



KEVIN KAMENETZ
County Executive

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

July 21, 2013

David H. Karceski, Esquire
210 W. Pennsylvania Avenue
Suite 500
Towson, Maryland 21204

RE: Petition for Variance
Case No.: 2013-0259-A
Property: 7801 Eastern Avenue

Dear Mr. Karceski:

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.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: David Woessner, 901 Dulaney Vally Road #801
Towson, Maryland 21204

Jack Cannon, BSI, 609 Junction Street,
Mt. Airy, NC 27030

Jennifer Wolfe, BSI, 609 Junction Street
Mt. Airy, NC 27030

Kim Graham, Rose Group, 29 Friends Lane,
Newtown, PA 18940

Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103 | Towson, Maryland 21204 | Phone 410-887-3868 | Fax 410-887-3468
www.baltimorecountymd.gov

IN RE: PETITION FOR VARIANCE

(7801 Eastern Avenue)

15th Election District

7th Councilman District

LBUBS 2006-C37839 Mall LLC,

Rudolfo S. Lauredo, *Legal Owners*

Rose Casual Dining, L.P,

Lessee

Petitioners

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2013-0259-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by David H. Karceski, Esquire, on behalf of the legal owners, LBUBS 2006-C37839 Mall LLC and lessee Rose Casual Dining, L.P. The Variance was filed pursuant to Baltimore County Zoning Regulations ("B.C.Z.R") § 450.4 Attachment 1 #5(a) to allow a total of 2 wall-mounted enterprise signs on a building façade with a separate exterior customer entrance in lieu of the permitted 1 sign. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests was Jack Cannon, Jennifer Wolfe, Kim Graham and David Woessner from Bohler Engineering, the firm that prepared the site plan. David H. Karceski, Esquire appeared as counsel and represented the Petitioners. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

The only substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP), dated May 29, 2013, indicating that Petitioners shall remove the wall mounted sign located west of the red canopy/awning. Mr. Karceski confirmed that sign (shown in the photo marked as Exhibit 4A) will be removed.

ORDER RECEIVED FOR FILING

Date 6/21/13

By Sen

Testimony and evidence revealed that the subject property is approximately 66 acres, zoned BM-CT, and is known as the Eastpoint Mall. The Petitioners operate on a pad site at the mall an Applebee's restaurant. Applebee's is undergoing a rebranding, and proposes to install a more modern and attractive sign package at the site. In its comment, DOP indicated the proposed signage would be an improvement to the property, and as counsel noted, there will be fewer signs (2 instead of 3) on the exterior façade after the improvements are completed.

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).

Petitioners have met this test. The property is large (66 +/- acres) and is irregularly shaped, somewhat like a triangle. Thus, it is unique for zoning purposes.

If the B.C.Z.R. were strictly enforced, the Petitioners would indeed suffer a practical difficulty, since they would be unable to effectively identify the restaurant to potential customers. This task is made more difficult by the fact that the restaurant is set back over 500' from the roadway, and several other pad site restaurants (including Arby's and Chick-Fil-A) also obscure the view from Eastern Avenue. See color photos, Exhibits 4B & 4C. 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 absence of County and/or community opposition.

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

ORDER RECEIVED FOR FILING

Date

6/21/13

By

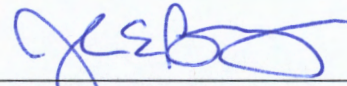
Sen

THEREFORE, IT IS ORDERED, this 21st day of June, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Baltimore County Zoning Regulations ("B.C.Z.R") § 450.4 Attachment 1 #5(a) to allow a total of 2 wall-mounted enterprise signs on a building façade with a separate exterior customer entrance in lieu of the permitted 1 sign on a wall containing the exterior customer entrance and defining the space occupied by the separate entity, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB: sln

ORDER RECEIVED FOR FILING

Date 6/21/13
By sln



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 7801 Eastern Avenue which is presently zoned BM-CT

Deed References: 32428-00141 10 Digit Tax Account # 1505000500

Property Owner(s) Printed Name(s) LBUBS 2006-C37839 MALL LLC

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

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

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

3. ☒ a Variance from Section(s) 450.4 Attachment 1 #5.(a)

To allow a total of 2 wall-mounted enterprise signs on a building façade with a separate exterior customer entrance in lieu of the permitted 1 sign on a wall containing the exterior customer entrance and defining the space occupied by the separate entity.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Rose Casual Dining, L.P
Name- Type or Print

Jason Rose,
Signature VP-Real Estate

29 Friends Lane Newtown Pa
Mailing Address City State

18940, 215-579-9220
Zip Code Telephone # Email Address

Attorney for Petitioner:

David H. Karciski, Esquire
Name- Type or Print

Signature Venable LLP
Signature

210 W. Pennsylvania Ave., Ste. 500 Towson MD
Mailing Address City State

21204, 410-494-6285, dhkarciski@venable.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

LBUBS 2006-C37839 MALL LLC

Rodolfo S. Lauredo /
Name #1 - Type or Print Name #2 - Type or Print

Signature #1 /
Signature #2

1001 Washington Ave, Ste. 700, Miami Beach, FL
Mailing Address City State

33139 / 305-695-5600 /
Zip Code Telephone # Email Address

Representative to be contacted:

David H. Karciski, Esquire
Name - Type or Print

Signature Venable LLP
Signature

210 W. Pennsylvania Ave., Ste. 500 Towson MD
Mailing Address City State

21204, 410-494-6285, dhkarciski@venable.com
Zip Code Telephone # Email Address

CASE NUMBER 2013-0259-A Filing Date 5/ ORDER RECEIVED FOR FILING

Reviewer u

Date 6/21/13 REV. 10/4/11

By den



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 7801 Eastern Avenue which is presently zoned BM-CT

Deed References: 32428-00141 10 Digit Tax Account # 1505000500

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(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

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

3. ☒ a Variance from Section(s) 450.4 Attachment 1 #5.(a)

To allow a total of 2 wall-mounted enterprise signs on a building façade with a separate exterior customer entrance in lieu of the permitted 1 sign on a wall containing the exterior customer entrance and defining the space occupied by the separate entity.

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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:

Rose Casual Dining LP

Name- Type or Print Jason Rose, VP-Real Estate

Signature [Signature]

29 Friends Lane Mount Airy NC

Mailing Address City State

18940, 215-579-9220

Zip Code Telephone # Email Address

Attorney for Petitioner:

David H. Karceski, Esquire

Name- Type or Print [Signature]

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204, 410-494-6285, dhkarceski@venable.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

LBUBS 2006-C37839 MALL LLC

Rodolfo S. Lauredo

Name #1 - Type or Print Name #2 - Type or Print

Signature #1 [Signature] Signature #2

1001 Washington Ave., Ste. 700, Miami Beach, FL

Mailing Address City State

33139, 305-695-5600

Zip Code Telephone # Email Address

Representative to be contacted:

David H. Karceski, Esquire

Name - Type or Print [Signature]

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204, 410-494-6285, dhkarceski@venable.com

Zip Code Telephone # Email Address

CASE NUMBER 2013-0259-A

Filing Date 5/1/2013

Do Not Schedule Dates

Reviewer [Signature]

ORDER RECEIVED FOR FILING

REV. 10/4/11

Date 6/21/13

By [Signature]

**ZONING DESCRIPTION OF THE TENANT SPACE KNOWN AS
"APPLEBEE'S RESTAURANT"**

For the same at a steel pin and cap 8440 set on the southeast side of Eastern Avenue (65.33 feet wide) where it is intersected by the west side of the Baltimore Gas and Electric Company Right of Way (205 feet wide), said pin also being at the point of beginning of land firstly described in a deed dated August 9, 1979 and recorded among the Land Records of Baltimore County in Liber 6059, Folio 357 from Monumental Properties Trust to Bellwether Properties, L.P. and also being identified by the coordinates of South 400.41 feet and East 30952.63 feet, as referred to the Baltimore County Metropolitan Coordinate System, as now surveyed and also referring all courses to the Baltimore County Metropolitan Grid District, running thence binding on the west side of said Baltimore Gas and Electric Company Right of Way for the three following courses and distances, and also binding on the outline of the abovementioned firstly described land for the six following courses and distances (1st through 5th and part of the 6th lines of land) and leaving said Eastern Avenue:

(1) S 00° 20' 25" E 249.70 feet to a steel pin and cap 8440 set, (herein after referred to as a marker set),

(2) N 89° 39' 35" E 15.01 feet to a market set,

(3) S 00° 20' 25" E 414.60 feet to a marker set on the northmost side of the Baltimore City Sanitary Sewer Outfall Right of Way, running thence leaving Baltimore County Gas and Electric Right of Way and binding on the northmost, the westmost and the southernmost outfall right of way for the following five courses and distances by a line curving to the right,

(4) having a radius of 918.00 feet and an arc length of 162.65 feet and having a chord of N 71° 26' 58" W 162.44 feet to a PK Nail set,

(5) N 66° 22' 25" W 182.00 feet to a PK Nail set,

(6) S 00° 20' 25" E 54.72 feet to a PK Nail set at the beginning of the third line of land described in a deed dated December 28, 1989 and recorded among the aforesaid Land Records Liber 8364, Folio 294, from Baltimore Gas and Electric Foundation Inc. to Eastpoint Partners, L.P., running thence binding on the 3rd, 4th and 5th lines of land described in just mentioned deed for the following three courses and distances,

(7) S 66° 22' 25" E 216.64 feet to a PK Nail set, running thence by a curve to the left,

(8) having a radius of 1343.25 feet an arc length of 80.26 feet and having a chord of S 68° 05' 07" E 80.25 feet to a PK Nail set on the west side of the abovementioned Baltimore Gas and Electric Company right of way N, running thence binding on justmentioned right of way for the three following courses and distances and also parallel to and 2 feet west of an existing fence line for the following course and distance ,

(9) S 00° 20' 21" E 880.40 feet to a marker set on the 7th line of the land firstly described in abovementioned deed Liber 6059, Folio 357, running thence binding on the remainder of the justmentioned 7th line of land and also binding on the 8th through 30th lines of land described in justmentioned deed for the twenty four following courses and distances,

(10) S 49° 11' 09" E 103.35 feet to a steel pin and cap 8440 set,

(11) S 00° 20' 25" E. 458.46 feet to a marker set on the northeast side of North Point Boulevard, as widened at the off ramp leading from Merritt Boulevard to the west bound lane of North Point Boulevard, running thence binding on said ramp,

(12) N 86° 47' 19" W 39.58 feet to a marker set on the northeast side of said North Point Boulevard (150 feet wide), running thence binding on the northeast side of justmentioned Merritt Boulevard for the five following courses and distances,

(13) N 70° 12' 57" W 103.55 feet to a marker set,

(14) N 19° 47' 03" E 23.00 feet to a marker set,

(15) N 70° 12' 57" W 45.00 feet to a market set,

2013-0259-A

- (16) S 19° 47' 03" W 23.00 to a marker set,
(17) N 70° 12' 57" W 2303.94 feet to a marker set at the Eastern Avenue Interchange and passing over a concrete monument found 1026.89 feet from the beginning of this line, running thence binding on the off ramp leading to Eastern Avenue for the four following courses and distances,
(18) N 00° 46' 11" W 329.46 feet to a marker set,
(19) N 37° 01' 19" E 137.41 feet to a marker set,
(20) N 66° 07' 18" E 291.82 feet to a marker set,
(21) N 13° 59' 40" W 16.45 feet to a marker set on the southeast side of Eastern Avenue as widened to a varying width, running and binding on the southeast side of justmentioned Eastern Avenue for the remaining courses and distances,
(22) N 67° 00' 36" E 181.89 feet to a PK Nail set,
(23) N 74° 23' 46" E 157.60 feet to a PK Nail set,
(24) N 71° 39' 29" E 160.07 feet to a PK Nail set,
(25) N 68° 52' 06" E 168.80 feet to a PK Nail set,
(26) N 73° 56' 31" E 185.16 feet to a cross cut set on the top of concrete curb,
(27) S 03° 50' 23" E 519.79 feet to a point,

To the Tenant Space Point of Beginning

- (1) S 04° 02' 01" E 26.41 feet to a point,
(2) N 90° 00' 00" W 5.25 feet to a point,
(3) S 00° 00' 00" E 46.00 feet to a point,
(4) N 90° 00' 00" E 62.00 feet to a point,
(5) N 00° 00' 00" E. 70.02 feet to a point,
(6) N 45° 00' 00" E 15.20 feet to a point,
(7) N 00° 00' 00" E 1.98 feet to a point,
(8) N 90° 00' 00" E 44.00 feet to a point,
(8) S 00° 00' 00" E 10.40 feet to a point,
(9) N 90° 00' 00" E 10.64 feet to a the tenant space place of beginning.

Containing 5,090 square feet of land more or less. Being known as "Applebee's Restaurant.



2-27-13

0259-A

**ZONING DESCRIPTION OF THE LANDS KNOWN AS
PARCEL 21, TAX MAP 96, GRID 17 WITH DEED REFERENCE 23281/198
PARCEL 490, TAX MAP 96, GRID 17 WITH DEED REFERENCE 23281/198
AND
PARCEL 418, TAX MAP 96, GRID 17 WITH DEED REFERENCE 5489/589
WHICH IS OF VARIABLE WIDTH AT A DISTANCE OF 2075'
NORTHEAST OF THE EASTERN AVENUE (MD RTE 150)
INTERCHANGE WITH NORTH POINT BOULEVARD (MD RTE 151)
AS RECORDED IN THE DATABASE OF
BALTIMORE COUNTY, MARYLAND
15TH DISTRICT**

Beginning for the same at a steel pin and cap 8440 set on the southeast side of Eastern Avenue (65.33 feet wide) where it is intersected by the west side of the Baltimore Gas and Electric Company Right of Way (205 feet wide), said pin also being at the point of beginning of land firstly described in a deed dated August 9, 1979 and recorded among the Land Records of Baltimore County in Liber 6059, Folio 357 from Monumental Properties Trust to Bellwether Properties, L.P. and also being identified by the coordinates of South 400.41 feet and East 30952.63 feet, as referred to the Baltimore County Metropolitan Coordinate System, as now surveyed and also referring all courses to the Baltimore County Metropolitan Grid District, running thence binding on the west side of said Baltimore Gas and Electric Company Right of Way for the three following courses and distances, and also binding on the outline of the abovementioned firstly described land for the six following courses and distances (1st through 5th and part of the 6th lines of land) and leaving said Eastern Avenue:

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(4) having a radius of 918.00 feet and an arc length of 162.65 feet and having a chord of N 71° 26' 58" W 162.44 feet to a PK Nail set,

(5) N 66° 22' 25" W 182.00 feet to a PK Nail set,

(6) S 00° 20' 25" E 54.72 feet to a PK Nail set at the beginning of the third line of land described in a deed dated December 28, 1989 and recorded among the aforesaid Land Records Liber 8364, Folio 294, from Baltimore Gas and Electric Foundation Inc. to Eastpoint Partners, L.P., running thence binding on the 3rd, 4th and 5th lines of land described in just mentioned deed for the following three courses and distances,

(7) S 66° 22' 25" E 216.64 feet to a PK Nail set, running thence by a curve to the left,

(8) having a radius of 1343.25 feet an arc length of 80.26 feet and having a chord of S 68° 05' 07" E 80.25 feet to a PK Nail set on the west side of the abovementioned Baltimore Gas and Electric Company right of way N, running thence binding on justmentioned right of way for the three following courses and distances and also parallel to and 2 feet west of an existing fence line for the following course and distance ,

(9) S 00° 20' 21" E 880.40 feet to a marker set on the 7th line of the land firstly described in abovementioned deed Liber 6059, Folio 357, running thence binding on the remainder of the justmentioned 7th line of land and also binding on the 8th through 30th lines of land described in justmentioned deed for the twenty four following courses and distances,

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2013-0259-A

(11) S 00° 20' 25" E. 458.46 feet to a marker set on the northeast side of North Point Boulevard, as widened at the off ramp leading from Merritt Boulevard to the west bound lane of North Point Boulevard, running thence binding on said ramp,

(12) N 86° 47' 19" W 39.58 feet to a marker set on the northeast side of said North Point Boulevard (150 feet wide), running thence binding on the northeast side of justmentioned Merritt Boulevard for the five following courses and distances,

(13) N 70° 12' 57" W 103.55 feet to a marker set,

(14) N 19° 47' 03" E 23.00 feet to a marker set,

(15) N 70° 12' 57" W 45.00 feet to a market set,

(16) S 19° 47' 03" W 23.00 to a marker set,

(17) N 70° 12' 57" W 2303.94 feet to a marker set at the Eastern Avenue Interchange and passing over a concrete monument found 1026.89 feet from the beginning of this line, running thence binding on the off ramp leading to Eastern Avenue for the four following courses and distances,

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(21) N 13° 59' 40" W 16.45 feet to a marker set on the southeast side of Eastern Avenue as widened to a varying width, running and binding on the southeast side of justmentioned Eastern Avenue for the remaining courses and distances,

(22) N 67° 00' 36" E 181.89 feet to a PK Nail set,

(23) N 74° 23' 46" E 157.60 feet to a PK Nail set,

(24) N 71° 39' 29" E 160.07 feet to a PK Nail set,

(25) N 68° 52' 06" E 168.80 feet to a PK Nail set,

(26) N 73° 56' 31" E 185.16 feet to a cross cut set on the top of concrete curb,

(27) N 70° 13' 34" E 160.00 feet to a PK Nail set,

(28) N 67° 03' 42" E 217.39 feet to a PK Nail set,

(29) N 70° 13' 34" E 316.40 feet to a market set,

(30) N 67° 47' 56" E 141.68 feet to a PK Nail set,

(31) S 29° 32' 43" E 26.00 feet to a marker set,

(32) N 60° 27' 17" E. 186.33 feet to a marker set, still binding on the southeast side of Eastern Avenue, (now 65.33 feet wide),

(33) N 70° 13' 34" E 199.03 feet to the place of beginning.



Containing 66.4402 acres of land more or less. Being known as 7800 block Eastern Avenue. Being known as Tract 1.

Being all of the same land firstly described in a deed dated August 8, 1979 and recorded among the Land Records of Baltimore County in Liber 6059 Folio 357 from Monumental Properties Trust to Bellwether Properties, L.P.

Being all of the same land described in a deed dated December 28, 1989 and recorded among the Land Records of Baltimore County in Liber 8364, Folio 294 from Baltimore Gas and Electric Foundation, Inc. to Eastpoint Partners, L.P.

Together with the benefit of those provisions set forth in a Entry Agreement between the Mayor and City Council of Baltimore and Bellwether Properties, L.P. dated November 5, 1984 and recorded among the Land Records of Baltimore County in Liber EHK, Jr. No 6824, Folio 779 and in an Easement Agreement between the Mayor and City Council of Baltimore and Eastpoint Partners, L.P. dated April 20, 1988 and recorded among the Land Records of Baltimore County in Liber SM No. 7916, Folio 161.

0259-A

**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/neighbor 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: 2013-0259-A

Petitioner: LBUBS 2006-C37839 MALL LLC

Address or Location: 7801 Eastern Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: Barbara Lukasevich

Address: Venable, LLP

210 W. Pennsylvania Avenue, Suite 500

Towson, MD 21204

Telephone Number: 410-494-2600

Revised 2/20/98 - SCJ

CERTIFICATE OF POSTING

2013-0259-A

RE: Case No.: _____

Petitioner/Developer: _____

Rose Casual Dining, L.P.

June 20, 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: _____

7801 Eastern Ave

May 31, 2013

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

Sincerely,

May 31, 2013

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

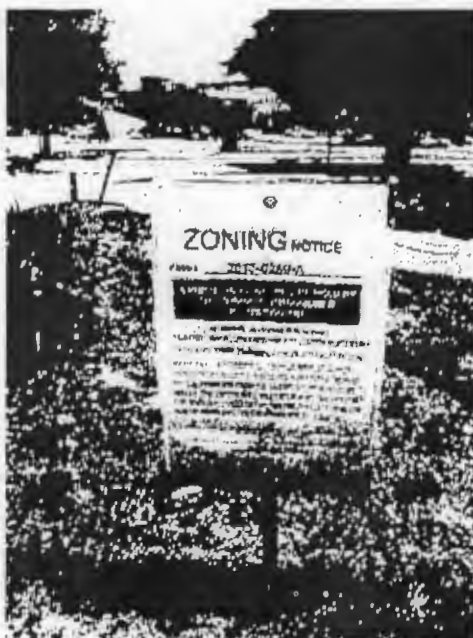
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

May 30, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, the publication appearing on May 30, 2013

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

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

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: #2013-0259-A

7801 Eastern Avenue

S/s of Eastern Avenue, N/s North Point Blvd., and E/s of interchange ramp

15th Election District - 7th Councilmanic District

Legal Owner(s): LBUBS 2006-C37839 Mail, LLC, Rodolfo Lauredo

Contract Purchaser: Rose Casual Dining, L.P.

Variance: to allow a total of 2 wall-mounted enterprise signs on a building facade with a separate exterior customer entrance in lieu of the permitted 1 sign on a wall containing the exterior customer entrance and defining the space occupied by the separate entity.

Hearing: Thursday, June 20, 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.
5/4/94 May 30

924704



KEVIN KAMENETZ
County Executive

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

May 20, 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: 2013-0259-A

7801 Eastern Avenue

S/s of Eastern Avenue, N/s North Point Blvd., and E/s of interchange ramp
15th Election District – 7th Councilmanic District

Legal Owners: LBUBS 2006-C37839 Mall, LLC, Rodolfo Lauredo

Contract Purchaser: Rose Casual Dining, L.P.

Variance to allow a total of 2 wall-mounted enterprise signs on a building façade with a separate exterior customer entrance in lieu of the permitted 1 sign on a wall containing the exterior customer entrance and defining the space occupied by the separate entity.

Hearing: Thursday, June 20, 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: David Karceski, 210 W. Pennsylvania Ave., Ste. 500, Towson 21204
Jason Rose, 29 Friends Lane, Newton PA 18940
Rodolfo Lauredo, 1001 Washington Avenue, Ste. 700, Miami FL 33139

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, MAY 31, 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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, May 30, 2013 Issue - Jeffersonian

Please forward billing to:

Barbara Lukasevich

410-494-2600

Venable, LLP

210 W. Pennsylvania Avenue, Ste. 500

Towson, MD 21204

NOTICE OF ZONING HEARING

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CASE NUMBER: 2013-0259-A

7801 Eastern Avenue

S/s of Eastern Avenue, N/s North Point Blvd., and E/s of interchange ramp

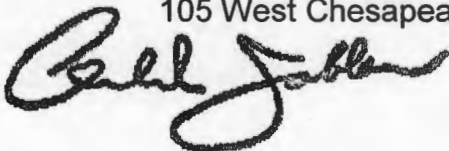
15th Election District – 7th Councilmanic District

Legal Owners: LBUBS 2006-C37839 Mall, LLC, Rodolfo Lauredo

Contract Purchaser: Rose Casual Dining, L.P.

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Hearing: Thursday, June 20, 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.

MEMORANDUM

DATE: July 25, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0259-A - Appeal Period Expired

The appeal period for the above-referenced case expired on July 22, 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

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
7801 Eastern Avenue; S/S Eastern Avenue,
N/S North Point Blvd & E/S interchange ramp * OF ADMINISTRATIVE
15th Election & 7th Councilmanic Districts
Legal Owners: LBUBS 2006-C37839 MALL LLC* HEARINGS FOR
Contract Purchaser(s): Rose Casual Dining LP
Petitioner(s) * BALTIMORE COUNTY
* 2013-259-A

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED
MAY 07 2013

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 7th day of May, 2013, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NO. 2013- 0259-A

CHECKLIST

Support/Oppose/
Conditions/
Comments/
No Comment

Comment
Received

Department

5/13/13

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

NO/C

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

FIRE DEPARTMENT

5/29/13

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

NOT OPPOSED
JWC

5/7/13

STATE HIGHWAY ADMINISTRATION

NO Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

5/30/13

SIGN POSTING

Date:

5/31/13

by Black

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: May 13, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For May 10, 2013
Item Nos. 2013- 0249, 0256, 0257, 0258, 0259, and 0260.

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

DAK:CEN
Cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 29, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 7801 Eastern Boulevard

INFORMATION:

Item Number: 13-259

Petitioner: LBUBS 2006-C37839 Mall, LLC
Rodolfo S. Lauredo

Zoning: BM-CT

Requested Action: Variance

RECEIVED

JUN 03 2013

OFFICE OF ADMINISTRATIVE HEARINGS

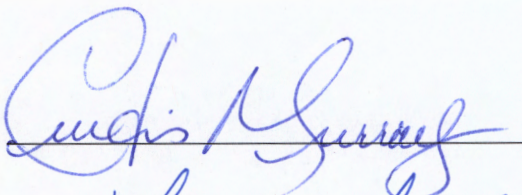
SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning does not oppose the petitioner's request. The proposed signage is an improvement to the existing conditions of the site.

However, the existing wall mounted sign located immediately west of the red canopy/awning shall be removed. The proposed elevation drawings does not show nor indicate the fate of this wall sign, and is not included in the signage calculations on the site plan.

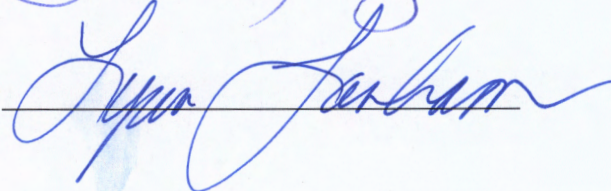
For further information concerning the matters stated here in, please contact Dennis Wertz at 410-887-3480.

Prepared By:



Division Chief:

AVA/LL:cjm



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



MARYLAND DEPARTMENT OF TRANSPORTATION

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

Date: 5-7-13

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

RE: Baltimore County
Item No. 2013-0259
Variance
LBUBS 2006-07839 MHI LLC.
7801 Eastern Avenue
MD 150

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 5-6-13. A field inspection and internal review reveals that an entrance onto MD150 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2013-0259.

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



KEVIN KAMENETZ
County Executive

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

June 11, 2013

LBUBS 2006-C37839 MALL LLC
Rodolfo S. Lauredo
1001 Washington Avenue
Suite 700
Miami Beach Florida 33139

RE: Case Number: 2013-0259 A, Address: 7801 Eastern Avenue

Dear Mr. Lauredo:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 1, 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Rose Casual Dining L.P., 29 Friends Lane, Newtown PA 18940
David H. Karceski, Esquire, 210 W. Pennsylvania Avenue, Suite 500, Towson MD 21204

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

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

Account Identifier: District - 15 Account Number - 1505000500

Owner Information

Owner Name:	LBUBS 2006-C3 7839 MALL LLC	Use:	COMMERCIAL
Mailing Address:	C/O LNR PARTNERS LLC 1601 WASHINGTON AVE STE 700 MIAMI BEACH FL 33139-	Principal Residence:	NO
		Deed Reference:	1) /32428/ 00141 2)

Location & Structure Information

Premises Address	Legal Description
7801 EASTERN AVE	60.653 AC
BALTIMORE MD 21224-0000	NS EASTERN AVE
	COR NORTH POINT BLVD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0096	0017	0021		0000				3	
									Plat Ref:

Special Tax Areas

Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2012	24937	60.6500 AC	14

Stories	Basement	Type	Exterior
1.000000		FAST FOOD	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2012	07/01/2013
Land	19,330,000	19,330,000		
Improvements:	49,016,400	39,299,200		
Total:	68,346,400	58,629,200	58,629,200	58,629,200
Preferential Land:	0			0

Transfer Information

Seller:	THOR EASTPOINT MALL LLC	Date:	08/17/2012	Price:	\$30,032,500
Type:	NON-ARMS LENGTH OTHER	Deed1:	/32428/ 00141	Deed2:	
Seller:	EASTPOINT PARTNERS LLC	Date:	01/25/2006	Price:	\$112,125,000
Type:	ARMS LENGTH MULTIPLE	Deed1:	/23281/ 00198	Deed2:	
Seller:	BELLWETHER PROP	Date:	08/04/2003	Price:	\$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/18511/ 00001	Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:	Special Tax Recapture:
Exempt Class:	NONE

Homestead Application Information

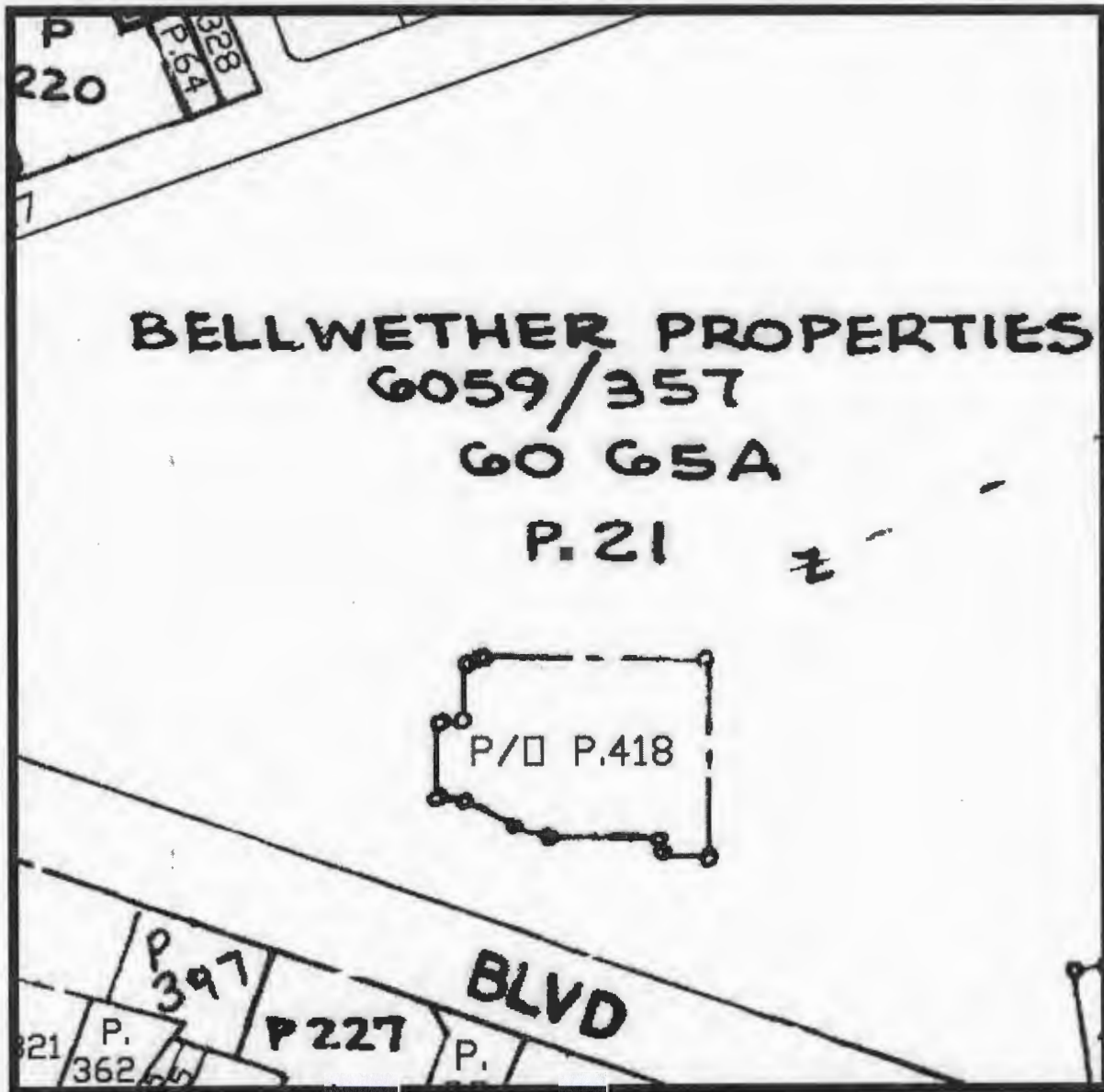
Homestead Application Status: No Application



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

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

District - 15 Account Number - 1505000500



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.

CASE NAME 7801 Eastern Ave.
CASE NUMBER 2013-259-A
DATE 6-20-13

[illegible]

6-20-13

Case No.: 2013-259-A

Exhibit Sheet

Petitioner/Developer

150
1-25-13

Protestant

SN
6-21-13

No. 1	Site plan	
No. 2	Woessner CV	
No. 3	Aerial map	
No. 4	4A → 4C Color photos	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



BOHLER™
ENGINEERING

DAVID WOESSNER, P.E.

Towson Branch Manager

EDUCATION

B.S. Civil Engineering
Clemson University

PROFESSIONAL LICENSES

Maryland PE #14440
Virginia PE #038794

PROFESSIONAL AFFILIATIONS

American Society of Civil Engineers

Home Builders Association of
Maryland

International Council of Shopping
Centers

NAIOP

Urban Land Institute

Maryland National Capital Building
Industry Association

PROFESSIONAL SUMMARY

David Woessner is the Branch Manager and Principal Engineer for Bohler Engineering's Towson, Maryland office. He has owned and operated land development and engineering firms for 15 years and has lead engineering teams for 27 years. The projects he has engineered and developed include multifamily housing projects, federal installation housing and administrative buildings, as well as numerous commercial, retail and institutional projects.

EXPERIENCE

David served as a Principal Engineer for the following projects:

- **Wild Lake Village Renovation Project:** 150 new residential high-rise units and over 500,000 square feet of retail and commercial space.
- **Westover and Eastover Glen Projects:** 303 residential units in multifamily buildings; 2 miles of roads, water, sewer, storm drain, and grading and storm water management design.
- **Brick Yard Commercial Development :** 5 warehouse structures containing 500,000 square feet of commercial and warehouse space. Responsibilities included the design of the infrastructure to support the development.
- **Reservoir Overlook Residential Project :** 114 upscale single family residences. This project interfaced with the Rocky Gorge Reservoir and required enhanced treatment of runoff to protect the water supply.
- **Pindell Woods Residential Project:** 54 high-end residential homes on approximately 100 acres. The design included wastewater treatment and private wells for the 54 homes.
- **Patuxent National Wildlife Refuge:** 200,000 Square foot Patuxent Wildlife Administration Building, and 6 other office buildings on the U.S. Fish and Wildlife Refuge. This project consisted of all site planning and infrastructure to support the development.
- **Quantico Marine Base Housing Project:** 4 housing facilities supporting 1000 residents. In addition, all infrastructure to support these projects was designed and constructed.
- **Bank of America :** Design and construction of ADA upgrade projects for 122 Bank of America Branches in Maryland, District of Columbia and Virginia.
- **Harmony Village Project:** 350 residential apartments in mid-rise buildings. Numerous environmental challenges were overcome to achieve a delicate balance with the natural environment.

PETITIONER' S

EXHIBIT NO.

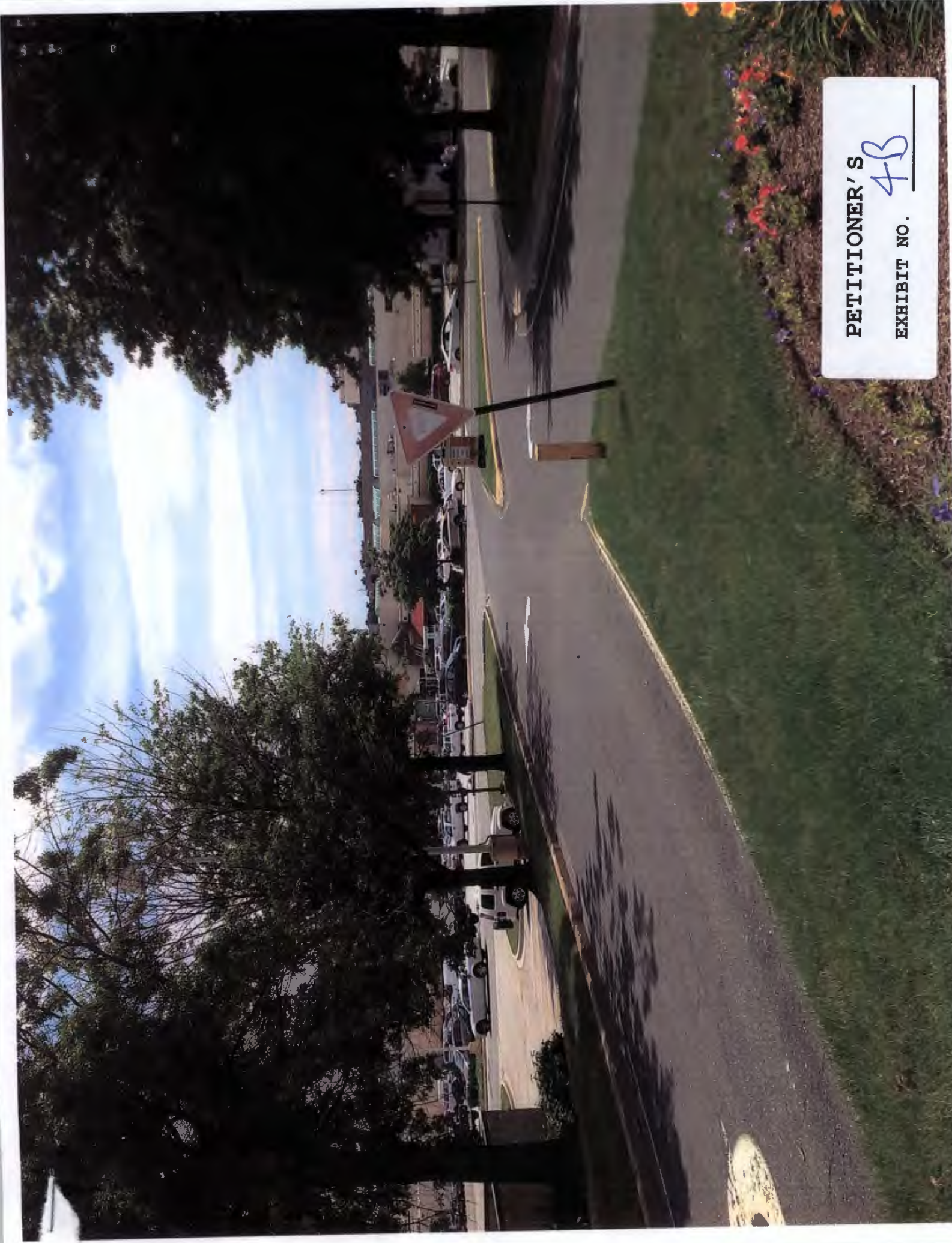
2



PETITIONER'S

EXHIBIT NO.

4A



PETITIONER'S

4B

EXHIBIT NO.

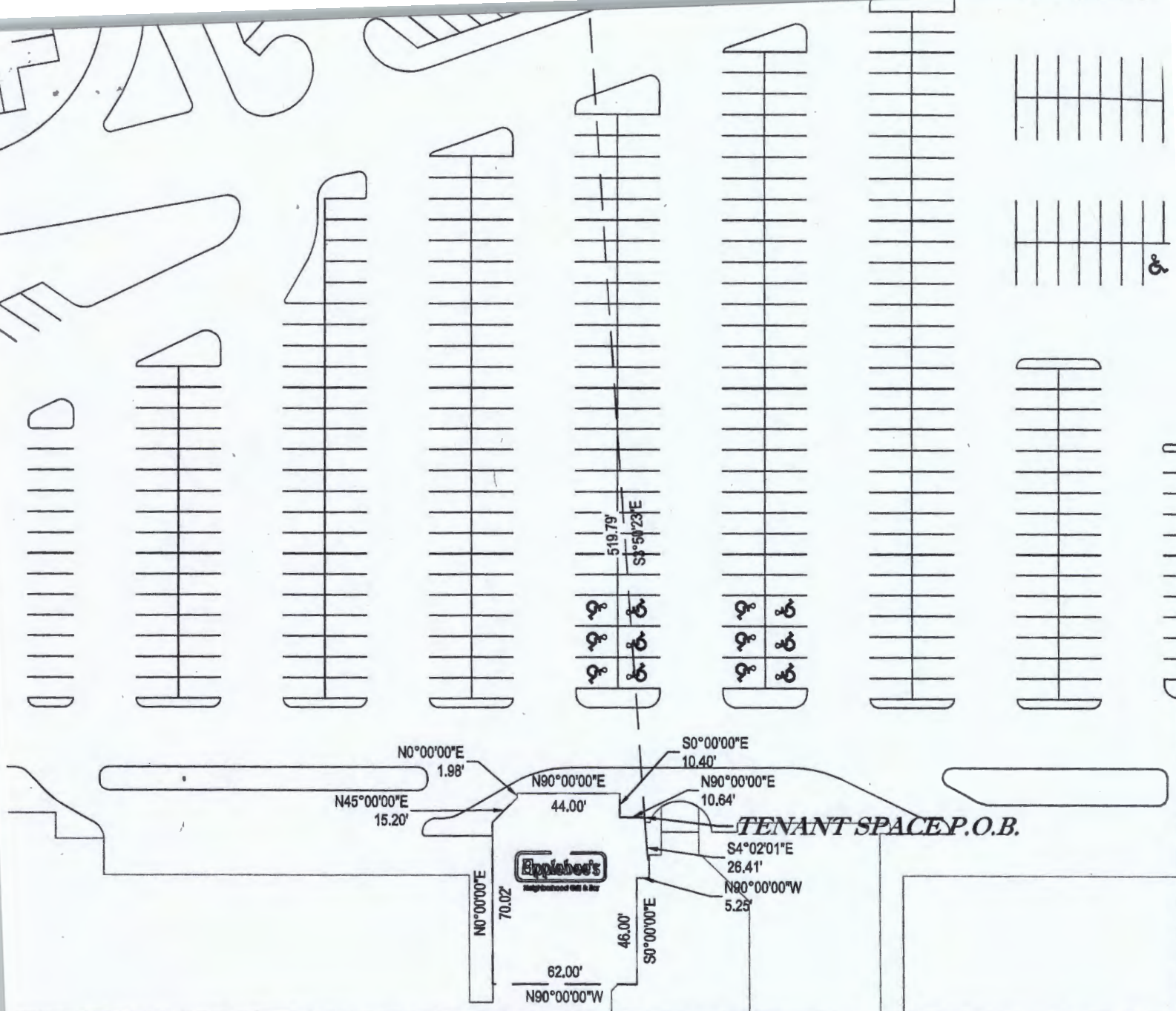


PETITIONER'S

EXHIBIT NO.

4C

2-27-13



LEGAL DESCRIPTION EXHIBIT

SCALE 1" = 60'

GENERAL NOTE:

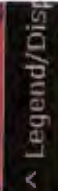
THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO ORDINANCES OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE THE CONTRACTOR'S FULL RESPONSIBILITY TO COMPLETE THE SCOPE OF THE WORK AS DEFINED BY THE DRAWINGS AND IN FULL CONFORMANCE WITH LOCAL REGULATIONS AND CODES.

EXHIBITS\SIGN VARIANCE PLAN\MD1221275\1.DWG PRINTED BY: RMATIELLO 3.25.13 @ 3:38 PM LAST SAVED BY: RMA

SITE INFORMATION

1. SITE ADDRESS:
EASTPOINT MALL

LOCATION



11343 Feet

EASTPOINT MALL

096C2

7 CD

15 ED
BM CT
SE 1-E

2005-0099-SPHA
2009-0076-SPHA
1994-0197-A
1991-0199-SPHA
1993-0429-SPHXA
1973-0292-A

1505000500

7760

PDM # 150534
EASTPOINT MALL (PDM File/Project # 15-534)

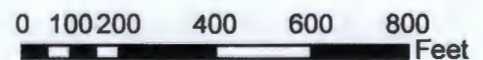
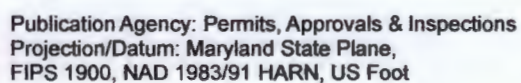
7801

096C3

1700000373

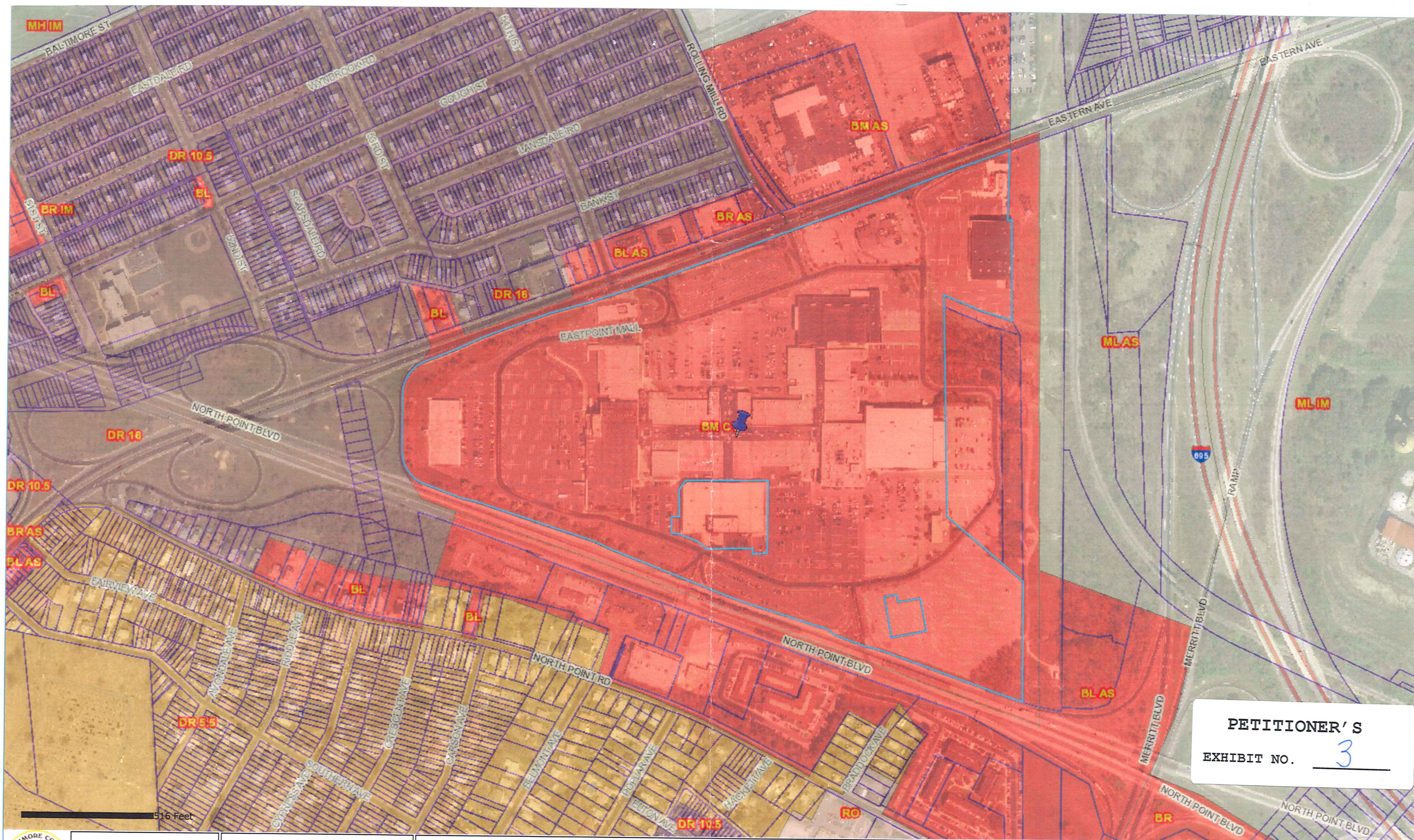
SE 1-F

2013-0259-A



1 inch = 400 feet





PETITIONER'S
EXHIBIT NO. 3



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.