

IN RE: PETITIONS FOR SPECIAL HEARING
NW/Corner York and Ridgely Roads
(115 Ridgely Road)
8th Election District
4th Council District

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

Cecelia Schwaber, Myra Wagonheim,
And Sidney Weiman, Trustees/Owners;
Timonium Shopping Center, Inc., Petitioners*

* Cases Nos. 02-102-SPH & 02-103-SPH

* * * * *

ORDER OF DISMISSAL

WHEREAS, the above-captioned Petitions were filed by J. Carroll Holzer, Esquire on behalf of the Timonium Shopping Center, Inc., relative to the proposed use of the subject property by its Owners for a Home Depot Expo Design Center. Specifically, the Petitioners sought a determination as to the nature of the proposed use of the subject property and the method used to calculate the number of parking spaces required for such use.

By way of background, the Owners of the subject property filed for and obtained approval of a concept plan for the proposed redevelopment of the subject site on May 14, 2001 from the Baltimore County Development Review Committee (DRC). Subsequently, Counsel for the Protestants filed an appeal of the DRC's approval to the County Board of Appeals. In the meantime, the Property Owners, through Howard L. Alderman, Jr., Esquire, filed Petitions for Special Hearing and Variance relief under Case No. 02-168-SPHA to approve an amendment to the previously approved site plan for the subject property to reflect the proposed modifications and parking plan. A hearing on that matter was scheduled for December 28, 2001.

Pending a decision by the Board relative to the DRC's earlier approval, public hearings were scheduled to hear the Petitions filed by Mr. Holzer on November 7, 2001, and, following a postponement, rescheduled for January 10, 2002. In the meantime, the Property Owners' plans to locate a Home Depot Expo Design Center on the subject property were withdrawn. By letters dated December 6, 2001 and December 14, 2001 from Howard L. Alderman, Jr., Esquire,

ORDER RECEIVED FOR FILING

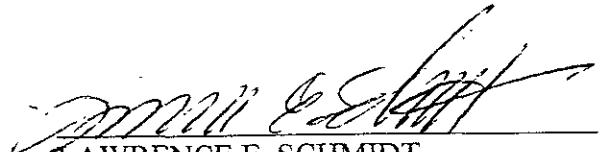
Date 1/23/02

By [Signature]

withdrew the Petitions filed in Case No. 02-168-SPHA and the request for Limited Exemption from the DRC. Thereafter, by Order dated January 9, 2002, the Board of Appeals dismissed the Limited Exemption request and rendered null and void any and all relief previously granted to the Property Owners. Subsequent to the issuance of the Board's Order, Counsel for the Petitioners filed a written request for withdrawal of the instant Petitions by letter dated January 14, 2002.

NOW, THEREFORE, pursuant to the receipt of a written request for withdrawal of the above-captioned matters from Counsel for the Petitioners,

IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of January, 2002, that the Petitions for Special Hearing filed in the above-captioned matters be and the same are hereby DISMISSED WITHOUT PREJUDICE.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: J. Carroll Holzer, Esquire
508 Fairmount Avenue, Towson, Md. 21286
Howard L. Alderman, Jr., Esquire
502 Washington Avenue, 8th Floor, Towson, Md. 21204
Mr. Larry Townsend, GTCC, 1111 Longbrook Road, Lutherville, Md. 21093
People's Counsel; Case Files



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

#2
for the property located at 115 Ridgely Rd also
known as Yorkridge which is presently zoned BL-CCC+ML-1M
shopping center

This Petition shall be filed with the Department of Permits and 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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

See attached sheet per WCR

(see attached)

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

PETITIONER:

Timonium Shopping Center, Inc.

10 MID-ATLANTIC REALTY TRUST

Name - Type or Print

By: [Signature], Vice President

Signature

170 West Ridgely Rd. 410-684-2000

Address

Telephone No.

Lutherville

MD

21093

City

State

Zip Code

Attorney For Petitioner:

J. CARROLL HOLZER

Name - Type or Print

Signature

J. Carroll Holzer, P.A.
508 Fairmount Ave
Towson, MD 21286

410-825-6961

Telephone No.

State

Zip Code

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):

CE CELIA Schwaber, Myra Wagonhei,

Name - Type or Print

and Sidney Weiman, Trustees

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

10 Baltimore Land Design Group, Inc.

Name

222 Schilling Circle, Suite 105

Address

Telephone No.

Hunt Valley

MD

21030

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By Drop-off Date 9-11-01

WCR/JRF

ORDER RECEIVED FOR FILING
Date 9/15/98
Case No. 02-103-SPH

Special Hearing to determine that the parking calculations are incorrect and the use is retail only and the BCZR does not permit a separation of uses within the same building.

ORDER RECEIVED FOR FILING

Date

1/23/12

By

[Signature]

ATTACHMENT TO PETITION FOR SPECIAL HEARING

The legal owners of the subject property have submitted a request to the Baltimore County Development Review Committee (DRC) (#043001M, Dist. 8C4) to approve a concept plan for the alteration of the Yorkridge Shopping Center (the "Center") by "demolition of an existing two-story theater (1,218 seats) and part of the existing shopping center (33,870) square feet and construction of a new Expo Design Center (100,017 square feet) and construction of existing parking facilities in its vicinity" (See Exhibit A). The Petitioner is an adjacent property owner whose interest will be adversely affected and impacted by the decision of the DRC and the action of the legal owners.

In accordance with Exhibit A, the legal owners' concept plan for the Yorkridge Shopping Center, the parking for the 100,017 square foot Expo Design Center, a Home Depot Company, is determined as follows:

"Expo—32,400 square feet (retail) @ 5 P.S. per 1,000 square feet = 162 P.S.

67, 617 (furniture store) @ 2.5 P.S. per 1,000 square feet = 169.04 P.S.

Existing retails to remain—74,526 S.F. @ 5 p.s. per 1,000 square feet = 372.63 P.S."

Petitioner believes that the above-mentioned calculation method is improper and erroneous as the so-called "Expo" and "furniture store" are, in fact, one retail operation in the same, without physical separation. Petitioner believes that the Baltimore County Zoning Regulations do not provide for a separation of uses (i.e. Expo and furniture store) within a single business premises, especially in a center greater than 100,000 square feet;

nor is there a reasonable basis given for the division of the space into areas of 32,400 and 67,617 sq. ft. Furthermore, the Petitioner believes that, based on actual parking requirements of the only other Expo Design Center in the Baltimore/Washington region (located in Fairfax, Virginia off Lee Highway), the classification of the Expo Design Center as a "furniture store" is incorrect. That the proposed Expo Design Center's parking requirement should be the same as that required by any retail establishment (5 P.S. per 1,000 square feet).

While the Baltimore County Zoning Regulations do not define "furniture store," Webster's defines "furniture" as, "Things usually movable, in a room, apartment, etc. which equip it for living, as chairs, sofas, tables, beds, etc." Based on the Petitioner's review of the above-mentioned Expo location, there appear to be eight separate retail showrooms in the facility. The showrooms include areas for:

1. Kitchen
2. Appliance
3. Bath
4. Tile and Wood
5. Carpet and Rugs
6. Lighting
7. Window Treatments
8. Patio and Grill

Each of the above-mentioned showrooms contains vignettes detailing design possibilities and items or accessories available for retail sale. (See Showroom Guide and Design Services Brochure attached hereto as Exhibit B.) There are also sales people to assist in the sale of appliances, carpet, and accessories from the sales areas. In addition to the above-mentioned departments, there is a portion of the Expo called the "In-Stock Shop" that sells artwork, mirrors, sculptures, tapestry, picture frames, drinking glasses and the like.

In an effort to clarify the Expo use, the Petitioner has attached a recent article from the *Daily Record* (attached hereto as Exhibit C) wherein Melissa Watkins, a spokeswoman for the Expo Design Center, stated, "...It's a brand new concept, a full service interior design center." Watkins said, "It's a one-shop home remodeling mecca for consumers. The store offers customers the opportunity to order products that, in the past, only interior designers or home builders could purchase wholesale," she said. "Now consumers will be able to buy that tile, set of handblown glasses or the caste iron cooker that they want directly from the store," she said. "The store will have eight showrooms. The idea is to stimulate ideas, but the customer doesn't have to purchase, for instance, the entire kitchen," Watkins said. "If a customer finds only the molding appealing, that is all the person has to buy."

In conclusion, Petitioner believes that Expo Design Center is not a furniture store and should be classified as a retail use with a parking requirement of 5 P.S. per 1,000 S.F. The Petitioner does not believe that the Baltimore County Zoning Regulations provide for a separation of uses within a single retail facility. The Petitioner furthermore believes that the types of goods sold within the Expo Design Center are in accordance with the

Expo Design Center's own public statements, beyond the items included in the definition of "furniture".

The Petitioners request an interpretation of the BCZR Section 500.7 as to whether the legal owners' parking calculations are correct and call for separate parking calculations for of two uses within one premises, and whether or not the Expo Design Center, or any part thereof, is, in fact, a furniture store.

Give Us Your Project,
Big Or Small,
And We'll Make It From
Concept To Completion

DESIGN SERVICES

From a single room to a full home, we can help you create a design that is both functional and beautiful. Our design services include:

- Room design and layout
- Color and material selection
- Furniture and fixture selection
- Lighting design
- Window treatments
- Accessory selection

INSTALLATION SERVICES

We have a team of experienced installers who can handle all of your installation needs. Our installation services include:

- Furniture and fixture installation
- Window treatment installation
- Lighting installation
- Accessory installation

Whether you need help with a single room or your entire home, we can help you create a beautiful and functional space. Contact us today to learn more about our services.

At Home Depot, we have everything you need to make your home beautiful. From furniture and fixtures to window treatments and lighting, we have it all. And now, with our design and installation services, we can help you put it all together.

EXHIBIT B

E P O

DESIGN & CONSTRUCTION
A HOME DEPOT COMPANY

Showroom Guide

We Design

We Decorate

EXHIBIT B

DESIGN & CONSTRUCTION

We Install

A HOME DEPOT COMPANY

KITCHEN SHOWROOM

 Let EXPO Design Center professionals design and expertly install your dream kitchen. Stir up your imagination by strolling through dozens of lifestyle, state-of-the-art kitchen displays. You'll see everything from sophisticated European design to American country to traditional and more. All from the best names in the business. Just bring in your ideas and our Certified Kitchen Designers will create the kitchen you've always wanted. To top it off, we install countertops in practically every surface imaginable: DuPont Corian®, marble, stone, wood, stainless steel, granite—you name it.

APPLIANCE SHOWROOM

 We offer an incredible selection of top-of-the-line built-in appliances from premium manufacturers. Ovens, ranges and refrigerators from Jenn-Air, Frigidaire, Thermador, Whirlpool, Maytag, KitchenAid, G.E. Monogram and more. And we deliver and professionally install.

BATH SHOWROOM

 EXPO Design Center offers design and decorating services plus professional installation for your new bath. Our bath showroom is overflowing with hundreds of faucets, whirlpool tubs, sinks and more for you to touch and feel. Walk through our fully-equipped displays and check out the latest innovations from Jacuzzi,

Kohler, Eljer, American Standard, Hansgrohe, Artistic Brass and more. We also offer the best selection of hardware: faucets, doorknobs, and decorative handles from names like Baldwin, Period Brass and Schlage.

TILE & WOOD SHOWROOM

 You'll find it hard to walk away from our impressive tile and wood showroom. Like an art gallery, EXPO's showroom is filled with artistic masterpieces from around the world. See and touch marble, granite and stone tiles, handmade and hand-painted ceramic tiles, floor medallions, borders, back-splashes, mosaics and exotic hardwood flooring. Our staff of talented artisans can design and install the countertop, wall or floor you want.

CARPET & RUGS SHOWROOM

 We have sisals, saxonnys, berbers, plushes and more in every color and texture imaginable from names like Karastan, Fabrica and Mohawk. And if you want one-of-a-kind carpet and rugs, EXPO Design Center can custom-design them for you. Plus, we provide custom installation. You'll also find a fine selection of handmade rugs from around the world, in practically every size style, shape and price imaginable.

LIGHTING SHOWROOM

 Our showroom is filled with the best values and brightest names like Schonbek, Dale Tiffany, Van Teal, Fine Art, Kichler and Trend. EXPO Design Center's trained, experienced staff can take your blueprints and design all the lighting for any

project. They can help you pick the right floor or table lamp, chandelier or wall sconce for any room. Plus our installation services are second to none. EXPO Design Center also has the coolest names and designs in ceiling fans from names like Casablanca, Hunter and Minka-Aire.

WINDOW TREATMENT SHOWROOM

 We'll come to your house, measure, design, fabricate and install any window treatment you desire. We also offer shades, blinds and custom-made shutters from Hunter-Douglas, Levolor and more. We can create custom wall treatments—patterns, textures, murals, and faux finishes. We custom fabricate slipcovers, bedding, decorative accessories and shower curtains, as well as custom upholster furniture. Our huge showroom features over 10,000 fabrics and thousands of wallpaper choices from well-known names like Robert Allen, Gramercy, Raymond Waites and more.

PATIO & GRILL SHOWROOM

 EXPO's patio showroom has everything under the sun for outdoor living. Patio sets in aluminum, cast aluminum, teak and wicker from brands like Winston, Tropitone, Lane Venture and others. We can custom-order your patio furnishings, umbrellas and cushions in practically any style, fabric or finish from these same name brands. Outdoor chefs enjoy our selection of professional grills from Weber, DCS, Ducane and more.

EXSHPHS FOR YOUR TOTAL SATISFACTION

AMERICAN DESIGN CENTER
10000 10th Avenue, Suite 200
Atlanta, Georgia 30328

YOU'VE MADE A GREAT CHOICE. US, YOUR
DESIGN CENTER, IS THE BEST CHOICE FOR
YOUR HOME.

WE HAVE ALL
THE FAMOUS
NAMES
UNDER ONE ROOF

PIERCE

STUBBINS
CONTRACTORS
DIVIDE

BALL BOSCH

MB

elephone
KOLLER

Profile

Black & Decker

BRIDGEMAN

FOUNTAINHEAD

Thermador

HALO

PROTECTOR

JAHL

GRUBER

INTERIOR

INTERIOR

Design Services

LET US
HELP YOU
WITH...

- KITCHEN REMODELS
- BATH REMODELS
- LIGHTING
- CUSTOM WINDOW TREATMENTS
- FLOORING
- INTERIOR DECORATING
- INSTALLATION
- PROJECT MANAGEMENT

AT EXPO WE DO IT ALL!

EXPO

Design Center

A HOME DEPOT COMPANY

OUR DESIGN CONSULTANTS MAKE PROJECT PLANNING EASY!

STEP ONE



MAKE AN APPOINTMENT

Make an appointment with one of our trained professional Design Consultants through our Design Services Desk.

STEP TWO



MEET WITH YOUR DESIGN CONSULTANT

Meet with your Design Consultant in our showroom to review your project needs, concepts and design and floor plans. At this time, a design retainer fee will be required. Afterwards, an EXPO professional will visit your home to record measurements and special features involved in your project.

STEP THREE



FORMING YOUR PROJECT TEAM

Your Design Consultant will assemble a team of experts from related departments to assist you in all phases of your project—from product selection to final installation. By forming this team of specialists, we are able to furnish you with expertise in all areas of your project.

STEP FOUR



PRODUCT & COLOR SELECTIONS

In addition to evaluating and coordinating all aspects of your project and preparing a final design proposal for you to review, your Design Consultant will help you select the right products and colors that best suit your needs.

STEP FIVE



INSTALLATION

Your Design Consultant will arrange for a Project Manager and an approved EXPO Contractor to come to your home and make an inspection based on the design proposal. This allows us to make a complete bid for materials and labor. We're so confident in the quality of our work that EXPO guarantees the installation work in writing for as long as you own your home. No one else offers this kind of warranty.

STEP SIX



PROJECT DEVELOPMENT

When the final design proposal meets your approval, the EXPO project team begins work. Before you know it, the room you've always dreamed of is now a beautiful reality.

RETAINER FEE An initial one-time design fee will be applied to kitchen projects of \$5,000 or more and bath projects of \$3,000 or more.

EXHIBIT C

THE DAILY
RECORD

O N L I N E

Maryland's Business and Legal News

May 23, 2001

See your name in the paper?

Monday Tuesday Wednesday Thursday Friday Saturday Sunday

Volume: 1 Number: 273_techlink May 23, 2001

Vacancy rate dips

By **KEELEY WEBSTER**
Daily Record Business Writer

Printer Friendly Format

The Yorkridge Shopping Center in Timonium appears to be making a comeback after taking a couple of big hits last year with the closing of the Loews movie theater and the loss of a Super Fresh supermarket.

Expo Design Center, a decade-old creation of Home Depot Inc., is building its first Maryland store in the **shopping center at 115 N. Ridgely Road**, in a space exceeding 100,000 square feet.

Melissa Watkins, a spokeswoman for Expo Design, said the interior design store chain has 30 stores in nine states. Currently, the closest one to Maryland is located in Fairfax, Va.

Baltimore County's Development Review Committee granted approval on the project in a letter dated May 14, said Howard Alderman, an attorney with Levin & Gann, who represents the shopping center owners.

After the building permits are obtained from the county, demolition and construction can begin, Alderman said.

Demolition, however, isn't scheduled to start until the beginning of next year; partly, because of a bit of a shopping center shuffle that's occurring in order to give Expo Design the contiguous space it wants. Michael's Craft & Floral Warehouse is moving into the former Super Fresh

MARYLAND BUSINESS LAW
WATCH
ALERTING THE BUSINESS COMMUNITY

Lawyers' watchdog
on Maryland's
business climate.

THE
Review
KEEPING MARYLAND LAWYERS INFORMED

Keeps lawyers up-to-date
on Maryland laws.

Weekly.

CONTACT: STUART HOFFMAN
410-465-4300
CNA
SURETY, LIFE, ACCIDENT & HEALTH INSURANCE



Howard Alderman, an attorney representing the Yorkridge Shopping Center, shows a rendering of the Expo Design Center, scheduled to take up 100,000 square feet.

store in January. Part of the space that Expo Design will occupy is the former Michael's store.

Builders could have been ready by early fall, but that wasn't a convenient time for Michael's to move.

"They don't want to be in the midst of a move right before the Christmas holidays," Alderman said.

Demolition is planned for the beginning of next year with construction to begin on the Expo Design store in February, he said.

The new store and Michael's move aren't the only changes occurring at Yorkridge.

Alderman said the owners plan to redo the façade on the shopping center to match the design elements used by Expo Design. The parking lot also will be repaved.

Those improvements will begin in summer of 2002 after the exterior renovations planned by Expo Design are completed, he said.

Although the division of Home Depot was founded in 1991, Expo Design officials didn't begin rolling out stores until 1997, Watkins said.

While Home Depot is Expo Design's parent company, the new Timonium store will not have the warehouse look of Home Depot. The store will be designed with a series of showrooms set up like rooms in a house displaying different products for remodeling.

"It's a brand new concept, a full-service interior design center," Watkins said. "It's a one-shop home remodeling mecca for consumers."

The store offers customers the opportunity to order products that, in the past, only interior designers or home builders could purchase from wholesalers, she said.

"Now consumers will be able to buy that tile, set of hand-blown glasses or the cast iron cooker they want directly from the store," she said.

"The store will have eight showrooms. The idea is to stimulate ideas. But the customer doesn't have to purchase, for instance, the entire kitchen," Watkins said. "If a customer finds only the molding appealing, that's all that person has to buy."

Expo Design officials look at several factors when they are considering a new site. These include whether the community takes pride in the value of its homes, communities that are design-savvy and have historic homes, a major metropolitan area and dynamic growth,

Watkins said.



[Home](#) | [Finance](#) | [Health Care](#) | [TechLink](#)
[Off The Record](#) | [Real Estate](#) | [Law](#) | [Statewide](#)

Copyright © 2000 The Daily Record. All Rights Reserved.

EXHIBIT D

That property located in Baltimore County, Maryland, deeded to Yorkridge Realty Company, Inc. by deed dated January 5, 1956 from Irvin Rankin, unmarried and Harry Goldberg, Co-Partners, Trading as G & R Company, and Gertrude Goldberg, wife of Harry Goldberg, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2853 folio 287 etc., and being more particularly described as follows:

BEGINNING for the same at a stone heretofore set at the beginning of Lot 11, which was allotted to Otho E. Ridgely in certain partition proceedings in the Circuit Court for Baltimore County and recorded in Judicial Liber WPC No. 209, folio 235 in the case of John Ridgely of Hampton and Otho E. Ridgely, et al, and running thence with and binding on a part of the first line of said parcel of land as surveyed in 1952 North 33 degrees 51 minutes West 244.20 feet to the beginning of the North 73 degrees East 1139 foot line of said agreement between Otho E. Ridgely and wife and Dickinson Gorsuch and wife dated September 10, 1920 and recorded among the Land Records of Baltimore County in Liber WPC No. 328, folio 579, thence running with and binding on a part of said line North 73 degrees 26 minutes East 690 feet to the beginning of the said line of a parcel of land which by Deed dated September 23, 1920 and recorded as aforesaid in Liber WPC No. 532, folio 473, was conveyed by Otho E. Ridgely and wife to Samuel S. Crowther and wife, thence running with and binding on said line and binding for a part on the third line of said parcel of land the two following courses and distances South 12 degrees 27 minutes East 210 feet and North 73 degrees 26 minutes East 447.50 feet to the center of York Road and to intersect the third line of the aforesaid Lot No. 11, thence running with and binding on a part of said third line and binding in the center of the York Road South 12 degrees 27 minutes East 574.13 feet to the beginning of the fourth line of said lot No. 11, thence running with and binding on said fourth line and binding in the bed of Ridgely Road as the same is now constructed and traveled South 71 degrees 7 minutes West 693 feet to the beginning of the fifth line of said Lot No. 11 and running with and binding on the fifth, sixth and seventh lines of said Lot No. 11 and binding on the South side of Ridgely Road as laid out on Sides Plat of Lutherville which Plat is recorded among the Plat Records of Baltimore County in Liber WPC No. 8, folio 57, the three following courses and distances viz: South 63 degrees 57 minutes West 176.55 feet South 78 degrees 27 minutes West 325.05 feet and North 89 degrees 33 minutes West 297 feet and thence leaving said road and running with and binding on the last line of Lot No. 11 North 26 degrees 57 minutes East 676.72 feet to the place of beginning. Containing 20.52 acres of land more or less.

BEING the same lot of ground described in a Deed from Ellen F. R. Thompson and husband, et al, to Harry Goldberg and Irvin Rankin, co-partners, trading as G & R Company, dated January 9, 1953 and recorded among the Land Records of Baltimore County in Liber GLB No. 2234, folio 117.

Excepting therefrom the following described parcel of land, which is part of Parcel A as described in Exhibit A and A1, such description prepared by David W. Dallas, Jr., Registered Professional Engineer and Land Surveyor, 8713 Old Harford Road, Baltimore, Maryland:

BEGINNING for the same on the south side of Ridgely Road as shown on the Plat of Lutherville as filed among the Land Records of Baltimore County in Plat Book W.P.C. No. 8 folio 57 at the beginning of the ninth or north 89 degrees 33 minutes west 297 foot line of that tract of land which by deed dated January 5, 1956 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2853 folio 287 etc. was conveyed by Irvin Rankin et al to Yorkridge Realty Company, Inc., thence running with and binding on said ninth line and on the south side of said road south 82 degrees 31 minutes 04 seconds west 297.00 feet to the end of said line, thence running with and binding on a part of the tenth line of said deed north 19 degrees 11 minutes 04 seconds east 663.89 feet to a point distant 12.83 feet south 19 degrees 11 minutes 04 seconds west from the end of said line, thence leaving said line and running for a line of division, passing through a point being distant 50 feet measured at right angles in a southwesterly direction from the southwesternmost wall of Cinema I south 24 degrees 15 minutes 05 seconds east 582.63 feet to intersect the eighth line of said deed at a point distant 152.32 feet south 70 degrees 41 minutes 04 seconds west from the beginning of said line, thence running with and binding on a part of said line south 70 degrees 41 minutes 04 seconds west 172.73 feet to the place of beginning.

CONTAINING 3.173 acres of land more or less.

PROPERTY DESCRIPTION

The description of the subject property is found in **Exhibit A**, the Concept Plan as submitted to the DRC, Number 043001M, Dist. 8C4 located at 115 N. Ridgely Road as prepared by Baltimore Land Design Group, Inc.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

5778

DATE 02/5/01 ACCOUNT PO01 006 601.0

AMOUNT \$ 250.00

RECEIVED FROM: J. CA ROLL HOLZE L PA

FOR: #1 163

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

RECEIPT

PAID BY: AGENCY TIME: 15:11:21
DATE: 02/05/2001
BY: CASHIER NO. 061255 OFLN: 1
DEPT: 5 528 (OFFICE OF THE COMPTROLLER)
CF NO. 066770
Total Amt: 250.00
Total Tax: .00 CA
Baltimore County, Maryland

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: #02-103-SPH

115 Ridgely Road

NW/Cor. York Road and Ridgely Road, Yorkridge Shopping Center

8th Election District - 4th Councilmanic District

Legal Owner(s): Cecelia Schwaber, Myra Wagonheim

and Sidney Weiman, Trustees

Petitioner: Paul Robinson, Finkofsky Shopping Center, Inc.

Special Hearing: to determine that the parking calculations are incorrect and the use is retail only and the Baltimore County Zoning Regulations does not permit a separation of uses within the same building.

Hearing: Wednesday, November 7, 2001 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 10/7/1 Oct 23

C501711

CERTIFICATE OF PUBLICATION

10/25, 2001

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/23, 2001.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

**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: 02-103-SP4

Petitioner: TIMONIUM SHOPPING CENTER, INC.
90 MID-ATLANTIC REALTY TRUST

Address or Location: 115 RIDGELY RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: J. CARROLL HOLZER, P.A.

Address: 508 FAIRMOUNT AVE.

TOWSON, MD 21286

Telephone Number: 410-825-6961

TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 23, 2001 Issue – Jeffersonian

Please forward billing to:
J. Carroll Holzer PA
508 Fairmount Avenue
Towson MD 21286

410 825-6961

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: 02-103-SPH

115 Ridgely Road

NW/Cor. York Road and Ridgely Road, Yorkridge Shopping Center

8th Election District – 4th Councilmanic District

Legal Owner: Cecelia Schwaber, Myra Wagonheim and Sidney Weiman, Trustees

Petitioner: Paul Robinson, Timonium Shopping Center Inc

Special Hearing to determine that the parking calculations are incorrect and the use is retail only and the Baltimore County Zoning Regulations does not permit a separation of uses within the same building.

HEARING: Wednesday, November 7, 2001 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT 692
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

October 10, 2001

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: 02-103-SPH

115 Ridgely Road

NW/Cor. York Road and Ridgely Road, Yorkridge Shopping Center

8th Election District – 4th Councilmanic District

Legal Owner: Cecelia Schwaber, Myra Wagonheim and Sidney Weiman, Trustees

Petitioner: Paul Robinson, Timonium Shopping Center Inc

Special Hearing to determine that the parking calculations are incorrect and the use is retail only and the Baltimore County Zoning Regulations does not permit a separation of uses within the same building.

HEARING: Wednesday, November 7, 2001 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

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

Arnold Jablon 672
Director

C: J. Carroll Holzer, 508 Fairmount Avenue, Towson 21286
Cecelia Schwaber, Myra Wagonheim and Sidney Weiman, Trustees, c/o J. Carroll
Holzer, 508 Fairmount Avenue, Towson 21286
Paul Robinson, Timonium Shopping Center Inc, 170 W Ridgely Road
Lutherville 21093
ICO Baltimore Land Design Group Inc, 222 Schilling Circle, Ste 105,
Hunt Valley 21030

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 23, 2001.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.





Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

November 5, 2001

Howard L Alderman Jr
Levin & Gann
Nottingham Centre
8th Floor
502 Washington Avenue
Towson MD 21204

Dear Mr. Alderman:

RE: Case Number: 02-103-SPH, 115 Ridgely Road

The above matter, previously scheduled for November 7, 2001 at 11:00 a.m. in Room 407, County Courts Building, has been postponed at your request. Once the hearing has been rescheduled you will be notified by mail.

Please be advised that, as the individual requesting and receiving the postponement, the responsibility and costs associated with the appropriate posting of the property now lies with you. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with notice of the original hearing date, as quickly as possible a notice of the new hearing date should be affixed to the sign(s).

Very truly yours,

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

Arnold Jablon 692
Director

AJ: gdz

C: J. Carroll Holzer Esquire, 508 Fairmount Avenue, Towson 21286





Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

December 7, 2001

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: 02-103-SPH

115 Ridgely Road

NW/Cor. York Road and Ridgely Road, Yorkridge Shopping Center

8th Election District – 4th Councilmanic District

Legal Owner: Cecelia Schwaber, Myra Wagonheim and Sidney Weiman, Trustees

Petitioner: Paul Robinson, Timonium Shopping Center Inc

Special Hearing to determine that the parking calculations are incorrect and the use is retail only and the Baltimore County Zoning Regulations does not permit a separation of uses within the same building.

HEARING: Thursday, January 10, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

C: J. Carroll Holzer, 508 Fairmount Avenue, Towson 21286
Cecelia Schwaber, Myra Wagonheim and Sidney Weiman, Trustees, c/o J. Carroll
Holzer, 508 Fairmount Avenue, Towson 21286
Paul Robinson, Timonium Shopping Center Inc, 170 W Ridgely Road,
Lutherville 21093
ICO Baltimore Land Design Group Inc, 222 Schilling Circle, Ste 105,
Hunt Valley 21030

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, DECEMBER 26, 2001.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE, FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

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

January 8, 2002

J. Carroll Holzer, PA
508 Fairmount Avenue
Towson MD 21286

Dear Mr. Holzer:

RE: Case Number: 02-103-SPH, 115 Ridgely Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 11, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. G22
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Paul Robinson, Timonium Shopping Center Inc, 170 W Ridgely Road,
Lutherville 21093
ICO Baltimore Land Design Group Inc, 222 Schilling Circle, Suite 105,
Hunt Valley 21030
People's Counsel

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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: October 16, 2001

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 8, 2001
Item No. 103

The Bureau of Development Plans Review has reviewed the subject zoning item.

Permission to park along "travel ways" must be asked for as part of this request.

RWB:HJO:jrb

cc: File



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

October 15, 2001

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF October 1, 2001

Item No.: See Below

Dear Ms. Stephens:

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.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

082, 102, 103, 104, 105, 106, 107, 109, 110, 111,
112, 113, 114, 115, 116, 117, and 118

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

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: October 11, 2001

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-102, 02-103, & 02-118

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Mark A. Cunningham

Section Chief:

Jeffrey W. Long

AFK/JL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 10.5.01

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

RE: Baltimore County
Item No. 103 JRF

Dear Ms. Jackson:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

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

RE: PETITION FOR SPECIAL HEARING
115 Ridgely Road, NW Cor. York and Ridgely Rds
(Yorkridge Shopping Center)
8th Election District, 4th Councilmanic

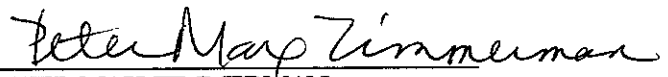
Legal Owner: Cecelia Schwaber, Myra Wagonheim,
Sidney Weiman, Trustees
Petitioner: Timonium Shopping Center, Inc.
Petitioner(s)

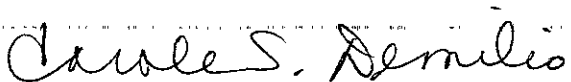
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-103-SPH

* * * * *

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. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.


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 31st day of October, 2001 a copy of the foregoing Entry of Appearance was mailed to J. Carroll Holzer, Esq., Holzer and Lee, 508 Fairmount Avenue, Towson, MD 21286, attorney for Petitioner(s).


PETER MAX ZIMMERMAN

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
FACSIMILE 410-296-2801

ELLIS LEVIN (1893-1960)

October 18, 2001

VIA TELEFAX & REGULAR MAIL

Arnold Jablon, Director
Baltimore County Department of Permits
and Development Management
111 West Chesapeake Avenue, Suite 109
Towson, Maryland 21204

RE: Yorkridge Shopping Center
Case Nos. 02-102-SPH/02-103-SPH
Request for Postponement and Consolidation

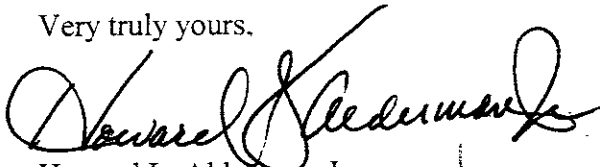
Dear Mr. Jablon:

We have the pleasure of representing the owners of the above-referenced property. We have just learned that an adjoining property owner, Timonium Shopping Center, Inc. and Paul Robinson have filed, pursuant to BCZR §507.1, two petitions for Special Hearing on our clients' property. Those hearings are apparently scheduled for Wednesday, November 7, 2001 at 9:00 a.m. in Room 407 of the County Courts Building.

On Tuesday, October 23, 2001, at 2:00 p.m. I am scheduled to file zoning petitions for our clients on the same property. The issues raised by Mr. Holzer in the above-referenced Petitions at least appear to be related to the relief contained in the Petitions that I will be filing on behalf of our clients. It appears that the issues revolve around the proposed Home Expo Design Center, DRC approval for which was granted earlier this year.

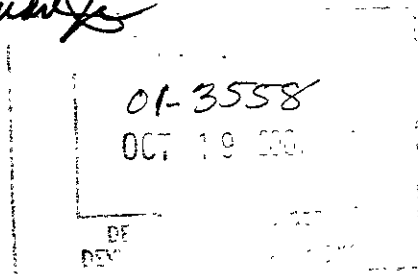
Therefore, this request is made to postpone the November 7th hearing on the Petitions filed by Mr. Holzer and to schedule a consolidated hearing on all Petitions presently filed and to be filed on October 23rd. Should you or your staff require any additional information in support of this request for postponement and consolidation, please call me.

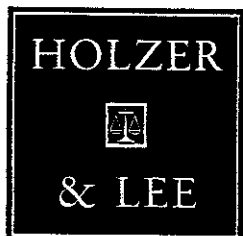
Very truly yours,


Howard L. Alderman, Jr.

HLA/gk

c: Sidney Weiman, Esquire *et al.*
J. Carroll Holzer, Esquire (fax and mail)
Mr. George Zahner





1/16/02
WCH

LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER

1907-1989

THOMAS J. LEE

OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.

TOWSON, MD 21286

(410) 825-6961

FAX: (410) 825-4923

E-MAIL: JCHOLZER@BCPL.NET

January 14, 2002
#7274

Lawrence Schmidt
Zoning Commissioner of Baltimore County
County Courts Building, 4th Floor
401 Bosley Avenue
Towson, MD 21204

Re: Case Nos. 02-102-SPH; 02-103-SPH; and 02-168-SPHA

Dear Mr. Schmidt:

This letter is a follow-up to my January 9, 2002 letter to you in reference to the hearing scheduled for January 10 in Case Nos. 02-102-SPH and 02-103-SPH which you postponed at our request. Coincidentally on that same day, the County Board of Appeals signed an Order of Dismissal of Limited Exemption Request as a result of the letter by Howard Alderman, Jr. withdrawing the request of limited exemption by his client, owners of the Yorkridge Shopping Center in DRC No. 043001M. I have requested PDM through the attached letter and copy of the Board's Order to mark its file that the DRC request has been withdrawn.

As a result of the Yorkridge Shopping Center's withdrawal of their zoning petition in Case No. 02-168-SPHA and their request for a limited exemption in DRC No. 0403001M, my clients respectfully request that our Petitions for Special Hearing in Case Nos. 02-102-SPH and 02-103-SPH also be withdrawn immediately. I appreciate the cooperation and attention of the Zoning Commissioner in bringing this matter to a close.

Very truly yours,

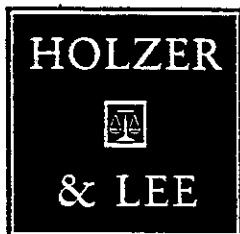
J. Carroll Holzer

Enclosure

JCH:clh

cc: Howard Alderman, Esq.
Arnold Jablon, Esq.
Paul Robinson

02-160



LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER
1907-1989

THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.

TOWSON, MD 21286

(410) 825-6961

FAX: (410) 825-4923

E-MAIL: JCHOLZER@BCPL.NET

January 11, 2002

#7274

HAND DELIVERED

Arnold Jablon, Director
Department of Permits &
Development Management
County Office Building
Towson, MD 21204

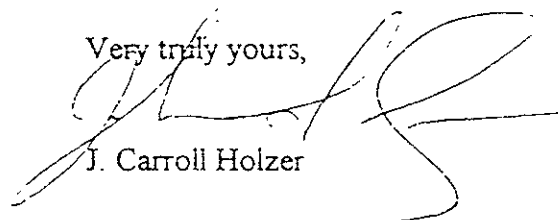
Re: Yorkridge Shopping Center
DRC No. 043001M; CBA No. 01-128

Dear Mr. Jablon:

The above referenced DRC approval was appealed to the County Board of Appeals on June 8, 2001. Howard Alderman, Esquire, representing the property owners, in a letter to the County Board of Appeals attached hereto, withdrew the DRC request on December 13, 2001. On January 9, 2002, the County Board of Appeals signed an Order of Dismissal of Limited Exemption Request in the above referenced matter because the DRC request was withdrawn by the property owners. The Order is attached hereto and incorporated herein.

Please include this letter and the attachments to the DRC file in case No 0403001M which will conclude the matter. I appreciate your attention and cooperation.

Very truly yours,



J. Carroll Holzer

Enclosures

JCH:clh

cc: Mid-Atlantic Trust

HOWARD L. ALDERMAN, JR.
haldeman@LevinGann.com

DIRECT DIAL
410-J21-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
5th Floor
TOWSON, MARYLAND 21204
410-J21-0600
FACSIMILE 410-296-7801

ELLIS LEVIN (1893-1960)

December 13, 2001

Lawrence S. Wescott, Chairman
County Board of Appeals for Baltimore County
400 Washington Avenue, Suite 49
Towson, Maryland 21204

RE: *Yorkridge Shopping Center*
115 North Ridgely Road
DRC No. 043001M, Dist. 8C4
Withdrawal of DRC Requested Action/Approval

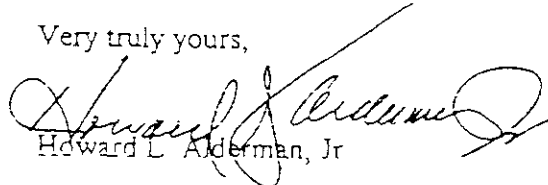
Dear Chairman Wescott:

I have the pleasure of representing the Cecelia Schwaber Trust (dated September 27, 1983), owners of the Yorkridge Shopping Center. On or about April 11, 2001, the Baltimore Land Design Group, Inc. on behalf of the Trust filed a request for approval by the Development Review Committee, of a proposed redevelopment of the center. On May 14, 2001, Arnold Jablon, on behalf of the DRC, issued an approval of the relief requested.

Within the 30 days of that approval, J. Carroll Holzer, Esquire, on behalf of the owners of the adjoining Timonium Mall property, filed a purported appeal of the DRC approval to this Board. That purported appeal is still pending. On behalf of my clients, the DRC request is hereby withdrawn without prejudice. The tenant who was to build and occupy this space and bring an entirely new design concept to the Baltimore Region has withdrawn from its lease due to the delays of appeals and other, unrelated considerations.

As a result of this voluntary withdrawal of the original request, I believe that Mr. Holzer's filing is rendered moot and would request that the Board enter an order in accordance with this request. Should you or any member of the Board desire additional information in this regard, please do not hesitate to contact me.

Very truly yours,


Howard L. Alderman, Jr.

HLA/gk

c Sidney Weiman, Trustee
J. Carroll Holzer, Esquire (via telefax only)



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

January 9, 2002

J. Carroll Holzer, Esquire
HOLZER AND LEE
508 Fairmount Avenue
Towson, MD 21286

RE: *In the Matter of: Yorkridge Shopping Center.*
Limited Exemption Withdrawal /Dismissal
Case No. CBA-01-128 /DRC No. 0403001M

Dear Mr. Holzer:

Enclosed please find a copy of the Order of Dismissal of Limited Exemption Request issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Bianco /rs
Kathleen C. Bianco
Administrator

Enclosure

c: Timonium Shopping Center, Inc
c/o J. Carroll Holzer, Esquire
Howard L. Alderman, Jr., Esquire
Cecelia Schwaber Trust
c/o Howard L. Alderman, Jr., Esquire
Baltimore Land Design Group, Inc
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Arnold Jablon, Director /PDM
Donald T. Rascoe, Project Manager /PDM
Edward J. Gilliss, County Attorney

IN THE MATTER OF
YORKRIDGE SHOPPING CENTER
CECELIA SCHWABER TRUST - OWNERS
115 N RIDGELY ROAD

8TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

RE: APPROVAL OF LIMITED EXEMPTION
DRC NO. 0403001M

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. CBA-01-128
*
*
*
*
*
*

**ORDER OF DISMISSAL OF
LIMITED EXEMPTION REQUEST**

This case comes to the Board on appeal filed by J. Carroll Holzer, Esquire, on behalf of Timonium Shopping Center, Inc., from the May 14, 2001 approval of the subject Limited Exemption by the Director of the Department of Permits and Development Management.

WHEREAS, the Board is in receipt of a letter of withdrawal of the request for a Limited Exemption (DRC No. 0403001M) filed December 14, 2001 by Howard L. Alderman, Jr., Esquire, Counsel for Cecelia Schwaber Trust, owners of the Yorkridge Shopping Center, Applicant /Developer (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Counsel for Applicant /Developer requests that the DRC request for Limited Exemption in the above-referenced matter be withdrawn without prejudice as of December 14, 2001,

IT IS THEREFORE this 9th day of January, 2002, by the County Board of Appeals of Baltimore County

ORDERED that said DRC request for Limited Exemption (DRC No. 0403001M) is **WITHDRAWN AND DISMISSED** without prejudice, and that said Limited Exemption in Case No. CBA-01-128, including any and all relief granted to Applicant /Developer therein, is rendered null and void

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence S. Wescott
Lawrence S. Wescott

G. Lynn Barranger
G. Lynn Barranger

Margaret Worrall
Margaret Worrall

JRF

Intake Planner

9/7/01

Date Assigned

**DROP-OFF PETITIONS
PROCESSING CHECK-OFF**

RECEIVED

9-10-01

☒ **Two Questions Answered on Cover Sheet:**

Any previous reviews in the zoning office?

Any current building or zoning violations on site?

☒ **Petition Form Matches Plat in these areas:**

Address

Zoning

Legal Owner(s)

Contract Purchaser(s)

Request (if listed on plat)

☒ **Petition Form (must be current PDM form) is Complete:**

Request:

Section Numbers

Correct Wording (must relate to the code, especially floodplain and historical standard wording. Variances must include the request in lieu of the required code quantities.

Hardship/Practical Difficulty Reasons

Legal Owner/Contract Purchaser:

Signatures (originals)

Printed/Typed Name and Title (if company)

Attorney (if incorporated)

Signature/Address/Telephone Number of Attorney

☒ **Correct Number of Petition Forms, Descriptions and Plats**

☒ **200 Scale Zoning Map**

☒ **Check: Amount Correct? Signed?**

☒ **ZAC Plat Information:**

Location (by Carl)

NW/Cor. York Rd and
Ridgely Rd.

Zoning: BL-CG 1 ML-1M Acreage: None

Election District 4 Councilmanic District 4

Previous Hearing Listed With Decision

Case # 5064-XA

Check to See if the Subject Site or Request is:

CBCA

Floodplain

Elderly

Historical

Pawn Shop

Helicopter

*If Yes, Print Special Handling Category Here

*If No, Print No

NO

64-177-A

66-226-A

63-117-X

02-103-SP4

Item Number Assigned

9-11-01

Date Accepted for Filing

* Coorse

9/7/01

Petition Wording - 115 Ridgely Rd.

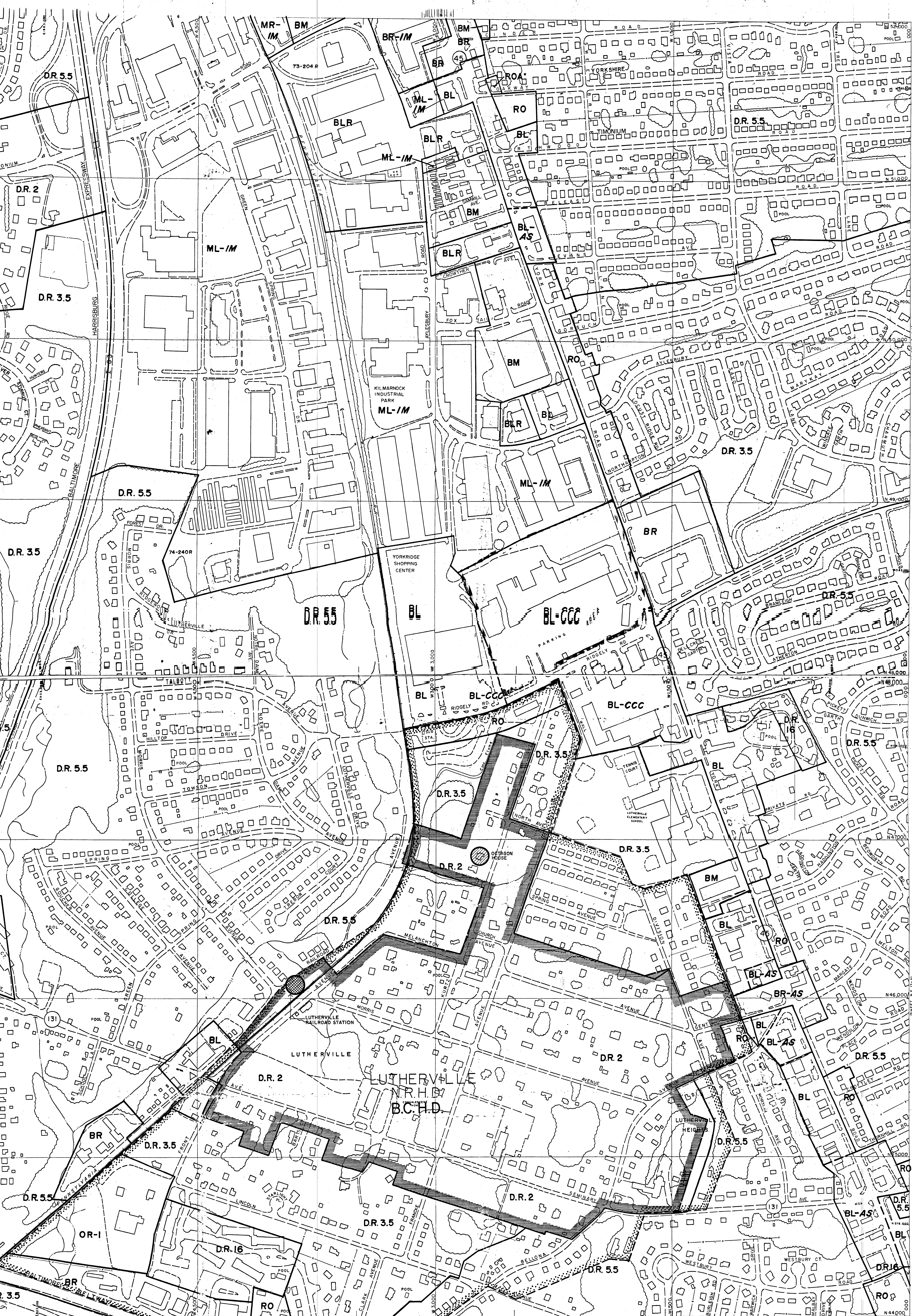
Yonkers Shopping Ctr.

Petition

- ① SPH to determine that the parking calculations approved are not in compliance with the BCZR

- ~~*~~ ② SPH to determine that the parking calculations are incorrect and the use is retail only and the BCZR does not permit a separation of uses within the same building

Carl



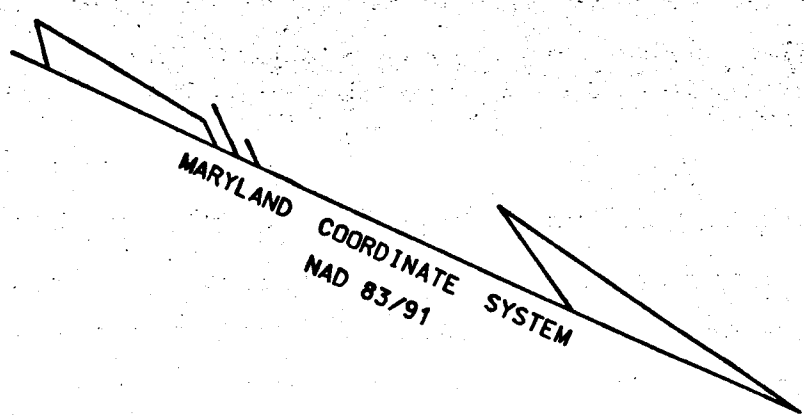
2000 COMPREHENSIVE ZONING MAP
ADOPTED BY THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00.
James R. Brown
Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200' ±	LUTHERVILLE	N.W. 12-A
DATE PHOTOGRAPHY JANUARY 1986		

NW 12

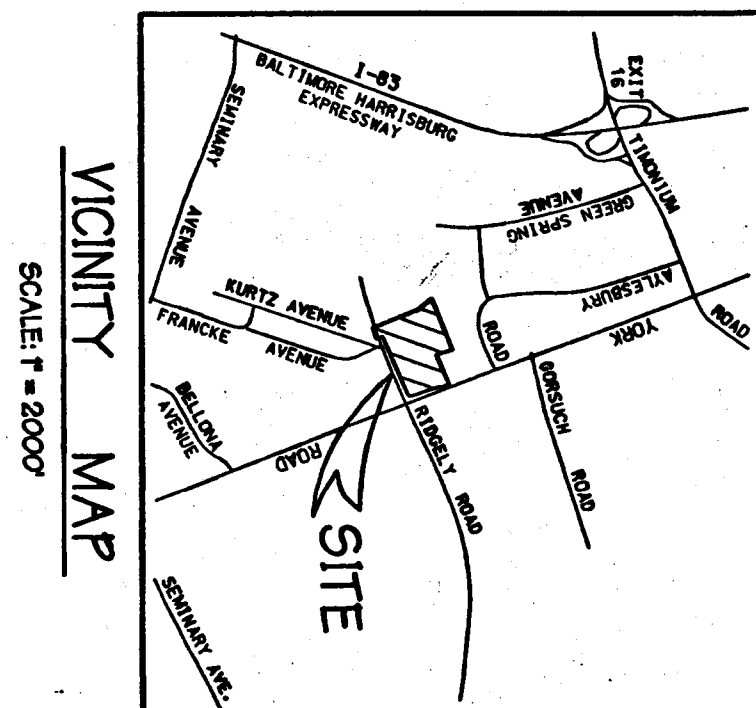
NW 12 A



S K F INDUSTRIES
W.J.R. 3902/1

ZONING HISTORY FOR FUEL STATIONS:
BECAUSE OF THE INDEPENDENT REQUIREMENTS FOR FUEL SERVICES STATIONS UNDER THE BALTIMORE COUNTY ZONING REGULATIONS, THE EXISTING FUEL SERVICE STATION IS NOT INCLUDED AS BEING WITHIN THE SHOPPING CENTER FOR PURPOSES OF CALCULATING THE NUMBER OF PARKING SPACES REQUIRED OR PROVIDED. THE EXISTING STATION AT THE CORNER OF YORK ROAD AND RIDGELY ROAD WAS APPROVED BY SPECIAL EXCEPTION UNDER CASE #5331 - JAN. IN JULY 1981.

ZONING HISTORY FOR SHOPPING CENTER:
CASE NO. 5004 - 1X
PERMIT FOR A SPECIAL EXCEPTION TO APPROVE LAUNDRY AND DRY CLEANING PLANT ON THE SUBJECT PROPERTY GRANTED IN SEPTEMBER 1980.
CASE NO. 64 - 17 - A
VARIANCE FROM SECTION 419.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT A DOUBLE F-AC ILLUMINATED ADVERTISING STRUCTURE OF 420 SQUARE FEET IN AREA INSTEAD OF ALLOWABLE 300 SQUARE FEET ON THE WEST SIDE OF YORK ROAD GRANTED IN SEPTEMBER 1984.
CASE NO. 66 - 226 - A
VARIANCE FROM SECTION 419.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT A SIGN OF 265 SQUARE FEET INSTEAD OF THE ALLOWED 160 SQUARE FEET DENIED IN APRIL 1986.
CASE NO. 65 - 117 - X
SPECIAL EXCEPTION FOR A MOTION PICTURE THEATRE GRANTED TO USE SUBJECT PROPERTY IN NOVEMBER 1985.



SITE DATA

TOTAL AREA: 1566 AC.

OWNER:
GEORGE SCHWABER, MTRX WAGONEHEIM AND
SIDNEY WEINMAN, TRUSTEES
E.H.K., JR. 6641/703

ZONING: BL-COC and ML-M

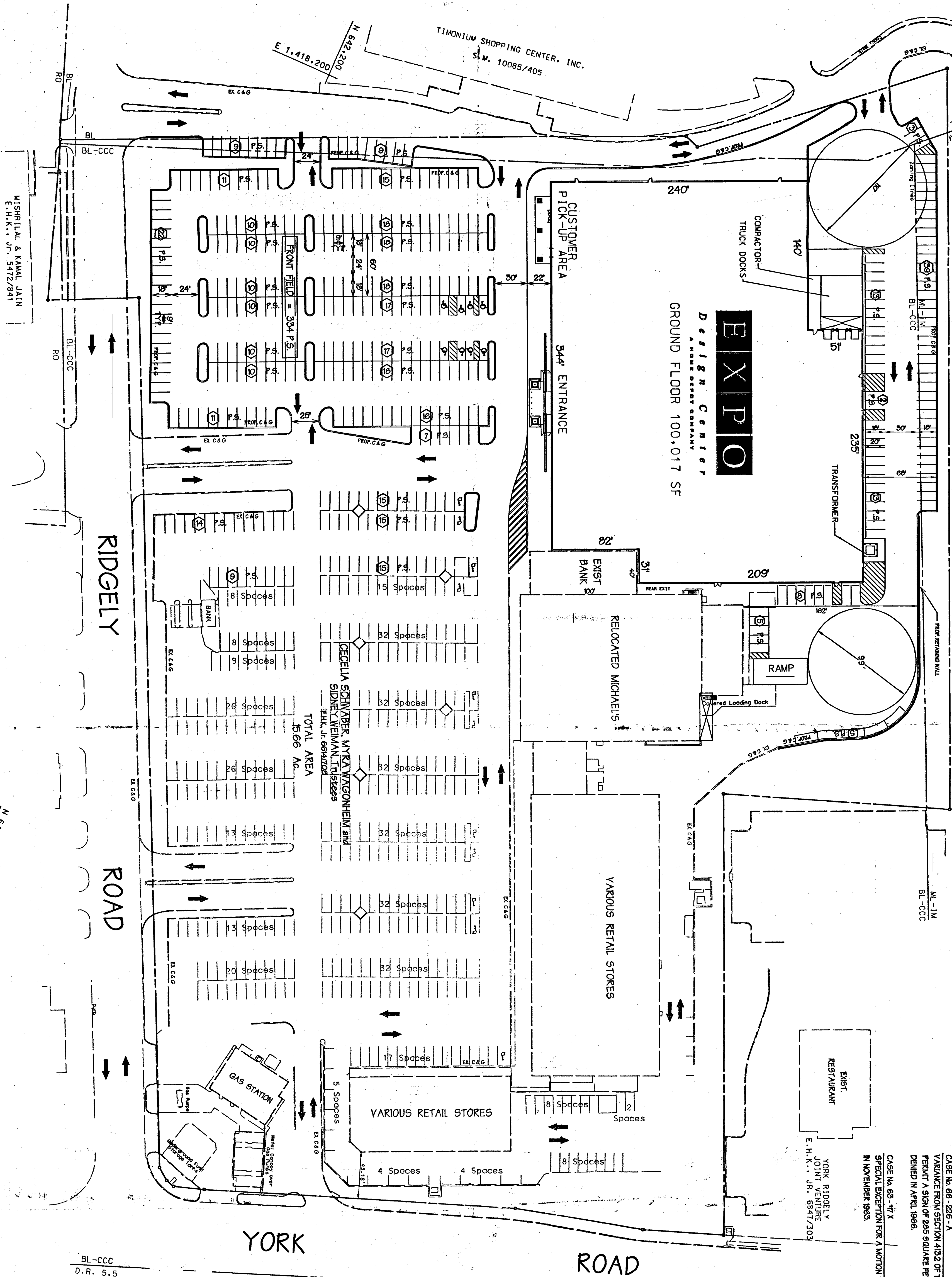
EXISTING USE - SHOPPING CENTER
- EX 2 STORY RETAIL 218 SEATS
- EX VARIOUS RETAIL STORES 103,396 SF.
- EX FUEL SERVICE STATION

PROPOSED USE - SHOPPING CENTER
- EX 2 STORY RETAIL 218 SEATS
- EX FUEL SERVICE STATION
- EX FUEL SERVICE STATION

PARKING SPACES REQUIRED
- EX 24,400 SF. (RETAIL) @ 57.5/1000 SF. = 422 P.S.
- EX 67,607 (FURNITURE STORE) @ 25 P.S./1000 SF. = 16904 P.S.
- EX RETAILS TO REMAIN - 74,526 SF. @ 57.5/1000 SF. = 12925 P.S.

EX FUEL SERVICE STATION IS INCLUDED IN PARKING CALCULATIONS. IT WAS PERMITTED BY THE SPECIAL EXCEPTION CASE NUMBER 55331-X GRANTED 66-161.

TOTAL PARKING SPACES REQUIRED - 704 P.S.
TOTAL PARKING SPACES PROVIDED - 757 P.S.



PLAN
SCALE: 1" = 50'

CONCEPT PLAN
FOR

YORKRIDGE SHOPPING CENTER

BALTIMORE COUNTY, MARYLAND
EIGHTH ELECTION DISTRICT C04
SCALE: 1" = 50'
SHEET 1 OF 1
DATE: APRIL 10, 2001

BLDG
Baltimore Land Design Group Inc.
Consulting Engineers
223 SCHILLING CIRCLE SUITE 105 • HUNT VALLEY, MARYLAND 21086
PHONE: 410.239.9851 • FAX: 410.239.9865
BLDG@VIRISTAR.MAIL.COM