IN RE: PETITION FOR VARIANCE

E/S of York Road, opposite Shawan Road 8th Election District 3rd Councilmanic District

(11317 York Road)

Petitioners

Stonehenge, LLC, c/o KIMCO Realty Corporation, Legal Owners and Green Leaf Group Corporation By: Frank Lay, Vice-President, Contract Purchaser

**BEFORE THE** 

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 04-402-A

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, Stonehenge, LLC, c/o KIMCO Realty Corporation and the contract purchaser, Green Leaf Group Corporation, by Frank Lay, Vice-President. The. Petitioners are requesting variance relief for property located at 11317 York Road in the Hunt Valley area of Baltimore County. The variance request is from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit 456 parking spaces in lieu of the required 505 parking spaces.

The property was posted with Notice of Hearing on April 10, 2004, 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 April 13, 2004 to notify any interested persons of the scheduled hearing date.

# Applicable Law

がは、

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

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon Sappeal, 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

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 was Greg Reed appearing on behalf of Bohler Engineering, and Geoff Glazer from Kimco Realty Corporation appearing on behalf of the Petitioners. 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 12.01 acres, more or less, zoned B.R. The subject property is presently improved with an existing shopping center, which has a Giant food store as anchor and fifteen retail/restaurant uses. This case arises because the center would like to add a new tenant, a proposed restaurant of 2,000 sq. feet. The new tenant would require 22 additional parking spaces (32 total). However, the request is for a parking variance to allow 456 spaces in lieu of the required. 505. This request indicates the center would have 49 spaces less than required. See Note 6 of Petitioner's Exhibit No. 1 for allocation of spaces. There is no zoning history that indicates prior variances for parking so the additional spaces are somewhat of a mystery.

Mr. Cross proffered that the center was constructed in 1987 and has functioned satisfactorily form a parking standpoint. The center contains approximately 94,000 sq. feet of leaseable space and so does not quite qualify for the 5 spaces per 1000 sq. feet blanket requirement of a 100,000 sq. ft. center. Consequently, parking must be calculated according to the individual mix of tenants, some of which are restaurants that require more than 5 spaces per 1,000 sq. feet. Undoubtedly, there has been a change in tenants over time, which accounts for the difference in spaces above. This request would bring the center into compliance.

Petitioner's Exhibit No. 1 shows the 30 ft. setback line and large "unused" area east of the Giant store. At first glance, this might be a place for 49 additional parking spaces and thus no need for a variance. However, Mr. Reed testified that the "unused" area was actually heavily wooded with steep slopes rising from the level of the center and no place to have parking for the center. In addition, Mr. Reed testified that he tried various redesigns of the existing lot to try to find more spaces but found that filling in parking spaces meant cutting off aisle ways which reduced traffic circulation that he characterized as very good.

# 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. The area to the east of the Giant store is heavily wooded and has steep slopes that prohibit building additional parking in this area. Otherwise, the lot is completely built-out. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Testimony indicated redesign of the existing lot would produce additional parking spaces at the price of good vehicular circulation. 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. I particularly note that if additional

parking was somehow placed on the east side of the lot, the new lot could adversely impact the residential use to the south of the property.

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 31 day of April, 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 456 parking spaces in lieu of the required 505 parking spaces, be and is hereby GRANTED.

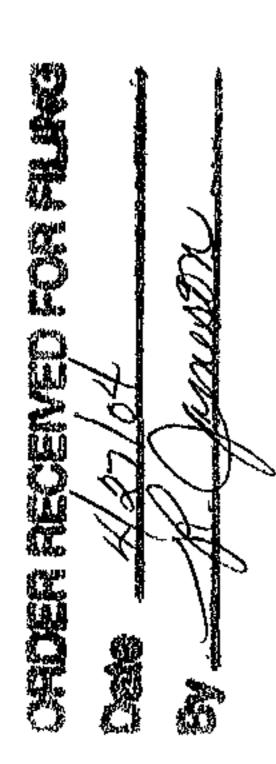
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN'V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



# 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

April 27, 2004

Sebastian A. Cross, Esquire Gildea, LLC 300 E. Lombard Street, Ste. 1440 Baltimore, MD 21202-3228

Re: Petition for Variance
Case No. 04-402-A
Property: 11317 York Road

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 V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

c: Geoff Glazer c/o Kimco Realty 170 W. Ridgely Road Timonium, MD 21093

> Greg Reed 810 Glen Eagles Court Towson, MD 21286

Frank Lay, Vice-President Green Leaf Group Corporation 11713 Greenspring Avenue Lutherville, MD 21093



Visit the County's Website at www.baltimorecountyonline.info



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11317 York Road which is presently zoned BR

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.A to permit 456 parking spaces in lieu of the required 505 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.

Legal Owner(s):

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.

### Green Leaf Group Corporation Stonehenge, LLC c/oKIMOO Realty Corporation Name - Type or Print Name - Type or Print Signature Hrank Lay, v 8fgnature 4 Greenspring Ave. 410)683-1303 PEOFFRICK Telephone No. Name - Type or Print Lutherville, MD 21093 State Zip Code Signature **Attorney For Petitioner:** 170 W.Ridgely Road, Suite 300 Address

Sebastian A. Cross Name - Type or Print City Signature Gildea, LLC Company 301 N. Charles Street, Suite 900 Address Telephone No. Baltimore, MD 21201

State

Contract Purchaser/Lessee:

Telephone No. Lutherville, MD 21093 (410)684-2000 State Zip Code Representative to be Contacted:

Sebastian A. Cross Name 301 N. Charles Street, Suite 900 Address Telephone No. Baltimore, MD 21201 410)234-0070 City State Zip Code

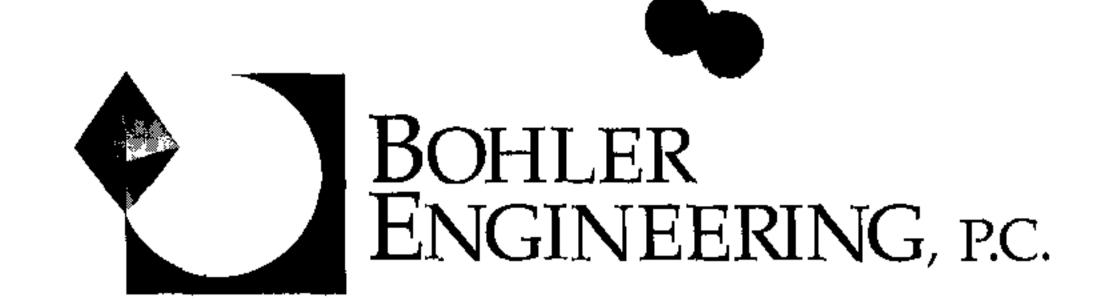
| OFFICE USE ON | JI V |
|---------------|------|

| Case No. 04-402-A | ESTIMATED LENGTH OF HEARING         |
|-------------------|-------------------------------------|
|                   | Reviewed By D. THOMPSON Date 3/3/04 |
| REV 9/15/98       | Date 3/3/04                         |

Zip Code

(410)234~0070

FILMO 



810 Gleneagles Court, Suite 300 Towson, MD 21286 410.821.7900 410.821.7987 fax md@bohlereng.com

March 02, 2004

# ZONING DESCRIPTION OF PART OF THE LANDS KNOWN AS PARCEL 200, TAX MAP 42 AS RECORDED IN LIBER 12263 FOLIO 228 BALTIMORE COUNTY, MARYLAND 3<sup>RD</sup> COUNCILMANIC DISTRICT

BEGINNING AT A POINT ON THE EAST SIDE OF MARYLAND ROUTE 45 (YORK ROAD) WHICH IS OF VARIABLE WIDTH AT THE DISTANCE OF 0 FEET NORTH OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET, SHAWAN ROAD WHICH IS OF VARIABLE WIDTH.

THENCE, BINDING ON THE NORTHERN MOST OUTLINE OF PARCEL 200, AND REFERRING SAID COURSES AND DISTANCES TO THE MARYLAND STATE GRID MERIDIAN NAD 83 NORTH VIZ;

- 1. NORTH 83 DEGREES 07 MINUTES 39 SECONDS EAST; 827.36 FEET TO A POINT,
- 2. SOUTH 02 DEGREES 47 MINUTES 34 SECONDS EAST; 646.85 FEET TO A POINT.
- 3. SOUTH 70 DEGREES 42 MINUTES 30 SECONDS WEST; 643,96 FEET TO A POINT.
- 4. NORTH 14 DEGREES 07 MINUTES 40 SECONDS WEST; 99.90 FEET TO A POINT.
- 5. NORTH 21 DEGREES 51 MINUTES 51 SECONDS WEST; 195.94 FEET TO A POINT.
- 6. NORTH 19 DEGREES 44 MINUTES 16 SECONDS WEST; 98.15 FEET TO A POINT.
- 7. NORTH 18 DEGREES 10 MINUTES 52 SECONDS WEST; 175.17 FEET TO A POINT.
- 8. NORTH 02 DEGREES 53 MINUTES 21 SECONDS EAST; 73.58 FEET TO A POINT.
- 9. NORTH 16 DEGREES 20 MINUTES 13 SECONDS WEST; 147.62 FEET TO A POINT.
- 10. SOUTH 86 DEGREES 07 MINUTES 54 SECONDS WEST; 22.70 FEET TO A POINT.
- 11. CURVING TOWARDS THE EAST WITH A RADIUS OF 921.93 FEET FOR A DISTANCE OF 8.36 FEET, THE CHORD OF SAID ARC BEING NORTH 05 DEGREES 25 MINUTES 31 SECONDS WEST; 8.36 FEET TO A POINT TO THE PLACE OF BEGINNING.

BEING ALSO KNOWN AS PARCEL 200 AS RECORDED IN BALTIMORE COUNTY LIBER 12263 FOLIO 228. CONTAINING IN ALL 523,156 SQUARE FEET OR 12.01 ACRES OF LAND MORE OR

LESS.

Prepared by: MG Reviewed by: GHR

■ Watchung, NJ 908 668.8300

■ North Wales, PA 215.393.8300

■ Melville, NY 631.872.2000

■ Sterling, VA 703.709.9500

■ Southboro, MA 508.480.9900

■ Albany, NY 518 438.9900

Center Valley, PA 610.797.3000

| TO THE PERSON OF |  |  | 8 4                    |
|--|--|--|------------------------|
| 2  |  |  | 3                      |
|  |  |  |                        |
|  |  |  | 6                      |
|  |  |  |                        |
|  |  |  | 8                      |
|  |  |  |                        |
| NTY MAR<br>& FINANCE<br>S RECEIPT  |  |  |                        |
|  | T A STATE OF THE S |  |                        |
|  |  |  |                        |
|  |  |  |                        |
| A LE   |  |  | STRBUTTON<br>HITE-CAST |
| 8 O 2  |  | Secretary of the second | <b>51 \$</b>           |
|  |  |  | . )                    |

# 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: #04-402-A
11317 York Road
E/side of York Road, opposite of Shawan Road
8th Election District - 3rd Councilmanic District
Legal Owner(s): Stonehenge, LLC c/o KIMCO Realty
Corp., Geoffrey Glazer, V.P.
Contract Purchaser: Green Leaf Group Colporation, Frank Lay, V.P.
Variance: to permit 456 parking spaces in lieu of the required 505 parking spaces.
Hearing: Tuesday, April 27, 2004 at 11:00 a.m. in Room
407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handlcapped 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/4/675 Apr. 13

JT/4/675 Apr. 13

# CERTIFICATE OF PUBLICATION

| 4 13,2004   |
|---|
| 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 on4 13 ,20 <u>0</u> 4. |
| The Jeffersonian  |
| Arbutus Times   |
| ☐ Catonsville Times   |
| Towson Times  |
| ☐ Owings Mills Times  |
| ☐ NE Booster/Reporter   |
| ☐ North County News   |
| D/1/01/11/5a  |

LEGAL ADVERTISING

# CERTIFICATE OF POSTING

|  | RE: Case No. 7-402-4                                |
|--|---|
| * · · · · · · · · · · · · · · · · · · ·  | Petitioner/Developer: GREEN LEA                     |
|  | CORP FRANK LAY U.P.                                 |
|  | Date of Hearing/Closing: 4/27/04                    |
| Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 |   |
| ATTN: Kristen Matthews {(410) 887-3394}  |   |
| Ladies and Gentlemen:  | •   |
| This letter is to certify under the penalties of perjoosted conspicuously on the property located at:  | ury that the necessary sign(s) required by law were |
| 11317 YORK RD  |   |
|  |   |
| Che sign(s) were posted on   | 1/10/04:  |
|  | Month, Day, Year)                                   |
| <b>S</b>   | incerely,   |
| •  |   |
| TANLA MATICE   | Robert Black 4/10/04                                |
| CASE # OH 402 A  | (Signature of Sign Poster) (Date)                   |
| A PUBLIC HEARING WILL BE HELD BY   | SSG Robert Black                                    |
| THE FORING COMMESSIONER  IN TOWSON, MD   | (Print Name)  |
| PLACE: PCC* 407 COMY COLRYS RUG, 1401 EXPRIOY BYE  | 1508 Leslie Road                                    |
| REQUEST: VARIATE TO PROPER LESS PRODUCTS OF THE DESIGNATION OF   | (Address)   |
| THE PROJECT SPACES   | Dundalk, Maryland 21222                             |
|  | (City, State, Zip Code)                             |
|  | (410) 282-7940                                      |
| を  | (Telephone Number)                                  |

PETITION FOR VARIANCE RE:

11317 York Rd; E/side of York Rd,

opposite Shawan Road

8<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts

Legal Owner(s):Stonehenge LLC, c/o KIMCO\*

Realty Corporation, Geoffrey Glazer VP

Contract Purchaser(s); Green Leaf Group

Corporation, Frank Lay, V.P.

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

\*

04-402-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

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 17<sup>th</sup> day of March, 2004, a copy of the foregoing Entry of Appearance was mailed to, Sebastian A. Cross, Esquire, Gildea, LLC, 301 N Charles Street, Suite 900, Baltimore, MD 21201, Attorney for Petitioner(s).

RECEIVED

MAR 17 2004

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY

Tuesday, April 13, 2004 Issue - Jeffersonian

Please forward billing to:

Sebastian Cross 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: 04-402-A

11317 York Road

E/side of York Road, opposite of Shawan Road 8<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Stonehenge, LLC c/o KIMCO Realty Corp., Geoffrey Glazer, V.P.

Contract Purchaser: Green Leaf Group Corporation, Frank Lay, V.P.

Variance to permit 456 parking spaces in lieu of the required 505 parking spaces.

Hearing: Tuesday, April 27, 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 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

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





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

March 16, 2004

# **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: 04-402-A

11317 York Road

E/side of York Road, opposite of Shawan Road 8<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Stonehenge, LLC c/o KIMCO Realty Corp., Geoffrey Glazer, V.P.

Contract Purchaser: Green Leaf Group Corporation, Frank Lay, V.P.

Variance to permit 456 parking spaces in lieu of the required 505 parking spaces.

Hearing: Tuesday, April 27, 2004, at 11:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Sebastian Cross, Gildea, LLC, 301 N. Charles St., Ste. 900, Baltimore 21201 Geoffrey Glazer, Stonehenge, LLC, 170 W. Ridgely Rd., Ste. 300, Lutherville 21093 Frank Lay, Green Leaf Group Corp., 11713 Greenspring Ave., Lutherville 21093

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, APRIL 12, 2004.

- (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.

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

# <u>ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS</u>

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.

| or Newspaper Advertising:                |
|--|
| em Number or Case Number: OH-HOJ-A       |
| etitioner: <u>Green Leaf Group Corp.</u> |
| ddress or Location: 11317 YORK RD.       |
| ·  |
| LEASE FORWARD ADVERTISING BILL TO:       |
| ame: SEBASTIAN A. CROSS, ESQUIRE         |
| ddress: GILDEA, LLC                      |
| 301 N. CHARLES ST. SUITE 900             |
| BALTO. MD 21201                          |
| elephone Number: 410-234-0070            |

Revised 2/20/98 - SCJ

# Department of Permits and Development Management

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





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

April 23, 2004

Sebastian Cross Gildea, LLC 300 East Lombard Street, Ste. 1440 Baltimore, Maryland 21202

Dear Mr. Cross:

RE: Case Number:04-402-A, 11317 York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 3, 2004.

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.

W. Carles de la Constant De

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Green Leaf Group Corporation 11713 Greenspring Avenue Lutherville 21093
Geoffrey Glazer, Stonehenge, LLC. 170 W. Ridgely Road Lutherville 21093



Visit the County's Website at www.baltimorecountyonline.info

# Fire Department



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





James T. Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

March 15, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: March 15, 2004

Item No.:

341, 399-412

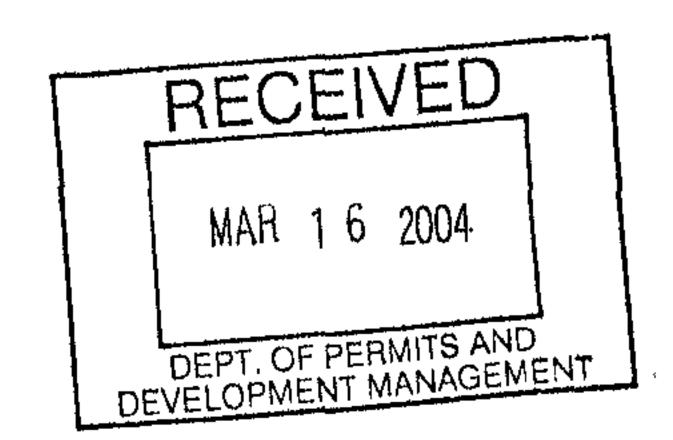
Dear Ms. Hart:

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.

6. 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





Visit the County's Website at www.baltimorecountyonline.info

# BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** April 5, 2004

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

**SUBJECT:** 

Zoning Advisory Committee Meeting

For March 22, 2004 Item Nos. 341, 400, 401 (402) 403, 405, 406, 407, 408, 410, 411, and 412

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

RWB:CEN:jrb

cc: File

# BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley RBS/JDU

DATE:

April 5, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of March 8, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-341

04-399

04-400

04-401

(04-402)

04-405

04-407

04-412

Reviewers:

Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc

# BALTIMORE COUNTY, MARYLAND

# INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

Zoning Advisory Petition(s): Case 4-402

**DATE:** March 17, 2004

RECEIVED MAR 1 9 2004

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.

AFK/LL



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

### MARYLAND DEPARTMENT OF TRANSPORTATION

Date:

3.16.04

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

RE:

**Baltimore County** 

Item No. 402

DT

Dear Ms.Matthews:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/J/S 45. are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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

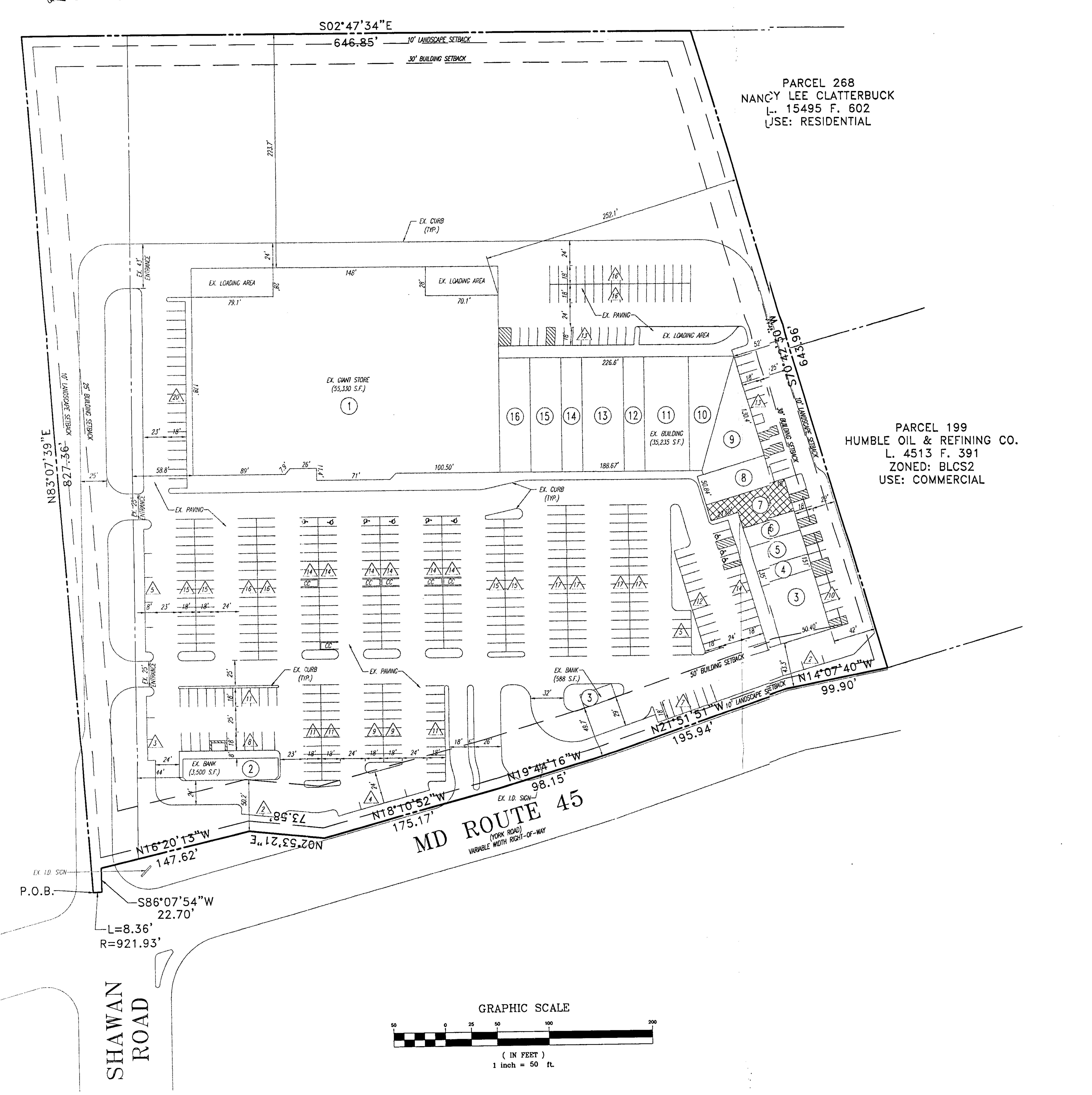
PLEASE PRINT CLEARLY

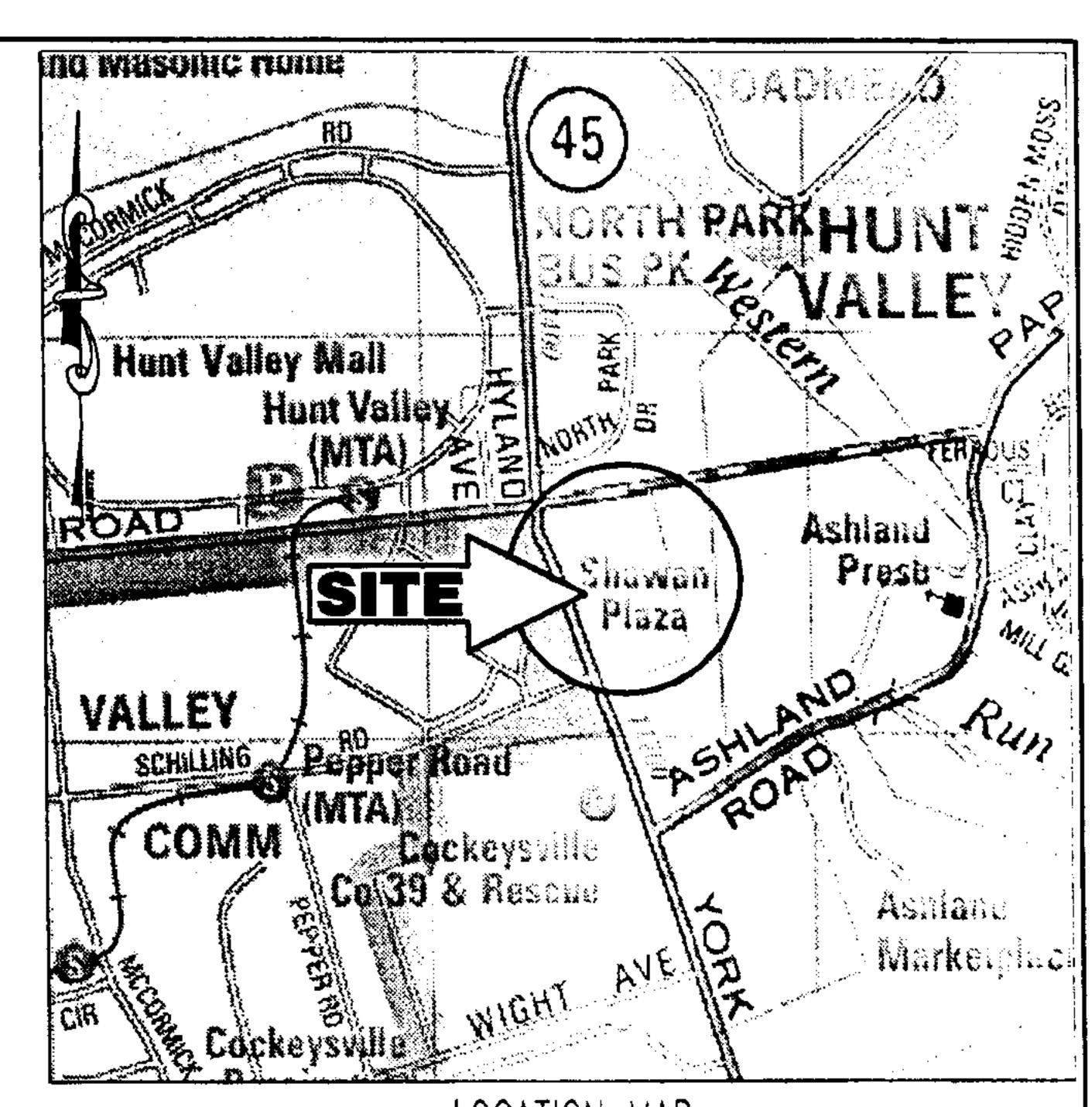
CASE NAME //S/17 LOCK Rd CASE NUMBER 04 402-A DATE 4/87/04

# PETITIONER'S SIGN-IN SHEET

| E- MAIL                |             |                           |  |  |  |  |  |  |  |  |  |
|------------------------|-------------|---------------------------|--|--|--|--|--|--|--|--|--|
| GITY, STATE, ZIP       | 2109        | 7022 AD 21286             |  |  |  |  |  |  |  |  |  |
| 7 3                    | inco Franca | SIO GLEN EAGLES CT./21286 |  |  |  |  |  |  |  |  |  |
| NAME<br>Schastin Cross |             | GREGA REED                |  |  |  |  |  |  |  |  |  |







COPYRIGHT ADC THE MAP PEOPLE
PERMIT USE NO. 20602153-5

GENERAL NOTES:

1. SITE ADDRESS: 11317 YORK ROAD
HUNT VALLEY, MARYLAND

2. TAX ACCOUNT NO.: 0816045025

3. THIS SITE IS ZONED BR (BUSINESS ROADSIDE)

BALTIMORE COUNTY

4. SITE AREA: 12.02 AC.

5. OWNER: STONEHENGE. LLC
C/O KIMCO REALTY CORPORATION
170 WEST RIDGLEY ROAD, SUITE 300
LUTHERVILLE, MD 21093

6. PARKING:

| 12.<br>13. | EXISTING VACANT AREA EXISTING LIQUOR STORE        | 2200<br>4400            | RETAIL<br>RETAIL     | 5/1000<br>5/1000          | 11.00<br>22.00         |
|------------|---|-------------------------|----------------------|---------------------------|------------------------|
| 11.        | EXISTING DAY SPA                                  | 4759                    | RETAIL               | 5/1000                    | 23.80                  |
| 10.        | EXISTING DENTIST OFFICE                           | 3054                    | OFFICE               | 4.5/1000                  | 13.74                  |
| 8.<br>9.   | EXISTING CLEANERS EXISTING LEDO PIZZA             | 1960<br>2062            | RETAIL<br>RESTAURANT | 5/1000<br>16/1000         | 9.80<br>32.99          |
| 7.         | PROPOSED RESTAURANT                               | 2000                    | RESTAURANT           | 16/1000                   | 32.00                  |
| 6.         | EXISTING PHOTO IMAGE                              | 1000                    | RETAIL               | 5/1000                    | 5.00                   |
| 5.         | EXISTING TAN STAND                                | 1250                    | RETAIL               | 5/1000                    | 6.25                   |
| 4.         | EXISTING VACUUM CLEANERS                          | 750                     | RETAIL               | 5/1000                    | 3.75                   |
| 3.         | EXISTING BANK OF AMERICA                          | 3588                    | BANK                 | 3.3/1000                  | 11.84                  |
| 2.         | EXISTING GIANT FOOD STORE EXISTING PROVIDENT BANK | 3500                    | BANK                 | 3.3/1000                  | 11.55                  |
| 4          | TENANT<br>EXISTING GIANT FOOD STORE               | SQUARE FOOTAGE<br>55330 | USE<br>RETAIL        | PARKING FORMULA<br>5/1000 | REQUIRED SPACES 276.65 |
|            | SHAWAN PLAZA SHOPPING CENTER                      |                         |                      | PARKING CALCULATIONS      |                        |

TOTAL PARKING REQUIRED (BY USE): 505 SPACES

TOTAL PARKING SPACES PROVIDED: 456 SPACES
\*A VARIANCE OF 49 SPACES IS REQUIRED

7. LOADING SPACES:
REQUIRED: FIVE SPACES
PROVIDED: FIVE SPACES

8. STANDARD PARKING SPACES ARE 8.5' x 18'
HANDICAP PARKING SPACES ARE 8' x 18' WITH A REQUIRED LOADING AREA

- (5' - STANDARD LOADING AREA, 8' - VAN ACCESSIBLE LOADING AREA)
TWO WAY DRIVE ISLES ARE A MINIMUM OF 22' WIDE

HANDICAP SPACES REQUIRED: 10 SPACES

HANDICAP SPACES FROVIDED: 10 SPACES (INCLUDED IN PARKING CALCULATIONS)

9. THIS PLAN REFERENCES A PLAN BY KCI TECHNOLOGIES, INC. DATED 4/27/97.

10. ELECTION DISTRICT: 08

11. COUNCILMANIC DISTRICT: 3

12. FLOOR AREA RATIO: 0.18

13. ZONING MAP: NW-19-B & NW-18-B

ZONING RELIEF REQUEST:

A. SECTION 409.6.A TO PERMIT 456 OFF STREET PARKING SPACES
IN LIEU OF THE REQUIRED 505 OFF STREET PARKING SPACES

|           | BOHLER ENGINEERS - PROJECT MANAGERS - ENVIRONMENT.  776 MOUNTAIN BOULEVARD SUITE 300 WATCHUNG, NEW JERSEY TOWSON, MARYLAND 21286 (908) 668-8300 PHONE: (410) 821-7900 FAX: (410) | AL & SITE PLANNERS • MUNICIPAL ENGINEERS •  22630 DAVIS DRIVE, SUITE 200  STERLING, VA 20164 |
|-----------|--|--|
|           | PROJECT: KIMCO REALTY CORPORATION SHAWAN PLAZA SHOPPING CENTER 11317 YORK ROAD HUNT VALLEY, MARYLAND   | TITLE: PLAN TO ACCOMPANY VARIANCE HEARING  |
| Comment   | A.J. D.M. DUKE   | SCALE: (H) 1" = 50' DATE: 2/13/03 SHEET NO:  DRAWN BY: R.L.B. PROJECT No: MD032061           |
| Sev. Date | PROFESSIONAL ENGINEER PROFESSIONAL ENGINEER VIRGINIA LICENSE No. 0402 034104 MARYLAND LICENSE No. 26720 DISTRICT OF COLUMBIA LICENSE No. 900392 DELA ARELLE NO. 10734            | CHECKED BY: A.J.V.  CAD I.D. 1:  M32061CB0  OF 1  REV. No.                                   |