

11/16/18

IN RE: PETITION FOR VARIANCE

S side of Eastern Boulevard at W side
of Marie Avenue
15th Election District
7th Councilmanic District
(15, 23, 25 and 27 Eastern Blvd.)

**Riverview Square, LLC and
Epimetheon Investments, LLC**
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* CASE NO. 2010-0362-A
*

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before this Deputy Zoning Commissioner for consideration of a Motion for Reconsideration filed by Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County. The Motion for Reconsideration was filed pursuant to Rule 4(k) of Appendix G of the Baltimore County Zoning Regulations (B.C.Z.R.) wherein the Rules of Practice and Procedure before the Zoning Commissioner/Hearing Officer for Baltimore County are provided. Rule 4(k) permits a party to file a Motion for Reconsideration of an Order issued by the Zoning Commissioner. This Motion must be filed within 30 days of the date the Order was issued, and must state with specificity the grounds and reasons for their request.

In the instant matter, the legal owners of the subject property, Riverview Square, LLC and Epimetheon Investments, LLC, requested Variance relief from Sections 409.6.A.2 and 409.8.A.4 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit 97 parking spaces in lieu of the required 154 parking spaces, and to permit a parking space with a 5 foot setback to public street right-of-way in lieu of the required 10 feet, respectively. Petitioners also requested Variance relief from the Table of Sign Regulations set forth in Section 450.4 - Attachment 1.1 of the B.C.Z.R. to permit 2 freestanding joint identification signs in lieu of the permitted 1 freestanding

joint identification sign for an existing restaurant, proposed restaurant and proposed retail stores. The undersigned convened a public hearing on September 2, 2010 in Room 106 of the County Office Building located in Towson and a follow up hearing on September 20, 2010. The initial hearing was attended by Tony Akaras, Managing Member, on behalf of Petitioners, and David Billingsley with Central Drafting & Design, Inc., Petitioners' zoning and land use consultant. Also appearing in support of the relief was Andrea Van Arsdale, Revitalization Director with the Baltimore County Department of Economic Development. There were no Protestants or other interested persons in attendance at the hearing. After considering the testimony and evidence offered by Petitioners in support of the relief, as well as the testimony received from Ms. Van Arsdale and a letter of support dated August 26, 2010 from the Department of Economic Development, the undersigned issued an Order dated September 28, 2010 granting the parking and signage Variance requests.

Thereafter, Mr. Zimmerman submitted a letter dated October 21, 2010, to be treated as a Motion for Reconsideration, and another letter dated October 27, 2010 to supplement the previous letter. In his Motion, Mr. Zimmerman points out that by virtue of being located in the Essex Revitalization Area, this commercial redevelopment proposal is subject to review by the Design Review Panel ("DRP"), whose recommendations are generally binding on the hearing officer. He asked that the record be kept open for reconsideration until the DRP had concluded its review in order to incorporate DRP recommendations, especially if that resulted in an alteration of the proposal. Mr. Zimmerman also indicated he would forward the site plan to Stephen Weber, Chief of the County's Division of Traffic Engineering, to review the plan and determine if he had any recommendations. In the second letter dated October 27, 2010, Mr. Zimmerman attached Mr.

Weber's email comments and highlighted his findings, including concerns about parking and traffic congestion, and potential overflow parking into the residential area nearby.

In considering the Motion for Reconsideration, the undersigned reviewed the case file -- including the Petition, the exhibits admitted into evidence, and the Zoning Advisory Committee ("ZAC") comments -- and the Findings of Fact and Conclusions of Law dated September 28, 2010, as well as the two letters submitted by Mr. Zimmerman in support of the Motion.

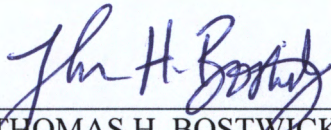
After reviewing the aforementioned documents, I believe the case warrants granting the reconsideration only as to the DRP issue. While I appreciate his input and expertise, I do not find that the case warrants reconsideration on the parking and traffic issues raised by Mr. Weber. Mr. Zimmerman correctly states that Petitioners' proposal must be reviewed by the DRP, and that the DRP's recommendations could result in alterations to the site plan approved pursuant to my September 28, 2010 Order. Therefore, I will add a condition to the Order that the recommendations put forth by the DRP shall be incorporated as conditions of the variance relief granted in the case. As to Mr. Weber's comments concerning parking and traffic issues, having considered the evidence presented by Petitioners' representative, Mr. Akaras, and Petitioners' consultant, Mr. Billingsley, as well as the testimony of Ms. Van Arsdale, I am persuaded that the parking provided by Petitioners, combined with the available street parking, will adequately serve the site. In my judgment, the issues raised by Mr. Weber were addressed satisfactorily at the hearing. Hence, I shall deny that aspect of the Motion for Reconsideration.

WHEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of November, 2010 that People's Counsel's Motion for Reconsideration pursuant to the letter dated October 21, 2010 be and is hereby **GRANTED** and a fifth condition shall be added to the Order issued in the case as follows:

5. The subject redevelopment proposal is located in the Essex Revitalization Area and is subject to review by the Design Review Panel ("DRP"). The recommendations of the DRP are hereby incorporated into this Order as a condition of the relief granted as if fully set forth herein.

IT IS FURTHER ORDERED that People's Counsel's Motion for Reconsideration pursuant to the supplemental letter dated October 27, 2010 be and is hereby **DENIED**.

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



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

November 16, 2010

PETER MAX ZIMMERMAN
PEOPLE'S COUNSEL FOR BALTIMORE COUNTY
JEFFERSON BUILDING
105 WEST CHESAPEAKE AVENUE, ROOM 204
TOWSON MD 21204

Re: Petition for Variance
Order on Motion for Reconsideration
Case No. 2010-0362-A
Property: 15, 23, 25 and 27 Eastern Blvd.

Dear Mr. Zimmerman:

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: Tony Akaras, Managing Member, Riverview Square LLC, Epimetheon Investments LLC, 4704
Harvard Road, College Park MD 20740
David Billingsley, Central Drafting & Design, Inc., 601 Charwood Court, Edgewood MD 21040
Andrea Van Arsdales, Revitalization Director, Baltimore County Department of Economic Development



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

October 27, 2010

HAND DELIVERED

Thomas H. Bostwick, Deputy Zoning Commissioner
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

RECEIVED

OCT 27 2010

ZONING COMMISSIONER

Re: PETITION FOR VARIANCE
Riverview Square, LLC and Epimetheon Investments, LLC – Petitioners
15, 23, 25 and 27 Eastern Boulevard
Case No: 2010-362-A

Dear Mr. Bostwick,

This supplements the Motion for Reconsideration filed on October 21, 2010 concerning the Essex Gateway Center redevelopment/expansion project.

Stephen Weber, Chief, Division of Traffic Engineering, has sent the enclosed e-mail dated October 22, 2010 with detailed analysis of parking variances and issues. The expansion causes problems because it adds a new building with 4,500 square feet for restaurant and retail use, eliminates about 14 parking spaces, and otherwise makes significant modifications.

Mr. Weber finds Petitioners' description of pedestrian accessibility to be exaggerated. He observes that Petitioners' proposed use of the County Park and Ride area would displace parking intended for mass transit users and so conflict with the intended public use. He also notes that Virginia Avenue has very limited on-street parking available, so that there is a likelihood of the generation of overflow parking into the adjacent Marie Avenue residential area.

Mr. Weber also disagrees with Petitioners' claim that the property is unique because of its supposed irregular shape. The shape of the property, mainly rectangular, has nothing to do with the parking variances. Rather, it is the proposal to redevelop and expand the land uses, and the desire to construct an additional building, which creates the need for additional parking.

October 27, 2010

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In many variance cases, Petitioners make legal arguments for uniqueness based on alleged irregularity of a property's shape: i.e., triangular, pie-shaped, curving, etc. These claims are usually artificial, in that they have nothing to do with any real practical difficulty hindering the use of the site. They are especially artificial where the proposed variances are attributable to expansion. It is sometimes possible to overlook such artificial arguments where the proposed use does not pose serious problems. This is not the situation here.

While there may be economic development interest in upgrading this site, Mr. Weber's review reveals public safety, health, and welfare concerns about parking and traffic congestion. The price of upgrading this Essex site should not be unintended parking congestion, misuse of the Park & Ride area for mass transit users, and overflow parking into the residential area. Based on Mr. Weber's review, these would be the consequences. So, along with incomplete design review, it appears that the Petitioners have not taken into account the full scope of traffic issues.

Thank you for your consideration.

Sincerely,



Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ/rmw

cc: David Billingsley, Central Drafting & Design, Inc
Anthony Akaras, Managing Member, Riverview Square, LLC
Arnold "Pat" Keller, Planning Director
John Alexander, area planner
Stephen Weber, Chief, Division of Traffic Engineering
Andrea Van Arsdale, Economic Development

From: Stephen Weber
To: People's Counsel
CC: John Alexander; Pat Keller
Date: 10/22/2010 11:44 PM
Subject: Fwd: Riverview Square Zoning Case 10-362-A, Eastern Boulevard, "Essex Gateway Center Project" for redevelopment
Attachments: 20101015120335.PDF

Dear Mr. Zimmerman:

We have reviewed the Deputy Zoning Commissioner's attached Order for the subject case. While we understand the desire for redevelopment within this commercial corridor, we do have concerns with the granting of a relatively large parking variance for providing basically only 2/3 of the required 154 parking spaces. Mr. Billingsley, the petitioner's consultant, apparently testified that he does not believe parking will be significantly impacted because the idea of the project is to have a walkable shopping center, combined with the fact that there is mass transit in the area as well as a large Park & Ride parking area across Eastern Blvd. Admittedly the property is within close proximity of homes located on the north side of Eastern Blvd and homes located to the east of the site, but there are really no homes to the west or south of the site that area being water. Thus its location is on the perimeter of the residential area and not centered within a residential community. As such, its "walkability" to the greater Essex area is certainly not as great as those properties that lie more within the heart of Essex, such as the downtown area. It is also somewhat concerning when the petitioner's consultant is arguing that the presence of the County Park & Ride lot on the other side of Eastern Blvd is being used to perhaps justify the requested variances. Does that mean that the petitioner is expecting a shortage of parking and that the parking needs of his client can be met by his utilization of public property intended for providing for the needs of citizens wishing to utilize mass transit? If so, the very spaces that his client's customers and/or employees would utilize (those closest to his site) are the very ones that are closest to the bus stop and of most value to those who use public transit. Having people use these prime spaces for overflow parking from adjacent commercial uses and thus denying those spaces to those who will utilize public transit and/or carpool would be entirely counter to the purpose and intent of the County providing this lot to the taxpayers of the County and the County would object to such activity taking place. The whole purpose of providing this parking lot is to encourage use of transit facilities and ride sharing, thus reducing traffic demands and pollution and greenhouse gases, and any use of this lot by others that would adversely interfere with that function has adverse consequences for all of the general public. While I would admit that this lot does currently generally have an excess of available parking spaces, unfortunately human beings tend to be relatively self-centered and they end up parking wherever it is most convenient for them; therefore if the customers and/or employees of the petitioner's site make the transit customers have to walk farther to get the bus, most will not care in the least.

There is often some available on-street parking on Virginia Ave to the south of this site. However, this area also is utilized as overflow parking from the nursing home on the opposite side of Virginia Ave from the subject site. Therefore, available parking on Virginia Ave is limited at times. Obviously the biggest concern would be if customers and/or employees would start parking on Marie Ave in front of residents' homes. Given the proximity of D.R. zoned property directly across Marie Ave from this site, the significant shortage of parking on the site has the potential of generating overflow parking into the adjacent residential neighborhood.

It is noted that the petitioner is proposing to eliminate current substandard parking directly into Marie Ave and providing associated roadway improvements with curb & gutter and sidewalk along Marie Ave, and that doing so is going to result in the loss of about 14 spaces. Clearly this demonstrates where bringing the current site up to code can have some adverse consequences on the site providing for its parking needs. Mr. Billingsley cites the "irregular shape" of the property as justification for the parking variance, yet while there is a relatively small triangular area to the west of the existing diner that is agreeably largely unusable, the vast majority of the site is essentially a large rectangle and for the most part of very standard regular shape. It is not clear where the site could be considered irregularly shaped. What is not so "normal" is the positioning of the existing bingo hall within the site, which cuts it up into less usable portions.

Converting the bingo hall to retail space certainly ends up requiring the majority of the parking on the site, a total of 77 parking spaces. Then the existing diner requires 33 spaces for a total of 110 spaces, or 13 spaces over what is being provided on the site. That level of parking shortage is certainly within reason. The significant shortage of parking spaces is then basically caused by the petitioner's desire to construct a brand new additional building on the site containing a 2,000 sq. ft. restaurant and an additional 2,500 sq. ft. of retail space in addition to the 15,385 sq. ft. being provided by the bingo hall. Therefore, it is not that the site cannot generally accommodate its parking demands in order to redevelop the site by converting the existing bingo hall to retail use and retaining the existing diner. The parking shortage is created by the desire to build an additional building on the site with the fact that placing an additional restaurant requires significantly more parking. Admittedly in such cases it is not always possible to know what retail use and/or restaurant is going to go on the site (now or in the future) and thus what level of popularity is likely to be generated. It is feasible that the site could generally accommodate its parking demands if the restaurants and retail uses are not that successful in attracting customers, but that is generally not the hope of those who develop such sites or operate such businesses. Therefore, we would only question the advisability of allowing the proposed 4,500 sq. ft. building to be built with this project or whether the size of the proposed building should be reduced to try and keep the parking demands reasonably within the site boundaries.

Should you wish to discuss this matter further or have any questions regarding this information, please give me a call.

Stephen E. Weber, Chief
Div. of Traffic Engineering
Baltimore County, Maryland
111 W. Chesapeake Avenue, Rm. 326
Towson, MD 21204
(410) 887-3554

>>> People's Counsel 10/15/10 12:05 PM >>>
Gentlemen

This is another case where the planning office recommended that design review be done before having a zoning hearing. Nevertheless, it appears that the Deputy Zoning Commissioner went forward and decided the case before design review was complete.

DZC Bostwick's enclosed September 28, 2010 decision did require submission to the Office of Planning of a landscape and screening plan, architectural plans, and elevation drawings prior to building permit approval.

Are you satisfied with this procedure, or should the zoning be reconsidered or remain open to allow for full design review.

Are you also satisfied that the parking situation and modifications are OK for this redevelopment? I am sending the opinion also to Steve Weber.

Our deadline for requesting reconsideration is October 28.

Thank you all for your thoughts.

Peter Max Zimmerman



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

October 21, 2010

RECEIVED

OCT 21 2010

HAND DELIVERED

Thomas H. Bostwick, Deputy Zoning Commissioner
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

ZONING COMMISSIONER

Re: PETITION FOR VARIANCE
Riverview Square, LLC and Epimetheon Investments, LLC – Petitioners
15, 23, 25 and 27 Eastern Boulevard
Case No: 2010-362-A

Dear Mr. Bostwick,

Please accept this letter as a Motion for Reconsideration under Rule 4K of the Findings of Fact and Conclusions of Law and Order dated September 28, 2010 in the above case.

As reflected in the opinion, this proposal is for a commercial redevelopment in the Essex Revitalization Area. This is a Design Review Area listed in County Code Section 32-4-204(c)(2). Therefore, the proposal is subject to review by the Essex Design Review Panel (DRP) under Code Section 32-4-203. The DRP recommendations are binding, unless there is an abuse of discretion or lack of documentary and evidentiary support. Section 32-4-203(i).

Upon review with the Office of Planning, and as is apparent from the DRP law, the DRP could alter the plan approved in the September 28, 2010 order. Therefore, to avoid confusion and assure compliance with the DRP law, it makes sense to keep this case open for reconsideration until the DRP has concluded its work. Our office has taken the same position in other cases.

At the same time, in view of the parking variances for 97 instead of 153 spaces, and 5 feet from the public street right-of way instead of 10 feet, and the modifications to the parking situation generally, we have also asked Stephen Weber, Chief of the Division of Traffic Engineering, to review the plan to see if he has any recommendations.

Thomas H. Bostwick, Deputy Zoning Commissioner

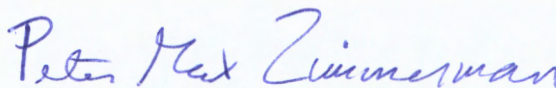
October 21, 2010

Page 2

We recognize that there is an interest in the redevelopment of this property. Nevertheless, before the plan is finalized, it is reasonable to consider and/or integrate the DRP review and any traffic engineering recommendations before the zoning approval is final.

Thank you for your consideration.

Sincerely,



Peter Max Zimmerman

People's Counsel for Baltimore County

PMZ/rmw

cc: David Billingsley, Central Drafting & Design, Inc
Anthony Akaras, Managing Member, Riverview Square, LLC
Arnold "Pat" Keller, Planning Director
John Alexander, area planner
Stephen Weber, Chief, Division of Traffic Engineering
Andrea Van Arsdale, Economic Development

2 / 2

IN RE: PETITION FOR VARIANCE

S side of Eastern Boulevard at W side
of Marie Avenue
15th Election District
7th Councilmanic District
(15, 23, 25 and 27 Eastern Blvd.)

**Riverview Square, LLC and
Epimetheon Investments, LLC**
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* **CASE NO. 2010-0362-A**
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owners of the subject property, Riverview Square, LLC and Epimetheon Investments, LLC. Petitioners are requesting Variance relief from Sections 409.6.A.2 and 450.4 Attachment 1.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit 97 parking spaces in lieu of the required 154 parking spaces, and to permit 2 freestanding joint identification signs in lieu of the permitted 1 freestanding joint identification sign for an existing restaurant, proposed restaurant and proposed retail stores. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requested variance relief were Tony Akaras, Managing Member, on behalf of Petitioners Riverview Square, LLC and Epimetheon Investments, LLC, and David Billingsley with Central Drafting & Design, Inc., Petitioners' zoning and land use consultant. Also appearing in support of the requested relief was Andrea Van Arsdale, Revitalization Director with the Baltimore County Department of Economic Development. There were no Protestants or other interested persons in attendance.

ORDER RECEIVED FOR FILING

Date 9-28-10

By PB

This matter was scheduled for a hearing on September 2, 2010 and as a preliminary matter, Mr. Billingsley indicated that an additional variance request was needed, but was not included in the original Petition or the sign posting or newspaper advertising providing notice of the subject matter of the hearing. Mr. Billingsley requested to amend the Petition to include a request for variance from Section 409.8.A.4 of the B.C.Z.R. to permit a parking space with a 5 foot setback to public street right-of-way in lieu of the required 10 feet. As stated earlier, there were no interested citizens in attendance; however, notice of this aspect of the request for variance relief had not been provided to neighbors or interested persons. Thus, the undersigned permitted the amendment and allowed the hearing to proceed as to all the requested relief, but directed that Mr. Billingsley re-post the property for at least 15 days to include the amended variance relief, and to re-schedule the case beyond that 15 day period in order to give any interested persons the opportunity to respond to that request for variance. The matter was reconvened on September 20, 2010; there were no interested persons in attendance on this hearing date and the matter was adjourned and the evidence closed.

Testimony and evidence offered in the case revealed that the subject property is irregular shaped and is comprised of four parcels. As shown on the Baltimore County Tax Map and the SDAT Real Property Data Search printouts that were marked and accepted into evidence as Petitioners' Exhibits 2A through 2E, the property consists of Parcel 219 (0.694 acre), Parcel 1039 (0.532 acre), Parcel 455 (0.459 acre), and Parcel 701 (0.268 acre) for a total of approximately 2 acres of land, more or less, zoned B.L. Mr. Billingsley proffered that Petitioner Epimetheon Investments, LLC acquired Parcel 219 in 2003 and the remaining parcels were acquired by Petitioner Riverview Square, LLC more recently in March, 2010. As shown on the aerial photograph that was marked and accepted into evidence as Petitioners' Exhibit 3, the

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Date 9.28.10

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By BS

property is located at the southwest corner of Eastern Boulevard and Marie Avenue in the Essex area of Baltimore County. It is also bordered to the south by Virginia Avenue and is approximately 500 feet east of the bridge that crosses Back River toward Eastern Avenue.

Further evidence indicated that the subject property is improved with several buildings that are depicted in the photographs that were marked and accepted into evidence as Petitioners' Exhibits 4A through 4F. This includes the existing one-story Essex Diner building at 15 Eastern Boulevard (2,031 square feet), a large existing one-story block building that was once a bingo hall at 25 Eastern Boulevard (15,385 square feet), and two smaller one-story block buildings at 23H Eastern Boulevard and 27 Eastern Boulevard, respectively, situated on each side of the former bingo hall. The diner has existed at the location since approximately 1992, with the other buildings going back as far as possibly the 1940's.

At this juncture, Petitioners desire to upgrade and aggressively redevelop the property. The diner would remain, as would the former bingo hall building; the other two buildings would be razed. The former bingo hall building would be gutted and renovated extensively in the interior and exterior to make way for walkable retail shops, and a proposed one-story building of approximately 4,500 square feet for additional shops and restaurants would be added to the existing building. Although Petitioners have requested a sign variance, the main issue with the project appears to be parking. Petitioners are requesting a parking variance in order to permit 97 spaces in lieu of the required 154 spaces. They also plan to have parking with a 5 foot setback to a public street right-of-way in lieu of the required 10 feet.

In support of the requested relief, Mr. Billingsley emphasized that the proposed project is a redevelopment of an existing site. The improvements and available parking are already existing and the largest improvement -- the former bingo hall -- dates back from the 1940's.

ORDER RECEIVED FOR FILING

Date 9.28.10 3

By PJ

These features, combined with the irregular shape of the property, limit the number of parking spaces that can be provided. Mr. Billingsley also explained that the area to the west of the diner, between Virginia Avenue and Eastern Boulevard, is essentially a "dead" area, in the sense that there are no additional parking improvements that would make sense in that part of the property. Another point regarding parking is that the number of spaces is further reduced by the landscape buffer to the east of the property along Marie Avenue. Although the property currently has about 32 parking spaces (16 spaces back-to-back) adjacent to the road, Petitioners' proposal is to have islands and sidewalks with landscaping, which eliminates the back-to-back parking and reduces the number of spaces in that area by half to 16 total spaces.

In addition, Mr. Billingsley indicated he does not believe parking will be significantly impacted because the idea of the project is to have a walkable shopping center, combined with the fact that there is mass transit in the area as well as a large Park & Ride parking area across the street off Wagners Lane, as depicted in the aerial photograph that was marked and accepted into evidence as Petitioners' Exhibit 5. Mr. Billingsley also submitted colored renderings of the proposed "Gateway Center" shopping center that were marked and accepted into evidence as Petitioners' Exhibits 6A and 6B. These renderings show the potential for the redevelopment of the property, with the former bingo hall transformed into a vibrant shopping complex, and a focal point for this area of the Essex community.

In support of the requested sign variance for two freestanding joint identification signs in lieu of the permitted one sign, Mr. Billingsley pointed out that although this redevelopment project is for one property, it really consists of two separate areas of development. On the one hand, there is the existing Essex Diner that has been at the subject location for almost 20 years and is popular in the community, and which already has an existing freestanding 70 square foot

ORDER RECEIVED FOR FILING

Date 9.28.10

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By B

sign in front of the building, near the corner of Eastern Boulevard and Virginia Avenue. A photograph of the existing sign was marked and accepted into evidence as Petitioners' Exhibit 8. On the other hand, there is the planned area of redevelopment at what amounts to the other end of the property along Eastern Boulevard and its intersection with Marie Avenue. Mr. Billingsley indicated that, as a practical matter, this separate shopping area requires its own signage. Although there might be some overlap between customers of the diner and the new shopping center, most of the time, they will be their own single destinations. Hence, there is a need for an additional freestanding joint identification sign of approximately 100 square feet to accommodate all the proposed retail shops and restaurants.

Also appearing in support of the project was Andrea Van Arsdale with the Department of Economic Development. In addition to echoing Mr. Billingsley's comments in support of the overall project and the related variance requests, Ms. Van Arsdale also submitted a letter of support dated August 26, 2010, which was marked and accepted into evidence as Petitioners' Exhibit 7. The letter related that the subject property is within the Essex Commercial Revitalization District and as such is a priority area for reinvestment and redevelopment. Ms. Van Arsdale also wrote that the project will redevelop a vacant and functionally obsolete building, make a significant capital investment in the District, and add new retail services that will benefit the residents and businesses in the local community. In these very difficult economic times, this type of confidence in the Essex market reinforces public and private reinvestment in the area.

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 July 6, 2010 which indicates that the site is named "Essex Gateway Center" and truly is a visual first view of

ORDER RECEIVED FOR FILING

Date 9.28.10

5

By PS

the Essex commercial district for those driving east on the Eastern Avenue Bridge over Back River. The site is also in the Essex Design Review Area and as such must submit plans and elevations for review through the Office of Planning. The Office also recommends that the design review be done before having the zoning hearing so that the design panel's comments may be incorporated into the site plan and a second zoning hearing is not necessary. The Planning Office also requires a landscape plan that shows an entry feature at the intersection of Eastern and Virginia Avenues, as well as high quality planting along Eastern Avenue. This follows from prior discussions and agreement with the Developer. In addition, the strip of property behind the existing and proposed buildings must be landscaped to provide screening from the adjacent residential uses and the residential community behind the subject property. Subject to review and approval of the landscape and screening plan, the Planning Office supports the proposed zoning requests. Comments were also received from the Department of Environmental Protection and Resource Management dated August 13, 2010 which indicates that the property must comply with the Chesapeake Bay Critical Area Regulations. The property is in an Intensely Developed Area (IDA) within the Chesapeake Bay Critical Area. The 10% pollutant reduction requirements must be addressed for any redevelopment on site.

Considering all the testimony and evidence presented, I am persuaded to grant the variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests, including the unusual shape of the property, its frontage on three public streets, its proximity to the Eastern Avenue Bridge over Back River, and its location as the visual first view of the Essex commercial district for eastbound traffic. In addition, these conditions drive the need for the parking and sign variances. The property is pinched to a degree by the layout and configuration of existing parking area and

ORDER RECEIVED FOR FILING

Date 9.28.10 6

By PJB

buildings, and the desire to "recycle" most of these existing improvements for the new "Gateway Center." Ms. Van Arsdale also notes in her letter of support that the established development pattern of older districts is different than newer ones, often with land parcels that are smaller and more narrowly configured, making it difficult to meet current zoning standards. As to the signage, again the layout and configuration of existing improvements and the "separateness" of the two distinct areas of redevelopment makes two signs necessary for this project. These are the features that render the property unique in a zoning sense.

I also find Petitioners would suffer practical difficulty and undue hardship if the variances were to be denied. Petitioners would have to completely reconfigure the proposed development and could be required to raze the existing former bingo hall in order to meet the Regulations, which would be, to say the least, impractical. Further, I find that the variance requests can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

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

THEREFORE, IT IS ORDERED this 28th day of September, 2010 by this Deputy Zoning Commissioner that Petitioners' Variance requests from Sections 409.6.A.2 and 450.4 Attachment 1.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit 97 parking spaces in lieu of the required 154 parking spaces; to permit 2 freestanding joint identification signs in lieu of the permitted 1 freestanding joint identification sign for an existing restaurant, proposed restaurant and proposed retail stores; and from Section 409.8.A.4 of the B.C.Z.R. to

ORDER RECEIVED FOR FILING

Date 9.28.10

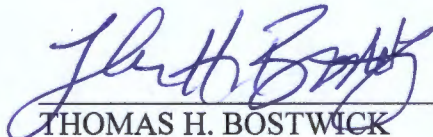
By Bj

permit a parking space with a 5 foot setback to public street right-of-way in lieu of the required 10 feet, be and are hereby **GRANTED**.

The relief granted and the findings made herein are subject to the following which are conditions precedent to the granting of relief:

1. Petitioners are advised that they may apply for any required building permits 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, Petitioners 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 Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other Sections of the Baltimore County Code).
3. The property is in an Intensely Developed Area (IDA) within the Chesapeake Bay Critical Area. The 10% pollutant reduction requirements must be addressed for any redevelopment on site.
4. A landscape and screening plan, as well as architectural plans and elevation drawings, shall be submitted to the Office of Planning for review and approval prior to the issuance of any building permit.

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 9.28.10 8

By 126



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

September 28, 2010

TONY AKARAS, MANAGING MEMBER
RIVERVIEW SQUARE, LLC
EPIMETHEON INVESTMENTS, LLC
4704 HARVARD ROAD
COLLEGE PARK MD 20740

Re: Petition for Variance
Case No. 2010-0362-A
Property: 15, 23, 25 and 27 Eastern Blvd.

Dear Mr. Akaras:

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.

Very truly yours,

A handwritten signature in cursive script, reading "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

Enclosure

c: David Billingsley, Central Drafting & Design, Inc., 601 Charwood Court, Edgewood MD 21040
Andrea Van Arsdale, Revitalization Director, Baltimore County Department of Economic Development



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 15, 23, 25 & 27 EASTERN BOULEVARD
which is presently zoned BL

Deed Reference: 19024 / 1288 Tax Account # 23000/1365, 1600005159
29302 / 113 1519713571, 1519713471

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

SEE ATTACHED

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

TO BE PRESENTED AT HEARING

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

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

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

CURRENTS:

EPIMETHEON INVESTMENTS, LLC
ANTHONY AKARAS MEMBER

Name - Type or Print

Signature

4704 HARVARD ROAD (240) 605-6407

Address

Telephone No.

COLLEGE PARK

MD.

20740

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s): RIVERVIEW SQUARE, LLC
ANTHONY AKARAS MEMBER

Name - Type or Print

Signature

4704 HARVARD ROAD (240) 605-6407

Address

Telephone No.

COLLEGE PARK

MD.

20740

City

State

Zip Code

Representative to be Contacted:

DAVID BILLINGSLEY
CENTRAL DRAFTING AND DESIGN, INC.

Name

601 CHARWOOD COURT (410) 679-8719

Address

Telephone No.

EDGEWOOD

MD.

21040

City

State

Zip Code

Case No. 2010 0362 A

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

1 HR

Reviewed by

JL

Date

6/23/10

REV 8/20/07

ORDER RECEIVED FOR FILING

Date

9.28.10

By

B3

ATTACHMENT 1.1

SECTION 409.6.A.2 AND 450.4 ~~PER~~ (VI) (BCZR) TO PERMIT 97
PARKING SPACES IN LIEU OF REQUIRED 154 PARKING SPACES
AND TO PERMIT 2 FREESTANDING SIGNS IN LIEU OF THE
PERMITTED 1 SIGN FOR AN EXISTING RESTAURANT, PROPOSED
RESTAURANT AND PROPOSED RETAIL STORES

JOINT IDENTIFICATION

ZONING DESCRIPTION

ESSEX GATEWAY CENTER #15, #23, #25 AND #27 EASTERN BOULEVARD

Beginning at the point formed by the intersection of the ~~South~~ side of Eastern Boulevard, Md. Rte. 150 (80 feet wide) with the west side of Marie Avenue (50 feet wide) thence:

(1) S 36 12 39 E 224 feet (2) S 53 47 21 W 60 feet (3) S 36 12 39 E 5.00 feet (4) S 53 47 21 W 200 feet (5) S 36 12 39 E 25.28 feet (6) N 77 47 57 W 227.83 feet (7) 96.22 feet along a curve to the right having a radius of 180 feet (8) 27.59 feet along a curve to the right having a radius of 15 feet (9) 440 feet more or less along a curve to the left having a radius of 11,499.16 feet to the place of beginning.

Containing 2.06 acres of land, more or less.

Being known as 15, 23, 25 and 27 Eastern Boulevard. Located in the 15TH Election District, 7TH Councilmanic District of Baltimore County, Md.



**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:

Item Number or Case Number: 2010 0362 A
Petitioner: RIVERVIEW SQUARE LLC
Address or Location: 15-27 EASTERN BLVD

PLEASE FORWARD ADVERTISING BILL TO:

Name: RIVERVIEW SQUARE LLC
Address: 4704 HARVARD RD
COLLEGE PARK, MD. 20740
Telephone Number: (240) 605-6407

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

✓ 0362

No. 55741

Date: 6/23/10

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				325.00

Total: 325.00

Rec From: _____
 For: 15-27 Eastern Blvd Comm Varance

DISTRIBUTION

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

PAID RECEIPT

DATE: 6/23/2010 10:41:04
 TIME: 10:41:04
 USER: JEFF JEE
 RECEIPT # 28798
 6/23/2010
 325.00
 325.00
 325.00
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

TB
9-20-10

CERTIFICATE OF POSTING

RE: Case No 2010-0362-A

Petitioner/Developer DAVE
BILLINGSLEY

Date Of Hearing/Closing: 9/20/10

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

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 15, 23, 25, 27 EASTERN BOULEVARD

This sign(s) were posted on September 4, 2010
Month, Day, Year
Sincerely,

Martin Ogle 9/4/10
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411



CERTIFICATE OF POSTING

RE: Case No 2010-0362-A

Petitioner/Developer DAVE
BILLINGSLEY

Date Of Hearing/Closing: 9/2/10

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

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 15, 23 25 & 27 EASTERN BLVD

This sign(s) were posted on August 17, 2010

Month, Day, Year

Sincerely,

Martin Ogle 8/17/10

Signature of Sign Poster and Date

Martin Ogle

60 Chelmsford Court

Baltimore, Md, 21220

443-629-3411



W. J. J. 8/17/10

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: # 2010-0362-A

15, 23, 25 & 27 Eastern Boulevard

S/side of Eastern Boulevard at west side of Marie Avenue

15th Election District — 7th Councilmanic District

Legal Owner(s): Riverview Square, LLC, Epimetheon

Investments, Anthony Akaras

Variance: to permit 97 parking spaces in lieu of the required 154 parking spaces and to permit 2 freestanding joint identification signs in lieu of the permitted 1 sign for an existing restaurant, proposed restaurant and proposed retail stores.

Hearing: Thursday, September 2, 2010 at 11:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

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

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

JT 8/201 August 17

251073

CERTIFICATE OF PUBLICATION

8/19/, 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 8/17/, 2010.

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

J. Wilkinson

LEGAL ADVERTISING

TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 17, 2010 Issue - Jeffersonian

Please forward billing to:
Riverview Square, LLC
4704 Harvard Road
College Park, MD 20740

240-605-6407

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: 2010-0362-A

15, 23, 25 & 27 Eastern Boulevard

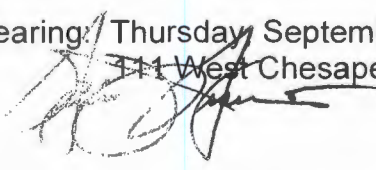
S/side of Eastern Boulevard at west side of Marie Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Riverview Square, LLC, Epimetheon Investments, Anthony Akaras

Variance to permit 97 parking spaces in lieu of required 154 parking spaces and to permit 2 freestanding joint identification signs in lieu of the permitted 1 sign for an existing restaurant, proposed restaurant and proposed retail stores.

Hearing: Thursday, September 2, 2010 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204


WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

August 5, 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: 2010-0362-A

15, 23, 25 & 27 Eastern Boulevard

S/side of Eastern Boulevard at west side of Marie Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Riverview Square, LLC, Epimetheon Investments, Anthony Akaras

Variance to permit 97 parking spaces in lieu of required 154 parking spaces and to permit 2 freestanding joint identification signs in lieu of the permitted 1 sign for an existing restaurant, proposed restaurant and proposed retail stores.

Hearing: Thursday, September 2, 2010 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:kl

C: Anthony Akaras, 4704 Harvard Road, College Park 20740
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, AUGUST 18, 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

August 26, 2010

Anthony Akaras
4704 Harvard Rd.
College Park, MD 20740

Dear: Anthony Akaras

RE: Case Number 2010-0362-A, 15, 23, 25 & 27 Eastern Boulevard

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 23, 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
David Billingsley: Central Drafting and Design, Inc.; 601 Charwood Ct.; Edgewood, MD 21040

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For July 12, 2010
Item Nos. 2010- 356, 357, 358, 359,
and 362

DATE: June 30, 2010

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

DAK:CEN:elm

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-07122010 -NO COMMENTS.doc



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

June 29, 2010

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

ATTENTION: Zoning Review

Distribution Meeting of: June 28, 2010

Item No.: **Variance:** 2010-0334A, 2010-0358A, 2010-0362A.

Administrative Variance: 2010-0356A - 0357A, 2010-0359A.

Pursuant to your request, the referenced plans have been reviewed by the Baltimore County Fire Marshal's Office and the comment below is applicable and required to be corrected or incorporated into the final plans for the above listed properties.

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

Don W. Muddiman, Acting Lieutenant
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
410-887-4880
Mail Stop: 1102

cc: File



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

June 29, 2010

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

ATTENTION: Zoning Review

Distribution Meeting of: June 28, 2010

Item No.: Variance: 2010-0362A (Proposed restaurant and retail stores).

Pursuant to your request, the referenced plans have been reviewed by the Baltimore County Fire Marshal's Office and the comment below is applicable and required to be corrected or incorporated into the final plan for the above listed property.

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

Don W. Muddiman, Acting Lieutenant
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
410-887-4880
Mail Stop: 1102

cc: File



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

State Highway
Administration

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

Maryland Department of Transportation

Date: June 25, 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. 2010-0362-A
MD 150 (Eastern Avenue)
15, 23, 25, & 27 Eastern Avenue
Essex Gateway Center
Riverview Square, LLC
Variance -

Dear Ms. Matthews:

We have reviewed the plan to accompany variance petition for Essex Gateway Center (Riverview Square Property) located at 15, 23, 25, & 27 Eastern Avenue, which was received on June 24th. A field inspection and internal review reveals that a permit is needed to construct improvements within MD 150 (Eastern Avenue) right-of-way. These upgrades must consistent with current State Highway Administration (SHA) Guidelines. Therefore, the SHA request that as a condition of Zoning Advisory Committee approval for Essex Gateway Center, LLC (Riverview Square, LLC) Case Number 2010-0362-A, the developer/owner be required to obtain an Access Permit issued by State Highway Administration (SHA).

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

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Epimentheon Investments, LLC, Owner
Riverview Square, LLC, Owner
Ms. Erin Kuhn, ADE-Traffic, SHA
Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA
Mr. Geoffrey Tizard, III, Engineer, Central Drafting & Design, Inc.

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

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410-545-0300 • www.marylandroads.com



TB- 9/2 11 Am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: 07-6-10

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

RECEIVED

SUBJECT: Zoning Advisory Comments

JUL 23 2010

INFORMATION: Eastern Boulevard #15, 23,25 & 27

ZONING COMMISSIONER

Item Number: 10-362-A

Property Size: 2.06 ac.

Zoning: BL

Requested Action: To permit 2 commercial free standing signs in lieu of one, and to reduce the number of parking spaces from the required 157 to a requested 97.

SUMMARY OF RECOMMENDATIONS:

The site is named 'Essex Gateway Center' and is truly a visual first view of the Essex commercial district for those driving east on the Eastern Avenue Bridge over Back River.

The site is also in the Essex Design Review Area and as such must submit plans and elevations for review through the Office of Planning. It is recommended that the design review be done before having the zoning hearing so that the design panel's comments may be incorporated into the site plan and a second zoning hearing isn't necessary.

This office also wants a landscape plan that shows an entry feature at the intersection of Eastern and Virginia Avenues, as well as high quality planting along Eastern Avenue. This follows from prior discussions and agreement with the developer.

In addition, the strip of property behind the existing and proposed buildings must be landscaped to provide screening from the adjacent residential uses and the residential community behind the subject property.

Subject to the review and approval of the landscape and screening plan, this office supports the proposed zoning requests.

Prepared By:

Section Chief:
AFK/JM/JRA

TB - 9/2 - 11AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

AUG 13 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: August 13, 2010
SUBJECT: Zoning Item # 10-362-A
Address 15, 23, 25 & 27 Eastern Boulevard
(Riverview Square, LLC Property)

Zoning Advisory Committee Meeting of June 28, 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 Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

The property is in an Intensely Developed Area (IDA) within the Chesapeake Bay Critical Area. The 10% pollutant reduction requirements must be addressed for any redevelopment on site.

Reviewer: Regina Esslinger Date: July 8, 2010



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

DAVID S. IANNUCCI
Executive Director
Department of Economic Development

August 26, 2010

Mr. Timothy Kotrocco
Director
PADM
111 W. Chesapeake Avenue
Towson, MD 21214

Re: 2010-0362-A

Dear Mr. Kotocco:

The Department of Economic Development has reviewed and supports the variance requests for 15, 23, 25, and 27 Eastern Boulevard.

The site is within the Essex Commercial Revitalization District and as such, is a priority area for reinvestment and redevelopment. The project will redevelop a vacant and functionally obsolete building, make a significant capital investment in the District, and add new retail services that will benefit the residents and businesses in the local community. In these very difficult economic times, this type of confidence in the Essex market reinforces public and private reinvestment in the area.

Parking Variance

Baltimore County's zoning requirements for parking and setbacks are usually more appropriate for new development in "greenfield" areas than they are for redevelopment in traditional commercial districts. The established development pattern of older districts is different and many of the land parcels are small and narrowly configured, making it extremely difficult to assemble enough land to meet some of the County's zoning standards. Recognizing this, the County reduced parking and setback requirements in several Commercial Revitalization Districts and in others, such as Essex, relies on a case-by-case review. The Department finds that this project is well designed, compatible with the surrounding community, and will advance the County's revitalization goals. We recommend approval of the variance as strict adherence to parking requirements is practically and economically infeasible and without the variance, the project will not move forward.

The potential users and financiers have indicated that the amount and location of the proposed parking is adequate. The mix of uses in this project should encourage shared parking. The peak

parking demand for the diner is Saturday and Sunday and the dry cleaner and liquor store are both closed on Sundays. Additionally, there should be high turnover of spaces for the dry cleaner, there is on-street parking on Virginia Avenue, an MTA bus stop in front of the site, and a Park and Ride lot across the street that is accessible by a crosswalk at a signal.

Sign Variance

Although this project is proposed under one plan, there are and will be two distinct areas of redevelopment. The Essex Diner is an existing use and already has a sign. The former Bingo Hall is a separate building that will be extensively renovated and expanded with new uses that will also need their own sign. As planned, the diner is to eventually relocate into the center and will be incorporated into the signage for the center. The future replacement use will still need a separate sign. Signage is an extremely important component of retail marketing and the Department recommends that two signs be allowed for this project.

If there are any questions, I will be attending the hearing in support of the project or can be contacted at 410 887 2055.

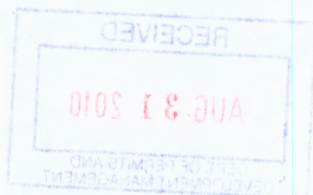
Regards,



Andrea Van Arsdale

Director

Commercial Revitalization Program



RE: PETITION FOR VARIANCE * BEFORE THE
15, 23, 25 & 27 Eastern Boulevard; S/S *
Eastern Boulevard at W/S of Marie Avenue * ZONING COMMISSIONER
15th Election & 7th Councilmanic Districts *
Legal Owner(s): Riverview Square LLC * FOR
Petitioner(s) * BALTIMORE COUNTY
* 10-362-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

JUL 06 2010

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of July, 2010, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ No Comment</u>
<u>6-30-10</u>	DEVELOPMENT PLANS REVIEW	<u>nc</u>
<u>8-13-10</u>	DEPRM (if not received, date e-mail sent _____)	<u>conditions</u>
<u>6-29-10</u>	FIRE DEPARTMENT	<u>nc</u> ^{BC} FPC
<u>7-6-10</u>	PLANNING (if not received, date e-mail sent _____)	<u>conditions</u>
<u>6-25-10</u>	STATE HIGHWAY ADMINISTRATION	<u>nc</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	<u>-</u>
_____	ADJACENT PROPERTY OWNERS	<u>-</u>
ZONING VIOLATION	(Case No. <u>-</u>)	
PRIOR ZONING	(Case No. <u>-</u>)	
NEWSPAPER ADVERTISEMENT	Date: <u>8-17-10</u>	
SIGN POSTING	Date: <u>8-17-10</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: support letter from economic development

"CONTINUATION"
CASE NAME 15-27 EASTERN BLVD.
CASE NUMBER 2010-0362
DATE 9/20/10

[illegible]

CASE NAME 15-27 EASTERN BLVD
CASE NUMBER 2010-0362-A
DATE 9/2/10

[illegible]

CASE NAME 15-21 EASTERN BOYD
CASE NUMBER 2010-0362-A
DATE 9/2/10

CASE NAME 15-21 EASTERN BOYD
CASE NUMBER 2010-0362-A
DATE 9/2/10

[illegible]



PETITIONER'S EXHIBITS

15, 23, 25 AND 27 EASTERN BOULEVARD CASE NO. 2010-0362-A

1. PLAT TO ACCOMPANY PETITION DATED MAY 3, 2010

**2a - 2e. BALTIMORE COUNTY TAX MAP NO. 97 AND SDAT REAL PROPERTY
DATA SEARCH FOR 15, 23, 25 AND 27 EASTERN BOULEVARD**

3. AERIAL PHOTO OF SITE

4a - 4f. PHOTOGRAPHS OF SITE

5. AERIAL PHOTOGRAPH OF ESSEX PARK AND RIDE

6a - 6b. ELEVATION RENDERINGS OF PROPOSED IMPROVEMENTS

7. LETTER OF SUPPORT FROM DEPARTMENT OF ECONOMIC DEVELOPMENT

8. Photograph of existing Diner sign



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw1.1d)

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Account Identifier: District - 15 Account Number - 2300011365

Owner Information

Owner Name:	EPIMETHEON INVESTMENTS LLC	Use:	COMMERCIAL
Mailing Address:	#237 4423 LEHIGH RD COLLEGE PARK MD 20740-3127	Principal Residence:	NO
		Deed Reference:	1) /19024/ 288 2)

Location & Structure Information

Premises Address	Legal Description
15 EASTERN BLVD	.6943 AC SES EASTERN BLVD COR OF VIRGINIA AVE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	MS
97	7	219					1	3		
									Plat Ref:	

Special Tax Areas

Town	
Ad Valorem	
Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000	1,682 SF	30,243.00 SF	06
Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2009	07/01/2010
Land	245,200	295,200		
Improvements:	172,600	175,800		
Total:	417,800	471,000	435,533	453,266
Preferential Land:	0	0	0	0

Transfer Information

Seller: DEFONTES MICHAEL	Date: 10/24/2003	Price: \$300,000
Type: MULT ACCTS ARMS-LENGTH	Deed1: /19024/ 288	Deed2:
Seller: DEFONTES, MICHAEL	Date: 12/27/2000	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /14887/ 200	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	Special Tax Recapture:	
Exempt Class:		* NONE *	

PETITIONER'S

EXHIBIT NO.

26



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
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Account Identifier: District - 15 Account Number - 1600005759

Owner Information

Owner Name:	RIVERVIEW SQUARE LLC	Use:	COMMERCIAL
Mailing Address:	4704 HARVARD RD COLLEGE PARK MD 20740-3718	Principal Residence:	NO
		Deed Reference:	1) /29302/ 173 2)

Location & Structure Information

Premises Address	Legal Description
23 H EASTERN AVE	LT SES EASTERN AV .532 AC 160 SW MARIE AV

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
97	7	1039						3	Plat Ref:

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000	756 SF	23,173.00 SF	06
Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2009	07/01/2010
Land	188,100	203,100		
Improvements:	30,600	34,400		
Total:	218,700	237,500	224,966	231,232
Preferential Land:	0	0	0	0

Transfer Information

Seller: STEFANOWICZ RITA	Date: 03/24/2010	Price: \$1,100,000
Type: MULT ACCTS ARMS-LENGTH	Deed1: /29302/ 173	Deed2:
Seller: GOELLER JULIA	Date: 03/13/1972	Price: \$50,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 5254/ 824	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 *

PETITIONER'S

EXHIBIT NO.

2c



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw4.3d)

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Account Identifier: District - 15 Account Number - 1519713571

Owner Information

Owner Name: RIVERVIEW SQUARE LLC **Use:** COMMERCIAL
Mailing Address: 4704 HARVARD RD **Principal Residence:** NO
 COLLEGE PARK MD 20740-3718 **Deed Reference:** 1) /29302/ 173
 2)

Location & Structure Information

Premises Address **Legal Description**
 25 EASTERN AVE .459 AC
 25 EASTERN AVE
 360 SW EUGENE AVE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
97	7	455						3	Plat Ref:

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000	15,300 SF	20,000.00 SF	06

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments		
		As Of	As Of	As Of	
		01/01/2009	07/01/2009	07/01/2010	
Land	245,000	305,000			
Improvements:	255,900	264,300			
Total:	500,900	569,300	523,700	546,500	
Preferential Land:	0	0	0	0	

Transfer Information

Seller: STEFANOWICZ RITA	Date: 03/24/2010	Price: \$1,100,000
Type: MULT ACCTS ARMS-LENGTH	Deed1: /29302/ 173	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 *

PETITIONER' S

EXHIBIT NO.

2d



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw4.3d)

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Account Identifier: District - 15 Account Number - 1519713471

Owner Information

Owner Name: RIVERVIEW SQUARE LLC **Use:** COMMERCIAL
Principal Residence: NO
Mailing Address: 4704 HARVARD RD **Deed Reference:** 1) /29302/ 173
 COLLEGE PARK MD 20740-3718 2)

Location & Structure Information

Premises Address **Legal Description**
 27 EASTERN AVE .268 AC
 27 EASTERN AVE SES
 SW COR MARIE AV

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
97	7	701						3	Plat Ref:

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000	814 SF	11,700.00 SF	06

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2009	07/01/2010
Land	111,700	131,700		
Improvements:	45,800	47,900		
Total:	157,500	179,600	164,866	172,232
Preferential Land:	0	0	0	0

Transfer Information

Seller: BROWN RITA MARY QUINTERO DAVID	Date: 03/24/2010	Price: \$1,100,000
Type: MULT ACCTS ARMS-LENGTH	Deed1: /29302/ 173	Deed2:
Seller: STEFANOWICZ RITA L	Date: 10/15/2002	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /16943/ 494	Deed2:
Seller: STEFANOWICZ CHESTER J	Date: 10/03/1986	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 7328/ 540	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 *

PETITIONER' S

EXHIBIT NO. 28



PETITIONER'S

EXHIBIT NO.

3



PETITIONER'S

EXHIBIT NO. 4a



PETITIONER'S

EXHIBIT NO. 4b



PETITIONER'S

EXHIBIT NO. 4c



PETITIONER'S

EXHIBIT NO. 4d



4E



4F

Baltimore County - My Neighborhood



PETITIONER'S

EXHIBIT NO.

5

25 EASTERN BOULEVARD ESSEX, MARYLAND
DEVELOPER: EPIMETHION INVESTMENTS, LLC
4423 LEHIGH RD #237
COLLEGE PARK, MD 20740



PETITIONER'S

EXHIBIT NO.

6a



PETITIONER'S

EXHIBIT NO. 66

HOME
COOKING
Essex Diner
EAT IN • CARRY OUT

CLASSIC CAR SHOW
SUNDAY JUNE 27
1PM TO 5PM

PETITIONER'S

EXHIBIT NO. 8

ESSEX
GATEWAY CENTER
LEASING NOW 240-605-6407

25 EASTERN BOULEVARD ESSEX, MARYLAND
DEVELOPER: EPIMETHION INVESTMENTS, LLC
4423 LEHIGH RD #237
COLLEGE PARK, MD 20740



ARCHITECT: CHARLES GEORGE ARCHITECTURE
410-532-5826

PETITIONER'S
EXHIBIT NO. 6a



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

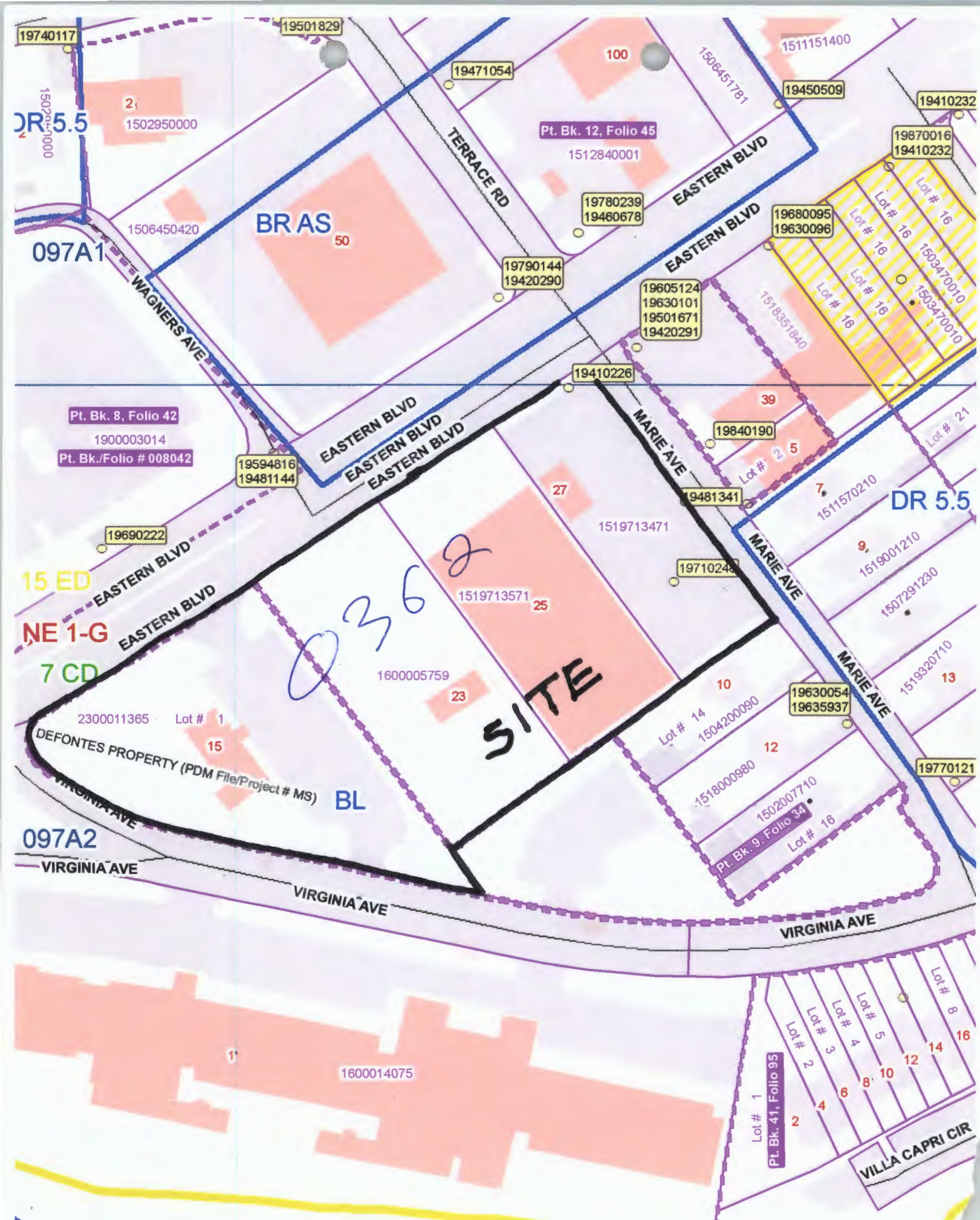
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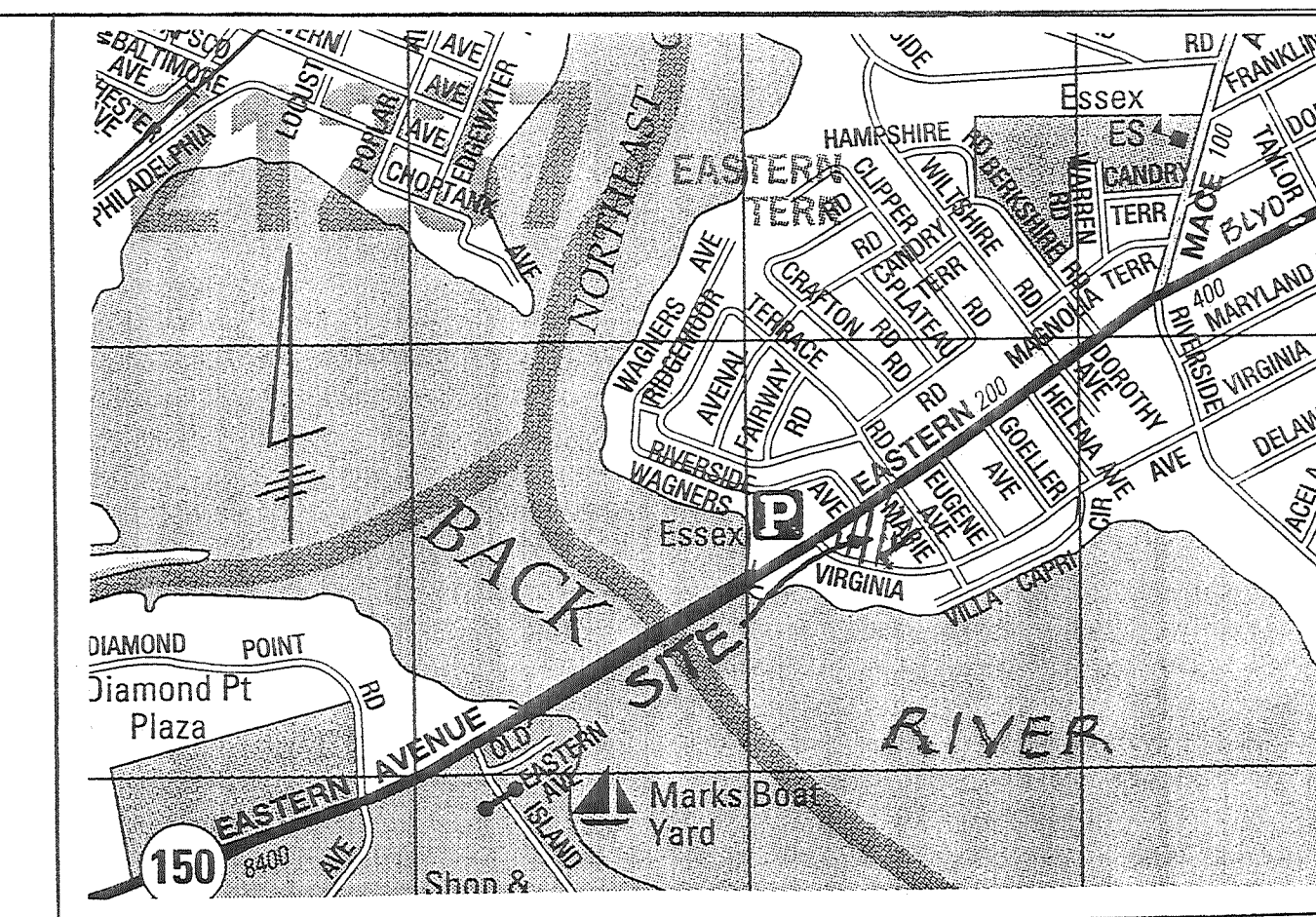
District - 15 Account Number - 2300011365



PETITIONER'S

EXHIBIT NO. 2a





VICINITY MAP
SCALE: 1 INCH = 1000 FEET

NOTES

1. ZONING.....BL (MAP # 097A2)
2. AREA.....2.06 ACRE
3. BUILDING AREA
15 EASTERN BLVD (EXISTING DINER).....2031 S.F.
25 EASTERN BLVD (EXISTING VACANT BUILDING).....15385 S.F.
PROPOSED ADDITION TO # 25 EASTERN BLVD.....4500 S.F.
TOTAL BUILDING AREA.....21916 S.F.
FLOOR AREA RATIO.....0.244
4. SITE IS LOCATED IN THE CBCA
5. SITE IS NOT LOCATED IN A 100 YEAR FLOOD ZONE
6. TO THE PREPARER'S KNOWLEDGE, NO UNDERGROUND FUEL STORAGE TANKS, HISTORIC STRUCTURES, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITAT, WELLS, SEPTIC SYSTEMS OR WETLANDS EXIST
7. PUBLIC WATER AND SEWER IS EXISTING
8. PRIOR TO ISSUANCE OF A BUILDING PERMIT, A FINAL LANDSCAPE PLAN MUST BE APPROVED
9. HOURS OF OPERATION
DINER.....24 HOURS
PROPOSED RESTAURANT.....10 AM - MIDNIGHT
RETAIL.....8 AM - 10 PM
10. NO SIGNIFICANT CHANGES IN TOPOGRAPHY ARE PROPOSED
11. ALL LIGHTING SHALL BE DIRECTED DOWNWARD AND AWAY FROM ANY RESIDENTIAL PROPERTY OR PUBLIC RIGHT OF WAY

PREVIOUS ZONING HISTORY

CASE NO. 1971 - 0248-A
ORDER SIGNED APRIL 13, 1971 GRANTING A FRONT YARD VARIANCE OF 17 FEET IN LIEU OF THE REQUIRED 50 FEET FOR # 27 EASTERN BOULEVARD

OFFSTREET PARKING

EXISTING DINER.....2031 S.F. @ 16 SPACES / 1000 S.F.....32.5 SPACES
PROPOSED RESTAURANT.....2000 S.F. @ 16 SPACES / 1000 S.F.....32.0 SPACES
RETAIL.....17885 S.F. @ 5 SPACES / 1000 S.F.....89.4 SPACES
TOTAL REQUIRED.....154 SPACES
TOTAL PROVIDED.....97 SPACES
ALL SPACES ARE TO BE 8.5 FEET X 18 FEET MINIMUM
ALL SPACES AND ACCESS AISLES ARE TO BE PAVED AND PERMANENTLY STRIPED

PETITIONER'S

EXHIBIT NO.

0362

PLAT TO ACCOMPANY VARIANCE PETITION

ESSEX GATEWAY CENTER

15, 23, 25 & 27 EASTERN BOULEVARD
ELECTION DISTRICT 15C7
BALTIMORE COUNTY, MD.

SCALE: 1 INCH = 30 FEET MAY 3, 2010

OWNER

EPIMETHEON INVESTMENTS LLC
RIVERVIEW SQUARE LLC
4704 HARVARD ROAD
COLLEGE PARK, MD. 20740
DEED REFERENCE:
L.19024 F. 288 AND L. 29302 F. 173
PROPERTY ACCT. NOS.

2300011367, 1600005759, 1519713571 AND 1519713471

