



UP-2019-0149-SI
BALTIMORE COUNTY
DEPARTMENT OF PERMITS, APPROVALS & INSPECTIONS
111 WEST CHESAPEAKE AVENUE
TOWSON, MD 21204
410-887-3391

USE PERMIT RECEIPT
190567
The applicant must affirm by initials below that there are no current violations at this site, pursuant to Section 112.7, B.C.C.
Initials: _____

SIGN USE PERMIT

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

PROPERTY ADDRESS 3327 Hollins Ferry Rd, Halethorpe, MD ZIP CODE 21227
BUSINESS NAME Merritt - 017, LLC ZONING BM
OWNER'S NAME Robb Merritt PHONE NO. 410-298-2600 HISTORIC DISTRICT ☐ Yes ☒ No
MAILING ADDRESS 2066 Lord Baltimore Dr, Baltimore, MD 21244
APPLICANT/OWNER'S AGENT Alex Mawry (amawry@merrittproperties.com) PHONE NO. 443-340-1543
SIGN COMPANY NAME N/A PHONE NO. N/A
TYPE OF SIGN: ☐ Window Sign TAX ACCOUNT NO. 1311, 1350, 190

☐ Temporary- Including Real Estate/Construction/Event
☒ Permanent ☐ Changeable Copy ☐ Wall ☐ Face Change Only ☒ Non-Illuminated
☒ Freestanding ☐ Pylon ☐ Monument ☐ Illuminated (separate electrical permit required)
Size: 48 feet x 16 feet = 768 square feet Height: 50 feet (freestanding signs)
Property Line/Street Right-of-Way Setbacks: front 100', sides 15' and 0', and rear 0'.

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

Table of Sign Regulations: 450.4.1.- 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):

Construction ~~using~~ concrete and steel to raise existing freestanding billboard 15 feet from 35 feet to 50 feet tall (see Zoning Case # 2019-0387-XA)

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.

Alex Mawry 10/3/19 Alex Mawry
Signature Date Print/Type Name

☐ Require Planning Signature N/A Date _____

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

Authority under Section 500.4, BCZR PAI Approval (SIGN ONLY)
Jeffrey Kelson JMP 10/3/2019
Signature Initials Date



JOHN A. OLSZEWSKI, JR.
County Executive

ADMINISTRATIVE LAW JUDGE
Office of Administrative Hearings

August 20, 2019

David H. Karceski, Esq.
Arnold Jablon, Esq.
Venable, LLP
210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Petitions for Special Exception and Variance
Case No. 2019-0387-XA
Property: 3327 Hollins Ferry 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 a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

**IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE
(3327 Hollins Ferry Road)
13th Election District
1st Council District
Merritt-017, LLC
*Legal Owner***

Petitioner

*

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BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2019-0387-XA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance, filed for property located at 3327 Hollins Ferry Road. The Petitions were filed on behalf of Merritt-017, LLC, legal owner of the subject property ("Petitioner"). The Special Exception petition seeks approval to allow the continued use of an outdoor advertising sign in the BM Zone, pursuant to Baltimore County Zoning Regulations ("BCZR") Sections 450.8.D.2 and 450.4. The Petition for Variance seeks: (1) to allow continued use of a freestanding outdoor advertising sign with a sign area/face of 768 sq. ft. and height of 50 ft. in lieu of the permitted 300 sq. ft. and height of 35 ft.; (2) to allow the continued use of a freestanding outdoor advertising sign a distance of 122 ft. from a residential zone in lieu of the minimum required 200 ft.; (3) to allow the continued use of an outdoor advertising sign a distance of 0 ft. from the right-of-way of a controlled-access highway (Baltimore Washington Parkway) in lieu of the minimum required 250 ft.; and (4) to allow the continued use of an outdoor advertising sign a distance of 776 ft. from another outdoor advertising sign on the same side of a highway in lieu of the minimum required 1,000 ft. A two-sheet site plan was marked as Petitioner's Exhibit 1A & 1B.

Appearing in support of the petitions was professional engineer John Povalac. Arnold Jablon, Esq. and David Karceski, Esq. represented the Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee ("ZAC") comment was received from the Department of Planning ("DOP"). That agency did not oppose the request.

The subject property is approximately 4.460 acres in size and zoned BM. The property is improved with a large commercial/warehouse building (90,440 SF) and on the periphery of the property adjoining the Baltimore Washington Parkway a large outdoor advertising sign (*i.e.*, billboard). This case concerns the billboard sign, which has apparently been in a place for 50+ years. Counsel indicating they searched county records but were unable to locate any permits or zoning history for the sign. The state recently constructed sound attenuation walls along the highway, which partially obscures the billboard. Petitioner seeks special exception relief to "legitimize" the sign and a variance to increase its height so the sign is visible to motorists.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use. Mr. Povalac testified via proffer that Petitioner satisfied the requirements for special exception relief

and he opined granting the request would not have an adverse impact upon the community. In the absence of any evidence to the contrary the request will be granted.

VARIANCES

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).

The property has an irregular shape and the grade changes across the site. As such the property is unique. If the BCZR were strictly interpreted Petitioner would suffer a practical difficulty since the sign would not be visible to passing motorists. Finally, I find that the variances can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of County and/or community opposition.

In its ZAC comment the DOP indicated it would not support a request for an electronic changeable copy component of this sign. Counsel confirmed the billboard would not have a changeable copy component, and that if in the future the Petitioner sought such a sign a public hearing would be required to amend the relief granted herein.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 20th day of **August, 2019**, that the Petition for Special Exception to allow the continued use of an outdoor advertising sign in the BM Zone, pursuant to Baltimore County Zoning Regulations ("BCZR") Sections 450.8.D.2 and 450.4, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance: (1) to allow continued use of

a freestanding outdoor advertising sign with a sign area/face of 768 sq. ft. and height of 50 ft. in lieu of the permitted 300 sq. ft. and height of 35 ft.; (2) to allow the continued use of a freestanding outdoor advertising sign a distance of 122 ft. from a residential zone in lieu of the minimum required 200 ft.; (3) to allow the continued use of an outdoor advertising sign a distance of 0 ft. from the right-of-way of a controlled-access highway (Baltimore Washington Parkway) in lieu of the minimum required 250 ft.; and (4) to allow the continued use of an outdoor advertising sign a distance of 776 ft. from another outdoor advertising sign on the same side of a highway in lieu of the minimum required 1,000 ft., be and is hereby GRANTED.

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

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its 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, Petitioner would be required to return the subject property to its original condition.

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

**Permits, Approvals & Inspections**111 W. Chesapeake Avenue
Towson, MD 21204Report Generated On:
10/3/2019**Permit Processing Commerical Permit & Development Report**

Page 1 of 1

Property Information

Tax Account Number: 1311350190

Election District: 13

Owner Name(s): MERRITT-017 LLC

PDM #:

Address: 2066 LORD BALTIMORE DR

Zoning District(s): BM

BALTIMORE, MD 21244

Premise Address: HOLLINS FERRY RD

Elevation Range: 126ft - 134ft

Affected Overlays	Instructions: Begin review process with Zoning Review, Room 111.	New Com Bldg.	Interior Alts.	Add / Ext. Alts.	Piers/Pilings	Grading/SW	Tanks	Ret.Walls/Bulk	Razing	Chg. of Occup.	Tower Antenna	Signs	Elect. & Plumb	Agency Acknowledgment
Contact Agency	Potential Overlay Issues													Initial & Date
DEPS-Sed. Control	Note: All Razing Permits must be sent to Sediment Control for review.													
PAI-Public Services County Office Building Room 119 Phone: 410-887-3751	Note: All permits for Grading, New Buildings & Building Additions must be sent to Public Services.													
Zoning Review County Office Building Room 111 Phone: 410-887-3391	Zoning Cases: 1975-0082-XA; 2019-0387-XA	X		X	X	X	X			X	X	X		

LEGEND

RIGHT-OF-WAY LINE	---
PROPERTY LINE	---
EX. EASEMENT	---
ZONING LINE	---
EX. CONCRETE CURB AND GUTTER	---
EX. EDGE OF PAVING	---
EX. CONCRETE	---
EX. BUILDING	---
EX. STORM DRAIN, MANHOLE & INLET	---
EX. SANITARY SEWER, MANHOLE & CLEANOUT	---
EX. WATER MAIN, VALVE & FIRE HYDRANT	---
EX. GAS LINE	---
EX. POLE WITH LIGHT	---
EX. UTILITY POLE & GUY WIRE	---
EX. OVERHEAD LINE	---
EX. INDEX CONTOURS	---
EX. INTERMEDIATE CONTOURS	---
"EXISTING" DESIGNATION	EX.
"PROPOSED" DESIGNATION	PR.
LIMIT OF WORK	---

ZONING HISTORY

CASE NO. 1975-0082-XA
VARIANCE FROM SECTION 709.2(b)(5) OF THE ZONING CODE TO PERMIT A TOTAL OF 22 PARKING SPACES INSTEAD OF THE REQUIRED 40 SPACES WAS GRANTED OCTOBER 18, 1974.

ZONING VARIANCES REQUEST:

- VARIANCE FROM SECTION 450.4.11.V OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT OUTDOOR ADVERTISING SIGN OF 768 SQUARE FEET FACE AREA IN LIEU OF THE ALLOWED 300 SQUARE FEET.
- VARIANCE FROM SECTION 450.4.11.VII OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT OUTDOOR ADVERTISING SIGN OF 50 FEET IN HEIGHT IN LIEU OF THE PERMITTED 25 FT.
- VARIANCE FROM SECTION 450.7.C.1.c. TO ALLOW ERECTION OF OUTDOOR ADVERTISING SIGN AT THE DISTANCE LESS THAN 200 FEET FROM A RESIDENTIAL ZONE.
- VARIANCE FROM SECTION 450.7.C.1.d. TO ALLOW ERECTION OF OUTDOOR ADVERTISING SIGN AT THE DISTANCE LESS THAN 1,000 FEET FROM ANOTHER OUTDOOR ADVERTISING SIGN.
- VARIANCE FROM SECTION 450.7.C.1.e. TO ALLOW ERECTION OF OUTDOOR ADVERTISING SIGN AT THE DISTANCE LESS THAN 100 FEET FROM THE RIGHT-OF-WAY OF INTERSECTING HIGHWAY.
- VARIANCE FROM SECTION 450.7.C.1.f. TO ALLOW ERECTION OF OUTDOOR ADVERTISING SIGN AT THE DISTANCE LESS THAN 250 FEET FROM THE RIGHT-OF-WAY OF ANY CONTROLLED-ACCESS-TYPE HIGHWAY OR LESS THAN 100 FEET FROM THE RIGHT-OF-WAY OF ANY OTHER DUAL HIGHWAY.

SPECIAL EXCEPTION REQUEST:

- EXCEPTION FROM SECTION 450.4.11.V OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT OUTDOOR ADVERTISING SIGN.

BSV HOLLISWOOD, LLC
T.M. 109 P. 165
TAX ID. #1306450680
DEED REF. 34218/450
EX. USE: COMMERCIAL
HOLLIS FERRY ROAD

EX. 1-STORY
MASONRY BUILDING
90,440 SF
*3327 HOLLIS FERRY ROAD

MERRITT-017, LLC
T.M. 109 P. 162
TAX ID. #1311350190
EX. USE: INDUSTRIAL
DEED REF. 12565/395

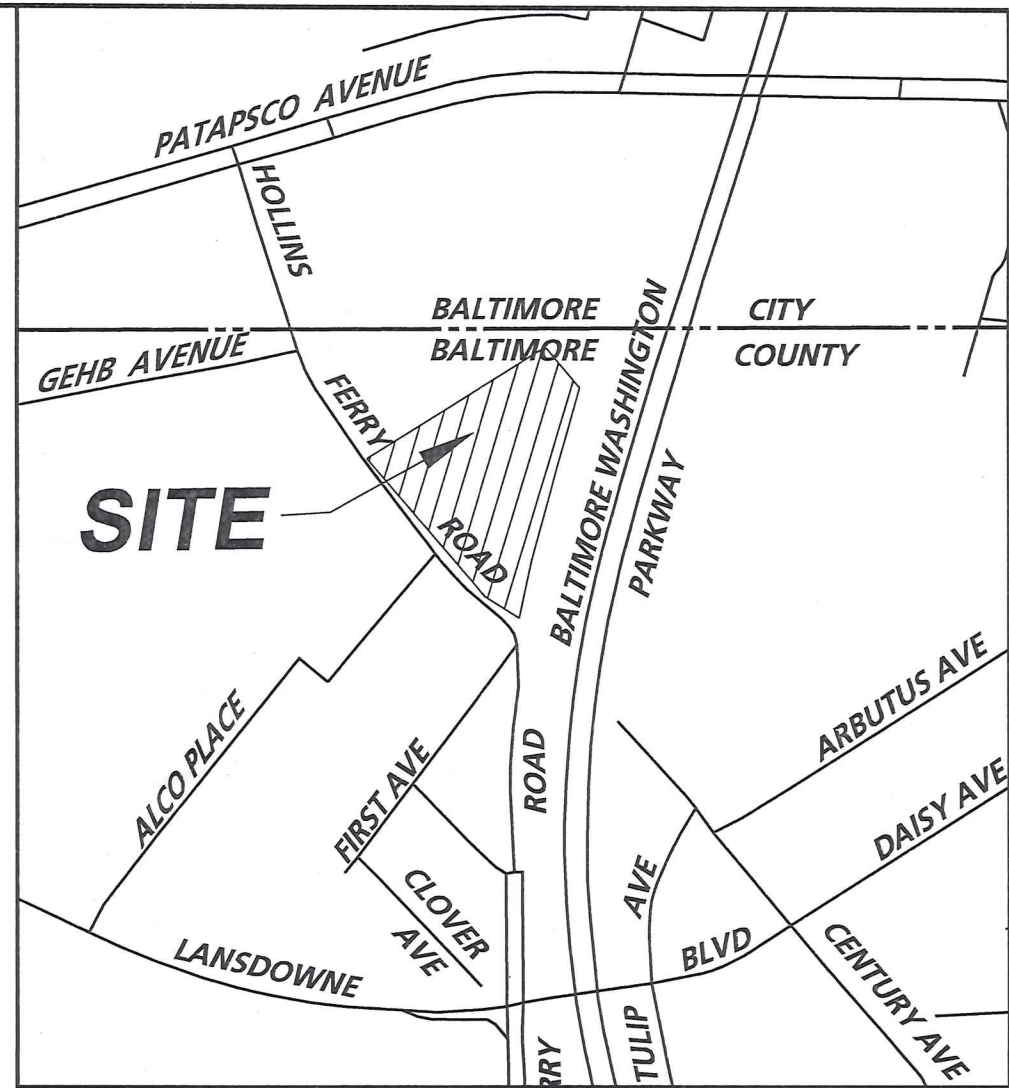
MERRITT-001, LLC
T.M. 109 P. 161
TAX ID. #2100007503
DEED REF. 12565/601
EX. USE: INDUSTRIAL

BENCH MARK

ELEVATIONS ARE BASED ON NAVD 83(2011)
DATUM PER BALTIMORE COUNTY CONTROL POINTS:

CONTROL POINT AZ-180:
N 575,589.45; E 1,410,067.70; EL. 104.95
DESCRIPTION: BRASS DISC WEST SIDE
LANDSDOWNE BLVD. TOWARDS TRACK
LANDSDOWNE HIGH SCHOOL

CONTROL POINT C15-180:
N 576,096.86; E 1,410,828.12; EL. 107.02
DESCRIPTION: BRASS DISC EAST SIDE
LANDSDOWNE BLVD., FRONT OF LANDSDOWNE
MIDDLE SCHOOL

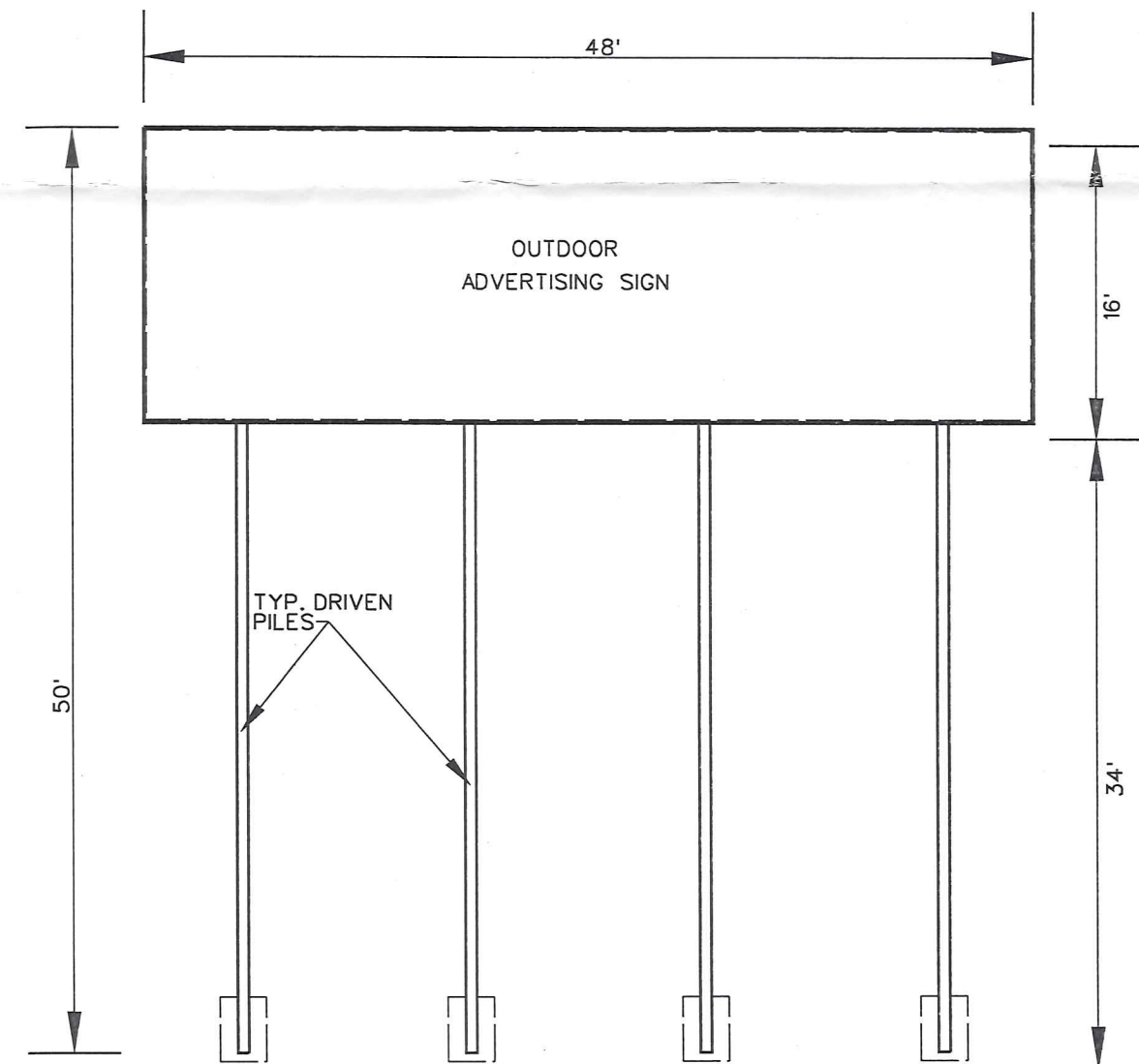


VICINITY MAP

SCALE: 1" = 500'

SITE DATA

- AREA OF TRACT: 194,278 SF OR 4.46 AC
- OWNER:
MERRITT-017, LLC
2066 LORD BALTIMORE DRIVE
BALTIMORE, MD 21244
PHONE: 410-298-2600
- TAX MAP REFERENCES:
T.M. 109 P. 162; TAX ID. #1311350190
- DEED REFERENCES: L. 12565 F. 595
- PLAT REFERENCE: N/A
- ELECTION DISTRICT: 13; COUNCILMANIC DISTRICT: 1
- EXISTING ZONING: BM, MAP *109B1
- EXISTING USE: OFFICE / WAREHOUSE
PROPOSED USE: OFFICE / WAREHOUSE
- CENSUS TRACT: 430200
TRANSPORTATION ZONE: 833
ZIP CODE: 21227
WATERSHED: PATAPSCO RIVER
- MINIMUM SETBACK REQUIREMENT:
FRONT: 15 FT FROM FRONT PROPERTY LINE; 40 FT
FROM STREET CENTERLINE
SIDE & REAR: NONE



BILLBOARD DETAIL

SCALE: N.T.S.

EXISTING OUTDOOR ADVERTISING
SIGN TO BE MODIFIED:
EX. FACE AREA: 48' x 16' = 768 SF
EX. HEIGHT: 35'
PR. FACE AREA: 48' x 16' = 768 SF
PR. HEIGHT: 50'

POINT OF BEGINNING
N 575,965.93
E 1,412,414.92

THE COORDINATE SYSTEM OF ALL DRAWINGS IS
BASED ON THE NORTH AMERICAN DATUM OF 1983.
THE ELEVATION SYSTEM OF ALL DRAWINGS IS
BASED ON THE NORTH AMERICAN VERTICAL
DATUM OF 1988.
HORZ: NAD 83/91 VERT: NAVD 88

OWNER / APPLICANT

MERRITT-17, LLC
2066 LORD BALTIMORE DRIVE
BALTIMORE, MARYLAND 21244
PHONE: (410) 298-2600
FAX: (410) 298-9644

DEVELOPER

meritt
PROPERTIES

2066 LORD BALTIMORE DRIVE BALTIMORE, MD 21244
PHONE 410-298-2600 FAX: 410-298-9644
www.MerittProperties.com

REVISIONS

DATE	NO.	DESCRIPTION	BY

PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION AND ZONING VARIANCES HOLLIS FERRY ROAD

3327 HOLLIS FERRY ROAD
HALETHORPE, MARYLAND 21227

BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 30'

ELECTION DISTRICT: 13, C1
DATE: MARCH 22, 2019

DRAWING NO.

C-1

SHEET 1 OF 2

BLDG

Baltimore Land Design Group Inc.

Consulting Engineers

230 SCHILLING CIRCLE, SUITE 364 • HUNT VALLEY, MARYLAND 21031
PHONE: 410.229.9851 • FAX: 410.229.9865 • BLDG@BLDGINC.COM

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME, IWONA ROSTEK-ZARSKA, AND THAT I AM A DULY
LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE
OF MARYLAND, LICENSE NO. 21245, EXPIRATION DATE: JUNE 9, 2020.