

IN THE MATTER OF:
600 Reisterstown Road
Plaza Investors, LLC
Mordecai Snider

DRP #529

3rd Election District
2nd Councilmanic District

* BEFORE THE
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
* CBA- 13-016

* * * * *

OPINION

This matter comes before the Board as an Appeal from an approval of a Development Plan for the renovation of an existing building at 600 Reisterstown Road. The appeal comes as a result of a November 26, 2012 letter signed by the Director of the Department of Permits, Approvals and Inspections, Arnold Jablon, approving the development plan and adjacent signage. The plan was originally appealed from Mr. Jablon's April 11, 2012 letter approving the plan, but that did not approve the adjacent signage. Pursuant to an October 1, 2012 agreement entered into by Applicant, Plaza Investors, LLC, and the Appellants, Pikesville Communities Corporation, Alan Zukerburg, Revaune Aronoff and David Yumkas all basis of the appeal were resolved except for the issue of a proposed sign that stands in front of the property at 600 Reisterstown Road. An evidentiary hearing was held before this Board on May 1, 2013 regarding the sign issue. A Public Deliberation was held on June 12, 2013. Deborah Dopkin, Esquire appeared on behalf of Applicant, Plaza Investors, L.L.C. Michael R. McCann, Esquire appeared on behalf of Appellant, Pikesville Communities Corporation. Assistant to the Director and Assistant County Attorney, Adam M. Rosenblatt appeared on behalf of Baltimore County.

FACTS

This appeal involves the approval by the Design Review Panel (DRP) for the renovation of an existing building at 600 Reisterstown Road and the validity of a sign that has been erected in front of the premises. Diligent efforts by counsel for both parties resulted in all issues of the appeal being resolved prior to hearing before this Board except for the issue of the sign.

The sign in question is identified by the Applicant as a joint identification sign (BCZR 450.7.B), identifying the location and tenants within the building at 600 Reisterstown Road. The building, known as Pikesville Plaza, is a forty two year old seven-story office building.

The sign is a freestanding sign on a pylon and includes both fixed and changeable copy. The Pikesville Plaza building is located at the intersection of Reisterstown Road and Slade Avenue, a busy intersection in the Pikesville area. Pikesville Plaza, built in 1972 is the only mid-rise office building in Pikesville.

As is agreed upon by both parties, the subject property is located in the Pikesville Design Review Area causing the DRP to consider the projects compatibility with the Pikesville Revitalization Plan when reviewing a proposed development. As cited by the Appellants, the Comprehensive Manual for Development Policies (CMDP) identifies four major commercial development areas in the County: Main Street, Freestanding, Shopping Center and Power Center. Pikesville is identified as a "Main Street." Appellants further cite that signs in a "Main Street" type development area, should be "an integral part of the building design," should "reinforce the main street character," and should be "compatible with the signs of adjacent buildings in style, size, color, shape and graphic design."

The Pikesville Revitalization Plan divides Pikesville into three areas to guide development. These areas are the Urban Village, Urban Boulevard and Urban Convenience. The subject property is located on the extreme edge of the Urban Village.

As noted by the Appellants, On February 8, 2012, the Planning Office issued its formal comments on the First Site Plan for 600 Reisterstown Road and the proposed sign, finding that “the current freestanding sign is not in keeping with Pikesville Commercial Revitalization Guidelines.” (Appellants’ Exhibit 8). Also on February 8, 2012 the DRP held a meeting to discuss the First Site Plan and concurred with the Planning Office’s comments regarding the sign. (Appellants’ Exhibit 9). The DRP subsequently instructed the Applicant to provide conceptual plans for a new sign. A revised site plan dated February 2, 2012 was submitted with the same sign specification as the first plan. At the meeting of the DRP on March 14, 2012, the sign was approved but required that it be lowered by approximately three (3) feet. (Appellants’ Exhibit 10). On November 14, 2012 a revised site plan was again submitted by the Applicant, showed the sign sitting on a veneer base rather than on a pylon. This plan was approved by Director Arnold Jablon on November 26, 2012 and subsequently appealed by the Appellants.

DECISION

Pikesville Commercial Revitalization Guidelines

The parties present opposing arguments as to the legally binding effect of the Pikesville Commercial Revitalization Guidelines. The Appellants maintain that these guidelines possess the force of law and thus the DRP cannot deviate from them. Conversely, the Applicant argues that such Guidelines, are just that, “Guidelines” and or more akin to a “resolution” than an “ordinance”, which would possess the force of law. *See Inlet Assoc. v. Assateague House Condo.*

Assoc., 313 Md. 413, 427-28, 545, A.2d 1296, 1301-04 (1988). *Rochow v. Maryland Nat'l Capital Park & Planning Comm'n*, 151 Md. App. 558, 603-04, 827 A.2d 927, 954-55 (2003), *City of Hagerstown v. Long Meadow Shopping Center*, 264 Md. 481, 491-2, 287 A.2d 242 (1972).

While the Board agrees with the Appellants that the County, specifically the Planning Office, DRP and PAI are required to consult such community standards found in sources such as the Pikesville Commercial Revitalization Guidelines, the Board is not convinced, nor is it aware of settled precedent or statute mandating that such standards possess the force of law which would make developments plans not strictly in compliance with these standards invalid, per se.

Additionally Appellants argue that even if the proposed sign is not illegal per se, it clearly violates the letter and spirit of the Pikesville Revitalization Guidelines in that the sign has “varying types of logos, colors and typefaces”, is “internally illuminated” and has a “flat” and unarticulated surface. The Appellants further argue that the proposed sign fails to meet the letter and spirit of the CMDP because it does not reinforce the “main street character” of Pikesville. The Appellants contend that Pikesville’s designation as a “Main Street Development Area” and “Urban Village Area” is done with the purpose to ensure that the area maintains its “main street” identity, “cohesive feel,” and that the businesses along Reisterstown Road remain small scale and pedestrian oriented.

While the Board notes the value of the Pikesville Revitalization Guidelines, the actual location and character of the proposed development and sign must be taken into account. First, as was presented in evidence before the Board, the proposed development is on the extreme border of the Urban Village and the Urban Convenience area, with Slade Avenue being the

dividing line between the two. (Appellants' Exhibit 6). The Pikesville Revitalization Plan states the following regarding the Urban Convenience area:

The Urban Convenience area is characterized by small scale retail uses, the Colonial Village Shopping Center and a new Safeway Grocery store. It lacks unity and identification as part of the greater Pikesville area. This area is oriented to the automobile.

(Appellant's Exhibit 6, p.3)

The actual "Main Street" or "Urban Village" portion of Pikesville's Reisterstown Road corridor appears from pictures submitted into evidence to begin further north on Reisterstown Road. (Appellants' Exhibits 19-25). Additionally, it is important to note that the development in question is actually the remodeling of an already existing office building that already shares no similar characteristics to the surrounding area. Pikesville Plaza is a forty two year old seven-story office building located on the corner of a busy intersection, not in the center of the "main street" or "urban village" section of the community.

Additionally, Appellants argue that the proposed sign violates Section 450.6(A)(8) of the Zoning Regulations which prohibits changeable copy signs from displaying video. The Board is not convinced that the sign at issue displays "video", and is thus prohibited. The Board does not find that what is projected from the sign can be defined as video and further finds no difference between this sign and other changeable copy signs in the County, which though not popular with the Appellants, are not prohibited by law.

Finally, Appellants note that there were changes in the DRP panel membership between the first and second meeting in which the development plan at issue was reviewed. While the first DRP panel noted concerns with the sign, the Applicant's Second Site Plan did not reflect changes to the sign and was approved by the second DRP panel. The second DRP panel

ultimately required the sign to be lowered three feet. While the Appellants argue this course of events is evidence of the arbitrary nature of the DRP's decision, the Board finds it to be evidence to the contrary. The first panel had concerns with the sign, while the second panel, approved the plan but also addressed concerns with the sign by ordering it to be lowered three feet. While this condition did not address the changeable copy component of the sign, which the Appellant finds to be objectionable, it does illustrate the fact that the issue of the sign was considered and addressed by the second panel of the DRP. As for the change in the panel's membership between the first and second meeting, the Board is unaware of any statutory preclusion of such a personnel change that would render the DRP's final decision invalid.

Reviewing the evidence presented before this Board, it is clear that the sign at issue has been lowered three feet and had its base altered. Pikesville Plaza is a large office building already unique to the surrounding area. Additionally, its location on the very edge of the Urban Village, at the border with the Urban Convenience area of Pikeville does not detract from the main street character of the Pikesville's Urban Village.

CONCLUSION

The Board finds in light of the evidence presented the request for approval of a sign as submitted in the Development Plan (DRP #529) that was previously reviewed by the Development Review Panel as memorialized by the November 26, 2012 letter of the Director of Permits, Approvals and Inspections is GRANTED.

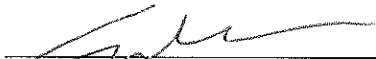
ORDER

THEREFORE, IT IS THIS 21st day of August, 2013 by the Board of Appeals of Baltimore County


ORDERED that the request for approval of a sign included in DRP #529 previously reviewed and approved by the DRP and memorialized by the November 26, 2012 letter of the Director of Permits, Approvals and Inspections is **GRANTED** .

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

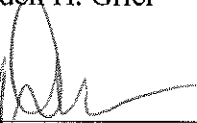
**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Andrew M. Belt, Panel Chair



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Board of Appeals of Baltimore County

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August 21, 2013

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RE: *In the Matter of: Plaza Investors, LLC – Applicant*
Case No.: CBA-13-016

Dear Counsel:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all **Petitions for Judicial Review** filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington".

Krysundra "Sunny" Cannington
Acting Administrator

Enclosure
Multiple Original Cover Letter

c: Mordecai Snider, Esquire/Plaza Investors, LLC
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