

IN RE: **PETITION FOR VARIANCE** *
E/S York Rd., S/Side of Lambourne Rd.
(21 Lambourne Road, 707, 711, 713, *
715 & 717 York Road –
(Towson Promenade) *

9th Election District *
5th Council District *

Towson Promenade, LLC *
Owner/Petitioner *

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

Case No. 2009-0249-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Towson Promenade, LLC, by and through its attorney, David H. Karceski, Esquire. The Petitioner requests variance relief from Baltimore County Zoning Regulations (B.C.Z.R.) Section 450 as follows: (1) to allow 22 wall-mounted identification signs with a maximum sign face area of 75 square feet each in lieu of the permitted two wall-mounted identification signs (one per frontage) with a sign face of 25 square feet each, pursuant to Section 450.4.6 (Signs 1 and 2A/2B); (2) to allow wall-mounted identification signs to project no more than 5 feet (Sign 1 - on marquee over building entrance) and 4 feet (Signs 2A/2B) from the wall to which the signs are attached in lieu of the permitted 18 inches, pursuant to Section 450.5.B.9.a.; (3) to allow a wall-mounted directional sign with a sign face area of 18 square feet in lieu of the permitted 8 square feet, pursuant to Section 450.4.3. (Sign 3); and (4) to allow a wall-mounted directional sign to project no more than 3 feet from the wall to which the sign is attached in lieu of the permitted 18 inches, pursuant to Section 450.5.B.9.a. (Sign 3). The property and requested relief are more particularly described on the

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site plan and signage details, marked and accepted into evidence as Petitioner's Exhibits 1A and 1B.

At the requisite public hearing in the instant case, David H. Karceski, Esquire and Kedrick N. Whitmore, Esquire appeared as attorneys for Petitioner. Also appearing in support of the Petition were Adam Harbin, Petitioner's Acquisition and Development Partner for this residential apartment project, Kristy Bischoff, the engineer who prepared the site plan filed in this case, and Mitchell Kellman, Director of Zoning Services, both with Daft-McCune-Walker, Inc. Donald Gerding, a member and resident of the Rodgers Forge Community Association, attended the hearing in his individual capacity. No other interested citizens were present at the public hearing, although the Greater Towson Council of Community Associations (GTCCA) and West Towson Neighborhood Association submitted letters to this Commission confirming that these associations have no objection to the sign variance requests. The Greater Towson Committee (GTC) also submitted a letter of support. Each letter is addressed below. As there were no Protestants present at the hearing, the case proceeded informally with a proffer from Mr. Karceski, which was supplemented by the testimony of Mr. Harbin and Petitioner's expert witnesses.

Petitioner's Exhibits 4A and 4B (Aerial Photographs from the Office of Planning's website) revealed that the subject property is $5.3 \pm$ acres in size and split-zoned B.L. (Business, Local), B.M. (Business, Major), B.R. (Business, Roadside), and B.R. with an A.S. (Automotive Services) overlay district on a portion of the site. The property is located at the connection of York and Lambourne Roads in the Towson area of Baltimore County and is at the edge of Towson's commercial core, a large, urban area zoned B.M. - C.T. (Commercial, Town-Center Core) overlay district. It is important to note that the property is also located within the

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boundaries of the Towson Revitalization District, and, according to Article 26 of the Baltimore County Code, the County encourages redevelopment of properties like this site within established revitalization districts.

The variance requests pertain to identification and directional signage proposed on the exterior walls of a 379-unit luxury residential apartment building now under construction on the subject property. The building's location on the property and the specific locations for each sign on the building's walls are shown and indicated on Petitioner's Exhibit 1A. Details for these signs are provided on Petitioner's Exhibit 1B. The signage proposed includes: (a) one wall-mounted sign, labeled Sign "1," to be located at the corner of York and Lambourne Roads for identification of the main entrance to this residential apartment building; (b) twenty-one (21) vertical banner signs, labeled Signs "2A" and "2B," to be located along the York Road and Lambourne Road frontages which, as explained below, are predominantly decorative in nature; and (c) one directional sign, labeled Sign "3," to be located on the Lambourne Road façade of the building, the purpose of which is to direct individuals interested in leasing any of the building's 379 available apartment units to the parking garage which serves the leasing office.

The overall sign package that Petitioner desires for this building differs from the building signage used for other residential apartment buildings that this Zoning Commissioner has reviewed in the past. While the sign for the building's main entrance, which provides the building's name ("TOWSON PROMENADE"), and the sign to provide direction to the parking garage within the building for the property's leasing office are signs usually associated with residential apartment buildings, the proposed vertical banner signs are decorative building elements that this Commissioner was not accustomed to prior to the public hearing in this case. The purpose for these decorative banners relates to Petitioner's goal of completing a well-

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designed and aesthetically pleasing residential building on Towson's York Road commercial corridor and to the site's redevelopment history, which is reviewed below in this opinion. A color building elevation was provided by Petitioner for illustrative purposes (Petitioner's Exhibit 7) to indicate just how Petitioner's signage will complete this building's high-quality appearance and accomplish what, in the undersign's opinion, is a residential building that will upgrade significantly Towson's portion of the York Road commercial corridor. Although it is a departure from signage used for other residential apartment buildings in the area, through Petitioner's presentation and based upon the support provided by the Office of Planning through its Zoning Advisory Committee (ZAC) comments, I understand the purpose for all of the proposed signs and the sign package's important role in the completion of this high-quality project

By way of brief background, in Case No. IX-638 / 07-139-A, this Hearing Officer/Zoning Commissioner approved a development plan for the apartment building and certain zoning relief, including setback variances from street centerlines, property lines, and street lines to accommodate the building's location and accompanying terraces and stairways as they interact with and engage the significant and multi-directional topographic challenges of the site. As part of the development plan approval process, the Office of Planning required an urban, building edge-to-street edge relationship along York Road and Lambourne Road that necessitated this setback relief, and Planning, therefore, supported all of the variances approved in Case No. 07-139-A. When the site's construction is complete, the result of this zoning relief will be a pedestrian-friendly streetscape along the building's road frontages that is functional and promotes pedestrian activity along Lambourne Road and the York Road commercial corridor. In order to further advance this goal, Petitioner filed for additional variances in Case No. 08-007-SPHA to permit the building to be even closer to York Road. Again, the Office of Planning

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supported the additional setback variances in Case No. 08-007-SPHA for the same purpose – the creation of a building-to-street edge that is functional and pedestrian-oriented. In accordance with Planning's recommendations, this Commission again granted the requested relief in this more recent zoning case. The variance relief requested in the instant case for signage will, in this Zoning Commissioner's opinion, complete Petitioner's efforts to establish the urban, building edge-to-street edge relationship desired by the Office of Planning and sought by Petitioner.

With regard to the requested variances for the building's signage, Petitioner provided testimony and evidence to explain that the unique features of this redevelopment site justify the requested relief. It is the subject property's large size (5.3± acres in total), irregular configuration, and relationship to the surrounding public roadways, York and Lambourne Roads, which, in part, drive the need for the requested signage. Due to its size and unusual shape, the property has a significant amount of frontage on York and Lambourne Roads, 460± feet and 490± feet, respectively, and the corresponding building lengths along these road frontages are similarly extensive, 400± feet on York Road and 470± feet on Lambourne Road. It is these physical characteristics of the site in combination with the site's relationship to the adjacent public roadways that establish a uniqueness for the property with regard to its need for signage. In addition to these site features, the property's development and zoning history also contribute to its uniqueness. As stated above, the Office of Planning previously desired a specific building-to-street edge relationship for this redevelopment and, as such, supported Petitioner's application for setback variances in Case Nos. 07-139-A and 08-007-SPHA to allow the building's frontages on York and Lambourne Roads to be closer than otherwise permitted by the B.C.Z.R. Site photographs, marked as Petitioner's Exhibits 5A – 5D (Existing Conditions Photographs), show the now established edges of the building in relation to York and Lambourne Roads and the

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resultant integration of the building into the surrounding streetscape. By constructing the building in close proximity to the public road frontages, the streetscape required by the Office of Planning will be achieved. This specific intent that the building act as a catalyst for the surrounding streetscape makes the property further unique with regard to the requested sign variances. It is, in fact, the requested signs that will be used to complete this effort.

Petitioner next established that this site's uniqueness would create a practical difficulty if the Zoning Regulations were interpreted strictly. As explained by Petitioner, the Sign Regulations do not contemplate a residential project of this size and scale, and, if the B.C.Z.R. were interpreted strictly, Petitioner would not be able to provide appropriate signage for the building or complete the activation of the building's streetscape along York and Lambourne Roads as desired by the Office of Planning. Petitioner's Exhibit 6 (photographs of another of Petitioner's residential apartment project) demonstrates, by example, how a similar sign package serves to enhance and activate another pedestrian-oriented streetscape in a tasteful manner. Petitioner's Exhibit 7 (illustrative building elevations with signage) shows how the proposed signage will also activate this building's streetscape along York and Lambourne Roads. Again, if the B.C.Z.R. is strictly interpreted, this goal will not be met, and Petitioner's signage will not meet the property's signage needs or the goals of the Planning Office.

With regard to adverse impact, Petitioner's testimony and exhibits, as well as input from interested community leaders, associations and the Office of Planning, confirm that the proposed signs will not have an adverse impact on the surrounding area. On the contrary, the proposed signs have been well-received. Petitioner's Exhibits 6 and 7 clearly demonstrate that the requested sign variances will only serve to enhance the building's exterior appeal. With the exception of the vertical decorative banners, the building's signage will be minimal. With regard

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to the decorative banners specifically, Petitioner explained that these signs do not function as identification signs in the traditional manner: on 19 of the 21 signs, approximately 90% of the sign face area will be decorative in nature, with only a small portion at the bottom of each banner devoted to identification. Petitioner stated that, in this way, the banner signs will act primarily as decorative accents for the building rather than functioning as signs to convey an advertising message by sign text. These signs, therefore, will not have the potential to create any negative impact that might otherwise result from traditional identification signage. During the public hearing, Petitioner did present a sample of the exterior-grade laminated vinyl banner material to be used for the 21 banner signs as Exhibit 8 in order to demonstrate that the banners will be both durable and of high quality, and this sign material example was also reviewed by the Office of Planning and inspected by this Commission and found to be suitable for its intended purpose.

It is also important to note that, through Petitioner's efforts and the efforts of Petitioner's counsel prior to the public hearing in this case, several meetings occurred to explain to interested community associations and the Office of Planning the purpose of the proposed signs. The associations and Planning, by these meetings, were able to understand why Petitioner filed its Petition for Variance and, as evidenced by the letters accepted into evidence as Petitioner's Exhibits 9 (West Towson Neighborhood Association Letter), 10 (GTCCA Letter), and 11 (Donald Gerding's written comment in support) and the GTC's letter of support and the Office of Planning's Zoning Advisory Committee (ZAC) comments, all interested parties were able to either support the Petition for Variance or indicated no objection to the petition. The GTCCA's letter conditioned this association's support upon my adding conditions to the approval of the requested variances. Specifically, GTCCA requested that I limit any future use of Petitioner's proposed signage so that no portion of these signs may be used for electronic or manual

COPY FOR RECORD FOR PLANNING
Date 5-21-09
By [signature]

changeable copy purposes. Additionally, GTCCA asked that Petitioner use only the same exterior grade laminated vinyl material provided by Exhibit 8 for fabrication of the banner signs and that only these same or similar materials be used for any banners in need of replacement. GTCCA specifically requested that no metal or other dissimilar material such as aluminum be used in place of these materials in the future for any replacement banners. I find all of the GTCCA's requests appropriate and will include conditions in the order to make sure Petitioner adheres to their requests.

There were no adverse ZAC comments submitted by any of the reviewing County agencies. As stated above, Petitioner was granted relief from the B.C.Z.R. in two (2) prior zoning cases in order to move the building closer to York and Lambourne Roads and create an urban and active pedestrian-friendly streetscape. As in those prior cases, the Office of Planning supports the granting of the relief requested here, stating that "[t]he proposed signage adds a pedestrian element that is supported by the County."

After due consideration of the testimony and evidence presented, it is clear that Petitioner has met its burden of proof provided in B.C.Z.R. Section 307, and that the Petition for Variance should be granted. The subject property is unique based on its physical characteristics and location as well as the site's development and zoning history, which show a clear intent for the property to provide an urban, pedestrian-friendly streetscape on York and Lambourne Roads. It is also clear that the site's uniqueness would cause a practical difficulty if the B.C.Z.R. were interpreted strictly, because the final step in creating the building's active streetscape through the requested signage would not be possible and adequate signage would not be permitted. Finally, I find that no adverse impact will result if the variances are granted; rather, the variances will allow for the completion of a tastefully-designed and well-constructed residential building,

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Date 5-21-09
By [signature]

which will add to the pedestrian-orientated nature of the property. The support of the Office of Planning and the GTC and the letters submitted by interested community associations also demonstrate that no adverse impact will result.

Again, as requested by the GTCCA and in order to ensure that the banner signage will be well-maintained and that this signage is used in the future for its intended purpose, I will impose certain conditions in the order regarding the type of material that may be used for any replacement signs and to prevent the ability to use any portion of the proposed signs for electronic and manual changeable copy sign messages.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 21st day of May, 2009, that Petitioner's request for a Variance to allow 22 wall-mounted identification signs with a maximum sign face area of 75 square feet each in lieu of the permitted two wall-mounted identification signs (one per frontage) with a sign face of 25 square feet each, pursuant to Baltimore County Zoning Regulations (BC.Z.R.) Section 450.4.6 (Signs 1 and 2A/2B), be and hereby is GRANTED; and

IT IS FURTHER ORDERED that Petitioner's request for a Variance to allow wall-mounted identification signs to project no more than 5 feet (Sign 1 - on marquee over building entrance) and 4 feet (Signs 2A/2B) from the wall to which the signs are attached in lieu of the permitted 18 inches, pursuant to B.C.Z.R. Section 450.5.B.9.a., be and hereby is GRANTED; and

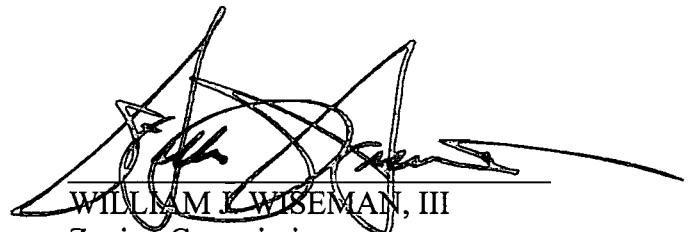
IT IS FURTHER ORDERED that Petitioner's request for a Variance to allow a wall-mounted directional sign with a sign face area of 18 square feet in lieu of the permitted 8 square feet, pursuant to B.C.Z.R. Section 450.4.3. (Sign 3), be and hereby is GRANTED; and

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By [Signature]

IT IS FURTHER ORDERED that Petitioner's request for a Variance to allow a wall-mounted directional sign to project no more than 3 feet from the wall to which the sign is attached in lieu of the permitted 18 inches, pursuant to B.C.Z.R. Section 450.5.B.9.a. (Sign 3) be and hereby is GRANTED, subject to the following conditions:

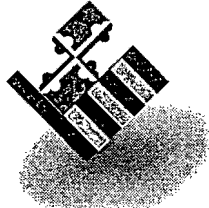
1. No portion of the building identification signs and/or directional sign approved in Case No. 2009-0249-A may be used for changeable copy purposes, electronic or otherwise.
2. Banner signs are to be maintained in good order and repair and in the event replacement of any of these signs approved in Case No. 2009-0249-A is necessary along the York and/or Lambourne Road frontages of the building, Petitioner shall fabricate these signs with an exterior-grade laminated vinyl material or another similar material. Metal, aluminum, or another dissimilar material may not be used in place of these materials for any replacement banner signage.

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



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 5-2-09
By [signature]



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

May 21, 2009

WILLIAM J. WISEMAN III
Zoning Commissioner

David H. Karceski, Esquire
Kedrick N. Whitmore, Esquire
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

IN RE: PETITION FOR VARIANCE

E/S York Rd., S/Side of Lambourne Rd.
(21 Lambourne Road, 707, 711, 713, 715 & 717 York Road – (Towson Promenade)
9th Election District - 5th Council District
Towson Promenade, LLC - *Owner/Petitioner*
Case No. 2009-0249-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 conditions, in accordance with the attached Order.

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

Very truly yours,

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

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

- c: Adam Harbin, 5847 San Felipe, Suite 3600, Houston, TX 77057
Kristy Bischoff, & Mitchell Kellman, Daft-McCune-Walker, Inc.,
200 East Pennsylvania Avenue, Towson, MD 21286
Donald Gerding, Rogers Forge Community Association, 335 Old Trail Road,
Baltimore, MD 21212
Edward T. Kilcullen, Jr., President, GTCCA, P.O. Box 5421, Towson, MD 21285
Lawrence E. Schmidt, Esquire, President, GTC, c/o Gildea & Schmidt, LLC,
600 Washington Avenue, Ste. 200, Towson, MD 21204
Richard Parsons, West Towson Neighborhood Association, 412 Woodbine Avenue
Towson, MD 21204
People's Counsel; Office of Planning; File



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 21 Lambourne Rd., 707 York Rd., 711 York Rd., 713 York Rd., 715 York
which is presently zoned BL, BM, BR, BR-AS Rd. & 717 York Rd.

Deed Reference: SEE ATTACHED Tax Account # SEE ATTACHED SHEET 4
SHEET 3

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

SEE ATTACHED SHEET 1

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

TO BE DETERMINED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

David H. Karceski
Name - Type or Print

[Signature]
Signature

Venable LLP
Company

210 Allegheny Avenue (410) 494-6285
Address Telephone No.
Towson, MD 21204
City State Zip Code

Legal Owner(s):

SEE ATTACHED SHEET 2
Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

David H. Karceski
Name

210 Allegheny Avenue (410) 494-6285
Address Telephone No.
Towson, MD 21204
City State Zip Code

Case No. 2009-0249-A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by JP

Date 3/24/09

REV 8/20/07

ORDER RECEIVED FOR FILING
Date 5-21-09
By [Signature]

**PETITION FOR VARIANCE
ATTACHED SHEET 1**

21 Lambourne Road, 707 York Road, 711 York Road, 713 York
Road, 715 York Road, and 717 York Road

1. Variance to allow 22 wall-mounted identification signs with a maximum sign face area of 75 square feet each in lieu of the permitted two wall-mounted identification signs (one per frontage) with a sign face area of 25 square feet each, pursuant to Section 450.4.6 of the Baltimore County Zoning Regulations ("BCZR"). (Signs 1 and 2A/2B)
2. Variance to allow wall-mounted identification signs to project no more than 5 feet (Sign 1 – on marquee over building entrance) and 4 feet (Signs 2A/2B) from the wall to which the signs are attached in lieu of the permitted 18 inches, pursuant to BCZR Section 450.5.B.9.a.
3. Variance to allow a wall-mounted directional sign with a sign face area of 18 square feet in lieu of the permitted 8 square feet, pursuant to BCZR Section 450.4.3. (Sign 3)
4. Variance to allow a wall-mounted directional sign to project no more than 3 feet from the wall to which the sign is attached in lieu of the permitted 18 inches, pursuant to BCZR Section 450.5.B.9.a. (Sign 3)

PETITION FOR VARIANCE
ATTACHED SHEET 2

Legal Owner:

TOWSON PROMENADE, LLC

By: Kathy K. Binford
Name: KATHY K. BINFORD
Title: VICE PRESIDENT
5847 San Felipe
Suite 3600
Houston, Texas 77057
(713) 267-2100

**PETITION FOR VARIANCE
ATTACHED SHEET 3**

Deed References	20159/168
	20159/168
	21543/613
	21543/620
	21543/607
	20758/514

**PETITION FOR VARIANCE
ATTACHED SHEET 4**

Tax Account Nos. 0901020310, 0912003476, 0912003477, 912003474, 1600003765, and
2400002054



Description

To Accompany Petition

For A Zoning Variance

South of Lambourne Road (Varied Right-of-Way)

East of York Road (66-foot Right-of-Way)

Ninth Election District, Baltimore County, Maryland

Beginning for the same in the end of the second of the two following courses and distances, measured from the point formed by the intersection of the centerline of Lambourne Road with the centerline of York Road, (1) Southeasterly along the centerline of York Road, 25 feet, more or less, thence leaving said York Road, (2) Northeasterly 33 feet, more or less, to intersect the southern right-of-way line of said Lambourne Road to the point of beginning, referring all courses of this description to the Grid Meridian established in the Maryland Coordinate System, thence leaving said point of beginning and running with said southerly right-of-way of Lambourne Road, the three following courses and distances: (1) North 58 degrees 14 minutes 51 seconds East 250.00 feet, thence (2) South 31 degrees 55 minutes 46 seconds East 5.00 feet, and thence (3) North 58 degrees 14 minutes 51 seconds East 270.92 feet, thence leaving said Lambourne Road right-of-way, (4) South 31 degrees 45 minutes 09 seconds East 199.10 feet, thence (5) North 58 degrees 14 minutes 51 seconds East 75.39 feet, thence (6) South 07 degrees 41 minutes 36 seconds West 420.66 feet, thence (7) North 74 degrees 00 minutes 09 seconds West 121.14 feet, thence (8) South 51 degrees 20 minutes 17 seconds West 249.43 feet to intersect the eastern right-of-way line of York Road, thence binding on said eastern right-

of-way line, (9) North 31 degrees 45 minutes 02 seconds West 469.28 feet to the point of beginning; containing 5.352 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY
AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

January 27, 2009

Project No. 06047.A (L06047.A)



Michael D. Martin
1/27/09

CERTIFICATE OF POSTING

RE: 2009-0249-A

Petitioner/Developer: _____

Towson Promenade, LLC

Date of Hearing/Closing: May 14, 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, _____

21 Lambourne Road 707, 711, 713, 715 & 717 York Road

The sign(s) were posted on _____ April 29, 2009
(Month, Day, Year)

Sincerely,

Robert Black

May 5 2009
2009

(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 # 2009-0249-A

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

PLACE Room 106, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME THURSDAY, MAY 14, 2009 AT 11:00 A.M.

REQUEST VARIANCE TO ALLOW 22 WALL MOUNTED IDENTIFICATION

SIGNS WITH A MAXIMUM SIGN FACE AREA OF 15 SQUARE FEET EACH IN
LIEU OF THE PERMITTED TWO WALL MOUNTED IDENTIFICATION SIGNS (ONE PER
FRONTAGE) WITH A SIGN FACE AREA OF 25 SQUARE FEET EACH. TO ALLOW
WALL MOUNTED IDENTIFICATION SIGNS TO PROTECT NO MORE THAN 5 FEET
(SIGN 1 ON MARQUEE OVER BUILDING ENTRANCE) AND 4 FEET (SIGN
2A/2B) FROM THE WALL TO WHICH THE SIGNS ARE ATTACHED IN LIEU
OF THE PERMITTED 18 INCHES. TO ALLOW A WALL MOUNTED DIRECTIONAL
SIGN WITH A SIGN FACE AREA OF 18 SQUARE FEET IN LIEU OF THE PERMITTED
8 SQUARE FEET. TO ALLOW A WALL MOUNTED DIRECTIONAL SIGN 18 FEET
TALL NO MORE THAN 3 FEET FROM THE WALL TO WHICH THE SIGN
IS ATTACHED IN LIEU OF THE PERMITTED 18 INCHES.
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887 3391

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

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: #2009-0249-A

21 Lambourne Road, 707, 711, 713, 715 & 717 York Road
E/east corner of Lambourne Road and York Road
9th Election District—5th Councilmanic District
Legal Owner(s): Towson Promenade, LLC

Variance: to allow 22 wall mounted identification signs with a maximum sign face area of 75 square feet each in lieu of the permitted two wall mounted identification signs (one per frontage) with a sign face area of 25 square feet each. To allow wall mounted identification signs to project no more than 5 feet (Sign 1-- on marquee over building entrance) and 4 feet (Sign 2A/2B) from the wall to which the signs are attached in lieu of the permitted 18 inches. To allow a wall mounted directional sign with a sign face area of 18 square feet in lieu of the permitted 8 square feet. To allow a wall mounted directional sign to project no more than 3 feet from the wall to which the sign is attached in lieu of the permitted 18 inches.

Hearing: Thursday, May 14, 2009 at 11:00 a.m., In Room 106, County Office Building, 111 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 4/772 Apr. 28 199759

CERTIFICATE OF PUBLICATION

4/30/2009

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 4/28/2009.

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

S. Wilkinson

LEGAL ADVERTISING

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

No. **37859**

Date **3/24/09**

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0000		16150					325.00

Total: **325.00**

Rec
From

VENADUE

For

Refund for Variance

757 York Rd.

CASE # 2009-0247-A

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME

3/24/2009 3/24/2009 14:20:49

5 0005 BALTIMORE MD 190

RECEIPT # 402490 3/24/2009 0511

Dept 5 520 ZONING VERIFICATION

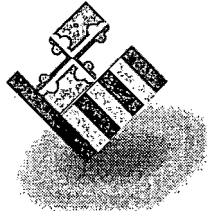
NO. 037867

Receipt Tot 1325.00

1325.00 00 00 00

Baltimore County, Maryland

**CASHIER'S
 VALIDATION**



BALTIMORE COUNTY
MARYLAND

April 9, 2009

JAMES T. SMITH, JR.
County Executive

NOTICE OF ZONING HEARING

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

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: 2009-0249-A

21 Lambourne Road, 707, 711, 713, 715 & 717 York Road
E/east corner of Lambourne Road and York Road
9th Election District – 5th Councilmanic District
Legal Owners: Towson Promenade, LLC

Variance to allow 22 wall mounted identification signs with a maximum sign face area of 75 square feet each in lieu of the permitted two wall mounted identification signs (one per frontage) with a sign face area of 25 square feet each. To allow wall mounted identification signs to project no more than 5 feet (Sign 1- on marquee over building entrance) and 4 feet (Sign 2A/2B) from the wall to which the signs are attached in lieu of the permitted 18 inches. To allow a wall mounted directional sign with a sign face area of 18 square feet in lieu of the permitted 8 square feet. To allow a wall mounted directional sign to project no more than 3 feet from the wall to which the sign is attached in lieu of the permitted 18 inches.

Hearing: Thursday, May 14, 2009 at 11:00 a.m. in Room 106, County Office Building,
111 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
Kathy Binford, Towson Promenade, LLC, 5847 San Felipe, Ste. 3600, Houston TX 77057

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, APRIL 29, 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, April 28, 2009 Issue - Jeffersonian

Please forward billing to:
David Karceski
210 Allegheny Avenue
Towson, MD 21204

410-494-6285

NOTICE OF ZONING HEARING

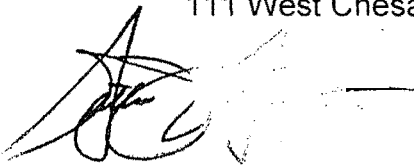
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21 Lambourne Road, 707, 711, 713, 715 & 717 York Road
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Hearing: Thursday, May 14, 2009 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor 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 2009-0249-A

Petitioner: Towson Promenade LLC

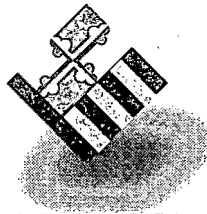
Address or Location: York Rd, Lamborne Rd

PLEASE FORWARD ADVERTISING BILL TO

Name: David Karcecki

Address: 210 Allegheny Ave
Towson 21204

Telephone Number: 410 494 6285



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
May 7, 2009

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

Dear: David Karceski

RE: Case Number 2009-0249-A 21 Lambourne Rd.; 707; 711; 713; 715 & 717 York Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 24, 2009. 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.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Kathy Binford; Towson Promenade, LLC; 5847 San Felipe, Ste. 3600; Houston, TX 77057

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 9, 2008

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

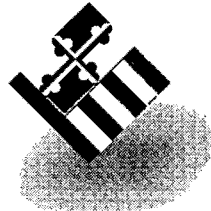
SUBJECT: Zoning Advisory Committee Meeting
For April 13, 2009
Items Nos. 2009-238, 244, 247, 248,
 250, 251, 252, 253, 254, 255 and 256

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

DAK:CEN:cab

cc: File

ZAC-04072008-NO COMMENTS



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

April 9, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: April 9, 2009

Item Numbers 0238, 0247, 0248, ~~0249~~, 0251, 0252, 0253, 0255 and 0256

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

Bw 5/14
11am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 14, 2009

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

SUBJECT: 21 Lambourne Road, 707, 711, 713, 715 and 717 York Road

INFORMATION:

Item Number: 9-249

Petitioner: Towson Promenade, LLC

Zoning: BL, BM, BR and BR-AS

Requested Action: Variance

RECEIVED

MAY 06 2009

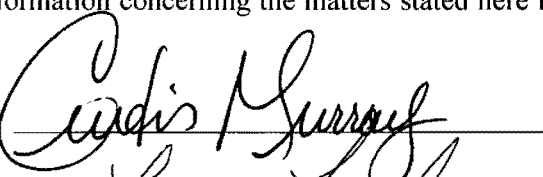
ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

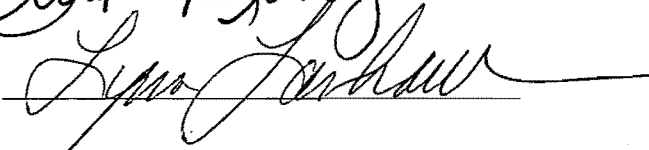
The Office of Planning has reviewed the petitioner's request for sign variances, met with the petitioner and discussed and reviewed materials with the developer. Lastly this office compared the proposal against the development's pattern book. The requested variances do not appear to undermine the pattern book or the original character of the development. The proposed signage actually adds a pedestrian element that is supported in the county. As such the Office of Planning supports the subject requests.

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

Prepared by:



Division Chief:
AFK/LL: CM





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

State Highway
Administration

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

Maryland Department of Transportation

April 7, 2009

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

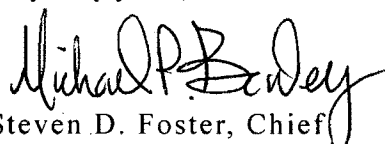
RE: Baltimore County
Item No.2009-0249-A
MD 45 (York Road)
Lambourne RD intersection
Variance for wall mounted signs
in lieu of County code requirements

Dear Ms. Matthews:

Thank you for the opportunity to review the site plan to accompany sign variance petition on the subject of the above captioned, which was received on April 6, 2009. The Towson Promenade, LLC has been issued a State Highway Administration Access Permit for improvements associated with access to MD 45 (York Road). Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2009-0249-A.

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

Very truly yours,


for Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

cc; Mr. Dennis A. Kennedy, Development Plans Review, Baltimore County
Ms. Erin Kuhn, ADE-Traffic, SHA
Mr. David Malkowski, Metropolitan District Engineer, SHA
Mr. W. Carl Richards, Jr., Zoning review DRC/ZAC, Baltimore County

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
5-14-09
11 AM

BALTIMORE COUNTY, MARYLAND**Inter-Office Correspondence****RECEIVED****MAY 04 2009****ZONING COMMISSIONER**

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: May 4, 2009

SUBJECT: Zoning Item # 09-249-A
Address South East Corner of Lambourne Rd & York Rd
(Towson Promenade)

Zoning Advisory Committee Meeting of April 6, 2009

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

Reviewer: JWL

Date: 5/4/09

RE: PETITION FOR VARIANCE * BEFORE THE
707,711,713,715,717 York Road & 21Lambourne
Road, SE corner of Lambourne & York Rds * ZONING COMMISSIONER

9th Election & 5th Councilmanic Districts * FOR
Legal Owner(s): Towson Promenade, LLC
Petitioner(s) * BALTIMORE COUNTY

* 09-249-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/ documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

APR 20 2009

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of April, 2009, 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

**BALTIMORE COUNTY**
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN, III
Zoning Commissioner

FACSIMILE TRANSMITTAL COVER SHEET

TO: Kedrick Whitmore, Esq.

DATE: May 14, 2009

FAX NO.: 410-821-0147

FROM: William J. Wiseman, III
Zoning Commissioner

PAGES (including cover): 3

RE: Towson Promenade - Case No. 2009-0249-A

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

CONFIDENTIALITY NOTICE

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

Message/Comments:

Please find attached the letter from Mr. Schmidt on behalf of the Greater Towson Committee (Petitioner's Exhibit 11) as well as information pertaining to Mr. Donald Garding, with the Rogers Forge Community Association. Thanks.

BW 5/14 11AM

The Greater Towson Council of Community Associations, Inc.

♦ P.O. Box 5421 ♦ Towson, MD 21285-5421 ♦ www.gtcca.org

May 11, 2009

Mr. William Wiseman
Zoning Commissioner
Jefferson Building
105 W. Chesapeake Avenue
Suite 103
Towson, Maryland 21204

RECEIVED RE: Case # 2009-0249-A
The Promenade

MAY 13 2009

ZONING COMMISSIONER

Dear Mr. Wiseman:

I am writing on behalf of the Greater Towson Council of Community Associations (GTCCA) to indicate that our organization has no objection to the variances in the above-referenced case.

I have discussed the following restrictions with Mr. Karceski, to which he indicated the developer is agreeable, and I request that these conditions be placed on the granting of the variances:

- The signs shall not, now or in the future, feature any electronic changeable copy.
- Sign materials shall be replaced, when necessary, with comparable materials and shall not be replaced with metal or other dissimilar materials.

While the GTCCA has no objection to the variances requested for signage, I would like to note that our membership is very concerned that the developer is actively marketing the project to college students, despite their assurances that their target market is young professionals. The attached advertisement in The Towerlight, Towson University's student newspaper, represents a significant departure from the target market represented to us and upon which the GTCCA based its support of the project.

Please let me know if you need any additional information.

Sincerely,



Edward T. Kilcullen, Jr.
President

Cc: Mr. David Karceski, Esq.

P

PROMENADE
TOWSON

Major In Living Well.

WHERE CLASSIC DESIGN MEETS UPBEAT MODERNISM

101 PRO TU & Towson Town Center at Your Door

201 PRO Special 2 Bedroom Roommate Plans Starting at \$799*

301 PRO Enticing "Lease Now & Move-In Later" Incentives

401 PRO Luxury Resident Amenities & Features

501 PRO Three Private Courtyards & Resort-Style Pool

601 PRO Early Bird Rental Rates

*Starting rate per bedroom. Based on a 2/2 lease signed and completed by 5/15/09.

NOW LEASING

888.313.9147

707 York Road, Towson, MD 21204

PromenadeMD.com

The Towson Report April 16, 2009
21

THE GREATER TOWSON COMMITTEE



May 14, 2009

Honorable William J. Wiseman, III
Zoning Commissioner
Office of the Zoning Commissioner
Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

RECEIVED

MAY 14 2009 12:15 PM

ZONING COMMISSIONER

Hand Deliv.

Re: **Towson Promenade, LLC**
Case No. 09-249-A

Dear Commissioner Wiseman:

Please accept this correspondence in support of the Petition for Variance filed in the above matter. The Greater Towson Committee has closely followed the development of the above and supports this development as part of the revitalization of the Towson core. We believe that the requested Variance is appropriate for the project and urge that you grant this request.

Thank you for your consideration of this matter.

Very truly yours,

Lawrence E. Schmidt
President, Greater Towson Committee

LES: jkl

PETITIONER'S

EXHIBIT NO. 11

Favor the petition

re Case # 2009-0249A
Towson Promenade

Donald Gerding

Towson Area Resident
long on interest and activity
in sign concerns in
Towson Area

335 Old Trail Rd
Baltimore Md 21212

410-825-0894

Rogers Forge Community Assoc.

Case No.: 2009-0249-A 21 Lambourne Rd etc.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	1A - site Plan 1B - SIGN DETAIL	
No. 2	Resume - Bischoff Pe	
No. 3	Resume - Kellman Pe	
No. 4	4A - Aerial Photo - Close 4B - Aerial Photo - Far	
No. 5 Arthur D	PHOTO'S - Present Conditions BLDG FACADES	
No. 6	SIMILAR BLDG in City's BREWER Hill WITH BANNERS AS PROPOSED	
No. 7	EXEMPLAR OF WHAT STREET SCAPE will look like	
No. 8	(SIGN MATERIALS to BE USED VIEWED AND TOUCHED)	- NOT ENTERED
No. 9	Letter from West-Townson [DICK PARSON]	
No. 10	Greater townson COUNCIL Kill Cullen President	
No. 11	Greater Townson Committee Letter of Support	
No. 12		

CASE NAME Towson Promenade
CASE NUMBER 2009-0249-A
DATE 5/14/09

[illegible]

CASE NAME Tawson Pamela
CASE NUMBER 2009-0249-A
DATE 5/14/09

CITIZEN'S SIGN-IN SHEET

[illegible]

DMW

DAFT MCCUNE WALKER INC

KRISTY BISCHOFF, P.E.
PROGRAM MANAGER

Licensure and Accreditation

Engineer In Training (EIT): Maryland, 2003

Professional Engineer (PE): Maryland, 2008

Education

University of Maryland, BS, Civil Engineering, 2002

Professional Summary

Kristy Bischoff oversees the design and processing of grading, sediment and erosion control, stormwater management, road, storm drain, and water and sewer for land development projects. Kristy oversees the design and production of projects through the Baltimore County Development and Zoning process through approval.

Partial List of Projects

Cowenton North, 48 Lot Subdivision, Baltimore County, MD

Cowenton South, 373 Unit Condominium Project, Baltimore County, MD

Cromwell Woods Extension, 20 Lot Extension of Subdivision, Baltimore County, MD

GBMC Medical Office Building and OB/Acute Care Expansion, Baltimore County, MD

Grantleigh Station, 60 Lot Subdivision, Baltimore County, MD

Hillcrest Reserve, 19 Lot Subdivision, Baltimore County, MD

Sterling Reserve, 15 Lot Subdivision, Baltimore County, MD

The Maples at Falls, 19 Lot Subdivision, Baltimore County, MD

Windlass Woods, 20 Lot Subdivision, Baltimore County, MD

Palisades of Towson, 18 Story Apartment Building, Baltimore County, MD

Delight Quarry, Mixed Use Project, Baltimore County, MD

Memberships and Awards

American Society of Civil Engineers, Maryland Chapter (2000-2002)

National Society of Professional Engineers (2007)

Baltimore County Soil Conservation District Consultant of the Year (2007 and 2008)

Professional Experience

Daft-McCune-Walker, Inc., Towson, MD: 1997-Present

PETITIONER'S

EXHIBIT NO. 2

DMW

DAFT MCCUNE WALKER INC

MITCHELL J. KELLMAN DIRECTOR OF ZONING SERVICES

Education

Towson University, BA, Geography and Environmental Planning, Urban Planning

Towson University, Masters, Geography and Environmental Planning, Urban Planning

Professional Summary

Mr. Kellman has over 21 years of experience working in zoning administration and subdivision regulation for the public sector; 9 of those years were with the Baltimore County Office of Planning and Zoning. His responsibilities included review, approval and signatory powers on behalf of the Director of Final Development Plans and Record Plats. He represented the Zoning Office on the County Development Review Committee, a body reviewing the procedural compliance of all development submissions. Review of petitions and site plans filed for zoning hearing approvals were within his authority. Additionally, he supervised county review staff, met with professionals and public on development project matters, and made determinations regarding developments and their compliance with county regulations. In working for DMW, he has extensive experience in testifying before the Baltimore County Zoning Commissioner, Hearing Officer, and Board of Appeals. He also regularly represents the company at the Baltimore County Development Review Committee meetings.

Partial List of Projects

M&T Bank, Govans Branch, Baltimore City, MD

Susquehanna Bank, 6541 Eastern Boulevard, Baltimore City, MD

Charlestown Retirement Community, Baltimore County, MD

GBMC, Baltimore County, MD

Goucher College, Baltimore County, MD

Hopewell Point, Baltimore County, MD

Notre Dame Preparatory School, Baltimore County, MD

Oakcrest Village Retirement Community, Baltimore County, MD

Sheppard and Enoch Pratt Hospital, Baltimore County, MD

Waterview, Baltimore County, MD

Professional Experience

Daft-McCune-Walker, Inc., Towson, MD: 2000-Present

Baltimore County Office of Permits and Development Management - Development Control,
1988-2000

PETITIONER'S

EXHIBIT NO.

3



Copyright (C) 2005 Baltimore County, Maryland

PETITIONER'S
EXHIBIT NO. 4A



PETITIONER'S

EXHIBIT NO.

4B



PETITIONER'S

EXHIBIT NO. 5A



PETITIONER' S
EXHIBIT NO. 5B



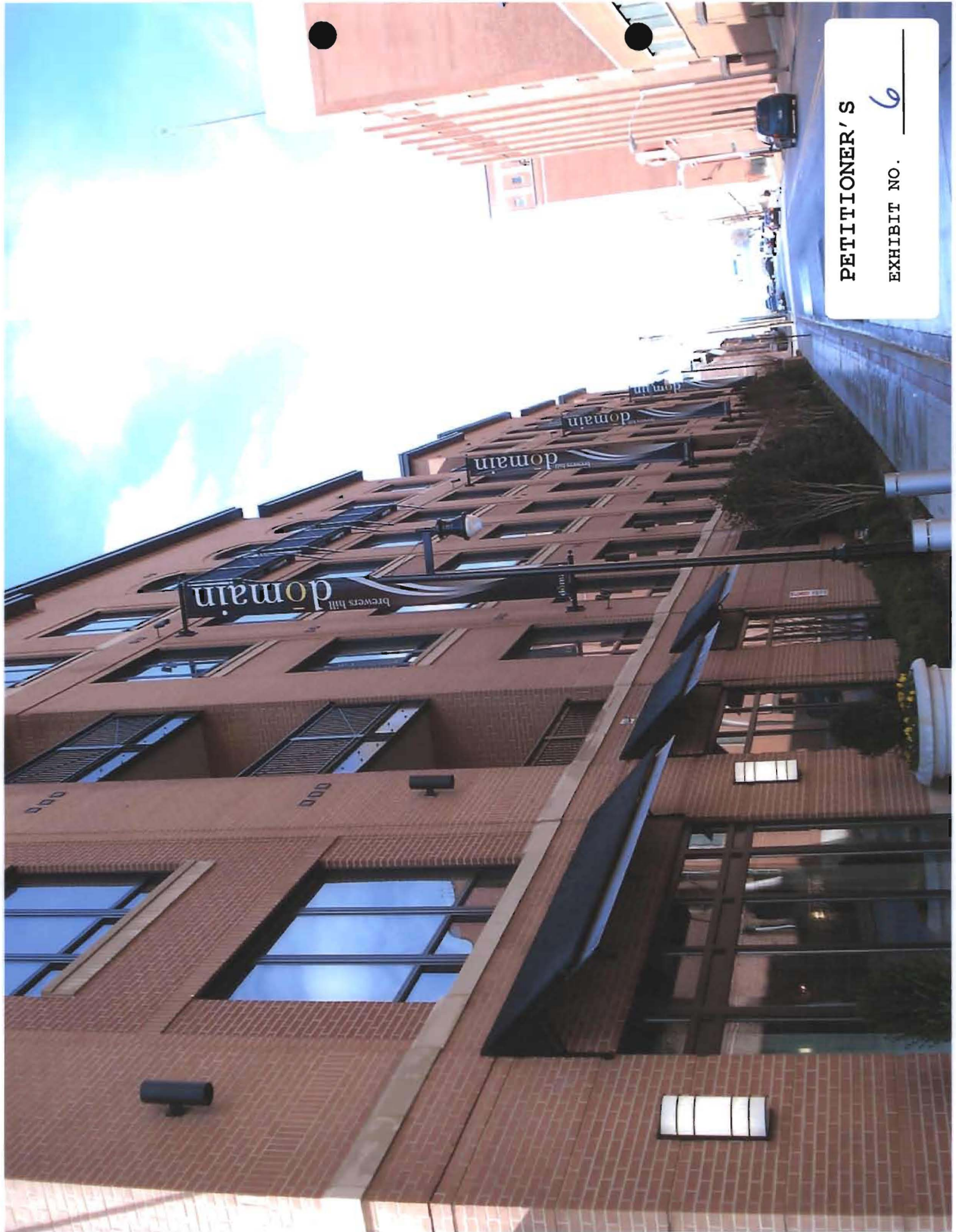
PETITIONER'S

EXHIBIT NO. 5C



PETITIONER' S

EXHIBIT NO. SD



PETITIONER'S

EXHIBIT NO.

6



THE HANOVER COMPANY

PETITIONER'S

EXHIBIT NO.

7

* FOR INFORMATIONAL PURPOSES ONLY

412 Woodbine Avenue
Towson, MD 21204

March 27, 2009

Willam J. Wiseman, Esq., Zoning Commissioner
Of Baltimore County
105 W. Chesapeake Avenue
Towson, MD 21204

Dear Mr. Wiseman:

I am writing today on behalf of the West Towson Neighborhood Association of which I am the zoning chair.

The issue at hand is case # 2009-0249, the petition for four signage variances by the Hanover Co. for its *Towson Promenade* project, York Road and Lambourne Road.

David H. Karceski, Esq., of Venable, LLP, gave me a set of the plans, a copy of the filing, and digital photos of the requested banners *in situ* at another Hanover project. He very patiently and courteously answered all my questions.

I gave a full report of my meeting with Mr. Karceski to the West Towson board. Three of WTNA's executive committee (including the president) reviewed the material, last Saturday, that he had given me. They all said that they had no problems with the application.

Therefore I can report that the West Towson Neighborhood Association has no objections to the variances requested by the Hanover Co..

Yours sincerely.

Dick Parsons

Richard Parsons

410-821-5473
rparsons@bcpl.net

PETITIONER'S

EXHIBIT NO. 9

The Greater Towson Council of Community Associations, Inc.

♦ P.O. Box 5421 ♦ Towson, MD 21285-5421 ♦ www.gtcca.org

May 11, 2009

Mr. William Wiseman
Zoning Commissioner
Jefferson Building
105 W. Chesapeake Avenue
Suite 103
Towson, Maryland 21204

RE: Case # 2009-0249-A
The Promenade

Dear Mr. Wiseman:

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Please let me know if you need any additional information.

Sincerely,



Edward T. Kilcullen, Jr.
President

Cc: Mr. David Karceski, Esq.

PETITIONER' S

EXHIBIT NO. 10

BW 5/14
11 AM

THE GREATER TOWSON COMMITTEE



May 14, 2009

Honorable William J. Wiseman, III
Zoning Commissioner
Office of the Zoning Commissioner
Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

RECEIVED
MAY 14 2009 12:15 PM
ZONING COMMISSIONER
hand deliv.

**Re: Towson Promenade, LLC
Case No. 09-249-A**

Dear Commissioner Wiseman:

Please accept this correspondence in support of the Petition for Variance filed in the above matter. The Greater Towson Committee has closely followed the development of the above and supports this development as part of the revitalization of the Towson core. We believe that the requested Variance is appropriate for the project and urge that you grant this request.

Thank you for your consideration of this matter.

Very truly yours,

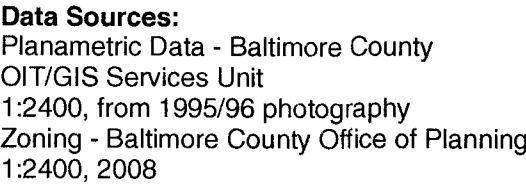
A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
President, Greater Towson Committee

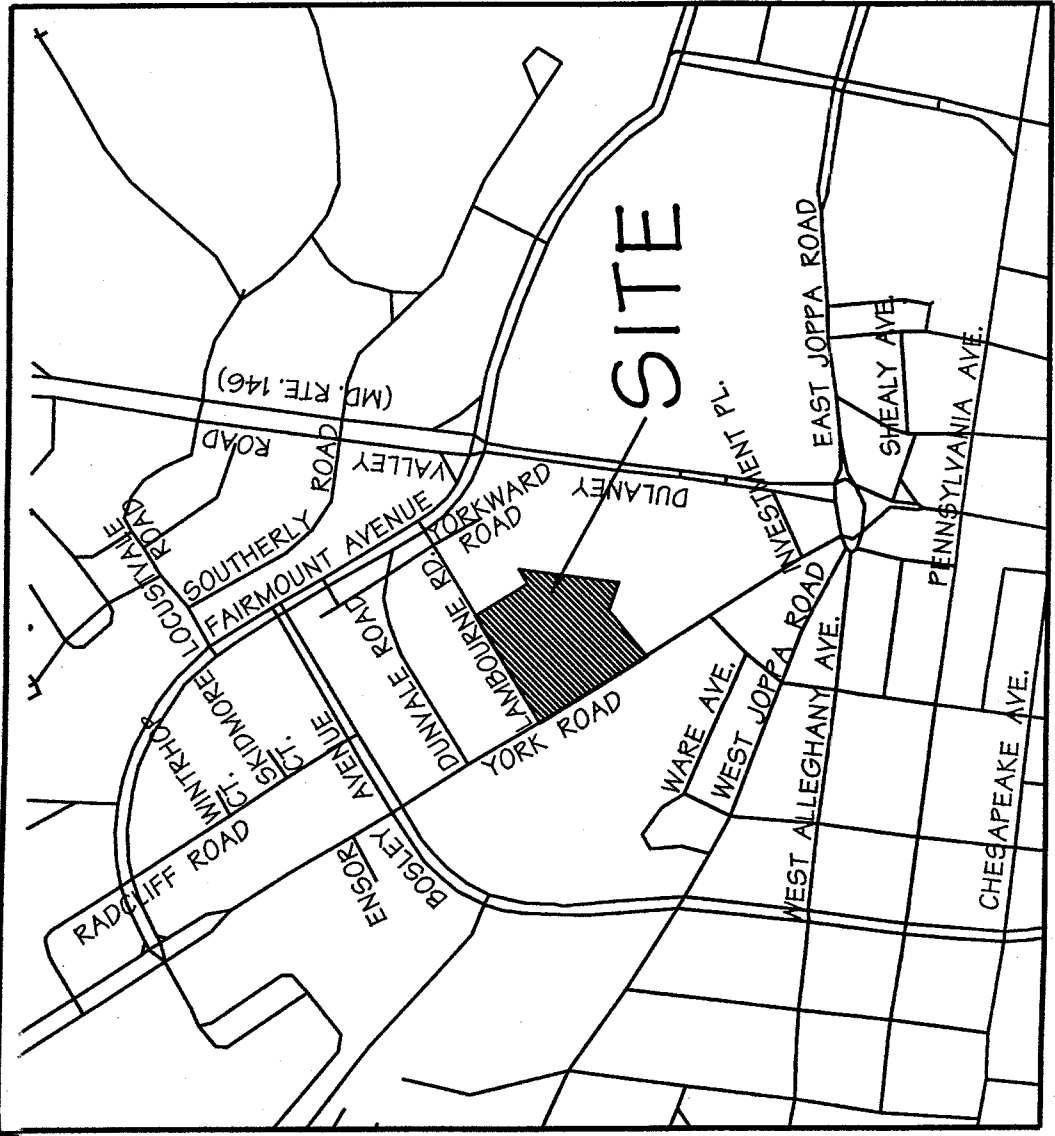
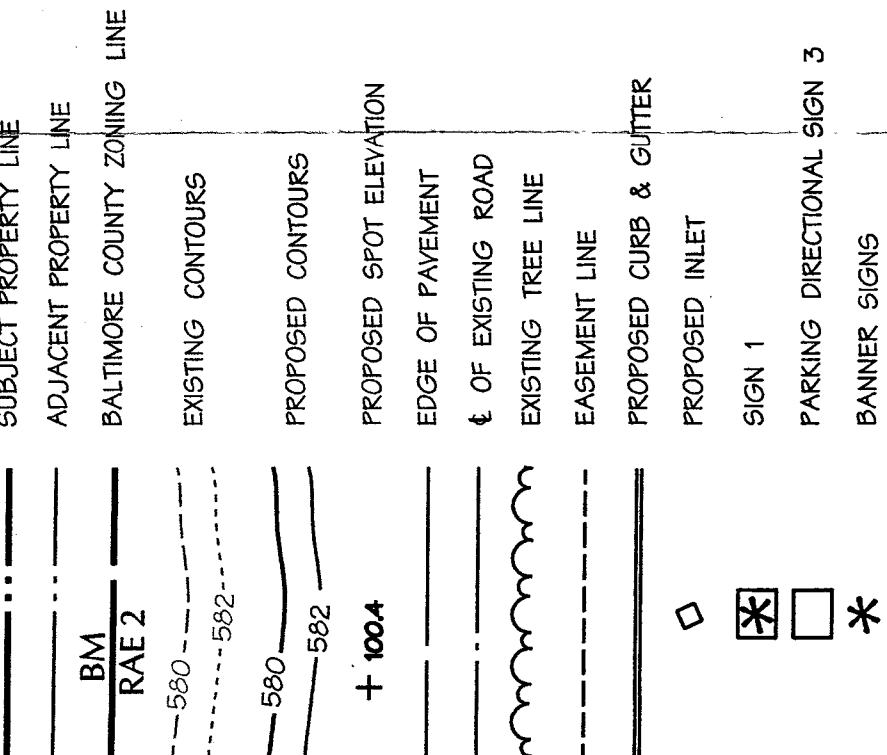
LES: jkl

PETITIONER'S

EXHIBIT NO. 11



LEGEND



SITE DATA/GENERAL NOTES:

- SITE DATA:**
- Contract: Purchaser/Developer: Hanover R S Limited Partnership, 6047 San Felipe Suite 3600, Houston, TX 77057
 - Existing Property Information:
 - a. Gross Site Area: 45,350 Ac. (± 233,133 sf)
 - b. 120 year Floodplain Area: BL, BM, BK, BK-A5
 - c. Existing Zoning: 707.71, 713.71, 715.71 York Road
 - d. Address of Property: 21 Lamborne Road
 - General Information:
 - a. Baltimore County Districts: 5
 - b. Election Precinct: 4933.01
 - c. Census Tract (2000): 315 - Towson - Loch Raven
 - d. Regional Planning Districts: Mfr 70A, Parcels 1671540, 56, 520, 599
 - e. Tax Map Reference: 0501003360, 091000476, 0910003477, 9100003474, 1209101664, 1209101663, 1209101662, 1209101661, 1209101660, 1209101659, 1209101658, 1209101657, 1209101656, 1209101655, 1209101654
 - f. Tax Account Number: 27,041 D5
 - Dead References:
 - a. ADC Map Reference: 27,041 D5
 - b. Wetland: 27,041 D5
 - c. Wetland: 27,041 D5
 - d. Zoning Map (11-2007): 07041
 - Previous Land Use:
 - a. Previous Land Use: The 5,352 acre property located in Towson had the existing commercial buildings built between 1963 and 1966, that will be razed. The parcel has no forest cover and is approximately 50% impervious paving. There are no known wetlands or floodplains on this site.
 - Commercial Redevelopment District: The property is not within any designated commercial redevelopment district.
- DENSITY CALCULATIONS:**
6. Proposed Land Use (Density): (Approved): Residential use consisting of 350 Apartments
7. Local Open Space (Density): (Approved): 100,000 sq ft of open space per acre (100,000 sq ft / 43,560 sq ft = 2.297 Density Units)
8. Local Open Space (Density): (Approved): 100,000 sq ft of open space per acre (100,000 sq ft / 43,560 sq ft = 2.297 Density Units)
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ADDITIONAL ZONING RELIEF GRANTED (CASE NO. 08-007-SPHA)

Variance from BZC Section 2013.3.1 to permit a 45-foot building to enter line of street setback in lieu of the required 60 feet along York Road.

Variance from BZC Section 2013.3.1 to permit a 14.8-foot building to property line setback in lieu of the required 20 feet.

Special Hearing to Amend Zoning Case No. 07-139-A.

Granted on September 10, 2007 by Zoning Commission subject to the following conditions:

- The Amendment to Restrictive Covenant Agreement dated August 27, 2007, by and between Townson Promenade, LLC and the Council of Unit Owners of the Village of York Road, shall be recorded in the Baltimore County Records Office for Case Nos. 14-630 and 07-139-A and be kept in the Zoning Commission's office.

ZONING HISTORY ON SITE (PRIOR TO TOWSON PROMENADE)

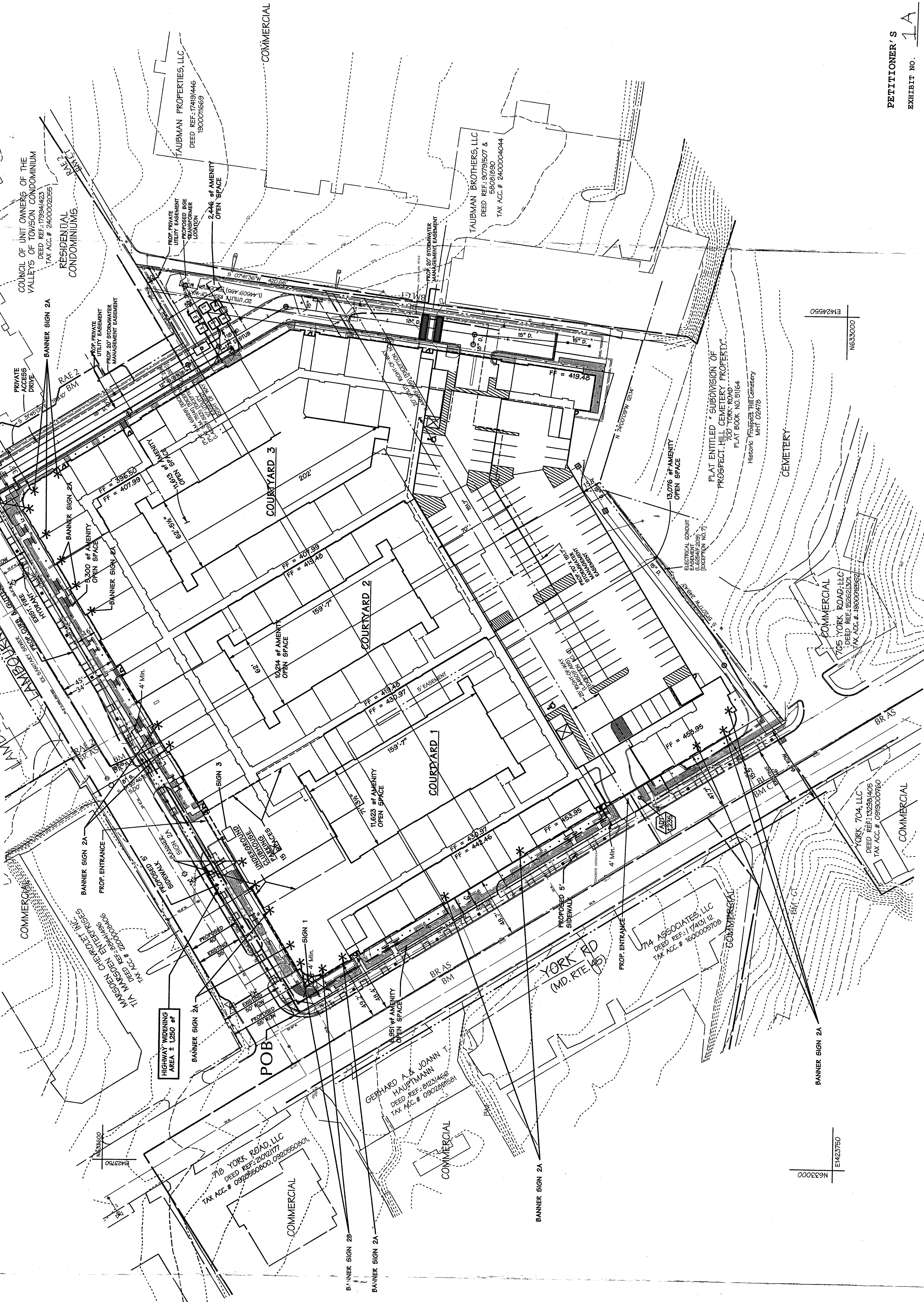
Case No. 659 - a Zoning Redesignation from an 'A' Residential Zone to an 'E' Commercial Zone was granted February 18, 1946.

Case No. 1350 - a Zoning Redesignation from an 'A' Residential Zone to an 'E' Commercial Zone was granted December 25, 1946.

Case No. 65-222-A - a Zoning Variance for a sign of 173 sf in lieu of 150 sf was granted on February 25, 1964.

ZONING HISTORY CONT.

IN RE DEVELOPMENT PLAN HEARING * BEFORE THE
ZONING COMMISSION * HEARING OFFICER
FOR *
BALTIMORE COUNTY *
Case Nos. 14-630 & 07-139-A
Lamborne Road, LLC Legal Owners
Hanover R S Limited Partnership
Developer/Petitioners



PLAN

1"=40'

DATA SOURCES

BOUNDARY INFORMATION SHOWN HEREIN IS BASED ON THE BOUNDARY SURVEY PERFORMED BY DAW IN APRIL 2005. THE BUREAU HAS REVIEWED THE SURVEY FOR THE BENEFIT OF A TITLE REPORT OR A TITLE COMMITMENT.

EXISTING SITE IMPROVEMENTS SHOWN HEREIN ARE BASED ON THE SURVEY PERFORMED BY DAW IN APRIL 2005. THE BUREAU HAS REVIEWED THE SURVEY FOR THE BENEFIT OF A TITLE REPORT OR A TITLE COMMITMENT.

EXISTING LINES SHOWN HEREIN PROVIDED BY TOWSON PROMENADE, LLC AND A TOPOGRAPHIC SURVEY PERFORMED BY DAW IN DECEMBER 2005 (MCS-14063591, NV14065).

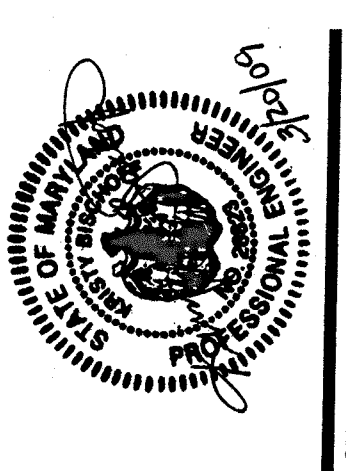
ZONING LINES SHOWN HEREIN PROVIDED BY BALTIMORE COUNTY GIS (MCS-14063591, NV14065).

2004 ZONING MAP 70A2.

PETITIONER'S
EXHIBIT NO. 1A

York Road & Lamborne Road
Towson, Maryland

PROJECT No. 08047
DATE: 03-19-09



SHEET NO. Z01

PDM #: 09-638

Wallace Garcia Wilson
Architects

Prepared by:
Wallace Garcia Wilson
Architects

Draft: McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
410.286.3353
Fax 410.286.4705
www.dmw.com

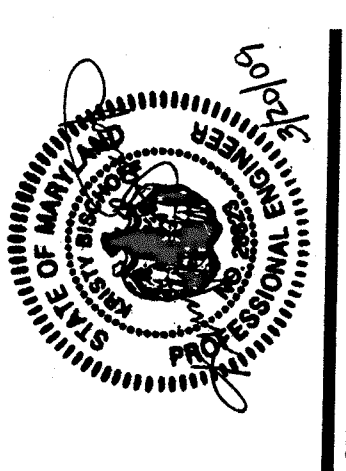
A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals

THE HANOVER COMPANY
Hanover P. S. Ltd. Partnership
8000 Westchase Drive, Suite 100
Houston, TX 77067

Towson Promenade
Site Plan to
Accompany
Sign Variance
Petition

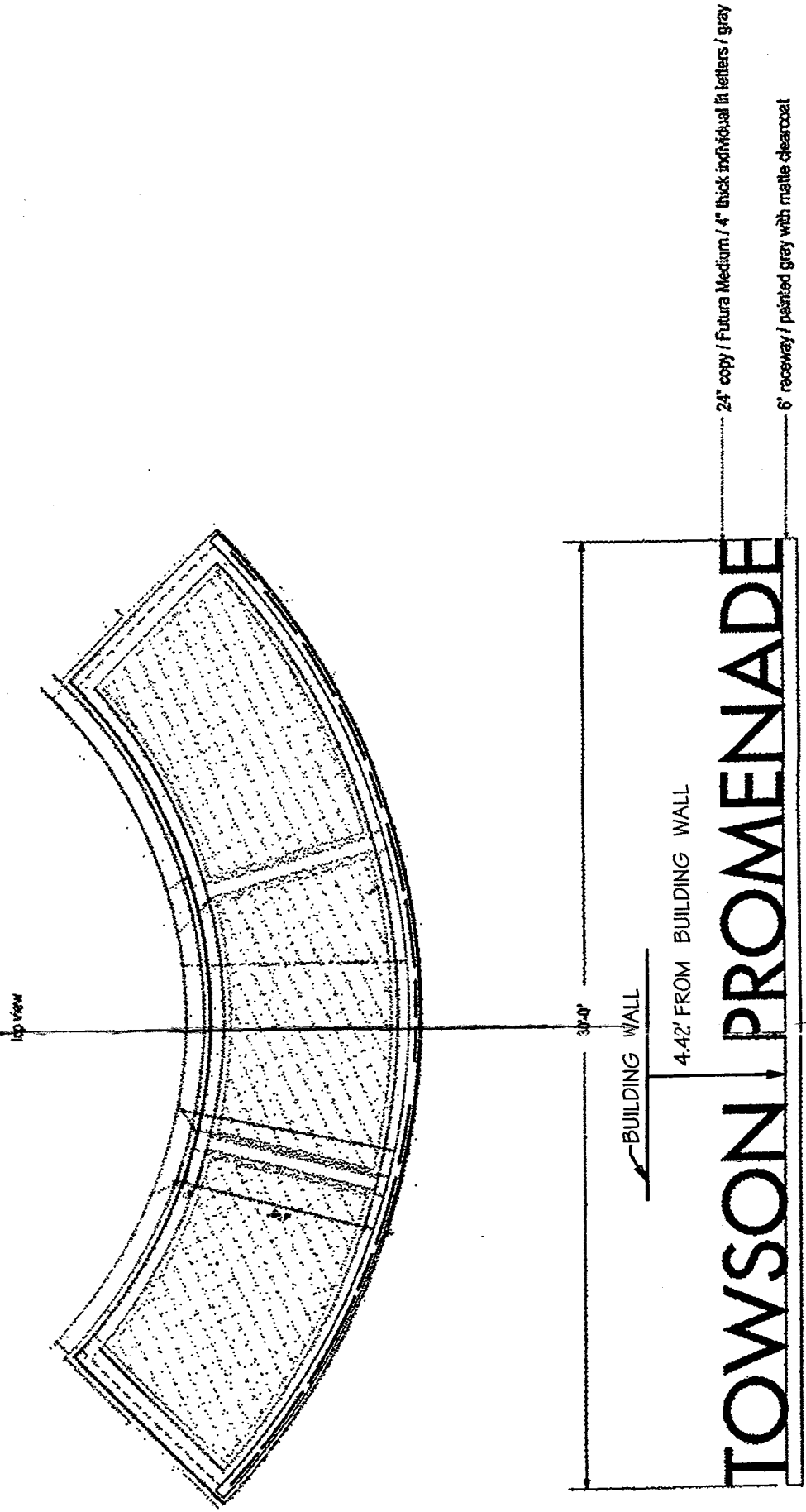
York Road & Lamborne Road
Towson, Maryland

PROJECT No. 08047
DATE: 03-19-09

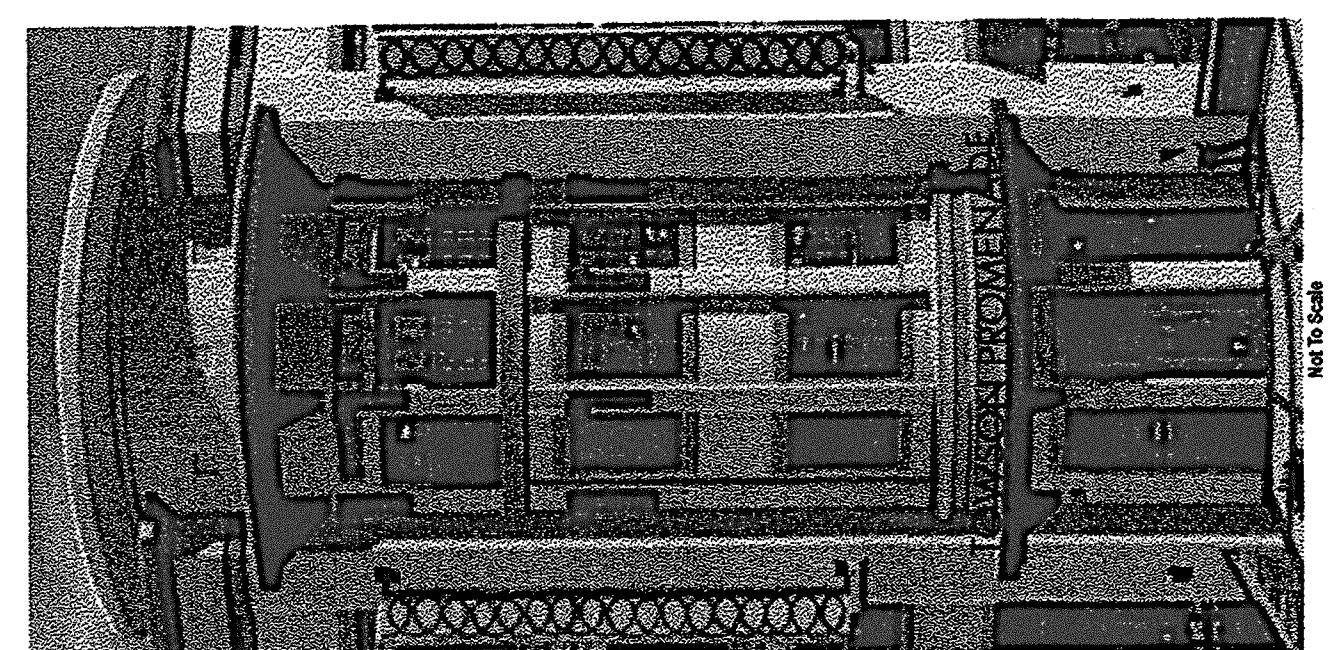


SHEET NO. Z01

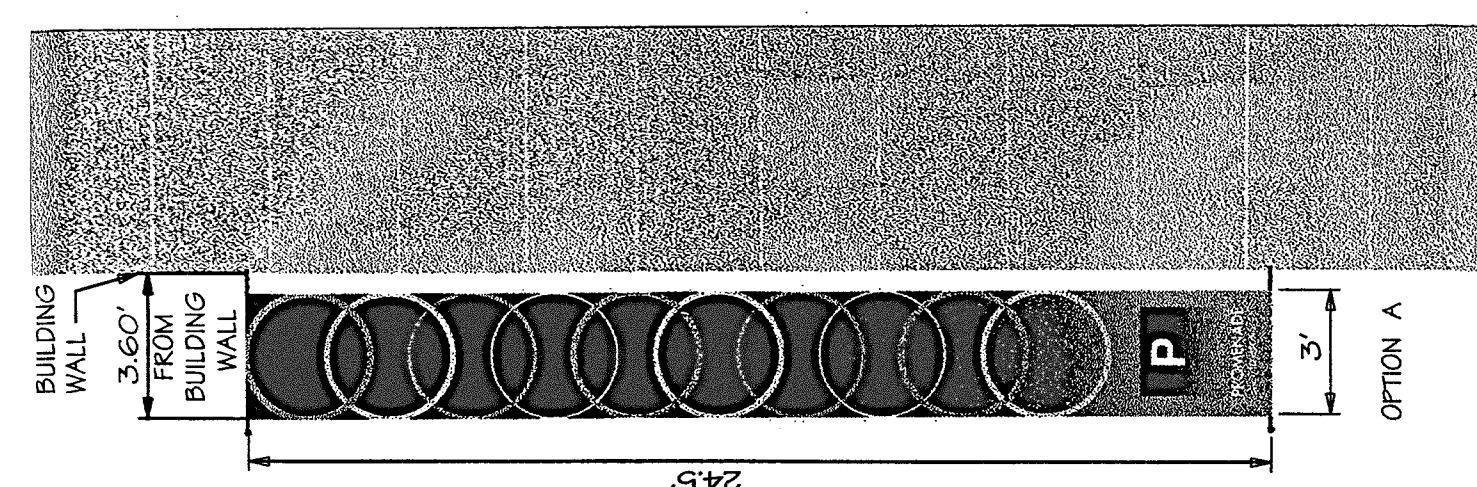
PDM #: 09-638



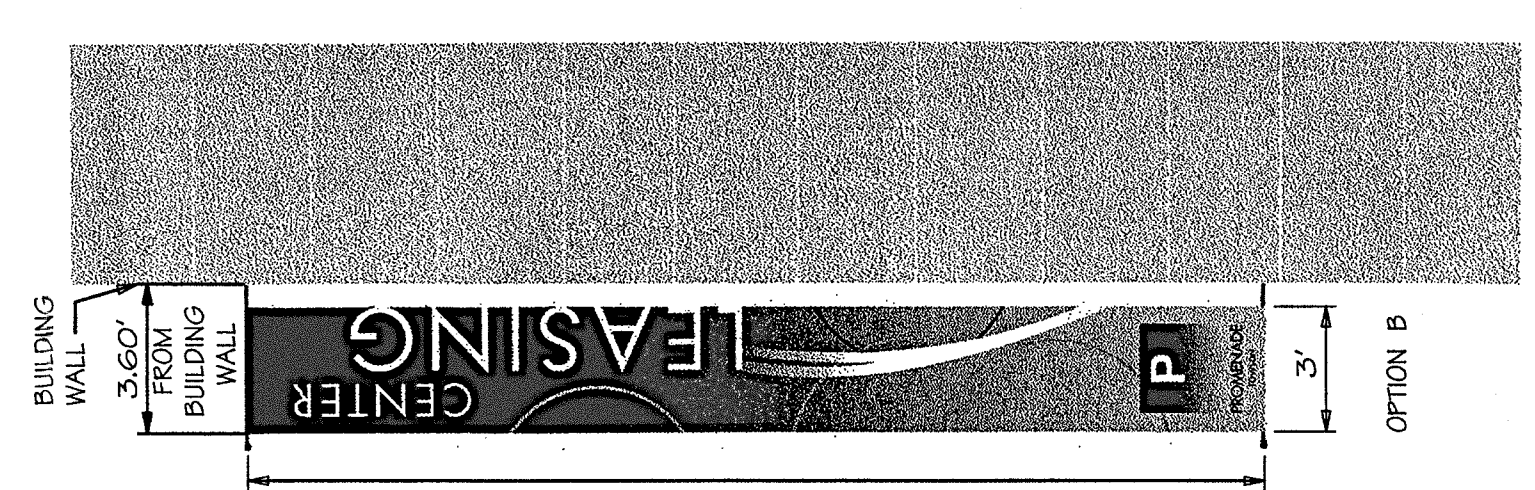
S/F IDENTIFICATION SIGN
NOT TO SCALE
75 SQ.FT. AREA
(SIGN 1)



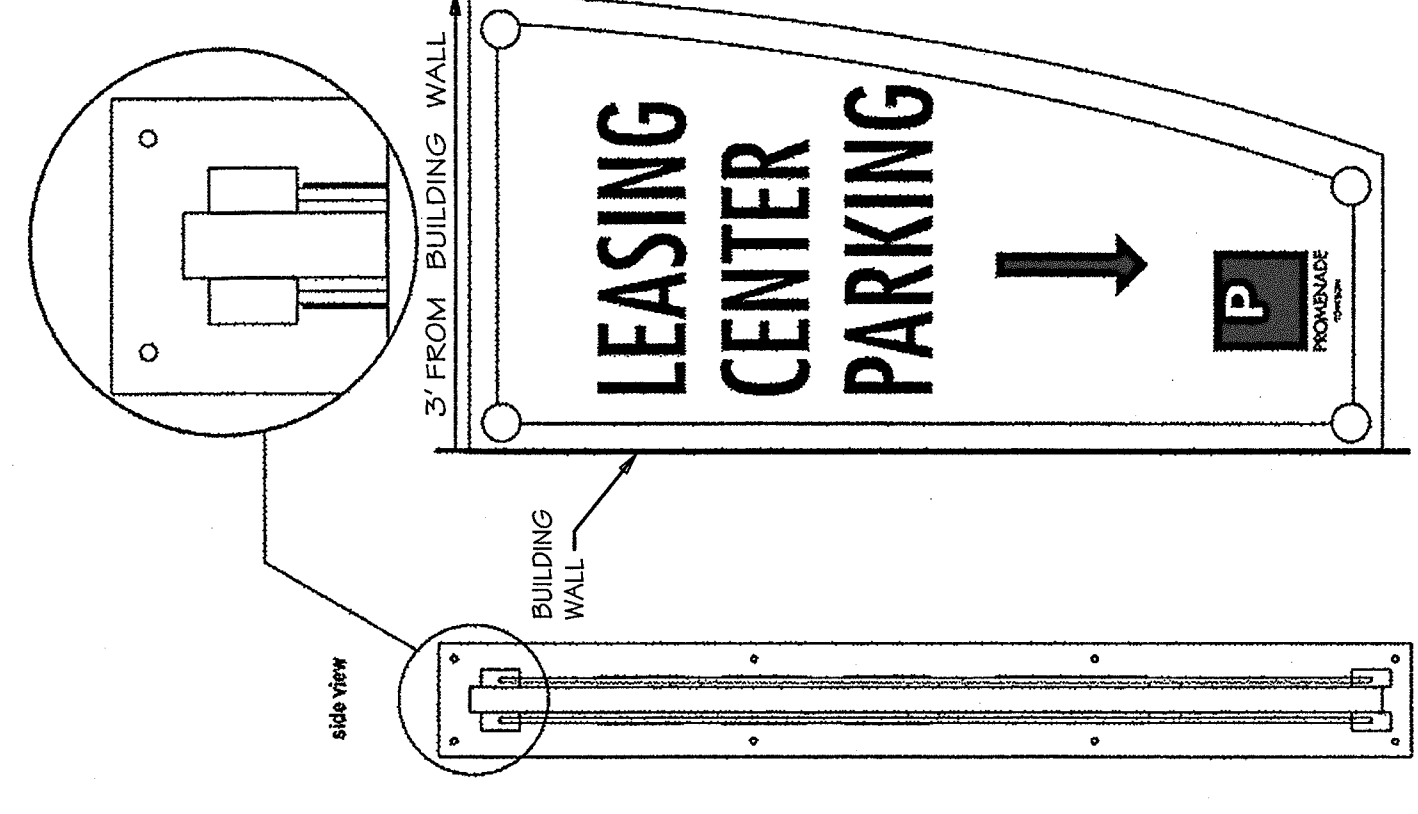
IDENTIFICATION SIGN
NOT TO SCALE
75 SQ.FT. AREA
(SIGN 1)



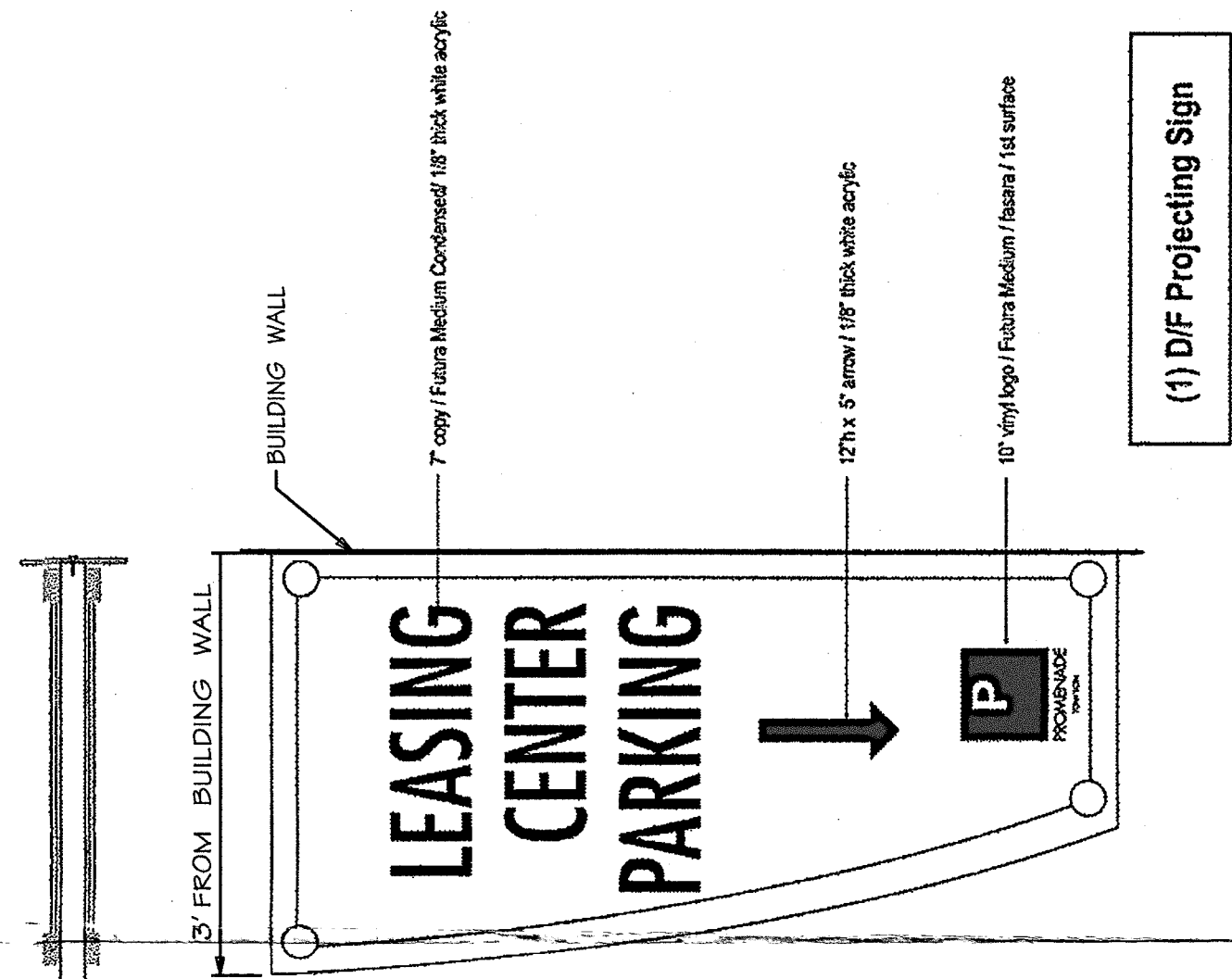
D/F VINYL BANNER
NOT TO SCALE
73.5 SQ.FT. AREA
(SIGN 2A)



D/F VINYL BANNER
NOT TO SCALE
73.5 SQ.FT. AREA
(SIGN 2B)



D/F PROJECTING SIGN
NOT TO SCALE
18 SQ.FT. AREA
(SIGN 3)



(1) D/F Projecting Sign

Wallace Garcia Wilson Architects
4600 Post Oak Place Dr.
Houston, Texas 77027
P: 713.993.0439
F: 713.993.0476

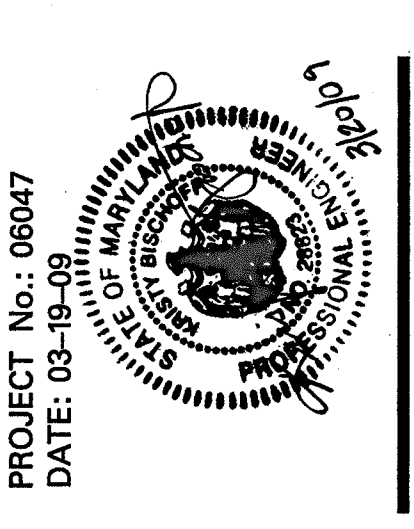
Prepared by:
DWM
Dan McCue-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
410.286.9339
Fax: 410.286.4705
www.dmw.com

A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals

THE HANOVER COMPANY
Hanover, B. & S. Lane
8847 San Felipe, Suite 800
Houston, TX 77067

Towson Promenade
Sign Details

York Road & Lambourne Road
Towson, Maryland
San Antonio District
PROJECT No.: 06047
DATE: 03-16-09



PETITIONER'S
EXHIBIT NO. 1B