IN RE: PETITION FOR VARIANCE NW/S Eastern Boulevard, 55' NE of the c/l Orville Road **(165 Orville Road)** 15th Election District 7th Council District Riverdale, LLC, Owners; Mars Supermarkets, Lessees	* * * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 04-432-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Riverdale, LLC, and the Contract Lessees, Mars Supermarkets, through their attorney, Guy Flynn, Esquire. The Petitioners request a variance from Section 405(4).5(d) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit four (4) wall-mounted enterprise signs on the front façade (customer entrance) in lieu of the one permitted, and to allow 527 sq.ft. of sign area in lieu of the maximum allowed 420 sq.ft. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1, and Petitioner's Exhibits 2A, 2B and 3, schematic drawings of the proposed signage.

Appearing at the requisite public hearing in support of the request were Ted D'Anna and Rick Snyder, on behalf of Mars Supermarkets, Contract Lessees; Dean Hoover and Safiel Laaly, on behalf of Morris & Ritchie Associates, Inc., the consultants who prepared the site plan for this property; and Guy Flynn, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence presented revealed that the subject property is an irregular shaped parcel located on the northwest corner of Eastern Boulevard at its intersection with the east side of Orville Road in Essex. The property contains a gross area of 8.81 acres, more or less, zoned B.L. and was previously part of the Riverdale Apartment complex, which has been razed and is being redeveloped with 175 single-family homes (see Development Plan Case No. XV-767) as part of the County's revitalization efforts in this area.

ORDER RECEIVED FOR FILING
Date 5/28/04
By

The subject property was formerly the site of the Riverdale Village Shopping Center, which contained a Mars food store and other retail uses. The Petitioners propose a major redevelopment of the property with a new strip shopping center that will feature a series of attached commercial buildings and several freestanding commercial pad sites around the perimeter. As shown on the site plan, the strip center will be located to the rear of the property with a new Mars Supermarket serving as the anchor tenant. A large parking field and several commercial pad sites will be located in the front portion of the property.

The Petitioners propose a sign package for the center in accordance with that shown on Petitioner's Exhibit 3. Four signs are proposed to be located on the front façade of the building. One of these advertises the entrance to the "Deli" area of the store, and a second shows that the store offers a "Bakery." Third, the corporate slogan of Mars Supermarkets as "the Friendly Food People" will be advertised. Lastly, the corporate logo featuring the familiar red circle with the white lettering of the word "Mars" is proposed. As shown on the site plan, the entire rectangularly shaped area around the Mars logo was considered in calculating the total sign area, irrespective of the fact that much of that space does not contain advertising. That is, the site plan shows that the logo sign will be 31' x 14.4' in dimension, notwithstanding the fact that much of that area does not contain lettering, the red circle, or other signage detail. Due to the size and number of signs proposed for the site, the requested variance relief is necessary.

As noted above, there were no Protestants present at the hearing; however, an adverse Zoning Advisory Committee (ZAC) comment was received from the Office of Planning recommending a denial of the request. That comment indicates that there are no special circumstances or conditions that exist on the site which justify the variance. The Petitioners indicated that the Office of Planning had agreed to the proposed design when the shopping center was approved through the development review process. In this regard, it was indicated that much of the design focused on the fact that the new Mars store will be setback approximately 499 feet from the right-of-way of Eastern Boulevard. Building elevation drawings submitted at the hearing as Petitioner's Exhibits 2A and 2B show that the

ORDER RECEIVED FOR FILING
Date 5/21/99

proposed center will be attractive and designed with a Georgian architectural style, and that building materials will be aesthetically pleasing.

After due consideration of the testimony and evidence presented, I am persuaded that relief should be granted. In my view, there are peculiar circumstances and unique characteristics related to this site. Specifically, the property's unusual shape is one unique characteristic. Moreover, the layout of the center is unusual. As noted above, most of the buildings are setback significantly from the major arterial road (Eastern Boulevard) in the front of the site. Thus, the proposed signage on the buildings must be of sufficient size to be visible to traffic on that road. It was also indicated that the proposed redevelopment of the site will feature enhanced landscaping, including a rod iron fence and vegetation across the front of the property. These amenities, although aesthetically pleasing, also reduce visibility. Based upon all of these factors, I am persuaded to grant the relief requested. In my judgment, the proposal represents a high quality redevelopment of this site and variance relief is justified.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 28th day of May 2004 that the Petition for Variance seeking relief from Section 405.(4).5(d) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit four (4) wall-mounted enterprise signs on the front façade (customer entrance) in lieu of the one permitted, and to allow 527 sq.ft. of sign area in lieu of the maximum allowed 420 sq.ft., in accordance with Petitioner's Exhibits 1, 2A, 2B and 3, be and is hereby GRANTED, subject, however, to the following restriction:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Specific Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 5/28/04
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

May 27, 2004

Guy Flynn, Esquire
Piper Rudnick, LLP
6225 Smith Avenue
Baltimore, Maryland 21209

RE: PETITION FOR VARIANCE
NW/S Eastern Boulevard, 55' NE of the c/l Orville Road
(165 Orville Road)
15th Election District – 7th Council District
Riverdale, LLC, Owners; Mars Supermarkets, Lessees - Petitioners
Case No. 04-432-A

Dear Mr. Flynn:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Messrs. E. Philip Hanlon and Rick Snyder, Riverdale, LLC
3401 E. Federal Street, Baltimore, Md. 21213
Mr. Ted D'Anna, 2700 Holly Beach Road, Essex, Md. 21221
Messrs. Dean Hoover & Safiel Laaly, MRA, 1220-C E. Joppa Road, Towson, Md. 21286
Office of Planning; People's Counsel; Case File

Printed on Recycled Paper

CBCA

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 165 ORVILLE Rd 21221

which is presently zoned BL

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)

1. A VARIANCE FROM SECTION 450.5 (4) (d) BCZR TO PERMIT 4 WALL MOUNTED ENTERPRISE SIGNS ON FRONT (CUSTOMER ENTRANCE) FAÇADE IN LIEU OF ONE PERMITTED; AND

2. TO ALLOW 527 SF OF SIGN AREA IN LIEU OF 420 SF PERMITTED.

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

TO ALLOW INDIVIDUAL RETAILERS TO BE INDENTIFIED WITHIN THE STORE

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:

MARS SUPER MARKETS
E. PHILIP HANLON
Name - Type or Print

E. Philip Hanlon MANAGER
Signature

3401 E. FEDERAL STREET 410 342 1570
Address Telephone No.

BALTIMORE MARYLAND 21213
City State Zip Code

Attorney For Petitioner:

GUY FLYNN
Name - Type or Print

Signature

Piper Rudnick LLP
Company

6225 Smith Ave. X10-580-4179
Address Telephone No.

Baltimore MD 21209
City State Zip Code

Legal Owner(s):

RIVERDALE LLC
E. PHILIP HANLON, MANAGER
Name - Type or Print

E. Philip Hanlon
Signature

Name - Type or Print

Signature

3401 E. FEDERAL STREET 410 342 1570
Address Telephone No.

BALTIMORE MARYLAND 21213
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 HR

UNAVAILABLE FOR HEARING

Case No. 04-432-A

Reviewed By JL **Date** 3/22/04

ORDER RECEIVED FOR FILING
Date 3/22/04
By

REV 9/15/98

MORRIS & RITCHIE ASSOCIATES, INC.

ARCHITECTS, ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS

Zoning Description

Beginning at a point located on the northwesterly side of Eastern Boulevard (Maryland Route 150) which has a width of 150 feet at the distance of 55 feet northeast of the centerline of the nearest intersecting street, Orville Road, which has a width of 60 feet. **Thence** the following courses and distances:

Northwesterly by a tangential curve to the right having a radius of 25.00 feet, an arc length of 39.28 feet, the chord of said arc bearing North 83 degrees 27 minutes 15 seconds West, 35.36 feet; North 38 degrees 27 minutes 15 seconds West, 324.48 feet; Northwesterly by a tangential curve to the left having a radius of 1226.00 feet, an arc length of 209.77 feet, the chord of said arc bearing North 43 degrees 21 minutes 21 seconds West, 209.51 feet; North 48 degrees 15 minutes 27 seconds West, 175.67 feet; North 51 degrees 32 minutes 45 seconds East, 298.36 feet; South 87 degrees 11 minutes 42 seconds East, 215.88 feet; North 02 degrees 48 minutes 18 seconds East, 123.00 feet; South 87 degrees 11 minutes 41 seconds East, 13.03 feet; Southeasterly by a tangential curve to the left having a radius of 440.00 feet, an arc length of 26.98 feet, the chord of said arc bearing South 88 degrees 57 minutes 07 seconds East, 26.98 feet; South 02 degrees 48 minutes 18 seconds West, 123.83 feet; South 87 degrees 11 minutes 42 seconds East, 68.33 feet; North 77 degrees 10 minutes 42 seconds East, 123.94 feet; South 38 degrees 27 minutes 15 seconds East, 376.91 feet; South 51 degrees 32 minutes 45 seconds West, 201.00 feet; South 01 degrees 21 minutes 00 seconds West, 15.62 feet; South 38 degrees 27 minutes 17 seconds East, 75.00 feet; South 51 degrees 32 minutes 45 seconds West, 370.00 feet to the point and place of beginning, being known and designated as #101, #107, #111, and #117-#165 Eastern Boulevard.

Containing 383,676 square feet or 8.8080 acres of land, more or less, and being located in the Fifteenth Election District of Baltimore County, Maryland.

A32

STATE OF MARYLAND
MICHAEL LEE GRAY
11041
PROFESSIONAL LAND SURVEYOR
3/8/04

1220-C East Joppa Road, Suite 505, Towson, MD 21286 (410) 821-1690 Fax: (410) 821-1748 www.mragta.com

Abingdon, MD (410) 515-9000 ✦ Annapolis Junction, MD (410) 792-9792 ✦ Towson, MD (410) 821-1690 ✦ Georgetown, DE (302) 855-5734 ✦ Wilmington, DE (302) 326-2200

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

A34 JL No. 32679

DATE 3/22/04 ACCOUNT 001 006 6150

AMOUNT $ 325.00

RECEIVED FROM: Safeh Cardy 75.00 ; TOTAL $325.00
MH-RAASOC 250.00

FOR: Comm Variance
165 Orville Rd

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	MCH
3/22/2004	3/22/2004	09:59:09	2

REG: WS02 MAIL JEWN JEE
>>RECEIPT # 32599 3/22/2004 OFLH
Dept 5 528 ZONING VERIFICATION
CR NO. 032679
Recpt Tot $325.00
$325.00 CK $0.00 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: 04-432-A
165 Orville Road
N/east side of Orville Road at N/west side of Eastern Boulevard
15th Election District-7th Councilmanic District
Legal Owner(s): Riverdale, LLC
Contract Purchaser: Mars Super Markets, Inc.

Variance: to permit 4 wall mounted enterprise signs, signs on front (customer entrance) façade in lieu of one permitted and to allow 527 SF of sign area in lieu of 420 SF permitted.

Hearing: Wednesday, May 12, 2004 at 9:00 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/4/798 Apr. 27 C661806

CERTIFICATE OF PUBLICATION

4/28/, 2004

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 4/27/, 2004.

- [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.: 04-432-A

Petitioner/Developer: MARS SUPER MARKETS, INC

Date of Hearing/Closing: MAY 12, 2004

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}

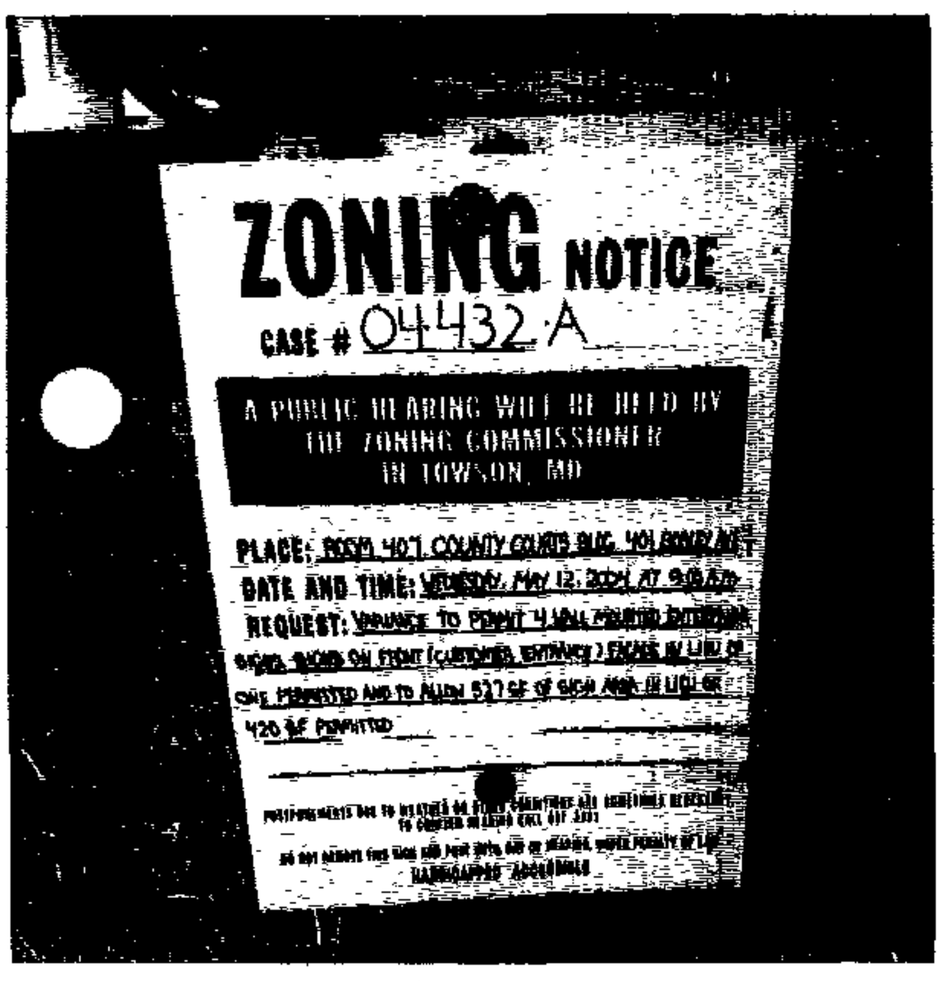
Ladies and Gentlemen:

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

165 ORVILLE RD

The sign(s) were posted on 4/24/04
(Month, Day, Year)

Sincerely,



Robert Black 4/24/04
(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

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

Baltimore County

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

March 26, 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: 04-432-A
165 Orville Road
N/east side of Orville Road at N/west side of Eastern Boulevard
15th Election District – 7th Councilmanic District
Legal Owners: Riverdale, LLC
Contract Purchaser: Mars Super Markets, Inc.

Variance to permit 4 wall mounted enterprise signs, signs on front (customer entrance) façade in lieu of one permitted and to allow 527 SF of sign area in lieu of 420 SF permitted.

Hearing: Wednesday, May 12, 2004, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco
Director

TK:klm

C: Guy Flynn, Piper Rudnick, LLP, 6225 Smith Ave., Baltimore 21209
Riverdale, LLC, Philip Hanlon, 3401 E. Federal St., Baltimore 21213

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 27, 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.

Printed on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 27, 2004 Issue - Jeffersonian

Please forward billing to:
Safieh Laaly
Morris & Ritchie
1220-C E. Joppa Rd., Ste. 505
Towson, MD 21286

410-821-1690

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: 04-432-A
165 Orville Road
N/east side of Orville Road at N/west side of Eastern Boulevard
15th Election District – 7th Councilmanic District
Legal Owners: Riverdale, LLC
Contract Purchaser: Mars Super Markets, Inc.

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Hearing: Wednesday, May 12, 2004, at 9:00 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 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 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: 04-432-A

Petitioner: RIVERDALE L.L.C.

Address or Location: 165 ORVILLE RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Morris & Ritchie Associates, Inc.

Address: 1220-C E. Joppa Rd., Suite 505
Towson, MD 21286

Telephone Number: 410-821-1690

Attn.: Safieh Laaly

Revised 2/20/98 - SCJ

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

May 3, 2004

Guy Flynn
Piper Rudnick
6225 Smith Avenue
Baltimore, Maryland 21209

Dear Mr. Flynn:

RE: Case Number:04-432-A, 165 Orville Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 22, 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.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Riverdale LLC E. Phillip Hanlon 3401 E. Federal Street Baltimore 21213

Printed on Recycled Paper

Fire Department

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

Baltimore County

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 29, 2004

ATTENTION: Rebecca Hart
Distribution Meeting of: March 29, 2004
Item No.: 424-435 (435)

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

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: 3.29.04

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

RE: Baltimore County
Item No. 432 JLL

Dear. Ms.Matthews:

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,

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley RBS/JDO

DATE: April 6, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of March 29, 2004

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

04-424
04-425
04-428
04-429
04-432
04-433
04-434
04-435

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

DATE: April 2, 2004

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

SUBJECT: 165 Orville Road

INFORMATION:

Item Number: 4-432

Petitioner: Riverdale, LLC.

Zoning: BL

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends that the petitioner's request be **DENIED**. *This office has* determined that there are no special circumstances or conditions existing on the subject site that are peculiar to the land or structure where strict compliance of the BCZR would result in practical difficulty of unreasonable hardship.

Prepared by: _____

Division Chief: _____

AFK/LL:MAC:

RECEIVED
APR 9 2004
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 21, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For April 5, 2004
Item Nos. 424, 425, 427, 428, 429, 431,
432, and 434

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

RWB:CEN:jrb

cc: File

RE:	PETITION FOR VARIANCE 165 Orville Road, NE/side of Orville @ NW/side of Eastern Boulevard 15th Election & 7th Councilmanic Districts Legal Owners: Riverdale, LLC, Philip Hanlon* Contract Purchasers: Mars Supermarkets, Inc Petitioner(s)	* * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 04-432-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

Carole S. DeMilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED
APR 01 2004
Per.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of April, 2004, a copy of the foregoing Entry of Appearance was mailed to, Guy Flynn, Esquire, Piper & Rudnick, LLP, 6225 Smith Avenue, Baltimore, MD 21209, Attorney for Petitioner(s).

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

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

THE PETITIONER MUST USE ONE OF THE SIGN POSTERS ON THIS APPROVAL LIST. ANY REPOSTING MUST ALSO BE DONE BY ONE OF THESE APPROVED POSTERS. IF YOU WISH TO SELECT A POSTER NOT SHOWN ON THE LIST ABOVE, PRIOR APPROVAL BY THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT/ZONING REVIEW IS REQUIRED.

THIS DEPARTMENT IS NOT ASSOCIATED WITH ANY OF THE ABOVE POSTERS, NOR DO WE RECOMMEND ANY SPECIFIC ONE. WE DO SUGGEST THAT YOU CONTACT A NUMBER OF THEM TO COMPARE PRICES SINCE THEIR CHARGES MAY VARY.

WC/rjc – Revised 2/2/04

APPROVED SIGN POSTERS

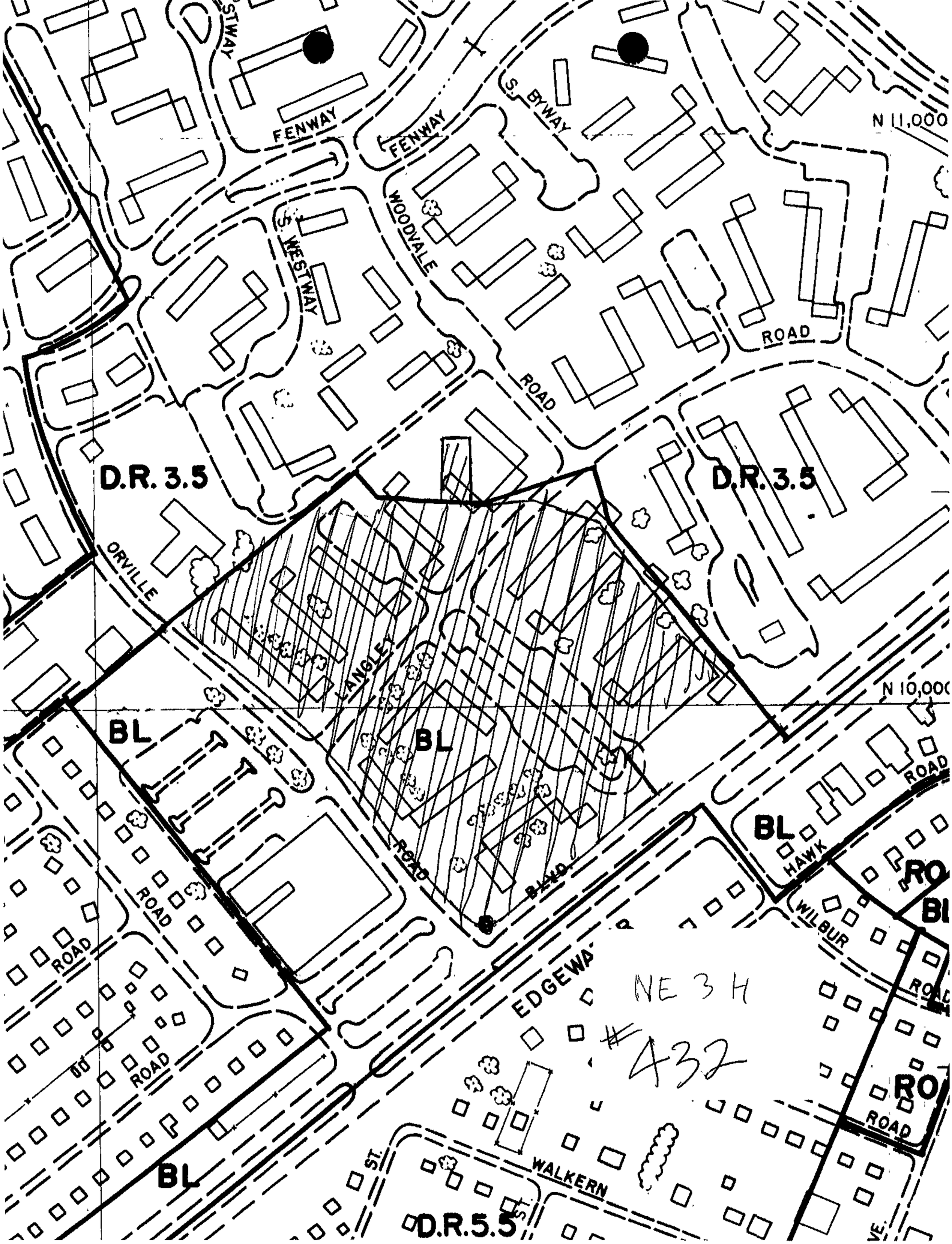
Staff Sergeant Robert A. Black 1508 Leslie Road Dundalk, MD 21222	Telephone: 410-282-7940 Cell: 410-499-7940 Fax: 410-282-7940
Bruce E. Doak Gerhold, Cross & Etzel, Ltd. Suite 100, 320 E. Towsontown Boulevard Towson, MD 21286	Telephone: 410-823-4470 Fax: 410-823-4473
Stacy Gardner Shannon-Baum Signs, Inc. 105 Competitive Goals Drive Eldersburg, MD 21784	Telephone: 410-781-4000 Toll Free: 800-368-2295 Fax: 410-781-4673
Thomas J. Hoff 406 W. Pennsylvania Avenue Towson, MD 21204	Telephone: 410-296-3668 Fax: 410-296-5326
Richard Hoffman 904 Dellwood Drive Fallston, MD 21047	Telephone: 410-879-3122 Fax: 410-879-3122
Linda M. Jones Daft-McCune-Walker, Inc. 200 East Pennsylvania Avenue Towson, MD 21286	Telephone: 410-296-3333 Fax: 410-296-4705
Charles E. Merritt 9831 Magledt Road Baltimore, MD 21234	Telephone: 410-665-5562
Garland E. Moore 3225 Ryerson Circle Baltimore, MD 21227	Telephone: 410-242-4263 Fax: 410-242-4263
Linda O'Keefe 523 Penny Lane Hunt Valley, MD 21030	Telephone: 410-666-5366 Fax: 410-666-0929 Cell: 443-604-6431
J. Lawrence Pilson, R.S. McKee & Associates, Inc. 5 Shawan Place Suite 1 Cockeysville, MD 21030	Telephone: 410-527-1555 Fax: 410-527-1563
Martin Ogle 5016 Castlestone Drive Baltimore, MD 21237	Telephone: 410-933-9470 Fax: 410-931-1767 Cell: 443-629-3411 E-Mail mert1114.aol.com

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Guy Flynn	Piper Rudnick LLP 6225	Smith Ave., Baltimore, MD 21209	guy.flynn@piperrudnick.com
Dean Hoover	1220-C EAST Joppa Road	Towson MD 21286	dhoover@medstar.com
Ted DAnna	2700 Holly Beach Rd.	ESSEX MD 21221	ted@marsfood.com
Safieh Laaly	1220-C E. Joppa Rd.	Towson, MD 21286	slaaly@mragta.com
Rick SNYDER	3401 E FEDERAL ST	BALTIMORE MD 21213	rick@marsfood.com


WESTWAY
FENWAY
FENWAY
S. BYWAY
N 11,000
S. WESTWAY
WOODVALE
ROAD
ROAD
D.R. 3.5
D.R. 3.5
ORVILLE
LANGLEY
N 10,000
BL
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BLVD.
HAWK
WILBUR
EDGEWA
NE 3 H
432
ROAD
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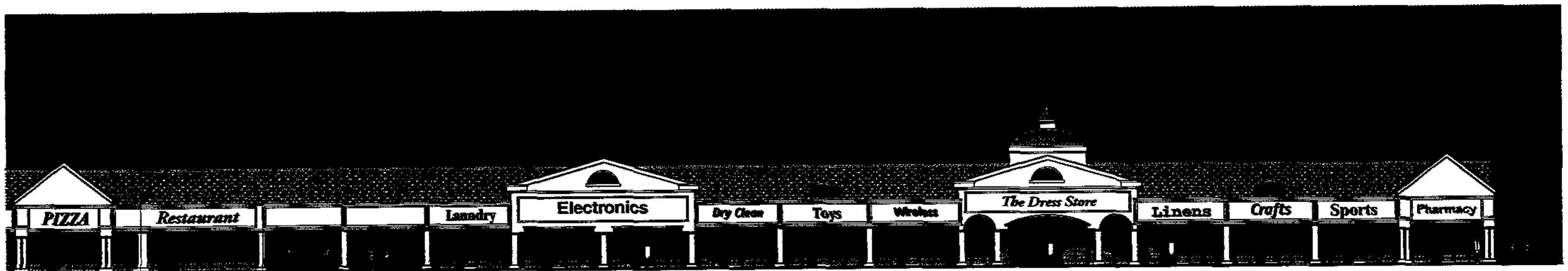
WALKERN
ST.
D.R.5.5

CANOPY - ENTIRE CENTER

MARS

ENLARGED ELEVATION

BUILDING A



WALKWAY

BUILDING B

BUILDING C

ENLARGED ELEVATION

Waterview Commercial

Eastern Boulevard, Baltimore County, MD

11 March 2002

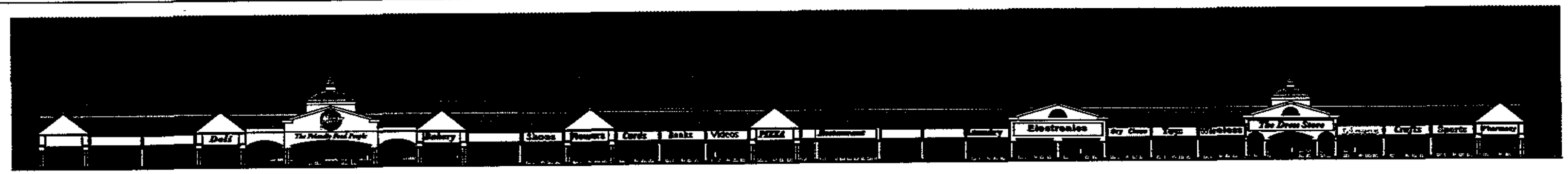
Scale:NTS

Mars Supermarkets Inc.
3401 Federal Street
Baltimore MD 21213

MORRIS & RITCHIE ASSOCIATES, INC.
Getz Taylor Architects
110 West Road
Suite 245
Towson, Maryland 21204
410-823-1070
410-821-7440 Fax

COMMERCIAL REALTY INC.
2972 Tollgate Road
Suite 130
Bel Air, Maryland 21015
410-515-8531
410-515-8530 Fax

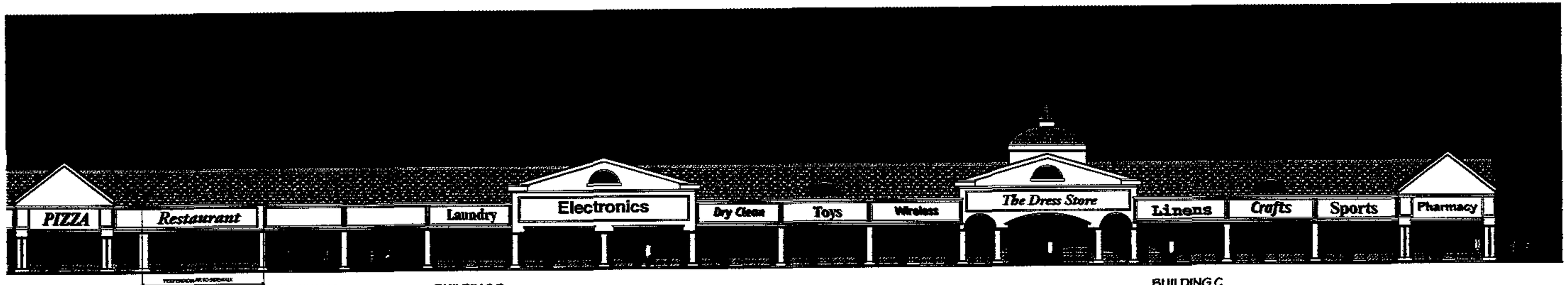
Pet 2A



CANOPY - ENTIRE CENTER

MARS
ENLARGED ELEVATION

BUILDING A



WALKWAY

BUILDING B

BUILDING C

ENLARGED ELEVATION

Waterview Commercial

Eastern Boulevard, Baltimore County, MD

11 March 2002

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Getz Taylor Architects
MORRIS & RITCHIE ASSOCIATES, INC.
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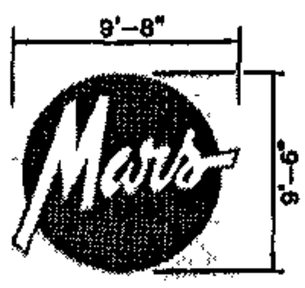
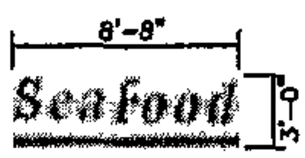
410-821-7440 Fax

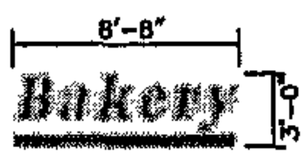
COMMERCIAL REALTY INC.
2032 Tollgate Road
Suite 130
Bel Air, Maryland 21015
410-515-0531
410-515-0120 Fax
CM

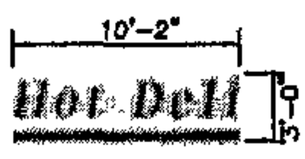
Pl 2B

Pet No 3









MARS LOGO SIGN:

MARS LOGO: 9.7' x 9.5' = 92.15 SF
THE FRIENDLY FOOD PEOPLE: 31' x 3' = 93 SF
TOTAL AREA= 185.15 SF = 185.15 SF
(SIGN AREA SHOWN ON PLAN TO ACCOMPANY VARIANCE REQUEST 31'x14.3'= 443.3 SF)

SEA FOOD SIGN:

8.7' x 3' = 26.10 SF

BAKERY SIGN:

8.7' x 3' = 26.10 SF

HOT DELI SIGN:

10.2' x 3' = 30.60 SF

TOTAL SIGN AREA PROPOSED:

185.15 + 26.10 + 26.10 + 30.60 **= 267.95 SF**

TOTAL SIGN AREA PERMITTED:

210' (LENGTH OF BLDG.) x 2' **= 420 SF**

MRA

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS

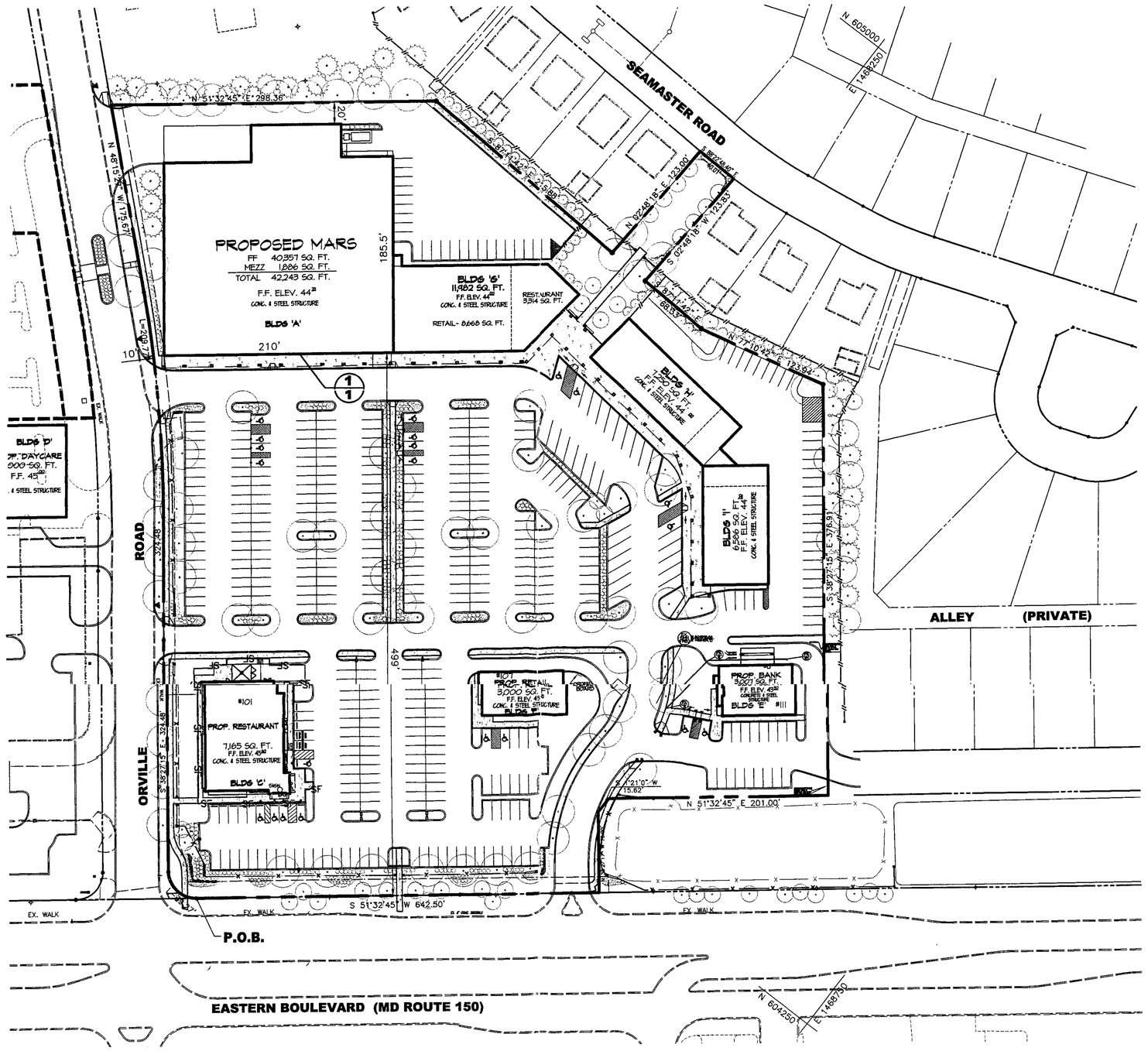
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748

EXHIBIT `A'

WATERVIEW COMMERCIAL MARS

BALTIMORE COUNTY, MARYLAND

NOT TO SCALE	DATE: 05/11/04	SIGN DETAIL EXHIBIT	JOB NO. : 12302	SHEET 1 OF 1



SITE PLAN

SCALE: 1"=60'

OWNER / DEVELOPER / CONSULTANT:

1. OWNER:
   RIVERDALE LLC
   6721-B CHESAPEAKE CENTER DRIVE
   GLEN BURNIE, MD 21060-6572
   ATTN.: MR. PHIL HANLON
   (410) 342-0197
   TAX ACCOUNT NUMBERS: 1513551920, 1502190016, 1505190010, 1505190010, 1505190030, 1505190031, 1515640350, 1515640351, 2300009996, 2300009997

2. DEVELOPER:
   c/o MARS SUPER MARKETS INC.
   6721-B CHESAPEAKE CENTER DRIVE
   GLEN BURNIE, MD 21060-6572
   ATTN.: MR. PHIL HANLON
   (410) 342-0197

3. PLAN PREPARED BY:
   MORRIS & RITCHIE ASSOCIATES, INC.
   1220-C EAST JOPPA ROAD, SUITE 505
   TOWSON, MARYLAND 21286
   ATTN.: MR. DEAN HOOVER
   (410) 821-1690

GENERAL NOTES:

1. SITE LOCATION:

ELECTION DISTRICT:	15
COUNCILMANIC DISTRICT:	7
CENSUS TRACT:	4507
ZIP CODE:	21221
ADC MAP NO:	MAP 37, GRID G-7
ZONING AND TOPOGRAPHY MAP:	NE-3H
TAX MAP:	#90
PARCELS:	PARCELS 1194 & 604
DEED REFERENCE	14003/72, 3269/90, 13186/736
SOILS MAP:	40
WATERSHED	20
SUBSEWER SHED:	6

SITE DATA:

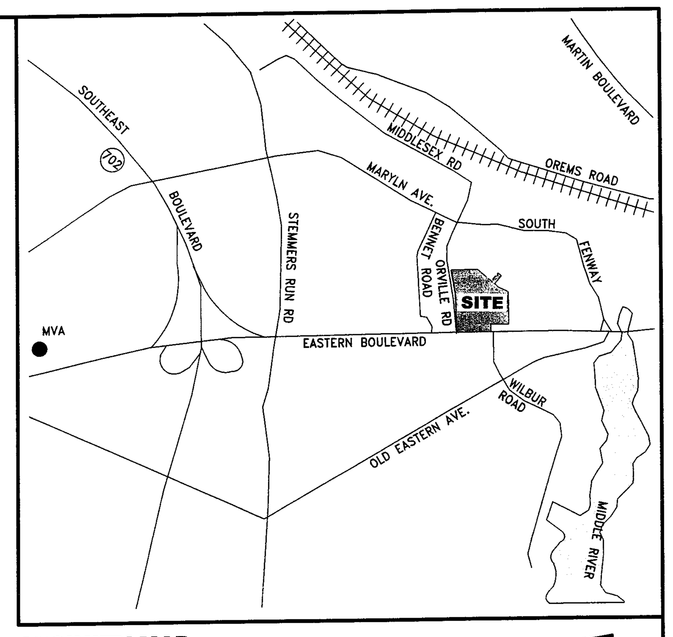
1. GROSS SITE AREA: 8.81 AC+/-
2. EXISTING ZONING: BL (BUSINESS - LOCAL)
3. LAND USE:
   EXISTING USE: COMMERCIAL (VACANT)
   PROPOSED USE: COMMERCIAL
4. BUILDING HEIGHT:
   MAX. HEIGHT ALLOWED: 40' (OR CALCULATED TENT PER SECTION 231.A BCZR)
   PROPOSED HEIGHT: 25'±
5. FLOOR AREA RATIO (F.A.R.):
   PERMITTED FLOOR AREA RATIO: 3.0
   PROPOSED FLOOR AREA RATIO: 0.02
6. BUILDING SETBACKS:

	REQUIRED	ADJACENT TO RESIDENTIAL REQUIRED	PROPOSED
FRONT YARD	10'		499'
REAR YARD	0	20'	20'
SIDE YARD (CORNER LOT)	10'		10'

7. THIS SITE IS NOT LOCATED WITHIN THE 100 YEAR FLOODPLAIN. FLOODPLAIN.
8. THERE ARE NO NON-TIDAL WETLANDS ON THIS SITE.
9. THERE ARE NO FOREST BUFFERS ON SITE.
10. THERE ARE NO KNOWN REGULATED PLANT OR WILDLIFE COMMUNITIES ON THIS SITE.
11. THERE ARE NO KNOWN HISTORICAL STRUCTURE OR ARCHAEOLOGICAL AREAS
12. THERE ARE NO PREVIOUS COMMERCIAL PERMITS ON FILE.
13. FIRE HYDRANT IS LOCATIONS AS INDICATED ON PLAN.
14. PORTIONS OF THIS SITE ARE LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA. NO OTHER MAPPED AREAS OF CRITICAL STATE CONCERN EXIST ON-SITE.
15. PARKING:
    REQUIRED PARKING: = 350 SPACES
    PROPOSED PARKING: = 350 SPACES (INCLUDING HANDICAPPED)
16. ZONING HISTORY: PER BALTO. COUNTY ZONING RECORDS THE FOLLOWING ZONING HEARINGS DATA IS AVAILABLE FOR THIS PROPERTY:
    1) 3272 - MARCH 14,1955 - SPECIAL PERMIT FOR AN ADVERTISING SIGN, WAS DENIED
    2) 4020 - JAN. 24, 1957 - RECLASSIFICATION REQUEST FROM R-6 TO BM, WAS DENIED
    3) DEVELOPMENT PLAN APPROVED 3/11/02, PDM #XV-767.
17. SIGNAGE:
    ALL SIGNAGE TO BE IN COMPLIANCE WITH SECTION 450 BCZR (SEE VARIANCE REQUEST).

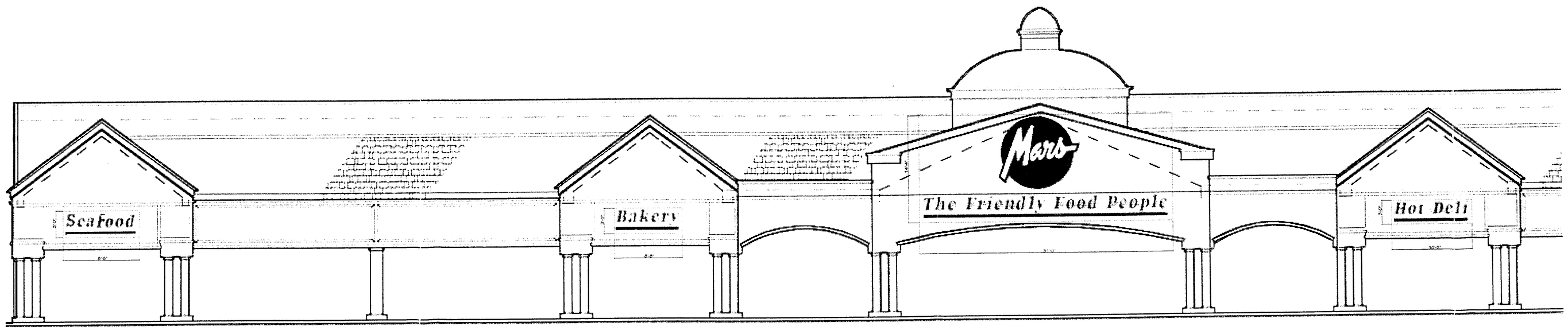
VARIANCE REQUESTS:

1. A VARIANCE FROM BCZR SECTION 450.5 (d) BCZR TO PERMIT 4 WALL MOUNTED ENTERPRISE SIGNS SIGNS ON FRONT (CUSTOMER ENTRANCE)FACADE IN LIEU OF ONE PERMITTED; AND
2. TO ALLOW 527 SF OF SIGN AREA IN LIEU OF SIGN AREA IN LIEU OF 420 SF PERMITTED.



VICINITY MAP

SCALE 1" = 1000'



1/1 TYPICAL ENTRY MONUMENT

NOT TO SCALE

MAXIMUM FRONT SIGNAGE AREA PERMITTED = TOTAL LENGTH OF BUILDING (210'±) x (2) BUILDING HEIGHT = 420 SF

TOTAL FRONT FACADE SIGN AREA PROPOSED: 443.3 SF + 30.6 SF + 26.1 SF + 26.1 SF = 527 SF±

SEE VARIANCE REQUEST NOTES

PDM #XV-767

A32 Bd No1

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ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
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(410) 821-1690
FAX (410) 821-1746

ARCHITECTURAL REGISTRATION BOARD 10932 MORRIS & RITCHIE ASSOCIATES, INC. STATE OF MARYLAND

PLAN TO ACCOMPANY VARIANCE REQUEST

WATERVIEW COMMERCIAL
MARS

ELECTION DISTRICT 15
COUNCILMANIC DISTRICT 7
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS		
		JOB NO.:	12302
		SCALE:	AS SHOWN
		DATE:	03/16/04
		DRAWN BY:	SL
		DESIGN BY:	
		REVIEW BY:	DH
		SHEET:	1 OF 1