IN RE: PETITION FOR VARIANCE (1502-1516 York Road)

8<sup>th</sup> Election District 3<sup>rd</sup> Council District York Hill Realty, LLC, Legal Owner Petitioner BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

**BALTIMORE COUNTY** 

CASE NO. 2015-0274-A

# **OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance 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.) §450.4 as follows: (1) for existing freestanding joint identification signs to display a maximum of 13 lines of text with a sign copy a minimum of 1 in. in height in lieu of the permitted five (5) lines of text and required 8 in. in height for sign copy (Sign Nos. 1 and 2); (2) for an existing freestanding joint identification sign with a sign height of 31 ft. in lieu of the permitted 25 ft. (Sign No. 1); (3) for an existing freestanding joint identification sign with a sign area/face of 352 sq. ft. in lieu of the permitted 150 sq. ft. (Sign No. 1); and (4) for an existing freestanding joint identification sign with a sign area/face of 191 sq. ft. in lieu of the permitted 100 sq. ft. (Sign No. 2). The petition was amended at the hearing to include a fifth variance request concerning a sign setback requirement from a residential zone. The subject property and requested relief is more fully depicted on the site plan marked as Petitioner's Exhibit 1.

Tracee Cutair appeared on behalf of the owner in support of the petition. David H. Karceski, Esq. and Adam Rosenblatt, Esq. appeared on behalf of the Petitioner. Michael Pierce attended the hearing and opposed certain aspects of the request. The petition was advertised and ORDER RECEIVED FOR FILING

Date	M-21-15
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posted as required by the B.C.Z.R. A substantive Zoning Advisory Committee (ZAC) comment was received from the Bureau of Development Plans Review, indicating that landscaping should be provided.

The subject property is approximately 1.031 acres and is zoned BL and BL-AS. The site is improved with a shopping center. Although no changes are proposed to the existing signage, the current sign regulations require Petitioner to obtain variances to continue using the signs.

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. The property is irregularly shaped and has frontage on both York Road and Seminary Avenue. As such, it is unique. If the B.C.Z.R. were strictly interpreted, Petitioner would experience a practical difficulty, given it would be unable to retain the existing signage which has been in place for many years without complaint. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare.

Mr. Pierce argued that although the freestanding sign on Seminary Avenue may be permitted, it is close to a residential zone and should be allowed to remain as a nonconforming sign only, without variance relief. While there is some merit to this argument, there has been no evidence presented that the community objects to the sign and I do not believe it is excessive or distracts motorists. In fact, the sign alerts patrons to the Seminary Avenue access point, through which customers can reach the center without entering the fray along York Road. Mr. Pierce's second argument concerned the requested 1 in. sign copy, and I too believe that would be difficult

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for motorists to read and could lead to confusion or distraction. As such, the minimum sign copy will be 3 in. which seems to be in line with recent shopping center sign cases.

THEREFORE, IT IS ORDERED, this <u>21st</u> day of **July**, **2015**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") §450.4 as follows: (1) for existing freestanding joint identification signs to display a maximum of 8 lines of text with sign copy a minimum of 3 in. in height in lieu of the permitted five (5) lines of text and required 8 in. in height for sign copy (sign Nos. 1 and 2); (2) for an existing freestanding joint identification sign with a sign height of 31 ft. in lieu of the permitted 25 ft. (Sign No. 1); (3) for an existing freestanding joint identification sign with a sign area/face of 352 sq. ft. in lieu of the permitted 150 sq. ft. (Sign No. 1); (4) for an existing freestanding joint identification sign with a sign area/face of 191 sq. ft. in lieu of the permitted 100 sq. ft. (Sign No. 2); and (5) to allow a freestanding enterprise sign to be located as close as 70 ft. from a residential zone in lieu of the required 100 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

 Petitioner must provide ornamental grasses along the strip of land adjoining York Road.

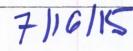
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

ORDER RE	CEMED FOR FILING	
Date	7-21-15	
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# 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 1502-1516 York Road which is presently zoned BL, BL-AS

Deed References: 30598-00246 10 Digit Tax Account # 0802047650

Property Owner(s) Printed Name(s) York Hill Realty, 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 descr	iption
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 not the Zoning Commissioner should approve
2	a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
3. X	a Variance from Section(s)

#### SEE ATTACHED SHEET

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

and restrictions of Baltimore County ado Legal Owner(s) Affirmation: I / we do s which is the subject of this / these Petitio	so solemnly declare a	coning law for B	altimore Cour	nty.			
Contract Purchaser/Lessee:			York Hill R	ners (Petitioners lealty, LLC, Traced L Cutair	s): e Cutair,	Authorized P	erson
Name- Type or Print		· .	Name #1 -	Type or Print	Nam	e #2 Type or F	Print
Signature			Signature #		Sign	ature # 2	
			9640 Dee	reco Road		Timonium,	MD
Mailing Address	ty	State	Mailing Add	ress	City		State
	,		21093	,410-666-1000	)	teuteir	ehillmgt.co
			71 0 1	Telephone :		Email Addre	ee J
Zip Code Telephone #	Email Address		Zip Code	i eleptione		Lillen Madre	
Zip Code Telephone #  Attorney for Petitioner Le  David H. Karceski, Esquire		_	Represer	tative to be con	tacted:	Lillan Marc	
Attorney for Petitioner Le		_	Represer	tative to be con Karceski, Esqu	tacted:	Liliai Mare	
Attorney for Petitioner Le		_	Represer David	tative to be con Karceski, Esqu	tacted:	Lilian Addition	
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Attorney for Petitioner  David H. Karceski, Esquire  Name-Type or Print  Signature Venable LLP  210 W. Pennsylvania Ave., Ste. 5  Mailing Address	500 Towson	MD State renable.com	David I	Karceski, Esqueror Print Venable LLP ennsylvania Ave.,	ste. 500	Towson	MD State
Attorney for Petitioner  David H. Karceski, Esquire  Name-Type or Print  Signature Venable LLP  210 W. Pennsylvania Ave., Ste. 5  Mailing Address  Ci 21204  , 410-494-6285	500 Towson ty dhkarceski@v Email Address	MD State renable.com	Dayid I	Karceski, Esqueror Print Venable LLP ennsylvania Ave., ress , 410-494-6285	ste. 500	Towson dhkarceski@ Email Addre	MD State



# PETITION FOR ZONING HEARING(S)

To the Office of Administrative Law	ent of Permits, Approvals and Inspections of Baltimore County for the property located at:
Address 1502-1516 York Road	which is presently zoned BL, BL-AS
Deed References: 30598-00246	10 Digit Tax Account # 0802047650
Property Owner(s) Printed Name(s) York Hill F	Realty, LLC
(SELECT THE HEARING(S) BY MARKING $\underline{X}$ AT THE APPROPRIATE CONTRACTOR OF THE PROPERTY OF THE	PRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)
	n Baltimore County and which is described in the description ade a part hereof, hereby petition for:
a Special Hearing under Section 500.7 of the Zoni or not the Zoning Commissioner should approve	ing Regulations of Baltimore County, to determine whether
2 a Special Exception under the Zoning Regulations	s of Baltimore County to use the herein described property for
3. X a Variance from Section(s)	
SEE ATTACH	ED SHEET
of the zoning regulations of Baltimore County, to the (Indicate below your hardship or practical difficulty you need additional space, you may add an attachment	zoning law of Baltimore County, for the following reasons: or indicate below "TO BE PRESENTED AT HEARING". If
TO BE PRESE!	NTED AT HEARING
and restrictions of Baltimore County adopted pursuant to the zoning law f	etc. and further agree to and are to be bounded by the zoning regulations
Name- Type or Print	Name #1 – Type or Print Name #2 – Type or Print
	nacu cuter,
Signature	Signature #1 Signature # 2
	9640 Deereco Road , Timonium, MD
Mailing Address City State	Mailing Address City State
1	21093 ,410-666-1000 recuteir ehillingt.
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address
Attorney for Petitioner:	Representative to be contacted:
David H. Karceski, Esquire	1
Name-Type or Print	Dayid H. Karceski, Esquire
Name-Type of Print	Name - type of Fill
Signature Venable LLP	Signature Venable LLP
210 W. Pennsylvania Ave., Ste. 500 Towson MD	
Mailing Address City State	210 W. Pennsylvania Ave., Ste. 500 Towson MD  Mailing Address City State
21204 , 410-494-6285 , dhkarceski@venable.co	
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address
CASE NUMBER 2015-0274-A Filing Date 5/29(	14
CASE NUMBER DO 1	DO NOT Schedule Dates.

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REV. 10/4/11

BV.

ATTACHMENT TO PETITION FOR VARIANCE

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#### 1502-1516 York Road

The following variances are requested from Section 450.4, Attachment 1 of the BCZR:

- 1. From 7(b)(IX) for existing freestanding joint identification signs to display a maximum of 13 lines of text with sign copy a minimum of 1 inch in height in lieu of the permitted 5 lines of text and requires 8 inches in height for sign copy (Sign Nos. 1 and 2)
- 2. From 7(b)(VII) for an existing freestanding joint identification sign with a sign height of 31 feet in lieu of the permitted 25 feet (Sign No. 1).
- 3. From 7(b)(VI) for an existing freestanding joint identification sign with a sign area/face of 352 square feet in lieu of the permitted 150 square feet (Sign No. 1).
- 4. From 7(b)(VI) for an existing freestanding joint identification sign with a sign area/face of 191 square feet in lieu of the permitted 100 square feet (Sign No. 2).

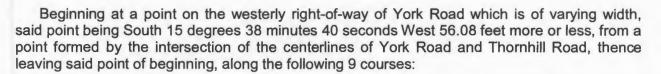
ANNIHATION OF THE PARTY OF THE GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.

CONSULTING ENGINEERS . LAND PLANNERS . LAND SURVEYORS 4692 MILLENNIUM DRIVE, SUITE 100 BELCAMP, MARYLAND 21017

May 27, 2015

#### ZONING DESCRIPTION

1502 - 1516 YORK ROAD



- 1. Running thence leaving said westerly right-of-way of York Road South 66 degrees 28 minutes 37 seconds West 102.28 feet, running thence
- South 44 degrees 13 minutes 50 seconds East 53.12 feet, running thence
- 3. South 05 degrees 36 minutes 47 seconds East 112.74 feet, to a point on the northerly right-of-way of Seminary Avenue which is of varying width, running thence and binding on said northerly right-of-way
- 4. South 83 degrees 30 minutes 15 seconds West 25.16 feet, running thence leaving said northerly right-of-way of Seminary Avenue
- North 04 degrees 06 minutes 20 seconds West 105.93 feet, running thence
- North 58 degrees 47 minutes 03 seconds West 149.65 feet, running thence
- 7. North 23 degrees 31 minutes 23 seconds West 117.80 feet, running thence
- 8. North 66 degrees 28 minutes 37 seconds East 195.04 feet, to a point on the westerly right-of-way of York Road which is of varying width, running thence and binding on said westerly right-of-way
- along a curve to the left with a radius of 7507.43 feet and a distance of 190.33 feet to the point of beginning.

Being that parcel of land recorded in Deed Liber J.L.E. 30598, folio 246, and shown as Lot 2 on Record Plat RDA, Jr. 79-127 as recorded in the Baltimore County Land Records, containing 0.900 Acres of land more or less. Also known as 1502 - 1516 York Road, being parcel 593 of Baltimore County tax map 60, and located within Election District #8 and Councilmanic District #3.

Note: The above description is for zoning purposes only and is not to be used for contracts, conveyances or agreements.

# ATTACHMENT TO PETITION FOR VARIANCE

## 1502-1516 York Road

The following variances are requested from Section 450.4, Attachment 1 of the BCZR:

- 1. From 7(b)(IX) for existing freestanding joint identification signs to display a maximum of X lines of text with sign copy a minimum of 1 inch in height in lieu of the permitted 5 lines of text and requires 8 inches in height for sign copy (Sign Nos. 1 and 2)
- 2. From 7(b)(VII) for an existing freestanding joint identification sign with a sign height of 31 feet in lieu of the permitted 25 feet (Sign No. 1).
- 3. From 7(b)(VI) for an existing freestanding joint identification sign with a sign area/face of 352 square feet in lieu of the permitted 150 square feet (Sign No. 1).
- 4. From 7(b)(VI) for an existing freestanding joint identification sign with a sign area/face of 191 square feet in lieu of the permitted 100 square feet (Sign No. 2).

5. From 450.5. B. 4 to allow freesteady enterprise sign to be located as close as 70 feet from endutied 200 rate in her of The required 100 feet.

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GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.

CONSULTING ENGINEERS • LAND PLANNERS • LAND SURVEYORS
4692 MILLENNIUM DRIVE, SUITE 100
BELCAMP, MARYLAND 21017

MINIME

May 27, 2015

## ZONING DESCRIPTION

1502 - 1516 YORK ROAD

Beginning at a point on the westerly right-of-way of York Road which is of varying width, said point being South 15 degrees 38 minutes 40 seconds West 56.08 feet more or less, from a point formed by the intersection of the centerlines of York Road and Thornhill Road, thence leaving said point of beginning, along the following 9 courses:

- Running thence leaving said westerly right-of-way of York Road South 66 degrees 28 minutes 37 seconds West 102.28 feet, running thence
- 2. South 44 degrees 13 minutes 50 seconds East 53.12 feet, running thence
- 3. South 05 degrees 36 minutes 47 seconds East 112.74 feet, to a point on the northerly right-of-way of Seminary Avenue which is of varying width, running thence and binding on said northerly right-of-way
- 4. South 83 degrees 30 minutes 15 seconds West 25.16 feet, running thence leaving said northerly right-of-way of Seminary Avenue
- 5. North 04 degrees 06 minutes 20 seconds West 105.93 feet, running thence
- 6. North 58 degrees 47 minutes 03 seconds West 149.65 feet, running thence
- 7. North 23 degrees 31 minutes 23 seconds West 117.80 feet, running thence
- North 66 degrees 28 minutes 37 seconds East 195.04 feet, to a point on the westerly right-of-way of York Road which is of varying width, running thence and binding on said westerly right-of-way
- 9. along a curve to the left with a radius of 7507.43 feet and a distance of 190.33 feet to the point of beginning.

Being that parcel of land recorded in Deed Liber J.L.E. 30598, folio 246, and shown as Lot 2 on Record Plat RDA, Jr. 79-127 as recorded in the Baltimore County Land Records, containing 0.900 Acres of land more or less. Also known as 1502 - 1516 York Road, being parcel 593 of Baltimore County tax map 60, and located within Election District #8 and Councilmanic District #3.

Note: The above description is for zoning purposes only and is not to be used for contracts, conveyances or agreements.

410-297-2340 • FAX 410-297-2345 www.gwstephens.com

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# 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:
Property Address: 1502 - 1516 YORK POAD
Property Description: SHOPPING CENTER
0.900 AC OF LAND ZONED BL& BLAS
Legal Owners (Petitioners): YORK PEALTY, LLC
Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO:
Name: TRACEE CUTAIR
Company/Firm (if applicable): HILL MANAGEMENT SERVICES INC
Address: 9646 DEERECO POND
-TIMONIUM, MARYLAND
21003
Telephone Number: Ato - Lelele - Looo

Revised 5/20/2014

# **CERTIFICATE OF POSTING**

	RE: Case No.:	2015-0274-A
	Petitioner/Developer:	
York Hill R	ealty, LLC, Tracee Cutair, A	uthorized Person
	Date of Hearing/Closing:	July 16, 2015
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 11 West Chesapeake Avenue Towson, Maryland 21204		
attn: Kristen Lewis:		
adies and Gentlemen:		
502-1516 York Rd		
he sign(s) were posted on	June 26, 2015	
	(Month, Day, Year)	
	acerely,	June 26, 2015
ZONING NOTICE	(Signature of Sign Poster)	(Date)
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER	SSG Robert Bla	ck
IN TOWSON, MD	(Print Name)	
PLACE: 105 W. CHS3APFAKE AVE. TUTSSON IN ALBAS DATE AND TIME: Thursday, July 16, 2015 in 1:30 p.m.	1508 Leslie Ros	ad
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TOO HAND HE PETRADA I AND	Dundalk, Maryland	21222
MANUEL AFFES SACT STORE E	(City, State, Zip C	Code)
The same of the sa	(410) 282-794	)
	(Telephone Num	ber)



KEVIN KAMENETZ County Executive

June 10, 2015

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: 2015-0274-A

1502-1516 York Road

W/s York Road, 56 ft. S/of intersection with Thornhill Road

8th Election District – 3rd Councilmanic District

Legal Owners: York Hill Realty, LLC, Tracee Cutair, Authorized Person

Variance for existing freestanding joint identification signs to display a maximum of 13 lines of text with sign copy a minimum of 1 inch in height in lieu of the permitted 5 lines of text and requires 8 inches in height for sign copy (Sign Nos. 1 and 2); for an existing freestanding joint identification sign with a sign height of 31 feet in lieu of the permitted 25 feet (Sign No. 1); for an existing freestanding joint identification sign with a sign area/face of 352 sq. feet in lieu of the permitted 150 sq. feet (Sign No. 1); for an existing freestanding joint identification sign with a sign area/face of 191 sq. feet in lieu of the permitted 100 sq. feet (Sign No. 2).

Hearing: Thursday, July 16, 2015 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon Director

AJ:kl

C: David Karceski, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204 Tracee Cutair, 9640 Deereco Road, Timonium 21093

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JUNE 26, 2015.

- (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

Thursday, June 25, 2015 Issue - Jeffersonian

Please forward billing to:

Tracee Cutair
Hill Management Services, Inc.
9640 Deereco Road
Timonium, MD 21093

410-666-1000

# NOTICE OF ZONING HEARING

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CASE NUMBER: 2015-0274-A

1502-1516 York Road

W/s York Road, 56 ft. S/of intersection with Thornhill Road

8th Election District - 3rd Councilmanic District

Legal Owners: York Hill Realty, LLC, Tracee Cutair, Authorized Person

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Hearing: Thursday, July 16, 2015 at 1:30 p.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.

- RE: PETITION FOR VARIANCE
  1502-1516 York Road; W/S York Road,
  56' S of intersection with Thornhill Road
  8th Election & 3rd Councilmanic Districts
  Legal Owner(s): York Hill Realty, LLC
  Petitioner(s)
- \* BEFORE THE OFFICE
- \* OF ADMINSTRATIVE
- \* HEARINGS FOR
- \* BALTIMORE COUNTY
- \* 2015-274-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** 

JUN 11 2015

Peter Max Zummerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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 11th day of June, 2015, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, Venable, LLP, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

# MEMORANDUM

DATE:

August 21, 2015

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2015-0274-A - Appeal Period Expired

The appeal period for the above-referenced case expired on August 20, 2015. 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

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon

RECEIVED

JUL 27 2015

OFFICE OF ADMINISTRATIVE HEARINGS

**DATE:** July 21, 2015

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

**SUBJECT:** 

1502 - 1516 York Road

**INFORMATION:** 

Item Number:

15-274

**Petitioner:** 

York Hill Realty

Zoning:

BL, BL-AS

**Requested Action:** 

Variance

#### SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the Petition for Variances to permit existing freestanding joint identification signs with a maximum of 13 lines of text at a minimum of 1" in height, a height of 31', sign area/face of 352 sq. ft. and sign area/face of 191 sq. ft. in lieu of the required 5 lines, 8", 25', 150 sq.ft. and 100 sq. ft. respectively.

The Department has no objection to the granting of the petitioned zoning relief conditioned upon the following.

Submit a landscape plan proposing plantings at the base of the existing signs to the Baltimore County Landscape Architect for approval prior to the issuance of any sign permits.

At such time as the signs are to be replaced, the replacement signs must be in keeping with the signage guidelines of the Lutherville community plan ("A Community Conservation Plan for Lutherville") adopted by County Council on February 20, 1996) on Page 12.

For further information concerning the matters stated herein, please contact Wallace S. Lippincott, Jr. at 410-887-3480.

Division Chief:

AVA/KS C:

Wallace S. Lippincott, Jr.

Jeanette Tansey, RLA

PLEASE PRINT CLEARLY

CASE NAME YORK HILL REALTY Per. for Vanional CASE NUMBER 2015-0274-A
DATE 7/16/15

# PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
David Koreeski Adam Rosenblatt	Varable 1210 W. Pennsylvania	AC TOWSON, MD 21093	dkarceskievenable.com
Traces Cutair Alex Workins	Hill Mongarento / 9640 Decreo Rd	Timesseen, MD 21093	tourir Chillingt. com
Bernt Peterson	GW Stophers, 969 Millerin	D Suize 100; Relcomp, MD 21017	bpeterson @gustephons.com
•	·		
	·		•

CASE NA	ME		·	
CASE NU	MBER	2015-	0274-A	
DATE Ju	14 16	2015		

# CITIZEN'S SIGN - IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL	
Michael Pierce	7448 Bradshaw Rd	Kingsville MD 21087	MPIERCE 1 e AOL. COM	
		•		
•				

CASE NO. 2015- 0344- A

# CHECKLIST

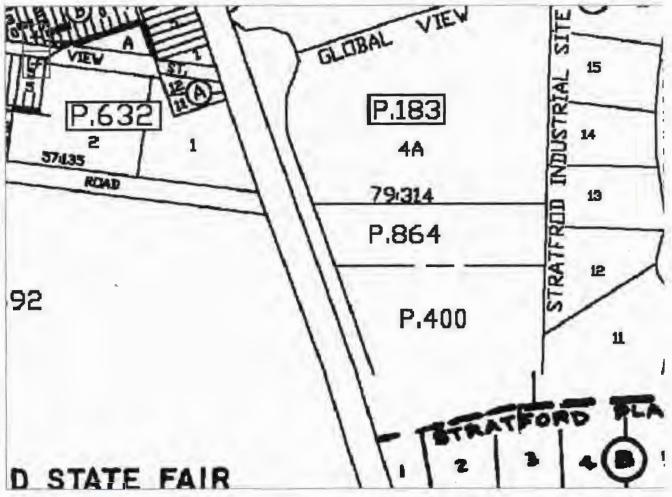
Comment Received	Support/Oppose/ Conditions/ Comments/ No Comment
lefle	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)
	DEPS (if not received, date e-mail sent)
	FIRE DEPARTMENT
	PLANNING (if not received, date e-mail sent)
6/10	STATE HIGHWAY ADMINISTRATION MOOLY
	TRAFFIC ENGINEERING
	COMMUNITY ASSOCIATION
	ADJACENT PROPERTY OWNERS
ZONING VIOLA	TON (Case No)
PRIOR-ZONING	(Case-No)
NEWSPAPER AL SIGN POSTING	VERTISEMENT Date: 6 26 by SSG Block
	SEL APPEARANCE Yes No D
Comments, if any:	

Real Property Data Search ( w2)			Guide to searching the database			
earch Result for BALTIMO	RE COUNTY	HPACE BASE WAS IN THIS E IN A 186 STOP			a malabata anno ese ese ese es	1000000
View Map V	View GroundRent Redemption		View GroundRent Registration			
Account identifier:	District - 08	Account Nun	nber - 080204768	i0		
		Owner Info	rmation			
Owner Name:	BLAIR & SO	NS CO INC	Use: Principal Resi	dence:	COMMERC	IAL
Mailing Address:	2223 YORK I	RD ID 21093	Deed Reference		/02903/ 002	82
			ure Information			
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	0-0000				570 N ROU	ND RIDGE RD
Map: Grid: Parcel:	Sub Subo	division: Se	ction: Block:	Lot: A	ssessment ear:	Plat No:
0051 0023 0564	0000				014	Plat Ref:
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Primary Structure Built 1958	Above Grade Enclos Area 6440	sed Fini Area	shed Basement	Propo Area 1.930	erty Land	County Use 06
Stories Basement	Type OFFICE BUILDING	Exterior	Full/Half Bath	Garage	Last Majo	r Renovation
	OFFICE BUILDING	Value Info	rmation			
-	Base Value	Valu	e	Phase-in A	ssessments	
		As c	f	As of 07/01/2014	As	of
Land:	1,059,500		1/2014 9,500	07/01/2014	07	01/2015
Improvements	215,600	277,				
Total:	1,275,100		7,000	1,295,733	1,3	16,367
Preferential Land:	0				0	
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Type:		Deed1:			Deed2:	
		Exemption In				
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State: Municipal:	000		0.0010.00		0.00 0.00	
Tax Exempt:	000	Special Tax	Recapture:		0.00 0.00	
Exempt Class:		NONE	· · · · · · · · · · · · · · · · · · ·			
	Homes	stead Applica	tion information	1		

**Baltimore County** 

New Search (http://sdat.resiusa.org/RealProperty)

District: 08 Account Number: 0802047650



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.shtm (http://www.mdp.state.md.us/OurProducts/OurProducts.shtml).



(http://imsweb05.mdp.state.md.us/website/mosp/)

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KEVIN KAMENETZ County Executive

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

July 9, 2015

York Hill Realty LLC Tracee Cutair 9640 Deereco Road Timonium MD 21093

RE: Case Number: 2015-0274 A, Address: 1502-1516 York Road

Dear Ms. Cutair:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 29, 2015. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

U. Cal Ribal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

David H. Karceski, Esquire, 210 W Pennsylvania Avenue, Suite 500, Towson MD 21204



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor





Date: 6/10/15

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

Item No. 2015-0274-A

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above 2015-00-74-4 captioned, which was received on 6/10/15. A field inspection and internal review reveals that an entrance onto M045/131 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for York Hill Shepping Code, Case Number 2015-0274-A.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-545-5598 or 1-800-876-4742 (in Maryland only) X 5598 or by email at (rzeller@sha.state.md.us).

Sincerely,

Gr David W. Peake

Metropolitan District Engineer Baltimore & Harford Counties

DWP/RAZ

# BALTIMORE COUNTY, MARYLAND

# INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** June 16, 2015

Department of Permits, Approvals And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 15, 2015 Item No. 2015-0274

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

In exchange for the numerous variances being requested, parking along York Road should be screened. Wheel stops would be required to accomplish successful planting.

DAK:CEN cc:file

ZAC-ITEM NO 15-0274-06162015.doc



501 N. Calvert St., P.O. Box 1377 Baltimore, Maryland 21278-0001 tel: 410/332-6000 800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3374033

#### **Sold To:**

HILL MANAGEMENT SERVICES, INC. - CU00452323 9640 Deereco Rd Lutherville Timonium, MD 21093-2120

#### Bill To:

HILL MANAGEMENT SERVICES, INC. - CU00452323 9640 Deereco Rd Lutherville Timonium, MD 21093-2120

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Jun 25, 2015

The Baltimore Sun Media Group

By **S.Wilkins** 

Legal Advertising

#### 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: # 2015-0274-A

Case: # 2015-0274-A 1502-1516 York Road W/s York Road, 56 ft. S/ofintersection with Thornhill Road 8th Election District - 3rd Councilmanic District Legal Owner(s): York Hill Realty, LLC, Tracee Cutair,

Legal Owner(s): York Hill Realty, LLC, Tracee Cutair, Authorized Person Variance: for existing freestanding joint identification signs to display a maximum of 13 lines of text with sign copy a minimum of 1 inch in height in lieu of the permitted 5 lines of text and requires 8 inches in height for sign copy (Signs No. 51 and 2); for an existing freestanding joint identification with a sign height of 31 feet in lieu of the permitted 25 feet (Sign No. 1); for an existing freestanding joint identification sign with a sign area/face of 352 sq. feet in lieu of the permitted 150 sq. feet (Sign No. 1); for an existing freestanding joint identification sign with a sign area/face of 191 sq. feet in lieu of the permitted 100 sq. feet (Sign No. 2). Hearing: Thursday, July 16, 2015 at 1:30 p.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.





My Neighborhood Map

Created By Baltimore County My Neighborhood



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

#### FROM THE OFFICE OF

## GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.

CONSULTING ENGINEERS • LAND PLANNERS • LAND SURVEYORS 4692 MILLENNIUM DRIVE, SUITE 100, BELCAMP, MARYLAND 21017

# **CURRICULA VITAE**

Bernt C. Petersen, R.L.A.

Director of Planning George William Stephens, Jr. & Associates, Inc.

**Professional Registration:** Registered Landscape Architect - Maryland - No. 1095

#### **Education:**

State University of New York, College of Environmental Science and Forestry at Syracuse – Bachelor of Landscape Architecture - 1977
Bachelor of Science, Environmental Studies -1976

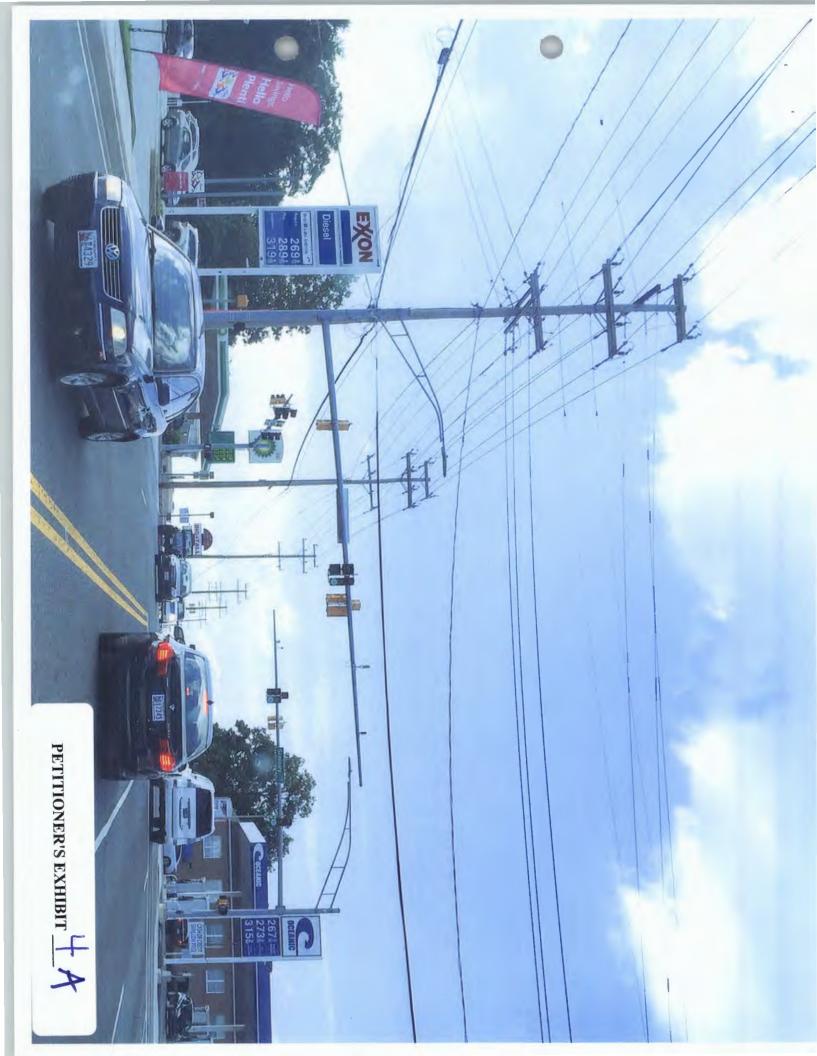
**Professional Affiliations:** American Society of Landscape Architects, Maryland Chapter, No. 1108847

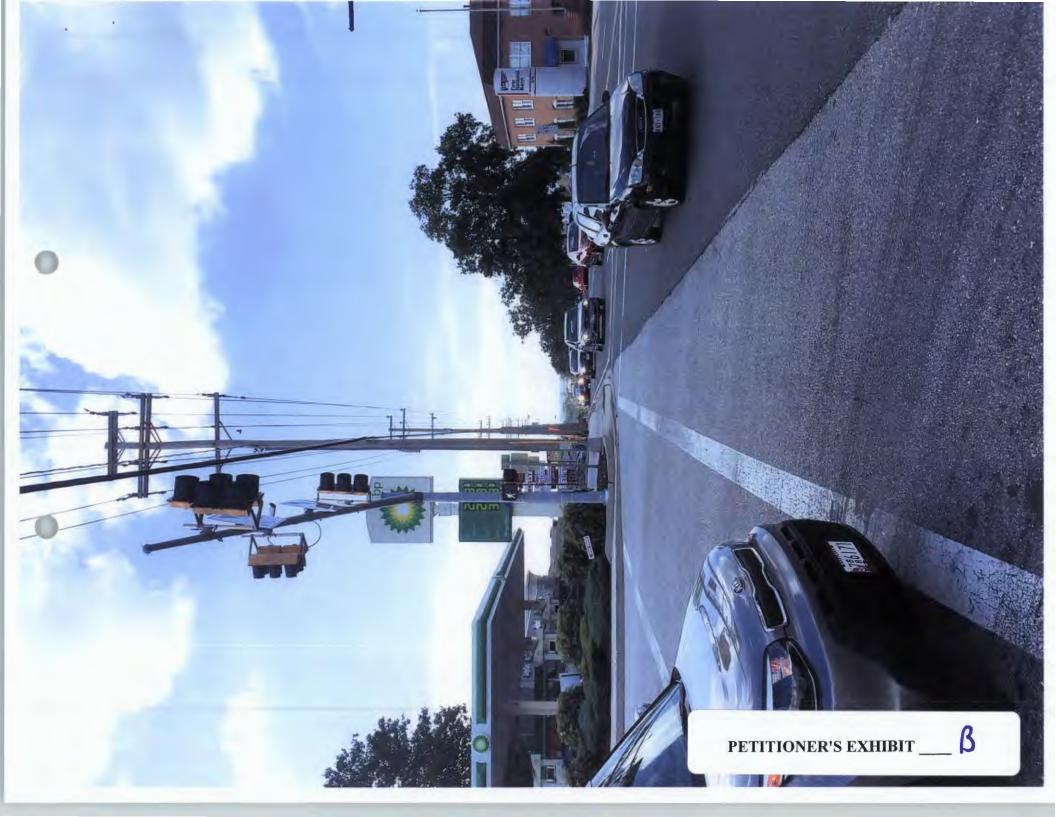
Professional practice includes 30 years of experience in land planning, landscape architecture, comprehensive zoning, PUD master planning, site planning, and testimony regarding land use and zoning issues. Mr. Petersen has been practicing in the Greater Baltimore Metropolitan region since 1988 and has expertise in land planning, site planning, and zoning cases in Anne Arundel County, Baltimore County and Howard County, Maryland.

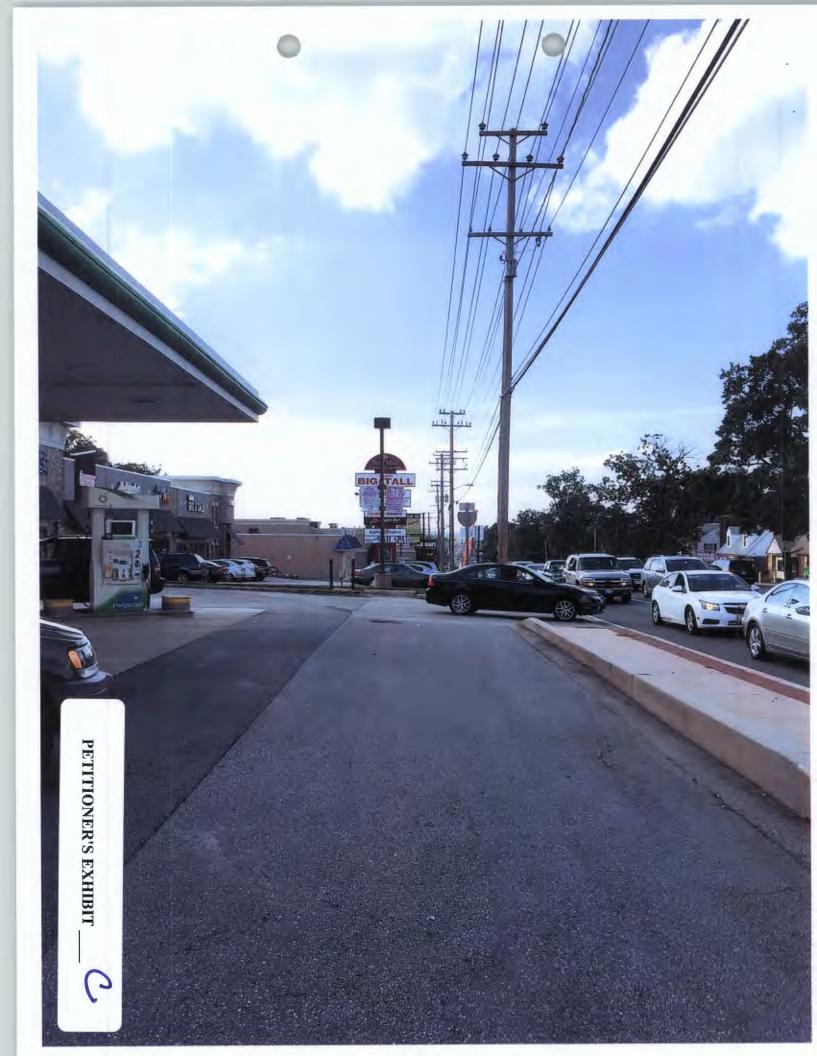
Principal duties for G. W. Stephens, Jr. & Assoc. include: supervision of site development and land planning; zoning interpretation; Community Input Meetings; Development Plan preparation and Hearing Officer's Hearings; Special Hearings and Special Exception petitions; variance request petitions and landscape plan preparation. Prior to his relocation to Maryland, Mr. Petersen practiced site design and land planning in New York and Massachusetts.

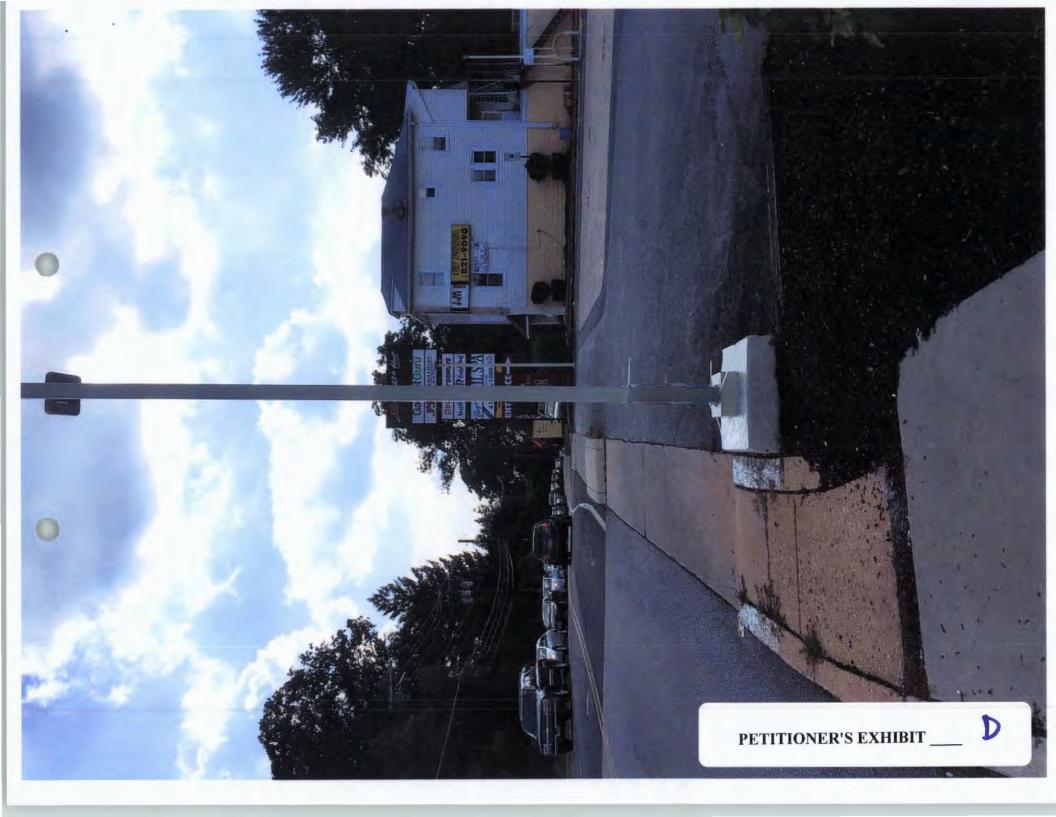
Significant local projects include: Powell Property, Forge Landing, Cedar Lane Farms P.U.D., 1400 Taylor Avenue P.U.D., Westwicke, Beachwood Estates, The Sanctuary, Kimbrook, Kopp Property, Green Spring Station, Home Depot of Owings Mills, Bel Air and Timonium, Ashland Market Place, Baker Property, Greenfields at White Marsh and The Clusters. A significant project of regional impact is Luther's Forest, a comprehensive mixed use development in Saratoga County, NY.

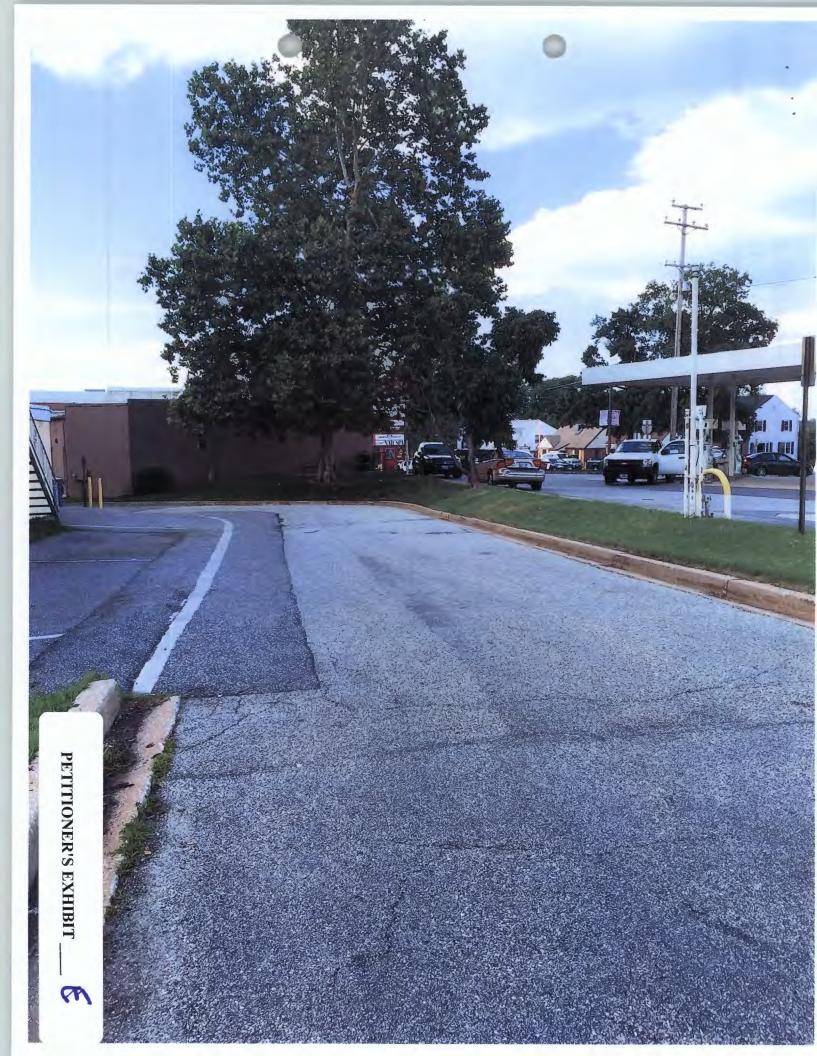
Mr. Petersen has prepared comprehensive-zoning petitions in Baltimore County during the 1996, 2000, 2004 & 2008 CZMP processes and has an understanding of the principles of Euclidean zoning and their application throughout the Baltimore Metro region. He has thorough experience dealing with the Baltimore County's development regulations.

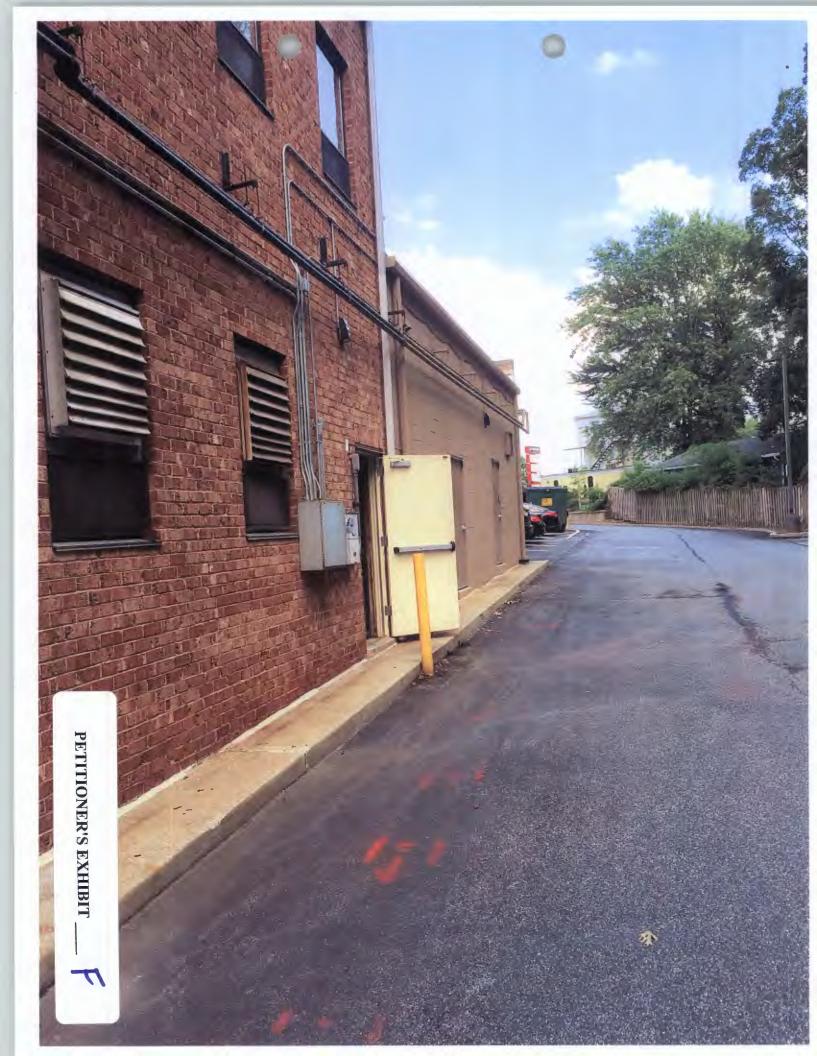








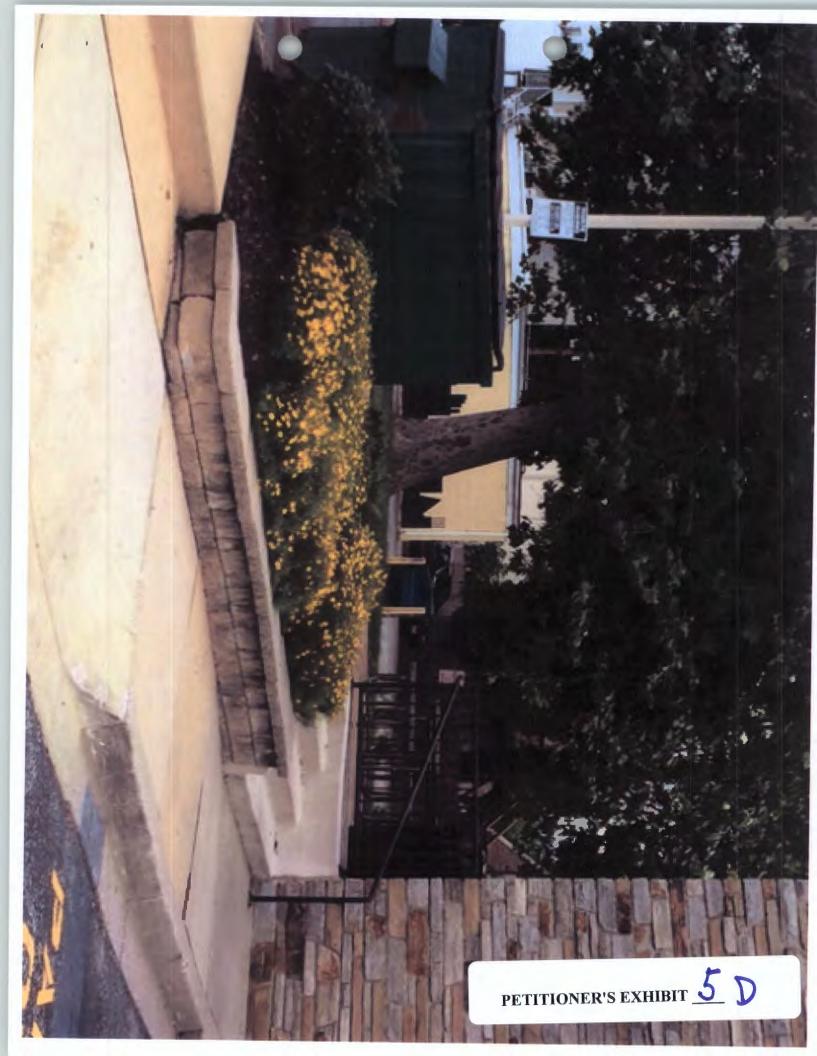












# Rosenblatt, Adam M.

From:

Jeanette Tansey < jtansey@baltimorecountymd.gov>

Sent:

Tuesday, July 14, 2015 2:31 PM

To:

Rosenblatt, Adam M.

Subject:

RE: Landscape Requirements for York Hill Shopping Center

Dear Mr. Rosenblatt - Yes, that is exactly what we discussed and what is a practical solution to the issue.

Jeanette M. S. Tansey, R.L.A.
Project Manager, Baltimore County
Permits, Approvals & Inspections
Development Plans Review
111 W. Chesapeake Ave., Room 119
Towson, MD 21204

410-887-3751 jtansey@baltimorecountymd.gov

From: Rosenblatt, Adam M. [mailto:AMRosenblatt@Venable.com]

Sent: Tuesday, July 14, 2015 1:52 PM

To: Jeanette Tansey

Subject: Landscape Requirements for York Hill Shopping Center

Ms. Tansey, I am writing to confirm that pursuant to our discussion of the DPR ZAC comment for Case No. 2015-0274-A, the county will accept ornamental grasses as screening along the narrow grassy strip between York Road and the parking area for the York Hill Shopping Center. Given the presence of overhead power lines, and the fact that the grassy strip is particularly narrow, trees and shrubs will not be possible and ornamental grasses will satisfy the county's landscaping requirements.

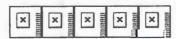
Please confirm, and thank you for your time,

Adam M. Rosenblatt, Esq. | Venable LLP t 410.494.6271 | f 410.821.0147 | m 410.294.9430 210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204

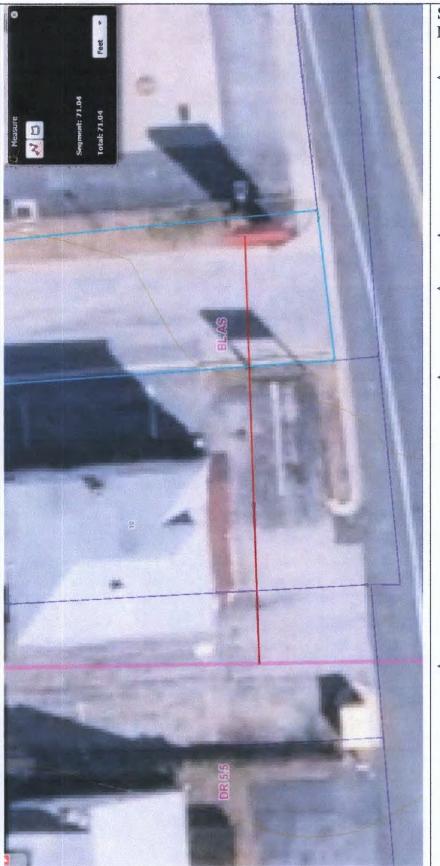
AMRosenblatt@Venable.com | www.Venable.com

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#### CONNECT WITH BALTIMORE COUNTY



When you think Baltimore County, think, www.baltimorecountymd.gov



Screen shot from County MyNeighborhood website

<---- North

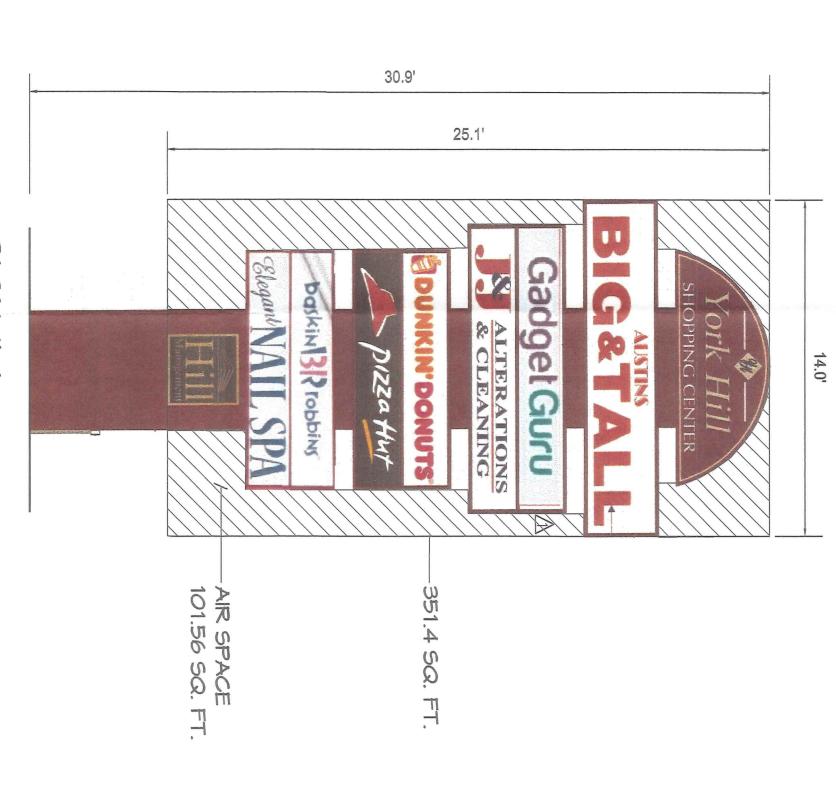
<--- Joint ID sign

<--- Driveway onto Seminary Rd (parcel 25.16ft wide)

<--- Other Enterprise sign

<--- Zoning line

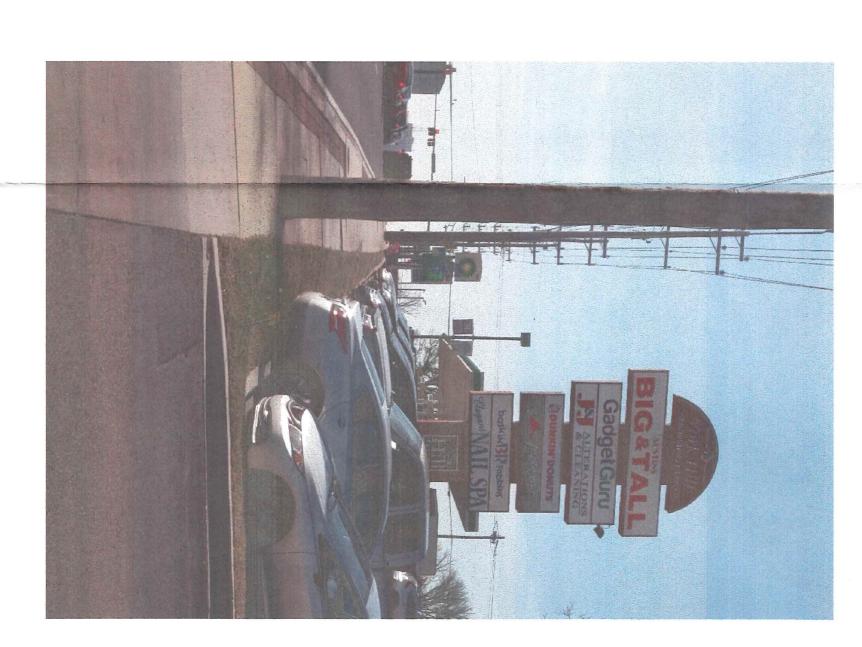




SIGN # SCALE:  $\frac{1}{4}$ " = 1'-0"

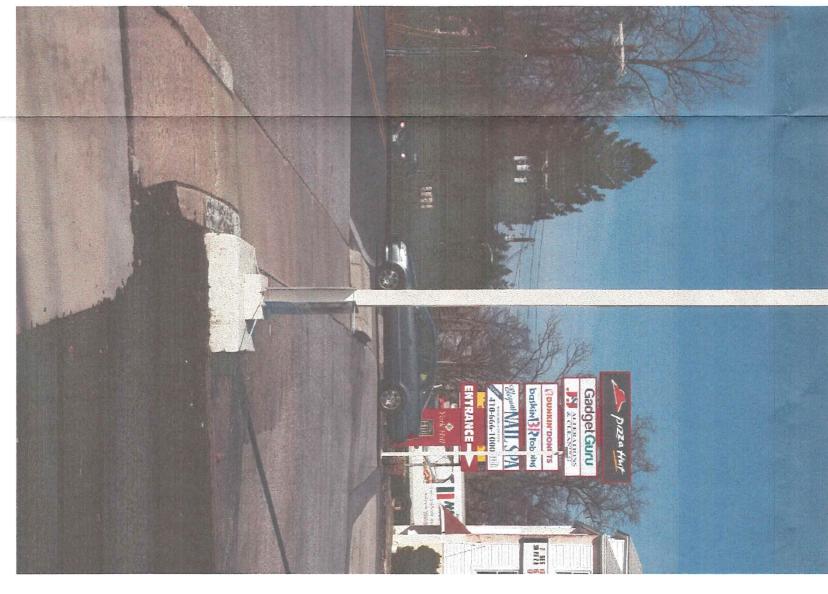
EXISTING FREESTANDING JOINT IDENTIFIC ON WEST SIDE OF YORK ROAD AREA = 351.4 SQ. FT.





SIGN 1 LOOKING SOUTH

ZONING MAP
Scale: NTS



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19.10'

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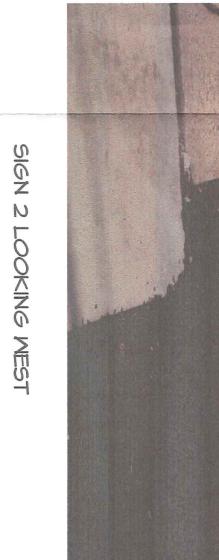
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10

EXISTING FREESTANDING JOINT IDENTIFICATION SIGN ON NORTH SIDE OF SEMINARY AVENUE AREA = 191.0 S.F.

# NOIS

SCALE: 1" = 1'-0"



YORK REALTY, LLC 216 SCHILLING CIRCLE HUNT VALLEY, MARYLAND 21031-8632 0wner

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.

CIVIL ENGINEERS & LAND SURVEYORS

4692 MILLENNIUM DRIVE, SUITE 100 BELCAMP, MARYLAND 21017 (410) 297-2340

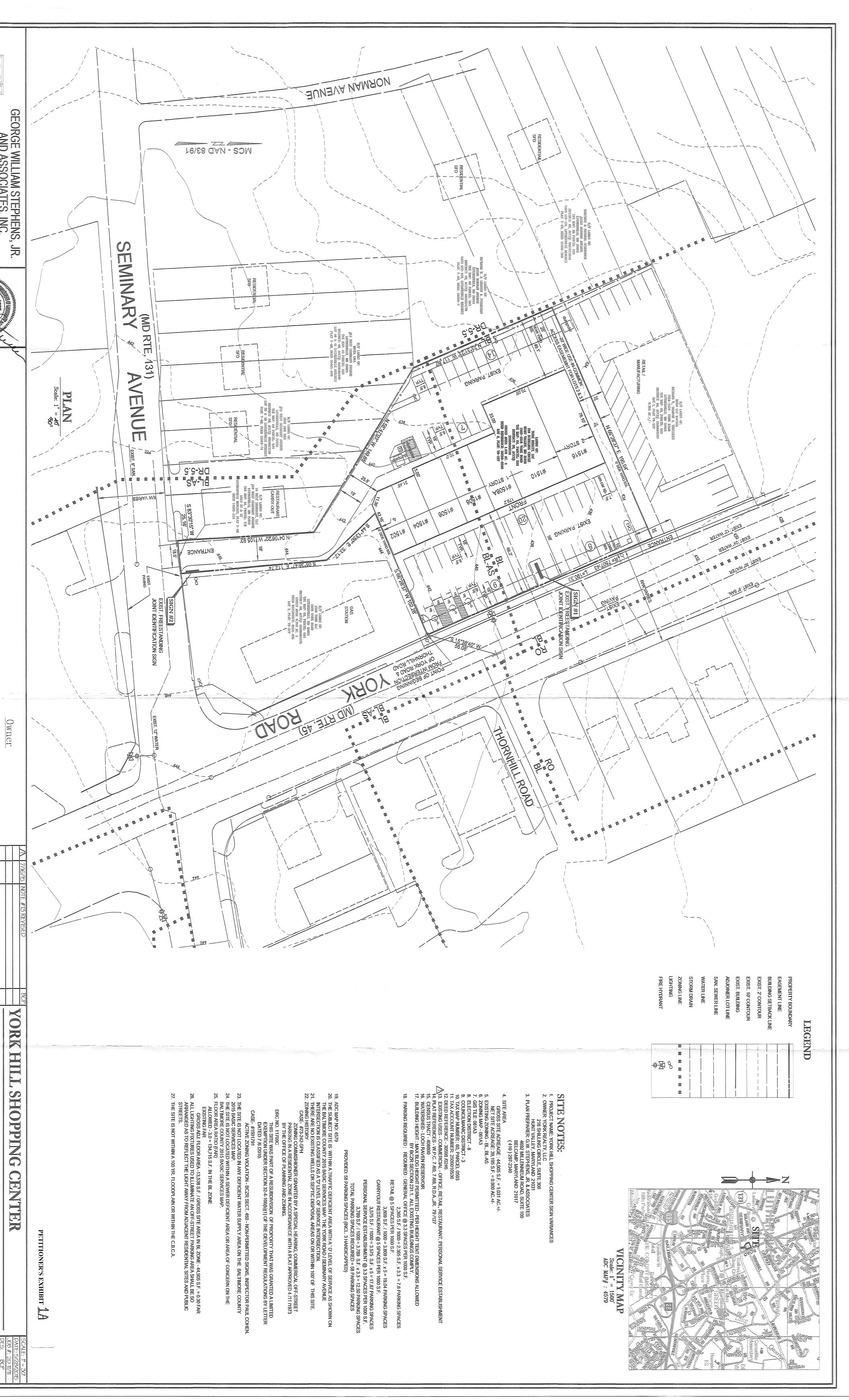
PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCES

COUNCILMANIC DISTRICT #3

YORK HILL SHOPPING CENTER

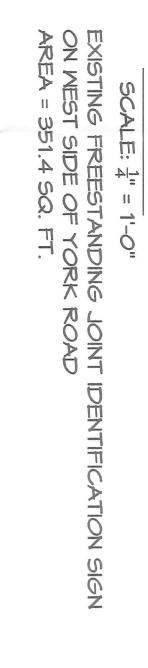
PETITIONER'S EXHIBIT 18

Scale: As Shown



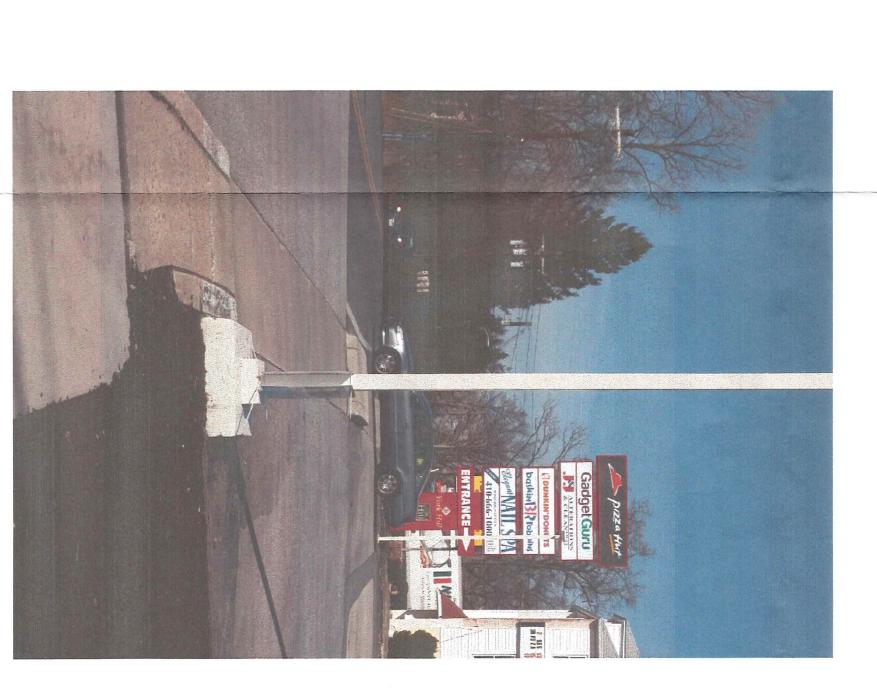
30.9' 25.1' Elegant NA ! MINUTEMAN PRESS DUNKIN'DONUTS G&T/ baskin | 3 | ? robbins York Hill & CLEANING PIZZa Hut 14.0' D -AIR SPACE 101.56 SQ. FT. 351.4 SQ. FT.

# N91S



SIGN 1 LOOKING

ZONING MAP
Scale: NTS



21.521'

ENTRANCE

AIR SPACE 48.86 SQ .FT.

19.10'

191.0 SQ

 $\Box$ 

MINUTEMAN PRESS .

PIZZA HUT

10

ALTERATIONS & CLEANING

STUNOUNINHOORUTS.

SIGN 2 LOOKING WEST

0wner

SIGN # 2

SCALE: ½" = 1'-0"

EXISTING FREESTANDING JOINT IDENTIFICATION SIGN ON NORTH SIDE OF SEMINARY AVENUE

AREA = 191.0 S.F.

YORK REALTY, LLC 216 SCHILLING CIRCLE HUNT VALLEY, MARYLAND 21031-8632

CIVIL ENGINEERS & LAND SURVEYORS

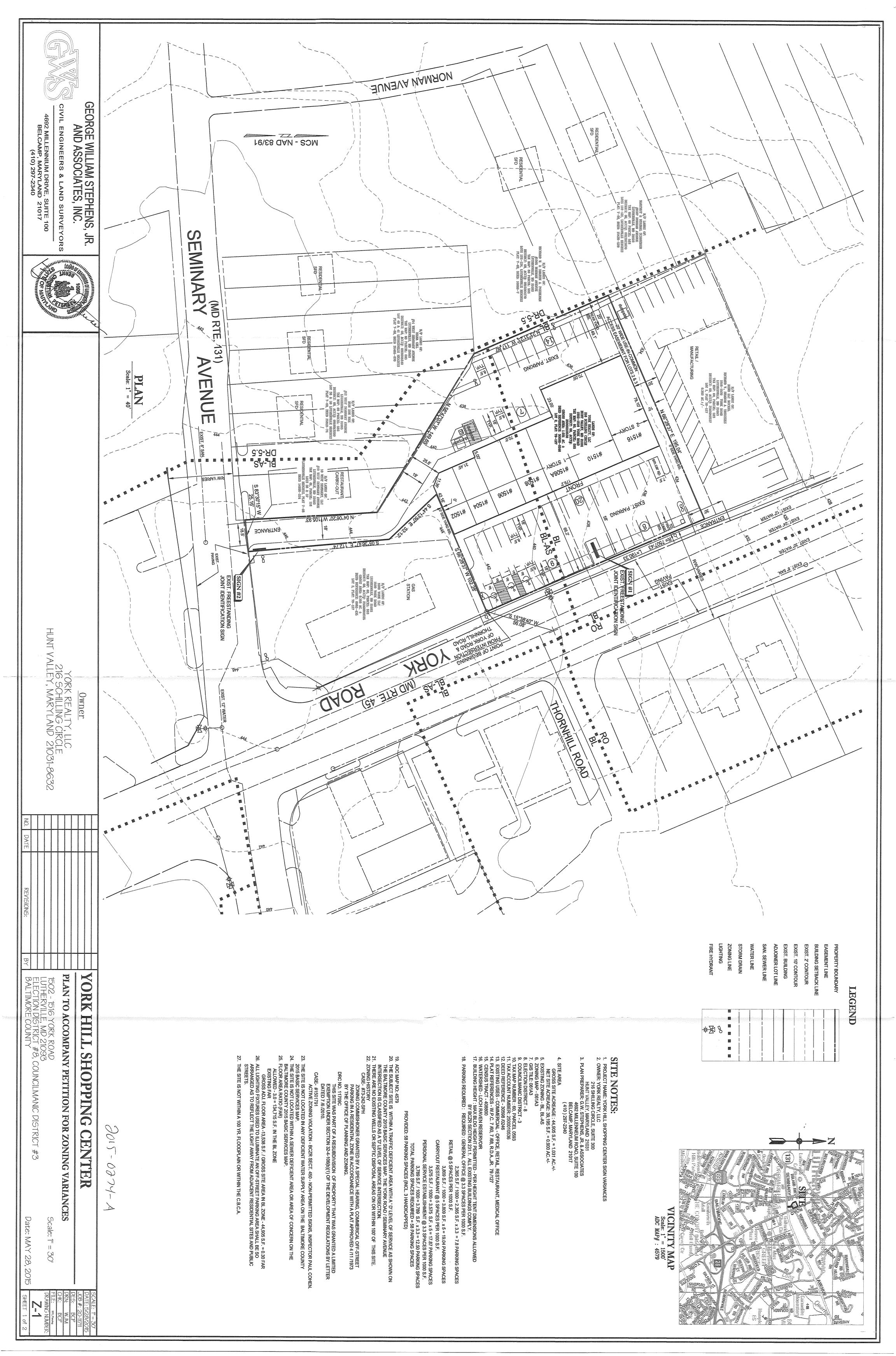
4692 MILLENNIUM DRIVE, SUITE 100 BELCAMP, MARYLAND 21017 (410) 297-2340

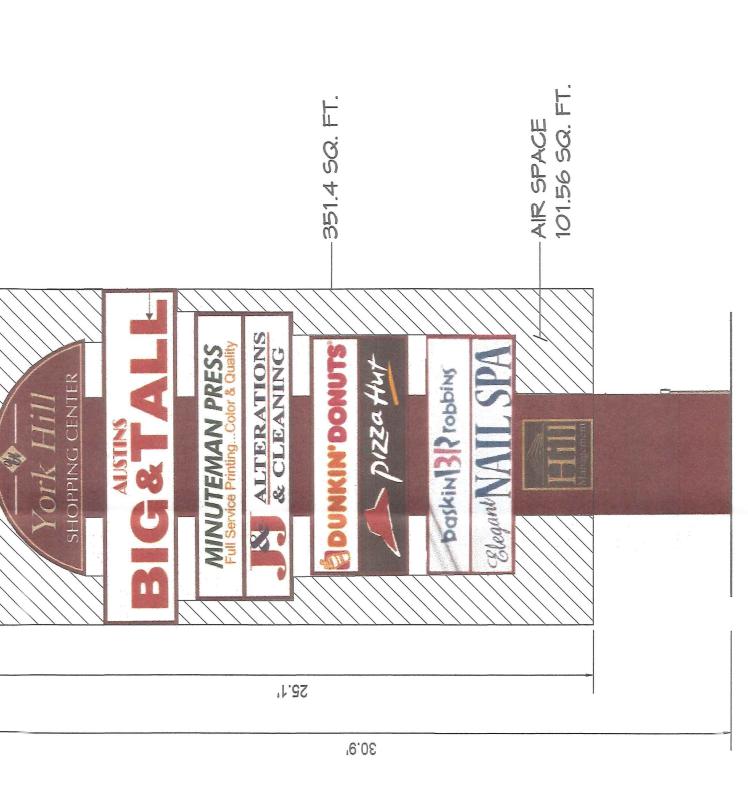
GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.

YORK ROAD E, MD 21093 ISTRICT #8, COUNCILMANIC DISTRICT #3

YORK HILL SHOPPING CENTER PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCES

Scale: As Shown

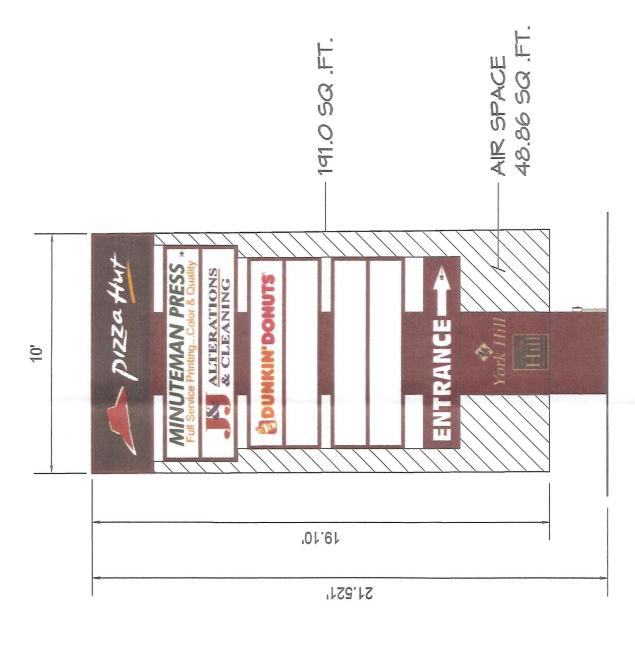




# SON #

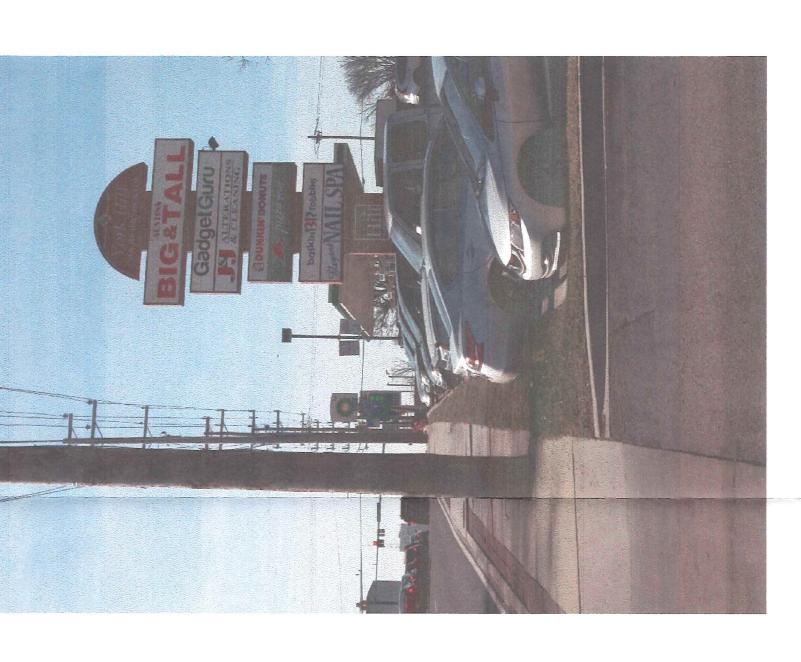
SCALE: 4" = 1'-0"

EXISTING FREESTANDING JOINT IDENTIFICATION SIGN ON WEST SIDE OF YORK ROAD AREA = 351.4 SQ. FT.

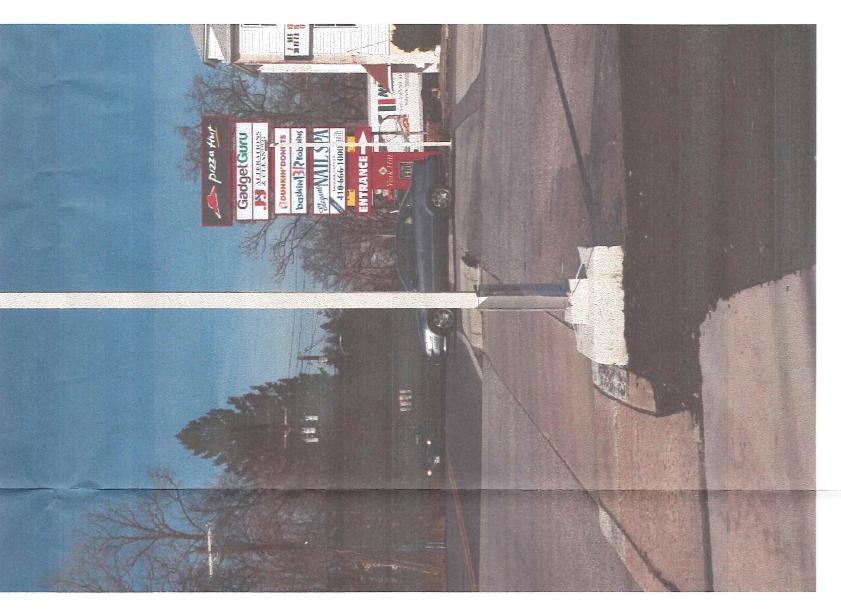


SCALE: 4" = 1'-0"

EXISTING FREESTANDING JOINT IDENTIFICATION SIGN ON NORTH SIDE OF SEMINARY AVENUE AREA = 191.0 S.F.



SOUTH SIGN 1 LOOKING

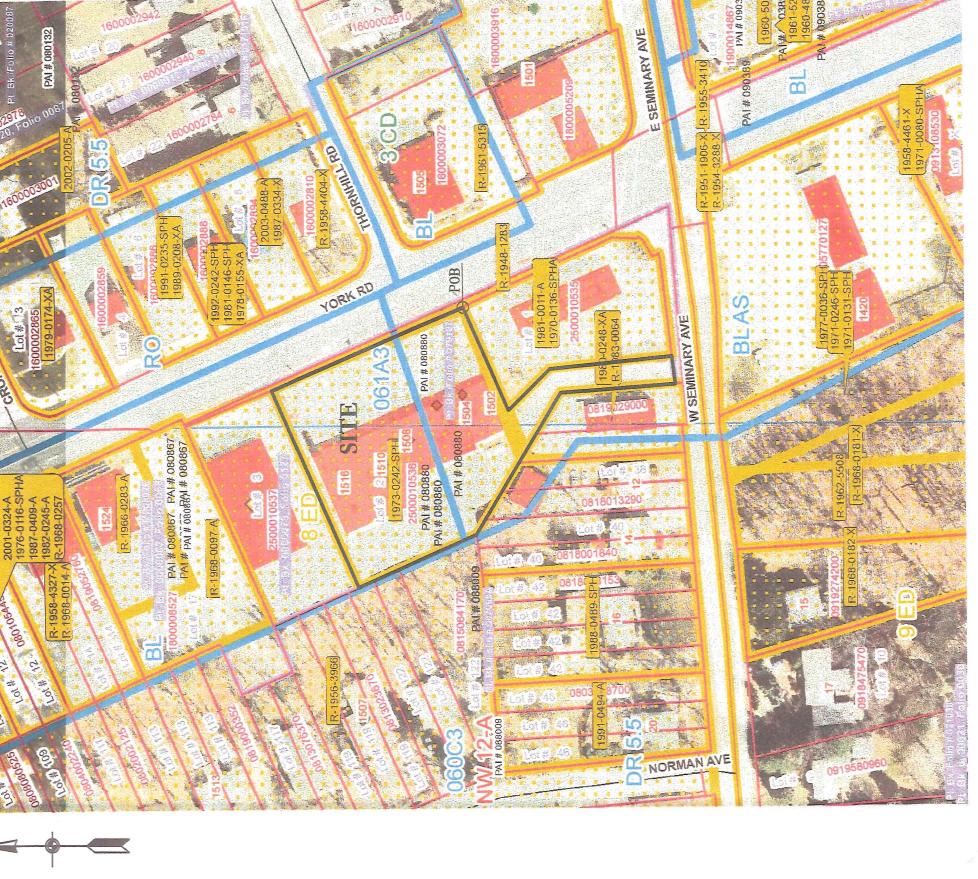


SIGN 2 LOOKING WEST

YORK HILL SHOPPING CENTER	PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCES	1502 - 1516 YORK ROAD 11 HEILER WILL AND 61007	LUTHERVILLE, MIV 21035 ELECTION DISTRICT #8, COUNCILMANIC DISTRICT #3	BALTIMORE COUNTY Dat
				87
				REVISIONS.
				NO DATE
				2
Owner	YORK REALTY, LLC	HUNT VALLEY, MARYLAND 21031-8632		

Date: May 21, 2015

Scale: As Shown



ZONING MAP Scale: NTS

