

*Checkpoints
Eastpoint*



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

January 14, 2003

David H. Karceski
Venable, Baejter and Howard, LLP
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21285-5517

Dear Mr. Karceski:

RE: Zoning Verification, Eastpoint Mall, Parking Calculation, 15th Election District

Having reviewed your letter of January 6, 2003, it is the opinion of this Office that given the facts presented, calculating parking at 5 parking spaces per 1000 square feet of "Gross Leasable Area" is within the spirit and intent of the Baltimore County Zoning regulations generally, and zoning case 94-197-A for the above referenced property.

Should you have any questions regarding the above, I may be reached at 410-887-3391.

Sincerely,

Joseph C. Merrey
Planner II
Zoning Review

Come visit the County's Website at www.co.ba.md.us



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VENABLE, BAETJER AND HOWARD, LLP
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VENABLE
ATTORNEYS AT LAW

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

Writer's Direct Number:
(410) 494-6285

dhkarceski@venable.com

January 6, 2003

Arnold Jablon, Director
Department of Permits and
Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Request for Zoning Verification
Eastpoint Mall
15th Election District, 5th Councilmanic District

Dear Mr. Jablon:

This firm represents Shopco Management Corporation ("Shopco"), legal owner of the Eastpoint Mall. Shopco intends to construct a Checkers drive-thru restaurant on the Mall property as shown on the enclosed site plan entitled, "EASTPOINT MALL- PLAN TO ACCOMPANY DRC REQUEST." I am writing to confirm that the required parking for the existing Mall tenants and that parking necessary to accommodate the Checkers may be calculated based on gross leasable area or "GLA," consistent with the current parking regulations, rather than total building area as done in Case No. 94-197-A, the last zoning case for the Mall. Calculating parking based on GLA should, as explained below, be within the spirit and intent of the Order issued by the Board of Appeals in the 1994 case. I have enclosed a copy of the Order and site plan approved in the case for your convenience.

By way of brief history, the Board of Appeals granted a Petition for Variance in Case No. 94-197-A to allow 4,073 parking spaces in lieu of the required 4,773 spaces to serve the Mall and its tenants based on a total building area calculation (see enclosed Clarified/Amended Opinion and Order, dated June 16, 1994). The parking deficit approved in the 1994 case was 700 spaces.

Today, the total GLA for the Mall is 861,563 square feet, and, with the addition of the Checkers, the total GLA will be 862,318 square feet. Section 409.6 of the Baltimore County Zoning Regulations ("Zoning Regulations"), entitled "Required number of parking spaces," provides that shopping centers with 100,000 square feet or more of

Pet #3

Arnold Jablon, Director
January 6, 2003
Page 2

gross leasable area outside of the C.T. District of Towson require 5 parking spaces per 1,000 square feet of gross leasable area. Based on this 5 per 1,000 ratio, the required parking for the existing Mall tenants and the proposed Checkers is 4317 spaces. The provided parking will be 3953 spaces. The difference between the number of parking spaces required and the parking that will be provided does not exceed the 700-space deficit approved in the 1994 case and, therefore, should be within the spirit and intent of the 1994 case.

Clearly, determining parking based on GLA is consistent with Section 409.6.A.2 of the current Zoning Regulations. At this time, I am requesting that you provide written confirmation that calculating the required amount of off-street parking for the Eastpoint Mall on the basis of the Mall's total GLA is within the spirit and intent of the Board of Appeals' Clarified/Amended Opinion and Order, dated June 16, 1994, and does not require any additional zoning relief.

With this letter, I have enclosed a check in the amount of \$40.00 made payable to "Baltimore County, Maryland" to cover the administrative costs associated with your review. If you need any further information in order to complete your review, please feel free to give me a call.

Thank you for your assistance with the matter.

Very truly yours,



David H. Karceski

DHK/bl
Enclosure
cc: Mr. John L. Lewis

TO1DOCS1/DHK01/#151877 v1

808-95
PETITION OF KING'S COURT RESTAURANT SYSTEMS, EASTPOINT, INC. FOR JUDICIAL REVIEW
IN THE MATTER OF EASTPOINT PARTNERS LTD. PARTNERSHIP FOR A VARIANCE
Zoning Case: 94-197-A

ORDER

The Petition for Judicial Review of King's Court Restaurant Systems, Eastpoint, Inc., the Cross-Petition for Judicial Review of Eastpoint Partners Limited Partnership, and argument of counsel with respect to these petitions have been considered, and, in accordance with this Court's oral opinion entered into the record on the 3rd day of January, 1995, it is on this 3rd day of February, 1995, by the Circuit Court for Baltimore County,
ORDERED that the decision of the County Board of Appeals for Baltimore County, dated April 14, 1994, denying Eastpoint Partners Limited Partnership's Motion to Dismiss the Appeal is hereby AFFIRMED; and,
ORDERED that the Opinion of the County Board of Appeals for Baltimore County, dated May 26, 1994, as amended on June 16, 1995, granting Eastpoint Partners Limited Partnership's Petition for Variance is hereby AFFIRMED; and,

True Copy Test
MICROFILMED

ORDERED that the Appellant King's Court Restaurant Systems, Eastpoint, Inc. is to pay the costs of this action.
THE HONORABLE J. MORRIS BYRNES

APPROVED AS TO FORM:

BENJAMIN BRONSTEIN
Evans, George and Bronstein
Suite 205, Susquehanna Building
29 West Susquehanna Avenue
Towson, Maryland 21204
JOHN A. ZINK, III
Venable, Baetjer & Howard, L.L.P.
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21204

IN THE MATTER OF THE APPLICATION OF EASTPOINT PARTNERS LTD. PARTNERSHIP FOR VARIANCE OF PROPERTY LOCATED ON THE NORTHEAST CORNER EASTERN AVENUE AND NORTH POINT BOULEVARD - EASTPOINT MALL (7800 EASTERN AVE.) 15TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT
BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
CASE NO. 94-197-A
CLARIFIED / AMENDED OPINION AND ORDER

As requested by Counsel for the Petitioner, the Board will revise and attempt to clarify the parking variance granted by this Board in this case.
The Petitioner has submitted along with his request for a revised order a numerical breakdown of the actual variance petitioned for. The Board will append to its Order of May 26, 1994 the numerical breakdown provided by Petitioner's counsel to this Board. Since this breakdown indicates a considerably smaller variance than that granted by the Board, apparently in error, the Board will amend its error by issuing a revised Order.

ORDER

THEREFORE, IT IS this 16th day of June, 1994, by the County Board of Appeals of Baltimore County,
ORDERED that the requested variance to permit 4,073 off-street parking spaces in lieu of the required 4,773 parking spaces be and the same 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 of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
William T. Hackett, Chairman
Jason H. Lipowitz
C. William Clark

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180
June 16, 1994

Robert A. Hoffman, Esquire
VENABLE, BAETJER & HOWARD
210 Allegheny Avenue
Towson, MD 21204

RE: Case No. 94-197-A
Eastpoint Partners Ltd. Partnership
Clarification / Amended Opinion & Order

Dear Mr. Hoffman:

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

Very truly yours,
Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: Benjamin Bronstein, Esquire
Kings Court Restaurant Systems,
Eastpoint, Inc.
Ms. Robyn J. Clark
Mr. Kenneth J. Colbert
Mr. Ken Katz
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

IN THE MATTER OF THE APPLICATION OF EASTPOINT PARTNERS LTD. PARTNERSHIP FOR VARIANCE OF PROPERTY LOCATED ON THE NORTHEAST CORNER EASTERN AVENUE AND NORTH POINT BOULEVARD - EASTPOINT MALL (7800 EASTERN AVE.) 15TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT
BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
CASE NO. 94-197-A

OPINION

Eastpoint Partners Ltd. Partnership filed a petition requesting a variance to permit 4,000 off-street parking spaces in lieu of the required 4,777 parking spaces in order to permit the construction of two restaurants within the parcel owned by Petitioner on which the Eastpoint Mall is located. The Board heard testimony on two dates from various witnesses and received documentary and photographic evidence. From that testimony and evidence, we find the following facts to which we apply the law.
The subject site consists of 67.83 net acres on which, over the course of time, have been erected various buildings which are now joined together in an enclosed shopping mall. The subject site previously has been the subject of a special hearing and variance requests, most recently in Case No. 93-429-SPHX. As a result of prior variances granted, the mall has been granted relief from the strict application of the parking regulations so that at present there exists 4,097 parking spaces physically marked on the ground. As a result of proposed new development, which request was amended over the objection of Appellants to eliminate the proposed request for the Double Drive-Thru restaurant and to proceed in this hearing only on the request for the construction of the Golden Corral

Case No. 94-197-A Eastpoint Partners Ltd. Partnership 2
restaurant, a number of parking spaces will physically be lost through the footprint of the building. Since the request for the Double Drive-Thru restaurant has been dismissed, a number of spaces will be gained, and the total number of parking spaces ultimately physically lost will be 97.

The mall lot in toto is an irregularly shaped lot somewhat resembling a wedge that lies between Eastern Avenue on what is generally the north side of the lot and North Point Boulevard to the south side. Because of its proximity to development residential neighborhoods and public transportation lines, many customers of the stores in the mall arrive either by public transportation or on foot. These two facts, among others, constitute special conditions peculiar to the land as that term is used in Baltimore County Zoning Regulations (BCZR) Section 307.1 which do not arise by reason of the physical configuration of the structures on the lot nor as a result of the physical configuration of the lots and interior walkways, and means of ingress and egress to the mall as constructed by the developer. As a result of all these factors, we find as a fact that a much higher than normal pedestrian and public transportation clientele utilizes this shopping center than other such shopping centers within the metropolitan area.

The overwhelming preponderance of evidence demonstrates that, even at the busiest shopping times and seasons, numerous parking spaces within the site are not utilized. In particular, in what has been referred to in Petitioner's Exhibit 13 as Lot A, which is

Case No. 94-197-A Eastpoint Partners Ltd. Partnership 3
the proposed site for the Golden Corral restaurant, where the 97 parking spaces will be lost, all of the aerial photographs show that few, if any, of the 179 spaces in that particular area are ever used. One reason for that may be the fact that between that parking area and the closest entrance to any of the stores in the mall, which can be found at the Ames store, runs three lanes of traffic flowing in and out of the main entrance and exit to the mall's property from Eastern Avenue. No traffic control device, other than presumably a stop sign, is located in that traffic area which, given human nature, would tend to discourage pedestrians from crossing from Lot A to the mall. Additionally, Lot E on Petitioner's Exhibit 13, which is adjacent to the Staples store which the testimony reveals is not fully occupied, also remains greatly unused for parking. As one can see from Appellant's Exhibit 3A, an aerial photograph taken April 2, 1994, the closest lot without having to cross the main ring road running around the mall is the lot next to Staples. Furthermore, testimony revealed that Lot L (as shown on Petitioner's Exhibit 13) where once Sherwin-Williams operated a store, also remains virtually unused throughout the peak shopping times and seasons.

Section 307.1 of the BCZR provides that a variance may be granted from off-street parking regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure, and where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship. Under the three-prong test of McLean v. Soley, 270 Md.

Case No. 94-197-A Eastpoint Partners Ltd. Partnership 4
208, 310 A2d 783, in order to justify the grant of an area variance the petitioner must show that strict compliance would unreasonably prevent petitioner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome; and whether a grant of the variance would do substantial justice to petitioner as well as other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief and be more consistent with justice to other property owners; and whether relief can be granted in such fashion that the spirit of the ordinance would be observed and public safety and welfare secured.

Under the first prong of the test, Eastpoint Mall clearly proposes to use the property for a permitted purpose. The question is whether or not strict compliance with the parking regulations would unreasonably prevent it from doing so. We believe, based on the evidence and testimony received, that it would.

Additionally, although Appellant argues that a lesser relaxation, in effect, than that applied for would give substantial relief in that Petitioner could locate the proposed restaurant in other vacant space within the enclosed mall, in the Staples building on Lot E (Petitioner's Exhibit 13), or in the vacant Sherwin-Williams building on Lot L (Petitioner's Exhibit 13), that argument overlooks two significant points. First, the testimony revealed, and we find as a fact, that the Petitioner does not own the Sherwin-Williams building and therefore cannot direct or require that space to be used for the restaurant. Secondly, in

view of the previous cases in which variances from the parking requirements have been granted so that at present only 4,097 spaces are available, only 97 spaces are now being lost due to the proposed development. It would be unreasonable to require Petitioner to rehabilitate a warehouse type structure for use as a Golden Corral.

Finally, we believe that granting the relief sought meets the spirit and intent of the zoning regulations and that public safety and welfare will be secured.

ORDER

THEREFORE, IT IS this 26th day of May, 1994, by the County Board of Appeals of Baltimore County,

ORDERED that the requested variance to permit 4,000 off-street parking spaces in lieu of the required 4,777 parking spaces be and the same 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 of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackett, Chairman
John H. Lewitz, Clerk
C. William Clark

IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE - S/S Eastern Avenue opposite Rolling Road (7800 Eastern Avenue) 15th Election District 5th Councilmanic District Eastpoint Partners Ltd. Part. Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Hearing, Special Exception and Variance filed by the owner of the subject property, Eastpoint Partners Limited Partnership, for the future development of the Eastpoint Mall located in the southeast end of Baltimore County between North Point Boulevard and Eastern Avenue. The future development contemplated consists of a double drive-thru Hot 'n Now restaurant and a Golden Corral family style restaurant, both to be located on the north side of the subject site, adjacent to Eastern Avenue. As to the relief sought, the Petitioners seek approval of a restaurant, drive-thru with limited indoor/outdoor seating in a B.M.-C.T. zone, pursuant to the Petition for Special Exception. In the alternative, the Petitioner seeks a special hearing to approve that such a restaurant, drive-thru use is permitted as of right in all business zones, including the B.M.-C.T. zone. Further, within the Petition for Special Hearing, the Petitioner seeks approval of the existing parking setbacks and travelway, pursuant to the previously approved site plan and variances in Case No. 91-199-SPHA, and amendments thereto as noted on the site plan submitted herein, or, in the alternative, to approve the variances requested pursuant to the Petition for Variance filed herein which seeks relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.8.A.2 to per-

mit an off-street parking facility setback from a public street right-of-way of 2 feet in lieu of the required 10 feet; from Section 409.4 to permit direct access to a travelway from off-street parking facilities; from Section 409.8.A.1 to permit deviation from the screening and landscaping requirements of the Landscape Manual; and from Section 409.6(A)(2) to permit 4,000 parking spaces in lieu of the required 4,309. All of the relief requested is more particularly described on Petitioner's Exhibits 1A, and 2, a site plan (as amended) and landscaping plan for the subject property.

Appearing on behalf of the Petitioners were Robyn J. Clark, the General Manager for Eastpoint Mall, Joh Uhr, William P. Monk, a Land Use Planning and Zoning expert, and Kenneth Colbert, the Professional Engineer who prepared the site plan of the subject property. The Petitioner was represented by Robert A. Hoffman, Esquire. There were no Protestants.

Testimony indicated that the subject property, known as 7800 Eastern Avenue, consists of a gross area of 70.1076 acres, more or less, zoned B.M.-C.T. and is the site of a well-known shopping landmark in eastern Baltimore County known as the Eastpoint Mall. Said property is located between and adjoins the intersection of Eastern Avenue and North Point Boulevard. The property is fully developed and has been utilized in its present state for many years. Its improvements consist of a number of diverse retail and commercial uses, including retail stores (Ames, Sears, J.C. Penney, etc.), smaller shops, a bank, a bowling alley, and food court. In addition to the mall use, the property contains a large parking area. On the north side of the site, immediately adjacent to Eastern Avenue, the property owner proposes to add two restaurant facilities, namely, a Hot 'n Now fast food drive-thru restaurant, and a Golden Corral family style

restaurant. The property and the proposed improvements are more particularly described on the amended site plan submitted as Petitioner's Exhibit 1A and the schematic landscape plan, submitted as Petitioner's Exhibit 2.

The site also enjoys a significant zoning history. In Case No. 4641-X, a Petition for Special Exception was granted for a miniature golf course to be operated on a portion of the subject site. Thereafter, in Case No. 73-292-A, a variance permitting a lesser number of spaces than that required was granted. More recently, in Case No. 91-199-SPHA, a special hearing permitting an amendment to the previously approved site plan and Order in case No. 73-292-A was approved and a variance from Section 409.6A of the B.C.Z.R. was again granted to permit 4,302 off-street parking spaces in lieu of the required 4,772.

Considering first the Petition for Special Hearing, it is to be noted that the Petitioner has requested relief in the alternative. Specifically, approval is sought for a restaurant, drive-thru facility as of right, or in the alternative, that said use should be approved pursuant to the Petition for Special Exception. In reviewing the B.C.Z.R., it is to be noted that Section 230.4 thereof permits restaurants as of right in the B.L. zone and that Section 233.1 incorporates that language for the B.M. zone. Further, Section 233.4 provides that a drive-in restaurant is permitted in a B.M. zone by special exception. Thus, if the proposed use is a restaurant, it is permitted as of right, whereas, if same is considered a drive-thru facility, the special exception test set forth in Section 502.1 of the B.C.Z.R. must be met. Interestingly, Section 101 of the B.C.Z.R. does not define the term "restaurant". A drive-thru restaurant is defined, however, as a "retail outlet where food or beverages are sold to a substantial extent for consumption by customers in parked motor vehi-

cles." Further, Webster's Third New International Dictionary, which is to be utilized in the absence of definitions in Section 101 of the B.C.Z.R., defines "restaurant" as "an establishment where refreshments or meals may be procured by the public." In addition, William Monk testified of pending legislation before the County Council which, if enacted, will resolve this issue. Specifically, Bill No. 110-93, if passed, will comprehensively define all types of restaurant uses. Clearly under the proposed law, the contemplated Hot 'n Now restaurant would be considered a restaurant, fast-food, drive-thru, only, facility, which is permitted in a B.M. zone as of right. Unfortunately for the Petitioners, that legislation is not yet in place and thus, I cannot consider the request before me in view of same.

Substantial testimony was received as to the proposed facility. As shown on the site plan, the Hot 'n Now restaurant will be a small building featuring two drive-in aisles on either side of the structure and there will be stacked parking spaces on each side. There will be no interior or exterior seating and all food will be sold as carry-out. Apparently this concept has caught on out-of-state and the Hot 'n Now chain may be opening restaurants in Baltimore County. The advantages offered by the restaurant are that food can be prepared and sold quickly at competitive prices without the public leaving their vehicles. Clearly, the concept has some merit in the mobile society in which we live. Particularly since the Hot 'n Now concept relies on business generated from the motoring public, I believe the existing drive-in restaurant definition contained in the B.C.Z.R. is most appropriate. Although, no doubt a number of patrons will purchase food purchased at Hot 'n Now off-site, there will be some who will eat while seated in parked motor vehicles. Working with the definitions presently available, I believe that the drive-thru restaurant proposed

herein is not permitted as of right, and thus the Petition for Special Hearing should be denied in this respect.

Having followed this rationale, consideration must therefore be given to approval of the proposed Hot 'n Now facility pursuant to the Petition for Special Exception. In this regard, testimony from Messrs. Monk and Colbert was uncontradicted and persuasive. A review of the site plan and photographs presented show sufficient area exists on-site to support the restaurant. Indeed, this location appears to be well-suited for such a use. That is, the proposed restaurant will be located on a portion of the existing parking lot and any traffic overflow, should it occur, will not spill out onto the public roadways, but into the interior parking lot of the shopping center. Further, I am convinced that the site plan submitted presents a reasonable and orderly traffic flow. In my view, all of the tests enunciated in Section 502.1 of the B.C.Z.R. have been satisfied by the Petitioner. Thus, the relief requested in the Petition for Special Exception for the proposed Hot 'n Now facility, as shown on Petitioner's Exhibit 1, should be granted.

Having resolved the issue presented in the Petition for Special Exception and Special Hearing as it relates to the proposed Hot 'n Now restaurant, attention is next turned to the proposed parking arrangement. At the hearing, it was noted that the Petitioners propose leasing space not only to the proposed Hot 'n Now facility, but also for a Golden Corral family restaurant. As noted above, the Golden Corral restaurant (with its interior seating) would be permitted here as of right. However, the addition of these facilities increases the leasable square footage within the shopping center, thereby changing the required amount of parking.

As noted above, this shopping center has been in operation for many years and the parking lots are fully developed. There is no more space available on the site to provide additional parking. More importantly, Robyn Clark, General Manager for the center, testified that sufficient parking exists for all of the tenants of the center. The photographs presented support this viewpoint and no Protestants from the surrounding communities were present to testify that there is a parking overflow or traffic problem.

As previously noted, a portion of the requested special hearing relates to this issue. Specifically, the Petitioner seeks approval of the existing parking setbacks and variances granted in prior Case No. 91-199-SPHA. That case approved a parking variance to permit 4,302 parking spaces in lieu of the required 4,772. As to this portion of the special hearing request, I disagree with the Petitioner's conclusion that the variance obtained in that case can be coupled with another variance. The variance in the prior case was granted based upon a site plan submitted at that time which showed a certain amount of leasable square footage and certain defined uses. Based on the testimony and evidence presented in that case, a variance permitting 470 fewer spaces than that required was granted. The Petitioner is now submitting a new plan, with different amounts of square footage and uses. This plan must independently meet the test as it relates to parking variances. To permit the Petitioner to utilize a 470-space variance based upon a new plan would be illogical and improper. Followed to its logical conclusion, a property owner could submit multiple variance requests, one after another, and utilizing prior approved variances, would reduce the required number of parking spaces to 0. Thus, I will deny that portion of the Petition for Special Hearing as

well, and consider the proposed parking arrangement pursuant to the Petition for Variance filed herein.

The first portion of the variance request relates to the number of spaces provided. It is to be noted that at the hearing, Mr. Colbert testified as to his parking calculations. He fully explained the number of spaces required under the regulations, the number provided, etc. Subsequent to the hearing, however, I was advised that the calculations presented were erroneous, due to an improper credit taken for transit facilities near the site. In this respect, an amended site plan was submitted and has been marked as Petitioner's Exhibit 1A. According to this amended plan, 4,309 parking spaces will be required for the entire center, including the proposed Hot 'n Now and Golden Corral facilities. These requirements are based on Section 409.6A2 of the B.C.Z.R. which computes parking requirements for shopping centers based upon the total building area of the center. In this particular case, the total building area is 861,363 sq.ft. and at the 5 spaces per 1,000 sq.ft. ratio, 4,309 spaces are required. The Petitioner proposes to provide 4,000 parking spaces; thus, a variance of 309 spaces is necessary.

It is clear that this variance should be granted. It need only be noted that the requested variance in this case is less than what was previously approved in Case No. 91-199-SPHA. It is equally clear that sufficient parking exists on this site to afford the Petitioner a variance of 309 spaces. Also, as noted above, there is no additional space to provide the required parking. In my view, the Petitioner has met the test set forth in Section 307 of the B.C.Z.R. and the case law.

The other portions of the variance request relate to permission for an off-street parking facility setback from a public right-of-way of 2

- Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.
- Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton in the zoning office at 887-3391 or the commenting agency.

Sincerely,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Coordinator

WCR:cm
Enclosures

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: November 22, 1993
Zoning Administration and Development Management
FROM: Robert W. Rowling, Senior Engineer
Development Plan Review Section
RE: Zoning Advisory Committee Meeting
For November 22, 1993
Item No. 191

The Development Plan Review Section has reviewed the subject zoning item. The site is subject to compliance with the landscape plan submitted with Case #93 429-SPXA.

SWE:c

MICROFILMED

Baltimore County Government
Department of Permits and Licenses

111 West Chesapeake Avenue
Towson, MD 21204
NOVEMBER 18, 1993 (410) 887-3610

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MEETING OF NOVEMBER 15, 1993

Property Owner: (Case #94-125-AA)
Location: 124
Item No.:
Property Owner: Eastpoint Partners Limited Partnp.
Location: #7800 Eastern Avenue, EPM
+ 191 (RT)
Item No.:
Property Owner: Towson Family YMCA
Location: #600 West Chesapeake Avenue
+ 192 (JRA)
Item No.:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

- The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

Approved: *Robert A. Hoffman*
Fire Prevention Bureau
Lieutenant R. Sauerwald (887 4880)

MICROFILMED

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: November 15, 1993
Zoning Administration and
Development Management
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 187, 191, 195, 196, 197, 198 and 199.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey M. Long*
Division Chief:

PK/JL:lw

MICROFILMED

ZAC.187/PZCNE/ZAC1

Maryland Department of Transportation
State Highway Administration

O James Lighthizer
Secretary
Hal Kassoff
Administrator

11-12-93

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 191 (11)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2256 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

November 30, 1993
TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
FROM: J. Lawrence Pilson
Development Coordinator, DEPRM
SUBJECT: Zoning Item #191 - Eastpoint Mall
7800 Eastern Avenue
Zoning Advisory Committee Meeting of November 15, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Must comply with Forest Conservation Regulations, if applicable.

JLP:PF:sp
EASTP/DEPRM/TXTSPB

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204
December 3, 1993 (410) 887-3353

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 West Allegheny Avenue
Towson, Maryland 21204

RE: Case No. 94-197-A, Item No.191
Petition for Variance
Eastpoint Mall

Dear Mr. Hoffman:

Enclosed are copies of comments received from the Department of Environment Protection and Resource Management on December 3, 1993 for the above-referenced case.

If there are any questions, please do not hesitate to call me at 887-3391.

Sincerely,

Charlotte Minton
Charlotte Minton

Enclosure

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

TO: W. Hackett /B. Clark /J. Lipowitz DATE: March 9, 1994
FROM: *Kathleen*
SUBJECT: Scheduled Motions Hearing --
Eastpoint Partners Ltd. Partnership
Case No. 94-197-A

Regarding the subject matter, a Motions Only Hearing, (for which you are scheduled to sit) has been assigned for Thursday, April 14, 1994 at 1:00 p.m. Attached for your review are copies of the following Motions /Responses filed by Counsel in this regard:

- Motion to Dismiss Appeal of Eastern Restaurant Systems, Eastpoint, Inc., filed February 3, 1994 by Robert A. Hoffman, Esquire, on behalf of Eastpoint Partners Ltd. Partnership, Petitioners.
- Response to Motion to Dismiss Appeal filed February 17, 1994 by Benjamin Bronstein, Esquire, on behalf of King's Court Restaurant Systems, Eastpoint, Inc. (erroneously identified on original Notice of Appeal as Eastern Restaurant Systems, Eastpoint, Inc.), Appellants /Protestants.
- Reply Memorandum in Support of Motion to Dismiss Appeal filed March 4, 1994 by Mr. Hoffman on behalf of Petitioners.
- Motion to Dismiss Appeal of A. Fader & Sons, Inc., New Life Video & Sound, Inc., and The Brass Hen, Inc., filed March 4, 1994 by Mr. Hoffman on behalf of Petitioners.

Please note that should any additional documents be filed in this matter, I will forward copies to you upon receipt.

Should you have any questions regarding the above, please call me.

Attachments

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on Recycled Paper

feet in lieu of the required 10 feet and to permit direct access to a travelway from off-street parking facilities. These requests are more clearly shown on the site plan. There was substantial testimony presented by Messrs. Monk and Colbert which is reflected in the record. As to these issues, Messrs. Monk and Colbert indicated that the shopping center parking lot has previously functioned well and continues to function well today. Therefore, it would be a practical difficulty on the Petitioner to have to eliminate parking in order to meet the physical requirements for parking lots under today's standards. Again, the Petitioner has met its burden at law.

The final variance for consideration also relates to Section 409.8.A1 of the B.C.Z.R. The Petitioner seeks deviation from the screening and landscape requirements set forth in the Baltimore County Landscape Manual. At the hearing, the Petitioner submitted a landscape plan, marked as Petitioner's Exhibit 2, which fully depicts existing and proposed landscaping of the subject site. This plan appears to be entirely consistent with the spirit and intent of Section 409.8A1 of the B.C.Z.R. Further, the Petitioner acknowledged its responsibility to landscape any new development, i.e., the proposed Hot 'n Now and Golden Corral restaurants, in strict accordance with the Manual. Under these parameters and restrictions, the Petitioner has obtained the support of the County's Landscape Architect, Avery Harden, as it relates to the schematic landscape plan submitted. As with many old and existing uses, compliance with the current landscape manual is difficult for the Petitioner and constitutes a practical difficulty. Clearly, this site has been built out for many years and interrupting and altering the existing parking lot and traffic pattern to install additional landscaping is unjustified. I am convinced, based

- 8 -

upon the landscape plan submitted, that the existing and proposed landscaping is sufficient for this site. Further, this relief will be granted with the caveat that the Petitioner must comply with the Manual as it relates to future development onsite.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the special hearing shall be denied, and the special exception and variances shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of August, 1993 that the Petition for Special Hearing to approve a restaurant, drive-thru with limited indoor/outdoor seating as a use permitted as of right in all business zones, including the B.M.-C.T. zone, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking approval of existing parking setbacks and travelway, pursuant to the previously approved site plan and variances in Case No. 91-199-SPHA, and amendments thereto as noted on the site plan submitted herein, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a restaurant (drive-thru) with limited indoor/outdoor seating in a B.M.-C.T. zone, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.8.A.2 to permit an off-street parking facility setback from a public street right-of-way of 2 feet in lieu of the required 10 feet; from Section 409.4 to permit direct access to a travelway from off-

- 9 -

street parking facilities; from Section 409.8.A.1 to permit deviation from the screening a landscaping requirements of the Landscape Manual, and from Section 409.6(A)(2) to permit 4,000 parking spaces in lieu of the required 4,309, in accordance with Petitioner's Exhibits 1A, and 2, be and is hereby GRANTED, subject to the following restrictions:

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

2) All future development on the subject site shall strictly adhere to the landscape requirements set forth in the Baltimore County Landscape Manual.

3) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

LES:bjs

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

- 10 -



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

May 26, 1994

Benjamin Bronstein, Esquire
EVANS, GEORGE AND BRONSTEIN
Susquehanna Building, Suite 205
29 W. Susquehanna Avenue
Towson, MD 21204

RE: Case No. 94-197-A
Eastpoint Partners Ltd. Partnership

Dear Mr. Bronstein:

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

Very truly yours,

Christine E. Rodcliffe for
Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: Benjamin Bronstein, Esquire
Kings Court Restaurant Systems,
Eastpoint, Inc.
Robert A. Hoffman, Esquire
Ms. Robyn J. Clark
Mr. Kenneth J. Colbert
Mr. Ken Katz
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

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on Recycled Paper

EASTPOINT PARTNERS LTD. PARTNERSHIP *
NE/cor Eastern Avenue & North Point *
Boulevard * COUNTY BOARD
-Eastpoint Mall (7800 Eastern Avenue) *
15th Election District * OF APPEALS
5th Councilmanic District * FOR
VAR -To permit 4,000 off street *
parking spaces in lieu of required * BALTIMORE COUNTY
4,777 spaces; to amend approved plan *
in Case No. 93-429-SPHXA * Case No.: 94-197-A
* * * * *

MEMORANDUM OF LAW

King's Court Restaurant Systems, Eastpoint, Inc., Appellant, by Benjamin B. Bronstein and Evans, George and Bronstein, its attorneys, files this Memorandum of Law in support of the appeal in the above-captioned case, and says:

1. The Baltimore County Zoning Regulations ("BCZR"), Section 307.1 provide, in pertinent part, that:

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from offstreet parking regulations and from sign regulations, only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship" (Emphasis supplied)

2. Moreover, the BCZR limits the grant of a variance as follows:

"Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, offstreet parking, or sign regulations, and only in such manner as to grant relief without injury to public health, safety, and general welfare. They shall have no power to grant

any other variances" (Emphasis supplied)

3. The present case involves a request by Eastpoint Partners Ltd. Partnership for an "area" variance, to permit a reduction in the required number of parking spaces. The basis for this request for relief from the operation of the regulations governing the required number of parking spaces is that Eastpoint desires to utilize a portion of its present parking lot for the construction of additional retail space. In order to justify the grant of an area variance, Eastpoint must show:

1. Whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent it from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

2. Whether a grant of the variance applied for would do substantial justice to it as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to it and be more consistent with justice to other property owners.

3. Whether relief can be granted in such fashion that the spirit of ordinance will be observed and public safety and welfare secured.

McLean v. Soley, 270 Md. 208, 214-215, 310 A.2d 783, 787 (1973), quoting 2 Rathkopf, *The Law of Zoning and Planning*, 45-28-29 (3d ed. 1972).

4. In considering the propriety, *vel non*, of granting a variance the courts have recognized that in granting a variance the zoning authority must find from the evidence more than that the

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requested variance would be suitable or desirable or could do no harm or would be convenient or profitable to its owner. See, *Kennerly v. Mayor and City Council of Baltimore*, 247 Md. 601, 233 A.2d 800, 804 (1967). The mere fact that the variance would make the property more profitable is not a sufficient ground to justify a relaxation of zoning requirements. See, *Dahl v. County Board of Appeals of Baltimore County*, 258 Md. 157, 265 A.2d 227, 232 (1970); *Easter v. Mayor and City Council of Baltimore*, 195 Md. 395, 73 A.2d 491, 492 (1950).

5. When an applicant seeks a variance on the basis of "practical difficulties or unnecessary hardships" it has the burden of showing a substantial and urgent need which would justify the exception from the application of the existing zoning law. *PEM Construction Company v. City of Baltimore*, 233 Md. 372, 196 A.2d 879, 882 (1964). The applicant has the burden of showing a substantial and urgent need which would justify the variance. *Id.*

6. Where the property owner or its predecessor has acted in a way which affects the property so as to create the practical difficulty or hardship in conforming to the restrictions of the ordinance, the variance may not properly be granted. See, *Salisbury Board of Zoning Appeals v. Bounds*, 240 Md. 547, 214 A.2d 810, 814 (1965). The basis for this conclusion is that if the peculiar circumstances which render the property incapable of being used in accordance with the restrictions contained in the zoning ordinance have been themselves caused or created by the property owner or his predecessor in title, the essential basis of a

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variance, i.e., that the hardship be caused *solely* through the manner of operation of the ordinance upon the particular property, is lacking. *Id.* In such a case, a variance will not be granted; the hardship, arising as a result of the act of the owner or his predecessor, will be regarded as having been self-created, barring relief. *Id.* (citing 2 Rathkopf, *The Law of Zoning and Planning*, Section 48-1).

7. In the instant case, the situation on which the Petitioner relies in support of its request for a variance -- that the number of spaces required under the Baltimore County Zoning Regulations will not permit Petitioner to build additional retail footage in the middle of the parking lot -- is a direct result of the acts of the property owner. The present owner expanded the shopping center in question (Eastpoint Mall) by adding on a Sears store and by renovating and expanding the former Hutzlers' store. Petitioner now seeks to bring in a high parking-intensive use (free standing restaurant pad site) which will be located in the middle of the existing parking area.

8. Additionally, the unusual configuration of the property in question results in a substantial portion of the parking places on the property being distributed more than 500 feet from the mall entrance, a much greater distance than other regional shopping centers. Petitioner seeks to utilize some of the (relative few) parking places which are close to the mall entrance for these new retail uses. It is quite apparent that Petitioner is concerned only with maximizing its profits and with its own convenience --

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there has not been even an attempt to utilize those portions of the mall parking areas which are distant from the mall center for the restaurant proposed uses.

9. Petitioner, then, has created the existing "practical difficulty" in at least three respects: (1) by expanding its existing facilities so that the number of parking spaces provided on the property are less than that required by the Baltimore County Zoning Regulations; (2) by planning to physically obliterate existing spaces by constructing additional retail square footage in the middle of the parking lot; and (3) by bringing in a high parking-intensive use.

10. These facts establish beyond dispute that the circumstances which Petitioner proffers as the basis for its "practical difficulty" were entirely self-created by Petitioner and do not in any way justify an exception to the application of the parking requirements set forth in the Baltimore County Zoning Code.

11. Under these circumstances, granting a variance to Eastpoint would be to reward it for its self-created situation. This would be improper because this is not a case where special circumstances or conditions exist that are "peculiar to the land . . . which is the subject of the variance request . . ." Salisbury Board of Zoning Appeals v. Bounds, supra. Moreover, there is no "practical difficulty" within the scope of BCZR Section 307.1. Eastpoint seeks the variance to maximize profit. This is not a sufficient basis to justify granting the variance, since it would merely be profitable to Eastpoint. This is non-sufficient

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ground to justify relaxation of the zoning (i.e., parking) requirements. Dahl v. County Board of Appeals of Baltimore County, and Easter v. Mayor and City Council of Baltimore, supra.

[Signature]
Benjamin Bronstein
Evans, George and Bronstein
29 W. Susquehanna Avenue
Suite 205
Towson, Maryland 21204
(410) 296-0200
Attorneys for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of May, 1994, a copy of the foregoing Memorandum of Law was hand delivered to Robert A. Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, Maryland 21204, Counsel for Petitioner, Eastpoint Partners Ltd. Partnership.

[Signature]
Benjamin Bronstein

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IN RE: PETITION FOR ZONING * BEFORE THE
VARIANCE NEC EASTERN AVENUE * COUNTY BOARD
AND NORTH POINT BOULEVARD - * OF APPEALS
EASTPOINT MALL * OF
(7800 EASTERN AVENUE) * BALTIMORE COUNTY
15TH ELECTION DISTRICT * CASE NO. 94-197-A
5TH COUNCILMANIC DISTRICT

COMMUNICATIONS SECTION
94 MAR -4 PM 4:12

**REPLY MEMORANDUM IN SUPPORT OF
MOTION TO DISMISS APPEAL**

Eastpoint Partners Limited Partnership, Petitioner and Appellee, by Robert A. Hoffman with Venable, Baetjer and Howard, its attorney, files this Reply Memorandum in Support of its Motion to Dismiss the appeal filed by Eastern Restaurant Systems, Eastpoint, Inc., as follows:

I. The Notice of Appeal as Filed is Deficient and Should be Dismissed.

As reiterated in its Motion to Dismiss, according to Section 26-132 (a) of the Baltimore County Code ("B.C.C."), an aggrieved person or taxpayer may, within thirty days after an adverse decision by the Zoning Commissioner, seek review of this decision by the County Board of Appeals by filing a Notice of Appeal.

According to Rule 3 of the Rules of Practice and Procedure of County Board of Appeals ("Board's Rules"),

No appeal shall be entertained by the board of appeals unless the notice of appeal shall state the names and addresses of the persons taking such appeal.

This rule is mandatory and unambiguous. In order for the Board of Appeals to hear his appeal, an aggrieved person must

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have timely filed a Notice of Appeal, which contains the name of the appellant and the address of the appellant. That an appellant be "aggrieved," that the Notice of Appeal be filed within the strict time limitation, and that the Notice of Appeal contain certain specified information are mandatory and unambiguous prerequisites which must be met in order to maintain an appeal.

It is important to note that no one appeared at the hearing held before the Zoning Commissioner to complain that they would be adversely affected by the granting of the requested variance. However, on January 21, 1994, the twenty-ninth day of the thirty day appeal period, the Notice of Appeal at issue was filed by Eastern Restaurant Systems, Eastpoint, Inc. As is evident from the Response to Motion to Dismiss Appeal filed by King's Court Restaurant Systems, Eastpoint, Inc., there is no such entity as Eastern Restaurant Systems, Eastpoint, Inc. It thereby follows that, because Eastern Restaurant Systems, Eastpoint, Inc. does not exist, it cannot be an aggrieved person or taxpayer.

Consequently, the Notice of Appeal filed by Eastern Restaurant Systems, Eastpoint, Inc. is deficient in that it satisfies none of the requirements for a proper appeal. The appeal was not filed by an aggrieved person or taxpayer as required by B.C.C. Section 26-132 (a). Nor did the Notice of Appeal contain the name and the address of an appellant with standing to appeal the decision of the Zoning Commissioner as

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is required by Rule 3 of the Board's Rules. Because of these deficiencies, the Board of Appeals should dismiss this appeal.

II. The County Board of Appeals Should Not Permit the Substitution of King's Court Restaurant Systems, Eastpoint, Inc. as Appellant.

Twenty-four days after the appeal time had expired, and after Appellee moved to dismiss the deficient Notice of Appeal filed by Eastern Restaurant Systems, Eastpoint, Inc., an entirely new party, King's Court Restaurant Systems, Eastpoint, Inc. filed a response to Appellee's motion claiming that it is the real Appellant and that the Notice of Appeal contained a "mere misnomer."

Apparently, King's Court Restaurant Systems, Eastpoint, Inc. is a subsidiary of the parent corporation Eastern Restaurant Systems, Inc. Neither the subsidiary nor its parent, though, were named in the Notice of Appeal. Instead, a nonexistent corporation, Eastern Restaurant Systems, Eastpoint, Inc., was named.

Rather than a "misnomer," which usually involves a misspelling or other error in an otherwise recognizable name, King's Court is attempting to substitute a completely new and distinct party in place of Eastern Restaurant Systems, Eastpoint, Inc. Such an attempt on the part of King's Court to preserve this appeal is inappropriate and should not be allowed. Spies v. Board of Mun. & Zoning Appeals, 210, TDR 41, at 9. (A copy of this case is attached as Exhibit 1). As the Court of Appeals has stated in refusing to allow a

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pleading to be amended to correct the plaintiff's name, "the plaintiff must be supposed to know his own name." Thanhauser v. Savins, 44 Md. 410, 416 (1876).

The prerequisites for filing an appeal are unambiguous. Rule 3 of the Board's Rules specifically requires that the Notice of Appeal contain the name and address of the appellant, or the appeal will not be heard by the Board. The Notice of Appeal filed by Eastern Restaurant Systems, Eastpoint, Inc. contains neither the name nor the address of King's Court Restaurant Systems, Eastpoint, Inc. Further, contrary to King's Court's contention, nowhere in the Board's rules is leave given for the substitution of the name and address of the Appellant's counsel in place of Appellant's name and address. In fact, providing the name and address of counsel serves absolutely no purpose.

King's Court Restaurant Systems, Eastpoint, Inc. simply failed to comply with the rules for filing an appeal. Now it is seeking essentially, twenty-four days after the Notice of Appeal was due, to file an untimely appeal. The Board of Appeals should not permit such blatant disregard of the rules. Rather the Board should strictly enforce these rules and dismiss this appeal.

III. King's Court Restaurant Systems, Eastpoint, Inc. Lacks Standing to Bring This Appeal.

Even if the Board of Appeals permits King's Court to be substituted as Appellant, this appeal should be dismissed, regardless, because King's Court Restaurant Systems,

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Eastpoint, Inc. is not specially impacted by the Zoning Commissioner's decision. Therefore, King's Court Restaurant Systems, Eastpoint, Inc. does not have standing to challenge this decision.

According to the Baltimore County Code, a person has the right to appeal from a decision by the Zoning Commissioner only when that person is "aggrieved or feeling aggrieved." B.C.C., Section 26-132 (a). An aggrieved person has been defined as follows: "one whose personal or property rights are adversely affected by the decision...The decision must not only affect a matter in which the protestant has a specific interest or property right but his interest therein must be such that he is personally and specially affected in a way different from that suffered by the public generally." Bryniarski v. Montgomery County Bd. of Appeals, 247 Md. 137, 144, 230 A.2d 289 (1967).

The requested variance from Section 409.6.A.2 of the Baltimore County Zoning Regulations, permitting 4,000 off street parking spaces instead of the required 4,777 off street parking spaces, would permit the construction of two restaurants on the perimeter of the Eastpoint Mall. See Site Plan for Eastpoint Mall, attached as Exhibit 2. As admitted in its Response to Motion to Dismiss Appeal, King's Court Restaurant Systems, Eastpoint, Inc. operates a restaurant in Eastpoint Mall. King's Court's alleged complaint is that, if the variance is permitted and the two restaurants are

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constructed, the consequent reduction in parking will adversely impact its business.

Given the distance of the restaurant operated by King's Court Restaurant Systems, Eastpoint, Inc. in relation to the parking areas affected by the construction of the new restaurants, King's Court's argument of adverse impact is disingenuous. See Exhibit 2. King's Court is merely attempting to prevent the encroachment of additional competition in the form of these new restaurants. Preventing this increased competition is not a legitimate reason for objecting to the Zoning Commissioner's decision to grant the requested variance. Bryniarski, 247 Md. at 145.

Therefore, even if King's Court is substituted for Eastern Restaurant Systems, Eastpoint, Inc., because King's Court is not legitimately and specially aggrieved by the Zoning Commissioner's decision, it lacks standing and this appeal should be dismissed.

IV. This Appeal Should be Dismissed because No Other Proper Notice of Appeal was Timely Filed.

Contrary to King's Court's final argument, there are no other proper parties to this appeal because the only other Notice of Appeal filed in this matter is similarly defective. See Motion to Dismiss Appeal of A. Fader & Sons, Inc., New Life Video & Sound, Inc. and The Brass Men, Inc., filed by Appellees on March 4, 1994.

WHEREFORE, Petitioner and Appellee Eastpoint Partners Limited Partnership respectfully requests that the Board of

6

Appeals dismiss the appeal brought by Appellant Eastern Restaurant Systems, Eastpoint, Inc.

Respectfully submitted,

ROBERT A. HOFFMAN, Venable, Baetjer and Howard P. O. Box 5517, Towson, Maryland 21204 (410) 494-6200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of March, 1994, a copy of the foregoing Reply Memorandum in Support of Motion to Dismiss Appeal was mailed to Benjamin Bronstein, Esquire, Evans, George and Bronstein, 205 Susquehanna Building, 29 West Susquehanna Avenue, Towson, Maryland 21204, Attorney for the Appellant.

ROBERT A. HOFFMAN

MOT0251:PAM

COURT OPINION

COURT OF SPECIAL APPEALS OF MARYLAND

ZONING
GURBA REPEL ET AL.
BOARD OF MUNICIPAL & SCHOOL APPEALS, ET AL.

Appellee Eastern Restaurant Systems, Inc. ("ERS") filed its application with the Board of Municipal and School Appeals ("BMSA") for a zoning variance...

EXHIBIT 1

ERS' application was timely filed. The Board of Municipal and School Appeals ("BMSA") is the proper authority to grant or deny a zoning variance...

ER's appeal was timely filed. The Board of Municipal and School Appeals ("BMSA") is the proper authority to grant or deny a zoning variance...

LAW OFFICES

EVANS, GEORGE AND BRONSTEIN
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204

L. ROBERT EVANS, HARRIS JAMES GEORGE, BENJAMIN BRONSTEIN, MICHAEL J. CHOMEL, DOUGLAS A. STUBBS

February 18, 1994

Ms. Kathy Weidenhammer, Board of Appeals for Baltimore County, 400 Washington Avenue, Towson, Maryland 21204

RE: Response to Motion to Dismiss Appeal

Dear Ms. Weidenhammer:

On February 17, 1994 we filed a Response to Motion to Dismiss Appeal on behalf of King's Court Restaurant Systems, Eastpoint, Inc. along with an Order. We inadvertently attached the wrong Exhibit 2. Enclosed is the correct Exhibit 2.

Thank you for your assistance.

Sincerely,

EVANS, GEORGE AND BRONSTEIN

Benjamin Bronstein

BB/mlg

Enclosure

cc: Robert A. Hoffman, Esquire (with enclosure)

Venable, Baetjer and Howard

9 FEB 22 PM 11:33

02/18/94

IN RE: PETITION FOR ZONING VARIANCE
NEC Eastern Ave. & North Point
Boulevard - Eastpoint Mall
7800 Eastern Avenue
15th Election District
Eastpoint, Baltimore District
Partnership

Petitioner

NOTICE TO ENTER APPEAL

On behalf of A. Fader & Sons, Inc., New Life Video & Sound, Inc. and The Brass Hen, Inc. by Benjamin Bronstein and Evans, George and Bronstein, their attorney, please note an appeal from the decision of the Zoning Commissioner dated December 23, 1993 in the above captioned case.

EVANS, GEORGE AND BRONSTEIN

Benjamin Bronstein, 205 Susquehanna Building, 29 West Susquehanna Avenue, Towson, Maryland 21204 (410) 296-0200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of February, 1994, a copy of the foregoing was mailed, postage pre-paid to Robert A. Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, Maryland 21204.

Benjamin Bronstein

RECEIVED JAN 24 1994

ZADM

EXHIBIT 2

LAW OFFICES

EVANS, GEORGE AND BRONSTEIN
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204

L. ROBERT EVANS, HARRIS JAMES GEORGE, BENJAMIN BRONSTEIN, MICHAEL J. CHOMEL, DOUGLAS A. STUBBS

February 17, 1994

Ms. Kathy Weidenhammer, Board of Appeals for Baltimore County, 400 Washington Avenue, Towson, Maryland 21204

RE: Response to Motion to Dismiss Appeal

Dear Ms. Weidenhammer:

Enclosed for filing is a Response to Motion to Dismiss Appeal on behalf of King's Court Restaurant Systems, Eastpoint, Inc. along with an Order.

Thank you for your assistance.

Sincerely,

EVANS, GEORGE AND BRONSTEIN

Benjamin Bronstein

BB/mlg

Enclosure

cc: Robert A. Hoffman, Esquire (with enclosure)

Venable, Baetjer and Howard

9 FEB 22 PM 11:33

IN RE: PETITION FOR ZONING VARIANCE NEC EASTERN AVENUE AND NORTH POINT BOULEVARD - EASTPOINT MALL (7800 EASTERN AVENUE) 15TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT

94 FEB 17 PM 3:19

RESPONSE TO MOTION TO DISMISS APPEAL

King's Court Restaurant Systems, Eastpoint, Inc., one of the Appellants, (previously erroneously identified as Eastern Restaurant Systems, Eastpoint, Inc.) ("King's Court"), responds to the Motion to Dismiss filed herein by Appellee, Eastpoint Partners Limited Partnership ("Partners"), and says:

THE MOTION TO DISMISS APPEAL OF APPELLEE PARTNERS MUST BE DENIED

1. King's Court is entitled to maintain this appeal pursuant to Baltimore County Code, § 26-132(a).

Baltimore County Code, § 26-132(a) provides that:

Any person or persons, jointly or severally, or any taxpayer aggrieved or feeling aggrieved by any decision of the zoning commissioner shall have the right to appeal therefrom to the county board of appeals.

King's Court is an Ohio corporation which qualified to do business in Maryland over five years ago, on January 30, 1989, and it remains in good standing as attested to by the Certificate of the Maryland State Department of Assessments and Taxation attached hereto as Motion Exhibit 1 and incorporated by reference as though more fully set out herein. This misnomer in the original Notice to

Enter Appeal arises from the fact that the parent corporation is named Eastern Restaurant Systems, Inc. This corporation has a subsidiary King's Court Restaurant Systems, Eastpoint, Inc. The use of the name Eastern Restaurant Systems, Eastpoint, Inc. in the original Notice of Appeal is a mere misnomer which is a minor matter and may be freely corrected by amendment. See, Pumpian v. E.L. Rice and Company, 135 Md. 364, 109 A. 71 (1919); Abromatis v. Amore, 127 Md. 394, 96 A. 554 (1916).

Under Baltimore County Code, § 26-132(a), King's Court may seek review by the Board of Appeals of a decision of the Zoning Commissioner if it is either (1) a person or (2) a taxpayer which is (1) aggrieved or (2) feels aggrieved by that decision. King's Court operates a restaurant at Eastpoint Mall. The restaurant is located on the opposite side of the mall from the main parking area. Patrons of King's Court customarily park in the main parking area and reach Appellant's premises by walking through the mall.

Appellee proposes to erect two restaurants on a portion of what is presently the parking lot of Eastpoint Mall. Not only will the construction of new buildings to house Appellee's businesses reduce parking available for customers of King's Court and other Appellants, the construction of Appellee's buildings will further decrease the parking area available to patrons of King's Court and other Appellants, because parking spaces currently utilized by customers of all Appellants will be usurped by customers of Appellee's new, free-standing structures.

King's Court and other Appellants were unaware of the proceeding before the Zoning Commissioner and were therefore unable to present testimony as to why the variance granted by the Zoning Commissioner did not meet with the spirit and intent of the Baltimore County Zoning Regulations.

It is quite clear that King's Court will suffer grievous economic injury if the action of the Zoning Commissioner remains unchallenged. In granting the requested variance to Appellee, the Zoning Commissioner substantially reduced the required number of parking spaces. The interests of King's Court will be harmed in a unique manner, and King's Court's personal property rights will be adversely affected in a way different from that suffered by the public in general. Bryniarski v. Montgomery County Board of Appeals, 247 Md. 137, 230 A.2d 289 (1967).

2. Additionally, King's Court pays personal property taxes. Baltimore County Code, § 26-132(a) clearly authorizes any taxpayer feeling aggrieved to take an appeal from a decision of the Zoning Commissioner to the Board of Appeals. The County Council obviously intended by this language to permit parties who are "feeling aggrieved" (as opposed to actually being aggrieved as that term is defined in the Maryland case law) to take an appeal from a decision of the Zoning Commissioner. Any other reading of the Section would be to void the express language and subvert the clear intention of the County Council in enacting the statute as it exists today. The Court of Appeals of Maryland emphasized that use of the word "or"

in a statute granting standing to appeal zoning decisions serves to establish a contrasting or opposing relationship and sets apart the described alternatives. Boulden v. Mayor and Commissioners of Elkton, 311 Md. 411, 535 A.2d 477, 479 (1988).

3. The appeal should not be dismissed because there are other proper parties.

In addition to King's Court, a Notice to Enter Appeal was filed in this proceeding on behalf of three additional Appellants - A. Fader and Sons, Inc., New Life Video and Sound, Inc., and The Brass Hen, Inc. A copy of the Notice to Enter Appeal on behalf of these additional Appellants is attached hereto as Motion Exhibit 2. An appeal will not be dismissed where other Appellants are proper parties. Wright v. McCubbin, 260 Md. 11, 271 A.2d 365 (1970).

4. The concern raised by Appellee that the address of Appellant was not specifically set forth in the Notice to Enter Appeal is specious. Baltimore County Code, § 26-132(a) does not require the Notice of Appeal to contain the address of Appellant. The address of King's Court's counsel, its legal representative in this matter, was clearly noted when the appeal was entered. Obviously, Appellee had no difficulty in performing its investigations in connection with the King's Court, so that the absence of King's Court's address was harmless.

CONCLUSION

In summary, the Motion to Dismiss Appeal filed herein on behalf of Appellee, Partners, must be dismissed because:

3. granting such other and further relief as the nature of this cause may require.

EVANS, GEORGE AND BRONSTEIN

Benjamin Bronstein 205/Susquehanna Building 29 West Susquehanna Avenue Towson, Maryland 21204 (410) 296-0200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17 day of January 1994, a copy of the foregoing was mailed, postage pre-paid to Robert A. Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, Maryland 21204.

Benjamin Bronstein

STATE OF MARYLAND 274376 DEPARTMENT OF ASSESSMENTS AND TAXATION 301 West Preston Street Baltimore, Maryland 21201 I, GEORGIA J. WATSON OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT SAID DEPARTMENT, BY THE LAWS OF SAID STATE, IS THE CUSTODIAN OF THE RECORDS OF THIS STATE RELATIVE TO THE FURNISHING OR SUSPENSION OF CORPORATE CHARTERS, OR OF CORPORATIONS TO TRANSACT BUSINESS IN THIS STATE, AND I AM THE PROPER OFFICER TO EXECUTE THIS CERTIFICATE. I FURTHER CERTIFY THAT KING'S COURT RESTAURANT SYSTEMS EASTPOINT, INC. IS A CORPORATION DULY INCORPORATED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF OHIO AND SAID CORPORATION HAS FILED ALL ANNUAL REPORTS REQUIRED, HAS NO OUTSTANDING LATE FILING PENALTIES ON THESE REPORTS, AND HAS A RESIDENT AGENT. THEREFORE, THE CORPORATION IS AT THE TIME OF THIS CERTIFICATE IN GOOD STANDING WITH THIS DEPARTMENT AND DULY AUTHORIZED TO EXERCISE ALL THE POWERS RELIED IN ITS CHARTER OR CERTIFICATE OF INCORPORATION, AND TO TRANSACT INTERSTATE, INTRASTATE AND FOREIGN BUSINESS IN MARYLAND. IN WITNESS WHEREOF, I HAVE HERETOFORE SET MY HAND AND AFFIXED THE SEAL OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION OF MARYLAND AT BALTIMORE THIS 17TH DAY OF FEBRUARY, 1994. Georgia J. Watson OFFICE SUPERVISOR 475-031 EXHIBIT 1

IN RE: PETITION FOR ZONING VARIANCE NEC Eastern Ave. & North Point Boulevard - Eastpoint Mall 7800 Eastern Avenue 15th Election District 5th Councilmanic District Eastpoint Partners Ltd. Partnership

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NOS.: 94-197-A

NOTICE TO ENTER APPEAL

Please enter an appeal on behalf of Eastern Restaurant Systems, Eastpoint, Inc. to the Board of Appeals from the Order of the Zoning Commissioner dated December 23, 1993 in the above captioned case. Please enter my appearance on behalf of the Appellant.

EVANS, GEORGE AND BRONSTEIN

Benjamin Bronstein 205 Susquehanna Building 29 West Susquehanna Avenue Towson, Maryland 21204 (410) 296-0200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21 day of January 1994, a copy of the foregoing was mailed, postage pre-paid to Robert A. Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, Maryland 21204.

Benjamin Bronstein

EXHIBIT 2

1. King's Court has a personal or property interest which is adversely affected by the decision of the Zoning Commissioner in a unique way which is different from that suffered by the public in general; 2. King's Court is a taxpayer feeling aggrieved by the decision of the Zoning Commissioner, and is therefore clearly authorized to prosecute this appeal pursuant to the express language of Baltimore County Code, § 26-132(a); 3. King's Court Restaurant Systems, Eastpoint, Inc. is a "person" as that term is defined for purposes of the Baltimore County Code inasmuch as it has been qualified to do business in the State of Maryland for over five years, and an amendment of the Order of Appeal should be permitted to reflect the full and accurate name of Appellant;

4. Failure to include the address of King's Court does not mandate dismissal of this appeal; and 5. The appeal should not be dismissed because there are additional parties with standing to maintain the appeal.

WHEREFORE, Appellant, King's Court Restaurant Systems, Eastpoint, Inc. respectfully requests the Board of Appeals of Baltimore County to enter an order:

- 1. denying the Motion to Dismiss Appeal filed herein by Appellee; 2. amending the proceedings herein to reflect the true and accurate name of Appellant as King's Court Restaurant Systems, Eastpoint, Inc.; and

IN RE: PETITION FOR ZONING VARIANCE NEC EASTERN AVENUE AND NORTH POINT BOULEVARD - EASTPOINT MALL (7800 EASTERN AVENUE) 15TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT

ORDER

Upon consideration of the Motion to Dismiss Appeal filed herein by Appellee, Eastpoint Partners Limited Partnership, the response thereto filed herein by Appellant King's Court Restaurant Systems, Eastpoint, Inc. (also referred to as Eastern Restaurant Systems, Eastpoint, Inc.), and other matters of record, it is this day of _____, 1994 by the County Board of Appeals of Baltimore County.

ORDERED, that the Motion to Dismiss Appeal of Appellee Eastpoint Limited Partnership be denied; and

IT IS FURTHER ORDERED, that the Notice of Appeal filed herein be amended to reflect the name of Appellant as King's Court Restaurant Systems, Eastpoint, Inc. (rather than Eastern Restaurant Systems, Eastpoint, Inc.).

County Board of Appeals of Baltimore County

MISTAKE IN NAME; GIVING INCORRECT NAME TO PERSON IN ACCUSATION, INDICTMENT, PLEADING, DEED OR OTHER INSTRUMENT. UNDER RULES PRACTICE IN SOME STATES, SUCH IS GROUND FOR DISMISSAL BY MOTION. IN MOST STATES, HOWEVER, AS WELL AS IN THE FEDERAL COURTS, SUCH MISNOMER CAN BE CORRECTED BY AMENDMENT OF THE PLEADINGS.

IN RE: PETITION FOR ZONING VARIANCE NEC Eastern Ave. & North Point Boulevard - Eastpoint Mall 7800 Eastern Avenue 15th Election District 5th Councilmanic District Eastpoint Partners Ltd. Partnership

NOTICE TO ENTER APPEAL

On behalf of A. Fader & Sons, Inc., New Life Video & Sound, Inc. and The Brass Hen, Inc. by Benjamin Bronstein and Evans, George and Bronstein, their attorney, please note an appeal from the decision of the Zoning Commissioner dated December 23, 1993 in the above captioned case.

EVANS, GEORGE AND BRONSTEIN Benjamin Bronstein 205 Susquehanna Building 29 West Susquehanna Avenue Towson, Maryland 21204 (410) 296-0200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24 day of January, 1994, a copy of the foregoing was mailed, postage pre-paid to Robert A. Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, Maryland 21204.

RECEIVED JAN 24 1994 ZADM

IN RE: PETITION FOR ZONING VARIANCE NEC Eastern Ave. & North Point Boulevard - Eastpoint Mall 7800 Eastern Avenue 15th Election District 5th Councilmanic District Eastpoint Partners Ltd. Partnership

NOTICE TO ENTER APPEAL

Please enter an appeal on behalf of Eastern Restaurant Systems, Eastpoint, Inc. to the Board of Appeals from the Order of the Zoning Commissioner dated December 23, 1993 in the above captioned case. Please enter my appearance on behalf of the Appellant.

EVANS, GEORGE AND BRONSTEIN Benjamin Bronstein 205 Susquehanna Building 29 West Susquehanna Avenue Towson, Maryland 21204 (410) 296-0200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21 day of January, 1994, a copy of the foregoing was mailed, postage pre-paid to Robert A. Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, Maryland 21204.

Benjamin Bronstein

MICROFILMED 1/21/94 BUSINESS OFFICE

EVANS, GEORGE AND BRONSTEIN 205 SUSQUEHANNA BUILDING 29 WEST SUSQUEHANNA AVENUE TOWSON, MARYLAND 21204 (410) 296-0200

January 21, 1994

HAND DELIVERED Arnold Jablon, Director Department of Zoning Administration and Development Management County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

RE: Eastpoint Mall Case No.: 94-197-A

Dear Mr. Jablon:

Enclosed please find a Notice of Appeal filed on behalf of Eastern Restaurant Systems, Eastpoint, Inc. Please enter my appearance on behalf of the Appellant. I have enclosed my check to cover costs.

Sincerely, EVANS, GEORGE AND BRONSTEIN Benjamin Bronstein

BB/mg Enclosures cc: Robert A. Hoffman, Esquire

IN RE: PETITION FOR ZONING VARIANCE NEC Eastern Ave & North Point Boulevard - Eastpoint Mall 7800 Eastern Avenue 15th Election District 5th Councilmanic District Eastpoint Partners Ltd. Partnership

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 7800 Eastern Avenue in Eastpoint, more well known as the Eastpoint Mall. The Petition is filed by the property owners, Eastpoint Partners Limited Partnership. Therein, variance relief is requested from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 4,000 off street parking spaces, in lieu of the required 4,777 off street parking spaces, and to amend the approved plan in case No. 93-429-SPHXA. The relief requested is more particularly shown on the site plan which was submitted at the hearing, marked as Petitioner's Exhibit No. 1.

Appearing at the public hearing held for this case were Robyn J. Clark, on behalf of the property owner. Also appearing was Ken Colbert, the engineer who prepared the site plan. Other individuals present in support of the Petition were Thomas Koehler, Jim Dresher, David T. Schreiber and Glenn Cook. The Petitioner was represented by Robert A. Hoffman, Esquire. There were no Protestants present.

Proffered testimony and evidence presented was that the subject site is comprised of two tracts which total approximately 70 acres in area. Tract One is the largest tract, approximately 66 acres and is improved with an existing shopping center. This shopping center has been at this

ORDER RECEIVED FOR FILING Date 1/23/94 By [Signature]

location for many years and is a well known landmark in the eastern end of Baltimore County. The property is improved with a number of retail buildings and a supporting parking area. The site is zoned B.M.-C.T.

The property also enjoys a significant zoning history. Originally, a special exception for a miniature golf course was granted in 1959. In 1973 and 1991, Petitions for parking variances were requested and granted. The property more recently came before me in the summer of 1993 on a Petition for Special Exception, Petition for Special Hearing and Petition for Variance. The Petition for Special Exception filed at that time requesting approval for two restaurants which were proposed for the shopping center. That Petition and the proposed restaurants were approved. The Petition for Special Hearing was to allow an existing parking setbacks and travelway dimensions as shown on the plan. Moreover the parking variance was granted permitting 4,000 parking spaces, in lieu of the required 4,309. Following the issuance of my opinion granting that relief on August 2, 1993, the Petitioner realized that incorrect calculations had been made as to the number of spaces required. It is important to note that there has been no change as to the number of spaces provided. That is, 4,000 spaces were shown originally and that number remains on the plan submitted in case No. 94-197-A. However, the Petitioner has recalculated the requirements under the B.C.Z.R. and determined that 4,777 spaces are actually required.

Proffered testimony presented was that the 4,000 spaces provided are more than sufficient to accommodate the center's needs. In fact, aerial photographs were issued (Petitioner's Exhibit Nos. 2A and 2B) which show that sufficient parking exists. In fact, one of the photographs was taken on the day after Thanksgiving, considered the busiest shopping day of the

ORDER RECEIVED FOR FILING Date 1/23/94 By [Signature]

-2- MICROFILMED

year. That photograph showed that more than enough spaces were available for patrons of the shopping center. Moreover, letters of support from the Essex/Middle River Chamber of Commerce and Eastern Baltimore Area Chamber of Commerce were submitted and received.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome; 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 38 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requested, and that the requirements from which the Petitioner seeks relief will unduly restrict the use

ORDER RECEIVED FOR FILING Date 1/23/94 By [Signature]

-3- MICROFILMED

of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety and general welfare. Further, granting of the variance will be in strict harmony with the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of December, 1993 that a variance from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 4,000 off street parking spaces, in lieu of the required 4,777 off street parking spaces, and to amend the approved plan in case No. 93-429-SPXKA, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

- 1. The 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, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Lawrence E. Schmidt, Zoning Commissioner for Baltimore County

ORDER RECEIVED FOR FILING

Baltimore County Government Zoning Commissioner Office of Planning and Zoning Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204 (410) 887-4386

December 23, 1993

Robert A. Hoffman, Esquire Venable, Baetjer and Howard 210 Allegheny Avenue Towson, Maryland 21204

RE: Case No. 94-197-A Petition for Variance Eastpoint Partners Limited Partnership, Petitioner

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours, Lawrence E. Schmidt, Zoning Commissioner

cc: Ms. Robyn J. Clark, 7839 Eastpoint Mall, Balto. Md. 21234 Mr. Ken Katz, 3 Shawan Rd., Cockeysville, Md. 21030

MICROFILMED

Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at EASTPOINT MALL (7800 EASTERN AVENUE) 94-197-A which is presently zoned EH-CT

OFF-STREET PARKING SPACES IN LIEU OF THE REQUIRED 4777 OFF-STREET PARKING SPACES AND TO AMEND THE APPROVED PLAN IN CASE NO. 93-429-SPXKA.

THE EXISTING PARKING FACILITY IS ADEQUATE AND PROVIDING ADDITIONAL OFF-STREET PARKING SPACES WOULD BE IMPRACTICAL DUE TO LACK OF SPACE.

Property is to be posted and advertised as prescribed by Zoning Regulations. I or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Form with fields for Name, Address, City, State, Zip, and Signature. Includes signature of Joseph A. Giampiccolo, Director of Construction Services Management Corp., Agent.

MICROFILMED

ITEM # 191

COLBERT ENGINEERING, INC.

3723 OLD COURT ROAD + SUITE 206 BALTIMORE, MARYLAND 21208 PHONE: (410) 653-3838 FAX: (410) 653-7953

Beginning at a point on the southeast side of Eastern Avenue (65.33 feet wide) where it is intersected by the west side of the Baltimore Gas and Electric Company Right of Way (205.00 feet wide), a distance of 2075 feet more or less northeasterly from the Eastern Avenue Interchange (variable width) and the intersection of the Eastern Avenue Interchange (variable width) and Eastern Avenue, thence the following courses and distances: Leaving said southeast side of Eastern Avenue along the west side of the Baltimore Gas and Electric Company Right of Way and running South 00 degrees 20 minutes 25 seconds East, 249.70 feet, North 89 minutes 25 seconds East, 15.00 feet, South 00 degrees 20 minutes 25 seconds East, 414.60 feet, thence leaving said Baltimore Gas and Electric Company Right of Way running by a curve to the right having a radius of 918.00 feet and an arc length of 162.65 feet and having a chord of North 71 degrees 26 minutes 58 seconds West, 162.44 feet, North 66 degrees 22 minutes 25 seconds West, 182.00 feet, South 00 degrees 20 minutes 25 seconds East, 54.72 feet, South 66 degrees 22 minutes 25 seconds East, 54.72 feet, thence by a curve to the left having a radius of 1343.25 feet and an arc length of 80.26 feet and having a chord of South 68 degrees 05 minutes 07 seconds East, 80.25 feet to the west side of the running South 00 degrees 20 minutes 25 seconds East, 880.40 feet, South 49 degrees 11 minutes 09 seconds East, 103.35 feet, South 00 degrees 20 minutes 25 seconds East, 458.46 feet, to a point on the leading from Merritt Boulevard as widened at the off ramp Point Boulevard and running North to the west bound lane of North Point Boulevard and running North 86 degrees 47 minutes 19 seconds (150.00 feet wide) and running North 70 degrees 12 minutes 57 East, 23.00 feet, North 19 degrees 47 minutes 03 seconds East, 45.00 feet, South 19 degrees 12 minutes 57 seconds West, 23.00 feet, North 70 degrees 12 minutes 57 seconds West, 23.00 feet, to the northeast side of North Point Boulevard and the intersection of the northeast side of North Point Boulevard and the intersection of the Eastside Avenue Interchange (width varies), thence leaving said northeast side of North Point Boulevard and running on the west side of the Eastside Avenue Interchange, North 00 degrees 45 minutes 11 seconds East, 329.46 feet, North 37 degrees 07 minutes 18 seconds East, 137.41 feet, North 66 degrees 07 minutes 18 seconds West, 16.45 feet, North 13 degrees 59 minutes 40 seconds East, 291.82 feet, North 13 degrees 59 minutes 40 seconds West, 16.45 feet to a point on the southeast side of Eastern Avenue (width varies) and running North 67 degrees 00 minutes 36 seconds East, 181.89 feet, North 74 degrees 23 minutes 46 seconds East, 157.60 feet, North 71 degrees 39 minutes 29 seconds East, 160.00 feet, North 68 degrees 52 minutes 06 seconds East, 168.80 feet, North 73 degrees 56 minutes 31 seconds

CIVIL ENGINEERS & LAND SURVEYORS

ITEM # 191

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Form with fields for District, Date of Posting, Posted for, Petitioner, Location of property, Location of Sign, Remarks, Posted by, Date of return, Number of Signs.

53

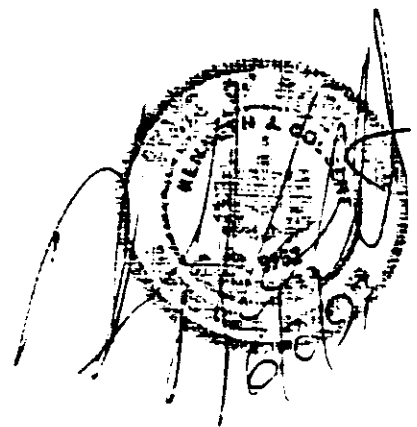
receipt

Receipt form with fields for Date, Number, and Cashier Validation. Includes handwritten notes: 1700 EASTERN AVE. EAST MD 21222. COB - VARIANCE - \$ 250.00. COB - SIGN - \$ 25.00. TOTAL - \$ 275.00.

East 135.16 feet, North 70 degrees 13 minutes 34 seconds East, 150.00 feet, North 67 degrees 03 minutes 42 seconds East, 217.39 feet, North 70 degrees 13 minutes 34 seconds East, 315.40 feet, North 67 degrees 47 minutes 56 seconds East, 141.68 feet, South 29 degrees 32 minutes 43 seconds East, 26.00 feet, North 60 degrees 27 minutes 17 seconds East, 186.33 feet, and still binding on the Southeast side of Eastern Avenue (now 65.33 feet wide) and running North 70 degrees 13 minutes 34 seconds East, 195.03 feet, to the place of beginning as recorded in Deed Liber 8364 folio 294.

east/eastern.ave

94-197-A



Baltimore County Government Office of Zoning Administration and Development Management 111 West Chesapeake Avenue Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon, Director

Form for newspaper advertising with fields for Item No., Petitioner, Location, Name, Address, Phone Number.

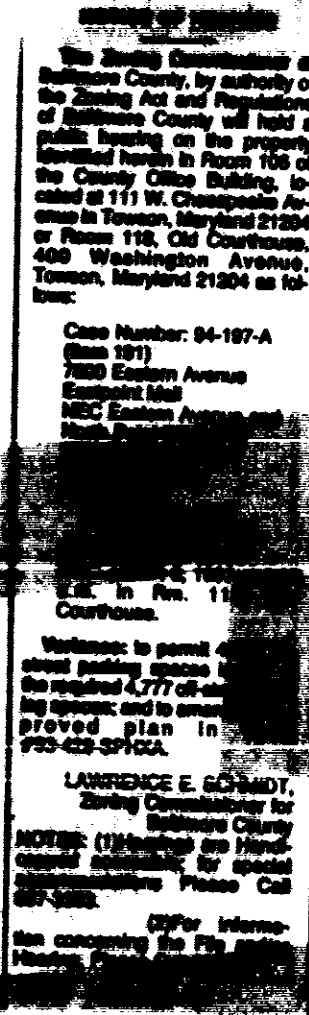
AJ:ggg (Revised 04/09/93)

ITEM # 191

CERTIFICATE OF PUBLICATION

TOWSON, MD. 11/18, 1993 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/18, 1993

THE JEFFERSONIAN, A. Henikson, LEGAL AD. - TOWSON



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Form with fields for District, Date of Posting, Posted for, Petitioner, Location of property, Location of Sign, Remarks, Posted by, Date of return, Number of Signs.

1/24/94
EVANS GEORGE + BRONSTEIN
EASTPOINT MALL
APPEAL SIGN

BALTIMORE COUNTY, MARYLAND
OFFICE OF REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: 1/24/94
ACCOUNT: 8-6150
AMOUNT: \$175.00
FROM: EVANS GEORGE + BRONSTEIN
FOR: EASTPOINT MALL CS# 94-197A
APPEAL

COPY

TO: PUBLISHERS COMPANY
November 16, 1993 Issue - Jeffersonian

Please forward Billing to:
Colbert Engineering, Inc.
1725 Old Court Road #206
Baltimore, Maryland 21204
ATTN: KIM COLBERT
410-653-2828

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-197-A (191)
7800 Eastern Avenue - Eastpoint Mall
NE/cor Eastern Avenue and North Point Boulevard
15th Election District - 5th Councilmanic
Petitioner(s): Eastpoint Partners Limited Partnership
HEARING: MONDAY, DECEMBER 6, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse.

Variance to permit 4,000 off-street parking spaces in lieu of the required 4,777 off-street parking spaces; and to amend the approved plan in case 93-429-SPHXA.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204
NOVEMBER 10, 1993 (410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-197-A (191)
7800 Eastern Avenue - Eastpoint Mall
NE/cor Eastern Avenue and North Point Boulevard
15th Election District - 5th Councilmanic
Petitioner(s): Eastpoint Partners Limited Partnership
HEARING: MONDAY, DECEMBER 6, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse.

Variance to permit 4,000 off-street parking spaces in lieu of the required 4,777 off-street parking spaces; and to amend the approved plan in case 93-429-SPHXA.

Call John

Arnold Jablon
Director

cc: Eastpoint Partners Limited Partnership
Kenneth J. Colbert
Robert A. Hoffman, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue
February 22, 1994

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 94-197-A EASTPOINT PARTNERS LTD. PARTNERSHIP
NE/cor Eastern Avenue & North Point Boulevard
-Eastpoint Mall (7800 Eastern Avenue)
15th Election District
5th Councilmanic District

VAR -To permit 4,000 off street parking spaces in lieu of required 4,777 spaces; to amend approved plan in Case No. 93-429-SPHXA.

12/23/93 -Z.C.'s Order in which Petition for Variance was GRANTED.

ASSIGNED FOR: THURSDAY, MAY 19, 1994 at 10:00 a.m.

cc: Benjamin Bronstein, Esquire Counsel for Appellants/Protestants
Eastern Restaurant Systems, Eastpoint, Inc. Appellants/Protestants
A. Fader & Sons, Inc.; New Life Video & Sound; and The Brass Hen Appellants/Protestants

Robert A. Hoffman, Esquire Counsel for Petitioner
Ms. Robyn J. Clark
Mr. Kenneth J. Colbert
Mr. Ken Katz

People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

HIGH!

*True date
May 19, 1994
Submitted for
Baltimore County
Meeting - March 4/14/94*

Kathleen C. Weidenhammer
Administrative Assistant

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue
March 8, 1994

NOTICE OF ASSIGNMENT /MOTIONS ONLY HEARING

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 94-197-A EASTPOINT PARTNERS LTD. PARTNERSHIP
NE/cor Eastern Avenue & North Point Boulevard
-Eastpoint Mall (7800 Eastern Avenue)
15th Election District
5th Councilmanic District

VAR -To permit 4,000 off street parking spaces in lieu of required 4,777 spaces; to amend approved plan in Case No. 93-429-SPHXA.

12/23/93 -Z.C.'s Order in which Petition for Variance was GRANTED.

For purpose of hearing argument only on Motions to Dismiss filed by Counsel for Petitioner; and has been

ASSIGNED FOR: THURSDAY, APRIL 14, 1994 at 1:00 p.m.

cc: Benjamin Bronstein, Esquire Counsel for Appellants/Protestants
Eastern Restaurant Systems, Eastpoint, Inc. Appellants/Protestants
A. Fader & Sons, Inc.; New Life Video & Sound; and The Brass Hen Appellants/Protestants

Robert A. Hoffman, Esquire Counsel for Petitioner
Ms. Robyn J. Clark
Mr. Kenneth J. Colbert
Mr. Ken Katz

People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue
March 23, 1994

AMENDED NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 94-197-A EASTPOINT PARTNERS LTD. PARTNERSHIP
NE/cor Eastern Avenue & North Point Boulevard
-Eastpoint Mall (7800 Eastern Avenue)
15th Election District
5th Councilmanic District

VAR -To permit 4,000 off street parking spaces in lieu of required 4,777 spaces; to amend approved plan in Case No. 93-429-SPHXA.

12/23/93 -Z.C.'s Order in which Petition for Variance was GRANTED.

NOTE: Board to hear argument on Motion to Dismiss at 1:00 p.m. on April 14th. Should said Motion to Dismiss be denied, the Board will receive testimony and evidence on the merits immediately following ruling.

ASSIGNED FOR: THURSDAY, APRIL 14, 1994 at 1:00 p.m.

cc: Benjamin Bronstein, Esquire Counsel for Appellant/Protestant
Eastern Restaurant Systems, Eastpoint, Inc. Appellant/Protestant

Robert A. Hoffman, Esquire Counsel for Petitioner
Ms. Robyn J. Clark
Mr. Kenneth J. Colbert
Mr. Ken Katz
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

* NOTE: Appeal filed by A. Fader & Sons, Inc., New Life Video & Sound and The Brass Hen withdrawn by Appellants. Appeal of Appellant as noted above remains to be heard.

Kathleen C. Weidenhammer
Administrative Assistant

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue
April 15, 1994

NOTICE OF ASSIGNMENT /Day #2

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 94-197-A EASTPOINT PARTNERS LTD. PARTNERSHIP
NE/cor Eastern Avenue & North Point Boulevard
-Eastpoint Mall (7800 Eastern Avenue)
15th Election District
5th Councilmanic District

Day #2 /from 4/14/94

VAR -To permit 4,000 off street parking spaces in lieu of required 4,777 spaces; to amend approved plan in Case No. 93-429-SPHXA.

12/23/93 -Z.C.'s Order in which Petition for Variance was GRANTED.

Hearing begun on April 14, 1994 and continued for Day #2 to previously assigned date --

ASSIGNED FOR: THURSDAY, MAY 19, 1994 at 10:00 a.m.

cc: Benjamin Bronstein, Esquire Counsel for Appellants/Protestants
Eastern Restaurant Systems, Eastpoint, Inc. Appellants/Protestants

Robert A. Hoffman, Esquire Counsel for Petitioner
Ms. Robyn J. Clark
Mr. Kenneth J. Colbert
Mr. Ken Katz

People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204
November 26, 1993 (410) 887-3353

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
310 Allicey Avenue
Towson, Maryland 21204

RE: Case No. 94-197-A, Item No. 191
Petitioner: Eastpoint Partners Limited Partnership
Petition for Variance

Dear Mr. Hoffman:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on November 2, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Eastpoint Partners Ltd. Partnership
Case No. 94-197-A
DATE: April 14, 1994 /Motion only deliberation
BOARD /PANEL: William T. Hackett (WTH)
Judson H. Lipowitz (JHL)
C. William Clark (CWC)
SECRETARY: Kathleen C. Weidenhammer
Administrative Assistant

Those present included Robert A. Hoffman, Esquire, Counsel for Petitioner; and Benjamin Bronstein, Counsel for Appellants.

PURPOSE --to deliberate for purpose of ruling on Motion to Dismiss appeal filed by Counsel for Petitioner and response thereto filed by Counsel for Appellants; argument received this date.

Open deliberation in the hearing room commenced after oral argument by Counsel; each Board member then expressed his final decision in this matter as follows:

CWC: Began by commenting that there is distinction between case cited and this case before Board; case cited arose from application filed with Baltimore City for junkyard, Board approved application, and from that application approval appeal was taken to Circuit Court pursuant to B Rules (now new article). This case is an appeal from Zoning Commissioner's determination and is de novo before Board. CBA has original jurisdiction to hear this matter; never been tried before. Under circumstances, whether the correct corporation appeared on appeal, whether or not it's a misnomer, certainly Petitioner in this case had notice that appeal was being filed and that approval was not final until appeal disposed of. Does not see how Petitioner is prejudiced by change in identity, and under circumstances, believes it would be appropriate to allow appeal and deny Motion to Dismiss. Clear that corporation was here today in this de novo hearing; has standing; and is aggrieved by decision below.

Motion to Dismiss should be denied.

JHL: Upon consideration of argument presented, concurs with CWC; motion should be denied.

Deliberation /Eastpoint Partners Ltd. Partnership /94-197-A

Motion to Dismiss should be denied.

WTH: Has discussed with other two members; is puzzled that Counsel for Appellant used incorrect name for client; however, also concurs with other two members that motion should be denied.
Summary: Motion to Dismiss appeal will be denied; will now proceed to take testimony on the record on petition to permit 4,000 parking spaces in lieu of 4,777.

Respectfully submitted,

Kathleen C. Weidenhammer
Administrative Assistant

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: Eastpoint Partners Ltd. Partnership
Case No. 94-197-A
DATE: May 19, 1994 /At conclusion of hearing
BOARD /PANEL: William T. Hackett (WTH)
Judson H. Lipowitz (JHL)
C. William Clark (CWC)
SECRETARY: Kathleen C. Weidenhammer
Administrative Assistant

Among those present at the deliberation were Benjamin Bronstein, Esquire, on behalf of Kings Court Restaurant Systems, Eastpoint, Inc., Appellant; and Robert A. Hoffman, Esquire, on behalf of Eastpoint Partners Ltd. Partnership, Petitioner.

PURPOSE --to deliberate issues and matter of petition for variance presented to the Board; testimony and evidence taken at hearing on April 14 and May 19, 1994. Written Opinion and Order to be issued by the Board.

Opening comments by Chairman Hackett as to matter before Board, including case number and case name.

JHL: Indicated that deliberation would be brief inasmuch as a written opinion would be issued; reviewed undisputed facts of case which is essentially a variance of parking area A; discussed current condition of lot A; standard to be met; believes it would be unnecessarily burdensome to keep A in its present state; uncontradicted testimony; not a typical configuration; reasonable use of this property; keeping Lot A unutilized is not reasonable. Briefly reviewed Petitioner's request; no harm to anyone having property interest, including tenants.
Would grant Petition for Variance.

WTH: Discussed his thoughts on matter; also reviewed parking at this location; enough parking on immediate lot to handle this restaurant; reviewed plan; not a detrimental use to anyone; standard has been met by Petitioner and variance should be granted.

Petition for Variance should be granted.

Deliberation /Eastpoint Partners Ltd. Partnership 94-197-A

CWC: Discussed prior grant of variance and physical count; case has evolved over time; also noted that site would not be designed in this way were it designed today; problem imposed by configuration of site; special circumstances exist outside of development of site; much commuter traffic by foot or public transportation; reviewed McLean v. Soley and whether or not strict compliance would unreasonably prevent use of property for permitted purpose, and stated that in his judgement it would and he would grant variance.

Would grant Petition for Variance.

Closing statement by Chairman Hackett: Written Opinion to be issued; appeal will run from date of that Opinion and Order and not today's date.

Respectfully submitted,

Kathleen C. Weidenhammer
Administrative Assistant

CONCEPT PLAN COMMENTS
PROJECT NAME: Owings Mills Golf Community
CPC DATE: 11/14/94
PAGE 4

12. Show all proposed (and required) BCZR site standards in chart form. Use the following sample chart as a guide. This chart should be separate from other notes and should include bulk, parking, and sign information, etc. which can be compared at a glance.

BUILDING SETBACKS

Table with 2 columns: Proposed Regulations (not in BCZR compliance) and Existing Regulations (as per BCZR). Rows include Property line, street right-of-way and street centerline setbacks, rear setbacks, and setbacks as close as feet.

LANDSCAPING

Landscaping and screening per the landscape manual or per Sections of the BCZR, which requires proposed as shown on the plan.

13. Zoning will need to review the plan showing contrast between this and permitted underlying uses per Section 430.11.B (BCZR). Also be aware that the residential PUD-R approval format must be followed throughout the development process.

14. Final zoning approval is contingent first, upon all plan comments being addressed on the development/PUD plan; and secondly, upon the final resolution of all comments and finally, the inclusion of the Final Development Plan checklist information being included on the building permit site plans.

See prior comments dated 5/25/94.

JLL:scj

JOHN L LEWIS
Planner II

APP'D BUT MUST DOCUMENT ALL CHANGES ON RED LINED PLAN WITH SIGNATURE BLOCK THIS STATING RED LINED PLAN APPROVED AS BEING WITHIN PERMITTED USES OF ZONING AND NOT AS BEING IN VIOLATION OF ZONING 94-197-A

BALTIMORE COUNTY, MARYLAND

SUBJECT: CONCEPT PLAN COMMENTS CPC DATE: 11/14/94
FROM: ZADM - DEVELOPMENT CONTROL 9:00 a.m., Room 301

PROJECT NAME: Owings Mills Golf Community PUD PLAN DATE: 5/13/94
LOCATION: Deer Park and Dolfield Roads REV.: REV.:

REVISED PLAN KEY:
(X) COMPLIANCE WITH COMMENT CHECKED
(O) NON-COMPLIANCE IS CIRCLED
(BA) BE ADVISED (NOT NECESSARY FOR CONCEPT PLAN APPROVAL BUT MUST BE ADDRESSED PRIOR TO FINAL ZONING APPROVAL)
COMMENTS ADDED LAST BY PLAN DATE

The plan has been reviewed by the staff at this level of detail and not enough basic information has been supplied to determine general compliance with the Baltimore County Zoning Regulations (BCZR). The following comments are generalized for the concept plan and they do not identify all details and the most technical zoning requirements necessary in order to determine final compliance with these regulations. To avoid any possible delays in the development review and zoning approval process, when these details and final technical information are identified or changed, this office should be contacted and it should be the responsibility of the owner, developer, or developer's engineer to reply any zoning comments well in advance of any expected final approvals. The intent of the developer must be clear on the plan, including any previous and proposed zoning hearing requests. When the public hearing was requested, the assistance received at the time of filing the zoning petition and the following zoning staff comments, although they relate to the property, are not to be construed as definitive nor do they indicate the appropriateness of the previous and any possible future public hearing requests. Only, if necessary, will the following comments be updated or supplemented during review of the building permit.

GCM # 2 DEV. PLAN HEARING OFFICERS HEARING (RED LINE)
Concept Plan Comments:
A zoning public hearing has been requested under section 47 of the act. Residential single family and semi-detached uses are permitted in the D.R. 2-5 zone. Residential town and multi-family dwellings are only permitted by PUD in the D.R. 3-5 zone. Golf courses are permitted by special exception zoning public hearing in the D.R. and R.C. zones. State the type of PUD approval (P-2) requested in the plan title. List and date all regulations.

CONCEPT PLAN COMMENTS
PROJECT NAME: Owings Mills Golf Community
CPC DATE: 11/14/94
PAGE 2

Future Development Plan Comments:

- 1. List all required zoning hearings or actions by their location on the plan, reference the applicable BCZR or CMDP sections and state what is requested. (See page 4 of these comments.) Clearly show and label the limits and area calculations of the special exception use area.
2. Density/Area: Provide accurate gross and net area calculations in compliance with the following: Net Area = the entire overall tract/ownership area (excluding any existing public street right-of-ways; Gross Area = the net area plus 1/2 of the tract boundary street right-of-way that the property is not denied access to, up to a maximum of 30 feet (see Zoning Policy RSD-3).

Use the gross area in the density calculation, clearly indicating the source of the additional calculated area over and above the net area.

Note on the plan under the density calculation: "This property as shown on the plan has been held intact since 1971 for the D.R. zoned area and 1979 for the R.C. zoned areas. The developer's engineer has confirmed that no part of the gross area of this property as shown on the plan has ever been utilized, recorded, or represented as density or area to support any off-site dwellings". If any adjacently owned property has been subdivided after this date, show this area as part of the overall tract boundary and adjust density calculations accordingly.

List any proposed density commercial bonuses. Include the three existing residences by zone in the density chart.

- 3. RTA: Include on the plan and clearly label all off-site sources of RTA on-site, including all dwellings and small lots of record less than 2 acres. All off-site buildings within 150 feet of a proposed use tract, including the special exception use area, must be labeled with the existing use. Dwellings must be labeled "existing dwelling" and all vacant lots must include the acreage. All lot and deed divisional lines that adjoin or are across the street from the subject property must be shown clearly. The most restrictive residential transition areas must be labeled with the required and applicable 150-foot RTA dimension and included on the plan print. The 100-foot RTA area must also be labeled and shown. Clearly and conspicuously note on the plan: "All off-site dwellings and small lots of record (less than 2 acres) that create a RTA on-site are shown with the required 150-foot distance dimensions and 100-foot RTA". Clearly label all unlike building fronts, label and dimension 75-foot RTA setbacks, 50-foot RTA buffers. Provide and designate on the plan print the required and applicable RTA buffers with a conspicuous bold line around the boundary and remove all other uses, except those drives as permitted under the CMDP. Remove any proposed private yard space from the required RTA planted buffers. Note on buildings or other uses to be removed from the RTA buffer area that the area will be replanted in accordance with the landscape manual. The RTA must be designated as HOA. If a RTA includes a portion of a proposed private yard space and RTA buffers are not provided, the following must be conspicuously noted in the arc area on the plan print of the concept plan, FDP and record plat: "The area within the RTA arc on Lots # _____ cannot be built upon".

(Over)

CONCEPT PLAN COMMENTS
PROJECT NAME: Owings Mills Golf Community
CPC DATE: 11/14/94
PAGE 3

The RTA is also created from the R.C.-5 lots adjacent to the D.R. zoned site area. Show a scaled detail of maximum building heights both inside and outside of the RTA area. A 35-foot height limit is the maximum permitted in the RTA.

- 4. Parking: Correct the residential parking for single family dwellings (2 x 84 = 168 parking spaces) and for the townhouses (2 x 167 = 334 + 30%). Provide parking calculations per Section 409.6 (BCZR) for the pool and tennis courts. As part of the parking requirements, note the limits of use for the various amenities, i.e. pool, courts, etc. These must be limited to residents only or be included as part of the special exception. Adjust calculations accordingly. Sufficient parking for each use must be shown to be located nearby. Subtotal the number of parking spaces in each bay to comply with CMDP maximums. Variance non-compliance.
5. Show all building orientations and appropriate dimensioned setbacks per BCZR and CMDP. With the requested relief for modification of CMDP standards, cite the section number. (See page 4 of these comments.) Provide engineer scaled typical height/distance elevation details for each type of structure, as well as typical setback details.
6. Clarify the intent on all existing buildings. To be removed? State when and who is responsible.
7. Provide lot lines and required 500-square foot minimum yard areas for any type of dwelling which is not multi-family or condo. Those without provided lot areas must be designated as condos on the plan. Number all lots and show maximized dimensioned building envelopes.
8. Address all PUD Section 430 (BCZR) requirements and show compliance.
9. Provide a comparison plan as required by Section 430 (BCZR) at the earliest possible date for zoning comments.
10. Signs: Provide an engineered scaled elevation on the plan of all existing and proposed free-standing signs clearly indicating the type, height, dimensions, square footage, single or double-face and illumination. All signs must be keyed to their existing or proposed location on the plan print and enough detail must be shown to determine compliance with Section 413 (BCZR) and all zoning sign policies or a zoning variance is required.
11. Parking, Driveways, Surface: Dimension on the plan print and note that all driveways and parking aisles will comply with Section 408.4 (BCZR). Driveways - 12 feet wide for one-way and 20 feet wide for two-way traffic (Section 409.4 G, BCZR). 90-degree parking angle required 22 feet for one or two-way aisles. Provide a dimensioned parking space/aisle detail on the plan. Note that all parking, maneuvering and aisle areas will be paved (indicate type) and permanently striped. Label proposed curbs and/or parking wheel stops on the plan.

(Over)

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

January 24, 1994

Ms. Robyn J. Clark
7839 Eastpoint Mall
Baltimore, MD 21234

Mr. Ken Katz
3 Shawan Road
Cockeysville, MD 21030

RE: Petition for Variance
NEC Eastern Avenue & North Point
Boulevard - Eastpoint Mall
(7800 Eastern Avenue)
15th Election District
5th Councilmanic District
Eastpoint Partners Ltd-Petitioner
Case No. 94-197-A

Dear Ms. Clark and Mr. Katz:

Please be advised that an appeal of the above-referenced case was filed in this office on January 21, 1994 by Benjamin Bronstein, Esquire on behalf of Eastpoint Partners Ltd. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Winiarski at 887-3391.

Sincerely,
Arnold Jablon
ARNOLD JABLON
Director

AJ:jaw
c: People's Counsel

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Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

January 26, 1994

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, MD 21204

RE: Petition for Variance
NEC Eastern Avenue & North Point
Boulevard - Eastpoint Mall
(7800 Eastern Avenue)
15th Election District
5th Councilmanic District
Eastpoint Partners Ltd-Petitioner
Case No. 94-197-A

Dear Mr. Hoffman:

Please be advised that an appeal of the above-referenced case was filed in this office on January 21, 1994 by Benjamin Bronstein on behalf of A. Fader & Sons, Inc., New Life Video & Sound, Inc. and The Brass Men, Inc. All materials relative to the case have been forwarded to the Board of Appeals.

If you have any questions concerning this matter, please do not hesitate to contact Julie Winiarski at 887-3391.

Sincerely,
Arnold Jablon
ARNOLD JABLON
Director

AJ:jaw
c: Ms. Robyn J. Clark
Mr. Ken Katz
People's Counsel

94 FEB 23 AM 10:32
BALTIMORE COUNTY ZONING ADMINISTRATION

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Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

January 26, 1994

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, MD 21204

RE: Petition for Variance
NEC Eastern Avenue & North Point
Boulevard - Eastpoint Mall
(7800 Eastern Avenue)
15th Election District
5th Councilmanic District
Eastpoint Partners Ltd-Petitioner
Case No. 94-197-A

Dear Mr. Hoffman:

Please be advised that an appeal of the above-referenced case was filed in this office on January 21, 1994 by Benjamin Bronstein, Esquire on behalf of Eastern Restaurant Systems, Eastpoint, Inc. All materials relative to the case have been forwarded to the Board of Appeals. This letter corrects the previous correspondence dated January 24, 1994.

If you have any questions concerning this matter, please do not hesitate to contact Julie Winiarski at 887-3391.

Sincerely,
Arnold Jablon
ARNOLD JABLON
Director

AJ:jaw
c: Ms. Robyn J. Clark
Mr. Ken Katz
People's Counsel

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APPEAL

Petition for Variance
NEC Eastern Avenue & North Point
Boulevard - Eastpoint Mall
(7800 Eastern Avenue)
15th Election District - 5th Councilmanic District
Eastpoint Partners Ltd-PETITIONER
Case No. 94-197-A

Petition(s) for Variance
Description of Property
Certificate of Posting
Certificate of Publication
Zoning Plans Advisory Committee Comments
Petitioner(s) Sign-In Sheets
Petitioner's Exhibits: 1 - Plan to Accompany Variance
2 - Two 8 1/2 x 11 Photographs
Titled Eastpoint Mall, November 22, 1993
Letter of Support from the Essex-Middle River Chamber of Commerce
dated November 29, 1993
Letter of Support from the Eastern Baltimore Area Chamber of Commerce
dated December 2, 1993
Zoning Commissioner's Order dated December 23, 1994 (Granted)
Notice of Appeal received on January 21, 1994 from Benjamin
Bronstein on behalf of Eastern Restaurant Systems, Eastpoint, Inc.

c: Benjamin Bronstein, Esquire, Evans, George and Bronstein, Suite
205, 29 West Susquehanna Avenue, Towson, MD 21204
Ms. Robyn J. Clark, 7839 Eastpoint Mall, Baltimore, MD 21234
Mr. Ken Katz, 3 Shawan Road, Cockeysville, MD 21030
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204
Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of ZADM

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2/03/94 -Motion to Dismiss Appeal filed by Robert A. Hoffman, Esquire, on behalf of Eastpoint Partners Ltd. Partnership.

2/17/94 -Response to Motion to Dismiss Appeal filed by Benjamin Bronstein, Esquire, on behalf of Appellant ("King's Court Restaurant Systems, Eastpoint, Inc. /previously erroneously identified as Eastern Restaurant Systems, Eastpoint, Inc."); also identified additional appellants not identified in file; second notice of appeal filed by Bronstein on behalf of these additional appellants also not in file.

2/18/94 -T/C from Julie /ZADM; a later appeal filed by B. Bronstein on behalf of additional appellants; said paperwork to be forwarded to this office.

2/22/94 -Notice of Assignment for hearing scheduled for Thursday, May 19, 1994 at 10:00 a.m. sent to following:
Benjamin Bronstein, Esquire
Eastern Restaurant Systems,
Eastpoint, Inc. -c/o B. Bronstein
A. Fader & Sons, Inc.; New Life
Video & Sound; and The Brass Men -c/o B. Bronstein
Robert A. Hoffman, Esquire
Ms. Robyn J. Clark
Mr. Kenneth J. Colbert
Mr. Ken Katz
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr. /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

2/23/94 -Received additional paperwork from ZADM /second appeal filed by B. Bronstein on behalf of additional appellants (A. Fader & Sons, et al).

3/04/94 -Reply Memorandum in Support of Motion to Dismiss Appeal filed by R. Hoffman; R. Hoffman also filed Motion to Dismiss Appeal as filed by A. Fader & Sons, Inc.; New Life Video & Sound; and The Brass Men. Requests early hearing if possible due to hardships as outlined in letter of 3/04/94.

3/08/94 -Notice of Assignment sent to parties; matter scheduled for hearing on Motions only; no evidence or testimony to be taken on merits of case; said Motion Only Hearing scheduled for Thursday, April 14, 1994 at 1:00 p.m. Copies of all Motions/Responses sent for Board members scheduled for that date.

3/17/94 -Letter from B. Bronstein, Counsel for Appellants; appeal of A. Fader, New Life Video and the Brass Men withdrawn by Appellants; appeal of Eastpoint Inc. still pending.

94-197-A /Eastpoint Partners Ltd.
Page 2

3/23/94 -Amended Notice of Assignment sent to parties --Argument on Motion to Dismiss to be received 4/14/94; should that Motion be granted, matter would be concluded; however, should Motion be denied, then the Board will proceed with the hearing on the merits of the appeal filed by Eastern Restaurant Systems, Eastpoint, Inc. /only appeal remaining).

4/15/94 -Notice of Assignment-Day #2 sent to parties. Scheduled for Thursday, May 19, 1994 at 10:00 a.m. (Hearing begun on 4/14/94 and continued to Day #2 to previously assigned date).

5/19/94 -Hearing concluded before Board. (H.C.L.) Upon conclusion of hearing and closing argument of counsel, Board deliberated publicly; petition for parking variance to be granted. Written Opinion and Order to be issued. Appellate period to run from date of that written Order.

Eastpoint Partners Ltd. Partnership
Case No. 94-197-A

6/03/94 -Request that Opinion and Order of Board dated May 26, 1994 be revised pursuant to points made in letter from Robert A. Hoffman, Esquire, counsel for Eastpoint Partners Ltd. Partnership in accordance with Rule 10 of the Board's rules. NOTE: Each proposed revision concerns number of parking spaces.

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

August 10, 1994

Benjamin Bronstein, Esquire
EVANS, GEORGE AND BRONSTEIN
Susquehanna Building, Suite 205
29 W. Susquehanna Avenue
Towson, MD 21204

RE: Civil Action No. 94-CV-05740
EASTPOINT PARTNERS LTD PARTNERSHIP

Dear Mr. Bronstein:

Notice is hereby given, in accordance with the Maryland Rules of Procedure, that a cross-Petition for Judicial Review was filed on June 24, 1994 in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to Rule 7-202(d)(2)(B).

Please note that this is an additional petition filed in connection with Civil Action No. 84/70/94-CV-05586.

Enclosed is a copy of the Second Certificate of Notice, which has been filed in the Circuit Court.

Very truly yours,
Charlotte E. Radcliffe
Charlotte E. Radcliffe
Legal Secretary

Enclosure

cc: King's Court Restaurant Systems,
Eastpoint, Inc.
Kenneth J. Colbert
Robyn J. Clark
Ken Katz
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt /ZADM
Arnold Jablon /ZADM
W. Carl Richards /ZADM
Docket Clerk /ZADM

RECEIVED
AUG 11 1994
ZADM

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Mar -

Ken Katz
3 Shavano Rd
Cockeysville Md
21130

Wants copy of Order
Case 94-197-A
(heard 12/16/93)
when issued

...NUFILMED

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D. C.
HILLSIDE, VA
ROCKVILLE, MD

210 ALLEGHENY AVENUE
P.O. BOX 9517
TOWSON, MARYLAND 21286-9517

410 484-8200
FAX 410 484-8207

WRITER'S DIRECT NUMBER IS
(410) 484-8282

ROBERT A. HOFFMAN
June 3, 1994

HAND-DELIVERED

William T. Hackett, Chairman
County Board of Appeals of
Baltimore County
Old Court House
400 Washington Avenue
Towson, Maryland 21204

Re: Case No. 94-197-A
Eastpoint Partners Limited Partnership, Petitioner

Dear Mr. Hackett:

I have reviewed the Opinion and Order in the above-referenced case and am respectfully requesting by way of this letter that the Opinion and Order be revised in accordance with Rule 10 of the Board's rules. Each of the proposed revisions concerns the number of parking spaces contained in the Opinion and Order which are inconsistent with the testimony of Mr. Ken Colbert and the Petitioner's exhibits in this case.

These "mistakes" and requested revisions are as follows:

1. At page 2, at the end of the first paragraph, the Opinion states,

Since the request for the double drive-thru restaurant has been dismissed, a number of parking spaces will be gained, and the total number of parking spaces ultimately physically lost will be 97.

The Board is correct at page 1 of its Opinion where it identifies that there exists 4,097 parking spaces physically marked at the Eastpoint Mall. The total proposed number of parking spaces as shown

AS-0111W-3-1017-MS
VENABLE, BAETJER AND HOWARD

William T. Hackett, Esquire
June 3, 1994
Page 2

in the lower left-hand corner of Petitioner's Exhibit 9 is 4,073 parking spaces. Therefore, the number of parking spaces physically lost will be 24 (4,097 minus 4,073).

2. At the last sentence of page 2 and at the top of page 3, the Opinion reads,

In particular, in what has been referred to in Petitioner's Exhibit 13 as Lot A, which is the proposed site for the Golden Corral, where 97 parking spaces will be lost, all of the aerial photographs show that few, if any, of the 179 spaces in that particular area are ever used.

Again, the total number of parking spaces lost on the Eastpoint Mall site as a whole is 24. The total number of parking spaces physically lost due to the establishment of the Golden Corral in that area is 85 parking spaces. Further, there currently exists 197 parking spaces on Lot A, not 179 spaces.

3. At the bottom of page 4 and at the top of page 5, the Opinion reads,

Secondly, in view of the previous cases in which variances from the parking requirements have been granted so that at present only 4,097 spaces are available, only 97 spaces are now being lost due to the proposed development.

Again, there are 24 parking spaces now being lost due to the proposed development.

4. At page 5, the Order currently reads as follows:

ORDERED that the requested variance to permit 4,000 off-street parking spaces in lieu of the required 4,777 parking spaces be and is the same is GRANTED.

Petitioner's Exhibit 9 indicates that the requested variance is for 4,073 off-street parking spaces in lieu of the required 4,773.

It is respectfully submitted that these errors are mistakes as contemplated by Rule 10 of the Board's rules and should be corrected in the form of a revised Opinion and Order.

Yours truly,
Robert A. Hoffman
Robert A. Hoffman

RAH/tls
cc: Benjamin Bronstein, Esquire

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D. C.
HILLSIDE, VA
ROCKVILLE, MD
BEL AIR, MD

210 ALLEGHENY AVENUE
P.O. BOX 9517
TOWSON, MARYLAND 21286-9517

410 484-8200
FAX 410 484-8207

WRITER'S DIRECT NUMBER IS
(410) 484-8282

ROBERT A. HOFFMAN
March 4, 1994

HAND-DELIVERED

William T. Hackett, Chairman
County Board of Appeals of
Baltimore County
Old Court House
400 Washington Avenue
Towson, Maryland 21204

Re: Case No. 94-197-A
Eastpoint Partners Limited Partnership, Petitioner

Dear Mr. Hackett:

As I am sure you are aware, a Motion to Dismiss and a Reply have been filed in this case. Enclosed is a copy of Petitioner's Reply Memorandum and a Motion to Dismiss other filed appeals. Hopefully, a motion's hearing can be scheduled shortly in order for the Board to make a decision on this issue.

Should it be necessary for this case to go forward on the merits, it is respectfully requested that an expedited hearing date be approved to substitute for the May 19, 1994 hearing date.

The variance being requested by the Petitioner would allow for two restaurants to be established at the Eastpoint Mall, one of which would be a local franchise of a Golden Corral.

Golden Corral had planned for an early 1994 opening but finds that commitments made to employees and the building contractor had to be put on hold pending your decision. The most significant hardship concerns employees who have left Baltimore to train for their positions and now cannot return to this job and their families.


COUNTY BOARD OF APPEALS
94 MAR 4 - PH 4-12

William T. Hackett, Chairman
March 4, 1994
Page 2

For these reasons of hardship and to be fair to the Petitioner who is experiencing this delay, it is respectfully requested that an earlier hearing be set should a date become open.

Yours truly,
Robert A. Hoffman
Robert A. Hoffman

RAH/tls
Enclosure
cc: Benjamin Bronstein, Esquire


Essex-Middle River Chamber of Commerce
686-2233
439 Eastern Boulevard
Essex, Maryland 21221

November 29, 1993

Zoning Department
Baltimore County
400 Washington Avenue
Towson, Maryland 21204

Re: Eastpoint Mall Variance

Dear Hearing Officer:

The Essex - Middle River Chamber of Commerce has recently become aware of a Petition for Zoning Variance filed by Eastpoint Mall. The matter concerns a parking variance. As we understand the issue, a favorable ruling will result in the building of two new restaurants in the area. We at the Essex - Middle River Chamber of Commerce support the Mall's position and urge the granting of the variance.

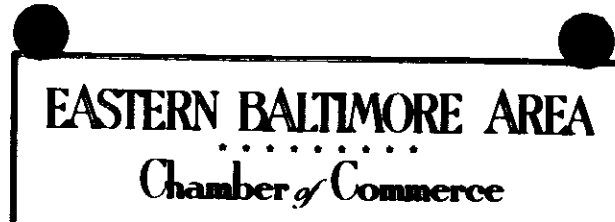
The eastern section of Baltimore County has been experiencing a decline in jobs for some time. The cutbacks at Bethlehem Steel, General Motors, Martin-Marietta, and Eastern Stainless Steel are well documented. These companies have eliminated more than 50,000 jobs over the past 20 years. The recent recession has brought more layoffs in the past three years. The result of these job losses has led to the further deterioration of our community. The unemployment rate and the crime rate are both up sharply in our area.

We at the Chamber support the granting of this variance as an important part of the economic revitalization for the eastern side of Baltimore County. We simply need the jobs.

If we can be of any assistance to Baltimore County or the Zoning Department in regard to this issue, please feel free to contact us.

Sincerely,
Ed Ziegenfuss
Ed Ziegenfuss
Executive Director

EZ/lah


EASTERN BALTIMORE AREA
Chamber of Commerce

HEADQUARTERS
220 Evening Highway, Suite 102
Baltimore, Maryland 21224
(410) 631-9090
FAX 410 631-9099

REVITALIZATION OFFICE
2 Dunmurry, Suite 238
Dundalk, Maryland 21222
(410) 282-9100
FAX 410 282-9103

December 2, 1993

Department of Zoning Administration
400 Washington Avenue
Towson, Md 21204

Re: Case 94-197-A

Dear Hearing Officer:

In regard to the above referenced case, a parking variance requested by Eastpoint Mall, the Eastern Baltimore Area Chamber of Commerce supports the position of the Mall. We feel that the Mall's nearly 4,000 parking spaces provide ample customer parking to allow additional development of the parcel.

As you may know, the eastern part of Baltimore County has been hit hard by the recent recession. Many local businesses have scaled back their operations, laying people off in the process. We understand that a parking variance would allow two new businesses to open in our community. We also understand that these two businesses would invest nearly \$1,500,000 in new facilities and add 175 to 200 new jobs. Our residents need the jobs provided by new business and our local businesses need the construction dollars and other money spent by new businesses.


The Dundalk and Eastpoint areas need new businesses to locate in our area to provide economic stimulus to an aging community. We urge positive consideration of this request for variance which we believe will have an overall positive impact on Eastpoint, its tenants and customers without causing a parking burden.

Sincerely,
Patricia A. Winter
PATRICIA A. WINTER
Executive Director

PAW:em

* Dundalk * Eastern Baltimore * Edgemere * Kingsville * Parkville * Perry Hall * Rosedale * Rossville * White Marsh

4/93 25 JL


Bafitis & Associates, Inc.
September 6, 1995

Baltimore County Government
Department of Permits and
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Attention: Mr. John L. Lewis

Dear Mr. Lewis:

Ref: Golden Corral Restaurant/Eastpoint Mall
Permit # B166956 C-926-93

Pursuant to your "Speed Letter" dated August 21, 1995 on Bafitis and Associates letter, dated August 16, 1995, we are transmitting the following:

Six (6) prints of zoning hearing site plan as approved by the Board of Appeals with current revisions highlighted; a signature block has been added for the Director of Department of Permits and Development Management.

We request that four (4) signed prints be returned to our office. If you have any questions or comments please feel free to contact our office.

Sincerely yours,
Clyde F. Hinkle
Clyde F. Hinkle, Vice President

12TH E.D.
REVISED PLANS WITH 8/31/95 REVISION NOTE DATE
APVD FOR ZONING.

RECEIVED
SEP 6 1995
ZADM

Civil Engineers / Land Planners / Surveyors - 1249 Englebert Road / Baltimore, Maryland 21221 / 410-391-2336

EVANS, GEORGE AND BRONSTEIN

1122 HANNA, SUITE 200
27 WEST HANNA AVENUE
TOWSON, MARYLAND 21284
410 296 2800
FAX 410 296 3719

March 16, 1994

ROBERT EVANS
HARRIS, JAMES GEORGE
BENJAMIN BRONSTEIN
MICHAEL COOKE
2120 45th St. #200

Board of Appeals for Baltimore County
Courthouse
Room 49
400 Washington Avenue
Towson, Maryland 21204

Attn: Ms. Kathleen C. Weidenhammer
Administrative Assistant

RE: **Eastpoint Partners Ltd. Partnership**
NE/COR Eastern Avenue & North Point Boulevard
- Eastpoint Mall (7800 Eastern Avenue)
15th Election District
5th Councilmanic District

Dear Ms. Weidenhammer:

As counsel for the following named protestants, I am requesting that their appeals noted in the above entitled case, be dismissed:

1. A. Fader & Sons, Inc.
2. New Life Video & Sound
3. The Brass Hen

King's Court Restaurant Systems, Eastpoint, Inc., (previously erroneously identified as Eastern Restaurant Systems, Eastpoint, Inc., intends to proceed with its appeal which has now been rescheduled by the Board on April 14, 1994 at 1:00 a.m.

Thank you for your kind attention to this matter.

Sincerely,

EVANS, GEORGE AND BRONSTEIN

Benjamin Bronstein

BB/mlg
cc: Robert A. Hoffman, Esquire
The Brass Hen
A. Fader & Sons, Inc.
New Life Video & Sound, Inc.

ORIGINAL

VOLUME I OF TWO VOLUMES

1
2 IN THE MATTER OF * BEFORE THE
3 EASTPOINT PARTNERS * BOARD OF APPEALS
4 LIMITED PARTNERSHIP *
5 15th Election District * OF BALTIMORE COUNTY
6 5th Councilmanic District * Case No. 94-197-A
7 * April 14, 1994
8 * * * * *

The above matter came on for hearing before the County Board of Appeals of Baltimore County at Room 48, Old Courthouse, Towson, Maryland at 1:00 p.m., April 14, 1994.

BOARD MEMBERS:
WILLIAM T. HACKETT, Chairman
C. WILLIAM CLARK
JUDSON H. LIPOWITZ

APPEARANCES:
BENJAMIN BRONSTEIN, Esquire
Counsel for Appellant/Protestant
ROBERT A. HOFFMAN, Esquire
Counsel for Petitioner

Reported by:
Barbara A. Ely, CSR

LETTER OF TRANSMITTAL

94-197-A
BALTIMORE COUNTY
Z.A.D.M. RM. 100
COUNTY OFFICE BUILDING
TOWSON, MD. 21204

EASTPOINT MALL
VARIANCE PETITION

WE ARE SENDING YOU Attached Under separate cover via the following items:
 Shop drawings Prints Plans Samples Specifications
 Copy of letter Change order

COPIES	DATE	NO.	DESCRIPTION
12			PLAN TO ACCOMPANY VARIANCE PETITION
3			ORIGINAL PETITION FORMS
3			ZONING DESCRIPTIONS
1			ZONING MAP
1			FILING FEE

THESE ARE TRANSMITTED as checked below:

<input checked="" type="checkbox"/> For approval	<input type="checkbox"/> Approved as submitted	<input type="checkbox"/> Resubmit ___ copies for approval
<input type="checkbox"/> For your use	<input type="checkbox"/> Approved as noted	<input type="checkbox"/> Submit ___ copies for distribution
<input type="checkbox"/> As requested	<input type="checkbox"/> Returned for corrections	<input type="checkbox"/> Return ___ corrected prints
<input checked="" type="checkbox"/> For review and comment	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> FOR BIDS DUE _____ 19__	<input type="checkbox"/>	<input type="checkbox"/> PRINTS RETURNED AFTER LOAN TO US

REMARKS

COPY TO _____ SIGNED: *Steve Donley*
MICROFILMED

REQUEST FOR MESSENGER DELIVERY/PICK-UP 099334

9:38 60394
ORDER: R. Hoffman
EXT. NO. 10316

IF FIRM CHARGE, EXPLAIN

INFORMATION (PLEASE CHECK ONE)
 DELIVER PICK-UP ROUND TRIP

Must Be Delivered/Picked-Up By: Date 6/3/94 (ASAP) Time AM

NAME: William T. Hackett FLOOR: Old Courthouse
COMPANY: County Board of Appeals
STREET ADDRESS: 400 Washington Ave
CITY: Towson STATE: MD ZIP CODE: 21204
TELEPHONE:

ITEMS AND QUANTITIES
1 ENVELOPE(S) _____ BOX(ES) _____ OTHER (SPECIFY) _____

SPECIAL INSTRUCTIONS

FOR ADMINISTRATIVE SERVICES USE ONLY
MESSENGER SERVICE *Judith*
TIME REC'D AT DISPATCH _____ TIME OUT TO CARRIER _____ TIME DELIVERED _____
COMMERCIAL MESSENGER SIGNATURE _____
REC'D BY: *Judith* DATE 6/3/94 TIME 1:00 PM
RT REC'D BY: _____ DATE _____ TIME _____
COST: \$ _____

PLEASE PRINT CLEARLY PETITIONER(S) SIGN SHEET

NAME Rob Hoffman	ADDRESS 210 Allegany Ave 21204
Ken Gilbert	3277 Old Ct Rd 21208
Robert Clark	7824 Eastpoint Mall 21204
Thomas Kachler	1723 Elkwood Rd 21234
Jim Bricker	1200 Mountain View Dr, Ste 110 21207
David T. Sneeber	510 Franklin Ave Essex, MD 21221
Wanda	414 41st Ave A Towson 21204

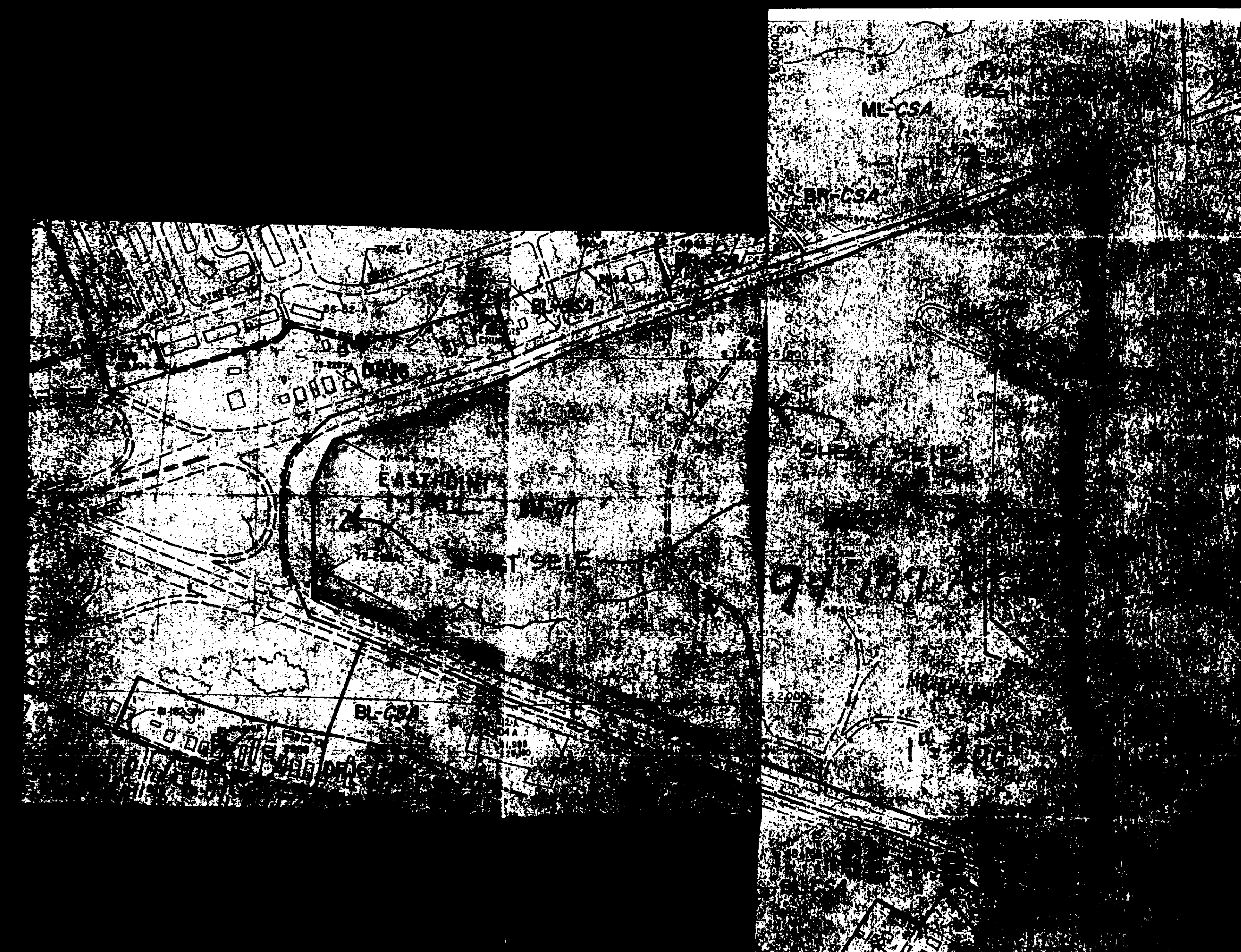
ORIGINAL

1
2 IN THE MATTER OF
3 EASTPOINT PARTNERS L.
4 PARTNERSHIP
5 - variance on property
6 located on the northeast * May 19,
7 corner on Boulevard *
8 East *
9 Avenue) *
10 District *
11 Councilmanic District *
12 * * * * *

The above-entitled matter came on for hearing before the County Board of Appeals of Baltimore County at the County Office Building, Room 301, Towson, Maryland 21204 at 10 o'clock a.m., May 19, 1994.

Reported by:
C.E. Peatt

BOARD OF APPEALS



EASTPOINT MALL

1994 DEMOGRAPHICS


APR 24 1994

Reprinted from RESTAURANT HOSPITALITY February 1988.

Appellate Exh 2
94-107A

The Reincarnation of GOLDEN CORRAL

By David Farhas



94-107A
Exh 10
1/14/94
The Traffic Group

WES GUCKERT PRESIDENT

Mr. Guckert is a recognized and well respected expert in the field of traffic engineering and transportation planning. Serving as a technical advisor in the areas of traffic impact analysis, traffic signal design, traffic circulation, access studies and transportation planning. Mr. Guckert has played a major role in over 2,000 projects that span the urban and suburban areas of Maryland, Virginia, Pennsylvania, New Jersey, and Delaware. As a result of his expertise, Mr. Guckert has provided consultation on projects throughout the United States.

Early in his career, Mr. Guckert served for five years with the Maryland SHA Traffic Division. Prior to founding The Traffic Group, Mr. Guckert served as a traffic engineering consultant for eight years. As Project Manager for various public agency projects, he was responsible for the Maryland 210 Bus Stop Study, the Capital Centre Access Study and the University of Maryland Access Study. He has directed the design and implementation of traffic access systems for regional projects such as National Business Park, Presidential Corporate Center, Largo Town Center, the Milestone Property, Wheaton Plaza, Salisbury Centre, PortAmerica, Bowie New Town Centre, Towson Town Center and the Annapolis Mall Expansion.

In 1992, in anticipation of enforcement of the 1990 Clean Air Act Amendments, Mr. Guckert formed "Transportation Coordinators" as a division of The Traffic Group, Inc. Transportation Coordinators will provide consultation to major employers who need to increase employee automobile occupancy in order to comply with the Clean Air Act Amendments to reduce automobile pollutants.

In 1992, in anticipation of enforcement of the 1990 Clean Air Act Amendments, Mr. Guckert formed "Transportation Coordinators" as a division of The Traffic Group, Inc. Transportation Coordinators will provide consultation to major employers who need to increase employee automobile occupancy in order to comply with the Clean Air Act Amendments to reduce automobile pollutants.

JOB HISTORY

1985-Present
President, The Traffic Group, Inc.

1977-1985
Traffic and Transportation Planning Consultant

1972-1977
Maryland State Highway Administration—Traffic Division
Assistant Resident Traffic Engineer

EDUCATIONAL BACKGROUND

Bachelor of Science—University of the State of New York
Civil Engineering Preparation, Johns Hopkins University,
Towson State University, and Essex Community College
Traffic Engineering Courses, Northwestern University,
Trenton, New Jersey
University of Maryland Transportation Center
University of Maryland

AFFILIATIONS

Institute of Transportation Engineers (I.T.E.)
Urban Land Institute (U.L.I.)
American Planning Association (A.P.A.)
Transportation Research Board (T.R.B.)

I.T.E. PROFESSIONAL COMMITTEES

Traffic Considerations for Special Events
Parking Facilities for Industrial Plants
Internal Transportation Systems for Majority Activity Centers

PUBLICATIONS

"The Evolution of Adequate Public Facilities and Their Effectiveness as Growth Management Tools in Maryland" (Co-Author)—I.T.E. 1991 Annual Meeting
"Trip Generation Comparisons of Club Warehouse Stores"
"Value-Oriented Retail Centers—A Follow-Up Report"

PUBLIC AGENCY CLIENTS

Anne Arundel County Department of Public Works
Baltimore County Department of Planning and Zoning
City of Westminster, Carroll County
Delaware Department of Transportation
Federal Highway Administration
Maryland State Highway Administration
Maryland National Capital Park & Planning Comm.,
Prince Georges County Department of Public Works
Town of Bel Air, Harford County
Town of Kensington, Montgomery Co.
Town of Mt. Airy, Carroll County
Montgomery County Department of Transportation
Washington County Department of Public Works

The Traffic Group, Inc., Suite 206 40 W. Chesapeake Avenue Towson, Maryland 21204 (410) 583-8405 Fax (410) 321-8458

EASTPOINT MALL PARKING OBSERVATIONS

APR 24 1994
94-107A
5/14/94

Area	Fri. Nov. 26, 1993		Sat. Nov. 27, 1993	Thurs. April 7, 1994	Sat. April 9, 1994
	12:1 PM	3:4 PM	2:51 PM	6:30 - 7:00 PM	2:5 PM
Area A	10-12 cars	10-12 cars	8 cars	6 cars	2 cars
Area B	20%	20%	10%	10%	10%
Area C	Full	Same	80%	60%	70%
Area D	Full	75%	90%	60%	70%
Area E	Empty	Empty	Empty	Empty	Empty
Area F	Full	90%	Full	90%	90%
Area G	Full	80%	60%	70%	60%
Area H	Full	Full	Full	Full	Full
Area I	75%	25%	30%	30%	40%
Area J	Full	80%	80%	60%	40%
Area K	Full	Full	Full	Full	Full

081100 chart

EASTPOINT MALL
BALTIMORE COUNTY, MARYLAND
BY AREA
SATURDAY - MAY 7, 1994
10am to 8pm

THE TRAFFIC GROUP INC


APR 24 1994
94-107A
5/14/94

Time	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	Total
AM																					
10	5	17	9	1	16	0	37	13	59	39	3	1	132	105	53	46	61	127	45	397	1166
11	5	56	12	2	15	0	47	13	58	45	23	0	149	189	62	71	68	149	68	407	1439
12	6	106	19	8	26	0	73	9	61	61	30	0	253	217	74	70	67	208	49	409	1746
1	6	129	26	5	23	0	62	12	65	74	59	2	323	212	86	69	64	278	25	408	1928
2	4	117	29	7	23	0	66	12	64	75	55	1	341	210	81	70	65	316	32	403	1971
3	3	107	37	11	21	0	76	10	58	72	52	0	389	213	76	70	62	338	34	409	2088
4	0	101	27	5	24	0	60	8	56	76	61	1	371	211	73	69	63	344	26	408	1988
5	0	102	23	4	14	1	63	14	49	59	47	0	345	209	61	71	64	371	17	403	1917
6	1	78	19	5	16	0	57	11	38	48	38	1	292	194	89	70	62	302	28	406	1705
7	1	75	17	2	16	0	68	11	20	46	31	0	287	159	83	66	62	235	79	409	1617
8 PM	0	68	14	2	12	0	59	10	19	41	27	0	221	138	32	57	62	201	89	393	1445
Avg	3	87	21	5	19	0	61	11	50	58	39	1	282	187	61	66	64	261	45	405	1723
Max @ 3pm	3	107	37	11	21	0	76	10	58	72	52	0	389	213	76	70	62	338	34	409	2038
Max per Area	6	129	37	11	26	1	76	14	65	76	61	2	389	217	86	71	68	371	89	409	2204

ANALYSIS OF TRAFFIC VOLUME AT ONE CORNER OF EASTPOINT MALL (APRIL 24, 1994) FROM 10:00 AM TO 8:00 PM. TOTAL TRAFFIC VOLUME WAS 11,666 VEHICLES.

COLBERT ENGINEERING, INC.

3723 OLD COURT ROAD • SUITE 206
BALTIMORE, MARYLAND 21208
PHONE: (410) 653-3838
FAX: (410) 653-7953

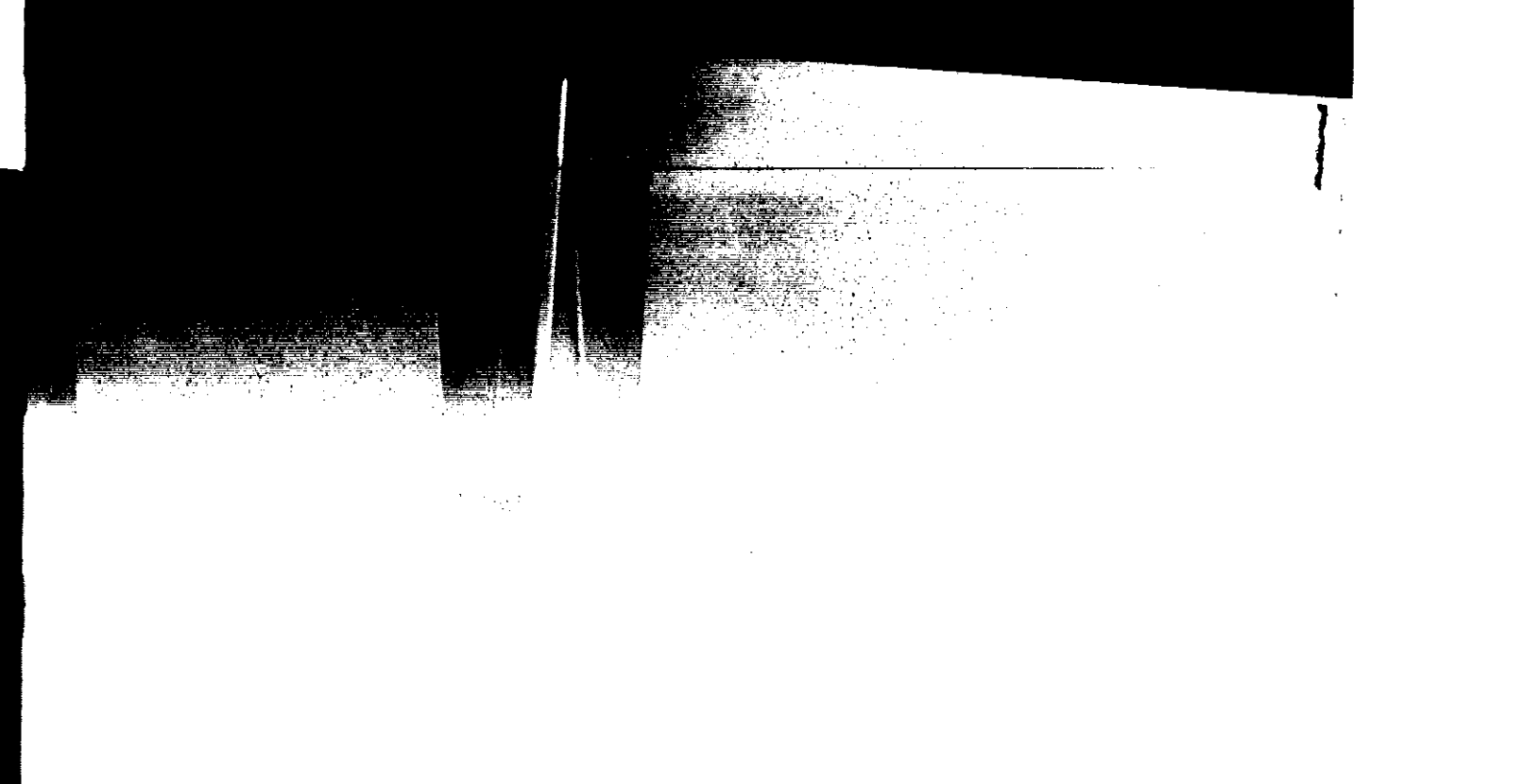


CIVIL ENGINEERS • LAND SURVEYORS

APR 24 1994
94-107A
5/14/94

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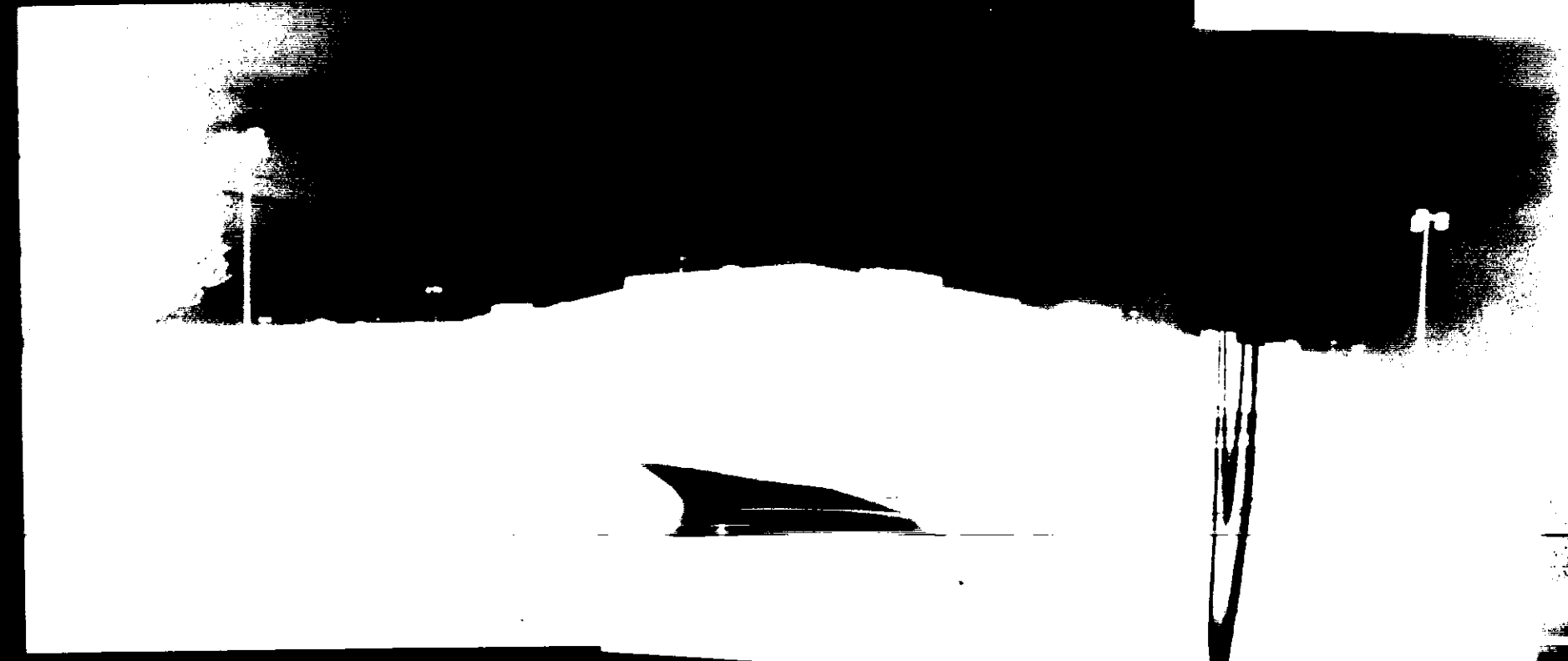


CIVIL ENGINEERS • LAND SURVEYORS

APR 24 1994
94-107A
5/14/94

COLBERT ENGINEERING, INC.

3723 OLD COURT ROAD • SUITE 206
BALTIMORE, MARYLAND 21208
PHONE: (410) 653-3838
FAX: (410) 653-7953



*Per Exh
2-C*

CIVIL ENGINEERS • LAND SURVEYORS

COLBERT ENGINEERING, INC.

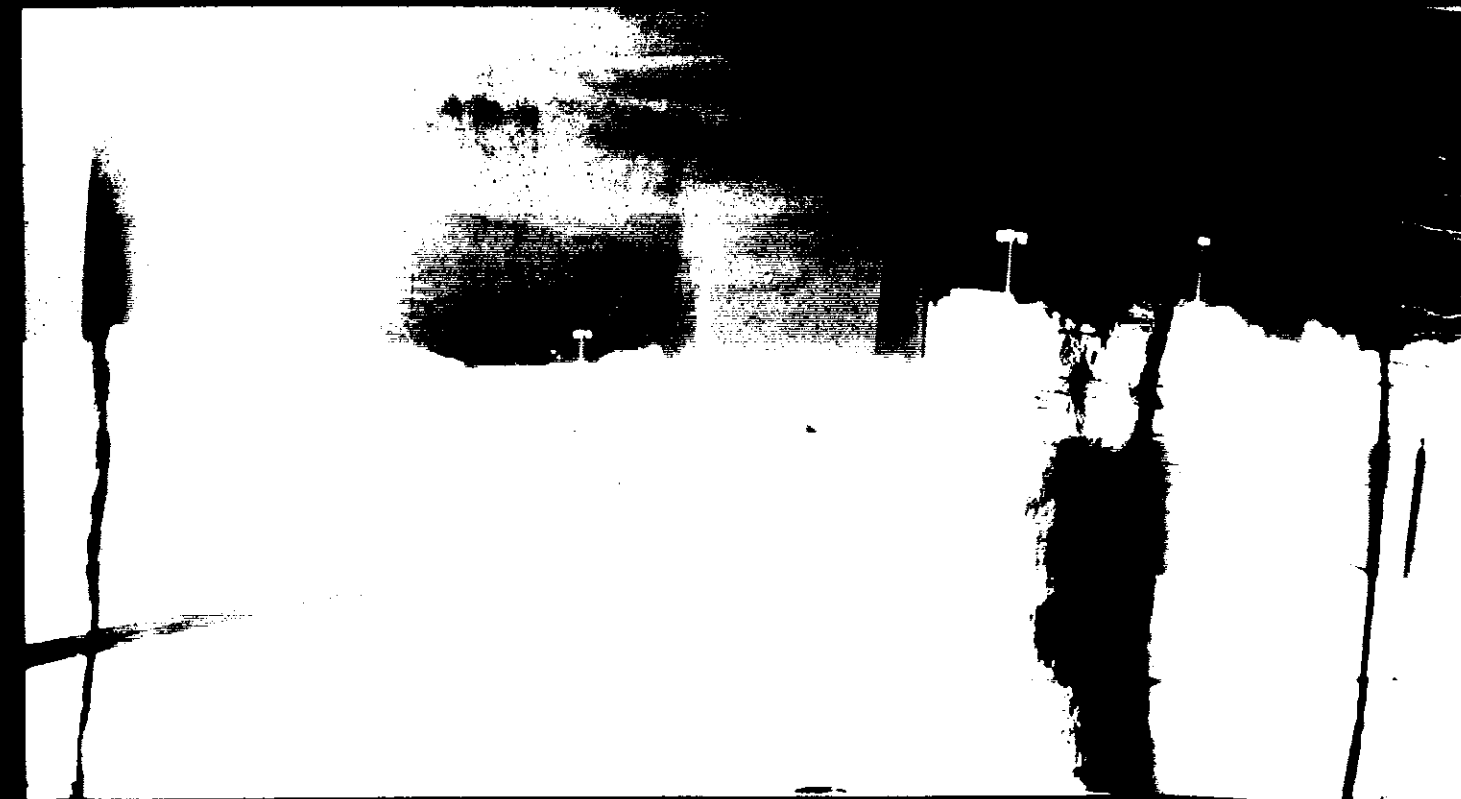
3723 OLD COURT ROAD • SUITE 206
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PHONE: (410) 653-3838
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*Per Exh
2-E*

COLBERT ENGINEERING, INC.

3723 OLD COURT ROAD • SUITE 206
BALTIMORE, MARYLAND 21208
PHONE: (410) 653-3838
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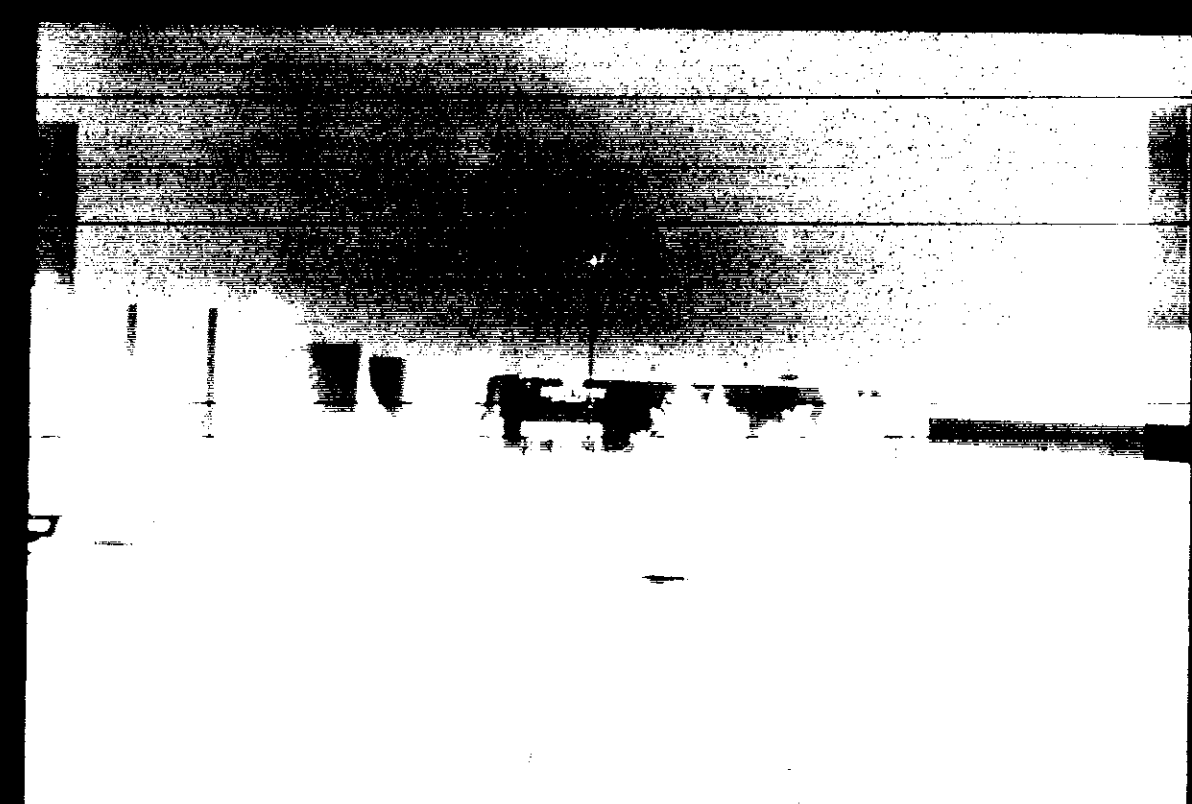
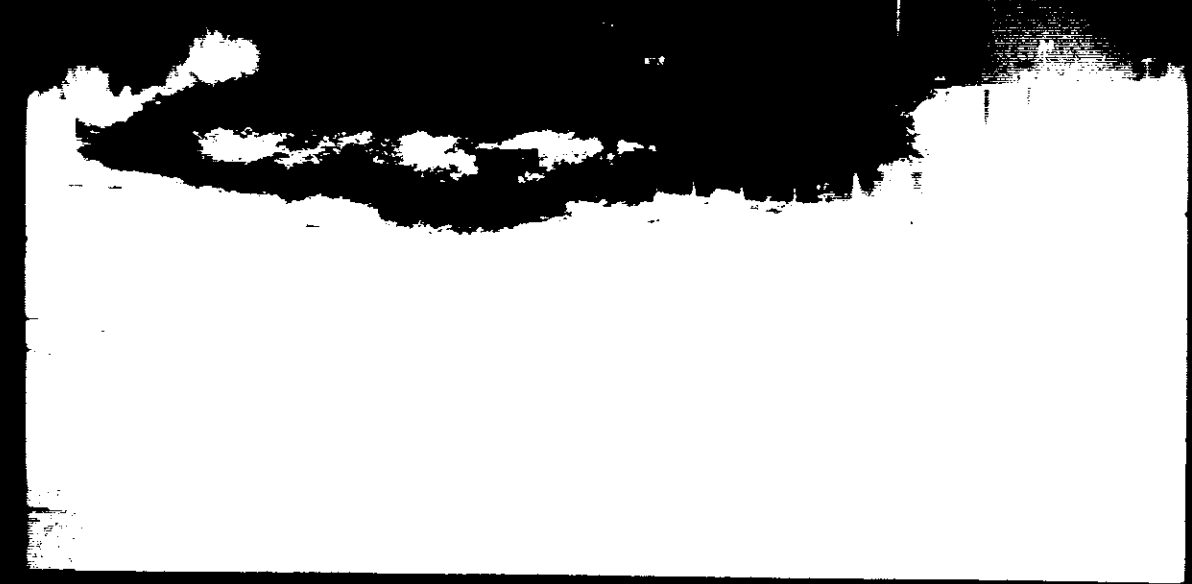


*Per Exh
2-D*

CIVIL ENGINEERS • LAND SURVEYORS

COLBERT ENGINEERING, INC.

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BALTIMORE, MARYLAND 21208
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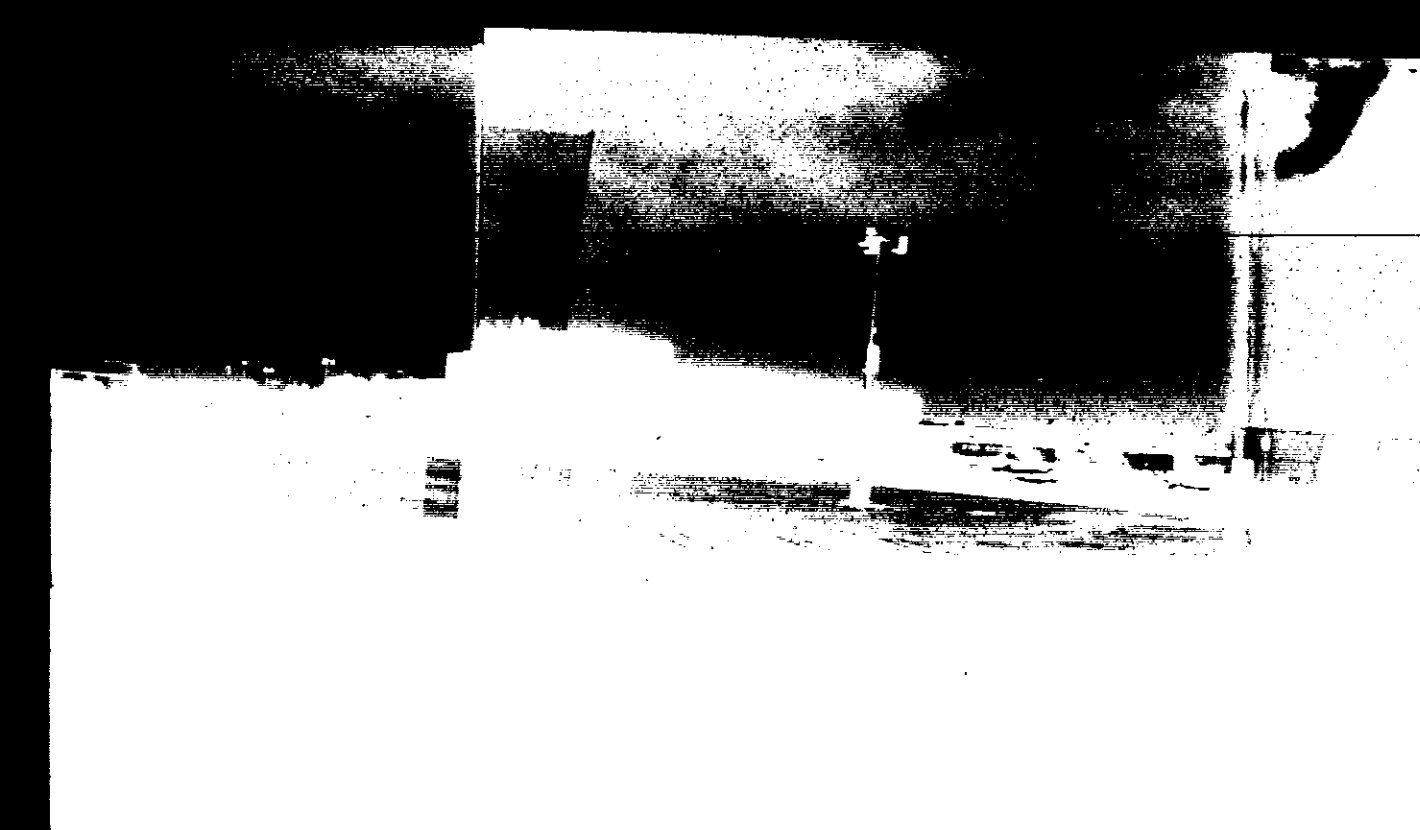


*Per Exh
2-G*

CIVIL ENGINEERS • LAND SURVEYORS

COLBERT ENGINEERING, INC.

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BALTIMORE, MARYLAND 21208
PHONE: (410) 653-3838
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*Per Exh
2-H*

CIVIL ENGINEERS • LAND SURVEYORS

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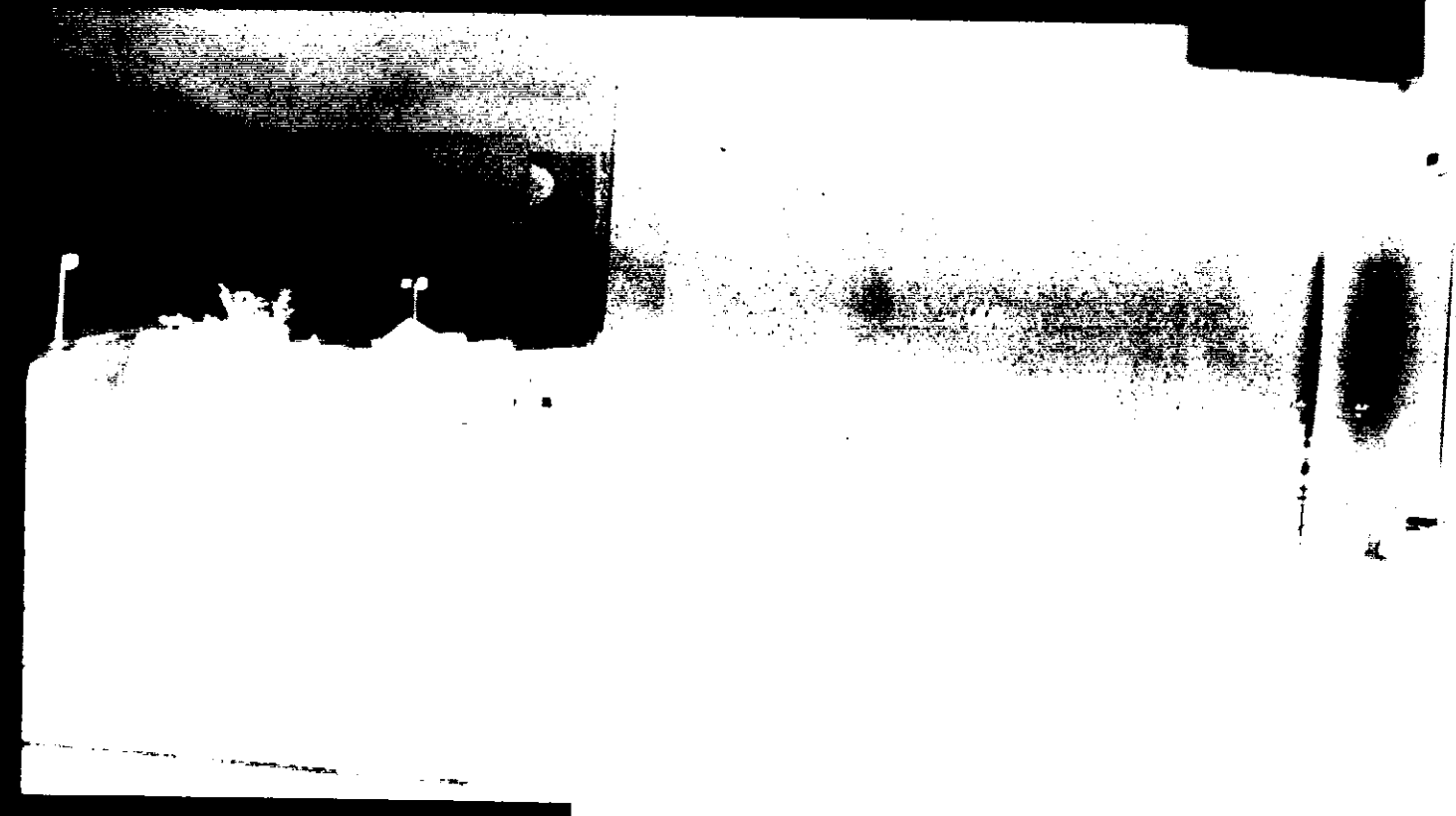


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2-F*

CIVIL ENGINEERS • LAND SURVEYORS

COLBERT ENGINEERING, INC.

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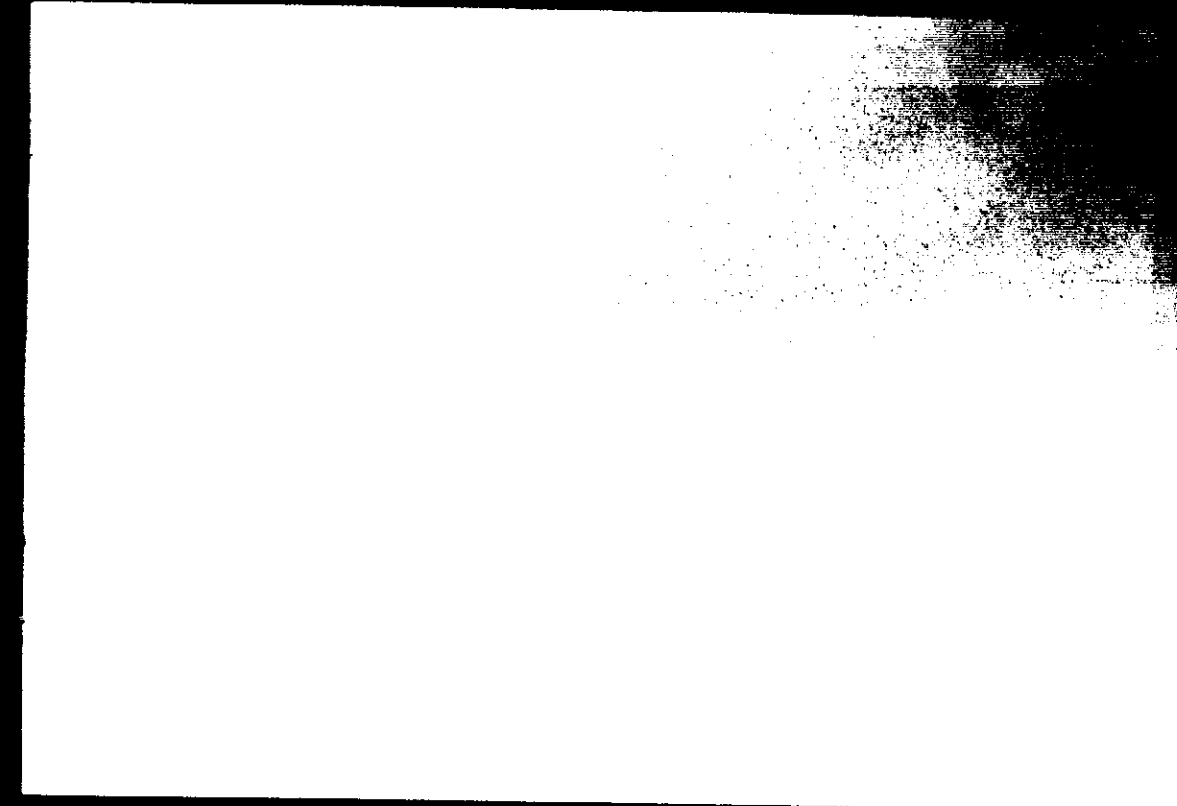


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CIVIL ENGINEERS • LAND SURVEYORS

COLBERT ENGINEERING, INC.

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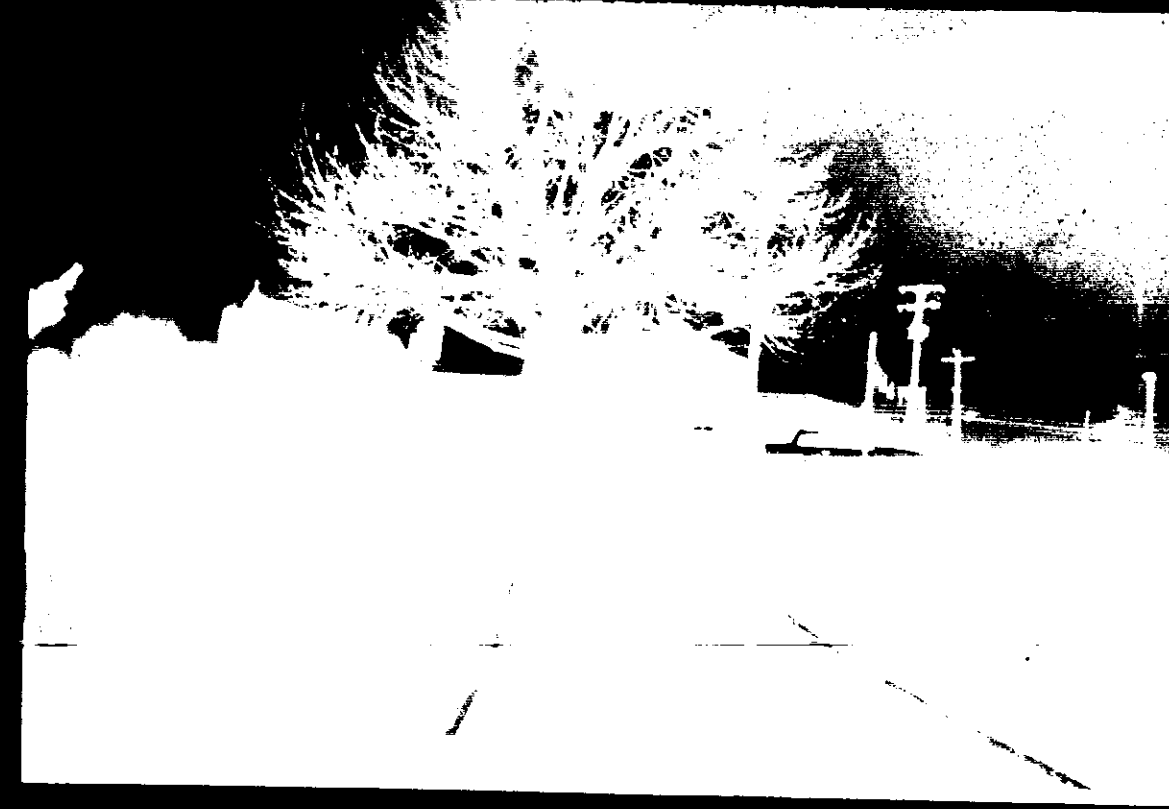


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COLBERT ENGINEERING, INC.

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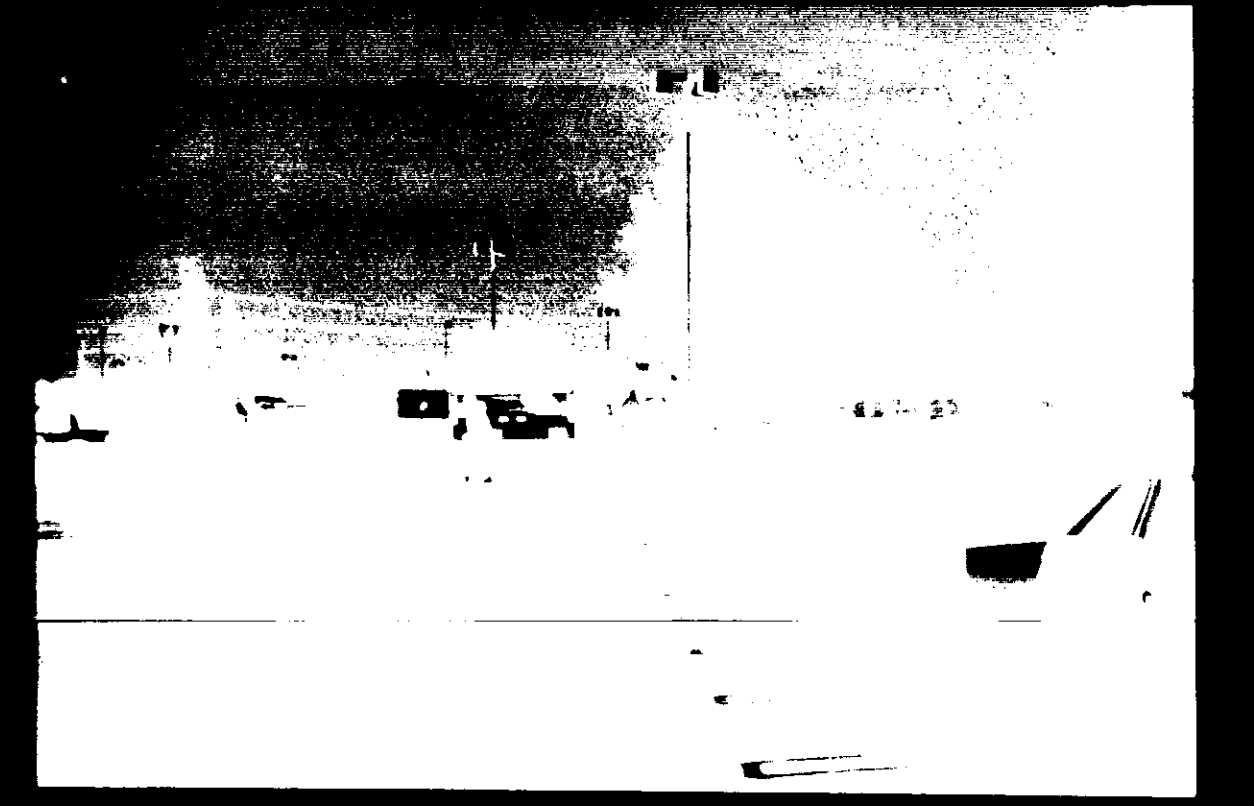


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CIVIL ENGINEERS • LAND SURVEYORS

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FAX: (410) 653-7953

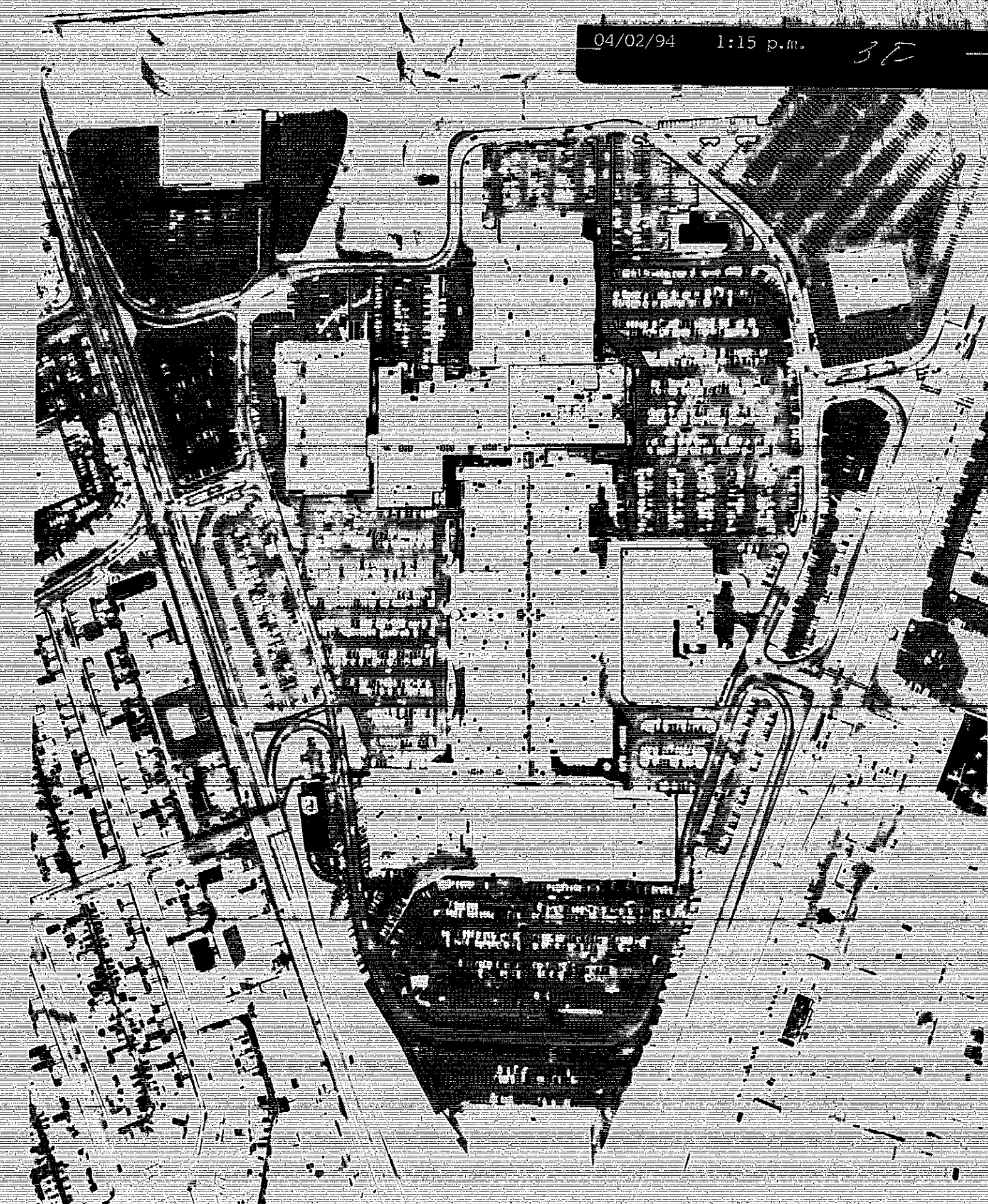
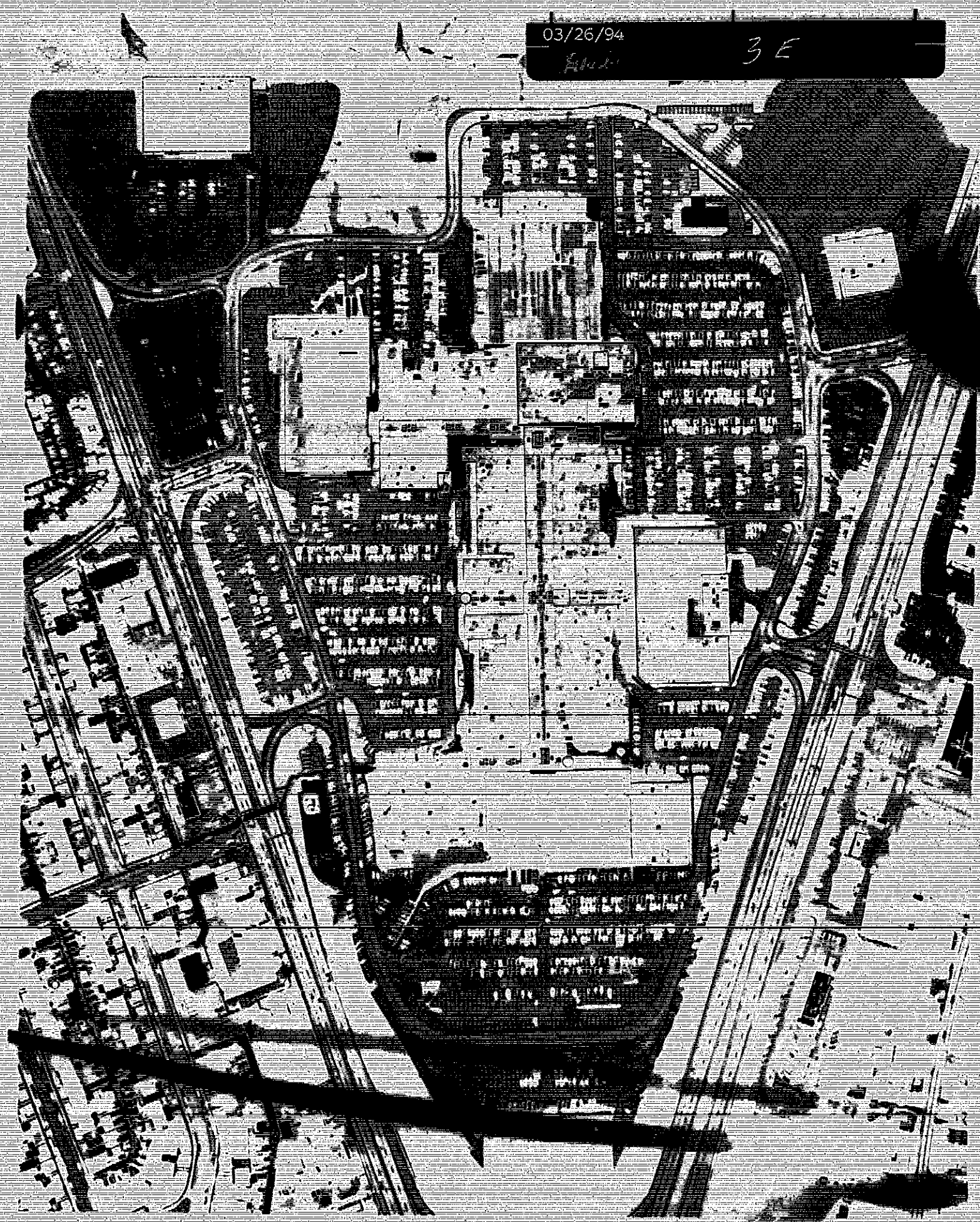
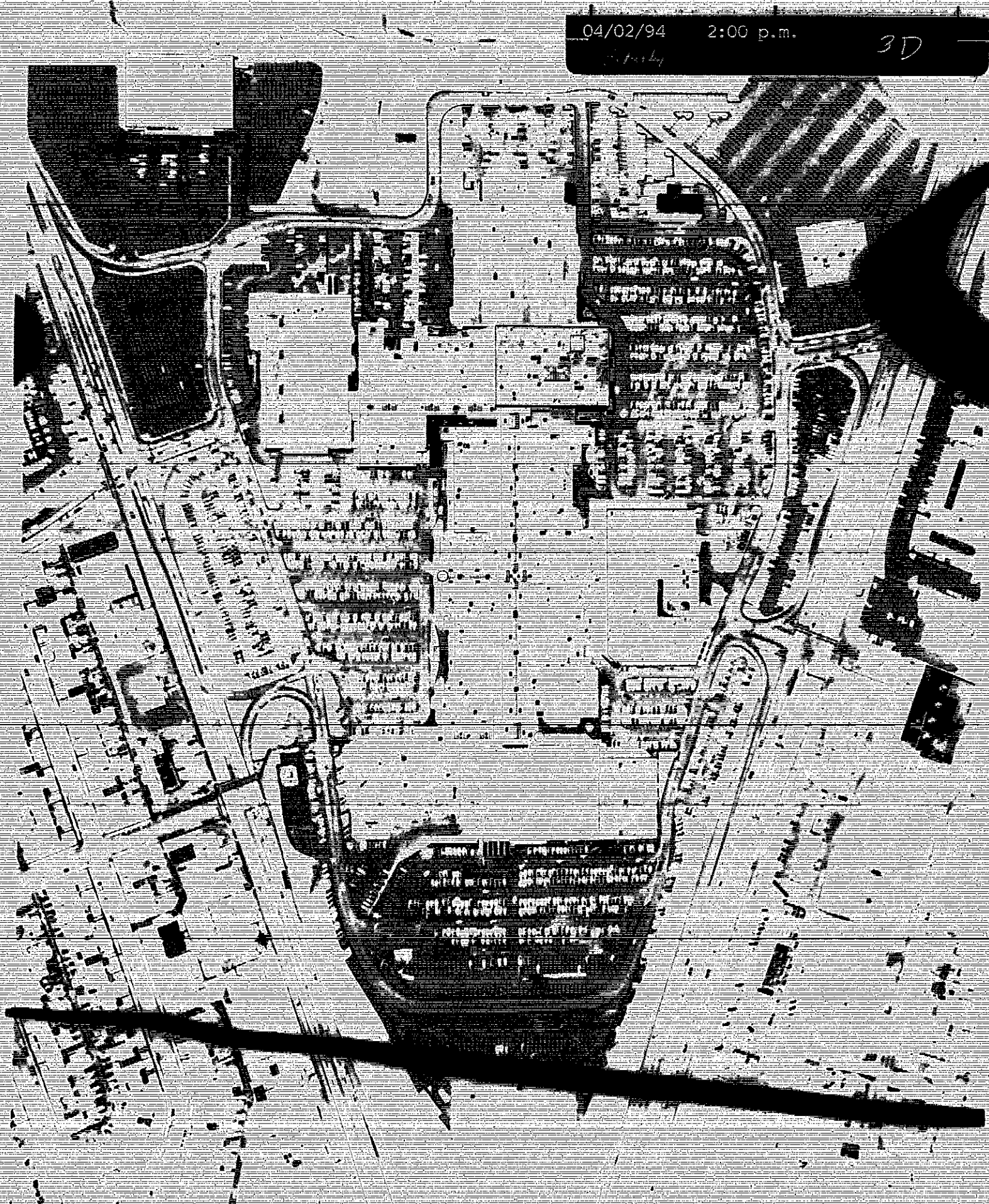
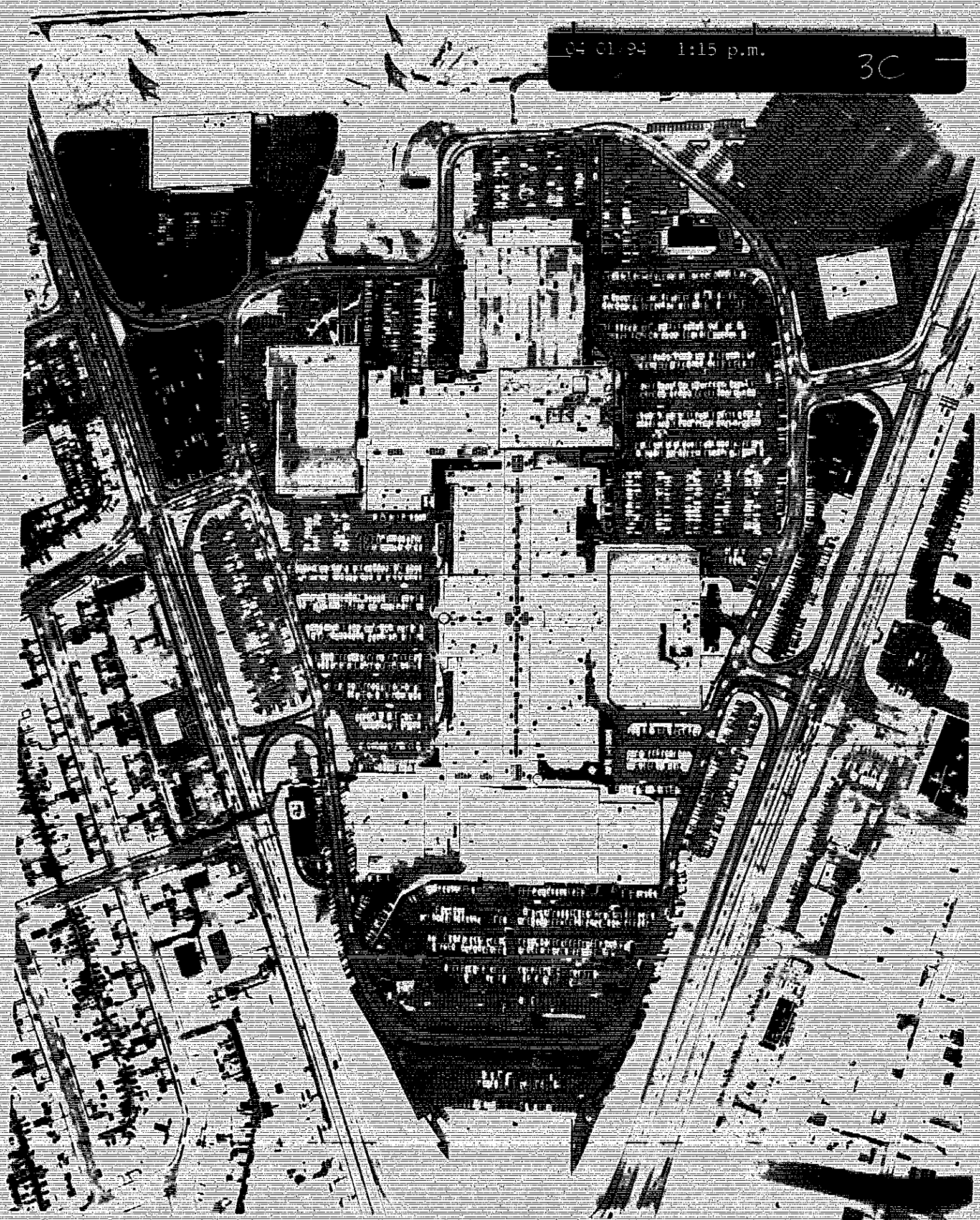
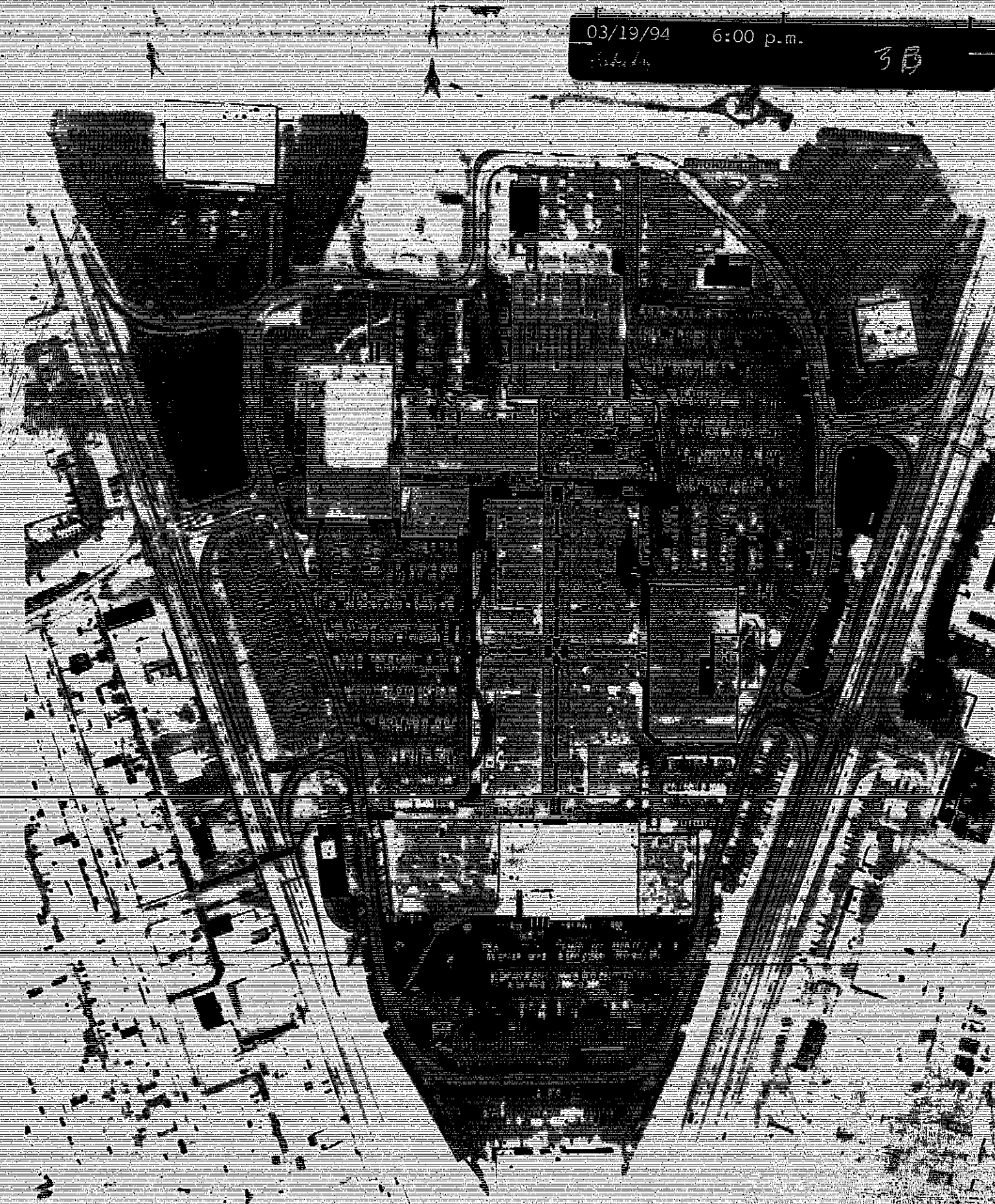
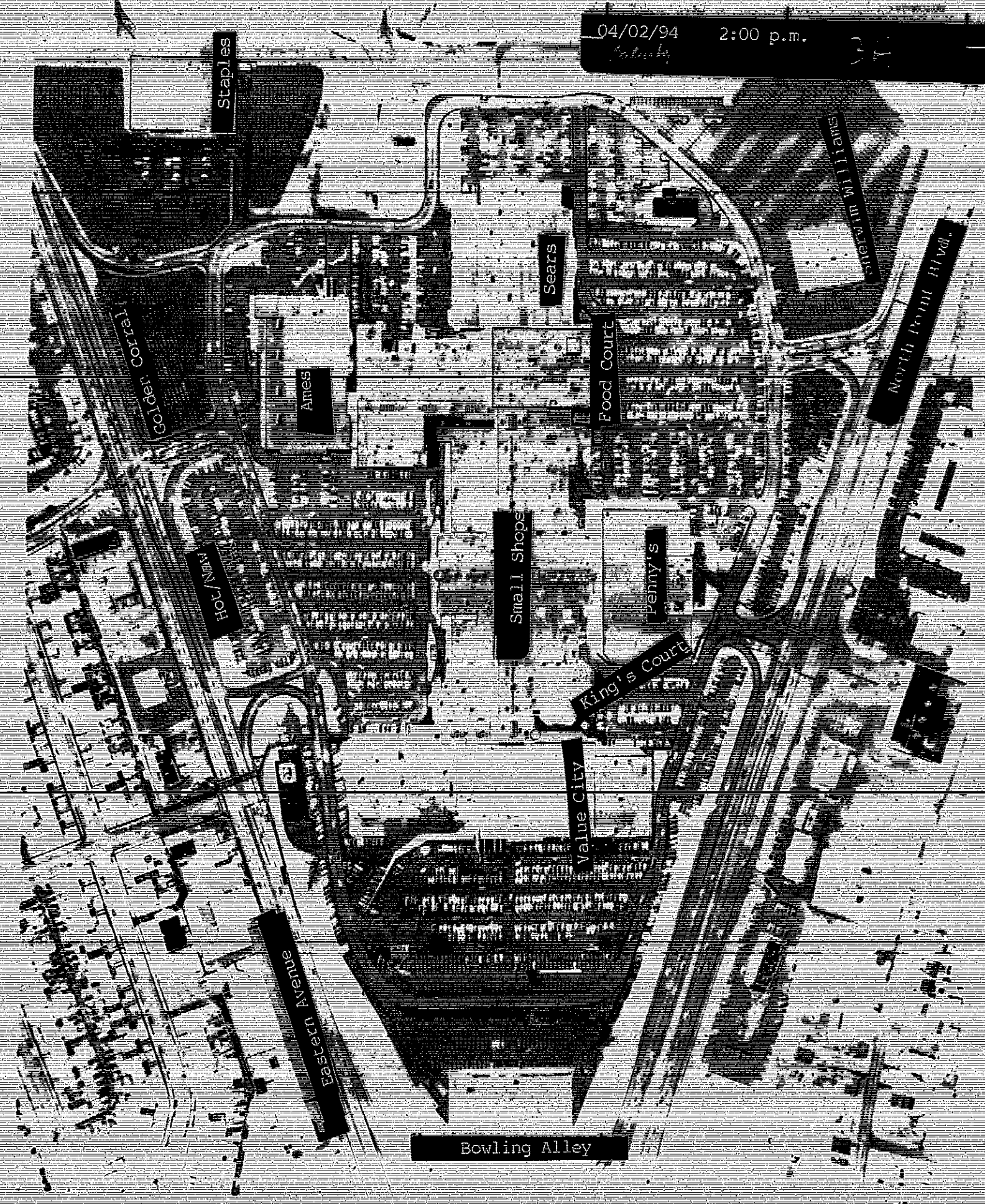
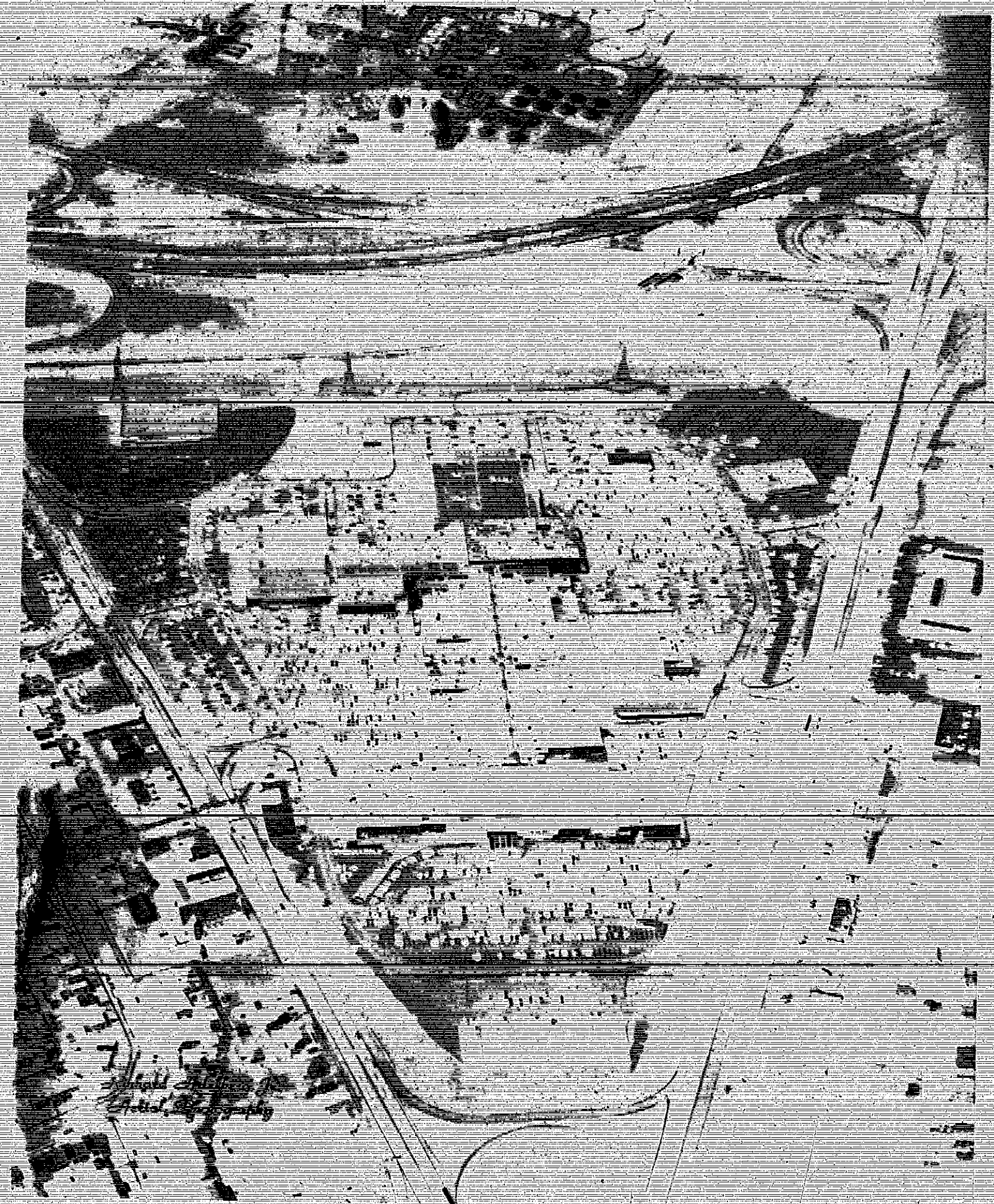
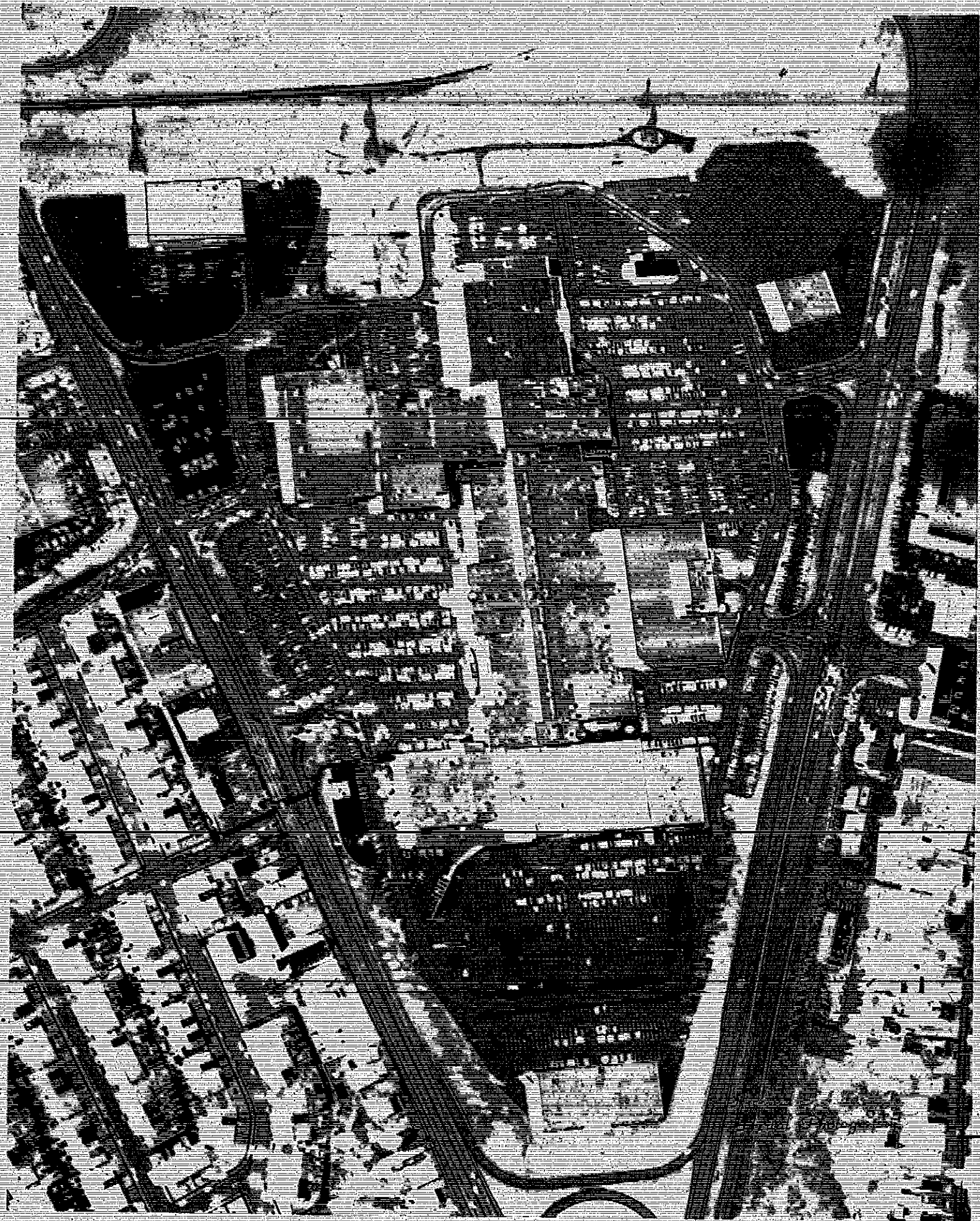


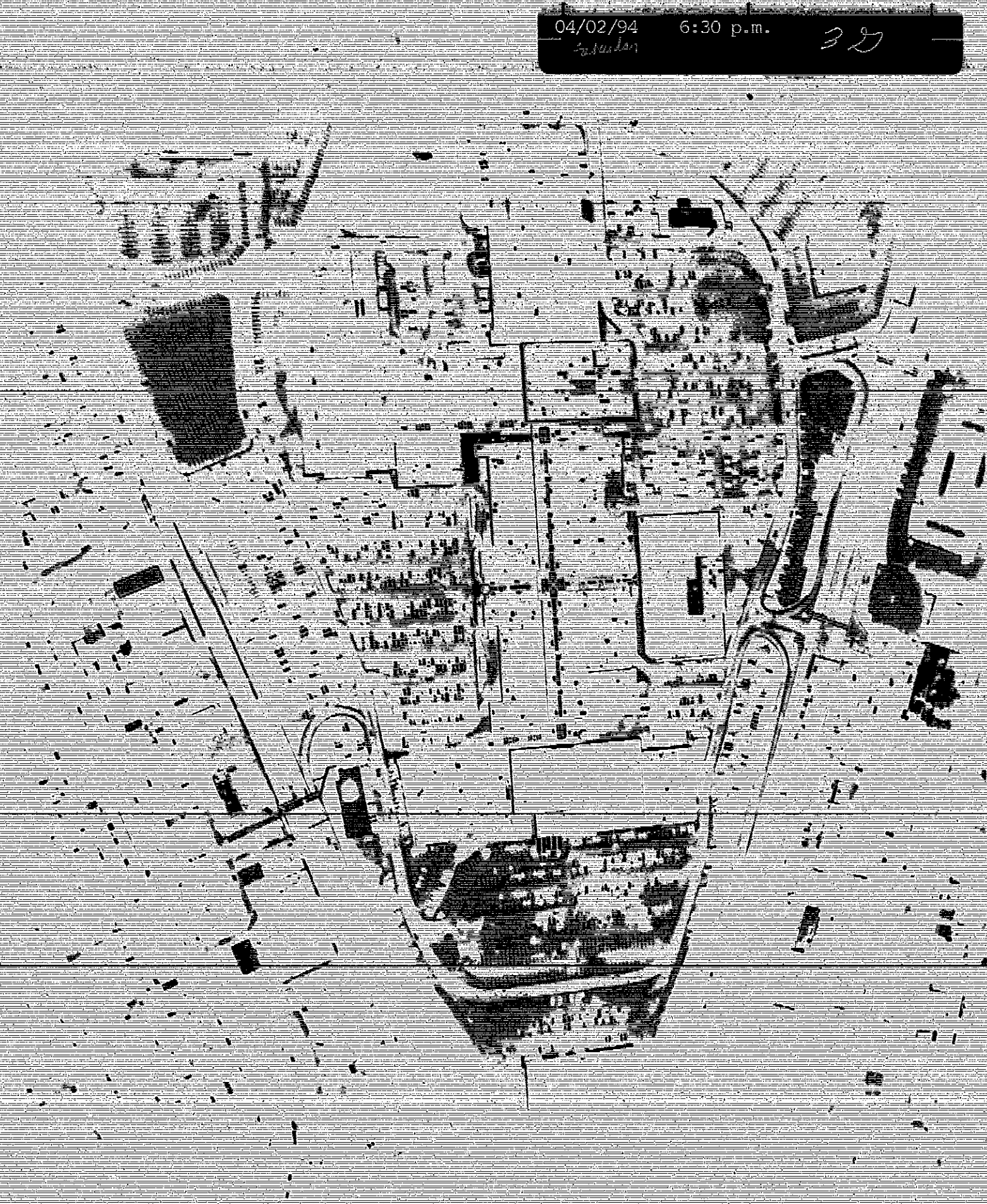
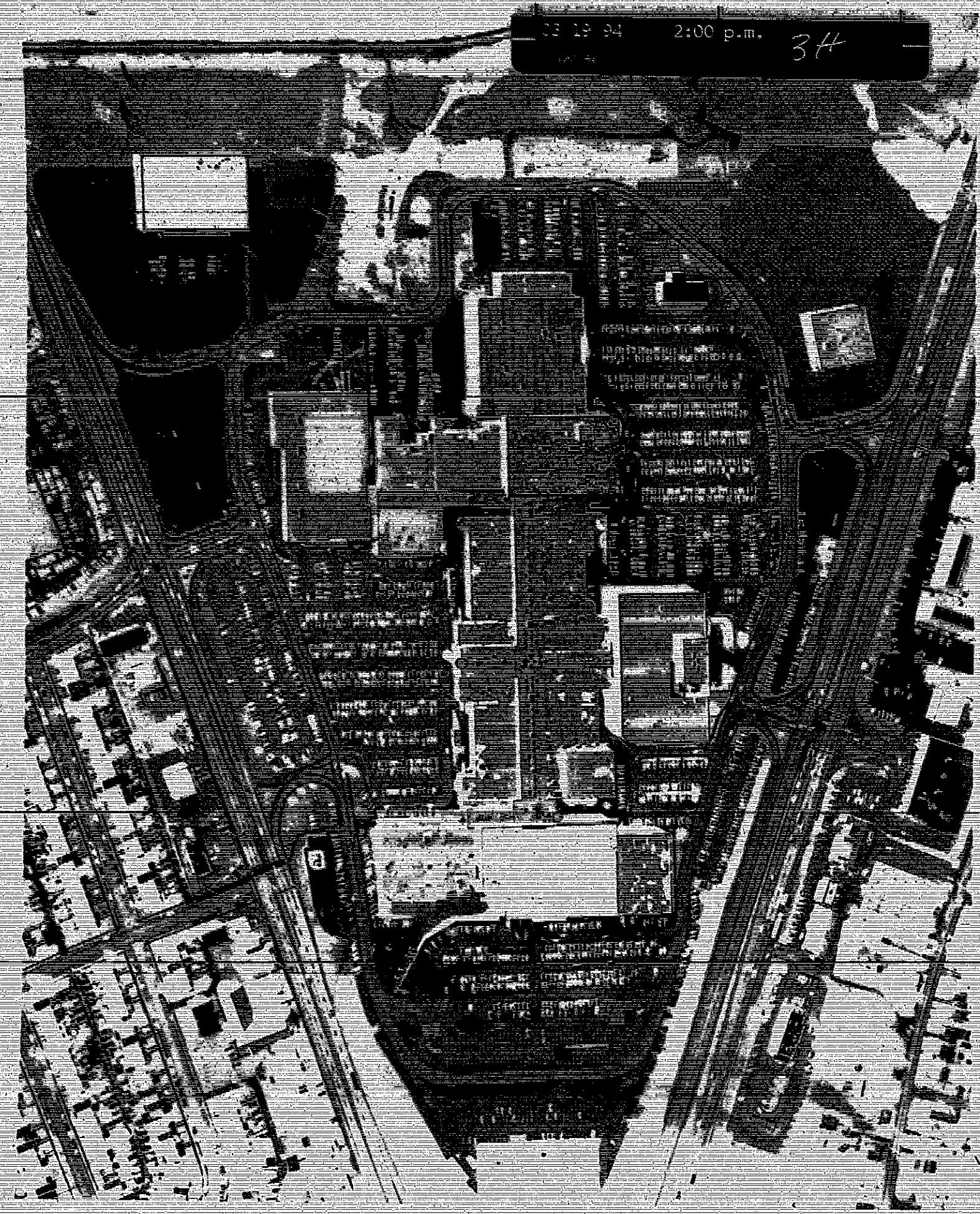
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CIVIL ENGINEERS • LAND SURVEYORS

EASTPOINT MALL
NOVEMBER 22, 1993

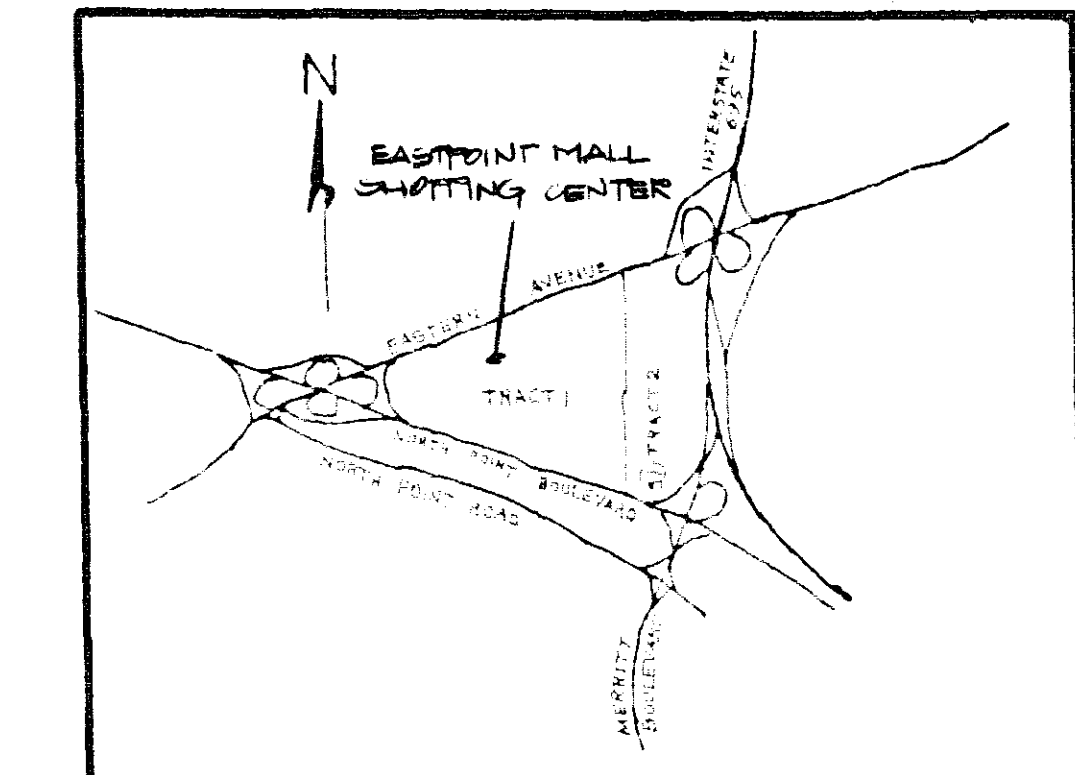
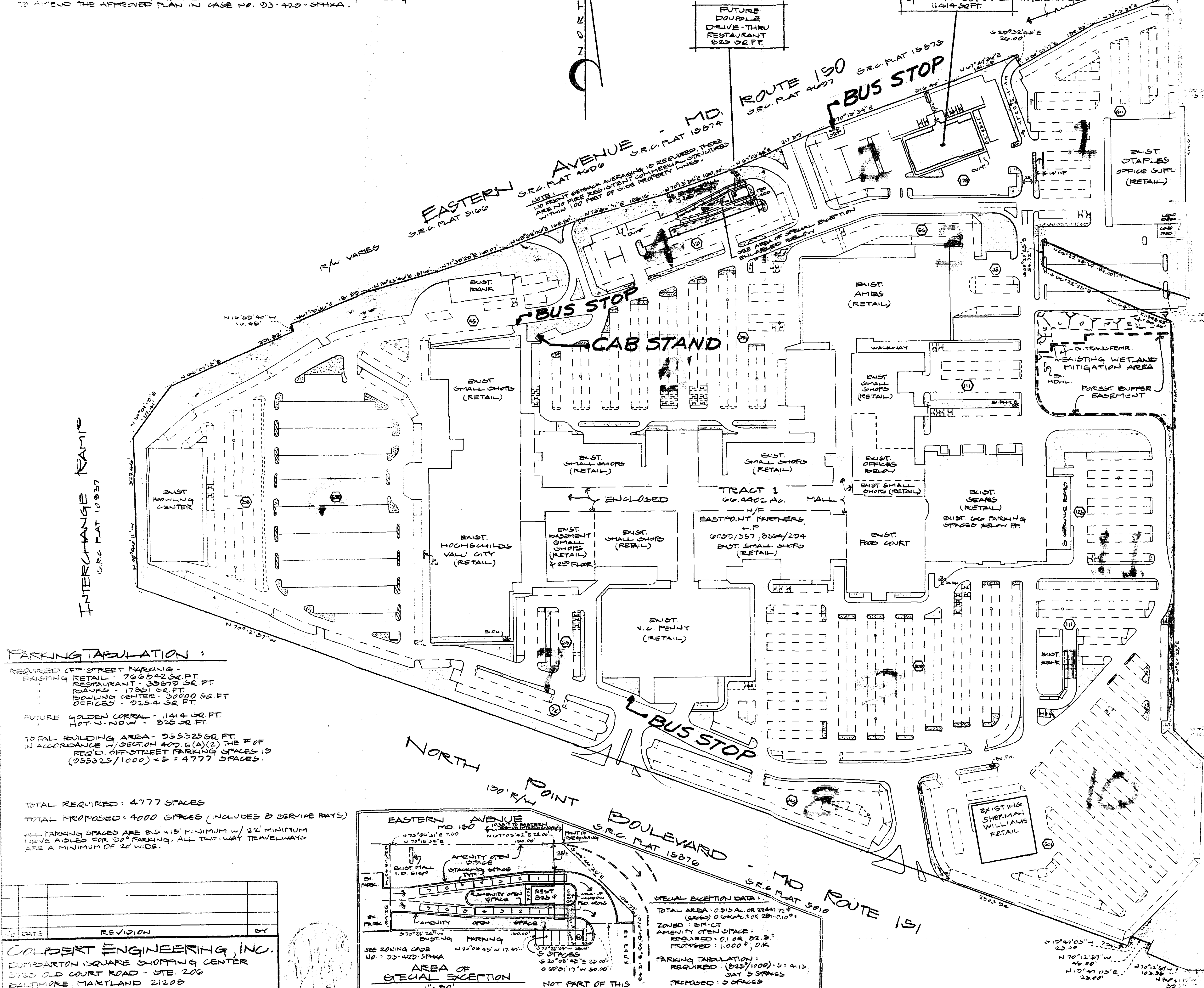
EASTPOINT MALL
NOVEMBER 26, 1993





VARIANCE REQUESTED:

1) VARIANCE TO SECTION 400 G (A) (2) TO PERMIT 4000 OFF-STREET PARKING SPACES IN LIEU OF THE REQUIRED 4977 OFF-STREET PARKING SPACES & TO AMEND THE APPROVED PLAN IN CASE NO. 03-420-SFHKA.



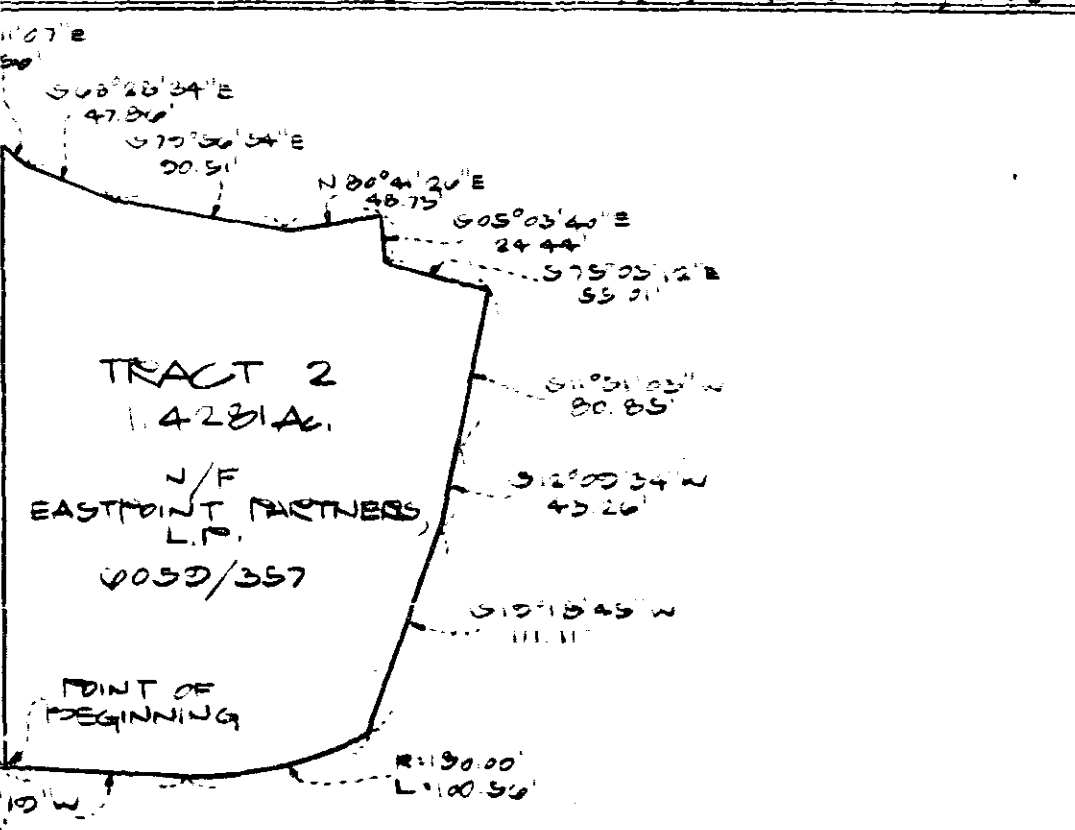
VICINITY MAP
SCALE: 1" = 200'

GENERAL NOTES

1. PLAN PREPARED BY: COLBERT ENGINEERING, INC. 3723 OLD COURT ROAD, STE. 200 BALTIMORE, MARYLAND 21208 (410) 652-3838
2. OWNER/APPLICANT: TRACT 1 EASTPOINT PARTNERS, L.P., c/o EMCO MGMT. CORP. 1250 BROADWAY NEW YORK, NEW YORK 10001 (212) 504-1940 DEED REF: 0057/357, 0064/204 (N/F) TAX ACCT NO.: 1505000500, 2100007854 TRACT 2 EASTPOINT PARTNERS, L.P., c/o EMCO MGMT. CORP. 7000 EASTPOINT MALL, STE. 10 BALTIMORE, MARYLAND 21224 (301) 384-0944 DEED REF: 0057/357 (N/F)
3. TOTAL AREA OF SITE: TRACT 1: 60,440.2 AC. TRACT 2: 1,428.1 AC. TOTAL: 61,868.3 AC. (NET) TRACT 1: 70,107.6 AC. (GROSS)
4. TOTAL SITE ZONED: ISM-C1
5. SEE ZONING HISTORY SHEET 2 OF 2.
6. ELECTION DISTRICT: 15 CONNEMARSH DISTRICT, 7
7. PREVIOUS COMMERCIAL PERMIT: P0100045/0207-00
8. FLOOR AREA RATIO: REQUIRED: 0.5 OR 107,000 SQ. FT. OF FLOOR AREA PER 200,000 SQ. FT. OF SITE AREA. (UNLESS FUTURE GOLDEN CORRAL & HOT-N-TOW RESTAURANTS)
9. AMENITY OPEN SPACE: REQUIRED: 0.1 OR 35,525.5 SQ. FT. PROPOSED: 215,000 SQ. FT. (IN ALL RETAIL AREAS)
10. SEE PARKING TABULATION THIS SHEET.
11. THE ENTIRE PARKING LOT IS PAVED W/ A BITUMINOUS CONCRETE DRAINAGE & ALL SPACES WILL BE PERMANENTLY STRIPED.
12. NO ADDITIONAL SIGNAGE IS PROPOSED AT THIS TIME. ALL FUTURE SIGNS (INCLUDING MENU BOARDS) WILL COMPLY WITH SECTION 443.2 & 443.5 & 443.10 OF THE PDZ OR A ZONING VARIANCE WILL BE REQ'D.
13. ALL AMENITY OPEN SPACE AREAS ARE A MINIMUM OF 7' WIDE & WILL BE SUITABLY LANDSCAPED.

PLAN TO ACCOMPANY VARIANCE

EASTPOINT MALL SHOPPING CENTER
7800 PARK EASTERN AVENUE - MD. RTE. 150
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
DATE: SEPT. 2, 1993 SCALE: 1" = 100'
SHEET 1 OF 2
TAX MAP 09 BLOCK 17 PARCEL: 21,470



PARKING TABULATION:

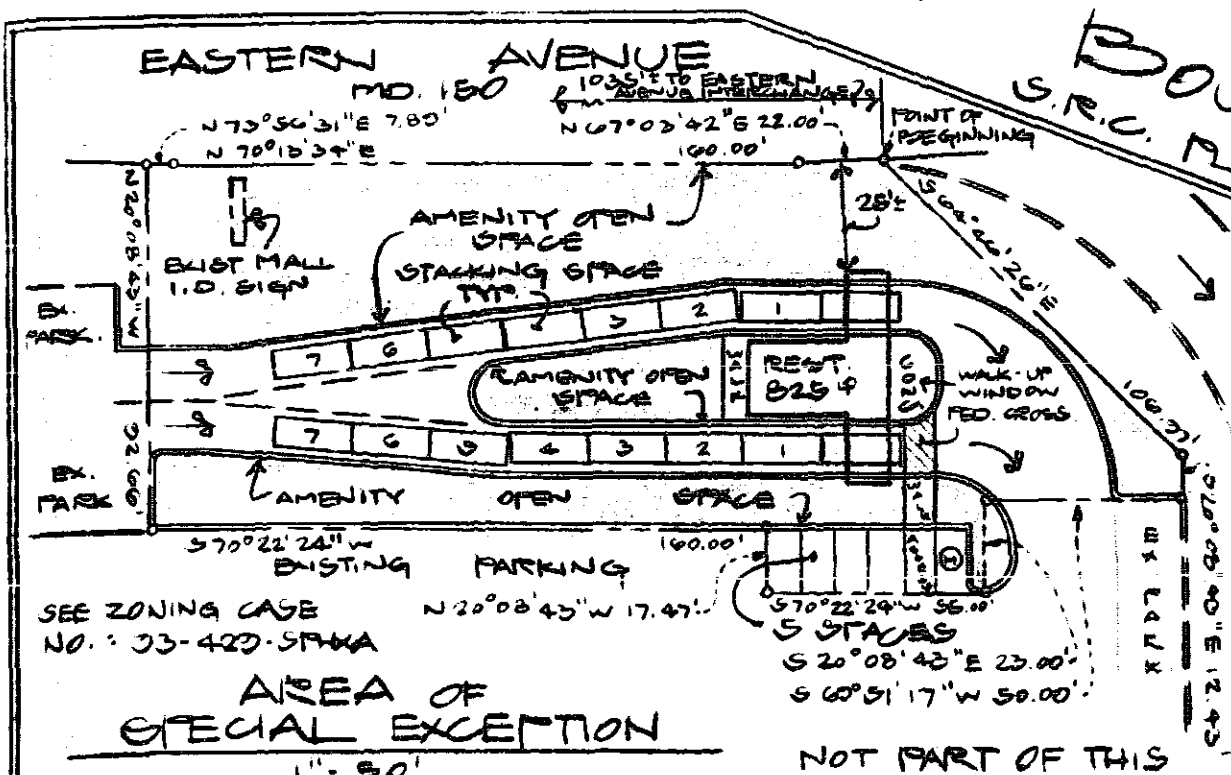
EXISTING RETAIL	720,042 SQ. FT.
RESTAURANT	35,979 SQ. FT.
TOWERS	17,851 SQ. FT.
BOWLING CENTER	30,000 SQ. FT.
OFFICES	22,514 SQ. FT.
FUTURE GOLDEN CORRAL	11,414 SQ. FT.
HOT-N-TOW	825 SQ. FT.
TOTAL BUILDING AREA	835,625 SQ. FT.

IN ACCORDANCE W/ SECTION 400 G (A) (2) THE REQ'D OFF-STREET PARKING SPACES IS (835,625/1000) x 5 = 4,177 SPACES.

TOTAL REQUIRED: 4777 SPACES
TOTAL PROPOSED: 4000 SPACES (INCLUDES 8 SERVICE BAYS)
ALL PARKING SPACES ARE 8'6" x 18' MINIMUM W/ 22' MINIMUM DRIVE AISLES FOR 90° PARKING. ALL TWO-WAY TRAVELWAYS ARE A MINIMUM OF 20' WID.

NO.	DATE	REVISION	BY

COLBERT ENGINEERING, INC.
DUMFRIES SQUARE SHOPPING CENTER
3723 OLD COURT ROAD - STE. 200
BALTIMORE, MARYLAND 21208
(410) 652-3838



SPECIAL EXCEPTION DATA:
TOTAL AREA: 0.515 AC. OR 224,724 SQ. FT. (82,500 SQ. FT. OR 221,010 SQ. FT.)
ZONED: BM-C1
AMENITY OPEN SPACE: REQUIRED: 0.1 OR 35,525.5 SQ. FT. PROPOSED: 110,000 SQ. FT. O.K.
PARKING TABULATION: REQUIRED: (825/1000) x 5 = 4,125 PROPOSED: 3 SPACES

PA 8/21

ZONING HISTORY

CASE NO. 4641-X
 PETITION FOR A SPECIAL EXCEPTION FOR A MINIATURE GOLF COURSE TO BE OPERATED ON A PORTION OF THE SHOPPING CENTER GRANTED 5-8-73 RESTRICTIONS: NONE

CASE NO. 73-202-A
 PETITION FOR A VARIANCE FROM SECTION 400.1 TO PERMIT 4,104 OFF-STREET PARKING SPACES IN LIEU OF THE REQUIRED 4,304 OFF-STREET PARKING SPACES AT THE EASTPOINT MALL GRANTED 7-30-73 RESTRICTIONS: SUBJECT TO THE APPROVAL OF A SITE PLAN BY THE STATE HIGHWAY ADMINISTRATION DEPARTMENT OF PUBLIC WORKS & THE OFFICE OF PLANNING & ZONING.

CASE NO. 71-197-SHA
 PETITION FOR A VARIANCE FROM SECTION 400.6 A (2) TO PERMIT 4,302 OFF-STREET PARKING SPACES IN LIEU OF THE REQUIRED 4,772 OFF-STREET PARKING SPACES AS ORIGINALLY APPROVED IN ZONING CASE 73-202-A GRANTED 2-21-01 RESTRICTIONS: NONE

PETITION FOR A SPECIAL HEARING TO APPROVE AN AMENDMENT TO THE ORDER AND THE SITE PLAN IN ZONING CASE 73-202-A GRANTED 2-21-01 RESTRICTIONS: SUBJECT TO THE 30 DAY APPEAL PROCESS.

SPECIAL HEARING REQUESTED:

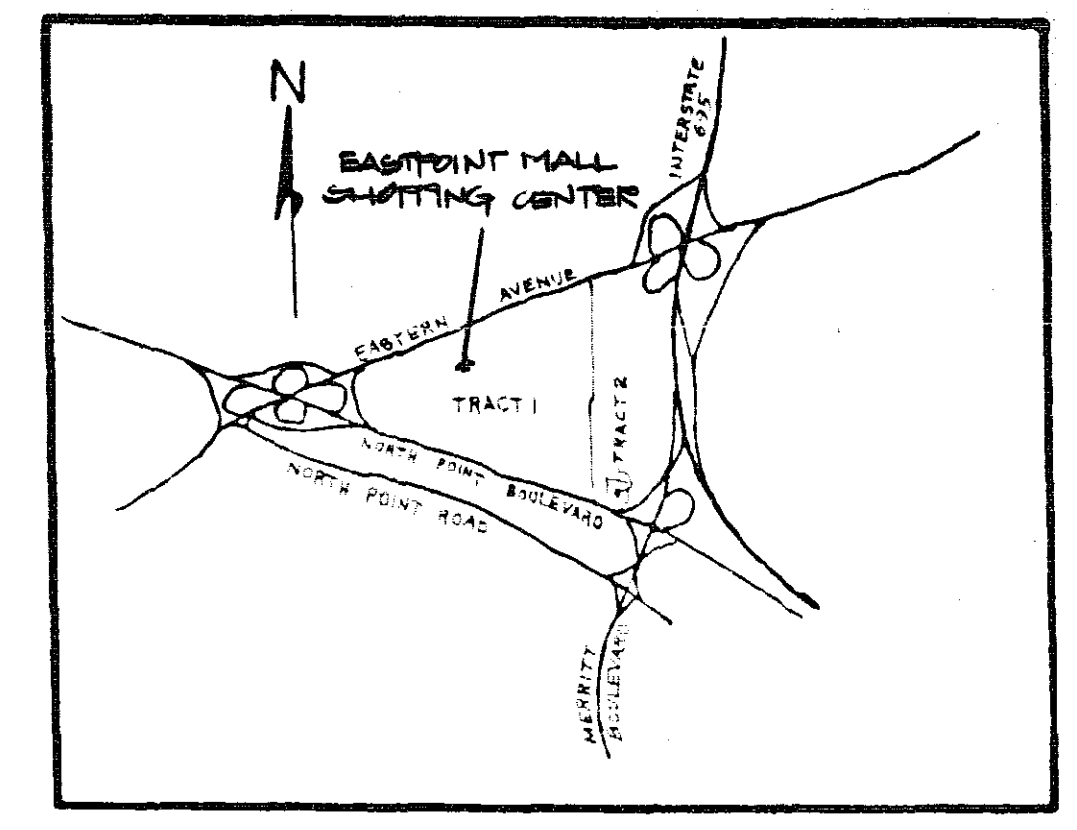
1. A RESTAURANT DRIVE-THRU/LIMITED INDOOR/OUTDOOR SEATING AS A USE TO BE PERMITTED BY RIGHT IN ALL OF THE BUSINESS ZONES (B-1, B-2, B-3)
2. THE EXISTING PARKING SETBACKS & TRAVELWAY ACCESS (VARIANCE NO. 1 & NO. 2) AS PREVIOUSLY APPROVED IN CASE NO. 01-100-SHA & THE AMENDMENTS TO THE PREVIOUSLY APPROVED PLAN AS SO NOTED ON THE PETITIONER'S SITE PLAN OR IN THE ALTERNATIVE TO APPROVE THE APPROPRIATE VARIANCES.

VARIANCES REQUESTED:

1. VARIANCE TO SECTION 400.6 A (2) TO PERMIT AN OFF-STREET PARKING FAMILY VESTIBULE OF 2 FEET FROM A PUBLIC STREET R/W IN LIEU OF THE REQUIRED 10 FEET [V-1]
2. VARIANCE TO SECTION 400.4 TO PERMIT DIRECT ACCESS TO A TRAVELWAY FROM OFF-STREET PARKING FACILITIES. [V-2]
3. VARIANCE TO SECTION 400.6 A (1) TO PERMIT DEVIATION FROM SCREENING & LANDSCAPING REQUIREMENTS IN ACCORDANCE WITH THE LANDSCAPE MANUAL. [V-3]

SPECIAL EXCEPTION REQUESTED:

1. TO PERMIT A RESTAURANT DRIVE-THRU/LIMITED INDOOR/OUTDOOR SEATING IN A P-1 USE ZONE.



VICINITY MAP
 SCALE: 1" = 2000'

GENERAL NOTES

1. PLAN PREPARED BY: COLBERT ENGINEERING INC., 3723 OLD COURT ROAD - STE. 200 BALTIMORE, MARYLAND 21208 (410) 653-5833
2. OWNER/APPLICANT: TRACT 1 EASTPOINT PARTNERS, L.P., c/o SHOFU MGMT. CORP 1250 BROADWAY NEW YORK, NEW YORK 10001 (212) 504-0400 DEED REF.: 0059/357, B204/204 (N/F) TAX ACT. NO.: 1505000500, 2100007854 TRACT 2 EASTPOINT PARTNERS, L.P., c/o SHOFU MGMT. CORP 7833 EASTPOINT MALL - STE. 10 BALTIMORE, MARYLAND 21224 (301) 284-0734 DEED REF.: 0059/357 (N/F)
3. TOTAL AREA OF SITE: TRACT 1: 60.4402 AC. TRACT 2: 1.4281 AC. TOTAL: 61.8683 AC. (NET) TRACT 1: 70.1070 AC. (GROSS)
4. TOTAL SITE ZONED: B-1, CT
5. SEE ZONING HISTORY THIS SHEET
6. ELECTION DISTRICT: 15 COUNCILMANIC DISTRICT: 7
7. PREVIOUS COMMERCIAL PERMIT: D078005/0207-00
8. FLOOR AREA RATIO: ALLOWED: 2.5 OR 10786378.81 SQ. FT. PROPOSED: 861,763 / 305,588.1 = 0.28 O.K. (INCLUDES FUTURE GOLDEN CORRAL & HOT-N-NOW RESTAURANTS)
9. AMENITY OPEN SPACE: REQUIRED: 0.1 OR 26,176.3 SQ. FT. PROPOSED: 215,000 SQ. FT. (MALL, PARK & TRACT AREAS)
10. SEE PARKING TABULATION THIS SHEET.
11. THE ENTIRE PARKING LOT IS PAVED W/ A BITUMINOUS CONCRETE SURFACE & ALL SPACES WILL BE PERMANENTLY STRIPED.
12. NO ADDITIONAL SIGNAGE IS PROPOSED AT THIS TIME. ANY FUTURE SIGNS (INCLUDING MENU BOARDS) WILL COMPLY WITH SECTION 413.2 & 413.5 & 400.10 OF THE CODE OR A ZONING VARIANCE WILL BE REQ'D.
13. ALL AMENITY OPEN SPACE AREAS ARE A MINIMUM OF 7' WIDE & WILL BE SUITABLY LANDSCAPED.

PLAN TO ACCOMPLISH VARIANCE, SPECIAL EXCEPTION & SPECIAL HEARING PETITIONS

EASTPOINT MALL SHOPPING CENTER
 7800 PARK EASTERN AVENUE - MD. RTE. 150
 15TH ELECTION DISTRICT
 BALTIMORE COUNTY, MARYLAND
 DATE: MAY 24, 1993 SCALE: 1" = 100'
 SHEET 1 OF 1
 TAX MAP 26 BLOCK 17 PARCEL: 21,400

PARKING TABULATION:

EXISTING OFF-STREET PARKING:
 BUILDING RETAIL - 373,280 SQ. FT.
 RESTAURANT - 30872 SQ. FT.
 BANKS - 17861 SQ. FT.
 PARKING CENTER - 30000 SQ. FT.
 OFFICES - 92514 SQ. FT.

**FUTURE GOLDEN CORRAL - 11414 SQ. FT.
 HOT-N-NOW - 825 SQ. FT.**

TOTAL BUILDING AREA - 861,763 SQ. FT.
 IN ACCORDANCE WITH SECTION 400.6(A)(2) THE # OF REQ'D OFF-STREET PARKING SPACES IS (861763 / 1000) x 5 = 4309 SPACES.

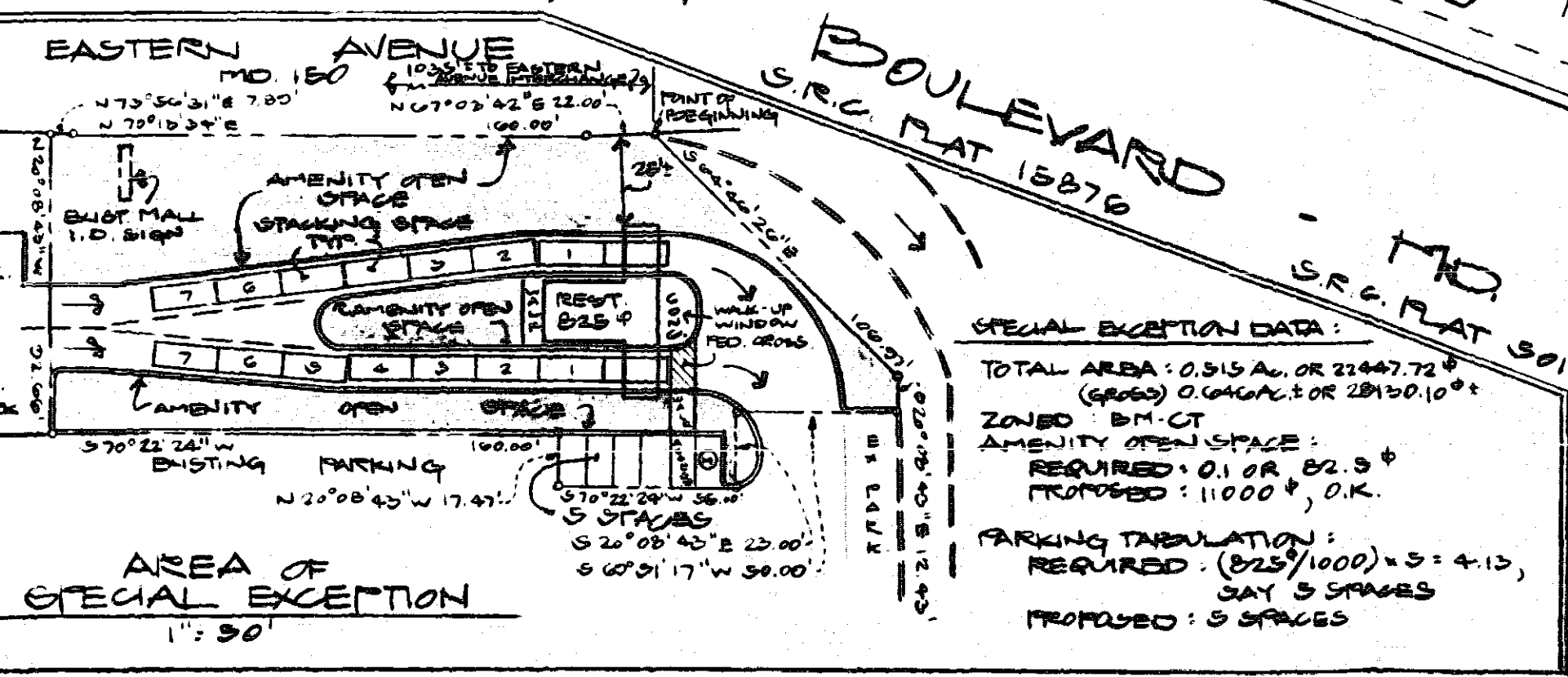
PREVIOUS ZONING CASE 73-202-A: LESS 400 SPACES
 PREVIOUS ZONING CASE 01-100-SHA: LESS 70 SPACES

TOTAL REQUIRED: 3039 SPACES
TOTAL PROPOSED: 4000 SPACES (INCLUDES 8 SERVICE BAYS)

ALL PARKING SPACES ARE 8'5" x 18' MINIMUM W/ 22' MINIMUM DRIVE AISLES FOR 90° PARKING. ALL TWO-WAY TRAVELWAYS ARE A MINIMUM OF 26' WIDE.

NO.	DATE	REVISION	BY
2	7-29-93	ELIMINATE FUTURE RETAIL BUILDING; REV. PARKING TAG, PARK AND A.O.S.	CEI
1	6-29-93	ADDED FUTURE RETAIL; REV'D. PARK LAYOUT AT FUTURE GOLDEN CORRAL; REV'D. NOTES/PARK TAG	CEI

COLBERT ENGINEERING, INC.
 DUMFRIES SQUARE SHOPPING CENTER
 3723 OLD COURT ROAD - STE. 200
 BALTIMORE, MARYLAND 21208
 (410) 653-5833



SPECIAL EXCEPTION DATA:
 TOTAL AREA: 0.5154 AC. OR 22447.78 SQ. FT. (GROSS) 0.5154 AC. OR 22447.78 SQ. FT.
 ZONED: B-1, CT
 AMENITY OPEN SPACE: REQUIRED: 0.1 OR 26,176.3 SQ. FT. PROPOSED: 11000 SQ. FT. O.K.
 PARKING TABULATION: REQUIRED: (825/1000) x 5 = 413, 514 SPACES PROPOSED: 8 SPACES

INTERCHANGE RAMP S.R.C. PLAT 10857

BALTIMORE GAS & ELECTRIC COMPANY

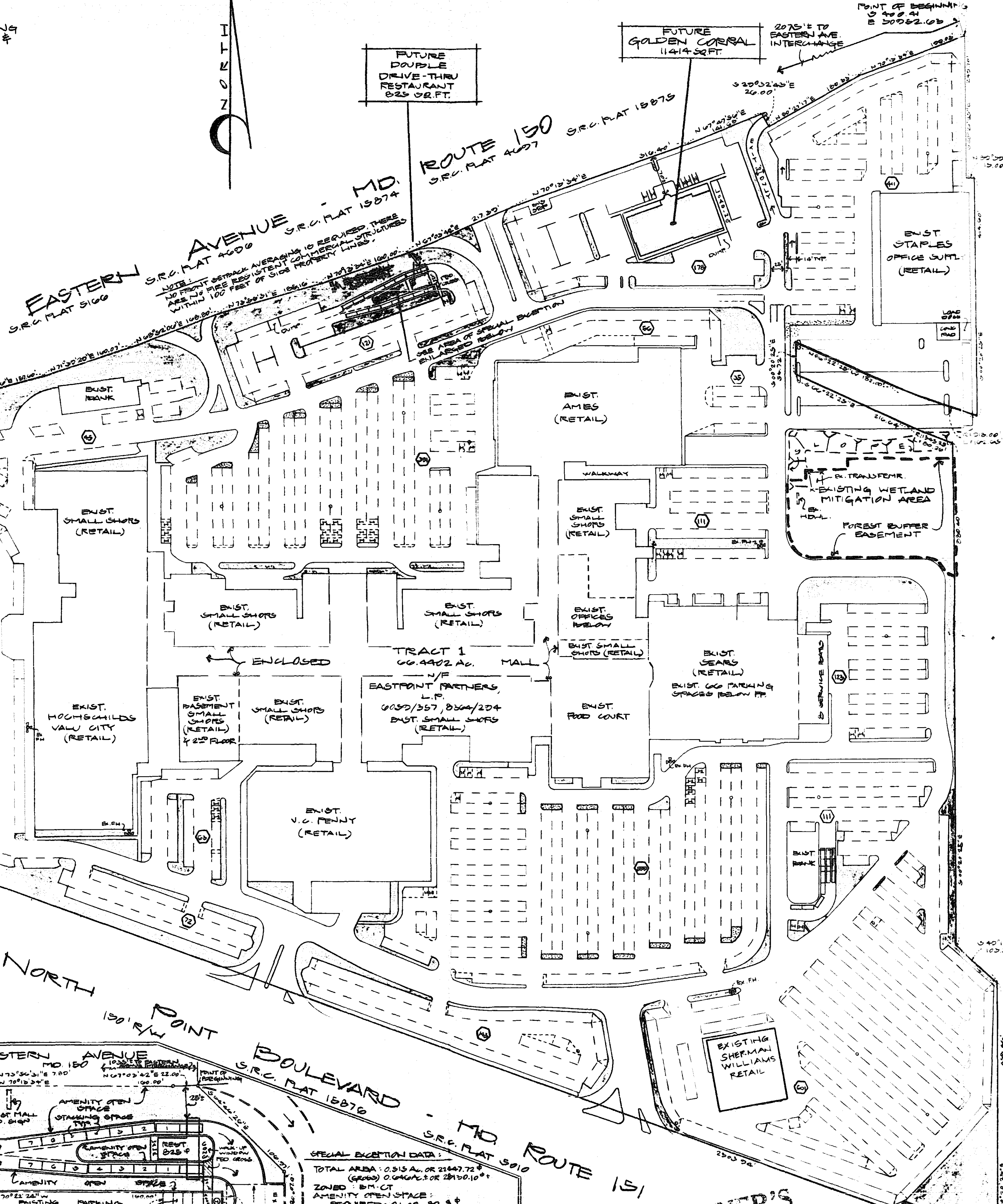
As shown on No. 1A
 MICROFILMED

VARIANCE REQUESTED:

VARIANCE TO SECTION 400.0(A)(2) TO PERMIT 4000 OFF-STREET PARKING SPACES IN LIEU OF THE REQUIRED 4777 OFF-STREET PARKING SPACES & TO AMEND THE APPROVED PLAN IN CASE NO. 93-423-SPKA.

94-197-A

INTERCHANGE RAMPS
S.R.C. PLAT 1867



PARKING TABULATION:

REQUIRED OFF-STREET PARKING -

EXISTING RETAIL - 7000 SQ. FT.
RESTAURANT - 30072 SQ. FT.
OFFICES - 17801 SQ. FT.
BUILDING CENTER - 30000 SQ. FT.
OFF. USE - 22415 SQ. FT.

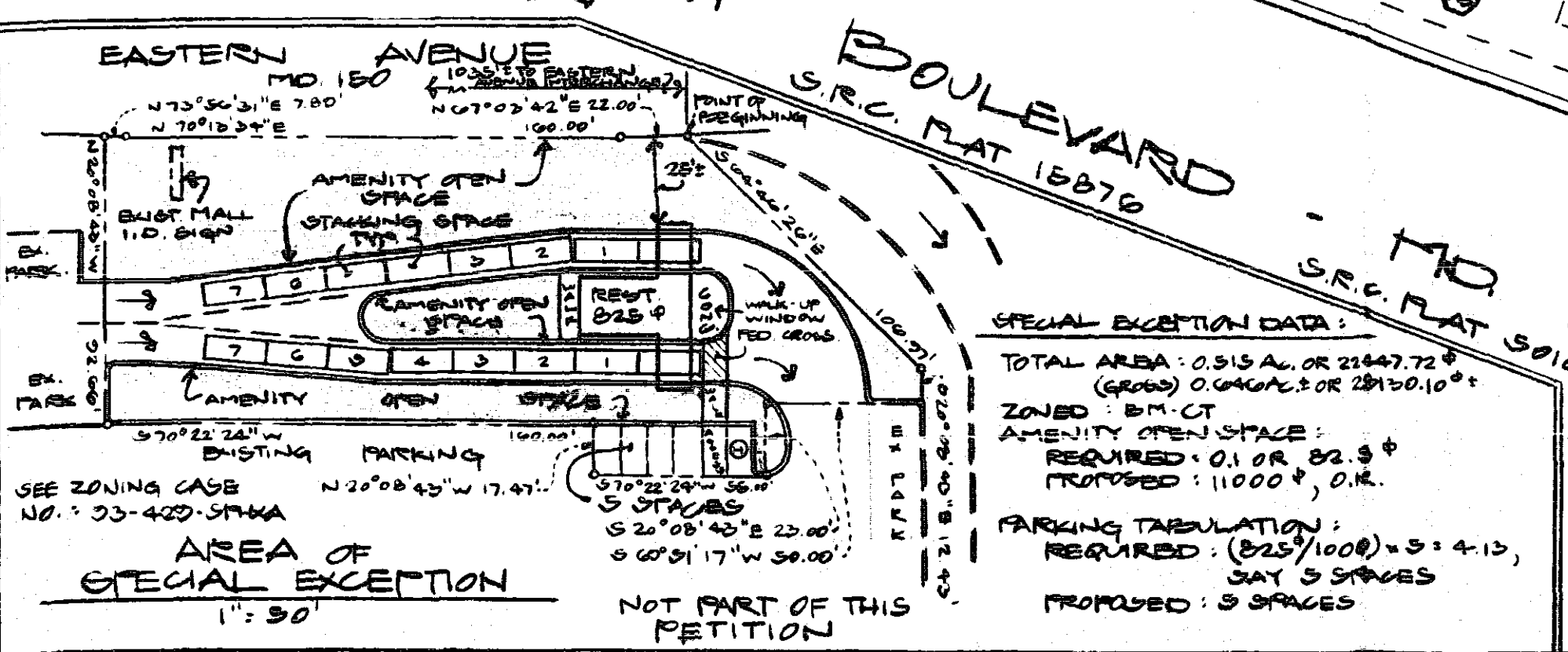
FUTURE GOLDEN CORRAL - 11414 SQ. FT.
HOTEL - 825 SQ. FT.

TOTAL BUILDING AREA - 955325 SQ. FT.
(IN ACCORDANCE WITH SECTION 400.0(A)(2) THE # OF
REQ'D OFF-STREET PARKING SPACES IS
(955325/1000) * 5 = 4777 SPACES.

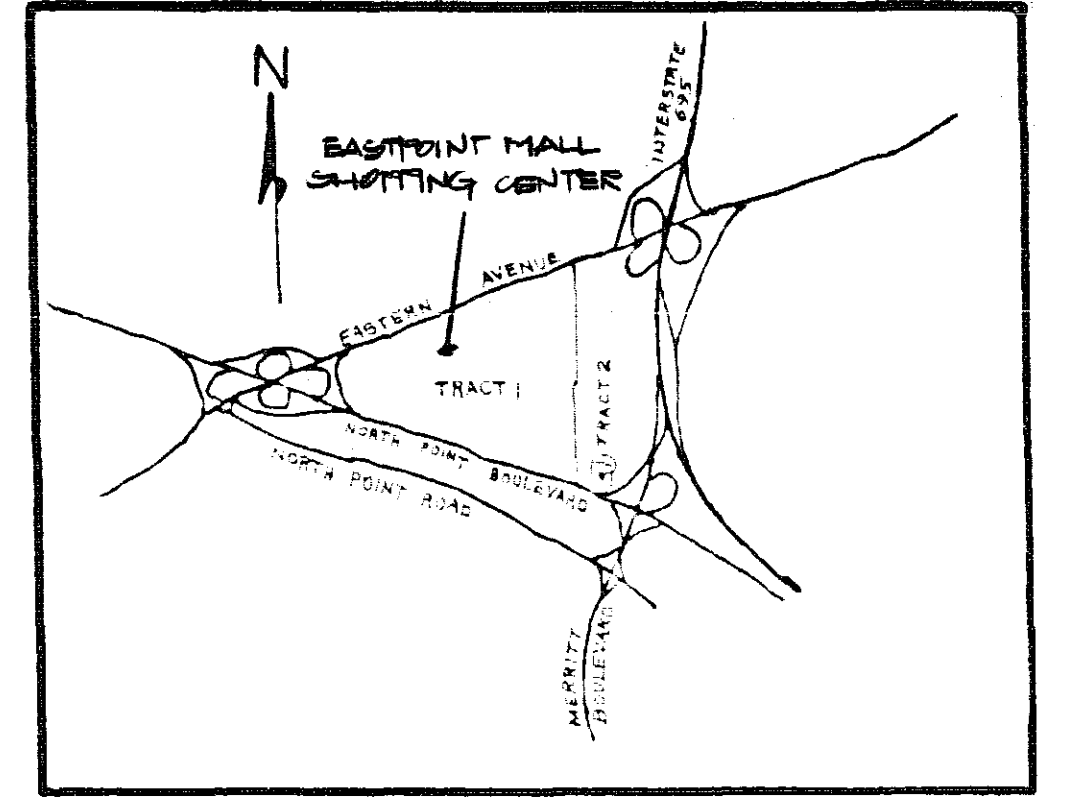
TOTAL REQUIRED: 4777 SPACES
TOTAL PROPOSED: 4000 SPACES (INCLUDES 8 SERVICE BAYS)

ALL PARKING SPACES ARE 8'-6" x 18' MINIMUM W/ 22' MINIMUM
DRIVE AISLES FOR 90° PARKING. ALL TWO-WAY TRAVELWAYS
ARE A MINIMUM OF 20' WIDE.

CALBERT ENGINEERING, INC.
DUMBERTON SQUARE SHOPPING CENTER
3723 OLD COURT ROAD - STE. 200
BALTIMORE, MARYLAND 21208
(410) 653-3830



PETITIONER'S
EXHIBIT No 1



VICINITY MAP
SCALE: 1" = 2000'

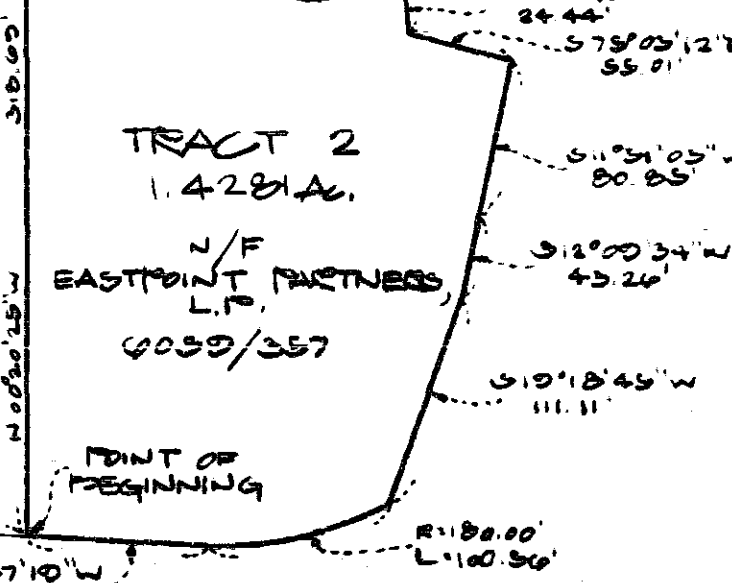
GENERAL NOTES

- PLAN PREPARED BY: CALBERT ENGINEERING, INC., 3723 OLD COURT ROAD, STE. 200, BALTIMORE, MARYLAND 21208, (410) 653-3830
- OWNER/APPLICANT: TRACT 1 EASTPOINT PARTNERS, L.P., 40 SHOPS MGMT. CORP, 1250 BROADWAY, NEW YORK, NEW YORK 10001, (212) 504-6900
DEED REF: 0057/357, 8204/204 (N/E)
TAX ACCT NO: 1505000500, 210007054
TRACT 2 EASTPOINT PARTNERS, L.P., 40 SHOPS MGMT. CORP, 7800 EASTPOINT MALL, STE. 10, BALTIMORE, MARYLAND 21224, (501) 284-0934
DEED REF: 0057/357 (N/E)
- TOTAL AREA OF SITE: TRACT 1 - 66.4402 AC.
TRACT 2 - 4.281 AC.
TOTAL - 70.7212 AC. (NET)
TRACT 1: 78.1076 AC. (GROSS)
- TOTAL SITE ZONED: RM-C-T
- SEE ZONING HISTORY SHEET 2 OF 2.
- ELECTION DISTRICT: 15 CANNONMAN DISTRICT, 7
- PREVIOUS COMMERCIAL PERMIT: R010904S/02097-00
- FLOOR AREA RATIO:
ALLOWED: 0.5 OR 1679437.5 SQ. FT.
PROPOSED: 255325 SQ. FT. (including proposed areas)
INCLUDES FUTURE GOLDEN CORRAL & HOTEL-NEW RESTAURANTS
- AMENITY OPEN SPACE:
REQUIRED: 0.1 OR 25532.5 SQ. FT.
PROPOSED: 215,000 SQ. FT. (including proposed areas)
- SEE PARKING TABULATION THIS SHEET.
- THE ENTIRE PARKING LOT IS PAVED W/ A BITUMINOUS CONCRETE SURFACE & ALL SPACES WILL BE PERMANENTLY STRIPED.
- NO ADDITIONAL SIGNAGE IS PROPOSED AT THIS TIME BUT FUTURE SIGNS (INCLUDING MENU BOARDS) WILL COMPLY WITH SECTION 413.2 & 413.5 & 400.0 OF THE PCRZ OR A ZONING VARIANCE WILL BE REQ'D.
- ALL AMENITY OPEN SPACE AREAS ARE A MINIMUM OF 7' WIDE & WILL BE SUITABLY LANDSCAPED.

PLAN TO ACCOMPANY VARIANCE

EASTPOINT MALL SHOPPING CENTER
7800 PLEASANT AVENUE - MD. RTE. 150
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
DATE: SEPT. 7, 1993 SCALE: 1"=100'
SHEET 1 OF 2
TAX MAP 06 BLOCK 17 PARCEL 21, 420

94-197-A



(TEA) # 191

Petitioners Ex 1a.

ZONING HISTORY

Case No.: 4641-X
 Petition for a Special Exception for a miniature golf course to be operated on a portion of the shopping center.
 Granted: 5-8-59 Restrictions: None

Case No.: 73-292-A
 Petition for a Variance from Section 409.1 to permit 4134 off-street parking spaces in lieu of the required 4531 off-street parking spaces at the Eastpoint Mall.
 Granted: 7-30-73 Restrictions: Subject to the approval of a Site Plan by the State Highway Administration, Department of Public Works and The Office of Planning & Zoning.

Case No.: 91-199-SPHA
 Petition for a Variance from Section 409.6.A(2) to permit 4302 off-street parking spaces in lieu of the required 4772 off-street parking spaces as originally approved in Zoning Case 73-292-A.
 Granted: 2-21-91 Restrictions: None

Petition for a Special Hearing to approve an amendment to the order and the Site Plan in Zoning Case 73-292-A.
 Granted: 2-21-91 Restrictions: Subject to the 30 day appeal process.

Case No.: 93-429-SPHXA
 Petition for Special Exception to permit a restaurant, drive-thru w/limited indoor/outdoor seating in a BM-CT zone or Petition for Special Hearing to permit a restaurant, drive-thru in a BM-CT zone.

Petition for Special Hearing to approve existing parking setbacks and travelway pursuant to the previously approved Site Plan and Variances in Case No. 91-199-SPHA or a Variance which seeks relief from the B.C.Z.R. as follows:

- From Section 409.8.A.2 to permit an off-street parking facility setback from a public R.O.W. of 2 feet in lieu of the required 10 feet.
- From Section 409.4 to permit direct access to a travelway from off-street parking facilities.
- From Section 409.8.A.1 to permit deviation from the screening and landscaping requirements of the Landscape Manual.
- From Section 409.6(A)(2) to permit 4000 parking spaces in lieu of the required 4309.

Special Hearing: Denied 8-2-93
 Special Exception: Granted 8-2-93
 Variances: Granted 8-2-93

street parking facilities; from Section 409.8.A.1 to permit deviation from the screening and landscaping requirements of the Landscape Manual, and from Section 409.6(A)(2) to permit 4,000 parking spaces in lieu of the required 4,309, in accordance with Petitioner's Exhibits 1A, and 2, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) All future development on the subject site shall strictly adhere to the landscape requirements set forth in the Baltimore County Landscape Manual.
- 3) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Lawrence E. Schmidt
 LAWRENCE E. SCHMIDT
 Zoning Commissioner
 for Baltimore County

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of August, 1993 that the Petition for Special Hearing to approve a restaurant, drive-thru with limited indoor/outdoor seating as a use permitted as of right in all business zones, including the B.M.-C.T. zone, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking approval of existing parking setbacks and travelway, pursuant to the previously approved site plan and variances in Case No. 91-199-SPHA, and amendments thereto as noted on the site plan submitted herein, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a restaurant, drive-thru, with limited indoor/outdoor seating in a B.M.-C.T. zone, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.8.A.2 to permit an off-street parking facility setback from a public street right-of-way of 2 feet in lieu of the required 10 feet; from Section 409.4 to permit direct access to a travelway from off-

PLAN TO ACCOMPANY
 VARIANCE
 EASTPOINT MALL SHOPPING CENTER
 7800 BLOCK EASTERN AVENUE - MD. RT. 150
 15TH ELECTION DISTRICT
 BALTIMORE COUNTY, MARYLAND
 DATE: SEPT. 9, 1993 SCALE: AS SHOWN
 SHEET 2 OF 2
 TAX MAP: 96 BLOCK: 17 PARCEL: 21, 400

COLBERT ENGINEERING INC.
 DUMBARTON SQUARE
 3723 OLD COURT ROAD, SUITE 206
 BALTIMORE, MARYLAND 21208
 PHONE: (410)653-3838

DESIGNED BY	DRAWN BY	CHECKED BY	DATE	SCALE
	CJC		9/9/93	1"=20'
JOB NO.	DATE	JOB NO.	SHEET	
93063VAR		93063	2	
			OF	
			2	

VARIANCE REQUESTED:

1) VARIANCE TO SECTION 409.6 (A) (2) TO PERMIT 4000 OFF-STREET PARKING SPACES IN LIEU OF THE REQUIRED 4777 OFF-STREET PARKING SPACES & TO AMEND THE APPROVED PLAN IN CASE NO. 03-420-SHKA.

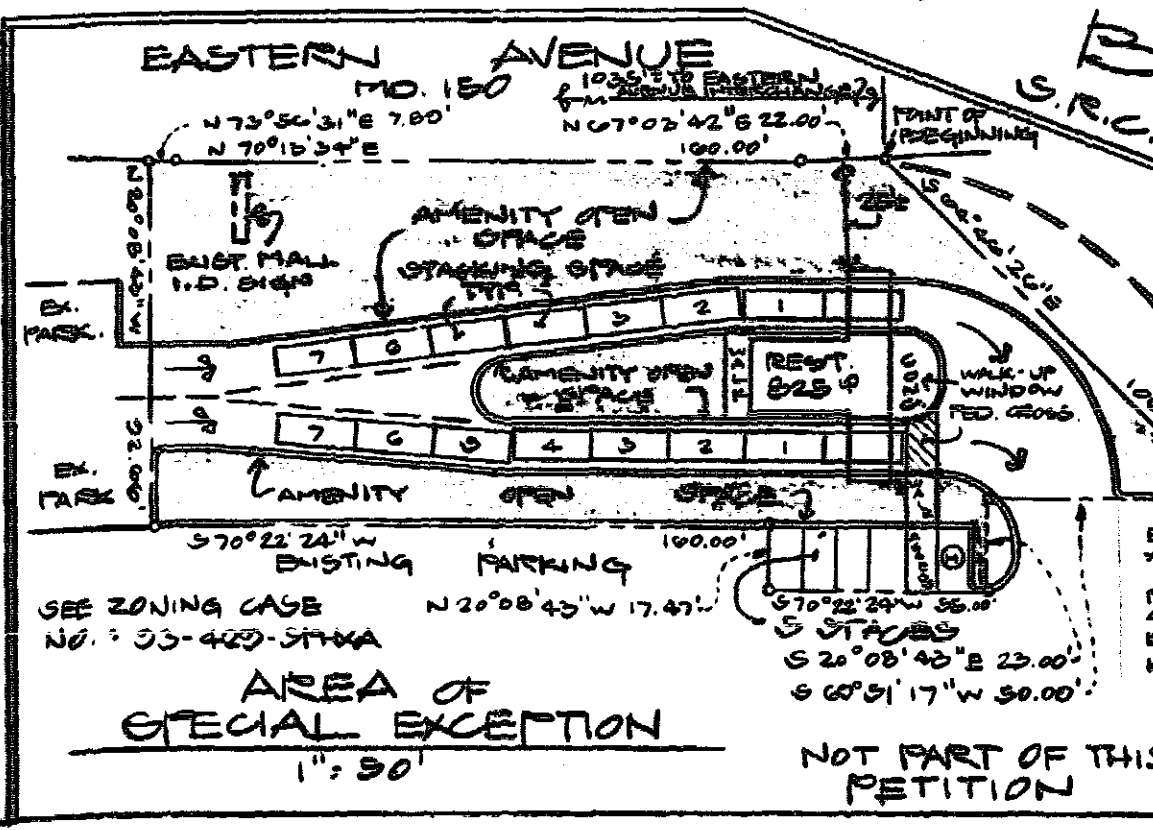
PARKING TABULATION:

REQUIRED OFF-STREET PARKING -
 EXISTING RETAIL - 760,842 SQ. FT.
 RESTAURANT - 35,870 SQ. FT.
 ...
 FUTURE GOLDEN CORRAL - 11,414 SQ. FT.
 HOT N-NOW - 825 SQ. FT.

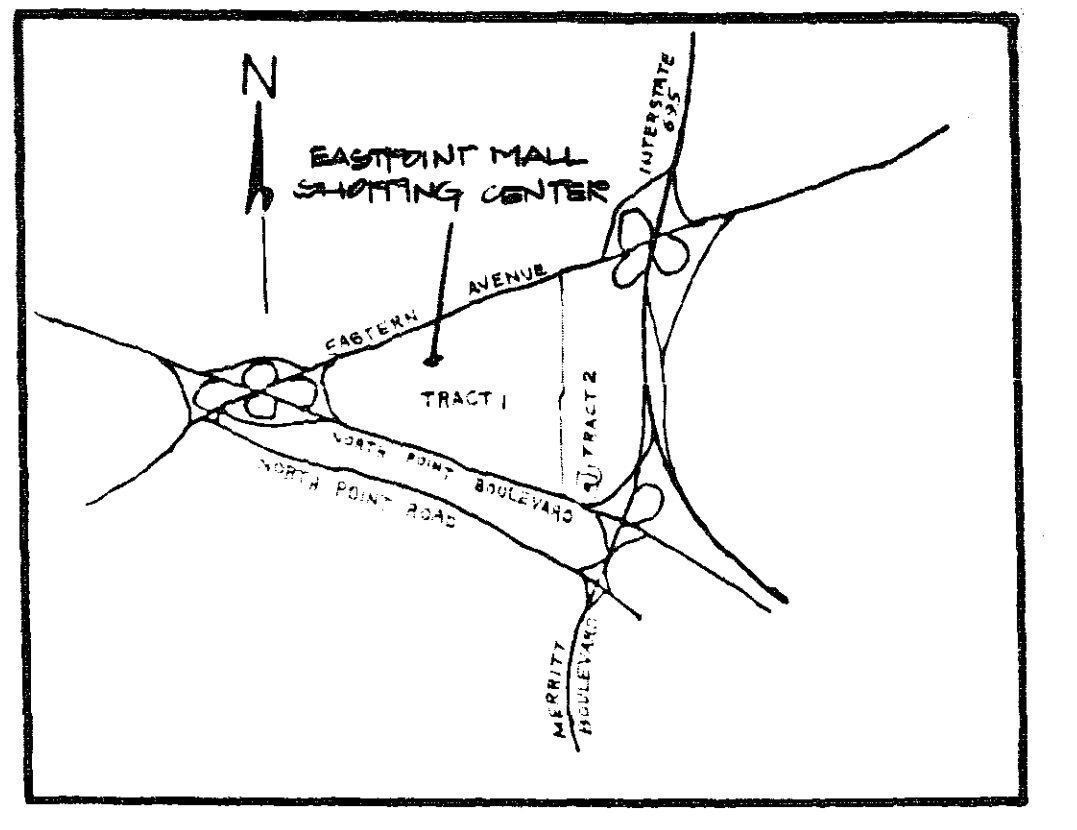
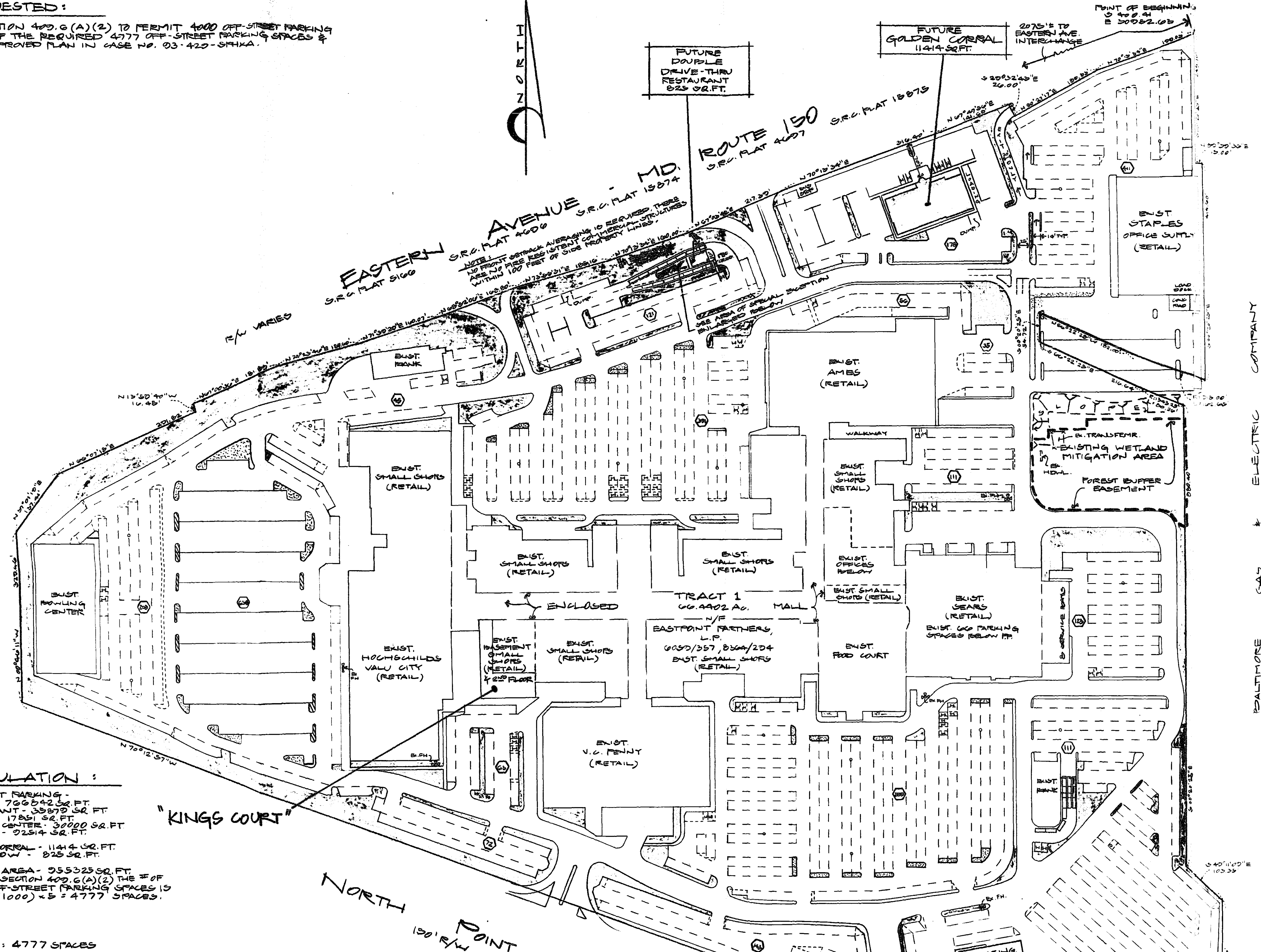
TOTAL REQUIRED: 4777 SPACES
 TOTAL PROPOSED: 4000 SPACES (INCLUDES 8 SERVICE BAYS)
 ALL PARKING SPACES ARE 8.5' x 18' MINIMUM W/ 22' MINIMUM DRIVE AISLES FOR 90° PARKING. ALL TWP-WAY TRAVELWAYS ARE A MINIMUM OF 20' WIDE.

COLBERT ENGINEERING, INC.
 DUMBARTON SQUARE SHOPPING CENTER
 3723 OLD COURT ROAD - STE. 200
 BALTIMORE, MARYLAND 21208
 (410) 653-3830

NO.	DATE	REVISION	BY



SPECIAL EXCEPTION DATA:
 TOTAL AREA: 0.515 AC. OR 22,427.72 SQ. FT.
 (GROUP) 0.04 AC. OR 1,742.40 SQ. FT.
 ZONED: B4-C1
 AMENITY OPEN SPACE: REQUIRED: 01 OR 82 SQ. FT. PROPOSED: 1,000 SQ. FT. O.K.
 PARKING TABULATION: REQUIRED: (825/1000) * 5 = 4.12, GAY 3 SPACES PROPOSED: 3 SPACES



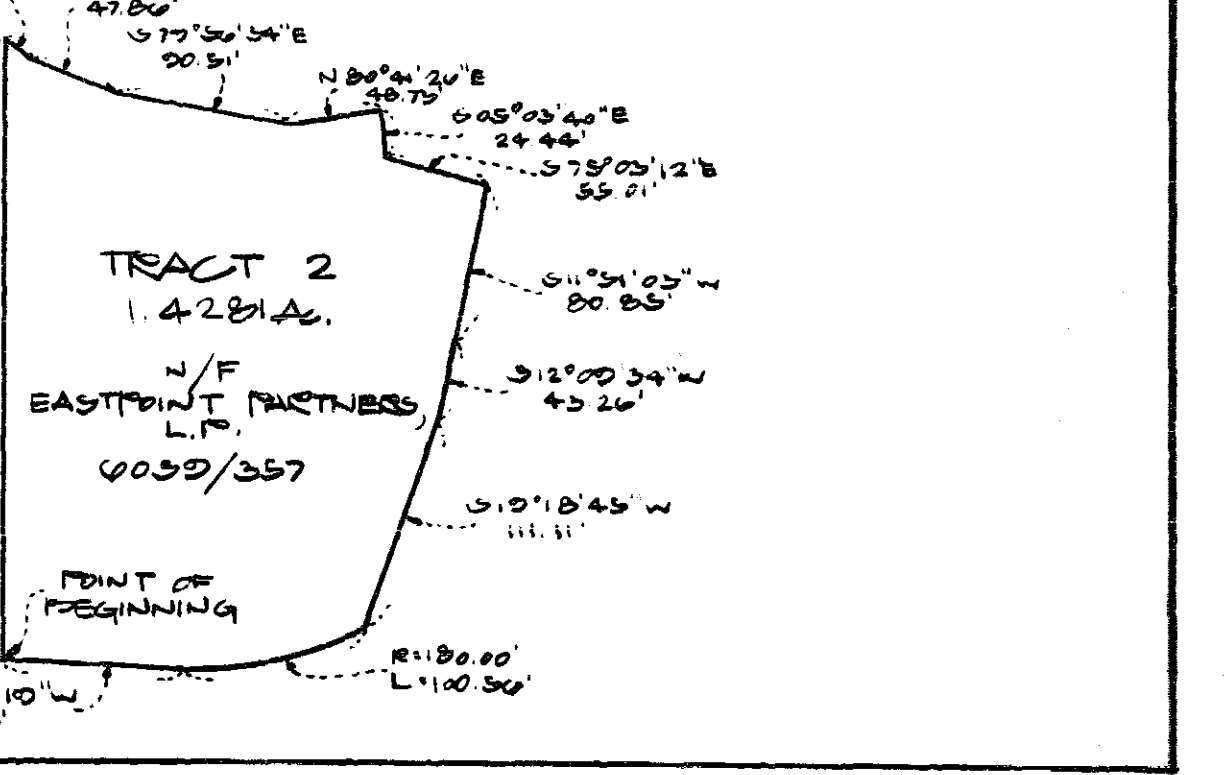
VICINITY MAP
 SCALE: 1" = 2000'

GENERAL NOTES

- PLAN PREPARED BY: COLBERT ENGINEERING, INC., 3723 OLD COURT ROAD, STE. 200, BALTIMORE, MARYLAND 21208 (410) 653-3830
- OWNER/AFFILIANT: TRACT 1 EASTPOINT PARTNERS, L.P., c/o SHIHO MGMT. CORP. 1250 BROADWAY, NEW YORK, NEW YORK 10001 (212) 504-0400 DEED REF: 0059/357, 0304/204 (N/F) TRACT 2: EASTPOINT PARTNERS, L.P., c/o SHIHO MGMT. CORP. 7850 EASTPOINT MALL, STE. 10 BALTIMORE, MARYLAND 21224 (301) 284-0554 DEED REF: 0059/357 (N/F)
- TOTAL AREA OF SITE: TRACT 1: 66.4402 AC. TRACT 2: 1.4281 AC. TOTAL: 67.8683 AC. (NET) TRACT 1: 70.1076 AC. (GROSS)
- TOTAL SITE ZONED: B4-C1
- SEE ZONING HISTORY SHEET 2 OF 2.
- ELECTION DISTRICT: 15 CONGRESSIONAL DISTRICT: 7
- PREVIOUS COMMERCIAL PERMIT: B07809S/02007-00
- FLOOR AREA RATIO: ALLOWED: 3.3 OR 10720378 SQ. FT. PROPOSED: 355325 / 325887, 1: 0.31 O.K. (INCLUDES FUTURE GOLDEN CORRAL & HOT N-NOW RESTAURANT)
- AMENITY OPEN SPACE: REQUIRED: 21 OR 355325 SQ. FT. PROPOSED: 219,000 SQ. FT. (INCLUDES 8' x 4' PROP. AREAS)
- SEE PARKING TABULATION THIS SHEET.
- THE ENTIRE PARKING LOT IS PAVED W/ A BITUMINOUS CONCRETE SURFACE & ALL SPACES WILL BE PERMANENTLY STRIPED.
- NO ADDITIONAL SIGNAGE IS REQUIRED AT THIS TIME. ANY FUTURE SIGNS (INCLUDING MENU BOARDS) WILL COMPLY WITH SECTION 413.2 & 413.5 & 400.10 OF THE BOZOR OR A ZONING VARIANCE WILL BE REQ'D.
- ALL AMENITY OPEN SPACE AREAS ARE A MINIMUM OF 7' WIDE & WILL BE SUITABLY LANDSCAPED.

PLAN TO ACCOMPANY VARIANCE

EASTPOINT MALL SHOPPING CENTER
 7800 BLOCK EASTERN AVENUE - MD. RTE. 150
 15TH ELECTION DISTRICT
 BALTIMORE COUNTY, MARYLAND
 DATE: SEPT. 9, 1993 SCALE: 1" = 100'
 SHEET 1 OF 2
 TAX MAP: 06 BLOCK 17, PARCEL: 21,430



VARIANCE REQUESTED:

4073
 1) VARIANCE TO SECTION 400 G (A) (2) TO PERMIT 4073 OFF-STREET PARKING SPACES IN LIEU OF THE REQUIRED 4773 OFF-STREET PARKING SPACES & TO AMEND THE APPROVED PLAN IN CASE NO. 03-422-SFHKA.
 4773

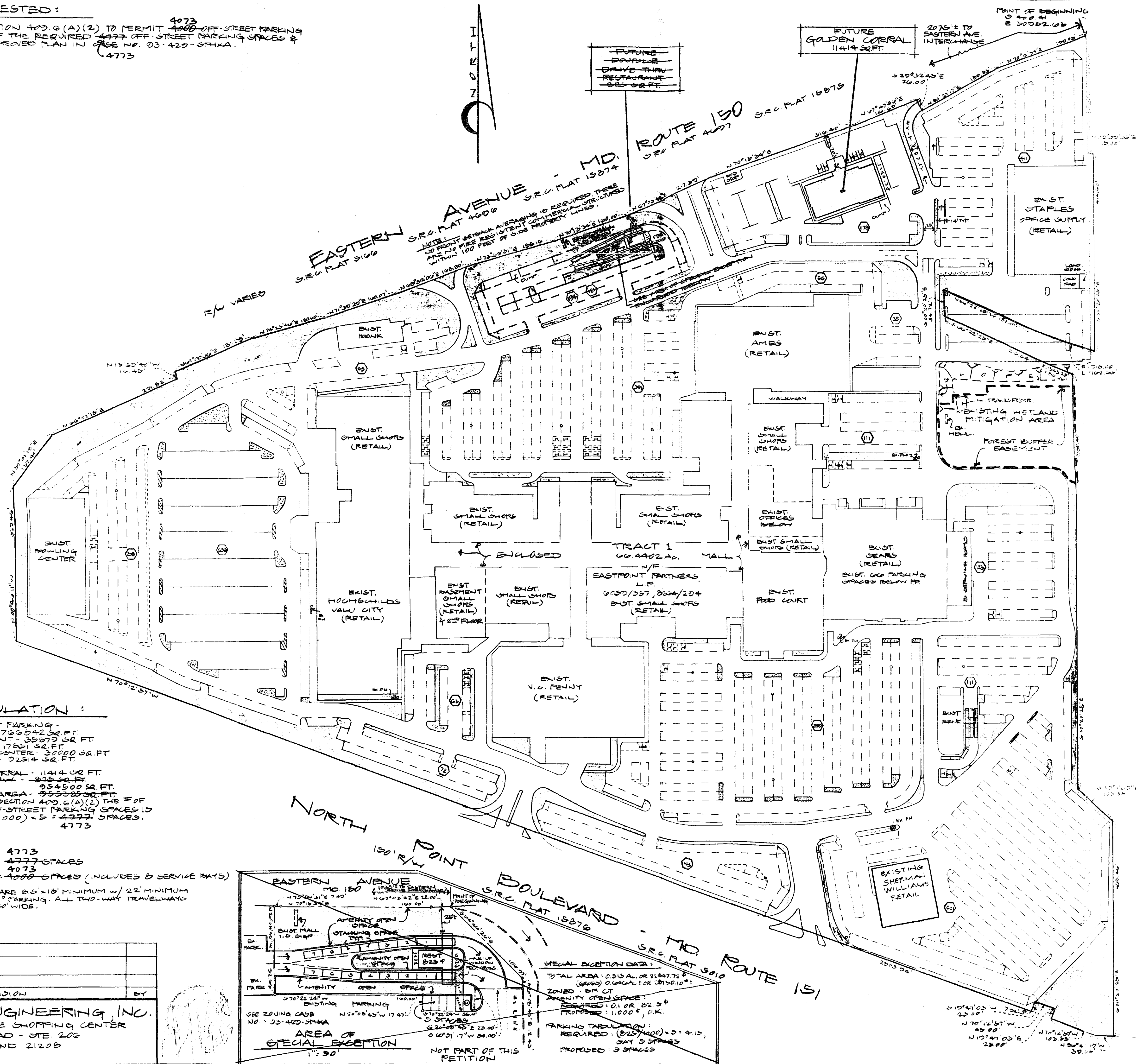
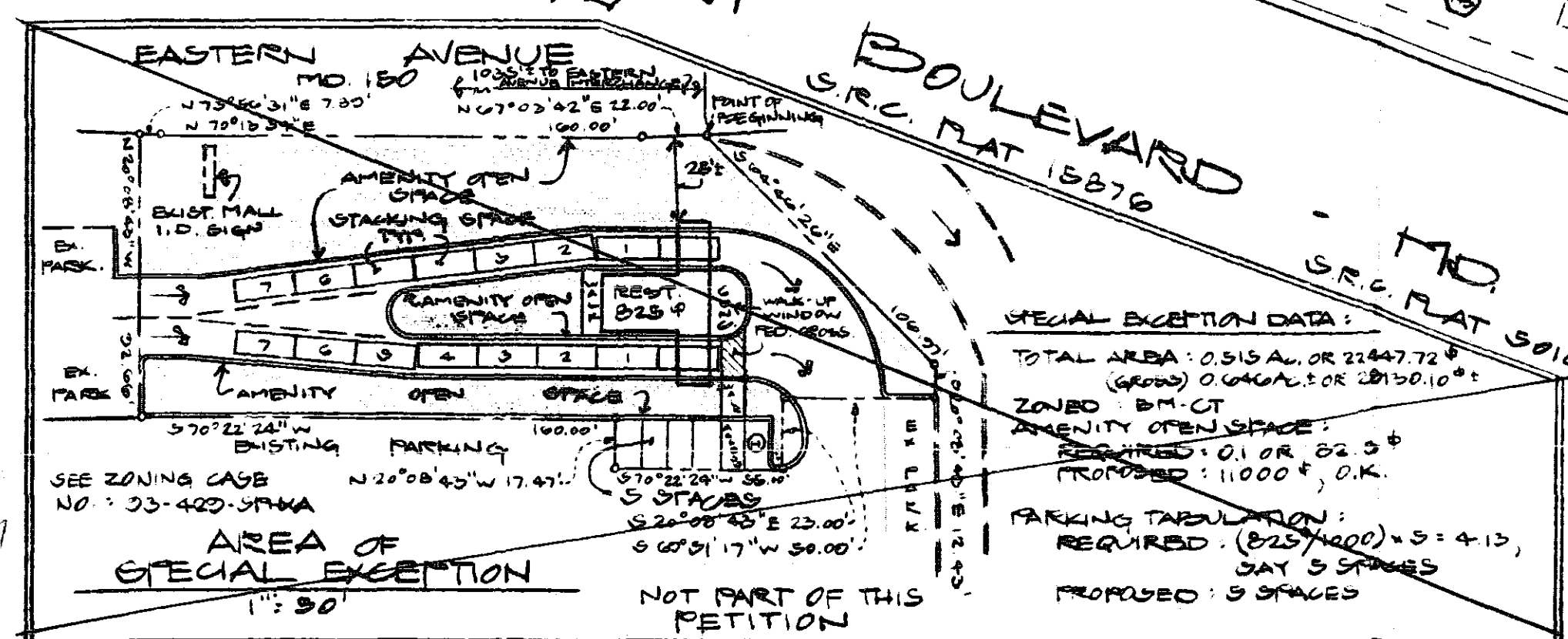
PARKING TABULATION:

REQUIRED OFF-STREET PARKING -
 EXISTING: RETAIL - 7600 SQ. FT.
 RESTAURANT - 35875 SQ. FT.
 BOWLING CENTER - 3000 SQ. FT.
 OFFICES - 92514 SQ. FT.
 FUTURE GOLDEN CORRAL - 11414 SQ. FT.
 TOTAL BUILDING AREA - 954500 SQ. FT.
 IN ACCORDANCE W/ SECTION 400 G (A) (2) THE # OF REQUIRED OFF-STREET PARKING SPACES IS (954500/1000) x 5 = 4773 SPACES.
 954500 4773

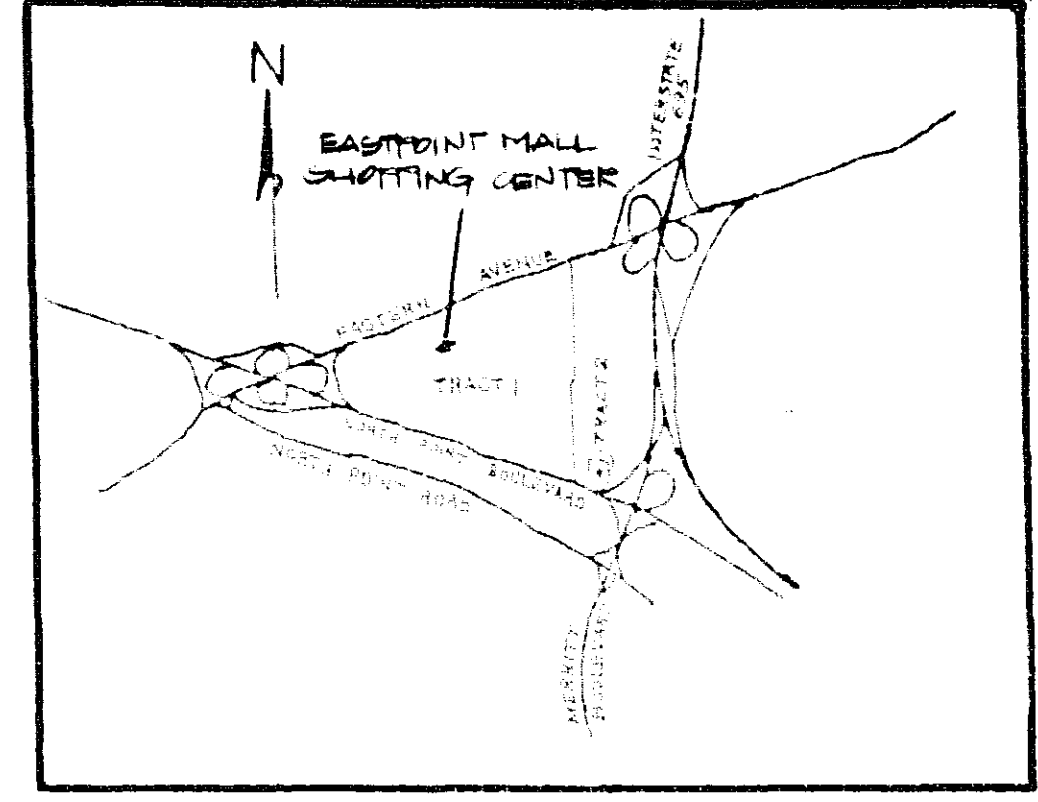
TOTAL REQUIRED: 4773 STACES
 TOTAL PROPOSED: 4073 SPACES (INCLUDES 3 SERVICE BAYS)
 ALL PARKING SPACES ARE 8'5" x 18' MINIMUM W/ 22' MINIMUM DRIVE AISLES FOR 20' PARKING. ALL TWO-WAY TRAVELWAYS ARE A MINIMUM OF 22' WIDE.

NO.	DATE	REVISION	BY

COLBERT ENGINEERING, INC.
 DUMFRIES SQUARE SHOPPING CENTER
 3725 OLD COURT ROAD - STE 202
 BALTIMORE, MARYLAND 21208
 (410) 652-5838



Petition Ex 9

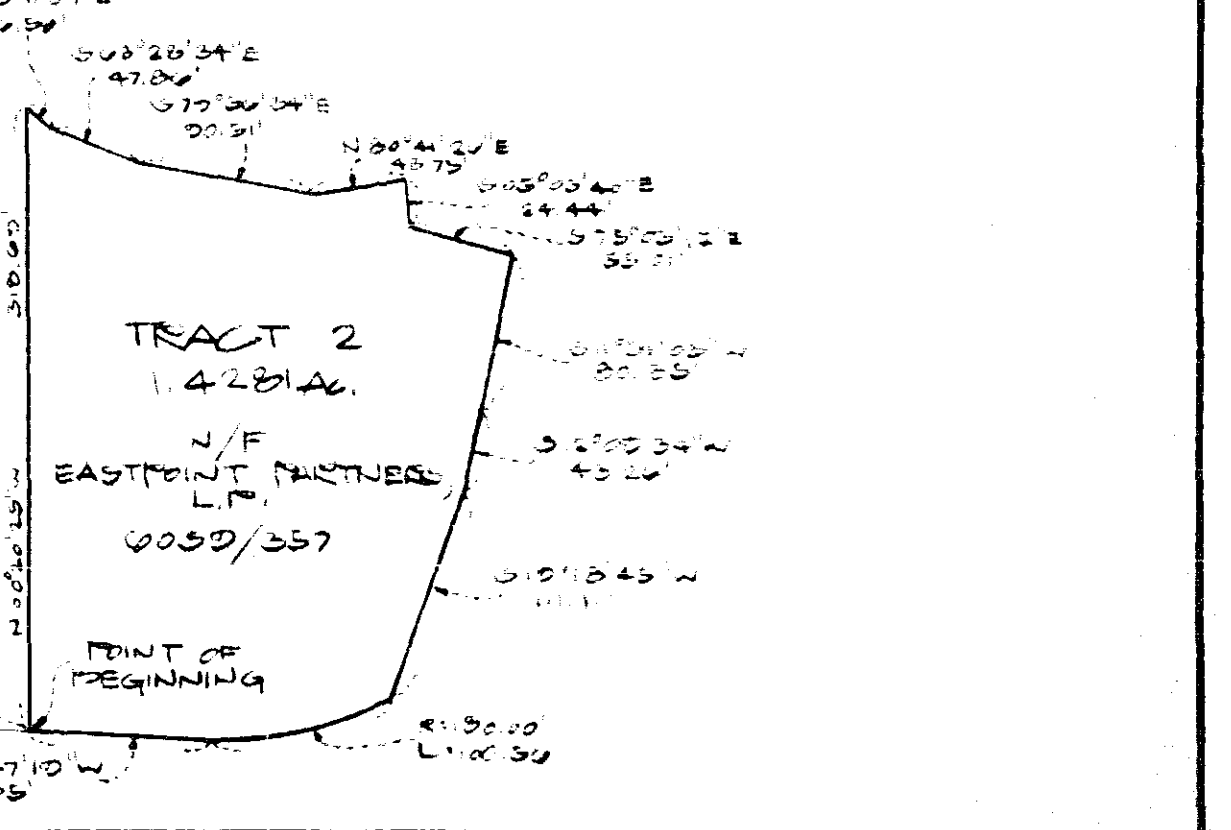


GENERAL NOTES

1. PLAN PREPARED BY: COLBERT ENGINEERING, INC. 3725 OLD COURT ROAD, STE 202 BALTIMORE, MARYLAND 21208 (410) 652-5838
2. OWNER / APPLICANT: TRACT 1 EASTPOINT PARTNERS, L.P., c/o SHAFER MGMT. CORP. 1250 BROADWAY, NEW YORK, NEW YORK 10001 (212) 504-0400 TRACT 2 EASTPOINT PARTNERS, L.P., c/o SHAFER MGMT. CORP. 7000 EASTPOINT MALL, STE 10 BALTIMORE, MARYLAND 21224 (410) 204-0334 TRACT 2 EASTPOINT PARTNERS, L.P., c/o SHAFER MGMT. CORP. 7000 EASTPOINT MALL, STE 10 BALTIMORE, MARYLAND 21224 (410) 204-0334 TRACT 2 EASTPOINT PARTNERS, L.P., c/o SHAFER MGMT. CORP. 7000 EASTPOINT MALL, STE 10 BALTIMORE, MARYLAND 21224 (410) 204-0334
3. TOTAL AREA OF SITE: TRACT 1 - 66,400 AC. TRACT 2 - 1,428 AC. TOTAL - 67,828 AC. (NET) TRACT 1 - 70,107 AC. (GROSS)
4. TOTAL SITE ZONED: B-1A-1-CT
5. SEE ZONING HISTORY SHEET 2 OF 2.
6. ELECTION DISTRICT: 15 BRUNNENBERG DISTRICT, 7
7. PREVIOUS COMMERCIAL PERMIT: 03010005/0207-00
8. FLOOR AREA RATIO: 25450.0. REQUIRED: 0.1 OR 22447.72 SQ. FT. PROPOSED: 213,000 SQ. FT. (INCL. 15' DEEP AREAS) 110,000 SQ. FT. (EXCLUDING RESTAURANT)
9. AMENITY OPEN SPACE: 25450.0. REQUIRED: 0.01 OR 82.5 SQ. FT. PROPOSED: 11,000 SQ. FT. (INCL. 15' DEEP AREAS)
10. SEE PARKING TABULATION THIS SHEET.
11. THE ENTIRE PARKING LOT IS PAVED W/ A 2" THICK CONCRETE SURFACE & ALL GRASSES WILL BE PERMANENTLY MAINTAINED.
12. NO ADDITIONAL SIGNAGE IS PROPOSED AT THIS TIME. THE EXISTING SIGNS (INCLUDING MENU BOARDS) WILL COMPLY WITH SECTION 412 & 413.5 & 400.0 OF THE BOOZ OR A ZONING VARIANCE WILL BE REQUIRED.
13. ALL AMENITY OPEN SPACE AREAS ARE A MINIMUM OF 7' WIDE & WILL BE SUITABLY LANDSCAPED.

PLAN TO ACCOMPANY VARIANCE

EASTPOINT MALL SHOPPING CENTER
 7800 BLOCK EASTERN AVENUE - MD. RTE. 150
 15TH ELECTION DISTRICT
 BALTIMORE COUNTY, MARYLAND
 DATE: SEPT 2, 1992 SCALE: 1" = 100'
 SHEET 1 OF 2
 TAX MAP 016 BLOCK 17 PARCEL 21, 422



VARIANCE REQUESTED:

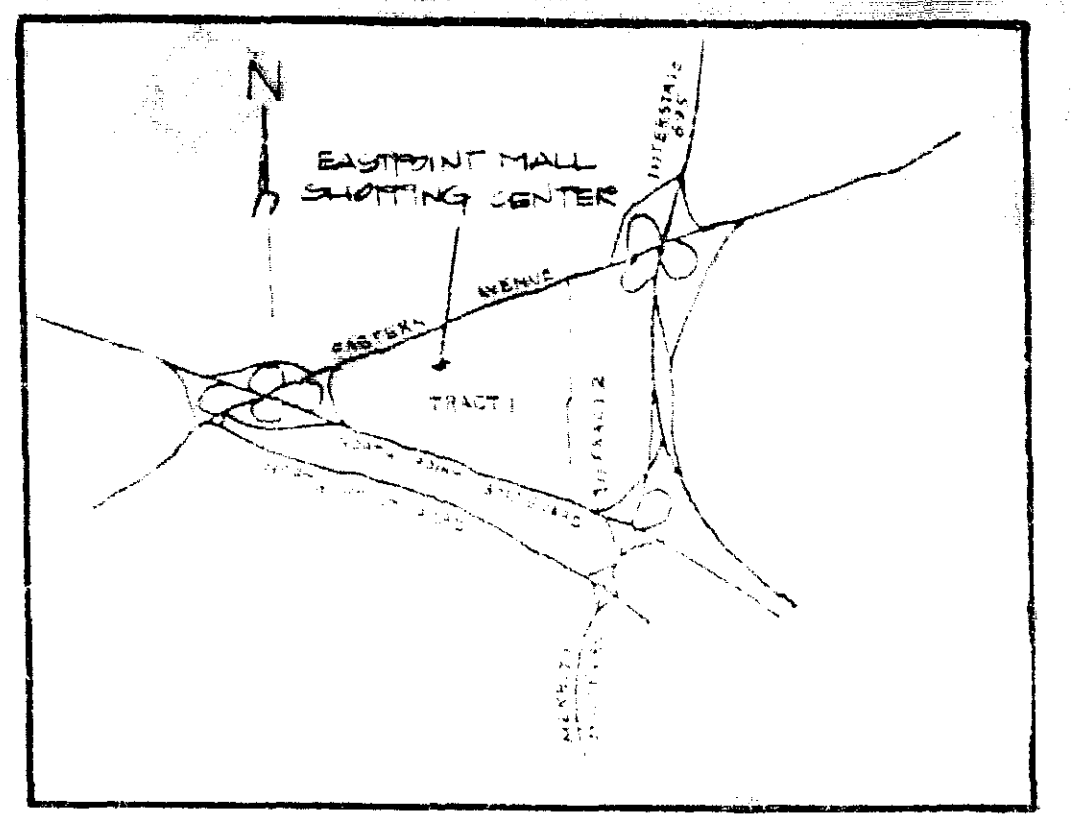
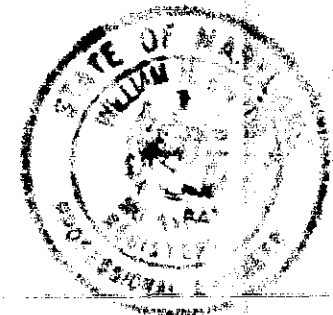
4075
 VARIANCE TO SECTION 400.0(A)(2) TO PERMIT 4000 OFF-STREET PARKING SPACES IN LIEU OF THE REQUIRED 4777 OFF-STREET PARKING SPACES & TO AMEND THE APPROVED PLAN IN CASE NO. 23-422-014KA.

REVISION NOTE (8-31-95)

Indicates revisions made by Bafitis and Associates Inc. to this Plan prepared by Colbert Engineering, Inc. revisions were made to the Golden Corral Site and the parking tabulations.

This plan, before current revisions, is as approved by the Board of Appeals in Case #94-197-A.

9/12/95 *[Signature]*
 Approved by the Director of Department of Permits and Development Management



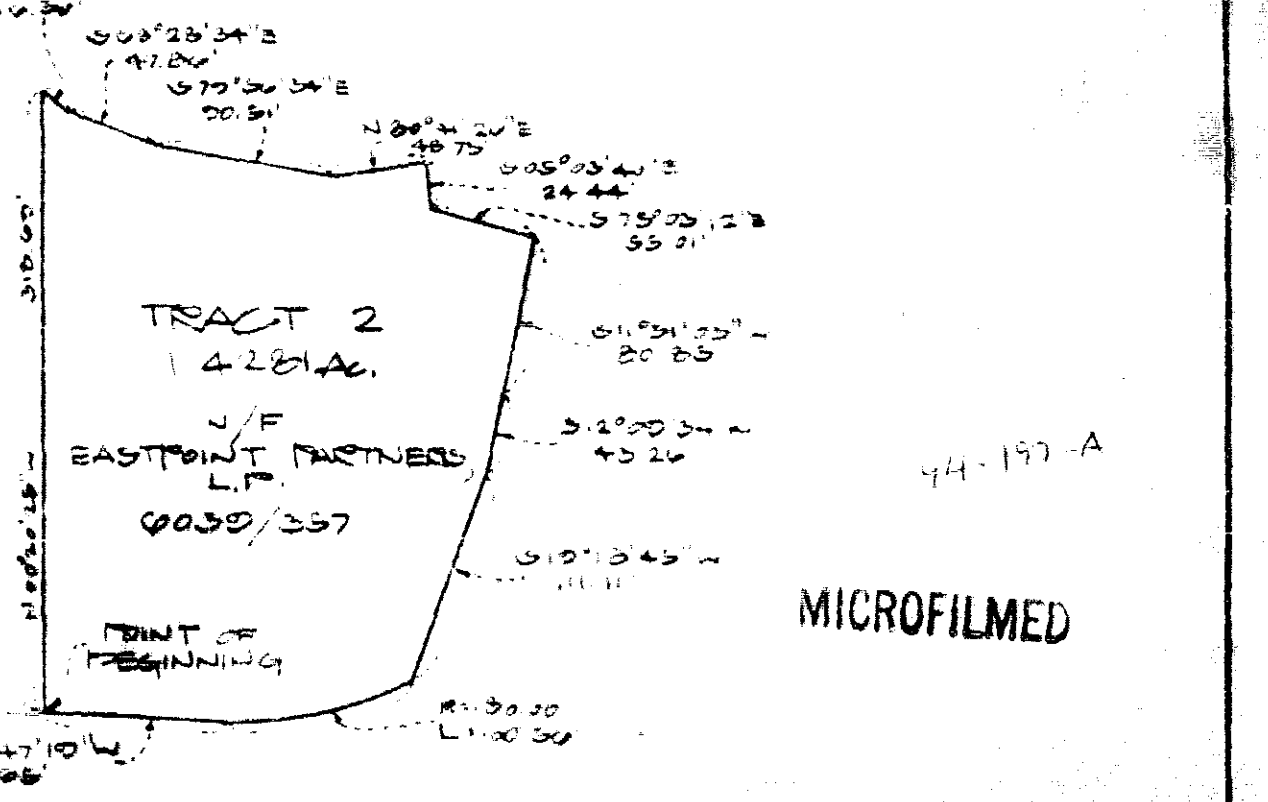
VICINITY MAP
 SCALE: 1" = 100'

GENERAL NOTES

1. PLAN PREPARED BY COLBERT ENGINEERING, INC. 8723 OLD WEST ROAD, STE. 100 BALTIMORE, MARYLAND 21286 (410) 552-3920
2. OWNER: APPLICANT: TRACT 1, EASTPOINT PARTNERS L.P., 110 SOUTH MOUNTAIN CORP. 1330 BROADWAY, NEW YORK, NEW YORK 10001 (212) 512-1400 DEED REC. 0057/337, 0304, 104 (N/E) TRACT NO. 03A000500, 2193007054 TRACT 2 EASTPOINT PARTNERS L.P., 110 SOUTH MOUNTAIN CORP. 7800 EASTPOINT MALL, STE. 10 BALTIMORE, MARYLAND 21286 DEED REC. 0059/337 (N/E)
3. TOTAL AREA OF SITE: TRACT 1: 60,442 SQ. FT. TRACT 2: 1,428,140 SQ. FT. TOTAL: 1,488,582 SQ. FT. (NET) TRACT 1: 70,107 SQ. FT. (GROSS)
4. TOTAL SITE ZONED: RM-1-C
5. SEE ZONING HISTORY SHEET 217-2
6. ELECTION DISTRICT: 13 CONNELLTOWN DISTRICT.
7. MENDS COMMERCIAL PERMIT: 00707045 (0207-00)
8. FLOOR AREA RATIO: 0.54500
 REQUIRED: 0.54500 (0.54500) 0.54500
 PROVIDED: 0.54500 (0.54500) 0.54500
 (SEE ZONING REGULATIONS FOR FURTHER DETAILS)
9. AMENITY OPEN SPACE: 0.54500
 REQUIRED: 0.54500 (0.54500) 0.54500
 PROVIDED: 0.54500 (0.54500) 0.54500
 (SEE ZONING REGULATIONS FOR FURTHER DETAILS)
10. SEE TRAFFIC TOLERATION IN THE ZONING.
11. THE ENTIRE PARKING LOT IS PAVED W/ A BITUMINOUS CONCRETE SURFACE & ALL GRADES WILL BE PERMANENTLY GRADED.
12. NO ADDITIONAL SIGNAGE IS PERMITTED AT THIS SITE. ALL SIGNAGE INCLUDING MENU BOARDS WILL COMPLY WITH SECTION 402.1 & 402.5 & 402.10 OF THE ZONING. A ZONING VARIANCE WILL BE REQUIRED.
13. ALL AMENITY OPEN SPACE AREAS ARE A MINIMUM OF 10' WIDE & WILL BE SUITABLY LANDSCAPED.

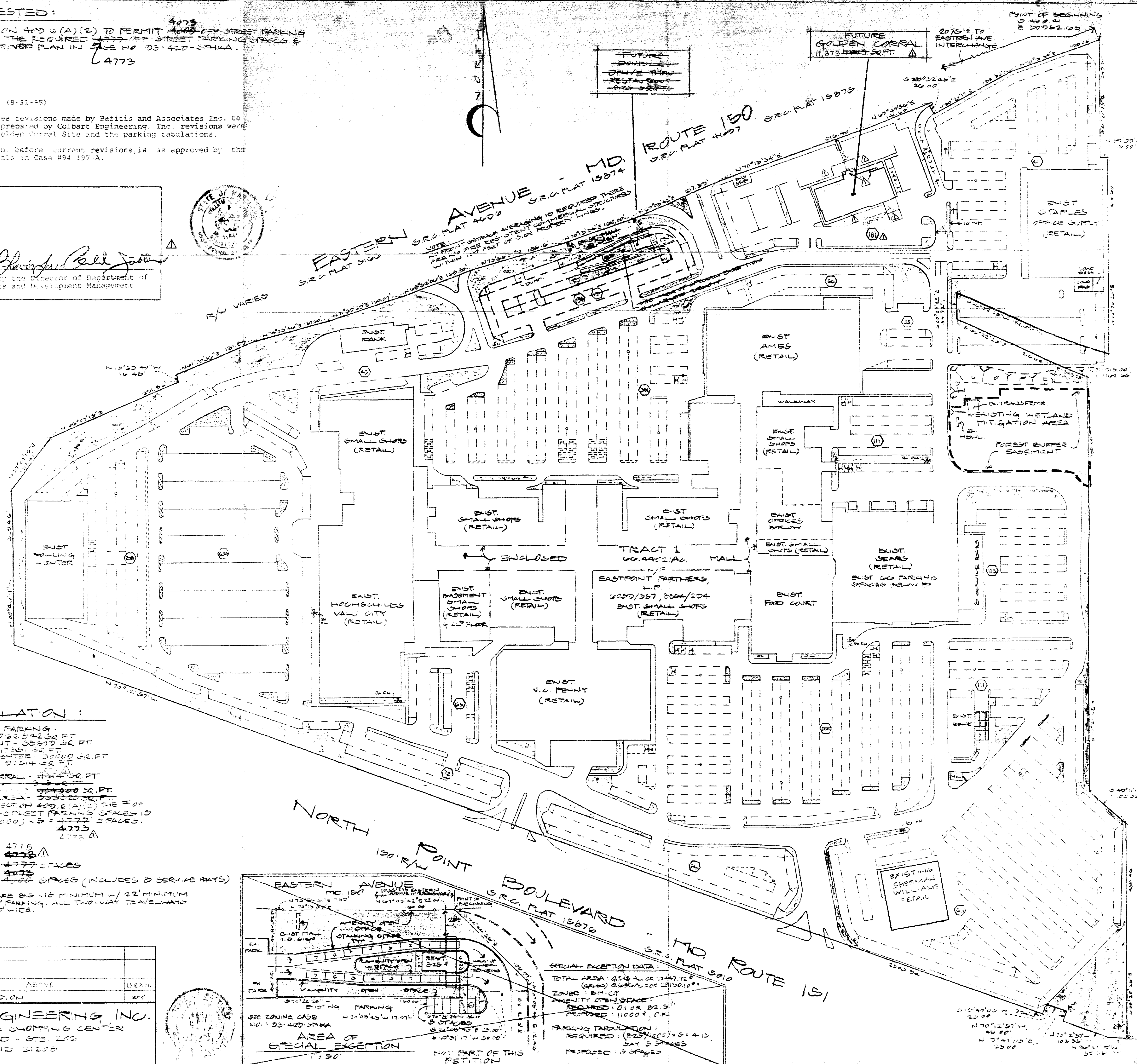
PLAN TO ACCOMPANY VARIANCE

EASTPOINT MALL SHOPPING CENTER
 7800 BLOCK EASTERN AVENUE - MD. RT. 150
 133 ELECTION DISTRICT
 BALTIMORE COUNTY, MARYLAND
 DATE: SEPT 3, 1995 SCALE: 1" = 100'
 SHEET 1 OF 2
 TAX MAP: 20 BLOCK 17 PARCEL 21, 600



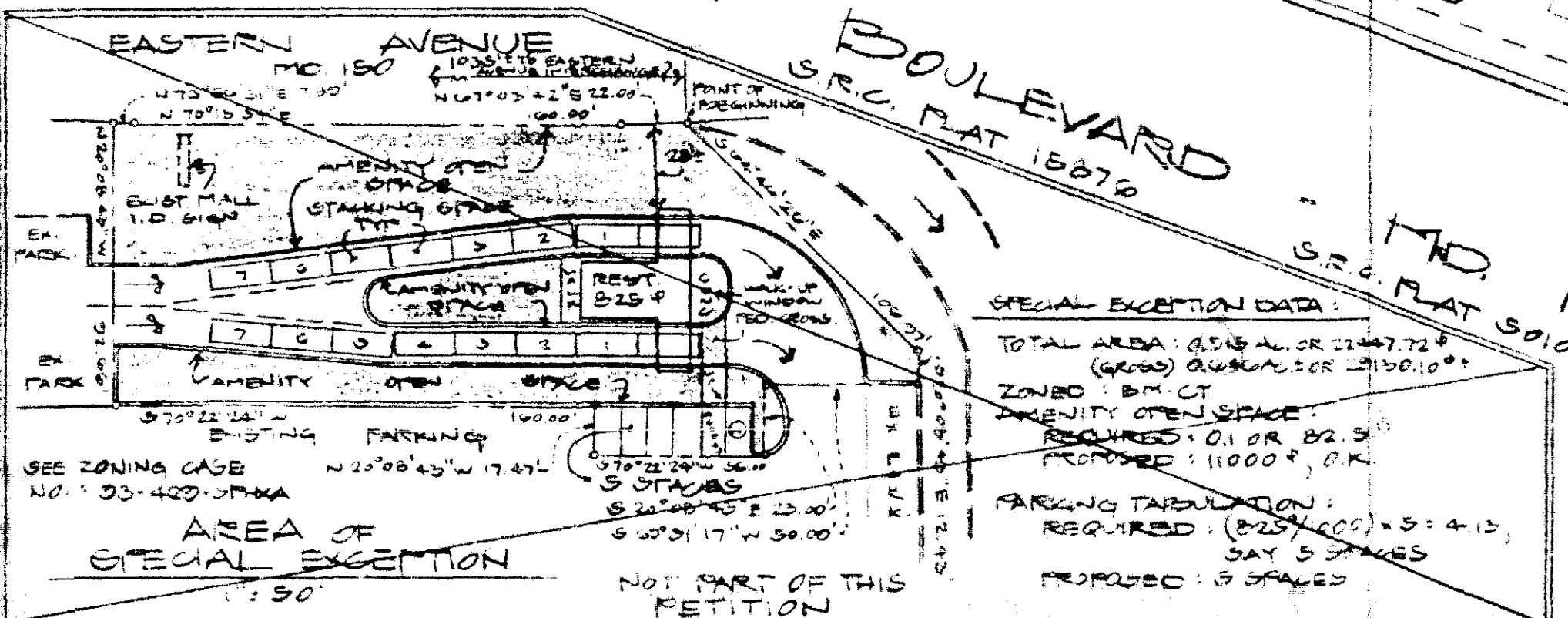
MICROFILMED

INTERCHANGE RAMP
 S.R.C. PLAT 10637



PARKING TABULATION:

4000 OFF-STREET PARKING SPACES
 4777 OFF-STREET PARKING SPACES
 TOTAL BUILDING AREA: 95450 SQ. FT.
 ACCORDANCE WITH SECTION 400.0(A)(2) THE # OF OFF-STREET PARKING SPACES IS 4000/1000 = 4 SPACES.
 TOTAL REQUIRED: 4777 SPACES
 TOTAL PROVIDED: 4000 SPACES (INCLUDES 0 SERVICE BAYS)
 ALL PARKING SPACES ARE 8'6" MINIMUM W/ 22' MINIMUM CURVE RADIUS FOR 90° PARKING. ALL TWO-WAY TRAVELWAYS ARE A MINIMUM OF 20' WIDE.



SPECIAL EXCEPTION DATA
 TOTAL AREA: 1,488,582 SQ. FT.
 ZONED: RM-1-C
 FLOOR AREA RATIO: 0.54500
 REQUIRED: 0.54500 (0.54500) 0.54500
 PROVIDED: 0.54500 (0.54500) 0.54500
 PARKING TABULATION: 4000 SPACES
 REQUIRED: 4777 SPACES
 PROVIDED: 4000 SPACES

NO.	DATE	REVISION	BY

COLBERT ENGINEERING INC.
 575 BALDWIN ROAD - STE. 202
 BALTIMORE, MARYLAND 21206
 (410) 552-3920

VARIANCE REQUESTED:

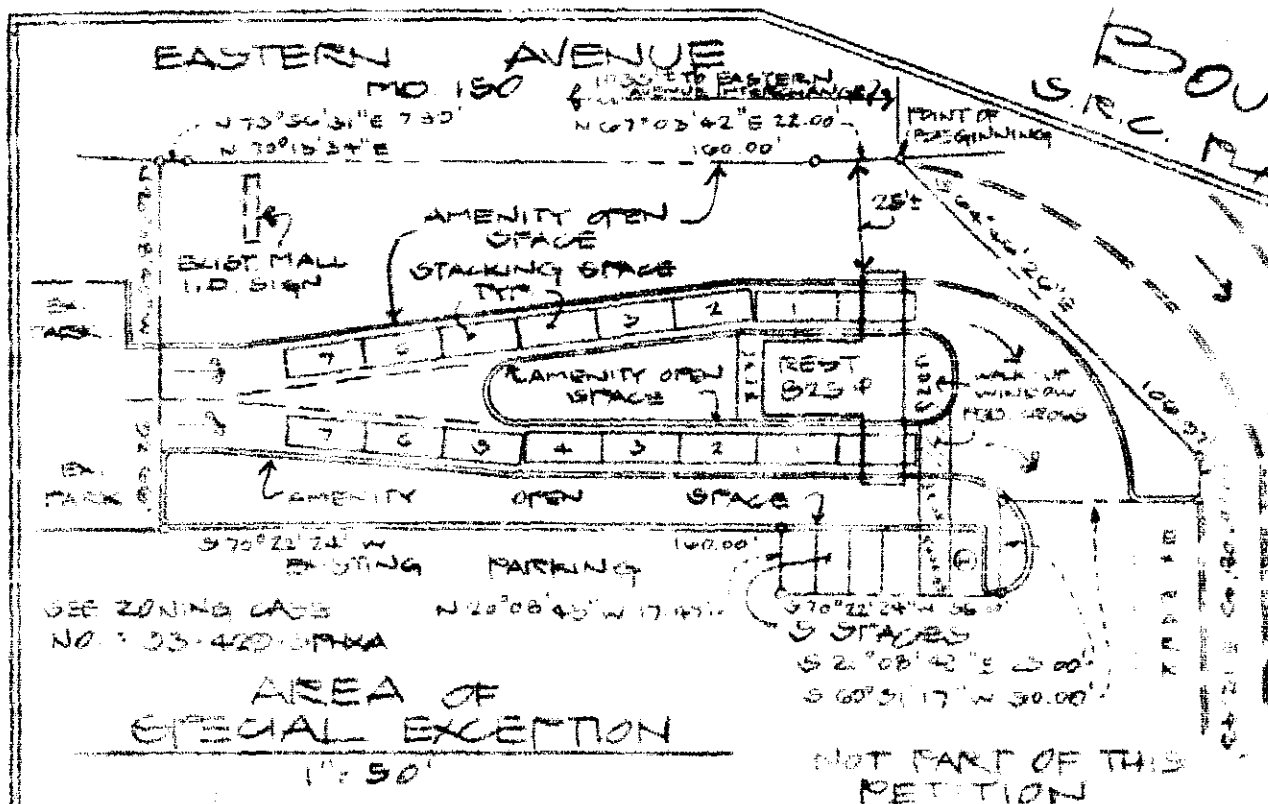
VARIANCE TO SECTION 420.6(A)(2) TO PERMIT 3817 OFF-STREET PARKING SPACES IN LIEU OF THE REQUIRED 4953 OFF-STREET PARKING SPACES & 7 AMENITY OPEN SPACES AS SHOWN ON THE APPROVED PLAN IN CASE NO. 93-420-0744.

PARKING TABULATION:

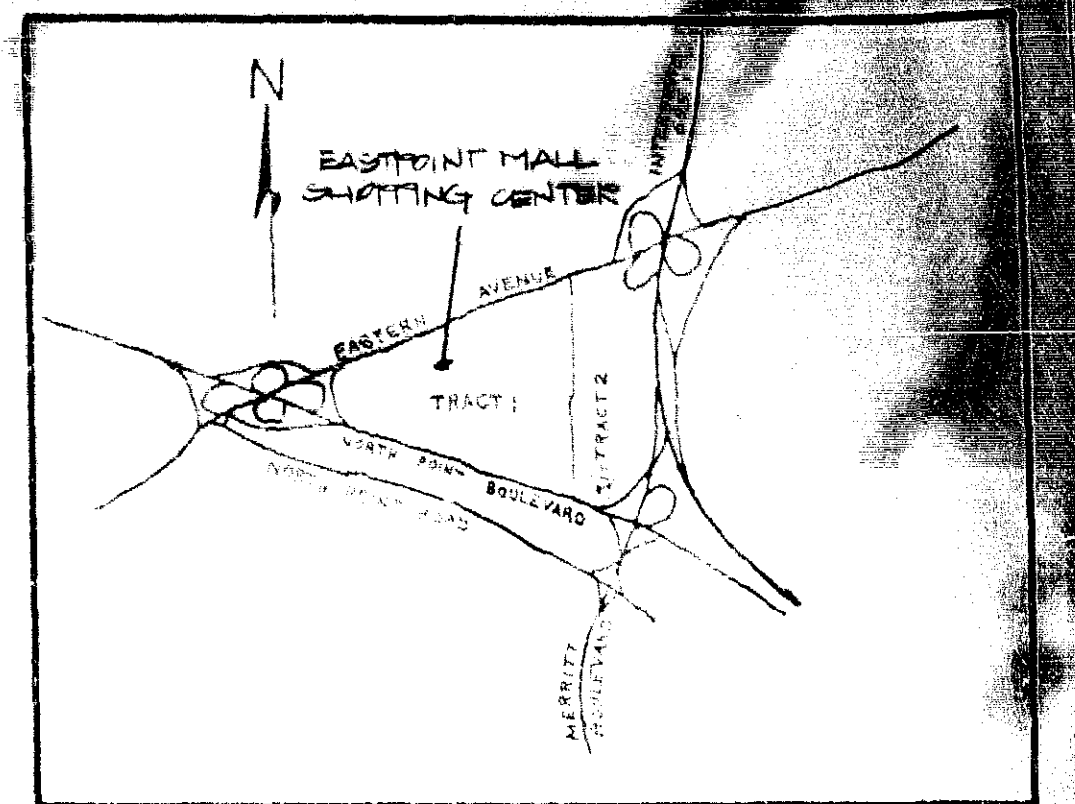
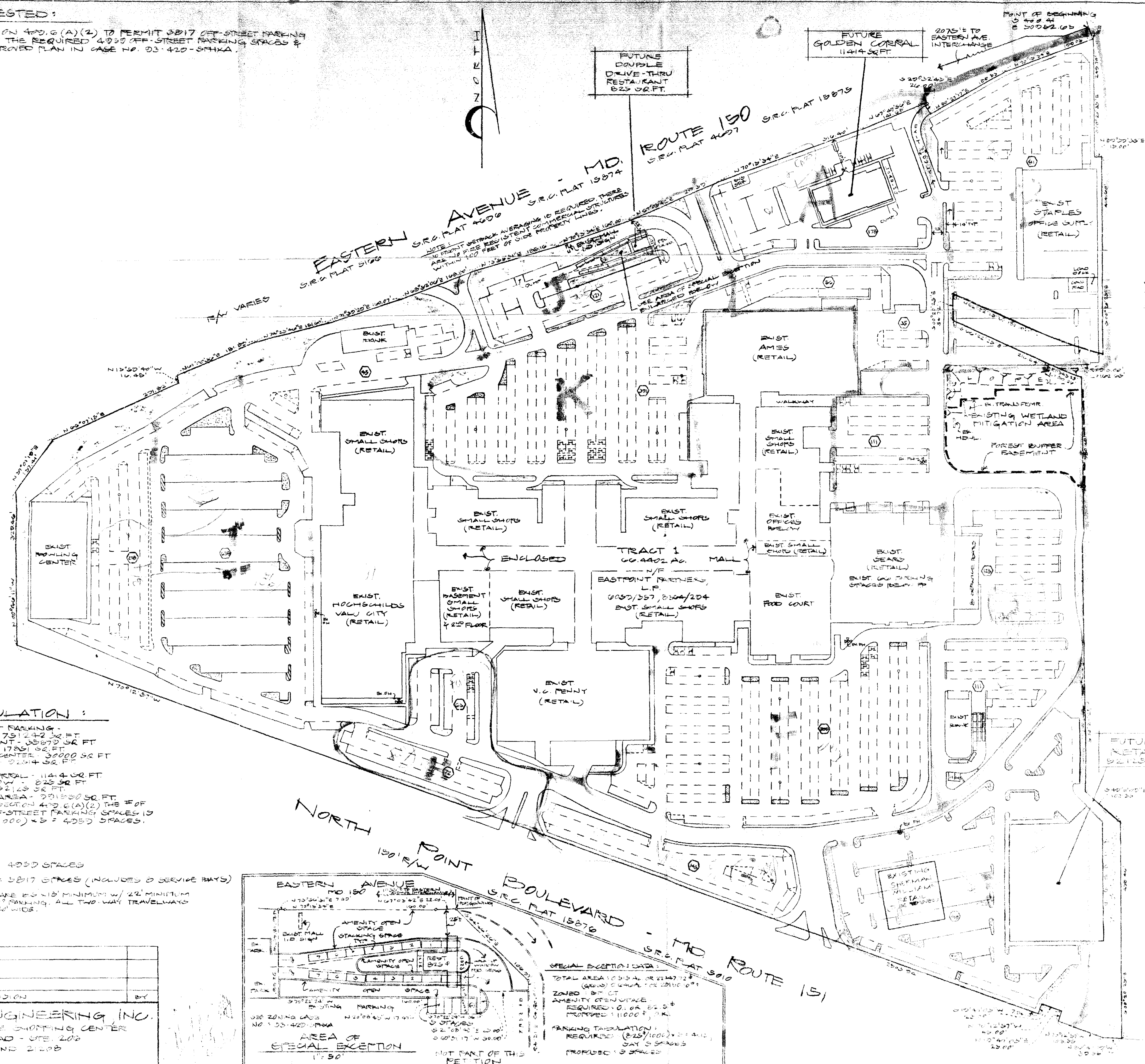
REQUIRED OFF-STREET PARKING -
 RESTAURANT - 751 242 SQ FT
 RESTAURANT - 3817 SQ FT
 BOARDING CENTER - 3000 SQ FT
 OFFICE - 3214 SQ FT
 FUTURE GOLDEN CORRAL - 11414 SQ FT
 RETAIL - 8123 SQ FT
 TOTAL BUILDING AREA - 291500 SQ FT
 IN ACCORDANCE WITH SECTION 420.6(A)(2) THE # OF OFF-STREET PARKING SPACES IS $(291500/1000) \times 3 = 4953$ SPACES.

TOTAL REQUIRED: 4953 SPACES
 TOTAL PROVIDED: 3817 SPACES (INCLUDES 0 SERVICE BAYS)
 1136 SPACES ARE 15' x 18' MINIMUM w/ 22' MINIMUM DRIVE LANE FOR 20' PARKING. ALL TWO-WAY TRAVELWAYS ARE A MINIMUM OF 20' WIDE.

REVISION BY
 GILBERT ENGINEERING INC.
 EASTPOINT MALL SHOPPING CENTER
 1810 EASTPOINT ROAD - UTE 200
 BALTIMORE MARYLAND 21208
 410-531-1000



SPECIAL EXCEPTION DATA
 TOTAL AREA (SIGNAL OR 22'x47' 7/8")
 ZONED - BT CT
 AMENITY OPEN SPACES REQUIRED - 0 OR 0.25 & PROVIDED - 11000 SQ FT
 PARKING TABULATION REQUIRED (BASED ON 1000 SQ FT) PROVIDED - 3 SPACES
 NOT PART OF THIS PETITION



GENERAL NOTES

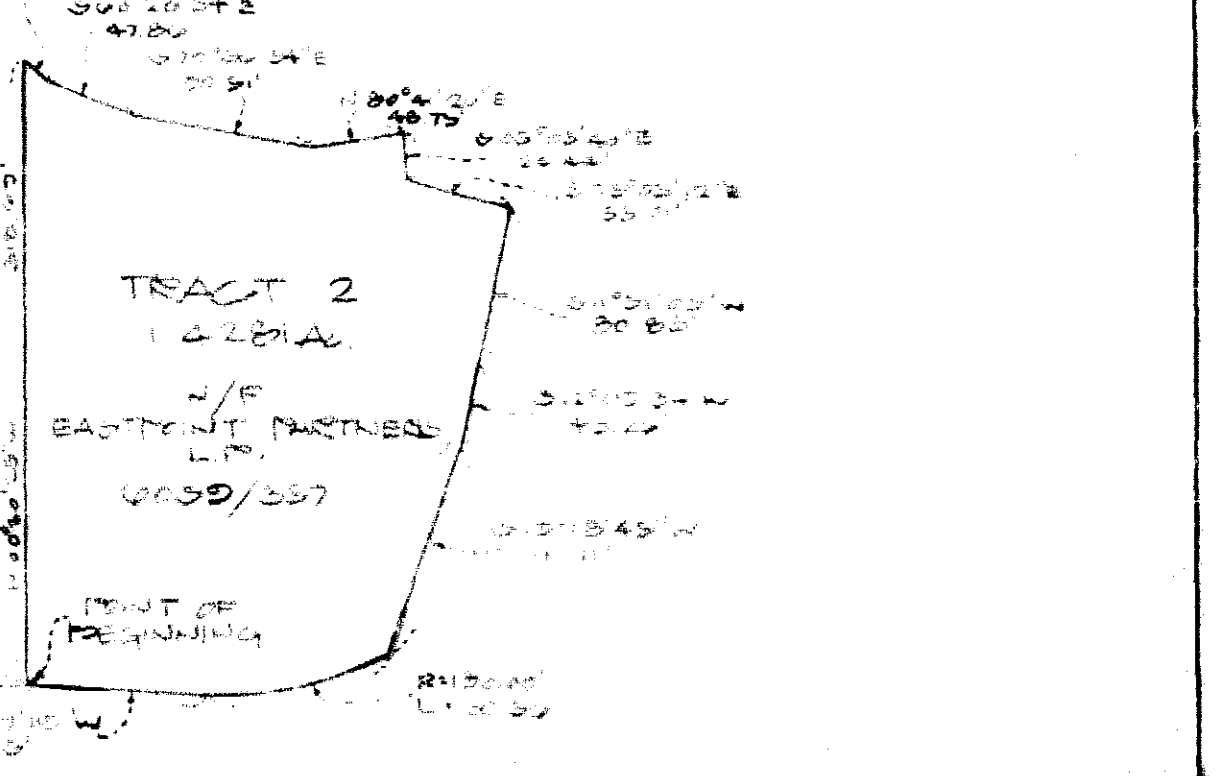
1. PLAN PREPARED BY: GILBERT ENGINEERING INC. 3715 OLD SOUTH ROAD, UTE 200 BALTIMORE, MARYLAND 21208 (410) 531-1000
2. OWNER/APPLICANT: TRACT 1 EASTPOINT PARTNERS, L.P., 40 SHORPO MOUNT COURT 1250 BROADWAY NEW YORK, NEW YORK 10001 (212) 512-0900 DEED REF: 0057/257, 0304/204 (N/E) TAX ACCT NO: 1516000500, 210007854 TRACT 2 EASTPOINT PARTNERS, L.P., 40 SHORPO MOUNT COURT 7500 EASTPOINT MALL, UTE 10 BALTIMORE MARYLAND 21224 (301) 284-0334 DEED REF: 0057/257 (N/E)
3. TOTAL AREA OF SITE: TRACT 1: 60,440.2 AC. TRACT 2: 1,428.1 AC. TOTAL - 61,868.3 AC. (NET) TRACT 1: 70,100.0 AC. (GROSS)
4. TOTAL SITE ZONED: 12M-1 CT
5. SEE ZONING HISTORY SHEET 2 OF 2
6. ELECTION DISTRICT: 15 CONNEMAR DISTRICT 7
7. PREVIOUS COMMERCIAL PERMIT: R03000070000000
8. FLOOR AREA RATIO: ALLOWED: 1.00 (1070000 SQ FT) PROVIDED: 1.00 (1070000 SQ FT) - 0.32 (350000 SQ FT) (INCLUDES FUTURE GOLDEN CORRAL & FUTURE RETAIL BUILDINGS) (RETAIL)
9. AMENITY OPEN SPACE: REQUIRED: 0.25 OR 0.25 X 0.25 FT (NEED ASSES) PROVIDED: 215,000 SQ FT (SEE PLAN)
10. SEE PARKING TABULATION THIS SHEET.
11. THE ENTIRE PARKING LOT IS PAVED w/ A BITUMINOUS CONCRETE SURFACE. LALL SPACES WILL BE PERMANENTLY STRIPED.
12. NO ADDITIONAL CHANGING IS PROPOSED AT THIS TIME. ALL FUTURE CHANGING AND/OR REVISIONS WILL COMPLY WITH SECTION 420.6(A)(2) & 420.6(A)(3) OF THE 1982 ZONING VARIANCE ACT. SEE REF.
13. ALL AMENITY OPEN SPACE AREAS A MINIMUM OF 5' WIDE & WILL BE SUITABLY LANDSCAPED.

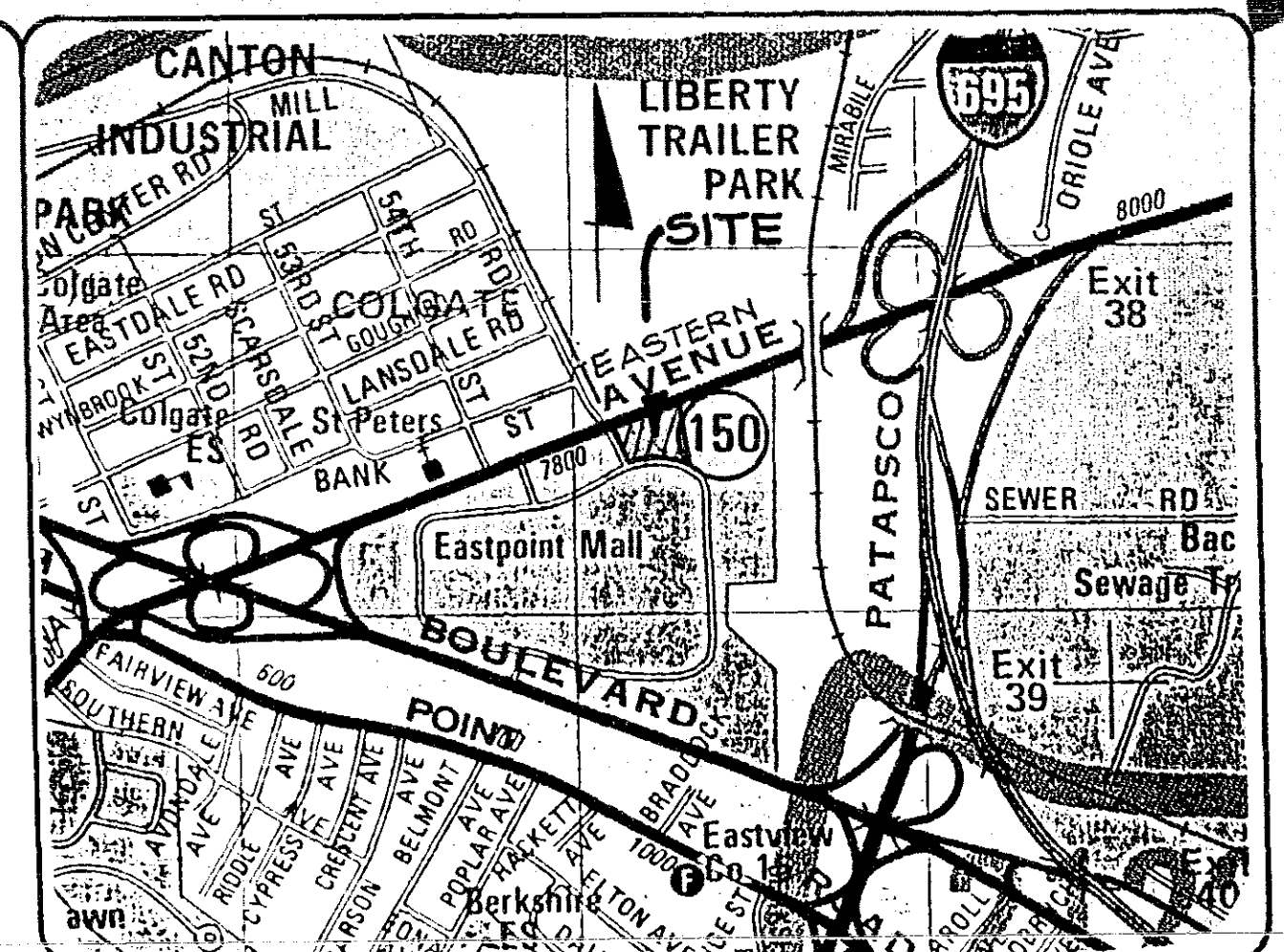
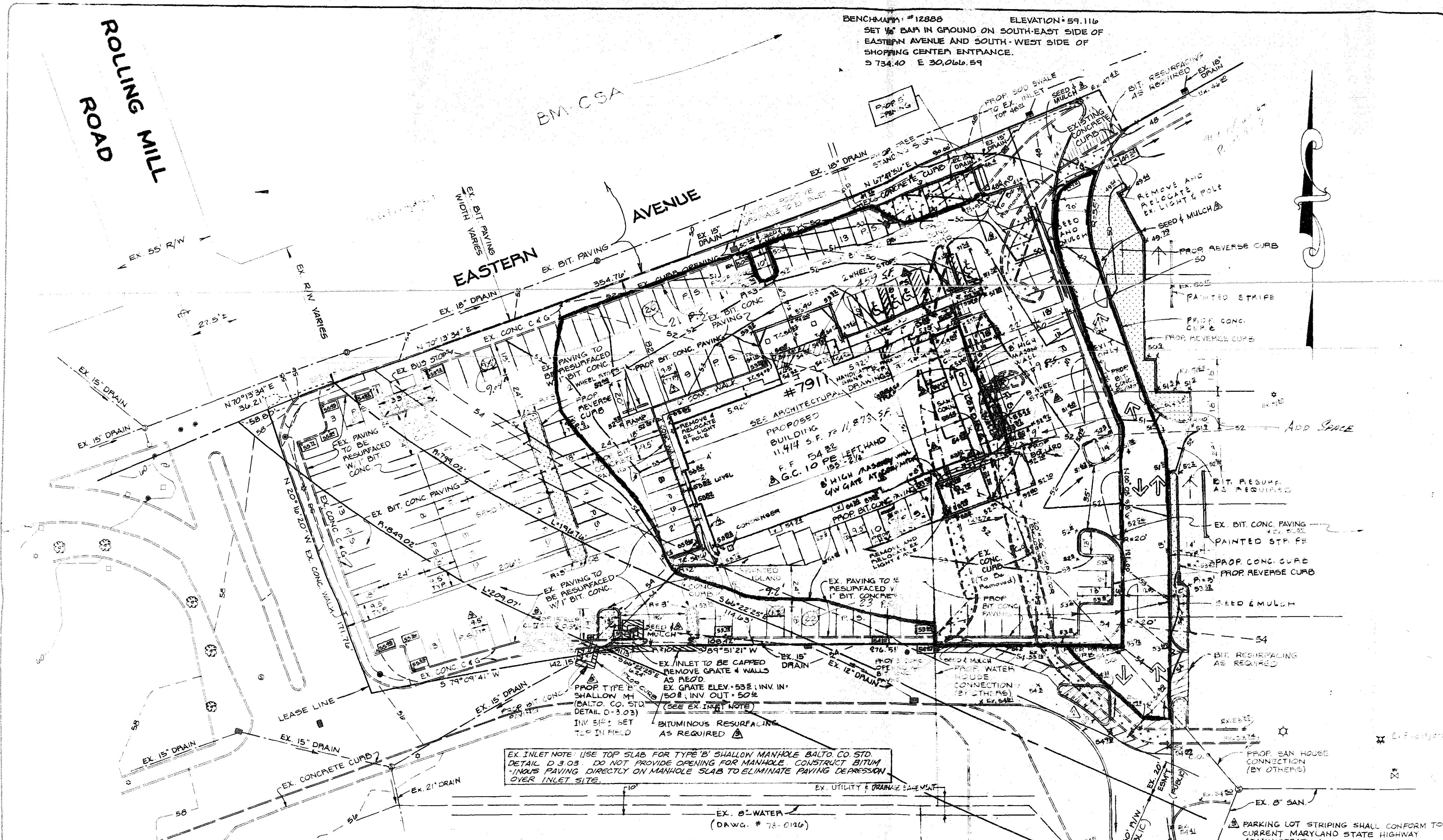
BALTIMORE GAS & ELECTRIC COMPANY

FUTURE RETAIL BUILDING

PLAN TO ACCOMPANY VARIANCE

EASTPOINT MALL SHOPPING CENTER
 1810 EASTPOINT ROAD - UTE 200
 15th ELECTION DISTRICT
 BALTIMORE COUNTY, MARYLAND
 DATE: SEPT 9, 1993 SCALE: 1" = 100'
 SHEET 1 OF 2
 TOWN OF BUCKLE REEL - 21,470





SITE DATA

- Owner: Bellweather Properties c/o SHOPCO Management Corporation
1250 Broadway
New York, New York 10001
(212)594-9400
- Leasee: G.C.I. Corporation
1400 Muirfield Close
Bel Air, Maryland 21015
(410)879-0981
- Deed Reference: 6059/357
- Tax Account: 1505000500
1513751037
- Exist. Zoning: BM-CT (MAY P.F.D.)
- Exist. Use: Parking Lot
- Proposed Use: Restaurant & Parking
- Site Area: 98,000.55 SF (2.25 Acres)
- Area of Prop. Restaurant: 11,414 S.F.
- Parking: Required 20/1,000 S.F.
11,414 x 20 = 11.4 x 70 = 228
1,000
See Eastpoint Mall Parking Plan Zoning Case # 456

* This site is within the existing Eastpoint Mall site (66.438 Acres)

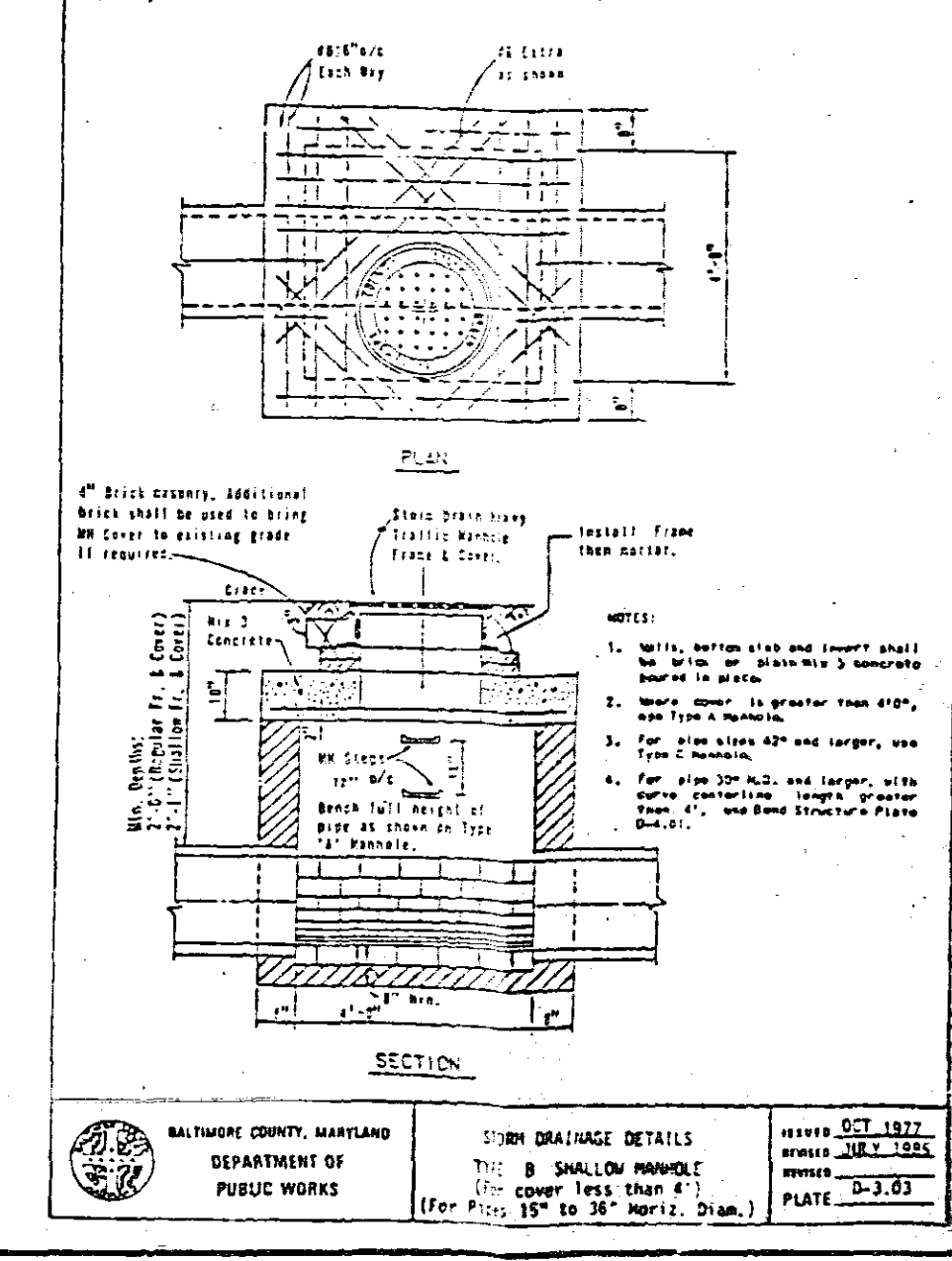
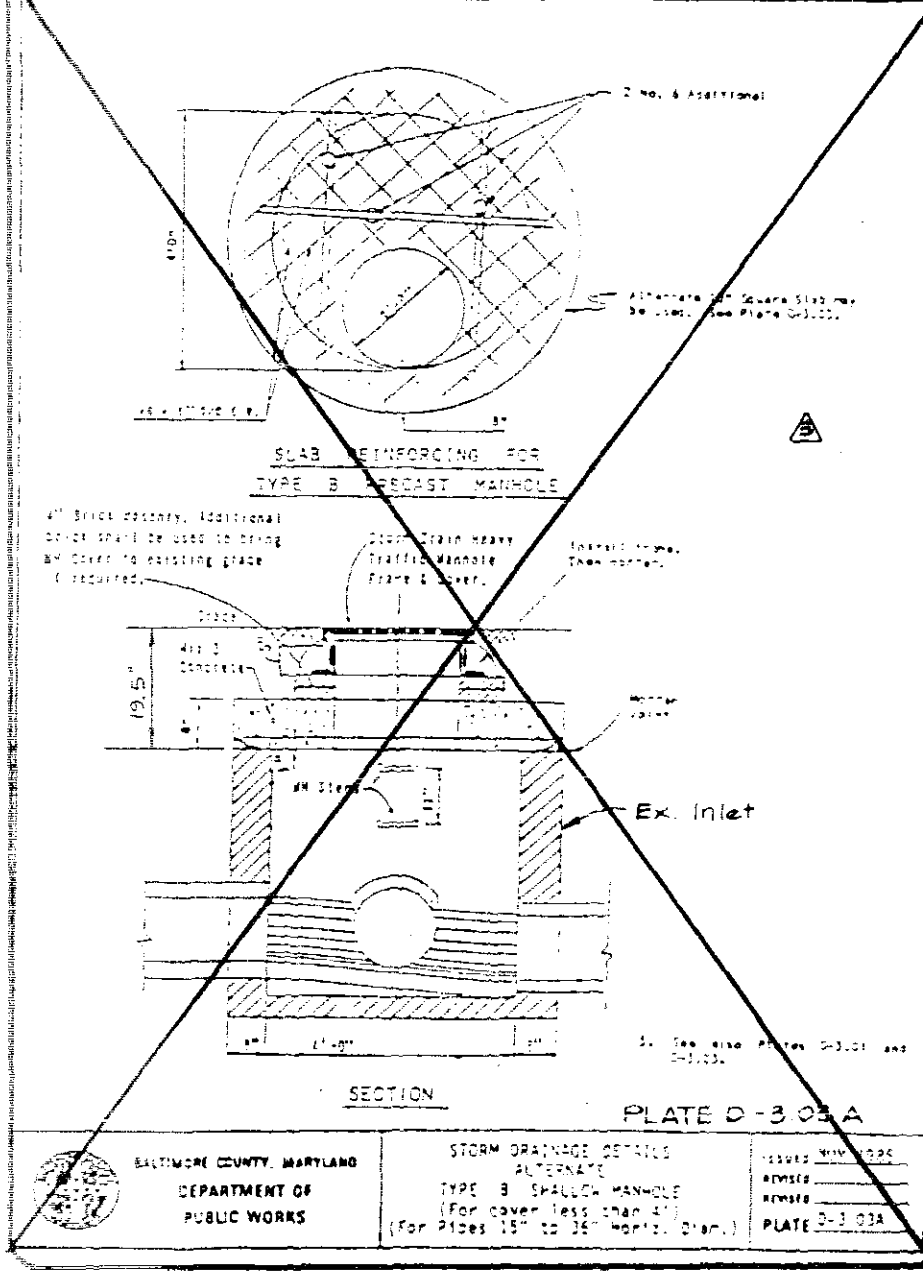
TOTAL DISTURBED AREA: 69,666 SF (1.60 AC)
 LIMITED EXEMPTION SECT. 216-171(a) GRANTED 3/17/95

Bafitis & Associates, Inc.
 William N. Bafitis, P.E.
 PRESIDENT
 Civil Engineers/Land Planners
 SURVEYORS
 1249 Engleberth Rd. Baltimore, MD 21221
 (410) 391-2336

SITE PLAN
 FOR
GOLDEN CORRAL
 AT
EASTPOINT MALL
 ELECTION DISTRICT 15C7
 BALTIMORE COUNTY, MARYLAND

SCALE: 1"=30'
 JOB ORDER NO: 93005
 DATE: C-10-93
 SHEET 1 OF 1

NO.	REVISIONS	DATE
REVISION 4	REVISED FIRST FLOOR & ADJ. GRADING	9 JUNE 95
REVISION 3	REVISED BUILDING FOOTPRINT, CLARIFIED STORM DRAINAGE WORK, ADDED GARBAGE TRAP, ADDED WHEEL STOP, REMOVED MANHOLE DETAIL, ADDED PARKING LOT STRIPING NOTES, PARKING AREA LIGHTING NOTES, ELEC. NOTE FOR SEWER (W/ AIR CORR), ADDED BIT. RESURF. & CURBING.	16 MAY 95
REVISION 2	DRIVE LANE WIDTH INCREASED FROM 9' TO 10' PROVIDE PAINTED STRIPPED ISLAND AS PER MTA REQUIREMENTS.	10 JAN 94
REVISION 1	ADDED SAN HOUSE CONNECTION (BY OTHERS)	12 FEB 93



NOTE:
 PAVING REPAIR, & ADJACENT RESURFACING FOR SEWER AND WATER HOUSE CONNECTIONS, OUTSIDE OF THE LEASE LINE AND BEYOND THE LIMITS OF PROPOSED BIT. CONC. PAVING SHALL BE INCLUDED IN THE PRICE BID FOR SEWER & WATER HOUSE CONNECTIONS.

LEGEND

- EX. SPOT SHOT
- PROP. SPOT SHOT
- EX. CONTOUR
- PROP. CONTOUR
- EX. LIGHT
- EX. FIRE HYDRANT
- HANDICAPPED PARKING SIGN
- EX. PAVING TO BE REMOVED
- PROP. BIT. CONCRETE PAVING
- DOWN SPOUT
- LOP? LIMIT OF DISTURBANCE

FLOOR AREA RATIO FOR EASTPOINT MALL
 ALLOWED: 5.5 x 3,053,887.1 GROSS SQ. FT. = 16,746,378.81 SQ. FT.
 PROPOSED: 81,763/3,053,887.1 x 0.28 (INCLUDES FUTURE GOLDEN CORRAL AND HOT-N-NOW RESTAURANTS.)

PARKING TABULATION

REQUIRED OFF-STREET PARKING-	EXISTING RETAIL	RESTAURANT	BANKS	BOWLING CENTER	OFFICES
473,280 SQ. FT.	35,874 SQ. FT.	17,851 SQ. FT.	30,000 SQ. FT.	92,514 SQ. FT.	
TOTAL BUILDING AREA	11,414 SQ. FT.	825 SQ. FT.			
TOTAL IN ACCORDANCE WITH SECTION 409.6(A)(2)					
THE NUMBER OF REQ'D OFF-STREET PARKING SPACES IS (81,763/1000) x 5 = 4309 SPACES					
PREVIOUS ZONING CASE 73-292-A - 400 SPACES					
PREVIOUS ZONING CASE 91-199-SPHA - 70 SPACES					
TOTAL REQUIRED: 3839 SPACES					
TOTAL PROPOSED: 4000 SPACES (INCLUDES 8					

PARKING TABULATION (CONT.)
 SERVICE SPACES)
 ALL PARKING SPACES ARE 8.5' x 18' MINIMUM WITH 22' MINIMUM DRIVE ISLES FOR 90° PARKING. ALL TWO-WAY TRAVELWAYS ARE A MINIMUM OF 20' WIDE.
 * VARIANCE TO REQUIRED PARKING GRANTED - CASE #93-429 SPHX
 *** SEE CASE #93-429 SPHX

NOTE:
 PAVING TO BE IN ACCORDANCE WITH BALTIMORE COUNTY STANDARDS - 11" SECTION (3" BIT. CONCRETE OVER 8" AGGREGATE), COMPACTION TO BE IN ACCORDANCE WITH BALTIMORE COUNTY STANDARDS
 BACKGROUND ELECTRIC CABLES ARE KNOWN TO EXIST WITHIN PROPOSED CONSTRUCTION AREA IN UNKNOWN LOCATIONS.

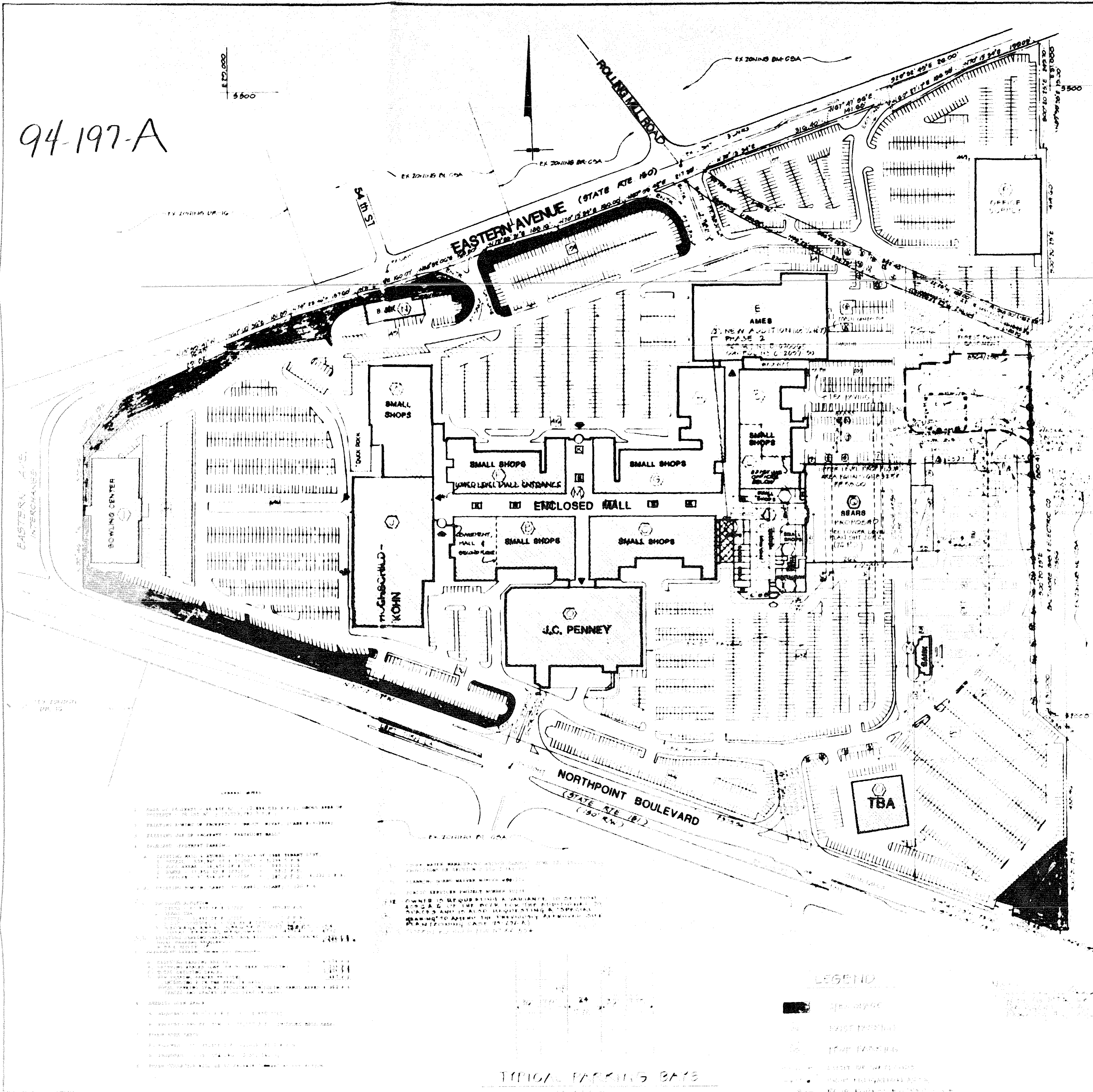
ANY SIGN(S) SHALL COMPLY WITH SECTION 413 OF THE BCZR & ALL ZONING POLICIES.
 AMENITY OPEN SPACE: EASTPOINT MALL
 REQUIRED: 01 OR 86,176.5 SQ. FT.
 PROPOSED: 410,000 SQ. FT.
 *** SEE CASE #93-429 SPHX

SEE PARKING AREA LIGHTING PLAN FOR PROPOSED LIGHTING.
 CONTRACTOR TO VERIFY ALL PROPOSED GRADES PRIOR TO ANY EXCAVATION TO ASSURE POSITIVE DRAINAGE AND TO AVOID PONDING OF WATER.
 WHERE EXISTING PAVING, CURBS, MEDIANS, ETC. ARE REMOVED IN PROPOSED PAVED AREAS EXCAVATION IS TO BE REPLACED WITH STANDARD PAVING SECTION.
 CONCRETE CURBS SHALL CORRESPOND TO BALTIMORE COUNTY STD DETAIL R-21.
 NOTE:
 COMPLIANCE WITH THE FOREST CONSERVATION REGULATIONS WILL BE MET BY PAYMENT OF A FEE IN LIEU.
 THE RESTAURANT PARKING DOES NOT CAUSE A DEFICIENCY IN THE PARKING SPACES FOR EASTPOINT MALL OR INTERFERE WITH PARKING SPACES AND AISLES. SEE CASE # 93-429 SPHX

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS
 SYSTEM DRAINAGE DETAILS
 TYPE B SHALLOW MANHOLE
 (SEE CASE # 93-429 SPHX)

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS
 SYSTEM DRAINAGE DETAILS
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94-197-A

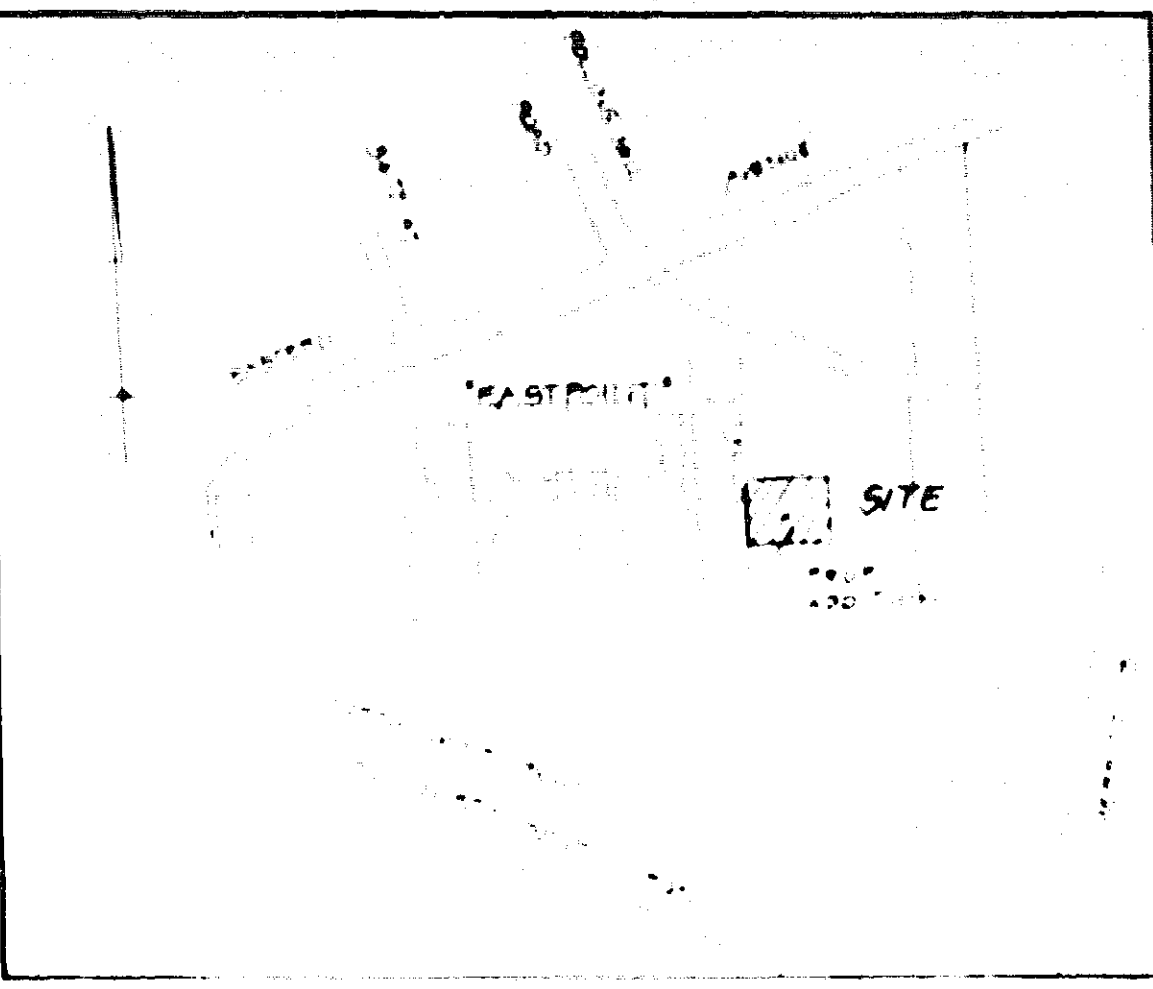


VARIOUS FOR SPECIAL USE -
REARVING ZONING REG. 19 (R-99A)

The subject property came before the zoning commission on the 11th day of August 1990 and the site plan approved in case number 94-197-A. It was a plan for a shopping center. The zoning commission granted the variance requested for different parking which was granted. The variance allowed the site to be under the parking requirement by 400 spaces.

Since the granting of that variance the property has been sold to the current legal owners who wish to upgrade and expand the shopping center. As part of the upgrade the owners have purchased and added to the site 5.171 acres of additional land which will be used in part for a relaxation of the above "they" from a new addition of retail space and additional parking.

In conjunction with the modification and addition to the site plan there is also a need to further the previously granted variance of 400 car spaces granted in case 94-197-A. The need for variance on additional 10 spaces is because of setbacks encountered on the 5 acre purchase which prevents an expansion of parking to accommodate these 10 spaces. Additional parking is required to be determined that parking is required for a 15,000 square foot storage and maintenance area. This requirement is the reason there are 10 more parking spaces required on the site.



PARKING CALCULATIONS

AREA	TYPE	AREA (SQ FT)	SPACES	REMARKS
1	REARVING	10,000	100	
2	REARVING	10,000	100	
3	REARVING	10,000	100	
4	REARVING	10,000	100	
5	REARVING	10,000	100	
6	REARVING	10,000	100	
7	REARVING	10,000	100	
8	REARVING	10,000	100	
9	REARVING	10,000	100	
10	REARVING	10,000	100	
11	REARVING	10,000	100	
12	REARVING	10,000	100	
13	REARVING	10,000	100	
14	REARVING	10,000	100	
15	REARVING	10,000	100	
16	REARVING	10,000	100	
17	REARVING	10,000	100	
18	REARVING	10,000	100	
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95	REARVING	10,000	100	
96	REARVING	10,000	100	
97	REARVING	10,000	100	
98	REARVING	10,000	100	
99	REARVING	10,000	100	
100	REARVING	10,000	100	

NOTES:

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE AND THE LATEST EDITIONS OF THE INTERNATIONAL PLUMBING AND MECHANICAL CODES.
2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
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10. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

TYPICAL PARKING BAYS

- LEGEND**
- 1. DRIVEWAY
 - 2. DRIVEWAY
 - 3. DRIVEWAY
 - 4. DRIVEWAY
 - 5. DRIVEWAY
 - 6. DRIVEWAY
 - 7. DRIVEWAY
 - 8. DRIVEWAY
 - 9. DRIVEWAY
 - 10. DRIVEWAY

KIDDE CONSULTANTS, INC.
 ENGINEERS • PLANNERS • SURVEYORS
 1105 PATTERSON BRIDGE ROAD, BALTIMORE, MARYLAND 21204-1105

OWNER/DEVELOPER:
 MANAGEMENT CORPORATION
 1000 PENNSYLVANIA
 NEW YORK, N.Y. 10017

PLAN EASTPOINT MALL BEARDS ADDITION

ELECTION DISTRICT 10
 SCALE: 1"=100'
 DATE: JULY 1990
 WASHINGTON, DISTRICT OF COLUMBIA

MICROFILMED