

IN RE: PETITION FOR VARIANCE * BEFORE THE
 SE/S Cromwell Bridge Road, 361' NE
 of the c/l of Glen Eagles Court * DEPUTY ZONING COMMISSIONER
 (1101-1125 Cromwell Bridge Road)
 9th Election District * OF BALTIMORE COUNTY
 4th Councilmanic District
 * Case No. 96-61-A
 21st Century Properties Company
 Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 1101-1125 Cromwell Bridge Road, located in the vicinity of Mylander Lane and the Baltimore Beltway (I-695) in Towson. The Petition was filed by the owners of the property, 21 Century Properties Company, by Cary Luskin, and the Contract Purchaser/Lessee, Sports Authority, Inc., by Kim B. Becker. The Petitioners seek relief from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 20 feet in lieu of the required 30 feet and a rear yard setback of 5 feet in lieu of the required 30 feet for a proposed one-story building of 43,128 sq.ft. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Jerome Golomb, a representative of Sports Authority, Inc., Steve Craige, and William P. Monk, an expert Land Planning and Zoning Consultant. Appearing as an interested party was Wayne Skinner, who appeared on behalf of the Towson-Loch Raven Community Council. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 14.10 acres, more or less, zoned B.R., and is improved with a mix of retail and commercial uses. Specifically, this

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 Date 9/26/95
 By [Signature]

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property is familiar to many Baltimore County residents in that it sits high atop a rocky hill which is easily seen from the Baltimore Beltway (I-695) and is the site of Luskin's, Pier I Imports, and a Horn and Horn restaurant. The Petitioners wish to add a Sports Authority retail store on the premises in the location shown on Petitioner's Exhibits 1 and 2. The Sports Authority wishes to construct a prototype retail sales building in the southwest corner of the site. However, due to the steep grades associated with this property and the amount of parking required for existing and proposed uses, the requested variances are necessary. As noted above, this property is unique in topography and configuration. In order to locate this new tenant on the property, many improvements will be made to the existing parking lot and additional landscaping provided.

Mr. Wayne Skinner, a representative of the Towson Loch Raven Community Council, appeared in full support of the relief requested and testified that he believes the proposed use will be a welcome addition to the site. However, Mr. Skinner requested that when a landscape plan is prepared for review and approval by Baltimore County, that consideration be given to landscaping needs for the entire site and not just the area surrounding the proposed Sports Authority store. Therefore, as a condition of approval of the variance relief sought, a restriction shall be imposed at the end of this Order accommodating Mr. Skinner's request.

It should also be noted that the comments submitted by the Office of Planning and Zoning (OPZ), dated August 29, 1995, were discussed at the hearing and dispensed with in accordance with the following: It was agreed that inasmuch as the proposed building will not be visible from either Cromwell Bridge Road or the Baltimore Beltway (I-695), it will not be necessary to submit building elevation drawings to the Office of Plan-

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Date 9/26/95
By [Signature]

ning and Zoning (OPZ) for their review and approval. As noted above, the Sports Authority intends to construct a prototype sales building similar to its other stores in the Baltimore-Metropolitan area. These stores are both well-designed and attractive in appearance. Therefore, it is not necessary for the Petitioner to submit elevation drawings for review and approval by OPZ. It was also agreed that inasmuch as the signage for the proposed store will be located along the access driveway to this site which is not readily visible to motorists on the Baltimore Beltway, it will not be necessary for the Petitioner to submit sign elevation drawings for review and approval by OPZ. However, the Petitioner shall be required to comply with all sign regulations imposed upon them by the B.C.Z.R. Lastly, in the opinion of this Deputy Zoning Commissioner, the Petitioner has satisfactorily demonstrated that the location of the Sports Authority building will not interfere with the annual Fourth of July fireworks display which takes place on this site.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

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I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to

9/26/95
[Signature]

demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

- 1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner 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 an applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief to the owner of the property involved and be more consistent with that afforded other property owners; 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, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict

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Date

By

harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26th day of September, 1995 that the Petition for Variance seeking relief from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 20 feet in lieu of the required 30 feet and a rear yard setback of 5 feet in lieu of the required 30 feet for a proposed one-story building of 43,128 sq.ft., in accordance with Petitioner's Exhibits 1 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 relief granted herein shall be rescinded.

2) Prior to the issuance of any occupancy permits, the Petitioners shall submit a landscape plan for review and approval by Avery Harden, Landscape Architect for Baltimore County. The landscaping required for this site shall not exceed that set forth in the Baltimore County Landscape Manual. However, when designing the landscaping for this project, the Petitioner shall spread the plantings out over the entire site and not just around the proposed building. It was also agreed that the Petitioner shall provide landscaping in the area where the existing parking lot has been expanded to provide additional parking for the proposed building. That parking lot expansion will result in the loss of existing shrubs which should be replaced by this Petitioner.

3) When applying for a building permit, the site plan and landscaping plan filed must reference this

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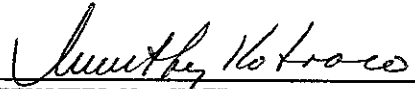
Date

By

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case and set forth and address the restrictions of
this Order.

TMK:bjs



TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

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Date 9/26/95

By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 26, 1995

Mr. Cary Lusk
21st Century Properties Company
7125 Columbia Gateway Drive
Columbia, Maryland 21046

RE: PETITION FOR VARIANCE
SE/S Cromwell Bridge Road, 361' NE of the c/l of Glen Eagles Court
(1101-1125 Cromwell Bridge Road)
9th Election District - 4th Councilmanic District
21st Century Properties Company - Petitioners
Case No. 96-61-A

Dear Mr. Lusk:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Ms. Kim B. Becker, Sports Authority, Inc.
3383 N. State Rd. #7, Ft. Lauderdale, Florida 33319

Mr. William P. Monk, 222 Bosley Avenue, B-7, Towson, Md. 21204

Mr. Wayne Skinner, Towson-Loch Raven Community Council
1813 Edgewood Road, Baltimore, Md. 21234

People's Counsel; Case ~~File~~



61



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1101-1125 Cromwell Bridge Road

which is presently zoned BR

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 238.2 to permit a side yard setback of 20 feet in lieu of the required 30 feet and a rear yard setback of 5 feet in lieu of the required 30 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Due to topographic constraints and irregular lot configuration

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.

Contract Purchaser/Lessee:

Kim B Becker
(Type or Print Name)

[Signature]
Signature

3383 N. STATE RD #7
Address

FT LAUDERDALE
City

FL
State

33319
Zipcode

Attorney for Petitioner:

(Type or Print Name)

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

21st Century Properties Co.
(Type or Print Name)

[Signature]
Signature

CARM WISKIN
(Type or Print Name)

Signature

7125 Columbia Gateway Drive

Address

Phone No.

Columbia MD 21046
City State Zipcode
Name, Address and phone number of representative to be contacted.

William Monk, Inc.

Name

222 Bosley Ave., B-7 494-8931
Address Towson, MD 21204 Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hr.
unavailable for Hearing

the following dates Next Two Months

ALL / OTHER

REVIEWED BY: mjk DATE 8/10/85

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Date

By

Printed with Soybean Ink
on Recycled Paper



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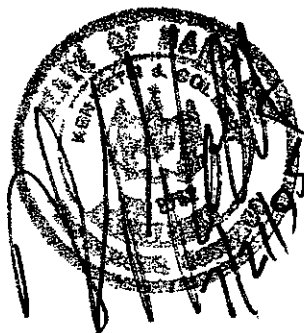
ZONING DESCRIPTION

1101-1125 CROMWELL BRIDGE ROAD
9TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning at a point on the southeast side of Cromwell Bridge Road, having a variable right of way width, at the distance of 361 feet, more or less, as measured northeasterly along said Cromwell Bridge Road, from the southeasterly extension of the center line of Glen Eagles Court, running thence binding on the southeast side of said Cromwell Bridge Road, the following courses and distances: (1) N 66° 21' 59" E 286.4 feet, more or less, (2) N 23° 57' 00" W 27.5 feet, more or less, (3) N 63° 24' 12" E 132.2 feet, more or less, (4) N 56° 12' 10" E 265.7 feet, more or less, to the southwest side of the Baltimore Beltway and thence binding on the southwest side of the Baltimore Beltway (5) S 59° 08' 51" E 120.2 feet, more or less, (6) S 56° 49' 17" E 79.6 feet, more or less, (7) S 01° 13' 29" W 124.9 feet, more or less, (8) S 32° 03' 19" E 144.7 feet, more or less, (9) S 58° 16' 15" E 73.4 feet, more or less, (10) S 82° 34' 57" E 325.6 feet, more or less to the outline of the land owned by Luskins, thence binding on the outline of Luskins land, six courses: (11) S 74° 22' 58" W 208.7 feet, more or less, (12) S 64° 46' 54" W 906.5 feet, more or less, (13) N 24° 06' 36" W 150.0 feet, more or less, (14) S 64° 56' 30" W 479.3 feet, more or less, (15) N 30° 34' 00" E 630.1 feet, more or less, and (16) N 23° 59' 00" W 61.1 feet, more or less to the place of beginning.

Containing 12.998 acres of land, more or less in the 9th election district.

wpm/skm33



2007-07-13

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-61-17

District _____ Date of Posting 9/1/95

Posted for: Variances

Petitioner: Sports Authority Inc

Location of property: 1101-1125 Crom Bridge Rd.

Location of Signs: Along road way on property being zoned.

Remarks: _____

Posted by [Signature] Date of return: 9/8/95

Signature

Number of Signs: 1



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, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:

96-61-A (Item 61)
1101-1125 Cromwell
Bridge Rd.

SE/S Cromwell Bridge

Road, 361' NE of c/

Glen Eagles Court

9th Election District

4th Councilmanic

Legal Owner(s):

21st Century Properties
Company

Contract Purchaser:

Sports Authority, Inc.

HEARING: WEDNESDAY,

SEPTEMBER 20, 1995 at

9:00 a.m. in Rm. 118, Old
Courthouse.

Variance: to permit a side yard setback of 20 feet in lieu of the required 30 feet and a rear yard setback of 5 feet in lieu of the required 30 feet.

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.

8/348 August 31.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/1, 19 95

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 8/31, 19 95.

THE JEFFERSONIAN.

A. Henriksen

LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

004852

DATE 8/10/95

ACCOUNT 01-615

Item: 61

By: MDK

AMOUNT \$ 285.00

RECEIVED FROM: The Sports Authority - 1101-1125 Cromwell Bridge Rd
020- Comm. Variance - \$ 250.00
080- 1 sign - \$ 35.00
FOR: \$ 285.00

03A03#0003MICHRC
BA C002:40PM08-10-95

\$285.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

VALIDATION OR SIGNATURE OF CASHIER
YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

004852

DATE 8/10/95

ACCOUNT 01-615

Item: 61

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03A03#0003MICHRC
BA C002:40PM08-10-95

\$285.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

VALIDATION OR SIGNATURE OF CASHIER
YELLOW - CUSTOMER



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/neighbor 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 assessed 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

For newspaper advertising:

Item No.: 61

Petitioner: The Sports Authority

Location: 1101-1125 Cromwell Bridge Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Kim Becker of The Sports Authority

ADDRESS: 3383 N. State Road #7

Ft Lauderdale, Florida 33319

PHONE NUMBER: William Monk - 494-8931

MICROFILMED

AJ:ggs

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY
August 31, 1995 Issue - Jeffersonian

Please forward billing to:

Kim Becker
The Sports Authority
3383 N. State Road #7
Ft. Lauderdale, FL 33319
401-494-8931

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: 96-61-A (Item 61)
1101-1125 Cromwell Bridge Road
SE/S Cromwell Bridge Road, 361' NE of c/l Glen Eagles Court
9th Election District - 4th Councilmanic
Legal Owner: 21st Century Properties Company
Contract Purchaser: Sports Authority, Inc.
HEARING: WEDNESDAY, SEPTEMBER 20, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to permit a side yard setback of 20 feet in lieu of the required 30 feet and a rear yard setback of 5 feet in lieu of the required 30 feet.

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.

RECEIVED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 25, 1995

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: 96-61-A (Item 61)
1101-1125 Cromwell Bridge Road
SE/S Cromwell Bridge Road, 361' NE of c/l Glen Eagles Court
9th Election District - 4th Councilmanic
Legal Owner: 21st Century Properties Company
Contract Purchaser: Sports Authority, Inc.
HEARING: WEDNESDAY, SEPTEMBER 20, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to permit a side yard setback of 20 feet in lieu of the required 30 feet and a rear yard setback of 5 feet in lieu of the required 30 feet.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: 21st Century Properties Co.
William Monk, Inc.
Sports Authority, Inc./Kim B. Becker

- 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.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 13, 1995

Kim B. Becker
3383 N. State Road #2
Ft. Lauderdale, FL 33319

RE: Item No.: 61
Case No.: 96-61-A
Petitioner: 21st Century Prop.

Dear Ms. Becker:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 10, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: August 29, 1995

FROM: Pat Keller, Director, OP 

SUBJECT: 1101-1125 Cromwell Bridge Road

INFORMATION:

Item Number: 61

Petitioner: 21st Century Properties Co.

Property Size: _____

Zoning: BR

Requested Action: Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicant requests a variance to permit a side yard setback of 20 feet in lieu of the required 30 feet and a rear yard setback of 5 feet in lieu of the required 30 feet.

Based upon a review of the information provided, staff recommends that the applicant's request be granted subject to the following conditions:

- 1) Prior the issuance of any building permit, the petitioner should submit elevation drawings for review and approval by the Director of the Office of Planning.
- 2) Prior to the issuance of any sign permit, the petitioner should submit sign details for review and approval by the Director of the Office of Planning.
- 3) The applicant should demonstrate to the satisfaction of certain employees of the Office of Planning and interested Towson residents that the construction of the proposed building will not interfere in any manner with the annual Fourth of July fireworks display.

Prepared by: Jeffrey W. Law

Division Chief: Gary L. Kerns

PK/JL

MICROFILMED

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Aug. 28, 1995
 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
 Development Plans Review Division

RE: Zoning Advisory Committee Meeting
 for August 28, 1995
 Item 061

The Development Plans Review Division has reviewed the subject zoning item. The proposed parking does not conform with the 7% interior landscape area requirement. This change to the parking lot should be provided as a condition of granting the variance.

A schematic landscape plan must be submitted and approved as a condition of the development plan approval.

No Parking should be permitted off the proposed travelways.

RWB:sw

NOTED
1995 AUG 29

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 08/23/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: 21ST CENTURY PROPERTIES COMPANY

LOCATION: SE/S CROMWELL BRIDGE RD., 361' NE OF CENTERLINE
GLEN EAGLES CT. (1101-1125 CROMWELL BRIDGE RD.)

Item No.: 061

Zoning Agenda: VARIANCE

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.

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

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



RECEIVED

AUG 24 1995

ZADM

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

TO: ZADM *Joyce Watson*
FROM: DEPRM
Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: 8/21/95

DATE: 8/30/95

ZAC Comments

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

29
35
57
58
61
63
5

LS:sp

LETTY2/DEPRM/TXTSBP



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

9-7-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 061 (MJK)

Dear Ms. Watson:

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 affected by any State Highway Administration projects.

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,

for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILMED

PETITION PROBLEMS

#29 --- JRA

1. Date on receipt is 7/25/95; date on petition is 8/9/95; posting date is 8/13/95; petitions on shelf for this week begin with #55. Where has this petition been??

#55 --- JJS

1. Zoning on petition says "D.R.-5.5"; zoning on folder says "D.R.-3.5". Which is correct?

#60 --- MJK

1. Receipt is still in file folder; was not given to petitioner/attorney.
2. No telephone number for legal owner.

#61 --- MJK

1. Receipt is still in folder; was not given to petitioner/attorney.
2. Need title of person signing for legal owner.
3. No telephone number for legal owner.

ADVISORY

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: August 10, 1995

TO: Hearing Officer

FROM: Mitchell J. Kellman
Planner II, PDM

SUBJECT: Item #61
1101-1125 Cromwell Bridge Road

The petitioner is listed as a corporation, which would require an attorney for representation. No attorney has signed the petition form.

MJK:scj

MICROFILMED

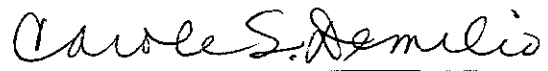
RE: PETITION FOR VARIANCE	*	BEFORE THE
1101-1125 Cromwell Bridge Road, SE/S		
Cromwell Bridge Rd, 361' NE of c/l Glen	*	ZONING COMMISSIONER
Eagles Court, 9th Election District		
4th Councilmanic	*	OF BALTIMORE COUNTY
Legal Owner: 21st Century Properties Co.	*	CASE NO. 96-61-A
Contract Purchaser: Sports Authority, Inc.		
Petitioner	*	

* * * * *

ENTRY OF APPEARANCE

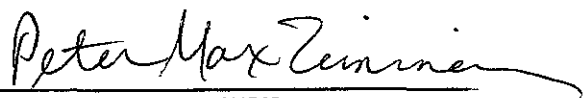
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.


PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County


CAROLE S. DEMILIO
 Deputy People's Counsel
 Room 47, Courthouse
 400 Washington Avenue
 Towson, MD 21204
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of September, 1995, a copy of the foregoing Entry of Appearance was mailed to William Monk, Inc., 222 Bosley Avenue, Suite B-7, Towson, MD 21204, representative for Petitioners.


PETER MAX ZIMMERMAN

REC-5710

TWENTY-FIRST CENTURY PROPERTIES L.P.
7125 Columbia Gateway Drive
Columbia, MD 21046

September 13, 1995

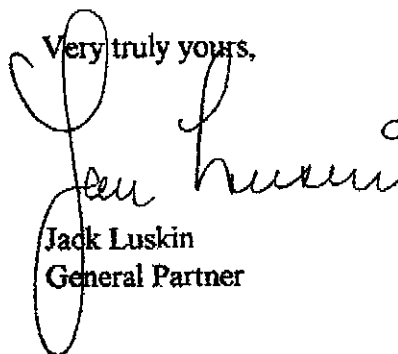
Mr. Bill Monk
William Monk, Inc.
Courthouse Commons
222 Bosley Avenue, Suite B-7
Towson, MD 21204

Re: The Sports Authority Proposed Site
1125 Cromwell Bridge Road
Towson, MD

Dear Mr. Monk:

This letter authorizes Mr. Jerome Golomb to speak on my behalf regarding any issues relating to the Various Application and proposed plans for The Sports Authority at 1125 Cromwell Bridge Road in Towson, MD.

Very truly yours,



Jack Luskin
General Partner

JL/sc

MICROFILMED

WILLIAM MONROE, INC.

PLANNING • LANDSCAPE DESIGN
ENVIRONMENTAL RESOURCE MANAGEMENT

COURTHOUSE COMMONS, SUITE B-7
222 BOSLEY AVENUE, TOWSON, MD 21204

LETTER OF TRANSMITTAL

61

TO

ZADM

DATE 8-10-95	OUR JOB NO.
FILE NO.	YOUR JOB NO.
ATTENTION	
RE: 1101-1125 CROMWELL BRIDGE ROAD	

GENTLEMEN:

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via _____ the following items:

- ☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☒ VARIANCE APPLICATION

DRAWING NO.	FILE NO.	DESCRIPTION	ACTION
12		PRINTS	
1		CHECK	
3		APPLICATION FORMS	
1		ZONING DESCRIPTION	
1		ZONING / VICINITY MAP	

THESE ARE TRANSMITTED as checked below:

- ☐ For approval ☐ As requested ☐ Submit _____ copies for distribution
☐ For your use ☐ Resubmit _____ copies for approval ☐ Return _____ corrected prints
☐ For review and comment ☒ FOR FIDELITY
☐ FOR BIDS DUE _____ 19 _____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS:

RECEIVED

COPY TO: _____

SIGNED: _____

If enclosures are not as noted, kindly notify us at once.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

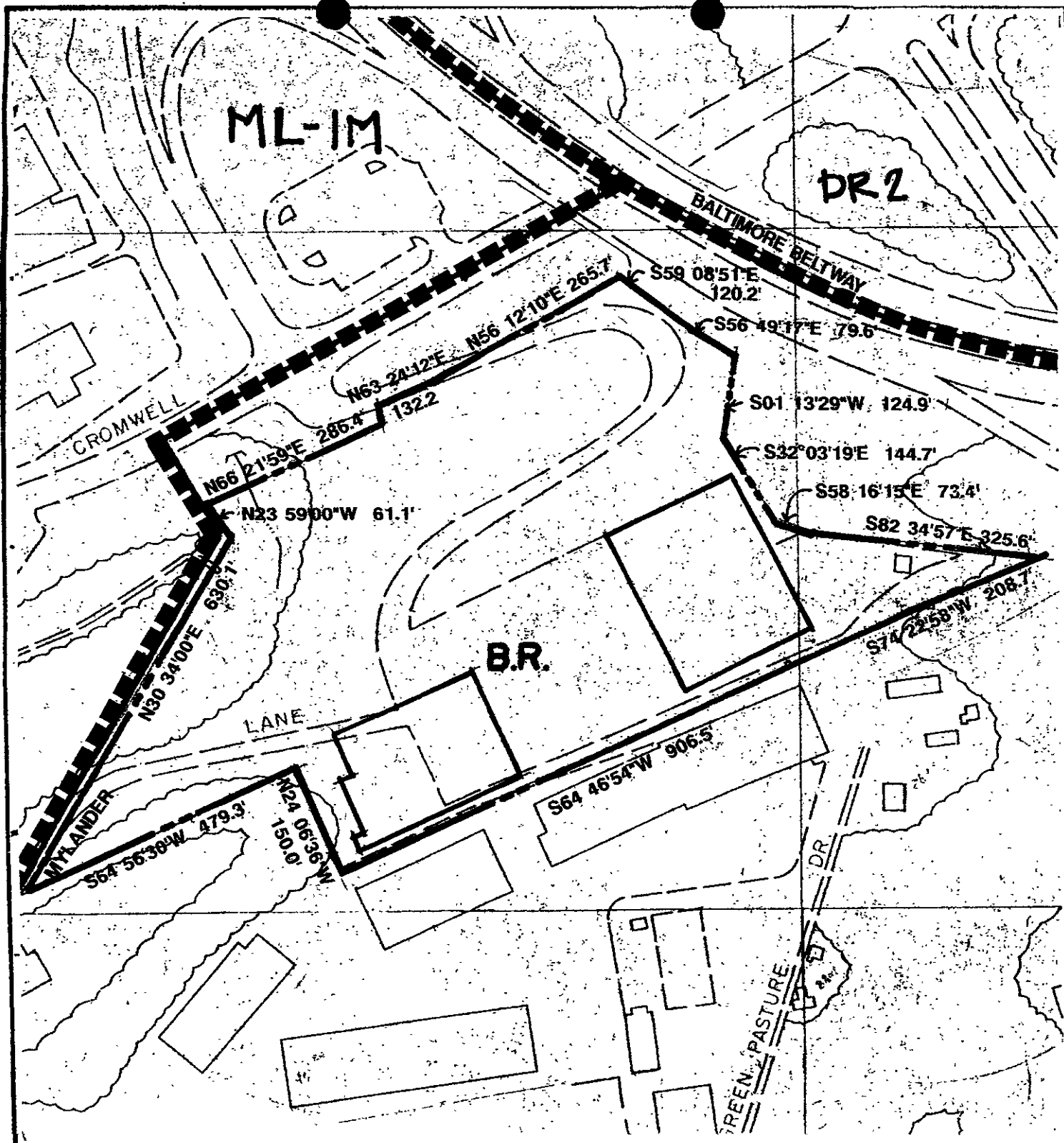
NAME

ADDRESS

Steve Craig
James Hobbs
* Wayne Skinner
BILL MONIK

12055 Rockville Pike Rockville Md 20855
3815 Labyrinth Rd Balt, Md-21215
THREE 1813 EDGEWOOD RD 21234
222 BOSLEY AVE SUITE C-6
TOWSON 21204

4403071001



WILLIAM MONK, INC.
 PLANNING, LANDSCAPE DESIGN
 ENVIRONMENTAL RESOURCE MANAGEMENT
 COURTHOUSE COMMONS
 222 BOSLEY AVENUE, SUITE D-7
 TOWSON, MD 21204
 (410) 494-8931

**ZONING MAP
 TO ACCOMPANY
 1101-1125 CROMWELL
 BRIDGE ROAD
 BALTIMORE CO., MD.**

MAP #:
 NE 10C

SCALE:
 1"=200'

FILE #:

61

1101-1125

Baltimore County Government
Department of Permits and
Development Management



111 West Chesapeake Ave.
Towson, Md. 21204

(410) 887-3321

August 28, 1995

William Monk, Inc.
Courthouse Commons, Suite B-7
222 Bosley Avenue
Towson, Maryland 21204

RE: Sports Authority
1101-1125 Cromwell Bridge Road
DRC Number 08215E Dist. 9C4

Dear Sir:

On August 21, 1995, the Development Review Committee (DRC) considered your request on the above referenced project and determined it to be a limited exemption under Section 26-171(b)(9) of the Baltimore County Development Regulations. As a result, your development is exempt from the requirements of a Community Input Meeting, a Hearing Officers' Hearing; however, compliance with all applicable zoning regulations and county design standards and requirements for public and private improvements is required.

In order to further process your development Plan, submit two check prints of the plan, prepared in accordance with Section 26-203 of the development regulations, and a copy of this letter to:

Department of Permits and Development Management
County Office Building, Room 123
111 West Chesapeake Avenue
Towson, Maryland 21204

Petition's Ex #5

MICROFILMED

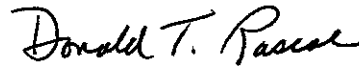
William Monk, Inc.
Sports Authority
August 28, 1995
Page 2

Your plan will be examined for general compliance with submittal requirements. Comments on the check print will determine if any changes or additional information are necessary. At that time, the development plan review fee will be determined by the fee schedule. Following your revision, the check print, along with 22 copies of the plan, and a certified or cashier's check made payable to Baltimore County, Maryland must be submitted to this office.

Please note that a Spirit and Intent letter is required.

Should you have additional questions regarding this matter, please do not hesitate to call me.

Sincerely,



Donald T. Rascoe
Development Manager

DTR:KAK:aw
c: Larry Pilson

11/9/95



Baltimore County
Department of Economic Development

400 Washington Avenue
Towson, Maryland 21204
(410) 887-8000
Fax: (410) 887-8017

September 19, 1995

Deputy Zoning Commissioner
Baltimore County Zoning Commissioner's Office
Room 112
400 Washington Avenue
Towson, Maryland 21204

Dear Deputy Zoning Commissioner:

Sports Authority is a nationally recognized retail chain of sporting goods and equipment, of which the nearest locations in Baltimore County include stores on Pulaski Highway in White Marsh and Baltimore National Pike in Catonsville. Sports Authority has submitted plans to develop another retail store on Cromwell Bridge Road, near Luskin's in Towson.

The construction of this store will be a major addition to the existing shopping center which includes Luskin's, Pier One and Horn & Horn restaurant. Site improvements include a 43,128 square foot building and parking to accommodate this use. The name recognition of Sports Authority will help to revitalize this shopping center by providing a number of new full and part time jobs, as well as, generate additional traffic for the existing tenants of this center.

The Department of Economic Development recognizes the impact that the development of Sports Authority on Cromwell Bridge Road represents to this shopping center and the surrounding community. It is with this recognition that Economic Development supports this plan for development.

As you review this project, please consider the positive economic impact that this new project represents to the area. Thank you for your consideration.

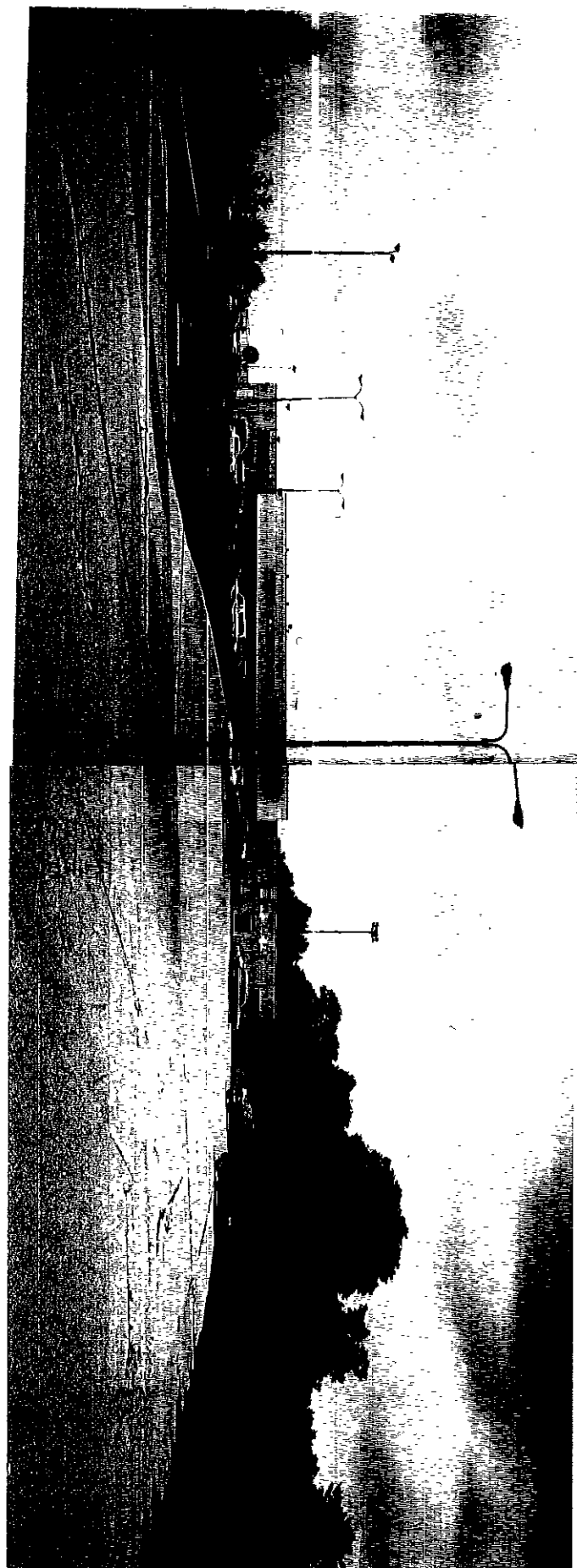
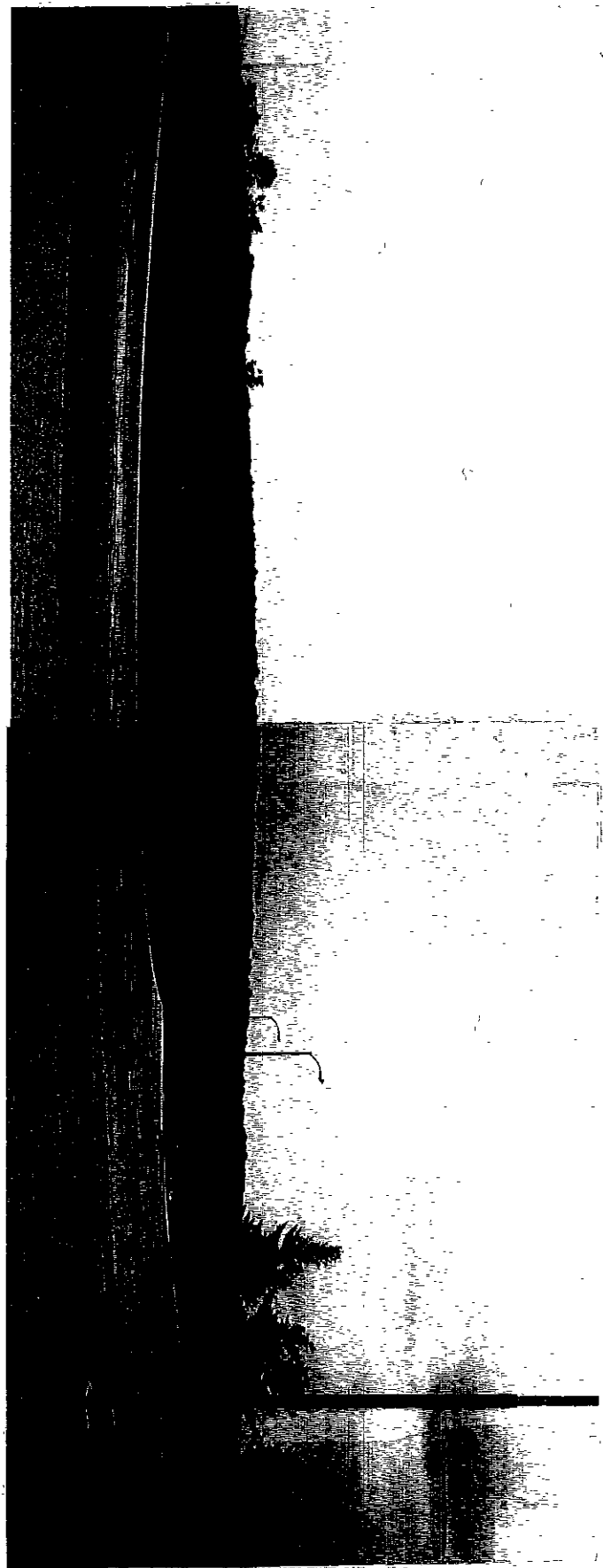
Regards,

A handwritten signature in black ink, appearing to read "Robert Hannon", written in a cursive style.

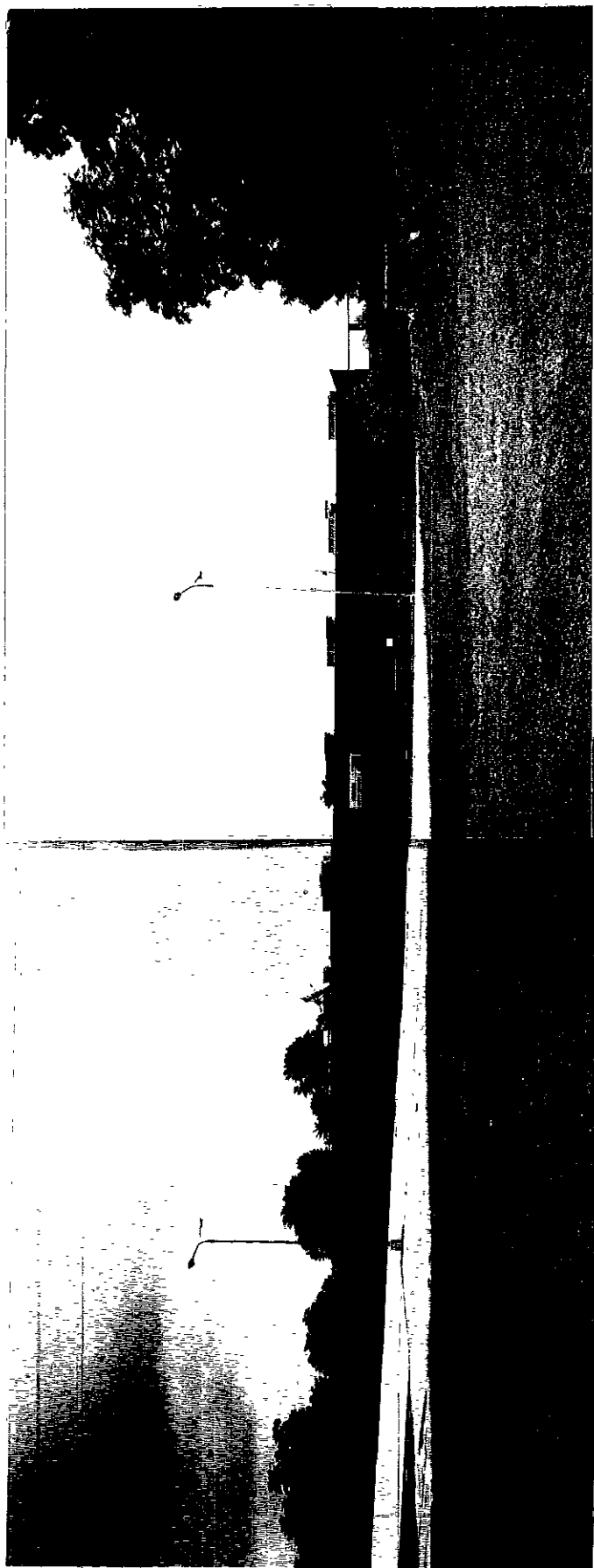
Robert Hannon
Executive Director

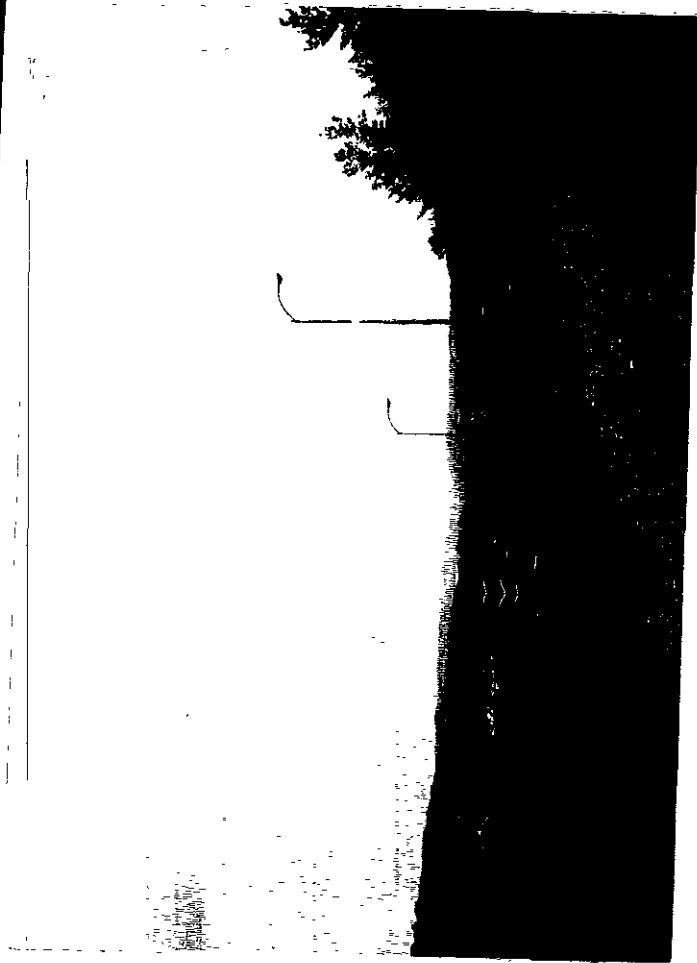
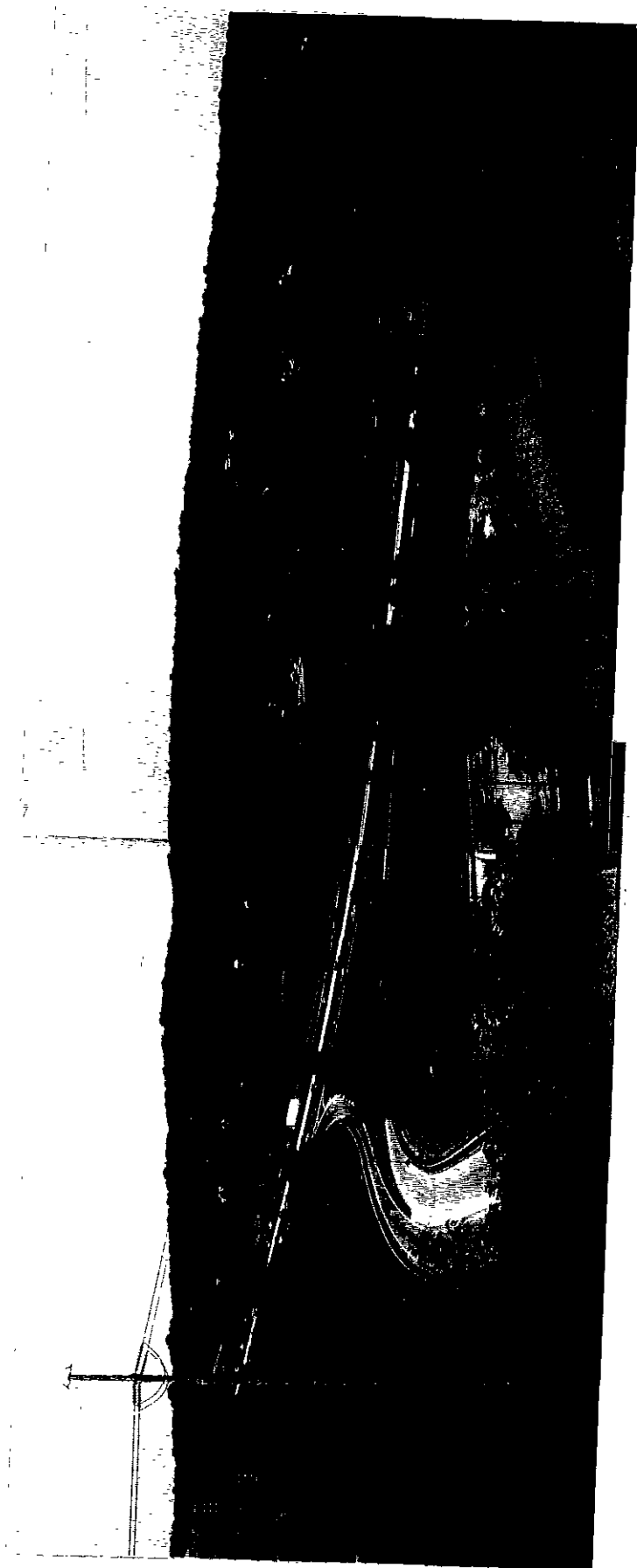
Pet Ex #6





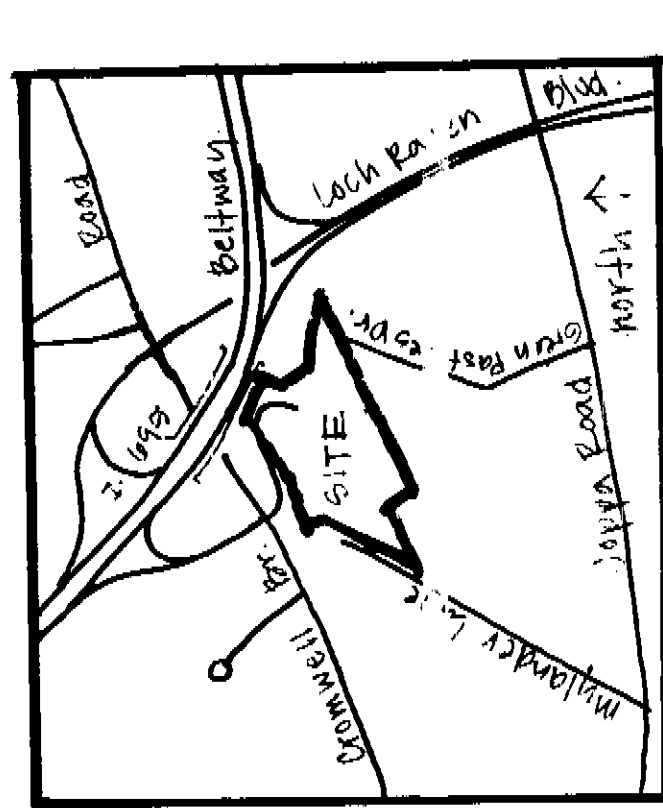






Petitioner's
Exhibits
3A-3C
photographs
Case 96-61-A

MICROFILMED



- [illegible]

PARKING TABLE FOR EXISTING BUILDING		
USE	AREA / SQ. FT.	PARKING REQUIREMENT
PERI (RETAIL)	10,800	5/1000 = 54
LUSKINS (RETAIL)	19,200	5/1000 = 96
HORN & HORN (RESTAURANT)	15,000	20/1000 = 300
RETAIL	5,000	5/1000 = 25
	50,000	475

**PLAT TO ACCOMPANY VARIANCE APPLICATION
1101 - 25 CROMWELL BRIDGE ROAD
BALTIMORE COUNTY, MARYLAND**

owner: 21st Century Properties Co.
7125 Columbia Gateway Dr
Columbia, Mo. 21046

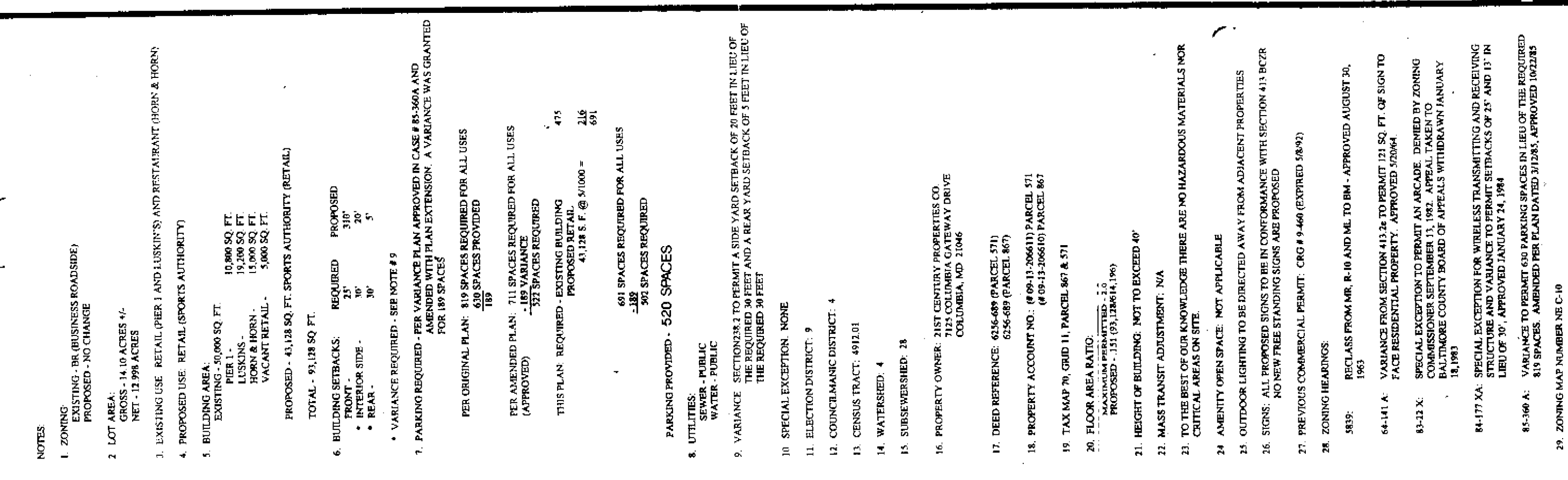
PETITIONER'S
EXHIBIT 4

WILLIAM MONK, INC.
PLANNING • LANDSCAPE DESIGN
ENVIRONMENTAL RESOURCE MANAGEMENT

COURTHOUSE COMMONS
225 ROSSELLE AVENUE, B-7
DALLAS, TEXAS 75204
(410) 494-8931

date: 8/5/95
scale: 1"=50'

date: 01/21/92
scale: 1"=50'

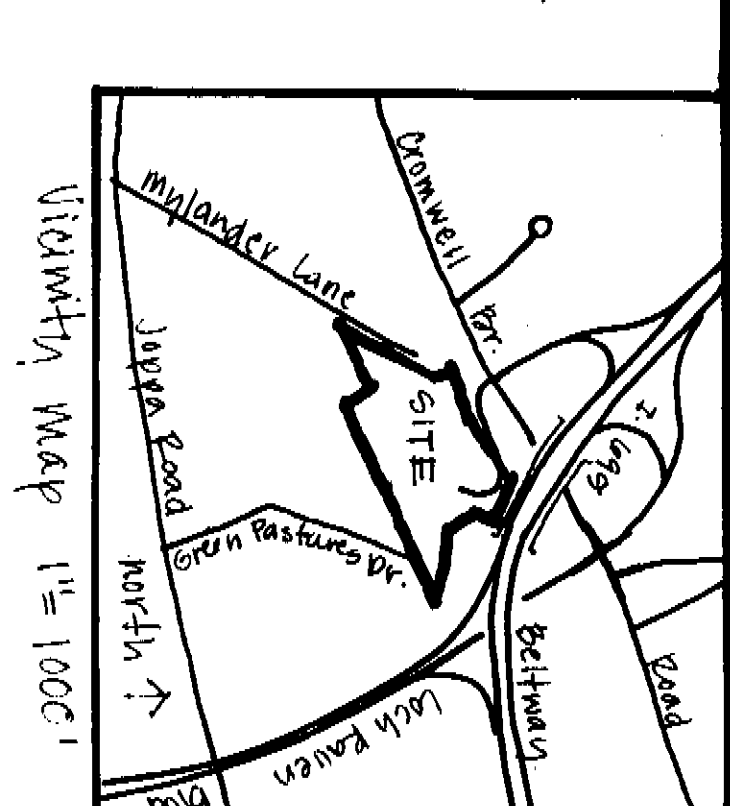


PARKING TABLE FOR EXISTING BUILDING		
USE	AREA / SQ. FT.	PARKING REQUIREMENT
PHYS. (RETAIL)	10,800	5/1000 = 54
LUSINGS (RETAIL)	19,200	5/1000 = 96
HORN & HORN (RESTAURANT)	15,000	20/1000 = 300
RETAIL	5,000	5/1000 = 25
	50,000	475

Owner: 21st Century Properties Co.
7125 Columbia Gateway Dr
Columbia, Mo. 21046

WILLIAM MONK, INC.
PLANNING • LANDSCAPE DESIGN
ENVIRONMENTAL RESOURCE MANAGEMENT
COURTHOUSE COMMONS
222 BOSLEY AVENUE, SUITE B-7
TOWSON, MARYLAND 21204
(410) 424-0931

date: 8/5/95
scale: 1"=50'



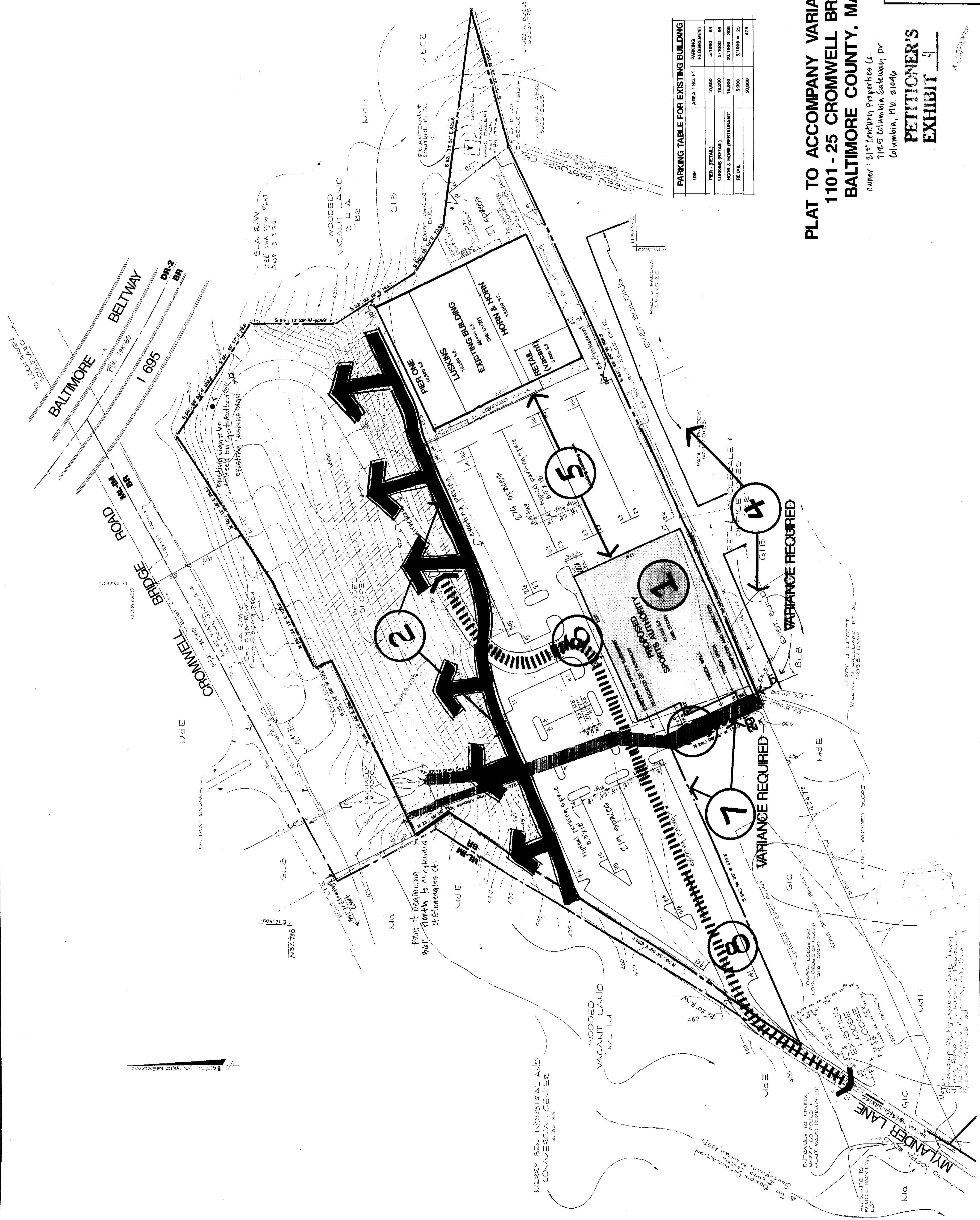
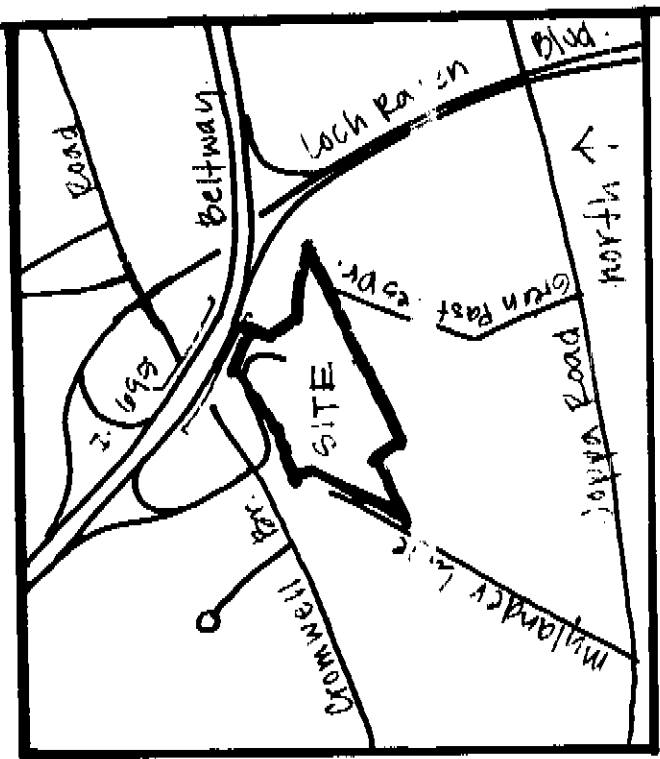
WILLIAM MONK, INC.
PLANNING • LANDSCAPE DESIGN
ENVIRONMENTAL RESOURCE MANAGEMENT
COURTHOUSE COMMUNITY CENTER
10000 WILSON BLVD. SUITE B-7
TOMESDA, MARYLAND 21204
(410) 444-0531

date: 8/1/86
scale: 1"=50'

96-61-A

PLAT TO ACCOMPANY VARIANCE APPLICATION
1101 - 25 CROMWELL BRIDGE ROAD
BALTIMORE COUNTY, MARYLAND

Owner: 21st Century Properties, L.P.
15000 Old Columbia Road, Suite 200
#664



PARKING TABLE FOR EXISTING BUILDING		
USE	AREA / SQ. FT.	PARKING REQUIREMENT
PERI (RETAIL)	10,000	5/1000 = 54
LUSKINS (RETAIL)	19,200	5/1000 = 96
HORN & HORN (RESTAURANT)	15,000	20/1000 = 300
RETAIL	5,000	5/1000 = 25
	50,000	475

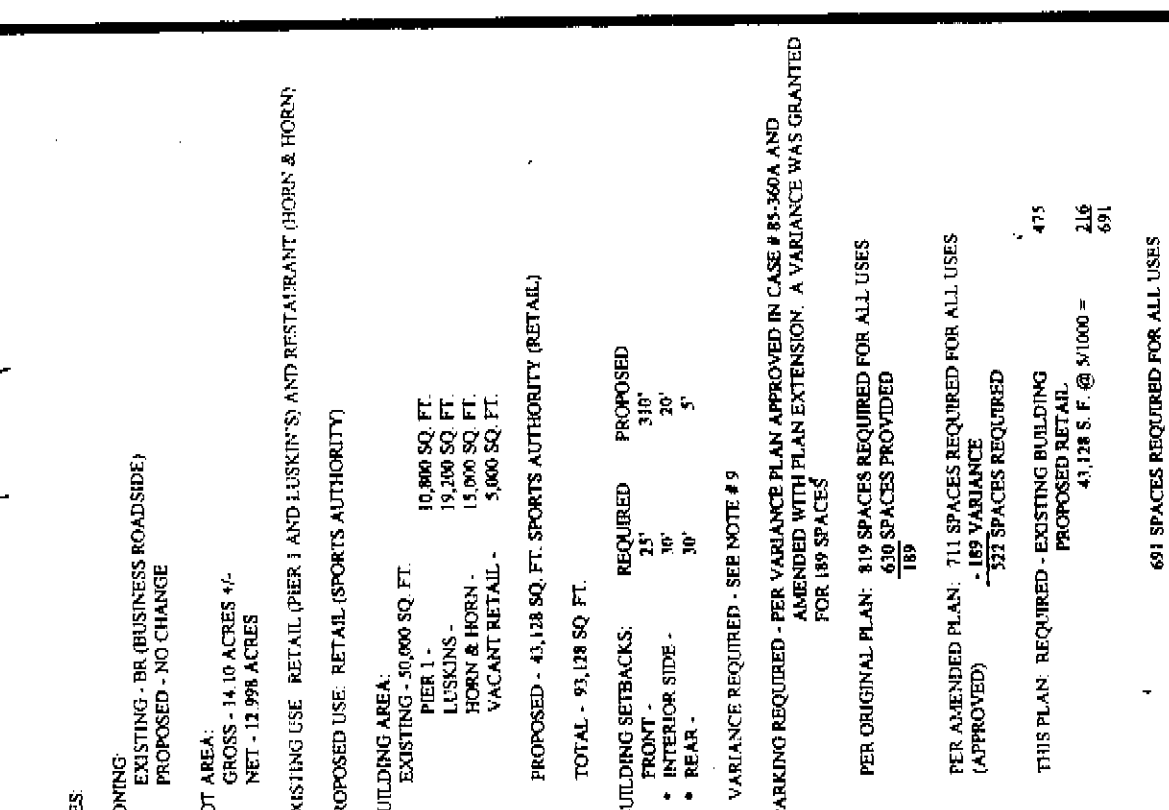
PLAT TO ACCOMPANY VARIANCE APPLICATION
1101 - 25 CROMWELL BRIDGE ROAD
BALTIMORE COUNTY, MARYLAND

OWNER: 21st Century Properties Co.
1101-25 Cromwell Bridge Road
Columbia, MD 21046

PETITIONER'S
EXHIBIT 4

WILLIAM MONK, INC.
PLANNING • LANDSCAPE DESIGN
ENVIRONMENTAL RESOURCE MANAGEMENT
CORPORATE COMMONS
2700 WEST PATTERSON AVE.
TOWSON, MARYLAND 21204
(410) 494-8931

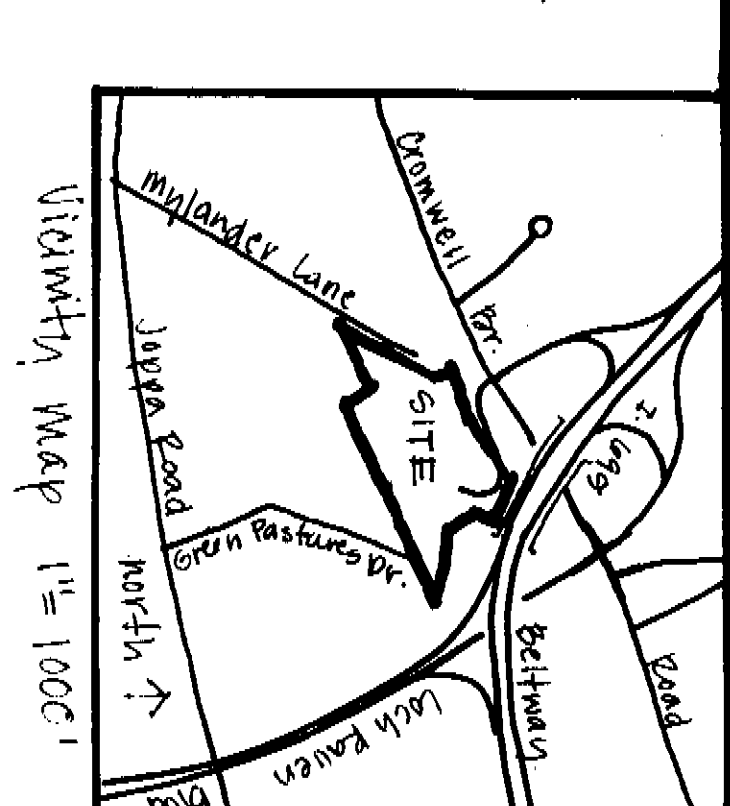
date: 8/5/95
scale: 1"=50'



2

Owner: 21st Century Properties Co.
7125 Columbia Gateway Dr
Columbia, MO. 21046

date: 8/5/95
scale: 1"=50'

[illegible]

Owner: 21st Century Properties Co.
7125 Columbia Gateway Dr
Columbia, Md. 21046

WILLIAM MONK, INC.
PLANNING • LANDSCAPE DESIGN
ENVIRONMENTAL RESOURCE MANAGEMENT

CHANDLERIDGE COMMUNES
222 BOSLEY AVENUE, SUITE B-7
TOWSON, MARYLAND 21204
(410) 548-8933

date: 8/19/85
scale: 1"=50'

96-61-A

IN RE: PETITION FOR VARIANCE
SE/5 Cromwell Bridge Road, 361' NE
of the c/l of Glen Eagles Court
(1101-1125 Cromwell Bridge Road)
9th Election District
4th Councilmanic District
21st Century Properties Company
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-61-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 1101-1125 Cromwell Bridge Road, located in the vicinity of Mylander Lane and the Baltimore Beltway (I-695) in Towson. The Petition was filed by the owners of the property, 21 Century Properties Company, by Cary Lusk, and the Contract Purchaser/Lessee, Sports Authority, Inc., by Kim B. Becker. The Petitioners seek relief from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 20 feet in lieu of the required 30 feet and a rear yard setback of 5 feet in lieu of the required 30 feet for a proposed one-story building of 43,128 sq.ft. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Jerome Golomb, a representative of Sports Authority, Inc., Steve Craig, and William P. Monk, an expert Land Planning and Zoning Consultant. Appearing as an interested party was Wayne Skinner, who appeared on behalf of the Towson-Loch Raven Community Council. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 14.10 acres, more or less, zoned B.R., and is improved with a mix of retail and commercial uses. Specifically, this

property is familiar to many Baltimore County residents in that it sits high atop a rocky hill which is easily seen from the Baltimore Beltway (I-695) and is the site of Lusk's, Pier 1 Imports, and a Horn and Horn restaurant. The Petitioners wish to add a Sports Authority retail store on the premises in the location shown on Petitioner's Exhibits 1 and 2. The Sports Authority wishes to construct a prototype retail sales building in the southwest corner of the site. However, due to the steep grades associated with this property and the amount of parking required for existing and proposed uses, the requested variances are necessary. As noted above, this property is unique in topography and configuration. In order to locate this new tenant on the property, many improvements will be made to the existing parking lot and additional landscaping provided.

Mr. Wayne Skinner, a representative of the Towson Loch Raven Community Council, appeared in full support of the relief requested and testified that he believes the proposed use will be a welcome addition to the site. However, Mr. Skinner requested that when a landscape plan is prepared for review and approval by Baltimore County, that consideration be given to landscaping needs for the entire site and not just the area surrounding the proposed Sports Authority store. Therefore, as a condition of approval of the variance relief sought, a restriction shall be imposed at the end of this Order accommodating Mr. Skinner's request.

It should also be noted that the comments submitted by the Office of Planning and Zoning (OPZ), dated August 29, 1995, were discussed at the hearing and dispensed with in accordance with the following: It was agreed that inasmuch as the proposed building will not be visible from either Cromwell Bridge Road or the Baltimore Beltway (I-695), it will not be necessary to submit building elevation drawings to the Office of Plan-

ning and Zoning (OPZ) for their review and approval. As noted above, the Sports Authority intends to construct a prototype sales building similar to its other stores in the Baltimore-Metropolitan area. These stores are both well-designed and attractive in appearance. Therefore, it is not necessary for the Petitioner to submit elevation drawings for review and approval by OPZ. It was also agreed that inasmuch as the signage for the proposed store will be located along the access driveway to this site which is not readily visible to motorists on the Baltimore Beltway, it will not be necessary for the Petitioner to submit sign elevation drawings for review and approval by OPZ. However, the Petitioner shall be required to comply with all sign regulations imposed upon them by the B.C.Z.R. Lastly, in the opinion of this Deputy Zoning Commissioner, the Petitioner has satisfactorily demonstrated that the location of the Sports Authority building will not interfere with the annual Fourth of July fireworks display which takes place on this site.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, 102 Md. App. 691 (1995). The opinion in that case, issued January 1, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 27 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to

ORDER RECEIVED FOR FILING
Date 9/26/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 9/26/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 9/26/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 9/26/95
By [Signature]

demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

- 1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner 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 an applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief to the owner of the property involved and be more consistent with that afforded other property owners; 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, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict

harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26th day of September, 1995 that the Petition for Variance seeking relief from Section 238.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 20 feet in lieu of the required 30 feet and a rear yard setback of 5 feet in lieu of the required 30 feet for a proposed one-story building of 43,128 sq.ft., in accordance with Petitioner's Exhibits 1 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 relief granted herein shall be rescinded.
- 2) Prior to the issuance of any occupancy permits, the Petitioners shall submit a landscape plan for review and approval by Avery Harden, Landscape Architect for Baltimore County. The landscaping required for this site shall not exceed that set forth in the Baltimore County Landscape Manual. However, when designing the landscaping for this project, the Petitioner shall spread the plantings out over the entire site and not just around the proposed building. It was also agreed that the Petitioner shall provide landscaping in the area where the existing parking lot has been expanded to provide additional parking for the proposed building. That parking lot expansion will result in the loss of existing shrubs which should be replaced by this Petitioner.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this

case and set forth and address the restrictions of this Order.

TMK:bjs

[Signature]
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 9/26/95
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

September 26, 1995

(410) 887-4386

Mr. Cary Lusk
21st Century Properties Company
7125 Columbia Gateway Drive
Columbia, Maryland 21046

RE: PETITION FOR VARIANCE
SE/5 Cromwell Bridge Road, 361' NE of the c/l of Glen Eagles Court
(1101-1125 Cromwell Bridge Road)
9th Election District - 4th Councilmanic District
21st Century Properties Company - Petitioners
Case No. 96-61-A

Dear Mr. Lusk:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

[Signature]
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Ms. Kim B. Becker, Sports Authority, Inc.
3383 N. State Rd. #7, Ft. Lauderdale, Florida 33319

Mr. William P. Monk, 222 Bosley Avenue, B-7, Towson, Md. 21204

Mr. Wayne Skinner, Towson-Loch Raven Community Council
1813 Edgewood Road, Baltimore, Md. 21234

People's Counsel; Case File

ORDER RECEIVED FOR FILING
Date 9/26/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 9/26/95
By [Signature]



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 1101-1125 Cromwell Bridge Road
which is presently zoned BR

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 238.2 to permit a side yard setback of 20 feet in lieu of the required 30 feet and a rear yard setback of 5 feet in lieu of the required 30 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reason(s): (Indicate hardship or practical difficulty) Due to topographic constraints and irregular lot configuration

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.

Legal Owner(s):
21st Century Properties Co.
Signature: [Signature]
Address: 7125 Columbia Gateway Drive
City: Columbia MD 21046
Phone No: [Phone No]
Name, Address and phone number of representative to be contacted:
William Monk, Inc.
Address: 222 Rosley Ave. B-7 494-8931
Townson, MD 21204
ESTIMATED LENGTH OF HEARING: 1 hr.
Date: 8/10/95
Reviewed by: [Signature] DATE 8/10/95

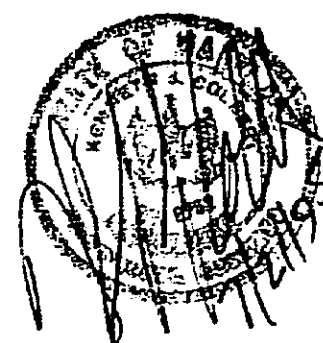
ZONING DESCRIPTION

1101-1125 CROMWELL BRIDGE ROAD
9TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning at a point on the southeast side of Cromwell Bridge Road, having a variable right of way width, at the distance of 361 feet, more or less, as measured northeasterly along said Cromwell Bridge Road, from the southeasterly extension of the center line of Glen Eagles Court, running thence binding on the southeast side of said Cromwell Bridge Road, the following courses and distances: (1) N 66° 21' 59" E 286.4 feet, more or less, (2) N 23° 57' 00" W 27.5 feet, more or less, (3) N 63° 24' 12" E 132.2 feet, more or less, (4) N 56° 12' 10" E 265.7 feet, more or less, to the southwest side of the Baltimore Beltway and thence binding on the southwest side of the Baltimore Beltway, six courses: (11) S 74° 22' 58" W 208.7 feet, more or less, (12) S 64° 46' 54" W 906.5 feet, more or less, (13) N 24° 06' 36" W 150.0 feet, more or less, (14) S 64° 56' 30" W 479.3 feet, more or less, (15) N 30° 34' 00" E 630.1 feet, more or less, and (16) N 23° 59' 00" W 61.1 feet, more or less to the place of beginning.

Containing 12.998 acres of land, more or less in the 9th election district.

vpm/km33



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: [Blank] Date of Posting: 9/1/95
Posted for: [Blank]
Petitioner: [Blank]
Location of property: 1101-1125 Cromwell Bridge Rd.
Location of Sign: [Blank]
Remarks: [Blank]
Posted by: [Blank]
Number of Signs: 1

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, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Case Number: 96-61-A (Item 61)
1101-1125 Cromwell Bridge Rd.
SE/S Cromwell Bridge Road, 361' NE of c/l Glen Eagles Court
9th Election District - 4th Councilmanic
Legal Owner: 21st Century Properties Company
Contract Purchaser: Sports Authority, Inc.
HEARING: WEDNESDAY, SEPTEMBER 20, 1995 at 9:00 a.m. in Room 118, Old Courthouse.
Variance: to permit a side yard setback of 20 feet in lieu of the required 30 feet and a rear yard setback of 5 feet in lieu of the required 30 feet.
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, CONTACT THIS OFFICE AT 887-3391. 8/348 August 31.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/1, 1995

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 successive weeks, the first publication appearing on 8/31, 1995.

THE JEFFERSONIAN
[Signature]
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 004852
DATE 8/10/95 ACCOUNT 01- [Blank]
I am: 61 By: [Signature] AMOUNT \$ 255.00
RECEIVED THE Sports Authority - 1101-1125 Cromwell Bridge Rd.
FROM: [Blank] - \$ 255.00
FOR: [Blank] - \$ 255.00
03A0340003-ICMRC 8A C002:40F008-10-95 \$285.00
VALIDATION OR SIGNATURE OF CASHIER
[Signature]

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/neighborhood 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

For newspaper advertising:

Item No.: 61
Petitioner: The Sports Authority
Location: 1101-1125 Cromwell Bridge Road
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Kim Becker at The Sports Authority
ADDRESS: 3383 N. State Road #7
Ft. Lauderdale, Florida 33311
PHONE NUMBER: William Monk - 494-8931

AJ:ggs

(Revised 04/09/93)

TO: PUTNEY PUBLISHING COMPANY
August 31, 1995 Issue - Jeffersonian

Please forward billing to:

Kim Becker
The Sports Authority
3383 N. State Road #7
Ft. Lauderdale, FL 33319
401-494-8931

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: 96-61-A (Item 61)
1101-1125 Cromwell Bridge Road
SE/S Cromwell Bridge Road, 361' NE of c/l Glen Eagles Court
9th Election District - 4th Councilmanic
Legal Owner: 21st Century Properties Company
Contract Purchaser: Sports Authority, Inc.
HEARING: WEDNESDAY, SEPTEMBER 20, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to permit a side yard setback of 20 feet in lieu of the required 30 feet and a rear yard setback of 5 feet in lieu of the required 30 feet.

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.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 25, 1995

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: 96-61-A (Item 61)
1101-1125 Cromwell Bridge Road
SE/S Cromwell Bridge Road, 361' NE of c/l Glen Eagles Court
9th Election District - 4th Councilmanic
Legal Owner: 21st Century Properties Company
Contract Purchaser: Sports Authority, Inc.
HEARING: WEDNESDAY, SEPTEMBER 20, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to permit a side yard setback of 20 feet in lieu of the required 30 feet and a rear yard setback of 5 feet in lieu of the required 30 feet.

Arnold Jablon
Director

cc: 21st Century Properties Co.
William Monk, Inc.
Sports Authority, Inc./Kim B. Becker

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.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 13, 1995

Kim B. Becker
3383 N. State Road #2
Ft. Lauderdale, FL 33319

RE: Item No.: 61
Case No.: 96-61-A
Petitioner: 21st Century Prop.

Dear Ms. Becker:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 10, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

MCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM
FROM: Pat Keller, Director, OP
SUBJECT: 1101-1125 Cromwell Bridge Road

DATE: August 29, 1995

INFORMATION:

Item Number: 61
Petitioner: 21st Century Properties Co.
Property Size: _____
Zoning: BR
Requested Action: Variance
Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

The applicant requests a variance to permit a side yard setback of 20 feet in lieu of the required 30 feet and a rear yard setback of 5 feet in lieu of the required 30 feet.

Based upon a review of the information provided, staff recommends that the applicant's request be granted subject to the following conditions:

- 1) Prior to the issuance of any building permit, the petitioner should submit elevation drawings for review and approval by the Director of the Office of Planning.
- 2) Prior to the issuance of any sign permit, the petitioner should submit sign details for review and approval by the Director of the Office of Planning.
- 3) The applicant should demonstrate to the satisfaction of certain employees of the Office of Planning and interested Towson residents that the construction of the proposed building will not interfere in any manner with the annual Fourth of July fireworks display.

Prepared by: *Jeffrey W. Day*

Division Chief: *Gary L. Kenna*

PK/JL

ITEM61/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
FROM: Robert W. Bowling, P.E., Chief
RE: Zoning Advisory Committee Meeting
for August 28, 1995
Item 061

DATE: Aug. 28, 1995
Zoning Administration and Development Management

The Development Plans Review Division has reviewed the subject zoning item. The proposed parking does not conform with the 7% interior landscape area requirement. This change to the parking lot should be provided as a condition of granting the variance.

A schematic landscape plan must be submitted and approved as a condition of the development plan approval.

No Parking should be permitted off the proposed travelways.

RWB:aw

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 08/23/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: 21ST CENTURY PROPERTIES COMPANY

LOCATION: SE/S CROMWELL BRIDGE RD., 361' NE OF CENTERLINE
GLEN EAGLES CT. (1101-1125 CROMWELL BRIDGE RD.)

Item No.: 061
Zoning Agenda: VARIANCE

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.

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

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

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

TO: ZADM Joyce Watson
FROM: DEPRM Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: 8/21/95

DATE: 8/31/95

ZAC Comments

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:
29
55
57
58
61
63
5

LS:sp

LETTY2/DEPRM/TXTSP

PETITION PROBLEMS

#29 --- JRA

1. Date on receipt is 7/25/95; date on petition is 8/9/95; posting date is 8/13/95; petitions on shelf for this week begin with #55. Where has this petition been??

#55 --- JJS

1. Zoning on petition says "D.R.-5.5"; zoning on folder says "D.R.-3.5". Which is correct?

#60 --- MJK

1. Receipt is still in file folder; was not given to petitioner/attorney.
2. No telephone number for legal owner.

#61 --- MJK

1. Receipt is still in folder; was not given to petitioner/attorney.
2. Need title of person signing for legal owner.
3. No telephone number for legal owner.

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: August 10, 1995
TO: Hearing Officer
FROM: Mitchell J. Kellman
Planner II, PDM
SUBJECT: Item #61
1101-1125 Cromwell Bridge Road

The petitioner is listed as a corporation, which would require an attorney for representation. No attorney has signed the petition form.

MJK:scj

RE: PETITION FOR VARIANCE
1101-1125 Cromwell Bridge Road, SE/S
Cromwell Bridge Rd, 361' NE of c/l Glen
Eagles Court, 9th Election District
4th Councilmanic
Legal Owner: 21st Century Properties Co.
Contract Purchaser: Sports Authority, Inc.
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 96-61-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of September, 1995, a copy of the foregoing Entry of Appearance was mailed to William Monk, Inc., 222 Bosley Avenue, Suite B-7, Towson, MD 21204, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 061 (MJK)

Dear Ms. Watson:

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 affected by any State Highway Administration projects.

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,

for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

TWENTY-FIRST CENTURY PROPERTIES L.P.
7125 Columbia Gateway Drive
Columbia, MD 21046

September 13, 1995

Mr. Bill Monk
William Monk, Inc.
Courthouse Commons
222 Bosley Avenue, Suite B-7
Towson, MD 21204

Re: The Sports Authority Proposed Site
1125 Cromwell Bridge Road
Towson, MD

Dear Mr. Monk:

This letter authorizes Mr. Jerome Golomb to speak on my behalf regarding any issues relating to the Various Application and proposed plans for The Sports Authority at 1125 Cromwell Bridge Road in Towson, MD.

Very truly yours,
Jack Luskin
Jack Luskin
General Partner

JL/sc

WILLIAM MONK, INC.

PLANNING • LANDSCAPE DESIGN
ENVIRONMENTAL RESOURCE MANAGEMENT
COURTHOUSE COMMONS, SUITE B-7
222 BOSLEY AVENUE, TOWSON, MD 21204

LETTER OF TRANSMITTAL

DATE: 9-10-95 OUR JOB NO.:
FILE NO.: YOUR JOB NO.:
ATTENTION:
RE: 1101-1125
CROMWELL BRIDGE ROAD

TO: ZADM

GENTLEMEN:

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via _____ the following items:

- ☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☒ VARIANCE APPLICATION

DRAWING NO.	FILE NO.	DESCRIPTION	ACTION
12		PRINTS	
1		CHECK	
3		APPLICATION FORMS	
1		ZONING DESCRIPTION	
1		ZONING / VICINITY MAP	

THESE ARE TRANSMITTED as checked below:

- ☐ For approval ☐ As requested ☐ Submit _____ copies for distribution
☐ For your use ☐ Resubmit _____ copies for approval ☐ Return _____ corrected prints
☐ For review and comment ☒ FOR TRANSMISSION
☐ FOR BIDS DUE _____ 19____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS:

COPY TO:

SIGNED: *W. Monk*

If enclosures are not as noted, kindly notify us at once.

PLEASE PRINT CLEARLY

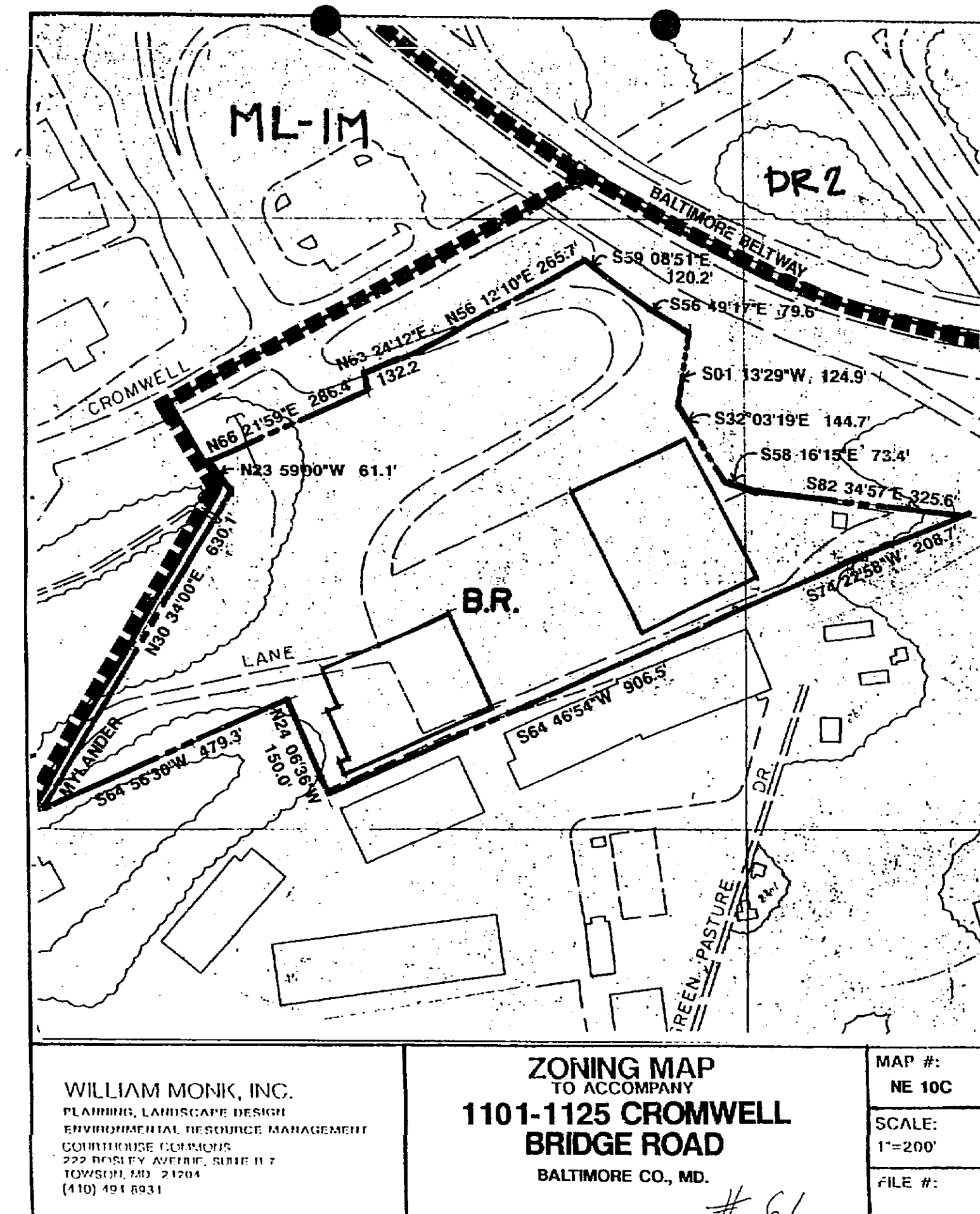
PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Steve Craig
James Schul
** Wayne Skinner*
Full Marks

1125 Parkville Ave Parkville Md 20855
3815 Talbot Rd Rd Bal, Md. 21215
TRUCK 1819 EDGEMOOD RD 21234
222 CROMWELL BRIDGE ROAD
TOWSON 21204



WILLIAM MONK, INC.
PLANNING, LANDSCAPE DESIGN
ENVIRONMENTAL RESOURCE MANAGEMENT
COURTHOUSE COMMONS
222 BOSLEY AVENUE, SUITE B-7
TOWSON, MD 21204
(410) 491-8931

ZONING MAP
TO ACCOMPANY
1101-1125 CROMWELL
BRIDGE ROAD
BALTIMORE CO., MD.

MAP #:
NE 10C
SCALE:
1"=200'
FILE #:

Baltimore County Government
Department of Permits and
Development Management



111 West Chesapeake Ave.
Towson, Md. 21204

(410) 887-3321

August 28, 1995

William Monk, Inc.
Courthouse Commons, Suite B-7
222 Bosley Avenue
Towson, Maryland 21204

RE: Sports Authority
1101-1125 Cromwell Bridge Road
DRC Number 08215E Dist. 9C4

Dear Sir:

On August 21, 1995, the Development Review Committee (DRC) considered your request on the above referenced project and determined it to be a limited exemption under Section 26-171(b)(9) of the Baltimore County Development Regulations. As a result, your development is exempt from the requirements of a Community Input Meeting, a Hearing Officers' Hearing, however, compliance will all applicable zoning regulations and county design standards and requirements for public and private improvements is required.

In order to further process your development Plan, submit two check prints of the plan, prepared in accordance with Section 26-203 of the development regulations, and a copy of this letter to:

Department of Permits and Development Management
County Office Building, Room 123
111 West Chesapeake Avenue
Towson, Maryland 21204

Relatore's Ex #5

William Monk, Inc.
Sports Authority
August 28, 1995
Page 2

Your plan will be examined for general compliance with submittal requirements. Comments on the check print will determine if any changes or additional information are necessary. At that time, the development plan review fee will be determined by the fee schedule. Following your revision, the check print, along with 22 copies of the plan, and a certified or cashier's check made payable to Baltimore County, Maryland must be submitted to this office.

Please note that a Spirit and Intent letter is required.

Should you have additional questions regarding this matter, please do not hesitate to call me.

Sincerely,

Donald T. Rascoe
Donald T. Rascoe
Development Manager

DTR:KAK:aw
cc: Larry Pilson



Baltimore County
Department of Economic Development

400 Washington Avenue
Towson, Maryland 21204
(410) 887-8000
Fax: (410) 887-8017

September 19, 1995

Deputy Zoning Commissioner
Baltimore County Zoning Commissioner's Office
Room 112
400 Washington Avenue
Towson, Maryland 21204

Dear Deputy Zoning Commissioner:

Sports Authority is a nationally recognized retail chain of sporting goods and equipment, of which the nearest locations in Baltimore County include stores on Pulaski Highway in White Marsh and Baltimore National Pike in Catonsville. Sports Authority has submitted plans to develop another retail store on Cromwell Bridge Road, near Luskin's in Towson.

The construction of this store will be a major addition to the existing shopping center which includes Luskin's, Pier One and Horn & Horn restaurant. Site improvements include a 43,128 square foot building and parking to accommodate this use. The name recognition of Sports Authority will help to revitalize this shopping center by providing a number of new full and part time jobs, as well as, generate additional traffic for the existing tenants of this center.

The Department of Economic Development recognizes the impact that the development of Sports Authority on Cromwell Bridge Road represents to this shopping center and the surrounding community. It is with this recognition that Economic Development supports this plan for development.

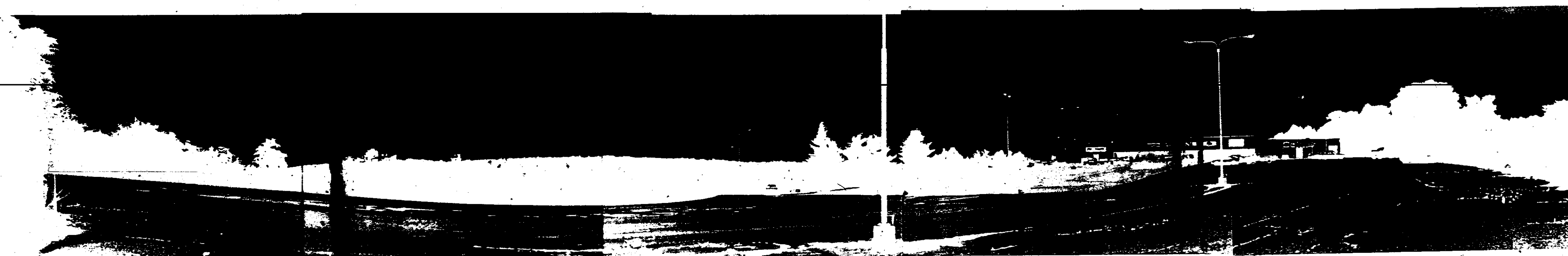
As you review this project, please consider the positive economic impact that this new project represents to the area. Thank you for your consideration.

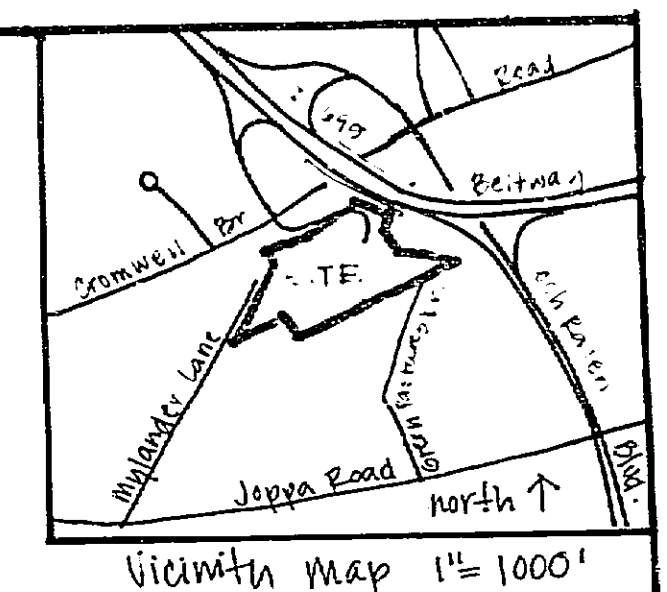
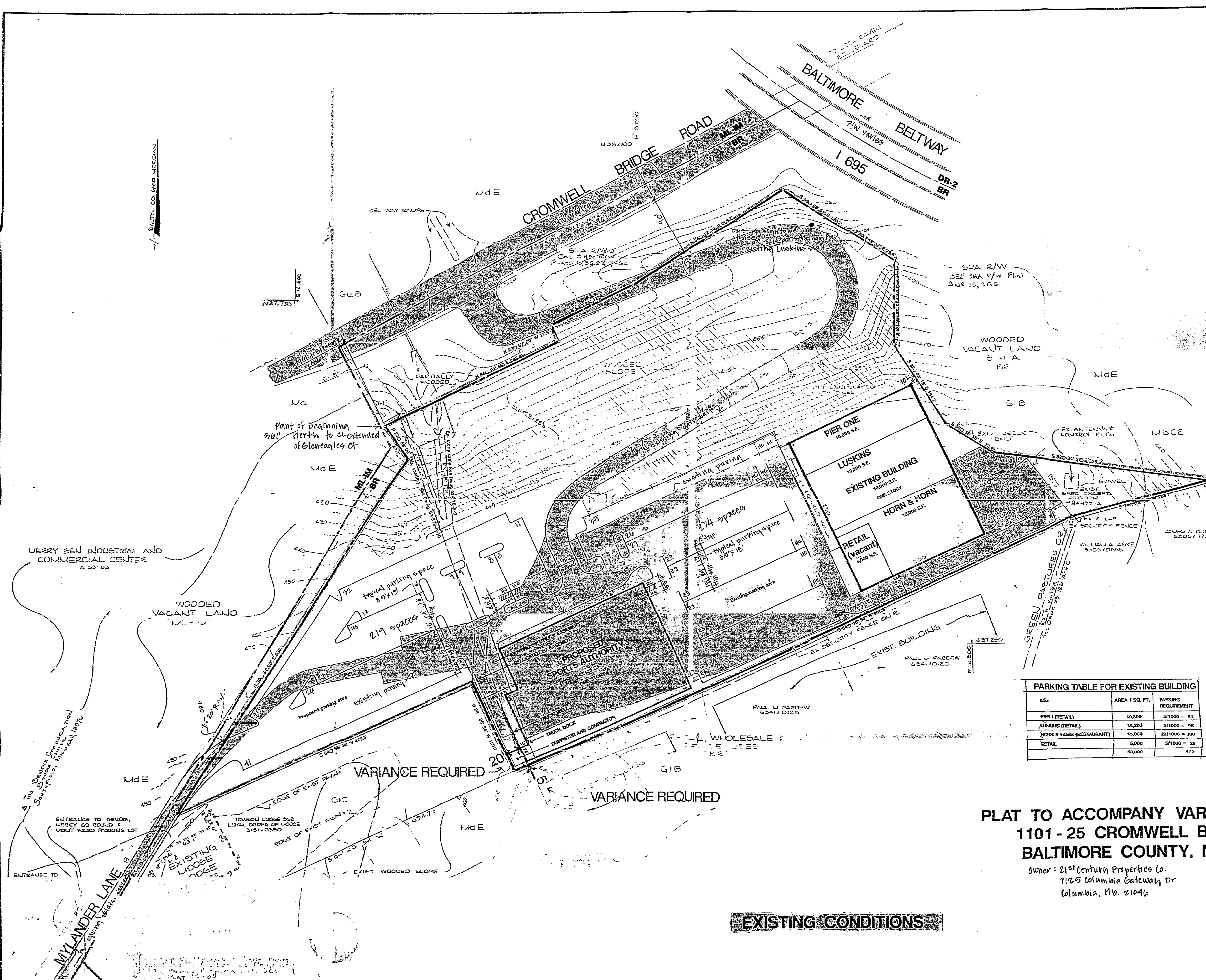
Regards,

Robert Hannon
Robert Hannon
Executive Director

Relatore's Ex #6

Pittman's
debits
32-36
photographs
Case 96-61-A





- NOTES:**
1. ZONING: RE BUSINESS ROADSIDE
 2. EXISTING: NO CHANGE
 3. LOT AREA: 14.19 ACRES ±
 4. PROPOSED USE: RETAIL (SPORTS AUTHORITY)
 5. BUILDING AREA: 41,118 SQ. FT. SPORTS AUTHORITY (RETAIL)
 6. BUILDING SETBACKS: 10' FRONT, 10' SIDE, 10' REAR
 7. PARKING PROVIDED: 520 SPACES
 8. UTILITIES: EXIST. PUBLIC WATER, SEWER
 9. VARIANCE: SECTION 11.1 TO PERMIT A SIDE YARD SETBACK OF 30 FEET IN LIEU OF THE REQUIRED 50 FEET AND A REAR YARD SETBACK OF 3 FEET IN LIEU OF THE REQUIRED 10 FEET
 10. SPECIAL EXCEPTION: NONE
 11. ELECTION DISTRICT: 1
 12. CONDEMNATION DISTRICT: 1
 13. CENSUS TRACT: 410.01
 14. WATERSHED: 1
 15. SUBDIVISION: 1A
 16. PROPERTY OWNER: 1101 COLUMBIA GATEWAY DRIVE COLUMBIA, MD 21046
 17. DEED REFERENCE: 65-448 (PARCELS 171) 65-448 (PARCELS 170)
 18. PROPERTY ACCOUNT NO: 100-11-30-011 PAGES 171
 19. TAX MAP: 100-11-30-011 PAGES 171
 20. FLOOR AREA RATIO: 1.0
 21. HEIGHT OF BUILDING: NOT TO EXCEED 40'
 22. MASS TRANSIT ADJUTMENT: N/A
 23. TO THE BEST OF OUR KNOWLEDGE THERE ARE NO HAZARDOUS MATERIALS NOR CRITICAL AREAS ON SITE
 24. AMENITY OTHER SPACE: NOT APPLICABLE
 25. OUTDOOR LIGHTING TO BE DIRECTED AWAY FROM ADJACENT PROPERTIES
 26. SIGNS: ALL PROPOSED SIGNS TO BE IN CONFORMANCE WITH SECTION 10.10 B. NO NEW FREE STANDING SIGNS ARE PROPOSED
 27. PREVIOUS CONDEMNATION: C80 #9-AM (EXP. 2000)
 28. EXISTING HEADINGS: 100'
 29. 100' FENCE FROM MD, B-10 AND MD, TO B-10 - APPROVED AUGUST 10, 1995
 30. 100' FENCE FROM SECTION 11.1 TO PERMIT 10' SETBACK TO B-10 TO PERMIT RESIDENTIAL PROPERTY. APPROVED JUNE 1995
 31. 100' FENCE FROM SECTION 11.1 TO PERMIT 10' SETBACK TO B-10 TO PERMIT RESIDENTIAL PROPERTY. APPROVED JUNE 1995
 32. 100' FENCE FROM SECTION 11.1 TO PERMIT 10' SETBACK TO B-10 TO PERMIT RESIDENTIAL PROPERTY. APPROVED JUNE 1995
 33. 100' FENCE FROM SECTION 11.1 TO PERMIT 10' SETBACK TO B-10 TO PERMIT RESIDENTIAL PROPERTY. APPROVED JUNE 1995
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PARKING TABLE FOR EXISTING BUILDING

USE	AREA / SQ. FT.	PARKING REQUIREMENT
PIER 1 (RETAIL)	10,000	5/1000 = 54
LUSKENS (RETAIL)	19,200	5/1000 = 96
HORN & HORN (RESTAURANT)	15,000	20/1000 = 300
RETAIL	5,000	5/1000 = 25
	50,000	475

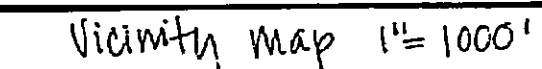
PLAT TO ACCOMPANY VARIANCE APPLICATION
1101-25 CROMWELL BRIDGE ROAD
BALTIMORE COUNTY, MARYLAND

Owner: 21st Century Properties Co.
 7125 Columbia Gateway Dr
 Columbia, Md. 21046

WILLIAM MONK, INC.
 PLANNING • LANDSCAPE DESIGN
 ENVIRONMENTAL RESOURCE MANAGEMENT
 COUNTRY HOUSE COMMONS
 222 BOULEVARD AVENUE SUITE B
 COLUMBIA, MARYLAND 21046
 (410) 484-8031

date: 8/5/95
 scale: 1"=50'

EXISTING CONDITIONS



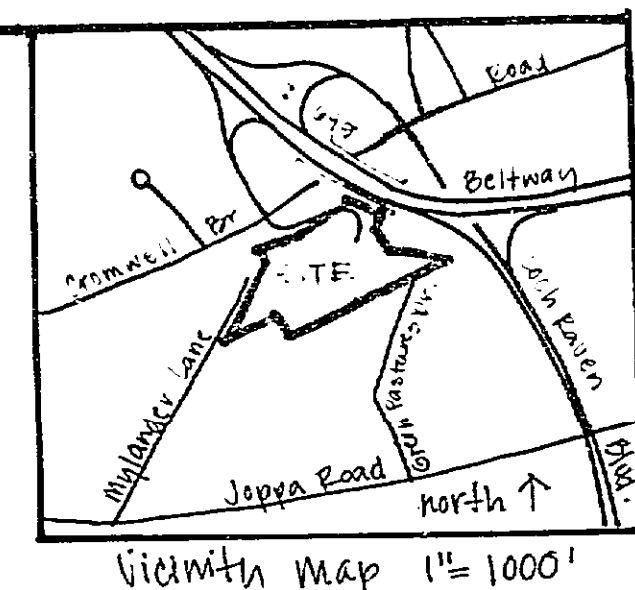
		3000	475
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Owner: 21st Century Properties Co.

date 9/5/95

Abstract



- NOTES:
1. ZONING: DISTRICT: 48 (BUSINESS ROADSIDE) PROPOSED: NO CHANGE
 2. LOT AREA: 14.19 ACRES 46,111 SQ. FT.
 3. EXISTING: RETAIL, PIER 1 AND LUSKINS AND RESTAURANT (HORN & HORN)
 4. PROPOSED: RETAIL, SPORTS AUTHORITY
 5. BUILDING AREA: EXISTING: 10,800 SQ. FT. PROPOSED: 10,800 SQ. FT. TOTAL: 21,600 SQ. FT.
 6. BUILDING SETBACKS: EXISTING: 10' PROPOSED: 10' MINIMUM: 10' MAXIMUM: 10'
 7. PARKING REQUIRED: 475 SPACES PROVIDED FOR ALL USES. 475 SPACES PROVIDED FOR ALL USES. 475 SPACES PROVIDED FOR ALL USES.
 8. PER AMENDED PLAN: 111 SPACES REQUIRED FOR ALL USES (APPROVED)
 9. THIS PLAN: 475 SPACES PROVIDED FOR ALL USES. 475 SPACES PROVIDED FOR ALL USES. 475 SPACES PROVIDED FOR ALL USES.
 10. PARKING PROVIDED: 475 SPACES
 11. VARIANCE: SECTION 13.2 TO PERMIT A SIDE YARD SETBACK OF 20 FEET IN LIEU OF THE REQUIRED 30 FEET AND A REAR YARD SETBACK OF 3 FEET IN LIEU OF THE REQUIRED 10 FEET
 12. SPECIAL EXCEPTION: NONE
 13. ELECTION DISTRICT: 1
 14. CONGRESSIONAL DISTRICT: 4
 15. CENSUS TRACT: 414.01
 16. WATERWAY: 1
 17. SUBDIVISION: 1
 18. PROPERTY OWNER: 21ST CENTURY PROPERTIES CO. 1101-25 CROMWELL BRIDGE ROAD BALTIMORE, MD 21046
 19. DEED REFERENCE: 624-489 PLAT 170 10-10-1988 PAGES 109
 20. PROPERTY ACCOUNT NO: 10-10-1988 PLAT 170 10-10-1988 PAGES 109
 21. TAX MAP: 10-10-1988 PLAT 170 10-10-1988 PAGES 109
 22. FLOOR AREA RATIO: 1.0 PROPOSED: 1.0 (MAXIMUM)
 23. HEIGHT OF BUILDING: NOT TO EXCEED 40'
 24. BASE TRUSST ADJUSTMENT: N/A
 25. TO THE BEST OF OUR KNOWLEDGE THERE ARE NO HAZARDOUS MATERIALS OR CRITICAL AREAS ON SITE
 26. AMENITY OPEN SPACE: NOT APPLICABLE
 27. OUTDOOR LIGHTING: TO BE INSTALLED 10' AWAY FROM ADJACENT PROPERTIES
 28. SIGNAGE: ALL SIGNAGE TO BE IN CONFORMANCE WITH SECTION 43.01 BCD. NO NEW FREE STANDING SIGNS ARE PROPOSED
 29. PREVIOUS CONGRESSIONAL PLAT: 624-489 PLAT 170
 30. RECORDS FROM 10-10-1988 TO 10-10-1988 APPROVED ALLEYS NO 10-10-1988
 31. VARIANCE FROM SECTION 13.2 TO PERMIT 10' SETBACK OF 20' TO FACE RESIDENTIAL PROPERTY. APPROVED 10-10-1988
 32. SPECIAL EXCEPTION TO PERMIT AN AMENITY, SIGNED BY ZONING COMMISSIONER 10-10-1988 PLAT 170 10-10-1988 PAGES 109
 33. SPECIAL EXCEPTION FOR WIRELESS TRANSMISSION AND RECEIVING ANTENNA TO PERMIT 10' SETBACK OF 20' AND 10' SETBACK OF 10' APPROVED 10-10-1988 PLAT 170 10-10-1988 PAGES 109
 34. VARIANCE TO PERMIT 10' SETBACK OF 20' AND 10' SETBACK OF 10' APPROVED 10-10-1988 PLAT 170 10-10-1988 PAGES 109
 35. ZONING MAP: 10-10-1988 PLAT 170 10-10-1988 PAGES 109

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PETITIONER'S
EXHIBIT 4

WILLIAM MONK, INC.
 PLANNING • LANDSCAPE DESIGN
 ENVIRONMENTAL RESOURCE MANAGEMENT
 222 N. 17th Avenue, Suite B
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