

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
N/S Honeygo Boulevard, 157' E of c/line of Perry Hall Boulevard	*	ZONING COMMISSIONER
(7944 Honeygo Boulevard)		
11 th Election District	*	OF
5 th Council District		
	*	BALTIMORE COUNTY
White Marsh Plaza Business Trust, <i>Owner</i>		
Giant of Maryland, LLC, <i>Lessee</i>		Case No. 2011-0041-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 the property owner, White Marsh Plaza Business Trust by Dawn M. Becker, its Vice President and General Counsel. Variance relief is requested from the Baltimore County Zoning Regulations (B.C.Z.R.) - Table of Sign Regulations – Attachment 1 (Chart), to permit ten (10) wall-mounted enterprise signs for the existing Giant supermarket in lieu of the permitted one (1) sign pursuant to Section 450.4 Chart 1.5(d). 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 request were Ronald Brumbaugh, Senior Manager of Construction for Giant, Mark 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 “White Marsh Plaza” near the intersection of Perry Hall Boulevard and Honeygo Boulevard. The site is adjacent to Ring Road, a private road that encircles the White Marsh Mall. The property also sits in between “access road 4” and “access road 5” that connect Ring Road to Honeygo Boulevard and Perry Hall Boulevard respectively. The site is approximately 7.2 acres and is zoned B.M.-C.T. The center is improved with a multi-tenant retail building and a stand-alone PAD site bank. 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 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, 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 specific to the property that make it appropriate for variance relief. Although this site is over seven (7) acres, it acts as more of an out parcel or large PAD site of the White Marsh Mall. It borders directly on Ring Road, the private mall beltway, and is accessed off of appropriately named access roads connecting the public and private streets. The effect of the mall is such that it dictates the loading zones of the site be

developed along the collector public roads and not facing the smaller scale pedestrian space of Ring Road and the mall parking areas. Likewise, the boomerang shape of the site dictates a curving of the commercial building, thereby shielding the interior middle anchor tenant, which happens to be Giant, from having adequate visibility from the public roads. It is not until the intersection of Ring Road (passed the center entrance) until these signs are visible from public space, and even then only portions of the building front are clearly visible.

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 (1) sign that is 557.6 square feet (two times the length of the wall to which the signage is affixed). The wall mounted sign package would be just over half of this permitted square footage at less than 300 square feet. Furthermore, the sign regulations do attempt to allow stores to adequately advertise their services, and I believe that this relief is in keeping with that and other goals of the signage regulations. Lastly, customer recognition and identification of the stores is important 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 (90%) percent.

Pursuant to the advertisement, posting of the property and public hearing on the Petition held, and for the reasons set forth above, the relief requested should 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 Section 450.4 Chart 1.5(d) of the Baltimore County Zoning Regulations (B.C.Z.R.) – Table of Sign Regulations – to permit (10) wall-mounted enterprise signs for the existing Giant supermarket in lieu of the permitted one (1), 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 its 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