

IN RE: PETITIONS FOR SPECIAL HEARING
& VARIANCE
SE/Corner of York & Shawan Roads
8th Election District
3rd Councilmanic District
(11317 York Road)

KIMCO Realty,
By Geoffrey H. Glazer, Vice-President,
Legal Owners
and
Giant Food, Inc., Lessee
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 05-270-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as Petitions for Special Hearing and Variance filed by the legal owners of the subject property, KIMCO Realty, by Geoffrey H. Glazer, Vice-President and Giant Food, Inc., lessee. The property is located in the northern area of Baltimore County. The special hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve business parking in a residential zone pursuant to Section 409.8 of the B.C.Z.R. and to amend the site plan granted in Variance Case No. 04-402-A. In addition, a variance is requested from Section 409.6.A.2, of the B.C.Z.R., to permit 406 off-street parking spaces in lieu of the required 523 off-street parking spaces. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The property was posted with Notice of Hearing on January 10, 2005, 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 Baltimore Sun" newspaper on January 10, 2005 to notify any interested persons of the scheduled hearing date.

Applicable Law

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

ORDER RECEIVED FOR FILING

1/28/05

By

"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."

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.

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 requested special hearing and variance relief were James Fraser, Professional engineer, Geoff Glazer, Kimco Realty, Adam Volanth and Mike Grosall from Giant Foods, Petitioners. Lawrence E. Schmidt, Esquire represented the Petitioners. There were no protestants or other interested citizens in attendance at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

1/28/05
Ray

Testimony and Evidence

The subject property is known as the Shawan Plaza Shopping Center located at Shawan and York Roads. This Center consists of 12.01 acres, more or less, zoned B.R. The subject property is presently improved with an existing shopping center, which has a Giant food store as anchor and fifteen retail/restaurant uses. This case was the subject of a prior case (No. 04-402-A) in which a request for parking variance was granted to allow 456 spaces in lieu of the required 505.

Mr. Schmidt proffered that this case arises from several additions, which the Giant store would like to make to its portion of the Center. He indicated that certain new competition would be moving into the area and that Giant wanted to streamline its operations and make its store more user friendly. Among the changes proposed was to improve the entrance customers use and allow customers to take shopping carts to their cars as many other such stores allow. This requires establishing shopping cart corrals on the parking lot to store carts after customers use them. These corrals reduce the number of parking spaces actually available.

In addition, Giant would like to extend its building along the rear building line again as shown on Exhibit 1. These two additions would improve the loading docks but together with the improvements to the entrance would move the Center over 100,000 sq. ft. of space. This would trigger new parking regulations at 5 spaces per 1000 sq. ft of space rather than tabulating individual tenant spaces and all told require 523 parking spaces on the Center up from the 505 previously required. Considering the shopping corrals the available parking spaces would fall from 456 spaces to 406 spaces.

Petitioner's Exhibit No. 1 shows a large area east of the Giant store which at first glance, might be a place for additional parking spaces and thus no need for a variance. However, Mr. Schmidt proffered that the area was actually heavily wooded with steep slopes rising from the level of the center and no place to have parking for the center.

In another anomaly, Mr. Schmidt pointed out that the property is split zoned BR for the area near York Road and RC 4 for the area to the rear. However, the BR/RC 4 line follows the east side of an existing drive aisle which gives access to the Giant loading docks and provides some parking spaces for employees of the Center. This line runs along the rear of the Giant building. The drive aisle then is in the RC 4 zone, which the Zoning Office regards for these purposes to be residential. This further requires a special hearing to allow parking along the drive aisle in a residential zone pursuant to Section 409.8 of the B.C.Z.R. Mr. Schmidt proffered that these parking space have existed for many years along the drive aisle. He noted that this was not a new issue and likely should have been addressed in prior orders. Nevertheless, he noted that neither the parking spaces along the drive aisle or the loading dock additions moved the commercial uses of the center further into the RC zone or nearer the Ashland community homes which lie to the east of the Center.

Finally, he indicated that the site had been determined to be unique from a zoning standpoint in the prior case and the conditions that justified that finding remained unchanged. He opined that there would be no impact on any neighborhood especially as to spillover parking on residential streets, because the parking was adequate and there were no adjacent residential streets on which customers could park. He noted that he met with representatives of the Greater Timonium Coordinating Council who reviewed the plan and were not opposed.

Findings of Fact and Conclusions of Law

In regard to the further variance for parking, I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. As noted in the earlier case, the area to the east of the Giant store is heavily wooded and has steep slopes that prohibit building additional parking in this area. Otherwise, the lot is completely built-out. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Testimony indicated customers want to be able to

take their shopping carts to their cars which in turn require cart corrals in the parking lot. This and the recalculation of parking as above mean that additional parking variances are needed. Said another way, to deny these last requests would be a hardship on the customers and the businesses of the Center. Furthermore, I find that this variance can be granted in strict harmony with the spirit and intent of said off-street parking regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

In regard to the request for special hearing, I find from the evidence presented that the parking spaces in the RC zone portion of the property have existed for many years and reasonably support the business uses as employee spaces. I find that the character of the surrounding community is commercial with the Ashland residential community several hundred feet away and buffered by a hill behind the Center. I see no adverse impact of the proposed use on that community. I further find the parking meets the requirements of Section 409.8.B.2 of the B.C.Z.R. and that these spaces will not be detrimental to the health, safety or general welfare of the surrounding community and are deemed necessary to satisfy the objectives of Section 502.1 of these regulations.

For the reasons above, I will approve the request to amend the site plan granted in Variance Case No. 04-402-A.

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 Petitioners, I find that the Petitioners' variance and special hearing requests should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 30 day of January, 2005, that the Petitioners' request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve

business parking in a residential zone pursuant to Section 409.8 of the BCZR and to amend the site plan granted in Variance Case No. 04-402-A, be and is hereby GRANTED;

IT IS FURTHER ORDERED, that the variance relief requested from Section 409.6.A.2 of the B.C.Z.R., to permit 406 off-street parking spaces in lieu of the required 523 off-street parking spaces, be and is hereby GRANTED.

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


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
1/28/05
Raj

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

January 28, 2005

Lawrence E. Schmidt, Esquire
Gildea & Schmidt, LLC
300 E. Lombard Street, Suite 1440
Baltimore, Maryland 21202

Re: Petitions for Special Hearing & Variance
Case No. 05-270-SPHA
Property: 11317 York Road

Dear Mr. Schmidt:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special hearing and variance 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,

A handwritten signature in cursive script, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: James Fraser, P. E., 4133 Bethesda Ave., Suite 730, Bethesda, MD 20906
Geoff Glazer, Kimco Realty, 1770 W. Ridgely Road, Lutherville, MD 21093
Adam Volanth & Mike Grosall, Bohler Engineering, 810 Gleneagles Ct.,
Towson, MD 21286

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





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 11317 York Road

which is presently zoned BR, RC-4

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

Business parking in a residential zone. *to amend the site plan granted in Variance Case No. 04-402 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:

Giant Food, Inc.

Name - Type or Print

Signature *[Signature]*
David Patalita, Director of Development

6400 Scheriff Road, D-671

Address

Telephone No.

Landover, MD 20785 (301)341-8440

City

State

Zip Code

Attorney For Petitioner:

Lawrence E. Schmidt

Name - Type or Print

Signature *[Signature]*

Gildea & Schmidt, LLC

Company

300 E. Lombard Street, Suite 1440

Address

Telephone No.

Baltimore, MD 21202 (410)234-0070

City

State

Zip Code

Legal Owner(s):

KIMCO Realty

Name - Type or Print

Signature *[Signature]*
Geoffrey H. Glazer, AIA (Vice-Pres)

Name - Type or Print

Signature

170 W. Ridgely Road, Suite 210

Address

Telephone No.

Lutherville, MD 21093 (410)684-2000

City

State

Zip Code

Representative to be Contacted:

Lawrence E. Schmidt

Name

300 E. Lombard Street, Suite 1440

Address

Telephone No.

Baltimore, MD 21202 (410)234-0070

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1.5 hr.

UNAVAILABLE FOR HEARING

Reviewed By *[Signature]*

Date

11-23-04

Case No. 05-270 SP/A

REV 9/15/98



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11317 York Road

which is presently zoned BR, RC-4

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 to permit 406 off street parking spaces in lieu of the required 523 off street parking spaces.

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

To be presented at hearing.

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:

Giant Food, Inc

Name - Type or Print

Signature David S. Patalita, Director of Development

6400 Scheriff Road, D-671

Address

Landover, MD 20785 (301)341-8440

City

State

Zip Code

Attorney For Petitioner:

Lawrence E. Schmidt

Name - Type or Print

Signature

Gildea & Schmidt, LLC

Company

300 E. Lombard Street, Suite 1440

Address

Baltimore, MD 21202 (410)234-0070

City

State

Zip Code

Legal Owner(s):

KIMCO Realty

Name - Type or Print

Signature Geoffrey H. Glazer, AIA

Name - Type or Print

Signature

170 W. Ridgely Road, Suite 210

Address

Lutherville, MD 21093 (410)234-0070

State

Zip Code

Representative to be Contacted:

Lawrence E. Schmidt

Name

300 E. Lombard Street, Suite 1440

Address

Baltimore, MD 21202 (410)234-0070

City

State

Zip Code

OFFICE USE ONLY

Case No. Q5-270-SPHA

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date



**BOHLER
ENGINEERING, P.C.**

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

January 7, 2005

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

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

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

1. NORTH 83 DEGREES 07 MINUTES 39 SECONDS EAST; 827.36 FEET TO A POINT.
2. SOUTH 02 DEGREES 47 MINUTES 34 SECONDS EAST; 646.85 FEET TO A POINT.
3. SOUTH 70 DEGREES 42 MINUTES 30 SECONDS WEST; 643.96 FEET TO A POINT.
4. NORTH 14 DEGREES 07 MINUTES 40 SECONDS WEST; 99.90 FEET TO A POINT.
5. NORTH 21 DEGREES 51 MINUTES 51 SECONDS WEST; 195.94 FEET TO A POINT.
6. NORTH 19 DEGREES 44 MINUTES 16 SECONDS WEST; 98.15 FEET TO A POINT.
7. NORTH 18 DEGREES 10 MINUTES 52 SECONDS WEST; 175.17 FEET TO A POINT.
8. NORTH 02 DEGREES 53 MINUTES 21 SECONDS EAST; 73.58 FEET TO A POINT.
9. NORTH 16 DEGREES 20 MINUTES 13 SECONDS WEST; 147.62 FEET TO A POINT.
10. SOUTH 86 DEGREES 07 MINUTES 54 SECONDS WEST; 22.70 FEET TO A POINT.
11. CURVING TOWARDS THE EAST WITH A RADIUS OF 921.93 FEET FOR A DISTANCE OF 8.36 FEET, THE CHORD OF SAID ARC BEING NORTH 05 DEGREES 25 MINUTES 31 SECONDS WEST; 8.36 FEET TO A POINT TO THE PLACE OF BEGINNING.

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

Prepared by: MG
Reviewed by: GHR

Other Office Locations:

■ Watchung, NJ
908.668.8300

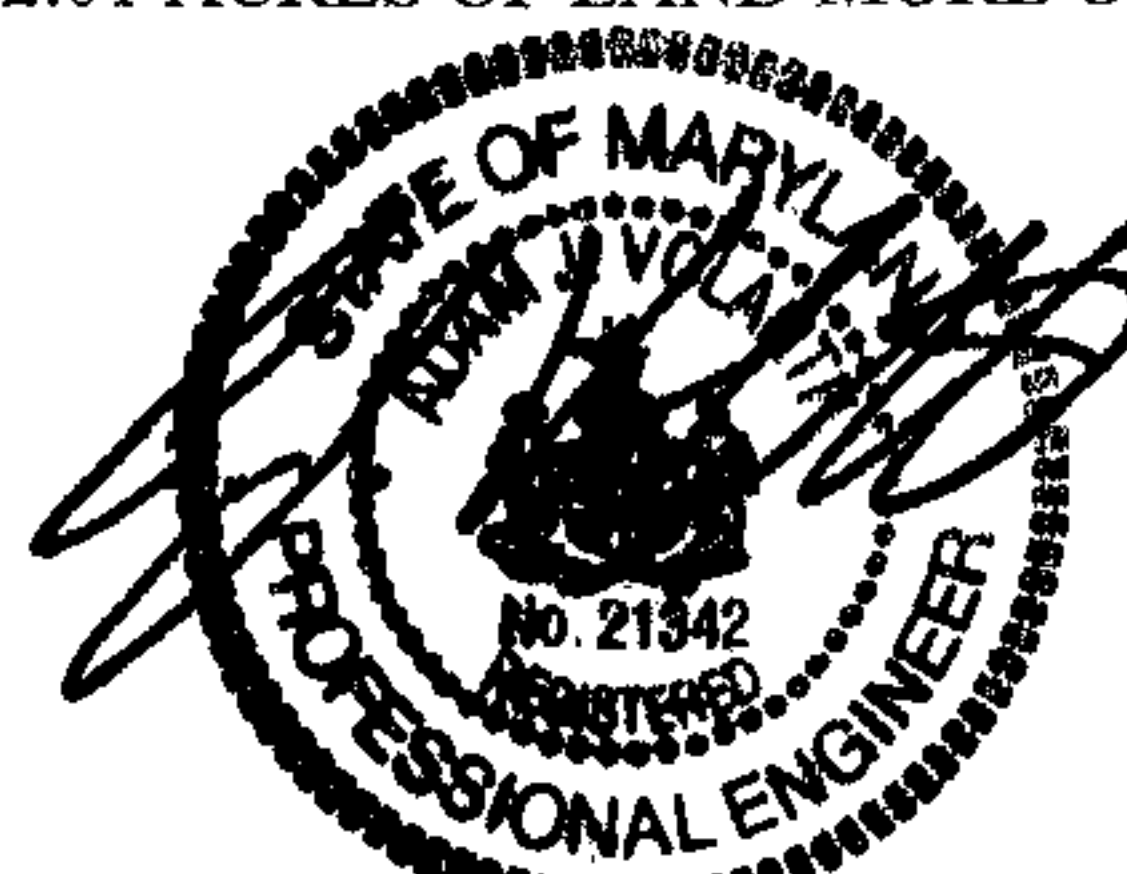
■ North Wales, PA
215.393.8300

■ Melville, NY
516.872.2000

■ Sterling, VA
703.709.9500

■ Southborough, MA
508.480.9900

■ Albany, NY
518.438.9900



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Check No. **42871**

05-270 SP/119

DATE **11-23-04**

ACCOUNT **E-001-006-6150**

AMOUNT \$ **650.00**

RECEIVED FROM **The Home Advisors LLC**

FOR **Professional Special Handling Services
Along Home 11319 York Rd.**

PAID RECEIPT

ISSUED: 11/23/04

11/23/04 11:23:04 PM

NO. 001-006-6150

AMOUNT \$ 650.00

DATE 11/23/04

TIME 11:23

BY [Signature]

FOR [Signature]

RECEIVED

CASHER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #05-270-SPHA

11317 York Road

S/East corner of York & Shawan Roads

8th Election District — 3rd Councilmanic District

Legal Owner(s): Kimco Realty, Geoffrey Glazer, V.P.

Contract Purchaser: Giant Food, Inc.,

David Patalita, Director

Special Hearing: to allow business parking in a residential zone. **Variance:** to permit 418 off street parking spaces.

Hearing: Tuesday, January 25, 2005 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson, 21204.

WILLIAM WISEMAN

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 1/649 January 11

35332

CERTIFICATE OF PUBLICATION

1/12/2005

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 1/11/2005

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 05-270-SPHA

Petitioner/Developer: GIANT FOOD

Date of Hearing/Closing: 1/25/05

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}

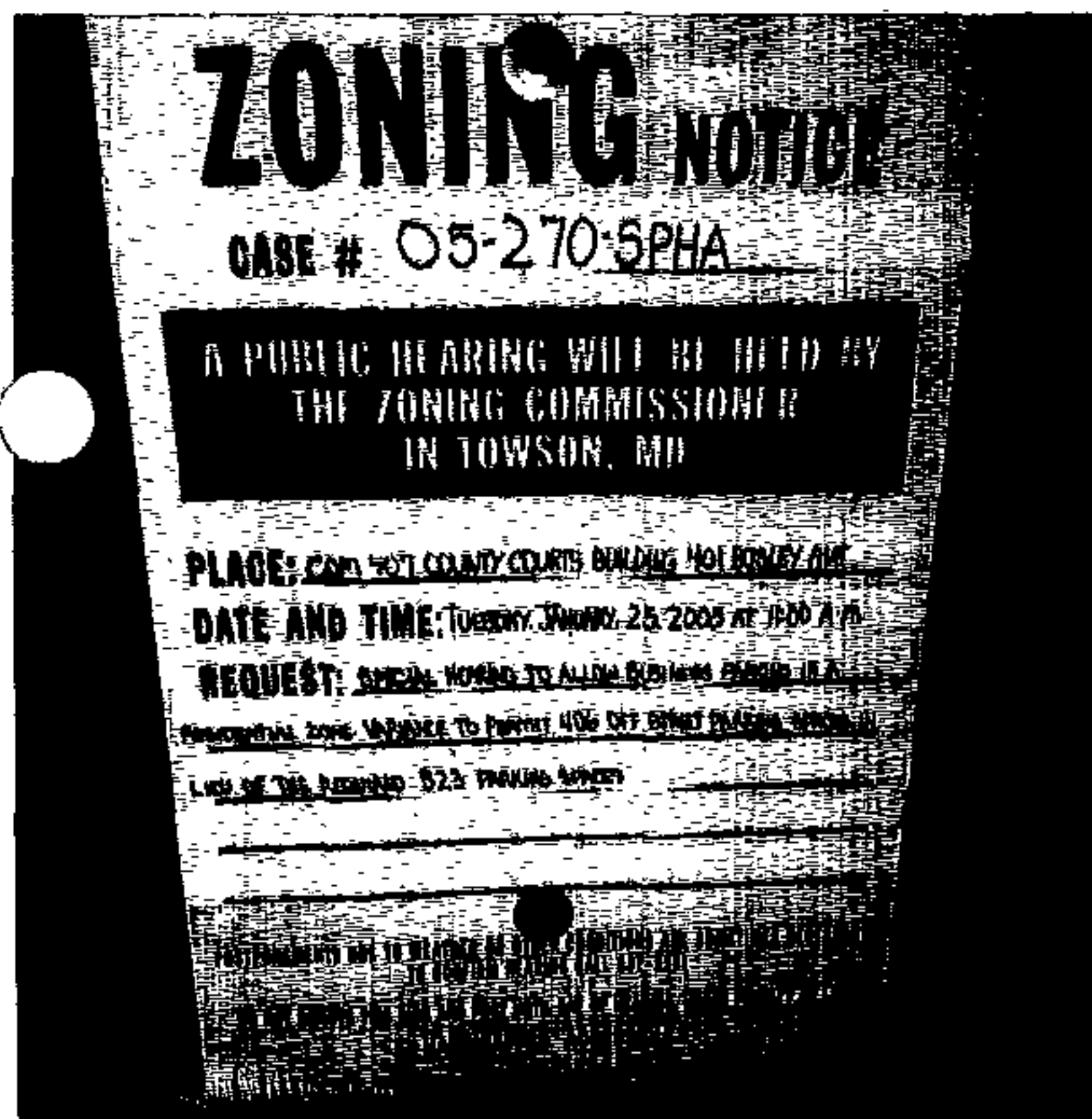
Ladies and Gentlemen:

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:

11317 York RD

The sign(s) were posted on 1/10/05
(Month, Day, Year)

Sincerely,



Robert Black 1/12/05
(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

JAN 13 2005

DEPT OF PERMITS AND
DEVELOPMENT MANAGEMENT

**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

December 8, 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: 05-270-SPHA

11317 York Road
S/east corner of York & Shawan Roads
8th Election District – 3rd Councilmanic District
Legal Owners: Kimco Realty, Geoffrey Glazer, V.P
Contract Purchaser: Giant Food, Inc., David Patalita, Director

Special Hearing to allow business parking in a residential zone. Variance to permit 418 off street parking off street parking spaces.

Hearing: Tuesday, January 25, 2005 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco". The signature is written in a cursive, flowing style.

Timothy Kotroco
Director

TK:klm

C: Lawrence Schmidt, 300 E. Lombard St., Ste. 1440, Baltimore 21202
KIMCO Realty, Mr. Glazer, 170 W. Ridgely Rd., Ste. 210, Lutherville 21093
Giant Food, Inc., Mr. Patalita, 6400 Scheriff Rd., D-671, Landover 20785

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 10, 2005.**
(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.



TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 11, 2005 Issue - Jeffersonian

Please forward billing to:
Lawrence E. Schmidt
300 E. Lombard Street, Ste. 1440
Baltimore, MD 21202

410-234-0070

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 05-270-SPHA

11317 York Road

S/east corner of York & Shawan Roads

8th Election District – 3rd Councilmanic District

Legal Owners: Kimco Realty, Geoffrey Glazer, V.P

Contract Purchaser: Giant Food, Inc., David Patalita, Director

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401 Bosley Avenue, Towson 21204



WILLIAM WISEMAN
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number 05-270 SPHA

Petitioner Kimco Realty

Address or Location: 170 W. Ridgely Rd., Suite 210

11317 York Rd.

21093 Lutherville Pike

PLEASE FORWARD ADVERTISING BILL TO

Name: Lawrence E. Schmidt ESQ.

Address 300 E. Lombard St., Suite 1440

Baltimore, Md. 21202

Telephone Number: 410-234-0070

**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*

January 18, 2005

Lawrence E. Schmidt
Gildea & Schmidt, LLC
300 E. Lombard Street, Suite 1440
Baltimore, Maryland 21202

Dear Mr. Schmidt:

RE: Case Number:05-270-SPHA , 11317 York Road

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

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
KIMCO Realty Geoffrey H. Glazer 170 W. Ridgely Road, Ste. 210 Lutherville 21093
Giant Food, Inc. David Patalita 6400 Scheriff Road Landover 20785

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

December 6, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: December 6, 2004

Item No.: 250,268-176

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

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



Printed on Recycled Paper

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



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

Maryland Department of Transportation

Date: 12.3.04

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

RE: Baltimore County
Item No. 270 JJS

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, Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr JDO
DEPRM

DATE: December 10, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of December 6, 2004.

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

05-250

05-254

05-270

05-271

05-272

05-273

Reviewers: Sue Farinetti, Dave Lykens

Jan 1/25

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 20, 2004

RECEIVED

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

DEC 21 2004

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 5-270 and 5-283**

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 Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By: Mary A. Cunningham

Division Chief: John J. Sullivan

MAC/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: December 14, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For December 13, 2004
Item Nos. 250, 254, 268, 269, 270, 271,
272, 723, 274, 275, and 276

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

RWB:CEN:jrb

cc: File

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE
11317 York Rd; SE corner York & Shawan Rds* ZONING COMMISSIONER
8th Election & 3rd Councilmanic Districts
Legal Owner(s): KIMCO Realty, * FOR
Geoffrey H Glazer, VP
Contract Purchaser(s): Giant Food, Inc * BALTIMORE COUNTY
Petitioner(s) * 05-270-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 10th day of December, 2004, a copy of the foregoing Entry of Appearance was mailed to Lawrence E. Schmidt, Esquire, Gildea & Schmidt LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED

DEC 10 2004

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

JM
1/25

GILDEA & SCHMIDT, LLC

DAVID K. GILDEA
DAVIDGILDEA@GILDEALLC.COM

LAWRENCE E. SCHMIDT
LSCHMIDT@GILDEALLC.COM

SEBASTIAN A. CROSS
SCROSS@GILDEALLC.COM

JOSEPH R. WOOLMAN, III
JWOOLMAN@GILDEALLC.COM

D. DUSKY HOLMAN
DHOLMAN@GILDEALLC.COM

300 EAST LOMBARD STREET

SUITE 1440

BALTIMORE, MARYLAND 21202

TELEPHONE 410-234-0070

FACSIMILE 410-234-0072

www.gildeallc.com

TOWSON, MD OFFICE

220 BOSLEY AVENUE

TOWSON, MARYLAND 21204

TELEPHONE 410-337-7057

January 18, 2005

RECEIVED

Mr. William J. Wiseman, III
Office of the Zoning Commissioner
401 Bosley Avenue, Suite 405
County Courts Building
Towson, MD 21204

JAN 19 2005

ZONING COMMISSIONER

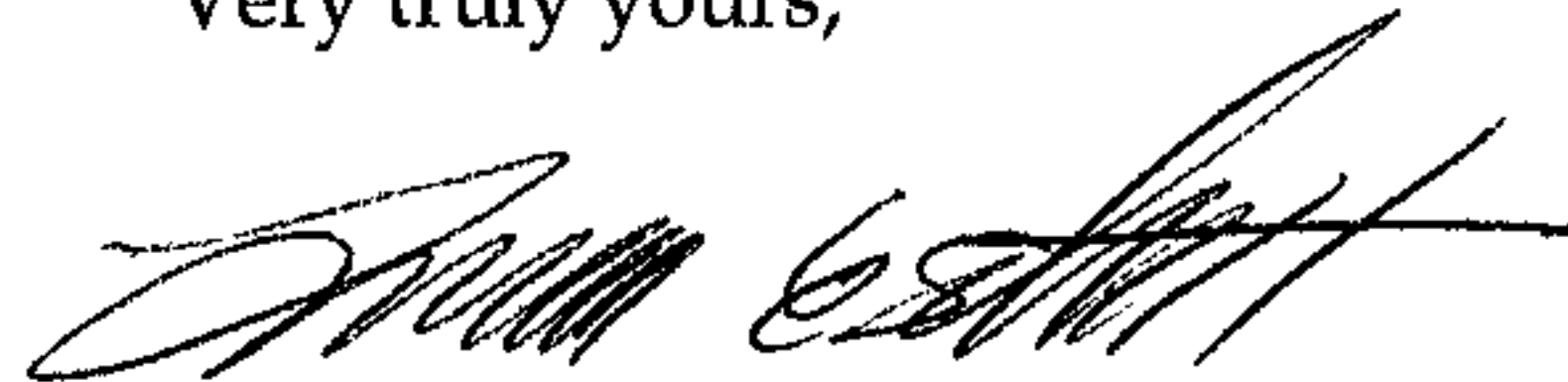
**Re: Giant Food, Inc./11317 York Road - Shawan Plaza
Case No.: 05-270-SPHA**

Dear Honorable Zoning Commissioner Wiseman:

Enclosed please find the revised Certification of Publication for the above referenced case. Please insert this into the case file.

Should you have any questions or comments, please contact me. With kind regards, I am

Very truly yours,



Lawrence E. Schmidt

LES: dls

CC: Sebastian A. Cross, Esquire



Sunday.....11..... 20...05...

WE HEREBY CERTIFY, that the annexed advertisement of

..... AD NO.: 26261
..... GILDEA & SCHMIDT
..... 300 E LOMBARD ST #1440
..... BALTIMORE MD 21202
.....

was published in "THE BALTIMORE SUN" a daily newspaper printed
and published in the City of Baltimore...1/10/05.....
.....
.....

The Baltimore Sun Company,

7331

By.....*K. Washett*.....

Ownership, 5014 Curtis Avenue, Mentzer, Richard K.

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: # 06-270-SPHA
11317 York Road
S/east corner of York & Shawan Roads
8th Election District - 3rd Councilmanic District
Legal Owner(s), KIMCO Realty, Geoffrey Glazer, V.P.
Contract Purchaser: Giant Food, Inc., David Patalita, Director
Special Hearing: to allow business parking in a residential zone. Variance: to permit 406 off street parking spaces, in lieu of the required 623 parking spaces.
Hearing: Tuesday, January 25, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD 21204.

WILLIAM WISEMAN
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.

The Annual Meeting of the Members of Bradford Bank will be held in the office of the Bank, 6900 York Road, Baltimore, Maryland, on Wednesday, January 19, 2006, at 12:00 noon, for the purpose of considering confirmation of an Amendment to the By-Laws, increasing the number of directors from seven to eight, electing directors, including the new eighth director, and for the transaction of such other business as may properly come before the meeting.
BRADFORD BANK
JEAN O. QUINN
Corporate Secretary

Announcements/Greetings 270

LOST & FOUND

***FREE STUFF* COMING SOON!**

MARKETPLACE CLASS 833 BEFORE ANTIQUES ART COLLECTIBLES

ADVERTISE YOUR FOUND ITEM or PET WITH US! ONE DAY FREE!

Maximum 4 Lines Private Parties Only
Additional Days Available at Special Private Party Rates
The Baltimore Sun
Call 410-539-7700
Fax 410-253-2307
Website

Services 315

BUSINESS SERVICES

Small loader and dump truck for grading and hauling 410-335-8961

Career Training 390

Want A High Paying Job in the Medical Field? Classes now forming. Allstate Career 1-888-292-1819

BARTENDER 410-685-1594

Job Placement Assistance 1 or 2 week Program Baltimore Bartender School

Help Wanted 400

A HELP WANTED

AAA OPPT TOYS TOYS TOYS
10 F/T immed openings. Our co test markets toys, textiles & sports product for Fortune 500 clients. \$500-600/wk. Call Linda Howard 410-298-7015

ALTERATIONIST
Alter & repair garments. Min 2yrs exp. in job or sewing machine operator. Prev Wage. Call Mr. Chon 410-465-9600.

AUTO LOT PERSON/ CLEAN-UP
PT position available. Must have valid drivers license and be able to drive manual transmission. Apply in person at Dovell & Williams Truck Center, 1120 Crain Hwy NW, Glen Burnie, Md. 21061. 410-766-8132 x102.

C HELP WANTED

Carpenter
Deck Carpenter, Career oppty with growing home improvement co. We work the whole yr. around. Deck construction a must. Pay depending on exp. Paid vac, hols, 401k, full bnfts. Current good drivers lic & drug testing. For interview call Mr. Smith 410-682-6970
WEB ID BA096104

Carpenter/Installer
Career Oppty with growing home improvement co. We work the whole yr. around. Good construction or carpentry skills with pay depending on exp. Pd vacs, hols, 401k, full bnfts. Current good drivers lic & drug testing req'd. For interview call Mr. Jones 410-682-6970
WEB ID BA016514

Carpenter - Year round
position for apartment community in Baltimore County. 7 years experience needed. Competitive salary and benefits. Call Mike at (410)944-2960 and leave message between 7am and 3:30pm EOE

CONSTRUCTION SUPERINTENDENT

Local bullder looking for experienced residential construction superintendent. Good organizational and communication skills a must. Responsibilities include strong field management, material purchases, managing subcontractors, developing client relationships and delivering safety and quality con-

career, stop in M-F 8am-5pm to complete an app. Group interviews will be conducted Tues. Jan. 11 at 10am & 2pm. Bring your current resume & be prepared to interview.

NCO Financial Systems
1804 Washington Blvd. Baltimore, MD 21230
443-263-3199
M/F/H/V/EOE/AA
All qualified candidates must successfully pass a background check.

Construction
Heavy Equipment Mechanic needed for busy paving company. Exp is necessary. Good pay & benefits. Please call 410-659-5161

CONSTRUCTION OPERATORS, FORMEN & PIPELAYERS NEEDED.
(410) 686-2100

D HELP WANTED

DRIVE
Based out of Baltimore Your Vehicle for Deliveries 4hrs at a time. Call immediately-1-888-283-0548.

Drive
Let Your Full Size Cargo-Van Earn Money For You Daytime Opportunities, Maps Required
Call 1-888-283-0548

DRIVER/SALES
for shoemobile co. Clean driving record Good work history and references req. \$525/wk plus comms. 410-247-9117

DRIVERS -EXP. LOWBOY & DUMP TRUCK DRIVERS FOR CONST. CO. (410) 686-2100.

DRYWALL FINISHER - Year
round position for apartment community in Baltimore County. 7 years experience needed. Competitive salary and benefits. Call Mike at (410) 944-2960 and leave a message between 7am and 3:30pm. EOE

DRYWALL MECHANIC
Commercial exp., transp. & tools a must. Must be willing to travel. Good pay and benefits. Call 443-463-2874.

F HELP WANTED

FURNITURE MOVERS
Immediate Need! Office Movers, Inc. needs P/T movers/packers for day/evening and w/end work. Call 410-561-8686 EOE

G HELP WANTED

GENERAL
ADT SECURITY SERVICES, #1 Dealer program in America now hiring in our promotions dept. No exp nec. Will train \$600-\$1K/wk.
• Employee Recognition
• Benefits package
• Advancement opptys
Call 9-1 PM, 410-321-0220, ask for Mr. Thomas.

General Help
Must like \$\$\$, music, & people. Fast Paced Co. seeks motivated people. No exp. nec. 410-863-0107

GENERAL - HOW HARD
would you work for \$400-800/week? No Cold Calling or Direct Sales. CAR NECESSARY. 410-247-8778

H HELP WANTED

HOTEL
Award winning hotel is interviewing for exp. hotel professionals in the fol-

Insurance

Elder Health
CAREGIVING YOU NEED CARET

A New Year A New Career!
We need professionals to provide exceptional service to our elderly patients, our physicians and team members.
Member Svc Reps
Enrollment Reps
Reconciliation Reps
Retention Spec
Appointment-sellers
We offer competitive salaries & benefits! Apply online at www.elderhealth.com Fax 410-864-4489 EOE

Insurance

Elder Health
CAREGIVING YOU NEED CARET

SALES REPS
Top producers with Medicare exp.
SEASONED PROS!
Metro Baltimore area
Excellent base, commission & benefits! Insurance license and own car req'd.; mileage paid.
Apply online at www.elderhealth.com Fax 410-864-4489 Call Jason Fleming El 1-800-235-9188 x4491 EOE
WEB ID BA047254

M HELP WANTED

MAINTENANCE TECHNICIAN
Shelter Properties, a national property management company is seeking Maintenance Technician for apartment communities in Columbia and Glen Burnie. We seek experienced and skilled professionals who can deliver a high level of customer service. Experience in central building systems is a plus. Fax resumes to 410-347-0587 or email: jmunchel@sheltergrp.com (ref CLUM/FURB) EOE

Marketing Assistant
Growing co. is seeking a Marketing Asst to help build & maintain displays in malls, work at trade shows & fairs, do data entry and other marketing tasks as req'd. If you would like a rewarding, challenging job, call 410-789-7600 and ask for Johnny or fax your resume 410-882-6972.
WEB ID BA022568

MECHANIC
Heavy Equipment
A leading crane manufacturer has an opening for a Heavy Equipment Mechanic in local yard facilities and field service, which will require travel. Requires own tools compatible for service requirements. Electrical/hydraulic skills with a minimum of 3 years of experience.

scale wages. Must be US Citizen with valid state issued ID & own transp. Call 443-479-6939.

WEB ID BA010968

S HELP WANTED

SALES

A NEW YEAR A NEW CAREER
Are You In A Dead End Job With No Future?

Then now is the time to start a lucrative career in Auto Sales and KOON'S TOYOTA IS THE PLACE!!!
To guarantee your success we have hired a leading AUTO SALES TRAINER to conduct our interviews & training! NO SALES EXPERIENCE REQUIRED!

WE OFFER:
• Salary+Commission
• Bonuses & Incentives
• Health-Dental & 401k
• 5-Day Work Week
• Paid Vacation
• Closed Sundays
NO TRAINING EXPENSE TO YOU!

Potential Yearly Income \$50,000 to \$80,000
Interviews will be held:

Monday & Tuesday
January 10th & 11th
Between 9:30am & 6:30pm
PLEASE APPLY IN PERSON!
KOONS TOYOTA ANNAPOLIS
1107 West Street
Annapolis, MD
302-540-8551
Female/Male E.O.E.

SALES PERSON
Must have sales exp. \$30K to \$50K/yr. 401k, insur & bonuses. Call 410-368-3800 9-3 Sun & Mon.
WEB ID BA008243

SALES REP & ADMINISTRATIVE ASST.
ufih Extremely busy carpet and flooring co. in Columbia looking for several reliable energetic, self-motivated sales reps & administrative asst. Fax resume 410-312-5635 or call Rose 410-312-5633.

SALES
See our ad under Insurance www.elderhealth.com
WEB ID BA047254

Secretary (Construction Site) -
Individual needed to assist superintendents with administrative help on a large single family project in Harford County. Individual must be able to work in a construction site environment. Excellent record keeping, computer and organizational skills a must. A good communicator is needed to work with subcontractors and home owners. Good salary and benefits. Fax resume and salary requirements to Ann 410-480-3696.

energetic apply join our team, newly located turing facility in ford County ar have openings enced welders manufacturing. Must be certified to pass a weld MIG & Stick W Must have own tation. Excellor dance a must. Halco has a col benefit package ry. Applications accepted at 17 ble Road, Edge 21040.

WEB ID BA0

Employment Opportunities

AIRLINES/HOTEL JOI
English/Spanish. needed. \$19.5 1+ (410/202) 9

CITY J

Now hiring in the ea. Paid training nec. We offer n vacation & pens \$59K. \$19.95/c 410-976-3600 or 718-289-319

Domestic Help

ADULT CARE

COMPANIO
Housekeeper for a gentleman who bile. Towson arc ences required. 410-391-8203.

BABYSITTER &

BABYSITTER/AFTI
SCHOOL needed for 2 great child 10 & 8 from 3-7 days/wk in Owlin w/flexibility on d Must be non-sm with childcare-re refs. Car req'd. P in Mid-January. P Karen 410-252-1

BABYSITTER MATI
Person for our Ja ville area N/S hor 443-256-3160.

CHILDCARE NEEDED
ASAP. 9 mos. 5 y kindergarten. E wood. 410-612-9

NANNIES; ONE WA
for live-in in Cerri California & one i live-in in Baltimore. Call 240-338-

NANNY P/T FOR 2 I
in our home. Dutie cooking, baths, re play & light house M-F, 3P-7P, flex h & refs nec. Must l trans. Middleriver 410-344-1028.

Positions Wanted Domestic

CNA
seeks live-in posi Excellent referen Call 410-336-98

Sale Baltimore City

***FREE STUF**

MARKETPLA CLASS 833 BEFORE ANTIQUES AI COLLECTIBLE

FEDERAL HILL 16
S. Hanover St. 2 apt

GILDEA & SCHMIDT, LLC

DAVID K. GILDEA
DAVIDGILDEA@GILDEALLC.COM

LAWRENCE E. SCHMIDT
LSCHMIDT@GILDEALLC.COM

SEBASTIAN A. CROSS
SCROSS@GILDEALLC.COM

JOSEPH R. WOOLMAN, III
JWOOLMAN@GILDEALLC.COM

D. DUSKY HOLMAN
DHOLMAN@GILDEALLC.COM

300 EAST LOMBARD STREET
SUITE 1440

BALTIMORE, MARYLAND 21202

TELEPHONE 410-234-0070

FACSIMILE 410-234-0072

www.gildeallc.com

TOWSON, MD OFFICE
220 BOSLEY AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 410-337-7057

January 7, 2005

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

**Re: Commercial Revision Filing/11317 York Road
Giant Food, Inc. - Shawan Plaza
Case No.: 05-270-SPHA**

Dear Carl:

As discussed with you previously, attached please find a revised commercial filing for the above referenced property. This filing originally received Case No. 05-270-SPHA and is currently scheduled for a hearing on January 25, 2005.

The revision involves amending the requested variance from Section 409.6.A.2 of the BCZR to permit 406 off street parking spaces in lieu of the required 523 parking spaces. The original filing requested 418 parking spaces in lieu of the required 523 parking spaces. Case No. 05-270-SPHA also involves a special hearing to allow business parking in a residential zone which has not changed with this revised filing. Likewise, the previous property description and zoning map still pertain to the revised filing.

This office will independently submit a notice of publication to the Baltimore Sun to be published on January 10, 2005 (see attached proof). A certificate of this publication will be forwarded to this office and submitted to the hearing file. This office will also amend the posting to reflect the change of 406 spaces in lieu of the 418 spaces. Verification of this posting will also be provided to the Zoning Commissioner's file.

Upon receipt and review of these materials, please contact this office if there is any additional information required. With kind regards, I am

Very truly yours,



Sebastian A. Cross

SAC: dls

Cc: James M. Fraser, P.E., The Commercial Advisors
Gregory H. Reed, Bohler Engineering
Lawrence E. Schmidt, Esquire

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: # 05-270-SPHA

11317 York Road

S/east corner of York & Shawan Roads

8th Election District – 3rd Councilmanic District

Legal Owner(s): KIMCO Realty, Geoffrey Glazer, V.P.

Contract Purchaser: Giant Food, Inc., David Patalita, Director

Special Hearing: to allow business parking in a residential zone. **Variance:** to permit 406 off street parking spaces, in lieu of the required 523 parking spaces.

Hearing: Tuesday, January 25, 2005 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD 21204

WILLIAM WISEMAN

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.

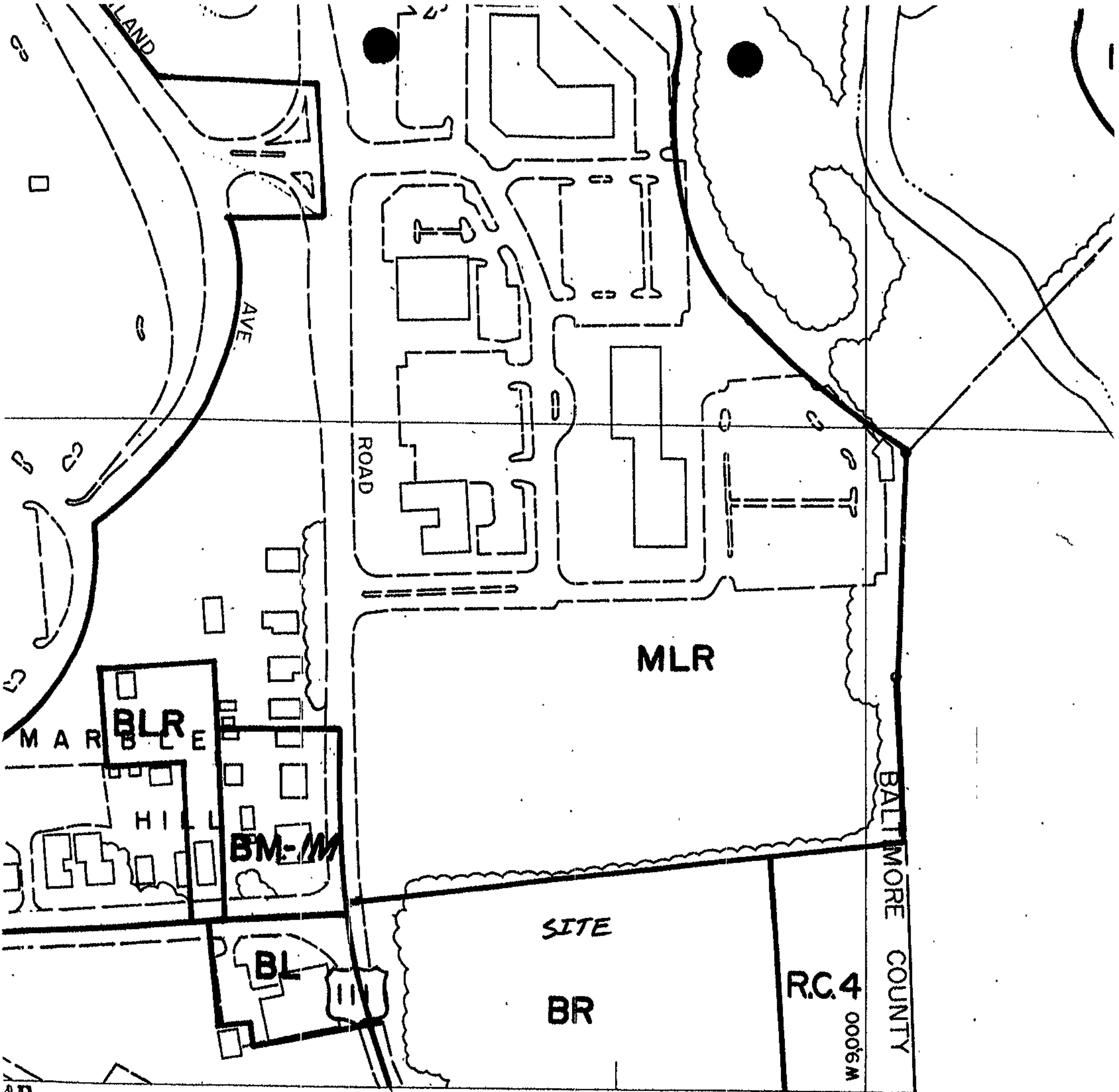
CASE NAME 05-270-A
CASE NUMBER
DATE 1/25/05

PETITIONER'S SIGN-IN SHEET

[illegible]

DATE _____

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Bob Allen	Tonson Times	Tonson	ballena@patent-co



AP

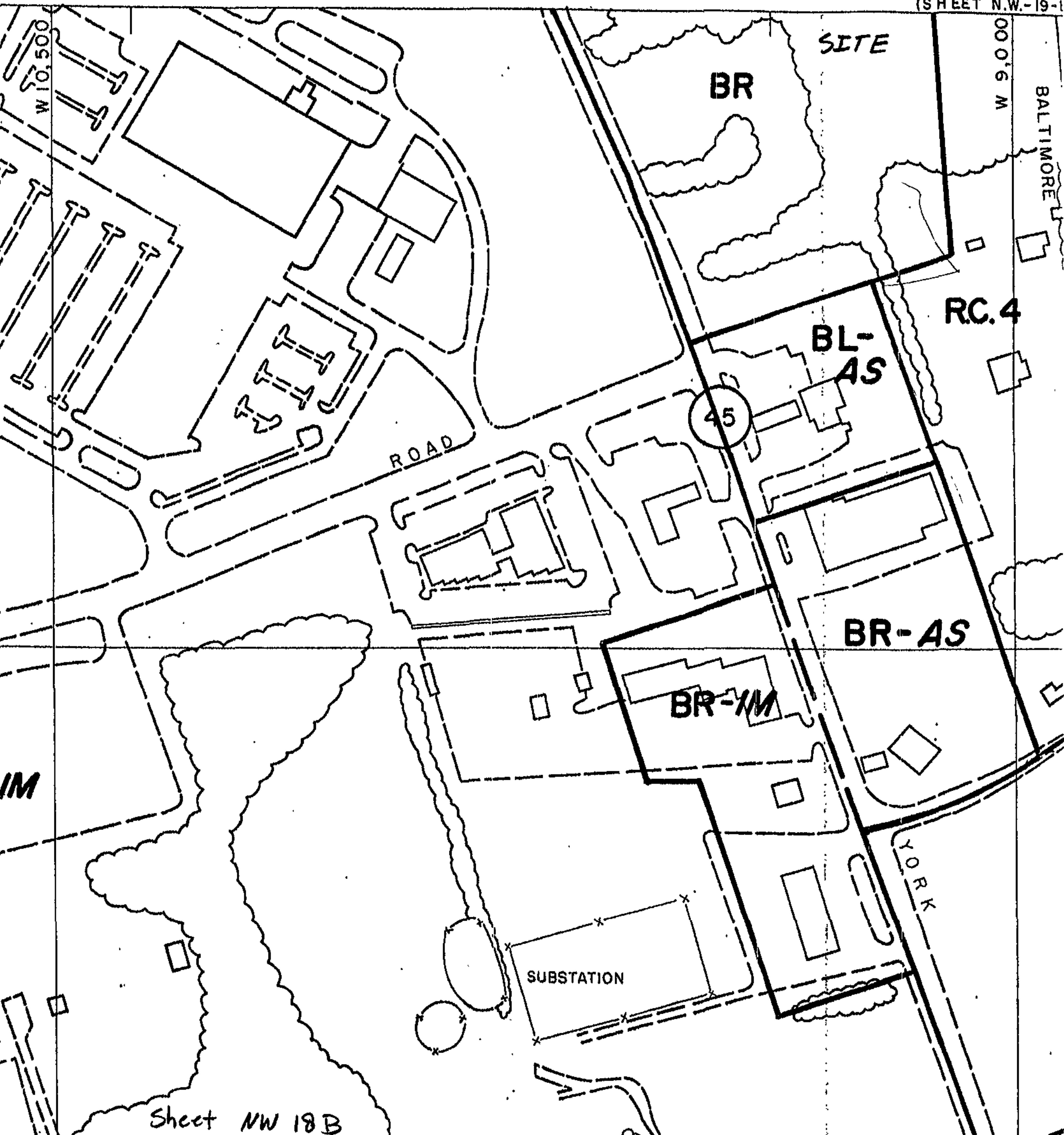
SHEET N.W. 18B

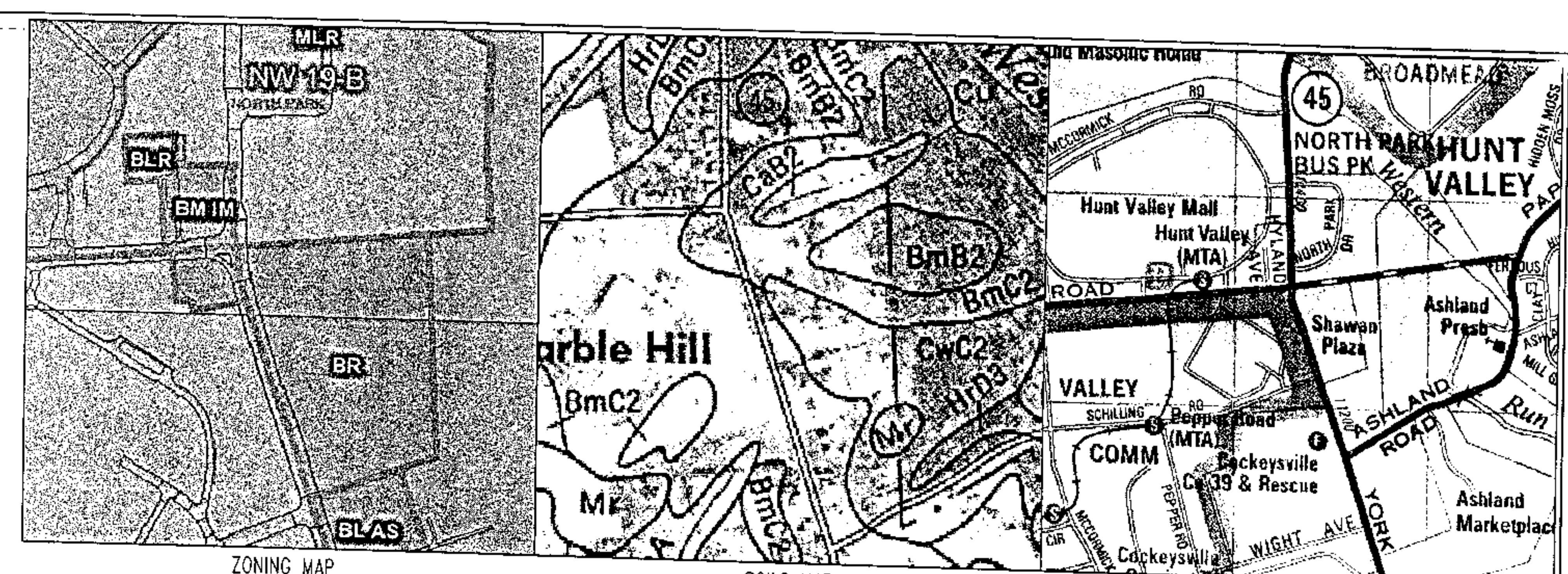
HL

92-00, 93-00,

BALTIMORE COUNTY OFFICE OF PLANNING AND OFFICIAL ZONING

Sheet NW 19B





SITE INFORMATION

- PARKING CALCULATIONS:

REQUIRED: 5.0 SPACES/1,000 S.F. = 522.15 SPACES
TOTAL PARKING REQUIRED: 523 SPACES
TOTAL PARKING SPACES PROVIDED: 406 SPACES
*A VARIANCE OF 117 SPACES IS REQUIRED

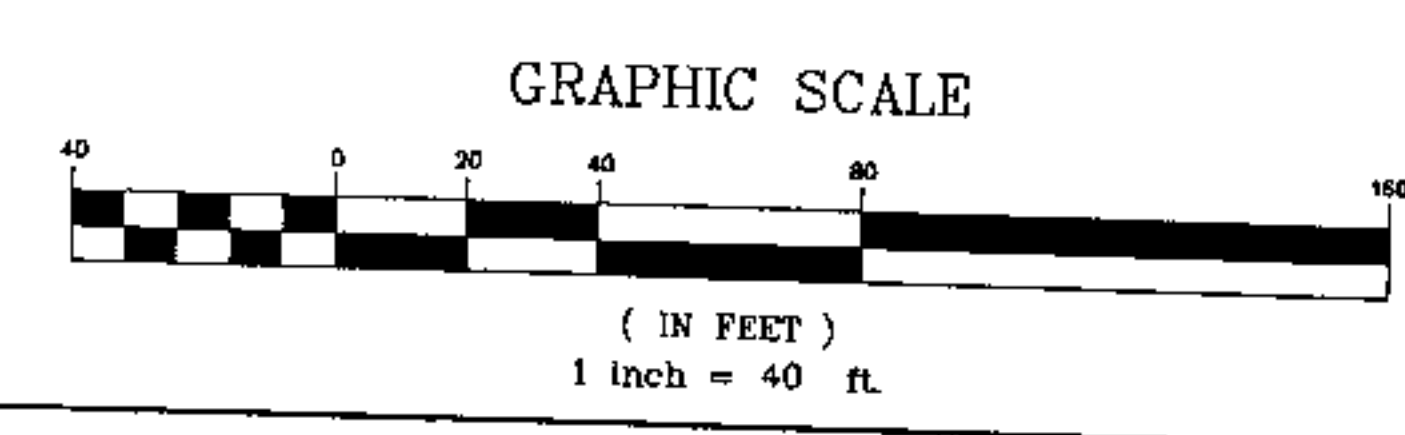
HANDICAP SPACES:
REQUIRED: 2% OF OVERALL PARKING = 11 SPACES
WITH 1/8 OF THE SPACES VAN ACCESSIBLE = 2 SPACES
PROVIDED: 15 SPACES WITH 2 VAN ACCESSIBLE SPACE

ZONING RELIEF REQUEST

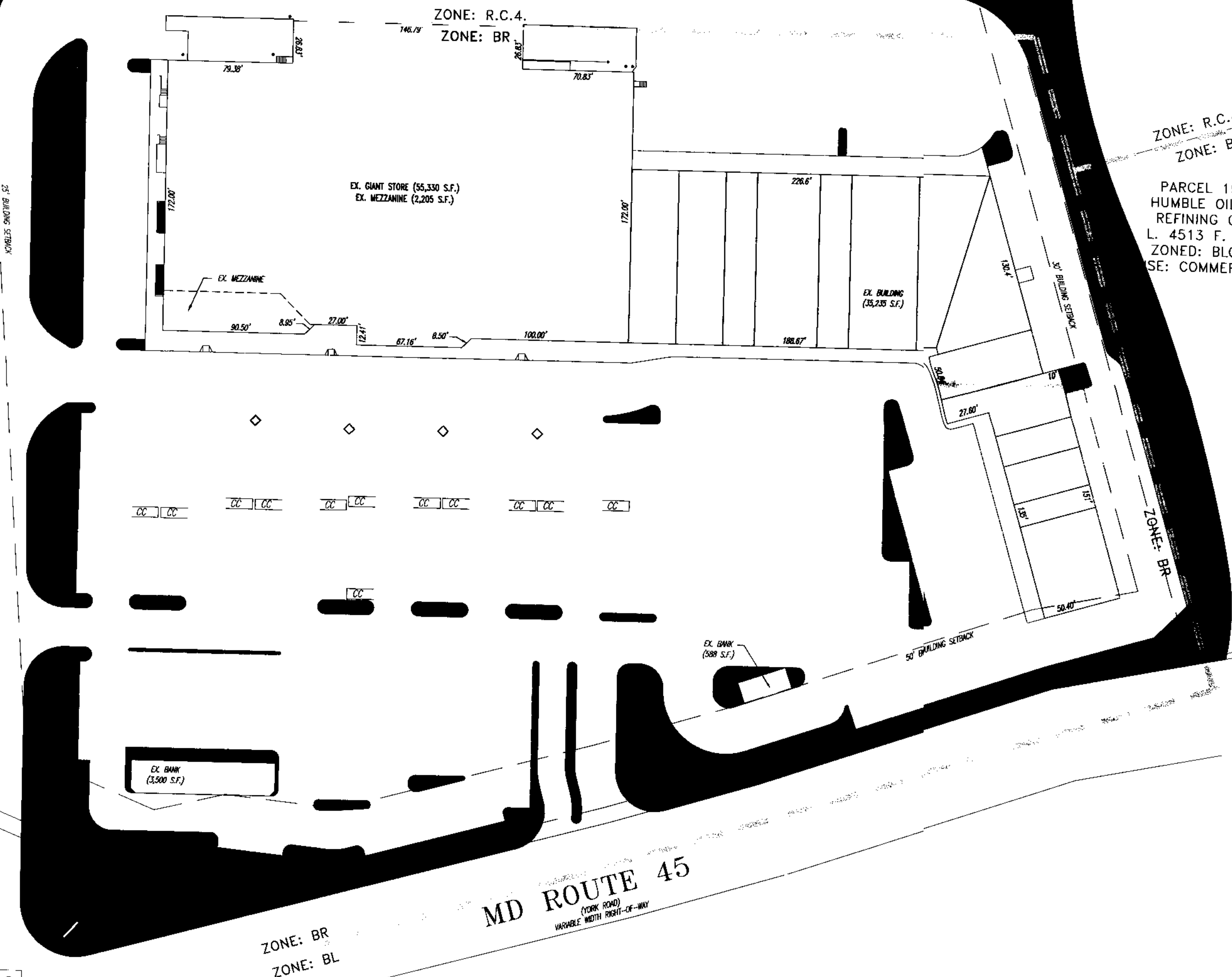
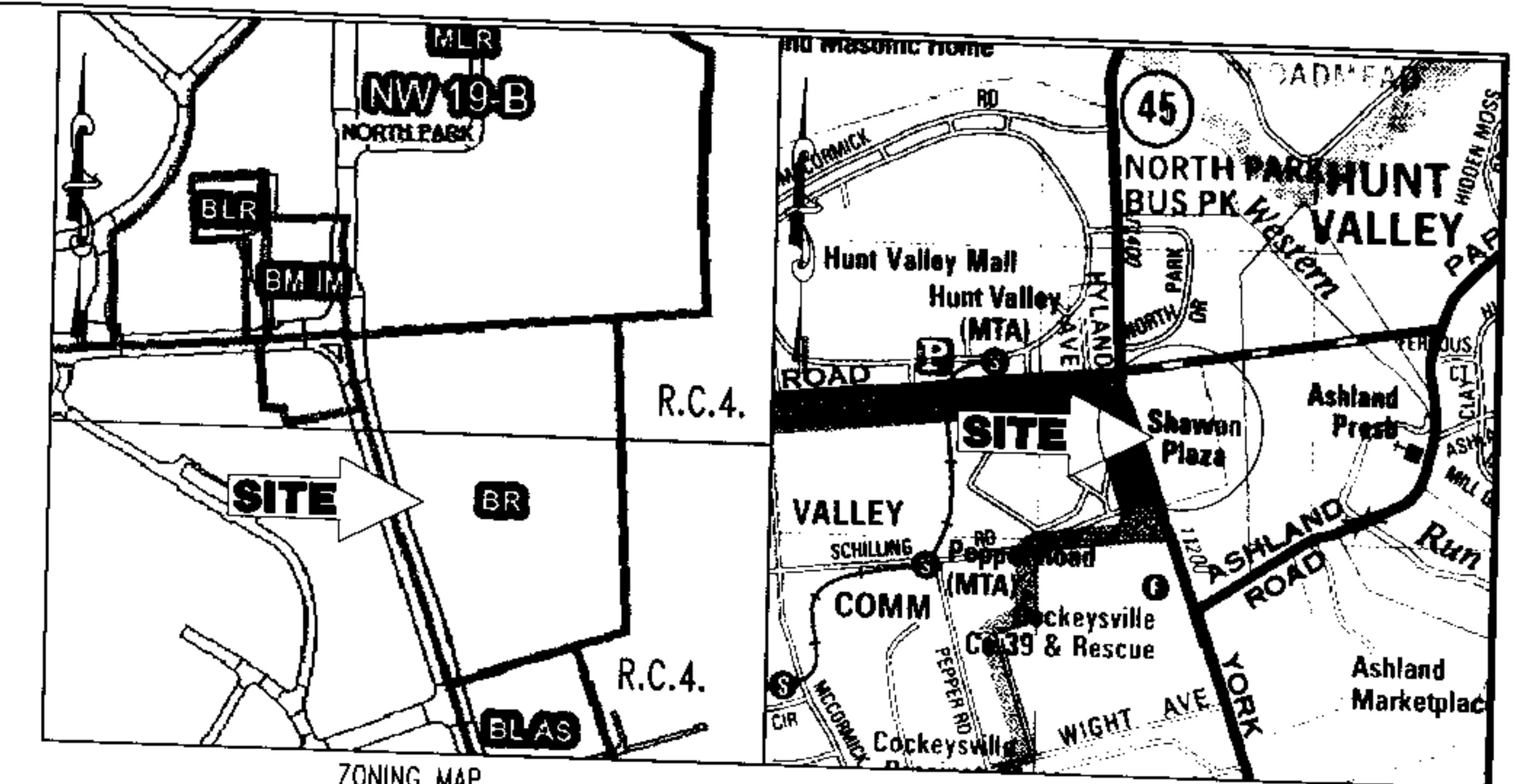
ZONING HISTORY

CIRCUIT COURT CASE NO: 82-M-3
BALTIMORE COUNTY CIRCUIT COURT REVERSED ORDER FROM THE BALTIMORE
COUNTY COURT OF APPEALS.

CASE NO. 04-402-A - (ORDER DATED APRIL 27, 2004) -
VARIANCE GRANTED FROM SECTION 409.6 OF THE BCZR TO PERMIT 465
PARKING SPACES IN LIEU OF THE REQUIRED 505 SPACES.



Rev.	Date	Comment	BOHLER ENGINEERING, P.C. • CIVIL & CONSULTING ENGINEERS • PROJECT MANAGERS • ENVIRONMENTAL & SITE PLANNERS • MUNICIPAL ENGINEERS • 776 MOUNTAIN BOULEVARD RATCHUND, NEW JERSEY (202) 658-8300 819 GLENAGLES COURT SUITE 300 TOWSON, MARYLAND 21286 PHONE: (410) 821-7900 FAX: (410) 821-7987 22630 DAVIS DRIVE, SUITE 200 STERLING, VA 20164 (703) 709-9300										
			VARIANCE PLAN										
PROJECT: KIMCO REALTY CORPORATION SHAWAN PLAZA SHOPPING CENTER 11317 YORK ROAD ROCKEYVILLE, MARYLAND			TITLE: VARIANCE PLAN										
 D.M. DUKE PROFESSIONAL ENGINEER VIRGINIA LICENSE NO. 14402 03/10/04 MARYLAND LICENSE NO. 14598 DISTRICT OF COLUMBIA LICENSE NO. 900398			<table border="0" style="width: 100%;"> <tr> <td>SCALE: (H) AS</td> <td>DATE:</td> <td rowspan="4" style="text-align: center; vertical-align: middle; font-size: 2em; font-weight: bold;">1</td> <td rowspan="4" style="text-align: center; vertical-align: middle;"> SHEET NO. OF 1 </td> </tr> <tr> <td>(V) SHOWN</td> <td>01/06/05</td> </tr> <tr> <td>DRAWN BY: T.A.C.</td> <td>PROJECT NO: MD032061</td> </tr> <tr> <td>CHECKED BY: A.J.V.</td> <td>CAD ID: F: M32061043</td> </tr> </table>	SCALE: (H) AS	DATE:	1	SHEET NO. OF 1	(V) SHOWN	01/06/05	DRAWN BY: T.A.C.	PROJECT NO: MD032061	CHECKED BY: A.J.V.	CAD ID: F: M32061043
SCALE: (H) AS	DATE:	1	SHEET NO. OF 1										
(V) SHOWN	01/06/05												
DRAWN BY: T.A.C.	PROJECT NO: MD032061												
CHECKED BY: A.J.V.	CAD ID: F: M32061043												
DISTRICT OF MARYLAND LICENSE NO. 14598 PENNSYLVANIA LICENSE NO. 048314-C DELAWARE LICENSE NO. 16734			CONSTRUCTION CHECK DATE										



PARCEL 199
HUMBLE OIL &
REFINING CO.
L. 4513 F. 391
ZONED: BLCS2
USE: COMMERCIAL

SITE INFORMATION

1. ZONE: BR (BUSINESS ROADSIDE)
R.C.4. (RESOURCE CONSERVATION)
2. NET SITE AREA: 11.94 AC. (520,072.49 S.F.)
3. LIMIT OF DISTURBANCE: GIANT EXPANSION (7,571 S.F.)
4. EXISTING FLOOR AREA: 55,330 S.F. (GIANT)
56,858 S.F. (OVERALL)
5. PROPOSED FLOOR AREA: 65,106 S.F. (GIANT)
104,429 S.F. (OVERALL)
6. PERMITTED FLOOR AREA RATIO: 0.5
7. EXISTING FLOOR AREA RATIO: 0.19 (OVERALL)
8. PROPOSED FLOOR AREA RATIO: 0.20 (OVERALL)
9. DEED REFERENCE: 12263/228
10. OWNER:
STONEHENGE LLC.
C/O KIMCO REALTY
SUITE 300
3333 NEW HYDE PARK ROAD
NEW HYDE PARK, NY 11042-1205
11. TAX ACCOUNT NO.: 0816042025
12. ELECTION DISTRICT: 08
13. COUNCILMANIC DISTRICT: 03
14. WATERSHED: LOCH RAVEN
15. SUBWATERSHED: 37
16. CENSUS TRACT: 407000
17. THERE ARE NO WETLANDS WITHIN THE SITE BOUNDARY.
18. EXISTING USE: GROCERY STORE
19. PROPOSED USE: GROCERY STORE
20. SITE ADDRESS:
11317 YORK ROAD
COCKEYSVILLE, MD 21230
21. THIS PLAN REFERENCES A PLAN BY KCI TECHNOLOGIES, INC., TITLED "ALTA/ACSM LAND TITLE SURVEY OF HUNT VALLEY - SHAWAN PLAZA SHOPPING CENTER" DATED 4/27/97.
22. THE BUILDING WILL NOT EXCEED 35' IN HEIGHT.

PARKING CALCULATIONS:

SHAWAN PLAZA SHOPPING CENTER	
TENANT	SQUARE FOOTAGE
1. GIANT FOOD STORE WITH EXPANSIONS	65106
2. EXISTING PROVIDENT BANK	3500
3. EXISTING BANK OF AMERICA	3588
4. EXISTING VACUUM CLEANERS	750
5. EXISTING TAN STAND	1250
6. EXISTING PHOTO IMAGE	1000
7. EXISTING RESTAURANT	2000
8. EXISTING CLEANERS	1960
9. EXISTING LEDO PIZZA	2082
10. EXISTING DENTIST OFFICE	3054
11. EXISTING DAY SPA	4759
12. EXISTING VACANT AREA	2200
13. EXISTING LIQUOR STORE	4400
14. EXISTING BUTLER GALLERY	2200
15. EXISTING RADIO SHACK	3300
16. EXISTING HALLMARK CARDS	3300
TOTAL	104,429 S.F.

REQUIRED: 5.0 SPACES/1,000 S.F. = 522.15 SPACES
TOTAL PARKING REQUIRED: 523 SPACES

TOTAL PARKING SPACES PROVIDED: 406 SPACES
*A VARIANCE OF 117 SPACES IS REQUIRED

HANDICAP SPACES:
REQUIRED: 2% OF OVERALL PARKING = 11 SPACES
WITH 1/8 OF THE SPACES VAN ACCESSIBLE = 2 SPACES
PROVIDED: 15 SPACES WITH 2 VAN ACCESSIBLE SPACE

ZONING RELIEF REQUEST

A VARIANCE FROM SECTION 408.6.A TO PERMIT 418 OFF STREET PARKING SPACE IN LIEU OF THE REQUIRED 523 OFF STREET PARKING SPACES.

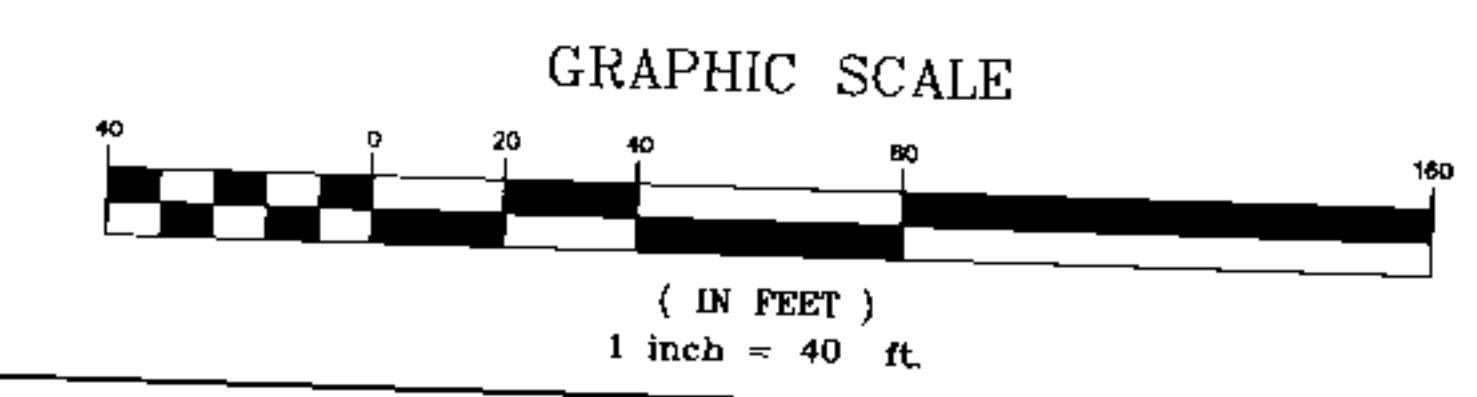
ZONING HISTORY

CASE NO. 82-73
DECIDED BY BALTIMORE COUNTY BOARD OF APPEALS DECEMBER 8, 1991-BOARD OF APPEALS DENIES RECLASSIFICATION PETITION FOR 4.10 ACRES FROM AN RC-2 TO A BR ZONE.

CIRCUIT COURT CASE NO. 82-M-3
BALTIMORE COUNTY CIRCUIT COURT REVERSED ORDER FROM THE BALTIMORE COUNTY COURT OF APPEALS.

COURT OF SPECIAL APPEALS NO. 1381 (UNREPORTED)
SEPTEMBER TERM 1982 NO. R-82-73 (DECIDED MAY 2, 1983)
MARYLAND COURT OF SPECIAL APPEALS REVERSED THE ORDER FROM BALTIMORE COUNTY CIRCUIT COURT AND UPHHELD THE ORIGINAL DENIAL OF THE RECLASSIFICATION PETITION FROM AN RC-2 TO A BR ZONE.

CASE NO. 04-402-A - (ORDER DATED APRIL 27, 2004) -
VARIANCE GRANTED FROM SECTION 409.6 OF THE BCZR TO PERMIT 465 PARKING SPACES IN LIEU OF THE REQUIRED 505 SPACES.



BOHLER ENGINEERING, P.C. CIVIL & CONSULTING ENGINEERS • PROJECT MANAGERS • ENVIRONMENTAL & SITE PLANNERS • MUNICIPAL ENGINEERS 776 MOUNTAIN BOULEVARD WATCHUNG, NEW JERSEY (908) 688-8300				810 GLENDALES COURT SUITE 300 TOWSON, MARYLAND 21286 (410) 821-7800 FAX: (410) 821-7807				22630 DAVIS DRIVE, SUITE 200 STERLING, VA 20164 (703) 709-9500			
PROJECT: GIANT FOOD INC. SHAWAN PLAZA SHOPPING CENTER COCKEYSVILLE, MARYLAND								TITLE: EXISTING CONDITIONS RENDERING			
A.J. VOLANTH PROFESSIONAL ENGINEER VIRGINIA LICENSE NO. 0402 001439 MARYLAND LICENSE NO. 2040 03404 DISTRICT OF COLUMBIA LICENSE NO. 10726 PENNSYLVANIA LICENSE NO. 048214-E DELAWARE LICENSE NO. 18734				D.M. DUKE PROFESSIONAL ENGINEER VIRGINIA LICENSE NO. 0402 001439 MARYLAND LICENSE NO. 2040 03404 DISTRICT OF COLUMBIA LICENSE NO. 10726 PENNSYLVANIA LICENSE NO. 048214-E DELAWARE LICENSE NO. 18734				SCALE: (H) AS SHOWN DATE: 01/18/05 DRAWN BY: R.L.B. PROJECT NO: MD032061 CHECKED BY: A.J.V. CAD I.D. # RENDERING SHEET NO: 1 OF 1 REV. NO.			
CONSTRUCTION CHECK DATE											



1



2



3



4



5



6



7



8



9



10

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		PROJECT: GIANT FOOD INC. SHAWAN PLAZA SHOPPING CENTER COCKEYSVILLE, MARYLAND	
		SCALE: (H) AS SHOWN DATE: 01/18/05 SHEET NO: 1 OF 1	
		CHECKED BY: A.J.V.	
A.J. VOLANTH PROFESSIONAL ENGINEER VIRGINIA LICENSE NO. 0462 03438 MARYLAND LICENSE NO. 21342 DISTRICT OF COLUMBIA LICENSE NO. 10726 PENNSYLVANIA LICENSE NO. 046334-E DELAWARE LICENSE NO. 10734		D.M. DUKE PROFESSIONAL ENGINEER VIRGINIA LICENSE NO. 0462 03438 MARYLAND LICENSE NO. 21342 DISTRICT OF COLUMBIA LICENSE NO. 10726	
CONSTRUCTION CHECK		DATE	