### IN RE: PETITION FOR VARIANCE

NE corner of Maiden Choice Lane and Wilkens Avenue 13<sup>th</sup> Election District 1<sup>st</sup> Councilmanic District (4622 Wilkens Avenue)

Kensington Associates, LLC

Legal Owner

Giant of Maryland, LLC

Contract Lessee

- \* BEFORE THE
- DEPUTY ZONING
- \* COMMISSIONER
- \* FOR BALTIMORE COUNTY

\* CASE NO. 2011-0137-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 Mike Cardany, agent and authorized signatory on behalf of the legal owner of the subject property, Kensington Associates, LLC, and the proposed contract lessee, Giant of Maryland, LLC, through one of its Senior Managers of Construction, Juan Carlos Vivas, and its attorney, Charles B. Marek, III, Esquire of Gildea and Schmidt, LLC. Petitioner is requesting Variance relief from Section 450.4 Attachment 1.5.d of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit 12 total wall-mounted enterprise signs for the existing Giant supermarket, 11 to be located on the front building face and 1 located on the side building face in lieu of the 1 permitted, and for such other and further relief as may be required by the Zoning Commissioner. The subject property and requested relief are more fully described on the site plan and signage details that were marked and accepted into evidence as Petitioner's Exhibits 1 and 2, respectively.

Appearing at the public hearing in support of the Petition were Ronald Brumbaugh, Senior Manager of Construction for Giant, Mark Johnston of Gutcheck, Little and Weber, the civil engineer for the project, and Alan Nethen of Gable Signs. Charles B. Marek, III, Esquire represented Petitioner at the hearing. There were no Protestants or other interested persons present

# ORDER RECEIVED FOR FILING

Date	12-8-10
Ву	pró

at the hearing. As a preliminary matter, Mr. Marek requested an amendment to the Petition for Variance to reduce the wall mounted signage by one (1) sign along the front building face. The new request was for ten (10) signs on the front building face and one (1) on the side building face. This amendment, making the matter a lesser variance than requested and published, was granted.

Continuing with the Petition for Variance aspects of the relief requested, Mr. Marek proffered the evidence presented at the hearing, and the proffer and exhibits were accepted into the record of the case. The property in question is the "Wilkens Beltway Plaza" near the intersection of Wilkens Avenue and Maiden Choice Lane. To the north of the center is the Charlestown retirement community, to the west and south are office buildings and to the east is the Our Lady of Victory church and school. The property is accessed by three public streets that dead end into the center, Grouse Court, Pigeon Court and Elm Ridge Avenue. The site is approximately 8 acres and is zoned B.L. The site is improved with a multi-tenant retail building and two stand alone PAD sites. The Giant supermarket is the largest tenant in the site and considered the "anchor" store. In addition to being the anchor store, testimony revealed that Giant has a total of twelve (12) stores in Baltimore County and employs roughly 1200 people. The chain is an important economic driver of the County, as well as the State of Maryland, and works with local businesses and farms.

Giant is going through a global re-imaging of its stores, whereby the longstanding "big G" signage is being replaced with a "fruit-bowl" type logo and associated Giant lettering. As part of this change over from the old trademark to the new, Giant is upgrading not only the sign package, but also has allocated a significant sum to upgrade the interior of these stores. This re-imaging to the "fruit-bowl" logo and associated signage will take place not only in Baltimore County, but across Maryland, Virginia, Delaware any the other markets of Giant.

# ORDER RECEIVED FOR FILING

Date 12-8-10

By 7

Testimony also focused on the aspects particular to the property that make it appropriate for variance relief. The property in question is well hidden and buffered by its surroundings and the significant impaired visibility is noted in the Zoning Advisory Comment from the Office of Planning. The access from three public roads that dead end into the center is unusual as there is no frontage on the collector roads. Additionally, there is a significant grade change moving eastward from Maiden Choice Lane into the site and, combined with the significant vegetation, makes the center barely visible from one of the two traffic bearing roads. Likewise, the sightlines into property are also significantly impaired along Wilkens Avenue by the vegetation and office buildings surrounding the Giant. Pictures taken along Wilkens Avenue and Maiden Choice Lane were marked and accepted into evidence as Petitioner's Exhibits 5 and 6 to demonstrate this limitation.

These peculiar aspects of the property work in concert to create a practical difficulty for the supermarket, which is the inability to adequately alert the customers to their presence in the center as well as their multitude of services. This leads to decreased economic vibraricy of the store and the center as a whole. In addition, due to the consolidation of uses under one roof, these stores with large building footprints (i.e. big box) are unable to adequately advertise their services. I believe that the granting of the variance is able to remedy this practical difficulty. Allowing multiple signs will give customers an opportunity to recognize the store from various points along their drive and not just one vantage point.

Moreover, the testimony and evidence also showed that the granting of the variance would be in the spirit and intent of the Zoning Regulations. The sign regulations do attempt to allow stores to adequately advertise their services, and I believe that this relief is in keeping with that and other goals of the signage regulations. Lastly customer recognition and identification of the

3

# ORDER RECEIVED FOR FILING

Date	12-8-10	_
By	p	_

stores is important as this re-imaging is occurring not just in Baltimore County, but throughout all of Giant's operation across counties and states, including Maryland, Virginia, Delaware and the District of Columbia.

The testimony also bears that the granting of the variance will be in the interest of the public. The new sign package will utilize light-emitting-diode (LED) technology for illumination, thereby reducing the energy consumption by roughly ninety percent (90%). The freestanding signage will also assist the flow of traffic as it will alert customers to the presence of the store and give them the time they need to properly and safely adjust their driving to accommodate their supermarket trip.

Finally, 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 November 5, 2010 which indicates that they have no objection to the requested variance. The modified signage appears to be more attractive than the existing signage. The proposed wall mounted signs will not be highly visible from the public right-of-way.

Pursuant to the advertisement, posting of the property and public hearing on the Petitions held, and for the reasons set forth above, the Petition for Variance as amended should be granted.

THEREFORE, IT IS ORDERED this \_\_\_\_\_\_ day of December, 2010 by this Deputy Zoning Commissioner that Petitioner's Variance request from Section 450.4 Attachment 1.5.d of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit 11 total wall mounted enterprise signs for the existing Giant supermarket, 10 to be located on the front building face and 1 located on the side building face in lieu of the 1 permitted be and is hereby **GRANTED**, subject to the following:

4

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Date	12-8-10	
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1. Petitioner may apply for 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, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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\_\_\_\_\_\_Bv\_\_\_\_\_



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

December 8, 2010

CHARLES B. MAREK III, ESQUIRE.
GILDEA & SCHMIDT LLC
600 WASHINGTON AVENUE, SUITE 200
TOWSON MD 21204

Re: Petition for Special Hearing and Variance Case No. 2011-0137-A Property: 4622 Wilkens Avenue

Dear Mr. Marek:

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,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure

c: Ronald Brumbaugh, Senior Manager of Construction for Giant, 8301 Professional Place, Suite 115, Landover MD 20785

Mark Johnston, Gutcheck, Little and Weber PA, 3909 National Drive, Suite 250, Burtonsville MD 20866

Alan Nethen, Gable Signs, 7440 Ft. Smallwood Road, Baltimore MD 21226



# **Petition for Variance**

# to the Zoning Commissioner of Baltimore County

for the property located at: 4622 Wilkens Avenue

which is presently zoned: BL

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 ATTACHMENT

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.

				declare and affirm, under re the legal owner(s) of is Petition.	
Contract Purchaser/L	.essee:		Legal Owner(s	<u>:):</u>	
Giant of Manyland, L. Chy Name Type on Print	44		Kensington Associ	iates, LLC by: Mike	Cardeny, Agen
8301 Professional Place, Su	ite 115			V	
Address		Telephone No.	Name - Type or Print		
Landover	MD	20785			
City	State	Zip Code	Signature		
Attorney For Petition	er:		10451 Twin River	s Road, Suite 410	
			Address		Telephone No.
Charles B. Marek, III			Columbia	MD	21044
Name - Type or Print			City Representative	State e to be Contacted.	Zip Code
Signature Gildea & Schmidt, LLC			Charles B. Marek,	Ш	
Company			Name		
600 Washington Avenue, St	uite 200	(410) 821-0070	600 Washington A	venue, Suite 200	(410) 821-0070
Address		Telephone No.	Address		Telephone No.
Towson	MD	21204	Towson	MD	21204
City	State	Zip Code	City	State	Zip Code
			9	OFFICE USE ONLY	
Case No. 201	1-137-1	7	ESTIMATED LENGTH	OF HEARING	
REV 9/15/98 ORDER RE		Reviewed By	UNAVAIL BLE FOR	HEARING Date 10/14/10	

# ATTACHMENT TO PETITION FOR VARIANCE

4622 Wilkens Ave. 13th Election District 1st Councilmanic District

- 1. To permit twelve total wall-mounted enterprise signs for the existing Giant supermarket, eleven to be located on the front building face and one located on the side building face, in lieu of the one permitted pursuant to BCZR 450.4. Attachment 1.5.d.
- 2. For such other and further relief as may be required by the Zoning Commissioner.

# GLWGUTSCHICK, LITTLE & WEBER, P.A.

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS

# GIANT FOOD # 166 WILKENS BELTWAY PLAZA

## ZONING DESCRIPTION

Beginning at a point on the west side of Elm Ridge Avenue which is 60 feet wide at a distance of 278 feet ± west of the centerline of the nearest improved intersection at Wilkens Avenue which is variable width. Thence the following courses and distances:

- 1. South 22°38'36" West, 14.67 feet
- 2. 52.99 feet along the arc, having a radius of 230.00 feet and chord bearing and distance of South 16°02'41" West, 52.88 feet
- 3. North 80°33'21" West, 32.28 feet
- 4. South 67°35'14" West, 193.25 feet
- 5. 111.65 feet along the arc, having a radius of 50.00 feet and chord bearing and distance of South 79°14'35" West, 89.86 feet
- 6. South 67°35'14" West, 261.22 feet
- 7. North 46°57'32" West, 197.49 feet
- 8. 136.11 feet along the arc, having a radius of 50.00 feet and chord bearing and distance of North 46°57'32" West, 97.81 feet
- 9. North 46°57'32" West, 187.32 feet
- 10. North 67°35'14" East, 803.16 feet
- 11. South 23°50'10" East, 422.56 feet to the point of beginning.

Being Parcel A in the subdivision of Wilkens Beltway Plaza Shopping Center as recorded in Baltimore County Plat Book # 49, folio # 67, containing 311,611 square feet or 7.1536 acres. Also known as 4600 Wilkens Avenue and located in the 1st Election District.

# **DESCRIPTION OF LIMITS OF SIGN RELIEF**

Beginning at a point on the southerly or 111.65 feet arc line of said Parcel A, 22.44 feet along the arc from the easterly end thereof, said point also being on northerlyside of Pigeon Court which is 60 feet wide. Thence the following courses and distances:

- 1. 14.37 feet along the arc, having a radius of 50.00 feet and chord bearing and distance of North 70°44'09" West, 14.32 feet
- 2. North 22°24'46" West, 250.79 feet
- 3. South 67°35'14" West, 206.83 feet
- 4. North 22°24'46" West, 116.92 feet

L:\CADD\DRAWINGS\94034\MB\94034 ZONING DESC (RELIEF).odt Page 1 of 2

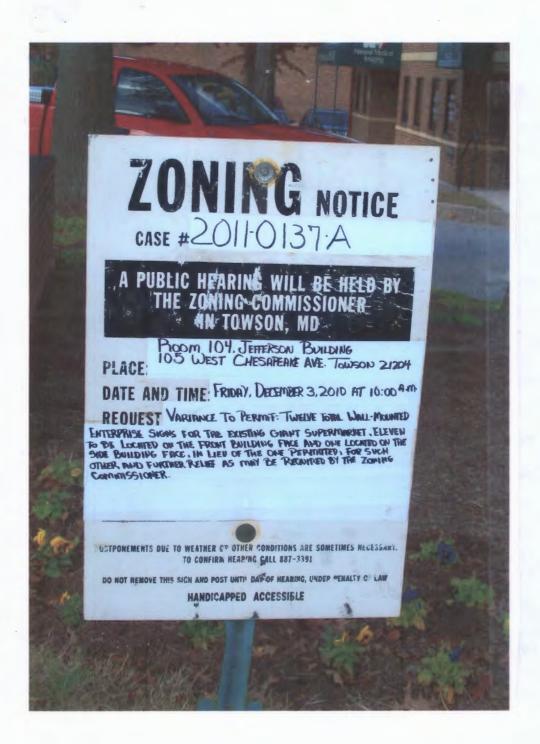
2011-137-A

- 5. North 67°35'14" East, 421.73 feet
- 6. South 23°50'10" East, 377.35 feet
- 7. South 67°35'14" West, 213.57 feet to the point of beginning, containing 106,960 square feet or 2.4555 acres.

MISCELLANEOUS CASH RECEIPT						No.	6008	8	1000	PAID RECEIPT ISTNESS WITHIN 19/2010 10/14/2010	THE	MAN 5
		*		Rev	Sub	Date.	,,,	114/14	版的	03 WALKIN BODS IPT N 484748 1971	LRO	
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# CERTIFICATE OF POSTING

	2011-0137-A
	RE: Case No.:
	Petitioner/Developer:
	Kensington Associates , LLC
	Dec.3 2010
	Date of Hearing/Closing:
altimore County Department of	
ermits and Development Management	
ounty Office Building, Room 111	
11 West Chesapeake Avenue	
owson, Maryland 21204	
ttn: Kristin Matthews:	
adies and Gentlemen:	
his letter is to certify under the penalties of posted conspicuously	perjury that the necessary sign(s) required by law were
622 Wilkens Avenue	
	November 18 2010
he sign(s) were posted on	
	(Month, Day, Year)
	Sincerely,
	(Signature of Sign Poster) November 20 2010 (Date)
	SSG Robert Black
	(Print Name)
	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)





Thursday, November 18, 2010 Issue - Jeffersonian

Please forward billing to:

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

410-821-0070

# NOTICE OF ZONING HEARING

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

CASE NUMBER: 2011-0137-A

4622 Wilkens Avenue

N/east corner of Maiden Choice Lane & Wilkens Avenue

13<sup>th</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owners: Kensington Associates, LLC

Variance to permit twelve total wall-mounted enterprise signs for the existing Giant Supermarket, eleven to be located on the front building face and one located on the side building face, in lieu of the one permitted; for such other and further relief as may be required by the Zoning Commissioner.

Hearing: Friday, December 3, 2010 at 10:00 a.m. in Room 104, Jefferson Building,

105 West Chesapeake Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL

ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S

OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT

THE ZONING REVIEW OFFICE AT 410-887-3391.

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

# ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:
Petitioner: Ciant of Maryland, LLC  Address or Location: 4622 Wilkens Ave.
Address of Location: 4600 WITENS FIDE
PLEASE FORWARD ADVERTISING BILL TO: Name: Cildea & Schmidt Co Debbie Starrett
Address: 600 Washington Ave.
Ste. 200
Towson, Nd. 21204
Telephone Number: 410 - 821 - 0070



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

MARYLAND DEPARTMENT OF TRANSPORTATION

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

Date: Oct. 27, 2013

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

RE:

**Baltimore County** 

Item No. 2011-0137-A MD 37Z (WILKENS AV.) KENSINGEON ASSOC, LL GIANTOF MD, LLC

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 10/25/2010. A field inspection and internal review reveals that an entrance onto Mb 372 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Giant OFMD, UC, Case Number 2011-0137-A .

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

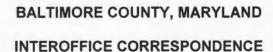
Very truly yours,

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



DATE: November 1, 2010

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 November 8, 2010

Item Nos. 2011-126, 137, 140, 141,

142, 144, 145, 146 and 147

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-11082010 -NO COMMENTS.doc

## BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

4622 Wilkens Avenue

RECEIVED

ZONING COMMISSIONER

**INFORMATION:** 

Item Number:

11-137

**Petitioner:** 

Kensington Associates, LLC

NOV 0 8 7010

DATE: November 5, 2010

Zoning:

BL

**Requested Action:** 

Variance

## **SUMMARY OF RECOMMENDATIONS:**

The Office of Planning has reviewed the petitioner's request and accompanying site plan. This office has no objection to the requested variance. The modified signage appears to be more attractive that the existing signage. The proposed wall-mounted signs will not be highly visible from the public right-of-way.

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

Prepared by:

**Division Chief:** 

AFK/LL: CM



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director
Department of Permits and
November 29, 2014 Management

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

Dear Mr. Marek:

RE: 2011-137-A 4622 Wilkens Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 14, 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,

U. Carl Richal D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:rjc

**Enclosures** 

c: People's Counsel

Keningston Associates, LLC Att: Mike Cardony, Agent 10451 Twin River Rd. Ste. 410 Columbia, Maryland 21044

Giant of Maryland, Att: Juan Carlos 8301 Professional Place Ste. 115 Landover, MD 20785



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management
November 3, 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: 2011-0137-A

4622 Wilkens Avenue N/east corner of Maiden Choice Lane & Wilkens Avenue 13<sup>th</sup> Election District – 1<sup>st</sup> Councilmanic District Legal Owners: Kensington Associates, LLC

Variance to permit twelve total wall-mounted enterprise signs for the existing Giant Supermarket, eleven to be located on the front building face and one located on the side building face, in lieu of the one permitted; for such other and further relief as may be required by the Zoning Commissioner.

Hearing: Friday, December 3, 2010 at 10:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

Director

TK:kl

C: Charles Marek, 600 Washington Avenue, Ste. 200, Towson 21204
Juan Carlos Vivas, Giant, 8301 Professional Place, Ste. 115, Landover 20785
Mike Cardany, Kensington Associates, 10451 Twin Rivers Rd., Ste. 410, Columbia 21044

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, NOVEMBER 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.

TB 12/3.10AM

DATE: November 1, 2010

12-3

# 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 November 8, 2010

Item Nos. 2011-126 137, 140, 141,

142, 144, 145, 146 and 147

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

# **BALTIMORE COUNTY, MARYLAND**

#### INTEROFFICE CORRESPONDENCE

DATE: November 1, 2010

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 November 8, 2010

Item Nos. 2011-126, 137, 140, 141,

142, 144, 145, 146 and 147

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-11082010 -NO COMMENTS.doc

Newing 12/3/10

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

**DATE:** November 5, 2010

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

4622 Wilkens Avenue

**INFORMATION:** 

Item Number:

11-137

**Petitioner:** 

Kensington Associates, LLC

Zoning:

BL

**Requested Action:** 

Variance

#### **SUMMARY OF RECOMMENDATIONS:**

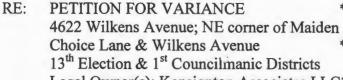
The Office of Planning has reviewed the petitioner's request and accompanying site plan. This office has no objection to the requested variance. The modified signage appears to be more attractive that the existing signage. The proposed wall-mounted signs will not be highly visible from the public right-of-way.

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

Prepared by:

**Division Chief:** 

AFK/LL: CM



Legal Owner(s): Kensignton Associates LLC\*
Contract Purchasers: Giant of Maryland, LLC
Petitioner(s) \*

**BEFORE THE** 

**ZONING COMMISSIONER** 

**FOR** 

**BALTIMORE COUNTY** 

2011-137-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 Zummerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED

OCT 2 6 2010

CAROLE S. DEMILIO

Deputy People's Counsel

Jefferson Building, Room 204

105 West Chesapeake Avenue

Towson, MD 21204

(410) 887-2188

# **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 26th day of October, 2010, a copy of the foregoing Entry of Appearance was mailed to Charles Marek, III, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zummerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Case No.: 2011-8137- A

# **Exhibit Sheet**

# Petitioner/Developer

# Protestant

No. 1	site plan	
No. 2	signage detail	
No. 3	Mark Johnston's resume	
No. 4	acrial photograph	
No. 5	photos from Marden Choice Lane	
No. 6	plestos from Wilkens Avenue	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

# PLEASE PRINT CLEARLY

CASE NAME\_ CASE NUMBER 2011-0137-A DATE\_12-3-10

# PETITIONER'S SIGN-IN SHEET

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ion
noylaho
310

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS

# MARK A. JOHNSTON Professional Engineer Surveyor in Training

## **EDUCATION**

Bachelor of Science, Civil Engineering University of Illinois, 1994 (Areas of Concentration: Water Resources and Geotechnical Engineering)

### **EXPERIENCE**

Mr. Johnston has performed site development engineering as well as senior project management rezonings and special exceptions in Baltimore/Montgomery/Prince George's/Howard/Frederick/Harford Counties, Maryland as well as in Texas, Illinois, Pennsylvania and Virginia for: shopping centers (ranging in size from 1 to 30 acres); religious and institutional facilities; multi-family/apartment sites; public and private schools; office buildings; warehouse complexes; industrial sites; public roads; water, sewer and storm drains; on-site and regional storm water management facilities; and related projects such as traffic impact studies and site development feasibility studies.

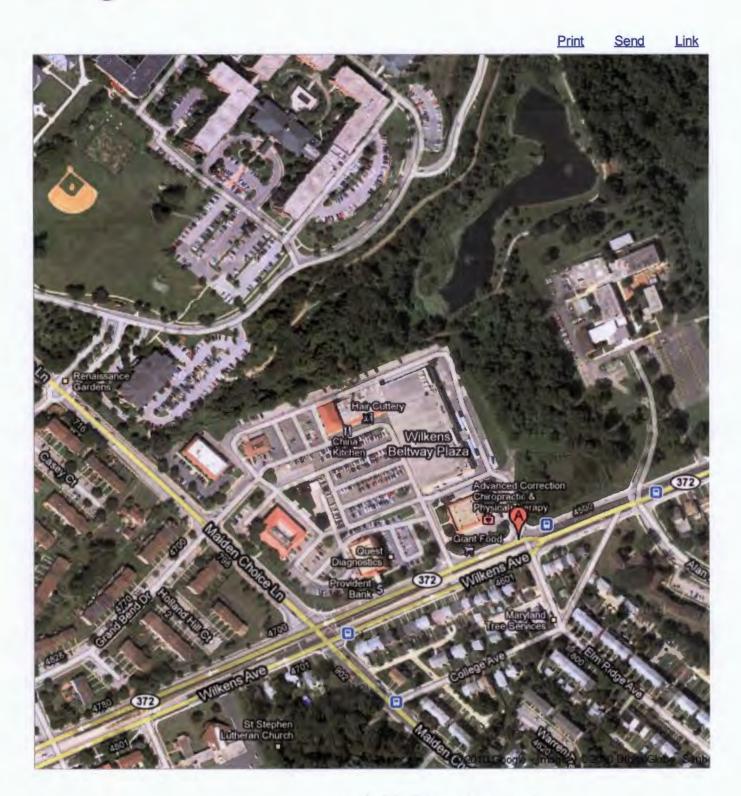
He has testified as an expert witness in civil engineering before the Baltimore County Zoning Hearing Examiner. He has made project presentations in Maryland to Prince George's County Board of Appeals, M-NCP&PC (Montgomery and Prince George's Counties); City of Rockville Planning Commission, City of Gaithersburg Planning Commission and many other jurisdictions in other states.

#### PROFESSIONAL REGISTRATIONS

Professional Engineer, Maryland Surveyor in Training, Illinois Registration

PETITIONER'S
EXHIBIT NO. \_\_\_\_\_\_

# Google maps



1, use the "Print" link next to the map.

PETITIONER'S

EXHIBIT NO.

4



#### Address Wilkens Avenue

Address is approximate



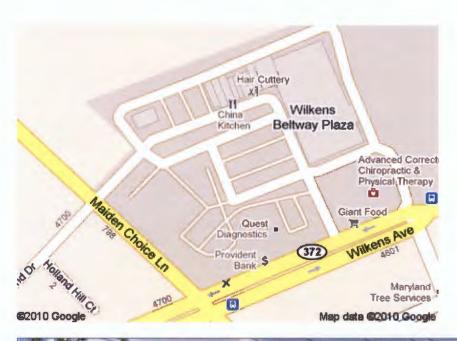


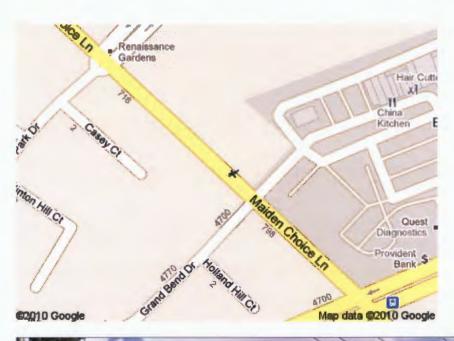


EXHIBIT NO.



Address is approximate







PETITIONER'S

EXHIBIT NO.













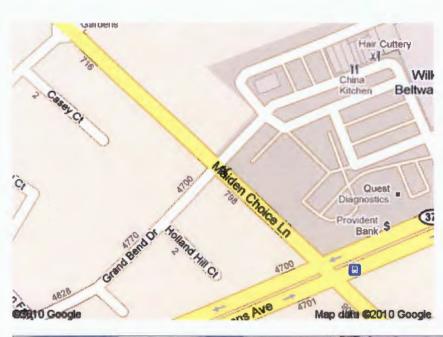
















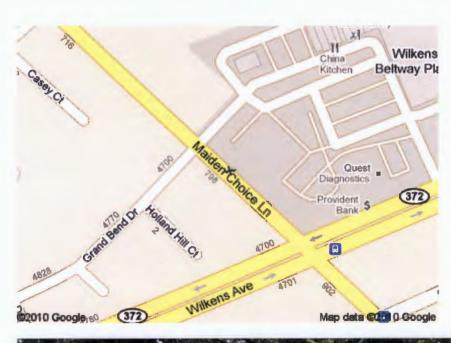








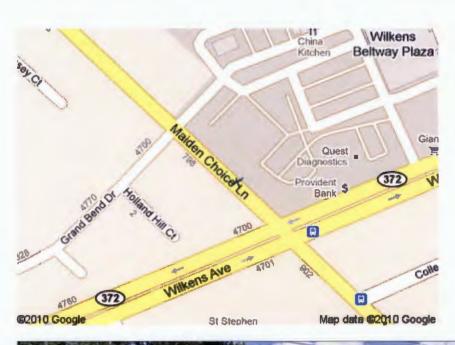
















## Address 819 Maiden Choice Lane

Address is approximate





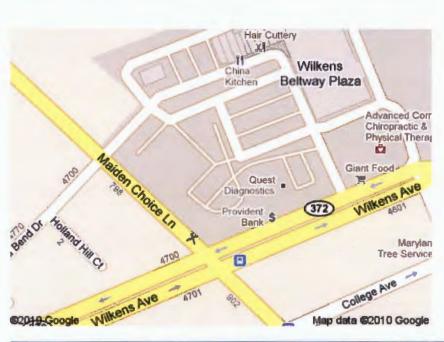




### Address 819 Maiden Choice Lane

Address is approximate



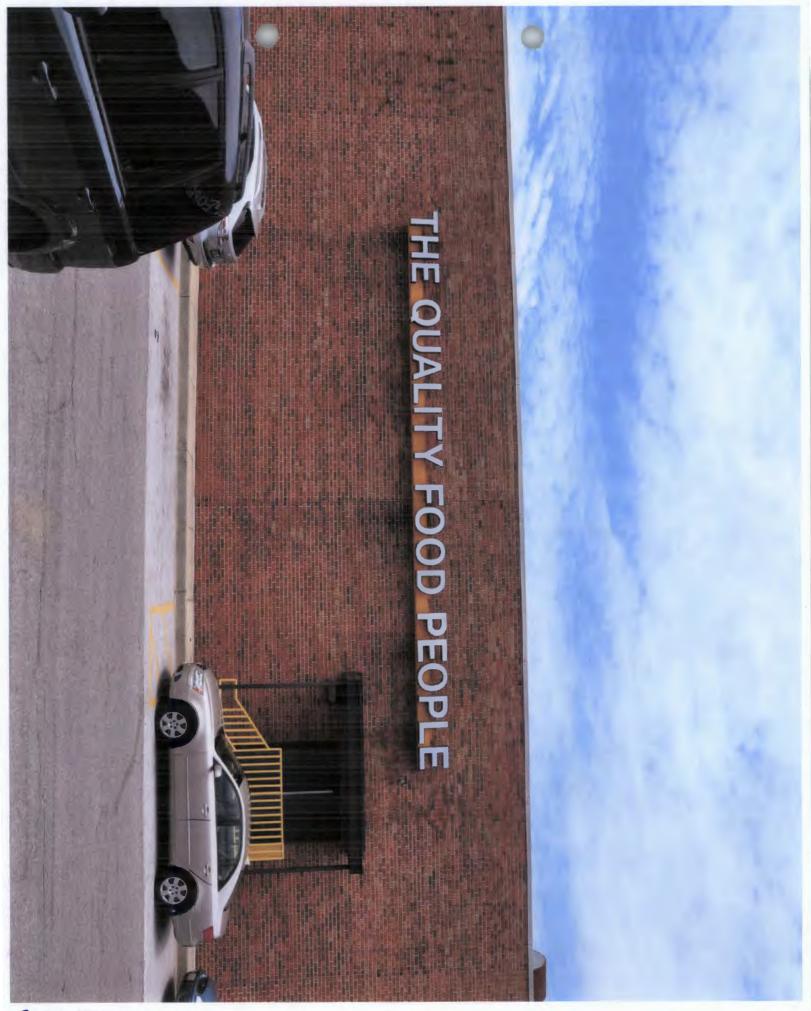










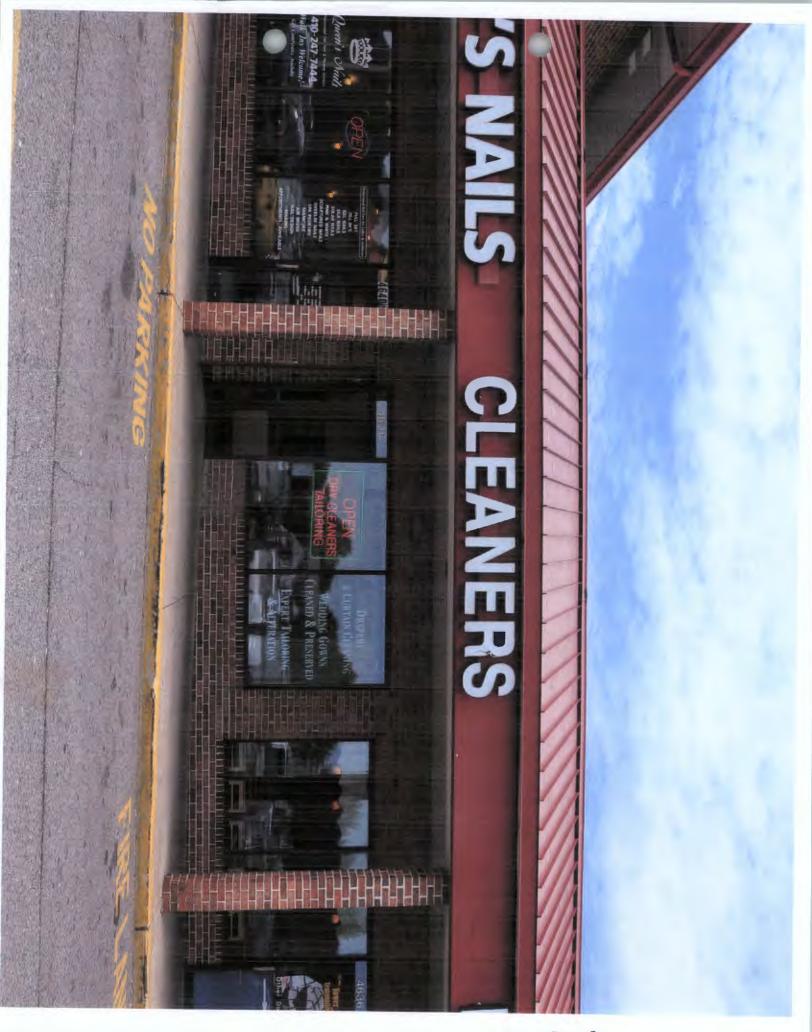
















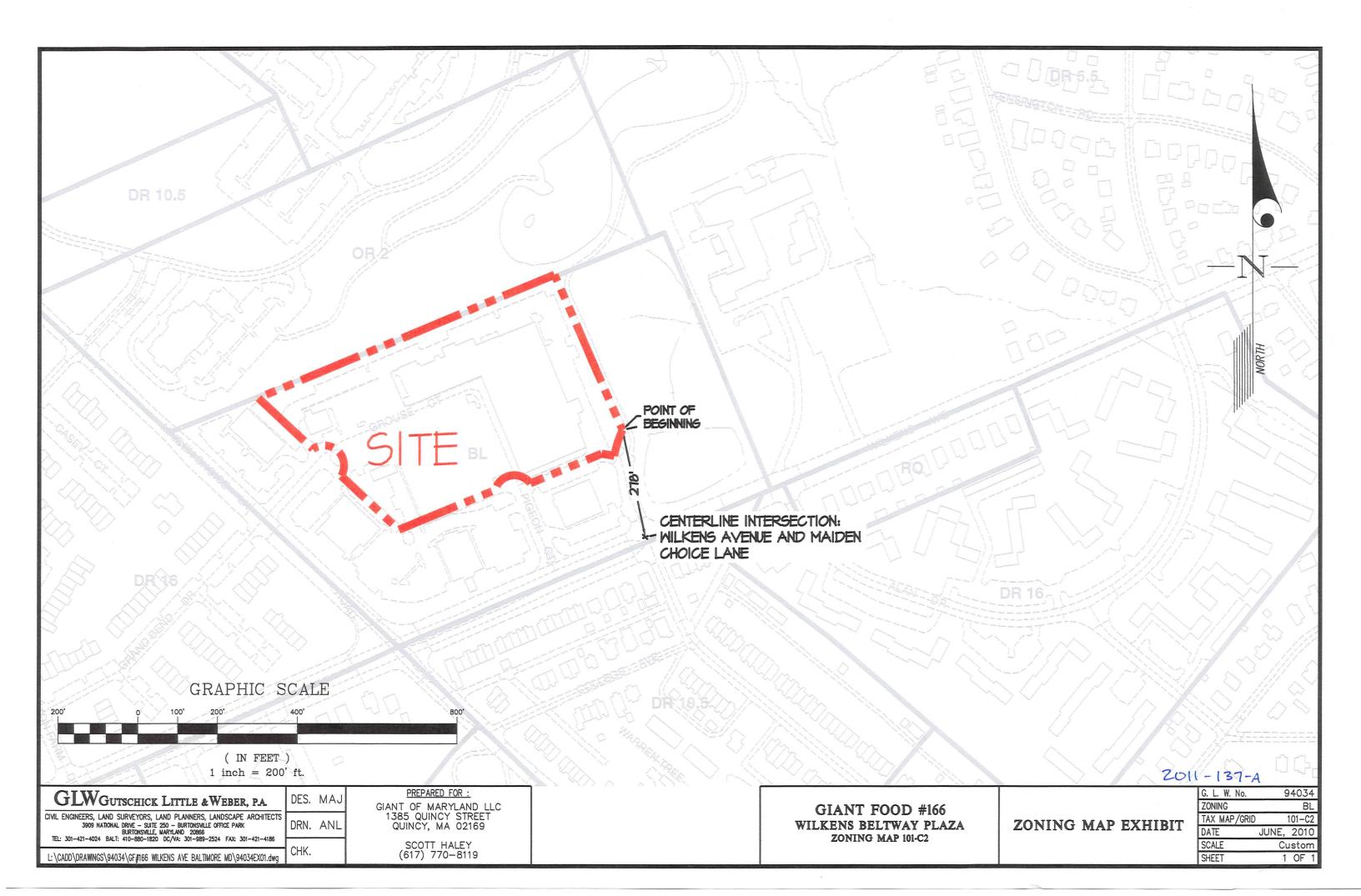


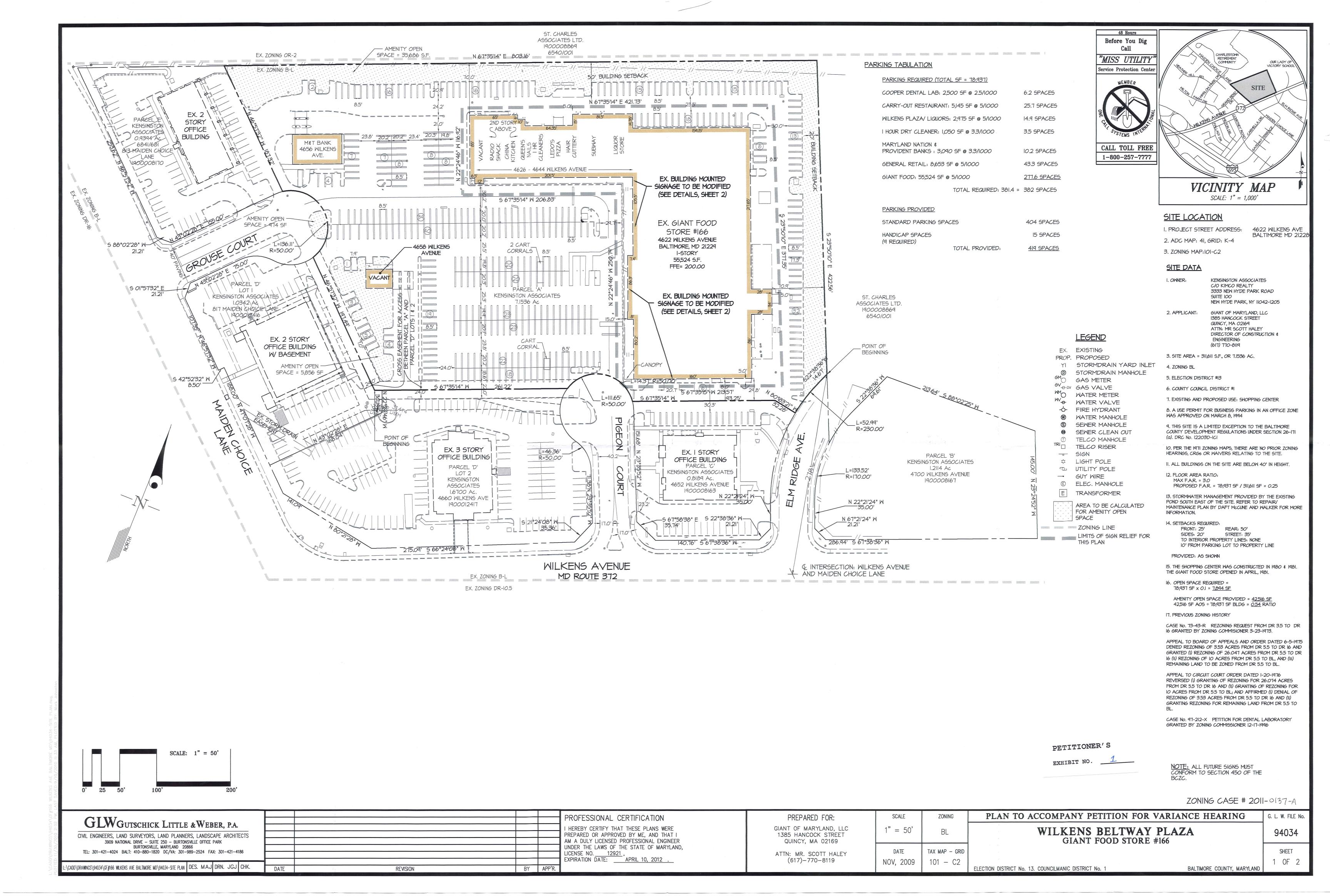


2011-137-17



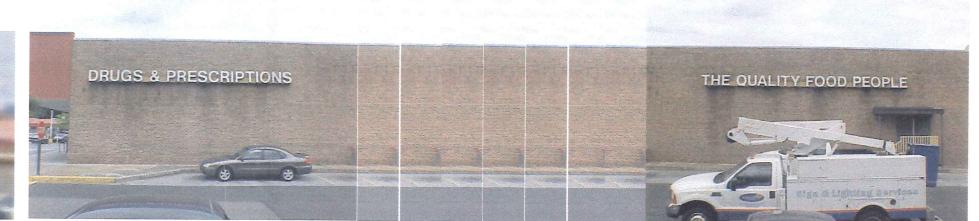
2011-137-A





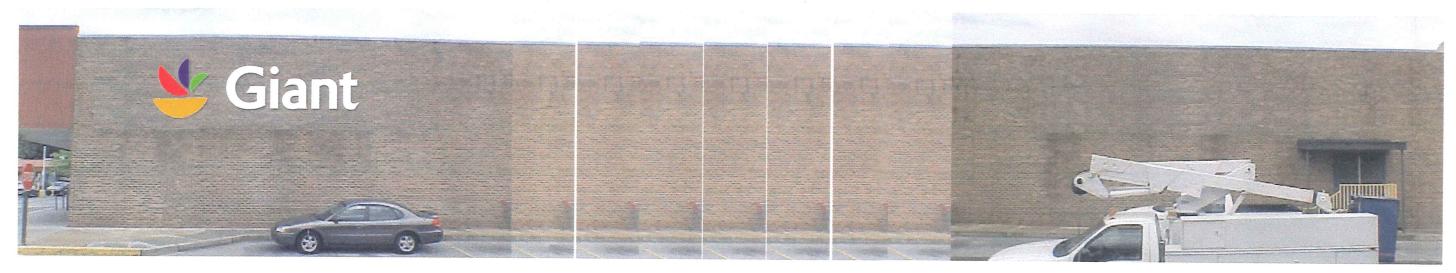
## STORE #166 Baltimore, MD

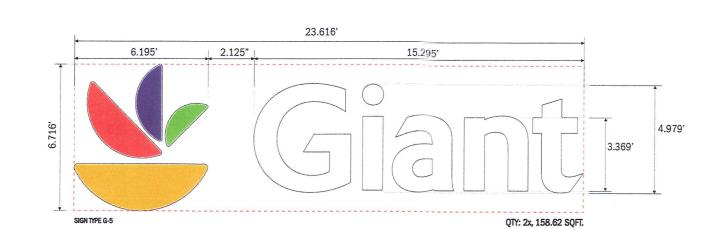






SIGNAGE SCALE: 1" = 10'-0"





CHANNEL LETTER WITH WHITE PLEX FACES, 1/2" RELIEF ON TRANS VINYL, 3 ROWS L.E.D., WHITE TRIM, WHITE RETURNS AND DIEBOND BACKS ONE SET FRONT

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

ONE SET SIDE

::\CADD\DRAWNGS\94034\GF#166 WILKENS AVE BALTIMORE MD\94034-SITE PLAN DES. MAJ DRN. JGJ CHK.

WHITE CHANNEL LETTERS INSTALLED ON NARROW RACEWAY PAINTED TO MATCH BRICK WALL

REVISION

BY APP'R.

WHITE CHANNEL LETTERS ON NARROW RACEWAY PAINTED TO MATCH BUILDING

flavorful meat

natural foods

fresh bakery

fresh picked produce

WHITE ACRYLIC LETTERS STUD-MOUNTED TO WALL

ACRYLIC LETTERS PAINTED AND STUD-MOUNTED TO WALL

welcome

BOX SIGNS WITH ILLUMINATED LETTERS IN WHITE. BACKGROUND OF SIGN FACE, SIGN CABINET AND RETURN ALL TO MATCH PURPLE PMS 259

AGNOLI SIGN COMPANY, INC. • 722 WORTHINGTON STREET, SPRINGFIELD, MA 01105 • TEL. (413) 732-5111 • FAX (413) 787-2169										
FRONT	GIANT LOGO	158.62 SQFT	FRONT	THE QUALITY FOOD PEOPLE	33.3 SQFT		<b>E</b> 0.40.40	CUSTOMER: GIANT	STORE: GIANT #166	
FRONT	GIANT LOGO	158.62 SQFT	FRONT	LOW PRICES	14.25 SQFT	1	≥ 2-10-10	CUSTOMER: GIANT	4622 WILKENS AVE	
FRONT			FRONT			1	ATE O O 10		WILKENS BELTWAY PLAZA	
FRONT			FRONT				<sup>≧</sup> 0-0-10		111111111111111111111111111111111111111	
FRONT	PNC BANK	11.44 SQFT	FRONT	FLAVORFUL MEAT	12.5 SQFT	TOTAL OF ALL	<sup>2.™</sup> 0-0-10	DRAWING CODE:		
FRONT			FRONT	NATURAL FOODS	11.6 SQFT	SQUARE	BALTIMORE, MD #166 ELEVATION.CDR / MD / GIANT			
FRONT			FRONT	FRESH BAKERY	10.8 SQFT	FOOTAGE	<sup>2.™</sup> 0-0-10			
FRONT	PHARMACY LOGO	50.35 SQFT	FRONT	FRESH PICKED PRODUCE	18.3 SQFT	410 17 COFT	월 0 <b>-</b> 0-10			
FRONT			FRONT			610.17 SQFT	> = 0 0 40	SALESPERSON: CHRIS	DRAWN BY: MARIANNE	
FRONT			FRONT			원 0-0-10 원 0-0-10		THIS DESIGN IS THE EXCLUSIVE PROPERTY OF		
FRONT			SIDE	LOGO	41 SQFT			ACMOUS ICAL COMPANY IN CORPORATED AND		
FRONT	WELCOME	13.14 SQFT	SIDE	LETTERS	76.25 SQFT			all rights to its use or reproduction a	RE RESERVED	

ZONING CASE # 2011- 0137-A

BALTIMORE COUNTY, MARYLAND

PETITIONER'S

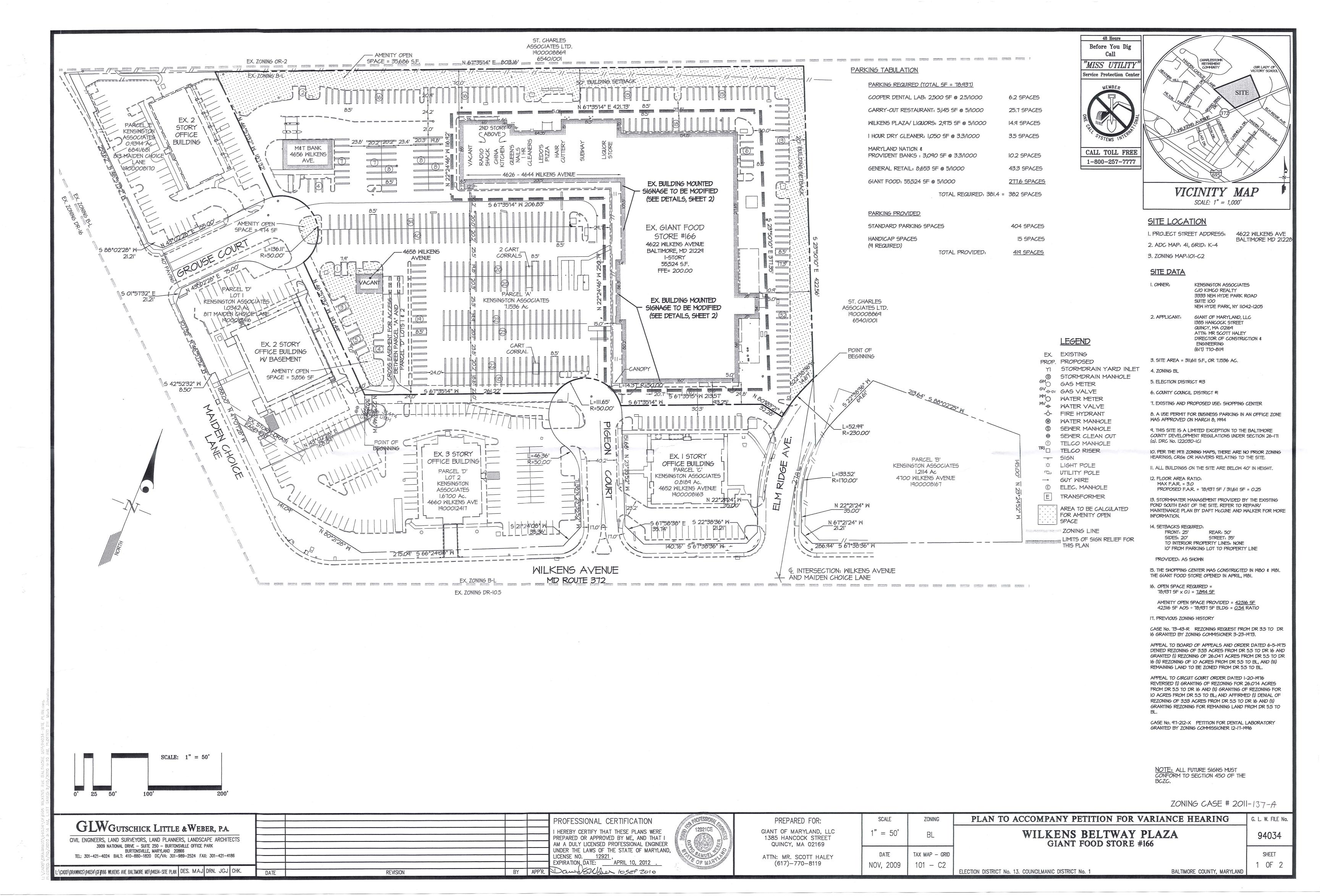
G. L. W. FILE No.

94034

2 OF 2

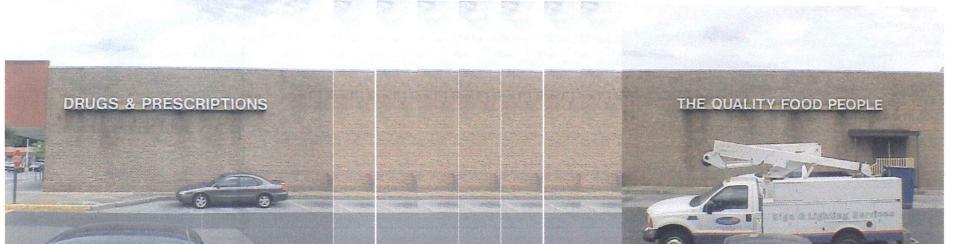
GLWGUTSCHICK LITTLE &WEBER, P.A. CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS
3909 NATIONAL DRIVE - SUITE 250 - BURTONSVILLE OFFICE PARK
BURTONSVILLE, MARYLAND 20866
TEL: 301-421-4024 BALT: 410-880-1820 DC/VA: 301-989-2524 FAX: 301-421-4186

PREPARED FOR:	SCALE	ZONING	PLAN TO ACCOMPANY PETITION FOR VARIANCE HEARIN	1G
GIANT OF MARYLAND, LLC 1385 HANCOCK STREET QUINCY, MA 02169	AS SHOWN	BL	WILKENS BELTWAY PLAZA GIANT FOOD STORE #166	
ATTN: MR. SCOTT HALEY (617)-770-8119	DATE NOV. 2009	TAX MAP — GRID 101 — C2		
		5 2 ±	ELECTION DISTRICT No. 1. COUNCILMANIC DISTRIC 1 BALTIMORE COUNTY, I	MARYLA



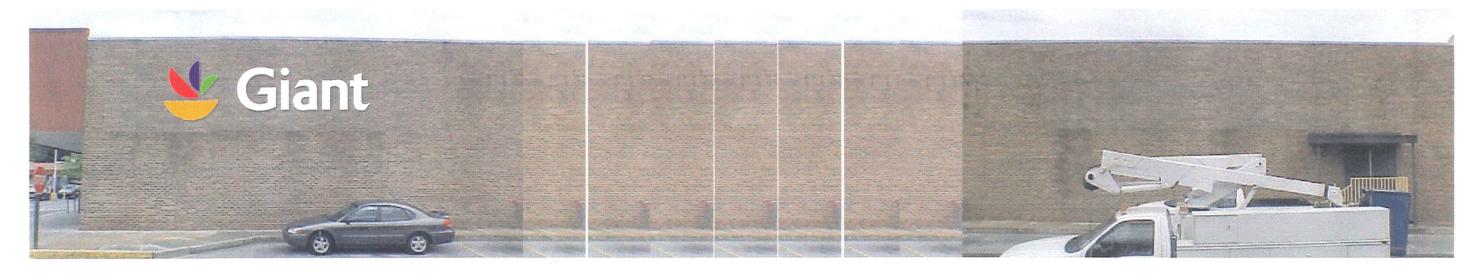
# STORE #166 Baltimore, MD

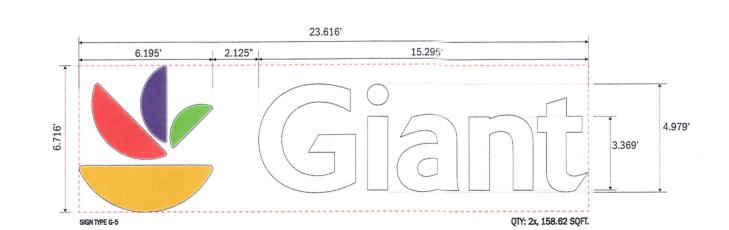






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SIGNAGE SCALE: 1/4" - 1'-0"

WHITE CHANNEL LETTERS INSTALLED ON NARROW RACEWAY PAINTED TO MATCH BRICK WALL

WHITE CHANNEL LETTERS ON NARROW RACEWAY PAINTED TO MATCH BUILDING

flavorful meat

natural foods

1.166 fresh bakery

fresh picked produce

WHITE ACRYLIC LETTERS STUD-MOUNTED TO WALL

ACRYLIC LETTERS PAINTED AND STUD-MOUNTED TO WALL

welcome

BOX SIGNS WITH ILLUMINATED LETTERS IN WHITE.
BACKGROUND OF SIGN FACE, SIGN CABINET AND RETURN
ALL TO MATCH PURPLE PMS 259

AGNOLI	SIGN COMPANY, INC. • 72	2 WORTHING	GTON STREE	ET, SPRINGFIELD, MA 01105	• TEL. (413)	732-5111 • FAX	(413) 787-216			
FRONT	GIANT LOGO	158.62 SQFT	FRONT	THE QUALITY FOOD PEOPLE	33.3 SQFT		₩ 2 10 10	CUSTOMER: GIANT	STORE: GIANT #166	
FRONT	GIANT LOGO	158.62 SQFT	FRONT	LOW PRICES	14.25 SQFT		<u> </u>	]	4622 WILKENS AVE	
FRONT			FRONT				0-0-10	1	WILKENS BELTWAY PLAZA	
FRONT			FRONT				<sup>∞∆</sup> 0-0-10			
FRONT	PNC BANK	11.44 SQFT	FRONT	FLAVORFUL MEAT	12.5 SQFT	TOTAL OF ALL	2 0-0-10	DRAWING CODE: BALTIMORE, MD #166 ELEVATION.CDR / MD / GIANT		
FRONT			FRONT	NATURAL FOODS	11.6 SQFT	SQUARE	≥∆ 0-0-10			
FRONT			FRONT	FRESH BAKERY	10.8 SQFT	FOOTAGE	ĕë 0-0-10	1		
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FRONT			FRONT				0-0-10	SALESPERSON: CHRIS	DRAWN BY: MARIANNE	
FRONT			FRONT				<u>∞</u> □ 0-0-10	THIS DESIGN IS THE EXCLUSIVE PROPERTY OF AGNOLI SIGN COMPANY INCORPORATED AND		
FRONT			SIDE	LOG0	41 SQFT		≦g 0-0-10			
FRONT	WELCOME	13.14 SQFT	SIDE	LETTERS	76.25 SQFT		Z 0-0-10	ALL RIGHTS TO ITS USE OR REPRODUCTION ARE RESERVED		

ZONING CASE # 2011-

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SCALE	ZONING	PLAN TO ACCOMPANY PETITION FOR VARIANCE HEARING	G. L. W. FILE No.
AS SHOWN	BL	WILKENS BELTWAY PLAZA GIANT FOOD STORE #166	94034
date NOV. 2009	TAX MAP — GRID 101 — C2	FLECTION DISTRICT No. 1 COLINCII MANIC DISTRIC 1 RAI TIMORE COUNTY MARYLAND	SHEET 2 OF 2
	AS SHOWN DATE	AS SHOWN BL  DATE TAX MAP - GRID	AS SHOWN BL  WILKENS BELTWAY PLAZA GIANT FOOD STORE #166