| | | |
|---|---|---|
| IN RE: **PETITION FOR VARIANCE**<br>S/Side Reisterstown Road, 270' N<br>Centerline Harden Avenue<br>**(9619 Reisterstown Road)**<br>3rd Election District<br>2nd Council District | * | BEFORE THE |
| | * | ZONING COMMISSIONER |
| | * | OF BALTIMORE COUNTY |
| | * | **Case No. 07-059-A** |
| Regency Centers, Owner<br>Petsmart, Inc., Lessee<br>Petitioners | * | |

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Regency Centers, and the contract lessee, Petsmart Inc., through their attorney, Patrick Roddy, Esquire. The Petitioners request a variance from Section 421.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a pet shop to be located within zero feet of the nearest lease line in lieu of the required 200 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Patrick Roddy, attorney for Petitioners, Bernt Peterson, professional Landscape Architect and Paul Amirault, Baltimore District Manager for Petsmart. Maureen Lanigan also appeared as an interested person. There were no Protestants.

Testimony and evidence offered revealed that the subject property contains a gross area of 34.0 acres, more or less, split zoned B.R.-I.M. and B.M.-I.M., and is improved with the shopping center known as "Valley Center". The Petitioners, Petsmart, specializes in the sale of supplies for pets and other domesticated animals. They also sell a variety of reptiles, fish and birds, which qualifies them under Section 421.2 of the Baltimore County Zoning Regulations as a pet shop. As such, the store is required to maintain a 200-foot setback from the nearest property line or lease line, which is impossible, given the building that Petsmart intends to occupy, is

ORDER RECEIVED FOR FILING
Date 11-14-06
By

existing with a zero foot setback from their lease line. Proffered testimony indicated that Petsmart does not sell dogs or cats, but does, as a service to the local Humane Society, permit the Humane Society on Saturdays and Sundays to display a few dogs and cats in their stores for adoption. The dogs are not kept overnight; while on occasion, a few cats may stay overnight from Saturday into Sunday. Evidence indicated that Petsmart has numerous stores in the Baltimore area and has never received a complaint from any of the surrounding communities regarding the pet shop component of their retail operation. As noted, under Section 421.2 of the B.C.Z.R., which regulates this use, a pet shop must be located 200 feet from the nearest property line or lease line. In this case, the existing building that Petsmart would like to occupy is located zero feet from the nearest lease line (the party wall with the adjoining clothing store).

There is no doubt that this regulation was adopted in order to reduce the impact of the noise and odors commonly associated with a pet store from a neighboring business or adjacent residential properties. Although Petsmart is a pet shop by definition, they are not in the business of buying and selling dogs or cats, and only as a community service, offer space to the local Humane Society on Saturdays and Sundays to display dogs and cats for adoption within their stores. Additionally, no animals are boarded on the site and no medical treatment is provided, nor will there be any outside dog-runs to exercise animals.

Based upon the testimony and evidence presented I am persuaded that the Petition for Variance should be granted. It is clear that the use has operated at this location without detrimental impact to adjacent properties. Moreover, upon due consideration of the evidence offered, I find that the Petitioners have met the requirements of Section 307 of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of November, 2006 that the Petition for Variance seeking relief from Section 421.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a pet shop to be located

ORDER RECEIVED FOR FILING
Date 11-14-06
By

within zero feet of the nearest lease line in lieu of the required 200 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

Any appeal of this decision shall be entered with thirty (30) days of the date of this Order.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 11-14-00
By B. Wisemann

# Petition for Variance

## to the Zoning Commissioner of Baltimore County

**for the property located at** 9616 Reistertown Road

**which is presently zoned** BR-IM, BM-IM

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

see attached

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

Strict compliance would unreasonably prevent the use of the property for a pet shop.

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:***

Andrew Whiteaker
Name - Type or Print

Signature

19601 N. 27th Ave. 623-587-2570
Address Telephone No.

Phoenix, Arizona 85027
City State Zip Code

***Legal Owner(s):***

Alan Roth - Regency Centers
Name - Type or Print

X
Signature

Name - Type or Print

Signature

8616 Westwood Center Dr. - Suite 400
Address Telephone No.

Vienna Virginia 221 82
City State Zip Code

***Attorney For Petitioner:***

Patrick Roddy
Name - Type or Print

Signature

Rifkin, Livingston, Levitan & Silver
Company

600 Washington Ave. 410-583-9433
Address Telephone No.

Towson MD 21204
City State Zip Code

***Representative to be Contacted:***

~~Same as above~~ Nate Gatch
Name

Same as above 703-442-4300
Address Telephone No.

City State Zip Code

**OFFICE USE ONLY**

**ESTIMATED LENGTH OF HEARING** _____

**UNAVAILABLE FOR HEARING** _____

**Reviewed By** BN **Date** 8/11/06

Case No. 07-059-A

ORDER RECEIVED FOR FILING
Date 1-14-07
By 1-30-07

REV 9/15/98

421.2 to permit a pet shop be located within zero ft. of the nearest lease line in lieu of the required 200 ft.

# 059

FROM THE OFFICE OF

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CONSULTING ENGINEERS • LAND PLANNERS • LAND SURVEYORS
1020 CROMWELL BRIDGE ROAD • TOWSON, MARYLAND 21286-3396

# Zoning Description
**July 6, 2006**

Valley Centre
9616 Reisterstown Road
Owings Mills, Maryland
Baltimore County
Election District 3, Councilmanic District 2

Beginning at the centerline intersection of Reisterstown Road, 100' wide and Greenspring Valley Road, 60' wide thence N51 degrees 41 minutes 03 seconds W, 652.00 feet more or less to a Point of Beginning, thence the following courses:

S 41 degrees 02 minutes 53 seconds W, 173.00 feet,
thence S 62 degrees 31 minutes 54 seconds W, 49.30 feet,
thence S 84 degrees 58 minutes 51 seconds W, 100.00 feet,
thence N 85 degrees 31 minutes 07 seconds W, 35.86 feet,
thence N 85 degrees 31 minutes 09 seconds W, 79.14 feet,
thence S 08 degrees 28 minutes 52 seconds W, 312.63 feet,
thence S 74 degrees 00 minutes 50 seconds W, 419.84 feet,
thence S 78 degrees 11 minutes 51 seconds W, 363.00 feet,
thence S 81 degrees 58 minutes 44 seconds W, 262.70 feet,
thence S 79 degrees 36 minutes 23 seconds W, 306.26 feet,
thence N 47 degrees 32 minutes 08 seconds W, 28.96 feet,
thence N 06 degrees 46 minutes 08 seconds W, 622.70 feet,
thence N 83 degrees 13 minutes 35 seconds E, 42.49 feet,
thence N 06 degrees 46 minutes 08 seconds W, 319.64 feet,
thence N 52 degrees 19 minutes 49 seconds E, 570.94 feet,
thence Radius 1910.08 feet and Length 471.62 feet,
thence S 48 degrees 57 minutes 08 seconds E, 524.00 feet,
thence N 74 degrees 00 minutes 52 seconds E, 50.46 feet,
thence N 40 degrees 42 minutes 52 seconds E, 269.16 feet,
thence S 48 degrees 57 minutes 08 seconds E, 190.83 feet,
thence S 40 degrees 42 minutes 50 seconds W, 17.00 feet,
thence S 48 degrees 57 minutes 09 seconds E, 234.38 feet back to the Point of Beginning.

**Containing 34.60 acres (1,507,176.00 square feet) of land more or less and as described in Liber 62 Page 9 and Liber 66 Page 56 in the Land Records of Baltimore County.**

NOTE: the above description is for zoning purposes only and is not to be used for conveyances or agreements.

410-825-8120 • FAX 410-583-0288
gwstowson@erols.com

#059

**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: # 07-059-A**
9816 Reisterstown Road
S/side of Reisterstown Road, 270 feet north of centerline of Harden Avenue
3rd Election District - 2nd Councilmanic District
Legal Owner(s): Alan Roth, Regency Centers
Contract Purchaser: Andrew Whiteaker

**Variance:** to permit a pet shop to be located within zero feet of the nearest lease line in lieu of the required 200 feet.

**Hearing: Wednesday, October 4, 2006 at 11:00 a.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) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 9/695 Sept. 19 109810

# CERTIFICATE OF PUBLICATION

9/21, 2006

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 9/19, 2006.

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

S. Wilkinson

LEGAL ADVERTISING

**BALTIMORE COUNTY, MARYLAND**
**OFFICE OF BUDGET & FINANCE**
**MISCELLANEOUS RECEIPT**

No. 9795

DATE 8/11/06 ACCOUNT R001-006-6150

AMOUNT $ 325.00

RECEIVED FROM: [illegible]

FOR: [illegible]

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Item #059

PAID RECEIPT
BUSINESS ACTUAL TIME DRAWER
8/11/2006 8/11/2006 10:02:35 5
REG USER WALKIN MAIN REG
RECEIPT # 814167 8/11/2006 OPEN
Dept 5 520 200100 VERIFICATION
CK NO. 007775
Rcpt Tot $325.00
$325.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

# CERTIFICATE OF POSTING

**ATTENTION:** KRISTTEN MATTHEWS **DATE:** 9/18/06

Case Number: 07-059-A

Petitioner/Developer: PATRICK RODDY ESQ.~~ALAN ROTH~~ANDREW WITEAKER

Date of Hearing (Closing): 10/04/06

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 9616 REISTERSTOWN ROAD ONE POSTED @ ENTRANCE TO VALLEY CENTER 1 POSTED @ THE PET SHOP

The sign(s) were posted on: 9/17/06

SEE PHOTOS

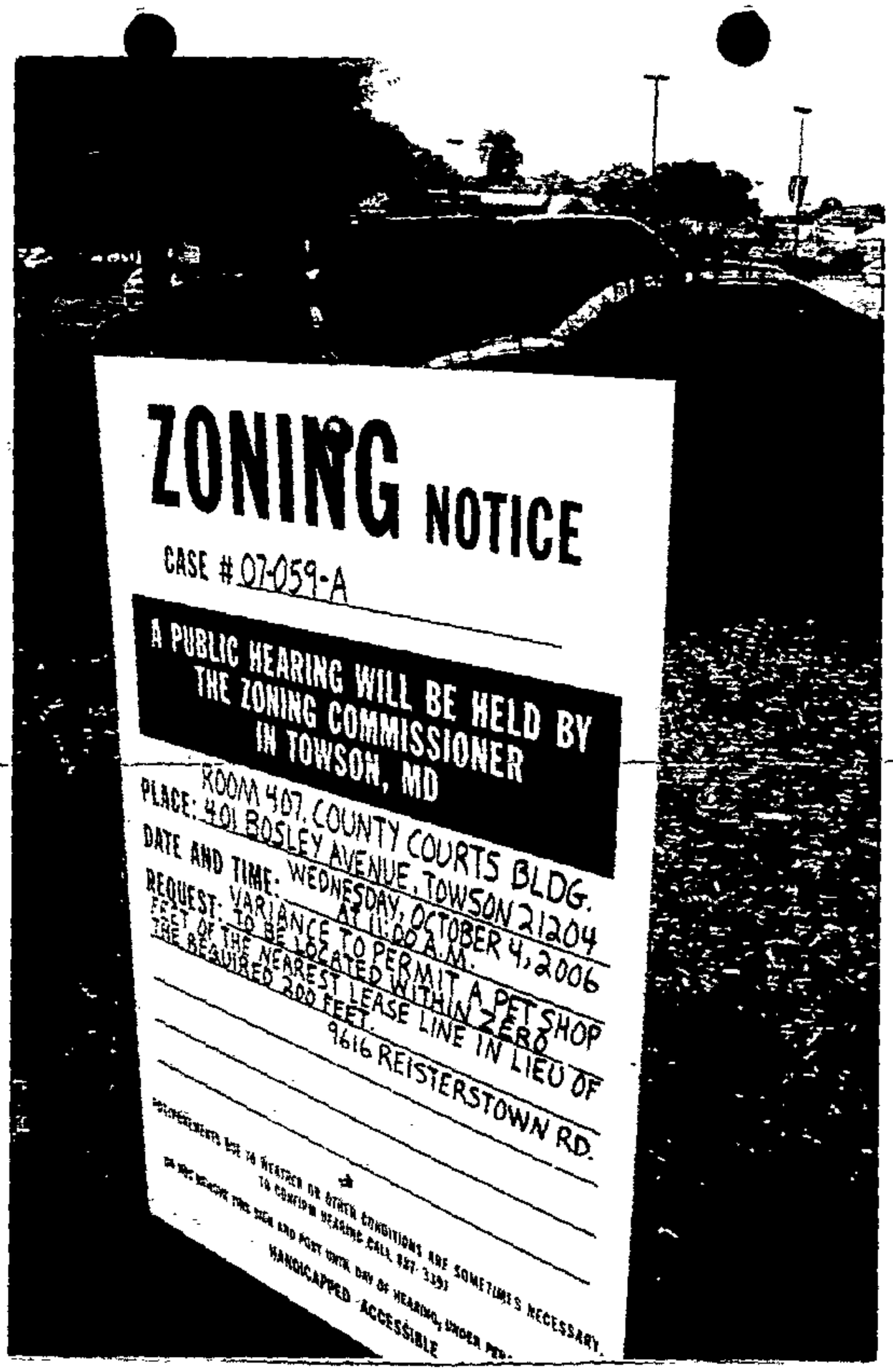
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

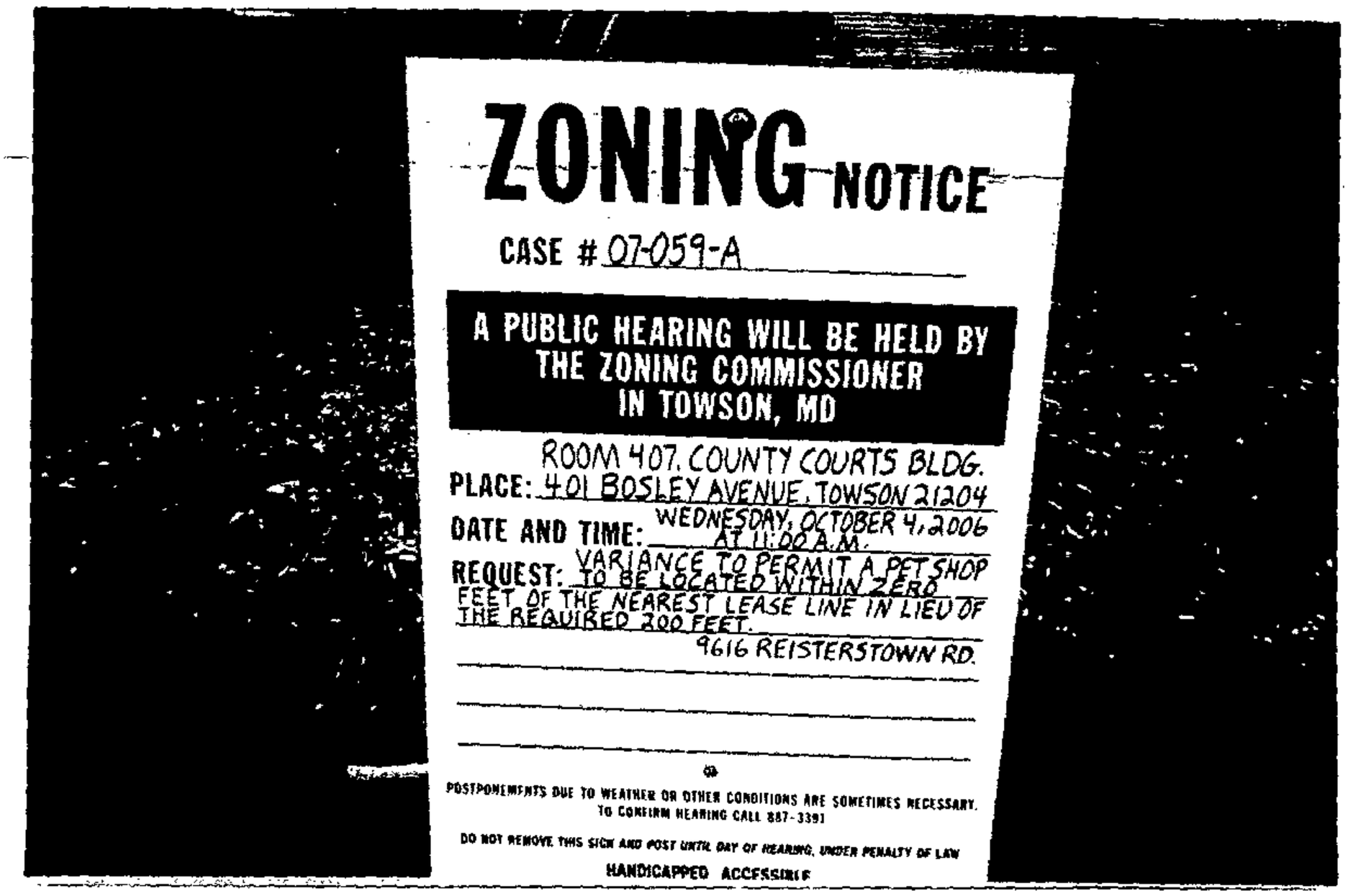
523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley Maryland 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)




One at Entrance to Valley Center




one at Pet Shop

| | | | |
|---|---|---|---|
| RE: | PETITION FOR VARIANCE<br>96169 Reisterstown Road; S/S Reisterstown Road, 270' N c/line Harden Avenue<br>3rd Election & 2nd Councilmanic Districts<br>Legal Owner(s): Alan Roth – Regency Centers*<br>Contract Purchaser(s): Andrew Whitetaker<br>Petitioner(s) | *<br>*<br>*<br>*<br>* | BEFORE THE<br>ZONING COMMISSIONER<br>FOR<br>BALTIMORE COUNTY<br>07-059-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 22nd day of August, 2006, a copy of the foregoing Entry of Appearance was mailed to, Patrick Roddy, Esquire, Rifkin, Livingston, Levitan & Silver, 600 Washington Avenue, Towson, MD 21204, Attorney for Petitioner(s).

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

RECEIVED
AUG 2 2 2006
Per.....

**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*

August 31, 2006

# 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: 07-059-A**
9616 Reisterstown Road
S/side of Reisterstown Road, 270 feet north of centerline of Harden Avenue
Legal Owner: Alan Roth, Regency Centers
Contract Purchaser: Andrew Whiteaker

Variance to permit a pet shop to be located within zero feet of the nearest lease line in lieu of the required 200 feet.

Hearing: Wednesday, October 4, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Patrick Roddy, 600 Washington Avenue, Towson 21204
Alan Roth, 8616 Westwood Center Drive, Vienna VA 22182
Andrew Whiteaker, 19601 N. 27th Avenue, Phoenix AZ 85027

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 19,2006.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 19, 2006 Issue - Jeffersonian

Please forward billing to:
Patrick Roddy 410-583-9433
Rifkin, Livingston, Levitan & Silver
600 Washington Avenue
Towson, MD 21204

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## 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: 07-059-A**
9616 Reisterstown Road
S/side of Reisterstown Road, 270 feet north of centerline of Harden Avenue
Legal Owner: Alan Roth, Regency Centers
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Variance to permit a pet shop to be located within zero feet of the nearest lease line in lieu of the required 200 feet.

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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
# 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: 07-059-A

Petitioner: Andrew Whiteaker - c/o Petsmart

Address or Location: 9616 Reistertown Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Patrick Roddy

Address: Rifkin, Livingston, Levitan & Silver
600 Washington Ave.
Towson, MD 21204

Telephone Number: 410-583-9433

Revised 2/20/98 - SCJ

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
*County Executive*

TIMOTHY M. KOTROCO, *Director*
*Department of Permits and Development Management*

September 28, 2006

Patrick Roddy
Rifkin, Livingston, Levitan $ Silver
600 Washington Avenue
Towson, MD 21204

Dear Mr. Roddy:

RE: Case Number: 07-059-A, 9616 Reisterstown Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 11, 2006.

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:amf

Enclosures

c: People's Counsel
Alan Roth Regency Centers 8616 Westwood Center Dr., Suite 400 Vienna, VA 22181
Nate Bath Regency Centers 8616 Westwood Center Dr., Suite 400 Vienna, VA 22181
Andrew Whiteaker 19601 N. 27th Avenue Phoenix, Arizona 85027

BLJ 10/4

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** August 31, 2006

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

RECEIVED

SEP - 7 2006

ZONING COMMISSIONER

**SUBJECT:** 9616 Reisterstown Road

**INFORMATION:**

**Item Number:** 7-059

**Petitioner:** Alan Roth- Regency Centers

**Zoning:** BM, BM-IM and BR

**Requested Action:** Variance

The petitioner requests a variance in order to locate a Petsmart (pet shop) in a vacant retail building within the Valley Center, 0 feet from a lease line in lieu of the required 200 feet.

**SUMMARY OF RECOMMENDATIONS:**

The proposed use is an appropriate land use at this location. The Office of Planning supports the requested variance.

For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

**Prepared by:** Cindis Murray

**Division Chief:** Arnold F. Keller
AFK/LL: CM

W:\DEVREV\ZAC\7-059.doc

**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

August 22, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: August 21, 2006

Item No.: 057, 058, 059, 060, 061, 062, 063, 064, 065 and 066.

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

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

SHA State Highway Administration
Driven to Excel
Maryland Department of Transportation

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

Date: 8.20.01

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

RE: Baltimore County
Item No. 059 BPR

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~~ 140.
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

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

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

**DATE:** August 23, 2006

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

**SUBJECT:** Zoning Advisory Committee Meeting
For August 28, 2006
Item Nos. 07-036, 057, 058, 059, 060, 061, 062, 063, 064, 065, and 066

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-08232006.doc

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
*County Executive*

WILLIAM J. WISEMAN III
*Zoning Commissioner*

November 14, 2006

Patrick Roddy, Esquire
Rifkin, Livingston, Levitan & Silver
600 Washington Avenue
Towson, Maryland 21204

RE: **PETITION FOR VARIANCE**
S/Side Reisterstown Road, 270' N Centerline Harden Avenue
**(9619 Reisterstown Road)**
3rd Election District – 2nd Council District
Regency Centers, Owner; Petsmart, Inc., Lessee - Petitioners
**Case No. 07-059-A**

Dear Mr. Roddy:

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

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

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Mr. Alan Roth, Regency Centers, 8616 Westwood Center Drive, Suite 400, Vienna, Virginia 22182
Mr. Nate Bath, Regency Centers, 8616 Westwood Center Drive, Suite 400, Vienna, Virginia 22182
Mr. Andrew Whiteaker, 19601 North 27th Avenue, Phoenix, Arizona 85027
Mr. Bernt Peterson, 310 Schilling Circle, Hunt Valley, Md. 21031
Mr. Paul Amirault, 8022 Foxtail Lane, Glen Burnie, Md. 21060
Ms. Maureen Lanigan, 1514 Light Street, Baltimore, Md. 21230
People's Counsel; Case File

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

# PETITIONER'S SIGN-IN SHEET

| NAME | ADDRESS | CITY, STATE, ZIP | E- MAIL |
|---|---|---|---|
| BERNT PETERSEN | 310 SCHILLING CIRCLE | HUNTVALLEY MD | bpetersen@gustafsons.com |
| Patrick Ruddy | 600 Washington Av | | |
| PAUL AMIRAULT | 8022 FOXTAIL LANE | GLEN BURNIE, MD | P.AMIRAULT@SSG.PETSMART.COM |
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PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

# CITIZEN'S SIGN-IN SHEET

| NAME | ADDRESS | CITY, STATE, ZIP | E- MAIL |
|---|---|---|---|
| Maureen Lanigan | 1514 Light St | Baltimore, MD 21230 | maureen.lanigan@ubalt.edu |
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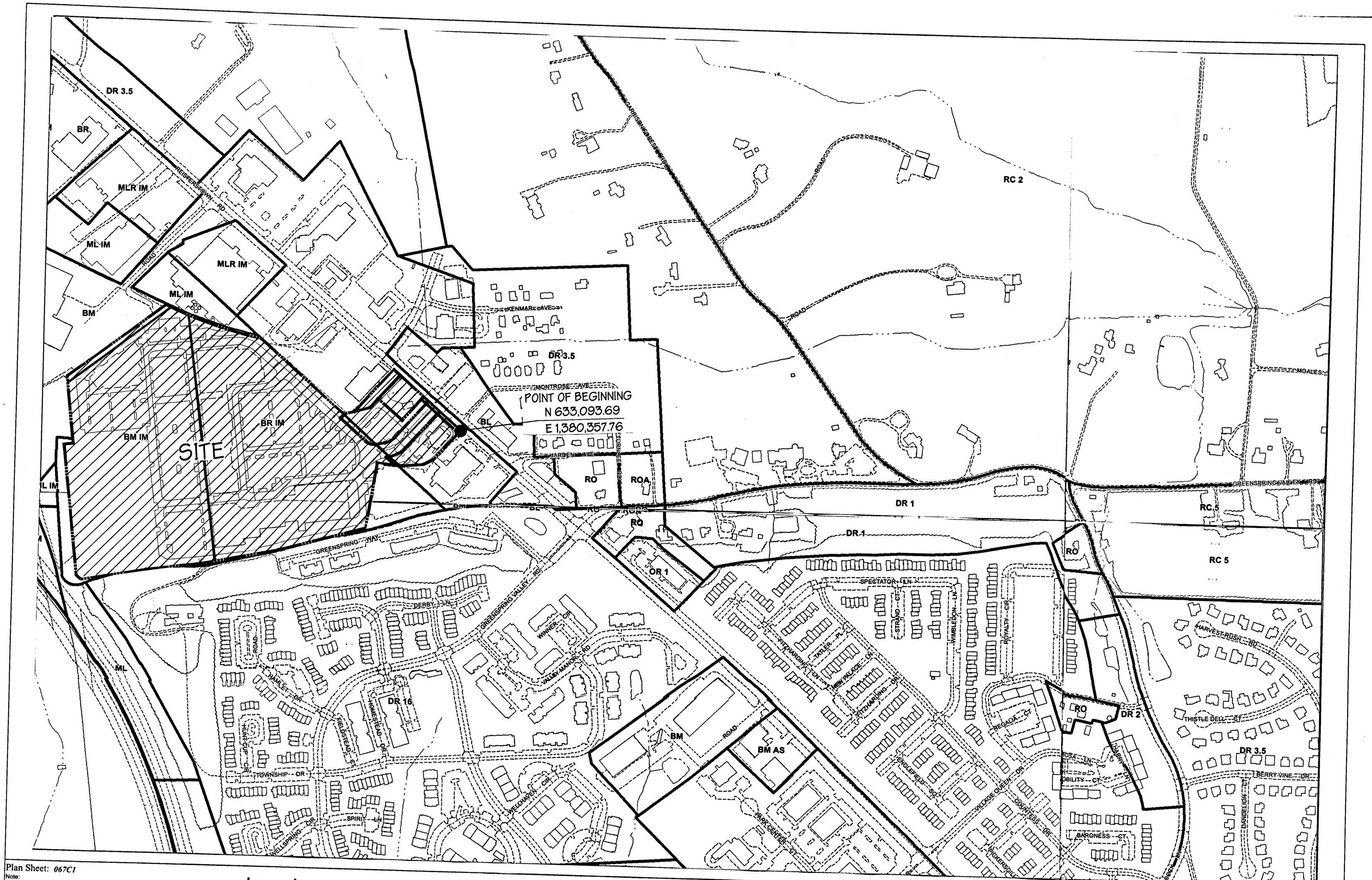
4/21.2

Case No.: 07-059-A

Exhibit Sheet

| | Petitioner/Developer | Protestant |
|---|---|---|
| No. 1 | SITE PLAN | |
| No. 2 | | |
| No. 3 | | |
| No. 4 | | |
| No. 5 | | |
| No. 6 | | |
| No. 7 | | |
| No. 8 | | |
| No. 9 | | |
| No. 10 | | |
| No. 11 | | |
| No. 12 | | |




Plan Sheet: *067C1*

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

**Legend**

- Zoning
- Buildings
- Streams
- Roads
- Vegetation
- Rail Lines

# Baltimore County
## Office of Planning and Zoning
## Official Zoning Map

| | | | | |
|---|---|---|---|---|
| 058A3 | 058B3 | 058C3 | 059A3 | 059B3 |
| 067A1 | 067B1 | 067C1 | 068A1 | 068B1 |
| 067A2 | 067B2 | 067C2 | 068A2 | 068B2 |

Scale
1" = 200'
0 100 200 400 Feet

1

**Data Sources:**
Planametric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004

# Zoning Data

IN THE MATTER OF
THE APPLICATION OF
GREENSPRING ASSOCIATED LTD. PARTNERSHIP
FOR ZONING RECLASSIFICATION
FROM M.L. AND M.L.-I.M. TO
B.R.-I.M. ON PROPERTY LOCATED
ON THE NORTH SIDE OF TOBIN
LANE AT THE NORTHEAST RIGHT-
OF-WAY OF I-795
3rd ELECTION DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. R-87-255

AMENDED OPINION

THIS MATTER COMES BEFORE THIS BOARD ON REQUEST FROM THE PETITIONER TO AMEND THE SITE PLAN IN CASE NO. R-87-255, ENTERED ON THE RECORD AS PETITIONER'S EXHIBIT #1. THIS PETITION WAS APPROVED ON A DOCUMENTED SITE PLAN FOR THIS PROPERTY.

PETITIONER PRESENTED THIS BOARD WITH AN AMENDED SITE PLAN CONSISTING OF TWO ENGINEERING DRAWINGS WHICH THIS BOARD WILL DESIGNATE AS PETITIONER'S AMENDED EXHIBIT #1A AND #1B. A CAREFUL CONSIDERATION OF THE PROPOSED AMENDMENTS INDICATE THAT THE PROPOSED CHANGES DO NOT AFFECT THE OVERALL SCOPE OF THE PROPOSAL AND ARE RELATIVELY MINOR. IN CONSIDERATION OF THESE MINOR CHANGES TO THE DOCUMENTED SITE PLAN, THE BOARD IS OF THE OPINION THAT THE SPIRIT AND INTENT OF THE PROPOSAL WOULD BE IN NO WAY AFFECTED AND IS THEREFORE OF THE OPINION THAT THE AMENDMENTS SHOULD BE GRANTED AND WILL SO ORDER.

ORDER

FOR THE REASONS SET FORTH IN THE AFOREGOING OPINION, IT IS THIS THE 20th DAY OF MAY, 1988, BY THE COUNTY BOARD OF APPEALS, ORDERED THAT THE AMENDMENTS SHOWN ON PETITIONER'S AMENDED EXHIBIT #1A, DESIGNATED AS NOTE #3, NOTE #4, NOTE #5 AND NOTE #6 SHALL BE THE CONTROLLING FACTORS IN THE DEVELOPMENT OF THIS SITE AND OVERRIDING THOSE SAME NOTES AS SHOWN ON PETITIONER'S EXHIBIT #1.

THE BOARD WILL NOTE IN REFERENCE TO THE NEW PROPOSED DOCUMENTED SITE PLAN, THAT THE PLANNING BOARD NOW RECOMMENDS THE RECLASSIFICATION, SAID CORRESPONDENCE BEING ENTERED AS PETITIONER'S EXHIBIT NO. 12. THIS CONCLUDED TESTIMONY IN THIS CASE.

FROM ALL THE TESTIMONY AND EVIDENCE RECEIVED, THE BOARD IS OF THE OPINION THAT THE RECLASSIFICATION SHOULD BE GRANTED. SINCE 1984, THE SHOPPING CENTER AND PARKING AREAS HAVE BEEN COMPLETED. THE REQUESTED REZONING PERMITS A REASONABLE USE OF THE LAND SUITABLE FOR DEVELOPMENT I.E., A MOVIE THEATER COMPLEX, AND PROTECTS THE HYDRIC SOILS AND STORM WATER MANAGEMENT AREA FROM ANY DEVELOPMENT. THE MOVIE COMPLEX WILL GENERATE NO NOISE, NO FUMES, NO TRUCK TRAFFIC, NOR PRESENT ANY ENVIRONMENTAL PROBLEMS. AFTER CONSIDERATION OF ALL THE TESTIMONY AND EVIDENCE AND ALL THE FACTORS BEFORE US, THE BOARD IS OF THE OPINION THAT THE ML-IM CLASSIFICATION IS IN FACT IN ERROR AND THAT THE BR-IM IS A PROPER ONE. THE BOARD ALSO WILL NOTE THAT THE GRANTING OF THE BR-IM CLASSIFICATION FOR THIS 6.16 PARCEL AS SHOWN ON PETITIONER'S EXHIBIT #1 IS CONTINGENT UPON STRICT COMPLIANCE WITH THE DOCUMENTED SITE PLAN SO SUBMITTED.

IN RE: PETITION FOR VARIANCE
S/S Reisterstown Road 425' W of the c/l of Greenspring Valley Road (9616 Reisterstown Road)
1st Election District
2nd Councilmanic District
Greenspring Assoc. Ltd. Part. and Valley Centre, Inc. - Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-344-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

WHEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of May, 1996 that the Petition for Variance seeking relief from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 7,788 parking spaces in lieu of the required 1,364 for three small proposed additions to the existing building, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

# Zoning, Waiver & Subdivision History

CASES:

1. 88-96A: GREENSPRING ASSOC. LTD. PARTNERSHIP (PETITIONER) VARIANCE TO PERMIT SIGN OF 378 SQUARE FEET IN LIEU OF PERMITTED 150 SQUARE FEET; SOUTHWEST SIDE OF REISTERSTOWN ROAD, 115' NORTHWEST OF CENTERLINE OF NORTHERN AVENUE. GRANTED JANUARY 30, 1988
2. R-87-255: GREENSPRING ASSOC. LTD. PARTNERSHIP (PETITIONER) RECLASSIFICATION FROM ML AND ML-IM TO BR-IM (6.16 ACRES) GRANTED JANUARY 14, 1988, AMENDED ORDER (AMENDED SITE PLAN) MAY 20, 1988.
3. 3356-56: DELANO J. FITZGERALD ET AL (PETITIONER) PETITION FOR ZONE IN MOVE AND RECLASSIFICATION FROM A-R ZONING TO E-2 COMMERCIAL ZONE. DENIED IN MOVE. SOUTHEAST SIDE BEGINNING 160' SOUTHEAST OF NORTHERN CENTRAL RAILROAD. RECLASSIFICATION ON SOUTHWEST SIDE OF REISTERSTOWN ROAD, 660' SOUTHEAST OF RAILROAD. DENIED NOVEMBER 8, 1952.
4. 03-399-A: VARIANCE, GRANTED 5/3/93

CRG APPROVALS AND WAIVER

1. ORIGINAL CRG PLAN, APPROVED MAY 16, 1986;
2. AMENDED CRG PLAN, APPROVED APRIL 16, 1986;
3. W-86-226: WAIVER OF CRG PLAN, APPROVED NOVEMBER 20, 1986;
4. W-87-226: WAIVER OF CRG PLAN AND MEETING, APPROVED OCTOBER 15, 1987;
5. W-88-180: WAIVER OF CRG MEETING ON SECOND AMENDMENT OF PLAN APPROVED JULY 21, 1988; PLAN APPROVED DECEMBER 21, 1988;
6. W-88-208: WAIVER OF CRG MEETING ON RESUBMISSION OF LOT 2; APPROVED SEPTEMBER 21, 1988; NO REVISED PLAN FILED
7. 96-270-X: WAIVER OF CRG MEETING ON THIRD AMENDMENT OF PLAN. PLAN APPROVED DECEMBER 14, 1995.
8. DEC 03-203-X, PLAN REFINEMENT APPROVED, MARCH 20, 1996.

ZONING

1. 1971 MAP: BL-CNS (FRONT), BR-IM (MID-SECTION), ML-IM (BACK)
2. 1976 MAP: SAME AS 1971
3. 1980 MAP: ML-IM (FRONT), BR-IM (MID-SECTION), ML-IM (BACK)
4. 1984 MAP: BM (FRONT), BR-IM (MID-SECTION), ML-IM (BACK, WITH SMALL PORTION IN ML);
5. 1990 MAP: BM (FRONT), BR-IM (MID-SECTION), BM-IM (BACK) (SEE OPINION THIS SHEET)

MAP ISSUES

1. 1996 ISSUE 3-062: NORTH SIDE OF TOBIN LANE, NORTHEAST OF I-795, SOUTHWEST OF REISTERSTOWN ROAD; 16.27 ACRES (.06 ACRES IN ML, 16.22 ACRES IN ML-IM); REQUESTED ZONING: BR-IM; COUNTY COUNCIL DECISION: BM-IM. (SEE OPINION THIS SHEET)

# Site Data

| | |
|---|---|
| ADDRESS: | 9616 REISTERSTOWN |
| 3RD ELECTION DISTRICT | |
| 2ND COUNCILMANIC DISTRICT | |
| CENSUS TRACT 403702 | |
| GROSS AREA OF TRACT | 34.60 AC+/- |
| NET AREA OF TRACT | 34.12 AC+/- |
| EXISTING BUILDING AREA | 224,316 SF |
| EXISTING THEATER BUILDING AREA | 31,862 SF |
| EXISTING BANK BUILDING AREA | 5,000 SF |
| EXISTING RESTAURANT AREA | 5,063 SF |
| TOTAL FLOOR AREA | 275,241 SF |
| FLOOR AREA RATIO | 275,241 / 34.6 AC 0.16 |
| EXISTING ZONING | BM-IM, BM-IM, BR-IM |
| BALTIMORE CO. ZONING MAP | E-1 AND E-2 |
| EXISTING USE OF SITE: | SHOPPING CENTER/CO |
| PROPOSED USE OF SITE | SHOPPING CENTER/CO |
| HOURS OF PROPOSED OPERATIONS: | DAILY, FROM 10 AM TO |

STORMWATER MANAGEMENT IS NOT REQUIRED BECAUSE THE SITE OF PROPOSED IMPROVEMENTS IS INCLUDED IN EXISTING SWM FACILITY AS IMPERVIOUS AREA.

PARKING REQUIREMENTS:

- SHOPPING CENTER - PARKING REQUIRED AT 5 SPACES/1000 SF:
  51,000 x 2.42 / 5 — 1211 SPACES REQUIRED
- CINEMA - PARKING REQUIRED AT ONE SPACE/4 SEATS:
  1900 SEATS / 4 — 475 SPACES REQUIRED
  TOTAL REQUIRED — 1686 SPACES
- PARKING PROPOSED — 1673 SPACES (1443 TOTAL)

PARKING SPACE SIZE 8'X18'
NOTE: EXISTING PARKING AREAS WILL BE RESTRIPED TO MATCH NUMBER OF SPACES SHOWN ON PLAN.




NOTES

LIGHTING TYPES

- 400 WATT, HPS, 20' POLE
- 1000 WATT, HPS, 40' POLE
- 1000 WATT, HPS, 30' POLE
- STUB FOR FUTURE SIGN LIGHT

FOR DETAILS SEE SHEET #7.6

SIGNAGE TABULATION

| No. | PERMITTED B.R | PROPOSED B.R | |
|---|---|---|---|
| A | 100 ± | 135 | JOINT IDENTIFICATION SIGN |
| B | 0 | 150 | JOINT IDENTIFICATION SIGN - NORTH |
| C | 0 | 150 | JOINT IDENTIFICATION SIGN - SOUTH |
| E | 150 | 165.5 | CHANGEABLE COPY ACCESSORY TO A THEATER |

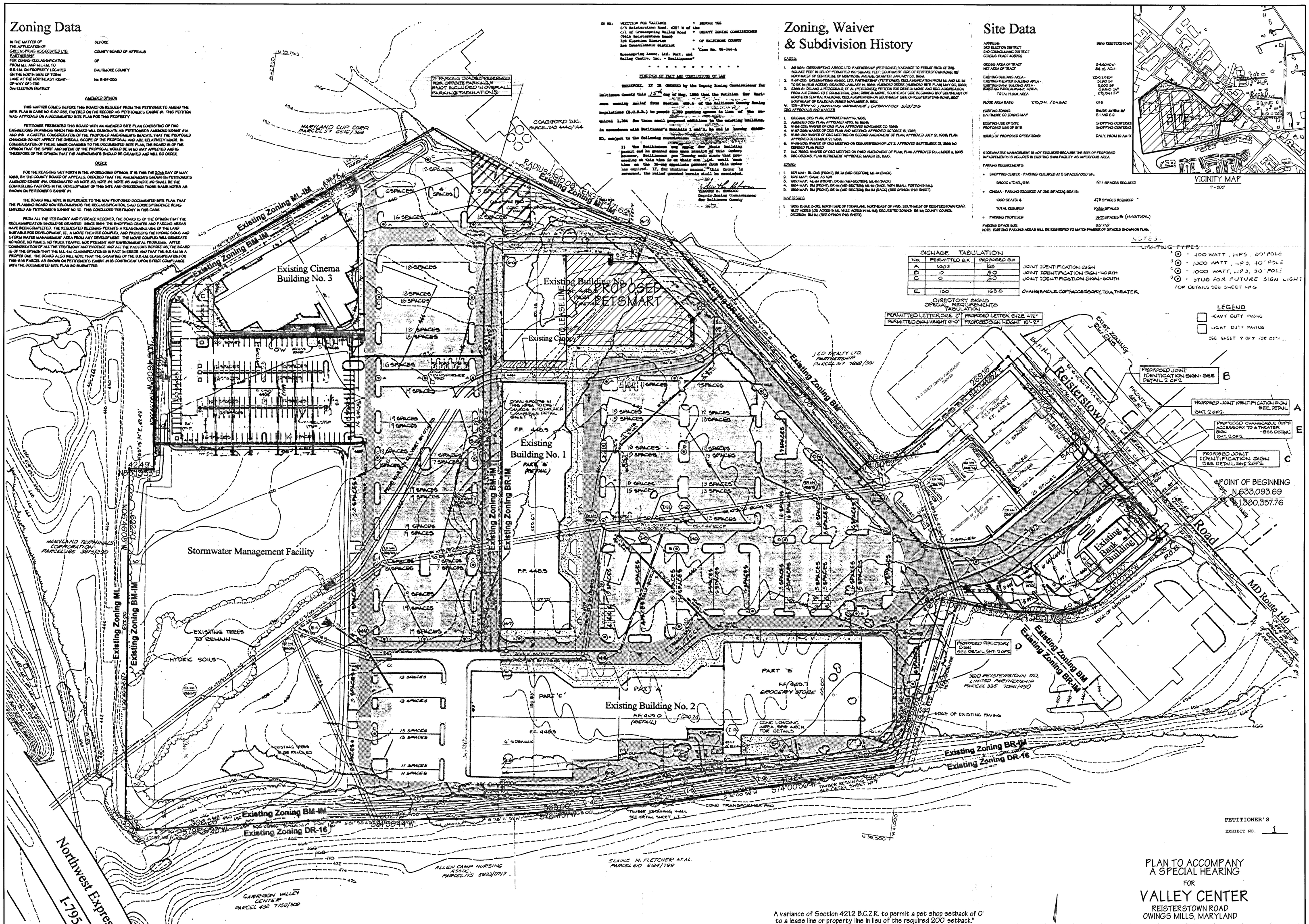
DIRECTORY SIGNS SPECIAL REQUIREMENTS TABULATION

| PERMITTED LETTER SIZE 2" | PROPOSED LETTER SIZE 4 1/2" |
|---|---|
| PERMITTED SIGN HEIGHT 6'-0" | PROPOSED SIGN HEIGHT 18'-2" |

LEGEND

- HEAVY DUTY PAVING
- LIGHT DUTY PAVING

SEE SHEET 7 OF 7 FOR DETAILS.




A variance of Section 421.2 B.C.Z.R. to permit a pet shop setback of 0' to a lease line or property line in lieu of the required 200' setback."

PETITIONER'S EXHIBIT NO. 1

PLAN TO ACCOMPANY A SPECIAL HEARING
FOR
# VALLEY CENTER
REISTERSTOWN ROAD
OWINGS MILLS, MARYLAND

OWNER
GREENSPRING ASSOCIATES
LIMITED PARTNERSHIP
VALLEY CENTRE, INC. GENERAL PARTNER
4350 EAST-WEST HIGHWAY, SUITE 400
BETHESDA, MD 20814

SCALE: 1"=50'

SCALE: 1"=50'
THIRD ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

SUBMISSION DATE: JULY 11, 2006


GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
1020 CROMWELL BRIDGE ROAD
TOWSON, MARYLAND 21286-3396
(410) 825-8120


FILENAME: 10743cad/micro/10743zoning_plat.s01

P.N. 10743