



KEVIN KAMENETZ
County Executive

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

July 5, 2012

G. SCOTT BARHIGHT, ESQUIRE
ADAM D. BAKER, ESQUIRE
WHITEFORD, TAYLOR & PRESTON, L.L.P.
TOWSON COMMONS, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MD 21204-5025

RE: Petition for Variance
Case No.: 2012-0281-A
Property: 5325 Campbell Blvd.

Dear Messrs. Barhight and Baker:

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 dark ink, appearing to read "JEB", is written over the name John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

Enclosure

IN RE: PETITION FOR VARIANCE

SE side of Campbell Blvd.; 1,200'
1,200' NE of Philadelphia Road
14th Election District
6th Council District
(5325 Campbell Blvd.)

Campbell Boulevard I Business Trust
Legal Owners
Merritt Athletic Clubs LLC
Contract Purchaser/Lessee
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
*
* **CASE NO. 2012-0281-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 G. Scott Barhight, Esquire on behalf of the legal owner, Campbell Boulevard I Business Trust and the contract purchaser/lessee, Merritt Athletic Clubs LLC ("Petitioners"). The Petitioners are requesting Variance relief from Section 409.6.A.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a total of 264 parking spaces for a health/fitness/athletic club with an accessory commercial swimming pool in lieu of the required 425 parking spaces. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 4.

Appearing at the public hearing in support of the variance request was Terry Dezzutti for Merritt Athletic Clubs LLC and Stuart Foard for Merritt Properties, James Matis of Matis Warfield Consulting Engineers, the engineering firm that prepared the site plan, and Wes Guckert of The Traffic Group. G. Scott Barhight, Esquire attended as Counsel for the contract purchaser/lessee and Adam D. Baker, Esquire attended and represented legal owners. The file reveals that the Petition was properly advertised and the site was properly posted as required by the B.C.Z.R. There were no

Protestants or other interested persons in attendance, and the file does not contain any letters of

ORDER RECEIVED FOR FILING

Date 7-5-12

By DW

opposition or protest.

A ZAC comment was received from the Department of Planning, requesting that Petitioners install sidewalks throughout the site and along Campbell Blvd. Petitioners indicated they were amenable to that request.

Testimony and evidence revealed that the subject property is of irregular dimensions, approximately 5 acres in size, and undeveloped. The Petitioners would like to construct a fitness/athletic club on the site which Terry Dezzutti (who has managed all of Merritt's clubs for 16 years) described as being a "low volume, high price" club. Mr. Dezzutti explained that the facility would be similar to Merritt's clubs in Towson and Eldersburg, and that in such a suburban model, the club would cater to families and in atmosphere would be akin to a country club. Mr. Dezzutti testified that in his experience Merritt employs a parking ratio of five or six spaces per 1,000 square feet and he said that the other clubs he manages have had no parking problems whatsoever at this ratio.

Petitioners next presented testimony from traffic engineering expert Wes Guckert. Mr. Guckert explained that the Institute for Transportation Engineering employs, as a national standard, a ratio of 6.0 spaces per 1,000 square feet for athletic clubs, while the Petitioners propose a slightly higher ratio of 6.7 per 1,000 square feet. Mr. Guckert testified that his firm performed parking lot occupancy counts for Merritt's Towson and Eldersburg clubs, and determined that Towson functioned at a ratio of 4.6 per 1,000 square feet and Elderburg at 3.4 per 1,000 square feet. In light of the above, he opined Petitioners were providing ample parking for the proposed use.

Petitioners' final witness was James Matis, P.E., who was accepted as an expert in the B.C.Z.R. and parking regulations. Mr. Matis testified he prepared the site plan for the case (Exhibit 4) and was quite familiar with the site. He explained that the five acre parcel at issue here was

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Date 7-5-12

By JDW

unique, in that it had very limited frontage on Campbell Blvd., and was situated behind other properties which imposed certain site constraints. He opined that the variance relief would not be detrimental to the surrounding community, and that Petitioners would suffer a hardship if relief was denied, since they would be unable to construct the club at this site.

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, as discussed above. In fact, I do not believe the variance relief will have any deleterious impact upon the surrounding community.

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 5 day of July, 2012, by this Administrative Law Judge, that Petitioners' Variance request from Section 409.6.A.4 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a total of 264 parking spaces for a health/fitness/athletic club with an accessory commercial swimming pool in lieu of the required 425 parking spaces, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

ORDER RECEIVED FOR FILING

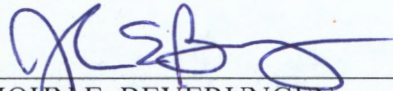
Date 7-5-12

By [Signature]

1. The Petitioners may apply for a building permit and may be granted same upon receipt of this Order. However the Petitioners are hereby made aware that proceeding at this time is at his 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.
2. Compliance with the ZAC comments made by the Department of Planning dated May 31, 2012, a copy of which is attached hereto and made a part hereof.

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

JEB:pz



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 7-5-12

By aw

7-3 10am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 31, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 5325 Campbell Boulevard

INFORMATION:

Item Number: 12-281

Petitioner: Campbell Boulevard I Business Trust

Zoning: ML

Requested Action: Variance

RECEIVED

MAY 31 2012

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning does not oppose the petitioner's variance request provided the pedestrian circulation for the subject site is upgraded. To address this condition, the petitioner shall provide sidewalks along Campbell Boulevard and the use in common "private access drive" frontages.

The subject property is also the subject of a pending CZMP zoning issue #6-006. The applicant has petitioned for the existing ML zoning designation to be changed to BM zoning.

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

Prepared by:

Division Chief:
AVA/LL: CM

ORDER RECEIVED FOR FILING

Date

7-5-12

By

dw



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 5325 Campbell Boulevard which is presently zoned ML (BM)
 Deed References: Liber 24613, Folio 474
 Property Owner(s) Printed Name(s) Campbell Boulevard I Business Trust *Penning*

(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 a

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

3. **X** a **Variance** from Section(s) 409.6.A.4.

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) (see attached)

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:

Merritt Athletic Clubs, LLC
 c/o Merritt Properties, LLC

Name - Type or Print

Signature

2066 Lord Baltimore Dr., Balto., MD.

Mailing Address

21244-2501

City

410-298-2600

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

G. Scott Barhight, Esquire

Name - Type or Print

Signature

One West Pennsylvania Ave., Suite 300, Towson, Maryland

Mailing Address

21204

City

410-832-2050

State

gsbarhight@wtplaw.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Campbell Boulevard I Business Trust

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

6711 Columbia Gateway Dr., St. 300, Columbia, MD.

Mailing Address

21046

City

443-285-5400

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Adam D. Baker, Esquire

Name - Type or Print

Signature

One West Pennsylvania Ave., Ste. 300

Towson, MD 21204

Mailing Address

21204

City

Telephone #

Email Address

Zip Code

410-832-2052

abaker@wtplaw.com

CASE NUMBER 2012 0281-A Filing Date 5/4/12 // Do Not Schedule Dates: n/a 4/25-4/29

Reviewer JCM

REV. 10/4/11

ORDER RECEIVED FOR FILING

Date

7-5-12

By

[Signature]

PETITION FOR ZONING HEARING
5325 Campbell Boulevard

Variance Relief Requested:

1. Permit a variance from Section 409.6.A.4 of the Baltimore County Zoning Regulations to permit a total of 264 parking spaces for a health/fitness/athletic club with an accessory commercial swimming pool in lieu of the required ~~415~~ parking spaces

425

Other good and sufficient reasons will be presented at the hearing for the requested relief.

2002270

May 1, 2012

**Description to Accompany Zoning Petition
for Portion of Property to be Subject to Variance
Part of Lot 2 Section H White Marsh Community
No. 5325 Campbell Boulevard
Election District No.14
Baltimore County, Maryland**



Beginning for the same on the south side of Campbell Boulevard, at a point located North 54° 33' West 876 feet, more or less, from the point of intersection of the centerlines of Campbell Boulevard and Philadelphia Road-Maryland Route 7, running thence and leaving the south side of Campbell Boulevard for the ten following courses viz:

1. **South 40° 56' 18" West 279.21 feet** to a point, thence
2. **South 49° 03' 42" East 342.97 feet** to a point, thence
3. **South 40° 56' 18" West 18.00 feet** to a point, thence
4. **South 49° 03' 42" East 385.51 feet** to a point, thence
5. **South 39° 37' 56" West 54.53 feet** to a point, thence
6. **North 74° 55' 23" West 99.35 feet** to a point, thence
7. **South 88° 14' 37" West 253.00 feet** to a point, thence
8. **South 88° 04' 37" West 112.24 feet** to a point, thence
9. **North 49° 03' 42" West 420.10 feet** to a point, thence
10. **North 40° 56' 18" East 639.54 feet** to a point on the south side of Campbell Boulevard, running thence and binding along the south side of Campbell Boulevard
11. by a curve to the right having a **radius of 6943.00 feet for an arc distance of 48.12 feet** to the place of beginning.

Containing 5.3223 acres more or less.

This description is intended for zoning purposes only and is not intended for use in conveyance of land.



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

No. **83447**

Date: **5/4/12**

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

Total: **385.00**

WHITEHEAD, TAYLOR, ET AL LLP

2012-0281-A

ATTENTION

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

PAID RECEIPT

BUSINESS ACTION TIME DAY
 5/07/2012 5/04/2012 10:29:37 2
 006 0000 WALKER DRUG CO
 RECEIPT # 420040 5/04/2012 DELH
 Dept 5 528 00000 VERIFICATION
 ID NO. 003447
 Recpt Tot 385.00
 4305.00 CF 1.00 CF
 Baltimore County, Maryland

CASHIER'S
 VALIDATION

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 06/13/ 2012

Case Number: 2012-0281-A

Petitioner / Developer: G. SCOTT BARHIGHT, ADAM BAKER, ESQ.~
MERRITT PROPERTIES~CAMPBELL BLVD. BUSINESS TRUST

Date of Hearing (Closing): JULY 3, 2012

This is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property located at:
5325 CAMPBELL BOULEVARD

The sign(s) were posted on: JUNE 12, 2012



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
5235 Campbell Boulevard; SE/S of Campbell		
Boulevard, 1,200' NE of Philadelphia Road	*	OF ADMINSTRATIVE
14 th Election & 6 th Councilmanic Districts		
Legal Owner(s): Campbell Boulevard I	*	HEARINGS FOR
Business Trust		
Contract Purchaser(s): Merritt Athletic Club	*	BALTIMORE COUNTY
Petitioner(s)		
	*	2012-281-A

* * * * *

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

MAY 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 May, 2012, a copy of the foregoing Entry of Appearance was mailed to G Scott Barhight, Esquire, One West Pennsylvania Avenue, Suite 300, 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

June 5, 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: 2012-0281-A

5325 Campbell Boulevard

S/e side of Campbell Boulevard, 1,200 ft. +/-NE of Philadelphia Road

14th Election District – 6th Councilmanic District

Legal Owners: Campbell Blvd I Business Trust

Contract Purchaser/Lessee: Merritt Athletic Clubs, LLC, c/o Merritt Properties, LLC

Variance to permit a total of 264 parking spaces for a health/fitness/athletic club with an accessory commercial swimming pool in lieu of the required 425 parking spaces.

Hearing: Tuesday, July 3, 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: G. Scott Barhight, Adam Baker, One West Pennsylvania Avenue, Ste. 300, 21204
Merritt Properties, 2066 Lord Baltimore Dr., Baltimore 21244-2501
Campbell Blvd. Business Trust, 6711 Columbia Gateway Dr., Ste. 300, Columbia 21046

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JUNE 13, 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.

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Case: # 2012-0281-A

5325 Campbell Boulevard

S/e side of Campbell Boulevard, 1,200 ft. +/-NE of Philadelphia Road

14th Election District - 6th Councilmanic District

Legal Owner(s): Campbell Blvd. I Business Trust

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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.

IT/6/278 June 12

304124

CERTIFICATE OF PUBLICATION

6/14/, 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 6/12/, 2012.

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

S. Wilkinson

LEGAL ADVERTISING

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 12, 2012 Issue - Jeffersonian

Please forward billing to:

Adam Baker
1 W. Pennsylvania Avenue, Ste. 300
Towson, MD 21204

410-832-2052

NOTICE OF ZONING HEARING

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5325 Campbell Boulevard

S/e side of Campbell Boulevard, 1,200 ft. +/-NE of Philadelphia Road

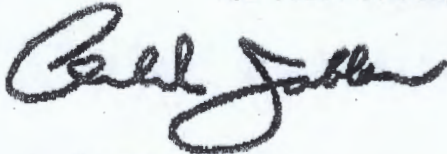
14th Election District – 6th Councilmanic District

Legal Owners: Campbell Blvd I Business Trust

Contract Purchaser/Lessee: Merritt Athletic Clubs, LLC, c/o Merritt Properties, LLC

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105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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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: 2012-0281-A
Petitioner: MERRITT ATHLETIC CLUBS LLC c/o MERRITT PROPERTIES LLC
Address or Location: 5325 CAMPDEN BOULEVARD

PLEASE FORWARD ADVERTISING BILL TO:

Name: ADAM BAKER
Address: 1 W. PENNSYLVANIA AVE, STE 300
TOWSON, MD 21204
Telephone Number: 410.832.2052

Revised 2/17/11 DT

M E M O R A N D U M

DATE: August 7, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0281-A - Appeal Period Expired

The appeal period for the above-referenced case expired on August 6, 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 5325 Campbell Blvd.
CASE NUMBER 2012-281-A
DATE 7-3-12

[illegible]

The Traffic Group

7-3 10am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 31, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 5325 Campbell Boulevard

INFORMATION:

Item Number: 12-281

Petitioner: Campbell Boulevard I Business Trust

Zoning: ML

Requested Action: Variance

RECEIVED

MAY 31 2012

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning does not oppose the petitioner's variance request provided the pedestrian circulation for the subject site is upgraded. To address this condition, the petitioner shall provide sidewalks along Campbell Boulevard and the use in common "private access drive" frontages.

The subject property is also the subject of a pending CZMP zoning issue #6-006. The applicant has petitioned for the existing ML zoning designation to be changed to BM zoning.

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

Prepared by:

Division Chief:
AVA/LL: CM

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment5-17DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)ncDEPS
(if not received, date e-mail sent _____)

FIRE DEPARTMENT

5-31PLANNING
(if not received, date e-mail sent _____)comments5-15

STATE HIGHWAY ADMINISTRATION

no objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 6-18SIGN POSTING Date: 6-18 by O'Hee/pePEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

7/3
10Am**Debra Wiley - ZAC Comments - Distribution Mtg. of May 14th**

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 5/21/2012 12:56 PM
Subject: ZAC Comments - Distribution Mtg. of May 14th

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.

2012-0243-A - 6600 Baltimore National Pike
Hearing Date: 6/14 @ 10 AM

2012-0278-A - 60/58 Bond Avenue
No hearing date assigned in data base as of today

2012-0279-A - 3732 Parkfield Road
Administrative Variance - Closing Date: 5/28

2012-0280-A - 1703 Middleborough Rd.
No hearing date assigned in data base as of today

2012-0281-A - 5325 Campbell Blvd.
No hearing date assigned in data base as of today

2012-0282-A - 4105 Pine Hill Rd.
Administrative Variance - Closing Date: No date in data base

2012-0283-A - 180 Clinton Sq.
No hearing date assigned in data base as of today

2012-0287-A - 3822 New Section Rd.
Administrative Variance - Closing Date: 6/4

2012-0288-A - 5600, 5601, 5603 & 5605 Country Farm Rd.
No hearing date assigned in data base as of today

Thanks.

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



KEVIN KAMENETZ
County Executive

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

June 26, 2012

Campbell Boulevard I Business Trust
6711 Columbia Gateway Drive
Suite 300
Columbia MD 21046

RE: Case Number: 2012-0281 A, Address: 5325 Campbell Boulevard

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 4, 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." The signature is stylized with a large, flowing "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Adam D. Baker, Esquire, One W. Pennsylvania Avenue, Suite 300, Towson, MD 21204
Merritt Athletic Clubs, LLC c/o Merritt Properties LLC, 2066 Lord Baltimore Drive,
Baltimore, MD 21244-2501
G. Scott Barheight, Esquire, One W. Pennsylvania Avenue, Suite 300, Towson, MD 21204

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



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

Date: 5-15-12

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

RE: Baltimore County
Item No 2012-0281-A
Variance
Campbell Boulevard I
Business Trust
5325 Campbell Boulevard

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. 2012-0281-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,

A handwritten signature in dark ink, appearing to read 'Steven D. Foster', is written over a horizontal line. Below the signature, the text 'Steven D. Foster, Chief' and 'Access Management Division' is printed.

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: May 17, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For May 28, 2012
Item Nos. 2012-0243, 0278, 0279, 0280, 0281, 0282, 0283
And 0288

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-05282012-NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 31, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 5325 Campbell Boulevard

INFORMATION:

Item Number: 12-281

Petitioner: Campbell Boulevard I Business Trust

Zoning: ML

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

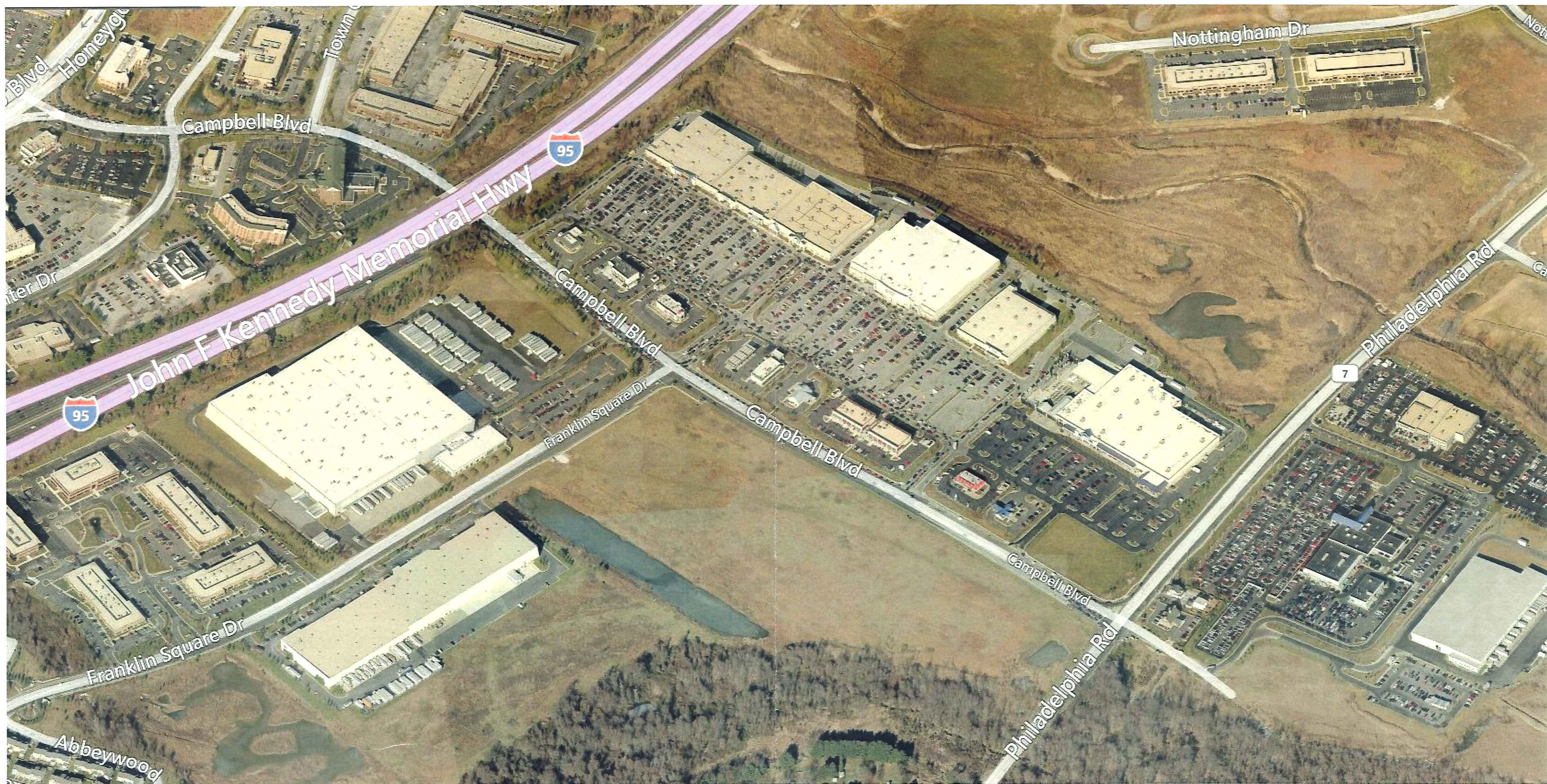
The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning does not oppose the petitioner's variance request provided the pedestrian circulation for the subject site is upgraded. To address this condition, the petitioner shall provide sidewalks along Campbell Boulevard and the use in common "private access drive" frontages.

The subject property is also the subject of a pending CZMP zoning issue #6-006. The applicant has petitioned for the existing ML zoning designation to be changed to BM zoning.

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

Prepared by:

Division Chief:
AVA/LL: CM



PETITIONER' S

EXHIBIT NO. _____

PETITIONER'S

EXHIBIT NO. 2



Merging Innovation and Excellence®

WES GUCKERT, PTP President

Wes Guckert is a recognized and well respected expert in the field of traffic engineering and transportation planning. Serving as a technical advisor in the areas of traffic impact analysis, traffic signal design, traffic circulation, access studies and transportation planning, Mr. Guckert has played a major role in over 6,000 projects spanning both urban and suburban areas primarily in the Mid-Atlantic area. Mr. Guckert has also provided consultation on projects throughout the United States, as well as internationally including, Mexico City, Indonesia, Dubai, South Africa and Istanbul. Early in his career, Mr. Guckert served for five years with the Maryland State Highway Administration Traffic Division. Prior to founding The Traffic Group, Inc., Mr. Guckert served as a traffic engineering consultant for eight years.

Mr. Guckert has provided consultation on numerous T.O.D. and mixed-use projects; each containing one to four million square feet of development.

Since founding The Traffic Group, Inc., Mr. Guckert has been responsible for providing a variety of traffic engineering services to both the public and private sector. He has directed the design and implementation of traffic access systems for numerous regional projects such as the National Business Park, Cole Field House at UMCP (Comcast Center), Largo Town Center, Wheaton Plaza, Salisbury Centre, Bowie New Town Center, Maple Lawn Farms, Montgomery Mall, Annapolis Mall, National Harbor, Greenbelt Metro Park, Traville, Fallsgrove, and King Farm. Mr. Guckert has undertaken Traffic and Transportation Studies for retailers including, Wal*Mart, Sam's Club, Target, Lowe's, Best Buy, Costco, and Home Depot.

In addition to Mr. Guckert's technical expertise, as a renowned expert in the field, he is often asked to serve as an expert witness, testifying before County and Municipal Boards, District Courts, and Planning Commissions on traffic engineering and transportation planning issues.

Job History

1985 - Present

President, The Traffic Group, Inc.

1977-1985

Traffic and Transportation Planning Consultant

1972-1977

Assistant Regional Traffic Engineer

Maryland State Highway Administration-Traffic Division

Educational Background

- *Bachelor of Science*
University of the State of New York
- *Civil Engineering Preparation*
Johns Hopkins University
Towson State University
Essex Community College
- *Traffic Engineering Courses*
Northwestern University Traffic Institute
University of Tennessee Transportation Center
University of Maryland

Affiliations

- American Planning Association (A.P.A.)
- Essex Community College Foundation
Former Board of Directors
- Carson Scholars Fund – Chairman
- Mad Hatter's Charity Foundation – Co-chair
- Home Builders Association of Maryland (HBAM)
- Institute of Transportation Engineers (I.T.E.) - Fellow
- International Council of Shopping Centers (ICSC)
- Subcommittee on Planning of the Smart Growth Commission
appointed by Governor Parris N. Glendening
- The M.U.S.E. Foundation – Former Board Member
- Transportation Research Board (T.R.B.)
- Urban Land Institute (U.L.I.)

I.T.E. Professional Committees

- Committee No. 5P-5 - Capacities of Multiple
Left-Turn Lanes
- Committee No. 5P-07 - Traffic Counting Practices
- Committee No. 5S-1 - Capacities of Triple
Left-Turn Lanes
- Internal Transportation Systems for Majority
Activity Centers

PETITIONER'S

EXHIBIT NO. 3

James E. Matis, P.E.
Principal

MATIS WARFIELD, INC.
CONSULTING ENGINEERS

10540 York Road Suite M
Hunt Valley, Maryland 21030

Professional Registration

Professional Engineer-State of Maryland-1991
PE 18848

Education

Catholic University of America - School of Architecture and Planning
Catonsville Community College - School of Architecture and Engineering
Associate of Arts Degree 1981

Professional Experience

Prior to forming MATIS WARFIELD, INC. in 1994, Mr. Matis was a Senior Associate with a Baltimore County based civil engineering firm. As a principal with Matis Warfield, Inc., Mr. Matis' responsibilities include project management, site development planning and design, grading and sediment control design, public and private infrastructure design, cost estimating and specification writing for commercial, industrial, institutional and residential land development projects.

As a result of his 31 years in the real estate development industry, Mr. Matis possesses a comprehensive knowledge of requirements and regulations for land development for the various jurisdictions in the Baltimore Metropolitan Area.

Mr. Matis has had extensive experience as an "expert witness" having testified before the Administrative Law Judge, Zoning Commissioner, Board of Appeals and Circuit Court in Baltimore County, Board of Municipal Zoning Appeals of Baltimore City, Board of Appeals of Howard County and Carroll County and the Planning Commissions / Planning Boards of Baltimore, Frederick and Howard Counties.

Professional Memberships

Homebuilders Association of Maryland.

Matis Warfield, Inc.
10540 York Road, Suite M
Hunt Valley, MD 21030

410.683.7004
410.683.1798 FAX
www.matiswarfield.com



KEVIN KAMENETZ
County Executive

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

May 29, 2012

James E. Matis, P.E.
Matis Warfield, Inc.
10540 York Road, Suite M
Hunt Valley, Maryland 21030

Dear Mr. Matis

RE: Zoning Verification, 5325 Campbell Boulevard, Athletic/Health/Fitness Club on ML Zone, 14th Election District

Pertaining to your letter concerning the above referenced matter, this Office agrees with your interpretation of the Zoning/Policy Manual regulations (Page 2-67), specifically, that Athletic/Health/Fitness Clubs are a use **permitted as a matter of right in the ML Zone**. When filing for future building or occupancy permits for this site/use, incorporate a copy of this letter on the submitted permit application site plan.

THE FOREGOING IS MERELY AN INFORMAL OPINION. IT IS NOT AN EXPERT OR LEGAL OPINION. IT IS NOT INTENDED TO BE RELIED ON AS EXPERT OR LEGAL ADVICE, AND IS NOT LEGALLY OR FACTUALLY BINDING ON BALTIMORE COUNTY OR ANY OF ITS OFFICIALS, AGENTS, OR EMPLOYEES. BALTIMORE COUNTY EXPRESSLY DISCLAIMS ANY AND ALL LIABILITY ARISING OUT OF, OR IN ANY WAY CONNECTED WITH THE INFORMATION PROVIDED IN THIS DOCUMENT, OR ANY INTERPRETATION THEREOF.

Sincerely,

A handwritten signature in blue ink, appearing to read "JCM", is written over the typed name of Joseph C. Merrey.

Joseph C. Merrey
Planner II
Zoning Review
410-887-3391

PETITIONER' S

EXHIBIT NO. 5

Case No.:

2012-281-A

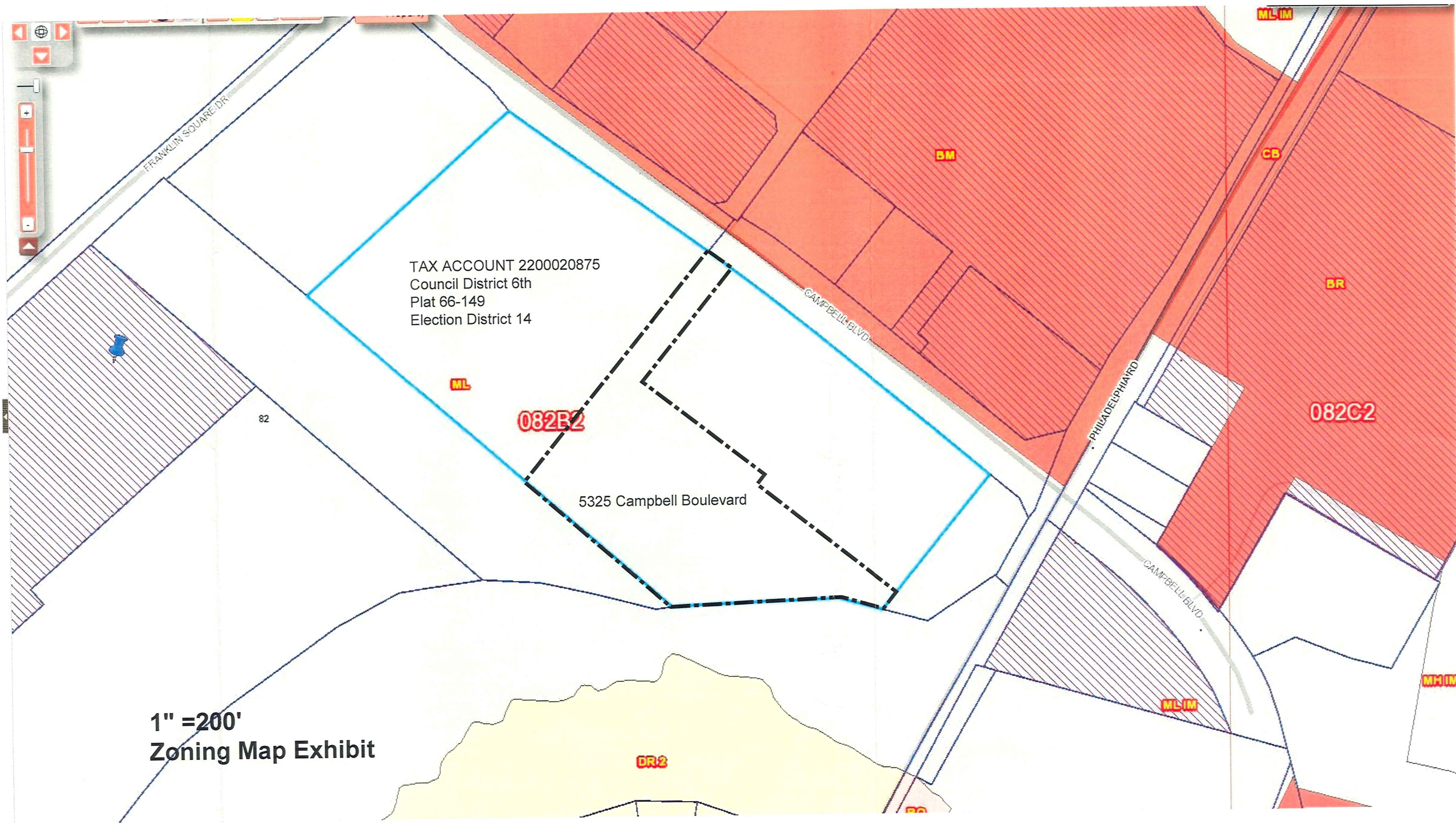
100 8/7/12

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Aerial Photo	
No. 2	Guckert CV	
No. 3	Matis CV	
No. 4	Site Plan	
No. 5	Zoning Letter dated 5/29/12	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



1" = 200'
Zoning Map Exhibit

