

2/3/06

IN THE MATTER OF
THE APPLICATION OF
HSC, LLC – PETITIONER; HENRY &
JEANNETTE WEINBERG FOUNDATION –L.O.
FOR VARIANCE ON PROPERTY LOCATED
ON THE SE/COR OF LOCH RAVEN BLVD.,
250' S OF C/L OF TAYLOR AVENUE
(6821-6899 LOCH RAVEN BOULEVARD)
9TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 05-375-A

* * * * *

RULING ON PETITIONER'S MOTION TO DISMISS

This matter is before the Board on Petitioner's Motion to Dismiss an appeal by Protestants of the dismissal of Petitioner's Petition for Variance by the Deputy Zoning Commissioner (DZC). It was heard by the Board on December 14, 2005. Petitioner was represented by Arnold Jablon, Esquire, David Karceski, Esquire, and VENABLE, LLP. Protestant, Loch Raven Community Council, was represented by the Executive Director, Donna Spicer. People's Counsel, Peter Max Zimmerman, also participated in the matter.

Public deliberation was held on December 21, 2005.

Facts

The matter came before the Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Henry and Jeannette Weinberg Foundation, by Bernard Siegel, President, and HSC, LLC, by Martin Pechter, Lessees. The variance request was filed on January 27, 20025 for the property located at 6821-6899 Loch Raven Boulevard in the Hillendale Shopping Center.

The Petition for Variance requested a variance from § 232.1 of the *Baltimore County Zoning Regulations* (BCZR) to permit a front yard depth of 23 feet in lieu of the required 43.5 feet for a stand-alone bank building located within the Hillendale Shopping Center zoned B.L.-CCC. The requested variance was generated by the location of an entrance door to the side of the

bank building that would face Loch Raven Boulevard. The proposed bank building had two entrance doors, once facing Loch Raven Boulevard and the other facing the interior of the shopping center.

The Zoning Review Office had applied § 303.2 of the BCZR because it determined that the location of an entrance door on the side of the building facing Loch Raven Boulevard caused that side to be the "front of the building" and therefore a front building setback was required. If no entrance door was located on the Loch Raven Boulevard side of the building, no variance would be required.

A public hearing began before the Deputy Zoning Commissioner on March 16, 2005 and testimony and evidence was presented by both sides. Petitioners presented their case and Appellant, Loch Raven Community Council, appeared and presented evidence. The Appellant presented objections to the Petitioners' site plan. The Deputy Zoning Commissioner continued the hearing to permit the Petitioners to respond to the Appellant's issues and for the Appellant to then respond and to discuss settlement. Ultimately, the Petitioners decided to revise the plans for the bank building to eliminate the door on the Loch Raven Boulevard side of the building. The Petitioners then decided to withdraw their Petition for Variance.

On June 29, 2005, the Petitioners withdrew their request for variance before the Deputy Zoning Commissioner. No decision on the merits of the case had been rendered prior to the withdrawal.

The Deputy Zoning Commissioner then dismissed the Petition for the requested variance without prejudice.

On or about July 28, 2005, the Appellants, Donna Spicer and Loch Raven Community Council, submitted to the Department of Permits & Development Management a request for appeal. At that time, Ms. Spicer requested a waiver of the appeal fee from the Director of the

Department of Permits & Development Management. In accordance with her request, the Director waived the appeal-processing fee.

The request for appeal was not forwarded to the Board until October 19, 2005. Ms. Spicer was subsequently informed by the Deputy Director of the PDM that the Director had no authority to waive the fee and that she would be required to pay the processing fee. In accordance with this information, the processing fee was paid by Ms. Spicer on or about October 11, 2005.

Issues

1. Petitioner contends the Motion to Dismiss should be granted because § 32-3-401(c) of the Baltimore County Code requires the appealing party to file the notice of appeal in writing and pay the required fee. Petitioner contends there is no provision for the Director of the Department of Permits & Development Management to waive the required fee and that the law requires that the fee be paid with the notice of appeal which must be filed within 30 days from the decision appealed from.

2. Petitioner contends that, notwithstanding the violation of § 32-3-401(c), should the Board find that the fee can be waived in this case, there is nothing from which to appeal. A Petition for Variance was withdrawn prior to a final order being issued. There is no appealable event from which an appeal lies.

3. The Protestants contend that the Petition should not have been dismissed, that there was no decision given concerning the facts presented at the hearing on March 16, 2005, and that no decision had been given concerning the revised Plan submitted dated May 5, 2005.

4. The Protestants also contend that the Petitioner requested a limited exemption approval from the Development Review Committee on May 23, 2005, giving misinformation that no hearing was required on the DRC No. 110804 G request. Petitioner received a limited

exemption in a letter dated May 26, 2005.

5. Protestants also contend that it is not proper to request an exemption while in the process of a hearing being held on the need for a variance.

6. Protestants also contend that a decision should be rendered as to the validity of any and all approvals or permits that may have been received since the first day of the hearing and that there should be clarification of variances needed to comply with § 32 of the Baltimore County Code and any other section of that Code, and §§ 232.1, 303.2, and 409 of the BCZR with respect to parking and zoning.

7. People's Counsel contends that the Deputy Zoning Commissioner had no authority to dismiss the Petition without prejudice since Commissioner Rule 4F requires a request for withdrawal without prejudice to be made in writing and filed 10 days before the hearing. In this case, the withdrawal was made on the second day of the hearing, and he contends that the case must be dismissed with prejudice.

8. People's Counsel also contends that the case is now before the Board for a *de novo* review and that the Board should process the appeal in a normal course. The Board could, on its own, hear testimony in the nature of a special hearing in order to determine the issues to be raised by the Protestants.

Decision

The Board has reviewed the arguments and memoranda submitted in the above matter and with respect to the above issues.

1. The Payment of the Fee.

Petitioners are correct that § 3-5-105(c) of the *Baltimore County Code* (BCC) states that "all fees shall be payable to Baltimore County, Maryland, and shall be collected by the agency whose decision is being appealed at the time the appeal or petition is filed." Ordinarily, the

Board adheres strictly to the terms and conditions set forth in the BCC. Even when incorrect information has been given by Baltimore County employees with respect to the filing dates and the law, the Board has adhered to the law. However, in this instance, the Director of the Department of Permits & Development Management indicated to the Protestants that he would waive the fee for the appeal. Protestants had no reason to doubt the authority of the Director to take such action and therefore did not pay the fee until they were informed that the Director had no authority to waive the fee. Upon being told that the Director had no authority to waive the fee, the Protestants immediately paid the fee. In this situation only, the Board will allow the matter to be processed despite the fact that the fee was not paid at the time the appeal was filed. The Board wishes to emphasize that this is a unique situation, and that it is not to set a precedent for any actions of the Board in the future.

2. Dismissal by the Deputy Zoning Commissioner

With respect to the issue of whether or not the matter should be dismissed, the Board feels that the Deputy Zoning Commissioner was incorrect in dismissing the Petition without prejudice, since Zoning Commissioner Rule 4F requires that a request for withdrawal without prejudice be made in writing and filed before the hearing; otherwise, the case must be dismissed with prejudice. The case had been scheduled for a second day of hearing on June 29, 2005. At the June 29th hearing, the Petitioner withdrew its variance request over the Protestants' objection. The Petition should have been dismissed with prejudice under Rule 4F as the request for withdrawal was made well after the applicable 10-day deadline.

The Board's new rules, specifically Rule 3.b.II, also require that a Petition be dismissed with prejudice unless the Petition is withdrawn in writing at least 10 days prior to the scheduled hearing date.

At this time, there is no appeal before the Board of a decision of the Director of the

Department of Permits & Development Management with respect to a decision of the DRC. In addition, there is no Petition before the Board with respect to the parking spaces to be allowed for the bank building in question on the Hillendale Shopping Center. If Petitioners have any issues with respect to parking at the bank in the shopping center, such issues can be raised through Code Enforcement or by means of a special hearing filed in the normal course.

ORDER

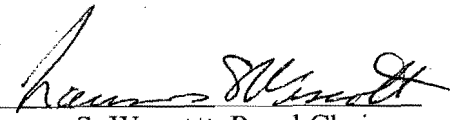
IT IS THEREFORE THIS 3rd day of February, 2006 by the
County Board of Appeals of Baltimore County

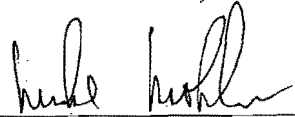
ORDERED that the Motion to Dismiss the appeal in the above matter be **GRANTED**;
and it is further

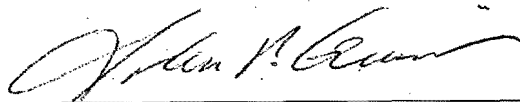
ORDERED that the Petition for Variance from § 232.1 and § 303.2 of the Baltimore County Zoning Regulations (BCZR) to permit a minimum front yard depth of 23 feet in lieu of the required 43.5 feet be and is hereby **DISMISSED WITH PREJUDICE**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Lawrence S. Wescott, Panel Chair


Mike Mohler


John P. Quinn



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

February 3, 2006

Ms. Donna Spicer, Executive Director
Loch Raven Community Council
8719 Eddington Road
Baltimore, MD 21234

RE: *In the Matter of: HSC, LLC; Henry & Jeannette
Weinberg Foundation – Legal Owners*
Case No. 05-375-A / Ruling on Motion

Dear Ms. Spicer:

Enclosed please find a copy of the final Ruling on Motion to Dismiss issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all subsequent Petitions for Judicial Review filed from this decision should be noted under the same civil action number as the first Petition.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Kathleen C. Bianco
Kathleen C. Bianco
Administrator

Enclosure

c: Arnold Jablon, Esquire
David Karceski, Esquire
Bernard Siegel, President
Harry & Jeanette Weinberg Foundation
HSC, LLC by Martin Pechter, Member
Mitch Kellman
Dac Carney
Bob Aumiller
Bill Burkhouse
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM



11/27/05

Re: PETITION FOR VARIANCE	*	BEFORE THE COUNTY
SE/Corner of Loch Raven Blvd.,	*	
250' S c/line Taylor Avenue	*	BOARD OF APPEALS
(6821-6899 Loch Raven Blvd)	*	
9 th Election & 5 th Councilmanic Districts	*	FOR
Legal Owners: Henry & Jeanette Weinberg	*	
Foundation by Bernard Siegel, President	*	BALTIMORE COUNTY
Legal Owners and HSC, LLC by Martin	*	
Pechter, Member, Lessees	*	Case No. 05-375-A

* * * * *

OPPOSITION TO MOTION TO DISMISS APPEAL

1. A petition for variance was filed on or about January 27, 2005.
2. The requested variance was to permit a minimum front yard depth of 23 feet in lieu of required 43.5 feet, pursuant to 232.1 and 303.2 BCZR for a stand-alone bank building located within the Hillendale Shopping Center, zoned BL-CCC.
3. The requested variance was generated by the location of the accessory bank building along the frontage of the property, facing Loch Raven Blvd.
4. In this case, it can be argued, the location of the entrance doors of the accessory bank building should not determine the need for front setback variance.
5. The Zoning Review Office should have applied Sections 409 and 232 in entirety and 303.2 BCZR because it determined the location of the accessory bank building was proposed to be located within the minimum front yard depth and was an additional use. The request for variance was incomplete.
6. The zoning hearing before the Deputy Zoning Commissioner (DZC) was held March 16, 2005
7. Testimony, arguments and evidence was presented, heard and accepted.
8. The Petitioners presented their case and while Appellant was presenting their case, the hearing ran over the allotted time. The DZC continued the hearing to permit the Appellant to submit in writing their arguments, Petitioner to respond and parties possibly to reach settlement on differences. (See letter dated March 23, 2005 from Ms. Spicer to DZC and letter dated March 31, 2005 from Mr. Jablon to DZC)
9. Petitioner submitted revised plan and second day of hearing was scheduled for June 29, 2005. (See letter dated May 19, 2005 from DZC)
10. On June 29, 2005 before the DZC, the Petitioner abruptly and without notice withdrew their request for variance.
11. No decision was rendered on the merits of the case, testimony, arguments, and evidence presented, heard and accepted at the March 16, 2005 hearing. On June 29, 2005, the withdrawal of the request for variance because a variance was no longer needed was accepted without question. Previously presented, heard and accepted information that argued need of the variance requested and

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**BALTIMORE COUNTY
BOARD OF APPEALS**

- need of related variances was given no consideration as reason to deny the withdrawal. Due process was denied.
12. Request for appeal was timely filed on July 28, 2005 by Donna Spicer Executive Director of The Loch Raven Community Council and submitted to the Director of Permits and Development Management, with the mutual understanding and agreement that the fee would be waived and no other monetary payment was required. (See note Kristen: please process this appeal. Fee is waived. Tim)
 13. The request for appeal was not forwarded to the Board of Appeals until October 19, 2005. The Appellant had no control or authority in processing the request for appeal after July 28, 2005 submittal date.
 14. Docket entries indicate the appeal fee was paid October 11, 2005 upon discussion with PDM direction. Efforts to reach agreement and to obtain a withdrawal of the request for appeal failed after many discussion and actions taken by the PDM Director (with the Appellant, the Petitioners and their representatives). On multiple occasions the Appellant was assured by the Director and the Deputy Director of PDM that delay in processing the request for appeal did not reduce validity or standing. Appellant made full payment of fees on October 11, 2005 after being informed by Don Rascoe Deputy Director of PDM that the agreement to waive the fee had been voided and payment was now required to process the request of appeal submitted July 28, 2005.
 15. That 32-3-401(c) BCC requires appealing party to file the notice of appeal, in writing and pay the required fee. The Appellant complied as directed by the Authority of the Director and Deputy Director of PDM.
 16. At the very least, if the petition for variance was allowed to be withdrawn it should have been done with prejudice. The Petition for Variance should not have been allowed to be withdrawn. A final order should have been required, testimony, evidence and arguments had been submitted, heard and accepted. Due process was denied. Appeal is appropriate. The appeal request is proper and needed for due process to be met.
 17. The Board of Appeals should decide if variances are required and if variances should or should not be granted.

Certificate of Service

On November 23, 2005, Opposition to Motion to Dismiss Appeal was hand delivered to County Board of Appeals, People's Council of Baltimore County and Arnold Jablon 210 Allegheny Ave. Towson 21204



Donna Spicer
Executive Director

Loch Raven Community Council
8719 Eddington Road
Baltimore, MD 21234
Phone 410-665-4322
Fax 410-668-0569

11/18/05

RE: PETITION FOR VARIANCE
SE/Corner of Loch Raven Blvd.,
250' S c/line Taylor Avenue
(6821-6899 Loch Raven Blvd)
9th Election & 5th Councilmanic Districts
Legal Owners: Henry & Jeanette Weinberg
Foundation by Bernard Siegel, President,
Legal Owners and HSC, LLC by Martin
Pechter, Member, Lessees

BEFORE THE

COUNTY BOARD OF APPEALS

FOR

BALTIMORE COUNTY

Case No. 05-375-A

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**BALTIMORE COUNTY
BOARD OF APPEALS**

* * * * *

**MEMORANDUM OF PEOPLE'S COUNSEL FOR BALTIMORE COUNTY IN
OPPOSITION TO MOTION TO DISMISS**

People's Counsel entered its appearance in this matter on February 7, 2005. Upon review of the record, the appeal filed by Donna Spicer, and the Motion to Dismiss filed by Petitioner, People's Counsel respectfully submits this memorandum in opposition to the motion scheduled for hearing December 14, 2005.

I. The Alleged Late Payment of the Filing Fee

The first contention of the motion relates to the alleged late payment of the filing fee. The appeal request includes a note from PDM Director Timothy Kotroco that the appeal fee is waived. Whether or not the PDM Director has such authority, it is our view that the filing of the appeal constitutes substantial compliance with the rule, and that the timing of the payment of any fee is immaterial and incidental.

Code Sec. 32-3-401(c)(1) requires the filing of a notice of appeal within 30 days after the final decision. Sec. 32-3-401(c)(2) calls for payment of "the required fee," but does not specify a time for payment. Meanwhile, CBA Rule 1d states in essence that appeals shall be in conformance with the rules of the Zoning Commissioner with respect to the form of the appeal, and that the fee shall be as prescribed by the Zoning Commissioner or the BCZR. Upon review of the rules of the Zoning Commissioner and the BCZR, we have not found any rule of the

Zoning Commissioner or the BCZR regarding payment of fees. Under these circumstances, it is unclear what fee is legally required. It also unclear when any fee must be paid. Under these circumstances, if it is assumed nevertheless that PDM may legally set the fees, there is no set deadline for payment. Therefore, it cannot be said that the fee paid here is late. Even if it were late, there is no provision that the appeal shall be dismissed for late payment of a fee.

Moreover, on issues of this type, the CBA has consistently taken the approach to call for substantial compliance with the rules regarding the form of the appeal. For example, the omission of an address has been held not fatal. Indeed, the CBA has allowed consultants and engineers to file appeals on behalf of property owners.

II. The Withdrawal of the Petition at the Zoning Commissioner Level

The second contention of the motion is that because Petitioner withdrew the petition without prejudice at the Zoning Commissioner level, there is nothing to appeal.

This contention overlooks the point that pursuant to County Charter Sec. 603, all appeals to the County Board of Appeals are *de novo* unless otherwise provided in legislation. The present petition is for a variance. County Code Sec. 32-3-401 provides for the appeal without any limitation on the usual *de novo* format. Therefore, the present appeal is a *de novo* proceeding.

The Court of Special Appeals addressed this matter in Pollard's Towing v. Berman's Body Frame & Mechanical 137 Md. App. 277, 288 (2001). There, Judge Moylan quoting an earlier decision, observed that the generic *de novo* format involves "trying the matter anew as if it had not been heard before and as if no decision had been rendered." Boehm v. Anne Arundel County 54 Md. App. 497, 511 (1983). He also quoted Lohrman v. Arundel Corp. 65 Md. App. 309, 319 (1985):

"In effect, then, the Board was exercising what amounts to original jurisdiction. It was as though the zoning officer had made no decision."

Correlatively, "... the *de novo* hearing is for all intents and purposes the first hearing of the case." Hill v. Baltimore County 86 Md App. 642 (1991).

The fact that the Petitioner successfully obtained an order to withdraw the petition without prejudice at the ZC level does not affect the *de novo* function of the appeal. Ms. Spicer has stated reasons in her appeal as to why she believes the withdrawal was inappropriate. She is entitled to a hearing on the merits.

If the Petitioner wishes to withdraw the petition anew at the CBA level, Petitioner is entitled to make that request, subject to the procedural due process right of other parties to be heard on the matter.

The CBA Rules do not appear to include any rule relating to withdrawals or voluntary dismissals. Circuit Court Rule 2-506 (b) provides generally that a court may allow a plaintiff to dismiss an action "only by order of court and upon such terms and conditions as the court deems proper." Scheve v. Shudder 328 Md. 363, 376-78 (1992). The only exception to this scenario occurs under Rule 2-506(a) where the Plaintiff dismisses an action at a preliminary stage, prior to an answer or motion or summary judgment being filed by the adverse party. Here, the case is already on appeal, so that Maryland Rule 2-506(b) would apply if one were to choose the closest analogy. The appeal here, while *de novo*, effectively puts the case past the answer stage.

Meanwhile, Zoning Commissioner Rule 4F requires a request for withdrawal without prejudice to be made in writing and filed ten days before the hearing. Otherwise, the case must be dismissed with prejudice. Here, the Deputy Zoning Commissioner's opinion and order filed on or about July 5, 2005, describes the initial day of hearing on March 16, 2005 where "the Petitioner presented its case in chief and the protestants started their presentation. At that point Ms. Spicer presented a detailed critique of their site plan." The case was then continued to allow

the parties "... to discuss settlement." There was submitted a revised site plan, and the case was set in for another day of hearing on June 29, 2005. Apparently, there was no settlement.

At the June 29th hearing, the Petitioner withdrew its variance request, over Ms. Spicer's objection, on the basis that it would revise its plans and remove any entrance to the bank from Loch Raven Boulevard. The DZC wrote that he could "understand the protestants' frustration," but that he could "only dismiss the case as requested." He then issued the Order to dismiss the case "without prejudice." Actually, the petition should have been dismissed with prejudice under Rule 4F, as the request for withdrawal was made well after the applicable ten-day deadline.

Now that the case is before the CBA for *de novo* review, the CBA should process the appeal in the normal course. If Petitioner again requests to withdraw its petition, the CBA may deal with that, provided that all parties have the opportunity to be heard, and determine whether it should order a dismissal of the petition with prejudice, without prejudice, and under what conditions. In the absence of a CBA rule on point, we suggest that the CBA consider any such request as if it were a request for voluntary dismissal under Rule 2-506(b), review the entire situation, and exercise its discretion in a reasonable way.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CAROLE S. DEMILIO
Deputy People's Counsel
400 Washington Avenue
Towson, MD 21204
410-887-2188

CERTIFICATE OF SERVICE

I hereby certify that on this 18 day of November, 2005, a copy of the Memorandum of People's Counsel for Baltimore County in Opposition to Motion to Dismiss was mailed first-class mail, postage prepaid to Donna Spicer, 8719 Eddington Road, Baltimore, MD 21234 and Arnold Jablon, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioners.

A handwritten signature in black ink, reading "Peter Max Zimmerman". The signature is written in a cursive, flowing style. The first name "Peter" is written in a smaller, more compact script, while "Max" and "Zimmerman" are written in a larger, more expansive script. The signature is positioned above a horizontal line.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

11/4/05

In Re: Petition for Variance
6821-6899 Loch Raven Blvd
SE/Corner of Loch Raven Blvd
250 ft. S Centerline of Taylor Ave
9th Election District
5th Councilmanic District

Legal Owner: Henry & Jeanette Weinberg
Foundation

Petitioner: HSC, LLC

BEFORE
BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 05-375A

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BALTIMORE COUNTY
BOARD OF APPEALS

* * * * *
MOTION TO DISMISS APPEAL

Now comes the Petitioners, HSC, LLC and the Henry & Jeanette Weinberg Foundation, by their attorneys Arnold Jablon and David Karceski, with Venable, LLC, and moves to dismiss the appeal filed in this matter and for cause states as follows:

1. That a petition for variance was filed on or about 27 January 2005.
2. That the requested variance was to permit a minimum front yard depth of 23 feet in lieu of required 43.5 feet, pursuant to §§232.1 and 303.2, BCZR, for a stand-alone bank building located within the Hillendale shopping center, zoned BL-CCC.
3. That the requested variance was generated by the location of an entrance door to the side of the bank building that would face Loch Raven Blvd,
4. That the proposed bank building had two entrance doors, one facing Loch Raven Blvd, and the other facing the interior of the shopping center.
5. That the Zoning Review Office applied §303.2 of the BCZR because it determined that the location of an entrance door on the side of the building facing Loch Raven Blvd caused the side to be a "front of the building", and, therefore, a front building

setback was required. If no entrance door, the side would be a "side" and no variance would be required.

6. That the zoning hearing before the Deputy Zoning Commissioner was initiated on 16 March 2005.

7. That testimony and evidence was presented.

8. That the Petitioners presented their case and Appellant appeared and testified. The Appellant presented objections to the Petitioners' site plan. The Deputy Zoning Commissioner continued the hearing to permit the Petitioners to respond to the Appellant's issues, for the Appellant to then respond and to discuss settlement. **(See Petitioners' Exhibit 1, Deputy Zoning Commissioner's Order, dated 29 June 2005.)**

9. That subsequently, the Petitioners decided to dismiss and withdraw its Petition for variance.

10. That on 29 June, 2005, before the Deputy Zoning Commissioner, the Petitioners withdrew their request for variance. **(See Pet. Exh 1)**

11. That no decision on the merits of the case had been rendered prior to the withdrawal.

12. That on or about 28 July, 2005, the Appellant, Donna Spicer, submitted to the Department of Permits and Development Management a "Request for Appeal."

13. That on the cover page of the "Request for Appeal" is a notation as follows:

"Kristen:
Please process this appeal. Fee is waived.
Tim"

(See Pet. Exh 2)

14. That this "Request for Appeal" was not forwarded to the Board of Appeals until 19 October 2005. (See Pet. Exh 3, Appeal Docket entries)

15. That the docket entries indicate that an appeal fee was "paid October 11, 2005 upon discussion with PDM director."

16. That §32-3-401(c), Baltimore County Code, requires the appealing party to file the notice of appeal, in writing, and pay the required fee.

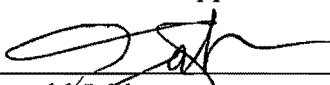
17. That there is no provision for the Director of the Department of Permits and Development Management to waive the required fee.

18. That the law requires that the fee be paid with the Notice of Appeal, which must be filed within 30 days of the decision appealed from.

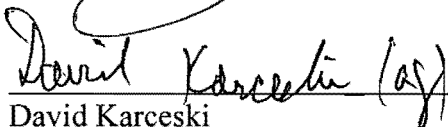
19. That notwithstanding the violation of §32-3-401 (c), there is nothing to appeal from: the petition for variance was withdrawn prior to a final order being issued. There is no appealable event from which an appeal lies.

21. That there are no other issues raised by the Appellant in her "Request for Appeal" that have been preserved for appeal or are appealable.

WHEREFORE, the Petitioners move that the instant appeal be dismissed.



Arnold Jablon



David Karceski
210 Allegheny Ave
Towson, Maryland 21204
410-494-6298

Counsel for Petitioners

Certificate of Service

IT IS HEREBY CERTIFIED that a copy of the foregoing Motion to Dismiss was mailed, by first class delivery, to Timothy Kotroco, Director, PDM, and to Donna Spicer, at 8719 Eddington Rd, Baltimore, Maryland 21234, on this 4th day of November 2005.



Arnold Jablon

IN RE: PETITION FOR VARIANCE
SE/Corner of Loch Raven Blvd., 250 ft.
S centerline of Taylor Avenue
9th Election District
5th Councilmanic District
(6821-6899 Loch Raven Blvd.)

Henry & Jeanette Weinberg Foundation,
By: Bernard Siegel, President, Legal Owners
and
HSC, LLC
By: Martin Pechter, Member, Lessees
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-375-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Henry and Jeanette Weinberg Foundation, by Bernard Siegel, President and HSC, LLC, by Martin Pechter, lessees. The variance request is for property located at 6821-6899 Loch Raven Boulevard in the Loch Raven area of Baltimore County. The variance request is from Sections 232.1 and 303.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a minimum front yard depth of 23 ft. in lieu of the required 43.5 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The property was posted with Notice of Hearing on March 1, 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 Jeffersonian" newspaper on March 1, 2005 to notify any interested persons of the scheduled hearing date.

A hearing was held on March 16, 2005 in which the Petitioner presented its case in chief and the protestants started their presentation. At that point Ms. Spicer presented a detailed critique of the Petitioner's site plan and the case was continued to allow the Petitioner to review the

PET EXH 1

protestants' site plan exhibit and the Parties to discuss settlement. The Petitioner submitted a revised site plan dated May 5, 2005 and the case was set for hearing on June 29, 2005.

However on June 29, 2005 the Petitioner withdrew its request for variance. Mr. Karceski explained that the Petitioner will revise its plans to eliminate any entrance to the bank from Loch Raven Boulevard. Consequently the variance is no longer needed. Ms. Spicer objected to the withdrawal indicating that the Planning Comments should still apply to the plan and other shortcomings of the revised plan.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated March 11, 2005, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the first hearing on behalf of the variance request were Troy Slevin and Mitch Kellman from Daft McCune Walker, Inc. DAC Carney, from Tristar Management, Bob Aumiller from MacKenzie Associates and Bill Burkhouse from Provident Bank for the Petitioners. David Karceski and Arnold Jablon, Esquire represented the Petitioners. Donna Spicer, from the Loch Raven Community Counsel appeared in opposition to the Petition and its withdrawal at the second hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

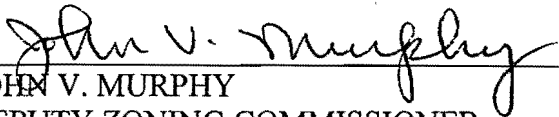
Findings of Fact and Conclusions of Law

While I understand the protestants' frustration with the Petitioners' withdrawal of the Petition, I can only dismiss the case as requested.

THEREFORE, IT IS ORDERED, this 29 day of June, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Sections 232.1 and 303.2 of the

Baltimore County Zoning Regulations (B.C.Z.R.), to permit a minimum front yard depth of 23 ft. in lieu of the required 43.5 ft., be and is hereby DISMISSED without prejudice, the Petition having been withdrawn by the Petitioner before the case was concluded.

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

July 28, 2005

Request for Appeal
for Case # 05-375-A

DONNA SPICER

8719 Eddington Rd

Baltimore, MD 21234

Phone 410-665-4322

Fax 410-668-0569

Kristen:
Phase process this
Appeal. Fee is waived.

T=

Where's the DRC letter

PET EXM ✓

APPEAL

Petition for Variance
6821-6899 Loch Raven Boulevard
SE/corner of Loch Raven Blvd., 250' s/of c/line of Taylor Avenue
9th Election District – 5th Election District
Legal Owners: Henry & Jeannette Weinberg Foundation
Petitioners: HSC, LLC

Case No.: 05-375-A

Petition for Variance (January 27, 2005)

Zoning Description of Property

Notice of Zoning Hearing (February 1, 2005)

Certification of Publication (The Jeffersonian – March 1, 2005)

Certificate of Posting (March 1, 2005) by SSG Robert Black

Entry of Appearance by People's Counsel (February 7, 2005)

Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet – Two Sheets

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Plan to accompany petition for Variance
- 2A. Photograph
- 2B. Rear & Left Building Elevations Drawing
- 2C. Front & Right Building Elevations Drawing
3. Final Landscape Plan (Hillendale Shopping Center)

Protestants' Exhibits:

1. Site Plan

Miscellaneous (Not Marked as Exhibit)

1. Revised Site Plan Revision to meet Zoning Regulations
2. Letter dated March 23, 2005 from Donna Spicer to John Murphy
3. Letter dated March 31, 2005 from Arnold Jablon to John Murphy
4. Letter from John Murphy to Mr. Jablon & Ms. Spicer dated April 28, 2005

Deputy Zoning Commissioner's Order (DISMISSED – June 29, 2005)

Notice of Appeal received on August 1, 2005 from Donna Spicer, appeal fee paid October 11, 2005 upon discussion with PDM director

c: People's Counsel of Baltimore County, MS #2010
Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Arnold Jablon, 210 Allegheny Avenue, Towson 21204
Bernard Siegel, 7 Park Center Court, Owings Mills 21117
HSC, LLC, 751 Park of Commerce Drive, Ste. 128, Boca Raton FL 33487
Mitch Kellman, 200 E. Pennsylvania Avenue, Towson 21286
Dac Carney, P.O. Box 1266, Cary NC 27511
Bob Aumiller, 2328 W. Joppa Road, Lutherville 21093
Bill Burkhouse, 114 E. Lexington Street, Baltimore 21202
Donna Spicer, 8719 Eddington Rd., Baltimore 21234

date sent October 19, 2005, klm

prt EXH 3

6/30/05

IN RE: PETITION FOR VARIANCE
SE/Corner of Loch Raven Blvd., 250 ft.
S centerline of Taylor Avenue
9th Election District
5th Councilmanic District
(6821-6899 Loch Raven Blvd.)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-375-A

Henry & Jeanette Weinberg Foundation,
By: Bernard Siegel, President, Legal Owners *
and
HSC, LLC *
By: Martin Pechter, Member, Lessees *
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Henry and Jeanette Weinberg Foundation, by Bernard Siegel, President and HSC, LLC, by Martin Pechter, lessees. The variance request is for property located at 6821-6899 Loch Raven Boulevard in the Loch Raven area of Baltimore County. The variance request is from Sections 232.1 and 303.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a minimum front yard depth of 23 ft. in lieu of the required 43.5 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The property was posted with Notice of Hearing on March 1, 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 Jeffersonian" newspaper on March 1, 2005 to notify any interested persons of the scheduled hearing date.

A hearing was held on March 16, 2005 in which the Petitioner presented its case in chief and the protestants started their presentation. At that point Ms. Spicer presented a detailed critique of the Petitioner's site plan and the case was continued to allow the Petitioner to review the

RECEIVED FOR FILING
6/30/05
Ray

protestants' site plan exhibit and the Parties to discuss settlement. The Petitioner submitted a revised site plan dated May 5, 2005 and the case was set for hearing on June 29, 2005.

However on June 29, 2005 the Petitioner withdrew its request for variance. Mr. Karceski explained that the Petitioner will revise its plans to eliminate any entrance to the bank from Loch Raven Boulevard. Consequently the variance is no longer needed. Ms. Spicer objected to the withdrawal indicating that the Planning Comments should still apply to the plan and other shortcomings of the revised plan.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated March 11, 2005, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the first hearing on behalf of the variance request were Troy Slevin and Mitch Kellman from Daft McCune Walker, Inc. DAC Carney, from Tristar Management, Bob Aumiller from MacKenzie Associates and Bill Burkhouse from Provident Bank for the Petitioners. David Karceski and Arnold Jablon, Esquire represented the Petitioners. Donna Spicer, from the Loch Raven Community Counsel appeared in opposition to the Petition and its withdrawal at the second hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Findings of Fact and Conclusions of Law

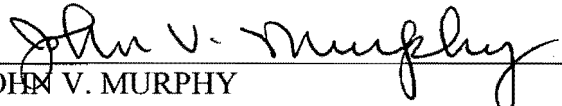
While I understand the protestants' frustration with the Petitioners' withdrawal of the Petition, I can only dismiss the case as requested.

THEREFORE, IT IS ORDERED, this 29 day of ^{June}~~July~~, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Sections 232.1 and 303.2 of the

ORDER RECEIVED FOR FILING
JUL 1 2005
6/30/05
Ray

Baltimore County Zoning Regulations (B.C.Z.R.), to permit a minimum front yard depth of 23 ft. in lieu of the required 43.5 ft., be and is hereby DISMISSED without prejudice, the Petition having been withdrawn by the Petitioner before the case was concluded.

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

6/30/05

Ray

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 11 2005

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

SUBJECT: 6821-6899 Loch Raven Blvd. – Revised Comments
INFORMATION:

Item Number: 5-375

Petitioner: HSC, LLC.

Zoning: BL-CCC

Requested Action: Variance

RECEIVED

MAR 11 2005

ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

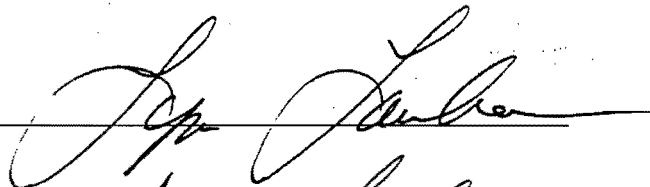
The Office of Planning recently met with the applicant to review proposed architecturals. Staff reviewed photographs the applicant provided of the proposed building, which illustrated the entrance located at the southwest corner to provide orientation toward Loch Raven Boulevard. Windows will be provided along Loch Raven Boulevard. Façade materials will consist of burnt-red brick with asphalt roof and gray trim materials. The building is well articulated.

The Office of Planning supports the petitioner's requests. The proposed architecturals and building location will provide a positive upgrade for the Hillendale Shopping Center. The applicant has agreed to the following comments:

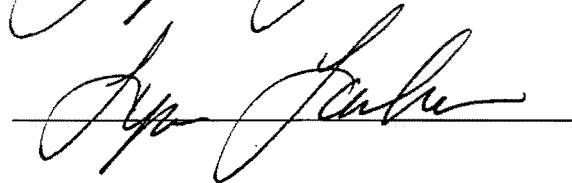
1. Submit a landscape plan to Avery Harden, Baltimore County Landscape Architect, that is in keeping with newly improved streetscape along Loch Raven Blvd. Additional vegetation shall be provided along the existing curb and gutter surrounding the building site to better define the site from the internal roadway network.
2. Pedestrian access to the main entrance from the adjacent sidewalk along Loch Raven Blvd. shall be provided.
3. Free-standing signage shall be limited to the existing signage in place.

For further information concerning the matters stated herein, please contact Kevin Gambrell with the Office of Planning at 410-887-3480.

Prepared by:



Division Chief:



AFK/LL:MAC:

COPIES RECEIVED FOR FILING

6/30/05



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

July 5, 2005

Arnold Jablon, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204

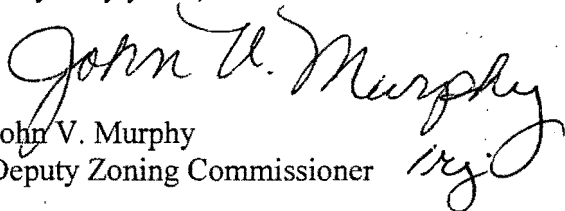
Re: Petition for Variance
Case No. 05-375-A
Property: 6821-6899 Loch Raven Boulevard

Dear Mr. Jablon:

Enclosed please find the Order to Dismiss regarding the above-captioned case.

Should you have any questions or require any additional information concerning this matter, please feel free to contact this office at 410-887-3868.

Very truly yours,


John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Bernard Siegel, Pres., Harry & Jeanette Weinberg Foundation, 7 Park Center Ct.,
Owings Mills, MD 21117
HSC, LLC, 751 Park of Commerce Drive, Suite 128, Boca Raton, Florida 33487
Troy Slevin, Mitch Kellman, Daft, McCune, Walker, 200 E. Pennsylvania Ave.,
Towson, MD 21286
Dac Carney, P. O. Box 1266, Cary, NC 27511
Bob Aumiller, 2328 W. Joppa Road, Lutherville, MD 21093
Bill Burkhouse, 114 E. Lexington Street, Baltimore, MD 21202
Donna Spicer, 8719 Eddington Road, Baltimore, MD 21234

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





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6821-6899 Loch Raven Boulevard

which is presently zoned BL-CCC

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

232.1 and 303.2 of the Baltimore County Zoning Regulations to permit a minimum front yard depth of 23 feet in lieu of the required 43.5 feet

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

To be determined at hearing

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

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

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

Contract Purchaser/Lessee:

HSC, LLC
Name - Type or Print By: Martin Pechter, Member

Signature _____ 561-982-
751 Park of Commerce Drive, 7770
Address Suite 128 Telephone No.
Boca Raton, Florida 33487
City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman

Name - Type or Print

Signature _____

Venable LLP

Company

210 Allegheny Avenue 410 494-6200

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

Legal Owner(s):

Harry and Jeanette Weinberg Foundation

Name - Type or Print Incorporated

Signature _____

By: BERNARD SIEGEL, PRES

Name - Type or Print

Signature _____

7 Park Center Court

Address

Telephone No.

Owings Mills, Maryland 21117-4200

City

State

Zip Code

Representative to be Contacted:

Robert A. Hoffman

Name

210 Allegheny Avenue 410 494-6200

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By JNP Date 4/27/05

ORDER RECEIVED FOR
6/20/05
REV 9/15/98

Description

To Accompany Variance Plan

Hillendale Shopping Center

Ninth Election District

Baltimore County, Maryland



Daft•McCune•Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

<http://www.dmw.com>

410 296 3333

Fax 410 296 4705

A Team of Land Planners,

Landscape Architects,

Golf Course Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Loch Raven Boulevard with the centerline of Taylor Avenue, (1) Southeasterly along the centerline of Taylor Avenue 225 feet, more or less, and thence leaving said Taylor Avenue, (2) Southwesterly 50 feet, more or less, to the point of beginning, thence binding along the southwesterly side of said Taylor Avenue, (3) South 62 degrees 32 minutes 00 seconds East 527.00 feet, thence leaving said Taylor Avenue and running for lines the five following courses and distances: (4) South 02 degrees 11 minutes 52 seconds West 400.77 feet, thence (5) South 80 degrees 56 minutes 00 seconds West 766.86 feet, thence (6) North 66 degrees 21 minutes 00 seconds West 117.08 feet, thence (7) North 28 degrees 40 minutes 00 seconds East 119.69 feet, thence (8) North 61 degrees 20 minutes 00 seconds West 179.70 feet to intersect the easterly side of the said Loch Raven Boulevard, thence binding thereon (9) North 28 degrees 40 minutes 00 seconds East 140.00 feet, thence continuing (10) North 28 degrees 40 minutes 00 seconds East 336.51 feet, thence leaving said Loch Raven Boulevard and running for lines the three following courses and distances: (11) South 62 degrees 32 minutes 00 seconds East 200.00 feet, thence (12) North 29 degrees 61 minutes 50 seconds East 76.92 feet, thence and thence (13) North 27

degrees 28 minutes 00 seconds East 150.00 feet to the point of beginning; containing 11.584 acres of land, more or less, as described by Daft-McCune-Walker, Inc., in

October 2004.

Being and comprising all of the land which, by deed dated March 31, 1989, and recorded among the Land Records of Baltimore County, Maryland, in Liber S.M. 8137, Folio 567, was conveyed by Honolulu Limited to the Henry and Jeanette Weinberg Foundation, Incorporated.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

November 19, 2004

Project No. 03050.A (L03050.A)



Anthony Witi

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: #05-375-A

6821-6899 Loch Raven Blvd.

S/east corner of Loch Raven Blvd., 250 feet s/of Taylor Avenue

9th Election District - 5th Councilmanic District

Legal Owner(s): Harry & Jeannette Weinberg Foundation,

Bernard Siegel, Pres.

Contract Purchaser: HSC, LLC, Martin Pechter, Member

Variance: to permit a minimum front yard depth of 23 feet in lieu of the required 43.5 feet.

Hearing: Wednesday, March 16, 2005 at 9:00 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/3/606 Mar. 1

41146

CERTIFICATE OF PUBLICATION

3/2/2005

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 3/1/2005.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 05-375-A

Petitioner/Developer: HSC, LLC MARTIN

PECHTER, HAROLD + JANETTE WEINBERG
FOUNDATION BERNARD SPIEGEL

Date of Hearing/Closing: MARCH 16, 2005

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:

6821-6899 LOCH RAVEN BLVD

The sign(s) were posted on MARCH 1, 2005
(Month, Day, Year)

Sincerely,

Robert Black 3/2/05
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

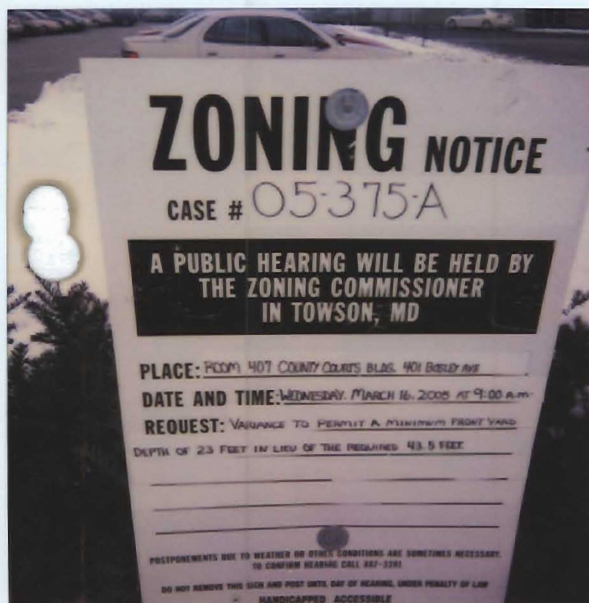
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 0429

DATE 10/11/05 ACCOUNT 001-006-6150
AMOUNT \$ 400.00

RECEIVED FROM: Donna Spicer

FOR: Appeal (Lock Raven Blvd)

OS-375-A

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	DATE	TIME	DRM
10/12/2005	10/11/2005	11:15:33	2
REG MS04	MARKIN	DATE	10/11/2005
RECEIPT # 333910		10/11/2005	DEFL
Dept 5 528 ZONING VERIFICATION			
CR NO. 000429			
Recpt Tot		\$400.00	
\$400.00 CK		\$0.00 CA	
Baltimore County, Maryland			

CASHIER'S VALIDATION

APPEAL SIGN POSTING REQUEST

CASE NO. 05-375-A

6821-6899 LOCH RAVEN BLVD.

9th ELECTION DISTRICT

APPEALED: 8/1/2005

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

*****COMPLETE AND RETURN BELOW INFORMATION*****

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

Attention: Kathleen Bianco
Administrator

CASE NO.: 05-375-A

LEGAL OWNER: Henry & Jeannette Weinberg Foundation
Petitioners - HSC, LLC

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

6821-6899 LOCH RAVEN BLVD.

The sign was posted on 11/30/, 2005

By: Jeff Radcliffe

(Signature of Sign Poster)

JEFF RADCLIFFE
(Print Name)



Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

February 1, 2005

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: 05-375-A

6821-6899 Loch Raven Blvd.

S/east corner of Loch Raven Blvd., 250 feet s/of Taylor Avenue

9th Election District – 5th Councilmanic District

Legal Owner: Harry & Jeannette Weinberg Foundation, Bernard Siegel, Pres.

Contract Purchaser: HSC, LLC, Martin Pechter, Member

Variance to permit a minimum front yard depth of 23 feet in lieu of the required 43.5 feet.

Hearing: Wednesday, March 16, 2005 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Robert Hoffman, Venable, 210 Allegheny Ave., Towson 21204
Bernard Siegel, 7 Park Center Center, Owings Mills 21117
Martin Pechter, 751 Park of Commerce Dr., Ste. 128, Boca Raton, Florida 33487

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



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room – Room 48

Old Courthouse, 400 Washington Avenue

November 9, 2005

NOTICE OF ASSIGNMENT /MOTION ONLY HEARING

CASE #: 05-375-A

IN THE MATTER OF: *Henry & Jeanette Weinberg Foundation -*
Legal Owner; HSC, LLC - Petitioner
6821-6899 Loch Raven Boulevard 9th E; 5th C

6/29/05 – D.Z.C.'s Order in which Petition for Variance was dismissed, the
Petition having been withdrawn by Petitioners.

**A two-hour Motion Only Hearing has been scheduled for the following date and time
for the purpose of receiving argument only on Petitioners' Motion to Dismiss Appeal;
and has been**

ASSIGNED FOR:

WEDNESDAY, DECEMBER 14, 2005 at 9:00 a.m.

NOTICE: **Assigned for argument on Motion to Dismiss only. No testimony or evidence
as to the merits of this appeal will be received at this Motion Only Hearing.**

Please refer to the Board's Rules of Practice & Procedure, Appendix B, *2003 Baltimore County Code*.

**IMPORTANT: No postponements will be granted without sufficient reasons and in
compliance with Board's Rules.**

**If you have a disability requiring special accommodations, please contact this office at least one week prior to
hearing date.**

Kathleen C. Bianco
Administrator

c: Appellant /Protestant
Counsel for Petitioners
Petitioners

: Donna Spicer
: Arnold Jablon, Esquire /David Karceski, Esquire
Bernard Siegel, President
Harry & Jeanette Weinberg Foundation
HSC, LLC by Martin Pechter, Member

Mitch Kellman

Dac Carney
Bob Aumiller
Bill Burkhouse

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM
Mike Field, Assistant County Attorney





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

December 14, 2005

NOTICE OF DELIBERATION /Petitioner's Motion to Dismiss

IN THE MATTER OF:

HSC, LLC – Petitioner; Henry & Jeanette Weinberg
Foundation – Legal Owners
Case No. 05-375-A

Having received argument on in the subject matter on 12/14/05, public deliberation on Petitioner's Motion to Dismiss has been scheduled for the following date /time:

DATE AND TIME : WEDNESDAY, DECEMBER 21, 2005 at 8:30 a.m.

PLEASE NOTE EARLY TIME FOR START OF DELIBERATION.

LOCATION : Hearing Room 48, Basement, Old Courthouse

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Kathleen C. Bianco
Administrator

c: Appellant /Protestant
Counsel for Petitioners
Petitioners

: Donna Spicer
: Arnold Jablon, Esquire /David Karceski, Esquire
Bernard Siegel, President
Harry & Jeanette Weinberg Foundation
HSC, LLC by Martin Pechter, Member

Mitch Kellman

Dac Carney
Bob Aumiller
Bill Burkhouse

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

FYI: 3-1-6



**Department of Permits
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*

March 8, 2005

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

Dear Mr. Hoffman:

RE: Case Number: 05-375-A, 6821-6899 Loch Raven Boulevard

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 27, 2005.

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 that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Harry and Jeanette Weinberg Foundation Bernard Siegel Owings Mills 21117-4200
HSC, LLC. Martin Pechter 751 Park of Commerce Drive, Ste. 128 Boca Raton Florida 33487

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



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 11 2005

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

SUBJECT: 6821-6899 Loch Raven Blvd. – Revised Comments

INFORMATION:

Item Number:

5-375

Petitioner: HSC, LLC.

Zoning: BL-CCC

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recently met with the applicant to review proposed architectural. Staff reviewed photographs the applicant provided of the proposed building, which illustrated the entrance located at the southwest corner to provide orientation toward Loch Raven Boulevard. Windows will be provided along Loch Raven Boulevard. Façade materials will consist of burnt-red brick with asphalt roof and gray trim materials. The building is well articulated.

The Office of Planning supports the petitioner's requests. The proposed architectural and building location will provide a positive upgrade for the Hillendale Shopping Center. The applicant has agreed to the following comments:

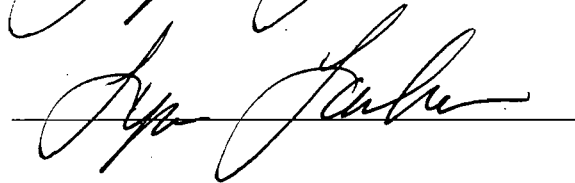
1. Submit a landscape plan to Avery Harden, Baltimore County Landscape Architect, that is in keeping with newly improved streetscape along Loch Raven Blvd. Additional vegetation shall be provided along the existing curb and gutter surrounding the building site to better define the site from the internal roadway network.
2. Pedestrian access to the main entrance from the adjacent sidewalk along Loch Raven Blvd. shall be provided.
3. Free-standing signage shall be limited to the existing signage in place.

For further information concerning the matters stated herein, please contact Kevin Gambrill with the Office of Planning at 410-887-3480.

Prepared by:

A handwritten signature in dark ink, appearing to read 'Kevin Gambrill', written over a horizontal line.

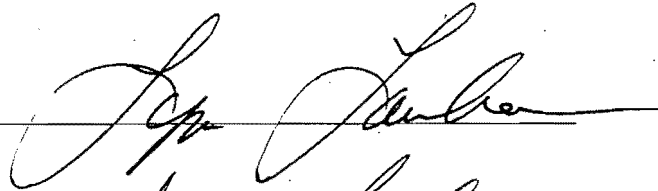
Division Chief:

A handwritten signature in dark ink, appearing to read 'Kevin Gambrill', written over a horizontal line.

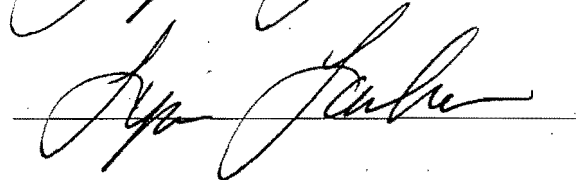
AFK/LL:MAC:

For further information concerning the matters stated herein, please contact Kevin Gambrill with the Office of Planning at 410-887-3480.

Prepared by:

A handwritten signature in cursive script, appearing to read 'Kevin Gambrill', written over a horizontal line.

Division Chief:

A handwritten signature in cursive script, appearing to read 'Kevin Gambrill', written over a horizontal line.

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 15, 2005

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

RECEIVED

FEB 16 2005

SUBJECT: 6821-6899 Loch Raven Blvd.

INFORMATION:

Item Number: 5-375

Petitioner: HSC, LLC.

Zoning: BL-CCC

Requested Action: Variance

ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's requests provided the following conditions are met:

1. Submit architectural drawings to this office for review and approval prior to the issuance of any building permits. Exterior building materials shall be of a high quality such as textured brick. The facades shall be consistent on all sides with regards to materials, form, and articulations. The primary entrance shall be oriented towards Loch Raven Blvd.
2. Submit a landscape plan to Avery Harden, Baltimore County Landscape Architect, that is in keeping with newly improved streetscape along Loch Raven Blvd. Additional vegetation shall be provided along the existing curb and gutter surrounding the building site to better define the site from the internal roadway network.
3. Pedestrian access to the main entrance from the adjacent sidewalk along Loch Raven Blvd. shall be provided.
4. Signage shall be limited to a ground monument style sign. Submit sign elevations to this office for review and approval.

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: John D. Oltman, Jr *JDO*

DATE: February 25, 2005

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of February 7, 2005

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

05-371

05-373

05-374

05-375

05-377

05-366

05-367

Reviewers: Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 23, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For February 14, 2005
Item Nos. 368, 369, 371, 372, 373,
374, 375, 376, 377 and 378

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

RWB:CEN:jrb

cc: File

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

February 8, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: February 7, 2005

Item No.: 368-378 375

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.

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

Lieutenant J. Mezick
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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



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



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

Maryland Department of Transportation

Date: 2.3.05

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

RE: Baltimore County
Item No. 375

JNP

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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

RE: PETITION FOR VARIANCE * BEFORE THE
6821-6899 Loch Raven Blvd; SE corner *
Loch Raven Blvd, 250' S Taylor Avenue * ZONING COMMISSIONER
9th Election & 5th Councilmanic Districts *
Legal Owner(s): Harry & Jeanette Weinberg * FOR
Foundation, Bernard Siegel, President *
Contract Purchaser(s): HSC, LLC, * BALTIMORE COUNTY
Martin Pechter, Member *
Petitioner(s) * 05-375-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 and all documentation filed in the case.

RECEIVED

Per CLB

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 7th day of February, 2005, a copy of the foregoing Entry of Appearance was mailed to, Robert A Hoffman, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**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*

October 19, 2005

Arnold Jablon, Esquire
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

Dear Mr. Jablon:

RE: Case: 05-375-A, 6821 – 6899 Loch Raven Boulevard

Please be advised that an appeal of the above-referenced case was filed in this office on August 1, 2005 from Donna Spicer. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Bernard Siegel, 7 Park Center Court, Owings Mills 21117
HSC, LLC, 751 Park of Commerce Drive, Ste. 128, Boca Raton FL 33487
Mitch Kellman, DMW, 200 E. Pennsylvania Avenue, Towson 21286
Dac Carney, P.O. Box 1266, Cary NC 27511
Bob Aumiller, 2328 W. Joppa Road, Lutherville 21093
Bill Burkhouse, 114 E. Lexington Street, Baltimore 21202
Donna Spicer, 8719 Eddington Road, Baltimore 21234

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



APPEAL

Petition for Variance
6821-6899 Loch Raven Boulevard
SE/corner of Loch Raven Blvd., 250' s/of c/line of Taylor Avenue
9th Election District – 5th Election District
Legal Owners: Henry & Jeannette Weinberg Foundation
Petitioners: HSC, LLC

Case No.: 05-375-A

- ✓ Petition for Variance (January 27, 2005)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (February 1, 2005)
- ✓ Certification of Publication (The Jeffersonian – March 1, 2005)
- ✓ Certificate of Posting (March 1, 2005) by SSG Robert Black
- ✓ Entry of Appearance by People's Counsel (February 7, 2005)
- ✓ Petitioner(s) Sign-In Sheet – One Sheet
- Protestant(s) Sign-In Sheet - None
- ✓ Citizen(s) Sign-In Sheet – Two Sheets
- ✓ Zoning Advisory Committee Comments

Petitioners' Exhibit

- ✓ 1. Plan to accompany petition for Variance
- ✓ 2A. Photograph
- ✓ 2B. Rear & Left Building Elevations Drawing
- ✓ 2C. Front & Right Building Elevations Drawing
- ✓ 3. Final Landscape Plan (Hillendale Shopping Center)

Protestants' Exhibits:

- ✓ 1. Site Plan

Miscellaneous (Not Marked as Exhibit)

- ✓ 1. Revised Site Plan Revision to meet Zoning Regulations
- ✓ 2. Letter dated March 23, 2005 from Donna Spicer to John Murphy
- ✓ 3. Letter dated March 31, 2005 from Arnold Jablon to John Murphy
- ✓ 4. Letter from John Murphy to Mr. Jablon & Ms. Spicer dated April 28, 2005

- ✓ Deputy Zoning Commissioner's Order (DISMISSED – June 29, 2005)
- ✓ Notice of Appeal received on August 1, 2005 from Donna Spicer, appeal fee paid October 11, 2005 upon discussion with PDM director

c: People's Counsel of Baltimore County, MS #2010
Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Arnold Jablon, 210 Allegheny Avenue, Towson 21204
Bernard Siegel, 7 Park Center Court, Owings Mills 21117
HSC, LLC, 751 Park of Commerce Drive, Ste. 128, Boca Raton FL 33487
Mitch Kellman, 200 E. Pennsylvania Avenue, Towson 21286
Dac Carney, P.O. Box 1266, Cary NC 27511
Bob Aumiller, 2328 W. Joppa Road, Lutherville 21093
Bill Burkhouse, 114 E. Lexington Street, Baltimore 21202
Donna Spicer, 8719 Eddington Rd., Baltimore 21234

date sent October 19, 2005, klm

RECEIVED
OCT 20 2005
BALTIMORE COUNTY
BOARD OF APPEALS

Case No. 05-375-A

In the Matter of: Henry & Jeanette Weinberg Foundation –Legal
Owners; HSC, LLC - Petitioner
6821-6899 Loch Raven Boulevard

VAR – To permit front yard depth of 23' ilo req'd 43.5' for stand-alone bank building, generated by location of entrance door to the side of the bank building facing Loch Raven Boulevard (two entrance doors proposed).

6/29/05 – D.Z.C.'s Order dismissing Petition for Variance, which was withdrawn by Petitioner prior to conclusion of hearing.

11/07/05 – Motion to Dismiss Appeal filed by Arnold Jablon and David Karceski, counsel for Petitioners.

11/09/05 - Notice of Assignment /Motion Only Hearing sent this date; scheduled for argument only on Petitioners' Motion to Dismiss Appeal; assigned for Wednesday, December 14, 2005 at 9:00 a.m. FYI copy to 3-1-6 after allowance for filing by Appellant in response to this Motion.

11/18/05 – Memorandum of People's Counsel in Opposition to Motion to Dismiss filed by P. Zimmerman this date. Copies of Motion and Response to be provided to panel on 11/23/05 (allowing for timeframe for response from Ms. Spicer).

11/23/05 – Opposition to Motion to Dismiss Appeal filed by Donna Spicer, Appellant.

11/25/05 – Copies of Motion, Memorandum of People's Counsel in Opposition to same, and Appellant's Opposition to Motion to Dismiss Appeal provided to panel scheduled for 12/14/05.

12/14/05 – Board convened for hearing (Wescott, M Mohler, Quinn); concluded argument on Petitioner's Motion to Dismiss; deliberation assigned for Wednesday, December 21, 2005 at 8:30 a.m. Copy of notice provided to 3-1-6. ORDER TO BE ISSUED PRIOR TO END OF FEBRUARY.

12/21/05 – Board convened for deliberation on Motion to Dismiss. Unanimous decision – motion to dismiss is GRANTED; Petition for Variance DISMISSED WITH PREJUDICE. (3) TO BE ISSUED BEFORE END OF FEBRUARY DUE TO QUINN'S DEPARTURE.

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

April 28, 2005

Arnold Jablon, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204

Ms. Donna Spicer
8719 Eddington Road
Baltimore, Maryland 21234

Re: Petition for Variance
Case No. 05-375-A
Property: 6821-6899 Loch Raven Boulevard

Dear Mr. Jablon & Ms. Spicer:

Please find enclosed herewith the new shopping center security regulations, which mandate security cameras on certain portions of shopping center parking lots. This regulation took effect April 4, 2005. This new regulation may or may not affect the revised site plan that the Petitioner is presently drafting.

I thought that you would be interested in this legislation.

Very truly yours,

A handwritten signature in black ink, appearing to read "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure



COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2005, Legislative Day No. 4

Bill No. 21-05

Councilmembers Kamenetz, McIntire, Oliver & Gardina

By the County Council, February 22, 2005

A BILL
ENTITLED

AN ACT concerning

Shopping Centers - Security

FOR the purpose of requiring ~~all~~ certain parts of parking areas in shopping centers to be equipped with certain surveillance devices; defining terms; specifying the location of surveillance devices and the type of surveillance to be provided; requiring the maintenance of surveillance video for a prescribed time period and the delivery to the Police Department upon request; ~~requiring~~ authorizing the posting of certain signs; providing penalties; authorizing certain forms of financial assistance to cover the cost of acquiring and installing certain types of surveillance devices in shopping center parking areas; providing a time limit for compliance; requiring the Police Department to conduct certain studies and make recommendations to the County Council; and generally relating to surveillance devices in shopping centers.

BY adding

Sections 17-4-101 to ~~17-4-104~~ 17-4-105
Article 17 - Miscellaneous Provisions and Offenses
Title 4. Surveillance Devices

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

ARNOLD JABLON
(410) 494-6298

aejablon@venable.com

31 March 2005

Hon. John Murphy
Deputy Zoning Commissioner
Baltimore County
401 Bosley Ave.
Towson, Maryland 21204

RECEIVED
MAR 31 2005
ZONING COMMISSIONER

Re: Case No. 5-375-A
In Re: Hillendale Shopping Center
6821-6899 Loch Raven Blvd

Dear Mr. Murphy:

We are in receipt of Ms. Spicer's memo to you, dated 23 March 2005. I am requesting the opportunity to have an "as is" site plan prepared that I believe will address many of Ms. Spicer's concerns. While it is not our intention to address each and every issue raised, I recognize that many are directly related to the existing layout of the center. Therefore, we have requested DMW, the engineers who prepared the variance plan, to prepare a plan that will reflect the entire center.

Thank you for your consideration.

Sincerely,



Arnold Jablon
AEJ/aj

c: Ms Donna Spicer
Executive Director
Loch Raven Community Council

July 28, 2005

Request for Appeal
for Case # 05-375-A

DONNA SPICER
8719 Eddington Rd
Baltimore, MD 21234
Phone 410-665-4322
Fax 410-668-2569

Rec'd

8/1/05

Klm

Kristen:
Phase process this
Appeal. Fee is waived.

T=

Where's the DRC letter

Request for Appeal of
Decision to Dismiss request for variances
Case # 05-375-A

Property located 6821-6899 Loch Raven Blvd.

Hearing was held 3-16-2005,
cases were presented as to the positions of
each party.

Case was continued to allow Petitioner to
review protestants' exhibit and written
positions with citing of code that was
hand delivered 3-23-2005.

Mr. Jablon requested, in letter dated 3-31-2005,
opportunity to have an "as is" site plan prepared
for the petitioner to address protestants concerns.

Petitioner submitted a revised plan dated
5-5-2005 and case was set for
hearing on 6-29-2005.

On June 29, 2005 hearing was opened
and petitioner withdrew request for variances.
No notification that withdrawal was to
be requested was given to either the

commissioned on to the protestants.

Facts pertaining to the case were presented at hearing on 3-16-2005 and in writing on 3-23-2005, at the request of the Deputy Zoning Commissioner. The hearing was to address the plan submitted.

No decision has been given on the submitted plan for hearing held 3-16-2005

No decision has been given concerning facts and presented deficits of the plan submitted for the 3-16-2005 hearing.

No decision has been given concerning the revised plan submitted dated 5-5-2005

No decision has been given that either plan meets code and the need of variance/variances has not been addressed.

The petitioner / or agents of the petitioner requested a Limited Exemption approval from the Development Review Committee on 5-23-2005. giving misinformation that no hearing was required under DRC # 110804G request.

Petitioner received a limited exemption
in letter dated 5-27-2005

This appeal is also to clarify -

was the limited exemption received because
of the misinformation given and
was it proper to request that
exemption while in process of hearing
on the need of variances.

This appeal is also to clarify the
validity of any and all approvals
or permits that may have been received
since the first day of hearing that
was held 3-16-2005 to this date
7-28-2005 and until this appeal
is heard and decided.

This appeal is to clarify the variances
needed to comply with Section 38 of
Baltimore County Code and any other Section of
that code, and Sections 232.1, 303.2, 409
and any other Sections of Baltimore County
Zoning Regulations.

Douna Spicer

Deputy Zoning Commissioner John Murphy
County Courts Building
401 Bosley Ave.
Towson, MD 21204

RECEIVED

MAR 23 2005

Hand Delivered 3-23-2005

Case # 5-375-A

6821-6899 Loch Raven Blvd.

ZONING COMMISSIONER

Dear Deputy Commissioner Murphy,

The following is per your request made during the hearing held Wednesday 3-16-2005, agreed to by Mr. Karceski and Mr. Jablon.

The reason for this hearing was to request a variance to permit a minimum front yard depth of 23 feet in lieu of the required 43.5 feet. (As required by BCZR Section 232.1 except as specified in Section 303.2)

Mr. Karceski argued: The façade of the proposed Bank facing Loch Raven Blvd. is the side of the structure (Section 232.2B no side yard set back is required) and therefore no variance is required.

It is acknowledged that it is the desire of the developers to place commercial buildings facing and located on roadway frontage for visual marketing purposes. Depending on the site and use, multiple entrances may be constructed. This proposal shows a Bank with a foyer like projection with two entrances, one facing south and one facing Loch Raven Blvd.

Emphasis Added

Office of Planning Comments dated 2-15-2005 conditions to be met:

#1the **primary entrance shall be oriented towards Loch Raven Blvd.**

#3 Pedestrian access to the main entrance from.. **Loch Raven Blvd.** shall be provided

Office of planning revised comments dated 3-11-2005, first paragraph under Summary of Recommendations:**Planning recently met with applicant to review proposed architectural.reviewed photographs the applicant provided ----- which illustrated the entrance located at the southwest corner to provide orientation toward Loch Raven Blvd.**

#2 Pedestrian access to the main entrance from -----**Loch Raven Blvd.**

This leads me to believe that the applicant must have led the staff of the Office of Planning to believe the front of the Bank faces Loch Raven Blvd. I did not hear any argument that the Office of Planning staff was mistaken in their belief that the front of the Bank faces Loch Raven Blvd. The argument of, the **façade facing Loch Raven Blvd. is the side of the Bank should not be accepted. A variance is required and should be denied.**

Section 232.1

Requires front set backs except as specified in Section 303.2 (which allows averaging) **but you must review Section 232 in entirety.**

Section 232

Minimum requirements, **except as provided in Article 3, shall be as follows: (Article 3 does not exempt Section 232.4 Parking Area and Loading Space. In accordance with the provisions of Section 409.)** Section 232 requires that if setbacks are averaged and variance is allowed the requirements of section 409 have to be met unless variance is also allowed.

I agree with testimony by the engineer "It is not good planning to take up parking needed for existing use" I am baffled by but not surprised that the Bureau of Development Plans Review had no comment on this case. **Lack of comment and lack of recognition of variances should not void the necessity of addressing this not requested but needed variance.**

There is no expectation that the owner or management of this property intends to address the total disregard of safety of pedestrians and vehicular traffic that now exists on this site. **This site does not meet the requirements of Section 409 for existing use.** To allow an additional use and in particular this proposal will only exacerbate the danger existing toward the health, safety and welfare of any person entering or enticed to enter this property.

409.1.A

Is not being met and cannot be met without a variance approval. Parking spaces and loading areas are not sufficiently addressed on the plan for this proposal.

409.3 and 409.5B

Disallowed undersize spaces are included in stated parking provided.

409.4

Driveways and aisles are not designated on the plan. Disallowed direct access to parking from driveways is shown.

409.6.A.2

Shopping center (100,000 sq. ft. or more **gross leasable area**) 5 parking spaces per 1,000 sq. ft. of gross leasable area. This center was designed for basement areas to be used as leasable space. Basement areas have and could be used for retail space. Basement areas have been, could be and are used for storage. This square footage is not shown on the plan or calculated for parking requirements.

409.8.A.1

Landscaping is not maintained; years of growth have encroached into parking spaces. Planting beds are mulched pathways to keep the mud passable for pedestrians. Little hope

is given for new landscaping to be maintained. If this proposal is allowed, maintenance of plantings should be a condition.

409.8.A.2

Existing surface is crumbling, pot holed and uneven. Repaving only the aisles and other patchwork has resulted in height differences that are tripping hazards and cause pooling of water. Stepping out of your care into pools of water or frozen ponds of ice is a very undesirable condition and unsafe. If this proposal is allowed, repaving of the entire parking lot should be required as a condition of approval.

409.8.A.3

Curbing or landscaping does not protect lighting nor is it proposed. Light bases inhibit space requirements and pose the danger of damage to vehicles if drivers are not alert to placement when entering spaces or opening doors. Unfortunately, the code does not address poorly lit unsafe lighting. If this proposal is approved, a condition to illuminate all parking areas should be required and meet approval of Planning.

409.8.A.6

All possible **existing spaces are not striped** and historically stripping has not been maintained. Approval of this plan should condition that full and total maintenance be required.

409.9

Handicap spaces are not available throughout this site and are not coordinated with ramp placements. Pedestrians are forced to navigate through unmarked driveways and walk excessive distances through traffic. Approval of this plan should condition that marked, safe and properly placed crosswalks must be provided.

Testimony was given that the bank drive through hours would be competitive to competition. A 24-hour ATM located in the first service lane will increase the possibility of excess stacking. Drive through hours should be expected to be extended well into the evening and possibly 7 days a week to be competitive.

409.10.A

Required Bank drive through stacking is 5 for the first station, plus 2 for each additional station. This plan shows 3 for each of the 3 stations. It cannot, nor should it be expected that all lanes would always be open.

409.10.B

It can be expected that on the Bank site as proposed, on evenings and weekend operating hours, the drive through will cause stacking to interfere with access to parking and block travelways if all service lanes are not operating and the 3 stacking spaces per station are accepted as meeting requirements. Testimony stated pedestrian access between uses is encouraged. The proposed location of the drive through pose safety concerns if pedestrians are expected to cross through stacking lanes. Approval of this plan should

condition that pedestrian crossing should be marked and when stacking lane traffic begins to impede parking or travel, all stations are required to be open.

409.11

Loading areas are not shown on the plans. Existing loading areas in the rear would be impaired if lots are striped as proposed. Front loading of use located near south entrance now impedes normal circulation and entry to the center. The Bank is served by armored vehicles (considered loading) this loading area is not shown. If this proposal is allowed, all loading areas should be designated and shown as a condition of approval.

Site visits made on one or two days during weekdays during work hours are not sufficient to experience the true parking need of uses, pedestrian and vehicle volume or circulation patterns. The daily work schedule of the vast majority of the customer base of this center requires shopping to focus on 5 PM to 9 PM weekdays and on weekends. The safety of customers is questionable on this site under existing conditions. If this proposal is allowed circulation of traffic and designated pathways should be a condition of approval.

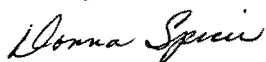
Assuming the design of the existing center was due to the shape of the property is just that! An assumption! Knowledge of history of this site gives factual insight that (unfortunately just like many other older commercial centers) **this site is not unique.** The lack of maintenance, renovation and rehab of existing space and parking lot has led to the restraint of meeting the highest use of this property for todays market. Adding more square footage and another use is not the answer to the problems that exists on this site.

Decisions made for economic reasons, choosing to enter into limiting contracts, poor management decisions and faulty reasoning may have led to difficulty and hardship. Nevertheless, **any and all hardship on this site is self-imposed.**

Section 307.1

There are no special circumstances or conditions peculiar to the land or structure and **variance relief would not meet the intent of regulations and would only cause harm to the existing businesses, customers and surrounding community.** The detriments far outweigh any possible benefit of this proposal. **The request for variance and this proposal should be denied.**

Sincerely



Donna Spicer
Executive Director
Loch Raven Community Council

cc. Mr. Karceski and Mr. Jablon
With enclosure – Copy of citizens exhibit.

400

6821-6899 Lock Kennel Blvd.

CITIZEN'S SIGN-IN SHEET

[illegible]

PLEASE PRINT CLEARLY

CASE NAME 5-375-A
CASE NUMBER 6821-6899 LR Blvd.
DATE 3-16-05

CITIZEN'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

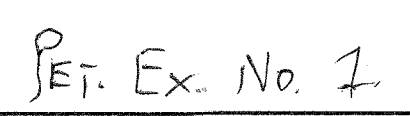
E-MAIL

DONNA SPICER

8719 Eddington Rd.

Beth. MD. 21234

FAX 410-668-0569



	Property line
	Right of Way Line
	Existing contours
	Edge of bit. asphalt pavement
	Edge of gravel driveway
	Existing fence line
	Existing tree line
	Ex. overhead electric line
	Soils line
	Zoning line
	Ex. water line
	Ex. sewer line
	Ex. storm drain
	Ex. gas line
	Ex. fire hydrant
	Ex. utility pole
	Ex. light pole



SCALE: 1"=2000'

1. Current owner and street address: Harry & Jeanette Weinberg Foundation Incorporated
7 Park Center Court
Owings Mills, MD 21117-4200
2. Contract lessee/applicant: Dac Carney
Tri-star Management
P.O. Box 1266
Cary, NC - 27511
(919) 469-2055
3. Site area: 11.58 acres = 504,425 sq. ft.
4. Existing use: Shopping center
5. Site address: 6821-6899 Loch Raven Boulevard
Baltimore, MD 21286
6. Site data: Tax map 70, Grid 22, Parcel 1042
Deed reference: S.M. 81371567
Tax account number: 0000550680
Councilmanic District: 05
Election District: 09
Zoned: BL-CCC
7. There are no existing well or septic systems located on this property.
The site is served by public water and sewer.
8. Zoning information is taken from 2004 Baltimore County Office of Planning
GIS Zoning Map. (N.E. 8-5 2000)
9. Proposed development: 3200 s.f.* bank and drive-thru. Bank is 40'w x 80'f x 40'f +
10. The purpose of the DRC submittals is to apply for a limited exemption under section
32-4-106(a)(1)(vi) of the Baltimore County Development Regulations.
11. All proposed signs will comply with section 450 of the B.C.Z.R.
12. This site is not located within a 100 year flood plain or the Chesapeake
Bay Critical Area as per the National Flood Insurance Program,
flood insurance rate map community panel number 240010-0265-B revised
March 2, 1981.
13. This site is not located within a historic district and does not contain any
historic structures.
14. Floor Area Ratio - Maximum allowed - 4.0
Provided - 0.226 (113,750 s.f./504,425 s.f.)
15. Amenity Open Space Ratio - Minimum Required 0.20
Provided - 0.39 (44,560 s.f./113,750 s.f.)
16. Based upon the records in the Zoning Review office, there have been
no permits for new buildings or building additions within the last 5 years.
17. All existing buildings are max 1.5 stories and do not exceed 40 feet in height
18. All parking spaces will be minimum of 8.5'x18' and all stacking spaces will be
a minimum of 20' in length.
19. This site is not located in traffic, water, or sewer deficient areas as identified
on the basic service maps.
20. All parking on site is existing and paved.



SCALE: 1"=30'

DATA SOURCES:

1. Topography from Baltimore County Office of Information Technology - GIS Division.
2. Boundary is from deed: S.M. 8137/567.
3. Architecture from a plan prepared by Mills, Clagett & Wening, Chartered, dated March 19, 2003.
4. Existing utilities shown on this plan are from a "Plan" prepared by KIDDE Consultants, Inc., dated June 24, 1988.

Datt-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

*A Team of Land Planners,
Landscape Architects,
Golf Course Architects,
Engineers, Surveyors &
Environmental Professionals*

Plan to Accompany Petition For
Zoning Variance and/or Special Hearing

6821-6899 Loch Raven Boulevard

5th Councilmanic District
9th Election District Baltimore County, Maryland



DATE	BY	REVISIONS
PETITIONER'S EXHIBIT NO. 1		
ISSUE DATES		BASE: <u>M55</u>
REVIEW: <u>11-19-04</u>		DRAWN: <u>MDM</u>
ID: <u> </u>		DESIGNED: <u> </u>
PERMIT: <u> </u>		CHECKED BY: <u>ES</u>
CONSTRUCTION: <u> </u>		DATE CHECKED: <u>11-05-05</u>
SCALE: <u>1"=50'</u>		DRAWING: <u>1 of 1</u>
SUBJECT NO.: <u>03050.A</u>		

Total Retail Area = 101,300 s.f.
Total Restaurant Area = 9,250 s.f.
Proposed Bank Area = 3,200 s.f.

Total Area = 113,750 s.f.
Total Required Spaces = 113,750 s.f. @ 5 spaces/1000 s.f. = 569 spaces

Total Existing Parking Spaces = 633 spaces
Parking Spaces To Be Removed = 60 spaces

Total Proposed Parking Spaces = 573 spaces

448 - Re-classification from Zone A. to Zone E. Petition was granted by the County Zoning Commissioner on April 14, 1947.

1482 - Re-classification from Zone A. to Zone E. Petition was denied by the County Zoning Commissioner on August 2, 1949.

2066 - Re-classification from Zone A. to Zone E. Petition was denied by the County Zoning Commissioner on December 21, 1951. Also denied by Board of Zoning Appeals on April 28, 1953.

3301 - Re-classification from Zone A. to Zone E. Petition was withdrawn by the petitioner on December 13, 1954.

2-229-RX - Re-classification from CCCO to CSA and special exception for car wash. Petition was granted by the Zoning Commissioner on December 30, 1970.

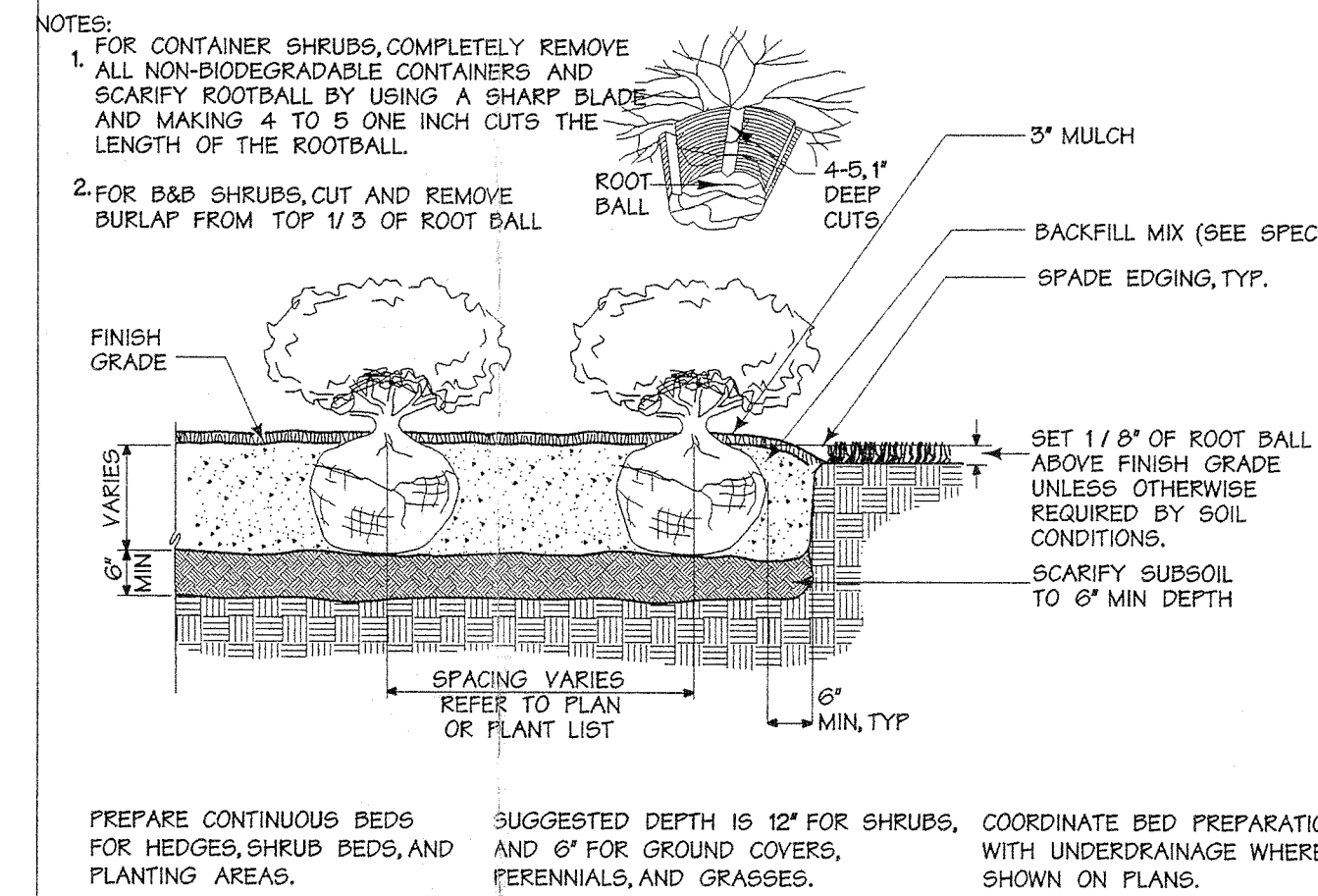
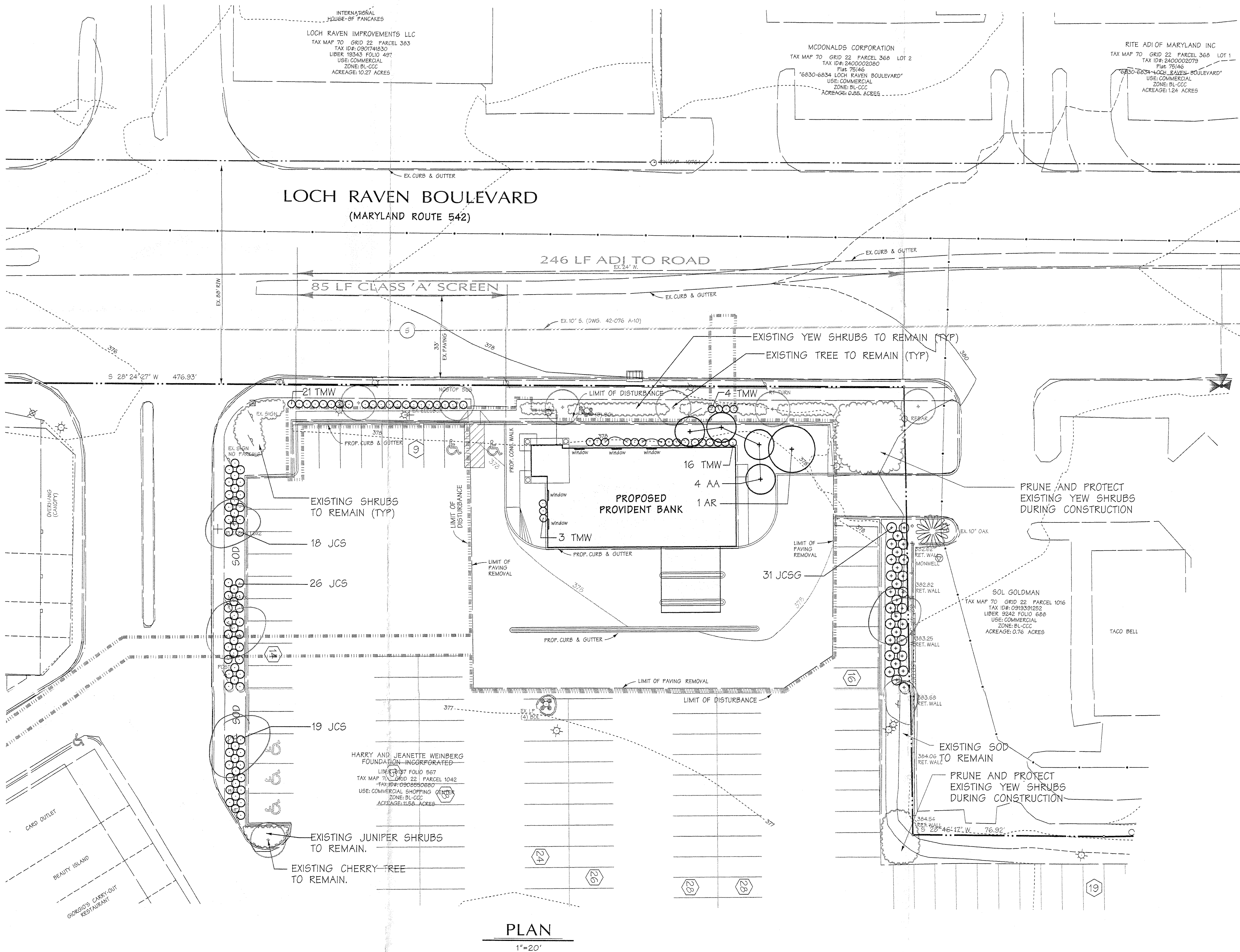
86-86-X - Special exception for a community building. Petition was denied by the Zoning Commissioner on October 5, 1987.

93-SPHX - Special hearing to approve an amendment to 70-229-RX and special exception for a combination food store under 5000 square feet and service station. The petition was denied by the Zoning Commissioner.

Variance to permit a front setback of 23' in-lieu of the minimum 43:5' front average setback.

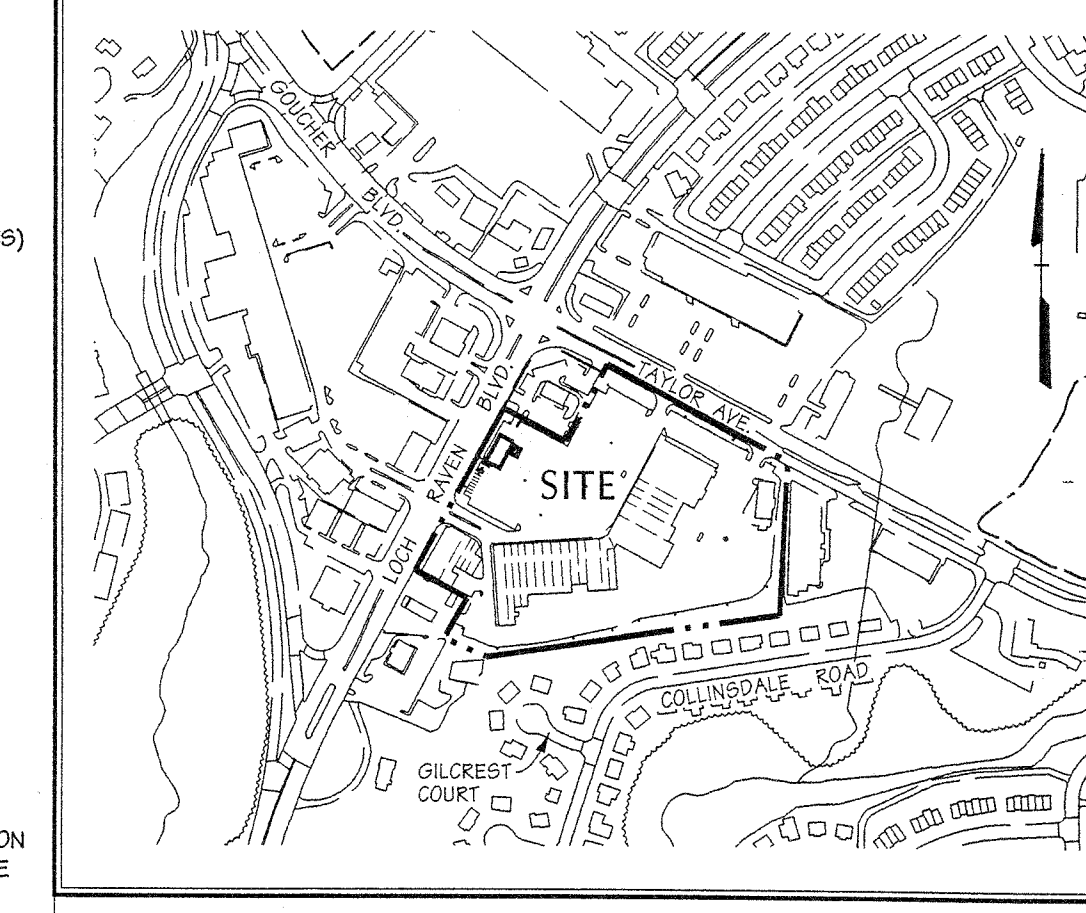
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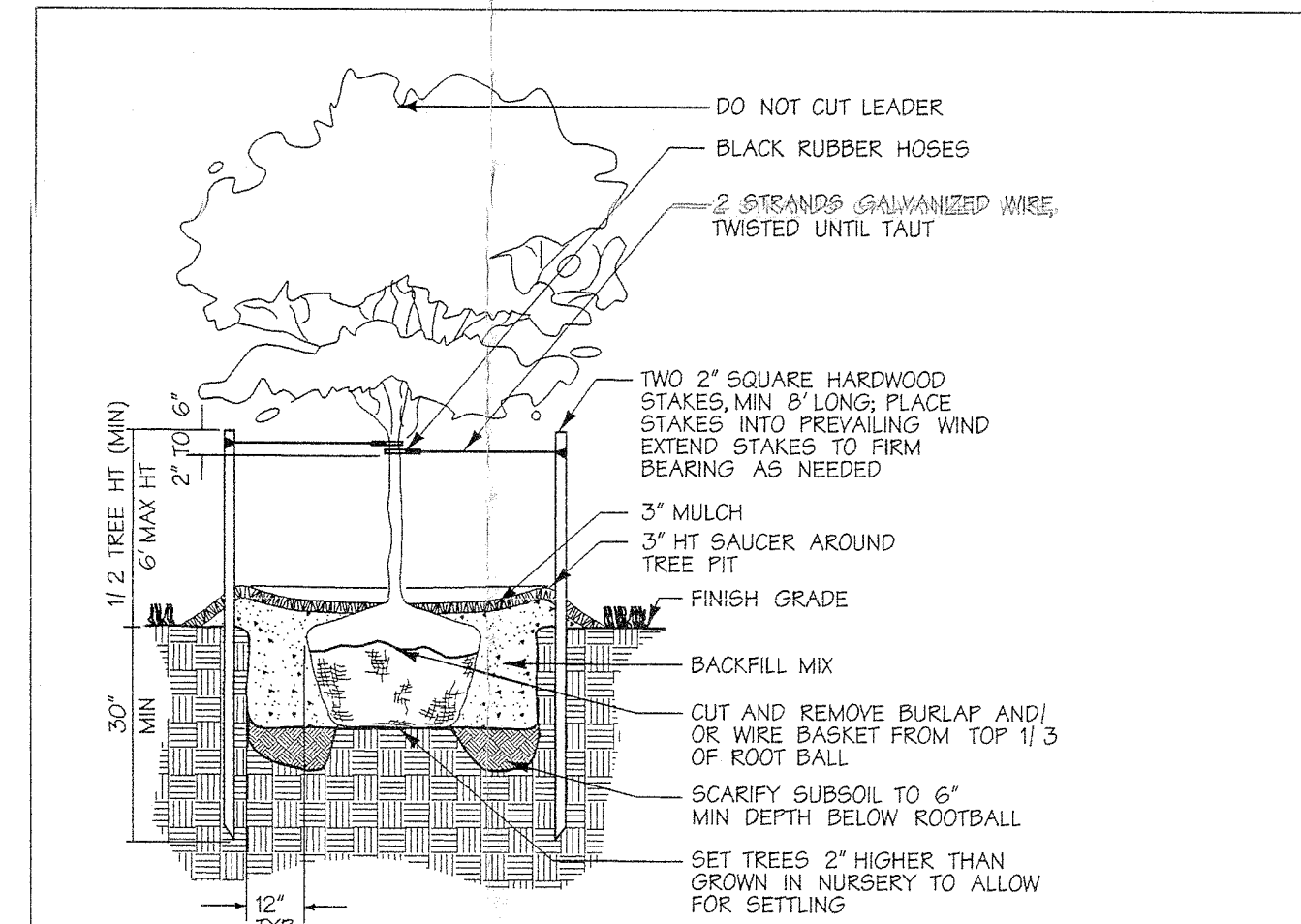
SHRUB BED PLANTING

N.T.S.



VICINITY MAP

SCALE: 1"=500'



DECIDUOUS TREE PLANTING
LESS THAN 3" CALIPER

N.T.S.

LEGEND

- 676 --- Existing Minor Contour
- 670 --- Existing Major Contour
- --- Existing Edge of Road
- --- Soil Line
- --- Existing Storm Drain and Inlet
- --- Existing Water and Fire Hydrant
- --- Existing Sewer
- --- Zoning Line
- --- Existing Tree Line
- --- Tract Boundary
- --- Utility Easement Line
- --- Existing Building
- --- Proposed Building
- --- Proposed Grades
- --- Proposed Sewer
- --- Proposed Water and Fire Hydrant
- --- Proposed Storm Drain and Inlets
- --- Proposed Curb & Gutter
- --- Limit of Disturbance
- --- Limit of Field Run Topography
- --- Existing Tree
- --- Existing Shrubs
- --- Proposed Major Tree
- --- Proposed Minor Tree
- --- Proposed Shrubs

DATA SOURCES:

Topography is from a field run survey by DMW, Inc. dated February 4, 2005 and from Baltimore County GIS information.

MINIMUM LANDSCAPE MAINTENANCE REQUIREMENTS

- Lawn areas shall be mowed to a height of two to three inches and not allowed to reach a height of four inches before mowing.
- All curbs and walks shall be edged as needed.
- All lawn areas adjacent to building faces or structures shall be trimmed.
- A slow release nitrogen balanced fertilizer with a 2-1-1 ratio shall be applied at a rate of two pounds of nitrogen per 1,000 square feet in September, October, and February.
- Lime shall be applied at the rate determined by a soils report.
- It is recommended that lawn areas be treated in mid-March to early April with pre-emergent herbicide (Betasan) or equal applied at the manufacturer's recommended rate.
- A post-emergent herbicide (Trimec) or equal is recommended to be sprayed on lawn areas in the late spring or the early fall. Follow manufacturer's rates and recommendations.
- Insecticides and fungicides are recommended for insect and disease control.
- Reseed bare areas of lawn as necessary. Yearly aeration is recommended.
- All trash, litter, and debris shall be removed from lawn areas, parking lots, and shrub beds as needed.
- Mulch all shrub and groundcover beds yearly with three inches of shredded hardwood bark.
- Permit shrubs and trees to grow and enlarge to their design size. Consult project landscape architect for details.
- Prune trees in accordance with Landscape Specification Guidelines for Baltimore-Washington Metropolitan Areas.

PLANT LIST

Quantity	Code	Genus/Species	Common Name	Size	Condition	Remarks
TREES						
1	AR	Acer rubrum 'Red Sunset'	Red Sunset Red Maple	2-2 1/2" Cal. B & B	Full	
4	AA	Amelanchier hy. 'Autumn Brilliance'	Autumn Brilliance Serviceberry	8" Height B & B	Heavy/Min 3 Trunks	
SHRUBS						
63	JCSG	Juniperus chinensis 'Sargentii'	Sargent's Juniper	#3 Cont.	40 O.C.	
31	JCSG	Juniperus chinensis 'Sea Green'	Sea Green Juniper	#3 Cont.	45" O.C.	
44	TMW	Taxus media 'Wardii'	Ward's Yew	24 in.	B & B	Heavy/Uniform Branching

LIGHTING NOTES

- EXISTING STREET LIGHTS TO REMAIN.
- BANK LIGHTING TO BE MOUNTED ON BUILDING.

BALTIMORE COUNTY
MINIMUM LANDSCAPE REQUIREMENTS

LANDSCAPING TABULATION		
ADJACENT ROAD @ 140 PER LF.	246 LF.	6.2 P.U.'S
PARKING SPACES @ 1:12	16 SPACES	1.3 P.U.'S
SCREEN PARKING @ 1:15 PER LF	85 LF.	4.3 P.U.'S
TOTAL		11.8 P.U.'S
LANDSCAPING PROVIDED		
OVERSTORY TREES	1	1 P.U.'S
ORNAMENTAL TREES	4	2 P.U.'S
SHRUBS	138	27.6 P.U.'S
TOTAL		30.6 P.U.'S

FINAL LANDSCAPE PLAN
OWNER CERTIFICATION FORM

I certify that I have reviewed this Final Landscape Plan, that I am aware of the regulations presented in the Baltimore County Landscape Manual, and I agree to comply with these regulations and all applicable policy guidelines and ordinances. I agree to certify the implementation of this approved Final Landscape Plan upon completion of the landscape installation prior to FWA closure. If applicable or not later than one (1) year from the date of approval of this plan to the Department of Permits and Development Management, Development Plans Review Room, 207, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204.

Applicant's Signature _____ Date _____ Print Name _____

Address (Print) _____ Street _____

City _____ State _____ Zip _____

FDM # _____ Permits # _____

FINAL LANDSCAPE PLAN
LANDSCAPE ARCHITECT CERTIFICATION FORM

It is certified that this landscape plan is in compliance with all plans previously approved by Baltimore County and the Baltimore County comments attendant thereto.

Signature _____ Date 3-14-05

STATE OF MARYLAND
DAVID E. LOOSE
LANDSCAPE ARCHITECT

DMW
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3033
Fax 296-4705

A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals

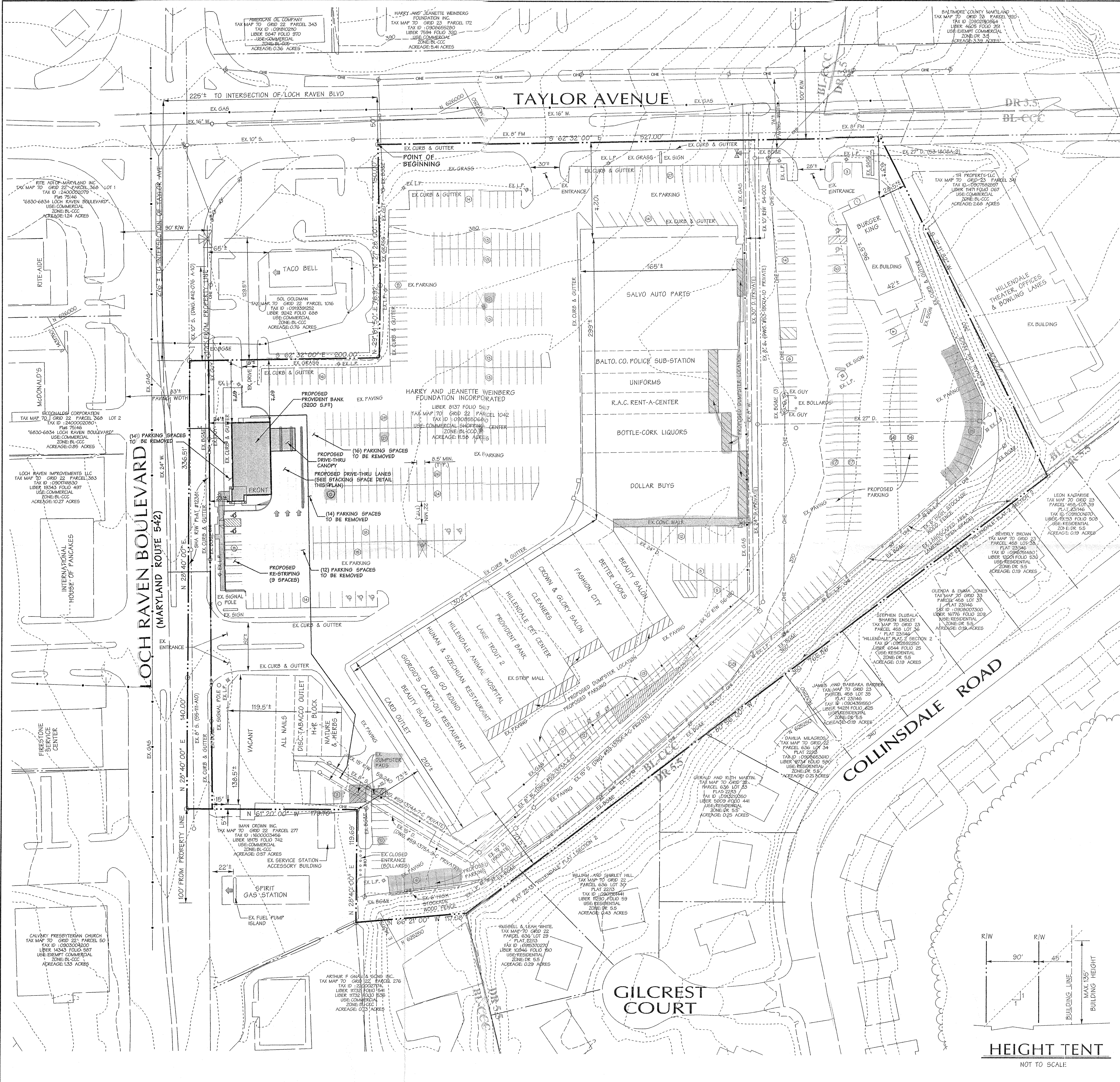
Final Landscape Plan
HILLENDALE SHOPPING CENTER
6821-6899 Loch Raven Boulevard
9th Election District 5th Councilmanic District
Baltimore County, Maryland

ISSUE DATES
REVIEW: _____
BID: _____
PERMIT: _____
CONSTRUCTION: _____
BASE: MSS
DRAWN: MSS
DESIGNED: MAT
CHECKED BY: _____
DATE CHECKED: _____
SCALE: 1"=20'
PROJECT NO.: 030508
DRAWING: _____

DATE BY REVISIONS

1 of 1

FINAL APPROVAL OF
SCHEMATIC LANDSCAPE
PLAN.
E. AVERY HARDEN,
COUNTY L.A.
3-16-05

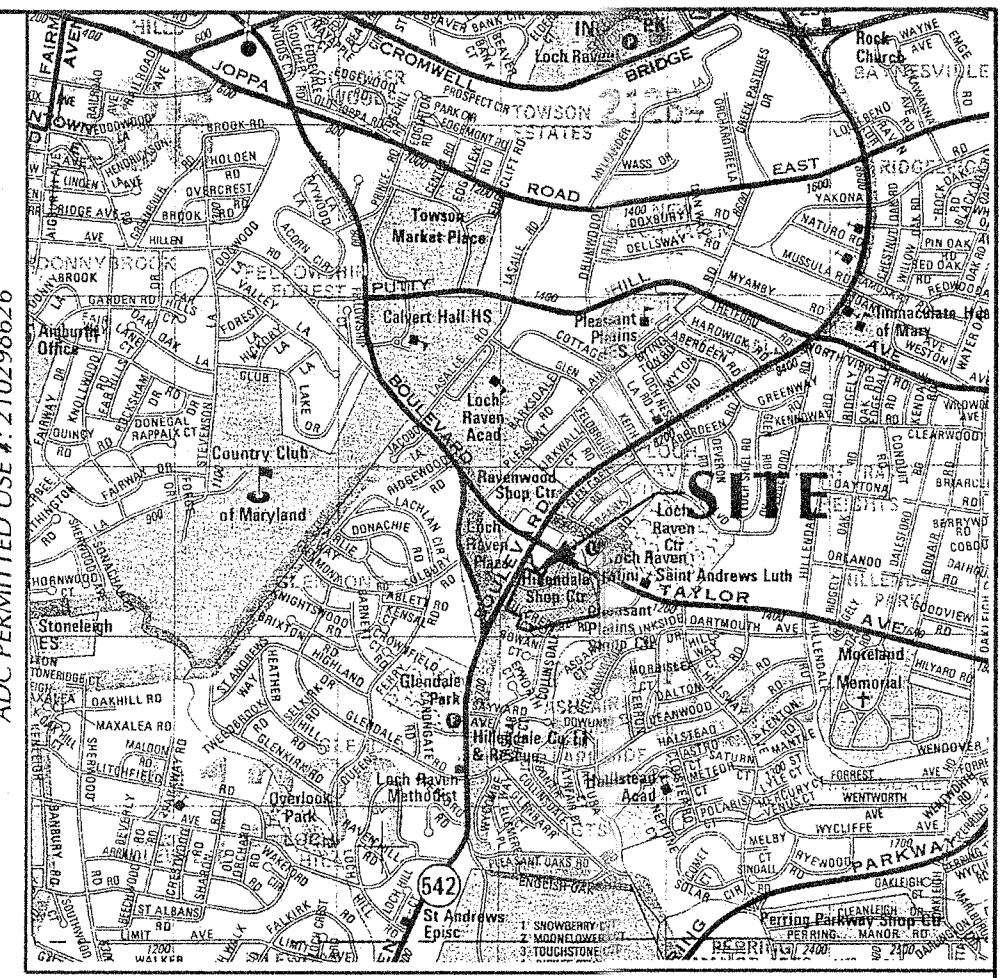


LEGEND

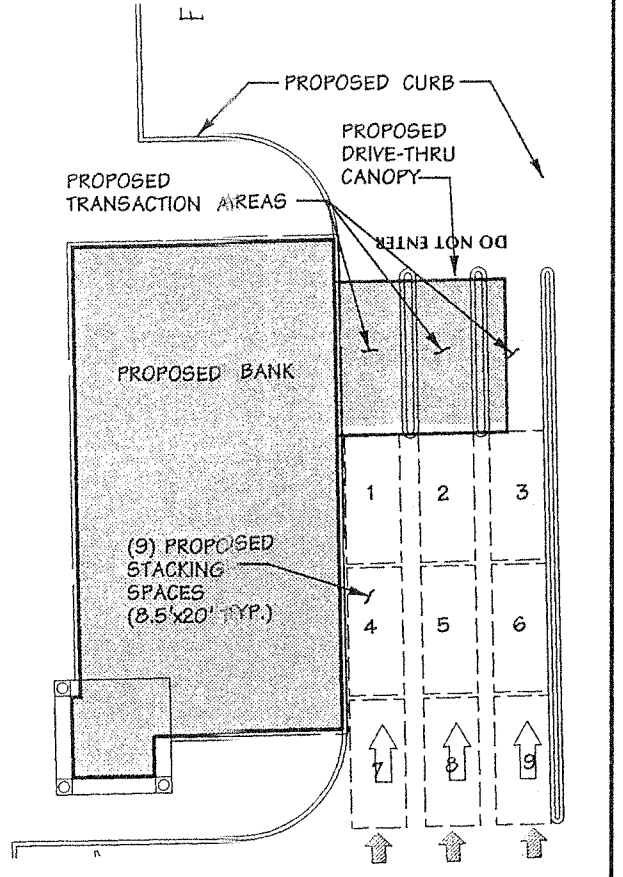
- Property line
- Right of Way Line
- Existing contours
- Edge of bit. asphalt pavement
- Edge of gravel driveway
- Existing fence line
- Existing tree line
- Ex. overhead electric line
- Soils line
- Zoning line
- Ex. water line
- Ex. sewer line
- Ex. storm drain
- Ex. gas line
- Ex. fire hydrant
- Ex. utility pole
- Ex. light pole

GENERAL NOTES

- Current owner and street address: Harry & Jeanette Weinberg Foundation Incorporated, 7 Park Center Court, Owings Mills, MD 21117-4200
- Contract licensee/applicant: Dac Carney, Tri-star Management, P.O. Box 1266, Cary, NC 27511, (919) 465-2055
- Site area: 11.58 acres = 504,425 sq. ft.
- Existing use: Shopping center
- Site address: 6821-6899 Loch Raven Boulevard, Baltimore, MD 21286
- Site data: Tax map 70, Grid 22, Parcel 1042, Dead reference: S.M. 81371567, Tax account number: 0308550680, Councilmanic District: 05, Election District: 03, Zoned: BL-COC
- There are no existing well or septic systems located on this property. The site is served by public water and sewer.
- Zoning information is taken from 2004 Baltimore County Office of Planning GIS Zoning Map (N.E. 8-8-2000)
- Proposed development: 3200 s.f. bank and drive-thru. Bank is 40'w x 80'l x 40'h ±
- The purpose of the DRC submittal is to apply for a limited exemption under section 32-4-106(a)(1)(vi) of the Baltimore County Development Regulations.
- All proposed signs will comply with section 450 of the B.C.Z.R.
- This site is not located within a 100 year flood plain or the Chesapeake Bay Critical Area as per the National Flood Insurance Program, flood insurance rate map community panel number 24010-0265-B revised March 2, 1981.
- This site is not located within a historic district and does not contain any historic structures.
- Floor Area Ratio - Maximum allowed - 4.0, Provided - 0.226 (113,750 s.f./504,425 s.f.)
- Amenity Open Space Ratio - Minimum Required 0.20, Provided - 0.39 (44,560 s.f./113,750 s.f.)
- Based upon the records in the Zoning Review office, there have been no permits for new buildings or building additions within the last 5 years.
- All existing buildings are max 1.5 stories and do not exceed 40 feet in height
- All parking spaces will be minimum of 8.5'x16' and all stacking spaces will be a minimum of 20' in length.
- This site is not located in traffic, water, or sewer deficient areas as identified on the basic service maps.
- All parking on site will be paved.



VICINITY MAP
SCALE: 1"=2,000'



STACKING SPACE
DETAIL
SCALE: 1"=30'

- #### DATA SOURCES:
- Topography from Baltimore County Office of Information Technology - GIS Division.
 - Boundary is from deed: S.M. 81371567.
 - Architecture from a plan prepared by Overton & Associates, LLC dated November 4, 2003
 - Existing utilities shown on this plan are from a "Plan" prepared by KIDDE Consultants, Inc., dated June 24, 1988.

PARKING CALCULATIONS

Total Retail Area = 101,300 s.f.
Total Restaurant Area = 9,250 s.f.
Proposed Bank Area = 3,200 s.f.
Total Area = 113,750 s.f.
Total Required Spaces = 113,750 s.f. @ 5 spaces/1000 s.f. = 569 spaces

Total Existing Parking Spaces = 1565 spaces
Parking Spaces To Be Relocated = 50 spaces
Parking Spaces To Be Added = 25 spaces
Total Proposed Parking Spaces = 590 spaces

PRINTED
MAY 4 2005

- ### ZONING HISTORY
- 448 - Reclassification from Zone A to Zone E. Petition was granted by the County Zoning Commissioner on April 14, 1947.
 - 1482 - Reclassification from Zone A to Zone E. Petition was denied by the County Zoning Commissioner on August 2, 1949.
 - 2066 - Reclassification from Zone A to Zone E. Petition was denied by the County Zoning Commissioner on November 21, 1951. Also denied by Board of Zoning Appeals on April 28, 1952.
 - 3301 - Reclassification from Zone A to Zone E. Petition was withdrawn by the petitioner on December 13, 1954.
 - 70-229-RX - Reclassification from COC to C5A and special exception for car wash. Petition was granted by the Zoning Commissioner on December 30, 1970.
 - 88-86-X - Special exception for a community building. Petition was denied by the Zoning Commissioner on October 5, 1987.
 - 90-93-SPHX - Special hearing to approve an amendment to 70-229-RX and special exception for a combination food store under 5000 square feet and service station. The petition was denied by the Zoning Commissioner.

PROPOSED ZONING RELIEF

Variances to permit a minimum yard depth of 23 feet in-lieu of the required 43.5' front average setback.

DMW
Dah-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
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Plan to Accompany Petition For
Zoning Variance and/or Special Hearing.

HILLENDALE SHOPPING CENTER

6821-6899 Loch Raven Boulevard

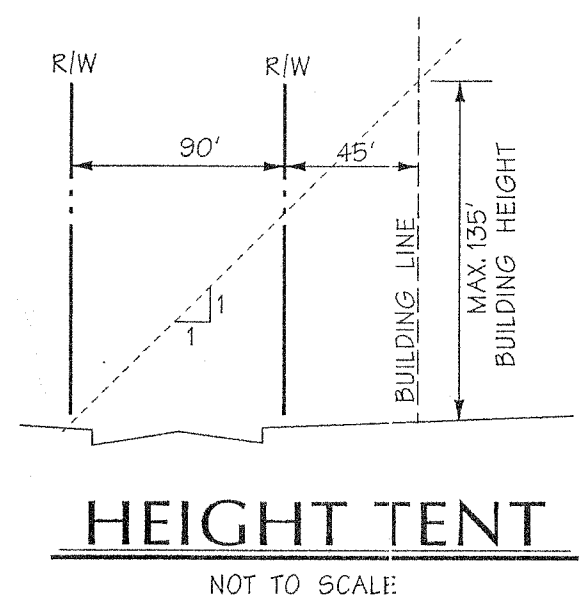
5th Councilmanic District
9th Election District
Baltimore County, Maryland

DATE: 5/4/05 BY: DMW

DATE	BY	REVISIONS
5/4/05	DMW	SITE PLAN REVISION TO MEET ZONING
		REGULATIONS EXCEPT FOR RELIEF REQUESTED

ISSUE DATES	BASE:	MSS
REVIEW:	DRAWN:	MSS
BID:	DESIGNED:	RTS
PERMIT:	CHECKED BY:	PTS
CONSTRUCTION:	DATE CHECKED:	5-4-05
SCALE: 1"=50'	DRAWING:	
PROJECT NO.: 03050.A		

1 of 1



HEIGHT TENT
NOT TO SCALE