IN RE: **PETITION FOR VARIANCE** NE/S Goucher Boulevard, S/S of Joppa Road **(801 Goucher Boulevard)** 9th Election District 5th Council District Towson VF LLC Petitioner	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY **Case No. 08-134-A**

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Towson VF LLC, by and through its attorneys, David H. Karceski, Esquire and Christopher D. Mudd, Esquire with Venable LLP. The Petitioner requests a variance from Section 450.4.7(b) of the Baltimore County Zoning Regulations (B.C.Z.R.) to display 14 lines of sign text with sign copy a minimum of 5 inches in height in lieu of the permitted 5 lines of text and required 8 inch height for sign copy. The subject property and requested relief are more particularly described on a colorized site plan which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were David H. Karceski, Esquire and Christopher D. Mudd, Esquire, as attorneys for Petitioner, Aanen Olsen, as project manager and representative of the owner, and Bill Monk, zoning consultant with Morris & Ritchie Associates, Inc., the engineering firm that prepared the site plan. There were no Protestants; however, George S. Ingalls, Esquire attended as an interested citizen.

Testimony and evidence offered revealed that the subject property is located at the southeast corner of the intersection of Joppa Road and Goucher Boulevard, in the Towson area of the County. The 19-acre parcel with attendant improvements is zoned B.L.-C.C.C. (Business

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Date 11-23-07
By

Local – Commercial, Community Core), triangularly shaped and surrounded by Goucher Boulevard to the south and west, Joppa Road to the north, and Prince Road to the east. The site is improved with an existing shopping center, which is undergoing redevelopment, including improvement of existing building facades and the construction of additional pad sites.[1] An aerial photograph, submitted as Petitioner's Exhibit 2, as well as photographs of the ongoing site improvements and of views of the site from adjacent roadways, submitted as Petitioner's Exhibit(s) 3A-3D, help illustrate both the unusual shape and constraints of the site and the redevelopment efforts.

The requested variance relief pertains to free-standing signage for the shopping center. As explained by Mr. Karceski, the Petitioner intends to replace two existing free-standing signs – one along Joppa Road and one along Goucher Boulevard – with new signs. Photographs of the existing signs were submitted as Petitioner's Exhibit(s) 4A-4B and color elevations of the proposed signs were submitted as Petitioner's Exhibit(s) 5A-5B. The new sign along Joppa Road will be placed in the same location as the existing sign, while the new sign along Goucher Boulevard will be moved southeast of the existing sign, so as to be adjacent to a new, relocated entrance to the subject property.

Mr. Karceski explained that the specific need for the variance is generated by the uniqueness of the property. Specifically, the irregular shape of the site, the orientation of the buildings on the site, the curvature of the surrounding roads, the significant grade changes along the public road frontage, the existing mature landscaping along Goucher Boulevard, and an existing wall along Joppa Road are all factors that contribute to the uniqueness of the subject property and severely hamper visibility into the site. It was further indicated by Mr. Monk that to enable proper identification of the tenants, each tenant should be named on the free-standing

[1] The Vornado Realty Trust is investing over $6,000,000.00 for site improvements.

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Date 11-23-07
By

signage for the site. A strict interpretation of the sign regulations contained within the B.C.Z.R. would allow for only 5 lines of text on the freestanding signs, which would make adequate identification of all eleven (11) tenants difficult, if not impossible. Clearly, the zoning regulations do not take into account situations like the instant case where a 19-acre shopping center's visibility is so limited from the surrounding roadways that the only adequate means of identification is by way of free-standing signage, as opposed to wall-mounted signage that is, in this case, not visible from the roadways. As shown on Petitioner's Exhibit(s) 5A-5B, in order to adequately identify all 11 tenants on the free-standing sign, the sign should contain at most 14 lines of text. In connection with this request, Petitioner also seeks relief to permit sign copy 5 inches in height in lieu of the required 8 inches.

Having considered all of the evidence and proffered testimony on this issue, I am persuaded to grant the Petition for Variance. Based on my review of the site plan, the site photographs, and the colorized elevations, I find the requirements of B.C.Z.R. Section 307.1 to be satisfied. The proposed signs are appropriate, given the unique shape, orientation, and constraints of the site, which together limit the site visibility. The signs will facilitate adequate identification of the uses on site, which would not be possible if the signs were limited to the 5 lines of 8 inch text required under the B.C.Z.R. Furthermore, the signs are no larger than the existing signs, are far more aesthetically pleasing than the existing signs, and are by no means visibly disruptive. I should note that there are no adverse Zoning Advisory Committee (ZAC) comments, but that the Office of Planning has requested the right to review and approve the elevations and building materials for the signs prior to construction, which I will make a condition of approval. Lastly, Mr. Karceski submitted as Petitioner's Exhibit 6 correspondence

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By

(an email) from Donna M.B. King, Esquire, which evidences that the Towson Estates Association, the local community association in this area, does not oppose the variance request.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 23rd day of November, 2007, that the Petition for Variance seeking relief from Section 450.4.7(b) of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow the display of 14 lines of sign text with sign copy a minimum of 5 inches in height in lieu of the permitted 5 lines of text and required 8 inch height, in accordance with Petitioner's Exhibit(s) 1, 5A and 5B, be and is hereby GRANTED, subject to the following restrictions:

1. Petitioner must provide sign elevations, including building materials, to the Office of Planning for review and approval prior to the construction of the signs.

2. Petitioner may apply for sign permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its 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.

WILLIAM J. WISEMAN, III
Zoning Commissioner
of Baltimore County

ORDER RECEIVED FOR FILING
Date 11-23-07
By

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

November 23, 2007

David Karceski, Esquire
Christopher D. Mudd, Esquire
Venable LLP
210 Allegheny Avenue
Towson, MD 21204

RE: **PETITION FOR VARIANCE**
(801 Goucher Boulevard)
Towson VF LLC - Petitioner
Case No. 08-1346-A

Dear Messrs. Karceski and Mudd:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted with conditions 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:pz
Enclosure

c: Bill Monk, Morris & Ritchie Associates, Inc., 1220-C, E. Joppa Road, Suite 505, Towson, MD 21286
Aanen Olsen, Project Manager-Development, Vornado Realty Trust, 210 Route 4 East, Paramus NJ 07652-0910
People's Counsel; File

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

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

October 4, 2007

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: 08-134-A
801 Goucher Boulevard
Corner n/east side of Goucher Boulevard at s/side of Joppa Road
9th Election District – 5th Councilmanic District
Legal Owners: Towson VF LLC by Vornado Realty Trust

Variance to permit 14 lines of sign text with sign copy of minimum of 5 inches in height in lieu of the permitted 5 lines of text and required 8 inch height for sign copy.

Hearing: Tuesday, November 20, 2007 at 9:00 a.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
Peter Michelis, Vornado Realty Trust, 210 Route 4 East, Paramus NJ 07652

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, NOVEMBER 5, 2007.**
(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, November 6, 2007 Issue - Jeffersonian

Please forward billing to:
Amy Dontell
Venable
210 Allegheny Avenue
Towson, MD 21204

410-494-6200

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: 08-134-A
801 Goucher Boulevard
Corner n/east side of Goucher Boulevard at s/side of Joppa Road
9th Election District – 5th Councilmanic District
Legal Owners: Towson VF LLC by Vornado Realty Trust

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Hearing: Tuesday, November 20, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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(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: 08-134-A

Petitioner: Towson VF LLC

Address or Location: 801-835 Goucher Blvd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Amy Dontale

Address: 210 Allegheny Avenue
Towson, MD 21204

Telephone Number: 410-494-6200

Revised 7/11/05 - SCJ

Petition for Variance

to the Zoning Commissioner of Baltimore County

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, 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)

Variance from Section 450.4.7.b of the Baltimore County Zoning Regulations to display 14 lines of sign text with sign copy a minimum of 5 inches in height in lieu of the permitted 5 lines of text and required 8 inch height for sign copy.

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

To be determined at hearing.

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Legal Owner(s):

SEE ATTACHED

Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman / David H. Karceski

Name - Type or Print

Signature

Venable LLP

Company

210 Allegheny Avenue 410-494-6200

Address Telephone No.

Towson, Maryland 21204

City State Zip Code

Representative to be Contacted:

Robert A. Hoffman

Name

210 Allegheny Avenue 410-494-6200

Address Telephone No.

Towson, Maryland 21204

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By _____ Date 9/14/07

Case No. 08-134-A

RBD 9/15/98

ORDER RECEIVED FOR FILING

Date 11-23-07

By DW

Attachment to
Petition for Variance

801 Goucher Boulevard

Legal Owner:

Towson VF L.L.C.

By: Vornado Realty Trust,
Authorized Signatory

By: _____

Peter Michelis
Senior Vice President
210 Route 4 East
Paramus, NJ 07652
(201) 587-1000

Item # 134

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS

September 17, 2007

ZONING DESCRIPTION
SIGN VARIENCE REQUEST

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;
6. 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;
7. 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;
9. 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°51'39" East 132.07 feet;

Item # 134

P;\14993\Survey\Descriptions\14993-Zoning Description Special Hearing.doc

1220-C East Joppa Road, Suite 505, Towson, MD 21286 (410) 821-1690 Fax: (410) 821-1748 www.mragta.com

Abingdon, MD (410) 515-9000 + Laurel, MD (410) 792-9792 + Towson, MD (410) 821-1690 + Georgetown, DE (302) 855-5734 + Wilmington, DE (302) 326-2200 + York, PA (717) 751-6073

16. South 67°59'13" East 24.99 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°31'48" East 415.69 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°16'33" East 101.24 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.

Tom Wolfe
Landscape Architect No. 3173

LICENSED LANDSCAPE ARCHITECT
3173
THOMAS EDWARD WOLFE
STATE OF MARYLAND
9/12/07

Item #134

CERTIFICATE OF POSTING

RE: Case No.: 08-134-A

Petitioner/Developer: TOWSON VF LLC BY VORNADO REALTY TRUST

Date of Hearing/Closing: 11-20-07

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}

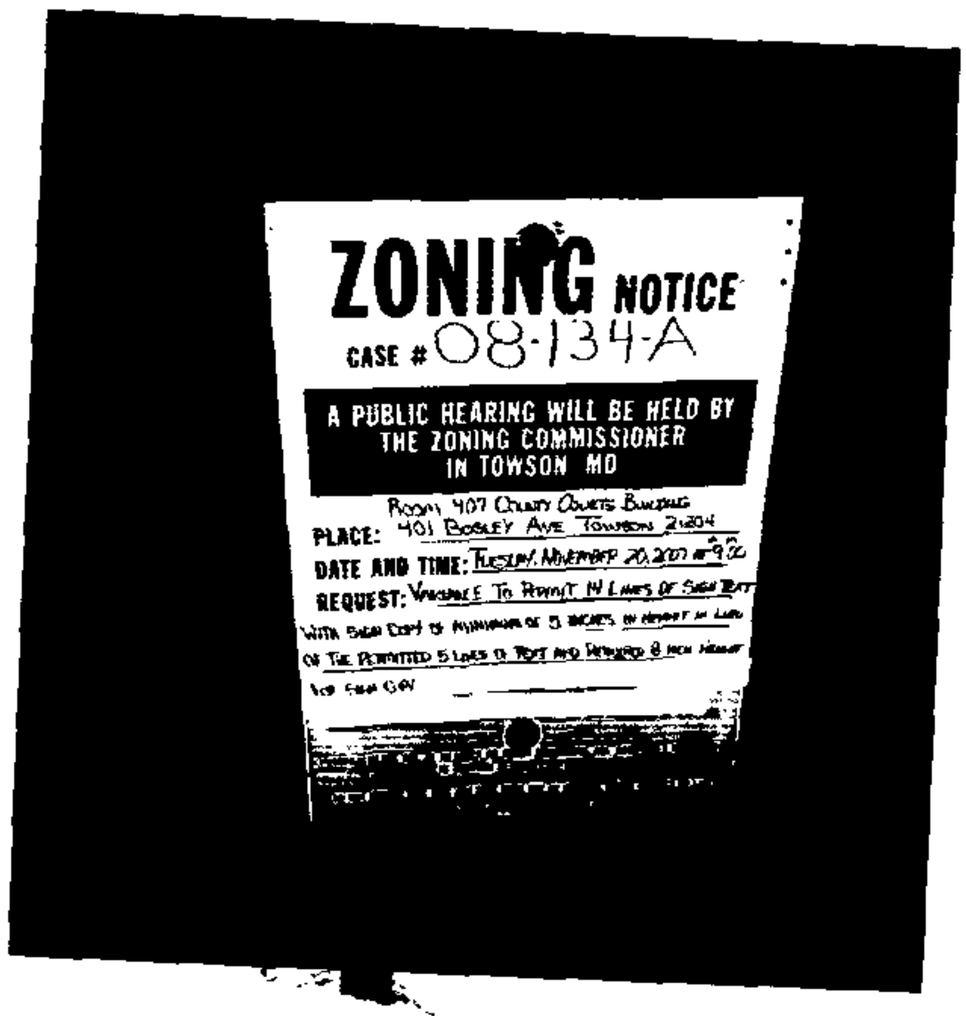
Ladies and Gentlemen:

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 GOUCHER BOULEVARD

The sign(s) were posted on 11-5-07
(Month, Day, Year)

Sincerely,



Robert Black 11-6-07
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 05393

Date: 9/14/07

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				325.00
						Total:		325.00

Rec From:

For: Zoning hearing - case #08-134-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
BUSINESS ACTUAL TIME DRW
9/17/2007 9/14/2007 10:59:15 2
REG SUB MAIL JEVA JEE
>>RECEIPT # 525465 9/14/2007 OFLI
Dept 5 525 ZONING VARIANCES
CR TY. CONSVS
Dept Tot. $325.00
$325.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

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

Case: # 08-134-A
801 Goucher Boulevard
Corner n/east side of Goucher Boulevard at s/side of Joppa Road.
9th Election District - 5th Councilmanic District.
Legal Owner(s): Towson VF LLC by Vornado Realty Trust

Variance: to permit 14 lines of sign text with sign copy of minimum of 5 inches in height in lieu of the permitted 5 lines of text and required 8 inch height for sign copy.

Hearing: Tuesday, November 20, 2007 at 9:00 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 11/621 Nov. 6 154485

CERTIFICATE OF PUBLICATION

11/8/, 2007

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 11/6/, 2007.

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

S. Wilkinson

LEGAL ADVERTISING

RE:	PETITION FOR VARIANCE 801 Goucher Blvd, Corner NE/S Goucher Blvd, S/S of Joppa Road 9th Election & 5th Councilmanic Districts Legal Owner(s): Towson VF, LLC Petitioner(s)	* * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 08-134-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 2nd day of October, 2007, 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
OCT 02 2007
Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BW 11/20
9AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 12, 2007

RECEIVED
OCT 15 2007
BY:

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-134- Variance**

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request provided sign elevations including building materials are submitted to the office for review and approval prior to construction..

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

Reviewed By: Curtis A Murray

Division Chief: Lynn Lanham

CM/LL

W:\DEVREV\ZAC\8-134.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 12, 2007

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-134- Variance**

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

Reviewed By: Cindy A Murray

Division Chief: Lynn Lanham

CM/LL

W:\DEVREV\ZAC\8-134.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 2, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For October 1, 2007
Item Nos. 08-131, 133, 134, 135, 137, 138, 139, 140, 141, 142, 143, and 144

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-10012007.doc

Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*

SHA
State Highway Administration
Maryland Department of Transportation

John D. Porcari, *Secretary*
Neil J. Pedersen, *Administrator*

Date: SEPT. 26, 2007

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

RE: Baltimore County
Item No. 8-134-A
801 GOUCHER BOULEVARD
TOWSON VF, LLC PROPERTY
VARIANCE

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. 8-134-A.

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,

Michael P. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

PLEASE PRINT CLEARLY

CASE NAME 861 Goucher
CASE NUMBER 08-134-A
DATE 11/20/07

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
David Karcesk	210 Allegheny Ave	Towson MD 21204	dkarcesk@verizon.net
Chris Mudd			
AANEN OLSEN	210 RT 4 EAST	PARAMUS NJ 07652	aolsen@vno.com
BILL MONK	1220-C EAST JOPPA RD	TOWSON 21286	wmonk@mlagto.com

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 08-134-A
DATE 11-20-07

CITIZEN'S SIGN-IN SHEET

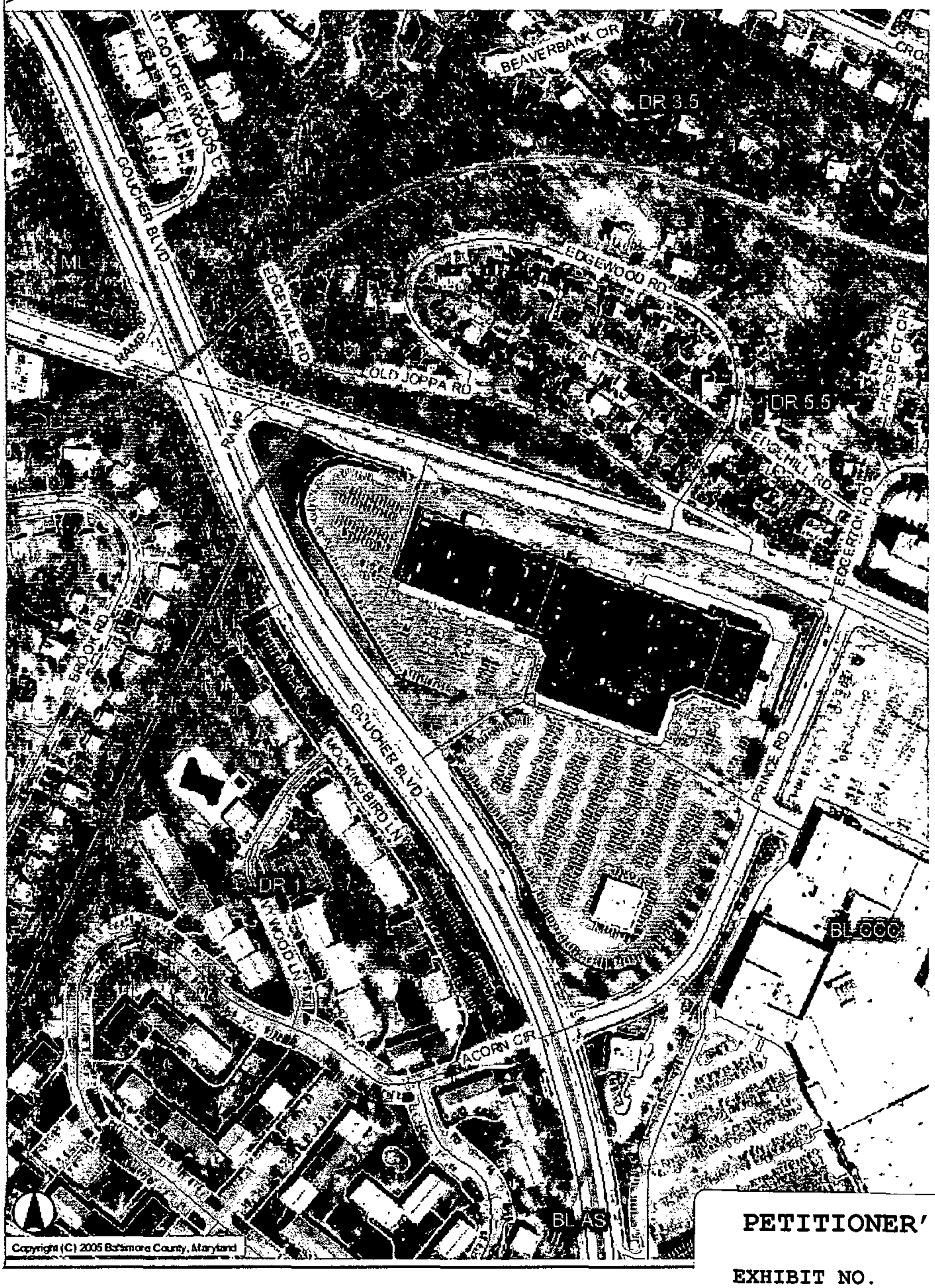
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
George S. Ingalls Esquire	305 W Chesapeake Ave #100	Towson 21204	samlaw@verizonnet.com
APPEARED AS INTERESTED PERSON			

Case No.: 08-134-A 801 Goucher Blvd

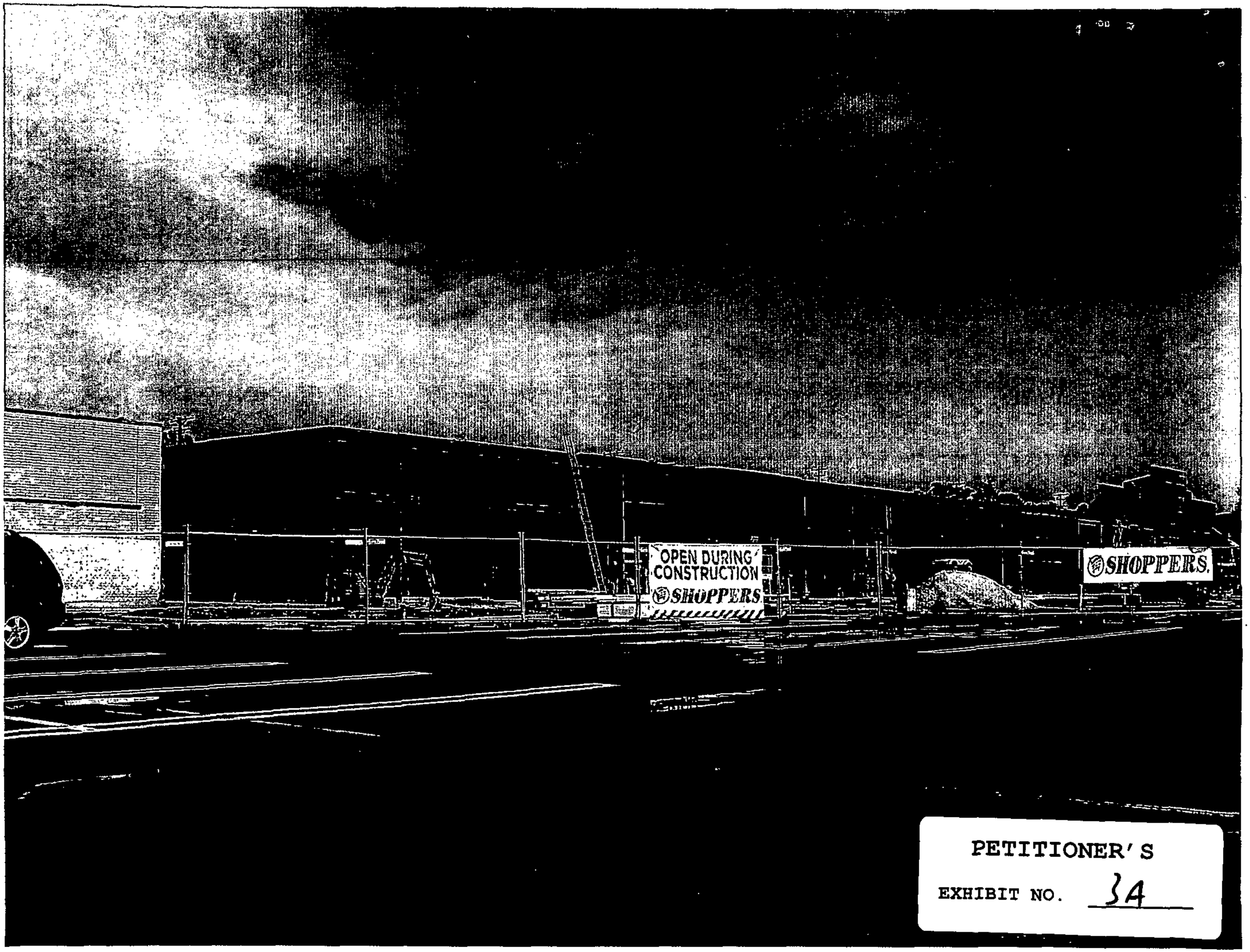
Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	Colorized Site Plan	
No. 2	Aerial Photograph	
No. 3	Photo's of Approaches to Center - Trees impair view into Site - Topography	
No. 4	Existing Signs	
No. 5	Proposed Replacement	
No. 6	Towson Estates Community Association Support	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Baltimore County - My Neighborhood



PETITIONER'S
EXHIBIT NO. 2



PETITIONER'S

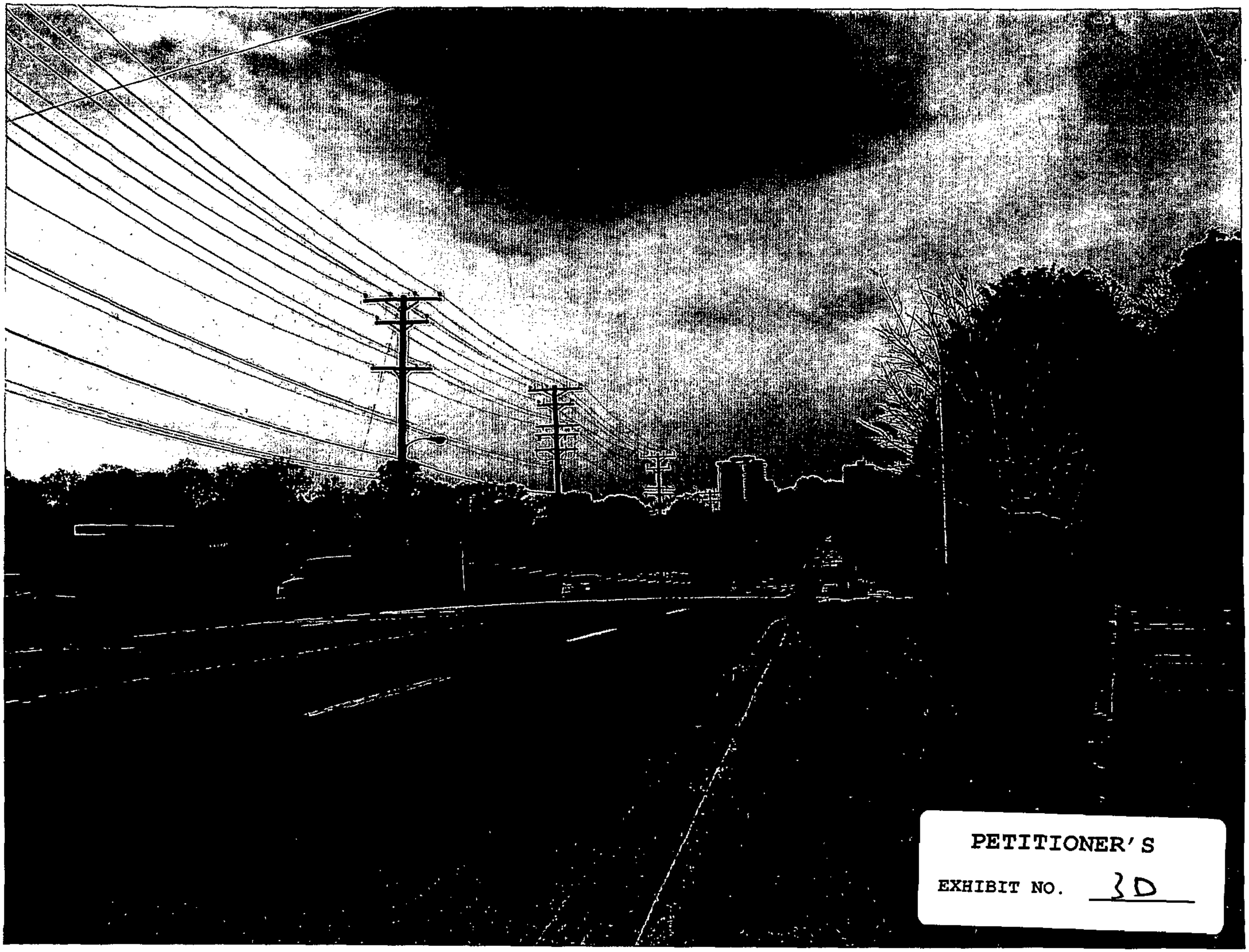
EXHIBIT NO. 34

PETITIONER'S

EXHIBIT NO. 30

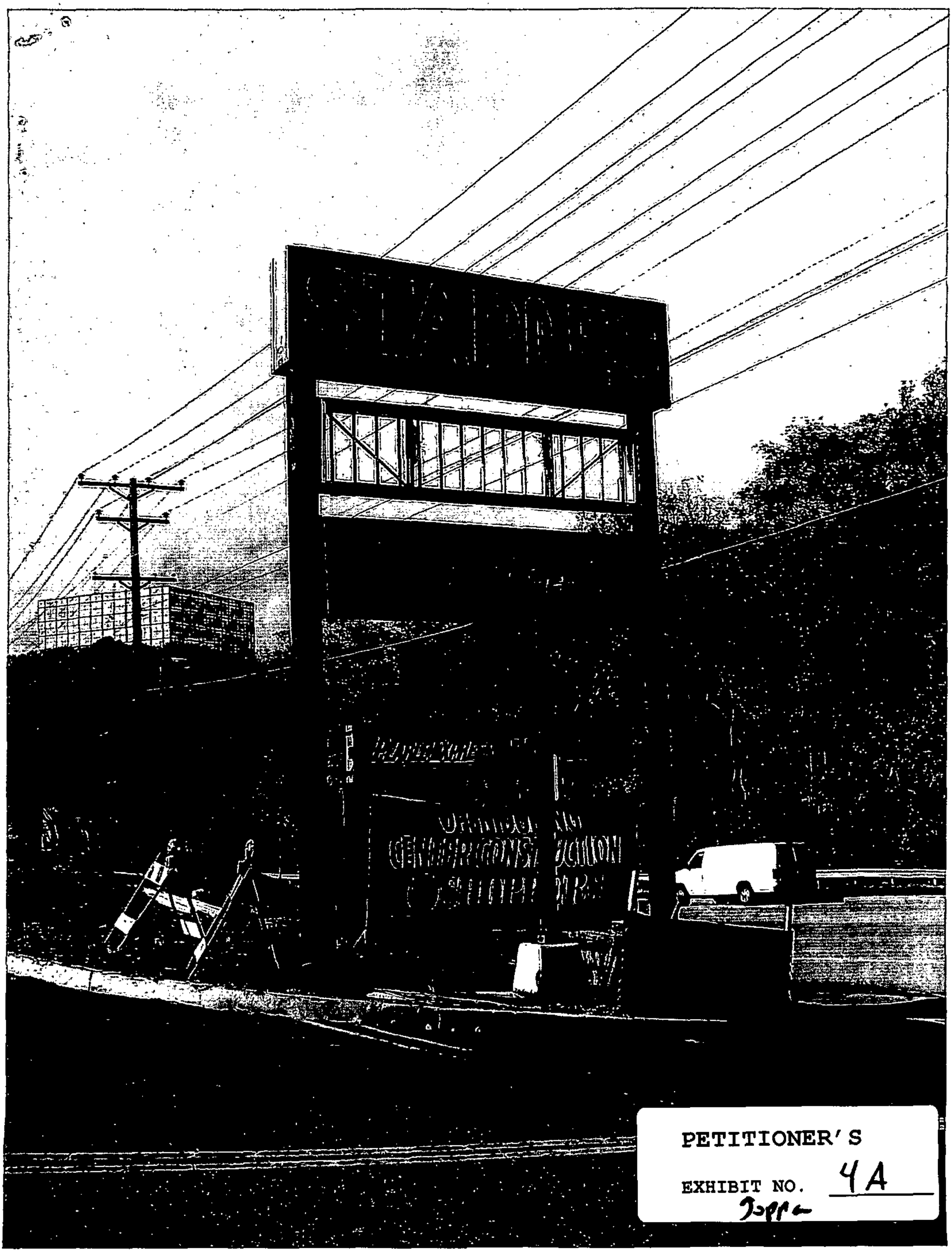
PETITIONER'S

EXHIBIT NO. 3c



PETITIONER'S

EXHIBIT NO. 3D



PETITIONER'S

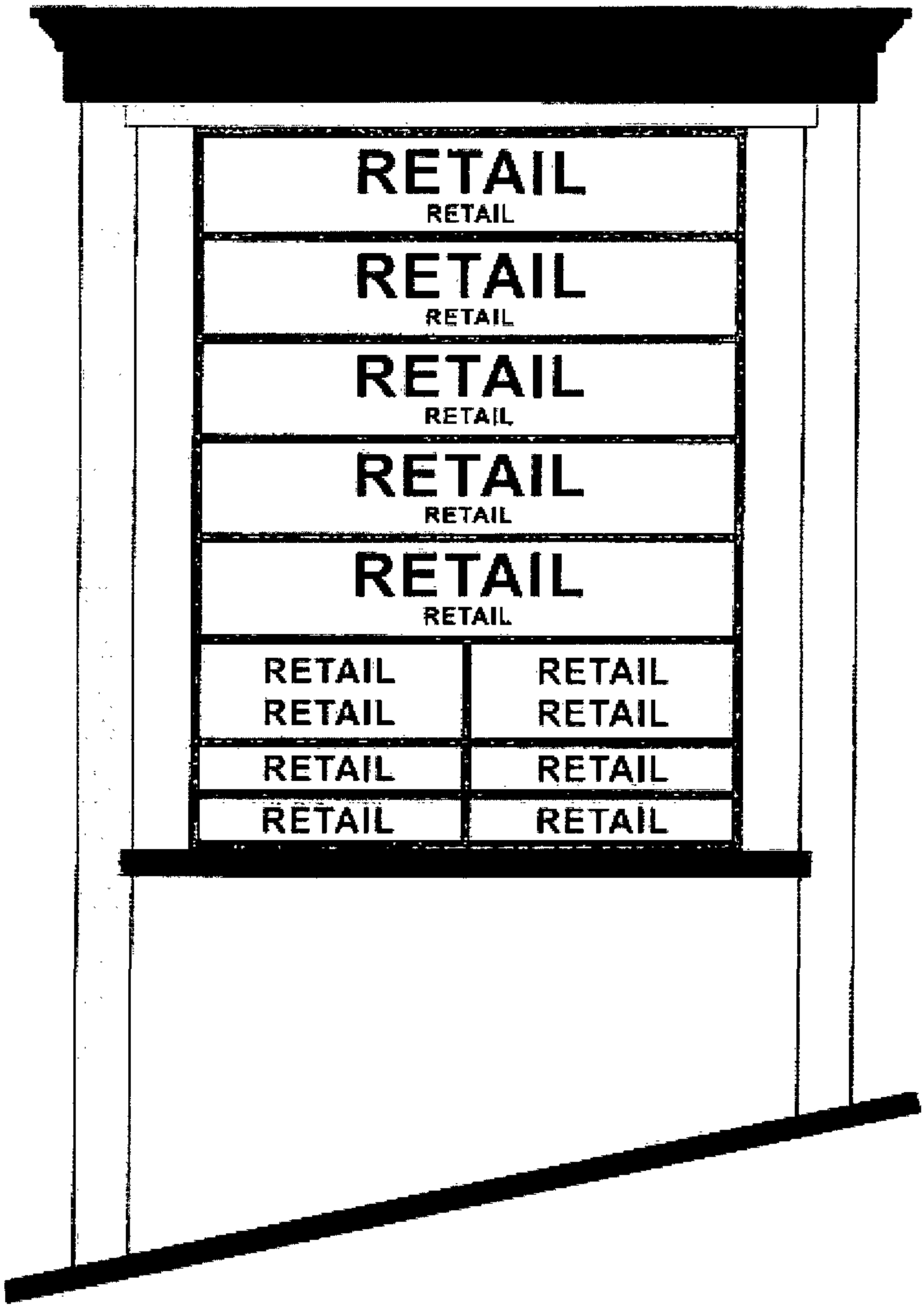
EXHIBIT NO. 4A

PETITIONER'S

EXHIBIT NO. 4B

Gonder

801 Goucher Sign Exhibit



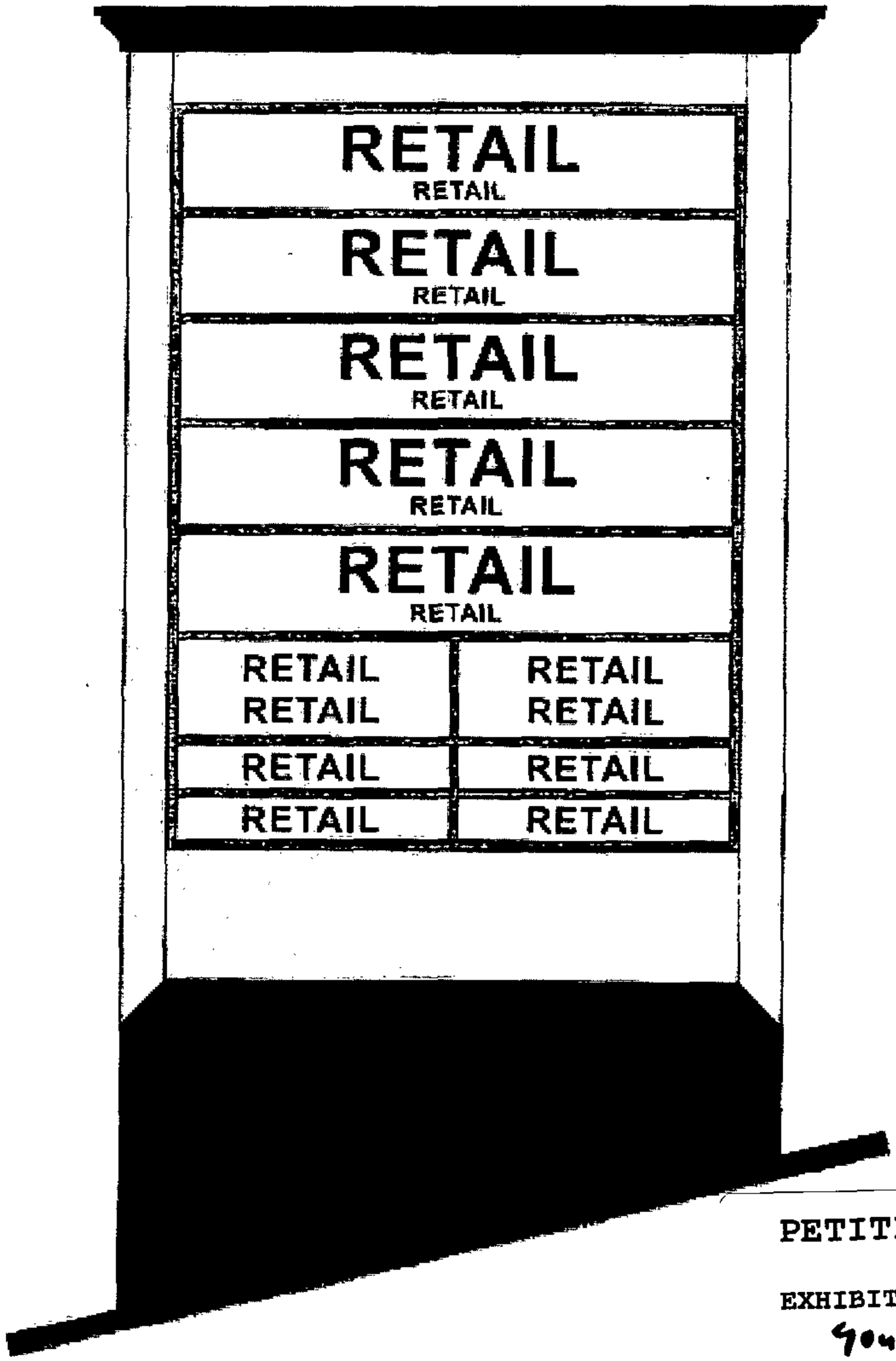
Sign at Joppa Road

PETITIONER'S

EXHIBIT NO. 5A

Joppa

801 Goucher Sign Exhibit



PETITIONER'S

EXHIBIT NO. 5B

Goucher

Sign at Goucher Blvd

Mudd, Christopher D.

Subject: FW: Vornado Shopping Center

----- Original Message -----
From: DONNA KING <donnambking@verizon.net>
To: Karceski, David H.
Sent: Sun Nov 18 23:16:41 2007
Subject: Vornado Shopping Center

David,

The Towson Estates Association does not oppose the variance of text lines for a new sign. You have our authority to tell Mr. Wiseman or Mr. Bostwick that you received this message from me.

Thanks,
Donna

Donna M.B. King, Esquire
Law Office of Donna M.B. King, LLC
309 W. Pennsylvania Avenue
Towson, Maryland 21204
410-494-1005 phone
410-769-8333 fax

PETITIONER'S
EXHIBIT NO. 6

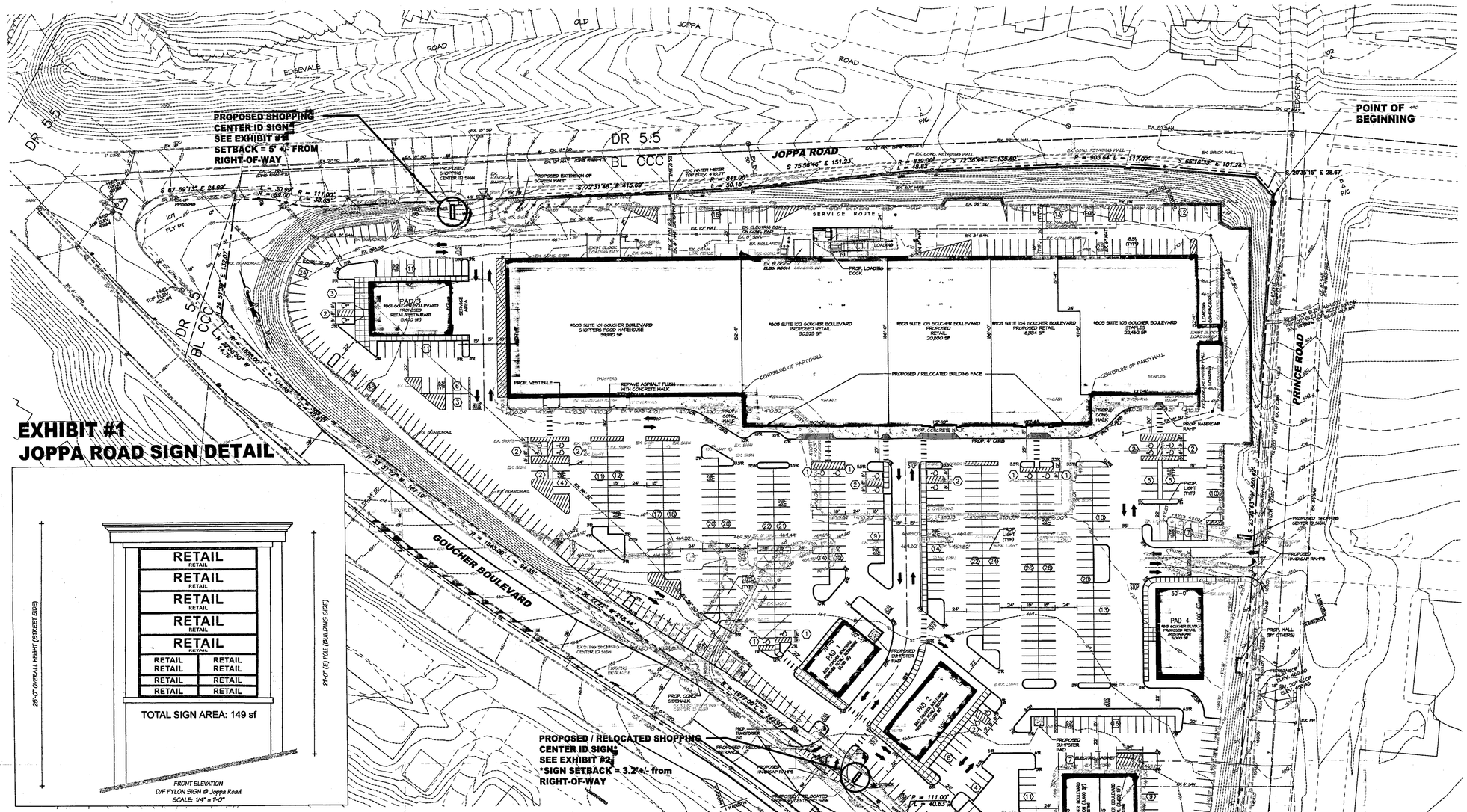
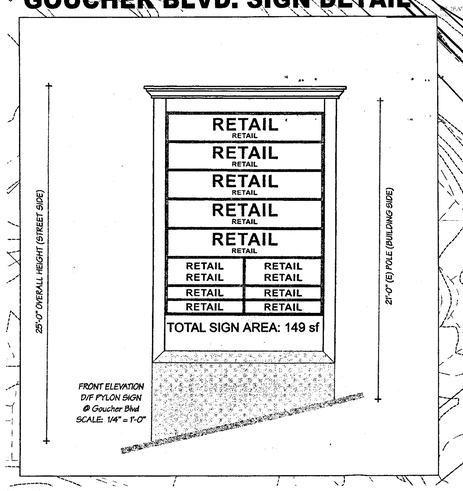


EXHIBIT #1
JOPPA ROAD SIGN DETAIL

EXHIBIT #2
GOUCHER BLVD. SIGN DETAIL



ZONING HISTORY

CASE NO. 65-156-R

PETITION FOR ZONING RECLASSIFICATION FROM R-10 AND R-6 TO B.L. ZONE.
THE DEPUTY ZONING COMMISSIONER DENIED THE REQUEST ON NOVEMBER 23, 1964.
THE BOARD OF APPEALS GRANTED THE RECLASSIFICATION ON OCTOBER 7, 1965.
CIRCUIT COURT AFFIRMED THE BOARD OF APPEALS DECISION.
COURT OF APPEALS AFFIRMED THE DECISION ON APRIL 6,1967.

CASE NO. 69-97-XA

PETITION FOR SPECIAL EXCEPTION TO ALLOW AN AUTOMOBILE SERVICE GARAGE.
PETITION FOR VARIANCE TO ALLOW TWO SIGNS WITH A TOTAL AREA OF 286 S.F., IN LIEU OF THE PERMITTED 100 S.F.
THE ZONING COMMISSIONER GRANTED THE PETITION FOR THE SPECIAL EXCEPTION AND DISMISSED THE PETITION FOR VARIANCE WITHOUT PREJUDICE BY AN ORDER DATED OCTOBER 30,1968.

CASE NO. 79-127-A

PETITION FOR VARIANCE TO PERMIT 725 PARKING SPACES IN LIEU OF THE REQUIRED 821 PARKING SPACES FOR AN EXISTENT DISCOUNT STORE AND PROPOSED RESTAURANT.
THE DEPUTY ZONING COMMISSIONER GRANTED THE PETITION ON JANUARY 8, 1979.
THE BOARD OF APPEALS ISSUED AN ORDER OF DISMISSAL ON OCTOBER 11, 1984.

CASE NO. 86-106-A

PETITION FOR VARIANCE TO PERMIT 747 PARKING SPACES IN LIEU OF THE REQUIRED 818 PARKING SPACES AND TO PERMIT A TOTAL OF 10 PERSONS TO BE ENGAGED IN THE REPAIR OR FABRICATION OF GOODS ON THE PREMISES INSTEAD OF THE ALLOWED 5 PERSONS.
THE DEPUTY ZONING COMMISSIONER GRANTED THE PETITION ON DECEMBER 9, 1985.

CASE NO. 89-339-SPHA

PETITION FOR ZONING VARIANCE TO PERMIT 750 PARKING SPACES IN LIEU OF THE REQUIRED 767 PARKING SPACES.
PETITION FOR SPECIAL HEARING TO AMEND THE SITE PLAN IN CASE NO. 86-106-A.
THE ZONING COMMISSIONER GRANTED THE PETITIONS ON JUNE 14,1989.

CASE NO. 93-207-SPHXA

PETITION FOR SPECIAL HEARING TO AMEND THE SITE PLAN APPROVED IN CASE NO. 89-339-SPHA TO ALLOW A NEW PLAN TO BE APPROVED SHOWING A RESTAURANT WITH AN ARCADE IN A PORTION OF THE RETAIL SPACE ON THE SITE AND REAFFIRMING THE PARKING VARIANCE TOTALING 61 PARKING SPACES GRANTED IN CASE NO. 86-106-A AND 17 PARKING SPACES GRANTED IN CASE NO. 89-339-SPHA, AND TO ALLOW EXISTING PARKING SPACES WITH DIRECT ACCESS TO DRIVEWAYS TO REMAIN IN LIEU OF REQUIRED SPACES WITH NO DIRECT ACCESS.
PETITION FOR SPECIAL EXCEPTION FOR AN ARCADE.
PETITION FOR VARIANCE TO ALLOW 20 COIN OPERATED CHILDRENS RIDES IN LIEU OF THE MAXIMUM PERMITTED 8 COIN OPERATED CHILDRENS RIDES.
ON FEBRUARY 11, 1993, THE ZONING COMMISSIONER GRANTED THE PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE AND PETITION FOR SPECIAL HEARING, IN PART, TO AMEND THE SITE PLAN IN CASE NO. 89-339-SPHA.
THE ZONING COMMISSIONER DENIED THE SPECIAL HEARING REQUEST TO REAFFIRM THE PARKING VARIANCES GRANTED IN CASE NOS. 86-106-A AND 89-339-SPHA.
THE ZONING COMMISSIONER APPROVED AN AMENDED VARIANCE TO PERMIT 738 PARKING SPACES IN LIEU OF THE REQUIRED 779 PARKING SPACES AND TO ALLOW EXISTING PARKING SPACES WITH DIRECT ACCESS TO DRIVEWAYS TO REMAIN, IN LIEU OF THE REQUIRED SPACES WITH NO DIRECT ACCESS.

EXCEPT AS EXPRESSLY MODIFIED HEREIN, THE PRIOR RESTRICTIONS CONTAINED IN THE ORDERS IN ZONING CASE NOS. 86-106-A AND 89-339-SPHA SHALL CONTINUE AND BE IN FULL FORCE AND EFFECT.

ON MARCH 3, 1993, THE ZONING COMMISSIONER ISSUED AN AMENDED ORDER AS TO THE PETITION FOR SPECIAL EXCEPTION (ARCADE) GRANTED IN THE CASE.

DRC HELD ON SEPTEMBER 25, 2006; DRC NUMBER 092506; DIST 9C5, LIMITED EXEMPTION 32-4-108(a)(i) GRANTED.

CASE NO. 07-179-SPHX

THEREFORE, IT IS ORDERED, this 29th day of June, 2007, by the Deputy Zoning Commissioner, that the Petitioner's request for Special Exception to permit an automobile electronics installation use (service garage), pursuant to Section 230.13 of the Baltimore County Zoning Regulations be and is GRANTED; subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

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

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.

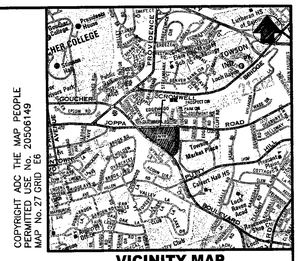
PETITION FOR SPECIAL HEARING TO APPROVE AN AMENDMENT TO THE SITE PLAN APPROVED IN CASE # 93-207-SPHXA
THE ZONING COMMISSIONER GRANTED THE PETITIONS ON JUNE 28, 2007

OWNER / CONSULTANT

OWNER:
TOWSON VF L.L.C.
SANDEEP MATHRANI
EXECUTIVE VICE PRESIDENT
VORNADO REALTY TRUST
888 7TH AVENUE, 29TH FLOOR
NEW YORK, NEW YORK 10019
(212) 894-7000
TAX. ACCOUNT # 0905840090

ENGINEER:
MORRIS & RITCHIE ASSOCIATES, INC.
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MD 21286
(410) 821-1690
ATTN: BILL MONK

COPYRIGHT ADC THE MAP PEOPLE
PERMITTED USE No. 20506149
MAP No. 27 GRID E6



VICINITY MAP

SCALE: 1"=2000'

GENERAL NOTES

1. ZONING: BL-CCC
2. NET SITE AREA: 638,308.3 S.F., 14.65 AC.
3. GROSS SITE AREA 827,716.7 S.F., 19 AC.
4. TAX MAP: 70, GRID 16, PARCEL 409
5. ZONING MAPS: 07082
6. DEED REFERENCES: 12201/68

7. PLAT REFERENCES: N/A
8. CENSUS TRACT: 4912.02
9. WATERSHED: LOWER GUNPOWDER FALLS
10. SUBSWERSHED: J51
11. SEWAGE PLAN DESIGNATION: S-1 Map S-17A
12. WATER SUPPLY PLAN DESIGNATION: W-1 Map W-17A
13. ELECTION DISTRICT: 9TH COUNCILMANIC DISTRICT: 5TH

14. EXISTING USE: SHOPPING CENTER
15. PROPOSED USE: SHOPPING CENTER
16. PROPOSED BUILDING AREA:

EXISTING BUILDING:	148,634 S.F.
EXISTING INLINE RETAIL:	6,800 S.F.
TOTAL:	155,434 S.F.

PROPOSED BUILDING: (WITH EXTERIOR ALTERATIONS)	
SHOPPER'S FOOD WAREHOUSE:	38,951 S.F.
RETAIL (NEW):	28,723 S.F.
WITH 2 SERVICE BAYS	
PROPOSED TENANT (NEW):	20,988 S.F.
PROPOSED TENANT (NEW):	16,854 S.F.
STAPLES:	20,988 S.F.
SUB-TOTAL:	127,537 S.F.
INLINE RETAIL (TO REMAIN):	6,800 S.F.
PROPOSED:	
INLINE RETAIL (2):	6,375 S.F.
PAD 1 TENANT:	3,500 S.F.
PAD 2 TENANT:	5,000 S.F.
PAD 3 TENANT(S):	5,400 S.F.
SUB-TOTAL:	20,275 S.F.
TOTAL AREA AFTER IMPROVEMENTS:	153,575 S.F.
FLOOR TO AREA RATIO (FAR)	.186 FAR

17. AMENITY OPEN SPACE (AOS): 40,080 S.F., 0.92 AC.
MINIMUM ALLOWED: 0.20
PROPOSED: 0.28
18. THIS SITE SHALL BE SERVICED BY PUBLIC WATER AND SEWER.
19. SCREENING AND LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.
20. THE SITE IS NOT IN A 100 YEAR FLOODPLAIN.
21. THERE ARE NON-TIDAL WETLANDS ON THIS SITE.
22. THERE ARE FOREST BUFFERS ON THIS SITE.
23. THERE ARE NO KNOWN REGULATED PLANT OR WILDLIFE COMMUNITIES ASSOCIATED WITH THIS SITE.
24. THERE ARE NO KNOWN HISTORICAL STRUCTURE OR ARCHEOLOGICAL AREAS ASSOCIATED WITH THIS SITE.
25. THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS WITHIN 100' OF THIS PROPERTY.
26. BUILDING CONSTRUCTION SHALL COMPLY WITH BUILDING AND FIRE CODE REQUIREMENTS.
27. ALL LIGHTING SHALL CONFORM TO IES STANDARDS (ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA) & (BCZR) SECTION 409.8.A.3.
28. THERE ARE NO KNOWN FAILED BASIC SERVICES OR INTERSECTIONS ASSOCIATED WITH THIS SITE.
29. PER BALTIMORE COUNTY COMMERCIAL PERMITS FOR THE SUBJECT PROPERTY ARE AS FOLLOWS: B653388, RA 1/5/07; B653829, GRC 1/11/07.
30. THIS SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
31. SETBACKS:

	REQUIRED	PROVIDED
FRONT	20'	67'
SIDE	10'	61'
REAR	NONE	66'

32. BUILDING HEIGHT BL SHALL BE DETERMINED PER SECTION 231.
33. PARKING CALCULATIONS:

REQUIRED:
5 SPACES / 1000 S.F. = 768 SPACES
3 SPACES / SERVICE BAY (2) = 6 SPACES
TOTAL: 774 SPACES

PROVIDED:
762 SPACES + 41 SPACES = 803 SPACES
41 SPACES "CREDIT" PER VARIANCE GRANTED IN CASE #93-207 SPHXA.
PARKING INCLUDES SPACES UNDER PORTION OF BUILDING TO BE RAZED.

34. SIGN CALCULATIONS:

PERMITTED:

MAXIMUM AREA/FACE: AREA GREATER OF:
1) 1 sf PER 4 LINEAR FEET (lf) OF FRONTAGE
1114.25 lf ALONG JOPPA /4 278 sf
1166.25 lf ALONG GOUCHER BLVD /4 291 sf

MAXIMUM No./ PREMISES: ONE PER FRONTAGE
2 FRONTAGES (JOPPA ROAD AND GOUCHER BLVD)

HEIGHT: 25 FEET
ILLUMINATION: YES
LIMITATIONS: FOR SHOPPING CENTER, DISPLAY THE NAMES OF TENANTS OR OCCUPANTS IF COPY IS AT LEAST 8 INCHES HIGH, AND NO MORE THAN 5 LINES ARE DISPLAYED.

PROPOSED :

AREA:	149 SF
NUMBER OF SIGNS:	2 (1 ALONG JOPPA ROAD, 1 ALONG GOUCHER BLVD)
HEIGHT:	25 FEET MAX
ILLUMINATION:	YES
LIMITATIONS:	COPY MINIMUM 5 INCHES AND 14 LINES DISPLAYED

ZONING RELIEF REQUESTED

VARIANCE FROM SECTION 450.4.7b OF THE BALTIMORE COUNTY ZONING REGULATIONS TO DISPLAY 14 LINES OF SIGN TEXT WITH SIGN COPY A MINIMUM OF 5 INCHES IN HEIGHT IN LIEU OF THE PERMITTED 5 LINES OF TEXT AND REQUIRED 8 INCH HEIGHT FOR SIGN COPY.

CURVE DATA

LINE	DELTA	RADIUS	ARC	CHORD BEARING	CHORD	TANGENT
C-1	52°20'00"	1465.00'	1134.05'	N24°44'03"W	1103.48'	592.09'
C-2	1858'26"	84.00'	24.41'	N17°55'50"W	24.34'	14.87'
C-3	2058'15"	111.00'	40.63'	N18°55'44"W	40.40'	20.54'
C-4	30°23'30"	1471.00'	242.81'	N13°26'07"W	242.52'	121.64'
C-5	25°59'4"	1043.00'	474.39'	N34°54'21"W	470.34'	241.19'
C-6	120°04'7"	384.00'	448.51'	N26°11'17"W	380.77'	294.94'
C-7	314°22'	1855.00'	1014.88'	N24°34'01"W	1002.87'	520.46'
C-8	1856'53"	84.00'	30.94'	S6°23'19"E	30.83'	15.65'
C-9	1856'53"	111.00'	38.65'	S6°23'20"E	38.45'	19.52'
C-10	325°00"	840.00'	1015'	S74°41'16"E	1014'	520.08'
C-11	320°02'	839.00'	468.52'	S74°16'45"E	462.81'	244.42'
C-12	125°22'	403.64'	1117.07'	S66°54'03"E	1116.49'	1016.22'
C-13	410°12'24"	210.67'	1222.61'	S46°51'25"W	1216.34'	1118.04'

PETITIONER'S EXHIBIT NO. 1

DESIGN & DRAWING BASED ON MARYLAND COORDINATE SYSTEM: HORIZONTAL NAD 83/91 VERTICAL NAVD 88

MRA
MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748
MRAGTA.COM

LICENSED LANDSCAPE ARCHITECT 3173 THOMAS EDWARD MONK STATE OF MARYLAND

PLAN TO ACCOMPANY SIGNAGE VARIANCE REQUEST

801 - 803 GOUCHER BOULEVARD

TOWSON, MARYLAND

9TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT

DATE	REVISIONS

JOB NO.:	14993
SCALE:	1" = 50'
DATE:	9/14/07
DRAWN BY:	MLS
DESIGN BY:	WPM
REVIEW BY:	WPM
SHEET:	1 OF 1

P:\14993\PLANNING\PLOT\SPECIAL EXCEPTION\14993-PL-VAR-REQ-EXHIBIT.dwg, 9/17/2007 9:17:04 AM, MPowell
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