

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
NE/S Taylor Avenue, 228' NE of c/line of		
Loch Raven Boulevard (Md. Rt. 542)	*	ZONING COMMISSIONER
(8100 Loch Raven Boulevard)		
9 th Election District	*	OF
5 th Council District		
	*	BALTIMORE COUNTY
Saul Subsidiary I Limited Partnership,		
<i>Owners</i>	*	
Giant of Maryland, LLC, <i>Lessee</i>		Case No. 2011-0037-A
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the Petitioner, Giant of Maryland, LLC through one of its senior managers of construction, Juan Carlos Vivas, and their attorney, Charles B. Marek, III, Esquire of Gildea and Schmidt, LLC. The Petition was also signed by Saul Subsidiary I Limited Partnership, property owner, by Stephanie Sanchez, an authorized signatory. Variance relief is requested from the Baltimore County Zoning Regulations (B.C.Z.R.) - Table of Sign Regulations – Attachment 1 (Chart), as follows: (1) Section 450.4 Chart 1.5(d) to permit nine (9) wall-mounted enterprise signs for the existing Giant supermarket in lieu of the one (1) permitted, and (2) Section 450.4 Chart 1.7(b) for the retention of one (1) existing freestanding enterprise sign of 205 square feet for Giant supermarket in lieu of the joint identification sign permitted of 150 square feet. The subject property and requested relief are more particularly described on the site plan and sign package elevations, which were submitted into evidence and marked as Petitioners’ Exhibits 1 and 2 respectively.

Appearing at the requisite public hearing in support of the requests were Ronald Brumbaugh, Senior Manager of Construction for Giant, Mark A. Johnston of Gutschick, Little &

Weber, P.A, the civil engineering firm that prepared the site plan(s) for the project, and Warren Weaver of Gable Signs. Charles B. Marek, III, Esquire represented the Petitioner at the hearing. There were no Protestants or other interested persons present.

Mr. Marek proffered the evidence presented at the hearing, and the proffer and exhibits were accepted into the record of the case. The property in question is the “Ravenwood” shopping plaza near the intersection of Taylor Avenue and Loch Raven Boulevard. While having access from the aforementioned public roads, the center can also be accessed from Pleasant Plains Road. The site is approximately eight (8) acres and is zoned B.L.-C.C.C. The center is improved with two (2) multi-tenant retail buildings and several stand-alone PAD site stores. The Giant supermarket is the largest tenant in the center and considered the “anchor” store. In addition to being the anchor store, testimony revealed that Giant has a total of twelve (12) stores in Baltimore County and employs roughly 1,200 people. The chain is an important economic driver of the County, as well as the State of Maryland, and works with local businesses and area farms.

Giant is going through a global reimagining of its stores, whereby the longstanding “big G” signage is being replaced with a “fruit-bowl” type logo and associated Giant lettering. As part of this change over from the old trademark to the new persona, Giant is upgrading not only the sign package, but also has allocated a significant sum to upgrade the interior of these stores. This reimagining to the “fruit-bowl” logo and associated signage will take place not only in Baltimore County, but across Maryland, Virginia, Pennsylvania and the other markets of Giant.

Testimony also focused on the aspects particular to the property that make it appropriate for variance relief. The shape of the property is irregular, almost rectangular but with the southwestern and southeastern corners along Taylor Avenue removed. Those developed corners,

which are each improved with separate gas stations, work in concert with a grade change (that increases as you move away from Taylor Avenue into the site) to significantly block views into the site from both Taylor Avenue and Loch Raven Boulevard. In the short time where there is a clear view of the Giant store from Taylor Avenue, it is only at a great distance (in excess of 460 feet). Likewise, the view is impaired from Loch Raven Boulevard. While driving south along Loch Raven Boulevard, a major State thoroughfare, drivers would not realize there was a Giant supermarket in the center due to the orientation of the road to the center.

This finding is bolstered by the fact that a variance has previously been requested and approved for the center in Case No. 06-363-A. In that case the property was also deemed to possess inherent characteristics that necessitated a variance for stores other than the existing Giant supermarket.

These peculiar aspects of the property work in concert to create a practical difficulty for the supermarket, which is the inability to adequately alert the customers to their presence in the center as well as their multitude of services. This leads to decreased economic vibrancy of the store and the center as a whole. Due to the consolidation of uses under one roof, stores with large building footprints (i.e. big box) are unable to adequately advertise their services. I believe that through the granting of the variance the Petitioner is able to remedy this practical difficulty.

The testimony and evidence also showed that the granting of the variance would be in the spirit and intent of the zoning regulations. The wall mounted signage permitted at this center, without relief, would be one sign that is 600 square feet (two times the length of the wall to which the signage is affixed). The wall mounted sign package of 237 square feet would be less than half of this permitted square footage. Furthermore, the sign regulations do attempt to allow stores to adequately advertise their services and eliminate unsightly signage. I believe that this

relief and signage upgrade are in keeping with that and other goals of the sign regulations. Lastly, customer recognition and identification of the stores is key as this reimagining is occurring not just in Baltimore County, but throughout all of Giant's operation across counties and states.

The testimony also bears that the granting of the variance will be in the interest of the public. The new sign package will utilize light-emitting-diode (LED) technology for illumination, thereby reducing the energy consumption by roughly ninety percent (90%). The freestanding signage will also assist the flow of traffic as it will alert customers to the presence of the store and give them the time they need to properly and safely adjust their driving to accommodate their supermarket trip. Given this is a heavily trafficked area and high speed traffic flow, this will be a benefit. Moreover, the freestanding signage will be located away from Pleasant Plains Road, which is closer to the residential development, and along Loch Raven Boulevard, a busier collector road.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of October 2010 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) - Table of Sign Regulations – Attachment 1 (Chart), to permit the following: **(1)** Section 450.4 Chart 1.5(d) for nine (9) wall-mounted enterprise signs for the existing Giant supermarket in lieu of the one (1) permitted, and **(2)** Section 450.4 Chart 1.7(b) for the retention of one (1) existing freestanding enterprise sign of 205 square feet for Giant supermarket in lieu of the joint identification sign permitted of 150 square feet, in accordance with Petitioners' Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restriction:

ADVISORY: The Petitioner is advised that it may apply for any required sign permits and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Any appeal of this Order shall be taken in accordance with Baltimore County Code (B.C.C.) Section 32-3-401.

WJW:dlw

SIGNED
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County