

1/14/10

IN THE MATTER OF
THE APPLICATION OF
TWO FARMS, INC.
LEGAL OWNER/PETITIONER
VARIANCE – N/S OF EASTERN AVENUE,
335' SW OF BENGIES ROAD
(3320 EASTERN BOULEVARD
15TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 09-128-A

* * * * *

AMENDED ORDER OF DISMISSAL

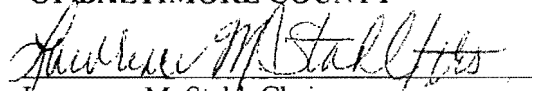
This matter comes to the Board of Appeals by way of an appeal filed by D. Edward Vogel, from a decision of the Zoning Commissioner dated February 24, 2009, in which the requested zoning relief was granted.

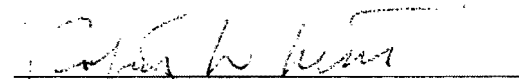
WHEREAS, the Board is in receipt of a Request to Withdraw Petition filed by David H. Karceski, Esquire on behalf of Two Farms, Inc., Petitioner (a copy of which is attached hereto and made a part hereof); and

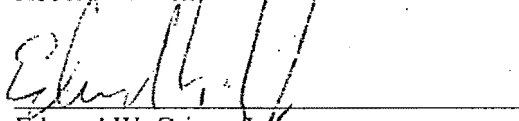
WHEREAS, said Petitioner requests that the Petition for Variance that is the subject matter of this appeal be withdrawn and dismissed without prejudice,

IT IS THEREFORE ORDERED this 14th day of January, 2010 by the Board of Appeals of Baltimore County that the Petition for Variance filed in Case No. 09-128-A be and the same is hereby **WITHDRAWN AND DISMISSED WITHOUT PREJUDICE**, and that the Zoning Commissioner's Order dated December 18, 2008, including any and all relief granted therein, is rendered **null and void**.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Lawrence M. Stahl, Chairman


Robert W. Witt


Edward W. Crizer, Jr.



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

January 14, 2010

David Karceski, Esquire
VENABLE, LLP
210 West Pennsylvania Avenue, Ste. 500
Towson, MD 21204

T. Wray McCurdy, Esquire
101 Eastern Boulevard
Baltimore, MD 21221

RE: *In the Matter of: Two Farms, Inc. – Legal Owner/Petitioner*
Case No.: 09-128-A

Dear Counsel:

Enclosed please find a copy of the final Amended Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in black ink that reads "Theresa Shelton/kc".

Theresa R. Shelton
Administrator

TRS/klc
Enclosure

Duplicate Original Cover letter

c: John Kemp, President/Two Farms, Inc.
Arthur Leonard/Steve Warfield/Matis Warfield
James Willis
William J. Wiseman, III, Zoning Commissioner
Arnold F. "Pat" Keller, Director/Planning
John Beverungen, County Attorney

D. Edward Vogel/Bengies Drive-In Theatre
Mike Vivirito
Office of People's Counsel
Timothy Kotroco, Director/PDM
Nancy West, Assistant County Attorney

1/7/16

IN THE MATTER OF
THE APPLICATION OF
TWO FARMS, INC.
LEGAL OWNER/PETITIONER
VARIANCE – N/S OF EASTERN AVENUE,
335' SW OF BENGIES ROAD
(3320 EASTERN BOULEVARD
15TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 09-128-A

* * * * *

ORDER OF DISMISSAL

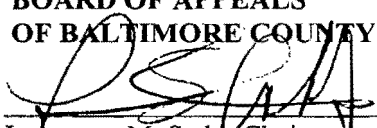
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WHEREAS, the Board is in receipt of a Request to Withdraw Petition filed by David H. Karceski, Esquire on behalf of Two Farms, Inc., Petitioner (a copy of which is attached hereto and made a part hereof); and

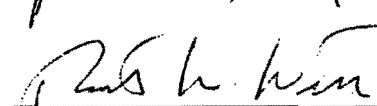
WHEREAS, said Petitioner requests that the Petition for Variance that is the subject matter of this appeal be withdrawn and dismissed without prejudice,

IT IS THEREFORE ORDERED this 7th day of January, 2010 by the Board of Appeals of Baltimore County that the Petition for Variance filed in Case No. 09-128-A be and the same is hereby **WITHDRAWN AND DISMISSED**, and that the Zoning Commissioner's Order dated December 18, 2008, including any and all relief granted therein, is rendered **null and void**.

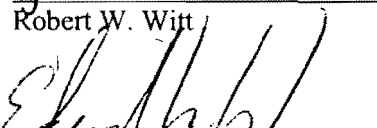
**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Lawrence M. Stahl, Chairman



Robert W. Witt



Edward W. Crizer, Jr.



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

January 7, 2010

David Karceski, Esquire
VENABLE, LLP
210 West Pennsylvania Avenue, Ste. 500
Towson, MD 21204

T. Wray McCurdy, Esquire
101 Eastern Boulevard
Baltimore, MD 21221

RE: *In the Matter of: Two Farms, Inc. – Legal Owner/Petitioner*
Case No.: 09-128-A

Dear Counsel:

Enclosed please find a copy of the final Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Theresa Shelton/kc

Theresa R. Shelton
Administrator

TRS/klc
Enclosure

Duplicate Original Cover letter

c: John Kemp, President/Two Farms, Inc.
Arthur Leonard/Steve Warfield/Matis Warfield
James Willis
William J. Wiseman, III, Zoning Commissioner
Arnold F. "Pat" Keller, Director/Planning
John Beverungen, County Attorney

D. Edward Vogel/Bengies Drive-In Theatre
Mike Vivirito
Office of People's Counsel
Timothy Kotroco, Director/PDM
Nancy West, Assistant County Attorney

David H. Karceski

T 410.494.6285
F 410.821.0147
DHKarceski@Venable.com

January 5, 2010

HAND DELIVERED

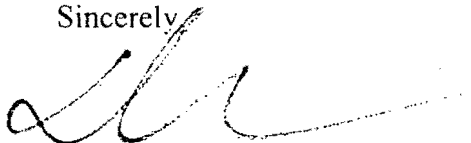
Ms. Theresa R. Shelton
Administrator
County Board of Appeals of Baltimore County
The Jefferson Building, Suite 203
105 West Chesapeake Avenue
Towson, MD 21204

Re: Petition for Variance
Property: 3320 Eastern Boulevard
Case No. 09-128-A

Dear Ms. Shelton:

The purpose of this letter is to confirm that our client, Two Farms, Inc., is hereby withdrawing the Petition for Variance filed in Case No. 09-128-A for the above-referenced property, without prejudice.

Sincerely,



David H. Karceski

DHK/rab

cc: Mr. Jeffrey S. Bainbridge
T. Wray McCurdy, Esquire

RECEIVED
JAN - 5 2010

BALTIMORE COUNTY
BOARD OF APPEALS

2/24/09

IN RE: PETITION FOR VARIANCE

N/S of Eastern Avenue,
335' SW of Bengies Road
(3320 Eastern Boulevard)

15th Election District
5th Council District

Two Farms, Inc.
Petitioner

*
*
*
*
*

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY
Case No. 2009-0128-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by Two Farms, Inc., legal owner of the subject property, by and through its attorney David Karceski, Esquire with Venable LLP. Petitioner filed this Petition for Variance to request relief from the Baltimore County Zoning Regulations (B.C.Z.R.) for certain signage proposed for the Royal Farms use on the property, as follows: from Section 450.4.5.a to allow eight (8) wall-mounted enterprise signs on a building with a total of five (5) of these on one wall, in lieu of the permitted three (3) signs on a building with two (2) on one wall, respectively; from Section 450.4.5.b to allow a free-standing enterprise sign with a height of 29 feet, in lieu of the permitted 25 feet; and from Section 450.4.3 to allow a company logo on two (2) freestanding directional signs to be 6.15 square feet per sign (76.9% of the sign face area), in lieu of the permitted 2.4 square feet per sign (30% of the sign face area). The subject property and requested relief are more particularly described on a four-page redlined site plan, which was submitted into evidence and marked as Petitioner's Exhibit 1A – 1D.

Appearing at the requisite public hearing in support of the relief requested were Jeffrey Bainbridge, Director of Real Estate for Royal Farms, and Art Leonard and Steve Warfield, professional engineers with Matis Warfield, the consultants who prepared the site plan for this property. David Karceski, Esquire and Christopher Mudd, Esquire appeared as counsel for

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Date 2-24-09
By 309

Petitioner. Additionally, Mike Vivirito, President of the Bowleys Quarters Improvement Association, attended to offer his Association's position on the requested relief, and D. Edward Vogel, owner of the Bengies Drive-In Theatre, attended to make this Commission aware of certain concerns he has with regard to the subject property's existing site lighting. There were no other interested persons in attendance at the hearing.

At the onset of the hearing, Petitioner, for the reasons discussed below, withdrew its variance request for the 29-foot tall freestanding enterprise sign. The remaining modified sign variance proceeded with a proffer by Mr. Karceski in combination with testimony by Petitioner's expert witnesses. By way of brief history, Petitioner, in January of 2003, obtained a special exception for a fuel service station on an individual site and a convenience store, carryout restaurant, and rollover carwash as uses in combination with the fuel station. The Order, issued by then Zoning Commissioner Lawrence E. Schmidt in Case No. 02-326-X, imposed certain conditions on the approval of the special exception, including approval of a lighting plan by the County's Landscape Architect and the Office of Planning (*See* Condition No. 2). A copy of this Order was accepted into evidence as Protestant's Exhibit 1 and referred to by Mr. Vogel. Petitioner, in the instant case, requests variances for signage to serve this fuel service station and its uses in combination that are unrelated to Mr. Vogel's concern over some of the lighting that now exists on the property.

A review of Petitioner's Exhibit 1A – 1D illustrates that the subject property is presently improved with the Royal Farms Store fuel service station approved in the 2003 case in combination with a convenience store/carryout restaurant building and carwash building, which altogether provide multiple on-site customer services. The convenience store/carryout restaurant component of the operation offers a wide variety of food and beverage items and certain retail products for Royal Farms' customers. In order to properly identify the site and its two (2) access

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Date 2-24-09
By [signature]

points along Eastern Boulevard, Petitioner proposes to install two (2) illuminated freestanding directional signs, one at each of these access points. Each sign will not exceed 4 feet in height. The Zoning Regulations require that these signs have a sign face area no greater than 8 square feet and be no taller than 6 feet height, and Petitioner's proposed signs respect those restrictions. The Zoning Regulations also require that a company logo on a directional sign not occupy more than 30% of the total sign face area, but, for the reasons discussed below, Petitioner proposes a Royal Farms logo that occupies 76.9% of each sign's area. Additionally, Petitioner proposes several small, illuminated oval-shaped signs at various locations on the site's convenience store/carryout restaurant building instead of combining this signage into three (3) larger signs, which the sign regulations would otherwise permit. Petitioner explained that the primary purpose of these wall-mounted signs (as evidenced by their proposed size, not to exceed 16 ± square feet each) is not for off-site advertising, but rather to make customers entering the site from different directions and already on-site aware of the multiple services provided inside the convenience store/carryout restaurant building.

Notwithstanding the fact that the requested signs require variances, Petitioner was careful to note two (2) important facts for the record: (1) both the freestanding directional signs and wall-mounted signs will not exceed the total sign face area permitted by the regulations (e.g., even with multiple wall-mounted signs, Petitioner will not exceed the area limitation of "two times the length of the wall" for this sign category); and (2) Petitioner is proposing to increase the size of the logo on its directional signs, in lieu of installing a second freestanding enterprise sign (which Petitioner could do by right, because one freestanding enterprise sign is permitted on each public road frontage).

The testimony and evidence offered by Petitioner disclosed that this 1.67± acre property is zoned B.R.-I.M. (Business, Roadside – Industrial, Major) and located in the Middle River area

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Date 2-24-09
By [Signature]

of Baltimore County. Both the site plan and the aerial photograph, accepted as Petitioner's Exhibit 7, show that the subject property has an unusual "diamond" shape and is bounded on three (3) sides by different roadways. Two (2) public roads, Eastern Boulevard and Bengies Road, are located on the south and east sides of the site, respectively. These two (2) roads come together at the southeastern point of the site's diamond shape. Additionally, Cosmos Lane, a private road, is located adjacent to and north of the site, intersecting with Bengies Road at the northeastern corner of the property. Cosmos Lane existed prior to development of this Royal Farms site and connects to another road, Peppermint Lane, which serves a large subdivision located further north of the property, known as "Peppermint Woods."

With regard to access, two (2) access points along Eastern Boulevard serve the site and one (1) additional access point exists at the end of Cosmos Lane by which patrons may enter the site from the rear (or north side of the property). Cosmos Lane's main purpose is to provide access from Bengies Road to Peppermint Woods, although it is also used in a secondary way for access to this Royal Farms. All traffic to the site's multiple uses reach the property by way of these access points. As Petitioner explained, the adjacent roadways have an unusual relationship to the subject property for two (2) reasons: (1) the site is a corner lot bounded on three (3) sides by roadways; and (2) there is access from only one of the corner lot's public road frontages. These site conditions make for irregular circulation into and around the subject property.

Certain signage now exists on the property. Petitioner has installed a 25-foot tall freestanding enterprise sign at the corner of Eastern Boulevard and Bengies Road. This corner is the same location Petitioner proposed its 29-foot tall freestanding sign, prior to withdraw of that request at the public hearing. The existing sign with a height of 25 feet will, therefore, remain at its current location. Additionally, each of the site's three (3) access points are marked by ground-mounted, freestanding directional signs. Petitioner proposes replacement directional

APPROVED FOR PLANS
Date 2-24-09
By [Signature]

signs at the two (2) access points on Eastern Boulevard, each of which would comply with the height and sign face area limitations for this sign category. Petitioner's Exhibit 1C provides a sign detail for these proposed signs, which depict a brick base to be consistent with brickwork at the base of the fuel station canopy and on the convenience store building. Finally, Petitioner proposes to install its small, wall-mounted oval signs on the south and east facades of the convenience store building, as shown on Petitioner's Exhibit 1D. For example purposes, Petitioner's Exhibit 1D also provides possible variations on the sign messages for the oval signs. Other sign messages may be used within these sign ovals; however, Petitioner's Exhibit 1D fixes the size and intended locations for these signs.

Mr. Vivirito appeared at this public hearing on behalf of his Association and explained that, prior to the hearing, he met at the subject site with Mr. Bainbridge and counsel for Petitioner. While on site, Mr. Bainbridge presented Mr. Vivirito with a copy of the site plan as filed with the County and identified for Mr. Vivirito all the variance relief requested. Mr. Vivirito's Association was concerned only with the variance request for the 29-foot tall freestanding enterprise sign. With this understanding, Petitioner committed to the Association, through Mr. Vivirito, to withdraw the request for the 29-foot tall sign and pursue only the relief for the freestanding directional and wall-mounted signage. By a letter, dated January 27, 2009 and accepted into evidence as Petitioner's Exhibit 2, the Association confirmed that "[w]ith the withdrawal of the variance requested for a 29' tall pylon sign, our Association does not oppose Royal Farms remaining requested relief for freestanding directional and wall-mounted signs." Honoring its commitment to the community, Petitioner, in turn, withdrew the height variance and submitted a redlined site plan at the hearing (Petitioner's Exhibit 1A – 1D), which eliminated this variance request, leaving only the two (2) variances described above. That is to say, only the sign variances shown on Petitioner's Exhibit 1A through 1D are before me for consideration.

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Date 2-26-09
By [Signature]

It is clear that the specific need for the variances is generated by the unique physical characteristics of the site, configuration of the surrounding roadways, and access to these roadways. With regard to the freestanding directional signs, it is the multiple public road frontages around the site and the irregular means of access into the site from these roadways that make the property unique. With no direct access along Bengies Road, the site warrants a clear identification of its only two (2) public road access points. The presence of two (2) existing signs at these access points demonstrate this need, and the proposed signs will provide an upgrade to the aesthetics and improve the effectiveness of the existing signs. Even though Petitioner could also seek to improve its site identification and circulation by installing a second freestanding enterprise sign by right, it simply does not make sense to locate a second sign anywhere else along the site's road frontages, because the two (2) signs would be in close proximity to one another. Instead, due to the unique site access, Petitioner has proposed a more appropriate alternative in two (2) directional signs. With regard to the proposed wall-mounted signage, the site's multiple road frontages result in multiple approaches into the site from different vantage points. Due to this site condition, the convenience store/carryout restaurant building has multiple facades that operate as front facades to the surrounding roadways. With multiple facades visible to patrons entering the site or already on site fueling their vehicles, the proposed wall-mounted signage is appropriate.

Petitioner further explained that strict application of the B.C.Z.R. to the subject property would result in a practical difficulty and unreasonable hardship. With regard to the freestanding directional signs, requiring Petitioner to adhere to the logo size limitation in the B.C.Z.R. (30% of the total sign face area) would make it difficult for Petitioner to adequately identify its access points to motorists approaching the site. Specifically, with no direct access along Bengies Road, Petitioner must assure that it provides adequate direction to the two (2) Eastern Boulevard access

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Date 2-24-09
By [signature]

points for motorists travelling along both Eastern Boulevard and Bengies Road. Were Petitioner to adhere to the signage regulations and, at the same time, provide appropriate direction into the site, it would be forced to erect a second freestanding enterprise sign on the site, even though, as mentioned above, one freestanding enterprise sign is more appropriate. Additionally, with regard to the wall signage, the regulations would force Petitioner to consolidate its proposed small, oval-shaped signs into fewer, yet much larger, signs. This conglomeration of signs, frankly, would be unsightly and not nearly as desirable as the sign package Petitioner proposes.

With regard to any adverse impact, Petitioner asserts that the requested relief is more appropriate for this site than the alternative signage Petitioner could install by right. Installation of a second freestanding enterprise sign is unnecessary and may be avoided with the requested variance for the smaller directional signs. Additionally, consolidation of the proposed smaller wall signs into fewer but larger signs would not be consistent with their intended purpose (to provide direction to customers already on site) and would prevent Petitioner from installing an altogether more appropriate wall-mounted sign package. Petitioner also noted that the Office of Planning and the other reviewing agencies that make up the Zoning Advisory Committee (ZAC) offered no objections.

Following Petitioner's case, Mr. Vogel offered testimony regarding existing lighting at the Royal Farms site and his perceived impact of these lights on the Bengies Drive-In Theatre. The Bengies Drive-In is located on the opposite side of Eastern Boulevard from the subject property and between the Bengies Drive-In property and Eastern Boulevard are located a number of commercial uses, including the Smokehouse of Chase Restaurant. These commercial establishments, adjacent to the Bengies Drive-In property, are also equipped with site lighting, similar to the other commercial uses that line Eastern Boulevard. The County's prior approval of a lighting plan for this Royal Farms site is not before me in this sign case.

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Date 2-24-09
By [signature]

With regard to Mr. Vogel's comments, I should however note that, following the hearing, I visited the subject site and Bengies Drive-In Theatre after sunset. Observations made during that site visit are particularly relevant in reaching the conclusion that the variance requests for eight (8) wall-mounted enterprise signs and two (2) freestanding directional signs should be granted. Mr. Vogel's concern that the Farm Store lights adversely affect the drive-in theatre operation appear somewhat suspect. While it may be true that a small amount of patron parking to the rear of Bengies Drive-In parking area, which Mr. Vogel referred to as only "the back row" of his parking area, can view some of the Farm Store and the location of some of its lighting, the subject property's improvements and accessory lighting are located to the right of the screen and below the bottom of the screen's horizontal elevation line. Patrons viewing displays on the Bengies screen should be no more affected by these lights – to the right of and below the focal point of the screen– than the lighting that illuminates from the rear wall of the Smokehouse of Chase Restaurant. During my site visit, I also found that the frontage of the subject Farm Store property and its lighting are consistent with other improvements along Eastern Avenue and appear to be the minimum amount of lighting necessary to ensure the safety of patrons on site. When compared to other fuel service stations in the area, also located on Eastern Boulevard, Petitioner appears to already have made major concessions in terms of the brightness of its site lighting in consideration of the Bengies Drive-In property. My observations are consistent with the position of the County's Landscape Architect, which is made clear below.

After due consideration of the testimony and evidence presented, it is clear that the requested variances are appropriate and, having met the standards set forth in B.C.Z.R. Section 307, should be granted. As Petitioner testified, the subject site is unique for many reasons, including its unusual shape and irregular public road access. It is also clear that, based on the unique features of the site, requiring Petitioner to adhere strictly to the requirements of the

ORIGINAL RECEIVED FOR PLANS
Date 2-24-09
By 193

B.C.Z.R. would cause a practical difficulty for Petitioner, in that Petitioner would be required to install two (2) freestanding enterprise signs (in close proximity to one another) and to combine its proposed small, wall-mounted signs into three (3) larger, unappealing signs. This would result in undesirable signage for Petitioner as well as the surrounding community. I have no difficulty finding that the proposed directional signage, with an 8 square foot sign face area and a height of 4 feet, are preferable to installing a second 25-foot tall enterprise sign on the property. Similarly, Petitioner's wall-mounted signs will not exceed the total permitted sign face area on any wall of the convenience store, and I find that Petitioner has proposed a more aesthetically pleasing design with smaller-sized signs instead of bunching them together into larger signs.

I should also note that, following the public hearing in this case, I consulted with the Office of Planning and Baltimore County's Landscape Architect, Avery Harden, regarding Mr. Vogel's concern for site lighting on the Royal Farms property. Both the Planning Office and Mr. Harden indicated that they have no issues with the site's lighting, and Mr. Harden confirmed, consistent with an October 10, 2008 e-mail he wrote to one of Royal Farms' consultants (submitted as Petitioner's Exhibit 9), that the lighting design at this particular location is "precedent setting" for convenience stores and should cause no problems for the Bengies Drive-In Theatre. Even though the approval of a site lighting plan and Condition No. 2 to the 2003 case are not before this Zoning Commissioner, it appears that Petitioner has complied with this condition.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 24th day of February 2009, that the Petition for Variance from Section 450.4.5.a of the B.C.Z.R. to allow eight (8) wall-mounted enterprise signs on a building with a total of five

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Date 2-24-09
By 103

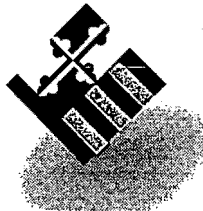
(5) of these on one wall, in lieu of the permitted three (3) signs on a building with two (2) on one wall, respectively; and from Section 450.4.3 to allow a company logo on two (2) freestanding directional signs to be 6.15 square feet per sign (76.9% of the sign face area), in lieu of the permitted 2.4 square feet per sign (30% of the sign face area), in accordance with Petitioner's Exhibit 1A – 1D, be and is hereby GRANTED, subject to the following restrictions:

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.
2. All wall-mounted and directional sign lighting (including any ambient lighting reflecting there from) shall conform to the Illumination Engineers Society (I.E.S.) of North America's standards.



WILLIAM L. WISEMAN, III
Zoning Commissioner
for Baltimore County

COPIES REQUIRED FOR FILING
Date 2-24-09
By [signature]



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

February 24, 2009

David H. Karceski, Esquire
Chris Mudd, Esquire
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

IN RE: PETITION FOR VARIANCE

N/S of Eastern Avenue, 335' SW of Bengies Road
(3320 Eastern Boulevard)
15th Election District - 5th Council District
Two Farms, Inc. - Petitioner
Case No. 2009-0128-A

Dear Counsel:

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

A handwritten signature in black ink, appearing to read "W. J. Wiseman III", written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: John Kemp, President, Two Farms, Inc., 3611 Roland Avenue, Baltimore, MD 21211
Jeffrey S. Bainbridge, Director, Real Estate for Royal Farms, 3611 Roland Avenue,
Baltimore, MD 21211
Arthur E. Leonard, P.E. & Stephen A. Warfield, P.E., Matis Warfield, Inc., 10540 York Road,
Hunt Valley, MD 21030
Mike Vivirito, President, Bowleys Quarters Improvement Association, 3619 Bay Drive,
Middle River, MD 21220
D. Edward Vogel, Bengies Drive-In Theatre, 3417 Eastern Boulevard, Baltimore, MD 21220
People's Counsel; Office of Planning; Avery Harden, County's Landscape Architect, DPDM; File



Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property
located at 3320 Eastern Boulevard
which is presently zoned BR-IM

Deed Reference: 25549 / 724 Tax Account # 2400009361

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

See Attached

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

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, Esquire

Name - Type or Print

Signature

Venable, LLP

Company

210 Allegheny Avenue (410) 494-6200

Address

Telephone No.

Towson

Maryland

21204

City

State

Zip Code

Legal Owner(s):

Two Farms Inc.

Name - Type or Print

Signature

By: John Kemp, President

Name - Type or Print

Signature

3611 Roland Avenue

(410) 889-0200

Address

Telephone No.

Baltimore

MD

21211

City

State

Zip Code

Representative to be Contacted:

David H. Karceski

Name

210 Allegheny Avenue (410) 494-6200

Address

Telephone No.

Towson

Maryland

21204

City

State

Zip Code

Case No. 2009-0128-A

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

by JNP

Date 10/29/08

REV 8/20/07

UNDER REVIEW FOR FILING

Date 2-24-09

By [Signature]

Petition for Variance

3320 Eastern Boulevard

1. Variance from Section 450.4.5.a of the Baltimore County Zoning Regulations ("BCZR") to allow 8 wall-mounted enterprise signs on a building with a total of 5 of these on one wall, in lieu of the permitted 3 signs on a building with 2 on one wall, respectively.
2. Variance from BCZR Section 450.4.5.b to allow a free-standing enterprise sign with a height of 29 feet, in lieu of the permitted 25 feet.
3. Variance from BCZR Section 405.4.3 to allow the company logo on 2 freestanding directional signs to be 6.15 square feet per sign (76.9% of sign face area), in lieu of the permitted 2.4 square feet per sign (30% of sign face area).

ZONING DESCRIPTION

Beginning at a point located on the northerly side of Eastern Avenue which is a proposed 80 feet wide right-of-way at the distance of 355 feet southwest of the centerline of the nearest improved intersecting street, Bengies Road, which is a proposed 65 feet wide right-of-way. Thence the following courses and distances:

North 15 degrees 44 minutes 14 seconds West, 226.34 feet; North 74 degrees 35 minutes 49 seconds East, 232.59 feet; South 30 degrees 20 minutes 23 seconds East, 40.31 feet; Southeasterly by a tangential curve to the left having a radius of 420.00 feet, an arc length of 106.68 feet, the chord of said arc bearing South 37 degrees 36 minutes 59 seconds East, 106.39 feet; South 44 degrees 53 minutes 35 seconds East, 80.16 feet; South 15 degrees 28 minutes 15 seconds East, 18.74 feet; South 74 degrees 31 minutes 45 seconds West, 321.36 feet to the point of beginning, and being all of Lot #1 of Peppermint Woods – Commercial Tract as recorded in Baltimore County Plat Book #77, Folio 128, containing 1.2940 acres, plus part of Lot 2 as recorded in same Baltimore County Plat Book #77, Folio 128, containing 0.1300 acre. Lot 1 also known as 3320 Eastern Boulevard and located in the 15th Election District.

This description is for the purpose of accompanying a Petition for a Variance only.



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

No. 329

Date: 1/2/89

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	25	0000			6/60				200.00

Total: 200.00

Rec
From:

Variable

For:

3820 S. ... Blvd.

21220

7009-028-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

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

No. **31407**

Date: **10/29/08**

Fund	Dept	Unit	Sub Unit	Rev		Sub	Source/	Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
				Source/	Rev/								
1001	806	0000							6150				325.00

Total: **325.00**

Rec From:

Variance

For:

*Variance - 2320 Eastern Blvd.
 2009 - 0128 - A (Two Party Line)*

DISTRIBUTION

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

Paid Receipt

MISCELLANEOUS - ACTUAL TIME DAY
 10/29/08 10/29/08 14:09:00
 RECEIPT # 410611 10/29/2008 (OFF)
 5.520 ZONING CERTIFICATION
 01. 021407
 Recpt Tot 325.00
 325.00 CN 3.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

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

No. **35297**

Date: **2/6/09**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 /09/2009 3/06/2009 15:01:27 2

HS02 MAIL JEVA JEE
 RECEIPT # 626261 3/06/2009 OFLN

5 528 ZONING VERIFICATION
 0. 035297

Recpt Tot \$400.00
 \$400.00 CK \$0.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
601	PD6	0000		6150				400.00

Total: **400.00**

Rec From: **Banqils Drive - In theatre**

For: **Appeal**
John - 0125 - A
Tim Farris, Inc

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

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

No. **32308**

Date: **5/28/09**

PAID RECEIPT

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0000		7120					\$34.00

Total: **\$34.00**

Rec From: **D. Edward Vogel**

For: **Copies (68 pgs @ 50¢ per page)**

09-128-A Two Farms, Inc.

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

ADDRESS: 4000A 173 400
 05/28/09 10:38 AM 1444552
 REG 1806 MARKED 1001 100
 RECEIPT # 624000 - 5470000
 5 SED MISCELLANEOUS IN
 032308
 Recpt Tot \$34.00
 052.00 11 9.00 00
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

NOTICE OF ZONING HEARING

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

Case: #2009-0128-A

3320 Eastern Boulevard

N/side of Eastern Avenue, 335 feet s/west of Bengies Road

15th Election District - 5th Councilmanic District

Legal Owner(s): Two Farms, Inc.

Variance: to allow 8 wall-mounted enterprise signs on a building with a total of 5 of these on one wall, in lieu of the permitted 3 signs on a building with 2 on one wall, respectively. To allow a freestanding enterprise sign with a height of 29 feet, in lieu of the permitted 25 feet. To allow the company logo on 2 freestanding directional signs to be 6.15 square feet per sign (76.9% of sign face area), in lieu of the permitted 2.4 sq. ft. per sign (30% of sign face area).

Hearing: Wednesday, January 28, 2009 at 9:00 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.

JT 1/6/63 Jan 13

192082

CERTIFICATE OF PUBLICATION

1/15/, 2009

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 1/13/, 2009.

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

S. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: 2009-0128-A

Petitioner/Developer: _____

Two Farms, Inc.

Date of Hearing/Closing: Jan 28 2009

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

Attn : Kristin 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: _____

3320 Eastern Boulevard N/Side of Eastern Avenue, 335 feet S/West of Bengies Road

The sign(s) were posted on Jan 13, 09
(Month, Day, Year)

Sincerely,

Robert Black 1-15-09
(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 # 2009-01287

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

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

DATE AND TIME WEDNESDAY, JANUARY 28, 2009 AT 9:00 AM

REQUEST: VARIANCE TO ALLOW 3 WALL-MOUNTED ENTERPRISE SIGNS

ON A BUILDING WITH A TOTAL OF 3 OF THESE ON ONE WALL, IN LIEU OF THE
PERMITTED 3 SIGNS ON A BUILDING WITH 2 ON ONE WALL RESPECTIVELY
TO ALLOW A FREESTANDING ENTERPRISE SIGN WITH A HEIGHT OF 29 FEET, IN
LIEU OF THE PERMITTED 25 FEET, TO ALLOW THE COMPANY LOGO ON 2
FREESTANDING DIRECTIONAL SIGNS TO BE 6.15 SQUARE FEET PER SIGN
(76.3% OF SIGN FACE AREA) IN LIEU OF THE PERMITTED 2.4 SQ FT PER
SIGN (50% OF SIGN FACE AREA) TO ALLOW A GENERAL DIRECTIONAL SIGN
WITH A HEIGHT OF 7 FEET AND A SIGN FACE AREA OF 16 FEET, IN LIEU OF THE
PERMITTED 12 FT AND 8 FEET RESPECTIVELY

POSITIONMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 287-2391

DO NOT REMOVE THIS SIGN AND POST UNTIL DATE OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

and what more

Requested: April 9, 2009

RECEIVED
APR 16 2009

APPEAL SIGN POSTING REQUEST

**BALTIMORE COUNTY
BOARD OF APPEALS**

CASE NO.: 09-128-A

3320 Eastern Boulevard

15th ELECTION DISTRICT

APPEALED: 3/6/09

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

*****COMPLETE AND RETURN BELOW INFORMATION*****

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
The Jefferson Building, Suite 203
102 W. Chesapeake Avenue
Towson, MD 21204

Attention: Theresa Shelton
Administrator

CASE NO.: 09-128-A

LEGAL OWNER: Two Farms, Inc.

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

3320 EASTERN BOULEVARD
N/S EASTERN AVENUE, 335' SW OF BENGIES ROAD

The sign was posted on 4.16.09, 2009.

By: M Stuart Kelly
(Signature of Sign Poster)

M Stuart Kelly
(Print Name)

PHOTOGRAPHIC RECORD

Citation/Case No.: 09-128-A 3320 EASTERN BLVD
Date of Photographs: 4-16-09



I HEREBY CERTIFY that I took the 2 photographs set out above, and that these photographs
(number of photos)
fairly and accurately depict the condition of the property that is the subject of the above-referenced
citation/case number on the date set out above.

M. Stuart Kelly
Enforcement Officer



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 2009-0128-A

Petitioner: Two Farms, Inc.

Address or Location: 3320 Eastern Blvd.

PLEASE FORWARD ADVERTISING BILL TO

Name: David H. Karreski, Esquire

Address: Venable, LLP

210 Allegheny Avenue

Towson, MD 21204

Telephone Number: 410-494-6200

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require notice to the general public/neighboring property owners relative to an upcoming zoning hearing. For those petitions where notice is accomplished by posting a sign on the property and placement of a notice in a newspaper of general circulation at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements are met. However, the petitioner is responsible for the costs associated with the newspaper. The newspaper will bill the person listed below for the amount due upon receipt and should be remitted directly to the newspaper.

Send copy
of hearing notice
to Mr. Vogel

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2009-0128-A
Petitioner: TWO FARMS, INC.
Address or Location: 3320 EASTERN BLVD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Amy Dantell
Address: 210 Allegheny Avenue
Towson, MD. 21204
Telephone Number: (410) 494-16244



**BENGIES
DRIVE-IN
THEATRE**

3417 Eastern Blvd.
Baltimore, MD 21220
www.bengies.com

D. Edward Vogel (410) 686-7400
Owner dedward@bengies.com

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 13, 2009 Issue - Jeffersonian

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

410-494-6244

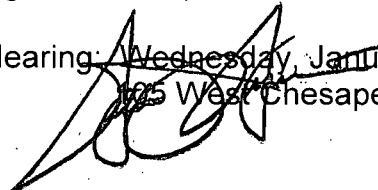
NOTICE OF ZONING HEARING

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: 2009-0128-A

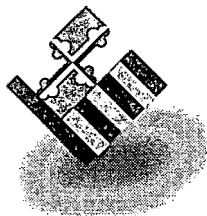
3320 Eastern Boulevard
N/side of Eastern Avenue, 335 feet s/west of Bengies Road
15th Election District – 5th Councilmanic District
Legal Owners: Two Farms, Inc.

Variance to allow 8 wall-mounted enterprise signs on a building with a total of 5 of these on one wall, in lieu of the permitted 3 signs on a building with 2 on one wall, respectively. To allow a freestanding enterprise sign with a height of 29 feet, in lieu of the permitted 25 feet. To allow the company logo on 2 freestanding directional signs to be 6.15 square feet per sign (76.0% of sign face area), in lieu of the permitted 2.4 sq. ft. per sign (30% of sign face area).

Hearing:  Wednesday, January 28, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
1025 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.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

December 15, 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: 2009-0128-A

3320 Eastern Boulevard

N/side of Eastern Avenue, 335 feet s/west of Bengies Road

15th Election District – 5th Councilmanic District

Legal Owners: Two Farms, Inc.

Variance to allow 8 wall-mounted enterprise signs on a building with a total of 5 of these on one wall, in lieu of the permitted 3 signs on a building with 2 on one wall, respectively. To allow a freestanding enterprise sign with a height of 29 feet, in lieu of the permitted 25 feet. To allow the company logo on 2 freestanding directional signs to be 6.15 square feet per sign (76.0% of sign face area), in lieu of the permitted 2.4 sq. ft. per sign (30% of sign face area).

Hearing: Wednesday, January 28, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: David Karceski, 210 Allegheny Avenue, Towson 21204

John Kemp, Two Farms, Inc., 3611 Roland Avenue, Baltimore 21211

D. Edward Vogel, 3417 Eastern Blvd., Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 13, 2009.**
- (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, January 13, 2009 Issue - Jeffersonian

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

410-494-6244

CORRECTED NOTICE OF ZONING HEARING

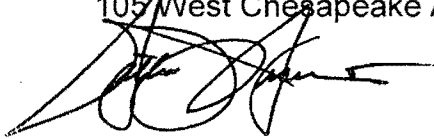
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2009-0128-A

3320 Eastern Boulevard
N/side of Eastern Avenue, 335 feet s/west of Bengies Road
15th Election District – 5th Councilmanic District
Legal Owners: Two Farms, Inc.

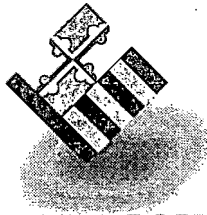
Variance to allow 8 wall-mounted enterprise signs on a building with a total of 5 of these on one wall, in lieu of the permitted 3 signs on a building with 2 on one wall, respectively. To allow a freestanding enterprise sign with a height of 29 feet, in lieu of the permitted 25 feet. To allow the company logo on 2 freestanding directional signs to be 6.15 square feet per sign (76.9% of sign face area), in lieu of the permitted 2.4 sq. ft. per sign (30% of sign face area). To allow a generic directional sign with a height of 7 feet and a sign face area of 15 feet, in lieu of the permitted 6 feet and 8 feet, respectively.

Hearing: Wednesday, January 28, 2009 at 9:00 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.



BALTIMORE COUNTY

M A R Y L A N D

January 8, 2009

JAMES T. SMITH, JR.
County Executive

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

CORRECTED 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: 2009-0128-A

3320 Eastern Boulevard

N/side of Eastern Avenue, 335 feet s/west of Bengies Road

15th Election District – 5th Councilmanic District

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Variance to allow 8 wall-mounted enterprise signs on a building with a total of 5 of these on one wall, in lieu of the permitted 3 signs on a building with 2 on one wall, respectively. To allow a freestanding enterprise sign with a height of 29 feet, in lieu of the permitted 25 feet. To allow the company logo on 2 freestanding directional signs to be 6.15 square feet per sign (76.9% of sign face area), in lieu of the permitted 2.4 sq. ft. per sign (30% of sign face area). To allow a generic directional sign with a height of 7 feet and a sign face area of 15 feet, in lieu of the permitted 6 feet and 8 feet, respectively.

Hearing: Wednesday, January 28, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: David Karceski, 210 Allegheny Avenue, Towson 21204

John Kemp, Two Farms, Inc., 3611 Roland Avenue, Baltimore 21211

D. Edward Vogel, 3417 Eastern Blvd., Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 13, 2009.**
- (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.



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

*Per-Sent
Incorrect
Case no.*

Hearing Room #2, Second Floor
Jefferson Building, 105 W. Chesapeake Avenue

April 20, 2009

NOTICE OF ASSIGNMENT

CASE #: 08-478-A

IN THE MATTER OF: **TWO FARMS, INC. – Legal Owners /Petitioners**
3320 Eastern Boulevard /15th E; 5th C

VAR – req. relief from § 450.4.5a - to permit 8 wall-mounted signs w/total of 5 on one wall ilo permitted 3 with 2 on one wall, respectively; § 450.4.5b to allow a free-standing sign w/ht of 29 ft, ilo permitted 25 ft; § 450.4.3 to allow comp. logo on 2 freestanding signs to be 6.15 sq. ft. (76.9%), ilo permitted 2.4 sq. ft. (30%)

2/24/09 –Z.C.'s decision in which requested zoning relief was GRANTED with restrictions.

ASSIGNED FOR: THURSDAY, JUNE 25, 2009, at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton
Administrator

c: Protestant /Appellant	: D. Edward Vogel
Counsel for Petitioner / Legal Owner	: David H. Karceski, Esquire
	: Venable, LLP
Petitioner / Legal Owner	: Two Farms, Inc.
	John Kemp, President

Arthur Leonard; Steve Warfield; Matis Warfield
Mike Vivirito

Office of People's Counsel
William J. Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director/PDM
Arnold F. "Pat" Keller, Director/Planning
Nancy West, Assistant County Attorney
John E. Beverungen, County Attorney



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Hearing Room #2, Jefferson Building
105 W. Chesapeake Avenue, Second Floor
(next to Suite 203)

April 30, 2009

NOTICE OF POSTPONEMENT

CASE #: 09-128-A IN THE MATTER OF: TWO FARMS, INC. – Legal Owners /Petitioners
3320 Eastern Boulevard /15th E; 5th C

VAR – req. relief from § 450.4.5a - to permit 8 wall-mounted signs w/total of 5 on one wall ilo permitted 3 with 2 on one wall, respectively; § 450.4.5b to allow a free-standing sign w/ht of 29 ft, ilo permitted 25 ft; § 450.4.3 to allow comp. logo on 2 freestanding signs to be 6.15 sq. ft. (76.9%), ilo permitted 2.4 sq. ft. (30%)

2/24/09 –Z.C.'s decision in which requested zoning relief was GRANTED with restrictions.

*This matter was assigned for Thursday, June 25, 2009 and has been postponed. The matter will be re-assigned upon an agreed date by Counsel. Upon the date being established a Notice of Re-Assignment will be sent to all parties. **TO BE RE-ASSIGNED.***

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

c: Counsel for Appellant /Protestant	: T. Wray McCurdy, Esquire
Protestant /Appellant	: D. Edward Vogel
Counsel for Petitioner / Legal Owner	: David H. Karceski, Esquire
	: Venable, LLP
Petitioner / Legal Owner	: Two Farms, Inc.
	John Kemp, President

Arthur Leonard; Steve Warfield; Matis Warfield

Mike Vivirito

Office of People's Counsel
William J. Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director/PDM
Arnold F. "Pat" Keller, Director/Planning
Nancy West, Assistant County Attorney
John E. Beverungen, County Attorney



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Hearing Room #2, Second Floor
Jefferson Building, 105 W. Chesapeake Avenue

April 22, 2009

AMENDED NOTICE OF ASSIGNMENT
(as to Case Number only – correction)

CASE #: 09-128-A

IN THE MATTER OF: TWO FARMS, INC. – Legal Owners /Petitioners
3320 Eastern Boulevard /15th E; 5th C

VAR – req. relief from § 450.4.5a - to permit 8 wall-mounted signs w/total of 5 on one wall ilo permitted 3 with 2 on one wall, respectively; § 450.4.5b to allow a free-standing sign w/ht of 29 ft, ilo permitted 25 ft; § 450.4.3 to allow comp. logo on 2 freestanding signs to be 6.15 sq. ft. (76.9%), ilo permitted 2.4 sq. ft. (30%)

2/24/09 –Z.C.'s decision in which requested zoning relief was GRANTED with restrictions.

ASSIGNED FOR: THURSDAY, JUNE 25, 2009, at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton
Administrator

c: Protestant /Appellant : D. Edward Vogel
Counsel for Petitioner / Legal Owner : David H. Karceski, Esquire
Petitioner / Legal Owner : Venable, LLP
: Two Farms, Inc.
John Kemp, President

Arthur Leonard; Steve Warfield; Matis Warfield

Mike Vivirito

Office of People's Counsel
William J. Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director/PDM
Arnold F. "Pat" Keller, Director/Planning
Nancy West, Assistant County Attorney
John E. Beverungen, County Attorney

*pp Case to be
must to be
agreed to by
the*



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Hearing Room #2, Second Floor
Jefferson Building, 105 W. Chesapeake Avenue

May 14, 2009

NOTICE OF RE-ASSIGNMENT / Agreed Date

CASE #: 09-128A

IN THE MATTER OF: TWO FARMS, INC. – Legal Owners /Petitioners
3320 Eastern Boulevard /15th E; 5th C

VAR – req. relief from § 450.4.5a - to permit 8 wall-mounted signs w/total of 5 on one wall ilo permitted 3 with 2 on one wall, respectively; § 450.4.5b to allow a free-standing sign w/ht of 29 ft, ilo permitted 25 ft; § 450.4.3 to allow comp. logo on 2 freestanding signs to be 6.15 sq. ft. (76.9%), ilo permitted 2.4 sq. ft. (30%)
2/24/09 – Z.C.'s decision in which requested zoning relief was GRANTED with restrictions.

This matter having been postponed from June 25, 2009, has been re-assigned by agreement of counsel as follows:

RE-ASSIGNED FOR:

WEDNESDAY, AUGUST 26, 2009, at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton
Administrator

c:	Counsel for Appellant /Protestant	: T. Wray McCurdy, Esquire
	Protestant /Appellant	: D. Edward Vogel
	Counsel for Petitioner / Legal Owner	: David H. Karceski, Esquire
		: Venable, LLP
	Petitioner / Legal Owner	: Two Farms, Inc.
		John Kemp, President

Arthur Leonard; Steve Warfield; Matis Warfield

Mike Vivirito

Office of People's Counsel
William J. Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director/PDM
Arnold F. "Pat" Keller, Director/Planning
Nancy West, Assistant County Attorney
John E. Beverungen, County Attorney

PP
Possible
Verbal
Settlement



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Hearing Room #2, Jefferson Building
105 W. Chesapeake Avenue, Second Floor
(next to Suite 203)

August 10, 2009

SECOND NOTICE OF POSTPONEMENT

CASE #: 09-128-A IN THE MATTER OF: TWO FARMS, INC. – Legal Owners /Petitioners
3320 Eastern Boulevard /15th E; 5th C

VAR – req. relief from § 450.4.5a - to permit 8 wall-mounted signs w/total of 5 on one wall ilo permitted 3 with 2 on one wall, respectively; § 450.4.5b to allow a free-standing sign w/ht of 29 ft, ilo permitted 25 ft; § 450.4.3 to allow comp. logo on 2 freestanding signs to be 6.15 sq. ft. (76.9%), ilo permitted 2.4 sq. ft. (30%)

2/24/09 –Z.C.'s decision in which requested zoning relief was GRANTED with restrictions.

*This matter was assigned for Wednesday, August 26, 2009 and has been postponed due to a possible resolution of the matter. **TO BE RE-ASSIGNED.***

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

c: Counsel for Appellant /Protestant	: T. Wray McCurdy, Esquire
Protestant /Appellant	: D. Edward Vogel
 Counsel for Petitioner / Legal Owner	 : David H. Karceski, Esquire
	: Venable, LLP
Petitioner / Legal Owner	: Two Farms, Inc.
	John Kemp, President

Arthur Leonard; Steve Warfield; Matis Warfield

Mike Vivirito

Office of People's Counsel
William J. Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director/PDM
Arnold F. "Pat" Keller, Director/Planning
Nancy West, Assistant County Attorney
John E. Beverungen, County Attorney



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

December 18, 2009

NOTICE OF RE-ASSIGNMENT / DAY #3

CASE #: 07-158-SPH

IN THE MATTER OF: CARBROC, LLC -Legal Owner /Petitioner
9811 York Road; 9812, 9814 Monroe Street 8th E; 3rd C

12/26/2006 – D.Z.C.'s Decision in which requested zoning relief was GRANTED with conditions.
2/08/07 – D.Z.C. decision granting in part and denying in part the Motion for Reconsideration filed by County Home Park Community Assn.
6/29/07 – D.Z.C. decision denying the Motion for Reconsideration filed by Petitioner.

This matter was continued on the record on 5/22/08 and 9/11/08 and is re-assigned as follows:

REASSIGNED FOR: TUESDAY, MARCH 23, 2010, at 10:00 a.m./DAY #3

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

c: Counsel for Appellant /Petitioner : Lawrence E. Schmidt, Esquire
Appellant /Petitioner : Carbroc, LLC
Shawn Pivec; Grant Pivec; Todd D. Pivec

George Cummings, President

County Home Park Community Association, Inc.

Joseph Larson /Spellman, Larson & Associates

Mr. and Mrs. Robert Shortall

Robert and Julia Donatelli

Michael Noppenburger

Matt Kallenberger

Stephen Weher

Office of People's Counsel

William J. Wiseman III /Zoning Commissioner

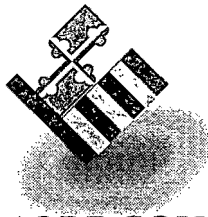
Pat Keller, Planning Director

Sophia Jennings, Code Enforcement /PDM [CC-04-3644 & 05-2161]

Timothy M. Kotroco, Director /PDM

Nancy West, Assistant County Attorney

John E. Beverungen, County Attorney



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
January 23, 2009

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

Dear: David Karceski

RE: Case Number 2009-0128-A, 3320 Eastern Blvd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 29, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Two Farms, INC; 3611 Roland Ave.; Baltimore, MD. 21211



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
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

November 20, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 17, 2008

ItemNumbers 0111,0126,0127,~~0128~~,0129,0130,0131,0132,0133,0135,0137,0138,0140

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

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

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For January 26, 2009
Item Nos: 2009-0035, 0123, 0183, 0184,
0186, 0187, 0188, and 0189

DATE: January 26, 2009

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

DAK:CEN:lrk
cc: File
ZAC-012609 -NO COMMENTS

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 24, 2008

FROM: Dennis A. Kennedy, Supervisor^{DAK}
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 24, 2008
Item No.: 2009-111, 121, 126, 127,
~~128~~ 130, 131, 132, 133, 137, 138 & 140

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

DAK:CEN:cab
cc: File

ZAC-11242008-NO COMMENTS



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: November 19, 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. 2009-0128-A
MD 151 (Eastern Boulevard)
3320 eastern Boulevard
Two Farms, Inc. Property
Variance

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 11/18/2008. A field inspection and internal review reveals that entrances onto the property from MD 150 (Eastern Boulevard) are consistent with current State Highway Administration (SHA) guidelines. Therefore, the SHA has no objection to approval for 3320 Eastern Boulevard, Case Number 2008-0128-A.

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

Very truly yours,

Foster Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



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



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

Maryland Department of Transportation

Date: January 22, 2009

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

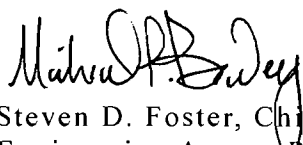
RE: Baltimore County
Item No. 2009-0128-A
MD 150 (Eastern Avenue)
3320 Eastern Avenue
Two Farms, Inc. Property
Variance

Dear Ms. Matthews:

We have reviewed the plan to accompany petition for a variance on the subject of the above captioned, which was received on 01/20/2009. A field inspection and internal review reveals that existing access to the MD 150 (Eastern Avenue) is consistent with current State Highway Administration guidelines. Therefore, the State Highway has no objection to approval of a variance for Two Farms, Inc. located at 3320 Eastern Avenue, Case Number 2009-0128-A.

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

Very truly yours,


For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



BW

7-28-09

9 AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JAN 30 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: January 30, 2009

SUBJECT: Zoning Item # 09-128-A
Address 3320 Eastern Avenue
(Two Farms, Inc.)

Zoning Advisory Committee Meeting of January 19, 2009

X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: GES

Date: 1/30/09

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2009\ZAC 09-128-A resubmittal 3320 Eastern Boulevard.doc

BW
1-28-09
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 27, 2009

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

SUBJECT: 3320 Eastern Boulevard

RECEIVED

INFORMATION:

JAN 29 2009

Item Number: 9-128

Petitioner: Two Farms, Inc.

ZONING COMMISSIONER

Zoning: BR-IM

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. It is the understanding of the Office of Planning that the petitioner has withdrawn a variance request for a freestanding enterprise sign with a height of 29 feet, in lieu of the permitted 25 feet.

This Office of Planning does not oppose the remaining variance requests for 8 wall mounted enterprise signs and 2 freestanding directional signs.

For further information concerning the matters stated here in, please contact ~~Dave Green~~ at 410-887-3480.

Prepared by:

Division Chief:
AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JAN 26 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: January 26, 2009
SUBJECT: Zoning Item # 09-128-A
Address 3320 Eastern Boulevard
(Two Farms, Inc.)

Zoning Advisory Committee Meeting of November 17, 2008

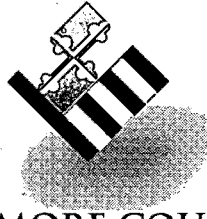
X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

_____ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Additional Comments:

Reviewer: JWL

Date: 1/26/09



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

January 26, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 19, 2009

Item Numbers 0035, ~~0128~~, 0183, 0184, 0185, 0186, 0187, 0188, 0189

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

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

cc: File

RE: PETITION FOR VARIANCE * BEFORE THE
3220 Eastern Boulevard; N/S Eastern *
Avenue, 335' SW of Bengies Road * ZONING COMMISSIONER
15th Election & 5th Councilmanic Districts *
Legal Owner(s): Two Farms, Inc * FOR
Petitioner(s) * BALTIMORE COUNTY
* 09-128-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.

RECEIVED

NOV 24 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 24th day of November, 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

From: Debra Wiley
To: Livingston, Jeffrey
Date: 01/23/09 3:57:39 PM
Subject: Fwd: Comment Needed

Missing: 1/23

Jeff,

It appears we're missing a comment from your Department on this one also (CBCA). Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

DEPRM ✓ Rec'd
1/26

>>> Debra Wiley 01/23/09 3:53 PM >>>
Curtis,

Bill has a hearing scheduled Wednesday, 1/28/09 at 9:00 AM and in reviewing the file and pending comments, it appears we are missing a comment from your office. I have provided a case description for you review as follows:

CASE NUMBER: 2009-0128--A

3320 Eastern Blvd.

Location: N side of Eastern Avenue, 335 feet SW of Bengies Road.
15th Election District, 5th Councilmanic District

Legal Owner: Two Farms Inc.

Planning

VARIANCE 1) To allow 8 wall-mounted enterprise signs on a building with a total of 5 of these on one wall, in lieu of the permitted 3 signs on a building with 2 on one wall, respectively; 2) To allow a free-standing enterprise sign with a height of 29 feet, in lieu of the permitted 25 feet; 3) To allow the company logo on 2 freestanding directional signs to be 6.15 square feet per sign (76.9% of sign face area), in lieu of the permitted 2.4 square feet per sign (30% of sign face area).

Hearing: Wednesday, 1/28/2009 at 9:00:00 AM Jefferson Building, 105 West Chesapeake Avenue, Room 104, Towson

Thanks and have a great weekend !

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-867-3180

FAX: 410-867-3182

December 17, 2009

David Karceski, Esquire
VENABLE, LLP
210 West Pennsylvania Avenue, Ste. 500
Towson, MD 21204

T. Wray McCurdy, Esquire
101 Eastern Boulevard
Baltimore, MD 21221

Re: *In the Matter of: Two Farms, Inc. / LO*
Case No. 09-128-A

Dear Counsel:

This letter is to follow through with a status check regarding the above captioned matter. On August 10, 2009 this office granted a postponement due to a possible resolution/settlement agreement.

If the settlement has concluded, please provide the Board with a copy of the Agreement so the Board can remove the matter from the open docket. If this matter was not resolved, please advise, so it may be scheduled. I await your response.

Thank you for your time and assistance. I remain,

Very truly yours,

Theresa R. Shelton
Administrator

Duplicate Original
/trs



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

August 10, 2009

David Karceski, Esquire
VENABLE, LLP
210 West Pennsylvania Avenue, Ste. 500
Towson, MD 21204

Re: *In the Matter of: Two Farms, Inc. / LO*
Case No. 09-128-A

Dear Mr. Karceski:

This letter will acknowledge receipt of your hand-delivered correspondence dated August 6, 2009 in which you request a postponement of the subject case scheduled for hearing on August 26, 2009 due to a possible resolution of this matter.

Your request will be granted and the matter has been postponed, which will allow the additional time you have requested.

A copy of the Notice of Postponement is enclosed. Should you have any questions, please call me at 410-887-3180.

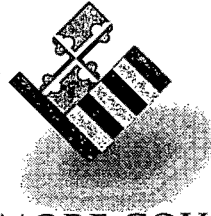
Very truly yours,

A handwritten signature in cursive script, appearing to read "Theresa R. Shelton".

Theresa R. Shelton
Administrator

Enclosure: Notice of Postponement

c(w/Encl.): T. Wray McCurdy, Esquire
Two Farms, Inc.
John Kemp, President



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
March 31, 2009
*Department of Permits and
Development Management*

David Karceski, Esq.
Chris Mudd, Esq.
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

Dear Messrs.:

RE: Case: 2009-0128-A, 3320 Eastern Boulevard

Please be advised that an appeal of the above-referenced case was filed in this office on March 6, 2009 from D. Edward Vogel. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
D. Edward Vogel, 3417 Eastern Blvd., Baltimore 21220
John Kemp, Two Farms, Inc., 3611 Roland Ave., Baltimore 21211
Jeffrey Bainbridge, Real Estate for Royal Farms, 3611 Roland Ave, Baltimore 21211
Arthur Leonard, Stephen Warfield, Matis Warfield, 10540 York Road, Hunt Valley 21030
Mike Vivirito, Bowleys Quarters Improvement Assoc., 3619 Bay Dr., Middle River 21220

APPEAL

Petition for Variance
3320 Eastern Boulevard
N/s Eastern Avenue, 335' SW of Bengies Road
15th Election District – 5th Councilmanic District
Legal Owners: Two Farms, Inc.

Case No.: 2009-0128-A

Petition for Variance (October 29, 2009)

Zoning Description of Property

Notice of Zoning Hearing (January 8, 2009)

Certification of Publication (The Jeffersonian – January 13, 2009)

Certificate of Posting (January 13, 2009) by Robert Black

Entry of Appearance by People's Counsel (November 28, 2009)

Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet – One Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Redlined Site Plan (A thru D)
2. Letter – Bowleys Quarters Improvement Association
3. ZAC Comment – Planning
4. Resume of Arthur Leonard
5. Resume of Stephen Warfield
6. Resume of Jeffrey Bainbridge
7. Aerial Map
8. Sign Permit (Identification Only)
9. Email from Avery Harden

Protestants' Exhibits:

1. Order on 02-326-X
2. Summary of Mr. Vogels Position of Royal Farms Store
3. Plans

Miscellaneous (Not Marked as Exhibit)

1. Letter from Mr. Vogel

Zoning Commissioner's Order (GRANTED – February 24, 2009)

Notice of Appeal received on March 6, 2009 from D. Edward Vogel

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner
Timothy Kotroco, Director of PDM
David Karceski, 210 Allegheny Avenue, Towson 21204
John Kemp, Two Farms, Inc., 3611 Roland Avenue, Baltimore 21211
Arthur Leonard, Matis Warfield, 10540 York Road, Hunt Valley
Mike Vivirito, 3619 Bay Drive, Middle River 21220
D. Edward Vogel, 3417 Eastern Blvd., Baltimore 21220

date sent April 6, 2009, klm



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

February 25, 2009

T. Wray McCurdy, Esquire
101 Eastern Boulevard
Baltimore, MD 21221

RE: *In the Matter of: Two Farms, Inc.*
Case No. 09-128-A

Dear Mr. McCurdy:

This will acknowledge receipt of your Entry of Appearance filed April 28, 2009 in the subject matter and your request for a continuance of the June 25, 2009 hearing date, due to Court scheduling conflicts.

Please be advised that you have been added to our case file as counsel for D. Edward Vogel, Appellant/Protestant, and that you will receive copies of all future correspondence and notices in this matter.

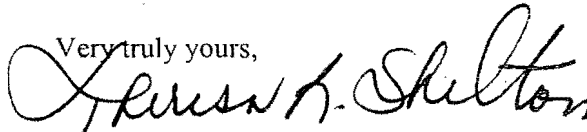
Your postponement request has been granted. The Board sits on Tuesday, Wednesday and Thursday of each week. The docket is currently scheduled through the end of July 2009; however, Thursday, July 2, 2009 is open on the docket.

I have set aside the dates listed below on the Board's docket and upon notification from Counsel as to which date works for everyone, a notice will be sent, reassigning to the confirmed date. Please contact this office upon receipt of this letter to confirm availability.

Thursday, July 2, 2009 at 10:00
Tuesday, August 4, 2009 at 10:00 a.m.; and
Thursday, August 6, 2009 at 10:00 a.m.

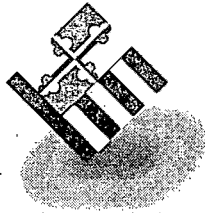
Enclosed is the Notice of Postponement from the assigned June 25, 2009 date.

Thanking you in advance for your time and cooperation in this matter. Should you have any questions, please call me at 410-887-3180.

Very truly yours,

Theresa R. Shelton
Administrator

Encl.: Notice of Postponement

c: David Karceski, Esquire
John Kemp, President – Two Farms
D. Edward Vogel
Office of People's Counsel



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 16, 2009

T. Wray McCurdy, P.A.
101 Eastern Avenue
Baltimore, Maryland 21221

RECEIVED

MAR 18 2009

Re: Alleged Violation of Lighting Restriction of
Case. No. 02-326-X

ZONING COMMISSIONER

Dear Mr. McCurdy:

You have asked that my office investigate an alleged violation of Restriction number 2 contained within Zoning Commissioner Lawrence E. Schmidt's zoning decision dated January 27th, 2003. This decision relates to the newly constructed Royal Farm Store located across Eastern Avenue from your client's property. The relevant language of restriction number 2 reads as follows:

"The screening and landscape plan shall provide sufficient screening so that security lights, permanent lighting and vehicle headlights do not *inappropriately* (emphasis added) spill onto adjacent properties, particularly the Bengies Drive-In Movie Theater as more particularly described above"

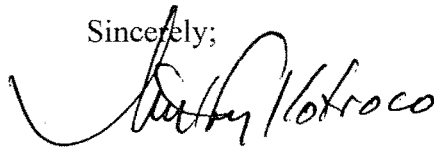
My office has inspected the Royal Farm Store commercial site. We have also, with your permission, inspected the lighting situation from the vantage point of your client's property. I personally have been to these properties on five separate occasions. On two occasions, the Baltimore County Landscape Architect, Avery Harden, inspected the property with me.

It is our collective opinion that the newly installed lighting associated with the Royal Farm store, which was the subject of case no. 02-326-X, does not produce lighting that "inappropriately" spills onto your client's property. In making this determination, it assumes, and I have requested that the owner of the Royal farm Store extinguish the accent lights that shine in the direction of the roof top gables located on the front and side of his building. This accent lighting shines away from your client's property but does, in my opinion, inappropriately reflect off of the white painted gables. The owner, Mr. Kemp, has stated to me that he will discontinue using those lights.

I should also note that this issue once again surfaced in a hearing before the Baltimore County Zoning Commissioner. Just last month, Zoning Commissioner William J. Wiseman heard variance case no. 2009-0128-A which related to the Royal Farm Store requesting some additional signage. Commissioner Wiseman also visited this property after sunset to make his own determination as to any adverse effects the lighting would have on the Bengie's Drive-In movie theatre. He found in his decision that Mr. Vogel's concerns about lighting were somewhat suspect and that the owner of the Royal Farm Store had complied with the restrictions of the previous zoning Order.

For the reasons stated herein, at this time, my office will not be bringing any enforcement action against the owner of the Royal Farm Store regarding any violation of lighting standards on the property.

Sincerely;

A handwritten signature in black ink, appearing to read "Timothy M. Kotroco", written over a horizontal line.

Timothy M. Kotroco, Director

Mike Mohler, Deputy Director PDM /
Avery Harden, County Landscape Architect
Chip Raynor, Code Enforcement Inspector
William Wiseman, Zoning Commissioner

MODE = MEMORY TRANSMISSION

START=MAR-18 12:17

END=MAR-18 12:18

FILE NO.=319

STN NO.	COMM.	ONE-TOUCH/ ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK		94108210147	002/002	00:00:52

-ZONING COMMISSIONER OFF M-

***** - 410 887 3468- *****



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

March 16, 2009

T. Wray McCurdy, P.A.
101 Eastern Avenue
Baltimore, Maryland 21221

RECEIVED

MAR 18 2009

ZONING COMMISSIONER

Re: Alleged Violation of Lighting Restriction of
Case. No. 02-326-X

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Date	3-18	# of pages	2
To	David McCurdy		
From	Timothy M. Kotroco		
Ch	Ch		
Phone #	FAX		
Fax #	FAX		

COPY

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

Timothy M. Kotroco

TIMOTHY M. KOTROCO, Director



Donald E. Brand

DONALD E. BRAND, Buildings Engineer

BUILDING PERMIT

PERMIT #: B708787 CONTROL #: CAC- DIST: 15 PREC: 01
DATE ISSUED: 12/08/2008 TAX ACCOUNT #: 1506570542 CLASS: 06

PLANS: CONST 2 PLOT 3 R PLAT 0 DATA 0 ELEC YES PLUM NO
LOCATION: 3417 EASTERN BLVD
SUBDIVISION: 550 E OF HUGHES SHORE R

OWNERS INFORMATION

NAME: THE LAST PICTURE SHOW
ADDR: 3417 EASTERN BLVD

TENANT:

CONTR: TBD

ENGR:

SELLR:

WORK: INSTALL TEMPORARY MONOPOLE TOWER W RELATED
ANTENNAS (6) PER MNFRS INSTRUCTIONS &
STRUCTURAL ENGINEERING LETTER ATTACHED

BLDG. CODE:

RESIDENTIAL CATEGORY:

OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: BUILDING W ANTENNA TOWER/ANTENNAS
EXISTING USE: BUILDING

TYPE OF IMPRV: OTHER

USE: TANK, TOWER

FOUNDATION:

SEWAGE:

BASEMENT:

WATER:

LOT SIZE AND SETBACKS

SIZE: 0000.00 X 0000.00

FRONT STREET:

SIDE STREET:

FRONT SETB: 155'

SIDE SETB: 353'/116'

SIDE STR SETB:

REAR SETB: 550'

THIS PERMIT EXPIRES
ONE YEAR FROM
DATE OF ISSUE

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

1/28 9AM



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

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

Account Identifier: District - 15 Account Number - 2400009361

Owner Information

Owner Name: TWO FARMS INC **Use:** COMMERCIAL
Mailing Address: 3611 ROLAND AVE **Principal Residence:** NO
 BALTIMORE MD 21211-2408 **Deed Reference:** 1) /25549/ 724
 2)

Location & Structure Information

Premises Address **Legal Description**
 3320 EASTERN AVE 1.2940AC COMMERC TRT
 BALTIMORE MD 21224-4108 3320 EASTERN AVE NS
 PEPPERMINT WOODS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
91	8	429					1	3	Plat Ref: 77/ 128

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2009	3,936 SF	1.29 AC	06

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2008	07/01/2009
Land	135,400	645,000		
Improvements:	619,600	0		
Total:	755,000	645,000	135,400	645,000
Preferential Land:	0	0	0	0

Transfer Information

Seller: PEPPERMINT WOODS LTD	Date: 04/26/2007	Price: \$740,000
Type: IMPROVED ARMS-LENGTH	Deed1: /25549/ 724	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO

Exempt Class:

Special Tax Recapture:

* NONE *

BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County

Interoffice Correspondence

Phone: 410-887-3180

Fax: 410-887-3182

To: Stuart Kelly, Code Enforcement

From: Sunny Cannington, Legal Secretary

SC

Date: January 8, 2010

Re: Sign pick up

Hi Stuart,

The below listed case has been completed at the Board level. If the sign is still posted, please pick it up at your earliest convenience.

Thank you for all your help.

Sunny

Case No.:

09-128-A

Case Name:

Two Farms, Inc.

Address:

3320 Eastern Boulevard

COPY

----- Original Message -----

From: D. Edward

To: T. Wray McCurdy ; Timothy Kotroco

Cc: Chip Raynor ; James H Thompson ; Mike Mohler

Sent: Wednesday, December 03, 2008 4:05 PM

Subject: Bengies Drive-In Theatre- Peppermint woods comercial scheme

Mr. Timothy M. Kotroco, Director

Baltimore County Dept. of Permits & Dev. Management

Code Enforcement Division

Mr. Chip Raynor, Enforcement Officer

Mr. James Thompson, Supervisor

Mr. Michael Mohler, Deputy Director

Dear Mr. Kotroco, et.al.,

First I need to thank the Enforcement Officer, Mr. Chip Raynor, who came at 8pm last night for a short meeting that actually lasted more than two and half hours.

We did several things, looked at documents, and walked much of the 750 vehicle parking area to examine and discuss this horrible and obvious situation.

Chip sat me down and explained many things, and did an excellent job of explaining all of what could happen. It sounded reasonable and sometimes quite scary where the drive-in theatre's future was concerned. It actually kept me up late and then interfered with my sleeping.

In the end, I was delighted by a phone message he left this morning advising me to contact specifically Mr. Kotroco to say we need a meeting of the concerned parties as soon as possible.

Further, I would like you all to know that I never expected to be the one to research the true answer, as I thought this would be the burden of the violator, so I am not sure how fast I can answer the cost of the remedy, until I (we) find the right one.

However, proceeding with a meeting and a possible agreement would be best, and I am hoping it can be done without having the exact solution.

I intend not to cost anyone more than what is necessary, but I did let Chip know there is no cheap solution.

I also stated that I am not opposed to placing the solution on my property, however, if I am giving up property for this, I do expect to lease them the land to allow the "fix," and I am expecting the maintenance and cost of the solution to not be on me. (on some of the property involved, it also means I need to get permission from another party, Mr. Eugene Austin, as we own a parcel as tenants in Common, and we would need to place this probably across that parcel. To keep it strictly to the property I own, may mean additional costs. (to follow the property line, would involve more footage.)

In the same breath, please understand that I feel any solution put into place to protect the drive in theatre can be diminished in proportion to the need if ever a time came where either direct shielding becomes unnecessary, or the theatre (I am hoping this does not happen) ceases to exist.

In short, where the solution is not cheap, I do not intend to cause anyone unnecessary or unreasonable financial burden.

At this time I feel we would need a qualified engineer to be involved with this, someone who can say how this solution is to be done, and insure the "fix" is going to work, and place the responsibility of this working onto someone who can be held accountable.

An agreement, with my attorney's approval, can happen quickly and would include the following:

The violator (and or the property owner) accepts the cost and responsibility of all of the following:

1. The hiring of an independent engineer (agreeable to all parties) qualified to take on the task of designing the proper screening, whatever that may be. That would need to be acceptable to all parties and look appropriate for the neighborhood and approved by Baltimore County.
2. The cost of any temporary measures that may have to be taken prior to the conclusion of the real solution to insure the drive-in theatre opens at the first available window of opportunity in the Spring, which would essentially means on or after March 28, 2009. That could occur on either side of the street, whatever is cost effective and acceptable to the violator and the engineer.
3. The land required for the solution will be leased by the violator, at or below fair market value, depending on how much property I must sacrifice to provide the area. (Consider: if the real solution is tree planting, I would loose one heck of a lot of useful land. If the solution is a wind-wall fence, then I am not going to be able to use it, but it much less property.)
4. That the continued maintenance of this solution is the responsibility of the violator, and that any repairs occur in a very timely manner.
5. That the violator secures agreement that would bind the property owner to whatever solution is in place to ensure the solution will be enforced by the property owner with any other leaseholder of the property and by the owner at any interim period between leases, and this will continue as long as the theatre exists. (The responsibility of conveying and enforcing the determination of the Petition Hearing Case # 02-326-X has always been the property owner)

t 410.494.6365
f 410.821.0147
cdmudd@venable.com

January 7, 2009

HAND-DELIVERED

W. Carl Richards, Zoning Supervisor
Baltimore County Department of
Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

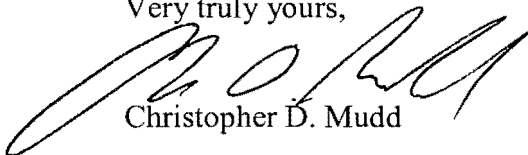
Re: **REQUEST FOR RECIRCULATION OF PLANS**
Royal Farms – 3320 Eastern Boulevard
Case No. 2009-0128-A
5th Councilmanic District, 15th Election District

Dear Mr. Richards:

This firm represents Two Farms, Inc., legal owner of the above-referenced property and petitioner in the above-referenced case. Following our initial filing of Case No. 2009-0128-A, our client has made minor changes to the site plan and requires one additional variance. I have enclosed 12 copies of the revised site plan and 3 copies of the revised petition. I ask that your office please replace the plans and petitions currently in the case file with the enclosed revised plans and petitions, and please re-circulate the plans to the appropriate County agencies. I have also enclosed a \$200.00 check made out to Baltimore County, Maryland to cover the cost of filing the revised materials.

If you have any questions or require any additional information, please contact me.
Thank you for your attention to this matter.

Very truly yours,



Christopher D. Mudd

CDM
cc: David H. Karceski, Esquire

TOIDOC51/CDM01//266402 v1

David H. Karceski

t 410.494.6285
f 410.821.0147
dhkarceski@venable.com

August 6, 2009

HAND-DELIVERED

Maureen Murphy, Chairperson
County Board of Appeals for Baltimore County
Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No.: 09-128-A
Location: 3320 Eastern Boulevard
Owner: Two Farms, Inc.

RECEIVED
AUG - 7 2009
BALTIMORE COUNTY
BOARD OF APPEALS

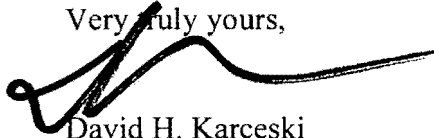
Dear Ms. Murphy:

On behalf of my client Two Farms, Inc., I am writing to request a postponement of the above-captioned matter, which is scheduled to be heard by the County Board of Appeals on Wednesday, August 26, 2009. My client informed me that they have had preliminary discussions with Appellant D. Edward Vogel, regarding the requested relief, and that they would like some additional time to continue those discussions.

By way of this letter, we are requesting that the Board postpone the hearing date of August 26th to provide us with additional time in which to meet with Mr. Vogel to try and resolve any outstanding issues. As we understand it, Mr. Vogel's business is seasonal in nature, and, for this reason, he is unavailable to meet prior to the scheduled hearing date. We have discussed this request with Mr. Vogel's counsel, T. Wray McCurdy, and Mr. McCurdy is agreeable to the requested postponement. Because we do not know when this meeting might take place, we are asking that you not reschedule the hearing at this time. We will keep you advised of our progress.

Thank you for your consideration of this request.

Very truly yours,



David H. Karceski

DHK/bl

cc: T. Wray McCurdy, Esquire
TOIDOC51/DHK01/# 274224v1

Law Offices of
T. Wray McCurdy, P.A.
Attorney at Law
101 Eastern Boulevard
Baltimore, Maryland, 21221

Telephone: 410-686-2200
Facsimile: 410-686-5803
Toll-Free: 800-333-5943

T. Wray McCurdy, Esq.

April 28, 2009

County Board of Appeals of Baltimore County
Jefferson Building
Second Floor, Suite 203
105 West Chesapeake Avenue
Towson, MD 21204

RE: Postponement Request

In The Matter Of: Two Farms, Inc. - Legal Owners/Petitioners
3320 Eastern Boulevard/15th E; 5th C
Case Number: 09-128-A
Hearing Date: 06/25/09 at 10:00 a.m.
Courtroom #02

Dear M. Clerk:

Please accept this letter as my entry of appearance on behalf of the above-referenced Protestant/Appellant, D. Edward Vogel.

The purpose of this correspondence is to request a continuance of the hearing scheduled on June 25, 2009 as I have three previously scheduled cases before the District Court of Maryland for Baltimore County, i.e., State of Maryland vs. Sarah Lindsay Burkhardt - case number 0C00295708, State of Maryland vs. Colette Gibson - case number 0F072297 and State of Maryland vs. Steven Cary Addicks - case number 0FS03831 as evidenced by the enclosures.

Kindly advise my office the Court's decision concerning this request, and, if granted, kindly have the Clerk's Office call my office to obtain an agreed date.

RECEIVED

APR 29 2009

BALTIMORE COUNTY
BOARD OF APPEALS

RECEIVED

APR 29 2009

BALTIMORE COUNTY
BOARD OF APPEALS

County Board of Appeals of Baltimore County
Page 2
April 28, 2009

Thank you for your consideration concerning this request.

Sincerely yours,



T. Wray McCurdy

TWM/bsb

Enclosure(s)

c.c.: David Karceski, Esquire
John Kemp, President of Two Farms, Inc.
Peter Max Zimmerman, Office of People's Counsel



DISTRICT COURT OF MARYLAND FOR BALTIMORE COUNTY
8914 KELSO DRIVE (C) 0805
BALTIMORE MD 21221-3135

CASE NUMBER: OC00295708

TO: MCCURDY, T WRAY
101 EASTERN BLVD
BALTIMORE

MD 21221

MAR 10 2009

STATE OF MARYLAND VS. BURKHARDT, SARAH LYNDSEY

NOTIFICATION

YOU ARE HEREBY NOTIFIED TO APPEAR AS PRIVATE ATTORNEY FOR DEFENSE
ON JUNE 25, 2009 AT 08:30 AM. THE LOCATION OF THE TRIAL IS
ROOM 03 , 8914 KELSO DRIVE , BALTIMORE , MD.

BY: MICHAEL P. VACH
(CLERK)

DATE: 03/06/09

FOR QUESTIONS CONCERNING THIS DOCUMENT TELEPHONE (410) 512-2300.



DISTRICT COURT OF MARYLAND FOR BALTIMORE COUNTY
8914 KELSO DRIVE
ESSEX, MD 21221-3135
TELEPHONE NUMBER: (410) 512-2300

0805



Citation No: 0FS03831

To: MCCURDY, T WRAY
101 EASTERN BLVD.
BALTIMORE, MD 21221

STATE OF MARYLAND VS. ADDICKS, STEVEN CARY

Date: 04/22/09

NOTICE OF TRIAL DATE

You are hereby notified that the trial of the charge on the above referenced citation will be held at the District Court location noted above on:

Date: June 25, 2009 Time: 09:00 AM Room: 01

APR 24 2009

Charge: TA21902 A1
(DRIVING, ATTEMPTING TO DRIVE) VEHICLE WHILE UNDER
THE INFLUENCE

BY ORDER OF BEN C. CLYBURN, CHIEF JUDGE, DISTRICT COURT OF MARYLAND

The Court schedules cases in hourly sessions. Your session will begin at the above mentioned time. Plan to be at least 30 minutes prior to the scheduled time. You must be prompt.

Visit our website for directions and information about procedures.

Our web address is www.courts.state.md.us/district

To request a foreign language interpreter or a reasonable accommodation under the Americans with Disabilities Act, please contact the court immediately.

For further information, call the District Court Interactive Voice Response System (IVR)

From the Baltimore area, call (410) 974-7177

From all other areas, call 1-800-492-2656

TTY users call 1-800-925-9690 or use the Maryland Relay Service at 1-800-735-2258 or 711

Please contact the above Court location for restrictions regarding cameras and cell phones, for they may not be allowed in the courthouse.

03922T3

1100039220

Wednesday, January 28, 2009

D. Edward Vogel
BENGIES DRIVE-IN THEATRE
3417 Eastern Blvd.
Baltimore, Maryland 21220
Private line: 410 686-7400

RECEIVED

JAN 30 2009

Office Of The Zoning Commissioner
William J. Wiseman, III, Zoning Commissioner
400 Washington Ave
Towson, MD 21204

ZONING COMMISSIONER

Mr. David Karceski, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: Case Number 2009-0128-A 3320 Eastern Boulevard N/side of Eastern Avenue
Legal Owners: Two Farms, Inc.

Dear Mr. Wiseman,

I am respectfully sending additional documents that were referred to in the hearing that took place today. I am sending all of this to Mr. Karceski as well, I do not wish to do anything incorrectly.

First, to both you and Mr. Karceski, thank you for putting up with me as a laymen and novice within the hearing.

With reference to the question directly from Mr. Wiseman, did I ever go to code enforcement and file a complaint, I correctly answered yes.

Also, to Mr. Karceski's remark in objection to my bringing up the previous exception granted (Case Number 02-326-X) stating that there were no code violations and the proper permits were given, I wish to point out:

I filed the complaint on November 11, 2009, in person at 11 West Chesapeake Avenue, in the Code Enforcement office.

I have found an email I am enclosing that acknowledges the violation, but as to why the Farm Store was never notified is beyond me.

I have the notes where the Enforcement Officer, Mr. Chip Raynor came out and verified that there was an apparent (obvious) code violation, so I do think something is missing. I am at a loss as to understand why none was ever given, unless it was given and I was

never given a copy. I will research this to see if I can give any more information on it. You may want to see Mr. Tim Kotroco, or speak directly to Mr. Raynor.

Make no mistake, I did file a code enforcement complaint, and was told by Baltimore County Code Inspector Chip Raynor, at the Bengies Drive-In Theatre, that he did in fact see a violation, and subsequently, Mr. Kotroco did acknowledge that the farm store was indeed in violation.

Enclosed please find the letter dated July 6, to Mr. McCurdy, that included a copy of Case # 02-323-X, that was acknowledged by the farm store through their representative Cindy Deacon, and Baltimore County, which had both my attorney and Myself expecting the county to do the right thing and not issue an occupancy permit and/or a final approval, because the Case had been ignored.

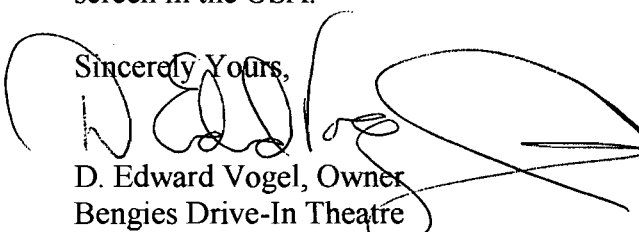
Also enclosed is a copy of the building permit that Mr. Karceski had made reference saying I was in violation of county code. I am compelled to show this, I do wish exonerate myself from any such charge, especially because I do value his opinion of me.

Also in his defense, this tower is a "Cowl," which is a temporary site, and yes, it was approved by the Tower Review Commission. I do wish for Mr. Wiseman to consider the use of the parking area in this position, as the spaces around and in front of it will be in use immediately, and after a year and half, the temporary site will most likely disappear, and the spaces it now occupies will go back into use.

All of this area is heavily affected by the free standing enterprise sign and the lights on the peak of the roof and the current situation.

Mr. Wiseman, there are 750 parking spaces at the Bengies. Please look at all of the problems, and do consider what light gets from the farm store to the biggest theatre screen in the USA.

Sincerely Yours,



D. Edward Vogel, Owner
Bengies Drive-In Theatre

Cc: T. Wray McCurdy
Mr. Timothy Kotroco, Director
Baltimore County Dept. of Permits & Dev. Management

enclosures

March 5, 2009

By Certified Mail # 7002 3150 0006 09999 2661
Return Receipt Requested

D. Edward Vogel
BENGIES DRIVE-IN THEATRE
3417 Eastern Blvd.
Baltimore, Maryland 21220
Private Line: 410 686-7400

RECEIVED

MAR 06 2009

ZONING COMMISSIONER

Office of the Zoning Commissioner
William J. Wiseman, III, Zoning Commissioner
400 Washington Ave
Towson, MD 21204

IN RE: **To Appeal the Decision of Case number: 2009-0128-A**
Petitioner: Two Farms, Inc.

Dear Mr. Wiseman,

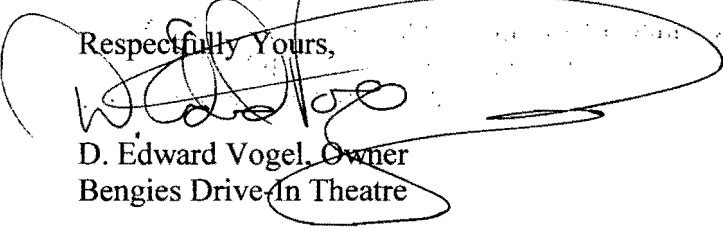
Enclosed please find my check in the amount of \$400.00 (four hundred dollars) that is necessary for me to submit with this request for an appeal of the above referenced case.

For the record, on all matters sent out from the Zoning Office, there has been a notation on each referencing this property and the address of this Royal Farms Store, as being in the 5th Council District.

It is my belief (and according to the Baltimore County Web site) that this address is in Baltimore County Council District 6, the same as my own. If this is an error, you may want to correct this on your records and in future communications and official notices about this property.

If you or your office has any need to contact me, please do so at the above address, phone number, or by email at: dedward@bengies.com.

Respectfully Yours,


D. Edward Vogel, Owner
Bengies Drive-In Theatre

Cc: T. Wray McCurdy, Esquire

Mr. Timothy M. Kotroco, Director, Baltimore County Dept. of Permits & Dev. Management
Mr. Joseph Bartenfelder, Baltimore County 6th District Councilman
Misters David H. Karceski, Esquire AND
Mr. Chris Mudd, Esquire, Venable, LLP
Mr. John Kemp, President, Two Farms, Inc.
Mr. Jeffery S. Bainbridge, Director, Real Estate for Royal Farm Stores
Mr. William Poole, Jr., Peppermint Woods, Ltd.
Mr. Mike Vivirito, President, Bowleys Quarters Improvement Association
Ms. Norma Bankard, President, Bowleys Quarters Community Association
Mr. Paul Geissinger, President, & the Board of Directors, United Drive-In Theatre Owners Association, Inc.

Sunday, July 06, 2008

D. Edward Vogel

BENGIES DRIVE-IN THEATRE

3417 Eastern Avenue

Middle River, Maryland 21220

T. Wray McCurdy, P.A.

101 Eastern Ave.

Baltimore, Maryland 21221

RE: Adverse lighting effecting the Bengies Drive-In Theatre, with regards to the ROYAL FARM STORE being built across the street at 3300 Eastern Avenue.

Dear T. Wray,

I am copying the persons referred to in this letter, I am asking you to please your attention to this matter, it is of grave concern, as I am very afraid that measures put into place to protect the Bengies from adverse lighting by a decision to grant a special exception to the above mentioned property and project have been forgotten and ignored.

As you are aware, I have been trying to get some attention to the new construction going on across the street since the sign went up last year announcing the Royal Farm Store's new location. I had written a letter directly to Mr. Kemp who owns the Royal Farm Stores last July (2007,) but never had any reply. (You have a copy of that letter and I will include it to the others being copied.)

I recently went down to Baltimore County Department of Permits and Planning Development. I saw Mr. E. Avery Harding, who was very kind in allowing me to see the public record of the plans and I did purchase a copy of them.

However, when I mentioned my concern for the lights effecting the operation of the Bengies, Mr. Harden did not seem to understand that the theatre should have been a consideration to approving the lighting and landscape plan for this project. I am afraid something may have been kept from him.

I am enclosing a copy of that order again for your convenience, but I did get a copy to you at the time this legal decision was given. I am also providing one for all others being copied with this letter.

The Engineers for the project are Matis Warfield, and I am copying them on this matter as well as Mr. Kemp. Apparently none of them knew to give consideration to the Bengies when they proceeded with the plans.

I am not an expert, but it appears that if this project proceeds as planned, there is a huge risk of lighting going directly into the eyes of my patrons, so much so, that it will spell the end of the Bengies drive-in theatre.

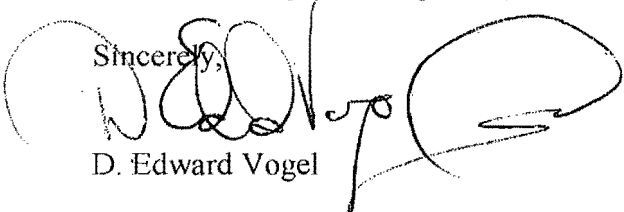
As it stands right now, the light from the canopy (that is all that is up in place at this time) is so high in the air, there is no possible way to shield it. If there is a thought that the trees being planted in front will protect me, well, it would take too much time for them to grow, and any time the wind blows, it would fall into the eyes of the patrons in many different places.

I do not have a "grip" on how the building itself would effect me, but this is a concern, and the cars pulling in and out of the store, and the cars getting gas, all run the risk of putting headlights into the eyes of the patrons. The signage and over-all effects are also in need of attention.

I am asking you to turn your immediate attention to this matter, time is of the essence, as I do not want to cost them a fortune in trying to cover everything after the fact, again, my hope is that much of this can be addressed before further construction proceeds.

Please remind all concerned parties that even though the normal parameters of my business generally run from March through October, I still do special events in the winter as well as being able to open any time of the year there is a need.

Sincerely,



D. Edward Vogel

Cc: E. Avery Harden, Baltimore County DPDM
Timothy M. Kotroco, Director, Baltimore County DPDM
Matis/Warfield, Consulting Engineers
Mr. John Kemp, Royal Farm Stores

CASE NAME Two Farms Inc.
CASE NUMBER 2009-0128-A
DATE 1-28-09

[illegible]

PLEASE PRINT CLEARLY

CASE NAME Two Farms, Inc.
CASE NUMBER 2009 - 0128 - A
DATE 1-28-09

Citizens
PETITIONER'S SIGN-IN SHEET

[illegible]

EXHIBITS

P of 2
folders

Case No.: 2009-0128-A 3320 EASTERN BOULEVARD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1 ID 10	^{"4 Page"} RSD LINE SITE PLAN	Order Case 02-326X
No. 2	Bowley Quarter Improvement Association	(I) Summary of Mr. Vogels Position RE Royal Farm Store
No. 3	ZAC COMMENT OFFICE OF PLANNING	(I) PLANS - PRIOR ORDER 3A - 3B
No. 4	RESUME MR. LEONARD	↓ LIGHTING PLAN ↓ LANDSCAPE approved 3/22/05
No. 5	RESUME MR. WARFIELD	
No. 6	RESUME MR. BAMFORD	
No. 7	AERIAL MAP	
No. 8 (I)	SIGN PERM.T	
No. 9 (I)	Email from Arvey/Harden	
No. 10		
No. 11		
No. 12	(I) identification only	



**Baltimore County
Zoning Commissioner**

January 24, 2003

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

Robert A. Hoffman, Esquire
David Karceski, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
NW/Corner Eastern Avenue & Bengies Road
(3300 Eastern Avenue)
15th Election District - 5th Council District
Peppermint Woods, Ltd., Owners; BP Amoco Corporation, Contract Purchasers - Petitioners
Case No. 02-326-X

Dear Messrs. Hoffman & Karceski:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception 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.

PROTESTANT' S

EXHIBIT NO. 1

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. William Poole, Jr., Peppermint Woods, Ltd., 3300 Eastern Blvd., Baltimore, Md. 21220
Mr. John Lombardo, BP Amoco Corp., 1 W. Pennsylvania Ave., #400, Towson, Md. 21204
Mr. William P. Monk, Morris & Ritchie Assoc., 110 West Road, #245, Towson, Md. 21204
Mr. Mickey Cornelius, The Traffic Group, 9900 Franklin Sq.Dr., #H, Baltimore, Md. 21236
Mr. & Mrs. Ira Hanks, 104 Rodeo Circle, Baltimore, Md. 21220
Mr. Robert Alex, 46 Lerner Court, Baltimore, Md. 21236
Mr. Robert Phillips, 215 Larkspur Lane, Baltimore, Md. 21220
Mr. Michael Vivirito, 3619 Bay Drive, Middle River, Md. 21220
Mr. D. Edward Vogel, 3417 Eastern Boulevard, Baltimore, Md. 21220
Mr. & Mrs. Waring Justis, Jr., 1007 Cold Spring Road, Middle River, Md. 21220
Mr. Chris Kirchenheiter, 2929 Eastern Boulevard, Middle River, Md. 21220
Mr. John Hartsell, 128 Trailway Road, Middle River, Md. 21220
Ms. Janet Walper, 1123 Chester Road, Baltimore, Md. 21220
Mr. Chris Brigouleix, 3921 New Section Road, Baltimore, Md. 21220
Mr. Avery Harden, DPDM; Office of Planning; People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us



①

Baltimore County, Maryland
Zoning Hearing
Case number: 2009-0128-A
Sign Variance

I would like to read these comments out loud, and I would like to submit them for the record.

1. The petitioners and Baltimore County, Maryland, did not follow the order of Variance, Case Number 02-326-X which allowed for this Farm Store to be built.

That order, given by the zoning commissioner of Baltimore County at that time, Mr. Lawrence Schmidt, CLEARLY ordered that the Bengies Drive-in Theatre, the last Drive-in theatre in Baltimore County and the State of Maryland in existence, be granted WITH THE IMPOSED RESTRICTION that: "It is essential; that improvements on the subject property be constructed and the use operated so as not to unduly impact the outdoor movie theatre."

To protect this landmark I love and have been devoted to keeping in place, it was ordered in the granting of the variance (FINDINGS OF FACT AND CONCLUSIONS OF LAW) that the theatre would need to be considered PRIOR to the construction of the building. So emphatic and complete was this concern that it was ordered in item number 2 on page 7, that PRIOR TO THE ISSUANCE OF ANY PERMITS, the petitioners shall:

- submit landscape and lighting plan for review and approval by the Office of Planning and
- to Avery Harden, Landscape Architect for Baltimore County.
- The screening and lighting plan shall provide sufficient screening so that security lights and permanent lighting, and vehicle headlights do not improperly spill onto adjacent properties,
- PARTICULARLY the Bengies Drive-In Movie Theatre,
- MORE PARTICULARLY DESCRIBED ABOVE. (In other words, go back and read the part where I am not to be "adversely" impacted.)

Further, Item 5 on Page 7: WHEN APPLYING FOR A BUILDING PERMIT, the site plan filed must reference this case and set forth and address the restrictions of this order.

- This was not done at all on the landscape plan.
- This was not done on the lighting plan
- This was not done on the site plan, save for a reference to the order but not the particulars about THE Bengies being "adversely" impacted.

In short,

- It was VERY IMPORTANT to consider the lighting factors WHEN DESIGNING this store in the first place.
- In order for Baltimore County to hold the petitioners to the letter of the law, they would actually have to tear down the building and start over.

PROTESTANT' S

EXHIBIT NO.

2

2. Why was this store given the proper permits to open?

I am at a loss as to why this store was permitted to open in the first place. All parties were notified by the second week of July of 2008, when the steel structure for the canopy was being erected, and the main store was not yet underway, that the Order was not followed.

I personally advised Baltimore County Permits and Development Director Tim Kotroco, Mr. John Kemp, owner of the Royal Farm Store, and Mr. Avery Harden, landscape Architect for Baltimore County, by a courtesy copy of a letter that I had written to my attorney, WITH a copy of the ORDER, that contained UNDERLINED specifics of all this.

Still, the Building continued.

I also advised Mr. Grant Kidd, who is a Baltimore County Building Inspector days PRIOR to the store getting an occupancy permit that I felt there were concerns not being addressed, and spoke to him again prior to his giving this store the final permit.

It is bad enough to allow the building to proceed when all parties knew of the trouble and violations, but I stood helplessly by and watched the store open, being extended every courtesy by Baltimore County as though there was nothing wrong.

This store should never have opened in the first place, with so much BLATENTLY undressed.

3. Consideration of Signs and Lights with respect to the first order should have meant more stringent restrictions of normal signage.

It is unfathomable to me that Baltimore County would not just ignore all of this, give all permits so the store could open knowing full well it was already in violation, but grant a hearing for MORE exceptions where light matters are concerned, when the first orders were not followed.

This Store should not have been allowed the NORMAL lighting and signs if the consideration of the first order was taken seriously, let alone present even more signs and light BEYOND what they never should have been allowed in the first place.

As far as the "free standing enterprise" sign, they never should have been allowed to construct the one normally permitted by county code. If the order was to be upheld, they would have had to construct a low-profile "monument" type sign with soft lighting from the front with no stray light.

The lighting on the peaks of the building is so bright, it is a "no brainer" that it will be in the eyes of my patrons, as any lighting this high up will be a distraction, no matter the delicate way it may be addressed. It would be the same as putting a light beside the screen of an indoor theatre and expect patrons to continue to attend the theatre!

Worse, the Bengies was designed so well, that in certain areas of the theatre, the vehicle is looking directly at the farm store. Each ramp is "rounded" so each vehicle can look directly at the center of the screen. From the left side of the theatre, the vehicle is parked so that the farm store is directly in front of them.

There is a building behind the screen that formerly had dark windows, but now the full brightness of the lights at the Farm Store reflect off of these windows, and are a problem in almost all places, but even in the few spots where the farm store is hidden from view by buildings that are currently in place.

At this time, I am here NOT ONLY to deter any further variances, but I am also here to call your attention to the fact that in this particular case, what this county normally allows in the way of signage for this type store should have ALREADY BEEN DIMINISHED just based on the first order that has not been followed!

I am offended that the owner of the store who has violated the order and ignored me entirely is here asking, AND the County who has ignored my pleas, is here considering to allow something beyond what most have as a right, when this location should have been restricted from the normal in order to obey the variance they were already granted.

4. Loss of business to the theatre.

I actually had to decide to close the drive-in theatre prior to the opening of the store, because the lights were so bad, I could not accept the invitation extended to me by Paramount Pictures, to open "MADAGASCAR 2" the first weekend of November.

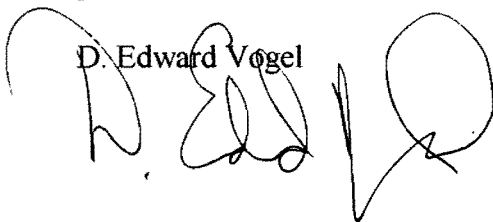
Even though the store was not yet opened, there was no getting the lights out for me to proceed. I made this decision ONLY because I had quiet assurance that the law would be followed, and the store would not open before the terrible situation was addressed.

I cannot open my theatre as we speak. It is my right to open the theatre at anytime I feel necessary, and right now it is impossible for me to open the Bengies.

I am about to give up and ask for an intercession through Mandamus. I do not understand why this county is ignoring the order of law in favor of the store over the drive-in theatre, and I am prepared to do whatever it takes to try to continue.

I respectfully submit these thoughts for consideration of all concerned, and to become part of the record for this hearing.

D. Edward Vogel

A large, stylized handwritten signature in black ink, appearing to read 'D. Edward Vogel', is written over the printed name.

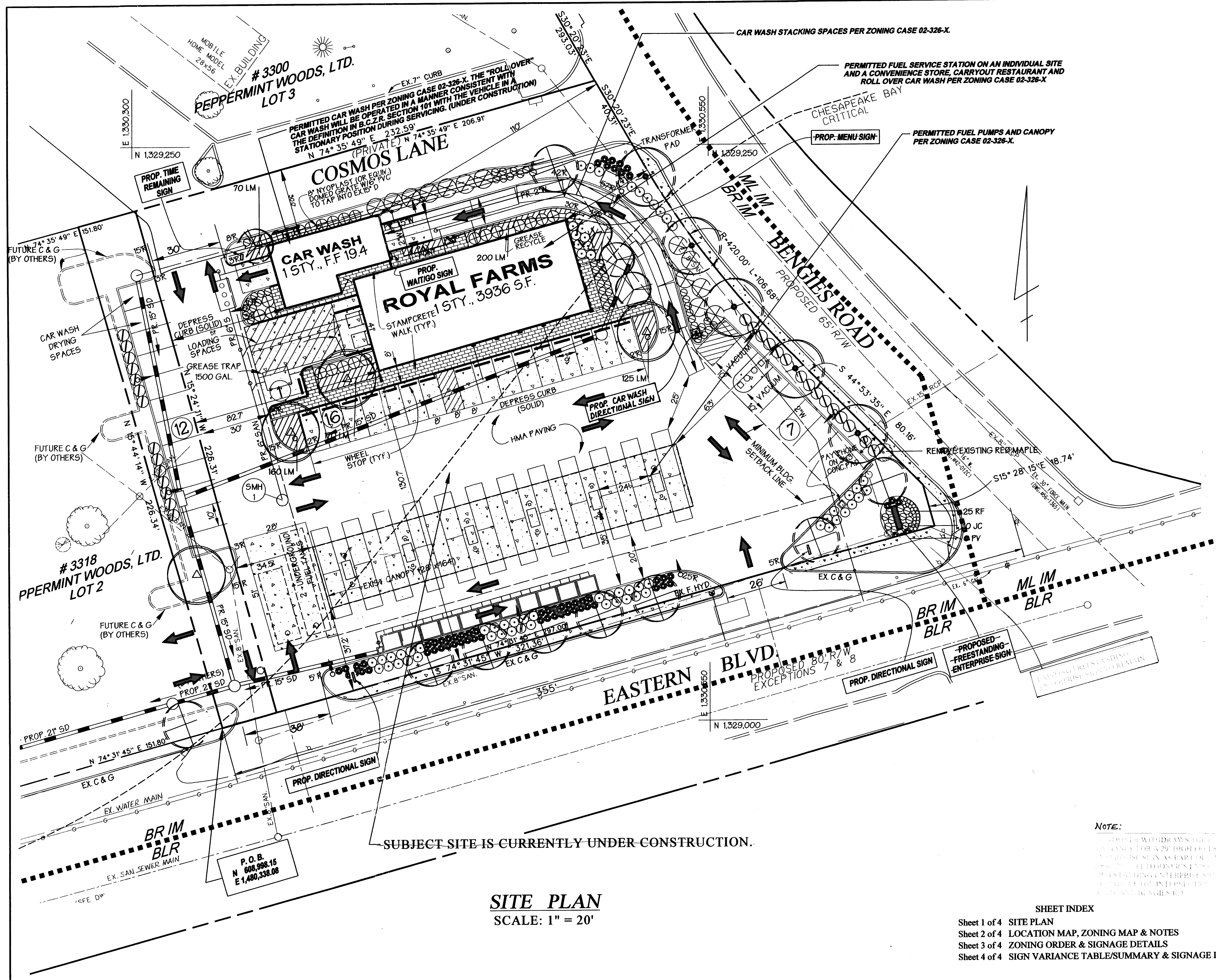
Case No.: 2009-0128-A 3320 EASTERN BOULEVARD

Exhibit Sheet

Petitioner/Developer

Protestant

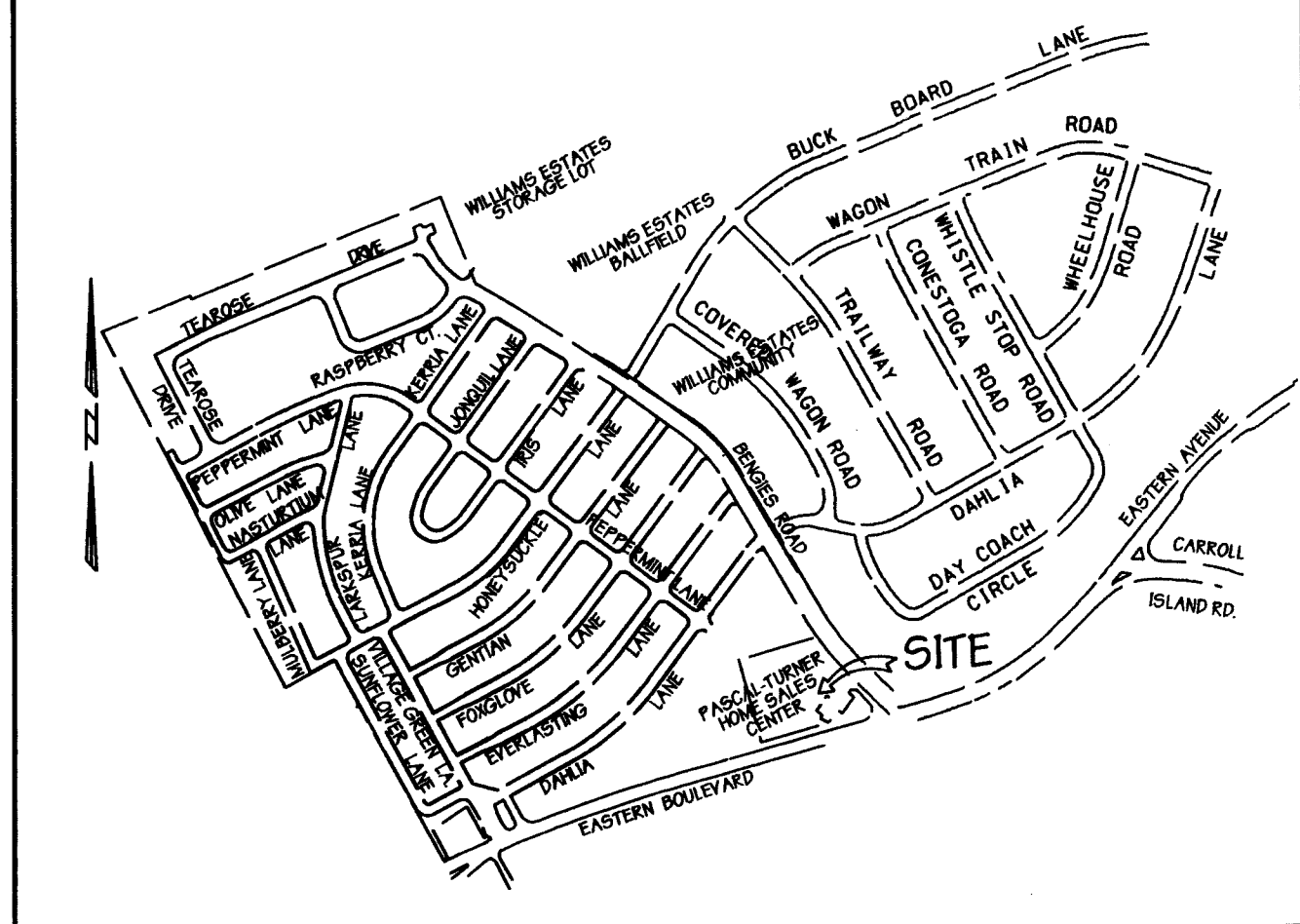
No. 1 1P 1D	"4 Page" RSD Lined Site PLAN	Order Case 02-326X
No. 2	Bowling Quarter Improvement Association	Summary of Mr. Vogels Position RE Royal Farm Store
No. 3	ZAC COMMENT OFFICE OF PLANNING	PLANS - PRIOR ORDER 3A - 3B
No. 4	RESUME MR. LEONARD	↓ LIGHTING PLAN ↓ LANDSCAPE approved 3/22/05
No. 5	RESUME MR. WARFIELD	
No. 6	RESUME MR. BAMBURIDGE	
No. 7	AERIAL MAP	
No. 8 I	SIGN PERMIT	
No. 9 I	Email from Arvey/Harden	
No. 10		
No. 11		
No. 12	(I) identification only	



SITE PLAN
SCALE: 1" = 20'

SHEET INDEX

Sheet 1 of 4	SITE PLAN
Sheet 2 of 4	LOCATION MAP, ZONING MAP & NOTES
Sheet 3 of 4	ZONING ORDER & SIGNAGE DETAILS
Sheet 4 of 4	SIGN VARIANCE TABLE/SUMMARY & SIGNAGE DETAILS



VICINITY MAP
SCALE: 1" = 500'

LEGEND

PROPERTY LINE	EX. FIRE HYDRANT
EX. WATER	EX. STORM DRAIN
EX. SANITARY	PROP. WATER
PROP. STORM DRAIN	PROP. SANITARY
EX. CURB & GUTTER	PROP. CONC. C & G
EX. TELEPHONE MANHOLE	EX. CHAIN LINK FENCE
EX. PARKING LOT LIGHT	EX. UTILITY POLE
EX. GUY WIRE	EX. OVERHEAD LINE
EX. GAS MAIN	
EX. ZONING LINE	PROP. CONCRETE
FUEL PUMP	
SITE LIGHTING	

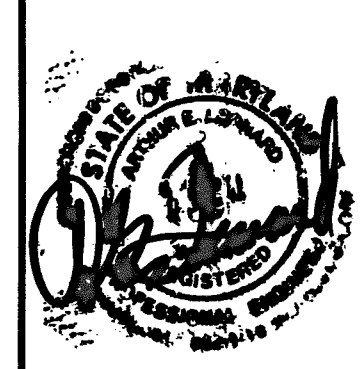
LANDSCAPE PLANT LIST

KEY	COMMON NAME
+	QUERCUS PALUSTRIS NORTHERN PIN OAK
Δ	ZELKOVA SERRATA VILLAGE GREEN VILLAGE GREEN ZELKOVA
⊗	LAGERSTROEMIA X INDICA 'TUSCARORA' 'TUSCARORA' GRAPE MYRTLE
⊕	PRUNUS X 'OKAME' 'OKAME' FLOWERING CHERRY
⊗⊗	VIBURNUM X 'PRAGENSE' PRAGUE VIBURNUM
⊗⊗⊗	NANDINA DOMESTICA HEAVENLY BAMBOO
⊗⊗⊗	JUNIPERUS CHINENSIS 'SARGENTI' SARGENT'S JUNIPER
⊗⊗⊗	ABELIA X GRANDIFLORA GLOSSY ABELIA
⊗⊗⊗	ILEX GLABRA 'NIGRA' NIGRA INK BERRY
⊗⊗⊗	PANICUM VIRGATUM HEAVY METAL HEAVY METAL SWITCH GRASS
⊗⊗⊗	LIROPE MUSCARI 'BIG BLUE' 'BIG BLUE' LILY TURF
⊗⊗⊗	RUDBECKIA FULGIDA 'GOLDSTURM' BLACK EYED SUSAN

PETITIONER'S
EXHIBIT NO. **1A**

Matis Warfield
consulting engineers

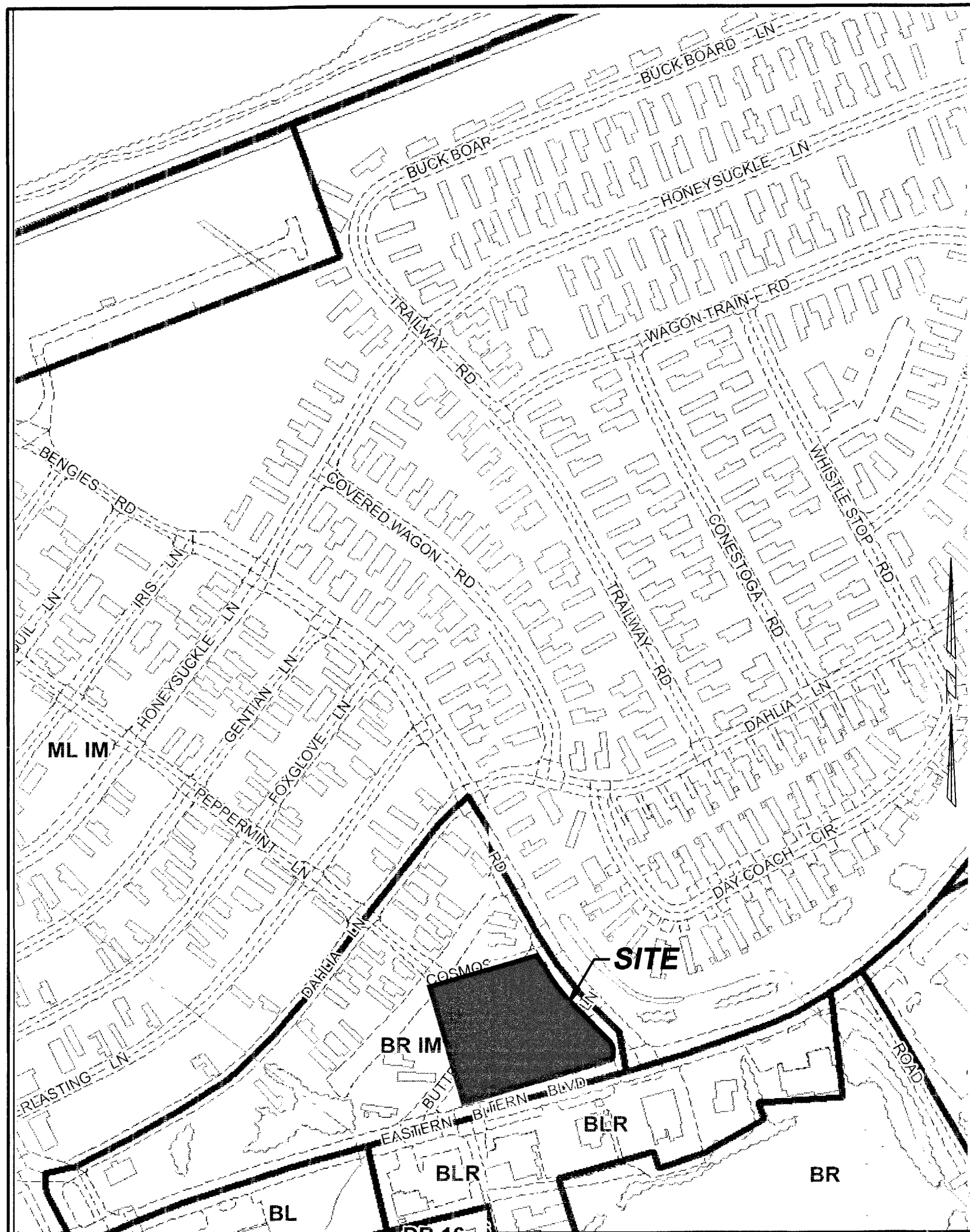
10540 York Road, Suite M
Hunt Valley, Maryland 21096
phone 410-683-1004
facsimile 410-683-1798
www.matiswarfield.com



OWNER / DEVELOPER
TWO FARMS, INC.
3611 ROLAND AVENUE
BALTIMORE, MARYLAND 21211-2408
(410) 889-0200

Plan to Accompany A Petition for a Variance
ROYAL FARMS STORE
3320 EASTERN BLVD.
Councilmanic District 5
Tax Map 91 Parcel 429, Lot 1
Scale: 1" = 20'
Election District 15
December 19, 2008
Sheet 1 of 4

MCS



PARTS OF 2004 ZONING MAPS 091A1 & 091B1

NOTE:
THE BALTIMORE COUNTY 2008 1" = 200' SCALE MAPS WERE NOT AVAILABLE AT THE TIME OF THE PREPARATION OF THIS PLAN. THE BALTIMORE COUNTY ZONING MAP WEBSITE WAS REVIEWED AND THERE WERE NO ZONING ISSUES FOUND IN THE ABOVE DISPLAYED AREA.

PREVIOUS COMMERCIAL PERMITS

- B671374 3320 Eastern Blvd. Car Wash (Mar, 2008)
- B681832 3320 Eastern Blvd. Underground Fuel Tank
- B681830 3320 Eastern Blvd. Canopy
- B678177 3320 Eastern Blvd. Convenience Store
- B598259 3320 Eastern Blvd. Grading for Convenience Store
- B598256 3320 Eastern Blvd. Stormwater Management for Convenience Store

ZONING HISTORY

02-326-X 1/27/03 - Special Exception to permit a fuel service station on an individual site and a convenience store, carryout restaurant, and rollover car wash as uses in ~~common~~ therewith. (Granted) See Order, Sheet 4-of 4.
86-44-SPHA 10/21/85 - Special Hearing and Petition for Variance to reduce the site area of the existing Trailer Camp in order to construct an office building and to permit a side yard setback of 10 ft. instead of the required 30 ft., respectively. (Granted)
1013 - S 9/02/47 - Petition for special permit for Trailer Camp. (Granted) See following Restrictions as noted:
1) The Petitioner may apply for its building permit and be granted same upon obtaining approval of the site plan by the County Review Group; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2) The single downspout which drains the entire roof area must be directed or discharged to a different location to encourage maximum infiltration, which would be the middle of the yard on the same side of the building as the downspout is located. Since the site has a number of newly planted trees, including large deciduous trees, no additional trees shall be required.

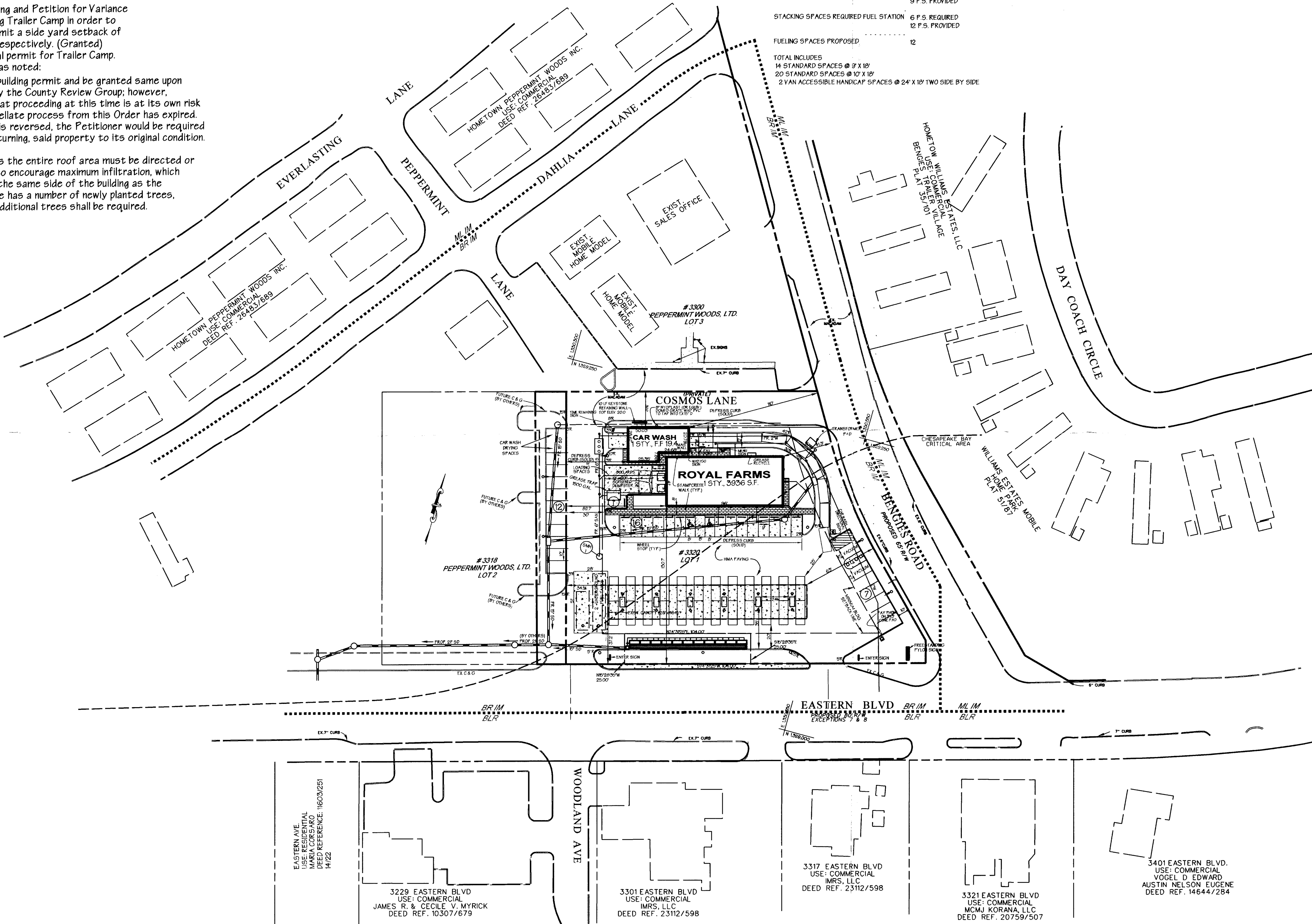
GENERAL NOTES

- All work shall conform to Baltimore County standard specifications and details or as shown on these approved plans.
- The contractor shall notify Miss Utility (1-800-257-7777) five days prior to starting work.
- It is the responsibility of the contractor to investigate for underground gas and/or electric lines.
- The subject site is partly within the Chesapeake Bay Critical Area.
- See architectural plans for exact signage dimensions.
- The proposed signs shall be located in conformance with the Baltimore County Sign Regulations.
- DRC #0517041: A limited exemption was granted per Sections 26-202 & 26-206 on 2/09/05.
- This site is serviced by public water and sewerage systems.
- A Landscape Plan was approved on 3-22-05.
- There are no existing or impending failures of the basic services in the area of the subject site.
- The subject site is located in Zone X of the FEMA Floodplain Maps, Panel 2400100435 dated 9-26-2008. Zone X: area determined to be outside of the 0.2% annual chance floodplain.

SITE DATA

SITE AREA	56,366.64 SQ. FT. OR 12940 AC. (NET); 72853 SF = 16679 AC. (GROSS)
PRESENT ZONING	BR IM
EXISTING USE	VACANT / UNDER CONSTRUCTION
PROPOSED USE:	CONVENIENCE STORE W/ FUEL PUMPS, CARRYOUT RESTAURANT AND CAR WASH
PLAT REFERENCE	S.M. 77/028
TAX ACCOUNT NUMBER	24-00-000361
BUILDING FLOOR AREA	3956 SF STORE + 1240 SF CARWASH
FLOOR AREA RATIO	0.09 (3956 + 1240) / 72853 = 0.07
BUILDING HEIGHT	17' 6"
PARKING SPACE DATA	
PARKING REQUIRED:	
Convenience Store	
2,976 SF. @ 5 P.S./1000 SF.	=15
Carryout Restaurant (no seating)	
960 SF. @ 510000 SF.	=4
1/Employee on largest shift	=1
1 Space for ATM	=1
1 Space/ Air Unit	=1
Car Wash Drying Spaces	=2
Car Wash Vacuum Cleaner	=1
Additional Spaces	=2
	=31
PARKING PROVIDED:	36 (including 2 handicap spaces)
LOADING PROVIDED:	2
CAR WASH STACKING SPACES (3' x 20')	9 P.S. REQUIRED
	9 P.S. PROVIDED
STACKING SPACES REQUIRED FUEL STATION	6 P.S. REQUIRED
	12 P.S. PROVIDED
FUELING SPACES PROPOSED	12
TOTAL INCLUDES	
14 STANDARD SPACES @ 9' X 19'	
20 STANDARD SPACES @ 12' X 19'	
2 VAN ACCESSIBLE HANDICAP SPACES @ 24' X 19' TWO SIDE BY SIDE	

ROYAL FARMS STORE	
*Hours of Operation	24 Hours/7 Days per Week
Max. Number of Employees/Shift:	Morning/Afternoon = 3 Afternoon/Evening = 3 Night = 2

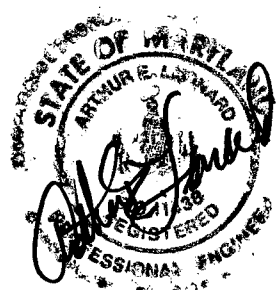


LOCATION PLAN
SCALE : 1" = 50'

PETITIONER'S
EXHIBIT NO. 1B

Matis Warfield
consulting engineers

10540 York Road, Suite M
Hunt Valley, Maryland 21030
phone 410-883-7004
facsimile 410-883-1798
www.matiswarfield.com



OWNER
Two Farms, Inc.
3611 Roland Avenue
Baltimore, Maryland 21211-2408
(410) 889-0200

Plan to Accompany A Petition for a Variance

ROYAL FARMS STORE

3320 Eastern Blvd.
Baltimore, Maryland 21220
Store #128

Councilmanic District 5 &
Tax Map 91 Parcel 429, Lot 1
Scale: 1" = 50'

Election District 15
December 19, 2008
Sheet 2 of 4

Peppermint Woods, Ltd., Owners;
BP Products North American, Inc.,
Contract Purchasers

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of January 2003 that the Petition for Special Exception to permit a fuel service station on an individual site and a convenience store, carryout restaurant, and rollover car wash as uses in combination therewith, pursuant to Sections 405.2.B.1, 405.4.E.1, 405.4.E.2 and 405.4.E.10 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibits 1 and 4, be and is hereby GRANTED, subject to the following restrictions:

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

2) Prior to the issuance of any permits, the Petitioners shall submit a landscape and lighting plan for review and approval by the Office of Planning and Avery Harden, Landscape Architect for Baltimore County. The screening and lighting plan shall provide sufficient screening so that security lights, permanent lighting and vehicle headlights do not inappropriately spill onto adjacent properties, particularly the Bengies Drive-In Movie Theater as more particularly described above.

3) The proposed road improvements to Eastern Avenue shall be completed in accordance with the SHA requirements.

4) A storm water management plan shall be submitted to DEPRM for review and approval, prior to the issuance of any permits, or a waiver of same obtained. Compliance with all other environmental codes and regulations.

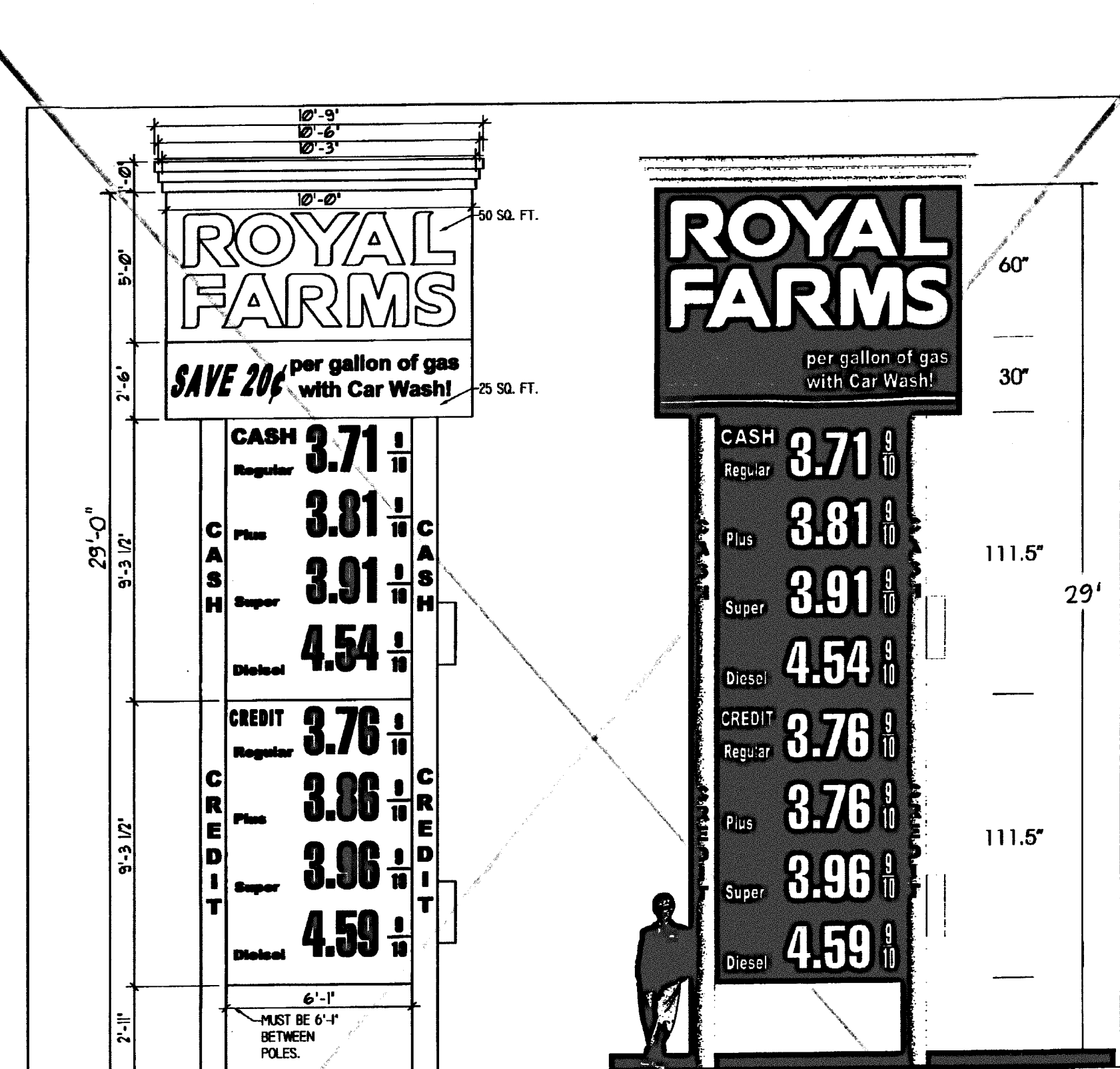
5) When applying for a building permit, the site plan and landscape/lighting plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petitioners shall have five (5) years from the date hereof to utilize the special exception relief granted herein.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:hjs

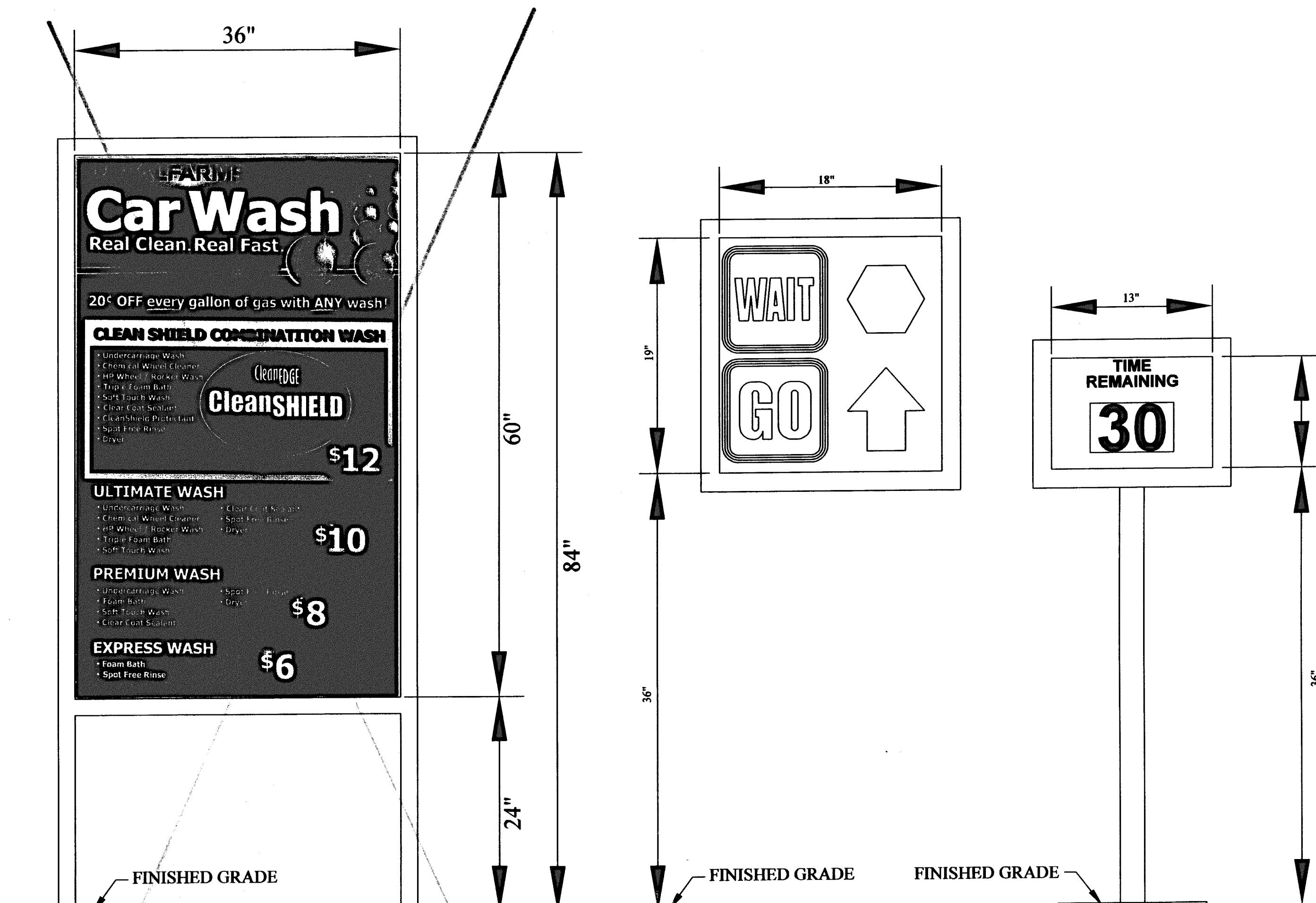
ZONING ORDER



FREESTANDING PYLON SIGN

NO SCALE

NOTES: PRICE SIGN AREA EXEMPT PURSUANT TO STATE REGULATIONS.
AREA OF SIGN ALLOWED = 100 SF
AREA OF SIGN PROPOSED = 75 SF
PRICES SHOWN ARE FOR ILLUSTRATION ONLY.
SIGN IS ILLUMINATED



CAR WASH MENU SIGN

NO SCALE

Notes: Sign cabinet is 6.5" in depth. Sign is illuminated.
Prices shown are for illustration only.
Area of sign = 15 SF

CAR WASH WAIT/GO SIGN

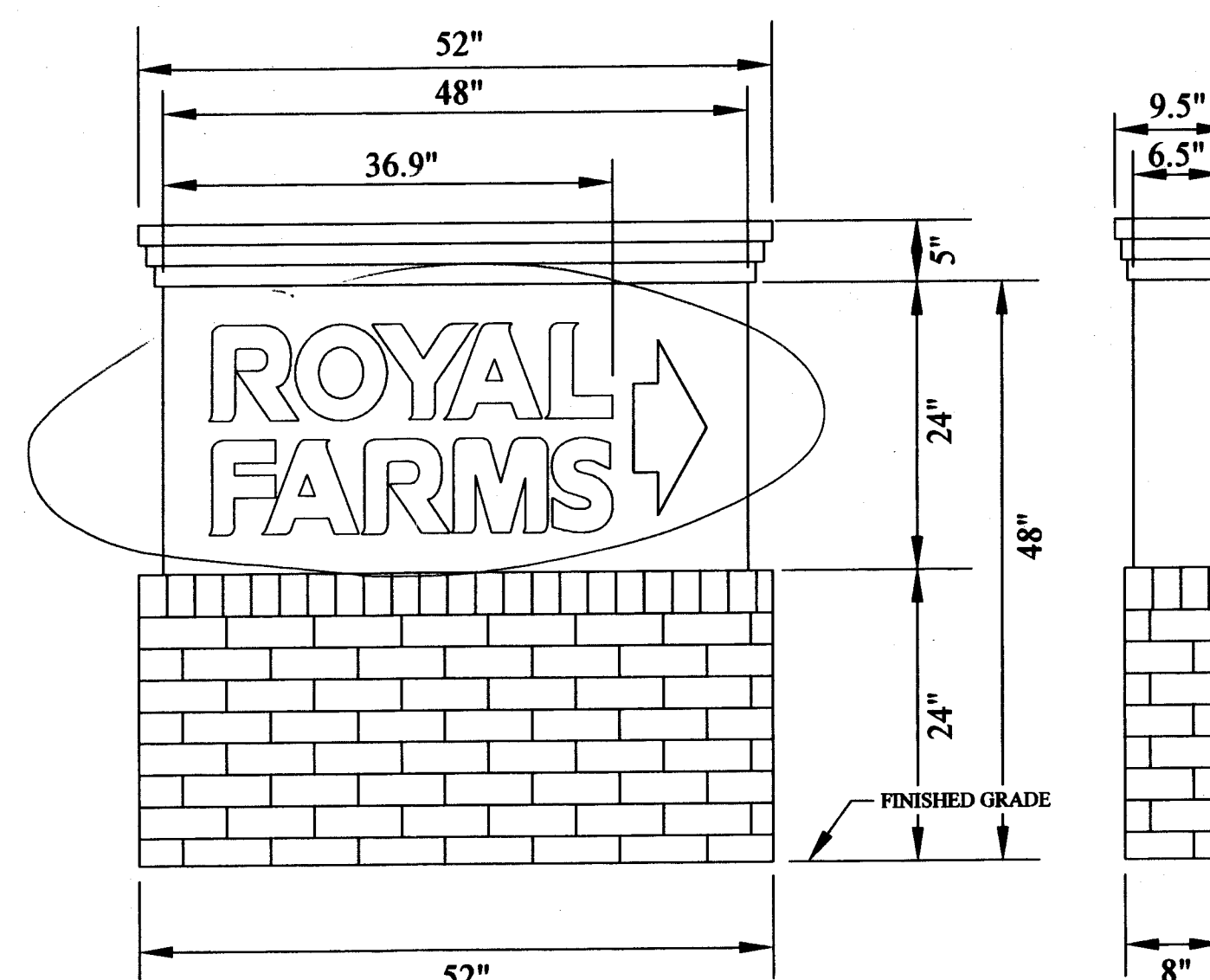
NO SCALE

Note: Sign cabinet is 6" in depth.
Sign is illuminated.
Area of sign = 2.38 SF

CAR WASH TIME REMAINING SIGN

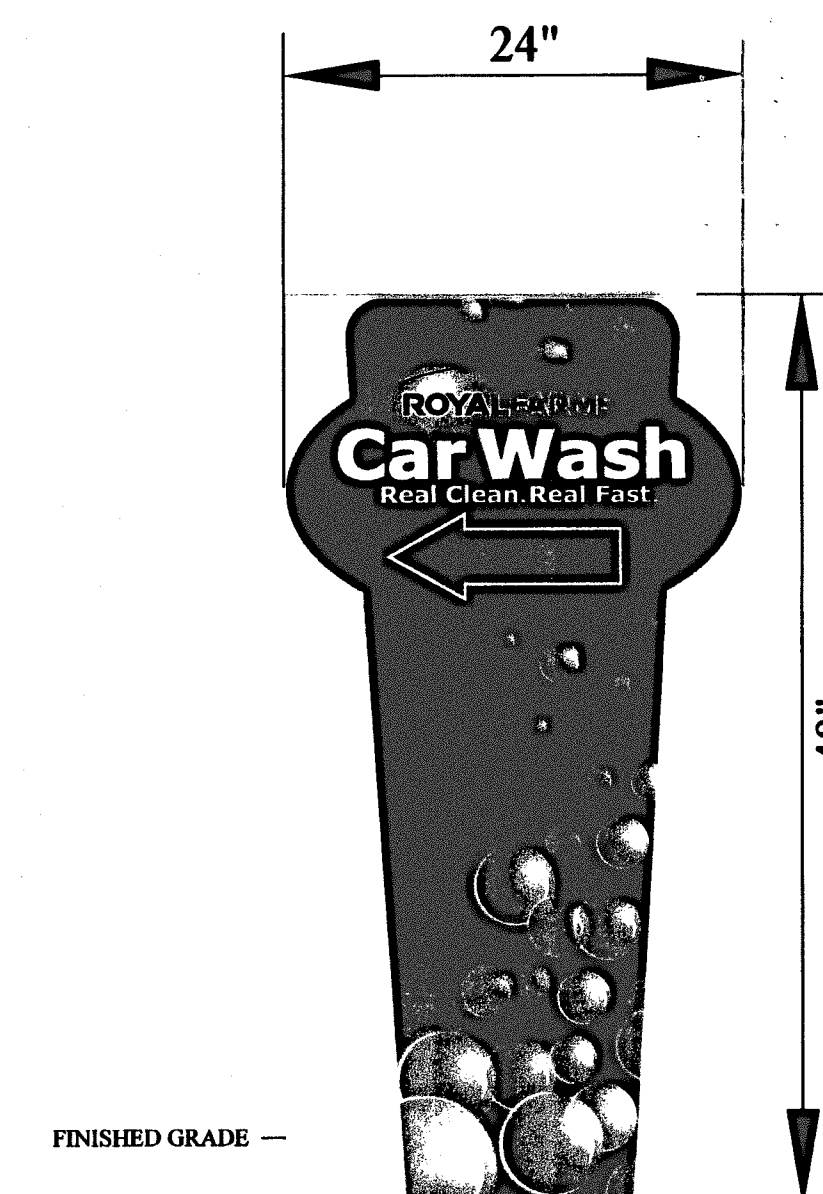
NO SCALE

Note: Sign cabinet is 6" in depth.
Sign is illuminated.
For exact lettering styles,
see manufacturer's cutsheets.
Area of sign = 0.81 SF



ROYAL FARMS DIRECTIONAL SIGN

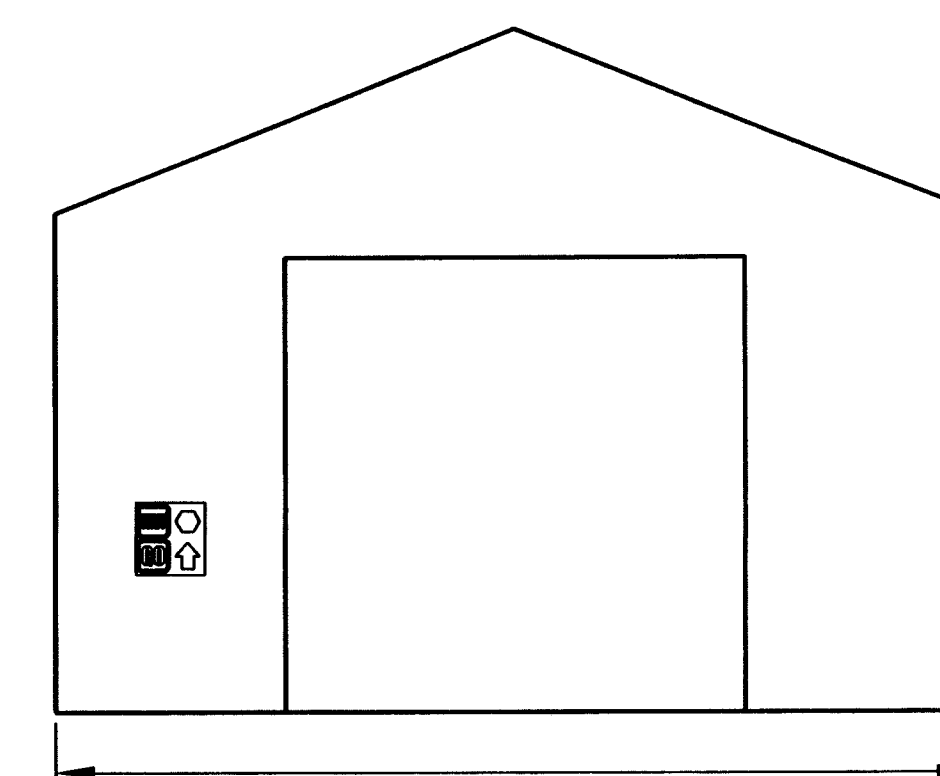
NO SCALE



CAR WASH DIRECTIONAL SIGN

NO SCALE

Notes: Sign is illuminated.
Area of sign = 5.4 SF



CAR WASH ENTRANCE SIDE

NO SCALE

ZONING ORDER & SIGNAGE DETAILS

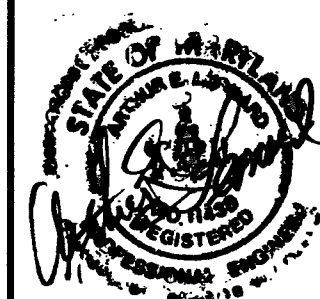
PETITIONER'S

EXHIBIT NO. 1C

Plan to Accompany A Petition for a Variance

Matis Warfield
consulting engineers

10540 York road, suite m
hunt valley, Maryland 21030
phone 410-883-7004
facsimile 410-883-1798
www.matiswarfield.com



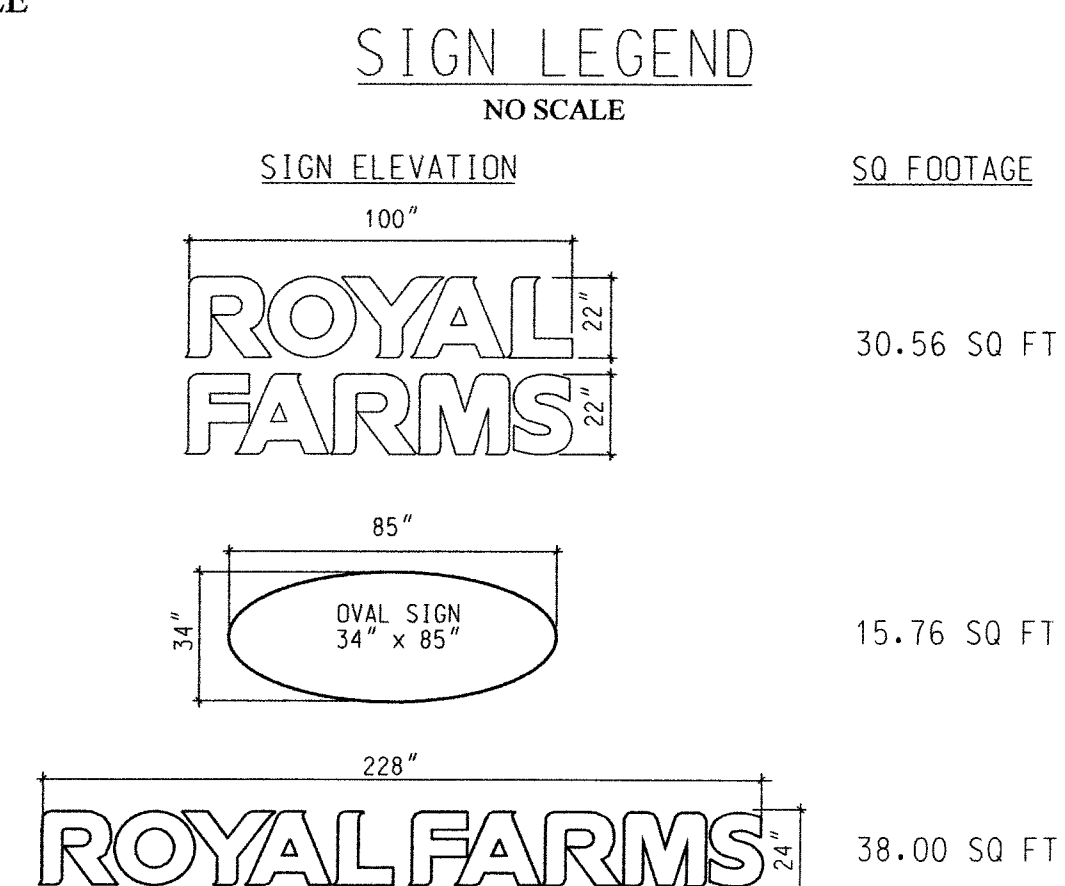
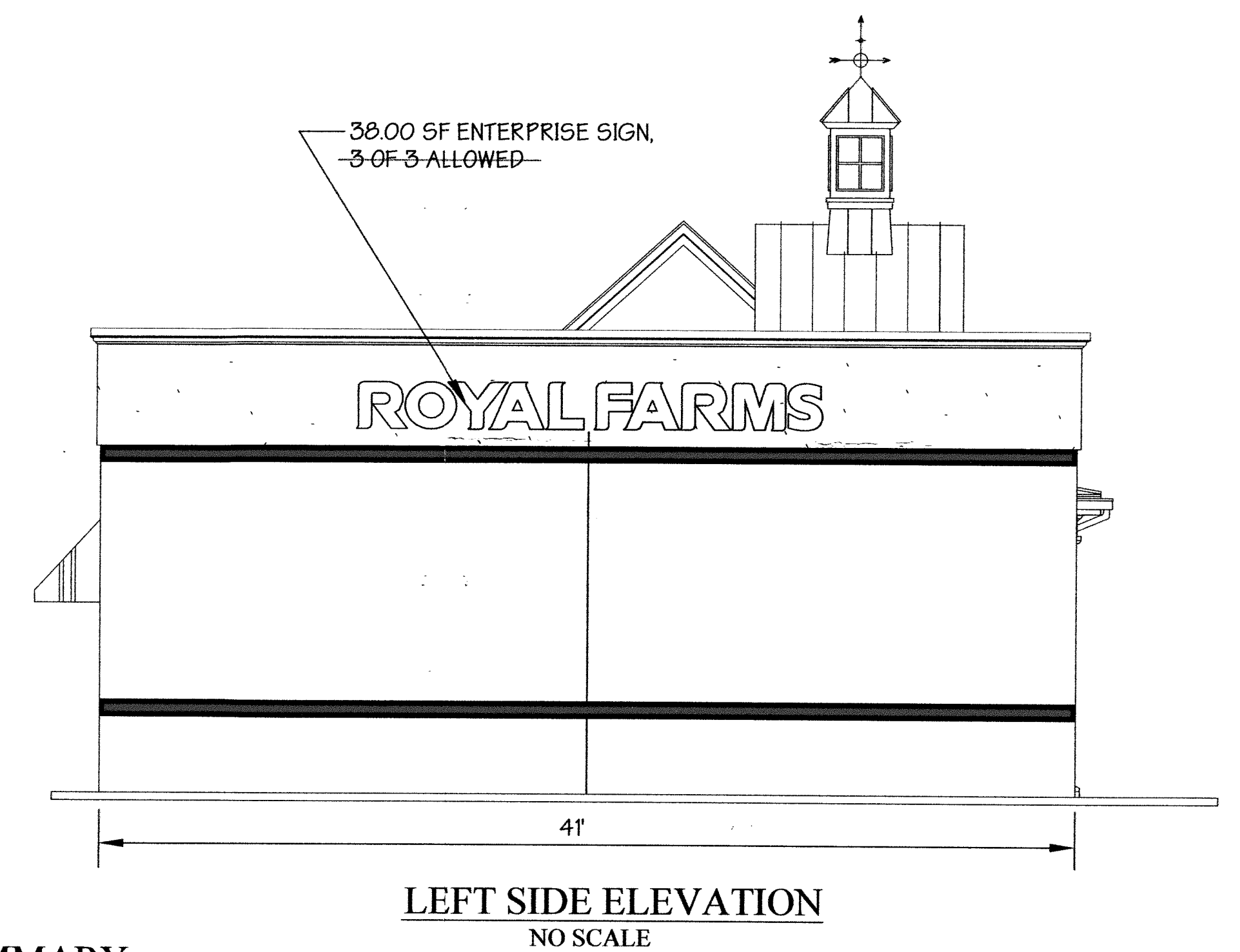
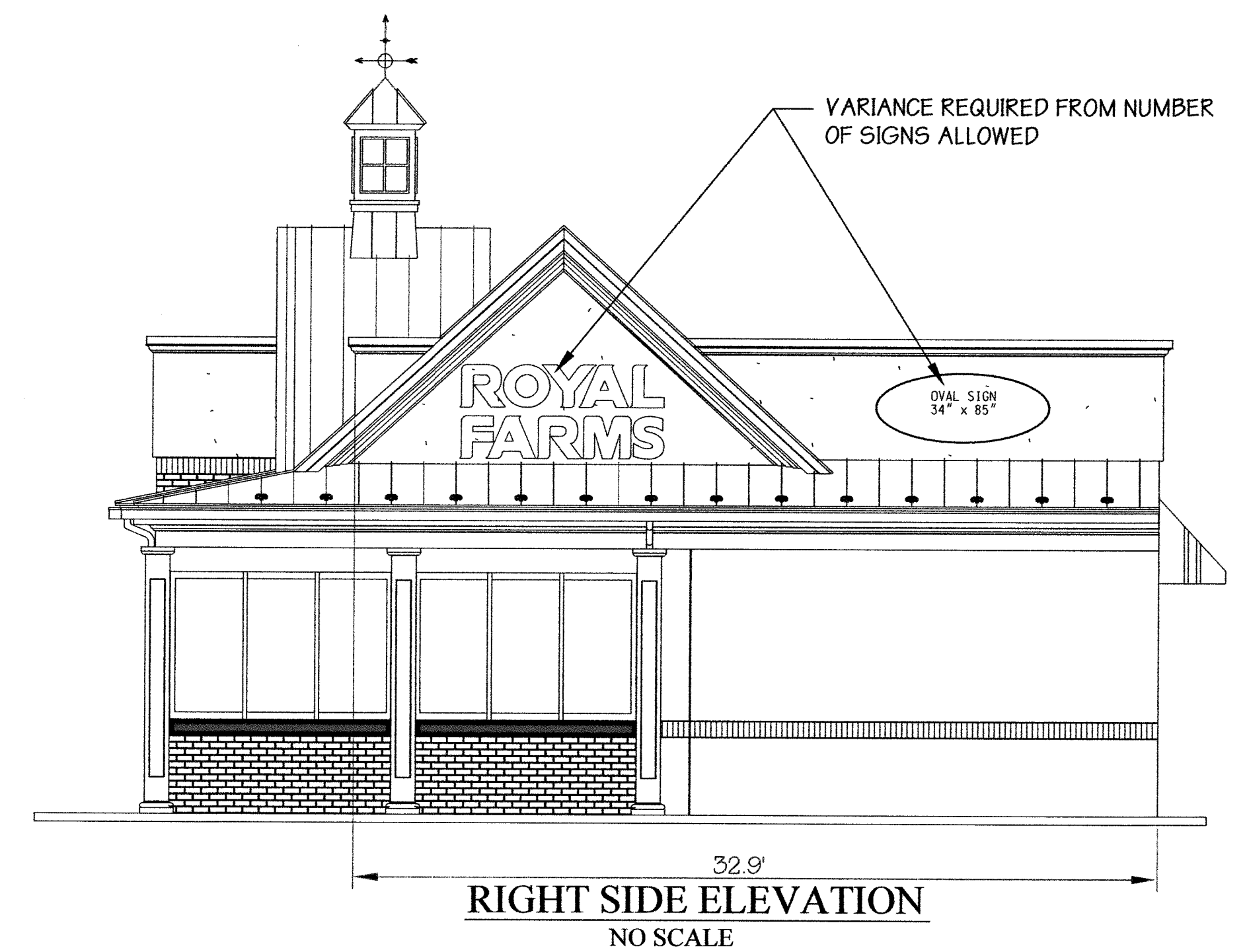
OWNER
Two Farms, Inc.
3611 Roland Avenue
Baltimore, Maryland 21211
(410) 889-0200

ROYAL FARMS STORE

3320 Eastern Blvd.
Baltimore, Maryland 21220
Store #128

Councilmanic District 5-6
Tax Map 91 Parcel 429, Lot 1
Scale: 1" = 20'

Election District 15
December 19, 2008
Sheet 3 of 4



TYPE OF SIGN	ALLOWED AREA	ALLOWED NUMBER	ALLOWED HEIGHT	PROPOSED AREA	PROPOSED NUMBER	PROPOSED HEIGHT	VARIANCE REQUIRED
ENTERPRISE: WALL MOUNTED	2 X 11' N/G (11' OF WALL)	3, NO MORE THAN 2 PER FACADE					
FRONT	2 X 88.3' = 176.60 SF	3, NO MORE THAN 2 PER FACADE	NA	93.60 SF	5	NA	YES: SIGN TABLE ITEM 5.(a)(vi)
RIGHT SIDE	4.5 SF, 2 X 12.5' = 65.8 SF	0	NA	46.32 SF	2	NA	YES: SIGN TABLE ITEM 5.(a)(vi)
REAR	0.5 SF, 2 X 6.7' = 17.50 SF	0	NA	0 SF	0	NA	NO
LEFT SIDE	2 X 41' = 82 SF	1	NA	38.00 SF	1	NA	NO YES: SIGN TABLE ITEM 5.(a)(vi)
ENTERPRISE: FREESTANDING	2 X 100' = 200 SF						
PYLON		2, 1 PER FRONTAGE	25'	75 SF	1	25'	YES: SIGN TABLE ITEM 5.(b)(vii)
DIRECTIONAL	8 SF PER SIGN	NA	6'				
ROYAL FARMS	*8 SF	NA	6'	*8 SF	2	4'	YES: *SIGN TABLE ITEM 3.IX
CAR WASH WAIT / GO	8 SF	NA	6'	2.38 SF	1	4.58'	NO
CAR WASH TIME REMAINING	8 SF	NA	6'	0.81 SF	1	3.75'	YES
CAR WASH MENU	8 SF	NA	6'	1.58 SF	1	4'	YES: SIGN TABLE ITEMS 3.V & 3.VII
CAR WASH DIRECTIONAL	8 SF	NA	6'	5.4 SF	1	4'	NO

EXHIBIT NO. 10

Plan to Accompany A Petition for a V&

ROYAL FARMS STORE

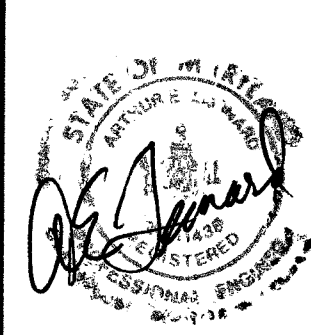
3320 Eastern Blvd.
Baltimore, Maryland 21220
Store #128

Councilmanic District 5-6
Tax Map 91 Parcel 429, Lot 1
Scale: 1" = 20'

lection District 15
ev. January 06, 2009
heet 4 of 4

Matis
consulting engineers

10540 york road suite m
hunt valley, maryland 21030
phone 410-683-7004
facsimile 410-683-1798
www.matiswarfield.com



OWNER
Two Farms, Inc.
3611 Roland Avenue
Baltimore, Maryland 21211
(410) 889-0200

The Bowleys Quarters Improvement Association, Inc.

P.O. Box 18051

Baltimore, Maryland 21220

(410) 335-9802

William J. Wiseman, III
Zoning Commissioner, Baltimore County
County Courts Building
105 W. Chesapeake Ave. Suite 103
Towson, Maryland 21204

RECEIVED

JAN 27 2009

Re: Zoning Case #2009-128-A

ZONING COMMISSIONER

Royal Farms 320 Eastern Boulevard

Petition for Variance

Dear Mr. Wiseman:

I am President of the Bowleys Quarters Improvement Association and as the above-referenced property is located within our boundaries, the Association has an interest in Case # 2009-128-A.

As we understand it, Royal Farms filed a petition for variance to allow a freestanding pylon sign 29' tall instead of the permitted 25', freestanding directional signs with a larger Royal Farms logo than is permitted under the zoning regulations, and a total of eight wall mounted signs on its convenient store building (instead of three permitted). I've had the opportunity to review the site plan submitted with the petition filed in Case # 2009-128-A and to meet with representatives of Royal Farms at the subject property to discuss the proposed signage. As I explained to Royal Farms' representatives during our meeting, our Association's only concern is with the request for the 29' tall pylon sign. However, I understand through a conversation with David Karceski, Counsel for Royal Farms, that Royal Farms will withdraw its variance request for the freestanding sign height and continue to use the existing freestanding sign, which is permitted by right and does not exceed the 25' height limitation for this sign type.

With the withdrawal of the variance request for a 29' tall pylon sign, our Association does not oppose Royal Farms remaining requested relief for freestanding directional and wall-mounted signs. We believe that these remaining variances, if approved, would not have an adverse impact on the surrounding area.

Thank you for your consideration of this position.

Sincerely,


Michael Vivirito

President

1-27-09

PETITIONER'S

EXHIBIT NO.

2

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 27, 2009

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

SUBJECT: 3320 Eastern Boulevard

INFORMATION:

Item Number: 9-128

Petitioner: Two Farms, Inc.

Zoning: BR-IM

Requested Action: Variance

RECEIVED

JAN 27 2009

ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. It is the understanding of the Office of Planning that the petitioner has withdrawn a variance request for a freestanding enterprise sign with a height of 29 feet, in lieu of the permitted 25 feet.

This Office of Planning does not oppose the remaining variance requests for 8 wall mounted enterprise signs and 2 freestanding directional signs.

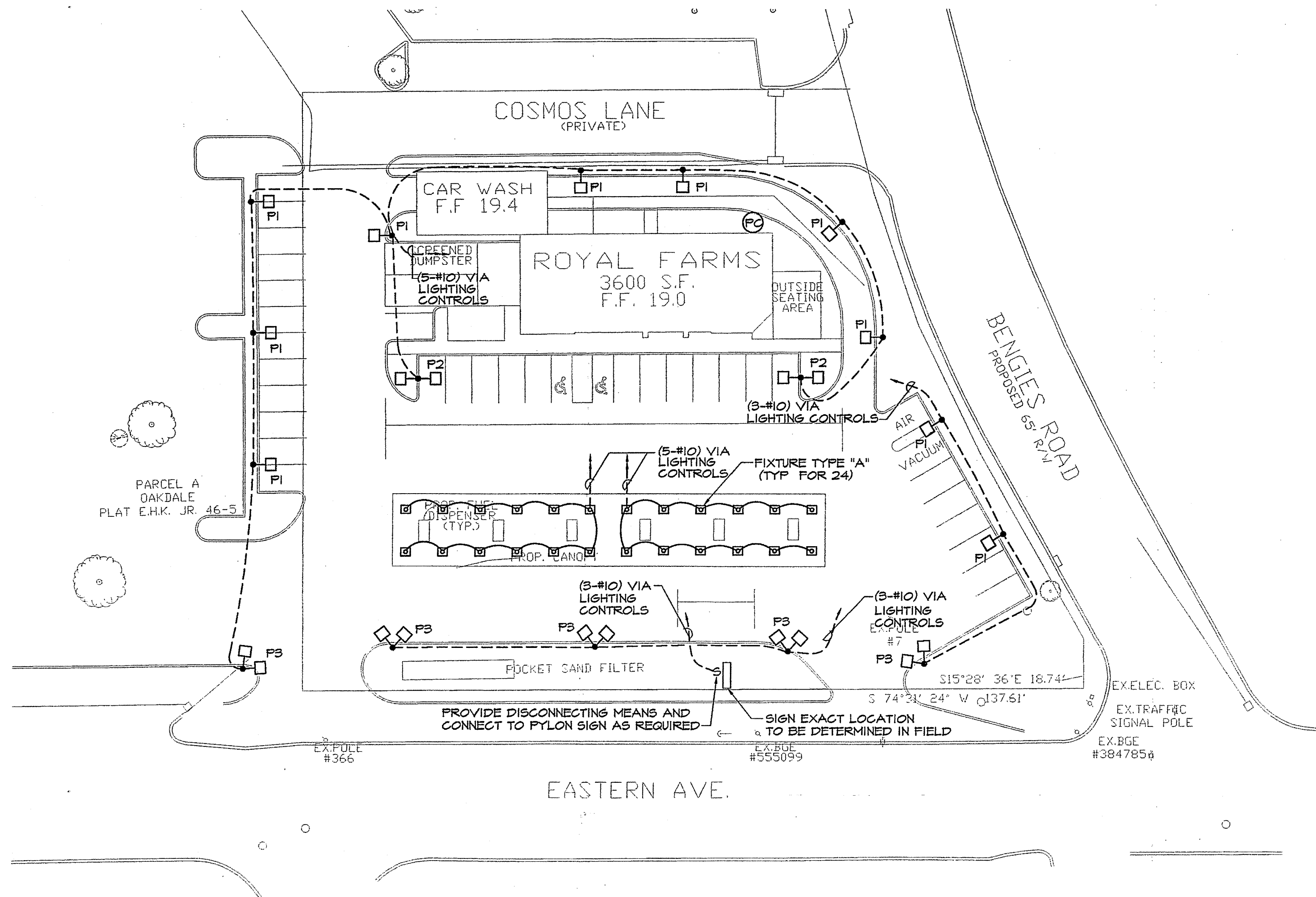
For further information concerning the matters stated here in, please contact Dave Green at 410-887-3480.

Prepared by:

Division Chief:
AFK/LL: CM

PETITIONER'S

EXHIBIT NO. 3



SITE LIGHTING PLAN
SCALE: 1"=30'

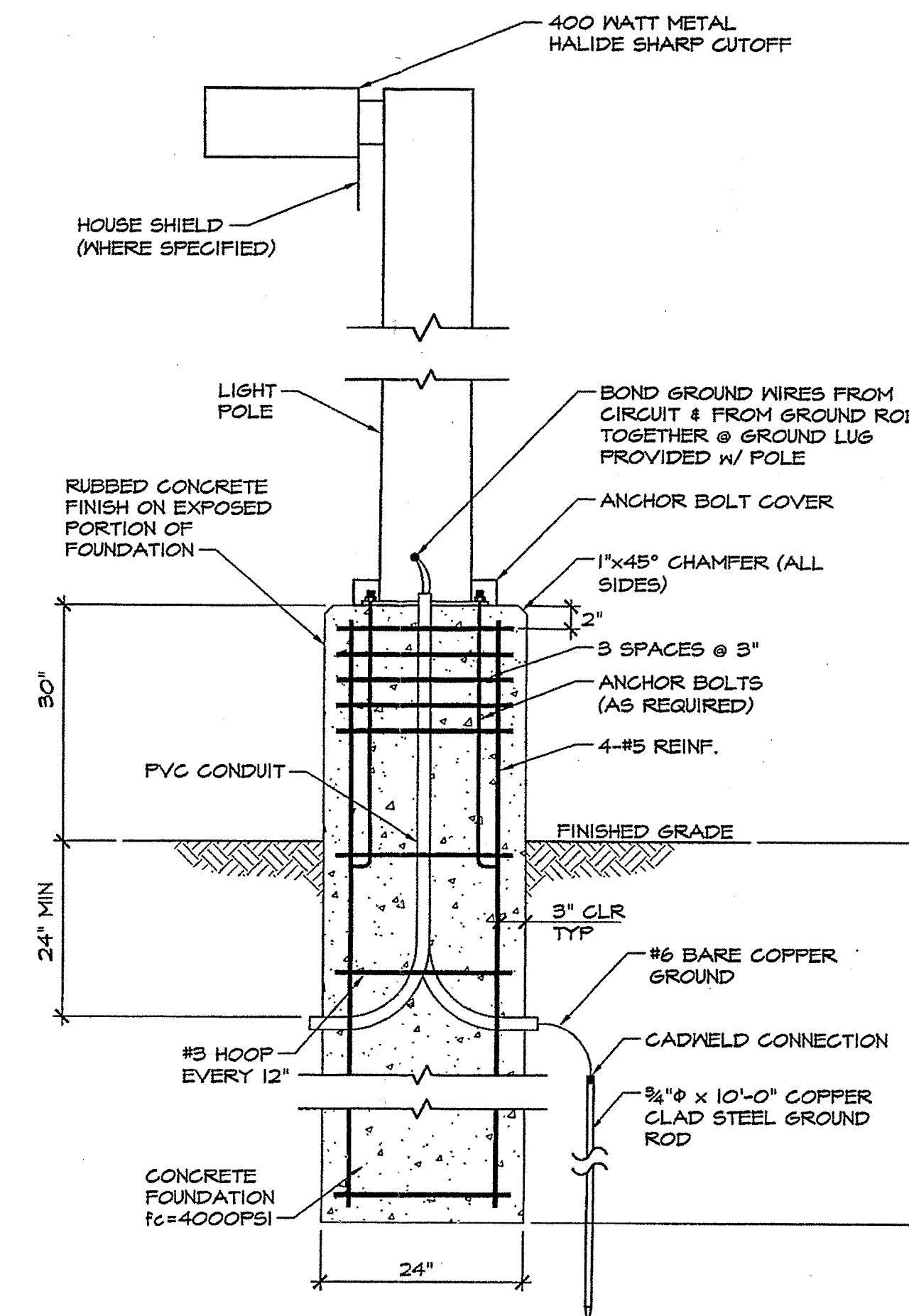
SITE WIRING NOTES:

1. ALL WIRING SHALL BE 2-#10 & 1-#10 GRD - 9/4" C UNLESS NOTED OTHERWISE. MINIMUM BURIAL DEPTH SHALL BE 24"
2. ASSUMED BRANCH CIRCUIT VOLTAGE IS 208V. ASSUMED CONTROL VOLTAGE FOR PHOTOCELL AND CONTACTORS IS 120V.
3. UNDERGROUND CONDUIT SHALL BE SCHEDULE 40 PVC.
4. CONDUCTORS SHALL BE COPPER W/ XHHW OR RHW INSULATION.

LUMINAIRE SCHEDULE

TYPE	DESCRIPTION	MFR/CAT.NO.
P1	400W, METAL HALIDE FIXTURE, W/TYP IV DISTRIBUTION, MULTI-TAP BALLAST, FLAT LENS HOUSE SIDE SHIELD, MOUNTED ON SQUARE STEEL POLE. OVERALL MOUNTING HEIGHT SHALL BE 18'.	LSI INDUSTRIES BPH-CHH-400-16-F-BUH-HSS POLE: LSI INDUSTRIES. 45Q BO SERIES
P2	SIMILAR TO P1 BUT DOUBLE FIXTURES 180 DEGREE APART, NO HOUSE SIDE SHIELD	LSI INDUSTRIES BPH-CHH-400-16-F-0180-BUH POLE: LSI INDUSTRIES. 45Q BO SERIES
P3	SIMILAR TO P2 BUT DOUBLE FIXTURES 90 DEGREE APART	LSI INDUSTRIES BPH-CHH-400-16-F-090-BUH POLE: LSI INDUSTRIES. 45Q BO SERIES
A	RECESSED MOUNTED HID FIXTURE WITH TYPE V DISTRIBUTION 320W PULSE START METAL HALIDE LAMP, MULTI-TAP BALLAST	LSI INDUSTRIES EC-S-320-PSMY-F

PLEASE SUBMIT
A "FACTORY CUT"
OF THIS.



LIGHTING POLE BASE DETAIL
NOT TO SCALE

LIGHT FIXTURE SYMBOLS

- P • □ POLE MOUNTED FIXTURE
A □ RECESSED MOUNTED FIXTURE

SEE NOTE
ON PLAN.

PROTESTANT'S
EXHIBIT NO. 3

RECEIVED
JUN 30 2004
RECEIVED - PHOTO

ROYAL FARMS STORE

STORE #128

CONTENT:

SITE
LIGHTING

REVISED:

date

DATE: 4/30/04

SCALE: AS SHOWN

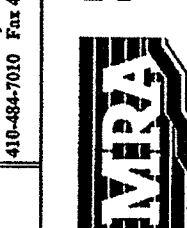
DRAWN BY: RLS

E1

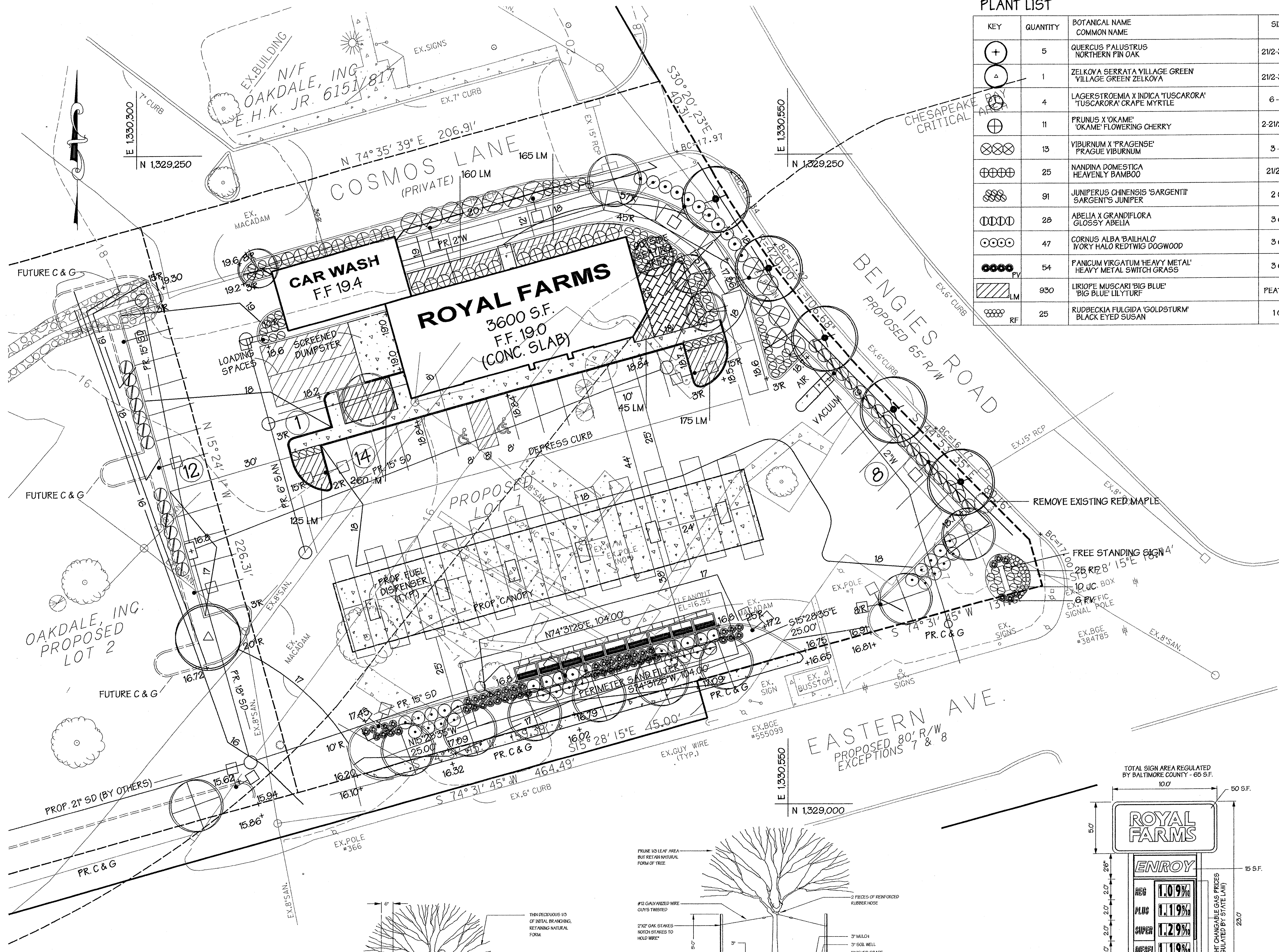


PETER W. RATCLIFFE, AIA
ARCHITECTS
10004 Stevenson Road
Stevenson, Maryland 21153
(410) 484-7100 Fax (410) 484-7101

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEER, PLANNER, ARCHITECT AND LANDSCAPE ARCHITECTS
2220-C EAST OAKDALE ROAD, SUITE 505
TOWSON, MARYLAND 21204
(410) 821-1700 FAX (410) 821-1748



MAR 17 2005



PLANT LIST						
KEY	QUANTITY	BOTANICAL NAME COMMON NAME	SIZE	CONDITION	REMARKS	
+	5	QUERCUS PALUSTRIS NORTHERN PIN OAK	2 1/2" 3" CAL.	B & B	HEAVY SPECIMENS	
Δ	1	ZELKOYA SERRATA VILLAGE GREEN VILLAGE GREEN ZELKOYA	2 1/2" 3" CAL.	B & B	HEAVY SPECIMENS	
⊕	4	LAGERSTROEMIA X INDICA 'TUSCARORA' 'TUSCARORA' CRAPE MYRTLE	6" 8" HT.	B & B	MULTI-STEMMED	
⊕	11	PRUNUS 'OKAME' 'OKAME' FLOWERING CHERRY	2-2 1/2" CAL.	B & B		
⊗	13	VIBURNUM X 'PRAGENSE' PRAGUE VIBURNUM	3" 4" HT.	B & B	SPACE 7" O.C. STAGGER	
⊗	25	NANDINA DOMESTICA HEAVENLY BAMBOO	2 1/2" 3" HT.	CONTAINER	SPACE 5" O.C. STAGGER	
⊗	91	JUNIPERUS CHINENSIS 'SARGENTII' 'SARGENT'S' JUNIPER	2 GAL.	CONTAINER	SPACE 3" O.C. STAGGER	
⊗	28	ABELIA X GRANDIFLORA GLOSSY ABELIA	3 GAL.	CONTAINER	SPACE 5" O.C. STAGGER	
⊗	47	CORNUS ALBA 'BALHALO' IVORY HALE REDTWIG DOGWOOD	3 GAL.	CONTAINER	SPACE 5" O.C. STAGGER	
⊗	54	PANICUM VIRGATUM 'HEAVY METAL' HEAVY METAL SWITCH GRASS	3 GAL.	CONTAINER	SPACE 3" O.C.	
LM	930	LIRIOPE MUSCARI 'BIG BLUE' 'BIG BLUE' LILYTURT	FEAT POTS	24/FLAT	SPACE 12" O.C. STAGGER	
RF	25	RUDBECKIA FULGIDA 'GOLDSTURM' BLACK EYED SUSAN	1 GAL.	CONTAINER	SPACE 12" O.C. STAGGER	

Landscape Calculations		
Planting Required:		
Interior Roadway: 1 PU/20 Lf. @ 270 Lf. =	235 PUs	
Adjacent Roadway: 1 PU/40 Lf. @ 550 Lf. =	14 PUs	
Parking Spaces:		
1 PU/12 Spaces @ 25 spaces =	2 PUs	
Parking Adjacent to Public Road: (Class 'B')		
1 PU/15 Lf. @ 163 Lf. =	11 PUs	
Drive through service lane adjacent to public Right of Way:		
1 PU/20 Lf. @ 100 Lf. =	5 PUs	
Total PUs Required:		555 PUs
Planting Provided:		
Major Deciduous Trees:		
Flowering Trees: (2 Flowering Trees = 1 PU)	7 PUs	7.5 PUs
Shrubs: (5 Shrubs = 1 PU)	41 PUs	41 PUs
Total PUs Provided:		55.5 PUs

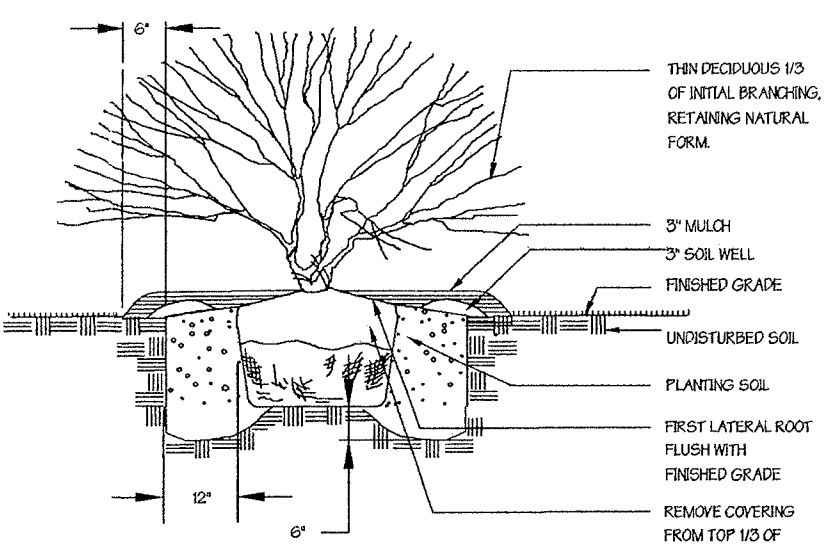
SPECIFICATIONS FOR PLANTING

- A. STANDARDS:**
1. ALL PLANT MATERIAL, CONSTRUCTION METHODS AND MATERIAL PLACEMENT SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF "AMERICAN STANDARD FOR HURMURY STOCK", AS PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN, INC., THE "LANDSCAPE SPECIFICATION GUIDELINES FOR BALTIMORE-WASHINGTON METROPOLITAN AREAS."
 2. ALL TREES SHALL BE DELIVERED TO THE SITE BALLED AND BURLAPPED. ALL SHRUBS SHALL BE BALLED AND BURLAPPED OR IN CONTAINERS. ALL GRASSES & PERENNIALS SHALL BE IN CONTAINERS.
 3. MAINTENANCE:
 1. AFTER THE PLANTING HAS BEEN APPROVED BY THE LANDSCAPE ARCHITECT AND THE OWNER, THE MAINTENANCE OF WATERING AND WEEDING OF SUCH PLANTS AND PLANTED AREAS SHALL BE PROVIDED BY THE OWNER. SINCE THE PLANTS ARE TO BE GUARANTEED BY THE CONTRACTOR, THE CONTRACTOR SHALL PERIODICALLY CHECK THE MAINTENANCE CONDUCTED BY THE OWNER. IF THE CONTRACTOR IS NOT SATISFIED WITH THE MAINTENANCE OF THE PLANTS, A WRITTEN REPORT, IN TRIPPLICATE, STATING APPROPRIATE CHANGES SHALL BE GIVEN IMMEDIATELY TO THE LANDSCAPE ARCHITECT. TWO COPIES WILL BE FORWARDED TO THE OWNER. BEGIN MAINTENANCE IMMEDIATELY AFTER PLANTING.
 2. MAINTAIN TREES UNTIL FINAL ACCEPTANCE, BUT IN NO CASE, LESS THAN 45 DAYS AFTER FINAL ACCEPTANCE OF PLANTING. MAINTAIN ALL PLANTS BY PRUNING, CULTIVATING AND WEEDING AS REQUIRED FOR HEALTHY GROWTH. RESTORE PLANTING SAUCERS, TIGHTEN AND REPAIR STAKE AND GUY SUPPORTS AND RESET TREES TO PROPER GRASSES OR VERTICAL POSITION AS REQUIRED. RESTORE OR REPLACE DAMAGED WEAPONS. SPRAY AS REQUIRED TO KEEP ALL PLANTS FREE OF INSECTS AND DISEASE.
 3. WATERING:
 1. IN THE ABSENCE OF ADEQUATE RAINFALL, WATERING SHALL BE PERFORMED DAILY OR AS OFTEN AS NECESSARY DURING THE FIRST WEEK AND IN SUFFICIENT QUANTITIES TO MAINTAIN MOIST SOIL TO A DEPTH OF 4 INCHES. WATERING SHALL NOT BE DONE DURING THE HEAT OF THE DAY. CONTRACTOR SHALL PROVIDE A SEPARATE LUMP SUM PRICE IN THE OVERALL LANDSCAPE BID FOR WATERING TO ALL NEW PLANTINGS DURING ONE GROWING SEASON.
 4. EXCAVATION:
 1. DEPTH AND WIDTH OF EXCAVATION FOR PLANTING OF ALL PLANTS SHALL BE TO TWICE THE DEPTH AND WIDTH OF ROOT BALL OR CONTAINER OF PLANT TO BE INSTALLED, EXCEPT AS NOTED ON DETAILS.
 2. TOPSOIL, PLANTING MIX, AND MULCH:
 1. ALL TOPSOIL SHALL BE WELL GRADED LOAM OF GOOD UNIFORM QUALITY AND SHALL BE A NATURAL FRABLE SOIL FREE OF OBJECTS LARGER THAN ONE INCH IN ANY DIMENSION, AND FREE OF TOXIC SUBSTANCES, WEEDS AND ANY MATERIAL OR SUBSTANCES THAT MAY BE HARMFUL TO PLANT GROWTH. TOPSOIL SHALL CONTAIN AT LEAST 15% ORGANIC MATTER. IF SUFFICIENT TOPSOIL IS NOT AVAILABLE ON THE SITE TO MEET THE DEPTH AS SPECIFIED HEREIN, THE CONTRACTOR SHALL FURNISH ADDITIONAL TOPSOIL PRIOR TO TOPSOIL DELIVERY. THE CONTRACTOR SHALL OBTAIN THE LANDSCAPE ARCHITECT'S APPROVAL OF THE SOURCE FROM WHICH TOPSOIL IS TO BE FURNISHED.
 2. FOR PLANTING MIX, MIX THOROUGHLY 2/3 EXISTING SOIL AND 1/3 LEAF MOULD OR EQUAL ORGANIC MATTER.
 3. MULCH MATERIAL SHALL BE OF UNIFORM SIZE, FINE SHREDED TANBARK HARDWOOD MULCH OR APPROVED EQUAL. MULCH SHALL BE A REDDISH BROWN COLOR AND SHALL BE LAID TO A UNIFORM MINIMUM DEPTH OF 2 INCHES. MULCH AREAS AROUND TREES AT THE RATE OF 1" OF DIAMETER PER OF TRUNK CALIPER.
 4. FINAL INSPECTION AND GUARANTEE:
 1. AFTER PLANTING IS COMPLETED (INCLUDING MULCHING AND CLEANUP) THE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT IN WRITING TO REQUEST FINAL INSPECTION. THE TOTAL PLANTING, THE LANDSCAPE ARCHITECT SHALL MAKE A FINAL INSPECTION VISIT AS SOON AS POSSIBLE. LANDSCAPE ARCHITECT SHALL NOTIFY THE LANDSCAPE CONTRACTOR IN WRITING, WHEN ALL WORK IS SATISFACTORILY COMPLETE. IF WORK IS NOT SATISFACTORILY COMPLETE, THE LANDSCAPE CONTRACTOR WILL BE GIVEN A REASONABLE AMOUNT OF TIME TO CORRECT THE DEFICIENCIES, AND ANOTHER FINAL INSPECTION WILL BE SCHEDULED BY THE LANDSCAPE ARCHITECT.
 2. ALL PLANT MATERIAL AND LAWN AREAS SHALL BE GUARANTEED TO BE IN A VIGOROUS GROWING CONDITION ONE YEAR FROM THE DATE OF FINAL INSPECTION AND ACCEPTANCE. AT THE TERMINATION OF THIS PERIOD, THE CONTRACTOR SHALL HAVE COMPLETED THE PRECEDING MAINTENANCE SCHEDULE. ANY PLANTS INFECTED WITH DISEASE OR INSECTS WILL BE REMOVED OR TREATED. ALL DEAD OR UNDESIRABLE PLANTS WILL BE REPLACED BY THE SAME PLANTS AND SIZES DESIGNATED ON THE PLANT LIST. THESE PLANTS SHALL BE PLANTED, MULCHED AND GUY AS SPECIFIED HEREIN AND WITHOUT EXTRA COMPENSATION TO THE CONTRACTOR. AT THE COMPLETION OF ALL SUCH WORK AND WITH THE APPROVAL OF THE LANDSCAPE ARCHITECT, THE CONTRACT WILL BE CONSIDERED COMPLETE.

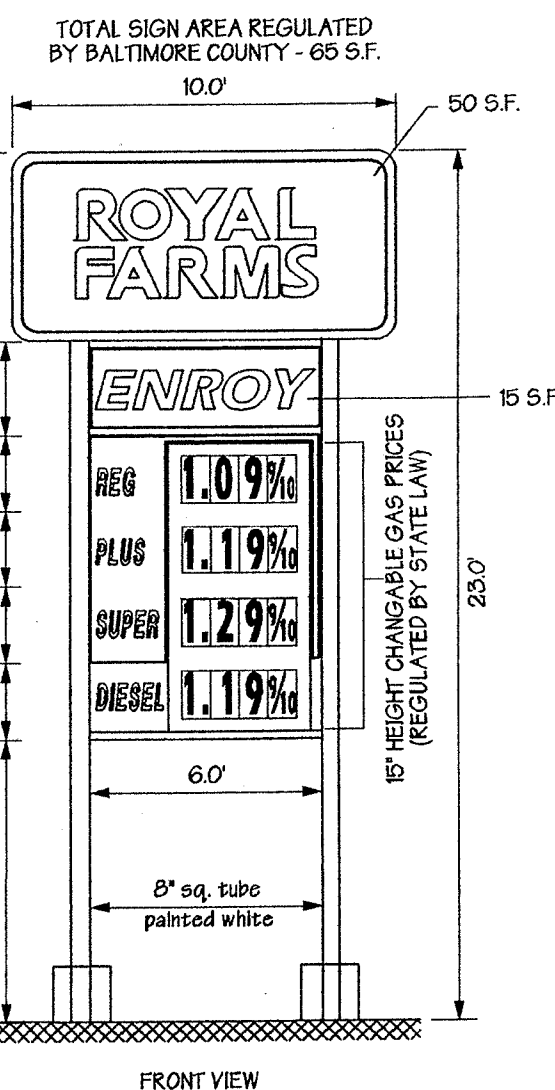
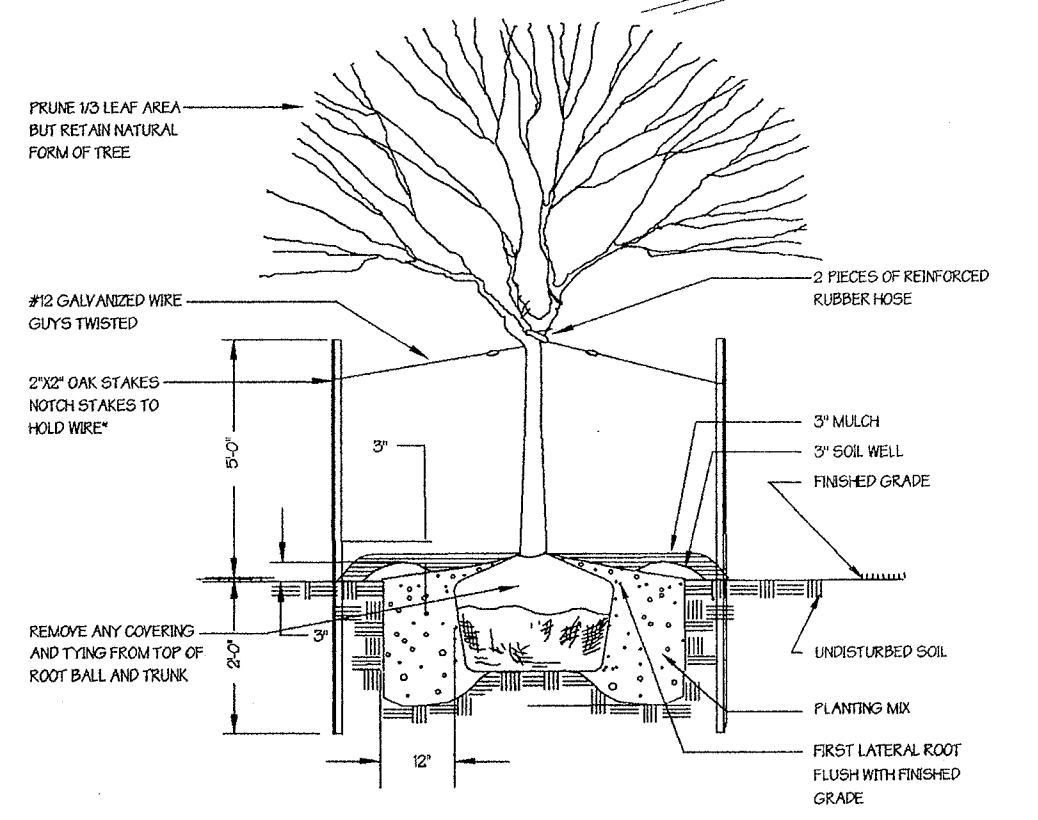
GENERAL NOTES:

1. Contractor is to notify Miss Utility a minimum of 72 hours prior to digging. Telephone : 1-800-257-7777
2. The Landscape Architect is to be notified 48 hours before planting begins. The location of all plant material is to be approved in the field by the Landscape Architect.
3. No tree or shrub planting pits are to be left open or unattended.
4. Evergreen trees and shrubs are to be grouped into mulched beds. Beds are to be edged and the grass is to be removed prior to mulching.

PLANTING DETAIL FOR EVERGREEN AND DECIDUOUS SHRUBS



PLANTING DETAIL FOR TREES* - 1 - 4" CALIPER



STORE SIGN DETAIL
SCALE: 1" = 5'

Matis Warfield
consulting engineers
10540 York road suite m
hunt valley, Maryland 21036
phone 410-683-7004
facsimile 410-683-1798
www.matiswarfield.com

OWNER
OAKDALE, INC.
3300 EASTERN BLVD
BALTIMORE, MARYLAND 21220

DEVELOPER
TWO FARMS
3611 ROLAND AVENUE
BALTIMORE, MARYLAND 21211
(410) 889-0200

LANDSCAPE PLAN FOR
ROYAL FARMS STORE
3300 EASTERN AVENUE
ELECTION DISTRICT 15
COUNTY COUNCIL DISTRICT 5
SCALE: 1" = 20'
TAX MAP 91 - PARCEL 163
KEY SHEET 16E-40, 16NE-40
FEBRUARY 10, 2005
SHEET 1 OF 1

Arthur E. Leonard, P.E.

Project Manager

Matis Warfield, Inc.

10540 York Road

Hunt Valley, MD 21030

Professional Registration

Professional Engineer – State of Maryland, PE 11438

Education

Penn State University – 2DDT - 1968

Johns Hopkins University Evening College – BSCE - 1978

Professional Experience

March 2007 - Matis Warfield, Inc. - Project Manager responsible for coordinating commercial projects through zoning and development and engineering phases of local and state jurisdictions including public hearings, public meetings and local Planning and Zoning offices and Department of Public Works offices for review and approval. Other responsibilities include construction observation and as-built certification.

June 2006 - Lambdin Development Co. - Project Manager responsible for coordinating commercial and residential projects through zoning and development and engineering phases of local and state jurisdictions including public hearings, public meetings and local Planning and Zoning offices and Public Works offices for review and approval. Other responsibilities included construction observation and as-built certification.

June 2003 – Site Resources, Inc. - Project Manager responsible for coordinating commercial and residential projects through zoning and development and engineering phases of local, state and federal jurisdictions including public hearings, public meetings and local Planning and Zoning offices and Public Works offices for review and approval.

June 1998 and prior – State of the Art Civil Engineering, Inc., KLS Consultants, Inc., Arthur. E. Leonard, Consultant, Frederick Ward Assoc., Purdum and Jeschke Consultants, Inc. – Principal/Project Manager/Project Designer responsible for coordinating commercial, residential, and industrial projects through zoning and/or development and/or engineering and/or construction phases. These tasks included processing projects through local, state and federal jurisdictions including public hearings, public meetings and local Planning and Zoning offices and Public Works offices for review and approval. Some tasks related directly to project construction. Specialties include feasibility studies, site planning, site grading, water and sewer utility design, road design, storm drain design, stormwater management design, construction stakeout, construction observation and as-built certification.

PETITIONER' S

EXHIBIT NO.

4

Project Experience

Office, Commercial, Industrial, Residential Projects:

Royal Farms Stores: Harford County - Churchville Road @ MD Rte 543, Russell Street @ Bayard Street, Baltimore County - Eastern Boulevard

BWI Technology Park Phases 2 & 3: Anne Arundel County – 55 acres business/industrial Park - Site and infrastructure design for 9 buildings

Reisterstown Crossing: Baltimore County – 10 acres - office/retail complex - Preliminary site and infrastructure design

Johnnycake Road Site: Baltimore County – 40 acres - business/office/retail complex - Preliminary site and infrastructure design

Ocean Pines: Ocean Pines, MD – 10 acres – Tidal wetland restoration project – construction stakeout and measurement of materials for payment

Whiteford Road Site: Harford County – 150 acres – rural residential subdivision – Preliminary site layout including: lots, septic systems, wells, roads, storm drains and stormwater management facilities.

South Locust Point Warehouse Complex: Maryland Port Administration - 10 acres – marine terminal storage facility - Construction stakeout of infrastructure, surcharge embankment and measurement of materials for payment

Masonville Marine Terminal: Maryland Port Administration - 60 acres – marine terminal automobile storage and repair facility - Construction stakeout of infrastructure, surcharge embankment and measurement of materials for payment

Cliff O'connell Auto Repair Facility: Baltimore County – 2 acres – Special Hearings and site and infrastructure design

Double T Diner: Baltimore County – 1.5 acres – Joppa Road @ Bel Air Road - Special Hearing and site and infrastructure design

Pleasantville Veterinary Hospital: Harford County – 2.5 acres – Fallston Road - Site and infrastructure design

Joppa Automatic Transmission: Harford County – 5 acres – Pulaski Highway – Board of Appeals, Site and infrastructure design

Beavers Property: Harford County – 3 acres – business development - Pulaski Highway - Board of Appeals, Site and infrastructure design

Mother's Choice Daycare Center: Harford County – 3 acres – Moores Mill Road - Board of Appeals, Site and infrastructure design

Grace Assembly of God: Harford County – 11 acres – Churchville Road - Site and infrastructure design, Master Plan

Haddon Hurst Subdivision: Harford County – 70 acres - residential development – Fallston Road - Site and infrastructure design

Brintonwood Subdivision: Baltimore County – 70 acres - residential development – Upland and Brintonwood Roads - Site and infrastructure design

Spencer's Rubble Landfill: Harford County – 125 acres – Abingdon – Public Hearings, Site and infrastructure design

Seagirt Marine Terminal: Maryland Port Administration - 90 acres – marine terminal automobile and container storage and shipping facility - Construction stakeout of infrastructure, surcharge embankment and measurement of materials for payment

Dundalk Marine Terminal: Maryland Port Administration - 120 acres – marine terminal automobile storage and repair facility - Construction stakeout of infrastructure, pavement restoration and measurement of materials for payment

Quarantine Road Landfill: Baltimore City - 30 acres – Sanitary landfill - Construction stakeout of infrastructure and measurement of materials for payment

Courtland Hardware: Town of Bel Air – 1.5 acres – business development – Bond Street - Site and infrastructure design

Fulford Commons: Town of Bel Air – 1 acre – business development – Fulford Avenue - Site and infrastructure design

Old Trails: Harford County – 30 acres – residential development – Board of Appeals, Site and infrastructure design

Jarrettsville Volunteer Fire Co.: Harford County – 5 acres – industrial development – Site and infrastructure design and construction stakeout

Rooted Bible Fellowship Church: Harford County – 5 acres – Preliminary site and infrastructure design

Stephen A. Warfield, P.E.

10540 York Road, Suite M
Hunt Valley, Maryland 21030
(410) 683-7004

Professional Registration

Registered Professional Engineer - Civil Engineering 1995 - Maryland P.E. # 21162

Education

B.S. Civil Engineering - 1990 - University of Maryland, College Park
Master of Environmental Engineering - 1994- Johns Hopkins University

Professional Experience

- 12/94-Present Matis Warfield, Inc.; 10540 York Road, Suite M; Hunt Valley, Maryland 21030:
Currently employed as a principal at Matis Warfield, Inc. Responsible for civil engineering services for the development community. Responsibilities include; planning, design, development, and permitting for site development projects. Responsibilities include; feasibility studies, concept plans, development plans, zoning plans, expert witness testimony, floodplain studies, open channels, stormwater management facilities, storm drain systems, erosion and sediment control plans, highways, pumping stations, utilities, specification development, cost estimating, grading, alternatives analysis, critical area analysis, project management, marketing, administration, client relations, etc.
- 5/91-12/94 Gannett Fleming, Inc.; Suite 200; East Quadrangle; The Village of Cross Keys; Baltimore, Maryland 21210; Supervisors: Fred Wagner-Project Manager, and Dave Ross-Office Manager
Employed as a project engineer by Gannett Fleming, Inc., Baltimore Maryland. Responsible for design and specification development for water treatment plant process design, wastewater treatment plant process and site design, pumping station design, open channel design, stormwater management design, erosion and sediment control design, drainage studies, alternatives analysis, and highway designs.
- 6/90-5/91 George William Stephens, & Associates, Inc.; 658 Kenilworth Drive; Towson, Maryland 21204; Supervisor: Tapobrata Chakrabarti, Partner
Employed as a design engineer by George William Stephens Jr. & Associates, Inc., Towson, Maryland. Performed floodplain studies, designed stormwater management facilities, and designed open channel flow systems for residential, commercial, and industrial development projects. Responsibilities also included development of computer programs to aid stormwater management design.

Professional Affiliations

Baltimore County Engineers Association
Home Builders Association of Maryland
Maryland Society of Professional Engineers

PETITIONER'S

EXHIBIT NO. 5

JEFFREY S. BAINBRIDGE

EXHIBIT NO.

6

1414 Forest Glen Court Baltimore, MD 21228
H 410-869-4696 M 410-456-1467 E jsbainbridge@gmail.com

EXPERIENCE

- 4/07 – Present** **ROYAL FARMS – Director of Real Estate** **Baltimore, MD**
- Managed the land acquisition for all development projects in four states.
 - Created financial model to evaluate the viability of potential projects.
 - Managed the disposition of multiple non-strategic properties.
- 1/04 – Present** **AJ PETROLEUM CONSULTING, LLC – Member** **Baltimore, MD**
GRAHAM INVESTMENTS, LLC – Member **Baltimore, MD**
- Assisted owners of petroleum properties with their search for prospective gasoline retailers.
 - Assisting dealers with the development and construction of gasoline stations.
- 11/05 – 3/07** **EASTERN PETROLEUM CORPORATION – Project Manger** **Annapolis, MD**
- Managed the development and construction of over 10 convenience stores.
 - Established new vendor alliances and construction specs.
 - Created financial model and internal development process to evaluate the viability of potential projects.
 - Managed the disposition of multiple non-strategic properties.
- 6/03 – 1/04** **MID-ATLANTIC COMPANIES INC. – Land Acquisition Specialist** **Rockville, MD**
- Established a land acquisition file tracking system to maintain property leads and maintained corresponding tax maps and property owner data by county jurisdiction.
 - Met with and maintained relationships with individual property owners, farmers, realtors, developers, engineers, lawyers, brokers, consultants, contacts and leads in the pursuit of land acquisition opportunities.
 - Prepared letters of intent for purchasing properties.
 - Modernized a land purchase pro-forma model with updated internal company assumptions.
- 2/99 – 4/03** **BP PRODUCTS NORTH AMERICA INC. - Real Estate Project Manager** **Baltimore, MD**
- Directed negotiations to place over 25 properties under contract.
 - Supervised study period analysis and zoning process of over 40 projects.
 - Refined a financial model used to evaluate project economics for various operating channels.
 - Led an international team to develop a network plan for a portion of the Chinese province of Guangdong.
 - Completed the Network Developer Academy in Cape Town, South Africa. The program trained eight BP international Real Estate Managers with retail site selection and network planning.
- 1/98 – 2/99** **AMOCO OIL COMPANY - Zoning Coordinator** **Philadelphia, PA**
- Represented Amoco at public hearings for the six state marketing area of the Atlantic Business Unit.
 - Managed a team of consultants (zoning attorneys, engineers, traffic consultants, land planners, etc.) to move over 60 projects through zoning and permitting.
- 9/96 – 1/98** **AMOCO OIL COMPANY - Capital Asset Manager** **Chicago, IL**
- Managed a Capital Implementation Team of 14 members with a \$35 M budget. The team completed 26 projects in 1997 and finalized another 31 packages for future growth.
 - Supervised The DC Study, a revitalization project for Washington DC and Prince George's County that utilized network planning and strengthened both dealer and Amoco economics.
 - Performed economic analysis on various business proposals (i.e. new proprietary and jobber sites, dealer buyout, and recapitalizations). Co-developed a recapitalization financial model.
 - Assisted in the conversion of a competitive jobber worth 700 MG over 10 years to Amoco.
 - Led a team of 10 that further refined existing lease processes to improve communication and efficiencies between Real Estate Administration, Asset Management and Sales Operations departments.
- 4/94 – 9/96** **AMOCO OIL COMPANY - Strategic Planning Analyst** **Baltimore, MD**
- Developed and coordinated the region's expense budget, capital plan and marketing objectives working with the sales, distribution and operations teams.
 - Managed the region's distribution scheduling; improved forecasting accuracy and lowered inventory.

9/90 - 4/94

AMOCO OIL COMPANY – Territory Manager

Baltimore, MD

- Counseled dealers on marketing strategies consistent with Amoco's business direction.

OTHER

KALAMAZOO COLLEGE - Bachelor of Arts, 1990



Karciski, David H.

Royal F.
Easton B.

From: Cindy Deken [cdeken@royalfarms.com]
Sent: Friday, October 10, 2008 9:22 AM
To: 'Brown, Mike'
Cc: 'John Kemp'; Karciski, David H.
Subject: RE: Royal Farms 128

Cindy Deken
Construction & Facilities Leader
Royal Farms
3611 Roland Ave
Baltimore, MD 21211
cdeken@royalfarms.com
cell-410.371.9580
fax-443.296.8384

-----Original Message-----
From: Brown, Mike [mailto:MLBrown@mragta.com]
Sent: Friday, October 10, 2008 9:19 AM
To: Cindy Deken
Subject: FW: Royal Farms 128

-----Original Message-----
From: Avery Harden [mailto:AHarden@baltimorecountymd.gov]
Sent: Friday, October 10, 2008 9:17 AM
To: Brown, Mike
Subject: RE: Royal Farms 128

All together it sounds like a precedent setting lighting design for convenience stores in Baltimore County. I can now point to this for others to follow. The drive-in should be fine.
Avery

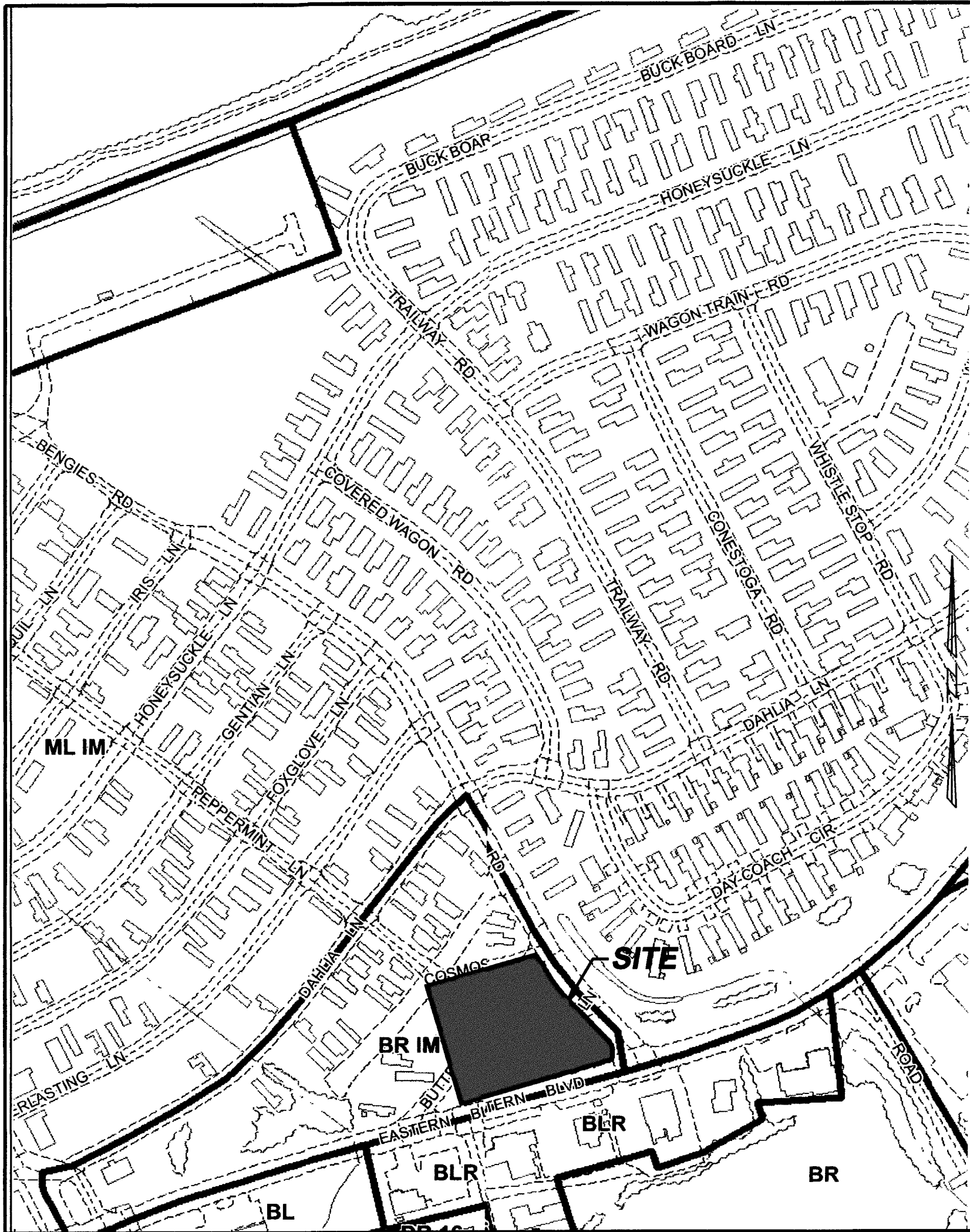
E. Avery Harden, RLA
County Landscape Architect
Baltimore County Government
410-887-3751
Fax 410-887-2877

>>> "Brown, Mike" <MLBrown@mragta.com> 10/10/2008 9:11 AM >>>
The LED fixtures are louvered and designed in two ways: general lighting and directional to focus on the dispensers. At each pump, we usually get about 30 - 40 footcandles. General ambient levels under the canopy range about 10 to 20 FC. Together, they provide an even, comfortable light level without harsh glare under the canopy while highlighting the dispensers. Due to their louvers, you really can't see the fixtures once you move away from the canopy. I spoke to a few customers at another site, and they had no problem with the lighting, although they really hadn't taken any notice of the lighting until I mentioned it to them. We're quite pleased with the fixtures' performance and energy savings.

-----Original Message-----
From: Avery Harden [mailto:AHarden@baltimorecountymd.gov]
Sent: Friday, October 10, 2008 8:43 AM
To: Brown, Mike
Subject: RE: Royal Farms 128

PETITIONER'S

EXHIBIT NO. 9



PARTS OF 2004 ZONING MAPS 091A1 & 091B1

1" = 200'

NOTE:
THE BALTIMORE COUNTY 2008 1" = 200' SCALE MAPS WERE NOT AVAILABLE AT THE TIME OF THE PREPARATION OF THIS PLAN. THE BALTIMORE COUNTY ZONING MAP WEBSITE WAS REVIEWED AND THERE WERE NO ZONING ISSUES FOUND IN THE ABOVE DISPLAYED AREA.

PREVIOUS COMMERCIAL PERMITS

- B671374 3320 Eastern Blvd. Car Wash (Mar. 2008)
B681832 3320 Eastern Blvd. Underground Fuel Tank
B681830 3320 Eastern Blvd. Canopy
B678177 3320 Eastern Blvd. Convenience Store
B598259 3320 Eastern Blvd. Grading for Convenience Store
B598256 3320 Eastern Blvd. Stormwater Management for Convenience Store

ZONING HISTORY

02-326-X 1/27/03 - Special Exception to permit a fuel service station on an individual site and a convenience store, carryout restaurant, and rollover car wash as uses in common therewith. (Granted) See Order, Sheet 4 of 4.
86-44-SPHA 10/21/85 - Special Hearing and Petition for Variance to reduce the site area of the existing Trailer Camp in order to construct an office building and to permit a side yard setback of 10 ft. instead of the required 30 ft., respectively. (Granted)
1013 - S 9/02/47 - Petition for special permit for Trailer Camp. (Granted) See following Restrictions as noted:

1) The Petitioner may apply for its building permit and be granted same upon obtaining approval of the site plan by the County Review Group; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) The single downspout which drains the entire roof area must be directed or discharged to a different location to encourage maximum infiltration, which would be the middle of the yard on the same side of the building as the downspout is located. Since the site has a number of newly planted trees, including large deciduous trees, no additional trees shall be required.

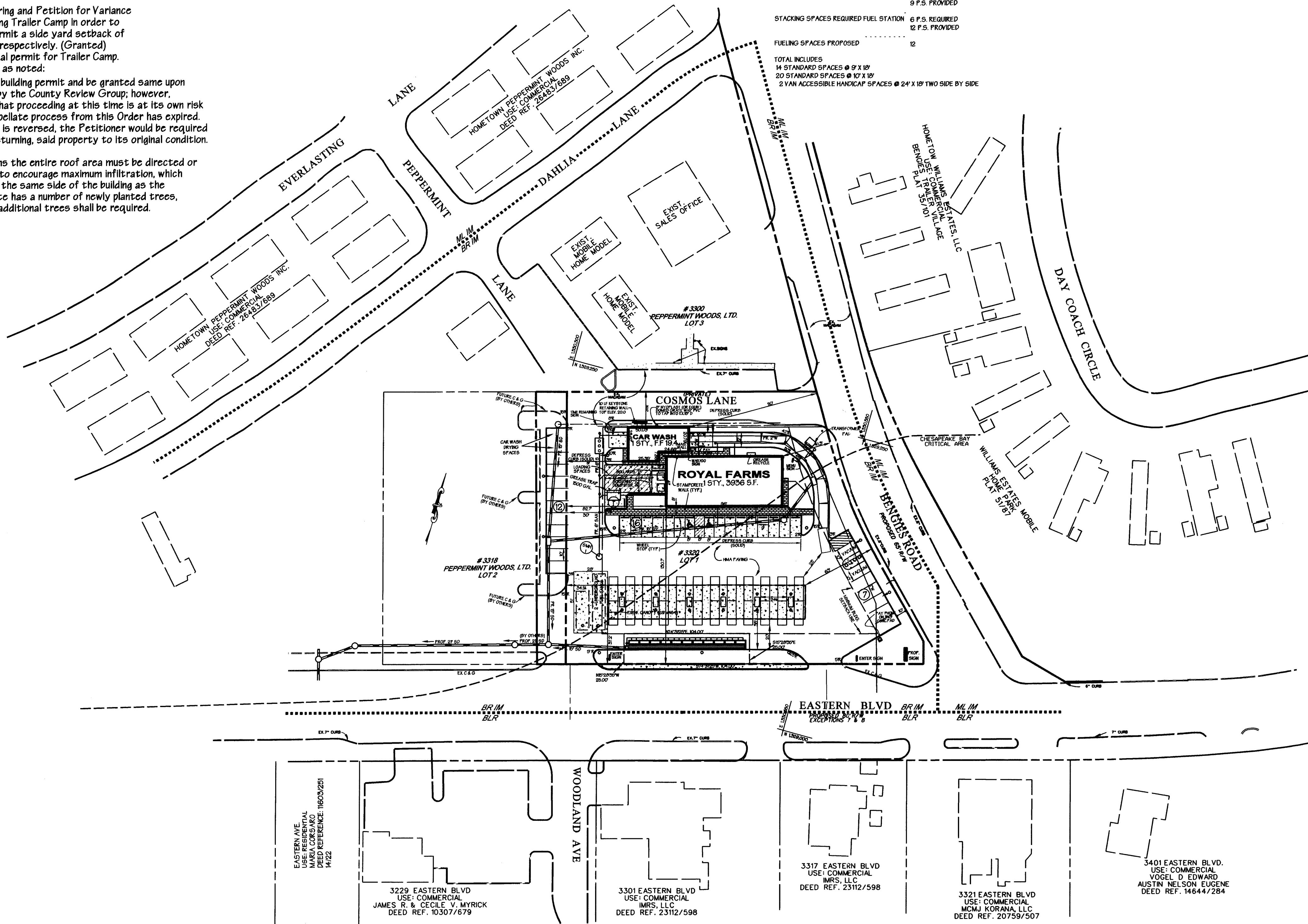
GENERAL NOTES

- All work shall conform to Baltimore County standard specifications and details or as shown on these approved plans.
- The contractor shall notify Miss Utility (1-800-257-7777) five days prior to starting work.
- It is the responsibility of the contractor to investigate for underground gas and/or electric lines.
- The subject site is partly within the Chesapeake Bay Critical Area.
- See architectural plans for exact signage dimensions.
- The proposed signs shall be located in conformance with the Baltimore County Sign Regulations.
- DRC #0517041: A limited exemption was granted per Sections 26-202 & 26-206 on 2/09/05.
- This site is serviced by public water and sewerage systems.
- A Landscape Plan was approved on 3-22-05.
- There are no existing or impending failures of the basic services in the area of the subject site.
- The subject site is located in Zone X of the FEMA Floodplain Maps, Panel 2400100435 dated 9-26-2008. Zone X: area determined to be outside of the 0.2% annual chance floodplain.

SITE DATA

SITE AREA	56,366.64 SQ. FT. OR 12940 AC. (NET), 72853 SF = 1.6679 AC. (GROSS)
PRESENT ZONING	BR IM
EXISTING USE	VACANT / UNDER CONSTRUCTION
PROPOSED USE	CONVENIENCE STORE W/ FUEL PUMPS, CARRYOUT RESTAURANT AND CAR WASH
PLAT REFERENCE	S.M. 77128
TAX ACCOUNT NUMBER	24-00-000861
BUILDING FLOOR AREA	3936 SF STORE + 1240 SF CARWASH
FLOOR AREA RATIO	0.09 (3936 + 1240) / 72853 = 0.07
BUILDING HEIGHT	17'-6"
PARKING SPACE DATA	
PARKING REQUIRED:	
Convenience Store	2,976 S.F. @ 5 P.S./1000 S.F.
Car Wash	960 S.F. @ 5 P.S./1000 S.F.
1 Employee on largest shift	=1
1 Space for ATM	=1
1 Space for Air-Unit	=1
Car Wash Drying Space	=2
Car Wash Vacuum Cleaner	=1
Additional Spaces	=2
PARKING PROVIDED:	36 (including 2 handicap spaces)
LOADING PROVIDED:	2
CAR WASH STACKING SPACES (9' x 20')	9 P.S. REQUIRED 9 P.S. PROVIDED
STACKING SPACES REQUIRED FUEL STATION	6 P.S. REQUIRED 12 P.S. PROVIDED
FUELING SPACES PROPOSED	12
TOTAL INCLUDES	14 STANDARD SPACES @ 9' X 18'
	20 STANDARD SPACES @ 10' X 18'
	2 VAN ACCESSIBLE HANDICAP SPACES @ 24' X 18' TWO SIDE BY SIDE

ROYAL FARMS STORE	
*Hours of Operation	24 Hours/7 Days per Week
Max. Number of Employees/Shift	Morning/Afternoon = 3 Afternoon/Evening = 3 Night = 2



LOCATION PLAN

SCALE : 1" = 50'

Matis Warfield
consulting engineers

10540 York Road, Suite M
Hunt Valley, Maryland 21030
phone 410-889-7004
fax 410-889-1798
www.matiswarfield.com



OWNER
Two Farms, Inc.
3611 Roland Avenue
Baltimore, Maryland 21211-2408
(410) 889-0200

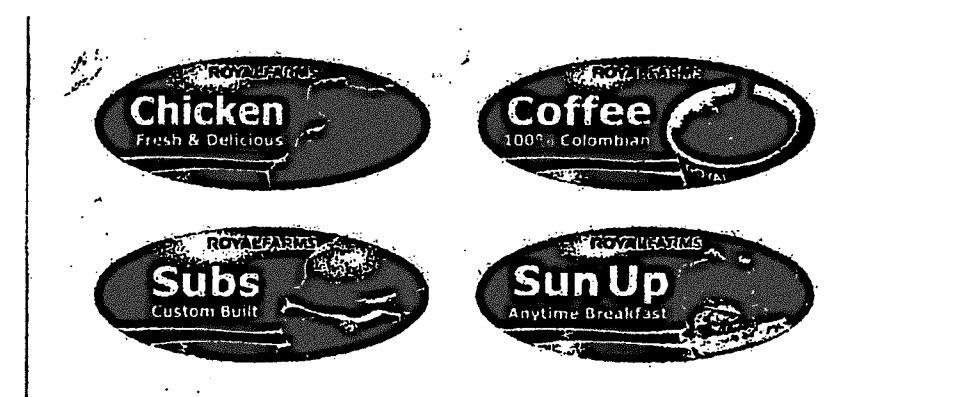
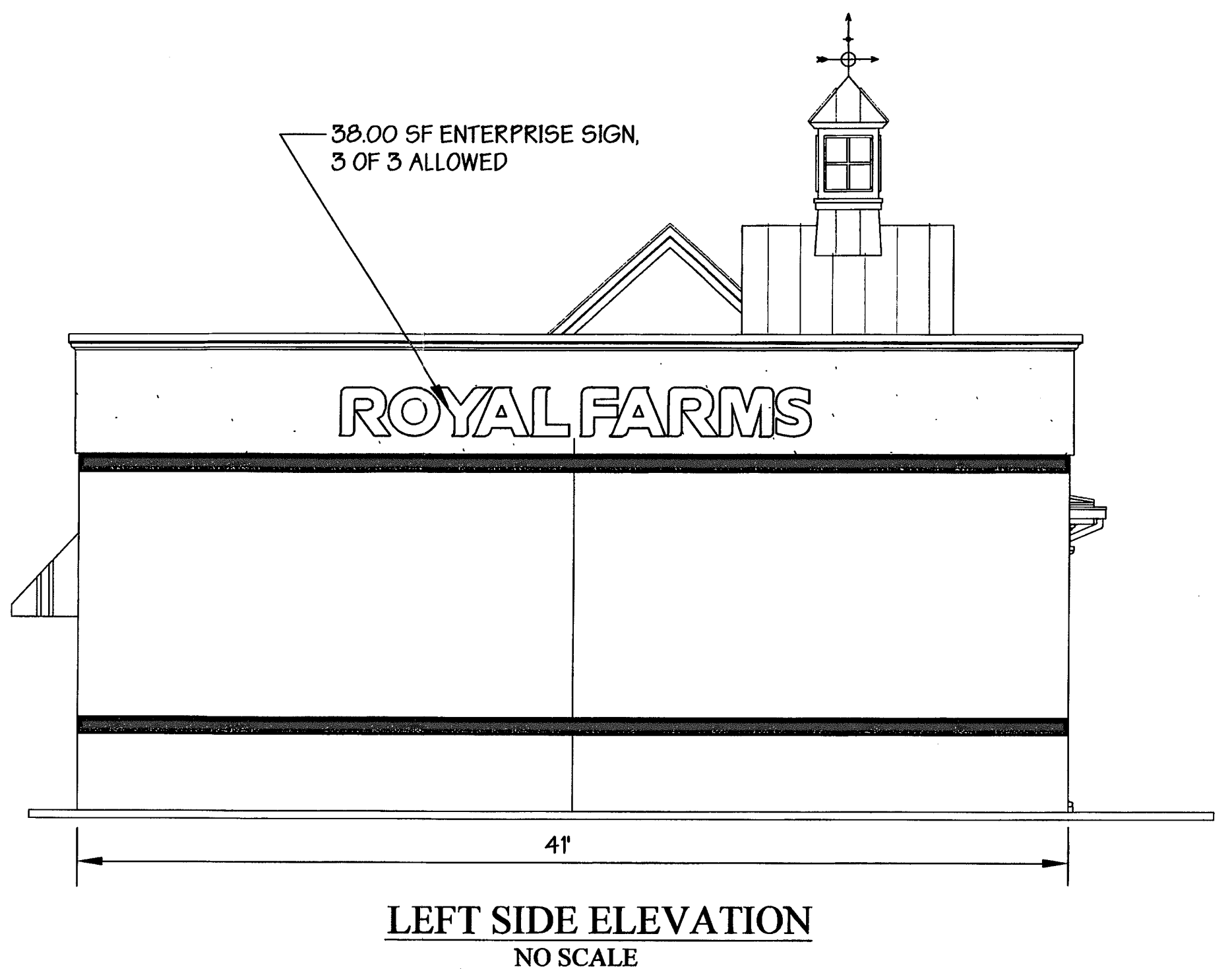
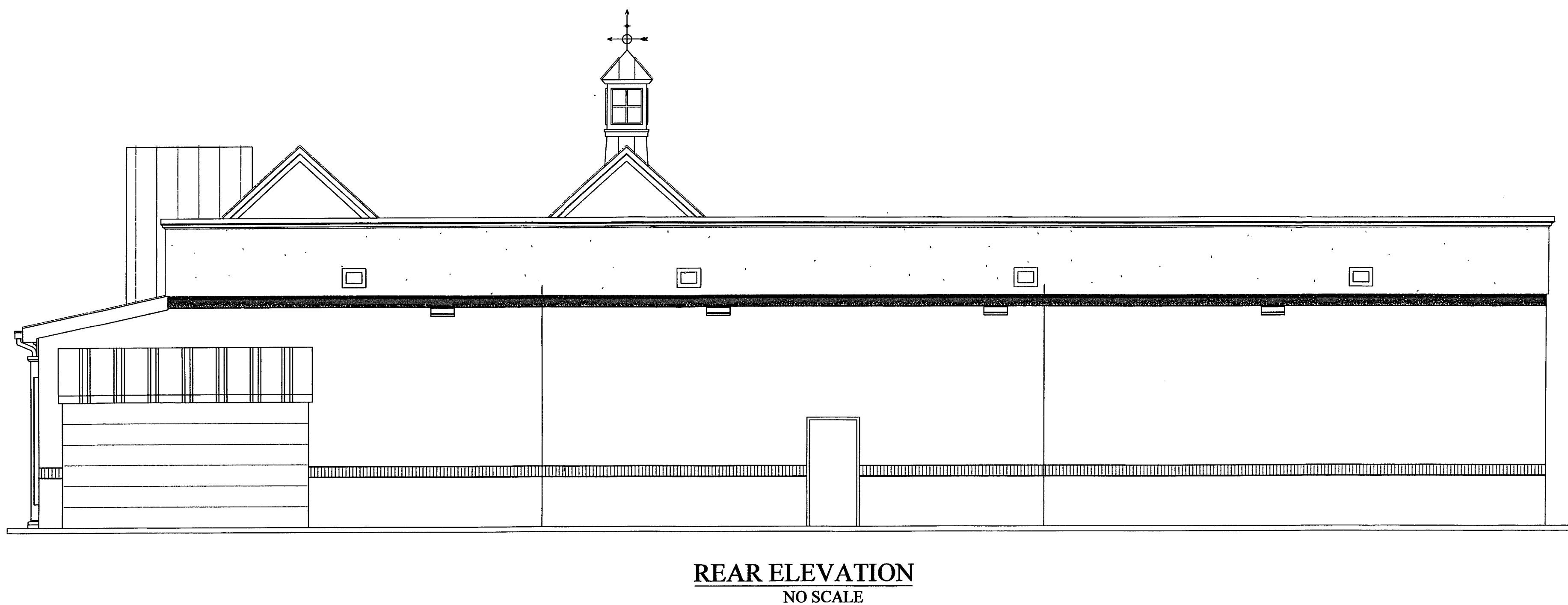
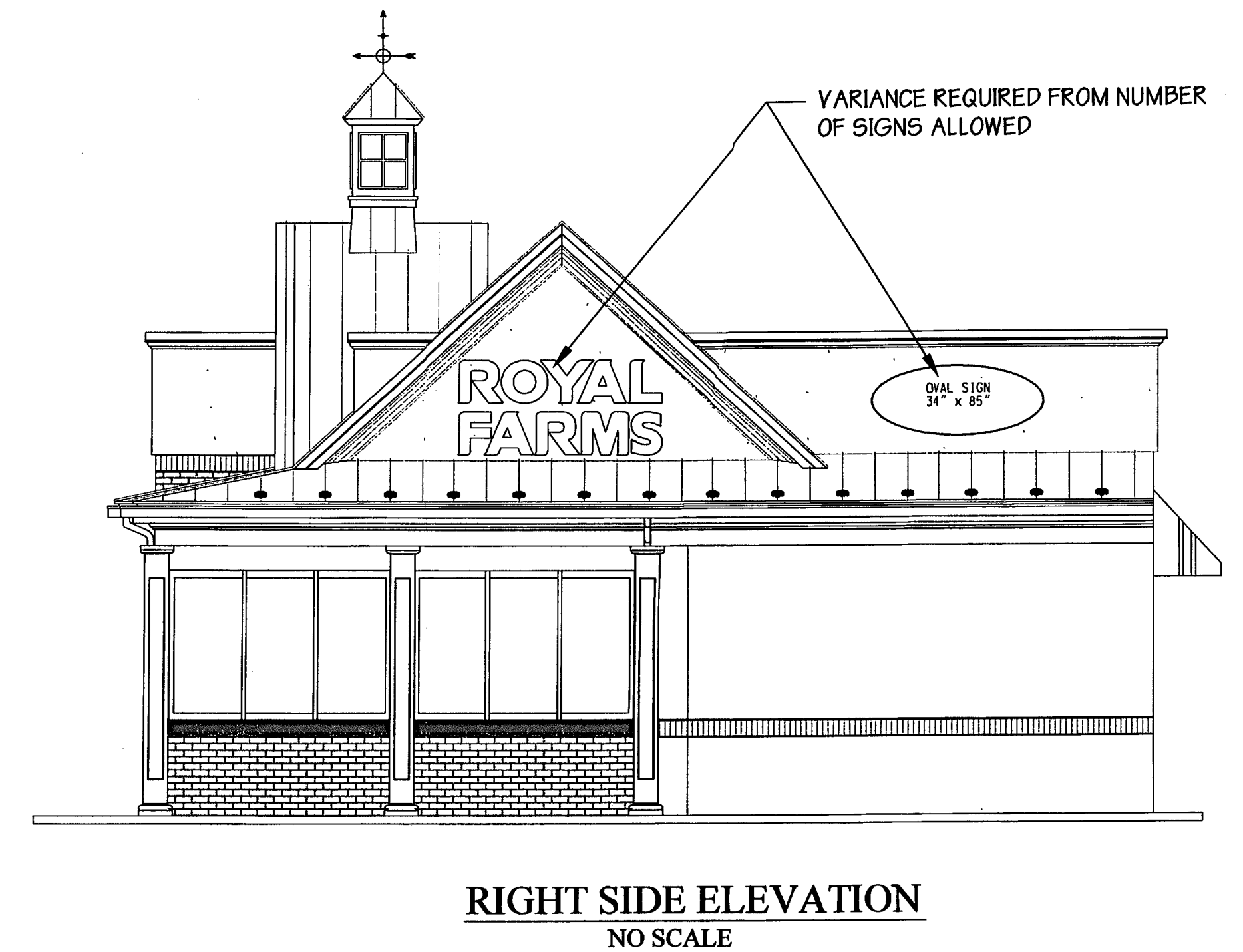
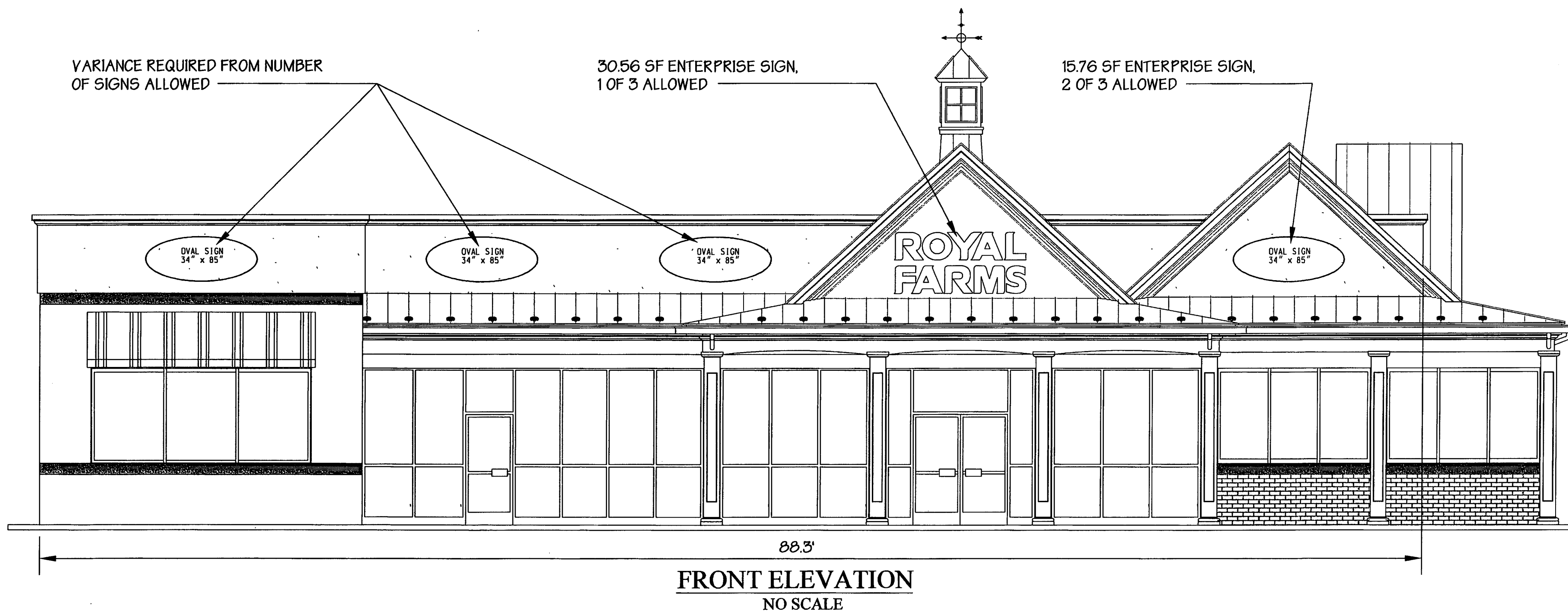
Plan to Accompany A Petition for a Variance

ROYAL FARMS STORE

3320 Eastern Blvd.
Baltimore, Maryland 21220
Store #128

Councilmanic District 5
Tax Map 91 Parcel 429, Lot 1
Scale: 1" = 50'

Election District 15
October 23, 2008
Sheet 2 of 4



VARIATIONS OF OVAL SIGNS
NO SCALE

<u>SIGN LEGEND</u>		
NO SCALE		
<u>SIGN ELEVATION</u>		<u>SQ FOOTAGE</u>
		30.56 SQ FT
		15.76 SQ FT
		38.00 SQ FT

SIGN VARIANCE TABLE/SUMMARY

UNDER-CANOPY SIGNS ARE PROPOSED BUT ARE NOT COUNTED TOWARD SIGNAGE LIMITS PER SIGN TABLE ITEM 5.(e)IX.

TYPE OF SIGN	ALLOWED AREA	ALLOWED NUMBER	ALLOWED HEIGHT	PROPOSED AREA	PROPOSED NUMBER	PROPOSED HEIGHT	VARIANCE REQUIRED
ENTERPRISE: WALL MOUNTED							
FRONT	2 X 88.3' = 176.60 SF	3, NO MORE THAN 2 PER FACADE	NA	93.60 SF	5	NA	YES: SIGN TABLE ITEM 5.(a)VI
RIGHT SIDE	0 SF	0	NA	46.32 SF	2	NA	YES: SIGN TABLE ITEM 5.(a)VI
REAR	0 SF	0	NA	0 SF	0	NA	NO
LEFT SIDE	2 X 41' = 82 SF	1	NA	38.00 SF	1	NA	NO
ENTERPRISE: FREESTANDING	2 X 100' = 200 SF						
PYLON		2, 1 PER FRONTAGE	25'	75 SF	1	29'	YES: SIGN TABLE ITEM 5.(b)VII
CAR WASH MENU		1	25'	15 SF	1	7.17'	NO
DIRECTIONAL	*8 SF PER SIGN	NA	6'	*8 SF PER SIGN	2	4'	YES: *SIGN TABLE ITEM 3.IX
CAR WASH WAIT / GO	8 SF	NA	6'	2.38 SF	1	4.58'	NO
CAR WASH TIME REMAINING	8 SF	NA	6'	0.81 SF	1	3.75'	NO

*1,000 (ROYAL FARMS) MAY BE 30% OF SIGN AREA = 2.4 SF PER SIGN; THUS, TOTAL ALLOWED LOGO AREA = 4.8 SF.
PROPOSED LOGO AREA = 6.15 SF PER SIGN = 76.9%,
PROPOSED NO. OF DIRECTIONAL SIGNS = 2,
TOTAL PROPOSED LOGO AREA = 12.30 SF.

SIGN VARIANCE TABLE/SUMMARY SIGNAGE DETAILS

Matis Warfield
consulting engineers
10540 York Road, Suite M
Hunt Valley, Maryland 21030
Phone 410-683-7004
Facsimile 410-683-1798
www.matiswarfield.com



OWNER
Two Farms, Inc.
3611 Roland Avenue
Baltimore, Maryland 21211
(410) 889-0200

Plan to Accompany A Petition for a Variance
ROYAL FARMS STORE
3320 Eastern Blvd.
Baltimore, Maryland 21220
Store #128
Councilmanic District 5
Tax Map 91 Parcel 429, Lot 1
Scale: 1" = 20'
Election District 15
October 23, 2008
Sheet 3 of 4

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of January 2003 that the Petition for Special Exception to permit a fuel service station on an individual site and a convenience store, carryout restaurant, and rollover car wash as uses in combination therewith, pursuant to Sections 405.2.B.1, 405.4.E.1, 405.4.E.2 and 405.4.E.10 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibits 1 and 4, be and is hereby GRANTED, subject to the following restrictions:

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

- 2) Prior to the issuance of any permits, the Petitioners shall submit a landscape and lighting plan for review and approval by the Office of Planning and Avery Harden, Landscape Architect for Baltimore County. The screening and lighting plan shall provide sufficient screening so that security lights, permanent lighting and vehicle headlights do not inappropriately spill onto adjacent properties, particularly the Bengies Drive-In Movie Theater as more particularly described above.
- 3) The proposed road improvements to Eastern Avenue shall be completed in accordance with the SHA requirements.
- 4) A storm water management plan shall be submitted to DEPRM for review and approval, prior to the issuance of any permits, or a waiver of same obtained. Compliance with all other environmental codes and regulations.
- 5) When applying for a building permit, the site plan and landscape/lighting plan filed must reference this case and set forth and address the restrictions of this Order.

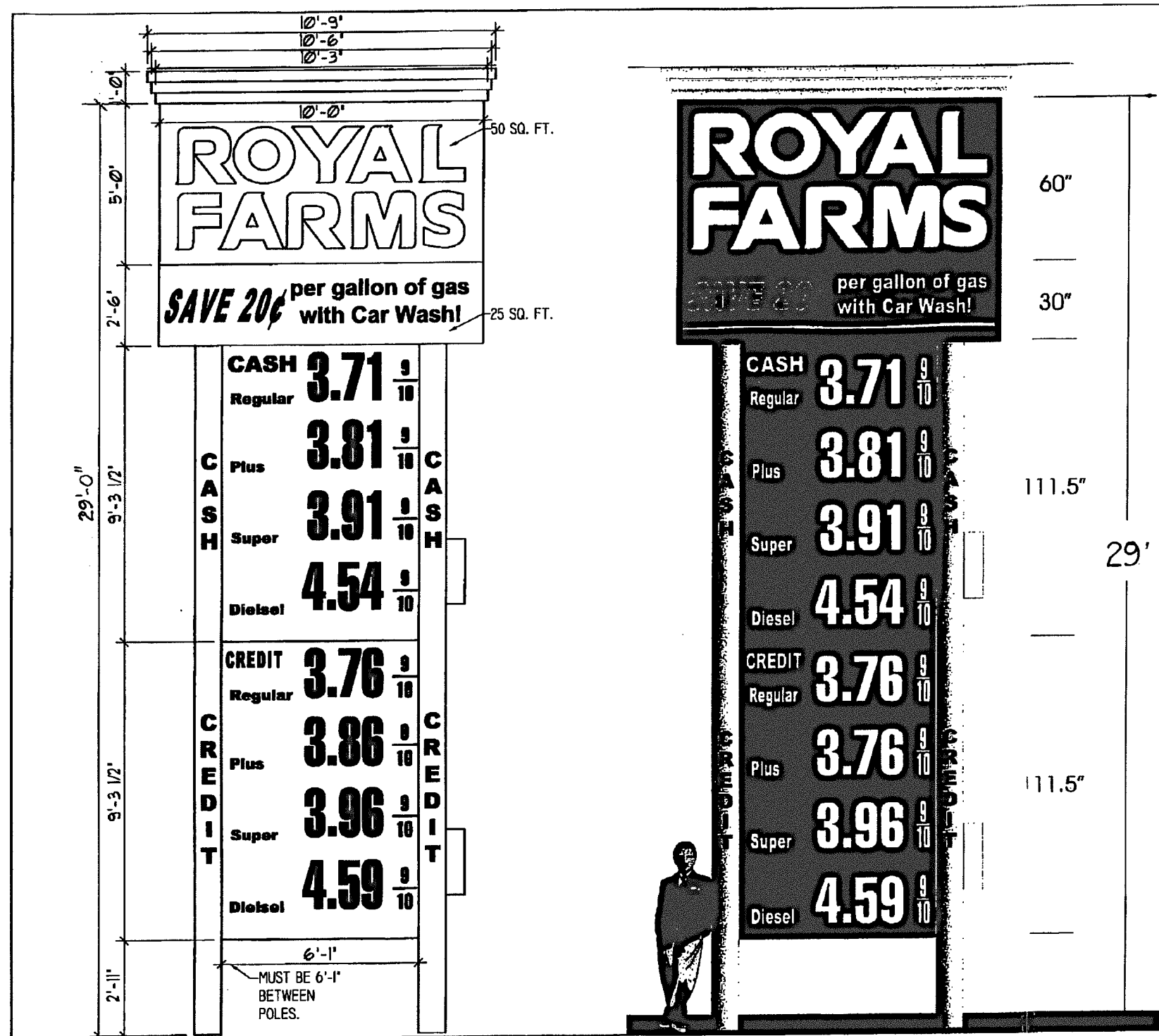
IT IS FURTHER ORDERED that the Petitioners shall have five (5) years from the date hereof to utilize the special exception relief granted herein.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjg

ORDER SENT FOR FILING
Date 1/29/03
BY [Signature]

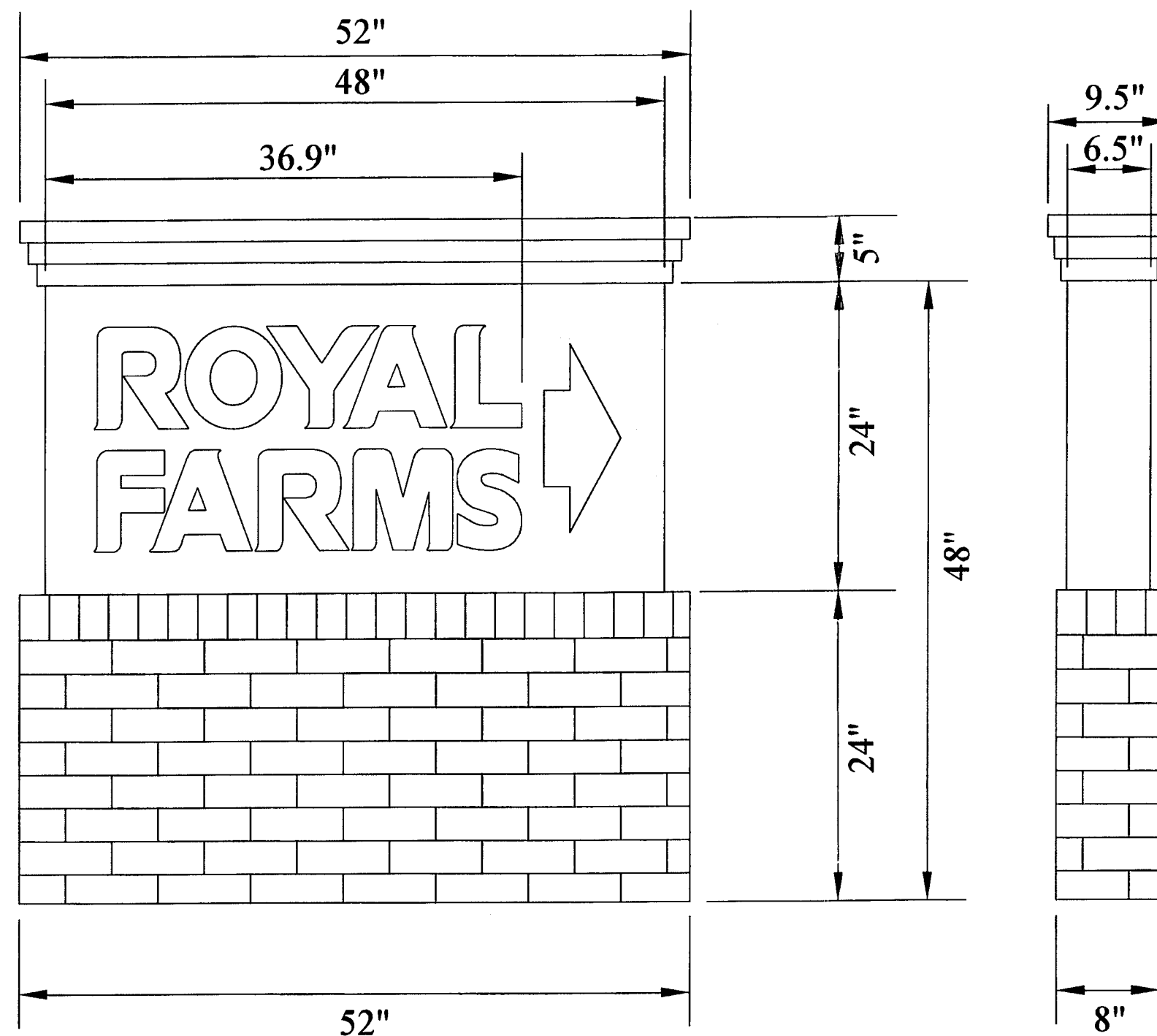
ZONING ORDER



FREESTANDING PYLON SIGN

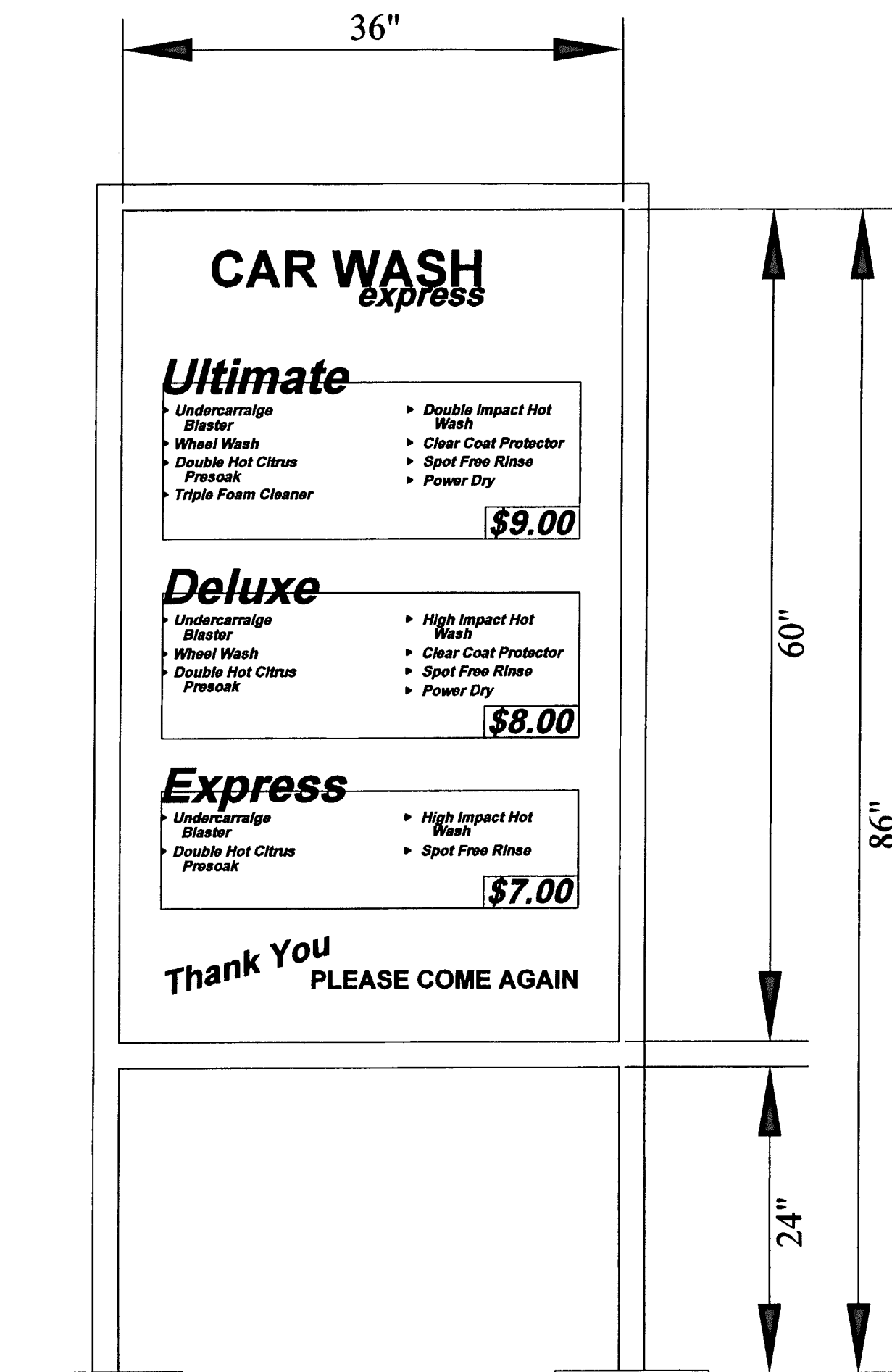
NO SCALE

NOTES: PRICE SIGN AREA EXEMPT PURSUANT TO STATE REGULATIONS.
AREA OF SIGN ALLOWED = 100 SF.
AREA OF SIGN PROPOSED = 75 SF
PRICES SHOWN ARE FOR ILLUSTRATION ONLY.



DIRECTIONAL SIGN

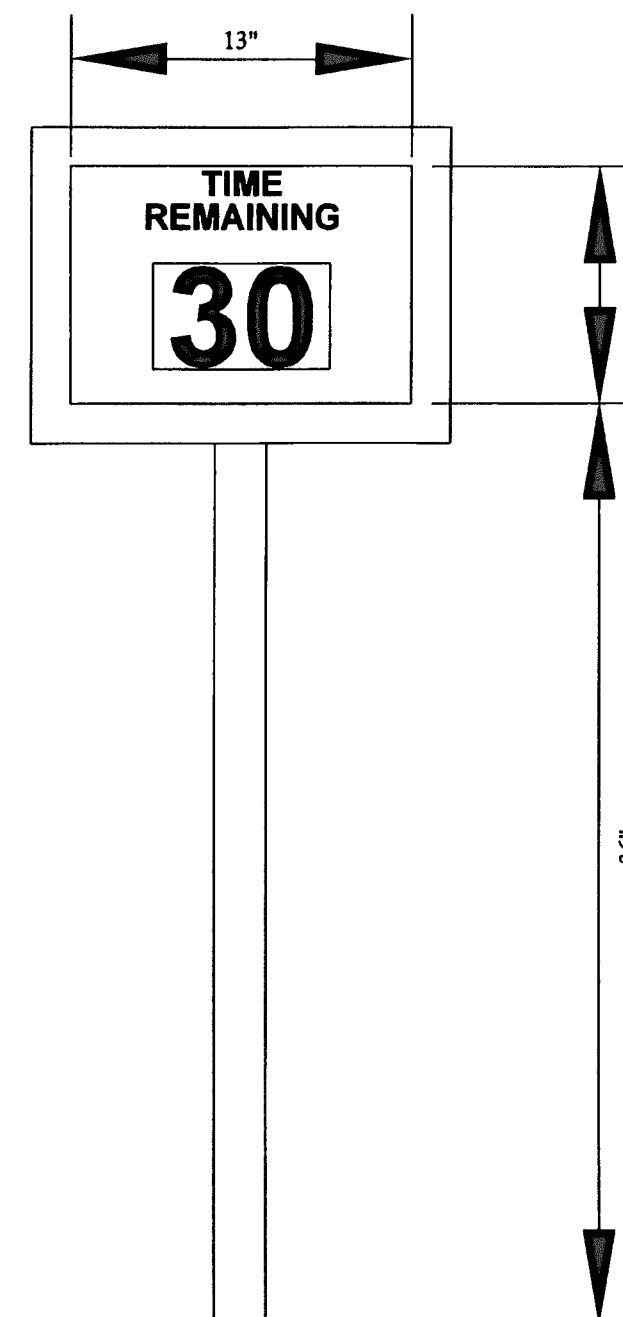
NO SCALE



CAR WASH MENU SIGN

NO SCALE

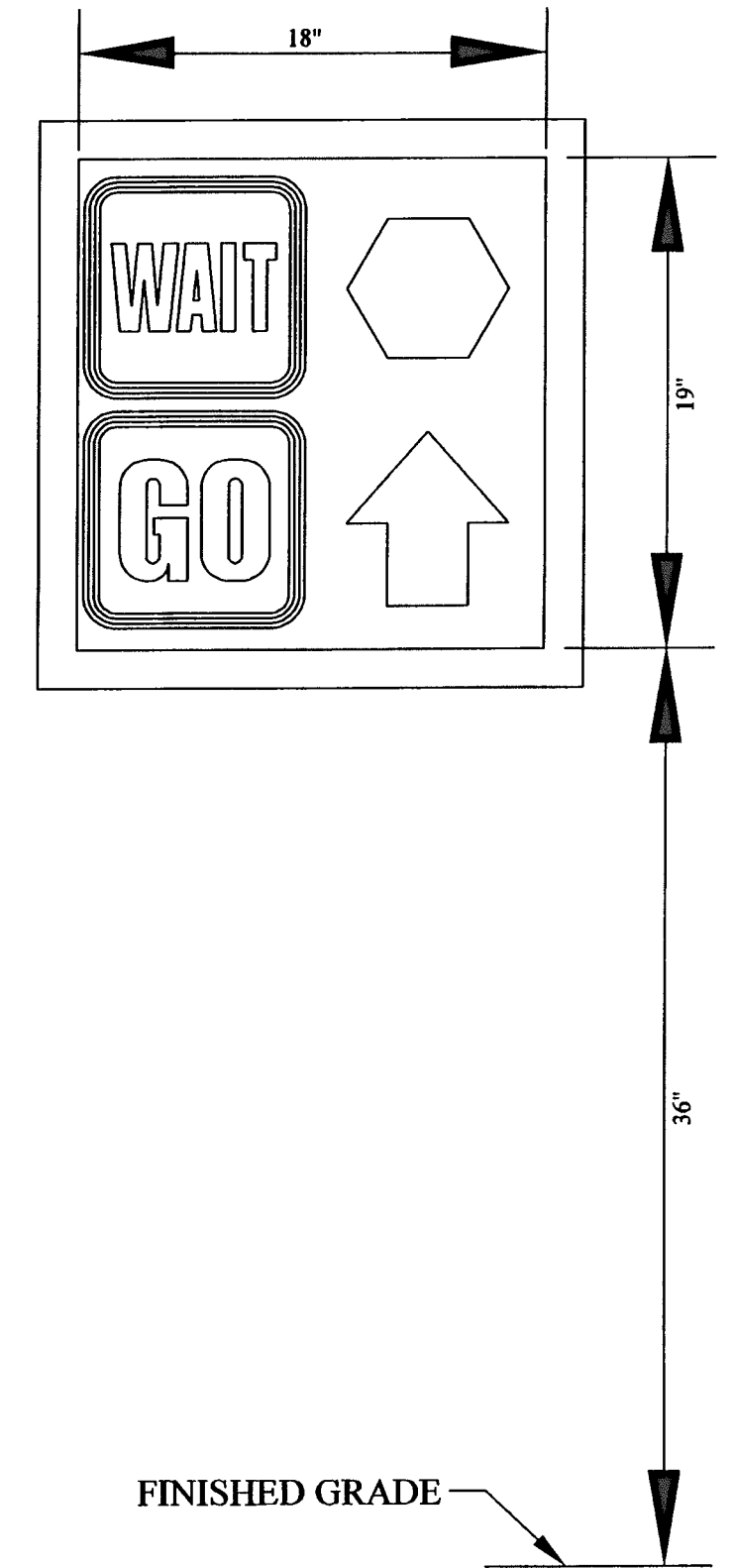
Notes: Sign cabinet is 6.5" in depth. Sign is illuminated.
For exact lettering styles, see manufacturer's cutsheets.
Prices shown are for illustration only.
Area of sign = 15 SF.



CAR WASH TIME REMAINING SIGN

NO SCALE

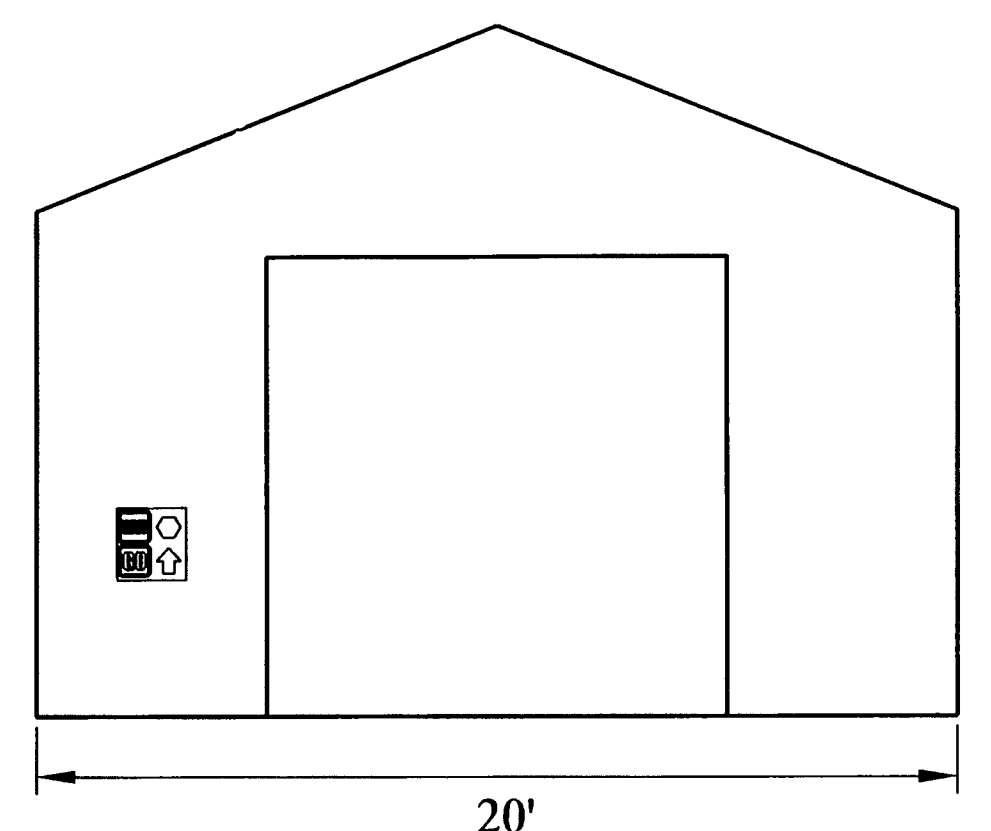
Note: Sign cabinet is 6" in depth. Sign is illuminated.
For exact lettering styles, see manufacturer's cutsheets.
Area of sign = 0.81 SF.



CAR WASH WAIT/GO SIGN

NO SCALE

Note: Sign cabinet is 6" in depth. Sign is illuminated.
Area of sign = 2.38 SF.



CAR WASH ENTRANCE SIDE

NO SCALE

ZONING ORDER & SIGNAGE DETAILS

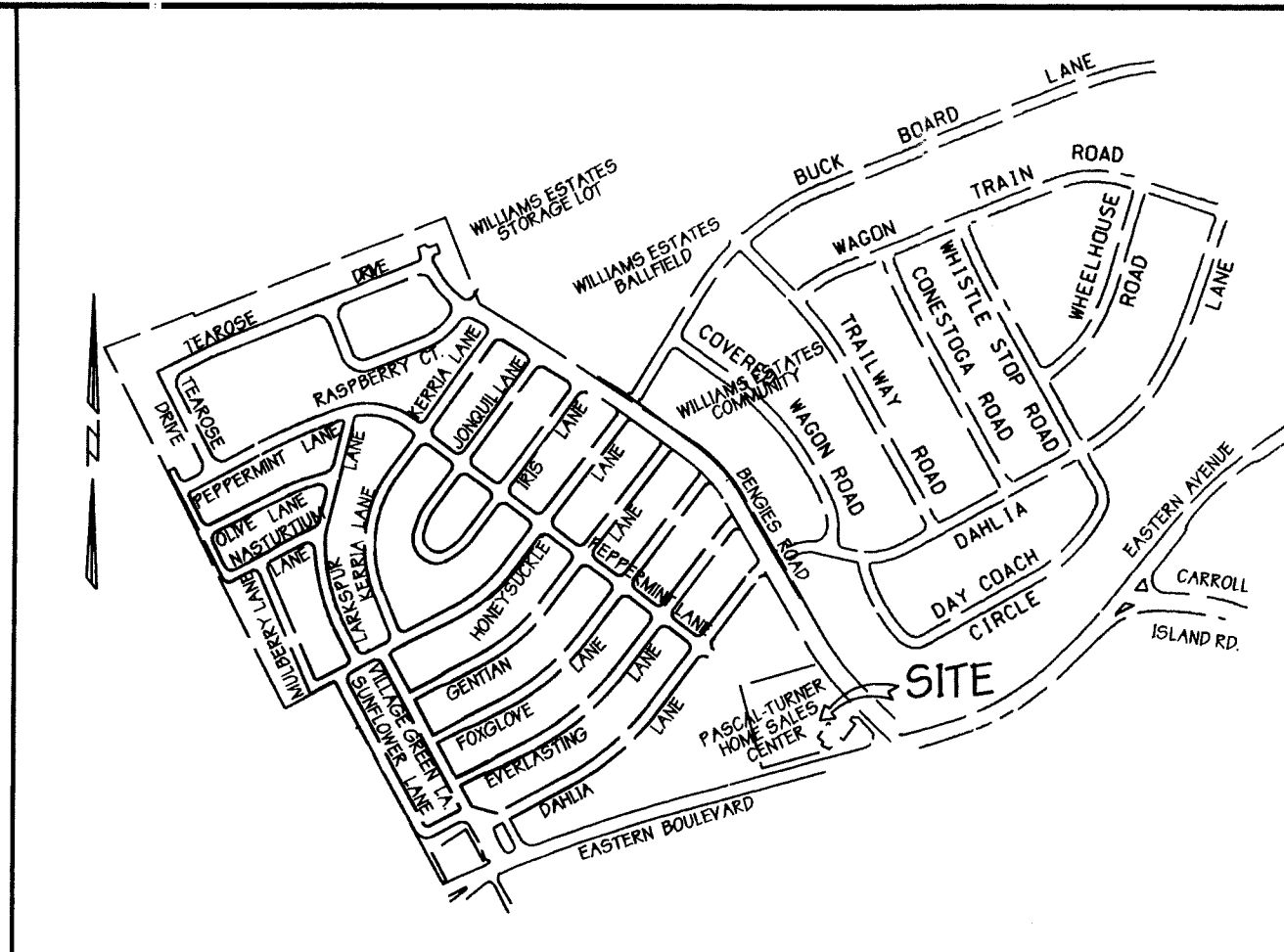
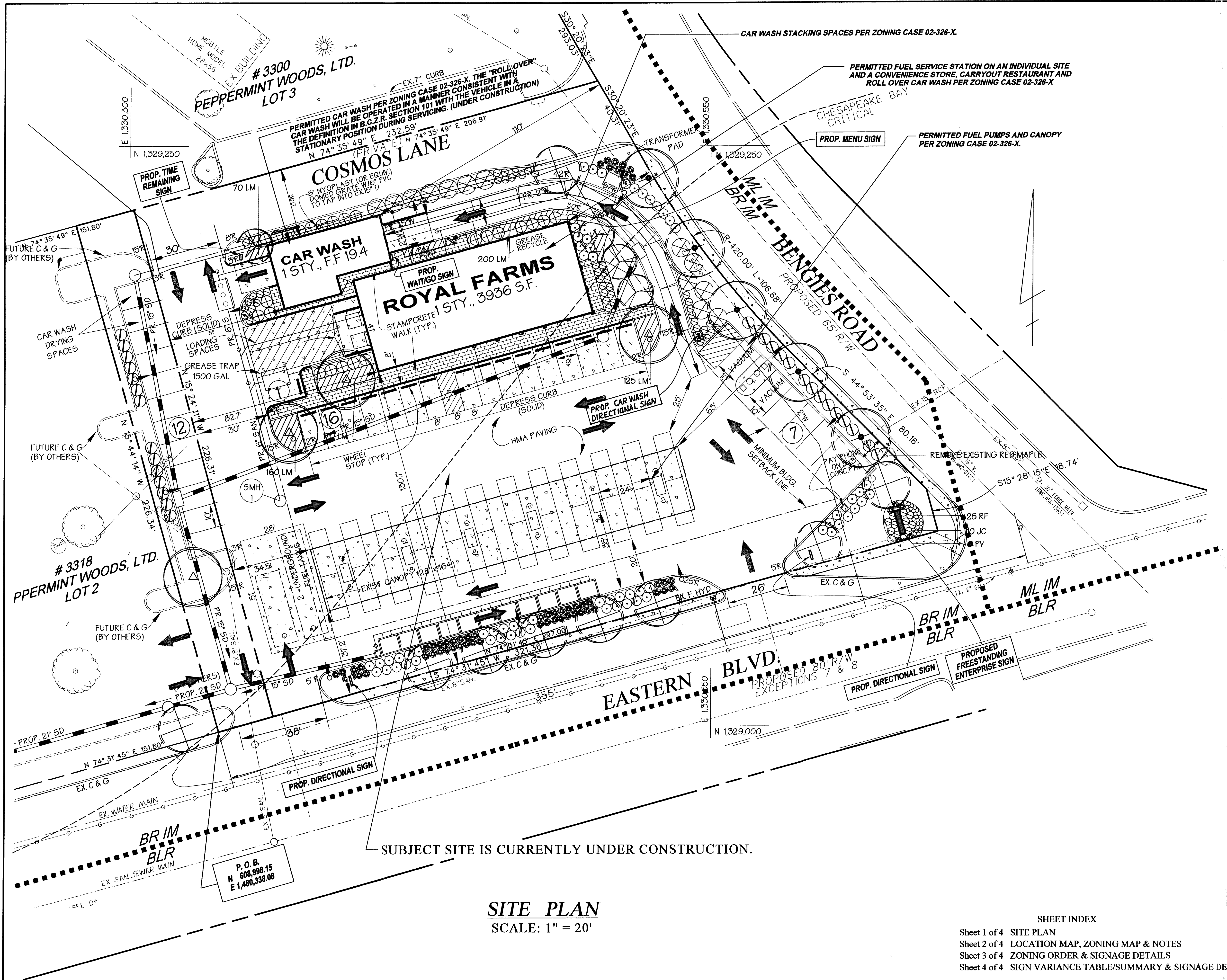
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OWNER
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Plan to Accompany A Petition for a Variance
ROYAL FARMS STORE
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Baltimore, Maryland 21220
Store #128
Councilmanic District 5
Tax Map 91 Parcel 429, Lot 1
Scale: 1" = 20'
Election District 15
October 23, 2008
Sheet 4 of 4



VICINITY MAP
SCALE: 1" = 500'

LEGEND

- PROPERTY LINE
- EX. FIRE HYDRANT
- EX. WATER
- EX. STORM DRAIN
- EX. SANITARY
- PROP. WATER
- PROP. STORM DRAIN
- PROP. SANITARY
- EX. CURB & GUTTER
- PROP. CONC. C & G
- EX. TELEPHONE MANHOLE
- EX. CHAIN LINK FENCE
- EX. PARKING LOT LIGHT
- EX. UTILITY POLE
- EX. GUY WIRE
- EX. OVERHEAD LINE
- EX. GAS MAIN
- EX. ZONING LINE
- PROP. CONCRETE
- FUEL PUMP
- SITE LIGHTING

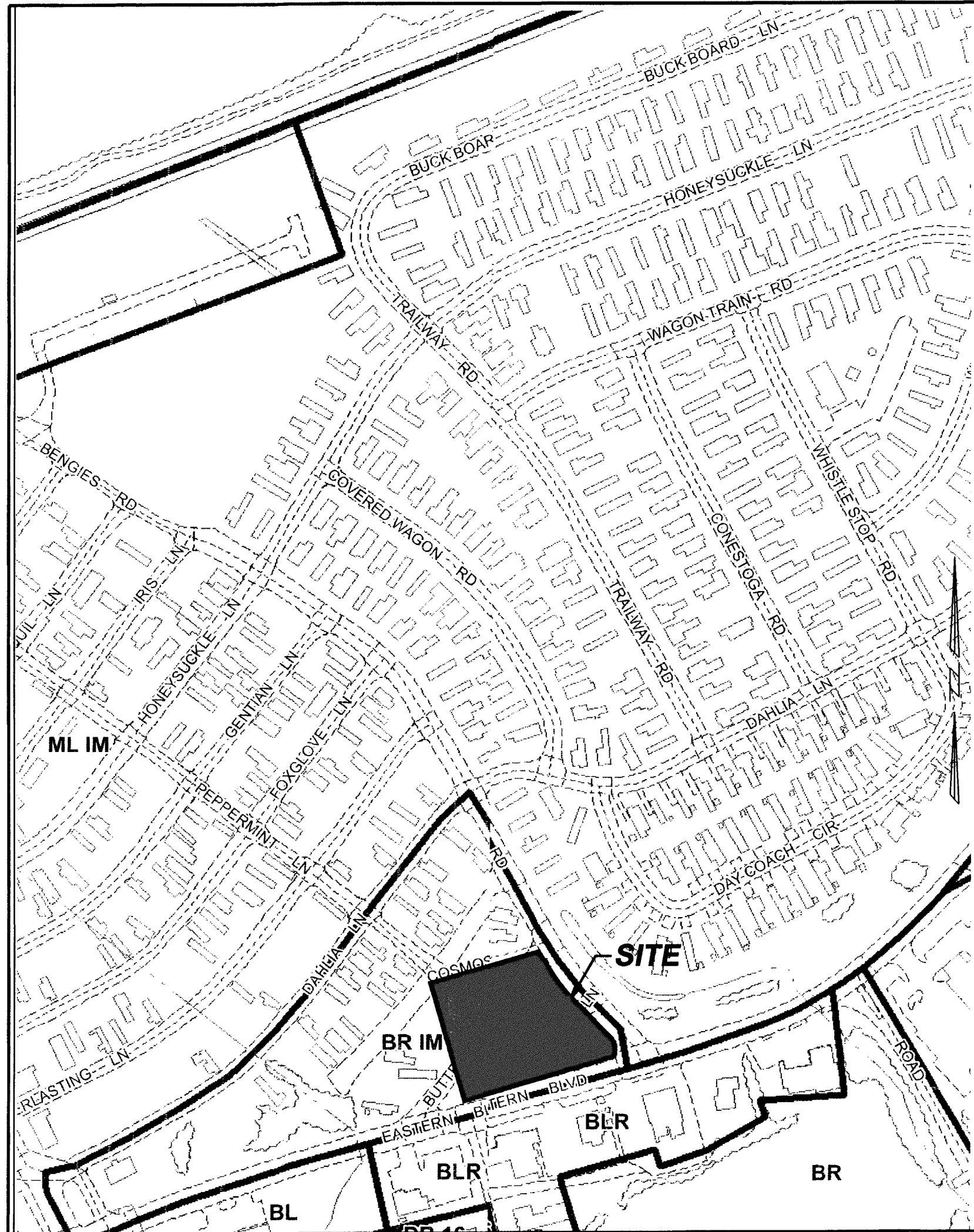
LANDSCAPE PLANT LIST

KEY	COMMON NAME
	QUERCUS PALUSTRIS NORTHERN PIN OAK
	ZELKOVA SERRATA VILLAGE GREEN VILLAGE GREEN ZELKOVA
	LAGERSTROEMIA X INDICA TUSCARORA TUSCARORA GRAPE MYRTLE
	PRUNUS X OKAME OKAME FLOWERING CHERRY
	VIBURNUM X PRAGENSE PRAGUE VIBURNUM
	NANDINA DOMESTICA HEAVENLY BAMBOO
	JUNIPERUS CHINENSIS 'SARGENTII' SARGENT'S JUNIPER
	ABELIA X GRANDIFLORA GLOSSY ABELIA
	ILEX GLABRA 'NIGRA' NIGRA INK BERRY
	PANICUM VIRGATUM HEAVY METAL HEAVY METAL SWITCH GRASS
	LIRIOPE MUSCARI 'BIG BLUE' 'BIG BLUE' LILYTURF
	RUDBECKIA FULGIDA 'GOLDSTURM' BLACK EYED SUSAN

SITE PLAN
SCALE: 1" = 20'

SHEET INDEX

Sheet 1 of 4	SITE PLAN
Sheet 2 of 4	LOCATION MAP, ZONING MAP & NOTES
Sheet 3 of 4	ZONING ORDER & SIGNAGE DETAILS
Sheet 4 of 4	SIGN VARIANCE TABLE/SUMMARY & SIGNAGE DETAILS



PARTS OF 2004 ZONING MAPS 091A1 & 091B1

1" = 200'

NOTE:
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06-44-SPHA 10/21/05 - Special Hearing and Petition for Variance to reduce the site area of the existing Trailer Camp in order to construct an office building and to permit a side yard setback of 10 ft. instead of the required 30 ft., respectively. (Granted)
1013 - S 9/02/47 - Petition for special permit for Trailer Camp. (Granted) See following Restrictions as noted:
1) The Petitioner may apply for its building permit and be granted same upon obtaining approval of the site plan by the County Review Group; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2) The single downspout which drains the entire roof area must be directed or discharged to a different location to encourage maximum infiltration, which would be the middle of the yard on the same side of the building as the downspout is located. Since the site has a number of newly planted trees, including large deciduous trees, no additional trees shall be required.

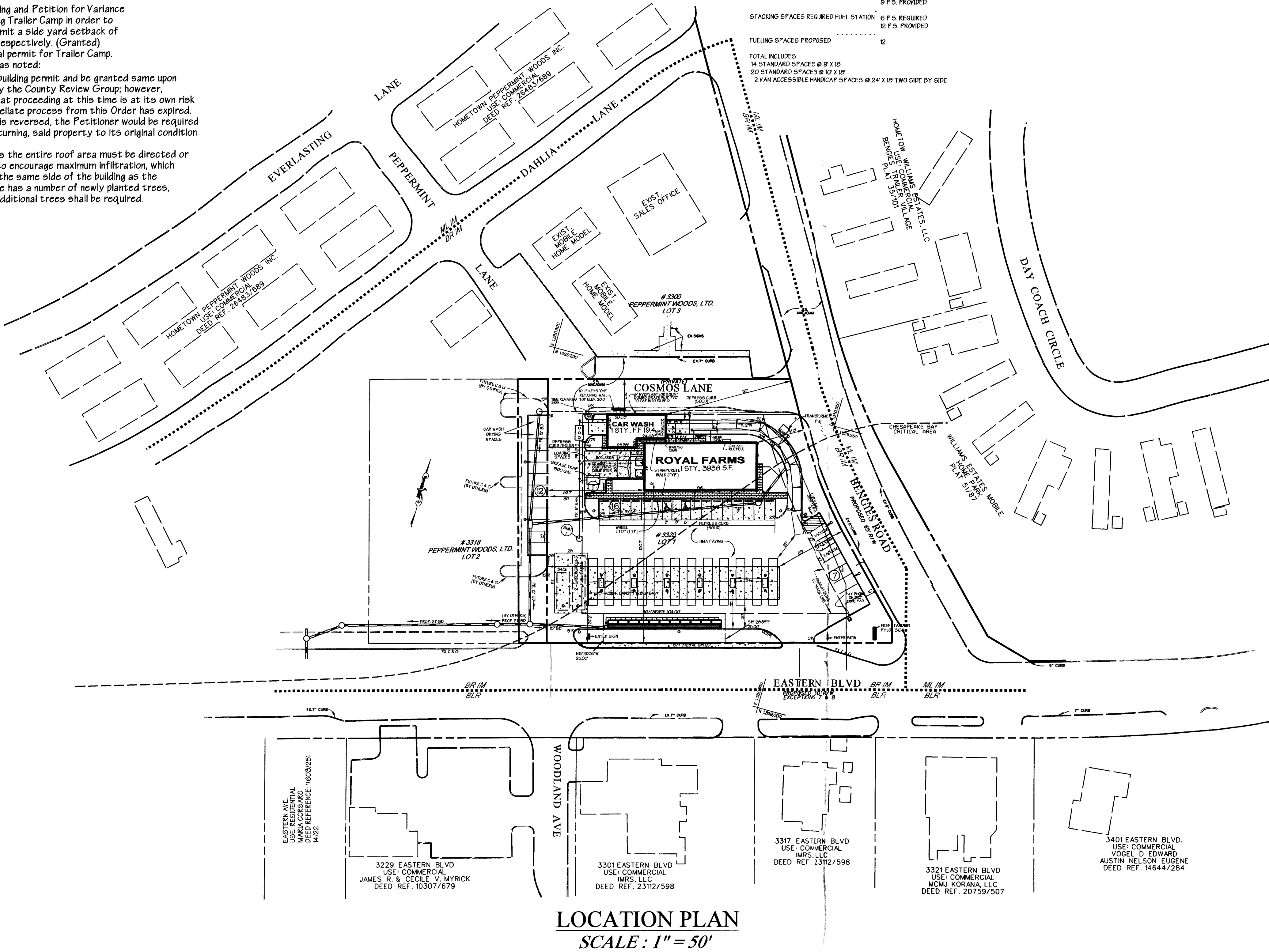
GENERAL NOTES

1. All work shall conform to Baltimore County standard specifications and details or as shown on these approved plans.
2. The contractor shall notify Miss Utility (1-800-257-7777) five days prior to starting work.
3. It is the responsibility of the contractor to investigate for underground gas and/or electric lines.
4. The subject site is partly within the Chesapeake Bay Critical Area.
5. See architectural plans for exact signage dimensions.
6. The proposed signs shall be located in conformance with the Baltimore County Sign Regulations.
8. DRC #051704L: A limited exemption was granted per Sections 26-202 & 26-206 on 2/09/05.
9. This site is serviced by public water and sewerage systems.
10. A Landscape Plan was approved on 3-22-05.
11. There are no existing or impending failures of the basic services in the area of the subject site.
12. The subject site is located in Zone X of the FEMA Floodplain Maps, Panel 2400100435 dated 9-26-2008. Zone X: area determined to be outside of the 0.2% annual chance floodplain.

SITE DATA

SITE AREA	56,366.64 SQ. FT. OR 12940 AC. (NET), 72653 SF = 16679 AC. (GROSS)
PRESENT ZONING	BR IM
EXISTING USE	VACANT / UNDER CONSTRUCTION
PROPOSED USE	CONVENIENCE STORE W/ FUEL PUMPS, CARRYOUT RESTAURANT AND CAR WASH
PLAT REFERENCE	5 M. 77/28
TAX ACCOUNT NUMBER	24-00-009061
BUILDING FLOOR AREA	3036 SF STORE + 1240 SF CARWASH
FLOOR AREA RATIO	0.09 (3036 + 1240) / 72653 = 0.07
BUILDING HEIGHT	17'-6"
PARKING SPACE DATA	
Convenience Store	2,976 S.F. @ 55 P.S./1000 S.F.
Carryout Restaurant (no seating)	960 S.F. @ 55/1000 S.F.
Employees on largest shift	1 Space for ATM
1 Space/ Air Unit	Car Wash Drying Spaces
Car Wash Vacuum Cleaner	Additional Spaces
PARKING PROVIDED	36 (including 2 handicap spaces)
LOADING PROVIDED	2
CAR WASH STACKING SPACES (9' x 20')	9 P.S. REQUIRED 9 P.S. PROVIDED
STACKING SPACES REQUIRED FUEL STATION	6 P.S. REQUIRED 12 P.S. PROVIDED
FUELING SPACES PROPOSED	12
TOTAL INCLUDES	14 STANDARD SPACES @ 9' X 10' 20 STANDARD SPACES @ 10' X 10' 2 VAN ACCESSIBLE HANDICAP SPACES @ 24' X 10' TWO SIDE BY SIDE

ROYAL FARMS STORE	
*Hours of Operation	24 Hours/7 Days per Week
Max. Number of Employees/Shift	Morning/Afternoon = 3 Afternoon/Evening = 3 Night = 2



LOCATION PLAN
SCALE: 1" = 50'

Matis Warfield

consulting engineers

10540 York Road Suite M
Hunt Valley, Maryland 21030
phone 410-683-7004
facsimile 410-683-1798
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(410) 889-0200

Plan to Accompany A Petition for a Variance

ROYAL FARMS STORE

3320 Eastern Blvd.
Baltimore, Maryland 21220
Store #128

Councilmanic District 5
Tax Map 91 Parcel 429, Lot 1
Scale: 1" = 50'

Election District 15
December 19, 2008
Sheet 2 of 4

12/21/08
LES

WHEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of January 2003 that the Petition for Special Exception to permit a fuel service station on an individual site and a convenience store, carryout restaurant, and rollover car wash as uses in combination therewith, pursuant to Sections 405.2.B.1, 405.4.E.1, 405.4.E.2 and 405.4.E.10 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibits 1 and 4, be and is hereby GRANTED, subject to the following restrictions:

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

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- 2) Prior to the issuance of any permits, the Petitioners shall submit a landscape and lighting plan for review and approval by the Office of Planning and Avery Harden, Landscape Architect for Baltimore County. The screening and lighting plan shall provide sufficient screening so that security lights, permanent lighting and vehicle headlights do not inappropriately spill onto adjacent properties, particularly the Bengies Drive-In Movie Theater as more particularly described above.
- 3) The proposed road improvements to Eastern Avenue shall be completed in accordance with the SHA requirements.
- 4) A storm water management plan shall be submitted to DEPRM for review and approval, prior to the issuance of any permits, or a waiver of same obtained. Compliance with all other environmental codes and regulations.
- 5) When applying for a building permit, the site plan and landscape/lighting plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petitioners shall have five (5) years from the date hereof to utilize the special exception relief granted herein.

12/21/08
LES

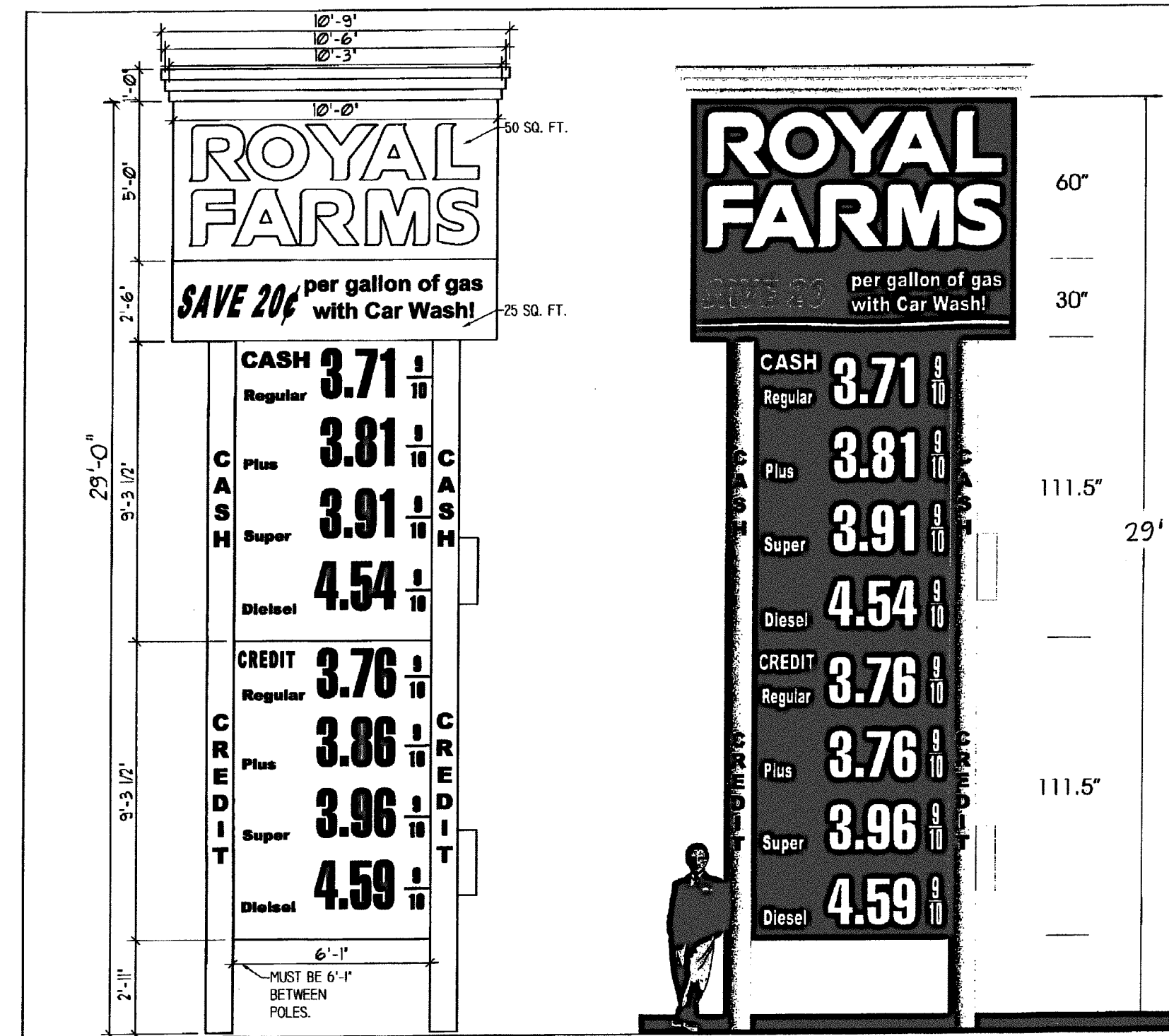
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ZONING ORDER

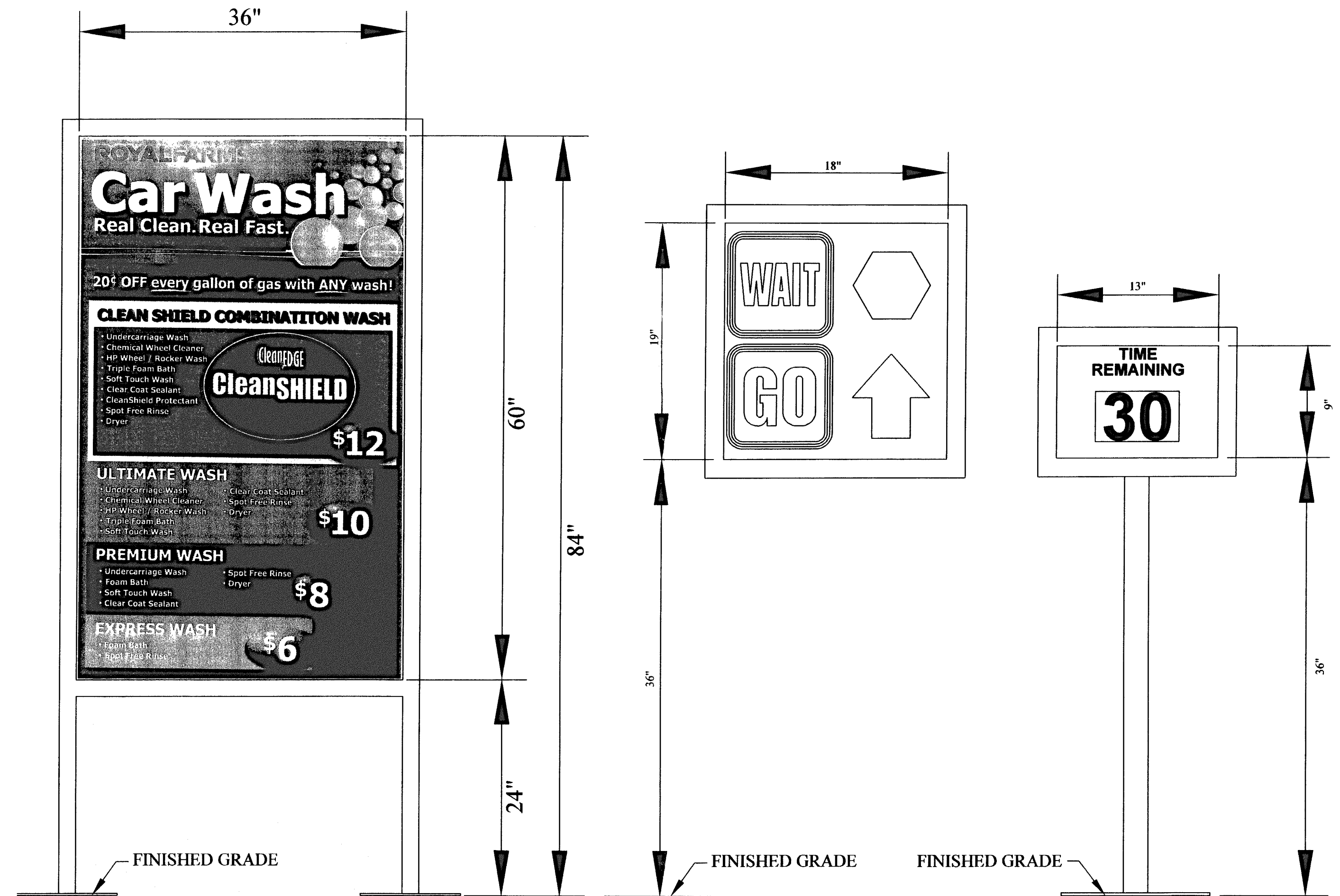
7

ORDERED FOR FILING
Date: 1/21/03
LES



FREESTANDING PYLON SIGN
NO SCALE

NOTES: PRICE SIGN AREA EXEMPT PURSUANT TO STATE REGULATIONS.
AREA OF SIGN ALLOWED = 100 SF
AREA OF SIGN PROPOSED = 75 SF
PRICES SHOWN ARE FOR ILLUSTRATION ONLY.
SIGN IS ILLUMINATED



CAR WASH MENU SIGN
NO SCALE

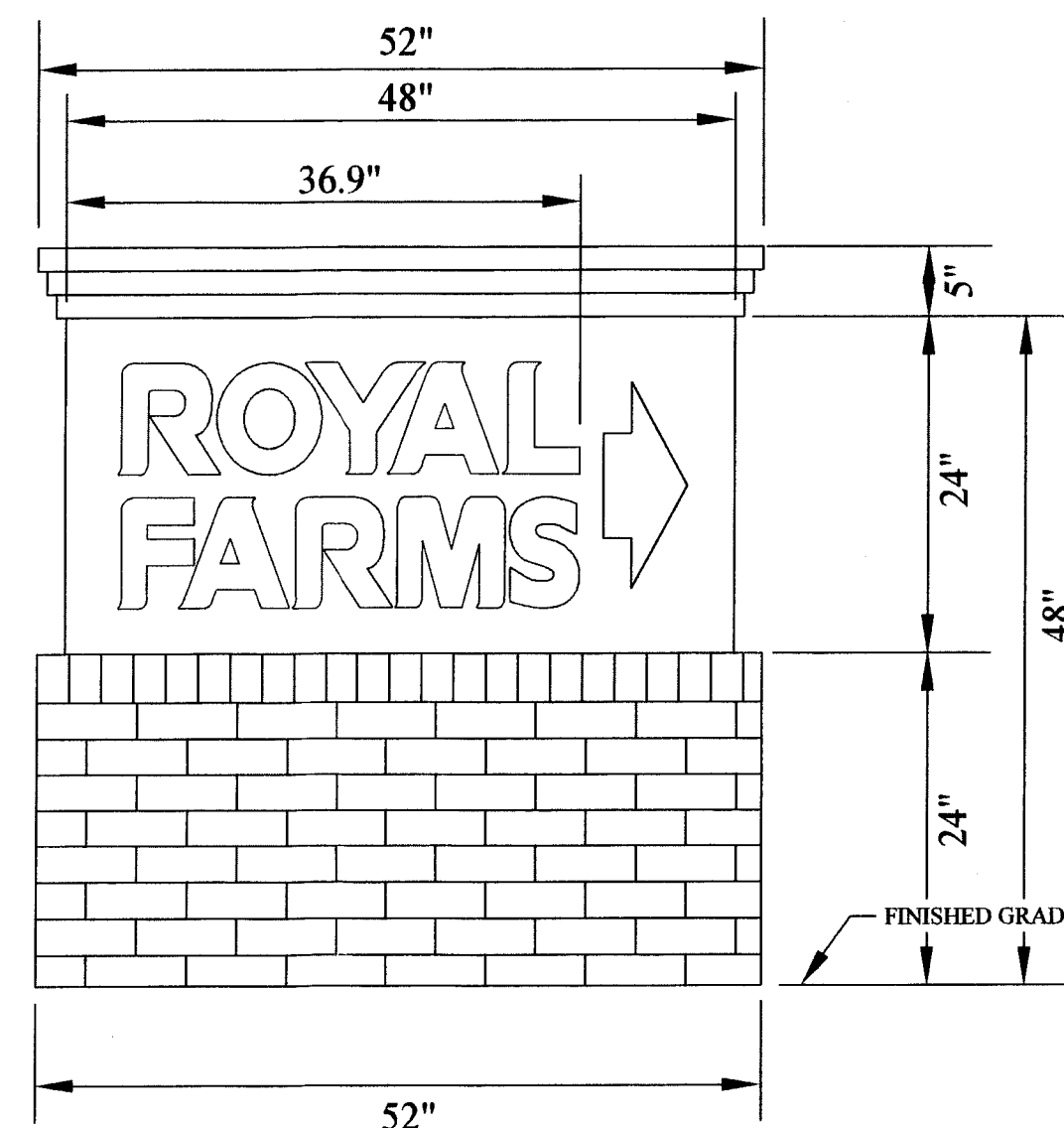
Notes: Sign cabinet is 6.5" in depth. Sign is illuminated.
Prices shown are for illustration only.
Area of sign = 15 SF

CAR WASH WAIT/GO SIGN
NO SCALE

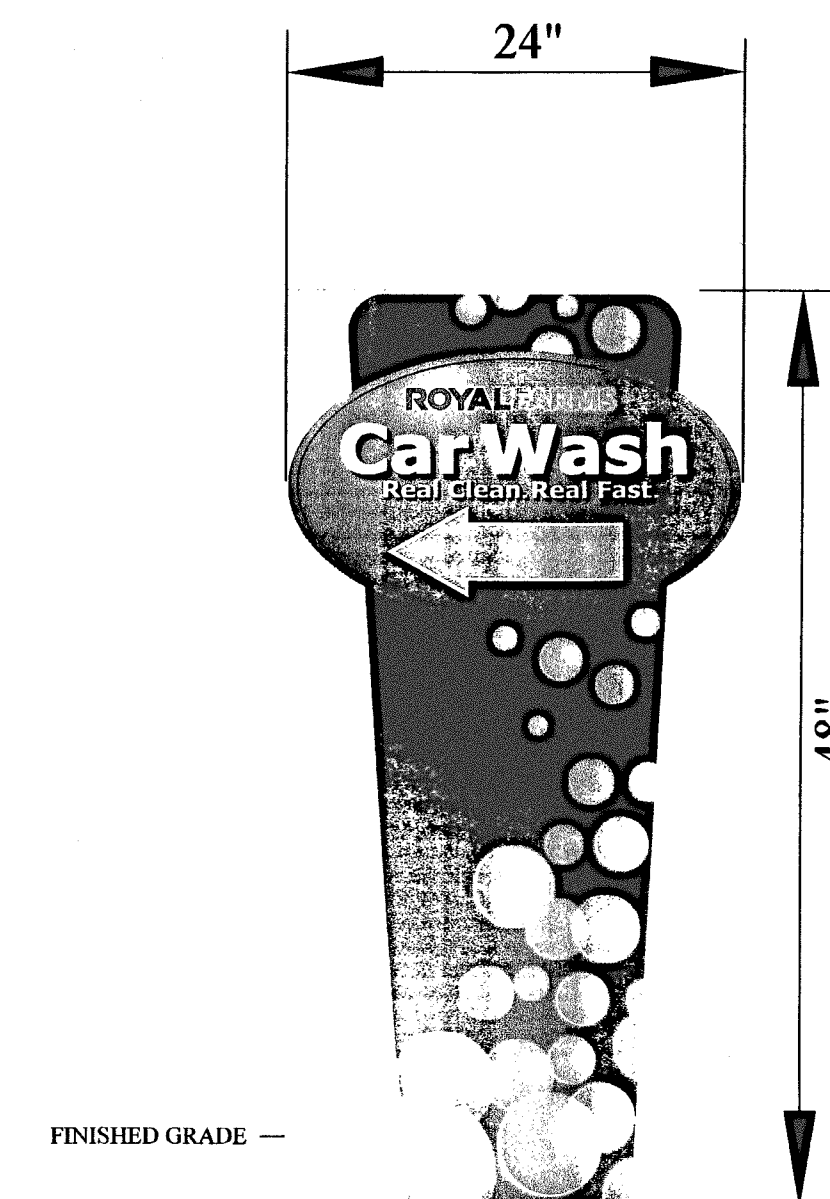
Note: Sign cabinet is 6" in depth.
Sign is illuminated.
Area of sign = 2.38 SF

CAR WASH TIME REMAINING SIGN
NO SCALE

Note: Sign cabinet is 6" in depth.
Sign is illuminated.
For exact lettering styles,
see manufacturer's cutsheets.
Area of sign = 0.81 SF

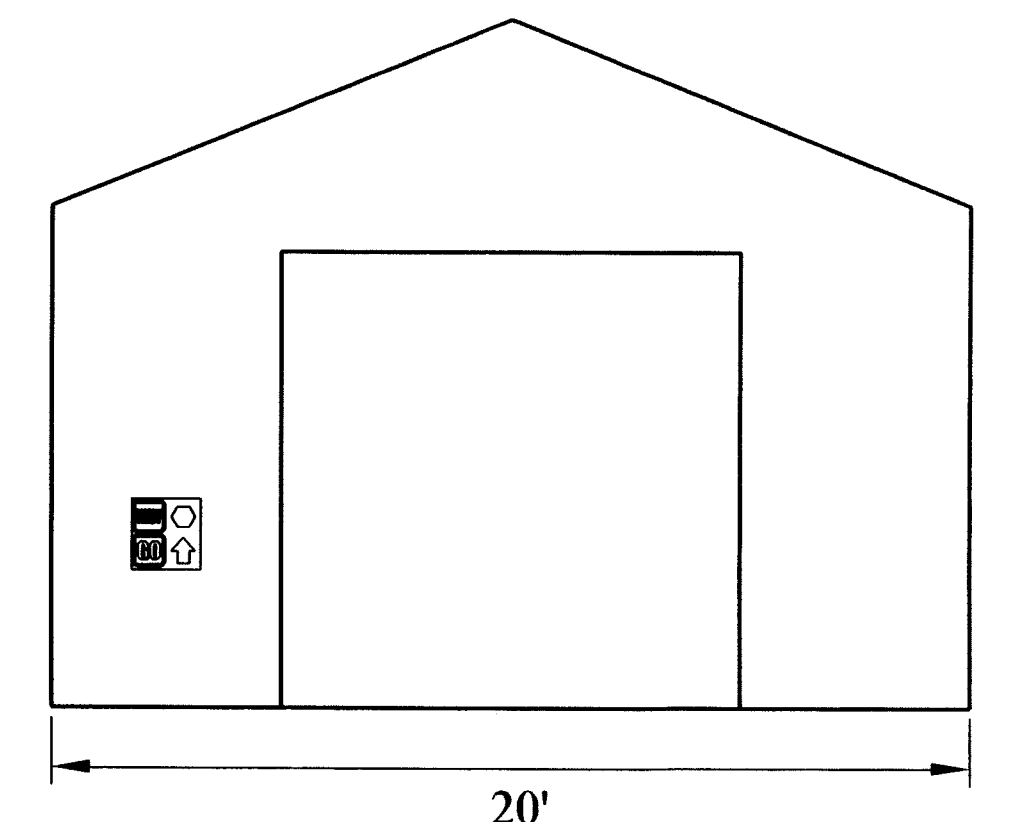


ROYAL FARMS DIRECTIONAL SIGN
NO SCALE



CAR WASH DIRECTIONAL SIGN
NO SCALE

Notes: Sign is illuminated.
Area of sign = 5.4 SF



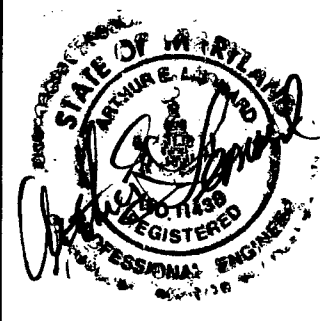
CAR WASH ENTRANCE SIDE
NO SCALE

ZONING ORDER & SIGNAGE DETAILS

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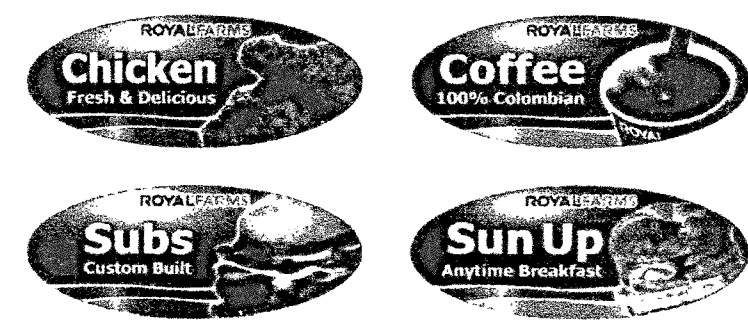
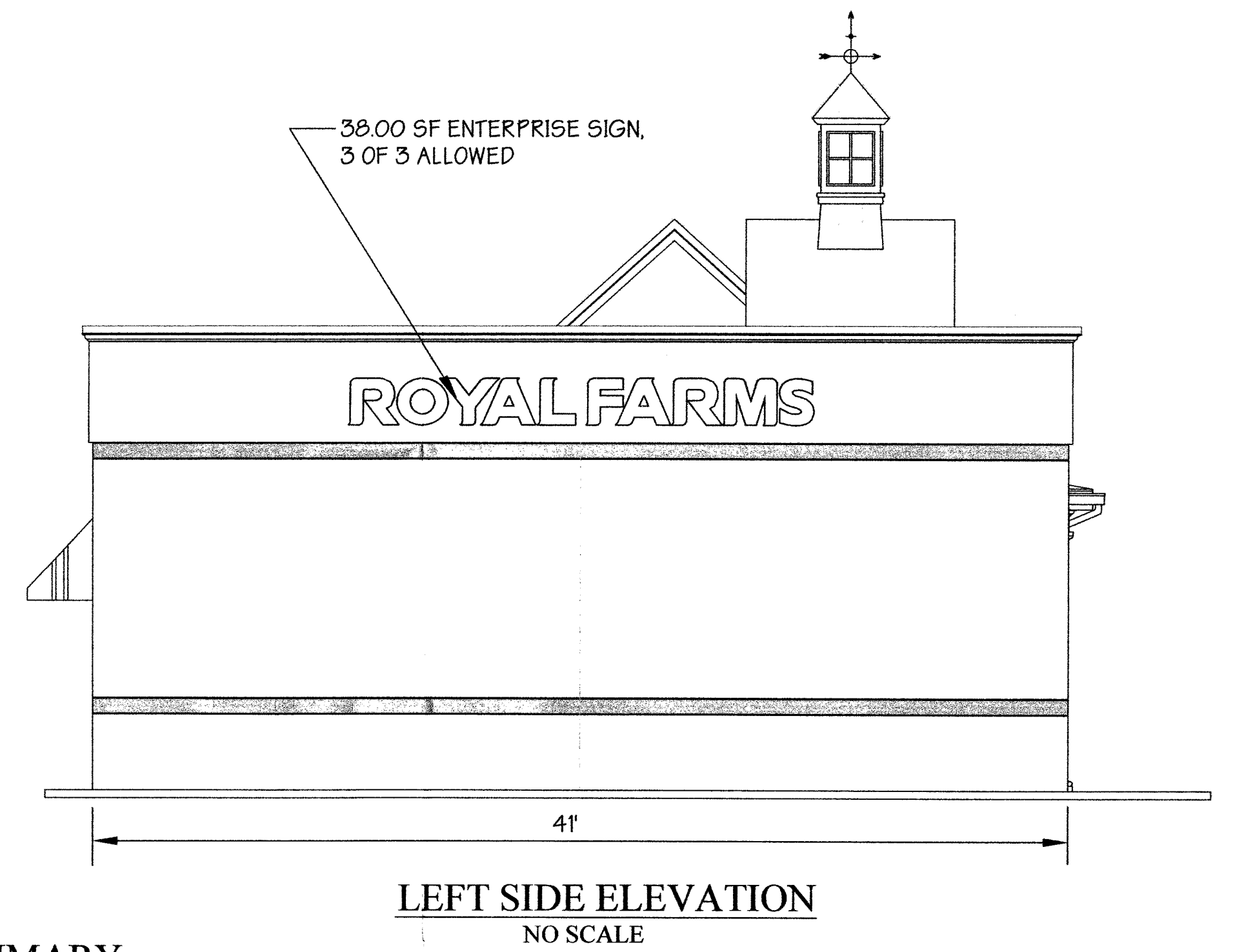
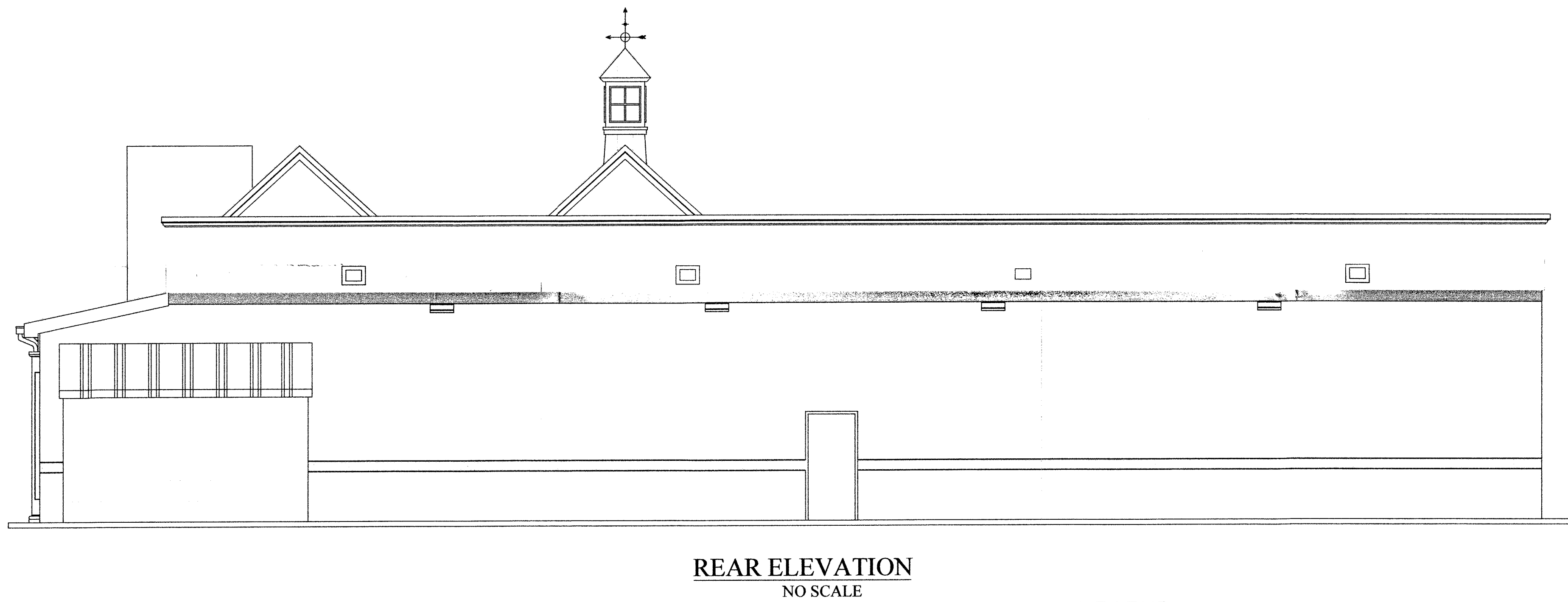
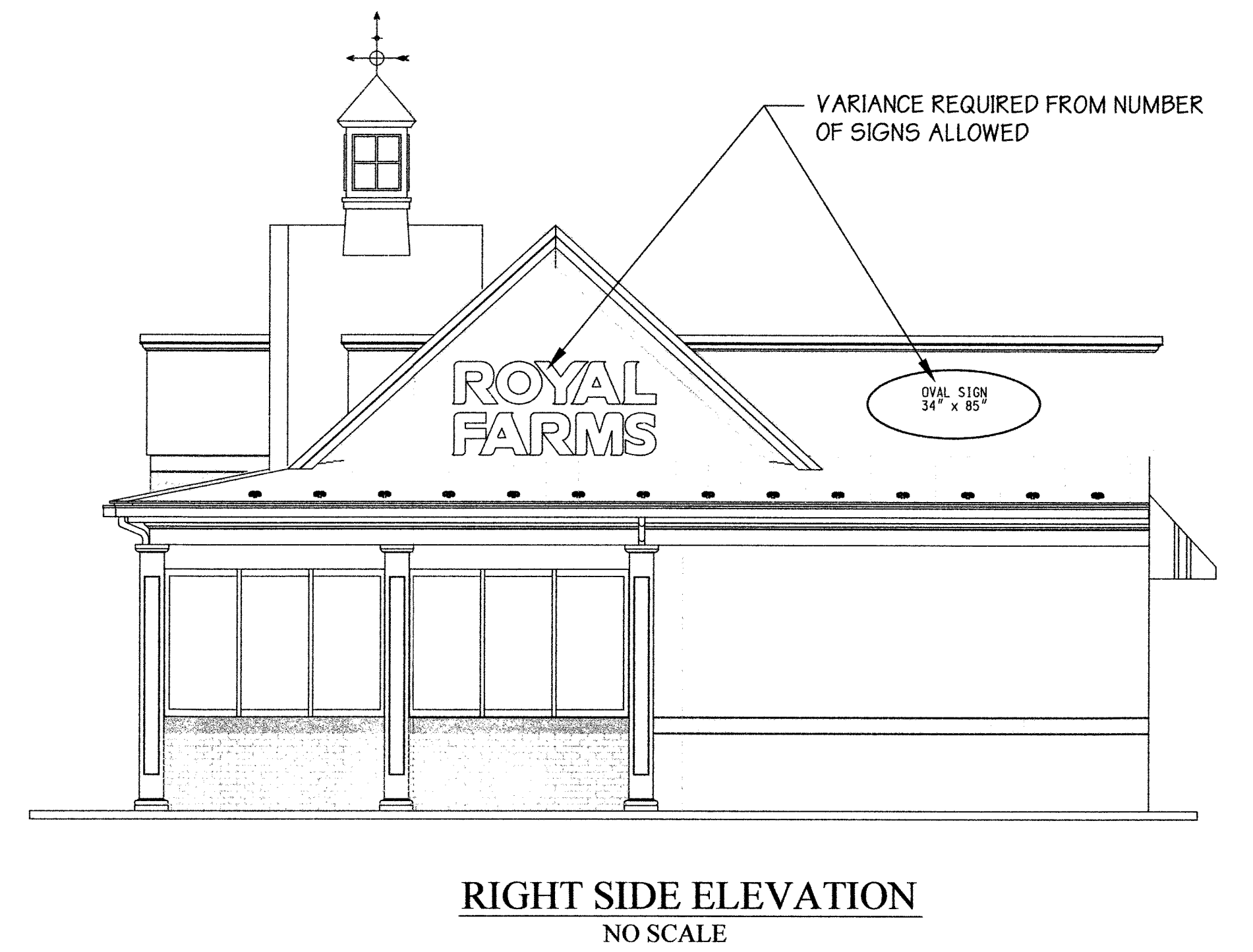
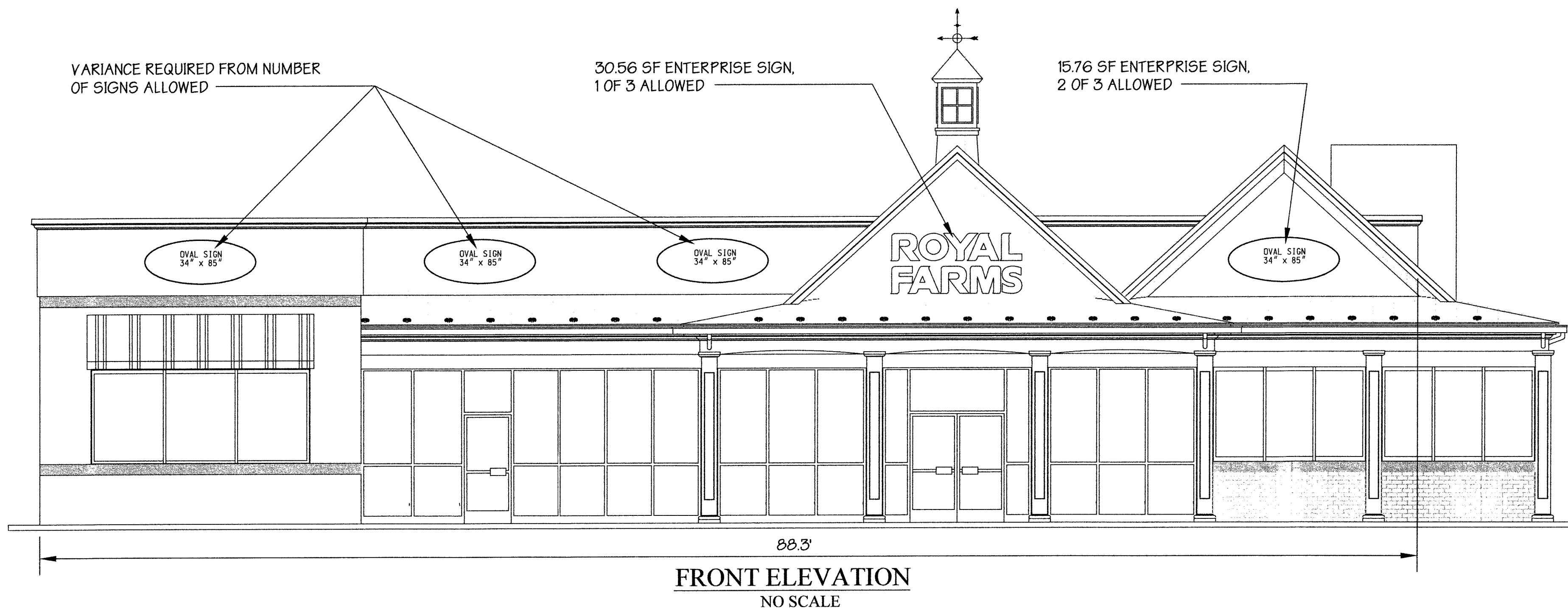
Plan to Accompany A Petition for a Variance

ROYAL FARMS STORE

3320 Eastern Blvd.
Baltimore, Maryland 21220
Store #128

Councilmanic District 5
Tax Map 91 Parcel 429, Lot 1
Scale: 1" = 20'

Election District 15
December 19, 2008
Sheet 3 of 4



VARIATIONS OF OVAL SIGNS
NO SCALE

SIGN LEGEND NO SCALE		SQ FOOTAGE
SIGN ELEVATION		
		30.56 SQ FT
		15.76 SQ FT
		38.00 SQ FT

SIGN VARIANCE TABLE/SUMMARY

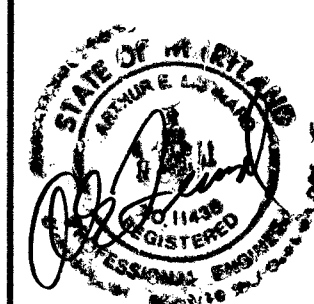
UNDER-CANOPY SIGNS ARE PROPOSED BUT ARE NOT COUNTED TOWARD SIGNAGE LIMITS PER SIGN TABLE ITEM 5.(c)IX.

TYPE OF SIGN	ALLOWED AREA	ALLOWED NUMBER	ALLOWED HEIGHT	PROPOSED AREA	PROPOSED NUMBER	PROPOSED HEIGHT	VARIANCE REQUIRED
ENTERPRISE: WALL MOUNTED							
FRONT	2 X 88.3' = 176.60 SF	3, NO MORE THAN 2 PER FACADE	NA	93.60 SF	5	NA	YES: SIGN TABLE ITEM 5.(a)VI
RIGHT SIDE	0 SF	0	NA	46.32 SF	2	NA	YES: SIGN TABLE ITEM 5.(a)VI
REAR	0 SF	0	NA	0 SF	0	NA	NO
LEFT SIDE	2 X 41' = 82 SF	1	NA	38.00 SF	1	NA	NO
ENTERPRISE: FREESTANDING PYLON	2 X 100' = 200 SF	2, 1 PER FRONTAGE	25'	75 SF	1	29'	YES: SIGN TABLE ITEM 5.(b)VII
DIRECTIONAL	8 SF PER SIGN	NA	6'				
ROYAL FARMS	*8 SF	NA	6'	*8 SF	2	4'	YES: *SIGN TABLE ITEM 3.IX
CAR WASH WAIT / GO	8 SF	NA	6'	2.88 SF	1	4.58'	NO
CAR WASH TIME REMAINING	8 SF	NA	6'	0.81 SF	1	3.75'	NO
CAR WASH MENU	8 SF	NA	6'	15 SF	1	7'	YES: SIGN TABLE ITEMS 3.V & 3.VII
CAR WASH DIRECTIONAL	8 SF	NA	6'	5.4 SF	1	4'	NO

* LOGO (ROYAL FARMS) MAY BE 30% OF SIGN AREA = 2.4 SF PER SIGN; THUS, TOTAL ALLOWED LOGO AREA = 4.8 SF,
PROPOSED LOGO AREA = 6.15 SF PER SIGN = 76.9%,
PROPOSED NO. OF DIRECTIONAL SIGNS = 2,
TOTAL PROPOSED LOGO AREA = 12.30 SF.

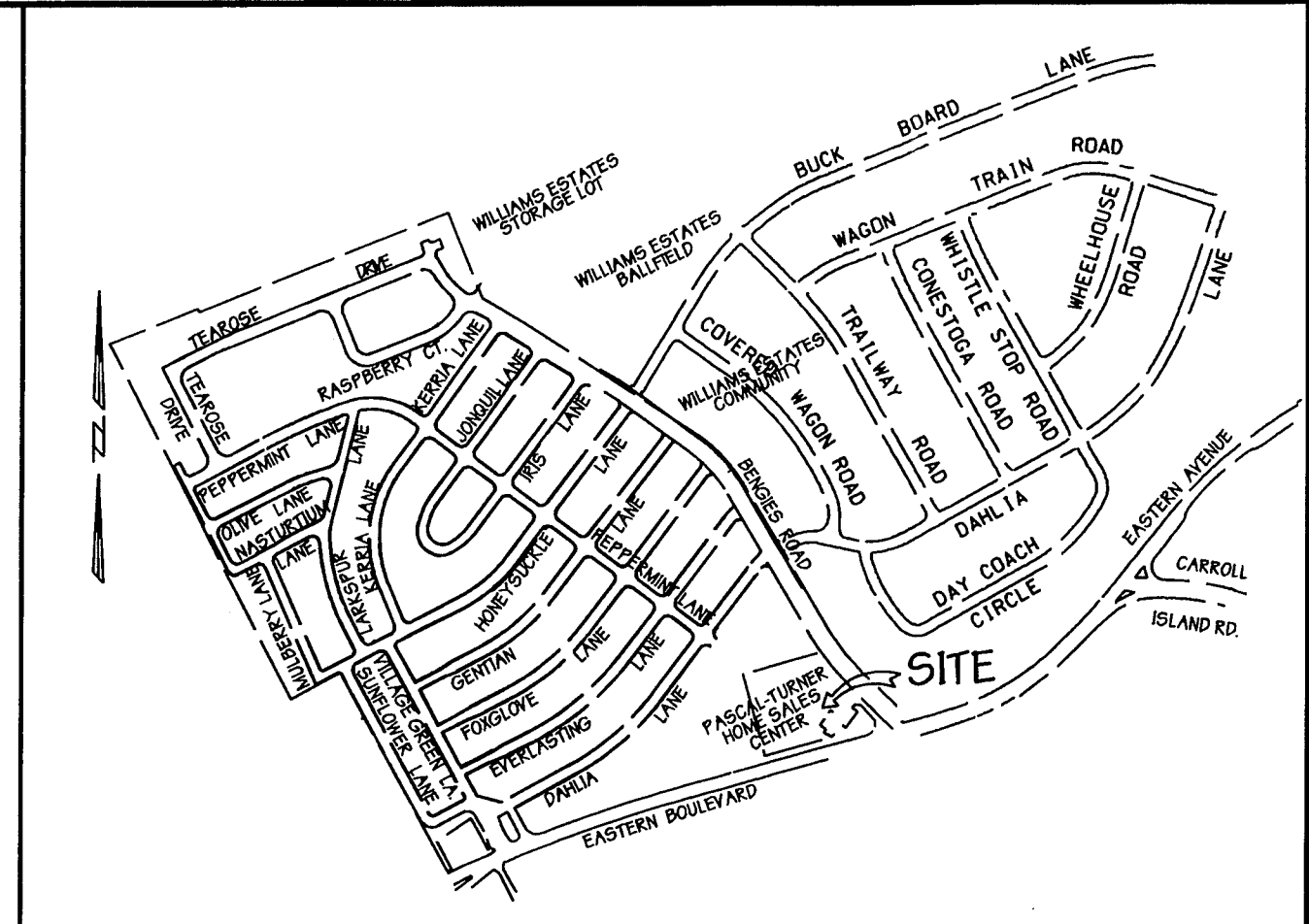
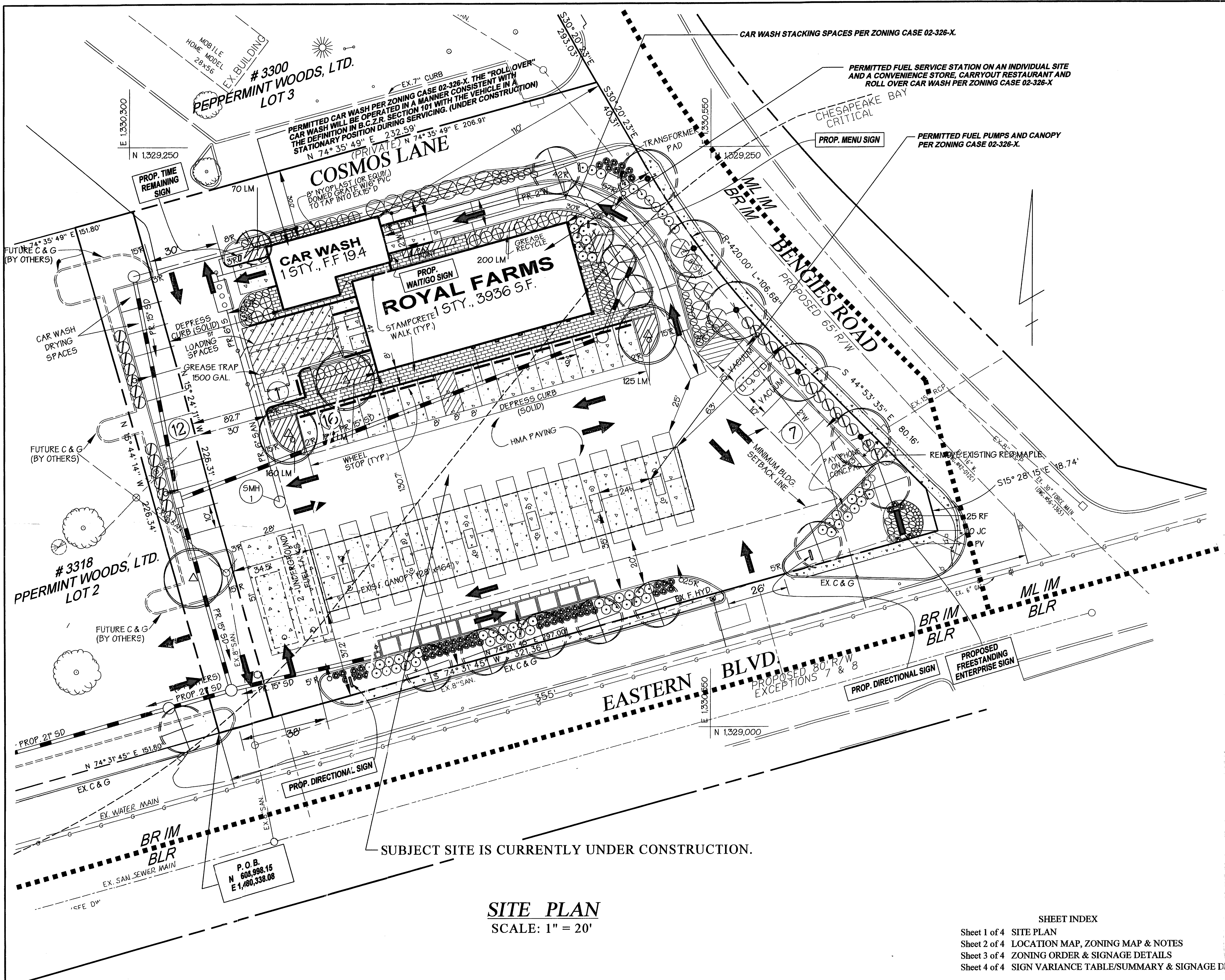
SIGN VARIANCE TABLE/SUMMARY SIGNAGE DETAILS

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ROYAL FARMS STORE
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Baltimore, Maryland 21220
Store #128
Councilmanic District 5
Tax Map 91 Parcel 429, Lot 1
Scale: 1" = 20'
Election District 15
Rev. January 06, 2009
Sheet 4 of 4



VICINITY MAP
SCALE: 1" = 500'

LEGEND

- PROPERTY LINE
- EX. FIRE HYDRANT
- EX. WATER
- EX. STORM DRAIN
- EX. SANITARY
- PROP. WATER
- PROP. STORM DRAIN
- PROP. SANITARY
- EX. CURB & GUTTER
- PROP. CONC. C & G
- EX. TELEPHONE MANHOLE
- EX. CHAIN LINK FENCE
- EX. PARKING LOT LIGHT
- EX. UTILITY POLE
- EX. GUY WIRE
- EX. OVERHEAD LINE
- EX. GAS MAIN
- EX. ZONING LINE
- PROP. CONCRETE
- FUEL PUMP
- SITE LIGHTING

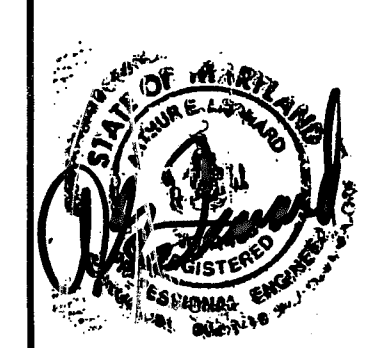
LANDSCAPE PLANT LIST

KEY	COMMON NAME
+	QUERCUS PALUSTRIS NORTHERN PIN OAK
Δ	ZELKOVA SERRATA 'VILLAGE GREEN' VILLAGE GREEN ZELKOVA
⊗	LAGERSTROEMIA X INDICA 'TUSCARORA' 'TUSCARORA' CRAPE MYRTLE
⊕	PRUNUS X 'OKAME' 'OKAME' FLOWERING CHERRY
⊗⊗	VIBURNUM X 'PRAGENSE' PRAGUE VIBURNUM
⊗⊗⊗	NANDINA DOMESTICA HEAVENLY BAMBOO
⊗⊗⊗	JUNIPERUS CHINENSIS 'SARGENTII' SARGENT'S JUNIPER
⊗⊗⊗	ABELIA X GRANDIFLORA GLOSSY ABELIA
⊗⊗⊗	ILEX GLABRA 'NIGRA' NIGRA INK BERRY
⊗⊗⊗ PV	PANICUM VIRGATUM 'HEAVY METAL' HEAVY METAL SWITCH GRASS
⊗⊗⊗ LM	LIRIOPE MUSCARI 'BIG BLUE' 'BIG BLUE' LILY TURF
⊗⊗⊗ RF	RUDBECKIA FULGIDA 'GOLDSTURN' BLACK EYED SUSAN

SITE PLAN
SCALE: 1" = 20'

- SHEET INDEX
- Sheet 1 of 4 SITE PLAN
 - Sheet 2 of 4 LOCATION MAP, ZONING MAP & NOTES
 - Sheet 3 of 4 ZONING ORDER & SIGNAGE DETAILS
 - Sheet 4 of 4 SIGN VARIANCE TABLE/SUMMARY & SIGNAGE DETAILS

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(410) 883-0200

Plan to Accompany A Petition for a Variance
ROYAL FARMS STORE
3320 EASTERN BLVD.
Councilmanic District 5
Tax Map 91 Parcel 429, Lot 1
Scale: 1" = 20'
Election District 15
October 23, 2008
Sheet 1 of 4

2009-0128-A