IN RE: PETITION FOR VARIANCE

N/S Martin Blvd, 60' E of Windlass Dr.

15th Election District

6th Councilmanic District

(1202-1312 Martin Boulevard)

Martin Financial Associates, LP Petitioner

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 05-103-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on a Petition for Variance. The Property at issue is owned by Martin Financial Associates, LP. Appearing at the requisite public hearing representing the Owner/Petitioner were Beverly Dobrochowski, Mr. Dean Hoover, a land planner from Morris & Ritchie Associates, and Dino C. La Fiandra, Esquire. Mr. Christopher McCullom of the Baltimore County Department of Economic Development also appeared at the hearing in favor of the requested zoning relief. There were no parties in opposition to the requested variances present at the hearing.

In its Petition for Variance, the property owner has requested the following relief from the Baltimore County Zoning Regulations (B.C.Z.R.): 1) from Section 450.5B.9.b, to allow wall-mounted enterprise signs extend beyond rooftop elevation per site plan; 2) from Section 450.4, to allow existing signs to continue to exist; 3) from Section 450.4, to allow one enterprise sign along Middle River Road in lieu of 0 permitted; 4) from Section 450.4, to allow addition of one free-standing enterprise sign along Martin Boulevard; 5) from Section 450.5 to allow addition of Target Sign/Logo to existing Martin Plaza sign; and 6) to amend the previously approved site plan in accordance with the relief granted in this proceeding. A public hearing was held by this Zoning Commissioner on October 17, 2004, of which there was public notice as required by law. After the conclusion of the hearing, but prior to the issuance of this Order, the Zoning Commissioner received

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a letter from Mr. La Fiandra on behalf of the Owner that item number 5 of the Petition for Variance, relating to alteration of the existing Martin Plaza sign, be dismissed without prejudice.

Mr. La Fiandra proffered the evidence presented at the hearing, and the proffer and exhibits presented were accepted by this Zoning Commissioner. The Property at issue in this case is located at the northwest corner of Martin Boulevard and Middle River Road in Baltimore County. The Property consists of 22.72 acres within the BM-CCC zoning classification. The Property has been used as a shopping center known as "Martin Plaza" for many years, dating back at least to the 1950s, if not earlier. There have been a number of "anchor" stores within this shopping center over the years, including more recently, an Ames store, which was closed in bankruptcy, and a supermarket/grocery store. The Property is also improved with several free-standing pad sites along Martin Boulevard and Windlass Drive.

Over the years Martin Plaza has seen varying degrees of success as a shopping center. Recently, however, the site has received a great deal of attention for its role in the revitalization of the Middle River area of Baltimore County due to the selection of this location by Target Corporation for one of its retail stores. Preparations are underway for this Target store which will be located within the shopping center. Mr. La Fiandra proffered, and Mr. McCollum corroborated, that Target's selection of this site is a significant component of Baltimore County's economic revitalization efforts for this part of the County. Indeed, Mr. La Fiandra proffered, and Mr. Hoover and Mr. McCullom confirmed, that there has been significant cooperation between the property owner and Baltimore County on the redevelopment of this shopping center, including the expenditure of public funds and the use of public lands for certain stormwater management improvements which will serve the Property and many other nearby properties.

The Property has a frontage of 2,975 feet along Martin Boulevard and Middle River Road. The Target retail store will be set back a total of 329 feet from Martin Boulevard at the closest point. Views of the wall-mounted "Target" enterprise sign on the building to be occupied by Target are obscured by existing and proposed structures located closer to the road, as well as by proposed landscaping and a significant change in elevation between the road and the Target store. Accordingly, while traveling along Martin Boulevard, which is a major, high speed thoroughfare, a driver will have a view of the wall-mounted "Target" enterprise sign at a distance of approximately 1,000 feet for a very short period of time - no more than a moment or two if traveling at a reasonable speed. Indeed, traveling from the west in an easterly direction such a driver will not have a view of the wall-mounted "Target" sign until after that driver would have had to make a left turn from Martin Boulevard onto Windlass Drive to access the entrance to shopping center from the west. Likewise, while traveling from the east in a westerly direction such a driver, keeping up with the flow of traffic, would have only a moment or two of a view of the wall-mounted "Target" sign and likely not enough time to pull into the right lane to make the right turn onto Windlass Drive to access the shopping center. Finally, while traveling north on Middle River Road, a driver would have virtually no view of the wall-mounted Target enterprise sign, despite the entrance to the shopping center from Middle River Road.

These factors are persuasive that additional signage in the form requested by the Petitioner in items 1, 3, and 4 of its Petition is necessary and warranted with regard to the Target store. Specifically, I find that extending the wall-mounted "Target" enterprises sign above the rooftop elevation as shown on the site plan and on Petitioner's Exhibits 2A through 2C will make the sign more visible to passers-by and thereby alleviate some of the effects of the peculiarities of this Property. I note that this proposed design is Target's latest prototype for this type of sign, which I

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consider significant in conveying the importance of this use in Baltimore County's goal of economic revitalization of this area. Furthermore, freestanding "Target" enterprise signs as requested by the Petitioner along Martin Boulevard and Middle River Road will likewise increase the visibility of the use in a manner which will assist with the flow of traffic and draw attention to the use.

With regard to item number 2 of the Petition for Variance, I am persuaded that the relief should be granted. This item of relief seeks to legitimize the existing freestanding enterprise signs for Bank of America, McDonald's, and Popeye's. The evidence established that Martin Plaza evolved over the years in a manner, which required strong brand identification for these uses and that these signs exist as legally non-conforming signs. The identified uses exist on pad sites within the shopping center. Signage of the type, which is otherwise permitted by the zoning regulations, is not adequate for visibility, brand identification or the role that Martin Plaza plays in the greater scheme of economic development for this part of the County. Therefore, I shall grant the variances necessary to allow the existing freestanding enterprise signs as shown on Petitioner's Exhibit 1A and 1B to continue.

Lastly, with respect to the request to amend the previous site plan (6) I note that the approved zoning site plan for the Property shall be amended in accordance with the relief granted herein. This is a ministerial matter, which shall be accomplished by the passage of this Order.

A sign variance, such as those requested by the Petitioner in this case, may be granted where the strict application of the Zoning Regulations would cause practical difficulty to the Petitioner and its property. McLean v. Soley, 270 Md. 208 (1973). Based upon the testimony and evidence offered, I am persuaded to grant the Petition for Variance. In my judgment, the Petitioner has established that this property is unique and that variance relief is justified to mitigate the practical

difficulty which strict adherence to the zoning regulations would inevitably create. I am further satisfied that the Petitioner has complied with the standards as set forth in Section 307 of the B.C.Z.R., including establishing that the relief can be granted in such a way that the spirit of the B.C.Z.R. will be observed and public safety and welfare secured.

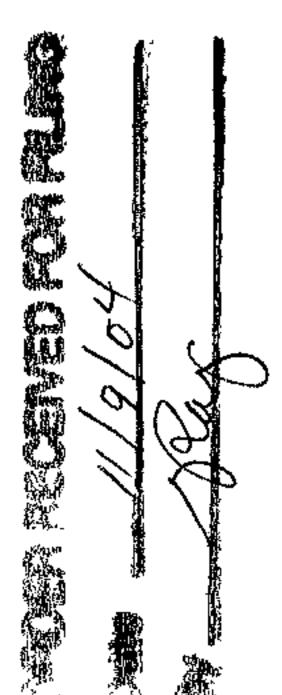
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of November, 2004, that items 1, 2, 3, 4, and 6 on the Petition for Variance, BE AND HEREBY ARE GRANTED, subject to the following condition:

1. The Petitioners may apply for their permits and may be granted same; however, Petitioner is hereby made aware that doing so shall be at its own risk until the thirty (30) day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

IT IS FURTHER ORDERED, that item number 5 on the Petition for Variance, seeking relief from Section 450.5 to allow addition of Target Sign/Logo to existing Martin Plaza sign, be and hereby is DISMISSED WITHOUT PREJUDICE.

Any appeal from this Order shall be taken in accordance with Baltimore County Code Section 32-3-401.

ZONING COMMISSIONER
FOR BALTIMORE COUNTY



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 William J. Wiseman III, Zoning Commissioner

November 9, 2004

Dino C. La Fiandra, Esquire Whiteford, Taylor & Preston, L.L.P. 210 W. Pennsylvania Avenue Towson, Maryland 21204

Re: Petition for Variance
Case No. 05-103-A
Property: 1202-1312 Martin Boulevard

Dear Mr. La Fiandra:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has been granted in accordance with the enclosed Order.

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

Very truly yours,

William J. Wiseman, III

Zoning Commissioner for Baltimore County

WJW,III:raj Enclosure

c: Ms. Beverly Dobrochowski, 9475 Deereco Road, Timonium, MD 21093

Mr. Dean Hoover, Morris & Ritchie Associates, 1220 E. Joppa Rd., Towson, MD 21286

Mr. Christopher McCullom, Baltimore County Department of Economic Development



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







Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1202-1312 Martin Boulevard which is presently zoned BM-CCC

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)

See attached.

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

See attached.

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:

Legal Owner(s):

Name - Type or Print		Nan	e - Type or Print	Limite	dPartner	rship	i No.
Signature		····	Signature	Richa	0 /00	5.0m	
Address		Telephone No.	Name - Typ	e or Print	vex 1271		
City	State	Zip Code	Signature	·		· · · · · · · · · · · · · · · · · · ·	······
Attorney For Petit	ioner:		9475	Deereco	Road, St	uite 30	2
			Address	 		Tele	ephone No.
John B. Gontr	um, Esquire		Timon	ium, MD	21093	(410)	308-0
Name - Type or Print)	City	, , , , , , , , , , , , , , , , , , , 		State	Zip Code	
John Contr	um DCL		Represe	entative to	be Contacte	ad:	
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Whiteford, Ta	ylor & Prést	on LLP					
Company		· · · · · · · · · · · · · · · · · · ·	Name			•	
200 West Penr	<u>isylvania Ave</u>	.,4th F1	-			· · · · · · · · · · · · · · · · · · ·	
Address	21204	Telephone No.	Address		,	i ele	phone No.
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				<u>OFFIC</u>	E USE ONLY		
Rase No. 05	-103-A		ESTIMATE	D LENGTH OF	HEARING		
REV 9/15/98		Reviewed By	UNAVAILA	BLE FOR HEAR	4 /4 /- /-		

VARIANCES REQUESTED FROM THE BALTIMORE COUNTY ZONING REGULATIONS

From Section 450.5B.9.b to allow wall-mounted enterprise signs extend beyond rooftop elevation per site plan.

- 2. From Section 450.4 to allow existing signs to continue to exist.
- From Section 450.4 to allow one enterprise sign along Middle River Road in lieu of 0 permitted.
- 4. From Section 450.4 to allow addition of one freestanding enterprise sign along Martin Boulevard.
- 5. From Section 450.5 to allow addition of Target Sign/Logo to existing Martin Plaza sign.
- 6. And to amend the previously approved site plan,

STATEMENT OF JUSTIFICATION

Martin Plaza is a large shopping center with an approximate footage of 2,975 feet on the north side of Martin Boulevard, which is a dual lane, high speed road. Existing trees along the north side of the Boulevard and the permitted traffic speed necessitate the requested variances. In addition, the Plaza has approximately 1,000 feet of footage along Middle River Road, and orientation of the buildings is such to create a practical difficulty without an additional freestanding enterprise sign.

#309538

MORRIS & RITCHIE ASSOCIATES, INC.

ARCHITECTS, ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS



Zoning Description

Beginning at a point located on the northerly side of Martin Boulevard (Maryland Route 700) which has a width of 150 feet at the distance of 60 feet easterly of the centerline of the nearest intersecting street, Windlass Drive, which has a width of 70 feet. Thence the following courses and distances, referred to the Maryland Coordinate System (NAD) **'**83/91):

North 29 degrees 39 minutes 19 seconds West, 35.93 feet to a point; North 14 degrees 27 minutes 48 seconds East, 289.64 feet to a point; Northeasterly by a tangential curve to the right having a radius of 315.00 feet, an arc length of 362.85 feet, the chord of said arc bearing North 47 degrees 27 minutes 48 seconds East, 343.12 feet to a point; North 80 degrees 27 minutes 48 seconds East, 620.00 feet to a point; Northeasterly by a tangential curve to the left having a radius of 535.00 feet, an arc length of 12.76 feet, the chord of said arc bearing North 79 degrees 46 minutes 49 seconds East, 12.76 feet to a point; South 09 degrees 32 minutes 12 seconds East, 89.66 feet to a point; Southeasterly by a tangential curve to the left having a radius of 15.00 feet, an arc length of 15.96 feet, the chord of said arc bearing South 40 degrees 01 minutes 06 seconds East, 15.22 feet to a point; South 70 degrees 30 minutes 02 seconds East, 55.90 feet to a point; North 83 degrees 06 minutes 28 seconds East, 225.65 feet to a point; North 50 degrees 43 minutes 05 seconds East, 115.21 feet to a point; Southeasterly by a non-tangential curve to the right having a radius of 2684.31 feet, an arc length of 220.90 feet, the chord of said arc bearing South 36 degrees 55 minutes 27 seconds East, 220.84 feet to a point; Southeasterly by a compound curve to the right having a radius of 2522.00 feet, an arc length of 271.07 feet, the chord of said arc bearing South 31 degrees 29 minutes 15 seconds East, 270.94 feet to a point; South 28 degrees 24 minutes 30 seconds East, 311.70 feet to a point; Southeasterly by a tangential curve to the right having a radius of 455.00 feet, an arc length of 56.62 feet, the chord of said arc bearing South 24 degrees 50 minutes 36 seconds East, 56.58 feet to a point; Southwesterly by a compound curve to the right having a radius of 70.00 feet, an arc length of 92.73 feet, the chord of said arc bearing South 16 degrees 40 minutes 14 seconds West, 86.09 feet to a point; Northwesterly by a non-tangential curve to the right having a radius of 5654.60 feet, an arc length of 1760.42 feet, the chord of said are bearing North 83 degrees 55 minutes 18 seconds West, 1753.32 feet to the point and place of beginning and being known as "Martin Plaza Shopping Center."

Containing an area of 1,099,267 square feet or 25.2357 acres of land, more only and being located in the Fifteenth Election District of Baltimore County, Maryland

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

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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: #05-103-A 1202-1312 Martin Boulevard Northerly side of Martin Blvd, at the distance of 60 feet

Northerly side of Martin Blvd, at the distance of collection of the centerline of Windlass Drive.

15th Election District — 6th Councilmanic District.

15th Election District — 6th Councilman enterprise sign along Martin Blvd., to allow addition of Target Sign/Logo to existing Martin Plaza sign, and to amend the previously approved site plan.

Hearing: Friday, October 15, 2004 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley

Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for 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.

23569

9/431 Sept. 30___

CERTIFICATE OF PUBLICATION

930,2004
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 930,2004.
The Jeffersonian
🗀 Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
ent market?

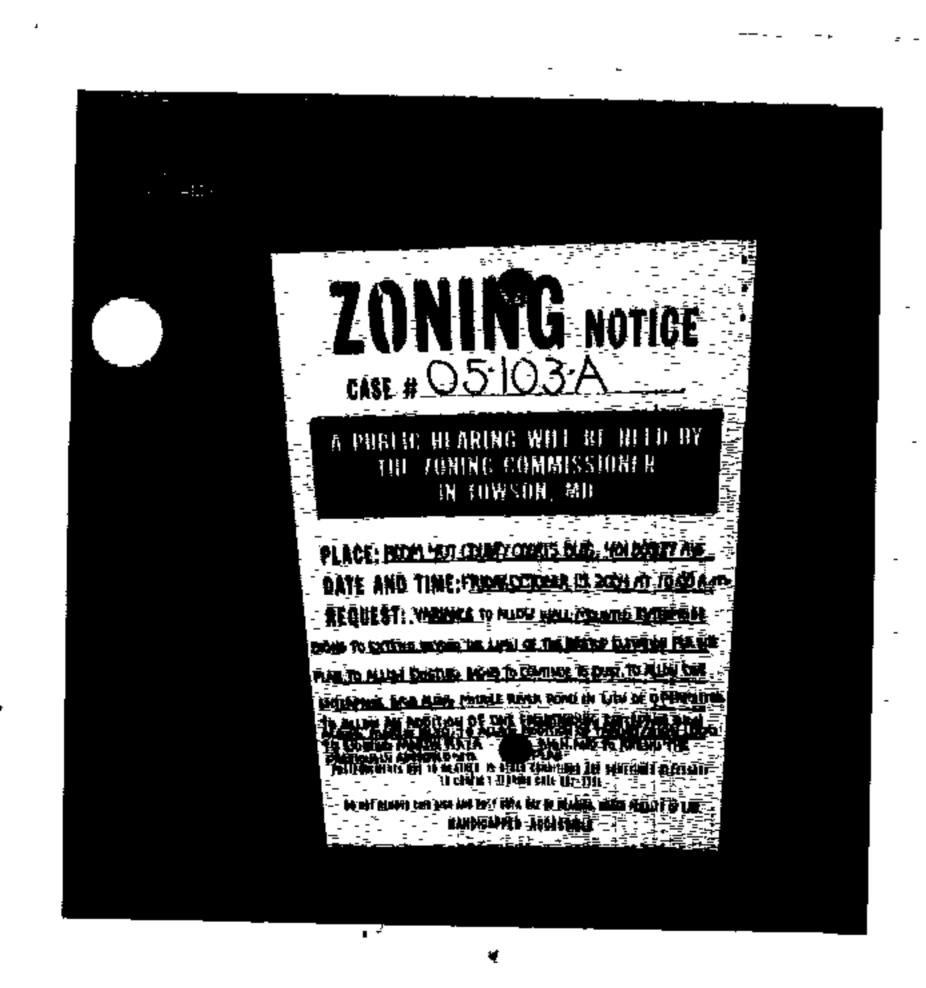
LEGAL ADVERTISIN



CERTIFICATE OF POSTING

RE: Case No.: 05-10 FINANCIAL ASSOC. LIMITED PARTNERShif Date of Hearing/Closing: 15 **Baltimore County Department of** Permits and Development Management County-Office Building, Room 111 111 West Chesapeake Avenue ATTN: Kristen Matthews {(410) 887-3394} 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: 202-1312 MARTIN BOULEVARD 30/ (Month, Day, Year)

Sincerely,



Towson, Maryland 21204

Ladies and Gentlemen:

The sign(s) were posted on

(Signature of Sign Poster) (Date)
(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)



Thursday, September 30, 2004 Issue - Jeffersonian

Please forward billing to:

Dino LaFiandra 210 W. Pennsylvania Avenue Towson, Maryland 21204

410-832-2000

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: 05-103-A

1202-1312 Martin Boulevard

Northerly side of Martin Blvd at the distance of 60 feet easterly of the centerline of Windlass Drive

15th Election District—6th Councilmanic District

Legal Owners: Martin Financial Associates Limited Partnership—Richard Rotner- President Variance to allow wall-mounted enterprise signs to extend beyond the limit of the rooftop elevation per site plan, to allow existing signs to continue to exist, to allow one enterprise sign along Middle River Road in lieu of 0 permitted, to allow an addition of one freestanding enterprise sign along Martin Blvd., to allow addition of Target Sign/Logo to existing Martin Plaza

sign, and to amend the previously approved site plan.

Hearing: Friday, October 15, 2004 at 10:00 am 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 Development Management

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





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

September 2, 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: 05-103-A

1202-1312 Martin Boulevard

Northerly side of Martin Blvd at the distance of 60 feet easterly of the centerline of Windlass Drive

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Legal Owners: Martin Financial Associates Limited Partnership—Richard Rotner- President Variance to allow wall-mounted enterprise signs to extend beyond the limit of the rooftop elevation per site plan, to allow existing signs to continue to exist, to allow one enterprise sign along Middle River Road in lieu of 0 permitted, to allow an addition of one freestanding enterprise sign along Martin Blvd., to allow addition of Target Sign/Logo to existing Martin Plaza sign, and to amend the previously approved site plan.

Hearing: Friday, October 15, 2004 at 10:00 am in Room 407, County Courts Building

401 Bosley Avenue

Timothy Kotroco Director

TK: clb

C: John B. Gontrum Whiteford Taylor & Preston 210 W. Pennsylvania Ave, 4th Fl. Towson 21204

Martin Financial Associates 9475 Deereco Road, Ste. 302 Timonium 21093

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, SEPTEMBER 30, 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.



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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing

Zoning Review will ensure that the legal requirements for advertising are satisfied However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newsp	paper Advertising:
Item Numbe	er or Case Number 05-103-A
Petitioner:	Martin Financial Associates, LP.
Address or	Location: 1202-1312 Martin Blvd.
_	OBWARD ADVERTISING BILL TC VINO C. La Fiandra
Address	210 W. Pennsylvania Avenue, 4th Floor
· · ·	Towson, MD 21204
Telephone	Number: 410-832-2000

Department of Permits and Development Management

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





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

October 4, 2004

John B. Gontrum, Esquire Whiteford, Taylor & Preston 210 West Pennsylvania Avenue, 4th Fl. Towson, Maryland 21204

Dear Mr. Gontrum:

RE: Case Number: 05-103-A, 1202-1312 Martin Blvd.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 26, 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,

U. Callibal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Martin Financial Associates Richard Rotner 9475 Deereco Road, Ste. 302 Timonium 21093



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

Fire Department



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





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

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

September 7, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: September 7, 2004

Item No.:

101-103), 105-111, 113-115

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.

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

LIEUTENANT JIM MEZICK Fire Marshal's Office PHONE 410-887-4881 MS-1102F

cc: File

RE: PETITION FOR VARIANCE

1202-1312 Martin Boulevard; N/side of Martin
Blvd, 60' E of c/line of Windlass Drive

*
15th Election & 6th Councilmanic Districts
Legal Owner(s): Martin Financial Associates*
Limited Partnership-Richard Rotner-President

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

05-103-A

* * * * * * *

Petitioner(s)

ENTRY OF APPEARANCE

*

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of September, 2004, a copy of the foregoing Entry of Appearance was mailed to, John B. Gontrum, Esquire, Whiteford, Taylor & Preston, LLP, 210 W Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

SEP 1 3 2004

Per

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: September 14, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 13, 2004 Item Nos. 101, 102, 103, 104, 105, 106, 107, 109, 110, 111, 112, 113, 114, and

115

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

0/19.

Tim Kotroco

FROM:

TO:

John D. Oltman, Jr

DATE:

September 30, 2004

SUBJECT:

Zoning Items # See List Below

RECEIVED

OCT -1 2004

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of September 7, 2004

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

05-101

04-103

04-105

04-106

04-107

04-109

04-110

04-112 04-113

04-114

Reviewers:

Sue Farinetti, Dave Lykens

10/1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: October 12, 2004

RECEIVED

ZONING COMMISSIONER

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

1202-1312 Martin Boulevard

INFORMATION:

Item Number:

5-103

Petitioner:

Martin Financial Associates

Zoning:

BM-CCC

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

Provided all internally lit signs are turned off at the time that the store is closed for business, the Office of Planning does not oppose the petitioner's request germane to the following:

- 1. To permit wall-mounted enterprise signs to extend beyond the limit of the rooftop elevation per the subject site plan.
- 2. To permit the existing signs to continue to exist.
- 3. To permit one (1) enterprise sign along Middle River Road.
- 4. To allow the addition of one (1) freestanding enterprise sign along Martin Boulevard.
- 5. To amend the previously approved site plan.

This office does not support the petitioner's request to permit the addition of a Target Sign/Logo to the existing Martin Plaza sign.

Prepared by:

Division Chief:

AFK/LL:MAC:



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

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

Maryland Department of Transportation

Date: 5.7.274

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

RE:

Baltimore County

Item No. 103

JRF

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/VS 700.

are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

1. J. Hould

Steven D. Foster, Acting Chief Engineering Access Permits Division

WHITEFORD, TAYLOR & PRESTON L.L.P.

SEVEN SAINT PAUL STREET BALTIMORE, MARYLAND 21202-1626 TELEPHONE 410 347-8700 FAX 410 752-7092

20 COLUMBIA CORPORATE CENTER 10420 LITTLE PATUXENT PARKWAY COLUMBIA, MARYLAND 21044-3528 TELEPHONE 410 884-0700 FAX 410 884-0719

> DINO C. LA FIANDRA DIRECT NUMBER 410 832-2084 DLaflandra@wtplaw com

210 WEST PENNSYLVANIA AVENUE Towson, Maryland 21204-4515 410 832-2000 FAX 410 832-2015 www.wtplaw.com

1025 CONNECTICUT AVENUE, NW WASHINGTON, D.C. 20036-5405 TELEPHONE 202 659-6800 FAX 202 331-0573

1317 KING STREET

NOV 8 2004

ZONING COMMISSIONFR

November 8, 2004

Via Hand Delivery Hon. William J. Wiseman, III **Baltimore County Zoning Commissioner** 401 Bosley Avenue, Suite 405 Towson, MD 21204

> Re: Martin Financial Associates, LP; Case No 05-103-A

Dear Mr. Wiseman:

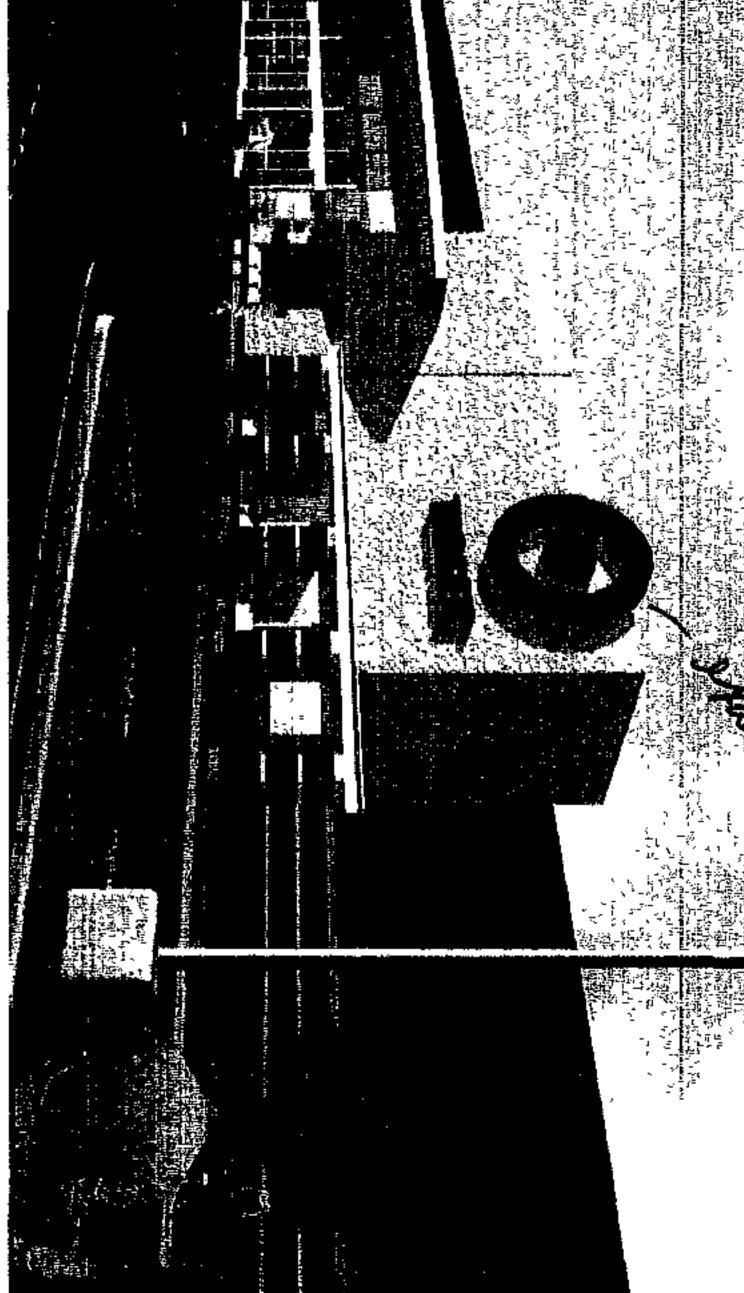
As you know, this firm represents Martin Financial Associates, LP, the Petitioner in the above-referenced matter. The Petition for Variance included 6 enumerated requests for relief. Item 5 on the Petition for Variance seeks relief from Section 450.5 to allow addition of Target Sign/Logo to existing Martin Plaza sign. The Petitioner no longer seeks relief to alter the existing Martin Plaza sign. Accordingly, please dismiss Item 5 of the Petition for Variance without prejudice. The Petitioner still desires all other relief requested in the Petition for Variance.

Should you have any questions, please contact me.

Dino C. La Fiandra

DCL:

320253



P2004 PROTOTYPE

Target Store Planning & Design, Architecture & Engineerin

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Petitioners 24

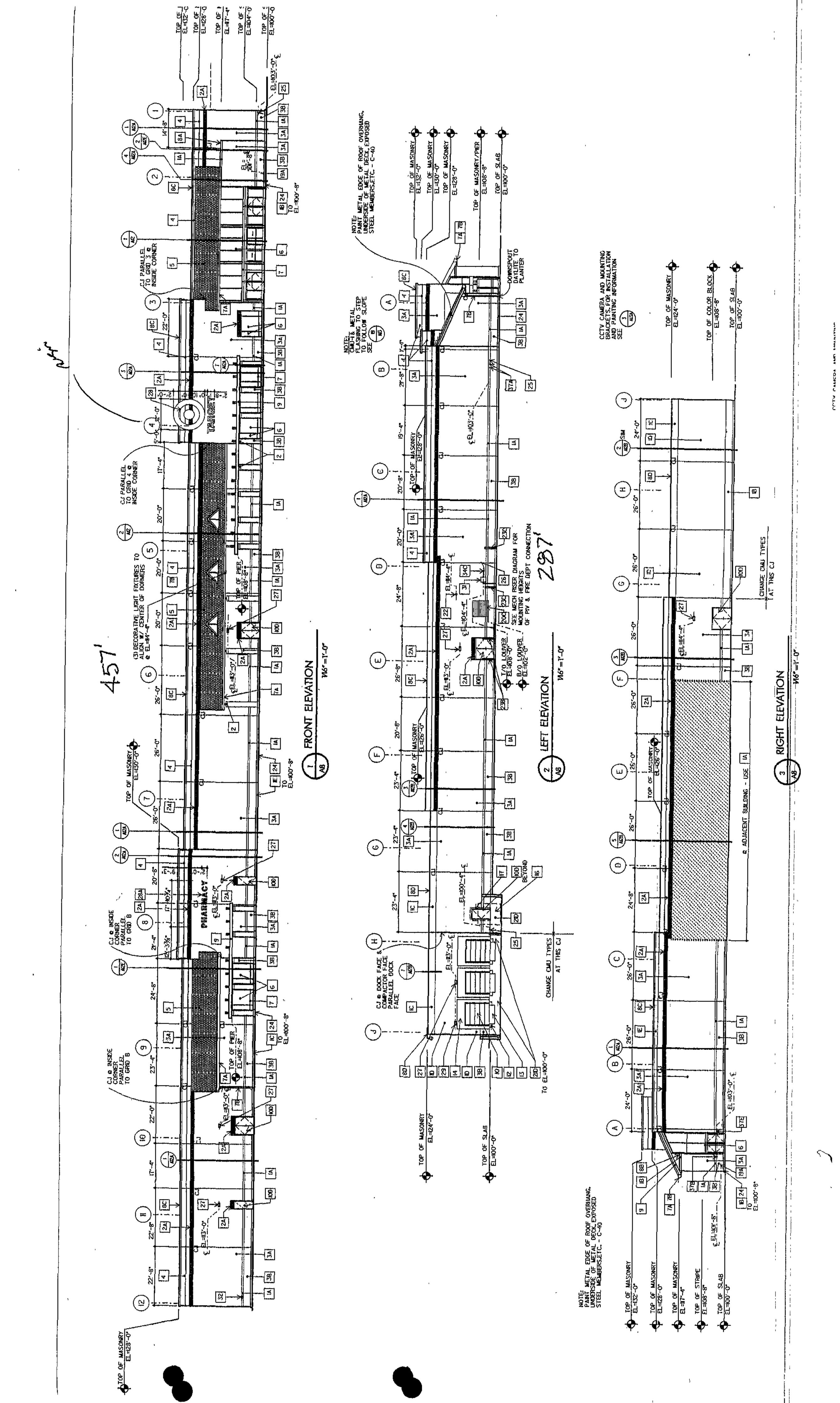


FRONT ELEVATION

Target Store Planning & Design, Architecture & Engineerii

0

BEHmen 2B



PLEASE PRINT CLEARLY

CASE NUMBER Mestin Please

PETITIONER'S SIGN-IN SHEET

E-MAIL		Concourage Co. B.A. mo. US	Chouse le magaza. Con								
CITY, STATE, ZIP	Timonium 21093		205 10255c								
ADDRESS	9475 Deeree Rd St. 302	(Eltropana)	SPINS KADEN KOOKS 20178								
NAME	S. Le Franks	The Calum	100 T								

Case No.:(0	5	_	0	3	\triangle	
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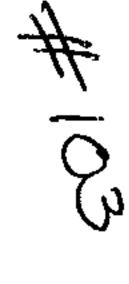
Exhibit Sheet

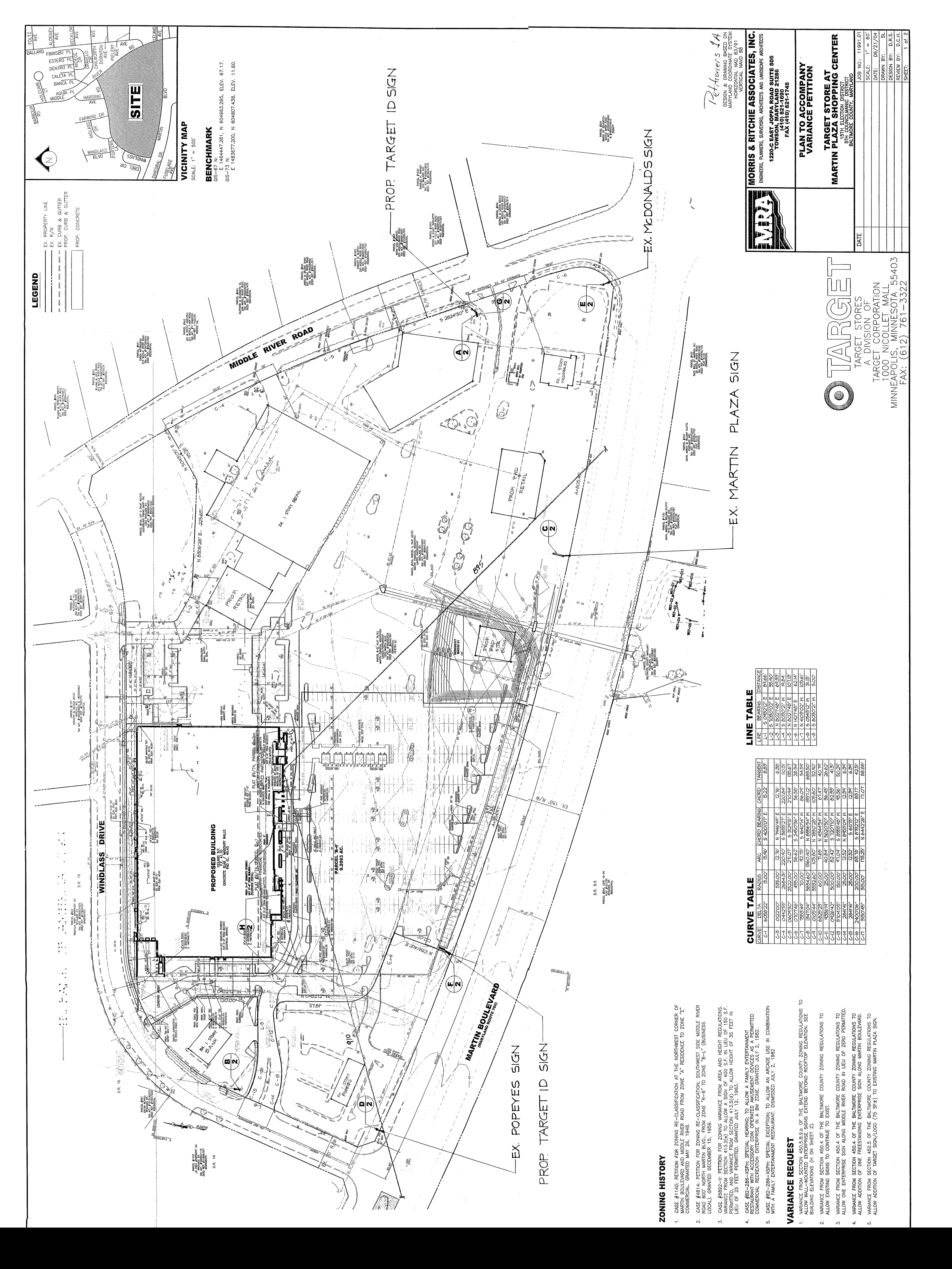
Petitioner/Developer

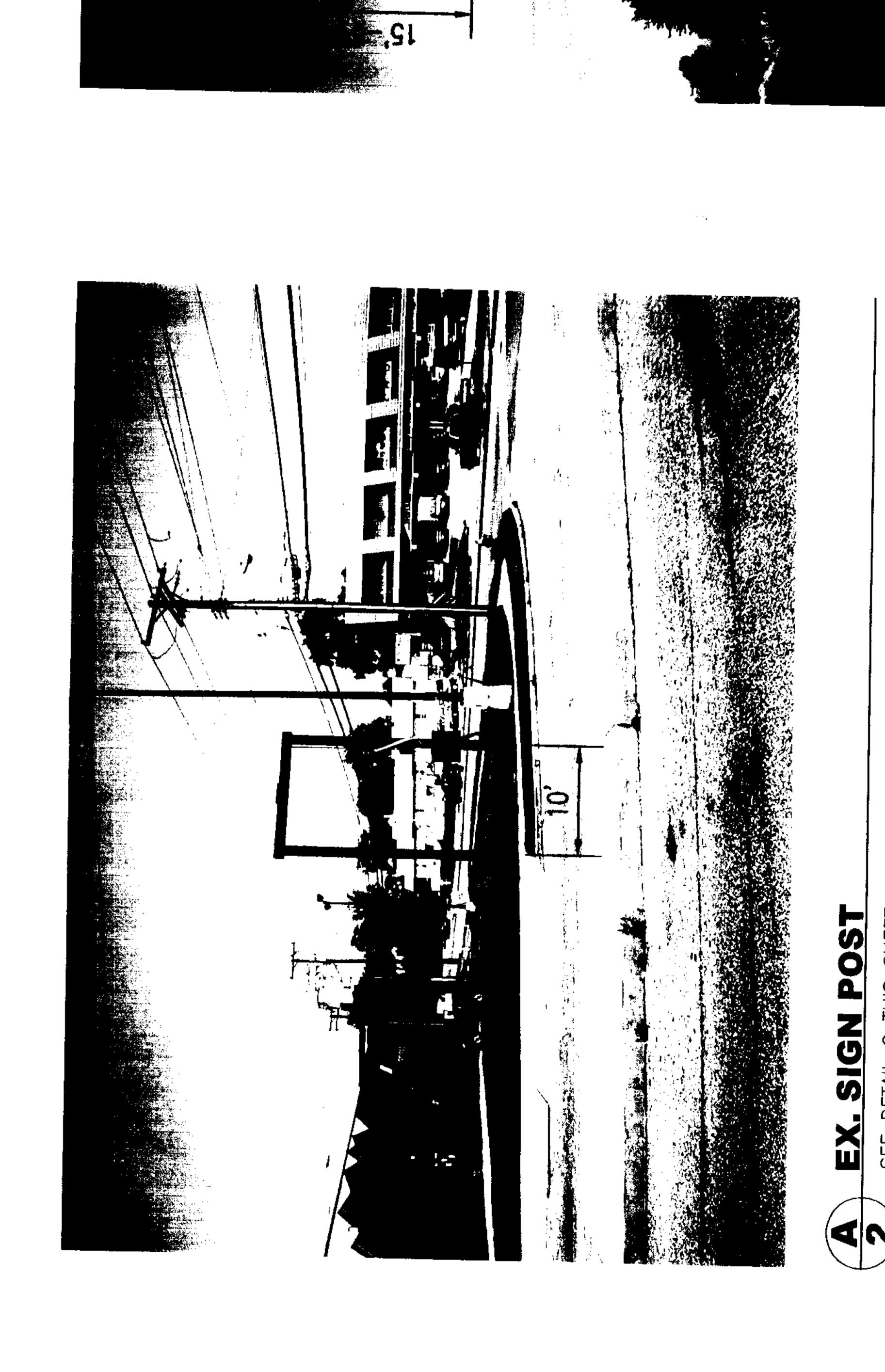
Protestant

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No. 2	TARGET PROPORTS	
No. 3	r	
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No. 6		r _s
No. 7		**************************************
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SIGN CALCULAT	LATIONS:					1. SITE DATA: A. SITE ADDRESS: B. GROSS TARGET
SIGN CLASSIFICATION	MAX AREA/FACE	MAX. NO./PREMISES	HEIGHT	ADDITIONAL LIMITATIONS	CONTENT	D. LOCATION E. ELECTION DISTRIC F. COUNCILMANIC DE
FREE STANDING ENTERPRISE	100 SF	ONE / FRONTAGE	25'	400 SF*		G. BALTIMORE H. TAX MAP
WALL-MOUNTED	2xLENGTH OF WALL	3 (2 MAX/FACADE)	N/A			I. PARCEL #424 J. EXISTING ZONING
EXISTING MART	IN PLAZA SI	SZ S				2. LAND USE:
FREE STANDING ENTERPRISE	40 SF		20'±		BANK OF AMERICA	EXISTING USE: COMPROPER USE: COMPRESED LISE: C
FREE STANDING ENTERPRISE	170.5 SF					3. BUILDING HEIGHT:
FREE STANDING ENTERPRISE	100 SF± 27 SF±					MAX. HEIGHT ALLOW PROPOSED TARGET 4. BUILDING AREA:
FREE STANDING ENTERPRISE	139.5 SF				POPEYES	PROPOSED BUILDING 5. FLOOR AREA RATIO
PROPOSED SIGNS	(7)					PERMITTE
WALL-MOUNTED		**			TARGET	$\frac{1}{2}$ 0 α
FREE STANDING ENTERPRISE	100 SF	2	20,+		TARGET	0 SPACES PER (123,680 SF ×

40' 1 STORY

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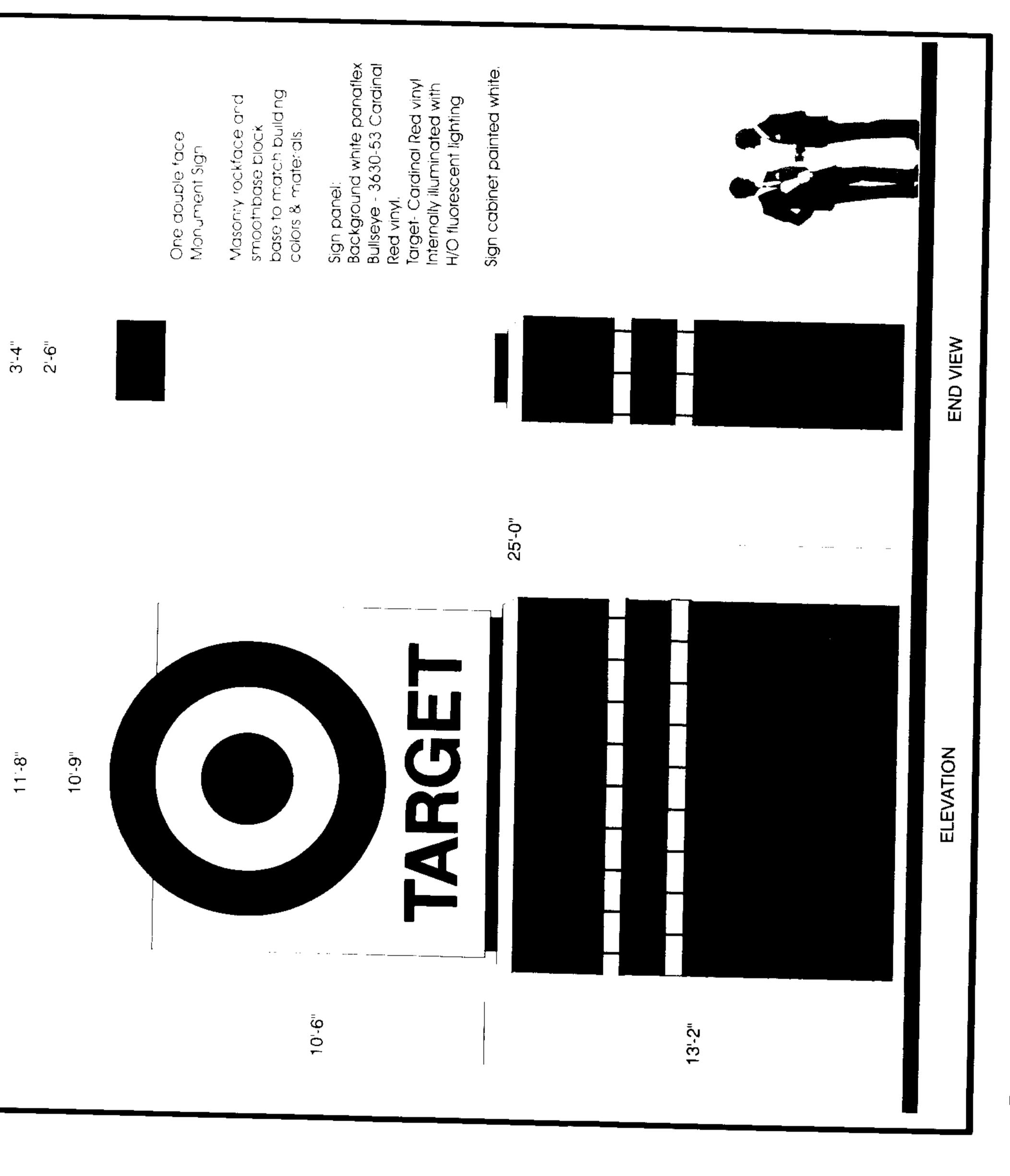


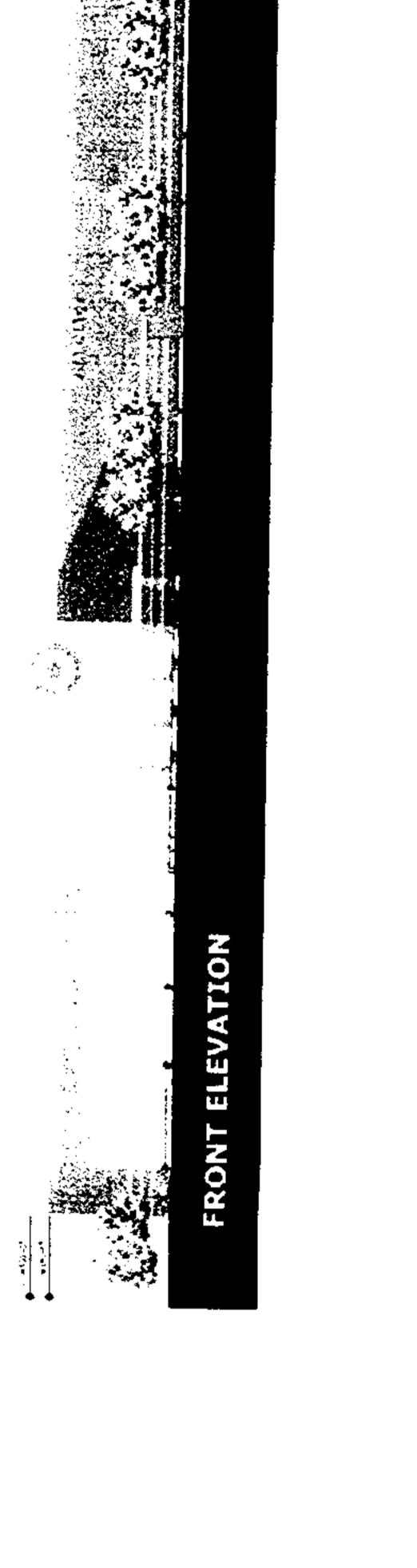
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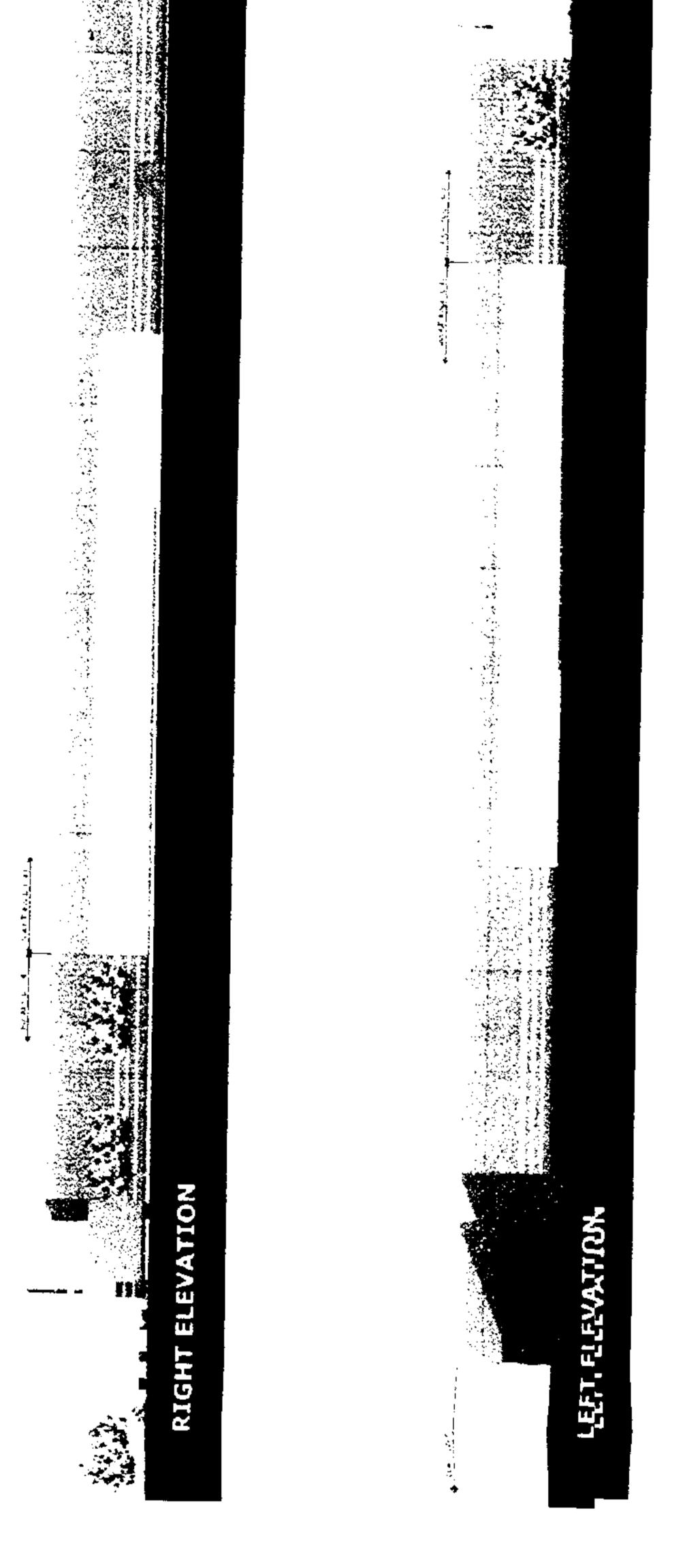




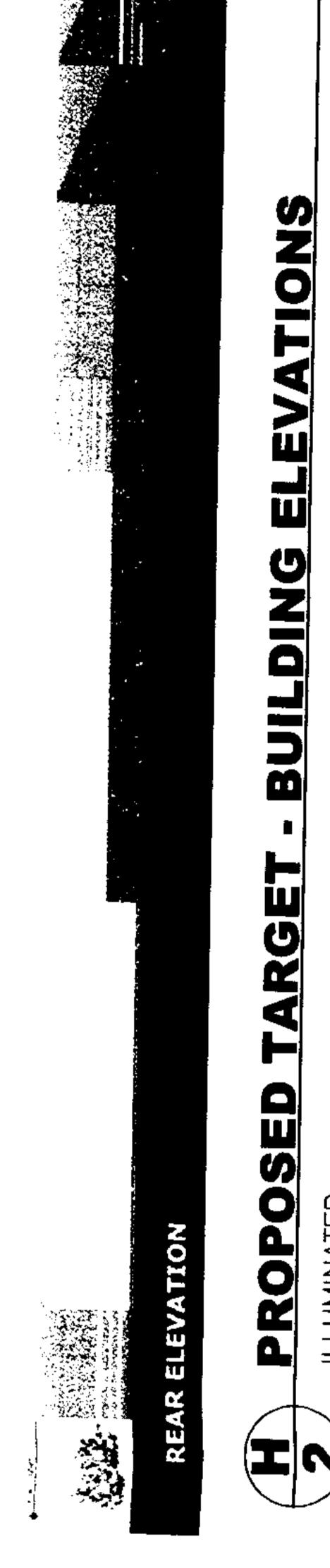
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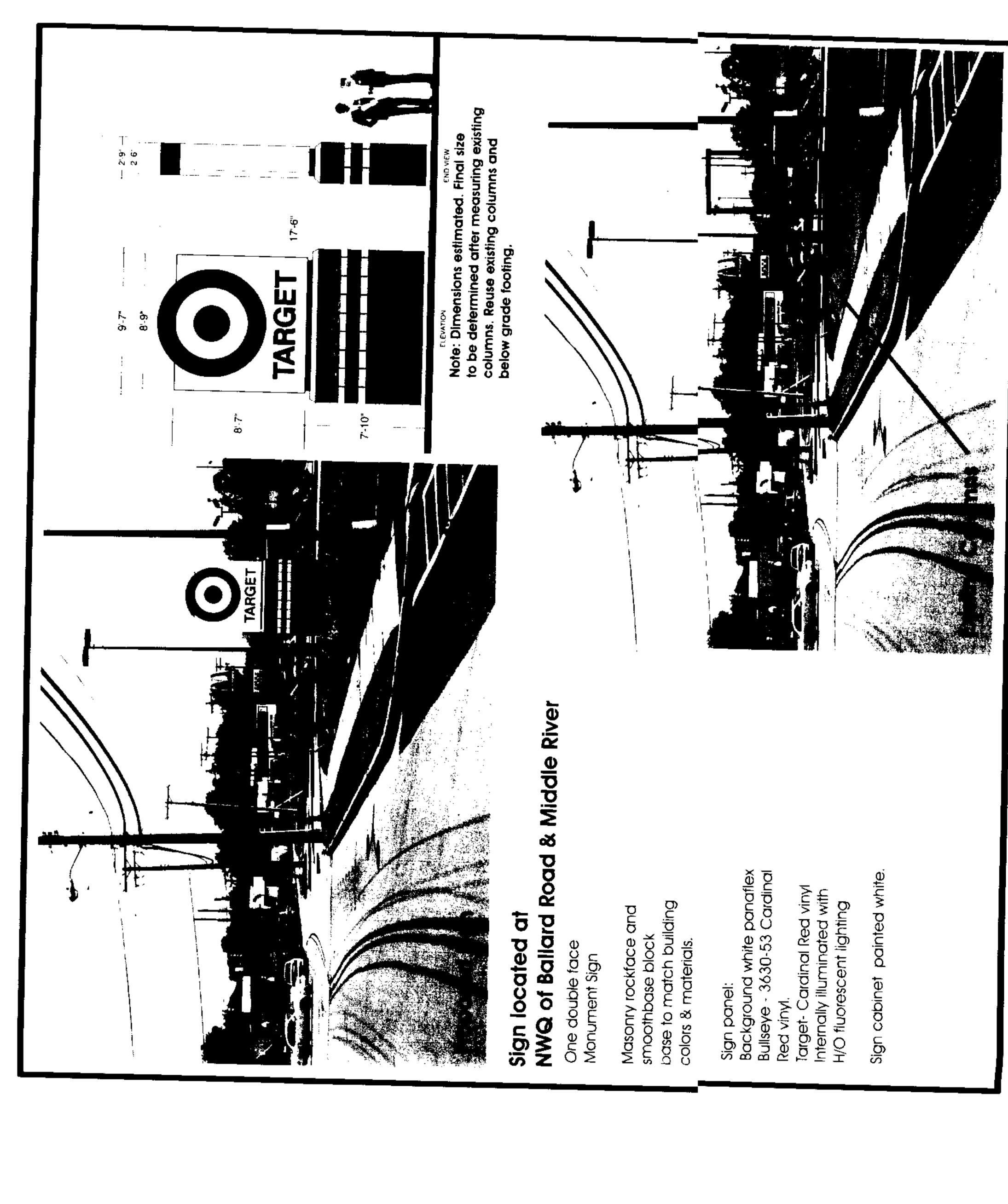






1202-1312 MARTIN BOULE BALTIMORE, MD 21220 989,683 SF. = 22.72 AC.= 401,112 SF. = 9.21 AC.± ADC MAP 37, GRID F-5 & 15TH FLAT #9/74 (PARCELS B-BM-CCC (BUSINESS, MAJOR-COMMER NE 4-H & 4-I





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A DIVISION OF TARGET CORPORATION 1000 NICOLLET MALL INEAPOLIS, MINNESOTA 5 FAX: (612) 761-3322 \leq

IN 8. THIS SITE IS NOT LOCATED WITHIN THE 100 YEAR FLOODPLAIN.

9. THERE ARE NO NON-TIDAL WETLANDS ON THIS SITE.

10. THERE ARE NO KNOWN HISTORICAL STRUCTURE OR ARCHAEOLOGICAL AREAS

11. THERE ARE NO KNOWN HISTORICAL STRUCTURE OR ARCHAEOLOGICAL AREAS

2. THERE ARE NO KNOWN HISTORICAL STRUCTURE OR ARCHAEOLOGICAL AREAS

3. THERE IS NO PREVIOUS COMMERCIAL PERMIT ON FILE.

4. PARKING AND DRIVE AISLES SHALL BE PAVED PER SECTION 409.8 (BCZR).

5. LIGHTING FIXTURES SHALL BE ARRANGED AND SELECTED TO REFLECT LIGHT AWAY ADJACENT RESIDENTIAL PROPERTIES AND PUBLIC STREETS.

6. FIRE HYDRANTS ARE INDICATED ON THE PLAN.

7. SIGNAGE:

SEE ZONING HISTORY NOTE #3 AND VARIANCE REQUEST NOTE #1. ALL OTHER SIGNALL COMPLY WITH BALTIMORE COUNTY ZONING REGULATIONS (BCZR) SECTION 44 SIGN DETAILS THIS SHEET. (0 (7)

MARTIN FINANCIAL ASSOCIATES
LIMITED PARTNERSHIP
C/O MARYLAND FINANCIAL INVESTORS
9475 DEERECO ROAD, SUITE 302
TIMONIUM, MARYLAND 21093—2123
TAX ACCOUNTS #1800003624 & #16
MORRIS & RITCHIE ASSOCIATES, INC.
1220—C EAST JOPPA ROAD, SUITE 5(
1220—C EAST JOPPA ROAD, SUITE 5(
10WSON, MD 21286
(410) 821—1690
ATTN: DEAN HOOVER

R / DESIGN

CES (INCLUDING OF TOTAL REQU CES (INCLUDING

OR AREA = 618 SPACE (2 PERCENT (= 619 SPACE

4.0

FLOOR AREA RATIO (F.A.I PERMITTED FLOOR AREA PROPOSED FLOOR AREA A. REQUIRED PARKING: 5 SPACES PER 1,000 (123,680 SF × 5/1,00

PROPOS 329' 20' VARIES

<u>REQUIRED</u> = 15' = 0' = 0'

BUILDING SETE FRONT YARD REAR YARD SIDE YARD

7.

KIDDIS 'WA /7:07:0 +007/01/01 '640-7