IN RE: PETITION FOR VARIANCE NW/ Side Brenbrook Road, 1500' S/W of Liberty Road **(8729 Liberty Road, Brenbrook Plaza)** 2nd Election District 4th Councilmanic District RELP Randallstown, LLC, Owners The Home Depot, Inc., Contract Lessee	* * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY Case No.: 05-301-A

****

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the legal owners of the subject property, RELP Randallstown, LLC, by Richard Birdoff, Member, and by the Contract Lessees, The Home Depot, by Thomas F. Gallagher, Real Estate Manager, through their attorney, David K. Gildea. The Petitioners request Variance relief from Section 409.6.A.2 of the Baltimore County Zoning Regulations ("BCZR") to allow 677 off-street parking spaces in lieu of the required 860 off-street parking spaces and from Section 409.4 of the BCZR to allow parking spaces with direct access to driveways in lieu of the required "no direct access." The subject property and requested relief are more particularly described on the site plan, which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were Thomas F. Gallagher on behalf of The Home Depot, Property Lessees; Iwona Zarska, a representative of Baltimore Land Design Group, the engineering consultants who prepared the site plan for this property; Richard VanVeldhuisen, a representative of Greenberg Farrow Architecture Engineering Development, engineering consultants who assisted in the preparation of the site plan for this property; Joseph J. Caloggero, a representative of The Traffic Group, the traffic

ORDER RECEIVED FOR FILING
Date 2/4/05
By

engineering consultants who conducted the traffic analysis for this site; and, David K. Gildea, attorney for Petitioners. Appearing in support of the petition on behalf of Baltimore County was Peirce Macgill of the Baltimore County Department of Economic Development.

The subject property under consideration is an irregularly shaped parcel located on the south side of Liberty Road near the intersection of the northwest side of Brenbrook Drive. The property contains a gross area of 14.27 acres, more less, zoned BM, and is presently part of the Brenbrook Shopping Center. The building proposed by The Home Depot will serve as an anchor tenant on the shopping center property with smaller retail and restaurant uses making up the remainder of the center. Petitioner recently contracted to lease the subject property to The Home Depot for the purpose of razing an existing 90,450 s.f. building which previously housed an anchor tenant, K-Mart, and redevelop a building for a Home Depot store of 140,676 s.f. with an additional 18,300 s.f. garden center. Additionally, a future restaurant is proposed for this shopping center measuring 6,500 s.f. and has been included solely for the parking variance request. The Home Depot is a business entity which sells household, building and mechanical supplies to commercial and residential users nationwide.

Details of the design of the plan were shown at the hearing. The building proposed to be constructed by Home Depot fits in well to the surrounding improvements and will serve to act as an operating anchor tenant for the entire shopping center. The previous K-Mart store which will be replaced by this redevelopment has existed as a vacant property for approximately 3 years and, as such, this redevelopment will serve as a major improvement for the center.

Due to the nature of the use, the configuration of the property and the constraints associated with the property, parking had to be realigned in order to best provide circulation for the site in light of the significant site restraints. Included in these restraints is a 30 ft. wide

ORDER RECEIVED FOR FILING
Date 9/14/05
By

access easement which provides a drive aisle directly through the middle of the entire Brenbrook Shopping Center. This easement provides access to an adjacent parcel which is planned to be redeveloped with a community center and, as such, access across this parking field is important for the redevelopment of the entire Liberty Road corridor.

There were no protestants present at the hearing and testimony indicated the Petitioner contacted the surrounding communities to advise them of the proposal and obtain feedback. Moreover, Petitioner has worked closely with the Office of Planning and the Department of Economic Development for Baltimore County. These entities have supported the project with Peirce Macgill testifying as to the benefits Baltimore County and the surrounding locale will receive from this development. Mr. Macgill supplemented the file not only with a supportive comment but also testified the type of development proposed by Home Depot fit into the overall goals of the County in creating consumer desired and employment generating uses to the area.

The Department of Planning also submitted its support and provided recommendations through its Zoning Advisory Committee ("ZAC") comments dated January 4, 2005 and later amended on January 25, 2005. The four recommendations are listed below followed by the treatment of each in this opinion:

1. Install a MTA bus shelter on the Liberty Road frontage of the proposed site to mitigate any potential parking shortage.

Testimony was provided this comment was discussed by petitioner with the Department of Planning after its submission and both parties agreed the installation of a bus shelter would be included as a Phase II issue to be worked out separately from this hearing. As such this commissioner will take no action on this comment.

2. Submit a landscape and lighting plan (in accordance with IESNA standards) to Avery Harden, Baltimore County's Landscape Architect, for review and approval prior to the issuance of any building permit application. The landscape plan shall include trees

ORDER RECEIVED FOR FILING
Date 2/14/05
By

in the medians, and all lighting on the parking lot shall be directed away from adjacent residential use.

Petitioner agreed to comply with this recommendation.

3. Provide access/sidewalk system (with landscaping) through the proposed parking lots to assure safe and easy pedestrian access to adjacent Baltimore County property and Liberty Road.

   AMENDED January 25, 2005 as follows: Please be advised that a sidewalk system with landscaping through the proposed parking lots to assure safe and easy pedestrian access to the adjacent Baltimore County property and Liberty Road will be provided along the north side of the parking lot at the time when the remainder of the site comes in for redevelopment.

Again this comment was discussed by the parties after the original issuance on January 4, 2005, resulting in the amended January 25, 2005 comment listed above. This amended comment also states this pedestrian access issue will be addressed as a Phase II issue separately from this hearing. As such, this commissioner will take no action on this comment.

4. Install compact dense evergreen screening and a 6-foot wood privacy fence wherever the site adjoins residential properties.

This Recommendation 4 requested dense evergreen screening and a 6' wood privacy fence wherever the site adjoins residential properties. Testimony was presented at the hearing of the impractibility of erecting a privacy fence where the site aligns residential properties due to the current landscaping being increased, as well as the negative consequences resulting from such a fence between residentially zoned areas. Also, the upgrades to landscaping included in the proposal will satisfy the goals of Planning's screening request.

Based upon the testimony and evidence presented, I am easily persuaded to grant the relief requested. I am impressed with the proposed development and the support received by the community and various county agencies. I find the Petitioner has met the requirements of Section 307 of the BCZR in regard to its Variance request. The nature of the use, configuration

ORDER RECEIVED/FOR FILING
Date 2/14/05
By

of the property and constraints associated with this site are all persuasive factors that the design of the buildings and parking layout are appropriate. I find that the property is unique, and practical difficulty would result if relief is denied. Furthermore, the Variance can be granted without adverse impact to the surrounding locale.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of February, 2005, that the Petition for Variance pursuant to Section 409.6.A.2 of the Baltimore County Zoning Regulations to permit 677 off-site parking spaces in lieu of the required 860 spaces is granted, and the Variance request pursuant to Section 409.4 of the Baltimore County Zoning Regulations allowing parking spaces with direct access to driveways in lieu of the required "no direct access" in accordance with Petitioner's Exhibit 1, be, and hereby is, GRANTED, subject to the following restrictions:

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

2. Petitioner will submit a landscape and lighting plan (in accordance with IESNA standards) to Avery Harden, Baltimore County's Landscape Architect, for review and approval prior to the issuance of any building permit application. The landscape plan shall include trees in the medians, and all lighting on the parking lot shall be directed away from adjacent residential use.

3. Petitioner will provide vegetative screening wherever the site adjoins residential properties.

ORDER RECEIVED FOR FILING
Date 2/14/05
By

4. When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

William J. Wiseman, III
Zoning Commissioner for Baltimore County

ORDER RECEIVED FOR FILING
Date 2/14/06
By

Zoning Commissioner

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

Baltimore County

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

February 14, 2005

David K. Gildea, Esquire
Sebastian Cross, Esquire
Gildea & Schmidt, LLC
300 E. Lombard Street, Suite 1440
Baltimore, Maryland 21202

RE: PETITION FOR VARIANCE
NW/S Brenbrook Road, 1500' SW of Liberty Road
(8729 Liberty Road, Brenbrook Plaza)
2nd Election District – 4th Council District
RELP Randallstown, LLC, Owners; The Home Depot, Inc., Contract Lessees - Petitioners
Case No. 05-301-A

Dear Messrs. Gildea & Cross:

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

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

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. Richard Birdoff, Member, RELP Randallstown, LLC
810 7th Avenue, 28th Floor, New York, NY 10019
Mr. Thomas P. Gallagher, The Home Depot, Inc.
3096 Hamilton Boulevard, S. Plainfield, NJ 07080
Ms. Iwona Rostek-Zarska & Mr. Valek Zarski, Baltimore Land Design Group, Inc.
222 Schilling Circle, Suite 105, Hunt Valley, Md. 21030
Mr. Peirce Macgill, Department of Economic Development
People's Counsel; Case File

Printed on Recycled Paper

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8729 Liberty Road SW (Brenbrook Plaza)

which is presently zoned BM

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

409.6.A.2 of the Baltimore County Zoning Regulations to allow 677 spaces in lieu of the required 860 spaces, and Section 409.4 of the BCZR to allow driveways with direct access to 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:

The Home Depot
Name - Type or Print

Signature Thomas F. Gallagher, Real Estate Manager

3096 Hamilton Blvd.
Address Telephone No.

S. Plainfield, NJ 07080 (732)926-3665
City State Zip Code

Legal Owner(s):

RELP, Randallstown LLC
Name - Type or Print

Signature Richard Birdoff, ~~President~~ Member

Name - Type or Print

Signature

810 7th Ave., 28th Floor
Address Telephone No.

New York, NY 10019 (212)265-6600
City State Zip Code

Attorney For Petitioner:

David K. Gildea
Name - Type or Print

Signature

Gildea & Schmidt, LLC
Company

300 E. Lombard St., Suite 1440
Address Telephone No.

Baltimore, MD 21202 (410)234-0070
City State Zip Code

Representative to be Contacted:

David K. Gildea
Name

300 E. Lombard St., Suite 1440
Address Telephone No.

Baltimore, MD 21202 (410)234-0070
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 05-301-A

Reviewed By JNP Date 12/15/04

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 12/15/04
By

DESCRIPTION TO ACCOMPANY ZONING PETITION 8729 Liberty Road
BRENBROOK PLAZA, RANDALLSTOWN, MARYLAND 21133
2ND ELECTION DISTRICT

December 15, 2004

Beginning at a point on the north side of Brenbrook Drive (70' wide) said point being westerly 1,500 feet, more or less, from the centerline of Liberty Road (80' wide) thence running the following courses and distances:

1. North 43° 53' 07" West 513.34 feet, more or less, to a point; thence,
2. North 37° 15' 27" East 1,036.61 feet, more or less, to a point; thence,
3. North 26° 22' 27" East 253.42 feet, more or less, to a point; thence,
4. Southeasterly by a non-radial curve to the right having a radius of 22,878.32 feet and a length of 103.57 feet, said curve being subtended by a chord bearing South 64° 47' 44" East 103.57 feet, more or less, to a point; thence,
5. South 64° 39' 57" East 213.69 feet, more or less, to a point; thence,
6. South 31° 56' 47" West 557.72 feet, more or less, to a point; thence,
7. South 57° 24' 10" East 208.35 feet, more or less, to a point; thence,
8. South 25° 20' 03" West 8.92 feet, more or less, to a point; thence,
9. Southwesterly b a tangent curve to the right having a radius of 1,965.00 feet and a length of 890.93 feet, said curve being subtended by a chord bearing South 38° 19' 23" West 883.32 feet, more or less, to the point of beginning. Containing 621,374 square feet or 14.265 acres of land, more or less. Known as Brenbrook Plaza located in the 2nd Election District of Baltimore County, Maryland.

This description is intended for zoning purposes only and shall not be used for conveyance of land.

Iwona Rostek-Zarska

BOARD FOR PROFESSIONAL ENGINEERS
21245
IWONA ROSTEK-ZARSKA
STATE OF MARYLAND

12/15/04

05-301-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 441068

DATE 12/15/04 ACCOUNT A-001-006-6150

AMOUNT $ 325.00

RECEIVED FROM: Gilbert & Schmidt, LLC

FOR: Variance - 05-301-A
2029 Liberty Road (REGP, Randallstown LLP)

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS DATE	NOW	TIME	BY
12/15/2004	12/15/2004	15:45:54	1

RECEIPT # 21006 12/15/2004

Fee 325.00

Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

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

Case: #05-301-A
8729 Liberty Road
N/west side of Brenbrook, 1500 feet southwest of Liberty Road
2nd Election District - 4th Councilmanic District
Legal Owner(s): RELP, RANDALLSTOWN, LLC Richard Birdoff, Member

Variance: to allow 677 spaces in lieu of the required 860 spaces, and to allow parking spaces with direct access to driveways in lieu of the required "no direct access."

Hearing: Monday, January 31, 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.

1/125 Jan. 13 35379

CERTIFICATE OF PUBLICATION

1/13/, 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 1/13/, 2005.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 05-301-A

Petitioner/Developer: RELP, RANDALLSTOWN, LLC

Date of Hearing/Closing: 1/31/05

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:

8729 LIBERTY RD

THE HOME DEPOT

The sign(s) were posted on 1/16/05
(Month, Day, Year)

Sincerely,

Robert Black 1/17/05
(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)

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

December 21, 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: 05-301-A

8729 Liberty Road
N/west side of Brenbrook, 1500 feet southwest of Liberty Road
2nd Election District—4th Councilmanic District
Legal Owners: RELP, RANDALLSTOWN, LLC Richard Birdoff, Member

Variance to allow 677 spaces in lieu of the required 860 spaces, and to allow parking spaces with direct access to driveways in lieu of the required "no direct access."

Hearing: Monday, January 31, 2005 at 11:00 a.m. in Room 407, County Courts Building
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK: clb

C: David K. Gildea Gildea & Schmidt 300 E. Lombard Street, Ste. 1440 Baltimore 21202
RELP Randallstown, LLC 810 7th Avenue, 28th Fl. New York NY 10019
The Home Depot Thomas Gallagher 3096 Hamilton Blvd. S. Plainfield NJ 07080

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SUNDAY, JANUARY 16, 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
Thursday, January 13, 2005 Issue - Jeffersonian

Please forward billing to:
Gildea & Schmidt, LLC
300 E. Lombard Street, Ste. 1440
Baltimore, Maryland 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: 05-301-A

8729 Liberty Road
N/west side of Brenbrook, 1500 feet southwest of Liberty Road
2nd Election District—4th Councilmanic District
Legal Owners: RELP, RANDALLSTOWN, LLC Richard Birdoff, Member

Variance to allow 677 spaces in lieu of the required 860 spaces, and to allow parking spaces with direct access to driveways in lieu of the required "no direct access."

Hearing: Monday, January 31, 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 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 05-301-A

Petitioner RELP, Randallstown, LLP

Address or Location 8729 Liberty Road (Brenbrook Plaza)

PLEASE FORWARD ADVERTISING BILL TO

Name. Gildea + Schmidt LLC

Address 300 E. Lombard St.
Suite 1440
Baltimore Md 21202

Telephone Number. 410 234-0020

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 26, 2005

David K. Gildea
Gildea & Schmidt, LLC.
300 E. Lombard Street, Ste. 1440
Baltimore, Maryland 21202

Dear Mr. Gildea:

RE: Case Number: 05-301-A, 8729 Liberty Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 15, 2004.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
The Home Depot Thomas F. Gallagher 3096 Hamilton Blvd. S. Plainfield NJ 07080
RELP Randallstown, LLC. Richard Birdoff 810 7th Avenue, 28th Fl. New York NY 10019

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 23, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: December 20, 2004

Item No.: 297 & 301

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.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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

cc: File

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

State Highway Administration
Driven to Excel
Maryland Department of Transportation

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

December 22, 2004

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

RE: Baltimore County
Item No. 301 (JNP)
8729 Liberty RD
MD 26

Dear Ms. Matthews:

We have reviewed the referenced plan and have no objection to the Variance.

However, we will require the owner/developer to obtain an access permit from our office and as a minimum the following will be required:

- A traffic impact analysis. The final design for any required roadway improvements will be determined following the review and approval of the traffic impact analysis.
- Traffic Signal modifications may be required.

Should you require any additional information regarding this subject, please contact Larry Gredlein at 410-545-5606 or by E-mail (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: January 24, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of December 27, 2004.

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

05-291
05-293
05-296
05-297
05-299
05-301
05-304

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 4, 2005

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

RECEIVED
JAN 27 2005
ZONING COMMISSIONER

SUBJECT: 8729 Liberty Road

INFORMATION:

Item Number: 5-301

Petitioner: Home Depot USA, Inc.

Zoning: BM

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The subject property is located in the heart of the Liberty Road Revitalization District. As such, the redevelopment of this site is critical to the revitalization of the Liberty Road Corridor. This office does not oppose the petitioner's request. However, to mitigate the impact of the requested variances the following conditions shall apply:

1. Install a MTA bus shelter on the Liberty Road frontage of the proposed site to mitigate any potential parking shortage.
2. Submit a landscape and lighting plan (in accordance with IESNA standards) to Avery harden, Baltimore County's Landscape Architect for review and approval prior to the issuance of any building permit application. The landscape plan shall include trees in the medians, and all lighting on the parking lot shall be directed away from adjacent residential use
3. Provide access/sidewalk system (with landscaping) through the proposed parking lots to assure safe and easy pedestrian access to adjacent Baltimore County Property and Liberty Road (See attachment).

4. Install compact dense evergreen screening and a 6-foot wood privacy fence wherever the site adjoins residential properties.

Prepared by: Mark A Cumings

Division Chief: Lynn Luker

AFK/LL:MAC:

Attachment(s)

PBW 1/31

BALTIMORE COUNTY, MARYLAND

MEMORANDUM

TO: Tim Kotroco
PADM

DATE: January 25, 2005

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

Jeffrey W. Long for

SUBJECT: 8729 Liberty Road

RECEIVED

JAN 26 2005

ZONING COMMISSIONER

INFORMATION:

Item Number: 5-301

Petitioner: Home Depot USA, Inc.

Zoning: BM

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS REVISED:

Please substitute a new item 3. provided below, for former item 3. on the January 4, 2005 comment.

3. Please be advised that a sidewalk system with landscaping through the proposed parking lots to assure safe and easy pedestrian access to the adjacent Baltimore County Property and Liberty Road will be provided along the north side of the parking lot at the time when the remainder of the site comes in for redevelopment.

AFK:rk

Q:\Pkeller\Kotroco Memo\Home Depot\01252006

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 21, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For December 27, 2004
Item Nos. 291, 293, 294, 296, 297, 299,
300, 301, 302, and 304

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

RWB:CEN:jrb

cc: File

ZAC-12-27-2004-NO COMMENT ITEMS-291-304-01212005

RE:	PETITION FOR VARIANCE 8729 Liberty Road; NW/side of Brenbrook, 1500' SW Liberty Road 2nd Election & 4th Councilmanic Districts Legal Owner(s): RELP, Randallstown, LLC, Richard Birdoff, Member Contract Purchaser(s): The Home Depot, Real Estate Manager, Thomas F Gallagher Petitioner(s)	* * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 05-301-A

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

ENTRY OF APPEARANCE

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

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

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of December, 2004, a copy of the foregoing Entry of Appearance was mailed to, David Gildea, Esquire, , Gildea & Schmidt LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

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

DEC 22 2004

Per.....

BW
1/31
05-301-A

Baltimore County Government
Department of Economic Development

400 Washington Avenue
Towson, MD 21204

(410) 887-8000
Fax (410) 887-8017

MEMORANDUM

RECEIVED
JAN 27 2005
ZONING COMMISSIONER

To: Zoning Commissioner
Zoning Commissioner's Office

From: Andrea Van Arsdale AVA
Commercial Revitalization Director

Date: January 25, 2005

Re: Variance – Brenbrook Plaza Home Depot (Case Number: 02-437-SPHA)

The Department of Economic Development supports the requested parking variance submitted by Home Depot U.S.A., Inc. Home Depot is requesting a zoning variance in connection with the construction of a new retail store in the Brenbrook Shopping Center, located at 8729 Liberty Road. Specifically, Home Depot is requesting a variance to permit 677 parking spaces in lieu of the required 860 spaces.

The subject property is located in the Liberty Road Commercial Revitalization District. This project would further the County's goal of revitalizing older commercial areas by redeveloping a vacant anchor site. This development entails a major investment by Home Depot in the Liberty Road Revitalization District. The attraction of nationally recognized hardware store has been a goal of this office, as we have repeatedly heard from the community for the desire of such a retailer.

This project would provide many benefits to the Liberty Road Commercial Revitalization District, including the first attraction of a major national retailer to Liberty Road, the creation of approximately 100 jobs for local residents and an increase in income and property tax revenue for the County. The Department of Economic Development feels this project is a major milestone in the County's revitalization efforts along Liberty Road and strongly supports the approval of the requested parking variance.

Thank you for your time and attention to this matter. If you have any questions, please contact me at extension 2055.

cc: Mr. David Gildea, Gildea & Schmidt, LLC
Mr. Peirce Macgill, Revitalization Specialist

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

August 16, 2005

Sebastian A. Cross
Gildea & Schmidt, LLC.
300 East Lombard Street, Ste. 1440
Baltimore, Maryland 21202

Re: RELP Randallstown, LLC/Brenbrook Shopping Center
Spirit and Intent Request Case No. 05-301-A
DRC # 013105F
Dist 2C4

Dear Mr. Cross,

Reference is made to your August 15, 2005 letter to Timothy Kotroco, director of Permits and Development Management, which has been referred to me for reply. You have requested that the proposed downsized restaurant building 6,500 sq.ft. to 4,645 sq.ft. and additional parking 682 in lieu of 677 be approved as being within the spirit and intent of the granted relief and plan in the above zoning case.

This plan will be approved, including the smaller restaurant (without drive through facilities) and included in the permanent zoning file as being within the spirit and intent of the zoning case and plan granted. All future applications for a change in the parking required or provided should be accompanied by at least three copies of a new red lined plan. The parking agreements must remain in force and any future building changes must also be approved by the Development Review Committee (DRC).

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/ clb
C: Joe Merrey
File

Printed on Recycled Paper

DAVID K GILDEA
DAVIDGILDEA@GILDEALLC.COM

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JASON T VETTORI
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300 EAST LOMBARD STREET
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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

FACSIMILE COVER SHEET

TO: Kitty	**FAX NO.:** (410) 887-5708
FROM: Sebastian A. Cross	**DATE:** 8-16-05
	NO. OF PAGES: 3 (INCLUDING COVER)

REGARDING:
Kitty: Thanks for getting on this so quickly. Please make note of number 12 in the attached letter.

This facsimile contains information from the law firm of Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this facsimile in error, please notify Gildea & Schmidt, LLC by telephone (410-234-0070) immediately.

6. Allowing this smaller restaurant to be developed will not effect any of the other bulk regulations for this site.

7. RELP also desires to subdivide this parcel due to tax concerns.

8. This subdivision will be made while maintaining common ownership over both parcels.

9. Parking will not be impacted by this subdivision as demonstrated by the attached parking agreement. (relevant language contained in Section 3.2)

10. This parking agreement allows shared parking easements for all tenants in the shopping center.

11. This parking agreement will allow all future tenants shared parking easements.

12. As this subdivision will not impact the center other than the tax implications, this action is within the spirit and intent of the previous approval granted in Case No. 05-301-A.

13. Granting this spirit and intent request will have no detrimental impact on the surrounding locale and practical difficulty will be suffered by RELP if the existing building and subdivision is not permitted.

I have enclosed a copy of the Order, the relevant language of the shared parking agreement and the proposed Development Plan for your review. I have also enclosed a check in the amount of $50.00 for the fee.

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

Very truly yours,

Sebastian A. Cross

COPY

SAC:bhb
Enclosure
CC: Roger Hirschhorn
Valek Zarski
David K. Gildea

8-17-05 Carl OK'd spoke with Sabastian

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 05-301A
DATE

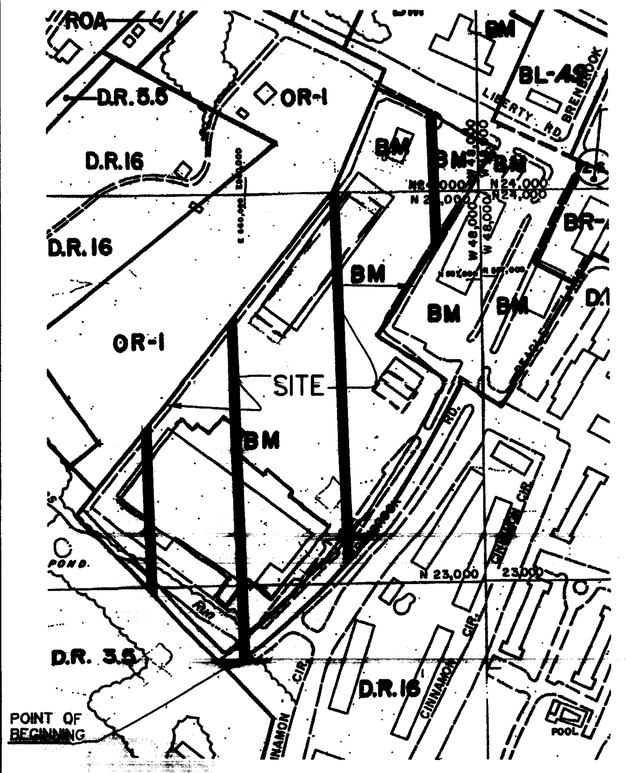
PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
JOE CALOGGERO	THE TRAFFIC GROUP 9900 FRANKLIN SQUARE STEH	BALT 21236	JCALOGGERO @TRAFFICGROUP.COM
ROGER HIRSCHHORN	RD MANAGEMENT 810 7th	AVE, NY NY 10019	RHIRSCHHORN@rdmanagement.com
TOM GALLAGHER	351 PRESWICK WAY	SEVERNA PARK, MD 21146	TOM P. GALLAGHER
INONA ROSTEK-ZARSKIT	222 SCHILLING CIRCLE, STE 105	HUNT VALLEY, MD 21030	izarska@bldginc.com
R[redacted]LD VAN VELDHUISEN	SUITE 400 225 DAVIDSON AVE	SOMERSET NJ 08873	rvanveldhuisen@greenbergfarrow.com
Peirce Macgill	Co. Econ. Dev.	Towson, MD 21204	pmacgill@co.ba.md.us
VALEK ZARSKI	222 SCHILLING CIRCLE, SUITE 105	HUNT VALLEY, MD. 21030	VZARSKI@bldginc.com
Sebastian Cross	300 E. Lomard Suite 1440	Baltimore Md 21202	Scross@gildeallc.com
David Gilden	" "	" "	Dgilden@" "

Case No.: 05-301-A

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	SITE PLAN	
No. 2	ZONING MAP (UNUSUAL - CONFIGURATION)	
No. 3	EXISTING OVERLAY	
No. 4	PROPOSED DEVELOPMENT OVERLAY	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



ZONING MAP
SCALE: 1"=200'

SITE DATA

1. OWNER: RELP RANDALLSTOWN, LLC
C/O RD MANAGEMENT CORP.
810 SEVENTH AVENUE, 28TH FLOOR
NEW YORK, NEW YORK 10019

2. SITE AREA: AREA OF TRACT = 14.27 AC +/- , 621,374 SF

3. DEED REFERENCE: LIBER 14285, FOLIO 612

4. TAX ACCOUNT NUMBER: 16-00-001243

5. TAX MAP: 77 GRID: 15 PARCEL: 1133

6. ELECTION DISTRICT: 2

7. COUNCILMANIC DISTRICT: 4

8. CENSUS TRACT: 4025.03

9. WATERSHED: 31

10. SUBSEWERSHED: 64

11. ZONING: BM

12. EXISTING USE: RETAIL SHOPPING CENTER
13. PROPOSED USE: RETAIL SHOPPING CENTER WITH PROPOSED HOME DEPOT STORE

14. SETBACK REQUIREMENTS:
FRONT: NOT LESS THAN 15' FROM PROPERTY LINE AND NOT LESS THAN 40' FROM CENTERLINE OF STREET

SIDE: FOR COMMERCIAL BUILDINGS, NONE REQUIRED ON INTERIOR LOTS, EXCEPT THAT WHERE THE LOTS ABUTS A LOT IN A RESIDENCE ZONE THERE MUST BE A SIDE YARD NOT LESS THAN THE GREATER MINIMUM WIDTH REQUIRED FOR A DWELLING ON THE ABUTTING LOT AND ON CORNER LOTS. THE SIDE YARD ON THE STREET SIDE SHALL BE NOT LESS THAN 10 FEET IN WIDTH.

REAR: FOR COMMERCIAL BUILDINGS NONE REQUIRED, EXCEPT THAT WHERE THE REAR LOT LINE ABUTS A LOT IN A RESIDENCE ZONE THERE SHALL BE A REAR YARD NOT LESS THAN 20 FEET DEEP.
SEE BALTIMORE COUNTY ZONING REGULATIONS, SECTION 233 THROUGH 235 FOR MORE SPECIFIC INFORMATION

15. BUILDING COVERAGE (SHOPPING CENTER AREA):
EXISTING: 135,473 SF
PROPOSED: 171,859SF

EXISTING:
EX. KMART BLDG.....90,450 S.F.
EX. BLDG. *1.....5,042 S.F.
EX. BLDG. *2.....37,341 S.F.
DEMOLISHED BLDG. *3.....2,640 S.F.
TOTAL 135,473 S.F.

PROPOSED:
PROP. HOME DEPOT BLDG.
BASE BLDG.....102,303 S.F.
VESTIBULES.....2,373 S.F.
GARDEN CENTER.....18,300 S.F.
SUB-TOTAL 122,976 S.F.

EX. BLDG. *1.....5,042 S.F.
EX. BLDG. *2.....37,341 S.F.
FUTURE BLDG. .....6,500 S.F.
TOTAL 171,859 S.F.

16. FLOOR AREA RATIO (SHOPPING CENTER AREA):
MAX. PERMITTED: 4.0
PROPOSED: 171,859/ 621,374 = 0.28

17. BUILDING HEIGHT: MAX. ALLOWED 40'
PROPOSED 36'

18. PARKING:
REQUIRED = 171,859 S.F. @ 5 P.S. / 1000 S.F. = 860P.S. (17 H.C. INCLUDED)
PROVIDED = 677 P.S. (21 H.C. INCLUDED)
NOTE: ALL PARKING SPACES ARE MIN. 8.5' X 18', UNLESS OTHERWISE NOTED; HANDICAP SPACES ARE 13' x 18' or 16' x 18'

19. ANY SIGNS SHALL COMPLY WITH SECTION 450 OF THE B.C.Z.R. AND ALL SIGN POLICIES.

20. ADT = 47 / 1000 S.F. GROSS LEASABLE AREA (171,859 S.F.) = 8077 DAILY TRIPS

21. THERE ARE NO HISTORIC BUILDINGS ON THIS PROPERTY.

22. THE PROPERTY SHOWN HEREON DOES NOT LIE WITHIN ANY SPECIAL FLOOD HAZARD AREA, SHOWN ON NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR BALTIMORE COUNTY, MARYLAND COMMUNITY PANEL NUMBER 240010 0360 B, EFFECTIVE DATE MARCH 02, 1981, BUT DOES LIE WITHIN ZONE C (AREAS OF MINIMAL FLOODING) SHOWN ON SAID MAP. THE 100YR. FLOODPLAIN SHOWN HEREON IS BASED ON THE FLOOD STUDY PREPARED BY COLBERT-MATZ-ROSENFELT, INC. ON OCTOBER 10, 2001.

23. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EXCEPT AS PERMITTED BY BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.

24. FOREST BUFFER:
A VARIANCE REQUEST HAS BEEN FILED WITH THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT (DEPRM) TO ALLOW FOR THE REHABILITATION AND CONTINUED USE OF AN EXISTING PAVED PARKING LOT WITHIN THE BALTIMORE COUNTY FOREST BUFFER. THIS VARIANCE IS CURRENTLY UNDER REVIEW BY DEPRM.

25. STORM WATER MANAGEMENT WILL BE PROVIDED BY REDUCTION OF IMPERVIOUS AREA BY 20% WITHIN THE LIMIT OF DISTURBANCE OR BY PAYMENT A FEE-IN-LIEU OF.

26. THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.

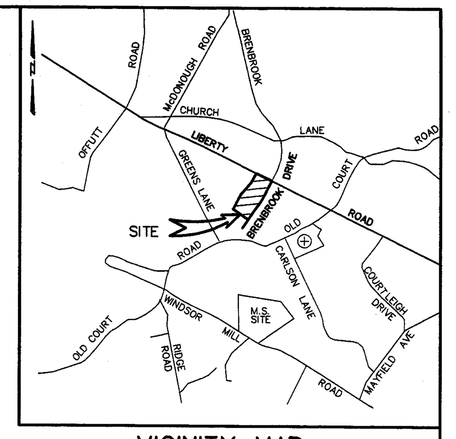
27. FOREST CONSERVATION REQUIREMENTS:
EXEMPTED AS PER SECTION 14-403(b)(10). PROPOSED REDEVELOPMENT IS LOCATED ON A SINGLE LOT THAT EXISTED BEFORE JANUARY 1, 1993. PROPOSED ACTIVITIES DO NOT RESULT IN CUTTING, CLEARING, OR GRADING OF THE EXISTING FOREST AREA.

28. LANDSCAPING WILL BE PROVIDED AS PER MOST RECENT BALTIMORE COUNTY LANDSCAPE MANUAL. SEE SHEET 2 OF 2 FOR PRELIMINARY LANDSCAPE PLAN.

29. PUBLIC WATER & SANITARY SEWER FACILITIES EXIST.

30. LIGHTING SHALL BE ERECTED AS NOT TO REFLECT INTO ANY ADJOINING RESIDENTIAL AREAS AND PUBLIC ROADS.

31. THE BOUNDARY SHOWN HEREON IS TAKEN FROM A BOUNDARY SURVEY PREPARED BY CHRISTOPHER CONSULTANTS, LTD. DATED 9-30-04.



VICINITY MAP
SCALE: 1"=2000'

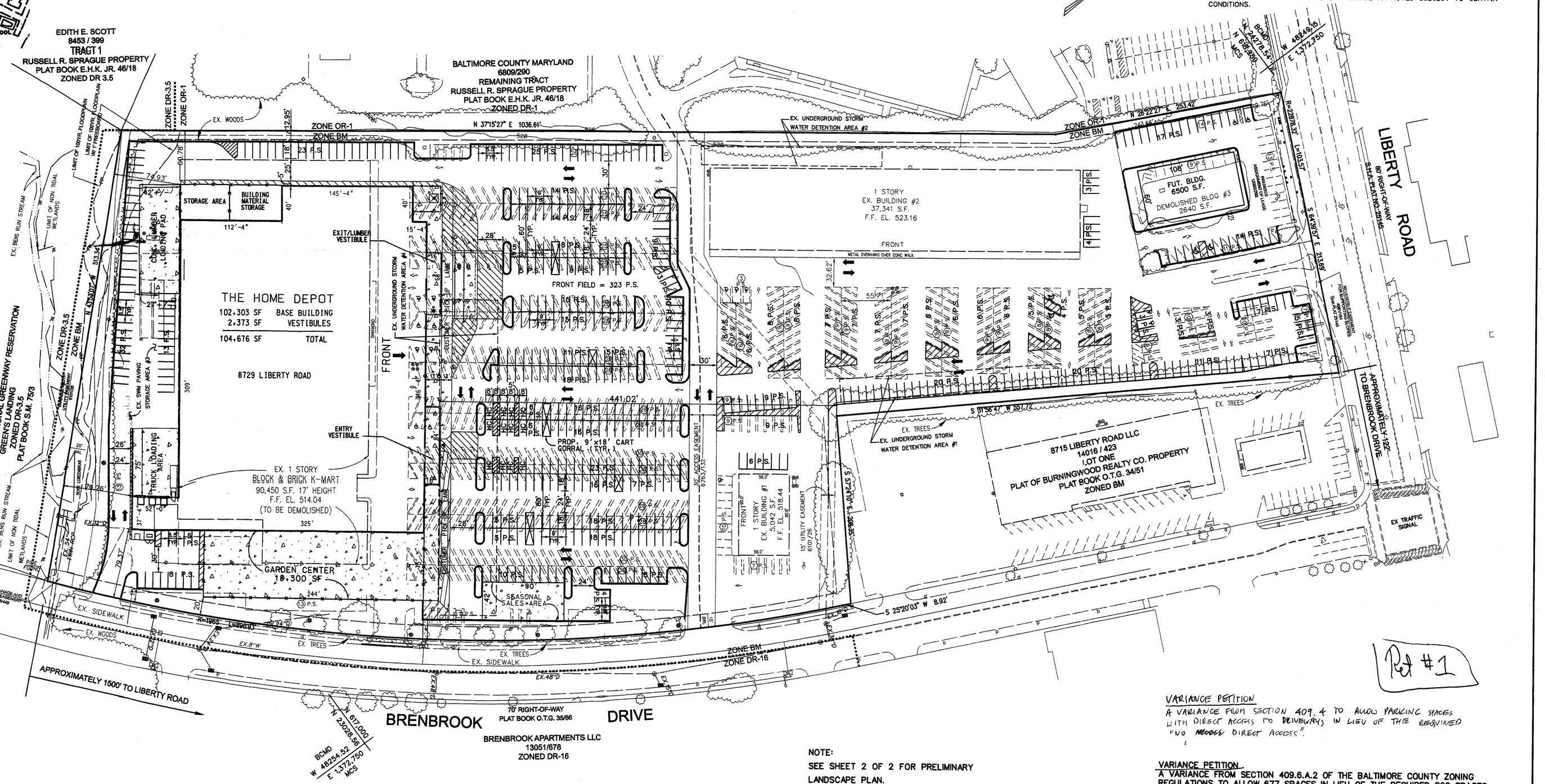
DEVELOPMENT APPROVALS:

SITE PLAN FOR BRENBROOK SQUARE SHOPPING CENTER WAS APPROVED BY OFFICE OF PLANNING AND ZONING ON 12/7/83: REVISED PLAN WAS APPROVED ON 6/8/87.

ZONING HISTORY FOR SHOPPING CENTER:

CASE NO.: 75-167-R (ORDER DATED 2/6/75)
PETITION TO RECLASSIFY FROM A BM ZONE TO A BM-CCC ZONE GRANTED.

CASE NO.: 84-256-X (ORDER DATED 4/6/84)
SPECIAL EXCEPTION FOR AMUSEMENT ARCADE APPROVED SUBJECT TO CERTAIN CONDITIONS.



LEGEND

EXIST. BUILDING
PROP. BUILDING
EXIST. C & G / PAVING
PROP. C & G
EX. PARKING SPACES (10) P.S.
PROP. PARKING SPACES 10 P.S.
EXIST. WOODS
EXIST. TREES
PAINTED STRIPES
ZONING LINES ZONE BM / ZONE DR-16
PROP. CART CORRAL

NOTE:
THIS PLAT IS INTENDED FOR ZONING PURPOSES ONLY AND SHALL NOT BE USED FOR ANY OTHER PURPOSES.

NOTE:
SEE SHEET 2 OF 2 FOR PRELIMINARY LANDSCAPE PLAN.

Pet #1

VARIANCE PETITION
A VARIANCE FROM SECTION 409.4 TO ALLOW PARKING SPACES WITH DIRECT ACCESS TO DRIVEWAYS IN LIEU OF THE REQUIRED "NO ~~ACCESS~~ DIRECT ACCESS".

VARIANCE PETITION
A VARIANCE FROM SECTION 409.6.A.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO ALLOW 677 SPACES IN LIEU OF THE REQUIRED 860 SPACES.

BLDG
Baltimore Land Design Group Inc.
Consulting Engineers
222 SCHILLING CIRCLE SUITE 105 HUNT VALLEY, MARYLAND 21030
PHONE: 410.229.9851 FAX: 410.229.9865 BLDG@BLDGINC.COM

Young Lodely-Fowler
REGISTERED PROFESSIONAL ENGINEERS
21245
YOUNG LODELY-FOWLER
STATE OF MARYLAND
12/15/04

DEVELOPER
HOME DEPOT U.S.A., INC.
2455 PACES FERRY ROAD
ATLANTA, GEORGIA 30339
(770) 384-2740

OWNER
RELP RANDALLSTOWN, LLC
C/O R D MANAGEMENT CORP.
810 SEVENTH AVENUE 28th FLOOR
NEW YORK, NY 10019

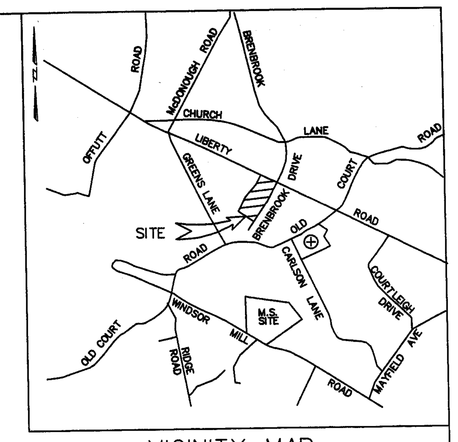
PLAT TO ACCOMPANY PETITION
FOR PARKING VARIANCE
BRENBROOK PLAZA
A.K.A. BRENBROOK SQUARE SHOPPING CENTER
BALTIMORE COUNTY, MARYLAND ELECTION DIST. 2C4
SCALE: 1" = 50' SHEET 1 OF 2 DATE: DECEMBER, 2004

LEGEND

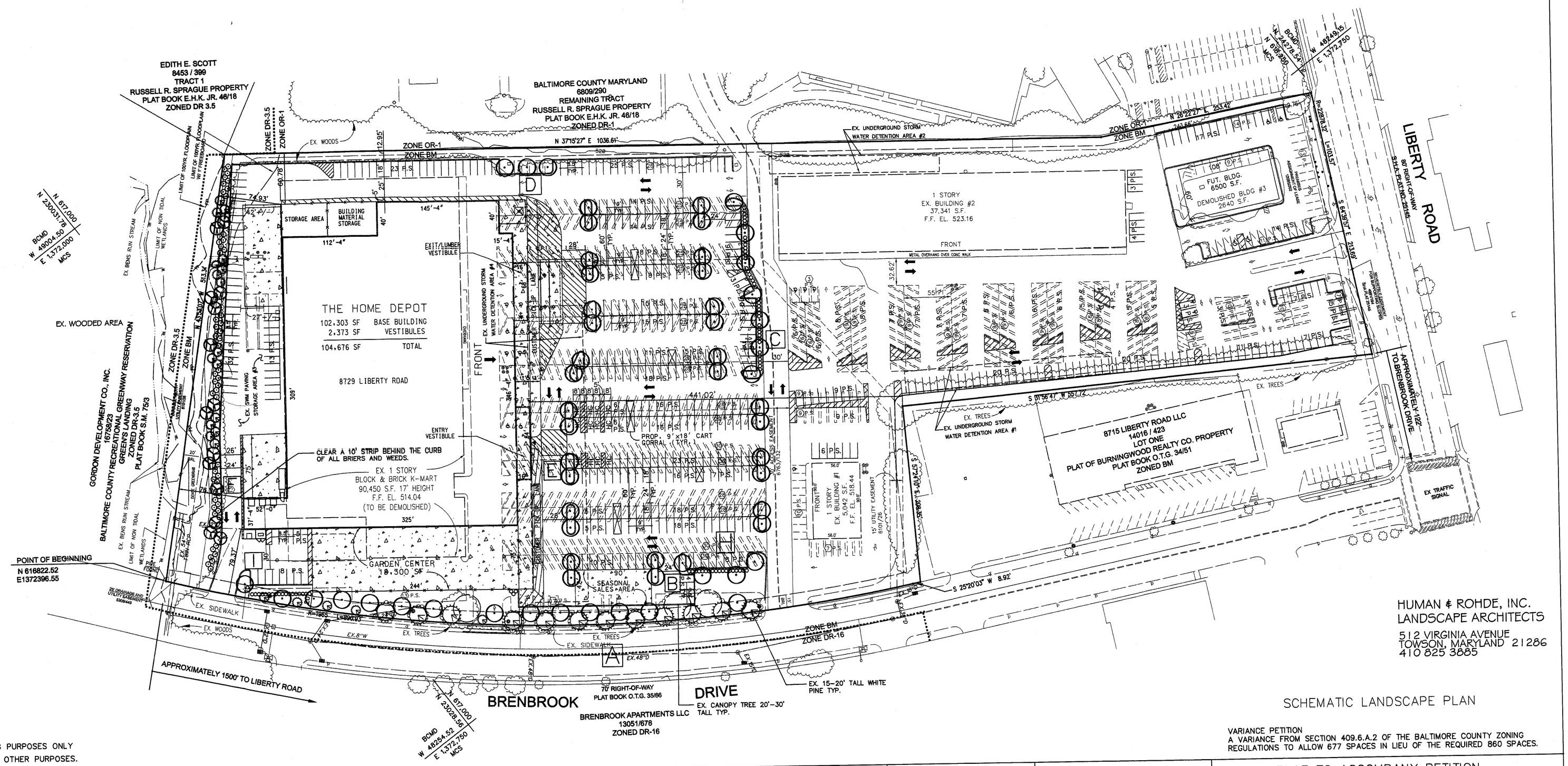
- MAJOR DECIDUOUS TREES
- ORNAMENTAL TREES55
- EVERGREEN TREES
- SHRUBS
- EXISTING EVERGREEN TREES & CANOPY TREES
- EXISTING WOODED AREA

PLANTING CALCULATIONS

KEY	ELEMENT	RATE	LINEAR FEET	PLANTING UNITS (PU)
A	ADJACENT PUBLIC ROADWAY	1 PU / 40 LF	722 LF	18
B	INTERIOR ROADWAY	1 PU / 20 LF	167 LF	8.4
C	INTERIOR ROADWAY	1 PU / 20 LF	550 LF	27.5
D	INTERIOR ROADWAY	1 PU / 20 LF	65 LF	3.3
E	INTERIOR ROADWAY	1 PU /20 LF	490 LF	24.5
F	INTERIOR ROADWAY	1 PU /20 LF	200 LF	10
G	PARKING LOT INTERIOR	1 PU / 12 SPACES	404 SPACES	33.6
H	PARKING ADJACENT TO A PUBLIC ROADWAY	1 PU /20 LF	73 LF	3.7
I	PARKING ADJACENT TO A PUBLIC ROADWAY	1 PU /20 LF	73 LF	3.7
	CREDIT FOR EXISTING TREES			30
TOTAL REQUIRED / TOTAL PROPOSED			133 / 133 P.U.'S	



VICINITY MAP
SCALE: 1"=2000'



LEGEND

- EXIST. BUILDING
- PROP. BUILDING
- EXIST. C & G / PAVING
- PROP. C & G
- EXIST. PARKING SPACES (10) P.S.
- PROP. PARKING SPACES 10 P.S.
- EXIST. WOODS
- EXIST. TREES
- PAINTED STRIPES

NOTE:
THIS PLAT IS INTENDED FOR ZONING PURPOSES ONLY AND SHALL NOT BE USED FOR ANY OTHER PURPOSES.

HUMAN & ROHDE, INC.
LANDSCAPE ARCHITECTS
512 VIRGINIA AVENUE
TOWSON, MARYLAND 21286
410 825 3885

SCHEMATIC LANDSCAPE PLAN

VARIANCE PETITION
A VARIANCE FROM SECTION 409.6.A.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO ALLOW 677 SPACES IN LIEU OF THE REQUIRED 860 SPACES.

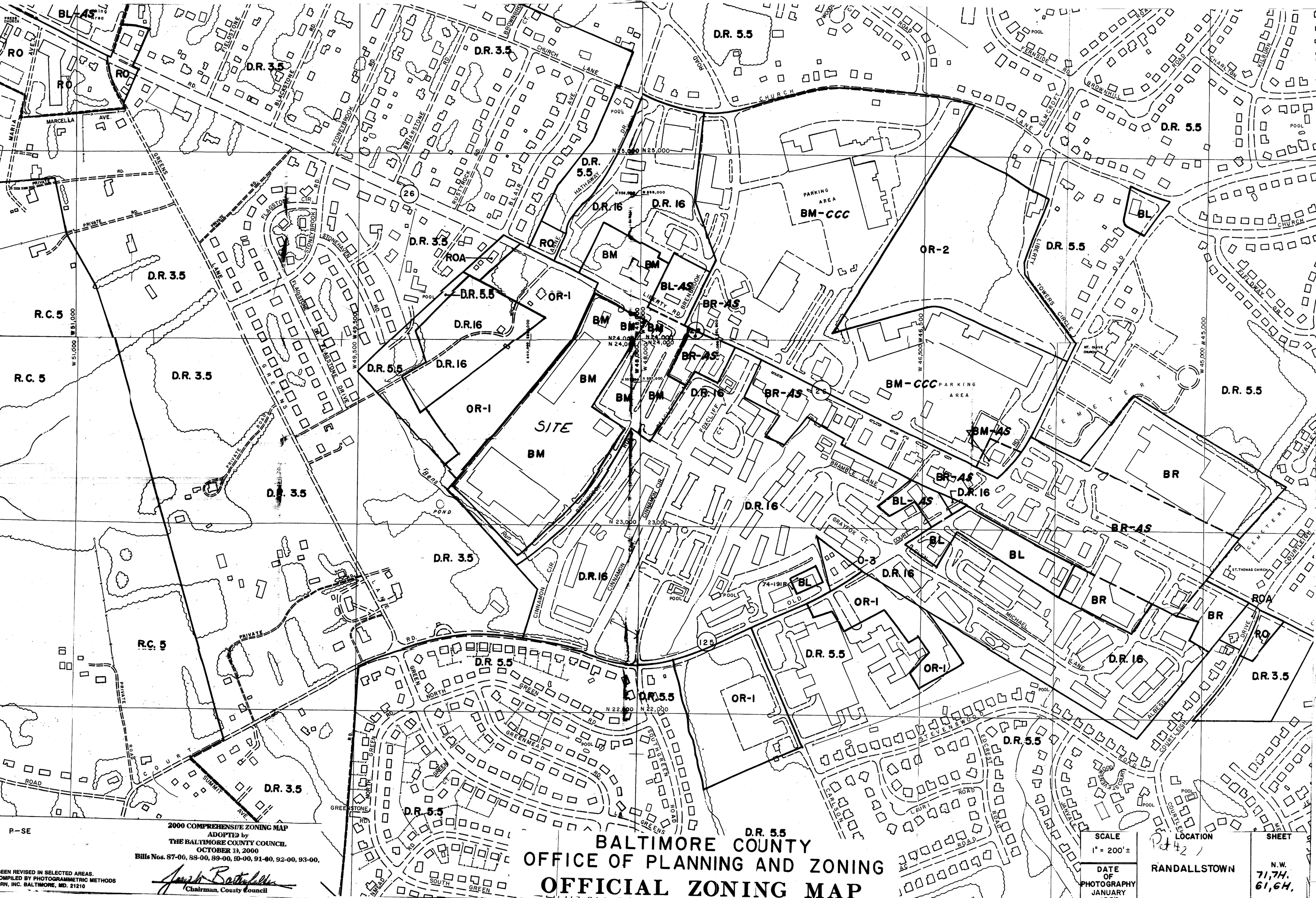
BLDG
Baltimore Land Design Group Inc.
Consulting Engineers
222 SCHILLING CIRCLE SUITE 105 HUNT VALLEY, MARYLAND 21030
PHONE: 410.229.9851 FAX: 410.229.9865 BLDG@BLDGINC.COM

Irma Bostek-Zawlse
21245
IRMA BOSTEK-ZAWLSE
STATE OF MARYLAND
12/15/04

DEVELOPER
HOME DEPOT U.S.A., INC.
2455 PACES FERRY ROAD
ATLANTA, GEORGIA 30339
(770) 384-2740

OWNER
RELP RANDALLSTOWN, LLC
C/O R D MANAGEMENT CORP.
810 SEVENTH AVENUE 28th FLOOR
NEW YORK, NY 10019

PLAT TO ACCOMPANY PETITION
FOR PARKING VARIANCE
BRENBROOK PLAZA
A.K.A. BRENBROOK SQUARE SHOPPING CENTER
BALTIMORE COUNTY, MARYLAND ELECTION DIST. 2C2
SCALE: 1" = 50' SHEET 2 OF 2 DATE: DECEMBER, 2004



P-SE

2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 19, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00,

EEN REVISED IN SELECTED AREAS.
OMPILED BY PHOTOGRAMMETRIC METHODS
RN, INC. BALTIMORE, MD. 21210

Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	RANDALLSTOWN	N.W. 71,7H. 61,6H.
DATE OF PHOTOGRAPHY JANUARY 1986		

Pg 42

GILDEA & SCHMIDT, LLC

300 EAST LOMBARD STREET
SUITE 1440
BALTIMORE, MARYLAND 21202
TELEPHONE 410-234-0070
FACSIMILE 410-234-0072
www.gildeallc.com

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JWOOLMAN@GILDEALLC.COM

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DHOLMAN@GILDEALLC.COM

JASON T. VETTORI
JVETTORI@GILDEALLC.COM

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

August 15, 2005

Timothy Kotroco
Department of Permits and Development Management
111 W. Chesapeake Avenue, Room 111
Towson, MD 21204

Re: RELP Randallstown, LLC/Brenbrook Shopping Center
Spirit and Intent Request
Case No.: 05-301-A

Dear Mr. Kotroco:

RELP Randallstown, LLC ("RELP"), the property owner for the above referenced property ("Property"), respectfully requests that a spirit and intent letter be issued with regard to the proposed development at the above referenced shopping center. The facts as they relate to the issues of spirit and intent are as follows:

1. Home Depot previously submitted a development proposal to Baltimore County in order to construct a 140,676 s.f. Home Depot store, with an additional 18,300 s.f. garden center, upon the Property.

2. As part of this proposed development, Home Depot received a parking variance of 677 off-street parking spaces in lieu of the required 860 off-street parking spaces for the entire 14.27 acres of the Brenbrook Shopping Center through Case No. 05-301-A (see attached decision).

3. The development proposal submitted in Case No. 05-301-A provided for a 6,500 s.f. restaurant to be located on the padsite adjacent to Liberty Road. RELP now proposes to develop a smaller, 4,645 s.f., restaurant for this padsite (see attached plan).

4. As a result of the reduction of square footage, the parking requirements for this shopping center have been reduced from 860 off-street parking spaces to 851 off-street parking spaces. Also, the parking provided for this development increased to 682 spaces rather than the previous 677 provided spaces.

5. RELP submits this reduction of the required parking along with additional provided parking spaces places this restaurant development within the spirit and intent of the previous approval of Case No. 05-301-A.