



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

UP-2017-0015-81
B 939124
A 758963

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

SIGN USE PERMIT

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

PROPERTY ADDRESS 1616 YORK ROAD, LUTHERVILLE ZIP CODE 21093
BUSINESS NAME WATSON'S FIREPLACE + PATIO ZONING _____
OWNER'S NAME STEVE WATSON PHONE NO. 410-321-5855 HISTORIC DISTRICT ☐ Yes ☒ No
MAILING ADDRESS 1616 YORK ROAD LUTHERVILLE MD 21093
APPLICANT/OWNER'S AGENT STEPHEN T. HILL, ARCHITECT PHONE NO. 410-409-7730
SIGN COMPANY NAME OWNER PHONE NO. 410-321-5855

TYPE OF SIGN: ☐ Window Sign TAX ACCOUNT NO. _____ / _____ / _____

☐ 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: _____ feet x _____ feet = 75 square feet Height: 15'-9" feet (freestanding signs)

Property Line/Street Right-of-Way Setbacks: front 2', sides 7'-55" and _____, and rear 290'.

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):

BUILD A NEW PYLON SIGN PER DRAWINGS
REMOVE EXISTING PYLON SIGN AFTER COMPLETION

* 2017-0261-SPHA (2-SIDED)

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.

Signature _____

Date 7-18-17

Print/Type Name STEPHEN HILL

☐ 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)

Signature _____

Initials JSS

Date 7/18/17

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(1616-1618 York Road)	*	OFFICE OF
8 th Election District		
3 rd Council District	*	ADMINISTRATIVE HEARINGS
1616 York Road LLC &		
Three W Realty, LLC	*	FOR BALTIMORE COUNTY
<i>Legal Owners</i>		
Petitioners	*	Case No. 2017-0261-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of 1616 York Road, LLC and Three W Realty, LLC, legal owners ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to confirm each parcel can have its own freestanding enterprise sign. As originally filed, a Petition for Variance sought to permit 25 parking spaces in lieu of the required 38 spaces for an existing 14,852 sq. ft. furniture store. That request was amended at the hearing, and Petitioners now seek approval for 29 spaces in lieu of 38. A site plan was marked and accepted into evidence as Petitioners' Exhibit 1.

Keith Ronald, A. Henry Marconi, III and professional engineer Rick Richardson appeared in support of the requests. John B. Gontrum, Esq. represented Petitioners. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Bureau of Development Plans Review (DPR) and the Department of Planning (DOP). Neither agency opposed the requests.

The subject property is comprised of two parcels: 1616 York Road, approximately 37,802 square feet in size and 1620 York Road, approximately 63,960 square feet in size. The properties are zoned

BL/BL-AS. Watson's Fireplace & Patio is operated at 1616 York Road. Watson's Garden Center was for many years located at 1620 York Road, although that business no longer operates at the location and the commercial building was razed by the new owner. A development plan for 1620 York Road was approved by Baltimore County in 2016, *see* PAI File #08-0446, and a new commercial building has been constructed on that parcel.

SPECIAL HEARING

The special hearing request was made at the suggestion of the zoning office. Apparently, though there is no formal or written finding to that effect, there is some intimation these lots merged since for many years they were owned by the same family. As counsel noted, Watson's Fireplace and Patio was somewhat of an institution on York Road, and for many years the patio/furniture store was operated on one portion of the site while a separate business (i.e., "Watson's Garden Center") was operated adjacent thereto.

While it is true as counsel notes there were reciprocal easements between the properties and parking was in a sense shared between the two stores, those facts do not mandate a finding the lots have merged. Indeed, the zoning regulations (B.C.Z.R. §409.6) expressly permit in specific circumstances businesses to have a shared parking arrangement, and doing so obviously does not cause the properties to merge. Counsel also noted the stores were through the years operated as distinct commercial enterprises, and each store had a separate sign on York Road (which is exactly the relief sought in this case).

In light of the above I do not believe these lots have merged as a matter of law. As such, each property is entitled to one (1) freestanding sign, and Petitioners indicate the signs will otherwise comply with B.C.Z.R. §450 in terms of height, face area, etc.

VARIANCE

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Long-existing site improvements constrict the available space for off-street parking, and the property is therefore unique. Petitioners would experience practical difficulty if the regulations were strictly interpreted because they would be unable to operate the business at this location. Finally, as demonstrated by the lack of County and/or community opposition, I do not believe granting the requests would have a detrimental impact upon the community.

THEREFORE, IT IS ORDERED this 20th day of June, 2017, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R) to confirm each parcel can have its own freestanding enterprise sign, be and is hereby GRANTED.

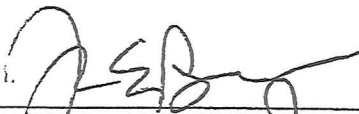
IT IS FURTHER ORDERED that the petition for variance to permit 29 parking spaces in lieu of the required 38 spaces for the existing 14,852 sq. ft. furniture store, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

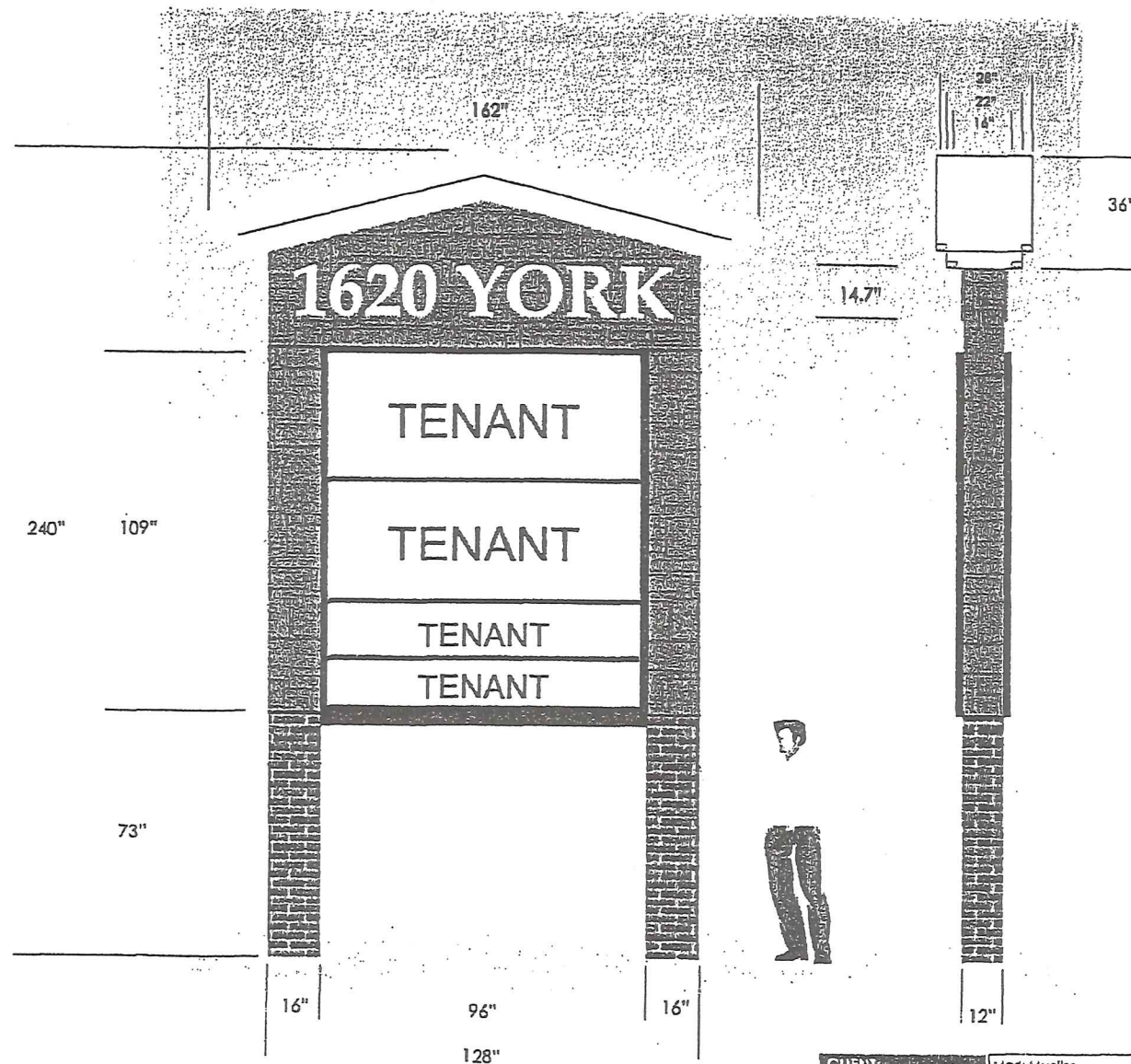
2. Prior to issuance of permits Petitioners must obtain approval from Baltimore County of landscaping and lighting plans for both 1616 and 1620 York Road.
3. The design and materials used for the sign at 1620 York Road shall be similar to the elevation drawing labeled as "Exhibit 6," a copy of which is attached hereto and incorporated herein.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln



CLIENT:	Mark Mueller
SITE:	1620 York Rd, Lutherville, MD 21093
CONSULTANT:	DD
DATE:	6-2-17
SCALE/ECH:	1/4"=1'
PROJECT:	Pylon

Design: _____ Date: ____/____/____ Customer Approval: _____

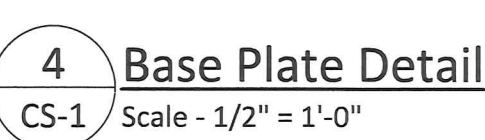
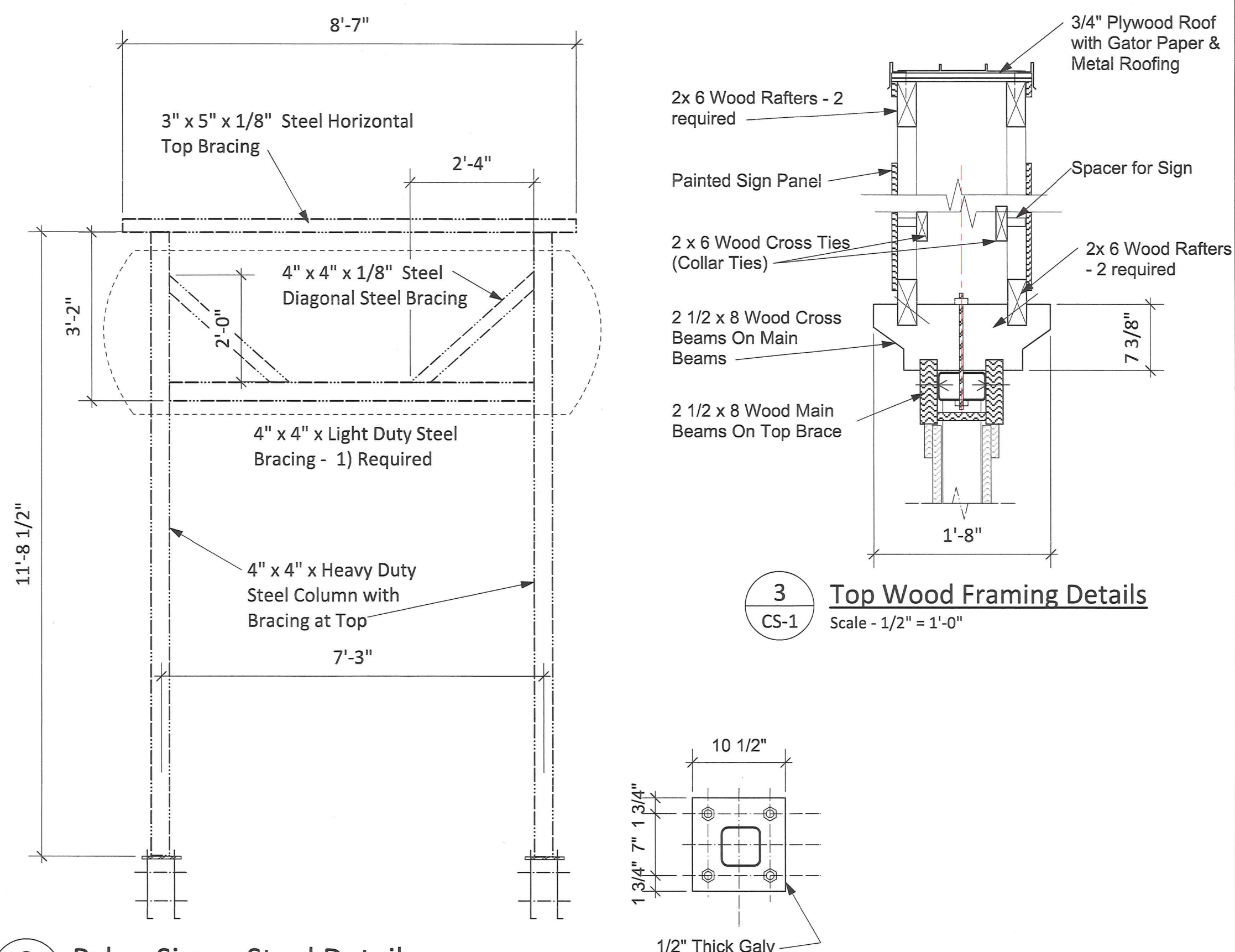
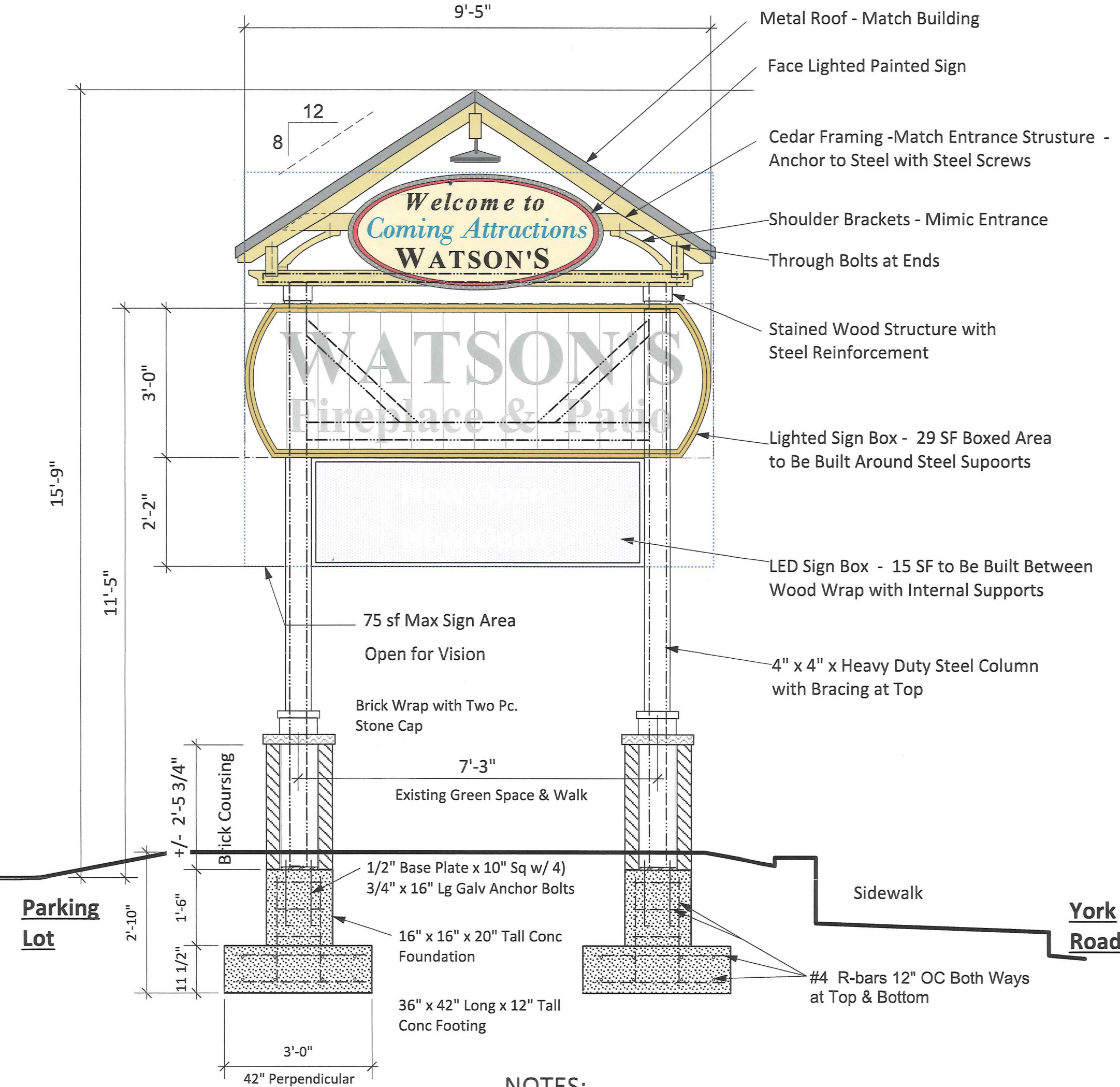
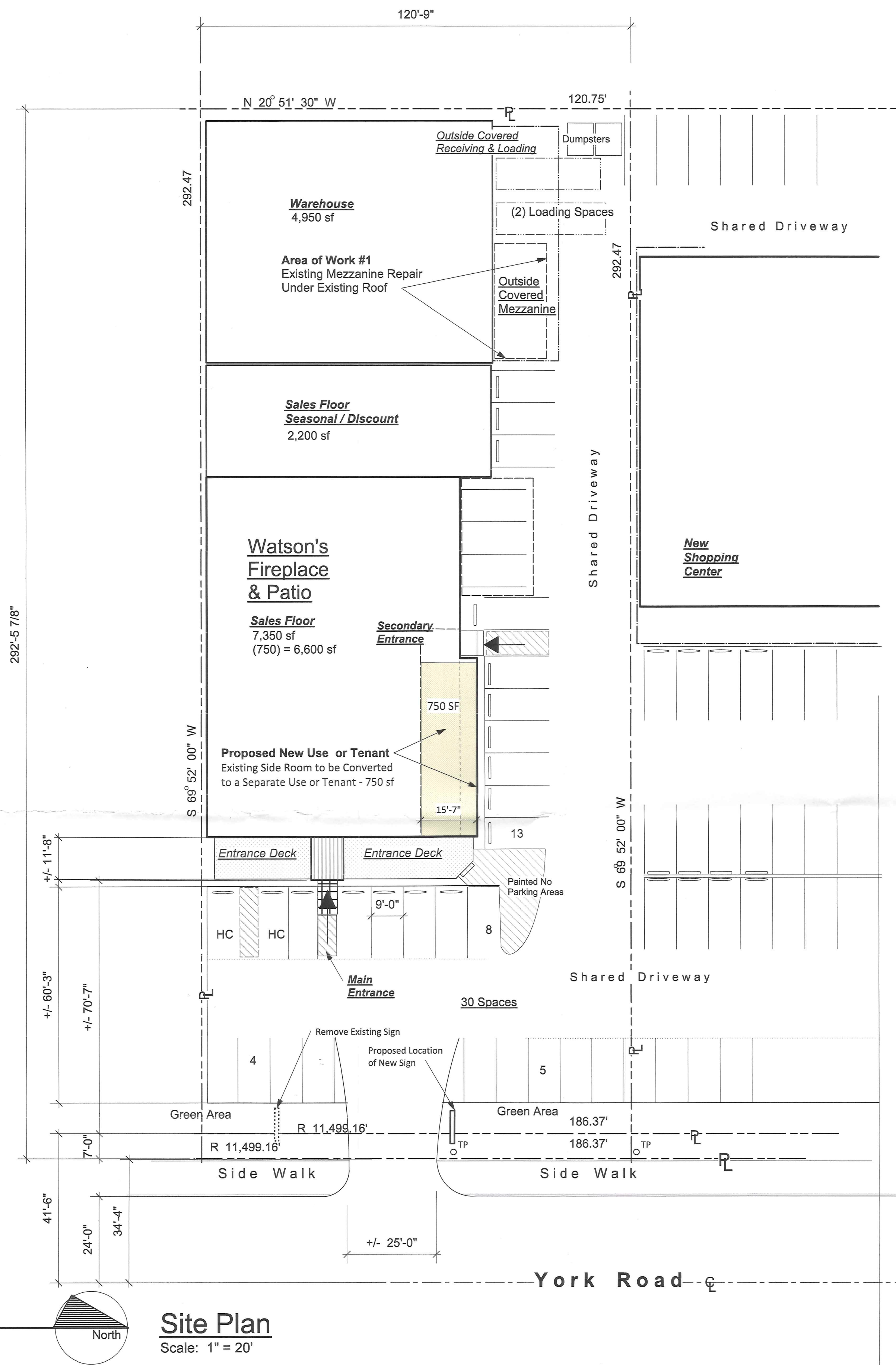
803 F Barkwood Ct, Linthicum, MD 21090 * phone: 443-792-4454

This design is the property of East West Sign Group LLC. Any use or reproduction without the consent of East West Sign Group LLC is strictly prohibited.

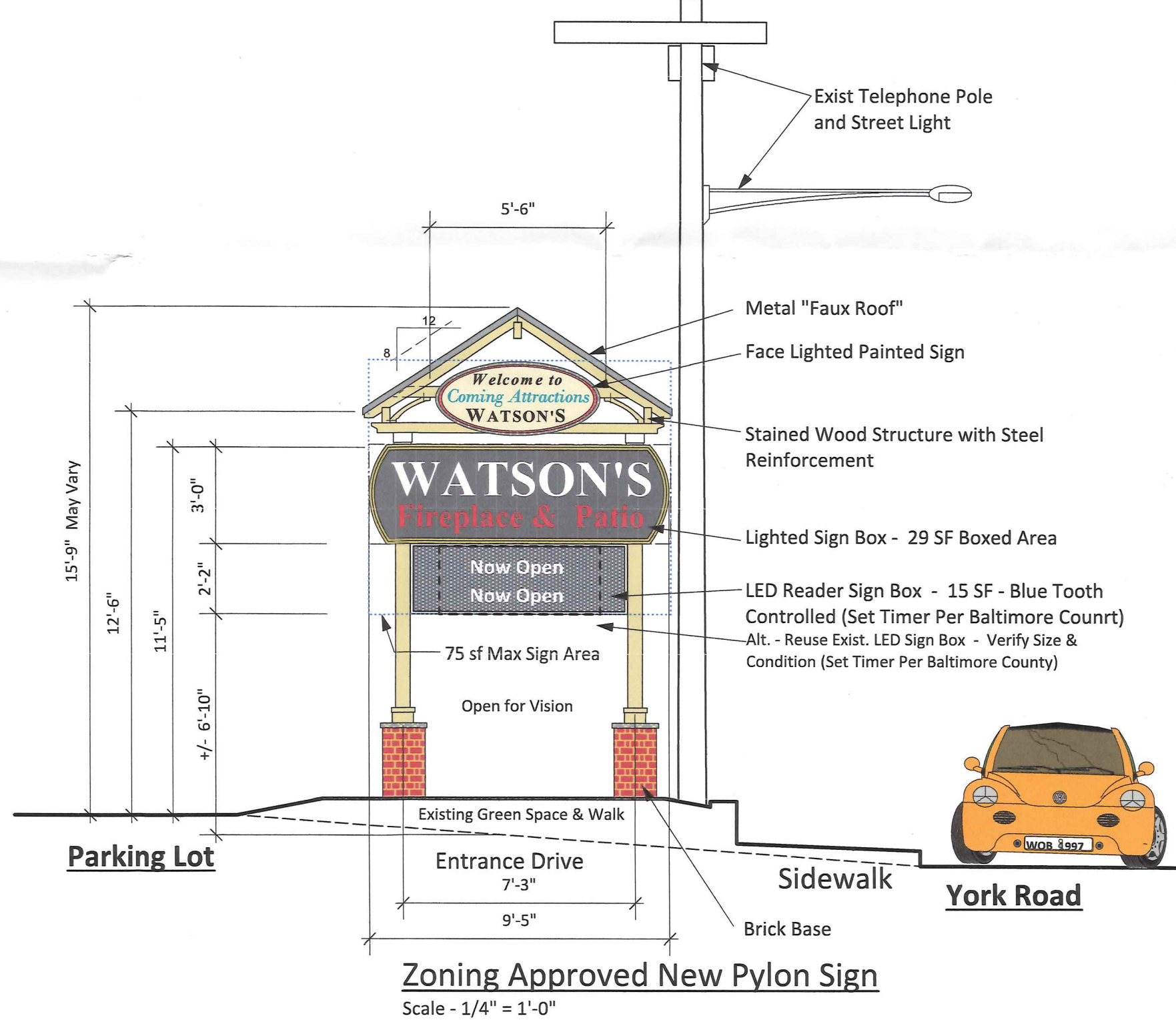


east-west
SIGN GROUP

From Coast To Coast
We Help You Get Noticed



Satellite View / Plan
Scale: 1" = 20'



Stephen T. Hill, Architect
1515 Bellona Ave
Lutherville, MD 21093
410-409-7730

Proposed New New Sign to Replace Existing Sign

Watson's Fireplace & Patio
1616 York Road, Lutherville, MD 21093
(410) 321-5855
Mr. Steve Watson

Site Plan & Sign Designs

July 14, 2017
Permit
CS-1
Project #s 12028a, 11033, 10026