



\$1000.00

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

SIGN USE PERMIT

USE PERMIT RECEIPT

187185
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: [Signature]

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

PROPERTY ADDRESS 7200 Holabird ave ZIP CODE 21222
BUSINESS NAME Weis Gas n GO ZONING B-C-A-S
OWNER'S NAME Weis Markets PHONE NO. HISTORIC DISTRICT ☐ Yes ☒ No
MAILING ADDRESS 1000 S. Second St. Sunbury PA 17801
APPLICANT/OWNER'S AGENT Heather Davis PHONE NO. 410 255 6400
SIGN COMPANY NAME Goble Signs & Graphics Inc. PHONE NO. 410 255 6400
TYPE OF SIGN: ☐ Window Sign TAX ACCOUNT NO. 2120 704 8610
☐ 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: 13.4 feet x 3 feet = 39 square feet (9x2) Height: 3 feet (freestanding signs) (2 signs)
Property Line/Street Right-of-Way Setbacks: front —, 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 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):

Installation of digital Price changer(s) 9x2
39 sq. ft. as approved in case NO. 2017-03222 SPHX
2 Changeable Copy Signs
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: [Signature] Date: 9/6/19 Print/Type Name: Heather Davis

☐ 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)

Signature: [Signature] Initials: JNP Date: 9/6/2019

IN RE: PETITIONS FOR SPECIAL HEARING *	BEFORE THE
AND SPECIAL EXCEPTION	
(7179 Holabird Avenue) *	OFFICE OF
12 th Election District	
7 th Council District *	ADMINISTRATIVE HEARINGS
Weis Markets, Inc.	
<i>Legal Owner</i> *	FOR BALTIMORE COUNTY
Petitioner *	Case No. 2017-0322-SPHX
* * * * *	

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Special Exception filed on behalf of Weis Markets, Inc., legal owner ("Petitioner"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to approve a fuel service station canopy sign with electronic changeable copy elements (pricing). A Petition for Special Exception was filed to use the herein described property for a fuel service station.

Appearing at the public hearing in support of the requests was Jack O'Hara, Alex Ororbia and professional engineer John Luciani. Caroline L. Hecker, Esq. and Justin Williams, Esq. represented the Petitioner. 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 Department of Planning (DOP) and the Bureau of Development Plans Review (DPR).

The subject property is approximately 0.491 acres in size and is split-zoned BL-AS and BL. The property is unimproved, and Petitioner proposes to construct a fuel service station on the lot. Petitioner opened a Weis Market grocery store directly across the street in August, 2016, and as it has at other locations it proposes to operate the gas station in conjunction with the grocery

store.

SPECIAL HEARING

All signage proposed (See Exhibit 8) is permitted by right under B.C.Z.R. §450. Counsel notes that Petitioner would be entitled to have a second freestanding sign on Delvale Avenue, though it has not proposed a sign at that location.

The petition for special hearing is required because the B.C.Z.R. does not address whether or not electronic changeable copy is permitted on a fuel service station canopy sign. The sign would display prices for the various grades of gasoline sold at the station. Such pricing information is required by state law, and consumers find such signage helpful in determining which station in the vicinity offers the lowest prices. I do not believe granting the request would lead to “visual clutter,” and will therefore grant the petition. Petitioner stated the electronic signage proposed here is identical to that approved in recent zoning cases involving Weis Markets. See Exhibit 11, Order in Case No. 2017-0241.

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 reaffirmed 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. *Id.*

John Luciani, professional engineer, testified via proffer Petitioner satisfied the

requirements of B.C.Z.R. §502.1 and the cases interpreting that provision. No evidence was offered to rebut this *prima facie* case and the petition will therefore be granted.

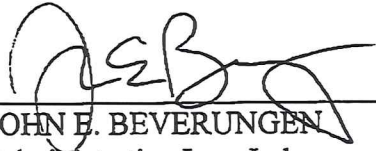
THEREFORE, IT IS ORDERED this 8th day of August 2017, by this Administrative Law Judge, that the Petition for Special Hearing to approve a fuel service station canopy sign with electronic changeable copy elements (pricing), be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception to use the herein described property for a fuel service station, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

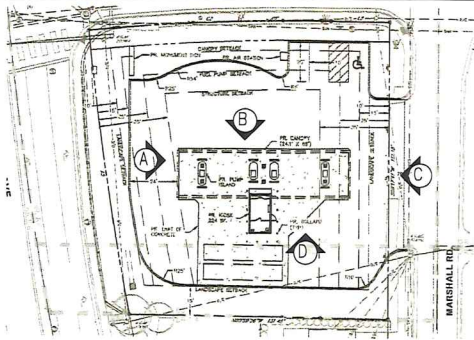
1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioner must submit for approval by Baltimore County landscape and lighting plans for the site.
3. Petitioner must submit for approval by Baltimore County a floodplain study for the site.
4. The special exception area, in which is permitted the operation of the fuel service station, shall encompass only the BL-AS zoned portion of the property.

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



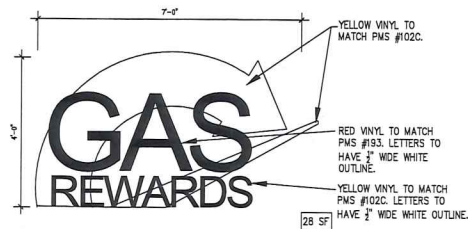
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln



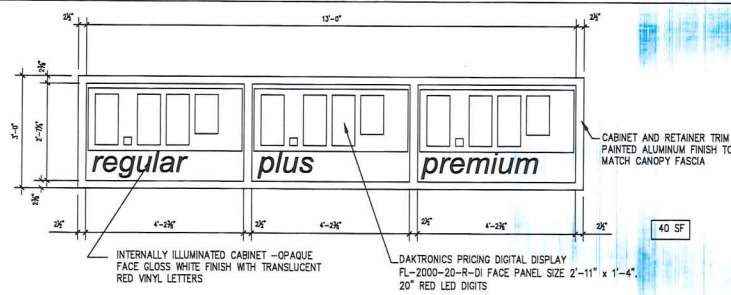
PARTIAL SITE PLAN

NOT TO SCALE



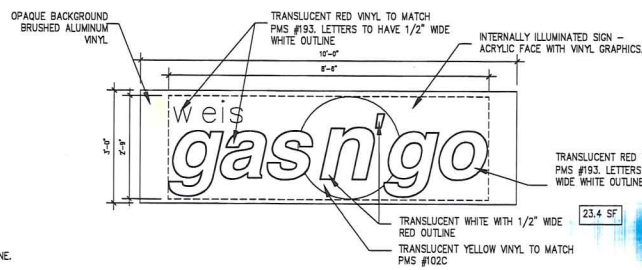
KIOSK VINYL DECAL

3/4" = 1'-0"



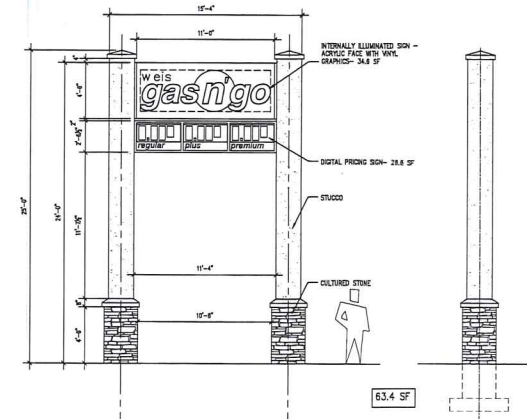
CANOPY GAS PRICE CABINET SIGN ELEVATION

3/4" = 1'-0"



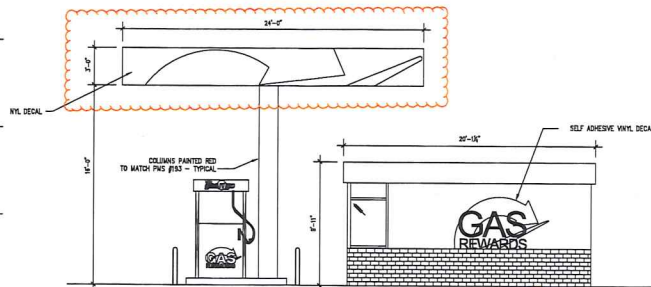
CANOPY ILLUMINATED SIGN

3/4" = 1'-0"



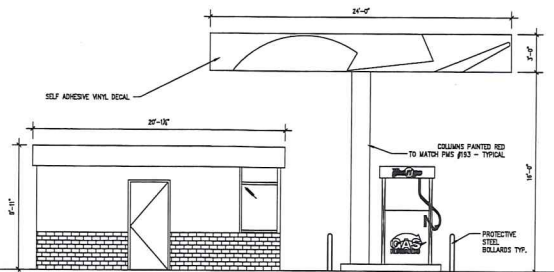
MONUMENT SIGN

1/4" = 1'-0"



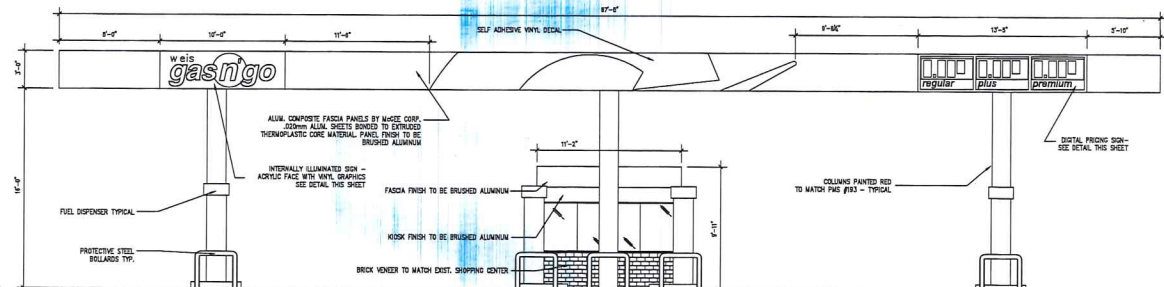
ELEVATION - A

1/4" = 1'-0"



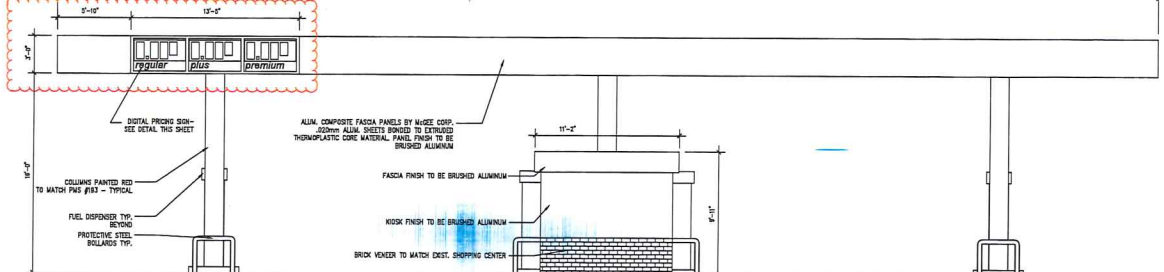
ELEVATION - C

1/4" = 1'-0"



ELEVATION - B

1/4" = 1'-0"



ELEVATION - D

1/4" = 1'-0"

weis

Weis Markets, Inc.
1000 SOUTH SECOND ST.
P.O. BOX 471
SUNBURY, PA 17801

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ISSUED / REVISED	DATE	BY	REVISION
1	7-2-2017	WAGGE	Revised digital price sign from elevation "A" to elevation "B"

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© 2017 Weis Markets, Inc.
PROJECT: GAS FUELING STATION
PROPOSED AT: 7200 HOUARIO AVENUE
SUNLAND, MD

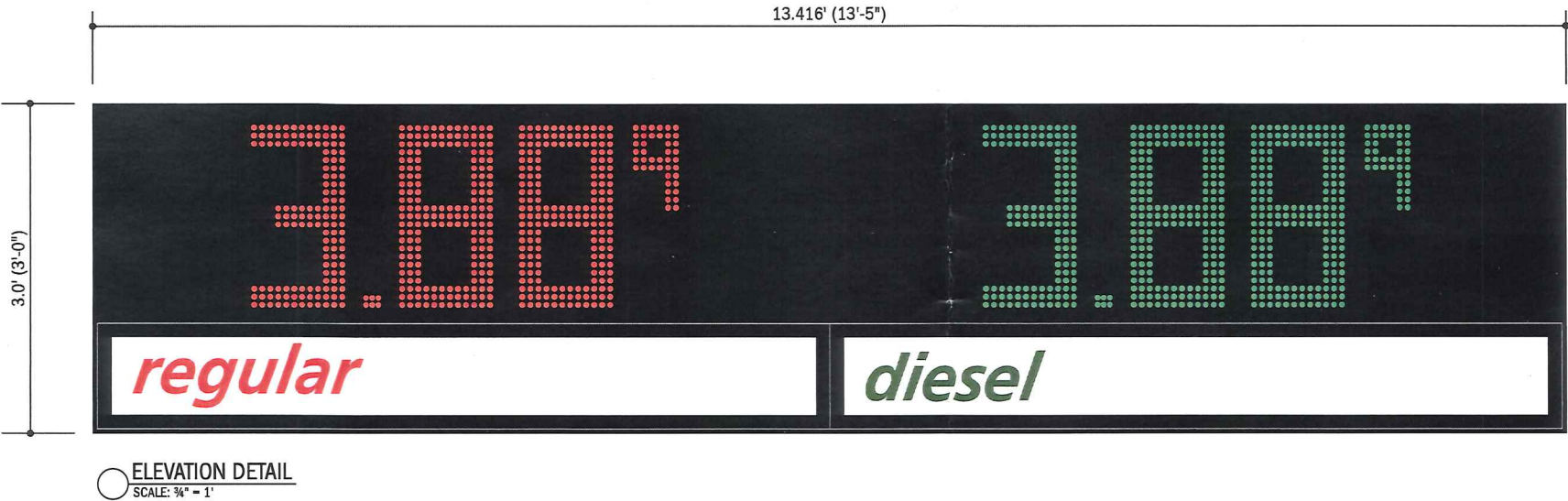
DRAWING TITLE
GASn'GO SIGNAGE EXHIBIT

DATE: FEBRUARY 06, 2017

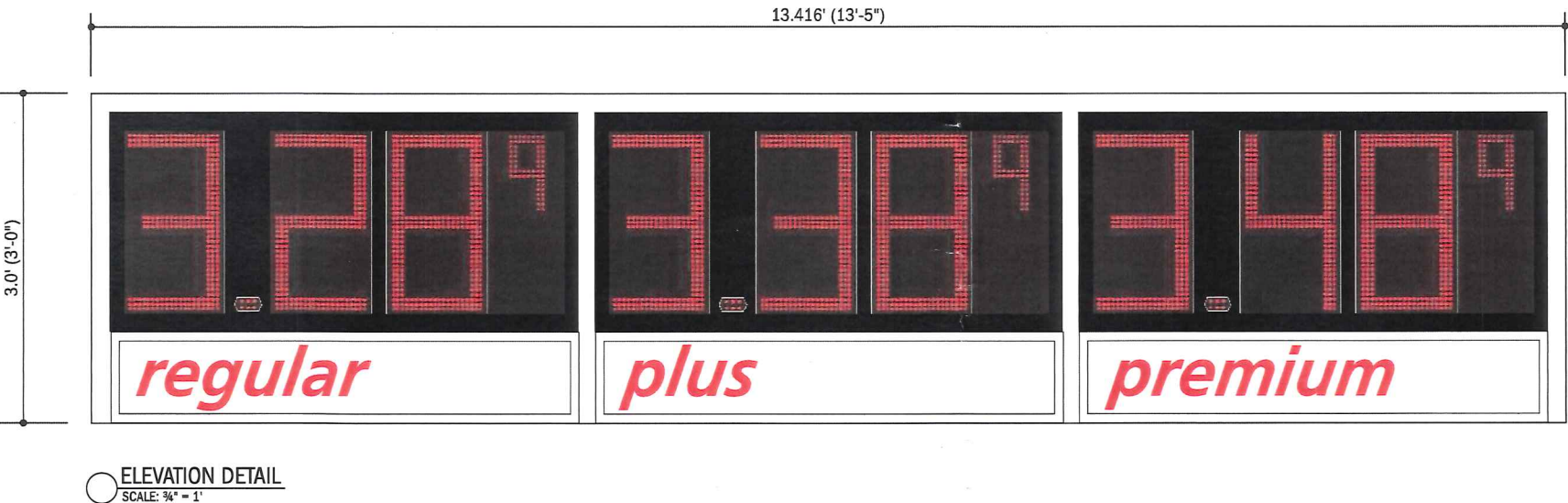
STORY NO: 084

DRAWING NO: G-1

NEW PRICE CHANGER BOARDS



ORIGINAL PRICE CHANGER BOARDS
(to be replaced with new boards)



A VISUAL
SOLUTIONS
COMPANY.

7440 Fort Smallwood Road
Baltimore, Maryland 21226
800.854.0568

PROJECT TITLE:		
Weis		
ORDER TITLE:		
Weis #84		
CITY/STATE:		PHONE NUMBER
Dundalk, MD		678.291.7411
DRAWING DATE	SALES REP	PROJECT MGR.
08/27/19	SRI	SRI
REVISION HISTORY		
NO.	DATE	PREV DRWG
1	02-23-18	9559LC

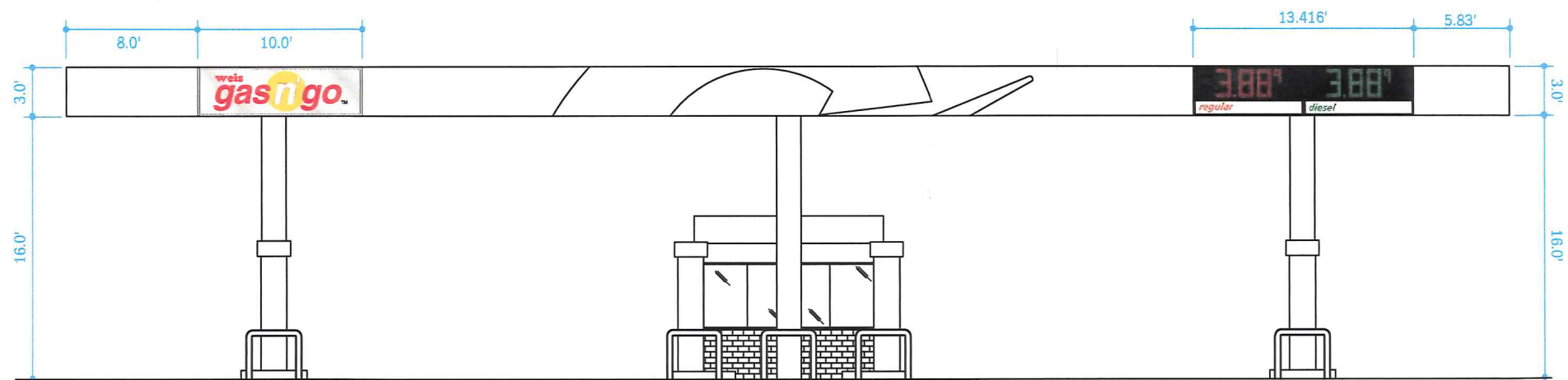
LABOR HOURS		
DEPARTMENT	HOURS BUDGETED	
METAL		
VINYL	PATTERNS	
ROUTER		
ASSEMBLY	PACKAGING	
LETTER		
DISPLAY	MASONRY	
INSTALL / DELIVERY		ONE MAN TWO MEN
FINISHING / PREP		
KITTING		
GABLEVISION		
NOTES		
APPROVED FOR CONSTRUCTION		

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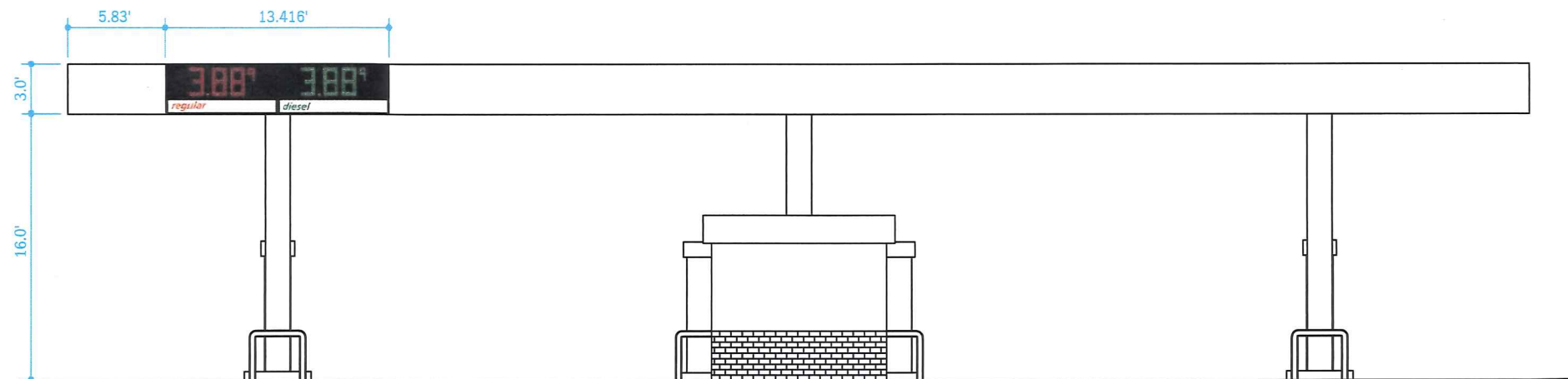
SIGN TYPE:
Illuminated Price Changer

DWG. TYPE:
Construction

PROJECT NO.	TASK NO.	QTY.
78256-3	195126	2
DWG. NO.	SHEET	
11007LC	1 of 2	



ELEVATION B VIEW
SCALE: 1/8" = 1'



ELEVATION D VIEW
SCALE: 1/8" = 1'



**A VISUAL
SOLUTIONS
COMPANY.**

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Baltimore, Maryland 21226
800.854.0568

PROJECT TITLE:

Weis

ORDER TITLE:

Weis #84

CITY/STATE:

Dundalk, MD

PHONE NUMBER:

678.291.7411

DRAWING DATE:

08/27/19

SALES REP:

SRI

PROJECT MGR.:

SRI

REVISION HISTORY:

NO.	DATE	PREV DRWG	DESCRIPTION
1	02-23-18	9559LC	

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SIGN TYPE:

Illuminated Price Changer

DWG. TYPE:

Construction

PROJECT NO.	TASK NO.	QTY.
78256-3	195126	2
DWG. NO.	SHEET	
11007LC	2 of 2	