

IN THE MATTER OF

* BEFORE THE

DULANEY CENTER BUSINESS TRUST,
RICHARD BICKERTON, AGENT – PETITIONER
FOR VARIANCE; S/ INTERSECTION OF
DULANEY VALLEY RD AND SOUTHERLY RD.
(901 DULANEY VALLEY ROAD)
9TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO.: 11-144-A

* * * * *

ORDER OF DISMISSAL

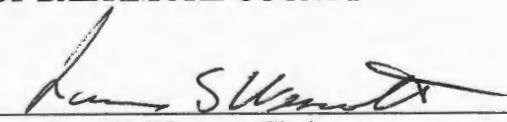
This matter comes to the Board of Appeals by way of an appeal filed by Peter Max Zimmerman, People's Counsel for Baltimore County, from a decision of the Zoning Commissioner dated December 20, 2010 in which the requested Petition for Variance was granted.

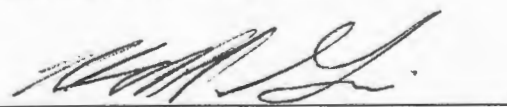
WHEREAS, the Board is in receipt of a voluntary letter of withdrawal of the Petition for Variance, filed March 7, 2011 and signed by David H. Karceski, Counsel for Dulaney Center Business Trust, Petitioners, (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Counsel for Petitioners requests that the Petition for Variance in this matter be withdrawn as of March 7, 2011,

IT IS THEREFORE ORDERED this 8th day of March, 2011 by the Board of Appeals of Baltimore County that the Petition for Variance taken in Case No. 11-144-A be and the same is hereby **DISMISSED without prejudice**, thereby rendering the December 20, 2010 Order of the Zoning Commissioner as **null and void** in this matter.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Lawrence S. Wescott, Chairman


Wendell H. Grier


Andrew M. Belt



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 8, 2011

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

Peter M. Zimmerman, Esquire
Carole S. Demilio, Esquire
Office of People's Counsel
The Jefferson Building, Ste 204
105 W. Chesapeake Avenue
Towson, MD 21204

RE: *In the Matter of: Dulaney Center Business Trust-Petitioner*
Richard Bickerton, Agent
Case No.: 11-144-A

Dear Counsel:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Theresa Shelton/kc

Theresa R. Shelton
Administrator

TRS/klc
Enclosure
Duplicate Original Cover Letter

c: Richard Bickerton/Dulaney Center Business Trust
Sandra I. Liotta, CIMA, CFP, First Vice President/Merrill Lynch
Matthew Allen
Kathleen McAvoy, RPA/Guardian Realty Management, Inc
Tracey Rivell, Project Manager/Icon Identity Solutions
Maria Scarfone, LEED AP, Project Manager/CB Richard Ellis, Inc

Lawrence M. Stahl, Administrative Law Judge
Arnold Jablon, Director/PAI
Jeff Mayhew, Acting Director/Office of Planning
Nancy C. West, Assistant County Attorney
Michael Field, County Attorney
Rick Colbert/Economic Development

David H. Karceski

T 410.494.6285
F 410.821.0147
DHKarceski@Venable.com

March 7, 2011

VIA HAND-DELIVERY

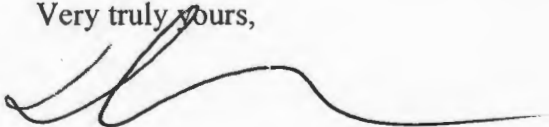
Lawrence S. Wescott, Chairman
County Board of Appeals for Baltimore County
Jefferson Building, Suite 203
105 West Chesapeake Avenue
Towson, MD 21204

Re: Case No.: 2011-0144-A
Property: 901 Dulaney Valley Road

Dear Mr. Wescott:

The purpose of this letter is to confirm that the Petitioner has withdrawn its Petition for Variance relating to the Dulaney Center II property in the above-captioned case. This withdrawal is without prejudice to the right of the property owner or any tenants to seek approvals in the future.

Very truly yours,



David H. Karceski

DHK/rab

cc: Ms. Tracey Rivell
Theresa R. Shelton, Administrator for County Board of Appeals ✓
Peter Max Zimmerman, People's Counsel for Baltimore County

RECEIVED
MAR - 7 2011
BALTIMORE COUNTY
BOARD OF APPEALS

IN RE: PETITION FOR VARIANCE

NE corner of Dulaney Valley
Road and Fairmount Avenue
(901 Dulaney Valley Road)

9th Election District
5th Councilmanic District

Dulaney Center Business Trust,
Legal Owner
Merrill Lynch, *Lessee*
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
*
* Case No. 2011-0144-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Dulaney Center Business Trust, and its Lessee Merrill Lynch. Petitioners request a variance from Section 450.4. *Attachment*. 1.5(d) of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow one wall-mounted enterprise sign to be located above the tenant space occupied by the applicant, Merrill Lynch Wealth Management, and on a façade without a separate, exterior customer entrance. The subject property and requested relief are more particularly described on the site plan and color sign detail, which were marked and submitted into evidence as Petitioners' Exhibits 1 and 6, respectively.

Appearing at the requisite public hearing in support of the request were Kathleen McAvoy, Senior Property Manager for Petitioner/legal owner; Sandra I. Liotta, First Vice President-Investments and Senior Resident Director for Merrill Lynch; Tracey Rivell, project manager for Icon Identity Solutions, Petitioner/lessee's sign manufacturer; Maria Scarfone with CB Richard Ellis, Matthew T. Allen, P.E., with Bohler Engineering, the consultant who prepared the site plan. David H. Karceski, Esquire with Venable LLP appeared as attorney for the requested sign variance. Richard Cobert with Baltimore County's Department of Economic Development also

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Date

By

12-20-10

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attended the public hearing and presented to this Commission a memorandum from his Department's Director in support of the sign variance, which was marked and accepted in evidence as Petitioner's Exhibit 9. There were no other interested persons or protestants.

The testimony and evidence revealed that the subject property, known as the "Dulaney Center," is comprised of approximately 9.8 acres of land situated at the northeast corner of the intersection of Dulaney Valley Road and Fairmount Avenue, in the Towson area of Baltimore County. Dulaney Center is improved with two multi-story commercial buildings with more than 300,000 square feet of gross floor area, a fifteen-story hotel, and seven-level structured parking facility that serves the uses located in these buildings as well as the hotel's patrons. Merrill Lynch's tenant space is located on the fifth floor of the building closest to Dulaney Valley Road, known as "Dulaney Center II"; this particular building contains nine stories. It is important to note that Dulaney Center II as well as the hotel are served by an auto plaza that is completely interior to the Dulaney Center and not visible or accessible from the property's main road frontages on Dulaney Valley Road and Fairmount Avenue. Due to the long and circuitous route from these roadways into the site and regular complaints from Merrill Lynch's clientele that their location is a difficult one to find, Merrill Lynch proposes to install a single wall-mounted sign on the façade of the building that faces Dulaney Valley Road, as shown and indicated on the building elevation with sign detail (Petitioner's Exhibit 6). The legal owner's representative informed this Commission that Merrill Lynch is a major tenant in the Dulaney Center and that the owner is in full support of the requested sign.

The overall site is zoned B.M-C.T. (Business, Major, Commercial, Town-Center Core), as is shown and indicated on Petitioner's Exhibit 1 and the aerial photograph /zoning maps, marked and accepted into evidence as Petitioner's Exhibit 3. Petitioner's Exhibit 3 also reveals that the

C.T. District within which the Dulaney Center is located is much larger than just the Dulaney Center property itself. In fact, this C.T. District is the only such district in the Towson area and is home to numerous other significant commercial properties, including the well-known Towson Town Center, located on the opposite side of Fairmount Avenue from the subject property, and the "Towson Circle" commercial development, located just south of Towson Town Center. Petitioner characterized this area of Towson as an urban one, and this Commission agrees with the description.

Petitioner's Exhibits 1 and 3 also help demonstrate some of the unique aspects of the property. These include: (1) its frontage on four different public roadways, Dulaney Valley Road, Fairmount Avenue, Towson Gate Drive, and Southerly Road; (2) the elongated and unusual shape of the overall Dulaney Center property dictated in part by the configuration of these surrounding roadways; (3) the absence of any vehicular points of ingress and egress on its main road frontages (Dulaney Valley Road and Fairmount Avenue) into the site; (4) the long and circuitous route from these roadways into the Dulaney Center; and as noted (5) the site's location within Towson's C.T. District, an urban town center not like any other in Baltimore County.

The requested relief pertains to Merrill Lynch, who leases space in Dulaney Center II on its fifth floor and would like to install a single wall-mounted sign above its tenant space, as shown on Petitioner's Exhibit 6. It is significant to note the testimony offered by Merrill Lynch as to why the sign is requested. Ms. Liotta, for Petitioner, indicated that a significant percentage of Merrill Lynch's clientele is elderly and/or travels from out of town and from as far away as New York and New Jersey to meet with Merrill Lynch employees at Dulaney Center. Clients not familiar with downtown Towson report on a regular basis that they have difficulty finding Merrill Lynch due to the following: (1) its location within the overall Dulaney Center development; (2) the limited

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Date

12-20-10

By

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visibility of the Dulaney Center to motorists traveling south on Dulaney Valley Road; (3) the challenge of finding the access point into the property from Dulaney Valley Road due to the change in grade on the road in combination with mature trees that screen the Dulaney Center from the view of motorists; and (4) the urban nature of the immediately surrounding area and confusion it creates for motorists as they approach the intersection of Dulaney Valley Road and Fairmount Avenue. For these reasons, Merrill Lynch requests a sign on the exterior of the building at a location above its tenant space, which would not extend above the building's roofline. Merrill Lynch provided this Commission a photograph of a building in the town center of Columbia in Howard County, on which Merrill Lynch has a wall-mounted sign similar to the one proposed in this case. Merrill Lynch explained that its clientele had the same difficulties finding their location in Columbia that clients do in Towson, and the sign was the remedy for the difficulties there. The photograph of this sign was marked and accepted into evidence at Petitioner's Exhibit 8.

It is important to note that none of the Zoning Advisory Committee comments in this case, including the one issued by the Office of Planning, recommended denial of the variance and that the sign at the location proposed will *not* be visible from I-695. Its purpose is to aide motorists already on Dulaney Valley Road as they approach the site from the north and not for visibility from I-695.

The Zoning Commissioner is permitted to grant variances, pursuant to B.C.Z.R. Section 307, upon finding that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests and that requiring strict compliance with the Zoning Regulations would result in a practical difficulty for Petitioner. Having heard the testimony and considered Petitioner's request, I find that sufficient evidence and justification exists to grant the requested variance. I find that the requested variance relief is appropriate in this

instance, given the property's unique characteristics, which include: (1) frontage on four different public roadways and the irregular configuration of the property; (2) the site's limited visibility from Dulaney Valley Road; (3) the location of the auto plaza and entrance for Dulaney Center completely enclosed from view along the property's main road frontages; (4) the distance from Dulaney Valley Road and Fairmount Avenue to the concealed auto plaza; and (5) the site's unique location in Towson's urban C.T. District. I also find that strict compliance with the applicable Special Sign Regulations would result in a practical difficulty and unreasonable hardship for Petitioner and that the relief requested will not result in any adverse impact on the surrounding area. The proposed sign is tastefully designed and appropriate in the location proposed on the building. Additionally, the proposed sign is not out of character with signage already installed on other properties in close proximity the Dulaney Center, including the Towson Town Center and Towson Circle, and will not have any adverse impact on the surrounding area given its location in Towson's C.T. District. Thus, I find that the variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as interpreted in *Cromwell v. Ward*, 102 Md.App. 691 (1995).

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

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County this 20th day of December, 2010 that Petitioner's Variance request from 450.4. *Attachment.1.5(d)* of the Baltimore County Zoning Regulations to allow one wall-mounted enterprise sign to be located above the tenant space occupied by the applicant and on a façade without a separate and exterior customer entrance be and is hereby **GRANTED** in accordance with the Petitioners' site

ORDER RECEIVED FOR FILING

Date

12-20-10

By

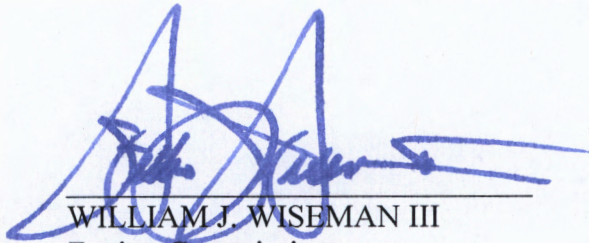
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plan accepted into evidence as Petitioners' Exhibits 1 and 6. The relief granted herein is subject to the following conditions:

ADVISORY: Petitioner is advised that it may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

IT IS FURTHER ORDERED that the decision in this case is not a legal precedent that may be cited as such in any other zoning signage case.

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



WILLIAM J. WISEMAN III
Zoning Commissioner
For Baltimore County

WJW/pz

ORDER RECEIVED FOR FILING

Date 12-20-10

By WJW



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

December 20, 2010

David H. Karceski, Esquire
Venable LLP
201 West Pennsylvania Avenue
Suite 500
Towson MD 21204

RE: PETITION FOR VARIANCE
(901 Dulaney Valley Road)
Case No. 2011-0144-A

Dear Mr. Karceski:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman III".

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:pz

Enclosure

- c: Sandra I. Liotta, First Vice President-Investments and Senior Resident Director for Merrill Lynch, 901 Dulaney Valley Road, Suite 516, Towson MD 21204
Tracey Rivell, Project Manager, Icon Identity Solutions, 5158 Route 13, Bristol PA 19007
Maria Scarfone, CB Richard Ellis, 1100 North King Street, 5th Floor, Wilmington DE 19884
Kathleen McAvoy, Senior Property Manager, 901 Dulaney Valley Road, Towson MD 21204
Matthew T. Allen, Bohler Engineering, 901 Dulaney Valley Road, Suite 801, Towson MD 21204
People's Counsel; Office of Planning; DPR; File



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at 901 Dulaney Valley Road

which is presently zoned BM-CT

Deed Reference: 6382 / 523 Tax Account # 2200004243

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

450.4.Attachment 1.5(d) of the Baltimore County Zoning Regulations to allow one wall-mounted enterprise sign to be located above the tenant space occupied by the applicant and on a facade without a separate, exterior customer entrance.

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

To be determined at hearing

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

David H. Karceski

Name - Type or Print

Signature

Venable LLP

Company

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

Address Telephone No.

Towson MD 21204

City State Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Representative to be Contacted:

David H. Karceski

Name

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

Address Telephone No.

Towson MD 21204

City State Zip Code

Case No. 2011-0144-A

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by TW Date 10/19/10

Attachment to
Petition for Variance

901 Dulaney Valley Road

Legal Owner:

Richard W. Bickerton

Name - Type or Print

Richard W. Bickerton

Signature

Agent for Dulaney Center business trust

Name - Type or Print

Signature

6000 Executive BLVD

240.832.1437

Address

Telephone No.

BETHESDA

MD

20852

City

State

Zip Code

0144-A

Attachment to
Petition for Variance

901 Dulaney Valley Road

Lessee:

Sandra I. Liotta, CIMA, CFP

Sandra I. Liotta

First Vice President
Sr. Resident Director
Merrill Lynch
Dulaney Valley Center II
901 Dulaney Valley Road
Suite 516
Towson, MD 21204

0144-A



BOHLER
ENGINEERING

901 Dulaney Valley Road, Suite 801
Towson, MD 21204
PHONE 410.821.7900
FAX 410.821.7987

October 12, 2010

ZONING DESCRIPTION
PARCEL 853, TAX MAP 70 GRID 8 WITH DEED REFERENCE 26382/621,
SOUTH OF THE INTERSECTION OF
DULANEY VALLEY ROAD AND SOUTHERLY ROAD
BALTIMORE COUNTY, MARYLAND
9TH DISTRICT

BEGINNING AT A POINT ON THE EAST SIDE OF DULANEY VALLEY ROAD WHICH HAS A 122-FOOT RIGHT OF WAY AT THE DISTANCE OF 100-FEET SOUTH OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET SOUTHERLY ROAD WHICH IS A VARIABLE WIDTH WIDE RIGHT-OF-WAY. THENCE THE FOLLOWING COURSES AND DISTANCES:

1. SOUTH 82 DEGREES 41 MINUTES 59 SECONDS EAST; 55.00 FEET TO A POINT.
2. NORTH 07 DEGREES 27 MINUTES 01 SECONDS EAST; 59.34 FEET TO A POINT.
3. SOUTH 82 DEGREES 37 MINUTES 54 SECONDS EAST; 113.08 FEET TO A POINT.
4. SOUTH 24 DEGREES 22 MINUTES 06 SECONDS WEST; 78.35 FEET TO A POINT.
5. SOUTH 06 DEGREES 37 MINUTES 10 SECONDS WEST; 205.53 FEET TO A POINT;
6. SOUTH 60 DEGREES 06 MINUTES 54 SECONDS EAST; 33.93 FEET TO A POINT;
7. SOUTH 30 DEGREES 05 MINUTES 04 SECONDS WEST; 103.97 FEET TO A POINT.
8. NORTH 59 DEGREES 54 MINUTES 10 SECONDS WEST; 30.00 FEET TO A POINT.
9. SOUTH 30 DEGREES 05 MINUTES 04 SECONDS WEST; 131.18 FEET TO A POINT.
10. CURVING TOWARDS THE NORTH WITH A RADIUS OF 88.00 FEET FOR A DISTANCE OF 23.69 FEET, THE CHORD OF SAID ARC BEING NORTH 39 DEGREES 26 MINUTES 48 SECONDS WEST; 23.62 FEET TO A POINT.
11. CURVING TOWARDS THE NORTH WITH A RADIUS OF 208.00 FEET FOR A DISTANCE OF 129.50 FEET, THE CHORD OF SAID ARC BEING NORTH 13 DEGREES 53 MINUTES 53 SECONDS WEST; 127.42 FEET TO A POINT.
12. SOUTH 82 DEGREES 46 MINUTES 07 SECONDS EAST; 3.96 FEET TO A POINT.
13. NORTH 07 DEGREES 07 MINUTES 04 SECONDS EAST; 304.41 FEET TO A POINT OF BEGINNING.

BEING ALSO KNOWN AS LOT 1C, IN THE RESUBDIVISION OF TOWSON GATE RECORDED IN BALTIMORE COUNTY PLAT BOOK 62, FOLIO 25, CONTAINING 62,334 SQUARE FEET OR 1.43 ACRES MORE OR LESS. ALSO KNOWN AS 901 DULANEY VALLEY ROAD AND LOCATED IN THE 9TH ELECTION DISTRICT.

2011-0144-A

OTHER OFFICE LOCATIONS:

- | | | | | | |
|------------------------------------|------------------------------|----------------------------------|---------------------------------|---------------------------------------|--------------------------------|
| • Southborough, MA
508.480.9900 | • Albany, NY
518.438.9900 | • Ronkonkoma, NY
631.738.1200 | • Warren, NJ
908.668.8300 | • Center Valley, PA
610.709.9971 | • Chalfont, PA
215.996.9100 |
| • Philadelphia, PA
267.402.3400 | • Bowie, MD
301.809.4500 | • Sterling, VA
703.709.9500 | • Warrenton, VA
540.349.4500 | • Fort Lauderdale, FL
954.202.7000 | |

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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: # 2011-0144-A

901 Dulaney Valley Road

E/side of Dulaney Valley Road, n/east side of Dulaney Valley Road and Fairmount Avenue

9th Election District - 5th Councilmanic District

Legal Owner(s): Dulaney Center Business Trust
by Richard Bickerton

Lessee: Dulaney Valley Center II, by Sandra Liotta

Variance: to allow one wall-mounted enterprise sign to be located above the tenant space occupied by the applicant and on a facade without a separate, exterior customer entrance.

Hearing: Monday, December 6, 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 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.

11/148 Nov. 18

260976

CERTIFICATE OF PUBLICATION

11/18/, 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 11/18/, 2010.

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

J. Wilkinson

LEGAL ADVERTISING

F 351868

BALTIMORE COUNTY, MARYLAND 09/30/10

<u>Date</u>	<u>Invoice</u>	<u>Invoice Amount</u>
09/30/2010	F093010	325.00
K. WHITMORE 118712.290433 FILING FEES		

<u>Amount Paid</u>
325.00

1CON

VENABLE LLP • 750 E. Pratt Street Suite 900 • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND 09/30/10

F 351868

<u>Date</u>	<u>Invoice</u>	<u>Invoice Amount</u>
09/30/2010	F093010	325.00
K. WHITMORE 118712.290433 FILING FEES		

<u>Amount Paid</u>
325.00

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

No. **61052**

Date: **10/19/10**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 10/22/2010 10/21/2010 11:16:42 5

REG WSO3 WALKIN RBOS LRD
 >>RECEIPT # 486365 10/21/2010 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				325.60

Dept 5 520 ZONING VERIFICATION
 CR NO. 061052

Recpt Tot \$325.00
 \$325.00 CK \$4.00 CA
 Baltimore County, Maryland

Total: **325.00**

Rec From: **Venable**
 For: **Dulaney Valley Business Center**
901 Dulaney Valley Rd
21204 2011-0144-A

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

2011-0144-A

RE: Case No.: _____

Petitioner/Developer: _____

Dulaney Valley Center II, by Sandra
Liotta

Dec 6 2010

Date of Hearing/Closing: _____

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristin Matthews:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were
posted conspicuously
901 Dulaney Valley Road

November 20 2010

The sign(s) were posted on _____

(Month, Day, Year)

Sincerely,

Robert Black

(Signature of Sign Poster)

November 23 2010

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE # 2011-0144-A

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

PLACE: Room 104 JEFFERSON BUILDING
105 WEST CHESAPEAKE AVE TOWSON 21204

DATE AND TIME: MONDAY, DECEMBER 6, 2010 AT 10:00 A.M.

REQUEST: VARIANCE TO ALLOW ONE WALL-MOUNTED ENTER-
PRISE SIGN TO BE LOCATED ABOVE THE TENANT SPACE OCCUPIED
BY THE APPLICANT AND ON A FACADE WITHOUT A SEPARATE EXTERIOR
CUSTOMER ENTRANCE.

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

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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number 2011-0144-A

Petitioner: MERRILL LYNCH

Address or Location: 901 DULANEY VALLEY RD

PLEASE FORWARD ADVERTISING BILL TO

Name: KEDRICK WHITMORE

Address: 210 W. PENNSYLVANIA AVE, STE. 500
TOWSON, MD 21204

Telephone Number: 410-494-6200

TO: PATUXENT PUBLISHING COMPANY
Thursday, November 18, 2010 Issue - Jeffersonian

Please forward billing to:

Kedrick Whitmore

410-494-6200

Venable

210 W. Pennsylvania Avenue, Ste. 500

Towson, MD 21204

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: 2011-0144-A

101 Dulaney Valley Road

E/side of Dulaney Valley Road, n/east side of Dulaney Valley Road and Fairmount Avenue

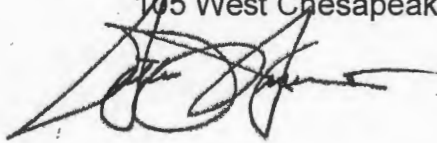
9th Election District – 5th Councilmanic District

Legal Owners: Dulaney Center Business Trust by Richard Bickerton

Lessee: Dulaney Valley Center II, by Sandra Liotta

Variance to allow one wall-mounted enterprise sign to be located above the tenant space occupied by the applicant and on a façade without a separate, exterior customer entrance.

Hearing: Monday, December 6, 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.



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

November 4, 2010

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2011-0144-A

901 Dulaney Valley Road

E/side of Dulaney Valley Road, n/east side of Dulaney Valley Road and Fairmount Avenue

9th Election District – 5th Councilmanic District

Legal Owners: Dulaney Center Business Trust by Richard Bickerton

Lessee: Dulaney Valley Center II, by Sandra Liotta

Variance to allow one wall-mounted enterprise sign to be located above the tenant space occupied by the applicant and on a façade without a separate, exterior customer entrance.

Hearing: Monday, December 6, 2010 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:kl

C: David Karceski, 210 W. Pennsylvania Ave, Ste. 500, Towson 21204
Richard Bickerton, 6000 Execution Blvd., Bethesda 20852
Sandra Liotta, 901 Dulaney Valley Road, Ste. 516, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., NOVEMBER 20, 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.



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

w/d

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

March 1, 2011

NOTICE OF ASSIGNMENT

CASE #: 11-144-A

IN THE MATTER OF: Dulaney Center Business Trust
Richard Bickerton, Agent/Petitioner
901 Dulaney Valley Road/9th Election District; 5th Councilmanic District

Re: Petition for Variance to allow one wall-mounted enterprise sign to be located above the tenant space occupied by the applicant and on a façade without a separate exterior customer entrance.

12/20/10 Findings of Fact and Conclusion of Law issued by Zoning Commissioner GRANTING requested Variance relief.

ASSIGNED FOR: TUESDAY, MAY 3, 2011 AT 10:00 A.M.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

c: Counsel for Petitioner/Legal Owner	: David Karceski, Esquire Venable, LLP
Petitioner/Agent for Legal Owner	: Richard Bickerton Dulaney Center Business Trust
Lessee	: Merrill Lynch Sandra I. Liotta, CIMA, CFP First Vice President
Protestant/Appellant	: Office of People's Counsel

Matthew Allen Kathleen McAvoy, RPA

Tracey Rivell, Project Manager

Maria Scarfone, LEED AP

Lawrence M. Stahl, Administrative Law Judge
Jeff Mayhew, Acting Director/Office of Planning
Michael E. Field, County Attorney

Arnold Jablon, Director/PAI
Nancy C. West, Assistant County Attorney
Rick Colbert/Economic Development



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

December 1, 2010

Mr. David H. Karceski
210 W. Pennsylvania Avenue Ste 500
Towson, Maryland 21204

Dear Mr. Karceski:

RE: 2011-0144-A 901 Dulaney Valley Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 19, 2010. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc
Enclosures

c: People's Counsel
Richard W. Bickerton Agent Dulaney Business Trust 600 Executive Blvd. Bethesda, Md 20852

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



MARYLAND DEPARTMENT OF TRANSPORTATION

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

Date: Oct. 28, 2011

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

RE: Baltimore County
Item No. 2011-0144A
MD 146 (DULANEY VALLEY RD)
901 DULANEY VALLEY RD
BICKONTON PROPERTY
VARIANCE -

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 10/29/2010. A field inspection and internal review reveals that an entrance onto MD 146 is consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for 901 DULANEY VALLEY RD, Case Number 2011-0144A.

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

Very truly yours,

A handwritten signature in dark ink that reads "Michael P. Bailey".

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

SDF/MB

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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: November 1, 2010

FROM: Dennis A. Kennedy, ^{DAK}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

DATE: December 2, 2010

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

RECEIVED

SUBJECT: 5658 Gunpowder Road

DEC 03 2010

INFORMATION:

Item Number: 11-144

ZONING COMMISSIONER

Petitioner: 901 Dulaney Valley Road

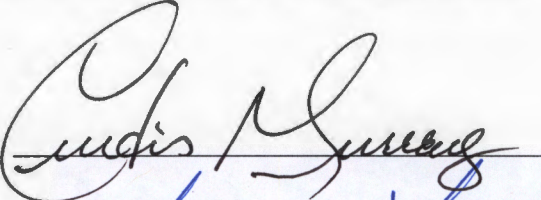
Zoning: BM-CT

Requested Action: Variance

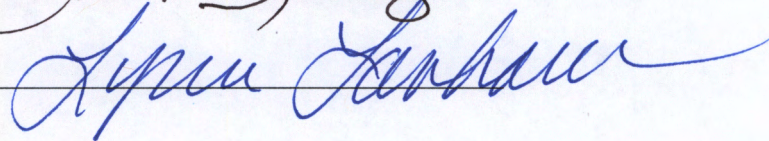
To allow one wall mounted sign to be located above the tenant space occupied by the applicant and on a facade without a separate, exterior customer entrance.

The Office of planning has reviewed the above referenced case and has no comments to offer.

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

Prepared by: 

Division Chief:
AFK/LL: CM



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

DEC 01 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: December 1, 2010
SUBJECT: Zoning Item # 11-144-A
Address 901 Dulaney Valley Road
(Bickonton Property)

Zoning Advisory Committee Meeting of October 25, 2010.

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

Reviewer: JWL Date: 12/1/10

RE: PETITION FOR VARIANCE * BEFORE THE
901 Dulaney Valley Rd; E/S Dulaney Valley *
Rd, NE/S of Dulaney Valley & Fairmount Ave* ZONING COMMISSIONER
9th Election & 5th Councilmanic Districts *
Legal Owner(s): Richard Bickonton * FOR
Petitioner(s) *
* BALTIMORE COUNTY
*
* 2011-144-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.

RECEIVED

OCT 26 2010

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of October, 2010, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, Venable, LLP, 210 West Pennsylvania Avenue, Suite 500, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Interoffice Memorandum

DATE: October 19, 2010

TO: Zoning Commissioner and File

FROM: Leonard Wasilewski
Planner II, Zoning Review

SUBJECT: Variance Petition for Dulaney Center Business Trust
Case No. 2011-0144-A
(8100 Loch Raven Blvd)
Dulaney Valley Center

- A. For clarification, this office accepted a Petition for sign Variances on October 19, 2010 from the petitioner Dulaney Center Business Trust.
- B. During the original filing appointment the petitioner was advised that, a tenant in the center "Hodes, Pessin & Katz, P.A." has a wall sign on a side wall without a customer entrance in violation of Section 450.4 Attachment 1.5(d) of the Baltimore County Zoning Regulations (BCZR). Since the Attorney for the petitioner does not represent the owner of the business center he is not empowered to request a variance for the "Hodes, Pessin & Katz, P.A." non-conforming sign. Failure to variance this sign creates a zoning enforcement problem thru October 18, 2012 at which time the non-conforming sign must be varianced or removed pursuant to Section 450.8.D.1 BCZR.
- C. Please call me if you have any questions. (410-887-3391)

LW



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

February 10, 2011

David Karceski
Venable, LLP
201 W. Pennsylvania Avenue, Ste. 500
Towson, MD 21204

Dear Mr. Karceski:

RE: Case: 2011-0144-A, 901 Dulaney Valley Road

Please be advised that an appeal of the above-referenced case was filed in this office on December 28, 2010 by People's Counsel. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a faint, larger signature.

Arnold Jablon
Director, PAI

AJ:kl

c: Administrative Law Hearings Office
Arnold Jablon, Director of PAI
People's Counsel
Sandra Liotta, Merrill Lynch, 901 Dulaney Valley Road, Ste. 516, Towson 21204
Tracey Rivell, Icon Identity Solutions, 5158 Route 13, Bristol PA 19007
Maria Scarfone, CB Richard Ellis, 1100 North King St, 5th Fl., Wilmington DE 19884
Kathleen McAvoy, 901 Dulaney Valley Rd., Towson 21204
Matthew Allen, Bohler Engineering, 901 Dulaney Valley Road, Towson 21204



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

December 28, 2010

Hand-delivered

George Klunk, Acting Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Re: PETITION FOR VARIANCE
NE corner of Dulaney Valley
Road and Fairmount Avenue
901 Dulaney Valley Road
9th Election District; 5th Councilmanic District
Dulaney Center Business Trust – Legal Owner and Merrill Lynch - Petitioner
Case No.: 2011-0144-A

Dear Mr. Klunk:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated December 20, 2010 by the Baltimore County Zoning Commissioner.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

RECEIVED

DEC 28 2010

PMZ/CSD/rmw

cc: David H. Karceski, Esquire,

APPEAL

Petition for Variance

Case No.:

Petition for Variance (October 19, 2010)

Zoning Description of Property

Interoffice Memorandum – October 19, 2010 – Leonard Wasilewski, Planner

Notice of Zoning Hearing (November 4, 2010)

Certification of Publication (The Jeffersonian – November 18, 2010)

Certificate of Posting (November 20, 2010) by Robert Black

Entry of Appearance by People's Counsel (October 26, 2010)

Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet - None

County Representatives Sign-In Sheet – One Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit

As shown on the attached exhibit sheet

Protestants' Exhibits – None

Miscellaneous (Not Marked as Exhibit) – None

Zoning Commissioner's Order (GRANTED – December 20, 2010)

Notice of Appeal received on December 28, 2010 by People's Counsel of Baltimore County

c: People's Counsel of Baltimore County, MS #2010
Administrative Law Hearings Office
Arnold Jablon, Director, PAI
See attached cover letter

date sent February 10, 2011, kl

APPEAL

9th 5th C

Petition for Variance

Case No.: 11-144-A

- ✓ Petition for Variance (October 19, 2010)
- ✓ Zoning Description of Property
- ✓ Interoffice Memorandum – October 19, 2010 – Leonard Wasilewski, Planner
- ✓ Notice of Zoning Hearing (November 4, 2010)
- ✓ Certification of Publication (The Jeffersonian – November 18, 2010)
- ✓ Certificate of Posting (November 20, 2010) by Robert Black
- ✓ Entry of Appearance by People's Counsel (October 26, 2010)
- ✓ Petitioner(s) Sign-In Sheet – One Sheet
- Protestant(s) Sign-In Sheet – None
- ✓ County Representatives Sign-In Sheet – One Sheet
- ✓ Zoning Advisory Committee Comments
- ✓ Petitioners' Exhibit
 - As shown on the attached exhibit sheet
 - ✓ Exhibits # 1-9
- Protestants' Exhibits – None
- Miscellaneous (Not Marked as Exhibit) – None
- ✓ Zoning Commissioner's Order (GRANTED – December 20, 2010)
- ✓ Notice of Appeal received on December 28, 2010 by People's Counsel of Baltimore County

RECEIVED
FEB 11 2011
BALTIMORE COUNTY
BOARD OF APPEALS

c: People's Counsel of Baltimore County, MS #2010
Administrative Law Hearings Office
Arnold Jablon, Director, PAI
See attached cover letter

date sent February 10, 2011, kl

Address List

Petitioners

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

Richard Bickerton
Dulaney Center Business Trust
6000 Executive Blvd
Bethesda, MD 20852

Sandra I. Liotta, CIMA, CFP
First Vice President
Sr. Resident Director
Merrill Lynch
Dulaney Valley Center II
901 Dulaney Valley Road, Ste 516
Towson, MD 21204

Interested Persons:

Matthew Allen
901 Dulaney Valley Road, Ste 801
Towson, MD 21204

Kathleen McAvoy, RPA
Guardian Realty Management, Inc
901 Dulaney Valley Road, Ste 304
Towson, MD 21204

Tracey Rivell, Project Manager
Icon Identity Solutions
5158 Route 13
Bristol, PA 19007

Maria Scarfone, LEED AP
Project Manager
CB Richard Ellis, Inc
1100 N. King Street, 5th Fl
Wilmington, DE 19884

Interoffice:

Office of People's Counsel (Appellant)
Lawrence M. Stahl, Administrative Law Judge
Arnold Jablon, Director/PAI
Jeff Mayhew, Acting Director/Office of Planning
Nancy C. West, Assistant County Attorney
Michael Field, County Attorney
Rick Colbert/Economic Development

Maryland Department of Assessments and Taxation
Real Property Data Search (vw2.3)
BALTIMORE COUNTY

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

Account Identifier:

District - 09 Account Number - 2200004243 ✓

Owner Information

Owner Name:	DULANEY CENTER BUSINESS TRUST C/O WELLS FARGO BANK NA	Use:	COMMERCIAL
Mailing Address:	1901 HARRISON ST FLR 2 OAKLAND CA 94612-3652	Principal Residence:	NO
		Deed Reference:	1) /26382/ 621 2)

Location & Structure Information

Premises Address	Legal Description
901 DULANEY VALLEY RD BALTIMORE MD 21204	1.431 AC 901 DULANEY VALLEY RD TOWSON GATE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	
70	8	853 ✓					1C	2	Plat Ref:	62/ 25

Special Tax Areas

Town Ad Valorem Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1987	215,667 SF	62,334.00 SF	15

Stories **Basement** **Type** **Exterior**

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2010	07/01/2011
Land	4,675,000	4,675,000		
Improvements:	16,200,500	16,200,500		
Total:	20,875,500	20,875,500	20,875,500	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller:	BB&K/DULANEY CENTER INC	Date:	11/14/2007	Price:	\$0
Type:	NOT ARMS-LENGTH	Deed1:	/26382/ 621	Deed2:	
Seller:	ATLANTIC REAL ESTATE PARTNERS ILP	Date:	06/01/1995	Price:	\$30,000,000

2011-01-14-0
late 10am

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: May 12, 2011

TO: Arnold Jablon, Director
Permits, Approvals & Inspections

FROM: Sunny Cannington, Legal Secretary
Board of Appeals

SUBJECT: CLOSED APPEAL CASE FILES/CASES DISMISSED

The following cases have been closed as of the above date and are being returned to your office for storage.

<u>Case No:</u>	<u>Case Name:</u>	<u>Note:</u>
10-094-SPH	Christopher Malstrom	4/1/11-Board issued final Order Granting the Petition for Special Hearing.
11-144-A	Dulaney Center Business Trust	3/8/11-Order of Dismissal - Petitioner withdrew the Petition for Variance.

c: Michael Field, County Attorney

PLEASE PRINT CLEARLY

CASE NAME Dulaney Center
CASE NUMBER 2011-0144-A
DATE 12/6/10

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Matthew Allen ✓	901 Dulaney Valley Rd Suite 801	Towson, MD 21286	matthew.allen@cbre.com
Sandy Liotta ✓✓	901 Dulaney Valley Rd Ste 516	Towson MD 21204	Sandra.Liotta@ml.com Sandra_Liotta@ml.com
Maria Scarfone ✓✓	1100 N. King St. ^{5th Floor} Wilmington	Wilmington DE 19884	Maria.Scarfone@cbre.com
Dan & Kancerki ✓	210 West Penn Ave Suite 500	Towson MD 21204	
Tracey Rivell ✓	5158 Rte. 13 Bristol, PA	Bristol, PA 19007	trivell@iconid.com
Kathy McAvoy ✓	901 Dulaney Valley Rd	Towson MD 21204	KMcavoy@guardianrealty.com

Maria Scarfone, LEED AP
Project Manager
Global Corporate Services

CB Richard Ellis, Inc.

CBRE
CB RICHARD ELLIS

1100 N. King St.
DE5-002-05-04
Wilmington, DE 19884
302 378 1349 Tel
302 494 4985 Cell
302 432 3467 Fax

maria.scarfone@cbre.com
www.cbre.com

ecsa
East Coast Sign Advertising /
Icon Identity
Solutions

Tracey Rivell
project manager

East Coast Sign Division
5058 Route 13 N. @ PA Turnpike
Bristol, PA 19007

Tel: 215.458.9126
Fax: 610.290.0018 Cell: 267.249.0658
email: trivell@ecsigns.com www.ecsigns.com

GUARDIAN
REALTY MANAGEMENT, INC.

www.guardianrealty.com

Kathleen McAvoy, RPA
Senior Property Manager



901 Dulaney Valley Road, Suite 304
Towson, Maryland 21204
kmcavoy@guardianrealty.com
Emergency Line: 301-770-5931

Tel. 410-821-0760
Fax 410-821-0759
Cell 717-968-0936

Merrill Lynch
Wealth Management
Bank of America Corporation

Sandra I. Liotta, CIMA®, CFP®
The Liotta Osterman Group
First Vice President-Investments
Senior Resident Director

Tel: 410.321.4321 • 866.956.4321 Toll Free 1.410.202.2194 Fax
sandra_liotta@ml.com • www.fa.ml.com/liottaostermangroup

901 Dulaney Valley Rd., Ste 516, Towson, MD 21204
Merrill Lynch, Pierce, Fenner & Smith Incorporated

CASE NAME Dulaney Ctr.
CASE NUMBER 2011-0144-A
DATE 12-6-10

[illegible]

Bohler Engineering

Civil, Consulting, Traffic and Geotechnical Engineers • Surveyors • Site Planners

901 Dulaney Valley Road, Suite 801, Towson, MD 21204 • Phone 410-821-7900 • Fax 410-821-7987



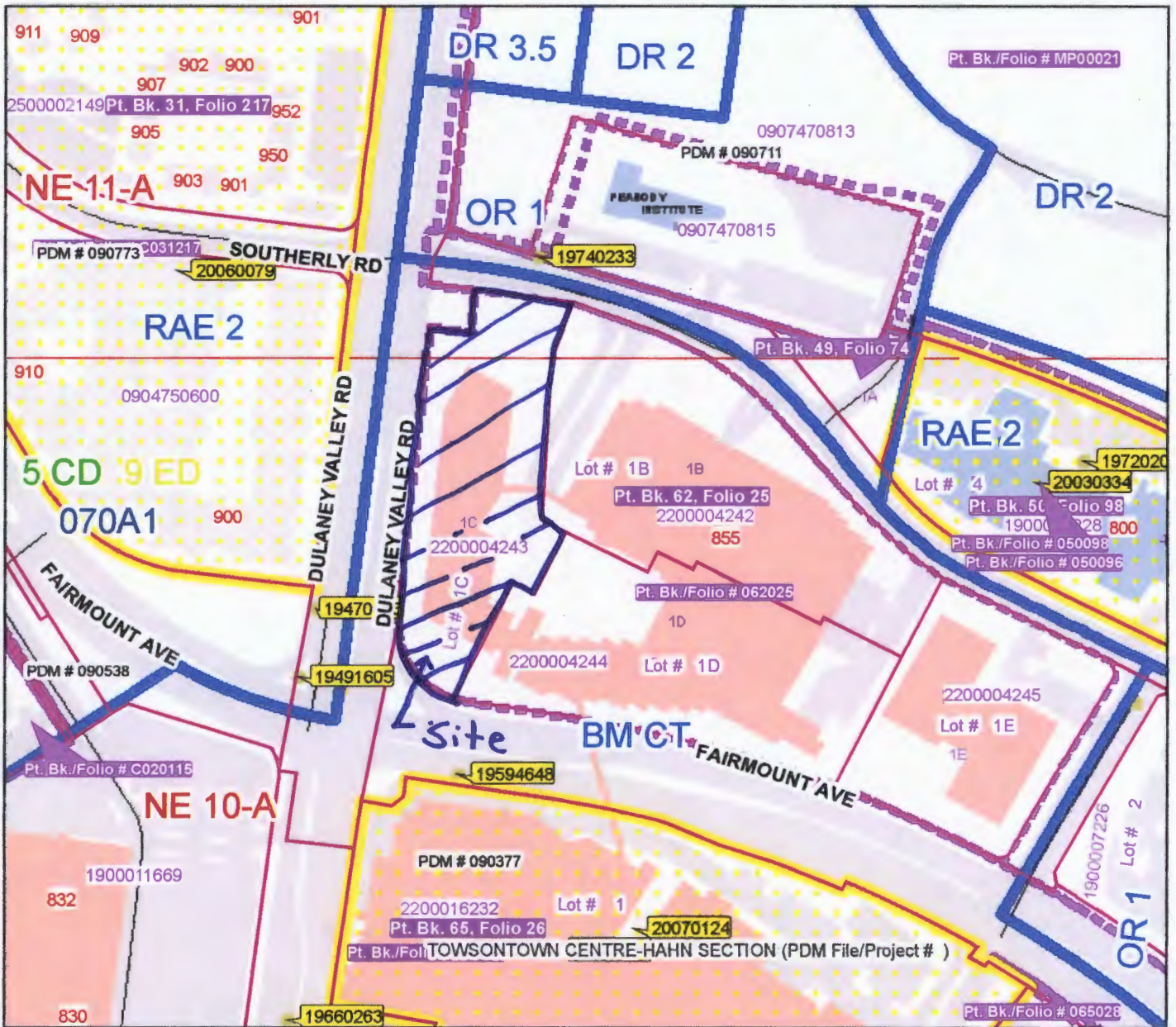
Existing "Dulaney Center II" Sign



Existing "Hodes, Pessin & Katz, P.A." Sign

2011-0144-A

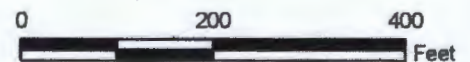
901 Dulaney Valley Road



2011-0144-A



Publication Date: October 07, 2010
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



1 inch = 200 feet

Case No.: 2011-0144-A

901 Dulaney Valley Rd

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Resume	
No. 3	Aerial Photograph	
No. 4	SPAT Sheet	
No. 5	Town Revitalization District Limits	
No. 6	Sign Elevation Drawing	
No. 7	Photographs Existing Conditions - Other signs	
No. 8	OTHER BLDG Demonstrating SIGNAGE	
No. 9	Dept of Economic Development in Support	
No. 10		
No. 11		
No. 12		



BOHLER™
ENGINEERING

MATTHEW T. ALLEN, P.E.

Branch Manager/Senior Project Manager

EDUCATION

M.B.A. Finance
Pennsylvania State University

B.S. Civil Engineering
Pennsylvania State University

PROFESSIONAL AFFILIATIONS

Baltimore County Chamber of
Commerce

American Society of Civil Engineers

National Society of Professional
Engineers

Maryland Society of Professional
Engineers

International Council of Shopping
Centers

National Association of Industrial
and Office Properties

Urban Land Institute

Greater Baltimore Economic Forum

PROFESSIONAL LICENSES

Delaware PE #13499
District of Columbia PE #900965
Maryland PE #28567
Pennsylvania PE #061707
Virginia PE #040239979
West Virginia PE #18065

PROFESSIONAL SUMMARY

Matthew currently serves as currently serves as a Branch Manager for Bohler Engineering's Towson, Maryland Office. Experience includes twelve (12) years of design and project management. Primarily responsible for the daily operation of the Towson Office as well as client and project management for various commercial, residential and industrial developments. Areas of experience include site feasibility analysis and budgeting, site layout and planning, zoning and subdivision ordinance review/interpretation, horizontal and vertical roadway design, site grading, earthwork balancing and analysis, soil erosion and sediment control measures and facilities, utility design, stormwater management and water quality system designs, environmental compliance/evaluations, lighting photometric studies/design, signage compliance, landscaping design, vehicular circulation design, oversight of expediting and application approvals and related services.

Other areas of expertise include project permitting which includes coordination/procurement of project approvals ranging from zoning to land development to building permits for over 300 projects in over 150 Mid-Atlantic municipalities including Maryland, District of Columbia, Delaware and Pennsylvania.

PROJECT TESTIMONY

Testified on behalf of Bohler Engineering in numerous municipalities before Planning Commissions, Board of Supervisors, Zoning Hearing Boards and related municipal entities in Delaware, Maryland and Pennsylvania.

PETITIONER' S

EXHIBIT NO. 2



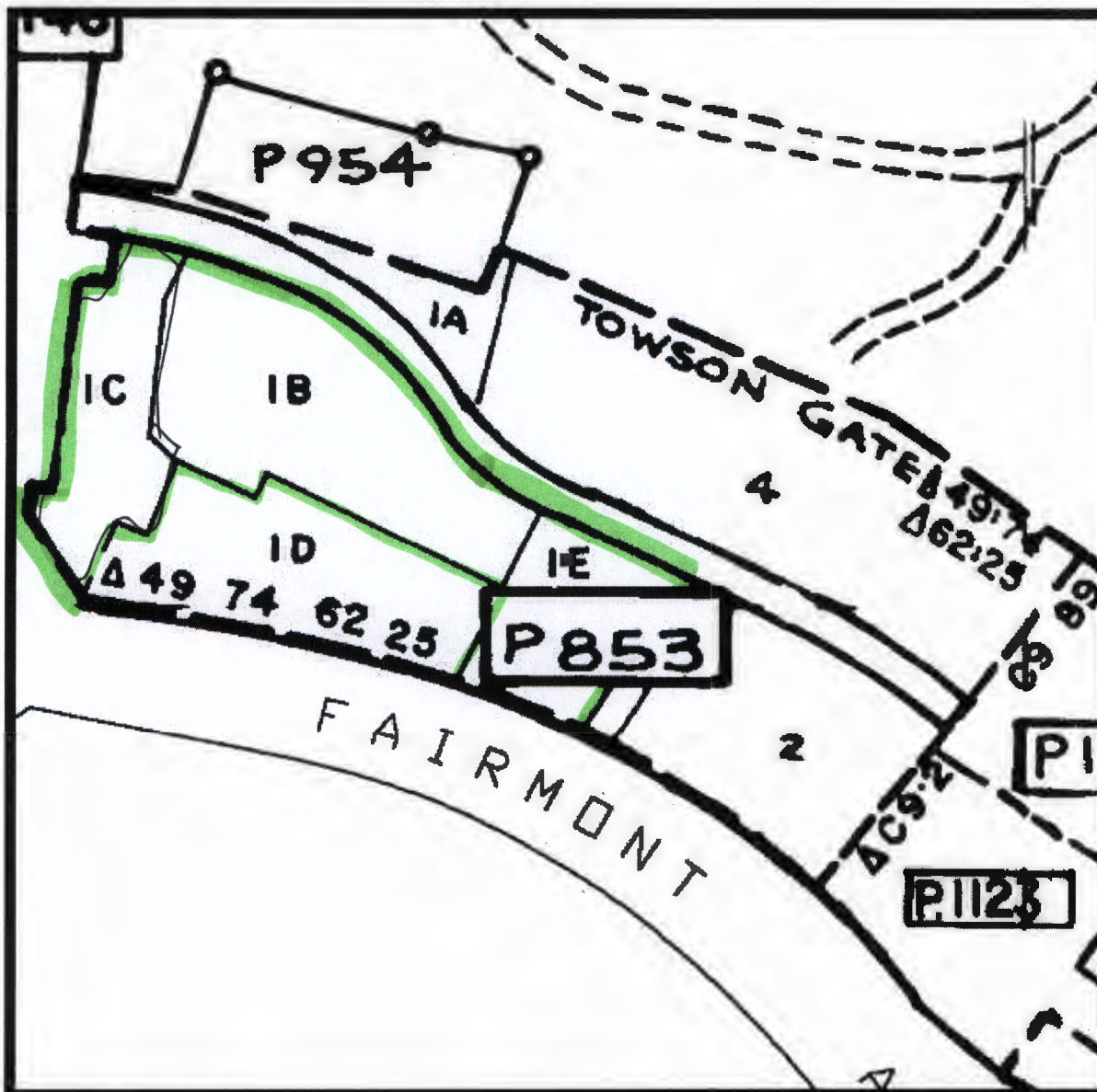
PETITIONER'S **3**
EXHIBIT NO. _____



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

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

District - 09 Account Number - 2200004245



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

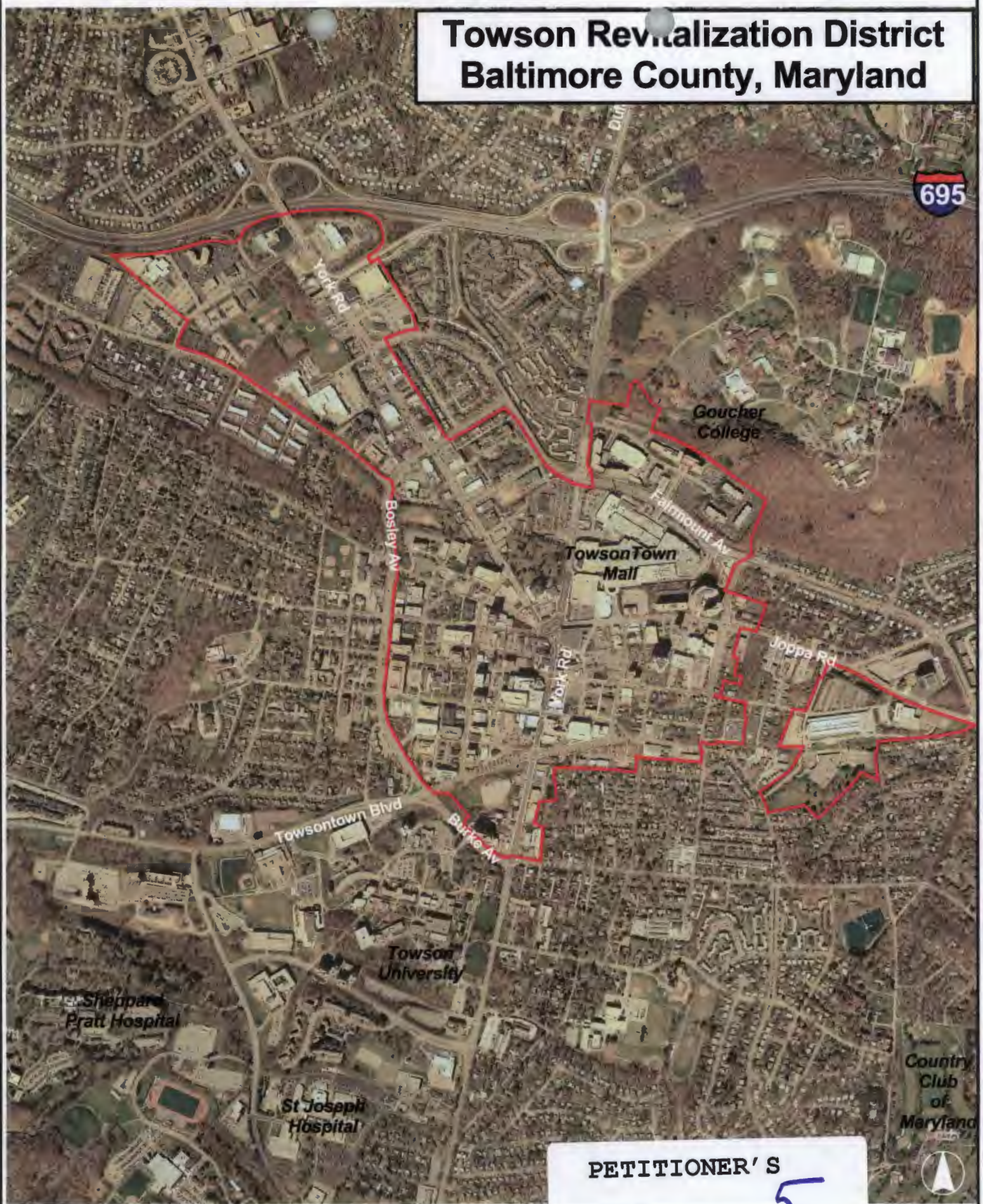
Property maps provided courtesy of the Maryland Department
 For more information on electronic mapping applications, visit the Mary
 web site at www.mdp.state.md.us/OurProducts/OurPrc

PETITIONER' S

EXHIBIT NO.

4

Towson Revitalization District Baltimore County, Maryland



PETITIONER'S

EXHIBIT NO.

5

11 Rights



Bohler Engineering

Civil, Consulting, Traffic and Geotechnical Engineers • Surveyors • Site Planners
901 Dulaney Valley Road, Suite 801, Towson, MD 21204 • Phone 410-821-7900 • Fax 410-821-7987



East Joppa Road at Towson roundabout looking East

1



York Road at Towson roundabout looking East

2

PETITIONER'S

EXHIBIT NO.

7A

Bohler Engineering

Civil, Consulting, Traffic and Geotechnical Engineers • Surveyors • Site Planners
901 Dulaney Valley Road, Suite 801, Towson, MD 21204 • Phone 410-821-7900 • Fax 410-821-7987



**Entrance to Towson Town Center from Dulaney Valley Road
looking East**

13



Towson Town Center on Dulaney Valley Road looking Southeast

14

7B

Bohler Engineering

Civil, Consulting, Traffic and Geotechnical Engineers • Surveyors • Site Planners
901 Dulaney Valley Road, Suite 801, Towson, MD 21204 • Phone 410-821-7900 • Fax 410-821-7987



Towson Town Center at corner of Dulaney Valley Road and Fairmont Avenue looking East

15



Towson Town Center on Fairmont Avenue looking South

16

7C



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

DAVID S. IANNUCCI
Executive Director
Department of Economic Development

MEMORANDUM

TO: Merrill Lynch – Dulaney Center
FROM: David Iannucci, Executive Director, DED
RE: Merrill Lynch signage request
DATE: November 18, 2010

David Karceski, Esquire of Venable LLP has contacted our department on your behalf concerning the Zoning Hearing for this project. The case information is:

Case Number: 2011-0144-A Location: East side of Dulaney Valley Road, northeast side corner of Dulaney Valley Road and Fairmount Avenue. 9th Election District Legal Owner(s): Richard Bickonton

We understand that Merrill Lynch has requested a new sign to be added to Dulaney Center. Merrill Lynch currently employs 40 and is adding 20 new jobs over the next year.

Professional service firms in the 21st century require location visibility and brand recognition. Merrill Lynch is a financial services firm located in the Dulaney Center. This new signage provides location visibility for clients and prospects visiting Merrill Lynch's offices. The signage brands Dulaney Center with a professional firm of longstanding reputation in the growing financial services cluster in Baltimore County.

Our Department endorses Merrill Lynch's signage request. The location is zoned OR-1, and the immediate area includes primarily office, service, and retail businesses.

CC: David Karceski, Esquire Venable LLP

PETITIONER'S

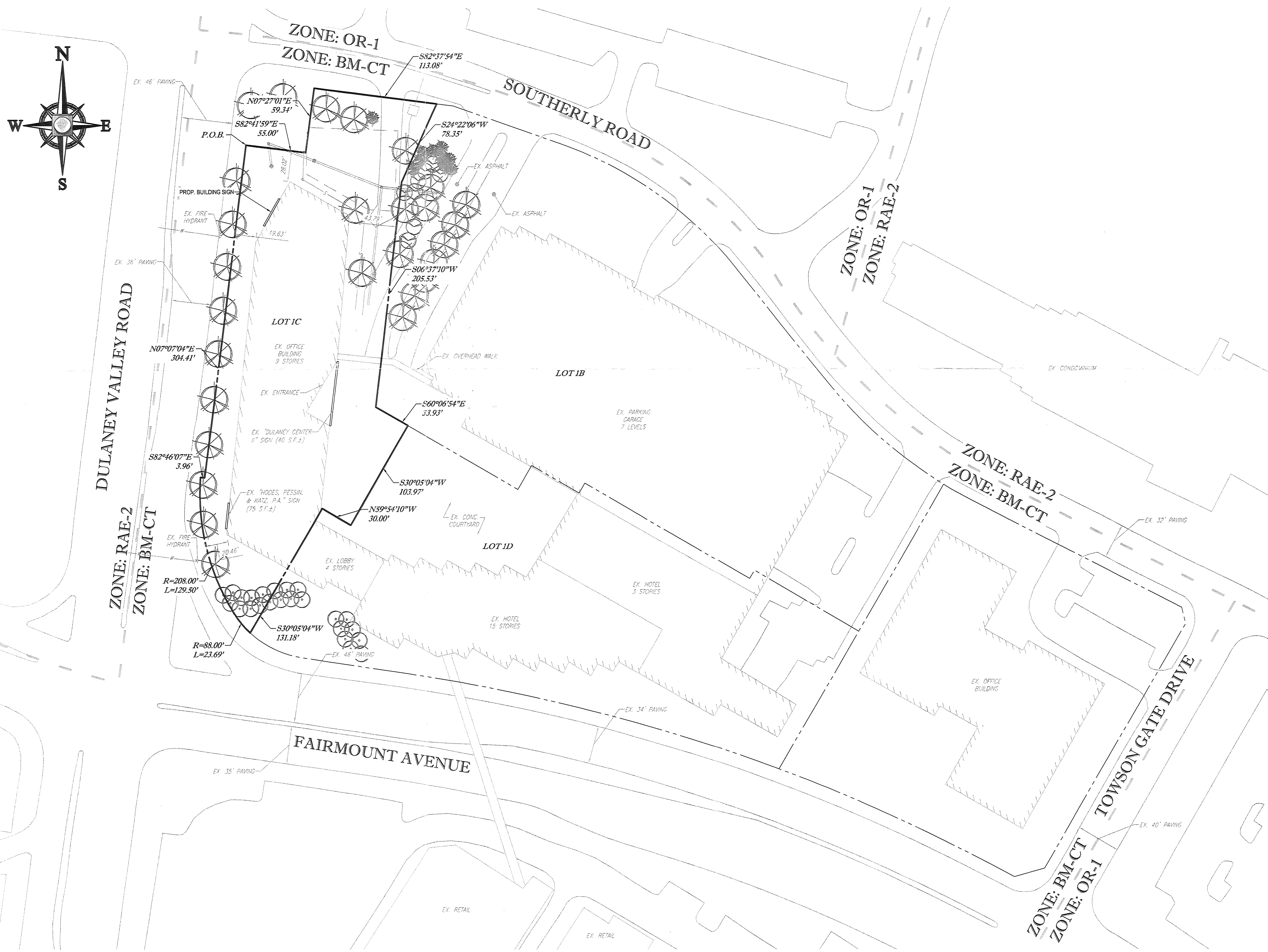
EXHIBIT NO. 9

BM-CT
RAC
DEM



PROPOSED BUILDING SIGN (103.84 S.F.)

NOT TO SCALE



ZONING HISTORY

1. CASE NO. 66-59-R: DENIED ON NOVEMBER 2, 1965 TO REZONE FROM R-10 AND R-20 TO BM.
2. CASE NO. 72-202-R: GRANTED ON MARCH 13, 1972 TO REZONE FROM D.R.2 TO D.R. 15 AND R.A.E. 2
3. CASE NO. 79-145-X: GRANTED ON MAY 3, 1979 FOR A SPECIAL EXCEPTION TO ALLOW AN OFFICE BUILDING AND OFFICES; PETITION WAS DENIED ON JANUARY 26, 1983



COPYRIGHT ADC THE MAP PEOPLE
PERMIT USE NO. 20602153-5
SCALE: 1"=1000'

SITE NOTES

1. THIS PLAN REFERENCE A PLAN BY:
DAFT, MCCUNE, WALKER, INC.
LITTLE ROCK PLANNING & DESIGN VALLEY CENTER
JOB NO.: 82071
DATE: 12/20/84; LAST REVISED 1/23/85
2. ZONE: BM-C/T
3. TOTAL SITE AREA: 62,334 S.F. OR 1.43 AC.
4. EXISTING FLOOR AREA: 215,567 SQ. FT.
5. PERMITTED FLOOR AREA RATIO: 5.5
6. EXISTING FLOOR AREA RATIO: 3.46
7. DEED REFERENCE: 2632/82(1)
8. TAX ACCOUNT NUMBER: 22003004243
9. ELECTION DISTRICT: 9TH
10. COUNCILMANIC DISTRICT: 4TH
11. WATERSHED: 10
12. SEWER SHED: 29
13. EXISTING USE: OFFICE AND HOTEL
14. CENSUS TRACT: 4903.02
15. THERE ARE NO HISTORICAL STRUCTURES WITHIN OR CONTIGUOUS TO THE PROPOSED DEVELOPMENT.
16. SITE IS NOT LOCATED IN THE 100 YEAR FLOOD PLAIN.
17. THERE ARE NO STREAMS OR WETLANDS LOCATED WITHIN THE SITE BOUNDARY.
18. THERE ARE NO EXISTING OR IMPENDING FAILURES OF THE BASIC SERVICE MAPS ON THIS SITE.
19. TAX MAP: 70
PARCEL: 853
20. AMENITY OPEN SPACE:
REQUIRED (LOTS 1B, 1C, & 1D): 66,020 S.F.
EXISTING (LOTS 1B, 1C, & 1D): 72,500 S.F.
21. BUILDING HEIGHT: 115' (EXISTING)
22. PARKING REQUIRED:
EXISTING OFFICE BUILDING
27,000 S.F. @ 1/300 S.F. = 92
110,400 S.F. @ 1/500 S.F. = 221
SUBTOTAL = 313

PROPOSED OFFICE BUILDING
29,000 S.F. @ 1/300 S.F. = 97
171,000 S.F. @ 1/500 S.F. = 342
SUBTOTAL = 439

PROPOSED HOTEL
279 ROOMS @ 1/ROOM = 279
10,000 S.F. CAFE, ETC. ONE REQUIRED IN BM-C/T
1,500 S.F. RETAIL @ 1/250 = 6
200 PEOPLE MEETING @ 1/6 PEOPLE = 217
SUBTOTAL = 5

TOTAL PARKING REQUIRED = 1,253 SPACES
TOTAL PARKING PROVIDED = 1,698 SPACES

NOTE:

ALL FUTURE SIGNS MUST CONFORM
TO SECTION 450 OF THE BCZR.

PROPOSED SIGNAGE CALCULATION:

ALLOWED:
AREA: TWICE THE LENGTH OF THE WALL CONTAINING THE EXTERIOR ENTRANCE
(59.41 L.F. x 2 = 118.82 S.F.)

PROPOSED:
AREA: 22.00' x 4.72' = 103.84 S.F.

OWNER

LOT 1C
DULANEY CENTER BUSINESS TRUST
6000 EXECUTIVE BLVD.
BETHESDA, MD 20852
ATTN: RICHARD W. BICKERTON

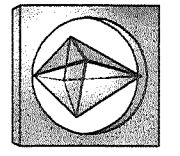
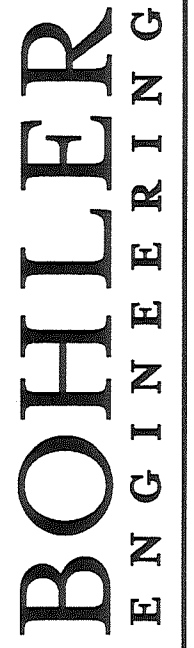
APPLICANT/LESSEE

MERRILL LYNCH
DULANEY VALLEY CENTER II
901 DULANEY VALLEY ROAD, SUITE 516
TOWSON, MD 21204
ATTN: SANDRA I. LIOTTA, CIMA, CFP

PETITIONER' S

EXHIBIT NO. 2011-0144-A

PROFESSIONAL CERTIFICATION
I, MATTHEW T. ALLEN, HEREBY CERTIFY THAT THESE
DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND
THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER
UNDER THE LAWS OF THE STATE OF MARYLAND,
LICENSE NO. 28567, EXPIRATION DATE: 4/16/11



CIVIL & CONSULTING ENGINEERS

SURVEYORS

PROJECT MANAGERS

ENVIRONMENTAL CONSULTANTS

LANDSCAPE ARCHITECTS

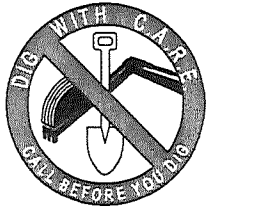
CORPORATE OFFICE:
♦ WARREN, NJ

OFFICES:

- ♦ BOWIE, MD
- ♦ TONSON, MD
- ♦ STERLING, VA
- ♦ WARRENTON, VA
- ♦ MIAMI BEACH, FL
- ♦ PRIDGESBURGH, PA
- ♦ SOUTH BOROUGHS, MA
- ♦ ALBANY, NY
- ♦ ROKONKOMA, NY
- ♦ CHAUFONT, PA
- ♦ CHALET, PA
- ♦ TAMPA, FL

WE ARE NOW ACCEPTING RESUMES FOR ALL POSITIONS. IF YOU ARE INTERESTED IN ANY POSITION, PLEASE SEND US YOUR RESUME WITH YOUR EDUCATION, PROFESSIONAL LICENSES, AND REFERENCES. WE WILL REVIEW YOUR RESUME AND CONTACT YOU IF WE ARE INTERESTED. NO PHONE CALLS PLEASE. WE ARE AN EQUAL OPPORTUNITY EMPLOYER.

REVISIONS

[illegible]

THE FOLLOWING STATES REQUIRE NOTIFICATION BY
EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO
DISTURB THE EARTH'S SURFACE ANYWHERE IN THE STATE.
(IN VIRGINIA, MARYLAND, AND DELAWARE 811)
(WV 1-800-245-4848) (PA 1-800-242-1776)
(VA 1-800-552-7001) (MD 1-800-257-7777) (DE 1-800-282-8555)

NOT APPROVED FOR
CONSTRUCTION

PROJECT No.:	MD102043
DRAWN BY:	RLB
CHECKED BY:	MJG
DATE:	9/22/10
SCALE:	1"=50'
CAD I.D.:	VP1

PROJECT:
**SIGN VARIANCE
PLAN**

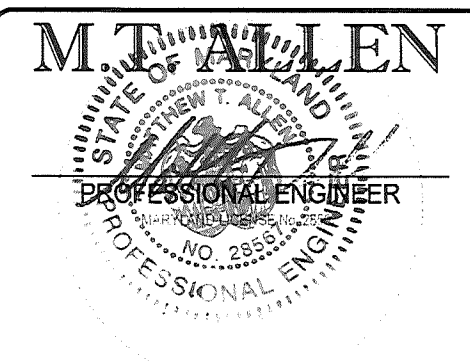
_____ FOR _____

THE ICON
COMPANIES

LOCATION OF SITE
901 DULANEY VALLEY ROAD
TOWSON, MD 21204



**901 DULANEY VALLEY ROAD,
SUITE 801
TOWSON, MARYLAND 21204**
Phone: (410) 821-7900
Fax: (410) 821-7987
www.BohlerEngineering.com



SHEET TITLE:

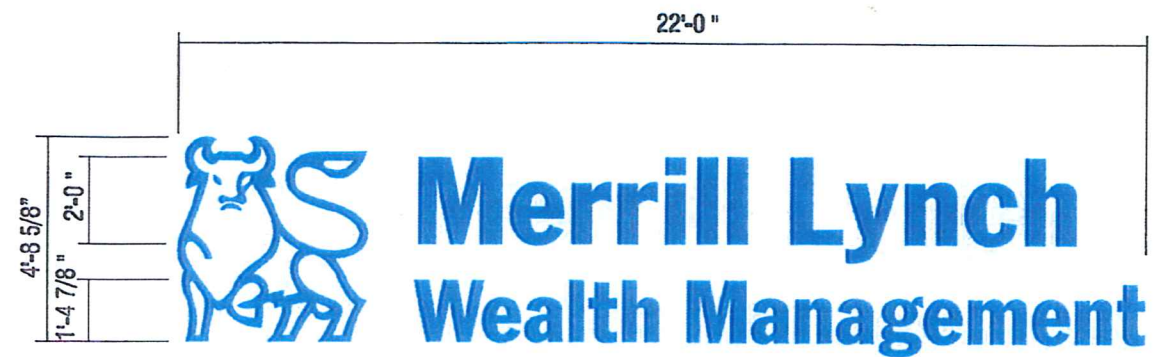
PLAN TO ACCOMPANY VARIANCE PETITION

SHEET NUMBER:

1
OF 1

GENERAL NOTE:
IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WORK SCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS DEFINED BY THE DRAWINGS AND IN FULL CONFORMANCE WITH ALL LOCAL REGULATIONS AND CODES.

\\12712121\WD102045\DRAWINGS\EXHIBITS\WD102045\PI.DWG PRINTED BY: NGISELL 10.12.10 @ 2:34 PM LAST SAVED BY: NGISELL



A **ML-LIF-24-B DAY/NIGHT CHANNEL LETTERS**
103.81 SQ. FT. **SCALE: 1/4" = 1'-0"**



PERSPECTIVE VIEW
SCALE: NONE



PROPOSED

PETITIONER'S

EXHIBIT NO. 6

	LOCATION	PROJECT #: 2555	SUBMITTAL IS: ☐ APPROVED ☐ APPROVED AS NOTED ☐ REVISED AND RESUBMIT	DATE: 06/10/10	Rev. 6: 00/00/00	REVISION NOTES:	SCALE: As Noted	
	ADDRESS: CITY/STATE: TOWSON, MD ZIP:	LOCATION #: 825	FILE PATH: Design\M\MERRILL LYNCH\825 TOWSON, MD 825 TOWSON, MD	Rev. 1: 00/00/00 Rev. 2: 00/00/00 Rev. 3: 00/00/00 Rev. 4: 00/00/00 Rev. 5: 00/00/00	Rev. 7: 00/00/00 Rev. 8: 00/00/00 Rev. 9: 00/00/00 Rev. 10: 00/00/00 Rev. 11: 00/00/00		DRAWN BY: BJS PAGE #: 1	



PETITIONER'S
EXHIBIT NO. 8