IN RE: PETITION FOR VARIANCE NW/Corner Philadelphia Road and Campbell Boulevard 14th Election District 6th Councilmanic District **(5300 Campbell Boulevard)**	*	BEFORE THE
	*	DEPUTY ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
	*	CASE NO. 04-245-A
Nottingham Village, Inc. By: P. Douglas Dollenbert, President & Chief Exec. Officer, *Legal Owners*	*	
and	*	
Lowe's Home Centers, Inc. By: Kevin D. Bennett, Vice-President,	*	
Contract Purchasers *Petitioners*	*	

* * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Nottingham Village, Inc., by P. Douglas Dollenbert, President & Chief Executive Officer and the contract purchasers, Lowe's Home Centers, Inc., by Kevin D. Bennett, Vice-President. The Petitioners are requesting variance relief for property located at 5300 Campbell Boulevard in the White Marsh area of Baltimore County. The variance request is from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a total of 601 Parking spaces in lieu of the required 908 parking spaces.

The property was posted with Notice of Hearing on December 27, 2003, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on December 30, 2003 to notify any interested persons of the scheduled hearing date.

Applicable Law

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

ORDER RECEIVED FOR FILING
Date 1/22/04
By

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

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

Interested Persons

Appearing at the hearing on behalf of the variance requests were Kathi McLaren and Tricia Shellhorn, representing Nottingham Village, Inc., Petitioners and Frank Mason and Rick Dixon, representing Lowe's Home Centers, Inc., contract purchaser. Also appearing was Jim Matis, representing Matis/Warfield, the engineering firm that prepared the site plan of the property. Sebastian A. Cross, Esquire, represented the Petitioners.

There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 14.8915 acres, more or less, zoned B.M. The subject property is presently improved with a Lowe's retail store, which has a garden center of 36,000 sq. ft. The Petitioners would like to expand the garden center by an additional 16,000 sq. ft. as shown in Petitioners' Exhibit No. 1. This requires providing 908 parking spaces. The Petitioners propose 601 spaces which is the subject of this variance request. The site previously had been granted a variance in

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Case No. 98-220-A for the existing store with 650 parking spaces in lieu of 850 spaces required. Thus, 49 spaces would be eliminated by the present proposal. These spaces are located along the western edge of the existing garden center.

Mr. Cross proffered that the loss of these 49 spaces would not be detrimental to the health safety or welfare of the community. He based that proffer on the fact that the proposed addition will be adjacent to a commercial development and that the spaces eliminated are not used in practice. The Lowe's store can be seen in context of the overall retail/office development known as White Marsh Mall and shown in Petitioners' Exhibit No. 2. The area in which the expansion would be made is best shown on photographs marked Petitioners' Exhibit Nos. 6A through 6E. Note that Lowe's presently uses the area to store bulk outdoor merchandise.

The Petitioners retained the Traffic Group Inc. to study the effect of eliminating the 49 parking spaces. Petitioners' No. Exhibit 4 gives the results of that study which indicates that Section B, the area of interest, is rarely used by the public now. The fact that Lowe's uses many of these spaces to store merchandise also supports this conclusion. Finally, the Landlord, Nottingham Properties, supports the Petition, which indicates that they see no adverse impact on the adjacent commercial/office development. In addition, the Landlord will see enhanced screening of the merchandise now stored outside the garden center by enclosing the area and planting additional trees along the western end of the property.

Findings of fact and conclusions of law

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

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Date 1/22/04
By

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468

Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

January 22, 2004

Sebastian A. Cross, Esquire
Gildea, LLC
301 N. Charles Street, Suite 900
Baltimore, Maryland 21201

Re: Petition for Administrative Variance
Case No. 04-245-A
Property: 5300 Campbell Boulevard

Dear Mr. Cross:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has 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 Murphy

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

Copies to:

P. Douglas Dollenberg, Pres.
Nottingham Village, Inc.
100 W. Pennsylvania Avenue
Towson, MD 21204

Frank Mason
Rick Dixon
Lowe's Home Centers, Inc.
Box 1111
N. Wilkesboro, NC 28656

Jim Matis, P.E.
Matis/Warfield
10540 York Road, Suite M
Hunt Valley, MD 21030

Kathi McLaren
Tricia Shellhorn
Nottingham Village, Inc.
8125 Honeygo Blvd
Baltimore, MD 21236

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 5300 Campbell Blvd.

which is presently zoned BM

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)

409.6 to permit a total of 601 parking spaces in lieu of the required 908 parking 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 presented 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 declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

LOWE'S HOME CENTERS, INC.
Name - Type or Print

Signature KEVIN D. BENNETT, VP

Box 1111
Address

Telephone No.

N. WILKESBORO NC 28656
City State Zip Code

Attorney For Petitioner:

Sebastian A. Cross
Name - Type or Print

Signature

Gildea, LLC
Company

301 N. Charles St., Suite 900
Address

Telephone No.

Baltimore, MD 21201 (410)234-0070
City State Zip Code

Legal Owner(s):

NOTTINGHAM VILLAGE, INC.
Name - Type or Print

BY: P. DOUGLAS DOLLENBERG

PRESIDENT & CHIEF EXECUTIVE OFFICER

Signature

100 W. Pennsylvania Avenue
Address

Telephone N

Towson, MD 21204 (410)825-0545
City State Zip Co

Representative to be Contacted:

Sebastian A. Cross
Name

301 N. Charles St., Suite 900
Address

Telephone N

Baltimore, MD 21201 (410)234-0070
City State Zip Co

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By BR Date 11/12/03

Case No. 04-245-A

REV 9/15/98

R. Johnson 11/12/03

Matis Warfield
consulting engineers

MEMORANDUM

September 25, 2003

Description to Accompany Zoning Petition
Lot 1A White Marsh Community Section H
14.8915 Acres, more or less

Beginning for the same at a point located on the west side of Philadelphia Road, Maryland Route 7, at a point distant **North 28° 33' 13" East 1036 feet +/-** from the intersection of the centerlines of Philadelphia Road and Campbell Boulevard, said point identified as 4 having coordinate values of North 26,180.2179 and East 47,543.7004 as shown on a plat entitled " *Lots 1A, 1B and 1C White Marsh Community Section 'H'"* dated February 26, 1998 and recorded among the Plat Records of Baltimore County, Maryland in Plat Book SM 70 Folio 90, running thence and binding on the west side of Philadelphia Road and the outline of Lot 1A, as shown on said plat, the four following courses viz,

1) **South 30° 59' 17" West 409.33 feet,** to a point identified as 6 as shown on said plat, thence

2) by a curve to the right having a **radius of 10,040.00 feet** for an **arc length of 55.82** feet, said arc being subtended by a chord bearing **South 30° 49' 43.5" West 55.82 feet,** to a point identified as 7 as shown on said plat, thence

3) **South 35° 28' 04" West 235.83 feet,** to a point identified as 8 as shown on said plat, thence

4) **South 30° 36' 04" West 39.41 feet,** to a point identified as 28 as shown on said plat, running thence and leaving said west side of Philadelphia Road and binding on the line of division of Lots 1A and 1B the four following courses viz,

Matis Warfield, Inc.
10540 york road • suite m
hunt valley, maryland 21030
phone 410-683-7004 • fax 410-683-1798

#245

5) **North 50° 56' 20" West 364.21 feet,** to a point identified as 43 as shown on said plat, thence

6) **South 39° 03' 40" West 186.27 feet,** to a point identified as 32 as shown on said plat, thence

7) **South 50° 07' 03" East 30.54 feet,** to a point identified as 29 as shown on said plat, thence

8) **South 39° 52' 57" West 31.42 feet,** to a point identified as 25 as shown on said plat, and to the north side of Campbell Boulevard, thence binding on the north side of Campbell Boulevard and the outline of Lot 1A, as shown on said plat

9) **North 50° 07' 03" West 80.09 feet,** to a point identified as 45 and to the southeasternmost corner of Lot 1C as shown on said plat, thence leaving said Campbell Boulevard and binding on the line of division between Lots 1A and 1C the two following courses viz,

10) **North 39° 03' 40" East 216.98 feet,** to a point identified as 44 as shown on said plat, thence

11) **North 50° 56' 20" West 420.37 feet,** to a point identified as 27 as shown on said plat and to the western boundary of Lot 10 as shown on the *"3rd Amended Plat of Portion of Section 'H' White Marsh Community"* dated April 28, 1994 and recorded among the Plat Records of Baltimore County in Plat Book SM 66 Folio 140, thence binding along the line of division between Lot 1A and Lot 10 the five following courses viz,

12) **North 36° 53' 38" East 0.57 feet,** to a point identified as 15 as shown on said first mentioned plat, thence

13) **North 38° 56' 32" East 338.47 feet,** to a point

#245

identified as 16 as shown on said first mentioned plat, thence

14) **North 32° 05' 33" East 104.46 feet,** to a point identified as 17 as shown on said first mentioned plat, thence

15) **North 22° 09' 02" East 120.95 feet,** to a point identified as 18 as shown on said first mentioned plat, thence

16) **North 37° 56' 21" East 283.50 feet,** to a point identified as 19 as shown on said first mentioned plat and to the southern boundary of a 100 Year Floodplain and Greenway Reservation as shown on a plat entitled *"Plat B, Portion of Section H, White Marsh Community"* dated June 3, 1994 and recorded among the Plat Records of Baltimore County, Maryland in Plat Book SM 66 Folio 149, running thence and binding along the line of division between Lot 1A and the 100 Year Floodplain and Greenway Reservation the four following courses viz,

17) **South 52° 26' 40" East 31.29 feet,** to a point identified as 1 as shown on said first mentioned plat, thence

18) **South 42° 55' 17" East 356.09 feet,** to a point identified as 2 as shown on said first mentioned plat, thence

19) **South 36° 49' 50" East 292.05 feet,** to a point identified as 3 as shown on said first mentioned plat, thence

20) **South 56° 25' 13" East 136.15 feet,** to the place of beginning.

Containing 14.8915 acres, more or less.

This description is intended for zoning purposes only and is not for use in conveyance of land.

Matis Warfield, Inc.
10540 york road • suite m
hunt valley, maryland 21030
phone 410-683-7004 • fax 410-683-1798

#245

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 30549

DATE 11/12/03 ACCOUNT R001-006-6150

AMOUNT $ 325.00

RECEIVED FROM: Gildea LLC

FOR: Zoning Variance

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Item #245

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
11/13/2003	11/12/2003	14:32:53	4

REG 0506 WALKIN KRCA KRW
>>RECEIPT # 207964 11/12/2003 OFLIN
Dept 5 526 ZONING VERIFICATION
CR NO. 030549
Rcpt Tot $325.00
$325.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

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

Case: # 04-245-A
5300 Campbell Boulevard
N/west corner Philadelphia Road and Campbell Road
14th Election District – 6th Councilmanic District
Legal Owner(s): Nottingham Village
Contract Purchaser: Lowe's Home Centers, Kevin D. Bennett, V.P.

Variance: to permit a total of 601 parking spaces in lieu of the required 908 parking spaces.

Hearing(s): Wednesday, January, 14 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 12/786 Dec. 30 C642851

CERTIFICATE OF PUBLICATION

12/30/, 2003

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/30/, 2003.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 04-245-A

Petitioner/Developer: LOWES HOME CENTERS KEVIN D. BENNETT. V.P

Date of Hearing/Closing: 1/14/04

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

ATTN: Becky Hart {(410) 887-3394}

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 5300 CAMPBELL BOULEVARD

The sign(s) were posted on 12/27/03
(Month, Day, Year)

Sincerely,

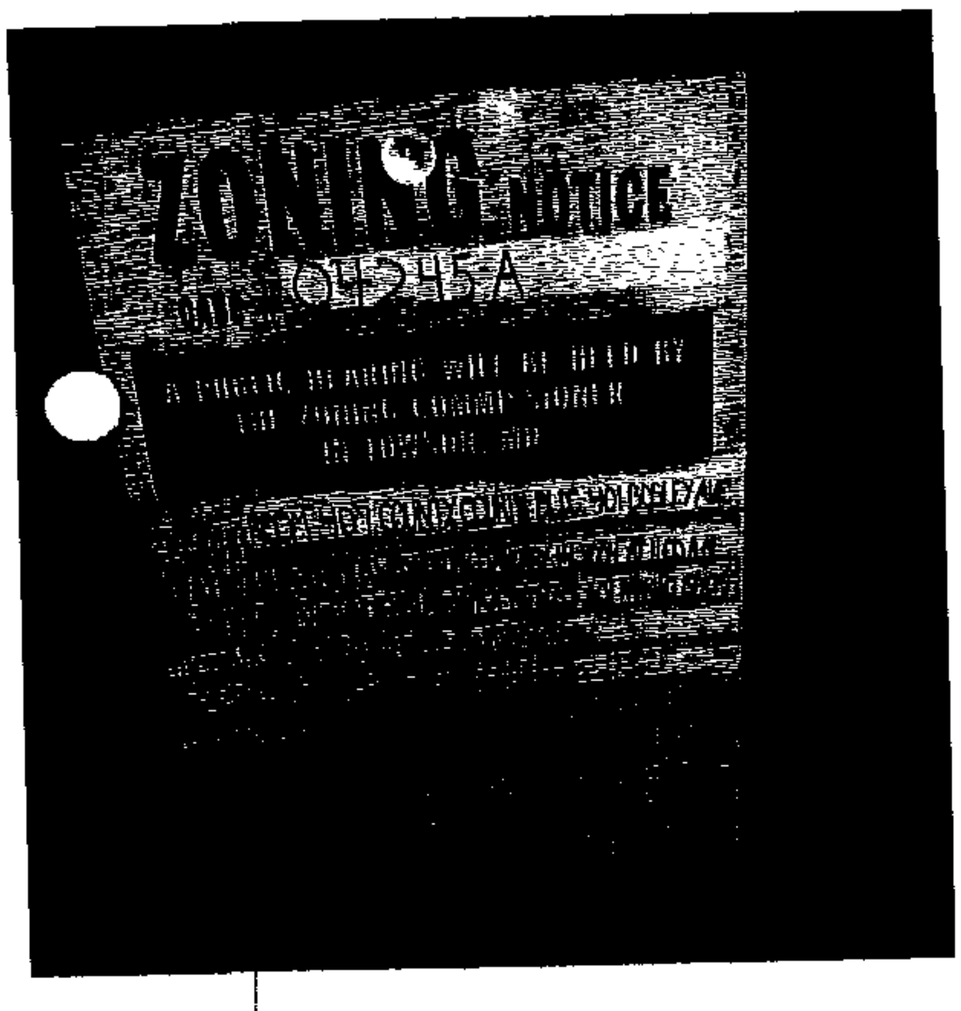
12/27/03
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)



Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

December 11,2003, 2003

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Variance to permit a total of 601 parking spaces in lieu of the required 908 parking spaces.

Hearing: Wednesday, January 14, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Timothy Kotroco
Director

TK:rlh

C: Nottingham Village, Inc., P. Douglas, President & Chief Executive, 100 W. Pennsylvania Avenue, Towson
Sebastion Cross, Gildea, LLC, 301 N. Charles Street, Suite 900, Baltimore 21201
Lowe's Home Centers, Kevin D. Bennett, Box 1111, N. Wilkesboro, NC 2856

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 30, 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
Tuesday, December 30, 2003 Issue - Jeffersonian

Please forward billing to:
Sebastian Cross 410234-0070
Gildea, LLC
301 N. Charles Street, Suite 900
Baltimore, MD 21201

NOTICE OF ZONING HEARING

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Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

Pet #2

LAND USE LEGEND

RESIDENTIAL COMMUNITY

- LOW DENSITY
- MEDIUM DENSITY
- MEDIUM-HIGH DENSITY
- HIGH DENSITY

BUSINESS COMMUNITY

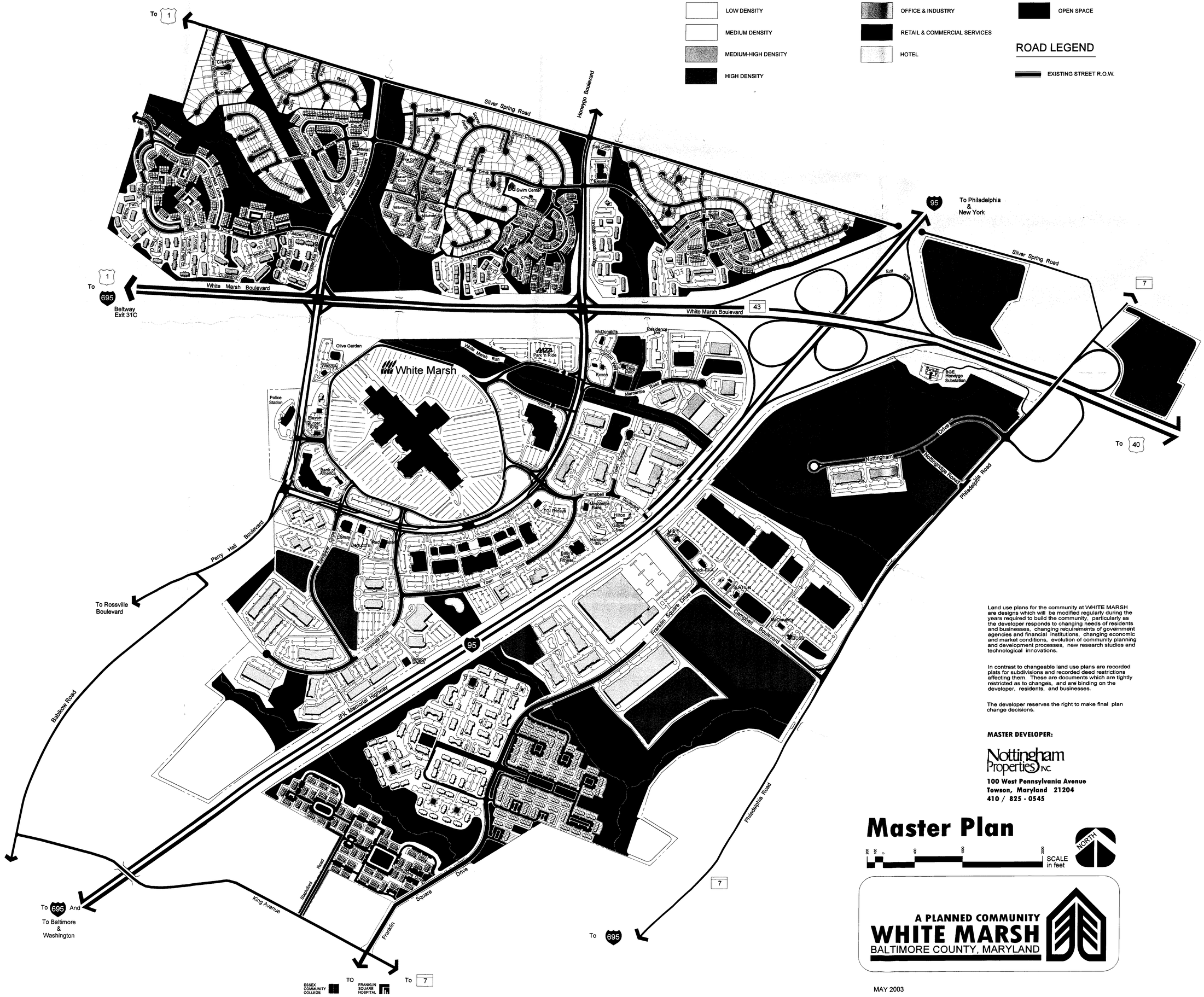
- OFFICE & INDUSTRY
- RETAIL & COMMERCIAL SERVICES
- HOTEL

OPEN SPACE

- OPEN SPACE

ROAD LEGEND

- EXISTING STREET R.O.W.



Land use plans for the community at WHITE MARSH are designs which will be modified regularly during the years required to build the community, particularly as the developer responds to changing needs of residents and businesses, changing requirements of government agencies and financial institutions, changing economic and market conditions, evolution of community planning and development processes, new research studies and technological innovations.

In contrast to changeable land use plans are recorded plats for subdivisions and recorded deed restrictions affecting them. These are documents which are tightly restricted as to changes, and are binding on the developer, residents, and businesses.

The developer reserves the right to make final plan change decisions.

MASTER DEVELOPER:

Nottingham Properties Inc.

100 West Pennsylvania Avenue
Towson, Maryland 21204
410 / 825 - 0545

Master Plan

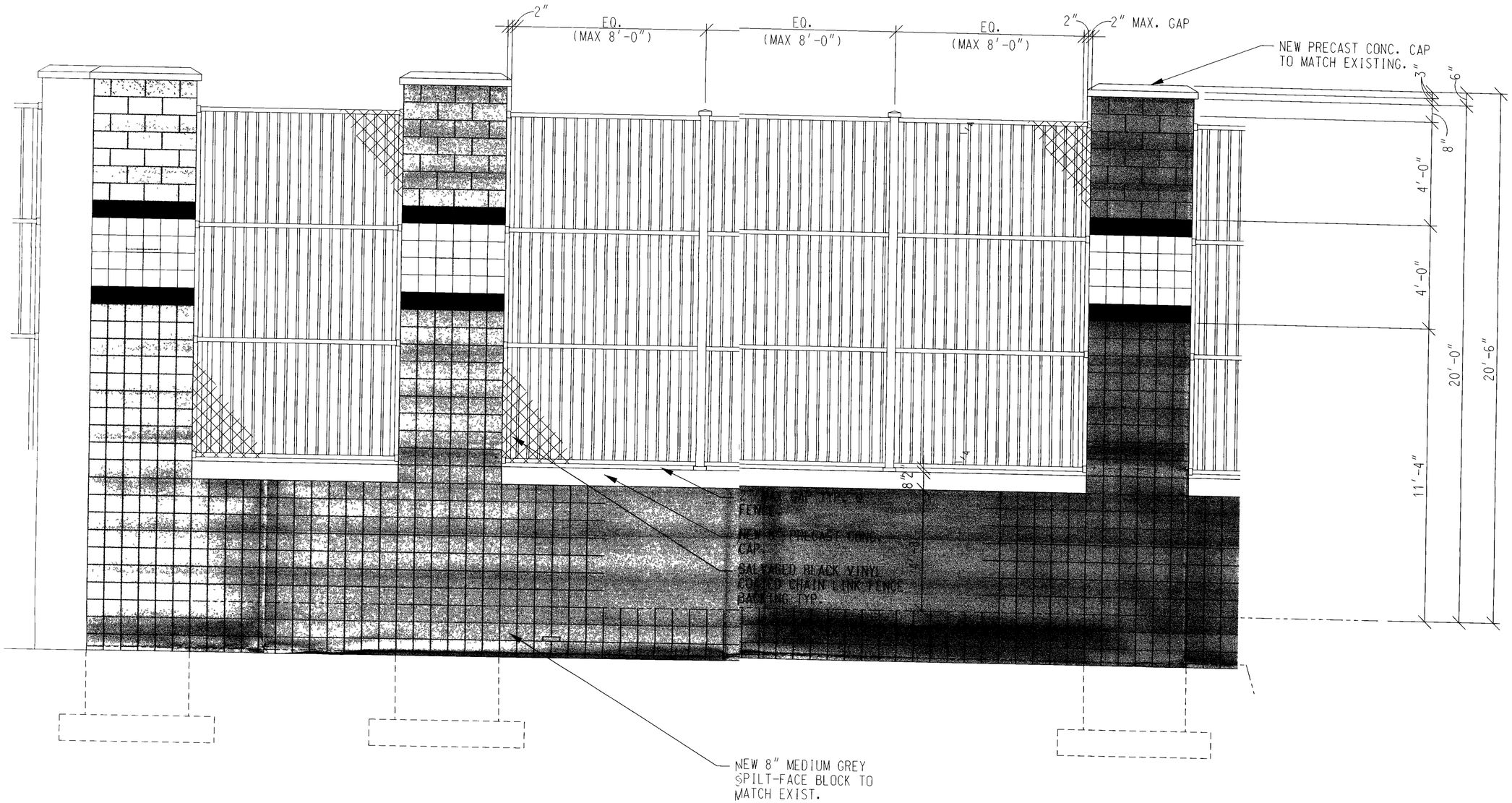
200 100 0 400 1000 2000 SCALE in feet

NORTH

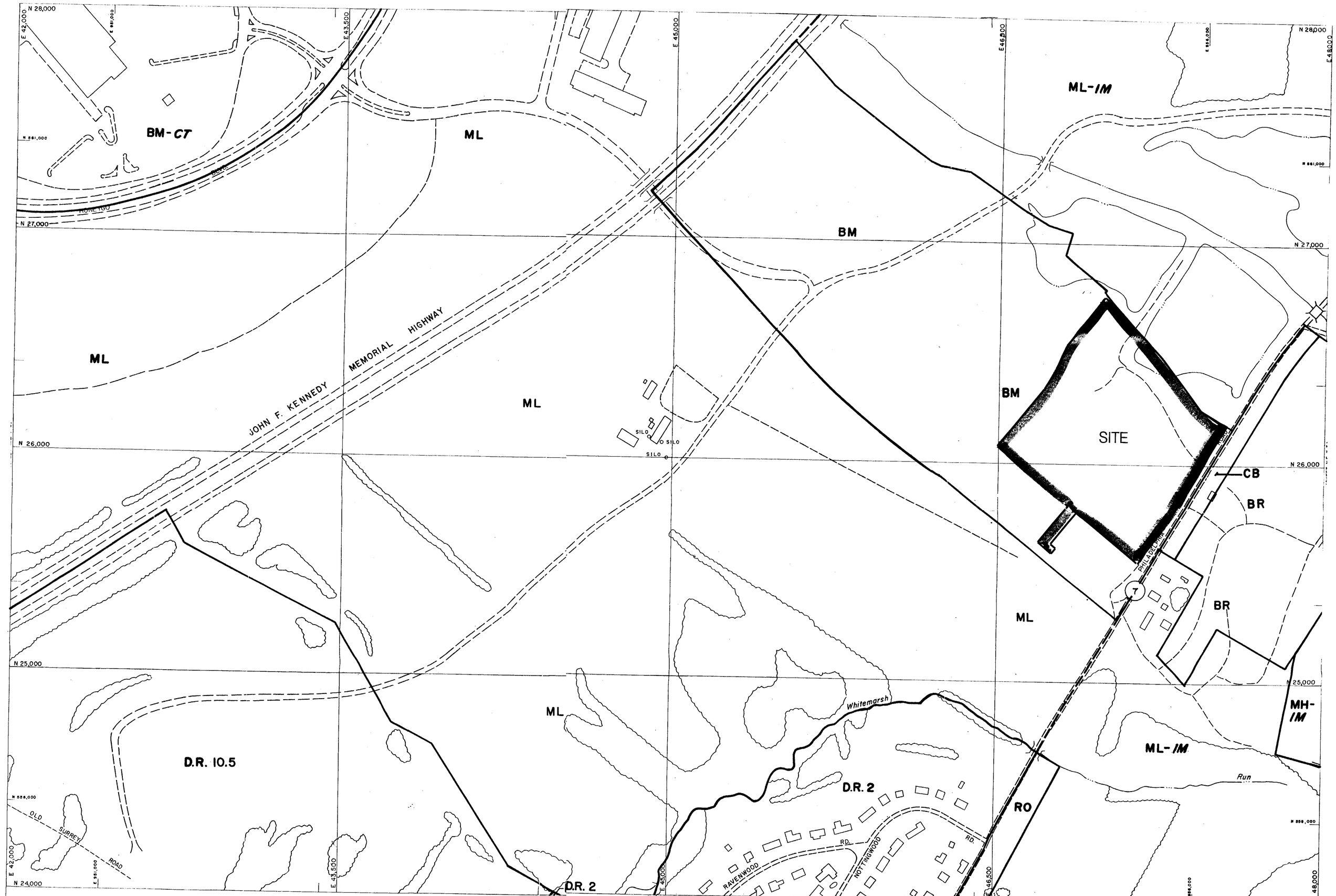
A PLANNED COMMUNITY
WHITE MARSH
BALTIMORE COUNTY, MARYLAND

MAY 2003

PCT #5



SCREEN WALL ELEVATION



M-SW M-SE

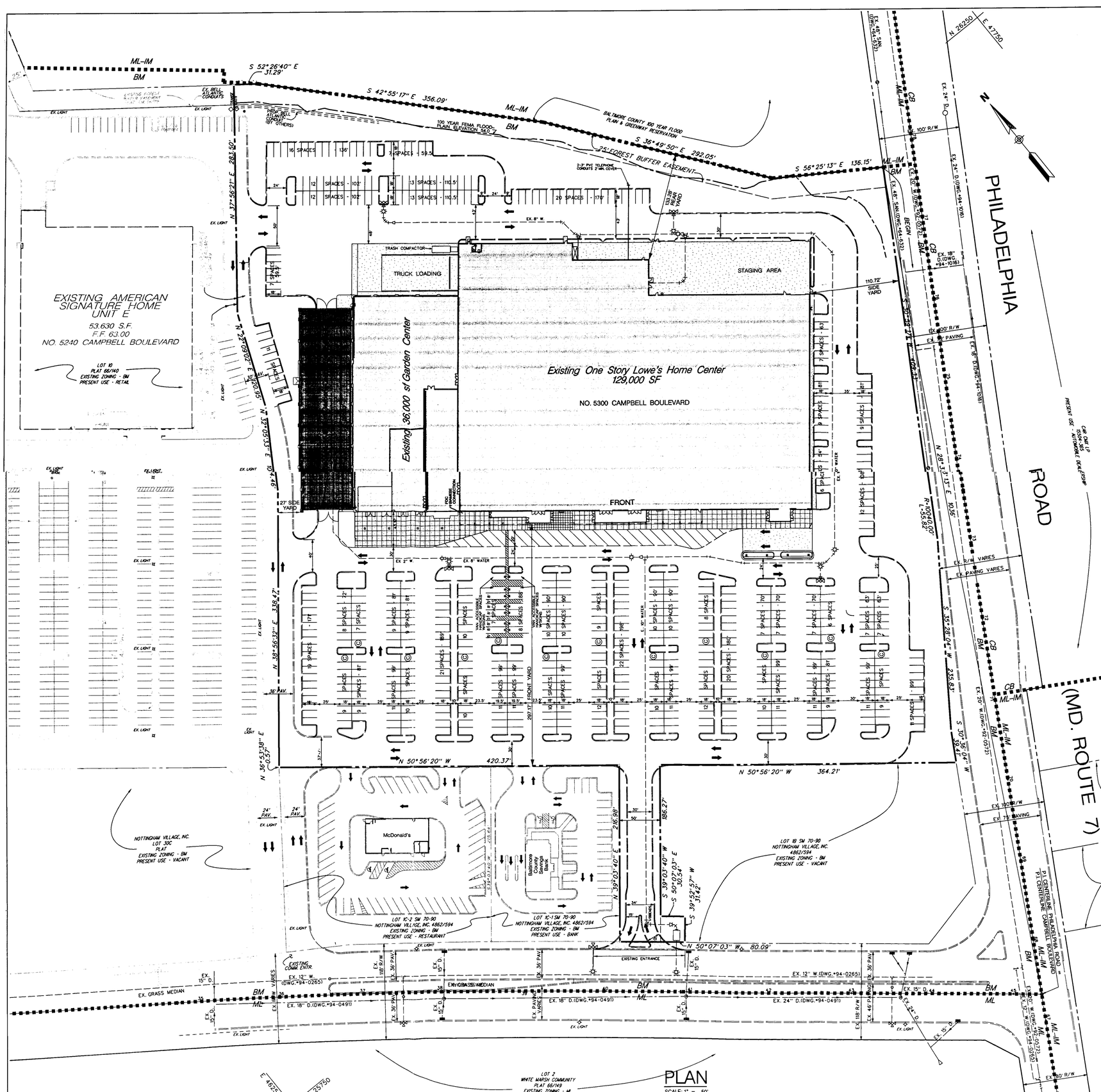
THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

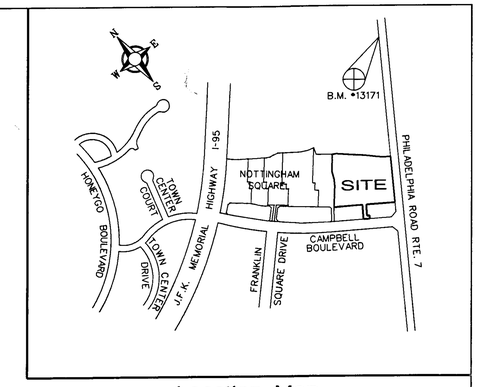
2000 COMPREHENSIVE ZONING MAP

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200' ±	FULLERTON VICINITY	N.E. 7 – H
DATE OF PHOTOGRAPHY JANUARY 1986		

#245





Location Map

SCALE: 1" = 1000'

Legend

Existing Storm Drain	15" D
Existing Sanitary	8" S
Existing Water	8" W
Existing Curb	
Zoning Line	ML-IM / BM
Cart Return Stall	©

Parking Tabulation

PARKING REQUIRED:

EX. 129,000 SF RETAIL SALES @ 5.0 SPACES/1,000 SF	= 645 SPACES
EX. 36,000 SF GARDEN CENTER @ 5.0 SPACES/1,000 SF	= 180 SPACES
PROP. 16,600 SF GARDEN CENTER EXPANSON @ 5 SP/1,000 SF	= 83 SPACES
TOTAL PARKING REQUIRED	= 908 SPACES
REQUIRED PARKING PER VARIANCE CASE NO. 98-220-A	= 650 SPACES
EXISTING PARKING PROVIDED	= 650 SPACES*
PROPOSED PARKING PROVIDED	= 601 SPACES*

VARIANCE REQUESTED FOR 601 SPACES IN LIEU OF 908 SPACES
*TOTAL INCLUDES 14 HANDICAP SPACES
STANDARD HANDICAP SPACES @ 21' X 18' TOTAL (TWO SIDE BY SIDE)
VAN ACCESSIBLE HANDICAP SPACES @ 24' X 18' TOTAL (TWO SIDE BY SIDE)
STANDARD PARKING SPACES @ 9' X 18', 8.5' X 18' & 10' X 18'

ALL PARKING AND MANUEVERING AREAS WILL BE PAVED WITH A DURABLE AND DUSTFREE SURFACE AND WILL BE PERMANENTLY STRIPED.

Site Data

GROSS AREA OF LOT 1A - 15.4565 ACRES +/-(INCLUDES 30' OF CAMPBELL BLVD. & PHILADELPHIA RD. R/W)
NET AREA OF LOT 1A = 14.8915 ACRES +/-
EXISTING ZONING - BM (MAP NE 7-H)
EXISTING USE - LOWE'S (HOME IMPROVEMENT SUPPLY RETAILER)
129,000 SF BUILDING
36,000 SF ACCESSORY GARDEN CENTER
TOTAL - 165,000 SF
PROPOSED USE - SAME WITH 16,600 SF GARDEN CENTER ADDITION
OWNER - NOTTINGHAM VILLAGE, INC.
100 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
DEED REFERENCE - 4862/594
PLAT REFERENCE - PLAT BOOK SM 70 FOLIO 90
DEVELOPMENT APPROVAL - THE PROPERTY SHOWN HEREON IS PART OF LOT 1B AS SHOWN ON THE APPROVED CRG PLAN:
41 REFINEMENT CRG PLAN
WHITE MARSH COMMUNITY
SECTION H, I & J
APPROVAL DATE 9/30/02
REFINEMENT PER DRC 092302C
SEE ALSO APPROVED 'DETAILED PLAN', NOTTINGHAM SQUARE, PHASE II APPROVED 12/15/97.
PRIOR ZONING CASES - CASE NO. 98-220-A PETITION FOR VARIANCE TO PERMIT 650 PARKING SPACES IN LIEU OF THE REQUIRED 825 SPACES GRANTED BY THE ZONING COMMISSIONER ON JANUARY 21, 1998 SUBJECT TO THE FOLLOWING:
THE PETITIONERS ARE HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT ITS 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.
TAX ACCOUNT NUMBER - 2300002820
ELECTION DISTRICT - 14
COUNCILMANIC DISTRICT- 6
CENSUS TRACT - 4407
WATERSHED - 6
SUBSEWERSHED - 9
ADT - 55/1,000 SF x 181.6 = 9,988 TRIPS
FLOOR AREA RATIO:
PERMITTED - 4.0
PROPOSED - 129,000 SF ENCLOSED/15.4565 ACRES = 0.19
AMENITY OPEN SPACE - NONE REQUIRED
BUILDING HEIGHT - 40'+/-
ESTIMATED SEWAGE FLOW - 0.05 x 181,600 sf (RETAIL) = 9,080 gpd
STORMWATER MANAGEMENT - WATER QUALITY PROVIDED IN A REGIONAL FACILITY.
SIGNAGE - NON PROPOSED AT THIS TIME. ANY FUTURE SIGNAGE TO BE IN ACCORDANCE WITH SECTION 450 BCZR AND ALL ZONING SIGN POLICIES.
PREVIOUS COMMERCIAL PERMITS - B328631
FLOOD PLAIN - PORTIONS OF THIS SITE WHICH LIE BELOW ELEVATION 54.0 ARE LOCATED WITHIN THE 100 YEAR FLOOD PLAIN. ELEVATION 54.0 IS THE 100 YEAR FLOOD PLAIN ELEVATION TAKEN FROM FEMA MAP 240010 0430 B.
LIGHTING - ANY LIGHTING SHALL BE ERECTED AS TO MINIMIZE REFLECTION INTO ANY ADJOINING RESIDENTIAL AREA.

A Variance is requested to Section 409.6 BCZR to permit a total of 601 parking spaces in lieu of the required 908 spaces

PLAN

SCALE: 1" = 50'

PUBLIC SERVICES CRG NO. 91138
PLANNING NO. XIV-302

Matis Warfield
consulting engineers
10540 york road suite m
hunt valley, maryland 21030
phone 410-683-7004
facsimile 410-683-1798
www.matiswarfield.com

STATE OF MARYLAND REGISTERED PROFESSIONAL ENGINEER

Owner
NOTTINGHAM VILLAGE, INC.
100 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
410-825-0545

Petitioner/Lesee
Lowe's Companies, Inc.
P.O. BOX 1111
N. WILKESBORO, N.C. 28656
910-658-7949

DATE	ISSUE
9/25/03	Preliminary
11/11/03	For Filing

Plan To Accompany Zoning Petition
LOWE'S at Nottingham Square
LOT 1A SECTION H WHITE MARSH COMMUNITY
WHITE MARSH
NO. 5300 CAMPBELL BOULEVARD
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 50'
ELECTION DISTRICT NO. 14
COUNCILMANIC DISTRICT 6

#245

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, this 22 day of January, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a total of 601 Parking spaces in lieu of the required 908 parking spaces, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 1/22/04
By G. Jenkins

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/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: 04-245-A

Petitioner: Lowes Home Center

Address or Location: Box 1111 N. Wilkesboro NC 28656

PLEASE FORWARD ADVERTISING BILL TO:

Name: Gildea LLC c/o Sebastian Cross

Address: 301 N. Charles St., Suite 900
Baltimore Md 21201

Telephone Number: 410 234-0070

RE:	PETITION FOR VARIANCE 5300 Campbell Blvd; NW corner of Philadelphia Road & Campbell Blvd. 14th Election & 6th Councilmanic Districts Legal Owner(s): Nottingham Village, Inc by P. Douglas Dollenbert, Pres & Chief Exec Contract Purchaser(s): Lowe's Home Ctrs, Inc, Kevin D Bennett, Vice President Petitioner(s)	* * * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 04-245-A

* * * * * * * * * * * * *

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
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
DEC 0 8 2003
Per...

Carole S. Demilio
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 8th day of December, 2003, a copy of the foregoing Entry of Appearance was mailed to, Sebastian A Cross, Gildea, LLC, 301 N Charles Street, Suite 900, Baltimore, MD 21201, Attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

January 12, 2004

Sebastian A Cross
Gildea, LLC.
301 N. Charles Street, Suite 900
Baltimore, Maryland 21201

Dear Mr. Cross:

RE: Case Number: 04-245-A , 5300 Campbell Blvd.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 12, 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.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:clb

Enclosures

c: People's Counsel
Nottingham Village, Inc. P. Douglas Dollenberg 100 W. Pennsylvania Avenue Towson 21204
Lowe's Home Centers, Inc. Kevin D. Bennett, Box 1111, N. Wilkesboro, NC 28656

Printed on Recycled Paper

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

SHA
Driven to Excel
State Highway Administration
MARYLAND DEPARTMENT OF TRANSPORTATION

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

Date: 11.26.03

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

RE: Baltimore County
Item No. 245 BPR

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,

L. A. Gredlein

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

fro 1/14

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: December 25, 2003

RECEIVED

DEC 29 2003

ZONING COMMISSIONER

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

SUBJECT: Zoning Advisory Petition(s): **Case 04-245 and 04-277**

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

Prepared By: Mark A Cunningham

Section Chief: Lynn Lanham

AFK/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: December 15, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For December 1, 2003
Item Nos. 234, 236, 237, 239, 240, 241,
242, 243, 244, 245, 251, 252, 253, 254,
and 255

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

RWB:CEN:jrb

cc: File

PLEASE PRINT CLEARLY

CASE NAME 5300 Campbell Blvd.
CASE NUMBER 04-245-A
DATE 1/14/03

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Sebastian Cross Esq	301 N. Charles Balt 21201		
Frank Mason	Lowe's Co's / Hwy 268 E. / N. Wi	kesboro, NC	frank.n.mason@lowes.com
Rick Dixon	Lowe's Companies	Timonium, MD	
Jim MATIS - Eng	10540 York Road Suite M	Hunt Valley MD 21030	jemematiswarfield.com
KATHI McLAREN & Nottingham	8125 Honeygo Blvd	BALTO, MD 21236	Kmclaren@nottinghammanagement
Tricia Shellhorn	" " "	" " "	tshellhorn@nottinghammanagement.com

The Traffic Group

June 6, 2003

Gildea, LLC
David Gildea, Esquire
301 North Charles Street
Suite 900
Baltimore, Maryland 21201

RE: Lowe's Home Improvement Store Expansion
MD 7 & Campbell Boulevard
Baltimore County, Maryland
Our Job No.: 2003-0502

Dear David:

The Traffic Group, Inc. undertook a Parking Lot Occupancy Study on Friday, May 16, 2003 from 4-9 PM and on Saturday, May 17, 2003 from 10 AM to 4 PM. The three areas studied included Section A, (the parking field directly in front of the Lowe's Store), Section B, (the parking field immediately to the west of the existing garden center - the location of the expansion), and Section C, (the parking field directly in front of the existing furniture store).

The peak period on Friday evening occurred from 4:30 to 5:00 PM, where 33% of Section A was occupied, 8% of Section B was occupied, and 7% of Section C was occupied.

On Saturday, the peak period was from 2:00 to 2:30 PM where 67% of Section A in front of the Store was occupied, no spaces were occupied where the proposed expansion is to exist, and only 18% of the parking spaces in front of the furniture store were occupied.

In our opinion, it is clear that the proposed expansion of the Store will not have an adverse effect on existing parking conditions in the vicinity of the Lowe's Store or existing parking conditions in the vicinity of the furniture store.

The Traffic Group, Inc. *9900 Franklin Square Drive* *Suite H* *Baltimore, Maryland 21236*
Phone: 410-931-6600 *Fax: 410-931-6601* *Toll Free: 1-800-583-8411* *www.trafficgroup.com*

If you have any questions, please do not hesitate to contact me.

Sincerely,

John W. Guckert /lmk

John W. Guckert
President

JWG/lmk
Attachment

(gildea1)
(fax)

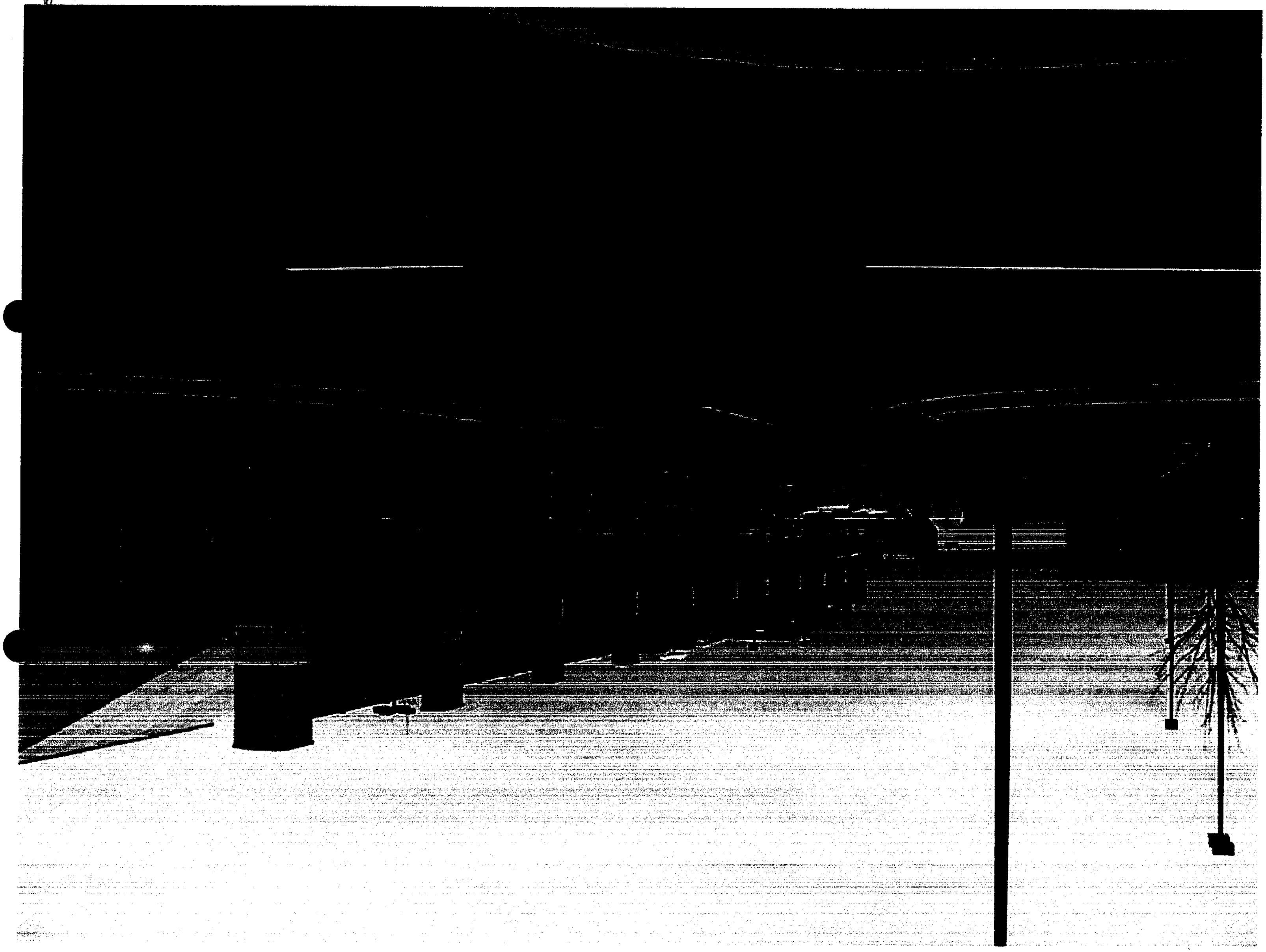
LOWE'S HOME IMPROVEMENT STORE
BALTIMORE COUNTY, MARYLAND
PARKING LOT STUDY
FRIDAY - MAY 16, 2003
4:00 pm to 9:00 pm

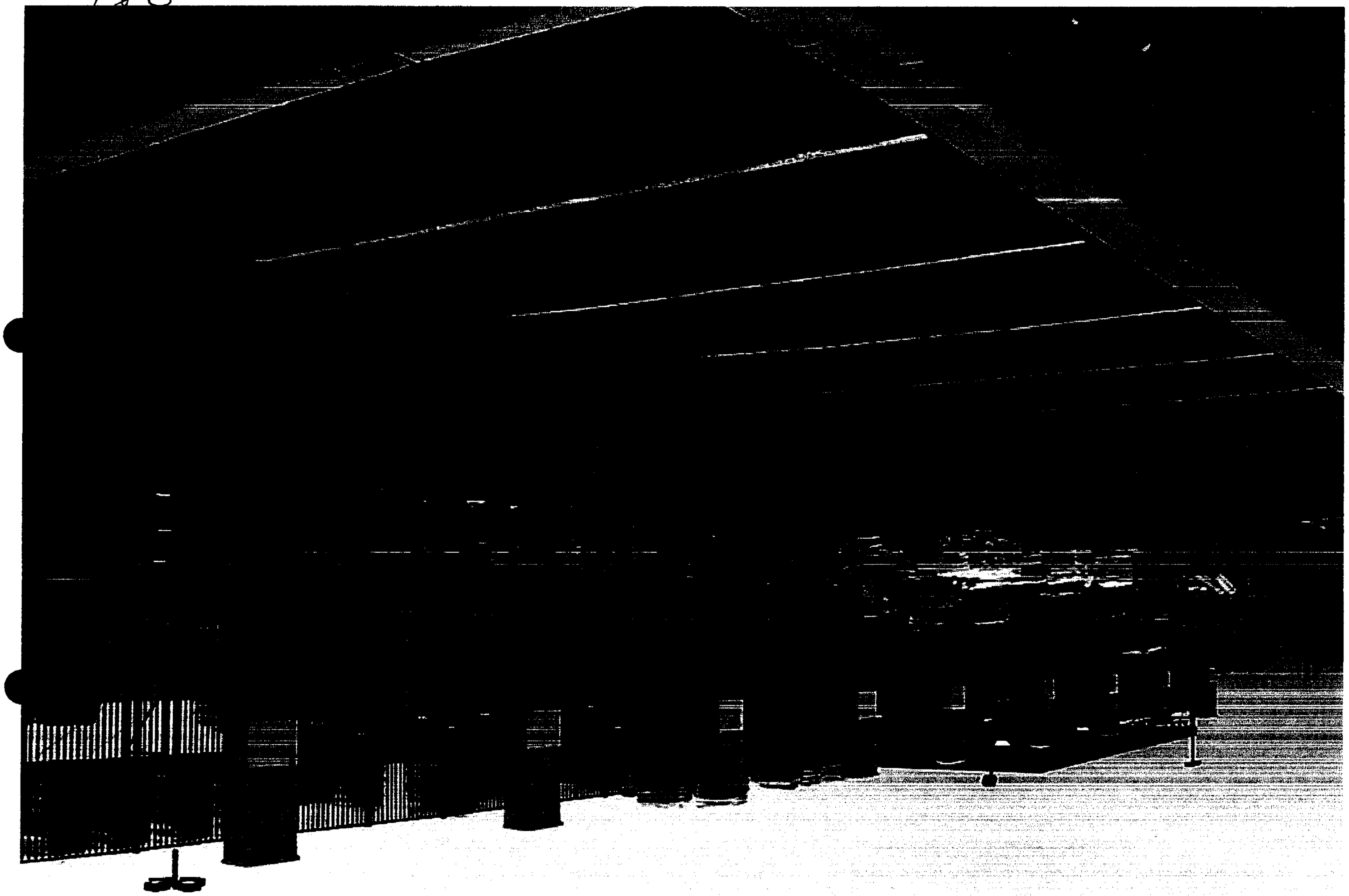
	Number of Parked Cars			Number of Marked Spaces			% Of Full Spaces		
PM	Section A	Section B	Section C	Section A	Section B	Section C	Section A	Section B	Section C
04:00-04:30	145	2	18	488	24	181	29.7%	8.3%	9.9%
04:30-05:00	162	2	12	488	24	181	33.2%	8.3%	6.6%
05:00-05:30	108	0	15	488	24	181	22.1%	0.0%	8.3%
05:30-06:00	99	0	13	488	24	181	20.3%	0.0%	7.2%
06:00-06:30	104	0	12	488	24	181	21.3%	0.0%	6.6%
06:30-07:00	105	1	13	488	24	181	21.5%	4.2%	7.2%
07:00-07:30	108	0	15	488	24	181	22.1%	0.0%	8.3%
07:30-08:00	122	0	12	488	24	181	25.0%	0.0%	6.6%
08:00-08:30	136	0	12	488	24	181	27.9%	0.0%	6.6%
09:30-09:00	135	0	18	488	24	181	27.7%	0.0%	9.9%
PM PEAK HOUR									
04:30-05:00	162	2	12	488	24	181	33.2%	8.3%	6.6%

LOWE'S HOME IMPROVEMENT STORE
BALTIMORE COUNTY, MARYLAND
PARKING LOT STUDY
SATURDAY - MAY 17, 2003
10:00 am to 4:00 pm

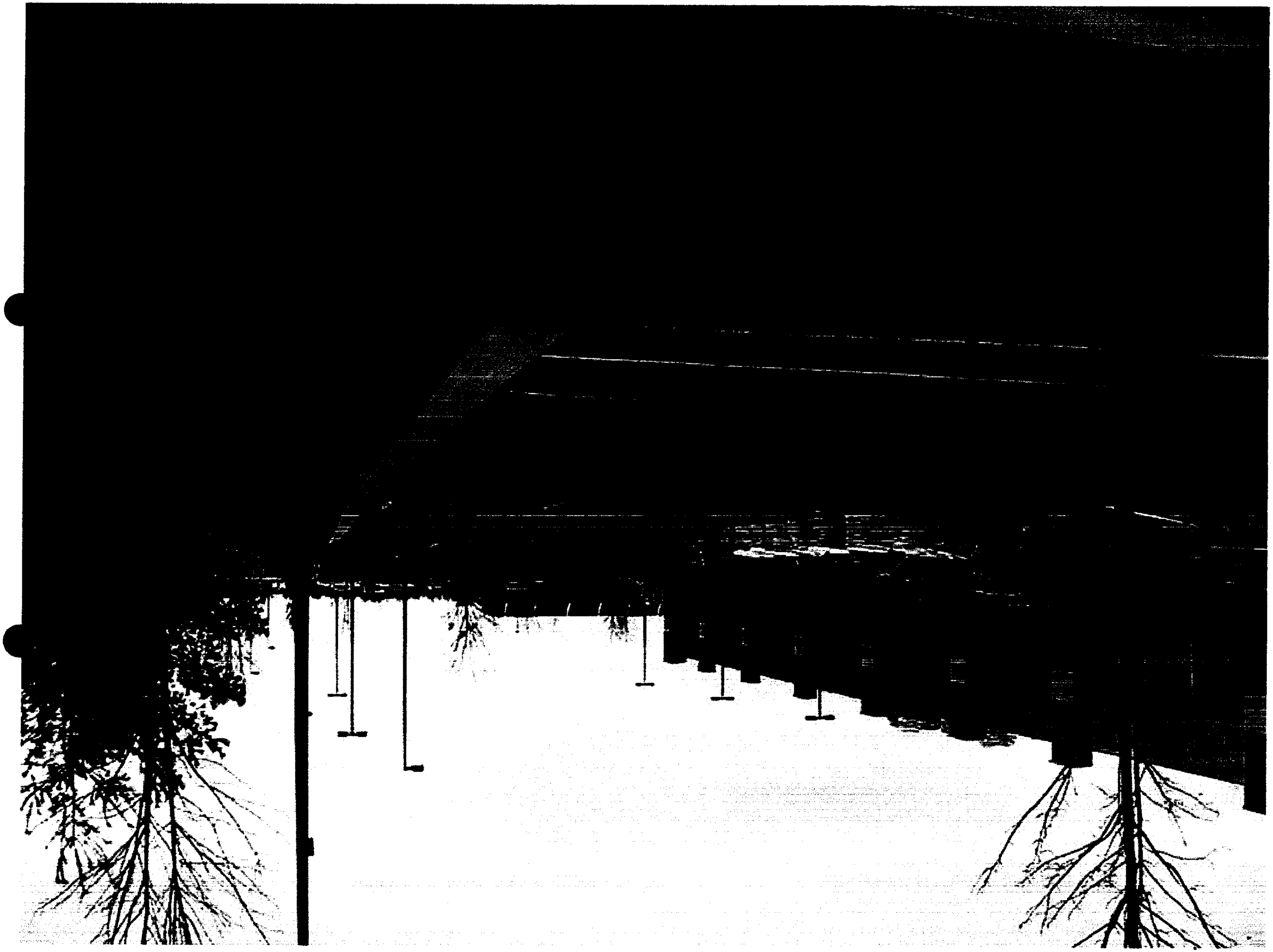
	Number of Parked Cars			Number of Marked Spaces			% Of Full Spaces		
AM	Section A	Section B	Section C	Section A	Section B	Section C	Section A	Section B	Section C
10:00-10:30	126	0	4	488	24	181	25.8%	0.0%	2.2%
10:30-11:00	194	0	11	488	24	181	39.8%	0.0%	6.1%
11:00-11:30	249	0	11	488	24	181	51.0%	0.0%	6.1%
11:30-12:00	258	0	13	488	24	181	52.9%	0.0%	7.2%
12:00-12:30	272	0	25	488	24	181	55.7%	0.0%	13.8%
12:30-01:00	302	0	20	488	24	181	61.9%	0.0%	11.0%
01:00-01:30	298	0	29	488	24	181	61.1%	0.0%	16.0%
01:30-02:00	317	2	35	488	24	181	65.0%	8.3%	19.3%
02:00-02:30	327	0	33	488	24	181	67.0%	0.0%	18.2%
02:30-03:00	291	1	29	488	24	181	59.6%	4.2%	16.0%
03:00-03:30	298	1	31	488	24	181	61.1%	4.2%	17.1%
03:30-04:00	285	0	32	488	24	181	58.4%	0.0%	17.7%
PM									
PEAK HOUR									
02:00-02:30	327	0	33	488	24	181	67.0%	0.0%	18.2%

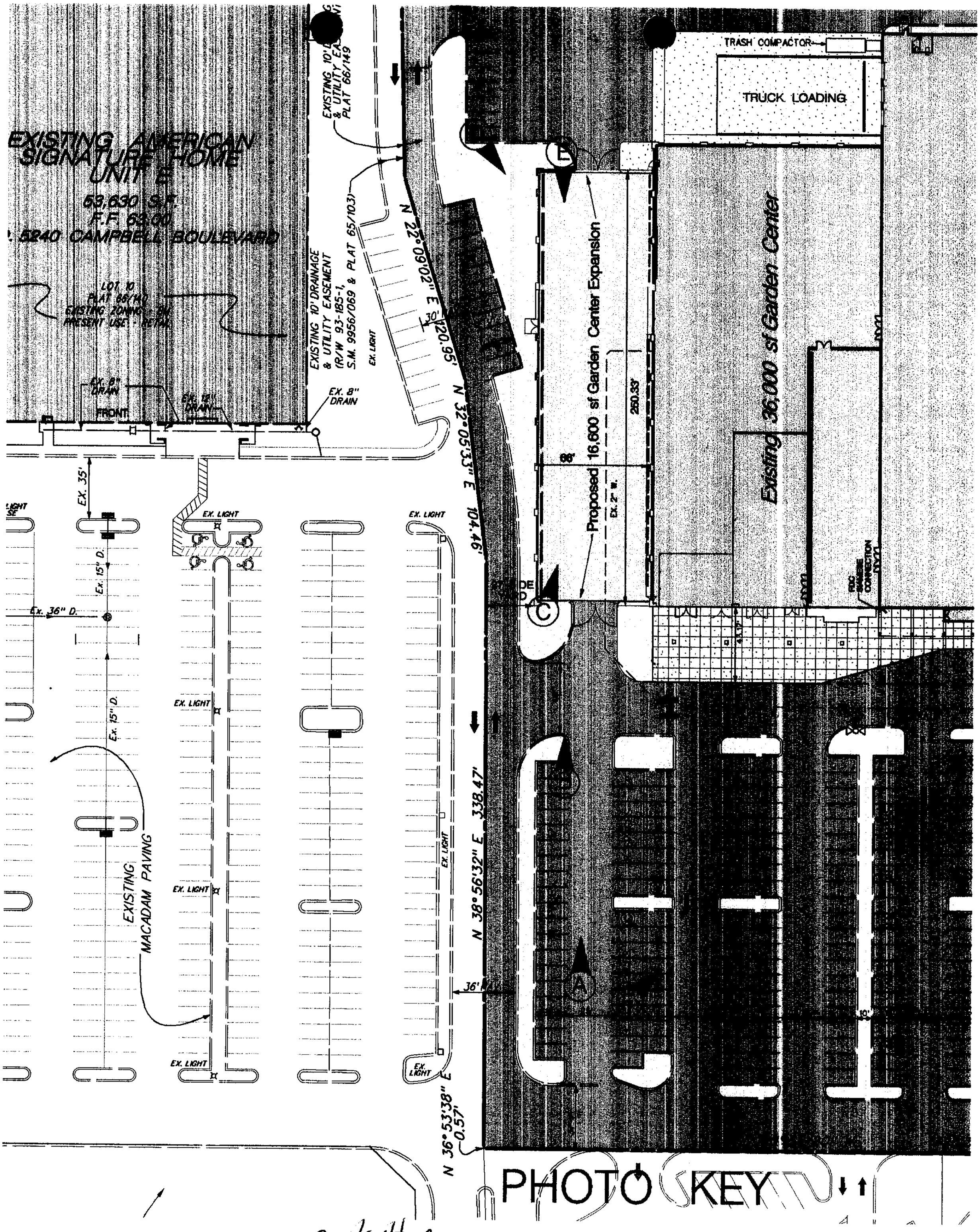
Pet. Ex. 6 A-F





Ret 6




EXISTING AMERICAN SIGNATURE HOME UNIT #
53,630 S.F.
F.F. 63.00
5240 CAMPBELL BOULEVARD
LOT 10
PLAT 66/140
EXISTING ZONING - BN
PRESENT USE - RETAIL
EXISTING 10' DRAINAGE & UTILITY EASEMENT (R/W 93-185-1, S.M. 9956/069 & PLAT 65/103)
EXISTING 10' DRAINAGE & UTILITY EASEMENT PLAT 66/149
EX. 8" DRAIN
EX. 12" DRAIN
FRONT
EX. 35'
EX. 15" D.
EX. 36" D.
EXISTING MACADAM PAVING
EX. LIGHT
N 22°09'02" E 120.95'
N 32°05'33" E 104.46'
N 38°56'32" E 338.47'
N 36°53'38" E 0.57'
36'
10'
TRASH COMPACTOR
TRUCK LOADING
16,600 sf Garden Center Expansion
Proposed
Ex. 2" W.
250.33'
Existing 36,000 sf Garden Center
FDC SIAMESE CONNECTION
PHOTO KEY

Pet #6