IN RE: PETITION FOR SPECIAL HEARING (6820 Loch Raven Blvd.)

9th Election District

5<sup>th</sup> Councilmanic District

Loch Raven Improvements, LLC

Legal Owner

Harvest Towson, Inc.

Lessee

Petitioners

**BEFORE THE** 

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2015-0062-SPH

#### **OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Loch Raven Improvements, LLC, Legal Owner, and Harvest Towson, Inc., Lessee ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve an existing freestanding enterprise sign on a pad site; or in the alternative to approve an existing freestanding enterprise sign on a shopping center lot in addition to the existing free standing joint identification sign on the same frontage for reasons to be presented at a hearing.

Appearing at the public hearing in support of the requests was Sattar Shaik and Matt Bishop, professional landscape architect, whose firm prepared the plan. C. William Clark, Esquire, represented the Petitioners. There were no protestants in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) dated October 14, 2014, which did not oppose the requests.

The subject property is approximately 10.27 acres and is zoned BL-CCC. The property contains an IHOP restaurant that is situated on a "pad site" within the Loch Raven Shopping Center. Petitioners would like to install modern signage at the restaurant, but as Mr. Wasilewski

Date \_\_\_\_\_\_

notes in his memo (which was admitted as Exhibit 7) the pad site definition was removed some years ago from the B.C.Z.R. As such, special hearing relief is now required for a freestanding sign at this location. In other respects, the signage would comply with the sign face area and height limitations in the B.C.Z.R.

As shown on the photos admitted at the hearing (Exhibit 11A-11H) the IHOP restaurant is located on the periphery of the shopping center and is not listed on the joint identification sign at the entrance drive. Without a freestanding enterprise sign (which has existed at the site for 20+ years) the Petitioners would not be able to properly identify their location to potential customers. Petitioners noted that existing roof-mounted signage would be removed, and thus there will be less visual clutter at the site, which is the goal of the sign regulations (B.C.Z.R. §450).

THEREFORE, IT IS ORDERED this 6th day of November, 2014, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to approve an existing freestanding enterprise sign on a "pad site," be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

 Petitioners may apply for appropriate permits 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

	CEIVED FOR FILING
Date	1-6-14
Ву	pln

2

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/sln

<b>ORDER</b>	RECEIVE	FOR	FILING
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Date 11-6-14

y....



KEVIN KAMENETZ County Executive

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

November 6, 2014

C. William Clark 502 Washington Avenue Suite 700 Towson, Maryland 21204

RE:

Petition for Special Hearing

Property: 6820 Loch Raven Blvd.

Case No.: 2015-0062-SPH

Dear Mr. Clark:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:sln Enclosure



## PETION FOR ZONING HEALING(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 6820 Loch Raven Blvd.

which is presently zoned BL\_CCC

REV. 10/4/11

Deed References: 19343/497

10 Digit Tax Account # 0 9 0 1 7 4 1 8 3 0

Property Owner(s) Printed Name(s) Loch Raven Improvments 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:

	Y	
1. X a Special Hearing	under Section 500.7 of the Zonia	ng Regulations of Baltimore County, to determine whether
or not the Zoning Commis	ssioner should approve an ex	isting free standing enterprise sign on a pad sit
		ing free standing enterprise sign on a shopping
		e standing joint identification sign on the same
	s to be presented at a	
2 a Special Exceptio	n under the Zoning Regulations	s of Baltimore County to use the herein described property for
3. a Variance from Se	etion(s)	
5 a variance nom oc	cuori(s)	
of the zoning regulations	s of Baltimore County, to the	zoning law of Baltimore County, for the following reasons:
(Indicate below your ha	rdship or practical difficulty	or indicate below "TO BE PRESENTED AT HEARING". If
	ace, you may add an attachme	
•		
	rtised as prescribed by the zoning regula	
		etc. and further agree to and are to be bounded by the zoning regulations
	ty adopted pursuant to the zoning law for	or ballimore County.  Index the penalties of perjury, that I / We are the legal owner(s) of the property
which is the subject of this / these		the periodice of perjuly, matter the alle the regal emission (e) of the property
Contract Paurch as an Lesse	e: (Petitioners)	Legal Owners (Petitioners)
Harvest Towson, Inc		Loch Raven Improvements, LLC
Name- Type or Pript	17841	By: First Man Loch Raven Corp., its manager Name #1 - Type or Print Name #2 - Type or Print
C/CAIIV		
By:		By:
Signature		Signature #1 Adam Ifshin, President
19971 Belmont Station	n Drive, Ashburn, VA	580 White Plains Rd, Tarrytown, NY
Mailing Address	City State	Mailing Address City State
20147 , 763-587-76	688 , sattarshaik70@	10591 , 914-631-1690 ,
Zip Code Telephone #	Email Address	Zip Code Telephone # Email Address
-p	gmail.com	
Attorney for Petitioner:	Smott : com	Representative to be contacted:
C. William Clark		William Monk, Morris, Ritchie Associates
Name for as Brief		
Name-Type or Print	Par	Name – Type or Print
Word	ave	Watt BCL (Agent)
Signature		Signature
502 Washington Ave.	, Ste. 700, Towson, MD	1220 C E. Joppa Rd., Towson, MD
Mailing Address	City State	Mailing Address City State
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21204 / 410-823-7		OMDED DECEMENT
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	~	Data
CASE NUMBER 2015 -006	2-9PH Filing Date 9,2211	Do Not Schodula Dates:

#### Zoning Property Description For 6820 Loch Raven Boulevard (area of special hearing)

Beginning at a point on the southwest side of Loch Raven Boulevard which is a 90 feet Right of Way at the distance of 327 feet Southwest of the centerline of the nearest improved intersecting street Taylor Avenue 102 feet Right of Way Width. Thence the following courses and distances, referred to the Maryland Coordinate System (NAD '83/91):

From intersection corner running South 28 degrees 39 minutes 50 seconds West, 295.12 feet to the Point of Beginning for area of special hearing, continuing South 28 degrees 39 minutes 50 seconds West, 178.17' to a point; North 62 degrees 38 minutes 52 seconds West, 232.90' to a point; North 28 degrees 30 minutes 38 seconds East, 177.14' to a point; South 61 degrees 29 minutes 22 seconds East, 229.63' to a point and place of beginning.

Containing an area of 41,085.06 square feet or 0.9432 acres of land, more or less and being located in the Ninth Election District and Fifth Council District of Baltimore County Maryland.



Item #0062

#### Zoning Property Description For 6820 Loch Raven Boulevard (tract boundary)

Beginning at a point on the southwest side of Loch Raven Boulevard which is a 90 feet Right of Way at the distance of 327 feet Southwest of the centerline of the nearest improved intersecting street Taylor Avenue 102 feet Right of Way Width. Thence the following courses and distances, referred to the Maryland Coordinate System (NAD '83/91):

From intersection corner running South 28 degrees 39 minutes 50 seconds West, 295.12 feet to the Point of Beginning for Tract Boundary, continuing South 28 degrees 39 minutes 50 seconds West, 330.90' to a point; North 62 degrees 38 minutes 52 seconds West, 330.78' to a point; North 16 degrees 36 minutes 25 seconds West, 58.29' to a point; South 62 degrees 28 minutes 28 seconds West, 32.16' to a point; Chord Bearing North 28 degrees 41 minutes 57 seconds West Radius 928.88' length 49.78' to a point; North 30 degrees 14 minutes 04 seconds West 238.96' to a point; Chord Bearing North 6 degrees 7 minutes 33 seconds West Radius 567.00' Length 477.16' to a point; South 72 degrees 01 minutes 02 seconds East 18.00' to a point; North 18 degrees 57 minutes 11 seconds East 18.59' to a point North 27 degrees 15 minutes 18 seconds West 24.22' to a point; Chord Bearing North 72 degrees 9 minutes 11 seconds East Radius 567.00' Length 82.94' to a point; North 29 degrees 58 minutes 04 seconds East 93.65' to a point; Chord Bearing --- Radius 84.00' Length 123.69' to a point; South 37 degrees 52 minutes 20 seconds East 127.17' to a point; North 44 degrees 25 minutes 0 seconds East 7.08' to a point; South 39 degrees 23 minutes 20 seconds East 123.78' to a point; chord bearing South 45 degrees 19 minutes 30 seconds East Radius 1465.00' Length 303.70'to a point; South 28 degrees 31 minutes 13 seconds West 332.11' to a point; South 62 degrees 38 minutes 52 seconds East 305.19' to a point and place of beginning.

Containing an area of 447,774.7412 square feet or 10.28 acres of land, more or less and being located in the Ninth Election District and Fifth Council District of Baltimore County Maryland.



Item # 0062

Fund	Dept	Unit	RECEIPT	Rev Source/	Sub Rev/	Date:		Amount	SUSTNESS ACTIVAL TIPE 9/22/2014 9/22/2014 10:09:46 RES USOS WHILTIN F306-LRD > RESELPT N 1627/2 9/22/2014
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# DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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 legal owner/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 legal owner/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:
Case Number:
Legal Owners (Petitioners): Loch Raven Improvements, LLC
Contract Purchaser/Lessee: Harvest Towson, Inc.
PLEASE FORWARD ADVERTISING BILL TO:  Name:C. William Clark, Esquire
Company/Firm (if applicable): Nolan, PLumhoff & Williams, Chtd.
Address: 502 Washington Ave., Ste. 700, Towson, MD 21204
Telephone Number: 410-823-7800



Baltimore, Maryland 21278-0001

October 16, 2014

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 October 14, 2014

The Jeffersonian 

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinst

#### 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: # 2015-0062-SPH
69201.0ch Payara Pland

6820 Loch Raven Blvd. W/s Loch Raven Blvd., 327 ft. s/of centerline of Taylor Avenue 9th Election District - 5th Councilmanic District

Legal Owner(s): Loch Raven Improvements, LLC Petitioner: Harvest Towson. Inc.

Special Hearing: to approve an existing free standing enterprise sign on a pad site; or in the alternative to approve an existing free standing enterprise sign on a shopping cen-ter lot in addition to the existing free standing joint identification sign on the same frontage for reasons to be presented at a hearing.

Hearing: Monday, November 3, 2014 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative

cial accommodations Please Contact the Administration of the arrival desired from the File and/or Hearing, (2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. JT 10/652 Oct. 14

## **CERTIFICATE OF POSTING**

	2015-0062-SPH RE: Case No.:
	Petitioner/Developer:
	Loch Raven Improvements, LLC
	November 3, 2014  Date of Hearing/Closing:
	Date of Hearing/Closing.
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 111 West Chesapeake Avenue	
Towson, Maryland 21204	
Attn: Kristen Lewis:	
Ladies and Gentlemen:	
posted conspicuously on the property loca  6820 Loch Raven Blvd	s of perjury that the necessary sign(s) required by law were ated at:
	October 14, 2014
The sign(s) were posted on	(Month, Day, Year)
	Sincerely,
ZONING NOTICE	October 14, 2014
CASE #	(Signature of Sign Poster) (Date)
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD	SSG Robert Black
ROOM 205, JEFFERSON BUILDING PLACE: 105 W. CHESAPEAKE AVE. TOWSON MO 21204 DATE AND TIME: Monday, November 3, 2014 at 10:00 a.m.	(Print Name)
REQUEST: Special Hearing to approve an existing free standing enterprise son on a paid set, or in the elementers to approve an existing fine standing principles sign on a shooping center lot in addition to the president sign on a shooping center lot in addition on the same	1508 Leslie Road
Bonders And Assertation Specific Control Section (1997) and 1997 (1997) for Section Control Co	(Address)
MANINE WAS DISCONDING TO THE PROPERTY OF THE P	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
<b>计算是是一种的一种的</b>	(Telephone Number)

TO: PATUXENT PUBLISHING COMPANY

Tuesday, October 14, 2014 Issue - Jeffersonian

Please forward billing to:

C. William Clark Nolan, Plumhoff & Williams 502 Washington Avenue, Ste. 700 Towson. MD 21204 410-823-7800

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6820 Loch Raven Blvd.

W/s Loch Raven Blvd., 327 ft. s/of centerline of Taylor Avenue

9<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District Legal Owners: Loch Raven Improvements, LLC

Petitioner: Harvest Towson, Inc.

Special Hearing to approve an existing free standing enterprise sign on a pad site; or in the alternative to approve an existing free standing enterprise sign on a shopping center lot in addition to the existing free standing joint identification sign on the same frontage for reasons to be presented at a hearing.

Hearing: Monday, November 3, 2014 at 10:00 a.m. in Room 205, Jefferson Building,

105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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

October 1, 2014

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

#### 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: 2015-0062-SPH

6820 Loch Raven Blvd.

W/s Loch Raven Blvd., 327 ft. s/of centerline of Taylor Avenue

9<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owners: Loch Raven Improvements, LLC

Petitioner: Harvest Towson, Inc.

Special Hearing to approve an existing free standing enterprise sign on a pad site; or in the alternative to approve an existing free standing enterprise sign on a shopping center lot in addition to the existing free standing joint identification sign on the same frontage for reasons to be presented at a hearing.

Hearing: Monday, November 3, 2014 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

AJ:kl

C: C. William Clark, 502 Washington Avenue, Ste. 700, Towson 21204 Harvest Towson, Inc., 19971 Belmont Station Drive, Ashburn VA 20147 Loch Raven Improvements, LLC, 580 White Plains Road, Tarrytown NY William Monk, 1220 C E. Joppa Road, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 14, 2014.

(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.



KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

October 30, 2014

Loch Raven Improvements LLC First Man Loch Raven Corporation Adam Ifshin, President 580 White Plains Road Tarrytown, NY 10591

RE: Case Number: 2015-0062 SPH, Address: 6820 Loch Raven Boulevard

Dear Mr. Ifshin:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 22, 2014. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,
U. Call Richa

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

**Enclosures** 

People's Counsel
 Harvest Towson Inc., 19971 Belmont Station Drive, Ashburn VA 20147
 C William Clark, Esquire, 502 Washington Avenue, Suite 700, Towson MD 21204
 William Monk, 1220 C E Joppa Road, Towson MD 21286

SSIA
State Highway
Administration 8

Maryland Department of Transportation

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

,

Date: 9/29/14

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

RE: Baltimore County

Item No. 2015-0062-5PH

Special Heaving

Loch Raven Improvement, LLC

6820 Loch Raven Boulevard

MD 542

James T. Smith, Jr., Secretary

Melinda B. Peters, Administrator

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 4/24/14. A field inspection and internal review reveals that an entrance onto 1/2542 consistent with current State Highway Administration-guidelines is not required. Therefore, SHA has no objection to approval for Case Number 2015-0002-5PH

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.

#### **BALTIMORE COUNTY, MARYLAND**

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: October 1, 2014

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 6, 2014

Item No. 2015-0061, 0062, 0063, 0064, 0065, 0066, 0067 and 0068

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

DAK:CEN cc:file

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon

DATE: October 14, 2014

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

RECEIVED

**SUBJECT:** 

6820 Loch Raven Boulevard

OCT 1 4 2014

OFFICE OF ADMINISTRATIVE HEARINGS

**INFORMATION:** 

Item Number:

15-062

Loch Raven Improvements, LLC

Zoning:

Petitioner:

**BL-CCC** 

Requested Action:

Special Hearing

#### **SUMMARY OF RECOMMENDATIONS:**

The Department of Planning has reviewed the subject request for special hearing regarding an existing freestanding enterprise sign for a single tenant pad site within a shopping center.

The site is within the Loch Raven-Hillendale Design Review Panel area as well as the Loch Raven Commercial Revitalization District. The Department of Planning supports the request subject to providing landscaping around the base of the existing sign.

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

**Division Chief:** 

AVA/LL

# **BALTIMORE COUNTY, MARYLAND**Interoffice Memorandum

DATE:

September 25, 2014

TO:

Zoning Commissioner and File

FROM:

Leonard Wasilewski

Planner II, Zoning Review

SUBJECT:

IHOP - Harvest Towson, Inc.

2015-0062-SPH

- A. For clarification, this office accepted a Special Hearing for a free standing Enterprise Sign on a Pad Site in the Loch Raven Plaza Shopping Center.
- B. The site was originally approved as a Pad Site, which permitted a freestanding sign for IHOP.
- C. In 1997 Pad Sites were eliminated from the sign regulations. However, many non-conforming pad sites continue to operate as such.
- D. If this site is officially approved as a Pad Site by Special Hearing, they would be entitled to have a freestanding sign as long as they meet the current requirements for an Enterprise Sign.
- E. Please call me if you have any questions. (410-887-3391)

LW

#### MEMORANDUM

DATE:

December 12, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2015-0062-SPH - Appeal Period Expired

The appeal period for the above-referenced case expired on December 8, 2014. 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

RE: PETITION FOR SPECIAL HEARING \*
6820 Loch Raven Boulevard; W/S Loch Raven
Boulevard, 327' S of c/line Taylor Avenue \*
9<sup>th</sup> Election & 5<sup>th</sup> Councilmanic Districts
Legal Owner(s): Loch Raven Improvements, LLC\*

Contract Purchaser(s): Harvest Towson, Inc
Petitioner(s)

BEFORE THE OFFICE

OF ADMINSTRATIVE

**HEARINGS FOR** 

**BALTIMORE COUNTY** 

2015-062-SPH

#### 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

OCT 02 2014

-

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Cank S Demlio

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 2<sup>nd</sup> day of October, 2014, a copy of the foregoing Entry of Appearance was mailed to William Monk, Morris, Ritchie Associates, 1220 E Joppa Road, Towson, Maryland 21286 and C. William Clark, Esquire, 502 Washington Avenue, Suite 700, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

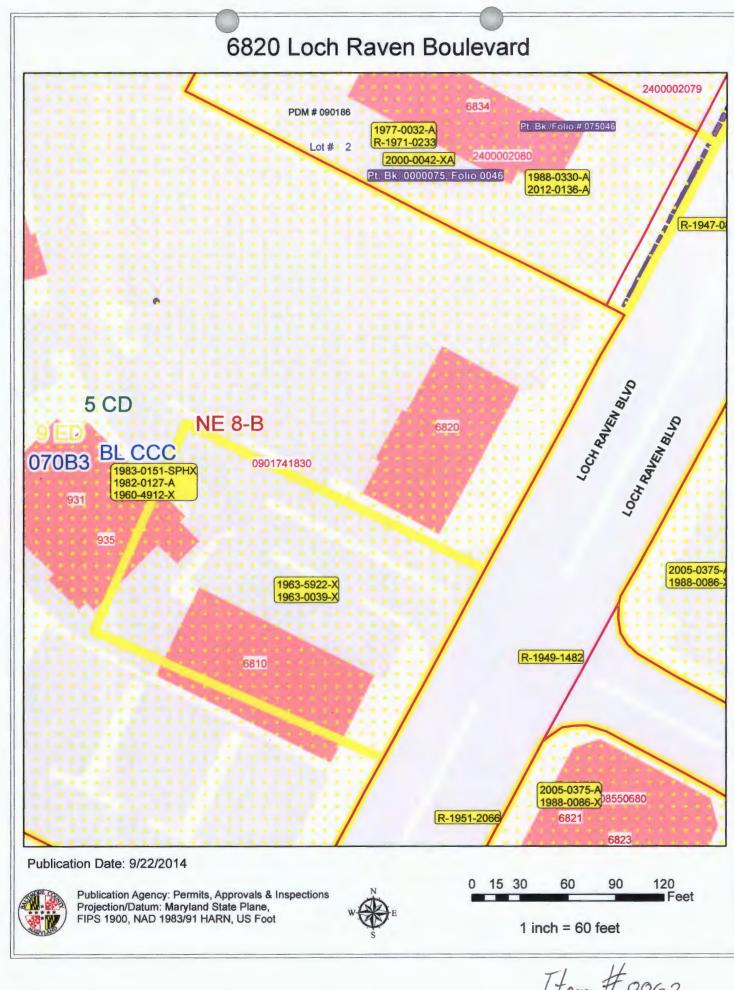
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Real Property Data Search ( w3)

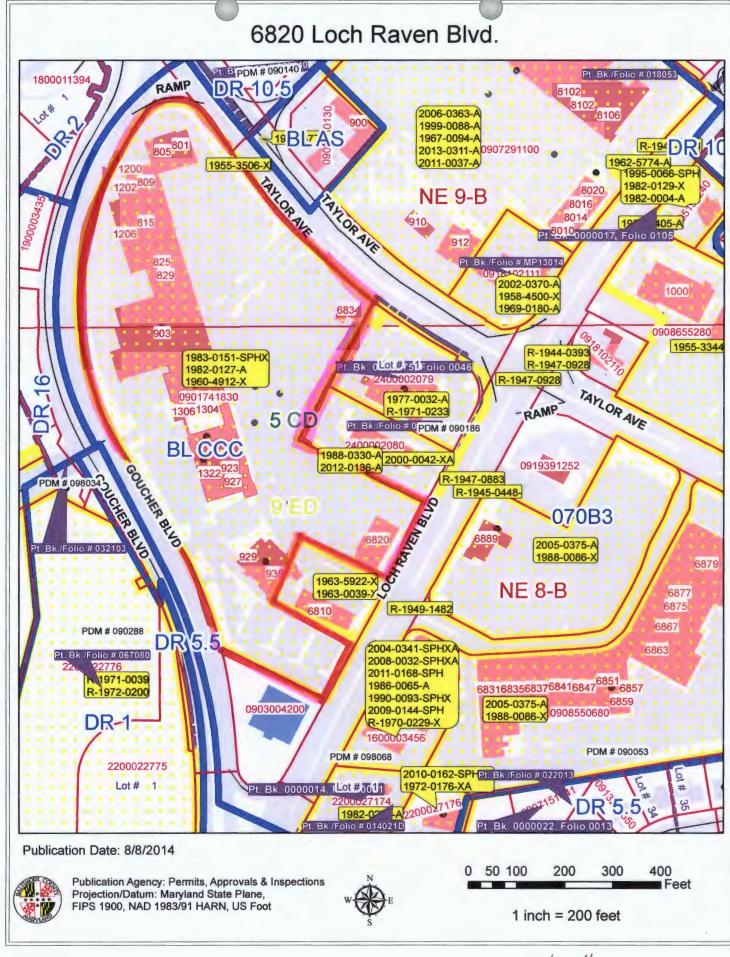
Guide to searching the database

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	A&RI				06/27/1986			Price: \$9,451	,510
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Seller:				Date:				Price:	
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State:			000			0.00			
Municipa			000			0.00 0.00		0.00 0.00	
Tax Ex Exemp	empt: t Class	: '		NON					
				Homestead A	pplication in	nformation			



Item # 0062



Item # 0062

### PLEASE PRINT CLEARLY

CASE NAME Harvest Town CASE NUMBER 2015-0062 SPH DATE 113/14

## PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL Gu
SATTAR SHAIR.	19971 Beforent Station on	AShbun VA 2014)	Sattorshair 70@ gmail
C. William Clark	52 Washington are Suite Too	Towsen and 21204	cusclark@nokaplumhoff.com
Matt Bishop	120-C East Joppa Road	Touson MD a1886	mbishopemragta.com
•	•		
		<u> </u>	

Case No.: 2015 - DD62 SPH

### **Exhibit Sheet**

Petitioner/Developer

6.3737K

Protestants

SUN 11-6-14

No. 1	Site plan
No. 2	Franchise Agt.
No. 3	Shopping Center Course
No. 4	HA+4B Photos of Sign
No. 5	Photos of Sign SMI Sign Contract
No. 6	Bishop CV
No. 7	Wasilewski memo
No. 8	DOP ZAC Comment
No. 9	1HDP color sign exhibit
No. 10	10A-10C Color photos
No. 11	11A-11H Color photos
No. 12	BCZR 3450 excerpts

#### FRANCHISE AGREEMENT

THIS FRANCHISE AGREEMENT ("Agreement") is made and entered into as of this day of \_\_\_\_\_\_\_, 2014, (the "Effective Date") by and between INTERNATIONAL HOUSE OF PANCAKES, LLC (hereinafter referred to as "Franchisor") and HARVEST-TOWSON, INC., a Virginia corporation (hereinafter referred to as "Franchisee") with reference to the following facts:

- A. Franchisor or its predecessors have developed and Franchisor and its Affiliates are continuing to develop certain Systems for operating IHOP Restaurants under the names "IHOP," "The International House of Pancakes" and "International House of Pancakes Restaurant" which feature the sale of pancakes and various other food products, and which, conducted in accordance with the provisions of this Agreement and Franchisor's Operations Bulletins, are designed to enable such businesses to compete more effectively in their respective marketplaces;
- B. Franchisor now owns or licenses and hereafter will develop, license or purchase valuable Trademarks used in connection with the operation of IHOP Restaurants; and
- C. Franchisee desires to obtain a franchise to use the Systems and the Trademarks associated therewith in connection with the operation of one Franchised Restaurant at a specific Franchised Location, and Franchisor is willing to grant said franchise upon the terms and subject to the conditions set forth below. Franchisee has executed this Agreement pursuant to the following (check one):

1	Area Development Agreement, dated
1	Multi-Store Development Agreement, dated
1	Novation Program
]	Single Store Development Program
1	Purchase Program
1	Renewal or extension of an existing franchise
X]	Assignment of an existing franchise
1	Other



WHEREFORE, IT IS AGREED:

#### I GRANT OF FRANCHISE

#### 1.01 Use of Systems.

Franchisor hereby grants to Franchisee and Franchisee hereby accepts a franchise to operate one Franchised Restaurant at the Franchised Location during the Term hereof in accordance with the provisions of this Agreement and any ancillary documents pertaining hereto.

021-556

#### SHOPPING CENTER LEASE

for

Luch Raven Plaza Shopping Center

by and between

Loch Raven Improvements, LLC

"Landlord"

and

IHOP Properties, LLC d/b/a International House of Pancakes

"Tenant"



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REPORT DESIGNATION OF THE PROPERTY OF THE PROP

05/21/2014 10:09





#### SMI Sign Systems, Inc.

3903 Cornell Place Frederick, MD 21703 Ph: (301) 468-1132 FAX: (301) 230-9048 Email sales@smisigns com Web. www.smisigns.com

#### Estimate #: 140806

Estimate Date

5/12/2014 3 10 26PM

Entered By Salesperson Renee Randazzo Renee Randazzo

Page 1 of 1

Prepared For: Harvest Gabrills, Inc. TOWSON INC

Office Phone (703) 587-7688

Office Fax (301) -

Contact. Sattar Shaik

Email sattarshaik70@gmail.com

IHOP	Towson	-	Face	Rep	lacements
------	--------	---	------	-----	-----------

Item #	Product	Quantity	Regular Price	Unit Price	Subtotal
1	Sign	1	\$1,695.00	\$1,695.00	\$1,695.00
Descripti	ion: Sign - Face Replacement - Pan Formed - from	t elevation			

• x1) Front elevation face replacement

Retainer is 1-1/2'

Visible Opening is 39-1/2" high x 93-1/2" wide

Item#	Product	Quantity	Regular Price	Unit Price	Subtotal
2	Sign	2	\$3,504.00	\$1,752.00	\$3,504 00
Descripti	on: Sign - Face Replacement - Pan Formed - Pyk	n Sign			

• x2) Replace Pylon Sign Faces

Retainer is 1-1/2"

75" h x 122" wide

Pan formed reface

Item #	Product	Quanti	ty Regular Price	Unit Price	Subtotal
	Electric Sign Installation	3	\$1 380 00	4 . (	\$1,380 00
Description	n: Installation of pan formed faces will provide the paint	Travel labor and malerials	Price includes removing reader board	Painting pole and sign cabinet	SMI
	will broune me baum				

Item #	Product	Quantity	Regular Price	Unit Price	Subtotal
4	Electric Sign Service	1	\$0.00	\$0.00	\$0.00
Descriptio	<ul> <li>Electric Sign Service - Recommend installing ner amount is TBD</li> </ul>	w T8 high energy	efficient fluorescent lamps	test ballasts and clean inside of sign.	The

· Reported Issue:

 Subtotal:
 \$6,579.00

 Taxes
 \$311.94

 Total:
 \$6.890.94

**Payment Terms:** 

ATTN. Sattar Shaik Harvest Gabrills, Inc. 19971 Belmont Station Dr Ashburn, VA 20147

Harvest TOWSON

Estimate Accepted As Is Please proceed with Order

Changes required, please contact me

(Today's Date)

SYSTEM/Estimate\_Estimate02

Tax ID:

# 6

### MATTHEW A. BISHOP, RLA, LEED AP BD+C

Sr. Landscape Architect

#### PROJECT ASSIGNMENT:

Expert Witness, Landscape Architect

#### YEARS OF EXPERIENCE:

MRA:

8

Other Firms:

5

#### **EDUCATION:**

B.S. Landscape Architecture / 2001 / University of ConnecticutM.S. Plant Science / 2005 / University

of Connecticut

#### **ACTIVE REGISTRATION:**

Landscape Architect: Maryland, 2006, #3365 North Dakota, 2013, #80

L.E.E.D. Accredited Professional (2008)

#### PROFESSIONAL AFFILIATIONS:

American Society of Landscape Architects (ASLA) U.S. Green Building Council (USGBC), Maryland Chapter Homebuilders Association of Maryland, Baltimore County Chapter

#### **QUALIFICATIONS:**

Mr. Bishop is a Sr. Landscape Architect with MRA's Towson office. His experience includes a variety of projects ranging in scale from site specific to regional planning including streetscapes, neighborhood parks, mixed-use and residential development. The scope of Mr. Bishop's project involvement includes site analysis through construction documents; applications and permitting; graphic renderings; grading; and cost estimating. His experience also includes working with various government agencies, private interest groups, and project related consultants including: architects; civil engineers; traffic engineers; and City, State, and County environmental and planning agencies.

Sample projects managed by Mr. Bishop include the following:

Firestone Auto Care Center, Baltimore County, Maryland - Located in Perry Hall on the east side of Belair Road, this commercial auto care facility included 5,000 sf of service and retail space with associated parking, signage, and landscape improvements. Served as project manager in the preparation of all Baltimore County required plans including a Special Exception Plan, Development Plan, Grading Plan, Site Plan, ESC Plan, Utility Plans, and Landscape Plans. Served as expert witness at the Special Exception hearing.

Gunpowder Overlook, Baltimore County, Maryland – Located in Perry Hall on the east side of Belair Road, this residential community includes 48 single family detached residential homes with associated open space, stormwater management facilities, environmental conservation areas, public roads and utilities. Served as project manager in the preparation of Concept Plans, a Development Plan, a Pattern Book, and coordination of a Community Input Meeting. Provided expert witness testimony at the Administrative Law Judge Hearing.

5737 Allender Road, Baltimore County, Maryland - Located on the east side of Baltimore County in White Marsh this development incorporates 121 homes situated around an extensive network of community open spaces. Served as project landscape architect in the design and preparation of planning related design products including Concept Plan, Development Plan, Pattern Book, and Final Development Plan. Also provided expert witness testimony for a Variance hearing to reduce side and rear yard building setbacks.

Red Lion Farm, Baltimore County, Maryland - Located on the east side of Baltimore County in White Marsh this development incorporates 61 homes. Provided expert witness testimony for a variance hearing to reduce rear yard building setbacks.

Windlass Run, Baltimore County, Maryland - Located on the east side of Baltimore County south of White Marsh Boulevard this Planned Unit Development incorporates 424 homes situated around an extensive network of community open spaces including a clubhouse, pool, and children's play equipment. Served as project landscape architect in the design and preparation of planning related design products including Concept Plan, Development Plan, Pattern Book, and Final Development Plan. Also designed and prepared detailed landscape architecture related design products including Active Open Space areas, Passive Open Space areas, Entry features, and Club house/pool area.

Towson Manor, Towson, Maryland - Located south of downtown Towson, on the east side of York Road, this Planned Unit Development incorporates 109 townhouses and an assisted living facility on ±8.22 acres. The project is a redevelopment of an existing single family residential community which had fallen into disrepair. Served as project



# **BALTIMORE COUNTY, MARYLAND**Interoffice Memorandum

DATE:

September 25, 2014

TO:

Zoning Commissioner and File

FROM:

Leonard Wasilewski

Planner II, Zoning Review

SUBJECT:

IHOP - Harvest Towson, Inc.

2015-0062-SPH

A. For clarification, this office accepted a Special Hearing for a free standing Enterprise Sign on a Pad Site in the Loch Raven Plaza Shopping Center.

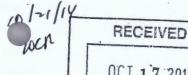
B. The site was originally approved as a Pad Site, which permitted a

freestanding sign for IHOP.

C. In 1997 Pad Sites were eliminated from the sign regulations. However, many non-conforming pad sites continue to operate as such.

D. If this site is officially approved as a Pad Site by Special Hearing, they would be entitled to have a freestanding sign as long as they meet the current requirements for an Enterprise Sign.

E. Please call me if you have any questions. (410-887-3391)



# APPROVALS

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon

DATE: October 14, 2014

FROM:

Andrea Van Arsdale Director, Department of Planning

Deputy Administrative Officer and

SUBJECT:

6820 Loch Raven Boulevard

Director of Permits, Approvals and Inspections

INFORMATION:

Item Number:

15-062

Petitioner:

Loch Raven Improvements, LLC

Zoning:

BL-CCC

Requested Action:

Special Hearing

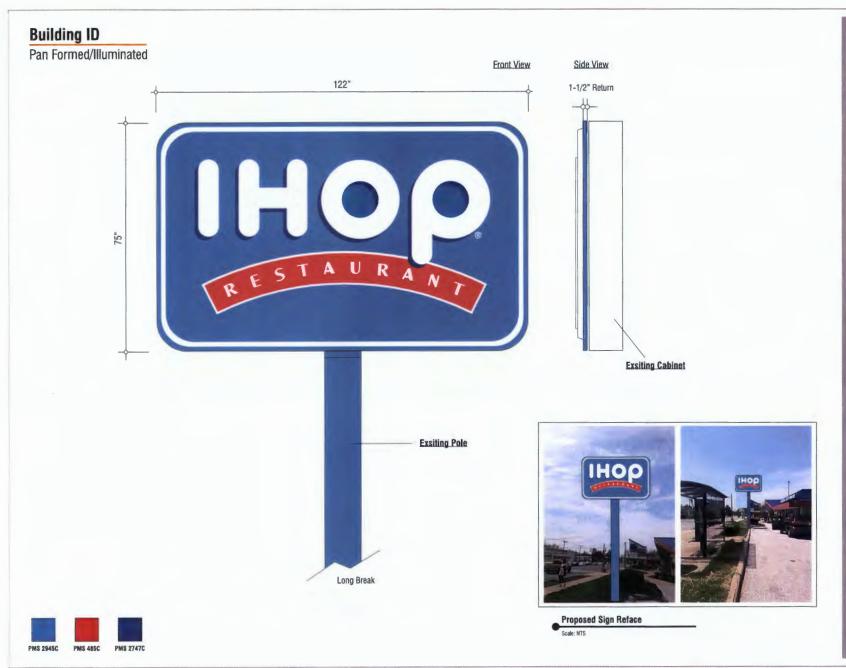
#### SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the subject request for special hearing regarding an existing freestanding enterprise sign for a single tenant pad site within a shopping center.

The site is within the Loch Raven-Hillendale Design Review Panel area as well as the Loch Raven Commercial Revitalization District. The Department of Planning supports the request subject to providing landscaping around the base of the existing sign.

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

AVA/LL



### SMI Sign Systems, Inc.

3903 Cornell Place • Frederick, MD • 21703 Tel: 301-468-1132 Fax: 301-230-9048

#### SALES REPRESENT.

NAME Renee Randazzo PHONE

301-468-1132 (102)

renee.randazzo@smisigns.com

NAME

PHONE

EMAIL

NAME	Mike
DATE	5/28/2014
FILE PATH	N:\@JOBS\e-I\Harvest Gabrills\ 140810 - IHOP Signage
PAGE	1 of 2
REVISIONS	Date:
T	



I wen'ty that I have checked all details in text, copy and layout including spelling and grammar on each proof and find if to be correct. I authorize this job to begin Production.

Approved By:



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feet

Google earth



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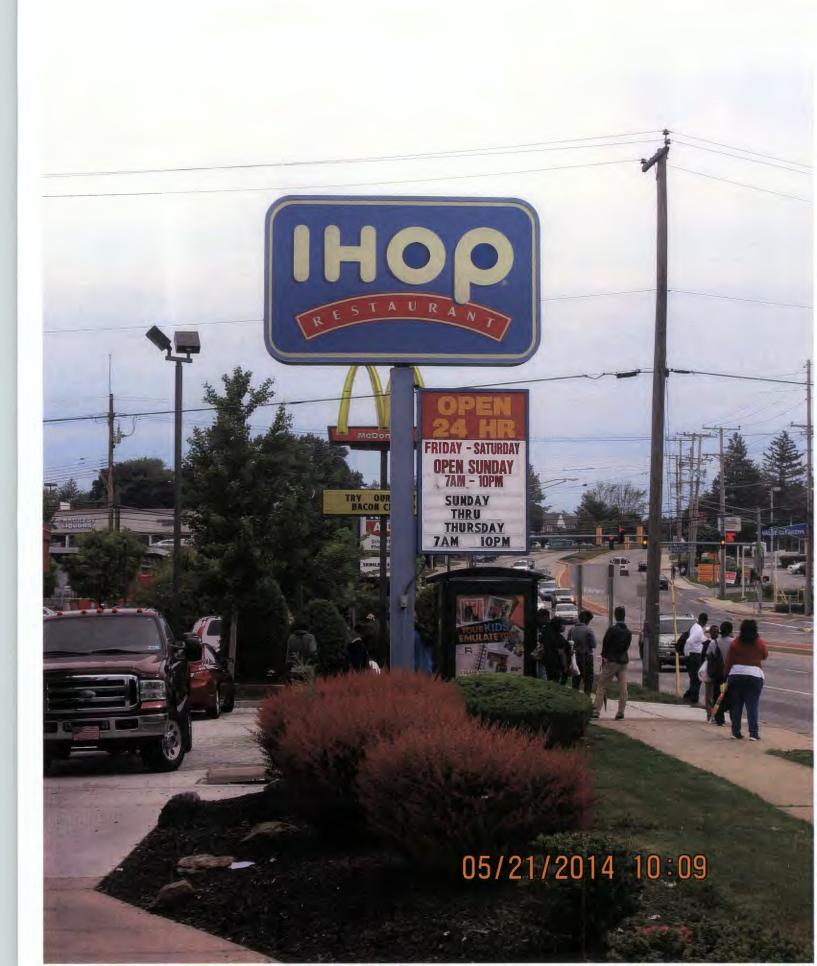


















## SPECIAL REGULATIONS

I	II	III	IV	V	VI	·VII	VIII	IX
Class	Structural Type	Zone or Use	Permit Required	Maximum Area/Face	Maximum No./Premises	Height	Illumination	Additional Limitations
5. ENTERPRISE, meaning an accessory sign which displays the identity and which may otherwise advertise the products or services associated with the individual organization	(a) Wall-mounted; projecting; canopy [Bill No. 117- 2003]	B.L., B.M., B.R., C.B., B.L.R., M.L., M.L.R., M.H., M.R., excluding multi-tenant office, retail or industrial building	Use	Twice the length of the wall to which the signs are affixed	One in C.B. and M.R., otherwise three, no more than two on each facade	Not applicable	Yes, when the use to which sign is accessory is open, but not in C.B. or M.R.	No single sign larger than 50 square feet in C.B. and M.R.; 150 square feet otherwise
	(b) Freestanding	B.L.R, B.M., B.L., B.R., M.L.R., M.R., M.L., M.H., excluding Multi-tenant office, retail or industrial building	Use	75 square feet 100 square feet if premises has more than 300 feet of frontage	One per frontage	25 feet	Yes	See 450.3.5.g
	(c) Awning	B.L., B.M., B.R., C.B., B.L.R.	Use	See Section 450.5.B.1	See Section 450.5.B.1	Not applicable	No	

the face of a sign. The "message" may be distinguishable from the structural and supportive elements of the sign.

NEW MOTOR VEHICLE SIGN — A sign which identifies the brand of new motor vehicle authorized for sale under a franchise agreement between a state licensed dealership and state licensed manufacturer, distributor or factory branch.

OFF-PREMISES SIGN — Any sign which is not an on-premises sign.

ON-PREMISES SIGN — A sign erected on a premises to which the sign directly pertains.

ORDER BOARD — A wall-mounted, freestanding or projecting sign displaying information about ready-to-consume food or beverages available for sale to motorists within their vehicles.

OWNER — The person holding legal title to a sign or, if the sign is not separately titled, the owner of the property on which the sign is located.

PERMANENT SIGN — A sign other than a "temporary sign" or "portable sign" as each of these terms is defined or identified in this section or in the Baltimore County Building Code, Section 3102.2.

PORTABLE SIGN — A sign that is not securely anchored to the ground or to a building or structure, is intended to display a message and is comprised of or located on:

- A. A wheeled or movable designed framework.
- B. A motor vehicle, whether operative or not, as defined by the Annotated Code of Maryland, Transportation Article.
- C. A movable structure.
- D. Movable materials.

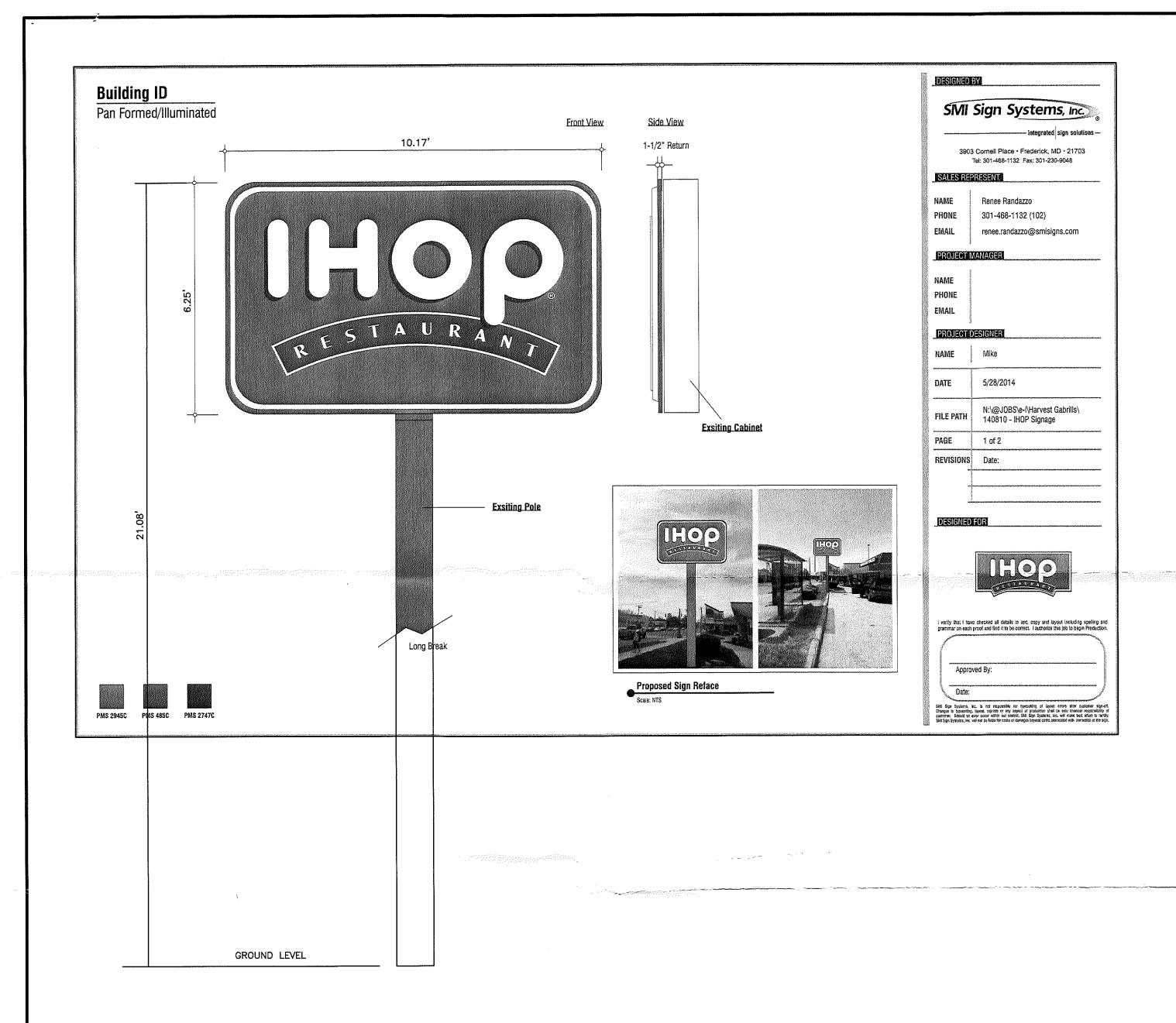
PREMISES — A recorded lot, or in the case of a multi-occupant lot such as a shopping center, office park or industrial park, the total area of the development under common ownership or control. "Premises" also means two or more contiguous lots under common ownership, leasehold or other assignment of interest in real property which are used as a unified parcel.

SCROLLING — Any movement of text, pictures, or graphics, horizontally, vertically, or diagonally across the display area. [Bill No. 106-2008]

SIGN — Any structure or other object, or part thereof, which displays any word, illustration, decoration or other symbolic representation which:

- A. Is used or intended to inform, advertise or otherwise attract attention or convey a message regarding an activity, condition or commercial or noncommercial organization, person, place or thing.
- B. Has a "face" that is "visible" from a "highway" as each of these terms is defined in this section.

.88\PLANNING\PLOT\18388-SIGNVAR.dwg, 9/4/2014 5:33:33 PM, MElrod, opyright 2014 Morris & Ritchie Associates, Inc.



SIGN - 1

SCALE: 1"= 2'

MRA

## MORRIS & RITCHIE ASSOCIATES, INC. ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS

ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS

1220-C EAST JOPPA ROAD, SUITE 505

TOWSON, MARYLAND 21286

(410) 821-1690

FAX: (410) 821-1748

PLAN TO ACCOMPANY
SPECIAL HEARING REQUEST



TO PERMIT AN ENTERPRISE SIGN
FOR
I-HOP RESTAURANT
6820 LOCH RAVEN BOULEVARD

I-HOP RESTAURANT
6820 LOCH RAVEN BOULEVARD
LOCH RAVEN PLAZA
BALTIMORE COUNTY, MARYLAND

•	H EDGGO	BALTIMORE COUNTY, MARYLAND	AND	
TE	REVISIONS	JOB NO.: 18	B388	
		SCALE: AS	S SHOWN	
		DATE: 09	9/04/2014	
		DRAWN BY:	MLE	
		DESIGN BY:	MAB	
		REVIEW BY:	WPM	
		SHEET: 2	OF 2	

OWNER/DEVELOPER

HARVEST TOWSON INC.

HARVEST TOWSON INC. 19971 BELMONT STATION DR. ASHBURN VA 20147 ATTN: SATTAR SHAIK PHONE: 703-587-7688

DESIGN & DRAWING BASED ON MARYLAND COORDINATE SYSTEM: HORIZONTAL NAD 83/91 VERTICAL NAVD 88

8388\PLANNING\PLOT\18388—SIGNVAR.dwg, 9/4/2014 5:34:15 PM, N Copyright 2014 Morris & Ritchie Associates, Inc.