IN RE: PETITION FOR SPECIAL HEARING SW/Corner of East Joppa Road and Satyr Hill Road 9th Election District 5th Councilmanic District

(1955 East Joppa Road)

Petitioners

Shopping Center Associates
By: Deborah A. Colson, Legal Owner
and
R. Kevin Small, VP Store Development
Contract Purchaser

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

^k CASE NO. 03-573-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owners of the subject property, Shopping Center Associates and R. Kevin Small, V. P. Store Development, contract purchaser. The Petitioners are requesting a special hearing and variance for property located at 1955 East Joppa Road, which property is split-zoned BL-CCC and BM-AS. The variance request is from Section 409.6(A)2 of the Baltimore County Zoning Regulations (B.C.Z.R.), for parking for general retail use, to permit a total of 1,765 parking spaces in lieu of the required 2,201. A special hearing is also requested to amend a previously approved site plan and parking variances granted in prior Case No. 91-272-SPH.

Applicable Law

Section 500.7 of the B.C.Z.R. Special Hearings

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

There were no ZAC comments on this matter.

Interested Persons

R. Kevin Small and Geoff Glazer appeared for the Petitioners who were represented by Joseph R. Woolman, Esq. There were no Protestants nor interested citizens

Findings of fact and conclusions of law

The Petitioners propose to construct a vestibule addition to the front of the existing super market on the Perring Parkway Shopping Center to accommodate a new operator of the store. The proposal is intended to help disburse customers in such a way that they will use the entire parking field immediately in front of the store rather than the area immediately adjacent to the present entrance. The additional parking variance is required because the vestibule will occupy 854 sq. ft. retail space. Variances for parking had been granted in the past in Case No. 91-272-SPH so that 1,765 spaces now are approved in lieu of the required 2198 spaces. This vestibule

addition will increase the required spaces by 5 to 2203 required. Finally, the site plan approved in Case no. 91-272-SPH needs to be modified to reflect the additional retail space and parking.

I find that special circumstances or conditions exist that are peculiar to this land or structure and that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Furthermore, I find that such variance can be granted in strict harmony with the spirit and intent of the regulations, and in a manner as to grant relief without injury to the public health, safety and general welfare.

In addition, I find that the special hearing request should be granted to allow the Petitioners to modify the site plan to reflect the vestibule addition and parking variances. It is clear that practical difficulty or unreasonable hardship would result if the special hearing were not granted. It has been established that the requirements from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety or general welfare, and meets the spirit and intent of the Baltimore County Zoning Regulations.

Pursuant to the advertisement, posting of the property and public hearing held on the Petition and for the reasons given above, I believe that the special hearing and variance requests should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 12 day of August, 2003, that the variance requested from Section 409.6(A)2 of the B.C.Z.R., for parking for general retail use, to permit a total of 1,765 parking spaces in lieu of the required 2,203, be and is hereby GRANTED,

IT IS FURTHER ORDERED, that the special hearing requested to amend a previously approved site plan and parking variances granted in prior Case No. 91-272-SPH, be and is hereby GRANTED.

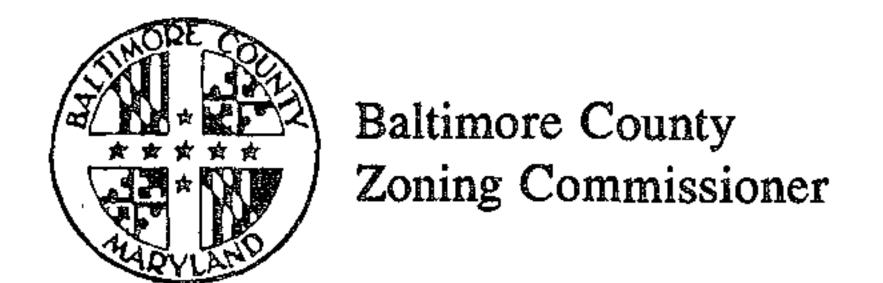
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



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

Fax: 410-887-3468

August 12, 2003

Joseph R. Woolman, III, Esquire Gildea, LLC 301 N. Charles Street, Suite 900 Baltimore, Maryland 21201

Re: Petitions for Special Hearing & Variance

Case No. 03-573-SPHA

Property: 1955 E. Joppa Road

Dear Mr. Woolman:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special hearing and variance have been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

Copies to:

Shopping Center Associates c/o Deborah A. Colson 1626 E. Jefferson Street Rockville, MD 20852-4041

R. Kevin Small 4600 Forbes Boulevard Lanham, MD 20706

Geoff Glazer
33 S. Gay Street
Baltimore, MD 21202



Case No. 03.573 Spu

REV 9/15/98

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at	1955	East	Joppa	Road			
which is presently zoned BL-CCC							

I/We do solemnly declare and affirm, under the penalties of

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By _____ Date _____ Date ______

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

An amendment to the previously approved site plan and parking variances granted in prior case No. 91-272-SPH

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.

	perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchasen/Lessee:	Legal Owner(s):
R.Kevin Small, V.P. Store Development	Shopping Center Associates
Name - Type or Print	Name - Type or Print Ry: 1001 1
Signature Shoppers Food Warehouse Corp.	Signature
1600 Forbes Boulevard (301)306-8677	
Address Telephone No.	Name - Type or Print
Lanham, MD 20706	
City State Zip Code	Signature
Attorney For Petitioner:	1626 East Jefferson Street
	Address Telephone No
Joseph B. Woolman, III	Rockville, MD 20852-4041
Name Type or Print	City State Zip Cod
1100	
Signature	Representative to be Contacted:
Gildea, LLC	Toogah D Woolman TTT
Company	Joesph R. Woolman, III Name
301 N.Charles Street, Suite 900	301 N.Charles Street, Suite 900
Address Telephone No.	Address Telephone No
Baltimore, MD 21201 (410) 234-0070	Baltimore, MD 21201 (410) 234-0070
City State Zip Code	City State Zip Cod
•	OFFICE LICE ONLY
	OFFICE USE ONLY



Betition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1955 East Joppa Road

which is presently zoned BL-CCC

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, leg owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto a made a part hereof, hereby petition for a Variance from Section(s)

409.6(A) Parking for general retail use, to permit a total of 1,765 parking spaces in lieu of the required 2,201.

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

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 zo regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

	I/We do solemnly declare and affirm, under the penalties (perjury, that I/we are the legal owner(s) of the property whis the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
R. Kevin Small V.P. Store Development Name · Type or Print	Shopping Center Associates Name - Type of Print
Signature Shoppers Food Warehouse Corp. 4600 Forbes Boulevard	by: July U. Signature
Address Telephone No.	DEBORAH A. Colson
Lanham, MD 20706 (301)306-8677	Name - Type or Print
State Zip Code	Signature
Attorney For Petitioner:	1626 East Jefferson Street
Joseph R. Woolman, III	Address Rockville, MD 20852-4041
Name - Type operation	City State Zi
Signature	Representative to be Contacted:
Gildea LLC Company	Joseph R. Woolman, III
301 N.Charles Street, Suite 900	Name 301 N.Charles Street, Suite900
Baltimore, MD 21201 (410) 234-0070 City State Telephone No. Telephone No. Tolephone No.	Address Baltimore, MD 21201 (410)234-0
State Zip Code	City State Z
	OFFICE USE ONLY
Case No. 03-573-5p4 A	ESTIMATED LENGTH OF HEARING
REV 9/15/98	UNAVAILABLE FOR HEARING Reviewed By 5/11-7 Date 06:05:03

INSURANCE COMPANY Reliance Group Company

File No.

Policy No.

BEGIRNING FOR THE SAME at the intersection of the Southwest side of Joppe Roam 40 feet wide and the center line of Satyr Mill Road, said point of beginning at the beginning of the aforesaid premises conveyed under deed dated rebruary 25, 1963 and recorded among the Land Records of Baltimore County in Liber WJE 4112, felio 756 by and between Columbia Shopping Center, Inc. and Harold W. Ecott, et al and running thence binding in the center line of Satyr Hill Road and binding also on the first through the sixth lines in said deed the mix following courses and distances, wir: first, South 34 degrees 43 minutes 19 seconds East 103.75 feet, second, South 39 degrees 15 minutes 19 seconds East 100.00 feet, third, South 41 degrees 14 minutes 19 seconds East 143.26 feat, fourth, South 32 degrees 45 minutes 19 seconds East 109,48 feet, fifth, South 25 degrees 14 minutes 19 seconds East 427,72 feet and sixth, South 21 degrees 57 minutes 09 seconds East 50.15 feet, thence binding on part of the seventh line in said deed and running in the bed of the said Satyr Hill Road South 21 degrees 57 minutes 09 seconds East 19.82 feet, thence leaving said Satyr Hill Road and running for lines of division the five following courses and distances, vix: first, south 77 degrees 49 minutes 11 seconds West 434.06 feet, second Worth 12 degrees 10 minutes 49 seconds West 248.75 feet, third, South 77 degraps 49 minutes 11 seconds West 174.50 feet, fourth, South 12 degrees 10 minutes 49 seconds Bast 110.50 feet and fifth, South 77 degraes 49 minutes Il seconds West 315.79 fest to the East right-of-way line of Baltimore County Beltway and to intersect the minetsenth or North 4 degree 38 minute 43 second West 143.77 foot line in the above mentioned peed at a point distant 7.67 feet from beginning thereof, thence binding on the east and northeast side of said Baltimore County Beltway as shown on State Roads Commission of Maryland Right-of-Way Plats #25338 and #25337 and on the remainder of said mineteenth line and all of the twentieth and twenty-first lines is said deed the three following courses and distances, viz: first, North 4 degrees 38 minutes 43 seconds West 136.10 feet, second, along a curve to the left with a radius of 314.00 feet for an arc distance of 256.67 feet, said curve being subtanded by a chord bearing North 16 degrees 03 minutes 31 seconds Wast 249,58 feet and third, North 59 degrees 28 minutes 32 seconds West 28.93 feet, thence binding on the twenty-second line in said deed Borth 16 degrees 42 minutes 19 seconds West 202.19 feet to the east might-ofway line of Perring Parkway, thence binding on the east and southeast right-of-way lines of said Perring Parkway as shown on State Roads Commission of Maryland Right-of-Way Plat #25337 and #25213 and binding on the twenty-third through the twenty-six lines in said deed the four following courses and distances, viz: first, North 30 degrees 31 minutes 28 seconds East 30.35 feet, second, North 24 degrees 35 windtes 13 seconds Bast 251.35 feet, third, North 33 degrees 23 minutes 13 seconds East 200.25 feet and fourth Forth 72 degrees 34 minutes 33 seconds East 116.88 fact to the Southwest right-of-way line of Joppa Road, thence binding on the Southwest Right-of-way line of Joppa Road as shown on said Right-of-

03-573. SPUA

File No.

Policy No.

Way Plat \$25213 and binding on the twenty-seventh and twenty-eighth lines in said deed the two following courses and distances, viz: first, South 67 degrees 00 minutes 37 seconds East 95.00 feet and second, South 83 degrees 13 minutes 50 seconds East 49.53 feet to the Southwest side of Joppa Road 48 feet wide, thence binding on the Southwest side of Joppa Road 40 feet wise and on the twenty-minth line in said deed along a curve to the last with a radius of 7133.00 feet for an ard distance of 227.45 feet, said curve being subtended by a chord bearing South 67 degrees 54 minutes 30 seconds (perviously erroneously described in deed dated February 25, 1963 as 67 degrees 34 minutes 30 seconds) East 227.43 feet to the place of beginning. Containing 17.035 acres of land, more or less.

EXCEPTING thereout and therefrom the premises conveyed by the Trustees for Commonwealth Realty Trust to the State of Maryland by Deed dated April 19, 1978 and recorded June 15, 1978 in Liber PhkJr 5896, folio 913.

ALSO EXCEPTING thereout and therefrom the premises conveyed by Columbia Shopping Center, Inc., et al to Baltimore County, Maryland by Doed dated Exptender 4, 1962 and recorded in Liber 4047, folio 108.

ALSO EXCEPTING thereout and therefrom the premises conveyed by Columbia Shopping Center, Inc., et al, to Baltimore County, Maryland dated September 4, 1962 and recorded in Liber 4047, Tolio 112.

TOGETHER WITS all rights, privileges and benefits in any wise entring to the benefit and use of the above described tract or parcel of land by wirtue of a Declaration of Exsements dated January 15, 1962 and recorded among the Land Records of Saltimore County, Maryland in Liber 1957, folio 505 as amended in Liber 4112, folio 143.

03.573. SP4Q

OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 2552
DATE CG C-C- ACCOUNT K	15 C-C1-C
AMOUNT \$	
RECEIVED FROM: 5 1-5-5-5-5-5-5-5-5-5-5-5-5-5-5-5-5-5-5	**
FOR: COULDAND STEEL	- Harris
1956	27.
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	C3-575-H

BALTIMORE COUNTY, MARYLAND

15JJ-1

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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 <u>Towson, Maryland</u> on the property identified herein as follows:

Case, # 03-573-SPHA

1955 East Joppa Road

S/west corner of East Joppa Road & Satyr Hill Road 9th Election District - 5th Councilmanic District Legal Owner(s): Shopping Center Associates by Deborah Colson Contract Purchaser' R. Kevin Small, Shoppers Food

Warehouse, V.P.

Special Hearing: to permit an amendment to the previously approved site plan and parking variances granted in prior case No. 91-272-SPH.

Variance: to permit parking for general retail use, to permit a total of 1,765 parking spaces in lieu of the required 2,201

Hearing: Tuesday, August 12, 2003 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE & SCHMIDT

Zoning Commissioner for Baltimore County
NOTES. (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Com-

special accommodations Please Contact and English missioner's Office at (410) 887-4386

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

C616357 7/263 July 24

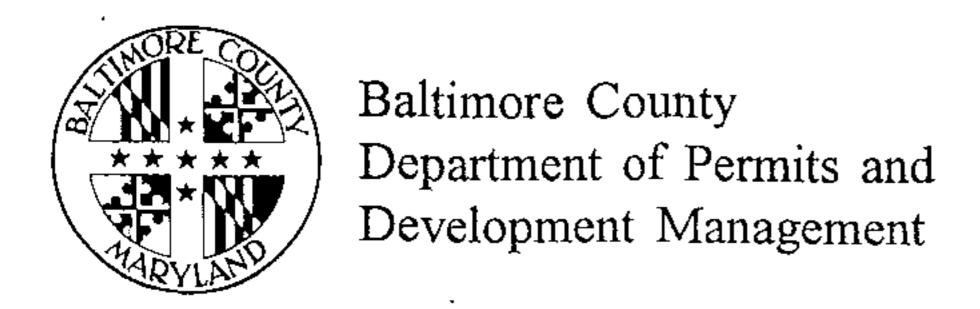
CERTIFICATE OF PUBLICATION

7/24
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing on $\frac{34}{24}$, $\frac{3003}{20}$.
on 7/24 ,2003.
The Jeffersonian Arbutus Times
🗀 Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

CERTIFICATE OF POSTING

	RE: Case No.: 03-573-SPAA
•	Petitioner/Developer: R. KEUIN
	SMALL, Shoppens FOOD V.
;	Date of Hearing/Closing: 8/12/03
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:	,
The sign(s) were posted on	7/26/03
	(Month, Day, Year)
	Sincerely,
ZONING NOTICE CASE # OSSYTS CLARA	(Signature of Sign Poster and Date)
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMPLESSIONER IN TOWSO	SSG ROBERT BLACK
PLACE ROW, LINE COLOR	(Printed Name)
DATE AND TIME: THE MALL TO SEE TO STAND	1508 Leslie Rd
- REQUEST: SPECIAL HERRING TO PERMIT AN AMENDMENT TO THE PREVIOLENT APPROVED SHIT PLAN AND HERRING VARIANCES CRIMITED	. (Address)
IN MONICORDE NO 9/ 272 SPH VARIANCE TO FEDMET CADME FOR	Dundalk, Maryland 21222
CANTERAL RETAIL USE TO PERMIT A TOTAL OF 1765 PARKING SPICES-	(City, State, Zip Code)
POSTPONEMENTS OUE TO WEATHER OR OTHER COMPITIONS ARE SOMETIMES MESESSAIN. TO CONFIRM REARING CALL 847 3391	(410) 282-7940
GO NOT REMOVE THE SIGH AND POST UNITE DAY OF HEARING, UNDER MEASURE AS LAW	(Telephone Number)



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

Fax: 410-887-5708

June 18, 2003

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: 03-573-SPHA

19,55 East Joppa Road

S/west corner of East Joppa Road & Satyr Hill Road

9th Election District – 5th Councilmanic District

Legal Owner: Shopping Center Associates by Deborah Colson

Contract Purchaser: R. Kevin Small, Shoppers Food Warehouse, V.P.

Special Hearing to permit an amendment to the previously approved site plan and parking variances granted in prior case No. 91-272-SPH. <u>Variance</u> to permit parking for general retail use, to permit a total of 1,765 parking spaces in lieu of the required 2,201.

Hearings:

Tuesday, August 12, 2003 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Joseph Woolman, III, Gildea LLC, 301 N. Charles St., Ste. 900, Baltimore 21201 Shopping Center Associates, Deborah Colson, 1626 E. Jefferson St., Rockville 20852 R. Kevin Small, Shoppers Food Warehouse, 4600 Forbes Blvd., Lanham 20706

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 26, 2003.

(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. TO: PATUXENT PUBLISHING COMPANY

Thursday, July 24, 2003 Issue - Jeffersonian

Please forward billing to:

Joseph Woolman

Gildea, LLC

301 N. Charles Street, Ste. 900

Baltimore, MD 21201

410-234-0070

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: 03-573-SPHA

1955 East Joppa Road

S/west corner of East Joppa Road & Satyr Hill Road

9th Election District – 5th Councilmanic District

Legal Owner: Shopping Center Associates by Deborah Colson

Contract Purchaser: R. Kevin Small, Shoppers Food Warehouse, V.P.

<u>Special Hearing</u> to permit an amendment to the previously approved site plan and parking variances granted in prior case No. 91-272-SPH. <u>Variance</u> to permit parking for general retail use, to permit a total of 1,765 parking spaces in lieu of the required 2,201.

Hearings:

Tuesday, August 12, 2003 at 10:00 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 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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

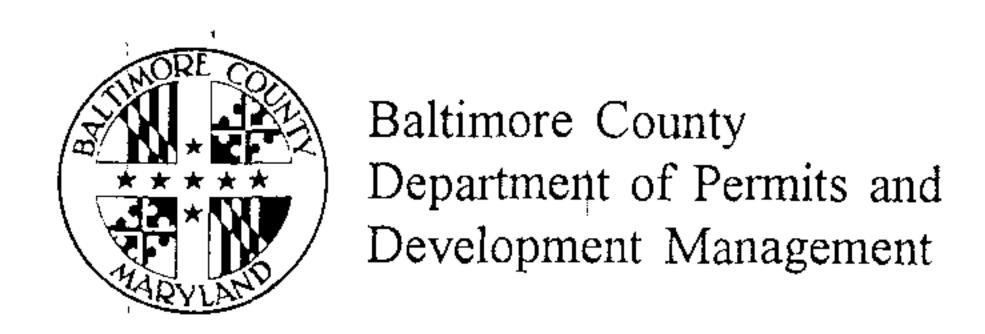
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (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: 3-573. Spu
Petitioner: Corren CEwan F) SSOC.
Address or Location: 1755 E- SOPPO RO, (BL-CCC)
PLEASE FORWARD ADVERTISING BILL TO
Name: Soster R. Woot MAN
Address. GILDG LLC.
501. N. CHARLES ST. Suite 900.
5ACCunoso 11.5.7170
Telephone Number: 46.234.0076.



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

August 8, 2003

Joseph Woolman, III Gildea, LLC 301 N. Charles Street, Suite 900 Baltimore, MD 21201

Dear Mr. Woolman:

RE: Case Number: 03-573-SPHA, 1955 East Joppa Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 5, 2003.

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. Supervisor, Zoning Review

U. Callibal D

WCR:klm

Enclosures

c: People's Counsel Shopping Center Associates, Deborah Colson, 1626 E. Jefferson St., Rockville MD 20852-4041 R. Kevin Small, 4600 Forbes Blvd., Lanham MD 20706



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

County Office Building, Room 111

June 17, 2002

Mail Stop #1105

111 West Chesapeake Avenue Towson, Maryland 21204

ATTENTION: Rebecca Hart

Distribution Meeting of: June 17, 2003

Item No.:

570 - 576

Dear Ms., Hart:

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.

7. The Fire Marshal's Office has no comments at this time.

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

cc: File



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Acting Administrator

JRA

MARYEAND DEPARTMENT OF TRANSPORTATION

6.13.03 Date:

Baltimore County

Item No. 573

RE:

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

Dear. Ms. Hart:

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

1. J. Soull

BALTIMODE COUNTY, MORYLAND

8/12

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and

Development Management

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: June 19, 2003

RECEIVED

JUN 1 9 2003

ZONING COMMISSIONER

SUBJECT:

FROM:

Zoning Advisory Petition(s): Case 03-573

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting For June 23, 2003/ Item Nos. 570, 572, 573, 574, and 576

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

DATE: June 23, 2003

RWB:CEN:jrb

cc: File

RE: PETITION FOR SPECIAL HEARING AND VARIANCE					ING	*	BEFORE THE					
	1955 E Joppa Rd; SW corner E Joppa Rd * ZONING COMMI							OMMI	SSIONI	ΞR		
		atyr Hill				· -						
		Election					*	FOR	_			
	Lega	al Owne	r(s): Sh	opping	Ctr Ass	ociates						
	By I	Deborah	A Cols	on			*	BAL	TIMO	RE COU	JNTY	
Contract Purchaser(s): R. Kevin Small, V.P.												
	Stor	e Develo	pment	•			*	03-5	73-SPH	ΙA		
				Petit	ioner(s))						
*	*	*	*	*	* `	*	*	*	*	*	*	*

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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 day of June, 2003, a copy of the foregoing Entry of Appearance was mailed to Joseph R. Woolman, III, Gildea, LLC, 301 N Charles Street, Suite 900, Baltimore, MD 21201, Attorney for Petitioner(s).

RECEIVED

JUN 2 5 2003

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....

Type of Use

Minimum Number of Required Off-Street Parking Spaces

Elsewhere: 3.3 per 1,000 square feet of gross floor area.

No parking spaces are required for buildings contributing to the historic character of an area, if such buildings have been designated on the National Register of Historic Places and are located within a C.T. or B.L.-C.C.C. District and have been adapted for reuse for office space.

Passenger rail station

As determined by the Zoning Commissioner upon the recommendation of the State of Maryland Mass Transit Administration. [Bill No. 91-1990]

Personal service establishment, except beauty shop and barbershop 3.3 per 1,000 square feet of gross floor area.

Residential art salon

See Section 402C.4.

Retail – general

3 per 1,000 square feet of gross floor area in the C.T. District of Towson; 5 per 1,000 square feet of gross floor area elsewhere. No parking spaces are required for buildings contributing to the historic character of an area, if such buildings have been designated on the National Register of Historic Places and are located within a C.T. or B.L.-C.C.C. District and have been adapted for reuse for retail space.

Shopping center (less than 100,000 square feet of gross leasable area)

The required number of spaces shall calculated according to the particular types of tenants in the shopping center, i.e., each tenant shall be considered as a separate use.

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-54)

IN RE: PETITIONS FOR SPECIAL HEARING
AND ZONING VARIANCE - S/S Joppa
Road, E of Perring Plaza
9th Election District
6th Councilmanic District

Shopping Center Assoc., et al Petitioners

BEFORE THE

* ZONING COMMISSIONER

OF BALTIMORE COUNTY

(Case No. 91-272-SPH

* * * * * * * * *

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the removal of the special exception previously granted the subject property in Case No. 5869-X which approved its use as a tire outlet and service garage, and variances to permit 1,765 parking spaces in lieu of the minimum required 2,198, to permit direct access parking on a vehicle travelway, to permit a one-way drive-through lane width of 9 feet in lieu of the required 12 feet, and to permit existing parking spaces to be 0 feet from the right-of-way line of a public street in lieu of the required 10 feet, all as more particularly described on Petitioner's Exhibit 1.

The Petitioners, by Burnell L. Lindquist, with Federal Realty Investment Trust, appeared, testified and were represented by Newton A. Williams, Esquire. Also appearing on behalf of the Petitions were John J. Stamm, Engineer, Thomas G. Kramer, Architect, William P. Sullivan, a Representative of Home Depot, and Mickey Cornelius, Traffic Engineer with The Traffic Group. Appearing as Protestants in the matter were Keith Nusinov, General Partner with C.D.K. & Associates, who was represented by Judith G. Fader, Esquire, and Richard Mandelson, a retired Soils Engineer.

Testimony indicated that the subject property consists of 29.36 acres more or less zoned B.L.-C.C.C., and is improved with a shopping center known as the Perring Plaza Shopping Center as depicted on Petition-

er's Exhibit 1. Petitioners are desirous of razing the existing cinema, tire store and bank located on the subject property and constructing a "Home Depot" anchor store which deals exclusively with the "home improvement" market. Mr. Lindquist testified that the Home Depot will consist of approximately 102,000 sq.ft., plus a garden center. He indicated that the property currently enjoys a parking variance and that the proposed use, although still needing a parking variance, will provide an additional 178 parking spaces to the site, via the aforementioned razed buildings.

approximately 75 to 100 employees at any one time and will be open Monday through Friday, from 7:00 AM to 9:00 PM, Saturdays, from 8:00 AM to 6:00 PM and Sundays, from 7:00 AM to 6:00 PM. Mr. Sullivan indicated that based on the parking demands of other Home Depot stores around the country, it is his opinion that there is more than adequate parking on the subject site to accommodate the store's customers.

John Stamm described the layout of the property and testified that the only way to provide additional parking would be to eliminate the proposed landscape islands depicted on Petitioner's Exhibit 1. Mr. Stamm indicated that in his opinion, the landscape islands were an asset to this site and the community, and that Petitioner would suffer undue hardship and practical difficulty should the requested variance relief be denied.

Mickey Cornelius testified regarding the parking study he conducted on the subject site as set forth in Petitioner's Exhibit 6. He testified at length regarding the "peak time" periods for stores such as the Home Depot and indicated that in his expert opinion, the proposed parking layout is sufficient to accommodate the proposed use. Mr. Cornelius also

indicated that in his opinion the Petitioners would suffer undue hardship and practical difficulty should the relief requested be denied.

Keith Nusinov appeared and testified as a Protestant. Mr. Nusinov owns the adjoining property to the south of the subject site. He testified that he is currently experiencing significant water seepage and runoff onto his parking lot from the subject property and that it has created hazardous icing conditions in the winter. Mr. Nusinov indicated that the liquid had a foul smell which prompted him to have it tested. Although no reports were submitted into evidence, Mr. Nusinov testified that he was advised that the water seeping onto his property was sewage and not merely water runoff. Mr. Nusinov also testified that his parking lot has become "stained" as a result of the liquid seepage.

Also appearing on behalf of the Protestants was Richard Mandelson, a retired Soils Engineer with the State Highway Administration. Although no documentation was submitted as evidence to corroborate his testimony, Mr. Mandelson testified that he was on the site when the Baltimore Gas and Electric Company dug a utility ditch adjacent to the Nusinov property. He indicated that the distinct odor of sewage was present prior to the trench being refilled. He also testified that dye was dropped into a manhole cover on Petitioners' property to determine whether the source of the alleged leak was eminating therefrom. Testimony indicated that the dye eventually surfaced on the Nusinov property.

Subsequent to the hearing in this matter, the Zoning Commissioner referred the issue of water seepage/sewage to the Baltimore County Department of Environmental Protection and Resource Management (DEPRM) for a determination as to the nature and source of the seepage problem. The Zoning Commissioner received correspondence dated March 22, 1991 from said

Department indicating that "the alleged sewage overflow is actually a high ground water table" and that "any problems with the high ground water table may be addressed through storm water management for the proposed construction." (See copy attached.)

Although the Protestants testified to sewage leaching onto their property from the subject site, they submitted no documented proof in the nature of studies, reports, etc. to corroborate the non-expert testimony. The only study before the Zoning Commissioner at this writing is the report submitted by DEPRM dated March 22, 1991 that indicates the problem is a high ground water table. This issue is open to debate and the Zoning Commissioner must decide issues of fact. There are no conclusive matters of fact to establish the source or type of water. Therefore, this matter shall be addressed as part of the construction and site development, beyond the jurisdiction of the Zoning Commissioner. Further, this issue is not directly linked to the variance request and the number of parking spaces will not directly impact the nature of the water seepage issue.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested in the special hearing should be granted. It has been established that the requirements from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel and that practical difficulty or unreasonable hardship would result if the relief requested were not granted. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

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

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

It is clear from the testimony that if the variances are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare. Further, in light of the fact that the proposed razing of existing structures will create additional parking for the proposed facility, there appears no reason to deny the relief requested.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special hearing and variances should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of April, 1991 that the Petition for Special Hearing to approve the removal of the special exception previously granted the subject property in Case No. 5869-X which approved its use as a tire outlet and service garage, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit 1,765 parking spaces in lieu of the minimum required 2,198, to

permit direct access parking on a vehicle travelway, to permit a one-way drive-through lane width of 9 feet in lieu of the required 12 feet, and to permit existing parking spaces to be 0 feet from the right-of-way line of a public street in lieu of the required 10 feet, in accordance with Petitioner; s Exhibit 1, be and is hereby GRANTED, subject however, to the following restriction:

> The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> > Zoning Commissioner

for Baltimore County

JRH:bjs

Robert L. Ehrlich, Jr. Governor



Audrey E. Scott Secretary

Florence E. Burtan
Deputy Secretary

Michael S. Steele Lt. Governor

June 17, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Room 111, Mail Stop # 1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, 06/23/03 re: case numbers 03-570-A, 03-571-A, 03-572-A, 03-573-SPHA, 03-574-A, 03-575-SPH, 03-576-SPHA

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 06/16/03. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

Manager

Metropolitan Planning


Planning Services

cc: Mike Nortrup

CASE NAME 1955 E. Joppa Rd CASE NUMBER 03-573-SPHD DATE 8/12/03

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL		
Joseph R. Woolman	301 N. Charles St. Ste 800	8=11. MM 21201	jussimme gildealle.com		
RKEVINSMOLL	4600 FORBER BUXP	LANGEM MD 20706	KEUINSMALLO SUPERVALU.C		
GENT GLAZER	335, CA-	13Act. MO 21203	aglazere KACARLUITERTS-CON		
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