

**IN RE: PETITIONS FOR SPECIAL EXCEPTION \*  
AND VARIANCE**

**(5401 Baltimore National Pike)**

1<sup>st</sup> Election District

1<sup>st</sup> Councilmanic District

Catonsville Plaza, LLC

*Legal Owner*

Petitioner

BEFORE THE

\* OFFICE OF

\* ADMINISTRATIVE HEARINGS

\* FOR BALTIMORE COUNTY

\* **Case No. 2013-0163-XA**

\* \* \* \* \*

**ORDER AND OPINION**

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 5401 Baltimore National Pike. The Petitions were filed by Jeffrey H. Scherr, Esq., on behalf of Catonsville Plaza, LLC, the legal owners of the subject property. The Special Exception Petition seeks relief per Baltimore County Zoning Regulations (B.C.Z.R.) Section 4C-102(1) for a State licensed medical clinic, specifically, a kidney dialysis center, to be located within a large shopping center zoned Business Major (BM) in the Commercial Community Core (CCC), known as Catonsville Plaza. The Petition for variance seeks to locate the dialysis clinic within 750 ft. of a residentially zoned property, and the petition also seeks a determination that sufficient parking exists to accommodate employees and patients. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 2.

Appearing at the hearing was Matt Copeland and David Taylor, the engineer who prepared the site plan. Jeffrey H. Scherr, Esquire, attended and represented the Petitioner. The file reveals that the Petition was properly advertised and the site was properly posted as required by the B.C.Z.R.

ORDER RECEIVED FOR FILING

Date 3-20-13

By Sen

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The only substantive comment was submitted by the Department of Planning (DOP), which recommended that landscaping be provided along a fence line and that additional architectural features be added to the concrete wall at the front of the proposed clinic. Counsel indicated Petitioner was amenable to these requests.

Testimony and evidence offered at the hearing revealed that the subject property is 15.33 acres and is zoned BM-CCC. The site is improved with a shopping center that was constructed forty years ago, and which has been redeveloped several times throughout the years. At present, the Petitioner proposes to open a kidney dialysis center (9,800 sf) on the periphery of the site. The clinic would serve approximately 35-40 patients a day, and is located 106' from a DR zone, which is situated on the other side of a public road (Old Frederick Road).

#### SPECIAL EXCEPTION

As noted above, Petitioner seeks Special Exception relief for a State licensed medical clinic, specifically, a kidney dialysis center. Under Maryland law, a Special Exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. Schultz v. Pritts, 291 Md. 1 (1981). The Schultz standard was revisited in People's Counsel v. Loyola College, 406 Md. 54 (2008), where the court emphasized that a Special Exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the Special Exception use. There was no such evidence presented in this case, and the Petition for Special Exception will therefore be granted.

ORDER RECEIVED FOR FILING

Date 3-20-13

By Sen

## VARIANCE

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. The subject property is large and irregularly shaped, and thus it is unique for zoning purposes.

If the B.C.Z.R. were strictly enforced, the Petitioner would suffer a practical difficulty and/or hardship. Indeed, the Petitioner would be unable to operate the clinic at this location.

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 support of the Department of Planning (DOP), and the lack of community opposition.

Finally, I also believe that sufficient parking exists at the site for employees and patients of the proposed clinic, as required by the B.C.Z.R. §4C-102A.2.b. At present, Mr. Taylor has determined that 1,401 spaces are required while 1,128 are provided. See exhibit 2 ("Parking Analysis"). By Order in case number 89-385-A, the Petitioner was granted variance relief allowing 1,155 spaces in lieu of the required 1,404 spaces. Recently, the Director of Permits, Approvals & Inspections, pursuant to B.C.Z.R. §409.13, granted a reduction in the number of required spaces (to 1,128), and I believe that sufficient parking will therefore be provided for the proposed clinic.

ORDER RECEIVED FOR FILING

Date 3-20-13

By den

Pursuant to the advertisement, posting of the property, and public hearing on these petitions, and after considering the testimony and evidence offered, I find that Petitioner's Special Exception and Variance requests should be granted.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 20<sup>th</sup> day of March, 2013, that Petitioner's request for Special Exception relief under section 4C-102(1) of the Baltimore County Zoning Regulations ("B.C.Z.R."), for a State licensed medical clinic, specifically, a kidney dialysis center, to be located within a large shopping center zoned Business Major (BM) in the Commercial Community Core (CCC), known as Catonsville Plaza, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's request for Variance relief from Section 4C-102(2) of the B.C.Z.R., to permit a state licensed medical clinic, specifically, a kidney dialysis center, to be located within 750 ft. of a residentially zoned property line and a determination that there is sufficient parking to accommodate all employees and patients of the state licensed medical clinic, be and is hereby GRANTED.

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

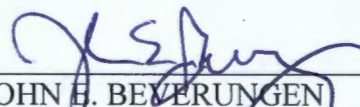
1. Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioner must comply with the ZAC comments from the DOP dated February 1, 2013 (See exhibit 3).

ORDER RECEIVED FOR FILING

Date 3-20-13

By sen

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 3-20-13

By sln

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Department of Permits  
Inspections & Approvals

**DATE:** February 1, 2013

**FROM:** Andrea Van Arsdale  
Director, Office of Planning

**SUBJECT:** 5401 Baltimore National Pike

### INFORMATION:

**Item Number:** 13-163

**Petitioner:** Catonsville Plaza LLC

**Property Size:** 15.33 ac.

**Zoning:** BM, CCC

**Requested Action:** Special Hearing, Variance

**Hearing Date:**

The petitioner is seeking Special Hearing to permit a medical clinic (kidney dialysis center) to be located within a large shopping center. The petitioner is also seeking a variance to permit a medical center within 750 feet of a residentially zoned property. The petitioner also seeks a determination to see that there is enough sufficient parking to accommodate all patients and staff.

### SUMMARY OF RECOMMENDATIONS:

The Department of Planning has the following comments:

The Department of Planning has no objections to the location of the kidney dialysis center or it's proximity to a residential zone. The Dialysis center would be located in the rear of the shopping center and would have more than enough to parking to accommodate patients and staff. The dialysis center would not pose a threat to the nearby residential homes located across the street. A large office complex of medical offices currently exists across from the proposed dialysis center and abuts right next to several residential properties.

Planning does recommend the following:

1. Landscape the fence along the southern property line with vegetation to screen the view of the residential homes across the street.
2. Provide some architectural articulation of the blank concrete wall facade besides just a door and a canopy.

ORDER RECEIVED FOR FILING

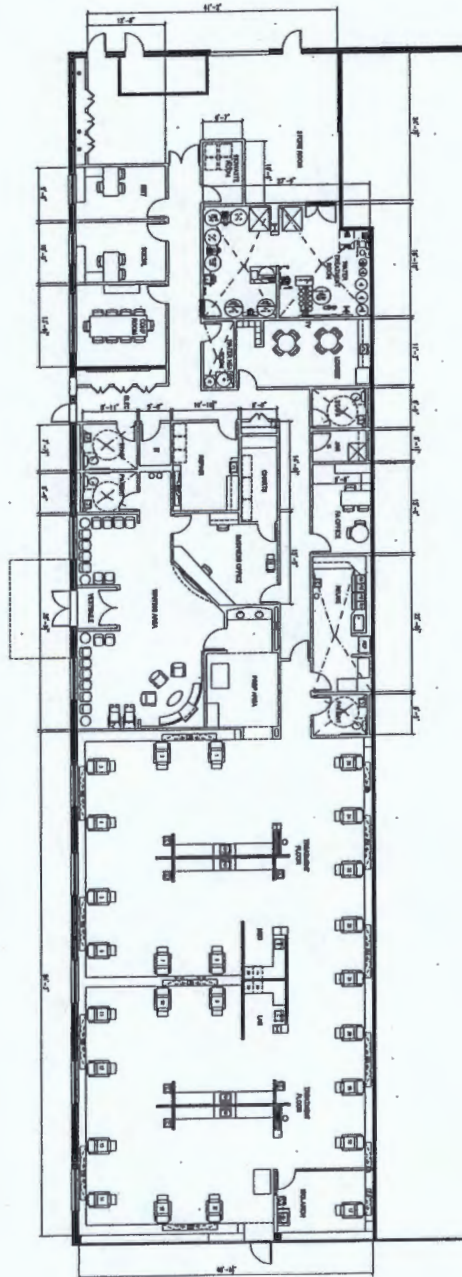
Date

3-20-13

By

sln

#3



ORDER RECEIVED FOR FILING

Date 3-20-13

By ALN

|                |         |
|----------------|---------|
| Project Number | 2011-28 |
| Sheet          | SP-4    |

|                  |                                               |
|------------------|-----------------------------------------------|
| Project Name     | NORTH ROLLING ROAD FACILITY                   |
| Project Location | 5401 BALTIMORE NATIONAL PIKE, CATONSVILLE, MD |
| Drawn By         | ALN                                           |
| Check By         | ALN                                           |
| Date             | 3/20/13                                       |
| Scale            | AS SHOWN                                      |
| Notes            |                                               |

|             |                                               |
|-------------|-----------------------------------------------|
| Project     | NORTH ROLLING ROAD FACILITY                   |
| Sheet Title | 5401 BALTIMORE NATIONAL PIKE, CATONSVILLE, MD |

**PREPARED BY:**  
BRB DESIGN INC.  
10000 BROADWAY, SUITE 200  
BETHESDA, MD 20814  
TEL: 301.981.1000  
WWW.BRBDESIGN.COM

**BRB DESIGN INC.**



KEVIN KAMENETZ  
*County Executive*

LAWRENCE M. STAHL  
*Managing Administrative Law Judge*  
JOHN E. BEVERUNGEN  
*Administrative Law Judge*

March 20, 2013

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

RE: Petitions for Special Exception and Variance  
Case No.: 2013-0163-XA  
Property: 5401 Baltimore National Pike

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,

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:slh  
Enclosure

c: David Taylor, 3106 Lord Baltimore Drive, Suite 110, Baltimore, Maryland 21244  
Matt Copeland, 258 West Pratt Street, Baltimore, Maryland 21201



# 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 5401 Baltimore National Pike, Baltimore, MD which is presently zoned BM CCC  
Deed References: 14735/604 10 Digit Tax Account # 0 1 0 2 0 0 4 3 6 0  
Property Owner(s) Printed Name(s) Catonsville Plaza 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:

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

2.   X   a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for State-licensed medical clinic (kidney dialysis center) - See Attached

3.   X   a **Variance** from Section(s)

4C-102(2)

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:

Name- Type or Print

Signature

Mailing Address

Zip Code

Telephone #

Email Address

## Attorney for Petitioner:

Jeffrey H. Scherr

Name- Type or Print

Signature

One South Street, Suite 2600 Baltimore MD

Mailing Address City State

21202 / 410-752-6030 / jscherr@kg-law.com

Zip Code Telephone # Email Address

## Legal Owners (Petitioners):

Catonsville Plaza LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

c/o The Hutensky Group

100 Constitution Plaza, 7th Floor

Hartford

CT

Mailing Address

City

State

06103

Zip Code

Telephone #

Email Address

## Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2013-0163-XA Filing Date 1/10/13

Do Not Schedule Dates: \_\_\_\_\_

Reviewer RJ

REV. 10/4/11

**ATTACHMENT TO  
PETITION FOR SPECIAL EXCEPTION AND VARIANCE**

**5401 Baltimore National Pike, Baltimore, MD**

Petitioner seeks (A) a special exception pursuant to Section 4C-102(1) of the Baltimore County Zoning Regulations (B.C.Z.R.) for a state-licensed medical clinic, specifically, a kidney dialysis center, to be located within a large shopping center zoned Business Major (BM) in the Commercial Community Core (CCC), known as Catonsville Plaza, (B) a variance from Section 4C-102(2)(a) to permit a state-licensed medical clinic, specifically, a kidney dialysis center, to be located within 750 feet of a residentially zoned property line and (C) a determination that there is sufficient parking to accommodate all employees and patients of the state-licensed medical clinic pursuant to B.C.Z.R. § 4C-102(2)(b).

Petitioner seeks the special exception and variance for the reasons hereinafter set forth. The subject property is a large 15.29 acre shopping center parcel zoned BM-CCC and is improved by four separate commercial buildings housing various businesses and services. The building uses in the shopping center include a grocery store, fitness center, restaurant, automobile service center and armed forces recruitment center. The improvements consist of: one two-story, multi-tenant building; one single-story, multi-tenant building; and two additional single-story, single-tenant buildings. The shopping center and proposed location of the kidney dialysis center are shown on the plan attached hereto as Exhibit A.

Petitioner desires to lease approximately 9,800 square feet of space within the two-story, multi-tenant building for use as a kidney dialysis center. State-licensed medical clinics are permitted in the B.M. zone by special exception. B.C.Z.R. § 4C-102(1). A kidney dialysis center is considered a state-licensed medical clinic pursuant to B.C.Z.R. § 4C-101(A) and Md. Health-Gen. Code § 19-3B-01.

The kidney dialysis center will be located approximately 106 feet from the nearest residentially-zoned property line. The nearest residential zones are DR 5.5 (106 feet) and RO (129 feet).

Use of the subject premises as a kidney dialysis center will involve operation of an outpatient renal dialysis clinic, renal dialysis home training, pharmaceutical services, aphaeresis services and similar blood separation and cell collection procedures, and related uses. The center expects to serve approximately 35-40 patients daily.

The use of the subject premises as a kidney dialysis center is consistent with the spirit and intent of the B.C.Z.R. and the shopping center's commercial zoning classification. The requested special exception and variance will not be detrimental to the

health, safety or general welfare of the community and will in fact provide a valuable health service to the members of the community. The shopping center can easily accommodate the flow of patients to the dialysis center, being designed to support busy retail and commercial uses. The proposed use otherwise satisfies the requirements of B.C.Z.R. § 502.1.

The kidney dialysis center will not have a negative impact on the nearby residential areas. The type of medical services provided will not create any hazards or disturbances to the nearby residential areas and, as previously mentioned, the anticipated traffic flow will be easily handled within the shopping center's existing improvements.

To accommodate the use of the space as a kidney dialysis center, petitioner intends to add an exterior canopy for an ambulance and patient drop-off area. This addition requires removal of 6-8 parking spaces and is the subject of a request for a parking reduction filed with the Director of Permits, Approvals and Inspections. There are currently 1,136 parking spaces within the shopping center pursuant to a variance granted in Case No. 89-385A. Petitioner's application to the Director of Permits, Approvals and Inspections requests a reduction in the parking requirements to allow 1,128 parking spaces in lieu of the current 1,136 parking spaces. Pursuant to B.C.Z.R. § 4C-102(2)(b), Petitioner also requests that the Zoning Commissioner find that the shopping center parking, as reduced, contains sufficient parking to accommodate all employees and patients of the center.

For the reasons set forth above, Petitioner requests special exception and a variance to permit the kidney dialysis center to be located at Catonsville Plaza and a determination that there is sufficient parking to accommodate all employees and patients of the center pursuant to B.C.Z.R. § 4C-102(2)(b).



3106 Lord Baltimore Drive  
Baltimore, Maryland 21244-5800

410.265.9500  
410.265.8875 fax  
www.dewberry.com

**ZONING PROPERTY DESCRIPTION FOR:**

1st Election Dist.

**Catonsville Plaza**

**Address: 5401 Baltimore National Pike**

**Parcel 242, Tax Map 95 Grid 21**

1st Counsel Dist.

**Beginning at a point on the North side of Old Frederick Road, which is 60' wide at the distance of 1006 feet +/- East of the centerline of the nearest improved intersecting street Academy Road, which is 60' wide.**

Thence with said Catonsville Plaza, LLC property the following courses and distances:

- 1) North 08° 08' 40" East 543.66 feet to a point on the south side of Baltimore National Pike.
- 2) Thence with said south side of Baltimore National Pike 1,098.90 feet along a curve deflecting to the right having a radius of 14,248.95' with a chord bearing and distance of North 80° 08' 55" East 1,098.63 feet to a point.
- 3) Thence leaving said Pike South 36° 40' 20" East 305.18 feet to a point on the north side of said Old Frederick Road running with said north side of Old Frederick Road the next seven (7) courses and distances.
- 4) Thence South 60° 55' 40" West 179.22 feet to a point.
- 5) Thence 190.90 feet along a curve deflecting to the left having a radius of 940.00 feet with a chord bearing and distance of South 55° 06' 35" West 190.57 feet to a point.
- 6) Thence South 49° 17' 30" West 333.09 feet to a point.
- 7) Thence 400.26 feet along a curve deflecting to the right having a radius of 470.00 feet with a chord bearing and distance of South 73° 41' 19" West 388.27 feet to a point..
- 8) Thence North 81° 54' 50" West 246.80 feet to a point.
- 9) Thence 106.90 feet along a curve deflecting to the left having a radius of 700.00 feet with a chord bearing and distance of North 86° 17' 20" West 106.80 feet to a point.
- 10) Thence South 89° 20' 10" West 52.69 feet back to the **POINT OF BEGINNING** as recorded in Deed Liber S.M. 14735, Folio 604, containing 15.3291 acres. Located in the 1<sup>st</sup> Election District and 1<sup>st</sup> Council District.

This description is based on deed information only, no survey was performed

Dewberry & Davis LLC



Item #0163

MD LICENSE EXPIRES 6/27/2014

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

No. **88928**

Date: **1/10/13**

**PAID RECEIPT**

RECEIVED ACTUAL TIME TOWN  
 1/10/2013 1/10/2013 11:19:03 5  
 REC'D BY: WELCH REC'D BY:  
 RECEIPT # 674461 1/10/2013 OFLH  
 \$ 535 ZONING VERIFICATION  
 01/10/28  
 Receipt Tot \$535.00  
 \$535.00 OK \$ 00 CA  
 Baltimore County, Maryland

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

Total: **\$ 835.00**

Rec From:

For: **Zoning hearing case # 2013-0163-XA**

DISTRIBUTION

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

**CASHIER'S  
 VALIDATION**

**NOTICE OF ZONING HEARING**

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

**Case: # 2013-0163-XA**

5401 Baltimore National Pike  
S/s Baltimore National Pike, 860 ft. +/- w/of centerline  
of Charing Cross Road

1st Election District - 1st Councilmanic District

Legal Owner(s): Catonsville Plaza, LLC

**Special Exception:** for a State licensed medical clinic, specifically, a kidney dialysis center, to be located within a large shopping center zoned Business Major (BM) in the Commercial Community Core (CCC) known as Catonsville Plaza. **Variance:** to permit a state licensed medical clinic, specifically, a kidney dialysis center, to be located within 750 ft. of a residentially zoned property line and a determination that there is sufficient parking to accommodate all employees and patients of the state licensed medical clinic.

**Hearing:** Friday, March 15, 2013 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

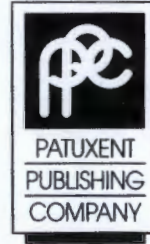
ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

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

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

2/266 Feb. 21

905998



501 N. Calvert Street, Baltimore, MD 21278

February 21, 2013

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 February 21, 2013.

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

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

*Susan Wilkinson*

# CERTIFICATE OF POSTING

2013-0163-XA

RE: Case No.: \_\_\_\_\_

Petitioner/Developer: \_\_\_\_\_

Catonsville Plaza, LLC

March 15, 2013

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: \_\_\_\_\_

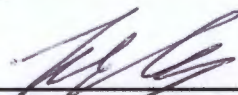
5401 Baltimore National Pike

February 23, 2013

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



Sincerely,

  
(Signature of Sign Poster)

February 23, 2013

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

TO: PATUXENT PUBLISHING COMPANY  
Thursday, February 21, 2013 Issue - Jeffersonian

Please forward billing to:

Jeffrey Scherr  
One South Street, Ste. 2600  
Baltimore, MD 21202

410-752-6030

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## 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: 2013-0163-XA**

5401 Baltimore National Pike

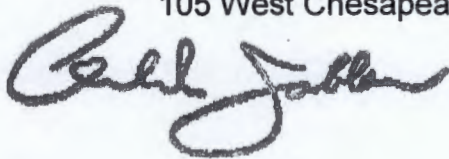
S/s Baltimore National Pike, 860 ft. +/- w/of centerline of Charing Cross Road

1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owners: Catonsville Plaza, LLC

Special Exception for a State licensed medical clinic, specifically, a kidney dialysis center, to be located within a large shopping center zoned Business Major (BM) in the Commercial Community Core (CCC) known as Catonsville Plaza. Variance to permit a state licensed medical clinic, specifically, a kidney dialysis center, to be located within 750 ft. of a residentially zoned property line and a determination that there is sufficient parking to accommodate all employees and patients of the state licensed medical clinic.

Hearing: Friday, March 15, 2013 at 11:00 a.m. in Room 205, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon  
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ  
County Executive

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

February 14, 2013

## 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: 2013-0163-XA**

5401 Baltimore National Pike

S/s Baltimore National Pike, 860 ft. +/- w/of centerline of Charing Cross Road

1<sup>st</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owners: Catonsville Plaza, LLC

Special Exception for a State licensed medical clinic, specifically, a kidney dialysis center, to be located within a large shopping center zoned Business Major (BM) in the Commercial Community Core (CCC) known as Catonsville Plaza. Variance to permit a state licensed medical clinic, specifically, a kidney dialysis center, to be located within 750 ft. of a residentially zoned property line and a determination that there is sufficient parking to accommodate all employees and patients of the state licensed medical clinic.

Hearing: Friday, March 15, 2013 at 11:00 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: Jeffrey Scherr, One South Street, Ste. 2600, Baltimore 21202  
The Hutensky Group, 100 Constitution Plaza, 7<sup>th</sup> Fl., Hartford CT 06103

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., FEBRUARY 23, 2013.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW**

**ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS**

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

**OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.**

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**For Newspaper Advertising:**

Item Number or Case Number: 2013-0163-XA  
Petitioner: Catonsville Plaza LLC  
Address or Location: 5401 Baltimore National Pike, Baltimore, MD

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: Catonsville Plaza LLC  
Address: c/o The Hutensky Group  
100 Constitution Plaza, 7th Floor  
Hartford, CT 06103  
Telephone Number: \_\_\_\_\_

Revised 2/20/98 - SCJ



KEVIN KAMENETZ  
County Executive

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

March 6, 2013

Catonsville Plaza LLC  
Jeffrey H. Scherr, Esquire  
C/O The Hutensky Group  
100 Constitution Plaza, 7<sup>th</sup> floor  
Hartford CT 06103

RE: Case Number: 2013-0163 XA, Address: 5401 Baltimore National Pike

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 January 10, 2013. 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.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel  
Jeffrey 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: 1-25-13

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

RE: Baltimore County

Item No. 2013-0163-XA

Special Exception Variance  
Catonsville Plaza, LLC  
5401 Baltimore National Pk

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 1-23-13. A field inspection and internal review reveals that an entrance onto US40 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2013-0163-XA

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".

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:** January 30, 2013

**FROM:** <sup>DAK</sup>Dennis A. Kennedy, Supervisor  
Bureau of Development Plans  
Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For January 28, 2013  
Item Nos. 2013-0151,0153,0154,0156,0157,0158,0159,0160,0161,0162,  
0163,0164,0165,0166,0167,0168,0169, and 0172.

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

DAK:CEN  
Cc: file

2/8/13  
wch  
file

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Department of Permits  
Inspections & Approvals

**DATE:** February 1, 2013

**FROM:** Andrea Van Arsdale  
Director, Office of Planning

**SUBJECT:** 5401 Baltimore National Pike

### INFORMATION:

**Item Number:** 13-163

**Petitioner:** Catonsville Plaza LLC

**Property Size:** 15.33 ac.

**Zoning:** BM, CCC

**Requested Action:** Special Hearing, Variance

**Hearing Date:**

The petitioner is seeking Special Hearing to permit a medical clinic (kidney dialysis center) to be located within a large shopping center. The petitioner is also seeking a variance to permit a medical center within 750 feet of a residentially zoned property. The petitioner also seeks a determination to see that there is enough sufficient parking to accommodate all patients and staff.

### SUMMARY OF RECOMMENDATIONS:

The Department of Planning has the following comments:

The Department of Planning has no objections to the location of the kidney dialysis center or it's proximity to a residential zone. The Dialysis center would be located in the rear of the shopping center and would have more than enough to parking to accommodate patients and staff. The dialysis center would not pose a threat to the nearby residential homes located across the street. A large office complex of medical offices currently exists across from the proposed dialysis center and abuts right next to several residential properties.

Planning does recommend the following:

1. Landscape the fence along the southern property line with vegetation to screen the view of the residential homes across the street.
2. Provide some architectural articulation of the blank concrete wall facade besides just a door and a canopy.

Prepared By: \_\_\_\_\_

Section Chief:  
AFK/LL:DZ \_\_\_\_\_

*Curtis Perry*  
*John F. Lohan*

|                                                                   |   |                   |
|-------------------------------------------------------------------|---|-------------------|
| RE: PETITION FOR SPECIAL EXCEPTION                                | * | BEFORE THE OFFICE |
| AND VARIANCE                                                      |   |                   |
| 5401 Baltimore National Pike; S/S Baltimore                       | * | OF ADMINISTRATIVE |
| National Pike, 860' W of Charing Cross Road                       |   |                   |
| 1 <sup>st</sup> Election & 1 <sup>st</sup> Councilmanic Districts | * | HEARINGS FOR      |
| Legal Owner(s): Catonsville Plaza, LLC                            |   |                   |
| Petitioner(s)                                                     | * | BALTIMORE COUNTY  |
|                                                                   | * | 2013-163-XA       |

\* \* \* \* \*

**ENTRY OF APPEARANCE**

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

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*

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

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 24<sup>th</sup> day of January, 2013, a copy of the foregoing Entry of Appearance was mailed to Jeffrey H. Scherr, Esquire, One South Street, Suite 2600, Baltimore, MD 21202, Attorney for Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

RECEIVED  
JAN 24 2013

## MEMORANDUM

DATE: April 23, 2013  
TO: Zoning Review Office  
FROM: Office of Administrative Hearings  
RE: Case No. 2013-0163-XA - Appeal Period Expired

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The appeal period for the above-referenced case expired on April 19, 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

Mr. Arnold Jablon  
January 2, 2013  
Page 2

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§ 409.13 of the zoning regulations of Baltimore County permits the Director to grant a parking reduction of up to 40%. This percentage is calculated based on the parking requirements set by existing variances. The requested reduction is less than a 3% reduction from the current parking requirements and will not have a negative impact on parking availability at the shopping center.

For the reasons set forth above, Owner requests that you grant a parking reduction to permit the proposed 1,128 spaces on the Property.

Thank you in advance for your assistance with this matter.

Sincerely,

Erin R. Guiffre

Enclosures

Maryland Department of Assessments and Taxation  
Real Property Data Search (vw2.1A)  
BALTIMORE COUNTY

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

**Account Identifier:** District - 01 Account Number - 0102004360

**Owner Information**

|                         |                                                                                    |                             |                        |
|-------------------------|------------------------------------------------------------------------------------|-----------------------------|------------------------|
| <b>Owner Name:</b>      | CATONSVILLE PLAZA LLC                                                              | <b>Use:</b>                 | COMMERCIAL             |
| <b>Mailing Address:</b> | C/O THE HUTENSKY GROUP<br>100 CONSTITUTION PLAZA 7TH FLR<br>HARTFORD CT 06103-1703 | <b>Principal Residence:</b> | NO                     |
|                         |                                                                                    | <b>Deed Reference:</b>      | 1) /14735/ 00604<br>2) |

**Location & Structure Information**

|                                                 |                                                          |
|-------------------------------------------------|----------------------------------------------------------|
| <b>Premises Address</b>                         | <b>Legal Description</b>                                 |
| 5401 BALTO NATL PIKE<br>BALTIMORE MD 21229-2102 | 15.2958 AC SS<br>BALTO NATL PIKE<br>200 E OF ST AGNES LA |

|            |             |               |                     |                    |                |              |            |                        |                  |
|------------|-------------|---------------|---------------------|--------------------|----------------|--------------|------------|------------------------|------------------|
| <b>Map</b> | <b>Grid</b> | <b>Parcel</b> | <b>Sub District</b> | <b>Subdivision</b> | <b>Section</b> | <b>Block</b> | <b>Lot</b> | <b>Assessment Area</b> | <b>Plat No:</b>  |
| 0095       | 0021        | 0242          |                     | 0000               |                |              |            | 3                      | <b>Plat Ref:</b> |

|                          |                   |      |
|--------------------------|-------------------|------|
| <b>Special Tax Areas</b> | <b>Town</b>       | NONE |
|                          | <b>Ad Valorem</b> |      |
|                          | <b>Tax Class</b>  |      |

|                                |                      |                           |                   |
|--------------------------------|----------------------|---------------------------|-------------------|
| <b>Primary Structure Built</b> | <b>Enclosed Area</b> | <b>Property Land Area</b> | <b>County Use</b> |
|                                |                      | 15.2900 AC                | 14                |

|                |                 |             |                 |
|----------------|-----------------|-------------|-----------------|
| <b>Stories</b> | <b>Basement</b> | <b>Type</b> | <b>Exterior</b> |
|                |                 |             |                 |

**Value Information**

|                           | <b>Base Value</b> | <b>Value</b> | <b>Phase-in Assessments</b> |            |
|---------------------------|-------------------|--------------|-----------------------------|------------|
|                           |                   | As Of        | As Of                       | As Of      |
|                           |                   | 01/01/2012   | 07/01/2012                  | 07/01/2013 |
| <b>Land</b>               | 3,833,200         | 3,833,200    |                             |            |
| <b>Improvements:</b>      | 12,915,600        | 15,942,200   |                             |            |
| <b>Total:</b>             | 16,748,800        | 19,775,400   | 17,757,667                  | 18,766,533 |
| <b>Preferential Land:</b> | 0                 |              |                             | 0          |

**Transfer Information**

|                |                           |               |               |               |             |
|----------------|---------------------------|---------------|---------------|---------------|-------------|
| <b>Seller:</b> | CATONSVILLE PLAZA         | <b>Date:</b>  | 10/05/2000    | <b>Price:</b> | \$9,567,000 |
| <b>Type:</b>   | NON-ARMS LENGTH OTHER     | <b>Deed1:</b> | /14735/ 00604 | <b>Deed2:</b> |             |
| <b>Seller:</b> | SPARTA BROOK REA LTY CORP | <b>Date:</b>  | 07/26/1988    | <b>Price:</b> | \$9,100,000 |
| <b>Type:</b>   | ARMS LENGTH IMPROVED      | <b>Deed1:</b> | /07926/ 00472 | <b>Deed2:</b> |             |
| <b>Seller:</b> |                           | <b>Date:</b>  |               | <b>Price:</b> |             |
| <b>Type:</b>   |                           | <b>Deed1:</b> |               | <b>Deed2:</b> |             |

**Exemption Information**

|                                   |              |            |            |
|-----------------------------------|--------------|------------|------------|
| <b>Partial Exempt Assessments</b> | <b>Class</b> | 07/01/2012 | 07/01/2013 |
| <b>County</b>                     | 000          | 0.00       |            |
| <b>State</b>                      | 000          | 0.00       |            |
| <b>Municipal</b>                  | 000          | 0.00       | 0.00       |

|                      |                               |
|----------------------|-------------------------------|
| <b>Tax Exempt:</b>   | <b>Special Tax Recapture:</b> |
| <b>Exempt Class:</b> | NONE                          |

**Homestead Application Information**

|                                      |                |
|--------------------------------------|----------------|
| <b>Homestead Application Status:</b> | No Application |
|--------------------------------------|----------------|

§ 409.13. Reduction of parking requirements for large shopping centers.

**[Bill No. 45-2012]** In order to prevent the establishment of a greater number of parking spaces than is actually required to serve the needs of shopping centers with 100,000 square feet or more of gross leasable area, a reduction of the number of required off-street parking spaces is permitted. On application, the Director of Permits, Approvals and Inspections may reduce the number of required parking spaces by up to 40% if the following procedures and conditions are satisfied:

- A. The applicant shall submit a certified site plan and documentary evidence of reduced parking needs to the Director. The site plan shall show all existing site improvements and proposed changes. The applicant's submittal shall be distributed to the Department of Planning and the Department of Environmental Protection and Sustainability for review and recommendations.
- B. In determining whether to grant any parking reduction, the Director may prescribe any site improvements that are appropriate for the proper function of the shopping center or that are in the public interest. Site improvements may include:
  - 1. Changes that will create a more attractive and pleasing appearance, such as additional or enhanced screening and landscaping, enhancement of building elevations, elimination or replacement of excessive or unsightly signage, and creation of an attractive cohesive architectural design.
  - 2. Modification of existing vehicular access arrangements, such as changing the location or design of a vehicular entrance or changes to internal circulation design to provide safer conditions for motorists.
  - 3. Creation of a safe and pedestrian-friendly environment, including the provision of bicycle amenities such as bike racks, and connections to adjacent neighborhoods.
  - 4. Enhancement of accessibility for the disabled.
  - 5. Replacement of existing outdoor lighting fixtures to eliminate or reduce the impacts of glare, light trespass, and excessive illumination.
  - 6. Provision of amenity open space that is designed and intended to be used by the general public.
  - 7. Incorporation of sustainable practices that will reduce the environmental impact of buildings or associated site improvements. Sustainable practices include:
    - a. Application of best management practices, such as the use of bioswales, stormwater management tree planters, structural soils and porous paving.
    - b. Proper installation of shade trees to mitigate the heat island effect from paved surfaces.
- C. After consideration of agency recommendations, the Director may grant a parking

reduction. The parking space reduction may not exceed 40% of the number of parking spaces otherwise required by Section 409. Any prior reduction of parking space requirements through the grant of a variance (if still applicable) shall be considered the required amount of parking for the purpose of calculating the requested reduction.

- D. If a parking space reduction is approved by the Director, with any required changes to existing or proposed site improvements, the site plan shall be revised to be consistent with the approval by the Director.
- E. If a parking reduction is granted, the shopping center may not be enlarged or increased in intensity unless application is made and approved for a new or revised parking space reduction.

CASE NAME \_\_\_\_\_  
CASE NUMBER 2013-0163 XA  
DATE 3-15-13

[illegible]

1966-0240-A

66-240-A

PETITION FOR ZONING VARIANCE  
FROM AREA AND HEIGHT REGULATIONS

66-240-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, E.J. Korvette Co. legal owner of the property situate 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 413.5 d Request height of sign 38' instead of required 25'

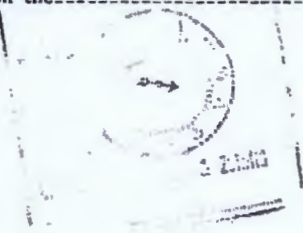
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Bart Realty Corp.  
[Signature] x  
Contract purchaser Legal Owner  
Address 45-10 Court Sq  
L.I.C., N.Y.  
Address Patrick Signs, Inc.  
[Signature] x  
Petitioner's Attorney Sign Mfg. Protestant's Attorney  
Address 5411 Randolph Rd., Rockville, Md.

ORDERED By The Zoning Commissioner of Baltimore County, this 5th day of April, 1966, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 4th day of May, 1966, at 1:00 o'clock P.M.



(over) Zoning Commissioner of Baltimore County. [Signature]

Item #0163 [Signature]

UNIT REALTY CORP.  
S/S Baltimore National Pike 12751  
Ft. St. Green Lane

IN RE: PETITION FOR ZONING VARIANCE  
 S/S Baltimore National Pike,  
 330' E of c/l of St. Agnes Lane  
 (Catonville Plaza)  
 1st Election District  
 1st Election District  
 Catonville Plaza Ltd. Part.  
 Petitioners

BEFORE THE  
 ZONING COMMISSIONER  
 OF BALTIMORE COUNTY  
 Case No. 89-384-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit two (2) double-faced identification signs to be located on the same street; to permit each of the two signs to contain 1,184 sq.ft. total (592 sq.ft. per side) in lieu of the maximum permitted 300 sq.ft.; to permit said signs to be located on the subject property where the land on the opposite side of the thoroughfare is not zoned commercial; and to permit said signs to be 38 feet, 6 inches high in lieu of the maximum permitted 25/25 foot height, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Hugh D. Robinson, Tri-Land Properties, Inc., a General Partner, appeared, testified and were represented by Robert W. Cannon, Esquire and Steven C. Hilsen, Esquire. Also appearing on behalf of the Petition were J. S. Thaler with D. S. Thaler and Associates, Inc., and Adam Wasserman, Revitalization Coordinator for Baltimore County. There were no Protestants.

Testimony indicated that the subject property, located between Baltimore National Pike (Route 40) and Old Frederick Road, consists of 15.3 acres more or less, zoned EM-CDC, and is improved with a shopping center known as Catonville Plaza. Petitioners are in the process of remodeling the existing facility, which is approximately 25 years old, to create more space and give the shopping center a more modern appearance.

ORDER RECEIVED FOR FILING

Date 4/4/89  
 By [Signature]

IN RE: PETITION FOR SPECIAL HEARING  
 S/S Baltimore National Pike,  
 330' E of St. Agnes Lane  
 1st Election District  
 1st Councilmanic District  
 Catonsville Plaza Ltd. Part.  
 Petitioners

BEFORE THE  
 ZONING COMMISSIONERS  
 OF BALTIMORE COUNTY

Case No. 91-231-SP4

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve a sign which has been painted on the west wall of an existing building on the subject property, named B.N.-C.C.C., as being in compliance with Section 41.2(a) and other related provisions of the Baltimore County Zoning Regulations (B.C.Z.R.), as more particularly described on Petitioner's Exhibit 1.

The Petitioners, by Robert W. Cannon, Esquire, appeared and testified. Also appearing on behalf of the Petition was George F. Salabas, Architect. There were no Protestants.

Testimony indicated that the subject property consists of 12,796 acres zoned B.N.-C.C.C. and is improved with a retail business known as the Catonsville Plaza Shopping Center, which is currently being renovated by Petitioners. Petitioners were advised on or about July 18, 1990 by written correspondence from the Zoning Enforcement Division of the Zoning Commissioner's Office that one of its tenant's signs was in violation of Section 41.2(a) of the B.C.Z.R. Petitioners subsequently filed the instant Petition for an interpretation of said regulation as it applies to the sign depicted in Petitioner's Exhibit 2. Testimony indicated that Council witness is the only tenant on this side of the subject building. Petitioners argued that in the case of a multi-tenant building, the land-

ORDER RECEIVED FOR FILING

Date

4/5/91  
 By

Item #0163

**IN RE: PETITION FOR VARIANCE**  
**(5401 Baltimore National Pike)**  
Catonsville Plaza, LLC  
Petitioner

\* BEFORE THE  
\* OFFICE OF ADMINISTRATIVE  
\* HEARINGS FOR  
\* BALTIMORE COUNTY  
\* **CASE NO. 2013-0030-A**

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Variance filed by Jeffrey H. Scherr, Esquire, on behalf of the legal owner, Catonsville Plaza, LLC.

The Petitioner is requesting Variance relief from § 450.4 Attachment 1.7(b) as follows:

- (1) To permit two free standing joint identification signs along the same frontage at Baltimore National Pike (US Route 40) in lieu of the permitted one per frontage,
- (2) To permit six lines of copy for the display of tenant names on the existing lower level joint identification sign in lieu of the permitted five lines of tenant copy, and
- (3) To permit an existing double faced, 241.08 sq. ft. per face joint identification sign (lower level) and an existing double faced, 232.96 sq. ft. per face joint identification sign (upper level) in lieu of the permitted one per frontage at 150 sq. ft per face.

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

Appearing at the public hearing in support for this case was Jeffrey H. Scherr, Esquire and David L. Taylor, Jr. with Dewberry & Davis, LLC, the consulting firm that prepared the site plan. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

Item #0163



3/15/13

Case No.: 2013-0163-XA

Exhibit Sheet

den  
3-20-13

Petitioner/Developer

Protestant

|        |                     |  |
|--------|---------------------|--|
| No. 1  | Taylor CV           |  |
| No. 2  | Site Plan           |  |
| No. 3  | ZAC Comments 2-1-13 |  |
| No. 4  | Rendering           |  |
| No. 5  | Color Photos (#2)   |  |
| No. 6  | Order in # 89-385-A |  |
| No. 7  |                     |  |
| No. 8  |                     |  |
| No. 9  |                     |  |
| No. 10 |                     |  |
| No. 11 |                     |  |
| No. 12 |                     |  |



# David L. Taylor, Jr. RLA

Senior Associate / Project Manager

## EXPERIENCE HIGHLIGHTS:

Over 11 years of Baltimore County Experience

Testimony before Baltimore County Zoning Commissioner and Board of Appeals

## EDUCATION:

MS, Real Estate, Johns Hopkins University

BS, Landscape Architecture, West Virginia University

## REGISTRATIONS:

Landscape Architect: MD, PA, OH

## YEARS OF EXPERIENCE:

Dewberry: 5

Prior: 14

## AFFILIATIONS:

Leadership Baltimore County

Home Builders Association of MD

## PUBLICATIONS:

"Land Development Handbook 3<sup>rd</sup> ed.; Chapter 8 "Subdivision Ordinances, Site Plan Regulations, and Building Codes" Published by McGraw-Hill; 2008

Mr. Taylor has provided multi-discipline team management/leadership for over 19 years. He is responsible for business and operational development for land planning, landscape architecture and engineering services in the firm's Baltimore, MD office.

As a manager he has a hands-on approach and enjoys working directly with clients in all aspects of program development, feasibility, entitlements, zoning, planning, site design, engineering and permitting. His planning and design work has involved projects relating to healthcare, academic institutions, schools and public facilities, residential and mixed-use residential, energy infrastructure, commercial uses, bikeway planning and design, streetscapes, urban planning, playgrounds, recreation and park facilities, sports complexes and zoos in the Mid-West and Mid-Atlantic.

## RELEVANT EXPERIENCE

- Arthur Becker Property Subdivision, Cockeysville, Maryland
- Walker Station Subdivision, Parkton, Maryland
- Burns Property Subdivision, Lutherville, Maryland
- Ruppert Farms Subdivision, Kingsville, Maryland
- Arthur Tracey Property Subdivision, Freeland, Maryland
- Miller / Tipper Property Subdivision, Parkton, Maryland
- Bartholme Property Subdivision, Parkton, Maryland
- Lee Property Subdivision, Owings Mills, Maryland
- Honeygo Run Reclamation Center Southern Expansion, White Marsh, MD
- Honeygo Run Reclamation Center Vertical Expansion, White Marsh, MD
- Autozone, Cockeysville, MD
- Klein's Super Market, Jacksonville, Maryland
- Target, Pikesville, Maryland
- Sam's Club-Catonsville, Baltimore County, Maryland
- Kaiser Permanente Medical Office Building HUB, Baltimore County, Maryland
- Cross and Chapel Subdivision, Perry Hall, Maryland
- Cillian's Crossing, Perry Hall, Maryland
- Catonsville Plaza Sign Variance, Catonsville, Maryland

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Department of Permits  
Inspections & Approvals

**DATE:** February 1, 2013

**FROM:** Andrea Van Arsdale  
Director, Office of Planning

**SUBJECT:** 5401 Baltimore National Pike

### INFORMATION:

**Item Number:** 13-163

**Petitioner:** Catonsville Plaza LLC

**Property Size:** 15.33 ac.

**Zoning:** BM, CCC

**Requested Action:** Special Hearing, Variance

**Hearing Date:**

The petitioner is seeking Special Hearing to permit a medical clinic (kidney dialysis center) to be located within a large shopping center. The petitioner is also seeking a variance to permit a medical center within 750 feet of a residentially zoned property. The petitioner also seeks a determination to see that there is enough sufficient parking to accommodate all patients and staff.

### SUMMARY OF RECOMMENDATIONS:

The Department of Planning has the following comments:

The Department of Planning has no objections to the location of the kidney dialysis center or its proximity to a residential zone. The Dialysis center would be located in the rear of the shopping center and would have more than enough parking to accommodate patients and staff. The dialysis center would not pose a threat to the nearby residential homes located across the street. A large office complex of medical offices currently exists across from the proposed dialysis center and abuts right next to several residential properties.

Planning does recommend the following:

1. Landscape the fence along the southern property line with vegetation to screen the view of the residential homes across the street.
2. Provide some architectural articulation of the blank concrete wall facade besides just a door and a canopy.

#3



13928 Rockingham Road  
Germantown, MD 20874  
Tel 301 351 6200

This standing and two bridge cranes are the property of B&B Design Inc. For registration, loading or other use of this equipment without their written consent is prohibited and any infringement will be subject to legal action.

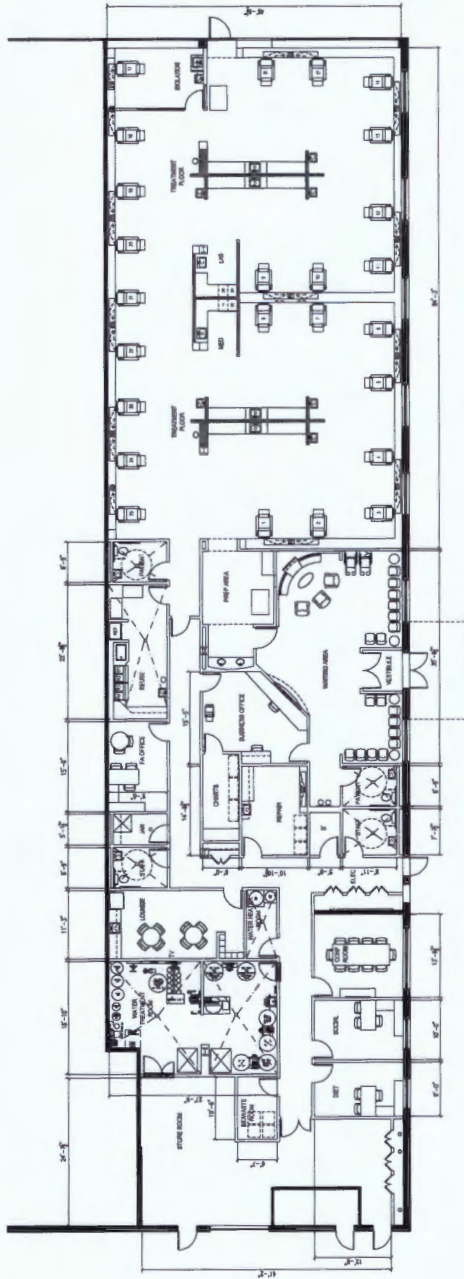
Professional Certification  
I hereby certify that these documents were prepared and approved by me and that I am a duly licensed professional architect under the laws of the state of Maryland.  
License No. 6378  
Expiration Date: January 30, 2012

NORTH ROLLING ROAD FACILITY  
5401 BALTIMORE NATIONAL PIKE, CATONSVILLE, MD

fact

|               |               |
|---------------|---------------|
| President     | Playboy Books |
| Jack Campbell |               |
| Angela Baker  |               |
| Drew By       |               |
| SM            |               |
| Dale Drenn    |               |
| 9/27/12       |               |
| Scilla        |               |
| 10" x 14"     |               |
| Everything    |               |
| 40            | Don           |
| 50            | Don           |
| 60            | Don           |
| 70            | Don           |
| 80            | Don           |
| 90            | Don           |
| 100           | Don           |
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| 120           | Don           |
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| 170           | Don           |
| 180           | Don           |
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| 350           | Don           |
| 360           | Don           |
| 370           | Don           |
| 380           | Don           |
| 390           | Don           |
| 400           | Don           |
| 410           | Don           |
| 420           | Don           |
| 430           | Don           |
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| 450           | Don           |
| 460           | Don           |
| 470           | Don           |
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| 670           | Don           |
| 680           | Don           |
| 690           | Don           |
| 700           | Don           |
| 710           | Don           |
| 720           | Don           |
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| 750           | Don           |
| 760           | Don           |
| 770           | Don           |
| 780           | Don           |
| 790           | Don           |
| 800           | Don           |
| 810           | Don           |
| 820           | Don           |
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| 850           | Don           |
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| 1100          | Don           |
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| 1120          | Don           |
| 1130          | Don           |
| 1140          | Don           |
| 1150          | Don           |
| 1160          | Don           |
| 1170          | Don           |
| 1180          | Don           |
| 1190          | Don           |
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| 1380          | Don           |
| 1390          | Don           |
| 1400          | Don           |
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| 1680          | Don           |
| 1690          | Don           |

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| Project Number | 2011-28    |
| Sheet          | Of<br>SP-4 |



**From Working to Being: INNOVATION HUBS**

17#



#5



IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
S/S Baltimore National Pike, \* ZONING COMMISSIONER  
330' E of c/l of St. Agnes Lane \*  
(Catonsville Plaza) \*  
1st Election District \* OF BALTIMORE COUNTY  
1st Councilmanic District \*  
Catonsville Plaza Ltd. Part. \* Case No. 89-385-A  
Petitioners \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit 1,155 parking spaces in lieu of the required 1,404 spaces in accordance with Petitioner's Exhibit 1.

The Petitioners, by Hugh D. Robinson with Tri-Lane Properties, General Partner, appeared, testified and were represented by Robert W. Cannon, Esquire and Steven C. Hilsee, Esquire. Also appearing on behalf of the Petition were Adam Wasserman, Revitalization Coordinator for Baltimore County, and D. S. Thaler of D. S. Thaler and Associates, Inc. There were no Protestants.

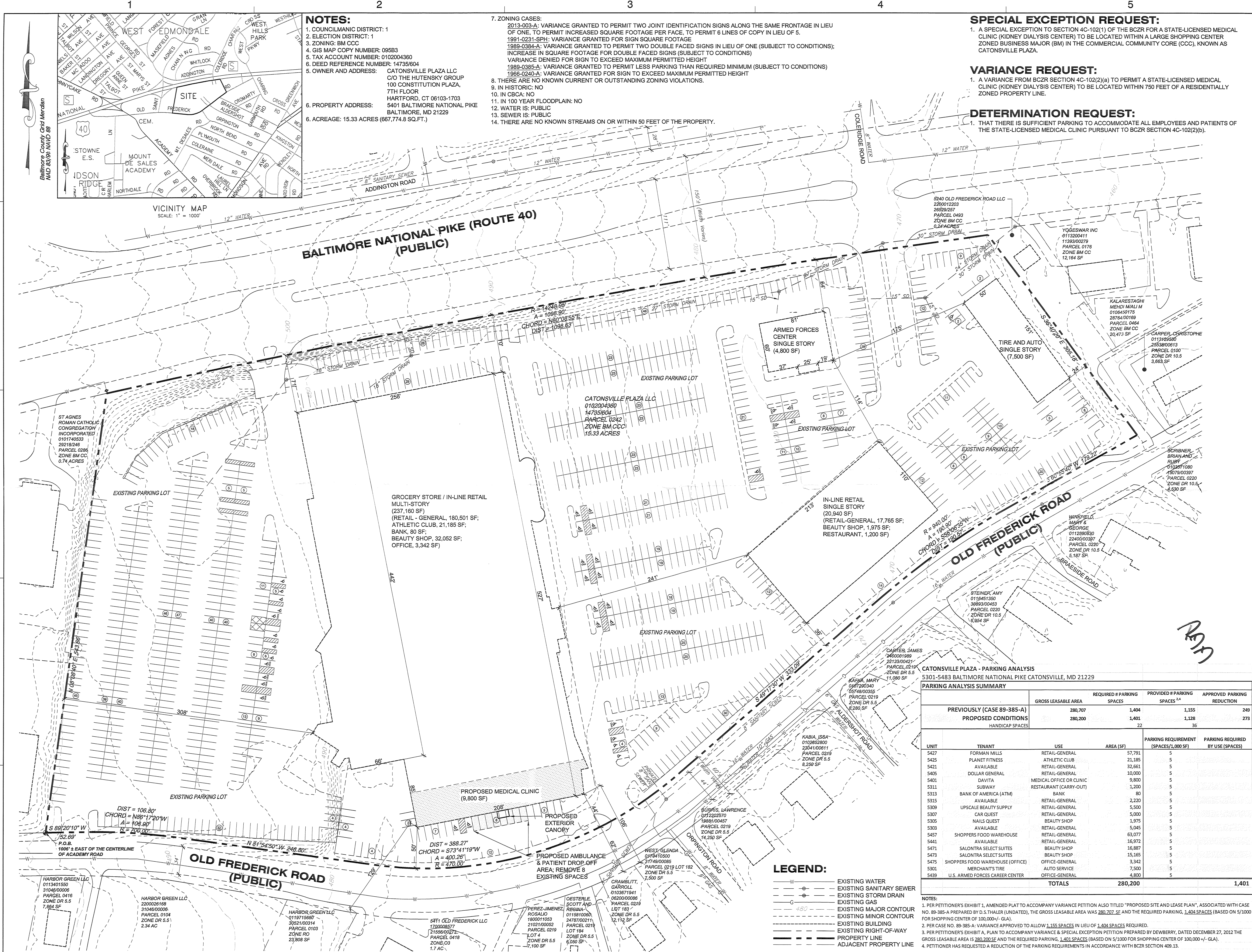
Testimony indicated that the subject property consists of 15.3 acres more or less, zoned BM-CCC, and is improved with a shopping center known as Catonsville Plaza. Petitioners propose remodeling the existing facility, which is approximately 25 years old, to create more space and give the shopping center a more modern appearance. Proposed improvements include two additions to the existing structure and the construction of a separate building to be used by a video sales and leasing operation. Testimony indicated that the proposed improvements, which have necessitated the requested variance, are needed for the subject property to become a more viable retail establishment. Testimony further indicated that to deny the requested variance would result in hardship and practical diffi-

ORDER RECEIVED FOR FILING

Date

By

3/29/89  
Ruth Johnson



Dewberry Consultants LLC  
3108 LORD BALTIMORE DRIVE  
SUITE 110  
BALTIMORE, MARYLAND 21244  
PHONE: 410.255.9500  
FAX: 410.255.9575

DEVELOPER/APPLICANT  
HUTENSKY GROUP

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

CATONSVILLE PLAZA  
BALTIMORE, MARYLAND  
5401 BALTIMORE NATIONAL PIKE  
TAX MAP 0085; PARCEL 242



KEY PLAN

2013-0163-XA

SCALE  
0' 50' 100'  
1" = 50'

| No.                | DATE | BY | Description |
|--------------------|------|----|-------------|
| REVISIONS          |      |    |             |
| DRAWN BY EDL       |      |    |             |
| APPROVED BY DLT    |      |    |             |
| CHECKED BY LRB     |      |    |             |
| DATE DEC. 27, 2012 |      |    |             |
| TITLE              |      |    |             |

PLAN TO  
ACCOMPANY  
VARIANCE AND  
SPECIAL EXCEPTION

PROJECT NO. 50047286

|     |      |    |             |
|-----|------|----|-------------|
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|     |      |    |             |
| No. | DATE | BY | Description |

DRAWN BY EDL  
APPROVED BY DLT  
CHECKED BY LRB  
DATE DEC. 27, 2012

PLAN TO  
ACCOMPANY  
VARIANCE AND  
SPECIAL EXCEPTION

PROJECT NO. 50047266

