

<b>IN RE: PETITION FOR VARIANCE</b>	*	BEFORE THE
NE corner of Goucher Boulevard and		
Joppa Road	*	DEPUTY ZONING
9 <sup>th</sup> Election District		
5 <sup>th</sup> Councilmanic District	*	COMMISSIONER
(801-803 Goucher Blvd.)		
	*	FOR BALTIMORE COUNTY
<b>Towson VF LLC</b>		
<i>Legal Owner</i>	*	
<b>Noodles and Company, Inc.</b>		
<i>Contract Purchaser</i>	*	<b>CASE NO. 2011-0046-A</b>

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Towson VF LLC, by Vornado Realty Trust, Authorized Signatory, and the Contract Lessee, Noodles & Company, Inc., by Anna Putnam, Designer/Corporate Representative. Variance relief is requested from Section 450.4.5(d) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to allow 2 wall-mounted enterprise signs on a façade with a separate exterior customer entrance in lieu of the permitted 1 wall-mounted sign (front façade), and to allow 1 wall-mounted enterprise sign on a façade without a separate exterior customer entrance in lieu of the 0 wall-mounted signs permitted (rear façade). The subject property and requested relief are more fully described on the site plan and the signage details, which were marked and accepted into evidence as Petitioner’s Exhibits 1A and 1B, respectively.

Appearing at the requisite public hearing in support of the variance request were Leslie M. Pittler, Esquire on behalf of Petitioner Noodles & Company, Inc. and David Karceski, Esquire on behalf of the property owner, Towson VF LLC. Also appearing in support of the requested relief were Joshua Sharon with Morris & Ritchie Associates, Inc., the professional

engineer who prepared the site plan, and George Marino with Service Neon Signs in Springfield, VA, the firm that handles signage installations for Petitioner. There were no Protestants or other interested citizens in attendance.

Testimony and evidence offered revealed that the subject property is located at the southeast corner of the intersection of Joppa Road and Goucher Boulevard, in the Towson area of Baltimore County. The 19 acre parcel with attendant improvements is zoned B.L.-C.C.C. (Business Local – Commercial, Community Core), triangularly shaped and surrounded by Goucher Boulevard to the south and west, Joppa Road to the north, and Prince Road to the east. The site is improved with an existing shopping center, which is undergoing redevelopment, including improvement of existing building facades and the construction of additional pad sites. An aerial photograph, marked and accepted into evidence as Petitioner’s Exhibit 3, helps illustrate both the location as well as the unusual shape and constraints of the site. Petitioner Noodles & Company, Inc. is a privately held chain of fast casual restaurants with franchises located throughout the United States. The company was founded in 1995 and is headquartered in Colorado. As explained by Mr. Sharon, Petitioner’s consulting engineer, several of the pad sites are undergoing development with Petitioner slated for Pad 1, as shown on the site plan. This pad is located near the frontage on Goucher Boulevard and also near the entrance to the site from that public road.

Petitioner’s signage expert, Mr. Marino, indicated that the requested variance relief pertains to the two proposed wall mounted enterprise signs on the front façade that has a separate exterior customer entrance, as well as the one wall mounted enterprise sign proposed for the rear façade of the restaurant building without a separate exterior customer entrance. The Zoning Regulations permit one such wall mounted enterprise sign on the front façade with a separate

exterior entrance, and no such signs on the rear façade without a separate exterior customer entrance. The sign proposed for the front and rear façades were identified on the site plan as Signs “A” and “B,” respectively. Sign “D” was originally included in the Petition for Variance as one of the two wall mounted enterprise signs proposed for the front façade in lieu of the permitted one sign; however, after consulting with the Zoning Review Office, that office construed Sign “D,” which states in small lettering “EST. 1995” not to be an enterprise sign, but rather as a commemorative, memorial sign that does not require a variance. Hence, Mr. Pittler requested to amend the variance request to remove the reference to the request for two wall mounted enterprise signs on the front façade (since only one is requested and is permitted by right) and to request variance relief for only the one requested wall mounted enterprise sign for the rear façade. This request actually lessens the relief requested and was permitted.

In support of the requested variance relief, Mr. Sharon explained that the specific need for the variance is generated by the unusual features and characteristics of the property. Specifically, the irregular shape of the overall site, the significant grade changes along the public road frontage and orientation and elevation of the Pad 1 site above street level, the curvature of the surrounding roads, and the existing mature landscaping along Goucher Boulevard are all factors that contribute to the uniqueness of the subject property and severely hamper visibility into the site. It was further indicated that the sign Regulations are relatively basic for an in-line strip shopping center, but in this case, due to the unique shape of the property and layout of improvements internally, all four sides of the restaurant are visible and in need of identification for patrons. A strict interpretation of the sign regulations contained within the B.C.Z.R. would not allow for adequate identification of the restaurant and no adverse impact would result.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated September 1, 2010 which indicates their support for the requested relief. They add that the building is designed to present finished facades on all elevations and the signage package is well integrated with the design.

Having considered all of the evidence and proffered testimony on this issue, I am persuaded to grant the Petition for Variance. Based on my review of the site plan, the signage details, and the aerial photograph of the property, I find the requirements of B.C.Z.R. Section 307.1 to be satisfied. The proposed wall mounted enterprise sign for the rear façade is appropriate, given the unique shape, orientation, and constraints of the site, which together limit the site visibility. The sign will facilitate adequate identification of the restaurant from the public road as well as to internal traffic, which would not be possible if the sign were not permitted. I also note that there are no adverse Zoning Advisory Committee (ZAC) comments, and in fact the Office of Planning is supportive of the requested relief and the signage package. Finally, I find this variance request can be granted in strict harmony with the spirit and intent of the Zoning Regulations, and in such a manner as to grant relief without injury to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered, I find that Petitioner's variance requests should be granted.

THEREFORE, IT IS ORDERED this 19<sup>th</sup> day of October, 2010 by this Deputy Zoning Commissioner that Petitioner's Variance request from Section 450.4.5(d) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow 1 wall-mounted enterprise sign on a façade

without a separate exterior customer entrance in lieu of the 0 wall-mounted signs permitted (rear façade) be and is hereby **GRANTED**, subject to the following:

1. Petitioner may apply for permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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

\_\_\_\_SIGNED\_\_\_\_\_  
THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz