IN RE: PETITION FOR VARIANCE N/S Ridgely Road, 550 ft. W

centerline of York Road

8th Election District

3rd Councilmanic District

(130 W. Ridgely Road, York Ridge

Shopping Center)

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 05-107-A

KIMCO Realty Corporation

By: Geoffrey H. Glazer, Vice President of Land,

Legal Owner

AND

Gap, Inc., Lessee **Petitioners**

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by KIMCO Realty Corporation, by Geoffrey H. Glazer, Vice President of Land, the legal owners of the subject property and Gap, Inc., Lessee. The Petitioners are requesting variance relief for property located at 130 W. Ridgely Road in the Timonium area of Baltimore County. relief is requested from Section 450.4.1.5(d) of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow four (4) wall-mounted enterprise signs on a multi-tenant retail building in lieu of the permitted two, for 429 sq. ft. of signage in lieu of the allowable 271.50 sq. ft. for the "Old Navy" signs and 432 sq. ft. of signage in lieu of the allowable 271.50 sq. ft. for the "Borders" signs.

The property was posted with Notice of Hearing on October 1, 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 October 5, 2004 to notify any interested persons of the scheduled hearing date.

Applicable Law

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

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon Appeal, shall have and they are hereby given the power to grant variances from height and area

X LIE

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

Zoning Advisory Committee Comments

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

Interested Persons

Appearing at the hearing on behalf of the variance request were Geoff Glazer and Greg Reed. Lawrence E. Schmidt, Esquire represented the Petitioners. There were no protestants or citizens who attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Mr. Schmidt proffered that this site is a 13-acre commercial site known as the "Yorkridge Shopping Center" which is zoned BL and located on Ridgely Road off of York Road. A large commercial building approximately 30 years old is located on the site, which is undergoing extensive renovation along with the adjacent shopping center at the corner of Ridgely and York Roads. Because of its location away from York Road, which is the main north/south roadway in the area, the Petitioner requests four signs on the east face of the building. Two signs would be located above the entrances to a new "Border's" bookstore and a new "Old Navy" clothing store to indicate the entrances thereof. This is particularly important since the patrons of these stores will

M. W. Chillips Commission of the Commission of t

be parking on the adjacent parking fields in the Ridgely Shopping Center by agreement. There are no entrances to these stores from the parking fields of this center. These signs would be on the first floor level. See Petitioners' Exhibit No. 1.

In addition, Mr. Schmidt explained that Ridgely Road is physically in a valley between two substantial hills which rises to the north and south of the site. He noted that in order for customers to locate the new stores from York Road, the Petitioners would like to erect two more identification signs on the east face of the third story of the existing building. This is very similar to the signs that Caldor used when it was the primary tenant of the building as shown in Petitioners' Exhibit Nos. 4 and 5.

The Petitioners' representatives indicated that they met with members of the Greater Timonium Community Council to review the signage requests. The file contains a letter of support for the request from the Council dated October 14, 2004. In fact, Mr. Schmidt pointed out that the Council recommended the higher signs could be up to 150 % of the area allowed under the regulations but the actual request was for somewhat smaller signs on the higher levels. The signage for both stores would be 429 sq. ft. of signage in lieu of the allowable 271.50 sq. ft. for the "Old Navy" signs and 432 sq. ft. of signage in lieu of the allowable 271.50 sq. ft. for the "Borders" signs as shown on Petitioners' Exhibit No. 1. Again, this arises because of the dual level of identification and location signs needed for each store.

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. The existing building is quite removed from York Road and is located in a valley. The location makes it necessary to place the signs high on the building in order for customers to identify the store locations. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable

hardship. Similarly, signs to locate the entrances of the stores are need at the lower parking levels. Four signs are clearly necessary and in turn increases the square footage of the signs for each store. No increase in residential density beyond that otherwise allowable by the Zoning Regulations will result by granting these variances. Furthermore, I find that these variances can be granted in strict harmony with the spirit and intent of said regulations, and in a manner as to grant relief without injury to the public health, safety and general welfare. The Greater Timonium Council expressed their support of this request presumably to assist in the overall redevelopment of this older commercial center with new and attractive tenants.

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

THEREFORE, IT IS ORDERED, this _______ day of October, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 450.4.1.5(d) of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow four (4) wall-mounted enterprise signs on a multi-tenant retail building in lieu of the permitted two, for 429 sq. ft. of signage in lieu of the allowable 271.50 sq. ft. for the "Old Navy" signs and 432 sq. ft. of signage in lieu of the allowable 271.50 sq. ft. for the "Borders" signs, be and they are 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

4

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 18, 2004

Lawrence E. Schmidt, Esquire Gildea, LLC 300 E. Lombard Street, Ste. 1440 Baltimore, MD 21202-3228

Re: Petition for Variance
Case No. 05-107-A
Property: 130 West Ridgely Road

Dear Mr. Schmidt:

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

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

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

c: Kimco Realty Corporation c/o Geoffrey H. Glazer, Vice-President of Land Acquisition & Development 170 W. Ridgely Road, Suite 210 Lutherville, MD 21093

Gap, Inc. c/o Sharon Blandford 5607 Glenridge Drive, Suite 700 Atlanta, GA 30342



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



REV 9/15/98

N. TO

Remence)

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 130 West Ridgley Rod which is presently zoned BL

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

See Attachment

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

To be presented at hearing.

Property is to be posted and advertised as prescribed by the zoning regulations.

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

UNAVAILABLE FOR HEARING

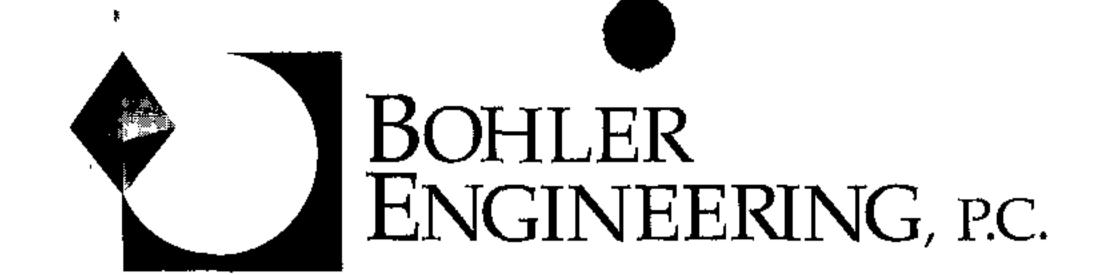
Date ____

Contract Purchaser/Lessee: Legal Owner(s): Inc. Gap, KIMCO Realty Corporation Name - Type or Print Name - Type or Print Signature Sharon Blandford Signature Glenridge Drive, Su/1te 700 Geoffrey M. Glazer, Vice President of Land Address Telephone No. Name - Type or Print Acquisition & Development Atlanta, GA 30342 (404)236-8878 City State Zlp Code Signature **Attorney For Petitioner:** 170 W Ridgely Road, Suite 210 Address Telephone No. Sebastian A. Cross Lutherville, MD 21093 (410) 684-20 Name - Type or Pfirit City State Zip Code Representative to be Contacted: Signature Gildea, LLC Sebastian A. Cross Company Name 300 E. Lombard Street, Suite 1440 300 E. Lombard Street, Suite 1440 Address Telephone No. Address Telephone No. Baltimore, MD 21202 (410)234-0070 Baltimore, MD 21202 (410)234-007 City State Zip Code City State Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING ___

Reviewed By

Attachment to Variance Petition

BCZR 450.4.I.5(d) for four wall mounted enterprise signs on a multi-tenant retail building in lieu of the permitted two, for 429 s.f. of signage in lieu of the allowable 271.50 s.f. for the "Old Navy" signs and 432 s.f. of signage in lieu of the allowable 271.50 s.f. for the "Borders" signs.



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

August 25, 2004

ZONING DESCRIPTION OF PART OF THE LANDS KNOWN AS PARCEL 776, TAX MAP 60, GRID 18 WITH DEED REFERENCE 13330/654 WHICH IS OF VARIABLE WIDTH AT THE DISTANCE OF 1000 FEET SOUTHWEST OF THE INTERSECTION OF AYLESBURY RD AND YORK RD AS RECORDED IN THE DATABASES OF BALTIMORE COUNTY, MD 8TH DISTRICT

BEGINNING AT A POINT ON THE SOUTHERMOST SIDE OF AYLESBURY ROAD, WHICH IS OF VARIABLE WIDTH AT THE DISTANCE OF 1000 FEET WEST YORK ROAD MD RTE 145.

- 1. SOUTH 29 DEGREES, 24 MINUTES, 34 SECONDS WEST; 50.00 FEET TO A POINT.
- 2. SOUTH 0 DEGREES, 17 MINUTES, 00 SECONDS WEST; 210.72 FEET TO A POINT.
- 3. SOUTH 4 DEGREES, 54 MINUTES, 30 SECONDS EAST; 338.99 FEET TO A POINT.
- 4. NORTH 4 DEGREES, 54 MINUTES, 30 SECONDS WEST; 91.01 FEET TO A POINT.
- 5. SOUTHERLY BY A LINE CURVING TO THE WEST WITH A RADIUS OF 194.61 FEET FOR A DISTANE OF 160.17 FEET, THE CHORD OF SAID ARC BEING SOUTH 18 DEGREES, 40 MINUTES, 12 SECONDS WEST; 155.69 FEET.
- 6. SOUTH 41 DEGREES, 31 MINUTES, 47 SECONDS, EAST; 198.00 FEET TO A POINT.
- 7. SOUTH 19 DEGREES, 11 MINUTES, 04 SECONDS, WEST; 12.83 FEET TO A POINT.
- 8. SOUTH 24 DEGREES, 15 MINUTES, 05 SECONDS, EAST; 582.63 FEET TO A POINT.
- 9. SOUTH 70 DEGREES, 41 MINUTES, 04 SECONDS, WEST; 172.73 FEET TO A POINT.
- 10. SOUTH 82 DEGREES, 31 MINUTES, 04 SECONDS, WEST; 297.00 FEET TO A POINT.
- 11. NORTH 19 DEGREES, 11 MINUTES, 04 SECONDS, EAST; 31.30 FEET TO A POINT.
- 12. NORTH 85 DEGREES, 53 MINUTES, 36 SECONDS, EAST; 230.40 FEET TO A POINT.
- 13. NORTH 9 DEGREES, 22 MINUTES, 32 SECONDS, WEST; 165.00 FEET TO A POINT.
- 14. NORTH 86 DEGREES, 50 MINUTES, 10 SECONDS, EAST; 33.19 FEET TO A POINT.
- 15. NORTH 9 DEGREES, 22 MINUTES, 32 SECONDS, WEST; 131.86 FEET TO A POINT.
- 16. NORTH 9 DEGREES, 22 MINUTES, 32 SECONDS, WEST; 687.17 FEET TO A POINT.
- 17. NORTH 80 DEGREES, 37 MINUTES, 28 SECONDS, EAST; 405.09 FEET TO A POINT.
- 18. NORTH 44 DEGREES, 54 MINUTES, 30 SECONDS, WEST; 345.17 FEET TO A POINT.
- 19. NORTH 0 DEGREES, 17 MINUTES, 00 SECONDS, EAST; 225.99 FEET TO A POINT.
- 20. NORTH 29 DEGREES, 24 MINUTES, 34 SECONDS, EAST; 66.79 FEET TO A POINT.
- 21. EASTERLY BY A LINE CURVING TOWARDS THE NORTH WITH A RADIUS OF 330.00 FEET FOR A DISTANCE OF 50.20 FEET. THE CHORD FO SAID ARC BEING SOUTH 56 DEGREES 13 MINUTES, 58 SECONDS, EAST; 50.14 FEET TO THE PLACE OF BEGINNING.

Other Office Locations:

■ Watchung, NJ 908.668.8300 ■ North Wales, PA 215.393.8300

■ Melville, NY 516.872.2000

■ Sterling, VA 703.709.9500

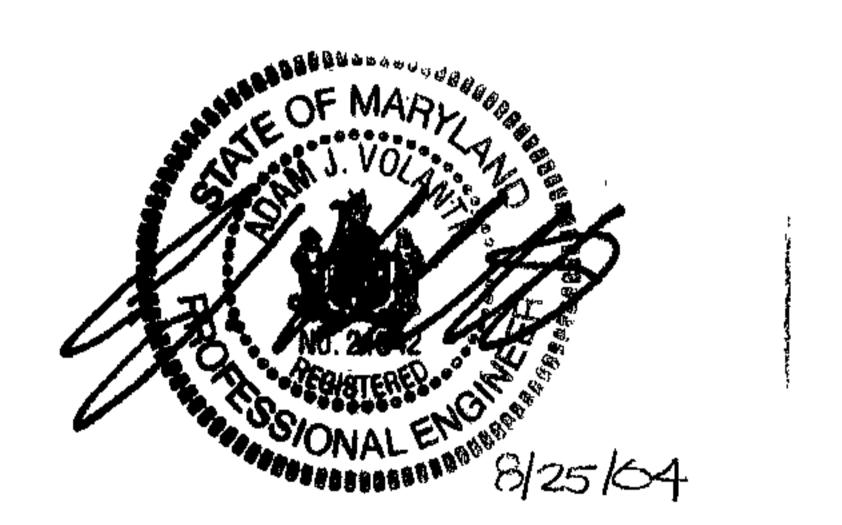
■ Southborough, MA 508.480.9900

■ Albany, NY 518.438.9900



ZONING DESCRIPTION OF PART OF THE LANDS KNOWN AS PARCEL 776, TAX MAP 60, GRID 18 WITH DEED REFERENCE 13330/654

BEING ALSO KNOWN AS 130 RIDGELY RD., BALTIMORE COUNTY, AS RECORDED IN THE BALTIMORE COUNTY DATABASE CONTAINING IN ALL 568,401 SQUARE FEET OR 13.05 ACRES OF LAND MORE OR LESS.



BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 40693
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\$200,00 Recpt Tot \$.00 CA \$200.00 CK Daltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

PINK - AGENCY

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: #05-107-A

130 West Ridgley Road, York Ridge Shopping Center North side Ridgley Road, 550 feet west York Road

8th Election District - 3rd Councilmanic District

Legal Owner(s): Gap, Inc.

Variance: to allow for four wall mounted enterprise signs on a multi-tenant retail building in lieu of the permitted two, for 336 s.f. of signage in lieu of the allowable 271.50 s.f. for the 'Old Navy' signs and 432 s.f. of signage in lieu of the allowable 271.50 s.f. for the 'Borders' signs.

Hearing: Monday, October 18, 2004 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

Avenue. 😘

LAWRENCE E. SCHMIDT

WHITE - CASHIER

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.

37/10/820 Oct. 5

CERTIFICATE OF PUBLICATION

\$ a 4

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., successive weeks, the first publication appearing once in each of ___

The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

LEGAL ADVERTISING

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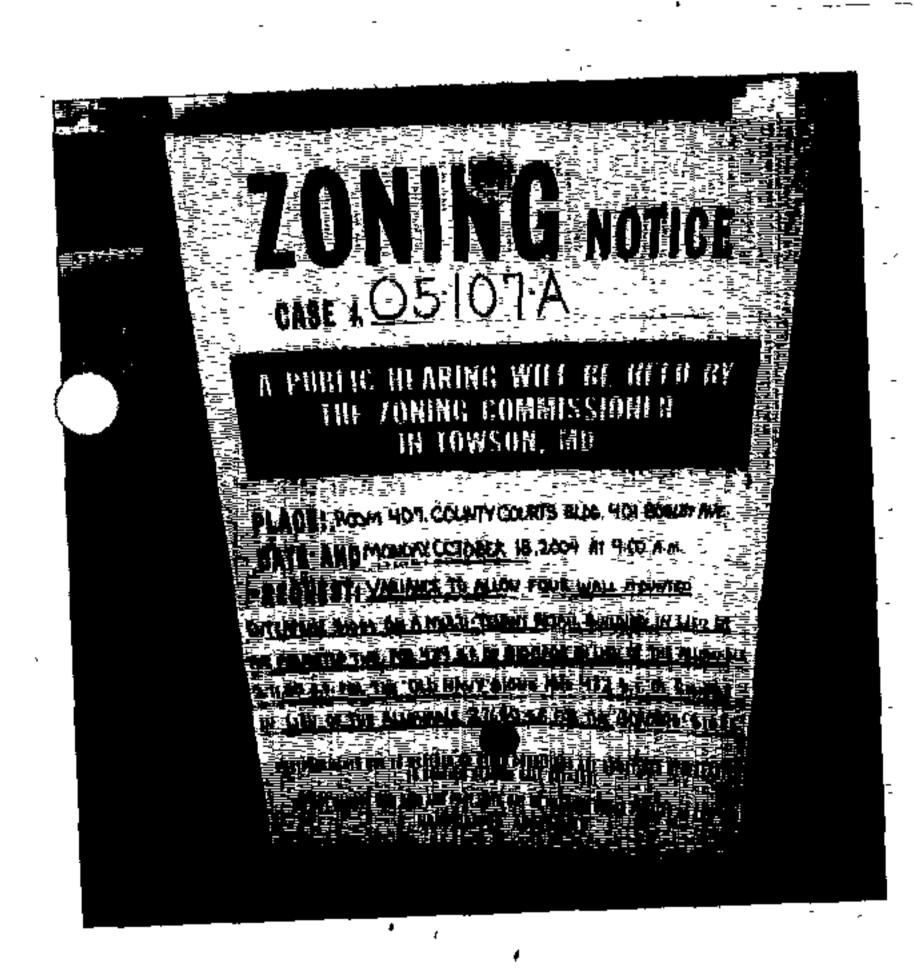
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CERTIFICATE OF POSTING



Robert Block 103/04 (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)

TO: PATUXENT PUBLISHING COMPANY

Tuesday October 5, 2004 Issue - Jeffersonian

Please forward billing to:

Gildea, LLC.

410-234-0070

300 E. Lombard Street, Ste. 1440 Baltimore, Maryland 21202

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: 05-107-A

130 West Ridgley Road, York Ridge Shopping Center North side Ridgley Road, 550 feet west York Road 8th Election District—3rd Councilmanic District Legal Owners: Gap, Inc.

<u>Variance</u> to allow for four wall mounted enterprise signs on a multi-tenant retail building in lieu of the permitted two, for 336 s.f. of signage in lieu of the allowable 271.50 s.f. for the "Old Navy" signs and 432 s.f. of signage in lieu of the allowable 271.50 s.f. for the "Borders" signs.

Hearing: Monday, October 18, 2004 at 9:00 am in Room 407, County Courts Building

401 Bosley Avenue

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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

Department of Permits and Development Management

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





Baltimore County

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: 05-107-A

130 West Ridgley Road, York Ridge Shopping Center North side Ridgley Road, 550 feet west York Road 8th Election District—3rd Councilmanic District

Legal Owners: Gap, Inc.

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Hearing: Monday, October 18, 2004 at 9:00 am in Room 407, County Courts Building

401 Bosley Avenue

Timothy Kotroco Director

TK: clb

C: Sebastian A. Cross Gildea, LLC. 300 E. Lombard Street, Ste. 1440 Baltimore 21202 Gap, Inc. 5607 Glenridge Drive, Ste. 700 Atlanta, Georgia 30342 KIMCO Realty Corporation 170 W. Ridgely Road, Ste. 210 Lutherville 21093

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY OCTOBER 1, 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 <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 Newspaper Advertising:
Item Number or Case Number $OS-IOZ-A$
Petitioner Gap, Frc. / KIMCO Realty Carp.
Address or Location. 130 West Ridgle & Road
PLEASE FORWARD ADVERTISING BILL TO Name:
Name: Gilden LLC Address 300 ELombard St., Svite 1440 Baltimere Md 21202
Telephone Number: 410 234-0020
OS:107.07

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 14, 2004

Sebastian A. Cross Gildea, LLC. 300 E. Lombard Street, Suite 1440 Baltimore, Maryland 21202

Dear Mr. Cross:

RE: Case Number: 05-107-A, 130 West Ridgely Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 25, 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, Call Richard

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Gap, Inc. Sharon Blandford 5607 Glenridge Drive, Ste. 700 Atlanta, Georgia 30342
KIMCO Realty Corporation Geoffrey H. Glazer 170 W. Ridgely Road, Ste. 210
Lutherville 21093

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



Fire Department



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



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

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: September 14, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

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

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

RECEIVED

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr 700

DATE:

October 27, 2004

OCT 2 7 2004

ZONING COMMISSIONER

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of October 4, 2004.

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

05-107 (revised site plan)

05-131

04144

04146

045148

0**5**-149

04,152

0 **5** 153

04-154

Reviewers:

Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: October 18, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

130 West Ridgley Road

INFORMATION:

Item Number:

5-107

Petitioner:

KIMCO Realty Corporation

Zoning:

BL

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the sign and site development is in accordance with the Hunt Valley Timonium Master Plan.

Prepared by:

Division Chief:

AFK/LL:MAC:

State Highway
Administration

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

Maryland Department of Transportation

Date: 10.4.04

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

RE: Baltimore County Item No.

REV. 05-107.A

Dear. Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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

Very truly yours,

Steven D. Foster, Chief

1. 1. Dull

Engineering Access Permits Division

RE: PETITION FOR VARIANCE

130 West Ridgley Road; N/side Ridgley

Road, 550' W York Road

8th Election & 3rd Councilmanic Districts Legal Owner(s): KIMCO Realty, Geoffrey Glazer, VP of Land Acquisition & Dev't

Contract Purchaser(s): GAP, Inc,

by Sharon Blanford

Petitioner(s)

BEFORE THE

* ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

* 05-107-A

ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

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

Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of September, 2004, a copy of the foregoing Entry of Appearance was mailed to, to Sebastian A. Cross, Esquire, Gildea, LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED

SEP 13 2004

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Per.....

GILDEA, LLC

DAVID K. GILDEA DAVIDGILDBA@GILDEALLCCOM

SUITE 1440

SCROSS@GILDEALLC.COM BALTIMORE, MARYLAND 21202

TELEPHONE 410-234-0070

FACSIMILE 410-234-0072 .

www.glldeallc.com

D. DUSKY HOLMAN

STUART W. COX SCOX@GHDDEALE.COM

SEBASTIAN A CROSS

JOSEPH R. WOOLMAN, III

JWOOLMAN@GILDEALLC.COM

DHOLMAN@OHLDEALLCCOM

September 27, 2004

Via Hand Delivery

Mr. W. Carl Richards, Jr.
Permits and Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Gap, Inc.-KIMCO Realty/130 W. Ridgley, York Ridge Shopping Center

Submittal of Revised Variance Petitions

Case No.: 05-17-A

107

Dear Mr. Richards:

Attached please find revised petitions and plans submitted for sign variance Case No. 05-107-A currently scheduled to be heard on Monday, October 18, 2004 at 9:00 a.m., in Room 407, County Courts Building 401 Bosley Avenue. Amendments have been made on these plans in regard to the Old Navy signs being proposed.

The former Old Navy signs contained a total square footage of 168 square feet each which have now been revised to include a total square footage of 214.5 square feet each. As such, the advertising and posting notice must also be changed to reflect the zoning relief requested from the former 336 total square footage of signage in lieu of the allowable 271.5 to 429 square feet of signage in lieu of the allowable 271.5 square feet.

As such the new zoning notification paragraph should read as follows:

<u>Variance</u> to allow for four wall mounted enterprise signs on a multi-tenant retail building in lieu of the permitted two, for 429 s.f. of signage in lieu of the allowable 271.50 s.f. for the "Old Navy" signs and 432 s.f. of signage in lieu of the allowable 271.50 s.f. for the "Borders" signs.

I have also attached the \$200.00 fee required by Baltimore County for submittal of revised public hearing items. Upon receipt of this filing, please contact this office if there is any additional information your office requires. With kind regards, I am

Very truly yours,

Sebastian A. Cross

Su har

SAC: dls

Cc: Geoffrey H. Glazer AIA, KIMCO Realty

Sharon Blandford, Gap, Inc.

Burt House, Old Navy

Jeanette Majek, Project Manager

Gregory H. Reed, Bohler Engineering

Erica Jackson, Bohler Engineering

David K. Gildea, Esquire

9/1/8

GREATER TIMONIUM COMMUNITY COUNCIL, INC.

C/O Louis W. Miller, President 44 E. Timonium Rd. Timonium, Md. 21093 <u>Leabo@aol.com</u> Web: GTCCInc.com

RECEIVED

OCT 1 5 2004

October 14, 2004

Zoning Commissioner Baltimore County 401 Bosley Ave. 4th Floor Towson, Md. 21204 ZONING COMMISSIONER

Dear Commissioner:

Mr. Geoffrey Glazer, Vice President, Kimco Realty Corporation presented schematics of the signs requested for the redevelopment of the old Caldor building in Lutherville, Md. last evening at our Board meeting.

Today in telephone conversation with him about that presentation, we suggested one modification to his sign plans for the "Old Navy" and "Borders" retail uses.

We suggest the upper high signs be allowed to exceed the regulatory square footage by 150%, but the lower signs comply with the regulatory square footage. We have no objection to the two signs for each retailer.

This site is a considerable distance from York Rd. We believe the increase in the upper signs would be helpful to the public and the retailer.

We recommend you approve this suggestion.

Very truly yours,


Louis W. Miller, President


File: GTCC Old Navy-Borders Signs

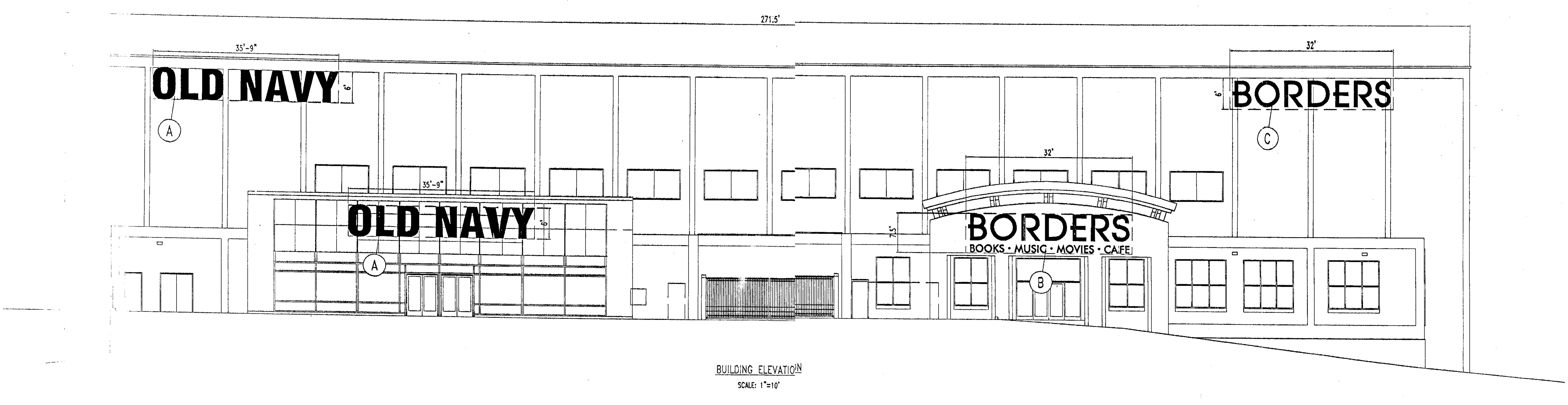
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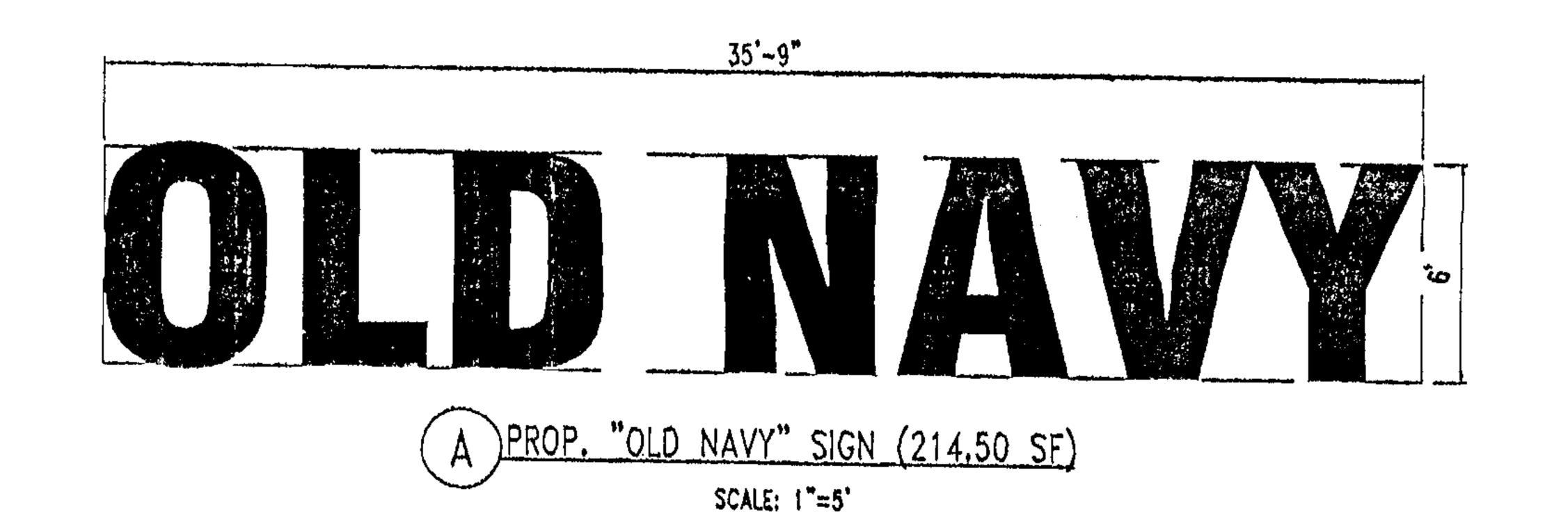
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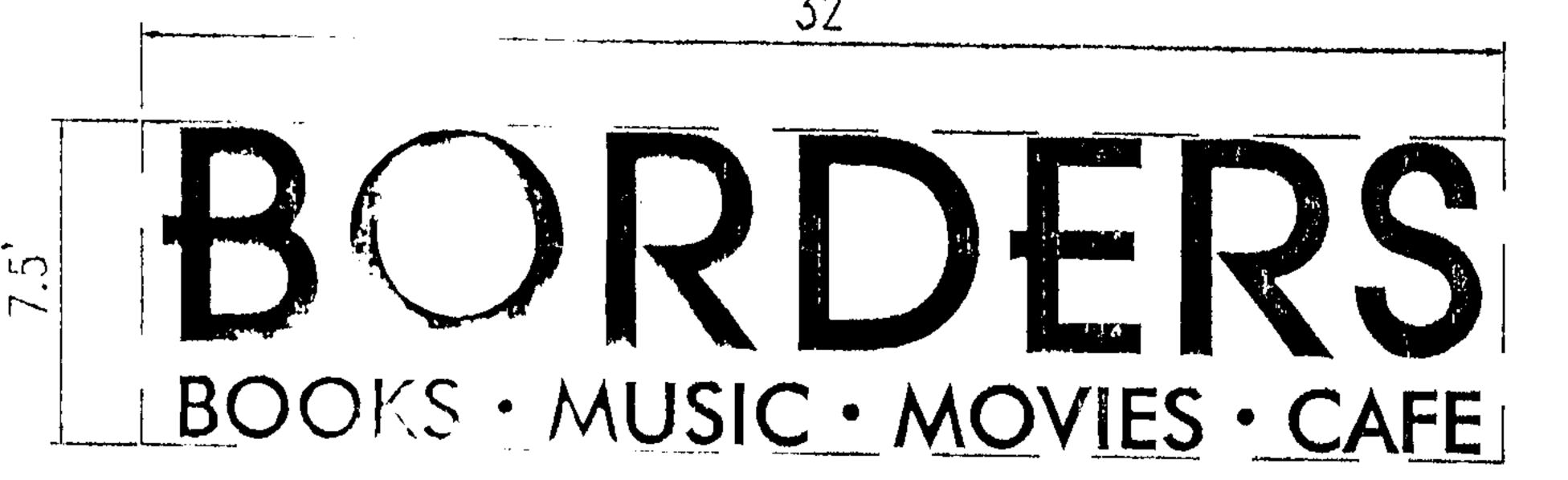
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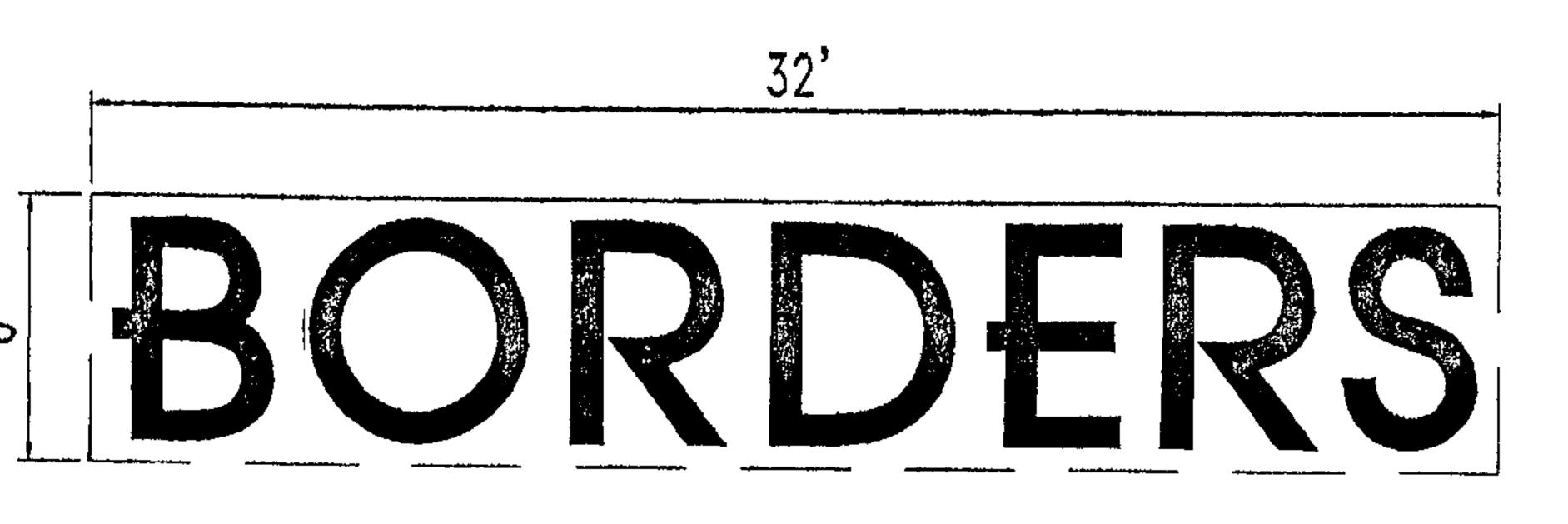








ROP "BORDERS" SIGN (240 SF) SCALE: 1"=5'



(C) PROP. "BORDERS" SIGN (192 SF)

SIGNAGE CALCULATIONS

ENTERPRISE - WALL MOUNTED

PERMITTED:

AREA: TWO (2) TIMES THE LENGTH OF THE WALL CONTAINING THE EXTERIOR ENTRANCE AND DEFINING THE SPACE OCCUPIED BY THE SEPARATE COMMERCIAL ENTITY

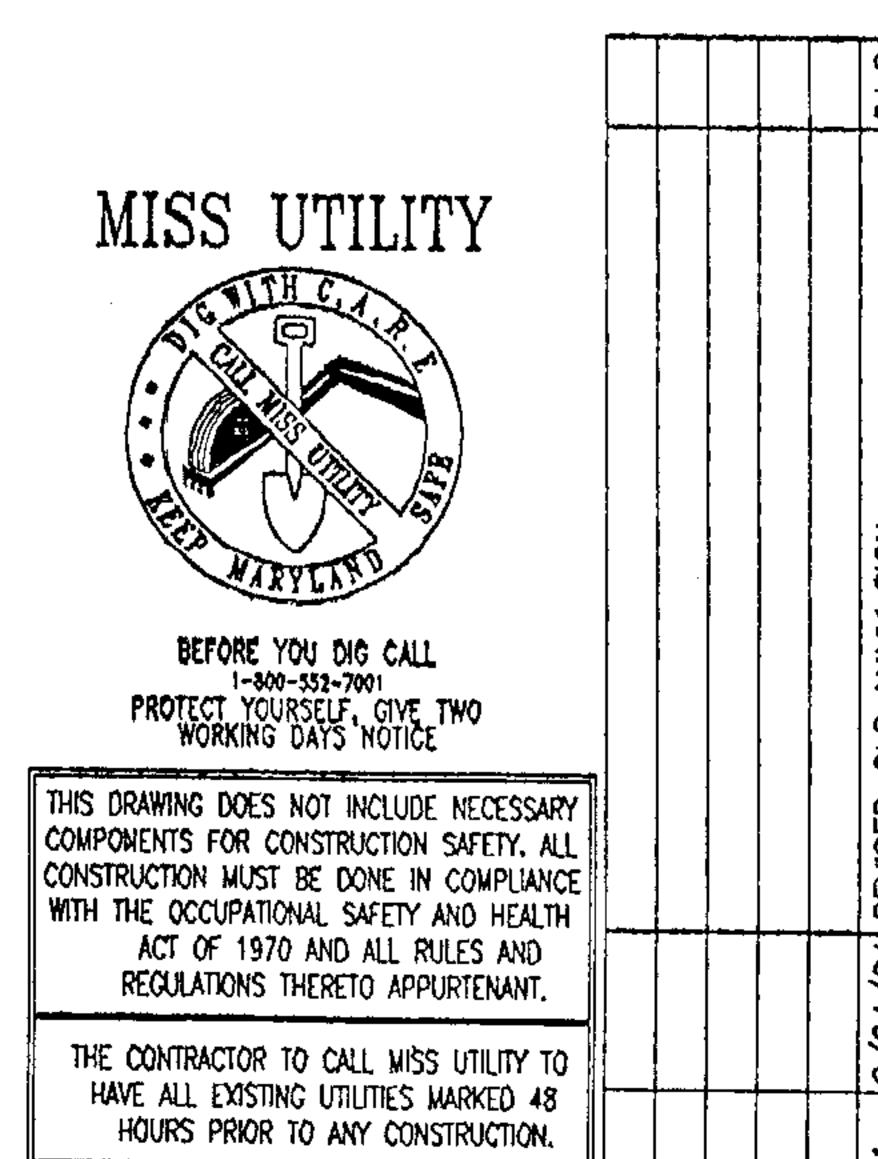
B. ONE (1) PER CUSTOMER ENTRY WITH SEPERATE CUSTOMER ENTRANCE

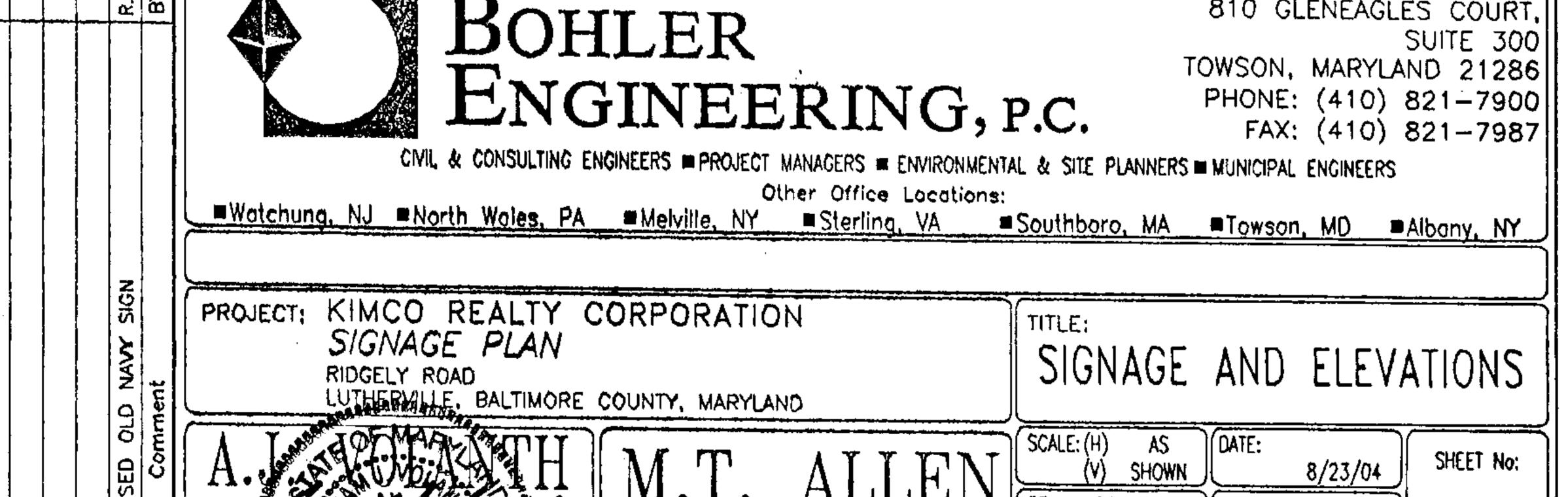
ALLOWABLE AREA = 2 SF * 135.75 LF = 271.50 SF ALLOWABLE # OF SIGNS - 1 PER CUSTOMER ENTRANCE = 1

TWO (2) 'OLD NAVY' SIGNS - WALL MOUNTED (214.50 SF EA.) = 429.00 SF

ALLOWABLE AREA = 2 SF * 135.75 LF = 271.50 SF ALLOWABLE # OF SIGNS - 1 PER CUSTOMER ENTRANCE = 1

ONE (1) BORDERS' SIGN - WALL MOUNTED = 240 SF ONE (1) BORDERS' SIGN - WALL MOUNTED = 192 SF TOTAL = 432 SF

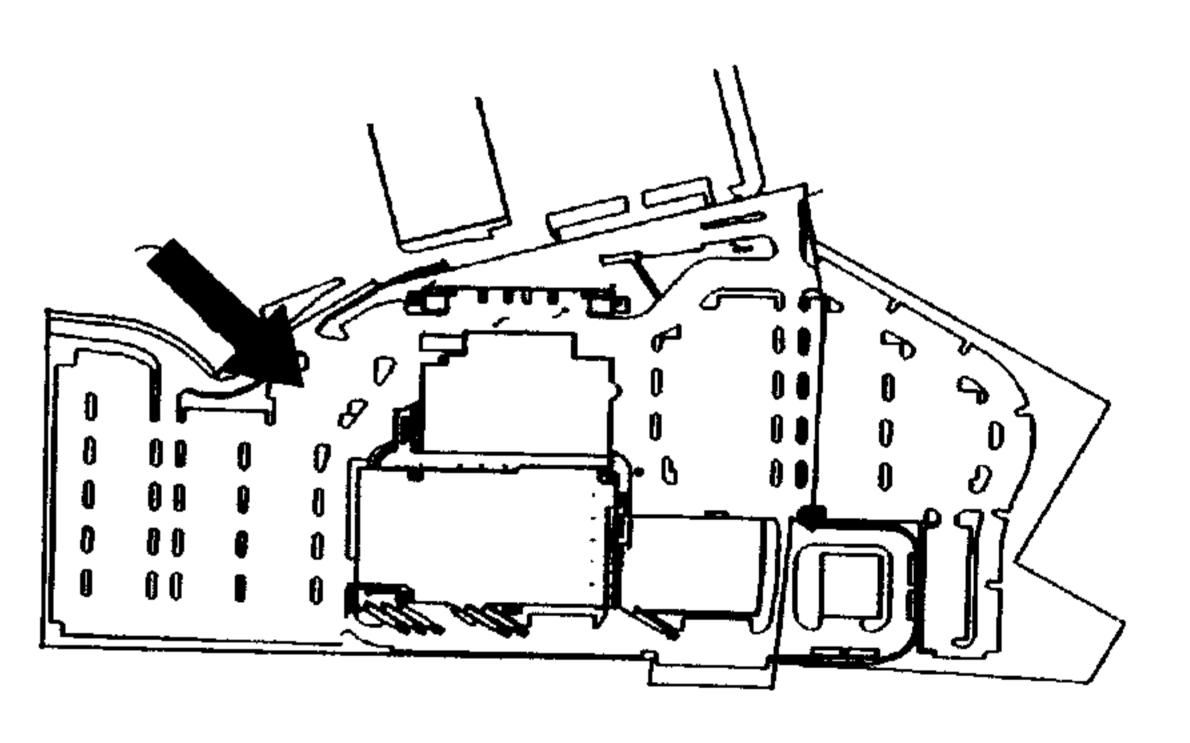




CHECKED BY: CAD I.D.



Lutherville Station as seen from North Parking lot

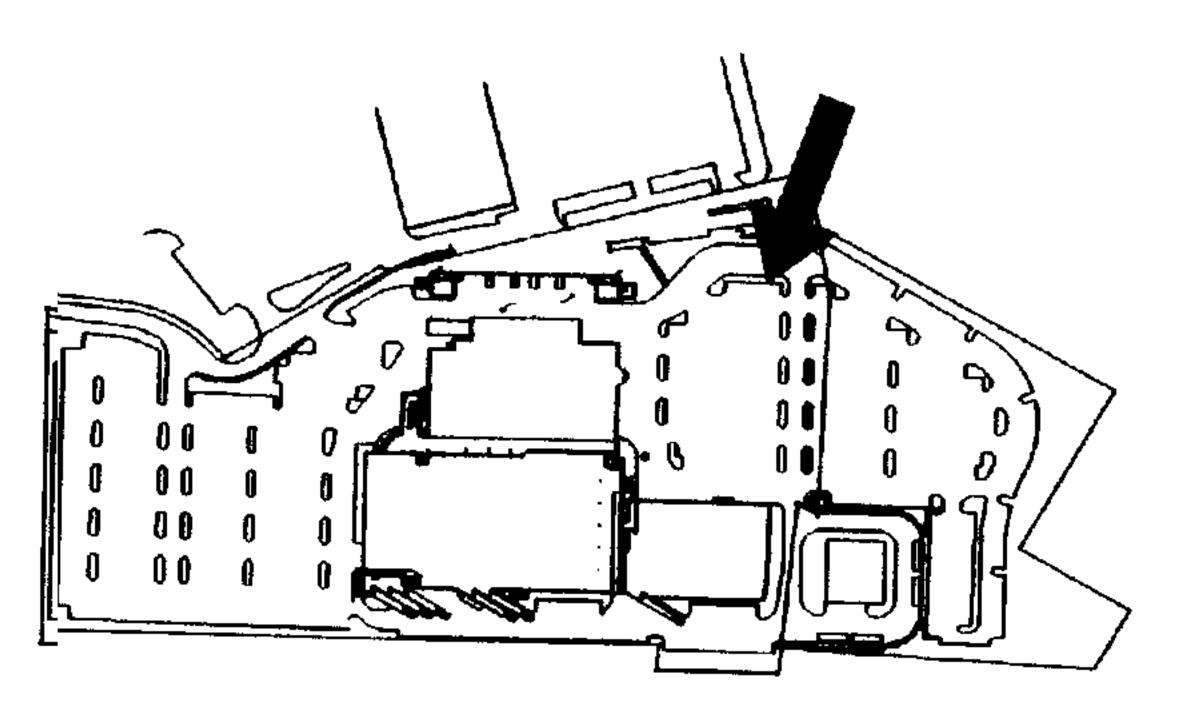


LUTHERVILLE STATION

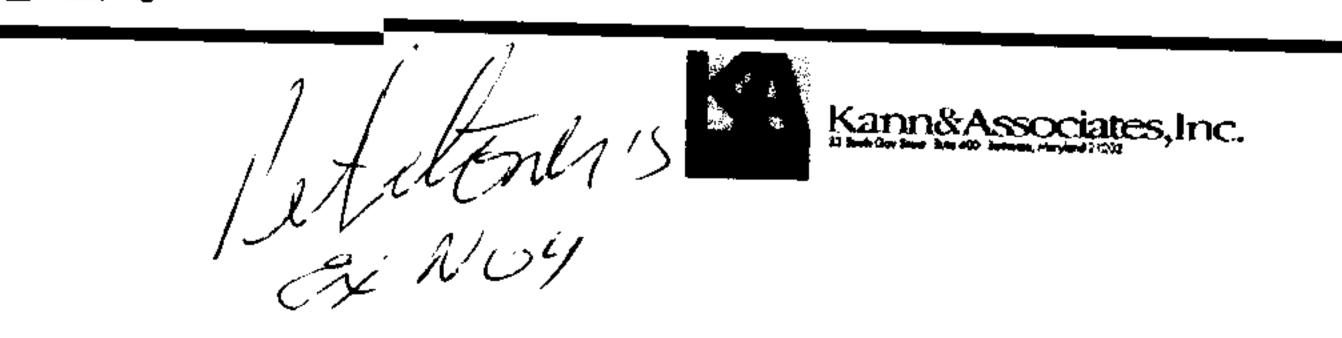





Lutherville Station as seen from York Road Approach

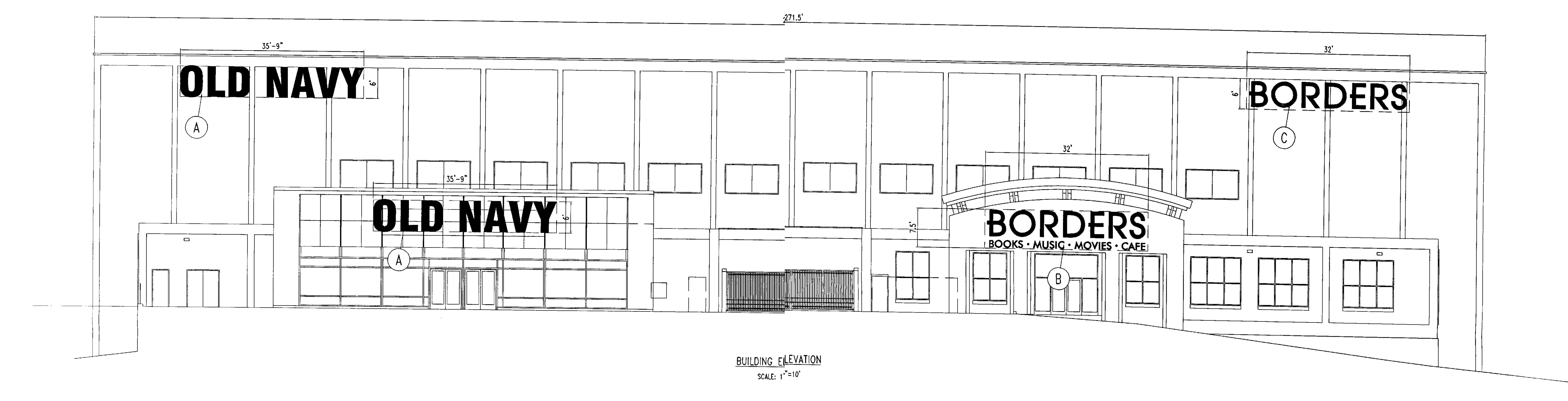


LUTHERVILLE STATION





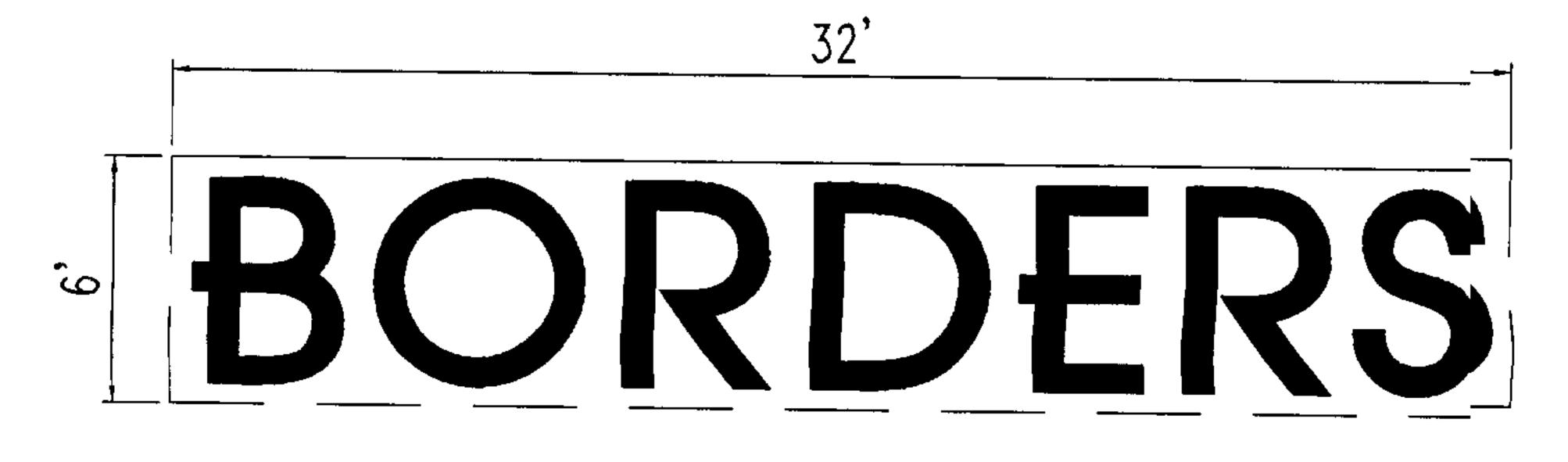
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A PROP. "OLD NAVY" SIGN (214.50 SF) SCALE: 1"=5"

BOOKS · MUSIC · MOVIES · CAFE

(B) PROP. "BORDERS" SIGN (240 SF)



(C) PROP. "BORDERS" SIGN (192 SF)

SIGNAGE CALCULATIONS

ENTERPRISE - WALL MOUNTED

PERMITTED:

AREA: TWO (2) TIMES THE LENGTH OF THE WALL CONTAINING THE EXTERIOR ENTRANCE AND DEFINING THE SPACE OCCUPIED BY THE SEPARATE COMMERCIAL ENTITY ONE (1) PER CUSTOMER ENTRY WITH SEPERATE CUSTOMER ENTRANCE

PROPOSED:

OLD NAVY

ALLOWABLE AREA = 2 SF * 135.75 LF = 271.50 SF ALLOWABLE # OF SIGNS - 1 PER CUSTOMER ENTRANCE = 1

TWO (2) 'OLD NAVY' SIGNS - WALL MOUNTED (214.50 SF EA.) = 429.00 SF

HAVE ALL EXISTING UTILITIES MARKED 48

HOURS PRIOR TO ANY CONSTRUCTION.

BORDERS

ALLOWABLE AREA = 2 SF * 135.75 LF = 271.50 SF ALLOWABLE # OF SIGNS - 1 PER CUSTOMER ENTRANCE = 1

ONE (1) 'BORDERS' SIGN - WALL MOUNTED = 240 SF ONE (1) 'BORDERS' SIGN - WALL MOUNTED = 192 SF TOTAL = 432 SF

> 810 GLENEAGLES COURT, SUITE 300 TOWSON, MARYLAND 21286 PHONE: (410) 821-7900 FAX: (410) 821-7987 BOHLER ENGINEERING, P.C. MISS UTILITY CIVIL & CONSULTING ENGINEERS ■ PROJECT MANAGERS ■ ENVIRONMENTAL & SITE PLANNERS ■ MUNICIPAL ENGINEERS ■Watchung, NJ ■North Wales, PA ■Melville, NY ■Sterling, VA ■Southboro, MA ■Towson, MD ■Albany, NY PROJECT: KIMCO REALTY CORPORATION
> SIGNAGE PLAN SIGNAGE AND ELEVATIONS BEFORE YOU DIG CALL
> 1-800-552-7001
> PROTECT YOURSELF, GIVE TWO
> WORKING DAYS NOTICE THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY, ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH
> ACT OF 1970 AND ALL RULES AND RECULATIONS THERETO APPURTENANT. PROFESSIONAL ENGINEER VIRCINIA LICENSE No. 0402 031438
> MARYLAND LICENSE No. 21342
> DISTRICT OF COLUMBIA LICENSE No. 10726
> GEORGIA LICENSE No. 026541
> NORTH CAROLINA LICENSE No. 23432
> SOUTH CAROLINA LICENSE No. 20143
> TENNESEE LICENSE No. 107048 THE CONTRACTOR TO CALL MISS UTILITY TO

MARYLAND LICENSE No. 28567
PENNSYLVANIA LICENSE No. 061707
DISTRICT OF COLUMBIA LICENSE No. 900965
VIRGINIA LICENSE No. 0402 039979

SOUTH CAROLINA LICENSE No. 20143
TENNESEE LICENSE No. 107048

VIRGINIA LICENSE No. 0402 039979

CONSTRUCTION CHECK DATE

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WORK SCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTORS RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS DEFINED BY THE DRAWINGS AND IN FULL CONFORMANCE WITH LOCAL REGULATIONS AND CODES.