

IN RE: PETITION FOR VARIANCE
S Side of Baltimore National Pike, 1,450'
NW of the c/line of Geipe Road
1st Election District
1st Councilmanic District
(6459 Baltimore National Pike)

Combined Properties Limited Partnership,
Legal Owner
Five Below, Inc., *Contract Purchaser*
Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
*
* **CASE NO. 2011-0290-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County for consideration of a Petition for Variance filed by David H. Karceski, Esquire with Venable, LLP on behalf of Combined Properties Limited Partnership, legal owner, and Five Below, Inc., contract lessee, Petitioners. Petitioners request Variance relief from Section 450.4 Attachment 1.5(d) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow a wall-mounted enterprise sign on a side façade of a multi-tenant building without a separate exterior customer entrance in lieu of the one canopy sign permitted on the side façade. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the variance request were Matthew T. Allen, a professional engineer with Bohler Engineering and David H. Karceski, Esquire, attorney for Petitioners. John Van Fossen from the sign company hired to construct the subject sign was also in attendance. There were no Protestants or other interested parties in attendance.

Testimony and evidence offered revealed that the property is located on the south side of Baltimore National Pike and west of its intersection with Rolling Road. The subject property has

ORDER RECEIVED FOR FILING

Date 5-12-11
By [Signature]

an address of 6459 Baltimore National Pike. The property comprises 18.65 acres more or less split zoned BR-AS and BR. The property is the site of the 40 West Plaza Shopping Center which contains a number of retail and restaurant uses. At issue in the case before me is a vacant retail building which formerly housed the Hollywood Video rental business. Hollywood Video has gone out of business and the site is vacant at this time. The landlord has secured a new retail use for this vacant space which is known as 5 Below. 5 Below has moved into this vacant space and is now desirous of constructing signage on the façade of the corner of their building. The signage that is to be installed pursuant to this request replaces the Hollywood Video sign that previously existed. However, in order to proceed with the construction of the signage, the variance request is necessary.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse comments received from any of the County reviewing agencies.

Considering all of the testimony and evidence presented, I am persuaded to grant the requested variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request.

Additionally, I find that strict enforcement of the B.C.Z.R. would cause the Petitioners to suffer practical difficulty and undue hardship.

I further find that the variance can be granted in strict harmony with the spirit and intent of said regulations, and in such a manner as to grant relief without injury to the public health, safety, and general welfare. Thus, I find that the variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R, as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

ORDER RECEIVED FOR FILING

Date 5-12-11

By 

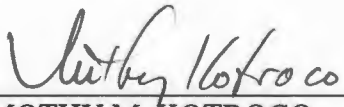
Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioners, I find that Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this 12th day of May, 2011 by this Administrative Law Judge that Petitioners' Variance request from Section 450.4 Attachment 1.5(d) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow a wall-mounted enterprise sign on a side façade of a multi-tenant building without a separate exterior customer entrance in lieu of the one canopy sign permitted on the side façade, be and are hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners 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.


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

ORDER RECEIVED FOR FILING

Date 5-12-11

By 



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

May 12, 2011

DAVID KARCESKI, ESQUIRE
VENABLE, LLP
210 WEST PENNSYLVANIA AVENUE
SUITE 500
TOWSON, MD 21204

Re: Petition for Variance
Case No. 2011-0290-A
Property: 6459 Baltimore National Pike

Dear Mr. Karceski:

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

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

Sincerely,

A handwritten signature in cursive script that reads "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

Enclosure



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property

located at 6459 Baltimore National Pike

which is presently zoned BR-AS

Deed Reference: 10160 / 745 Tax Account # 0107471062

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

See Attached

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

To be determined at hearing

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

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

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

Contract Purchaser/Lessee:

See Attached

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 500 410-494-6285

Address Telephone No.

Towson MD 21204

City State Zip Code

Legal Owner(s):

See Attached

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 500 410-494-6285

Address Telephone No.

Towson MD 21204

City State Zip Code

Case No. 2011-0290-A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by [Signature] Date 3/28/11

REV 8/20/07 ORDER RECEIVED FOR FILING

Date 5-12-11

By [Signature]

Attachment

**Petition for Variance
6459 Baltimore National Pike**

Variance from Section 450.4 Attachment 1.5(d) of the Baltimore County Zoning Regulations to allow a wall-mounted enterprise sign on a side facade of a multi-tenant building without a separate exterior customer entrance in lieu of the one canopy sign permitted on the side facade.

0290

Attachment

**Petition for Variance
6459 Baltimore National Pike**

Contract Lessee:

Five Below, Inc.

Name - Type or Print

Signature

1616 Walnut Street, Suite 400

Address

Telephone No.

Philadelphia

City

PA

State

19103

Zip Code

0290

Attachment

**Petition for Variance
6459 Baltimore National Pike**

Legal Owner:

Combined Properties Limited Partnership

Name - Type or Print

By: CPLP GP Corp., its sole general partner

Signature *Katherine D. Roberson*
Katherine D. Roberson, Vice President

1255 22nd Street, Suite 600

Address

Telephone No.

Washington

DC

20037

City

State

Zip Code

0290



February 17, 2011

ZONING DESCRIPTION
PARCEL 129, TAX MAP 94 GRID 23 WITH DEED REFERENCE 10160/745,
NORTHWEST OF THE INTERSECTION OF
GEIPE ROAD AND BALTIMORE NATIONAL PIKE (U.S. ROUTE 40)
BALTIMORE COUNTY, MARYLAND
1ST DISTRICT

BEGINNING AT A POINT ON THE SOUTH SIDE OF BALTIMORE NATIONAL PIKE WHICH HAS A 150-FOOT RIGHT OF WAY AT THE DISTANCE OF 1,450-FEET NORTHWEST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET GEIPE ROAD WHICH IS A VARIABLE WIDTH WIDE RIGHT-OF-WAY. THENCE THE FOLLOWING COURSES AND DISTANCES:

1. SOUTH 28 DEGREES 49 MINUTES 44 SECONDS WEST; 957.50 FEET TO A POINT.
2. NORTH 62 DEGREES 53 MINUTES 33 SECONDS WEST; 764.00 FEET TO A POINT.
3. NORTH 25 DEGREES 18 MINUTES 12 SECONDS EAST; 399.83 FEET TO A POINT.
4. NORTH 63 DEGREES 29 MINUTES 18 SECONDS WEST; 110.00 FEET TO A POINT.
5. NORTH 26 DEGREES 25 MINUTES 01 SECONDS EAST; 554.15 FEET TO A POINT;
6. CURVING TOWARDS THE NORTH WITH A RADIUS OF 8,105.97 FEET FOR A DISTANCE OF 394.53 FEET, THE CHORD OF SAID ARC BEING SOUTH 62 DEGREES 22 MINUTES 20 SECONDS EAST; 394.49 FEET TO A POINT.
7. SOUTH 63 DEGREES 46 MINUTES 00 SECONDS EAST; 527.61 FEET TO A POINT OF BEGINNING.

BEING ALSO KNOWN AS PARCEL 129, TAX MAP 94, GRID 23 CONTAINING 812,529 SQUARE FEET OR 18.65 ACRES MORE OR LESS. ALSO KNOWN AS 6459 BALTIMORE NATIONAL PIKE AND LOCATED IN THE 1ST ELECTION DISTRICT.



0290-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

CIVIL AND CONSULTING ENGINEERS • SURVEYORS • PROJECT MANAGERS • ENVIRONMENTAL CONSULTANTS • LANDSCAPE ARCHITECTS

www.BohlerEngineering.com



February 17, 2011

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0290-A

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- Warren, NJ
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- 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



KEVIN KAMENETZ
County Executive

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

Date April 19, 2011

Katherine Roberson
LPLP CP Corp.
1255 22nd Street, Suite 600
Washington, D. C. 20037

RE: Case Number 2011-0290 A, 6459 Baltimore National Pike

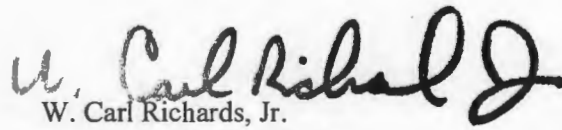
Dear Ms. Roberson,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 18, 2011. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,


W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
David Karceski, 210 W. Pennsylvania Avenue, Ste. 400, Towson, MD 21204
Five Below, 1616 Walnut Street, Ste. 400, Philadelphia, PA 19103
Zoning Review | County Office Building
111 West Chesapeake Avenue, Room 111 | Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3048
www.baltimorecountymd.gov

RE: PETITION FOR VARIANCE	*	BEFORE THE
6549 Baltimore National Pike;		
South side of Baltimore National Pike	*	ZONING COMMISSIONER
1450 ft. NW of Center Line Geipe Road		
1 st Election & 1 st Councilmanic Districts	*	FOR
Legal Owner(s): Combined Properties Limited		
Limited Partnership	*	BALTIMORE COUNTY
Contract Purchaser: Five Below, Inc.		
Petitioner(s)	*	2011-0290-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People’s Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People’s Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People’s Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED
MAR 31 2011
[Signature]

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of March, 2011, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, Venable, LLP, 210 W. Pennsylvania Ave, Ste 500, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People’s Counsel for Baltimore County

5/3 1:30
205

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

APR 07 2011



OFFICE OF ADMINISTRATIVE HEARINGS

TO: Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: April 7, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-290-A
Address 6549 Baltimore National Pike
(Combined Properties Limited Partnership)

Zoning Advisory Committee Meeting of April 4, 2011.

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

Reviewer: *Jeff Livingston; Development Coordination*



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

March 31, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **April 4, 2011**

Item No.:

Administrative Variance: 2011-0284A, 2011-0286A, 2011-0288A, 2011-0291A, 2011-0294A

Special Hearing: 2011-0283-SPHX, 2011-0293-SPH

Variance: 2011-0285A, 2011-0287-SPHA, 2011-0289-SPHA, 2011-0290A, 2011-0292A

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File



State Highway Administration

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

Beverly K. Swaim-Staley, Secretary | Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 4-6-11

Ms. Kristen Matthews, Baltimore County Department of Permits, Approvals & Inspections County Office Building, Room 109 Towson, Maryland 21204

RE: Baltimore County Item No. 2011-0290-A Variance Combined Properties Limited Partnership 6549 Baltimore National Pike

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 4-4-11. A field inspection and internal review reveals that an entrance onto 4340 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2011-0209-A.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may email him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,

Signature of Richard A. Zeller for Steven D. Foster, Chief Access Management Division

SDF/rz

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

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone: 410.545.0300 · www.marylandroads.com



5/3 1:30
205

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: April 11, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For April 11, 2011
Item Nos. 2011- 283, 284, 285, 286,
287, 288, 289, 290, 291, 292 and
293

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-04112011 -NO COMMENTS.doc

Case No.: 2011-0290A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Petitioner/Developer	Protestant
No. 2	Site Plan of Prop.	
No. 3	CV of Matt Allen	
No. 4	Aerial of property	
No. 5	Picture of Bldg in Question	
No. 6	Pictures of Five Below Sign + other tenants	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



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

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



View of store from Baltimore National Pike



View traveling east on Baltimore National Pike

PETITIONER' S

EXHIBIT NO. 5

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



View traveling west on Baltimore National Pike



View of remainder of Shopping Center from Baltimore National Pike

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



View of properties to west



View of properties across Baltimore National Pike to west

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



View of properties across Baltimore National Pike



View of properties across Baltimore National Pike to east

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 2011-0290-A
Petitioner: Combined Properties Limited Partnership
Address or Location: 6459 Baltimore National Pike

PLEASE FORWARD ADVERTISING BILL TO:

Name: Venable LLP
Address: 210 W PENNSYLVANIA AVE
Suite 500
TOWSON MD 21204
Telephone Number: 410-494-6285

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 19, 2011 Issue - Jeffersonian

Please forward billing to:

Venable, LLP
210 W. Pennsylvania Avenue, Ste. 500
Towson, MD 21204

410-494-6285

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2011-0290-A

6459 Baltimore National Pike

S/side of Baltimore National Pike, 1450 feet n/west of the centerline of Geipe Road

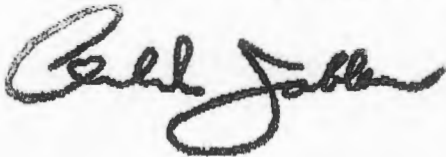
1st Election District – 1st Councilmanic District

Legal Owners: Combined Properties Limited Partnership

Contract Purchaser: Five Below, Inc.

Variance to allow a wall-mounted enterprise sign on a side façade of a multi-tenant building without a separate exterior customer entrance in lieu of the one canopy sign permitted on the side façade.

Hearing: Tuesday, May 3, 2011 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

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

April 11, 2011

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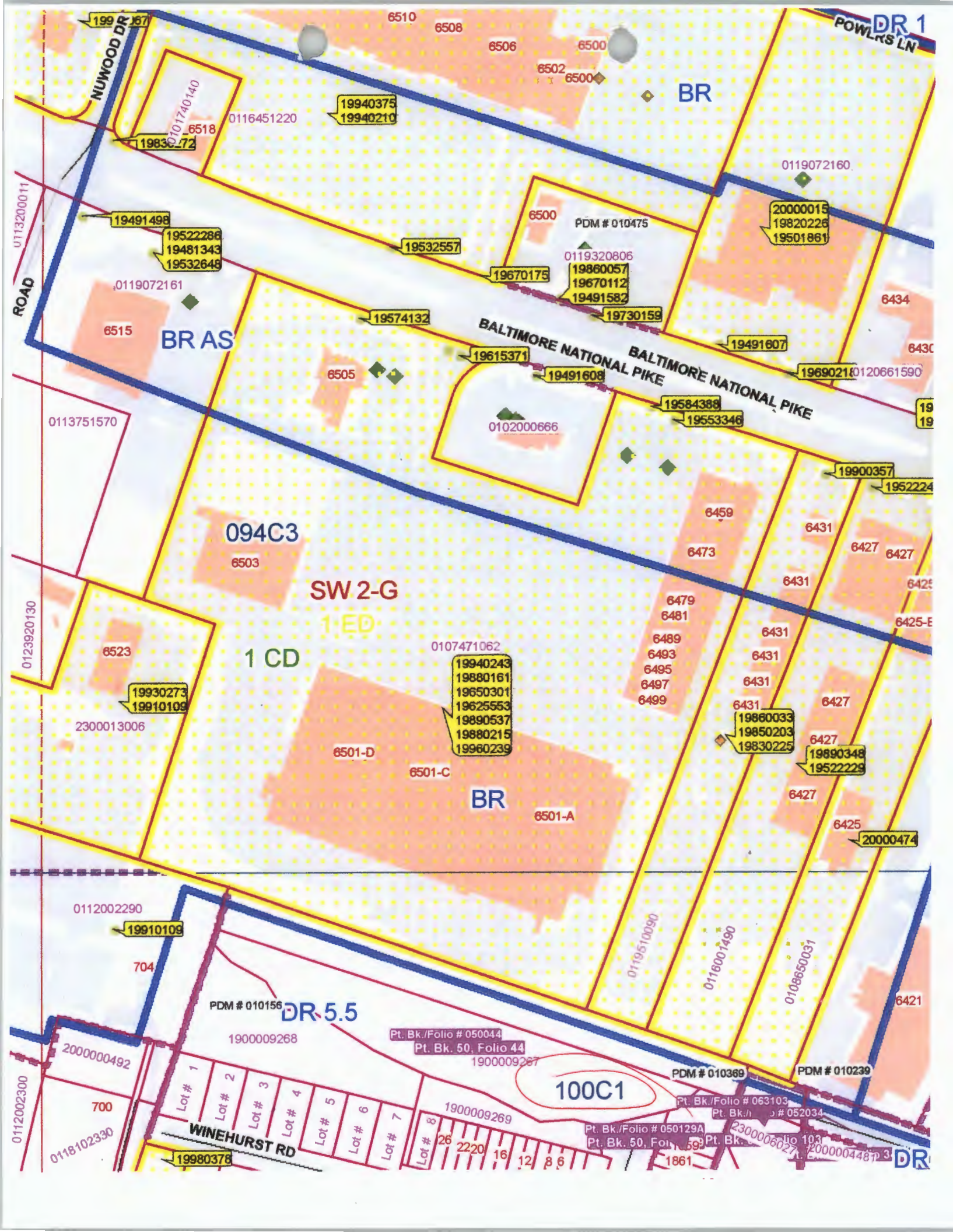
A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: David Karceski, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
Katherine Roberson, 1255 22nd Street, Ste. 600, Washington DC 20037
Five Below, 1616 Walnut Street, Ste. 400, Philadelphia PA 19103

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, APRIL 18, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



DR 1
POWLES LN

199...
NUWOOD DR 167
0113200011
ROAD

0123920130

0112002300

6510 6508 6506 6500

6502 6500

BR

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1983...72

19491498
19522288
19481343
19532648

0119072161

BR AS

6515

0113751570

094C3

6503

SW 2-G

1 ED

1 CD

19930273
19910109

2300013006

0107471062

19940243
19880161
19650301
19625553
19890537
19880215
19980239

6501-D

6501-C

BR

6501-A

6479
6481
6489
6493
6495
6497
6499

19860033
19850203
19830225

19890348
19522229

20000474

0112002290

19910109

704

PDM # 010156 DR-5.5

1900009268

Pt. Bk./Folio # 050044
Pt. Bk. 50, Folio 44

1900009267

100C1

PDM # 010369

PDM # 010239

Lot # 1
Lot # 2
Lot # 3
Lot # 4
Lot # 5
Lot # 6
Lot # 7

1900009269
Lot # 8
2220 16 12 8 6

Pt. Bk./Folio # 063103
Pt. Bk./Folio # 052034
Pt. Bk./Folio # 050129A
Pt. Bk. 50, Folio 59
Pt. Bk. 50, Folio 103

WINEHURST RD

19980378

1861

DR

March 9, 2011

David H. Karceski

T 410.494.6285
F 410.821.0147
dhkarceski@venable.com

HAND DELIVERED

Mr. W. Carl Richards, Jr., Supervisor
Zoning Review Office
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Petition for Variance
Location: 6459 Baltimore National Pike

Dear Mr. Richards:

I am drop filing the enclosed Petition for Variance for the above-referenced property. I do not know of any violations of any zoning laws on the property. With this letter, I have enclosed the following documents:

1. Petition for Variance (3)
2. Zoning Description (3)
3. Zoning Map (1)
4. Site Plan (12)
5. Newspaper Advertising Form (1)
6. Check in the amount of \$385.00

If you have any questions or concerns regarding this filing, please do not hesitate to contact me.

Very truly yours,


David H. Karceski

Enclosures

CERTIFICATE OF POSTING

2011-0290-A

RE: Case No.: _____

Petitioner/Developer: _____

Five Below, Inc.

May 3, 2011

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: Kristen Matthews:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

6459 Baltimore National Pike

April 18, 2011

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

Sincerely,



(Signature of Sign Poster) April 18, 2011
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: # 2011-0290-A

6459 Baltimore National Pike
S/side of Baltimore National Pike, 1450 feet n/west of the centerline of Geipe Road
1st Election District - 1st Councilmanic District
Legal Owner(s): Combined Properties Limited Partnership
Contract Purchaser: Five Below, Inc.

Variance: to allow a wall-mounted enterprise sign on a side facade of a multi-tenant building without a separate exterior customer entrance in lieu of the one canopy sign permitted on the side facade.

Hearing: Tuesday, May 3, 2011 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

4/129 April 14

272931

28

CERTIFICATE OF PUBLICATION

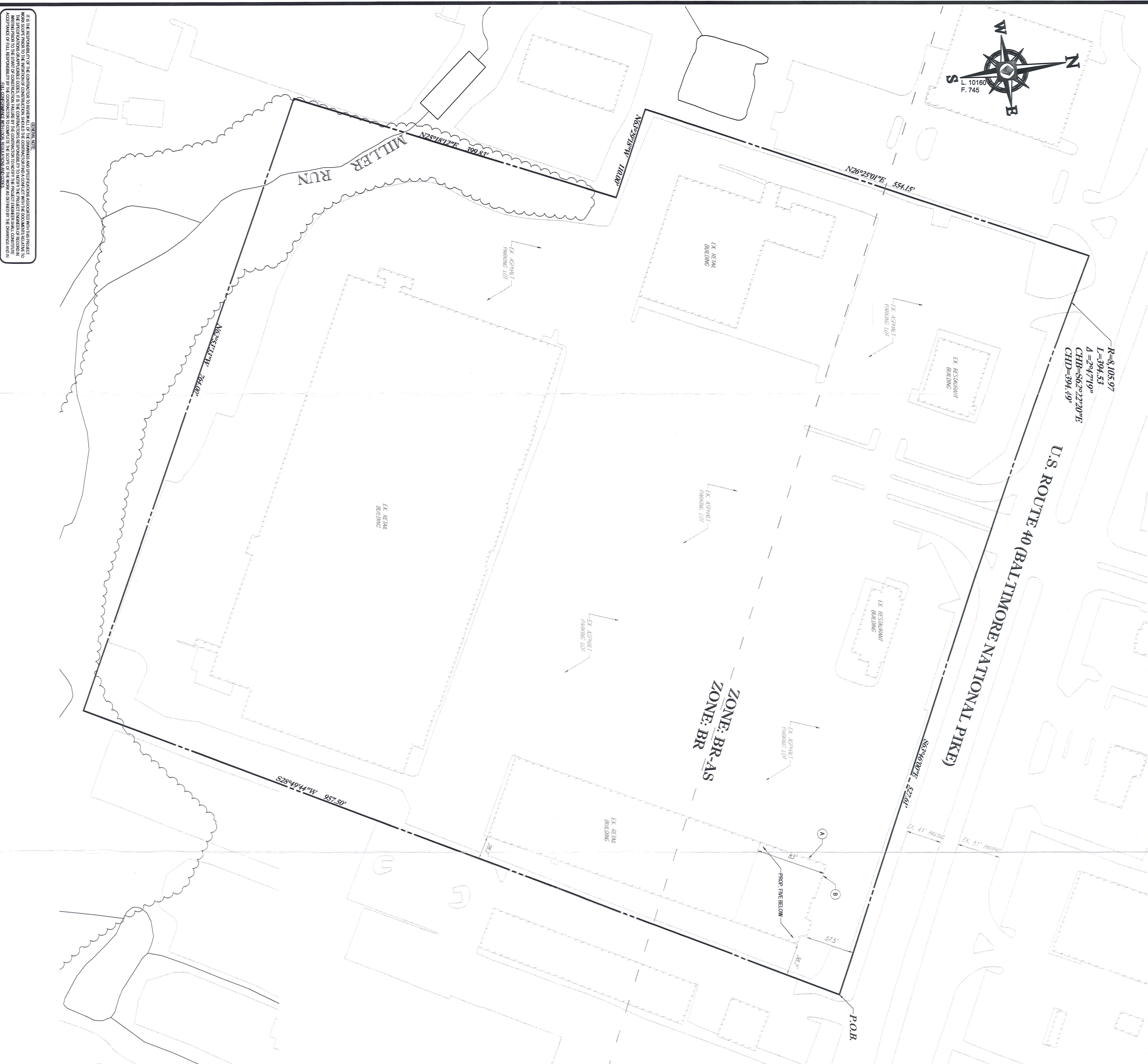
4/14/, 2011

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 4/14/, 2011.

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

J. Wilkinson

LEGAL ADVERTISING



ZONING HISTORY

- CASE NO. 3468 S. SPECIAL PERMIT TO ERRECT TWO (2) DOUBLE FACED ILLUMINATED 12'x25' POSTER PANELS WAS FILED ON NOVEMBER 25, 1964. PETITION WAS WITHDRAWN BY PETITIONER ON JANUARY 29, 1965.
- CASE NO. 4132 X. SPECIAL EXCEPTION FOR ERECTION OF ONE (1) 7'-5"x13'-0" ILLUMINATED POSTER PANEL WAS FILED ON APRIL 14, 1967. PETITION WAS CANCELLED ON MAY 5, 1967.
- CASE NO. 4888 X. SPECIAL EXCEPTION FOR ADVERTISING STRUCTURE WAS FILED ON FEBRUARY 13, 1968. PETITION WAS DENIED ON APRIL 3, 1968.
- CASE NO. 5071 X. SPECIAL EXCEPTION FOR A GASOLINE STATION WAS FILED ON AUGUST 21, 1961. PETITION WAS GRANTED ON OCTOBER 11, 1961.
- CASE NO. 5456 X. SPECIAL EXCEPTION FOR ONE (1) PAINTED SIGN BULLETIN WAS FILED ON MARCH 23, 1962. PETITION WAS DENIED ON MAY 14, 1962.
- CASE NO. 6530 HAX. SPECIAL EXCEPTION FOR MIMATURE GOLF AND A VARIANCE TO ERRECT APRIL 29, 1965.
- CASE NO. 6818 HAX. VARIANCE TO PERMIT SIX (6) SEPARATE SIGNS IN LIEU OF THE PERMITTED DISMISSED AT THE REQUEST OF THE PETITIONER ON MAY 10, 1968.
- CASE NO. 6818 HAX. VARIANCE TO PERMIT A TOTAL OF 1,000 PARKING SPACES IN LIEU OF THE PERMITTED 1267 PARKING SPACES. PETITION WAS GRANTED ON JANUARY 14, 1968.
- CASE NO. 68238 SHPA. VARIANCE TO PERMIT A TOTAL OF 104 PARKING SPACES IN LIEU OF THE PERMITTED 1197 PARKING SPACES. PETITION WAS GRANTED ON JANUARY 10, 1968.
- CASE NO. 68238 SHPA. VARIANCE TO PERMIT A TOTAL OF 104 PARKING SPACES IN LIEU OF THE PERMITTED 1197 PARKING SPACES. PETITION WAS GRANTED ON JANUARY 10, 1968.

NOTE:

ALL FUTURE SIGNS MUST CONFORM TO SECTION 660 OF THE CODE

PROPOSED SIGNAGE CALCULATION:

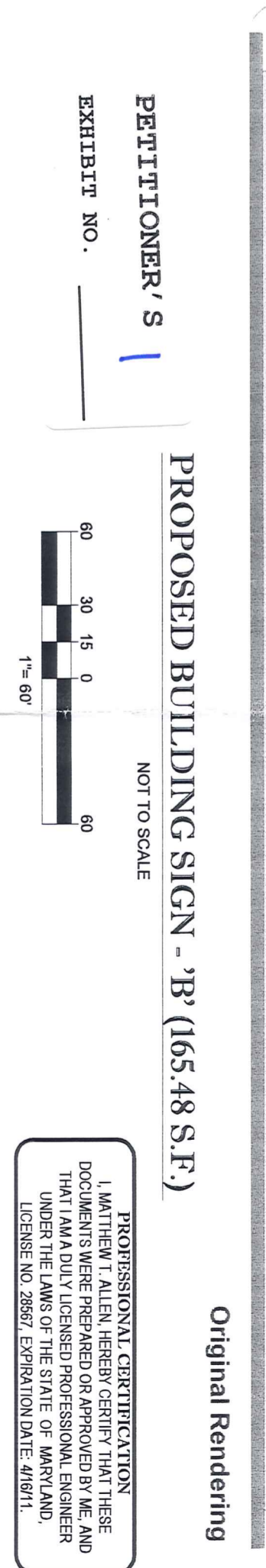
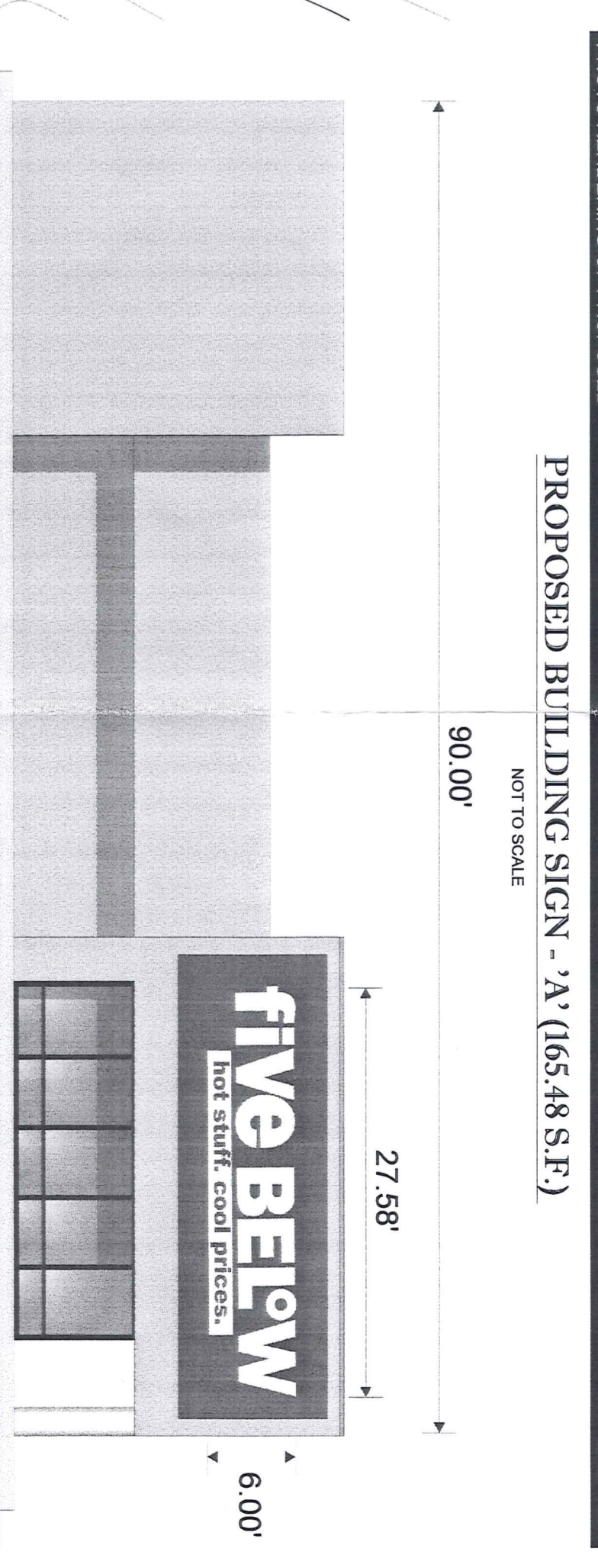
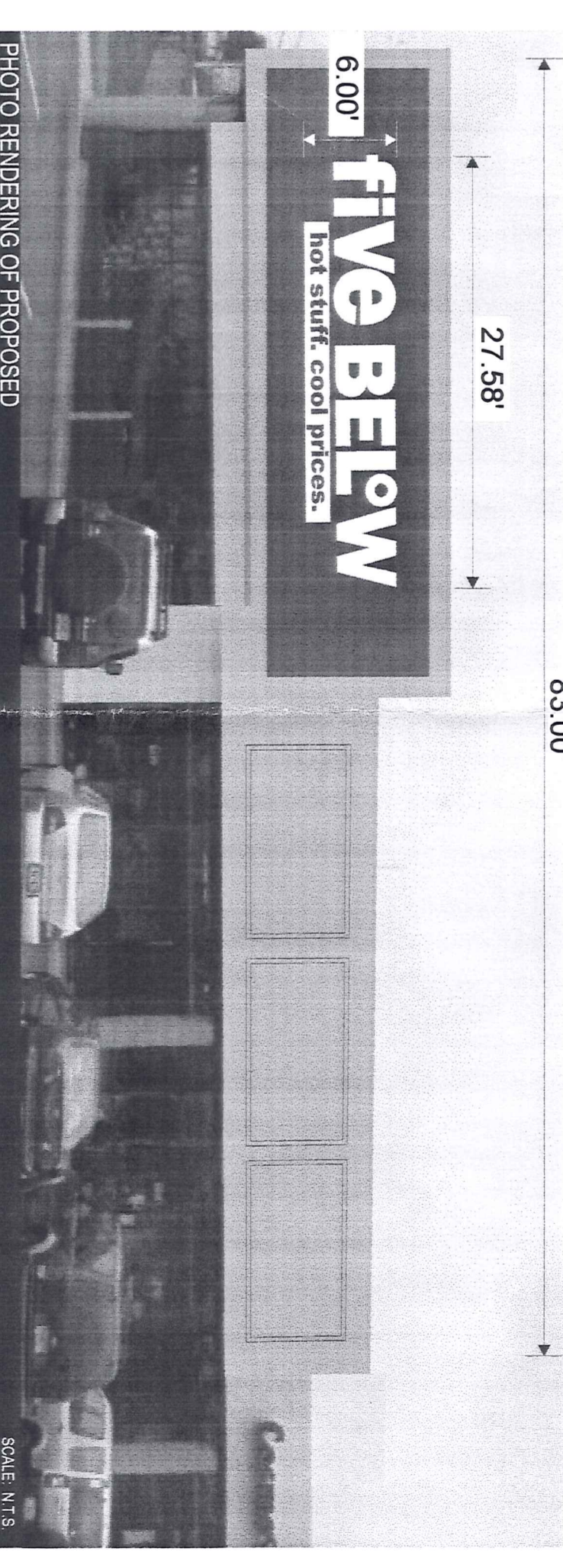
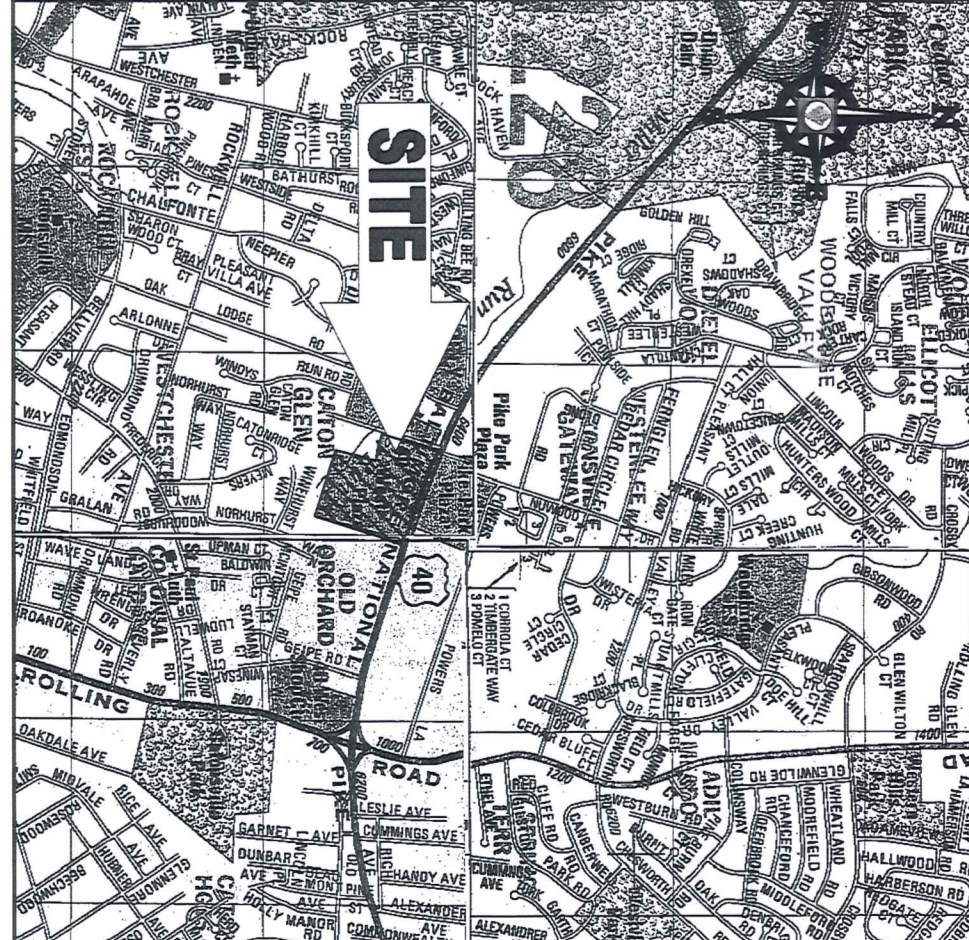
ALLOWED: AREA TWICE THE LENGTH OF THE WALL CONTAINING THE EXTERIOR ENTRANCE (83.00 LF x 2 = 166.00 SF)
 PROPOSED: AREA SIGN A: 27.58' x 6.00' = 165.48 S.F.
 AREA SIGN B: 27.58' x 6.00' = 165.48 S.F.

OWNER COMBINED PROPERTIES LIMITED
 1255 22ND STREET, SUITE 600
 WASHINGTON, D.C. 20007

APPLICANT/LESSEE FIVE BELOW, INC.
 1616 PHILADELPHIA AVENUE, 410
 ATRN. WALTER HARRISON

SITE NOTES

- THIS PLAN IS BASED UPON: BALTIMORE COUNTY GIS DATA OBTAINED ON 2/29/11
- ZONE: BR-AS & BR
- TOTAL SITE AREA: 812,529 S.F. OR 18.68 AC.
- EXISTING FLOOR AREA: 214,129 SQ. FT.
- PERMITTED FLOOR AREA RATIO: 2.0
- EXISTING FLOOR AREA RATIO: 0.26
- DEED REFERENCE: 10160/746
- TAX ACCOUNT NUMBER: 0107471082
- ELECTION DISTRICT: 1ST
- CONJUNCTIONAL DISTRICT: 1ST
- WATERSHED: CATONSVILLE CITY ZONE
- SEWER SHEED: 68
- EXISTING USE: RETAIL SHOPPING CENTER
- CEMSUS TRACT: 4015.03
- THERE ARE NO HISTORICAL STRUCTURES WITHIN OR CONTIGUOUS TO THE EXISTING DEVELOPMENT.
- THERE ARE NO HISTORICAL STRUCTURES WITHIN OR CONTIGUOUS TO THE EXISTING DEVELOPMENT.
- SITE IS NOT LOCATED IN THE 100 YEAR FLOODPLAIN
- THERE ARE NO WETLANDS LOCATED WITHIN THE SITE BOUNDARY. MILLER RUN IS LOCATED ON THE SOUTHEAST CORNER OF THE SITE AND IS NOT AFFECTED BY THE EXISTING DEVELOPMENT.
- THE SITE IS NOT IDENTIFIED ON THE BASIC SERVICES MAP AS AN AREA WITH EXISTING OR PROPOSED FAILURES FOR WATER OR SEWER. THE SITE IS LOCATED IN LEVEL 97 (HGT) ZONE.
- 7.1X MAP-94 PARCEL: 129
- TOTAL PARKING REQUIRED PER CASE NO. 86-238-SHPA = 1,044 SPACES
 TOTAL PARKING PROVIDED =



BOHLER ENGINEERING

CIVIL & CONSULTING ENGINEERS

REVISIONS:

REV	DATE	COMMENT	BY

CORPORATE OFFICE: WARREN, NJ

OFFICES:

- SOUTH-BOROUGH, MA
- ALBANY, NY
- ROCKY HILL, CT
- CHALFONT, PA
- SISTER VALLEY, PA
- TAMPA, FL
- BOWIE, MD
- TOWSON, MD
- STERLING, VA
- WARRENTON, VA
- FORT LAUDERDALE, FL
- PHILADELPHIA, PA

NOT APPROVED FOR CONSTRUCTION

PROJECT NO.: MD12001
 DATE: 02/17/11
 CHECKED BY: MJA
 SCALE: 1"=60'
 SHEET NO.: MD12001(SV0)

SIGN VARIANCE PLAN

FOR **FIVE BELOW INC.**

LOCATION OF SITE: 6459 BALTIMORE NATIONAL PIKE, CATONSVILLE, MD, BALTIMORE COUNTY

BOHLER ENGINEERING

901 DULANEY VALLEY ROAD
 SUITE 801
 TOWSON, MARYLAND 21284
 Phone: (410) 621-7900
 Fax: (410) 621-7987
www.bohlerengineering.com

M.T. ALLEN
 PROFESSIONAL ENGINEER

PLAN TO ACCOMPANY VARIANCE PETITION

SHEET NUMBER: **1** OF 1

IT IS THE RESPONSIBILITY OF THE CONSULTING ENGINEER TO PREPARE AND SIGN AND SEAL THIS PLAN AND TO BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE CONSULTING ENGINEER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE CONSULTING ENGINEER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE CONSULTING ENGINEER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.



PETITIONER'S

EXHIBIT NO.

4