

**IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE**

S side of Eastern Avenue, 840 feet NE
of intersection of North Point Blvd.
15th Election District
7th Councilmanic District
(7800 block of Eastern Avenue)

Thor Eastpoint Mall, LLC
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* **Case No. 2009-0076-SPHA**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the legal owner of the subject property, Thor Eastpoint Mall, LLC (hereinafter referred to as "Petitioner"), by Robert D. Spaulding, Executive Vice President. Petitioner is requesting Variance relief from Section 450.4.7.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to display 10 lines of sign text with sign copy a minimum of 6 inches in height for each of two freestanding signs in lieu of the permitted 5 lines of text and required 8 inch height for sign copy. Petitioner is also requesting Special Hearing relief in accordance with Section 500.7 of the B.C.Z.R. for an amendment to the site plan approved in Case No. 05-099-SPHA. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1A.

Appearing at the requisite public hearing in support of the requested relief were Joseph Navarre, Development Associate with Thor Eastpoint Mall LLC, Anusha Leyden, Manager of Tenant Coordination for Eastpoint Mall, and Geri Moore, Eastpoint Mall General Manager. David H. Karceski, Esquire represented Petitioner. Also appearing in support of the requested relief was Matthew Allen with Bohler Engineering, P.C., the professional engineer who prepared

RECEIVED FOR FILED
11.24.08
bm

the site plan. There were no Protestants or other interested persons in attendance and the hearing proceeded by way of a proffer from Mr. Karceski.

Testimony and evidence presented revealed that the subject property is triangular in shape and located directly south of Eastern Avenue (MD Route 150) and directly north of North Point Boulevard (MD Route 151), just west of Interstate 695 in the Dundalk area of Baltimore County. Immediately east of and adjoining the subject property is a parcel owned by Baltimore Gas and Electric (BGE), on which BGE maintains several high-power transmission lines. The site consists of approximately 66.44 acres, more or less, and is zoned B.M.-C.T. (Business, Major-Commercial, Town-Center Core) and is improved with a regional shopping center known as Eastpoint Mall. As shown on the site plan marked and accepted into evidence as Petitioner's Exhibit 1A, this shopping center includes a main mall building at the center of the subject property, surrounded by a number of retail and other commercial buildings and supporting surface parking. An aerial photograph, marked and accepted into evidence as Petitioner's Exhibit 2, identifies the location of the site in relation to the surrounding roadways, and shows that the subject property has extremely long frontages on both Eastern Avenue and North Point Boulevard. Additionally, Petitioner's Exhibit 2 shows the varying distance between these two roadways, which are far apart at the eastern edge of the property but move closer together and to a point at the western end of the property. Therefore, the property has significant depth that is most extreme at its eastern boundary.

The requested variance relief pertains to new joint identification signage for the shopping center. A second page to the site plan with color elevations for the proposed signs was marked and accepted into evidence as Petitioner's Exhibit 1B and depicts generic tenant panel locations on the signs. With generically labeled tenant panels, Petitioner would have the ability to assign

RECEIVED FOR FILING
11-24-08
[Signature]

mall tenants to any available panel location(s) on either sign. As explained by Mr. Karceski, Petitioner requests approval for two freestanding signs, one along the Eastern Avenue frontage and one along the North Point Boulevard frontage, in the vicinity of existing mall access points. If approved, only one joint identification sign would be located on each frontage. Mr. Karceski also noted that the proposed signs do comply with the total square footage and sign height permitted by Sign Regulations contained in Section 450 of the B.C.Z.R. These new signs are part of Petitioner's current efforts to revitalize Eastpoint Mall. As shown on the photographs of the Eastern Avenue and North Point Boulevard frontages that were marked and accepted into evidence collectively as Petitioner's Exhibits 3A through 3J, two new restaurant pad sites are now under construction and, as Mr. Karceski explained, additional outbuildings are approved for construction and shown on Petitioner's Exhibit 1A. These mall improvements and the proposed freestanding signs will enhance the mall's street presence on Eastern Avenue and North Point Boulevard.

At 66.44 acres, the mall property is one of the largest commercial centers with a C.T. overlay district in Baltimore County. Mr. Karceski explained that the specific need for the variance is generated by the mall's overall size and its unique physical characteristics. A review of Petitioner's Exhibit 1A exemplifies the unusual, triangular shape of the property bounded by two state roads, Eastern Avenue and North Point Boulevard. These roadways, which extend for more than 1,000 feet along the mall property, are located a significant distance from one another at the eastern boundary of the mall and gradually taper diagonally southwest and northwest, respectively, toward each other. This creates significant site depth (or distance) between public roadways for a large portion of the property. It is the irregular shape of the subject property, its

COPIES DESTROYED FOR FILE
11-24-08
[Signature]

overall size and depth, as well as its relationship to surrounding roadways, which make it unique with respect to the requested variance for signage.

Mr. Karceski then explained that the uniqueness of the property would result in practical difficulty if the B.C.Z.R. were interpreted strictly. Petitioner's Exhibit 3 (site photographs) indicates the difficulty for motorists traveling on North Point Boulevard to locate tenants on the Eastern Avenue side of the property, and vice-versa. This lack of visibility into the mall from each roadway makes freestanding signage with a certain amount of tenant lines necessary for tenant identification. The B.C.Z.R. permits only one freestanding identification sign on each road frontage, and the sign may be no larger than 150 square feet in area and 25 feet in height. Petitioner's proposed signs comply with both of these requirements and, in order to respect these area and height allowances and at the same time adequately identify the subject property, more than 5 lines of text devoted to tenant identification are necessary. Additionally, sign copy 6 inches in height in lieu of the required 8 inches is needed for this same purpose.

With regard to any adverse impact, the signage is proposed on highly traveled commercial corridors with Business zoning on both sides of the roadways. Additionally, the commercial uses located on Eastern Avenue and North Point Boulevard opposite the mall property have freestanding enterprise signage that is similar to the signage proposed. Clearly, the proposed signs are not out of character with the surrounding area and, in fact, are tastefully designed. On this point, the Office of Planning, through its Zoning Advisory Committee comment, did not object to the intended signage.

After due consideration of the testimony and evidence presented, it is clear that Petitioner has met the standards set forth in Section 307 of the B.C.Z.R., and that the Petition for Variance should be granted. The subject property is unique by virtue of its physical characteristics and

RECEIVED FOR FILE
11.24.08
m

relationship to the surrounding roadways. It is also clear that, based on the unique features of the site, requiring Petitioner to adhere strictly to the requirements of the B.C.Z.R. would cause a practical difficulty. Petitioner would either be required to install signage not adequate for the mall and its tenants, or to seek variance relief from more significant provisions of the sign regulations, namely its area and height provisions. Petitioner has chosen to make a minimal request in merely seeking variances from the permitted number of tenant lines and size of the sign copy. Finally, I find that no adverse impact will result if the requested relief is granted; rather, properly identifying the mall and its uses will provide a benefit to the general public.

Pursuant to the advertisement, posting of the property and public hearing held, and after considering the testimony and evidence offered, I find that Petitioner's special hearing and variance requests should be granted.

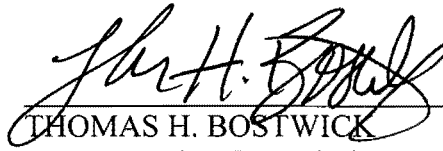
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of November, 2008 that Petitioner's Variance requests from Section 450.4.7.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to display 10 lines of sign text with sign copy a minimum of 6 inches in height for each of two freestanding signs in lieu of the permitted 5 lines of text and required 8 inch height for sign copy be and are hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's Special Hearing request in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for an amendment to the site plan approved in Case No. 05-099-SPHA be and is hereby GRANTED; subject to the following:

RECEIVED FOR FILED
11.24.08
[Signature]

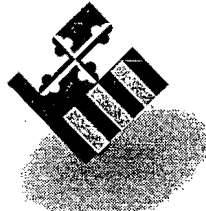
1. Petitioner is advised that it may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

RECEIVED FOR FILE
11-24-08
PB



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

November 24, 2008

DAVID KARCESKI, ESQUIRE
KENDRICK WHITMORE, ESQUIRE
VENABLE LLP
210 ALLEGHENY AVENUE
TOWSON, MD 21204

Re: Petition for Special Hearing and Variance
Case No. 2009-0076-SPHA
Property: 7800 block of Eastern Avenue

Dear Messrs. Karceski and Whitmore:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz
Enclosure

- c: Joseph Navarre, Development Associate, Thor Eastpoint Mall LLC, 25 West 39th Street, New York NY 10018
Anusha Leyden, Manager of Tenant Coordination for Eastpoint Mall, 25 West 39th Street, New York NY 10018
Geri Moore, Eastpoint Mall General Manager, 7839 Eastpoint Mall, Suite 10, Baltimore MD 21224
Matthew Allen, Bohler Engineering PC, 810 Gleneagles Court, Suite 300, Towson MD 21286



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at Eastpoint Mall - 7800 Block of Eastern Avenue
which is presently zoned BM-CT

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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

an amendment to the site plan approved in Case No. 05-099-SPHA

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

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bound 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 _____

Attorney For Petitioner:

David H. Karceski
Name - Type or Print _____
Signature _____
Venable LLP
Company
210 Allegheny Avenue 410-494-6200
Address Telephone No.
Towson MD 21204
City State Zip Code

Legal Owner(s):

SEE ATTACHED SHEET

Name - Type or Print _____
Signature _____
Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Representative to be Contacted:

David H. Karceski
Name
210 Allegheny Avenue 410-494-6200
Address Telephone No.
Towson MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2009-0076-SPHA
REV 9/15/98

UNAVAILABLE FOR HEARING
Reviewed By W Date 9/16/08

ORDER RECEIVED FOR FILING

11.24.08

DM

PETITION FOR SPECIAL HEARING

**Easpoint Mall
7800 Block Eastern Avenue**

Legal Owner:

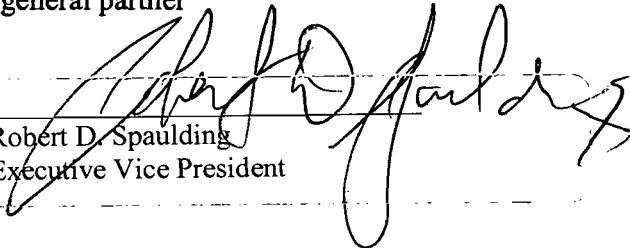
THOR EASTPOINT MALL LLC,
a Delaware limited liability company

By: Thor Urban Operating Fund, L.P.,
a Delaware limited partnership,
its sole member

By: Thor Operating Fund, L.L.C.,
a Delaware limited liability company,
its general partner

By:

Robert D. Spaulding
Executive Vice President





Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at Eastpoint Mall - 7800 Block of Eastern Avenue
which is presently zoned BM-CT

Deed Reference: 23281 / 198 Tax Account # 1505000500

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

SEE ATTACHED SHEET

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

Attorney For Petitioner:

David H. Karceski

Name - Type or Print

Signature

Venable LLP

Company

210 Allegheny Avenue

410-494-6200

Address

Towson

MD

Telephone No.

21204

City

State

Zip Code

Legal Owner(s):

SEE ATTACHED SHEET

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

David H. Karceski

Name

210 Allegheny Avenue

410-494-6200

Address

Towson

MD

Telephone No.

21204

City

State

Zip Code

Case No. 2009-0076-SPHA

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by DM

Date 9/16/08

REV 8/20/07

RECEIVED FOR FILING
11-24-08
m

PETITION FOR VARIANCE

**Easpoint Mall
7800 Block Eastern Avenue**

Variance from Section 450.4.7.b of the BCZR to display 10 lines of sign text with sign copy a minimum of 6 inches in height for each of two freestanding signs, in lieu of the permitted 5 lines of text and required 8 inch height for sign copy.

PETITION FOR VARIANCE

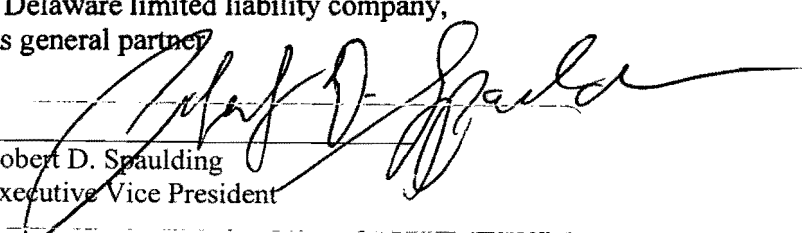
**Easpoint Mall
7800 Block Eastern Avenue**

Legal Owner:

THOR EASTPOINT MALL LLC,
a Delaware limited liability company

By: Thor Urban Operating Fund, L.P.,
a Delaware limited partnership,
its sole member

By: Thor Operating Fund, L.L.C.,
a Delaware limited liability company,
its general partner

By: 

Robert D. Spaulding
Executive Vice President

September 6, 2006

**ZONING DESCRIPTION OF THE LANDS KNOWN AS
PARCEL 21, TAX MAP 96, GRID 17 WITH DEED REFERENCE 23281/198
PARCEL 490, TAX MAP 96, GRID 17 WITH DEED REFERENCE 23281/198
AND
PARCEL 418, TAX MAP 96, GRID 17 WITH DEED REFERENCE 5489/589
WHICH IS OF VARIABLE WIDTH AT A DISTANCE OF 2075'
NORTHEAST OF THE EASTERN AVENUE (MD RTE 150)
INTERCHANGE WITH NORTH POINT BOULEVARD (MD RTE 151)
AS RECORDED IN THE DATABASE OF
BALTIMORE COUNTY, MARYLAND
15TH DISTRICT**

Beginning for the same at a steel pin and cap 8440 set on the southeast side of Eastern Avenue (65.33 feet wide) where it is intersected by the west side of the Baltimore Gas and Electric Company Right of Way (205 feet wide), said pin also being at the point of beginning of land firstly described in a deed dated August 9, 1979 and recorded among the Land Records of Baltimore County in Liber 6059, Folio 357 from Monumental Properties Trust to Bellwether Properties, L.P. and also being identified by the coordinates of South 400.41 feet and East 30952.63 feet, as referred to the Baltimore County Metropolitan Coordinate System, as now surveyed and also referring all courses to the Baltimore County Metropolitan Grid District, running thence binding on the west side of said Baltimore Gas and Electric Company Right of Way for the three following courses and distances, and also binding on the outline of the abovementioned firstly described land for the six following courses and distances (1st through 5th and part of the 6th lines of land) and leaving said Eastern Avenue, (1) S 00° 20' 25" E 249.70 feet to a steel pin and cap 8440 set, (herein after referred to as a marker set), (2) N 89° 39' 35" E 15.00 feet to a marker set, (3) S 00° 20' 25" E 414.60 feet to a marker set on the northmost side of the Baltimore City Sanitary Sewer Outfall Right of Way, running thence leaving Baltimore County Gas and Electric Right of Way and binding on the northmost, the westmost and the southernmost outfall right of way for the following five courses and distances by a line curving to the right (4) having a radius of 918.00 feet and an arc length of 162.65 feet and having a chord of N 71° 26' 58" W 162.44 feet to a PK Nail set, (5) N 66° 22' 25" W 182.00 feet to a PK Nail set, (6) S 00° 20' 25" E 54.72 feet to a PK Nail set at the beginning of the third line of land described in a deed dated December 28, 1989 and recorded among the aforesaid Land Records Liber 8364, Folio 294, from Baltimore Gas and Electric Foundation Inc. to Eastpoint Partners, L.P., running thence binding on the 3rd, 4th and 5th lines of land described in just mentioned deed for the following three courses and distances, (7) S 66° 22' 25" E 216.64 feet to a PK Nail set, running thence by a curve to the left, (8) having a radius of 1343.25 feet an arc length of 80.26 feet and having a chord of S 68° 05' 07" E 80.25 feet to a PK Nail set on the west side of the

2009-0076-SPHA

abovementioned Baltimore Gas and Electric Company right of way N, running thence binding on justmentioned right of way for the three following courses and distances and also parallel to and 2 feet west of an existing fence line for the following course and distance, (9) S 00° 20' 21" E 880.40 feet to a marker set on the 7th line of the land firstly described in abovementioned deed Liber 6059, Folio 357, running thence binding on the remainder of the justmentioned 7th line of land and also binding on the 8th through 30th lines of land described in justmentioned deed for the twenty four following courses and distances, (10) S 49° 11' 09" E 103.35 feet to a steel pin and cap 8440 set, (11) S 00° 20' 25" E. 458.46 feet to a marker set on the northeast side of North Point Boulevard, as widened at the off ramp leading from Merritt Boulevard to the west bound lane of North Point Boulevard, running thence binding on said ramp, (12) N 86° 47' 19" W 39.58 feet to a marker set on the northeast side of said North Point Boulevard (150 feet wide), running thence binding on the northeast side of justmentioned Merritt Boulevard for the five following courses and distances, (13) N 70° 12' 57" W 103.55 feet to a marker set, (14) N 19° 47' 03" E 23.00 feet to a marker set, (15) N 70° 12' 57" W 45.00 feet to a market set, (16) S 19° 47' 03" W 23.00 to a marker set, (17) N 70° 12' 57" W 2303.94 feet to a marker set at the Eastern Avenue Interchange and passing over a concrete monument found 1026.89 feet from the beginning of this line, running thence binding on the off ramp leading to Eastern Avenue for the four following courses and distances, (18) N 00° 46' 11" W 329.46 feet to a marker set, (19) N 37° 01' 19" E 137.41 feet to a marker set, (20) N 66° 07' 18" E 291.82 feet to a marker set, (21) N 13° 59' 40" W 16.45 feet to a marker set on the southeast side of Eastern Avenue as widened to a varying width, running and binding on the southeast side of justmentioned Eastern Avenue for the remaining courses and distances, (22) N 67° 00' 36" E 181.89 feet to a PK Nail set, (23) N 74° 23' 46" E 157.60 feet to a PK Nail set, (24) N 71° 39' 29" E 160.07 feet to a PK Nail set, (25) N 68° 52' 06" E 168.80 feet to a PK Nail set, (26) N 73° 56' 31" E 185.16 feet to a cross cut set on the top of concrete curb, (27) N 70° 13' 34" E 160.00 feet to a PK Nail set, (28) N 67° 03' 42" E 217.39 feet to a PK Nail set, (29) N 70° 13' 34" E 316.40 feet to a market set, (30) N 67° 47' 56" E 141.68 feet to a PK Nail set, (31) S 29° 32' 43" E 26.00 feet to a marker set, (32) N 60° 27' 17" E. 186.33 feet to a marker set, still binding on the southeast side of Eastern Avenue, (now 65.33 feet wide), (33) N 70° 13' 34" E 199.03 feet to the place of beginning. Containing 66.4402 acres of land more or less. Being known as 7800 block Eastern Avenue. Being known as Tract 1.

Being all of the same land firstly described in a deed dated August 8, 1979 and recorded among the Land Records of Baltimore County in Liber 6059 Folio 357 from Monumental Properties Trust to Bellwether Properties, L.P.

Being all of the same land described in a deed dated December 28, 1989 and recorded among the Land Records of Baltimore County in Liber 8364, Folio 294 from Baltimore Gas and Electric Foundation, Inc. to Eastpoint Partners, L.P.

Together with the benefit of those provisions set forth in a Entry Agreement between the Mayor and City Council of Baltimore and Bellwether Properties, L.P. dated November 5, 1984 and recorded among the Land Records of Baltimore County in Liber EHK, Jr. No 6824, Folio 779 and in an Easement Agreement between the Mayor and City Council of Baltimore and Eastpoint Partners, L.P. dated April 20, 1988 and recorded among the Land Records of Baltimore County in Liber SM No. 7916, Folio 161.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 26592

Date: 9/16/08

PAID RECEIPT

BUSINESS ACTUAL TIME
 9/17/2008 9/16/2008 11:26:17
 REG 0502 MAIL JEW JRE
 RECEIPT # 403650 9/16/2008
 5 528 ZONING VERIFICATION
 CR 10. 026592

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0		6150					650.00

Total: 650.00

Rec From: Venable LLP

For: 7801 Eastern Ave 2009-0076-SPHA
21222

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

**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 # 2008-0078-SPHA

7800 Eastern Avenue (Eastpoint Mall)

S/Side of Eastern Avenue, 840' West of Intersection of North Point Boulevard

15th Election District — 7th Councilmanic District

Legal Owner(s): Thor Eastpoint Mall, LLC

Special Hearing: for an amendment to the site plan approved in Case No. 05-099-SPHA Variance: to display 10 lines of sign text with sign copy a minimum of 6 inches in height for each two freestanding signs in lieu of the permitted 5 lines of text and required 8 inch height for sign copy

Hearing: Thursday, November 8, 2008 at 11:00 a.m. In Room 104, Jefferson Building, 105 West Chesapeake 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.

166624

CERTIFICATE OF PUBLICATION

10/23/, 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 10/21/, 2008.

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

S. Wilkins

LEGAL ADVERTISING

Patricia Zook - FW: Case No. 2009-0076-SPHA

From: "Matte, Amy D." <admatte@venable.com>
To: <pzook@baltimorecountymd.gov>
Date: 11/3/2008 3:21 PM
Subject: FW: Case No. 2009-0076-SPHA

Patty:

As requested, attached please find a copy of the Certificate of Publication for Case No. 2009-0076-SPHA.

If you need anything else, please do not hesitate to give me a call.

Thanks,

Amy

Amy D. Matte, Paralegal
Venable, LLP
210 Allegheny Avenue
Towson, Maryland 21204
(410) 494-6244

U.S. Treasury Circular 230 Notice: Any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (a) avoiding penalties that may be imposed under the Internal Revenue Code or by any other applicable tax authority; or (b) promoting, marketing or recommending to another party any tax-related matter addressed herein. We provide this disclosure on all outbound e-mails to assure compliance with new standards of professional practice, pursuant to which certain tax advice must satisfy requirements as to form and substance.

This electronic mail transmission may contain confidential or privileged information. If you believe you have received this message in error, please notify the sender by reply transmission and delete the message without copying or disclosing it.

CERTIFICATE OF POSTING

RE: Case No.: 2009-0076-SPHA

Petitioner/Developer: _____

Thor Eastpoint Mall, LLC

Date of Hearing/Closing: Nov 6, 08

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

ATTN: Kristen Matthews

Ladies and Gentlemen:

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

7800 Eastern Avenue (Eastpoint Mall)

The sign(s) were posted on Oct 20, 08
(Month, Day, Year)

Sincerely,

Robert Black Oct 21, 08
(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)

ZONING NOTICE

CASE # 2009-0076-SPHA

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

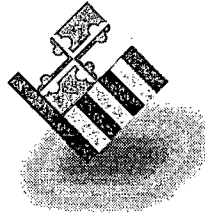
PLACE: ROOM 104, JEFFERSON BUILDING
105 W. CHESAPEAKE AVE TOWSON 21204

DATE AND TIME: THURSDAY, NOVEMBER 6, 2008 AT 11:00 A.M.

REQUEST: SPECIAL HEARING FOR AN AMENDMENT TO THE SITE
PLAN APPROVED IN CASE NO. 05-099-SPHA. VARIANCE TO DISPLAY
10 LINES OF SIGN TEXT WITH SIGN COPY A MINIMUM OF 6 INCHES
IN HEIGHT FOR EACH TWO FREESTANDING SIGNS. IN LIEU OF THE
PERMITTED 5 LINES OF TEXT AND REQUIRED 8 INCH HEIGHT FOR SIGN
COPY.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 867-2311

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

October 2, 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: 2009-0076-SPHA

7800 Eastern Avenue (Eastpoint Mall)

S/side of Eastern Avenue, 840' N/east of intersection of North Point Boulevard

15th Election District – 7th Councilmanic District

Legal Owners: Thor Eastpoint Mall, LLC.

Special Hearing for an amendment to the site plan approved in Case No. 05-099-SPHA.

Variance to display 10 lines of sign text with sign copy a minimum of 6 inches in height for each two freestanding signs, in lieu of the permitted 5 lines of text and required 8 inch height for sign copy.

Hearing: Thursday, November 6, 2008 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Timothy Kotroco
Director

TK:klm

C: David Karceski, 210 Allegheny Avenue, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., OCTOBER 22, 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
Tuesday, October 21, 2008 Issue - Jeffersonian

Please forward billing to:
Amy Matte
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: 2009-0076-SPHA

7800 Eastern Avenue (Eastpoint Mall)

S/side of Eastern Avenue, 840' N/east of intersection of North Point Boulevard

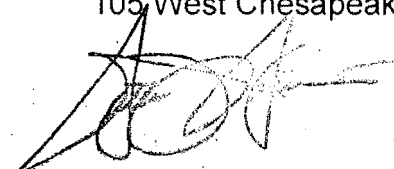
15th Election District – 7th Councilmanic District

Legal Owners: Thor Eastpoint Mall, LLC.

Special Hearing for an amendment to the site plan approved in Case No. 05-099-SPHA.

Variance to display 10 lines of sign text with sign copy a minimum of 6 inches in height for each two freestanding signs, in lieu of the permitted 5 lines of text and required 8 inch height for sign copy.

Hearing: Thursday, November 6, 2008 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The 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.

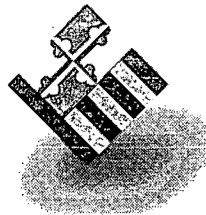
For Newspaper Advertising:

Item Number or Case Number: 2009-0076-SPHA
Petitioner: THON EASTPOINT MALL, LLC
Address or Location: 7801 EASTERN AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

Name: AMY MATTE
Address: 210 ALLEGHENY AVE.
TOWSON, MD 21204
Telephone Number: 410-494-6200

Revised 7/11/05 - SCJ



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
October 28, 2008

David Karceski
Venable LLP
210 Allegheny Ave.
Towson, MD 21204

Dear: David Karceski

RE: Case Number 2009-0076-SPHA, 7800 Block of Eastern Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 16, 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:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: September 23, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For September 29, 2008
Item Nos. 2009-0065, 0066, 0067, 0068,
0070, 0072, 0073, 0074, and 0076

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

DAK:CEN:lrk
cc: File
ZAC-09232008 -NO COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 12, 2008

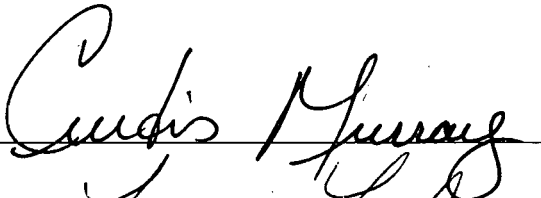
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) ~~09-076-Special Hearing~~

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

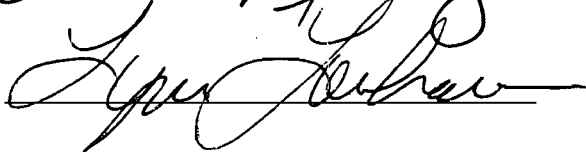
For further questions or additional information concerning the matters stated herein, please contact John Alexander in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:

CM/LL





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

State Highway
Administration

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

Maryland Department of Transportation

Date: SEPT. 23, 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. 2009-0026-SPHA
7800 EASTERN AVE
MD 150
THOR EASTPOINT MALL/INC.
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. 2009-0026-SPHA

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



RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
7800 Eastern Avenue; S/S Eastern Avenue, * ZONING COMMISSIONER
840' NE intersection of North Point Road *
15th Election & 7th Councilmanic Districts * FOR
Legal Owner(s): Thor Eastpoint Mall, Inc *
Petitioner(s) * BALTIMORE COUNTY
* 09-076-SPHA

* * * * *

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/ documentation filed in the case.

RECEIVED

SEP 29 2008

.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

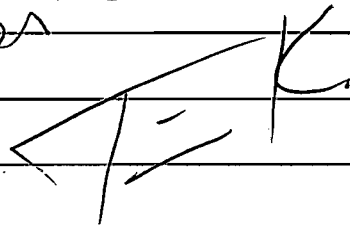
I HEREBY CERTIFY that on this 29th day of September, 2008, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Lenny:

Do not require that additional
language on Karceski's Sign
Variance on Eastpoint Mall



Do we need language that identifies what is under Sec 413
versus 450?

DATE: 09/16/2008

STANDARD ASSESSMENT INQUIRY (1)

TIME: 11:09:13

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
15 05 000500	15	3-1	14-00	N	NO		09/03/08
THOR EASTPOINT MALL LLC				DESC-1.. IMPS60.653 AC			
C/O THOMSON TAX & ACCOUNTING				DESC-2.. COR NORTH POINT BLVD			
PROPERTY TAX SERVICES				PREMISE. 07801		EASTERN	AVE
ONE NEW YORK PLAZA 34TH FLR				BALTIMORE MD		21224-0000	
NEW YORK		NY 10004-1936		FORMER OWNER: EASTPOINT PARTNERS LLC			

----- FCV ----- PHASED IN -----

	PRIOR	PROPOSED		CURR	CURR	PRIOR
				FCV	ASSESS	ASSESS
LAND:	11768,200	11768,200				
IMPV:	60366,000	60366,000	TOTAL..	72134,200	72134,200	72134,200
TOTL:	72134,200	72134,200	PREF...	0	0	0
PREF:	0	0	CURT...	0	0	0
CURT:	0	0	EXEMPT.		0	0

DATE: 08/05 00/00

---- TAXABLE BASIS ---- FM DATE

00/01 ASSESS: 72134,200 09/02/08

ASSESS: 72134,200

ASSESS: 0

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

2009-0076 SPHA

DATE: 09/16/2008

STANDARD ASSESSMENT INQUIRY (1)

TIME: 11:18:34

PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC DEL LOAD DATE
 17 00 000373 15 3-0 14-00 N NO 08/04/08
 MONUMENTAL PROPERTIES INC LEASED DESC-1.. IMPS2.024 AC NS
 TO J C PENNY PROP INC UNIT 982 9 DESC-2.. 900 E EASTERN BLVD
 PROPERTY TAX OFFICE PREMISE. 00000 NORTH POINT BLVD
 PO BOX 10001 BALTIMORE MD 21219-1498
 DALLAS TX 75301-0001 FORMER OWNER: MONUMENTAL PROPE RTIES INC

----- FCV ----- PHASED IN -----

	PRIOR	PROPOSED		CURR	CURR	PRIOR
				FCV	ASSESS	ASSESS
LAND:	404,800	607,200				
IMPV:	6204,800	6002,400	TOTAL..	6609,600	6609,600	6609,600
TOTL:	6609,600	6609,600	PREF...	0	0	0
PREF:	0	0	CURT...	0	0	0
CURT:	0	0	EXEMPT.		0	0

DATE: 10/02 08/05

---- TAXABLE BASIS ---- FM DATE

ASSESS: 6609,600 07/07/08

ASSESS: 6609,600

ASSESS: 0

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

0076 SP/A

DATE: 09/16/2008 STANDARD ASSESSMENT INQUIRY (1)

TIME: 11:18:52

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
21 00 007054	15	3-0	06-00	N	NO		08/04/08
THOR EASTPOINT MALL LLC				DESC-1..		5.121 AC SSR	
C/O THOMSON TAX & ACCOUNTING				DESC-2..		583 N NORTH PT BLVD	
PROPERTY TAX SERVICES				PREMISE. 00000		EASTERN AVE	
ONE NEW YORK PLAZA 34TH FLR				BALTIMORE MD		21221-0000	
NEW YORK				NY 10004-1936		FORMER OWNER: EASTPOINT PARTNERS LLC	

----- FCV ----- PHASED IN -----

	PRIOR	PROPOSED		CURR	CURR	PRIOR
				FCV	ASSESS	ASSESS
LAND:	640,000	640,000				
IMPV:	0	0	TOTAL..	640,000	640,000	640,000
TOTL:	640,000	640,000	PREF...	0	0	0
PREF:	0	0	CURT...	0	0	0
CURT:	0	0	EXEMPT.		0	0

DATE: 09/02 08/05

---- TAXABLE BASIS ---- FM DATE

ASSESS: 640,000 06/19/08

ASSESS: 640,000

ASSESS: 0

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

0076-SPHA

DATE: 09/16/2008

STANDARD ASSESSMENT INQUIRY (1)

TIME: 11:19:12

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
17 00 000374	15	3-0	14-00	N	NO		08/04/08

MONUMENTAL PROPERTIES INC LEASED DESC-1.. .466 AC NS

TO J C PENNY PROP INC UNIT 982 9 DESC-2.. 1600 E EASTERN BLVD

7839 EASTPOINT MALL STE 10 PREMISE. 00000 NORTH POINT BLVD

00000-0000

BALTIMORE MD 21224-2147 FORMER OWNER: MONUMENTAL PROPE RTIES INC

----- FCV ----- PHASED IN -----

	PRIOR	PROPOSED		CURR	CURR	PRIOR
				FCV	ASSESS	ASSESS
LAND:	93,200	139,800				
IMPV:	0	0	TOTAL..	139,800	139,800	124,266
TOTL:	93,200	139,800	PREF...	0	0	0
PREF:	0	0	CURT...	0	0	0
CURT:	0	0	EXEMPT.		0	0

DATE: 10/02 08/05

---- TAXABLE BASIS ---- FM DATE

ASSESS: 139,800 07/09/07

ASSESS: 124,266 .

ASSESS: 0

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

0076-SPHA

previous order

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE
S/S of Eastern Avenue,
N/S of North Point Boulevard
15th Election District
7th Councilmanic District
(S/S of Eastern Ave., N/S of North Pt. Blvd.)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-099-SPHA

Eastpoint Partners, LLC
By: Shopco Advisory Corp. and
Joseph Speranza, Exec. Vice-President
Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Variance and Petition for Special Hearing for the property located at south side of Eastern Avenue and the north side of North Point Boulevard in the eastern area of Baltimore County otherwise known as Eastpoint Mall. The Petition was filed by Eastpoint Partners, LLC, by Shopco Advisory Corp. and Joseph Speranza, Exec. Vice-President, the Petitioners and legal owners of the property. Variance relief is requested from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit 3989 off-street parking spaces in lieu of the required 4226 spaces. In addition, special hearing relief is requested pursuant to the B.C.Z.R., to approve an amendment to the site plan in Case No. 94-197-A.

The property was posted with Notice of Hearing on September 26, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on September 28, 2004, to notify any interested persons of the scheduled hearing date.

Amended Petition

Mr. Colbert, professional engineer, indicated that he personally made a survey of the parking lot at the mall and thereafter reconfigured the parking field. As a result, he indicated the

DATE _____

Eastpoint Mall

09-76-JPH

11/6/68

PETITIONER'S SIGN-IN SHEET

[illegible]

Case No.: 2009 - 0076 - SPHA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	A - Site Plan B - Elevations	
No. 2	Aerial Photograph	
No. 3	Photos of Site	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S

2

EXHIBIT NO.



PETITIONER'S

EXHIBIT NO.

3A-J









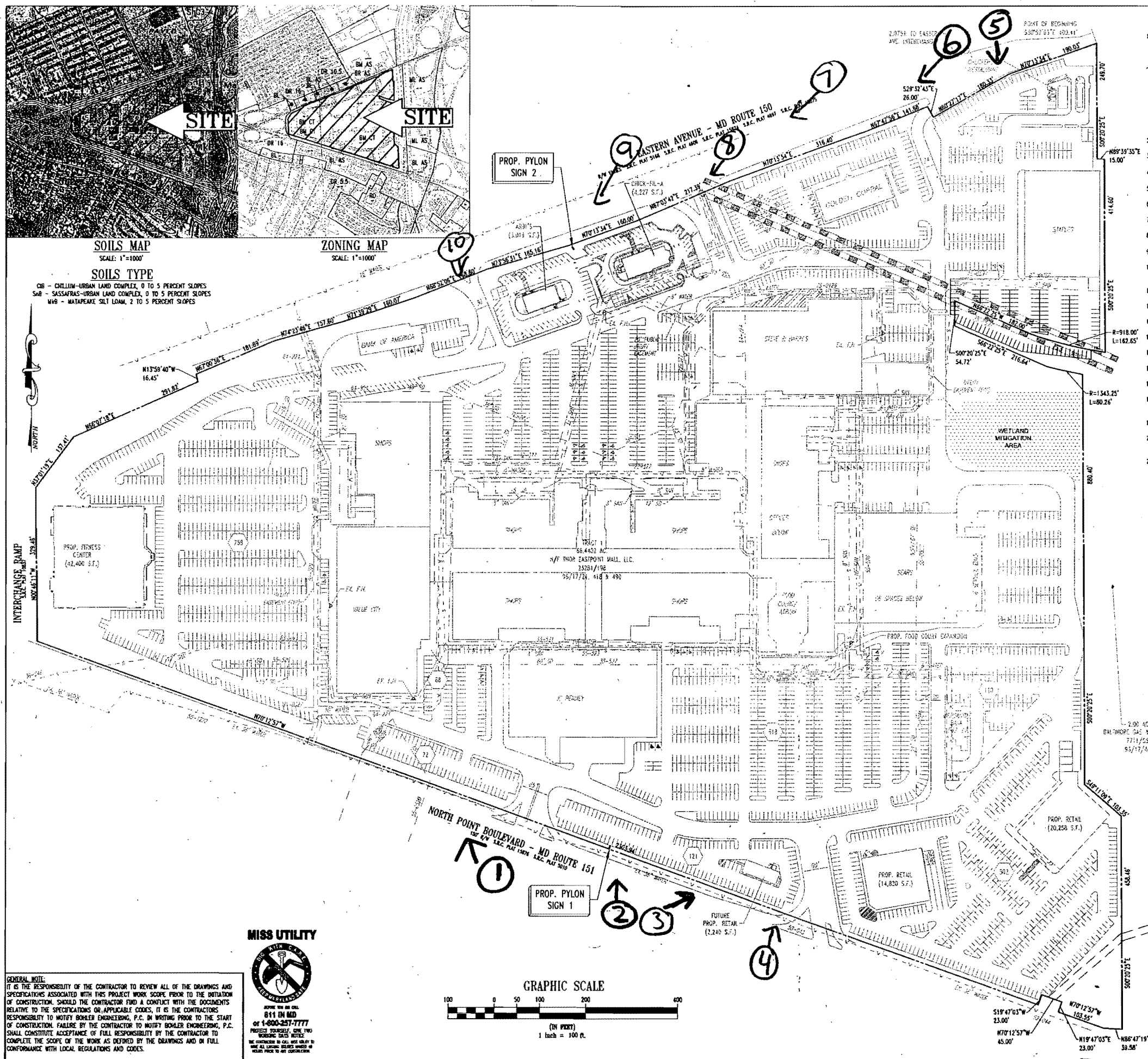












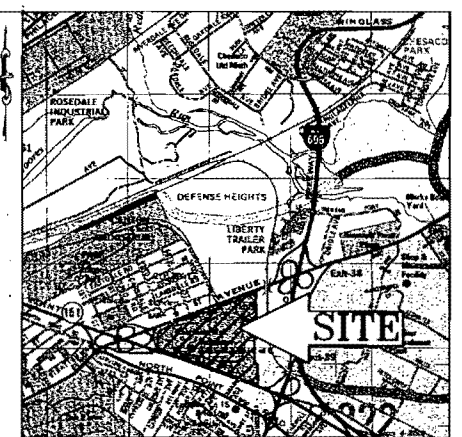
SITE NOTES

1. THIS PLAN REFERENCES A PLAN BY:
COLBERT MATZ ROSENWALT, INC.
2815 SMITH AVENUE, SUITE G
BALTIMORE, MD 21209
(410) 653-5838
ENTITLED "BUILDING AREA AND EXISTING PARKING"
DATED: MARCH 10, 2006

A PLAN RECEIVED FROM THOR EQUITIES VIA E-MAIL
ENTITLED "THOR_CPW_SPLN"
DATED MAY 16, 2006
2. ZONE: BW-CI, MAP NO.'S 096B2, 096B3, 096C2, 096C3
3. TOTAL SITE AREA: 2,894,135 SQ. FT. OR 66.4402 AC.
4. EXISTING FLOOR AREA: 933,320 SQ. FT. (GLA)
5. PROPOSED FLOOR AREA: 805,545 SQ. FT. (GLA)
6. PERMITTED FLOOR AREA RATIO: 5.5
7. EXISTING FLOOR AREA RATIO: 0.32
8. PROPOSED FLOOR AREA RATIO: 0.28
9. DEED REFERENCE: 23281/198, 5489/589
10. TAX ACCOUNT NUMBER: 1505000500, 1700000373,
2100007054, 1700000374
11. ELECTION DISTRICT: 15TH
12. COUNCILMANSHIP DISTRICT: 7TH
13. WATERSHED: BACK RIVER
14. SEWER SHED: 40
15. EXISTING USE: OFFICE AND RETAIL
16. PROPOSED USE: OFFICE AND RETAIL
17. CENSUS TRACT: 452400
18. THERE ARE NO HISTORICAL STRUCTURES WITHIN OR CONTIGUOUS TO THE PROPOSED DEVELOPMENT.
19. SITE IS NOT LOCATED IN THE 100 YEAR FLOODPLAIN.
20. THERE ARE NO STREAMS LOCATED WITHIN THE SITE BOUNDARY. THERE IS A WETLAND MITIGATION AREA LOCATED ALONG THE EAST PROPERTY LINE.
21. THERE ARE NO EXISTING OR IMPENDING FAILURES OF THE BASIC SERVICE MAPS ON THIS SITE.

SIGNAGE CALCULATIONS

- PROP. PYLON SIGN 1 (JOINT IDENTIFICATION)
PERMITTED:
- A. MAXIMUM AREA: 150 SF
 - B. MAXIMUM NO.: ONE PER FRONTAGE
 - C. MAXIMUM HEIGHT: 25 FT.
 - D. ILLUMINATION: YES
- PROPOSED:
- A. MAXIMUM AREA: 12.92'x7.5' + 3.75'x2.58' = 106.58 S.F.
 - B. MAXIMUM NO.: ONE PER FRONTAGE (NO ROUTE 151)
 - C. MAXIMUM HEIGHT: 25'
 - D. ILLUMINATION: YES
- PROP. PYLON SIGN 2 (JOINT IDENTIFICATION)
PERMITTED:
- A. MAXIMUM AREA: 150 SF
 - B. MAXIMUM NO.: ONE PER FRONTAGE
 - C. MAXIMUM HEIGHT: 25 FT.
 - D. ILLUMINATION: YES
- PROPOSED:
- A. MAXIMUM AREA: 12.92'x7.5' + 3.75'x2.58' = 106.58 S.F.
 - B. MAXIMUM NO.: ONE PER FRONTAGE (NO ROUTE 150)
 - C. MAXIMUM HEIGHT: 25'
 - D. ILLUMINATION: YES



LOCATION MAP

COPYRIGHT ADC THE MAP PEOPLE
PERMIT USE NO. 20602153-5
SCALE: 1"=2000'

OWNING HISTORY

Case No.: 454-13-A
 Petition for a Special Exception for a restaurant golf course to be operated on a portion of the enclosing estate.
 Granted: 6-30-99 Restrictions: None

Case No.: 13-262-A
 Petition for a Variance from Section 409.6.1 to permit 4154 off-street parking spaces in lieu of the required 4634 off-street parking spaces on the Enclosed parcel.
 Granted: 7-30-73 Restrictions: Subject to the approval of a Site Plan by the State Highway Administration, Department of Public Works and The Office of Planning and Zoning.

Case No.: 51-193-5A
 Petition for a Variance from Section 409.6(A)(2) to permit 4002 off-street parking spaces in lieu of the required 4773 off-street parking spaces as originally approved in Zoning Case 75-262-A.
 Granted: 3-21-91 Restrictions: None

Petition for a Special Hearing to approve an amendment to the order and the Site Plan in Zoning Case 75-262-A.
 Granted: 5-21-91 Restrictions: Subject to the 30-day appeal process.

Case No.: 93-402-SMA
 Petition for a Special Exception to permit a restaurant, which is intended for outdoor seating in a 5,667-sq-ft parcel. Petition for Special Hearing to permit a restaurant, which is in a 5,667-sq-ft parcel.

Petition for a Special Hearing to approve existing parking facilities and to amend the current to the preliminary approved Site Plan and Variance in Case No. 91-195-5A or a Variance which means relief from the B.C.R. as follows:

- From Section 409.6.2 to permit an off-street parking facility adjacent from a public R.O.W. of 2' or less in lieu of the required 10'.
- From Section 409.6.1 to permit direct access to a driveway from off-street parking facilities.
- From Section 409.8.1 to permit deviation from the screening and landscaping requirements of the Landscaping Manual.

- From Section 409.6(A)(2) to permit 4000 parking spaces in lieu of the required 4500.

Special Hearing: Denied 6-2-93
 Special Exception: Granted 6/2/93
 Variance: Granted 6/2/93 Restrictions: Subject to the 30-day appeal process.

All future developments on the subject site shall adhere strictly to the requirements set forth in the Landscaping Manual.

Future parking for therapies, arts and landscaping must make reference to these case and address the restrictions.

Case No.: 94-197-A
 Petition for a Variance from Section 409.6(A)(2) to permit 4000 off-street parking spaces in lieu of the required 4777 off-street parking spaces and to amend the approved Site Plan in Case No. 91-273-SMA.
 Granted: 12-23-93
 Conditions of Approval:
 Granted: 5-30-96
 Clarification/Amendment: Variance to permit 4073 off-street parking spaces in lieu of the required 4773 off-street parking spaces.
 Granted: 6-18-96
 Clarification Appeal: Granted:
 Granted: 2-2-95

Zoning/Variation Letter
 Request to calculate the parking requirements of 5 spaces/1000 square feet of Gross Leasable Area within the South and West of the B.C.R. and No. 94-197-A.
 Approved: 1-14-03

CASE NO. 05-099-SPHA
PETITION FOR A VARIANCE RELIEF REQUESTED FROM SECTION 409.6.A.2 OF THE ICCZ
TO PERMIT 4,043 OFF-STREET PARKING SPACES INSTEAD OF THE REQUIRED 4,839 SPACES
GRANTED OCTOBER 13, 2004
DEPUTY ZONING COMMISSIONER

OWNER/APPLICANT:
THOR EASTPOINT MALL, LLC
25 WEST 39TH STREET, 10TH FLOOR
NEW YORK, NY 10018
PHONE: (212) 353-5693
ATTN: CURTIS BORGSTEDE

810 GLENEAGLES COURT, SUITE 300
TOWSON, MARYLAND 21286
PHONE: (410) 821-7900
FAX: (410) 821-7988



BOHLER ENGINEERING, P.C.

CIVIL & CONSULTING ENGINEERS ■ PROJECT MANAGERS ■ ENVIRONMENTAL & SITE PLANNERS ■ MUNICIPAL ENGINEERS

PLAN TO ACCOMPANY SIGNAGE VARIANCE HEARING

PROJECT: THOR EASTPOINT MALL, LLC
EASTPOINT MALL
7800 BLOCK EASTERN AVENUE
BALTIMORE COUNTY, MARYLAND

SITE PLAN

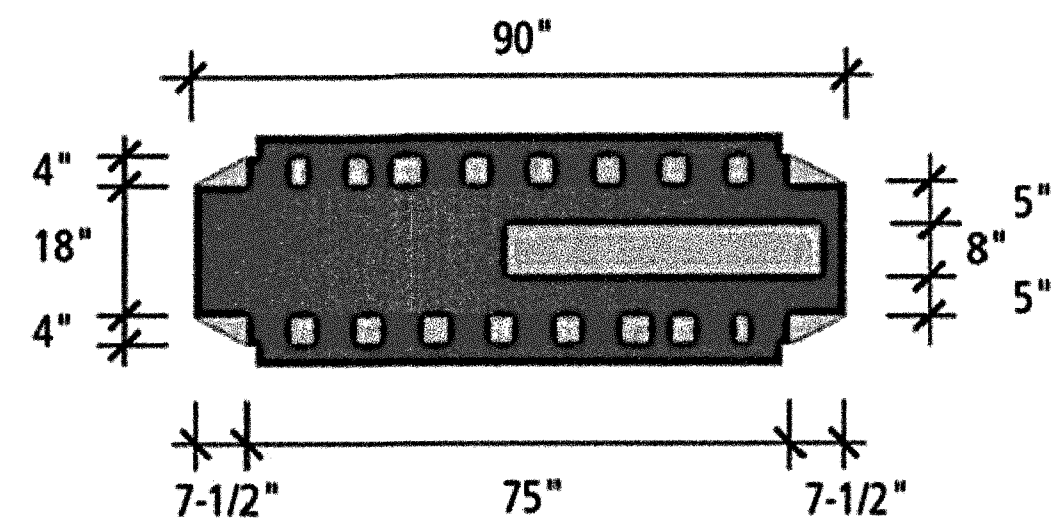
A.J. VOLANTH

M.T. ALLEN

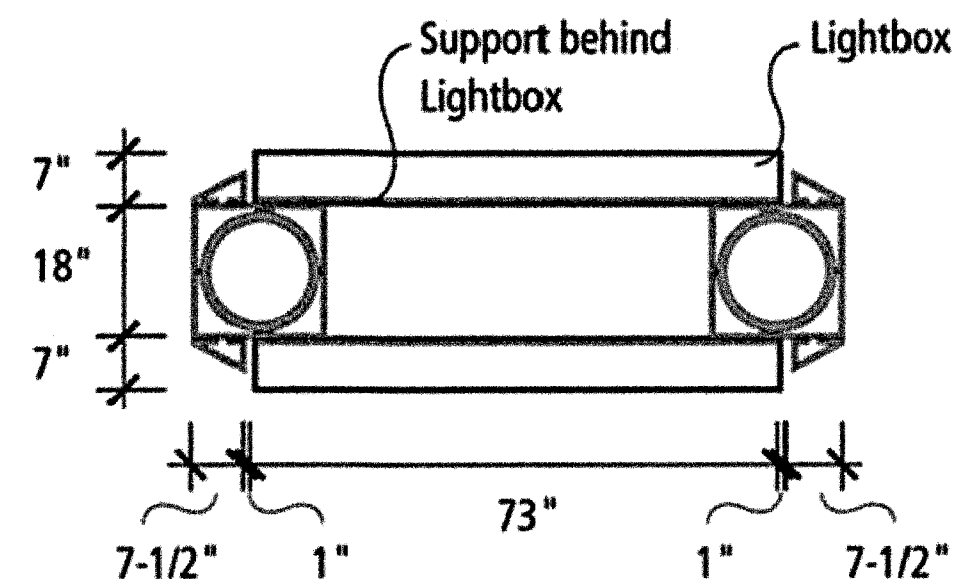
PROFESSIONAL ENGINEER

PROFESSIONAL ENGINEER
 HAROLD LEONARD JR. 00047
 PENNSYLVANIA LICENSE IN MECHANICAL
 BOARD OF COLLEGE LEONARD JR. 00047

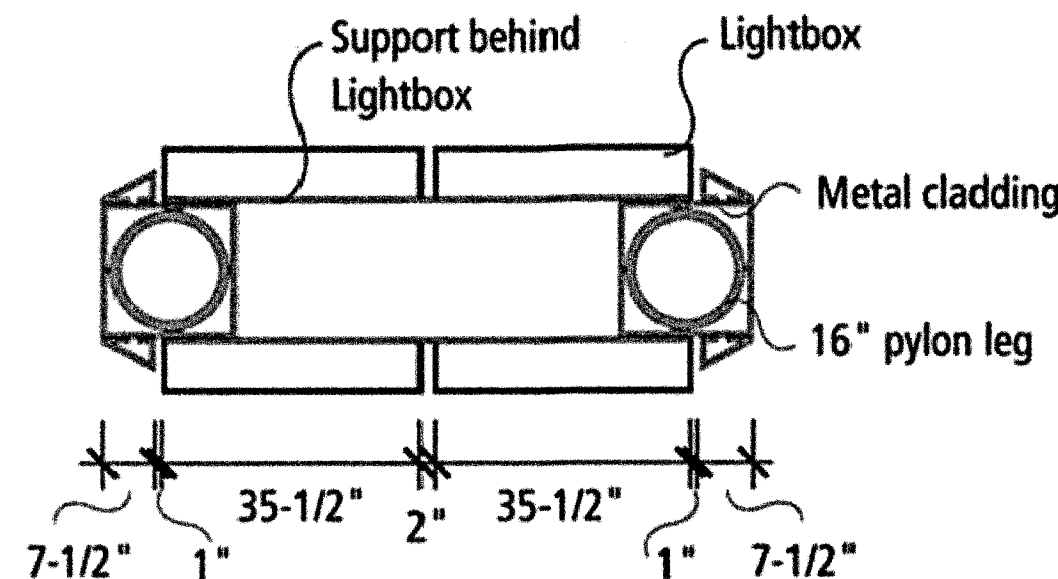
SCALE: (H) M 1"=100'	DATE: 9/02/08	SHEET No. 1
DRAWN BY: R.J.M.	PROJECT No: MD062008	OF 2
CHECKED BY: C.W.A.	CAD L.D. #: MD062008VP3	REV. No.



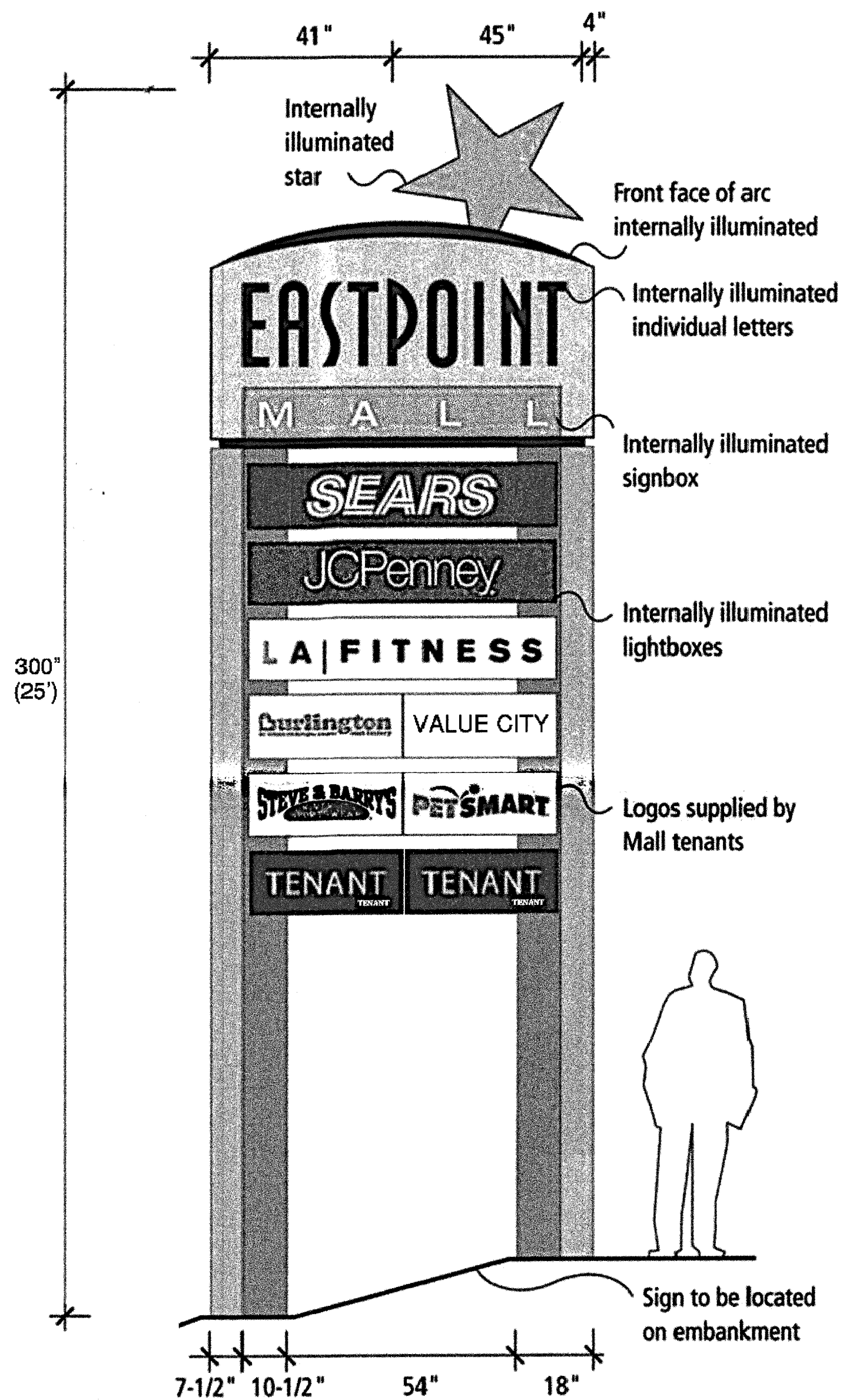
A
ES-1.2
PROPOSED PLAN (TOP)
N.T.S.



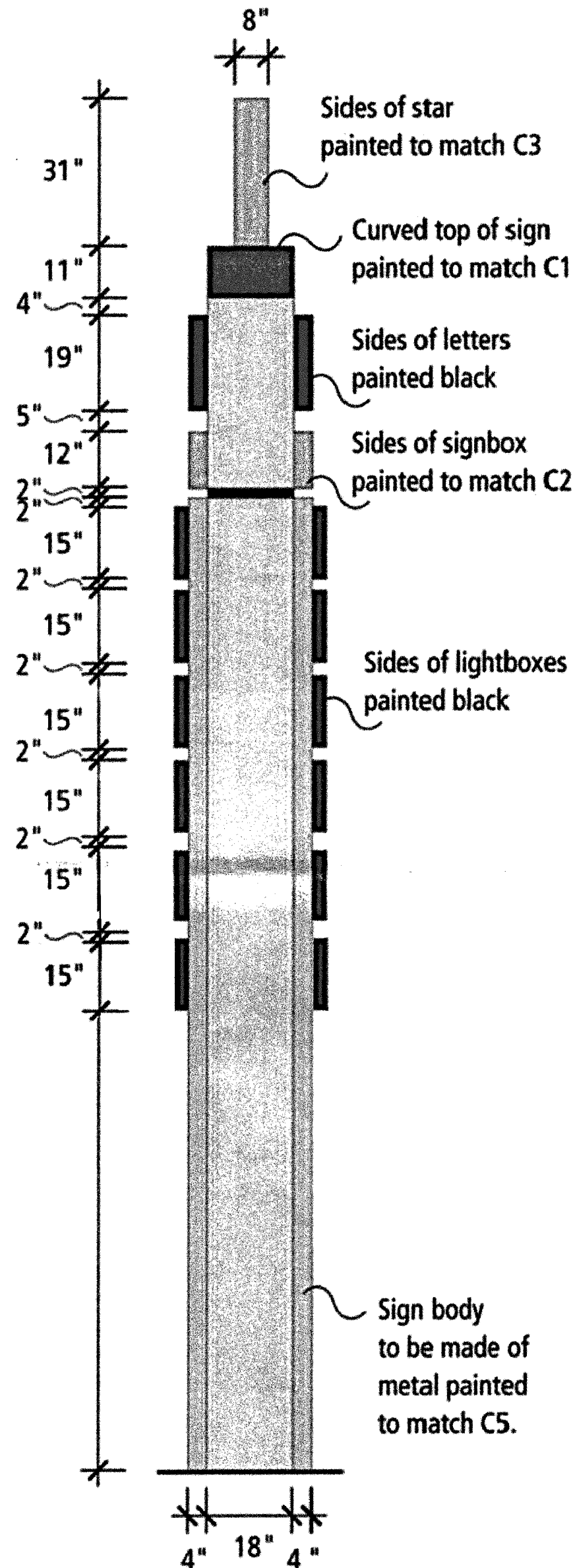
D
ES-1.2
PROPOSED SECTION
N.T.S.



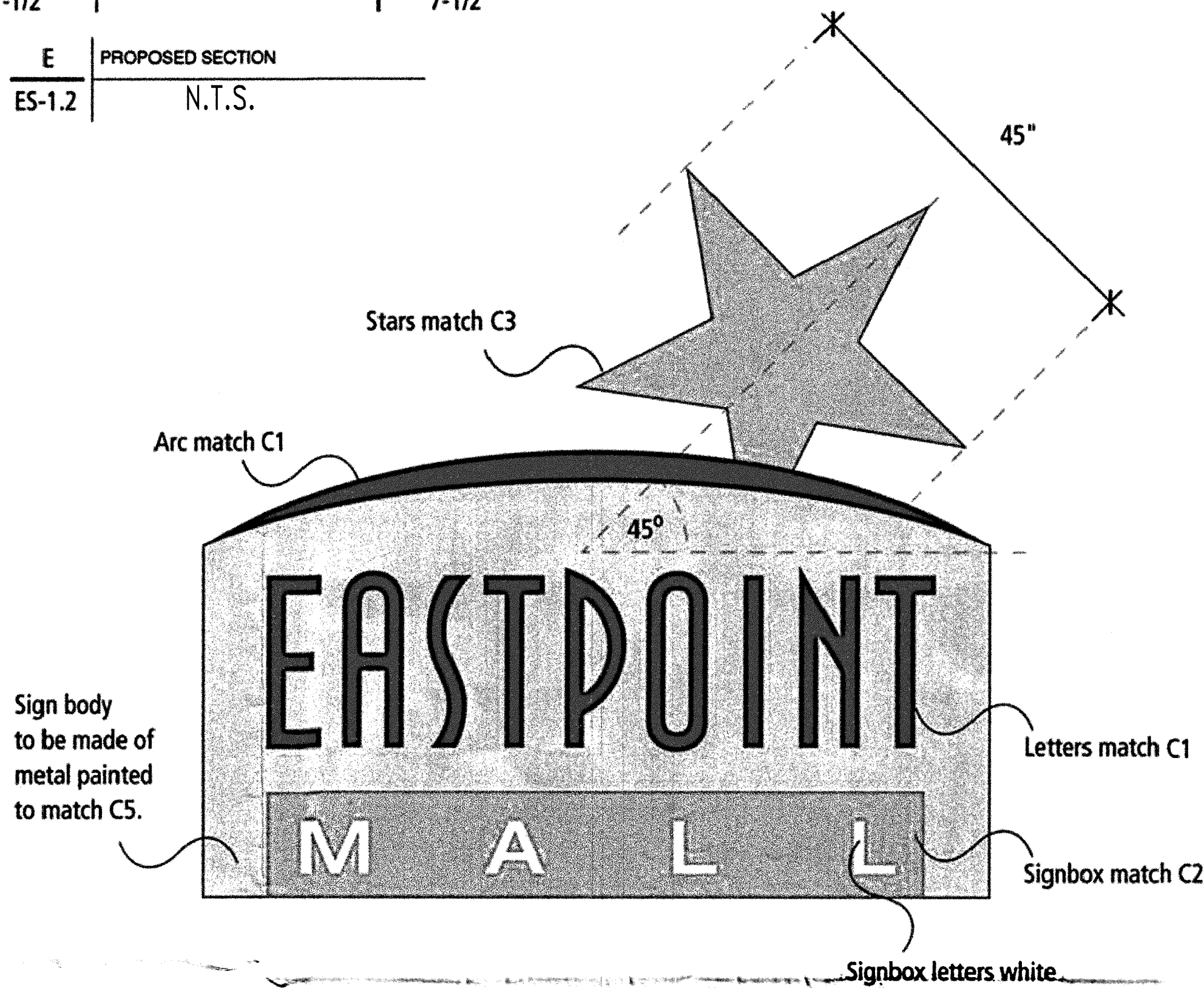
E
ES-1.2
PROPOSED SECTION
N.T.S.



B
ES-1.2
PROPOSED FRONT ELEVATION
N.T.S.



C
ES-1.2
PROPOSED SIDE ELEVATION
N.T.S.



F
ES-1.2
PROPOSED FRONT ELEVATION DETAILS
N.T.S.



B
ES-1.2
Back Elevation Detail (PROPOSED)
N.T.S.

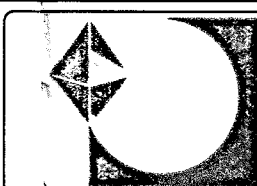
MISS UTILITY



BEFORE YOU DIG CALL
811 IN MD
or 1-800-257-7777
PROTECT YOURSELF, GIVE TWO
WORKING DAYS NOTICE
THE CONTRACTOR TO CALL MISS UTILITY TO
HAVE ALL EXISTING UTILITIES MARKED 48
HOURS PRIOR TO ANY CONSTRUCTION.

OWNER/APPLICANT:
THOR EASTPOINT MALL, LLC.
25 WEST 39TH STREET, 10TH FLOOR
NEW YORK, NY 10018
PHONE: (212) 353-5693
ATTN: CURTIS BORGSTEDT

2009-0076-SHA



**BOHLER
ENGINEERING, P.C.**

CIVIL & CONSULTING ENGINEERS ■ PROJECT MANAGERS ■ ENVIRONMENTAL & SITE PLANNERS ■ MUNICIPAL ENGINEERS

Other Office Locations:
■ Southboro, MA ■ Albany, NY ■ Purchase, NY ■ Ronkonkoma, NY ■ Warren, NJ ■ Chalfont, PA ■ Sterling, VA ■ Warrenton, VA

PLAN TO ACCOMPANY SIGNAGE VARIANCE HEARING

PROJECT: THOR EASTPOINT MALL, LLC
EASTPOINT MALL
7800 BLOCK EASTERN AVENUE
BALTIMORE COUNTY, MARYLAND

TITLE:
PYLON SIGN DETAIL

A.J. VOLANTH

M. J. ALLEN

SCALE: (H) 1"=100'

DATE: 9/02/08

SHEET No:

DRAWN BY: R.J.M.

PROJECT No: MD062008

2

CHECKED BY: C.W.A.

CAD I.D. #: MD062008P3

OF 2

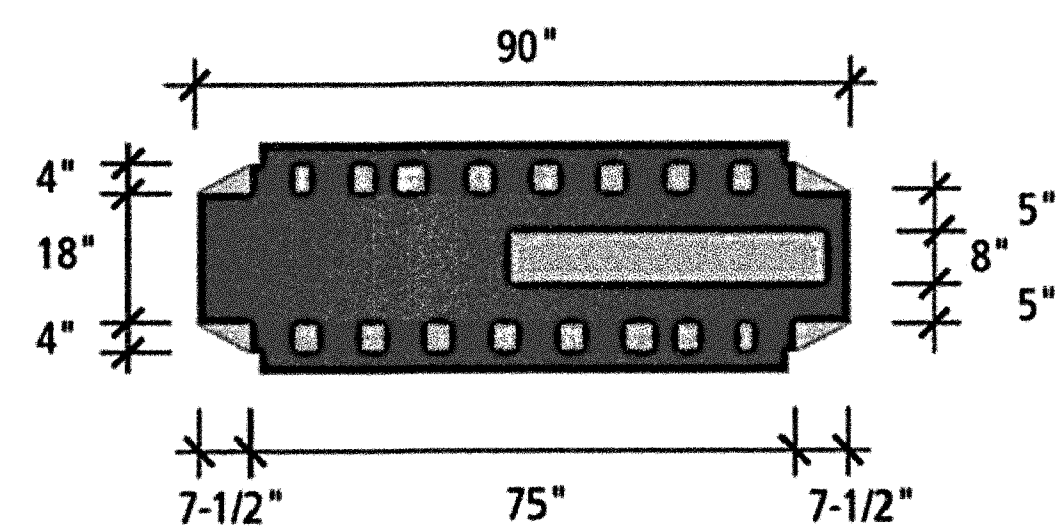
PROFESSIONAL ENGINEER
VIRGINIA LICENSE NO. 0100000000
MARYLAND LICENSE NO. 0100000000
DISTRICT OF COLUMBIA LICENSE NO. 0100000000
SOUTH CAROLINA LICENSE NO. 0100000000
TENNESSEE LICENSE NO. 0100000000

PROFESSIONAL ENGINEER
VIRGINIA LICENSE NO. 0100000000
MARYLAND LICENSE NO. 0100000000
DISTRICT OF COLUMBIA LICENSE NO. 0100000000
SOUTH CAROLINA LICENSE NO. 0100000000
TENNESSEE LICENSE NO. 0100000000

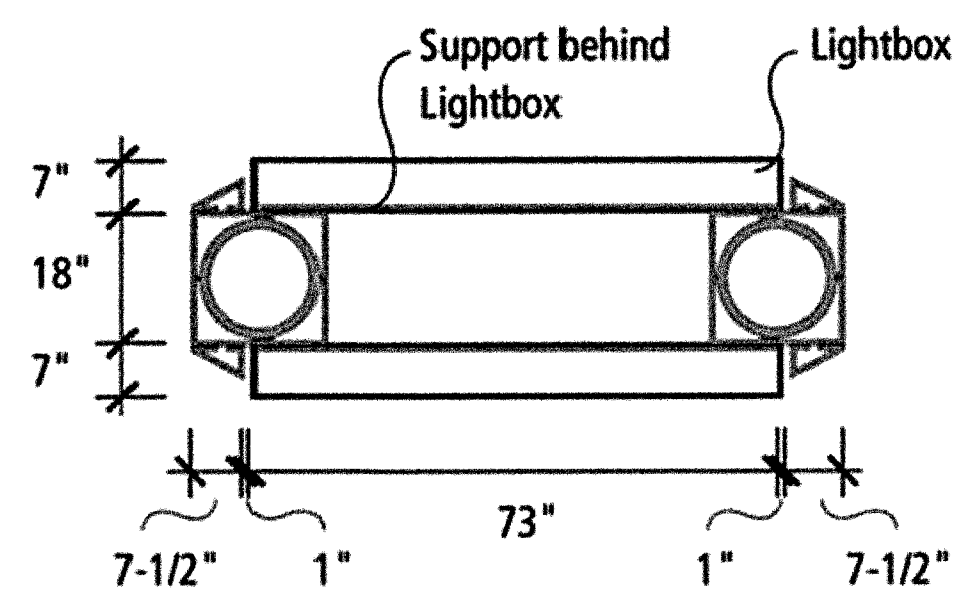
CONSTRUCTION CHECK

DATE

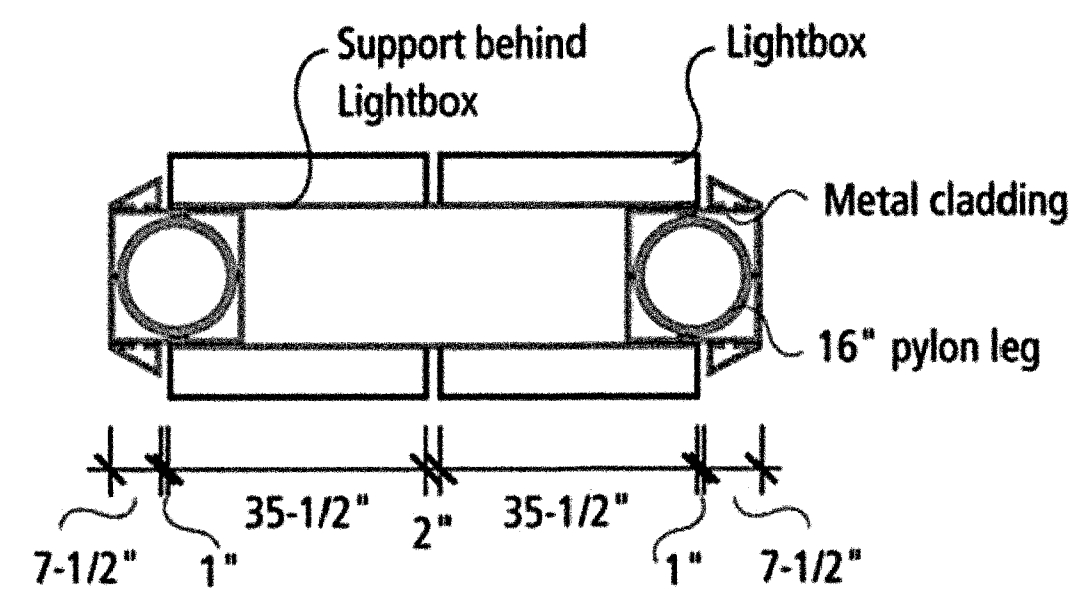
REV. No.



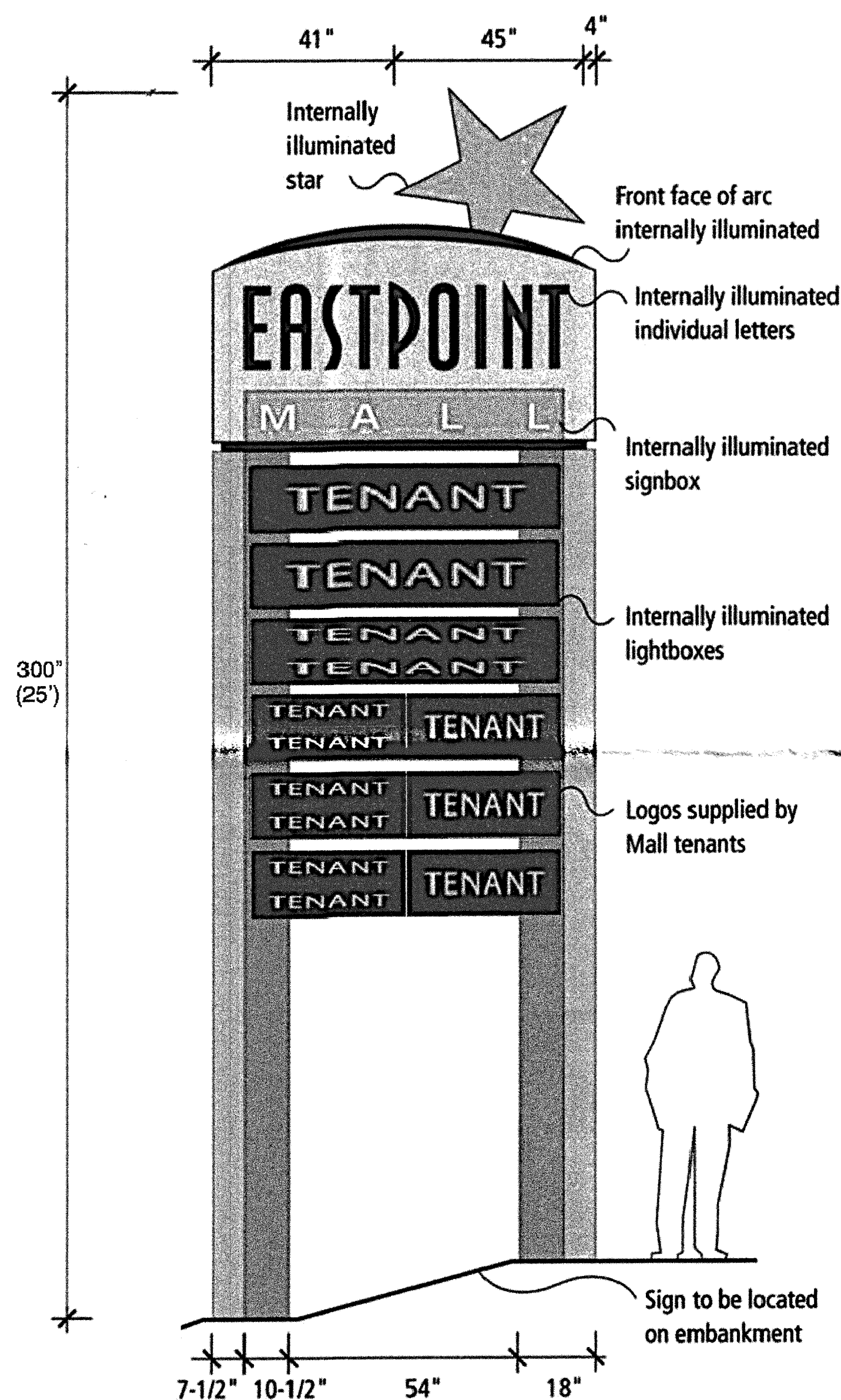
A
ES-1.2
PROPOSED PLAN (TOP)
N.T.S.



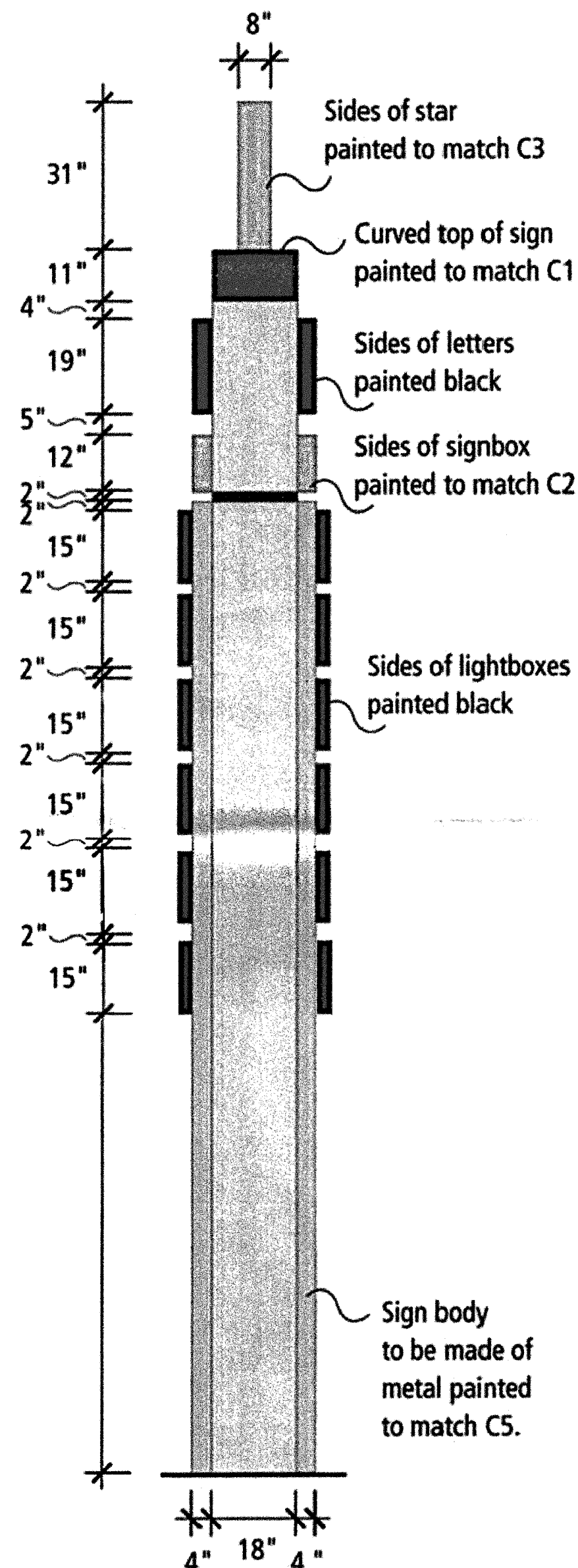
D
ES-1.2
PROPOSED SECTION
N.T.S.



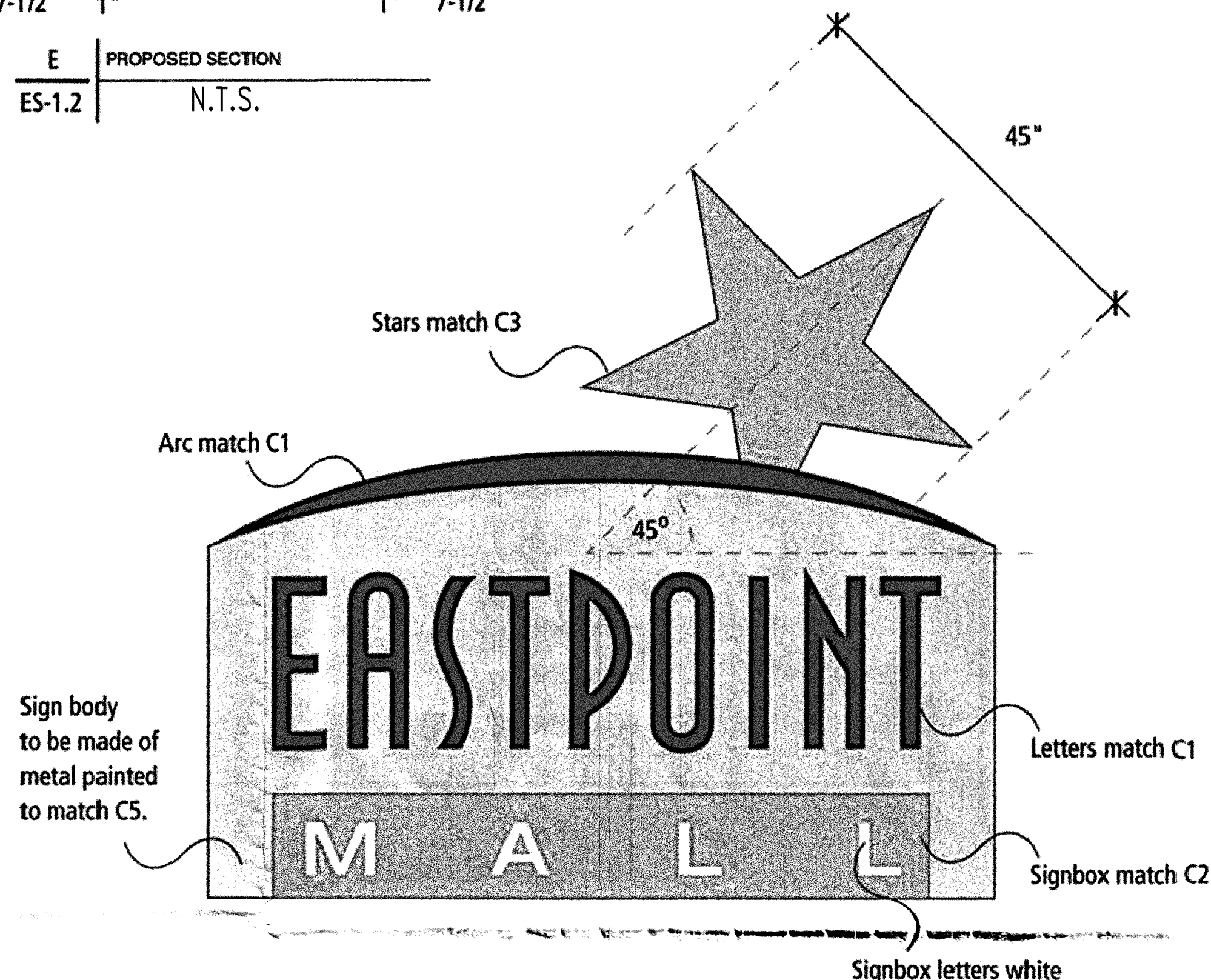
E
ES-1.2
PROPOSED SECTION
N.T.S.



B
ES-1.2
PROPOSED FRONT ELEVATION
N.T.S.



C
ES-1.2
PROPOSED SIDE ELEVATION
N.T.S.



F
ES-1.2
PROPOSED FRONT ELEVATION DETAILS
N.T.S.



B
ES-1.2
Back Elevation Detail (PROPOSED)
N.T.S.

PETITIONER'S
EXHIBIT NO. 13

OWNER/APPLICANT:
THOR EASTPOINT MALL, LLC.
25 WEST 39TH STREET, 10TH FLOOR
NEW YORK, NY 10018
PHONE: (212) 353-5693
ATTN: CURTIS BORGSTEDT

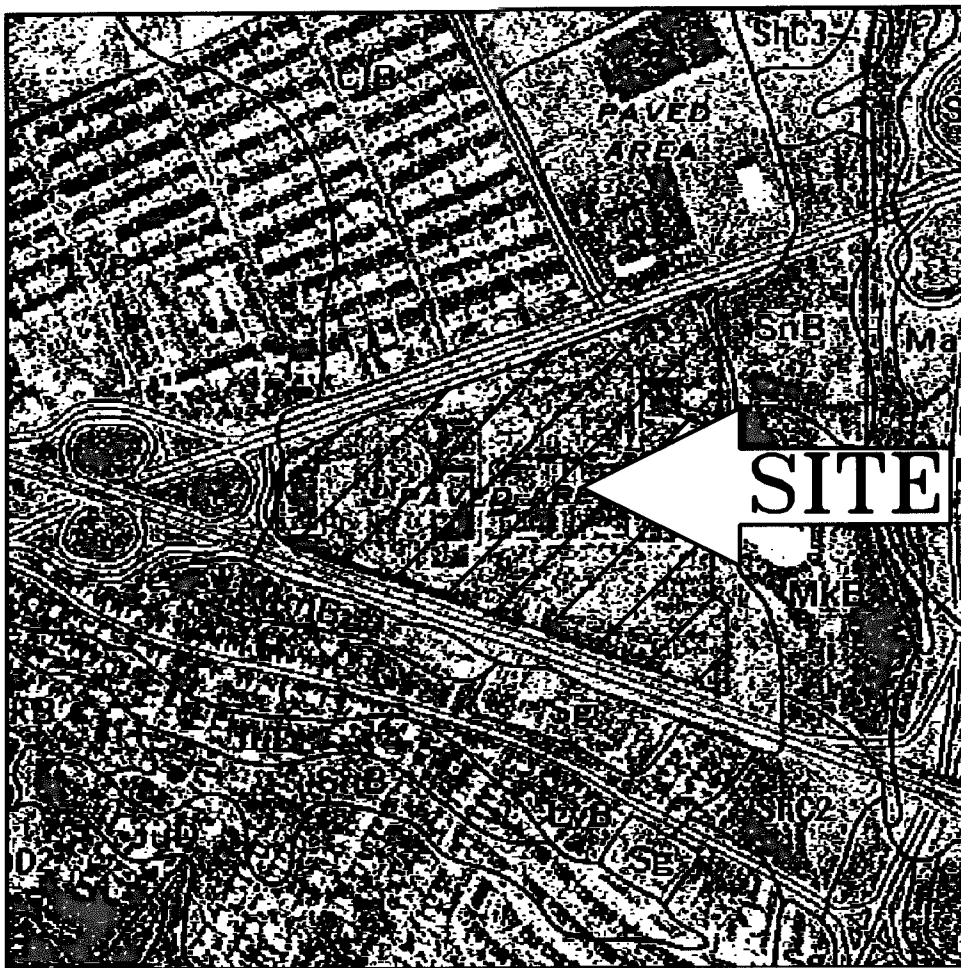
BOHLER ENGINEERING, P.C. CIVIL & CONSULTING ENGINEERS ■ PROJECT MANAGERS ■ ENVIRONMENTAL & SITE PLANNERS ■ MUNICIPAL ENGINEERS Other Office Locations: ■ Southboro, MA ■ Albany, NY ■ Purchase, NY ■ Ronkonkoma, NY ■ Warren, NJ ■ Chalfont, PA ■ Sterling, VA ■ Warrenton, VA		810 GLENEAGLES COURT, SUITE 300 TOWSON, MARYLAND 21286 PHONE: (410) 821-7800 FAX: (410) 821-7887	
PLAN TO ACCOMPANY SIGNAGE VARIANCE HEARING			
PROJECT: THOR EASTPOINT MALL, LLC EASTPOINT MALL 7800 BLOCK EASTERN AVENUE BALTIMORE COUNTY, MARYLAND		TITLE: PYLON SIGN DETAIL	
A.J. VOLANTH PROFESSIONAL ENGINEER VIRGINIA LICENSE NO. 0402 031438 MARYLAND LICENSE NO. 71542 DISTRICT OF COLUMBIA LICENSE NO. 10728 NORTH CAROLINA LICENSE NO. 2436 SOUTH CAROLINA LICENSE NO. 20743 TENNESSEE LICENSE NO. 10740		M.T. ALLEN PROFESSIONAL ENGINEER MARYLAND LICENSE NO. 28507 PENNSYLVANIA LICENSE NO. 041707 DISTRICT OF COLUMBIA LICENSE NO. 900895 VIRGINIA LICENSE NO. 0402 030873 DELAWARE LICENSE NO. 10740	
SCALE: (H) 1"=100' (V) 1"=100' DRAWN BY: R.J.M. CHECKED BY: C.W.A.		DATE: 9/02/08 PROJECT NO: MD082008 CAD ID: MD082008VP3 CONSTRUCTION CHECK DATE	
SHEET No: 2 OF 2 REV. No.			

MISS UTILITY



BEFORE YOU DIG CALL
811 IN MD
or 1-800-257-7777
PROTECT YOURSELF, GIVE TWO
WORKING DAYS NOTICE
THE CONTRACTOR TO CALL MISS UTILITY TO
HAVE ALL EXISTING UTILITIES MARKED 48
HOURS PRIOR TO ANY CONSTRUCTION.

GENERAL NOTE:
IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WORK SCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY BOHLER ENGINEERING, P.C. IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY BOHLER ENGINEERING, P.C. SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS DEFINED BY THE DRAWINGS AND IN FULL CONFORMANCE WITH LOCAL REGULATIONS AND CODES.



SOILS MAP

SCALE: 1"=1000'

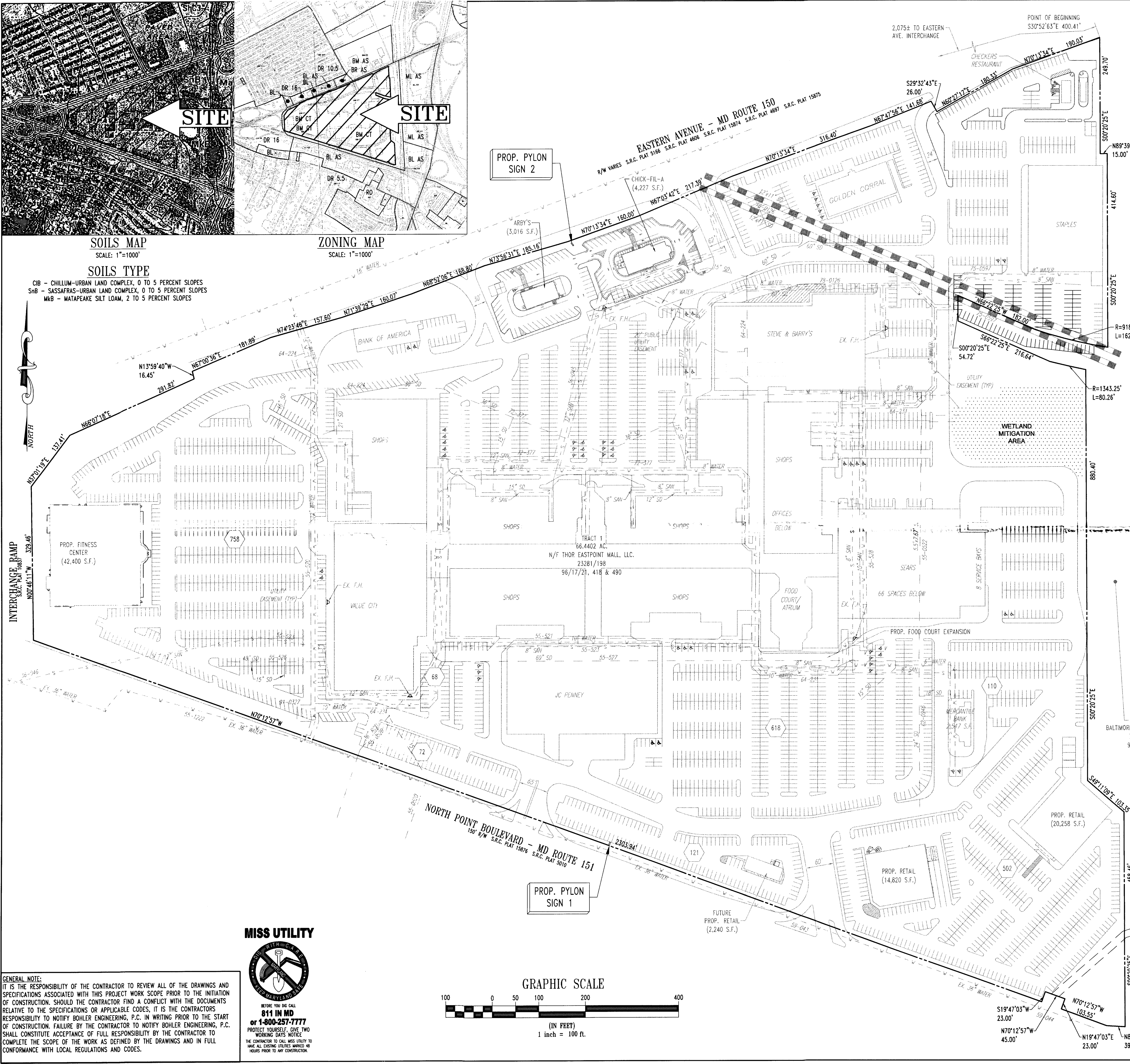
SOILS TYPE

CIB - CHILLUM-URBAN LAND COMPLEX, 0 TO 5 PERCENT SLOPES
Snb - SASSAFRAS-URBAN LAND COMPLEX, 0 TO 5 PERCENT SLOPES
MkS - MATAPEAKE SILT LOAM, 2 TO 5 PERCENT SLOPES



ZONING MAP

SCALE: 1"=1000'



SITE NOTES

1. THIS PLAN REFERENCES A PLAN BY:

COLBERT MATZ ROSENFELT, INC.
2835 SMITH AVENUE, SUITE G
BALTIMORE, MD 21209
(410) 653-3838
ENTITLED "BUILDING AREA AND EXISTING PARKING"
DATED: MARCH 10, 2006

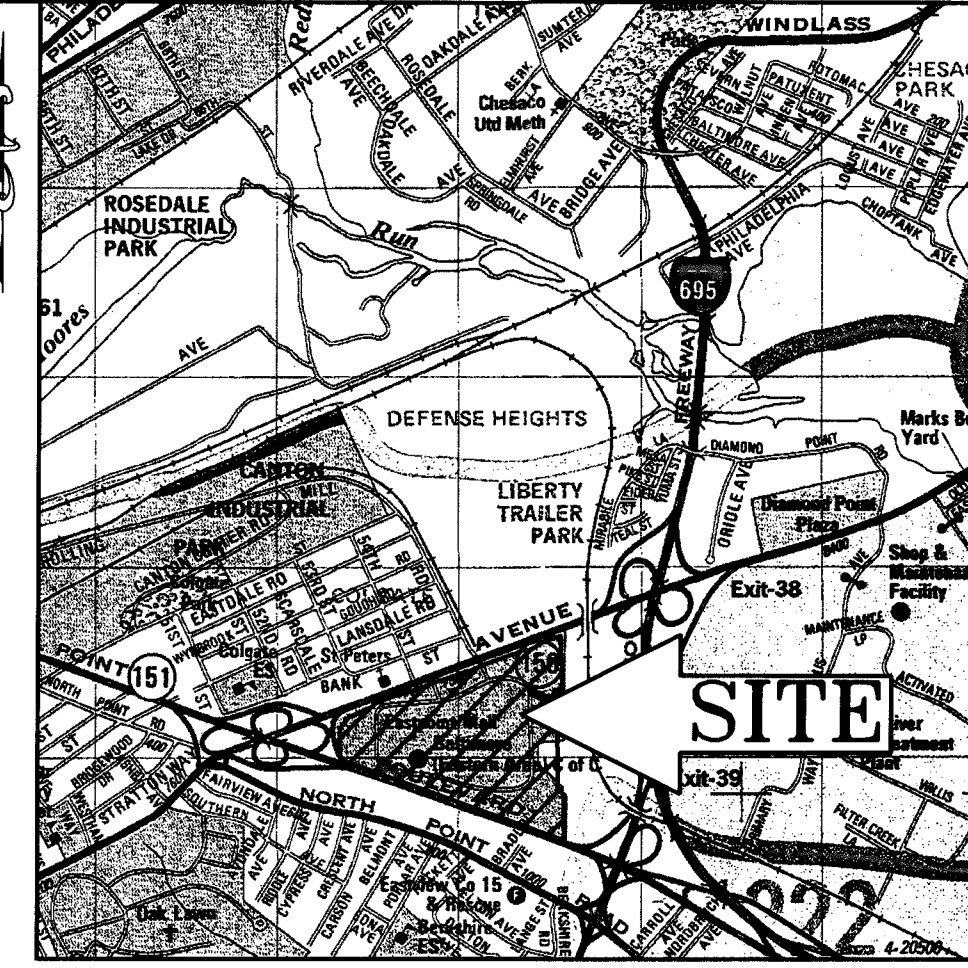
A PLAN RECEIVED FROM THOR EQUITIES VIA E-MAIL
ENTITLED "THOR_EPM_PLAN"
DATED MAY 16, 2006

2. ZONE: BM-CT, MAP NO.'S 09682, 09683, 096C2, 096C3
3. TOTAL SITE AREA: 2,894,135 SQ. FT. OR 66.4402 AC.
4. EXISTING FLOOR AREA: 931,320 SQ. FT. (GLA)
5. PROPOSED FLOOR AREA: 805,545 SQ. FT. (GLA)
6. PERMITTED FLOOR AREA RATIO: 5.5
7. EXISTING FLOOR AREA RATIO: 0.32
8. PROPOSED FLOOR AREA RATIO: 0.28
9. DEED REFERENCE: 23281/198, 5488/589
10. TAX ACCOUNT NUMBER: 150500050, 1700000373, 2100007054, 1700000374

11. ELECTION DISTRICT: 15TH
12. COUNCILMANIC DISTRICT: 7TH
13. WATERSHED: BACK RIVER
14. SEWER SHED: 40
15. EXISTING USE: OFFICE AND RETAIL
16. PROPOSED USE: OFFICE AND RETAIL
17. CENSUS TRACT: 452400
18. THERE ARE NO HISTORICAL STRUCTURES WITHIN OR CONTIGUOUS TO THE PROPOSED DEVELOPMENT.
19. SITE IS NOT LOCATED IN THE 100 YEAR FLOODPLAIN.
20. THERE ARE NO STREAMS LOCATED WITHIN THE SITE BOUNDARY. THERE IS A WETLAND MITIGATION AREA LOCATED ALONG THE EAST PROPERTY LINE.
21. THERE ARE NO EXISTING OR IMPENDING FAILURES OF THE BASIC SERVICE MAPS ON THIS SITE.

SIGNAGE CALCULATIONS

- PROP. PYLON SIGN 1 (JOINT IDENTIFICATION)
- PERMITTED:
- MAXIMUM AREA: 150 SF
 - MAXIMUM NO.: ONE PER FRONTAGE
 - MAXIMUM HEIGHT: 25 FT.
 - ILLUMINATION: YES
- PROPOSED:
- MAXIMUM AREA: 12.92'x7.5' + 3.75'x2.58' = 106.58 S.F.
 - MAXIMUM NO.: ONE PER FRONTAGE (MD ROUTE 151)
 - MAXIMUM HEIGHT: 25'
 - ILLUMINATION: YES
- PROP. PYLON SIGN 2 (JOINT IDENTIFICATION)
- PERMITTED:
- MAXIMUM AREA: 150 SF
 - MAXIMUM NO.: ONE PER FRONTAGE
 - MAXIMUM HEIGHT: 25 FT.
 - ILLUMINATION: YES
- PROPOSED:
- MAXIMUM AREA: 12.92'x7.5' + 3.75'x2.58' = 106.58 S.F.
 - MAXIMUM NO.: ONE PER FRONTAGE (MD ROUTE 150)
 - MAXIMUM HEIGHT: 25'
 - ILLUMINATION: YES



LOCATION MAP

COPYRIGHT ADC THE MAP PEOPLE
PERMIT USE NO. 20602153-5
SCALE: 1"=2000'

ZONING HISTORY

- Case No.: 4641-X
Petition for a Special Exception for a miniature golf course to be operated on a portion of the shopping center.
Granted: 5-8-59 Restrictions: None
- Case No.: 73-292-A
Petition for a Variance from Section 409.1 to permit 4134 off-street parking spaces in lieu of the required 4534 off-street parking spaces at the Eastpoint Mall.
Granted: 7-30-73 Restrictions: Subject to the approval of a Site Plan by the State Highway Administration, Department of Public Works and the Office of Planning and Zoning.
- Case No.: 91-198-SPHA
Petition for a Variance from Section 409.6(A)(2) to permit 4302 off-street parking spaces in lieu of the required 4772 off-street parking spaces as originally approved in Zoning Case 73-292-A.
Granted: 2-21-91 Restrictions: None
- Petition for a Special Hearing to approve an amendment to the order and the Site Plan in Zoning Case 73-292-A.
Granted: 2-21-91 Restrictions: Subject to the 30-day appeal process.
- Case No.: 93-429-SPHXA
Petition for Special Exception to permit a restaurant, drive-thru limited indoor/outdoor seating in a BM-CT zone or Petition for Special Hearing to permit a restaurant, drive-thru in a BM-CT zone.
- Petition for a Special Hearing to approve existing parking setbacks and travelway pursuant to the previously approved Site Plan and Variances in Case No. 91-198-SPHA or a Variance which seeks relief from the B.C.Z.R. as follows:
- From Section 409.8.A.2 to permit an off-street parking facility setback from a public R.O.W. of 2 feet in lieu of the required 10 feet.
 - From Section 409.4 to permit direct access to a travelway from off-street parking facilities.
 - From Section 409.8.A.1 to permit deviation from the screening and landscaping requirements of the Landscape Manual.
- Special Hearing: Denied 8-2-93
Special Exception: Granted 8/2/93
Variances: Granted 8/2/93 Restrictions: Subject to the 30-day appeal process.
All future development on the subject site shall adhere strictly to the requirements set forth in the Landscape Manual.
When applying for permits, any Site and Landscaping Plan must reference this case and address the restrictions.
- Case No.: 94-197-A
Petition for a Variance from Section 409.8(A)(2) to permit 4000 off-street parking spaces in lieu of the required 4777 off-street parking spaces and to amend the approved Plan in Case No. 93-429-SPHXA.
Granted: 12-23-93
County Board of Appeals
Granted: 5-26-94
Clarification/Amendment: Variance to permit 4073 off-street parking spaces in lieu of the required 4773 off-street parking spaces.
Granted: 6-15-94
Circuit Court Appeal
Granted: 2-3-95
- Zoning Verification Letter
Request to calculate the parking requirements @ 5 spaces/1000 square feet of "Gross Leasable Area" is within the Spirit and Intent of the BCZR and Case No. 94-197-A.
Approved: 1-14-05
- CASE NO. 05-099-SPHA
PETITION FOR A VARIANCE RELIEF REQUESTED FROM SECTION 409.6.A.2 OF THE BCZR TO PERMIT 4,043 OFF-STREET PARKING SPACES IN LIEU OF THE REQUIRED 4,839 SPACES.
GRANTED OCTOBER 13, 2004
DEPUTY ZONING COMMISSIONER

PETITIONER'S

EXHIBIT NO. 1A

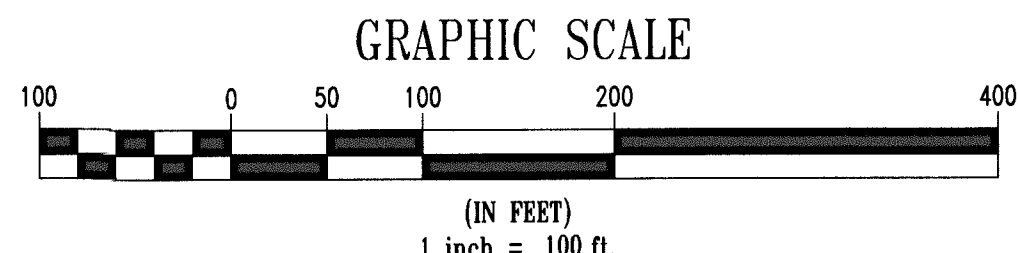
OWNER/APPLICANT:
THOR EASTPOINT MALL, LLC.
25 WEST 39TH STREET, 10TH FLOOR
NEW YORK, NY 10018
PHONE: (212) 353-5893
ATTN: CURTIS BORSTED

		810 GLENAGES COURT, SUITE 300 TOWSON, MARYLAND 21286 PHONE: (410) 821-7900 FAX: (410) 821-7987	
CIVIL & CONSULTING ENGINEERS ■ PROJECT MANAGERS ■ ENVIRONMENTAL & SITE PLANNERS ■ MUNICIPAL ENGINEERS			
Other Office Locations: ■ Southboro, MA ■ Albany, NY ■ Purchase, NY ■ Ronkonkoma, NY ■ Warren, NJ ■ Chalfont, PA ■ Sterling, VA ■ Warrenton, VA			
PLAN TO ACCOMPANY SIGNAGE VARIANCE HEARING			
PROJECT: THOR EASTPOINT MALL, LLC EASTPOINT MALL 7800 BLOCK EASTERN AVENUE BALTIMORE COUNTY, MARYLAND		TITLE: SITE PLAN	
A.J. VOLANTH PROFESSIONAL ENGINEER VIRGINIA LICENSE NO. 0402 031438 MARYLAND LICENSE NO. 17142 DISTRICT OF COLUMBIA LICENSE NO. 10726 GEORGIA LICENSE NO. 00541 NORTH CAROLINA LICENSE NO. 23432 SOUTH CAROLINA LICENSE NO. 20143 TENNESSEE LICENSE NO. 101046		M. J. ALLEN PROFESSIONAL ENGINEER VIRGINIA LICENSE NO. 0402 031438 MARYLAND LICENSE NO. 17142 DISTRICT OF COLUMBIA LICENSE NO. 10726 GEORGIA LICENSE NO. 00541 NORTH CAROLINA LICENSE NO. 23432 SOUTH CAROLINA LICENSE NO. 20143 TENNESSEE LICENSE NO. 101046	
SCALE: (H) 1"=100' (V)	DATE: 9/02/08	SHEET NO: 1	
DRAWN BY: R.J.M.	PROJECT NO: MD062008	OF 2	
CHECKED BY: C.W.A.	CAD ID: # MD062008P3	REV. NO.	
CONSTRUCTION CHECK		DATE	

MISS UTILITY



BEFORE YOU DO CALL
811 IN MD
or 1-800-257-7777
PROTECT YOURSELF, GIVE TWO
WORKING DAYS NOTICE
THE CONTRACTOR TO CALL MISS UTILITY TO
HAVE ALL EXISTING UTILITIES MARKED 48
HOURS PRIOR TO ANY CONSTRUCTION.



GENERAL NOTE:
IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WORK SCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY BOHLER ENGINEERING, P.C. IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY BOHLER ENGINEERING, P.C. SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS DEFINED BY THE DRAWINGS AND IN FULL CONFORMANCE WITH LOCAL REGULATIONS AND CODES.

