

IN RE: PETITION FOR VARIANCE

(8601 Gray Fox Road)

4th Election District

2nd Councilman District

Gardenview Apartment Associates, LLC

Petitioner

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2013-0318-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Edward J. Gilliss, Esquire, on behalf of the legal owner, Gardenview Apartment Associates, LLC. The Variance was filed pursuant to Baltimore County Zoning Regulations ("B.C.Z.R") §450.4 Attachment 1 #2, to permit a 48 sq. ft., 13' high community sign in lieu of the permitted 25 sq. ft., 6' high sign at Foxcliff Road and Liberty Road. 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 of the requests was James Grammer, with Polaris Land Consultants, whose firm prepared the site plan. Edward J. Gilliss, Esquire, with Royston, Mueller, McLean & Reid, LLP, appeared as counsel and represented the Petitioner. There were no Protestants or interested citizens in attendance, and the file does not contain any letters of protest or opposition. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

There were no substantive Zoning Advisory Committee (ZAC) comments received.

Testimony and evidence revealed that the subject property is comprised of two parcels totaling approximately 33 +/- acres and zoned DR 16. The site is improved with a large

ORDER RECEIVED FOR FILING

Date 9-3-13

By [Signature]

apartment complex (588 units) constructed many years ago, which had recently fallen into disrepair. The Petitioner purchased the property in 2012, and has undertaken extensive repairs and renovations. The Petitioner would like to construct a sign informing prospective tenants of the new apartments and the location of the leasing office, but zoning relief is required before it can do so.

Based upon the testimony and evidence presented, I will grant the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioner has met this test. The parcel is large and irregularly shaped. In addition, the subject property is surrounded on all sides by business and commercially-zoned parcels. As such, the property is unique.

If the B.C.Z.R. were strictly enforced, the Petitioner would indeed suffer a practical difficulty, since it would be unable to install the proposed signage which would help to direct motorists (prospective tenants) to, and throughout, the site. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the absence of 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.

THEREFORE, IT IS ORDERED, this 3rd day of September, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to

ORDER RECEIVED FOR FILING

Date 9-3-13

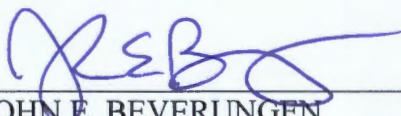
By DW

Baltimore County Zoning Regulations ("B.C.Z.R") § 450.4 Attachment 1 #2, to permit a 48 sq. ft., 13' high community sign in lieu of the permitted 25 sq. ft., 6' high sign at Foxcliff Road and Liberty Road, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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.

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: dlw

ORDER RECEIVED FOR FILING

Date 9-3-13

By dlw



KEVIN KAMENETZ
County Executive

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

September 3, 2013

Edward J. Gilliss, Esquire
Royston, Mueller, McLean & Reid, LLP
102 West Pennsylvania Avenue, Suite 600
Towson, Maryland 21204

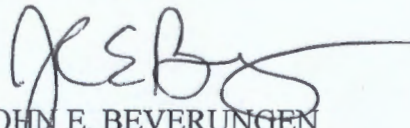
RE: Petition for Variance
(8601 Gray Fox Road)
Case No. 2013-0318-A

Dear Mr. Gilliss:

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.

Very truly yours,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure



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 8601 Gray Fox Road, Randallstown, MD 21133 which is presently zoned DR 16

Deed References: 31235/286 10 Digit Tax Account # 02-21-830001

Property Owner(s) Printed Name(s) Garden View Apartment Associates, 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. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. X a **Variance** from Section(s) BC2R 450.4 Attachment 1 #2

To permit a 48 square foot, 13 foot high community sign in lieu of the permitted 25 square foot, 6 foot high sign at Foxcliff Road and Liberty Road, as shown on Attachment "A"

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)

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

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Edward J. Gilliss, Esq.

Name- Type or Print

Signature

102 W. Pennsylvania Avenue, Suite 600 Towson, MD

Mailing Address

City

State

21204
Zip Code

410-823-1800
Telephone #

egilliss@rmmr.com
Email Address

Legal Owners (Petitioners):

Gardenvue Apartment Associates, LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1 Stephen Waters

Signature #2

160 Clubhouse Road King of Prussia PA

Mailing Address

City

State

19406
Zip Code

610-945-1540
Telephone #

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2013-0318-A Filing Date 6/26/2013 Do Not Schedule Dates: _____

Reviewer



10 GERARD AVENUE
SUITE 101
TIMONIUM, MD 21093
(410) 252-4444 (o)
(410) 252-4493 (f)
www.polarisl.com



**ZONING DESCRIPTION TO ACCOMPANY
VARIANCE REQUEST
NORTHWEST VILLAGE APARTMENTS
4TH ELECTION DISTRICT, 2ND COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MD**

BEGINNING FOR THE FIRST at a point on the Southeast side of Old Court Road (MD Rte 125) being 70-feet wide, said point being situated 650', more or less, southwesterly from the centerline of Liberty Road (MD Rte 26) and then leaving said southeast side and running S 55°33'19" E 898.07'; then, N 31°20'51" E 252.03'; then, S 58°46'19" E 540.50'; then, S 43°59'51" W 435.27'; then, N 58°19'49" W 527.19'; then, N 58°16'39" W 918.91' to the southeast side of Old Court Road, then running with said southeast side N 57°36'19" E 235.38' to the point of beginning. Containing 390,258 square feet or 8.9591 acres of land, more or less. Lying in the 4th Election District, 2nd Councilmanic District. Also being known as Parcel A, Kerm Court Apartments, recorded among the Land Records of Baltimore County in Plat Book R.R.G. 30, page 34.

BEGINNING FOR THE SECOND at a point on the southwest side of Liberty Road (MD Rte 26) being 80' wide, said point being situated 303', more or less, southeasterly from the centerline of Brenbrook Road, being 70' wide, then running with said southwest side S 64°25'49" E 129.50'; then leaving said Liberty Road and running S 31°40'44" W 161.04'; then, S 62°38'46" E 212.17'; then, S 31°36'41" W 144.73'; then, S 58°53'19" E 123.67'; then, S 37°45'30" W 334.71'; then, S 58°45'22" E 2.48'; then, S 59°10'34" E 47.98'; then, N 37°45'30" E 404.09'; then, N 40°43'49" E 119.44'; then, S 59°40'58" E 198.97'; then, S 28°11'52" W 33.79'; then, S 64°11'22" E 391.84'; then, S 48°35'21" W 225.92'; then, S 55°40'48" E 85.35'; then, S 58°51'38" E 141.71' to a point on the northwest side of Old Court Road (MD Rte 125) being 70' wide, then running with said northwest side S 57°36'17" W 339.45', then leaving said road and running N 58°31'25" W 274.75'; then, S 18°15'31" E 96.44'; then, S 61°47'54" W 143.94'; then, by a curve to the right having a radius of 431.00', an arc length of 67.20'; then, S 70°43'51" W 109.50'; then, by a curve to the left having a radius of 1319.00', an arc length of 127.38'; then, S 65°11'51" W 103.25'; then, S 61°24'22" W 164.90'; then, N 43°32'57" W 30.00'; then, S 23°32'17" W 6.48'; then, S 23°32'17" W 32.94'; then, N 66°11'19" W 194.48'; then, S 23°48'41" W 145.14'; then, by a curve to the left having a radius of 235.00', an arc length of 92.78'; then, S 01°11'29" W 102.45' to a point on the northwest side of Old Court Road (MD Rte 125) being 70' wide, then running with said northwest side by a curve to the right having a radius of 512.00', an arc length of 30.01', then leaving said northwest side and running N 01°11'29" E 102.05'; then, by a curve to the right having a radius of 265.00', an arc length of 104.62'; then, N 23°48'41" E 204.64'; then, N 59°26'07" W 137.80'; then, N 23°48'40" E 658.30'; then, N 59°21'28" W 209.65'; then, N 32°04'45" E 411.89'; then, S 64°27'47" E 138.24'; then, N 32°01'43" E 190.68' to the point of beginning. Containing 1,054,384 square feet or 24.2053 acres of land, more or less. Lying in the 4th Election District, 2nd Councilmanic District.

2013-0318-A



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

August 8, 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 August 8, 2013

☐ The Jeffersonian

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: # 2013-0318-A

8601 Gray Fox Road

SW/s Liberty Road, 303 ft. +/- SE of centerline of Brenbrook Road

2nd Election District - 4th Councilmanic District

Legal Owner(s): Gardenvue Apartment Associates, LLC

Variance: to permit a 48 square foot, 13 foot high community sign in lieu of the permitted 25 square foot, 6 foot high sign at Foxcliff Road and Liberty Road, as shown on "Attachment A."

Hearing: Wednesday, August 28, 2013 at 2:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

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

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
8/124 Aug. 8 939354

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

No. **101404**

Date: **6/26/13**

PAID RECEIPT

BUSINESS ACTUAL TIME DR#
 6/27/2013 6/26/2013 15:14:14 2

REC MSG2 MAIL JERR JEE
 >> RECEIPT # 830424 6/26/2013 DFLH

Dept 5 520 ZONING VERIFICATION
 CR NO. 101404

Recpt Tot \$385.00
 \$385.00 CK \$1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				385.00

Total: **385.00**

Rec From: *Morgan Properties*
 For: *8601 Gray Fox Rd.*
21133
2013-0318-A

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

August 7, 2013

Re:

Case Number: 2013- 0318-A

Petitioner / Developer: Gradenvision Apartment Associates, LLC

Date of Hearing: August 28, 2013

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: 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 **8601 Gray Fox Road**.

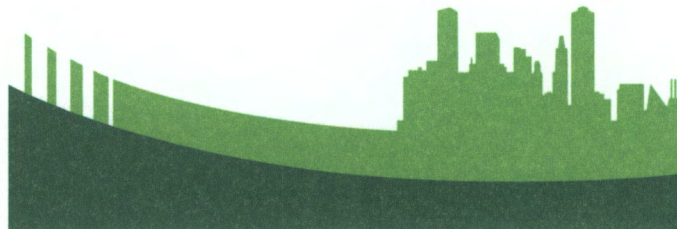
The sign(s) were posted on **August 7, 2013**.

Sincerely,



Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor

ZONING NOTICE

CASE NO. 2013-0318-A

**A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE IN TOWSON
MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MD 21204**

DATE&TIME: Wednesday August 28, 2013 2:30 PM

**REQUEST: VARIANCE TO PERMIT A 48 SQUARE FOOT, 13
FOOT HIGH COMMUNITY SIGN IN LIEU OF THE PERMITTED
25 SQAURE FOOT, 6 FOOT HIGH SIGN AT FOXCLIFF ROAD
AND LIBERTY ROAD, AS SHOWN ON "ATTACHMENT A."**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.**

**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.**

THE HEARING IS HANDICAPPED ACCESSIBLE

Gray Fox Road

ZONING NOTICE

CASE NO. 2013-0318-A

A PUBLIC HEARING WILL BE HELD BY THE

ADMINISTRATIVE LAW JUDGE IN TOWNSHIP

PLACER, ROOM 205, 255 WESTERN AVENUE

TORONTO, ON M5T 1A6

DATE/TIME: Wednesday August 28, 2013 5:30 PM

AGENDA: VARIATION TO ZONING BY-LAW TO PERMIT THE

PROPOSED VARIATION TO ZONING BY-LAW TO PERMIT THE

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PROPOSED VARIATION TO ZONING BY-LAW TO PERMIT THE

TO: PATUXENT PUBLISHING COMPANY
Thursday, August 8, 2013 Issue - Jeffersonian

Please forward billing to:

Edward Gillis, Esq.

410-823-1800

Royston, Mueller, McLean & Reid, LLP

102 West Pennsylvania Avenue, Ste. 600

Towson, MD 21204

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: 2013-0318-A

8601 Gray Fox Road

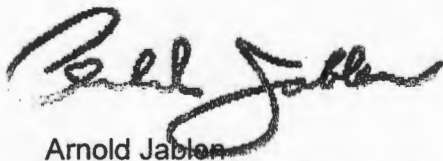
SW/s Liberty Road, 303 ft. +/- SE of centerline of Brenbrook Road

2nd Election District – 4th Councilmanic District

Legal Owners: Gardenview Apartment Associates, LLC

Variance to permit a 48 square foot, 13 foot high community sign in lieu of the permitted 25 square foot, 6 foot high sign at Foxcliff Road and Liberty Road, as shown on "Attachment A."

Hearing: Wednesday, August 28, 2013 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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



KEVIN KAMENETZ
County Executive

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

July 17, 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: 2013-0318-A

8601 Gray Fox Road

SW/s Liberty Road, 303 ft. +/- SE of centerline of Brenbrook Road

2nd Election District – 4th Councilmanic District

Legal Owners: Gardenview Apartment Associates, LLC

Variance to permit a 48 square foot, 13 foot high community sign in lieu of the permitted 25 square foot, 6 foot high sign at Foxcliff Road and Liberty Road, as shown on "Attachment A."

Hearing: Wednesday, August 28, 2013 at 2:30 p.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: Edward Gillis, 102 W. Pennsylvania Avenue, Ste. 600, Towson 21204
Gardenview Apartment Associates, LC, 160 Clubhouse Road, King of Prussia PA 19406

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

For Newspaper Advertising:

Item Number or Case Number: 2013-0318-A

Petitioner: Gardenview Apartment Associates, LLC

Address or Location: 8601 Gray Fox Road, Randallstown, MD 21133

PLEASE FORWARD ADVERTISING BILL TO:

Name: Edward J. Gilliss, Esq.

Address: Royston, Mueller, McLean & Reid, LLP

102 West Pennsylvania Avenue, Suite 600

Towson, MD 21204

Telephone Number: 410-823-1800

Revised 2/20/98 - SCJ



KEVIN KAMENETZ
County Executive

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

August 22, 2013

Gardenview Apartments Associates LLC
Stephen Waters
160 Clubhouse Road
King of Prussia PA 19406

RE: Case Number: 2013-0318 A, Address: 8601 Gray Fox Road

Dear Mr. Waters:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 26, 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
Edward Gillis, Esquire, 102 W. Pennsylvania Avenue, Suite 600, Towson MD 21204

M E M O R A N D U M

DATE: October 8, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0318-A - Appeal Period Expired

The appeal period for the above-referenced case expired on October 3, 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
8601 Gray Fox Road; SW/S Liberty Road,
303' SE of c/line Brenbrook Road
2nd Election & 4th Councilmanic Districts
Legal Owner(s): Gardenview Apartment
Associates, LLC

Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2013-318-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

JUL 10 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 10th day of July, 2013, a copy of the foregoing Entry of Appearance was mailed to Edward Gilliss, Esquire, 102 West Pennsylvania Avenue, Suite 600, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 7/2/13

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

RE: Baltimore County

Item No. 2013-0318-A

Variance
Gardenview Apartment Associates,
LLC
8601 Foxcliff Road MD226

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 7/1/13. A field inspection and internal review reveals that an entrance onto MD226 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance. Case Number 2013-0318-A.

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 "Richard Zeller".
Steven D. Foster, Chief
Access Management Division

SDF/raz

ROYSTON, MUELLER, McLEAN & REID, LLP

ATTORNEYS AT LAW

SUITE 600

THE ROYSTON BUILDING
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4575

TELEPHONE 410-823-1800

FACSIMILE 410-828-7859

www.rmmr.com

June 26, 2013

OF COUNSEL

E. HARRISON STONE
EUGENE W. CUNNINGHAM, JR., P.A.
BRADFORD G.Y. CARNEY
STEPHEN C. WINTER
LISA J. McGRATH

CARROLL W. ROYSTON
1913-1991

H. ANTHONY MUELLER
1913-2000

RICHARD A. REID
1931-2008

* ALSO ADMITTED IN D.C.

R. TAYLOR McLEAN
WILLIAM F. BLUE
THOMAS F. McDONOUGH
LAUREL PARETTA REESE*
KEITH R. TRUFFER*
ROBERT S. HANDZO*
EDWARD J. GILLISS
TIMOTHY J. OURSLER
ROBERT G. BLUE
CRAIG P. WARD
LEANNE M. SCHRECEGOST

JONATHAN M. HERBST
JAMES L. SHEA, JR.
MARTHA K. WHITE
ROBERT F. MILLER
SARAH M. GRABENSTEIN

Via Hand Delivery

Mr. Arnold Jablon, Director
Department of Permits, Approvals and Inspections
111 West Chesapeake Avenue, Suite 105
Towson, MD 21204

Re: 8601 Grey Fox Road
Randallstown, MD 21133
Petition for Zoning Hearing

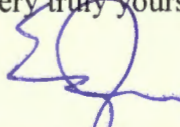
Dear Mr. Jablon:

Enclosed with this letter please find the following:

- A check made payable to Baltimore County, Maryland in the amount of \$385.00 to cover the costs of filing this Petition;
- Three signed original petition applications;
- Three copies of the property description for 8601 Grey Fox Road, Randallstown, Maryland, 21133;
- Twelve engineered stamped copies of the site plan for 601 Grey Fox Road, Randallstown, Maryland, 21133; and
- A completed advertising sheet.

Thank you for your cooperation. Please telephone me if you have any questions.

Very truly yours,



Edward J. Gilliss

EJG/ajf
Enclosures

0318-A

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: August 6, 2013

SUBJECT: DEPS Comment for Zoning Item # 2013-0318-A
Address 8601 Gray Fox Road
(Gardenview Apartment Associates, LLC Property)

Zoning Advisory Committee Meeting of July 1, 2013.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: *Jeff Livingston – Development Coordination*

RECEIVED
AUG 13 2013
OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: July 3, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For July 08, 2013
Item Nos. 2013- 0313,0314, 0315,0316,0317,0318 and 0319.

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

DAK:CEN
Cc: file

Real Property Data Search (w3)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier:	District - 02 Account Number - 0221830002	
Owner Information		
Owner Name:	GARDEN VIEW APARTMENTS ASSOCIATES LLC	Use: Principal Residence: APARTMENTS NO
Mailing Address:	C/O MORGAN PROPERTIES 160 CLUBHOUSE RD KING OF PRUSSIA PA 19406-	Deed Reference: 1) /32442/ 00271 2)
Location & Structure Information		
Premises Address:	OLD COURT RD 0-0000	Legal Description: 4.2459 AC NS OLD COURT RD 1000 SW LIBERTY RD
Map: 0077	Grid: 0015	Parcel: 0653
Sub District:	Subdivision: 0000	Section:
Block:	Lot:	Assessment Year: 2013
Plat No:	Plat Ref:	Town: NONE
Special Tax Areas:	Ad Valorem:	Tax Class:
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
		Property Land Area 4.2500 AC
		County Use 11
Stories	Basement	Type
		Exterior
		Full/Half Bath
		Garage
		Last Major Renovation
Value Information		
	Base Value	Value
		As of
		01/01/2013
Land:	1,275,000	1,275,000
Improvements	818,700	2,039,800
Total:	2,093,700	3,314,800
Preferential Land:	0	0
		Phase-in Assessments
		As of
		07/01/2013
		As of
		07/01/2014
		2,500,733
		2,907,767
Transfer Information		
Seller: PMCF PROPERTIES LLC	Date: 08/21/2012	Price: \$27,400,000
Type: ARMS LENGTH MULTIPLE	Deed1: /32442/ 00271	Deed2:
Seller: RTBH REALTY LLC	Date: 09/29/2011	Price: \$26,000,000
Type: ARMS LENGTH MULTIPLE	Deed1: /31235/ 00286	Deed2:
Seller: BROOKHAVEN CRYSTAL SPRINGS LLC	Date: 08/26/2008	Price: \$39,000,000
Type: ARMS LENGTH MULTIPLE	Deed1: /27281/ 00369	Deed2:
Exemption Information		
Partial Exempt	Class	07/01/2013
Assessments:		07/01/2014
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		

Case No.: 2013-318-A

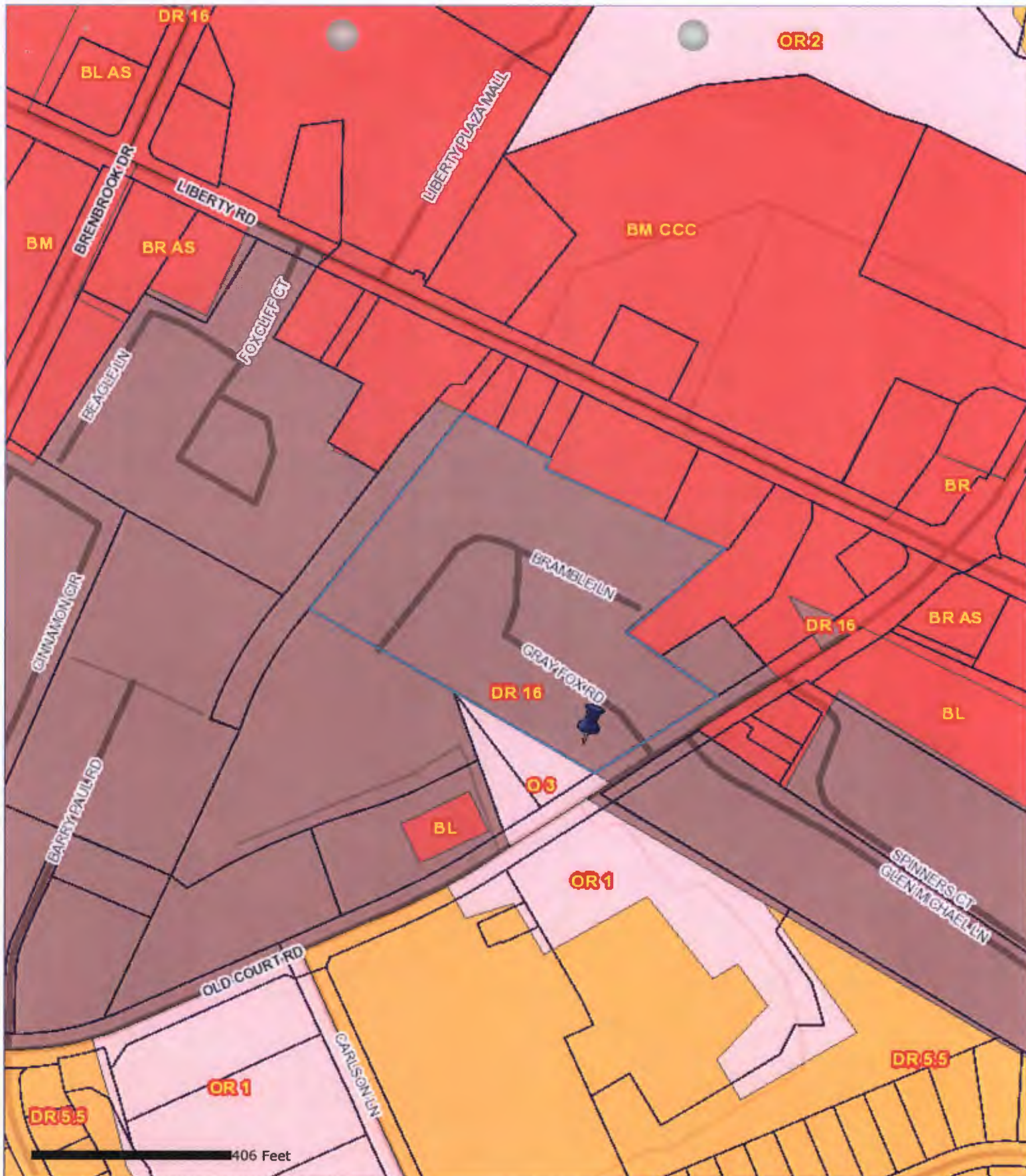
Exhibit Sheet

9-3-13 DW

Petitioner/Developer

Protestant

No. 1	Site plan	
No. 2	My Neighborhood Map	
No. 3	color photos	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



My Neighborhood Map

Petitioner's #2

Created By
Baltimore County
My Neighborhood



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Printed 4/2/2013



A – PROPOSED SIGN LOCATION



B – PROPOSED SIGN LOCATION. TAKEN FROM NORTH SIDE OF LIBERTY ROAD

PICTURE EXHIBITS
 8601 GRAY FOX ROAD
 ZONING CASE NO. 2013-0318-A

Petitioner's #3



C – ENTRANCE TO SITE – FOXCLIFF COURT



D – LOOKING SOUTHEASTERLY ALONG LIBERTY ROAD FROM FOXCLIFF COURT

PICTURE EXHIBITS
8601 GRAY FOX ROAD
ZONING CASE NO. 2013-0318-A



E – LOOKING NORTHWESTERLY ALONG LIBERTY ROAD FROM NW PROPERTY LINE



E – LOOKING NORTHWESTERLY ALONG LIBERTY ROAD FROM FOXCLIFF COURT

PICTURE EXHIBITS
8601 GRAY FOX ROAD
ZONING CASE NO. 2013-0318-A



G – HIGH'S CONVENIENCE STORE OPPOSITE SITE ON NORTH SIDE OF LIBERTY ROAD



H – BUSINESSES ALONG LIBERTY ROAD OPPOSITE FOXCLIFF COURT

PICTURE EXHIBITS
8601 GRAY FOX ROAD
ZONING CASE NO. 2013-0318-A



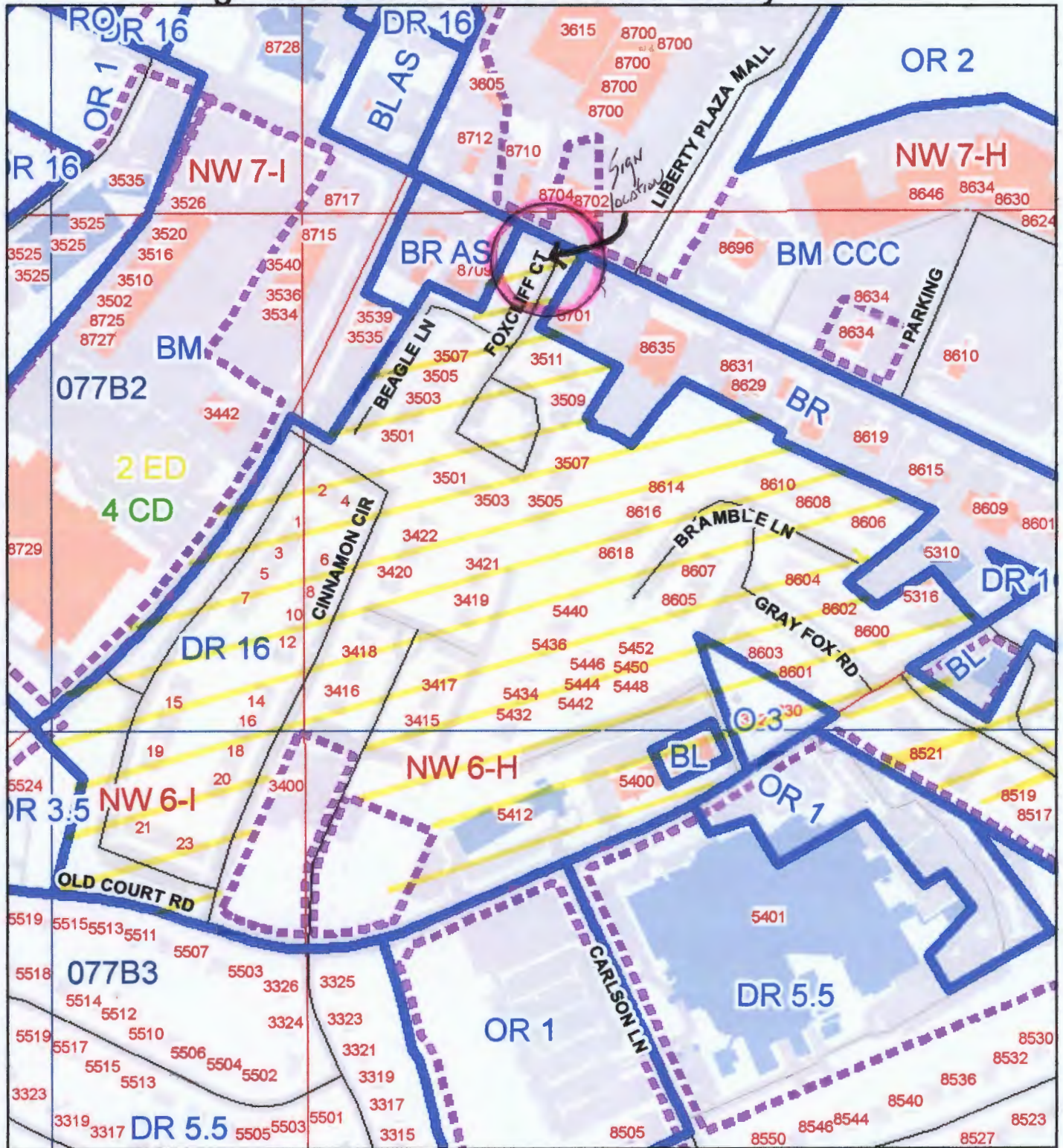
I – EXISTING SIGNS SOUTHEAST OF SUBJECT SITE



J – SOUTHEASTERLY VIEW ALONG LIBERTY ROAD FROM NORTH SIDE OF LIBERTY ROAD

PICTURE EXHIBITS
8601 GRAY FOX ROAD
ZONING CASE NO. 2013-0318-A

8601 Gray Fox Road 2013-0318-A
Sign Location: Foxcliff Court & Liberty Road



Publication Date: 6/27/2013



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 85 170 340 510 680
Feet

1 inch = 333.333333 feet

Sign Location: Foxcliff Court & Liberty Road



Publication Date: 6/27/2013

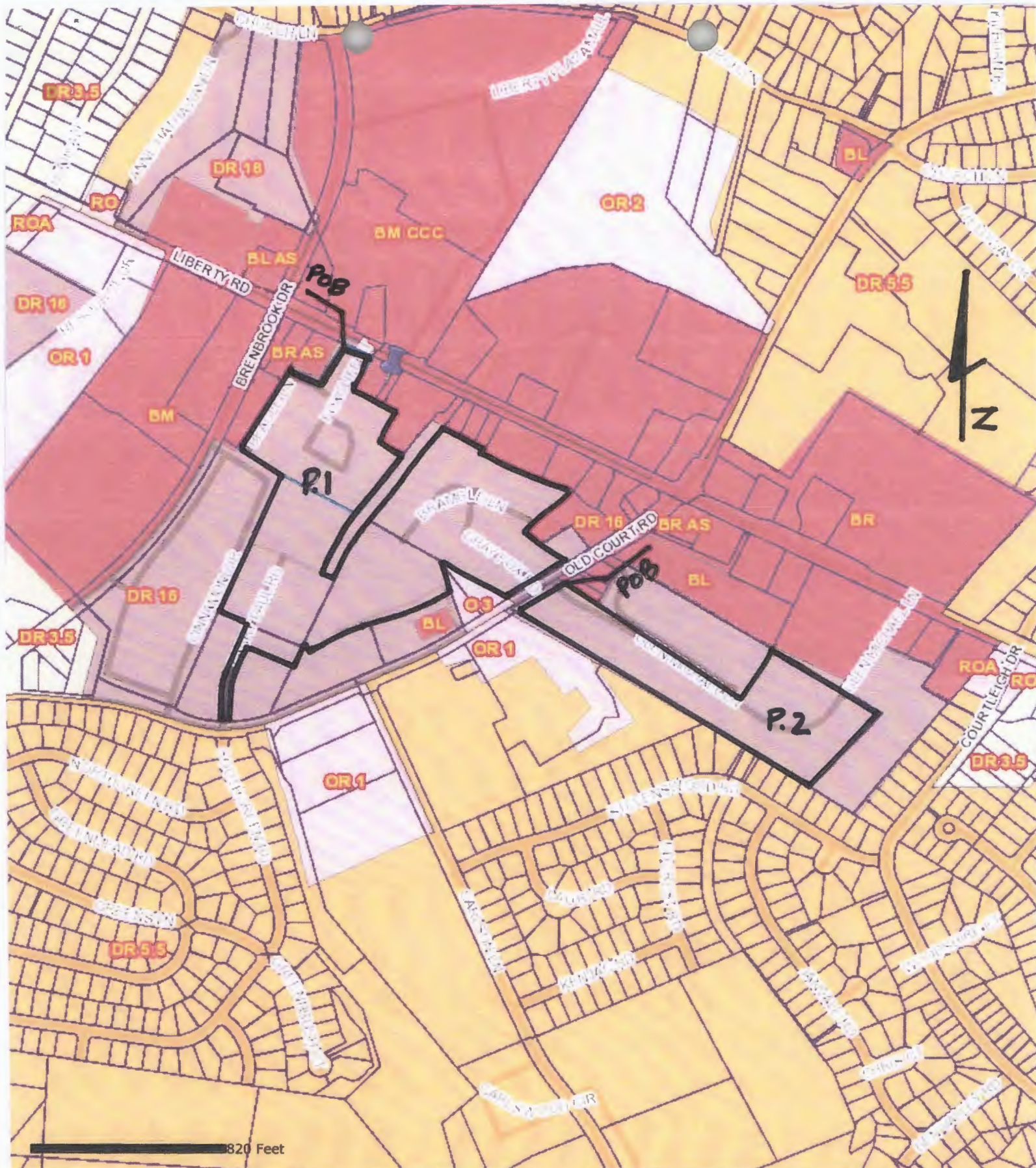


Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 85 170 340 510 680 Feet

1 inch = 333.333333 feet



My Neighborhood Map

Created By
Baltimore County
My Neighborhood

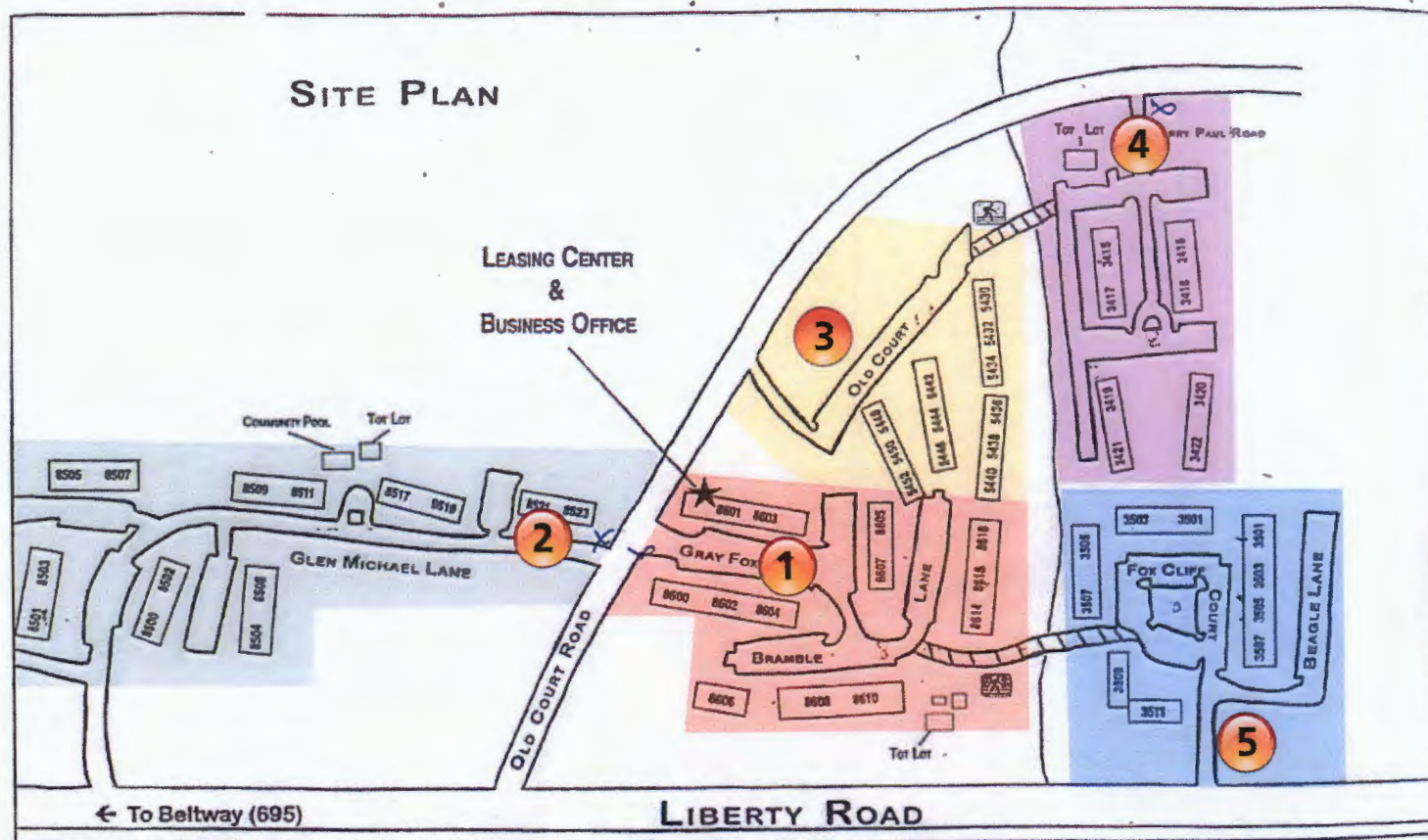


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Printed 6/10/2013

0318-A

MORGAN PROPERTIES: NORTHWEST CROSSING APARTMENTS



1 GRAY FOX ZONE #1

3 OLD COURT ZONE #3

5 FOXCLIFF ZONE #5

2 GLEN MICHAEL ZONE #2

4 BARRY PAUL ZONE #4

**FOXCLIFF ZONE #5
SIGN A**

SIGN ZONING RECAP:
BR ZONE

PROPOSED SIGN AREA: 48 SF
PERMITTED SIGN AREA: 75 SF

PROPOSED SIGN HEIGHT: 13'-6"
PERMITTED SIGN HEIGHT: 25'-0"



BRITE GOLD **WHITE** **BLACK**

Customer:
MORGAN PROPERTIES
NORTHWEST CROSSING APTS

Location:
8601 GRAY FOX RD
RANDALLSTOWN MD 21133

Date:
07-13-12
08-01-12

Dwg. By:
RBC

Dwg No:
NCA0713122797

DWG# **2** OF **4**

**Bartush
Signs**
& Crane Service

302 NORTH WASHINGTON ST.
ORWIGSBURG, PENNSYLVANIA 17961
PHONE 570-366-2311

E-Mail: signsetc@bartush.com
Web Address: www.bartush.com

SIGN ELEVATION

3/8" = 1'-0"

0318-A

**FOXCLIFF ZONE #5
SIGN A**

SIGN A DETAILS:

MANUFACTURE & INSTALL (1) NEW
DOUBLE-SIDED INTERNALLY
ILLUMINATED FREESTANDING SIGN;

EXISTING BRICK MONUMENT TO BE
REMOVED BY BARTUSH; NEW SIGN TO
GO IN SAME LOCATION;

SIGN CONSTRUCTION TO INCLUDE:
EXTRUDED ALUMINUM FRAMING;
CUSTOM ALUMINUM FILLER; ALUMINUM
ANGLE INTERNAL FRAMING;
DECORATIVE ALUMINUM TRIM ON TOP &
POLE DRESSINGS;

SIGN FACES TO BE TO BE 3/16" HIGH
IMPACT LEXAN PLASTIC; GRAPHICS TO
BE PROVIDED IN SURFACE APPLIED 3M
TRANSLUCENT VINYL FILM;

INTERNAL ILLUMINATION VIA HO DL
FLUORESCENT LAMPS & COLD WEATHER
RATED BALLASTS;

BARTUSH TO EXCAVATE FOR & SET
CONCRETE FOUNDATION; STEEL POLE
SUPPORTS EMBEDDED IN FOUNDATION
VIA DIRECT BURIAL METHOD;

CUSTOM DECORATIVE FENCING TO BE
SUPPLIED & INSTALLED BY BARTUSH;

PRIMARY ELECTRICAL SERVICE TO BE
PROVIDED TO SIGN BASE BY CUSTOMER;

SIGNAGE AND COMPONENTS TO BE
FABRICATED TO U.L. SPECIFICATIONS,
LISTED AND LABELED U.L. #906921 FILE
E66679

Customer:
MORGAN PROPERTIES
NORTHWEST CROSSING APTS

Location:
8601 GRAY FOX RD
RANDALLSTOWN MD 21133

Date:
07-13-12
08-01-12

Dwg. By:
RBC

Dwg No:
NCA0713122797

DWG# 3 OF 4

**Bartush
Signs**
& Crane Service

302 NORTH WASHINGTON ST.
ORWIGSBURG, PENNSYLVANIA 17961
PHONE 570-366-2311
E-Mail: signsetc@bartush.com
Web Address: www.bartush.com

0318-A

**FOXCLIFF ZONE #5
SIGN A2**



1. BARTUSH TO REMOVE BRICK MONUMENT
2. BARTUSH TO INSTALL NEW FREESTANDING SIGN; CUSTOMER TO FINISH THE LANDSCAPING AROUND THE SIGN AND FENCING AFTER SIGN INSTALLATION;
3. CUSTOMER TO RECONFIGURE THE EXISTING ELECTRICAL FEED FOR NEW LIGHTING;



Customer:
MORGAN PROPERTIES
NORTHWEST CROSSING APTS

Location:
8601 GRAY FOX RD
RANDALLSTOWN MD 21133

Date:
07-13-12
08-01-12

Dwg. By:
RBC

Dwg No:
NCA0713122797

DWG# 4 OF 4

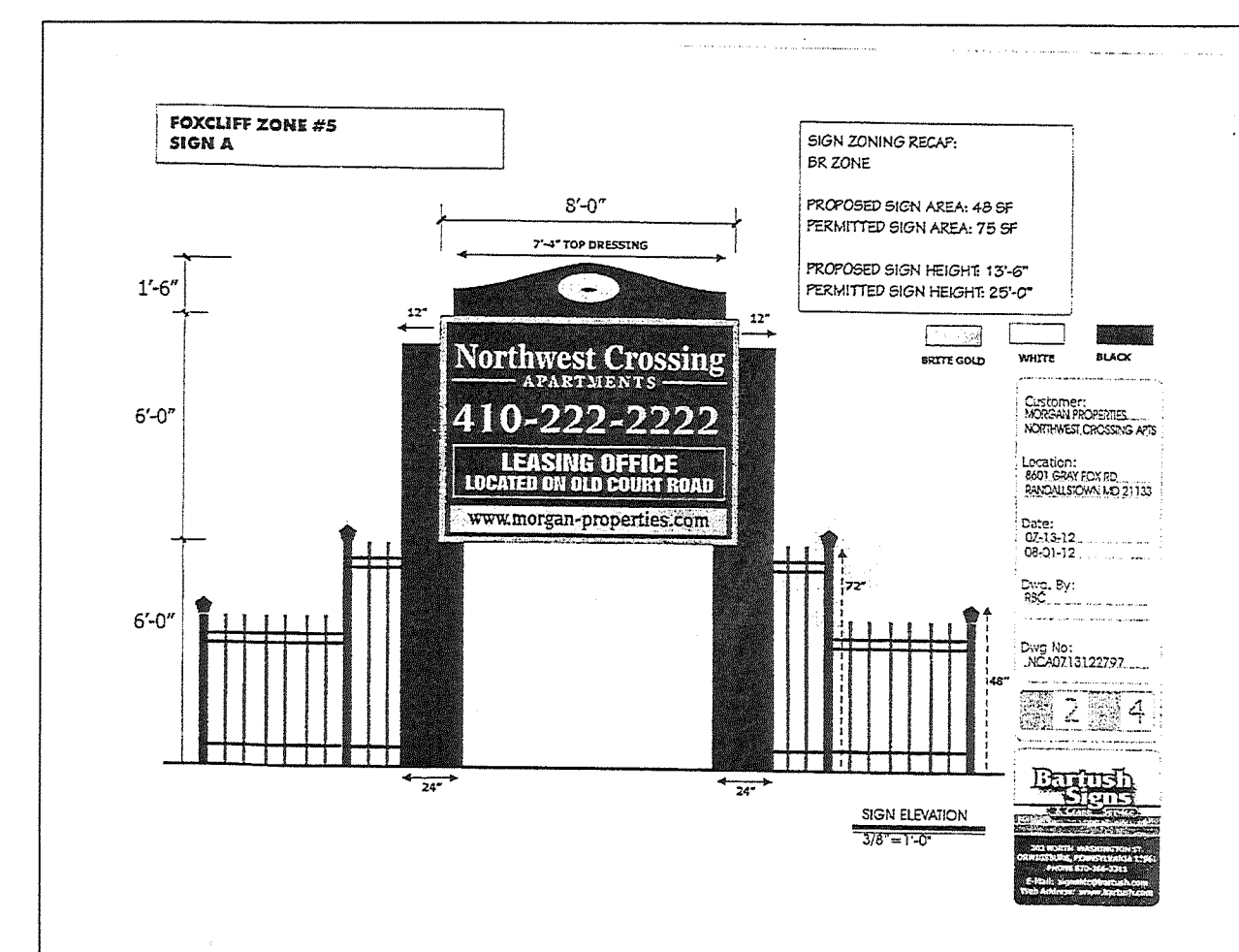
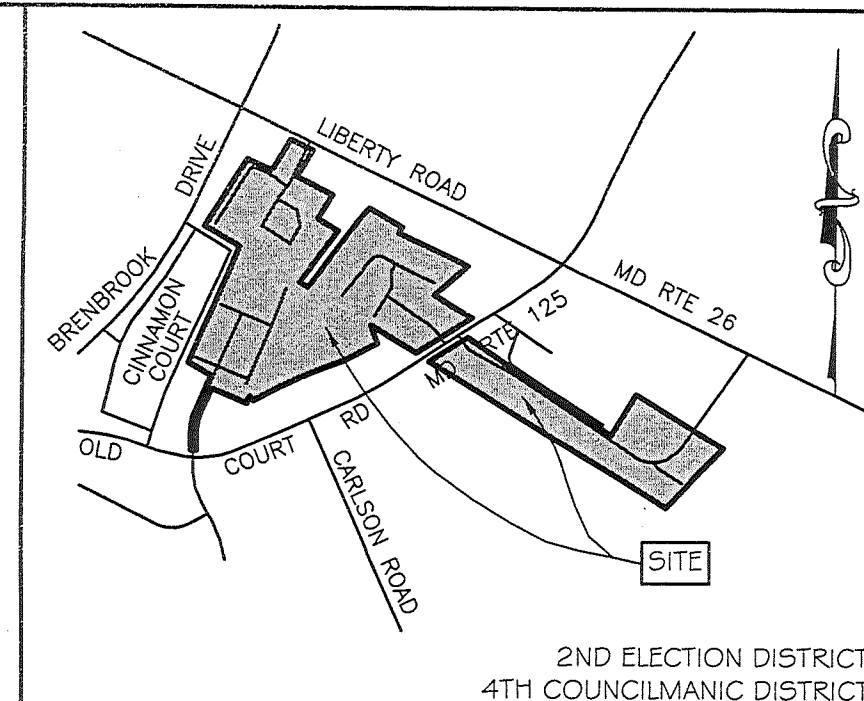
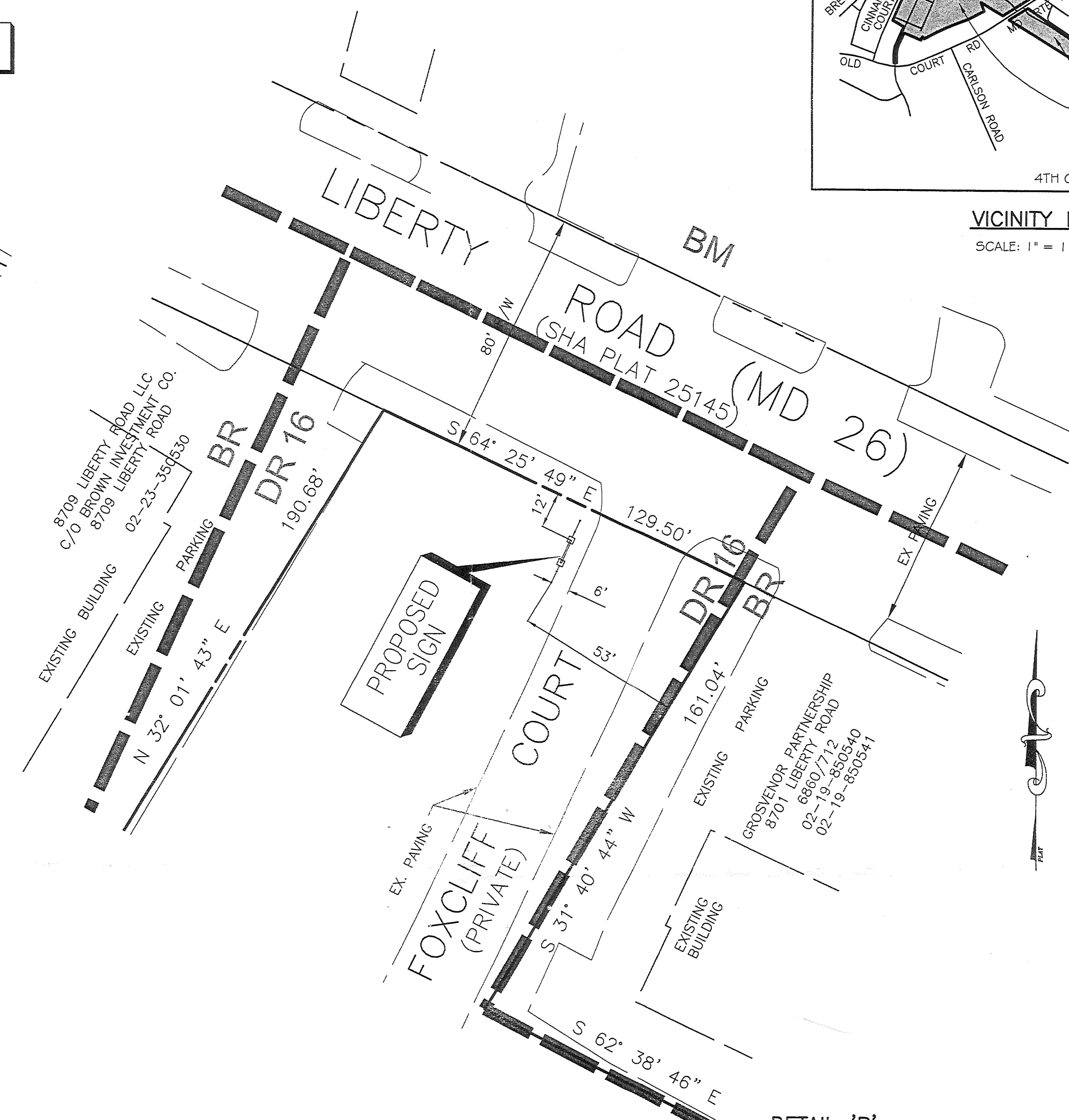
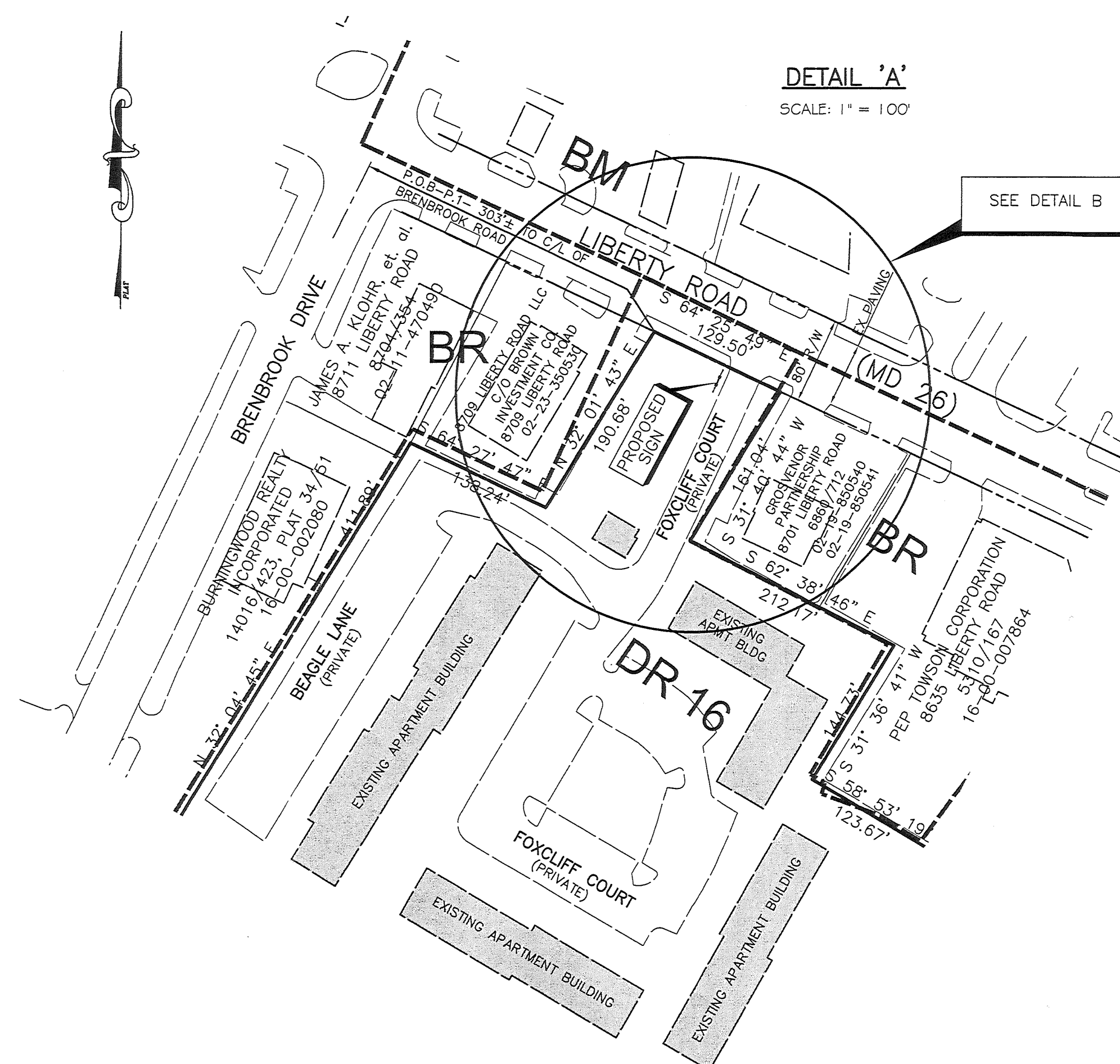
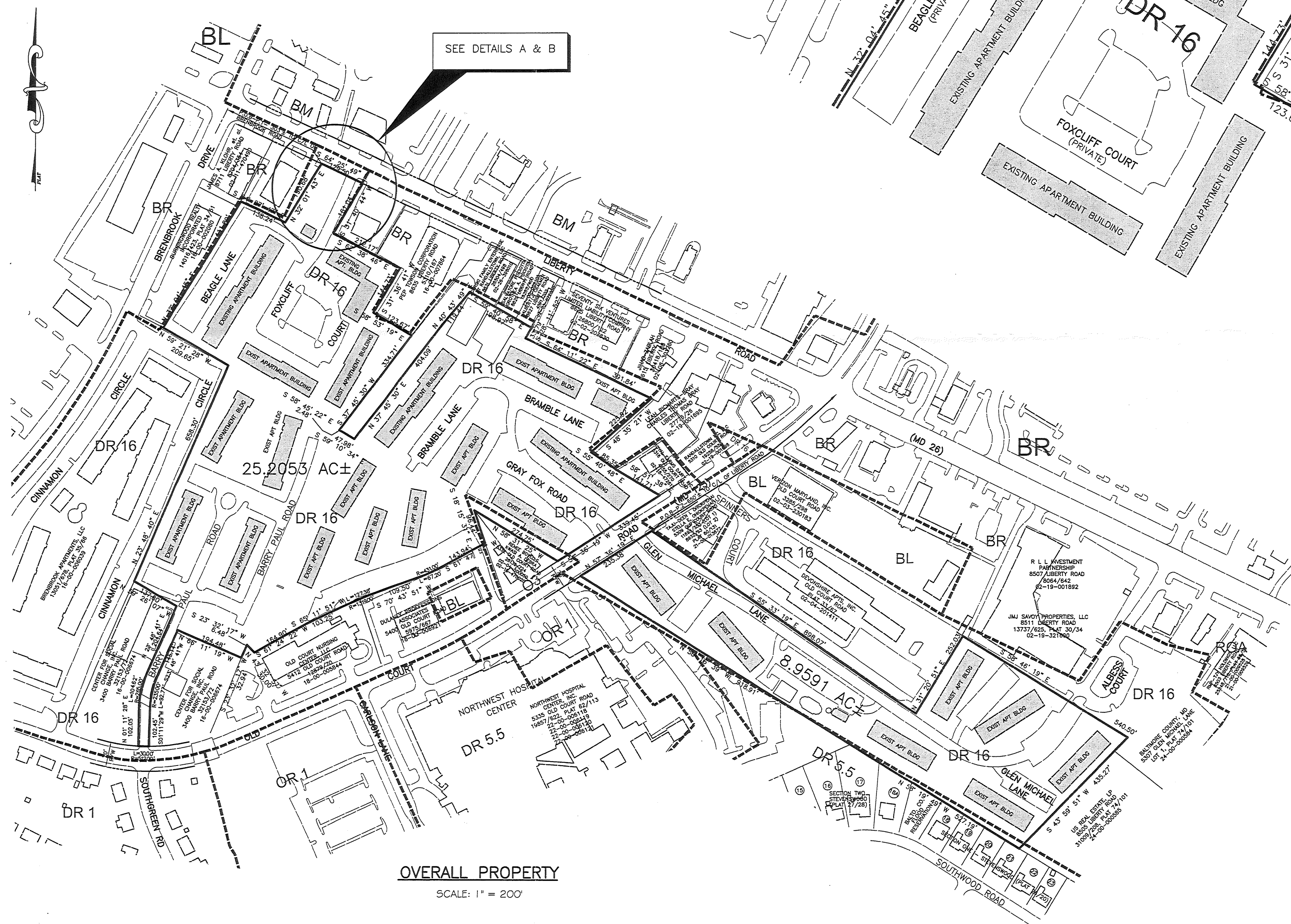
**Bartush
Signs**
& Crane Service

302 NORTH WASHINGTON ST.
ORWIGSBURG, PENNSYLVANIA 17961
PHONE 570-366-2311
E-Mail: signsetc@bartush.com
Web Address: www.bartush.com

0318-A

NOTES:

- OWNER:
GARDEN VIEW APARTMENTS ASSOCIATES, LLC
c/o MORGAN PROPERTIES
160 CLUBHOUSE ROAD
KING OF PRUSSIA, PA 19406
- DEED REFERENCE: J.L.E. 32442/271
- TAX ACCOUNT Nos.: 02-21-830002, 02-21-830001, 02-21-830000,
02-13-203160, 02-11-152080, 16-00-000488
- SITE AREA (BY DEED): P.1 - 8.9591 ac.±, P.2 - 25.2053 ac.±
- THE SITE IS SERVED BY PUBLIC WATER AND SEWER SERVICE.
- EXISTING ZONING: DR-16, BR, O3, DR-5.5
- 200 SCALE ZONING MAP Nos. 077b2, 077b3.
- THERE ARE NO PRIOR ZONING HEARINGS FOR THIS SITE.
- THIS PROPERTY IS NOT HISTORIC, AND IS NOT IN AN HISTORIC DISTRICT.
- TO OUR KNOWLEDGE THERE ARE NO EXISTING OR OUTSTANDING ZONING VIOLATIONS FOR THIS SITE.
- THIS SITE IS NOT LOCATED WITHIN A 100-YEAR FLOOD PLAN.
- THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THIS PLAN HAS BEEN PREPARED WITHOUT THE BENEFIT OF A BOUNDARY SURVEY.
- EXISTING USE: APARTMENTS
- PROPOSED USE: APARTMENTS



REQUESTED ZONING RELIEF:
TO PERMIT A 48-SQUARE FOOT, 13.5-FOOT HIGH COMMUNITY SIGN IN LIEU OF THE 25-SQUARE FOOT, 6-FOOT HIGH SIGN AT FOXCLIFF ROAD AND LIBERTY ROAD.

2013-0318-A
PLAT TO ACCOMPANY
PETITION FOR ZONING VARIANCE
NORTHWEST CROSSING APARTMENTS
2ND COUNCILMANIC DISTRICT
4TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE: AS SHOWN DATE: JUNE 5, 2013