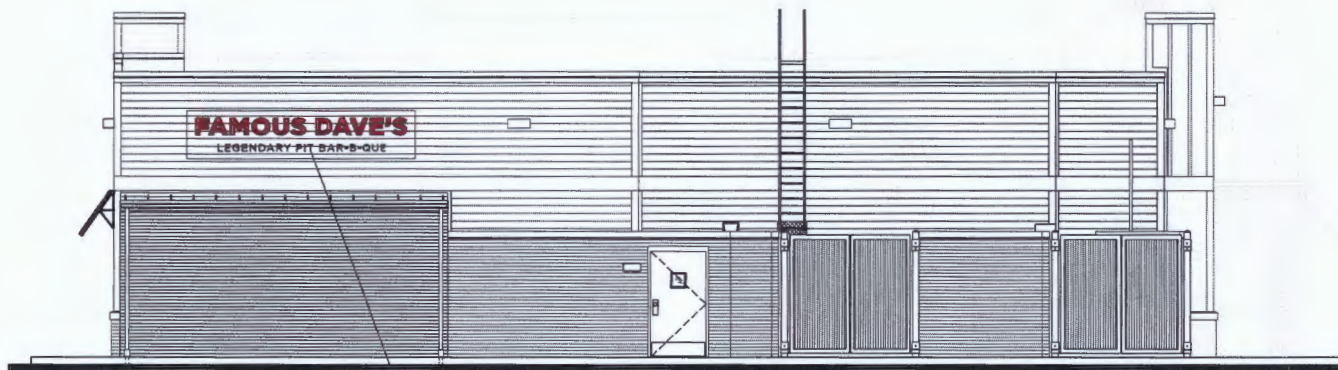
2013
Rebranding

Customer

FAMOUS DAVE'S
LEGENDARY PIT BBQ

Location
Timonium, MD.

PAGE 3



3 LEFT SIDE ELEVATION
scale: 1/8" = 1'-0"

no electrical
required

FAMOUS DAVE'S

LEGENDARY PIT BAR-B-QUE

181"w X 38.5"h Painted Alum. Panel.
1" Return, Mounted With Cleate Systems

MATERIAL: Alum. Panel Sign	Scale: 1/8" = 1'
DIMENSION: 72"w X 16"h	
COLOR(S): STND. BRAND COLORS	FINISH: Satin
FILE: FD_Timonium	
NOTES: Alum. Panel, 1" Returns, Cleate Mounted. Painted Colors: White, Red	

LANDMARK

Architectural Signs

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mikep@landmarkarchitecturalsigns.com

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Revisions

Location

Timonium, MD.

File

Date

Secondary
I.D.

sign type

2013
Rebranding

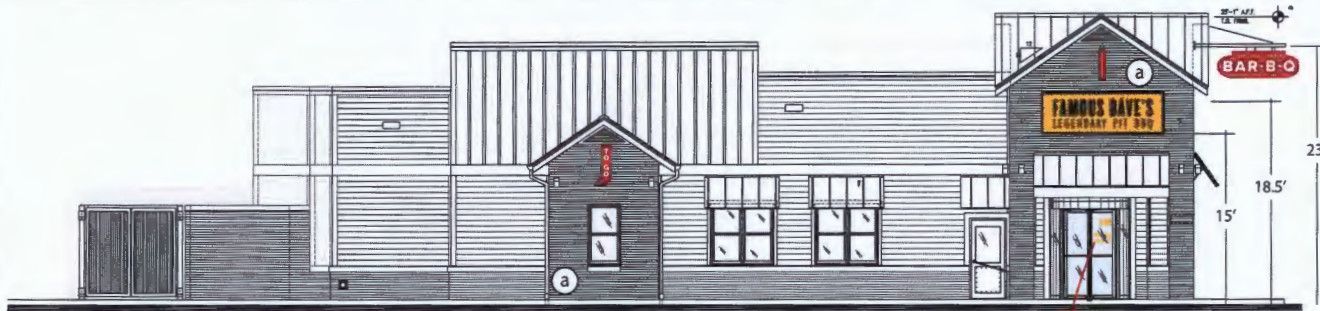
Customer

FAMOUS DAVE'S
LEGENDARY PIT BBQ

Location

Timonium, MD.

PAGE 4



1 FRONT ELEVATION
scale: 3/32" = 1'-0"

a = Brick Surface

AR-28

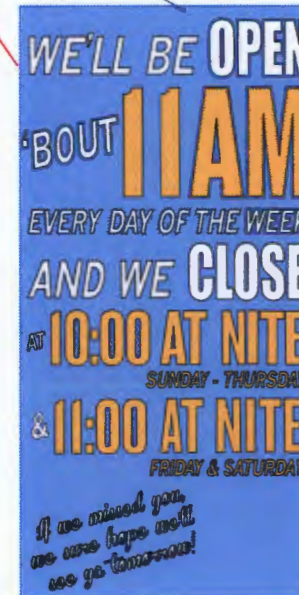
- Printed on alluminum
- 1" radius rounded corner
- Mounted on wood 4x4 pole at standard parking sign height
- Dimensions: 12" x 18"
- Qty. 3



AR-29

- Complex cut & printed vinyl
- Applied to outside of glass
- DO NOT PRINT CYAN- to show transparency
- Dimensions: 19 x 38
- Hung at center at 5' high on horizontal center

DO NOT PRINT
CYAN COLOR



MATERIAL:	TYP. CABINET / LED CHANNEL LETTERS
DIMENSIONS:	18.5"W x 57.375"H (L & R ARROWS) 17.167"W x 58.79"H (= 11 sq. ft.) DOWN ARROW
COLORS:	STND. BRAND COLORS
FILE:	ILLUMINATED LED "TO - GO"
NOTES:	CABINET ASSEMBLY TYP. - ILLUMINATED WITH WHITE LEDS, ARTWORK - H-RES. DIGITAL PRINT ON CLEAR VINYL. APPLIED SECOND SURFACE OF H.L. ACRYLIC FACE.
	TOTALS SQ. FT. = 7.5 LEFT & RIGHT ARROWS, 6.8 SQ. FT. FOR DOWN ARROW. SQ. FT. IS APPROXIMATIONS, (ROUNDED UP)

LANDMARK

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2-21-13 Addition of Flame Border
3-5-13 Flat Cabinet projection

Location

Timonium, MD.

File

Date

MAIN I.D.

sign type

2013 RE-BRANDING

Customer



Location

Timonium, MD.

PAGE 5

