

IN RE: PETITION FOR VARIANCE

SE/Side of Philadelphia Road, 310' SW
of the c/line of Rossville Boulevard
7th Election District
15th Councilmanic District
(8665 Philadelphia Road)

Golden Ring (E and A), LLC, *Legal Owner*
Giant of Maryland LLC, *Contract Purchaser* *
Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY

CASE NO. 2011-0296-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 the Petitioner, Giant of Maryland, LLC through one of its Senior Managers of Construction, Scott Haley, and its attorney, Charles B. Marek, III of Smith, Gildea and Schmidt, LLC. The Petition was also consented to by the property owner, Golden Ring (E&A), LLC by Matt Pastor, its agent and authorized signatory. Petitioner requested a variance to permit 9 wall-mounted enterprise signs for the existing Giant supermarket in lieu of the permitted 1 pursuant to B.C.Z.R. Section 450.4 Attachment 1.5a. The subject property and requested relief are more particularly described on the site plan and sign elevations submitted, which were accepted into evidence and marked as Petitioner's Exhibits 1 and 2 respectively.

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

Mr. Marek proffered the evidence presented at the hearing, and the proffer and exhibits were accepted into the record of the case. The property in question appears as an outparcel of

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By

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"Golden Ring Mall" near the intersection of Philadelphia Road and Rossville Boulevard. The site is approximately 12.83 acres and is zoned BM. The site is improved with a multi-tenant retail building and several outlying pad sites and is accessed from Rossville Boulevard and a private drive which connects to Rossville Boulevard. Testimony revealed that Giant has a total of 12 stores in Baltimore County and employs roughly 1200 people. The chain is an important economic driver of the County, as well as the State of Maryland, and works with local businesses and farms.

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

Testimony also focused on the aspects particular to the property that make it appropriate for variance relief. The property is a unique shape, as it is narrow along the frontage for Philadelphia Road. This narrowness, particularly combined with a depth of 740 feet to building face of the Giant, is a significant limiting factor for the visibility of the store. The visibility is further challenged by the heavily wooded area that exists between the site and Rossville Boulevard, which can be seen in the aerials and street level photos submitted. In addition, the property also features a significant grade change between itself and Golden Ring Mall that hides the property while traveling northeast on Philadelphia Road. Moreover, the property in the instant matter was the subject of Zoning Case No. 86-482-A, which granted a variance of B.C.Z.R. Section 409.2(b) 3, 5, and 6, to permit a total of 784 spaces in lieu of the required 945 spaces. As

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Date

5-26-11

By

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the granting of this past variance indicates, the property was previously determined by the Zoning Commissioner as unique. Based on the characteristics of the property discussed herein, there is ample evidence in the record of the site's uniqueness.

These peculiar aspects of the unique property work in concert to create a practical difficulty for the supermarket, which is the inability to adequately alert the customers to their presence in the center as well as their multitude of services. This leads to decreased economic vibrancy of the store and the center as a whole. In addition, due to the consolidation of uses under one roof, these stores with large building footprints (i.e. big box stores) are unable to adequately advertise their services. I believe that the granting of the variance is able to remedy this practical difficulty. Allowing multiple signs will give customers an opportunity to recognize the store from signs at multiple locations along the building face.

Moreover, the testimony and evidence also showed that the granting of the variance would be in the spirit and intent of the zoning regulations. The sign regulations do attempt to allow stores to adequately advertise their services, and I believe that this relief is in keeping with that and other goals of the signage regulations. Also, Giant is utilizing only 267 square feet of signage over 9 signs when it is permitted to erect 1 sign of 594 square feet. Lastly, customer recognition and identification of the stores is important as this reimagining is occurring not just in Baltimore County, but throughout all of Giant's operation across counties and states, including Maryland, Virginia, Delaware and the District of Columbia.

The testimony also bears that the granting of the variance will be in the interest of the public. The new sign package will utilize light-emitting-diode (LED) technology for illumination, thereby reducing the energy consumption by roughly 90% when compared to traditional back-lit neon signage. The signage will also assist the flow of traffic as it will help alert customers to the

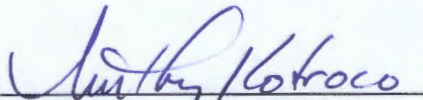
presence of the store and give them the time they need to properly and safely adjust their driving to accommodate their supermarket trip.

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

THEREFORE, IT IS ORDERED by this Administrative Law Judge for Baltimore County, this 26th day of May, 2011 that the Petition for Variance from Section 450.4 Chart 1.5.a to permit 9 wall-mounted enterprise signs as shown on Petitioner's Exhibit 2; be and is hereby GRANTED, subject to the following restriction:

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

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Date

5-26-11

By

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KEVIN KAMENETZ
County Executive

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

May 26, 2011

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

Re: Petition for Variance
Case No. 2011-0296-A
Property: 8665 Philadelphia Road

Dear Mr. Marek:

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

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

Sincerely,

A handwritten signature in cursive script that reads "Timothy 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 8665 Philadelphia Road
which is presently zoned B.M.

Deed Reference: 17368 / 364 Tax Account # 2000004684

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

See Attached

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

To Be Presented at Hearing

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

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

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

Contract Purchaser/Lessee:

Giant of Maryland, LLC by: Scott Hale, Director of Construction

Name - Type or Print

Signature

8301 Professional Place, Suite 115

Address

Telephone No.

Landover,

MD

20785

City

State

Zip Code

Attorney For Petitioner:

Charles B. Marek, III

Name - Type or Print

Signature

Smith, Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200

410-821-0070

Address

Towson,

MD

21204

City

State

Zip Code

Legal Owner(s):

Golden Ring (E&A) LLC by:

Name - Type or Print

Signature

Name - Type or Print

Signature

7200 Wisconsin Avenue, Suite 700

Address

Bethesda,

MD

City

State

20814

Zip Code

Representative to be Contacted:

Charles B. Marek, III

Name

600 Washington Avenue, Suite 200

Address

Towson,

MD

City

State

410-821-0070

Telephone No.

21204

Zip Code

Case No. 2011-0296-A

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by

Date

REV 8/20/07

ORDER RECEIVED FOR FILING

Date

By

ATTACHMENT TO PETITION FOR VARIANCE

8665 Philadelphia Road

8th Election District

3rd Councilmanic District

1. To permit nine (9) wall-mounted enterprise signs for the existing Giant Supermarket in lieu of the permitted one (1) pursuant to BCZR Section 450.4. Attachment 1.5.a.
2. For such other and further relief as may be required by the Zoning Commissioner.

2011-0296-A

GLWGUTSCHICK, LITTLE & WEBER, P.A.

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS

GIANT FOOD #131 GOLDEN RING MALL ZONING DESCRIPTION

Beginning at a point on the southeast side of Philadelphia Road which is variable width at a distance of 310 feet $\pm$ southwest of the centerline of the nearest improved intersecting of Rossville Road which is 120 feet wide. Thence the following courses and distances:

1. North $86^{\circ}26'27''$ East, 100.95 feet
2. North $74^{\circ}22'21''$ East, 16.33 feet
3. South $38^{\circ}55'18''$ East, 144.98 feet
4. 392.46 feet along the arc, having a radius of 1256.23 feet and chord bearing and distance of South $47^{\circ}52'18''$ East, 390.87 feet
5. South $56^{\circ}49'18''$ East, 75.10 feet
6. South $18^{\circ}24'38''$ East, 18.24 feet
7. South $64^{\circ}44'38''$ East, 82.22 feet
8. South $56^{\circ}49'18''$ East, 154.61 feet
9. 26.52 feet along the arc, having a radius of 495.67 feet and chord bearing and distance of South $55^{\circ}17'21''$ East, 26.51 feet
10. 36.52 feet along the arc, having a radius of 305.14 feet and chord bearing and distance of South $41^{\circ}19'58''$ West, 36.50 feet
11. South $44^{\circ}45'42''$ West, 510.13 feet
12. North $70^{\circ}30'32''$ West, 327.75 feet
13. North $42^{\circ}14'31''$ West, 394.19 feet
14. North $31^{\circ}38'18''$ West, 314.69 feet
15. North $49^{\circ}56'49''$ East, 432.07 feet to the point of beginning as recorded in Liber 17368, Folio 364.

Being Site Area in the subdivision of Golden Ring Plaza as recorded in Baltimore County Plat Book # 53, folio # 149, containing a residue area of 558,735 square feet 12.8268 acres. Also known as 8631 Philadelphia Road and located in the 15th Election District.

DESCRIPTION OF LIMITS OF SIGN RELIEF

Beginning at a point being removed South $72^{\circ}51'24''$ West, 73.14 feet from the easterly beginning of the above referenced 11th or South $44^{\circ}45'42''$ West, 510.13 feet line. Thence the following courses and distances:

2011-0296-A

1. South $44^{\circ}46'35''$ West, 316.98 feet; thence
2. North $45^{\circ}13'32''$ West, 245.85 feet; thence
3. North $44^{\circ}43'55''$ East, 316.99 feet; thence
4. South $45^{\circ}13'25''$ East, 246.09 feet to the point of beginning, containing 77,968 square feet or 1.7899 acres .

0296-A

A

Chart of the LLC

[illegible]

TK
5/12/11

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: May 5, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-296-A
Address 8665 Philadelphia Road
(Golden Ring, LLC Property)

Zoning Advisory Committee Meeting of April 18, 2011.

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

Reviewer: *Jeff Livingston; Development Coordination*

RECEIVED

MAY 05 2011

OFFICE OF ADMINISTRATIVE HEARINGS

**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/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: 2011-0296-A

Petitioner: GIANT OF MARYLAND, LLC

Address or Location: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: DEBBIE STERRETT, SMITH, GILDEA + SCHMIDT, LLC

Address: 600 WASHINGTON AVE.

SUITE 200

TOWSON, MD 21204

Telephone Number: 410-821-0070



KEVIN KAMENETZ
County Executive

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

May 4, 2011

Mr. Matt Pastor – Agent
Golden Ring (E & A) LLC.
7200 Wisconsin Avenue, suite 700
Bethesda, MD 20814

RE: Case Number 2011-0296 A, 8665 Philadelphia Road,

Dear Mr. Matt Pastor,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 31, 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is stylized with a large, looped "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Charles Marek, III, c/o Smith, Gildea & Schmidt, 600 Washington Ave., Ste. 200,
Towson, MD 21204
Scott Haley, Dir. Of Construction, Giant of Maryland, LLC, 8301 Professional Place, Ste., 115,
Landover, MD 20785 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



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

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

Maryland Department of Transportation

Date: 4-13-11

Hearing
5/10/11

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

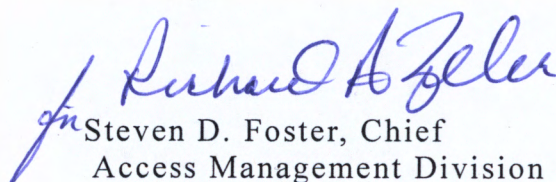
RE: Baltimore County
Item No. 2011-0296-A
Variance
8665 Philadelphia Road
'Golden Ring Mall'
Giant Food Store #131

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 4-13-11. A field inspection and internal review reveals that an entrance onto MD7 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2011-0296-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,


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



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For April 18, 2011
Item Nos. 2011- 295, 296, 297, 298
and 300

DATE: April 12, 2011

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-04182011 -NO COMMENTS.doc



KEVIN KAMENETZ
County Executive

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

April 18, 2011

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: 2011-0296-A

8665 Philadelphia Road

S/east side of Philadelphia Road, 310 ft. s/west of centerline of Rossville Blvd.

15th Election District – 3rd Councilmanic District

Legal Owners: Golden Ring (E&A), LLC

Contract Purchaser: Giant of MD, LLC

Variance to permit nine wall mounted enterprise signs for the existing Giant Supermarket in lieu of the permitted 1 pursuant to BCZR Section 450.4. Attachment 1.5.a.

Hearing: Thursday, May 12, 2011 at 2:30 p.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Charles Marek, 600 Washington Ave., Ste. 200, Towson 21204
Matt Pastor, Golden Ring, 7200 Wisconsin Ave., Ste. 700, Bethesda 20814
Scott Halen, 8301 Professional Place, Ste. 115, Landover 20785

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, APRIL 27, 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.**

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 26, 2011 Issue - Jeffersonian

Please forward billing to:

Debbie Sterrett
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

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: 2011-0296-A

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S/east side of Philadelphia Road, 310 ft. s/west of centerline of Rossville Blvd.

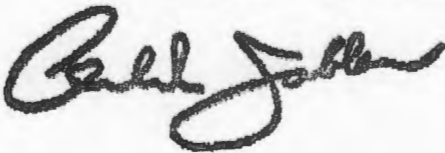
15th Election District – 3rd Councilmanic District

Legal Owners: Golden Ring (E&A), LLC

Contract Purchaser: Giant of MD, LLC

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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.

RE: PETITION FOR VARIANCE	*	BEFORE THE
8665 Philadelphia Road; SE side of	*	ZONING COMMISSIONER
Philadelphia Road, 310ft. South West	*	FOR
Center Line Rossville Blvd.	*	BALTIMORE COUNTY
15 th Election & 3 rd Councilmanic Districts	*	2011-0296-A
Legal Owner: Golden Ring (E & A) LLC		
Contract Purchaser: Giant of MD, LLC		
Petitioner(s)		

* * * * *

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

APR - 8 2011

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 8th day of April, 2011, a copy of the foregoing Entry of Appearance was mailed to Charles B. Marek, III, Smith, Gildea & Schmidt, LLC, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

GLWGUTSCHICK, LITTLE & WEBER, P.A.

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS

MARK A. JOHNSTON
Professional Engineer
Surveyor in Training

EDUCATION

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

EXPERIENCE

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

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

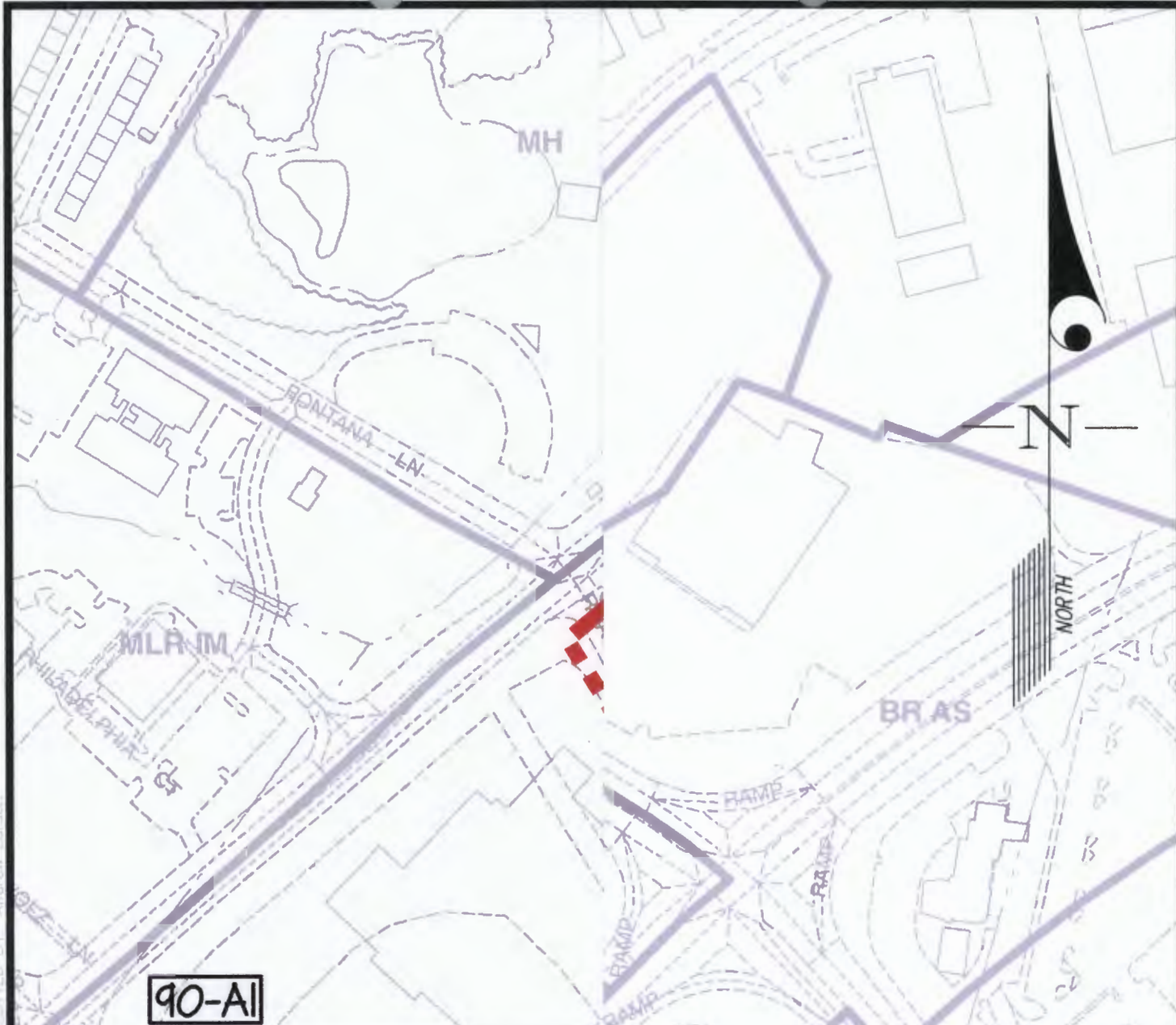
PROFESSIONAL REGISTRATIONS AND MEMBERSHIPS

Professional Engineer, Maryland
Surveyor in Training, Illinois Registration
Maryland Society of Professional Engineers
American Society of Civil Engineering

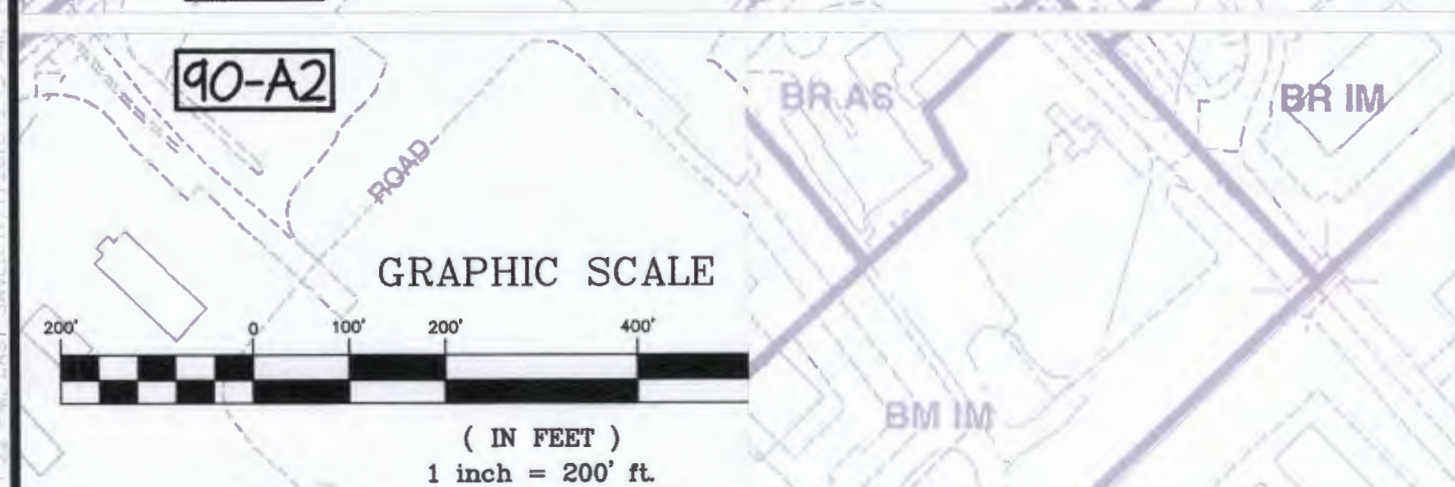
PETITIONER'S

EXHIBIT NO.

4

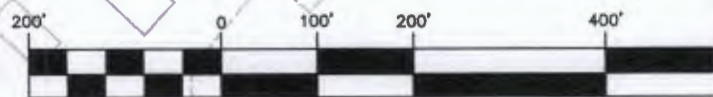


90-A1



90-A2

GRAPHIC SCALE



(IN FEET)
1 inch = 200' ft.

GLW GUTSCHICK LITTLE & WEBER, P.A.

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS
3909 NATIONAL DRIVE - SUITE 250 - BURTONSVILLE OFFICE PARK
BURTONSVILLE, MARYLAND 20866
TEL: 301-421-4024 BAL: 410-880-1820 DC/VA: 301-988-2524 FAX: 301-421-4188

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DES. MAJ

DRN. ANL ZONING MAP EXHIBIT

CHK.

G. L. W. No.	10025
ZONING	BM
TAX MAP/GRID	90-A1/90-A2
DATE	JUNE, 2010
SCALE	Custom
SHEET	1 OF 1

L:\ADD\DRAWINGS\10025\Design\10025ex01.dwg, PLOTTED 3/30/2011 1:27 PM, LAST SAVED 11/11/2010 9:15 AM, PLOTTED BY: Andrew Lawson

Case No.: 2011-0296A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan of property	
No. 2	Photo array of Signage	
No. 3	Aerial of the property	
No. 4	CV of Mark Johnston	
No. 5	previous zoning case 86-4827	
No. 6	Photo of the site	
No. 7	Photo of retaining wall	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

352 86-482-A PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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 thereof, hereby petition for a Variance from Section 409.2(b) 3, 5 & 6 of the Baltimore County Zoning Regulations to allow a total of 784 spaces in lieu of the required 945 spaces. A variance of 161 spaces.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Failure to grant requested variances would not permit a restaurant use in the center which would create a practical difficulty in a center of this size at this stage of development.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound 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:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.: 688-8274

Legal Owner(s):

Pence/Petrie Properties

(Type or Print Name)
1360 Beverly Road, Suite 100,
McLean, Virginia 22101

Signature

Walter Petrie

(Type or Print Name)

Signature

1360 Beverly Rd. 703-827-8300
Address Phone No.

McLean, Va. 22101
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day

of April 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore

County on the 28th day of May, 1986, at 10:30 o'clock

PETITIONER'S

Zoning Commissioner of Baltimore County.

EXHIBIT NO. 5

(over)

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ARNOLD
ZONING

ORDER RECEIVED FOR FILING

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would ~~would not~~ result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested ~~will~~/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should ~~should not~~ be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 1st day of June, 1986, that the Petition for Zoning Variance to permit 784 parking spaces in lieu of the required 945 spaces be and is hereby GRANTED, from and after the date of this Order, subject to the following:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

the property is located in a largely commercial/retail area not far from the Baltimore Beltway (I-695) and U.S. Route 40. Presently, the shopping center is anchored by a Giant Food Store. Other tenants of the center include Kids-R-Us store, Wendys Fast Food restaurant and similar retail stores. In terms of prior zoning history, a parking variance was obtained or was granted by Order of the Zoning Commissioner on June 1, 1986 under case No. 86-482-A. Subsequently, under case No. 92-334-SPH, a Petition for Special Hearing was approved amending the site plan and allowing a free standing automobile accessory store on the site and affirming the aforementioned variances.

As to the proposed use, the shopping center has entered into a lease with Discovery Zone Limited Partnership. Discovery Zone intends on operating an arcade on the premises. The proposed use is specifically designed for children under 12 years of age and their families. There will be two distinct areas of the proposed use. One area will be for physical games and activities including sliding boards, moon walks, etc. The other area



LOCATED EASTBOUND ON PHILADELPHIA ROAD LOOKING SOUTHWARD AT LIMITED VIEW OF GIANT FOOD BUILDING FACE

PETITIONER' S

EXHIBIT NO. 6

SHEET 1 OF 2

GLWGUTSCHICK LITTLE & WEBER, P.A.

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS

3909 NATIONAL DRIVE - SUITE 250 - BURTONSVILLE OFFICE PARK

BURTONSVILLE, MARYLAND 20866

TEL: 301-421-4024 BAL: 410-880-1820 DC/VA: 301-989-2524 FAX: 301-421-4186

JOB NO.: 10025

DATE: 05/03/2011

FILE: 10025PHOTO EXHIBIT

STREET VIEW PHOTOGRAPHS

GOLDEN RING MALL

GIANT FOOD STORE # 131

8665 PHILADELPHIA ROAD

BALTIMORE, MD 21237



LOOKING EASTWARD AT SHOPPING CENTER
PRIOR TO ENTRANCE.)

PETITIONER'S

EXHIBIT NO.

7

SHEET 2 OF 2

GLWGUTSCHICK LITTLE & WEBER, P.A.

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS
3909 NATIONAL DRIVE - SUITE 250 - BURTONSVILLE OFFICE PARK
BURTONSVILLE, MARYLAND 20866

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STREET VIEW PHOTOGRAPHS

GOLDEN RING MALL
GIANT FOOD STORE # 131
8665 PHILADELPHIA ROAD
BALTIMORE, MD 21237



KEVIN KAMENETZ
County Executive

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

April 18, 2011

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: 2011-0296-A

8665 Philadelphia Road

S/east side of Philadelphia Road, 310 ft. s/west of centerline of Rossville Blvd.

15th Election District – 3rd Councilmanic District

Legal Owners: Golden Ring (E&A), LLC

Contract Purchaser: Giant of MD, LLC

Variance to permit nine wall mounted enterprise signs for the existing Giant Supermarket in lieu of the permitted 1 pursuant to BCZR Section 450.4. Attachment 1.5.a.

Hearing: Thursday, May 12, 2011 at 2:30 p.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Charles Marek, 600 Washington Ave., Ste. 200, Towson 21204
Matt Pastor, Golden Ring, 7200 Wisconsin Ave., Ste. 700, Bethesda 20814
Scott Halen, 8301 Professional Place, Ste. 115, Landover 20785

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, APRIL 27, 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.

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: # 2011-0296-A

8665 Philadelphia Road

S/east side of Philadelphia Road, 310 ft. s/west of centerline of Rossville Blvd.

15th Election District-3rd Councilmanic District

Legal Owner(s): Golden Ring (E&A), LLC

Contract Purchaser: Giant of MD, LLC

Variance: to permit nine wall-mounted enterprise signs for the existing Giant Supermarket in lieu of the permitted 1 pursuant to BCZR Section 450.4 Attachment 1.5.a.

Hearing: Thursday, May 12, 2011 at 2:30 p.m. in Room 104, 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.

JT 04/709 April 26

273597

CERTIFICATE OF PUBLICATION

4/28/2011

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 4/26/2011.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

2011-0296-A

RE: Case No.: _____

Petitioner/Developer: _____

**Golden Ring (E&A), LLC/
Giant of Maryland**

May 12, 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: _____

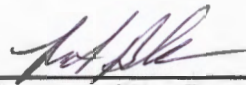
8665 Philadelphia Road

April 27, 2011

The sign(s) were posted on _____

(Month, Day, Year)

Sincerely,



April 27, 2011

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

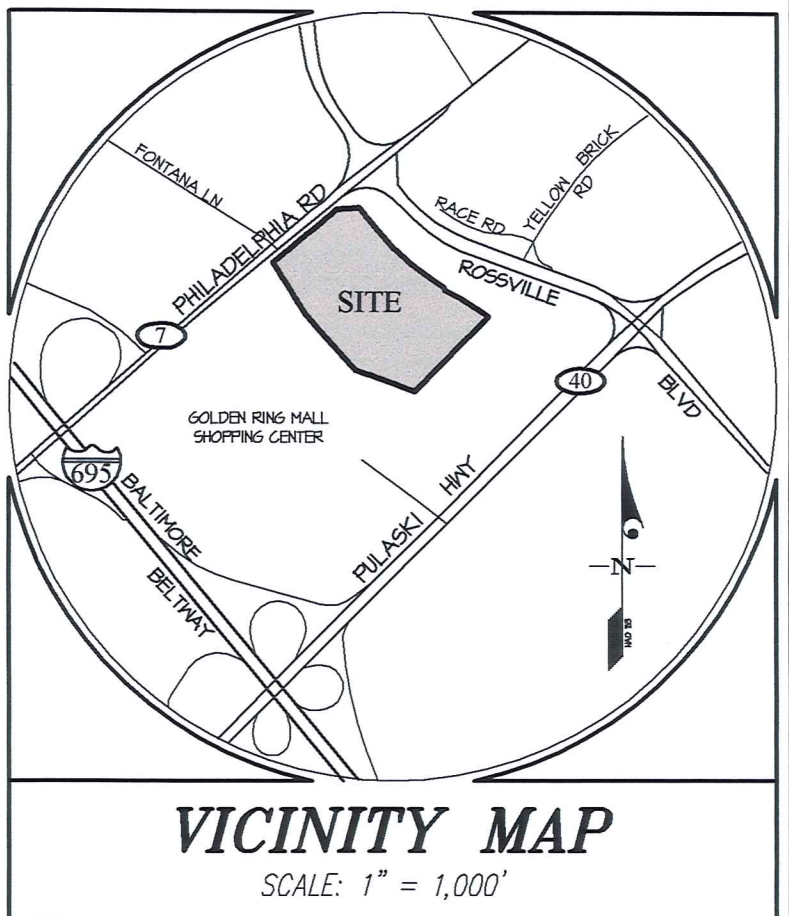
Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

48 Hours
Before You Dig
Call
"MISS UTILITY"
Service Protection Center
MEMBER
ONE CALL SYSTEMS INTERNATIONAL
CALL TOLL FREE
1-800-257-7777



- LEGEND**
- EX. EXISTING
PROP. PROPOSED
- YI STORMDRAIN YARD INLET
SM STORMDRAIN MANHOLE
GAS METER
GAS VALVE
WATER METER
WATER VALVE
FIRE HYDRANT
WATER MANHOLE
SEWER MANHOLE
SEWER CLEAN OUT
TELCO MANHOLE
TELCO RISER
SIGN
LIGHT POLE
UTILITY POLE
GUY WIRE
ELEC. MANHOLE
ELECTRIC JUNCTION BOX
TRANSFORMER
- ZONING LINE
LIMITS OF SIGN RELIEF FOR THIS PLAN
100 YR FLOODPLAIN

SITE LOCATION

1. PROJECT STREET ADDRESS: 8665 PHILADELPHIA ROAD BALTIMORE MD, 21257
2. ADG MAP: 37, GRID: A-4
3. ZONING MAP: 40-A1, A2
SITE DATA
1. OWNER: GOLDEN RING (E&A), LLC C/O EDENS & AVANT INVESTMENTS, LP 1200 WISCONSIN AVENUE, SUITE 100 BETHESDA, MD 20814 MATT PASTOR, PROPERTY MANAGER 301-652-1400
2. APPLICANT: GIANT OF MARYLAND, LLC 1385 HANCOCK ST. QUINCY, MA 02169 ATTN: MR. SCOTT HALEY DIRECTOR OF CONSTRUCTION & ENGINEERING (610) 710-8119
3. TRACT AREA: 558,735 S.F. or 12.83 Ac.
4. ZONING: BM
5. ELECTION DISTRICT #8
6. COUNTY COUNCIL DISTRICT #3
7. AREA OF SITE IN 100 YR FLOODPLAIN = 1.4 AC.
8. THERE ARE NO KNOWN NON-TIDAL WETLANDS ON THIS SITE.
9. THERE ARE NO KNOWN HISTORIC STRUCTURES OR KNOWN ARCHEOLOGICAL SITES ON THE PROPOSED PROJECT.
10. THIS PLAN DOES NOT GENERATE ANY RESIDENTIAL TRANSITION AREAS (RTA).
11. BOUNDARY AND EXISTING TOPOGRAPHIC INFORMATION SHOWN ON THIS PLAN PREPARED BY GUTSCHICK LITTLE & WEBER, P.A. NOV., 2009
12. FLOOR AREA RATIO MAX F.A.R.: 4.0 EXISTING F.A.R. = 150,405 SQ. FT. = 0.28 (150,405 ÷ 558,735)
13. EXISTING AND PROPOSED BUILDING SIGNAGE WILL BE IN COMPLIANCE WITH SECTIONS 413.2 AND 413.5 OF THE BCZR
14. CR6 PLAN APPROVED JUNE 20, 1985 - PLAN No. 85049. FIRST AMENDED PLAN APPROVED FEB. 1986. SECOND AMENDED PLAN APPROVED NOV. 5, 1987. AMENDED PLAN APPROVED DECEMBER 18, 1992 (WAIVER No. 1912-61)
15. ALL SITE USES HAD "CR6 APPROVAL" PRIOR TO MAY 25, 1989 EXCEPT THE "FREESTANDING" AUTO ACCESSORY BUILDING AND THE "ARCADE" USE.

PREVIOUS ZONING CASES:

- ZONING CASE No. 82-191-R: PETITION FOR RECLASSIFICATION FROM ML-1M TO BM (NO ORDER FROM ZC) BOA DISMISSED AS MOOT ON 3/18/85 - NEW ZONING MAPS WERE ISSUED WITH THIS CHANGE INCLUDED
ZONING CASE No. 86-482-A: PETITION FOR VARIANCE TO ALLOW 784 SPACES IN LIEU OF THE REQUIRED 945 SPACES GRANTED BY ZONING COMMISSIONER ON 6/1/86.
ZONING CASE No. 92-334-SPH: PETITION FOR SPECIAL HEARING TO APPROVE AN AMENDMENT TO SITE PLAN APPROVED IN CASE No. 86-482-A. AMENDMENT INCLUDES THE CONSTRUCTION OF A FREE STANDING AUTOMOBILE ACCESSORY STORE AND REQUEST FOR PARKING VARIANCE PREVIOUSLY APPROVED IN CASE No. 86-482 BE REAFFIRMED GRANTED BY ZONING COMMISSIONER ON 4/20/92.
ZONING CASE No. 94-64-X: PETITION FOR SPECIAL EXCEPTION TO ALLOW AN ARCADE GRANTED BY ZONING COMMISSIONER ON 10/20/93.

NOTE: ALL FUTURE SIGNS MUST CONFORM TO SECTION 450 OF THE BCZC.

SIGN CLASSIFICATION	MAX AREA/ FACE	MAX NO./ PREMISES	ADDITIONAL LIMITATIONS	HEIGHT
Wall Mounted	2 x length of the wall to which it's affixed	1 per tenant with separate exterior customer entrance	N/A	N/A
Freestanding- Joint ID	150'	1 per frontage	No more than 5 lines displayed	25'

NOTE: THIS HEARING PERTAINS ONLY TO THE WALL MOUNTED AND OTHER GIANT FOOD RELATED SIGNAGE ON THE SITE. PURSUANT TO BCZR 450.8.D, ALL OTHER NON-CONFORMING SIGNAGE MUST EITHER BE BROUGHT INTO COMPLIANCE WITH BCZR SECTION 450 OR REMOVED NO LATER THAN 15 YEARS FROM EFFECTIVE DATE OF THE BILL No. 89-1997

PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE PLANS 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. 12921, EXPIRATION DATE: APRIL 10, 2012

PREPARED FOR:
GIANT OF MARYLAND, LLC
1385 HANCOCK ST.
QUINCY, MA 02169
ATTN: MR. SCOTT HALEY
(617)-770-8119

SCALE
1" = 50'
DATE
OCT., 2010
ZONING
BM
TAX MAP - OF
90-A1, A2

PLAN TO ACCOMPANY PETITION FOR VARIANCE HEARING
PETITIONER'S
**GOLDEN RING MALL
GIANT FOOD STORE #131**
EXHIBIT NO. 1
ELECTION DISTRICT No. 8 COUNCILMANIC DISTRICT No. 3
BALTIMORE COUNTY, MARYLAND

G. L. W. FILE No.
10025
SHEET
1 OF 2

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

L:\CADD\DRAWINGS\10025\Design\10025ec DES. ANL DRN. JGJ CHK. MAJ DATE REVISION BY APPR.

Giant #131 Baltimore, MD.

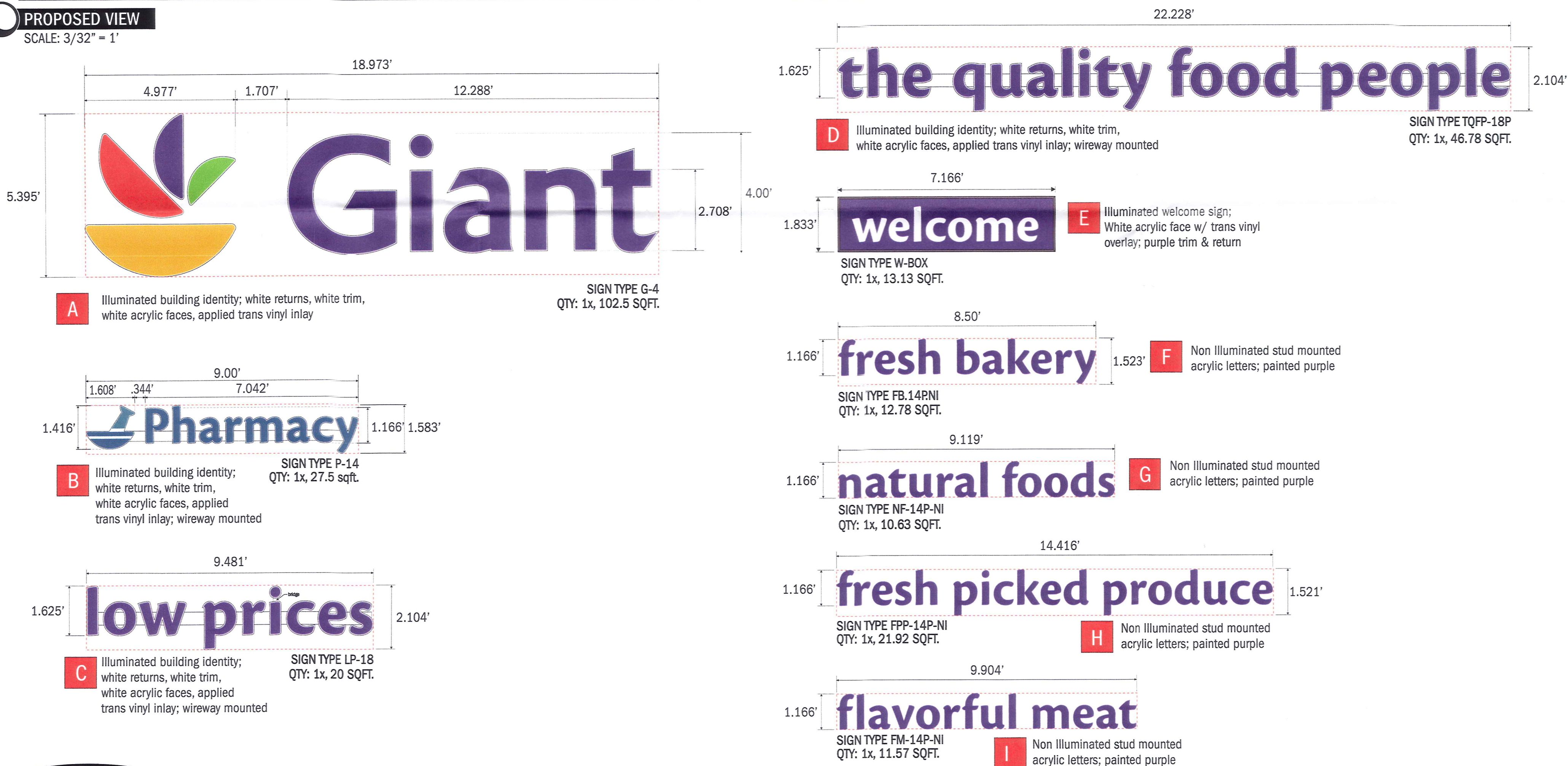


6.00
cut 50'

EXISTING VIEW
SCALE: 3/32" = 1'



PROPOSED VIEW
SCALE: 3/32" = 1'



ELEVATION DETAIL 266.81 sqft. TOTAL
SCALE: 1/2" = 1'

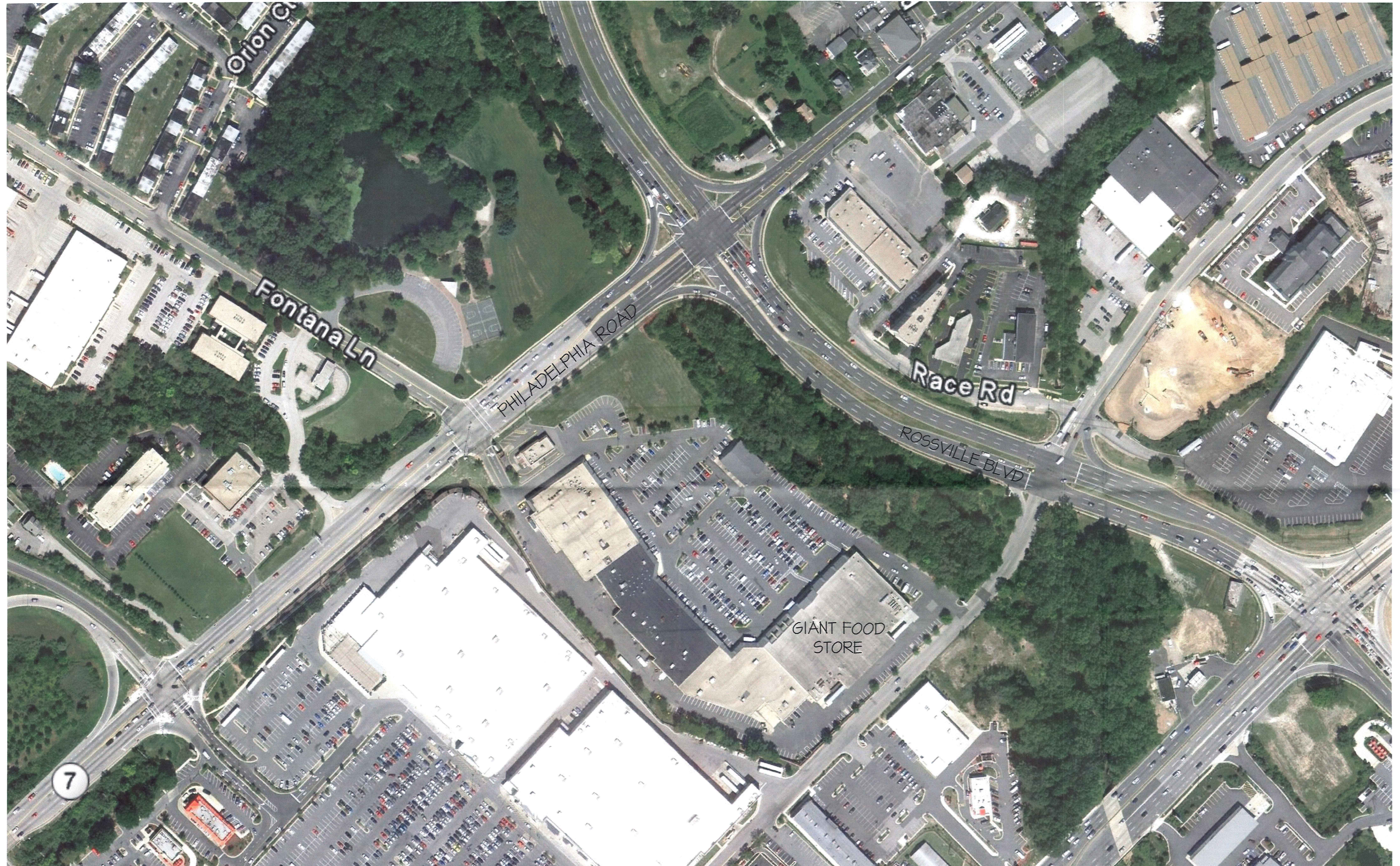
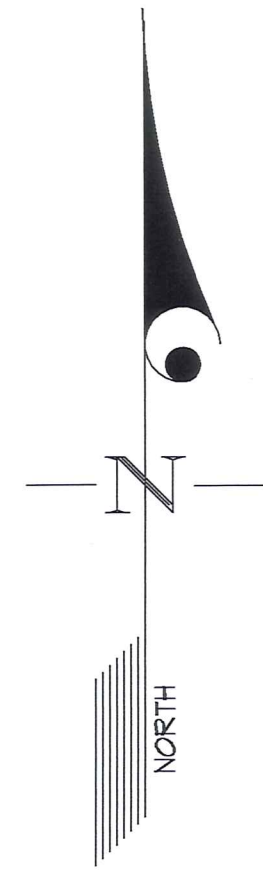
7440 Fort Smallwood Road Baltimore, Maryland 21226 Phone 410.255.6400 Fax 410.437.5338

PETITIONER'S
EXHIBIT NO. 2

DATE: 10/28/10
6018SM

ZONING CASE # 2011-0296-A

GLWGUTSCHICK LITTLE & WEBER, P.A. CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS 3909 NATIONAL DRIVE - SUITE 250 - BURTONSVILLE OFFICE PARK BURTONSVILLE, MARYLAND 20866 TEL: 301-421-4024 BAL: 410-880-1820 DC/VA: 301-989-2524 FAX: 301-421-4186																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																														
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PETITIONER'S
EXHIBIT NO. 3

GLWGUTSCHICK LITTLE & WEBER, P.A.

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS
3909 NATIONAL DRIVE - SUITE 250 - BURTONSVILLE OFFICE PARK
BURTONSVILLE, MARYLAND 20866
TEL: 301-421-4024 BAL: 410-880-1820 DC/VA: 301-989-2524 FAX: 301-421-4186

JOB NO.: 10025

DATE: 05/03/2011

FILE: 10025AERIAL

AERIAL PHOTOGRAPH

GOLDEN RING MALL
GIANT FOOD STORE # 131
8665 PHILADELPHIA ROAD
BALTIMORE, MD 21237



LOCATED ON PHILADELPHIA ROAD LOOKING EASTWARD AT SHOPPING CENTER
ENTRANCE. (NO BUILDING FACE VISIBLE PRIOR TO ENTRANCE.)

PETITIONER' S

EXHIBIT NO. 7

SHEET 2 OF 2

GLWGUTSCHICK LITTLE & WEBER, P.A.

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS
3909 NATIONAL DRIVE - SUITE 250 - BURTONSVILLE OFFICE PARK
BURTONSVILLE, MARYLAND 20866
TEL: 301-421-4024 BAL: 410-880-1820 DC/VA: 301-989-2524 FAX: 301-421-4186

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STREET VIEW PHOTOGRAPHS

GOLDEN RING MALL

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