IN RE: PETITION FOR VARIANCE North Side of Brenbrook Drive, 1,500' West of Liberty Road 2nd Election District 4th Councilmanic District **(8729 Liberty Road/Brenbrook Plaza)** RELP Randallstown, LLC Legal Owners **and** The Home Depot, Lessee *Petitioners*	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 06-277-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, RELP Randallstown, LLC, Legal Owner, and The Home Depot, Lessee. The Petitioners are requesting a variance for property located at 8729 Liberty Road/Brenbrook Plaza in the Randallstown area of Baltimore County. The variance request is from Section 450.4.I.5.d of the Baltimore County Zoning Regulations (B.C.Z.R), to permit four (4) wall mounted signs on a façade in lieu of the permitted one (1).

The property was posted with a notice of the public hearing date and time on December 26, 2005 and notice given to the general public by publication in the Jeffersonian Newspaper on December 22, 2005.

Interested Persons

Appearing at the hearing on behalf of the variance request was Valek Zarski, from Baltimore Land Design Group Inc., who prepared the site plan. Sebastian A. Cross, Esquire represented the Petitioners. Peirce Macgill from the Office of Economic Development attended the hearing. There were no protestants or citizens attending the hearing. Peter Max Zimmerman, People's Counsel, entered his appearance in this case.

ORDER RECEIVED FOR FILING
Date 1-11-06
By

Zoning Advisory Committee

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

Applicable Law

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

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

Testimony and Evidence

The subject property contains 14.3 acres, is zoned BM and is to be improved by a Home Depot store. Mr. Cross proffered that this property is the location of an abandoned Kmart store, which may have been razed and which some years ago was the anchor for the commercial corridor along this portion of Liberty Road. Mr. Macgill from the Office of Economic Development testified that since the demise of Kmart the area has suffered a lack of commercial anchor. The County recognized the problem and designated this section of Liberty Road as an official County revitalization area. He indicated that in addition to the significant capital investment and new jobs promised by a Home Depot Store at this location, this store would provide a physiological boost to the area. As evidence of such, a new restaurant adjacent to the

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Date 1-11-99
By

property is being planned to replace an abandoned restaurant at that same location based on the new business the Home Depot will bring into the area. Finally, he noted that the County Executive, County Council and community embrace the new Home Depot store.

Mr. Cross presented the Plat to Accompany as Exhibit 1 and sign drawing as Exhibit 2. He noted that the County traditionally treats all commercial uses as if they are part of a strip commercial center, that is, each small tenant is entitled to one identification sign. However, there is no provision for a very large store such as Home Depot to give its customers notice of its various services again all within one tenant. For example in addition to the Home Depot sign over the main entrance, the Petitioner would like to have signs showing where the "nursery", "contractor pickup" and "toll rental" entrances are along this 420 foot façade.

He noted that the total square footage for signs allowed under the regulations is 922 square ft., while the requested square footage is only 541 square ft. The problem is not the size of the signage, but the fact that Home Depot would like to distribute the signage along the façade in separate signs for each function. He opined that big box stores, having such large dimensions in comparison to regular commercial stores in strip centers, make the property unique in a zoning sense, that is, the sign regulations affect these large commercial enterprises differently than the normal commercial stores in the area. The size of the façade is "peculiar". In addition, the signs will be far back from Liberty Road and blocked to some extent by the Salvation Army store, commercial strip and landscaping along the property boundaries. Consequently, customers travelling on Liberty Road will need these signs to tell them on which part of the parking field to use to access the function they need. Thus, strictly enforcing the sign regulations will cause a hardship on the travelling public. In addition, there would be a hardship on the Petitioner in that, if the regulations were strictly enforced, the Petitioner could not have the national signage package required of Home Depot stores.

ORDER RECEIVED FOR FILING
Date 1-11-05
By

Finally, Mr. Zarski recalled that the abandoned Kmart also had similar signs such that in addition to the sign over the main entrance, there was also a nursery center and auto repair center signs again to give the public directions to the services available on site. Thus, there will be no detriment to the community by continuing these kinds of signs.

Findings of Fact and Conclusions of Law

I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Applying one enterprise sign for each tenant in a commercial strip makes great sense. However, applying those regulations to a huge big box store impacts the big box store differently. In that sense, the structure makes the property peculiar and therefore unique in a zoning sense. I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The Petitioner would not be able to employ the national Home Depot sign package required of each store. But, in addition, the travelling public will be inconvenienced without the requested signs to know where to park for each service. Finally, I find that this variance can be granted in strict harmony with the spirit and intent of sign regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. In fact, this store will replace the abandoned Kmart store and significantly aid the revitalization of the Liberty Road Commercial Corridor.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 11 day of January, 2006, that a variance request from Section 450.4.I.5.d of the

ORDER RECEIVED FOR FILING
Date 1-11-06
By

Baltimore County Zoning Regulations (B.C.Z.R), to permit four (4) wall mounted signs on a façade in lieu of the permitted one (1), be and is hereby GRANTED; and

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

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:dlw

ORDER RECEIVED FOR FILING
Date 1-11-01
By

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 11, 2006

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

Re: Petition for Variance
Case No. 06-277-A
Property: 8729 Liberty Road/Brenbrook Plaza

Dear Mr. Cross:

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

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

Very truly yours,

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:dlw
Enclosure

c: Richard Birdoff, Member, RELP Randallstown, LLC, 810 7th Avenue, 28th Floor, New York, NY 10019
Thomas F. Gallagher, Real Estate Manager, The Home Depot, 3096 Hamilton Boulevard, South Plainfield, NJ 07080
Valek Zarski, 275 Schilling Circle, Suite 105, Hunt Valley, MD 21030
Peirce Macgill, Revitalization Specialist, Department of Economic Development
People's Counsel; Case File

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: 8729 Liberty Road/Brenbrook Plaza

which is presently zoned: BM

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

450.4.I.5.d of the Baltimore County Zoning Regulations to permit 4 wall mounted signs on a facade in lieu of the permitted 1.

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

To be presented at hearing.

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

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

Contract Purchaser/Lessee:

The Home Depot
Name - Type or Print

Signature Thomas F. Gallagher, Real Estate Manager

3096 Hamilton Boulevard (732) 926-3665
Address Telephone No

South Plainfield NJ 07080
City State Zip Code

Legal Owner(s):

RELP Randallstown, LLC
Name - Type or Print

Signature Richard Birdoff, Member

Name - Type or Print

Signature

810 7th Ave., 28th Floor (212) 265-6600
Address Telephone No.

New York NY 10019
City State Zip Code

Attorney For Petitioner:

Sebastian A. Cross
Name - Type or Print

Signature

Gildea & Schmidt, LLC
Company

300 East Lombard Street, Suite 1440 410-234-0070
Address Telephone No.

Baltimore MD 21202
City State Zip Code

Representative to be Contacted:

Sebastian A. Cross
Name

300 East Lombard Street Suite 1440 410-234-0070
Address Telephone No.

Baltimore MD 21202
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1HR

UNAVAILABLE FOR HEARING –

Case No. 06 277A

Reviewed By NB **Date** 11/25/05

Drop off

RE: 9/15/98

ORDER RECEIVED FOR FILING
Date 1-11-06
By

277

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

November 4, 2005

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

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

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

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

Janona Rostek-Zarska
11/4/05

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 1330

DATE 11/25/15 ACCOUNT 001 006 6150

AMOUNT $ 325.00

RECEIVED FROM: Gilbert Schmidt

FOR: Drop off Petition Filing (Commercial) Variance 8729 Liberty Rd.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

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

Case: #06-277-A
8729 Liberty Road
North side of Brenbrook Drive, 1,500 feet west of Liberty Road
2nd Election District
4th Councilmanic District
Legal Owner(s):
RELP Randallstown, LLC
Contract Purchaser:
The Home Depot
Variance: to permit 4 wall mounted signs on a facade in lieu of the permitted 1.
Hearing: Tuesday, January 10, 2006 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
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.

12/225 Dec. 22 78898

CERTIFICATE OF PUBLICATION

12/22/, 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 12/22/, 2005.

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

S. Wilson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 06-277-A

Petitioner/Developer: THE HOME DEPOT

Date of Hearing/Closing: JAN 10, 2005

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: KRISTEN MATTHEWS

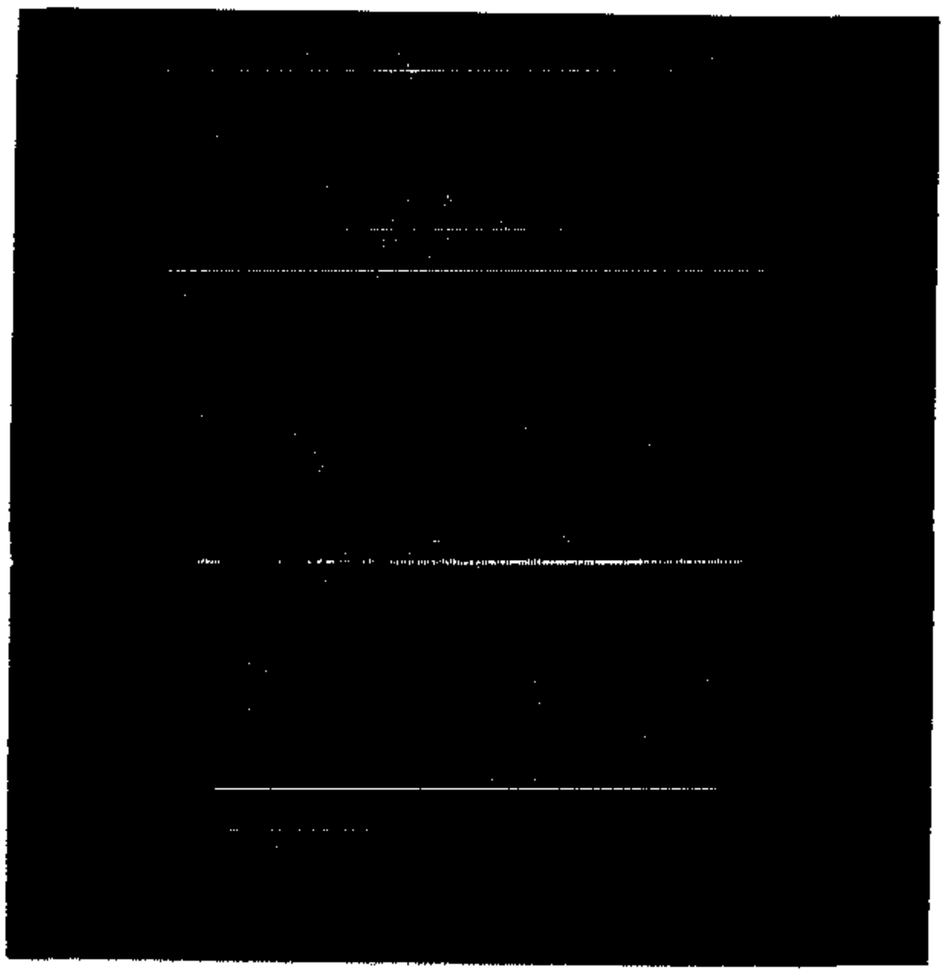
Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

8729 LIBERTY RD

The sign(s) were posted on 12-26-05
(Month, Day, Year)

Sincerely,



Robert Black 12-28-05
(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)

8729 LIBERTY RD

TO: PATUXENT PUBLISHING COMPANY
Thursday, December 22, 2005 Issue - Jeffersonian

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

410-234-0070

NOTICE OF ZONING HEARING

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

CASE NUMBER: 06-277-A
8729 Liberty Road
North side of Brenbrook Drive, 1,500 feet west of Liberty Road
2nd Election District – 4th Councilmanic District
Legal Owners: RELP Randallstown, LLC
Contract Purchaser: The Home Depot

Variance to permit 4 wall mounted signs on a façade *in lieu of the permitted* 1.

Hearing: Tuesday, January 10, 2006 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

Department of Permits and Development Management

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

Baltimore County

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

December 5, 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: 06-277-A
8729 Liberty Road
North side of Brenbrook Drive, 1,500 feet west of Liberty Road
2nd Election District – 4th Councilmanic District
Legal Owners: RELP Randallstown, LLC
Contract Purchaser: The Home Depot

Variance to permit 4 wall mounted signs on a façade in lieu of the permitted 1.

Hearing: Tuesday, January 10, 2006 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Sebastian Cross, 300 E. Lombard Street, Ste. 1440, Baltimore 21202
RELP Randallstown, LLC, 810 7th Avenue, 28th Floor, New York, NY 10019
The Home Depot, 3096 Hamilton Blvd., South Plainfield NJ 07080

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, DECEMBER 26, 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.

Printed on Recycled Paper

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number 06 277 A

Petitioner REIP Randallstown, LLC

Address or Location 8729 LIBERTY RD

PLEASE FORWARD ADVERTISING BILL TO

Name Goldsea + Schmidt

Address 300 E. Lombard St.
Suite 1440
BALTO MD 21202

Telephone Number 410 234 0070

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

January 9, 2006

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

Dear Mr. Cross:

RE: Case Number: 06-277-A, 8729 Liberty Road

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
RELP, Randallstown 810 7th Avenue, 28th Floor New York, NY 10019
The Home Depot 3096 Hamilton Blvd. South Plainfield NJ 07080

Fire Department

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

Baltimore County

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

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

December 7, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of: November 28, 2005

Item No.: 265, 267, 271, 272, 273, 274, 275, 276, 277, 279, 280, 282, 283, 284, 285.

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.

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: December 20, 2005

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 5, 2005
Item Nos. 251,267, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 282, 283, 284, 285

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

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-12202005 doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 21, 2005

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-277- Variance**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Dave Green in the Office of Planning at 410-887-3480.

Prepared By: _____

Division Chief: _____

CM/LL

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

State Highway Administration
Driven to Excel

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

Maryland Department of Transportation

Date: 12.2.05

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

RE: Baltimore County
Item No. 277 JLL

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/~~US~~ 26,
are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

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

Very truly yours,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

RE:	PETITION FOR VARIANCE 8729 Liberty Road; N/S of Brenbrook Drive, 1,500 W of Liberty Road 2nd Election & 4th Councilmanic Districts Legal Owner(s): RELP Randallstown, LLC Contract Purchaser(s): The Home Depot Petitioner(s)	* * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 06-277-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.

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 6th day of December, 2005, a copy of the foregoing Entry of Appearance was mailed to, Sebastian A. Cross, Esquire, Gildea & Schmidt LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

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

RECEIVED
DEC 06 2005
Per.....

RECEIVED
DEC 06 2005
Per.....

GILDEA & SCHMIDT, LLC

DAVID K. GILDEA
DAVIDGILDEA@GILDEALLC.COM

LAWRENCE E. SCHMIDT
LSCHMIDT@GILDEALLC.COM

SEBASTIAN A. CROSS
SCROSS@GILDEALLC.COM

JOSEPH R. WOOLMAN, III
JWOOLMAN@GILDEALLC.COM

D. DUSKY HOLMAN
DHOLMAN@GILDEALLC.COM

JASON T. VETTORI
JVETTORI@GILDEALLC.COM

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

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

277

November 16, 2005

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

Re: The Home Depot/Liberty Rd. and Brenbrook Dr.
Variance Petition

Dear Carl:

This letter serves as a request for a drop-off filing Petition for Variance for the above referenced site. This Home Depot development previously received relief for a parking variance through Case No. 05-301-A. This plan also received a determination the project met the requirements for a refinement to the previous CRG plan by the DRC through Item No. 013105F on February 17, 2005.

No changes have been made to this approved site plan and, rather, the Petition currently seeks only to erect wall-mounted signage upon this Home Depot facility. Mr. John Lewis verified a variance request for four signs in lieu of one must be made in order for Home Depot to erect their desired signage package.

Attached please find 3 Petitions for Variance, 12 site plans, 3 metes and bounds descriptions, as well as the necessary filing fee. If your office requires additional materials, please feel free to contact me. With kind regards, I am

Very truly yours,

Sebastian A. Cross

SAC: bhb
Enclosures
CC: Thomas F. Gallagher, The Home Depot
Richard VanVeldhuisen, PE, Greenberg Farrow Architects
Dawn Schaffran, Greenberg Farrow Architects
Valek Zarski, BL Design Group
David K. Gildea, Esquire

KEEP IN FILE

06-277-A

FREQUENT FLYER ATTORNEYS DROP OFF ZONING PETITIONS POLICY PROCEDURES

The following zoning policy is related to the filing of zoning petitions and is aimed at expediting the petition filing process with this office:

1. The Director of the Office of Permits and Development Management (PDM) allows zoning attorneys who frequently file for zoning hearings and who are capable of filing petitions that comply with **all** technical aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of an appointment for review by zoning personnel.

2. Any attorney using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. In the event that the petition has not been filed correctly, there is the possibility that another hearing will be required or the zoning commissioner may deny the petition due to errors or incompleteness. All petitions filed in this manner will receive a cursory review and if necessary they will be commented on by zoning personnel prior to the hearing. A corrective memo by zoning review may be placed in the hearing file to be considered by the Hearing Officer.

3. When a petition has been dropped off by the attorney, it will only be reviewed for very basic necessary input, logging, and distribution information.

SOME COMMENTS ON DEFICIENCIES NOTICED DURING INTAKE
THE SECTION REFERENCE ON (PETITION AND PLANS) IS INCORRECT
SHOULD BE 450.4.5.(d)
NO ADVERTISING BILLING FORM PROVIDED
NO REQUEST TO AMEND THE PRIOR REFERENCED HEARINGS
IN PLAN NOTES HAS BEEN MADE. (SPH?)

3/22/05
JLL/rjc

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

COUNTY REPRESENTATIVE'S SIGN-IN SHEET

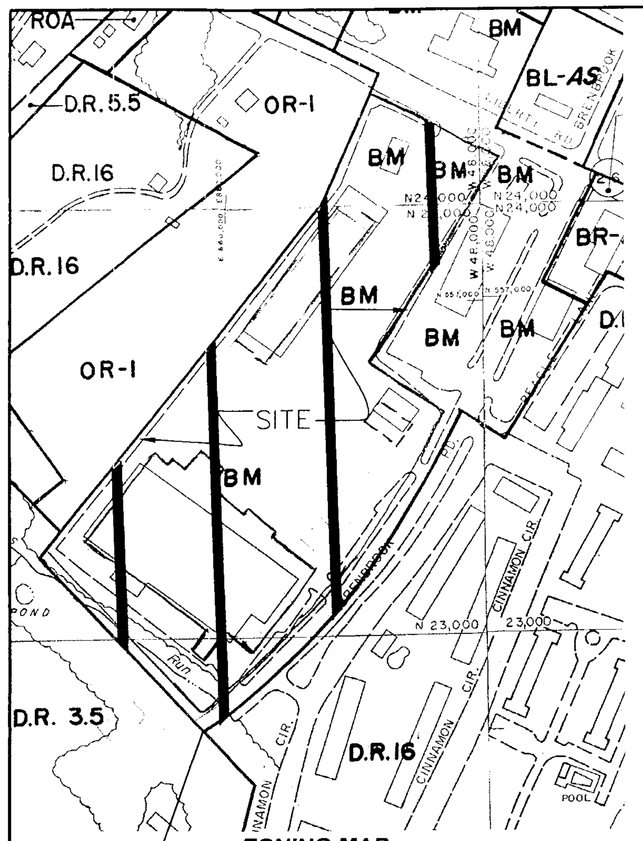
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Peirce Macgill	Economic Development	Towson 21204	pmacgill@co.ba.md.us

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Sebastian Cross	300 E. Lombard St. 1440	Balt Md 21202	
VALEK ZARSKI	225 Schilling Circle, Suite 105	Hunt Valley, Md, 21030	vzarski@bldginc.com



ZONING MAP
SCALE: 1" = 200'

N.W. 6-I
N.W. 6-H
N.W. 7-H
N.W. 7-I

POINT OF BEGINNING

SITE DATA:

1. OWNER: RELP RANDALLSTOWN, LLC
   C/O RD MANAGEMENT CORP.
   810 SEVENTH AVENUE, 28TH FLOOR
   NEW YORK, NEW YORK 10019
2. SITE AREA: AREA OF TRACT:
   14.27 AC +/- , 621,374 SF
3. DEED REFERENCE: LIBER 14285, FOLIO 612
4. TAX ACCOUNT NUMBER: 16-00-001243
5. TAX MAP: 77 GRID: 15 PARCEL: 1133
6. ELECTION DISTRICT: 2
7. COUNCILMANIC DISTRICT: 4
8. CENSUS TRACT: 4025.03
9. WATERSHED: 31
10. SUBSEWERSHED: 64
11. ZONING: BM
12. EXISTING USE: RETAIL SHOPPING CENTER
13. PROPOSED USE: RETAIL SHOPPING CENTER WITH PROPOSED HOME DEPOT STORE

DEVELOPMENT APPROVALS:

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

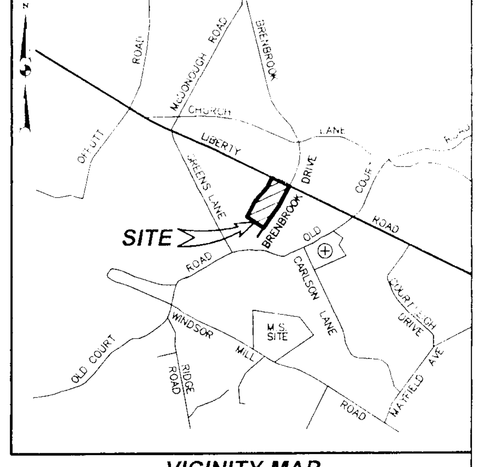
APPROVAL FOR PROCEEDING WITH REFINEMENT TO THE CRG PLAN WAS GRANTED ON FEBRUARY 17, 2005.

ZONING HISTORY FOR SHOPPING CENTER:

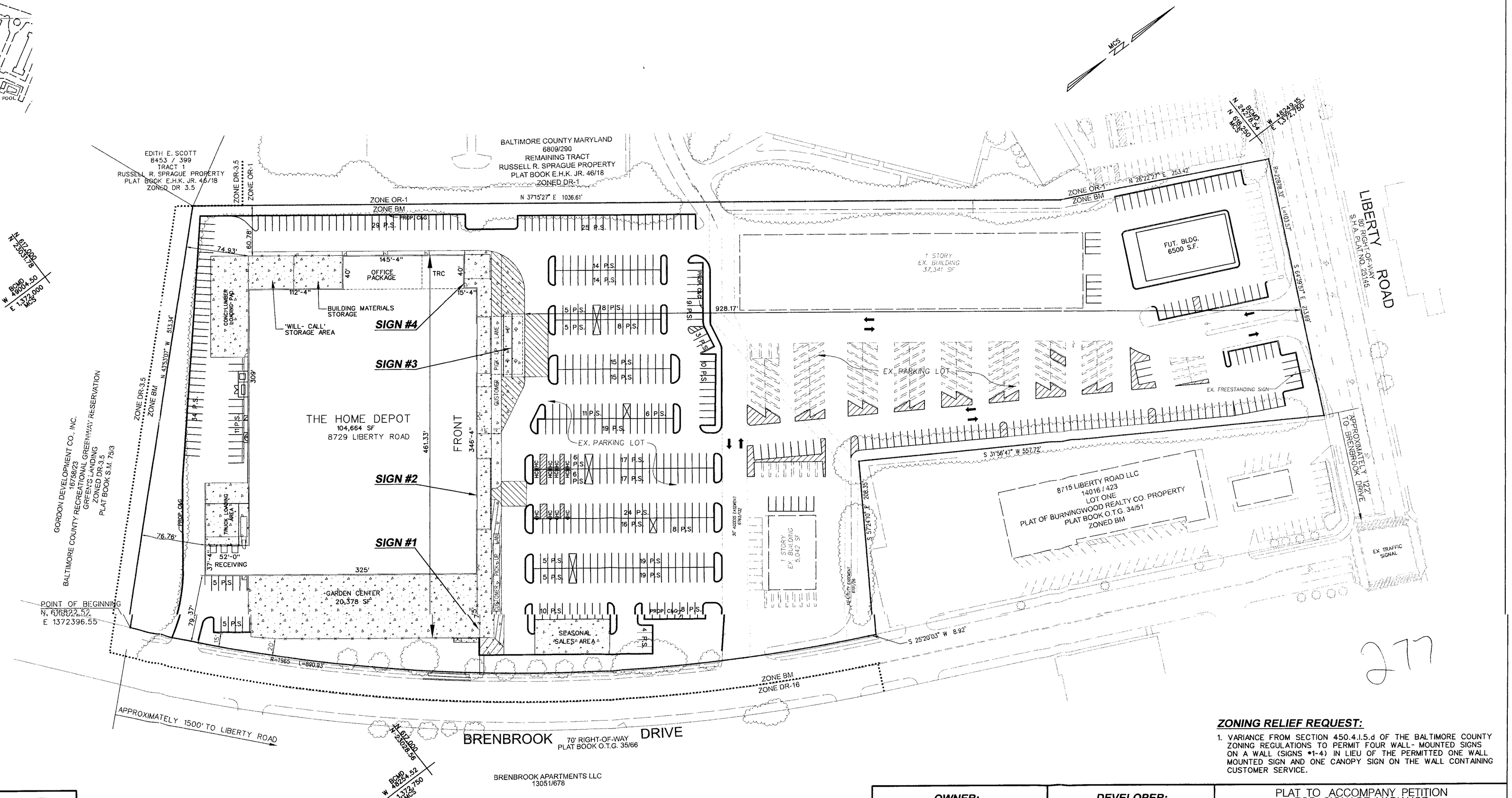
CASE NO.: 75-167-R (ORDER DATED 2/6/75):
PETITION TO RECLASSIFY FROM A BM ZONE TO A BM-CCC ZONE GRANTED.

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

CASE NO.: 05-301-A (ORDER DATED 2/14/05):
VARIANCE TO ALLOW 677 SPACES IN LIEU OF THE REQUIRED 860 SPACES AND TO ALLOW PARKING WITH DIRECT ACCESS TO DRIVE AISLES GRANTED.



VICINITY MAP
SCALE: 1" = 1000'



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ZONING RELIEF REQUEST:

1. VARIANCE FROM SECTION 450.4.I.5.d OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT FOUR WALL- MOUNTED SIGNS ON A WALL (SIGNS #1-4) IN LIEU OF THE PERMITTED ONE WALL MOUNTED SIGN AND ONE CANOPY SIGN ON THE WALL CONTAINING CUSTOMER SERVICE.

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

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

BOARD FOR PROFESSIONAL ENGINEERS 21245 MONA ROSTEK ZARSKY STATE OF MARYLAND

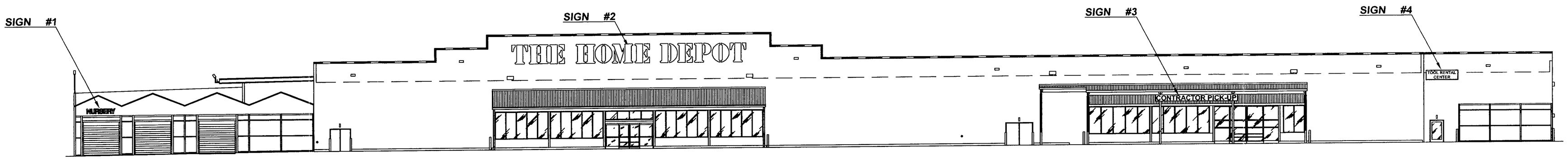
OWNER:
RELP RANDALLSTOWN, LLC
C/O R D MANAGEMENT CORP.
810 SEVENTH AVENUE 28th FLOOR
NEW YORK, NY 10019

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

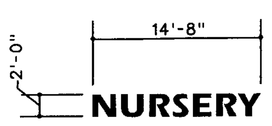
PLAT TO ACCOMPANY PETITION
FOR SIGNAGE VARIANCE
BRENBROOK PLAZA
A.K.A. BRENBROOK SQUARE SHOPPING CENTER

BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 60'
SHEET 1 OF 2
ELECTION DISTRICT 2, C4
DATE: NOVEMBER, 2005

Pet #1

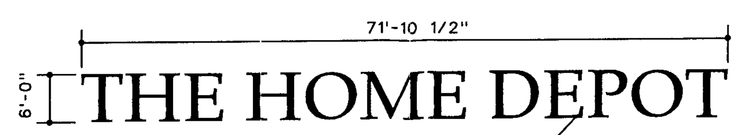


FRONT ELEVATION



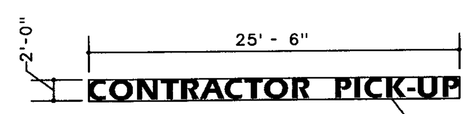
29.33 SQUARE FEET
-EXISTING ORANGE POLY HOOP STRUCTURE WITH WHITE INSET FABRIC GRAPHICS. POLY HOOP STRUCTURE IS ILLUMINATED.

SIGN #1



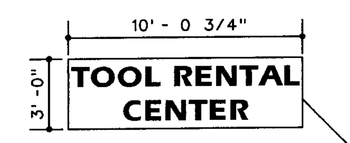
6'-0" CHANNEL LETTERS (431.25 S.F.)
- RETURNS AND BACKS TO BE BLACK
- BLACK JEWELITE TRIM
- #2119 ORANGE LEXAN FACES
- INTERNALLY ILLUMINATED

SIGN #2



2' - 0" FLAT ALUMINUM PANEL WITH VINYL GRAPHICS, SINGLE FACED (51 TOTAL S.F.)

SIGN #3



3' - 0" SINGLE FACE BOX SIGN (30.19 TOTAL S.F.)
-CABINET AND RETAINERS TO BE BLACK
-PANAFLEX FACES
-BACKGROUND 3630-44 ORANGE, COPY WHITE WITH BLACK OUTLINE
-INTERNALLY ILLUMINATED

SIGN #4

SIGN DATA:

1. AREA / FACE OF SIGNS ON THE SINGLE FACADE:
   A. FRONT FACADE (LENGTH: 461.33')
   MAXIMUM AREA / FACE ALLOWED: 2 x 461.33' = 922.66 SF
   B. AREA / FACE PROPOSED:
   SIGN #1: 29.33 SF
   SIGN #2: 431.25 SF
   SIGN #3: 51.00 SF
   SIGN #4: 30.19 SF
   TOTAL: 541.77 SF < 922.66 SF

2. NUMBER OF SIGNS:
   A. NUMBER OF SIGNS PERMITTED: 2
   ONE (1) CANOPY AND ONE (1) WALL-MOUNTED SIGN ON WALL CONTAINING CUSTOMER ENTRANCE.

   B. NUMBER OF SIGNS PROPOSED: 4
   FOUR WALL-MOUNTED SIGNS ON WALL CONTAINING CUSTOMER ENTRANCE.

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PLAT TO ACCOMPANY PETITION
FOR SIGNAGE VARIANCE
BRENBROOK PLAZA
A.K.A. BRENBROOK SQUARE SHOPPING CENTER

BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 60'
SHEET 1 OF 2
ELECTION DISTRICT 2, C4
DATE: NOVEMBER, 2005

Pet #2