

IN RE: **PETITION FOR VARIANCE**
N/S Baltimore National Pike, 20' W c/line of
Winters Lane
(6026 Baltimore National Pike)
1st Election District
1st Council District

Einbinder Properties LLC,
Legal Owner

GREGG Appliances, Inc.,
Contract Lessee/Petitioner

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

Case No. 2010-0200-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by Petitioner, GREGG Appliances, Inc., through its Vice President of Real Estate, Bruce Dixon, and its attorney, David H. Karceski, Esquire with Venable, LLP. The Petition was also signed by Bertram L. Potemkin, on behalf of Einbinder Properties, LLC. The Petitioner requests a variance from Section 450.4.5(d) of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a wall-mounted enterprise sign on two (2) façades of a tenant space without exterior customer entrances. Specifically, Petitioner seeks the variance in order to install one (1) wall-mounted enterprise sign each on the north and south façades of a multi-tenant retail building. Without a variance, the Sign Regulations contained in Section 450 of the B.C.Z.R. would only permit the Petitioner to install a single sign on the east façade of the building, where this tenant's only exterior customer entrance is located. The subject site and requested relief are more particularly described on the two-page site plan, which was marked and accepted into evidence as Petitioner's Exhibits 1A-1B.

Appearing at the requisite public hearing in support of the requested relief were Lindsay Vetzner, Real Estate Manager for GREGG Appliances, Inc., Thomas A. Gianni with ImageOne

ORDER RECEIVED FOR FILING

Date

By

3-17-10

23

Industries, who is preparing the proposed signs for the Petitioner, and Rick Richardson, P.E. with Richardson Engineering, LLC, the professional engineering firm that prepared the site plan for this property. David H. Karceski, Esquire and Kedrick N. Whitmore, Esquire appeared as counsel for Petitioner. There were no Protestants or other interested persons in attendance at the public hearing.

Testimony and evidence revealed that the subject property is an irregularly shaped parcel containing approximately 8.4 acres of land split-zoned B.R. and D.R.5.5. The property is located adjacent to and on the north side of Baltimore National Pike, west of I-695, in the Catonsville area of the County. It should be noted that this petition pertains only to that portion of the property zoned B.R., on which an existing multi-tenant building is located.

The property has been leased by GREGG Appliances, Inc., an electronic and appliance store described as a mix between a Best Buy and a Lowe's with particular emphasis on selling home appliances. Testimony revealed that the company has been expanding across the eastern portion of the United States from Indiana to Florida and will be opening five (5) local stores in Maryland. Petitioner has invested over one million dollars in the subject property and plans to open a store that will employ 40-50 local citizens.

Further testimony revealed that the subject property has an unusual layout with 810 feet of frontage on Baltimore National Pike as well as frontage on two (2) other public roads, Winters Lane to the east and Alexander Avenue to the west. Due to the property's unique shape, namely that it lies across from another commercial property to the north, and contains frontage on three (3) separate roadways, there are multiple ingress/egress points for the site. As shown on the aerial photograph/zoning map marked and accepted into evidence as Petitioner's Exhibit 3, there are three (3) ingress/egress points along the property's Baltimore National Pike frontage as well

as two (2) internal access drives that connect the subject property to the commercially-zoned property to the north. As a result, motorists can enter the site from three (3) different directions: the south, north, and east.

A review of the site plan indicates that the requested variance relates to the façades of the retail building that face the adjacent commercial property to the north and Baltimore National Pike to the south. When the building is viewed from either of these sides, the north or south façade acts as the primary façade and, therefore, the building front. Petitioner will lease approximately 29,000 square feet of the total 58,064 square feet of retail space within the building and, as shown on Petitioner's Exhibit 1, this tenant space will include a significant portion of the building's north and south façades.

Mr. Karceski proceeded to describe the proposed signs and the need for the requested relief. As shown on the site plan and the color sign details marked and accepted into evidence as Petitioner's Exhibits 4A – 4C, Petitioner proposes a total of three (3) wall-mounted enterprise signs on the retail building: one on the south façade facing Baltimore National Pike, one on the north façade facing the adjacent commercial property, and one on the east façade facing on-site customer parking. Though the property fronts on three (3) public roads, strict enforcement of the zoning regulations would only permit the Petitioner to maintain one (1) sign on the east façade of the building.

All of the testimony presented at the public hearing supported the notion that a single wall-mounted sign is inadequate for Petitioner given the unique physical characteristics of the site. Indeed, the east façade of the building is not visible to drivers traveling on Baltimore National Pike, nor is it visible from the majority of the adjacent commercial property's off-street parking. Therefore, Petitioner requests the proposed signs on the north and south façades of the

building in order to provide adequate identification from its primary road frontage and from the adjacent commercial property. Mr. Karceski explained that the Petitioner is requesting signage similar to the adjacent tenant, who maintains three (3) wall-mounted signs on different façades of the building. Additionally, testimony revealed that the former retail tenant that occupied Petitioner's space had signs on the north, south and east façades of the building, just as proposed by Petitioner.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning, dated March 5, 2010, indicating no opposition to the requested relief. The Bureau of Development Plans Review (DPR) and Department of Environmental Protection and Resource Management (DEPRM) similarly submitted comments offering no objection to the requested relief.

Considering all of the testimony and evidence presented, I am persuaded to grant the requested variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The subject site is unique by virtue of its irregular shape, frontage along three (3) public roads, including an extended frontage along Baltimore National Pike, and multiple ingress/egress points for the site on different sides of the property. Unlike a typical shopping center where potential customers will access commercial properties from a single front, the subject property will be approached and accessed from three (3) separate locations.

After reviewing the layout of this property, I find that strict enforcement of the B.C.Z.R. would cause the Petitioner to suffer practical difficulty and undue hardship. The Sign Regulations do not contemplate a shopping center with three (3) frontages, and a strict interpretation of the regulations would prohibit the Petitioner from installing wall-mounted signs

on the north and south façades of the building. Since both of these sides operate as front façades for vehicles approaching from Baltimore National Pike and the commercial property to the north, Petitioner should be permitted to maintain signs on each of these fronts.

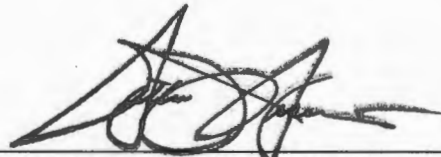
I further find that the variance can be granted in strict harmony with the spirit and intent of said regulations, and in such a manner as to grant relief without injury to the public health, safety and general welfare. The subject site is located between a major commercial corridor (Baltimore National Pike) and another commercially developed property. It is on these two (2) sides of the site that the requested variance would enable Petitioner to install wall-mounted signage. The proposed signs replicate those maintained by the prior tenant, are appropriate in the context of the surrounding commercial area, and are consistent with signage used by other commercial tenants along Baltimore National Pike. Thus, I find that the variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 17th day of March, 2010, that the Petition for Variance from Section 450.4.5(d) of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a wall-mounted enterprise sign on two (2) façades of a tenant space without exterior customer entrances, in accordance with Petitioner's Exhibits 1A (site plan) and 1B (sign detail), be and is hereby GRANTED, subject to the following restriction:

1. The Petitioner may apply for its permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

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



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date

3-17-10

By

DJ



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

March 17, 2010

David H. Karceski, Esquire
Kedrick N. Whitmore, Esquire
Venable, LLP
210 West Pennsylvania Avenue
Suite 500
Towson, MD 21204

RE: **PETITION FOR VARIANCE**
N/S Baltimore National Pike, 20' W c/line of Winters Lane
(6026 Baltimore National Pike)
1st Election District - 1st Council District
Einbinder Properties LLC, *Legal Owner*;
GREGG Appliances, Inc., *Contract Lessee/Petitioner*
Case No. 2010-0200-A

Dear Counsel:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman III".
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Lindsay Vetzner, Real Estate Manager, GREGG Appliances, Inc., 201 South 25th Street,
Philadelphia, PA 19103
Thomas A. Gianni, ImageOne Industries, 125 Phyllis Drive, Croydon, PA 19021
Rick Richardson, P.E., Richardson Engineering, LLC, 30 East Padonia Road, Suite 500,
Timonium, MD 21093
People's Counsel; Office of Planning; File



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 6026 Baltimore National Pike

which is presently zoned BR, DR-5-5

Deed Reference: 27090 / 573 Tax Account # 1700013709

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)

450.4.6(d) of the Baltimore County Zoning Regulations to allow a wall-mounted enterprise sign on two facades of a tenant space without exterior customer entrances.

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.

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:

GREGG Appliances, Inc.

Name - Type or Print By: William Dixon, Vice President
of Real Estate

Signature

4151 East 90th Street

Address

Indianapolis

IN

46240

City

State

Zip Code

Telephone No.

Attorney For Petitioner:

David H. Karceski

Name - Type or Print

[Signature]

Signature

Venable LLP

Company

210 W. Pennsylvania Ave., Suite 500 410-494-6200

Address

Towson

MD

Telephone No.

21204

City

State

Zip Code

Legal Owner(s):

Einbinder Properties LLC

Name - Type or Print

Bernard L. Potemkin

Signature

[Signature]

Name - Type or Print

Signature

3002 Gardenview Road

Address

Baltimore

MD

Telephone No.

City

State

21208-1510

Zip Code

Representative to be Contacted:

David H. Karceski

Name

210 W. Pennsylvania Ave., Suite 500 410-494-6200

Address

Towson

MD

Telephone No.

City

State

21204

Zip Code

Case No.

2010-0200-A

REV 3/2007

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by

Date

1/19/10

ORDER RECEIVED FOR FILING

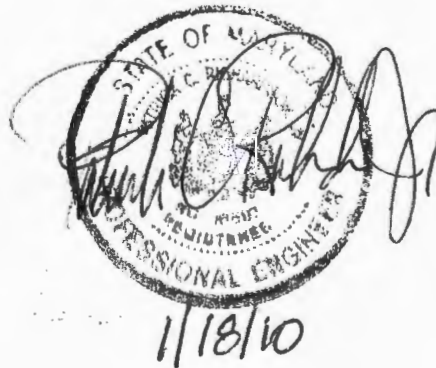
Date 3-17-10

By [Signature]

**ZONING DESCRIPTION FOR
6026 BALTIMORE NATIONAL PIKE
1ST ELECTION DISTRICT
1ST COUNCILMANIC District
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point where the north side right-of-way of Baltimore National Pike (150 feet in width) intersects the west side right-of-way of Winters Lane (40 feet in width), thence binding on Baltimore National Pike; (1) South 72 degrees 20 minutes 26 seconds West 810.03 feet, thence leaving Baltimore National Pike for the following courses and distances; (2) North 07 degrees 58 minutes 30 seconds East 36.09 feet, (3) North 82 degrees 01 minutes 30 seconds West 133.43 feet, (4) North 07 degrees 42 minutes 43 seconds East 125.64 feet, (5) North 82 degrees 17 minutes 17 seconds West 150.00 feet to the east side of Alexander Avenue (40 feet in width) thence binding on the east side of Alexander Avenue; (6) North 07 degrees 42 minutes 43 seconds East 237.46 feet, thence leaving Alexander Avenue for the following courses and distances; (7) North 87 degrees 42 minutes 38 seconds East 941.69 feet, (8) South 10 degrees 18 minutes 36 seconds West 73.25 feet, (9) South 79 degrees 41 minutes 24 seconds East 97.50 feet, (10) South 10 degrees 18 minutes 36 seconds West 139.08 feet to the point of beginning;

Containing a net area of 333,540 square feet, or 7.657 acres of land, more or less.



Item #0200

**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/neighborhood 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: 2010-0200-A
Petitioner: ~~Gregg~~ Gregg Appliances
Address or Location: 4151 E. 96th St., Indianapolis, IN 46240

PLEASE FORWARD ADVERTISING BILL TO:

Name: Kedrick Whitmore
Address: 210 W. Pennsylvania
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/				
				Obj	Sub Obj				

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: # 2010-0200-A

6026 Baltimore National Pike

N/side of Baltimore National Pike, 20 feet west from the centerline of Winters Lane

1st Election District - 1st Councilmanic District

Legal Owner(s): Einbinder Properties, LLC

Contract Purchaser: GREGG Appliances

Variance: to allow a wall-mounted enterprise sign on two facades of a tenant space without exterior customer entrances

Hearing: Thursday, March 11, 2010 at 9:00 a.m. In Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

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

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

JT 2/848 Feb. 23

230547

CERTIFICATE OF PUBLICATION

2/25/ 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 2/23/ 2010.

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

J. Wilkinson

LEGAL ADVERTISING

+ - CERTIFICATE OF POSTING

2010-0200-A

RE: Case No.: _____

Petitioner/Developer: _____
GREGG Appliances

March 11 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: _____
6026 Baltimore National Pike

The sign(s) were posted on _____
February 24 2010
(Month, Day, Year)

Sincerely,

Robert Black 2/26/10
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE # 2010-0200-A

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

Room 106, County Office Building
111 West Chesapeake Ave. Towson 21204

PLACE:

DATE AND TIME: THURSDAY, MARCH 11, 2010 AT 9:00 A.M.

REQUEST: VARIANCE TO ALLOW A WALL-MOUNTED ENTERPRISE
SIGN ON TWO FACADES OF A TENANT SPACE WITHOUT EXTERIOR
CUSTOMER ENTRANCES

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 23, 2010 Issue - Jeffersonian

Please forward billing to:
Kedrick Whitmore
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: 2010-0200-A

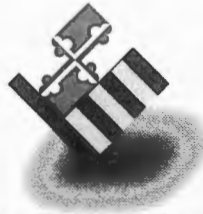
6026 Baltimore National Pike
N/side of Baltimore National Pike, 20 feet west from the centerline of Winters Lane
1st Election District – 1st Councilmanic District
Legal Owners: Einbinder Properties, LLC
Contract Purchaser: GREGG Appliances

Variance to allow a wall-mounted enterprise sign on two facades of a tenant space without exterior customer entrances.

Hearing: Thursday, March 11, 2010 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
February 4, 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: 2010-0200-A

6026 Baltimore National Pike

N/side of Baltimore National Pike, 20 feet west from the centerline of Winters Lane

1st Election District – 1st Councilmanic District

Legal Owners: Einbinder Properties, LLC

Contract Purchaser: GREGG Appliances

Variance to allow a wall-mounted enterprise sign on two facades of a tenant space without exterior customer entrances.

Hearing: Thursday, March 11, 2010 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: David Karceski, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
Einbinder Properties, LLC, 3602 Gardenvue Road, Baltimore 21208
Bruce Dixon, GREGG Appliances, 4151 East 96th Street, Indianapolis IN 46240

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, FEBRUARY 24, 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

March 2, 2010

David Karceski
Venable, LLP
210 W. Pennsylvania Ave. Ste. 500
Towson, MD 21204

Dear: David Karceski

RE: Case Number 2010-0200-A, 6026 Baltimore National Pike

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 19, 2010. 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
Einbinder Properties, LLC; 3602 Gardenvue Rd.; Baltimore, MD 21208
Gregg Appliance, Inc; 415 E. 96th St.; Indianapolis, IN 46240

BW 3/11
9am

Inter-Office Correspondence



RECEIVED

MAR 08 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: March 5, 2010
SUBJECT: Zoning Item # 10-200-A
Address 6026 Baltimore National Pike
(Einbinder Property LLC)

Zoning Advisory Committee Meeting of January 25, 2010

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

Reviewer: JWL

Date: 3/5/10

BW 3/11
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 5, 2010

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

RECEIVED

MAR 08 2010

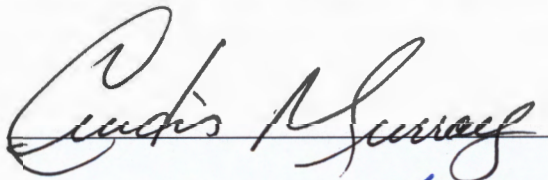
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-200- Variance**

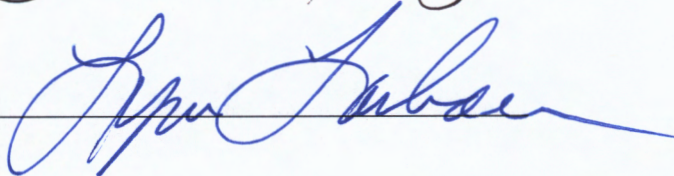
The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request.

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

Prepared By:



Division Chief:
CM/LL





BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

February 10, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 25, 2010

Item Numbers: 0200

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

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

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

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 26, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For February 8, 2010
Item Nos. 2010-0200

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-02082010 -NO COMMENTS.doc

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: FEB. 5, 2010

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

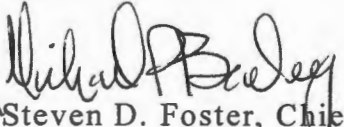
RE: Baltimore County
Item No. 2010-0200A
US 40 (BALTO. NAT'L PK.)
6026 BALTIMORE NAT'L PK
GREEG APPLIANCE, INC.

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 02/02/2010. A field inspection and internal review reveals that an entrance onto US 40 is consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for 6026 BALTO. NAT'L PK., Case Number 2010-0200A.

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,


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

RE: PETITION FOR VARIANCE * BEFORE THE
6026 Baltimore National Pike; N/S Baltimore *
Nat'l Pike, 20' W c/line of Winters Lane * ZONING COMMISSIONER
1st Election & 1st Councilmanic Districts
Legal Owner(s): Einbinder Properties, LLC * FOR
Contract Purchaser(s): GREGG Appliances, Inc
Petitioner(s) * BALTIMORE COUNTY
* 10-200-A

* * * * *

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.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

FEB 01 2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of February, 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: Debra Wiley
To: Livingston, Jeffrey; Murray, Curtis
Date: 3/4/2010 11:29 AM
Subject: Comments Needed
Attachments: March Calendar

Good Morning Gentlemen:

In reviewing case files for next week's hearings, it appears Bill needs comments for:

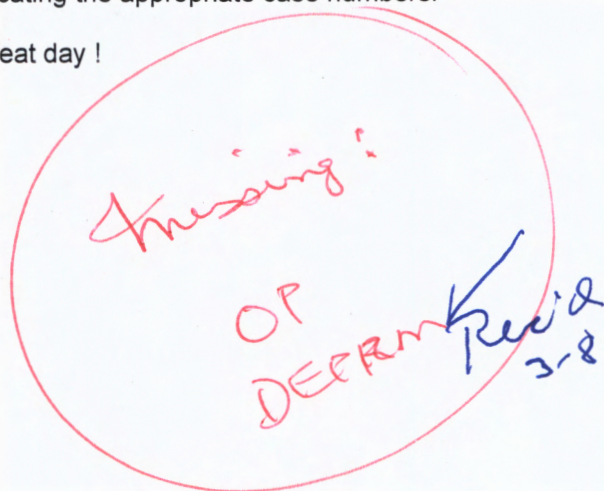
3/8 @ 9 AM (need Planning)

3/11 @ 9 AM (need Planning & DEPRM)

I've attached the March calendar for your convenience in locating the appropriate case numbers.

As always, thanks for your usual cooperation and have a great day !

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



March 2010

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 LIQUOR BOARD	2 (9-11) Code Enforcement Hearings	3 (12 - until) Blood Drive Set-up	4 BLOOD DRIVE	5 BLOOD DRIVE	6
7	8 LIQUOR BOARD	9 (9-11) Code Enforcement Hearings	10 (9-11) Code Enforcement Hearings	11 (9) 010-0200-A (10) 010-0089-A (11) (2) BW	12 (9) 010-0191-A (10) 010-0167-SPH (11) (2) NO BW TB	13
14	15 LIQUOR BOARD	16 (9-11) Code Enforcement Hearings	17 (9-11) Code Enforcement Hearings	18 (9) (10) (11) (2) NO BW	19 (9) (10) (11) (2) NO BW	20
21	22 LIQUOR BOARD	23 (9-11) Code Enforcement Hearings	24 (9-11) Code Enforcement Hearings	25 (9) (10) (11) (2)	26 (8 -9:30) Don Brand (10) (11) (2)	27
28	29 LIQUOR BOARD	30 (9-11) Code Enforcement Hearings	31 (9-11) Code Enforcement Hearings			

CASE NAME 2010-0200 *Tringeche*
 CASE NUMBER 6026 Bulto, Nali'e
 DATE 3/11/10 *Pine*

[illegible]



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw5.1d)

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

Account Identifier: District - 03 **Account Number -** 0316062160

Owner Information

Owner Name: POTEMKIN BERTRAM L
 POTEMKIN ANITA H
Mailing Address: 3602 GARDENVIEW RD
 BALTIMORE MD 21208-1510

Use: RESIDENTIAL
Principal Residence: YES
Deed Reference: 1) / 4774/ 397
 2)

Location & Structure Information

Premises Address
 3602 GARDENVIEW RD

Legal Description

STEVENSON PARK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	
68	9	27				B	11	2	3	
									Plat Ref:	28/ 39

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1963	1,984 SF	37,026.00 SF	04
Stories 1	Basement YES	Type STANDARD UNIT	Exterior BRICK

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2009	07/01/2010
Land	128,250	175,750		
Improvements:	269,870	269,330		
Total:	398,120	445,080	429,426	445,080
Preferential Land:	0	0	0	0

Transfer Information

Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

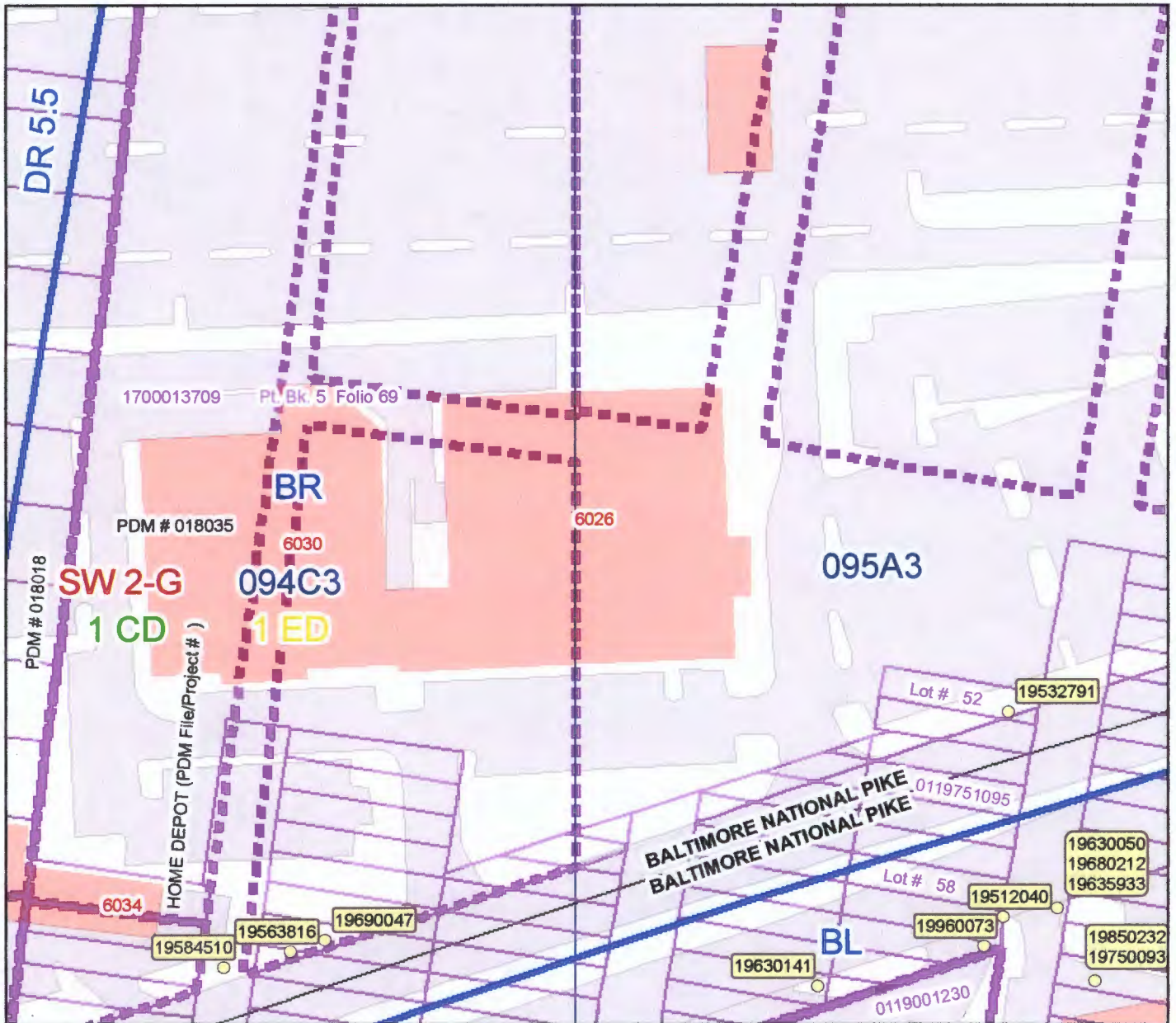
Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

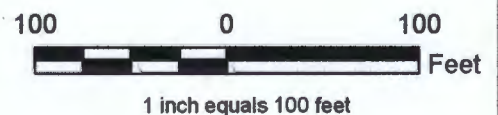
6026 Baltimore National Pike



DQ Map Notes



Publication Date: January 19, 2010
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



Item # 0200



ZONING MAP #094C3
& 095A3
SCALE: 1" = 200'

Item #0200

Case No.: 2010-0200-A

6026 Baltimore National Pike

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	A - SITE PLAN 1B - SIGN DETAIL	
No. 2	Rick Richardson Resume	
No. 3	Aerial Photo ZONING Designations	
No. 4	SIGN DETAIL AND ACCESS POINTS	
No. 5	PHOTOS - Existing Conditions	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

tel. 410-560-1502
fax 410-560-0827

Patrick C. Richardson, Jr., PE
30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

EDUCATION

BSCE University of Delaware, 1982

Professional Engineer in Maryland 1988, Virginia 1993, Washington DC 1997, Delaware 1997

WORK EXPERIENCE

October 1999 to Present, Richardson Engineering, LLC

Owner of engineering firm specializing in Commercial and Residential Land Development. Work includes preparation of zoning plats, site development plans and project management for site development projects. Projects including: Giant Food Stores in Baltimore City and County, Krispy Kreme Stores in Maryland, Verizon switch station expansions in Maryland, Parkway 100 and Techwood Center in Anne Arundel County, and Columbia Technology Campus in Howard County.

July 1999 to September 1999, Purdum and Jeschke, LLC

Chief engineer responsible for preparation of layout and construction documents for commercial land developments. Work included preparation of zoning plats, site development plans and project management for sites in Maryland. Projects including: Loyola College play fields, Baltimore City, Md.; St Paul's Lutheran Church, Baltimore Co.; Red Star Yeast, Baltimore City; Giant Food Stores in Baltimore City.

February 1997 to June 1999, William Monk, Inc.

Chief engineer responsible for preparation of layout and construction documents for commercial land developments. Work included preparation of zoning plats, site development plans and project management for sites in Maryland and Washington DC.

Major projects including: Edmondson Square Shopping Center, Baltimore City, Md. Amoco Oil Company, sites in Baltimore, Anne Arundel, Prince George's, Howard and Baltimore City. Chick-fil-A Restaurant, Baltimore, Anne Arundel and Frederick Co., Md. International Trade Center Office Warehouse, Anne Arundel Co. Md. KFC Restaurants in Maryland and Washington DC.

April 1986 to Jan. 1997, STV Incorporated

Project Manager in the Site Development Department. Responsible for supervision of the preparation of design documents for the department, including review and sealing all documents submitted to reviewing agencies.

Major projects including: The New International Terminal at BWI Airport: Responsible for management of the civil aspects of the site construction including airfield taxiway and hardstand construction, reconstruction of the existing roadways and extension of the upper level roadway bridge to service the building addition. FILA Warehouse - 650,000 SF warehouse in Brandon Woods Industrial Park, Anne Arundel County, Md. Work included coordination with ongoing infrastructure grading, utilities, construction and sediment control for the adjacent activities. FILA Warehouse - 500,000 SF warehouse in Holabird Industrial Park, Baltimore City, Md. Work included getting permission to construct across Municipal Utilities, and Chesapeake Bay Critical Area mitigation. Amoco Oil Company Convenience

PETITIONER'S

EXHIBIT NO. 2

Mart on Route 140 and Sandymount Road, Carroll County, Md. Blockbuster Video - New store in Jacksonville, Baltimore County, Md. EXXON Company USA - Demolish and Rebuild' Belvedere and York Roads, Baltimore City, Md. Parkway Crossing Shopping Center - Work included reconstruction for several stores, and a new culvert and access from Perring Parkway including a State Highway Access Permit and WRA approval. Old Dominion Freight Lines - 25,000 SF Addition to existing warehouse, Howard County, Md. Ashton Meadows 300 unit apartment complex in Howard County, Md. Sunrise House of Towson 56 unit three story assisted living facility, Baltimore County, Md. SCM Chemicals Hawkins Point Plant Numerous projects including (2) million gallon tanks and secondary containment, chlorinator replacement, railroad track improvements, technical center building addition and secondary containment for existing tanks. Work included a stormwater management master plan for the facility, Chesapeake Bay Critical Area mitigation and railroad track design. National Gypsum - Canton Plant expansion including dock improvements, storm water management for the Chesapeake Bay Critical Area, grading, utilities, and sediment control. Bayview Medical Campus - Design of infrastructure for the first phase of development of the campus including 0.6 mile road and utilities, and a 19 acre park with a pond.

February 1985 to March 1996, Spellman, Larson and Associates
Engineer/Designer/Draftsman for land development projects in Baltimore County

May 1982 to January 1985, CBI Industries
Engineer for construction of steel plate structures. Field engineer responsible for layout of materials, and coordination with field personnel. Worked on the Peach Bottom No. 2 Recirculation and Reheat Piping Replacement preparing procedures and policies for the construction and field supervision of the work.



PETITIONER'S

EXHIBIT NO. 3



Rear of Staples store from Home Depot parking lot



Rear of HHGregg store from Home Depot parking lot

PETITIONER'S

EXHIBIT NO.

54



Front of HHGregg store (east side of building)



Front of HHGregg store (east side of building)

PETITIONER' S
EXHIBIT NO. 5 B



View from HHGregg entrance to Home Depot behind



Baltimore National Pike side of building for HHGregg store

PETITIONER' S
EXHIBIT NO. 5C

Prepared For:



Cantonsville ,MD
11/5/09



Client:



Revisions:

REV	DATE	DESCRIPTION	BY
1	10/14/09	CHANNEL LETTERS	MJD
2	11/17/09	ADDED ELEVATIONS	MJD

1imageone ind.
identification specialists
125 Phyllis Drive
Croydon, PA 19021
(215) 826-0880 Phone
(215) 826-0514 Fax

Design and construction documents as instruments of service are given in confidence and remain property of Imageone Industries. The use of this design and construction documents for purposes other than the specific project named herein is strictly prohibited without the expresses written consent of Imageone Industries

Location:
6026 Baltimore National Pike
CATONSVILLE, MD

Description:
SITE PLAN

Drawn By: MJD

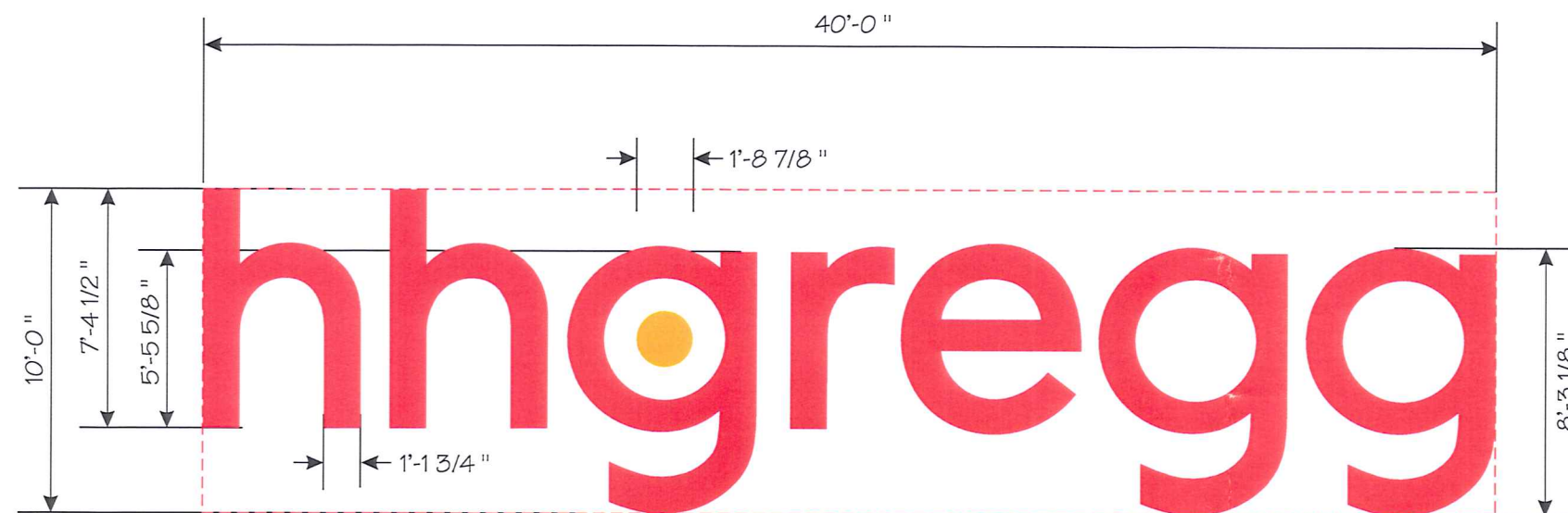
Date: 10/14/09

PETITIONER' S

EXHIBIT NO. 4A



ELEVATION DETAIL
SCALE: 1/16" = 1'



1 SIGNAGE DETAIL
SCALE: 3/16" = 1'-0"

400.00 SQ. FT.

Color Key	
	-PMS 711c -Acrylic: Red Plexiglas # 2793 -Vinyl: 3M Scotchcal Red #3630-33
	-PMS 7409c -Acrylic: Yellow Plexiglas # 2016 -Vinyl: 3M Scotchcal Golden Yellow #3630-125
	-PMS Black -Paint: Match Mathews # MP 9235P Black -Vinyl: 3M Scotchcal # 3630-22
	-PMS White -Vinyl: 3M Scotchcal # 3630-20

Client:



Revisions:

REV	DATE	DESCRIPTION	BY
1	10/14/09	CHANNEL LETTERS	MJD
2	11/17/09	ADDED ELEVATIONS	MJD



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Location:

6026 Baltimore National Pike
CATONSVILLE, MD

Description:

Elevation W/ Illuminated
Channel Letters

Drawn By:

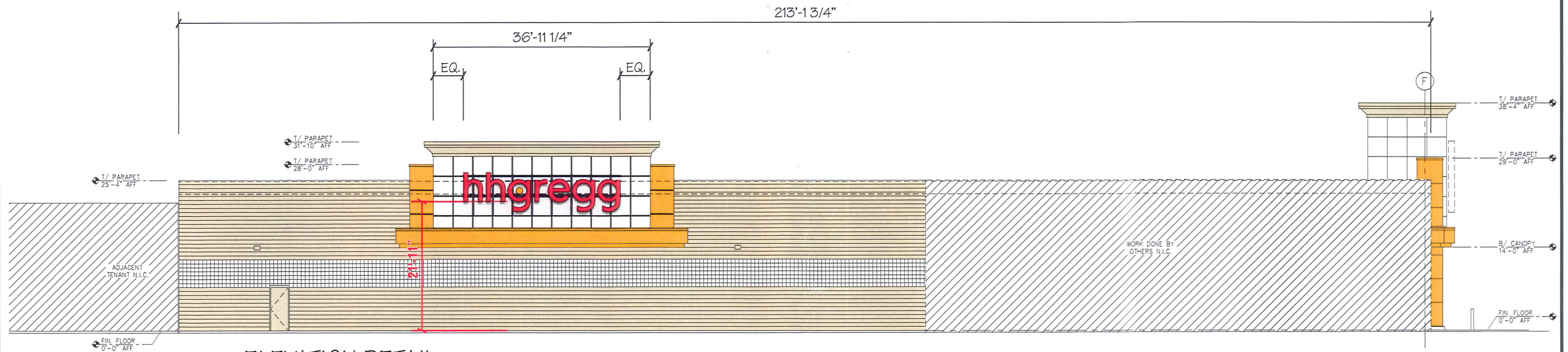
Date:

10/14/09

PETITIONER'S

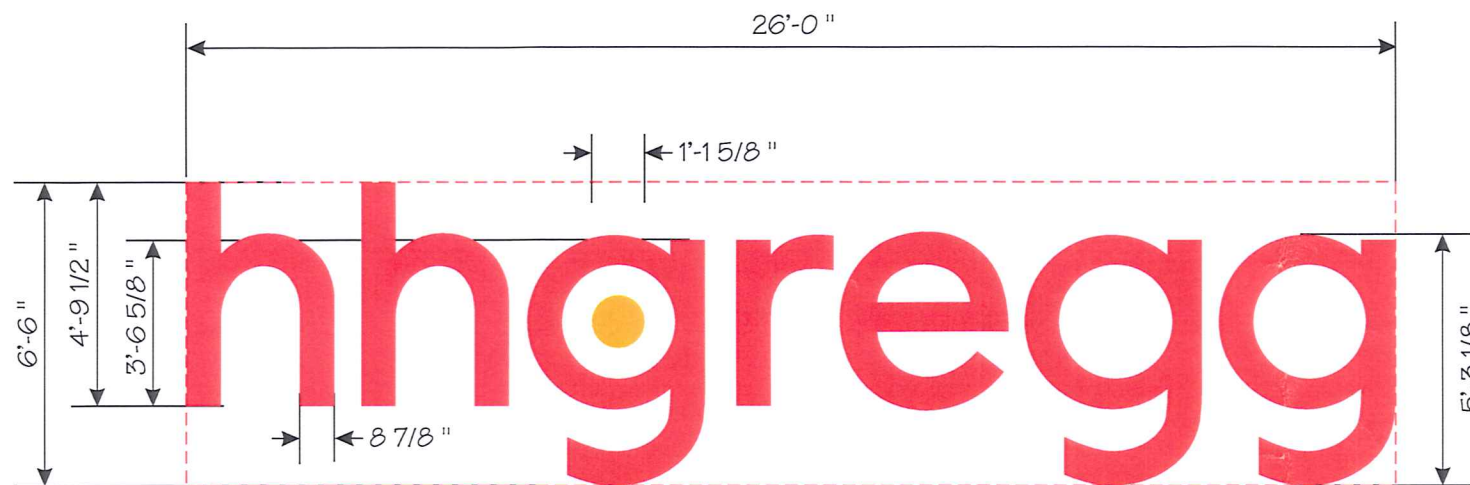
EXHIBIT NO.

48



ELEVATION DETAIL

SCALE: 1/16" = 1'



② SIGNAGE DETAIL

SCALE: 1/4" = 1'-0"

169.00 SQ. FT.

Color Key	
	-PMS 711c
	-Acrylic: Red Plexiglas # 2793
	-Vinyl: 3M Scotchcal Red #3630-33
	-PMS 7409c
	-Acrylic: Yellow Plexiglas # 2016
	-Vinyl: 3M Scotchcal Golden Yellow #3630-125
	-PMS Black
	-Paint: Match Mathews # MP 9235P Black
	-Vinyl: 3M Scotchcal # 3630-22
	-PMS White
	-Vinyl: 3M Scotchcal # 3630-20

Client:



Revisions:

REV	DATE	DESCRIPTION	BY
1	10/14/09	CHANNEL LETTERS	MJD
2	11/17/09	ADDED ELEVATIONS	MJD



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Location:

6026 Baltimore National Pike
CATONSVILLE, MD

Description:

Elevation W/ Illuminated
Channel Letters

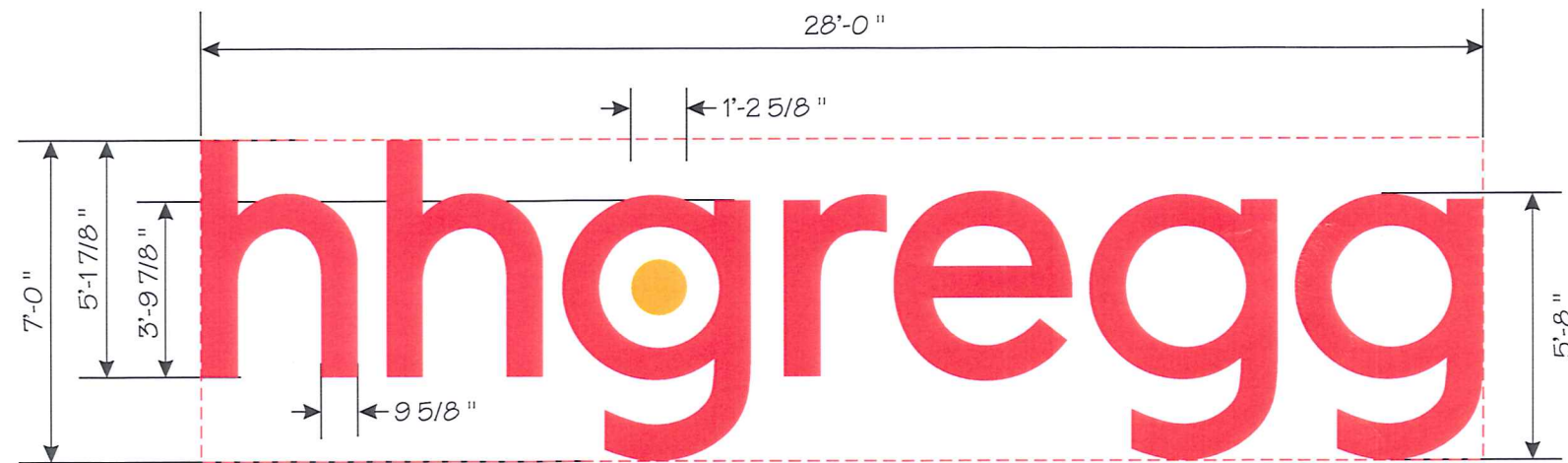
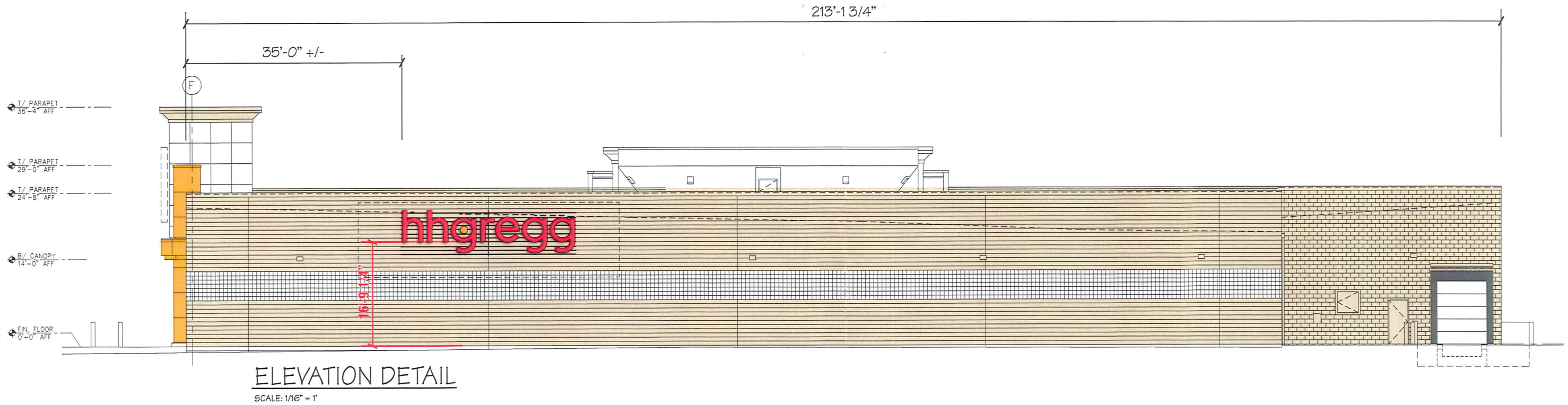
Drawn By:

Date:

PETITIONER'S

EXHIBIT NO.

4C



196.00 SQ. FT.

PETITIONER' S

EXHIBIT NO. 4D

Color Key	
	-PMS 711c -Acrylic: Red Plexiglas # 2793 -Vinyl: 3M Scotchcal Red #3630-33
	-PMS 7409c -Acrylic: Yellow Plexiglas # 2016 -Vinyl: 3M Scotchcal Golden Yellow #3630-125
	-PMS Black -Paint: Match Mathews # MP 923SP Black -Vinyl: 3M Scotchcal # 3630-22
	-PMS White -Vinyl: 3M Scotchcal # 3630-20

Client:



Revisions:

REV	DATE	DESCRIPTION	BY
1	10/14/09	PYLON LAYOUTS	MJD
2	11/17/09	ADDED ELEVATIONS	MJD

imageone ind.
identification specialists
125 Phyllis Drive (215) 826-0880 Phone
Croydon, PA 19021 (215) 826-0514 Fax

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Location:

6026 Baltimore National Pike
CATONSVILLE, MD

Description:

Elevation W/ Illuminated
Channel Letters

Drawn By:

MJD

Date:

10/14/09

Job No.:

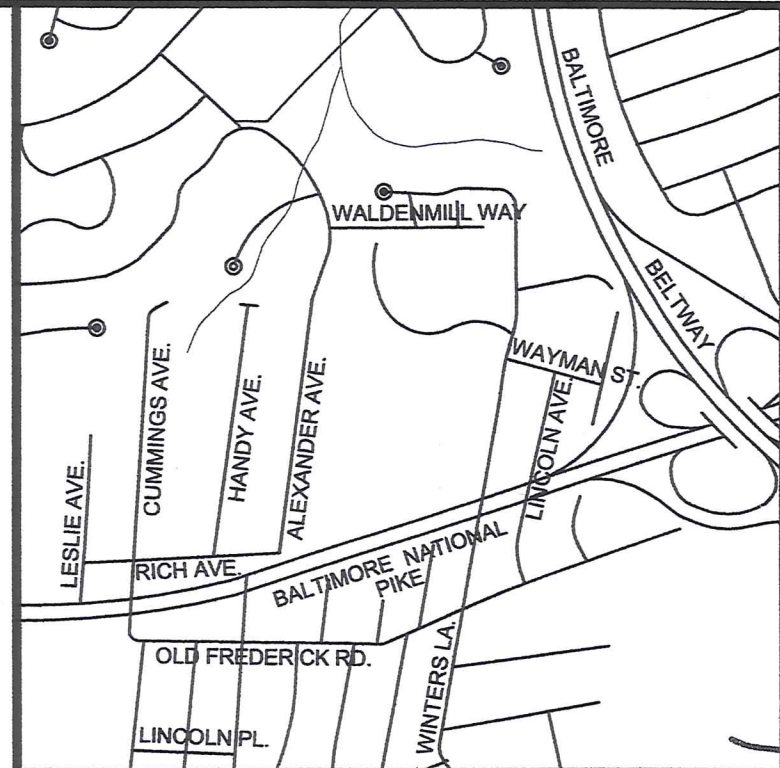
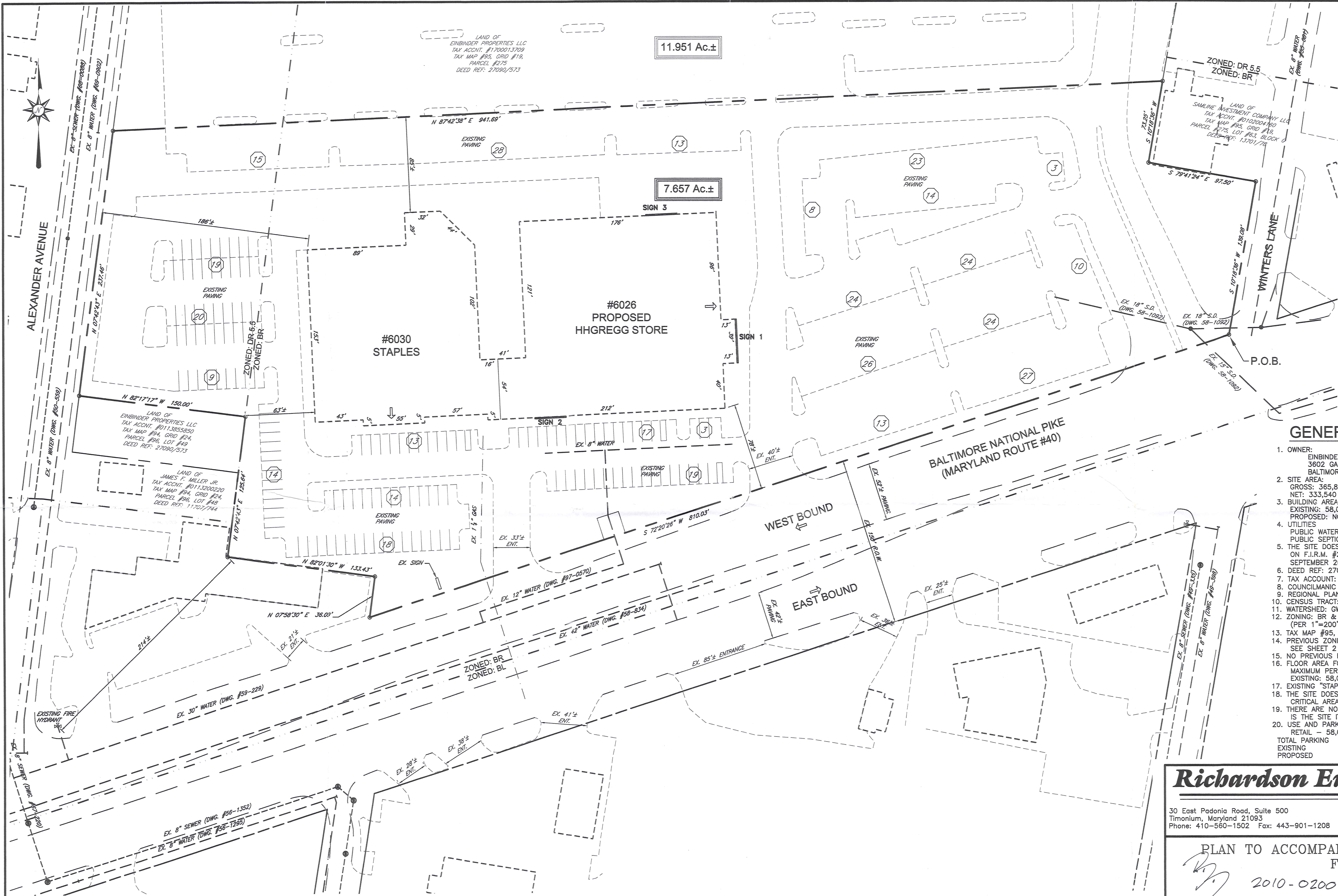
09-217R2

Scale:

AS NOTED

Drawing No.:

09-217-pg5



GENERAL NOTES:

- OWNER: EINBINDER PROPERTIES LLC
3602 GARDENVIEW ROAD
BALTIMORE, MARYLAND 21208-1510
- SITE AREA:
GROSS: 365,881 Sq.Ft. or 8.399 Ac.±
NET: 333,540 Sq.Ft. or 7.657 Ac.±
- BUILDING AREA:
EXISTING: 58,064 Sq.Ft.
PROPOSED: NO CHANGE
- UTILITIES:
PUBLIC WATER.
PUBLIC SEPTIC.
- THE SITE DOES NOT LIE WITHIN THE FLOODPLAIN AS SHOWN ON F.I.R.M. #2400100386F, PANEL # 386 OF 580 DATED SEPTEMBER 26, 2008.
- DEED REF: 27090/573
- TAX ACCOUNT: #1700013709
- COUNCILMANIC DISTRICT: 1st
- REGIONAL PLANNING DISTRICT: 323A
- CENSUS TRACT: 4015.05
- WATERSHED: GWYNNS FALLS
- ZONING: BR & DR 5.5
(PER 1"=200' ZONING MAP 094C3 & 095A3)
- TAX MAP #95, PARCEL #275
- PREVIOUS ZONING CASES ON FILE:
SEE SHEET 2 FOR LISTING OF CASES
- NO PREVIOUS PERMITS ON FILE.
- FLOOR AREA FOR BR:
MAXIMUM PERMITTED: 2.0
EXISTING: 58,064 + 365,881 = 0.16
- EXISTING "STAPLES" SIGN TO REMAIN.
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC.
- USE AND PARKING:
RETAIL - 58,064 Sq.Ft. @ 5/1000 = 291 SPACES
TOTAL PARKING REQUIRED PROVIDED
EXISTING 291 SPACES 398 SPACES
PROPOSED 291 SPACES 398 SPACES

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION
FOR
2010-0200-A
RETAIL CENTER
6026 BALTIMORE NATIONAL PIKE
(MARYLAND ROUTE #40)

PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS
WERE PREPARED OR APPROVED BY ME, AND
THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE
OF MARYLAND, LICENSE NUMBER 16597,
EXPIRATION DATE: 08-01-2009



1ST ELECTION DISTRICT		BALTIMORE COUNTY, MARYLAND		
PETITIONER'S		DRAWN BY:	DESIGNED BY:	SCALE:
EXHIBIT NO. 1A		CND	PCR	1" = 40'
DATE:		JOB NO.:	SHEET NO.:	
12-13-09		09114	1 OF 2	