

IN RE: PETITION FOR VARIANCE
NE/Corner Liberty Road and
Marriottsville Road
(9860 Liberty Road)
2nd Election District
2nd Councilmanic District

Rite Aid of Maryland, Inc.
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-177-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Rite Aid of Maryland, Inc., by Charles E. Brodsky, Associate Counsel, through their attorney, Robert A. Hoffman, Esquire. The Petitioners seek relief from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 324 parking spaces in lieu of the required 332 spaces. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Rodney Nickuls, a representative of Rite Aid Corporation, property owners, Patrick C. Richardson, Jr., Professional Engineer who prepared the site plan of this property, Glenn Cook, an expert traffic engineer with The Traffic Group, and Patricia A. Malone, Esquire, (AKA, "The B Team"), who represented the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of 6.1749 acres more or less, split zoned B.L.-C.C.C. and B.L.-A.S., and is improved with a commercial/retail shopping center known as the Marriottsville Plaza. The Petitioners are desirous of constructing a Rite Aid store on the northwest corner of the site, at the intersection of Liberty

ORDER RECEIVED FOR FILING

Date

W

Road and Mariottsville Road in Randallstown. However, due to the location of existing improvements on the property, the requested variance relief is necessary in order to proceed. Testimony indicated that the required parking is necessitated by not only the proposed Rite Aid store, which requires 56 spaces, but the other users in the shopping center, which require a combined total of 332 spaces. The Petitioners are only able to provide 324 spaces on the site, or 8 spaces less than that required.

On behalf of the Petitioners, Mr. Glenn Cook testified that the number of parking spaces provided on this site is more than adequate to meet the needs of the tenants. The shortage of only 8 parking spaces is negligible and will have no effect on the overall operation of the shopping center.

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

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

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, I am persuaded to grant the variance. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that strict compliance with the zoning regulations will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In

ORDER RECEIVED FOR FILING

Date

By

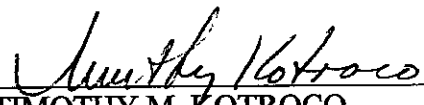
addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 12th day of January, 1999 that the Petition for Variance seeking relief from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 324 parking spaces in lieu of the required 332 spaces, in accordance with Petitioner's Exhibit 1, 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Pursuant to the Zoning Plans Advisory Committee (ZAC) comments submitted by the Office of Planning, dated November 18, 1998, the Petitioners shall install sidewalk along the entire frontage of its property on Liberty Road.
- 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


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 1/27/99
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

January 12, 1999

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

RE: PETITION FOR VARIANCE
NE/Corner Liberty Road and Marriottsville Road
(9860 Liberty Road)
2nd Election District - 2nd Councilmanic District
Rite Aid of Maryland, Inc. - Petitioners
Case No. 99-177-A

Dear Ms. Malone & Mr. Hoffman:

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 black ink, appearing to read "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Patrick C. Richardson, Jr., William P. Monk, Inc.
222 Bosley Avenue, Suite B-6, Towson, Md. 21204

People's Counsel; Case File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9860 Liberty Road

which is presently zoned BL-CCC and BL-AS

This Petition shall be filed with the Department 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 part of hereof, hereby petition for a Variance from Section(s)

from Section 409.6 to allow 324 parking spaces in lieu of the 332 spaces required.

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

to be determined at 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 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.

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.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

(Type or Print Name)

Signature

210 Allegheny Ave.

(410) 494-6200

Phone No

MD

State

21204

Zipcode

Legal Owner(s):

Rite Aid of Maryland, Inc.

(Type or Print Name)

By

Signature: Charles E. Brodsky, Associate Counsel

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

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

Robert A. Hoffman

Venable, Baetjer and Howard, LLP

Name

210 Allegheny Ave, Towson, MD 21204

(410) 494-6200

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing the following dates

Next Two Months

ALL

OTHER

REVIEWED BY

DATE

99-177-A

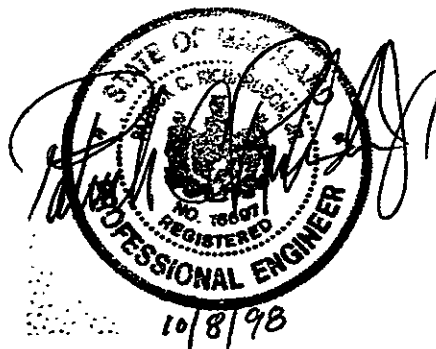
Drop. Off
No Review
10/22/98 44

ORDER RECEIVED FOR FILING
DATE 10/22/98
TIME 10:00 AM
BY 44

**ZONING DESCRIPTION
MARRIOTTSTVILLE PLAZA
2ND ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the North side of Liberty Road (80 feet wide) at its intersection with the East side of Marriottsville Road (60 feet wide) and running thence along the fillet, North 18 degrees 53 minutes 06 seconds West, 23.51 feet, thence along the East side of Marriottsville Road by a curve to the left with a radius of 1279.43 feet for a distance of 211.96 feet, thence North 22 degrees 47 minutes 58 seconds East 15.50 feet, thence leaving said right-of-way and running North 87 degrees 07 minutes 40 seconds East, 131.30 feet, thence southerly by a curve to the left with a radius of 125.00 feet for a distance of 118.74 feet, thence South 57 degrees 18 minutes 02 seconds East, 164.69 feet, thence easterly by a curve to the left with a radius of 125.00 feet for a distance of 114.22 feet, thence South 59 degrees 49 minutes 05 seconds East 250.47 feet, thence South 30 degrees 10 minutes 50 seconds West, 10.29 feet, thence South 72 degrees 03 minutes 00 seconds East 167.20 feet, thence southerly by a curve to the left with a radius of 150.00 feet for a distance of 148.35 feet, thence South 38 degrees 43 minutes 05 seconds East, 12.92 feet, thence South 51 degrees 16 minutes 55 seconds West, 117.75 feet, thence South 32 degrees 47 minutes 40 seconds West, 127.23 feet to the North side of the aforementioned Liberty Road (80 feet wide) and running thence North 57 degrees 18 minutes 02 seconds West, 770.62 feet to the point of beginning.

Containing 6.1749 acres of land, more or less.



99-177-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 060331

DATE 10/22/98 ACCOUNT 001-6150

RECEIVED FROM: Venable, Baetjer & Howard
AMOUNT \$ 250.00 (WCR)

FOR: COMMERCIAL VARIANCE Item #177
9860 Liberty Road Case #99-177-A
Drop-Off --- No Review

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

PAID RECEIPT
PROCESS ACTUAL TIME
10/26/1998 10/23/1998 16:21:24
REG #501 CASHIER CLUM CML DRUMER
5 MISCELLANEOUS CASH RECEIPT
RECEIPT # 074571
CHK NO. 060331
250.00 CHECK
Baltimore County, Maryland
OFFIN

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #98-177-A
9960 Liberty Road
NE/S Liberty Road, corner E/S
Marriottsville Road
2nd Election District
2nd Councilmanic District
Legal Owner(s): Rita Aid of
Maryland, Inc.

Variance: to allow 324 parking spaces in lieu of the 332 spaces required.

Hearing: Wednesday, December 16, 1998 at 2:00 p.m. in Room 407, County Court Bldg., 401 Bassey Avenue

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations
Please Call (410) 867-3353.
(2) For information concerning the file and/or hearing, Please Call (410) 867-3391.

11/880 Nov 28 6275828

CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov. 27, 1998

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 Nov. 26, 1998.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

RE: Case No.:

89-177-A

Petitioner/Developer: RITE AID, INC.; ETAL

% ROBERT HOFFMAN, ESQ

Date of Hearing/Closing: 12/16/98

0200 PM
PM-407
CCB

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

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #9860 LIBERTY RD.

The sign(s) were posted on

12/1/98

(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 12/2/98

(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

Hunt Valley, MD 21030

(City, State, Zip Code)

(410) 666-5366

Page (410) 905-8571

(Telephone Number)



9860 LIBERTY RD.

RE: Case No.:

99-177-A

Petitioner/Developer:

LITE AID, ETAL

7860 LIB. / CMR

Date of Hearing/Closing:

12/14/98

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

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at

#9860 LIBERTY RD

The sign(s) were posted on

11/30/98

(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 12/2/98

(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

Hunt Valley, MD 21030

(City, State, Zip Code)

(410) 666-5366

Pager (410)

905-8571

(Telephone Number)

ZONING

Case # 99-177A



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

October 22, 1998

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

Dear Mr. Hoffman:

RE: Drop-Off Petitions, 11301 Owings Mills Boulevard (Case #99-175-SPH), 2300 Dulaney Valley Road (Case #99-176-SPHXA), and 9860 Liberty Road (Case #99-177-A)

At the request of the attorney/petitioner, the above referenced petitions were accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper forma pertaining to this. The sign must contain the wording indicated on the "Zoning Notice" forms and the certificates of posting must be completed by the poster and returned to this office.

If you have any questions regarding the sign posting, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "WCR/scj".

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosures



Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-177-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: VARIANCE TO ALLOW 324
PARKING SPACES IN LIEU OF THE
332 SPACES REQUIRED.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

RE: PETITION FOR VARIANCE
9860 Liberty Road, NE/S Liberty Road, corner
E/S Marriottsville Road, 2nd Election District,
2nd Councilmanic

Legal Owners: Rite Aid of Maryland, Inc.

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-177-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 of 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
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of November, 1998, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, P.O. Box 5517, Towson, MD 21204, attorney for Petitioner(s).


PETER MAX ZIMMERMAN



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

November 4, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-177-A
9860 Liberty Road
NE/S Liberty Road, corner E/S Marriottsville Road
2nd Election District – 2nd Councilmanic District
Legal Owner: Rite Aid of Maryland, Inc.

Variance to allow 324 parking spaces in lieu of the 332 spaces required.

HEARING: Wednesday, December 16, 1998 at 2:00 p.m. in Room 407, County
Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon", with a small "JC" monogram at the end.

Arnold Jablon
Director

c.: Robert A. Hoffman, Esquire
Rite Aid of Maryland, Inc.

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY DECEMBER 1, 1998.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

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



Printed with Soybean ink
on Recycled Paper

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) 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 (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: _____

Petitioner: Rite Aid of Maryland, Inc.

Address or Location: 9860 Liberty Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: BARBARA W. ORMORD, LEGAL ASSISTANT

Address: VENABLE, BAETJER & HOWARD, LLP
210 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204

Telephone Number: 410-494-6201

Revised 2/20/98 - SCJ

99-177-A



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 11, 1998

Robert A. Hoffman, Esq.
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Item No.: 177
Case No.: 99-177-A
Location: 9860 Liberty Road

Dear Mr. Hoffman:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on October 22, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments 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.

Very truly yours,

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

WCR:ggs

Enclosures

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



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: November 18, 1998

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 9860 Liberty Road

INFORMATION:

Item Number: 177
Petitioner: Rite Aid of Maryland, Inc.
Property Size: 2.80± Acres
Zoning: BL-CCC and BL-AS
Requested Action: Variance
Hearing Date:

The proposed site is located in a Master Plan designated Revitalization District. The proposed redevelopment of this site is consistent with the Liberty Road Action Plan.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the applicant's request provided the following condition is met:

1. Install a sidewalk along the entire Liberty Road frontage.

Section Chief:



AFK:DG:lsn



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

NOVEMBER 23, 1998

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

RE: Property Owner: 173 - WALTER RATTERMAN
174 - JEFFREY W. DURKEE AND NATALIE P. DURKEE
175 - CRONDALL CORNER ASSOCIATES, LLC
177 - RITE AID OF MARYLAND, INC.

Location: DISTRIBUTION MEETING OF NOVEMBER 2, 1998

Item No.: 173, 174, 175, 177 Zoning Agenda:

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", 1994 edition prior to occupancy.

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

cc: File





Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Date: November 6, 1998

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

RE: Baltimore County
Item No. 177 (WCR)

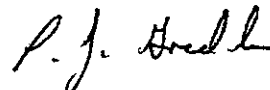
Dear Ms. Stephens:

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.

However we will require the owner to obtain an access permit. Please have their representative contact this office regarding the roadway improvements conditioned to the permit.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,


for

Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

LG

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

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

TO: PDM

FROM: R. Bruce Seeley *RBS/yl*
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: *4/2/98*

DATE: *4/12/98*

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

Item #'s: *171* *179*
172 *180*
175
177 *99-131-A*
178

RBS:sp

BRUCE2/DEPRM/TXTS8P

RECEIVED NOV 13 1998

B A L T I M O R E C O U N T Y, M A R Y L A N D

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
 Department of Permits & Development
 Management

Date: November 9, 1998

FROM: *pub* Robert W. Bowling, Supervisor
 Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for November 9, 1998
 Item Nos. 171, 172, 173, 174, 175,
 177, 178, 179, 180

The Bureau of Developer's Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147
www.venable.com

VENABLE
ATTORNEYS AT LAW

11/5
JAL

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

Writer's Direct Number:
410-494-6201

October 21, 1998

HAND DELIVERED

Mr. W. Carl Richards
Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Re: Petition for Zoning Variance
Applicant: Rite Aid of Maryland, Inc.
Location: 9860 Liberty Road/Marriottsville Plaza

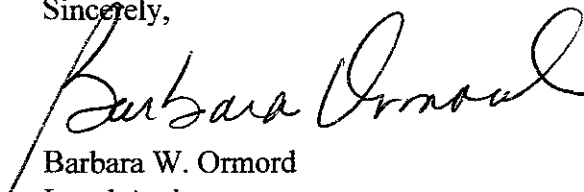
Dear Mr. Richards:

I am drop filing the enclosed Petition for Zoning Variance for the above-referenced property. This request has not been previously reviewed by your office. This property is not in violation of any zoning laws. With this letter, I have enclosed the following documents:

1. Petition for Zoning Variance (3)
2. Zoning Description (3)
3. Site Plan (12)
4. 200' Scale Zoning Map (1)
5. Newspaper advertising form (1)
6. Check in the amount of \$250.

If you have any questions or concerns regarding this filing, please give me a call.

Sincerely,


Barbara W. Ormord
Legal Assistant

BWO/e
Enclosures

cc: Robert A. Hoffman, Esquire
Patricia A. Malone, Esquire
TOIDOC51/BAW01/0073266.01

99.177.A

OK
we



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
410-887-3391

November 23, 1998

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
P. O. Box 5517
Towson, Maryland 21285-5517

Dear Mr. Hoffman:

RE: Drop-Off Petition Review (Case #99-177-A), 9860 Liberty Road,
2nd Election District

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

1. Add dimensions of "proposed Kiosk" and setback to the front property line plus state if it is enclosed.
2. Need address and telephone number of legal owner on petition form.

If you need further information or have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "John J. Sullivan, Jr.", written over a horizontal line.

John J. Sullivan, Jr.
Planner II,
Zoning Review

JLL:cjs

Enclosure (receipt)

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



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PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

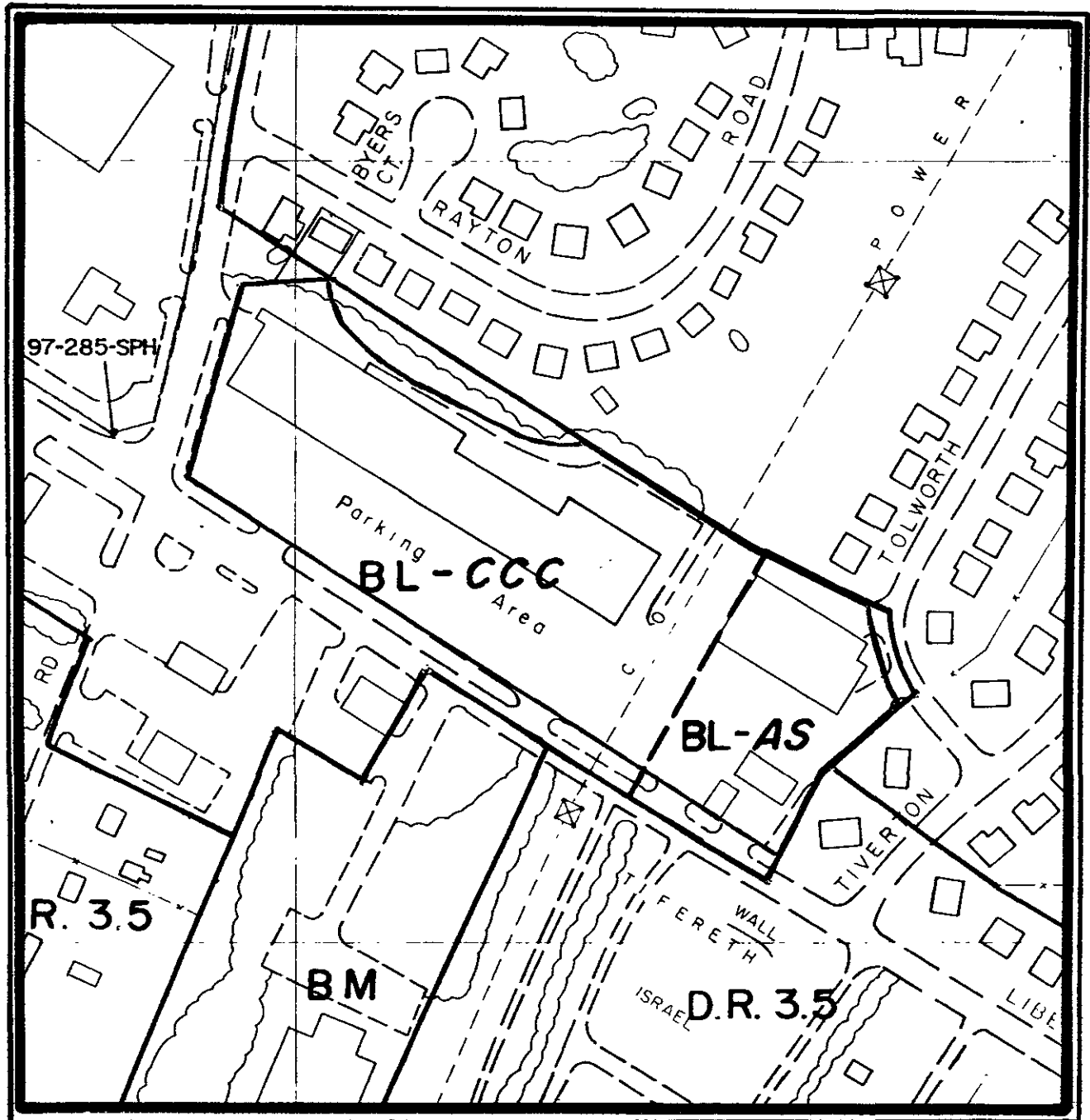
NAME

ADDRESS

Patricia A. Malone
PATRICK C RICHARDSON JR
RODNEY NICKLIS
Glenn Cook

210 Allegheny Avenue
222 BOSLEY AVE
4339 EBENEZER RD.
40 W. Chesapeake Ave

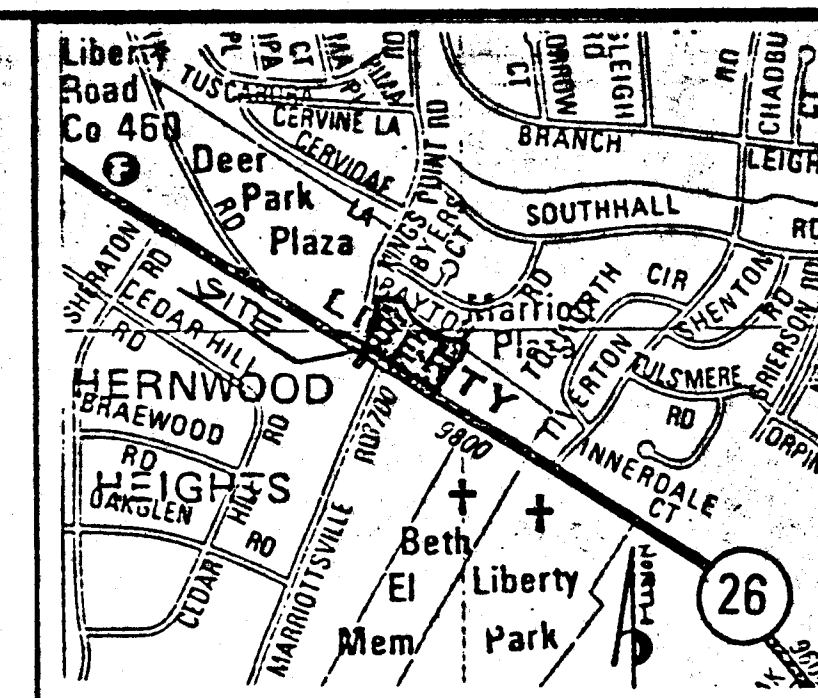




ZONING MAP
SCALE : 1"=200'

MAP NW 8J

99-177-A



VICINITY MAP
SCALE: 1" = 1000'

GENERAL NOTES:

1. APPLICANT: RITE AID OF MARYLAND, INC.
PO BOX 3165
HARRISBURG, PA 17105

2. OWNER:
(LOT 1) RITE AID OF MARYLAND, INC.
PO BOX 3165
HARRISBURG, PA 17105

ADJACENT OWNER:
(LOT 2) PETER LEE
SRM ASSOCIATES
3117 YORK ROAD
BALTIMORE, MD 21212
DEED REF: 1183702
TAX ACCT. NO: 0216900180

(LOT 3) CHURCH OF CHRIST DEER PARK
9819 LIBERTY ROAD
BALTIMORE, MD 21133

(LOT 4) AMURSTAN COMPANY
110 RITCHIE ROAD
CAPITOL HEIGHTS, MD 20740

(LOT 5) BENTON J. PUMPIAN
PO BOX 15018
BALTIMORE, MD 21208

3. TOTAL AREA OF SHOPPING CENTER SITE:
6,179 AC & OR 268,979 SQ. FT. +/- (NET)
6,915 AC & OR 302,807 SQ. FT. +/- (GROSS)
AREA OF LOTS 1 & 2: 2,804 AC OR 122,027 S.F.

4. CENSUS TRACT: 4022.01

5. WATERSHED: 27 SUBWERSHED: 63

6. ELECTION DISTRICT: 2 COUNCILMANIC DISTRICT: 2

7. FLOOR AREA RATIO:
BL-CCC ALLOWED: 4.0
BL-AS PROPOSED: 4.638/222.341 = 0.21 < 4.0 OK
ALLOWED: 3.0
PROPOSED: 17.41/802.04 = 0.22 < 3.0 OK

8. AMENITY OPEN SPACE: (BL-CCC ONLY)
REQUIRED: 0.2 OR 0.3 X 5000' = 1165 SQ. FT.
PROPOSED: 171.00 SQ. FT. 77263 SQ. FT. = 0.28 > 0.20 OK

9. THE ENTIRE PARKING LOT IS PAVED VIA RETAINING CONCRETE SURFACE & ALL SPACES TO BE PERMANENTLY STRIPPED.

10. NO ADDITIONAL FREE-STANDING SIGNAGE IS PROPOSED AT THIS TIME.

11. PARKING REQUIREMENTS:
(SITE APPROVED FOR USE/PARKING BY BALTIMORE COUNTY PRIOR TO 1998, SITE CONSTRUCTED IN 1999-2)

LOT 1 - RITE AID REQUIRED: PROVIDED:	11060 SQ. FT. @ 51000 SQ. FT. = 55.3 OR 36 SPACES 64 SPACES	
LOT 2 - MARRIOTTVILLE ASSOC. PROPERTY REQUIRED:	RESTAURANT 3200 SQ. FT. @ 1700 SQ. FT. = 4.68 RETAIL 6000 SQ. FT. @ 1200 SQ. FT. = 5.0 DRY CLEANER 1200 SQ. FT. @ 1300 SQ. FT. = 4.0 LAUNDRY 1200 SQ. FT. @ 1300 SQ. FT. = 10.7 BILLIARD 1800 SQ. FT. @ 1200 SQ. FT. = 4.0 OFFICE 3000 SQ. FT. @ 1700 = 16.7 TOTAL REQUIRED = 131.4 OR 132 SPACES	
PROVIDED:	97 SPACES	

LOT 3 - CHURCH OF CHRIST DEER PARK REQUIRED: PROVIDED:	CHURCH - 200 SEATS @ 14 SEATS = 50 SPACES OFFICE - 2500 SQ. FT. @ 1200 SQ. FT. = 2.3 104 SPACES	
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LOT 4 - EXIST. RETAIL REQUIRED: PROVIDED:	RETAIL - 15334 SQ. FT. @ 1700 SQ. FT. = 71.7 OR 78 SPACES 43 SPACES	
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LOT 5 - AMOCO STATION REQUIRED: PROVIDED:	3 SERVICES BAYS @ 3 BAY = 9 SPACES 16 SPACES	
TOTAL REQUIRED:	331.7 OR 332 SPACES	
TOTAL PROVIDED:	334 SPACES	

A PARKING EASEMENT EXISTS FOR THE ENTIRE CENTER AND IS RECORDED IN LIBER #14818

12. THERE ARE NO SPRINGS, STREAMS, OR BODIES OF WATER ON THIS SITE.

William Monk, Inc. ENGINEERS - PLANNERS

Courthouse Commons
222 Bayley Avenue, Suite B-8
Towson, Maryland 21204
Phone: 410-494-8931 Fax: 410-494-9903

PLAN TO ACCOMPANY VARIANCE PETITION RITE AID CORPORATION MARRIOTTVILLE PLAZA 9860 LIBERTY ROAD BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY: JRG	DESIGNED BY: PCR	SCALE: 1" = 50'
49-177-A	DATE: 10/8/98	JOB NO.: 97-168	SHEET NO.: 1 OF 1

13. THERE ARE NO WETLANDS ON THIS SITE.
14. THERE ARE NO HISTORICAL BUILDINGS ON THIS SITE.
15. THERE ARE NO HAZARDOUS MATERIALS KNOWN TO BE ON THIS SITE.

16. ZONING HISTORY:

1. CASE NO. 94-35-A
VARIANCE TO SECTION 409.6.A.3 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT 310 PARKING SPACES IN LIEU OF THE REQUIRED 431 PARKING SPACES. GRANTED AUGUST 27, 1993.
2. CASE NO. 88-106-F
PETITION FOR ZONING RECLASSIFICATION FROM R-10 & R-20 TO BL. GRANTED 12/19/88.
RESTRICTIONS: SUBJECT TO SITE PLAN APPROVAL BY STATE ROAD COMMISSION, OFFICE OF PLANNING & ZONING, BUREAU OF PUBLIC SERVICES, BALTIMORE COUNTY HEALTH DEPT. & THE BALTIMORE COUNTY FIRE BUREAU. APPEALED 1/20/89, APPEAL DENIED 7/22/89, APPEALED 9/89, APPEAL DENIED 12/20/89, APPEALED (NO DATED), APPEAL DENIED 7/8/90.
3. CASE NO. 74-173-X
PETITION FOR A SPECIAL EXCEPTION TO PERMIT TWO (2) 12' X 25' ILLUMINATED ADVERTISING STRUCTURES. DENIED.
4. CASE NO. 70-49R
PETITION FOR ZONING RECLASSIFICATION FROM R-6 AND R-10 TO BL-CC. GRANTED 9/8/89. RESTRICTIONS - NONE.
5. CASE NO. 89-72-A
PETITION FOR A ZONING VARIANCE TO PERMIT A FRONT YARD SETBACK OF 12 FEET IN LIEU OF THE REQUIRED 31.5 FEET FOR AN EXISTING SNOWBALL STAND. DENIED 10/19/88.
17. AVERAGE DAILY TRIP:
EXISTING: 76,684 BY SHOPPING CENTER @ \$1.2/3000 SF = 6227 ADT
PROPOSED: 65,961 BY SHOPPING CENTER @ \$1.3/3000 SF = 3311 ADT
18. PREVIOUS BUILDING PERMIT FOR 9860 LIBERTY ROAD (LOT 1) B033469 ISSUED 1998
19. A VARIANCE IS BEING REQUESTED TO PARKING UNDER SECTION 409.6 TO ALLOW 334 PARKING SPACES IN LIEU OF THE REQUIRED 332 SPACES.

NOTE:
PLAN IS BASED ON EXISTING INFORMATION
SUPPLIED BY THE PROPERTY OWNER