

**IN RE: PETITION FOR VARIANCE**

SW/Side of Reisterstown Road, 55' SE  
of c/line of Cherry Valley Road  
4<sup>th</sup> Election District  
3<sup>rd</sup> Councilmanic District  
(11604 Reisterstown Road)

DKA Associates, LLLP c/o Metropolitan  
Management Co., *Legal Owner*  
Giant of Maryland LLC, *Contract Purchaser*  
Petitioners

\* BEFORE THE  
\* OFFICE OF ADMINISTRATIVE  
\* HEARINGS FOR  
\* BALTIMORE COUNTY  
\*  
\* CASE NO. 2011-0297-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, DKA Associates, LLC by William Berman, its agent and authorized signatory. Petitioner requested a variance to permit 11 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. Appearing as Protestants on behalf of Reisterstown Owings Mills Glyndon Coordinating Council were George Harman and Noel Levy.

ORDER RECEIVED FOR FILING

Date 5-26-11

By 193

A combination of proffer and elicited testimony, which included cross-examination from the Protestants, testimony and exhibits were accepted into the record of the case. The site is approximately 7 acres and is zoned BL. The property is improved with the existing Cherry Valley Center, a multi-tenant retail facility, with frontage on Reisterstown Road, Cherry Valley Road and Nicodemus Road. The center has access from both Reisterstown Road and Cherry Valley Road. Testimony revealed that Giant has a total of twelve (12) stores in Baltimore County and employs roughly 1200 people. The chain is an important economic driver of the County, as well as the State of Maryland, and works with local businesses and farms.

Giant is going through a global 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 shape and layout of the property is unique, which shape is influenced by the fact the site had frontage on three different roadways, Reisterstown Road, Cherry Valley Road and Nicodemus Road. In addition, there is a significant grade change along the property's Reisterstown Road frontage, which can be seen in the street level photographs submitted at the hearing. The steep grade increase along the main area commercial thoroughfare, which is magnified by the street trees and other vegetation, significantly restrict visibility into the site for motorists travelling in both directions along Reisterstown Road. Lastly, due to the fact that Reisterstown Road is a high speed thoroughfare, this reduces the amount of time a driver would

have to glimpse the store through any visibility windows into the center. I find that all of these characteristics combine to make this property unique.

The property in the instant matter was also the subject of Zoning Case No. 94-12-A, which granted a variance for 406 parking spaces in lieu of the required 483 spaces (B.C.Z.R. Section 409.6.A.4) and access aisle widths of 14 feet and 20 feet in lieu of the required 22 feet (B.C.Z.R. Section 409.4.C). Subsequently, the property was the subject in Zoning Case No. 2010-0184-SPHA, which granted additional variance relief from (i) B.C.Z.R. Section 409.6.A.2 to permit a total of 361 off-street parking spaces in lieu of the required 472, (ii) B.C.Z.R. Section 495.4.A.2.b to permit a minimum landscape transition area width of 0 feet in a rear yard abutting non-residentially zoned land in lieu of the required 6 feet, and 7.4 feet abutting a public right-of-way in lieu of the required 10 feet, (iii) B.C.Z.R. Section 450.4.3 to permit a freestanding directional sign with a height of 12 feet in lieu of the permitted 6 feet, and (iv) B.C.Z.R. Section 405.2.A to permit a setback a minimum of 83 feet from a residentially zoned property in lieu of the required 100 feet. These previously granted variances are also evidence that the site has been evaluated and was determined to be unique in each case.

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 because Giant is the anchor tenant. In addition, due to the consolidation of uses under one roof, these stores with large building footprints (i.e. big box) are unable to adequately advertise their services. I believe that the granting of the variance is able to remedy this practical difficulty. Allowing multiple signs will give customers an opportunity to recognize the store from more points along their drive.

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, 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. Furthermore, Giant could in fact erect one larger sign of 420 square feet by right, while the 11 proposed signs are smaller and utilize only 402 square feet.

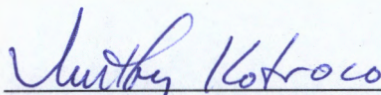
The testimony also bears that the granting of the variance will be in the interest of the public. The new sign package will utilize light-emitting-diode (LED) technology for illumination, thereby reducing the energy consumption by roughly ninety percent (90%) when compared to the traditional back-lit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

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 the Administrative Law Judge of Baltimore County, this 26<sup>th</sup> day of May, 2011 that the Petition for Variance from Section 450.4 Chart 1.5.a to permit 11 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

ORDER RECEIVED FOR FILING

Date

5-26-11

By

TMK



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. 2011-0297-A  
Property: 11604 Reisterstown 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, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO  
Administrative Law Judge  
for Baltimore County

TMK/pz

Enclosure

c George Harman, 5429 Weywood Drive, Reisterstown MD 21136  
Noel Levy, 11 Windsong Court, Pikesville MD 21208



# Petition for Variance

to the Zoning Commissioner of Baltimore County for the property  
located at 11604 Reisterstown Road  
which is presently zoned B.L.

Deed Reference: 22117 / 19 Tax Account # 1900006559

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:

Glant of Maryland, LLC by: Scott Haley, 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, Glidea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200

410-821-0070

Address

Telephone No.

Towson,

MD

21204

City

State

Zip Code

## Legal Owner(s):

DKA Associates, LLP.

Name - Type or Print

Signature

11299 Owings Mills Blvd #200

Name - Type or Print

Owings Mills, MD 21117

Signature

by William Berman, Agent

Address

Telephone No.

City

State

Zip Code

## Representative to be Contacted:

Charles B. Marek, III

Name

600 Washington Avenue, Suite 200

410-821-0070

Address

Telephone No.

Towson,

MD

21204

City

State

Zip Code

Case No. 2011-0297-A

## Office Use Only

Estimated Length of Hearing  
Unavailable For Hearing

Reviewed by Zu Date 3/31/11

REV 8/20/07

ORDER RECEIVED FOR FILING

Date 5-26-11

By low

**ATTACHMENT TO PETITION FOR VARIANCE**

*11604 Reisterstown Road*

4<sup>th</sup> Election District

3<sup>rd</sup> Councilmanic District

1. To permit eleven (11) 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.

# GLWGUTSCHICK, LITTLE & WEBER, P.A.

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS

## GIANT FOOD #322 CHERRY VALLEY PLAZA ZONING DESCRIPTION

Beginning at a point on the southwest side of Reisterstown Road which is 66 feet wide at a distance of 55 feet  $\pm$  southeast of the centerline of the nearest improved intersecting of Cherry Valley Road which is 60 feet wide. Thence the following courses and distances:

1. South  $44^{\circ}03'35''$  East, 583.08 feet
2. South  $31^{\circ}23'28''$  West, 353.80 feet
3. South  $77^{\circ}28'28''$  West, 126.17 feet
4. North  $44^{\circ}03'32''$  West, 680.74 feet
5. 123.88 feet along the arc, having a radius of 640.00 feet and chord bearing and distance of North  $51^{\circ}29'11''$  East, 123.69 feet
6. North  $57^{\circ}01'55''$  East, 180.59 feet
7. 135.50 feet along the arc, having a radius of 700.00 feet and chord bearing and distance of North  $51^{\circ}29'11''$  East, 135.29 feet
8. South  $89^{\circ}03'32''$  East, 21.21 feet to the point of beginning as recorded in Liber 22117, Folio 19.

## DESCRIPTION OF LIMITS OF SIGN RELIEF

Beginning at a point being removed North  $07^{\circ}08'03''$  West, 33.32 feet from the easterly beginning of the above referenced 4<sup>th</sup> or North  $44^{\circ}03'32''$  West, 680.74 feet line. Thence the following courses and distances:

1. North  $44^{\circ}02'41''$  West, 231.50 feet; thence
2. North  $45^{\circ}57'19''$  East, 95.10 feet; thence
3. North  $00^{\circ}57'19''$  East, 28.28 feet; thence
4. North  $45^{\circ}57'19''$  East, 200.00 feet; thence
5. South  $44^{\circ}02'41''$  East, 251.50 feet; thence
6. South  $45^{\circ}57'19''$  West, 315.10 feet to the point of beginning, containing 77,146 square feet or 1.7710 acres .

2011-0297-A



KEVIN KAMENETZ  
County Executive

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

May 4, 2011

William Berman – Agent  
c/o Metropolitan Management Co.  
11299 Owings Mills Blvd #200  
Owings Mills, MD 21117

RE: Case Number 2011-0297 A, 11604 Reisterstown Road

Dear Mr. Berman (Agent),

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 dark ink, appearing to read "W. Carl Richards, Jr.", is written over a faint circular stamp.

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. 203, Towson, MD 21204  
Scott Hales, Dir. Of Construction, c/o Giant of Maryland LLC, 8301 Professional Place, Ste. 115,  
Landover, MD 20785



KEVIN KAMENETZ  
*County Executive*

JOHN J. HOHMAN, *Chief*  
*Fire Department*

April 8, 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:** 2011-0298A, 2011-0300A

**Variance:** 2011-0295A – 0297A, 2011-0299A

**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, 3<sup>RD</sup> Floor  
Towson, Maryland 21286  
Office: 410-887-4880  
dmuddiman@baltimorecountymd.gov  
cc: File

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

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

**FROM:** <sup>DAK</sup> 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



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  
5/12/11

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

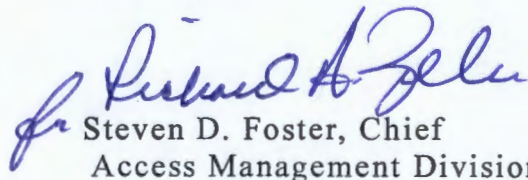
RE: Baltimore County  
Item No. 2011-0297-A  
Variance  
11604 Reisterstown Road  
'Cherry Valley Plaza'  
Giant Food Store #322

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 MD140 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2011-0297-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,

  
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





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: 2011-0297-A**

11604 Reisterstown Road

S/west side of Reisterstown Road, 55 feet s/east of centerline of Cherry Valley Road

4<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: DKA Associates, LLLP

Contract Purchaser: Giant of Maryland, LLC

Variance to permit 11 wall-mounted enterprise signs for the existing Giant Supermarket in lieu of the permitted one pursuant to BCZR Section 450.4 Attachment 1.5.a.; for such other and further relief as may be required by the Administrative Law Judge.

Hearing: Thursday, May 12, 2011 at 3:30 p.m. in Room 104, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon  
Director

AJ:kl

C: Charles Marek, 600 Washington Ave., Ste. 200, Towson 21204  
William Berman, DKA Assoc., LLLP, 11299 Owings Mills Blvd., # 200, Owings Mills 21117  
Scott Haley, Giant, LLC, 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, 2911 Issue - Jeffersonian

Please forward billing to:

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

410-821-0070

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## 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:

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11604 Reisterstown Road

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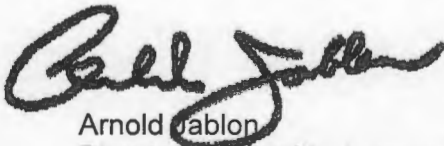
4<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: DKA Associates, LLLP

Contract Purchaser: Giant of Maryland, 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          |
| 11604 Reisterstown Road; SW side of                               | * | ZONING COMMISSIONER |
| Reisterstown Road, 55ft. South East of                            | * | FOR                 |
| Center Line of Cherry Valley Road                                 | * | BALTIMORE COUNTY    |
| 4 <sup>th</sup> Election & 3 <sup>rd</sup> Councilmanic Districts | * | 2011-0297-A         |
| Legal Owner: DKA Associates LLLP/c/o                              |   |                     |
| Metropolitan Management Co.                                       |   |                     |
| Contract Purchaser: Giant of Maryland, 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

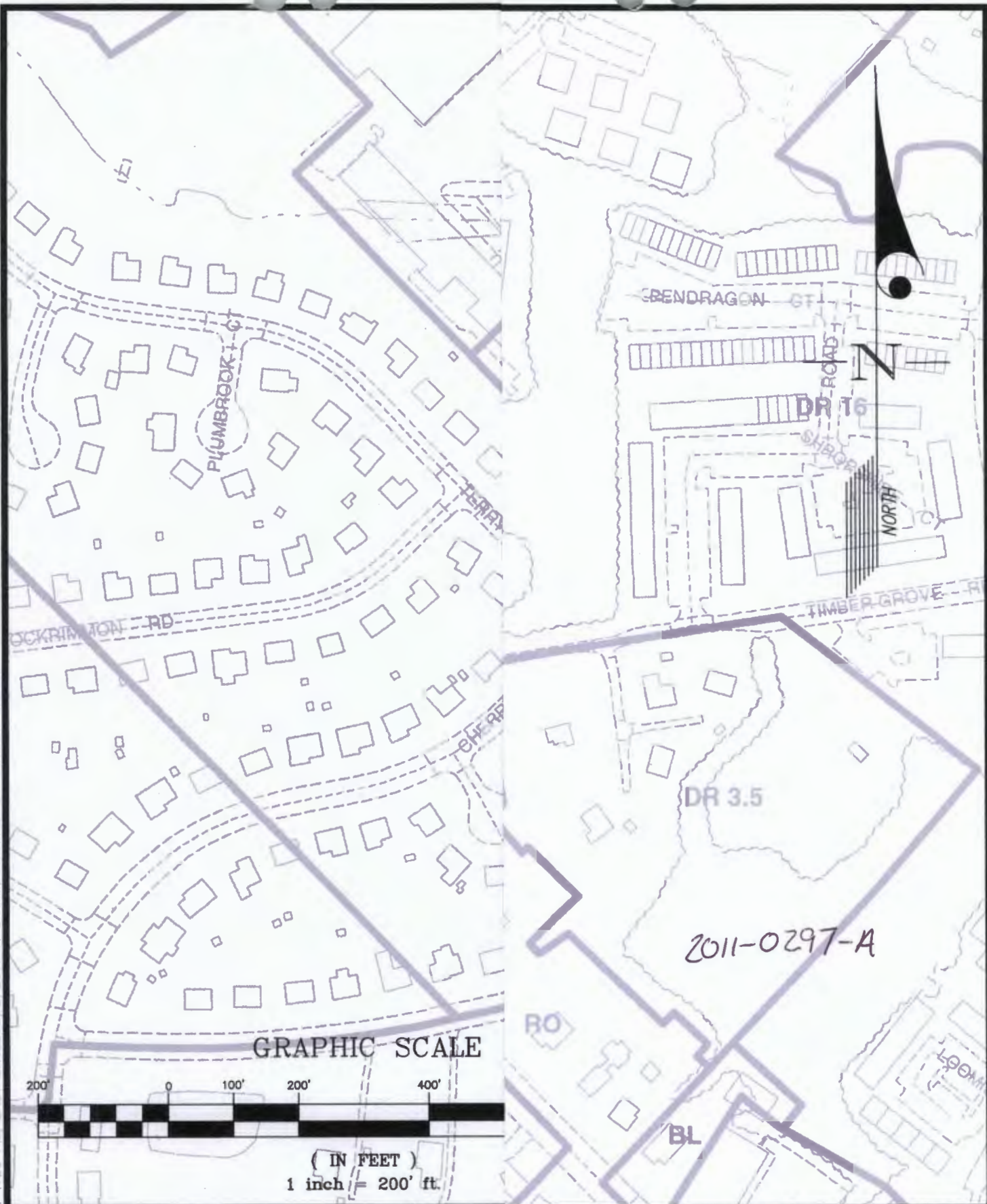
**CERTIFICATE OF SERVICE**

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).

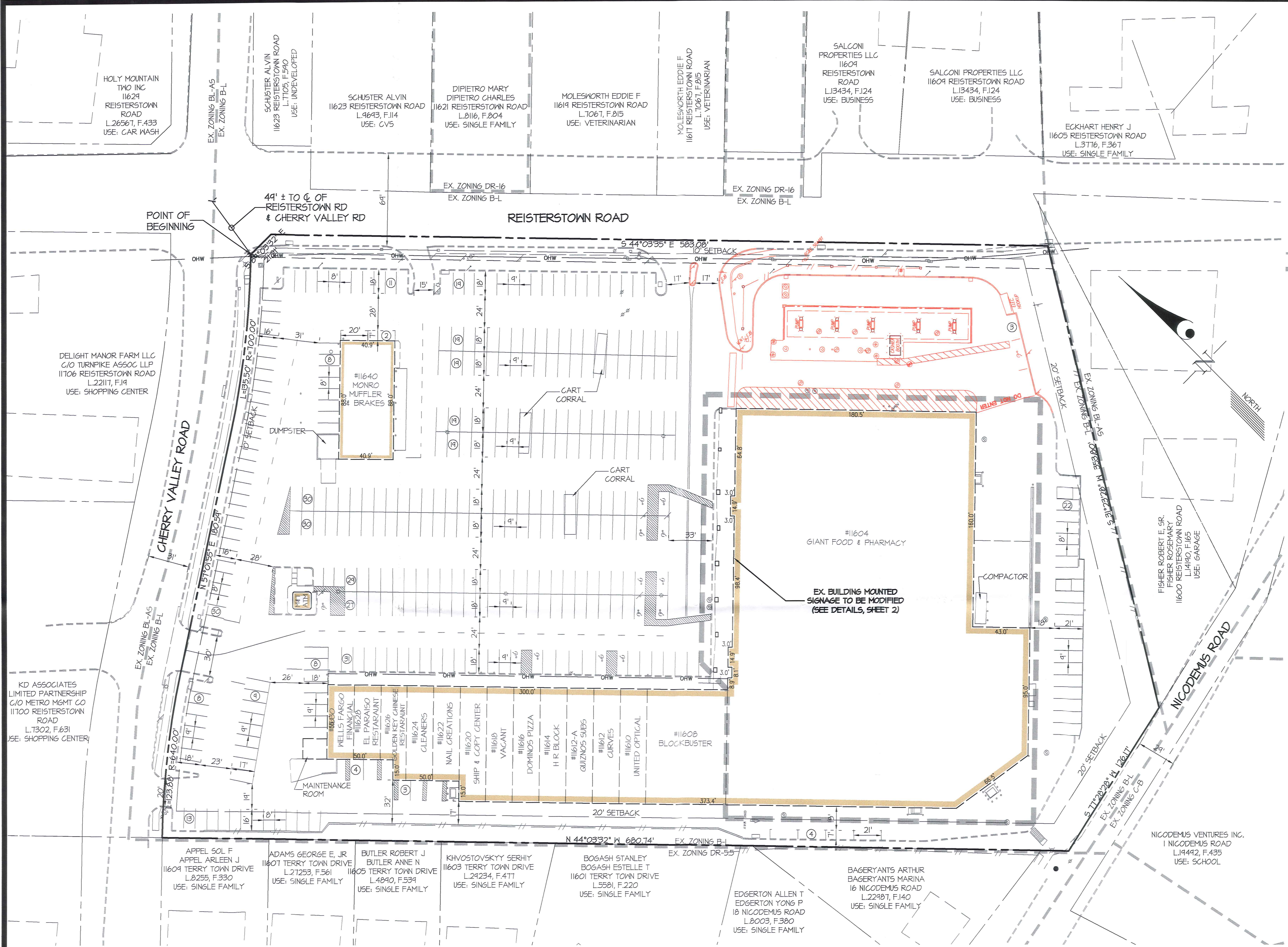
*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

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|                                                                           |  |                             |                          |
|---------------------------------------------------------------------------|--|-----------------------------|--------------------------|
| <b>GLWGUTSCHICK LITTLE &amp; WEBER, P.A.</b>                              |  | DES. MAJ                    | G. L. W. No. 10026       |
| CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS      |  |                             | ZONING BM                |
| 3800 NATIONAL DRIVE - SUITE 250 - BURTONSVILLE OFFICE PARK                |  | DRN. ANL ZONING MAP EXHIBIT | TAX MAP/GRID 57-C1/58-A1 |
| BURTONSVILLE, MARYLAND 20866                                              |  |                             | DATE JUNE, 2010          |
| TEL: 301-421-4024 BAL: 410-860-1820 DC/VA: 301-909-2524 FAX: 301-421-4186 |  |                             | SCALE Custom             |
| L:\CADD\DRAWINGS\10026\Design\10026ex01.dwg                               |  | CHK.                        | SHEET 1 OF 1             |

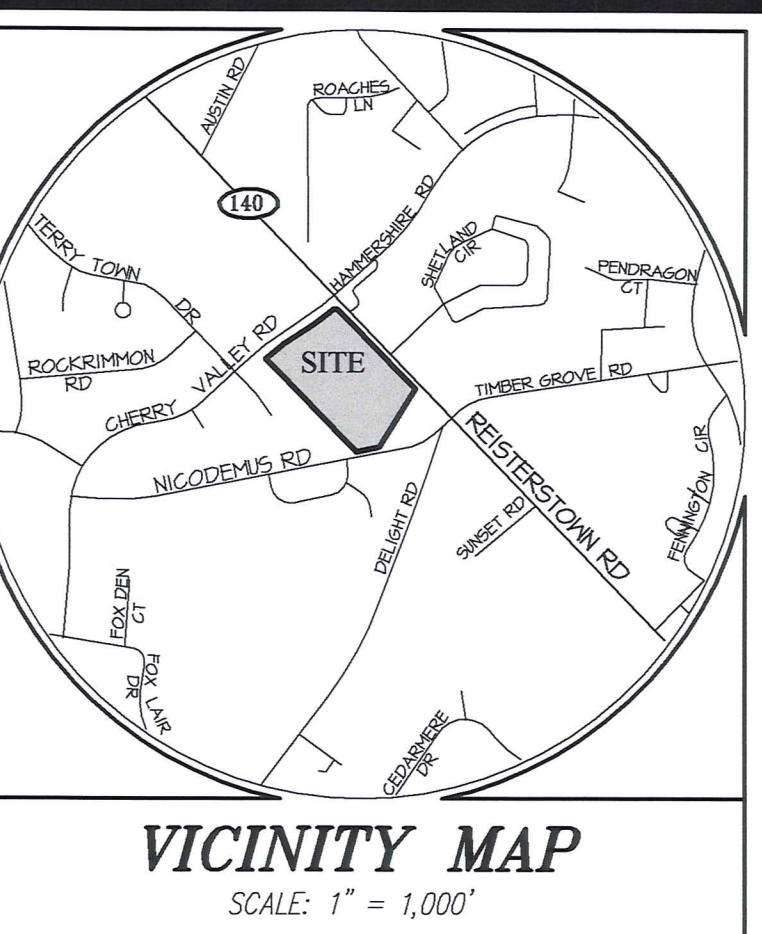


- LEGEND**
- EX. EXISTING
  - PROP. PROPOSED
  - YI STORMDRAIN YARD INLET
  - GM GAS METER
  - SV GAS VALVE
  - WM WATER METER
  - WV WATER VALVE
  - FI FIRE HYDRANT
  - WM WATER MANHOLE
  - SM SEWER MANHOLE
  - SE SEWER CLEAN OUT
  - TM TELCO MANHOLE
  - TR TELCO RISER
  - SI SIGN
  - LI LIGHT POLE
  - UP UTILITY POLE
  - GW GUY WIRE
  - EM ELEC. MANHOLE
  - TR TRANSFORMER
  - ZONING LINE
  - LIMITS OF SIGN RELIEF FOR THIS PLAN

48 Hours  
Before You Dig  
Call  
"MISS UTILITY"  
Service Protection Center

MEMBER  
ONE CALL SYSTEMS INTERNATIONAL

CALL TOLL FREE  
1-800-257-7777



**PREVIOUS ZONING CASES:**

- ZONING CASE NO. 83-121-X:**  
PETITION FOR SPECIAL EXCEPTION TO PERMIT A COMMUNITY BUILDING, SWIMMING POOL, OR OTHER STRUCTURAL LAND USE DEVOTED TO CIVIC, SOCIAL OR RECREATIONAL AND EDUCATIONAL ACTIVITIES OR MORE SPECIFICALLY, A WOMAN'S REDUCING AND HEALTH SALON WITH FACILITIES FOR DANCING AND OTHER EXERCISES GRANTED BY ZONING COMMISSIONER 11/24/82
- ZONING CASE NO. 86-32-X:**  
PETITION FOR SPECIAL EXCEPTION TO PERMIT A SERVICE GARAGE IN A BL ZONE GRANTED 7/31/85
- ZONING CASE NO. 94-12-A:**  
PETITION FOR VARIANCE TO PERMIT 406 PARKING SPACES IN LIEU OF THE REQUIRED 483 AND TO PERMIT ACCESS AISLES OF 14 AND 20 FT. IN LIEU OF THE REQUIRED 22 FT. GRANTED 8/18/93 BY ZONING COMMISSIONER.
- ZONING CASE NO. 10-184-SFHA:**  
PETITION FOR SPECIAL HEARING TO AMEND THE SITE PLAN GRANTED 3/25/10  
PETITION FOR VARIANCE TO PERMIT A TOTAL OF 361 OFF-STREET PARKING SPACES IN LIEU OF THE REQUIRED 412, TO ALLOW A MINIMUM LANDSCAPE TRANSITION AREA WIDTH OF 0' FT. IN A REAR YARD ABUTTING NON-RESIDENTIALLY ZONED LAND IN LIEU OF THE REQUIRED 6 FT. AND 7.4 FT. ABUTTING A PUBLIC RIGHT OF WAY IN LIEU OF THE REQUIRED 10 FT; TO ALLOW A FREESTANDING DIRECTIONAL SIGN WITH A HEIGHT OF 12 FT. IN LIEU OF THE PERMITTED 6 FT. TO ALLOW A SETBACK MINIMUM OF 83 FT. FROM A RESIDENTIALLY ZONED PROPERTY IN LIEU OF THE REQUIRED 100 FT. GRANTED 3/25/10

**SITE LOCATION**

- PROJECT STREET ADDRESS: 11604 REISTERSTOWN ROAD BALTIMORE MD, 21136
- ADC MAP: 16, GRID: C-12, D-12
- ZONING MAP: 57-C1, 58-A1

**SITE DATA**

- OWNER: DKA ASSOCIATES, LLLP C/O METROPOLITAN MANAGEMENT COMPANY  
11244 OWINGS MILLS BOULEVARD, SUITE 200, OWINGS MILLS, MD 21111  
WILLIAM S. BERMAN, PROPERTY MANAGER  
410-902-0240
- APPLICANT: GIANT OF MARYLAND, LLC  
1385 HANCOCK ST.  
QUINCY, MA 02169  
ATTN: MR. SCOTT HALEY  
DIRECTOR OF CONSTRUCTION & ENGINEERING  
(617) 770-8119
- TRACT AREA: 303,093.43 S.F. or 6.958 Ac.
- ZONING: BL
- ELECTION DISTRICT #4
- COUNTY COUNCIL DISTRICT #3
- THERE ARE NO KNOWN 100 YEAR FLOODPLAINS ON THIS SITE.
- THERE ARE NO KNOWN NON-TIDAL WETLANDS ON THIS SITE.
- THERE ARE NO KNOWN HISTORIC STRUCTURES OR KNOWN ARCHEOLOGICAL SITES ON THE PROPOSED PROJECT.
- THIS PLAN DOES NOT GENERATE ANY RESIDENTIAL TRANSITION AREAS (RTA).
- BOUNDARY AND EXISTING TOPOGRAPHIC INFORMATION SHOWN ON THIS PLAN PREPARED BY GUTSCHICK LITTLE & WEBER, P.A. NOV., 2004
- FLOOR AREA RATIO  
MAX F.A.R.: 3.0  
PROPOSED F.A.R.: 85,265 S.F. / 303,093 S.F. = 0.28

| 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'    |

**PARKING CALCULATIONS**

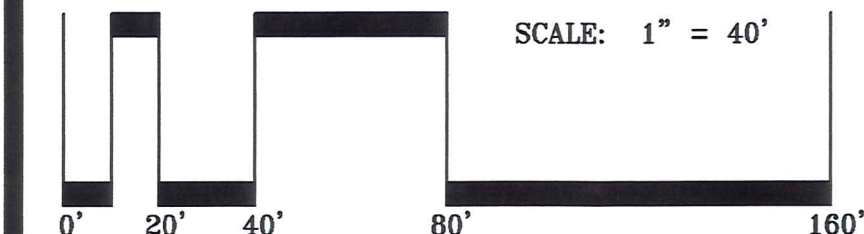
REQUIRED: (TOTAL SF = 85,265)  
GIANT FOOD STORE 58,382 SF @ 5/1,000 = 291.9 SPACES  
GARY-CUT RESTAURANT 3,404 SF @ 5/1,000 17 SPACES  
RESTAURANT 2,354 SF @ 16/1,000 31.6 SPACES  
GENERAL RETAIL 16,619 SF @ 5/1,000 = 83.1 SPACES  
BANK 11,02 SF @ 33/1,000 = 3.6 SPACES  
GENERAL OFFICE 3,404 SF @ 33/1,000 = 11.2 SPACES  
TOTAL = 444 SPACES  
TOTAL REQUIRED = 361 SPACES

PROVIDED:  
STANDARD SPACES: 353 SPACES  
HANDICAP SPACES: 14 SPACES  
(8 REQUIRED)  
TOTAL PROVIDED = 367 SPACES

\* TOTAL REQUIRED IS 361 SPACES PER ZONING CASE 10-184-SFHA

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

NOTE: THIS HEARING PERTAINS ONLY TO THE WALL MOUNTED AND OTHER GIANT FOOD RELATED SIGNAGE ON THE SITE. PURSUANT TO BCZC 450.B.D, ALL OTHER NON-CONFORMING SIGNAGE MUST EITHER BE BROUGHT INTO COMPLIANCE WITH BCZC SECTION 450 OR REMOVED NO LATER THAN 15 YEARS FROM EFFECTIVE DATE OF THE BILL NO. 84-1997



**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: 301-389-2524 FAX: 301-421-4186

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" = 40'  
DATE: OCT, 2010  
ZONING: 57-C1, 58-A1

**PLAN TO ACCOMPANY PETITION FOR VARIANCE HEARING**  
**CHERRY VALLEY PLAZA**  
**GIANT FOOD STORE #322**  
PETITIONER'S  
EXHIBIT NO. 1  
ELECTION DISTRICT No. 4 COUNCILMANIC DISTRICT No. 1  
TIMORE COUNTY, MARYLAND

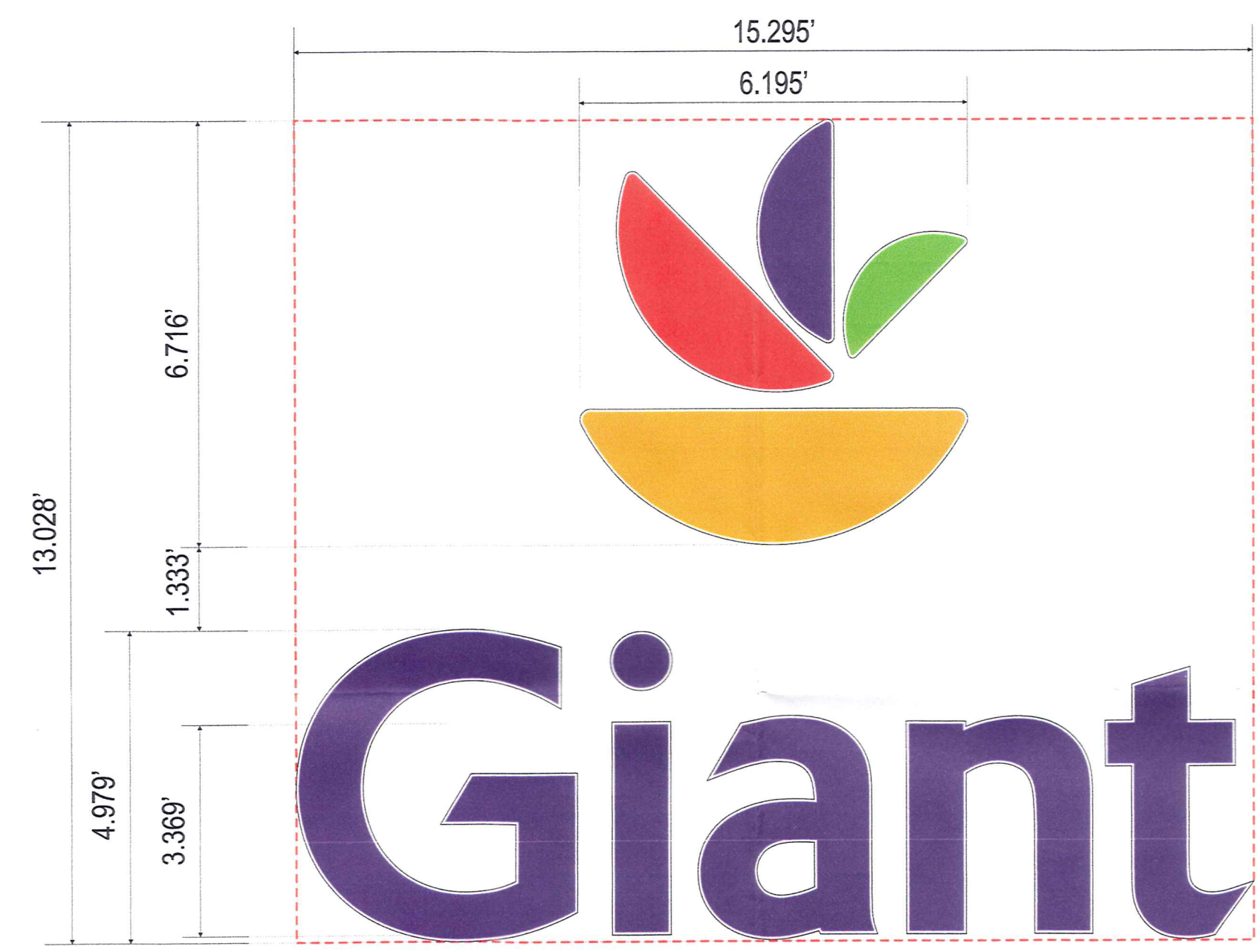
G. L. W. FILE NO.  
10026  
SHEET  
1 OF 2

DATE: 05/05/2011  
REVISION: EXISTING CONDITIONS UPDATED PER SITE IMPROVEMENTS FIELD WORK DONE ON 05/04/2011  
DESIGNER: ANL  
DRAWN: JGJ  
CHECKED: MAJ

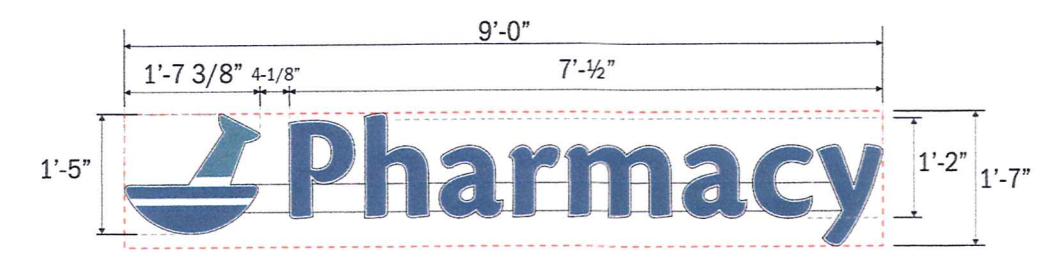
Giant #322 Reisterstown, MD



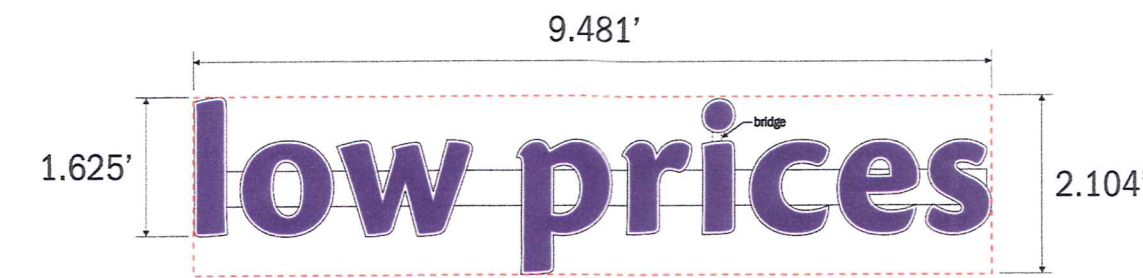
ELEVATION VIEW  
SCALE: 3/32" = 1'



**A** Illuminated building identity; white returns, white trim, white acrylic faces, applied trans vinyl inlay  
SIGN TYPE G-5 (STACKED)  
QTY: 1x, 199.29 SQFT.



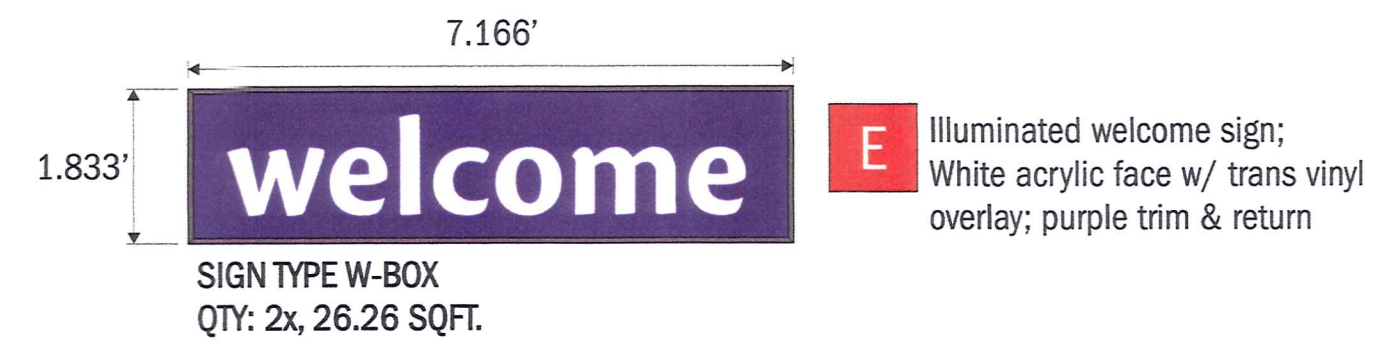
**B** Illuminated building identity; white returns, white trim, white acrylic faces, applied trans vinyl inlay; wireway mounted  
SIGN TYPE P-14  
QTY: 1x, 14.25 sqft.



**C** Illuminated building identity; white returns, white trim, white acrylic faces, applied trans vinyl inlay; wireway mounted  
SIGN TYPE LP-18  
QTY: 1x, 20 SQFT.



**D** Illuminated building identity; white returns, white trim, white acrylic faces, applied trans vinyl inlay; wireway mounted  
SIGN TYPE TQFP-18P  
QTY: 1x, 46.78 SQFT.



**E** Illuminated welcome sign; White acrylic face w/ trans vinyl overlay; purple trim & return  
SIGN TYPE W-BOX  
QTY: 2x, 26.26 SQFT.



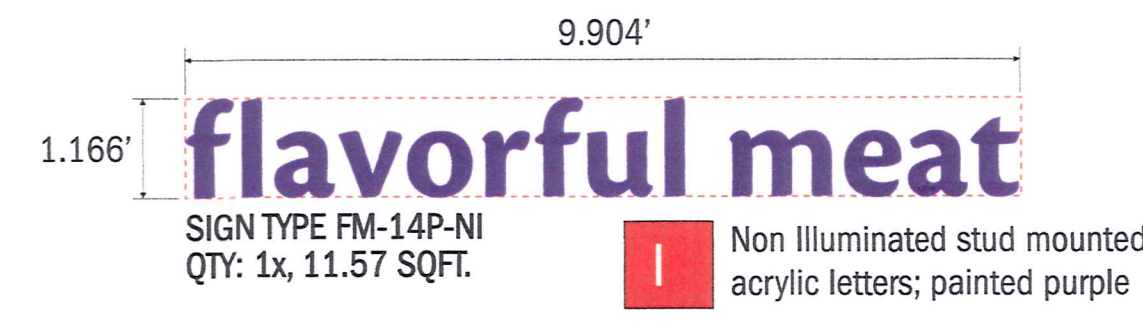
**F** Non Illuminated stud mounted acrylic letters; painted purple  
SIGN TYPE FB-14PNI  
QTY: 1x, 12.78 SQFT.



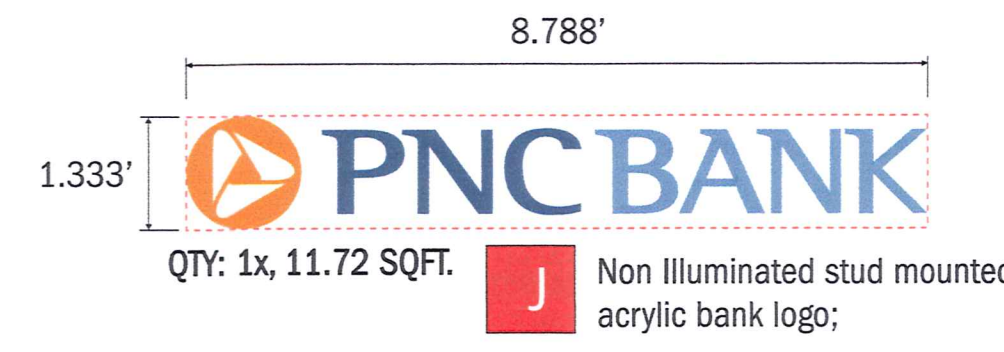
**G** Non Illuminated stud mounted acrylic letters; painted purple  
SIGN TYPE NF-14P-NI  
QTY: 1x, 10.63 SQFT.



**H** Non Illuminated stud mounted acrylic letters; painted purple  
SIGN TYPE FPP-14P-NI  
QTY: 1x, 21.92 SQFT.



**I** Non Illuminated stud mounted acrylic letters; painted purple  
SIGN TYPE FM-14P-NI  
QTY: 1x, 11.57 SQFT.



**J** Non Illuminated stud mounted acrylic bank logo;  
QTY: 1x, 11.72 SQFT.



ELEVATION DETAIL 401.6 SF TOTAL  
SCALE: 1/2" = 1'

7440 Fort Smallwood Road Baltimore, Maryland 21226 Phone 410.255.6400 Fax 410.437.5336

DATE: 10/29/10  
6023SM

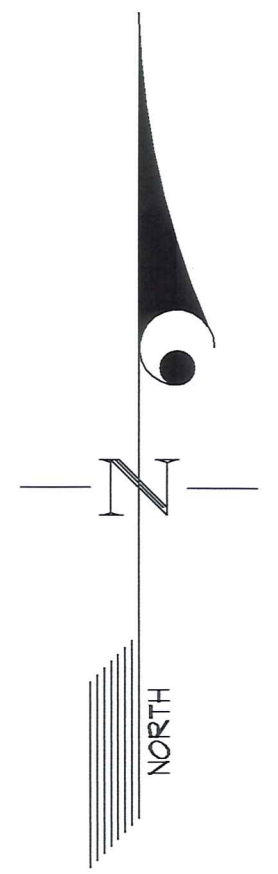
ZONING CASE # 2011-0297-A

PETITIONER'S  
EXHIBIT NO. 2

|                                                                                                                                                                                                                                                                                      |     |     |      |      |          |    |        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|------|------|----------|----|--------|
| GLWGUTSCHICK LITTLE & WEBER, P.A.<br>CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS<br>3909 NATIONAL DRIVE - SUITE 250 - BURTONSVILLE OFFICE PARK<br>BURTONSVILLE, MARYLAND 20866<br>TEL: 301-421-4024 BAL: 410-880-1820 DC/VA: 301-989-2524 FAX: 301-421-4186 |     |     |      |      |          |    |        |
| L: \CADD\DRAWINGS\10026\Design\10026ec2                                                                                                                                                                                                                                              |     |     |      |      |          |    |        |
| DES.                                                                                                                                                                                                                                                                                 | ANL | DRN | CHK. | DATE | REVISION | BY | APP'R. |

|                                                                                                                                    |           |                |                                                    |  |                   |
|------------------------------------------------------------------------------------------------------------------------------------|-----------|----------------|----------------------------------------------------|--|-------------------|
| PREPARED FOR:<br><br>GIANT OF MARYLAND, LLC<br>1385 HANCOCK ST.<br>QUINCY, MA 02169<br><br>ATTN: MR. SCOTT HALEY<br>(617)-770-8119 | SCALE     | ZONING         | PLAN TO ACCOMPANY PETITION FOR VARIANCE HEARING    |  | G. L. W. FILE No. |
|                                                                                                                                    | AS SHOWN  | BL             | CHERRY VALLEY PLAZA<br>GIANT FOOD STORE #322       |  | 10026             |
|                                                                                                                                    | DATE      | TAX MAP - GRID |                                                    |  | SHEET             |
|                                                                                                                                    | OCT, 2010 | 57-C1, 58-A1   | ELECTION DISTRICT No.4 COUNCILMANIC DISTRICT No. 3 |  | 2 OF 2            |
| BALTIMORE COUNTY, MARYLAND                                                                                                         |           |                |                                                    |  |                   |

L:\CADD\DRAWINGS\10026\Design\10026ec2.dwg PLOTTED: 5/11/2011 3:27 PM, LAST SAVED: 5/11/2011 10:25 AM, PLOTTED BY: Mark Johnson



PETITIONER'S  
EXHIBIT NO. 3

|                                                                                                                                                                                                                                                                                                 |                  |                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------------|
| <b>GLWGUTSCHICK LITTLE &amp; WEBER, P.A.</b><br>CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS<br>3909 NATIONAL DRIVE - SUITE 250 - BURTONSVILLE OFFICE PARK<br>BURTONSVILLE, MARYLAND 20866<br>TEL: 301-421-4024 BAL: 410-880-1820 DC/VA: 301-989-2524 FAX: 301-421-4186 |                  |                   |
| JOB NO.: 10026                                                                                                                                                                                                                                                                                  | DATE: 05/03/2011 | FILE: 10026AERIAL |

AERIAL PHOTOGRAPH  
CHERRY VALLEY PLAZA  
GIANT FOOD STORE # 322  
11604 REISTERSTOWN ROAD  
REISTERSTOWN, MD 21136



LOCATED ON REISTERSTOWN ROAD LOOKING EASTWARD AT SHOPPING CENTER  
ACROSS CHERRY VALLEY ROAD. (GIANT FOOD OBSCURED BY MONRO MUFFLER  
BUILDING)



LOCATED ON REISTERSTOWN ROAD LOOKING EASTWARD AT SHOPPING CENTER  
(OBSCURED VIEW OF GIANT FOOD BUILDING WITH MINIMAL TIME TO TURN IN TO  
CENTER)

PETITIONER' S

EXHIBIT NO. 7

SHEET 1 OF 2

**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: 301-989-2524 FAX: 301-421-4186

JOB NO.: 10026

DATE: 05/03/2011

FILE: 10026PHOTO EXHIBIT

STREET VIEW PHOTOGRAPHS

CHERRY VALLEY PLAZA

GIANT FOOD STORE # 322

11604 REISTERSTOWN ROAD

REISTERSTOWN, MD 21136



LOCATED ON REISTERSTOWN ROAD LOOKING EASTWARD AT SHOPPING CENTER  
(OBSCURED VIEW OF GIANT FOOD BUILDING FACE DUE TO GRADE CHANGE &  
LANDSCAPING)



LOCATED ON REISTERSTOWN ROAD LOOKING WESTWARD AT SHOPPING CENTER  
(GIANT FOOD BUILDING FACE HAS NO VISIBILITY)

**PETITIONER' S**

EXHIBIT NO. 8

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

JOB NO.: 10026 DATE: 05/03/2011 FILE: 10026PHOTO EXHIBIT

**STREET VIEW PHOTOGRAPHS**

**CHERRY VALLEY PLAZA**

GIANT FOOD STORE # 322

11604 REISTERSTOWN ROAD

REISTERSTOWN, MD 21136