

M E M O R A N D U M

DATE: May 18, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0156-SPH- Appeal Period Expired

The appeal period for the above-referenced case expired on May 16, 2016. 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



KEVIN KAMENETZ
County Executive

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

April 14, 2016

Thomas M. Meachum, Esq.
10715 Charter Drive, Suite 200
Columbia, Maryland 21044

N. Scott Phillips, Esq.
322 North Howard Street
Baltimore, Maryland 21201

RE: **MOTION FOR RECONSIDERATION**
Case No. 2016-0156-SPH
Property: 4010 Buckingham Road

Dear Counsel: .

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

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

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

IN RE: PETITION FOR SPECIAL HEARING *
(4010 Buckingham Road)
3rd Election District *
2nd Council District *

Villa Nova Community Association
Petitioner *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2016-0156-SPH

* * * * *

OPINION AND ORDER ON MOTION FOR RECONSIDERATION

Now pending is Petitioner's Motion for Reconsideration, which requests an amendment of the final Order issued in the above case on March 23, 2016. Petitioner's counsel (and the Office of People's Counsel) contend the Order should be revised to reflect the community association filed the petition to obtain an interpretation of the B.C.Z.R., not to approve an already constructed sign. To eliminate any potential confusion on this point, the Motion will be granted. The final Order will be revised to reflect the community's petition was granted, such that the 24 sq. ft. sign in not permitted in the DR 3.5 zone.

WHEREFORE, for the foregoing reasons, IT IS ORDERED this 14th day of April, 2016 by this Administrative Law Judge that the Motion for Reconsideration be and is hereby GRANTED;

IT IS FURTHER ORDERED that page 3 of the March 23, 2016 Order in the above case be and is hereby AMENDED as follows:

THEREFORE, IT IS ORDERED this 23rd day of March 2016 by this Administrative Law Judge that the Petition for Special Hearing be and is hereby GRANTED, based upon a determination that the existing 24 sq. ft. freestanding sign for the assisted living facility is an enterprise sign not permitted in a DR 3.5 zone.

ORDER RECEIVED FOR FILING

Date 4/14/16

By sen

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh

ORDER RECEIVED FOR FILING

Date 4/14/16

By slh

IN RE: **PETITION FOR SPECIAL HEARING** *
(4010 Buckingham Road)
3rd Election District *
2nd Council District *

Villa Nova Community Association
Petitioner *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2016-0156-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 Villa Nova Community Association. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to determine whether an existing free standing sign 6 ft. high and 24 sq. ft. for an assisted living facility is lawful under the B.C.Z.R.

Sheila Lewis, President of Villa Nova Community Association, appeared in support of the petition. Thomas M. Meachum, Esq. represented Petitioner. Donzella Burton, who operates the assisted living facility at 4010 Buckingham Road, attended the hearing and was represented by N. Scott Phillips, Esq. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no substantive Zoning Advisory Committee (ZAC) comments received.

The subject property is 29,370 square feet and zoned DR 3.5. Ms. Burton operates at the subject property an assisted living facility (ALF) with 12 residents. She wanted to erect a sign that would identify the facility for the benefit of visitors or emergency providers. The sign was erected in April 2015 and shortly thereafter Ms. Burton received a zoning violation notice from Baltimore County. Ms. Burton obtained a sign use permit on or about July 30, 2015, and the zoning violation

ORDER RECEIVED FOR FILING

Date

3/23/16

By

Sen

case was dismissed. The community association attempted to have the County reconsider its decision to issue the permit, and when those efforts failed this petition for special hearing was filed.

Counsel for Ms. Burton sought to have the petition dismissed, contending the community association did not have standing to file the case. This argument does not have merit. As explained in a letter dated March 7, 2016 from the Office of People's Counsel, B.C.Z.R. §500.7 is akin to a declaratory judgment proceeding, and "interested" parties are permitted to file such petitions to challenge the legality of a use or zoning issue. Antwerpen v. Balto. Co., 163 Md. App. 194 (2005); Marzullo v. Kahl, 366 Md. 158 (2001). As such, I believe the petition was filed properly.

As far as the sign is concerned, photos and testimony revealed it is 4' x 6', or 24 sq. ft. It reads: "Assisted Living at Buckingham Manor" followed by the phone number. The permit (Petitioner's Exhibit 7) indicates it is a "community ID sign," which I believe is erroneous. An "identification" sign is one that is accessory to a multifamily building, institutional structure or community building. B.C.Z.R. §450.

Ms. Burton operates an ALF, which is a specific use defined under the B.C.Z.R. An ALF, in my opinion, cannot be classified as a "multifamily building" (i.e., apartment) or "institutional structure," which the B.C.Z.R. defines as a "hospital, school, volunteer fire company, church, house of worship or religious assembly." B.C.Z.R. §450.3. A "community building" is one used for "recreational, social, educational or cultural activities," which would obviously not encompass an ALF. Instead, I believe the sign is an "enterprise sign," which is one "which displays the identity . . . and may advertise the products or services associated with the individual organization." Such signs are not permitted in a DR 3.5 zone.

ORDER RECEIVED FOR FILING

Date 3/23/16
By sen

At the conclusion of the hearing the parties were asked to provide a short memorandum concerning whether or not the doctrine of equitable estoppel would be applicable given the facts in this case. I agree with Petitioner's counsel that the County is not estopped from denying the validity of the sign permit in this case, since the sign was erected *before* a permit was obtained. As such, Ms. Burton cannot have relied upon the County's issuance of the permit, as was the case in Permanent Financial Corp. v. Montgomery County, 308 Md. 239 (1986).

THEREFORE, IT IS ORDERED this 23rd day of March, **2016** by this Administrative Law Judge, that the Petition for Special Hearing pursuant to B.C.Z.R. § 500.7 to approve an already constructed free standing sign 6 ft. high and 24 sq. ft. for the assisted living facility, be and is hereby DENIED.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 3/23/16
By sen



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 4010 Buckingham Road

which is presently zoned DR3.5

Deed References: 36213/00317

10 Digit Tax Account # 0307060301

Property Owner(s) Printed Name(s) James H. Street, Jr.

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

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

1. X a **Special Hearing** under Section 500.6 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve an already constructed free standing sign 6' high and 24 sq. ft. for an assisted living facility. (Photo of sign attached) This is an enterprise sign. (See attachment)

2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. a **Variance** from Section(s)

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)

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

~~Contract Purchaser/Lessee:~~ Legal Owner

James H. Street, Jr.

Name- Type or Print

Signature

6250 Cardinal Lane, Columbia, MD

Mailing Address

City

State

21044

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Thomas M. Meachum, Carney Kelehan, et al.

Name- Type or Print

Signature

10715 Charter Drive, Suite 200, Columbia, MD

Mailing Address

City

State

21044 / 410-740-4600

Zip Code

Telephone #

Email Address tmm@carneykelehan.com

~~Legal Owners (Petitioners):~~

Villa Nova Community Association / Sheila Lewis, President

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1 Sheila Lewis

Signature #2

3907 Buckingham Road,

Mailing Address

Baltimore

City

MD

State

21207

Zip Code

410-653-2498

Telephone #

/

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2016-0156-SPH

Filing Date

1/6, 2016

Do Not Schedule Dates:

Reviewer JNP

REV. 10/4/11

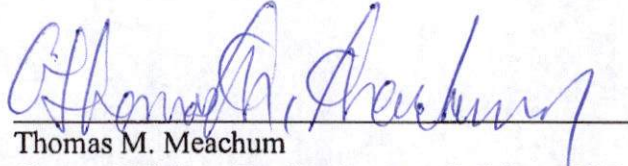
Attachment to Petition for Zoning Hearing
filed by Villa Nova Community Association, Inc.
and Sheila Lewis regarding
4010 Buckingham Road

An enterprise sign is defined in the Table of Sign Regulations as an accessory sign which displays the identify and which may otherwise advertise the products and services associated with the individual organization. In the Table of Sign Regulations, regulations regarding Enterprise Signs are found in Section 5. Section 5(m) sets forth the requirements for signs for elderly housing facilities in the D. R. Zoning district. Freestanding signs are not permitted, only wall mounted or projecting. Further, the maximum area face allowed is one square foot in the D. R. Zoning district. This sign is 24 square feet.

When the Department of Zoning was contacted about this sign, Zoning said it felt the requirement for Enterprise signs were too restrictive, and so it classified this sign as an identification sign. This is not permissible because: (1) the Table specifically references Elderly Care Facilities in the Enterprise sign section in the D. R. Zoning district, and Identification does not, so the specific would control over the general; and (2) if this business could be considered to be under both categories, 450.4.A. states that if any sign meets the definition of more than one class, the more restrictive class will control. The enterprise sign class is more restrictive.

There are other assisted living facilities within the Villa Nova community, and the Association does not want these illegal signs to proliferate. Ms. Sheila Lewis is a resident of the Villa Nova community, and she and the Villa Nova Community Association, Inc. request that the Administrative Law Judge determine that the permit for this sign was issued contrary to law, and the approval of the permit application should be overruled and rescinded and the sign be taken down.

Respectfully submitted,



Thomas M. Meachum
Carney, Kelehan, Bresler, Bennett & Scherr, LLP
10715 Charter Drive, Suite 200
Columbia, MD 21044
410-740-4600

tmm@carneykelehan.com

Attorneys for Villa Nova Community,
Association, Inc., Petitioners



LEGAL DESCRIPTION

~~40~~10 BUCKINGHAM ROAD

All that piece or parcel comprising a portion of Lots Nos. 12-14 and 15, Section D on the revised Plat of Block D Willa Nova, recorded among the Plat Records of Baltimore County in Plat Book W.P.C. No. 3, Folio, 101, as follows:

BEGINNING FOR THE FIRST thereof on the northwest side of Buckingham Road at the distance of 110 feet southwesterly from an iron pipe set as a corner between Lots Nos. 15 and 16, in Section D on the Plat aforesaid and running thence binding on the northwest side of Buckingham Road, south 52 degrees 48 minutes west 110 feet to an iron pipe here thereto se as a corner between Lots 15 and 14, in Section D on the plat aforesaid still binding on the northwest side of Buckingham Road south 52 degrees 48 minutes west 63 feet, thence parallel with the line division between Lots Nos. 15 and 14 aforesaid north 1 degree 40 minutes west 161.1 feet to intersect the line of division between Lots Nos. 12 and 14, thence on said division line north 88 degrees 20 minutes east 1.27 feet to intersect a line drawn parallel to and 50 feet westerly from the division line between Lots Nos. 12 and 15, thence on said line so drawn north 1 degree 40 minutes west 140 feet to Lot 11, thence binding on said lot, north 88 degrees 20 minutes east 50 to Lot 15, thence binding on Lot No. 15 south 1 degree 40 minutes east 75.9 feet to intersect a line drawn at right angles with Buckingham Road from the place of beginning and thence reversing said line south 37 degrees 12 minutes east 154 feet to the place of beginning. The improvements thereon being known as No. 4010 Buckingham Road (formerly known as No. 4002 Buckingham Road and 4004 Buckingham Road).

All that lot of ground situate in the third Election District according to a survey made by George W. Arnold, Civil Engineer and Surveyor on June 24, 1947, is found to be within the following metes, bounds, courses and distances:

BEGINNING FOR THE SECOND thereof at a pipe set on the division line of Lots 12 and 14 at a distance of 75.9 feet from the dividing line of Lots 13 and 14 on the Revised Plat of Block "D" Villa Nova and running thence by the division line of Lots 12 and 14, south 84 degrees 15 minutes east 23 feet to the land now owned by Milton L. Spilman, thence by said land south 30 minutes east 91 feet more or less, and thence by line of division through Lot No. 14, north 14 degrees west 96 feet, more or less, to the place of beginning. Being a portion of Lot No. 14 Section "D" on Revised Plat of Block "D" Villa Nova, recorded among the plat Records of Baltimore County in Plat Book W.P.C. No. 3, folio 101.

All that lot of ground described according to a recent survey made by Edward V. Coonan and Company, Civil Engineers and Survey, as follows:

BEGINNING FOR THE THIRD at a point on the dividing lot line on the line between Lot No. 12 and Lot No. 14, Section D, as revised as shown on the recorded Plat of Villa Nova, at the distance of 200 feet southeasterly measured along said dividing lot line from the east side of Rockridge Road and running thence southeasterly binding on part of said dividing lot line 31.75 feet to a stake, thence running northwesterly 137.37 feet to a stake on the dividing lot line between Lot No. 11 and Lot No. 12, as shown on the recorded Plat of Section D, Villa Nova, Revised, thence running westerly binding on said line of division between Lot No. 11 and Lot No. 12; 23 feet more or less to a point 200 feet easterly measured along said line of division between Lot No. 11 and Lot No. 12, from the east side of Rockridge Road, thence running

southerly for a line of division now made 135 feet, more or less, to the place of beginning. Being and comprising a portion of the rear section of Lot No. 12 as shown on a Revised Plan of Block D, Villa Nova and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 3, folio 101.

P:\TMM\WPDATA\Villa Nova Comm Assoc\Legal Description.wpd



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 3961059

Sold To:

Carney-Kelehan-Bresler - CU00173357
10715 Charter Dr Ste 200
Columbia, MD 21044

Bill To:

Carney-Kelehan-Bresler - CU00173357
10715 Charter Dr Ste 200
Columbia, MD 21044

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

Feb 18, 2016

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: # 2016-0156-SPH
4010 Buckingham Road
NW/s Buckingham Road, 253 ft. NE of Rockridge Road
3rd Election District - 2nd Councilmanic District
Legal Owner(s) James Street, Jr.
Contract Purchaser(s): Villa Nova Community Association,
Sheila Lewis, President

Special Hearing: to determine whether or not the Administrative Law Judge should approve an already constructed free standing sign 6 ft. high and 24 sq. ft. for the assisted living facility (This is an enterprise sign).

Hearing: Thursday, March 10, 2016 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.

2/172 Feb. 18 3961059

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: FEBRUARY 19, 2016

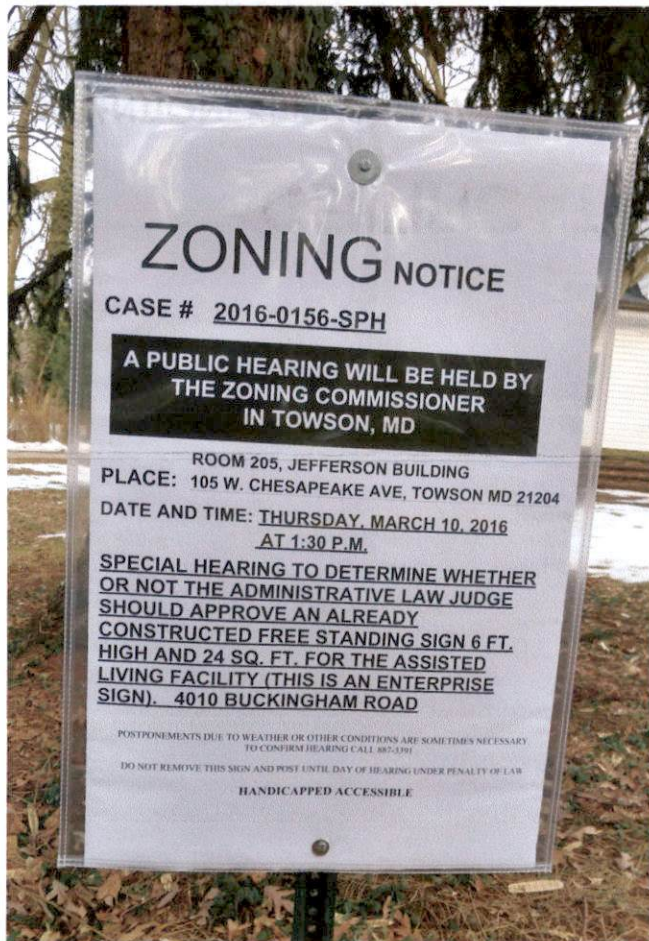
Case Number: 2016-0156-SPH

Petitioner / Developer: THOMAS MEACHUM, CARNEY KELEHAN,
ET.AL ~ JAMES STREET, JR. ~ SHEILA LEWIS

Date of Hearing (Closing): MARCH 10, 2016

This is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property located at:
4010 BUCKINGHAM ROAD

The sign(s) were posted on: FEBRUARY 19, 2016



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

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



KEVIN KAMENETZ
County Executive

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

January 13, 2016

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: 2016-0156-SPH

4010 Buckingham Road

NW/s Buckingham Road, 253 ft. NE of Rockridge Road

3rd Election District – 2nd Councilmanic District

Legal Owners: James Street, Jr.

Petitioner: Villa Nova Community Association, Sheila Lewis, President

Special Hearing to determine whether or not the Administrative Law Judge should approve an already constructed free standing sign 6 ft. high and 24 sq. ft. for the assisted living facility (This is an enterprise sign).

Hearing: Thursday, March 10, 2016 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over a circular stamp. The stamp contains the text "Arnold Jablon" and "Director" below it.

Arnold Jablon
Director

AJ:kl

C: Thomas Meachum, carney Kelehan, et. al, 10715 Charter Drive, Ste. 200, Columbia 21045
James Street, Jr., 6250 Cardinal Lane, Columbia 21045
Sheila Lewis, 3907 Buckingham Road, Baltimore 21207

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, FEBRUARY 19, 2016**
- (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, February 18, 2016 Issue-- Jeffersonian

Please forward billing to:

Thomas Meachum
c/o Carney Kelehan
10715 Charter Drive, Ste. 200
Columbia, MD 21045

410-740-4600

NOTICE OF ZONING HEARING

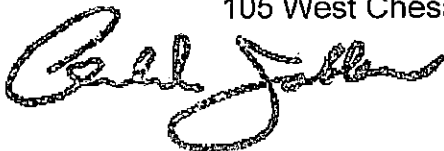
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2016-0156-SPH

4010 Buckingham Road
NW/s Buckingham Road, 253 ft. NE of Rockridge Road
3rd Election District – 2nd Councilmanic District
Legal Owners: James Street, Jr.
Petitioner: Villa Nova Community Association, Sheila Lewis, President

Special Hearing to determine whether or not the Administrative Law Judge should approve an already constructed free standing sign 6 ft. high and 24 sq. ft. for the assisted living facility (This is an enterprise sign).

Hearing: Thursday, March 10, 2016 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 SPECIAL HEARING * BEFORE THE OFFICE
4010 Buckingham Road; NW/S Buckingham *
Road, 253' NE of Rockridge Road * OF ADMINISTRATIVE
3rd Election & 2nd Councilmanic Districts *
Legal Owner(s): James H. Street (L.O.) and * HEARINGS FOR
Villa Nova Community Association *
Petitioner(s) * BALTIMORE COUNTY
* 2016-156-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

JAN 14 2016

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of January, 2016, a copy of the foregoing Entry of Appearance was mailed to Thomas Meachum, Esquire, 10715 Charter Drive, Suite 200, Columbia, Maryland 21044, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 2016-0156-SPH

Petitioner: Villa Nova Community Association

Address or Location: 4010 Buckingham Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Thomas M. Meachum, esq.

Address: c/o Carney Kelehan

10715 Charter Drive, Suite 200

Columbia, MD 21044

Telephone Number: 410-740-4600

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

No. 184192

Date: 11/6/2015

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	00	0000							500.00

Total: 500.00

Rec From: 11/11/2015 - (S. A. Miller, Alice Palmer)

For: 2016-2017 - for 14010 Parkview Road
Section 100 - 11/11/2015 - for 14010 Parkview Road
14010 Parkview Road - Property Owner

DISTRIBUTION -

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

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

March 2, 2016

Villa Nova Association
Sheila Lewis, President
3907 Buckingham Road
Baltimore MD 21207

RE: Case Number: 2016-0156 SPH, Address: 4010 Buckingham Road

Dear Ms. Lewis:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 6, 2016. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
James H Street, Jr., 6250 Cardinal Lane, Columbia MD 21044
Thomas M Meachum, Esquire, 10715 Charter Drive, Suite 200, Columbia MD 21044

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 1/13/16

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2016-0156-SPH
Special Hearing
James H. Street Jr. (Legal Counsel)
Villa Nova Community Association, Sheila Lewis (Petitioner)
4010 Buckingham Road.

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2016-0156-SPH.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in black ink, appearing to read 'David W. Peake'.

David W. Peake
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

DWP/RAZ

3110

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: February 2, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-156

RECEIVED

FEB 03 2016

INFORMATION:

Property Address: 4010 Buckingham Road
Petitioner: Villa Nova Community Association
Zoning: DR 3.5
Requested Action: Special Hearing

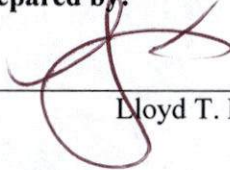
OFFICE OF ADMINISTRATIVE HEARINGS

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve an existing free standing sign 6' high and 24 sq. ft. for an assisted living facility.

A site visit was conducted on January 27, 2016.

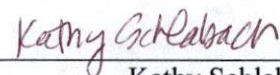
The Department of Planning has no comment on the petitioned zoning relief. For further information concerning the matters stated herein, please contact Troy Leftwich at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Troy Leftwich
Thomas M. Meachum, Carney Kelehan, et al
Office of the Administrative Hearings
People's Counsel for Baltimore County

3/10

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

JAN 19 2016

OFFICE OF ADMINISTRATIVE HEARINGS



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: January 19, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0156-SPH
Address 4010 Buckingham Road
(Street, Jr. Property)

Zoning Advisory Committee Meeting of January 19, 2016.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

Date: 01-19-2016

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 21, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For January 18, 2015
Item No. 2016- 0152, 0153, 0154, 0155, 0156, 0157 and 0158

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

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC01182016.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: February 2, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-156

INFORMATION:

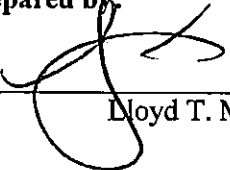
Property Address: 4010 Buckingham Road
Petitioner: Villa Nova Community Association
Zoning: DR 3.5
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve an existing free standing sign 6' high and 24 sq. ft. for an assisted living facility.

A site visit was conducted on January 27, 2016.

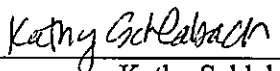
The Department of Planning has no comment on the petitioned zoning relief. For further information concerning the matters stated herein, please contact Troy Leftwich at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Troy Leftwich
Thomas M. Meachum, Carney Kelehan, et al
Office of the Administrative Hearings
People's Counsel for Baltimore County

Debra Wiley

From: John E. Beverungen
Sent: Friday, April 08, 2016 2:38 PM
To: Debra Wiley; Sherry Nuffer
Subject: FW: 4010 Buckingham Road - Case No. 2016-0156-SPH
Attachments: Beverungen ltr.pdf

This will be treated as a motion for reconsideration. Can you please retrieve the file. Thanks, John.

From: Tom Meachum [mailto:tmm@carneykelehan.com]
Sent: Friday, April 08, 2016 2:32 PM
To: John E. Beverungen <jbeverungen@baltimorecountymd.gov>
Cc: nscottphillips@nscottphillips.com; Peoples Counsel <peoplescounsel@baltimorecountymd.gov>
Subject: FW: 4010 Buckingham Road - Case No. 2016-0156-SPH

Judge Beverungen

Attached is a letter which requests an alteration of the decision.

Thank you for your consideration.

Regards

Tom Meachum

Thomas M. Meachum, Esq.
Carney, Kelehan
Bresler, Bennett
& Scherr LLP

ATTORNEYS AT LAW

10715 Charter Drive, Suite 200	229 East Main Street, Suite G
Columbia, MD 21044	Westminster, MD 21157
Voice (410) 740-4600 x206	(443)821-3820
Fax (410) 730-7729	(443)821-3922
Please respond to:	
tmm@carneykelehan.com	

From: Patty Miller
Sent: Friday, April 08, 2016 2:07 PM
To: Tom Meachum <tmm@carneykelehan.com>
Subject: 4010 Buckingham Road - Case No. 2016-0156-SPH

**Carney, Kelehan
Bresler, Bennett
& Scherr LLP**

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OF COUNSEL:
David A. Carney
Fulton P. Jeffers

IN MEMORIAM
Laurence B. Rabar

www.CarneyKelehan.com

April 8, 2016

Honorable John E. Beverungen
Administrative Law Judge
for Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204

RE: Case No. 2016-0156-SPH
Property: 4010 Buckingham Road

Dear Judge Beverungen:

This will acknowledge receipt of, and thank you, for your Opinion and Order dated March 23, 2016.

The purpose of this letter is to request an alteration to the Opinion and Order. If the request has to be considered a Motion for Reconsideration, then please so consider it, but it is more in the way of a technical alteration.

On page 3 of the Opinion and Order the Petition for Special Hearing is referred to as one to approve an already constructed free standing sign. The Petition for Special Hearing was filed to request an interpretation of the Baltimore County Zoning Regulations that the existing sign is illegal and not permitted for the reasons you stated in your Opinion and Order. This is somewhat referenced in the first paragraph of the Opinion and Order.

It just seemed like it might not be a bad idea to clarify the substance and purpose of the Petition on this page. Hopefully this is not an overly technical point to raise. Mr. Zimmerman of the Office of People's Counsel has advised me that he concurs in this request to clarify the request of the Petition.

Honorable John E. Beverungen
Administrative Law Judge
April 8, 2016
Page 2

Thank you for your consideration.

Very truly yours,

CARNEY, KELEHAN, BRESLER,
BENNETT & SCHERR, LLP



Thomas M. Meachum

TMM/pjm

cc: Peter Max Zimmerman, Esquire
N. Scott Phillips, Esquire
Sheila Lewis

P:\TMM\WPDATA\Villa Nova Comm Assoc\Judge Beverungen ltr wjd

CASE NAME 4010 Buckingham Rd
CASE NUMBER 2016-156-SPH
DATE 3/20/16

CASE NAME 4010 Buckingham Rd
CASE NUMBER 2016-156-SPH
DATE 3/20/16

[illegible]

CASE NAME _____
CASE NUMBER _____
DATE _____

NAME _____

CITY, STATE, ZIP

E - MAIL

[illegible]

Respondent Memorandum
RE: 4010 Buckingham Road Sign Permit Matter
Case Number: 2016-0156-SPH

March 21, 2016

To: Judge John E. Beverungen
Administrative Law Judge
Baltimore County Maryland

From: N. Scott Phillips

RE: Analysis of *Permanent Financial Corporation Trustee v. Montgomery County Maryland Et Al* and its application in the above referenced matter

The current matter 4010 Buckingham Road is similar in nature to Permanent Financial in the following key aspects. Both cases represent the issuance of a permit by a municipal employee who had both the authority and responsibility for issuing the required permit. In both matters, the entity requesting the permit acted in good faith and relied upon the issuance of the permit to proceed... "*Permanent clearly relied upon the interpretation the County had given to the height limitation in its design of the building.*" The court in Permanent determined "*it is at least clear that this portion of the decision to issue the permit was not the result of oversight by the County, but rather was consistent with its practice.*" The facts of the matter before the ALJ clearly indicate the county representative Lenny Wasalowski, reviewed the application, understood the specific use requested, and provided guidance to the applicant. As a result of the applicant's compliance with the direction provided by the county's representative the permit was issued.

There are also significant differences between Permanent Financial and the case at hand. Permanent does not address the issue of standing. All of the cases referenced in Permanent involve a municipality asserting its right against equitable estoppel or the actual applicant asserting its right to equitable estoppel, in no case does equitable estoppel apply to a third party. It is for this reason; the applicant raises the issue of standing.

It is apparent from the facts of the case, the petitioner communicated with Baltimore County prior to the issuance of the permit. The petitioner's actions heightened the county's awareness of the applicant's request. Given this heightened awareness the county could have denied the issuance of the permit if in fact it believed the petitioner's concern valid. According to the petitioner's testimony the petitioner communicated directly with the county official who issued the permit.

In *Jesse A. Howland & Sons v. Borough of Freehold*, 143 N.J. Super. 484, 363 A.2d 913, 916, cert. denied, 72 N.J. 466, 371 A.2d 70 (1976). referred to in Permanent, There the Superior Court of New Jersey, Appellate Division, held that estoppel would apply in the circumstances described by Judge Weintraub, provided one further condition were met:

The requirement we would add ... is the necessity for the appearance of an issue of construction of the zoning ordinance or statute, which, although ultimately not too debatable, yet was, when the permit was issued, sufficiently substantial to render doubtful a charge that the administrative official acted without any reasonable basis or that the owner proceeded without good faith. (emphasis in original).

I believe it is clear the administrative officer acted upon a reasonable basis and the applicant proceeded in good faith.

The applicant relied on the administrative officer, complied with the code as advised and incurred cost as a result.

Finally, as a practical matter, the applicant is an innocent bystander. The Petitioner is questioning the legal validity of a government decision. The appropriate venue for questioning the validity of the legal basis of the county's decisions would be in the Circuit Court of Maryland, whereby the County would be engaged as a party and be required to defend its position. This administrative law review process does not provide that requirement or forum.

Given the cost incurred and the length of time the sign in question has been installed we request the ALJ to rule against the petitioner and in favor of the permit applicant.

Respectfully Submitted,

N. Scott Phillips
N. Scott Phillips Legal and Business Consulting Services, LLC
322 North Howard Street
Baltimore, MD 21201

John E. Beverungen

From: Tom Meachum <trmm@carneykelehan.com>
Sent: Monday, March 21, 2016 9:47 AM
To: John E. Beverungen
Cc: nscottphillips@nscottphillips.com
Subject: 4010 Buckingham Road Sign Permit Matter, Case Number: 2016-0156-SPH

Dear Judge Beverungen:

Thank you for the opportunity to address the applicability of the holding in Permanent Financial Corporation v. Montgomery County to our case.

The facts in Permanent that gave rise to the holding on the issue of estoppel are as follows.

Permanent Financial Corporation (hereafter referred to as the "builder") began development of a commercial office building by obtaining a building permit. Under the zoning of the land upon which the building was to be built, the building was limited in height to 35 feet plus an additional 8 feet for noninhabitable structures. The permit application stated the building was to be at a height of 37 feet (an admitted typographical error) plus 8 feet. The plans submitted with the building permit application showed the building was going to be 43 feet high. The County approved the permit with the building having this height. The builder constructed the building 43 feet high.

After the building was constructed to this height, but was not yet complete, the County issued a stop work order on the grounds that the building violated the statutory height requirements (among other reasons).

The initial basis of the County's argument on the height violation was that the building's height exceeded the permitted 43 feet. As the builder appealed this decision through the administrative appeals system, the County changed its initial position on the permitted height of the building to state that it could only be 35 feet high, and was therefore in violation of that measurement. As a matter of fact finding it was found that the building was erected in accordance with the plans and application submitted to the height of 43 feet.

The Court of Appeals held that the County was estopped from enforcing its new height interpretation, because the builder did not construct the building until after receiving approval from the County to do so, and the builder constructed it in accordance with the plans it submitted and were approved by the County.

The other finding essential to the application of estoppel in this case was that the party asserting the doctrine incurred a substantial change of position or made extensive expenditures in reliance on the act (emphasis added).

The facts in this case do not give rise to the application of the doctrine of estoppel as was done in Permanent.

The sign was constructed earlier than April 15, 2015, witnessed by the fact that a Code Enforcement Correction Notice was issued April 15, 2015 (Petitioners' Exhibit 3) for failure to obtain a permit for this large sign.

Then a Code Enforcement and Inspection Citation was issued May 22, 2015 (Petitioners' Exhibit 6) for failure to remove a non-permitted sign.

On July 30, 2015, counsel for the lessee went to the County and submitted a Sign Use Permit (Petitioners' Exhibit 7). That same day the County approved the Permit for a category of sign that allows the size of the sign to be 25 square feet. The already constructed and erected sign was 24 square feet.

The doctrine held in Permanent does not apply in this case. The lessee did not construct and erect the sign in reliance on an approved sign permit. The lessee had erected the sign at least three and one-half months earlier, with no permit, in violation of the law.

Further, in order to come under the doctrine of estoppel, the lessee would have had to have changed positions, of which there was no evidence, or made extensive expenditures in reliance on the act. There is no act by the County the lessee can say it relied upon, but even if there were, the lessee offered no evidence of the extent of the expenditures it made, and certainly viewing the sign in the photograph (Exhibit 2) there is nothing about it that would lead one to believe the expenditure for it was extensive.

Since the sign does not meet the definition of a Community ID sign (the category under which this sign was approved, and would appear to be a commercial sign), the sign is too large and not in accord with the signs the Council approved as being appropriate in the D.R. Zoning district, and so the Petitioners respectfully request that the decision approve the sign be reversed and the sign ordered removed.

Respectfully submitted,

Thomas M. Meachum
Attorney for Sheila Lewis and
Villa Nova Community Association

Thomas M. Meachum, Esq.
Carney, Kelehan
Bresler, Bennett
& Scherr LLP

ATTORNEYS AT LAW

10715 Charter Drive, Suite 200	229 East Main Street, Suite G
Columbia, MD 21044	Westminster, MD 21157
Voice (410) 740-4600 x206	(443)821-3820
Fax (410) 730-7729	(443)821-3922
Please respond to:	
tmm@carneykelehan.com	

CHARACTER

A symbol, letter or numeral that communicates information.
[Bill No. 106-2008]

COLOR

A specific combination of hue, saturation, and lightness or brightness; a color other than as contrasted with black, white or gray.
[Bill No. 106-2008]

COMMERCIAL

That which relates to a for-profit business organization engaging in the sale, rental, lease or exchange of goods, products, services or properties of any kind.

COMMUNITY BUILDING

A building used for recreational, social, educational or cultural activities which is open to the public or a designated part of the public and is operated by a public or noncommercial organization.

CONTIGUOUS SIGN

A sign having any part located within one foot from any part of another sign in the same class, except that, in the case of a freestanding sign, "contiguous sign" means a sign having its support structure integral to the support structure of another sign in the same class.

DEALERSHIP

A commercial business organization licensed by the state to sell new motor vehicles. For the purpose of Section 450, the term "new motor vehicles" includes new "two-stage vehicles" as defined by state law.^[1]

DISPLAY AREA

That part of the sign background actively involved with changeable copy.
[Bill No. 106-2008]

DOUBLE-FACED

Two freestanding, projecting or banner sign faces of equal dimensions and height having a horizontal angle between the vertical planes of the two sign faces of at least 330° or less and a distance between the two sign faces at their closest points of less than two feet.

ERECT

To display, construct, build, raise, assemble, place, affix, attach, paint, draw or otherwise bring a sign into being. "Erect" also means to reconstruct, enlarge, replace or relocate a sign previously erected. "Erect" does not mean the maintenance or repair of a sign governed by Section 450.6.C.

FACE

The flat planar surface within a continuous perimeter enclosing the outer limits of the message of a sign.

FLAG

A panel of fabric of distinctive design that is used as a symbol (as of a nation), as a signaling device, or as a decoration.
[Bill No. 106-2008]

FLASHING

The intermittent change, whether directly or indirectly, to an illuminated sign, which exhibits a change to the natural or artificial light or color effects by any means whatsoever.
[Bill No. 106-2008]

FOREGROUND

That part of a sign that is nearest to the spectator and lying in front of the background.
[Bill No. 106-2008]

FREQUENCY

3907 Buckingham Road
Pikesville Maryland 21207
September 17, 2015



Mr. Arnold Jablon,
Director of PDM
Deputy Administrative Officer
Room 111
111 West Chesapeake Avenue
Towson Maryland 21204

Dear Mr. Jablon,

I represent the Villa Nova Community Association (VNCA) as chairperson of its zoning committee. I was advised by Mr. Carl Richards to submit a request to have a sign and zoning decision for 4010 Buckingham Road with which our community does not agree reviewed and modified.

In April 2015 an assisted living facility for the elderly installed a large, (i.e. 7' by 5' excluding the posts) on the front lawn. There are approximately 5 additional assisted living facilities in Villa Nova therefore the community is aware that the zoning sign regulations state that the sign should be smaller. Initially, VNCA was told that the sign would be removed because the sign did not comply with zoning regulations. When the sign was not removed after six weeks, VNCA was informed that the citation was dismissed and the facility would be allowed to file for a variance. Later, VNCA was informed that there would not be a variance request and to contact Mr. Leonard Wasilewski for additional information.

I received a call during the second week of September from Mr. Leonard Wasilewski of the zoning department. He said that he approved a sign permit dated 8/18/15 for this sign. We discussed the following issues that did not appear to align with current zoning regulations and previous zoning decisions.

ISSUE 1 – SECTION 432.A: Assisted Living facility; Housing for the Elderly should have been but was not used.

Section 432A.1B. pertains to signs for assisted living facilities. **SECTION 432A** was not used because the assisted living facility had more than 8 beds. I requested clarification because **SECTION 432A.1A.2** includes FACILITY II as being included in this section, therefore, **SECTION 432A.** should be used. "**SECTION 101: Definitions,**" defined :Assisted-Living Facility" and categorized **Facility I** as having less than 8 resident clients, **Facility II** as having between 8 and 15 resident clients, and **Facility III** as having more than 15 resident clients. I was told that if an assisted living facility had more than 8 client beds it is not considered an assisted living facility as defined in **SECTION 432A: Assisted-Living Facility; Housing for the Elderly.**

ISSUE 2 – Assisted Living Facility should not be classified as a Community Building

I was told that the assisted living facility had more than 8 client beds; therefore it was classified as a community building. I was told that since this assisted living facility was considered a "Community Building" it fit the definition in section "**450.3 General Sign Definition, "COMMUNITY BUILDING - A building used for recreational, social, educational or cultural activities which is open to the public or a designated part of the public and is operated by a public or noncommercial organization."** I explained that the assisted living facility is a for-profit organization, (i.e. business), and it is not used for recreational, social, educational or cultural activities, nor is it open to the public, and it is not operated by a public or noncommercial organization.

2016-0156-SPH

ISSUE 3 – Assisted Living Facility should be classified as a for profit business

I requested that Section **450.3 General Sign Definition**, "*COMMERCIAL - That which relates to a for-profit business organization engaging in the sale, rental, lease or exchange of good, products, services or properties of any kind.*" be used because it appears to be a more appropriate classification for the assisted living facility because it is a business providing services to elderly clients. I was told that the assisted living facility was not a for-profit business because it had more than 8 client beds and was thus a community building.

ISSUE 4 – Sign should not be classified as an Identification sign

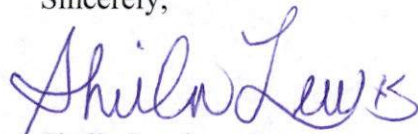
- A.) I was told that when using the 2015 **Table of Sign Regulations, (Column I- Class)**, " 6. *IDENTIFICATION, meaning a sign displaying the name of purpose of a place or structure,*" was used because the assisted living facility was considered a community building as describe in **(Column III- Zone of Use)** "*Accessory to a multifamily building or institutional structure or community building.*"
- B.) Consequently, the maximum size of the sign should be 25 square feet and have a maximum height of 6 feet. The sign that is erected is approximately 35 square feet and stands approximately 7 feet tall. He stated that he approved the sign as it is and I should discuss any modification for the size with Mr. Richards.

ISSUE 5 – Sign should be classified as an Enterprise sign

I asked to please consider using the 2015 **Table of Sign Regulation, (Column I - Class)** "*5. ENTERPRISE, meaning an accessory sign which displays the identity and which may otherwise advertise the products or services associated with the individual organization,*" because this is a business organization and **(Column III - Zone of Use)** "*(m) Elderly housing facility in D.R., commercial use in D.R., R.C., R-O-A, R.O., R.C.C., B.M.Y.C.*" appears to pertained specifically. Therefore, the maximum size of the sign should be 1 square feet in D.R. (NOTE: I told Mr. Wasilewski that Villa Nova is designated D.R.).

Mr. Wasilewski stated that he approved the sign as it is and I should discuss any modification of the size with Mr. Richards. He said that he understood my interpretation of the zoning law; however, he was not changing his approval of the sign. Please review the issues in question as it effects this sign classification and size to allow for the smaller size as indicated in the Table of Sign Regulations, Enterprise use (m) Elderly housing facility in D.R. I am available to answer any questions and meet with you or any of your representatives to discuss and resolve this matter. I can be reached at 410-653-2498.

Sincerely,



Sheila Lewis,
Villa Nova Community Association

Property Owner (Not the Permittee)

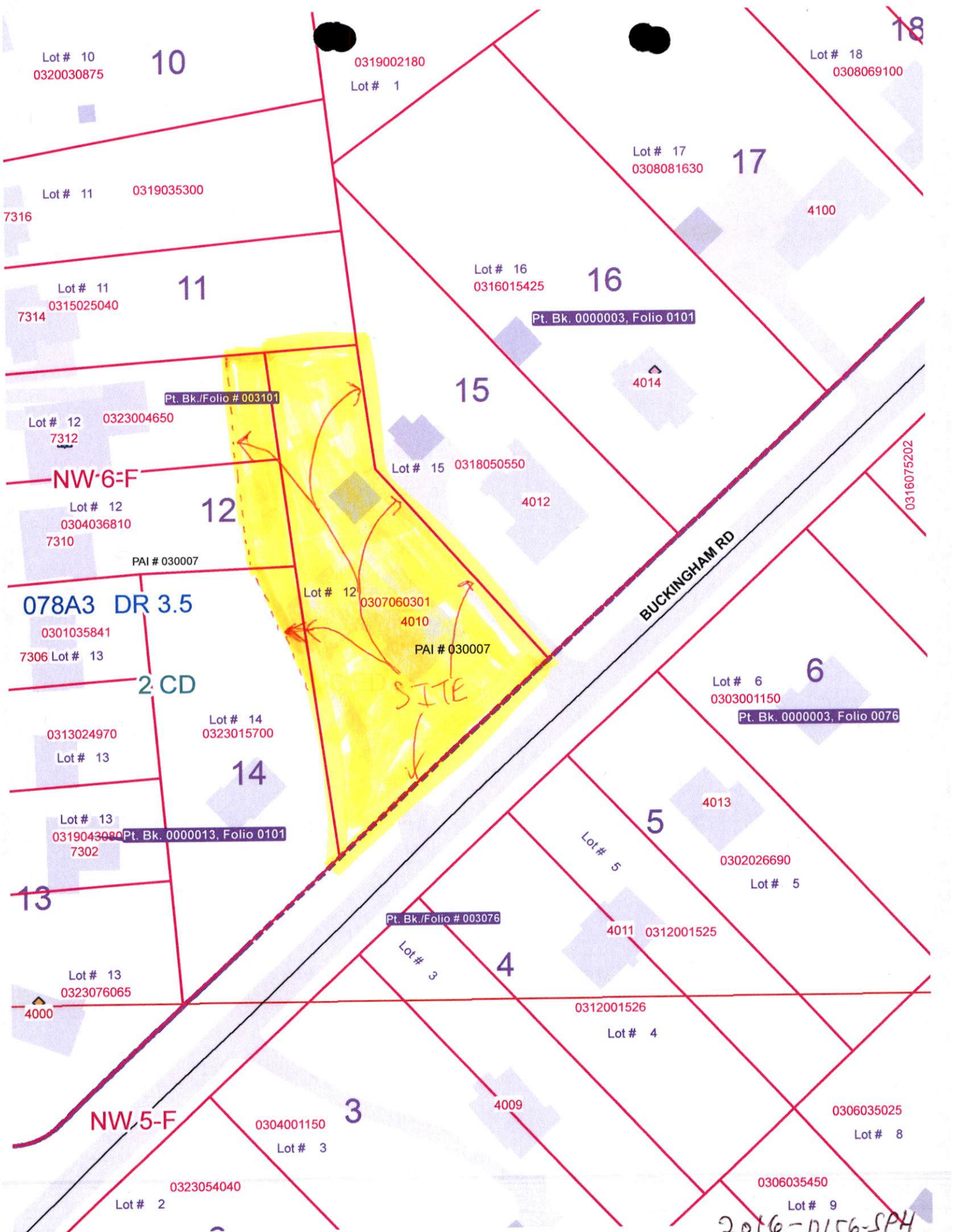
Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 03 Account Number - 0307060301			
Owner Information					
Owner Name:		STREET JAMES H JR		Use:	RESIDENTIAL
Mailing Address:		6250 CARDINAL LN COLUMBIA MD 21044-		Principal Residence:	NO
				Deed Reference:	/36213/ 00317
Location & Structure Information					
Premises Address:		4010 BUCKINGHAM RD 0-0000		Legal Description:	PT LT 12,14,15 VILLA NOVA
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0078	0020	0465		0000	D
Special Tax Areas:				Town:	NONE
				Ad Valorem:	
				Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1935	2,784 SF		29,370 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	YES	STANDARD UNIT	SIDING	2 full	1 Detached
Last Major Renovation					
Value Information					
Base Value		Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2014	07/01/2015	07/01/2016	
Land:	74,800	68,000			
Improvements	136,800	150,400			
Total:	211,600	218,400	216,133	218,400	
Preferential Land:	0			0	
Transfer Information					
Seller: STREET KIMBERLY A/JAMES H JR		Date: 05/22/2015	Price: \$0		
Type: NON-ARMS LENGTH OTHER		Deed1: /36213/ 00317	Deed2:		
Seller: BARKER SAMUEL DONALD		Date: 06/26/1996	Price: \$130,000		
Type: ARMS LENGTH MULTIPLE		Deed1: /11666/ 00289	Deed2:		
Seller: GREEN HERBERT E		Date: 03/18/1981	Price: \$0		
Type: NON-ARMS LENGTH OTHER		Deed1: /06268/ 00749	Deed2:		
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015	07/01/2016		
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00	0.00 0.00		
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					

2016-0156-SPH



Lot # 10
0320030875

10

0319002180
Lot # 1

Lot # 18
0308069100

18

Lot # 11
0319035300

7316

Lot # 17
0308081630

17

4100

Lot # 11
0315025040

11

7314

Lot # 16
0316015425

16

Pt. Bk. 0000003, Folio 0101

Pt. Bk./Folio # 003101

Lot # 12
0323004650

7312

NW 6-F

15

Lot # 15
0318050550

4012

0316075202

Lot # 12
0304036810

12

7310

PAI # 030007

078A3 DR 3.5

0301035841

7306 Lot # 13

2 CD

Lot # 12
0307060301

4010

PAI # 030007

SITE

BUCKINGHAM RD

Lot # 6
0303001150

6

Pt. Bk. 0000003, Folio 0076

0313024970
Lot # 13

Lot # 14
0323015700

14

Lot # 13

0319043000
7302

Pt. Bk. 0000013, Folio 0101

13

Lot # 13
0323076065

4000

Pt. Bk./Folio # 003076

Lot # 3

4

0312001526

Lot # 4

5

4013

0302026690

Lot # 5

4011 0312001525

4009

0304001150

Lot # 3

0306035025

Lot # 8

NW 5-F

0323054040

Lot # 2

0306035450

Lot # 9

2016-1156-SPH

THIS PROPERTY IS NOT LOCATED WITHIN ANY
PREVIOUSLY DETERMINED FLOOD PLAIN AREA,
UNLESS OTHERWISE INDICATED.

W.P.C 3 FOLIO 101

2015-0156-SPH

THIS PROPERTY IS NOT LOCATED WITHIN ANY
PREVIOUSLY DETERMINED FLOOD PLAIN AREA,
UNLESS OTHERWISE INDICATED.

KLP-3 F0410101



307 W. LAFAYETTE AVENUE
BALTIMORE, MD 21217
PHONE: (410) 728-8767

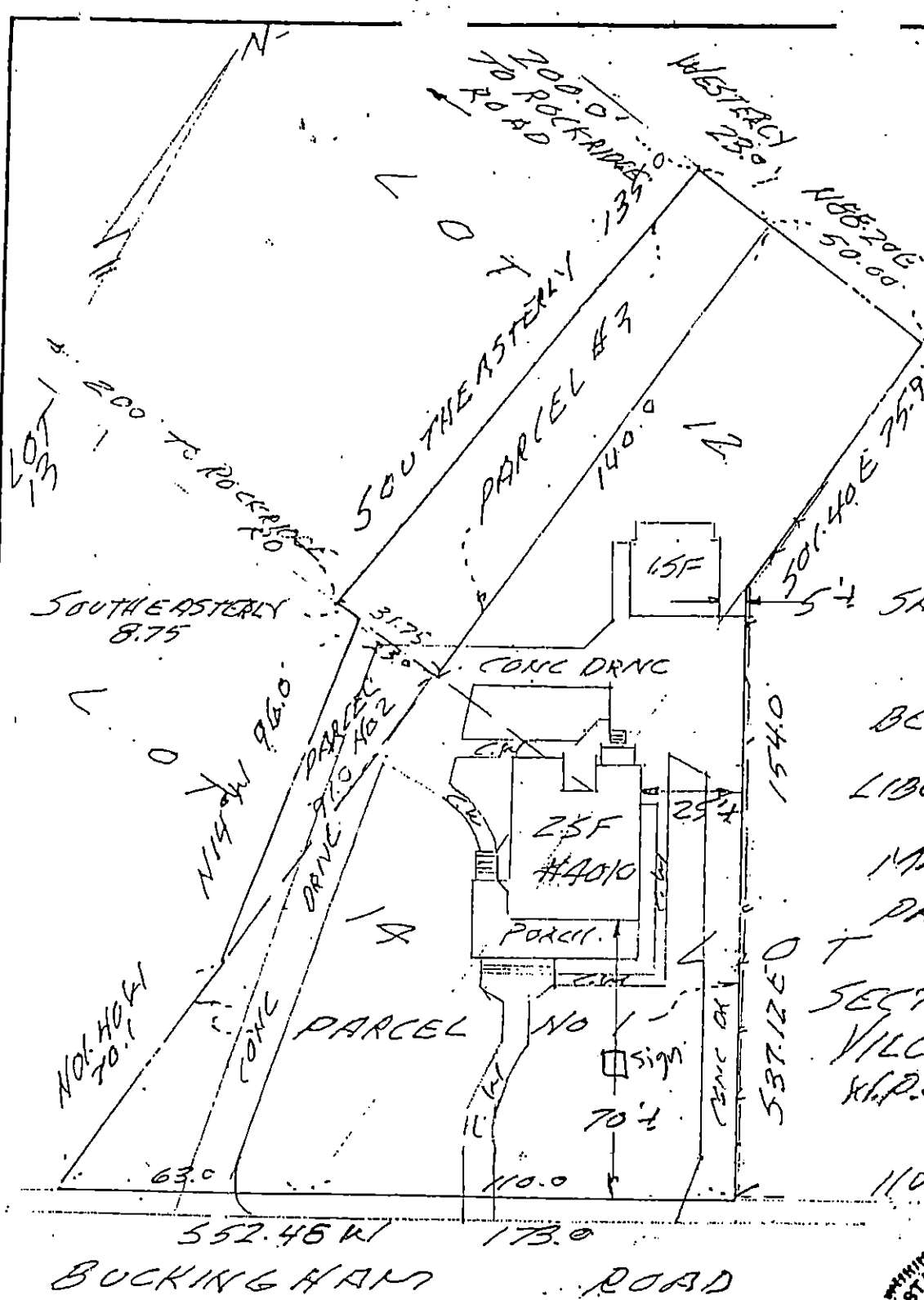
THOMAS M. HOFFMAN

LS #6138

2015-0156-SPH

THE PLAT IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR RE-FINANCING. THE PLAT IS NOT TO BE RELED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDINGS, OR OTHER EXISTING OR FUTURE IMPROVEMENTS; AND THE PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING.

THIS PROPERTY IS NOT LOCATED WITHIN ANY PREVIOUSLY DETERMINED FLOOD PLAIN AREA, UNLESS OTHERWISE INDICATED.



TITLE REF
SAMUEL
DONALD
BARKER
BETSY LYNN
BARKER
LIBER 6268
PAGE 749
MARCH 16, 1981
PARCELS 1, 2 & 3
15
SECTION D
VILLANOVA
H.P.C 3 FOLIO 101



LOCATION SURVEY

NO 4010 BUCKINGHAM ROAD

SCALE: 1" = 40'

THIS IS TO CERTIFY THAT ON JUNE 7, 1996 I PERFORMED A LOCATION SURVEY ON THE SUBJECT PROPERTY FOR THE PURPOSE OF LOCATING THE IMPROVEMENTS THEREON AND SAID IMPROVEMENTS ARE LOCATED WITHIN THE BOUNDARIES OF THE SUBJECT PROPERTY, UNLESS INDICATED BY ASTERISK *.

Thomas M. Hoffman
THOMAS M. HOFFMAN

LS #6138

The Surveyors
Professional Land Surveyors
307 W. LAFAYETTE AVENUE
BALTIMORE, MD 21217
PHONE: (410) 728-8767

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
1/21/16	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	N/C
1/19/16	DEPS (if not received, date e-mail sent _____)	N/C
	FIRE DEPARTMENT	
2/2/16	PLANNING (if not received, date e-mail sent _____)	N/C
1/13/16	STATE HIGHWAY ADMINISTRATION	no obj
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 2/18/16

SIGN POSTING Date: 2/19/16 by O'Keefe

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☒ No ☐

letter from Thomas Meachum, Esq 2/2/16

Comments, if any:

letter from N. Scott Phillips 2/15/16
E-Mail

Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration				
Account Identifier:		District - 03 Account Number - 0307060301								
Owner Information										
Owner Name:		STREET JAMES H JR				Use:		RESIDENTIAL		
Mailing Address:		6250 CARDINAL LN COLUMBIA MD 21044-				Principal Residence:		NO		
						Deed Reference:		/36213/ 00317		
Location & Structure Information										
Premises Address:		4010 BUCKINGHAM RD 0-0000				Legal Description:		PT LT 12,14,15 VILLA NOVA		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No: Plat Ref:	
0078	0020	0465		0000	D		12	2014	0003/ 0101	
Special Tax Areas:					Town: Ad Valorem: Tax Class:		NONE			
Primary Structure Built 1935		Above Grade Enclosed Area 2,784 SF			Finished Basement Area		Property Land Area 29,370 SF		County Use 04	
Stories 2	Basement YES	Type STANDARD UNIT		Exterior SIDING	Full/Half Bath 2 full	Garage 1 Detached	Last Major Renovation			
Value Information										
				Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2015 As of 07/01/2016				
Land:				74,800	68,000					
Improvements				136,800	150,400					
Total:				211,600	218,400	216,133		218,400		
Preferential Land:				0				0		
Transfer Information										
Seller: STREET KIMBERLY A/JAMES H JR Type: NON-ARMS LENGTH OTHER					Date: 05/22/2015 Deed1: /36213/ 00317			Price: \$0 Deed2:		
Seller: BARKER SAMUEL DONALD Type: ARMS LENGTH MULTIPLE					Date: 06/26/1996 Deed1: /11666/ 00289			Price: \$130,000 Deed2:		
Seller: GREEN HERBERT E Type: NON-ARMS LENGTH OTHER					Date: 03/18/1981 Deed1: /06268/ 00749			Price: \$0 Deed2:		
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2015			07/01/2016			
County:		000		0.00						
State:		000		0.00						
Municipal:		000		0.00 0.00			0.00 0.00			
Tax Exempt:					Special Tax Recapture:					
Exempt Class:					NONE					
Homestead Application Information										
Homestead Application Status: No Application										

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)District: **03** Account Number: **0307060301**

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.

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



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

March 7, 2016

RECEIVED

MAR 07 2016

OFFICE OF ADMINISTRATIVE HEARINGS

HAND DELIVERED

John Beverungen, Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: Villa Nova Community Association - Petitioner
4010 Buckingham Road
Case No.: 2016-156-SPH

Dear Judge Beverungen,

The special hearing petition requests a legal determination as to legitimacy of a sign for an assisted living facility at 4010 Buckingham Road. It has come to our office's attention that the property owner's lessee has filed a motion to dismiss for lack of standing or jurisdiction, questioning the authority of adjacent property owners to file such a petition.

Our office disagrees with the lessee's motion. There is ample authority under the BCZR Sec. 500.7 language ("the right of any interested person") to review a petition by interested nearby property owners and community associations.. The Court of Appeals has consistently articulated a broad and liberal understanding of "interested person" in administrative proceedings. See Dorsey v. Bethel AME Church 375 Md. 59, 71-74 (2003).

A special hearing request is effectively a request for declaratory judgment. Antwerpen v. Baltimore County 163 Md. 194, 209 (2005). There have been such petitions reviewed for many years. People's Counsel v. Maryland Marine Mfg. Co. 316 Md. 491 (1989); Board of Child Care v. Harker 316 Md. 683 (1989). The scope extends broadly to interested adjacent property owners. This is illustrated in Marzullo v. Kahl 366 Md. 158 (2001); People's Counsel v. Surina 400 Md. 662 (2007); and 3600 Georgetown Corp. v. Greater Bloomfield Community Assoc. Court of Special Appeals No. 217, Sept. Term 2007, filed December 24, 2008, unreported. There are, of course, other cases which did not rise or have not yet risen to the appellate courts. See, e.g. Case No. 15-0276-SPH, Kenneth Abel, et ux., 8420, 8430, 8432 Stevenson Road.

Accordingly, there is no doubt about jurisdiction to review the merits and substance of the petition. While we do not express preliminarily our conclusion as to the merits, we note that the parties may disagree as to the characterization of the sign. Is it an enterprise sign or an identification sign? We do note that the sign has a telephone number in addition to name identification and address.

We note also that Petitioners' March 2, 2016 response to the motion attaches a "Sign Use Permit" apparently issued July 7, 2015. This indicates "12 residence approved" (sic). Currently, per BCZR Sec. 101.1, an assisted living facility for between 8 and 15 resident clients is classified as a Class II facility. BCZR Sec. 432A.1.A.2 permits a Class II facility by use permit it "... if it has frontage on a principal arterial street." There is also a requirement for a compatibility finding. It is noteworthy that a Class I assisted living facility, for fewer than 8 resident clients, does not need to be on a principal arterial road.

Upon inquiry, we found an original use permit for the facility issued in 1998 under Bill 188-93 (then Sec. BCZR Sec. 432.5 Table, D.R. 3.5), prior to current law enacted in 2004. Bill 19-04. If Buckingham Road is not a principal arterial street, then the current use may be a nonconforming use under prior law. Whether this history affects the sign would be another question. The law disfavors changes to nonconforming uses. See BCZR Sec. 104.1. County Council for Prince George's County v. Gardner 293 Md. 259 (1982).

In conclusion, even though a Sign Use Permit was issued, the sign is not immune from review under the zoning law. See Marzullo v. Kahl 366 Md. 158, 194-99 (2001), and cases cited. If it does not meet the law, then this determination may be made by special hearing.

We are sending this letter to Judge Beverungen, as we understand he will conduct the administrative hearing. We also send a copy to Judge Stahl because the Lessee addressed its motion to him. Our present intent is to submit on the record made by the Petitioners and Lessee.

Sincerely,



Peter Max Zimmerman

People's Counsel for Baltimore County

cc: Via first class mail and e-mail
Thomas Meachum, Esquire; tmm@carneykelehan.com
N. Scott Phillips, Esquire, nscottphillips@nscottphillips.com
Lawrence Stahl, Managing Administrative Law Judge



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

March 7, 2016

RECEIVED

MAR 08 2016

HAND DELIVERED

John Beverungen, Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

OFFICE OF ADMINISTRATIVE HEARINGS

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4010 Buckingham Road
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We are sending this letter to Judge Beverungen, as we understand he will conduct the administrative hearing. We also send a copy to Judge Stahl because the Lessee addressed its motion to him. Our present intent is to submit on the record made by the Petitioners and Lessee.

Sincerely,



Peter Max Zimmerman

People's Counsel for Baltimore County

cc: Via first class mail and e-mail
Thomas Meachum, Esquire; tmm@carneykelehan.com
N. Scott Phillips, Esquire, nscottphillips@nscottphillips.com
Lawrence Stahl, Managing Administrative Law Judge

MAR 03 2016

OFFICE OF ADMINISTRATIVE HEARINGS

Daniel H. Scherr
P. Tyson Bennett
Kevin J. Kelehan
Thomas M. Meachum
Judith S. Bresler
Michael S. Molinaro
Eric C. Brousaides
Michelle DiDonato
B. Darren Burns
Peter D. Fastow
Manisha S. Kavadi
Andrew H. Robinson
Sarah H. Dye
Angela C. King
Christina J. Kane

OF COUNSEL:

David A. Carney
Fulton P. Jeffers

IN MEMORIAM

Laurence B. Raber

www.CarneyKelehan.com

March 2, 2016

Via Federal Express

Arnold Jablon
Deputy Administrative Officer
Director, Department of Permits
Approvals and Inspections
111 West Chesapeake Avenue, Suite 105
Towson, MD 21204

and

Lawrence M. Stahl
Managing Administrative Law Judge
Zoning Review
County Office Building
105 West Chesapeake Avenue, Suite 103
Towson, MD 21024

RE: Case No. 2016-0156-SPH

Dear Sirs:

This will acknowledge receipt of the letter from Mr. N. Scott Phillips, Esquire who states that he represents the lessee of the subject property. In the letter the lessee requests that the special hearing be dismissed. The Petitioners reply as follows:

First, it is not clear what standing a lessee has to request dismissal of a petition based on an alleged requirement that the owner of the subject property did not sign the petition for special hearing.

Second, this is a petition challenging the decision that the sign complies with the Zoning Regulations. Signs are regulated in the Zoning Regulations in Section 450.

Arnold Jablon and
Lawrence M. Stahl
March 2, 2016
Page 2

Under Section 32-3-301(a)(2) the Zoning Commissioner may interpret the zoning regulations.

Under Section 500.6 the Zoning Commissioner has the power to conduct hearings involving any violation or alleged violation or noncompliance with any zoning regulations, or the proper interpretation thereof, and to pass his order thereon.

Under Section 500.7 the Zoning Commissioner has the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations.

Regardless of which of any of these sections are employed, the Petitioners clearly have the right, and the Administrative Law Judge the authority, to hear a petition challenging the compliance of a sign within the Zoning Regulations. That right is not in any way restricted by the form the County requests a petitioner to complete to initiate that process. A neighborhood association and individual do not need the permission of a property owner to challenge the compliance of his property with the Zoning Regulations. Therefore, the Petitioners request that the request for dismissal be denied.

Further, in support of this petition, the Petitioners have obtained a copy of the Sign Use Permit Application, attached hereto. This sign in question was applied for and approved as a community identification sign. This relates to a sign for a community building.

A copy of the definition of community building found in the signs portion of the Zoning Regulations is attached. This commercial assisted living facility clearly does not meet the definition of a community building.

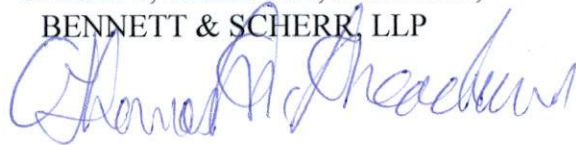
The Petitioners do not bear the burden of proving what category of sign this should be. Their only burden is to prove the decision that was made is incorrect. The decision to classify this sign as one for a community building is

Arnold Jablon and
Lawrence M. Stahl
March 2, 2016
Page 3

clearly incorrect. The decision to approve it as such should be reversed, and the sign removed.

Very truly yours,

CARNEY, KELEHAN, BRESLER,
BENNETT & SCHERR, LLP



Thomas M. Meachum

TMM/pjm
Enclosure

cc: Peter Max Zimmerman, Esquire
N. Scott Phillips, Esquire
Villa Nova Community Association

P:\TMM\WPDATA\Villa Nova Comm Assoc\Jablon-Stahl ltr.wpd



BALTIMORE COUNTY
DEPARTMENT OF PERMITS, APPROVALS & INSPECTIONS
111 WEST CHESAPEAKE AVENUE
TOWSON, MD 21204
410-887-3391

B 887251
A 714403

The applicant is authorized to affirm that there are no current violations at this site pursuant to Section 112.7 BCC
Initials NS

SIGN USE PERMIT

Permit Fees are Non-Refundable; Make Check Payable to "Baltimore County, Maryland"

PROPERTY ADDRESS 4010 Buckingham Rd ZIP CODE 21207
BUSINESS NAME Assisted Living @ Buckingham Manor, LLC ZONING DR 35
OWNER'S NAME Donzella Burton, McClean PHONE NO. _____ HISTORIC DISTRICT ☐ Yes ☐ No
MAILING ADDRESS _____

APPLICANT/OWNER'S AGENT N Scott Phillips PHONE NO. 410 984-5050

SIGN COMPANY NAME Signs by Tomorrow PHONE NO. 410 356-5462

TYPE OF SIGN: ☐ Window Sign TAX ACCOUNT NO. 030 / 706 / 0301

☐ Temporary- Including Real Estate/Construction/Event Temporary Signs in the Last Year: ☐ Yes ☐ No

☒ Permanent ☐ Changeable Copy ☐ Wall ☐ Face Change Only ☒ Non-Illuminated

☒ Freestanding ☒ Pylon ☐ Monument ☐ Illuminated (separate electrical permit required)

Size: 4 feet x 6 feet = 24 square feet Height: 6' feet (freestanding signs)

Property Line/Street Right-of-Way Setbacks: front 10, sides _____ and _____, and rear _____.

NOTE: A construction plan, drawn to scale and clearly showing that all requirements have been met, must be attached; a site plan also must be attached for freestanding signs.

Table of Sign Regulations: 450.4. Attachment 1, 1.- An Electronic Changeable Copy Sign may only have a maximum Frequency of one instantaneous message change per 15 second cycle.

450.6.B.3 Changeable copy signs must operate at a constant intensity and not give the appearance of movement by flashing, blinking, strobing, scrolling, oscillating, or alternating lights.

PROHIBITIONS: including roof signs (Sections 450.5.B.7 and 450.6.A, Baltimore County Zoning Regulations):

1. Signs cannot impair motorist's clear view of traffic or government signs. All signs are subject to Section 102.5, BCZR.
2. Signs cannot imitate or resemble government signs, except for private traffic control and notice signs.
3. Signs cannot be placed in or project into or above street right of way or governmental property.
4. Sign or framework cannot obstruct window or opening for light and air or access to building, fire hydrant, or stand pipe.
5. Vehicle cannot be parked for the purpose of displaying an attached sign.
6. Except for flags exempted, flags, pennants, ribbons, streamers, tethered balloons, laser projections, and similar objects are prohibited.
7. Portable signs are prohibited, except for A-frame and sandwich board signs issued a use permit in B.M. - C.T. zones.
8. There can be no display or simulation of moving parts or message, except for an outdoor advertising sign with tri-vision, a changeable copy sign, or a thermometer, barometer, weather vane, barber pole, or clock.
9. No sign may emit sound

Work Description (including number of signs, special conditions, materials, locations and size): 12 Residence Approved.
Erect (1) 4'x6' Community ID Sign

CORNER LOT ☐

OWNER/AGENT CERTIFICATION

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the above are true and further agree to locate the proposed sign such that it will not violate Baltimore County laws and regulations.

N Scott Phillips
Signature

7-30-15
Date

N. Scott Phillips
Print/Type Name

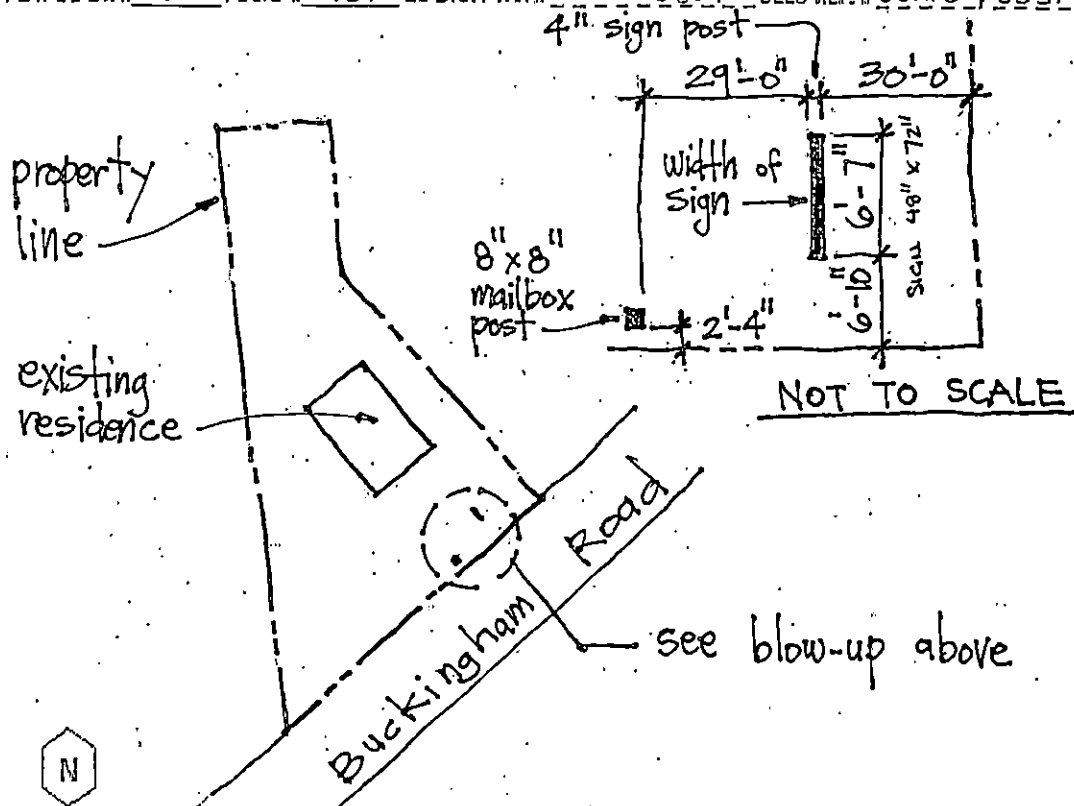
☐ Require Planning Signature _____ Date _____

Copies: White-Office; Yellow- Applicant (keep this Copy for your permanent records)

REV 10/14

Authority under Section 500.4, BCZR PAI Approval (SIGN-ONLY)		
<u>[Signature]</u>	<u>2</u>	<u>7/30/15</u>
Signature	Initials	Date

ZONING HEARING PLAN FOR VARIANCE _____ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 4010 Buckingham Road OWNER(S) NAME(S) James H. Street, Jr.
 SUBDIVISION NAME Villa Nova LOT# _____ BLOCK# _____ SECTION# _____
 PLAT BOOK # 3 FOLIO # 101 10 DIGIT TAX # 0301060301 DEED REF. # 36213 / 00317



PLAN DRAWN BY N. Scott Phillips DATE 7-10-15 SCALE: 1 INCH = 120 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP#

SITE ZONED D2 3.5

ELECTION DISTRICT 3

COUNCIL DISTRICT 2

LOT AREA ACREAGE

OR SQUARE FEET 29 370

HISTORIC ?

IN CBCA?

IN FLOOD PLAIN ?

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE

SEWER IS:

PUBLIC ☒ PRIVATE ☐

PRIOR HEARING ?

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

EC1502598

[Bill No. 106-2008]

CHARACTER

A symbol, letter or numeral that communicates information.

[Bill No. 106-2008]

COLOR

A specific combination of hue, saturation, and lightness or brightness; a color other than as contrasted with black, white or gray.

[Bill No. 106-2008]

COMMERCIAL

That which relates to a for-profit business organization engaging in the sale, rental, lease or exchange of goods, products, services or properties of any kind.

COMMUNITY BUILDING

A building used for recreational, social, educational or cultural activities which is open to the public or a designated part of the public and is operated by a public or noncommercial organization.

CONTIGUOUS SIGN

A sign having any part located within one foot from any part of another sign in the same class, except that, in the case of a freestanding sign, "contiguous sign" means a sign having its support structure integral to the support structure of another sign in the same class.

DEALERSHIP

A commercial business organization licensed by the state to sell new motor vehicles. For the purpose of Section 450, the term "new motor vehicles" includes new "two-stage vehicles" as defined by state law.^[1]

DISPLAY AREA

That part of the sign background actively involved with changeable copy.

Debra Wiley

From: Debra Wiley
Sent: Wednesday, February 17, 2016 8:38 AM
To: Kristen L Lewis
Cc: John E. Beverungen; Sherry Nuffer (snuffer@baltimorecountymd.gov)
Subject: 2016-0156-SPH - March 10, 2016 @ 1:30 PM
Attachments: 20160217084206052.pdf

Hi Kristen,

Please find attached a request to dismiss the above-referenced matter scheduled for March 10th.

Thank you.

-----Original Message-----

From: adminhearingscpr@baltimorecountymd.gov [mailto:adminhearingscpr@baltimorecountymd.gov]
Sent: Wednesday, February 17, 2016 8:42 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Admin Hearings Copier

This E-mail was sent from "RNP002673903BB1" (MP 3054).

Scan Date: 02.17.2016 08:42:05 (-0500)

Queries to: adminhearingscpr@baltimorecountymd.gov

3-10-16
1:30 PM

N. Scott Phillips Legal and Business Consulting Services, LLC

322 North Howard Street, Baltimore, MD 21201 410.984-5050 nscottphillips@nscottphillips.com

By First Class and Electronic Mail to lstahl@baltimorecountymd.gov and
ajablon@baltimorecountymd.gov

February 15, 2016

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

And

Lawrence M. Stahl
Managing Administrative Law Judge
Zoning Review
County Office Building
111 West Chesapeake Avenue
Room 111
Towson, MD 21204

RE: Case Number: 2016-0156-SPH

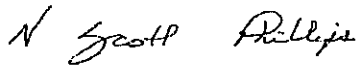
Dear Sirs:

I represent the Lessee in the above referenced matter. The Lessee with the Landlord's concurrence erected a sign at 4010 Buckingham Road. The Lessee applied for and received approval to erect the sign by Baltimore County's Permit Office.

This is a request to dismiss the above reference matter. The Petition for Hearing in the above referenced matter was submitted by a party with no legal interest. The petition requires a signature of the Legal Owner of the property (see attached). This petition is void of the owner's signature. The building code specifically permits only an applicant to appeal the issuance of a permit. The Administrative Law Judge has no authority to review or pass upon the legality of issued permits in the matter at hand. The issuance of permits does not come under the purview of Baltimore County Zoning Regulations.

Thank you for your review and action in the above referenced matter.

Sincerely,



N. Scott Phillips

cc: Sheila Lewis, Villa Nova Community Association
Thomas Meachum, Attorney, Villa Nova Community Association
Donzella McClearn, Buckingham Manor

Debra Wiley

From: Lawrence Stahl
Sent: Tuesday, February 16, 2016 9:40 AM
To: Debra Wiley; John E. Beverungen
Subject: FW: Dismissal: Case Number 2016-0156-SPH
Attachments: Highlighted Buckingham Petition.pdf; ATT00001.htm; Dismissal Request.pdf; ATT00002.htm

From: Scott Phillips [mailto:nscottphillips@nscottphillips.com]
Sent: Monday, February 15, 2016 4:26 PM
To: Lawrence Stahl <lstahl@baltimorecountymd.gov>
Subject: Fwd: Dismissal: Case Number 2016-0156-SPH

I am resending this email. I received a failure to be delivered notice on my previous submission.

Please confirm receipt.

N. Scott Phillips, Esq.
N. Scott Phillips Legal and Business Consulting, LLC
322 North Howard Street
Baltimore, MD 21201
nscottphillips@nscottphillips.com
www.nscottphillips.com
410-984-5050

This transmission contains information from the law firm of N. Scott Phillips Legal and Business Consulting Services, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the planned recipient. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately.

Begin forwarded message:

From: Scott Phillips <nscottphillips@nscottphillips.com>
Subject: Dismissal: Case Number 2016-0156-SPH
Date: February 15, 2016 4:15:18 PM EST
To: Arnold Jablon <ajablon@baltimorecountymd.gov>, lstahl@baltimorecountymd.com
Cc: tmm@carneykelehan.com, donzella@buckinghammanorllc.com
Bcc: Richard McClearn <rmcclearn@caeiinc.com>

Attached is a request to dismiss the above referenced matter for lack of jurisdiction.

Your attention to this matter is greatly appreciated.

N. Scott Phillips, Esq.
N. Scott Phillips Legal and Business Consulting, LLC
322 North Howard Street
Baltimore, MD 21201
nscottphillips@nscottphillips.com
www.nscottphillips.com
410-984-5050

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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 4010 Buckingham Road

which is presently zoned DR3.5

Deed References: 36213/00317

10 Digit Tax Account # 0307060301

Property Owner(s) Printed Name(s) James H. Street, Jr.

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

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

1. X a Special Hearing under Section 500.6 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve an already constructed free standing sign 6' high and 24 sq. ft. for an assisted living facility. (Photo of sign attached) This is an enterprise sign. (See attachment)

2. a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. a Variance from Section(s)

RECEIVED

JAN 11 2016

DEPARTMENT OF PLANNING

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)

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

~~Contract Purchaser/ Lessee:~~ Legal Owner

James H. Street, Jr.

Name - Type or Print

Signature

6250 Cardinal Lane, Columbia, MD

Mailing Address

City

State

21044

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Thomas M. Meachum, Carney Kelehan, et al.

Name - Type or Print

Signature

10715 Charter Drive, Suite 200, Columbia, MD

Mailing Address

City

State

21044

Zip Code

Telephone #

lmm@carneykelehan.com

Email Address

~~Legal Owners (Petitioners):~~

Villa Nova Community Association / Sheila Lewis, President

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

3907 Buckingham Road,

Mailing Address

Pikesville,

City

MD

State

21207

Zip Code

410-653-2498

Telephone #

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2016-0156-SPH

Filing Date 1/6/2015

Do Not Schedule Dates:

Reviewer JNP

REV. 10/4/11

Dunnis / Teag Dunn 1/22/16

Case No.:

2016-0156

Exhibit Sheet

3-23-16
Aln

Petitioner/Developer

193
5-18-16

Protestant

No. 1	Resolution - Villa Nova Comm. Ass'n.	
No. 2	photos of sign	
No. 3	code enforc. notice	
No. 4	Email re: Balto. Cnty Complaint	
No. 5	Email re: complaint dismissal	
No. 6	code enforc. notice	
No. 7	sign permit	
No. 8	Letter from S. Lewis	
No. 9	Email - Maurice White	
No. 10		
No. 11		
No. 12		

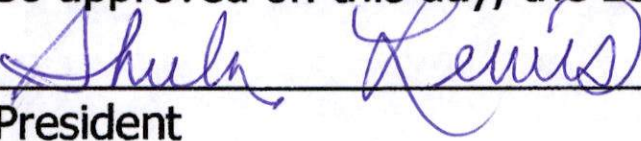
sandy parobeck

From: Artis, India [iartis@naacpnet.org]
Sent: Monday, November 23, 2015 9:11 PM
To: Sandy Parobeck
Subject: here you go - the doc would not attach so i pasted it in the email

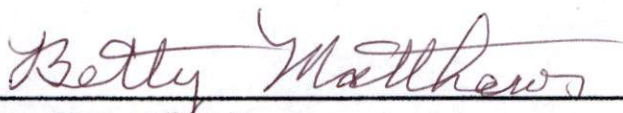
VILLA NOVA COMMUNITY ASSOCIATION RESOLUTION

The president designate, Sheila Lewis, of the Villa Nova Community Association is hereby authorized to act on behalf of the members of Villa Nova as it relates to the zoning issue involving the oversized signage at the assisted living facility located at 4010/4012 Buckingham Road.

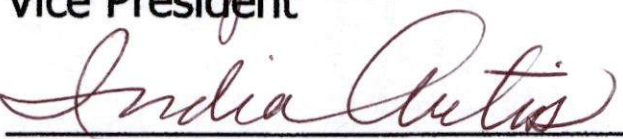
So approved on this day, the 23rd day of November, 2015.



President



Vice President



Secretary



Treasurer

india artis
THE CRISIS
4805 mt. hope dr.
baltimore, md 21215
410.580.5137

PETITIONER' S

EXHIBIT NO. 1



PETITIONER'S
EXHIBIT NO. 2





Code Enforcement	410-887-3351
Electrical Inspection	410-887-3960
Plumbing Inspection	410-887-3620
Building Inspection	410-887-3953

1. It is important that you read this document carefully, as it charges you with the commission of a crime.
2. If you fail to correct the violations noted by the date dictated, a citation may be issued, and a trial scheduled at which you may be penalized by a fine, imprisonment, or both.
3. If the County is required to bring your property into compliance, all costs and fines shall become a lien and shall be collectible in the manner provided for collection of real estate taxes; or may be collected in the same manner as any civil money judgment or debt collected.
4. A lawyer can give important assistance to you:
 - (a) on how to correct the violation(s) in order to avoid trial or
 - (b) at trial, if you failed to correct the violation(s) noted. Assistance may be provided to determine whether there are any defenses to the charges against you or any circumstances helpful to you that should be brought to the trial. A lawyer can help you by developing and presenting information, which could effect how you correct the violation(s).
5. A conviction for each violation will subject you to potential fines of \$200, \$500, \$1000 per day per violation, depending on the violation, or 90 days in jail, or both Baltimore County Code section 1-2-217 and 32-3-602.
6. It is your responsibility to obtain any required permit(s) to correct the cited violation(s). All repairs must be in accordance with applicable laws, Code of Baltimore County Regulations, and standards.
7. Upon correction of these violation(s), contact the inspector for re-inspection. If you have any questions contact the inspector promptly.



Attock. H



Baltimore County Complaint

noreply@baltimorecountymd.gov

Fri 5/22/2015 4:34 PM

To: MsHeather12@hotmail.com <MsHeather12@hotmail.com>;

Complaint Number CC1502598.

Upon inspection of 4010 BUCKINGHAM RD, a Citation has been issued to the property owner. A hearing will be held on 07/01/2015 at the Jefferson Building, Room 205, 105 West Chesapeake Avenue, Towson, MD 21204.

You may obtain additional information by searching existing complaints.

This is a system generated email. Do not reply.

CONNECT WITH BALTIMORE COUNTY



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

P's #4

Baltimore County Complaint

noreply@baltimorecountymd.gov

Mon 6/22/2015 12:24 PM

To: MsHeather12@hotmail.com <MsHeather12@hotmail.com>;

Your Complaint # CC1502598 has been inspected and the inspection has resulted in Dismissed by Inspector being sent to the owner of the property located at 4010 BUCKINGHAM RD. This is a system generated email. DO NOT REPLY

CONNECT WITH BALTIMORE COUNTY



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

P's #5

Permits, Approvals, and Inspections
Code Inspections & Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204



Code Enforcement 410-887-3351
Electrical Inspection 410-887-3960
Plumbing Inspection 410-887-3620
Building Inspection 410-887-3953

www.baltimorecountymd.gov/Agencies/permits/

CODE ENFORCEMENT & INSPECTION CITATION

STREET KIMBERLY A/JAMES H JR STREET BRENDA L
4010 BUCKINGHAM RD
BALTIMORE, MD 21207-0000

CASE NUMBER CC1502598	PROP.TAX ID 0307060301
VIOLATION ADDRESS 4010 BUCKINGHAM RD GWYNN OAK, MD 21207	

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY CODES AND/OR REGULATIONS:

County Codes/Regulations	Inspector's Comments
B.C.Z.R 450: Non permitted sign(s)	Failure to remove non-permitted sign

Pursuant to Section 1-2-217, Baltimore County Code, civil penalty has been assessed, as a result of the violation(s) cited herein, in the amount indicated:

\$6000

A quasi-judicial hearing has been pre-scheduled in:
Jefferson Building, 105 W. Chesapeake Ave, Rm 205
Towson, Maryland, 21204

DATE: 07/01/2015 TIME: 09:00 A.M.

IF A VIOLATOR DOES NOT APPEAR AT THE CODE ENFORCEMENT HEARING, THE CITATION AND ANY CIVIL PENALTY ARE DEEMED A NON-APPEALABLE FINAL ORDER OF THE CODE OFFICIAL OR THE DIRECTOR.

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief.

Inspector Printed Name Dan O'Neill	Inspector Signature	Issued Date 05/22/2015
--	----------------------------	----------------------------------

P's 6

Permits, Approvals, and Inspections
Code Inspections & Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204



Code Enforcement 410-887-3351
Electrical Inspection 410-887-3960
Plumbing Inspection 410-887-3620
Building Inspection 410-887-3953

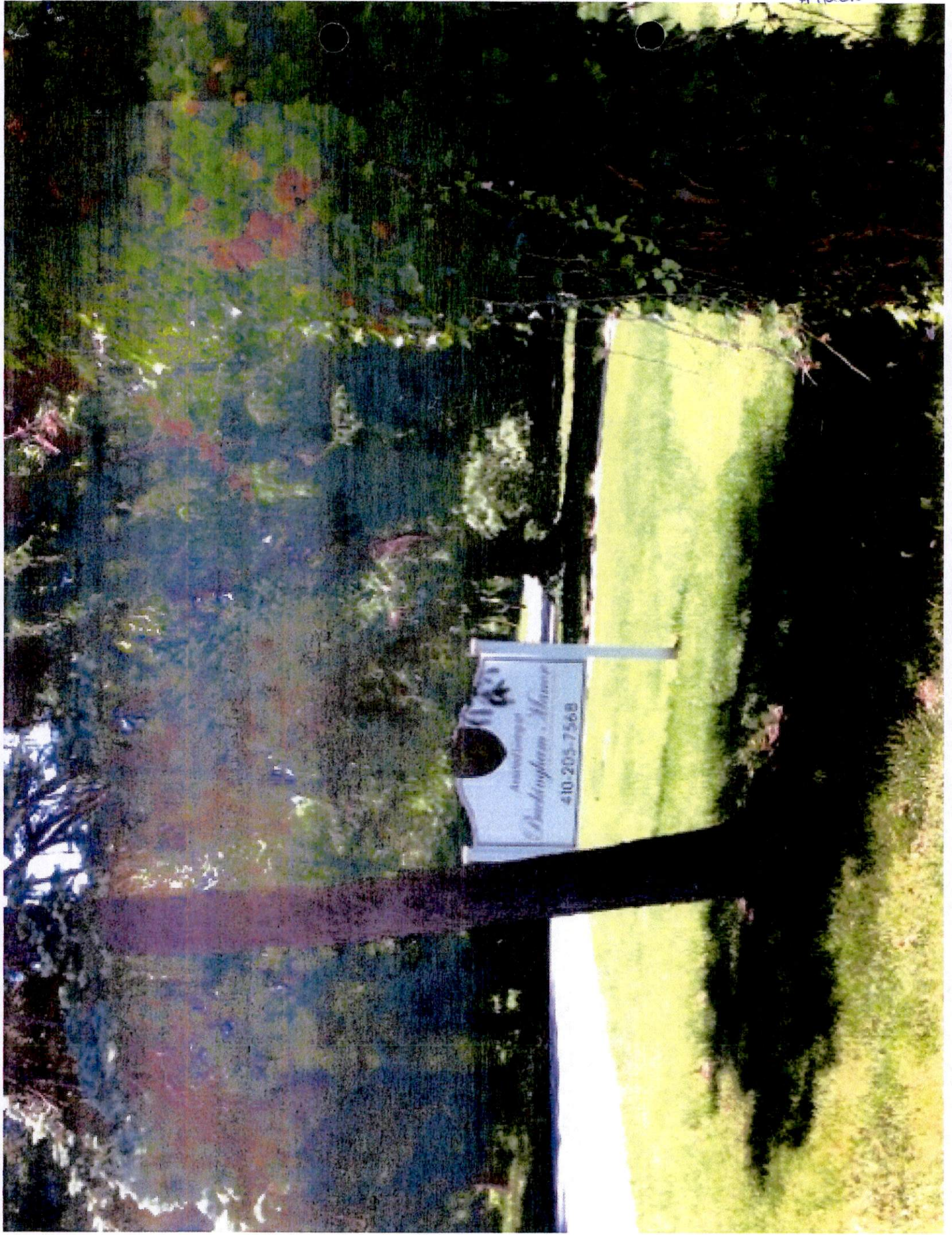
www.baltimorecountymd.gov/Agencies/permits/

CODE ENFORCEMENT & INSPECTION CITATION

IMPORTANT INFORMATION TO THE PERSON'S CHARGED

1. If unable to appear on the designated date, the violator may request in writing to the Code Official within fifteen (15) days from the date of this citation for a rescheduled hearing. If you require the assistance of an interpreter because you do not understand or speak the language in which the proceedings are being conducted you must ask for an interpreter within 72 hours of the court date.
2. At this hearing, you are entitled to be represented by an attorney, present witnesses, present evidence, and cross-examine any witnesses against you. An attorney can be helpful to you by (a) explaining the charges in this citation, (b) helping you at the hearing, and (c) helping you challenge the civil penalty, if found in violation.
3. If Administrative Law Judge finds that a violation has occurred, the Final Order may include (a) a civil penalty, (b) reasonable conditions as to time and manner of correction and (c) requirement to reimburse the County for any lien(s) or costs incurred to correct a violation.
4. (a) Civil penalty a lien.
 - (1) If a final order assesses a civil penalty or an order of the Board of Appeals affirms or modifies a final order that assesses a civil penalty and the violator does not pay the civil penalty within the time required by the order, the Code Official or the Director shall certify to the Director of Budget and Finance the amount owed.
 - (2) If a violator does not pay a civil penalty within the time required as specified in paragraph (1) of this subsection, the amount owed
 - (i) Become a lien on the property on which the violation existed and shall be collectible in the manner provided for the collection of real estate taxes; or
 - (ii) May be collected in the same manner as any civil money judgment or debt may be collected.
- (b) Code Official may procure performance. If a violator fails to comply with a final order or an order of the Board of Appeals, the Code Official or the Director may procure the performance of the work needed to correct the violation in accordance with the procedure authorized in 3-6-402 of this subtitle.
5. If you are the Owner of the property, failure to pay the assessed penalty shall constitute a lien on the property and shall be collectible in the same manner and to the same extent as real estate taxes. In addition, failure to correct the violation(s) shall result in appropriate judicial action for enforcement, including civil contempt, which could result in imprisonment.
6. Should the Violator disagree with the Final Order rendered by the Office of Administrative Law, an appeal may be taken to the Baltimore County Board of Appeals within fifteen (15) days of the date of the Order.
7. A filing fee of \$225.00 and a security in the amount of any civil penalty assessed in the Final Order must accompany the notice of appeal and petition. See Baltimore County Code: 3-6-302.
8. Inclement weather procedure: We follow the Baltimore County Circuit Court schedule. Should the Circuit Court be closed, all code enforcement hearings will be cancelled and rescheduled.
9. If the violator wishes **NOT** to contest this citation, give up your right to a hearing and wish to pay the fine. Please remit the following: a copy of this citation, and a check or money order payable to: Baltimore County Office of Budget and Finance, 400 Washington Ave, Rm 150, Towson, MD 21204





Aurora Real Estate
Aurora Real Estate, Inc.
410.203.7568



BALTIMORE COUNTY
DEPARTMENT OF PERMITS, APPROVALS & INSPECTIONS
111 WEST CHESAPEAKE AVENUE
TOWSON, MD 21204
410-887-3391

B 887251
A 714403

The applicant is authorized to affirm that there are no current violations at this site pursuant to Section 112.7 BCC
Initials NAP

SIGN USE PERMIT

Permit Fees are Non-Refundable; Make Check Payable to "Baltimore County, Maryland"

PROPERTY ADDRESS 4010 Buckingham Rd ZIP CODE 21207
BUSINESS NAME Assisted Living @ Buckingham Manor, LLC ZONING DR 35
OWNER'S NAME Donzella Burton, McClean PHONE NO. _____ HISTORIC DISTRICT ☐ Yes ☐ No
MAILING ADDRESS _____

APPLICANT/OWNER'S AGENT N Scott Phillips PHONE NO. 410 984-5050
SIGN COMPANY NAME Signs by Tomorrow PHONE NO. 410 356-5462

TYPE OF SIGN: ☐ Window Sign TAX ACCOUNT NO. 030 / 706 / 0301

☐ Temporary- Including Real Estate/Construction/Event Temporary Signs in the Last Year: ☐ Yes ☐ No

☒ Permanent ☐ Changeable Copy ☐ Wall ☐ Face Change Only ☒ Non-Illuminated

☒ Freestanding ☒ Pylon ☐ Monument ☐ Illuminated (separate electrical permit required)

Size: 4 feet x 6 feet = 24 square feet Height: 6' feet (freestanding signs)

Property Line/Street Right-of-Way Setbacks: front 10, sides _____ and _____, and rear _____.

NOTE: A construction plan, drawn to scale and clearly showing that all requirements have been met, must be attached; a site plan also must be attached for freestanding signs.

Table of Sign Regulations: 450.4. Attachment 1, 1.- An Electronic Changeable Copy Sign may only have a maximum Frequency of one instantaneous message change per 15 second cycle.

450.6.B.3 Changeable copy signs must operate at a constant intensity and not give the appearance of movement by flashing, blinking, strobing, scrolling, oscillating, or alternating lights.

PROHIBITIONS: including roof signs (Sections 450.5.B.7 and 450.6.A, Baltimore County Zoning Regulations):

1. Signs cannot impair motorist's clear view of traffic or government signs. All signs are subject to Section 102.5, BCZR.
2. Signs cannot imitate or resemble government signs, except for private traffic control and notice signs.
3. Signs cannot be placed in or project into or above street right of way or governmental property.
4. Sign or framework cannot obstruct window or opening for light and air or access to building, fire hydrant, or stand pipe.
5. Vehicle cannot be parked for the purpose of displaying an attached sign.
6. Except for flags exempted, flags, pennants, ribbons, streamers, tethered balloons, laser projections, and similar objects are prohibited.
7. Portable signs are prohibited, except for A-frame and sandwich board signs issued a use permit in B.M. - C.T. zones.
8. There can be no display or simulation of moving parts or message, except for an outdoor advertising sign with tri-vision, a changeable copy sign, or a thermometer, barometer, weather vane, barber pole, or clock.
9. No sign may emit sound

Work Description (including number of signs, special conditions, materials, locations and size): 12 Residence approved.
Erect (1) 4'x6' Community ID Sign

CORNER LOT ☐

OWNER/AGENT CERTIFICATION

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the above are true and further agree to locate the proposed sign such that it will not violate Baltimore County laws and regulations.

N Scott Phillips
Signature

7-30-15
Date

N. Scott Phillips
Print/Type Name

☐ Require Planning Signature _____ Date _____

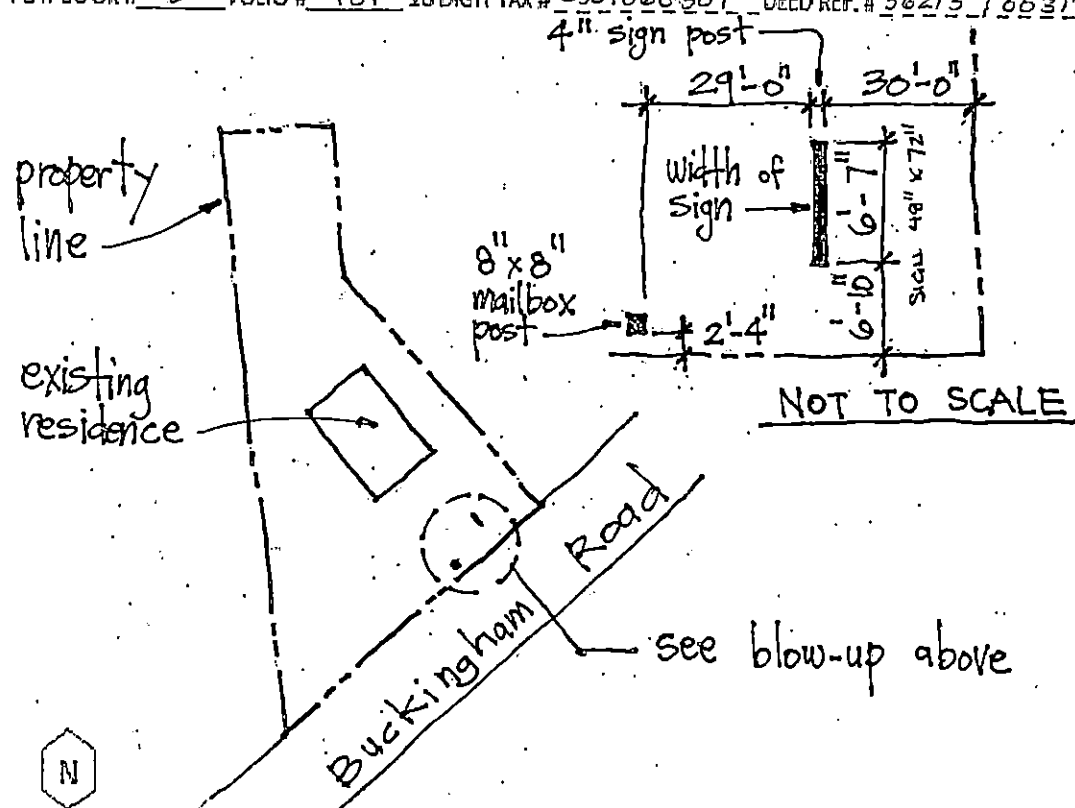
Copies: White-Office; Yellow- Applicant (keep this Copy for your permanent records)

REV 10/14

Authority under Section 500.4, BCZR PAI Approval (SIGN ONLY)		
<u>[Signature]</u>	<u>2</u>	<u>7/30/15</u>
Signature	Initials	Date

P's 7

ZONING HEARING PLAN FOR VARIANCE FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)
 ADDRESS 4010 Buckingham Road OWNER(S) NAME(S) James H. Street, Jr.
 SUBDIVISION NAME Villa Nova LOT# BLOCK # SECTION #
 PLAT BOOK # 3 FOLIO # 101 10 DIGIT TAX # 0301060301 DEED REF. # 36213 / 00317



PLAN DRAWN BY N. Scott Phillips DATE 7-10-15 SCALE: 1 INCH = 120 FEET

SITE VICINITY MAP

N
 MAP IS NOT TO SCALE
 ZONING MAP#
 SITE ZONED D-3.5
 ELECTION DISTRICT 3
 COUNCIL DISTRICT 2
 LOT AREA ACREAGE
 OR SQUARE FEET 29,370
 HISTORIC?
 IN CBCA?
 IN FLOOD PLAIN?
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC ☒ PRIVATE
 SEWER IS:
 PUBLIC ☒ PRIVATE
 PRIOR HEARING?
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW
 VIOLATION CASE INFO:
EC1502598

TIME: 09:48:29 AUTOMATIC PERMIT TRACKING SYSTEM I. .? UPDATE 08/18/2015
DATE: 09/28/2015 BUILDING DETAIL 2 PDM 13:33:36

PERMIT #: B887251 BUILDING SIZE LOT SIZE AND SETBACKS
FLOOR: SIZE: 173.00 X
WIDTH: FRONT STREET:
GARBAGE DISP: DEPTH: SIDE STREET:
POWDER ROOMS: HEIGHT: FRONT SETB: 10'
BATHROOMS: STORIES: SIDE SETB:
KITCHENS: SIDE STR SETB:
LOT NOS: REAR SETB:
CORNER LOT:

ZONING INFORMATION

DISTRICT: BLOCK: LAND: 0068000.00
PETITION: SECTION: IMPROVEMENTS: 0150400.00
DATE: LIBER: TOTAL ASS.:
MAP: FOLIO:
CLASS: 04

ASSESSMENTS

PLANNING INFORMATION

MSTR PLAN AREA: SUBSEWER: CRIT AREA: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

TIME: 09:48:23 AUTOMATI PERMIT TRACKING SYSTEM I UPDATE 08/18/2015
DATE: 09/28/2015 BUILDING DETAIL 1 PDM 13:33:36

DRC#

PERMIT # B887251 PLANS: CONST PLOT PLAT DATA EL PL
TENANT ASSITED LIVING AT BUCKINGHAM MANOR, LLC

BUILDING CODE: CONTR: SIGNS BY TOMORROW

IMPRV ENGNR:

USE SELLR:

FOUNDATION BASE WORK: (1) NON-ILLUM F/S COMMUNITY ID SIGN
4'X 6'X 6H= 24 SF

CONSTRUC FUEL SEWAGE WATER

CENTRAL AIR

ESTIMATED COST

PROPOSED USE: ASSITED LIVING + COMMUNITY ID SIGN

OWNERSHIP: EXISTING USE:

RESIDENTIAL CAT:

#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APTS:

1 FAMILY BEDROOMS: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR - MENU

TIME: 09:48:14 AUTOMATE PERMIT TRACKING SYSTEM I UPDATE 08/18/2015
DATE: 09/28/2015 GENERAL PERMIT APPLICATION DATA PDM 13:32:02

PERMIT #: B887251 PROPERTY ADDRESS
RECEIPT #: A714403 4010 BUCKINGHAM RD
CONTROL #: SI-1 SUBDIV: VILLA NOVA
XREF #: B887251 TAX ACCOUNT #: 0307060301 DISTRICT/PRECINCT 03 01

OWNERS INFORMATION (LAST, FIRST)

FEE: 100.00 NAME: DONZELLA BURTON, MCCLEARN
PAID: 100.00 ADDR: 4010 BUCKINGHAM RD, 21207
PAID BY: APP

DATES APPLICANT INFORMATION

APPLIED: 08/18/2015 NAME: N. SCOTT PHILLIPS
ISSUED: 08/18/2015 COMPANY: SIGNS BY TOMORROW

OCCPNY: ADDR1:

FINAL INSPECT: ADDR2:

INSPECTOR: 03C PHONE #: 410-356-5462 LICENSE #:

NOTES: MG

PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY

5'10 H
6' x 4 = 24 #

3907 Buckingham Road
Pikesville Maryland 21207
September 17, 2015

Mr. Arnold Jablon,
Director of PDM
Deputy Administrative Officer
Room 111
111 West Chesapeake Avenue
Towson Maryland 21204

Dear Mr. Jablon,

I represent the Villa Nova Community Association (VNCA) as chairperson of its zoning committee. I was advised by Mr. Carl Richards to submit a request to have a sign and zoning decision for 4010 Buckingham Road with which our community does not agree reviewed and modified.

In April 2015 an assisted living facility for the elderly installed a large, (i.e. 7' by 5' excluding the posts) on the front lawn. There are approximately 5 additional assisted living facilities in Villa Nova therefore the community is aware that the zoning sign regulations state that the sign should be smaller. Initially, VNCA was told that the sign would be removed because the sign did not comply with zoning regulations. When the sign was not removed after six weeks, VNCA was informed that the citation was dismissed and the facility would be allowed to file for a variance. Later, VNCA was informed that there would not be a variance request and to contact Mr. Leonard Wasilewski for additional information.

I received a call during the second week of September from Mr. Leonard Wasilewski of the zoning department. He said that he approved a sign permit dated 8/18/15 for this sign. We discussed the following issues that did not appear to align with current zoning regulations and previous zoning decisions.

ISSUE 1 – SECTION 432.A: Assisted Living facility; Housing for the Elderly should have been but was not used.

Section 432A.1B. pertains to signs for assisted living facilities. SECTION 432A was not used because the assisted living facility had more than 8 beds. I requested clarification because SECTION 432A.1A.2 includes FACILITY II as being included in this section, therefore, SECTION 432A. should be used. "SECTION 101: Definitions," defined "Assisted-Living Facility" and categorized Facility I as having less than 8 resident clients, Facility II as having between 8 and 15 resident clients, and Facility III as having more than 15 resident clients. I was told that if an assisted living facility had more than 8 client beds it is not considered an assisted living facility as defined in SECTION 432A: Assisted-Living Facility; Housing for the Elderly.

ISSUE 2 – Assisted Living Facility should not be classified as a Community Building

I was told that the assisted living facility had more than 8 client beds; therefore it was classified as a community building. I was told that since this assisted living facility was considered a "Community Building" it fit the definition in section "450.3 General Sign Definition, "COMMUNITY BUILDING - A building used for recreational, social, educational or cultural activities which is open to the public or a designated part of the public and is operated by a public or noncommercial organization." I explained that the assisted living facility is a for-profit organization, (i.e. business), and it is not used for recreational, social, educational or cultural activities, nor is it open to the public, and it is not operated by a public or noncommercial organization.

ISSUE 3 – Assisted Living Facility should be classified as a for profit business

I requested that Section 450.3 General Sign Definition, "COMMERCIAL - That which relates to a for-profit business organization engaging in the sale, rental, lease or exchange of good, products, services or properties of any kind." be used because it appears to be a more appropriate classification for the assisted living facility because it is a business providing services to elderly clients. I was told that the assisted living facility was not a for-profit business because it had more than 8 client beds and was thus a community building.

ISSUE 4 – Sign should not be classified as an Identification sign

- A) I was told that when using the 2015 Table of Sign Regulations, (Column I - Class)," 6. IDENTIFICATION, meaning a sign displaying the name of purpose of a place or structure," was used because the assisted living facility was considered a community building as describe in (Column III - Zone of Use) "Accessory to a multifamily building or institutional structure or community building."
- B.) Consequently, the maximum size of the sign should be 25 square feet and have a maximum height of 6 feet. The sign that is erected is approximately 35 square feet and stands approximately 7 feet tall. He stated that he approved the sign as it is and I should discuss any modification for the size with Mr. Richards.

ISSUE 5 – Sign should be classified as an Enterprise sign

I asked to please consider using the 2015 Table of Sign Regulation, (Column I - Class) "5. ENTERPRISE, meaning an accessory sign which displays the identity and which may otherwise advertise the products or services associated with the individual organization," because this is a business organization and (Column III - Zone of Use) "(m) Elderly housing facility in D.R, commercial use in D.R., R.C., R-O-A, R.O., R.C.C., B.M.Y.C." appears to pertained specifically. Therefore, the maximum size of the sign should be 1 square feet in D.R. (NOTE: I told Mr. Wasilewski that Villa Nova is designated D.R.).

Mr. Wasilewski stated that he approved the sign as it is and I should discuss any modification of the size with Mr. Richards. He said that he understood my interpretation of the zoning law; however, he was not changing his approval of the sign. Please review the issues in question as it effects this sign classification and size to allow for the smaller size as indicated in the Table of Sign Regulations, Enterprise use (m) Elderly housing facility in D.R. I am available to answer any questions and meet with you or any of your representatives to discuss and resolve this matter. I can be reached at 410-653-2498.

Sincerely,

Sheila Lewis,
Villa Nova Community Association

PS

Buckingham Road

Maurice G White

Thu 3/3/2016 12:57 PM

To: msheather12@hotmail.com <msheather12@hotmail.com>;

Ms. Lewis,

Buckingham Road is a local road and is not consider a minor arterial road. Below is the link to our website. Hope this helps.

<http://www.baltimorecountymd.gov/Contact/trafficcalming>

Thanks,

Maurice

CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

Pet. #9