



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

August 27, 2024

Adam Baker, Esquire abaker@rosenbergmartin.com
Rosenberg Martin Greenberg, LLP
25 S. Charles Street, 21st Floor
Baltimore, MD 21201

RE: Petitions for Special Hearing & Variance
Case No. 2024-0157-SPHA
Property: 7938 Eastern Avenue

Dear Mr. Baker:

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

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order 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 blue ink, appearing to read "A. M. Belt", is written over a horizontal line.

ANDREW M. BELT.
Administrative Law Judge
for Baltimore County

AMB:dlm

Enclosure

c: Aliza Hertzmark - ahertzmark@bohlereng.com
Tim Princehorn - tprincehorn@pmdginc.com
Melissa Brotschul - mbrotschul@raisingcanes.com
Michelle Robinson - mrobinson@michellerobinsondesign.com
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Jennifer Squires - jsquires@agi.net

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(7938 Eastern Avenue)	*	OFFICE OF
15th Election District		
7th Council District	*	ADMINISTRATIVE HEARINGS
GEM of Baltimore – East Inc.		
Legal Owner	*	FOR BALTIMORE COUNTY
Raising Cane’s Restaurants, LLC		
Contract Purchaser/Lessee	*	Case No. 2024-0157-SPHA

Petitioners

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed by the legal owner, GEM of Baltimore-East Inc., and contract purchaser/lessee, Raising Cane’s Restaurants, LLC (“the Petitioners”) for the property known as 7938 Eastern Avenue, Dundalk. The Special Hearing was filed pursuant to the Baltimore County Zoning Regulations (“BCZR”) § 500.7, to permit advertising signage on the proposed menu board, to permit 4 ft. by 8 ft. "Red Dog" visual on the side facade of the proposed Raising Cane's restaurant, and for such other and further relief as may be deemed necessary by the Administrative Law Judge (“ALJ”). Variance relief was also filed as follows:

1. From BCZR, § 409.6.A.2, to permit 750 parking spaces in lieu of the required 1,116 parking spaces for the retail, office, theater and restaurant uses in the existing shopping center on the property.
2. From BCZR, § 450.4, Attachment 1, 3(a), to permit a sign face area of 62.48 sq. ft. in lieu of the maximum permitted area of 8 sq. ft. for a Directional sign.
3. From BCZR, § 450.4, Attachment 1, 5(a), to permit 6 proposed wall-mounted enterprise signs in lieu of the maximum 3 permitted per building.

4. From BCZR, § 450.4, Attachment 1, 5(a), to permit a sign face area of 139.5 sq. ft. in lieu of the maximum permitted area of 122 sq. ft. for a wall-mounted enterprise sign.

5. From BCZR, § 450.4, Attachment 1, 1, to permit an Enterprise Window sign not facing the front facade. (Withdrawn at the hearing)

6. From BCZR, § 450.4, Attachment 1, 5(f), to permit 5 freestanding wall-mounted; projecting Enterprise signs in lieu of the maximum 2 permitted.

7. For such other and further relief as may be deemed necessary by the Administrative Law Judge (“ALJ”).

A public WebEx hearing was conducted virtually in lieu of an in-person hearing on August 14, 2024. The Petitions were properly advertised and posted. No interested citizens or protestants were at the hearing.

Melissa Brotschul appeared in support of the Petition on behalf of Raising Cane’s Restaurants, LLC (“Raising Cane’s”). Aliza Hertzmark from Bohler Engineering, the engineer who prepared the site plan (Pet. Ex. 1), also attended. Also in attendance was traffic engineer, Carl Wilson of the Traffic Group, Inc., who prepared a Parking Capacity Study of the subject site which was admitted as Petitioners’ Exhibit 9. Adam Baker, Esquire of Rosenberg, Martin and Greenberg LLP represented the Petitioner.

A Substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Planning (“DOP”). The Petitioners’ Request for Variance and Special Hearing relief is associated with the proposed construction and operation of a 3,077 square foot Raising Cane’s Restaurant within the Eastpoint Shopping Center located at 7938 Eastern Avenue in the 7th Councilmanic District of Baltimore County. The property is approximately 19.47 acres and is zoned BM-AS, ML-IM, MH-IM. The Petitioners are proposing to raze the existing Hip Hop Fish

& Chicken (“Hip Hop Chicken”) restaurant building on site and to construct a new Raising Cane’s with two drive thru lanes at the same location.

First to testify on behalf of the Petitioners was Ms. Brotschul, Property Development Manager for Raising Cane’s, who provided a brief history of the Raising Cane’s brand and explained the significance of the “red dog” and “one love” included in the Raising Cane’s branding logos. Ms. Brotschul further explained that in keeping with recent fast-food market trends, consumers are more likely to utilize drive-thru options rather than the traditional sit-down dining. The dual drive-thru lanes in the proposed Raising Cane’s seeks to accommodate this trend. She also noted that the limited Raising Cane’s menu allows for an extremely efficient and an expeditious drive-thru procedure for customers.

Next to testify, was Ms. Hertzmark, a professional engineer who was accepted as an expert in her field. Mr. Hertzmark reviewed in detail the site plan. (Pet. Ex. 1) She explained that the subject site is located along Eastern Blvd. and Rolling Mill Road in the Essex/Dundalk area of Baltimore County. She confirmed that the Raising Cane’s is proposed to be located in the present location of a Hip-Hop Chicken which is located in the larger Eastpoint Shopping Center area. This shopping center includes a movie theatre, grocery store, beauty school, State Offices and a Goodwill. Ms. Hertzmark noted that vacant parking adjacent to the proposed location for the Raising Cane’s was once a Cactus Willie’s restaurant which has since been razed. She further explained that the prior Parking Variance granted for the subject property in Case No. 2012-0246-SPH included parking calculations which included this restaurant. Ms. Hertzmark testified that the additional drive-thru lanes and the reconfiguration of the proposed site from that of the current Hip Hop Chicken site causes parking spaces to be subtracted from the available parking in the shopping center as a whole. Consequently, the Petitioners have requested a variance to allow 750

parking spaces in lieu of the required 1,116. Additionally, Ms. Hertzmark noted that the property had been deemed unique in terms of the *Cromwell* analysis in the previously mentioned variance case. She also noted the subject property is split zoned with an irregular “L” shape. Ms. Hertzmark testified that while most fast-food restaurants within shopping centers are located at intersections, the proposed Raising Cane’s does not have corner frontage on Eastern Avenue and Rolling Mill Road. Further, the demolition of the Cactus Willie’s restaurant and parking field in the eastern portion of the site creates a unique site layout which creates challenges with parking and onsite traffic circulation. Lastly, given the proposed restaurant’s location within the shopping center, it creates distinctive challenges for identification and signage. Ms. Hertzmark added that the granting of the requested variances will be in harmony with the purpose of the Zoning Regulations, as they promote the health, security, comfort, convenience, orderly development and other aspects of the general welfare of the community by permitting Raising Cane’s to open a new restaurant in Baltimore County. She further explained that the proposed signage provides critical identification and directional information for customers, while the proposed parking meets the existing and anticipated demand of the various uses on the site.

Last to testify on behalf of the Petitioner was traffic engineer, Carl Wilson. Mr. Wilson testified that the Traffic Group prepared a Parking Occupancy Study to quantify the parking demand associated with the Eastpoint Shopping Center. He explained that the Raising Cane’s building footprint will be larger than that of existing Hip Hop Chicken and that available parking spaces will be eliminated as a result. He described the proposed Raising Cane’s site as being situated in the southwest corner of the site and features right-in/right-out access to Eastern Blvd. in addition to its connectivity with the shopping center itself. The parking study further divided the shopping center into 21 different parking areas and examined the number of available spaces

in each area. He confirmed that the previously mentioned area which was the location of the Cactus Willie's adjacent to the current Hip Hop Chicken was not included in the study's calculation in that it is not currently stripped and is in poor condition. He explained that adding available parking in the other 20 areas, the total amount of current available parking is 843 spaces, with the 50 parking spaces being required for the Raising Cane's, specifically, of which, 38 spaces are proposed. He further testified that a Parking Occupancy Study was conducted on the shopping center parking over the course of 3 days from 10 am to 8 pm on a Thursday, Friday and Saturday. He explained that a drone was utilized to capture aerial images at multiple different angles throughout the shopping center on 30-minute intervals. As a result of this study the most intensive parking occurred at 8 pm on a Saturday with 170 parking spaces being occupied, 20.24% of the available parking. He noted that a majority of this parking occurred in parking areas near the movie theatre. Using this information, and adding in the possible future demand caused by the Raising Cane's and future occupancy of presently vacant space, Mr., Wilson opined a future parking demand of 258 spaces, far below the 750 spaces requested.

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).

As noted above, the subject property was deemed to be unique in prior Case No. 2012-0246 SPH. Additionally, as noted by Ms. Hertzmark, the subject property is split zoned with an irregular "L" shape. And while most fast-food restaurants within shopping centers are located at

intersections, the proposed Raising Cane's does not have corner frontage on Eastern Avenue and Rolling Mill Road. Further, the demolition of the Cactus Willie's restaurant and parking field in the eastern portion of the site creates a unique site layout which creates challenges with parking and onsite traffic circulation. Lastly, given the proposed restaurant's location within the shopping center, it creates distinctive challenges for identification and signage.

Parking Variance

Petitioners are requesting variance relief pursuant to Section 409.6.A.2 of the BCZR to permit 750 parking spaces in lieu of the required 1,116 parking spaces for the retail, office, theater, and restaurant uses in the existing shopping center on the property. Petitioners attribute the need for such a variance due to the fact that the larger footprint of the proposed Raising Cane's eliminates 88 spaces that exist in the current parking plan and parking for the former Cactus Willie's accounted for additional space in the current plan that will no longer be utilized. In keeping with DOP comments on the proposed relief, the fact that the unstriped parking area around the former Cactus Willie's site is not to be used in the proposed plan is concerning and somewhat illogical. However, as noted by DOP comments, at the time of DOP's review of the proposed plan, a Parking Occupancy Study had not been completed to fully examine the parking requirements for the shopping center with the addition of the Raising Cane's. As evidenced by the study conducted by the Traffic Group, the shopping center's parking lot is currently underused and will remain so even with the addition of the Raising Cane's Restaurant. Additionally, as noted by Ms. Brotschul, in recent years Raising Cane's has experienced a rise in the percentage of its customers using the drive-thru and a reduction in the percentage of customers who park and dine in the restaurant. Consequently, the reduction of parking spaces allocated to the Raising Cane's in comparison to that of the Hip Hop Chicken will not have a detrimental effect of the overall

parking of the Shopping Center. Additionally, Mr. Wilson provided testimony that explained that the current blend of uses within the shopping center do not typically overlap. Specifically, the parking demands for the office, retail, beauty shop, restaurant and movie theater tend to peak at different times of the day. That is to say, parking demand for the office use may be higher during weekday business hours, while the movie theatre is higher in the evenings. Mr. Wilson also pointed out that during the peak hour demand, the majority of the occupied parking spaces were for the movie theater use. The existing movie theater on the Property requires 531 parking spaces under the BCZR. The movie theater space currently occupies approximately 45,000 square feet. Mr. Wilson remarked that if this same space were to be used for retail, the parking requirement would drop to 225 parking spaces. Based on the factors outlined above, I am satisfied that 750 parking spaces will be sufficient to meet future parking demands for the subject site and that Petitioners will experience a practical difficulty if variance relief was denied. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR and in such a manner as to grant relief without injury to the public health, safety and general welfare.

Sign Variances

The Petitioners have requested a variety of sign variances. These variances are proposed to meet the challenges associated with providing identification, directional and informative signage for a site that has been unique in its shape and configuration. With respect to the variance requested for the two menu boards and pre-sell board (BCZR § 450.4, Attachment 1, 5(f)), the proposed signs will help to facilitate the ordering experience of the drive-thru customers. With regard to the variance for the directional arrow sign (BCZR § 450.4, Attachment 1, 3(a)), the signage will safely and efficiently direct traffic in and around the site. With respect to the wall-mounted enterprise signs (BCZR § 450.4, Attachment 1, 5(a)), the signs will provide appropriate

identification for the Raising Cane's restaurant both internally to the shopping center as well as to the motorists on Eastern Avenue. While I believe DOP's suggestion that 2 of the requested 6 signs be removed is well-founded, the fact the proposed restaurant will be viewed by potential customers traveling from all sides, I find that the requested signs are appropriate due to this unique characteristic. With regard to the wall mural sign (BCZR § 450.4, Attachment 1, 5(a)), the sign is integral to the history and appearance of Raising Cane's restaurants and assists in identifying its brand with its customers. As noted by Ms. Hertzmark, strict application of the Baltimore County Zoning Regulations would create practical difficulties for Raising Cane's as the restaurant would deviate from the prototypical style and appearance of other Raising Cane's restaurants as the proposed signs would not be permitted.

SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, § 500.7 as follows:

The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations." *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016).

The Petitioners have requested Special Hearing relief pursuant to Section 500.7 of the BCZR to permit advertising signage on the proposed menu board and pursuant to Section 500.7 of the BCZR to permit 4 ft. x 8 ft. "Red Dog" visual on the side façade of the proposed Raising Cane's restaurant. As explained by Ms. Brotschul, the dog imagery and wall painted signage are integral to the Raising Cane's history and branding and the restaurant actively incorporates these elements into each of its restaurants throughout the country. The small red dog imagery on the menu signs is a minor feature and visible only to patrons using the drive-thru, while the painted dog mural will be located on the entry side of the proposed building and only visible from the cars entering the restaurant as the parking lot to the east of the proposed Raising Cane's will remain vacant. Based on these factors, I find that both of these requests are compatible with the community and generally consistent with the spirit and intent of the regulations. Consequently, the Request for Special Hearing relief is granted.

THEREFORE, IT IS ORDERED this 27th day of **August, 2024** by this Administrative Law Judge that the Petition for Special Hearing from BCZR § 500.7, to permit advertising signage on the proposed menu board, and to permit 4 ft. by 8 ft. "Red Dog" visual on the side facade of the proposed Raising Cane's restaurant, be and are hereby **GRANTED**, and;

IT IS FURTHER ORDERED that the Variance from BCZR § 409.6.A.2, to permit 750 parking spaces in lieu of the required 1,116 parking spaces for the retail, office, theater and restaurant uses in the existing shopping center on the property, be and is hereby **GRANTED**, and;

IT IS FURTHER ORDERED, from the BCZR § 450.4, Attachment 1, 3(a), to permit a sign face area of 62.48 sq. ft. in lieu of the maximum permitted area of 8 sq. ft. for a Directional sign, be and is hereby **GRANTED**, and;

IT IS FURTHER ORDERED, from the BCZR § 450.4, Attachment 1, 5(a), to permit 6 proposed wall-mounted enterprise signs in lieu of the maximum 3 permitted per building, be and is hereby **GRANTED**, and;

IT IS FURTHER ORDERED, from the BCZR, § 450.4, Attachment 1, 5(a), to permit a sign face area of 139.5 sq. ft. in lieu of the maximum permitted area of 122 sq. ft. for a wall-mounted enterprise sign, be and is hereby **GRANTED**, and;

IT IS FURTHER ORDERED, from the BCZR § 450.4, Attachment 1, 1, to permit an Enterprise Window sign not facing the front façade, was withdrawn, be and is hereby **MOOT**, and;

IT IS FURTHER ORDERED, from the BCZR § 450.4, Attachment 1, 5(f), to permit 5 freestanding wall-mounted; projecting Enterprise signs in lieu of the maximum 2 permitted, be and is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

- 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.

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



ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB/dlm



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 7938 Eastern Avenue which is presently zoned ML-IM, BM-AS
Deed References: 07648/00688 10 Digit Tax Account # 1 5 0 7 1 5 1 1 1 0
Property Owner(s) Printed Name(s) GEM of Baltimore - East Inc.

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

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

1. ☒ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

PLEASE SEE ATTACHED

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

3. ☒ a **Variance** from Section(s)

please see attached

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Raising Cane's Restaurants, L.L.C.

Name- Type or Print

Signature

6800 Bishop Road Plano TX
Mailing Address City State

75024 / 610-585-9911 / mbrotschul@raisingcanes.com
Zip Code Telephone # Email Address

Attorney for Petitioner:

Adam Baker - Rosenberg Martin Greenberg LLP

Name- Type or Print

Signature

25 S. Charles Street, 21st FL Baltimore MD
Mailing Address City State

21201 / 410-727-6600 / abaker@rosenbergmartin.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

GEM of Baltimore - East Inc. /

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

9986 Manchester Road St. Louis MO
Mailing Address City State

63122 / /
Zip Code Telephone # Email Address

Representative to be contacted:

Adam Baker - Rosenberg Martin Greenberg LLP

Name - Type or Print

Signature

25 S. Charles Street, 21st FL Baltimore MD
Mailing Address City State

21201 / 410-727-6600 / abaker@rosenbergmartin.com
Zip Code Telephone # Email Address

CASE NUMBER 2024-0157-SPA Filing Date 6/21/2024 Do Not Schedule Dates: _____ Reviewer mjl



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

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please see attached

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(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Raising Cane's Restaurants, L.L.C.

Name- Type or Print

Signature

6800 Bishop Road Plano TX
Mailing Address City State

75024 / 610-585-9911 / mbrotschul@raisingcanes.com
Zip Code Telephone # Email Address

Attorney for Petitioner:

Adam Baker - Rosenberg Martin Greenberg LLP

Name- Type or Print

Signature

25 S. Charles Street, 21st FL Baltimore MD
Mailing Address City State

21201 / 410-727-6600 / abaker@rosenbergmartin.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

GEM of Baltimore - East Inc. /

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

9986 Manchester Road St. Louis MO
Mailing Address City State

63122 / 314 878-5545 / MBRENNER@NREMGM.T.COM
Zip Code Telephone # Email Address

Representative to be contacted:

Adam Baker - Rosenberg Martin Greenberg LLP

Name - Type or Print

Signature

25 S. Charles Street, 21st FL Baltimore MD
Mailing Address City State

21201 / 410-727-6600 / abaker@rosenbergmartin.com
Zip Code Telephone # Email Address

CASE NUMBER 2024-0157-SHA Filing Date 6/21/2024

Do Not Schedule Dates: _____ Reviewer MTK

Attachment to Zoning Petition for 7938 Eastern Avenue

Variance Relief from Section:

1. Section 409.6.A.2 of the Baltimore County Zoning Regulations to permit 750 parking spaces in lieu of the required 1,116 parking spaces for the retail, office, theater, and restaurant uses in the existing shopping center on the property.
2. Section 450.4, Attachment 1, 3(a) of the Baltimore County Zoning Regulations to permit a sign face area of 62.48 square feet in lieu of the maximum permitted area of 8 square feet for a Directional sign.
3. Section 450.4, Attachment 1, 5(a) of the Baltimore County Zoning Regulations to permit 6 proposed Wall-mounted Enterprise signs in lieu of the maximum 3 permitted per building.
4. Section 450.4, Attachment 1, 5(a) of the Baltimore County Zoning Regulations to permit a sign face area of 139.5 square feet in lieu of the maximum permitted area of 122 square feet for a Wall-mounted Enterprise sign.
5. Section 450.4, Attachment 1, 1 of the Baltimore County Zoning Regulations to permit an Enterprise Window sign not facing the front façade.
6. Section 450.4, Attachment 1, 5(f) of the Baltimore County Zoning Regulations to permit 5 Freestanding Wall-mounted; projecting Enterprise signs in lieu of the maximum 2 permitted.
7. For such other and further relief as may be deemed necessary by the Administrative Law Judge.

Special Hearing Relief:

8. Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations to permit advertising signage on the proposed menu board.
9. Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations to permit 4' x 8' "Red Dog" visual on the side façade of the proposed Raising Cane's restaurant.
10. For such other and further relief as may be deemed necessary by the Administrative Law Judge.

ZONING DESCRIPTION FOR SPECIAL HEARING AND VARIANCE REQUEST

MAY 31, 2024

ALL THOSE LOTS OR PARCELS OF LAND LOCATED IN THE COUNTY OF BALTIMORE, STATE OF MARYLAND, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 413 FEET IN THE NORTHEASTERLY DIRECTION FROM THE INTERSECTION OF ROLLING MILL ROAD AND EASTERN AVENUE, AND RUNNING:

1. NORTH 19°46'40" WEST, 525.00 FEET, THENCE
2. SOUTH 70°13'20" WEST, 532.48 FEET TOWARD ROLLING MILL ROAD, THENCE
3. ALONG ROLLING MILL ROAD NORTH 25°28'20" WEST, 569.26 FEET, THENCE
4. NORTH 64°31'40" EAST, 67.84 FEET, THENCE
5. NORTH 65°26'50" EAST, 968.97 FEET, THENCE
6. SOUTH 19°46'40" EAST 1178.84 FEET, TOWARD EASTERN AVENUE, THENCE
7. ALONG EASTERN AVENUE SOUTH 70°13'20" WEST 444.15 FEET TO THE POINT OF BEGINNING.

HAVING AN ADDRESS OF 7938 EASTERN AVENUE LOCATED ON THE NORTHERLY SIDE OF EASTERN AVENUE.

CONTAINING 848,070 SQUARE FEET OR 19.47 ACRES OF LAND, MORE OR LESS AND BEING IN THE FIFTEENTH ELECTION DISTRICT, SEVENTH COUNCILMANIC DISTRICT, OF BALTIMORE COUNTY, MARYLAND.



ALIZA HERTZMARK
PROFESSIONAL ENGINEER NO. 58589

2024-0157-SPHA

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

No. 231864

Date: 6/20/2024

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$1,000

Total: \$1,000

Rec From: Rosenberg Martin Greenberg LLP

For: Zoning Variance and Special
Hearing

Zoning Case 2024-0157-SHA
7938 Eastern Avenue

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

MMR

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/ neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.*

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

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID

For Newspaper Advertising:

Case Number: 2024 - 0157 - SPHA
Property Address: 7938 Eastern Avenue
Legal Owners (Petitioners): GEM of Baltimore - East Inc.
Contract Purchaser/Lessee: Raising Cane's Restaurants, L.L.C.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Adam Baker of Rosenberg Martin Greenberg LLP
Address: 25 S. Charles Street, 21st FL
Balto. MD 21201
Telephone Number: 410-727-6600

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 15 Account Number - 1507151110

Owner Information

Owner Name: GEM OF BALTIMORE - EAST INC Use: COMMERCIAL
Principal Residence: NO
Mailing Address: C/O NAT'L REAL ESTATE MGT CORP Deed Reference: /07648/ 00688
9986 MANCHESTER ROAD
ST LOUIS MO 63122-1934

Location & Structure Information

Premises Address: 7938 EASTERN AVE Legal Description: 19.469 AC NWS
BALTIMORE 21224-2115 EASTERN AV
429 NE ROLLING RD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0096 0017 0133 31504.04 0000 2024 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1996 24,826 SF 19.4600 AC 18

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
CINEMA / C3

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2024	07/01/2023	07/01/2024
Land:	5,692,000	5,692,000		
Improvements	3,283,900	3,430,500		
Total:	8,975,900	9,122,500	8,975,900	9,024,767
Preferential Land:	0	0		

Transfer Information

Seller:	Date:	Price:
Type:	Deed1: /07648/ 00688	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

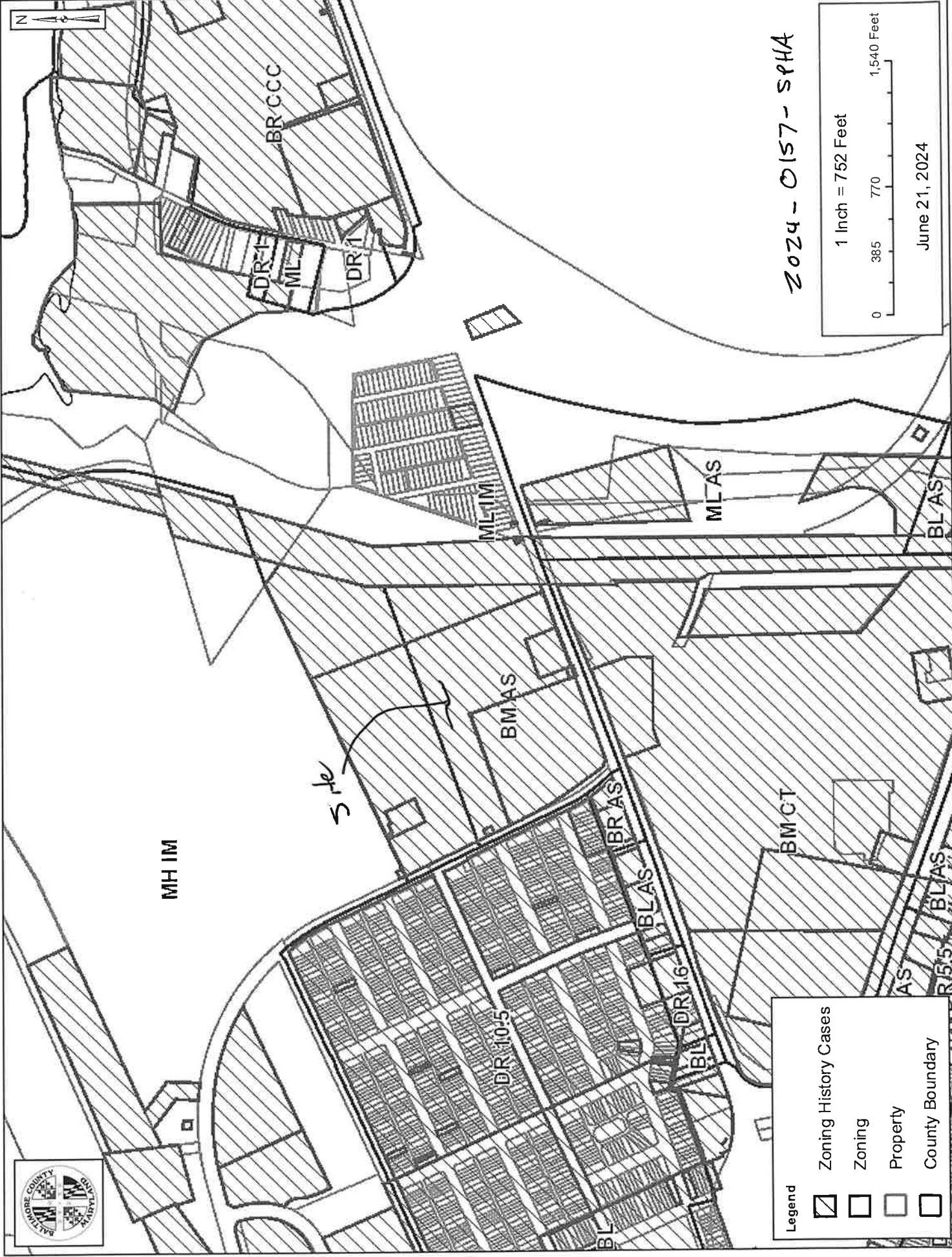
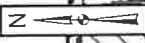
Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2024-0157-SPHA

Baltimore County - My Neighborhood



Legend

- Zoning History Cases
- Zoning
- Property
- County Boundary

2024-0157-SHA

1 Inch = 752 Feet

0 385 770 1,540 Feet

June 21, 2024



Certificate of Posting

Case# 2024-0157-SPHA

Petitioner/Developer

Rosenberg Martin Greenberg

Adam Baker

Date of Hearing/Closing

August 14, 2024

Baltimore County Department of Permits and Management

County Office Building Room 111; 111 West Chesapeake Ave. Towson Md. 21204

Attention:

Ladies and Gentlemen:

This is to certify under penalties of perjury that the necessary sign/signs required by law were posted conspicuously on the property located at

7938 Eastern Avenue on July 23,2024. Signs 1A & 1B

Sincerely, Martin Ogle

Martin Ogle

9912 Maidbrook Road

Parkville, Md. 21234

443-629-3411

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: July 8, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0157-SPHA
Address: 7938 EASTERN AVE
Legal Owner: GEM of Baltimore – East, Inc.

Zoning Advisory Committee Meeting of July 8, 2024.

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

Reviewer: Earl D Wrenn

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: July 3, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0157-SPHA

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

DPR:

DPW-T: No Exception taken.

Landscaping: If Special Hearing and / or Zoning Relief is granted a Landscape Plan is required per the Baltimore County Landscape Manual and a Lighting Plan is also required.

Recreations & Parks: No comment LOS & No Greenways affected.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 7/10/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

INFORMATION: Case Number: 2024-0157-SPHA
Property Address: 7938 Eastern Avenue, Raising Cane's Restaurant
Petitioner: GEM of Baltimore – East Inc.
Zoning: BM-AS
Requested Action: Variance and Special Hearing

The Department of Planning has reviewed the petition for the following:

Variance(s) –

1. From Section 409.6.A.2 to permit 750 parking spaces in lieu of the required 1,116 parking spaces for the retail, office, theater and restaurant uses in the existing shopping center on the property.
2. From Section 450.4, Attachment 1, 3(a) to permit a sign face area of 62.48 square feet in lieu of the maximum permitted area of 8 square feet for a directional sign.
3. From Section 450.4, Attachment 1, 5(a) to permit 6 proposed wall-mounted enterprise signs in lieu of the maximum 3 permitted per building.
4. From Section 450.4, Attachment 1, 5(a) to permit a sign face area of 139.5 square feet in lieu of the maximum permitted area of 122 square feet for a wall-mounted enterprise sign.
5. From Section 450.4, Attachment 1, 1 to permit an enterprise window sign not facing the front façade.
6. From Section 450.4, Attachment 1, 5(f) to permit 5 freestanding wall-mounted; projecting enterprise signs in lieu of the maximum 2 permitted.
7. For any further relief that may be deemed necessary by the Administrative Law Judge.

Special Hearing –

8. To permit advertising signage on the proposed menu board.
9. To permit a 4' x 8' "Red Dog" visual on the side façade of the proposed Raising Cane's Restaurant.
10. For any further relief that may be deemed necessary by the Administrative Law Judge.

The subject site is a 59,111 square foot parcel of leasing space that lies within a shopping center along Eastern Avenue and Rolling Mill Road in Dundalk. The owners of the shopping center are looking to raze the existing restaurant building and construct a new restaurant building with two drive thru lanes for their new tenant. Previous zoning relief was granted for this site in 2012 to allow for 1,106 parking spaces in lieu of the 1,400 required.

A variance is now requested for 750 spaces in lieu of the required 1,116 space to accommodate the site design within the leasing space and utilize existing parking spaces throughout the entire shopping center. Per a meeting on July 10th with the Petitioner's Attorney and Engineering Firm, a parking study was being conducted but the final results were not yet available for consideration at the time of the meeting. The parking study would possibly provide a more accurate picture of parking needs for the sites proposed use from similar sites.

Also discussed at the meeting were the site plan and an adjacent lot or potential leasing space that is vacant. The vacant lot is identified as stone on the plan but appears to be a parking lot that has not been maintained. The owners of the shopping center would like to keep this existing lot for any potential future leasing opportunities. The Department of Planning suggests paving and striping the vacant lot to meet current parking requirements and utilize the remainder of the lot with other existing vacant space in the shopping center to accommodate future leasing opportunities.

Furthermore, any future leasing space would only create additional parking needs and possibly require additional variance requests. For these reasons, the Department of Planning cannot support the parking variance request as proposed.

The Department of Planning offers the following recommendations for each of the variance and special hearing requests listed below:

1. Section 409.6.A.2 to permit 750 parking spaces in lieu of the required 1,116 parking spaces:
 - a.) Parking study results should be submitted to the Department of Planning and the Administrative Law Judge prior to the hearing for consideration of any variance relief that may be granted.
 - b.) The gravel area shown on the site plan directly adjacent to the proposed Raising Cane's should be paved and striped to accommodate the 366-parking space deficiency to the greatest extent possible.
 - c.) All parking islands and required landscaping should comply with the County's Landscaping Manual and be subject to approval by the County's Landscape Architect.
 - d.) Any future improvements to the gravel area for additional leasing space would only generate additional parking requirements, and most likely, an additional variance from the parking the regulations.
2. Section 450.4, Attachment 1, 3(a) to permit a sign face area of 62.48 square feet in lieu of the maximum permitted area of 8 square feet for a directional sign:
 - a.) Planning supports the variance as requested.
3. Section 450.4, Attachment 1, 5(a) to permit 6 proposed wall-mounted enterprise signs in lieu of the maximum 3 permitted per building:

As shown on Site Plan, Sheet 2, Signage Chart "Enterprise – Wall-Mounted (BCZR 450.4 Attachment 1, 5(A))"

 - a.) Remove proposed sign "REAR - A"
 - b.) Remove proposed sign "SIDE – A" from the drive thru side of the building.
4. Section 450.4, Attachment 1, 5(a) to permit a sign face area of 139.5 square feet in lieu of the maximum permitted area of 122 square feet for a wall-mounted enterprise sign:

- a.) Planning supports the variance as requested.
- 5. Section 450.4, Attachment 1, 1 to permit an enterprise window sign not facing the front façade.
 - a.) Planning does not support the variance as requested and recommends removing proposed sign “C” from Signage Chart “Enterprise Window (BCZR 450.4 Attachment 1,1)” on sheet 2 of the Site Plan.
- 6. Section 450.4, Attachment 1, 5(f) to permit 5 freestanding wall-mounted; projecting enterprise signs in lieu of the maximum 2 permitted:
 - a.) Planning supports the variance as requested.
- 7. For any further relief that may be deemed necessary by the Administrative Law Judge.
- 8. To permit advertising signage on the proposed menu board:
 - a.) Planning approves of the request.
- 9. To permit a 4’ x 8’ “Red Dog” visual on the side façade of the proposed Raising Cane’s Restaurant:
 - a.) Planning approves of the request.
- 10. For any further relief that may be deemed necessary by the Administrative Law Judge.

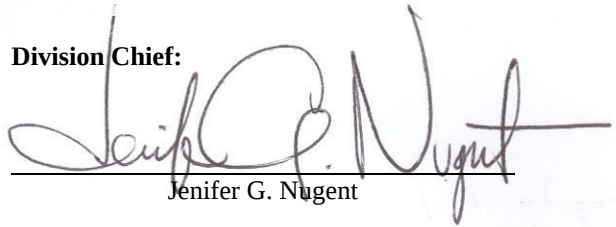
For further information concerning the matters stated herein, please contact Shawn Frankton at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



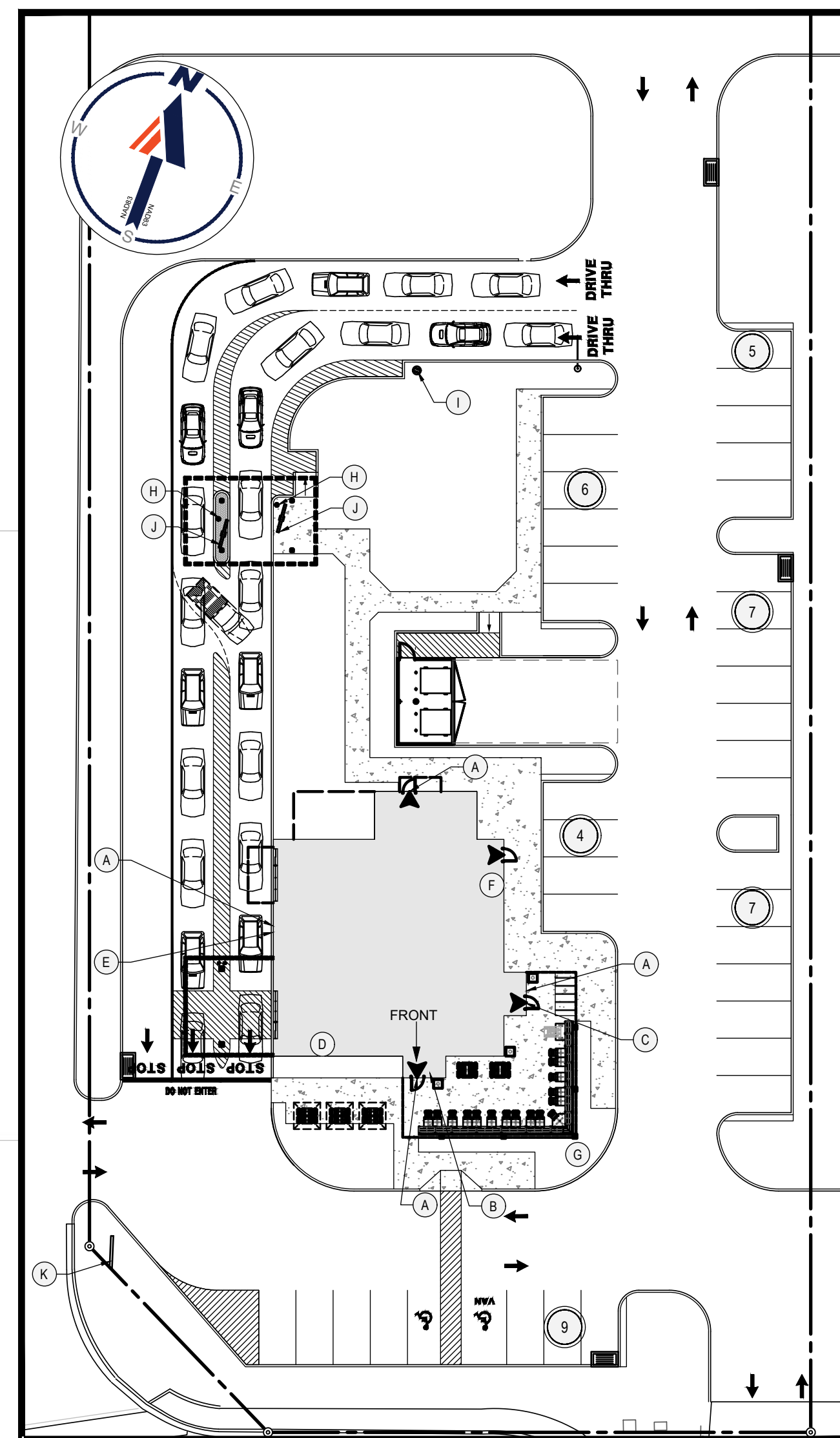
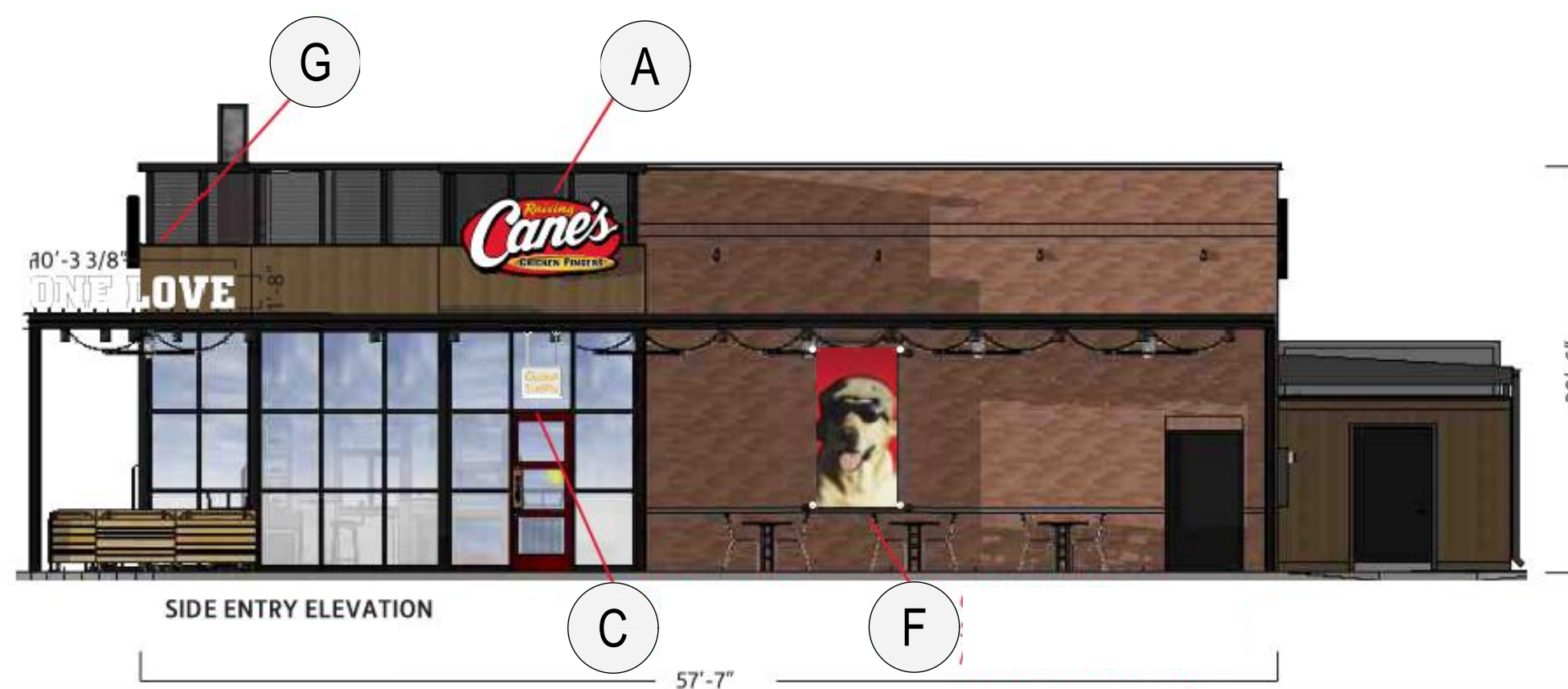
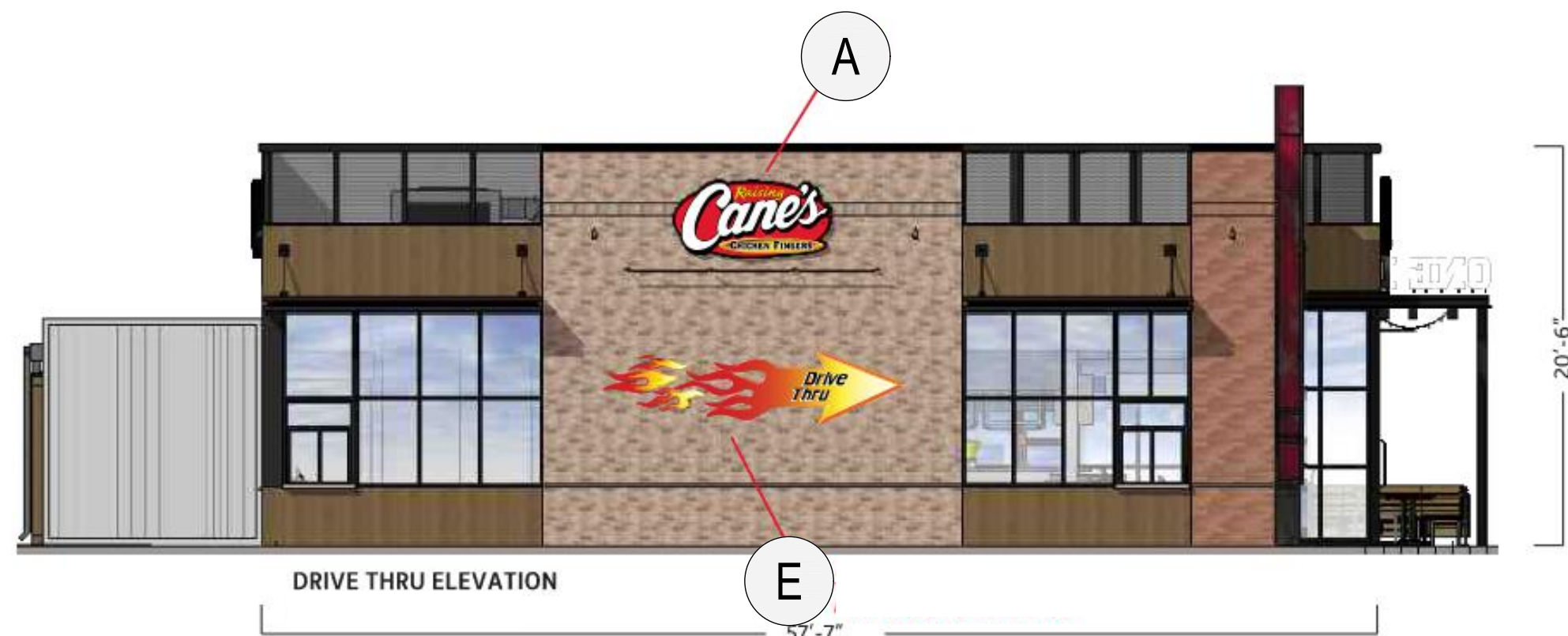
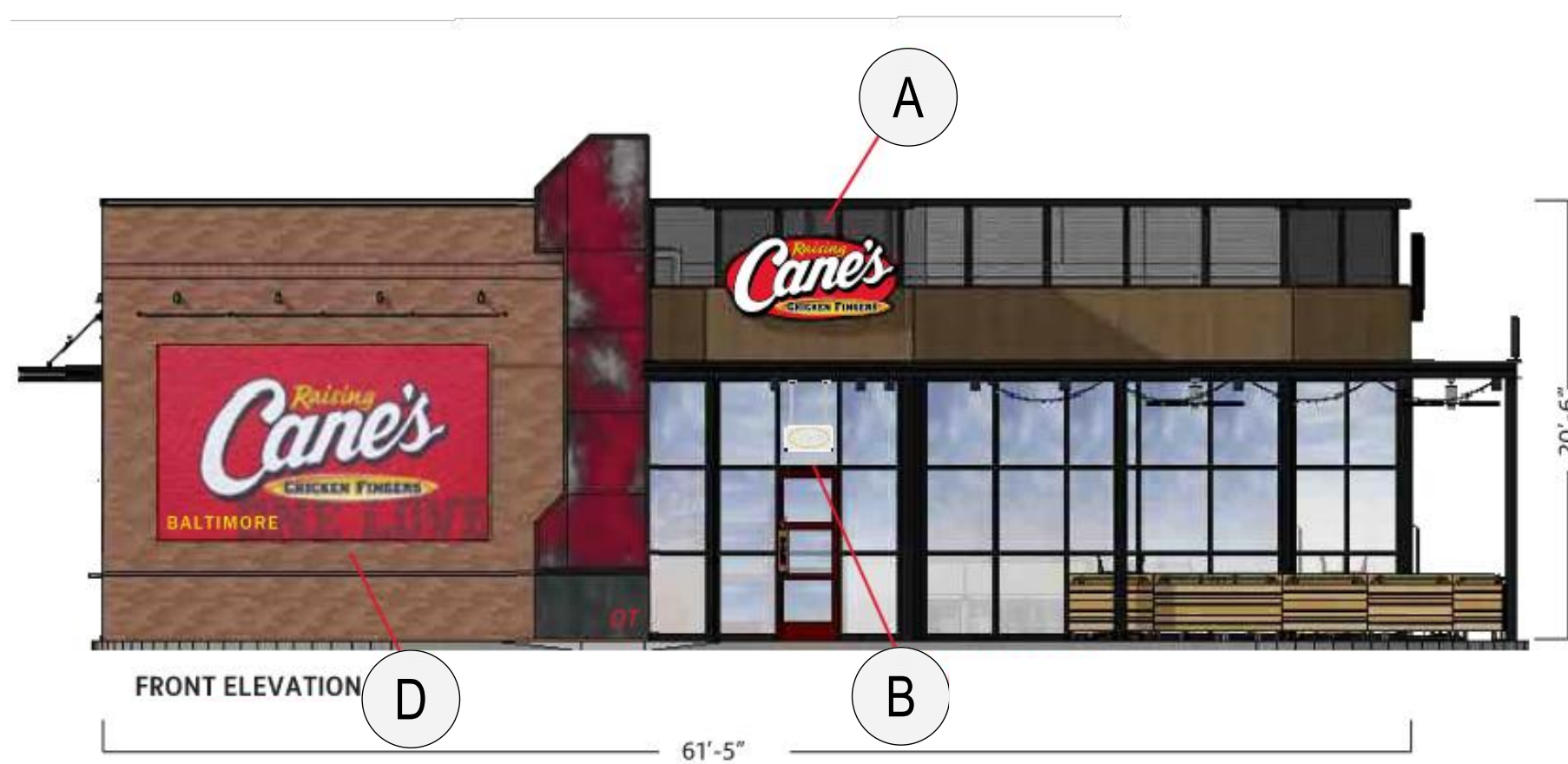
Jenifer G. Nugent

SL/JGN/KP

c: Adam Baker – Rosenberg Martin Greenberg, LLP
Maria Mougridis, Community Planner – Department of Planning
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People’s Counsel for Baltimore County



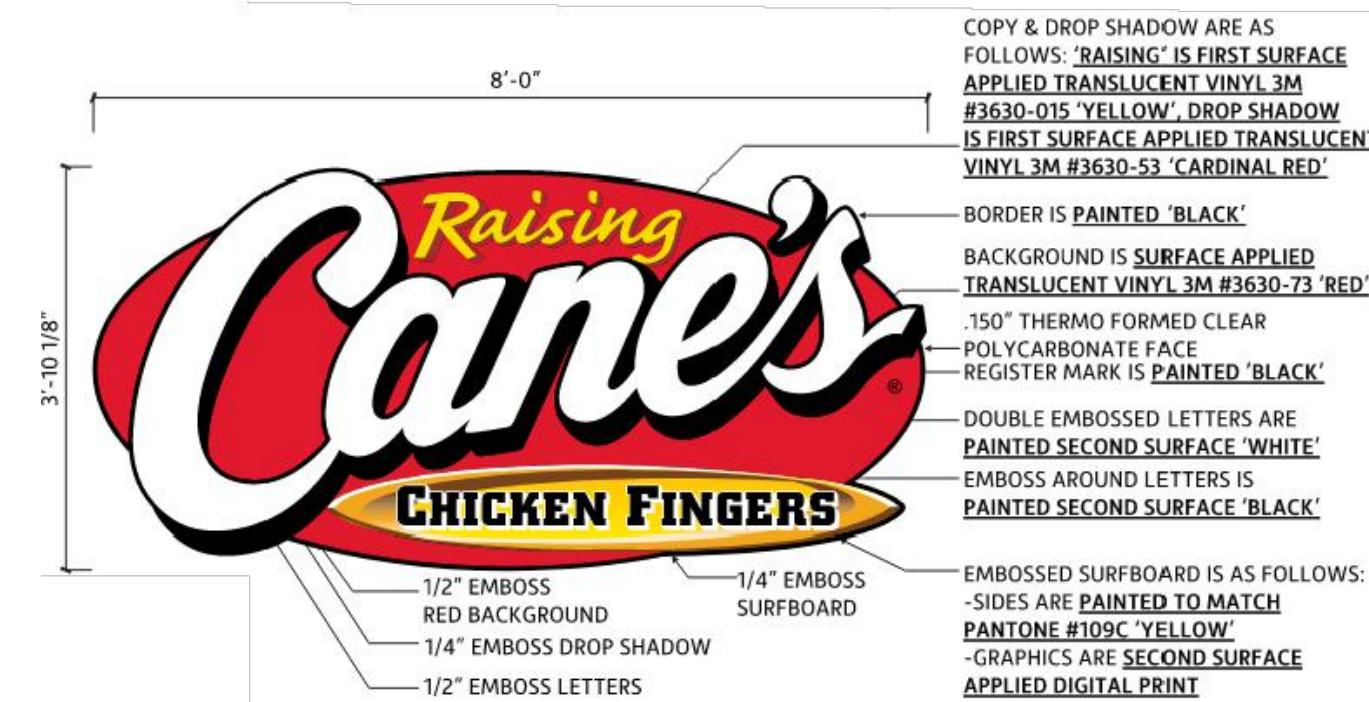
ORG. DATE - 05/31/2024



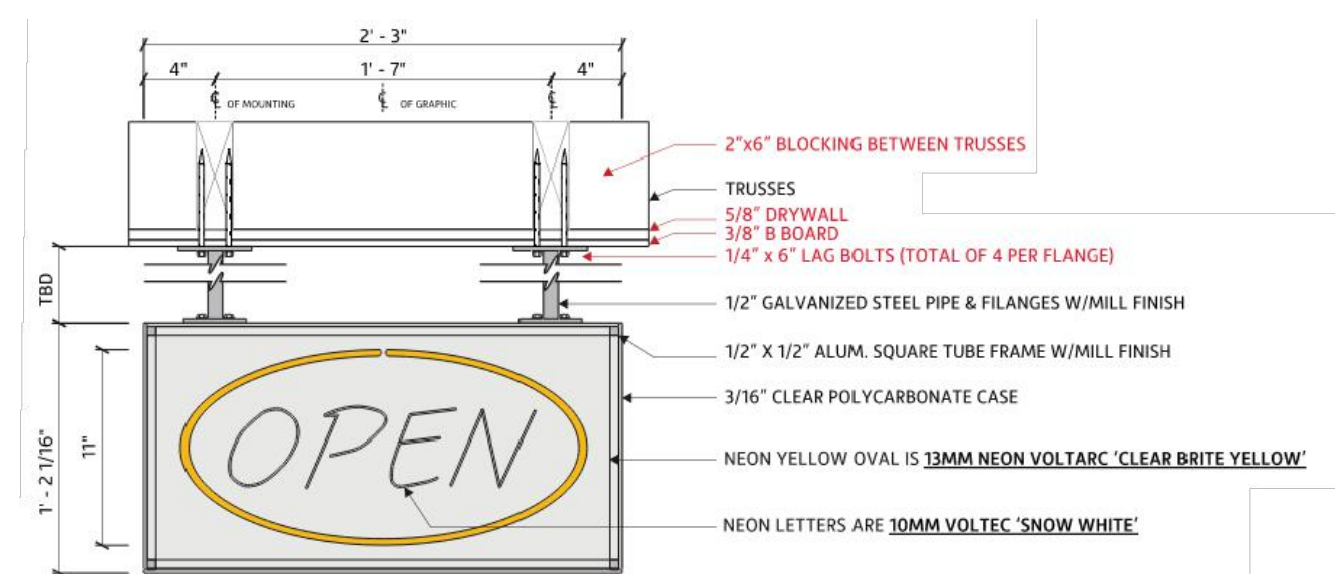
SIGN KEY MAP

SCALE: 1" = 30'

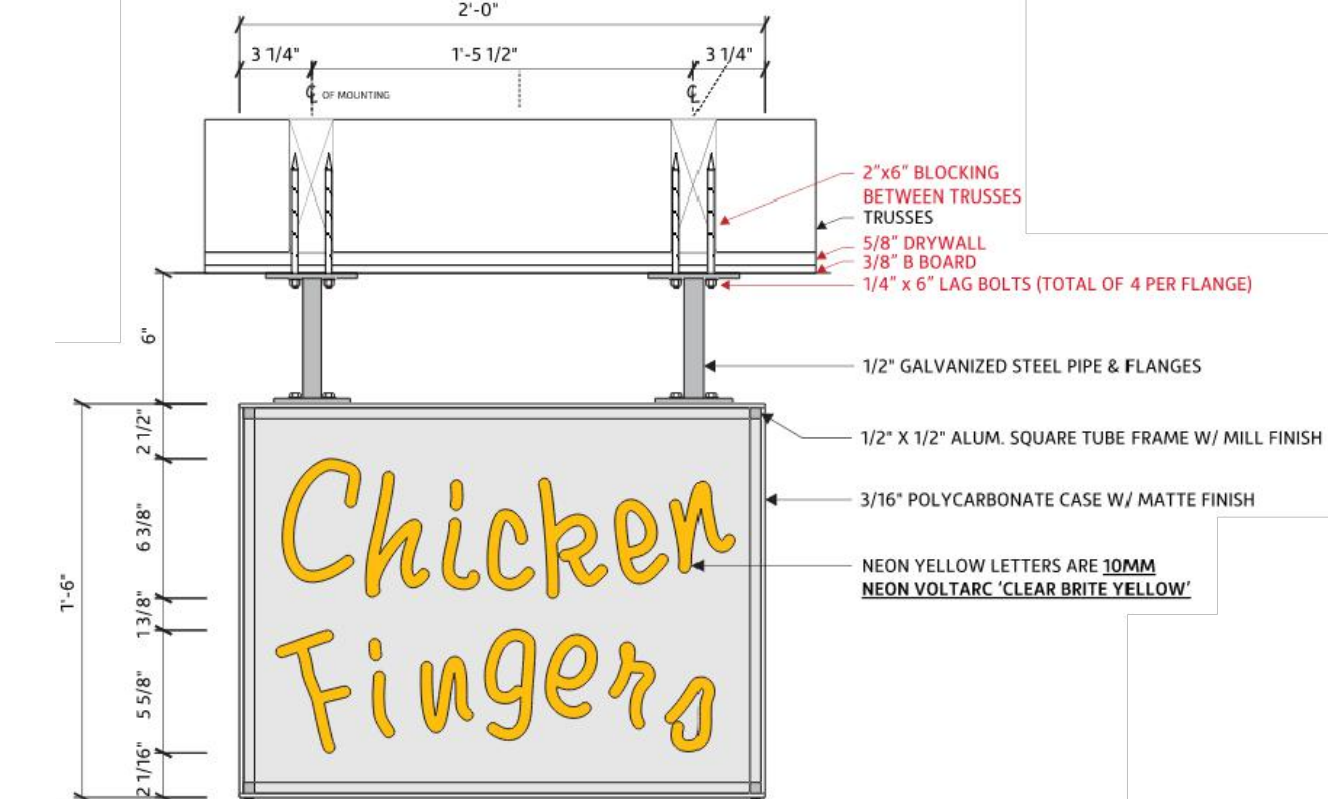
A WALL SIGN- 4' X 8' = 32 SF



B OPEN SIGN- 2.25' X 1.17' = 2.64 SF



C CHICKEN FINGERS NEON SIGN- 2' X 1.50' = 3 SF



SIGNAGE CHART				
DIRECTIONAL (B.C.Z.R. 450.4 ATTACHMENT 1, 3(A))				
ID	PROPOSED SIGNAGE			ALLOWABLE SIGNAGE AREA PER CODE (S.F.)
	WIDTH (FT.)	HEIGHT (FT.)	AREA (S.F.)	
E	15.94	3.92	62.48	8.00

*VARIANCE REQUIRED FOR 62.48 SF SIGN IN LIEU OF 8 SF ALLOWED.

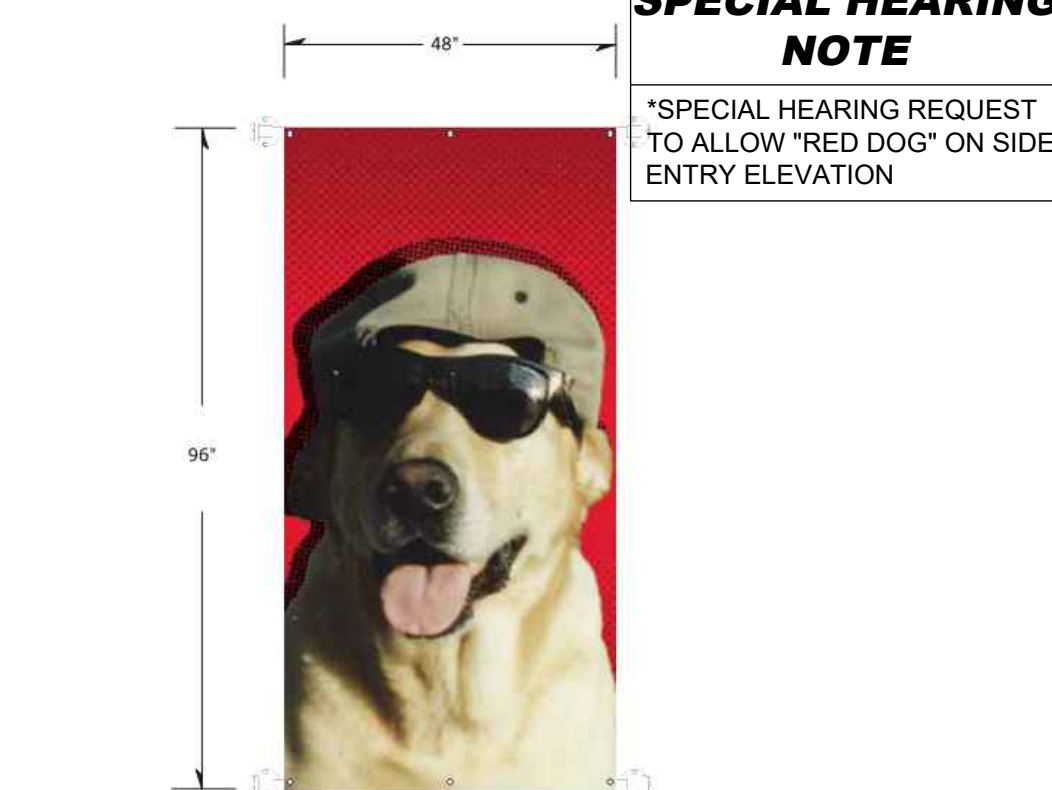
D WALL SIGN- 15.5' X 9' = 139.50 SF



E DIRECTIONAL SIGN- 15.94' X 3.92' = 62.48 SF

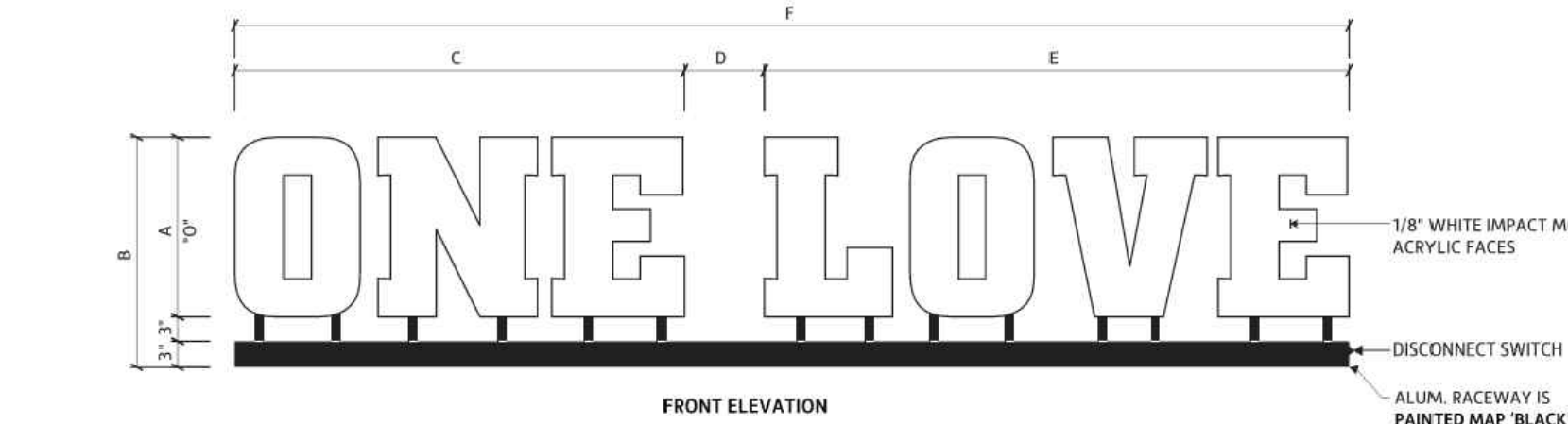


F RED DOG- 4' X 8' = 32 SF



SPECIAL HEARING NOTE
*SPECIAL HEARING REQUEST TO ALLOW "RED DOG" ON SIDE ENTRY ELEVATION

G WALL SIGN: CANOPY LETTERS- 10.28' X 2.17' = 22.31 SF



SIGNAGE CHART						
ENTERPRISE - WALL-MOUNTED (BCZR 450.4 ATTACHMENT 1, 5(A))						
	ID	PROPOSED SIGNAGE	STORE FRONT WIDTH (L.F.)	MAXIMUM AREA PER SIGN (S.F.)	ALLOWABLE SIGNAGE AREA PER WALL LENGTH (S.F.)	
		WIDTH (FT.)	HEIGHT (FT.)	AREA (S.F.)		
FRONT	A	8.00	3.84	30.75	61.42	150.00
	D	15.50	9.00	139.50	61.42	150.00
	TOTAL			170.25		122
SIDE	A	8.00	3.84	30.75	57.58	115
	G	10.28	2.17	22.31	57.58	115
	TOTAL			53.06		115
REAR	A	8.00	3.84	30.75	48.00	96

*VARIANCE REQUIRED FOR SIX (6) PROPOSED SIGNS IN LIEU OF THE MAXIMUM THREE (3) PERMITTED PER BUILDING.

**VARIANCE REQUIRED FOR 139.5 SF SIGN IN LIEU OF 122 SF ALLOWED.

REVISIONS				
REV	DATE	COMMENT	DRAWN BY	CHECKED BY



FOR CONCEPT PURPOSES ONLY

THIS DRAWING IS INTENDED FOR MUNICIPAL AND/OR AGENCY REVIEW AND APPROVAL. IT IS NOT INTENDED AS A CONSTRUCTION DOCUMENT UNLESS INDICATED OTHERWISE.

PROJECT No.: MDA220225.02
DRAWN BY: SF
CHECKED BY: AH
DATE: 05/31/24
CAD ID: SITE-0

PROJECT: **PLAN TO ACCOMPANY SPECIAL HEARING AND VARIANCE FOR RAISING CANE'S**



7938 EASTERN AVE
BALTIMORE MD, 21224
TM-96, G-17, P-133
ELECTION DISTRICT: 15
COUNCILMANIC DISTRICT: 7
ZONE: BM-AS

BOHLER
901 DULANEY VALLEY ROAD, SUITE 801
TOWSON, MARYLAND 21204
Phone: (410) 821-7900
Fax: (410) 821-7987
MD@BohlerEng.com

A.S. HERIZMARK
PROFESSIONAL ENGINEER
I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 96889, EXPIRATION DATE: 12/06/25

SHEET TITLE: **PLAN TO ACCOMPANY SPECIAL HEARING AND VARIANCE APPLICATION**

SHEET NUMBER: **2**

ORG. DATE - 05/31/2024

MARYLAND COORDINATE SYSTEM (MCS)
OWNER
GEM OF BALTIMORE - EAST INC
C/O NAT'L REAL ESTATE MGT CORP
9886 MANCHESTER ROAD
ST LOUIS MO 63122-1834
DEVELOPER / APPLICANT
RAISING CANE'S RESTAURANT, LLC
6800 BISHOP ROAD, PLANO TX 75024-4274
CONTACT: MELISSA BROTSCHUL
PHONE: 610-585-9911
EMAIL: MBROTSCHUL@RAISINGCANES.COM
PREPARER OF PLAN
BOHLER
901 DULANEY VALLEY ROAD, SUITE 801
TOWSON, MD 21204
PHONE: 410-821-7900
EMAIL: AHERIZMARK@BOHLERENG.COM

SPECIAL HEARING NOTE
 *SPECIAL HEARING REQUEST TO ALLOW FOR ADVERTISING ON THE PROPOSED MENU BOARD

6'-10 7/8"

1'-10 9/16" 15/8" 2'-10 1/2" 15/8" 1'-10 9/16"

2 7/8" 1'-6 3/8" 2 1/8 2 1/8" 2'-6 1/4" 2 1/8 2 1/8" 1'-6 3/8" 2 1/8"

5'-11 1/2" 4'-13 4/4" 3'-9 9/16" 2 1/8" 1'-9 3/4" 1'-6 7/8" 2 7/8"

6'-10 7/8"

7'-2 1/8"

FABRICATED ALUM. CABINETS & SCREW HEADS ARE POWDER COATED TIGER DRYLAC 039/80170 'BLACK'

MENU DIVIDER BAR

DOOR LOCK

PRINTED MENU BOARD TRANSLITE (SUPPLIED BY RAISING CANES)

DISCONNECT SWITCH

FABRICATED ALUM. CLADDING BASE COVER AND ESCUTCHEON IS POWDER COATED TIGER DRYLAC 039/80170 'BLACK'

GRADE

6'-0"

4'-2 3/4"

1'-9 1/4"

2'-7/8"

1'-6 3/8"

1'-5"

1'-8 1/4"

FRONT ELEVATION

EVENTS

DATE

TIME

LOCATION

TAILGATES

DATE

TIME

LOCATION

DISCONNECT SWITCH

FABRICATED ALUM. CABINET IS
POWDER COATED TIGER DRY LAC
039/80170 BLACK

3/16" FABRICATED ALUM. HINGE
-MECHANICALLY FASTENED TO
MENUBOARD W/ S.S. POP RIVETS

FABRICATED ALUM. CLADDING BASE
COVER AND ESCUTCHEON ARE
POWDER COATED TIGER DRY LAC
039/80170 BLACK

EXPECTED GRADE

6"

1 7/8" 3 3/4" 1 7/8"

2'-6"

11 3/8"

5 1/2"

6"

MICROPHONE PERFORATIONS
ROUTED IN FACE

SPEAKER PERFORATIONS
ROUTED IN FACE

FABRICATED ALUM. CABINET IS
POWDER COATED TIGER DRYLAC
039/80170 'BLACK'

6"

FRONT ELEVATION

SIDE VIEW

Architectural drawing of a sign structure for "Raising Cane's CHICKEN FINDER'S".

Dimensions and Callouts:

- Overall width: 10'-0"
- Overall height: 14'-0"
- Sign height: 6'-2"
- Sign width: 8'-0"
- Sign content: *Raising Cane's* CHICKEN FINDER'S
- Callout: 4X8 WALL SIGN MOUNTED TO EXISTING ALUMINUM CABINET
- Sign content: CHICKEN SO FRESH IT FLIES OUT THE DOOR
- Sign height: 5'-0"
- Sign width: 6'-0"
- Callout: REFACE 5'X6" CABINET WITH MANUAL READERBOARD 5 LINES OF 8" COPY
- Column height: 6'-8"
- Column width: 6'-0"
- Callout: EXIST. 10 3/4" O.D. STEEL COLUMNS
- Callout: EXIST. GRADE
- Callout: EXIST. FOOTINGS
- Base width: 11'-4"
- Base height: 3'-6"
- Base offset: 2'-0"

*VARIANCE REQUIRED FOR 5 PROPOSED SIGNS IN LIEU OF MAXIMUM TWO PERMITTED

* IN AN ORDER DATED APRIL 19TH, 2013, THE PETITION TO TO PERMIT TWO (2) ENTERPRISE FREESTANDING SIGNS ON ONE FRONTAGE IN LIEU OF THE ONE (1) PERMITTED, AS PART OF ZONING CASE 2013-0161-SPHA, WAS GRANTED.

BOHLER
901 DULANEY VALLEY ROAD, SUITE 801
TOWSON, MD 21204
PHONE: 410-821-7900
EMAIL: AHERTZMARK@BOHLERENG.COM

ORG. DATE - 05/31/2024