

IN RE: **PETITION FOR VARIANCE**

Corner of N/S Victory Avenue, E/S of
Washington Boulevard
(3500 Washington Boulevard)

13th Election District
1st Council District

Venture B.G., LLC, *Owner*
Office Depot, *Contract Lessee*
Petitioners

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BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 08-316-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, Venture B.G., LLC, and the contract lessee, Office Depot, by and through their attorney, J. Neil Lanzi, Esquire. Petitioners request a variance from Section 450.4.5(d) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit wall-mounted signage for a new Office Depot store in the Lansdowne Station Shopping Center. Specifically, Petitioners are requesting a variance to permit:

1. One illuminated wall-mounted enterprise sign of 188 square feet without a separate customer entrance in addition to the one wall mounted enterprise sign permitted, and
2. To amend previously approved sign variances if necessary.¹

The subject property and requested relief are more particularly described on the two page site plan and photographs which were submitted into evidence and marked as Petitioners' Exhibits 1 and 2, respectively.

¹ Case No. 07-577-A involved similar sign relief granted to the legal owner Venture B.G. LLC; however, the wall-mounted signage variances in that case involved Wal-Mart Stores East, LP, Lessee of the portion of property known as 3601 Washington Boulevard.

ORDER RECEIVED FOR FILING
Date 3-12-08
By [Signature]

Appearing at the requisite public hearing in support of the request were Virginia Malkemes, Associate Analyst, Signage, Design and Construction for Office Depot; Nellie McDermott, Director of Sales and Marketing for Service Select Signs and Al Mikula also with Service Select Signs. Also appearing in support of the petition were Bruce Doak, a licensed professional surveyor with Gerhold, Cross & Etzel, Ltd., the firm responsible for the preparation of the site plan filed in this case and J. Neil Lanzi, Esquire who appeared as attorney for Petitioners. There were no Protestants or other interested persons present.

The testimony and evidence offered disclosed that the 58-acre subject property is located northeast of I-695, between Washington Boulevard and Hammonds Ferry Road, in the Lansdowne area of the County. The owner of the property is redeveloping the site as a shopping center, which will include the instant Office Depot store. The property is split-zoned B.L.-A.S., M.L.-I.M. and D.R.5.5. The Office Depot store is located on a 0.7-acre portion of the tract within the B.L.-A.S. zoning classification. A series of sixteen photographs were submitted as Petitioners' Exhibit 2 and help place the site into context in terms of the surrounding uses. To the north and west, the property is bordered by industrial or office type uses. To the south is a residential neighborhood, and to the east is an unimproved property, which fronts Hammonds Ferry Road.

The requested variance relief pertains to one wall-mounted sign for the new Office Depot store. One sign will be mounted above the entrance along the front façade, which sign is permitted and does not require variance relief. As shown on the site plan, the Office Depot store will consist of a single structure approximately 20,602 square feet in size. Office Depot's proposed second wall-mounted sign, which is the subject of this petition, includes its traditional illuminated red signage and will be located on the western façade where there is no entrance.

ORDER RECEIVED FOR FILING
Date 3-12-08
By [signature]

The Office Depot and Service Select Signs representatives confirmed the sign proposed is the standard company wall mounted sign.

As explained by Bruce Doak and the Office Depot representatives, the primary purpose of the additional signage is to assist customers with first locating the site from the various roads surrounding the site and once within the shopping center, then assist customers to the Office Depot store where its products and services are located. As noted by Bruce Doak, the sign regulations currently only allow one wall-mounted enterprise sign per entrance. Noting the single entrance to the new Office Depot and the travel isle between the Office Depot and Walmart Stores, Mr. Doak used the photographs in evidence to demonstrate the practical difficulty facing Office Depot in identifying the Office Depot store and necessity of allowing one additional wall-mounted sign so that the Office Depot could be identified and located by those in vehicles on the surrounding roadway and within the shopping center.

Without a variance, the requested sign(s) and the proposed configuration of enterprise signage would not be permitted by B.C.Z.R. Section 450.4.5(d), which governs commercial signage in multi-tenant centers. The proposed signs are "enterprise" signs which are defined as those which display the identity of a business or advertise products or services associated with a business. See B.C.Z.R. Section 450.4.5. Section 450.4.5(d) permits only one wall-mounted sign for each tenant having an exterior customer entrance with a maximum square footage for such signs of two times the length of the wall containing the exterior customer entrance.

A strict interpretation of Baltimore County's sign regulations would provide for only one wall-mounted enterprise sign for this Office Depot store and that being on the front façade of the building with a total maximum square footage of 225 square feet. The second enterprise wall-

mounted sign of 188 square feet is proposed on the western façade with a maximum square footage allowed of 380 square feet if the second exterior entrance existed.

Having considered all of the evidence and testimony on this issue, I am persuaded to grant the Petition for Variance. Based on my review of the site plan, colored elevations and photographs presented by Bruce Doak, I find the requirements of B.C.Z.R. Section 307.1 to be satisfied. The proposed sign(s) are appropriate, given the use of the property as a major retail center and the commercial nature of the area. The sign(s) are certainly not out of scale, given the size of the building and its location on the property, nor are they inappropriately large or visually disruptive.

I note from the site plan, that the building is located a significant distance from Washington Boulevard. As the testimony provided indicates, the primary purpose for this signage is to assist customers in locating the Office Depot store from the surrounding roadways and to assist customers in locating the goods and services they need once on the shopping center property. In this regard, the positioning of the structure with the attendant adjacent drive isle along the western side of the building makes it difficult to identify the stores location until you drive directly in front of the store. Moreover, specific testimony and evidence was offered that the property is unique, given the nature of the use on it, and that Petitioner would suffer a practical difficulty if the relief was denied. As noted, there was no one in opposition to the request nor were there any adverse Zoning Advisory Committee (ZAC) comments submitted by any of the County's reviewing agencies.

Pursuant to the zoning regulations of Baltimore County, the advertising and posting of the property, and public hearing held thereon, and for reasons set forth above, the Petition for Variance shall be granted.

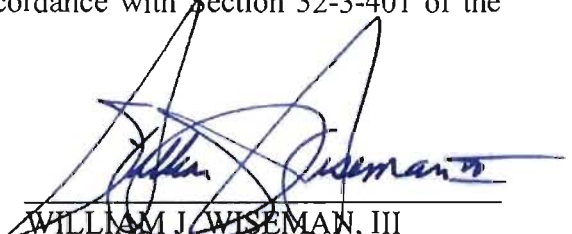
OFFICE RECEIVED FOR FILING
Date 3-12-08
By [Signature]

THEREFORE, IT IS ORDERED, by the Zoning Commissioner of Baltimore County this 12th day of March 2008, that the Petition for Variance, seeking relief from Section 405.4.5(d) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit one illuminated wall-mounted enterprise sign of 188 square feet without a separate customer entrance in addition to the one wall mounted enterprise sign permitted, in accordance with the site plan marked as Petitioners' Exhibit I, be and is hereby GRANTED; and

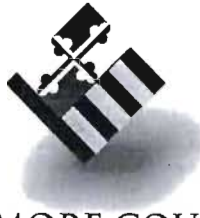
IT IS FURTHER ORDERED, that since there were no prior approved sign variances for the Office Depot store at this location, Petitioners' request to amend the previously approved sign variances, if necessary, shall be hereby DISMISSED AS MOOT.

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

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.


WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

ORDER RECEIVED FOR FILING
Date 3-12-08
By 193



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

March 12, 2008

J. Neil Lanzi, Esquire
Mercantile Building, Suite 617
409 Washington Avenue
Towson, MD 21204

RE: **PETITION FOR VARIANCE**

Corner of N/S Victory Avenue, E/S of Washington Boulevard
(3500 Washington Boulevard)
13th Election District - 1st Council District
Venture B.G., LLC, *Owner*; Office Depot, *Contract Lessee* - Petitioners
Case No. 08-316-A

Dear Mr. Lanzi:

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

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

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Virginia Malkemes, Associate Analyst, Signage, Design and Construction, Office Depot,
2200 Old Germantown Road, Delray Beach, FL 33445
Nellie McDermott, Director of Sales and Marketing, & Al Mikula, Service Select Signs,
400 Mack Drive, Croydon, PA 19021
Bruce Doak, Gerhold, Cross & Etzel, Ltd., 320 East Towsontown Boulevard, Suite 100,
Towson, MD 21286
People's Counsel; File



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at 3500 Washington Boulevard

which is presently zoned ~~ME-AM~~ BL-AS

Deed Reference: 24000 / 381 Tax Account # 1323153360

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

450.4(b)(5)(d) of the BCZR to allow a wall mounted illuminated enterprise sign without a separate customer entrance in lieu of the one wall-mounted enterprise sign permitted and to amend previously approved sign variances ~~if necessary~~ if necessary.

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

See attached

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:

Office Design By: Virginia Makemes, Assoc Analyst, Signage, Design & Construction

Name - Type or Print

Signature *Virginia Makemes*

2200 Old Germantown Road 1-215-788-3898

Address Telephone No.

Delray Beach FL 33445

City State Zip Code

Attorney For Petitioner:

J. Neil Lanzi

Name - Type or Print

Signature *J. Neil Lanzi*

J. Neil Lanzi, P.A.

Company

409 Washington Ave, Suite 617 410-296-0686

Address Telephone No.

Towson, MD 21204

City State Zip Code

Legal Owner(s):

Venture B.G., LLC By: Howard S. Brown, Managing Member

Name - Type or Print

Signature *Howard S. Brown*

Signature

Name - Type or Print

Signature *[Signature]*

100 Painters Mill Road, Ste 900 410-363-3434

Address Telephone No.

Owings Mills, MD 21117

City State Zip Code

Representative to be Contacted:

J. Neil Lanzi

Name

409 Washington Ave, Suite 617 410-296-0686

Address Telephone No.

Towson, MD 21204

City State Zip Code

Case No. *08-316-A*

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

REV 8/20/07

ORDER RECEIVED FOR FILING

Date *3-12-08*

By *BW*

Reviewed by _____ Date _____

Attachment

Petitioner, Office Depot, for the property known as 3500 Washington Boulevard, hereby petitions the Zoning Commissioner for the following variance from the Baltimore County Zoning Regulations:

Variance from Section 450.4(I)(5)(d) to allow an illuminated wall mounted Enterprise Sign of 188+/- square feet without a separate customer entrance in lieu of the one wall-mounted Enterprise Sign permitted.

The Zoning Commissioner has the power to grant variances in cases where strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty or unreasonable hardship to Petitioner. Petitioner further states the granting of the variance requested will provide substantial justice to the Petitioner and will allow for the observance of the spirit of the regulations while maintaining the security of the public safety and welfare.



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

November 27, 2007

ZONING DESCRIPTION
Venture B. G. LLC PROPERTY
3601 Washington Boulevard
Baltimore County, Maryland

All that piece or parcel of land situate, lying and being in the Thirteenth Election District, First Councilmanic District of Baltimore County, Maryland and described as follows to wit:

Beginning for the same at a point at the intersection of the north side of Victory Drive and the East side of Washington Boulevard (US Route 1), running north along the east side of Washington Boulevard 100 feet, running thence

- 1) North $24^{\circ}58'16''$ East 440.25 feet,
- 2) North $26^{\circ}12'16''$ East 1305.00 feet,
- 3) South $81^{\circ}15'44''$ East 60.00 feet,
- 4) North $26^{\circ}12'16''$ East 64.31 feet,
- 5) South $81^{\circ}15'44''$ East 49.58 feet,
- 6) North $83^{\circ}50'16''$ East 92.25 feet,
- 7) North $07^{\circ}40'16''$ East 49.50 feet,
- 8) South $64^{\circ}56'44''$ East 745.81 feet,
- 9) North $49^{\circ}31'44''$ East 322.47 feet,
- 10) a line curving to the left having a radius of 1356.85' feet for an arc distance of 233.26'
- 11) a line curving to the left having a radius of 2686.56' feet for an arc distance of 66.93' feet
- 12) North $64^{\circ}56'44''$ West 7.30 feet,
- 13) South $09^{\circ}02'14''$ West 160.00 feet,
- 14) South $03^{\circ}57'32''$ West 255.00 feet,
- 15) South $01^{\circ}23'09''$ West 335.00 feet,
- 16) South $01^{\circ}27'14''$ East 240.00 feet,
- 17) South $89^{\circ}49'51''$ West 10.00 feet,
- 18) South $02^{\circ}17'23''$ East 130.18,
- 19) South $00^{\circ}31'01''$ East 498.98 feet,
- 20) South $07^{\circ}50'28''$ West 89.37 feet,
- 21) North $79^{\circ}39'58''$ West 1838.22 feet, to the point of beginning.

Containing 58.04 Acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.



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: #08-316-A

3500 Washington Boulevard

Corner of N/side of Victory Drive, east side of Washington Boulevard

13th Election District - 1st Councilmanic District

Legal Owner(s): Howard S. Brown, Venture B.G., LLC,

Contract Purchaser: Office Depot, Virginia Malkemes

Variance: to allow a wall-mounted illuminated enterprise sign without a separate customer entrance in lieu of the one wall-mounted enterprise sign permitted and to amend previously approved sign variances if necessary.

Hearing: Monday, March 10, 2008 at 10:00 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) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

2/346 Feb. 21

164338

CERTIFICATE OF PUBLICATION

2/21, 2008

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 2/19, 2008.

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

J. Wilkins

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 09704

Date: 1.22.08

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

Rec

From:

Neil Lanzi

For:

Variance

08.316 A

3500 Washington Blvd.

CM

DISTRIBUTION

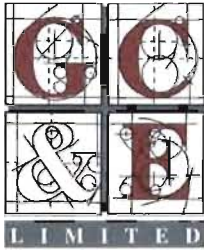
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

**CASHIER'S
VALIDATION**



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE# 08-316-A

OWNER/DEVELOPER:

Howard S. Brown, Venture B.G., LLC

CONTRACT PURCHASER:

Office Depot, Virginia Malkemes

DATE OF HEARING: March 10, 2008

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

(see page 2 for full size photo)

LOCATION:

3500 Washington Boulevard

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD

SUITE 100

320EAST TOWSONTOWN BLVD

TOWSON, MARYLAND 21286

410-823-4470 PHONE

410-823-4473 FAX

POSTED ON: 2/13/08

ZONING NOTICE

CASE # :08-316-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE: Room 407 County Courts Building
401 Bosley Avenue, Towson, MD

TIME & DATE : 10:00 am Monday, March 10, 2008

Variance: to allow a wall-mounted illuminated enterprise sign without a separate customer entrance in lieu of the one wall-mounted enterprise sign permitted and to amend previously approved sign variances if necessary.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING.
CALL 410-887-3391 THE DAY BEFORE THE SCHEDULED HEARING DATE.

DO NOT REMOVE THIS SIGN AND POST IN FRONT OF HEARING UNDER PENALTY OF LAW
HEARINGS ARE HANDICAPPED ACCESSIBLE



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: _____

Petitioner: Office Depot

Address or Location: 3500 Washington Blvd

PLEASE FORWARD ADVERTISING BILL TO:

Name: J Neil Lanzi

Address: 409 Washington Ave #617

Towson MD 21204

Telephone Number: 410 296 0686



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

January 31, 2008
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

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: 08-316-A

3500 Washington Boulevard
Corner of N/side of Victory Drive, east side of Washington Boulevard
13th Election District – 1st Councilmanic District
Legal Owners: Howard S. Brown, Venture B.G., LLC,
Contract Purchaser: Office Depot, Virginia Malkemes

Variance to allow a wall-mounted illuminated enterprise sign without a separate customer entrance in lieu of the one wall-mounted enterprise sign permitted and to amend previously approved sign variances if necessary.

Hearing: Monday, March 10, 2008 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: J. Neil Lanzi, 409 Washington Avenue, Ste. 617, Towson 21204
Howard S. Brown, Venture B.G., 100 Painters Mill Road, Ste. 900, Owings Mills 21117
Virginia Malkemes, Office Depot, 2200 Old Germantown Road, Delray Beach FL 33445

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBRUARY 23, 2008**
- (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
Thursday, February 21, 2008 Issue - Jeffersonian

Please forward billing to:

J. Neil Lanzi
409 Washington Avenue, Ste. 617
Towson, MD 21204

410-296-0686

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: 08-316-A

3500 Washington Boulevard

Corner of N/side of Victory Drive, east side of Washington Boulevard

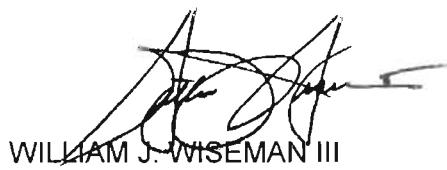
13th Election District – 1st Councilmanic District

Legal Owners: Howard S. Brown, Venture B.G., LLC,

Contract Purchaser: Office Depot, Virginia McKemes

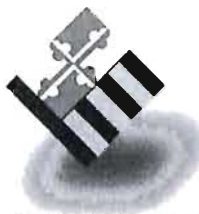
Variance to allow a wall-mounted illuminated enterprise sign without a separate customer entrance in lieu of the one wall-mounted enterprise sign permitted and to amend previously approved sign variances if necessary.

Hearing: Monday, March 10, 2008 at 10:00 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 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.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

March 5, 2008

J. Neil Lanzi, P.A.
409 Washington Avenue, Suite 617
Towson, MD 21204

Dear Mr. Lanzi:

RE: Case Number: 08-316-A, 3500 Washington Boulevard

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 22, 2008. This letter is not an approval, but only a **NOTIFICATION**.

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
Howard S. Brown Venture B.G. 100 Painters Mill Road, Suite 900 Owings Mills 21117
Virginia Malkemes Office Depot 2200 Old Germantown Road Delray Beach, FL 33445

BW 3/10
10mm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 13, 2008

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



BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-316- Variance**

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

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

Prepared By: *Curtis Murray*

Division Chief: *Anna Berber*

CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 1, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For February 4, 2008
Item Nos. 08-298, 299, 300, 301, 302, 304,
306, 307, 308, 309, 310, 311, 312, 313, 314,
316, 317, 318, 319, 320, 321, 322 and 323

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

DAK:CEN:cab

cc: File

ZAC-NO COMMENTS- 02042008.doc

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



Robert L. Flanagan, Secretary
Nell J. Pedersen, Administrator

Maryland Department of Transportation

Date: JAN. 30, 2008

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

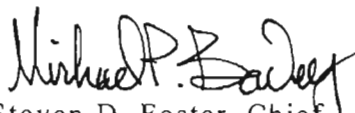
RE: Baltimore County
Item No. 8-316-A
3500 WASHINGTON BLVD.
VENTURE B.G. LLC PROPERTY
VARIANCE

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. 8-316-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,


Steven D. Foster, Chief
For Engineering Access Permits
Division

SDF/MB



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

County Office Building, Room 111
, 2007
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

January 29, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 29, 2008

Item Number:

298, 299, 300, 301, 302, 303, 305, 306, 307, 308, 309, 310, 311, 312, 314, 315,
316, 317, 318, 319, 320, 322, 323, 324

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File

CASE NAME OFFICE DEPOT
CASE NUMBER 08-316-A
DATE 3/10/08

[illegible]

Case No.: 08-316-A 3500 WASHINGTON BLVD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	2 Page Site PLAN	
No. 2	PHOTO'S 2A thru 2P	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

RE: PETITION FOR VARIANCE * BEFORE THE BOARD
3500 Washington Blvd; E/S Washington *
Boulevard; N/S Victory Drive * OF APPEALS
13th Election & 1st Councilmanic Districts *
Legal Owner(s): Venture B.G., LLC * FOR
Contract Purchaser(s): Office Depot *
Petitioner(s) * BALTIMORE COUNTY
* 08-316-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 25th day of January, 2008, a copy of the foregoing Entry of Appearance was mailed to J. Neil Lanzi, Esquire, 409 Washington Avenue, Suite 617, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

JAN 25 2008

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

COLUMBIA
Suite 420, Parkside Bldg
10500 Little Patuxent Parkway
Columbia, Maryland 21044-3563

*Also Admitted in District of Columbia

Reply to Towson

December 7, 2007

Hand Delivered

Carl Richards, Supervisor
Baltimore County Zoning Office
111 West Chesapeake Avenue
Towson, MD 21204

Re: Drop Off Filing for Office Depot
Sign Variance

Dear Mr. Richards:

Please be advised that I represent Office Depot with regard to its new location at 3500 Washington Boulevard in Baltimore County. On December 3, 2007, along with Scott Hodgkins of Gerhold, Cross & Etzel, I met with John Lewis of your office to file for a sign variance. By this letter, I am now submitting the petition, site plans and attachments for a drop off filing. I have also enclosed the red-line plan showing the comments of John Lewis made during the filing appointment of December 3, 2007. There are no known zoning violations.

Finally, I have also enclosed a color plan to be placed in the file as an exhibit only. I am enclosing my firm check in the amount of \$325.00 for the filing fee.

Thank you very much for your consideration.

Very truly yours,



J. Neil Lanzi

JNL\mal
cc: Office Depot

IN RE: PETITION FOR VARIANCE

E/S Washington Boulevard
and Robert Young Way
(3601 Washington Boulevard)

13th Election District
1st Council District

Venture B.G. LLC, *Legal Owner*
Wal-Mart Stores East, LP, *Lessee*
Petitioners

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 07-577-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner of Baltimore County for consideration of a Petition for Variance filed by lessee, Wal-Mart Stores East, LP, along with the legal owner of the property, Venture B.G. LLC, by and through their attorneys, Robert A. Hoffman, Esquire and Venable LLP. Petitioners request a variance from Section 450.4.5(d) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit additional wall-mounted signage for a new Wal-Mart Supercenter store. Specifically, Petitioner is requesting variances to permit: (1) a wall-mounted enterprise sign on a wall where no enterprise sign is permitted by right (north side façade/proposed sign no. 4); (2) to permit ten wall-mounted enterprise signs on a wall on which one wall-mounted enterprise sign is permitted by right (west front façade/proposed sign nos. 1, 3, 7, 8, 9, 10, 11, 12, 14); and (3) to permit two wall-mounted enterprise signs on a wall where no enterprise sign is permitted by right (south side façade/proposed sign nos. 1A, 12). The subject property and requested relief are more particularly described on the site plan, which was submitted into evidence and marked as Petitioners' Exhibit Nos. 1A - 1C.

At the requisite public hearing, Robert A. Hoffman, Esquire appeared as attorney for Petitioners along with Thomas Kleine, Esquire of Troutman Sanders LLP, Corporate Counsel for Wal-Mart. Also appearing in support of the Petition for Variance were Rhoda Washington, a

representative of Wal-Mart; Matthew Allen, licensed professional engineer with Bohler Engineering, P.C., the firm responsible for the preparation of the site plan filed in this case; Ron Moore and Christina Sorrento, Esquire, project architects with Perkowitz and Ruth. There were no Protestants or other interested persons present, and the hearing proceeded on a proffer from counsel for Petitioner.

The testimony and evidence offered disclosed that the 60.98± acre subject property is located northeast of I-695, between Washington Boulevard and Hammonds Ferry Road, in the Lansdowne area of the County. The legal owner is redeveloping the site as a shopping center, which will include a Wal-Mart Supercenter store. The property is split-zoned B.L.-A.S., M.L.-I.M. and D.R.5.5. The Wal-Mart store is located within the B.L.-A.S. zoned portion of the property. An aerial photograph was submitted as Petitioners' Exhibit 2 and helps place the site into context in terms of the surrounding uses. To the north and west, the property is bordered by industrial or office type uses. To the south is a residential neighborhood, and to the east is an unimproved property, which fronts Hammonds Ferry Road.

The requested variance relief pertains to wall-mounted signage for the new Wal-Mart store. As explained by the Wal-Mart representatives, the proposed "superstore" contains not only the traditional retail store items, but also offers groceries and various services, such as a pharmacy and tire and lube center, all within a single structure approximately 217,630± square feet in size. Wal-Mart's proposed sign package, which is the subject of the Petition for Variance, includes specific, targeted signage to assist its customers and to direct them to the location within the building of the products or services they need.

As explained by the project architect, Ron Moore, the primary purpose of the signage, with the exception of one "Wal-Mart" sign and one "Wal-Mart Supercenter" sign, is not to

attract customers into the site, but to direct customers once they are on site. The other signs will display certain aspects of Wal-Mart's business contained within the store, specifically the retail, garden, and food centers of the Supercenter, a pharmacy, optical and one-hour photo services, and the tire and lube components of the business. The ten enterprise signs proposed on the west or front façade of the building will face the center's parking lot. One enterprise sign is also proposed on the north side façade of the building, and two enterprise signs are proposed on the south side façade. As indicated on the site plan, other directional signs are proposed for the front, rear, and north side façades, which do not require variance relief.

Without a variance, the requested number of signs and the proposed configuration of enterprise signage would not be permitted by B.C.Z.R. Section 450.4.5(d), which governs commercial signage in multi-tenant centers. The proposed signs are "enterprise" signs, which are defined as those which display the identity of a business or advertise products or services associated with a business. *See* B.C.Z.R. Section 450.4.5. Section 450.4.5(d) permits only one wall-mounted sign for each tenant having an exterior customer entrance with a maximum square footage for such signs of two times the length of the wall containing the exterior customer entrance.

A strict interpretation of Baltimore County's sign regulations would only allow one wall-mounted sign for this entire Supercenter and that being on the western front façade of the building with a total maximum square footage of 1,260 square feet. Clearly, the Zoning Regulations do not take into account this type of large retail store. The arrangement of Wal-Mart's multiple uses within a single structure of this size and without individual customer access points for each of the particular services offered represents a departure from the configuration of other strip retail centers found in Baltimore County, which have traditionally contained smaller

storefronts, each being entitled to their own separate wall-mounted signs. Under the proposed request, the total sign face area on the three façades where enterprise signs are requested will not exceed the maximum sign face area that would be permitted for an individual tenant with an exterior customer entrance. Rather, that sign face area simply will be divided between multiple signs. In each case, the sign face area requested is actually well-below what would be permitted for individual tenants.

Having considered all of the evidence and testimony on this issue, I am persuaded to grant the Petition for Variance. Based on my review of the site plan and the colored elevations presented by Perkowitz and Ruth, I find the requirements of B.C.Z.R. Section 307.1 to be satisfied. The proposed signs are appropriate, given the use of the property as a major retail center and the commercial nature of the area. The signs are certainly not out of scale, given the size of the building and its location on the property, nor are they inappropriately large or visually disruptive.

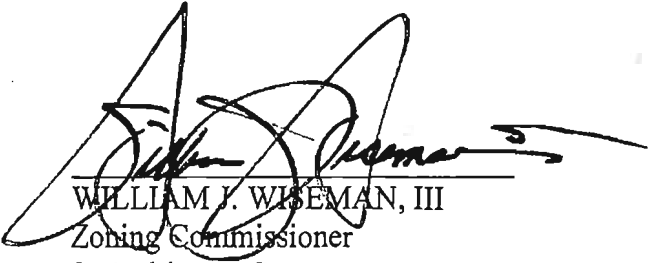
I note, from the site plan, that the building is located a significant distance from Washington Boulevard. As the testimony provided indicates, the primary purpose for this signage is not to draw customers into the site, but to assist them in locating the goods and services they need once on the shopping center property. Moreover, specific testimony and evidence was offered that the property is unique, given the nature of the use on it, and that Petitioner would suffer a practical difficulty if the relief was denied. It is also to be noted that there were no Protestants present at the hearing and no adverse Zoning Advisory Committee (ZAC) comments submitted by any of the County's reviewing agencies.

Pursuant to the Zoning Regulations of Baltimore County, the advertising and posting of the property, and public hearing held thereon, and for the reasons set forth above, the Petition for Variance shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 17th day of September 2007, that the Petition for Variance, seeking relief as shown on the site plan entered into evidence as Petitioners' Exhibit Nos. 1A - 1C, from: (1) Baltimore County Zoning Regulations (B.C.Z.R.) Section 405.4.5(d) to permit a wall-mounted enterprise sign on the north side façade of the building, a façade on which no wall-mounted enterprise signs are permitted; (2) Baltimore County Zoning Regulations (B.C.Z.R.) Section 450.4.5(d) to permit ten wall-mounted enterprise signs on the west front elevation façade of the building, a façade on which one wall-mounted enterprise sign is permitted; and (3) Baltimore County Zoning Regulations (B.C.Z.R.) Section 450.4.5(d) to permit two wall-mounted enterprise signs on the south side elevation façade of the building, a façade on which no wall-mounted enterprise signs are permitted, be and is hereby GRANTED, subject to the following restriction:

1. Petitioner may apply for building 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.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
WILLIAM J. WISEMAN, III
County Executive

Zoning Commissioner

FACSIMILE TRANSMITTAL COVER SHEET

TO: J. Neil Lanzi, Esq. DATE: March 6, 2008
FAX NO.: 410-296-0689 PAGES: (including cover): 5
FROM: William J. Wiseman, III
Zoning Commissioner's Office
RE: Zoning Advisory Committee (ZAC) Comments - Case No. 08-316-A

☐ ORIGINAL TO FOLLOW VIA MAIL/OVERNIGHT COURIER/HAND DELIVERY
☒ ORIGINAL WILL NOT BE MAILED

CONFIDENTIALITY NOTICE

The documents accompanying this telecopy transmission contain confidential information belonging to the sender which may be legally privileged and confidential. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on or on account of the contents of this telecopy information is strictly prohibited. If you have received this telecopy in error, please immediately notify the sender to arrange for return of the original documents. Thank you.

Message/Comments:

Per our telephone conversation, please find attached the ZAC comments for the above-referenced case scheduled for Monday, March 10th at 10:00 AM in Room 407.

Charles
Parrish
443.253.3886



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw3.1)

[Go Back](#)
[View Map](#)
[New Search](#)

Page 1 of 1

Name	Account	Street	OWN OCC	Town	Parcel Lot
VENTURE B G LLC	13 2500003288	3601 WASHINGTON BLV	N	000	54 1
VENTURE B G LLC	13 2500003289	3531 WASHINGTON BLV	N	000	54 2
VENTURE B G LLC	13 2500003290	3611 WASHINGTON BLV	N	000	54 2
VENTURE B G LLC	13 2500003291	WASHINGTON BLVD	N	000	54 2
VENTURE B G LLC	13 2500003292	WASHINGTON BLVD	N	000	54 2



PETITIONER'S

EXHIBIT NO. 2A-P























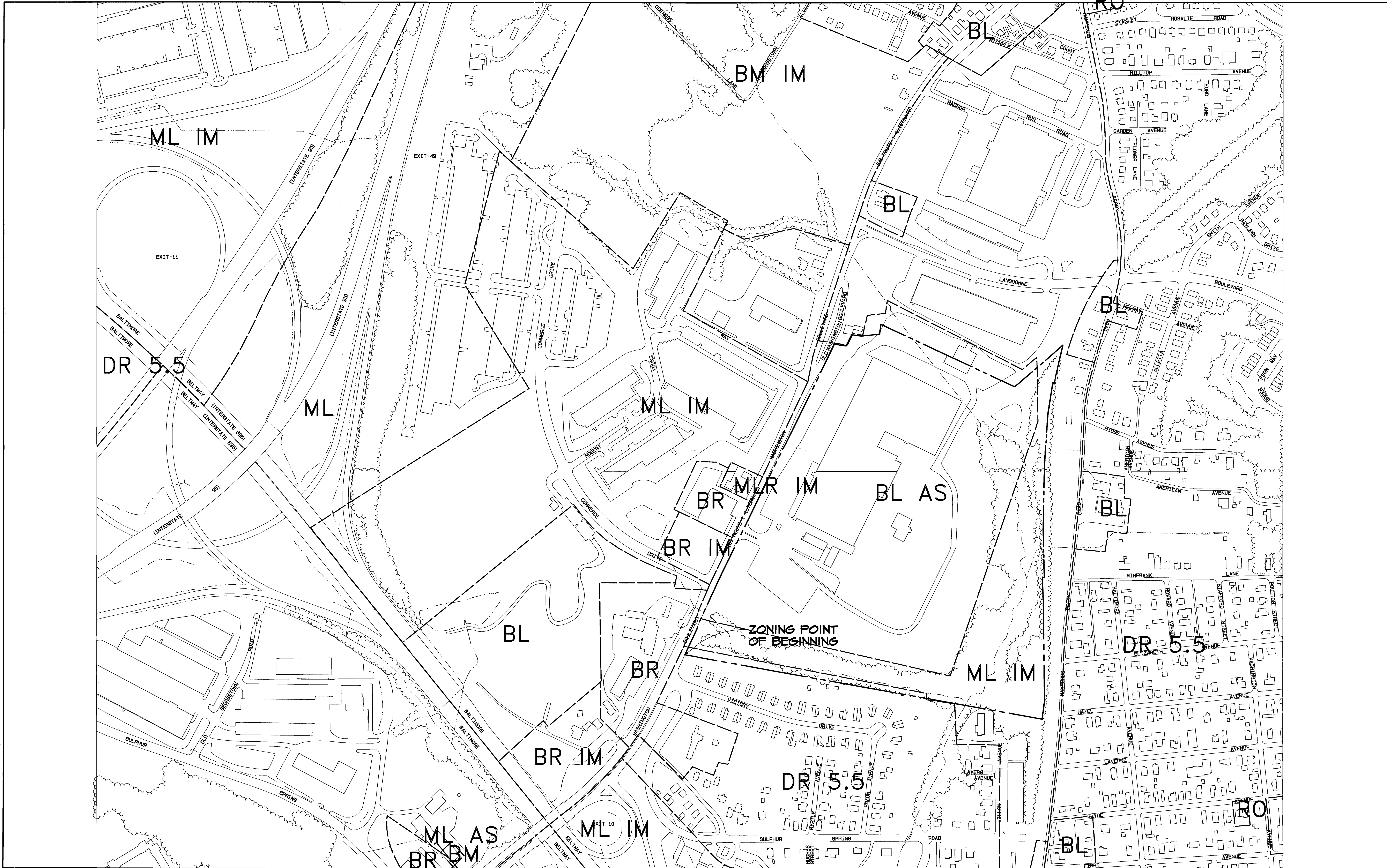




Tire & Lube
← Express

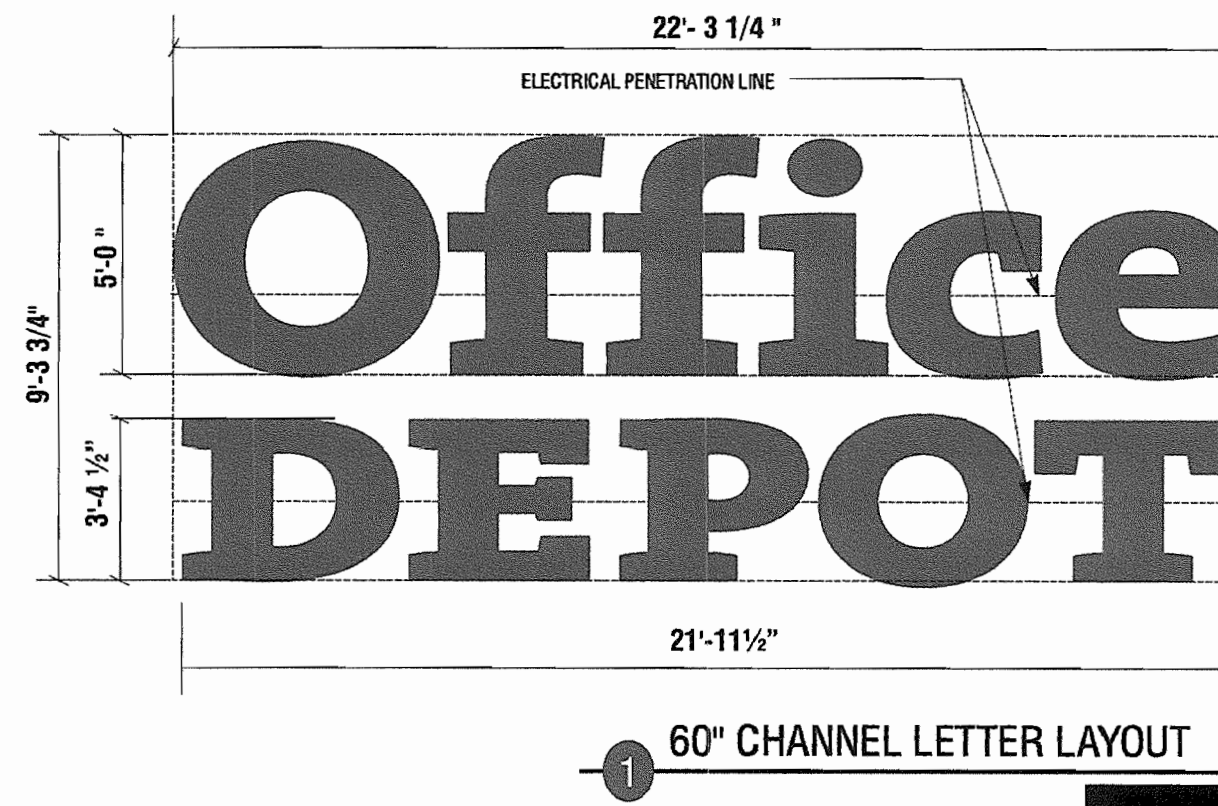




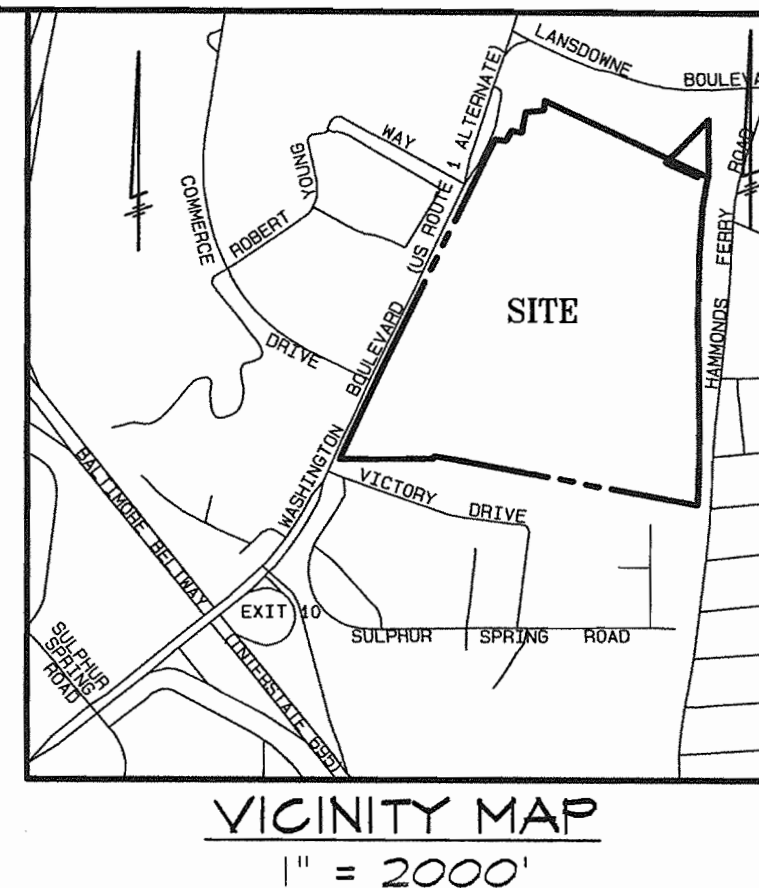




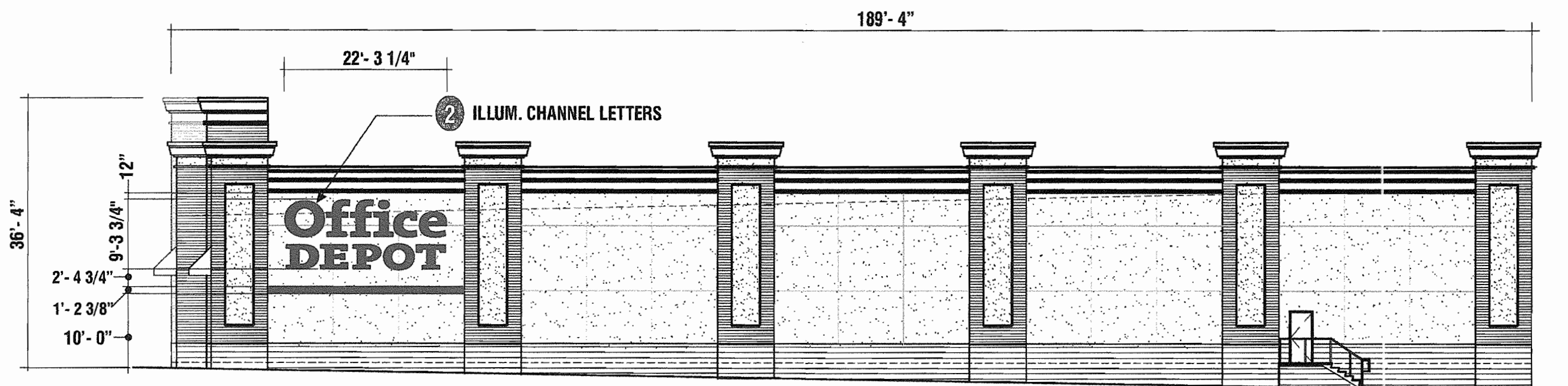
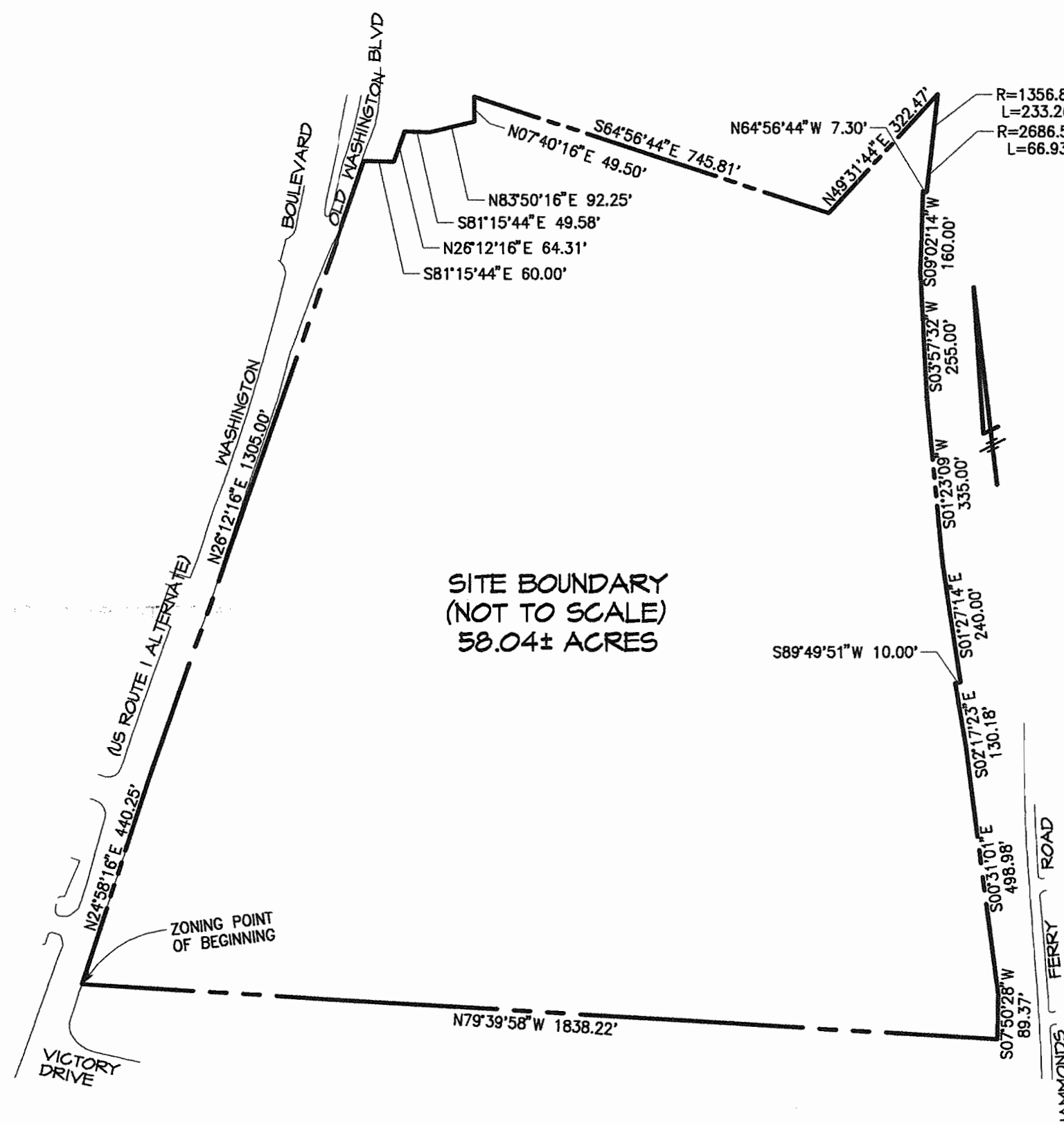
SIGN DETAIL ON FRONT OF BUILDING (NOT TO SCALE) PERMITTED SIGN FOR ILLUSTRATIVE PURPOSES ONLY



SIGN DETAIL ON FRONT OF BUILDING (NOT TO SCALE) PERMITTED SIGN FOR ILLUSTRATIVE PURPOSES ONLY



SITE PLAN OF SHOPPING CENTER



SIGN DETAIL ON RIGHT SIDE OF BUILDING (NOT TO SCALE) PROPOSED LOCATION OF NEW SIGN



SIGN DETAIL ON RIGHT SIDE OF BUILDING (NOT TO SCALE) PROPOSED SIGN FOR VARIANCE

- GENERAL NOTES**
1. THE BOUNDARY SHOWN HEREON IS FROM BALTIMORE COUNTY DRG PLAN FOR "LANSOWNE STATION - 3601 WASHINGTON BOULEVARD".
 2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 102A3, 109A1.
 3. CENSUS TRACT 430400 REGIONAL PLANNING DISTRICT 325
WATERSHED PATAPSCO RIVER SUBWATERSHED 73
SCHOOL DISTRICT: ELEMENTARY - LANSOWNE E.S.; MIDDLE - LANSOWNE M.S.;
HIGH - LANSOWNE H.S.
A.D.C. MAP & GRID 42 C7
 4. THERE ARE KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
CASE #07-5771 A VARIANCE FOR AN ENTERPRISE SIGN. NOT THE SUBJECT OF THIS REQUEST.
 5. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
 6. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
 7. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
 8. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.

OWNER/DEVELOPER

VENTURE B & LLC
C/O DAVID S BROWN ENTERPRISES
100 PAINTERS MILL ROAD, STE 900
OWINGS MILL, MD 21117

LESSEE

OFFICE DEPOT

VARIANCE REQUESTED

450.4(b)(4) OF THE B.C.Z.R. TO ALLOW A WALL MOUNTED ILLUMINATED ENTERPRISE SIGN WITHOUT A SEPARATE CUSTOMER ENTRANCE IN LIEU OF THE ONE WALL MOUNTED ENTERPRISE SIGN PERMITTED AND TO AMEND PREVIOUSLY APPROVED ADJOINING VARIANCES IF NECESSARY.

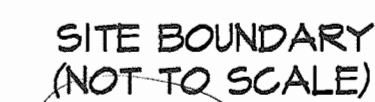
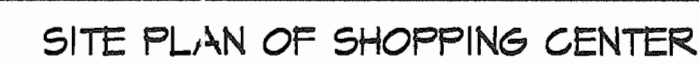
SHEET 1 OF 2
PLAT TO ACCOMPANY
A PETITION FOR A
VARIANCE REQUEST
**LANSOWNE STATION
SHOPPING CENTER
(OFFICE DEPOT)
PROPERTY**

3500 WASHINGTON BOULEVARD
(OFFICE DEPOT)
Deed Ref: S.M. No. 24000 folio 381
Tax Account No.: 13-23-153360
Zoned BL AS; GIS Tiles 102A3, 109A1
Tax Map 109; Grid 2; Parcel 254
13th ELECTION DISTRICT
1st COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: NONE Date: NOVEMBER 12, 2007

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

REVISION	DATE	COMPUTED:	DRAWN: SMH	CHECKED:	FILE:X:\OfficeDep	PETITIONER'S



1. THE BOUNDARY SHOWN HEREON IS FROM BALTIMORE COUNTY DRG PLAN FOR "LANSDOWNE STATION - 3601 WASHINGTON BOULEVARD".
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VENTURE B G LLC
C/O DAVID S BROWN ENTERPRISES
100 PAINTERS MILL ROAD, STE 900
OWINGS MILL, MD 21117

LESSEE
OFFICE DEPOT

TO PERMIT A WALL MOUNTED ILLUMINATED
ENTERPRISE SIGN WITHOUT A SEPARATE
CUSTOMER ENTRANCE PER SECTION
450.4(1)(5)(d) OF THE B.C.Z.R.

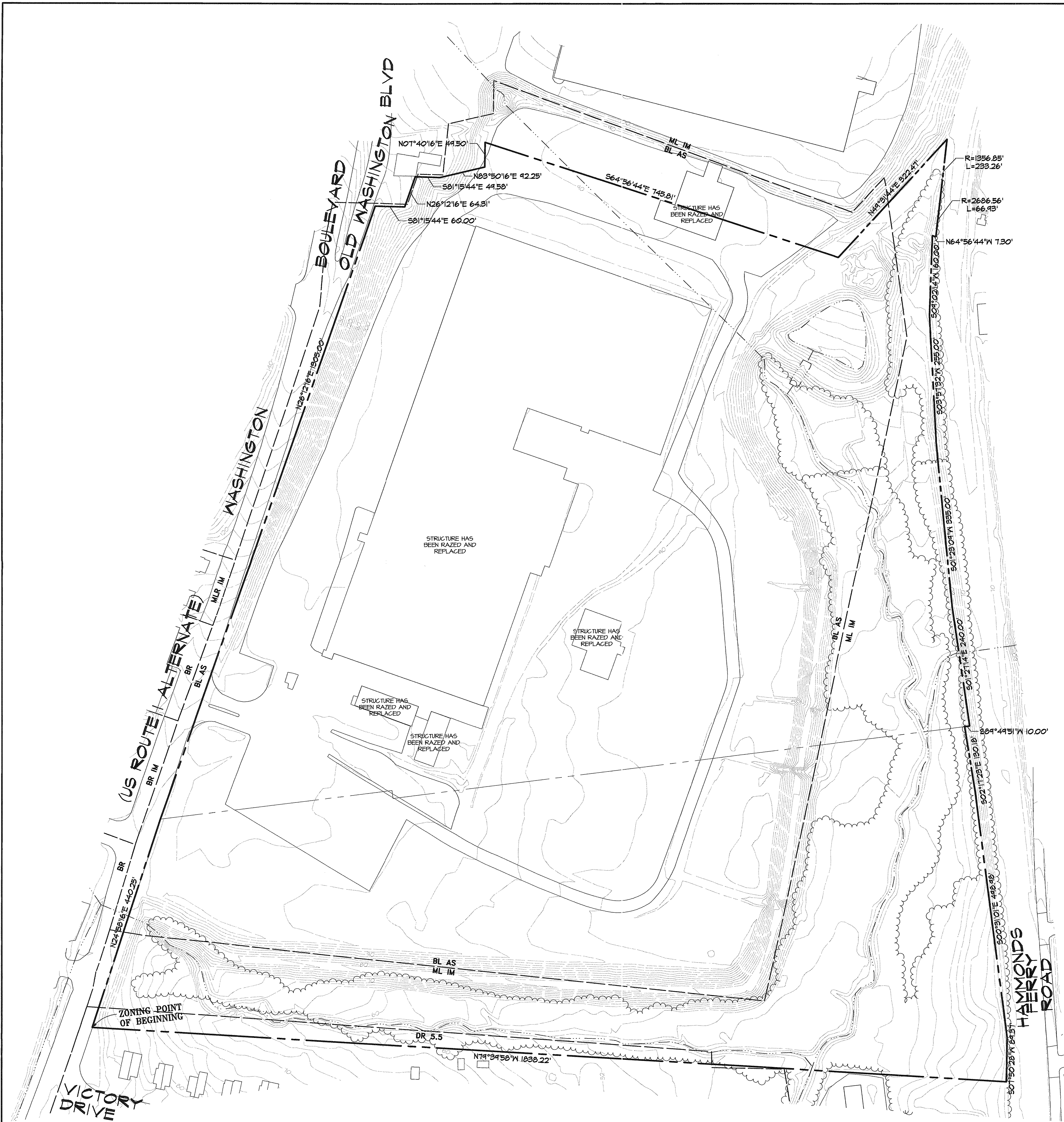
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Tax Map 109; Grid 2; Parcel 254
13th ELECTION DISTRICT
1st COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: NONE

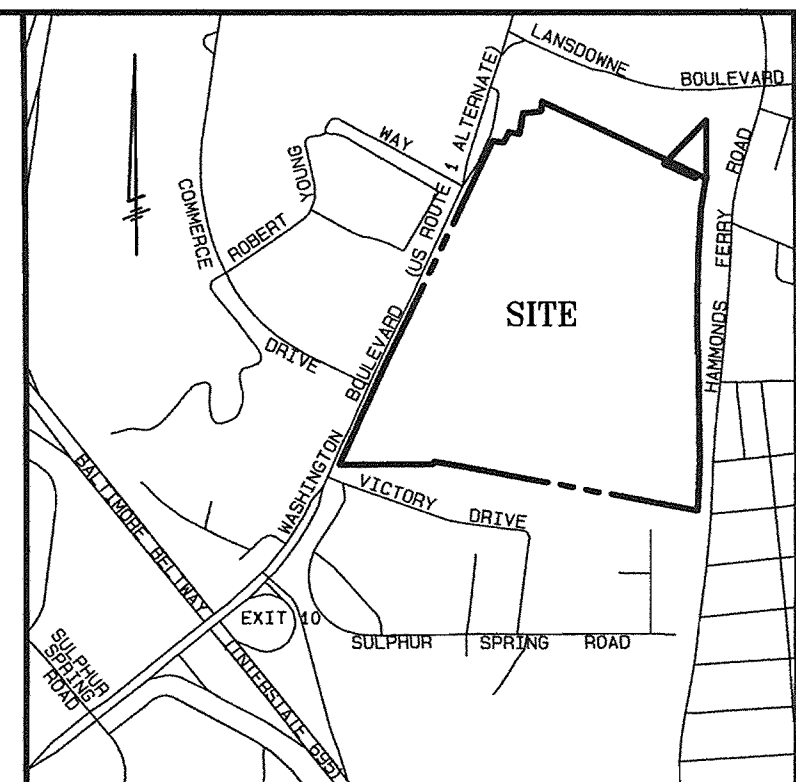
Date: NOVEMBER 12, 2007

Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

		320 East Townsontown Boulevard Towson, Maryland 21286 (410) 823-4470			
REVISION	DATE	COMPUTED:	DRAWN: SMH	CHECKED:	FILE: X:\Office\Depot\Landsdowne\Zoning\pro



DEED S.M. 24000/381



VICINITY MAP
1" = 2000'

LEGEND

- EXISTING BUILDING
- WOODS LINE
- EXISTING PAVING
- ZONING LINE
- PROPERTY LINE
- CONTOURS

OWNER/DEVELOPER

VENTURE B & LLC
C/O DAVID S BROWN ENTERPRISES
100 PAINTERS MILL ROAD, STE 900
OWINGS MILL, MD 21117

LESSEE

OFFICE DEPOT

SHEET 2 OF 2
LANDSDOWNE STATION
SHOPPING CENTER
PROPERTY
(OFFICE DEPOT)

3500 WASHINGTON BOULEVARD
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13th ELECTION DISTRICT
1st COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=100' Date: NOVEMBER 12, 2007

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

REVISION	DATE	COMPUTED:	DRAWN: SMH	CHECKED:	FILE:X:\OfficeDef	PETITIONER'S