

IN RE:

PETITION FOR VARIANCE

103 W. Ridgely Road

N & S side of W. Ridgely Road

1078.51' W of c/l York Road

8th Election District - 4th Councilmatic

Legal Owner(s): Baltimore County, Maryland
and Timonium Shopping Center

Contract Purchaser/Lessee:

Mass Transit Administration

* BEFORE THE
* ZONING COMMISSIONER OF
* BALTIMORE COUNTY

*

* CASE NO. 96-481-A

*

*

* * * * *

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN/VARIANCE ORDER

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for the property located at 130 West Ridgely Road on the south and north sides of West Ridgely Road, off of York Road. The Joint Petition was filed by the owners of the properties, namely, Baltimore County, Maryland by Arnold Jablon, Esquire, and Timonium Shopping Center, Inc. by Michael C. Trenery, Vice President, through G. Scott Barhight, Esquire and David K. Gildea, Esquire, attorneys for Timonium Shopping Center, Inc. The Petition was also filed by the Contract Purchaser, Mass Transit Administration ("MTA") by Louis Pickney. The MTA is the contract purchaser of the property owned by Baltimore County, Maryland. Timonium Shopping Center, Inc. and the MTA joined in the Petition for Variance seeking relief from Section 409.6 A.2 to permit 1,034 parking spaces in lieu of the required 1,627 parking spaces for shared parking for a shopping center and a transit center. At the hearing, the Petitioners amended their Petition for Variance to seek relief from the same

ORDER RECEIVED FOR FILING

Date 7/16/96
By [Signature]

MICROFILMED

section of the Baltimore County Zoning Regulations, that is Section 409.6 A.2, however, amended the Petition to permit 987 parking spaces in lieu of the required 1,488 for shared parking for a shopping center and a transit center. The subject property and the relief sought are more particularly described on the Site Plan which was submitted into evidence as Petitioners' Exhibit 1, as amended by Petitioners' Exhibit 3--Alternate "A", which shows an alternate parking arrangement for the north side of the site.

Appearing at the hearing on behalf of the Petitioners were Michael C. Trenergy, Vice President of Timonium Shopping Center, Inc., Steve Fader, Professional Land Planner with Whitman, Requardt & Associates who prepared the Site Plan for this Project, Mick Cornelius with the Traffic Group who prepared the Traffic Study And Shared Parking Analysis [Petitioners' Exhibit No. 5], Nelson Rickerdt with MTA, Jack Sturgill, Esquire, attorney for the MTA, and G. Scott Barhight, Esquire and David K. Gildea, Esquire, attorneys for Timonium Shopping Center, Inc. There was no opposition.

Testimony and evidence offered on behalf of the Petitioners revealed that the property is zoned BL, ML-IM, RO, and DR-3.5, and is improved with a shopping center (Timonium Mall) and a light-rail station. The petitioners seek to reconfigure the existing shopping center by adding two expansions, one to the northwest portion of the shopping center and one to the southwest portion of the shopping center. Further, the Petitioners seek to enlarge the parking area to the south of shopping center to serve the MTA light-rail facility.

ORDER RECEIVED FOR FILING
Date 7/10/06
By [Signature]

Section 307.1 of the B.C.Z.R. has 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 *Cromwell v. Ward*, 100 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 the surrounding properties such that the uniqueness and particularity 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 this proportionately upon this particular parcel of land.

Having satisfied this Court's 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 & Loan Ass'n v. Buschman*, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to § 307.1 of the B.C.Z.R.

ORDER RECEIVED FOR FILING
Date _____
By _____

As the Court noted, "§ 307 of the regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." *Loyola Federal at p. 358*. Thus, by the use of the term "or", § 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 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 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, and that they seek relief from only height, area, set-back, 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 problems of that standard which must be satisfied by the Petitioner, as enunciated in *Anderson, supra*, are as follows:

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Date _____
By _____

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(1) Where the compliance with the strict letter of restrictions governing area, set-backs, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose 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 at p. 39. also *See McLean v. Soley*, 270 Md. 208, 214-15 (1973).

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 relief requested should be granted. The variance request is due to existing circumstances and is not created or exacerbated as a result of this redevelopment. 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 advertising posting of the property and public hearings held thereon, the relief requested in the Petition for Variance should be granted.

WHEREFORE, it is ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of July, 1996, that the Petition for Variance to

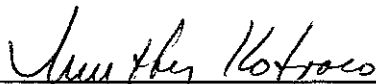
ORDER RECEIVED FOR FILING

Date

By

permit 987 parking spaces in lieu of the require 1,488 parking spaces for a shopping center and a transit center, 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) Petitioners shall prepare and submit to Permits and Development Management ("PDM") within five (5) days from the date of this Order, a Variance Plan which reflects and incorporates the Amendment to the Petition for Variance and the reconfiguration of the north parking field, incorporating Alternative "A" [Petitioners' Exhibit No. 3].
- (3) When applying for a building permit, the Site Plan and Landscaping Plan filed must reference this case and set forth and address restrictions of this Order.



Timothy M. Kotroco,
Deputy Zoning Commissioner for
Baltimore County

81673

ORDER RECEIVED FOR FILING
Date: 2/14/16
By: [Signature]

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 10, 1996

David K. Gildea, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
N & S/S West Ridgely Road, 1078.51' W of York Road
(130 West Ridgely Road) (Timonium Mall & MTA Lutherville Parking Fac.)
8th Election District - 4th Councilmanic District
Baltimore County, Maryland - Petitioners
Case No. 96-481-A

Dear Mr. Gildea:

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 Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Michael C. Trenery, Vice President, Timonium Shopping Center, Inc.
1306 Concourse Drive, Suite 200, Linthicum, Md. 21090-0497

People's Counsel

File

MICROFILMED





Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 130 West Ridgely Rd.

which is presently zoned BL, ML-IM, RO, DR3.5

This Petition shall be filed with the Office of Permits & 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)

Section 409.6A.2 - to permit ^{987 TMK} ~~1884~~ parking spaces in lieu of the required ^{1488 TMK} ~~1825~~ parking spaces for shared parking for a shopping center and a transit center.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons:
(indicate hardship or practical difficulty)

96-481-A TO BE PRESENTED AT THE HEARING.

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:

Mass Transit Administration
(Type or Print Name)

By: [Signature]
Signature

6 Saint Paul Street (410) 767-3695
Address Phone

Baltimore, MD 21202-1614
City State Zipcode

Agency for Petitioner:

G. Scott Barnight, Esquire

By: David K. Gildea, Esquire
(Type or Print Name)

[Signature]
Signature

Whitesford, Taylor & Preston, 210 W. Pennsylvania Ave.
Address Phone No.

Towson, MD 21204 (410) 832-2000
City State Zipcode

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):

Baltimore County, MD
(Type or Print Name)

By: _____
Signature

111 West Chesapeake Avenue (410) 887-3300
Address Phone

Baltimore, MD 21204
City State Zipcode

Timonium Shopping Center, Inc. (Owner/Agent pursuant to
(Type or Print Name) Ground Lease)

By: Michael C. Trenery
Michael C. Trenery, Vice President

1306 Concourse Drive, Suite 200 (410) 684-2000
Address Phone

Linthicum, MD 21090-0497
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

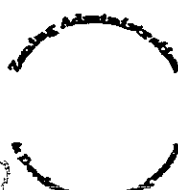
David K. Gildea, Esquire
Name

Whitesford, Taylor & Preston, 210 W. Pennsylvania Avenue
Address Towson, MD 21204 Phone No.: 410-832-2000

ORDER RECEIVED FOR FILING
Date _____
By: _____

75883

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OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING _____
unavailable for Hearing _____
the following dates _____ Next Two Months
ALL _____ OTHER _____
REVIEWED BY: _____ DATE _____



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 180 West Ridgely Rd.
which is presently zoned RM-M-10-DELL

This Petition shall be filed with the Office of Permits & 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)

Section 409.6A.2 - to permit 1084 parking spaces in lieu of the required 1887 parking spaces for shared parking for a shopping center and a transit center.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

96-481-A

TO BE PRESENTED AT THE HEARING

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/Leasee
Moss Transit Administration
(Type or Print Name)
By: [Signature]
Signature
8 Saint Paul Street
Address Phone
Baltimore, MD 21204
City State Zipcode

Attorney for Petitioner:
G. Scott Barbright, Esquire
David K. Gilder, Esquire
(Type or Print Name)
[Signature]
Signature
Whitford, Taylor & Preston, 818 W. Pennsylvania Ave.
Address Phone No.
Towson, MD 21284 (410) 588-8000
City State Zipcode

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):
Baltimore County, MD
(Type or Print Name)
By: [Signature]
Signature
111 West Chesaapeake Avenue
Address Phone
Baltimore, MD 21204
City State Zipcode

Timonium Shopping Center, Joint Owners/Leasee (Ground Lease)
(Type or Print Name)
By: [Signature]
Signature
1808 Chesapeake Drive, Suite 200
Address Phone
Linthicum, MD 21086
City State Zipcode

Name, Address and phone number of legal owner, landlord, purchaser or representative to be contacted:
David K. Gilder, Esquire
Name
Whitford, Taylor & Preston, 818 W. Pennsylvania Avenue
Address Towson, MD 21284 Phone No. 410-588-8000

78028



ESTIMATED LENGTH OF HEARING
the following date
REVIEWED BY

[Handwritten initials]

MICROFILMED

WHITMAN, REQUARDT AND ASSOCIATES

Engineers and Planners

2315 Saint Paul Street
Baltimore, Maryland 21218

(410) 235-3450

Fax: (410) 243-5716

Associates:

G. Stuart Menzies
Richard J. Kane
Louis W. Kinefeiter
Earl L. Swartzendruber, Jr.
William E. Bingley
Thomas O. Rose, Jr.
Herbert W. Law
Luther E. Bathurst
David B. McCormick
Thomas J. Hannan, Jr.
John D. Emerson
Gary B. Bush
Kate B. Carus
David P. Hemson

Partners:

Thomas J. Steiner
C. Richard Lutz
John S. Maynes
James A. Awest, Jr.
Edward A. Serp, III
William A. Deloachne
Joseph S. Makar

Senior Associates:

Charles W. Deakynne
James O. Amecost, III
Philip Lee
John L. Cahoon
Thomas M. Smith

96-481-A

May 10, 1996

DESCRIPTION TO ACCOMPANY A REQUEST FOR ZONING VARIANCE TIMONIUM SHOPPING CENTER EIGHTH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the south side of Aylesbury Road, 80 feet wide, 871.82 feet west of the centerline of York Road; thence

- 1.) South 29 degrees 10 minutes 31 seconds West, 50.00 feet
- 2.) South 0 degrees 02 minutes 57 seconds West, 210.72 feet
- 3.) South 5 degrees 08 minutes 33 seconds East, 430.00 feet
- 4.) 160.17 feet southwesterly along the arc of a curve to the right having a radius of 194.61 feet and a chord of South 18 degrees 26 minutes 09 seconds West, 155.69 feet
- 5.) South 41 degrees 45 minutes 50 seconds East, 244.20 feet
- 6.) South 18 degrees 57 minutes 01 seconds West, 12.83 feet
- 7.) South 24 degrees 29 minutes 08 seconds East, 582.63 feet
- 8.) South 70 degrees 27 minutes 01 seconds West, 172.73 feet
- 9.) South 82 degrees 17 minutes 01 seconds West, 297.00 feet
- 10.) North 18 degrees 57 minutes 01 seconds East, 31.30 feet
- 11.) South 85 degrees 39 minutes 33 seconds West, 230.40 feet
- 12.) North 9 degrees 36 minutes 35 seconds West, 165.00 feet
- 13.) North 86 degrees 36 minutes 07 seconds East, 33.19 feet
- 14.) North 9 degrees 36 minutes 35 seconds West, 819.03 feet
- 15.) North 80 degrees 23 minutes 25 seconds East, 405.09 feet
- 16.) North 5 degrees 08 minutes 33 seconds West, 345.17 feet
- 17.) North 0 degrees 02 minutes 57 seconds East, 225.99 feet
- 18.) North 29 degrees 10 minutes 31 seconds East, 66.79 feet

RECORDED

473

473

**DESCRIPTION TO ACCOMPANY A
REQUEST FOR ZONING VARIANCE
TIMONIUM SHOPPING CENTER
EIGHTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND**

May 10, 1996
Page 2

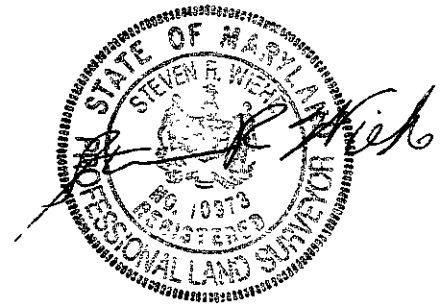
96-481-A

- 19.) 50.14 feet southeasterly along the arc of a curve to the left having a radius of 330.00 feet and a chord of South 56 degrees 40 minutes 13 seconds East, 50.10 feet to the point of beginning.

Containing 561865 square feet or 12.8986 acres more or less.

Being all that parcel of land which by deed dated October 18, 1993, recorded in Liber 10085 folio 405 among the land records of Baltimore County, Maryland was conveyed by Four Centers Limited Partnership to Timonium Shopping Center, Inc.

40902TSC.WK3



MICROFILMED

#473

WHITMAN, REQUARDT AND ASSOCIATES

Engineers and Planners

Partners:

Thomas J. Shefer
C. Richard Lortz
John S. Maynes
James A. Avrett, Jr.
Edward A. Serp, III
William A. DeLoache
Joseph S. Makar

2315 Saint Paul Street
Baltimore, Maryland 21218

(410) 235-3450

Fax: (410) 243-5716

Associates:

G. Stuart Menzies
Richard J. Kane
Louis W. Kinefelter
Earl L. Swartzendruber, Jr.
William E. Bingley
Thomas D. Rose, Jr.
Herbert W. Law
Luther E. Bathurst
David B. McCormick
Thomas J. Hannan, Jr.
John D. Emerson
Gary B. Bush
Kate B. Carus
David P. Hemson

Senior Associates:

Charles W. Deakynne
James O. Armacost, III
Philip Lee
John L. Cahoon
Thomas M. Smith

96-481-A

May 10, 1996

DESCRIPTION TO ACCOMPANY A
REQUEST FOR ZONING VARIANCE
LUTHERVILLE PARK AND RIDE FACILITY
EIGHTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the south side of Ridgely Road, 1078.51 feet west of the centerline of York Road; thence

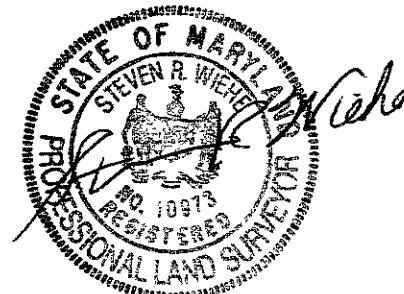
- 1.) South 19 degrees 21 minutes 20 seconds West, 454.31 feet
- 2.) North 72 degrees 10 minutes 40 seconds West, 251.00 feet
- 3.) South 19 degrees 21 minutes 20 seconds West, 170.00 feet
- 4.) North 72 degrees 10 minutes 40 seconds West, 93.85 feet
- 5.) 73.33 feet northwesterly along the arc of a curve to the left having a radius of 1139.50 feet and a chord of North 7 degrees 08 minutes 46 seconds West, 73.32 feet
- 6.) North 8 degrees 59 minutes 23 seconds West, 312.34 feet
- 7.) North 80 degrees 32 minutes 24 seconds East, 66.30 feet
- 8.) South 9 degrees 25 minutes 36 seconds East, 110.00 feet
- 9.) North 81 degrees 08 minutes 24 seconds East, 100.00 feet
- 10.) North 9 degrees 32 minutes 05 seconds West, 100.18 feet
- 11.) North 79 degrees 47 minutes 23 seconds East, 142.86 feet
- 12.) South 14 degrees 22 minutes 23 seconds West, 13.50 feet
- 13.) North 79 degrees 32 minutes 23 seconds East, 160.00 feet
- 14.) North 71 degrees 32 minutes 57 seconds East, 140.14 feet to the point of beginning.

Containing 162959 square feet or 3.7410 acres of land more or less.

Being all that parcel of land which by deed recorded in Liber 7623 folio 484 was conveyed by the State Highway Administration - State Roads Commission of Maryland to Baltimore County, Maryland.

40920PK.WP5

RECORDED



#473

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townes, Maryland
96-481-17

District: sd Date of Posting: 6/14/96

Posted for: Viewer

Petitioner: Beth A. Alderfer Shoverly, CH

Location of property: 130 W. Ashby Rd

Location of Signs: Facing, roadway on property being zoned

Remarks: _____

Posted by: W. Shoverly Date of return: 6/21/96
Signature

Number of Signs: 1

MICROFILMED



NOTICE OF HEARING

The Zoning Commission 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 108 of the County Offices Building, 111 W. Chesapeake Avenue, in Towson, Maryland, at 8:00 a.m. on July 1, 1986. Old Courthouse, 400

Marketfor Avenue, Towson, Maryland 21284, as follows:
Case #86-481-A
(Item 473)
130 W. Fideley Road
N. & S. side of W. Riddely Road, 1078.51' W of Oil York Road

8th Election District
4th Councilmanic
Legal Owner(s):
Baltimore County, Maryland
and Trinium Shopping Center

Contract Purchaser/lessee:
Mass Transit Administration

Variance: to permit 1,034 parking spaces in lieu of the required 1,627 parking spaces for shared parking for a shopping center and a transit center.
Hearing: Monday, July 1, 1986 at 8:00 a.m. in Rm. 118, Old Courthouse.

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.

6/13/86 June 13

CS9513

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/13, 1986

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 6/13, 1986.

THE JEFFERSONIAN,
A. H. Enick
LEGAL AD. - TOWSON

MICROFILMED

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 061054

DATE 12/8/98 ACCOUNT 001-6150

AMOUNT \$ 80.00 (DD)

RECEIVED FROM: Levin & Gann

FOR: VERIFICATION #98-5279

Timonium Mall - 130 W Ridgely Rd
Yorkridge Shopping Center

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
12/10/1998 12/10/1998 09:54:54

RECEIVED BY: CASHIER CLUM ONL DRAWER 1
5 MISCELLANEOUS CASH RECEIPT

Receipt # 081207 DELA
CR NO. 061054

50.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

DATE 5/24/96 ACCOUNT 01-615 019973

By: JMK
473

AMOUNT \$ 320.00

RECEIVED FROM: White Hall, Taylor, Boston - 130 W. Ridgely Rd

20 - Comm. Vermines - \$ 200.00
2 - Signs (\$ 35.00 ea) - \$ 70.00

FOR: 320.00

MICROFILMED

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

96-481-A



Baltimore County
 Department of Permits and
 Development Management

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

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 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.: 473 Petitioner: Timonium Shopping Ctr / M.T.A.

Location: 130 West Ridgely Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: G. Scott Barbright of Whitford, Taylor, + Preston

ADDRESS: 210 W. Pennsylvania Ave

Towson, MD 21204

PHONE NUMBER: (410) 832-2000

MICROFILMED

TO: PUTUXENT PUBLISHING COMPANY
June 13, 1996 Issue - Jeffersonian

Please forward billing to:

G. Scott Barnhight, Esq.
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, MD 21204
832-2000

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: 96-481-A (Item 473)
130 W. Ridgley Road
N & S side of W. Ridgley Road, 1078.51' W of c/l York Road
8th Election District - 4th Councilmanic
Legal Owner(s): Baltimore County, Maryland and Timonium Shopping Center
Contract Purchaser/Lessee: Mass Transit Administration

Variance to permit 1,034 parking spaces in lieu of the required 1,627 parking spaces for shared parking for a shopping center and a transit center.

HEARING: MONDAY, JULY 1, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

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
Department of Permits and
Development Management

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

June 10, 1996

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: 96-481-A (Item 473)
130 W. Ridgley Road
N & S side of W. Ridgley Road, 1078.51' W of c/l York Road
8th Election District - 4th Councilmanic
Legal Owner(s): Baltimore County, Maryland and Timonium Shopping Center
Contract Purchaser/Lessee: Mass Transit Administration

Variance to permit 1,034 parking spaces in lieu of the required 1,627 parking spaces for shared parking for a shopping center and a transit center.

HEARING: MONDAY, JULY 1, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

Arnold Jahlon
Director

cc: Timonium Shopping Center, Inc./Michael C. Treney
Mass Transit Administration
G. Scott Barhight, 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



RE: PETITION FOR VARIANCE * BEFORE THE
 130 W. Ridgley Road, N & S side of W. *
 Ridgley Road, 1078.51' W of c/l York Rd * ZONING COMMISSIONER
 8th Election District, 4th Councilmanic * OF BALTIMORE COUNTY
 Legal Owner(s): Baltimore County, Md. and *
 Timonium Shopping Center * CASE NO. 96-481-A
 Contract Purchaser/Lessee: Mass Transit *
 Administration
 Petitioners
 * * * * *

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 28th day of June, 1996, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esq. and David K. Gildea, Esq., Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, MD 21204, attorneys for Petitioner.

Peter Max Zimmerman
 PETER MAX ZIMMERMAN

MICROFILMED

473

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

30 COLUMBIA CORPORATE CENTER
10440 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0719

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

DAVID K. GILDEA
DIRECT NUMBER
410 832-2066
2029539@mcimail.com

21
May 18, 1996

Via Hand Delivery

Department of Permits & Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: **Commercial Variance for Timonium Mall**
Our File: 03425/00112

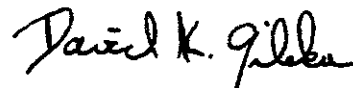
Dear Zoning Commissioner:

This letter should accompany the filing of the commercial variance for the above-referenced site. On the Petition for Variance, Baltimore County is shown as the legal owner of the property. Upon instructions from the Baltimore County Office of Law, Arnold Jablon has the authority to execute the Petition on behalf of Baltimore County.

Upon instructions from Arnold Jablon's office, Commissioner Jablon will sign the Petitioner for Variance coincidental to the filing of the Petition.

Should you have any questions or comments, please contact me.

Very truly yours,



David K. Gildea

DKG:dmk

RECEIVED

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
410-539-3700
TELECOPIER 410-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

ELLIS LEVIN (1893-1960)

12/4/98
JO wck
To: Dave D.
12/7/98
wck
2 Letters
6931.159
Frasher

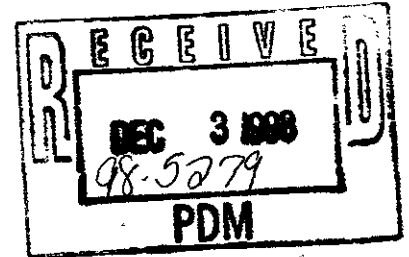
ROBERT D. PORTER

December 3, 1998

By Hand Delivery

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

RE: Request for Zoning Compliance
Verification
Timonium Mall and Yorkridge Shopping Center



Dear Mr. Jablon:

I am writing to request that your office verify that the properties described herein are in compliance with the Baltimore County Zoning Regulations ("BCZR") for financing purposes. Enclosed herewith you will find my firm's check in the amount of \$80.00 to cover the costs of the verification.

The Timonium Mall property is located at 130 West Ridgely Road in the Eighth Election District and Fourth Councilmanic District. I have enclosed a copy of the Plat to accompany a Petition for Variance in Zoning Commissioner Case No. 96-481-A. In that case, the Zoning Commissioner granted a variance to permit 987 parking spaces in lieu of the spaces otherwise required for a shopping center and transit center. The Plat illustrates the existing and proposed improvements to the Timonium Mall property and tabulates the parking spaces therefor. Please verify, based on the approved plan and the parking spaces shown thereon that: 1) the property is in compliance with the BCZR 2) no outstanding violations exist and 3) the property is not the subject of any pending zoning code enforcement actions.

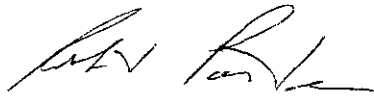
The Yorkridge Shopping Center property is adjacent to the Timonium Mall property, and the two properties have shared parking of a total of 67 spaces. My review of your office's shopping center files indicates that a parking plan was approved for the Yorkridge Shopping Center by the Zoning Commissioner on January 2, 1985 and by the Office of Planning on February 20, 1985. The Yorkridge Plat shows a proposed building on the west side of York Road which, as I understand, has been constructed and houses a retail use. The service station use which is located on the northwest corner of the intersection of York and Ridgely Roads is not a part of the Yorkridge Shopping Center property. Again, I ask that your office verify, based on the approved parking plan and the parking spaces shown thereon that: 1) the property is in compliance with the BCZR 2) no outstanding

Arnold Jablon, Director
December 3, 1998
Page 2

violations exist and 3) the property is not the subject of any pending zoning code enforcement actions.

Because my clients need the requested verifications for financing purposes, we need the requested information as soon as possible. Therefore, if I may provide additional information or assistance to expedite your review, please do not hesitate to contact me.

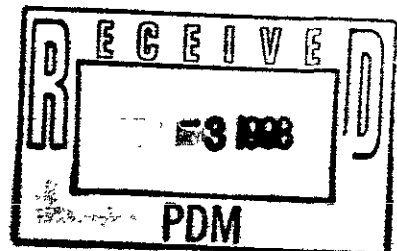
Very truly yours,



Robert D. Porter

Enclosure

cc: Schwaber Management (w/o enclosure)
Sidney Weiman, Esq. (w/o enclosure)





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

December 16, 1998

Robert D. Porter, Esquire
Levin & Gann
305 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Porter:

RE: Timonium Mall, 130 West Ridgely Road, Zoning Case #96-481-A
8th Election District

In response to your letter dated December 3, 1998, the following has been determined.

The above property is currently designated B. L. (Business, Local) with the surrounding area, subject of a variance hearing, designated B. L. - C.C.C. (Business, Local - Commercial, community core), R-O. (Residential-Office) and D.R. -3.5 (Density, Residential) as shown on Baltimore County zoning map NW12-13A (copy enclosed).

On July 10, 1996, in case number 96-481-A, a variance was granted that permitted 987 parking spaces in lieu of the required 1,488 for a shopping center and a transit center. This also encompassed an agreement for 67 shared parking spaces between Yorkridge Shopping Center and Timonium Mall, as noted in an amended plan.

Based on the provided information and upon a review of our records in the applicable zoning ordinances and regulations, as of this date, we certify that, to the best of our knowledge, the property is in compliance with Baltimore County Zoning Regulations (BCZR). Also, be advised that there are no outstanding violations and is not the subject of any pending zoning code enforcement action.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. David Duvall".

R. David Duvall
Drafting Technician II
Zoning Review

RDD:cjs

Enclosure

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



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Wilson Simmons

Mid-Atlantic Realty Trust
P.O. Box 497 Linthicum, MD 21090-0497

STEVEN L. FADER

WHITMAN, BEQUARDT & ASSOC.
2315 ST. PAUL STREET BALTO. MD, 21218

MICKEY CORNELIUS

THE TRAFFIC GROUP
40 W. CHESAPEAKE AVE. SUITE 600 TOWSON MD 21204

Michael Treney

Mid-Atlantic Realty Trust
1306 Concourse Drive
P.O. Box 497

Scott Berhight

Linthicum Md 21090-0497

David Gildea

Whiteford, Taylor & Preston
210 W. Penn. Ave.
Towson, Md. 21204

Nelson S. Reichart

JACK R STUEBELLY JR
Sp Asst. Atty General

606 Baltimore Ave Suite 207
Towson MD. 21206

PETITIONER'S

EXHIBIT 5

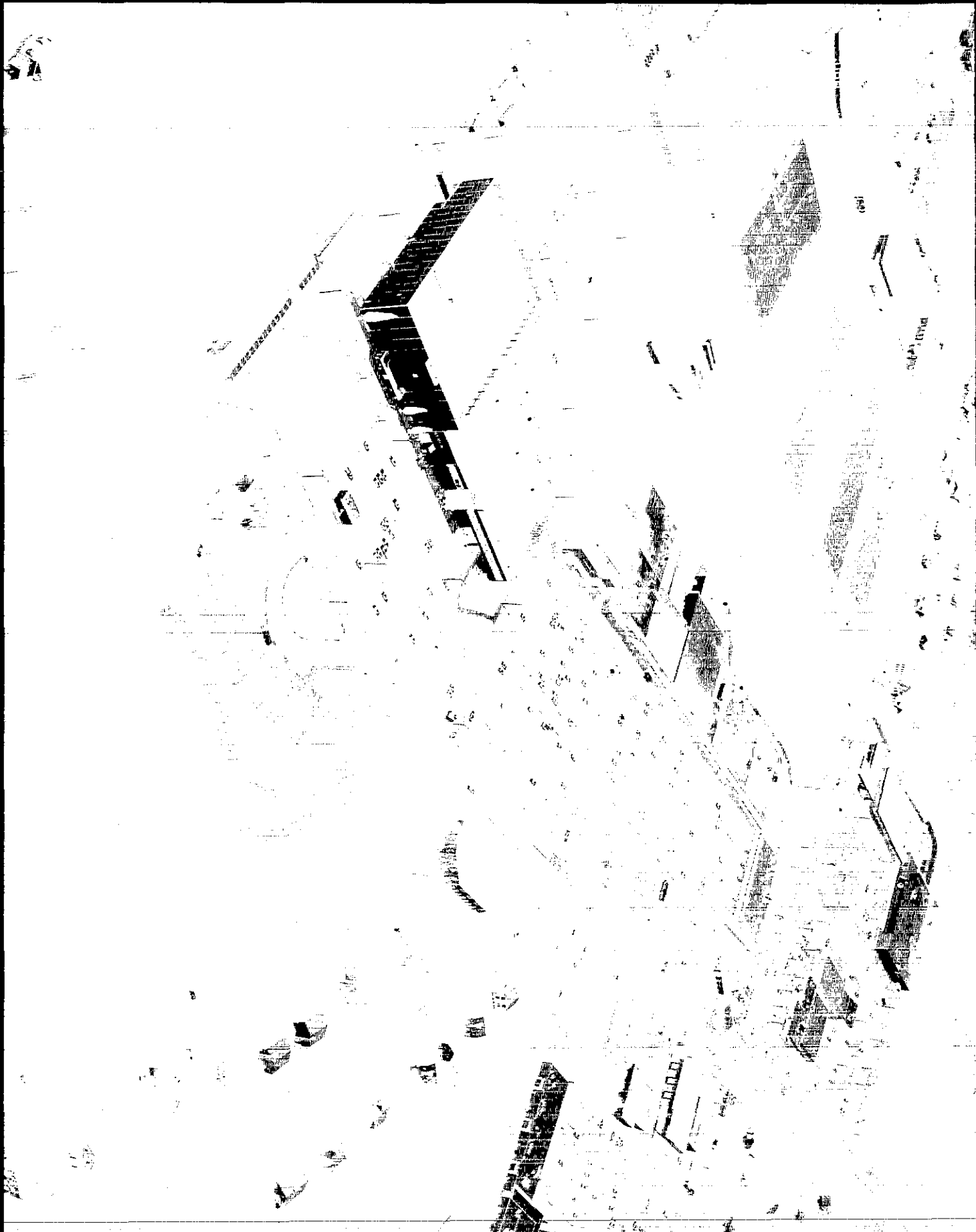
TIMONIUM SHOPPING CENTER Shared Parking Analysis

Time	RETAIL - 1222 spaces			OFFICE - 155 spaces			MTA - 250 spaces			TOTAL REQUIRED PARKING SPACES	
	% Weekday	% Saturday	Total	% Weekday	% Saturday	Total	% Weekday	% Saturday	Total	Weekday	Saturday
6:00 am	60%	100%	733	100%	10%	155	100%	100%	250	1138	1488
7:00 am	60%	100%	733	100%	10%	155	100%	100%	250	1138	1488
8:00 am	60%	100%	733	100%	10%	155	100%	100%	250	1138	1488
9:00 am	60%	100%	733	100%	10%	155	100%	100%	250	1138	1488
10:00 am	60%	100%	733	100%	10%	155	100%	100%	250	1138	1488
11:00 am	60%	100%	733	100%	10%	155	100%	100%	250	1138	1488
12:00 pm	60%	100%	733	100%	10%	155	100%	100%	250	1138	1488
1:00 pm	60%	100%	733	100%	10%	155	100%	100%	250	1138	1488
2:00 pm	60%	100%	733	100%	10%	155	100%	100%	250	1138	1488
3:00 pm	60%	100%	733	100%	10%	155	100%	100%	250	1138	1488
4:00 pm	60%	100%	733	100%	10%	155	100%	100%	250	1138	1488
5:00 pm	60%	100%	733	100%	10%	155	100%	100%	250	1138	1488
6:00 pm	90%	70%	1100	10%	5%	16	100%	100%	250	1366	1113
7:00 pm	90%	70%	1100	10%	5%	16	100%	100%	250	1366	1113
8:00 pm	90%	70%	1100	10%	5%	16	100%	100%	250	1366	1113
9:00 pm	90%	70%	1100	10%	5%	16	100%	100%	250	1366	1113
10:00 pm	90%	70%	1100	10%	5%	16	100%	100%	250	1366	1113
11:00 pm	90%	70%	1100	10%	5%	16	100%	100%	250	1366	1113
12:00 am	90%	70%	1100	10%	5%	16	100%	100%	250	1366	1113

NOTE: Percent of parking accumulation for retail and office are from [REDACTED] AMENDMENTS TO THE BALTIMORE COUNTY ZONING REGULATIONS CONCERNING OFF-STREET PARKING AND LOADING.

MICROFILMED

MAX. SPACES REQUIRED = 1488

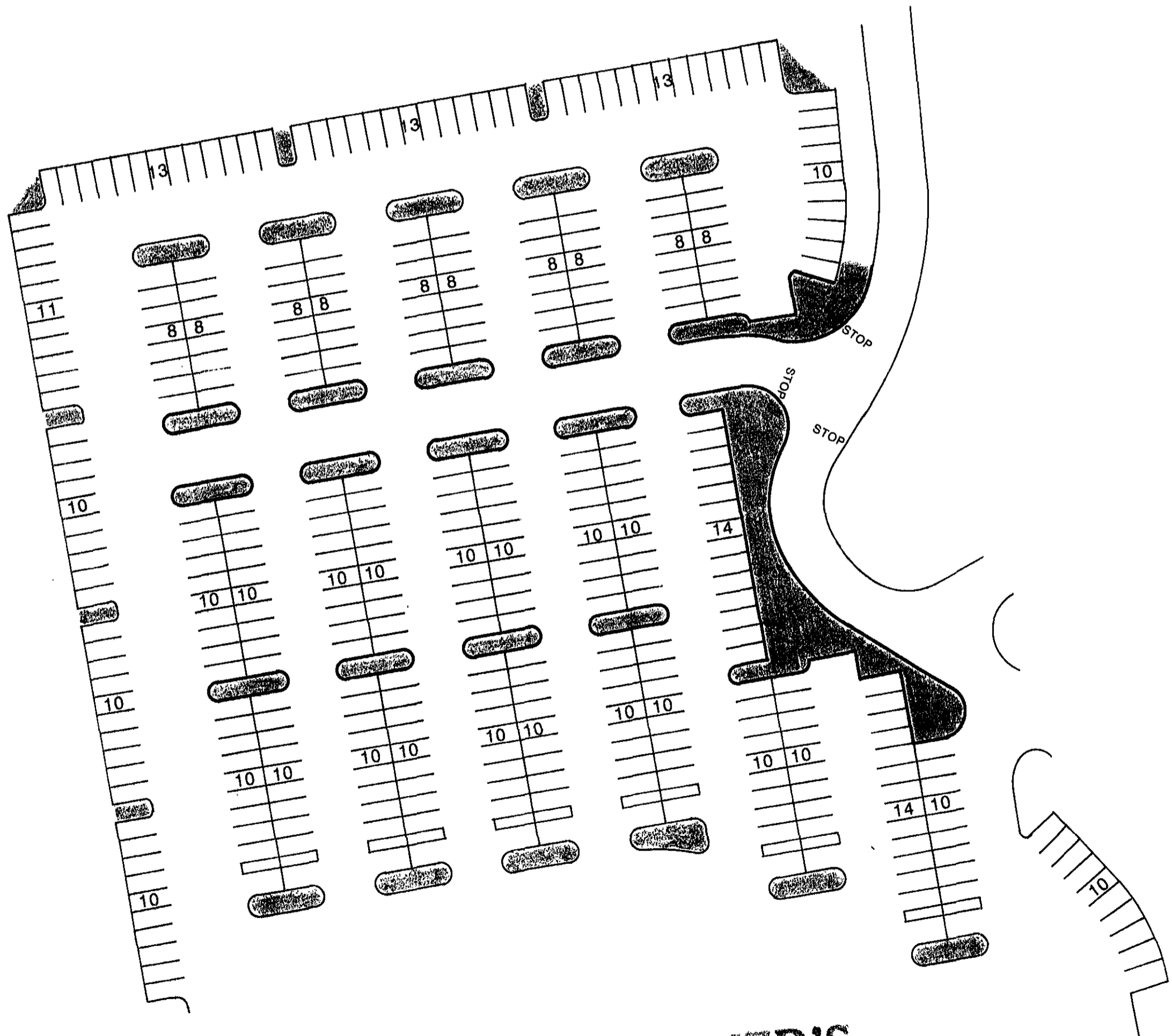


**PETITIONER'S
EXHIBIT**

NEGATIVE # 10213-882
©95 Tadder/Baltimore
1010 Morton St. Baltimore, MD 21201
(410) 837-7427

ALTERNATE 'A'

386 SPACES



PETITIONER'S
EXHIBIT 3

MICROFILMED

The Traffic Group

Traffic Study

for

Timonium Shopping Center

Baltimore County, Maryland

PETITIONER'S
EXHIBIT 4

Prepared for

Mid-Atlantic Realty Trust

June 4, 1996

RECEIVED

IN RE: * BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

PETITION FOR VARIANCE *
103 W. Ridgely Road *
N & S side of W. Ridgely Road *
1078.51' W of c/1 York Road *
8th Election District - 4th Councilmatic * CASE NO. 96-481-A
Legal Owner(s): Baltimore County, Maryland *
and Timonium Shopping Center *
Contract Purchaser/Lessee: *
Mass Transit Administration *

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN/VARIANCE ORDER

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for the property located at 130 West Ridgely Road on the south and north sides of West Ridgely Road, off of York Road. The Joint Petition was filed by the owners of the properties, namely, Baltimore County, Maryland by Arnold Jablon, Esquire, and Timonium Shopping Center, Inc. by Michael C. Trenerly, Vice President, through G. Scott Barhight, Esquire and David K. Gildea, Esquire, attorneys for Timonium Shopping Center, Inc. The Petition was also filed by the Contract Purchaser, Mass Transit Administration ("MTA") by Louis Pickney. The MTA is the contract purchaser of the property owned by Baltimore County, Maryland. Timonium Shopping Center, Inc. and the MTA joined in the Petition for Variance seeking relief from Section 409.6 A.2 to permit 1,034 parking spaces in lieu of the required 1,627 parking spaces for shared parking for a shopping center and a transit center. At the hearing, the Petitioners amended their Petition for Variance to seek relief from the same

section of the Baltimore County Zoning Regulations, that is Section 409.6 A.2, however, amended the Petition to permit 987 parking spaces in lieu of the required 1,488 for shared parking for a shopping center and a transit center. The subject property and the relief sought are more particularly described on the Site Plan which was submitted into evidence as Petitioners' Exhibit 1, as amended by Petitioners' Exhibit 3--Alternate "A", which shows an alternate parking arrangement for the north side of the site.

Appearing at the hearing on behalf of the Petitioners were Michael C. Trenerly, Vice President of Timonium Shopping Center, Inc., Steve Fader, Professional Land Planner with Whitman, Reardon & Associates who prepared the Site Plan for this Project, Mick Cornelius with the Traffic Group who prepared the Traffic Study And Shared Parking Analysis [Petitioners' Exhibit No. 5], Nelson Rickerdt with MTA, Jack Sturgill, Esquire, attorney for the MTA, and G. Scott Barhight, Esquire and David K. Gildea, Esquire, attorneys for Timonium Shopping Center, Inc. There was no opposition.

Testimony and evidence offered on behalf of the Petitioners revealed that the property is zoned BL, ML-IM, RO, and DR-3.5, and is improved with a shopping center (Timonium Mall) and a light-rail station. The petitioners seek to reconfigure the existing shopping center by adding two expansions, one to the northwest portion of the shopping center and one to the southwest portion of the shopping center. Further, the Petitioners seek to enlarge the parking area to the south of shopping center to serve the MTA light-rail facility.

Section 307.1 of the B.C.Z.R. has 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 *Cromwell v. Ward*, 100 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 the surrounding properties such that the uniqueness and particularity 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 this proportionately upon this particular parcel of land.

Having satisfied this Court's 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 & Loan Ass'n v. Buschman*, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to § 307.1 of the B.C.Z.R.

As the Court noted, "§ 307 of the regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." *Loyola Federal* at p. 358. Thus, by the use of the term "or", § 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 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 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, and that they seek relief from only height, area, set-back, 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 problems of that standard which must be satisfied by the Petitioner, as enunciated in *Anderson, supra*, are as follows:

(1) Where the compliance with the strict letter of restrictions governing area, set-backs, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose 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 at p. 39, also see *McLean v. Soley*, 270 Md. 208, 214-15 (1973).

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 relief requested should be granted. The variance request is due to existing circumstances and is not created or exacerbated as a result of this redevelopment. 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 advertising posting of the property and public hearings held thereon, the relief requested in the Petition for Variance should be granted.

WHEREFORE, it is ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of July, 1996, that the Petition for Variance to

permit 987 parking spaces in lieu of the require 1,488 parking spaces for a shopping center and a transit center, be and is hereby GRANTED, subject to the following restrictions:

- (1) The Petitioners may apply for their building permit and 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) Petitioners shall prepare and submit to Permits and Development Management ("PDM") within five (5) days from the date of this Order, a Variance Plan which reflects and incorporates the Amendment to the Petition for Variance and the reconfiguration of the north parking field, incorporating Alternative "A" [Petitioners' Exhibit No. 3].
- (3) When applying for a building permit, the Site Plan and Landscaping Plan filed must reference this case and set forth and address restrictions of this Order.

Timothy M. Kotroco
Timothy M. Kotroco,
Deputy Zoning Commissioner for
Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21284 (410) 887-4386

July 10, 1996

David K. Gildea, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21284

RE: PETITION FOR VARIANCE
N & S/S West Ridgely Road, 1078.51' W of York Road
(130 West Ridgely Road) (Timonium Mall & MTA Lutherville Parking Fac.)
8th Election District - 4th Councilmatic District
Baltimore County, Maryland - Petitioners
Case No. 96-481-A

Dear Mr. Gildea:
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 Zoning Administration and Development Management office at 897-1391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

cc: Mr. Michael C. Trenerly, Vice President, Timonium Shopping Center, Inc.
1306 Concourse Drive, Suite 200, Linthicum, Md. 21090-0497

People's Counsel
File

Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 130 West Ridgely Rd,
which is presently zoned BL, ML-IM, RO, DR-3.5

This Petition shall be filed with the Office of Permits & 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) 409.6 A.2 - to permit 987 parking spaces in lieu of the required 1,627 parking spaces for shared parking for a shopping center and a transit center.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons:
(Indicate hardship or practical difficulty)
96-481-A TO BE PRESENTED AT THE HEARING.
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:
Mass Transit Administration
(Type or Print Name)
Signature: *Louis Pickney*
Address: 6 State Paul Street, Baltimore, MD 21202-5514
City: Baltimore, MD State: MD Zipcode: 21202

Legal Owner(s):
Baltimore County, MD
(Type or Print Name)
Signature: _____
Address: 111 West Chesapeake Avenue, Baltimore, MD 21204
City: Baltimore, MD State: MD Zipcode: 21204

Agency for Petitioner:
G. Scott Barhight, Esquire
David K. Gildea, Esquire
(Type or Print Name)
Signature: _____
Address: 1306 Concourse Drive, Suite 200, Linthicum, MD 21090-0497
City: Linthicum, MD State: MD Zipcode: 21090-0497

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted:
David K. Gildea, Esquire
Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue
Towson, MD 21284 Phone No: 410-887-2000

ORDER RECEIVED FOR FILING
Date: _____
By: _____

ESTIMATED LENGTH OF HEARING: _____
the following date: _____
ALL OTHER: _____
REVIEWED BY: _____ DATE: _____

ORDER RECEIVED FOR FILING
Date: _____
By: _____



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 180 West Ridgely Rd.

This Petition shall be filed with the Office of Permits & Development Administration, Baltimore County, Maryland, which is presently under review. 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 the Zoning Board, Baltimore County, Maryland, to permit 1,034 parking spaces in lieu of the required 1,627 parking spaces for shared parking for a shopping center and a transit center.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or special difficulty)

TO BE PRESENTED AT THE HEARING:

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or my agent, or my representative of above, hereby petition the Zoning Board, Baltimore County, Maryland, to permit 1,034 parking spaces in lieu of the required 1,627 parking spaces for shared parking for a shopping center and a transit center.

Chief of Police Name: <u>[Signature]</u> Title: <u>[Signature]</u> Address: <u>[Signature]</u> City: <u>[Signature]</u>	Mayor Name: <u>[Signature]</u> Title: <u>[Signature]</u> Address: <u>[Signature]</u> City: <u>[Signature]</u>
---	---

WHITMAN, REQUARDT AND ASSOCIATES

Engineers and Planners

2315 Saint Paul Street
Baltimore, Maryland 21218
(410) 235-3450
Fax: (410) 243-5716

May 10, 1996

DESCRIPTION TO ACCOMPANY A REQUEST FOR ZONING VARIANCE

TIMONIUM SHOPPING CENTER
EIGHTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the south side of Aylesbury Road, 80 feet wide, 571.82 feet west of the centerline of York Road; thence

- 1.) South 29 degrees 10 minutes 31 seconds West, 50.00 feet
- 2.) South 0 degrees 02 minutes 57 seconds West, 210.72 feet
- 3.) South 5 degrees 08 minutes 33 seconds East, 430.00 feet
- 4.) 160.17 feet southwesterly along the arc of a curve to the right having a radius of 194.51 feet and a chord of South 18 degrees 26 minutes 09 seconds West, 155.09 feet
- 5.) South 41 degrees 45 minutes 50 seconds East, 244.20 feet
- 6.) South 18 degrees 57 minutes 01 seconds West, 12.83 feet
- 7.) South 24 degrees 29 minutes 08 seconds East, 582.63 feet
- 8.) South 70 degrees 27 minutes 01 seconds West, 172.73 feet
- 9.) South 82 degrees 17 minutes 01 seconds West, 297.00 feet
- 10.) North 18 degrees 57 minutes 01 seconds East, 31.30 feet
- 11.) South 85 degrees 39 minutes 33 seconds West, 230.40 feet
- 12.) North 9 degrees 36 minutes 35 seconds West, 165.00 feet
- 13.) North 86 degrees 36 minutes 07 seconds East, 33.19 feet
- 14.) North 9 degrees 36 minutes 35 seconds West, 819.03 feet
- 15.) North 80 degrees 23 minutes 25 seconds East, 405.09 feet
- 16.) North 5 degrees 08 minutes 33 seconds West, 345.17 feet
- 17.) North 0 degrees 02 minutes 57 seconds East, 225.99 feet
- 18.) North 29 degrees 10 minutes 31 seconds East, 66.79 feet

Baltimore, Maryland • Richmond, Virginia • York, Pennsylvania

DESCRIPTION TO ACCOMPANY A REQUEST FOR ZONING VARIANCE

TIMONIUM SHOPPING CENTER
EIGHTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

May 10, 1996
Page 2

- 96-481-A
- 19.) 50.14 feet southeasterly along the arc of a curve to the left having a radius of 330.00 feet and a chord of South 56 degrees 40 minutes 13 seconds East, 50.10 feet to the point of beginning.

Containing 561865 square feet or 12.8986 acres more or less.

Being all that parcel of land which by deed dated October 18, 1993, recorded in Liber 10085 folio 405 among the land records of Baltimore County, Maryland was conveyed by Four Centers Limited Partnership to Timonium Shopping Center, Inc.



WHITMAN, REQUARDT AND ASSOCIATES

Engineers and Planners

2315 Saint Paul Street
Baltimore, Maryland 21218
(410) 235-3450
Fax: (410) 243-5716

May 10, 1996

DESCRIPTION TO ACCOMPANY A REQUEST FOR ZONING VARIANCE

LUTHERVILLE PARK AND RIDE FACILITY
EIGHTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the south side of Ridgely Road, 1078.51 feet west of the centerline of York Road; thence

- 1.) South 19 degrees 21 minutes 20 seconds West, 454.31 feet
- 2.) North 72 degrees 10 minutes 40 seconds West, 251.00 feet
- 3.) South 19 degrees 21 minutes 20 seconds West, 170.00 feet
- 4.) North 72 degrees 10 minutes 40 seconds West, 93.85 feet
- 5.) 73.33 feet northwesterly along the arc of a curve to the left having a radius of 1159.50 feet and a chord of North 7 degrees 08 minutes 46 seconds West, 73.32 feet
- 6.) North 8 degrees 59 minutes 23 seconds West, 312.34 feet
- 7.) North 80 degrees 32 minutes 24 seconds East, 66.30 feet
- 8.) South 9 degrees 25 minutes 36 seconds East, 110.00 feet
- 9.) North 81 degrees 08 minutes 24 seconds East, 100.00 feet
- 10.) North 9 degrees 32 minutes 05 seconds West, 100.18 feet
- 11.) North 79 degrees 47 minutes 23 seconds East, 142.86 feet
- 12.) South 14 degrees 22 minutes 23 seconds East, 13.50 feet
- 13.) North 79 degrees 32 minutes 23 seconds East, 160.00 feet
- 14.) North 71 degrees 32 minutes 57 seconds East, 140.14 feet to the point of beginning.

Containing 162959 square feet or 3.7410 acres of land more or less.

Being all that parcel of land which by deed recorded in Liber 7623 folio 484 was conveyed by the State Highway Administration - State Roads Commission of Maryland to Baltimore County, Maryland.



Baltimore, Maryland • Richmond, Virginia • York, Pennsylvania

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed zoning variance for the property located at 180 West Ridgely Road, Baltimore County, Maryland, on Monday, May 13, 1996, at 9:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21284. For information concerning the hearing, please call 887-3331.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/13, 1996

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 6/13, 1996.

THE JEFFERSONIAN,

A. Henkelson
LEGAL AD. - TOWSON



Baltimore County
Department of Permits and
Development Management

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

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 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.: 473 Petitioner: Timonium Shopping Ct./M.T.A.

Location: 180 West Ridgely Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: G. Scott Barbright, Esq., Whitford, Taylor & Preston

ADDRESS: 210 W. Pennsylvania Ave

Towson, MD 21204

PHONE NUMBER: (410) 832-2000

To: PUTNEM PUBLISHING COMPANY
June 13, 1996 Issue - Jeffersonian

Please forward billing to:

G. Scott Barbright, Esq.
Whitford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, MD 21204
832-2000

NOTICE OF HEARING

The Zoning Commission 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 118 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: 96-481-A (Item 473)
180 W. Ridgely Road
N & S side of W. Ridgely Road, 1078.51' W of W York Road
8th Election District - 4th Councilmanic
Legal Owner(s): Baltimore County, Maryland and Timonium Shopping Center
Contract Purchaser/Owner: Mass Transit Administration

Variance to permit 1,034 parking spaces in lieu of the required 1,627 parking spaces for shared parking for a shopping center and a transit center.

HEARING: MONDAY, JUNE 1, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3333.
(2) FOR INFORMATION CONCERNING THIS FILE AND/OR HEARING, PLEASE CALL 887-3331.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 7th Date of Posting: 6/14/96

Posted for: [Signature]

Petitioner: Baltimore County, Maryland

Location of property: 180 West Ridgely Rd.

Location of Sign: Corner, 180 West Ridgely Rd. facing south

Remarks: [Signature]

Posted by: [Signature] Date of return: 6/14/96

Number of Signs: 1

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

DATE: 6/14/96 ACCOUNT: [Signature]

AMOUNT: \$ 475

RECEIVED FROM: [Signature]

FOR: [Signature]

VALIDATION OR SIGNATURE OF CASHIER

96-481-A



Baltimore County
Department of Permits and
Development Management

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

June 10, 1996

NOTICE OF HEARING

The Zoning Commission 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: 96-481-A (Item 473)
130 W. Ridgely Road
6 & S side of W. Ridgely Road, 1078.51' W of c/l York Rd
8th Election District - 4th Councilmanic
Legal Owner(s): Baltimore County, Maryland and Timonium Shopping Center
Contract Purchaser/Lessee: Mass Transit Administration

Variance to permit 1,034 parking spaces in lieu of the required 1,627 parking spaces for shared parking for a shopping center and a transit center.

HEARING: MONDAY, JULY 1, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Arnold Jablon
Director

cc: Timonium Shopping Center, Inc./Michael C. Treney
Mass Transit Administration
G. Scott Barhight, Esq.

NOTES: (1) HEARING FEES & 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.

PETITION PROBLEMS

#473 --- MJK

1. No printed name or title for contract purchaser.

#475 --- JCM

1. No telephone number for legal owner.
2. Need authorization for person signing for legal owner.

#476 --- JLL

1. Who signed for legal owner??? Need printed name and title.
2. Need authorization for person signing for legal owner.

#477 --- MJK

1. Need authorization for person signing for legal owner.

#479 --- MJK

1. Need telephone number for legal owner.

#482 --- RT

1. Folder says it is in critical area; plat says it is not in critical area. Which is it???

June 3, 1996

RE: PETITION FOR VARIANCE
130 W. Ridgely Road, N & S side of W. Ridgely Road, 1078.51' W of c/l York Rd
8th Election District, 4th Councilmanic
Legal Owner(s): Baltimore County, Md. and Timonium Shopping Center
Contract Purchaser/Lessee: Mass Transit Administration
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 96-481-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 21st day of June, 1996, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esq. and David K. Gildea, Esq., Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, MD 21204, attorneys for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

WHITEFORD, TAYLOR & PRESTON
L.L.P.
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 852-2000
FAX 410 852-2015

400 CONNORVILLE AVENUE, NW
WASHINGTON, D.C. 20004-0005
TELEPHONE 301 494-0000
FAX 301 494-0005

21
May 18, 1996

Via Hand Delivery
Department of Permits & Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Commercial Variance for Timonium Mall
Our File: 03425/00112

Dear Zoning Commissioner:

This letter should accompany the filing of the commercial variance for the above-referenced site. On the Petition for Variance, Baltimore County is shown as the legal owner of the property. Upon instructions from the Baltimore County Office of Law, Arnold Jablon has the authority to execute the Petition on behalf of Baltimore County.

Upon instructions from Arnold Jablon's office, Commissioner Jablon will sign the Petitioner for Variance incidental to the filing of the Petition.

Should you have any questions or comments, please contact me.

Very truly yours,
David K. Gildea
David K. Gildea

DKG:dmk

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<i>William Zimmerman</i>	Mid-Atlantic Rally Trust P.O. Box 497 Unklew, MD 21013
STEVEN L. FAUER	WIMMAN, REINHART & ASSOC. 2316 ST. PAUL STREET BALTIMORE, MD 21218
MICKEY CORNELIUS	THE TRAFFIC GROUP 40 W. CHESAPEAKE AVE SUITE 600 TOWSON MD 21204
Michael Treney	Mid-Atlantic Rally Trust 1301 Conover Drive P.O. Box 497
Scott Barhight David Gildea	Linthicum Mid 21080-0497 Whiteford, Taylor & Preston 210 W Penn Ave Towson, Md 21204
Nelson S. Reichart	
Jack R. Stuchlik Jr S.P.A. A-14 Council	600 Business Ave S-11207 Towson, Md. 21286

TIMONIUM SHOPPING CENTER
Shared Parking Analysis
PETITIONER'S EXHIBIT 5

Time	RETAIL - 1222 spaces		OFFICE - 155 spaces		MTA - 250 spaces		TOTAL REQUIRED PARKING SPACES					
	Weekday % Total	Saturday % Total	Weekday % Total	Saturday % Total	Weekday % Total	Saturday % Total	Weekday	Saturday				
6:00 am	60%	73%	100%	1222	100%	155	10%	16	100%	250	1138	1488
7:00 am	60%	73%	100%	1222	100%	155	10%	16	100%	250	1138	1488
8:00 am	60%	73%	100%	1222	100%	155	10%	16	100%	250	1138	1488
9:00 am	60%	73%	100%	1222	100%	155	10%	16	100%	250	1138	1488
10:00 am	60%	73%	100%	1222	100%	155	10%	16	100%	250	1138	1488
11:00 am	60%	73%	100%	1222	100%	155	10%	16	100%	250	1138	1488
12:00 pm	60%	73%	100%	1222	100%	155	10%	16	100%	250	1138	1488
1:00 pm	60%	73%	100%	1222	100%	155	10%	16	100%	250	1138	1488
2:00 pm	60%	73%	100%	1222	100%	155	10%	16	100%	250	1138	1488
3:00 pm	60%	73%	100%	1222	100%	155	10%	16	100%	250	1138	1488
4:00 pm	60%	73%	100%	1222	100%	155	10%	16	100%	250	1138	1488
5:00 pm	60%	73%	100%	1222	100%	155	10%	16	100%	250	1138	1488
6:00 pm	90%	1100	70%	855	10%	16	5%	8	100%	250	1366	1113
7:00 pm	90%	1100	70%	855	10%	16	5%	8	100%	250	1366	1113
8:00 pm	90%	1100	70%	855	10%	16	5%	8	100%	250	1366	1113
9:00 pm	90%	1100	70%	855	10%	16	5%	8	100%	250	1366	1113
10:00 pm	90%	1100	70%	855	10%	16	5%	8	100%	250	1366	1113
11:00 pm	90%	1100	70%	855	10%	16	5%	8	100%	250	1366	1113
12:00 am	90%	1100	70%	855	10%	16	5%	8	100%	250	1366	1113

NOTE: Percent of parking accumulation for retail and office are from [redacted] AMENDMENTS TO THE BALTIMORE COUNTY ZONING REGULATIONS CONCERNING OFF-STREET PARKING AND LOADING.

MAX. SPACES REQUIRED = 1488

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 1711 ARBUTUS AVE
Subdivision name: HAZETHORPE
Plat book # S, folio # 40, Vol # 493, section #
OWNER: JACOB L. & DIANE NICOLA
96-477-A

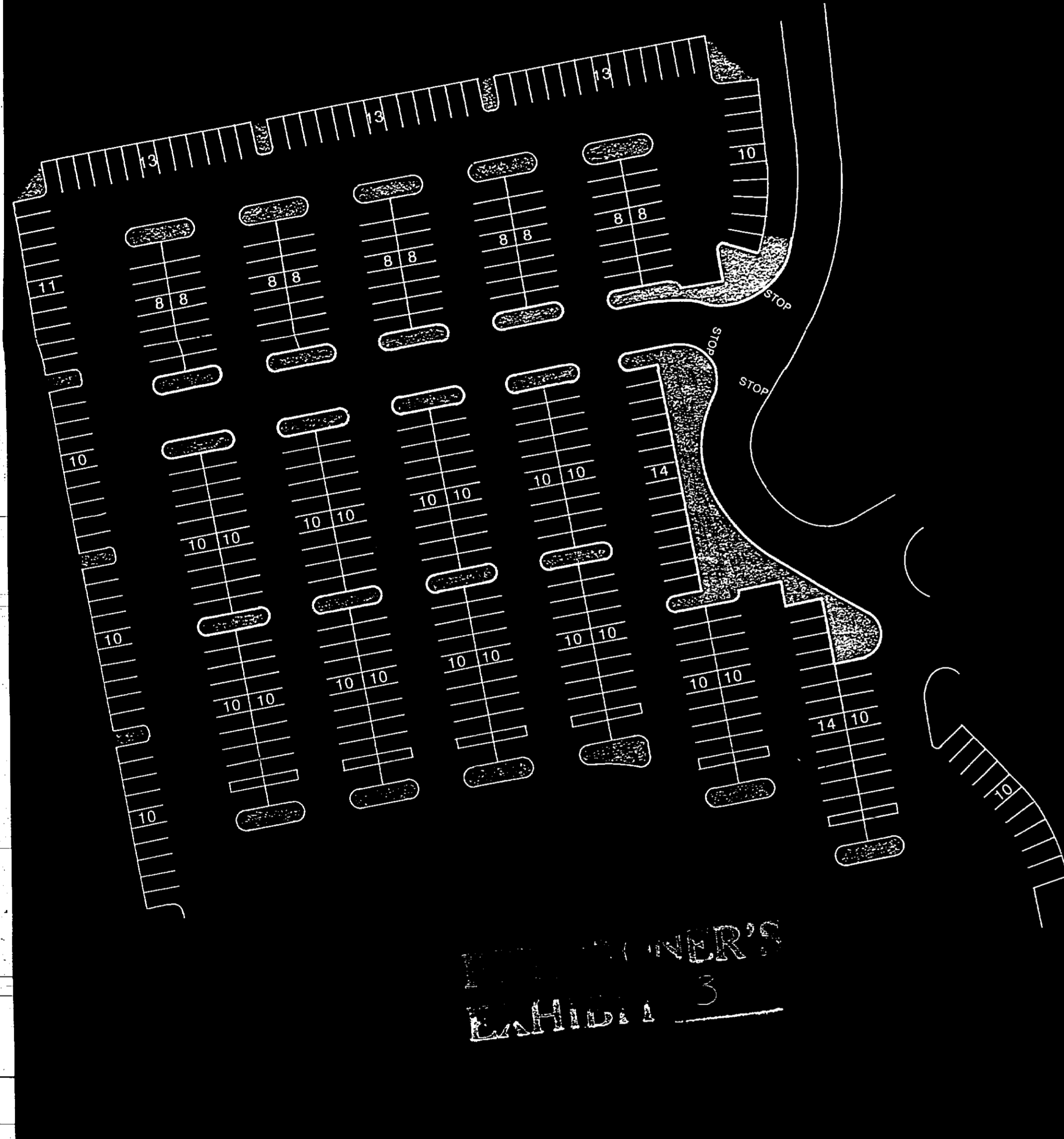
LOCATION INFORMATION
Election District: 13
Countymanic District: 1
1"=200' scale maps: 188
Zoning: RESIDENTIAL
Lot size: 5,062.5 square feet

SEWER:
WATER:
Chesapeake Bay Critical Area:
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!
reviewed by: [signature] ITEM #: CASE#: [signature]
date: 4-20-96 prepared by: HARRY PLUMMER Scale of Drawing: 1"=20'

ALTERNATE 'A'

386 SPACES



The Traffic Group

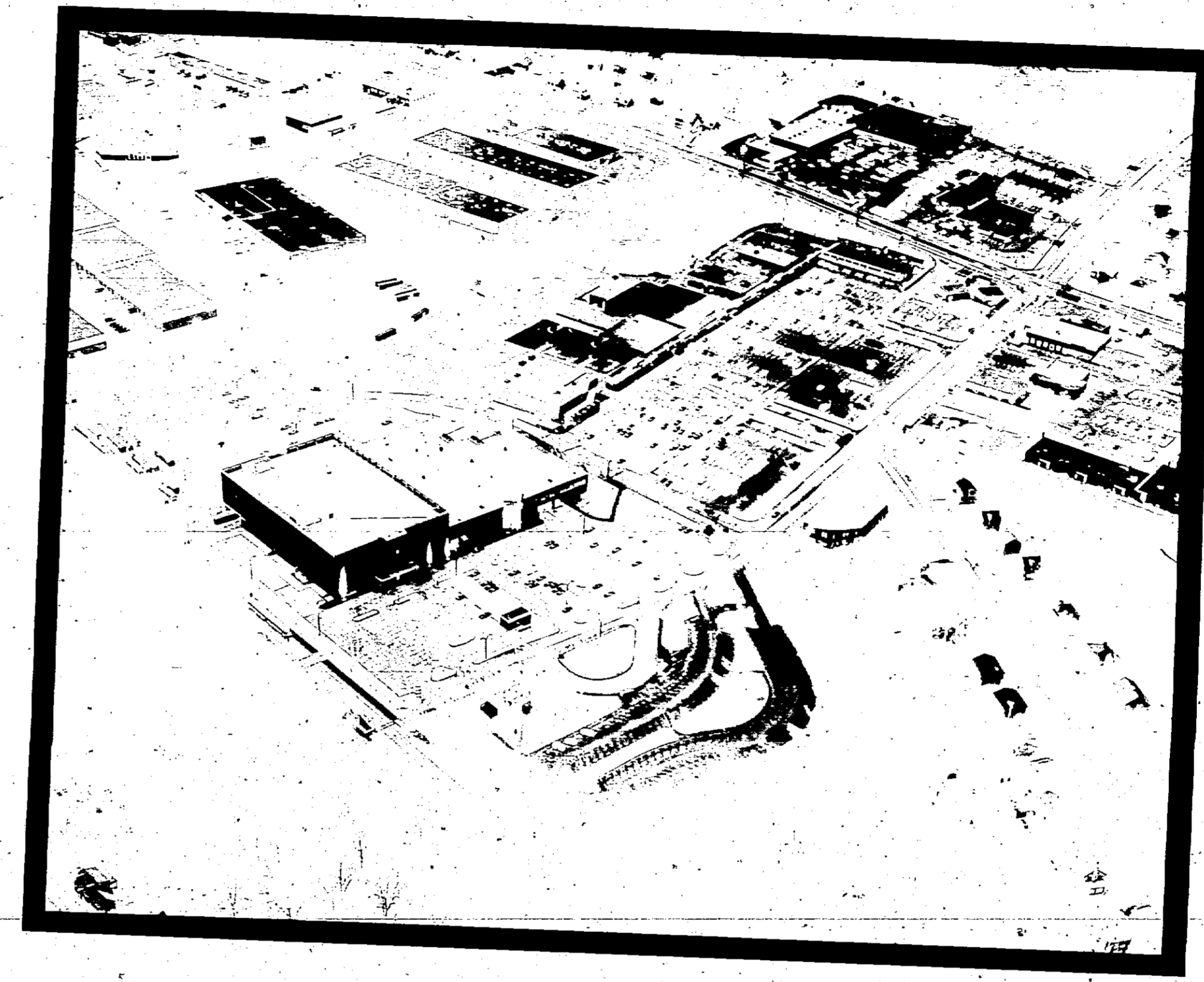
Traffic Study
for
Timonium Shopping Center

Baltimore County, Maryland

PETITIONER'S EXHIBIT 4

Prepared for
Mid-Atlantic Realty Trust

June 4, 1996

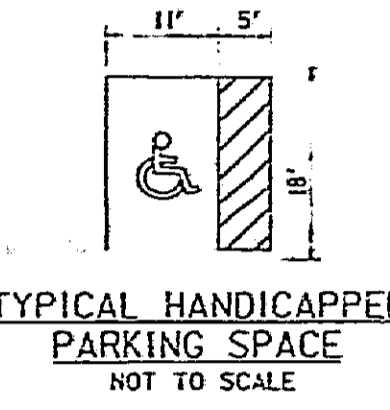
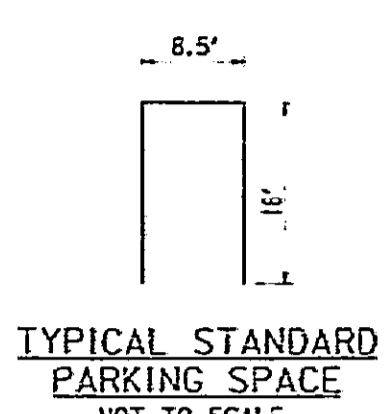
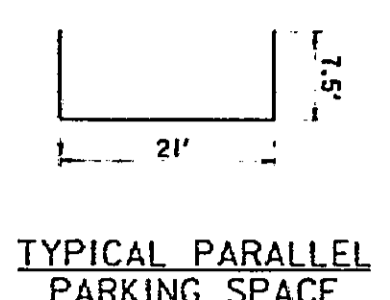
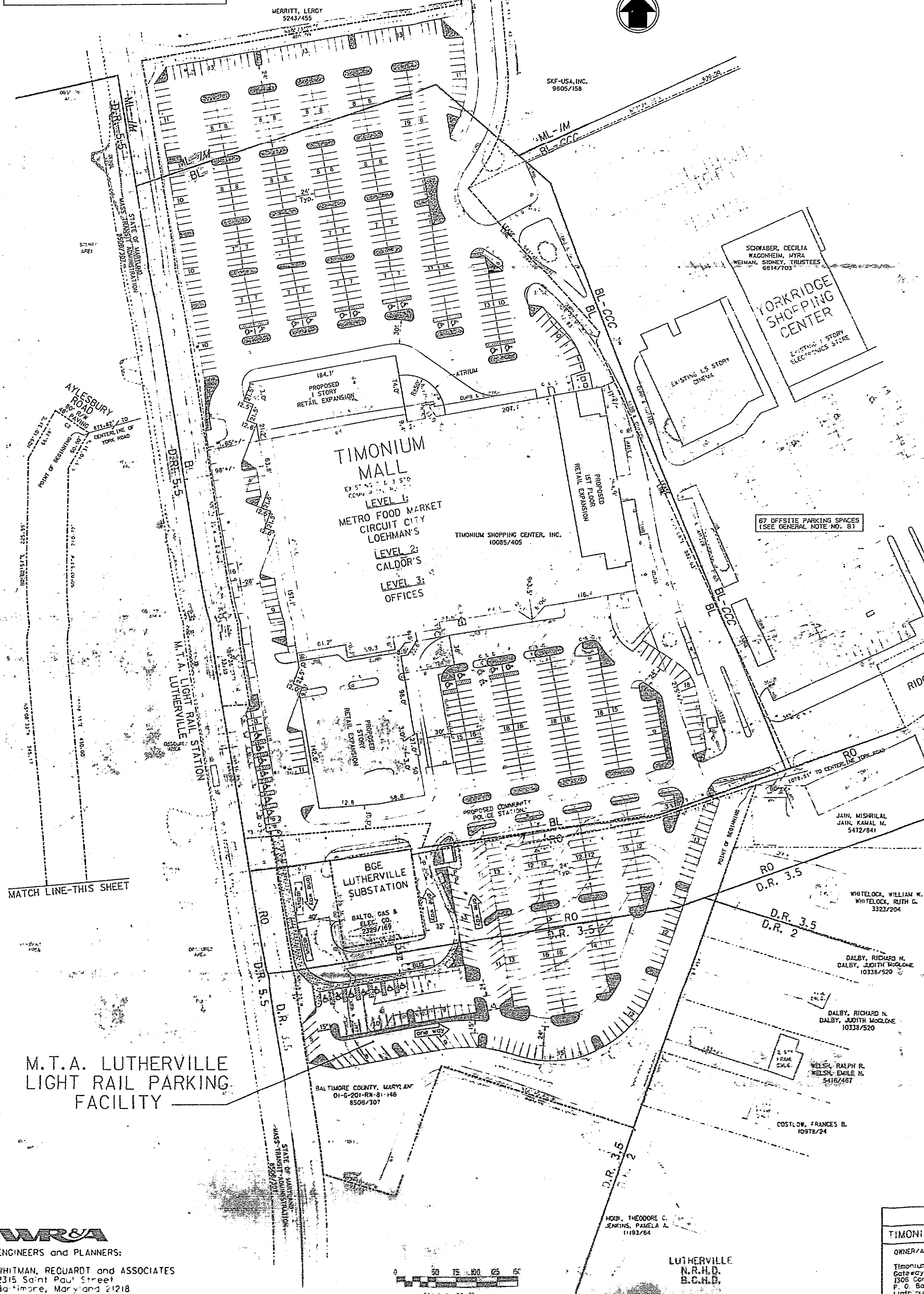
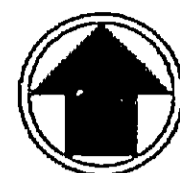


PROPERTIES OUTLINE CURVE DATA TABLE

CURVE	RADIUS	ARC	DELTA	CHORD
C1	194.61'	160.17'	47°09'25"	514.78' 0.9
C2	330.00'	50.14'	08°42'25"	556.40' 13.76
C3	1139.50'	73.33'	03°41'14"	1077.08' 46.78

MATCH LINE-THIS SHEET

NORTH



GENERAL NOTES

- EXISTING PARKING COUNT FOR TIMONIUM MALL OBTAINED FROM PLAN ENT-10 "AS-BUILT" LOCATION SURVEY CALLED "RIDGELY ROAD, PREPARED BY SPELLMAN, ARSEN AND ASSOCIATES, ENGINEERS AND SURVEYORS DATED 8-5-91 AND BY FIELD VERIFICATION 2-7-96.
- RIDGELY RAIL PASSENGER STATION AND LUTHERVILLE PARK AND RIDE CASE NO. 91-24244 APPROVED REQUESTS TO PERMIT A PASSENGER RAIL STATION IN A RESIDENTIAL ZONE APPROVE SETBACK VARIANCES FROM SECTION 405.2.2.9 TO PERMIT 10' AND 1' FOOT REAR YARD SETBACK FOR THE PASSENGER STATION SHELTER AND HANDICAPPED RAMP IN LIEU OF THE REQUIRED 10 FEET, AND A VARIANCE FROM THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT STREAM BUFFER REQUIREMENTS.
- NO PRIOR ZONING HISTORY EXISTS FOR THE TIMONIUM MALL.
- BUILDING FLOOR AREA RATIO:
EXIST'G FLOOR AREA 827,210 S.F. / 0.50
PROPOSED FLOOR AREA 240,000 S.F. / 0.50
- INTERIOR GREENSPACE REQUIREMENTS SHOWN ARE FOR THE REVISED PARKING FIELDS AFFECTED BY PROPOSED DEVELOPMENT AND THE PROVIDED AREAS ARE SHOWN BY THE FOLLOWING SYMBOL: [Symbol]
- ALL LANDSCAPING FOR THE PROPOSED PARKING AREA MODIFICATIONS SHALL BE IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL, DATED OCTOBER, 1990.
- LOCAL OPEN SPACE IS NOT REQUIRED.
- 67 OFFSITE PARKING SPACES PURSUANT TO FIRST AMENDMENT TO LEASE AGREEMENT DATED 11/28/74, FIRST AMENDMENT AMEND LEASE AGREEMENT DATED 4/27/89, WHICH WAS RECORDED 8/10/89 AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER D.T.C. #999, FOLIO 94.



SITE PARKING TABULATION

SITE	BUILDINGS	GROSS LEASABLE AREA	EXISTING PARKING			PROPOSED PARKING			REQUIRED PARKING		
			STD.	HDCP.	TOTAL	STD.	HDCP.	TOTAL	STD.	HDCP.	TOTAL
TIMONIUM MALL	RETAIL	188,057 S.F.	845	8	853	582	20	602	1,197	25	1,222
	OFFICE	49,200 S.F.	---	---	---	73	3	76	152 (1)	3	155 (1)
	TOTAL	237,257 S.F.	845	8	853	655	23	678	1,349	28	1,377
YORKRIDGE SHOP. CNTR.	RETAIL	244,338 S.F.	---	---	---	---	---	---	---	---	---
	OFFICE	49,200 S.F.	---	---	---	---	---	---	---	---	---
	TOTAL	293,538 S.F.	---	---	---	---	---	---	---	---	---
EXIST.	N/A	187	3	190 (2)	---	---	---	---	---	---	
PROP.	N/A	---	---	---	219	7	226	(2)	(2)	(2)	

PARKING SUMMARY

SITE	EXISTING PARKING			PROPOSED PARKING			REQUIRED PARKING		
	STD.	HDCP.	TOTAL	STD.	HDCP.	TOTAL	STD.	HDCP.	TOTAL
TIMONIUM MALL	845	8	853	582	20	602	1,197	25	1,222
YORKRIDGE SHOP. CNTR.	---	---	---	---	---	---	---	---	---
TOTALS	1,012	11	1,023	934	30	1,031	1,594	33	1,627

- FOOTNOTES:
- (1) PARKING FOR OFFICE USE IS REDUCED BY THE 5% ALLOWANCE DEDUCTED TO THE PROXIMITY OF THE MASS TRANSIT FACILITIES, (BALTIMORE COUNTY ZONING REGULATIONS SECTION 409.6.B.1)
 - (2) PARKING REQUIREMENTS FOR THE M.T.A. PARK AND RIDE FACILITY ARE BASED ON THE RECOMMENDATIONS OF THE DIRECTOR OF THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT, (BALTIMORE COUNTY ZONING REGULATIONS SECTION 409.6.B.2)
 - (3) EXISTING YORKRIDGE SHOPPING CENTER PARKING EXCEEDS REQUIRED PARKING BY 11 SPACES. REFER TO GENERAL NOTE #8 FOR PARKING EASEMENT RIGHTS.

GROSS BUILDING AREA TABULATION

EXISTING TIMONIUM MALL GROSS BUILDING AREAS

FIRST LEVEL	CALDOR - 114,273 SQ.FT.
SECOND LEVEL	VACANT/LOEHMAN'S - 114,273 SQ.FT.
TOTAL RETAIL	228,546 SQ.FT.
THIRD LEVEL	OFFICE - 58,051 SQ.FT.
SERVICE BUILDING	656 SQ.FT.
TOTAL CENTER	279,253 SQ.FT.

PROPOSED TIMONIUM MALL GROSS BUILDING AREAS

FIRST LEVEL	METRO/ CIRCUIT CITY/ LOEHMAN'S - 144,667 SQ.FT.
SECOND LEVEL	CALDOR - 114,273 SQ.FT.
TOTAL RETAIL	258,940 SQ.FT.
THIRD LEVEL	OFFICE - 58,051 SQ.FT.
SERVICE BUILDING	240 SQ.FT.
TOTAL CENTER	389,991 SQ.FT.

PROPOSED M.T.A. LIGHT RAIL PARKING FACILITY GROSS BUILDING AREAS

COMMUNITY SERVICE BUILDING	240 SQ.FT.
TOTAL FACILITY	240 SQ.FT.

SITE AREA TABULATION

TIMONIUM MALL SITE NET AREA	561,855 SQ.FT.
1/2 RAIL NET AREA	2,000 SQ.FT.
TIMONIUM MALL GROSS SITE AREA	563,855 SQ.FT.
M.T.A. NET/ GROSS SITE AREA	162,959 SQ.FT.
TIMONIUM MALL/ M.T.A. GROSS SITE AREA	726,814 SQ.FT.

INTERIOR GREENSPACE TABULATION

PARKING FIELD AREAS

TIMONIUM MALL NORTH PARKING FIELD	191,353 SQ.FT.
TIMONIUM MALL SOUTH PARKING FIELD	66,822 SQ.FT.
TIMONIUM MALL SOUTH 1/2 ROADWAY PARKING FIELD	7,332 SQ.FT.
M.T.A. PARKING FIELD	97,942 SQ.FT.
TOTAL PARKING FIELDS	363,449 SQ.FT.

GREENSPACE AREAS (LANDS AND PERIMETER PLANTING AREAS)

TIMONIUM MALL NORTH PARKING FIELD	11,968 SQ.FT.
TIMONIUM MALL SOUTH PARKING FIELD	4,385 SQ.FT.
TIMONIUM MALL SOUTH 1/2 ROADWAY PARKING FIELD	1,283 SQ.FT.
M.T.A. PARKING FIELD	7,769 SQ.FT.
TOTAL GREENSPACE AREA	25,385 SQ.FT.
GREENSPACE RATIO	7.02

FLOOR AREA RATIO TABULATION

EXISTING BUILDING FLOOR AREA RATIO

TIMONIUM MALL TOTAL BUILDING AREA	279,253 SQ.FT.
TIMONIUM MALL TOTAL GROSS SITE AREA	561,855 SQ.FT.
TIMONIUM MALL FLOOR AREA RATIO	0.50
M.T.A. TOTAL BUILDING AREA	240 SQ.FT.
M.T.A. TOTAL GROSS SITE AREA	162,959 SQ.FT.
M.T.A. FLOOR AREA RATIO	0.001

PROPOSED BUILDING FLOOR AREA RATIO

TIMONIUM MALL TOTAL BUILDING AREA	389,991 SQ.FT.
M.T.A. TOTAL GROSS SITE AREA	561,855 SQ.FT.
TIMONIUM MALL FLOOR AREA RATIO	0.50
M.T.A. TOTAL BUILDING AREA	240 SQ.FT.
M.T.A. TOTAL GROSS SITE AREA	162,959 SQ.FT.
M.T.A. FLOOR AREA RATIO	0.001

M.T.A. LUTHERVILLE LIGHT RAIL PARKING FACILITY

WR&A
ENGINEERS and PLANNERS:
WHITMAN, REQUARDT AND ASSOCIATES
2315 Saint Paul Street
Baltimore, Maryland 21218
(410) 235-1450 Fax (410) 243-516

LUTHERVILLE
N.R.H.D.
B.C.H.D.

APPLICANTS

TIMONIUM SHOPPING CENTER FACILITIES	M.T.A. LUTHERVILLE PARKING FACILITIES
OWNER/AGENT PURSUANT TO GROUND LEASE/DEVELOPER: Timonium Shopping Center, Inc. Gateway International 1308 Concourse Drive, Suite 200 P. O. Box 497 Linthicum, Maryland 21086 410-684-7300	OWNER: Baltimore County, Maryland 11 West Chesapeake Avenue Baltimore, Maryland 21204 410-681-3100
	CONTRACT PURCHASER: Mass Transit Administration William Conrad 6 South P. O. Box Baltimore, Maryland 410-667-1000

96-481-A #473

PLAT TO ACCOMPANY PETITION FOR PARKING VARIANCE REQUEST FOR

TIMONIUM MALL AND THE M.T.A. LUTHERVILLE PARKING FACILITIES

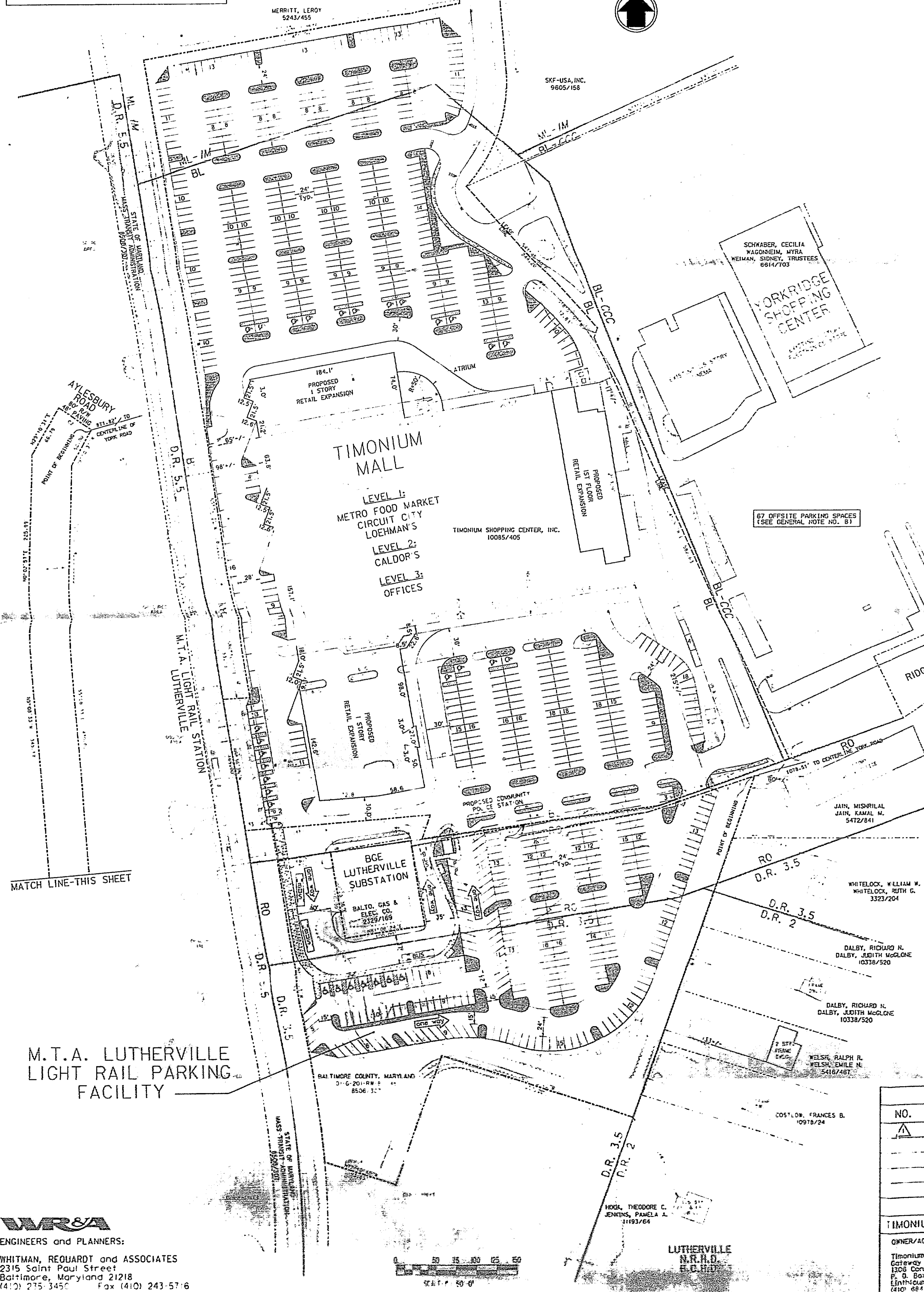
PETITIONER'S 30 WEST RIDGELY ROAD

Thomas Requardt
Professional Engineer

BALTIMORE COUNTY, MARYLAND

PROPERTIES OUTLINE CURVE DATA TABLE

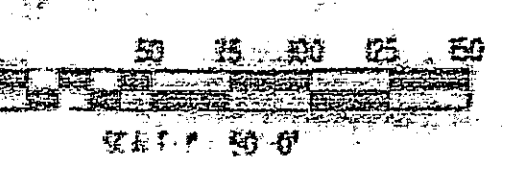
CURVE	RADIUS	ARC	DELTA	CHORD
C1	194.61	141.17	47°59'24"	518.76
C2	130.00	50.14	08°42'21"	556.42
C3	1159.50	73.33	03°41'14"	1017.08



M.T.A. LUTHERVILLE LIGHT RAIL PARKING FACILITY

WR&A
ENGINEERS and PLANNERS:
WHITMAN, REQUARDT and ASSOCIATES
2315 Saint Paul Street
Baltimore, Maryland 21218
(410) 275-3452 Fax (410) 243-5716

LUTHERVILLE N.R.D. P.O. BOX 111



87 OFFSITE PARKING SPACES (SEE GENERAL NOTE NO. 8)

PROPOSED COMMUNITY POLICE STATION

BGE LUTHERVILLE SUBSTATION

PROPOSED RETAIL EXPANSION

PROPOSED RETAIL EXPANSION

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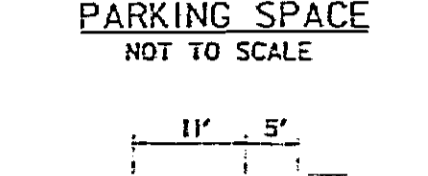
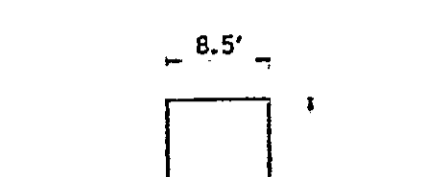
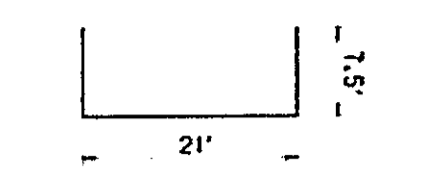
PROPOSED RETAIL EXPANSION

PROPOSED RETAIL EXPANSION

PROPOSED RETAIL EXPANSION

PROPOSED RETAIL EXPANSION

PROPOSED RETAIL EXPANSION



GENERAL NOTES

- EXISTING PARKING COUNT FOR TIMONIUM MALL OBTAINED FROM PLAN ENTITLED "AS-BUILT LOCATION SURVEY - CALDWELL RIDGELY ROAD" PREPARED BY SHELLEN, JERIN AND ASSOCIATES, ENGINEERS AND ARCHITECTS, DATED 8-9-93 AND BY FIELD SURVEY DATED 2-7-96.
- RIDGELY RAIL PASSENGER STATION AND LUTHERVILLE PARK AND RIDE CAL. NO. 91242X41 APPROVED REQUESTS TO PERMIT A PASSENGER RAIL STATION IN A RESIDENTIAL ZONE APPROVE SEVERAL IMPROVEMENTS FROM SECTION 409.2.2.B TO PERMIT A 1-1/2' AND 7' FOOT REAR YARD SETBACK FOR THE PASSENGER STATION SHED AND HANDICAPPED RAMP. IN VIEW OF THE REQUIREMENT FOR A 10' CLEARANCE FROM THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT STREAM BUFFER REQUIREMENTS.
- NO PRIOR ZONING - 2 STORY EXISTS FOR THE TIMONIUM MALL.
- BUILDING FLOOR AREA RATIO: EXISTING FLOOR AREA RATIO = 0.50 PROPOSED FLOOR AREA RATIO = 0.50
- INTERIOR GREENSPACE REQUIREMENTS SHOWN ARE FOR THE REVISED PARKING FIELDS AFFECTED BY PROPOSED DEVELOPMENT AND THE PROPOSED AREAS ARE SHOWN BY THE FOLLOWING SYMBOLS:

TOTAL AREA OF REVISED PARKING FIELDS = 367,649 S.F. OR 8.3 ACRES
TOTAL AREA OF INTERIOR GREENSPACE = 25,389 S.F. OR 0.6 ACRES +/-
RATIO OF PAVING TO GREENSPACE = 14.311 OR 7.0X GREENSPACE

- ALL LANDSCAPING FOR THE PROPOSED PARKING AREA MODIFICATIONS SHALL BE IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL, DATED OCTOBER, 1990.
- LOCAL OPEN SPACE IS NOT REQUIRED.
- 67 OFFSITE PARKING SPACES PURSUANT TO FIRST AMENDMENT TO LEASE AGREEMENT DATED 11/28/84. FIRST AMENDMENT AMENDS LEASE AGREEMENT DATED 4/24/89, WHICH WAS RECORDED SAID/89 AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER O.T.G. 2999, FOLIO 94.

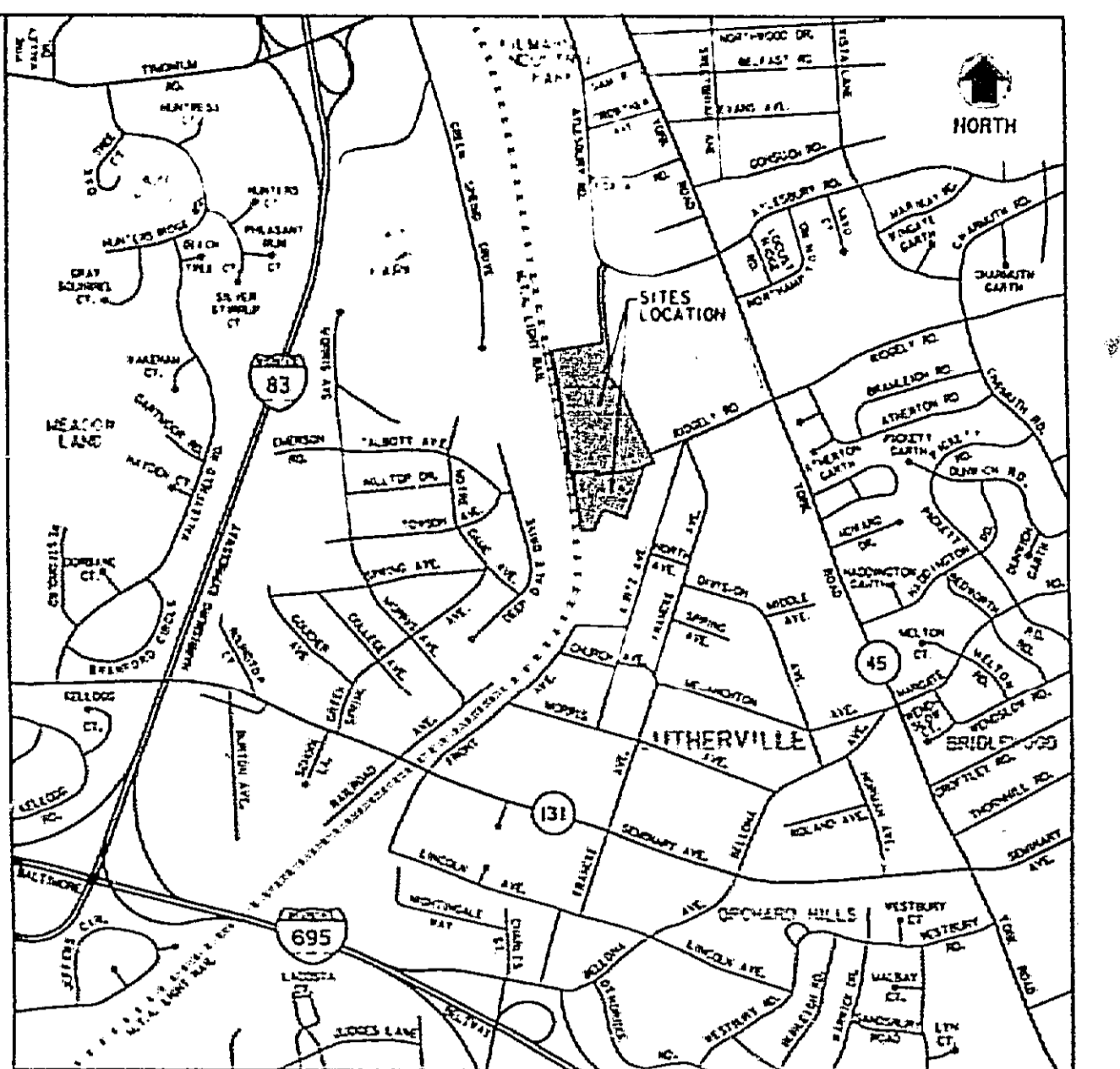
SITE PARKING TABULATION

SITE	BUILDINGS	EXISTING PARKING		PROPOSED PARKING		REQUIRED PARKING	
		STD.	HDCP.	STD.	HDCP.	STD.	HDCP.
TIMONIUM MALL	RETAIL	189,097	S.F.	845	8	853	
	OFFICE	49,200	S.F.				
YORKRIDGE SHOP CENTER	RETAIL	244,335	S.F.	167	3	170	(2)
	OFFICE	49,200	S.F.				
TOTALS		482,592	S.F.	1,012	11	1,023	957
							30

PARKING SUMMARY

SITE	EXISTING PARKING		PROPOSED PARKING		REQUIRED PARKING	
	STD.	HDCP.	STD.	HDCP.	STD.	HDCP.
TIMONIUM MALL	845	8	853	8	213	25
YORKRIDGE SHOP CENTER					167	3
TOTALS	1,012	11	1,023	957	370	28

- FOOTNOTES:
- PARKING FOR OFFICE USE IS REDUCED BY THE 5% ALLOWANCE TO THE PROXIMITY OF THE MASS TRANSIT FACILITIES - BALTIMORE COUNTY ZONING - 24.1" (S) SECTION 409.6.B.1)
 - PARKING REQUIREMENTS FOR THE M.T.A. PARK AND RIDE FACILITY ARE BASED ON THE RECOMMENDATIONS OF THE DIRECTOR OF THE M.T.A. AND SUBJECT TO THE APPROVAL OF THE ZONING COMMISSIONER, BALTIMORE COUNTY ZONING REGULATIONS SECTION 409.6.B.2)
 - EXISTING YORKRIDGE SHOPPING CENTER PARKING EXCEEDS REQUIRED PARKING BY 67 SPACES. REFER TO GENERAL NOTE "B" FOR PARKING EASEMENT RIGHTS.
 - SHARED PARKING FOR OFFICE AND RETAIL USE IS REDUCED BY THE ALLOWANCES SHOWN IN SECTION 409.6.B.3) OF THE BALTIMORE COUNTY ZONING REGULATIONS ENTITLED "ADJUSTMENTS TO GENERAL REQUIREMENTS WHICH PERMITS TWO (2) OR MORE USES TO SHARE PARKING SPACES IN A COMMON PARKING FACILITY."



GROSS BUILDING AREA TABULATION

EXISTING TIMONIUM MALL GROSS BUILDING AREAS

FIRST LEVEL	CIRCUIT CITY/ CALDOR	114,273	SQ. FT.
SECOND LEVEL	VACANT/ LOEHMAN'S	114,273	SQ. FT.
TOTAL RETAIL		228,546	SQ. FT.
THIRD LEVEL	OFFICE	50,051	SQ. FT.
COMMUNITY SERVICE BUILDING		656	SQ. FT.
TOTAL CENTER		279,253	SQ. FT.

PROPOSED TIMONIUM MALL GROSS BUILDING AREAS

FIRST LEVEL	METRO FOOD MARKET/ CIRCUIT CITY/ LOEHMAN'S	144,667	SQ. FT.
SECOND LEVEL	CALDOR	114,273	SQ. FT.
TOTAL RETAIL		258,940	SQ. FT.
THIRD LEVEL	OFFICE	50,051	SQ. FT.
TOTAL CENTER		308,991	SQ. FT.

PROPOSED M.T.A. LIGHT RAIL PARKING FACILITY GROSS BUILDING AREAS

COMMUNITY SERVICE BUILDING	248	SQ. FT.
TOTAL FACILITY	248	SQ. FT.

SITE AREA TABULATION

TIMONIUM MALL	561,855	SQ. FT.
SITE NET AREA	2,000	SQ. FT.
AVILESBURY ROAD	563,855	SQ. FT.
TIMONIUM MALL GROSS SITE AREA	563,855	SQ. FT.
M.T.A. NET/ GROSS SITE AREA	162,959	SQ. FT.
TIMONIUM MALL/M.T.A. GROSS SITE AREA	726,814	SQ. FT.

FLOOR AREA RATIO TABULATION

EXISTING BUILDING FLOOR AREA RATIO

TIMONIUM MALL TOTAL BUILDING AREA	279,253	SQ. FT.
TIMONIUM MALL TOTAL GROSS SITE AREA	561,855	SQ. FT.
TIMONIUM MALL FLOOR AREA RATIO	0.50	
M.T.A. TOTAL BUILDING AREA	248	SQ. FT.
M.T.A. TOTAL GROSS SITE AREA	162,959	SQ. FT.
M.T.A. FLOOR AREA RATIO	0.00	

PROPOSED BUILDING FLOOR AREA RATIO

TIMONIUM MALL TOTAL BUILDING AREA	308,991	SQ. FT.
TIMONIUM MALL TOTAL GROSS SITE AREA	561,855	SQ. FT.
TIMONIUM MALL FLOOR AREA RATIO	0.55	
M.T.A. TOTAL BUILDING AREA	248	SQ. FT.
M.T.A. TOTAL GROSS SITE AREA	162,959	SQ. FT.
M.T.A. FLOOR AREA RATIO	0.001	

INTERIOR GREENSPACE TABULATION

PARKING FIELD AREAS

TIMONIUM MALL NORTH PARKING FIELD	191,953	SQ. FT.
TIMONIUM MALL SOUTH PARKING FIELD	66,022	SQ. FT.
TIMONIUM MALL SOUTH SIDE ROADWAY PARKING FIELD	7,332	SQ. FT.
M.T.A. PARKING FIELD	97,942	SQ. FT.
TOTAL PARKING FIELDS	362,649	SQ. FT.

GREENSPACE AREAS (LANDS AND PERIMETER PLANTING AREAS)

TIMONIUM MALL NORTH PARKING FIELD	13,489	SQ. FT.
TIMONIUM MALL SOUTH PARKING FIELD	4,365	SQ. FT.
TIMONIUM MALL SOUTH SIDE ROADWAY PARKING FIELD	1,293	SQ. FT.
M.T.A. PARKING FIELD	7,769	SQ. FT.
TOTAL GREENSPACE AREA	26,916	SQ. FT.
GREENSPACE RATIO	7.4%	

1ST AMENDED PETITIONER'S EXHIBIT 1

REVISIONS		
NO.	DESCRIPTION	DATE
1	ADD CHANNELIZATION TO NORTH LOT AND ADJUST PARKING TABULATION FOR SHARED PARKING & GREENSPACE CALCULATIONS PER COUNTY COMMENTS	7/1/96

APPLICANTS

TIMONIUM SHOPPING CENTER FACILITIES	M.T.A. LUTHERVILLE PARKING FACILITIES
OWNER/AGENT PURSUANT TO GROUND LEASE/DEVELOPER: Timonium Shopping Center, Inc. Gateway International 1308 Concourse Drive P.O. Box 437 Lutherville, Maryland 21111 (410) 464-2000	OWNER: Baltimore County, Maryland 111 West Chesapeake Avenue Baltimore, Maryland 21204 (410) 396-1000
	CONTRACT PURCHASER: Baltimore County, Maryland 8 Spring Plaza Baltimore, Maryland 21201 (410) 396-1000

PLAT TO ACCOMPANY AMENDED PETITION FOR PARKING VARIANCE REQUEST FOR

TIMONIUM MALL AND THE M.T.A. LUTHERVILLE PARKING FACILITIES

130 WEST RIDGELY ROAD
BALTIMORE COUNTY, MARYLAND
SECTION DISTRICT 804

DATE: JULY 1, 1996



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Approved by the Baltimore County Council
June 15, 1992

DATE OF PHOTOGRAPHY
1992

LUTHERY II

SHEET
12-A

R-SW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
FOR INFORMATION, SEE BALTIMORE COUNTY ZONING
COMMISSION REPORT, BALTIMORE, MD 21103.

96-481-A