IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
S/S of Eastern Avenue, N/S of North Point Boulevard	*	DEPUTY ZONING COMMISSIONER
15th Election District	*	OF BALTIMORE COUNTY
7th Councilmanic District **(S/S of Eastern Ave., N/S of North Pt. Blvd.)**	*	CASE NO. 05-099-SPHA
Eastpoint Partners, LLC	*	
By: Shopco Advisory Corp. and Joseph Speranza, Exec. Vice-President *Petitioners*	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Variance and Petition for Special Hearing for the property located at south side of Eastern Avenue and the north side of North Point Boulevard in the eastern area of Baltimore County otherwise known as Eastpoint Mall. The Petition was filed by Eastpoint Partners, LLC, by Shopco Advisory Corp. and Joseph Speranza, Exec. Vice-President, the Petitioners and legal owners of the property. Variance relief is requested from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit 3989 off-street parking spaces in lieu of the required 4226 spaces. In addition, special hearing relief is requested pursuant to the B.C.Z.R., to approve an amendment to the site plan in Case No. 94-197-A.

The property was posted with Notice of Hearing on September 26, 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 September 28, 2004, to notify any interested persons of the scheduled hearing date.

Amended Petition

Mr. Colbert, professional engineer, indicated that he personally made a survey of the parking lot at the mall and thereafter reconfigured the parking field. As a result, he indicated the

ORDER RECEIVED FOR FILING
Date 10/13/04
By Ray

4839 parking spaces were required with the new store being added to the mall while the actual count of parking spaces and revised parking field showed that 4043 parking spaces could be provided.

Applicable Law

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

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

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

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

Zoning Advisory Committee Comments

The Zoning Advisory Committee 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 requested special hearing and variance relief were Ken Colbert, the professional engineer who prepared the Plan to Accompany, Mickey

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By

Cornelius, traffic engineer, Joe Sirni and Frank Meyer, appearing on behalf of the Petitioner LLC. Robert A. Hoffman, Esquire and David Karceski, 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

Mr. Hoffman proffered that the owners of Eastpoint Mall are upgrading and renovating the mall. They propose to replace the one-story building that formerly held the Ames department store by a two-story building nearly on the same footprint. This new store would have 180,000 sq. ft. of leaseable space as compared to the Ames store which has 58, 442 sq. ft. of leaseable space. In preparing the revised site plan, Mr. Colbert, indicated that he personally visited the site, counted parking spaces and reconfigured the parking field. From this information, he indicated that the site would provide 4043 spaces in lieu of the required 4839 spaces. This would be a deficit of 796 spaces.

Mr. Hoffman proffered that Case No. 94-197-A granted a parking space variance of 700 spaces and that the Mall has operated successfully since that time with more than adequate parking. He attributed this to the fact that the mall is located in a densely populated area as shown by Petitioner's Exhibit No. 2. As a result, he noted that many people walk or take public transportation to the mall unlike so many more typical suburban malls. Mr. Cornelius, professional traffic engineer, supported this position from personal observations and traffic studies.

Mr. Hoffman also noted that the shape of the lot was nearly triangular bounded by the Baltimore Beltway, Eastern Avenue, North Point Boulevard and the Baltimore Gas and Electric power lines. He noted that the zoning for this site is CT, Commercial Town Core, and that the rationale for this variance request is essentially the same as accepted by the Zoning

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Date 10/13/04
By

Commissioner in the 1994 case. He proffered that there would be no adverse impact on the community if the variance was granted.

Findings of Fact and Conclusions of Law

I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. This is an existing shopping mall in an urban area which is undergoing renovation. The lot is triangular and bounded by public streets and the BGE power lines. I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. There is no practical place to provide more parking spaces. Tract 2, which lies on the other side of the power lines, is not a reasonable place to locate parking for the mall. I find that this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The testimony presented at the hearing indicated that parking is more than adequate and that the variance granted in 1994 for 700 spaces apparently had no ill affect. It seems reasonable that a variance of 796 spaces will not adversely affect the community.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance and special hearing requests should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 13th day of October, 2004, that the Petitioners' request for special hearing relief filed pursuant to the B.C.Z.R., to approve an amendment to the site plan in Case No. 94-197-A, be and is hereby GRANTED.

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Date 10/13/04
By

IT IS FURTHER ORDERED, that the amended variance relief requested from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit 4043 off-street parking spaces in lieu of the required 4839 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

ORDER RECEIVED FOR FILING
Date 10/13/04
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

October 13, 2004

Robert A. Hoffman, Esquire
David Karceski, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204

Re: Petitions for Variance & Special Hearing
Case No. 05-099-SPHA
Property: S/S of Eastern Ave., N/S of North Pt. Blvd.

Dear Messrs. Hoffman & Karceski:

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

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

Very truly yours,

John V. Murphy

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Ken Colbert, Colbert, Matz, Rosenfelt, Inc., 2835 Smith Ave., Suite G
Baltimore, MD 21209
Mickey Cornelius, The Traffic Group, 9900 Franklin Square Drive,
Suite H, Baltimore, MD 21236
Joe Sirni, 7839 Eastpoint Mall, Baltimore, MD 21224
Frank Meyer, 11010 Sani Lane, Hagerstown, MD 21742

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at S/S Eastern Avenue, N/S North Point Boulevard

which is presently zoned BM-CT

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

409.6.A.2 of the Baltimore County Zoning Regulations to permit 3989 off-street parking spaces in lieu of the required 4226 spaces.

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

To be determined at hearing.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly 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:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

SEE ATTACHED

Name - Type or Print

Signature

Name - Type or Print

Signature

1250 Broadway — (212) 594-9400

Address — Telephone No.

New York, New York 10001

City — State — Zip Code

Attorney For Petitioner:

Robert A. Hoffman

Name - Type or Print

Signature

Venable LLP

Company

210 Allegheny Avenue — (410) 494-6200

Address — Telephone No.

Towson, Maryland 21204

City — State — Zip Code

Representative to be Contacted:

Robert A. Hoffman

Name

210 Allegheny Avenue — (410) 494-6200

Address — Telephone No.

Towson, Maryland 21204

City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D. THOMPSON Date 8/23/04

Case No. 05-099-SPHA

ORDER RECEIVED FOR FILING

Date 10/13/04

By

REV 9/15/98

Petition for Variance

Signature Page

Legal Owner(s):

Eastpoint Partners LLC

By: Shopco Advisory Corp.
Authorized Agent

By: _____
Joseph Speranza, Executive Vice President

TO1DOCS1/DHK01DHK01/#190853 v1

05-099-SPHA

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at S/S Eastern Avenue, N/S North Point Boulevard

which is presently zoned BM-CT

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

an amendment to the site plan approved in Case No. 94-197-A.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

SEE ATTACHED

Name - Type or Print

Signature

Name - Type or Print

Signature

1250 Broadway (212) 594-9400
Address — Telephone No.

New York, New York 10001
City — State — Zip Code

Attorney For Petitioner:

Robert A. Hoffman
Name - Type or Print

Robert A. Hoffman / JLK
Signature

Venable LLP
Company

210 Allegheny Avenue (410) 494-6200
Address — Telephone No.

Towson, Maryland 21204
City — State — Zip Code

Representative to be Contacted:

Robert A. Hoffman
Name

210 Allegheny Avenue (410) 494-6200
Address — Telephone No.

Towson, Maryland 21204
City — State — Zip Code

ORDER RECEIVED FOR FILING
10/13/04

Case No. 05-099-SPHA

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D. THOMPSON Date 8/23/04

REV 9/15/98

Petition for Special Hearing

Signature Page

Legal Owner(s):

Eastpoint Partners LLC

By: Shopco Advisory Corp.
Authorized Agent

By: _____
Joseph Speranza, Executive Vice President

TO1DOCS1/DHK01DHK01/#190853 v1

05-099-SPHA

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

ZONING DESCRIPTION
7800 BLOCK EASTERN AVENUE
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

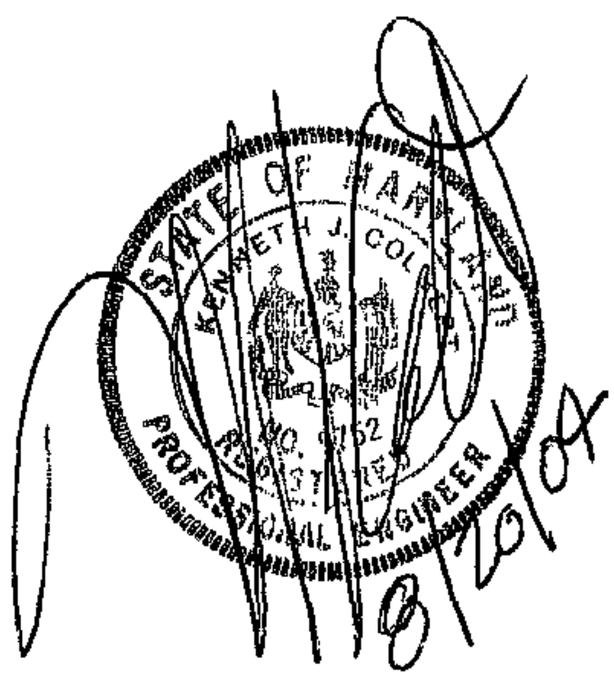
Beginning at a point on the southeast side of Eastern Avenue (65.33 feet wide), where it is intersected by the west side of the Baltimore Gas and Electric Company Right of Way (205 feet wide), a distance of 2075 feet, more or less, northeasterly from the intersection of the Eastern Avenue Interchange (variable width) and Eastern Avenue. Thence, the following courses and distances: Leaving said southeast side of Eastern Avenue along the west side of the Baltimore Gas and Electric Company Right of Way and running South 00 degrees 20 minutes 25 seconds East, 249.70 feet; North 89 degrees 39 minutes 35 seconds East, 15.00 feet; South 00 degrees 20 minutes 25 seconds East, 414.60 feet; thence leaving said Baltimore Gas and Electric Company Right of Way, running by a curve to the right having a radius of 918.00 feet and an arc length of 162.65 feet and having a chord of North 71 degrees 26 minutes 58 seconds West, 162.44 feet; North 66 degrees 22 minutes 25 seconds West, 182.00 feet; South 00 degrees 20 minutes 25 seconds East, 54.72 feet; South 66 degrees 22 minutes 25 seconds East 216.64 feet; thence by a curve to the left having a radius of 1343.25 feet and an arc length of 80.26 feet and having a chord of South 68 degrees 05 minutes 07 seconds East, 80.25 feet to the west side of the above mentioned Baltimore Gas and Electric Company Right of Way, and running South 00 degrees 20 minutes 25 seconds East, 880.40 feet; South 49 degrees 11 minutes 09 seconds East, 103.35 feet, South 00 degrees 20 minutes 25 seconds East, 458.46 feet, to a point on the northeast side of North Point Boulevard as widened at the off ramp leading from Merritt Boulevard to the westbound lane of North Point Boulevard and running North 86 degrees 47 minutes 19 seconds West, 39.58 feet, to the northeast side of North Point Boulevard (150.00 feet wide) and running North 70 degrees 12 minutes 57 seconds West, 103.55 feet, North 19 degrees 47 minutes 03 seconds East, 23.00 feet, North 70 degrees 12 minutes 57 seconds West, 45.00 feet, South 19 degrees 47 minutes 03 seconds West, 23.00 feet, North 70 degrees 12 minutes 57 seconds West, 2303.94 feet, to the intersection of the northeast side of North Point Boulevard and the west side of the Eastern Avenue Interchange (width varies), thence leaving said northeast side of North Point Boulevard and binding on the west side of the Eastern Avenue Interchange, North 00 degrees 46 minutes 11 seconds West, 329.46 feet, North 37 degrees 01 minutes 19 seconds East, 137.41 feet, North 66 degrees 07 minutes 18 seconds East, 291.82 feet; North 13 degrees 59 minutes 40 seconds West, 16.45 feet to a point on the southeast side of Eastern Avenue (width varies), and running North 67 degrees 00 minutes 36 seconds East, 181.69 feet; North 74 degrees 23 minutes 46 seconds East, 157.60 feet; North 71 degrees 39 minutes 29 seconds East,

2835 Smith Avenue, Suite G Baltimore, Maryland 21209
Telephone: (410) 653-3838 / Facsimile: (410) 653-7953

05-099-SPHA

160.07 feet; North 68 degrees 52 minutes 06 seconds East, 168.80 feet; North 73 degrees 56 minutes 31 seconds East, 185.16 feet; North 70 degrees 13 minutes 34 seconds East, 160.00 feet; North 67 degrees 03 minutes 42 seconds East, 217.39 feet; North 70 degrees 13 minutes 34 seconds East, 316.40 feet; North 67 degrees 47 minutes 56 seconds East, 141.68 feet; South 29 degrees 32 minutes 43 seconds East, 26.00 feet; North 60 degrees 27 minutes 17 seconds East, 186.33 feet; and still binding on the Southeast side of Eastern Avenue (now 65.33 feet wide) and running North 70 degrees 13 minutes 34 seconds East, 199.03 feet; to the place of beginning as recorded in Deed Liber 18511 folio 001.

J:\90071.2/90071.2Description.doc



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: #05-099-SPHA
S/side Eastern Avenue, N/side of North Point Blvd.
S/side of Eastern Ave., N/side of North Point Blvd., 2075 ft.+/- to Eastern Ave. interchange
15th Election District - 7th Councilmanic District
Legal Owner(s): Eastpoint Partners, LLC, Joseph Speranza, Shopco Advisory Corp.

Special Hearing: for an amendment to the site plan approved in Case No. 94-197-A. **Variance:** to permit 3,989 off-street parking spaces in lieu of the required 4,226 spaces.

Hearing: Tuesday, October 12, 2004 at 2:00 p.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/9/773 Sept. 28 23507

CERTIFICATE OF PUBLICATION

9/29/, 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 9/28/, 2004.

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

S. Wilkinson

LEGAL ADVERTISING

MORE COUNTY, MARYLAND
OF BUDGET & FINANCE
ELLANEOUS RECEIPT

No. 039745

8/23/04 ACCOUNT 001006150

AMOUNT $ 650.00

VENABLE

ITEM # 1099 05-099-SPHA

EACTPOINT MAIL D. THOMPSON

ION
ASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	INVN
8/23/2004	8/24/2004	13:04:25	9

RCB 0009 WALKIN KTUK KEP
>>RECEIPT # 360827 8/23/2004 OFLN
Dept 5 525 ZONING VIOLATION CITATION
CR NO. 039745
Recpt Tot $650.00
$650.00 CK $0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 05-099-SPHA

Petitioner/Developer: EASTPOINT PARTNERS, LLC

Date of Hearing/Closing: OCT 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}

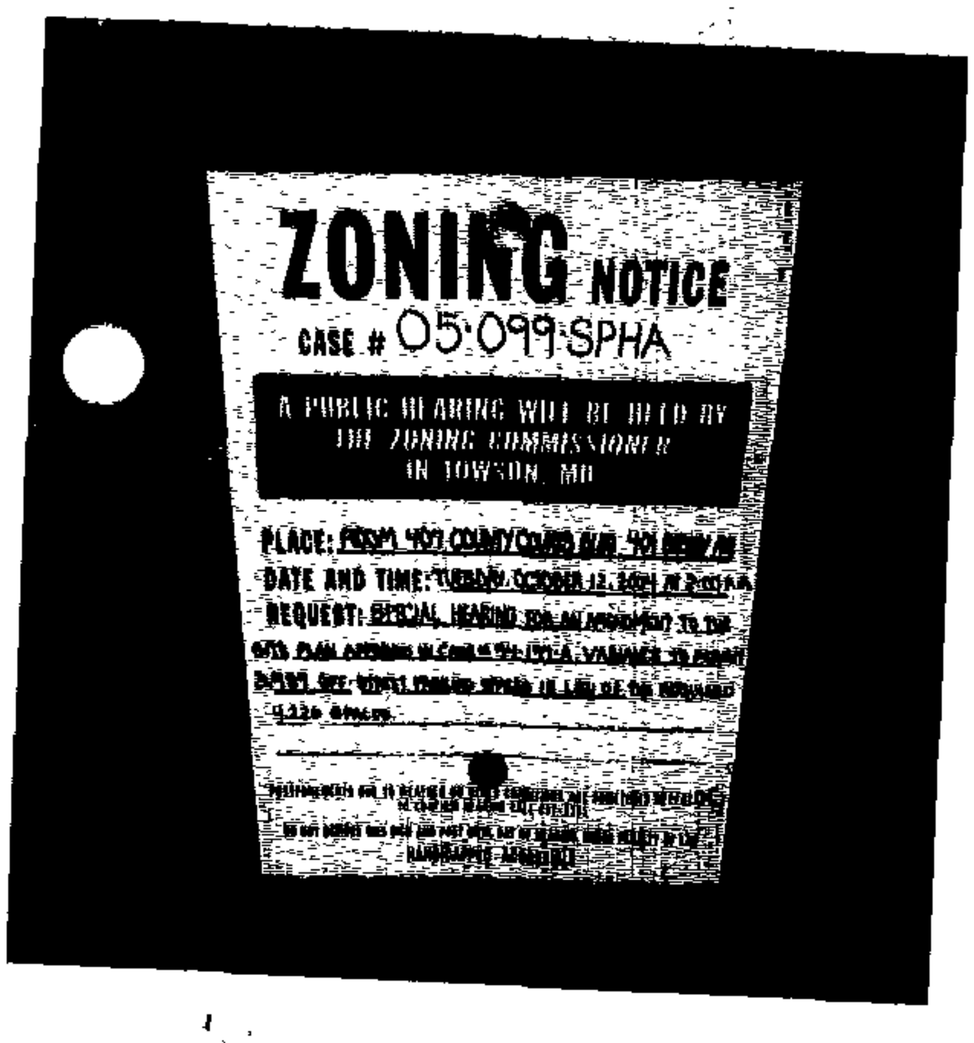
Ladies and Gentlemen:

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:

S/SIDE EASTERN AVE, N/SIDE OF NORTH POINT BLVD

The sign(s) were posted on 9/26/04
(Month, Day, Year)

Sincerely,



Robert Black 9/27/04
(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)

RECEIVED
SEP 28 2004
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 28, 2004 Issue - Jeffersonian

Please forward billing to:
Amy Dontell
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

410-494-6244

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: 05-099-SPHA
S/side Eastern Avenue, N/side of North Point Blvd.
S/side of Eastern Ave., N/side of North Point Blvd., 2075 ft. +/- to Eastern Ave. interchange
15th Election District – 7th Councilmanic District
Legal Owner: Eastpoint Parnters, LLC, Joseph Speranza, Shopco Advisory Corp.

Special Hearing for an amendment to the site plan approved in Case No. 94-197-A. Variance to permit 3,989 off-street parking spaces in lieu of the required 4,226 spaces.

Hearing: Tuesday, October 12, 2004 at 2:00 p.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

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

August 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: 05-099-SPHA
S/side Eastern Avenue, N/side of North Point Blvd.
S/side of Eastern Ave., N/side of North Point Blvd., 2075 ft. +/- to Eastern Ave. interchange
15th Election District – 7th Councilmanic District
Legal Owner: Eastpoint Parnters, LLC, Joseph Speranza, Shopco Advisory Corp.

Special Hearing for an amendment to the site plan approved in Case No. 94-197-A. Variance to permit 3,989 off-street parking spaces in lieu of the required 4,226 spaces.

Hearing: Tuesday, October 12, 2004 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Robert Hoffman, Venable, LLP, 210 Allegheny Avenue, Towson 21204
Joseph Speranza, 1250 Broadway, New York NY 10001

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

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: 05-099-SPHA

Petitioner: Eastpoint Partners LLC

Address or Location: S/S Eastern Avenue, N/S North Point Boulevard

PLEASE FORWARD ADVERTISING BILL TO:

Name: Amy Dontell

Address: Venable LLP
210 Allegheny Avenue
Towson, Maryland 21204

Telephone Number: (410) 494 6244

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

October 4, 2004

Robert A. Hoffman
Venable, LLP.
210 Allegheny Avenue
Towson, Maryland 21204

Dear Mr. Hoffman:

RE: Case Number:05-099-SPHA

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 23, 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
Joseph Speranza 1250 Broadway, New York, NY 10001

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

August 27, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: August 30, 2004

Item No.: 091, 092, 094-100 (99)

Pursuant to your request, the referenced plan(s) have been reviewed 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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 14, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For September 7, 2004
Item Nos. 091, 092, 094, 095, 096,
097, 098, 099, and 100

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

INTEROFFICE CORRESPONDENCE

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

DATE: November 3, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For October 18, 2004
Item No. 099

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

RWB:CEN:jrb

cc: File

ZAC-10-18-2004-NO COMMENT ITEM-NO 099-11032004

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: John D. Oltman, Jr JDO

DATE: September 14, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of August 30, 2004

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

05-092
04-094
04-095
04-096
04-097
04-098
04-099
04-100

Reviewers: Sue Farinetti, Dave Lykens

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

SHA State Highway Administration
Driven to Excel
Maryland Department of Transportation

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

Date: 8.27.04

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

RE: Baltimore County
Item No. 099 DT

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval. Our review has determined that no construction is required within the State Highway Administration's right-of-way.

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,

Steven D. Foster, Acting Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 1, 2004

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 5-099**

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

Division Chief: Lisa Alter
for Jeff Mayhew

MAC/LL

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

SHA State Highway Administration Driven to Excel
Maryland Department of Transportation

Robert L. Flanagan, *Secretary*
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Date: 8.27.04

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

RE: Baltimore County
Item No. 099 DT

Dear Ms. Matthews:

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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. G. Gredlein

Steven D. Foster, Acting Chief
Engineering Access Permits Division

RE:	PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
	S/side Eastern Avenue, N/side North Point Blvd; 2,075' to Eastern Avenue Interchange	*	ZONING COMMISSIONER
	15th Election & 7th Councilmanic Districts	*	FOR
	Legal Owner(s): Eastpoint Partner LLC by Shopco Advisory Corp Authorized Agent by Joseph Speranze, Executive VP	*	BALTIMORE COUNTY
	Petitioner(s)	*	05-099-SPHA

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

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of August, 2004, a copy of the foregoing Entry of Appearance was mailed to Robert A Hoffman, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED
AUG 26 2004
Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

CASE NAME Eastpoint Mall
CASE NUMBER 05-099-SPHA
DATE 10/12/04

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Rob Hoffman	210 Allegheny Ave	21204	RA Hoffman@Venable.c
David Karcesk	11	21204	DAKarcesk@Venable.com
Joe Sirni	7839 Eastpoint Mall	Balto. 21224	JSirni@eastpointmall.com
Frank Meyer	11010 Sani Ln	Hagerstown 21742	fmeyer@shopcogroup.com
Mickey Cornelius	9900 Franklin Sq Dr Ste. H	Baltimore, MD 21236	mcornelius@trafficgroup.com
Ken Colbert	2835 Smith Ave, Suite G	Balt. MD 21209	

SITE DATA:

1. OWNER:
   BELLWETHER PROPERTIES
   C/O SHOPCO MANAGEMENT CORPORATION
   1250 BROADWAY
   NEW YORK, NY 10001
   301-797-0707
2. AREA OF PROPERTY. 66 438 ACRE, GROSS AREA OF PROPERTY 70 9 ACRE
3. DEVELOPER:
   EASTPOINT DRIVE THRU, INC.
   PO BOX 2155
   CALIFORNIA MD 20619
4. PROPERTY ADDRESS:
   EASTPOINT MALL
   7800 BLOCK EASTERN AVENUE
   BALTIMORE, MD 21224
5. ELECTION DISTRICT: 15
6. COUNCILMANIC DISTRICT: 7
7. TAX MAP/PARCELS: MAP 96, PARCELS 21,418,490,32
8. TAX ACCOUNT NUMBERS:1505000500, 1700000373, 1700000374, 2100007054, 1513751037
9. ZONING MAPS: SE 1E / SE 1F
10. SETBACKS (BM-CT)
    a. FRONT 15' from Property / 40' from Center Street
    b. SIDE/REAR 0'
11. PARKING
    a. REQUIRED: *862,381 SF Bldg + 1200 SF Outdoor Seating @ 5/1000 = 4317 SPACES.

(GROSS LEASABLE AREA PROVIDED BY SHOPCO ADVISORY CORP.)

    b. PARKING PROVIDED
       i. Existing parking provided 4019**
       ii. Existing Spaces Lost for Checkers 133
       iii. New Spaces Provided 67
       iv. Proposed Spaces Provided 3953

*(**EXISTING PARKING PROVIDED BASED ON ALTA SURVEY BY WILLIAM E. DOYLE, REVISED JULY 11, 1997. THE SURVEY IS ON BDMD DATUM.)*

12. FAR
    a. ALLOWED: 5.5 (OR 16,794,558 sf)
    b. PROPOSED : ***862,381 / 3,053,556 = 0.28

    ****(INCLUDES ALL EXISTING BUILDINGS AND CHECKERS)*

13. AMENITY OPEN SPACE
    a. REQUIRED 0.10 (86,238 SF)
    b. PROVIDED: 215,000 SF per plan submitted with zoning case 94-197A
    c. NOTE: Additional green space is being created by this development, no green space is being eliminated.
14. SIGNAGE WILL COMPLY WITH SECTION 413 OF BCZR
15. PREVIOUS PERMITS: B073065 / B62097-90

ng JK	DATE	REVISIONS
KLS	2	REV'D WETLAND LIMITS; ADDED WETLAND MITIGATION AREA, 75' STREAM BUFFER, 25' B.R. REMOVED INTERIOR LOT LINE; REV'D NOTE No 12; REV'D BLDG USE FOR BLDG. PA 10-4-90
	1	ADDED WETLAND LIMITS & NOTE; ADDED WATER QUALITY FACILITY & NOTE; REV'D SEAR'S BLDG & TBA; REV'D PARKING REV'D NOTE 4, ADDED NOTE 12, MTA NOTE

KCI

KIDDE CONSULTANTS, INC.

ENGINEERS • PLANNERS • SURVEYORS

~~1020 CROMWELL BRIDGE ROAD, BALTIMORE, MARYLAND 21204, 301-321-5500~~

10 NORTH PARK DRIVE HUNT VALLEY MD 21030 410-316-7800

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

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

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

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

dhkarceski@venable.com

January 6, 2003

Arnold Jablon, Director
Department of Permits and
Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Request for Zoning Verification
Eastpoint Mall
15th Election District, 5th Councilmanic District

Dear Mr. Jablon:

This firm represents Shopco Management Corporation ("Shopco"), legal owner of the Eastpoint Mall. Shopco intends to construct a Checkers drive-thru restaurant on the Mall property as shown on the enclosed site plan entitled, "EASTPOINT MALL- PLAN TO ACCOMPANY DRC REQUEST." I am writing to confirm that the required parking for the existing Mall tenants and that parking necessary to accommodate the Checkers may be calculated based on gross leasable area or "GLA," consistent with the current parking regulations, rather than total building area as done in Case No. 94-197-A, the last zoning case for the Mall. Calculating parking based on GLA should, as explained below, be within the spirit and intent of the Order issued by the Board of Appeals in the 1994 case. I have enclosed a copy of the Order and site plan approved in the case for your convenience.

By way of brief history, the Board of Appeals granted a Petition for Variance in Case No. 94-197-A to allow 4,073 parking spaces in lieu of the required 4,773 spaces to serve the Mall and its tenants based on a total building area calculation (see enclosed Clarified/Amended Opinion and Order, dated June 16, 1994). The parking deficit approved in the 1994 case was 700 spaces.

Today, the total GLA for the Mall is 861,563 square feet, and, with the addition of the Checkers, the total GLA will be 862,318 square feet. Section 409.6 of the Baltimore County Zoning Regulations ("Zoning Regulations"), entitled "Required number of parking spaces," provides that shopping centers with 100,000 square feet or more of

Pet #3

VENABLE
ATTORNEYS AT LAW

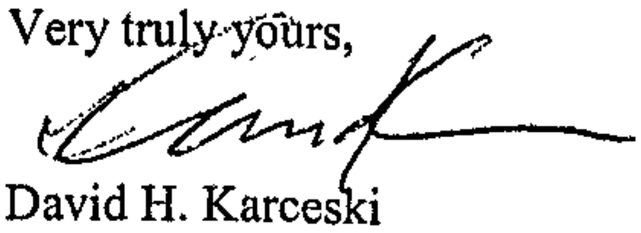
gross leasable area outside of the C.T. District of Towson require 5 parking spaces per 1,000 square feet of gross leasable area. Based on this 5 per 1,000 ratio, the required parking for the existing Mall tenants and the proposed Checkers is 4317 spaces. The provided parking will be 3953 spaces. The difference between the number of parking spaces required and the parking that will be provided does not exceed the 700-space deficit approved in the 1994 case and, therefore, should be within the spirit and intent of the 1994 case.

Clearly, determining parking based on GLA is consistent with Section 409.6.A.2 of the current Zoning Regulations. At this time, I am requesting that you provide written confirmation that calculating the required amount of off-street parking for the Eastpoint Mall on the basis of the Mall's total GLA is within the spirit and intent of the Board of Appeals' Clarified/Amended Opinion and Order, dated June 16, 1994, and does not require any additional zoning relief.

With this letter, I have enclosed a check in the amount of $40.00 made payable to "Baltimore County, Maryland" to cover the administrative costs associated with your review. If you need any further information in order to complete your review, please feel free to give me a call.

Thank you for your assistance with the matter.

Very truly yours,



David H. Karceski

DHK/bl
Enclosure
cc: Mr. John L. Lewis

TO1DOCS1/DHK01/#151877 v1

Checkers/Eastpoint

Baltimore County
Department of Permits and
Development Management

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

January 14, 2003

David H. Karceski
Venable, Baejter and Howard, LLP
210 Allegheny Avenue
P.O. Box 5517
Towson, Maryland 21285-5517

Dear Mr. Karceski:

RE: Zoning Verification, Eastpoint Mall, Parking Calculation, 15th Election District

Having reviewed your letter of January 6, 2003, it is the opinion of this Office that given the facts presented, calculating parking at 5 parking spaces per 1000 square feet of "Gross Leasable Area" is within the spirit and intent of the Baltimore County Zoning regulations generally, and zoning case 94-197-A for the above referenced property.

Should you have any questions regarding the above, I may be reached at 410-887-3391.

Sincerely,

Joseph C. Merrey
Planner II
Zoning Review

Printed with Soybean Ink
on Recycled Paper

EASTERN AVENUE
NORTH POINT BLVD
I-695
FOR RETAIL
FOOD COURT
RETAIL MAVE
BAKE
SAVE

(SHEET N.E. 1-E)

(SHEET N.E. 1-F)

POINT OF BEGINNING

EASTPOINT MALL

SHEET SE-11

SHEET SE-12

MH-IM

BR-IM

BL

D.R.10.5

D.R.16

D.R.5.5

BR-AS

BL-AS

BM-AS

ML-IM

BR-AS

BL-AS

BM-CT

ML-AS

M.L.-IM

BR

RO

BM

ML-AS

EASTPOINT

BACK RIVER CONSUMERS GAS LIGHT & POWER CO.

CHECKERED GAS TANK

POWER SUB STATION

COLGATE ELEMENTARY SCHOOL

ST. PETER'S CHURCH

ASBURY EVERGREEN CEMETERY

EASTVIEW PRIVATE

HARBORVIEW

BERKSHIRE ELEMENTARY SCHOOL

EASTERN HEIGHTS

Bread and Cheese Branch

SEWER ROAD

FOUND BALTIMORE CITY SEWAGE DISPOS TANK

CANTON

PATAPSCO FREEWAY

TRANSMISSION

SUSQUEHANNA

MERRITT BLVD.

BALTIMORE STREET

EASTERN BLVD.

SOUTHERN AVENUE

NORTH POINT ROAD

(SHEET S.E. 2-E)

(SHEET S.E. 2-F)

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	EASTPOINT	S.E. I-E
DATE OF PHOTOGRAPHY JANUARY 1986		

J-SE I-SW
F-NE E-NW

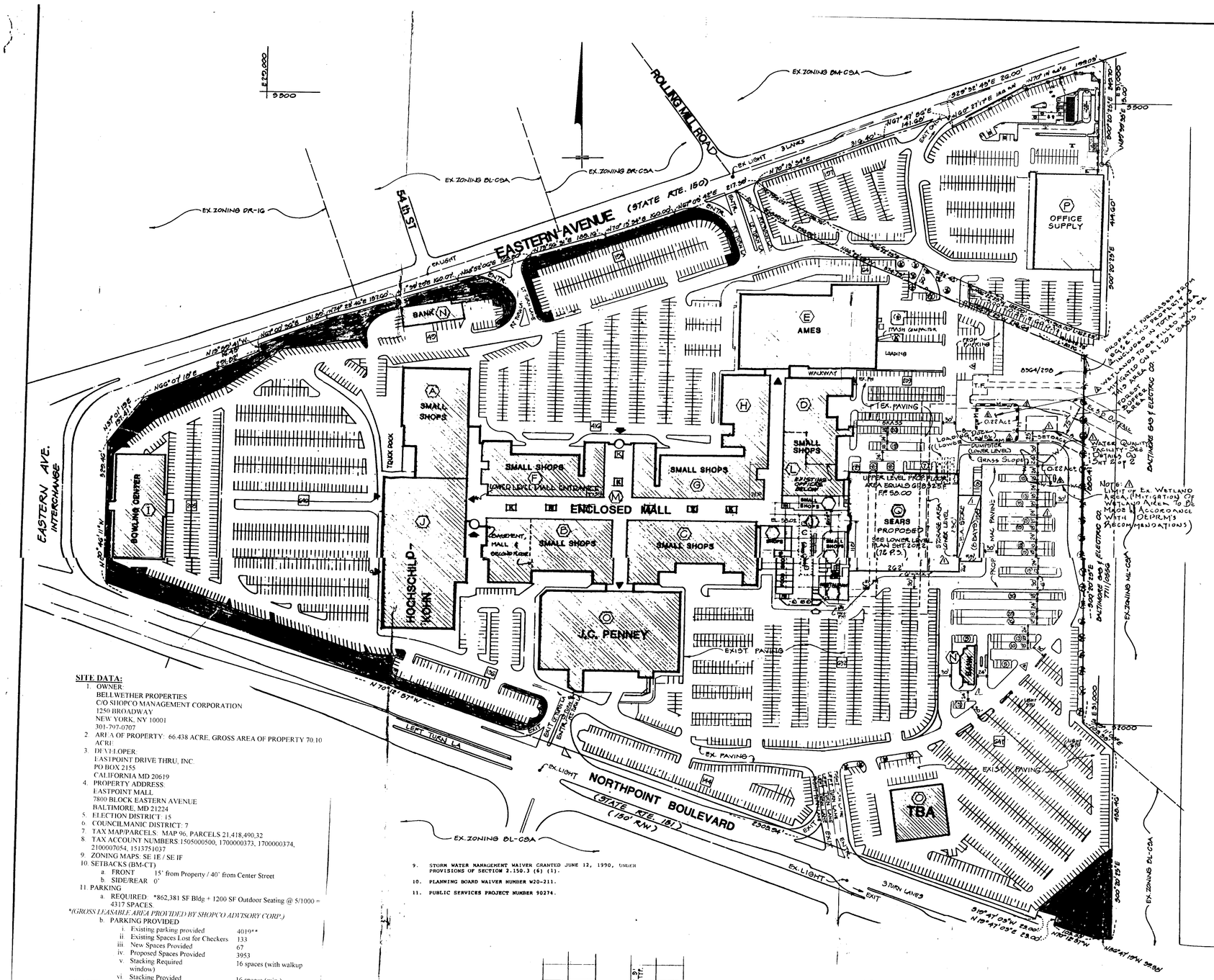
THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

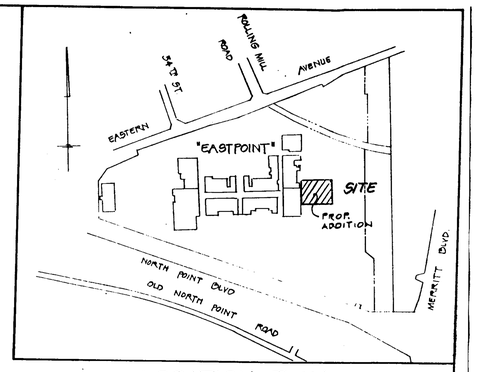
2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00,

Joseph Bartenfelder
Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND
OFFICIAL ZONING

05-C99-SPHA

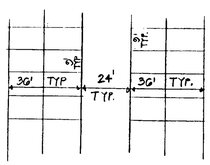




LOCATION PLAN
SCALE: 1"=500'

SITE DATA:

1. OWNER:
   BELLWETHER PROPERTIES
   C/O SHOPCO MANAGEMENT CORPORATION
   1250 BROADWAY
   NEW YORK, NY 10001
   301-797-0707
2. AREA OF PROPERTY: 66.438 ACRE, GROSS AREA OF PROPERTY 70.10 ACRE
3. DEVELOPER:
   EASTPOINT DRIVE THRU, INC.
   PO BOX 2155
   CALIFORNIA MD 20619
4. PROPERTY ADDRESS:
   EASTPOINT MALL
   7800 BLOCK EASTERN AVENUE
   BALTIMORE, MD 21224
5. ELECTION DISTRICT: 15
6. COUNCILMANIC DISTRICT: 7
7. TAX MAP/PARCELS: MAP 96, PARCELS 21,418,490,32
8. TAX ACCOUNT NUMBERS: 1505000500, 1700000373, 1700000374, 2100007054, 1513751037
9. ZONING MAPS: SE 1E / SE 1F
10. SETBACKS (BM-CT)
    a. FRONT 15' from Property / 40' from Center Street
    b. SIDE/REAR 0'
11. PARKING
    a. REQUIRED *862,381 SF Bldg + 1200 SF Outdoor Seating @ 5/1000 = 4317 SPACES
    (GROSS LEASABLE AREA PROVIDED BY SHOPCO ADVISORY CORP.)
    b. PARKING PROVIDED
       i. Existing parking provided 4019**
       ii. Existing Spaces Lost for Checkers 133
       iii. New Spaces Provided 67
       iv. Proposed Spaces Provided 3953
       v. Stacking Required window) 16 spaces (with walkup
       vi. Stacking Provided 16 spaces (min.)
    *(**EXISTING PARKING PROVIDED BASED ON ALTA SURVEY BY WILLIAM E. DOYLE, REVISED JULY 11, 1997. THE SURVEY IS ON BM/MD DATUM.)*
12. FAR
    a. ALLOWED: 5.5 (OR 16,794,558 sf)
    b. PROPOSED: ***862,381 / 3,053,556 = 0.28
    ***(INCLUDES ALL EXISTING BUILDINGS AND CHECKERS)
13. AMENITY OPEN SPACE
    a. REQUIRED: 0.10 (86,238 SF.)
    b. PROVIDED: 215,000 SF per plan submitted with zoning case 94-197A
    c. NOTE: Additional green space is being created by this development, no green space is being eliminated
14. SIGNAGE: WILL COMPLY WITH SECTION 413 OF BCZR
15. PREVIOUS PERMITS: B073065 / B62097-90
9. STORM WATER MANAGEMENT WAIVER GRANTED JUNE 12, 1990, UNDER PROVISIONS OF SECTION 2.150.3 (6) (1).
10. PLANNING BOARD WAIVER NUMBER W20-211.
11. PUBLIC SERVICES PROJECT NUMBER 90274.



TYPICAL PARKING BAYS
NO SCALE

LEGEND

- OPEN SPACE
- EXIST. PARKING
- PROP. PARKING
- LIMIT OF WETLANDS
- PROP. MITIGATION AREA
- PROP. FOREST BUFFER LINE

NOTE:
THERE ARE NO PARKING AGREEMENTS WITH THE MTA OR ANY OTHER COMPANY OR AGENCY TO ALLOW OFF-STREET PARKING ANY WHERE ON THE SITE.

ZONING HISTORY

Case No. 4641-x
Petition for Special Exception for Golf Course

The Petition was granted by the Zoning Commissioner on May 8, 1959.

Case No. 73-292-A
Petition for Variance to permit 4,134 off-street parking spaces in lieu of the required 4,534 spaces.

The Petition was granted by the Zoning Commissioner on July 30, 1973.

Case No. 91-199-SPHA
Petition for Variance to permit 4,302 off-street parking spaces in lieu of the required 4, 772 parking spaces as originally approved in Case No. 73-292-A.

Petition for Special Hearing to allow an amendment to the Order and the site plan approved in Case No. 73-292-A.

The Petitions were granted by the Zoning Commissioner on February 21, 1991.

Case No. 93-249-SPHXA
Petition for Special Hearing to approve a drive-thru restaurant with limited indoor/outdoor seating in the BR, BM, and BL zones. Additionally, the Applicant, by way of this Petition, requested approval of the existing parking setbacks and travelways approved in Case No. 91-199-SPHA and amendments to the previously approved site plan.

Petition for Variance to permit a 2-foot off-street parking facility setback from a public street R/W in lieu of the required 10 feet. Variance to permit direct access to a travelway from off-street parking facilities and to permit deviation from the screening and landscaping requirements in accordance with the Landscape Manual.

Petition for Special Exception to allow the use of the property for a drive-thru restaurant with limited indoor/outdoor seating.

On August 2, 1993, the Zoning Commissioner denied the Petition for Special Hearing requests and granted the Petitions for Special Exception and Variance with the following restrictions:

- All future development on the subject site shall strictly adhere to the landscape requirements set forth in the Baltimore County Landscape Manual.
- When applying for any permits, the site plan and Landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Case No. 94-197-A
Petition for Variance to permit 4,000 off-street parking spaces in lieu of the required 4,777 parking spaces and to amend the site plan approved in Case No. 93-429-SPHXA.

The Zoning Commissioner granted the Petition on December 23, 1993. King's Court Restaurant Systems, Eastpoint, Inc. filed an appeal to the Zoning Commissioner's Order. The Board of Appeals also granted the Petition on May 26, 1994.

On June 16, 1994, the Board issued a Clarified/Amended Opinion and Order at the Petitioner's request to clarify the number of parking spaces required (4,773) and the number provided (4,073). Due to a parking calculation error, the number of spaces required and provided was less than originally approved in the 1994 case. The Board granted the amended variance request.

The Board's Order was appealed to the Circuit Court. The Circuit Court affirmed the Board's Order on February 3, 1995.

W 90-21
6/12/90
Refinement
DRC # 120902L

Robert Bowling 1/14/03
Agnes Lankem
Vested

Drawing J.K.	DATE	REVISIONS
Check RLS	4	REVD WETLAND, MITIGATION WETLANDS, MITIGATION AREA, LIS STORM WATER, 12 SPACES REMOVED INTERIOR, REVD ROAD USE AND MISC. REV'S, UPDATE ADDED WETLANDS, MITIGATION, ADDED CHECKERS DRIVE THRU FACILITY (12/02)
Design		
Check	1	REVD SEARS BLDG & TBA, REV'D PARKING REV'D NOTE 2, ADDED NOTE 12, MTA NOTE

KCI
KIDDE CONSULTANTS, INC.
ENGINEERS • PLANNERS • SURVEYORS
~~1020 CROMWELL BRIDGE ROAD, BALTIMORE, MARYLAND 21204; 301-821-5500~~
10 NORTH PARK DRIVE HUNT VALLEY MD 21030 410-316-7800

OWNER/DEVELOPER
SHOPCO MANAGEMENT CORPORATION
1250 BROADWAY
NEW YORK, N.Y. 10001
(212) 594-9400

REASON FOR CRG REFINEMENT – 12/9/02
The DRC (DRC #120902L) granted a refinement to the previously approved CRG Plan on 12/9/02. This refinement to the previously approved CRG Plan has been prepared by G.W. Stephens, Jr. and Associates, Inc. We have utilized a duplication of the original CRG plan prepared by KCI Consultants, Inc. The reason for this refinement is to add a Checkers Drive-Thru Restaurant to the northeast corner of the site, adjacent to Eastern Avenue (near the existing office supply store). G.W. Stephens is signing and sealing this refinement for this change only and assumes no responsibility or liability for any other area of this development.

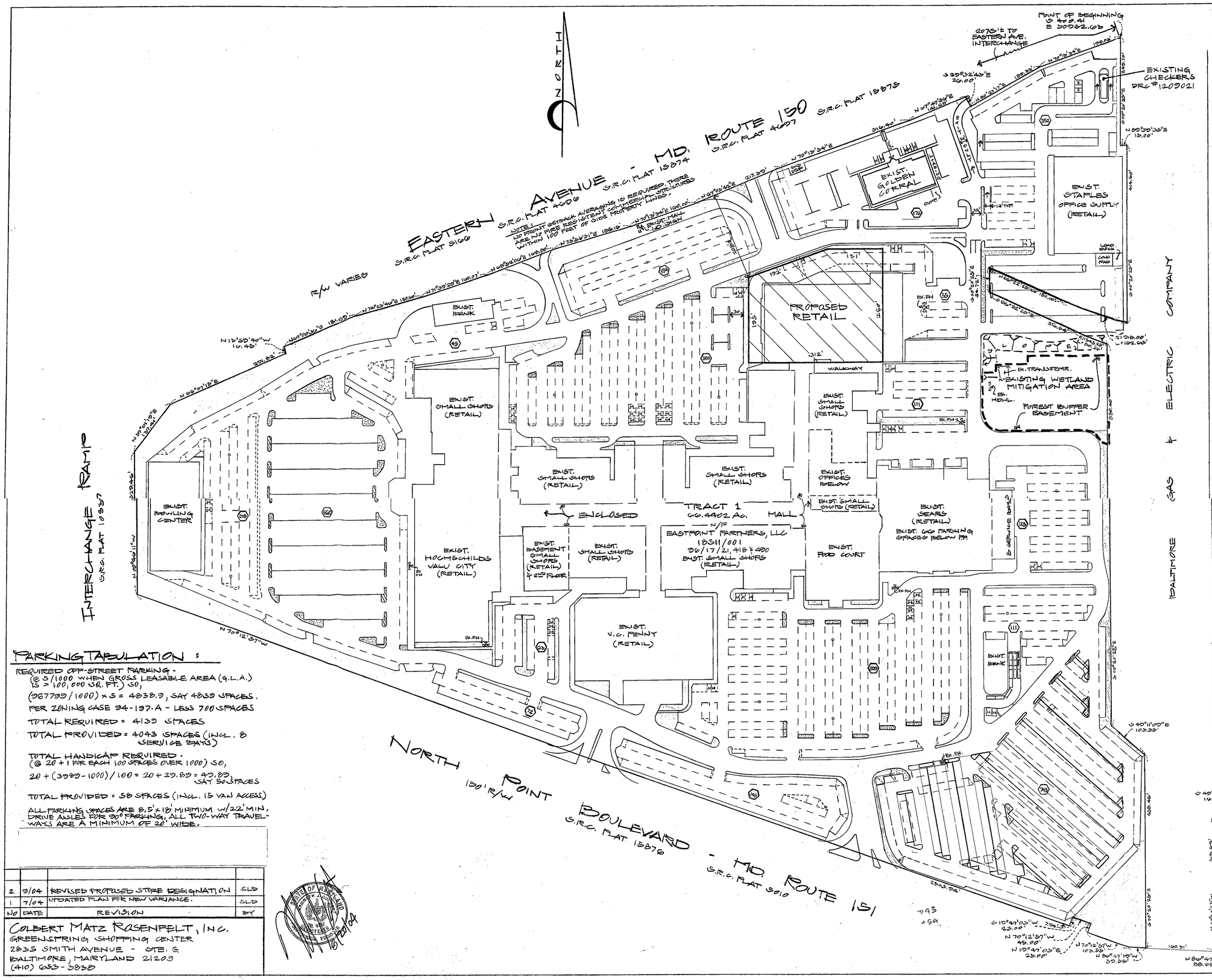
PLAN
EASTPOINT MALL
CHECKERS DRIVE THRU

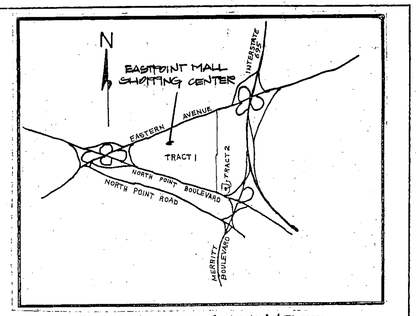
ELECTION DISTRICT 15
SCALE: 1"=100'
COUNCILMANIC DISTRICT 7
WATERSHED 21

BALTIMORE COUNTY, MD.
DATE: JULY 11, 1990
CENSUS TRACT 4924
SUBSEWERSHED 40

RECEIVED
OCT 10 1990
OFFICE OF PLANNING AND ZONING

SHEET 1 OF 2
KCI # 01-5011





VICINITY MAP

SCALE: 1" = 2000'

GENERAL NOTES

1. PLAN PREPARED BY: COLBERT MATZ ROSENFELT, INC., 2835 SMITH AVENUE - STE. G BALTIMORE, MARYLAND 21209 (410) 653-3838
2. OWNER/APPLICANT: TRACT 1
   EASTPOINT PARTNERS, LLC, c/o SHOPCO MGMT. CORP.
   1250 BROADWAY
   NEW YORK, NEW YORK 10001-3701
   (212) 594-9400
   DEED REF.: 18511/001 (N/F)
   TAX ACCT. No.: 1800000860 1700000373 (5480/508)
   2100000254; 1700000374 (5480/508)
   TRACT 2
   EASTPOINT PARTNERS, LLC, c/o SHOPCO MGMT. CORP.
   1250 BROADWAY
   NEW YORK, NEW YORK 10001-3701
   (212) 594-9400
   DEED REF.: 18511/001 (N/F)
3. TOTAL AREA OF SITE: TRACT 1 - 66.4402 Ac.
   TRACT 2 - 1.4281 Ac.
   TOTAL - 67.86683 Ac. (NET)
   TRACT 1 - 70.1076 Ac. (GROSS)
4. TOTAL SITE ZONED: BM-CT
5. SEE ZONING HISTORY SHEET 2 OF 2.
6. ELECTION DISTRICT: 15 COUNCILMANIC DISTRICT: 7
7. PREVIOUS COMMERCIAL PERMITS: B078065/02007-00, B534705, B552855, B062007-00
8. FLOOR AREA RATIO:
   ALLOWED: 3.3 OR 10796378.8 SQ. FT.
   PROPOSED: *967700 / 3033887.1 = 0.32, O.K.
   * GROSS LEASABLE AREA.
9. AMENITY OPEN SPACE:
   REQUIRED: 0.1 OR 96779.0 SQ. FT.
   PROPOSED: 219,000 SQ. FT. = (INCL. BM & MPOR AREAS)
10. SEE PARKING TABULATION THIS SHEET.
11. THE ENTIRE PARKING LOT IS PAVED W/A BITUMINOUS CONCRETE SURFACE & ALL SPACES WILL BE PERMANENTLY STRIPED.
12. NO ADDITIONAL SIGNAGE IS PROPOSED AT THIS TIME. ANY FUTURE SIGNS (INCLUDING MENU BOARDS) WILL COMPLY WITH SECTION 413.2 & 413.3 & 400.10 OF THE BCZR OR A ZONING VARIANCE WILL BE REQ'D.
13. ALL AMENITY OPEN SPACE AREAS ARE A MINIMUM OF 7' WIDE & WILL BE SUITABLY LANDSCAPED.

PARKING TABULATION:

REQUIRED OFF-STREET PARKING -
(@ 5/1000 WHEN GROSS LEASABLE AREA (G.L.A.) IS > 100,000 SQ. FT.) SO,
(967700/1000) x 5 = 4838.9, SAY 4839 SPACES.
PER ZONING CASE 94-197-A - LESS 700 SPACES
TOTAL REQUIRED = 4139 SPACES
TOTAL PROVIDED = 4043 SPACES (INCL. 8 SERVICE BAYS)

TOTAL HANDICAP REQUIRED -
(@ 20 + 1 FOR EACH 100 SPACES OVER 1000) SO,
20 + (3989 - 1000) / 100 = 20 + 29.89 = 49.89, SAY 50 SPACES

TOTAL PROVIDED = 58 SPACES (INCL. 15 VAN ACCESS)

ALL PARKING SPACES ARE 8.5' x 18' MINIMUM, w/22' MIN. DRIVE AISLES FOR 90° PARKING, ALL TWO-WAY TRAVELWAYS ARE A MINIMUM OF 20' WIDE.

NO	DATE	REVISION	BY
2	9/04	REVISED PROPOSED STORE DESIGNATION	SLD
1	7/04	UPDATED PLAN FOR NEW VARIANCE.	SLD

COLBERT MATZ ROSENFELT, INC.
GREENSTRING SHOPPING CENTER
2835 SMITH AVENUE - STE. G
BALTIMORE, MARYLAND 21209
(410) 653-3838

STATE OF MARYLAND
COLBERT MATZ ROSENFELT
REGISTERED PROFESSIONAL ENGINEER
No. 9822
PROFESSIONAL ENGINEER

18 Feb 04

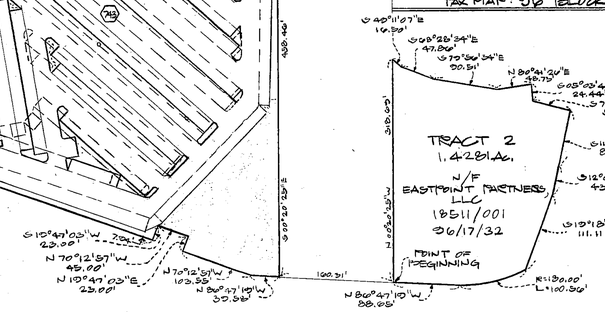
PLAN TO ACCOMPANY ZONING PETITION

EASTPOINT MALL SHOPPING CENTER

7800 BLOCK EASTERN AVENUE - MD. RTE. 150
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
DATE: JULY 12, 2004 SCALE: 1" = 100'

SHEET 1 OF 2

TAX MAP: 96 BLOCK: 17 PARCEL: 21, 32, 418 & 420



CHR NO. 90-071

ZONING HISTORY

Case No.: 4641-X
Petition for a Special Exception for a miniature golf course to be operated on a portion of the shopping center.
Granted: 5-8-59 Restrictions: None

Case No.: 73-292-A
Petition for a Variance from Section 409.1 to permit 4134 off-street parking spaces in lieu of the required 4534 off-street parking spaces at the Eastpoint Mall.
Granted: 7-30-73 Restrictions: Subject to the approval of a Site Plan by the State Highway Administration, Department of Public Works and The Office of Planning and Zoning.

Case No.: 91-199-SPHA
Petition for a Variance from Section 409.6.A(2) to permit 4302 off-street parking spaces in lieu of the required 4772 off-street parking spaces as originally approved in Zoning Case 73-292-A.
Granted: 2-21-91 Restrictions: None

Petition for a Special Hearing to approve an amendment to the order and the Site Plan in Zoning Case 73-292-A.
Granted: 2-21-91 Restrictions: Subject to the 30-day appeal process.

Case No.: 93-429-SPHXA
Petition for Special Exception to permit a restaurant, drive-thru w/limited indoor/outdoor seating in a BM-CT zone or Petition for Special Hearing to permit a restaurant, drive-thru in a BM-CT zone.

Petition for a Special Hearing to approve existing parking setbacks and travelway pursuant to the previously approved Site Plan and Variances in Case No. 91-199-SPHA or a Variance which seeks relief from the B.C.Z.R. as follows:

- From Section 409.8.A.2 to permit an off-street parking facility setback from a public R.O.W. of 2 feet in lieu of the required 10 feet.
- From Section 409.4 to permit direct access to a travelway from off-street parking facilities.
- From Section 409.8.A.1 to permit deviation from the screening and landscaping requirements of the Landscape Manual.
- From Section 409.6(A)(2) to permit 4000 parking spaces in lieu of the required 4309.

Special Hearing: Denied 8-2-93
Special Exception: Granted 8/2/93
Variances: Granted 8/2/93 Restrictions: Subject to the 30-day appeal process.
All future development on the subject site shall adhere strictly to the requirements set forth in the Landscape Manual.
When applying for Permits, any Site and Landscaping Plan must reference this case and address the restrictions.

Case No.: 94-197-A
Petition for a Variance from Section 409.6(A)(2) to permit 4000 off-street parking spaces in lieu of the required 4777 off-street parking spaces and to amend the approved Plan in Case No. 93-429-SPHXA.
Granted: 12-23-93
County Board of Appeals
Granted: 5-26-94
Clarification/Amendment Variance to permit 4073 off-street parking spaces in lieu of the required 4773 off-street parking spaces.
Granted: 6-16-94.
Circuit Court Appeal
Granted: 2-3-95.

Zoning Verification Letter
Request to calculate the parking requirements @ 5 spaces/1000 square feet of "Gross Leasable Area" is within the Spirit and Intent of the BCZR and Case No. 94-197-A.
Approved: 1-14-03

PLAN TO ACCOMPANY ZONING PETITION

EASTPOINT MALL SHOPPING CENTER

7800 BLOCK EASTERN AVENUE (MARYLAND ROUTE 150)

TAX MAP: 96 BLOCK: 17 PARCELS: 21, 32, 418 & 490
FIFTEENTH ELECTION DISTRICT SEVENTH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Colbert Matz Rosenfelt, Inc.
*Engineers * Surveyors * Planners*
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

NO.	DATE	REVISIONS:	BY

SCALE: AS SHOWN
DATE: JULY 12, 2004
JOB NO.: 90-071
DESIGNED: SLD
DRAWN: SLD
CHECKED: KJC
FILE: 900715HT2.dwg
DRAWING NUMBER:
SHEET 2 OF 2