

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
SW corner of Reisterstown Road and	*	DEPUTY ZONING
Cherry Valley Road		
4 th Election District	*	COMMISSIONER
4 th Councilmanic District		
(11604 Reisterstown Road)	*	FOR BALTIMORE COUNTY
Delight Manor Farm, LLC	*	
<i>Legal Owners</i>		
Giant of Maryland, LLC		
<i>Contract Lessee</i>	*	Case No. 2010-0184-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by James J. Sylvia, Vice President, Real Estate, on behalf of Giant of Maryland, LLC, the contract lessee (hereinafter "Petitioner"), and Delight Manor Farm, LLC c/o Turnpike Associates LLC, the legal owners of the subject property. Special Hearing relief is requested in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to amend the site plan approved in Case No. 94-12-A. Variance relief is also requested as follows:

- From Section 409.6.A.2 of the B.C.Z.R. to permit a total of 361 off-street parking spaces in lieu of the required 472 parking spaces; and
- From Section 405.4.A.2.b of the B.C.Z.R. to allow a minimum landscape transition area width of 0 feet in a rear yard abutting non-residentially zoned land in lieu of the required 6 feet, and 7.4 feet abutting a public right-of-way in lieu of the required 10 feet; and
- From Section 450.4.3 of the B.C.Z.R. to allow a freestanding directional sign with a height of 12 feet in lieu of the permitted 6 feet; and
- From Section 405.2.A of the B.C.Z.R. to allow a setback a minimum of 83 feet from a residentially zoned property in lieu of the required 100 feet.

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The subject property and requested relief are more fully described on the two-page redlined site plan that was marked and accepted into evidence as Petitioner's Exhibits 1A and 1B.

Appearing at the requisite public hearing in support of the requested relief on behalf of legal owner Delight Manor Farm, LLC c/o Turnpike Associates LLC were Daniel Klein and William Berman, and on behalf of Petitioner Giant of Maryland, LLC was Fred Clowes, Director of Real Estate. David Karceski, Esquire and Arnold Jablon Esquire appeared as attorneys for Petitioner. Also appearing in support of the requested relief was C. Dean Smith, a professional engineer with Vanasse Hangen Brustlin, Inc., the firm that prepared the site plan. Also appearing at the hearing was Debbie Risper from Councilman Kenneth N. Oliver's Office, as well as interested citizens George Harman and Mary Molinaro with the Reisterstown-Owings Mills-Glyndon Coordinating Council.

At the outset of the hearing, Mr. Karceski submitted the redlined site plan and explained that the redlined plan shows a sidewalk connection extending in a perpendicular fashion from the existing sidewalk along Reisterstown Road. As explained below, this section of sidewalk was added to the site plan at the request of the Office of Planning through its Zoning Advisory Committee ("ZAC") comment.

In addition to explaining the redlined changes, Mr. Karceski and Mr. Jablon proceeded by way of a combination of proffer and testimony from Petitioner's witnesses, which included the testimony of Dean Smith, Petitioner's engineer. His resume was marked and accepted into evidence as Petitioner's Exhibit 3 and he was offered and accepted as an expert in the field of professional engineering, with particular knowledge of the Zoning Regulations. The testimony and evidence revealed that the subject property, known as Cherry Valley Shopping Center, is comprised of approximately 6.658 acres situated at the southeast corner of the intersection of

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By PJ

Reisterstown Road and Cherry Valley Road, in the Reisterstown area of Baltimore County. The subject property is zoned B.L. (Business, Local), as is shown and indicated on the redlined site plan and the aerial photograph/zoning map that was marked and accepted into evidence as Petitioner's Exhibit 4. As explained by Mr. Karceski and Mr. Smith, the aerial photograph and the site photographs that were marked and accepted into evidence as Petitioner's Exhibits 5A through 5L help demonstrate some of the unique aspects of the property. These include the following: its frontage on three different public roadways, Reisterstown Road, Cherry Valley Road, and Nicodemus Road; its unusual shape, due in part to the alignment of these surrounding roadways; and the irregular configuration of certain zone lines pointing in a "finger" like shape at the subject property. Additionally, it was noted that there is a significant grade change along the property's Reisterstown Road frontage as well as disparities in grade between the bed of this road and the property itself, specifically at the location proposed for the fueling facility. These changes in grade limit visibility into the site for motorists traveling in both directions along Reisterstown Road.

The property is presently improved with a main shopping center building, containing approximately 81,498 square feet of gross floor area, and two stand alone pad sites used by a muffler shop and a bank, approximately 3,608 square feet and 225 square feet in size, respectively. The anchor tenant is a Giant grocery store, and there are numerous other tenant spaces within the shopping center occupied by retailers, office uses, restaurants, and a health club; the center was accurately described as a suburban convenience shopping center. The aforementioned photographs accepted into evidence as Petitioner's Exhibits 5A through 5L provide a clear depiction of the shopping center, the site's access points, its off-street parking, and the character of the surrounding area.

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By 

At this juncture, Petitioner proposes to construct a new fuel service station along the property's Reisterstown Road frontage, as shown on the redlined site plan. The second page of the site plan (Petitioner's Exhibit 1B) shows the details of the facility's layout, which includes five fuel pump dispensers and a small attendant's kiosk situated under a fuel canopy. The facility would have a vehicular connection to the site's off-street parking by an internal access drive that serves the overall shopping center. Color elevation drawings that were marked and accepted into evidence as Petitioner's Exhibits 7A through 7C provide visual representations for the canopy, kiosk, and a typical fuel pump dispenser, and include a sign detail for the canopy for illustrative purposes.

Mr. Karceski went on to explain how the proposed fueling facility is permitted on this shopping center property. Section 405.2 of the B.C.Z.R. governs the locations where fuel service stations are permitted. For example, where an individual property or lot is zoned such that it has a certain overlay district (e.g., an "A.S." or "Automotive Services" overlay district), a fuel service station is permitted by special exception. Section 405.2 also permits a fueling facility by right under certain circumstances, as in this case, where the use is proposed within a planned shopping center, which is a defined term in Section 101 of the B.C.Z.R. A note on the redlined site plan indicates that the Office of Planning approved the Cherry Valley Shopping Center as a planned shopping center in June of 2009, as required by the B.C.Z.R. A copy of a plan approved by Planning for this purpose was marked and accepted into evidence as Petitioner's Exhibit 2. Hence, the proposed fueling facility is permitted in this instance and does not require a special exception.

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By ms

Although the use described above is permitted by right, in planning the most appropriate layout and placement of the fuel service station, Petitioner's counsel and engineer identified certain variances required for the proposed fueling facility, which are the subject of this hearing. First, Mr. Karceski explained that the parking regulations contained in Section 409 of the B.C.Z.R. require a total of 472 parking spaces for the site and that 361 spaces will be provided. It was noted that the shopping center now benefits from a prior parking variance of 77 spaces granted in Case No. 94-12-A, and that, while Petitioner seeks a new variance of 111 parking spaces in this case, the difference between the prior variance and this new parking variance is only 34 spaces. A copy of the order issued in Case No. 94-12-A was marked and accepted into evidence as Petitioner's Exhibit 10. Second, Petitioner explained that a single freestanding directional sign is proposed along Reisterstown Road at an access point next to the proposed fueling facility and referred to in the signage detail accepted into evidence as Petitioner's Exhibit 7A. This sign location is consistent with the directional purpose of the sign. The detail shows that the sign is proposed to be 12 feet tall, in lieu of the maximum permitted 6 feet, but that it will contain both the fuel prices and a 7.89 square foot sign face area devoted to the "Giant" brand logo and a directional arrow. For directional signage such as the proposed sign, a maximum sign face area of 8 square feet is permitted by right so only the height variance is required for this combination fuel pricing and directional sign.

Third, Section 426 of the Zoning Regulations contains requirements for landscape transition areas ("LTA") around the perimeter of a fueling facility, which are to be 10 feet in width along a public roadway and 6 feet in width next to non-residentially zoned land. As shown on the first page of the redlined site plan (Petitioner's Exhibit 1A), more than the required 6 foot wide LTAs will be provided on both sides of the fueling facility; however, an LTA width of 7.4 feet is

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By PS

proposed along the site's Reisterstown Road frontage and a 0 foot LTA is proposed along the rear of the fueling facility, which is internal to the site and faces a building wall of the on-site Giant grocery store. Fourth, due to the irregular configuration of zoning lines that extend towards the site from the opposite side of Reisterstown Road, Mr. Karceski explained that a setback variance for the fueling facility to be located 83 feet from a residentially zoned property in lieu of the required 100 feet is requested. The need for this variance is due to the location of residential zone lines around the bed of a road, which connects to Reisterstown Road on the opposite side of the street from the shopping center.

Further testimony and evidence indicated that the specific need for the variances is generated by the uniqueness of the property. With regard to the parking, LTA and sign variances, it is the property's irregular configuration together with the site conditions and constraints identified through the expert testimony and evidence provided by Mr. Smith that renders the site unique. It should be noted that in Case No. 94-12-A, then-Zoning Commissioner Lawrence E. Schmidt granted a prior parking variance and a variance from on-site vehicular circulation requirements finding that special conditions exist peculiar to this shopping center. With regard to the requested setback variance, it is the irregular shape of the property in combination with the unusual configuration of "finger" shaped zoning lines that extend in the direction of the subject property that render the site unique. In Mr. Smith's expert opinion, all of these unique characteristics of the site require special consideration for the requested variances.

The Zoning Advisory Committee (ZAC) comments were received and are made a part of the record in this case. Comments were received from the Department of Environmental Protection and Resource Management, dated February 2, 2010, which indicate that development of the property must comply with the Forest Conservation Regulations. The comments from the

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By PS

Office of Planning dated February 19, 2010 indicated that Planning does not oppose the Petition for Variance and that, from Planning's perspective, the addition of the proposed fueling facility will "enhance the service and vitality of this portion of the Reisterstown Road corridor." The Office of Planning did request that the following conditions be placed upon the grant of any relief: installation of additional landscape plantings along the site's Reisterstown Road and Cherry Valley Road frontages to supplement already existing landscaping; installation of "ornamental" fencing with brick piers between the fueling facility area and Reisterstown Road; and installation of a pedestrian connection from Reisterstown Road into the subject property. The Planning Office also suggested that tenants of the shopping center encourage their employees to park in less desirable parking spaces closest to the property's road frontages. In addition to Planning's comments, Ms. Molinaro and Mr. Harman raised a concern for any site lighting that would be used for the fueling facility and questioned whether there would be sufficient parking for patrons of the center with the addition of the fueling facility.

Petitioner's witnesses, Mr. Clowes and Mr. Smith, and Mr. Berman, for the legal owner, addressed the Office of Planning's requests as well as the concerns raised by the Reisterstown-Owings Mills-Glyndon Coordinating Council. Mr. Smith prepared the redlined site plan with the goal of satisfying Planning; the pedestrian connection provided on the plan from Reisterstown Road into the site accomplishes not only the connection Planning wanted but also shows it in the location preferred by Planning (next to the fueling facility). Mr. Smith also prepared fence details for illustrative purposes only that were marked and accepted into evidence as Petitioner's Exhibits 9A and 9B, and testified that Petitioner is willing to install a fence in the area requested by Planning, provided the site's existing conditions and the fuel facility improvements permit it. Specifically, the fence would be painted aluminum and have brick clad piers spaced approximately

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By RS

40 feet apart, as shown on the fence details, and, as requested by Planning, it would be installed only for the length of the fuel facility area along Reisterstown Road.

Petitioner explained that the site's existing grades along Reisterstown Road and other site conditions, including underground utility lines, storm water management devices (both existing and those required for the fueling facility), existing mature trees, and the location of any County easement areas may impede installation of the fence; however, Petitioner will assess the above to determine if installation of a fence is possible. With regard to additional landscaping, again, site photographs accepted into evidence as Petitioner's Exhibits 5A through 5L show existing landscaping along the site's Cherry Valley and Reisterstown Road frontages, and it appears the site is now well-maintained and well-landscaped. Nevertheless, Petitioner agreed to prepare a supplemental landscape plan for these two road frontages, with the understanding that the same impediments to installation of the fence may exist with regard to any additional landscaping. Petitioner will determine where additional landscaping is possible along these road frontages and pay particular attention to making landscape enhancements in front of the fuel facility area. A landscape plan will be provided to Planning and the County's landscape architect, Avery Harden, for review and approval.

Petitioner also addressed Ms. Molinaro and Mr. Harman's concerns related to the site's off-street parking and site lighting for the fueling facility. With regard to parking, Mr. Smith conducted a parking analysis for Petitioner, the results of which were marked and accepted into evidence as Petitioner's Exhibits 11 and 12. Consistent with these exhibits, Mr. Smith and Mr. Berman, for the legal owner, testified that there now exists more than adequate off-street parking within the shopping center and that, if the fueling facility is approved in the location shown on the redlined site plan, there will continue to be more than enough parking for patrons of the center and

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By PB

the tenants' employees. They further explained that the legal owner and Giant (the anchor tenant) would not propose this center improvement if it would create any parking issues for their customers. For the benefit of the center's patrons, Petitioner and the legal owner agreed to encourage Giant's employees and other employees that work at the center to use the off-street parking spaces closest to property's road frontages, rather than using the spaces that Ms. Molinaro and Mr. Harman identified as more desirable. Additionally, Mr. Smith addressed the new site lighting that would be installed in connection with the fueling facility. The lights to be installed under the canopy will be recessed, and, as a result, this lighting will be directed in a downward direction so as not to be directed off-site. Additionally, no floodlights will be installed within the fuel facility area. Petitioner did agree to prepare a photometric (or lighting) plan for review and approval by Avery Harden, the County's landscape architect, and also to provide a copy of this plan by mail to the Ms. Molinaro and Mr. Harman at the same time the plan is submitted to Mr. Harden for review.

As part of the Order in this case, I will impose conditions on the relief granted that relate to the requests made by the Office of Planning, provided, of course, that the existing site conditions and any site improvements made for construction of the fueling facility permit fulfillment of the conditions. Additionally, I will require that a photometric (or lighting) plan be provided to Ms. Molinaro and Mr. Harman and also be approved by the County's landscape architect.

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. As to the request for special hearing, by virtue of the instant variance relief and the site plan accepted into evidence as Petitioner's Exhibits 1A and 1B, Petitioner simply desires to update the previously approved site plan from the 1993 zoning case. The special

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By DS

hearing is also required by the Zoning Review Office in order to provide a consistent paper trail and properly account for all zoning relief associated with the property.

As to the Petition for Variance, having heard the testimony and evidence, I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. I agree with Petitioner that the variance requests are driven by the unusual shape of the property, irregular zoning lines near the site, and site constraints identified during expert testimony, and conclude that the property is unique in a zoning sense.

I also find that a strict interpretation of the B.C.Z.R. would impose a practical difficulty and unreasonable hardship upon Petitioner. Regarding the parking variance, although the B.C.Z.R. requires 472 parking spaces, Petitioner's witness, Mr. Smith, and Mr. Berman on behalf of the property owner opined that the parking regulations require more parking than is actually needed at the site. Having the benefit of a historical perspective on the parking situation and a parking study conducted by Mr. Smith is also instructive here. Both Mr. Smith and Mr. Berman, who has assumed the daily property management responsibilities for this center, confirmed that they have not observed any parking problems and that, with the addition of the fueling facility, there will still be more than adequate parking. Petitioner also confirmed that the fueling facility by itself does not generate the need for any additional parking spaces and that this parking variance is for only 34 spaces more than that approved in Case No. 94-12-A. Moreover, there are no adjacent properties available to supplement the shopping center's on-site parking, which contributes to the practical difficulty in meeting the parking requirements. This evidence certainly demonstrates a practical difficulty for Petitioner.

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By ps

As for the sign variance, in my view, the limited visibility into the site necessitates the requested directional sign in order to provide adequate direction for motorists. Mr. Karceski noted that typically, a fuel service station on a stand-alone site would be permitted to have one 25-foot tall enterprise sign (per public road frontage) and several wall-mounted enterprise signs by right for on-site buildings, which would help provide adequate identification for the use; however, in this instance, I believe that the fueling facility layout and its location within the shopping center does not allow for the installation of freestanding or wall-mounted signs normally associated with fuel service stations and, as a result, installation of the proposed directional sign is the only practical and appropriate substitute.

With regard to the requested landscape transition area and setback variances, Petitioner testified and I agree that the location selected by Petitioner for the fueling facility is the only viable location on the property. As shown on the redlined site plan, it will be located as close as possible to the Giant tenant space without disrupting on-site vehicular circulation patterns or pedestrians' use of the shopping center, as it would in other locations. This location, although the most appropriate one, necessitates the requested LTA and setback variances due to the center's existing conditions and the off-site zone lines. While Petitioner managed to far exceed the LTA requirements on the two sides of the fueling facility, the shopping center's already existing landscape buffer area parallel to Reisterstown Road, the proximity of the building to Reisterstown Road, and the site's existing grades, limit Petitioner's ability to meet the LTA requirements on all four sides of the fueling facility. A practical difficulty has clearly been demonstrated for this variance as well. As for the setback variance, there is simply no way to locate the fueling facility as provided on the redlined site plan, without the need for the variance from the zone lines that surround a roadway on the opposite side of Reisterstown Road.

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By PS

Finally, I find that the variance requests can be granted in strict harmony with the spirit and intent of said regulations, and in such a manner as to grant relief without injury to the public health, safety and general welfare. As the evidence showed, the parking variance only affects the subject site and the amount of parking that is to be provided will adequately serve the site. The setback variance is generated only by residential zone lines that surround a roadway on the opposite side of Reisterstown Road. In fact, on either side of these residential zone lines are commercially-developed properties, and the particular road zoned a residential classification leads to a residential use that is more than 400 feet removed from the subject site. One of the LTA variances is for only 2.6 feet of the required 10-foot wide LTA along Reisterstown Road, which is minimal. Additionally, this LTA is parallel to a highly traveled commercial corridor. The other LTA variance is internal to the shopping center and without any adverse impact to any surrounding properties. The requested sign, as designed, will also have no adverse impact on the surrounding uses along this well-traveled commercial corridor. In my judgment, Petitioner made the proper decision to request a modest directional sign and has taken care to propose the minimal amount of signage necessary to provide adequate identification and direction for the fueling facility. In fact, Petitioner specifically elected to combine the "Giant" brand logo and the directional arrow with the fuel pricing on the same sign, so as to avoid the installation of multiple freestanding signs. Thus, I find that all the variances can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as interpreted in *Cromwell v. Ward*, 102 Md.App. 691 (1995).

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

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By 123

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 25th day of March, 2010 that Petitioners' Special Hearing request in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to amend the site plan approved in Case No. 94-12-A be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED that Petitioner's Variance requests as follows:

- From Section 409.6.A.2 of the B.C.Z.R. to permit a total of 361 off-street parking spaces in lieu of the required 472 parking spaces; and
- From Section 405.4.A.2.b of the B.C.Z.R. to allow a minimum landscape transition area width of 0 feet in a rear yard abutting non-residentially zoned land in lieu of the required 6 feet, and 7.4 feet abutting a public right-of-way in lieu of the required 10 feet; and
- From Section 450.4.3 of the B.C.Z.R. to allow a freestanding directional sign with a height of 12 feet in lieu of the permitted 6 feet; and
- From Section 405.2.A of the B.C.Z.R. to allow a setback a minimum of 83 feet from a residentially zoned property in lieu of the required 100 feet,

be and are hereby **GRANTED**.

The relief granted herein is subject to the following conditions:

1. Petitioner is advised that it may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
3. Prior to the issuance of any permits, Petitioner shall submit a landscape plan for review and approval by the Office of Planning and Avery Harden, Landscape Architect for Baltimore County, the purpose of which is to supplement the landscape plantings that now exist along the subject property's Reisterstown Road and Cherry Valley Road frontages. Landscape plantings shall be installed along these two road frontages, with enhancement (beyond that which is required by the County's Landscape Manual) along the Reisterstown Road side in front of the proposed fuel service station only, to the extent permitted by the site's existing conditions and any improvements made in connection with the fuel station.

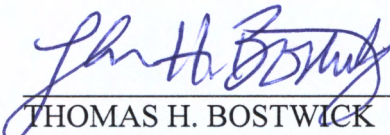
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4. Prior to the issuance of any permits, Petitioner shall submit a photometric (or lighting) plan for review and approval by Mr. Harden, Landscape Architect for Baltimore County. At the same time Petitioner submits said plan to Mr. Harden, Petitioner shall provide a copy of the plan to Mary Molinaro and George Harman for review by the Reisterstown-Owings Mills-Glyndon Coordinating Council.
5. Petitioner shall install an aluminum fence along Reisterstown Road in front of the fuel service station area only, to the extent permitted by the site's existing conditions and any improvements made in connection with the fuel station. Said fence shall be approximately four (4) feet in height and incorporate brick clad piers approximately 40 feet apart, consistent with the fence details accepted into evidence as Petitioner's Exhibits 9A and 9B.
6. Petitioner and the legal owner shall initiate discussions with the tenants of the Cherry Valley Shopping Center to encourage employees of the businesses to use parking spaces closest to the property's Reisterstown Road and Cherry Valley Road frontages, leaving the more desirable and centrally located spaces for patrons of the shopping center.

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



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING

Date 3.25.10

By 



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

March 25, 2010

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

ARNOLD JABLON, ESQUIRE
DAVID KARCESKI, ESQUIRE
VENABELE LLC
210 WEST PENNSYLVANIA AVENUE
TOWSON MD 21204

Re: Petition for Special Hearing and Variance
Case No. 2010-0184-SPHA
Property: 11604 Reisterstown Road

Dear Messrs. Jablon and Karceski:

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

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

Sincerely,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

Enclosure

c: Daniel Klein and William Berman, Delight Manor Farm, LLC c/o Turnpike Associates LLC, 11299 Owings Mills Blvd., Owings Mills MD 21117
Fred Clowes, Director of Real Estate, Giant of Maryland LLC, 8301 Professional Place, Suite 115, Landover MD 20785
C. Dean Smith, Vanasse Hangen Brustlin, Inc., 8300 Boone Blvd., Suite 700, Vienna VA 22182
George Harman, 5429 Weywood Drive, Reisterstown MD 21136
Mary Molinaro, 215 Chartley Drive, Reisterstown MD 21136
Debbie Risper, Office of Baltimore County Councilman Kenneth N. Oliver



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 11604 Reisterstown Road

which is presently zoned BL

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

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

(This box to be completed by planner)

Special Hearing to amend the site plan approved in Case No. 94-12-A.

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

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

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

Contract Purchaser/Lessee:

SEE ATTACHED SHEET 1

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

David H. Karceski

Name - Type or Print

Signature

Venable, LLP

Company

210 W. Pennsylvania 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 W. Pennsylvania Avenue

410-494-6285

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case 94-12-A SPHA
ORDER RECEIVED FOR FILING
REV 9/13/98

UNAVAILABLE FOR HEARING

Reviewed By

D.T.

Date

5/22/09

Date

3-25-10

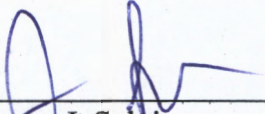
By

[Signature]

Petition for Special Hearing
Attached Sheet 1

Lessee:

GIANT OF MARYLAND LLC,
a Maryland limited liability company

By: 

Name: James J. Sylvia

Title: Senior Vice President, Real Estate

Address: 1385 Hancock Street

Quincy, Massachusetts 02169 – 5103
617-770-6225

Petition for Special Hearing
Attached Sheet 2

Legal Owner:

DELIGHT MANOR FARM LLC
c/o Turnpike Associates LLC

By:  _____

Name:

Title:

Address: 11299 Owings Mills Boulevard
Owings Mills, MD 21117



Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property
located at 11604 Reisterstown Road
which is presently zoned BL

Deed Reference: 22117 / 19 Tax Account # 1900006559

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:

SEE ATTACHED SHEET 2

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

David H. Karceski

Name - Type or Print

Signature

Venable, LLP

Company

210 W. Pennsylvania Avenue 410-494-6285

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

SEE ATTACHED SHEET 3

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 W. Pennsylvania Avenue 410-494-6285

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Case No 2010-0184-SPHA

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by D.T. Date 6/22/09

REV 8/20/07

ORDER RECEIVED FOR FILING

Date 3.25.10

By [Signature]

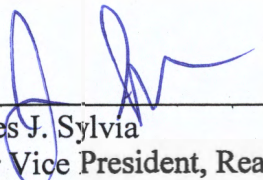
Petition for Variance
Attached Sheet 1

1. Variance from Section 409.6.A.2 of the Baltimore County Zoning Regulations ("BCZR") to permit a total of 361 off-street parking spaces in lieu of the required 472 parking spaces.
2. Variance from BCZR Section 405.4.A.2.b to allow a minimum landscape transition area width of 0 feet in a rear yard abutting nonresidentially zoned land in lieu of the required 6 feet and 7.4 feet abutting a public right-of-way in lieu of the required 10 feet.
3. Variance from BCZR Section 450.4.3 to allow a freestanding directional sign with a height of 12 feet in lieu of the permitted 6 feet.
4. Variance from BCZR Section 405.2.A to allow a setback a minimum of 83 feet from a residentially zoned property in lieu of the required 100 feet.

Petition for Variance
Attached Sheet 2

Lessee:

GIANT OF MARYLAND LLC,
a Maryland limited liability company

By: 

Name: James J. Sylvia

Title: Senior Vice President, Real Estate

Address: 1385 Hancock Street

Quincy, Massachusetts 02169 – 5103

617-770-6225

Petition for Variance
Attached Sheet 3

Legal Owner:

DELIGHT MANOR FARM LLC
c/o Turnpike Associates LLC

By:  _____

Name:

Title:

Address: 11299 Owings Mills Boulevard
Owings Mills, MD 21117



Johnson ♦ Bernat ♦ Associates, Inc.

**LEGAL DESCRIPTION OF
CHERRY VALLEY PLAZA
TAX MAP 58 PARCEL 783
BALTIMORE COUNTY, MARYLAND**

Beginning at a ½" found at the end of the fourth or North 43° 47' 29" West 680.74 foot line of a parcel of land as described in a deed dated May 7, 2002 that was granted and conveyed by First Union National Bank and Elizabeth E. Oursler Burns to Elizabeth E. Oursler Burns and George C. Oursler and recorded among the land records of Baltimore County, Maryland in Liber 16569 at Folio, said point also being at the northwest corner of Lot 42 as shown on a plat entitled "Plat 6 HATHAWAY" and recorded among the aforesaid land records in Plat Book O.T.G. 32 at Folio 07, said point also being on the easterly right-of-way of Cherry Valley Road; thence leaving said Lot corner and deed line and running with and binding on said right-of-way and the fifth (5th), sixth (6th) and part of the seventh (7th) lines of said deed (16569/160), as now survey, with bearings of this description being based on the Baltimore County Grid System, NAD 83/91 datum,

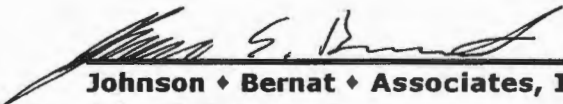
- 1) With the arc of a curve to the right having a radius of 640.00 feet, an arc length of 123.88 feet and a chord bearing North 51° 44' 05" East 123.69 feet; thence
- 2) North 57° 16' 49" East 180.59 feet; thence
- 3) With the arc of a curve to the right having a radius of 700.00 feet, an arc length of 118.29 feet and a chord bearing North 52° 26' 20" East 118.15 feet to a point at the westerly end of the fillet of the right-of-way for Cherry Valley Road, 60 feet wide and Reisterstown Road, proposed 100 foot width; thence running with and binding on said proposed right-of-way of Reisterstown Road the following two (2) courses
- 4) South 88° 48' 38" East 21.53 feet; thence
- 5) South 43° 48' 38" East 587.48 feet to the beginning of the westerly line of the Robert E. and Rosemary Fisher property as described in a deed dated December 7, 1999 and recorded among the aforesaid land records in Liber 14190 at Folio 165; thence leaving said right-of-way and running with and binding on said westerly deed line
- 6) South 31° 38' 22" West 308.48 feet to the northerly right-of-way if Nicodemus Road, variable width, as shown on Right-of-Way Plat No. 82-092-1 and recorded among the aforesaid land records in Liber 6397 at Folio 111; thence running with and binding on a part of said right-of-way
- 7) South 77° 43' 22" West 157.70 feet to the easterly outline of Lot 2 as shown on a plat entitled "Plat 9 HATHAWAY" and recorded among the aforesaid land records in Plat Book O.T.G. 32 at Folio 27; thence leaving said right-of-way and running with and binding on said lot line and the easterly line of lots 38 through 42 as shown on said Plat (O.T.G. 32/27)
- 8) North 43° 48' 49" West 657.28 feet to the point of beginning and containing 6.6588 acres of land more or less.

Engineering ♦ Surveying ♦ Planning

1395 Piccard Drive, Suite 350 ♦ Rockville, MD 20850 ♦ (301) 963-1133 ♦ (301) 963-6306 Fax
www.jba-inc.net

2010-0184-SPHA

Being part of the property that was granted and conveyed by First Union National Bank and Elizabeth E. Oursler Burns to Elizabeth E. Oursler Burns and George C. Oursler by deed dated May 7, 2002 and recorded among the land records of Baltimore County, Maryland in Liber 16569 at Folio 160.

 12/18/2009

Johnson ♦ Bernat ♦ Associates, Inc. Date:
Adam S. Bernat, L.S.



S:\Proj\09-079 - Giant Reisterstown\Legal Description\Cherry Valley.doc

Engineering ♦ Surveying ♦ Planning

1395 Piccard Drive, Suite 350 ♦ Rockville, MD 20850 ♦ (301) 963-1133 ♦ (301) 963-6306 Fax
www.jba-inc.net

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: 2010-0184-SPHA
Petitioner: DELIGHT MANOR FARM, LLC
Address or Location: 11604 REISTERSTOWN RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: KED WHITMORE
Address: VENABLE, LLP
210 W. PENNSYLVANIA AVE.
TOWSON, MD 21204
Telephone Number: 410-494-6204

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

No. _____

Date: _____

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	200	0000		0150					50.00

Total: _____

Rec

From: _____

For: _____

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

NOTICE OF ZONING HEARING

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

Case: # 2010-0184-SPHA

11604 Reisterstown Road

S/West corner of Reisterstown Road and Cherry Valley Road

4th Election District - 4th Councilmanic District

Legal Owner(s): Delight Manor Farm, LLC,

c/o Turnpike Assoc., LLC

Lessee: Giant of Maryland, LLC

Special Hearing: to amend the site plan approved in case no. 94-12-A. **Variance:** to permit a total of 361 off-street parking spaces in lieu of the required 472 parking spaces; to allow a minimum landscape transition area width of 0 feet in a rear yard abutting non-residentially zoned land in lieu of the required 6 feet and 7.4 feet abutting a public right-of-way in lieu of the required 10 feet; to allow a freestanding directional sign with a height of 12 feet in lieu of the permitted 6 feet; to allow a setback a minimum of 83 feet from a residentially zoned property in lieu of the required 100 feet.

Hearing: Wednesday, February 24, 2010 at 2:00 p.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

JT/2/708 Feb. 9

229311

CERTIFICATE OF PUBLICATION

2/15/, 2010

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/9/, 2010.

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



LEGAL ADVERTISING

+ - CERTIFICATE OF POSTING

2010-0184-SPHA

RE: Case No.: _____

Petitioner/Developer: _____
Giant of Maryland, LLC

February 24 2010
Date of Hearing/Closing: _____

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: _____
11604 Reisterstown Road

February 9 2010,
The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

Robert Black 2/15/10

(Signature of Sign Poster)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 9, 2010 Issue - Jeffersonian

Please forward billing to:

Ked Whitmore
Venable, LLP
210 W. Pennsylvania Avenue
Towson, MD 21204

410-494-6204

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: 2010-0184-SPHA

11604 Reisterstown Road

S/west corner of Reisterstown Road and Cherry Valley Road

4th Election District – 4th Councilmanic District

Legal Owners: Delight Manor Farm, LLC, c/o Turnpike Assoc., LLC

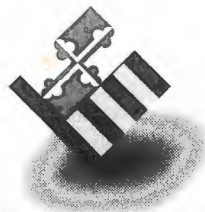
Lessee: Giant of Maryland, LLC

Special Hearing to amend the site plan approved in case no. 94-12-A. Variance to permit a total of 361 off-street parking spaces in lieu of the required 472 parking spaces; to allow a minimum landscape transition area width of 0 feet in a rear yard abutting non-residentially zoned land in lieu of the required 6 feet; to allow a freestanding directional sign with a height of 12 feet in lieu of the permitted 6 feet; to allow a setback a minimum of 83 feet from a residentially zoned property in lieu of the required 100 feet.

Hearing: Wednesday, February 24, 2010 at 2:00 p.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

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

January 19, 2010

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: 2010-0184-SPHA

11604 Reisterstown Road

S/west corner of Reisterstown Road and Cherry Valley Road

4th Election District – 4th Councilmanic District

Legal Owners: Delight Manor Farm, LLC, c/o Turnpike Assoc., LLC

Lessee: Giant of Maryland, LLC

Special Hearing to amend the site plan approved in case no. 94-12-A. Variance to permit a total of 361 off-street parking spaces in lieu of the required 472 parking spaces; to allow a minimum landscape transition area width of 0 feet in a rear yard abutting non-residentially zoned land in lieu of the required 6 feet; to allow a freestanding directional sign with a height of 12 feet in lieu of the permitted 6 feet; to allow a setback a minimum of 83 feet from a residentially zoned property in lieu of the required 100 feet.

Hearing: Wednesday, February 24, 2010 at 2:00 p.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: David Karceski, 210 W. Pennsylvania Ave., Towson 21204

James Sylvia, Giant of MD, LLC, Sen. V.P., 1385 Hancock St., Quincy, MA 02169-5103

Delight Manor Farm, LLC, 11299 Owings Mills Blvd., Owings Mills 21117

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, FEBRUARY 9, 2010.**
- (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.



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

February 17, 2010

David Karceski
Venable, LLP
2010 Pennsylvania Ave.
Towson, MD 21204

Dear: David Karceski

RE: Case Number 2010-00184-SPHA, 11604 Reisterstown Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 22, 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
James Sylvia; Giant of Maryland, LLC; 1385 Hancock St.; Quincy, Massachusetts 02169-5103
Delight Manor Farm, LLC; 11299 Owings Mills Blvd.; Owings Mills, MD 21117

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 13, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For January 25, 2010
Item Nos. 2010-0182, 183, 184
and 187

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

DAK:CEN:cab
cc: File
G:\DevPlanRev\ZAC -No Comments\ZAC-01252010 -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 12, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For February 22, 2010
Item Nos. 2009-153, 2010-0184, 205, 206
and 207

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-02222010 -NO COMMENTS.doc



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

January 20, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 11 2010

Item Numbers: 0182, 0184

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.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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

cc: File



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

February 10, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 08, 2010

Item Numbers: 0175, 0184, 0205, 0206, 0207, 0208

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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Jan. 1, 2010

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

RE: Baltimore County
Item No. 2010-0184-SPHA
MD140 (REISTERSTOWN RD)
11604 REISTERSTOWN RD
GIANT OF MD, LLC
SPECIAL HEARING -
VARIANCE -

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 01/11/2010. A field inspection and internal review reveals that an entrance onto MD 140 is consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for GIANT OF MD, LLC, Case Number 2010-0184-SPHA.

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

Very truly yours,

For ¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

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

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

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.sha.maryland.gov



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: FEB. 22, 2010

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

RE: Baltimore County
Item No. 2010-0184-SPHA
MD 140
11604 REISTERSTOWN RD
GIANT OF MD, LLC
SPECIAL HEARING -
VARIANCE -

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 02/12/10. A field inspection and internal review reveals that an entrance onto MD 140 is consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for GIANT OF MD, LLC, Case Number 2010-0184-SPHA.

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

Very truly yours,

For ¹Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

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

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

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.sha.maryland.gov

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 19, 2010

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

RECEIVED

FEB 23 2010

SUBJECT: 11604 Reisterstown Road
INFORMATION:

ZONING COMMISSIONER

Item Number: 10-184

Petitioner: Delight Manor Farm, LLC and Giant of Maryland, LLC

Zoning: BL

Requested Action: **Variance and Special Hearing**

The petitioner requests a Special Hearing to amend the site plan approved in Case Number 94-12-A. Additionally, the petitioner requests variances for the following:

To permit a total of 361 off-street parking spaces in lieu of the required 472;

To allow a minimum landscape transition area width of 0 feet in a rear yard abutting non-residentially zoned land in lieu of the required 6 feet;

To allow a freestanding directional sign with a height of 12 feet in lieu of the permitted 6 feet;

To allow a minimum setback of 83 feet from a residentially zoned property in lieu of the required 100 feet;

SUMMARY OF RECOMMENDATIONS:

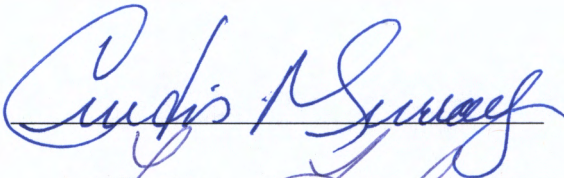
The Office of Planning has reviewed the petitioner's request and accompanying site plan. The existing Cherry Valley Planned Shopping center is a vibrant, healthy well-patronized establishment with at most 1-2 vacancies. The existing anchor tenant requests the above referenced variances to construct a fuel service station. The Office of Planning does not oppose the petitioner's request, as the proposed fuel component will enhance the service and vitality of this portion of the Reisterstown Road corridor. However, the Office of Planning requests the following additional information be submitted to the Office of Planning and/or the following conditions be placed on any relief granted:

1. Provide an enhanced (beyond that which is required by Baltimore County Development Regulations) final landscape plan prepared by a licensed landscape architect to the Office of Planning and Avery Harden, Baltimore County Landscape Architect for review and approval. Grade permitting landscaping shall be provided along the Cherry Valley Road and Reisterstown Road frontages, with enhancement along the Reisterstown Road side. It appears that significant landscaping can be provided in front of the proposed fuel service station. Ornamental fencing and brick piers shall be incorporated in this area.

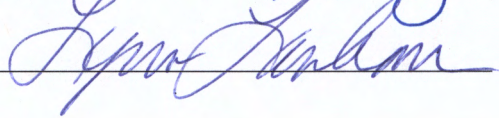
2. Revise the site plan to show a pedestrian connection from the existing sidewalks on Reisterstown Road to the existing pedestrian circulation within the shopping center. A connection to the specific fuel service area should be also investigated.
3. The Office of Planning has been provided with a parking analysis prepared by the applicant. It appears from this analysis that the majority of the time more than 48% of the parking spaces within this shopping center are available. However, the spots that are available may not be amongst the highest preferred by the patrons of the business in the shopping center. To that end, the Office of Planning suggests the applicant have discussions with the tenants that encourage employees of the businesses to park along the road frontage sides of the parking lot leaving the more desirable centrally located spaces for business patrons.

For further information concerning the matters stated herein, please contact Curtis Murray at 410-887-3480.

Prepared by:



Division Chief:
AFK/LL: CM



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

FEB 02 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: February 2, 2010

SUBJECT: Zoning Item # 10-184-SPHA
Address 11604 Reisterstown Road
(Delight Manor Farm, LLC)

Zoning Advisory Committee Meeting of January 11, 2010

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

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

Additional Comments:

Reviewer: Glenn Shaffer

Date: January 13, 2010

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
11604 Reisterstown Road; SW corner of	*	ZONING COMMISSIONER
Reisterstown Road and Cherry Valley Road		
4 th Election & 4 th Councilmanic Districts	*	FOR
Legal Owner(s): Delight Manor Farm, LLC		
Contract Purchaser(s): Giant of Maryland, LLC*		BALTIMORE COUNTY
Petitioner(s)	*	10-184-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

JAN 15 2010

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 15th day of January, 2010, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, Venable, LLP, 210 West Pennsylvania Avenue, Suite 500, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

From: Patricia Zook
To: Risper, Debbie
Date: 3/25/2010 12:42 PM
Subject: Case No. 2010-0184-SPHA - located at 11604 Reisterstown Road -- Giant of Maryland LLC
Attachments: 10-0184-SPHA.doc; Ltr-10-0184-SPHA.doc

Good afternoon -

Please find attached the Order in the above-referenced case. The Order was signed today, March 25, 2010.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

CASE NAME 11601 NERS/12
CASE NUMBER 2010-184-JMA
DATE 2/24/10

[illegible]

CASE NAME _____
CASE NUMBER 2010-0184-SPHA
DATE 2-24-10

[illegible]

CASE NAME _____
CASE NUMBER Case # 2010-0184-SPHA
DATE 2-24-10

[illegible]

Case No.: 2016-0184-SHA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1 A+B	2 page site plan	
No. 2	approval of Planned Shopping Center	
No. 3	Resume of Dean Smith	
No. 4	Aerial Photograph w/ zoning lines	
No. 5 A-L	Photographs of property + area	
No. 6	Aerial Photograph that shows actual distance to residential area	
No. 7 A+B	A- signage detail B- rendering of pumps	
No. 8	Illustrative landscape plan	
No. 9 A+B	details of fencing and columns	
No. 10	Case # 94-12-A	
No. 11	Parking Analysis for 1-16-10 From 2:00-2:15 PM	
No. 12	Parking Analysis for 1-20-10 From 4:15-4:30 PM	

C. Dean Smith, P.E.

Senior Project Manager

Giant Fuel Facility Projects, Various in MD, VA, and DE

As Project Manager, Mr. Smith has assisted the client through land use petition processes, site design, land development permitting, environmental permitting and construction for several sites in Maryland, Virginia, and Delaware. This has included testimony at public hearings and presentations at community information meetings.

Bonita Commons, Bonita Springs, FL

As Project Manager, Mr. Smith assisted the client through rezoning, site design, land development permitting, environmental permitting and construction for this 75,000 square foot retail plaza. The project is adjacent to Spring Creek, a Florida Outstanding Water, and its surrounding natural habitat. Due to constraints created by these sensitive lands, site design included innovative stormwater treatment areas that mimicked the adjacent natural systems and an extensive retaining wall system to minimize the project's impacts to wetlands and floodplain areas..

Villagio, Estero, FL

Mr. Smith assisted the developer through rezoning, site design, land development permitting, environmental permitting and construction for this 692 dwelling unit condominium project on a 68 acre site bordering the North Branch of the Estero River. The Estero River's importance as a regional drainage feature for the vicinity called for design sensitivity to environmental issues as well as stormwater conveyance and capacity issues. Mr. Smith guided the project through a rigorous local, state and federal environmental and stormwater management permitting process.

Bonita Springs Fire Station # 4, Bonita Springs, FL

The Bonita Springs Fire Control and Rescue District called on Mr. Smith to assist with design and permitting for their 30,000 square foot administrative, training and residence structure on a 13.5 acre site in Bonita Springs, Florida. Project management responsibilities including all project phases, including rezoning, site design, environmental permitting, development permitting and construction oversight through occupancy of the facility in 2007.

Home Depot Bonita Beach Road, Bonita Springs, FL

Mr. Smith provided rezoning, site design and engineering, commercial subdivision layout, environmental permitting, and construction oversight functions for this 36.3 acre project containing a 150,000 Home Depot with Garden Center and 6 commercial outparcels. Following completion and occupancy of the project, Mr. Smith was later requested to provide assistance for traffic signal coordination, permitting and design.

Coastal Village, Estero, Florida

Mr. Smith assisted the client with site design and engineering, environmental permitting, development permitting, and construction oversight for this 200 unit student housing project serving the Florida Gulf Coast University, part of the Florida State University system.

CR/SR 951 Widening

An 18.6 acre road widening project (4 to 6 lanes) including site design and engineering, environmental permitting and Department of Transportation permitting.

Tamiami Crossing ERP

A 24.5 acre project with up to 235,000 square feet of commercial and retail uses including rezoning site design and engineering, and environmental permitting.

Mr. Smith has over 25 years of experience as an engineer concentrated mainly in land development design, permitting and project management. He is pleased to have recently joined VHB in Vienna, VA. Areas of expertise include parking and site layout, surface water management system design, water and sanitary sewer design, roadway design, traffic signal design, water and sanitary sewer design, as well as transportation engineering studies and reports. Mr. Smith is also well versed in land use and zoning issues, having testified in numerous public hearing venues. His project management experience has encompassed residential, commercial, industrial and municipal projects.

PETITIONER' S

EXHIBIT NO.

3

Estero Group Industrial Planned Development

A 318 acre commercial mining site including rezoning, site design and engineering, environmental permitting and development permitting.

Dean Street Mixed Use Planned Development

Two projects including a total of 17.5 acres for mixed use containing 232 residential units and up to 33,000 square feet of commercial and retail uses including rezoning, site design and engineering, environmental permitting and development permitting.

7/85-5/89 U.S. Department of Energy West Mifflin, Pennsylvania

Field Auditor/Nuclear Engineer: Responsible for review and auditing of government contractor operations and research activities for the Naval Nuclear Program at Bettis Atomic Power Laboratories. Reviewed adequacy of project management, quality control measures, and technical procedures. Prepared detailed reports of findings. Reviewed and approved capital improvement budget requests.

7/82-8/84 Pure Carbon Company St. Marys, Pennsylvania

Research and Development Engineer: Conducted material design and testing for carbon, silicon and graphite wearing applications, including bearings, electrical brushes and gaskets. Responsible for report preparation outlining test results. Developed database for documenting material mix production results and wear test trial outcome. Reviewed production procedures regarding reliability, quality control and cost effectiveness.

1989-2005 Q. Grady Minor & Associates, P.A. Bonita Springs, Florida

Vice President/Principal Engineer: Responsible for design and permitting of land development projects in both Lee and Collier Counties (Florida). Projects have included residential, commercial, industrial and municipal developments. Expertise includes transportation engineering studies and reports, traffic signal design, roadway design, water and sanitary sewage design, surface water management system design, site design and permitting. rezoning including items such as Comprehensive Plan & Map Amendments, Planned Development Rezoning and Special Exceptions including testifying at public hearings. Environmental Permitting including site design for water management and drainage, master utility layout, surface water modeling and processing through the State Water Management District and Army Corps of Engineers. Development Permitting including the detailed engineering design of infrastructure including site planning, drainage, and water & sewer utilities. Construction oversight including cost estimates, contract preparation, site inspection and certification of improvements to governing agencies. Also responsible for management and maintenance of Novell Network, Windows networking, print services, equipment specification and ordering, as well as technical supervision of computer aided design and drafting (AutoCAD) technicians.

Education	M.B.A., University of Pittsburgh, 1985
	B.S., Chemical Engineering, University of Pittsburgh, 1982
Registration	Professional Engineer, Civil Engineering, Maryland, 2009
	Professional Engineer, Civil Engineering, Florida, 1990
Affiliations	Institute of Transportation Engineers, 1990



PETITIONER'S

EXHIBIT NO.

4



PETITIONER'S

EXHIBIT NO. SA-L







D



E





G



H



I



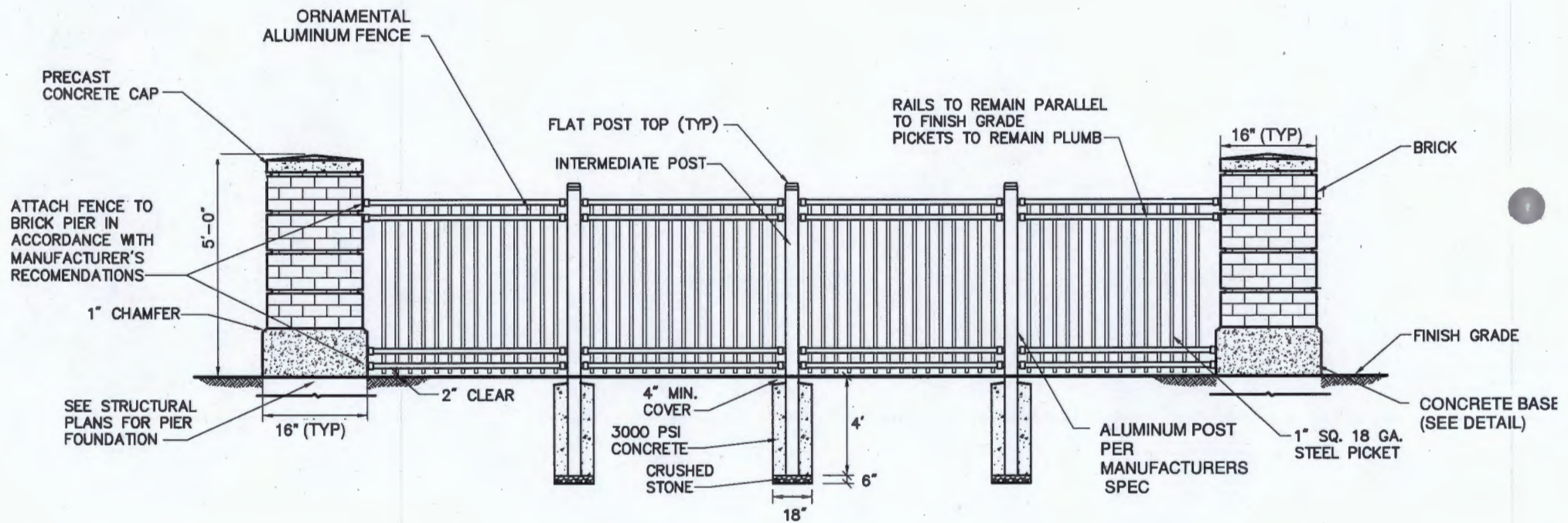


2

K



2



NOTES:

1. FENCE PANELS TO BE 4' HIGH ORNAMENTAL ALUMINUM
2. ~~PIERS ARE GENERALLY LOCATED ON SITE PLAN FOR SPACING AND TOTAL NUMBER. CONTRACTOR TO PROVIDE SHOP DRAWING TO DETAIL SPECIFIC PANEL AND INTERMEDIATE POST LAYOUT~~
3. BRICK PIER SPACING IS ANTICIPATED TO BE 40' +/- ON CENTER, BUT IS SUBJECT TO SITE-SPECIFIC CONSTRAINTS AND WILL BE SPECIFIED ON FINAL LANDSCAPE PLAN.

4' FENCE WITH BRICK PIERS

N.T.S.

X FOR ILLUSTRATIVE PURPOSES ONLY

PETITIONER'S

EXHIBIT NO.

9A

IN RE: PETITION FOR VARIANCE
SE/S Inter. of Reisterstown
and Cherry Valley Roads
(Cherry Valley Plaza)
4th Election District
3rd Councilmanic District

DKA Associates Ltd. Part.
Petitioner

• BEFORE THE
• ZONING COMMISSIONER
• OF BALTIMORE COUNTY
• Case No. 94-12-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for Baltimore County as a Petition for Variance filed by the owners of the subject property, DKA Associates Limited Partnership, by Philip E. Klein, a General Partner, through their attorney, Julius W. Lichter, Esquire. The Petitioners request relief from Section 409.6A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 406 parking spaces in lieu of the required 483 spaces, and from Section 409.4.C of the B.C.Z.R. to permit access aisle widths of 14 feet and 20 feet in lieu of the required 22 feet, for existing and proposed uses in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were James T. Edwards, Proprietor of the Myo River Crabber, the proposed tenant, William Berman on behalf of the property owner, and Kenneth Colbert, Professional Engineer. The Petitioners were represented by Julius W. Lichter, Esquire. There were no Protestants present.

Testimony indicated that the subject property consists of a gross area of 7.6627 acres, more or less, zoned B.L. and is the site of the Cherry Valley Plaza. This strip shopping center was developed in 1982 and is comprised of approximately 100,000 sq.ft. of leasable space. Its main tenant is a Hechinger's store which utilizes approximately 73,000 sq.ft. The Petitioners are desirous of filling a currently vacant space within

ORDER RECEIVED FOR FILING

Date

By

PETITIONER'S

EXHIBIT NO. 10

the shopping center with a carry-out sub shop, known as the Wye River Crabber. While the proposed sub shop will utilize only 1100 sq.ft. of space and provide seating for approximately 20 customers, installation of this new tenant requires that the property owner provide more parking spaces or request the subject variance from Section 409.6.A.2. Due to the fact that the shopping center has existed on the site since 1982 and has been built out, a variance is requested. Further testimony indicated that the requested variance as to aisle width requirements is necessary in order to bring the property into compliance with the regulations. The Petitioner testified that those areas where the aisle width variance is needed are used only by employees of the shopping center and the continued use of same will not result in any detriment to the public health, safety and general welfare.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

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Date 9/18/93
By [Signature]

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

The Development Plan Review division of the Department of Public Works submitted comments dated July 23, 1993 in which it is recommended that the subject site be brought into compliance with the Baltimore County Landscape Manual. A review of the photographs submitted indicates that the existing landscaping along Cherry Valley Road and the interior of the site appears to be appropriate. It is to be noted that this is an existing shopping center and that the relief requested relates only to parking as a result of the new tenant, which will comprise only 1100 sq.ft. of the total leasable area. In the opinion of this Zoning Commissioner, it would be a hardship upon the property owner to require landscaping of the entire site in view of the fact that the variances are related to parking and there is no new construction contemplated. Nonetheless, the photographs illustrate that there is an absence of landscaping along the front of the property on

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Date

By

Reisterstown Road, but for a low hedgerow. I believe that the planting of either evergreens or deciduous trees along the front portion of the site would be a benefit to both the appearance of the shopping center as well as the streetscape along Reisterstown Road. Therefore, as a condition of the relief granted, I will require the Petitioners plant no less than six (6) major deciduous and/or evergreen trees along Reisterstown Road to supplement the existing landscape. I will leave the precise location and identification of these plantings to the County's Landscape Architect.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of August, 1993 that the Petition for Variance requesting relief from Section 409.6A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 406 parking spaces in lieu of the required 483 spaces, and from Section 409.4.C to permit access aisle widths of 14 feet and 20 feet in lieu of the required 22 feet, for existing and proposed uses, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) As a condition of the relief granted, the Petitioners shall plant no less than six (6) major deciduous and/or evergreen trees on the front portion of the property along Reisterstown Road. The exact locations and types of plantings shall be at the discretion of the Baltimore County Landscape Architect. Further,

318443
Date
By

the required landscaping shall be accomplished, weather permitting, prior to the issuance of any occupancy permits.

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



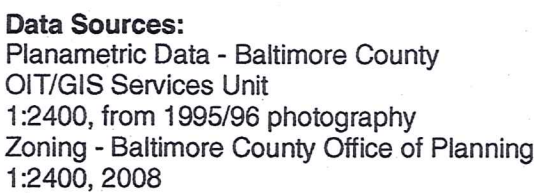
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

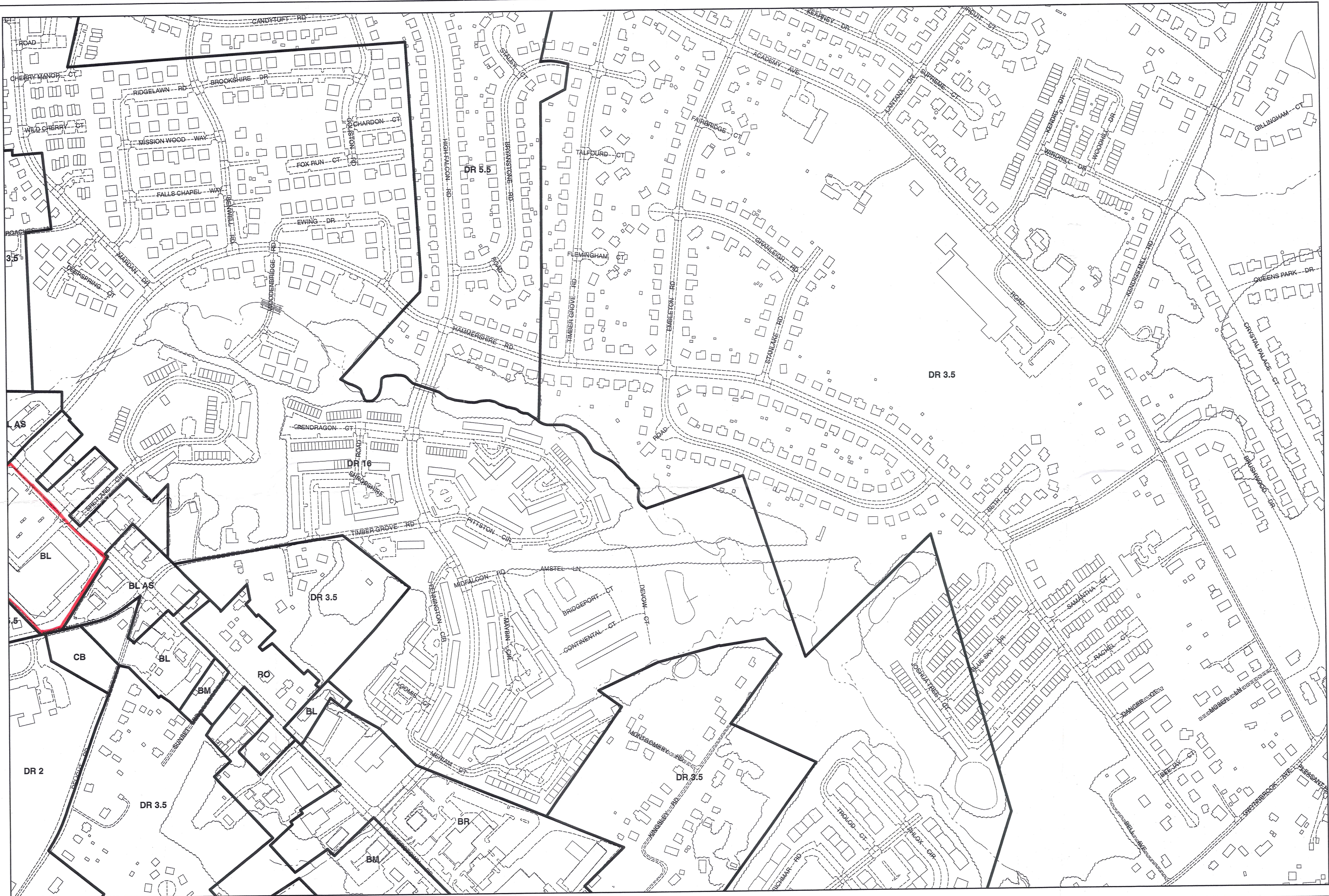
LES:bjs

ORDER RECEIVED FOR FILING

Date 8/18/93

By LES





Plan Sheet: 058A1

Note:
The zoning depicted in this application incorporates the actions associated with 2008 Comprehensive Zoning Map Process, zoning changes associated with an adopted Community Plan and Baltimore County Board of Appeals actions through December 31, 2008.

Legend

- Buildings
- Streams
- Vegetation
- Zoning
- Roads
- Rail Lines

Baltimore County Office of Planning and Zoning Official Zoning Map

048B3	048C3	049A3	049B3	049C3
057B1	057C1	058A1	058B1	058C1
057B2	057C2	058A2	058B2	058C2

Scale

1" = 200'

0 100 200 400
Feet



Data Sources:
Planimetric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2008

2010-0184-SPHA

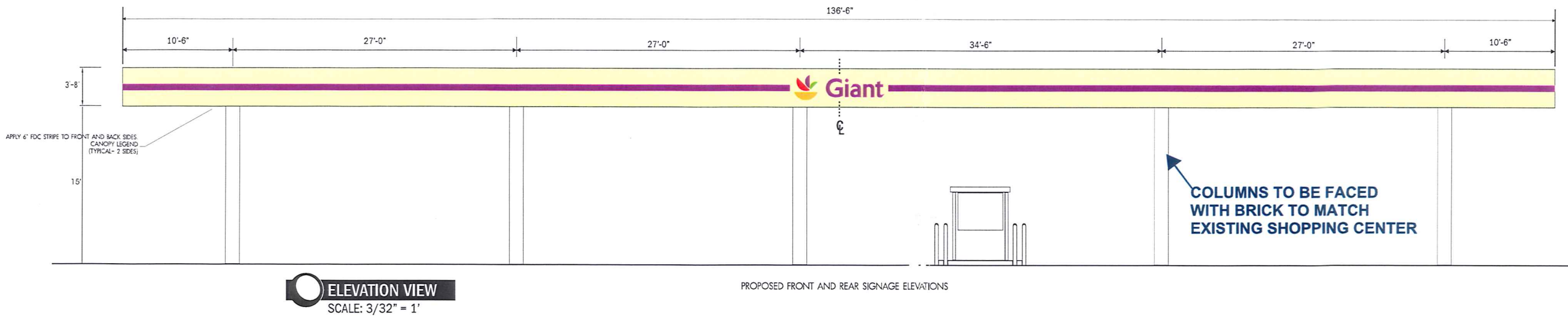
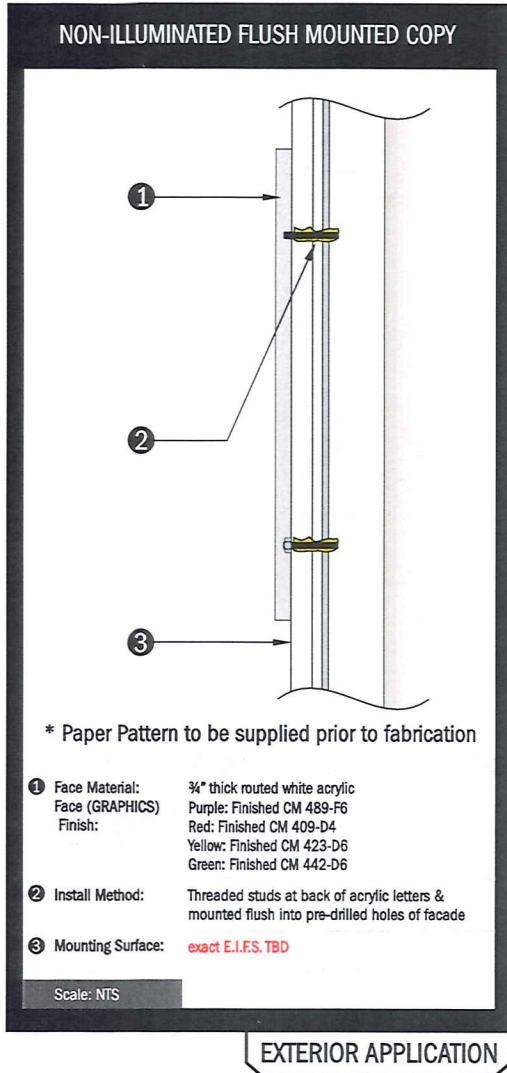


PETITIONER'S

EXHIBIT NO. 6

Vanasse Hangen Brustlin, Inc.

Figure 4 February 24, 2010
Aerial Exhibit
Proposed Giant Fuel Facility #322
Cherry Valley Shopping Center



CUSTOMER NAME Stop & Shop Supermarket Co.		
PHONE NUMBER		
SITE/STORE NAME		
CITY/STATE	DRAWING DATE	
SALES REP	ACCT/PROJ MGR	
NAVIGATION NUMBER	COMPLETION DATE	
REVISION HISTORY		
REV. #	DRAWING DATE	DRAWING # REPLACED
ELECTRICAL REQUIREMENTS		
SIGN TYPE	AMPS	VOLTAGE
TIME MANAGEMENT DEVICE		
PHOTO CELL	TIME CLOCK	NONE
CLIENT/LANDLORD APPROVAL		
☐ APPROVED	☐ APPROVED AS NOTED	☐ DIS-APPROVED REVISE & RESUBMIT
CLIENT SIGNATURE	DATE	
LANDLORD SIGNATURE	DATE	

PETITIONER'S

EXHIBIT NO. 7A

PRELIMINARY ELEVATION

SIGN TYPE -Routed Letters / Logo (Mtd. to Existing Facade)	QTY 3
DRAWING NUMBER 9793SR	SHEET NUMBER 1 of 3

COLORS PORTRAYED ARE REPRESENTATIONAL UNLESS NOTED; ACTUAL COLOR SAMPLES AVAILABLE UPON REQUEST.

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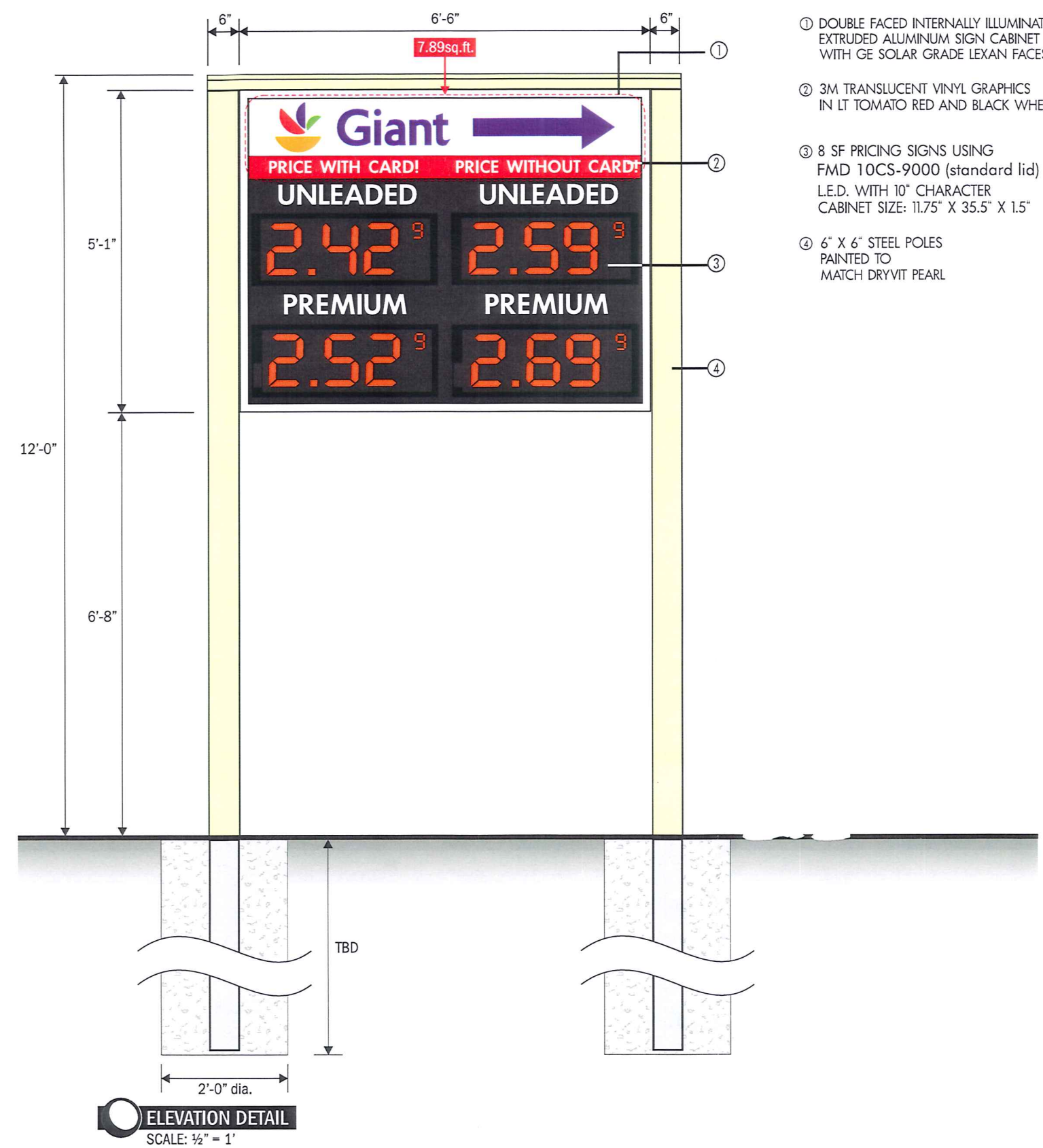
CUSTOMER NAME Stop & Shop Supermarket Co.	
PHONE NUMBER	
SITE/STORE NAME Giant #322 Fuel Facility	
CITY/STATE Reisterstown, MD	DRAWING DATE 10/21/09
SALES REP ER	ACCT/PROJ MGR
NAVIGATION NUMBER 33522-001	COMPLETION DATE

REVISION HISTORY		
REV. #	DRAWING DATE	DRAWING # REPLACED

ELECTRICAL REQUIREMENTS		
SIGN TYPE	AMPS	VOLTAGE

TIME MANAGEMENT DEVICE		
PHOTO CELL	TIME CLOCK	NONE

CLIENT/LANDLORD APPROVAL		
☐ APPROVED	☐ APPROVED AS NOTED	☐ DIS-APPROVED REVISE & RESUBMIT
CLIENT SIGNATURE	DATE	
LANDLORD SIGNATURE	DATE	



- ① DOUBLE FACED INTERNALLY ILLUMINATED, EXTRUDED ALUMINUM SIGN CABINET WITH GE SOLAR GRADE LEXAN FACES
- ② 3M TRANSLUCENT VINYL GRAPHICS IN LT TOMATO RED AND BLACK WHERE NEEDED
- ③ 8 SF PRICING SIGNS USING FMD 10CS-9000 (standard lid) by future media L.E.D. WITH 10" CHARACTER CABINET SIZE: 11.75" X 35.5" X 1.5"
- ④ 6" X 6" STEEL POLES PAINTED TO MATCH DRYVIT PEARL

7A

SIGN TYPE -S/F Freestanding Monument	QTY 1
DRAWING NUMBER 5091SM	SHEET NUMBER 2 of 3

Saved Monday, December 14, 2009 1:58:19 PM LGUDORP Plotted Monday, December 14, 2009 2:11:04 PM Gudorp, Lee Ann



Vanasse Hangen Brustlin, Inc.

Transportation
Land Development
Environmental Services

8300 Boone Boulevard, Suite 700
Vienna, Virginia 22182
703.847.3071 • FAX 703.847.0298



Property Owner:
Delight Manor Farm LLC
c/o Turnpike Associates LLC
11299 Owings Mills Boulevard
Owings Mills, MD 21117

Applicant:
Marc A. Marrocco
c/o The Stop and Shop Supermarket Co.
1385 Hancock Street, 10th floor
Quincy, MA 02169

EXISTING CONDITIONS NOTES:

BASE PLAN: EXISTING CONDITIONS SHOWN HEREON ARE BASED ON PLAN TITLED "GIANT FUEL DEPOT #322 CHERRY VALLEY CENTER" PREPARED BY JBA JOHNSON BERNAT ASSOCIATES, INC. DATED 10/20/09. SUPPLEMENTAL INFORMATION PROVIDED BY A SITE VISIT BY VHB PERSONNEL IN SEPTEMBER 2009.

UNDERGROUND UTILITIES: APPROXIMATE LOCATIONS OF UNDERGROUND UTILITIES ARE TAKEN FROM PLAN ENTITLED "SITE PLAN FOR BUILDING PERMIT CHERRY VALLEY PLAZA" PREPARED BY COLBERT MATZ ROSENFELT, INC. DATED 5/17/01. ALL UTILITY LOCATIONS AND DEPTHS TO BE FIELD VERIFIED PRIOR TO START OF CONSTRUCTION.

ZONING INFORMATION: ZONING LINES ARE APPROXIMATE AND ARE FOR INFORMATIONAL PURPOSES ONLY. ZONING LINES ARE FROM THE PLANS ENTITLED "BALTIMORE COUNTY OF PLANNING AND ZONING OFFICIAL ZONING MAP", PLAN SHEET 087C1 AND 058A1.

No.	Revision	Date	Appvd.
Designed by	Drawn by	Checked by	
CAD checked by	Approved by		
Scale	As Noted	Date	December 16, 2009
Project Title			

Proposed Giant
Fuel Facility #322
Cherry Valley Shopping Center
11604 Reisterstown Road
Reisterstown, Baltimore County, Maryland
Issued for

County Review

Not Approved for Construction
Drawing Title

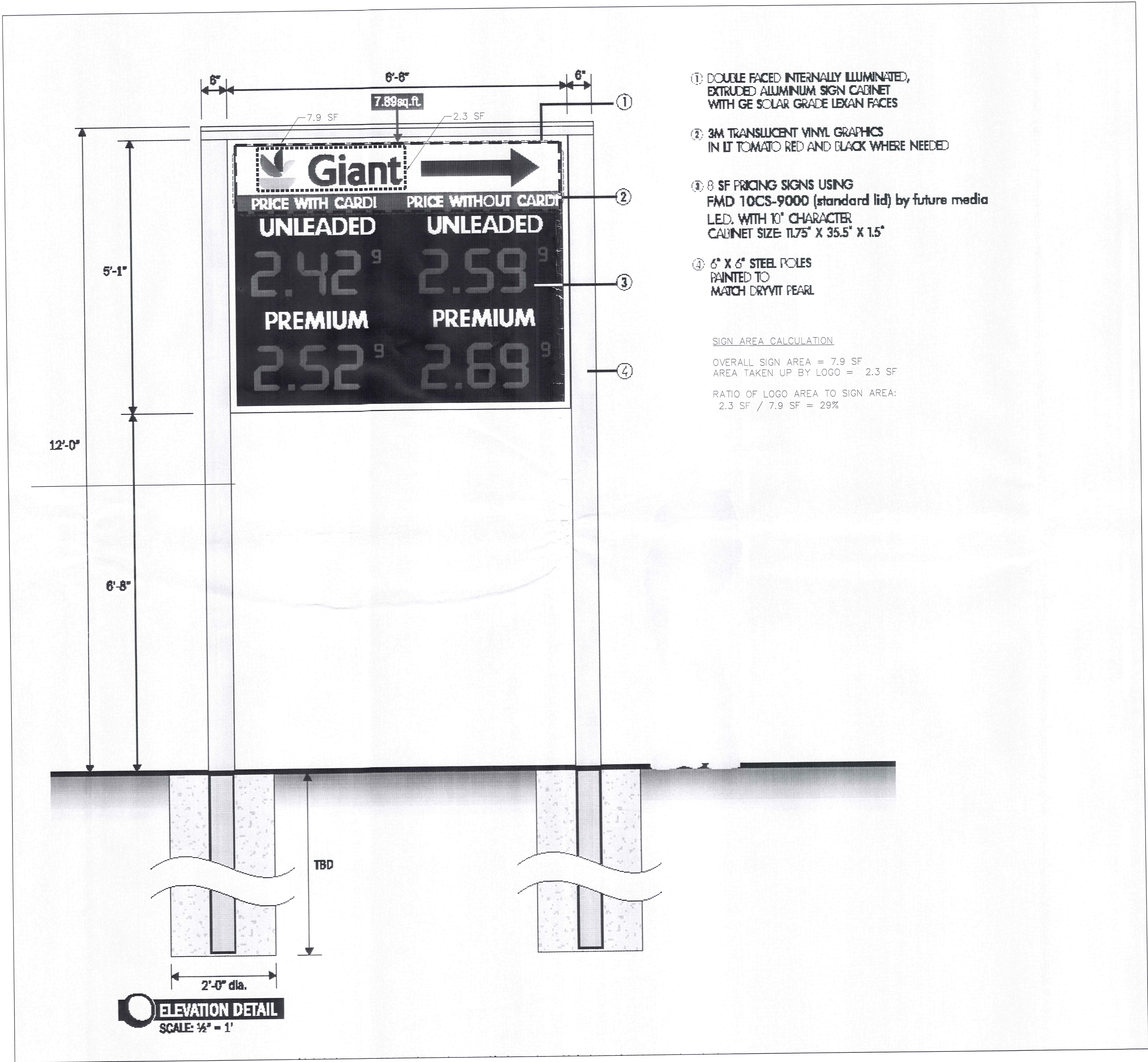
Plan to Accompany
Petition for Variance
and Special Hearing

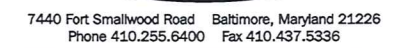
Drawing Number

Z-4

Sheet
4 of 4

Project Number
37934.44





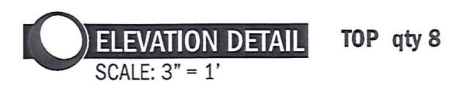
SITE/STORE NAME	
Giant #322 Fuel Facility	
CITY/STATE	DRAWING DATE
Reisterstown, MD	10/21/09
SALES REP	ACCT/PROJ MGR
ER	
NAVISION NUMBER	COMPLETION DATE
33522-001	

ELECTRICAL REQUIREMENTS		
SIGN TYPE	AMPS	VOLTAGE

CLIENT/LANDLORD APPROVAL

☐ APPROVED ☐ APPROVED AS NOTED ☐ DIS-APPROVED
REVISE & RESUBMIT

CLIENT SIGNATURE	DATE
LANDLORD SIGNATURE	DATE



ELEVATION DETAIL BOTTOM qty 8
SCALE: 3"=1'

SIZE	As Noted
1st or 2nd Surface	1st Surface
GRAPHICS SPECIFICATION	Applied 3M 230-43 trans. tomato red, trans custom orange/yellow, 3M 230-106 trans apple green, trans custom purple.
INSTALL METHOD	apply graphics to clean surface

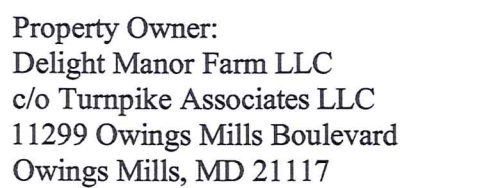


7B

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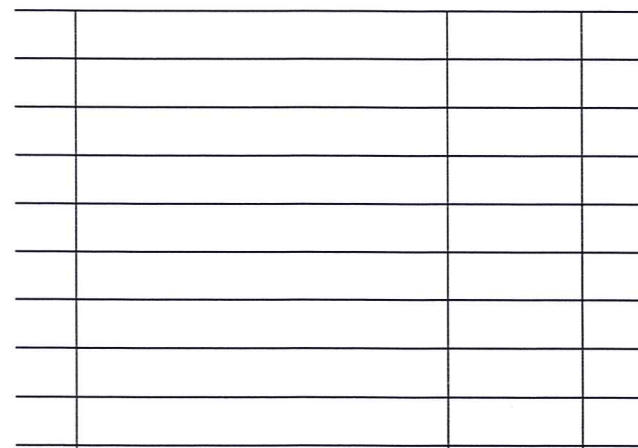


EXISTING CONDITIONS NOTES:

BASE PLAN: EXISTING CONDITIONS SHOWN HEREON
ARE BASED ON PLAN TITLED "GIANT FUEL DEPOT
#322 CHERRY VALLEY CENTER" PREPARED BY JBA
JOHNSON BERNAT ASSOCIATES, INC. DATED
10/20/09. SUPPLEMENTAL INFORMATION PROVIDED
BY A SITE VISIT BY VHB PERSONNEL IN SEPTEMBER
2009.

UNDERGROUND UTILITIES: APPROXIMATE LOCATIONS OF UNDERGROUND UTILITIES ARE TAKEN FROM PLAN ENTITLED "SITE PLAN FOR BUILDING PERMIT CHERRY VALLEY PLAZA" PREPARED BY COLBERT MATZ ROSENFELT, INC. DATED 5/17/01. ALL UTILITY LOCATIONS AND DEPTHS TO BE FIELD VERIFIED PRIOR TO START OF CONSTRUCTION.

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No.	Revision		Date	Approved by
Designed by		Drawn by	Checked by	
CAD checked by			Approved by	
Scale N.T.S.			Date December 16, 2009	

Proposed Giant
Fuel Facility #322
Cherry Valley Shopping Center
11604 Reisterstown Road
Reisterstown, Baltimore County, Maryland

County Review

Not Approved for Construction

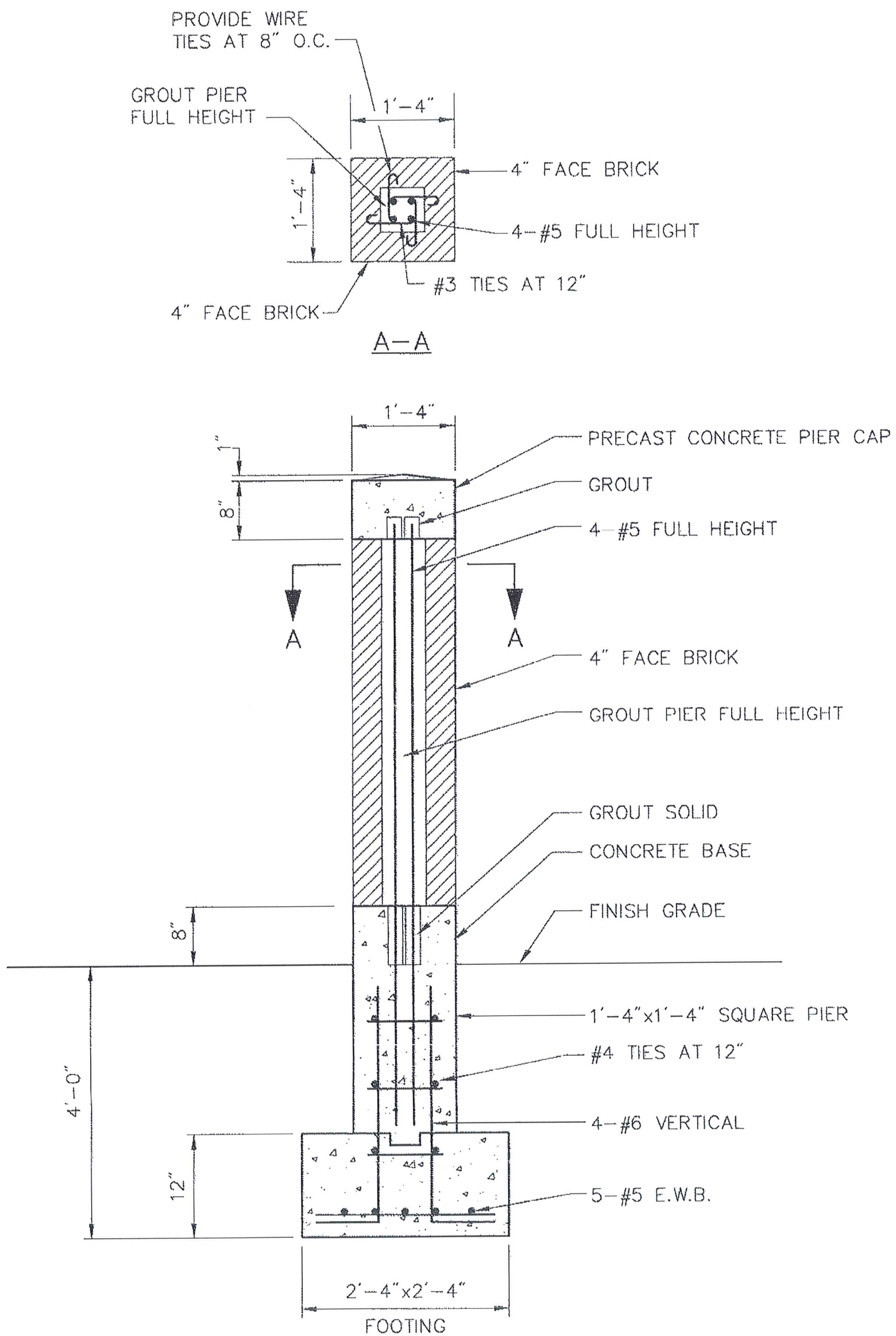
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Drawing Number

Z-3

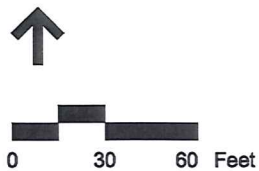
Sheet 3 of 4

Project Number
37934.44



TYPICAL BRICK PIER
N.T.S.

PETITIONER'S
EXHIBIT NO. 98



Legend

 AVAILABLE PARKING SPACE

200 AVAILABLE PARKING SPACES
416 EXISTING PARKING SPACES
200/416 = 48.1% AVAILABILITY

PETITIONER'S

EXHIBIT NO. 11

Vanasse Hangen Brustlin, Inc.

Figure 2 February 24, 2010
Parking Loading Study
2:00pm-2:15pm - Peak
January 16, 2010 - Saturday

Sat - Study Period 10:45 AM - 3:00 PM

REISTERSTOWN ROAD M.D. ROUTE 140 (83 FT R.O.W.)

CHERRY VALLEY ROAD (60 FT R.O.W.)

MONRO
MUFFLER
3,608 S.F.

EXISTING
GIANT FOOD, INC.
58,248 S.F.
SINGLE STORY

M&T
BANK
225 SF

MECH

WELLS FARGO
1650 SF

EL PARAISO
RESTAURANT
1100 SF

CHINESE 1050 SF

ALADDIN DRY
CLEANERS
1750 SF

700 SF

VACANT
2125 SF

DOMINOS PIZZA
1670 SF

H&R BLOCK 1305 SF

QUIZNOS
2975 SF

CURVES
2125 SF

UNITED OPTICAL
1700 SF

BLOCKBUSTER
5100 SF

Legend



AVAILABLE PARKING SPACE



0 30 60 Feet

242 AVAILABLE PARKING SPACES
416 EXISTING PARKING SPACES
242/416 = 58.2% AVAILABLE

PETITIONER' S

EXHIBIT NO. 12

Vanasse Hangen Brustlin, Inc.

Figure 1 February 24, 2010

Parking Loading Study

4:15pm-4:30pm - Peak

January 20th, 2010 - Wednesday

WED - Study Period - 4:00 - 7:00 PM



8300 Boone Boulevard, Suite 700
Vienna, Virginia 22182
703.847.3071 • FAX 703.847.0298



Applicant/Contract Lessee:
James Sylvia, Senior Vice President of Real Estate
c/o Giant of Maryland LLC
1385 Hancock Street, 10th floor
Quincy, MA 02169

EXISTING CONDITIONS NOTES:

BASE PLAN: EXISTING CONDITIONS SHOWN HEREON
ARE BASED ON PLAN TITLED "GIANT FUEL DEPOT
#322 CHERRY VALLEY CENTER" PREPARED BY JBA
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[illegible]

No.	Revision	Date	Appvd.
Designed by	Drawn by	Checked by	
CAD checked by		Approved by	
Scale 1"=20'		Date December 16, 2009	

Proposed Giant
Fuel Facility #322
Cherry Valley Shopping Center
11604 Reisterstown Road
Reisterstown, Baltimore County, Maryland

County Review

Not Approved for Construction
Drawing Title

Plan to Accompany Petition for Variance and Special Hearing

Drawing Number

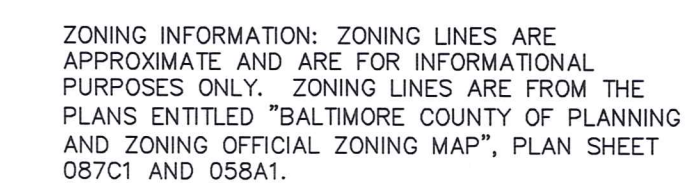


Sheet 2 of 4

Project Number
37934.44

12/16/09

37493444_ZONING.DWG

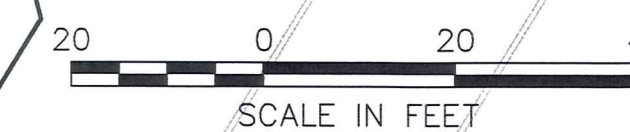


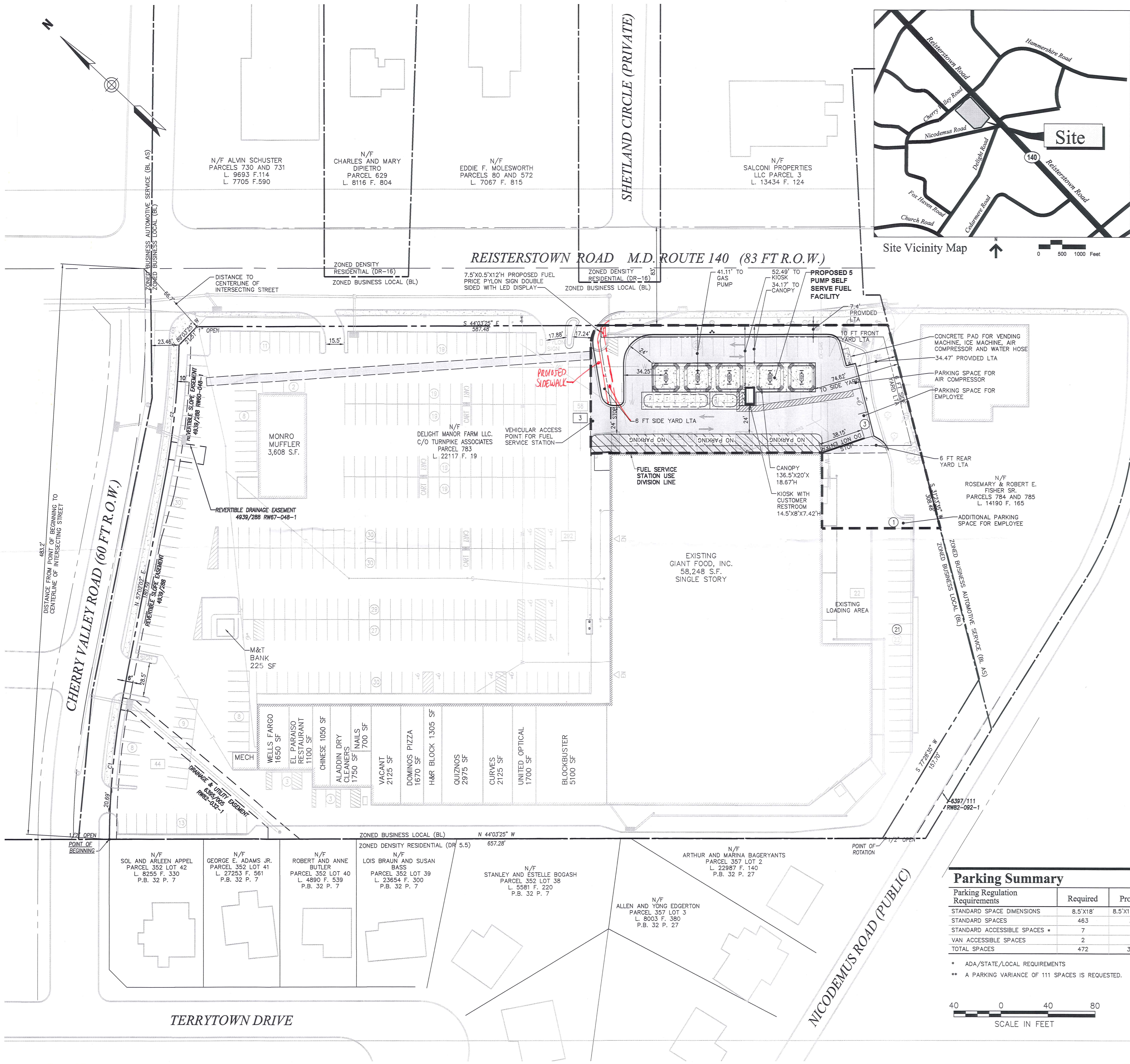

Z-2

Sheet 2 of 4

Project Number
 37934.44

12/16/09





Site Summary

OWNER: DELIGHT MANOR FARM LLC
C/O TURNPIKE ASSOCIATES LLC
11299 OWINGS MILLS BOULEVARD
OWINGS MILLS, MD 21117

TAX ACCOUNT NUMBER: 19-00-006559 (TAX MAP 58, GRID 1, PARCEL 783)

COUNCILMANIC DISTRICT: 4TH

ELECTION DISTRICT: 4TH

SITE ACREAGE: 6.6588 AC / 290,058 SF

PROPOSED USE: 5 PUMP FUEL FACILITY

NUMBER OF EMPLOYEES: 1 PER SHIFT

EXISTING WELLS OR SEPTIC SYSTEMS: NONE

CURRENT ZONING: BUSINESS LOCAL (BL)

ADDITIONAL ZONING INFO: SITE WAS APPROVED AS A PLANNED SHOPPING CENTER ON 6-22-09 BY DEPUTY DIRECTOR JOHN TOWNE

EXISTING ZONING CASES:

CASE NO. 94-12-A
PETITION FOR VARIANCES TO PERMIT 406 PARKING SPACES IN LIEU OF THE REQUIRED 483 SPACES AND TO PERMIT ACCESS AISLE WIDTHS OF 14 FEET AND 20 FEET IN LIEU OF THE REQUIRED 22 FEET. GRANTED 8-18-93.

CASE NO. 86-188-X
PETITION FOR A SPECIAL EXCEPTION FOR TWO ILLUMINATED 12' X 25' ADVERTISING STRUCTURES. GRANTED BY CIRCUIT COURT 5-28-87.

CASE NO. 86-32-X
PETITION FOR A SPECIAL EXCEPTION TO PERMIT A SERVICE GARAGE IN A BL ZONE. GRANTED 7-31-85.

CASE NO. 83-121-X
PETITION FOR A SPECIAL EXCEPTION TO PERMIT A COMMUNITY BUILDING, SWIMMING POOL OR OTHER STRUCTURAL LAND USE DEVOTED TO CIVIC, SOCIAL OR RECREATIONAL AND EDUCATIONAL ACTIVITIES, I.E., A WOMEN'S REDUCING AND HEALTH SALON WITH FACILITIES FOR DANCING AND OTHER EXERCISES. GRANTED 11-29-82.

CASE NO. 79-60-B
PETITION FOR ZONING RECLASSIFICATION FROM DR-16 AND DR-5.5 TO BL. DENIED 12-15-78. APPEALED 1-15-79. APPEAL DISMISSED 9-18-79.

CASE NO. 68-127-R
PETITION FOR ZONING RECLASSIFICATION FROM R-10 TO BL. GRANTED 12-21-67.

CASE NO. 65-41-B
PETITION FOR ZONING RECLASSIFICATION FROM R-10 TO R-6. GRANTED 8-12-64.

CASE NO. 1088
PETITION FOR ZONING RECLASSIFICATION FROM "A" RESIDENCE TO "E" COMMERCIAL. GRANTED 12-15-1947.

PREVIOUS COMMERCIAL PERMITS:

B462976 C-
B464339 C-
B209733 C-
B215412 C-
B043843 C-184-90
B045617 C-0306-90
B049447 C-636-90
B494177 C-
B494183 C-
B501468 C-
B275884 C-
B494185 C-
B167008 C-039-93
B137570 C-1167-92
B610402 C-

BASIC SERVICE MAPS:
THE PROJECT IS NOT LOCATED WITHIN A DEFICIENT AREA BASED ON THE BASIC SERVICE MAPS

FLOODPLAIN INFORMATION:
THE PROJECT IS LOCATED WITHIN ZONE X, AREAS OF MINIMAL OR NO FLOODING PER FEMA FLOOD INSURANCE RATE MAP 2400100210F, DATED SEPTEMBER 26, 2008.

Parking Requirements Tabulation

Tenant Use	GFA (SF)	Parking Generation	Required Spaces
GIANT SUPERMARKET	58,248	5 SP/1000	291
M&T BANK	225	3.3 SP/1000	1
BLOCKBUSTER	5,100	5 SP/1000	26
UNITED OPTICAL	1,700	5 SP/1000	9
CURVES (GYM)	2,125	10 SP/1000	21
QUINZOS	2,975	16 SP/1000	48
H&R BLOCK (BANK)	1,305	3.3 SP/1000	4
DOMINOS PIZZA (CARRY OUT)	1,670	5 SP/1000	9
VACANT	2,125	5 SP/1000	11
NAIL SALON	700	5 SP/1000	4
DRY CLEANERS	1,750	5 SP/1000	9
GOLDEN KEY CHINESE (CARRY OUT)	1,050	5 SP/1000	5
EL PARAISO RESTAURANT	1,100	16 SP/1000	18
WELLS FARGO BANK	1,650	3.3 SP/1000	6
MONRO MUFFLER	3,608	3.3 SP/1000	7+
PROPOSED FUEL SERVICE STATION	116	1 SP/EMP + AC	3**
TOTAL	85,447	PER TENANT	472

**MONRO MUFFLER REQUIRES 12 SPACES + 5 SERVICE BAY SPACES = 7 SPACES
*** SP/ EMPLOYEE ON LARGEST SHIFT PLUS 1 SP/ AIR COMPRESSOR

Parking Summary

Parking Regulation Requirements	Required	Provided
STANDARD SPACE DIMENSIONS	8.5'X18'	8.5'X18', 9'X18'
STANDARD SPACES	463	348
STANDARD ACCESSIBLE SPACES *	7	2
VAN ACCESSIBLE SPACES	2	11
TOTAL SPACES	472	361**

* ADA/STATE/LOCAL REQUIREMENTS
** A PARKING VARIANCE OF 111 SPACES IS REQUESTED.

Zoning Summary

Zoning District:	Business Local (BL) with Fuel Service Stations (Section 405)	
Zoning Regulation Requirements (Section 405)	Required	Provided
MIN. LOT AREA	15,000 SF*	34,580 SF
FRONT YARD LTA	10 FT	7.4 FT**
SIDE YARD LTA	6 FT	14 FT
REAR YARD LTA	6 FT	0 FT**
MIN. CANOPY SETBACK	15 FT	34.17 FT
MIN. GAS PUMP SETBACK	25 FT	41.11 FT
MIN. BUILDING SETBACK	35 FT	52.49 FT
MAX. FLOOR AREA RATIO	3.0	0.295***

* SITE AREA SHALL BE NO LESS THAN 15,000 SF OR 1,500 TIMES THE NUMBER OF FUEL SERVICE SPACES, WHICHEVER IS GREATER. (1,500 X 10 = 15,000 SF)
** VARIANCE IS REQUESTED
*** ALL BUILDINGS ARE SINGLE STORY, THEREFORE THE F AREA CALCULATION IS:
85,447 SF / 290,058 SF = 0.295



Vanasse Hangen Brustlin, Inc.

Transportation
Land Development
Environmental Services

8300 Boone Boulevard, Suite 700
Vienna, Virginia 22182
703.847.3071 • FAX 703.847.0298



Owner:
Delight Manor Farm LLC
c/o Turnpike Associates LLC
11299 Owings Mills Boulevard
Owings Mills, MD 21117

Applicant/Contract Lessee:
James Sylvia, Senior Vice President of Real Estate
c/o Giant of Maryland LLC
1385 Hancock Street, 10th floor
Quincy, MA 02169

EXISTING CONDITIONS NOTES:

BASE PLAN: EXISTING CONDITIONS SHOWN HEREON ARE BASED ON PLAN TITLED "GIANT FUEL DEPOT #322 CHERRY VALLEY CENTER" PREPARED BY JBA JOHNSON BERNAT ASSOCIATES, INC. DATED 10/20/09. SUPPLEMENTAL INFORMATION PROVIDED BY A SITE VISIT BY VHB PERSONNEL IN SEPTEMBER 2008.

UNDERGROUND UTILITIES: APPROXIMATE LOCATIONS OF UNDERGROUND UTILITIES ARE TAKEN FROM PLAN ENTITLED "SITE PLAN FOR BUILDING PERMIT CHERRY VALLEY PLAZA" PREPARED BY COLBERT MATZ ROSENFELT, INC. DATED 5/17/01. ALL UTILITY LOCATIONS AND DEPTHS TO BE FIELD VERIFIED PRIOR TO START OF CONSTRUCTION.

ZONING INFORMATION: ZONING LINES ARE APPROXIMATE AND ARE FOR INFORMATIONAL PURPOSES ONLY. ZONING LINES ARE FROM THE PLANS ENTITLED "BALTIMORE COUNTY OF PLANNING AND ZONING OFFICIAL ZONING MAP", PLAN SHEET 08701 AND 05841.

No.	Revision	Date	Appr.

1 PER COUNTY COMMENTS 2/24/10

Designed by: _____ Drawn by: _____ Checked by: _____

CAD checked by: _____ Approved by: _____

Scale: 1"=40' Date: December 16, 2009

Project Title: _____

Proposed Giant
Fuel Facility #322
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11604 Reisterstown Road
Reisterstown, Baltimore County, Maryland

Issued for: _____

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Not Approved for Construction
Drawing Title: _____

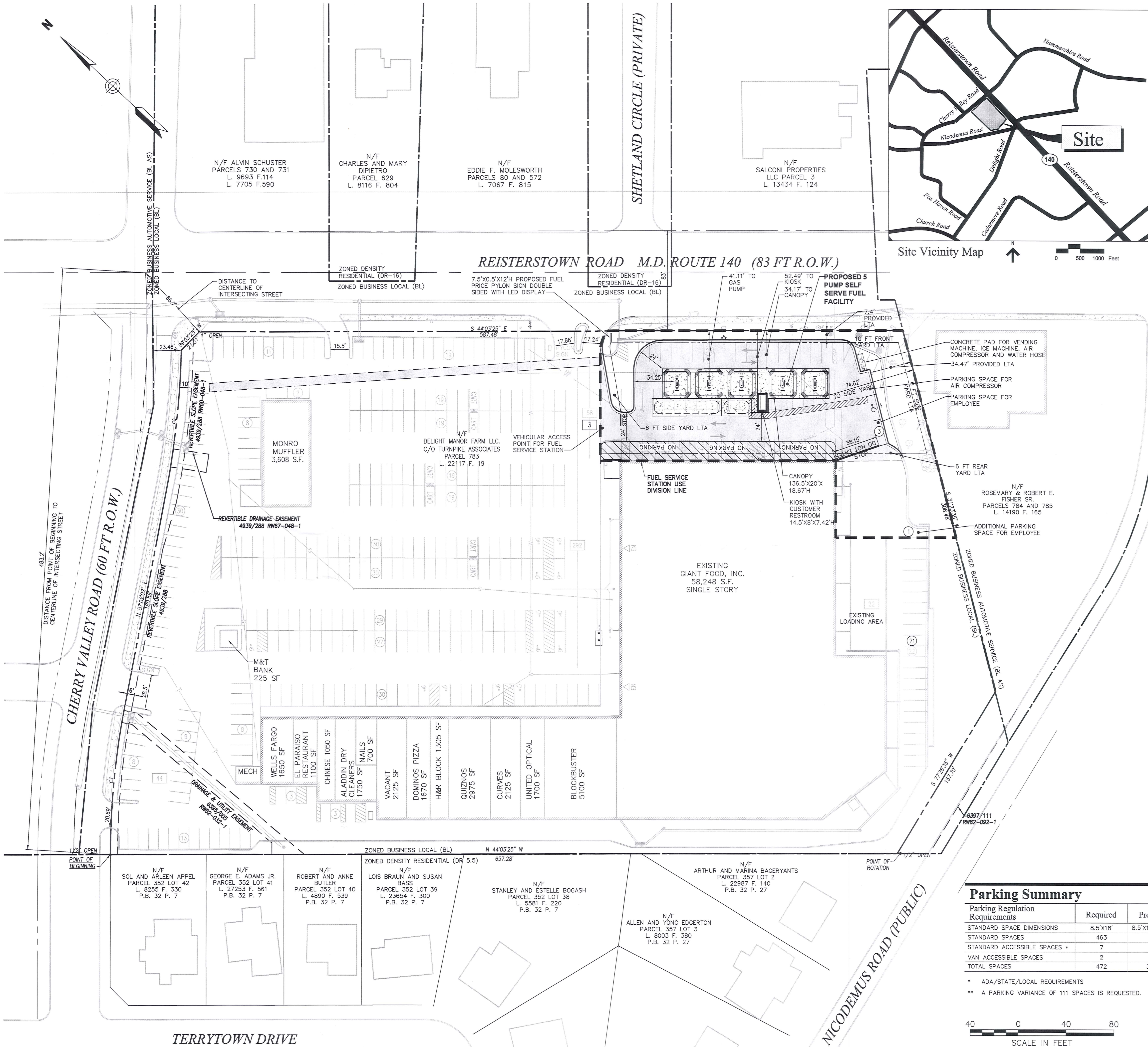
Plan to Accompany
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Sheet 1 of 4

Project Number: 37934.44

37493444_ZONING.DWG



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VHB

Vanasse Hangen Brustlin, Inc.

Transportation
Land Development
Environmental Services

8300 Boone Boulevard, Suite 700
Vienna, Virginia 22182
703.847.3071 • FAX 703.847.0298

Giant

Owner:
Delight Manor Farm LLC
c/o Turnpike Associates LLC
11299 Owings Mills Boulevard
Owings Mills, MD 21117

Applicant/Contract Lessee:
James Sylvia, Senior Vice President of Real Estate
c/o Giant of Maryland LLC
1385 Hancock Street, 10th floor
Quincy, MA 02169

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Scale 1"=40'		Date	December 16, 2009
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Professional Engineer
12/16/09

Sheet 1 of 4
Project Number 37934.44

Z-1