

**IN RE: PETITIONS FOR SPECIAL HEARING *
AND SPECIAL EXCEPTION**

SW/side of Reisterstown Road, 1,810' SW *
from c/line of Painter's Mill Road
(9900 Reisterstown Road) *
3rd Election District *
3rd Council District *

Herbert Bank, St. Thomas *
Joint Venture, *Legal Owner* *
Glenn Norris, Yoga Studio, LLC, *
Contract Purchaser/Lessee *
Petitioners *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY

CASE NO. 2012-0051-SPHX

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings for Baltimore County pursuant to Petitions for Special Hearing and Special Exception for the property located at 9900 Reisterstown Road in Reisterstown. The Petitions were filed by Herbert Bank on behalf of St. Thomas Joint Venture, LLC, legal owner of the property. Special Hearing relief is requested to amend Special Exception Plan Parcel "A" (Exhibit 1) for the St. Thomas Shopping Center in Case No. 93-123-X, which was granted on December 2, 1992. Special Exception relief is requested for Building #19 (20' x 1,000' = 2,000 square feet) "Yoga Studio" – Parcel "B" to permit a fitness center, including an athletic club, health spa and health club on the subject property and any permitted recreation facilities uses in a "BL" zone. The subject property and requested relief are more particularly shown on the Plat to Accompany the Petition for Zoning Hearings, marked and accepted into evidence as Petitioners' Exhibit No. 1.

Appearing at the requisite public hearing in support of the special hearing and special exception requests was Herbert Bank, General Partner of St. Thomas Joint Venture, LLC, the owner of the property. The Petitioner was represented by Jason T. Vettori, Esquire, of Smith,

ORDER RECEIVED FOR FILING

Date

By

16-17-11

Q3

Gildea & Schmidt, LLC. Also present was Paul Lee, a licensed engineer who prepared the site plan. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants present. Diana Itter, the area planner for the 3rd Councilmanic District with the Department of Planning, appeared at the hearing.

Testimony and evidence presented revealed that the subject property known as 9900 Reisterstown Road is approximately 11.3396 acres in area and zoned BL. The property is located in Reisterstown and is improved with a shopping center, known as the St. Thomas Shopping Center. The shopping center is anchored by a Giant Food and Drug Store which is 39,187 square feet in area. There are several retail uses which are connected to the Giant, all of which front on a shared parking lot. In addition, there are two stand alone banks located on site.

The Petitioners propose to establish a fitness center in Building #19 of the shopping center. Building #19 is located immediately adjacent to an existing fitness center, Lynne Brick, which received special exception approval for the identical use being proposed herein. Health clubs, gyms and fitness centers are permitted by special exception in the BL zone. The existing use of Building #19 is a yoga studio. However, the facility is interested in adding, among other things, aerobic equipment (treadmills, stationary bikes, etc.) and weights. These uses can be characterized under the regulations as a building or use dedicated to recreational activities. As previously indicated, a prior zoning case (Case No. 93-123-X) granted special exception relief for the same use immediately adjacent to the instant building approximately nineteen (19) years ago.

Turning first to the Special Hearing request, I am persuaded by the testimony and evidence presented that the requested relief should be granted. As previously indicated, special

exception relief for a fitness center was granted in Case No. 93-123-X. There were no Protestants or other interested persons at the hearing in that case. The Petitioner in that case has been operating a fitness center for nearly nineteen (19) years immediately adjacent to the building which is the subject of this request for zoning relief. There has been no evidence presented that the surrounding locale has been negatively affected in any way by that use. In short, the relief requested in this case mirrors the relief requested and granted in 1992, and I am convinced that the relief requested for the instant matter is appropriate under the facts and circumstances herein and should be granted.

Turning now to the petition for special exception relief, it is clear that the Baltimore County Zoning Regulations ("BCZR") permit a fitness center in a BL zone by special exception. It is equally clear that the proposed use would not pose any danger to the surrounding locale or the other tenants in this shopping center. The adjoining building is already being used as a fitness center, and I am persuaded that granting special exception relief for a fitness center immediately adjacent to the area where one has existed without issue for nearly nineteen (19) years will not have any negative effect on the surrounding locale. The property already contains impervious surface for adequate parking, and the property is not located in a traffic deficient area. There is no evidence that the proposed use will create adverse impacts greater than or above and beyond those inherent with such a use regardless of its location in the BL zone. Moreover, Mr. Lee, accepted as an expert witness in variances and special exceptions, addressed the requirements in § 502.1 as to congestion, community hazards, overcrowding and adverse effects on schools, light and air and the existence of impervious surfaces. I am convinced therefore that the request meets all of the customary special exception criteria contained in BCZR § 502.1. I therefore find that the Petitioners' special exception request can be granted in

ORDER RECEIVED FOR FILING

Date

10-17-11

By

83

strict harmony with the spirit and intent of the regulations and in such manner as to grant relief without injury to the public health, safety or general welfare of the locality.

The lone substantive Zoning Advisory Committee ("ZAC") comment did not object to the relief being requested herein. The Baltimore County Department of Planning requested that the Plan to Accompany the Petition for Zoning Hearings reflect a recent Development Plan refinement request, which was granted by the Director of Permits, Approvals and Inspections ("PAI") upon a recommendation from the Development Review Committee ("DRC"), for renovations before proposed to one of the banks, Wells Fargo. While the Wells Fargo Development Plan refinement has merely received DRC approval for the plan to be reviewed as a limited exemption from the full development review and approval process, final, non-appealable approval to construct the improvements has not yet been received. Ms. Itter testified that she did not object to the special exception or special hearing relief, but felt the aforementioned Development Plan which was being reviewed should be referenced on the Plan to Accompany the Zoning Petitions. I believe that the Department of Planning's comment can be satisfied if the Petitioners provide a list of current tenants and how much square footage they are leasing at this time.

Pursuant to the advertisement, posting of the property, and public hearing on this matter held, and after considering the testimony and evidence offered, I find that Petitioners' request for Special Hearing and Special Exception relief should be granted with conditions.

THEREFORE, IT IS ORDERED by the Administrative Law Judge of Baltimore County, this 17th day of October, 2011, that the Petition for Special Hearing relief to amend the prior special exception approval for a fitness center use to include Building #19, be and is

ORDER RECEIVED FOR FILING

Date

10-17-11

By

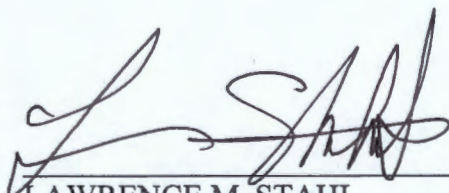
93

hereby GRANTED, as more particularly shown on Petitioners' Exhibit No. 1, the Plan to Accompany the Petition for Zoning Hearings.

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a fitness center use in Building #19, be and is hereby GRANTED, as more particularly shown on Petitioners' Exhibit No. 1, the Plan to Accompany the Petition for Zoning Hearings subject to the following conditions:

1. Petitioners may apply for its building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
2. The Petitioners shall submit a list of current tenants and how much square footage they are leasing to the Department of Planning.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



LAWRENCE M. STAHL
Managing Administrative Law Judge for
Baltimore County

LMS:dlw

ORDER RECEIVED FOR FILING

Date

10-11-11

By

2



KEVIN KAMENETZ
County Executive

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

October 17, 2011

Jason T. Vettori, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: **PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION**
SW/side of Reisterstown Road, 1,810' SW from c/line of Painter's Mill Road
(9900 Reisterstown Road)
3rd Election District - 3rd Council District
Herbert Bank, St. Thomas Joint Venture, *Legal Owner*;
Glenn Norris, Yoga Studio, LLC, *Contract Purchaser/Lessee* - Petitioners
CASE NO. 2012-0051-SPHX

Dear Mr. Vettori:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over the typed name "LAWRENCE M. STAHL".

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:dlw
Enclosure

c: Diana Itter, Department of Planning



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 9900 Reisterstown Road
which is presently zoned BL

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
(This box to be completed by planner)

PLEASE SEE ATTACHMENT

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

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. 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/Lessee:

Glenn Norris, Authorized Representative of Yoga Studio, LLC

Name - Type or Print

Signature

9946 Reisterstown Road

Address

Pikesville

MD

Telephone No.

21208

City

State

Zip Code

Attorney For Petitioner:

Jason T. Vettori

Name - Type or Print

Signature

Smith, Gildea & Schmidt, LLC

Company

600 Washington Ave, Suite 200

410-821-0070

Address

Towson

MD

Telephone No.

21204

City

State

Zip Code

Legal Owner(s):

Herbert M. Bank, Authorized Representative of St. Thomas Joint Venture, LLC

Name - Type or Print

Signature

Name - Type or Print

Signature

1829 Reisterstown Road, Suite 430

410-486-3100

Address

Pikesville

MD

Telephone No.

21208

City

State

Zip Code

Representative to be Contacted:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC

Name

600 Washington Ave, Suite 200

410-821-0070

Address

Towson

MD

Telephone No.

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date

ORDER RECEIVED FOR FILING

Date

By Case No.

REV 9/15/98

2012-0051-JPHX

JP

8/24/11

ATTACHMENT TO PETITION FOR SPECIAL HEARING
9900 Reisterstown Road

1. To amend Special Exception Plan Parcel "A" (Exhibit 1) for the St. Thomas Shopping Center Case No. 93-123-X, which was granted December 2, 1992.
2. For such other and further relief as may be deemed necessary by the Administrative Law Judge.



Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property
located at 9900 Reisterstown Road

which is presently zoned BL

Deed Reference: 05267 / 994 Tax Account # 323077030

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 Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

PLEASE SEE ATTACHMENT

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

I, or we, agree to pay expenses of above Special Exception, 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:

Glenn Norris, Authorized Representative of Yoga Studio, LLC

Name - Type or Print

Signature

9946 Reisterstown Road

Address

Pikesville

MD

Telephone No.

21208

City

State

Zip Code

Attorney For Petitioner:

Jason T. Vettori

Name - Type or Print

Signature

Smith, Gildea & Schmidt, LLC

Company

600 Washington Ave, Suite 200

410-821-0070

Address

Towson

MD

Telephone No.

21204

City

State

Zip Code

Legal Owner(s):

Herbert M. Bank, Authorized Representative of St. Thomas Joint Venture, LLC

Name - Type or Print

Signature

Name - Type or Print

Signature

1829 Reisterstown Road, Suite 430 410-486-3100

Address

Pikesville

MD

Telephone No.

21208

City

State

Zip Code

Representative to be Contacted:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC

Name

600 Washington Ave, Suite 200

410-821-0070

Address

Towson

MD

Telephone No.

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

JF

Date

8/24/11

ORDER RECEIVED FOR FILING
Case No. 2012-0051-SPH X

Date

REV 07/27/2007

By

ATTACHMENT TO PETITION FOR SPECIAL EXCEPTION
9900 Reisterstown Road

1. For Building #19 (20' x 1000' = 2,000 sq. ft.) "Yoga Studio" - Parcel "B" to permit a fitness center, including an athletic club, health spa and health club on the subject property and any permitted recreation facilities uses in a BL zone.
2. For such other and further relief as may be deemed necessary by the Administrative Law Judge.

**ST. THOMAS SHOPPING CENTER
9900 REISTERSTOWN ROAD
ELECTION DISTRICT 3C3
BALTIMORE COUNTY, MARYLAND**

#1

Beginning for the same at a point on the southwest side of Reisterstown Road, said point also being located 1810 feet $\pm$ southeasterly from the center of Painters Mill Road, thence binding on the southwest side of Reisterstown Road (1) South $48^{\circ} 18' 30''$ East 715.30 feet, thence leaving said southwest side of Reisterstown Road, (2) South $33^{\circ} 52' 18''$ West 656.10 feet, thence (3) North $48^{\circ} 18' 30''$ West 804.56 feet, and (4) North $41^{\circ} 41' 30''$ East 650.00 feet to the southwest side of Reisterstown Road and said point of beginning.

Containing 11.3396 acres of land, more or less.



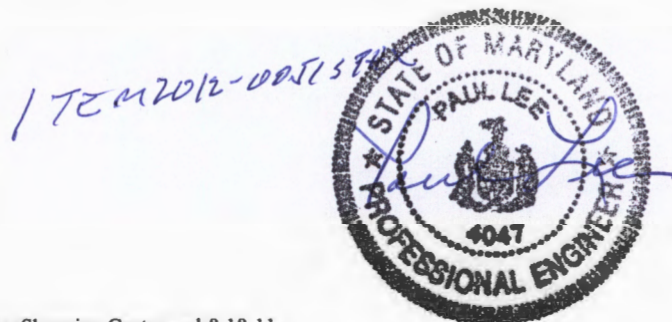
ITEM 2012-0051-SPHX

DESCRIPTION
ST. THOMAS SHOPPING CENTER
9900 REISTERSTOWN ROAD
ELEC. DIST. 3C3 BALTIMORE COUNTY, MD
SPECIAL EXCEPTION
#9946 REISTERSTOWN ROAD
#2

BEGINNING FOR THE SAME at a point located at the intersection of the existing partition wall between stores #9950 Reisterstown Road and #9946 Reisterstown Road and the north wall of same, said point also being located southeasterly along the south side of Reisterstown Road 1810 feet $\pm$ from the center of Painters Mill Road and south $41^{\circ} 41' 30''$ W – 426' and south $48^{\circ} 18' 30''$ E – 178.5' to the center of partition wall between stores #9950 and #9946. Thence binding along said north petition wall and continuing the same course.

- 1) South $48^{\circ} 18' 30''$ E – 20' to intersect the petition wall between stores #9946 and #9944 Reisterstown Road, thence leaving said point and running along the center of the existing partition wall between stores #9946 and #9944,
- 2) South $41^{\circ} 41' 30''$ W – 100' to the existing south wall between stores #9946 and #9944, thence running with binding along said south wall
- 3) North $48^{\circ} 18' 30''$ W – 20' to intersect the center of petition wall between stores #9950 and #9946 Reisterstown Road, thence running with and binding along the center of said partition wall
- 4) North $41^{\circ} 40' 30''$ E – 100' to the north petition wall of store #9950 and #9946 Reisterstown Road and said point of beginning.

Containing 2,000 sq. feet. of land, more or less, and referred to as store #9946 Reisterstown Road and existing zoning petition of case 93-123X



wfile/login2/landdev/LD11/descriptions/StThomasShopping Center – pl-8-18-11

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: 2012-0057 SPHX
Petitioner: HERBERT M. BARK, REPRESENTATIVE OF ST. THOMAS ST. VENTURE LLC
Address or Location: 1829 REISTERSTOWN ROAD SUITE 430

PLEASE FORWARD ADVERTISING BILL TO:

Name: SMITH, GILDEA & SCHMIDT LLC
Address: 600 WASHINGTON AVE. SUITE 200
TOWSON, MD 21204
Telephone Number: 410-821-0070

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

No. **71674**

Date: **8/24/11**

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	00000		6150					835.00

Total: **835.00**

Rec

From: **SMITH, GILDER & SCHMIDT, LLC**

For:

7700 Reisterstown Rd.
SPH & X

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

PAID TO THE ORDER OF
 BALTIMORE COUNTY, MARYLAND
 FOR THE PURPOSE OF
 PAYING THE BILLS OF
 THE COUNTY
 BY THE CASHIER
 BALTIMORE COUNTY, MARYLAND

**CASHIER'S
 VALIDATION**

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2012-0051-SPHX

9900 Reisterstown Road

S/W side of Reisterstown Rd at distance of 1,810 ft. s/east from the centerline of Painters Mill Rd.

3rd Election District - 3rd Councilmanic District

Legal Owner(s): Herbert Bank, St. Thomas Joint Venture, LLC

Contract Purchaser/Lessee: Glenn Norris, Yoga Studio, LLC

Special Hearing: to amend Special Exception Plan Parcel "A" (exhibit 1) for the St. Thomas Shopping Center Case No. 93-123-X, which was granted December 2, 1992. For such other and further relief as may be deemed necessary by the Administrative Law Judge. **Special Exception:** to permit a fitness center, including an athletic club, health spa and health club on the subject property and any permitted recreation facilities uses in a BL zone.

Hearing: Tuesday, October 4, 2011 at 10:00 a.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.

11/9/657 Sept. 20

286416

CERTIFICATE OF PUBLICATION

9/22/2011

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 9/20/2011.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

2012-0051-SPHX

RE: Case No.: _____

Petitioner/Developer: _____

Herbert Bank, ST. Thomas Joint Venture, LLC
Glenn Norris, Yoga Studio, LLC

October 4, 2011

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

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: _____

9900 Reisterstown Road

September 19, 2011

(Month, Day, Year)

Sincerely,

September 20, 2011

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

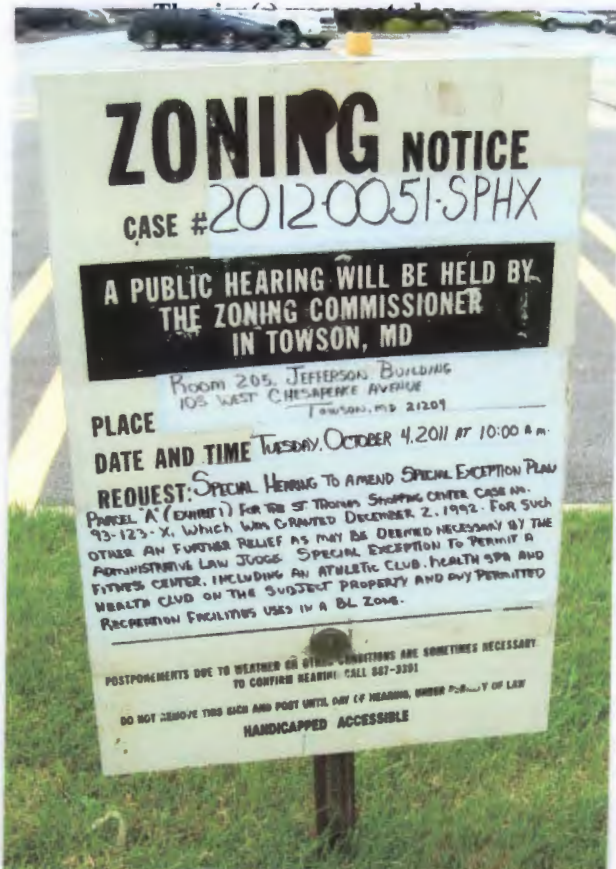
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 20, 2011 Issue - Jeffersonian

Please forward billing to:
Smith, Gildea & Schmidt
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: 2012-0051-SPHX

9900 Reisterstown Road

S/w side of Reisterstown Rd at distance of 1,810 ft s/east from the centerline of Painters Mill Rd.

3rd Election District – 3rd Councilmanic District

Legal Owners: Herbert Bank, St. Thomas Joint Venture, LLC

Contract Purchaser/Lessee: Glenn Norris, Yoga Studio, LLC

Special Hearing to amend Special Exception Plan Parcel "A" (exhibit 1) for the St. Thomas Shopping Center Case No. 93-123-X, which was granted December 2, 1992. For such other and further relief as may be deemed necessary the Administrative Law Judge. Special Exception to permit a fitness center, including an athletic club, health spa and health club on the subject property and any permitted recreation facilities uses in a BL zone.

Hearing: Tuesday, October 4, 2011 at 10:00 a.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

September 7, 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: 2012-0051-SPHX

9900 Reisterstown Road

S/w side of Reisterstown Rd at distance of 1,810 ft s/east from the centerline of Painters Mill Rd.

3rd Election District – 3rd Councilmanic District

Legal Owners: Herbert Bank, St. Thomas Joint Venture, LLC

Contract Purchaser/Lessee: Glenn Norris, Yoga Studio, LLC

Special Hearing to amend Special Exception Plan Parcel "A" (exhibit 1) for the St. Thomas Shopping Center Case No. 93-123-X, which was granted December 2, 1992. For such other and further relief as may be deemed necessary the Administrative Law Judge. Special Exception to permit a fitness center, including an athletic club, health spa and health club on the subject property and any permitted recreation facilities uses in a BL zone.

Hearing: Tuesday, October 4, 2011 at 10:00 a.m. in Room 205, 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: Jason Vettori, 600 Washington Avenue, Ste. 200, Towson 21204
Glenn Norris, 9946 Reisterstown Road, Pikesville 21208
Herbert Bank, 1829 Reisterstown Road, Ste. 430, Pikesville 21208

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, SEPTEMBER 19, 2011.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**



KEVIN KAMENETZ
County Executive

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

September 26, 2011

Herbert Bank
1829 Reisterstown Road, Ste. 430
Pikesville, MD 21208

RE: Case Number 2012-0051 SPHX, 9900 Reisterstown Road

Dear Mr. Bank,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 24, 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Jason Vettori, 600 Washington Avenue, Ste. 200, Towson, MD 21204
Glenn Norris, 9946 Reisterstown Road, Pikesville, MD 21208

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



Beverley K. Swaim-Staley, Secretary
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 9-12-11

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

RE: Baltimore County

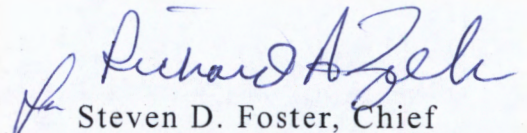
Item No. 2012-0051-SPHX
Special Exception Special Hearing
Herbert M. Bank / St Thomas Joint
Venture, LLC
9900 Reisterstown Road

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 8-29-11. 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 Special Exception. Case Number 2012-0051-SPHX.

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.roads.maryland.gov

10/4 10am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: September 16, 2011

FROM: Andrea Van Arsdale
Director, Office of Planning

RECEIVED

SEP 20 2011

SUBJECT: 9900 Reisterstown Road

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Item Number: 12-051

Petitioner: St. Thomas Joint Venture, LLC

Zoning: BL

Requested Action: Special Hearing and Special Exception

The petitioner requests a special exception for a "yoga studio" fitness center, including an athletic club, health spa and health club in a BL zone and a special hearing to amend the plan approved by Case No.93-132xa.

The site plan accompanying the petition is not current with respect to the tenants that occupy the center or the footprint of the existing Wachovia Bank. The Wachovia Bank is 2,271 square foot as opposed to 1,500 square feet as shown and is planned to receive an additional 961 square foot rear addition. (See DRC 082311A request for JSPC plan refinement).

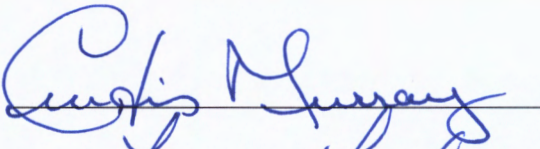
SUMMARY OF RECOMMENDATIONS:

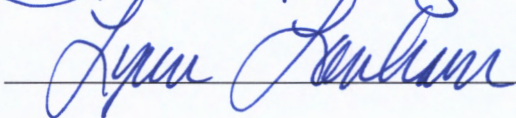
The Office of Planning does not oppose converting a 2,000 square foot tenant space to "yoga studio" provided the following conditions are met:

The shopping center site plan should accurately reflect existing building footprints, proposed addition(s), total floor area, floor area ratio and gross floor area in the general notes for all uses including the bank pad sites.

If specific tenants are called out on the site plan, correct to show current tenants or show areas as retail, bank, restaurant, etc...

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

Prepared by: 

Division Chief: 
AVA/LL: CM

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For September 06, 2011
Item Nos. 2012-046, 047, 048,049,050
And 051.

DATE: September 2, 2011

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-09122011 -NO COMMENTS.doc

10/4 10AM
205

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: September 15, 2011

SUBJECT: DEPS Comment for Zoning Item # 12-051-SPHX
Address 9900 Reisterstown Road
(St. Thomas Joint Venture, LLC Property)

Zoning Advisory Committee Meeting of September 6, 2011.

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

Reviewer: *Jeff Livingston; Development Coordination*

RECEIVED

SEP 15 2011

OFFICE OF ADMINISTRATIVE HEARINGS

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
AND SPECIAL EXCEPTION		
9900 Reisterstown Road; SW/S Reisterstown	*	ADMINISTRATIVE LAW
Road, 1,810' SE of Painter's Mill Road		
3 rd Election & 3 rd Councilmanic Districts	*	JUDGE FOR
Legal Owner(s): St. Thomas Joint Venture, LLC		
Contract Purchaser(s): Yoga Studio, LLC	*	BALTIMORE COUNTY
Petitioner(s)		
	*	2012-051-SPHX

* * * * *

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

SEP -6 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 6th day of September, 2011, a copy of the foregoing Entry of Appearance was mailed to Jason Vettori, Esquire, 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

Debra Wiley - ZAC Comments - Distribution Meeting of August 29, 2011

From: Debra Wiley
To: Lykens, David; Kennedy, Dennis; Livingston, Jeffrey; Murray, Curtis; Mud...
Date: 9/4/2011 1:52 PM
Subject: ZAC Comments - Distribution Meeting of August 29, 2011

Good Afternoon,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

Thanks and feel free to contact me should you have any questions or concerns.

2012-0045-A - 3316 Grace Road
 (Administrative Variance - Closing Date: 9/12/11)

2012-0046-A - 25 Greenapple Court

2012-0047-A - 2819 Virginia Avenue
 (Administrative Variance - Closing Date: 9/12/11)

2012-0048-A - 2207 Abell Lane
 (Administrative Variance - Closing Date: 9/12/11)

2012-0049-SPHA
 424 Osage Road

2012-0050-SPH
 11905 Greenspring Avenue

2012-0051-SPHX
 9900 Reisterstown Road

No hearing set per data base 9-6

2012-0037-A - 1112 Belfast Road
 (AV - Closing Date: 9/5/11)
 2012-0038-A - 1520 Old Eastern Avenue
 (No hearing date assigned as of today)

Debbie Wiley
 Legal Administrative Secretary
 Office of the Zoning Commissioner
 105 West Chesapeake Avenue, Suite 103
 Towson, Md. 21204
 410-887-3868
 410-887-3468 (fax)
 dwiley@baltimorecountymd.gov

Maryland Department of Assessments and Taxation
Real Property Data Search (vw5.1A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 03 Account Number - 0323077030

Owner Information

Owner Name:	ST THOMAS JOINT VENTURE	Use:	COMMERCIAL
Mailing Address:	SUITE 202 10749 FALLS RD LUTHERVILLE MD 21093	Principal Residence:	NO
		Deed Reference:	1) /05267/ 00994 2)

Location & Structure Information

Premises Address	Legal Description
9900 REISTERSTOWN RD	10.678 AC SWS
OWINGS MILLS MD 21117-3945	REISTERSTOWN RD
	3635 NW GRNSPG VALEY RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0067	0004	0254		0000				1	Plat Ref:

Special Tax Areas	Town	NONE
	Ad Valorem	
	Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2007	4000	10.6700 AC	14

Stories	Basement	Type	Exterior
		BRANCH BANK	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2011	07/01/2012
Land	3,889,200	3,889,200		
Improvements:	7,394,300	9,582,400		
Total:	11,283,500	13,471,600	12,742,233	13,471,600
Preferential Land:	0			0

Transfer Information

Seller:	WOLFE LEON,ET AL	Date:	05/16/1972	Price:	\$643,684
Type:	ARMS LENGTH IMPROVED	Deed1:	/05267/ 00994	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	

Exemption Information

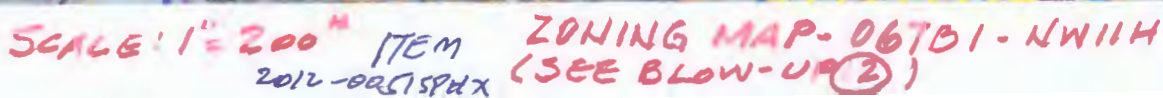
Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	0.00
State	000	0.00	0.00
Municipal	000	0.00	0.00
Tax Exempt:		Special Tax Recapture:	
Exempt Class:			

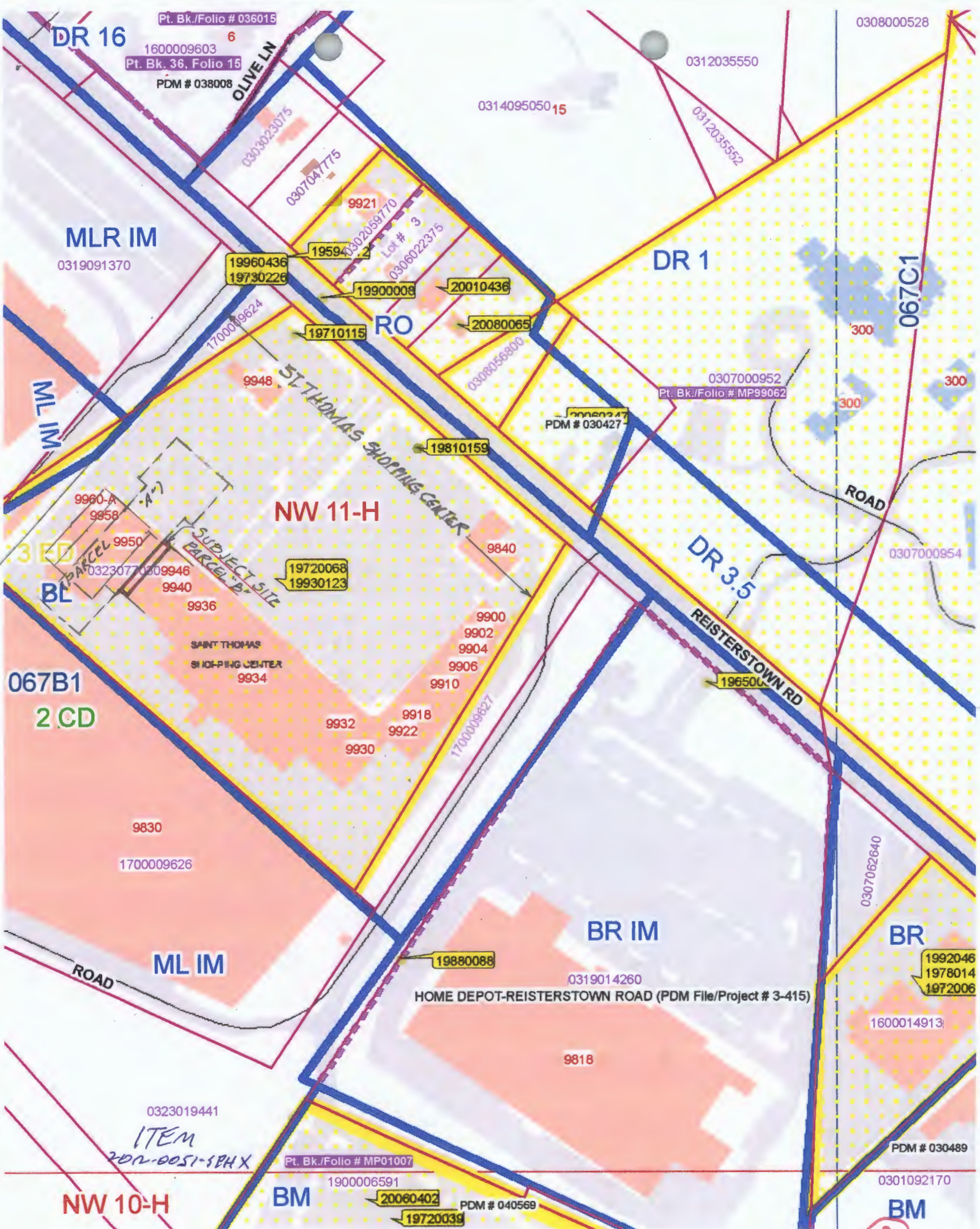
CASE NAME 9900 Reisterstown
CASE NUMBER 2012-0051- R&
DATE 10-4-11 SPHX.

[illegible]

CASE NAME 2nd Thome JV
CASE NUMBER 2012-051X
DATE 10/4/11

[illegible]





NO SCALE: BLOW UP OF ZONING MAP- 067B1- NW 11H SCALE: 1"=200'

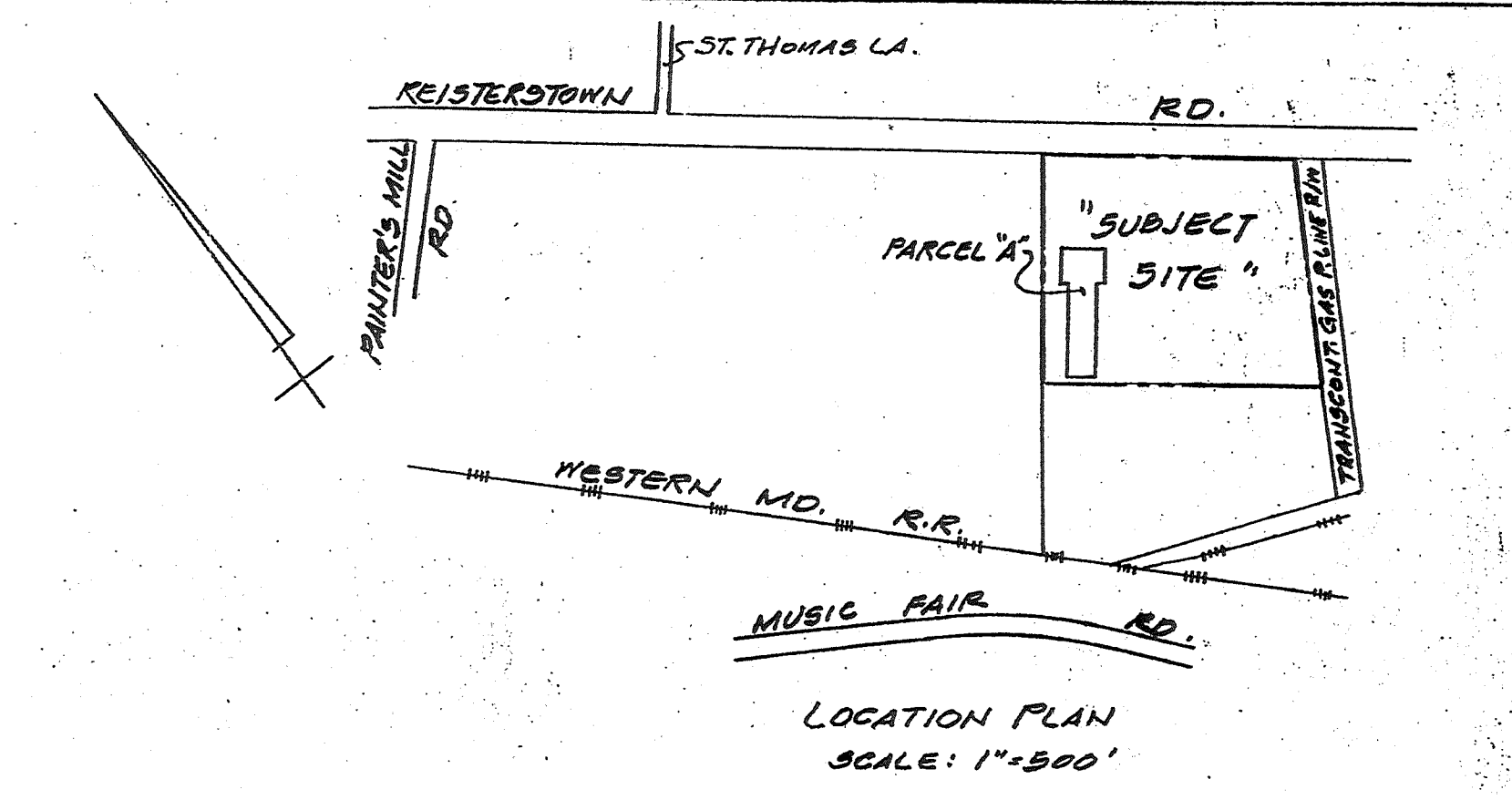
Case No.: 2012 - 0051 - SPHX

Exhibit Sheet

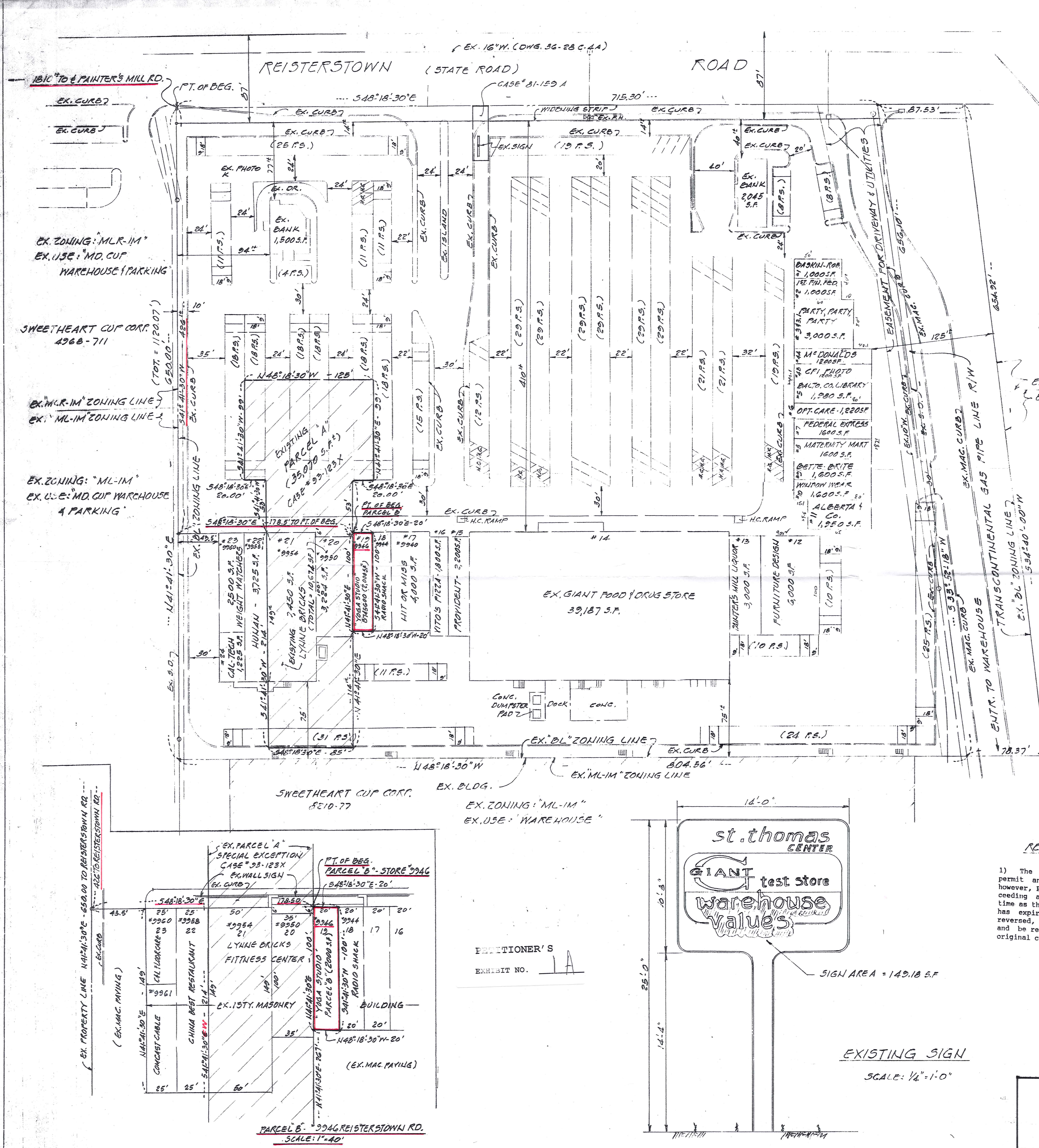
Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



EX. ZONING: "ML-1M"
EX. USE: "WAREHOUSE & OFFICES"



ST. THOMAS LA. RD.

REISTERSTOWN RD.

PAINTER'S MILL RD.

WESTERN MD. R.R.

MUSIC FAIR RD.

LOCATION PLAN
SCALE: 1"=500'

GENERAL NOTES:

1. AREA OF PROPERTY = 11.3396 AC. (PARCEL A: 35,070 S.F.)
2. EXISTING ZONING OF PROPERTY = "BL"
3. EXISTING USE OF PROPERTY = "SHOPPING CENTER"
4. PROPOSED ZONING OF PROPERTY = "BL" W/ SPECIAL EXCEPTION
5. PROPOSED USE OF PROPERTY = "SHOPPING CENTER"
6. REQUIRED OFF-STREET PARKING:
A. EXISTING SHOPPING CENTER & BANKS = 101,102 S.F. (TOTAL)
* RETAIL & BANKS = 30,428 S.F. @ 5/1000 = 452.1 P.S. (INCL. PARCEL B AREA)
EXISTING HEALTH CLUB = 10,674 S.F. @ 5/1000 = 53.4 P.S. (EX. PARCEL A)
TOTAL P.S. REQ'D. = 505.5 P.S. = 506 P.S. (NO CHANGE)
7. EXISTING SHOPPING CENTER WAS CONSTRUCTED PRIOR TO 1988.
8. PETITIONER REQUESTING A SPECIAL EXCEPTION FOR PARCEL "B" TO PERMIT A FITNESS CENTER (HEALTH CLUB) IN A "BL" ZONE.
9. PUBLIC UTILITIES EXISTING TO SITE.
10. "20" DENOTES BUILDING NUMBERS.
11. PERMITTED F.A.R. = $3(11.3396)(43360) = 1,481,858$ S.F.
ACTUAL F.A.R. = $101,102 / 1,481,858 = 0.068 < 3$
12. THIS PLAN HAS BEEN APPROVED BY ZONING CASE #93-123X FOR OVERALL SHOPPING CENTER APPROVAL UNDER POST 1988 ZONING REGULATIONS.

ZONING HISTORY

1. CASE #71-115R - RECLASSIFIED FROM "ML & MR" TO "BL", NOV. 18, 1970.
2. CASE #78-68R - "ML-IM & MLR-IM" TO "BL", SEPT. 20, 1971.
3. CASE #81-159A - SIGN VARIANCE, GRANTED, AUG. 17, 1982.
4. SPECIAL EXCEPTION FOR PARCEL "A" - FITNESS CENTER GRANTED 12-2-92, CASE #93-123X.

GENERAL NOTES - PARCEL "B"

1. PETITIONER REQUESTING A SPECIAL EXCEPTION FOR "YOGA STUDIO - PARCEL B" TO PERMIT A FITNESS CENTER, INCLUDING AN ATHLETIC CLUB, HEALTH SPA AND HEALTH CLUB ON THE SUBJECT PROPERTY AND ANY PERMITTED RECREATION FACILITIES USES IN A "BL" ZONE.
2. PETITIONER REQUESTING A SPECIAL HEARING TO AMEND ZONING SPECIAL EXCEPTION PLAN PARCEL "A" (EXHIBIT "1") FOR THE ST. THOMAS SHOPPING CENTER - CASE #93-123X WHICH WAS GRANTED 12-2-92.

(ZONING MAP: 067B - NW 11H)

PLAT TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION - PARCEL "B"
*9946 REISTERSTOWN ROAD
-AND-
SPECIAL HEARING TO AMEND SPECIAL EXCEPTION
PLAN FOR PARCEL "A" CASE #93-123X

ST. THOMAS SHOPPING CENTER
*9900 REISTERSTOWN ROAD

ELECT. DIST. 3C3.2 BALTIMORE COUNTY, MD.

SCALE: 1"=50' & AS SHOWN

OCT. 7, 1992 REV. AUG. 2, 2011
OCT. 28, 1992
DEC. 24, 1992

PAUL LEE ENGINEERING, INC.
304 W. PENNSYLVANIA AVE.
TOWSON, MARYLAND 21204

THOMAS COUNTY ENGINEERING

RESTRICTION - CASE #93-123X (12-2-92)

1) The 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, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

st. thomas CENTER

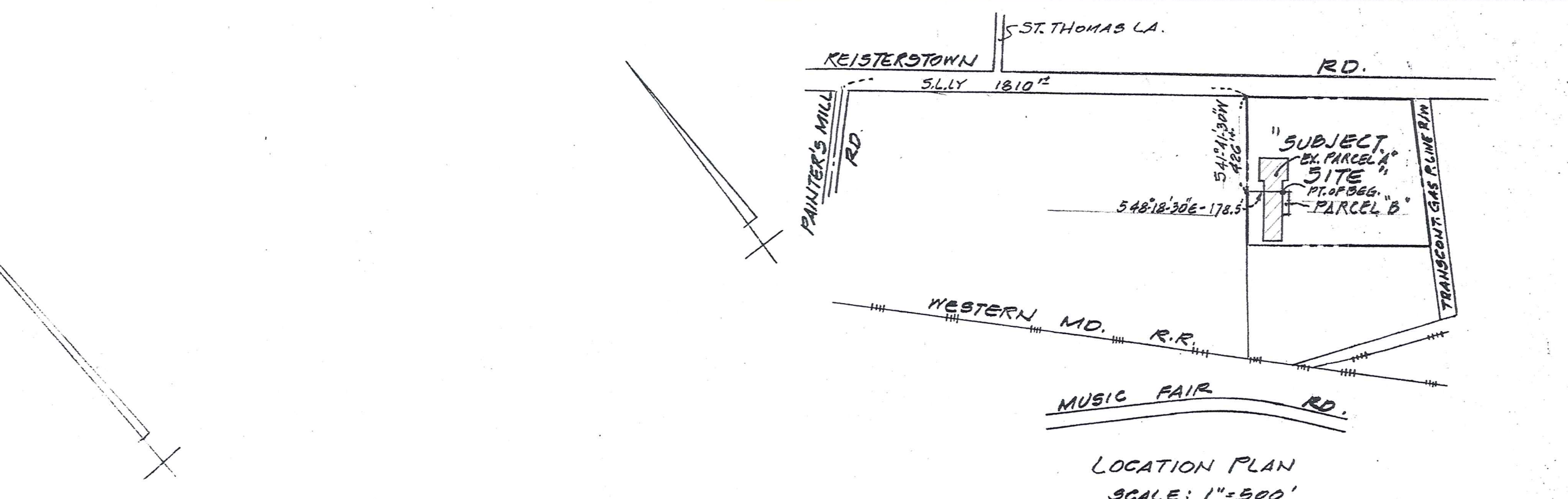
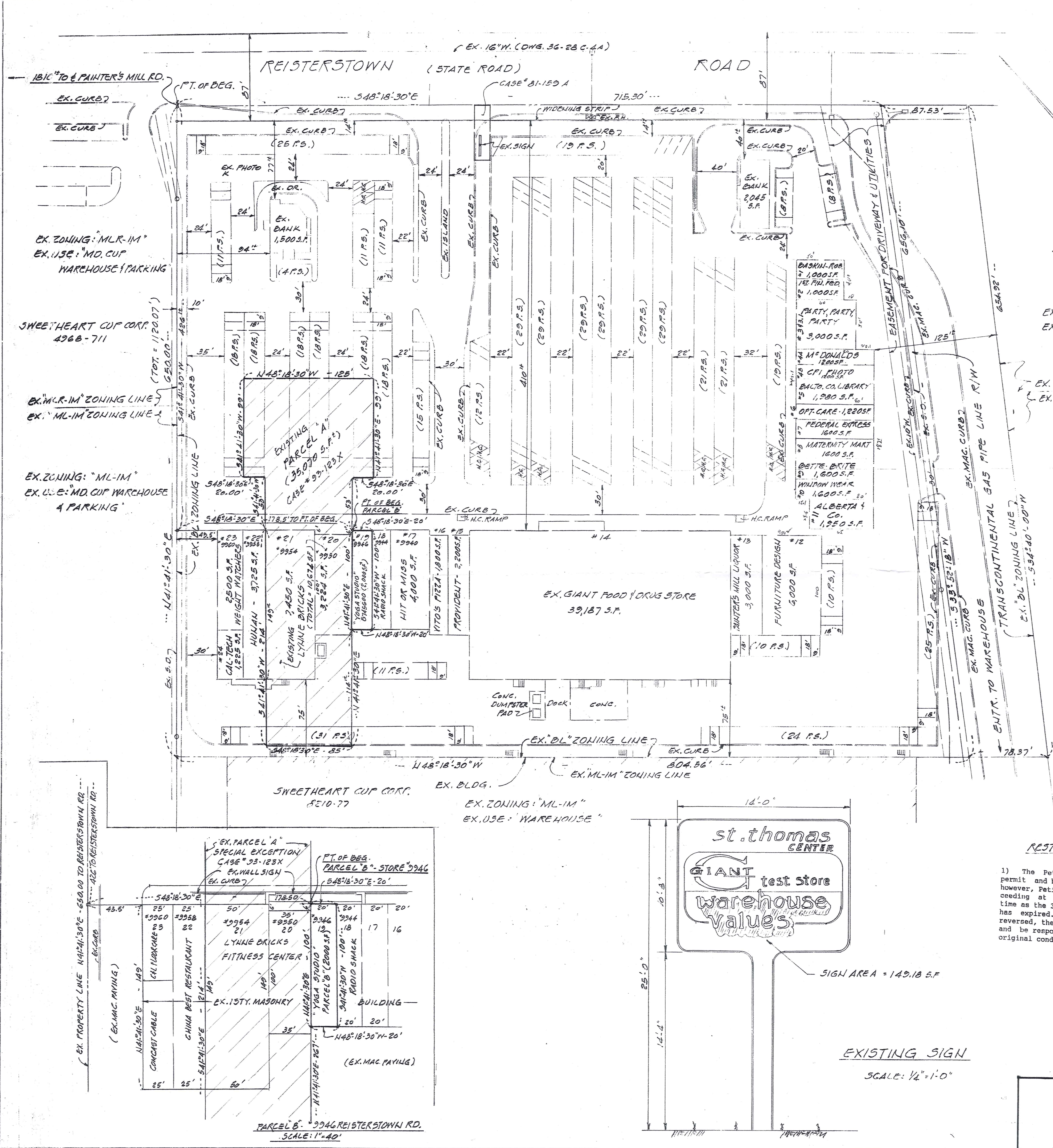
GIANT test store

warehouse values

SIGN AREA = 149.18 S.F.

EXISTING SIGN
SCALE: 1/4"=1'-0"

THOMAS CENTURY ENGINEERING
CONSULTING ENGINEERS - PLANNERS
10710 GILROY ROAD
HUNT VALLEY, MD 21031
Phone: 443.589.2400 Fax: 443.589.2401



GENERAL NOTES:

1. AREA OF PROPERTY = 11.3396 AC. (PARCEL A: 35,070 S.F.)
2. EXISTING ZONING OF PROPERTY = "BL"
3. EXISTING USE OF PROPERTY = "SHOPPING CENTER"
4. PROPOSED ZONING OF PROPERTY = "BL" W/ SPECIAL EXCEPTION
5. PROPOSED USE OF PROPERTY = "SHOPPING CENTER"
6. REQUIRED OFF-STREET PARKING:
 - A. EXISTING SHOPPING CENTER & BANKS = 101,102 S.F. (TOTAL)
 - * RETAIL & BANKS = 30,428 S.F. @ 5/1,000 = 452.1 P.S. (INCL. PARCEL B AREA)
 - EXISTING HEALTH CLUB = 10,674 S.F. @ 4/1,000 = 53.4 P.S. (EX. PARCEL A)
 - TOTAL P.S. REQ'D. = 505.5 P.S. = 506 P.S. (NO CHANGE)
 - B. NUMBER OF PARKING SPACES SHOWN = 578 P.S.
7. EXISTING SHOPPING CENTER WAS CONSTRUCTED PRIOR TO 1988.
8. PETITIONER REQUESTING A SPECIAL EXCEPTION FOR PARCEL "B" TO PERMIT A FITNESS CENTER (HEALTH CLUB) IN A "BL" ZONE.
9. PUBLIC UTILITIES EXISTING TO SITE.
10. "20" DENOTES BUILDING NUMBERS.
11. PERMITTED F.A.R. = 3(11.3396)(43560) = 1,481,858 S.F. ACTUAL F.A.R. = 101,102/1,481,858 = 0.068 < 3
12. THIS PLAN HAS BEEN APPROVED BY ZONING CASE #93-123X FOR OVERALL SHOPPING CENTER APPROVAL UNDER POST 1988 ZONING REGULATIONS.

ZONING HISTORY

1. CASE #71-115R - RECLASSIFIED FROM "ML & MR" TO "BL", NOV. 18, 1970.
2. CASE #72-68R - "ML-IM & MLR-IM" TO "BL", SEPT. 20, 1971.
3. CASE #81-159A - SIGN VARIANCE, GRANTED, AUG. 17, 1982.
4. SPECIAL EXCEPTION FOR PARCEL "A" - FITNESS CENTER GRANTED 12-2-92, CASE #93-123X.

GENERAL NOTES - PARCEL "B"

1. PETITIONER REQUESTING A SPECIAL EXCEPTION FOR "YOGA STUDIO - PARCEL "B" TO PERMIT A FITNESS CENTER, INCLUDING AN ATHLETIC CLUB, HEALTH SPA AND HEALTH CLUB ON THE SUBJECT PROPERTY AND ANY PERMITTED RECREATION FACILITIES USES IN A "BL" ZONE.
2. PETITIONER REQUESTING A SPECIAL HEARING TO AMEND ZONING SPECIAL EXCEPTION PLAN PARCEL "A" (EXHIBIT "1") FOR THE ST. THOMAS SHOPPING CENTER - CASE #93-123X WHICH WAS GRANTED 12-2-92.

(ZONING MAP: 067BL - NW 1/4)

PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION - PARCEL "B" #9946 REISTERSTOWN ROAD AND SPECIAL HEARING TO AMEND SPECIAL EXCEPTION PLAN FOR PARCEL "A" CASE #93-123X

ST. THOMAS SHOPPING CENTER
#9900 REISTERSTOWN ROAD

ELECT. DIST. 3C3 BALTIMORE COUNTY, MD.

SCALE: 1"=50' & AS SHOWN

OCT. 7, 1992 REV. AUG. 2, 2011
OCT. 28, 1992
DEC. 24, 1992

PAUL LEE ENGINEERING, INC.
304 W. PENNSYLVANIA AVE.
TOWSON, MARYLAND 21204

CENTURY ENGINEERING
CONSULTING ENGINEERS - PLANNERS
10710 GILROY ROAD
HUNT VALLEY, MD 21031
Phone: 443.589.2400 Fax: 443.589.2401