

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE

N/S Martin Boulevard, 60' E of
Windlass Drive
(1420 Martin Boulevard)

15th Election District
6th Council District

Martin Financial Associates, LLLP & Martin
Financial Associated Limited Partnership,
Legal Owners

Kohl's Department Stores, Inc., *Contract Lessee*
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

Case No. 2010-0007-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Variance or, in the alternative, Special Hearing relief, filed by the Owners of the subject property, Martin Financial Associated Limited Partnership and Martin Financial Associates, LLLP and the Contract Lessee, Kohl's Department Store, Inc. (Petitioners), by their attorney, Charles B. Marek III, Esquire. The Petitioners request a variance from Section 450.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to (i) permit one additional freestanding enterprise sign in a multi-occupant non-residential development, (ii) permit a freestanding enterprise sign with a maximum height of 29 feet in lieu of 25 feet, and (iii) to permit a freestanding sign to have a face with a maximum area of 168 square feet in lieu of the permitted 100 square feet. In the alternative, Petitioners seek Special Hearing relief to permit three freestanding enterprise signs along Martin Boulevard. At the onset of the hearing, a motion was made without objection to amend the variance petition to allow a wall mounted sign, which was shown and marked on Page 2 of Petitioner's *site plan and sign calculations* as having a 239.1 sq. ft. face area to more accurately reflect a total face area (reduction) of 195 sq. ft. in lieu of the

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Date

11-4-09

By

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maximum 150 sq. ft. face area permitted. The subject property and requested relief are more fully described on the two-page site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Eric Borkenhagen, a corporate representative of Kohl's Department Stores, Joshua Sharon and Tom Wolfe of Morris & Ritchie Associates, Inc., the consultants who prepared the site plan and sign package for this property, and Charles B. Marek III, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present nor were there any adverse Zoning Advisory Committee (ZAC) comments by any of the County reviewing agencies.

Testimony and evidence presented at the hearing revealed that the subject property is Martin's Plaza, a longstanding retail center on the east side of Baltimore County in Middle River. The Property is approximately 25 acres in size and is zoned Business Major (B.M.) with a Community Conservation Core (C.C.C.) overlay. The Property abuts three roads, Martin Boulevard, Middle River Road and Windlass Drive. Although the Property has significant frontage along Martin Boulevard, the entrances to the plaza are located along Middle River Road and Windlass Drive. The retail uses in the plaza include a "Target" as well as several smaller stores and pad sites. There are currently two existing freestanding enterprise signs along Martin Boulevard, a Target sign and the iconic and emblematic Martin's Plaza sign. (See Petitioners' photographic Exhibits 2 & 3). There previously existed a Popeye's fast food restaurant with a freestanding enterprise sign along Martin Boulevard; however, this sign has recently been removed.

The Property has been used as the Martin's Plaza retail center since at least the 1950's and is important to the economic revitalization of the area. This is not the first hearing that has

dealt with Martin's Plaza, as I previously had an opportunity to evaluate the site in Case No. 05-103-A. In that prior case, the special economic importance of the plaza was testified to in great detail by Mr. Christopher McCullom of the Baltimore County Department of Economic Development. This importance was demonstrated fiscally when public funds were expended and public lands were utilized for certain stormwater management improvements that serve the shopping center.

In addition to the economic circumstances, the property, from a zoning perspective, can best be described as being an irregular shaped parcel that has significant width, as the tract has over 2,000 linear feet of frontage along Martin Boulevard. In spite of this exposure, there are several factors unique to the property that coalesce to limit visual perception of the plaza and create a practical difficulty for Kohl's. As can be seen from photographic evidence submitted at the hearing,¹ the much trafficked Martin Boulevard is heavily vegetated and considerably limits visual penetration into the center. The proposed Kohl's store itself is set back a distance of 401 feet from Martin Boulevard, further diminishing potential patron's recognition. It was explained that grade changes or topography factor into the uniqueness of the site as well.

Counsel for Petitioners demonstrated that these factors can be seen working together by examining what an average driver would see heading east and/or west along Martin Boulevard. When heading west along Martin Boulevard, the site lines are blocked by a significant grade change from the road (approximately 29 feet of elevation) by a steep embankment on neighboring properties measuring approximately 46 feet in elevation.² Once this hurdle is passed, a location along Martin Boulevard roughly 250 feet from its intersection with Middle

¹ Petitioners' Exhibit 2 is a series of photos displaying the view of a driver headed eastbound along Martin Boulevard. Petitioners' Exhibit 3 is a series of photos displaying the westbound view.

² This is not remedied by the elevation of the property itself, which sits at an elevation of roughly 36 feet.

River Road, the line of site remains blocked by neighboring property obstructions. Therefore, a driver would have to cross over Middle River Road (from which entrance to the center lies) in order to catch a glimpse of the Kohl's Store. When a driver reaches a location where Kohl's is perceivable, a driver would have to look at an angle nearly perpendicular to the road in order to view Kohl's. Driving the other direction, the view of Kohl's is again obscured. After crossing Windlass Drive, there would be a brief view of the Kohl's building from approximately 1,000 feet away, and then the vegetation would obfuscate the building until a driver were near the existing Martin's Plaza sign. At this location an eastbound driver would have to turn their field of vision perpendicularly to the road and into the site, potentially creating dangerous driving conditions. This scenario, according to Mr. Wolfe, is exacerbated by the fact that Martin Boulevard is a high-speed thoroughfare with speeds up to 50 mph, leaving drivers with less time to take their eyes from the road to gander into the plaza.

The legal standards for granting a variance are set forth in *Trinity Assembly of God of Baltimore City v. People's Counsel for Baltimore County*, whereby the Court stated, that it involves essentially two things (1) uniqueness; and (2) practical difficulty. 407 Md. 53, 80, 962 A.2d 404, 420 (2008). For a property to be unique "a property must 'have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions.'" *Id.* Practical difficulty is determined itself by looking at several factors including, (i) whether compliance with the strict letter of the restrictions would be unnecessarily burdensome, (ii) whether substantial justice is achieved for other property owners as well as the

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applicant, and (iii) whether the spirit and intent of the regulation are observed. *Id.* at 83-84, 962 A.2d at 422.

I find that the uniqueness discussed herein creates a practical difficulty for Kohl's, who will be the second anchor store of an economically important center. Given the existing unique conditions of the site, it will be difficult for patrons to discern that there is a Kohl's store in the plaza. This decreased patronage would negatively impact not only Kohl's, but also the smaller retail uses of the entire center. The relief will alleviate the economic disadvantages, and allow the sign to assist and direct the flow of traffic without causing potential patron's eyes to wander too far from the road. The increased size of the sign will allow drivers more time to react on a high-speed road, and the additional height allows for the Martin's Plaza sign to remain unobstructed.

Likewise, I believe that the variance is in the spirit and intent of the B.C.Z.R. and does substantial justice to the surrounding property owners. The property directly across from Martin's Plaza and the proposed sign location is developed with a significant commercial center of its own and will not be adversely affected by the proposal. Also compelling is the fact that Martin's Plaza has over 2,000 linear feet of frontage and, including the proposed sign, would contain only three freestanding signs (one of which is the iconic and emblematic Martin's Plaza sign). This is not the type of sign proliferation sought to be controlled by the sign regulations. Lastly, due to the removal of the Popeye's freestanding enterprise sign, there is no net increase in signs along Martin Boulevard. I am convinced that allowing the requested variances would alleviate this condition while being both in the public interest as well as the spirit and intent of the B.C.Z.R. I find that the variance should be granted and that the Petitioners satisfy the requirements of Section 307.1 of the B.C.Z.R.

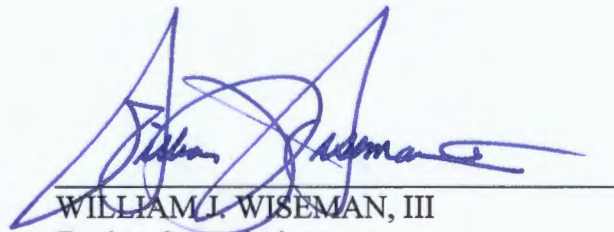
Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the Petition for Variance, as amended, shall be granted and the Petition for Special Hearing is therefore rendered moot and will be dismissed.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 4th day of November, 2009, that the Petition for Variance seeking relief from Section 450.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an additional freestanding enterprise sign to be installed along Martin Boulevard, to permit a freestanding enterprise sign with a maximum height of 29 feet in lieu of the permitted 25 feet, to permit a freestanding enterprise sign to have a face with a maximum area of 168 square feet in lieu of the permitted 100 square feet, and to permit a wall mounted sign of 195 sq. ft. in lieu of the permitted 150 sq. ft., be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking relief to permit three freestanding enterprise signs along Martin Boulevard in lieu of the approved two under Case No. 05-103-A, be and is hereby DISMISSED AS MOOT.

- The Petitioner(s) is advised that it may apply for any required sign permits and be granted same upon receipt of this Order; however, the Petitioner(s) is 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 for whatever reason, this Order is reversed, Petitioner(s) would be required to return, and be responsible for returning, said property to its original condition.

Any appeal of this Order shall be taken in accordance with Baltimore County Code (B.C.C.) Section 32-3-401.


WILLIAM L. WISEMAN, III
Zoning Commissioner
for Baltimore County

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Date 11-4-09
BY 103



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

November 4, 2009

Charles B. Marek, III
Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, MD 21204

RE: PETITION FOR VARIANCE AND SPECIAL HEARING

N/S Martin Boulevard, 60' E of Windlass Drive

(1420 Martin Boulevard)

15th Election District - 3rd Council District

Martin Financial Associates, LLLP & Martin Financial Associated Limited Partnership,

Legal Owners; Kohl's Department Stores, Inc., Lessee- Petitioners

Case No. 2010-0007-SPHA

Dear Mr. Marek:

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

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

Very truly yours,

WILLIAM J. WISEMAN
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Eric Borkenhagen, Kohl's Department Store, Inc., 17000 Ridgewood Drive,
Menomonee Falls, WI 53091
Joshua Sharon & Tom Wolfe, Morris & Ritchie Associates, Inc., 1220-C East Joppa Road,
Suite 505, Towson, MD 21286
People's Counsel; Office of Planning; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1420 Martin Boulevard

which is presently zoned B.M.-C.C.C.

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

PLEASE SEE ATTACHED

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

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

Kohl's Department Store, Inc. - ERIL BORKENHAGEN

Name - Type or Print

[Signature]

Signature

N56 W17000 Ridgewood Drive

(262) 703-6014

Address

Telephone No.

Menomonee Falls

WI

53091

City

State

Zip Code

Attorney For Petitioner:

Charles B. Marek, III

Name - Type or Print

City

Signature

Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

SEE ATTACHED OWNER SIGNATURE PAGE

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

State

Zip Code

Representative to be Contacted:

Charles B. Marek, III

Name

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JNP

Date 7/7/09

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 11-4-09

By [Signature]

ATTACHMENT TO PETITION FOR SPECIAL HEARING

1420 Martin Boulevard
15th Election District
7th Councilmanic District

1. To permit three freestanding enterprise signs in lieu of the approved two under case 05-103A on a front façade that has no road access.
2. For such other and further relief as may be required by the Zoning Commissioner.

2010-0007-SP4A

PETITION FOR SPECIAL HEARING SIGNATURE PAGE

OWNER:

MARTIN FINANCIAL ASSOCIATED LIMITED PARTNERSHIP

By: Beverly Dobrochowski
Name: Beverly Dobrochowski
Title: Vice President

Address: 2800 Quarry Lake Drive
Suite 340
Baltimore, MD 21209

Telephone: 410-308-0700

MARTIN FINANCIAL ASSOCIATES LLLP

By: Beverly Dobrochowski
Name: Beverly Dobrochowski
Title: Vice President

Address: 2800 Quarry Lake Drive, Suite 340
Baltimore, MD 21209

Telephone: 410-308-0700

2010-0007-SPHA



Amended Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: 1420 Martin Boulevard

which is presently zoned: B.M.-C.C.C.

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):

PLEASE 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 PRESENTED 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:

Kohl's Department Store, Inc.

Name - Type or Print

Signature By: Eric Borkenhagen, Authorized Signatory

N56 W17000 Ridgewood Drive (262) 703-6014

Address Telephone No.

Menomonee Falls WI 53091

City State Zip Code

Attorney For Petitioner:

Charles B. Marek, III

Name - Type or Print

Signature

Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200 (410) 821-0070

Address Telephone No.

Towson MD 21204

City State Zip Code

Legal Owner(s):

SEE ATTACHED OWNER SIGNATURE PAGE

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Charles B. Marek, III, Gildea & Schmidt, LLC

Name

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Towson

MD

Telephone No.

21204

City

State

Zip Code

OFFICE USE ONLY

Case No. 2010-0007-SP HA

ESTIMATED LENGTH OF HEARING _____

Reviewed By JNP UNAVAILABLE FOR HEARING

Date 8/17/09

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 11-4-09

By DW

(DROP OFF - NO REVIEW)

ATTACHMENT TO PETITION FOR AMENDED VARIANCE

1420 Martin Boulevard
15th Election District
7th Councilmanic District

1. To permit one additional freestanding enterprise sign in a multi-occupant non-residential development pursuant to BCZR § 450.4.
2. To permit a freestanding sign with a maximum height of 29 feet in lieu of the permitted 25 feet pursuant to BCZR § 450.4.
3. To permit a freestanding sign to have a face with a maximum area of 168 square feet in lieu of the permitted 100 square feet pursuant to BCZR § 450.4.
4. For such other and further relief as may be required by the Zoning Commissioner.

2010-0007-SPHA
(DROP OFF-NO REVIEW)

PETITION FOR AMENDED VARIANCE SIGNATURE PAGE

OWNER:

MARTIN FINANCIAL ASSOCIATED LIMITED PARTNERSHIP

By: Beverly Dobrochowski

Name: Beverly Dobrochowski

Title: Vice President

Address: 2800 Quarry Lake Drive
Suite 340
Baltimore, MD 21209

Telephone: 410-308-0700

MARTIN FINANCIAL ASSOCIATES LLLP

By: Beverly Dobrochowski

Name: Beverly Dobrochowski

Title: Vice President

Address: 2800 Quarry Lake Drive, Suite 340
Baltimore, MD 21209

Telephone: 410-308-0700

2010-0007-SPHA
(DROP OFF- NO REVIEW)



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: 1420 Martin Boulevard

which is presently zoned: B.M.-C.C.C.

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):

PLEASE 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 PRESENTED 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:

Kohl's Department Store, Inc. - ERK BORKENHAGEN

Name - Type or Print

Signature By:

N56 W17000 Ridgewood Drive

(262) 703-6014

Address

Telephone No.

Menomonee Falls

WI

53091

City

State

Zip Code

Attorney For Petitioner:

Charles B. Marek, III

Name - Type or Print

Signature

Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

SEE ATTACHED OWNER SIGNATURE PAGE

Signature By:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Charles B. Marek, III, Gildea & Schmidt, LLC

Name

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

Case No. 2010-0007-SPHA

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By JNP

Date 7/7/09

REV 9/15/98

FILED RECEIVED FOR FILING

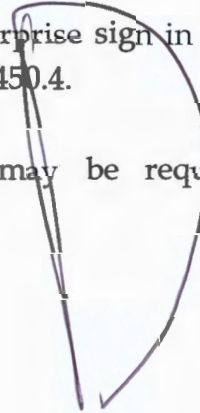
Date 11-4-09

By [Signature]

ATTACHMENT TO PETITION FOR VARIANCE

1420 Martin Boulevard
15th Election District
7th Councilmanic District

1. To permit one additional freestanding enterprise sign in a multi-occupant non-residential development pursuant to BCZR 450.4.
2. For such other and further relief as may be required by the Zoning Commissioner.



2010-0007-SPHA

PETITION FOR VARIANCE SIGNATURE PAGE

OWNER:

MARTIN FINANCIAL ASSOCIATED LIMITED PARTNERSHIP

By: Beverly Dobrochowski

Name: Beverly Dobrochowski

Title: Vice President

Address: 2800 Quarry Lake Drive
Suite 340
Baltimore, MD 21209

Telephone: 410-308-0700

MARTIN FINANCIAL ASSOCIATES LLLP

By: Beverly Dobrochowski

Name: Beverly Dobrochowski

Title: Vice President

Address: 2800 Quarry Lake Drive, Suite 340
Baltimore, MD 21209

Telephone: 410-308-0700

2010-0007-SPHA

MORRIS & RITCHIE ASSOCIATES, INC.

ARCHITECTS, ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



Zoning Description

Beginning at a point located on the northerly side of Martin Boulevard (Maryland Route 700) which has a width of 150 feet at the distance of 60 feet easterly of the centerline of the nearest intersecting street, Windlass Drive, which has a width of 70 feet. **Thence** the following courses and distances, referred to the Maryland Coordinate System (NAD '83/91):

North 29 degrees 39 minutes 19 seconds West, 35.93 feet to a point; North 14 degrees 42 minutes 50 seconds East, 178.64 feet to a point; North 14 degrees 42 minutes 50 seconds East, 62.14 feet to a point; North 14 degrees 42 minutes 50 seconds East, 48.86 feet to a point; Northeasterly by a tangential curve to the right having a radius of 315.00 feet, an arc length of 189.60 feet, the chord of said arc bearing North 31 degrees 57 minutes 25 seconds East, 186.75 feet to a point; Northeasterly by a tangential curve to the right having a radius of 315.00 feet, an arc length of 173.26 feet, the chord of said arc bearing North 64 degrees 57 minutes 25 seconds East, 171.08 feet to a point; North 80 degrees 42 minutes 50 seconds East, 620.00 feet to a point; Northeasterly by a tangential curve to the right having a radius of 535.00 feet, an arc length of 12.76 feet, the chord of said arc bearing North 80 degrees 01 minutes 50 seconds East, 12.76 feet to a point; South 09 degrees 17 minutes 10 seconds East, 89.66 feet to a point; Southeasterly by a tangential curve to the left having a radius of 15.00 feet, an arc length of 15.96 feet, the chord of said arc bearing South 39 degrees 46 minutes 05 seconds East, 15.22 feet to a point; South 70 degrees 15 minutes 00 seconds East, 55.90 feet to a point; North 83 degrees 21 minutes 30 seconds East, 225.65 feet to a point; North 50 degrees 43 minutes 05 seconds East, 115.21 feet to a point; Southeasterly by a non-tangential curve to the right having a radius of 2684.31 feet, an arc length of 220.90 feet, the chord of said arc bearing South 36 degrees 55 minutes 27 seconds East, 220.84 feet to a point; Southeasterly by a compound curve to the right having a radius of 2522.00 feet, an arc length of 271.07 feet, the chord of said arc bearing South 31 degrees 29 minutes 15 seconds East, 270.94 feet to a point; South 28 degrees 24 minutes 30 seconds East, 311.70 feet to a point; Southeasterly by a tangential curve to the right having a radius of 455.00 feet, an arc length of 56.62 feet, the chord of said arc bearing South 24 degrees 50 minutes 36 seconds East, 56.58 feet to a point; Southwesterly by a compound curve to the right having a radius of 70.00 feet, an arc length of 92.73 feet, the chord of said arc bearing South 16 degrees 40 minutes 14 seconds West, 86.09 feet to a point; Northwesterly by a non-tangential curve to the right having a radius of 5654.60 feet, an arc length of 1360.40 feet, the chord of said arc bearing North 85 degrees 56 minutes 54 seconds West, 1357.12 feet to a point; Northwesterly by a non-tangential curve to the right having a radius of 5654.60 feet, an arc length of 695.83 feet, the chord of said arc bearing North 82 degrees 19 minutes 49.5 seconds West, 695.39 feet to the point and place of beginning and being known as "Martin Plaza Shopping Center."

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

Abingdon, MD
(410) 515-9000

Laurel, MD
(410) 792-9792

Towson, MD
(410) 821-1690

Georgetown, DE
(302) 855-5734

Wilmington, DE
(302) 326-2200

York, PA
(717) 751-6073

2010-0007-SPHA

Containing an area of 1,099,267 square feet or 25.2357 acres of land, more or less and being located in the Fifteenth Election District of Baltimore County, Maryland.



2010-0007-SPHA

**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: 2010-0007-SPHA
Petitioner: Martin Financial Associates Limited Partnership
Martin Financial Associates, LLP
Address or Location: 1420 Martin Boulevard

PLEASE FORWARD ADVERTISING BILL TO:

Name: Debbie Starret, Gildea & Schmidt, LLC
Address: 600 Washington Ave.
Suite 200
Towson, MD 21204
Telephone Number: 410-821-0070

Revised 7/11/05 - SCJ

**CASHIER'S
VALIDATION**

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

No. **44714**

Date: **8/17/09**

PAID RECEIPT

BUSINESS ACTUAL TIME
 8/19/2009 8/19/2009 10:33:20

REC WSO5 WALKIN 1000L DND
 >>>RECEIPT # 501653 8/19/2009 OFLH
 Dept 5 528 ZONING VERIFICATION
 CE NO. 044714

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				200.00
Total:								200.00

Recpt Tot \$200.00
 \$200.00 CR \$0.00 CA
 Baltimore County, Maryland

Rec From: **Gildea & Schmidt, LLC**
 For: **Amended Variance Petition & Site Plan**
Case # 2010-0007-SPHA (PROP OFF- NO REVIEW)
1420 Martin Blvd.

**CASHIER'S
 VALIDATION**

DISTRIBUTION

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

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: # 2010-0007-SPHA

1420 Martin Boulevard

N/side of Martin Boulevard, 60 feet east of Windlass Road

15th Election District — 6th Councilmanic District

Legal Owner(s): Martin Financial Associated Limited Partnership

Contract Purchaser: Kohl's Department Store, Inc.

Special Hearing: to amend and to permit three freestanding enterprise signs in lieu of the approved two under case 05-103-A on a front facade that has no road access. For such other and further relief as may be required by the Zoning Commissioner. **Variance:** to permit one additional freestanding enterprise sign in a multi-occupant non-residential development. For such other and further relief as may be required by the Zoning Commissioner.

Hearing: Thursday, September 10, 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 8/866 August 25

209153

CERTIFICATE OF PUBLICATION

8/27/, 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 8/25/, 2009.

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

S. Wilkinson

LEGAL ADVERTISING

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: # 2010-0007-SPHA

1420 Martin Boulevard

N/side of Martin Boulevard, 60 feet east of Windlass Road

15th Election District — 6th Councilmanic District

Legal Owner(s): Martin Financial Associated

Limited Partnership

Contract Purchaser: Kohl's Department Store, Inc.

Special Hearing: to amend and to permit three freestanding enterprise signs in lieu of the approved two under case 05-103-A on a front facade that has no road access. For such other and further relief as may be required by the Zoning Commissioner. **Variance:** to permit one additional freestanding enterprise sign in a multi-occupant non-residential development pursuant to BCZR 450.4; to permit a freestanding sign with a maximum height of 29 feet in lieu of the permitted 25 feet pursuant to BCZR 450.4 to permit a freestanding sign to have a face with a maximum area of 168 square feet in lieu of the permitted 100 square feet pursuant to BCZR 450.4; and for such other and further relief as may be required by the Zoning Commissioner.

Hearing: Friday, October 16, 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.
10/028 October 1 215854

CERTIFICATE OF PUBLICATION

10/11, 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 10/11, 2009.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: 2010-0007-SPHA

Petitioner/Developer:_____

Kohl's Department Store, Inc.

Date of Hearing/closing:October 16, 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, _____
1420 Martin Blvd.

The sign(s) were posted on Oct. 1 2009
(Month, Day, Year)

Sincerely,

Robert Black Oct. 7, 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 # 2010-00007-SPHA

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

Room 104 JEFFERSON BUILDING
105 WEST CHESAPEAKE AVE.
PLACE: Towson, MD 21204

DATE AND TIME Friday, October 16, 2009 at 9:00 a.m.

REQUEST: SPECIAL HEARING TO AMEND AND TO PERMIT THREE
FREESTANDING ENTERPRISE SIGNS IN LIEU OF THE APPROVED

TWO UNDER CASE 05-103-A ON A FRONT FACADE THAT HAS NO REAR ACCESS.
FOR SIGN OTHER AND FURTHER REEF AS MAY BE REQUIRED BY THE ZONING
COMMISSIONER.

VARIANCE TO PERMIT ONE ADDITIONAL FREESTANDING
ENTERPRISE SIGN IN A MULTI-OCCUPANT NON-RESIDENTIAL DEVELOPMENT
PURSUANT TO DCZR 450.4. TO PERMIT A FREESTANDING SIGN WITH
A MAXIMUM HEIGHT OF 29 FEET IN LIEU OF THE PERMITTED 25 FEET MAXIMUM
TO DCZR 450.4. TO PERMIT A FREESTANDING SIGN TO HAVE A FACE WITH
A MAXIMUM AREA OF 168 SQUARE FEET IN LIEU OF THE PERMITTED 100
SQUARE FEET PURSUANT TO DCZR 450.4 AND FOR SUCH OTHER AND
FURTHER RELIEF AS MAY BE REQUIRED BY THE ZONING
COMMISSIONER.

POSTPONEMENTS DUE TO WEATHER OR OTHER CIRCUMSTANCES ARE SOMETIMES NECESSARY
TO CONFIRM HEARING CALL 887-3191

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

HANDICAPPED ACCESSIBLE



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

NOTICE OF ZONING HEARING

September 22, 2009
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: 2010-0007-SPHA

1420 Martin Boulevard

N/side of Martin Boulevard, 60 feet east of Windlass Road

15th Election District – 6th Councilmanic District

Legal Owners: Martin Financial Associated Limited Partnership

Contract Purchaser: Kohl's Department Store, Inc.

Special Hearing to amend and to permit three freestanding enterprise signs in lieu of the approved two under case 05-103-A on a front façade that has no road access. For such other and further relief as may be required by the Zoning Commissioner. Variance to permit one additional freestanding enterprise sign in a multi-occupant non-residential development pursuant to BCZR 450.4; to permit a freestanding sign with a maximum height of 29 feet in lieu of the permitted 25 feet pursuant to BCZR 450.4; to permit a freestanding sign to have a face with a maximum area of 168 square feet in lieu of the permitted 100 square feet pursuant to BCZR 450.4; and for such other and further relief as may be required by the Zoning Commissioner.

Hearing: Friday, October 16, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Charles Marek, III, Gildea & Schmidt, 600 Washington Ave., Ste. 200, Towson 21204
Beverly Dobrochowski, 2800 Quarry Lake Dr., Ste. 340, Baltimore 21209
Erik Bortenhausen, N56 W17000 Ridgewood Dr., Menomonee Falls WI 53091

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, OCTOBER 1, 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
Thursday, October 1, 2009 Issue - Jeffersonian

Please forward billing to:

Debbie Starret
Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

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: 2010-0007-SPHA

1420 Martin Boulevard

N/side of Martin Boulevard, 60 feet east of Windlass Road

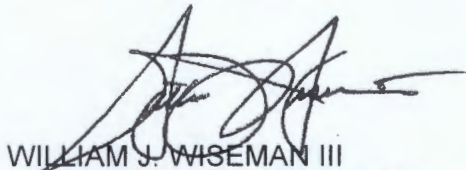
15th Election District – 6th Councilmanic District

Legal Owners: Martin Financial Associated Limited Partnership

Contract Purchaser: Kohl's Department Store, Inc.

Special Hearing to amend and to permit three freestanding enterprise signs in lieu of the approved two under case 05-103-A on a front façade that has no road access. For such other and further relief as may be required by the Zoning Commissioner. Variance to permit one additional freestanding enterprise sign in a multi-occupant non-residential development pursuant to BCZR 450.4; to permit a freestanding sign with a maximum height of 29 feet in lieu of the permitted 25 feet pursuant to BCZR 450.4; to permit a freestanding sign to have a face with a maximum area of 168 square feet in lieu of the permitted 100 square feet pursuant to BCZR 450.4; and for such other and further relief as may be required by the Zoning Commissioner.

Hearing: Friday, October 16, 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
MARYLAND

JAMES T. SMITH, JR.
County Executive

August 7, 2009
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: 2010-0007-SPHA

1420 Martin Boulevard

N/side of Martin Boulevard, 60 feet east of Windlass Road

15th Election District – 6th Councilmanic District

Legal Owners: Martin Financial Associated Limited Partnership

Contract Purchaser: Kohl's Department Store, Inc.

Special Hearing to amend and to permit three freestanding enterprise signs in lieu of the approved two under case 05-103-A on a front façade that has no road access. For such other and further relief as may be required by the Zoning Commissioner. Variance to permit one additional freestanding enterprise sign in a multi-occupant non-residential development. For such other and further relief as may be required by the Zoning Commissioner.

Hearing: Thursday, September 10, 2009 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Charles Marek, III, Gildea & Schmidt, 600 Washington Ave., Ste. 200, Towson 21204
Beverly Dobrochowski, 2800 Quarry Lake Dr., Ste. 340, Baltimore 21209
Erik Bortenhagen, N56 W17000 Ridgewood Dr., Menomonee Falls WI 53091

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, AUGUST 26, 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, August 25, 2009 Issue - Jeffersonian

Please forward billing to:

Debbie Starret
Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

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: 2010-0007-SPHA

1420 Martin Boulevard

N/side of Martin Boulevard, 60 feet east of Windlass Road

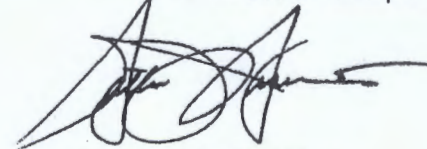
15th Election District – 6th Councilmanic District

Legal Owners: Martin Financial Associated Limited Partnership

Contract Purchaser: Kohl's Department Store, Inc.

Special Hearing to amend and to permit three freestanding enterprise signs in lieu of the approved two under case 05-103-A on a front façade that has no road access. For such other and further relief as may be required by the Zoning Commissioner. Variance to permit one additional freestanding enterprise sign in a multi-occupant non-residential development. For such other and further relief as may be required by the Zoning Commissioner.

Hearing: Thursday, September 10, 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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

September 4, 2009

Charles B. Marek, III
Gildea & Schmidt, LLC
600 Washington Ave. Ste. 200
Towson, MD 21204

Dear: Charles B. Marek, III

RE: Case Number 2010-0007-A, 1420 Martin Blvd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 17, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Kohl's Department Store, Inc.; N56 W17000 Ridgewood Dr.; Menomonee Falls, WI 53091
Beverly Dobrochowski; 2800 Quarry Lake Dr. Ste. 340; Baltimore, MD 21209

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 14, 2009

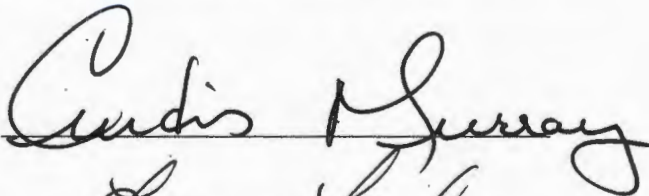
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 10-007- Variance and Special Hearing

The Office of Planning has reviewed the proposed building mounted and freestanding sign elevations and requested relief and finds that they are appropriate for the site. The height of the proposed Kohl's freestanding sign located along Martin Boulevard is designed so that it should not interfere with the existing Martin Plaza freestanding sign. The Office of Planning has no objection to the proposal provided that there are no additional freestanding signs located along Martin Boulevard.

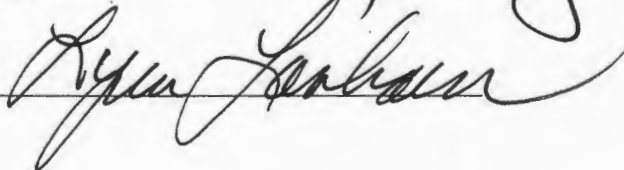
For further questions or additional information concerning the matters stated herein, please contact Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:

CM/LL



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 31, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For September 7, 2009
Item Nos. 10-007, 048, 049, 050,
051, 052, 054 and 055

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

DAK:CEN:kmt

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-09072009 -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: July 27, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For July 27, 2009
Item Nos. 2010-001, 003, 004, 005, 006,
007, 008, 009, 010, 011, 013, 016, 017,
018 and 019

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

DAK:CEN:kta
cc: File
ZAC-072709-NO COMMENTS



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

July 24, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 20.2009

ItemNumbers:0001,0002,0003,0004,0005 [REDACTED] 0008,0009,0010,0013,0014,0016,0017,0019

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



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

State Highway
Administration

Beverley K. Swaim-Staley, Acting Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: July 23, 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 2010-0007-SPHA
MD 760
1420 MARTIN BLVD
Kohl's Department Store
SPECIAL HEARING -
VARIANCE -

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2010-0007-SPHA.

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

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

BALTIMORE COUNTY, MARYLAND**Inter-Office Correspondence****RECEIVED****SEP 09 2009****ZONING COMMISSIONER**

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: September 9, 2009

SUBJECT: Zoning Item # 10-007-SPHA
Address 1420 Martin Boulevard
(Martin Financial Associated Limited Partnership)

Zoning Advisory Committee Meeting of July 20, 2009

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

Reviewer: JWL

Date: 9/9/2009

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 14, 2009

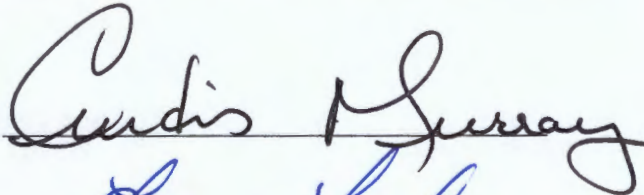
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-007- Variance and Special Hearing**

The Office of Planning has reviewed the proposed building mounted and freestanding sign elevations and requested relief and finds that they are appropriate for the site. The height of the proposed Kohl's freestanding sign located along Martin Boulevard is designed so that it should not interfere with the existing Martin Plaza freestanding sign. The Office of Planning has no objection to the proposal provided that there are no additional freestanding signs located along Martin Boulevard.

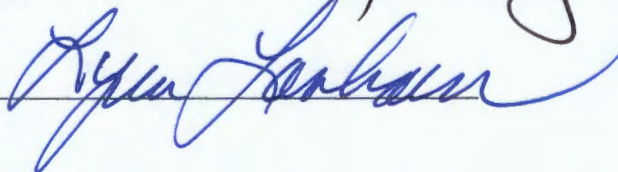
For further questions or additional information concerning the matters stated herein, please contact Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:

CM/LL



RECEIVED

SEP 15 2009

ZONING COMMISSIONER

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
1420 Martin Boulevard; N/S Martin Blvd., * ZONING COMMISSIONER
60' E of Windlass Road *
15th Election & 6th Councilmanic Districts * FOR
Legal Owner(s): Martin Financial Associated *
Limited Partnership * BALTIMORE COUNTY
Contract Purchaser(s): Kohl's Department Store *
2010-007-SPHA *

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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

JUL 28 2009

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 28th day of July, 2009, a copy of the foregoing Entry of Appearance was mailed to Charles B. Marek, III, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BW 10/15

IN RE: PETITION FOR VARIANCE * BEFORE THE
N/S Martin Blvd, 60' E of Windlass Dr. * ZONING COMMISSIONER
15th Election District * OF BALTIMORE COUNTY
6th Councilmanic District *
(1202-1312 Martin Boulevard) *
Martin Financial Associates, LP * CASE NO. 05-103-A
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on a Petition for Variance. The Property at issue is owned by Martin Financial Associates, LP. Appearing at the requisite public hearing representing the Owner/Petitioner were Beverly Dobrochowski, Mr. Dean Hoover, a land planner from Morris & Ritchie Associates, and Dino C. La Fiandra, Esquire. Mr. Christopher McCullom of the Baltimore County Department of Economic Development also appeared at the hearing in favor of the requested zoning relief. There were no parties in opposition to the requested variances present at the hearing.

In its Petition for Variance, the property owner has requested the following relief from the Baltimore County Zoning Regulations (B.C.Z.R.): 1) from Section 450.5B.9.b, to allow wall-mounted enterprise signs extend beyond rooftop elevation per site plan; 2) from Section 450.4, to allow existing signs to continue to exist; 3) from Section 450.4, to allow one enterprise sign along Middle River Road in lieu of 0 permitted; 4) from Section 450.4, to allow addition of one free-standing enterprise sign along Martin Boulevard; 5) from Section 450.5 to allow addition of Target Sign/Logo to existing Martin Plaza sign; and 6) to amend the previously approved site plan in accordance with the relief granted in this proceeding. A public hearing was held by this Zoning Commissioner on October 17, 2004, of which there was public notice as required by law. After the conclusion of the hearing, but prior to the issuance of this Order, the Zoning Commissioner received

Date 10/15/04
By [Signature]

CASE NAME Kohl's Dept Store
CASE NUMBER 2010-0007-SPHA
DATE 10-16-09

[illegible]

Case No.: 2010-0007-SPHA

1420 MARTIN BOULEVARD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	2 PAGE SITE PLAN	
No. 2	Photo's Existing Condition East Bound	
No. 3	Photo's Existing Condition West Bound	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S

EXHIBIT NO. _____

2









MARTIN
PLAZA

NOW OPEN
AMERICA'S BEST
RESTAURANT

14.99

50% OFF

SPEED
LIMIT
35



PETITIONER'S

EXHIBIT NO. 3





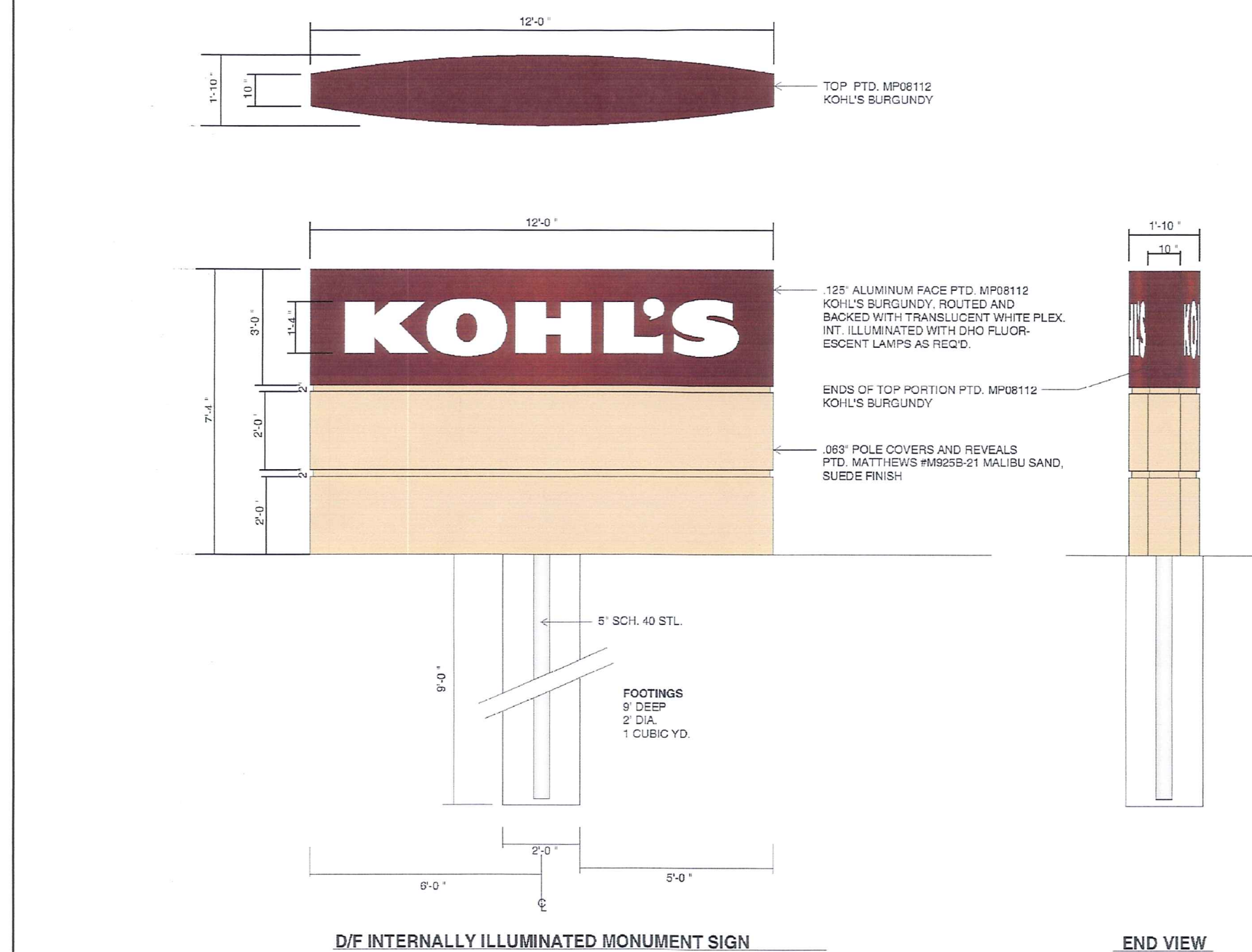








ELEVATION KEY NOTES	
1. ALL SIGNAGE SHALL BE IN ACCORDANCE WITH THE FOLLOWING NOTES:	
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PROP. "KOHL'S" MONUMENT SIGN
13.4 S.F., TWO SIDED, ILLUMINATED

SIGN CALCULATIONS:

#	SIGN CLASSIFICATION	MAX AREA/FACE	MAX. NO./ PREMISES	HEIGHT	ADDITIONAL LIMITATIONS	CONTENT
1	FREE STANDING ENTERPRISE	100 SF	ONE / FRONTAGE	25'	400 SF*	
2	WALL-MOUNTED	2xLENGTH OF WALL	3 (2 MAX/FACADE)	N/A		

EXISTING MARTIN PLAZA SIGNS

1	FREE STANDING ENTERPRISE	40 SF±	1	20'±		BANK OF AMERICA
2	FREE STANDING ENTERPRISE	100 SF±	1	25'		TARGET (MARTIN BLVD)
3	FREE STANDING ENTERPRISE	170.5 SF	1	35'±		MARTIN PLAZA
4	FREE STANDING ENTERPRISE	100 SF±	1	25'±		McDONALD'S
5	FREE STANDING ENTERPRISE	100 SF±	1	18'±		TARGET (MIDDLE RIVER)
6	WALL-MOUNTED	100 SF±	1	40±		TARGET (STORE FRONT)

PROPOSED SIGNS

1	FREE STANDING ENTERPRISE	13.4 SF±	1	7'-4"		KOHL'S
2	WALL-MOUNTED - REAR	69.3 SF±	1	15±		KOHL'S
3	WALL-MOUNTED - SIDE	69.3 SF±	1	16'±		KOHL'S
4	WALL-MOUNTED - FRONT	195 SF±	1	21'±		KOHL'S

PARKING TABULATION IS BASED ON ENTIRE SHOPPING CENTER AS PARKING, ACCESS, ETC ARE SHARED PER AN OPERATION AND EASEMENT AGREEMENT (O.E.A) FOR MARTIN PLAZA.

PARKING TABULATION	
REQUIRED:	
RETAIL (5 SP. / 1000 SF.) [274,042 SF]	= 1,371 SPACES
PROPOSED:	
STANDARD	= 1,424 SPACES
REGULAR HANDICAP	= 21 SPACES
VAN ACCESSIBLE HANDICAP	= 12 SPACES
TOTAL	= 1,457 SPACES

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 14015, EXPIRATION DATE: 07/12/2010.



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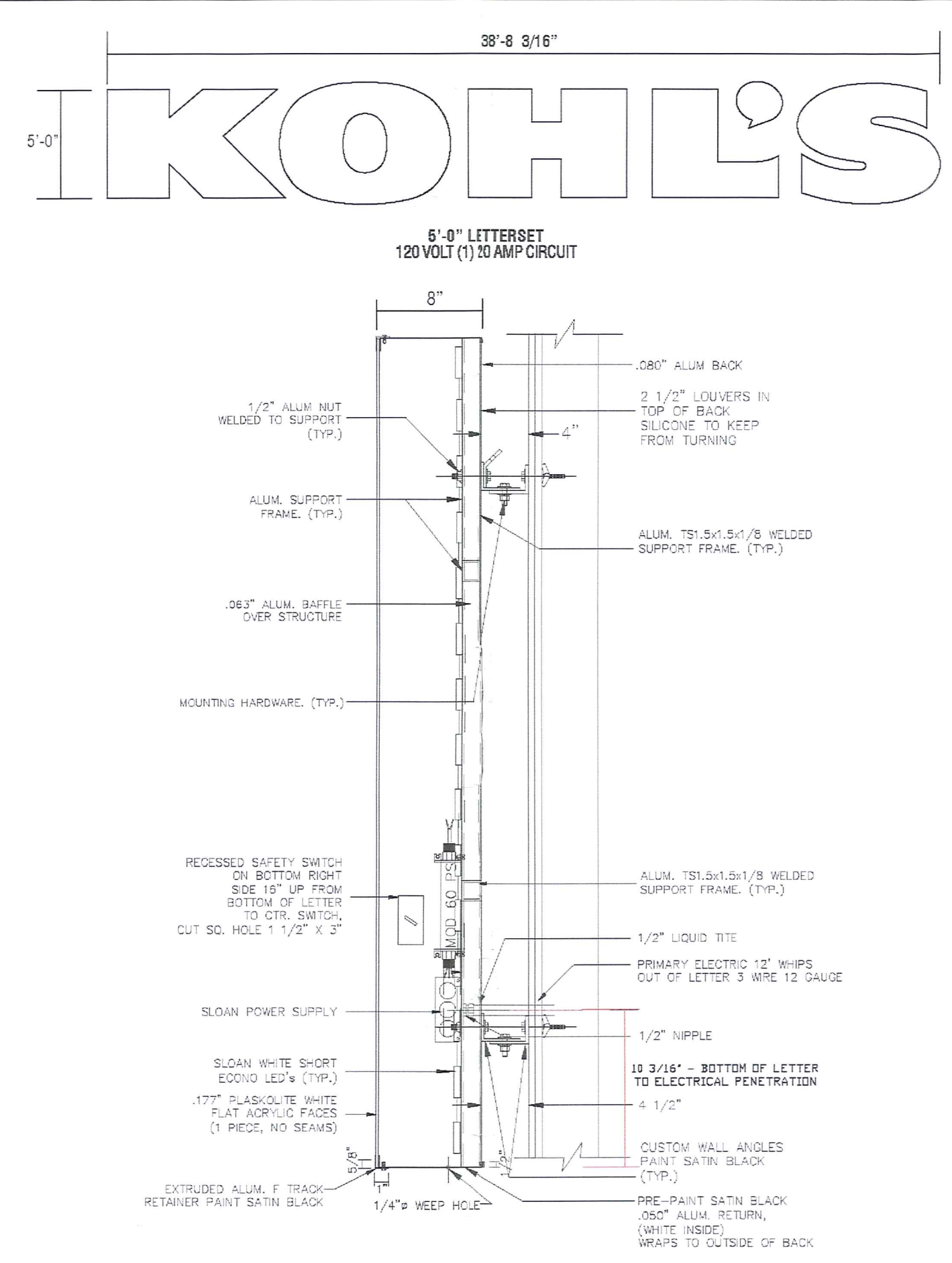
KOHL'S DEPARTMENT STORE
AT MARTIN PLAZA
SHOPPING CENTER
PLAN TO ACCOMPANY SPECIAL HEARING & VARIANCE PETITION
15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	JOB NO.: 11991.03
	SCALE: AS SHOWN
	DATE: 07-06-2009
	DRAWN BY: THS
	DESIGN BY: THS/JTS
	REVIEW BY: RWB
	SHEET: 02 OF 02

PROP. "KOHL'S" ID SIGN - REAR FACADE
69.3 S.F., ONE SIDED, ILLUMINATED

PROP. "KOHL'S" ID SIGN - SIDE FACADE
69.3 S.F., ONE SIDED, ILLUMINATED

KOHL'S SIGN CRITERIA



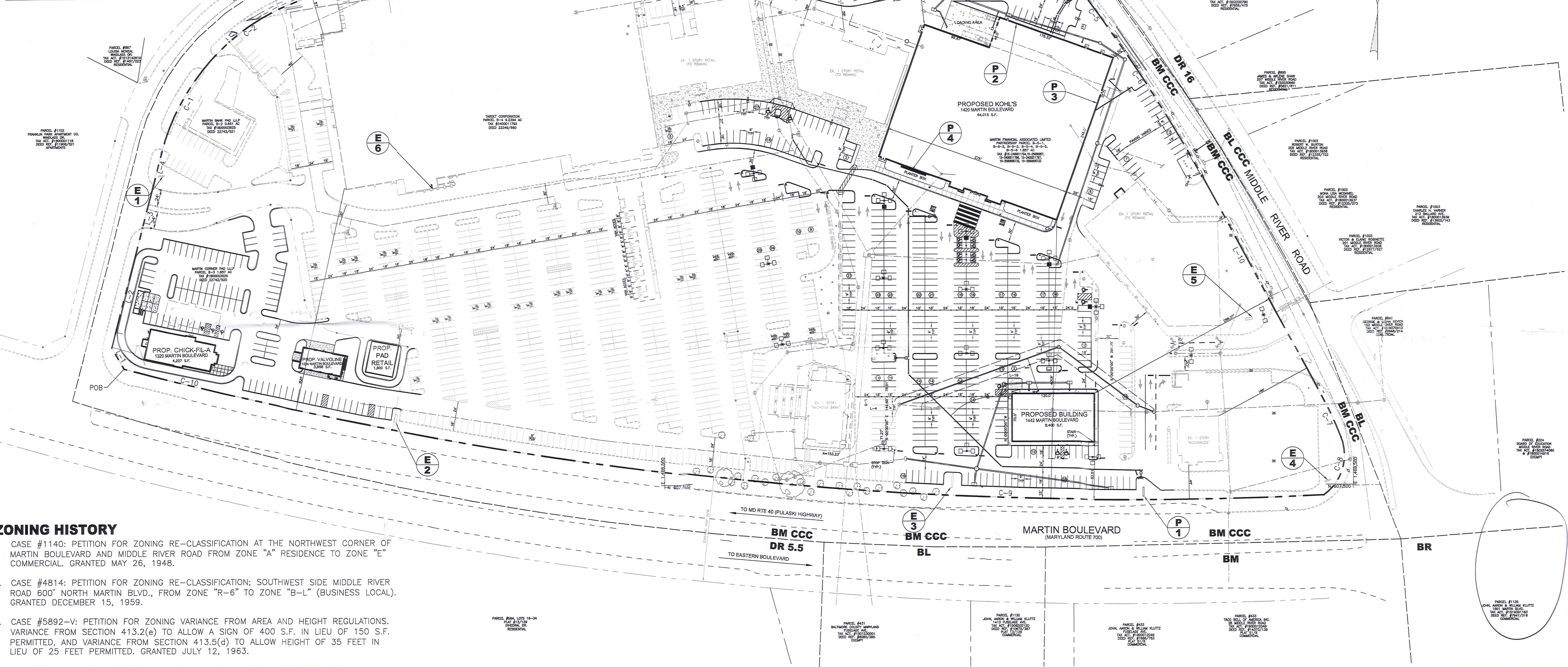
PROP. "KOHL'S" ID SIGN - FRONT FACADE
193.5 S.F., ONE SIDED, ILLUMINATED

CURVE TABLE

CURVE	DELTA	RADIUS	ARC	CHORD BEARING	CHORD	TANGENT
C-1	34°24'10"	315.00'	104.60'	N 31°57'25" E	106.75'	47.71'
C-2	31°30'50"	315.00'	173.26'	N 64°57'25" E	171.08'	88.88'
C-3	01°22'00"	535.00'	12.76'	N 80°01'50" E	12.76'	6.38'
C-4	60°57'50"	15.00'	15.96'	S 39°46'05" E	15.22'	8.83'
C-5	04°42'55"	2684.31'	220.90'	S 36°55'21" E	220.84'	110.51'
C-6	06°04'30"	2522.00'	271.07'	S 31°28'15" E	270.44'	135.61'
C-7	07°01'46"	455.00'	56.82'	S 24°50'36" E	56.58'	28.34'
C-8	75°53'44"	10.00'	92.73'	S 16°40'14" W	86.04'	54.54'
C-9	13°41'04"	5654.60'	1360.40'	N 85°56'54" W	1351.12'	683.50'
C-10	7°03'02"	5654.60'	695.83'	N 82°19'44.5" W	695.34'	348.35'

LINE TABLE

LINE	BEARING	DISTANCE
L-1	N 24°34'19" W	35.93'
L-2	N 14°42'50" E	178.64'
L-3	N 14°42'50" E	62.14'
L-4	N 14°42'50" E	48.86'
L-5	N 0°42'50" E	620.00'
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L-7	S 10°15'00" E	55.90'
L-8	N 03°21'30" E	225.65'
L-9	N 50°43'05" E	115.21'
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ZONING HISTORY

- CASE #1140: PETITION FOR ZONING RE-CLASSIFICATION AT THE NORTHWEST CORNER OF MARTIN BOULEVARD AND MIDDLE RIVER ROAD FROM ZONE "A" RESIDENCE TO ZONE "E" COMMERCIAL. GRANTED MAY 26, 1948.
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 - VARIANCE FROM SECTION 450.4 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO ALLOW EXISTING SIGNS TO CONTINUE TO EXIST. [GRANTED]
 - VARIANCE FROM SECTION 450.4 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO ALLOW ONE ENTERPRISE SIGN ALONG MIDDLE RIVER ROAD IN LIEU OF ZERO PERMITTED. [GRANTED]
 - VARIANCE FROM SECTION 450.4 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO ALLOW ADDITION OF ONE FREESTANDING ENTERPRISE SIGN ALONG MARTIN BOULEVARD. [GRANTED]
 - VARIANCE FROM SECTION 450.5 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO ALLOW ADDITION OF TARGET SIGN/LOGO (75 SF±) TO EXISTING MARTIN PLAZA SIGN. [DISMISSED]
 - AMEND PREVIOUSLY APPROVED SITE PLAN. [GRANTED]

SITE PLAN

SCALE: 1" = 80'

SPECIAL HEARING REQUEST

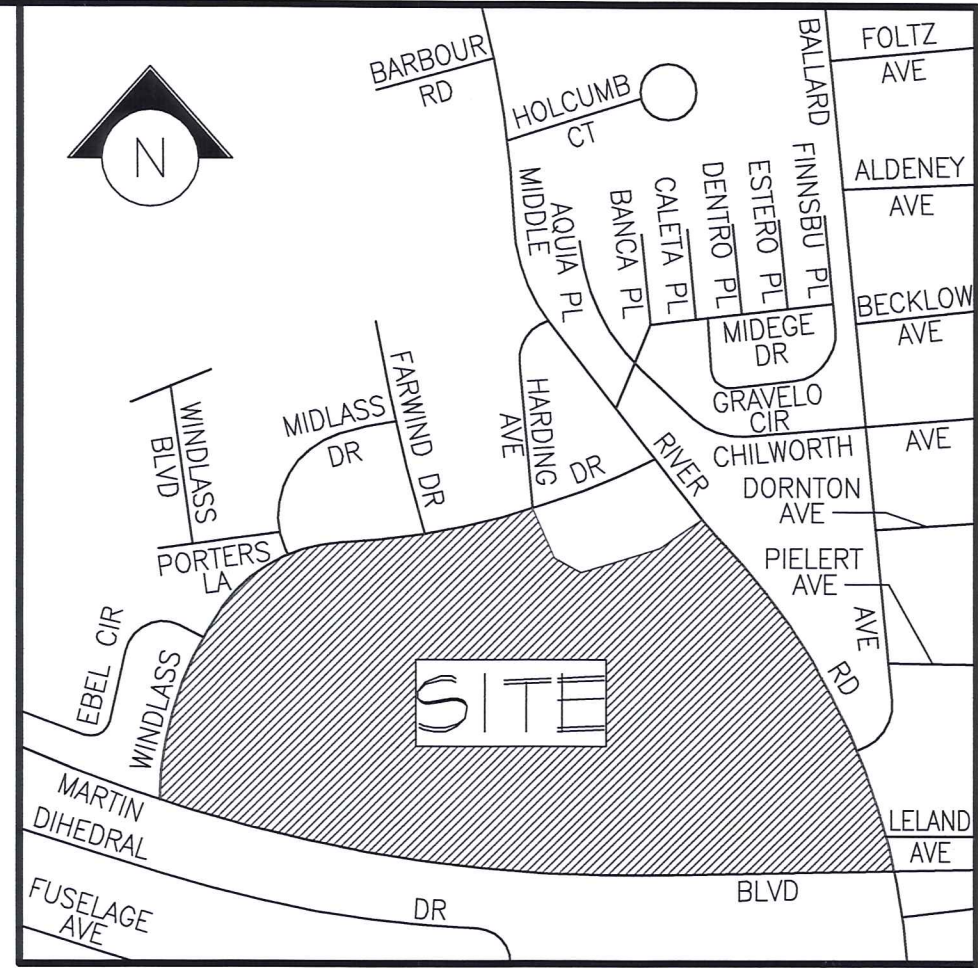
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- FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ZONING COMMISSIONER.

VARIANCE REQUEST

- TO PERMIT ONE ADDITIONAL FREESTANDING ENTERPRISE SIGN IN A MULTI-OCCUPANT NON-RESIDENTIAL DEVELOPMENT PURSUANT TO BCZR 450.4; (SHOWN AS P-1 ON SHEET 2 OF 2)
- FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ZONING COMMISSIONER.

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 14015, EXPIRATION DATE: 07/12/2010.



VICINITY MAP

SCALE: 1" = 500'

BENCHMARK

STATION NAME: GIS-67	STATION NAME: GIS-73
N 604,963.295	N 604,807.438
E 1,464,447.281	E 1,483,677.200
ELEV. 67.17	ELEV. 11.60

DESCRIPTION

STATION GIS-67 IS A STANDARD BALTIMORE COUNTY SURVEY MARKER LOCATED AT THE INTERSECTION OF MIDDLESEX ROAD AND STEMMERS RUN ROAD.

STATION GIS-73 IS A STANDARD BALTIMORE COUNTY SURVEY MARKER LOCATED 26' NORTH OF THE CENTER OF SENECA GARDENS ROAD AND ABOUT 34' EAST OF THE CENTER OF BOWLEYS QUARTERS ROAD

LEGEND

- EX. PROPERTY OR R/W LINES
- EX. CURB & GUTTER
- PROP. CURB & GUTTER
- EX. "X" SAN.
- PROP. "X" SAN.
- EX. SANITARY
- PROP. SANITARY
- EX. "X" S.D.
- PROP. "X" S.D.
- EX. STORM DRAIN
- PROP. STORM DRAIN
- EX. "X" W.
- PROP. "X" W.
- EX. WATER
- PROP. WATER
- PROP. SITE LIGHTING POLE
- PROP. TRAFFIC SIGN
- PROP. DIRECTIONAL ARROW
- EXISTING SIGN LABEL
- PROPOSED SIGN LABEL

JSPC REFINEMENT

- ORIGINAL APPROVAL 5-16-1978.
- FIRST REFINEMENT APPROVED ON 7-21-2003. [DRC #020303G]
- SECOND REFINEMENT APPROVED ON 8-14-2008. [DRC #041408L]
BUILDING PERMIT #B704378

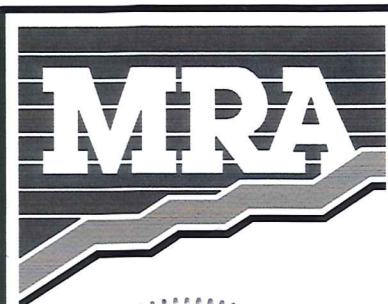
NOTE: SEE PARKING TABULATION ON SHEET 2 OF 2.



Know what's below.
Call before you dig.

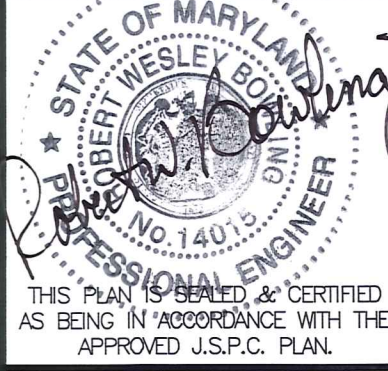
PROTECT YOURSELF. GIVE THREE WORKING DAYS NOTICE.
THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERE TO APPURTENANT.

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



MORRIS & RITCHIE ASSOCIATES, INC.
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KOHL'S DEPARTMENT STORE
AT MARTIN PLAZA
SHOPPING CENTER
PLAN TO ACCOMPANY SPECIAL
HEARING & VARIANCE PETITION

15TH ELECTION DISTRICT
8TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	JOB NO.: 11991.03
	SCALE: 1" = 80'
	DATE: 07-06-2009
	DRAWN BY: THS
PETITIONER'S	DESIGN BY: THS/UTS
EXHIBIT NO. 1	REVIEW BY: RWB
	SHEET: 01 OF 02

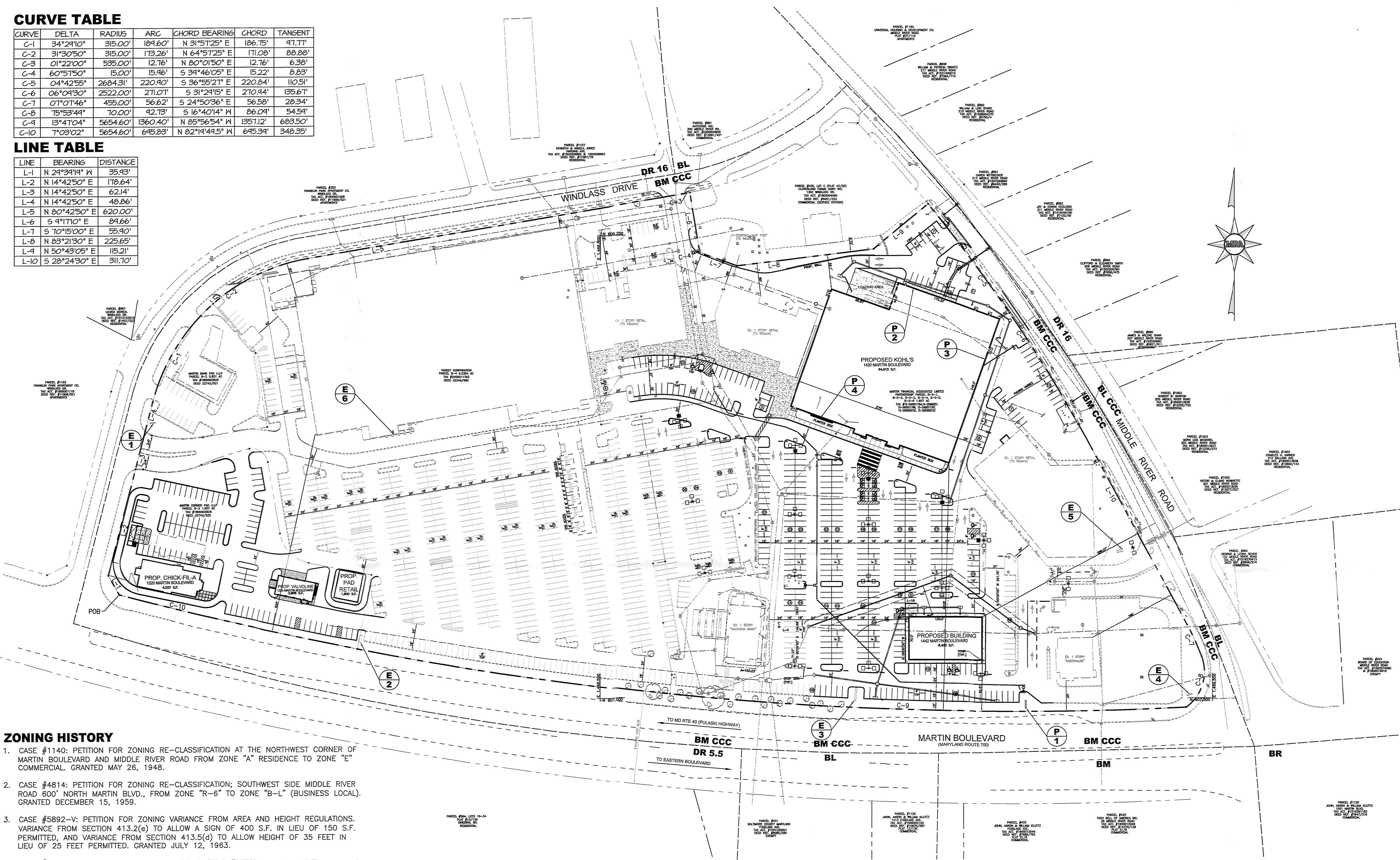
2010-0007-SPH-4

CURVE TABLE

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C-1	34°29'10"	315.00'	189.60'	N 31°51'25" E	186.75'	91.71'
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SITE PLAN

SCALE: 1" = 80'

SPECIAL HEARING REQUEST

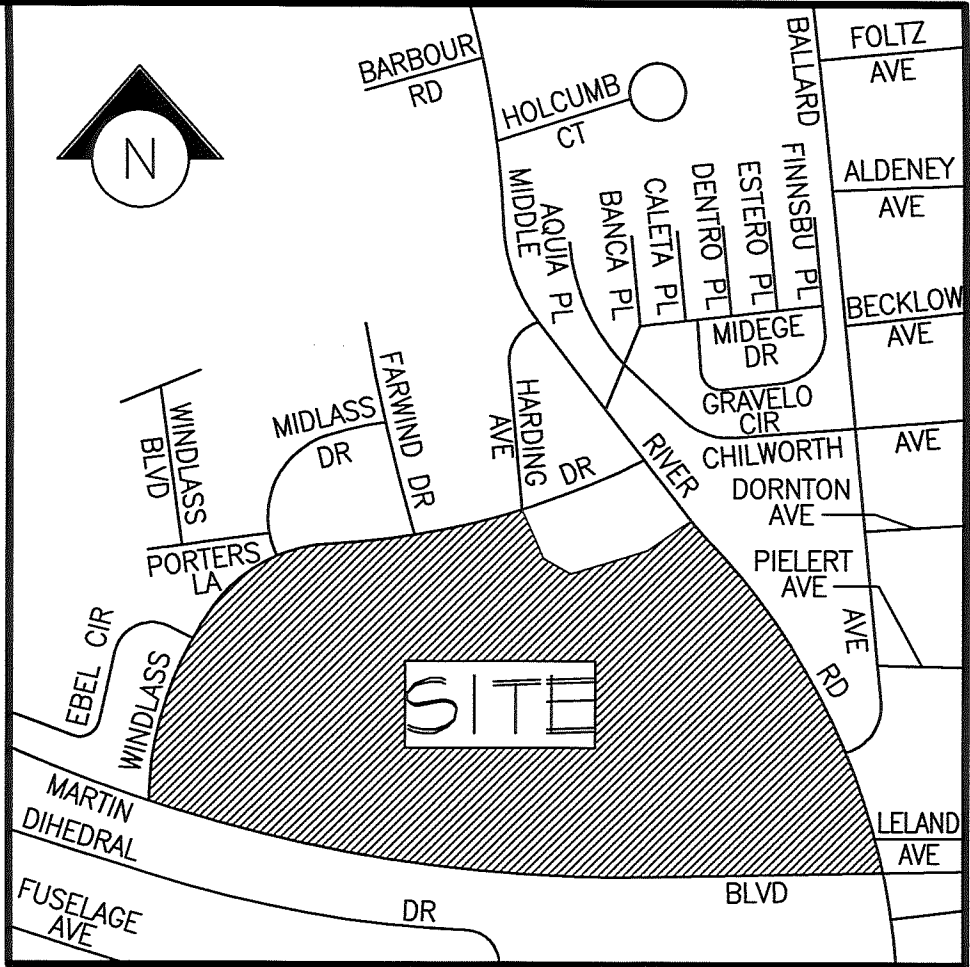
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VARIANCE REQUEST

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- TO PERMIT A FREESTANDING SIGN WITH A MAXIMUM HEIGHT OF 29 FEET IN LIEU OF THE PERMITTED 25 FEET PURSUANT TO BCZR § 450.4.
- TO PERMIT A FREESTANDING SIGN TO HAVE A FACE WITH A MAXIMUM AREA OF 168 SQUARE FEET IN LIEU OF THE PERMITTED 100 SQUARE FEET PURSUANT TO BCZR § 450.4.
- FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ZONING COMMISSIONER.

PROFESSIONAL CERTIFICATION

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VICINITY MAP

SCALE: 1" = 500'

BENCHMARK

STATION NAME: GIS-67
N 604,963.295
E 1,464,447.281
ELEV. 67.17

STATION NAME: GIS-73
N 604,807.438
E 1,483,677.200
ELEV. 11.60

DESCRIPTION

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LEGEND

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BUILDING PERMIT #B704378

NOTE: SEE PARKING TABULATION ON SHEET 2 OF 2.



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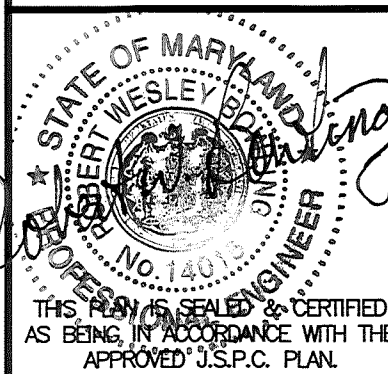
PROTECT YOURSELF. GIVE THREE WORKING DAYS NOTICE.
THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERE TO APPURTENANT.

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



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS, ARCHITECTS AND LANDSCAPE ARCHITECTS

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(410) 821-1690
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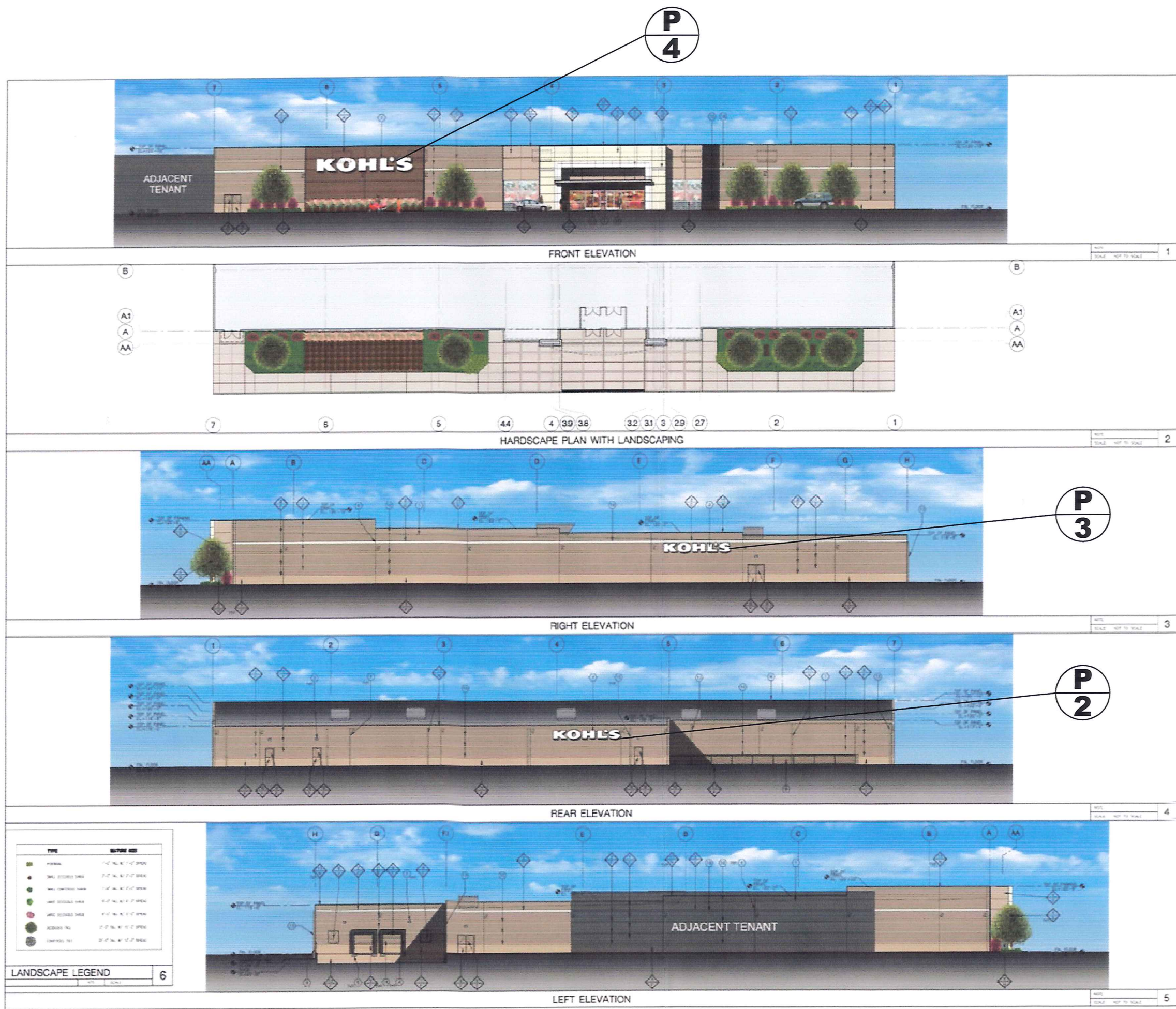


KOHL'S DEPARTMENT STORE
AT MARTIN PLAZA
SHOPPING CENTER
PLAN TO ACCOMPANY SPECIAL
HEARING & VARIANCE PETITION

15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	JOB NO.: 11991.03
	SCALE: 1" = 80'
	DATE: 08-13-2009
	DRAWN BY: THS
	DESIGN BY: THS/JTS
	REVIEW BY: RWB
	SHEET: 01 OF 02

2010-0007-SPHA (PROP-OF-NO REVIEW)



KOHL'S

MIDDLE RIVER, MD

DESIGNED BY:
KOHLS DEPARTMENT STORE INC.
MIDDLE RIVER, MD 21099-3764
CONTACT: BEVERLY DOBROCHOWSKI
PHONE: 410-308-0700

ELEVATION KEY NOTES

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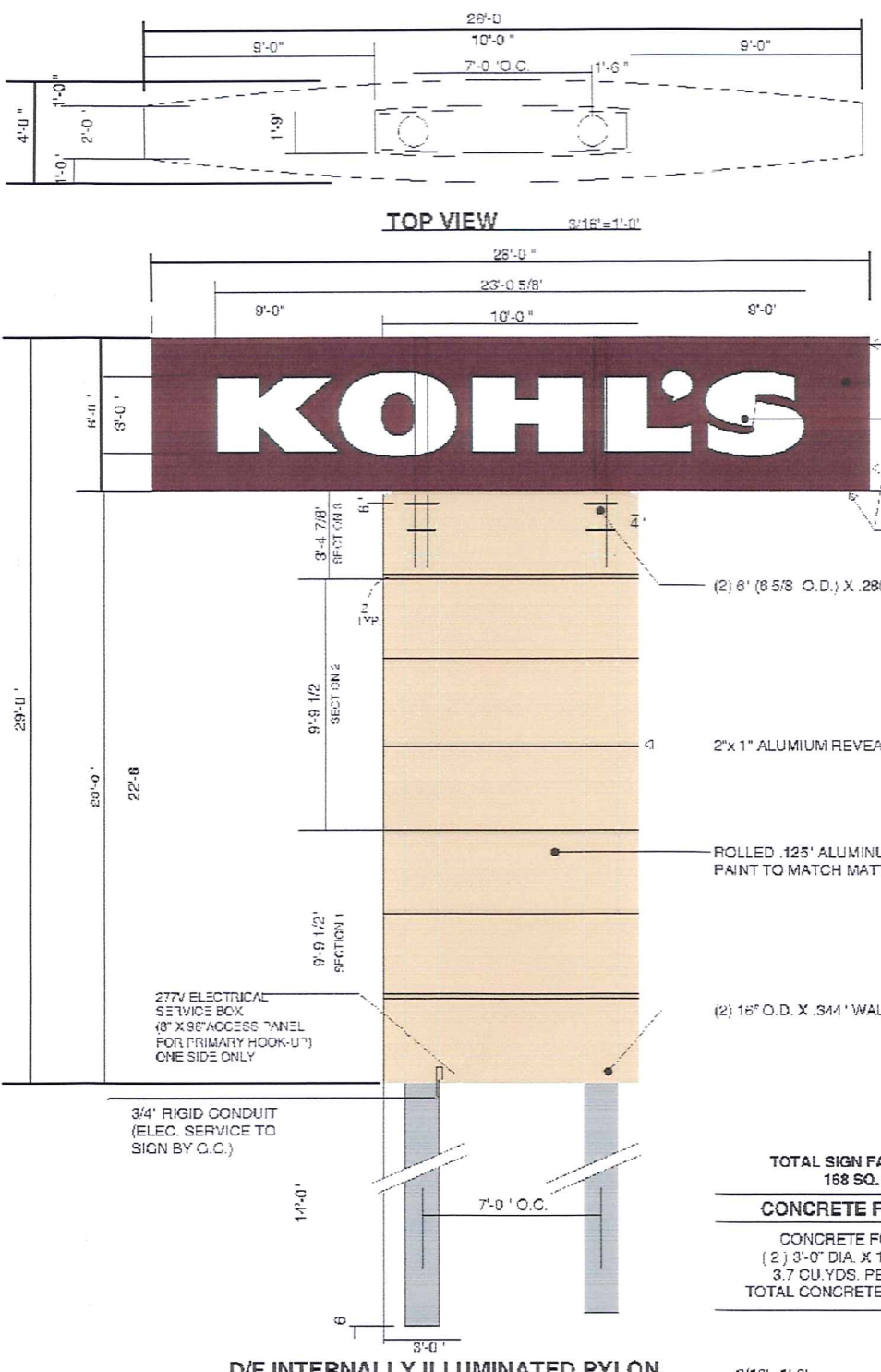
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BOWEN

2000 River Road
Baltimore, MD 21202
707.441.1000 / F. 410.491.8833

DESIGN ELEVATIONS WITH
HARDSCAPE PLAN

DATE: 08/12/2010
BY: DE-1



PROP. "KOHL'S" MONUMENT SIGN
168 S.F., TWO SIDED, ILLUMINATED

SIGN CALCULATIONS:

#	SIGN CLASSIFICATION	MAX AREA/FACE	MAX. NO. / PREMISES	HEIGHT	ADDITIONAL LIMITATIONS	CONTENT
1	FREE STANDING ENTERPRISE	100 SF	ONE / FRONTAGE	25'	400 SF*	
2	WALL-MOUNTED	2xLENGTH OF WALL	3 (2 MAX/FACADE)	N/A		

EXISTING MARTIN PLAZA SIGNS

1	FREE STANDING ENTERPRISE	40 SF±	1	20'±		BANK OF AMERICA
2	FREE STANDING ENTERPRISE	100 SF±	1	25'		TARGET (MARTIN BLVD)
3	FREE STANDING ENTERPRISE	170.5 SF	1	35'±		MARTIN PLAZA
4	FREE STANDING ENTERPRISE	100 SF± 27 SF±	1 1	25'±		McDONALD'S
5	FREE STANDING ENTERPRISE	100 SF±	1	18'±		TARGET (MIDDLE RIVER)
6	WALL-MOUNTED	100 SF±	1	40±		TARGET (STORE FRONT)

PROPOSED SIGNS

1	FREE STANDING ENTERPRISE	168 SF±	1	29'-0"		KOHL'S
2	WALL-MOUNTED - REAR	69.3 SF±	1	15±		KOHL'S
3	WALL-MOUNTED - SIDE	69.3 SF±	1	16'±		KOHL'S
4	WALL-MOUNTED - FRONT	239.1 SF±	1	21'±		KOHL'S

PROP. "KOHL'S" ID SIGN - REAR FACADE
69.3 S.F., ONE SIDED, ILLUMINATED

PROP. "KOHL'S" ID SIGN - SIDE FACADE
69.3 S.F., ONE SIDED, ILLUMINATED

PROP. "KOHL'S" ID SIGN - FRONT FACADE
193.5 S.F., ONE SIDED, ILLUMINATED

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 14015, EXPIRATION DATE: 07/12/2010.

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS, ARCHITECTS AND LANDSCAPE ARCHITECTS
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AT MARTIN PLAZA
SHOPPING CENTER
PLAN TO ACCOMPANY SPECIAL
HEARING & VARIANCE PETITION
15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

MRA
STATE OF MARYLAND
PROFESSIONAL ENGINEER
NO. 14015
THIS PLAN IS SUBMITTED IN ACCORDANCE WITH THE APPROVED JSPC PLAN.

DATE	JOB NO.: 11
SCALE: AS SHOWN	DATE: 08-13
DRAWN BY: T	DESIGN BY: T
REVIEW BY: T	SHEET: 02