

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

N/side of Eastern Avenue, 448.12' NW
of c/line of Rolling Mills Road
(7933 Eastern Avenue)
15th Election District
7th Council District

BaltGem Development Corp., et al
Legal Owners
Redner's Markets, Inc., *Lessee*
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR
* BALTIMORE COUNTY
* **CASE NO. 2012-0246-SPHA**

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Hearing and Variance filed by the legal owners of the subject property, BaltGem Development Corp., et al, by Matthias D. Renner, Authorized Representative, and lessee, Redner's Markets, Inc. by Mark Hallacher, Authorized Representative ("Petitioners"). The Petitioners are requesting Special Hearing relief pursuant to § 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a modified parking plan pursuant to § 409.12, and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County. The Petitioners are also seeking variance relief from § 450.4 Attachment 1.5(d)(vi) of the B.C.Z.R., to permit three wall-mounted enterprise signs for the façade of Redner's Market (a separate commercial entity of a multi-tenant retail building with an exterior customer entrance) in lieu of the permitted one sign, and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibits 1A and 1B.

ORDER RECEIVED FOR FILING

Date 5-25-12

By [Signature]

Appearing at the public hearing held for this case were Bill Monk with Morris & Ritchie Associates, Inc., the firm that prepared the site plan. Lawrence Schmidt, Esquire with Smith, Gildea & Schmidt, LLC appeared as counsel and represented Petitioners. 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 or other interested persons in attendance, and the file does not contain any letters of opposition or protest.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the file. A ZAC comment was received from the Department of Planning, dated May 2, 2012, indicating no opposition; however, that Department proposed the following conditions with respect to the special hearing relief:

1. Remove parking spaces (5) along Eastern Avenue that are located within the required 10' landscape buffer,
2. Provide safe pedestrian connection to the various uses on the subject site, especially from Rolling Mill Road to the building to serve the primary residential community on the other side of Rolling Mill Road,
3. Provide a landscape plan for the subject site; attention should also be given to the perimeter of the property, which borders the public right-of-way, and
4. Remove parked/displayed vehicles and parking in general from the right-of-way along Rolling Mill Road.

In addition, a ZAC comment was received from the Development Plans Review (DPR), dated May 4, 2012, which duplicated condition #1 from the Department of Planning. DPR also recommended a landscape plan for the site, to comply with Sections III.A, B and E of the Landscape Manual for the parking lot area and along both Rolling Mill and Eastern Avenue street frontages. However, Counsel for the Developer presented at the hearing an e-mail from Mr. Kennedy dated May 23, 2012, indicating that Ms. Tansey's May 4, 2012, ZAC comment was withdrawn.

ORDER RECEIVED FOR FILING

Date 5-25-12

By [Signature]

Testimony and evidence revealed that the subject property is approximately 20 acres in size, and is split zoned BM-AS, MH-IM, and ML-IM. The site contains an aging strip shopping center, and the Petitioners have recently opened a grocery store – Redner’s Market – in a long vacant space. The grocery store is employee owned, and would like to erect a sign indicating as much, as well as another sign indicating the store is open 24 hours a day. See Petitioners’ Exhibit 1B.

Based on the evidence presented, I find that the variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995). I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Indeed, the site is irregularly shaped and the grocery store space is positioned at the rear of the site. The Petitioners’ store is setback approximately 830 feet from Eastern Avenue (See Petitioner’s Exhibit 1A), and the topography also drops off somewhat from Eastern Avenue, which greatly restricts visibility of the store. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioners.

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 demonstrated by the absence of community opposition, and the additional signs are modest in size and will not appear cluttered, nor will they disrupt traffic in the area.

Petitioners also seek special hearing relief with respect to approval of a modified parking plan. Counsel for Petitioners explained that prior to 2009, the parking requirements for shopping centers greater than 100,000 square feet were determined by adding together all of the spaces required for each tenant in the center. Under the newer regulations, shopping centers with greater than 100,000 square feet (this center has over 840,000 square feet) must provide five spaces per

ORDER RECEIVED FOR FILING

Date 5-25-12 3

By pm

1,000 square feet of space. B.C.Z.R. § 409.6. Using that calculation, Mr. Monk explained that 885 spaces would be required, while the Petitioners have provided 1,106 spaces. But that regulation provides that "theaters" shall be considered separate uses; as such, the 885 space calculation is not correct under that provision.

Even so, the Petitioners have provided parking calculations on the plan (Exhibit 1) for each of the tenants, and the required total shown is 1,400, while 1,106 are provided. Based on Mr. Monk's testimony and the photos submitted, it certainly does not appear as if the strip center is in anyway "underparked," and approval of a modified parking plan as proposed by Petitioners will not be detrimental to the community safety and welfare.

Counsel for Petitioners indicated the landlord may be planning further improvements for the center, and it is possible that this issue would need to be revisited at a later date, depending on the nature of the improvements and category of tenants proposed for the site.

THEREFORE, IT IS ORDERED, this 25 day of May, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing seeking relief pursuant to § 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a modified parking plan pursuant to § 409.12, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from § 450.4 Attachment 1.5(d)(vi) of the B.C.Z.R., to permit three wall-mounted enterprise signs for the façade of Redner's Market (a separate commercial entity of a multi-tenant retail building with an exterior customer entrance) in lieu of the permitted one sign, be and is hereby GRANTED.

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

ORDER RECEIVED FOR FILING

Date 5-25-12

4

By [Signature]

1. The Petitioners may apply for any required 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.

JEB:pz



JOHN B. BEVERUNGEN
Administrative Law Judge for
Baltimore County

ORDER RECEIVED FOR FILING

Date 5-25-12

5

By 



KEVIN KAMENETZ
County Executive

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

May 24, 2012

LAWRENCE E. SCHMIDT, ESQUIRE
SMITH, GILDEA & SCHMIDT, LLC
600 WASHINGTON AVENUE, SUITE 200
TOWSON MD 21204

RE: Petitions for Special Hearing and Variance
Case No.: 2012-0246-SPHA
Property: 7933 Eastern Avenue

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz



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 7933 Eastern Avenue

which is presently zoned BM-AS, MH-IM and ML-IM

Deed Reference 07648/00688

10 Digit Tax Account # 1 5 0 7 1 5 1 1 1 0

Property Owner(s) Printed Name(s) Gem of Baltimore-East, Inc., d/b/a BaltGem Development Corp., et al.

CASE NUMBER 2012-0246-SP4A Filing Date 4/9/12 Estimated Posting Date / / Reviewer W

(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 attached

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

3. ☒ **a Variance** from Section(s)

Please 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:

Mark Hallacher, Authorized Representative of Redner's Markets, Inc.

Name- Type or Print

Mark Hallacher

Signature

3 Quarry Road Reading PA
Mailing Address City State
19605 (484) 955-0677 mhallacher@rednersmarkets.com
Zip Code Telephone # Email Address

Attorney for Petitioner:

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

Name- Type or Print

Jason T. Vettori

Signature

600 Washington Avenue, Suite 200, Towson, MD
Mailing Address City State
21204 (410) 821-0070 jvettori@sgs-law.com
Zip Code Telephone # Email Address

Legal Owners:

Matthias D. Renner, Authorized Representative of BaltGem Development, Corp. et al

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

9986 Manchester Rd., St. Louis MO
Mailing Address City State
63122 (314) 878-5545 mrenner@nremgmt.com
Zip Code Telephone # Email Address

Representative to be contacted:

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

Name - Type or Print

Jason T. Vettori

Signature

600 Washington Avenue, Suite 200, Towson, MD
Mailing Address City State
21204 (410) 821-0070 jvettori@sgs-law.com
Zip Code Telephone # Email Address

ATTACHMENT TO PETITION FOR ZONING RELIEF

7938 Eastern Avenue
15th Election District
7th Councilmanic District

Variance:

1. 450.4 Attachment 1.5(d)(vi) of the Baltimore County Zoning Regulations (BCZR) to permit three (3) wall-mounted enterprise signs for the façade of Redner's Market (a separate commercial entity of a multi-tenant retail building with an exterior customer entrance) in lieu of the permitted one (1) sign; and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Special Hearing:

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

0246-SPHA

BALTIMORE COUNTY, MARYLAND
Interoffice Memorandum

DATE: April 9, 2012

TO: Zoning Commissioner and File

FROM: Leonard Wasilewski
Planner II, Zoning Review

Subject: Redner's Markets Inc.
Eastpoint Center
7933 Eastern Avenue

Reference: 2012-0246-SPHA

- A. For clarification, this office accepted a Special Hearing and Variances for a revised parking plan and wall signs at the subject locations.
- B. The petitioner was advised prior to filing that the entire shopping centers wall signs should be exhibited to ensure the other stores in the shopping center are in compliance. Additionally, I requested an exhibit that included the free standing signs with their dimensions to determine if they would be in compliance with Section 450 of the Baltimore County Zoning Regulations. (BCZR).
- C. I also provided a copy of the sunset affidavit, (Section 450.8.D attached), to the attorneys representing the owners of the shopping center to let them know that the center has signs that were erected under Section 413 of the BCZR that do not comply with the current law and require variances or removal prior to October 19, 2012.
- D. The petitioner's attorney advised me that he would inform the property owners and the petitioners of the sign sunset regulation.
- E. In addition to the sign questions we feel that the parking modifications should be listed to simplify the petition.
- F. Please call me if you have any questions. (410-887-3391)

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



April 3rd, 2012

ZONING DESCRIPTION FOR SPECIAL HEARING AND VARIANCE REQUEST

Beginning at a point 448.12 feet in the northeasterly direction from the intersection of Rolling Mills Road and Eastern Avenue, in a northerly direction from Eastern Avenue a line North 20°16'55" West for 525.16 feet; continuing South 69°49'04" West for 532.48 feet toward Rolling Mill Road; along Rolling Mill Road North 25°58'35" East for 569.44 feet; in a Northeasterly direction from Rolling Mill Road continuing North 64°56'35" East for 969.28 feet; heading Southeasterly toward Eastern Avenue with a line South 20°16'55" East 1170.21 feet; heading along Eastern Avenue South 69°43'05" West 444.29 feet to the point of beginning having an address of 7938 Eastern Avenue located on the Northerly side of Eastern Avenue .

Containing 848,056 square feet or 19.4687 acres of land, more or less and being located in the Fifteenth Election District, Seventh Councilmanic District, of Baltimore County, Maryland.

Michael Coughlin
Professional Engineer No. 38291



2012-0246-SPHA

S:\PROJECT FOLDERS\13500-13599\13539.04\Docs\13539-zoningdescription.doc
1220-C East Joppa Road, Suite 505, Towson, MD 21286 (410) 821-1690 Fax: (410) 821-1748 www.mragta.com

Abingdon, MD	+	Laurel, MD	+	Towson, MD	+	Georgetown, DE	+	Wilmington, DE	+	York, PA
(410) 515-9000		(410) 792-9792		(410) 821-1690		(302) 855-5734		(302) 326-2200		(717) 751-6073

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

No: 82116

Date: 4/9/12

PAID RECEIPT

BUSINESS 4.0000 11.00 0.00
4/11/2012 4/11/2012 11.00-00 2
RFB 0502 05/11/12 11.00 11.00
RECEIPT 0 77300 4/11/2012 11.00
Rpt 0 525 0000 VERIFICATION
CA NO. 082116
Receipt 100 1000.00
4033.00 11.00 1.00 00
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150						835.00

Total: 835.00

Rec From: Smith Gildea + Schmidt
Redwood Marketing, Inc
For: 733 Eastern Ave

2012-0246-SPHA

DISTRIBUTION

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

CASHIER'S
VALIDATION

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: 2012-0246-SPHA
Petitioner: Redner's Markets, Inc
Address or Location: 7933 EASTERN AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

Name: LAURENCE E SCHMIDT
Address: 600 WASHINGTON AVE
STE 200
TOWSON, MD 21204
Telephone Number: 410-821-0070

Revised 2/17/11 DT

RE: PETITION FOR SPECIAL HEARING
AND VARIANCE

7933 Eastern Avenue; N/S Eastern Avenue,
448.12' N/W c/line Rolling Mills Road
15th Election & 7th Councilmanic Districts
Legal Owner(s): Mathias Renner
Contract Purchaser(s): Mark Hallacher
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2012-246-SPHA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

APR 19 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 19th day of April, 2012, 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



KEVIN KAMENETZ
County Executive

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

April 27, 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: 2012-0246-SPHA

7933 Eastern Avenue

N/s of Eastern Avenue, 448.12 feet N/w of the centerline of Rolling Mills Road

15th Election District – 7th Councilmanic District

Legal Owners: BaltGem Development Corp. et al

Contract Purchaser: Redner's Markets, Inc.

Special Hearing for a modified parking plan pursuant to Section 409.12 of the BCZR and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County. Variance to permit three wall-mounted enterprise signs for the façade of Redner's Market (a separate commercial entity of a multi-tenant retail building with an exterior customer entrance) in lieu of the permitted one sign and for such other and further relief as may be required by the Administrative Law Judge.

Hearing: Wednesday, May 23, 2012 at 1:30 p.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Jason Vettori, 600 Washington Avenue, Ste. 200, Towson 21204
Mark Hallacher, 3 Quarry Road, Reading PA 19605
Matthias Renner, 9986 Manchester Road, St. Louis MO 63122

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 8, 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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 8, 2012 Issue - Jeffersonian

Please forward billing to:

Lawrence Schmidt
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: 2012-0246-SPHA

7933 Eastern Avenue

N/s of Eastern Avenue, 448.12 feet N/w of the centerline of Rolling Mills Road

15th Election District – 7th Councilmanic District

Legal Owners: BaltGem Development Corp. et al

Contract Purchaser: Redner's Markets, Inc.

Special Hearing for a modified parking plan pursuant to Section 409.12 of the BCZR and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County. Variance to permit three wall-mounted enterprise signs for the façade of Redner's Market (a separate commercial entity of a multi-tenant retail building with an exterior customer entrance) in lieu of the permitted one sign and for such other and further relief as may be required by the Administrative Law Judge.

Hearing: Wednesday, May 23, 2012 at 1:30 p.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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.

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: # 2012-0046-SPHA

7933 Eastern Avenue

N/s of Eastern Avenue, 448.12 feet N/w of the centerline of Rolling Mills Road

15th Election District - 7th Councilmanic District

Legal Owner(s): BaltGem Development Corp. et al

Contract Purchaser: Redner's Markets, Inc.

Special Hearing: for a modified parking plan pursuant to Section 409.12 of the BCZR and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County. **Variance:** to permit three wall-mounted enterprise signs for the facade of Redner's market (a separate commercial entity of a multi-tenant retail building with an exterior customer entrance) in lieu of the permitted one sign and for such other and further relief as may be required by the Administrative Law Judge.

Hearing: Wednesday, May 23, 2012 at 1:30 p.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

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

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT 05/658 May 8 303030

CERTIFICATE OF PUBLICATION

5/10/, 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 5/8/, 2012.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

2012-0246-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Redner's Market, Inc

May 23, 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: _____

7933 Eastern Ave

May 3, 2012

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

Sincerely,



May 3, 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)



M E M O R A N D U M

DATE: June 18, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0246-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on June 25, 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

CASE NAME 2012-246-SPHA
CASE NUMBER 122NER15
DATE 5/23/12

CASE NAME 2012-246-SPHA
CASE NUMBER 122NER15
DATE 5/23/12

[illegible]

Jason Vettori

From: Dennis Kennedy <DKennedy@baltimorecountymd.gov>
Sent: Wednesday, May 23, 2012 11:33 AM
To: Jason Vettori
Subject: Re: Landscape Plan issues

Jason:

Regarding 2012-0196, Adam Rosenblatt and Jean Tansey have been involved in this. I don't have enough detail to make any decisions. I do note, however that this site is on a prominent corner in Cockeysville/Hunt Valley and the proposed 8' wood fence is rather extensive and should be softened with landscaping, in my opinion. We can work around the 10-foot landscaping setback issue. Furthermore, the fence will block off what is now a convenient passageway between this building and the one next door to the north which helps building users avoid the intersection of Cockeysville Road and Beaver Dam Road.

Regarding 2012-0246, while landscaping in this shopping center is severely lacking, I see your point that none of the parking is being changed. Because of that, please disregard Jean Tansey's comment dated May 4, 2012. Please advise the shopping center owner that we may take a harder tack with the next zoning request.

Dennis Kennedy, Supervisor
Bureau of Development Plan Review

>>> Jason Vettori <jvettori@sgs-law.com> 5/23/2012 10:02 AM >>>
Dennis,

as we briefly discussed at the DRC, I would like to meet with you at your earliest convenience to discuss two cases. You told me to bring the plans over and we could discuss them. I just wanted to check with you as both matters are at critical phases with respect to my issue.

I have two matters (one pending and one recently that became final and non-appealable) for which Development Plans Review is requiring landscape plans to be submitted. Both matters were requests for zoning relief for existing uses. They are Case Nos. 2012-246-SPHA (sign variance) and 2012-196-SPHA (commercial kennel), respectively. The sign variance case is scheduled for a hearing today at 1:30 p.m. The commercial kennel is ready to submit an application for a fence permit, for which a landscape plan is being required.

In brief, the sign variance is for a new tenant of an existing shopping center. There is a request for a modified parking plan but no changes whatsoever are being proposed to the parking lot. While there were two variances granted in prior cases for this shopping center, the number of spaces required and provided is now different and out of an abundance of caution we requested a modified parking plan to approve the existing conditions that are more the shopping center owner's issue than the poor tenant trying to put up his signage.

As far as the commercial kennel case is concerned, the only change to the parking lot is to accommodate the removal of certain spaces so the dogs have a play area for exercise which will be fenced in. We are not opposed to doing some planting as Avery Harden would have possibly required in the past, but we will be in quite a pickle if a 10 foot landscape strip is required as it will eliminate all of our existing parking that is not being covered with astroturf and fenced in for the dogs to utilize. There is an existing building. All we have gotten is an interior alteration permit and the fence permit we will soon be applying for.

Jason T. Vettori
Smith, Gildea & Schmidt, LLC

600 Washington Avenue
Suite 200
Towson, MD 21204
Phone: (410) 821-0070
Facsimile: (410) 821-0071
<http://sgs-law.com>

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this email in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

Patricia Zook - Re: Case 2012-0246 on May 23, 2012 - Room 104 - property address mix up on Petition, site plan & advertisement

From: Patricia Zook
To: Beverungen, John
Date: 5/14/2012 12:26 PM
Subject: Re: Case 2012-0246 on May 23, 2012 - Room 104 - property address mix up on Petition, site plan & advertisement

The Petition says 7933 Eastern Avenue; the site plan says 7938 Eastern Avenue. The ZRO believes 7938 is correct as 7933 isn't in the data base.

Jason didn't say which address is correct to Kristen as he stated it is a shopping center and the address shouldn't matter.

Seems like a technical irregularity that would not require a new advert., assuming property was posted. The real test will be if opponents show up at the hearing - if so, any defect in notice is waived.

Patti Zook
 Baltimore County
 Office of Administrative Hearings
 105 West Chesapeake Avenue, Suite 103
 Towson MD 21204
 410-887-3868
pzook@baltimorecountymd.gov



CONFIDENTIALITY NOTICE: The information contained in this ELECTRONIC MAIL transmission is legally privileged and confidential. It may also be subject to the attorney-client privilege or be privileged work product or proprietary information. This information is intended for the exclusive use of the addressee(s). If you are not the intended recipient, you are hereby notified that any use, disclosure, dissemination, distribution (other than to the addressee(s)), copying or taking of any action because of this information is strictly prohibited.

>>> John Beverungen 5/14/2012 12:08 PM >>>
 what were the 2 different addresses used?

>>> Patricia Zook 05/14/12 11:53 AM >>>
 Hi John -

Kristen Lewis called a few minutes ago. It was discovered that there is one address on the Petition and a different address on the site plan. The newspaper advertisement referenced the incorrect address. The ZAC comment

letters also referenced the incorrect address. Jason Vettori said the property was property posted.

Jason Vettori also said "it's a shopping center so the address doesn't matter."

Not sure how you want to handle this mixup.

Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov



CONFIDENTIALITY NOTICE: The information contained in this ELECTRONIC MAIL transmission is legally privileged and confidential. It may also be subject to the attorney-client privilege or be privileged work product or proprietary information. This information is intended for the exclusive use of the addressee(s). If you are not the intended recipient, you are hereby notified that any use, disclosure, dissemination, distribution (other than to the addressee(s)), copying or taking of any action because of this information is strictly prohibited.

CHECKLIST

Comment
Received

Department

Support/Oppose/
Conditions/
Comments/
No Comment

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

OK

DEPS
(if not received, date e-mail sent _____)

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)

Support w/ Cond

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 5-8-12

SIGN POSTING Date: 5-3-12 by Black

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any:

* Please see memo from zoning, 4-9-12

Maryland Department of Assessments and Taxation
Real Property Data Search (vw3.1A)
BALTIMORE COUNTY

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

Account Identifier:

District - 15 Account Number - 1507151110

Owner Information

Owner Name:	GEM OF BALTIMORE - EAST INC	Use:	COMMERCIAL
Mailing Address:	C/O NAT'L REAL ESTATE MGT CORP 9986 MANCHESTER ROAD ST LOUIS MO 63122-1934	Principal Residence:	NO
		Deed Reference:	1)/07648/ 00688 2)

Location & Structure Information

Premises Address	Legal Description
7938 EASTERN AVE BALTIMORE MD 21224-2115	19.469 AC NWS EASTERN AV 429 NE ROLLING RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0096	0017	0133		0000				3	Plat Ref:

Special Tax Areas	Town	NONE
	Ad Valorem	
	Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1996	42238	19.4600 AC	18

Stories	Basement	Type	Exterior
		CINEMA	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2011	07/01/2012
Land	5,692,000	5,692,000		
Improvements:	5,472,600	4,420,200		
Total:	11,164,600	10,112,200	11,164,600	10,112,200
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
Type:	Deed1:	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	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:	Special Tax Recapture:
Exempt Class:	NONE

Homestead Application Information

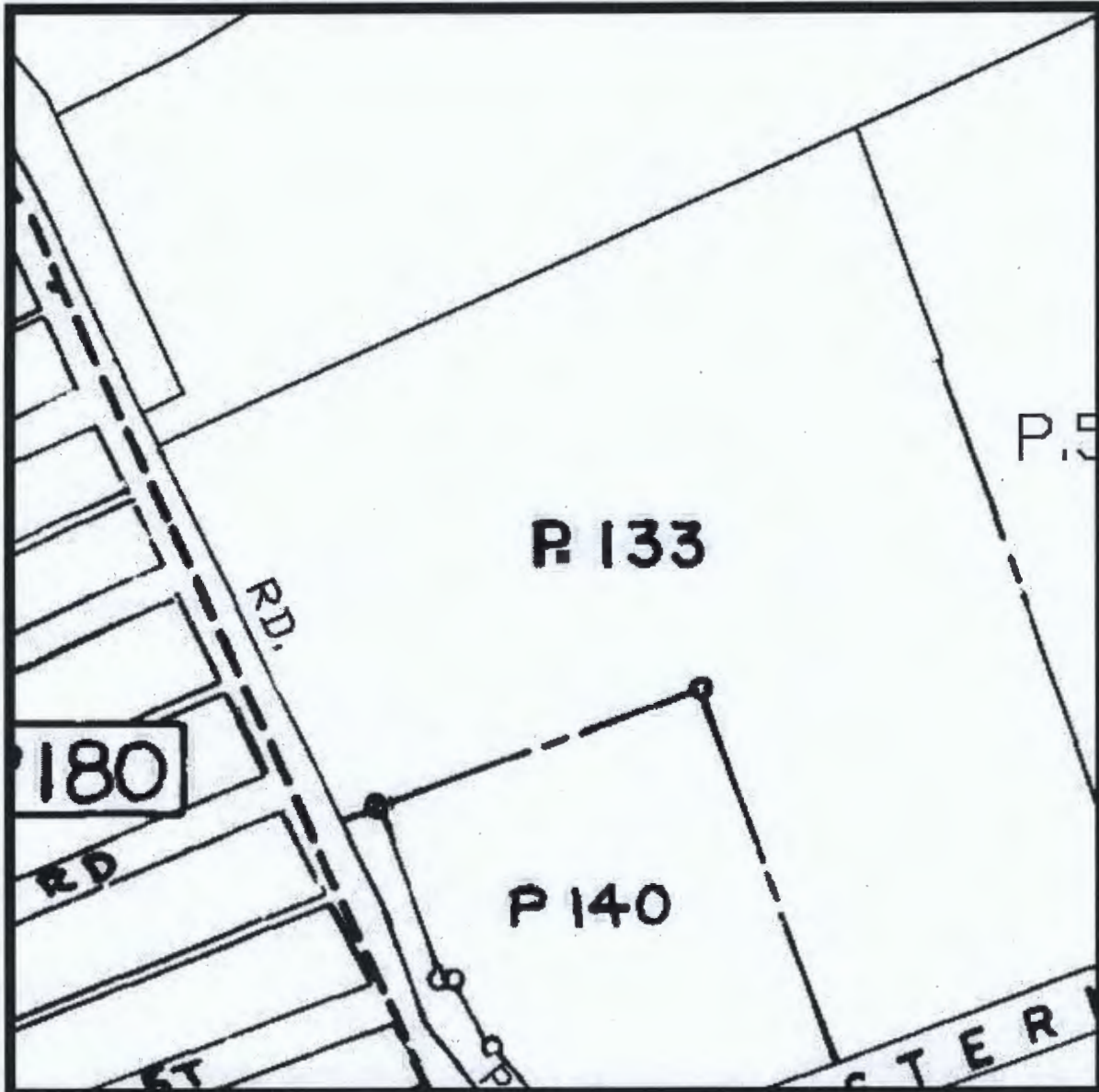
Homestead Application Status:	No Application
--------------------------------------	----------------



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)

District - 15 **Account Number - 1507151110**



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2010.
For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

5-23@ 1:30

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

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

DATE: May 2, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 7938 Eastern Avenue

RECEIVED

INFORMATION:

MAY 08 2012

Item Number: 12-246

OFFICE OF ADMINISTRATIVE HEARINGS

Petitioner: Matthias D. Renner

Zoning: DR 5.5

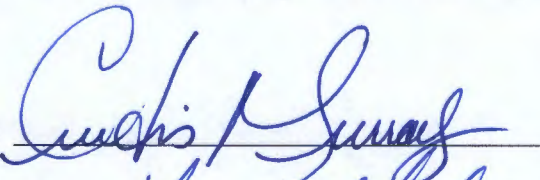
Requested Action: Variance and Special Hearing

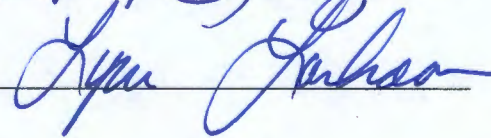
SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning supports the requested sign variances for the Redner's Market. This department also recommends approval of the requested modified parking plan under the subject special hearing provided the following conditions are met:

1. Remove parking spaces (5) along Eastern Avenue that are located within the required 10-foot landscape buffer.
2. Provide safe pedestrian connection to the various uses on the subject site, especially from Rolling Mill Road to the building to serve the primary residential community on the other side of Rolling Mill Road.
3. Provide a landscape plan for the subject site; attention should also be given to the perimeter of the property, which border the public right-of-way.
4. Remove parked/ displayed vehicles and parking in general from the right-of-way along Rolling Mill Road.

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

Prepared by: 

Division Chief: 
AVA/LL: CM

Debra Wiley - ZAC Comments - Distribution Mtg. of April 16th

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 4/23/2012 9:38 AM
Subject: ZAC Comments - Distribution Mtg. of April 16th

Good Morning,

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.

2012-0208-A - 12519 Falls Road
No hearing date assigned in data base as of today

2012-0241-A - 238 Colgate Avenue
Administrative Variance - Closing Date: 4/30

2012-0242-A - 5710 Country Farm Road
No hearing date assigned in data base as of today

2012-0243-A - 6600 Baltimore National Pike
No hearing date assigned in data base as of today

2012-0244-A - 3023 Taylor Avenue
No hearing date assigned in data base as of today

2012-0245-A - 519 Maryland Avenue
Administrative Variance - Closing Date: None reflected in data base as of today

2012-0246-SPHA - 7933 Eastern Avenue
No hearing date assigned in data base as of today

2012-0247-A - 601 Goucher Avenue
Administrative Variance - Closing Date: 5/7/12

2012-0248-SPHA - 2204 Lodge Forest Drive - **CRITICAL AREA**
No hearing date assigned in data base as of today

2012-0249-A - 2206 Lodge Forest Drive - **CRITICAL AREA**
No hearing date assigned in data base as of today

2012-0250-A - 513 Piccadilly Road
Administrative Variance - Closing Date: 5/7/12

2012-0251-A - 3516 Bay Drive - **CRITICAL AREA**
Administrative Variance - Closing Date: 5/7/12

Subject: ZAC Comments - Distribution Mtg. of April 16th
Created By: dwiley@baltimorecountymd.gov
Scheduled Date:
Creation Date: 4/23/2012 9:38 AM
From: Debra Wiley

Recipient	Action	Date & Time	Comment
To: Curtis Murray (cjmurray@baltimorecountymd.gov)	Delivered	4/23/2012 9:38 AM	
To: David Lykens (dlykens@baltimorecountymd.gov)	Delivered	4/23/2012 9:38 AM	
To: Dennis Kennedy (DKennedy@baltimorecountymd.gov)	Pending		
To: Don Muddiman (dmuddiman@baltimorecountymd.gov)	Pending		
To: Jeffrey Livingston (jlivingston@baltimorecountymd.gov)	Delivered	4/23/2012 9:38 AM	
To: Lynn Lanham (mlanham@baltimorecountymd.gov)	Delivered	4/23/2012 9:38 AM	



KEVIN KAMENETZ
County Executive

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

May 15, 2012

Matthias D. Renner
9986 Manchester Road
St. Louis, MO 63122

RE: Case Number: 2012-0246-SPHA, Address: 7938 Eastern Avenue

Dear Mr. Renner:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:jaf

Enclosures

c: People's Counsel
Jason T. Vettori, Smith, Gildea & Schmidt, Suite 200, 600 Washington Ave., Towson, MD 21204
Mark Hallacher, 3 Quarry Road, Reading, PA 19605

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



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

Date: 4-19-12

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

RE: Baltimore County
Item No. 2012-0246-SPHA
Special Hearing Variance
Mathias Reiter
7933 Eastern Avenue.

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 4-16-12. A field inspection and internal review reveals that an entrance onto MD150 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2012-0246-SPHA.

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,

A handwritten signature in blue ink, appearing to read 'Steven D. Foster', is written over a horizontal line.

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



PERMITS, APPROVALS AND INSPECTIONS
111 W. Chesapeake Avenue, Room 119
Towson, Maryland 21204
Tel: 410.887.3751 Fax: 410.887-2877

Kevin Kamenetz., County Executive
Arnold Jablon., Director

INTER-OFFICE CORRESPONDENCE

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

FROM: Dennis Kennedy^{DAK}, P.E., Supervisor
Development Plans Review

SUBJECT: Eastpoint Center
ZAC #12-246 SPHA
Petitioner: Matthias D. Renner
Requested Action: Variance and Special Hearing

DATE: May 4, 2012

Please disregard our previous "No Comment" submission dated April 26, 2012.

In response to the petitioner's request for a sign variance and approval of a modified parking plan on the above captioned site, we offer the following comments:

1. Remove five (5) parking spaces along the Eastern Avenue frontage that are located within the required 10-foot landscape buffer.
2. Provide a landscape plan for the site, to comply with sections III.A., B and E of the Landscape Manual for the parking lot area and along both Rolling Mill and Eastern Avenue street frontages.

Please call Jean Tansey at 410-887-3751 to make an appointment to discuss planting options for the site.

DAK:JMST

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 26, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For April 30, 2012
Item Nos. 2012-0208, 0241, 0242, 0243, 0244, 0245, 0246, 0247, 0248,
0249, 0250 And 0252.

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-04302012-NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 2, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 7938 Eastern Avenue

INFORMATION:

Item Number: 12-246
Petitioner: Matthias D. Renner
Zoning: DR 5.5
Requested Action: Variance and Special Hearing

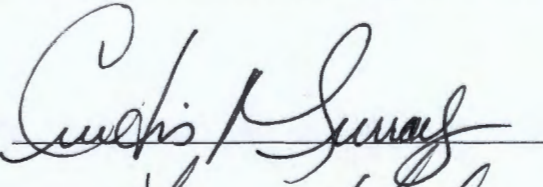
SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning supports the requested sign variances for the Redner's Market. This department also recommends approval of the requested modified parking plan under the subject special hearing provided the following conditions are met:

1. Remove parking spaces (5) along Eastern Avenue that are located within the required 10-foot landscape buffer.
2. Provide safe pedestrian connection to the various uses on the subject site, especially from Rolling Mill Road to the building to serve the primary residential community on the other side of Rolling Mill Road.
3. Provide a landscape plan for the subject site; attention should also be given to the perimeter of the property, which border the public right-of-way.
4. Remove parked/ displayed vehicles and parking in general from the right-of-way along Rolling Mill Road.

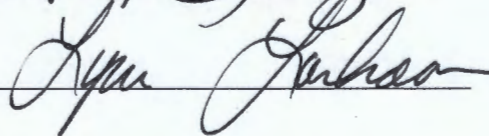
For further information concerning the matters stated here in, please contact Curtis Murray at 410-887-3480.

Prepared by:



Division Chief:

AVA/LL: CM



BALTIMORE COUNTY, MARYLAND

Interoffice Memorandum

DATE: April 9, 2012

TO: Zoning Commissioner and File

FROM: Leonard Wasilewski
Planner II, Zoning Review

Subject: Redner's Markets Inc.
Eastpoint Center
7933 Eastern Avenue

Reference: 2012-0246-SPHA

- A. For clarification, this office accepted a Special Hearing and Variances for a revised parking plan and wall signs at the subject locations.
- B. The petitioner was advised prior to filing that the entire shopping centers wall signs should be exhibited to ensure the other stores in the shopping center are in compliance. Additionally, I requested an exhibit that included the free standing signs with their dimensions to determine if they would be in compliance with Section 450 of the Baltimore County Zoning Regulations. (BCZR).
- C. I also provided a copy of the sunset affidavit, (Section 450.8.D attached), to the attorneys representing the owners of the shopping center to let them know that the center has signs that were erected under Section 413 of the BCZR that do not comply with the current law and require variances or removal prior to October 19, 2012.
- D. The petitioners attorney advised me that he would inform the property owners and the petitioners of the sign sunset regulation.
- E. Please call me if you have any questions. (410-887-3391)

LW



KEVIN KAMENETZ
County Executive

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

Sign Acknowledgement & Agreement

Section 450.8.D.1 and 450.8.D.5
Baltimore County Zoning Regulations

450.8.D: Abatement.

1. Section 450.1.A, requires all nonconforming signs to be brought into compliance or be removed within a certain time limit. Sign owners are encouraged to comply immediately with Section 450 and will be given a reasonable time period to recover their investments in existing signage. Therefore be advised, except for enterprise signs in residential zones and temporary signs, all legally nonconforming signs, including those approved by variance pursuant to Section 307 of these regulations, must be removed, at no expense to the county, no later than 15 years from the effective date of Bill No. 89-1997.

5. [Bill No. 139-2006]

"a. Unless precluded by state law, the Director, Department of Permits, Approvals & Inspections may hold the owner of a sign or any entity identified on a sign responsible for removal of the sign if removal is required under these regulations. The sign may also be removed by the County in any manner provided by law."

"b. The Director may hold the property owner or the campaign treasurer responsible for removal of political signs."

I/we are the property owner/business owner listed below and have carefully read the above regulation and certify that any sign permit that was/is issued under Section 413 of the Baltimore County Zoning Regulations (BCZR) and does not comply with Section 450 of the BCZR will be brought into compliance by performing one of following: (1) removing the sign, (2) altering the signs size/location, or (3) applying for a new sign variance, and obtaining a new permit prior to **October 19, 2012**. **If a variance is applied for prior to the compliance date, the sign may remain until the variance is granted.**

(print)
Business Name _____

(print)
Property Owners Name _____

Business Owners Name
And Mailing Address _____

Property Owners Address _____

Signature _____
Business Phone No. () _____

Signature _____

Case No.:

2012-246-SPHA

Exhibit Sheet

Petitioner/Developer

Protestant

5/30/12
PZ

DJ
4/24/12

No. 1	1A + 1B 2 sheet SITE PLAN	
No. 2	BC Zoning Map	
No. 3	Aerial Exhibit	
No. 4	4A - 4H Color Photos	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



Pet 9A

Det 45



Ref 11c

EASTPOINT
CENTER

\$6 TUESDAYS!!
ALL MOVIES AND 3D
ALL SHOWTIMES \$6

EASTPOINT 10
CINEMAS
DIGITAL & 3D PROJECTION
410 **284-3100**
EASTPOINT10.COM

GOODWILL
SUPER STORE
DOLLAR BUYS
WORKERS DEVELOPMENT CENTER



4D
Pet 4D



Ref 41E





7421 4 4F

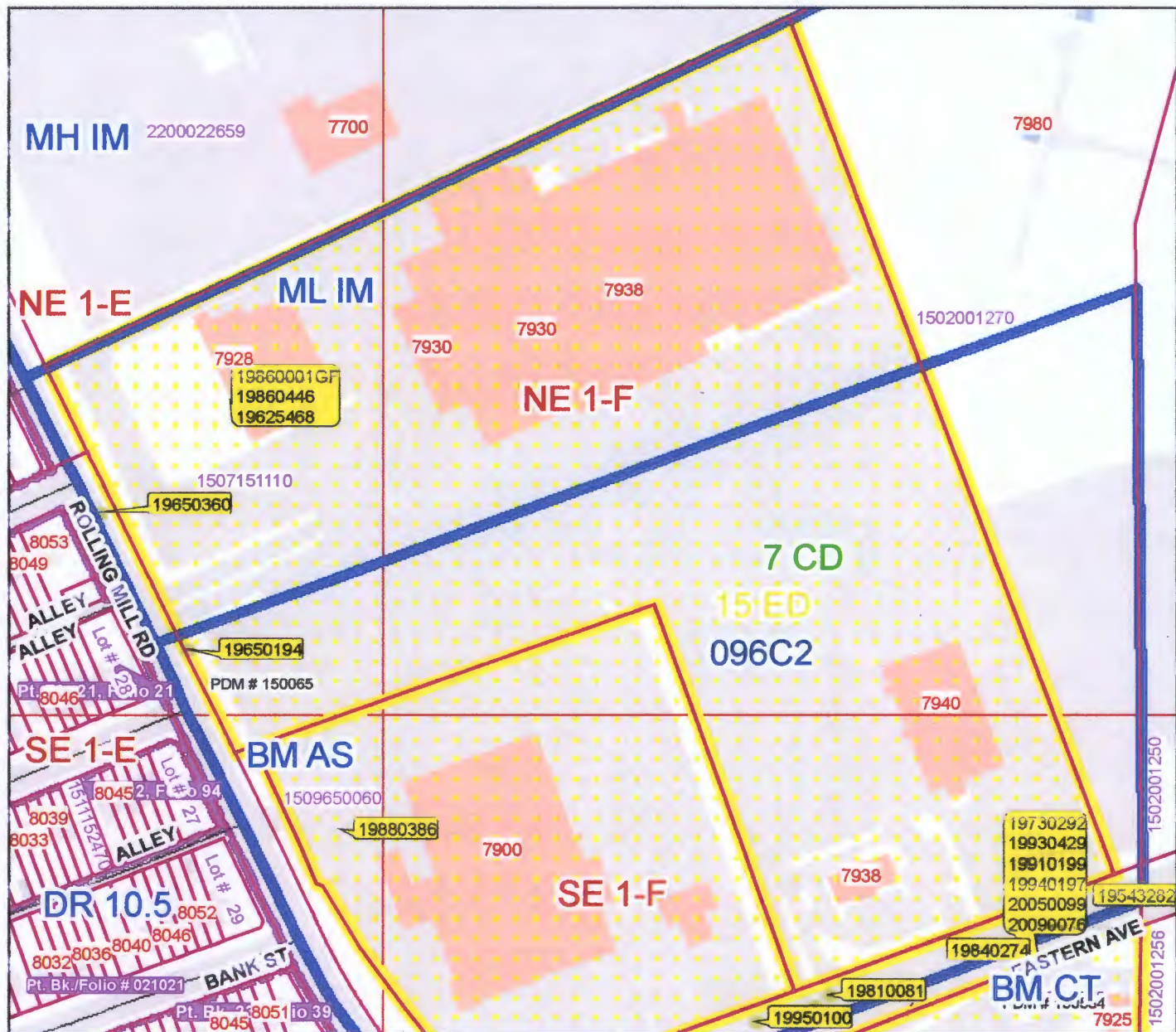
Pet 4G



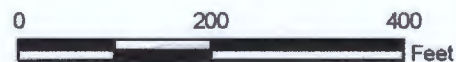
Pet ~~44~~
44



7933 Eastern Avenue 2012-0246-SPHA



Publication Date: April 09, 2012
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



1 inch = 200 feet

Partial Storefront Elevation with Proposed Signage. Scale: 3/16"=1'-0". Redner's WAREHOUSE MARKETS. 15.74' x 29.89' = 470.46 sq ft. Channel Letters Details: 52" REDNER'S ILLUMINATED CHANNEL LETTERS AND 16" WAREHOUSE MARKETS ILLUMINATED CHANNEL LETTERS FABRICATED FROM .040 ALUMINUM. INTERNAL ILLUMINATION BY MULTIPLE-ROW OF RED LED'S. LETTER FACES FABRICATED FROM 3/16" RED PLEXIGLAS WITH 1" GOLD TRIP CAP EDGING. ALL POWER SUPPLIES AND LOW VOLTAGE WIRING TO BE CONCEALED IN CLOSED ALUMINUM HOUSINGS BEHIND THE STORE FRONT. SIGNAGE AND COMPONENTS TO BE FABRICATED TO U.L. SPECIFICATIONS LISTED AND LABELED U.L. #908921 FILE #E8667.

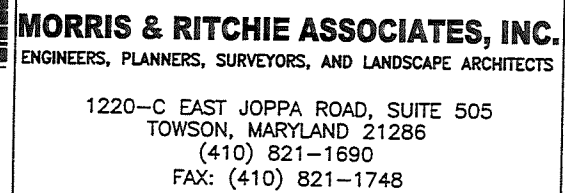
Partial Storefront Elevation with Proposed Signage. Scale: 3/8"=1'-0". EMPLOYEE OWNED. OPEN 24 HOURS. SIGN CABINET DETAILS: 3'-0" HIGH BY 12'-0" LONG SINGLE-FACE ILLUMINATED SIGN CABINETS FABRICATED FROM ALUMINUM EXTRUSION. INTERNAL ILLUMINATION BY 800 mA HIGH-OUTPUT LIGHTING. SIGN FACES FABRICATED FROM 3/16" FLAT LEXAN WITH COPY WITH GRAPHICS APPLIED TO FIRST SURFACE USING 3M TRANSLUCENT VINYL. SIGNAGE AND COMPONENTS TO BE FABRICATED TO U.L. SPECIFICATIONS LISTED AND LABELED U.L. #908921 FILE #E8667.

Partial Storefront Elevation with Proposed Signage. Not to Scale. Increased Square Footage Option. VARIANCES #1 & #2 (SEE DETAILS ON SHEET 2 OF 2). Redner's WAREHOUSE MARKETS. 15.74' x 29.89' = 470.46 sq ft.

ZONING HISTORY. PURSUANT TO BILL NO. 89-1997, THE COUNTY'S SIGN REGULATIONS WERE CHANGED. THE NEW SIGN REGULATIONS (BCZR & 450) PROVIDED THAT ZONING RELIEF FOR SIGNAGE WHICH WAS APPROVED UNDER THE PRIOR SIGN REGULATIONS (BCZR & 413) MUST BE REMOVED, AT NO EXPENSE TO THE COUNTY, NO LATER THAN 15 YEARS FROM THE EFFECTIVE DATE OF BILL NO. 89-1997. THEREFORE, PROVIDED THERE IS NO CHANGE TO THE AFOREMENTIONED ABATEMENT PERIOD, ALL SIGNAGE WILL NEED TO BE REMOVED OR BROUGHT INTO COMPLIANCE WITH THE CURRENT SIGN REGULATIONS NO LATER THAN 15 YEARS FROM THE EFFECTIVE DATE OF BILL NO. 89-1997.

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS. TO THE ZONING COMMISSIONERS OF BALTIMORE COUNTY. I, or we, Baltimore Partnership, legal owner of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413.2 (1), NO. 89-1997, to permit 7 signs on premises in lieu of the permitted 3 and to permit 394.5 total square feet in lieu of the permitted 100 square feet and a Variance from Section 450.2b(3) to the permitted 100 square feet in lieu of the required 1016 spaces. 81-01-A. ORDER RECEIVED FOR FILING. DATE: 04/02/2012 BY: [Signature]

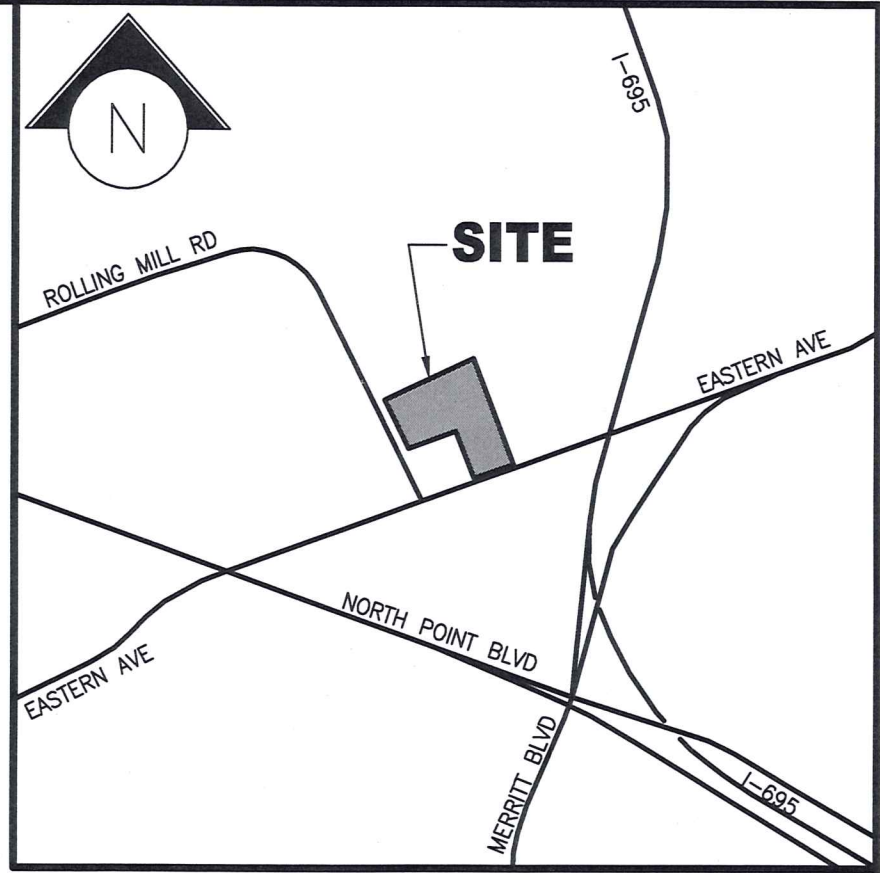
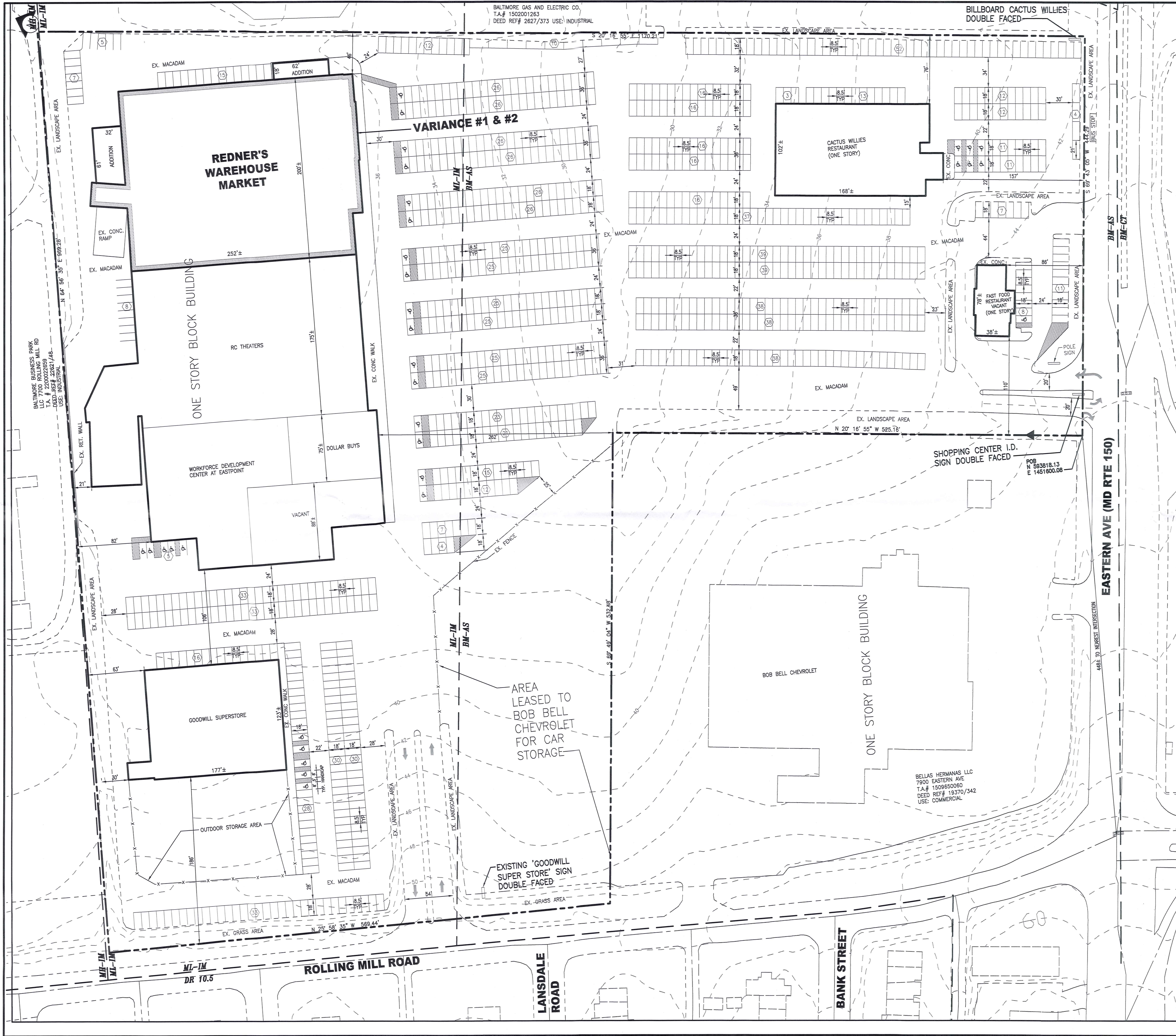
ZONING HISTORY. 95-100-A. 96-384-X. ORDER RECEIVED FOR FILING. DATE: 04/02/2012 BY: [Signature]. MORRIS & RITCHIE ASSOCIATES, INC. ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS. 1220-C EAST JOPPA ROAD, SUITE 505 TOWSON, MARYLAND 21286 (410) 821-1690 FAX: (410) 821-1748 MRAGTA.COM. PLAN TO ACCOMPANY SPECIAL HEARING AND VARIANCE APPLICATION EASTPOINT CENTER 7938 EASTERN AVE. BALTIMORE COUNTY, MARYLAND 15 TH ELECTION DISTRICT 7 TH COUNCILMANIC DISTRICT. DATE: 04/02/2012. SCALE: 1"= 50'. JOB NO.: 17418. DRAWN BY: MLE. DESIGN BY: WPM. REVIEW BY: WPM. SHEET: 2 OF 2.



7938 EASTERN AVENUE

BALTIMORE COUNTY, MARYLAND

JOB NO. : 17418



SITE NOTES

- 1. OWNER: GEM OF BALTIMORE - EAST INC. 1830 CRAIG PARK CT. SUITE 101 ST LOUIS, MO 63146-4146 PHONE # ADDRESS - 7938 EASTERN AVE
- 2. PLAN PREPARED BY: MORRIS & RITCHIE ASSOCIATES, INC. 1220-C E. JOPPA RD, SUITE 505 TOWSON, MD 21286 (410) 821-1690 ATTN: BILL MONK
- 3. SITE DATA: A. LOCATION: ADC MAP 4820, GRID J-3 B. ELECTION DISTRICT: 15TH C. COUNCILMANIC DISTRICT: 7TH D. BALTIMORE COUNTY SOILS SURVEY MAPS: 96 E. TAX MAP: 96 F. PARCELS: 133 G. TAX ACCOUNT #: 1507151110 H. DEED REFERENCES: 7648/688 I. CENSUS TRACT: 4523.00 J. WATERSHED: 21 BACKRIVER K. SUBSEWERSHED: 40 L. EXISTING ZONING: ML-IM, BM-AS M. PROPOSED BUILDING HEIGHT: NOT TO EXCEED 40' N. ZONING MAP #: 96C2 O. LOT AREA: NET 848,056 SF (19.5 AC±) GROSS: 872,639 SF (20.1 AC)
- 4. BUILDING AREA AND PARKING REQUIREMENTS: GOODWILL (RETAIL) 19,033 SF @ 5/1000 95 REDNER'S (RETAIL) 56,130 SF @ 5/1000 280 STATE OF MD (OFFICE) 20,141 SF @ 3.3/1000 67 DOLLAR GENERAL (RETAIL) 7,531 SF @ 5/1000 38 VACANT (RETAIL) 11,089 SF @ 5/1000 55 RC THEATER (THEATER) 42,039 SF @ 1/6 SEATS 531 CACTUS WILLIES (RESTAURANT) 17,800 SF @ 16/1000 285 VACANT (RESTAURANT) 3,057 SF @ 16/1000 49
- 6. FLOOR AREA RATIO: MAXIMUM PERMITTED 2.0 PROPOSED 0.22
- 7. BUILDING SETBACKS (NO EXPANSION/ALTERATION OF BUILDING(S) ARE PROPOSED): FRONT 70± 268' INTERIOR SIDE 30' 106' *REAR 30' 21' CORNER SIDE 30' 47'
- 8. PER ZONING CASE NO. 95-100-A
- 9. MASS TRANSIT ADJUSTMENT: N/A
- 10. AMENITY OPEN SPACE: N/A
- 11. PREVIOUS COMMERCIAL PERMITS: B193746 4/11/94 FOR INTERIOR ALTERATIONS FROM RETAIL TO MOVIE THEATER. B770386 09/02/11 INTERIOR DEMO & ALTERATIONS; B771771 09/26/11 CONSTRUCT COOLER ADDITION TO SIDE AND COOLER ADDITION TO REAR.
- 12. A VARIANCE TO THE FOREST CONSERVATION LAW WAS GRANTED BY BALTIMORE COUNTY DEPS TO BASE AFFORESTATION REQUIREMENTS ON THE LIMIT OF DISTURBANCE RATHER THAN THE ENTIRE SITE. ALL FOREST CONSERVATION REQUIREMENTS SHALL BE MET PRIOR TO ISSUANCE OF ANY PERMIT. ANY FUTURE DEVELOPMENT ACTIVITY AT THE PROPERTY MAY REQUIRE FULL COMPLIANCE WITH THE COUNTYS FOREST CONSERVATION LAW.
- 13. THIS SITE IS NOT IN ANY FAILED BASIC SERVICE AREAS
- 14. THIS SITE IS NOT WITHIN THE 100 YEAR FLOODPLAIN.
- 15. THIS SITE HAS NO ACTIVE ZONING VIOLATIONS.
- 16. ALL PRIOR ZONING CASES ARE NOTED ON SHEET 2 OF 2.

REQUESTS FOR RELIEF FROM BCZR VARIANCE

- 1. 450.4 ATTACHMENT 1.5(d)(VI) OF THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR) TO PERMIT (3) WALL-MOUNTED ENTERPRISE SIGNS FOR THE FACADE OF REDNER'S MARKET (A SEPARATE COMMERCIAL ENTITY OF A MULTI-TENANT RETAIL BUILDING WITH AN EXTERIOR CUSTOMER ENTRANCE) IN LIEU OF THE PERMITTED (1) SIGN; AND
 - 2. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.
- SPECIAL HEARING
- 1. A MODIFIED PARKING PLAN PURSUANT TO SECTION 409.12 OF THE BCZR; AND
 - 2. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748
MRAGTA.COM

**PLAN TO ACCOMPANY
SPECIAL HEARING AND VARIANCE APPLICATION
EASTPOINT CENTER
7938 EASTERN AVE.**

BALTIMORE COUNTY, MARYLAND
15 TH ELECTION DISTRICT 7 TH COUNCILMANIC DISTRICT

DATE	REVISIONS	JOB NO.: 17418
		SCALE: 1"= 50'
		DATE: 04/02/2012
		DRAWN BY: MLE
		DESIGN BY: WPM
		REVIEW BY: WPM
		SHEET: 1 OF 2