IN RE: PETITION FOR VARIANCE (130 West Ridgely Road)

8th Election District
3rd Councilmanic District
HRI/Lutherville Station LLC
Legal Owner
Petitioner

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2013-0101-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Jeffrey H. Scherr, Esquire, on behalf of the legal owner of the subject property, HRI/Lutherville Station LLC ("Petitioner"). The Petitioner is requesting Variance relief from Section 450.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), as follows:

- (1) South Entrance Joint Identification Sign (Zone BL)
 - (a) 237.86 sq. ft. of area per face in lieu of 150 sq. ft. of area per face,
 - (b) height of 25.75 ft. in lieu of 25 ft.
- (2) South Office Entrance Sign (Zone BL)
 - (a) 34.44 sq. ft. of area in lieu of 8 sq. ft. of area
- (3) North Office Entrance Sign (Zone BL)
 - (a) 34.69 sq. ft. of area in lieu of 8 sq. ft. of area
- (4) Free Standing Joint Indentification Sign (Zone BL)
 - (a) 180.14 sq. ft. of area per face in lieu of 150 sq. ft. of area per face,
 - (b) two free standing joint identification signs along the same frontage (West Ridgely Road) in lieu of one per frontage (South Entrance Joint Indentification Sign and Free Standing Joint Identification Sign).

(5) North Entrance Joint indentification Sign (Zone ML-M)

(a) height of 16 ft. in lieu of 12 ft.

ORDER RECEIVED FOR FILING

Date 12 13 16

By.

The subject property and requested relief is more fully depicted on the three (3) sheet site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing held for this case was David Leroy Taylor, Jr., with Dewberry & Davis LLC, the consulting firm that prepared the site plan. Jeffrey H. Scherr, Esquire, appeared and represented the Petitioner. 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 protest or opposition.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the file. There were no adverse comments submitted from any of the County reviewing agencies.

Testimony and evidence revealed that the subject property is 562,232 square feet (12.91 acres) and is zoned BL, BL CCC, ML IM, and RO. The site is improved with a shopping center and adjacent parking lots. The Petitioner seeks variance relief for a series of signs shown on the zoning plan, which is necessitated by the B.C.Z.R.'s sign abatement provisions. Each of the signs in question have been in place for many years without complaint.

Based upon the testimony and evidence presented, I will grant the request for variance relief. 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).

Petitioner has met this test. Petitioner's counsel argued the subject property is one of the most unique shopping center locations in Baltimore County, and I concur. The site is irregularly ORDER RECEIVED FOR FILING

Date

shaped, and the shopping center is located more than 1,000 feet from York Road. In addition, the center is situated in a "valley," and is behind other shopping center buildings which are adjacent to York Road. These factors make the property unique, and also heighten the need for adequate signage to direct motorists safely to the appropriate location.

If the B.C.Z.R. were strictly enforced, the Petitioner would indeed suffer a practical difficulty and/or hardship, given it would be unable to retain the existing signage. 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 lack of opposition from the community and the lack of negative comments from Baltimore County reviewing agencies. The signs at the center (each of which is shown on the 3 sheet plan) are dispersed throughout the 13 acre site, do not make the site appear cluttered, and contribute to pedestrian and vehicular safety.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted.

THEREFORE, IT IS ORDERED, this <u>13th</u> day of December, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance from Section 450.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), as follows:

(1) South Entrance Joint Identification Sign (Zone BL)

- (a) 237.86 sq. ft. of area per face in lieu of 150 sq. ft. of area per face,
- (b) height of 25.75 ft. in lieu of 25 ft.

(2) South Office Entrance Sign (Zone BL)

(a) 34.44 sq. ft. of area in lieu of 8 sq. ft. of area

| (3) North Office Entrance Sign (Zone BL) | ORDER RECEIVED FOR FILING |
|--|---------------------------|
|--|---------------------------|

Date____

By

(a) 34.69 sq. ft. of area in lieu of 8 sq. ft. of area

(4) Free Standing Joint Indentification Sign (Zone BL)

- (a) 180.14 sq. ft. of area per face in lieu of 150 sq. ft. of area per face,
- (b) two free standing joint identification signs along the same frontage (West Ridgely Road) in lieu of one per frontage (South Entrance Joint Indentification Sign and Free Standing Joint Identification Sign).

(5) North Entrance Joint indentification Sign (Zone ML-M)

(a) height of 16 ft. in lieu of 12 ft.

be and is hereby GRANTED.

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

JOHN E BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date_

By.



KEVIN KAMENETZ County Executive LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

December 14, 2012

Jeffrey H. Scherr, Esquire One South Street Suite 2600 Baltimore, Maryland 21202

RE:

Petition for Variance

Case No.: 2013-0101-A

Property: 130 West Ridgely Road

Dear Mr. Scherr:

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,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:sln Enclosure

An II

IN RE:

PETITION FOR VARIANCE
103 W. Ridgely Road
N & S side of W. Ridgely Road
1078.51' W of c/l York Road
8th Election District - 4th Councilmatic
Legal Owner(s): Baltimore County, Maryland
and Timonium Shopping Center
Contract Purchaser/Lessee:
Mass Transit Administration

* BEFORE THE ZONING COMMISSIONER OF

* BALTIMORE COUNTY

CASE NO. 96-481-A

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN/VARIANCE ORDER

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for the property located at 130 West Ridgely Road on the south and north sides of West Ridgely Road, off of York Road. The Joint Petition was filed by the owners of the properties, namely, Baltimore County, Maryland by Arnold Jablon, Esquire, and Timonium Shopping Center, Inc. by Michael C. Trenery, Vice President, through G. Scott Barhight, Esquire and David K. Gildea, Esquire, attorneys for Timonium Shopping Center, Inc. The Petition was also filed by the Contract Purchaser, Mass Transit Administration ("MTA") by Louis Pickney. The MTA is the contract purchaser of the property owned by Baltimore County, Maryland. Timonium Shopping Center, Inc. and the MTA joined in the Petition for Variance seeking relief from Section 409.6 A.2 to permit 1,034 parking spaces in lieu of the required 1,627 parking spaces for shared parking for a shopping center and a transit center. At the hearing, the Petitioners amended their Petition for Variance to seek relief from the same

Section 307.1 of the B.C.Z.R. has established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in *Cromwell v. Ward*, 100 Md. App. 691 (1995). The Opinion in that case, issued January 4, 1995 and authored by The Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is — in and of itself, unique and unusual in a manner different from the nature of the surrounding properties such that the uniqueness and particularity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties which surround the subject site so as to cause this applicable zoning provision to impact this proportionately upon this particular parcel of land.

Having satisfied this Court's first step, the applicant (petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the Appellate courts of this State."

In Loyola Federal Savings & Loan Ass'n v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to § 307.1 of the B.C.Z.R.

- (1) Where the compliance with the strict letter of restrictions governing area, set-backs, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose would render conformity with such restrictions unnecessarily burdensome;
- (2) Whether a grant of the variance applied for would do substantial justice to an applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief to the owner of the property involved and be more consistent with that afforded other property owners; and
- (3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson at p. 39. also See McLean v. Soley, 270 Md. 208, 214-15 (1973).

I find from the testimony and evidence presented at the hearing before me that the applicants have in fact proven the practical difficulty standards as set forth above and that the relief requested should be granted. The variance request is due to existing circumstances and is not created or exacerbated as a result of this redevelopment. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting of this relief is accomplished without injury to the public health, safety or general welfare.

Pursuant to the advertising posting of the property and public hearings held thereon, the relief requested in the Petition for Variance should be granted.

WHEREFORE, it is ORDERED by the Deputy Zoning Commissioner for Baltimore County this _______ day of July, 1996, that the Petition for Variance to

IN RE: PETITION FOR VARIANCE N/S Ridgely Road, 550 ft. W centerline of York Road 8th Election District 3rd Councilmanic District (130 W. Ridgely Road, York Ridge

Petitioners

Shopping Center)

KIMCO Realty Corporation By: Geoffrey H. Glazer, Vice President of Land, Legal Owner AND Gap, Inc., Lessee

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 05-107-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by KIMCO Realty Corporation, by Geoffrey H. Glazer, Vice President of Land, the legal owners of the subject property and Gap, Inc., Lessee. The Petitioners are requesting variance relief for property located at 130 W. Ridgely Road in the Timonium area of Baltimore County. Variance relief is requested from Section 450.4.1.5(d) of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow four (4) wall-mounted enterprise signs on a multi-tenant retail building in lieu of the permitted two, for 429 sq. ft. of signage in lieu of the allowable 271.50 sq. ft. for the "Old Navy" signs and 432 sq. ft. of signage in lieu of the allowable 271.50 sq. ft. for the "Borders" signs.

The property was posted with Notice of Hearing on October 1, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on October 5, 2004 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area

be parking on the adjacent parking fields in the Ridgely Shopping Center by agreement. There are no entrances to these stores from the parking fields of this center. These signs would be on the first floor level. See Petitioners' Exhibit No. 1.

In addition, Mr. Schmidt explained that Ridgely Road is physically in a valley between two substantial hills which rises to the north and south of the site. He noted that in order for customers to locate the new stores from York Road, the Petitioners would like to erect two more identification signs on the east face of the third story of the existing building. This is very similar to the signs that Caldor used when it was the primary tenant of the building as shown in Petitioners' Exhibit Nos. 4 and 5.

The Petitioners' representatives indicated that they met with members of the Greater Timonium Community Council to review the signage requests. The file contains a letter of support for the request from the Council dated October 14, 2004. In fact, Mr. Schmidt pointed out that the Council recommended the higher signs could be up to 150 % of the area allowed under the regulations but the actual request was for somewhat smaller signs on the higher levels. The signage for both stores would be 429 sq. ft. of signage in lieu of the allowable 271.50 sq. ft. for the "Old Navy" signs and 432 sq. ft. of signage in lieu of the allowable 271.50 sq. ft. for the "Borders" signs as shown on Petitioners' Exhibit No. 1. Again, this arises because of the dual level of identification and location signs needed for each store.

Findings of fact and conclusions of law

I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The existing building is quite removed from York Road and is located in a valley. The location makes it necessary to place the signs high on the building in order for customers to identify the store locations. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable



Zip Code

Telephone #

CASE NUMBER 2013 -0101-A

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 130 West Ridgely Road, Lutherville, MD 21093 which is presently zoned BL, BL CCC, ML IM, RO Deed References: 24107/0714 10 Digit Tax Account # 0 8 0 1 0 1 3 4 5 0 Property Owner(s) Printed Name(s) HRI/Lutherville Station, LLC (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: 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 Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for 3. X a Variance from Section(s) SEE ATTACHED of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition) 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). RECEIVED FOR FILING Contract Purchaser/Lessee: Legal Owners (Petitioners): HRI/Lutherville Station, LLC Name-Type or Print ame #1 - Type of Print Name #2 - Type or Print Signature 7 Signature # 2 The Hutensky Group 100 Constitution Plaza, 7th Floor Hartford Mailing Address State Mailing Address City State 06103

Attorney for Petitioner:

Deffrey H. Scherr
Name Type or Print

Signature

Representative to be contacted:

Name – Type or Print

Signature

Zip Code

Do Not Schedule Dates:

Telephone #

Email Address

One South Street, Suite 2600 Baltimore MD

Mailing Address City State Mailing Address City State

21202 / 410-752-6030 / jscherr@kg-law.com / /
Zip Code Telephone # Email Address Zip Code Telephone # Email Address

p Code Telephone # Email Address Zip Code Telephone # Email Address

Filing Date 10, 25, 12

Reviewer

Email Address

ATTACHMENT TO PETITION FOR VARIANCE

130 West Ridgely Road, Lutherville, Maryland 21093

Petitioner seeks a variance from Section 450.4 of the Baltimore County Zoning Regulations to permit the following with respect to the below-listed signs:

- 1. South Entrance Joint Identification Sign (Zone BL) -
 - (a) 237.86 square feet of area per face in lieu of 150 square feet of area per face; Per BURR 450.4, MIRCHIENT 1#7(b).
 - (b) height of 25.75 feet in lieu of 25 feet; PER BCZR 450.4, ATTACHMENT 1#7(b)
- 2. South Office Entrance Sign (Zone BL) 34.44 square feet of area in lieu of 8 square feet of area; PEL BCZR 450.4, ATTACHMENT 1#(3)
- 3. North Office Entrance Sign (Zone BL) 34.69 square feet of area in lieu of 8 square feet of area; PER BCER 450.4, ATTACHMENT 1#(3)
- 4. Free Standing Joint Identification Sign (Zone BL) -
 - (a) 180.14 square feet of area per face in lieu of 150 square feet of area per face; PER 6228 450.4, ATTACHTIKAT 1#7(b)
 - (b) two free standing joint identification signs along the same frontage (West Ridgely Road) in lieu of one per frontage (South Entrance Joint Identification Sign and Free Standing Joint Identification Sign); and FEL BOER 450.4, ATTACHMENT 1*7(b)
- 5. North Entrance Joint Identification Sign (Zone ML IM) height of 16 feet in lieu of 12 feet. PER BCER 450.4, ATTACHMENT | #7(b)

Petitioner seeks the above-referenced variances for the reasons hereinafter set forth.

The subject property is a large 12.91 acre parcel located mostly within zone BL and partially within zones BL CCC, ML IM and RO. The subject property is improved by a multi-story, multi-tenant, L-shaped building. The building uses include three main retail tenants and various office spaces.

The property is geographically unique in that its entire western boundary abuts the light rail. The property is essentially located at a "dead end." West Ridgely Road ends at the property and there are no other public thoroughfares adjacent to the property. The property also consists of an unusual and unique shape. In addition to the primary portion 06348/0/01218444.DOCv1

of the property, the property includes an approximately 50 foot wide and 640 foot long access area extending to West Aylesbury Road to the north of the property. The property improvements are not easily visible, if at all, from West Aylesbury Road or from the northernmost portion of the property. This access road runs along the length of the property connecting West Ridgely Road and West Aylesbury Road. Due, in part, to its unique shape, the property is located within four different zoning areas.

The improvements on the property are also architecturally unique, consisting of a single large (greater than 100,000 square feet), L-shaped building of varying stories. Nearly three quarters of the building frontage on the southern edge of the property is set back over 200 feet from the only public roadway abutting the primary portion of the property. In addition to exterior entrances to individual tenant spaces, the building has two primary office entrances - a north entrance and a south entrance. The office entrances are served by two separate parking lots and are located on opposite sides of the building.

The unique geography of the property, the large size of the building and the fact that there are multiple tenants necessitate large joint identification signs. The property improvements are only visible from one public roadway and that roadway, West Ridgely Road, "dead ends" at the property.

The north entrance joint identification sign is located adjacent to West Aylesbury Road, where no portion of the improvements can be seen, thus, the size of this sign and its visibility are uniquely important. Further, this 16 foot high sign is actually in compliance with the general zoning of the property, which permits signs up to 25 feet in height. Due to the unique shape of the property, however, this sign is within a different zoning area than the main portion of the property and, as a result, is subject to more stringent signage requirements.

The south entrance joint identification sign is located at the southeast corner of the property along West Ridgely Road and the second freestanding joint identification sign is located along the access road about 200 feet from West Ridgely Road. As there is no throughway for motorists running past the property and the improvements cannot be seen from York Road the only public road that the property faces, these joint identification signs must be large enough to be seen from a distance.

The second free standing joint identification sign located along the West Ridgely Road frontage is actually set back from the road about 200 feet. In reality, the sign fronts the access road running through the property and, in identifying the improvements from a different access than the public frontage, should not be considered excessive or distracting. This sign is located next to a pedestrian access to the property and across from the exit of an adjacent parking area. The requested variance would allow this sign

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to remain along the frontage of the access road even if it may be technically considered a second joint identification sign fronting West Ridgely Road.

The office entrance signs referenced in Requests 2 and 3 above do not fit neatly into any sign category. Although labeled "north" and "south", the signs really are not directional in that they are not directing traffic to one area or another. They are in fact more like enterprise signs identifying the two office entrances located on opposite sides of the building and are comparable to enterprise signs identifying individual premises. In an abundance of caution, however, we are requesting a variance for these signs as if they were subject to the more stringent size limitations applicable to directional signs. If, in fact, the signs are found to be enterprise signs, a variance is not needed as the square footage of the signs fall within the size limitations applicable to enterprise signs. These office entrance signs are wall-mounted and are aesthetically in line with the architecture of the building. In addition, the large signs are necessary for visibility from the roadways and parking areas.

For all of the reasons stated above, strict compliance with Section 450.4 would create practical difficulty and unreasonable hardship to the property owner due to the unique nature of the property. The variances requested can be granted in harmony with the spirit and intent of the zoning regulations and without causing injury to the public health, safety and general welfare. Due to the size, nature and unique location of the subject property, the existing signage is not excessive.

. . .

ZONING PROPERTY DESCRIPTION FOR:

Lutherville Station
Address: 130 West Ridgely Road
Lutherville, MD 21093
Parcel 776, Tax Map 60, Grid 18

Beginning at a point on the south side of West Ridgely Road, classified as a Collector, which is 46 feet wide and said point being 1027 feet +/- west of the centerline of York Road, a Collector, which is 70 feet wide; thence with the lands of HRI/Lutherville Station, LLC, L.24107 F.714 the following nineteen (19) courses and distances.

- 1) South 70°41'04" West 172.73 feet to a point; thence.
- 2) South 82°31'04" West 297.00 feet to a point; thence.
- 3) North 19°11'04" East 31.30 feet to a point; thence.
- 4) South 85°53'36" West 230.40 feet to a point in the center of the Northern Central Railway (66 feet wide); thence.
- 5) North 09°22'32" West 165.00 feet to a point in said center of the railway; thence.
- 6) North 86°50'10" East 33.19 feet to a point on the eastern side of said railway; thence with said eastern said of the railway the next two courses and distances.
- 7) North 09°22'32" West 819.03 feet to a point; thence.
- 8) North 80°37'28" East 405.90 feet to a point; thence.
- 9) North 04°54'30" West 345.17 feet to a point; thence.
- 10) North 00°17'00" East 225.99 feet to a point; thence.
- 11) North 29°24'34" East 66.79 feet to a point along the southern right of way line of West Aylesbury Road; thence with said right of way line the next course and distance.
- 12) 50.19 feet along the arc of a curve deflecting to the left having a radius of 330.00 feet and being subtended by a chord bearing and distance of South 56°13'58" East 50.14 feet to a point; thence leaving said right of way line.
- 13) South 29°24'34" West 49.99 feet to a point; thence.

2013-0101-A

- 14) South 00°17'00" West 210.73 feet to a point; thence.
- 15) South 04°54'30" East 430.01 feet to a point; thence.
- 16) 160.70 feet along the arc of a curve deflecting to the right having a radius of 194.61 feet and being subtended by a chord bearing and distance of South 18°44'50" West 156.17 feet to a point; thence.
- 17) South 41°31'47" East 243.61 feet to a point; thence.
- 18) South 19°11'04" West 12.83 feet to a point; thence.
- 19) South 24°15'05" East 582.63 feet to the POINT OF BEGINNING containing 12.9070 acres, more or less as shown in a deed recorded in Liber 24107 Folio 714, being in the 8th Election District and the 3rd Council District.

This description taken from available records and information only, no survey was performed.

2012 2012 2012 expiration date 2.7:2013



ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: 2013 - 0101 - A Petitioner: HRI/Lutherville Station, LLC |
| Address or Location: 130 West Ridgely Road, Lutherville, Maryland 21093 |
| |
| PLEASE FORWARD ADVERTISING BILL TO: |
| Name: HRI/Lutherville Station, LLC |
| Address: _c/o The Hutensky Group |
| 100 Constitution Plaza, 7th Floor |
| Hartford, CT 06103 |
| Telephone Number: 410-752-6030-Local- Jeffrey Schew, Esq |

Revised 2/20/98 - SCJ

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CERTIFICATE OF POSTING

| | RE: Case No.: | 2013-0101-A |
|---|------------------------------|------------------|
| | Petitioner/Developer: | |
| | HRI/Luthervi | lle Station, LLC |
| | Dec Date of Hearing/Closing: | cember 13, 2012 |
| Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 11 West Chesapeake Avenue Cowson, Maryland 21204 | | |
| attn: Kristen Lewis: | | |
| adies and Gentlemen: | | |
| This letter is to certify under the penalties of osted conspicuously on the property locate | | |
| 30 West Ridgely Rd | | |
| | November 23, 2012 | |
| The sign(s) were posted on | (Month, Day, Year) | |
| | Sincerely, | |
| | Alley N | ovember 23, 2012 |
| | (Signature of Sign Poster) | (Date) |
| | SSG Robert Blac | ek |
| | (Print Name) | |
| | 1508 Leslie Road | d |
| | (Address) | *** #1 |
| | Dundalk, Maryland | 21222 |
| | (City, State, Zip Co | ode) |
| | (410) 282-7940 | |
| | (Telephone Numb | er) |







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:

Casé: #2013-0101-A

130 Weet Rickell: Boad

130 West Ridgely Road, 1027 ft. from the centerline of York Road 8th Election District - 3rd Councilmanic District

8th Election District - 3rd Councilmanic District Legal Owner(s): HRI/Lutherville Station, LLC Wariance: for South Entrance Joint Identification Sign (Zone BL) (a) 237.86 feet of area per face in lieu of 150 sq. ft. of area per face; (b) height of 25.75 ft. In lieu of 25 ft. South Office Entrance Sign at 34.44 sq. ft. of area in lieu of 8 sq. ft. of area; North Office Entrance Sign at 34,69 sq. ft. of area in lieu of 8 sq. ft. of area; Freestanding Joint Identification Sign (Zone BL) - (a) 180.14 sq. ft. of area per face in lieu of 150 sq. ft. of area per face; (b) two freestanding Joint Identification signs along the same frontage (West Ridgely Road) in lieu of one per frontage (South Entrance Joint Identification Sign and Freestanding Joint Identification Sign); and North Entrance Join Identification Sign (Zone ML IM) at height of 16 ft. in lieu of 12 ft. in lieu of 12 ft.

Hearing: Thursday, December 13, 2012 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing,

Contact the Zoning Review Office at (410) 887-3391. JT 11/720 November 20



501 N. Calvert Street, Baltimore, MD 21278

November 22, 2012

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on November 20, 2012.

| | • |
|---|---------------------|
| 本 | The Jeffersonian |
| | Arbutus Times |
| | Catonsville Times |
| | Towson Times |
| | Owings Mills Times |
| | NE Booster/Reporter |
| | North County News |
| | |
| | |

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

Sugar Wilkinson



KEVIN KAMENETZ County Executive

November 9, 2012

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

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: 2013-0101-A

130 West Ridgely Road

S/s of West Ridgely Road, 1027 ft. from the centerline of York Road

8th Election District – 3rd Election District

Legal Owner: HRI/Lutherville Station, LLC

Variance for South Entrance Joint Identification Sign (Zone BL) (a) 237.86 feet of area per face in lieu of 150 sq. ft. of area per face; (b) height of 25.75 ft. in lieu of 25 ft. South Office Entrance Sign at 34.44 sq. ft. of area in lieu of 8 sq. ft. of area; North Office Entrance Sign at 34.69 sq. ft. of area in lieu of 8 sq. ft. of area; Freestanding Joint Identification Sign (Zone BL) – (a)180.14 sq. ft. of area per face in lieu of 150 sq. ft. of area per face; (b) two freestanding joint identification signs along the same frontage (West Ridgely Road) in lieu of one per frontage (South Entrance Joint Identification Sign and Freestanding Joint Identification Sign); and North Entrance Joint Identification Sign (Zone ML IM) at height of 16 ft. in lieu of 12 ft.

Hearing: Thursday, December 13, 2012 at 1:30 p.m. in Room 205, Jefferson Building,

105 West Chesapeake Avenue, Towson 21204

Arnold Jablon Director

AJ:kl

C: Jeffrey Scherr, One South Street, Ste. 2600, Baltimore 21202 HRI/Lutherville Station, LLC, 100 Constitution Plaza, 7th FI, Hartford CT 06103

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, NOVEMBER 23, 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, November 20, 2012 Issue - Jeffersonian

Please forward billing to:

HRI/Lutherville Station, LLC c/o The Hutensky Group 100 Constitution Plaza, 7th FI Hartford, CT 06103

Attn: Jeffrey Scherr - Local Contact

410-752-6030

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: 2013-0101-A

130 West Ridgely Road

S/s of West Ridgely Road, 1027 ft. from the centerline of York Road

8th Election District – 3rd Election District

Legal Owner: HRI/Lutherville Station, LLC

Variance for South Entrance Joint Identification Sign (Zone BL) (a) 237.86 feet of area per face in lieu of 150 sq. ft. of area per face; (b) height of 25.75 ft. in lieu of 25 ft. South Office Entrance Sign at 34.44 sq. ft. of area in lieu of 8 sq. ft. of area; North Office Entrance Sign at 34.69 sq. ft. of area in lieu of 8 sq. ft. of area; Freestanding Joint Identification Sign (Zone BL) – (a)180.14 sq. ft. of area per face in lieu of 150 sq. ft. of area per face; (b) two freestanding joint identification signs along the same frontage (West Ridgely Road) in lieu of one per frontage (South Entrance Joint Identification Sign and Freestanding Joint Identification Sign); and North Entrance Joint Identification Sign (Zone ML IM) at height of 16 ft. in lieu of 12 ft.

Hearing: Thursday, December 13, 2012 at 1:30 p.m. in Room 205, Jefferson Building,

105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ County Executive

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

December 6, 2012

HR/Lutherville Station LLC
Jeffrey H. Scherr
c/o The Hutensky Group
100 Constitution Plaza, 7th Floor
Hartford CT 06103

RE: Case Number: 2013-0101 A, Address: 130 West Ridgely Road, 21093

Dear Mr. Scherr:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 25, 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,

U. Cal Richal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

Jeffrey H. Scherr, Esquire, One South Street, Suite 2600, Baltimore MD 21202

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



Darrell B. Mobley, Acting Secretary Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 1/-1-12

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

RE: **Baltimore County**

Item No 2013-0181-A

Variance

130 West Ridgely Road.

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. 2013-9101-A.

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

Sincerely,

Steven D. Foster, Chief

Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: November 01, 2012

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 12, 2012

Item Nos. 2013-0094, 0095 ,0097, 0098,0099, and 0101

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

DAK. CEN cc: File **RE: PETITION FOR VARIANCE** 130 West Ridgley Road; S/S West Ridgely Road 1027' from c/line of York Road 8th Election & 3rd Councilmanic Districts Legal Owners(s): HRI/Lutherville Station LLC* Petitioner(s)

BEFORE THE OFFICE

OF ADMINSTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

2013-101-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.

Potes Max Zummerman

PETER MAX ZIMMERMAN People's Counsel for Baltimore County Carle S Ventro

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 7th day of November, 2012, a copy of the foregoing Jeffrey H. Scherr, Esquire, One South Street, Suite Entry of Appearance was mailed to 2600, Baltimore, MD 21202, Esquire, One South Street, Suite 2600, Baltimore, Maryland 21202, Attorney for Petitioner(s).

RECEIVED

Peter Max Zimmerman

NOV 07 2012 PETER MAX ZIMMERMAN People's Counsel for Baltimore County



2013-0101-

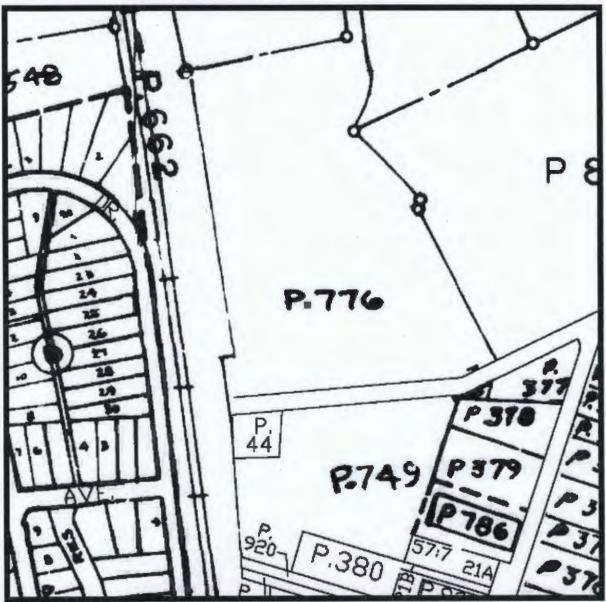
Maryland Department of Assessments and Taxation Real Property Data Search (vw3.1A) BALTIMORE COUNTY Go Back
View Map
New Search
GroundRent
Redemption
GroundRent
Registration

| | | | | Owne | r Information | 1 . | | | | |
|--|-----------------------|---------------------------------------|---------------------------------------|---------------------------|---------------------------|-----------------------------|------------------------------|-------------|------------------|--|
| Owner Na | | C/O THE | HERVILLE STATHUTENSKY GR | OUP LLC | R | | cipal Reside d Reference: | | | COMMERCIAL NO 1) /24 I 07/ 00714 2) |
| | | HARTFO | RD CT 06103- | ocation & S | tructure Info | rmation | | | | |
| Premises | Address | | L | ocation & S | | escription | | | | |
| 30 RIDGE | | 3-0000 | | | 12.770 AC | CNS | | | | |
| Map 0060 | Grid Par 0018 0776 | | trict Subc | division | Section | Block | <u>Lot</u> | Assess 2 | ment Area | Plat No: Plat Ref: |
| Special T | ax Areas | | Town Ad Valorem Tax Class | | NONE | | | | | |
| Primary : 1997 | Structure Buil | <u>t</u> | Enclosed 260499 | Area | | operty L 7700 AC | and Area | | <u>Co</u> 18 | unty Use |
| Stories | Basement | Type DISCOUNT ST | Exterior ORE | | | | | | | |
| | | | | Value | e Information | | | | | |
| | | Base Value | <u>Value</u> As Of 01/01/2011 | Phase As Of 07/01/2 | | ents As Of 17/01/2013 | | | | |
| Land Improver Total: | | 14,366,200 9,021,700 23,387,900 | 14,366,200 9,374,200 23,740,400 | 23,622 | - | 3,740,400 | | | | |
| Preferent | ial Land: | 0 | | Trongs | er Information | | | | | |
| Seller: Type: | | LE STATION BUS | INESS TRUST | Transi | Da | te: | 06/29/2006 /24107/ 00714 | - | Price: Deed2: | \$30,750,000 |
| Seller: Type: | | NEY,ET AL,TRU | STEES | | | <u>ite:</u> ed1: | 10/21/1993 /13330/ 00654 | | Price: Deed2: | \$3,825,000 |
| <u>Seller:</u> Type: | | ERS LTD PARTNI LENGTH OTHER | ERSHIP | | | ed1: | 08/18/1986 /07240/ 00394 | | Price: Deed2: | \$0 |
| | | | | Exempt | ion Informat | ion | | | | |
| Partial E County State Municipa | xempt Assessn | nents | | | Clas 000 000 000 | S | 07/0 0.00 0.00 0.00 | 1/2012 | | 07/01/2013 |
| Tax Exen | | | | | | | Sı | | x Recaptu ONE | re: |
| | | | | | pplication Int | | | | | |

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

Go Back View Map **New Search**

Account Number - 0801013450 District - 08



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 ©2011. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

MEMORANDUM

DATE:

January 15, 2013

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2013-0101-A - Appeal Period Expired

The appeal period for the above-referenced case expired on January 14, 2013. 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

1413/12 SIQN INSHOET CASE NO 20-13-0101-A For Petitione Knowing Grottom, And Jeffylt Schen On South Strut 21202 410-752-6030 Ischer @ Kb-law DAVID TAYLOR 410.645.1820 3/06 LORD BACTIMER DR. SUITEIIO DUTAYLOR DEWBERRY. BACTIMUR, MD 21244

CHECKLIST

| Comment Received | <u>Department</u> | Support/Oppose/ Conditions/ Comments/ No Comment |
|---------------------|--|--|
| 11/1 | DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent) | NO COMMENT |
| | DEPS (if not received, date e-mail sent) | |
| | FIRE DEPARTMENT | • |
| | PLANNING (if not received, date e-mail sent) | |
| 11/1 | STATE HIGHWAY ADMINISTRATION | NO Obj |
| | TRAFFIC ENGINEERING | |
| | COMMUNITY ASSOCIATION | |
| | ADJACENT PROPERTY OWNERS | |
| ZONING VIOLA | ATION (Case No. | |
| PRIOR ZONING | (Case No. $(1994) 0481-A$ |) |
| NEWSPAPER A | DVERTISEMENT Date: 11/20 | |
| SIGN POSTING | Date: 11 23 | by Black |
| | NSEL APPEARANCE NSEL COMMENT LETTER Yes No No | |
| Comments, if any | : | |
| | · · · · · · · · · · · · · · · · · · · | |

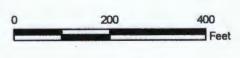
130 Ridgely Road 2013-0101-A R-1993-CBM 1913 1915 NOT LOCATED 1700011520 0802024020 90816061514 0818037830 ML IM 0819045090 0802002469 50 30 2005-0259-A 2002-01638^{\(\)} 2002-0102-SPH 082504 2002-0103-SPH 2012-0082-A 3 CD Pt. Bk. 00 008, Folio 0013 BL CCC 164-X PDM # 088034 Lot# Lot# BL PARKING 0801013450 DR-1 Lot# PDM # 080034 Lot# 1996-0481-A 2005-0107-A Pt. Bk./Folio # 008013 060C2 Lot# 130 Lot# W RIDGELY RD Lot# **NW 12-A** Lot# Lot# 0819076101 Lot# 160 Lot # Lot # 1965-0149-A 082307557 0813015150 DR 5:50



Publication Date: October 25, 2012
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



DQ Map Notes



1 inch = 200 feet

| 2013-101- | \sim |
|---------------|-------------|
| | $-I\lambda$ |
| (-01) - 101 - | + |
| Case No.: | ý |

Exhibit Sheet

Petitioner/Developer

Protestant

12-14-12

| No. 1 | Site Plan /3 sheet: | |
|--------|---|--|
| IA+1B | Sitz Plan (3 sheet: marked as Ex. 1A+ 1B (which is 2 spages) | |
| No. 2 | Aerial Photo | |
| No. 3 | | |
| No. 4 | | |
| No. 5 | | |
| No. 6 | | |
| No. 7 | | |
| No. 8 | | |
| No. 9 | | |
| No. 10 | | |
| No. 11 | | |
| No. 12 | | |

Exhibit 2

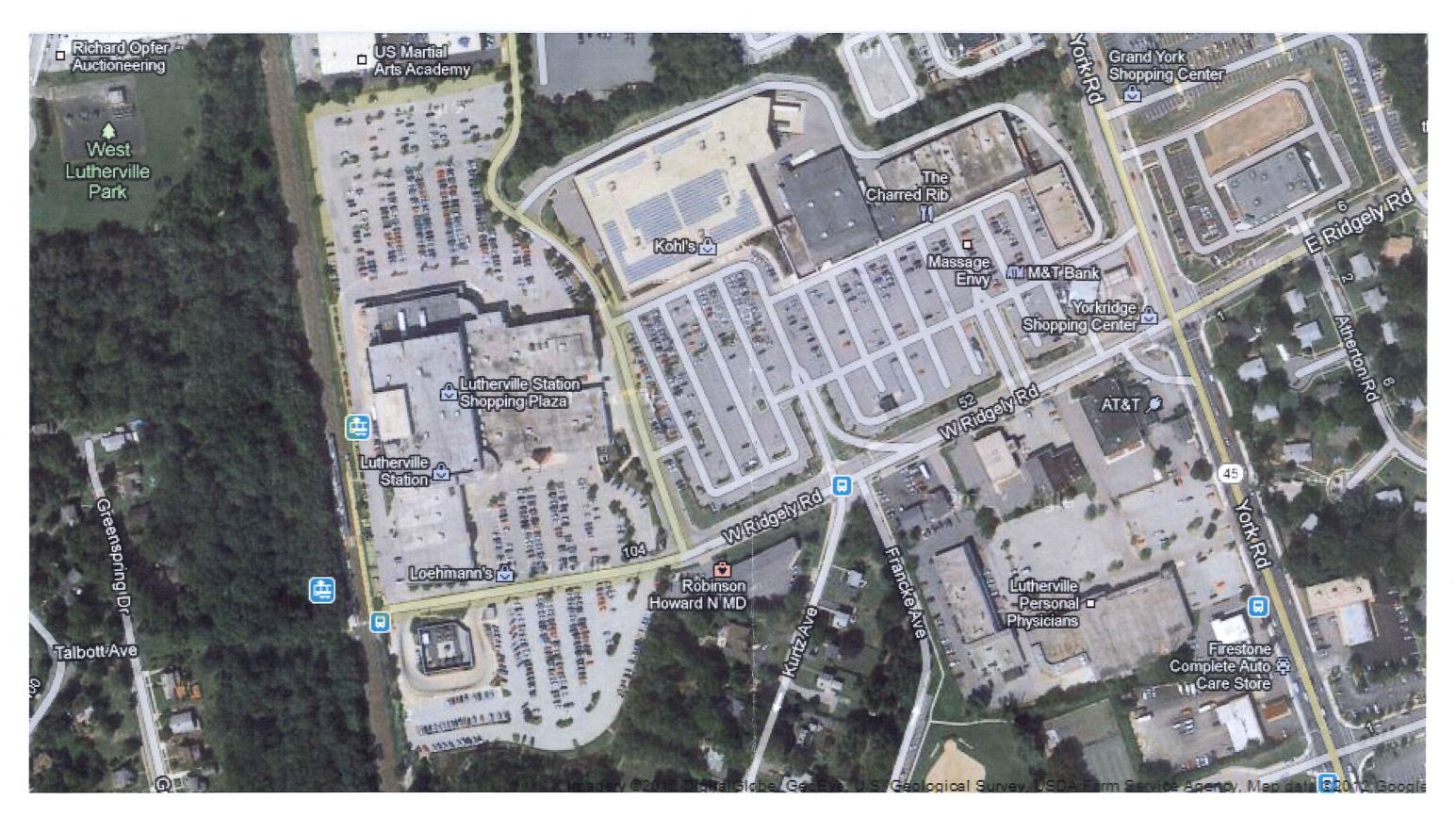
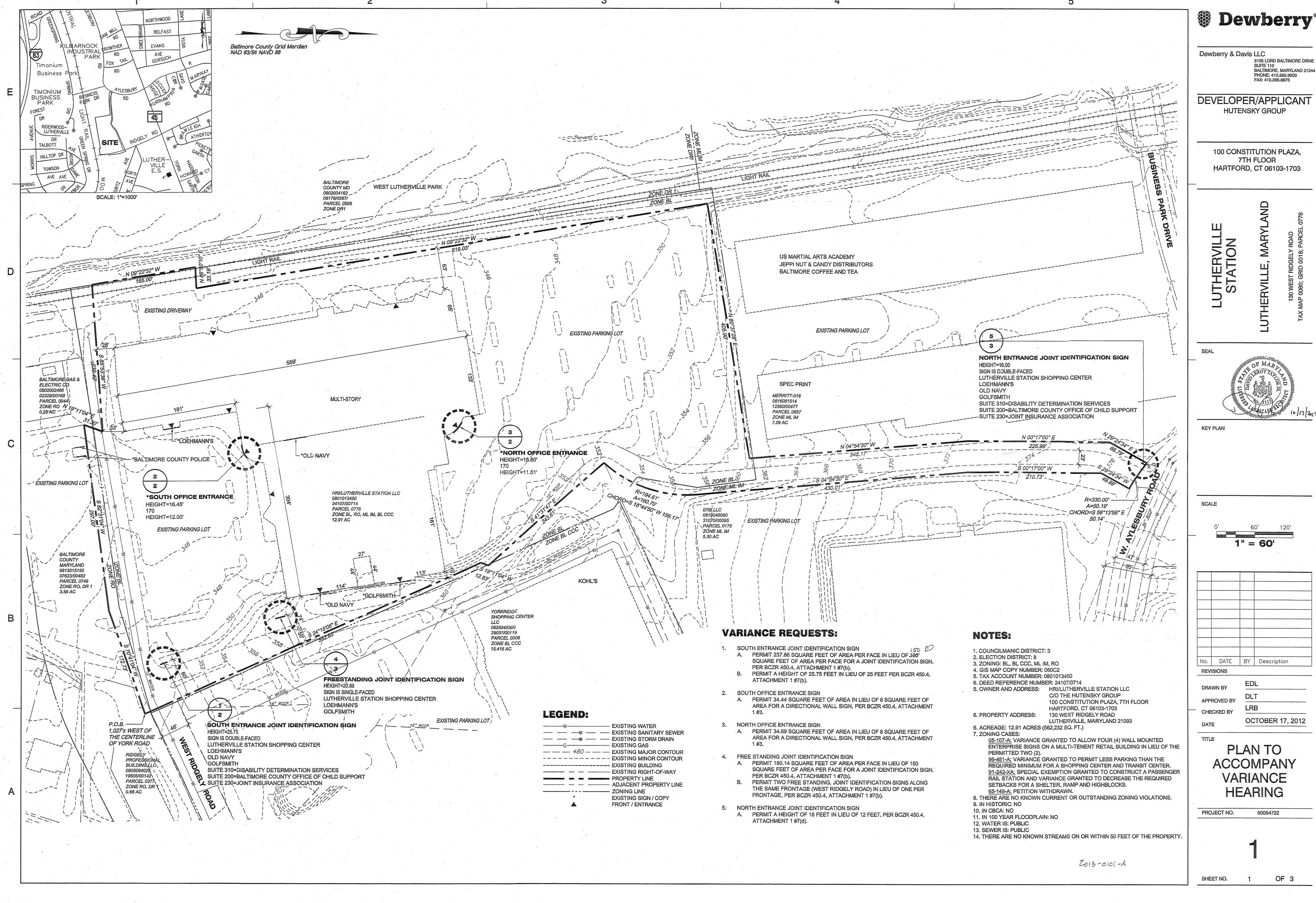
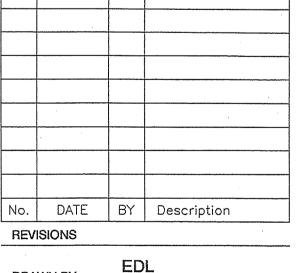


EXhibit 2



Dewberry*

DEVELOPER/APPLICANT





Dewberry

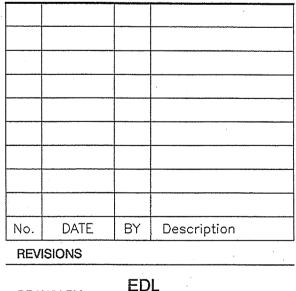
Dewberry & Davis LLC
3106 LORD BALTIMORE DRIVE
SUITE 110
BALTIMORE, MARYLAND 21244
PHONE: 410.265.9500
FAX: 410.265.8875

DEVELOPER/APPLICANT **HUTENSKY GROUP**

> 100 CONSTITUTION PLAZA, 7TH FLOOR HARTFORD, CT 06103-1703

LUTHERVILLE STATION

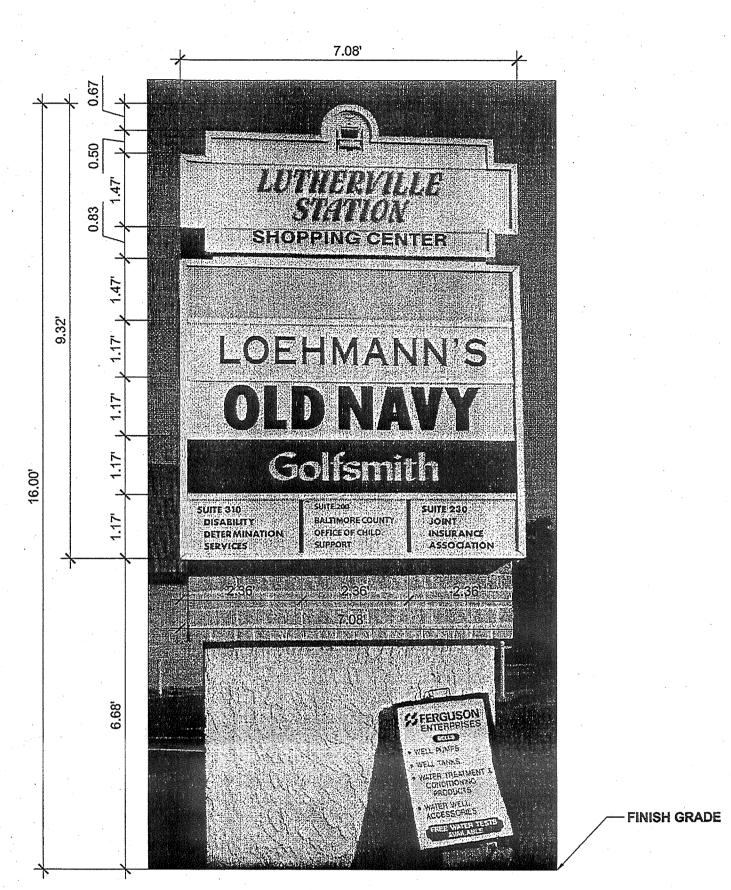
AS SHOWN



PLAN TO **ACCOMPANY VARIANCE HEARING**



EXISTING FREE STANDING JOINT IDENTIFICATION SIGN



EXISTING NORTH ENTRANCE JOINT IDENTIFICATION SIGN

Dewberry*

Dewberry & Davis LLC

3106 LORD BALTIMORE DRIVE
SUITE 110
BALTIMORE, MARYLAND 21244
PHONE: 410.265.9500
FAX: 410.265.8875

DEVELOPER/APPLICANT **HUTENSKY GROUP**

100 CONSTITUTION PLAZA, 7TH FLOOR HARTFORD, CT 06103-1703



AS SHOWN

| | | • | | |
|--|-----|--------|----|-------------|
| | | | | |
| | No. | DATE | BY | Description |
| | REV | ISIONS | | |
| | | | | |

OCTOBER 17, 2012

PLAN TO ACCOMPANY **VARIANCE** HEARING

PROJECT NO.