IN RE: PETITIONS FOR SPECIAL EXCEPTION *

& SPECIAL HEARING

SW corner Goucher Boulevard *

and Prince Road

9th Election District *

5th Councilmanic District

(801 Goucher Boulevard) *

BEFORE THE

DEPUTY ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

Towson VF L.L.C.; By Vornado Realty Trust,
Sandeep Mathrani

Petitioners

CASE NO. 07-179-SPHX

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as Petitions for Special Exception and Special Hearing filed by the legal owner of the subject property, Towson VF L.L.C.; by Vornado Realty Trust, Sandeep Mathrani. The Petitioner is requesting special exception and special hearing relief for property located at 801 Goucher Boulevard. The Special Hearing is to approve an amendment to the site plan approved in Case No. 93-207-SPHXA. In addition, the Special Exception is to permit an automobile electronics installation use (service garage), pursuant to Section 230.13 of the Baltimore County Zoning Regulations.

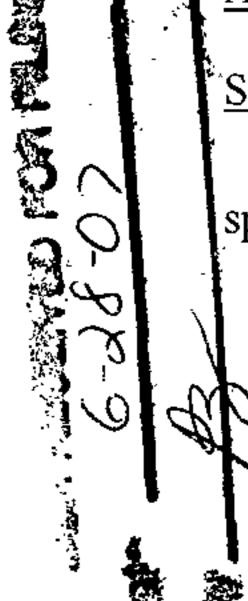
The property was posted with Notice of Hearing on December 2, 2006, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on December 5, 2006, to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 502.1 of the B.C.Z.R. Special Exceptions

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- Create a potential hazard from fire, panic or other danger;



- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air; [Bill No. 45-1982]
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the sprit and intent of these Zoning Regulations; [Bill No. 45-1982]
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 zone. [Bill No. 74-2000]

Section 500.7 of the B.C.Z.R. Special Hearings

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment letter was received from the Office of Planning dated November 15, 2006 which contains restrictions, and revised comment dated December 18, 2006 was received which removed the comments, copies of which are incorporated herein and made a part hereof the file.

Interested Persons

Appearing at the hearing on behalf of the special exception and special hearing requests were Aanem Olsen, Coby Shaw, and Bill Monk, with Morris & Ritchie, Associates, Inc., who prepared the site plan, and David Karceski, Esquire, representing the Petitioner. Allan Williams, Leslea Knauff, Lee Stephens and Donna King, Esquire, attended the hearing as concerned citizens. Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

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The subject site is a small portion of the Circuit City store in the shopping center located at the intersection of Joppa Road and Goucher Boulevard as shown in Petitioner's exhibit 1. The residential community of Towson Estates lies to the north of the site across Joppa Road. Circuit City would like to be able to install GPS and stereo systems in customer vehicles in the auto electronics shop (service garage) and test these systems once installed with customers in the parking lot behind the store. The shopping center which contains 14.65 acres zoned BL-CCC is being redesigned which will result in slight changes to the location and footprint of the main building, several pad sites and more surface parking.

Mr. Karceski indicated that he was aware of the Planning Office original comments to limit the hours of operation to 7 AM to 7 PM, met with the Planning Office staff and convinced same to withdraw its comments. The Petitioner explained to the Planning Office that doors to the installation shop (service garage) will be closed during installation as the shop is a temperature controlled environment. See similar doors on another Circuit City location shown in exhibit 3. He also noted that the six parking spaces assigned by the center to the installation shop are sufficient as they will be used only for vehicles immediately being serviced. There will be no drop box for customers to leave vehicles overnight. Normal hours of operation are 10 AM to 10 PM.

Mr. Karceski indicated that there will be no adverse impact on the community of Towson Estates which is located across Joppa Road if the request is granted because the rear of the installation shop is so far below the screen wall on Joppa Road as shown in Petitioner's exhibit 5D. This will block any noise or sight of the operation from residents of Towson Estates. In addition there is a service road parallel to Joppa Road which further separates the homes in Towson Estates from the subject site as shown in Petitioner's exhibit 8.

Mr. Shaw indicated that Circuit City's policy is to test the installation in each vehicle with the customer present, to instruct the customer on the equipment's characteristics and to warn the customer of the danger of over driving stereo systems initially. Mr. Monk testified that that the nearest residence was 290 feet from the building, and that there is a 16 foot grade differential between the rear parking lot level and the residences along Joppa Road. He opined that there would be no adverse impact on the community. He indicated that the proposed use at this location was good and met all the special excepting criteria of Section 502.1 of the BCZR. However when asked by the community, he indicated that it would not be possible to move the location of installation shop doors because of a large existing utility room on that side of the Circuit City space.

Mr. Shaw, Regional Manager, who started as an installer of such systems for Circuit City, testified that Circuit City has 54 locations at present many of which are closer to residential uses than the subject sight. These operate without complaint. He foresaw similar complaint free operations here. He noted that the majority of installations occur between 10 AM and 5 PM, there are customers who can only come in the evening, and so it is important to allow installation until 10 PM. He noted that vehicle windows are closed during testing. He also opined that there would be no adverse impact on the community if the requests were approved.

Mr. Williams representing the Towson Estates Community Association, expressed concern regarding noise from the facility at night. At this point in the hearing, a general discussion of community concerns regarding noise from the testing of systems occurred. It was suggested that since Mr. Shaw was personally able to perform tests on newly installed vehicles, that he might be able to borrow a vehicle so equipped and simply test it while the community was present and listening. Ms. King volunteered to coordinate the test with Mr. Karceski. The Parties agreed to keep the record of the case open until a test could be performed.

JA8-07

Mr. Williams requested that any order approving the requests be conditioned upon a service garage which is limited to installation of electronic equipment in vehicles, that doors to the installation shop be closed except for ingress and egress purposes, and vehicle doors and windows should be closed during any testing outside the building.

Mr. Karceski indicated in his letter dated June 26, 2007 that the test outline above was conducted on December 18, 2006, that no discernable sound could be heard in the front yards of Towson Estates homes across Joppa Road and as a result, the Towson Estate Community Association was satisfied that outdoor testing until 10 PM would not be a problem. The Parties entered into an agreement, Joint exhibit 1, dated June 26, 2007 in which they requested certain conditions be imposed in an Order approving the requests.

Findings of Fact and Conclusions of Law

The Parties determined by on site testing that the sound from vehicle stereo systems being tested by Circuit City would not be a problem for the community even up to 10 PM. The reason for this is the parking area for the testing is 16 feet below the block wall along Joppa Road. The earth and concrete wall effectively block the sound from the vehicles being tested from coming across Joppa Road to the Towson Estates community. Thanks to all for your cooperation.

Special Exception

The installation shop will be located inside the Circuit City building. No vehicle repair or body work will be performed which can occur with general service garages. Installation of equipment will occur from 10 AM to 10 PM. Given the results of the sound tests outlined above, Towson Estates no longer is concerned about outdoor testing of stereo equipment.

Considering all the testimony I find that request for special exception for a service garage limited to installation and testing of electronic equipment in vehicles at the subject site meets the

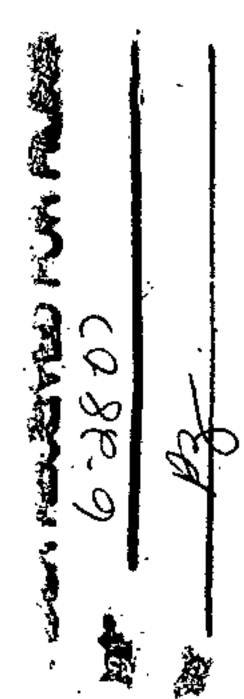
criteria of Section 502.1 of the BCZR, will not adversely affect the community and is within the spirit and intent of the BL-CCC zoning regulations if certain conditions are imposed.

Special Hearing

In regard to the request for special hearing to approve an amendment to the site plan approved in Case No. 93-207-SPHXA, I will grant the request for the reasons given above.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' requests for special exception, and special hearing should be granted with conditions.

- 1. The Petitioners may apply for their 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. The terms and conditions of the agreement between the Parties, Joint Exhibit 1, is hereby incorporated into this Order such that these are enforceable by Baltimore County; and



IT IS FURTHER ORDERED that the Special Hearing to approve an amendment to the site plan approved in Case No. 93-207-SPHXA be and hereby is APPROVED.

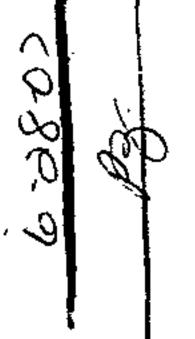
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz





JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

June 28, 2007

DAVID KARCESKI, ESQUIRE VENABLE, BAETJER & HOWARD, LLP 210 ALLEGHENY AVENUE TOWSON, MD 21204

Re: Petition for Special Exception and Special Hearing

Case No. 07-179-SPHX

Property: 801 Goucher Boulevard

Dear Mr. Karceski:

Enclosed please find the decision rendered in the above-captioned case.

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:pz Enclosure

Coby Shaw, 1903 South Woodmill Drive, Wilmington DE
 Aanem Olsen, 210 Rt. 4 East, Paramus NJ 07192
 Bill Monk, PE, Morris & Ritchie, Associates, Inc., 1220-C, East Joppa Road, Towson MD 21286
 Allan Williams, 6 Edgecliff Road, Towson MD 21286
 Leslea Knauff, 1516 Doxbury Road, Towson MD 21286
 Lee Stephens, 803 Goucher Blvd., Towson MD 21286
 Donna King, Esquire, 119 Edgewood Road, Towson MD 21286



Case No. [

REV 9/15/98

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at	801	Goucher	Boulevard						
which is presently zoned BL-CCC									

UNAVAILABLE FOR HEARING _

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

an amendment to the site plan approved in Case No. 93-207-SPHXA.

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

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I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): SEE ATTACHED Name - Type or Print Name - Type or Print Signature Signature Address Telephone No. Name - Type or Print City State Zip Code Signature Attorney For Petitioner: Address Telephone No. Robert A. Hoffman / David H. Karceski Name - Type of Print City State Zip Code Representative to be Contacted: Signature Venable LLP Robert A. Hoffman Company Name 210 Allegheny Avenue 210 Allegheny Avenue 410 494-6200 410 494-6200 Address Telephone No. Address Telephone No. Towson, Maryland 21204 Towson, Maryland 21204 City State Zip Code City Zip Code State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING

Reviewed By ___

Attachment to Petitions for Special Exception and Special Hearing

801 Goucher Boulevard

Legal Owner:

Towson VF L.L.C.

By:

Vornado Realty Trust, Authorized Signatory

By: Sandeep Mathrani
Executive Vice P 888 7th Avenue, 29th Floor New York, New York 10019

(212) 894-7000



Case No.

220 09/15/98

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Petition for Special Exception

to the Zoning Commissioner of Baltimore Count

for the property located at

801 Goucher Boulevard

which is presently zoned BL-CCC This Petition shall be filed with the Department of Permits and Development Management. The undersigned, le owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto a made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use herein described property for

an automobile electronics installation use (service garage), pursuant to Section 230.13 of the Baltimore County Zoning Regulations.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. IWe do solemnly declare and affirm, under the penalties of penjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): SEE ATTACHED Name - Type or Print Name - Type or Print Signature Signature Address Telephone No. Name - Type or Print City State Zip Code Signature Attorney For Petitioner: Address Telephone No. Robert A. Hoffman / David H. Karceski Name - Type or Print City State Zip Code Representative to be Contacted: Signature Venable LLP Robert A. Hoffman Company Name 210 Allegheny Avenue 410~494-6200 210 Allegheny Avenue 410 494-6200 Address Telephone No. Address Telephone No. Towson, Maryland 21204 Towson, Maryland 21204 City State Zip Code City Zip Code State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Date ___

Reviewed By _______

Attachment to Petitions for Special Exception and Special Hearing

801 Goucher Boulevard

Legal Owner:

Towson VF L.L.C.

By: Vo

Vornado Realty Trust,

Authorized Signatory

By: Sandan Mathematica

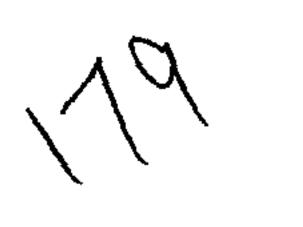
Sandeep Mathrani

Executive Vice President 888 7th Avenue, 29th Floor New York, New York 10019

(212) 894-7000

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS





October 2, 2006

ZONING DESCRIPTION SPECIAL HEARING

Beginning at a point in the westerly line of Prince Road, 70 feet wide, at the southerly line of Joppa Road running thence from said point of beginning;

- 1. South 23°25'43" West 660.42 feet;
- 2. Southwesterly by a line curving to the right having a radius of 270.67 feet for an arc distance of 222.61 feet said curve being subtended by a chord bearing South 46°59'25" West 216.39 feet;
- 3. South 70°24'46" West 40.98 feet;
- 4. North 65°17'30" West 79.02 feet;
- 5. Northwesterly by a line curving to the left having a radius of 1965.00 feet for an arc distance of 184.05 feet said curve being subtended by a chord bearing North 24°44'03" West 183.98 feet;
- Northwesterly by a line curving to the right having a radius of 89.00 feet for an arc distance of 29.47 feet said curve being subtended by a chord bearing North 17°55'50" West 29.34 feet;
- Northwesterly by a line curving to the left having a radius of 111.00 feet for an arc distance of 40.63 feet said curve being subtended by a chord bearing North 18°55'44" West 40.40 feet;
- 8. Northwesterly by a line curving to the left having a radius of 1977.00 feet for an arc distance of 242.97 feet said curve being subtended by a chord bearing North 32°56'07" West 242.82 feet;
- North 36°27'22" West 218.44 feet;
- 10. Northwesterly by a line curving to the right having a radius of 1843.00 feet for an arc distance of 94.35 feet said curve being subtended by a chord bearing North 34°59'21" West 94.34 feet;
- 11. North 33°31'22" West 187.19 feet;
- 12. Northwesterly by a line curving to the right having a radius of 389.00 feet for an arc distance of 49.81 feet said curve being subtended by a chord bearing North 29°51'17" West 49.77 feet;
- 13. Northwesterly by a line curving to the right having a radius of 1855.00 feet for an arc distance of 104.88 feet said curve being subtended by a chord bearing North 24°34'01" West 104.87 feet;
- 14. North 22°56'50" West 14.79 feet;
- 15. North 26°57'48" East 130.10 feet;

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Zoning Description
Special Hearing
Northeasterly side of Goucher Boulevard
October 2, 2006
Page 2

- 16. South 72°31'46" East 25.00 feet;
- 17. Southeasterly by a line curving to the right having a radius of 89.00 feet for an arc distance of 30.99 feet said curve being subtended by a chord bearing South 62°33'19" East 30.83 feet;
- 18. Southeasterly by a line curving to the left having a radius of 111.00 feet for an arc distance of 38.65 feet said curve being subtended by a chord bearing South 62°33'20" East 38.45 feet;
- 19. South 72°31'46" East 416.20 feet;
- 20. Southeasterly by a line curving to the left having a radius of 841.00 feet for an arc distance of 50.15 feet said curve being subtended by a chord bearing South 74°14'16" East 50.14 feet;
- 21. South 75°56'46" East 151.23 feet;
- 22. Southeasterly by a line curving to the right having a radius of 839.00 feet for an arc distance of 48.82 feet said curve being subtended by a chord bearing South 74°16'45" East 48.81 feet;
- 23. South 72°36'44" East 135.60 feet;
- 24. Southeasterly by a line curving to the right having a radius of 903.64 feet for an arc distance of 117.07 feet said curve being subtended by a chord bearing South 68°54'03" East 116.99 feet;
- 25. South 65°11'22" East 101.20 feet;
- 26. South 20°35'15" East 28.67 feet to the point of beginning having an address of 801 Goucher Boulevard and being located along the northeasterly side of said Goucher Boulevard.

Containing 638,306 square feet or 14.653 acres of land, more or less and being located in the Ninth Election District, Fifth Councilmanic District, Baltimore County, Maryland.

James E. Catron

Property Line Surveyor No. 121

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS

179



October 2, 2006

ZONING DESCRIPTION SPECIAL EXCEPTION

Beginning at a point at the end of the six following courses and distances from the south right of way line of Joppa Road near the westerly side of Prince Road, North 65°11'12" West 101.20 feet, Northwesterly by a line curving to the left having a radius of 903.64 feet for an arc distance of 117.07 feet, said curve being subtended by a chord bearing North 68°54'03" West 116.99 feet, North 72°36'44" West 135.60 feet, Northwesterly by a line curving to the left having a radius of 839.00 feet for an arc distance of 48.82 feet, said curve being subtended by a chord bearing North 74°16'45" West 48.81 feet, North 75°56'46" West 124.79 feet, thence leaving the aforesaid right of way line, South 19°35'14" West 24.19 feet, running thence from said point of beginning;

South 19°35'14" West 55.84 feet; North 70°24'51" West 2.91 feet; South 19°35'14" West 30.29 feet; North 70°24'55" West 33.70 feet; North 19°35'14" East 30.29 feet; North 70°24'55" West 14.39 feet; North 19°35'14" East 55.57 feet; South 70°43'10" East 51.00 feet to the point of beginning having an address of 801 Goucher Boulevard and being located south of the southerly side of said Joppa Road.

Containing 3,862 square feet or 0.0887 acres of land, more or less and being located in the Ninth Election District, Fifth Councilmanic District, Baltimore County, Maryland.

James E. Catron

Property Line Surveyor No. 121



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NOTICE OF ZONING HEARING

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

Case: # 07-179-SPHX

801 Goucher Boulevard

S/west corner of Goucher Boulevard and Prince Road

S/west corner of Goucher Boulevard and Prince Road

Struct — 5th Councilmanic District

Legal Owner(s): Towson VF, LLC by Vornado Realty

Trust

Special Hearing to approve an amendment to the site plan approved in Case No. 93-207-SPHXA. Special Explan approved in Case No. 93-207-SPHXA. Special Exception: for an automobile electronics installation use (service garage), pursuant to Section 230.13 of the Baltimore County Zoning Regulations.

Hearing: Monday, December 18, 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.

OF PUBLICATION

12/11,2006

THIS IS TO CERTIFY, that the annexed advertisement was published

ewspaper published in Baltimore County, Md., in the following weekly n

accessive weeks, the first publication appearing

once in each of

S

X The Jeffersonian

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

Muss.

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 07-179-SPHX

Petitioner/Developer: Towson VF

LCC BY VORANDO REACTY TRUST Date of Hearing/Closing: 12-18-06 **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: 801 COICHER REVD 12-2-06: The sign(s) were posted on (Month, Day, Year) Sincerely, (Signature of Sign Poster) **SSG Robert Black** CASE #07-179-SPHX PUBLIC HEARING WILL BE HELD BY THE ZONING THE MINISSIONER (Print Name) IN TOWSON, MD 1508 Leslie Road ROOM 407, COUNTY COURTS BUILDING PLACE: 401 BOSLEY AVE. TOWNER 2/204 DATE AND TIME: MONON, DETPORE 18, 2006 @ 2:00 ... (Address) PROBEST: SPECIAL HERRING TO REPEAR OF APPENDING TO THE SITE PLAN APPROVED IN CHEE NO 73 207 SPRING. Dundalk, Maryland 21222 OPIEME EXECUTAN FOR THE ANTONOOUS ELECTRONICS INSTITUTE UNE COUNCE GARGE) PARTIENT TO DOCUMEN 23/013 OF THE BARD-PHONE COUNTY ZOMBIG REGULATIONS (City, State, Zip Code) (410) 282-7940 (Telephone Number)

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

November 13, 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: 07-179-SPHX

801 Goucher Boulevard S/west corner of Goucher Boulevard and Prince Road 9th Election District – 5th Councilmanic District Legal Owners: Towson VF, LLC by Vornado Realty Trust

<u>Special Hearing</u> to approve an amendment to the site plan approved in Case No. 93-207-SPHXA. <u>Special Exception</u> for an automobile electronics installation use (service garage), pursuant to Section 230.13 of the Baltimore Country Zoning Regulations.

Hearing: Monday, December 18, 2006 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Robert Hoffman, 210 Allegheny Avenue, Towson 21204
Sandeep Mathrani, 888 7th Avenue, 29th Floor, New York, New York 10019

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, DECEMBER 4, 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.



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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, December 5, 2006 Issue - Jeffersonian

Please forward billing to:

Amy Dontell Venable, LLP 210 Allegheny Avenue Towson, MD 21204 410-494-6244

NOTICE OF ZONING HEARING

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Hearing: Monday, December 18, 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 ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: $071795PHX$
Petitioner: Towson VF LLC
Address or Location: Bol Gouden Bonkernel
PLEASE EORIMARD ADVEDITIONA DULL TO
PLEASE FORWARD ADVERTISING BILL TO:
Vame:Amy Dontell
Address: Z Verable LLP
210 Alleghery Avenue, Tonson MD 21204
Telephone Number: 410 494 62 44



JAMES T. SMITH, JR. County Executive

47

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

December 14, 2006

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

Dear Mr. Hoffman:

RE: Case Number: 07-179-SPHX, 801 Goucher Boulevard

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 18, 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 Sandeep Mathrani Vornado Realty Trust 888 7th Avenue, 29th Floor New York, New York 10019

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:		Timothy M. Kotroco									
FROM:		Dave Lykens, DEPRM - Development Coordination									
DATE:		November 21, 2006									
		Zoning Item Address	# 07-179-SPHX 801 Goucher Boulevard (Towson VF, LLC)								
2	Zoning	Advisory Com	mittee Meeting of October 23, 2006								
		-	vironmental Protection and Resource Management has no re-referenced zoning item.								
		-	vironmental Protection and Resource Management offers at the above-referenced zoning item:								
· -		Protection of V	of the property must comply with the Regulations for the Vater Quality, Streams, Wetlands and Floodplains (Section 1914) of the Baltimore County Code).								
_		•	of this property must comply with the Forest Regulations (Sections 33-6-101 through 33-6-122 of the nty Code).								
_		Critical Area R	of this property must comply with the Chesapeake Bay Regulations (Sections 33-2-101 through 33-2-1004, and of the Baltimore County Code).								

Additional Comments:

Contact the Baltimore County's Environmental Impact Review (EIR) section at (410) 887-3980 for more details.

Reviewer:

Regina Esslinger

Date: 11/2/06

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2007\ZAC 07-179-SPHX.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: November 15, 2006

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

801 Goucher Boulevard

INFORMATION:

Item Number:

7-179

Petitioner:

Vornado Realty Trust

Zoning:

BL-CCC

Requested Action:

Special Haring and Special Exception

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioners request for special hearing to approve an amendment to the site plan approved in prior zoning case 93-207. This is contingent upon the following conditions being met.

- To facilitate improved pedestrian access and circulation, depressed curb-cuts must be
 installed at all proposed relocated or reconfigured shopping center entrances (e.g.
 Goucher Boulevard and Prince Road). In addition, depressed curb-cuts must be installed
 at those points where the proposed interior access way crosses the mounted curbs shown
 on the site plan submitted.
 - a. Note: This provision must be in compliance with section 4.7 of the ADA Accessibility Guildlines for Buildings and Facilities)
- 2. Building elevation drawings for each proposed and expanded retail/restaurant site shall be submitted to and approved by this Office prior to applying for any building permits. Particular attention must be made to those facades of each building that front an adjacent public roadway and/or interior access way.
 - a. All facades for each proposed retail/restaurant site shall be articulated with similar materials so that a uniform architectural appearance can be achieved between them.

- b. Proposed retail/restaurant site (PAD 3) shall be revised so that the eastern facing façade does not appear as a rear entrance or service area, but rather a visually pleasing side façade for the proposed retail/restaurant use.
- 3. Detailed architectural drawings for the proposed relocated shopping center ID sign along Goucher Blvd. must be submitted to and approved by this Office prior to applying for any building permits. Signage shall consist of a ground mounted, joint identification sign as opposed to the existing free standing sign currently located at the existing entrance along Goucher Blvd.
 - Signage materials shall consist entirely or a combination of brick, stone, or painted/dyed concrete.
- 4. Site plan shall show the location for all dumpster for each newly proposed or expanded retail or retail/restaurant site (e.g. PAD sites 1, 2, 3, and expanded pad site at the corner of Goucher Blvd. and Prince Road). All dumpsters shall be concealed from public view by trees and shrubs in combination with fencing or masonry walls.
 - a. Note: This provision shall be done in compliance with section III h. of the Baltimore County Landscape Manual (p. 39).

The Office of Planning does not oppose the petitioner's request for Special Exception to use the subject property for an automobile electronics installation use (service garage), provided the following conditions are met:

- 1. The operation of automotive electronics (specifically vehicle audio systems and their associated loud speakers) shall not occur between the hours of 7:00 PM and 7:00 AM.
- 2. Vehicle storage shall be restricted to only those vehicles immediately being serviced and shall not occur outside the area shown on the site plan in support of this Special Exception use.

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

r repared by:

Division Chief: AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: December 18, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 7-179- Special Hearing and Special Exception (revised)

The Office of Planning has reviewed the above referenced case(s) and met with the petitioner to resolve issues related to the subject request and has no further comments to offer.

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

Prepared By

Division Chief:

CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: October 26, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 30, 2006

Item Nos. 07-170, 171, 172, 174, 175, 176, 177, 178, 179, 180, 181. and 182

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-10262006.doc



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

4102095026

Neil J. Pedersen, Administrator.

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: OCTOBER 31, 2006

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

RE: Baltimore County

Item No. 7-179-594X BOI GOUCHER BOULEVILLED

Robert L. Flanagan, Secretary

TOWSON VF L.L.C. PROPERTY SPECIAL HEARING

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-1795PHX.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Engineering Access Permits

Division

SDF/MB



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 October 31, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 23, 2006

Item Number(s): 170 through 182

179

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.

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

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File

RE: PETITION FOR SPECIAL HEARING

AND SPECIAL EXCEPTION

801 Goucher Boulevard; SW corner Goucher*

Boulevard & Prince Road

9th Election & 5th Councilmanic Districts

Legal Owner(s): Towson VF, LLC by Vornado

Realty Trust Sandeep Mathrani

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

07-179-SPHX

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/

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

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 30th day of October, 2006, 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).

RECEIVED

C.: 3 - 2003

POF THE

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



EXHIBITA-SPHY
01.179-SPHY

JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director Department of Permits and September 27, 2006 Development Management

David H. Karceski, Esq. Venable, LLP 210 Allegheny Avenue Post Office Box 5517 Towson, Maryland 21285-5517

Dear Mr. Karceski:

RE: Zoning Spirit and Intent, 801 Goucher Boulevard, Case Number, 93-207-SPHX, 9th Election District

Pursuant to your letter of September 25, 2006, I have been instructed by Mr. Carl Richards, Zoning Supervisor, to advise you that the intended improvements, as outlined in your correspondence and as shown on the Spirit and Intent plan included therewith, are within the Spirit and Intent of the parking variance granted in Case Number 93-SPHX, and that this proposal is permitted without additional parking variance relief.

Sincerely,

Joseph C. Merrey

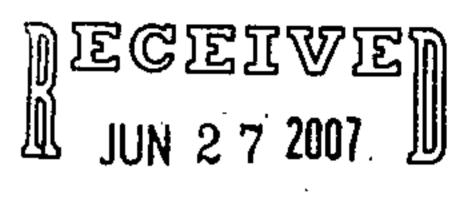
Planner II

Zoning Review 410-887-3391

210 Allegheny Avenue Post Office Box 5517 Towson, Maryland 21285-5517 Telephone 410-494-6200 Facsimile 410-821-0147 www.venable.com

Writer's Direct Number (410) 494-6285

June 26, 2007



HAND-DELIVERED

John V. Murphy, Deputy Zoning Commissioner for Baltimore County County Courts Building 401 Bosley Avenue Towson, Maryland 21204

Re:

801 Goucher Boulevard

S/W Corner Goucher Blvd. and Prince Road 9th Election District, 5th Councilmanic District

Case No. 07-179-SPHX

Dear Mr. Murphy:

6-98-0

In the above-referenced case, Petitioner filed a Petition for Special Exception for an automobile electronics installation use on the property. As you may recall, Circuit City was identified as the operator of the requested special exception at the public hearing held before you on December 18, 2006. As part of the case, Petitioner also requested, by way of a Petition for Special Hearing, to amend the site plan approved in a prior zoning case to accommodate the special exception use.

Certain individuals that reside on the north side of Joppa Road attended the December, 2006 public hearing regarding these petitions. The individuals appeared as representatives of Towson Estates Association (the "Association"). At the conclusion of the hearing, you suggested and Petitioner and the Association agreed to a site visit to allow the citizens the opportunity to observe the location of the special exception use on the property and understand the manner in which Circuit City would conduct outdoor customer demonstrations for automobile electronics installed on-site. This meeting occurred on the property the evening of the public hearing, and Petitioner performed the simulated demonstration to the satisfaction of the Association.

MARYLAND VIRGINIA WASHINGTON, DC

JOINT #1

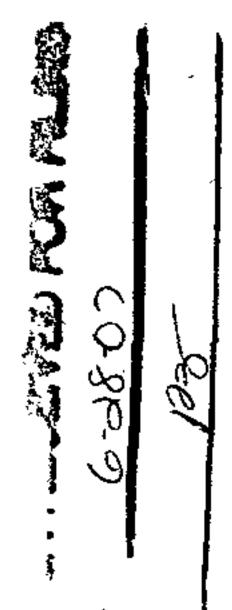
VENABLE

John V. Murphy, Deputy Zoning Commissioner June 26, 2007 Page 2

In connection with this Circuit City demonstration, Petitioner and the Association, through its attorney, Donna King, have agreed to certain use conditions for so long as this proposed special exception is utilized provided you approve the requested relief. The conditions are as follows:

- 1. In the event that Petitioner seeks to expand this special exception area and/or requests approval for a new automobile electronics installation use to replace this special exception approved for Circuit City, a public hearing before the Zoning Commissioner will be required.
- 2. This special exception for a service garage is approved for the limited use of installation of automobile electronics equipment. In the event that Petitioner requests approval to operate a service garage use for any other purpose, including, but not limited to, mechanical repair and/or maintenance work on automobiles on the shopping center property, a public hearing before the Zoning Commissioner will be required.
- 3. The service bay garage doors for this special exception use located on the rear (or north) facade of the main shopping center building may be opened for automobiles entering and exiting for service and for other maintenance related purposes. The doors will be closed at all other times. The hours of operation of the automobile electronics installation use will be between 10:00 a.m. and 10:00 p.m. only.
- 4. A lighting plan shall be approved by the landscape architect for Baltimore County or his designee for any new exterior lighting to be installed or constructed on the shopping center property, including, but not limited to, the rear facade of the main shopping center building. Petitioner shall provide to Donna M.B. King at the address below a copy of the approved lighting plan.
- 5. Petitioner shall maintain, at its existing height and length, the retaining wall along Joppa Road. See Petitioner's Exhibit No. 5C, 5D. The retaining wall, as shown on Petitioner's Exhibit No. 1, generally runs the entire length of the shopping center building area from Prince Road to approximately ten (10) feet from the entry/exit into the shopping center on Joppa Road.

The above list is the complete list of conditions agreed upon by the parties in this case.



VENABLE

John V. Murphy, Deputy Zoning Commissioner June 26, 2007 Page 3

We now respectfully ask that you grant Petitioner's requested relief and, in doing so, incorporate the above-provided conditions in your Order for Case No. 07-179-SPHX.

We appreciate your attention to this matter.

Very truly yours,

David H. Karceski

Donna King

Law Office of Donna M.B. King, LLC 309 W. Pennsylvania Avenue Towson, Maryland 21204

DHK Enclosure

cc: Mr. Aanen Olsen

TO1DOCS1/DHK01/#247182

O-3800

www.greatertowson.com

December 14, 2006

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

RE: 801 Goucher Boulevard

Dear Commissioner:

The Greater Towson Committee, Inc. has been in existence since 1979 to foster sound economic development in the Towson area. The organization is made up of 50 dues paying members representing a diverse cross section of large and small businesses who have a vested interest in helping create a robust work climate, as well as, a vibrant community in which to live. The representative group consists of institutions of higher learning, healthcare systems, engineering, accounting and legal firms and the banking community. The organization is structured with a volunteer Board of Directors led by an Executive Committee, which oversees committees for Planning and Development, Transportation and other areas impacting our community.

The GTC, has had sufficient opportunity to review the 801 Goucher Boulevard project and discuss its development with project representatives. Further, the GTC would like to voice support for the amendment to the site plan and the allowance of a special exception for an automobile electronics installation use, a.k.a. "service garage." When placed alongside what the GTC believes to be a bright vision of the future of Towson, this project appears aligned with that vision. 801 Goucher Boulevard, we believe, will provide the type of impetus for revitalizing the local business climate in Towson.

The GTC's Planning and Development Committee evaluated this project and recommended the GTC Board of Directors support it fully. The GTC Board of Directors did so unanimously.

Thank you for the opportunity to express support of this project on behalf of the Greater Towson Committee Board of Directors. I kindly ask that you consider the voices of our Towson business leaders as they state their full support of the special exception for 801 Goucher Boulevard.

Sincerely,

The Greater Towson Committee, Inc.

Cynthia W. Bledsoe

Executive Director

102 W. Pennsylvania Avenue, Suite 101 • Towson. Maryland 21204 • 410-825-2549 • 410-821-9901 fax

A private, non profit metropolitan development corporation, since 1979, promoting investment in Greater Towyon through redevelopment and revitalization of property and infrastructure for the common good

PLEASE PRINT CLEARLY

CASE NAME 801 GOLDER.
CASE NUMBER 07-179-50HX
DATE 12/18/06

PETITIONER'S SIGN-IN SHEE

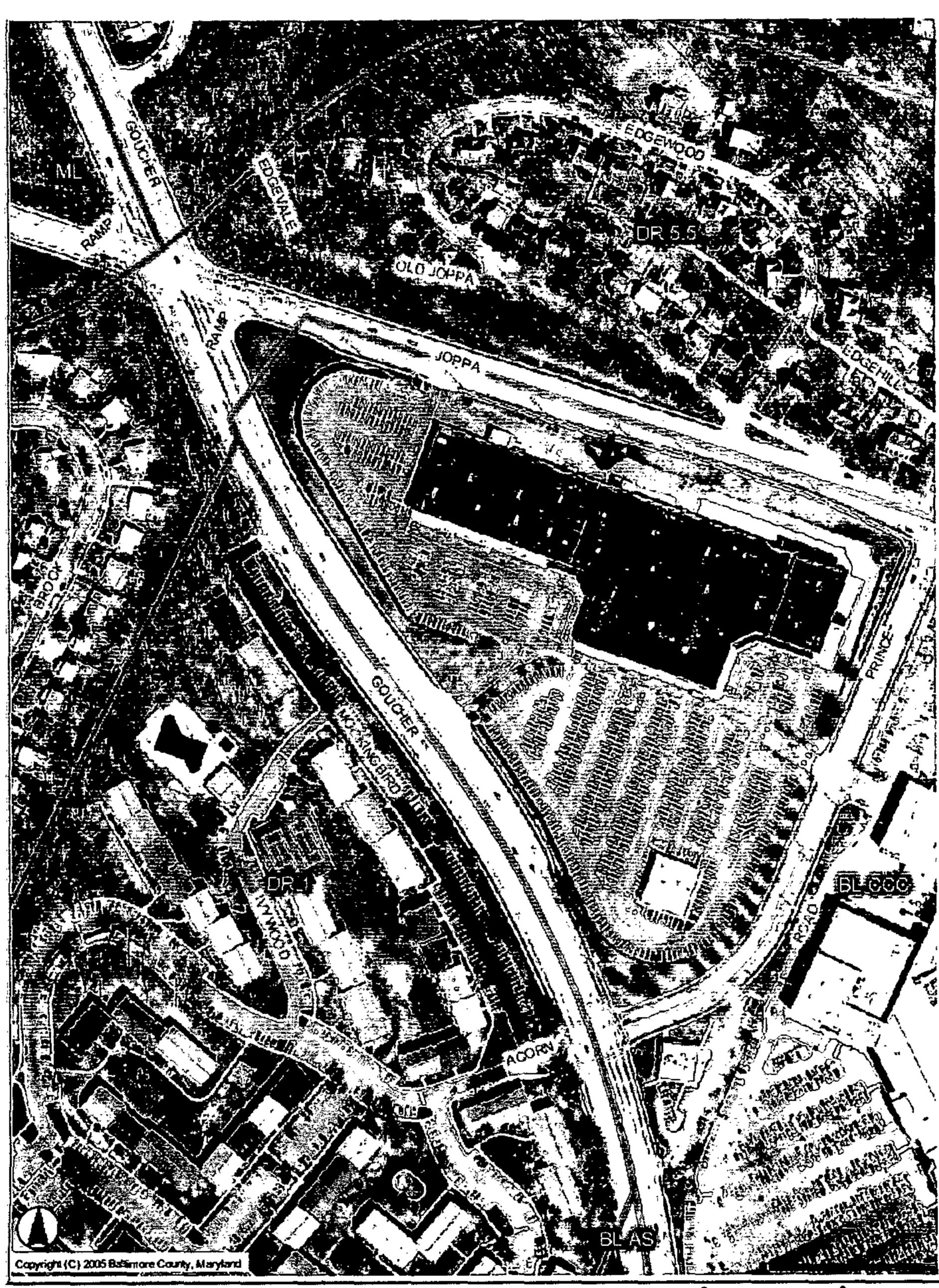
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CITY, STATE, ZIP	Townson 111D	Wilmington (DE	7001Sdr 21286		**								
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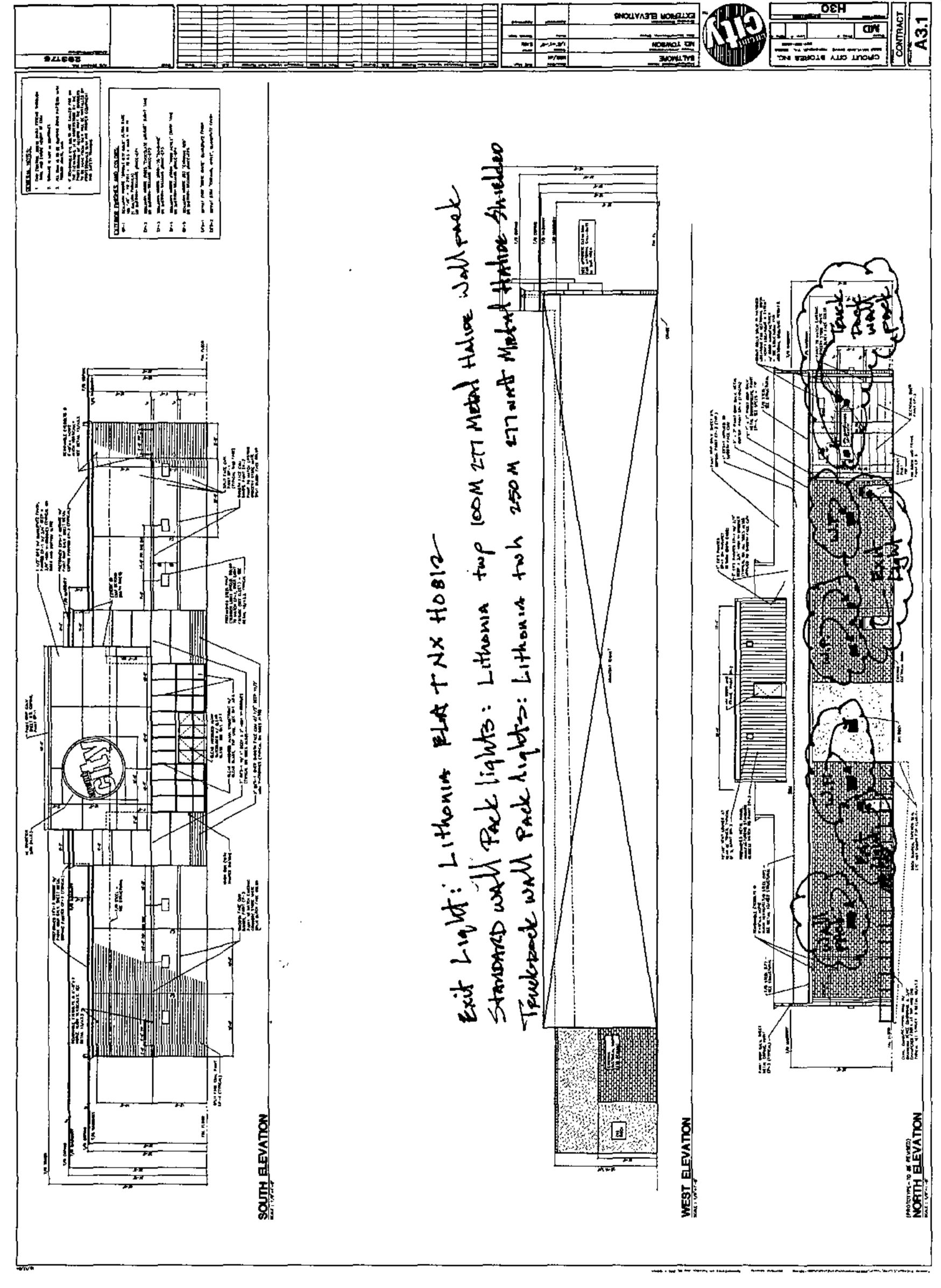
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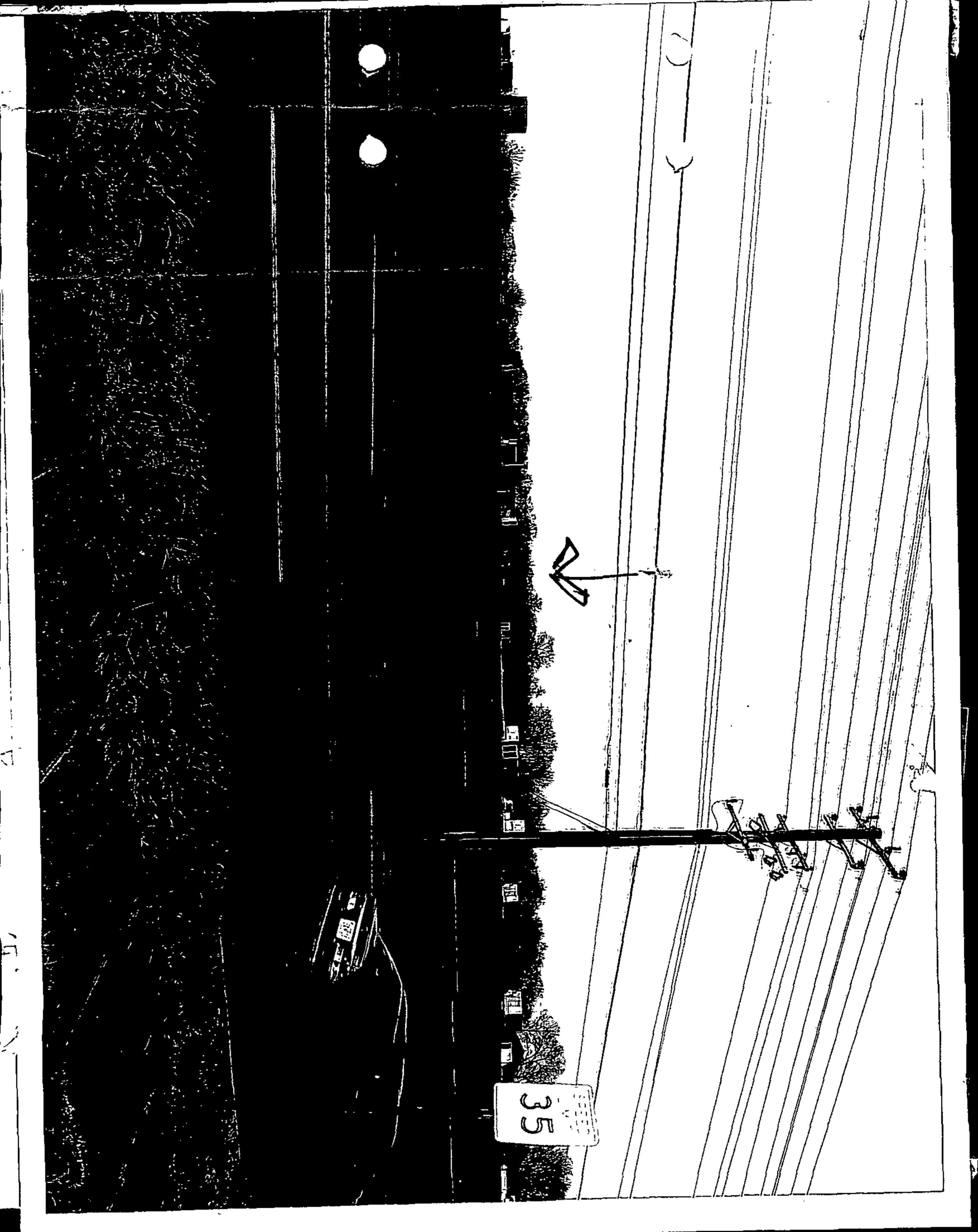
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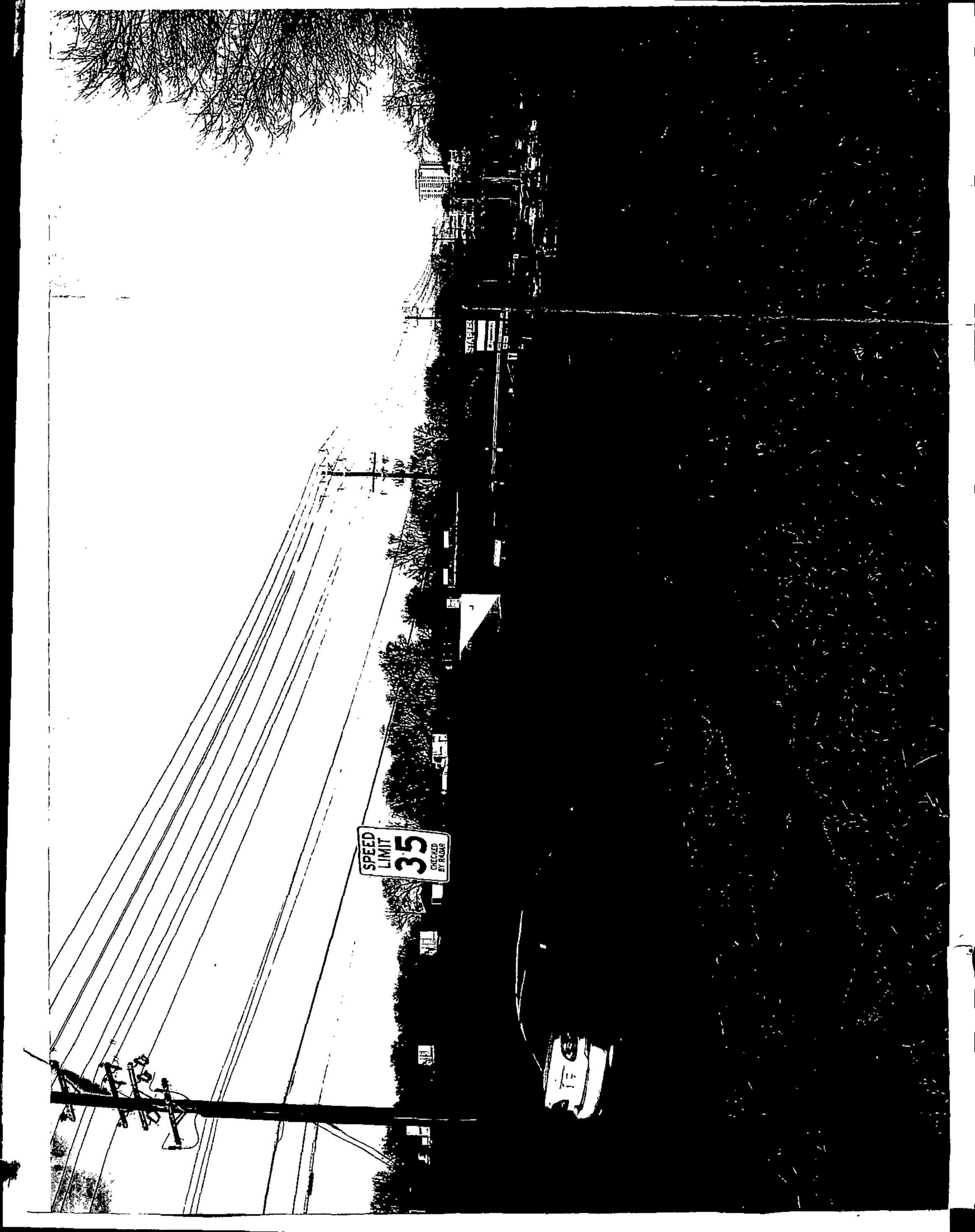
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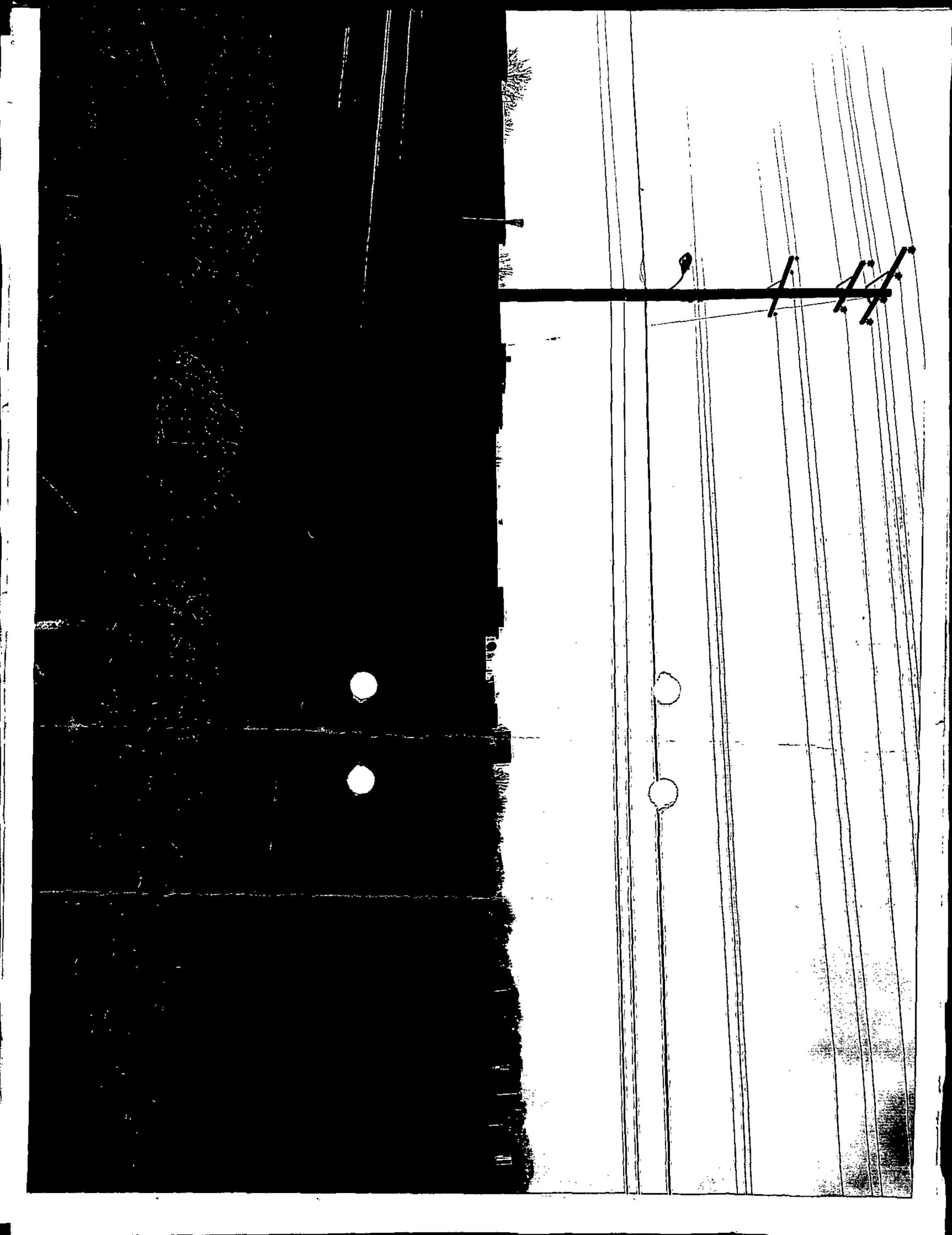


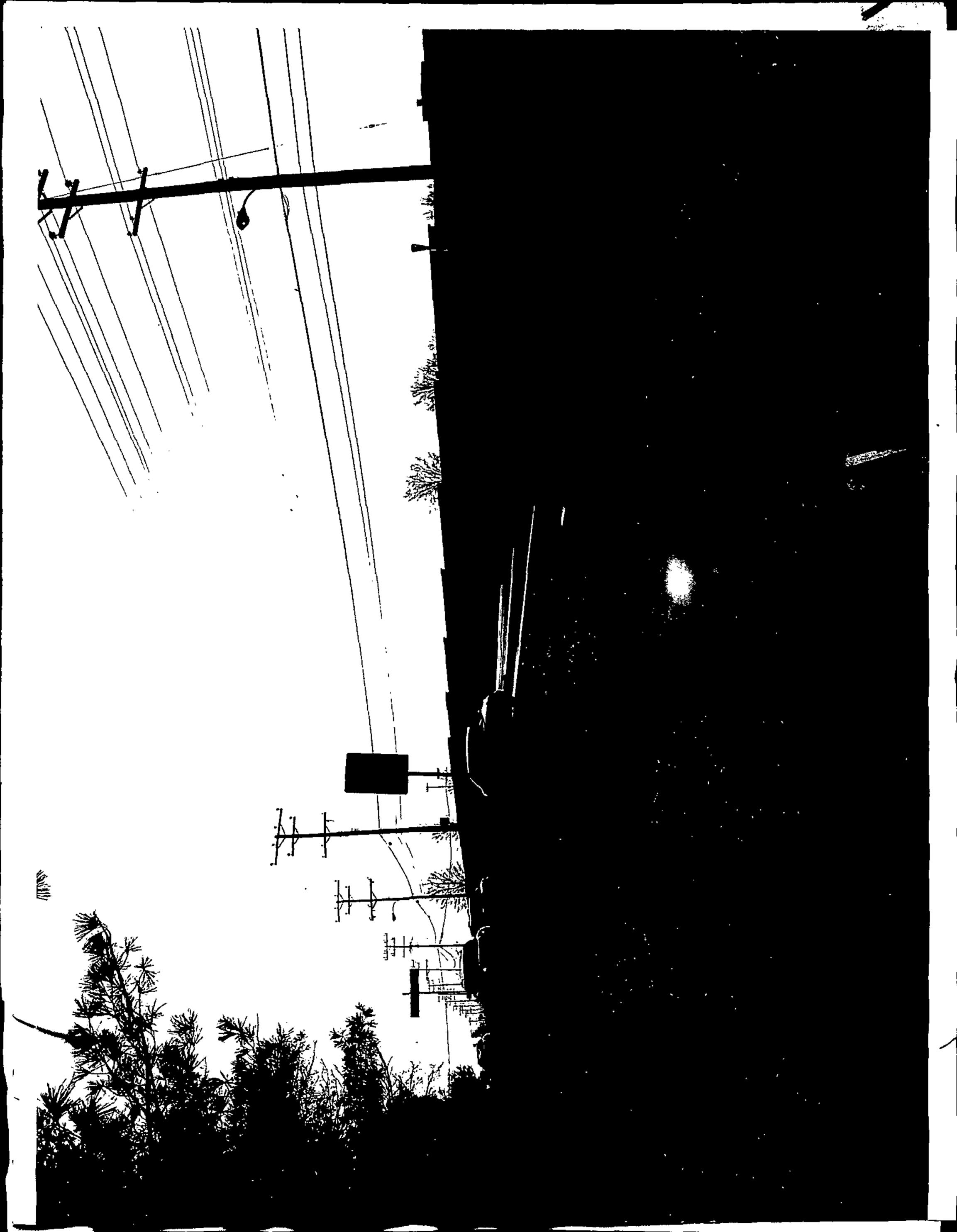


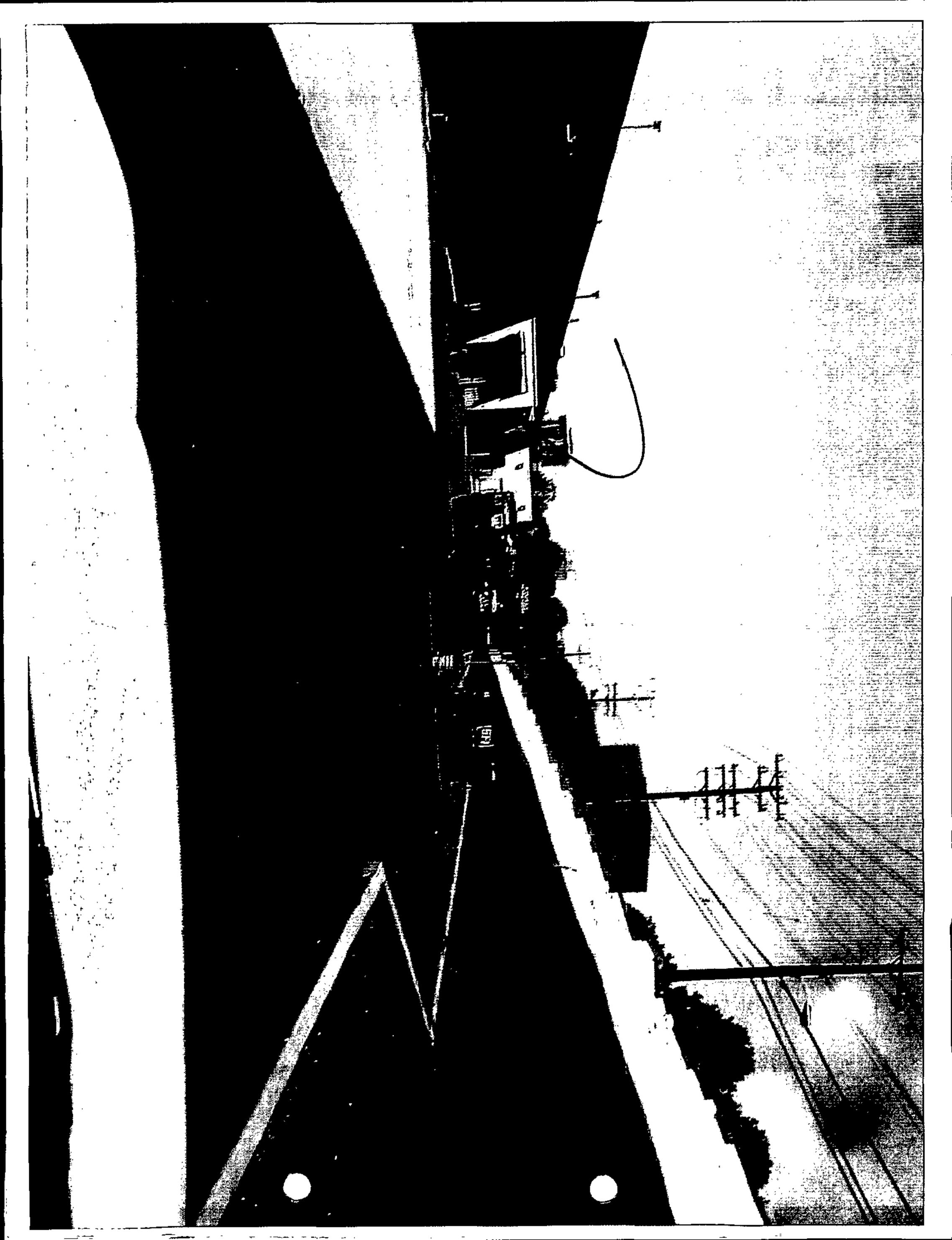
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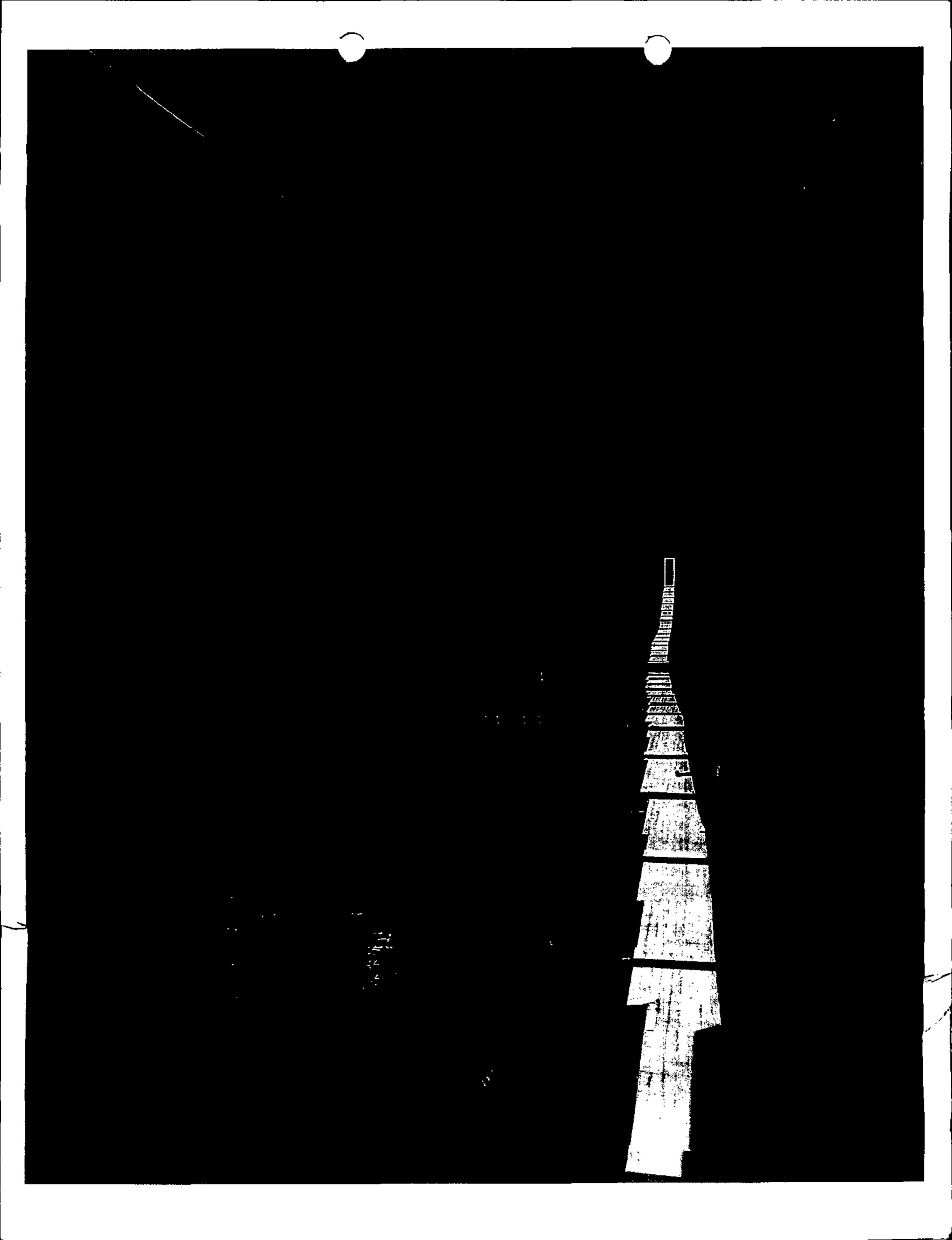




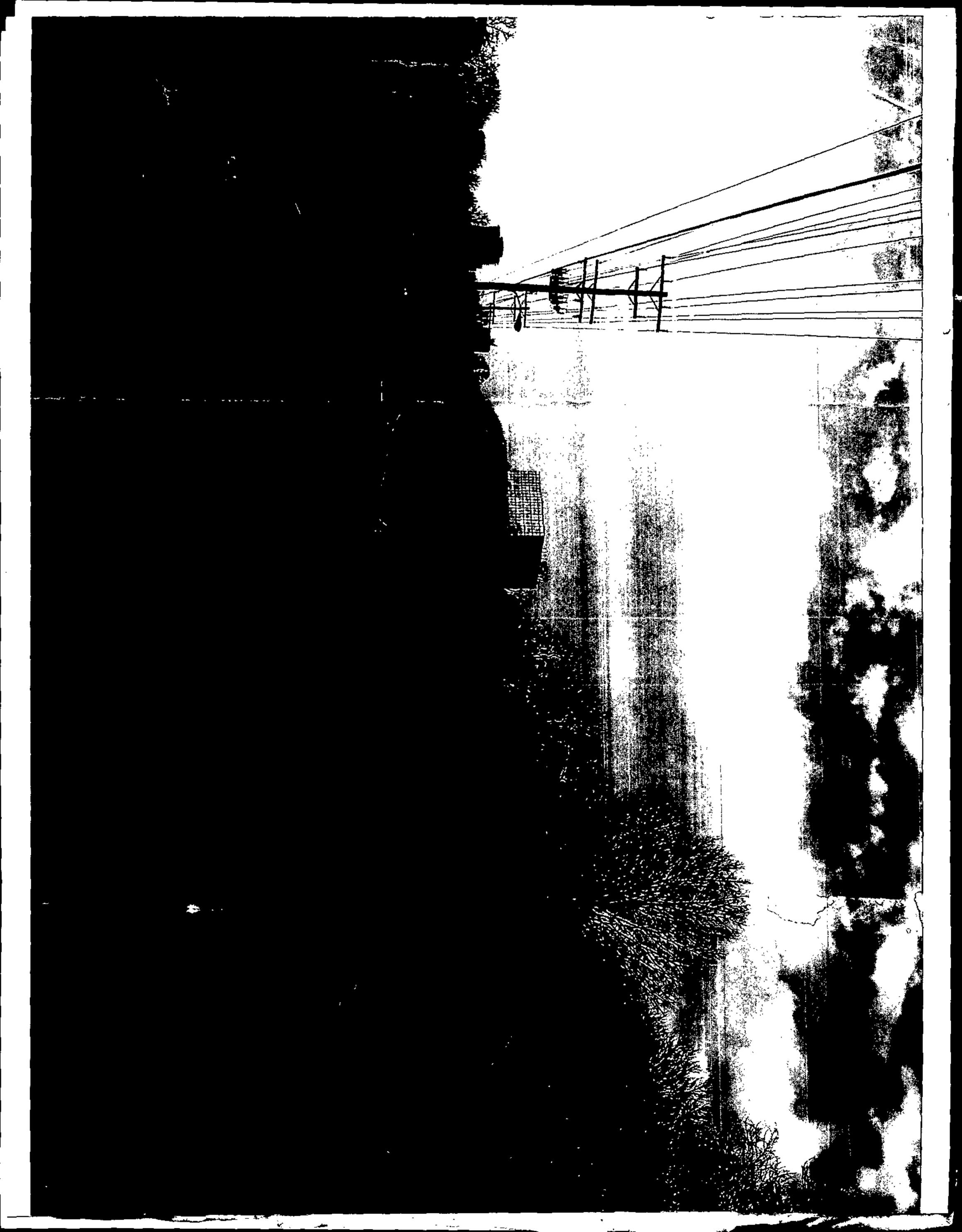


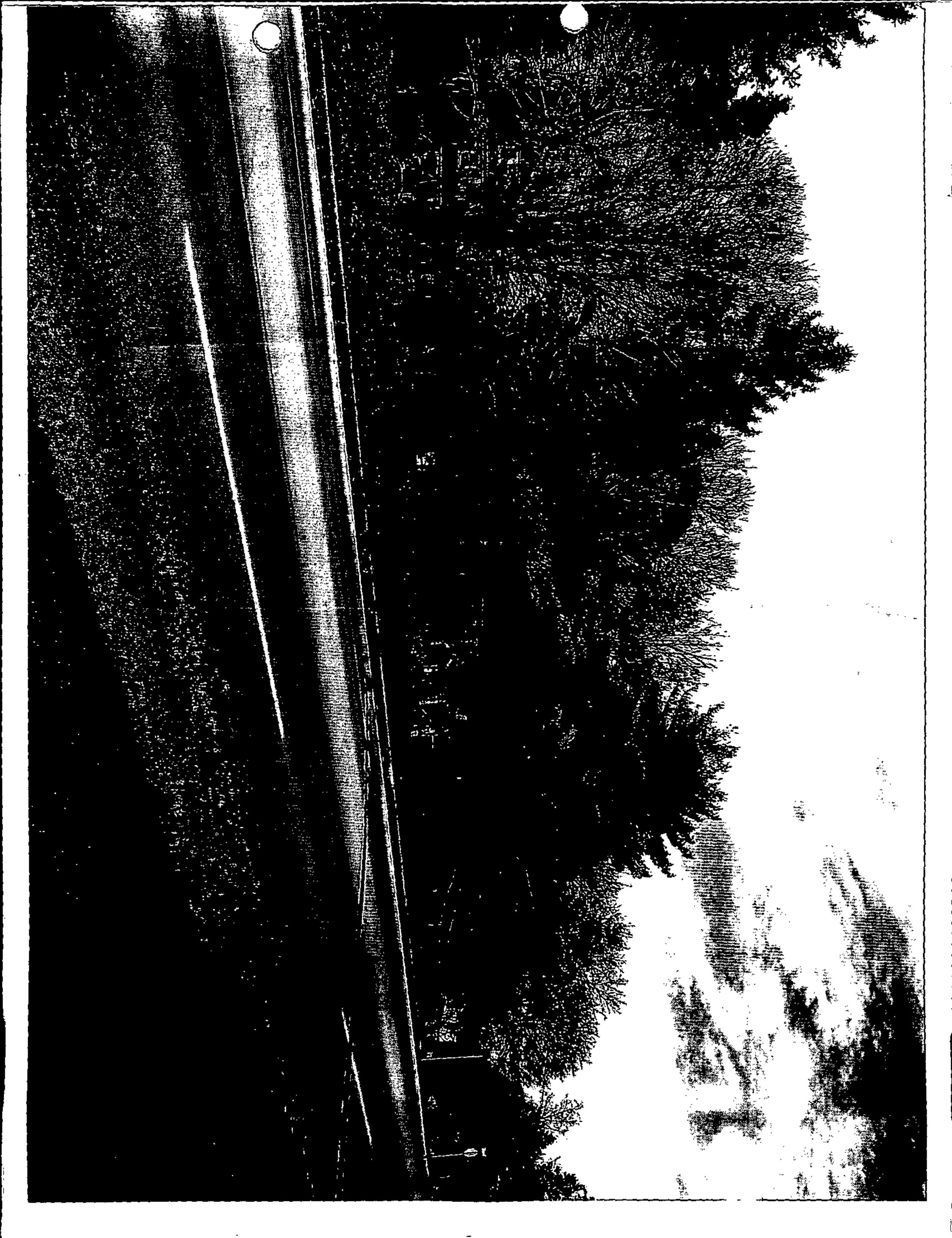








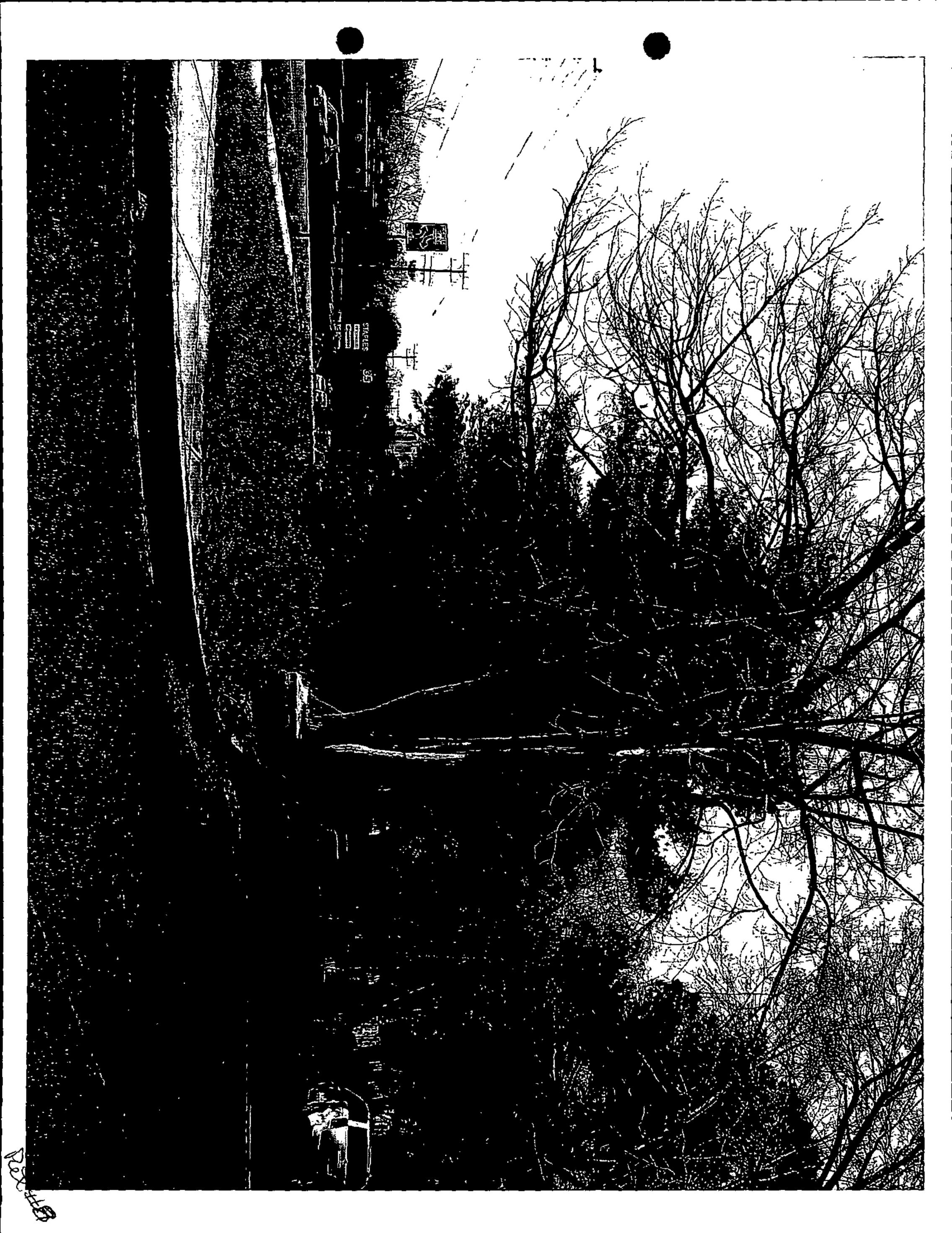


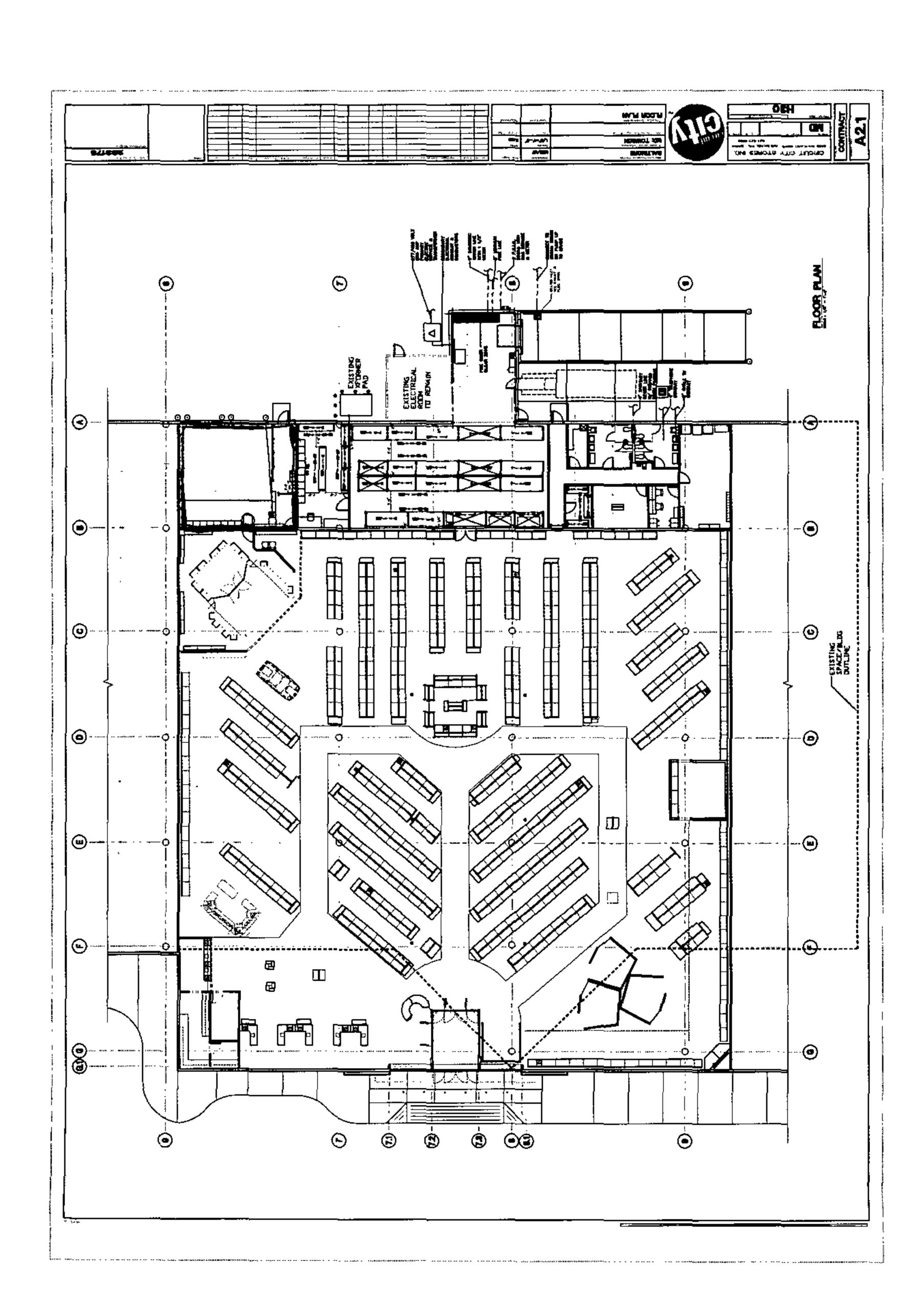


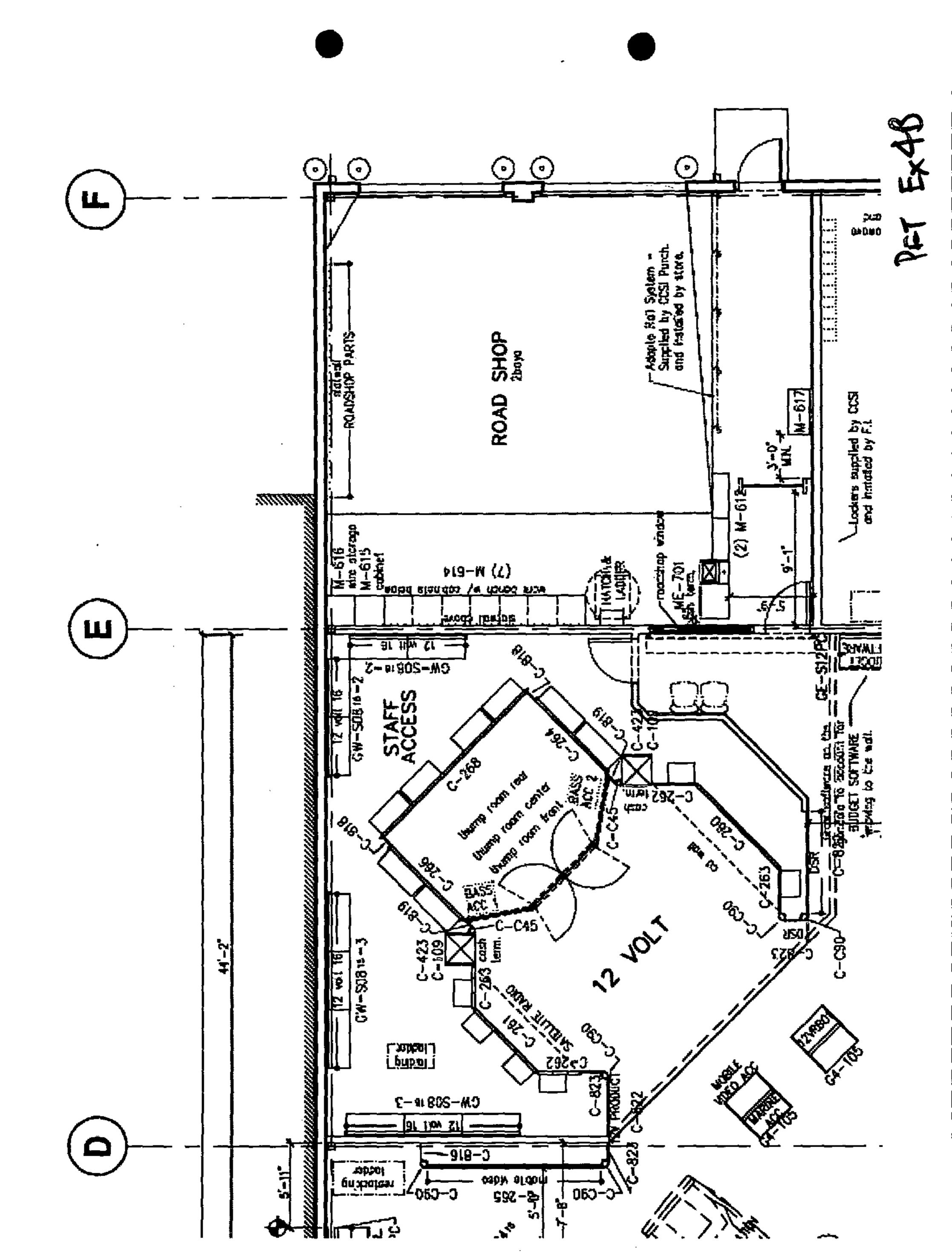


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