FILING ORDER Date. IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE - S/S Old Court Road,

NW/S Walker Avenue, 310' SW of the c/l

Town Center Place (Centre Court)

(3757 Old Court Road)

3rd Election District

2nd Council District

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 02-437-SPHA

Reister Court, LLC; Reister Court, LP; GFS Realty, Inc.; and Giant of Maryland, LLC - Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Reister Court, LLC, Reister Court, LP, GFS Realty, Inc., and Giant of Maryland, LLC, through their attorney, Robert A. Hoffman, Esquire. The Petitioners request a special hearing to approve an amendment to the previously approved site plan in Case No. 01-243-A to reflect the proposed modifications, and, a variance from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 452 parking spaces in lieu of the required 489 spaces. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing on behalf of the Petitioners were Leonard Weinberg, II, Mickey Cornelius, a traffic engineer, William P. Monk, a land planner, and Robert A. Hoffman, Esquire, attorney for the Petitioners. Also appearing in support of the request were Pierce Macgill and Barbara Pash on behalf of Baltimore County's Office of Economic Development. Appearing as a Protestant in the matter was Alan P. Zukerberg, a nearby property owner.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located adjacent to the southwest corner of the intersection of Old Court Road and Town Center Place, on the north side of Walker Avenue, just east of Reisterstown Road in Pikesville. As the result of the accumulation of 12 abutting lots, the subject property has been consolidated into one parcel containing a gross area of 8.0 acres, more or less, zoned B.L.-C.T. The property is improved with a series of retail and commercial uses, including a Giant Food Store, which has existed on the site for many years. The Petitioners propose a redevelopment of the subject property, which will include the construction of a new 63,746 sq.ft. Giant Food store at the southern end of the property abutting Walker Avenue. Upon completion of the new store, the existing store will be razed. In this regard, it was indicated that the new store will offer a greater variety of products and services. With the exception of the loading area to the rear of the store adjacent to Walker Avenue, all vehicular access to the site will be by way of Town Center Place and Old Court Road. In addition, a new parking field containing 452 parking spaces is proposed between the front of the new store and the other uses proposed for this site. In this regard, there are two pad sites located on the northern end of the property adjacent to Old Court Road. As shown on the plan, 16,708 sq.ft. of retail use and a 3,332 sq.ft. restaurant are proposed for the pad site on Lot 1. The pad site on Lot 2 is proposed for either a bank or other retail use of 3,000 sq.ft.

Variance relief is essentially required because of the Petitioners' desire to locate a standard-sized restaurant within the pad site on Lot 1. Under Section 409 of the B.C.Z.R., retail uses, including a food store, require 5 parking spaces per 1,000 sq.ft.; however, the regulations require a restaurant use provide 16 spaces per 1,000 sq.ft.

Messrs. Weinberg, Monk and Cornelius offered extensive testimony regarding the proposed use. Collectively, their testimony was as to the requirements of Sections 307 and 502.1 of the B.C.Z.R. The witnesses testified that the property is unique, given its unusual shape as a result of the accumulation of many different parcels. Additionally, testimony and evidence was offered that the mix of uses proposed will be compatible with one another as well as with other uses in the neighborhood. It is to be particularly noted that many of these uses will operate at different peak times. For example, Mr. Cornelius observed that the Giant Food Store is most often at its busiest typically on weekend afternoons and early evening weekdays, which is to be contrasted with some of the retail uses and the restaurant proposed. Additionally, both Mr. Monk and Mr. Cornelius noted that the site is served by public transportation (see Petitioner's Exhibits 3

and 4). There are numerous bus stops in the area. This is also a suburban/urban locale, with a significant volume of pedestrian traffic, as evidenced by the sidewalk system proposed for this site. For all of these reasons, the Petitioners urge the approval of the variance requests.

As noted above, Mr. Zukerberg, who lives across Walker Avenue in a nearby residential community, participated in the hearing and is opposed to the request. Mr. Zukerberg fears the impact of the proposed use upon his community. Quite candidly, I do not share his concern. The subject property is a significant distance away from the residential community and unlike other cases where there are legitimate fears that parking will spill into a neighborhood, the subject site is located within a commercial area. That is, it cannot be envisioned that motorists will park in Mr. Zukerberg's community while visiting this site. He also expressed concerns about additional traffic in the area. To a certain extent, additional traffic will be generated by the redevelopment of this site, whether the parking variance is granted or not. Moreover, given the property's location near major arterial roads in the area (Reisterstown Road), I do not believe that motorists will invade Mr. Zukerburg's residential neighborhood. In sum, he offered no legitimate reason for opposing the request.

Based upon the testimony and evidence offered, particularly that by Messrs. Monk and Cornelius, I am persuaded that the Petitioners have met their burden. I find that the property is unique and meets the requirements of Section 307 of the B.C.Z.R., and the criteria for practical difficulty, as stated in Cromwell v. Ward. More importantly, from a practical standpoint, the redevelopment of this site appears to be an enhancement to the general area. In this regard, the proposal is endorsed by Baltimore County's Office of Economic Development and the Pikesville Chamber of Commerce. Both entities recognize that the subject property is located within a commercial core of Pikesville and that the proposal is consistent with revitalization efforts in the area. Moreover, there were no adverse Zoning Advisory Committee (ZAC) comments submitted by any Baltimore County reviewing agency. For all of these reasons, I find that the Petitions for Special Hearing and Variance should be granted.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this ______ day of June, 2002 that the Petition for Special Hearing to approve an amendment to the previously approved site plan in Case No. 01-243-A to reflect the proposed modifications, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

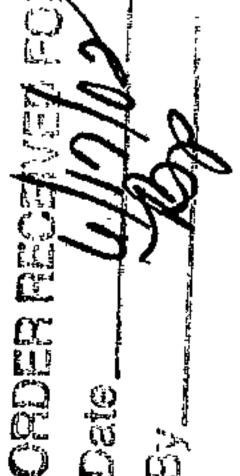
IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 452 parking spaces in lieu of the required 489 spaces, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

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.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs



IN THE MATTER OF
THE APPLICATION OF
REISTER COURT, LLC; REISTER COURT,
LP; GFS REALTY, INC.; AND GIANT OF
MD, LLC FOR SPECIAL HEARING AND
VARIANCE ON PROPERTY LOCATED ON
S/S OLD COURT RD, N/S WALKER AVE
310' SW OF C/L TOWN CENTER PLACE
(3757 OLD COURT ROAD)
3RD ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT

BEFORE THE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

Case No. 02-437-SPHA

ORDER OF DISMISSAL OF PETITIONS

This case comes to the Board on appeal filed by Alan P. Zukerberg from the June 17, 2002 Order of the Zoning Commissioner in which the subject Petitions were granted with restriction.

WHEREAS, the Board is receipt of a letter of withdrawal of Petitions filed August 27, 2003 and letter of clarification filed August 28, 2003 by David H. Karceski, Esquire, VENABLE, BAETJER AND HOWARD, LLP, Counsel for Reister Court, LLC, et al, Petitioners (copies of which are attached hereto and made a part hereof); and

WHEREAS, said Counsel for Petitioners requests that the Petition for Special Hearing and Petition for Variance filed in the above-referenced matter be withdrawn as of August 27, 2003, for reasons as stated in the attached letter,

IT IS THEREFORE. this Sth. day of Sptember 2003, by the County Board of Appeals of Baltimore County

ORDERED that said Petitions filed in Case No. 02-437-SPHA are WITHDRAWN AND DISMISSED, rendering moot the appeal filed in this matter; and that the Zoning Commissioner's Order of June 17, 2002, including any relief granted therein, is rendered null and void.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence S. Wescott

Charles L. Marks

Melissa Moyer Adams



County Board of Appeals of Baltimore County

To Fale

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

September 8, 2003

Mr. Alan P. Zukerberg 7919 Long Meadow Road Baltimore, MD 21208-3023

RE: In the Matter of: Reister Court LLC; Reister Court LP; GRS Realty, Inc; and Giant of MD, LLC

—Petitioners /Case No. 02-437-SPHA

Dear Mr. Zukerberg:

Enclosed please find a copy of the Order of Dismissal of Petitions issued this date by the County Board of Appeals of Baltimore County in the subject matter in which the subject Petitions have been withdrawn and dismissed.

Very truly yours,

Kathleen C. Bianco Bunco / trs

Administrator

Enclosure

c: Robert A. Hoffman, Esquire
David H. Karceski, Esquire
Reister Court LLC /Roger K. Wright, et al
William P. Monk /Morris & Ritchie
Mickey Cornelius /The Traffic Group
Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Director /PDM



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3757 Old Court Road which is presently zoned BL-CT

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 Variance from Section(s)

Variance pursuant to Section 409.6 of the Baltimore County Zoning Regulations to permit 452 parking spaces in lieu of the required 489 spaces.

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

To be Determined at Hearing

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

I, or we, agree to pay expenses of above Variance, 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.

	•		I/We do solemnly of perjury, that I/we a is the subject of this	declare and affirm, und re the legal owner(s) o s Petition.	er the penalties of fithe property which
Contract Purch	aser/Lessee;	•	Legal Owner(s	1:	
	· ·		See Attach	ed	
Name - Type or Print	· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·	Name - Type or Print	<u> </u>	, •
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Address		- Telephone No.	Name - Type or Print		
City	State	Zıp Code	Signature	<u>i</u>	
Attorney For Pe	etitioner:		6400 Sherr	iff Road (30	1) 341-3440
Robert A. He	offman		Address Landover,	Maryland	Telephone No. 20785
Name - Type or Print Signature			City Representative	State to be Contacted	Zip Ccce
, , -	etjer and Howa	ard, LLP	Robert A. I	Hoffman, Esqu	ire
Company 210 Allegher		10)494-6200	Name 210 Alleghe		(410)494-620
Address Towson,	Maryland	Telephone No. 21204	Address Towson,	Maryland	Telephone No. 21204
City -	State	Zip Code	City	State	Zip Code
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Case No. 🔌	2-437-14	·· · -	ESTIMATED LE	NGTH OF HEARIN	162/2 hrs
		· •	UNAVAILABLE		



ORDER RECE

Date

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Petition for Special Hearing

to the Zoning Commissioner of 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

for the property located at		<u></u>	Court		
which is p	resently	y zone	d BL-C	T	······································

is the subject of this Petition.

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

Special Hearing to amend the previously approved site plan in Case No. 01-243-A.

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.

Contract Pur	chaser/Lessee:		Legal Owner(s)	• <u>•</u>	
			See Attache	· d	
Name - Type or Pri	int	······································	Name - Type or Print		
Signature		•	Signature	<u> </u>	<u> </u>
Address		Telephone No.	Name - Type or Print	<u> </u>	<u></u>
City	State	Zip Code	Signature	<u></u>	<u> </u>
Attorney For	Petitioner:		6400 Sherri	ff Road (30	1) 341-3440
7			Address		Telephone No.
Robert A.			Landover,	Maryland	20785
Name - Type or Pri	pt //	•	City	State	Zip Code
- 4/U/ //	4///		Representative	to be Contacted:	
Signature			•		
	Baetjer and Howa	ird, LLP	Robert A. Hoffman, Esquire		
Company	h / 4 7	01.404-6300	Name		
Address	heny Avenue (41	0)494-6200	210 Alleghe	ny Avenue (4	10) 494-6200 Telephone No.
Towson,	Marreland	Telephone No.	Address		•
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9	•		<u>O</u> F	FICE USE ONLY	
E		Δ.	ESTIMATED LEN	IGTH OF HEARING	See Var
ase No.	02-437-5PH			OR HEARING	
REU 9/15/98	•	Res	viewed By	21 Date 4-6	8-02

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS



Zoning Description

Beginning at a point located on the northwesterly side of Walker Avenue which is 40 feet wide at the distance of 310 feet southwesterly of the centerline of the nearest improved intersecting street, Town Center Place, which is 50 feet wide. Thence the following courses and distances:

North 34 degrees 10 minutes 26 seconds West, 195.58 feet; South 65 degrees 49 minutes 34 seconds West, 11.42 feet; North 36 degrees 31 minutes 37 seconds West, 264.14 feet; South 46 degrees 48 minutes 53 seconds West, 29.92 feet; North 42 degrees 21 minutes 01 seconds West, 147.42 feet; North 46 degrees 53 minutes 24 seconds East, 63.87 feet; North 45 degrees 01 minutes 47 seconds West, 182.41 feet; North 73 degrees 21 minutes 35 seconds East, 106.87 feet; North 16 degrees 40 minutes 12 seconds West, 125.00 feet; North 69 degrees 47 minutes 45 seconds East, 10.76 feet; North 78 degrees 11 minutes 00 seconds East, 409.72 feet; South 53 degrees 38 minutes 32 seconds East, 13.34 feet; South 05 degrees 05 minutes 28 seconds East, 86.49 feet; Southeasterly by a tangential curve to the left having a radius of 425.00 feet, an arc length of 98.95 feet, the chord of said arc bearing South 11 degrees 45 minutes 40 seconds East, 98.73 feet; South 48 degrees 49 minutes 47 seconds East, 1.45 feet; South 03 degrees 49 minutes 33 seconds East, 2.84 feet; Southeasterly by a non-tangential curve to the left having a radius of 425.00 feet, an arc length of 61.88 feet, the chord of said arc bearing South 23 degrees 08 minutes 26 seconds East, 61.83 feet; Southeasterly by a reverse curve to the right having a radius of 375.00 feet, an arc length of 140.16 feet, the chord of said arc bearing South 16 degrees 36 minutes 17 seconds East, 139.34 feet; South 05 degrees 53 minutes 51 seconds East, 72.60 feet; Southeasterly by a tangential curve to the left having a radius of 350.00 feet, an arc length of 194.51 feet, the chord of said arc bearing South 21 degrees 49 minutes 07 seconds East, 192.02 feet; South 37 degrees 44 minutes 23 seconds East, 64.22 feet; South 17 degrees 26 minutes 29 seconds West, 19.09 feet; South 55 degrees 46 minutes 39 seconds West, 47.36 feet; South 34 degrees 39 minutes 24 seconds East, 5.00 feet; South 56 degrees 13 minutes 10 seconds West, 221.82 feet to the place of beginning as recorded and being a combination of the following deeds: (1) Liber S.M. 14865, folio 229; (2) Liber S.M. 14865, folio 225; (3) Liber S.M. 14865, folio 221; (4) Liber S.M. 14787, folio 339; (5) Liber S.M. 14787, folio 343; (6) Liber S.M. 14806, folio 295; (7) Liber S.M. 14865, folio 217; (8) Liber S.M. 8560, folio 760; (9) Liber S.M. 14740, folio 381; (10) Liber S.M. 14702, folio 169; (11) Liber S.M. 14823, folio 580; (12) Liber S.M. 14744, folio 703; (13) Liber S.M. 14897, folio 133; (14) Liber E.H.K. Jr. 5851, folio 067; (15) Liber S.M. 14897, folio 133; (16) Liber S.M. 14925, folio 517; (17) Liber S.M. 14897, folio 133; (18) Liber E.H.K. Jr. 6697, folio 431; (19) Liber O.T.G. 5101, folio 218; (20) Liber E.H.K. Jr. 6760, folio 517.

Containing an area of 7.226 acres of land, more or less. Also being known as #6, #8, #10, #12, #14, #16, and #18 Walker Avenue; #6, #7, #9, #10, #10-1/2, #11, #12, #13, #14, #15 (Old) Old Court Road; #3757 Old Court Road and being located in the Third Election District.

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BALTIMORE COUNTY, MARYLA OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 1425	PAID REC	
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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: #02-437-SPHA
3757 Old Court Road
NE/corner Walker Avenue &
Foley Avenue
3rd Election District
2nd Councilmanic District
Legal Owner(s): Roger K.
Wright
Special Hearing: to amend
the previously approved site
plan in Case No. 01-243-A.
Variance: to permit 452
parking spaces in lieu of the
required 489 spaces.
Hearing: Thursday, June 8;
2002 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/of Hearing, Contact the Zoning Review Office at (410)-887-3891 and 9 to more entropy 5/312 May 23 if (5404072)

CERTIFICATE OF PUBLICATION

5/23,2002
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on $5/23/,2002$
The Jeffersonian
<u> </u>
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

CERTIFICATE OF POSTING

R	B: Case No.: 02 - 437 - SPHA
	Petitioner/Developer: ROGER /s
	WRIGHT
	Date of Hearing/Closing: 6/6/02
ient	

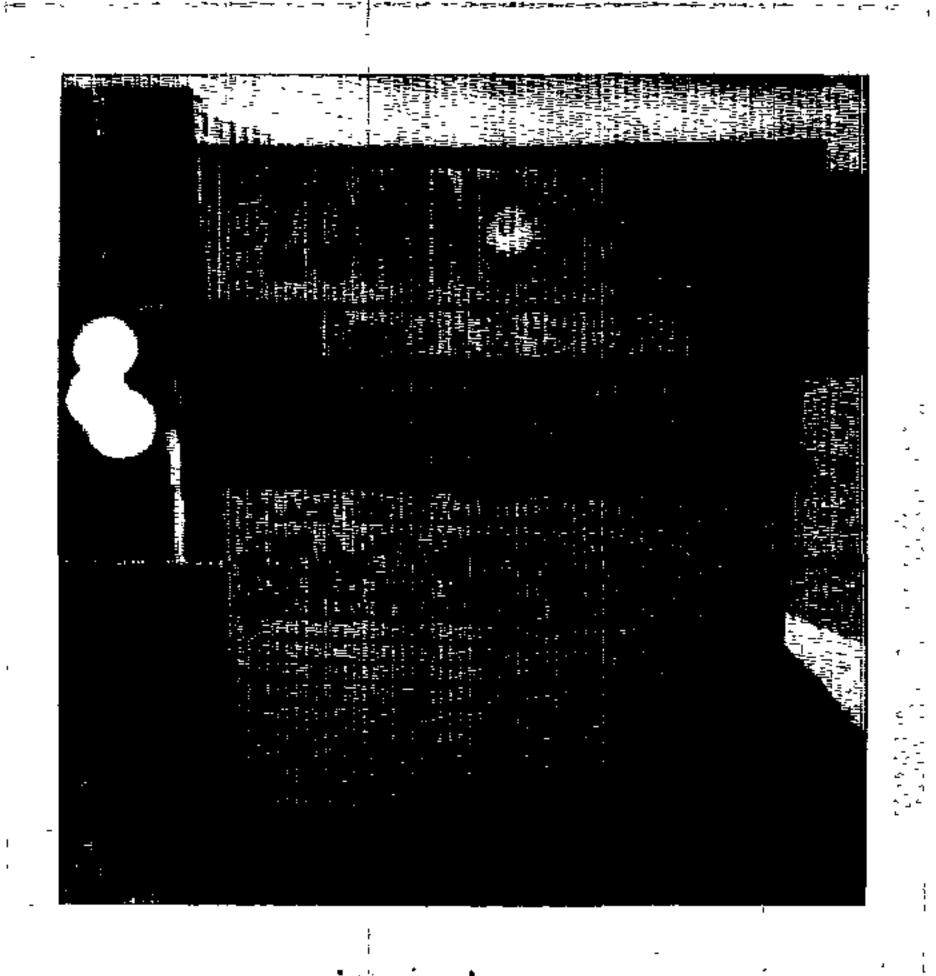
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

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 propert	ty located at 3757 OLD COURT
	20
The sign(s) were posted on	5/21/02 (Month. Day, Year)
	(Month, Day, Year)

Sincerely



(Signature of Sign Poster and Date)

SSC NOMERT ELACK

(Printed Name)

1506 Lealie Rd

(Address)

Dundalk, Maxyland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

RECEIVED

MAY 2 4 2002

DEAFT OF LITTERIES LEEK

APPEALSION POSTING REGIFST

ROGER K. WRIGHT - LEGAL OWNER CASENO:: 02-437-SPFIA

3757 Old Court Road

3rd ELECTION DISTRICT

APPEALED: 7/3/02

ATTACHMENT (Plan to accompany Petition - Petitioner's Exhibit No. 1)

APPEAL SIGN POSTING REQUEST

ROGER K. WRIGHT – LEGAL OWNER CASE NO.: 02-437-SPHA

3757 Old Court Road

3rd ELECTION DISTRICT	APPEALED: 7/3/02
ATTACHMENT - (Plan to accompany Petition - Petitione	r's Exhibit No. 1)
******COMPLETE AND RETURN BELOW	INFORMATION****
CERTIFICATE OF POS	STING
TO: Baltimore County Board of Appeals 400 Washington Avenue, Room 49 Towson, Maryland 21204	
Attention: Kathleen Bianco Administrator	1
RE: Case No.: 02-437-5PHA	
Petitioner/Developer:	
Roger K. Wri	glit
This is to certify that the necessary appeal sign was posted located at:	
The sign was posted on $\frac{7}{23}$, 2002
By: Grung Jeens	···
(Signature of Sign Poster)	
GARY FREUND	- -

(Printed Name)





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

May 8, 2002

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: 02-437-SPHA
3757 Old Court Road
NE/corner Walker Avenue & Foley Avenue
3rd Election District – 2nd Councilmanic District
Legal Owner: Roger K Wright

Special Hearing to amend the previously approved site plan in Case No. 01-243-A. Variance to permit 452 parking spaces in lieu of the required 489 spaces.

HEARING: Thursday, June 6, 2002 at 11:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon ゅうこ Director

C: Robert A Hoffman Esquire, Venable Baetjer & Howard, 210 Allegheny Avenue.
Towson 21204
Amy Dontell, Venable Baetjer & Howard, 210 Allegheny Avenue, Towson 21204
GFS Realty Inc., Roger K Wright, VP, 6400 Sherriff Road, Landover 20785

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MAY 22, 2002.

- (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.



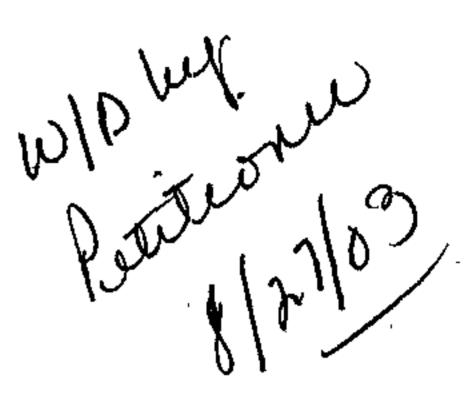
County Board of Appeals of Baltimore County

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

FAX: 410-887-3182

Hearing Room – Room 48 Old Courthouse, 400 Washington Avenue

May 23, 2003



SECOND NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 02-437-SPHA

IN THE MATTER OF: Reister Court, LLC; Reister Court LP; GFS Realty, Inc.; and Giant of Md, LLC; Roger K. Wright - Legal Owner 3757 Old Court Road

3rd Election District; 2nd Councilmanic District

6/17/02-Z.C.'s Order in which Petition for Special Hearing and Petition for Vàriance were GRANTED.

which was reassigned to be heard on 6/25/03 has been POSTPONED at the request of Appellant /Protestant due to schedule conflict (out of town on reassigned date); and has been

REASSIGNED FOR:

THURSDAY, AUGUST 28, 2003 at 10:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the

advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full

compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

> Kathleen C. Bianco Administrator

c:

Appellant /Protestant

: Alan P. Zukerberg

Counsel for Petitioners

: Robert A. Hoffman, Esquire

Petitioners

: Reister Court LLC /Roger K. Wright, et al

William P. Monk /Morris & Ritchie Mickey Cornelius /The Traffic Group

Office of People's Counsel Pat Keller, Planning Director Lawrence E. Schmidt, Zoning Commissioner Arnold Jablon, Director /PDM



County Board of Appeals of Baltimore County

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

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

February 11, 2003

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 02-437-SPHA

IN THE MATTER OF: Reister Court, LLC; Reister Court LP; GFS Realty, Inc.; and Giant of Md, LLC; Roger K. Wright – Legal Owner 3757 Old Court Road

3rd Election District; 2rd Councilmanic District

6/17/02-Z.C.'s Order in which Petition for Special Hearing and Petition for Variance were GRANTED.

which was assigned to be heard on 2/11/03 has been **POSTPONED** by the Board of Appeals upon telephone notice to the parties; and has been

REASSIGNED FOR:

WEDNESDAY, JUNE 25, 2003 at 10:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco Administrator

c:

Appellant /Protestant

: Alan P. Zukerberg

Counsel for Petitioners

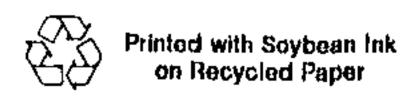
: Robert A. Hoffman, Esquire

Petitioners

: Reister Court LLC /Roger K. Wright, et al

William P. Monk / Morris & Ritchie Mickey Cornelius / The Traffic Group

Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM





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

May 31, 2002

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

Dear Mr. Hoffman:

RE: Case Number: 02-437-SPHA, 3757 Old Court Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 8, 2002.

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,

Une Chubber

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:

Enclosures

Roger K. Wright, Vice President, 6400 Sherriff Road, Landover, MI) 20785 C: People's Counsel



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

April 18,2002

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

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF April 8, 2002

Item No.: See Below

Dear Mr. Zahner:

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

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

426-435, (437-439

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File

COUNTY REVIEW GROUP MEETING{PRIVATE }



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams Administrator

4.18.02 Date:

Mr. George Zahner Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore County

Item No. 437

225

Dear. Mr. Zahner:

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,

Y. J. Green.

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

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAINPROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley pass TUT

DATE:

May 10, 2002

Zoning Reclass/Redistricting Petitions

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

CASES 454-457

Zoning Advisory Committee Meeting of April 22, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

424, 428, 429, 431, 433, 434, 435, (37,)438, 439, 440, 442

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: May 21, 2002

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor PWB/DAK Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for April 22, 2002

Item Nos. 424, 427, 428, 429, 430, 431, 433, 434, 435, 436, 437) 438, 439, 440, 441 and 442

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

RWB:CEN:cab

cc: File

BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County Interoffice Correspondence

DATE:

November 12, 2003

TO:

Timothy Kotroco, Director

Permits & Development Management

Attn.: David Duvall

FROM:

Theresa R. Shelton Hull Board of Appeals

SUBJECT:

CLOSED APPEAL CASE FILES

The following case(s) have been finalized and the Board of Appeals is closing the copy of the appeal case file(s) and returning the file(s) and exhibits (if applicable) attached herewith.

BOARD OF APPEALS CASE NUMBER	PDM FILE NUMBER	NAME	LOCATION
03-458-SPHA	03-458-SPHA	ROBERT BLAKE BP AMOCO	7730 WISE AVENUE
03-387-A	03-387-A	THOMAS J MURPHY, III	BRIAR POINT ROAD
02-437-SPHA	02-437-SPHA	REISTER COURT, LLC	3757 OLD COURT ROAD
03-179-SPH	03-179-SPH	GEORGE KOSMAKOS MARYLAND TOWING & RECOVERY	NO ADDRESS NO LOCATION
02-105-A	02-105-A	MARK E. GREEN	8 GREENSPRING VALLEY ROAL

SUBJECT FILE(S) / EXHIBIT(S) ATTACHED Attachment:



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: April 24, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

MR 3 0 3 11

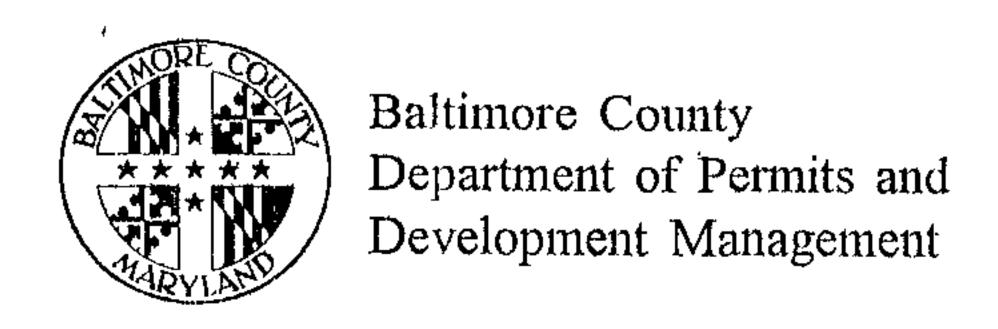
SUBJECT: Zoning Advisory Petition(s): Case(s) 02-437

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:

Section Chief:

AFK/LL:MAC



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

Fax: 410-887-5708

July 11, 2002

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

Dear Mr. Hoffman:

RE: Case No. 02-437-SPHA, 3757 Old Court Road

Please be advised that an appeal of the above-referenced case was filed in this office on July 3, 2002 by Alan P Zukerberg. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Arnold Jablon らりこ Director

AJ: gdz

c: Reister Court LLC, Reister Court Limited Partnership, GFS Realty Inc, Giant of MD LLC, 6400 Sherriff Road, Landover 20785
Mr. Leonard Weinberg II, 1408 Bare Hills Road, Baltimore 21209
Mr. Mickey Cornelius, Traffic Group, 9900 Franklin Sq Dr, Ste H, Baltimore 21236
Mr. William P Monk, Morris & Ritchie, 110 West Road Ste 245, Towson 21204
Office of Economic Development; Pierce Macgill &Barbara Pash
People's Counsel

Ch. Mar. C. St. Mar.

APPEAL

02 JUL 11 PM 1:50

Petition For Special Hearing & Variance 3757 Old Court Road S/S Old Court Road, N/S Walker Avenue, 310' SW of the centerline Town Center Place 3rd Election District – 2nd Councilmanic District Reister Court, LLC; Reister Court, LP; GFS Realty, Inc; and Giant of MD, LLC, Roger K Wright- Legal Owner Case No.:02-437-SPHA

- V Petition for Special Hearing & Variance (dated 04/08/02) ✓ Zoning Description of Property Notice of Zoning Hearing (dated 05/08/02) VCertification of Publication (The Jeffersonian issue dated 05/23/02) ✓ Certificate of Posting (dated 05/21/02posted SSG Robert Black) Entry of Appearance by People's Counsel (dated 05/02/02) Petitioner(s) Sign-In Sheet (None) Protestant(s) Sign-In Sheet (1 sheet) ✓ Citizen(s) Sign-In Sheet (1 sheet) V Zoning Advisory Committee Comments Petitioners' Exhibits: ✓ 1. Plan To Accompany Parking Variance And Special Hearing Application (dated 01/28/02) 2. Letter to Mr. Lawrence E. Schmidt, Zoning Commissioner for Baltimore County from Sherrie Becker, Executive Director dated 06/03/02 ✓3. MTA Systems Maps, MTA Maryland √4. Map Existing Bus Stops Protestants' Exhibits: (None)
- ✓ Miscellaneous (Not Marked as Exhibits): (None) ✓ Zoning Commissioner's Order (dated 06/17/02 – GRANTED with/restriction)

Notice of Appeal received on 07/03/02 from Alan P Zukerberg

Robert A Hoffman Esquire, Venable Baetjer & Howard, 210 Allegheny Avenue C: Towson 21204 Reister Court LLC, Roger K Wright, 6400 Sherriff Road, Landover 20785 People's Counsel of Baltimore County, MS #2010 Lawrence Schmidt, Zoning Commissioner Arnold Jablon, Director of PDM Alan P. Zukerberg

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

Reister Court LLC Landover MD 20785 Landover MD 20785

6400 Sherriff Road

andover MD 20785

GFS Realty Inc 6400 Sherriff Road

Reister Court Limited Partnersh Giant of Maryland LLC Landover, MD 20785

Mr. Mickey Cornelius The Traffic Group 9900 Franklin Square Drive, Rolling and A

7919 Long Meadow Road

Baltimore, MD 21208-3023

Mr. William P. Monk Morris & Ritchie 110 West Road, Ste 245 Towson, MD 21204

Case No. 02-437-SPHA

SPH – To approve amendment to previously approved site plan in 01-243-A to reflect proposed modifications; VAR – to permit 452 parking spaces ilo req'd 489 spaces.

6/17/02 – Z.C.'s Order in which requested relief was GRANTED.

9/18/02 -Notice of Assignment sent to following; assigned for hearing on Tuesday, February 11, 2003 at 10:00 a.m.:

Alan P. Zukerberg
Robert A. Hoffman, Esquire
Reister Court LLC /Roger K. Wright, et al
William P. Monk /Morris & Ritchie
Mickey Cornelius /The Traffic Group
Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM

2/07/03 – T/C to parties in this matter; due to circumstances within the Board (death of M. Worrall's father; L. Wescott in hospital; and C. Marks out of town), for comment regarding possibility of postponing this matter; no objection from either the Appellant (A. Zukerberg) or Counsel for Petitioners (R. Hoffman); matter to be postponed and reassigned. Possible that this matter will settle prior to next assigned hearing date.

2/11/03 - Notice of PP and Reassignment sent to parties; case reassigned to Wednesday, June 25, 2003 at 10:00 a.m.

5/15/03 – FAX from Alan Zukerberg – he will be out of town on assigned date of 6/25/03; requests postponement (originally postponed from February 2003 hearing date as indicated above). FAX to R. Hoffman; awaiting comment.

5/23/03 - Second Notice of PP and Reassignment sent to parties; case postponed and reassigned to Thursday, August 28, 2003 at 10:00 a.m.

8/27/03 – Letter of withdrawal of Petition filed by David H. Karceski, Esquire, Venable, on behalf of Petitioners; variance relief is no longer necessary as the result of the passage of Council Bill No. 3-03. Therefore, variance request is withdrawn.

--- T/C to D. Karceski to confirm withdrawal of both Petitions – he will provide clarification letter to indicate withdrawal and dismissal of both Petitions filed in this matter.

--- T/C to Mr. Zukerberg advising him that the Petitions were withdrawn and the Board would be issuing an Order of Dismissal of Petition; the matter had been pulled from the 8/28/03 docket; and he need not appear on Thursday, 8/28/03.

-- Order of Dismissal of Petitions to be issued.

8/28/03 – Letter of clarification filed by D. Karceski; both Petitions are withdrawn; Order of Dismissal will be issued upon signature by three Board members.



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



OFFICES IN

MARYLAND WASHINGTON, D.C. VIRGINIA

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

dhkarceski@venable.com



August 28, 2003

HAND-DELIVERED

Timothy M. Kotroco, Director Department of Permits and Development Management County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

Mrs. Kathleen C. Bianco
Legal Administrator
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re:

Petition for Variance

Property: 3757 Old Court Road Case No. 02-437-SPHA

Dear Mr. Kotroco and Mrs. Bianco:

Pursuant to our conversation, please be advised that my letter, dated August 27, 2003, was intended to apply to the Petition for Variance as well as the Petition for Special Hearing.

Very truly yours,

David H. Karceski

DHK/bl

cc:

Mr. Leonard Weinberg, II Robert A. Hoffman, Esquire Peter M. Zimmerman, Esquire

Mr. Alan P. Zukerberg

TO1DOCS1/DHK01/#167844 v1

RECEIVED

AUG 29 2003

DEPT OF PERMITS AND DEVELOPMENT WARRESMENT VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue Post Office Box 5517 Towson, Maryland 21285-5517

(410) 494-6200, Fax (410) 821-0147 www.venable.com



Booky - 9/3/03

OFFICES IN

MARYLAND WASHINGTON, D.C. VIRGINIA

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

dhkarceski@venable.com

August 27, 2003

HAND-DELIVERED

Timothy M. Kotroco, Director Department of Permits and Development Management County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

Mrs. Kathleen C. Bianco
Legal Administrator
County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Petition for Variance

Property: 3757 Old Court Road

Case No. 02-437-SPHA

Dear Mr. Kotroco and Mrs. Bianco:

I am writing on behalf of the Appellees in Case No. 02-437-SPHA. County Council Bill No. 3-03 has mooted the need for the variance filed for the above-referenced property, and, thus, we are respectfully withdrawing the Petition for Variance.

Very truly yours,

David H. Karceski

DHK/bl Enclosure

cc: Mr. Leonard Weinberg, II

Robert A. Hoffman, Esquire Peter M. Zimmerman, Esquire

Mr. Alan P. Zukerberg

TO1DOCS1/DHK01/#167609 v1

(ECEIVED

AUG 28 2003 03-3152

DEVELOPMENT MARKETERENT

TorGZ

Alan P. Zukerberg

7919 Long Meadow Road Baltimore, Maryland 21208-3023

> 410.484.5047 Fax 410.484.9762

apzuk@msn.com

July 1, 2002

Arnold Jablon, Director
Department of Permits and Development
Management
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Petitions for Special Hearing and variance, S/S Old Court Rd, N/S Walker Avenue, 310' SW of the c/l Town Center Place (3757 Old Court Rd), 3rd Election District-2nd Council District Reister Court, LLC; Reister Court, LP; GFS Realty, Inc.; And Giant of MD.,LLC Petitioners, Case No. 02-437-SPHA

Dear Mr. Jablon:

Please enter my appeal to the County Board of Appeals from the Findings of Fact and Conclusions of Law of the Baltimore County Zoning Commissioner dated June 17, 2002 in the above-entitled case.

Enclosed is my check in the amount of \$385.00 for the filing fee. Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Alan P. Zukerberg

ery truly yours,

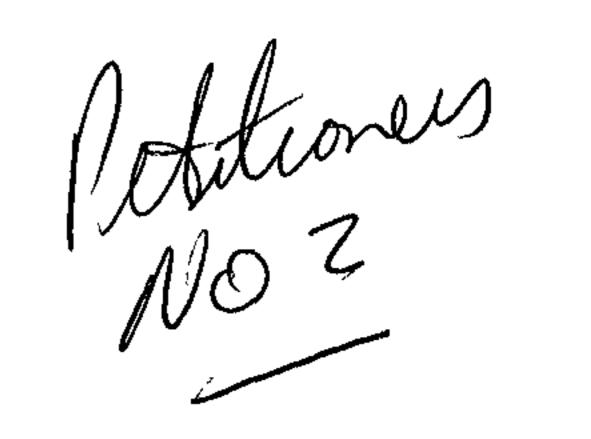
cc: Peter Max Zimmerman, People's Counsel,

David Glickman, President, Long Meadow Association

JUL 3 2002

DEPT OF PERMITS AND DEVELOPMENT MANAGEMENT





June 3, 2002

Mr. Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
County Courts Building
401 Bosley Avenue, 4th Floor
Towson, Maryland 21204

RE: Petition for Variance and Special Hearing Zoning Case No. 02-437-SPHA Centre Court - 3757 Old Court Road

Dear Mr. Schmidt:

I am writing to you on behalf of the Pikesville Chamber of Commerce to express support for the grant of the requested parking variance and special hearing relief for the Centre Court project. The relief would allow the center to accommodate a standard restaurant that has a greater parking requirement than other retail uses. In supporting this, the Chamber is acting consistently with prior approvals that have supported the economic impact of additional restaurants in Pikesville.

The Chamber of Commerce believes that the grant of zoning relief and the subsequent addition of a standard restaurant to the shopping center mix would be a benefit to the center and the Pikesville Community.

Sincerely,

Sherrie Becker Executive Director

Alan P. Zukerberg

7919 Long Meadow Road Baltimore, Maryland 21208-3023

> 410.484.5047 Fax 410.484.9762

apzuk@msn.com

May 14, 2003

County Board of Appeals of Baltimore County Old Courthouse, Room 49 400 Washington Ave.
Towson, Md 21204

Re: Case # 02-437-SPHA, IN THE MATTER OF Reister Court, LLC; Reister Court LP; GFS Realty, Inc. and Giant of Md, LLC Roger K. Wright-Legal Owner 3757 Old Court Rd, 3rd Election District, 3nd Councilmanic District 6/17/02-Z.C.'s Order in which Petition for Special Hearing and Petition for Variance were GRANTED

Dear Members of the Board:

Please postpone the above-captioned matter and reset to an earlier date or at your discretion, a later date. I would like to move this matter along. I am to be out of the State on the date currently set.

The hearing was originally scheduled to be heard on February 11, 2003 but was postponed due to a family tragedy of one of the Board members. I have no objection to a date being set earlier than the June 25th date.

Thank you for your kind consideration.

Alan P. Zukerberg

Vertitruly yours,

RECEIVED MAY 16 2003

BALTIMORE COUNTY BOARD OF APPEALS



County Board of Appeals of Baltimore County

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

Hearing Room - Room 48

Old Courthouse, 400 Washington Avenue

September 18, 2002

NOTICE OF ASSIGNMENT

CASE #: 02-437-SPHA

IN THE MATTER OF: Reister Court, LLC; Reister Court LP; GFS Realty, Inc.; and Giant of Md, LLC; Roger K. Wright – Legal Owner

3757 Old Court Road

3rd Election District; 2nd Councilmanic District

6/17X02-Z.C.'s Order in which Petition for Special Hearing and Petition for Variance were GRANTED.

ASSIGNED FOR:

TUESDAY, FEBRUARY 11, 2003 at 10:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the

advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County

Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests

must be in writing and in compliance with Rule 2(b) of the Board's Rules. No

postponements will be granted within 15 days of scheduled hearing date unless in full

compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco Administrator

c:

Appellant /Protestant

: Alan P. Zukerberg

Counsel for Petitioners

: Robert A. Hoffman, Esquire

Petitioners

: Reister Court LLC /Roger K. Whight, et al

William P. Monk / Morris & Ritchie Mickey Cornelius / The Traffic Group

Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM



Printed with Soybean Ink on Recycled Paper

Holu

Baltimore County Government Department of Economic Development



400 Washington Avenue Towson, MD 21204

(410) 887-8000 Fax (410) 887-8017

MAY 3 O Shu

MEMORANDUM

To: Zoning Commissioner

Zoning Commissioner's Office

From: Andrea Van Arsdale

Commercial Revitalization Director

Date: May 24, 2002

Re: Variance – Giant (Case Number: 02-437-SPHA)

The Department of Economic Development supports the requested variance and petition for a special hearing submitted by Giant Food, Inc. Giant Food is requesting a zoning variance in connection with the construction of a new grocery store, retail center and freestanding restaurant. Specifically, Giant is requesting a variance to permit 452 parking spaces in lieu of the required 489 spaces and a petition to permit the site plan approved in Case Number 01-243-A to be amended to reflect such a parking variance.

The subject property is located in the Pikesville Commercial Revitalization District. This project would further the County's goal of revitalizing older commercial areas. This development entails a major investment by Giant in the Pikesville Revitalization District. The variance is requested in order for Giant to construct a freestanding restaurant in lieu of traditional retail. The project would achieve two primary goals of the Commercial Revitalization Program in Pikesville: improving the appearance of the area and attracting restaurant uses. Also, with the addition of a restaurant, a retail center and a larger Giant grocery store, new income and property tax revenue would be generated for the County. Furthermore, the development would create accessible employment opportunities for local residents. The Department of Economic Development has been assisting Giant as this project has developed and encourages the approval of the requested parking variance and petition for a special hearing.

Thank you for your time and attention to this matter. If you have any questions, please contact me at extension 2055.

cc: Mr. Leonard Weinberg, II

Mr. Peirce Macgill, Commercial Revitalization Specialist

Signature Page

Legal Owners:

Reister Court LLC Parcels 805, 630, 711, 109, 110, 706, 649, 752, 523, 516, 621, 729, 513, 359, 733, 453

By Roger K. Wright, Manager/Vice-President

Reister Court Limited Partnership

By: GFS Realty, Inc., general partner

Parcels 678, 858

By

Roger (K) Wright, Manager/Vice-President

GFS Realty, Inc.

Parcel 732

By:(

Roger K. Wright, Vice-President

Giant of Maryland LLC

Parcel 31

By:

Roger K. Wright, Manager/Vice-President

#437

TO1DOCS1/ald99/#129478 v1

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND Legislative Session 2003, Legislative Day No. 1

Bill No. <u>3-03</u>

Mr. Kevin Kamenetz, Chairman

By the County Council, January 6, 2003

A BILL ENTITLED

AN ACT concerning

Zoning Regulations - Parking

FOR the purpose of amending the Baltimore County Zoning Regulations in order to revise the parking requirement for certain restaurants in the Pikesville Commercial Revitalization

District certain commercial revitalization districts.

BY repealing and re-enacting, with amendments

Section 409.6.A.2, "fast food and standard restaurants" Baltimore County Zoning Regulations, as amended

- SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
- COUNTY, MARYLAND, that Section 409.6.A.2, "fast food and standard restaurants", of the
- Baltimore County Zoning Regulations, as amended, be and is hereby repealed and re-enacted, with
- amendments, to read as follows:

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter stricken from existing law. Strike out indicates matter stricken from bill.

Underlining indicates amendments to bill.

1	409.6 Required number of parking spaces.	
2	2. Commercial and service uses.	
3	Fast food and standard	16 per 1,000 square feet of gross floor area with
4	restaurants - GENERAL RULE	at least 10 spaces required in all cases, except that 5
5	!	SPACES PER 1,000 SQUARE FEET OF GROSS
6		FLOOR-AREA ARE REQUIRED FOR A
7	; ;	STANDARD RESTAURANT WITH A MINIMUM
8		INTERIOR AND EXTERIOR FACADE
9		INVESTMENT OF \$100,000 IN THE PIKESVILLE
10	•	COMMERCIAL REVITALIZATION DISTRICT;
11	ı	AND no parking spaces are required for restaurants in
12		the C.T. District of Towson or for buildings
13		contributing to the historic character of an area, if such
14		buildings have been designated n the National Registe
15		of Historic Places and are located within a C.T. or
16	!	B.LC.C.C. District and if such buildings will be
17		adapted for reuse for a restaurant.
•	•	•
18	STANDARD RESTAURANTS IN	IN THE ARBUTUS, CATONSVILLE AND
19	REVITALIZATION DISTRICTS	PIKESVILLE REVITALIZATION DISTRICTS. 5
20	,	SPACES PER 1,000 SQUARE FEET ARE
21	•	
22		REQUIRED FOR A STANDARD RESTAURANT.
23	i	HOWEVER, A MINIMUM INVESTMENT OF
24		\$100,000 IN INTERIOR AND/OR EXTERIOR
25		IMPROVEMENTS IS REQUIRED. THE
26		IMPROVEMENTS SHALL BE MADE WITHIN SIX
27		MONTHS OF THE FILING OF THE PARKING
28		PLAN AND VERIFIED BY THE DIRECTOR OF
		PERMITS AND DEVELOPMENT MANAGEMENT.

SECTION 2. AND BE IT FURTHER ENACTED, that this Act having been passed by the affirmative vote of five members of the County Council shall take effect February 7, 2003.

b00302.wpd

29

30

Case Number _	<u> </u>
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PLEASE <u>PRINT</u> LEGIBLY

PROTESTANT'S SIGN-IN SHEET

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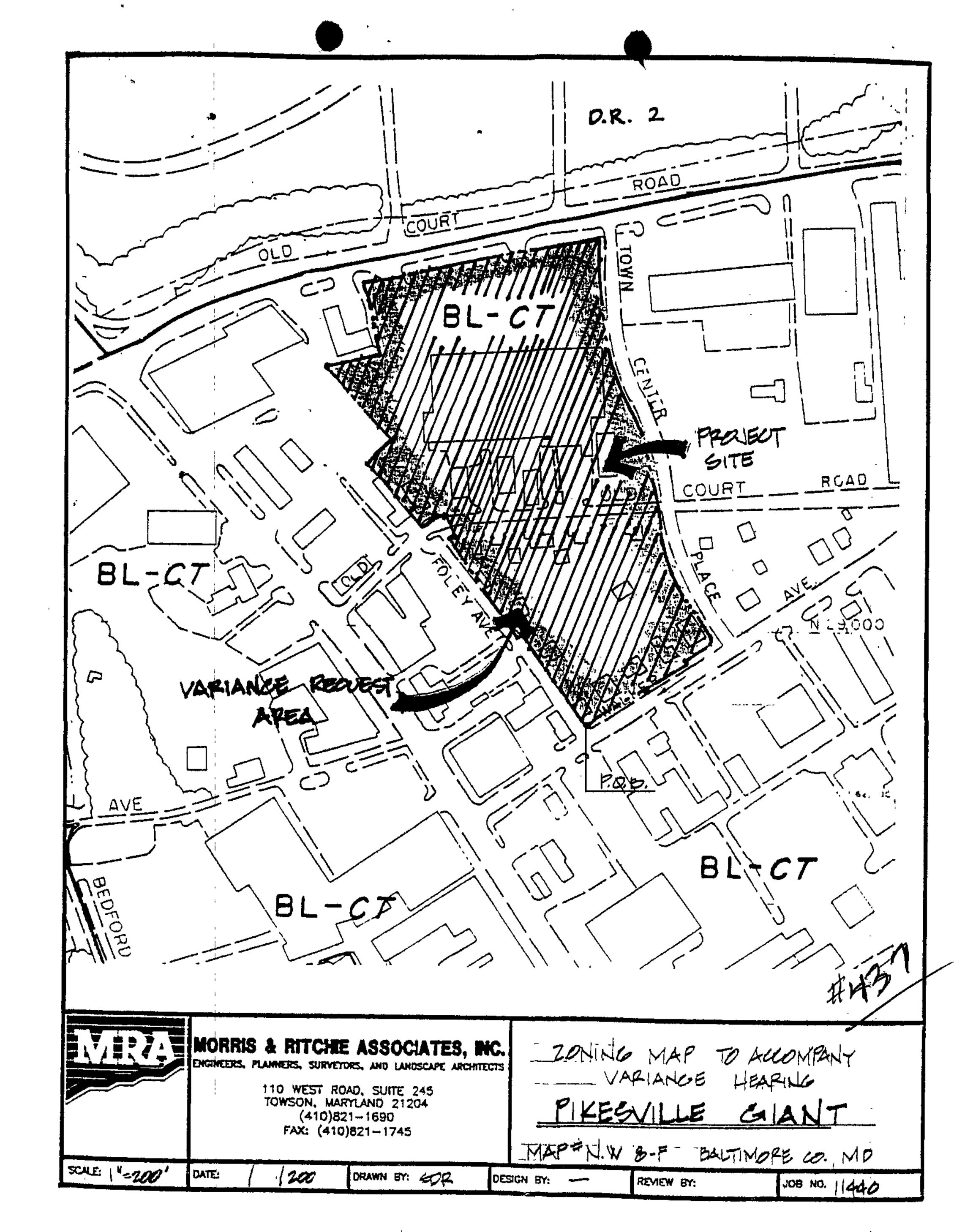
CITIZEN SIGN-IN SHEET

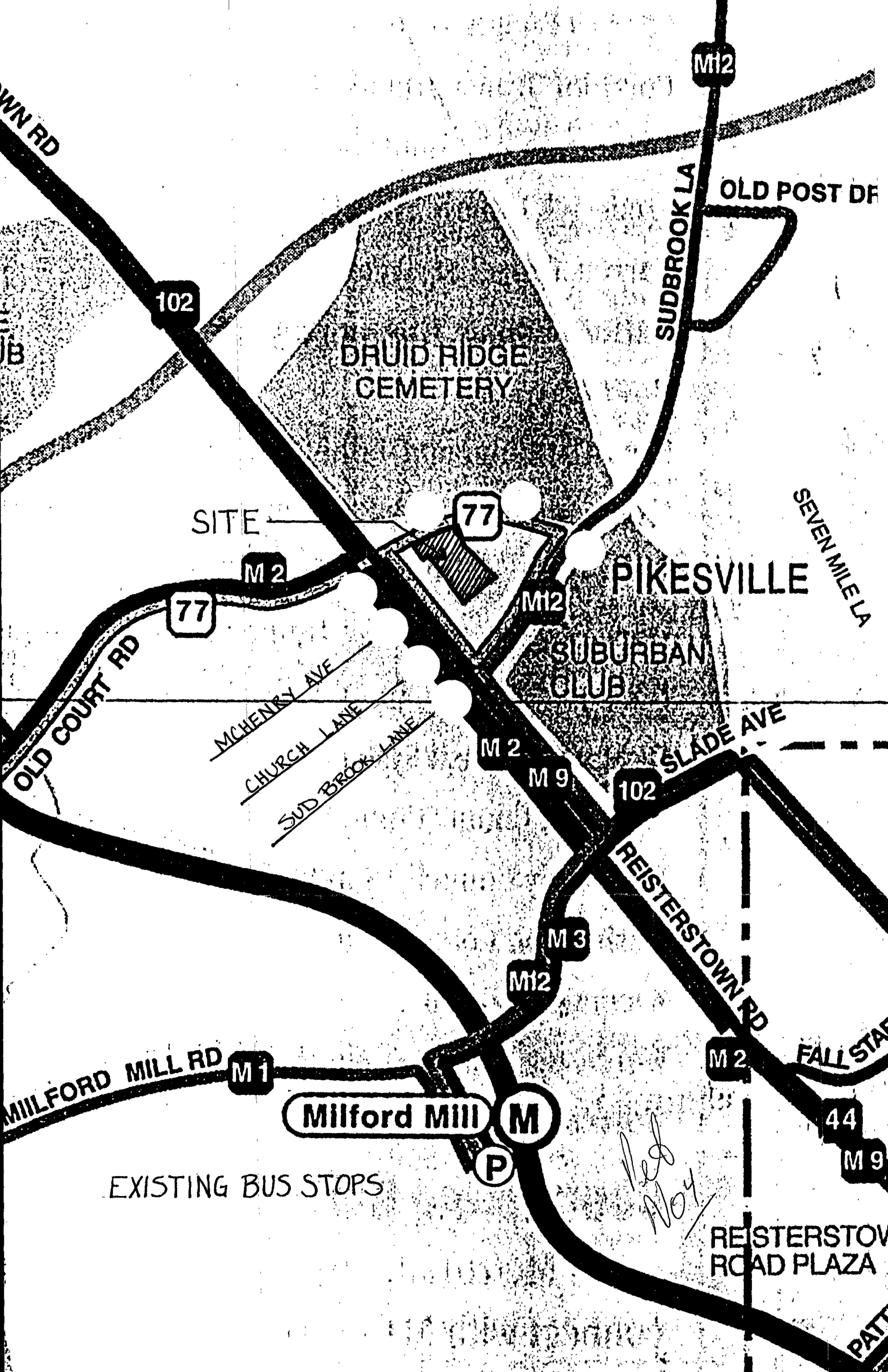
NIAME!	ADDRESS
Rob Hottman	210 Alleghen Avt 21201
MICKEY CORNELIUS	9900 FRANKLIN SR DR. STE. H 21236
Peirce Macgill-G. Emiler.	400 Washington Aver, 2/204
	1408 Bor. 14/11/21-BILA 21209
Leonard Weishory I	1040 PARK Ave 5+ 200 21201
	DANA CTA45 21206
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
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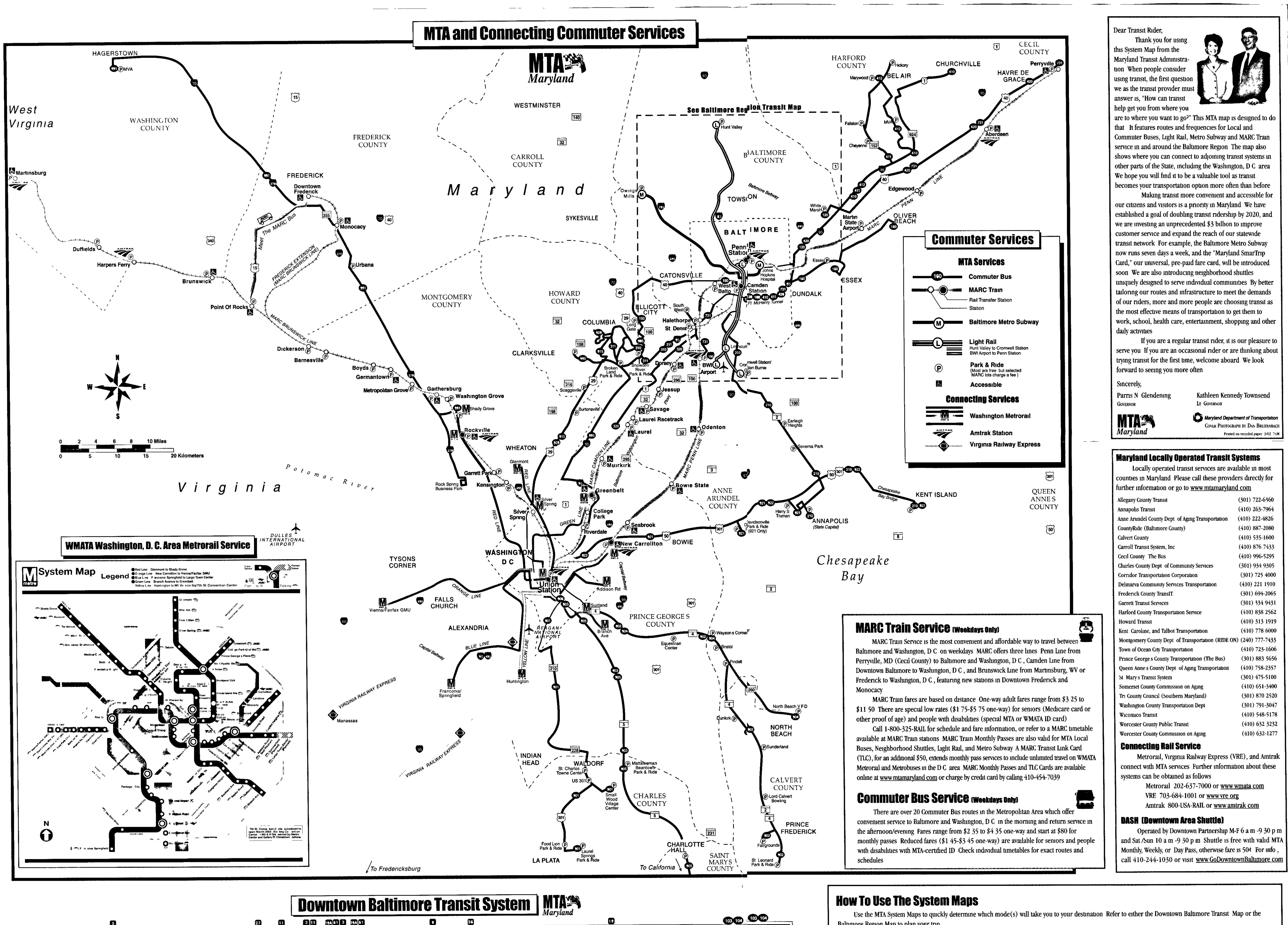
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GREAT BLACKS IN WAX MUSEUM

LAFAYETTE AVĒ

LANVALE ST

LIVER ST

120 160 420 310 411 MONUMENT S

GOUGH ST

MTA Services

_____(35)_____ Local Bus (Selected Service)

35 Local Bus

MARC PENN LINE

GREEN MOUNT CEMETERY

JOHNSON SQUARE

120 420 411 MONUMENTS

FEDERAL ST

LAFAYETTE AVE

OLIVER ST

Baltimore Region Map to plan your trip

If you're riding MTA Bus, locate your starting location on the Downtown or Region Map and follow the color-coded route from your starting point to your destination Refer to the MTA Bus Service Frequency Chart below for approximate service intervals

If you're riding an MTA rail line (Light Rail, Metro Subway, or MARC Train), locate your starting and destination station or stop on the appropriate map Rail lines are color-coded on all maps for easy identification of stops or stations on a particular route

Information contained on these maps is current as of 3/1/02 Schedules and routes are subject to change without notice

Service Frequency Chart

This table is a general guide to the average number of minutes between vehicles traveling mainline sections of each MTA route. Schedule frequencies may vary within each time period, and not all destinations are listed. For specific schedule information, pick up a pocket timetable or call 410-539-5000 or 866-RIDE-MTA

US ROUTE NUMBER & NAME E) Express Service C) Express Service excilable during Peak bours	Noming 8	Affernoon Peak	Mid day	Evening	Saturday	Sunday & Holidays
Express Service available during Peak hours Sinai Hospital/Mondawmin Metro Subway Station Fort McHenry	,		40	34	35	50
US 40 & Rolling Road	-	10	20	35	24	35
Cromwell Bridge Road/Sheppard Pratt Hospital	1	4	15	5	15	40
Turners Station White Marsh	十	40	60	60	60	60
Cedonia Mondawmin Metro Subway Station (e)	-	5	15	16	15	20
Canton Mondawmin Metro Subway Station Mondawmin Metro Subway Station	+-	22	35	50	35	26
Hunt Valley/Lutherville/Towson University of MD Transit Center/Inner Harbor (e	$^{+}$	8	13	22	12	20
Sparrows Point/Inverness/Dundalk State Center Metro Subway Station (e)		13	20	30	20	30
Goucher College/GBMC/Charles & the Beltway		13	20	40	60	45
Riverview (e) Canton/Fells Point Walbrook Junction	+	6	15	20	12	20
Annapolis Patapsco Light Rail Stop/State Center Metro	+	17	36	55	61	85
Perry Hall/White Marsh Mall/Overlea Lorraine/Westview Mall/Security Square Mall (e	<u>, </u>	4	11	21	12	30
Mondawmin Metro Subway Station Curtis Ave & Spruce St	<u>"</u>	30	60	60	60	60
U of MD Transit Ctr /Patapsco Light Rail Stop BWI Airport/Arundel Mills/Parkway Center		34	68	68	68	-
Carney/Goucher & Taylor State Center Metro Subway Station (e	,	13	15	30	16	30
Carney/Cub Hill Downtown	1	Trip	-		-	
Dundalk Community College/Marine Terminal Security Square Mall		10	18	30	14	40
Fells Point Cumberland & Carey	+	15	27	30	40	35
Mondawmin Metro Subway Station Bayview Medical Center/Highlandtown	\dagger	9	25	50	40	50
Middle River/Fox Ridge	e)	7	11	15	11	15
Whispering Woods Franklin Square Hospital	*/	51	75	70	80	80
Reisterstown Plaza Metro Subway Station Cherry Hill & Patapsco Light Rail Stops		20	30	30	34	34
Cherry Hill Light Rail Stop Cherry Hill & Seamon	\dagger	17	17	17	34	-
Halethorpe	e)	13	20	28	50	40
Moravia Rogers Avenue Metro Subway Station		12	35	45	45	90
White Marsh/Rosedale Industrial Park University of Maryland Transit Center		9	30	35	30	80
36 Northern Parkway & York Road University of Maryland Transit Center	(e)	9	24	30	25	30
Rosedale Industrial Park Brighton/Gwynn Oak Park		13	35	40	35	55
Belair Road & Mayfield Avenue Belair-Edison Circulator		20	20	20	20	20
Rogers Avenue Metro Subway Station Patapsco Light Rail Stop/Cherry Hill		14	30	30	45	45
Fox Ridge Towson University		29	39	60	55	_
Lake & Roland Avenues Inner Harbor		20	45	45	•	
20th Street & North Avenue Wagner's Point/Riviera Beach	(e)	12	30	52	40	55
77 Old Court Metro Subway Station UMBC/Patapsco Light Rail Stop		25	45	60	45	45
Goucher Blvd & Taylor Ave Social Security	[E]	2 Trips	-		-	
Sinai Hospital City Hall	(e)	15	20	30	22	45
Rosewood Center (via Owings Mills Metro Static			3 DAIL	Y ROU	IND TR	IIPS

		Approximate Service Frequency (Minute				
		Moming & Afternoon Peak	Mıd day	Evening	Saturday	Sunday &
METRO SUBWAY	CONNECTION BUS F	OUTE N	IUMB	ER &	NAM	П
Milford Mill Metro Mondawmin Metro	Subway Station o Subway Station	9	15	22	15	15
M 2 Old Court Metro S Mondawmin Metr	Subway Station o Subway Station	14	30	33	24	2
M3 Milford Mill Metro Penn-North Metro	Subway Station Subway Station	10	20	22	15	18
Rogers Avenue M Social Security/Se	letro Subway Station ecurity Square Mall	15	30	25	30	3
Rogers Avenue M Randalistown	letro Subway Station	18	30	30	30	3
Reisterstown Plan	za Metro Subway Station	20	45	50	45	4
Rogers Avenue Mount Washingto	letro Subway Station n/Green Spring Station	30	45	70	70	7
Millimetro Millimetro Greenwood/Cave	Subway Station s Road	42	93	-	-	
Business Center T Rowe Price/ R	at Owings Mills ed Run Blvd	30	30		•	
MATA METRO OME						
MIA METRO SUE	WAY AND LIGHT RAI				;	
Metro O Subway	wings Mills to ohns Hopkins Hospital	8	10	22	15	15
••	""	1				

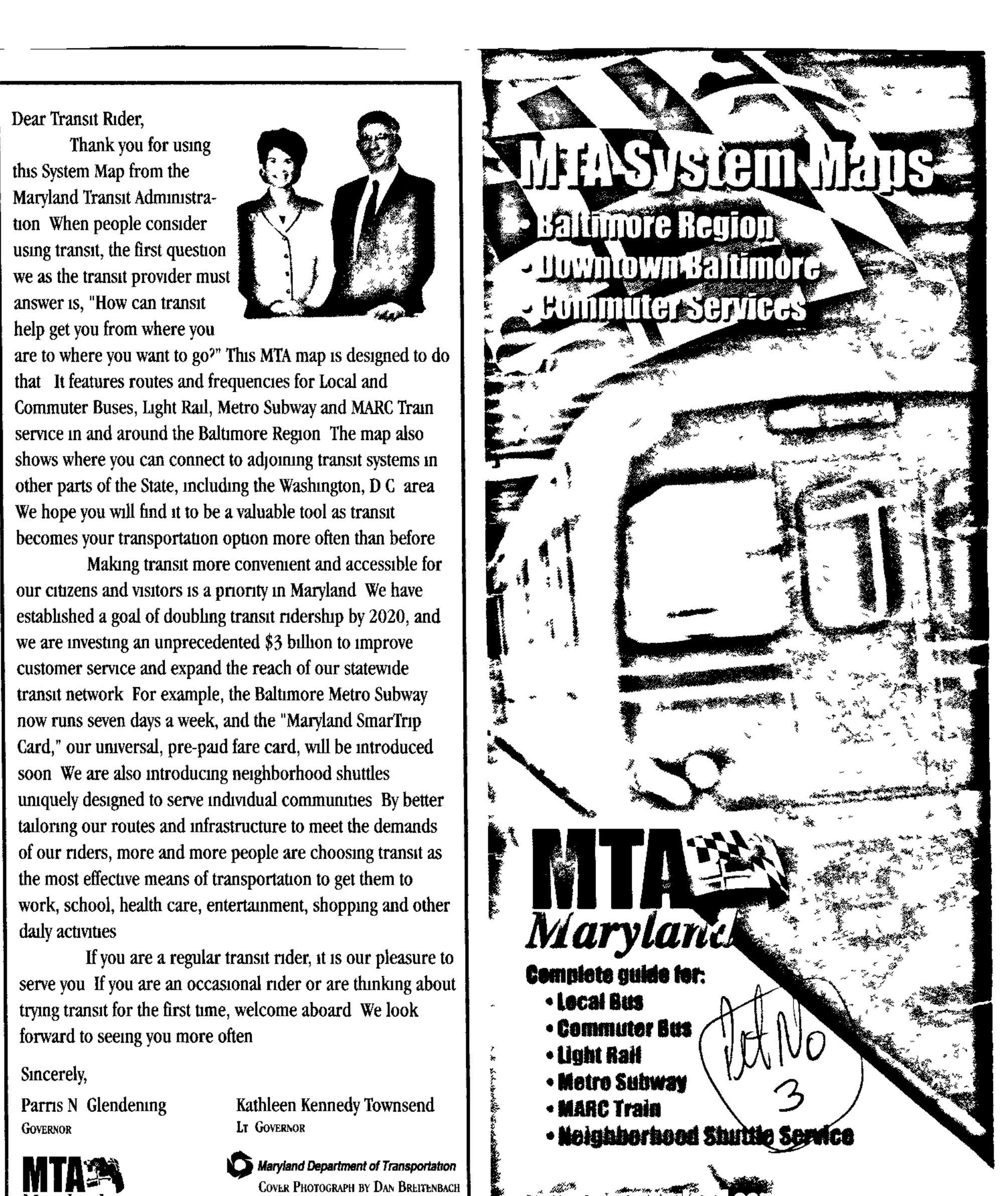
Hunt Valley to Cromwell Station | 17 | 17 | 17 | 17 | 17

17 | 17 | 17 | 17 | 17 |

19 9 9 9 9 9 9 7

		Morning Trips	Afternoon Trips
CO	MMUTER EXPRESS BUS ROUTE NU	MBER & NAMI	E
120	White Marsh Downtown Baltimore/Johns Hopkins Hospital	14 to Baltimore 5 to White Marsh	14 to White Marsh 3 to Baltimore
(50)	Ellicott City Downtown Baltimore	3 to Baltimore 3 to Ellicott City	3 to Ellicott City 4 to Baltimore
©	Essex Park & Ride/Oliver Beach/Fox Ridge Downtown Baltimore/Johns Hopkins Hospital	7 to Baltimore	3 to Oliver Beach 2 to Fox Ridge
a	Kent Island/Annapolis Downtown Baltimore	5 to Baltımore 2 to Annapolis	3 to Annapolis 2 to Kent Island 1 to Baltimore
1	Columbia Downtown Baltimore/Johns Hopkins Hospital	4 to Baltimore 1 to Columbia	3 to Columbia 1 to Baltimore
(1)	Columbia Downtown Baltimore	3 to Baltimore	5 to Columbia
320	Laurel Downtown Baltimore	2 to Baltimore 4 to Laurel	2 to Laurel 3 to Baltimore
θ	Churchville/Bel Air Downtown Baltimore	5 to Baltimore	5 to Churchville
θ	Hickory/Bel Air Downtown Baltimore/Johns Hopkins Hospital	5 to Baltimore	5 to Bel Air
1	Forest Hill/Bel Air Downtown Baltimore	5 to Baltımore	5 to Bel Air
2	Havre de Grace Downtown Baltimore/Johns Hopkins Hospital	5 to Baltimore	5 to Havre de Grace
3	Perryville MARC Station BWI Airport Rail Station (MARC/Amtrak)	1 to BWI	1 to Perryville
3	La Plata/Waldorf Washington D C	25 to Washington	26 to Waldorf 17 to La Plata
932	St Leonard/Prince Frederick Washington D C	11 to Washington	11 to Prince Frederick 7 to St Leonard
1 33	Charlotte Hall/Waldorf Washington D C	6 to Washington	6 to Waldorf/ Charlotte Hall
9	North Beach/Pindell Washington D C	12 to Washington	6 to North Beach 12 to Pindell
905	· · · · · · · · · · · · · · · · · · ·	20 to Washington	18 to Charlotte Hall 8 to California 21 to Waldorf
1	Columbia Silver Spring/Washington D C	9 to Silver Spring/ Washington	10 to Columbia
3	Annapolis New Carrollton	5 to New Carrollton 3 to Annapolis	7 to Annapolis 5 to New Carrollton
@	Kent Island/Annapolis Washington D C	17 to Washington	15 to Annapolis 5 to Kent Island
3	Columbia Silver Spring/Washington D.C. (WEEKDAYS)	12 to Washington 12 to Silver Spring 2 to Columbia	12 to Columbia 2 to Washington
92	Columbia Silver Spring/Washington D C (SATURDAYS)	1 to Silver Spring	1 to Columbia
9	Hagerstown/Frederick Shady Grove/Rock Spring Business Park	8 to Shady Grove 6 to Rock Spring	6 to Frederick 6 to Hagerstown
03	Clarksville/Ellicott City/Columbia Washington D C	12 to Washington	2 to Oakland Mills 7 to Ellicott City 5 to Clarksville

WEEKDAYS ONLY MARC TRAIN SERVICE



General Information

(301) 722-6360

(410) 263-7964

(410) 222-4826

(410) 887-2080

(410) 535-1600

(410) 876 7433

(410) 996-5295

(301) 934 9305

(301) 725 4000

(410) 221 1910

(301) 694-2065

(301) 334 9431

(410) 838 2562

(410) 313 1919

(301) 475-5100

(410) 651-3400

(301) 870 2520

(301) 791-3047

(410) 548-5178

(410) 632 3232

(410) 632-1277

Metrorail 202-637-7000 or www.wmata.com

Amtrak 800-USA-RAIL or www.amtrak.com

VRE 703-684-1001 or <u>www.vre.org</u>

To maintain a pleasant environment for all passengers and to facilitate Bus and Rail cleanliness, smoking, eating, drinking and playing radios without earphones are not permitted on MTA Buses, Light Rail, and Metro Subway

Basic *Seniors/Disabled **Students

Monthly Passes, Ten-Trip Commuter Bus, MARC tickets, and Transit Link Cards are available online at www.mtamaryland.com *Semors(65+)/Disabled require special I D cards Visitors outside the MTA service area must show either a Medicare or disability card <u>and</u> proof of residency (Call 410-767-3441) **Students (K-12) should contact their school. Up to two children under age six may ride free with each full-fare paying adult Services to Annual Events

Each year the MTA provides special Bus and Rail services to the following events Orioles baseball at Camden Yards (April-September), Ravens NFL football at Ravens Stadium (August-December), the Preakness at Pimlico (3rd Saturday in May), Artscape Festival (July), and the Maryland State Fair (11 days ending Labor Day) MTA Bicycle Policy

Bicycles are permitted on MTA Light Rail and Metro Subway except on crowded trains Folding bicycles in cases are allowed on MARC Trains No bicycles are allowed on MTA Buses You must be 18 years of age or accompanied by an adult who is 18 years of age to bring a bicycle on MTA modes No more than two bicycles are permitted per wheelchairaccessible transit vehicle

Specific Schedule Information Please refer to individual route and system timetables

for more detailed schedule information. These are available by calling 410-539-5000, 866-RIDE-MTA, or by visiting www mtamaryland com on the Internet

Ridesharing/Commuter Assistance The MTA Commuter Assistance Office can show you

how to cut your commuting expenses with several different ridesharing options to suit your needs. For more information call (410) 859-POOL or toll-free 800-492-3757

MTA Bus

The MTA operates more than 70 Local, Express*, and Commuter Bus lines throughout Central and Southern Maryland Many Bus lines connect with Light Rail, Metro Subway, and MARC Trains Refer to the Downtown and Regional System Maps for connecting points Or call the MTA Transit Information Line at 410-539-5000 or toll-free

at 866-RIDE-MTA for individual Bus line routes and schedules When riding the Bus, please pay the fare as you board Exact fare is required Touch the yellow strip on the interior of the Bus to alert the operator that you want to get off at the next stop Please exit through the back door

when possible Selected Service" = indicates Bus routes which do not run every trip Some Bus routes (5, 7, 14, 27) run different routings late at night and/or on Sundays Please see timetables for details Most buses are lift-equipped *Express Buses require an extra 35¢ each way

Baltimore Metro Subway Hours of Operation

Monday-Friday 5 a m to midnight Saturday, Sunday and Holidays 6 a m to midnight Old Court Station closes at 10 p m daily

Metro Subway operates every 8 minutes during rush hour, every 10 minutes during the day, and every 15-20 minutes evenings, Saturdays, Sundays and holidays The Metro Subway travels from Owings Mills in western Baltimore County through the heart of Downtown Baltimore

When riding the Metro Subway, please purchase a ticket from a ticket vending machine at the station A \$3 00 Day Pass can be purchased from the station attendant While onboard, listen for your station stop, or refer to the system map in each car All stations 占 accessible

Light Rail

to Johns Hopkins Hospital

Hours of Operation Monday-Friday 6 a m to 11 p m Saturday 7 a m to 11 p m Sunday 11 a m to 7 p m Light Rail operates at 9 to 17-minute intervals

between Hunt Valley in Baltimore County through Downtown Baltimore, past the Orioles and Ravens Camden Yards Sports Complex, to Cromwell Station/Glen Burnie in Anne Arundel County, and to the International Pier (Concourse E) at BWI Airport and Penn Station (Downtown) To get to BWI or Penn Station, a free transfer may be necessary if the trip originates south of Linthicum or north of Mount Royal When riding the Light Rail, please purchase a ticket at

a ticket vending machine before boarding the train Press the button on the outside of the train to gain access. To exit, press the green button next to the door to open

The Patapsco and Warren Road Light Rail stops have been designated overnight parking areas to accommodate travelers to BWI Airport and Penn Station-Baltimore Please safeguard your car by not leaving valuable items visible All stations 🕒 accessible

MTA Important Telephone Numbers Bus, Light Rail, Metro Subway, and

410-539-5000 MARC Train Information 866-RIDE-MTA TTY for people who are hearing 410-539-3497 and/or speech impaired 410-682-5438 Call-A-Lift Bus Information 410-767-8755 College 33 Pass Program 410-333-2354 Comment Line 888-218-2267 Directory Assistance 410-767-3860 Employment Information & Opportunities MARC Train Information 800-325-RAIL (7245) Monthly Pass Sales by Credit Card 410-454-7039 877-271-0117 410-727-3535 Paratransit Service

800-487-9218 410-767-3441 10-859-POOL (7665) 800-492-3757

Water Shuttle Service (Not an MTA Service but free with 120 100 310 311 320 410 411 412 420 731

BALTIMORE VISITORS CENTER

FEDERAL HILL

MONTGOMERY

Hamburg Street (Special Events Only)

HENRIETTA ST

PIER 6 CONCERT PAVILLION

(3A618 (3A61

MT ROYAL AVE

Light Rail to Hunt Valle

BABE RUTH MUSEUM

Light Rail to BWI/Cromwell Statioท์

WASHINGTON BLVD

WASHINGTON VILLAGE ("PIGTOWN")

NORTH AVE

North Avenue (L)

NORTH AVE

University of Balto /Mt Royal

ST ______ Enter \(\frac{\pmathbf{\pmathbf{E}}}{\pmathbf{Cultural Center}} \)

RECREATION MARC Train Rail Transfer Station MARC lots charge a fee) DASH Downtown Area Shuttle
(Not an MTA Service but free with valid MTA Monthly Weekly or Day Pass)

EASTERN AVE

FELLS POINT

LANCASTER ST

ALLICEANNA ST

Johns Hopkins Hospital Hampden Shuttle Bug (Neighborhood Shuttle Service) Mondawmin Metro Shuttle Bug (Neighborhood Shuttle Service)

17 | 17 | 17 |

Semor/Disability Certification Statewide Ridesharing Program

Commuter Choice MD (formerly TransitPlus 2000) 410-767-3522 Transit Store (6 St. Paul St., Baltimore) Website: www mtamaryland com

