MEMORANDUM

DATE: April 29, 2019

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2019-0197-A - Appeal Period Expired

The appeal period for the above-referenced case expired on April 25, 2019. 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.'

/dlw

c: Case File

Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(56 W. Timonium Road)

8th Election District

3rd Council District

Timonium Business Center, LLC

Timonium Road Property, LLC

Legal Owners

* BEFORE THE OFFICE

* OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

* CASE NO. 2019-0197-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County as a Petition for Variance filed by Timonium Business Center, LLC, and Timonium Road Property, LLC, legal owners of the subject property ("Petitioners"). Petitioners originally sought variance relief from Section 450.7.B.1.b of the Baltimore County Zoning Regulations ("BCZR") to allow one hundred percent of the erected sign area of a permitted joint identification sign to be devoted to changeable copy in lieu of the maximum permitted 50%. Based on discussions at the hearing the petition was amended and a variance is sought to allow fifty-two percent (52%) of the sign to be devoted to changeable copy in lieu of the permitted 50%. A second variance request concerns the number of lines and size of text for the proposed sign.

The original site plan was marked as Petitioners' Exhibit 1. An amended site plan was submitted with the revised zoning petition and will be marked as Petitioners' Ex. 7. The amended plan eliminated several parking spaces from the drive aisle connecting the two portions of the site. The chart on the plan shows sufficient off-street parking is provided for all uses on site.

Professional engineer Nick Brader and Thomas Pilon appeared in support of the petition.

David H. Karceski, Esq. represented Petitioners. Two interested citizens expressed concern about certain aspects of the case. The Petition was advertised and posted as required by the

ORDER	RECEIVED FOR FILING	
Date	3-26-19	
Ву		

BCZR. A substantive Zoning Advisory Committee ("ZAC") comment was received from the Department of Planning ("DOP"). That agency did not oppose the request.

The site is comprised of two separate parcels: Parcel 254, known as 56 W. Timonium Road, is approximately 48,078 square feet (1.1 Ac.) in size and Parcel 092, known as 2125-2249 Greenspring Drive, is approximately 377,097 sq. ft. (8.65 Ac.) in size. The Timonium Road property is zoned BM-IM and the Greenspring Drive property is zoned ML-IM. Each parcel is improved with a one-story commercial building and the properties are connected by a shared driveway. The proposed sign is located on the BM zoned parcel and it is those regulations which apply to this request.

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 Petitioners noted the building on Greenspring Drive is nearly one-half mile in length. Mr. Brader testified he has not encountered a property of similar size and configuration in over 30 years of practice as a professional engineer. As such the property is unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to provide adequate signage for this sprawling commercial property with multiple tenants. Finally, I find that the variance 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.

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Mike Pierce stated he believed the sign area was calculated incorrectly on the site plan, and that the name of the center (*i.e.*, "Timonium Exchange") should be considered part of the face area. Counsel agreed, and a revised site plan was submitted indicating the proposed sign is 150 sq. ft. in size. A 150 sq. ft. sign is permitted pursuant to BCZR Section 450 based on the building frontages on Timonium Road. Assuming the parcels and buildings are considered to be a single property or site (an issue discussed in greater detail below) I concur. The BCZR permits changeable copy to occupy up to 50% of the sign area, and the specifications for the proposed sign indicate the "viewing area" is 77 sq. ft., which comprises 52% of the total sign area.

Eric Rockel noted the commercial buildings are owned by different entities, and he questioned Mr. Brader concerning whether in fact there was a sufficient driveway or drive aisle connecting the properties. The amended site plan contains additional details concerning the driveway in question which is at least 20 ft. wide, as required for driveways with "two-way movements." BCZR §409.4.A. As such, I do not believe this issue is an impediment to considering, for purposes of BCZR Section 450, the properties as connected.

With regard to the ownership issue, counsel stated that although the buildings are owned by different legal entities, both entities are in fact controlled by St. John Properties. Mr. Karceski noted (as an example) portions of the Hunt Valley Town Center are owned by Greenberg Gibbons while other portions of that shopping center are owned by Sears Roebuck. Despite having multiple owners the County considered the center in the aggregate when determining what signage would be allowed. I agree, and would note the court of appeals has long held the issue of ownership is usually "irrelevant" in a zoning case. *See, e.g., Richard Roeser v. Anne Arundel Co.*, 368 Md. 294, 305 (2002) ("ownership is normally irrelevant to zoning").

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THEREFORE, IT IS ORDERED, this <u>26th</u> day of March, 2019, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to Section 450 of the Baltimore County Zoning Regulations ("BCZR") to allow fifty-two percent (52%) of the proposed joint identification sign area to be devoted to changeable copy in lieu of the permitted fifty percent (50%), and to permit six (6) lines of text in lieu of the permitted five (5) lines, with text copy a minimum of three (3) inches in lieu of the required eight (8) inches, be and is hereby GRANTED.

The relief granted herein shall be subject to 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 submit for approval by the Baltimore County landscape architect a landscape plan for the site.
- 3. No temporary signage of any type shall be permitted on the premises.
- 4. The proposed sign shall not exceed the following brightness specifications: daytime 10,000 NITS maximum, nighttime 750 NITS maximum.

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

JOHNE. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:sln:dlw

ORDER	RECEIVED FOR FILING
Date	3-26-19
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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 56 W. Timonlum Rd. & 2125-2245 Greenspring Dr. which is presently zoned BM-IM, ML-IM Deed References: 39420-129 & 18564-472 10 Digit Tax Account # 0802087220 & 0819002260 Property Owner(s) Printed Name(s) Timonium Road Property, LLC & Timonium Business Center, LLC

(SELECT	THE HEARING(S) BY N	ARKING X AT TI	HE APPROPRIA	TE SELECTIO	ON AND PRINT C	R TYPE THE	PETITION REQ	UEST)
The unders	igned legal owner(s) and plan	of the property attached here	situate in Ba to and made	altimore Cou a part hered	unty and which of, hereby peti	n is describe tion for:	ed in the desc	cription
1a Spe or not the Z	cial Hearing under Soning Commissioner	Section 500.7 o should approv	of the Zoning	Regulations	s of Baltimore	County, to	determine wh	ether
2. a Spe	cial Exception unde	r the Zoning R	egulations of	Baltimore (County to use	the herein	described pro	perty for
	•							
3. X a Vari	ance from Section(s) 450.7.D.1.b	allow one bu	indeed perce	nd oft	he erected a	sign area of a	
permi	itted joint identification	sign to be dev	eted to chang	eable copy	L	200		
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		TO BE	PRESENTED	AT HEARIN	NG			
and restrictions of Legal Owner(s) which is the subject Contract Pur	posted and advertised as pay expenses of above p in Baltimore County adopte Affirmation: I / we do so ect of this / these Petition(rchaser/Lessee:	ed pursuant to the solemnly declare a		Legal Ow	y. of perjury, that I / ners (Petition ACHED	We are the le		ne property
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Attorney for	Petitioner:				tative to Me c			
David H. Ka	r eski e quire			David H.	Karcoski, Esc	quire		
Name- Type of	ilo			Name - Typ	ortelint	1		
Shoatere Vena	ble LLP			Pronature V	enable LLP	To I		
	sylvania Ave., Ste. 500	Towson	MD		ennsylvania Av		Towson	MD
Mailing Address	City		State	Mailing Addr	ress	City		State
	410-494-6285	, dhkarceski@	venable.com	21204	<u>/ 410-494-62</u>	and the same of th	dhkarceski@	
Zip Code	Telephone #	Email Addres	8	Zlp Code	Telepho	ne#	Email Addre	56
							Par	lover
CASE NUMBER		Filing Date		_ Do Not S	chedule Dates:		Key	iewer

REV. 10/4/11

ORDER MECEIVED FOR FILING Date_ By___

56 WEST TIMONIUM ROAD

2125-2245 GREENSPRING DRIVE

ATTACHMENT TO AMENDED PETITION FOR VARIANCE

- 1. Variance from Section 450.4 Attachment 1.7(b) to allow a freestanding joint identification sign with a maximum of six (6) lines of text displayed at any one time for tenants or occupants with copy at least three (3) inches in height in lieu of the permitted five (5) lines of text with copy at least eight (8) inches in height.
- 2. Variance from Section 450.7.B.1.b to allow fifty-two percent (52%) of the erected sign area of the permitted joint identification sign to be devoted to changeable copy in lieu of the permitted fifty percent (50%).

56 WEST TIMONIUM ROAD

ATTACHMENT TO PETITION FOR VARIANCE

Legal Owner:

TIMONIUM ROAD PROPERTY, LLC

By: Edward St. John, LLC, Manager

Ву:

Edward St. John, Manager St. John Properties, Inc. 2560 Lord Baltimore Drive Baltimore, MD 21244

2125-2245 GREENSPRING DRIVE

ATTACHMENT TO PETITION FOR VARIANCE

Legal Owner:

TIMONIUM BUSINESS CENTER, LLC

By: Edward St. John, LLC, Manager

By:

Edward St. John, Manager St. John Properties, Inc. 2560 Lord Baltimore Drive Baltimore, MD 21244 ZONING DESCRIPTION for Timonium Exchange (56 W. Timonium Road & 2125-2249 Greenspring Drive)

Beginning on the northwest right of way line of W. Timonium Road at NAD83/91 coordinate position N 645857.65, E 1416678.77, said point of beginning also being 316 feet northeast from the intersection of Greenspring Drive and W. Timonium Road, thence running by the Grid Meridian of the Maryland State Plane Coordinate System (NAD83/91):

- 1) North 22°55'07" West 407.01';
- 2) South 67°04'53" West 138.00';
- 3) North 22°55'07" West 394.83';
- 4) By a curve to the left having a radius of 750.48', an arc length of 252.27' and a chord bearing North 13° 17' 18" West 251.08';
- 5) North 22°55'07" West 1280.03';
- 6) North 00°13'07" West 301.94';
- 7) South 82°31'07" East 62.00';
- 8) South 22°55'07" East 2169.58';
- 9) North 67°04'53" East 47.00';
- 10) South 22°55'07" East 387.66';
- 11) South 57°59'39" West 122.54' to the place of beginning.

Containing 425,175 square feet or 9.7607 acres more or less and comprising the parcels in the following deeds: liber 39429 folio129 and liber 18564 folio 472.

Note: This description is for zoning purposes only and is not to be used for the conveyance of land.



2019-0197-4

The Daily Record

11 East Saratoga Street Baltimore, MD 21202-2199 (443) 524-8100

http://www.thedailyrecord.com

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

2/22/2019

Order #: Case #:

11700450

20196-0197-A

Description:

NOTICE OF ZONING HEARING CASE NUMBER: 20196-0197-A

Darlene Miller, Public Notice Coordinator (Representative Signature)

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 hereinas follows:

CASE NUMBER: 20196-0197-A

56 W. Timonium Road, 2125-2245 Greenspring Drive

S/west comer of intersection of Timonium Road and Greenspring Drive 8th Election District - 3rd Councilmanic District

Legal Owners: Timonium Business Center, LLC

Variance to allow one hundred percent of the erected sign area of a permitted joint identification sign to be devoted to changeable copy in lieu of the maximum permitted 49%.

Hearing: Friday, March 15, 2019 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

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.

NS 3-15-19

Debra Wiley

From:

SGT ROBERT BLACK <1opie@comcast.net>

Sent:

Sunday, March 10, 2019 5:34 PM

To:

Barbara Lukasevich; DKarceski@Venable.com; Administrative Hearings

Subject:

Recertification's For 2019-0197-A AND 2019-0214-A

Attachments:

Re-Cert 1 2019-0197-A.doc; Re-Cert 2 2019-0197-A.doc; Re-Cert 1 2019-0214-A.doc;

Re-Cert 2 2019-0214-A.doc

Recertification's for 56 W. Timonium Rd & 800 Kenilworth Dr. Thanks

RECEIVED

MAR 1 1 2019

OFFICE OF ADMINISTRATIVE HEARINGS

CE TIFICATE OF POSTING

	2019-0197-A RE: Case No.:
	Petitioner/Developer:
	Timonium Business Center, LLC
	March 15, 2019 Date of Hearing/Closing:
Saltimore County Department of Sermits, Approvals and Inspections County Office Building, Room 111 11 West Chesapeake Avenue Cowson, Maryland 21204	RECEIVED
attn: Kristen Lewis:	MAR 1 1 2019
adies and Gentlemen:	OFFICE OF ADMINISTRATIVE HEARINGS
This letter is to certify under the penalties of perosted conspicuously on the property located at:	jury that the necessary sign(s) required by law were
6 W. Timonium Road, 2125-2245 Green	
SIGN 1 Recertificati	ion
The sign(s) were posted on	ebruary 22, 2019
(N	Ionth, Day, Year)
Since	March 10, 2019
7011110	(Signature of Sign Poster) (Date)
ZONING NOTICE	SSG Robert Black
APUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE LAW JUDGE	(Print Name)
ROOM S, JEFFERSON BUILDING PLACE: 105 W. CHESAFFARE AND TOMPON MR NEWS	1508 Leslie Road
DATE AND TIME: Enday, March 15, 2019 at 10:00 a m REQUEST: <u>Variance</u> to allow one hundred percent of the creetest agenures of a permitted joint identification sign to be devoted to changeable.	(Address)
Sopy in lieu of the maximum permitted 40% of the second se	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)

CLINTIFICATE OF POSTING

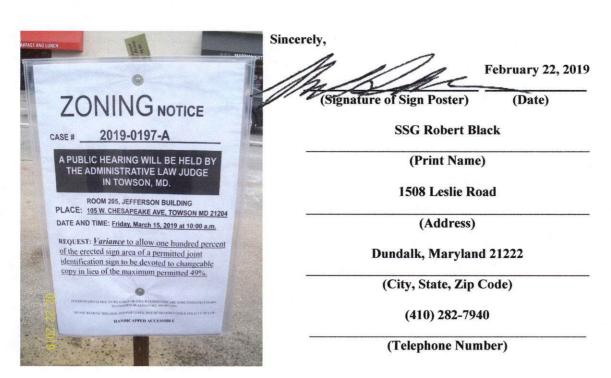
	2019-0197-A RE: Case No.:
	Petitioner/Developer:
	Timonium Business Center, LLC
	March 15, 2019 Date of Hearing/Closing:
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 11 West Chesapeake Avenue Cowson, Maryland 21204 Attn: Kristen Lewis:	RECEIVED MAR 1 1 2019 OFFICE OF ADMINISTRATIVE HEARINGS
his letter is to certify under the penalties of pe	erjury that the necessary sign(s) required by law were
osted conspicuously on the property located a 6 W. Timonium Road, 2125-2245 Gre	
SIGN 2 Recertificat	
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	(Month, Day, Year)
Sin	March 10, 2019
70,1110	(Signature of Sign Poster) (Date)
ZONING NOTICE	SSG Robert Black
CASE # 2019-0197-A A PUBLIC HEARING WILL BE HELD BY	(Print Name)
THE ADMINISTRATIVE LAW JUDGE IN TOWSON, MD	1508 Leslie Road
PLACE: 105 W. CHESAPEAKE AVE. TOWSON MO 21205 DATE AND TIME. Friday, March 15, 2019 at 10:00 x m.	(Address)
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copy in lieu of the meanium permitted 49%.	(City, State, Zip Code)
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LASSIFICATION CLESSIFIA	(Telephone Number)

CERTIFICATE OF POSTING

	2019-0197-A RE: Case No.:
	Petitioner/Developer:
	Timonium Business Center, LLC
	March 15, 2019 Date of Hearing/Closing:
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
Attn: Kristen Lewis:	
Ladies and Gentlemen:	
This letter is to certify under the penalties of p posted conspicuously on the property located a	erjury that the necessary sign(s) required by law were
56 W. Timonium Road, 2125-2245 Gre	enspring Drive SIGN 1
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	(Month, Day, Year)
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16	February 22, 2019
ZONING NOTICE	(Signature of Sign Poster) (Date)
CASE #2019-0197-A	SSG Robert Black
A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE LAW JUDGE	(Print Name)
IN TOWSON, MD. ROOM 205, JEFFERSON BUILDING PLACE: 105 W. CHESAPEAKE AVE, TOWSON MD 21204	1508 Leslie Road
DATE AND TIME: Friday, March 15, 2019 at 10:00 a.m. REQUEST: Variance to allow one hundred percent	(Address)
of the erected sign area of a permitted joint identification sign to be devoted to changeable copy in lieu of the maximum permitted 49%.	Dundalk, Maryland 21222
PRACTICAL STATE A THE ACTUAL OF THE STATE OF	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)

CERTIFICATE OF POSTING

	RE: Case No.:	2019-0197-A
		loper:
	Timon	ium Business Center, LLC
	Date of Hearing	March 15, 2019
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 11 West Chesapeake Avenue Towson, Maryland 21204 Attn: Kristen Lewis: Ladies and Gentlemen: This letter is to certify under the penalties of perjoosted conspicuously on the property located at:	jury that the necessa	ry sign(s) required by law were
56 W. Timonium Road, 2125-2245 Green		SIGN 2
Fe	ebruary 22, 2019	3
	lonth, Day, Year)	



CLATIFICATE OF POSITING

	RE: Case No.:	2019-0197-A
•	Petitioner/Developer:	
	Timonium Busine	ss Center, LLC
	Date of Hearing/Closing:	March 15, 2019
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 I11 West Chesapeake Avenue Fowson, Maryland 21204		
Attn: Kristen Lewis:		
Ladies and Gentlemen:		
This letter is to certify under the penalties of posted conspicuously on the property located a	erjury that the necessary sign(s) requ	ired by law were
56 W. Timonium Road, 2125-2245 Gre	enspring Drive SIGN	N 2
The sign(s) were posted on	February 22, 2019 (Month, Day, Year)	
Sir	acerely,	bruary 22, 2019
ZONING NOTICE	(Signature of Sign Poster)	(Date)
CASE#	SSG Robert Black	:
A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE LAW JUDGE	(Print Name)	
IN TOWSON, MD.	1508 Leslie Road	
PLACE: 105 W. CHESAPEAKE AVE. TOWSON MD 21204 EDATE AND TIME: Friday March 15, 2019 at 10:00 a.m.	(Address)	
REQUEST. Variance to allow one hundred percent of the erected sign area of a permitted joint identification sign to be devoted to changeable	Dundalk, Maryland 2	1222
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	(Telephone Number	<u></u>

CLATIFICATE OF POS...NG

	RE: Case No.:
	Petitioner/Developer:
	Timonium Business Center, LLC
	March 15, 2019 Date of Hearing/Closing:
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
Attn: Kristen Lewis:	
Ladies and Gentlemen:	
This letter is to certify under the penalties of penosted conspicuously on the property located a	erjury that the necessary sign(s) required by law were t:
56 W. Timonium Road, 2125-2245 Gre	enspring Drive SIGN 1
The sign(s) were posted on	February 22, 2019
•	(Month, Day, Year)
Sm	cerely,
0	February 22, 2019
ZONING NOTICE	(Signature of Sign Poster) (Date)
CASE# 2019-0197-A	SSG Robert Black
A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE LAW JUDGE IN TOWSON, MD.	(Print Name)
PLACE: 185W. CHESAPEAKE AVE. TOWSON MD 21204	1508 Leslie Road
DATE AND TIME: Friday, March 16: 2019 or 10:00 a.m. REQUEST: Variance to allow one hundred percent of the second pion area of a permitted joint	(Address)
Menutication sign to be also said to change the survival in the maximum permised 422a.	Dundalk, Maryland 21222
Aparticipates and the distinguishment of the control of the contro	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)



JOHN A. OLSZEWSKI, JR. County Executive

MICHAEL MOHLER, Director
Department of Permits,
Approvals & Inspections

February 12, 2019

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: 2019-0197-A

56 W. Timonium Road, 2125-2245 Greenspring Drive S/west corner of intersection of Timonium Road and Greenspring Drive 8th Election District — 3rd Councilmanic District Legal Owners: Timonium Business Center, LLC

Variance to allow one hundred percent of the erected sign area of a permitted joint identification sign to be devoted to changeable copy in lieu of the maximum permitted 49%.

Hearing: Friday, March 15, 2019 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Mike Mohler Director

rube peoble

AJ:kl

C: David Karceski, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204 Edward St. John, 2560 Lord Baltimore Drive, Baltimore 21244

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, FEBRUARY 22, 2019.

(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: THE DAILY RECORD

Friday, February 22, 2019 - Issue

Please forward billing to:

Barbara Lukasevich Venable, LLP

210 W. Pennsylvania Avenue, Ste. 500

Towson, MD 21204

410-494-6200

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: 20196-0197-A

56 W. Timonium Road, 2125-2245 Greenspring Drive S/west corner of intersection of Timonium Road and Greenspring Drive 8th Election District – 3rd Councilmanic District Legal Owners: Timonium Business Center, LLC

Variance to allow one hundred percent of the erected sign area of a permitted joint identification sign to be devoted to changeable copy in lieu of the maximum permitted 49%.

Hearing: Friday, March 15, 2019 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Mike Mohler

reall molle

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR VARIANCE

56 W. Timonium Rd & 2125-2245 Greenspring
Dr; SW cor of Timonium Rd & Greenspring Dr*

8th Election & 3rd Councilmanic Districts
Legal Owners: Timonium Business Center, LLC*
& Timonium Road Property, LLC

Petitioner(s) *

BEFORE THE OFFICE

OF ADMINSTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

2019-197-A

* * * * * * * * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zummerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Cank S Demlia

RECEIVED

JAN 09 2019

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 9th day of January, 2019, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zummerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

OFFIC	E OF BUD	GET AN	MARYI ANI D FI C RECEIPT	E	Sub		177	100	BUS 12/20/	INES:	RECEIPT ACTUAL 12/20/2018 MALKIN CAK	TIME 11:08:51	IRts
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JOHN A. OLSZEWSKI, JR. County Executive

MICHAEL MOHLER, Director Department of Permits, Approvals & Inspections

March 7, 2019

David H. Karseski 210 W. Pennsylvania Ave Ste 500 Towson MD 21204

RE: Case Number: 2019-0197-A, 56 W. Timonium Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 20, 2018. 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO:

Mike Mohler

Acting Director, Permits, Approvals and Inspections

FROM:

Jeff Mayhew

Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 19-197

INFORMATION:

Property Address:

56 W Timonium Road

Petitioner:

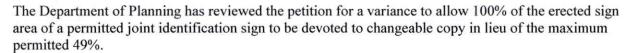
Timonium Road Property, Inc.

Zoning:

BM-IM, ML-IM

Requested Action:

Variance



A site visit was conducted on January 10, 2019.

The site is within the Hunt Valley/Timonium Master Plan (HV/T) as adopted by the Baltimore County Council on October 19, 1998. A stated goal of the HV/T Plan area is "to protect and enhance the HV/T area as an important employment and retail area of Baltimore County, without producing adverse impacts on neighboring residential communities, and improving the area's quality of life and environment."

The Department of Planning has no opposition to granting the petitioned zoning relief conditioned upon the following:

- Provide landscaping of a type and to the extent as approved by the Baltimore County Landscape Architect to screen the parking lot and at the base of the sign.
- There shall be no temporary signage of any type permitted along the Timonium Road frontage.

The Department recommends that the Petitioners demonstrate to the satisfaction of the Administrative Law Judge and any State agency having jurisdiction that the proposed changeable copy sign, by its nature having animated flashing imagery, does not create an unsafe condition due to the sign's proximity to the Light Rail crossing at Timonium Road.



Date: 3/7/2019

Subject: ZAC # 19-197

Page 2

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

Prepared by:

Division Chief:

Jenifer G. Nugent

Lloyd T. Moxley

JM/JGN/LTM/

c: Wally Lippincott

James Hermann, R.L.A., Department of Permits, Approvals and Inspections

David H. Karceski, Esquire

Office of the Administrative Hearings

People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

JAN 1 5 2018

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 15, 2019

SUBJECT:

DEPS Comment for Zoning Item

2019-0197-A

Address

56 W. Timonium Road

(Timonium Business Center, LLC

Property)

Zoning Advisory Committee Meeting of January 14, 2019.

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

Reviewer:

Steve Ford

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Michael Mohler, Acting Director

Department of Permits, Approvals

FROM:

EFC for VKD Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 14, 2018

Item No. 2019-0192-A, 0193-A, 0194-A, 0195-A, 0196-A, 0197-A, 0198-A,

DATE: Feb 15, 2019

0199-A, 0200-SPH, 0201-A, 0202-SPH & 0203-A

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

VKD: cen 。cc: file



Larry Hogan Governor Boyd K. Rutherford Lt. Governor Pete K. Rahn Secretary Gregory Slater Administrator

Date: 1/9/19

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2019 -0197-A

Variance Timonium Business Center, LLC 56W. Timonium Road.

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,

Wendy Wolcott, P.L.A.

Metropolitan District Engineer

Maryland Department of Transportation

State Highway Administration

District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Mike Mohler DATE: 3/7/2019

Acting Director, Permits, Approvals and Inspections

FROM: Jeff Mayhew

Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 19-197

INFORMATION:

Property Address: 56 W Timonium Road

Petitioner: Timonium Road Property, Inc.

Zoning: BM-IM, ML-IM

Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to allow 100% of the erected sign area of a permitted joint identification sign to be devoted to changeable copy in lieu of the maximum permitted 49%.

A site visit was conducted on January 10, 2019.

The site is within the Hunt Valley/Timonium Master Plan (HV/T) as adopted by the Baltimore County Council on October 19, 1998. A stated goal of the HV/T Plan area is "to protect and enhance the HV/T area as an important employment and retail area of Baltimore County, without producing adverse impacts on neighboring residential communities, and improving the area's quality of life and environment."

The Department of Planning has no opposition to granting the petitioned zoning relief conditioned upon the following:

- Provide landscaping of a type and to the extent as approved by the Baltimore County Landscape Architect to screen the parking lot and at the base of the sign.
- There shall be no temporary signage of any type permitted along the Timonium Road frontage.

The Department recommends that the Petitioners demonstrate to the satisfaction of the Administrative Law Judge and any State agency having jurisdiction that the proposed changeable copy sign, by its nature having animated flashing imagery, does not create an unsafe condition due to the sign's proximity to the Light Rail crossing at Timonium Road.

Date: 3/7/2019

Subject: ZAC # 19-197

Page 2

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

Division Chief:

Prepared by:

Lloyd T. Moxley

JM/JGN/LTM/

c: Wally Lippincott

James Hermann, R.L.A., Department of Permits, Approvals and Inspections

David H. Karceski, Esquire

Office of the Administrative Hearings

People's Counsel for Baltimore County

John E. Beverungen

From:

Mike Pierce <mpierce1@aol.com>

Sent:

Saturday, March 23, 2019 9:35 AM

To:

John E. Beverungen

Cc:

Karceski, David H.; erockel@earthlink.net

Subject:

Re: Case No. 2019-197-A

Dear Judge Beverungen,

I have reviewed the modified petition and plan for this case as sent by Mr Karsecki, Esq. I am in agreement that this resolves the issues that I raised and the confusion on the driveway connection between the two jointly-owned parcels. Please include the limits on brightness from the original submission. They were: daytime 10,000 NITS max, nighttime 750 NITS max.

Thanks.

Mike Pierce

John E. Beverungen

From:

Karceski, David H. < DKarceski@Venable.com>

Sent:

Wednesday, March 20, 2019 9:51 AM

To:

John E. Beverungen

Cc:

mpierce1@aol.com; erockel@earthlink.net

Subject:

Case No. 2019-197-A

Attachments:

sign-variance01rev-3-18-19.pdf; AMENDED PETITION FOR VARIANCE.PDF

Dear Judge Beverungen

Thank you for the opportunity to provide a revised zoning plan in Case No. 2019-197-A. The attached green-lined zoning plan, dated March 18, 2019, indicates that the total sign area per side for the proposed freestanding joint identification sign is 150 square feet. The size of the area devoted to electronic changeable copy remains a total of 77.0 square feet per side. I have also attached an amended petition form, which requests, as discussed at the public hearing, a variance for the number of lines devoted to tenants and a variance related to the height of copy on tenant panels. In addition, a two percent (2 %) variance related to the size of the electronic changeable copy portion of the sign now replaces the request for the variance originally filed in the case to allow one hundred percent (100%) of the sign area to be devoted to changeable copy.

Mr. Rockel noted during the public hearing that off-street parking spaces were shown on the site plan presented at the hearing in the location of a shared access drive. The green-lined plan now shows a 22 foot-wide vehicular connection, which is adequate for two-way travel, and removal of three parking spaces from the site plan. The parking calculations provided on the plan have been updated accordingly.

Please let me know if I can provide any additional materials.

Thank you,

David

David Karceski, Esq. | Venable LLP t 410.494.6285 | f 410.821.0147 | m 443.956.7425

Towson: 210 W. Pennsylvania Avenue, Ste. 500, Towson, MD 21204 Baltimore: 750 East Pratt Street, Ste. 900, Baltimore, MD 21201

This electronic mail transmission may contain confidential or privileged information. If you believe you have received this message in error, please notify the sender by reply transmission and delete the message without copying or disclosing it.

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CASE NUMBER	2019-	214-1	•	
DATE3	15119			
	101			

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
NICK Brader DAND KARCETH THOMAS PILON	210 W. fem. Ave. Suit 500 2560 Lord Baltimore Drive	Towson, MD 21286 Towson, MD 21204 Towson, MD 21244	Akaræsk: Brasle.con tpilon@sjpl.com
,			

CASE	NAME 56 West Timerim Recod
	NUMBER
DATE	March 15, 2019

CITIZEN'S SIGN - IN SHEET

NAME	ADDRESS	CITY, STA	TE, ZIP	E - MAIL		
ERIC ROCKEL	1610 Riderwood DRIVE	Lutherville	MD 21043	erocte/@earth/int.ner		
Mike Pierce	7448 Bradshaw Rd	Kingsville	21087	MPIERCE 1 CAOL. COM		
			* 1			
			W E			
		19 77 7 7 7 7 7				
		100				

CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
1/15	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	MC
415	DEPS (if not received, date e-mail sent)	NC
	FIRE DEPARTMENT	North
317	PLANNING (if not received, date e-mail sent)	Mycond
119	STATE HIGHWAY ADMINISTRATION	110 OPI
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATIO	ON (Case No)
PRIOR ZONING	(Case No	
NEWSPAPER ADV	ERTISEMENT Date:	
SIGN POSTING (15	Date: 2/22/19	by SSG Black
SIGN POSTING (2)	Date: 31019	by SSG BOCK
PEOPLE'S COUNS	EL APPEARANCE Yes No DEL COMMENT LETTER Yes No DEL	80 50
Comments, if any: _		

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map View GroundRent Redemption					View GroundRent Registration					
Tax Exempt:	•	5	pecial T	ax Recapt	ure:					
Exempt Class:		Λ.	IONE							
Account Identifier:	District - (08 Acco ur	nt Numb	er <u>- 0</u> 8020	87220					
			Owner Ir	formation		-				
Owner Name:	TIMONIU	vî road P	ROPER	TY LLC	Use: Principa	al Re	sidence:	INDUS NO	TRIAL	
Mailing Address:	2560 LOR BALTIMOI				Deed R	efere	nce:	/39420	/ 00129	
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Premises Address:	56 W TIMO TIMONIUI				Legal D	escri	iption:		AC NS ONIUM RD GREENSPRIN	G DR
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Stories Basement	Type STORAGE WAR	REHOUSE		rior F	ıll/Half B	ath	Garag	je Last	Major Renova	tion
				formation						-
	Base Va		Value Ir	formation		Pha	ase-in As	sessments		
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Homestead Application Status: No cation

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

https://sdat.dat.maryland.gov/RealProperty/Pages/default.aspx

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Case	NIO	
Case	TAO.	

2019-0197-A

Exhibit Sheet

Petitioner/Developer

Protestant

3,20,19

No. 1	Plan	Signs-existing conditions
No. 2	CV - Brades	
No. 3	Aerial photo	
No. 4	Elevation-proposed sign	
No. 5	5A-5D Photos showing proposed sign	
No. 6	Concept Landscape Plan	
No. 7	Amended Site plan	
No. 8		
No. 9		
No. 10		. 9
No. 11		*
No. 12		

Nicholas Brader, III. P.E. President

NJB Engineering, Inc. 810 Gleneagles Ct. Suite 311 Towson, Maryland 21286

Professional Registration

Professional Engineer - State of Maryland PE 18558

Education

University of Delaware - BCE Civil Engineering - June 1986

Professional Experience

NJB ENGINEERING, INC.

President, 2015 to present

Owner and founder of company. Responsible for all aspects of projects including the coordination and design of projects including initial land planning, zoning hearings, preliminary engineering, preparation of final construction plans (grading, storm water management, erosion and sediment control, road, storm drain, water and sanitary sewer) and for coordination during construction.

ST. JOHN PROPERTIES, INC.

Director of Engineering, 2010 to 2015

Duties include assessing new properties with respect to zoning and engineering constraints, develop options for site design and complete preliminary engineering analysis. Coordinate final design in conjunction with various engineering consultant firms, provide review of final site construction documents. Provide assistance as issues arise with continuing use of properties and with any redevelopment proposals.

MATIS WARFIELD, INC.

Principal, 1998 to 2010

Duties include being the main point of contact to respected companies involved in land development. Responsible for coordination and design of projects including initial land planning, zoning hearings, preliminary engineering, preparation of final construction plans (grading, storm water management, erosion and sediment control, road and utility) and coordination during construction.

GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.

Project Engineer, Senior Associate, 1986 to 1998

Duties progressed from completing design of grading, storm water management, erosion and sediment control, road and utilities to later including preliminary land use studies and attendance at zoning and development hearings. During the course of employment became directly responsible to the firms' clients.

Awards

Baltimore County Soil Conservation District Consultant of the Year for 2005

Major Project Experience

Office/Commercial/Industrial Development Projects:

Cromwell Business Park – Anne Arundel County 1995 to present, 100 +Acre Industrial Park. Infrastructure design for Area 3 including road, water, sewer, storm drain and storm water management. Final site design for 15 buildings.

BWI Technology Park, Phases I-III – Anne Arundel County 1998 to 2015, 100 Acre Industrial Park. All site and infrastructure design for 14 buildings.

Baltimore Crossroads @ 95 – Baltimore County 2004 to present, site and infrastructure design for 55 buildings on 250 acres of developable area.

Maryland Science & Technology Center – Prince George's County 2000 to 2015, 280 Acre mixed use development. Site planning for mixed use residential. Final site design for 12 office building including storm water management, storm drain, water and sewer design.

Windsor Corporate Park - Baltimore County 1997 to 2005, 70 Acre Industrial Park. All infrastructure design including road, water, sewer, storm drain and storm water management. Final site design for 4 buildings.

Business Center at Owings Mills – Baltimore County 1987 to 2004 - Final site design for 4 lots with 7 buildings including site grading and storm water management.

North East Commerce Center- Cecil County 1991 to 2004, 120 Acre Industrial Park. All infrastructure design including road, water, sewer, storm drain and storm water management. Final site design for 1 building.

Center at Monocacy - Frederick County 1996 to 2003, Final site design for 3 lots with 9 buildings including site grading and storm water management

International Trade Center – Anne Arundel County 1995 to 2000, Final site design for 6 lots with 9 buildings including site grading and storm water management

Lisbon Center-Howard County 1987 to 2003, Final design of shopping center including site grading and storm drain design.

Riverside Business Park – City of Frederick 1998 to 2005, Final site design of three lots with 6 research and development buildings, including storm water management, storm drains, water and sewer main design.

Royal Farms Convenience Stores - 7 local jurisdictions, design of over 40 new sites and redevelopment of 12 sites beginning with zoning hearings through final construction drawings.

Rolling Heights Business Park – Baltimore County 1988 to 1992, 50 Acre Industrial Park. All infrastructure design including road, water, sewer, storm drain and storm water management. Final site design for 1 building.

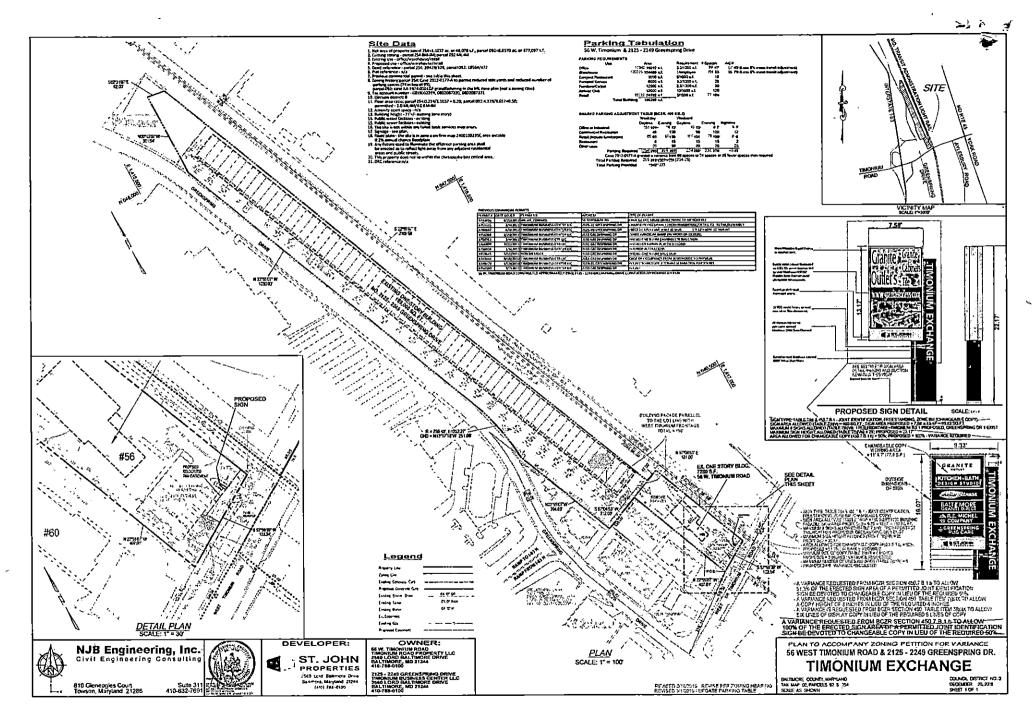
I-97 Business Park – Anne Arundel County 1987 to 2011, 40 Acre Industrial Park. All site design including Final Development Plans, road, storm drain water and storm water management design for 10 buildings

Residential Projects:

Baltimore Crossroads @ 95, Arbors Apartment Project – Baltimore County 2008 to 2010, Design of site design for 350 unit apartment building including development plan and all site engineering design.

Chestnut Hill Cove Section 4 – Anne Arundel County 1994, 19 townhouses. Final Development Plans and construction plans including house grading, storm water quality, sediment control, road, critical area computations and storm drain design.

Beaverbrook - Phase 1 - Baltimore County 1997 to 1998, 22 lot subdivision. Final Development Plans and construction plans including house grading, storm water management, sediment control, road and storm drain design.



PETS.EX. 7

Case No.: _	9 :10	2019	-01	97	1-/	7
Cast I to						

Exhibit Sheet

Petitioner/Developer

Protestant

(3- July 1)

No. 1	Plan	Signs - existing conditions
No. 2	CV - Brades	
No. 3	Acrial photo	
No. 4	Elevation-proposed sign	
No. 5	5A-5D Photos showing proposed sign	*
No. 6	Concept Landscape Plan	*
No. 7	Amended Steplan	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		
*		



Front of 56 Timonium Rd (Business off picture to right)

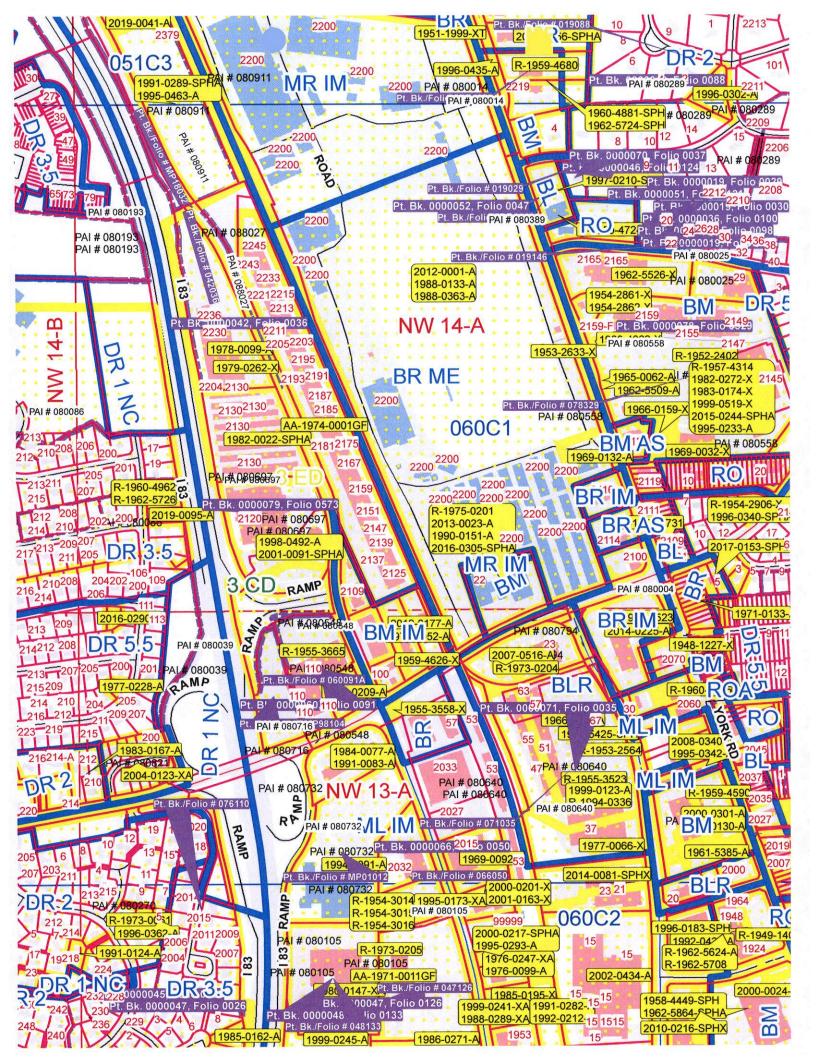


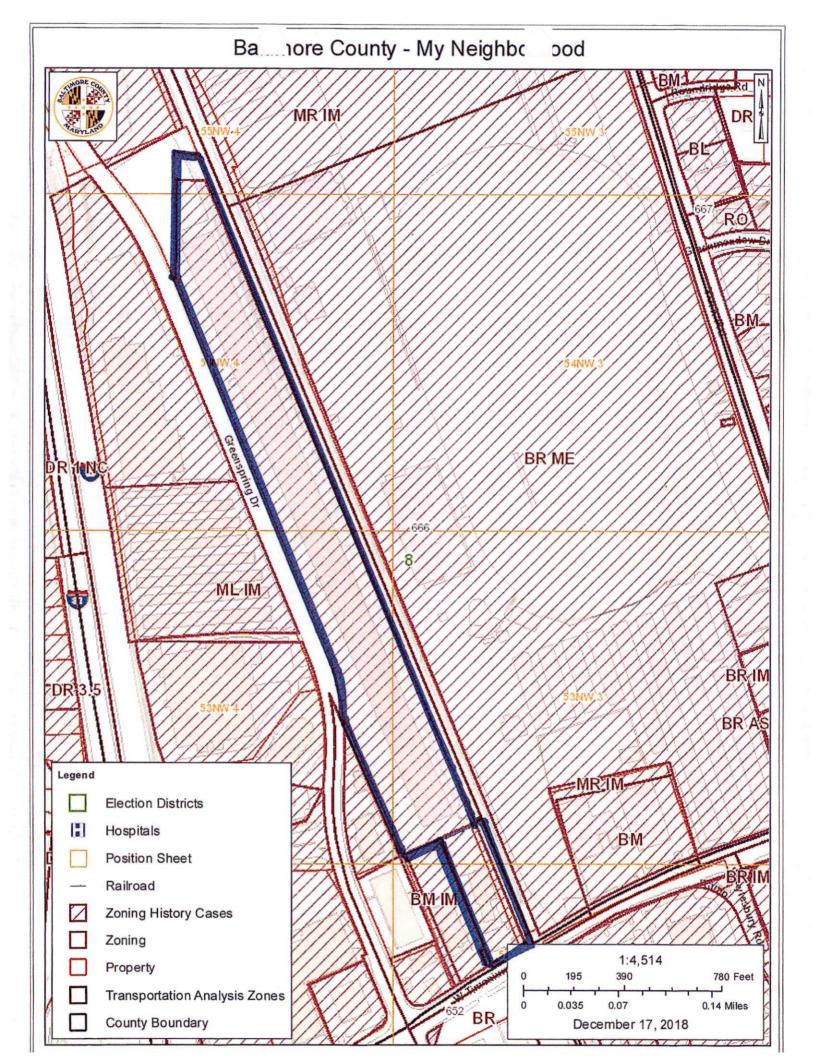
North-bound Greenspring Dr - Timonium Business Center

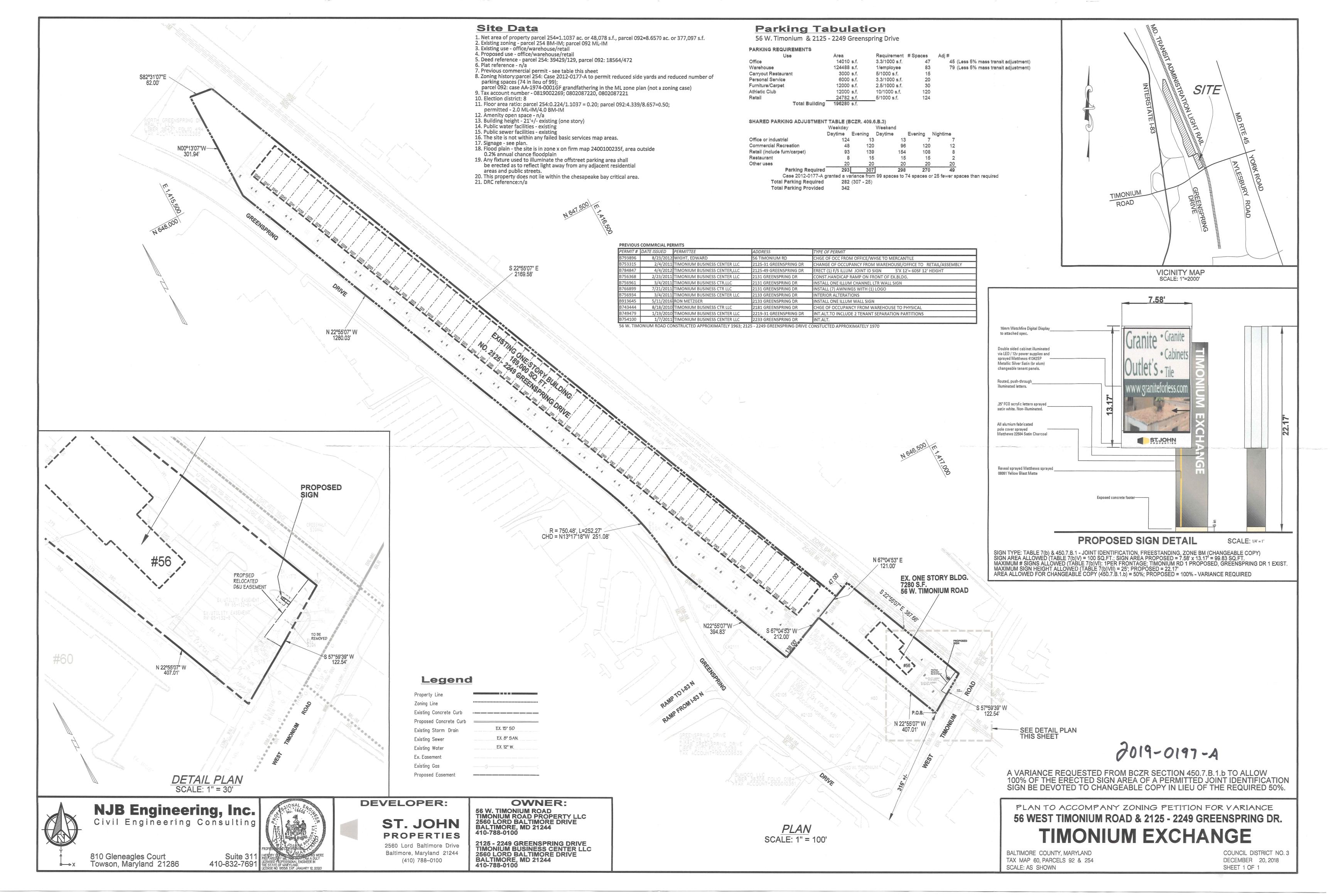


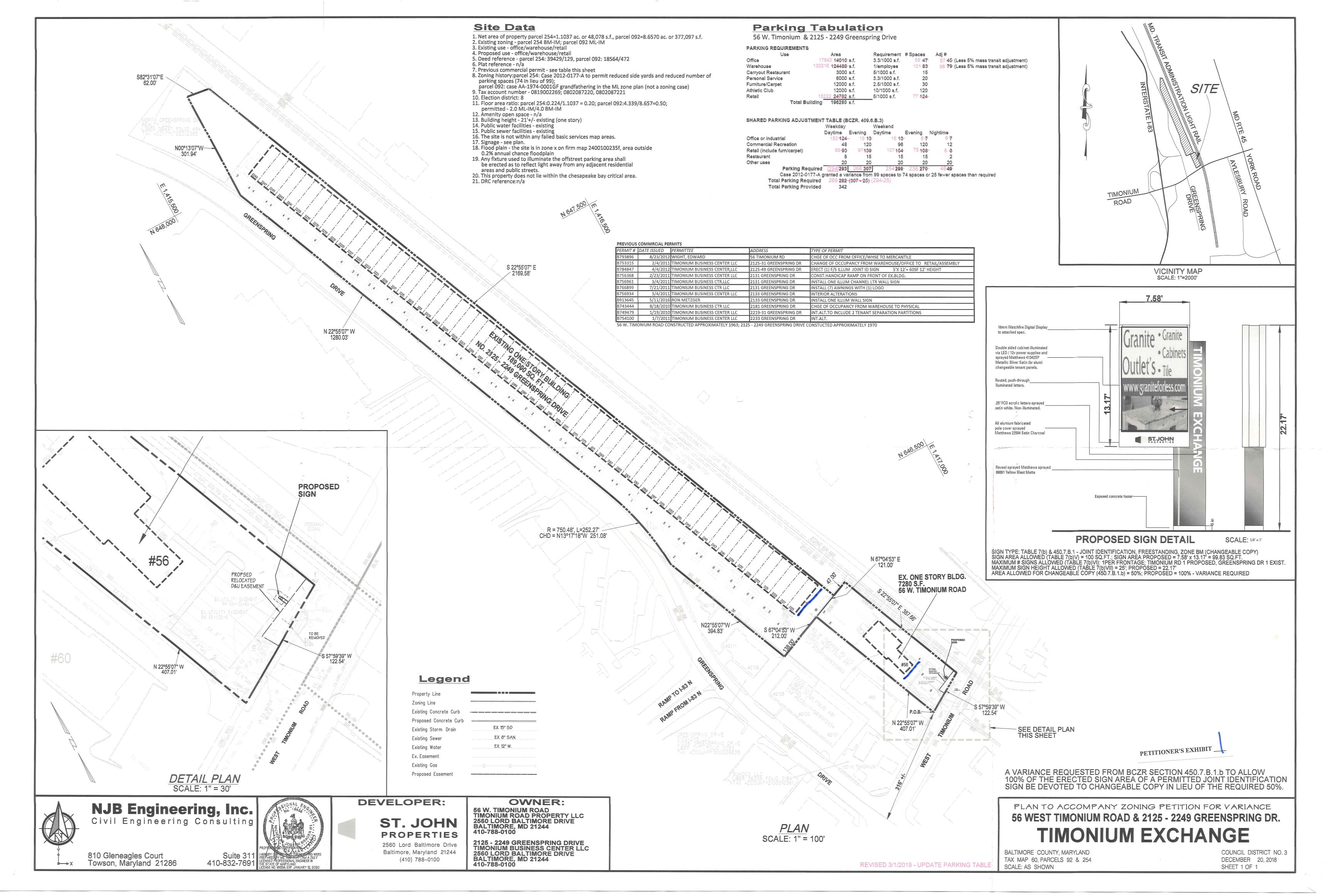
South-bound Greenspring Dr Photos from GoogleEarth

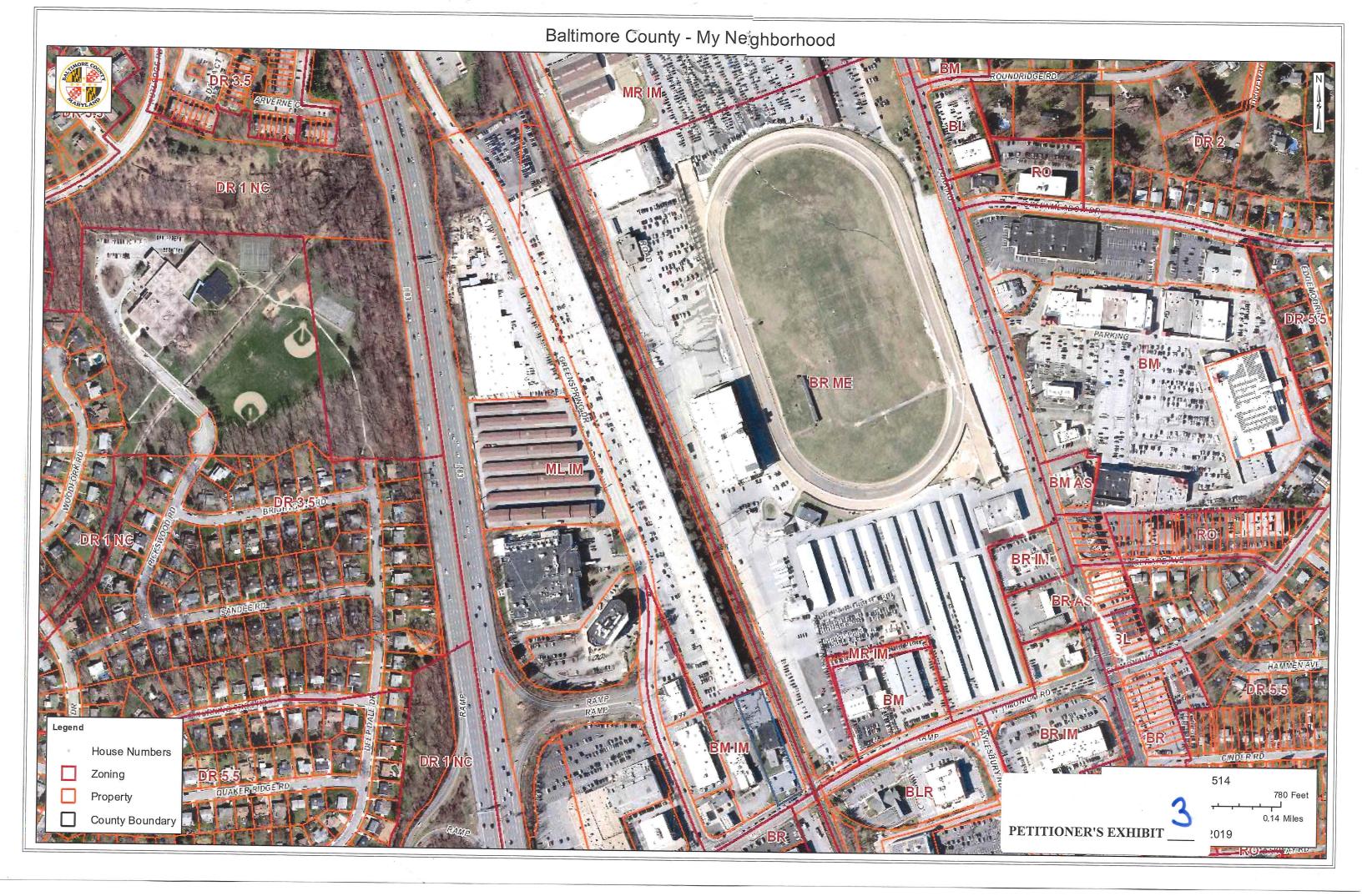
Comm# 1

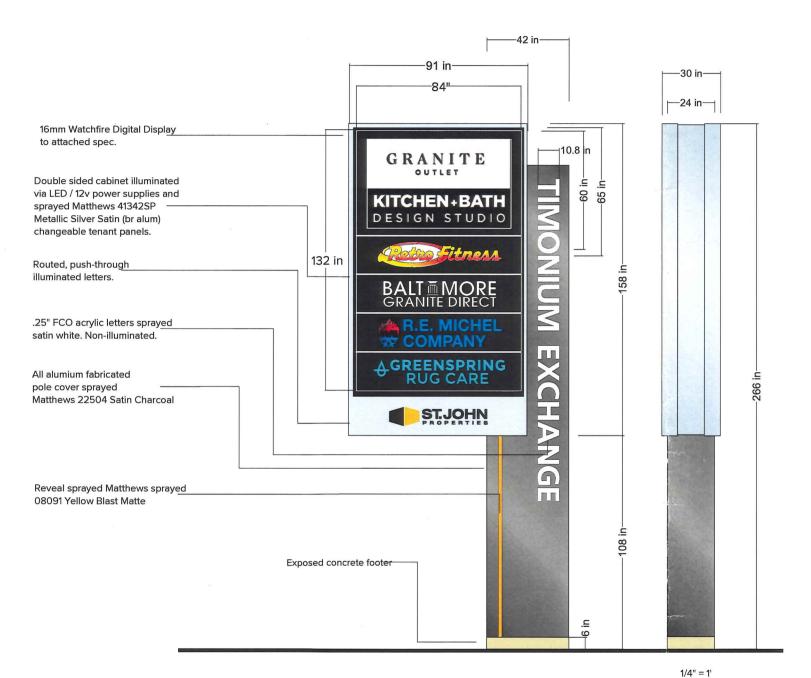












PRODUCT SPECIFICATIONS

Pixel Pitch: W16mm LED RGB Pixel Matrix: 198 X 126

Cabinet Size: 11ft 5in H x 7ft 3in L x 8in D Viewing Area: 11ft H x 7ft L

Cabinet Style: Double Face Twinpak

Character Size: 22 lines / 25.2 Characters at a 4" type Approx. Weight: 1721.00 Lbs.

Standard 5 Year Watchfire warranty applies. Warranty: 2-4 weeks (after this document is signed & Mfg. Lead Time:

returned and receipt of down payment). 120 VOLT 44.0 amps (22.00 per face) Single Phase Service. Refer to the Installation manual for details on wiring. Based on 18

hours of operation a day, plus or minus 10% depending on how the sign is programmed. Example: 27.4 KWHrs a day x \$0.07 =

STANDARD FEATURES

Electrical Service:

Brightness

LED RGB Color

Color Capability

Includes Ignite Graphics Software Video

OPTIONS

Warranty

Power Requirements

Technician On-Site

CUSTOM SIZE!

Software Ignite OP Communications 4G Wireless w/ Life-of-sign Cellular Data Plan Software Training Web Based Software Training

Temperature Sensor w/100-Step Photocell w/15 ft Cable **Cabinet Separation** Standard Up To 15 Feet

Standard As Quoted Mini Stringers

Sign Mounting Kit Standard 5-Year Parts Warranty Personal Computer

PC Not ordered. Ignite Included During Installation

Daytime 10000 NITs Maximum; Nighttime 750 NITs Maximum

Min. 18.0 Quadrillion

Energy-Conscious LED Use optional Sign Brightness Adjustment to run sign at less than 10000 NITs,

> plays prerecorded clips up to 30FPS;Imports Windows Video (AVI); Animated Text &

> > PETITIONER'S EXHIBIT



1800 Union Avenue | Baltimore, MD 21211

410 | **662.1100** phone



LOCATION 3 | TRAVELING WEST ON TIMONIUM ROAD







LOCATION 3 | TRAVELING WEST ON TIMONIUM ROAD







LOCATION 3 | TRAVELING EAST ON TIMONIUM ROAD







LOCATION 3 | TRAVELING EAST ON TIMONIUM ROAD





