

IN RE: PETITION FOR VARIANCE

E side of Perry Hills Court; 126.6'
S of the c/l of White Marsh Boulevard
14th Election District
6th Council District
(8118 Perry Hills Court)

Steven L. Michael, Rita Marie Ritrovato,
and William J. Wade
Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
*
* CASE NO. 2012-0217-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Variance filed by Steven L. Mitchael, Rita Marie Ritrovato, and William J. Wade, representatives of Wal-Mart Stores, Inc. The Petitioners are requesting Variance relief as follows:

- From Section 450.4 Attachment 1, 5(a) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a total of 6 enterprise wall signs in lieu of the maximum 3 permitted under the zoning regulations;
- To permit 4 signs on the front façade of the store building in lieu of the maximum 2 permitted under the zoning regulations.

The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the variance request were Petitioners Jason Dhuy with Bowman Consulting, who prepared the site plan, and attorney Thomas C. Kleine with Troutman Sanders, LLP, who represented the Petitioners. There were no Protestants or other interested parties in attendance. The file reveals that the Petition was properly advertised and the

site was properly posted as required by the B.C.Z.R., and the file does not contain any letters of

ORDER RECEIVED FOR FILING

Date 5-9-12

By lws

opposition or protest.

Testimony and evidence revealed that the subject property is an existing Wal-Mart store located in the White Marsh area. The store has recently undergone a series of renovations and improvements, and the Petitioners would like to install new signage as part of the project. To do so requires variance relief.

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

Based upon the testimony and evidence presented, I am persuaded to grant the request for variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioners.

Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md 53, 80 (2008).

Petitioners have met this test.

Petitioners' engineer testified (via proffer) that the site is unique, in that the store sits on top of a prominent ridge, with fairly steep topographical features on all sides of the property. Mr. Dhuy testified that the store is barely visible to motorists on White Marsh Boulevard, especially when leaves are on the many trees and bushes surrounding the site. Customers entering the store need to ascend Perry Hills Court, and it is not until the top of that thoroughfare that the Wal-Mart store itself comes into view.

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Date 5-9-12

By DW

The other element of uniqueness in this case concerns how the sign ordinance in question impacts the Petitioners. Specifically, under B.C.Z.R. § 450.4, any sign with lettering or other advertising features which are separated on the sign by more than 1 foot shall be construed as two signs. In this case, the Wal-Mart signs with the "spark" corporate logo (as shown on Exhibit 2) therefore count as two signs. Petitioners note that the signage proposed does not exceed the square foot limitations under the B.C.Z.R., but due to the unique nature of the County's ordinance, variance relief is necessitated.

If the B.C.Z.R. were strictly enforced, the Petitioners would indeed suffer a practical difficulty and/or hardship. Specifically, Petitioners would be unable to attract the attention of passing motorists, and their customers would also have difficulty successfully navigating through the site to locate the discrete areas of the store; i.e., the food market or the outdoor living sections.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is amply demonstrated by the lack of community opposition, as well as the absence of comments by County reviewing agencies. In addition, as noted by Petitioners at the hearing, the only real impact of the additional signage – to the extent there is any such impact – would be upon the Wal-Mart site itself, which is both insular and screened from adjacent properties by mature vegetation.

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

THEREFORE, IT IS ORDERED, this 9th day of May, 2012, by this Administrative Law Judge that Petitioners' Variance request as follows:

ORDER RECEIVED FOR FILING

Date 5-9-12

By ew

- From Section 450.4 Attachment 1, 5(a) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a total of 6 enterprise wall signs in lieu of the maximum 3 permitted under the zoning regulations;
- To permit 4 signs on the front façade of the store building in lieu of the maximum 2 permitted under the zoning regulations,

be and are hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. The Petitioners may apply for any permits and may be granted same upon receipt of this Order. However the Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason this Order is reversed, the Petitioners will 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.



 JOHN E. BEVERUNGEN
 Administrative Law Judge
 for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 5-9-12

By [Signature]



KEVIN KAMENETZ
County Executive

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

May 9, 2012

Thomas C. Kleine, Esquire
Troutman Sanders, LLP
222 Central Park Avenue
Suite 2000
Virginia Beach, Virginia 23462

RE: Petition for Variance
Case No.: 2012-0217-A
Property: 8118 Perry Hills Court

Dear Mr. Kleine:

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a long horizontal line extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw



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 8118 Perry Hills Court which is presently zoned BR
 Deed References: 9834/256; 1625/056 10 Digit Tax Account # 2200013405
 Property Owner(s) Printed Name(s) Wal-Mart Stores, Inc.; Retail Trust I

(SELECT THE HEARING(S) BY MARKING ☒ 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
2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. ☒ 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 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:

Please see attached signature pages.

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Thomas C. Klein, Esquire

Name- Type or Print

Signature

222 Central Park Avenue, Suite 2000
 Virginia Beach, VA

Mailing Address City State

23462 (757)687-7789 tom.kleine@troutmansanders.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Please see attached signatures pages.

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Attorney for Petitioner

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2012-0217-A Filing Date 3/9/12

Do Not Schedule Dates: _____

Reviewer *th*

Petition for Variance

8118 Perry Hills Court

For reasons that will be more specifically addressed at a hearing before the County Zoning Commissioner, the Petitioner requests variances from Section 450.4, Attachment 1, 5(a) of the Baltimore County Zoning Regulations to permit (a) a total of six (6) enterprise wall signs, in lieu of the maximum three (3) permitted under the Zoning Regulations, and (b) four (4) signs on the front façade of the store building, in lieu of the maximum two (2) permitted under the Zoning Regulation. The proposed signage is depicted on a signage exhibit enclosed with this application.

**Petition for Variance
Signature Page**

8118 Perry Hills Court

OWNER OF LAND AND ORIGINAL LESSEE OF IMPROVEMENTS:

WAL-MART STORES, INC.

By: _____

Print: _____

Steven L. Mitchael

Its: _____

DIRECTOR of DESIGN

**Address: 2001 SE 10th Street MS 8313
Bentonville, AR 72716-0550**

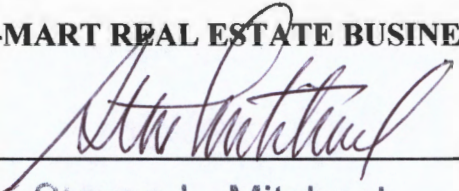
Telephone Number: (479) 204-0440

**Petition for Variance
Signature Page**

8118 Perry Hills Court

LESSEE, VIA ASSIGNMENT, OF IMPROVEMENTS:

WAL-MART REAL ESTATE BUSINESS TRUST

By: 

Print: Steven L. Mitchael

Its: DIRECTOR of DESIGN

Address: 2001 SE 10th Street MS 8313
Bentonville, AR 72716-0550

Telephone Number: (479) 204-0440

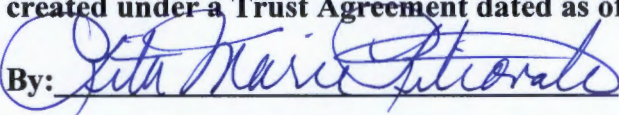
Petition for Variance
Signature Page

8118 Perry Hills Court

GROUND LESSEE AND OWNER OF STORE BUILDING:

RETAIL TRUST I,
a Delaware statutory trust

By: Wilmington Trust Company, a Delaware trust company, not in its individual capacity, but solely as Corporate Owner Trustee for Retail Trust I created under a Trust Agreement dated as of December 1, 1992

By: 

Print: RITA MARIE RITROVATO
ASSISTANT VICE PRESIDENT

Its: _____

By: William J. Wade, not in his individual capacity, but solely as Individual Owner Trustee for Retail Trust I created under a Trust Agreement dated as of December 1, 1992

By: _____

Print: _____

Address: Rodney Square North
1100 North Market Street
Wilmington, DE 19890-001
Attn: Corporate Trust Department

Telephone Number: (302) 636-6302

**Petition for Variance
Signature Page**

8118 Perry Hills Court

GROUND LESSEE AND OWNER OF STORE BUILDING:

**RETAIL TRUST I,
a Delaware statutory trust**

By: Wilmington Trust Company, a Delaware trust company, not in its individual capacity, but solely as Corporate Owner Trustee for Retail Trust I created under a Trust Agreement dated as of December 1, 1992

By: _____

Print: _____

Its: _____

By: William J. Wade, not in his individual capacity, but solely as Individual Owner Trustee for Retail Trust I created under a Trust Agreement dated as of December 1, 1992

By: William J. Wade

Print: William J. Wade

**Address: Rodney Square North
1100 North Market Street
Wilmington, DE 19890-001
Attn: Corporate Trust Department**

Telephone Number: (302) 636-6302

ZONING DESCRIPTION

BEGINNING AT A POINT 58.5 FROM THE CENTERLINE OF PERRY HILLS COURT, HAVING A 77 FOOT RIGHT-OF-WAY, 126.6 FEET SOUTH OF THE CENTERLINE OF WHITE MARSH BOULEVARD, STATE ROUTE #43, HAVING A VARIABLE WIDTH RIGHT-OF-WAY; THENCE WITH PERRY HILLS COURT

S 27°47'27" E 24.84 FEET TO A POINT OF NON-TANGENT CURVATURE; THENCE

202.04 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 333.00 FEET; THENCE

S 61°52'25" W 44.92 FEET TO A POINT OF CURVATURE; THENCE

78.54 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET; THENCE

S 28°07'35" E 7.00 FEET TO A POINT OF CURVATURE; THENCE

40.65 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET; THENCE

S 15°17'28" W 73.88 FEET TO A POINT; THENCE

N 74°42'32" W 109.10 FEET TO A POINT; THENCE

S 15°17'28" W 203.30 FEET TO A POINT; THENCE

N 74°47'13" W 1326.29 FEET TO A POINT; THENCE

N 14°41'09" E 547.84 FEET TO A POINT LYING ON THE SOUTHERLY RIGHT-OF-WAY OF WHITE MARSH BOULEVARD, VARIABLE WIDTH RIGHT-OF-WAY; THENCE CONTINUING THE FOLLOWING EIGHT (8) COURSES AND DISTANCES

S 66°21'10" E 466.29 FEET TO A POINT; THENCE

S 64°28'02" E 160.41 FEET TO A POINT; THENCE

S 61°05'37" E 173.40 FEET TO A POINT; THENCE

S 73°34'36" E 176.33 FEET TO A POINT; THENCE

N 89°32'02" E 158.99 FEET TO A POINT; THENCE

N 72°20'05" E 158.10 FEET TO A POINT; THENCE

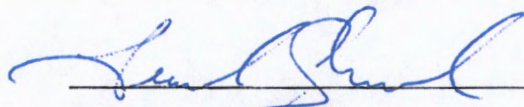
N 88°51'38" E 150.07 FEET TO A POINT; THENCE

2012-0217-A

S 81°24'18" E 121.92 FEET TO THE POINT OF BEGINNING, CONTAINING 676,922 SQUARE FEET OR 15.54 ACRES, MORE OR LESS.

BEING PART OF THAT LOT OR PARCEL OF GROUND SITUATED IN THE FOURTEENTH ELECTION DISTRICT OF BALTIMORE COUNTY, MARYLAND CONVEYED BY OWINGS RUN APARTMENTS LIMITED PARTNERSHIP, A MARYLAND LIMITED PARTNERSHIP, TO WAL-MART STORES, INC. A DELAWARE CORPORATION, BY DEED DATED JUNE 16, 1993 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER 9834 FOLIO 256, SAID LOT OR PARCEL OF GROUND BEING KNOWN AND DESIGNATED AS LOT 1 ON A PLAT ENTITLED, "PERRY HILLS" WHICH PLAT IS RECORDED AMONG THE AFORESAID LAND RECORDS IN PLAT BOOK S.M. 64 FOLIO 147.

The undersigned, being a licensed surveyor personally prepared or was in responsible charge of the preparation and the survey work reflected in this metes and bounds description, and the accompanying sketch is in compliance with the requirements set forth in "COMAR" Title 09, Subtitle 13, Chapter 06, Regulation .12.



02-14-12

Date:

Bowman Consulting Group
By: Tristan Stewart
Professional Land Surveyor
Maryland Registration No. 21306
Renewal Date: 06-26-2012



0217-A

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: # 2012-0217-A

8118 Perry Hills Court

E/s of Perry Hills Court at the S/w corner of

White Marsh Boulevard

14th Election District - 6th Councilmanic District

Legal Owner(s): Wal-Mart Stores, Inc. and Retail Trust I

Variance: to permit a total of 6 enterprise wall signs, in lieu of the maximum three permitted under the Zoning Regulations and four signs on the front facade of the tore building, in lieu of the maximum two permitted under the Zoning Regulations. The proposed signage is depicted on a signage exhibit enclosed with this application.

Hearing: Wednesday, May 9, 2012 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.

JT 04/749 April 24

302543

CERTIFICATE OF PUBLICATION

4/26/, 2012

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/24/, 2012.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

2012-0217-A

RE: Case No.: _____

Petitioner/Developer: _____

Wal-Mart Stores, Inc. and Retail Trust I

May 9, 2012

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: _____

8118 Perry Hills Court

April 24, 2012

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

Sincerely,

April 24, 2012

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

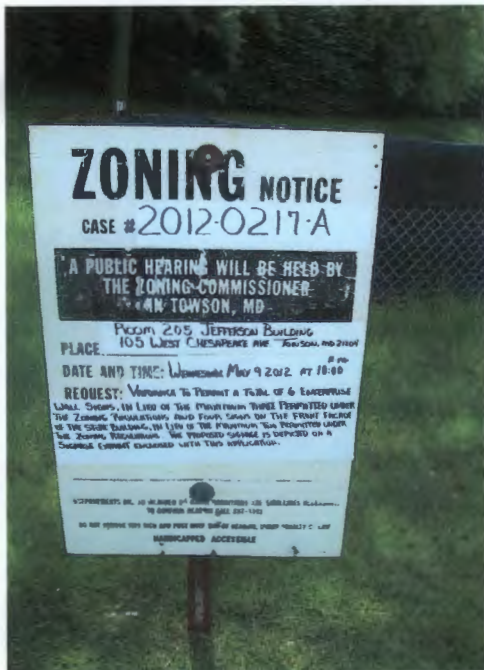
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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

No: **80022**
 Date: **3/9/12**

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				385.00

Total: **385.00**

Rec From: **Treutman Sanders LLP**

For: **Wal-Mart #204567**

2012-0217-A

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME AM
 3/09/2012 3/09/2012 10:05:46 0
 206 0004 WALKER SHI SHI
 RECEIPT # 522937 3/09/2012 0014
 Dept 5 320 ZINING VERIFICATION
 TR NO. 000022

Receipt for \$385.00
 \$385.00 CR \$0.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 24, 2012 Issue - Jeffersonian

Please forward billing to:

Thomas Kleine
222 Central Park Avenue, Ste. 2000
Virginia Beach, VA 23462

757-687-7789

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: 2012-0217-A

8118 Perry Hills Court

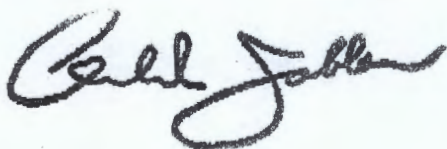
E/s of Perry Hills Court at the S/w corner of White Marsh Boulevard

14th Election District – 6th Councilmanic District

Legal Owners: Wal-Mart Stores, Inc. and Retail Trust I

Variance to permit a total of 6 enterprise wall signs, in lieu of the maximum three permitted under the Zoning Regulations and four signs on the front façade of the store building, in lieu of the maximum two permitted under the Zoning Regulations. The proposed signage is depicted on a signage exhibit enclosed with this application.

Hearing: Wednesday, May 9, 2012 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

April 10, 2012

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: 2012-0217-A

8118 Perry Hills Court

E/s of Perry Hills Court at the S/w corner of White Marsh Boulevard

14th Election District – 6th Councilmanic District

Legal Owners: Wal-Mart Stores, Inc. and Retail Trust I

Variance to permit a total of 6 enterprise wall signs, in lieu of the maximum three permitted under the Zoning Regulations and four signs on the front façade of the store building, in lieu of the maximum two permitted under the Zoning Regulations. The proposed signage is depicted on a signage exhibit enclosed with this application.

Hearing: Wednesday, May 9, 2012 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: Thomas Kleine, 222 Central Park Ave., Ste. 2000, Virginia Beach VA 23462
Steven Mitchael, Wal-Mart Stores, Inc., 2001 SE 10th St, MS 8313, Bentonville AR 72716
William Wade, Rodney Square North, 1100 N Market St., Wilmington DE 19890-001

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 24, 2012.**
- (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 AND DEVELOPMENT MANAGEMENT
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: 2012-0217-A

Petitioner: Wal-Mart Stores, Inc.

Address or Location: 8118 Perry Hills Court

PLEASE FORWARD ADVERTISING BILL TO:

Name: Thomas C. Kleine, Esquire

Address: 222 Central Park Avenue, Suite 2000
Virginia Beach, VA 23462

Telephone Number: (757) 687-7789

Revised 2/20/98 - SCJ



KEVIN KAMENETZ
County Executive

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

May 1, 2012

Steven L. Mitchael
2001 SE 10th Street MS 8313
Bentonville, AR 72716

Rita Marie Ritrovato & William J. Wade
Rodney Square North
1100 North Market Street
Wilmington, DE 19890
Attn: Corporate Trust Department

RE: Case Number: 2012-0217 A, Address: 8118 Perry Hills Court

Dear Mr. Mitchael, Ms. Ritrovato & Mr. Wade:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 9, 2012. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,
A handwritten signature in black ink that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf
Enclosures

c: People's Counsel
Thomas C. Kleine, Esquire, 222 Central Park Avenue, Suite 2000, Virginia Beach, VA 23462

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



Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 3-19-12

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No 2012-0217-A
Variance
Steven L. Michael
Rita Marie Ritrovato
William J. Wade.
8118 Perry Hills Court.

Dear Ms. Lewis:

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. 2012-0217-A.

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).

Sincerely,

Steven D. Foster, Chief
Access Management Division

SDF/raz

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 21, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For April 02, 2012
Item Nos. 2012-214,215,216,217,218,219
And 221

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-04022012-NO COMMENTS.doc

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
8118 Perry Hills Court; E/S Perry Hills Court,	*	OF ADMINSTRATIVE
SW corner of White Marsh Boulevard	*	HEARINGS FOR
14 th Election & 6 th Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): Walmart Stores, Inc; Walmart*	*	2012-217-A
Real Estate Business Trust and Retail Trust I	*	
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

MAR 21 2012

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 21st day of March, 2012, a copy of the foregoing Entry of Appearance was mailed to Thomas C. Kleine, Esquire, 222 Central Park Avenue, Suite 2000, Virginia Beach, VA 23462, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

M E M O R A N D U M

DATE: June 11, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0217-A - Appeal Period Expired

The appeal period for the above-referenced case expired on June 8, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

JB 4-16, 1:30 pm 205

Debra Wiley - ZAC Comments - Distribution Mtg. of March 19, 2012

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 3/21/2012 1:34 PM
Subject: ZAC Comments - Distribution Mtg. of March 19, 2012

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.

2012-0214-A - 1709 Newport Circle - **CRITICAL AREA**
(Administrative Variance) Closing Date: 4/2/12

2012-0215-A - 9004 Hour Glass Court
(Administrative Variance) Closing Date: 4/2/12

2012-0216-A - 9212 Smith Avenue
(Administrative Variance) Closing Date: 4/2/12

2012-0217-A - 8118 Perry Hills Court
No hearing date assigned as of today

2012-0218-SPHA - 8611 Old Harford Road
No hearing date assigned as of today

2012-0219-A - 6014 Shady Spring Avenue
(Administrative Variance) Closing Date: 4/9/12

2012-0220-A - 7304 Gephardt Avenue (**CRITICAL AREA & FLOODPLAIN**)
(Administrative Variance) Closing Date: 4/9/12

2012-0221-A - 300 Hopkins Road
No hearing date assigned as of today

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

CASE NAME 8118 Perry Miss Ct.
CASE NUMBER 2012-0217-A
DATE 5-9-12

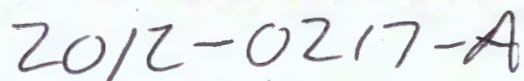
[illegible]

TROUTMAN SANDERS

THOMAS C. KLEINE

TROUTMAN SANDERS LLP | Attorneys at Law
 222 Central Park Avenue
 Suite 2000
 Virginia Beach, Virginia 23462
tom.kleine@troutmansanders.com

757.687.7789 telephone
757.687.1512 facsimile
troutmansanders.com



Case No.: 2012-0217-A

Exhibit Sheet

Petitioner/Developer

Protestant

PJ 6-12-12
5-9-12 DW

No. 1	Sitz Plan	
No. 2	Sign Renderings	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



White Marsh, MD Store #2045

 David L. Hoffman, FAIA

Issued

February 15, 2012

PETITIONER'S

EXHIBIT NO.

2



Front Elevation



Left Elevation



WAY OF RIGHT BUILDING SIGNAGE SCHEDULE				
APPROVED SIGN	QTY	COLOR	INDIVIDUAL AREA	TOTAL AREA
EXISTING 4'-6" Walmart AND " (spark) ON SIDE OF BUILDING (RELOCATED TO FRONT OF BUILDING)	1	WHITE	106 SF	106 SF
	1	YELLOW	38.2 SF	38.2 SF
NEW 3'-6" Walmart AND " (spark) OR SIDE OF BUILDING	1	WHITE		120.66 SF
		YELLOW		
TOTAL BUILDING SIGNAGE				264.86 SF

NOTE: 4'-6" WALMART AND SPARK ARE SEPARATED BY A DISTANCE GREATER THAN 12" PER ORDINANCE, THIS COUNTS AS TWO SIGNS.

3'-6" WALMART AND SPARK ARE SEPARATED BY LESS THAN 12" PER ORDINANCE, THIS COUNTS AS ONE SIGN.



David L. Hoffman, FAIA

February 15, 2012

White Marsh, MD Store #2045

Way of Right Signage

2



Front Elevation



Left Elevation



PROPOSED BUILDING SIGNAGE SCHEDULE				
PROPOSED NEW SIGN	QTY	COLOR	INDIVIDUAL AREA	TOTAL AREA
NEW 4'-6" Walmart AND * (spark) ON SIDE OF BUILDING	1	WHITE	106 SF	106 SF
	1	YELLOW	36.2 SF	36.2 SF
NEW Market & Pharmacy (FRONT OF BUILDING)	1	WHITE	102.74 SF	102.74 SF
NEW Outdoor Living (FRONT OF BUILDING)	1	WHITE	77.31 SF	77.31 SF
TOTAL BUILDING SIGNAGE				324.25 SF

NOTE: 4'-6" WALMART AND SPARK ARE SEPARATED BY A DISTANCE GREATER THAN 12' PER ORDINANCE, THIS COUNTS AS TWO SIGNS.



David L. Hoffman, FAIA

February 15, 2012

White Marsh, MD Store #2045

Proposed Additional Signage – Variance

3



Front Elevation



Left Elevation

APPROVED AND PROPOSED BUILDING SIGNAGE SCHEDULE				
SIGN	QTY	COLOR	INDIVIDUAL AREA	TOTAL AREA
EXISTING 4'-6" Walmart AND * (spark) ON SIDE OF BUILDING (RELOCATED TO FRONT OF BUILDING)	1	WHITE	108 SF	108 SF
	1	YELLOW	38.2 SF	38.2 SF
NEW 4'-6" Walmart AND * (spark) ON SIDE OF BUILDING	1	WHITE	108 SF	108 SF
	1	YELLOW	38.2 SF	38.2 SF
NEW Market & Pharmacy (FRONT OF BUILDING)	1	WHITE	102.74 SF	102.74 SF
NEW Outdoor Living (FRONT OF BUILDING)	1	WHITE	77.31 SF	77.31 SF
TOTAL BUILDING SIGNAGE				468.45 SF

NOTE: 4'-6" WALMART AND SPARK ARE SEPARATED BY A DISTANCE GREATER THAN 12" PER ORDINANCE, THIS COUNTS AS TWO SIGNS.



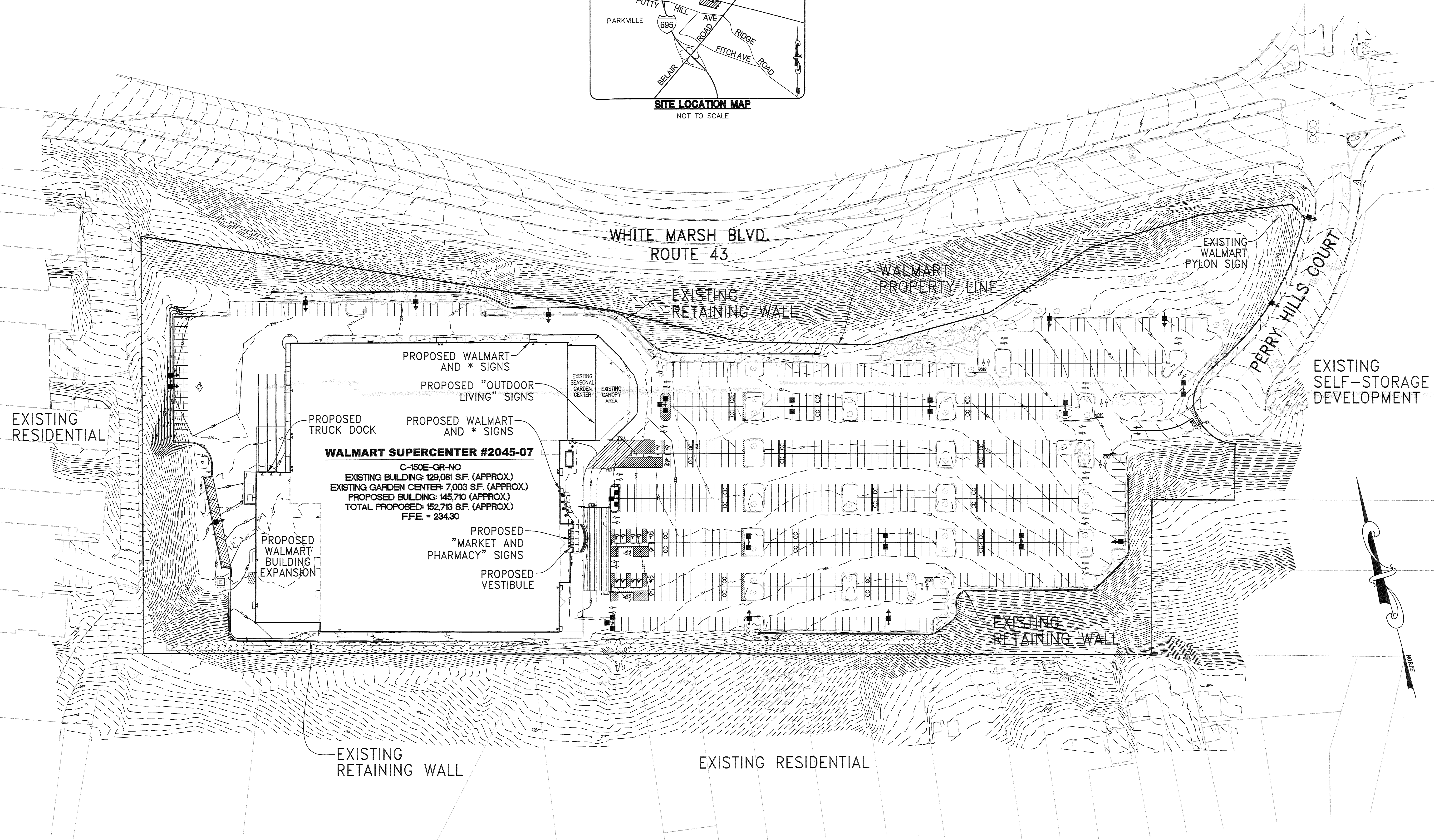
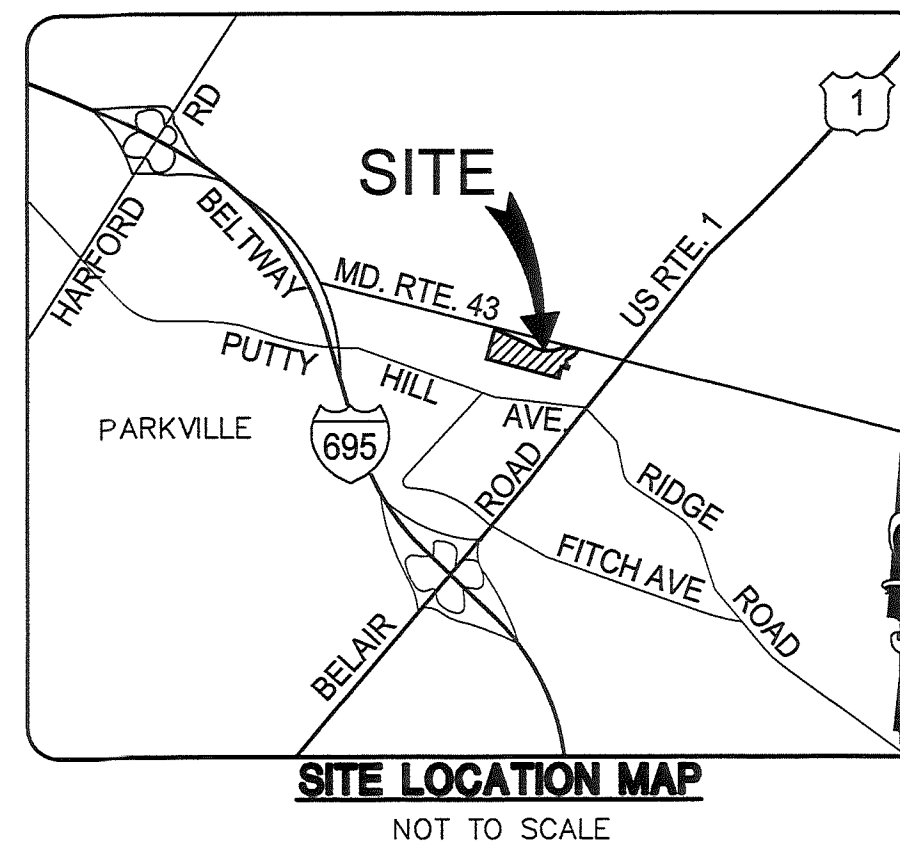
David L. Hoffman, FAIA

February 15, 2012

White Marsh, MD Store #2045

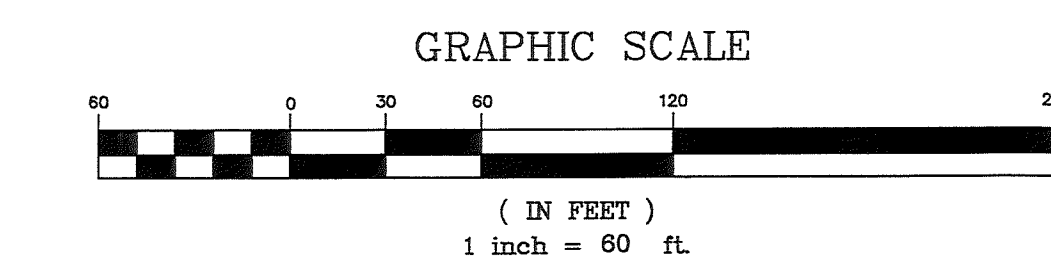
Approved and Proposed Additional Signage – Variance

4



WALMART SUPERCENTER #2045-07

C-150E-GR-NO
EXISTING BUILDING: 129,081 S.F. (APPROX.)
EXISTING GARDEN CENTER: 7,003 S.F. (APPROX.)
PROPOSED BUILDING: 145,710 (APPROX.)
TOTAL PROPOSED: 152,713 S.F. (APPROX.)
F.F.E. = 234.30



SITE/TOPOGRAPHY PLAN

REVISIONS BY

Bowman
CONSULTING
Telephone: (703) 464-1000
Fax: (703) 461-9720
www.bowmanconsulting.com
Suite 900
Chantilly, Virginia 20151

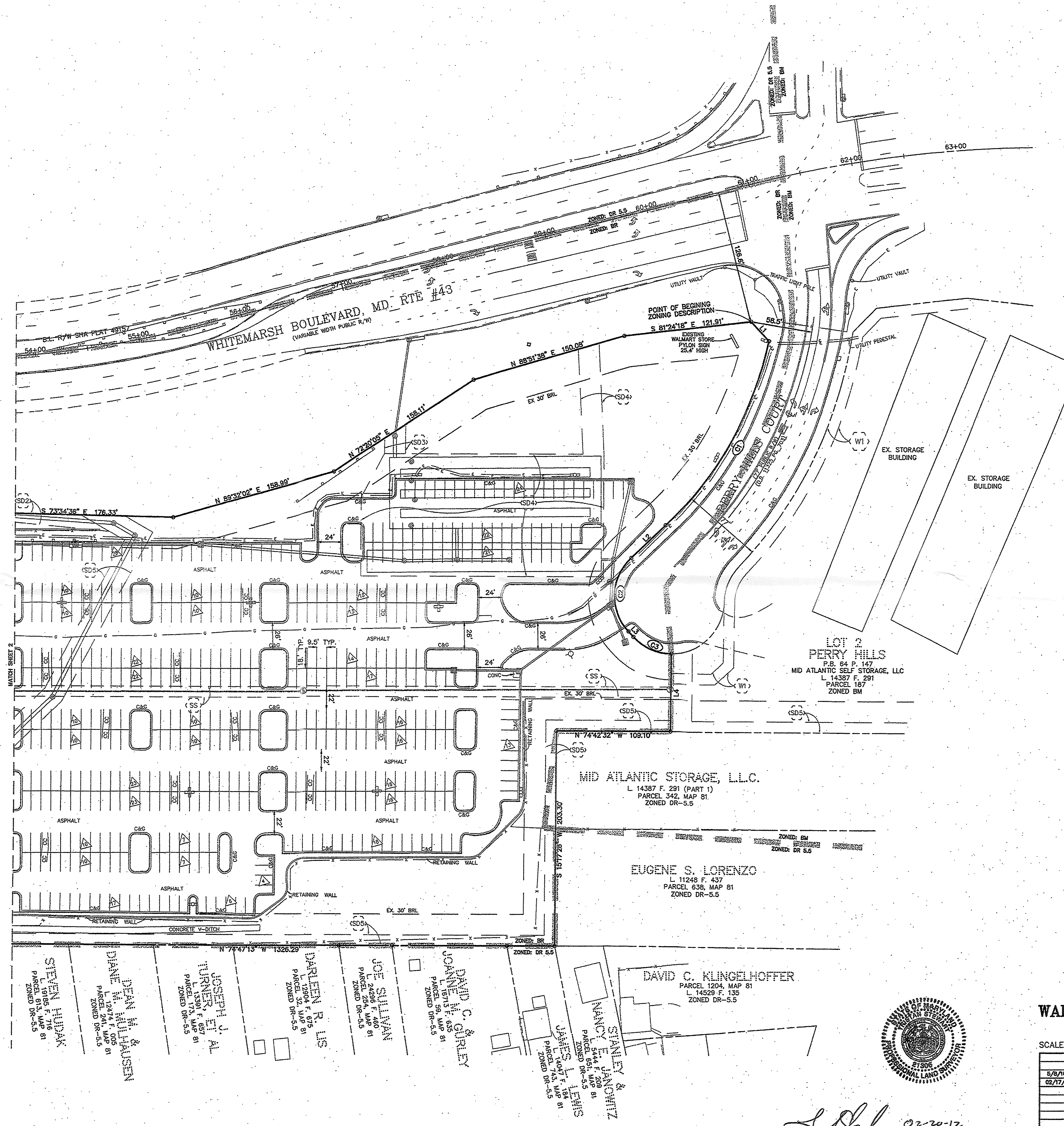
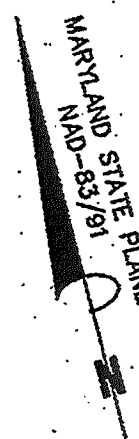
WALMART SUPERCENTER #2045-07
BALTIMORE COUNTY, MARYLAND
WAL-MART STORES, INC.
2001 SE 10TH STREET
BENTONVILLE, AR 72716

Walmart

DESIGN DRAWN JJD
CHECKED JJD
DATE 5/2/12
SCALE 1"=60'
JOB No. 4656-D-MP-001
SHEET

1

OF 1 SHEETS



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 27°47'27" E	24.84'
L2	S 61°52'25" W	44.92'
L3	S 28°07'35" E	7.00'
L4	S 15°17'28" W	73.68'

CURVE TABLE

CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA	TANGENT
C1	333.00'	202.04'	S 44°29'32" W	198.36'	34°45'47"	104.22'
C2	50.00'	78.54'	S 16°52'25" W	70.71'	80°00'00"	50.00'
C3	50.00'	40.65'	S 51°28'11" E	39.54'	46°35'13"	21.53'



PLAN TO ACCOMPANY VARIANCE PETITION
ASSOCIATED WITH SIGNAGE FOR WALMART WHITEMARSH STORE
WAL-MART STORES, INC.
KNOWN AS
WALMART WHITEMARSH STORE #2045-07
ELECTION DISTRICT 14
BALTIMORE COUNTY, MARYLAND
DATE: MARCH 9, 2010

REVISION

DATE	ADDRESS	INITIAL	ZONING
5/8/10			
02/17/12			

Bowman
CONSULTING

Bowman Consulting Group, Ltd.
14020 Thandebolt Place, Suite 800
Chantilly, Virginia 20151

Phone: (703) 484-0000
Fax: (703) 481-8720
www.bowmanconsulting.com

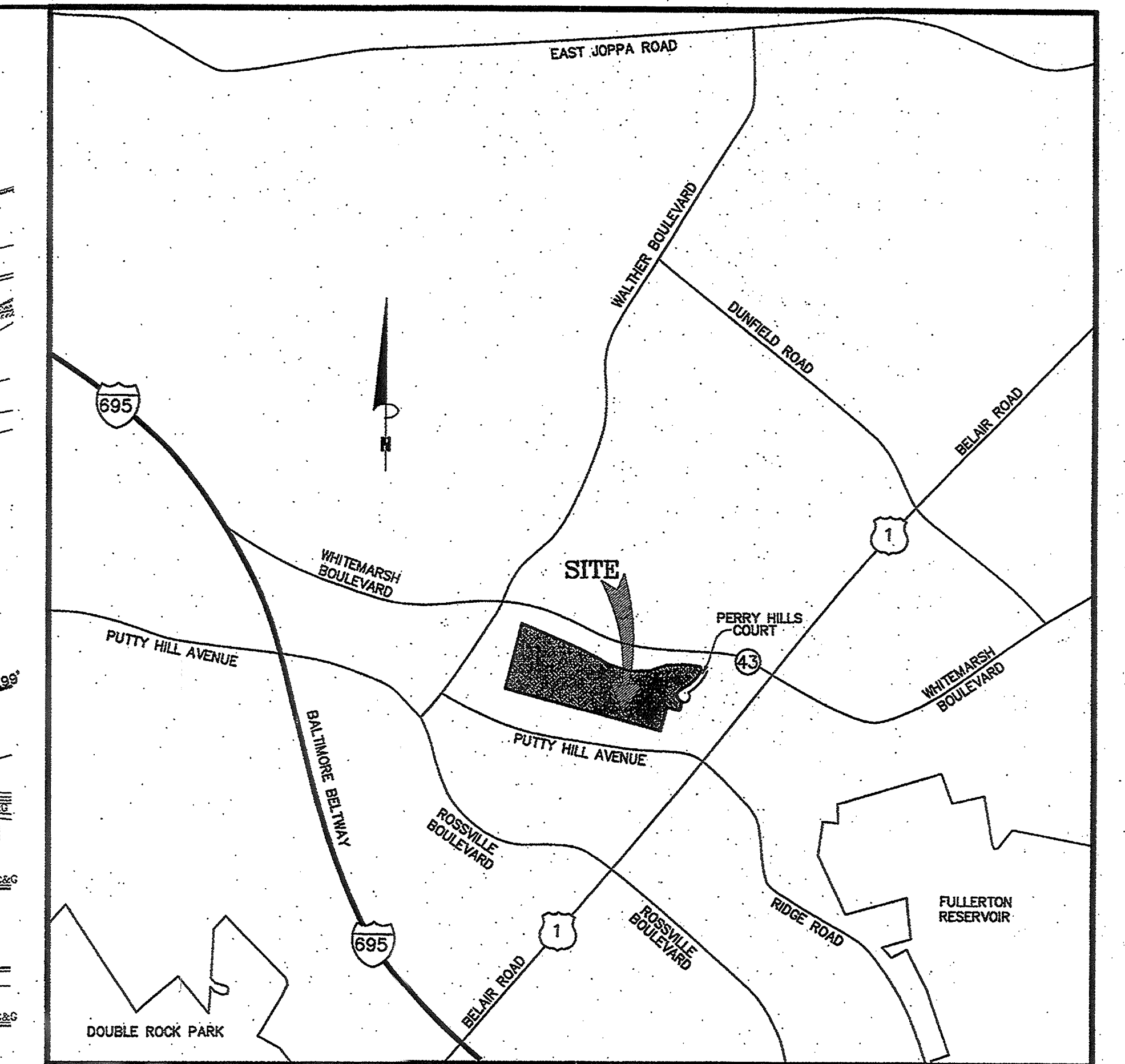
DWG: P-1655 - Wal-Mart #2045-07 (EXP) White Marsh, MD (655-01-002) (SRT) Survey/Plan/655-D-VP-001-2.dwg BY: CP CHK:

BOG PROJECT NO: 4856-01-002 TASK: 202010 COUNTY REF NO: SHEET 2 OF 2



Tristan Stewart
PROFESSIONAL LAND SURVEYOR
MARYLAND REG. NO. 21305
DATE OF LICENSE RENEWAL: 6/25/2012

4666-D-VP-001



VICINITY MAP
SCALE: 1"=1000'

ZONING HISTORY			
SYMBOL	CASE NUMBER	DATE	REMARKS
	CR 90-179	Feb. 11, 1993	Final zoning approval plan.
	DRC 03284E	April, 8, 1994	Plan refinement
	DRC 02275I	April, 25, 1995	For temp. greenhouse & garden center
	DRC 11247M	Dec. 26, 1996	
	2010-0340-SPHA	Aug. 8, 2010	Parking Variance

WHITE MARSH, MD PARKING SUMMARY

	<u>BUILDING AREA</u>	<u>PARKING</u>	<u>RATIO</u>
EXISTING WALMART BUILDING	152,790 S.F.	722 SPACES	4.73/1,000

HANDICAP SPACES TOTAL REQUIRED: 17 TOTAL PROPOSED: 17
F.A.R. (FLOOR AREA RATIO)=(EXISTING ADJUSTABLE FLOOR AREA + PROPOSED
ADJUSTABLE FLOOR AREA)/(OVERALL PROPERTY AREA)
=(136,084 S.F. + 16,706)/(678,922 S.F.)=0.23 < 3.0 MAX THEREFORE OK
* ADJUSTABLE FLOOR AREA (FOR CALCULATING F.A.R.) EXCLUDES FENCED GARDEN CENTER

PETITIONER'S OWNERS INFORMATION:
 EXHIBIT NO. 1 WALMART REAL ESTATE BUSINESS TRUST
 2001 S.E. 10th STREET
 BENTONVILLE, AR. 72712

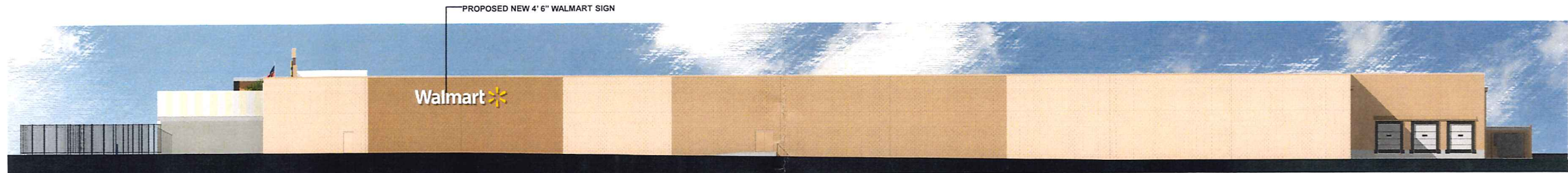
PLAN TO ACCOMPANY VARIANCE PETITION
ASSOCIATED WITH SIGNAGE FOR WALMART WHITEMARSH STORE
WAL-MART STORES, INC.
KNOWN AS
WALMART WHITEMARSH STORE #2045-07
ELECTION DISTRICT 14
BALTIMORE COUNTY, MARYLAND

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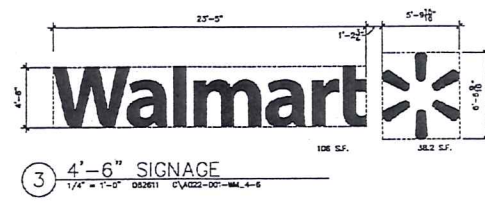
4656-D-VP-001



Front Elevation



Left Elevation



APPROVED AND PROPOSED BUILDING SIGNAGE SCHEDULE				
SIGN	QTY	COLOR	INDIVIDUAL AREA	TOTAL AREA
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David L. Hoffman, FAIA

February 15, 2012

White Marsh, MD Store #2045

Approved and Proposed Additional Signage – Variance

4

DESIGN REPRESENTATION ONLY-NOT FOR CONSTRUCTION The building images shown are a representation of the current design intent only. The building images may not reflect variations in color, tone, hue, tint, shading, ambient light intensity, materials, texture, contrast, font style, construction variations required by building codes or inspectors, material availability or final design detailing.

2012-0217-A