

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

W/S Broad Avenue, 100' S of c/line of *
Padonia Road *
8th Election District *
3rd Councilmanic District *
(Broad Avenue) *

Broad Heights Development, LLC, *
Legal Owner *
Brick Bodies Fitness Services, Inc., *
Contract Purchaser/Lessee *
Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY

CASE NO. 2012-0053-SPHX

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of Petitions for Special Hearing and Special Exception filed by Jason T. Vettori, Esquire of Smith, Gildea & Schmidt, LLC, on behalf of Broad Heights Development, LLC, Legal Owner, and Brick Bodies Fitness Services, Inc., Contract Purchaser/Lessee, ("Petitioners"). The Special Hearing was filed pursuant to Section 409.12 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit: (1) A modified parking plan, and (2) For such other and further relief as may be required by the Administrative Law Judge for Baltimore County. In addition, Special Exception relief was filed pursuant to Section 230.3 of the B.C.Z.R. to permit: (1) A community building, swimming pool or other structural or land use devoted to civic, social, recreational and educational activities, including use of the building as a "catering hall" as more particularly described in the plan to accompany this zoning petition as provided in B.C.Z.R. Section 230.3 and the B.C.Z.R. Commissioner's Policy Manual; and (2) For such other and further relief as may be required by the Administrative law Judge for Baltimore County. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

ORDER RECEIVED FOR FILING

Date

By

10-11-11

23

Appearing at the public hearing in support of the Petitions was Lawrence E. Schmidt, Esquire, and Bruce E. Doak with Gerhold, Cross & Etzel, Ltd., property line surveyor who prepared the site plan for this project. Also attending for Petitioners were John Schultz, Chuck Cavolo and Chris Walsh. There were no Protestants or other persons present, and the file does not contain any letters of protest or opposition from neighboring owners.

Testimony and evidence offered revealed that the subject property is a shopping center (of less than 100,000 square feet total) located off of Padonia Road at its intersection with Broad Avenue. Petitioners propose to relocate a Brick Bodies fitness center – which is presently located on the north side of Padonia Road in the same vicinity – to an empty space previously occupied by a grocery store. The site is 58,405 square feet, and the Petitioners' propose constructing a first class fitness club, with a pool, courts and other amenities.

According to Petitioners' calculations, 634 parking spaces would be required for the shopping center with the gym, while only 462 spaces are presently provided. However, as noted by counsel, the "dispositive factor" in whether to grant a modified parking plan in this case is the divergent "peak hours" for the businesses at the center. Petitioners stated the gym is busiest in the morning and early evening hours Monday through Thursday. The adjacent Applebee's restaurant is busiest on weekends and later evenings, and many of the existing tenants (i.e., music store, liquor store) are not even open during the morning hours when the gym would be busy. Simply put, there is nothing to suggest that a parking deficiency would exist at this center, and given the layout of the property – which includes a 6' stockade fence where the center adjoins a D.R. zone, there is really no way that overflow parking (if it ever existed) would spill over to the residential area. I therefore find Petitioners would experience an "undue hardship," as that term is used in B.C.Z.R. §409.12, if relief was denied, given they would be unable to open their gym at this

location. I would hasten to add that this attractive facility would be a "shot in the arm" for this center, and given that no parking shortage exists or is forecasted, there would be no negative impacts associated with the proposal.

With respect to the Petition for Special Hearing, Petitioners note (correctly) that fitness facilities have been construed as "community buildings" under the B.C.Z.R., and such use is permitted by special exception in the B.L. zone. There is nothing to suggest that the new facility would in anyway have a negative impact upon the community, nor would the project cause overcrowding or traffic congestion. The shopping center entrance/exit is controlled by a traffic signal, and Interstate 83 is less than ¼ mile away, which will facilitate ingress and egress. Also, there are no failing intersections within the traffic-shed. As such, the special exception is properly granted in this scenario. People's Counsel v. Loyola College, 406 Md. 54, 71 (2008) (special exception "deemed prima facie compatible in a given zone").

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and after considering the testimony and evidence, I find that Petitioners' requests for Special Hearing and Special Exception should be granted.

THEREFORE, IT IS ORDERED this 7 day of October, 2011 by the Administrative Law Judge, that Special Hearing relief filed pursuant to Section 409.12 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a modified parking plan as shown on Petitioners' Exhibit 1, be and is hereby GRANTED; and

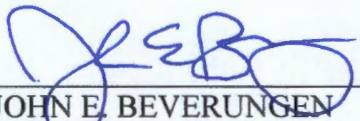
IT IS FURTHER ORDERED that the Special Exception relief requested pursuant to Section 230.3 of the B.C.Z.R. to permit a community building, swimming pool or other structural or land use devoted to civic, social, recreational and educational activities, including use of the building as a "catering hall", be and is hereby GRANTED.

The relief granted is subject to the following condition:

1. Petitioners may apply for their permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at his 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.

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

JEB:dlw



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 10-17-11
By 23



KEVIN KAMENETZ
County Executive

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

October 7, 2011

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

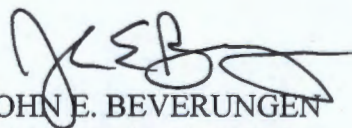
RE: **PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION**
W/S Broad Avenue, 100' S of c/line of Padonia Road
8th Election District - 3rd Councilmanic District
(Broad Avenue)
Broad Heights Development, LLC, *Legal Owner*;
Brick Bodies Fitness Services, Inc., *Contract Purchaser/Lessee* - Petitioners
CASE NO. 2012-0053-SPHX

Dear Mr. Schmidt:

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,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure



Flood Plains

PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

address 2430 Broad Avenue/ 2444 Broad Avenue

which is presently zoned BL

Deed Reference 0072023

10 Digit Tax Account # 2300007606 and 2300007607

Property Owner(s) Printed Name(s) Chris Walsh, Authorized Representative of Broad Heights Development, LLC

CASE NUMBER 2012-053-SPHX Filing Date 8/25/11 Estimated Posting Date / / Reviewer BK

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☒ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

PLEASE SEE ATTACHMENT

2. ☒ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

PLEASE SEE ATTACHMENT

3. ☐ a **Variance** from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "To Be Presented At Hearing". If you need additional space, you may add an attachment to this petition)

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 petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Glenn Norris, Authorized Representative of Brick Bodies Fitness Services, Inc.

Name- Type or Print

Signature

201 Old Padonia Road, Cockeysville, MD 21030

Mailing Address

City

State

Glenn.Norris@BrickBodies.com

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

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

Name- Type or Print

Signature

600 Washington Avenue, Suite 200, Towson, MD 21204

Mailing Address

City

State

(410) 821-0070 jvettori@sgs-law.com

Zip Code

Telephone #

Email Address

Legal Owners:

Chris Walsh, Authorized Representative of Broad Heights Development, LLC
c/o Hill Management Services, LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

9640 Deerco Road, Timonium, MD 21093

Mailing Address

City

State

cwalsh@hillmgt.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

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

Name - Type or Print

Signature

600 Washington Avenue, Suite 200, Towson, MD 21204

Mailing Address

City

State

(410) 821-0070 jvettori@sgs-law.com

Zip Code

Telephone #

Email Address

REV. 2/23/11

ORDER RECEIVED FOR FILING

Date

10-7-11

By

aw

ATTACHMENT TO PETITION FOR SPECIAL HEARING

2430 Broad Avenue/2444 Broad Avenue

1. A modified parking plan per Section 409.12 of the Baltimore County Zoning Regulations (BCZR); and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

ATTACHMENT TO PETITION FOR SPECIAL EXCEPTION

2430 Broad Avenue/2444 Broad Avenue

1. A "community building, swimming pool or other structural or land use devoted to civic, social, recreational and educational activities, including use of the building as a catering hall" as more particularly described in the plan to accompany this zoning petition as provided in BCZR § 230.3 and the Baltimore County Zoning Commissioner's Policy Manual; and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towson Town Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

August 24, 2011

ZONING DESCRIPTION

Lots 1 and 2

Broad Street Market

Property of Broad Heights Development LLC

Beginning for the same on the west side of Broad Avenue, 100 feet, more or less, south of the center line of Padonia Road, thence binding on the west side of Broad Avenue and running and binding in part on the outlines of Lot 1 and in part on the outlines of Lot 2 of the plat entitled "Broad Street Market" dated August 2, 1999 and recorded among the Land Records of Baltimore County in Plat Book S.M. 72, page 23 1) South 18 degrees 10 minutes 41 seconds East 482.79 feet, thence leaving said Broad Avenue and binding on the northwestern side of Roosevelt Street and continuing to run and bind on the outlines of Lot 1, the four following courses and distances, viz. 2) South 71 degrees 49 minutes 19 seconds West 265.00 feet, 3) North 18 degrees 10 minutes 41 seconds West 30.00 feet, 4) South 71 degrees 49 minutes 19 seconds West 40.00 feet and 5) South 26 degrees 49 minutes 19 seconds West 42.43 feet, thence leaving Roosevelt Street and continuing to run and bind on the outlines of Lot 1, the fourteen following courses and distances, viz. 6) South 18 degrees 10 minutes 41 seconds East 156.00 feet, 7) South 71 degrees 49 minutes 19 seconds West 316.66 feet, 8) North 22 degrees 44 minutes 43 seconds West 260.20 feet 9) South 67 degrees 15 minutes 17 seconds West 30.00 feet 10) North 05 degrees 47 minutes 17 seconds East 473.87 feet, 11) North 71 degrees 49 minutes 19 seconds East 187.83 feet, 12) South 89 degrees 28 minutes 56 seconds East 8.56 feet, 13) South 81 degrees 33 minutes 35 seconds East 22.37 feet, 14) North 89 degrees 34 minutes 05 seconds East 42.01 feet, 15) North 78 degrees 55 minutes 14 seconds East 60.46 feet, 16) North 75 degrees 13 minutes 36 seconds East 40.07 feet, 17) North 77 degrees 07 minutes 24 seconds East 80.35 feet, 18) North 80 degrees 02 minutes 43 seconds East 40.42 feet and 19) North 76 degrees 11 minutes 08 seconds East 33.93 feet to the point of beginning.

Containing 8.4452 Acres of land, more or less.

Being Lots 1 and 2 of the plat entitled "Broad Street Market" dated August 2, 1999 and recorded among the Land Records of Baltimore County in Plat Book S.M. 72, page 23

This description only satisfies the requirements of the Office of Zoning and should not be used for conveyance purposes.



#0053

8/24/11
LIC# 531-EXA 2/22/13

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

No. **73656**

Date: 8/23/11

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	506	0000		6150					\$ 335.00

Total: \$ 335.00

Rec From: Smith G. / Doe & Schmidt LLC

For: Special Hearing & Special Exception
2430 Broad/2444 Broad Ave
2012-0053SPH/X

DISTRIBUTION

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

**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: # 2012-0053-SPHX

2430 Broad Avenue/2444 Broad Avenue
W/side of Broad Avenue, 100 feet south of centerline
of Padonia Road

8th Election District - 3rd Councilmanic District
Legal Owner(s): Broad Heights Development, LLC

Contract Purchaser/Lessee: Brick Bodies Fitness Services, LLC

Special Hearing: for a modified parking plan per section 409.12 of the Baltimore County Zoning Regulations; and for such other and further relief as may be required by the Administrative Law Judge. **Special Exception:** to permit a "community building, swimming pool or other structural or land use devoted to civic, social, recreational and educational activities, including use of the building as a catering hall" as more particularly described in the plan to accompany this zoning petition as provided in the BCZR Section 230.3 and the BCZR Commissioner's Policy Manual and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Tuesday, October 4, 2011 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

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

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT/9/656 Sept. 20 286408

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

J. Wilkinson

LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: Case# 2012-0053-SPHX

PETITIONER: Broad Heights
Development, LLC

DATE OF HEARING: October 4, 2011

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: 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

(see page 2 for full size photo)

LOCATION:

2430 Broad Avenue / 2444 Broad Avenue

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: September 19, 2011

ZONING NOTICE

CASE #2012-0053-SPHX

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

PLACE:

Room 205 Jefferson Building
105 W. Chesapeake Avenue, Towson 21204

TIME:

Tuesday October 4, 2011

DATE : at 1:30 pm

Special Hearing for a modified parking plan per section 409.12 of the Baltimore County Zoning Regulations; and for such other and further relief as may be required by the Administrative Law Judge. Special Exception to permit a "community building, swimming pool or other structural or land use devoted to civic, social, recreational and educational activities, including use of the building as a catering hall" as more particularly described in the plan to accompany this zoning petition as provided in the BCZR section 230.3 and the BCZR Commissioner's Policy Manual and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County;

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING
CALL 410-887-3391 THE DAY BEFORE THE SCHEDULED HEARING DATE
DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF HEARING UNDER PENALTY OF LAW

HEARINGS ARE HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE #2012-0053-SPHX
A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWNSON, MD.

PLACE: Room 208 Jefferson Building
1401 W. Chesapeake Avenue, Towson 21204
TIME: Tuesday, October 9, 2011
DATE: at 1:30 pm

Notice of Public Hearing is hereby given that the following case will be heard by the Zoning Commission on Tuesday, October 9, 2011 at 1:30 pm at the location specified above. The case is a request for a Special Exception for the use of a building for the purpose of a day care center. The building is located at 1401 W. Chesapeake Avenue, Towson, Maryland. The building is a two-story brick building with a total area of approximately 10,000 square feet. The building is currently used as a day care center. The proposed use is a day care center. The proposed use is consistent with the zoning regulations. The proposed use is a day care center. The proposed use is consistent with the zoning regulations. The proposed use is a day care center. The proposed use is consistent with the zoning regulations.



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

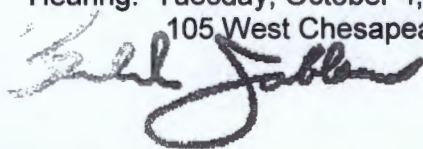
The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0053-SPHX

2430 Broad Avenue/2444 Broad Avenue
W/side of Broad Avenue, 100 feet south of centerline of Padonia Road
8th Election District – 3rd Councilmanic District
Legal Owners: Broad Heights Development, LLC
Contract Purchaser/Lessee: Brick Bodies Fitness Services, LLC

Special Hearing for a modified parking plan per section 409.12 of the Baltimore County Zoning Regulations; and for such other and further relief as may be required by the Administrative Law Judge. Special Exception to permit a "community building, swimming pool or other structural or land use devoted to civic, social, recreational and educational activities, including use of the building as a catering hall" as more particularly described in the plan to accompany this zoning petition as provided in the BCZR Section 230.3 and the BCZR Commissioner's Policy Manual and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Tuesday, October 4, 2011 at 1:30 p.m. 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 8, 2011

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 NUMBER: 2012-0053-SPHX

2430 Broad Avenue/2444 Broad Avenue
W/side of Broad Avenue, 100 feet south of centerline of Padonia Road
8th Election District – 3rd Councilmanic District
Legal Owners: Broad Heights Development, LLC
Contract Purchaser/Lessee: Brick Bodies Fitness Services, LLC

Special Hearing for a modified parking plan per section 409.12 of the Baltimore County Zoning Regulations; and for such other and further relief as may be required by the Administrative Law Judge. Special Exception to permit a "community building, swimming pool or other structural or land use devoted to civic, social, recreational and educational activities, including use of the building as a catering hall" as more particularly described in the plan to accompany this zoning petition as provided in the BCZR Section 230.3 and the BCZR Commissioner's Policy Manual and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Tuesday, October 4, 2011 at 1:30 p.m. Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Jason Vettori, 600 Washington Avenue, Ste. 200, Towson 21204
Chris Walsh, 9640 Deerco Road, Timonium 21093
Glenn Norris, 201 Old Padonia Road, Cockeysville 21030

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

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: 2012-0053-SPHX

Petitioner: BLICK BODIES FITNESS SERVICES, INC.

Address or Location: 2430-2444 BROAD AVE, TIMONILUM
MD 21093

PLEASE FORWARD ADVERTISING BILL TO:

Name: SMITH, GILDEA + SCHMIDT

Address: 600 WASHINGTON AVE
STE 200

TOWSON, MD 21204

Telephone Number: 410-821-0070

Revised 2/17/11 DT



KEVIN KAMENETZ
County Executive

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

September 26, 2011

Chris Walsh
9640 Deerco Road
Timonium, MD 21093

RE: Case Number 2012-0053 SPHX, 2430/2444 Broad Avenue

Dear Mr. Walsh,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 25, 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, 201 Old Padonia Road, Cockeysville, MD 21030

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: September 8, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For September 19, 2011
Item Nos. 2012-052, 053, 054, 055, 056, 057, 058
And 059

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-09192011 -NO COMMENTS.doc

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 8-31-11

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

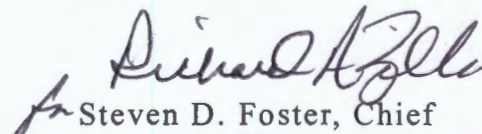
RE: Baltimore County
Item No. 2012-0053 SPHX
Special Hearing Special Exception
Chris Walsh - Broad Heights Dev. LLC
2430-2444 Broad Avenue.

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2012-0053 SPHX.

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

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.roads.maryland.gov

10/4 1:30 205

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 # 12-053-SPHX
Address 2430 – 2444 Broad Avenue
(Broad Heights Development, 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		
2430-2444 Broad Avenue; W/S Broad Avenue,*		ADMINISTRATIVE LAW
100' S of c/line Padonia Road		
8 th Election & 3 rd Councilmanic Districts	*	JUDGE FOR
Legal Owner(s): Broad Heights Development		
Contract Purchaser(s): Brick Bodies Fitness	*	BALTIMORE COUNTY
Services, Inc		
Petitioner(s)	*	2012-053-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.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

SEP -6 2011



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 September 6 2011

From: Debra Wiley
To: Murray, Curtis; Lykens, David; Kennedy, Dennis; Muddiman, Don; Livingsto...
Date: 9/4/2011 2:30 PM
Subject: ZAC Comments - Distribution Meeting of September 6 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.

2012-0052-A - 2857 Louisiana Avenue
(Administrative Variance - Closing Date: 9/19/11)

2012-0053-SPHX - 2430--2444 Broad Avenue

No hearing set per data base 9-6

2012-0054-A - 4401 Norfen Road
(Administrative Variance - Closing Date: 9/19/11)

2012-0055-A - 3501 Glenwood Road
(Administrative Variance - Closing Date: 9/19/11)

2012-0056-A -203 Saint Marys Road

2012-0057-SPHX - 4401 North Point Road

2012-0058-SPHA - 2127 York Road

2012-0059-A - 7105 Eastern Avenue

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

CASE NAME Buck Bodies
CASE NUMBER 2012-0053
DATE 10/4 SP44

[illegible]





PETITIONER' S

EXHIBIT NO. 2

Aerial photos 1-3



York Rd & W Padonia Rd, Lutherville-Tim

Google

© 2011 Google

Imagery Date: 6/29/2010

39°27'17.62"N 76°38'04.75"W elev 363 ft

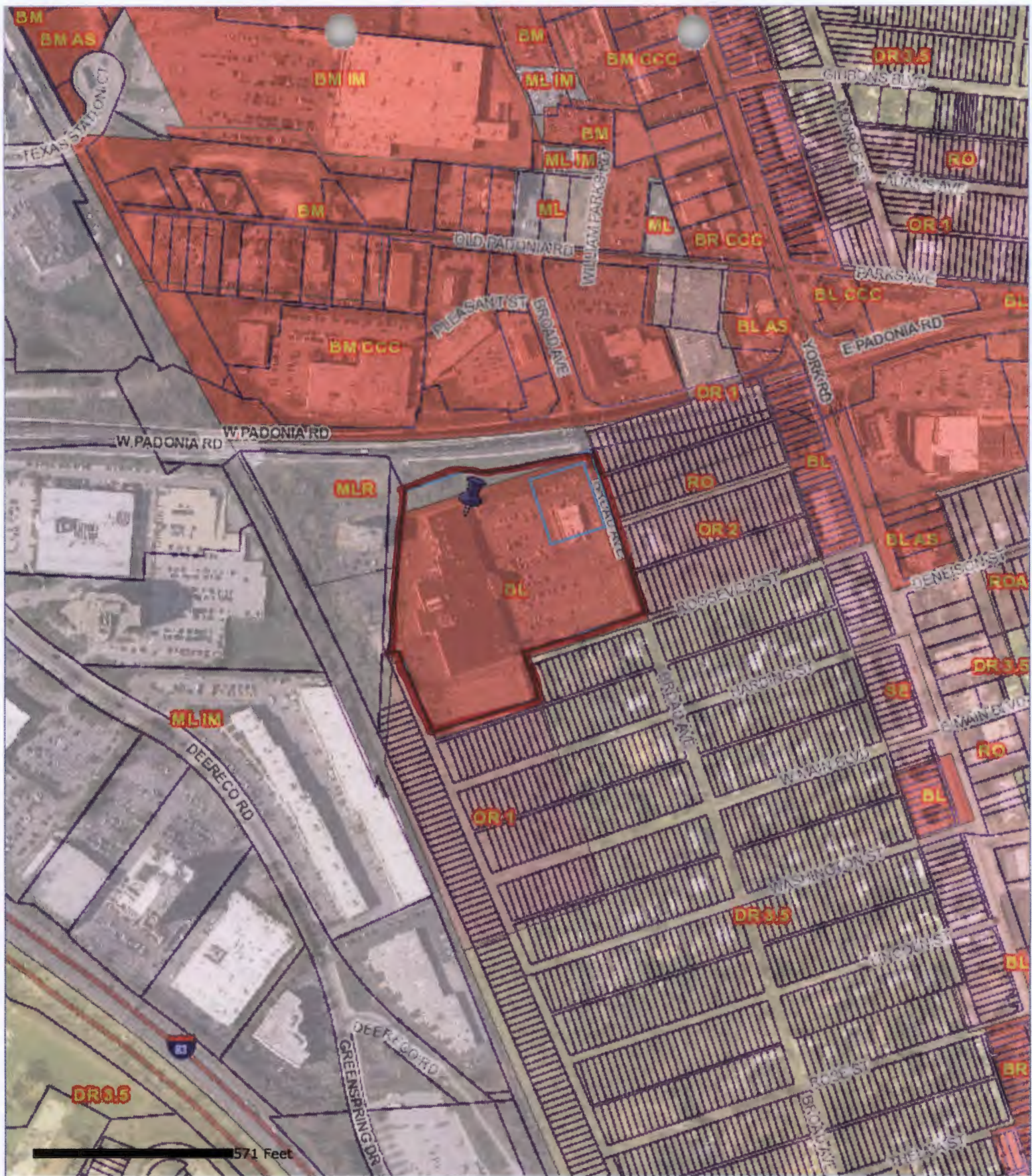
Eye alt 2063 ft



Google

Imagery Date: 6/29/2010

39°27'16.82"N 76°37'58.03"W Elev: 361ft



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be used for informational purposes only and should not be used for any legal or financial decisions. This data may be used for informational purposes only and should not be used for any legal or financial decisions.

PETITIONER'S

EXHIBIT NO. 3

Zoning Map

use or or reliance upon this data.

Printed 10/3/2011



PETITIONER'S

EXHIBIT NO.

4

PHOTOS i PLAN











































W





Y























7







May



BECK POWELL & PARSONS

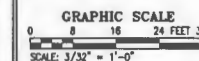
Architecture Planning Interior Design

20 W. Susquehanna Avenue
Suite 300
Towson, Maryland 21204
(410) 828-9220
Copyright © 2010 BECK, POWELL, & PARSONS, INC.

REVISIONS		
NO.	DATE	DESCRIPTION

Project/Tenant:

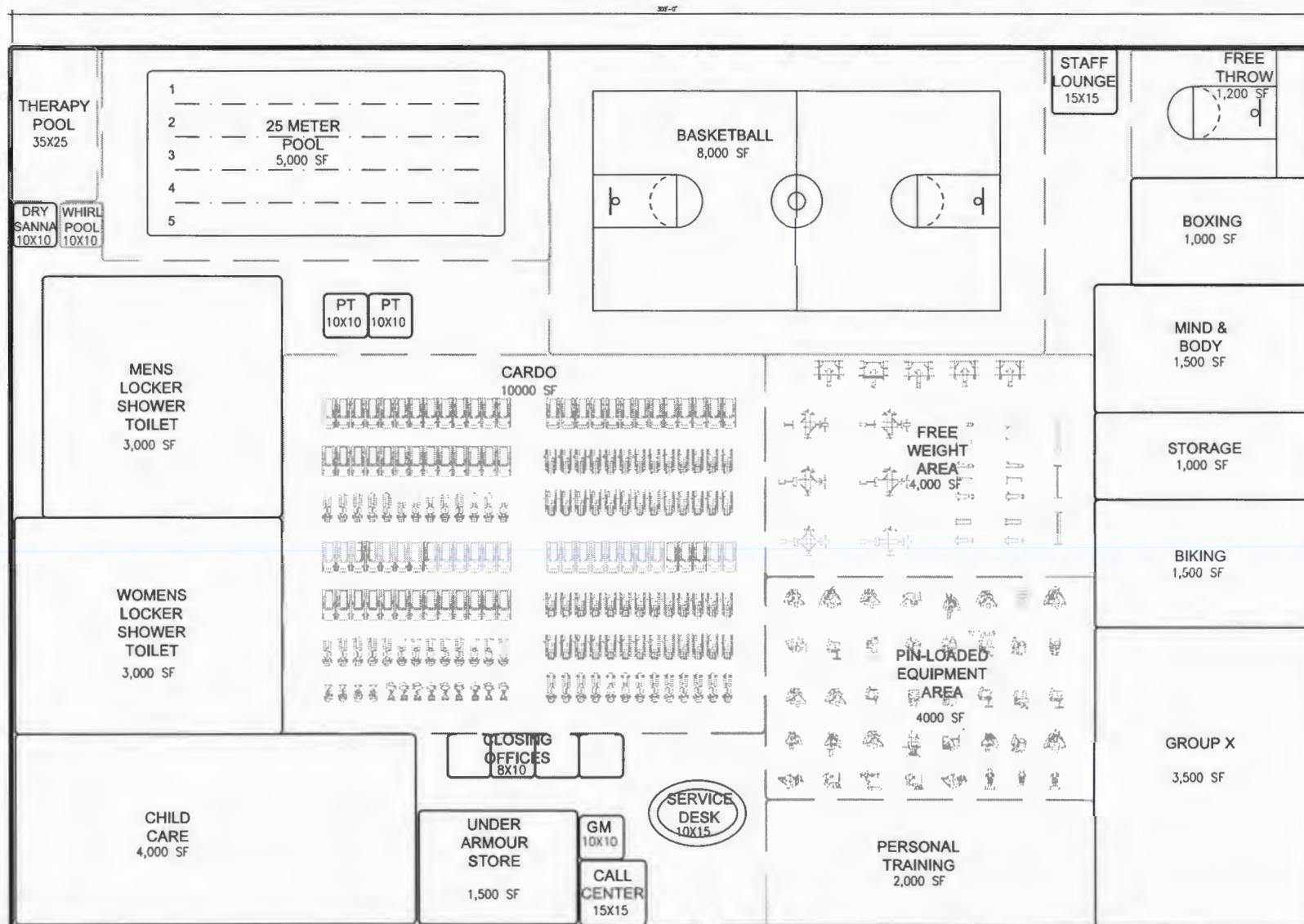
VICTOR BRICK
Fitout



DRAWING TITLE:

DESIGNED	SCALE	JOB NO.
EB		
DRAWN	DATE	
DB	4/29/11	
CHECKED	DRAWING	
EB		
FILED		
SPAP		

A-101



PETITIONER'S

APPROXIMATELY 60,000 SF TOTAL AREA

EXHIBIT NO. 5

Floor Plan

GENERAL NOTES

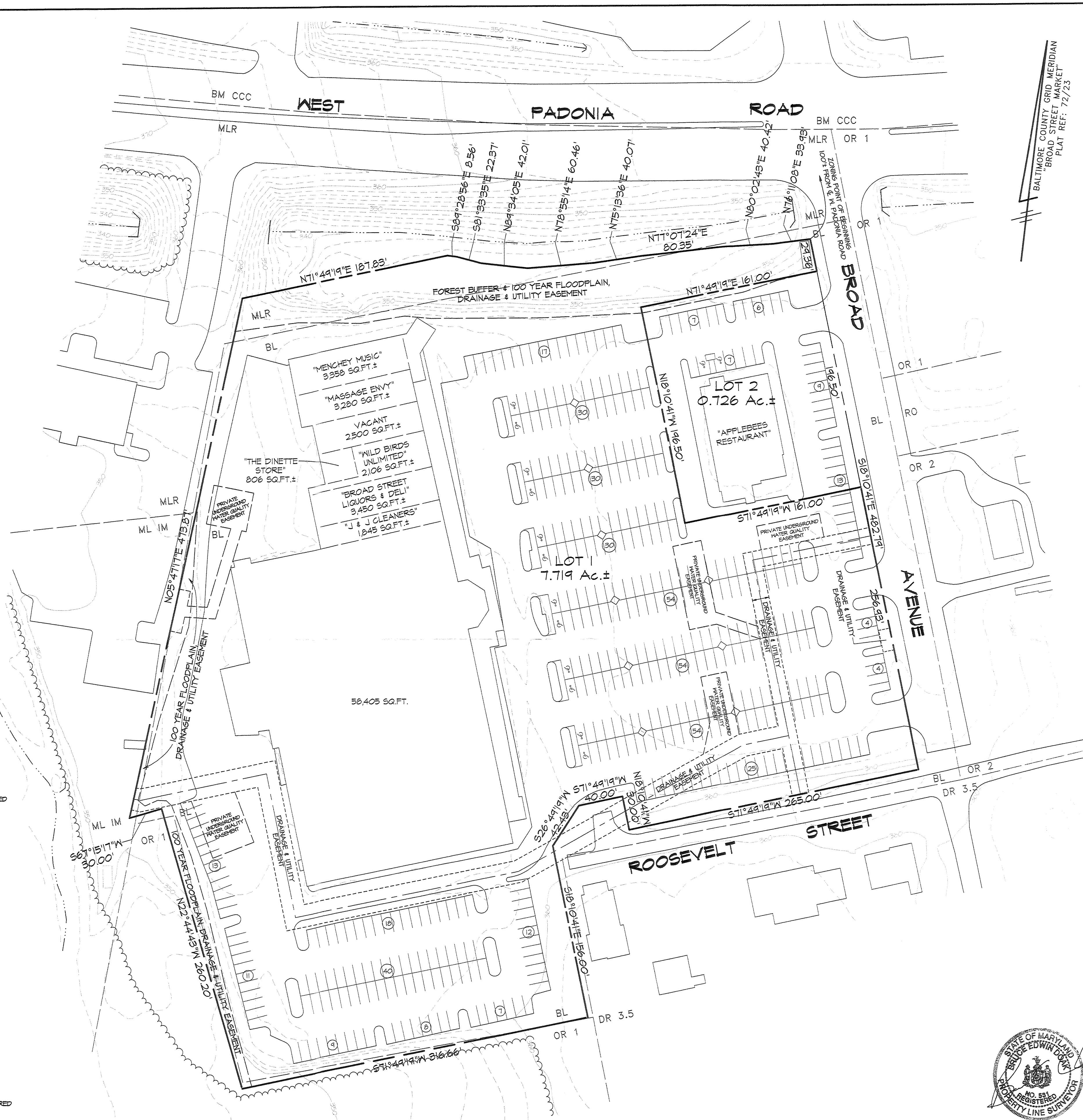
1. THE BOUNDARY SHOWN HEREON IS FROM THE PLAT OF "BROAD STREET MARKET".
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 051C3.
3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM THE NRCS WEB SOIL SURVEY.
4. CENSUS TRACT: 408505 REGIONAL PLANNING DISTRICT: 304 WATERSHED: LOCH RAVEN RESERVOIR SCHOOL DISTRICT: ELEMENTARY - TIMONUM; MIDDLE - RIDGELY; HIGH - DULANEY A.D.C. MAP # GRID: 4460JB
5. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
6. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
7. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
8. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
9. THERE ARE AREAS OF 100 YEAR FLOOD PLAIN ON THE SUBJECT PROPERTY.
10. THE SUBJECT PROPERTY IS SERVED BY PUBLIC WATER & SEWER.
11. TENANT AREAS WERE PROVIDED TO GERHOLD, CROSS & ETZEL, LTD.
12. THE 3rd AMENDED DEVELOPMENT PLAN FOR THE SUBJECT PROPERTY WAS APPROVED IN 1999, BALTIMORE COUNTY PDM FILE #VII-103.

PARKING CALCULATIONS (ENTIRE SHOPPING CENTER)
(PER SECTION 409.6 B.C.Z.R.)

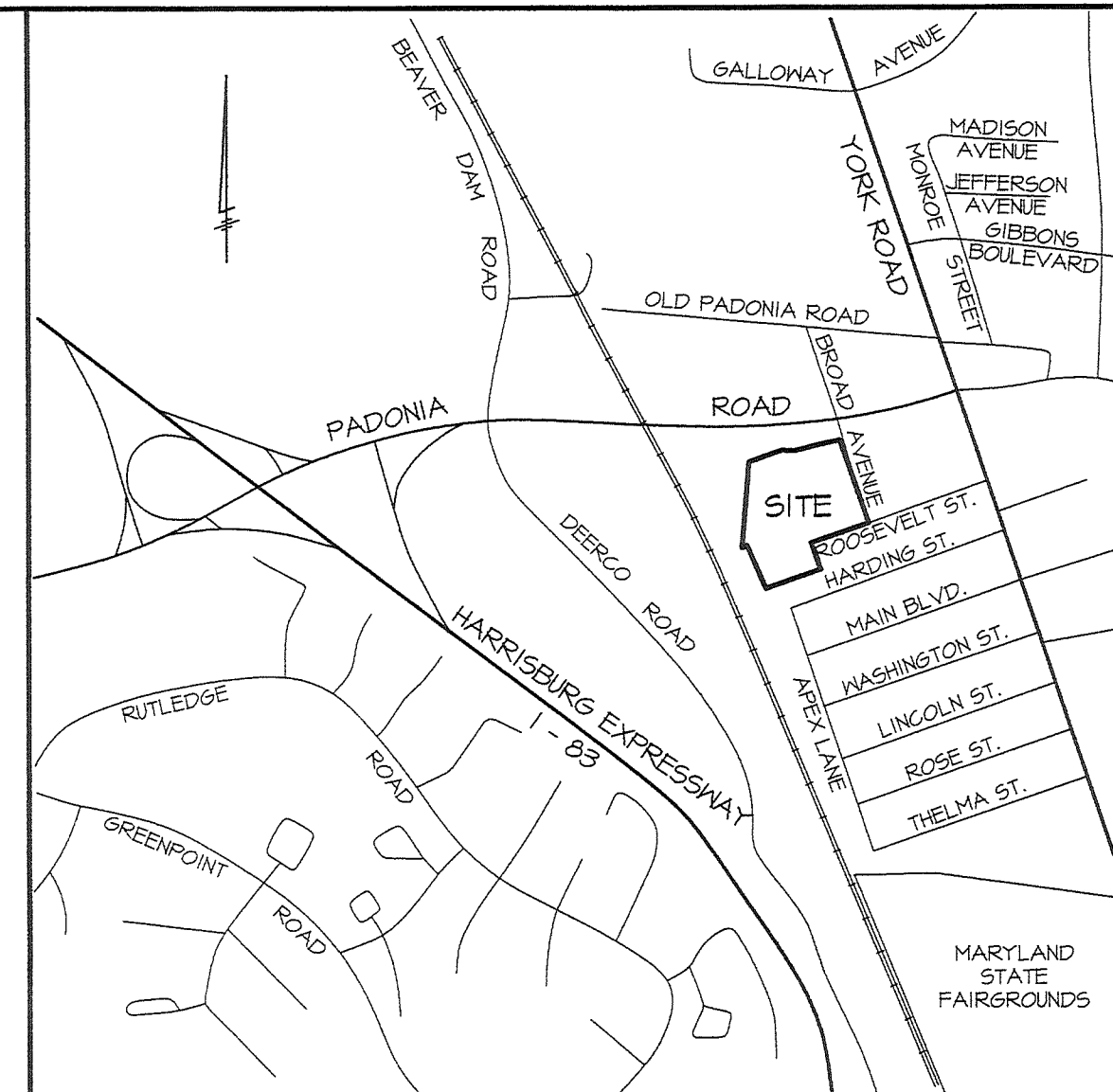
TENANTS/LESSEES (NORTH TO SOUTH)	USE	SQUARE FOOTAGE	PARKING SPACES REQUIRED (CURRENT USES)	PARKING SPACES REQUIRED (PROPOSED USES)
MENCHEY MUSIC	RETAIL	3,358	17	17
MASSAGE ENVY	PERSONAL SERVICE	3,280	11	11
VACANT	RETAIL	2,500	13	13
WILD BIRDS UNLIMITED	RETAIL	2,106	11	11
THE DINETTE STORE (REAR ENTRANCE)	RETAIL (FURNITURE)	806	3	3
BROAD STREET LIQUORS	RETAIL	3,480	18	18
J & J CLEANERS	SERVICE	1,845	7	7
VACANT	RETAIL	58,405	243	454 (SEE PROPOSED USES & PARKING)
APPLEBEE'S	RESTAURANT	6,200	100	100
	PARKING SPACES REQUIRED		473	634
	PARKING SPACES PROVIDED		462	462
	PARKING SPACES NEEDED		11	172

PROPOSED USES / PARKING CALCULATIONS
FOR 58,405 SQ. FT. SPACE

USE	SQUARE FOOTAGE	PARKING CALCULATION	PARKING SPACES REQUIRED
BASKETBALL COURT	9,000	3 PER COURT	3
FREE-THROW COURT	1,200	5 PER COURT	3
RETAIL	15,000	5 PER 1,000	6
CHILD CARE CENTER	4,000	1 PER EMPLOYEE	2
GENERAL FITNESS	43,705	10 PER 1,000	438
	TOTAL PARKING SPACES REQUIRED FOR PROPOSED USES		454



BALTIMORE COUNTY GRID MERIDIAN
"BROAD STREET MARKET"
PLAT REF: 72/23



VICINITY MAP
1" = 1000'

SPECIAL HEARING REQUESTED

UNDER SECTION 500.7 OF THE ZONING REGULATIONS
OF BALTIMORE COUNTY, TO DETERMINE WHETHER OR
NOT THE ADMINISTRATIVE LAW JUDGE SHOULD APPROVE:

1. A MODIFIED PARKING PLAN PER SECTION 409.12
OF THE BALTIMORE COUNTY ZONING REGULATIONS;
2. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE
REQUIRED BY THE ADMINISTRATIVE LAW JUDGE.

SPECIAL EXCEPTION REQUESTED

UNDER THE ZONING REGULATIONS OF BALTIMORE COUNTY

1. A "COMMUNITY BUILDING, SWIMMING POOL OR OTHER STRUCTURAL
OR LAND USE DEVOTED TO CIVIC, SOCIAL, RECREATIONAL AND
EDUCATIONAL ACTIVITIES, INCLUDING USE OF THE BUILDING AS A
CATERING HALL" AS MORE PARTICULARLY DESCRIBED IN THE PLAN
TO ACCOMPANY THIS ZONING PETITION AS PROVIDED IN BCZR 230.3
AND THE BALTIMORE COUNTY ZONING COMMISSIONER'S POLICY MANUAL;
2. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE
REQUIRED BY THE ADMINISTRATIVE LAW JUDGE.

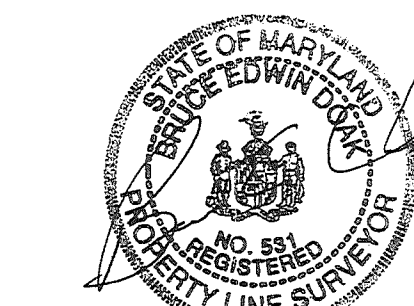
OWNER
BROAD HEIGHTS DEVELOPMENT LLC
29 FRIENDS LANE
NEWTON, PA 18940

PLAT TO ACCOMPANY PETITIONS
FOR
BROAD STREET MARKET

LOTS 1 & 2
"BROAD STREET MARKET"
PLATBOOK S.M. No. 72 folio 23
#2430 - #2444 BROAD AVENUE
Deed Refs: S.M. No. 13816 folio 159
S.M. No. 13816 folio 164, S.M. No. 13816 folio 169
& S.M. No. 13816 folio 174
Tax Account Nos.: 23-00-007606 & 23-00-007607
Zoned BL, OR 1, ML IM & MLR; GIS Tile 051C3
Tax Map 0051; Grid 0023; Parcel 0723; Lots 1 & 2
8th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=50' Date: AUGUST 18, 2011

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470



License Exp. 2/22/13

REVISION	DATE	COMPUTED	DRAWN	CHECKED	PETITIONER'S	PLAN

GENERAL NOTES

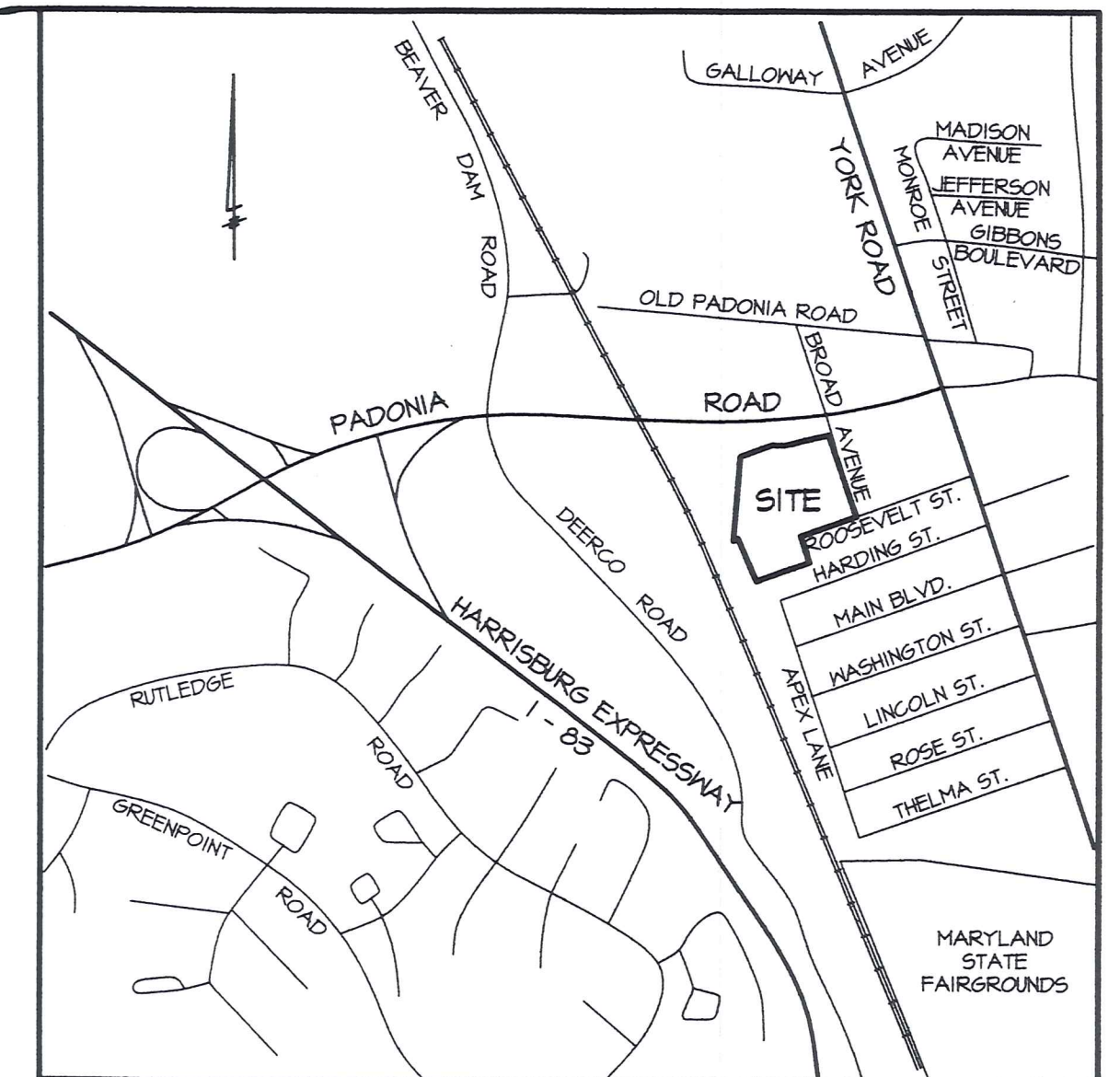
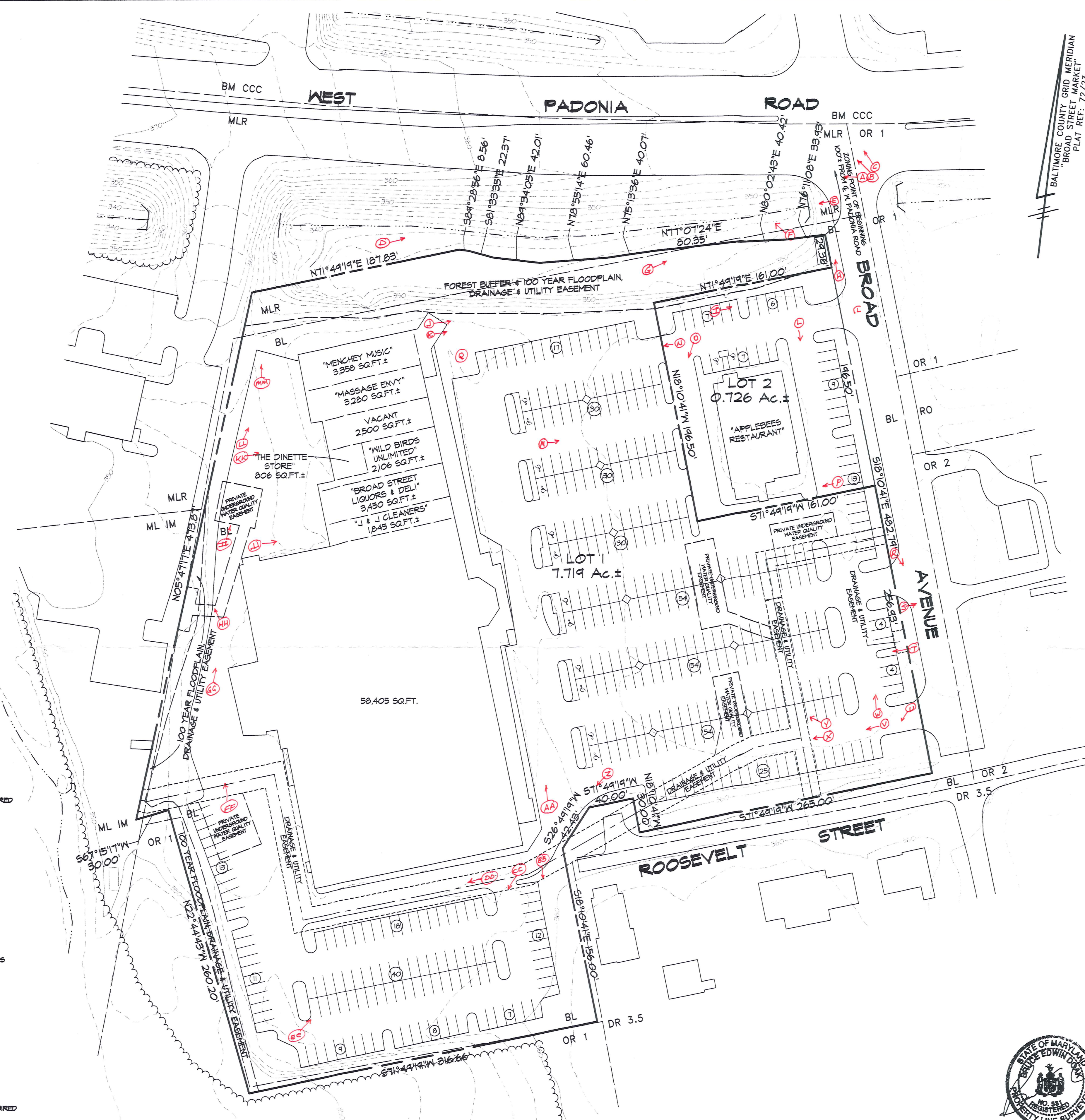
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4. CENSUS TRACT: 40B505 REGIONAL PLANNING DISTRICT: 304
- WATERSHED: LOCH RAVEN RESERVOIR
- SCHOOL DISTRICT: ELEMENTARY - TIMONIUM; MIDDLE - RIDGELY; HIGH - DULANEY
- A.D.C. MAP & GRID: 4460JB
- THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
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PARKING CALCULATIONS (ENTIRE SHOPPING CENTER) (PER SECTION 409.6 B.C.Z.R.)

TENANTS/LESSEES (NORTH TO SOUTH)	USE	SQUARE FOOTAGE	PARKING SPACES REQUIRED (CURRENT USES)	PARKING SPACES REQUIRED (PROPOSED USES)
MENCHEY MUSIC	RETAIL	9,356	17	17
MASSAGE ENVY	PERSONAL SERVICE	9,280	11	11
VACANT	RETAIL	2,300	15	15
WILD BIRDS UNLIMITED	RETAIL	2,106	11	11
THE DINETTE STORE (REAR ENTRANCE) (FURNITURE)	RETAIL	806	9	9
BROAD STREET LIQUORS	RETAIL	9,450	16	16
J & J CLEANERS	SERVICE	1,845	7	7
VACANT	RETAIL	59,405	249	454 (SEE PROPOSED USES & PARKING)
APPLEBEE'S	RESTAURANT	6,200	100	100
	PARKING SPACES REQUIRED		475	654
	PARKING SPACES PROVIDED		462	462
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PROPOSED USES / PARKING CALCULATIONS FOR 59,405 SQ. FT. SPACE

USE	SQUARE FOOTAGE	PARKING CALCULATION	PARKING SPACES REQUIRED
BASKETBALL COURT	9,000	9 PER COURT	9
FREE-THROW COURT	1,200	9 PER COURT	9
RETAIL	1,500	5 PER 1,000	8
CHILD CARE CENTER	4,000	1 PER EMPLOYEE	2
GENERAL FITNESS	48,705	10 PER 1,000	459
	TOTAL PARKING SPACES REQUIRED FOR PROPOSED USES		454



VICINITY MAP

1" = 1000'

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2. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE.

OWNER
BROAD HEIGHTS DEVELOPMENT LLC
29 FRIENDS LANE
NEWTON, PA 18940

PLAN TO ACCOMPANY PHOTOGRAPHS PLAT TO ACCOMPANY PETITIONS FOR BROAD STREET MARKET

LOTS 1 & 2
"BROAD STREET MARKET"
PLATBOOK S.M. No. 72 folio 23
#2430 - #2444 BROAD AVENUE
Deed Refs: S.M. No. 13816 folio 159.
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Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470



License Exp. 12/31/13

REVISION	DATE	COMPUTED	DRAWN	CHECKED	FILE: X:\B\Brick_Padonia\BASEPLAN.prd