

IN RE: PETITION FOR VARIANCE

(9515 Philadelphia Road)

15th Election District

6th Councilman District

Phill Mill, LLC

Legal Owners

ACDH Maryland, LLC, *Lessee*

Petitioners

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2014-0012-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Jason T. Vettori, Esquire, on behalf of the legal owners, Phill Mill, LLC, and contract purchaser/ lessee, ACDH Maryland, LLC ("Petitioners"). The Variance was filed pursuant to Baltimore County Zoning Regulations ("B.C.Z.R") §409.6 to permit 35 parking spaces in lieu of the minimum required 46 parking spaces. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests was Ty Davenport and Matt Brewer. Jason T. Vettori, Esquire with Smith, Gildea & Schmidt, LLC, appeared as counsel and represented the Petitioners. 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.

Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP), Bureau of Development Plans Review (DPR) and State Highway Administration (SHA). None of the agencies opposed the petition.

ORDER RECEIVED FOR FILING

Date

9/16/13

By

Den

Testimony and evidence revealed that the subject property is approximately 6.23 +/- acres and zoned BL/ML. The site is improved with a single family dwelling and out buildings. These will be razed, and in its place the Petitioners propose to construct a Dollar General Store.

Based upon the testimony and evidence presented, I will grant the petition for 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).

Petitioners have met this test. The site is constrained with a large area of wetlands, which renders it unique.

If the B.C.Z.R. were strictly enforced, the Petitioners would indeed suffer a practical difficulty, since they would be unable to construct the proposed retail store. 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. The DOP expressed concern with the amount of paved surface proposed on the plan, but the Petitioners' engineer explained that the paving shown is necessary to accommodate large tractor-trailer delivery trucks, and their ingress/egress from the site.

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 6th day of September, 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") § 409.6 to permit 35 parking spaces in lieu of

ORDER RECEIVED FOR FILING

Date 9/6/13

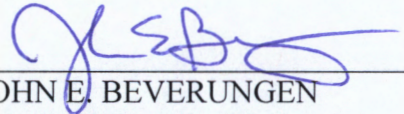
By Sen

the minimum required 46 parking spaces, 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 9/6/13

By Den



KEVIN KAMENETZ
County Executive

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

September 6, 2013

Jason T. Vettori, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

RE: Petition for Variance
Property: 9515 Philadelphia Road
Case No.: 2014-0012-A

Dear Mr. Vettori:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure



PETITION FOR ZONING HEARING(S)

FLOOD

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 9515 Philadelphia Road, Middle River, MD

which is presently zoned BL/ML

Deed References: 21668/393, 21073/362, 21668/393 10 Digit Tax Account # 1519000310, 1511990010, 1516151120

Property Owner(s) Printed Name(s) PHILLMILL, 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)

409.6

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)

Please 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:

ACH Maryland LLC (Charles T. Davenport)

Name - Type or Print

Signature

Legal Owners (Petitioners): PHILLMILL LLC, BY

BRIAN M LUTTERS, CO-TRUSTEE OF THE

J. DEIBERT BYPASS TRUST, MEMBER

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1 Brian M Lutter Co-Trustee

Signature #2

Mailing Address PO Box 7 FALLSTON MD

City State

Zip Code 21047 Telephone # (410) 879-9277 Email Address BRIAN.LUTTERS@BSURCOPT.COM

Zip Code Telephone # Email Address

Attorney for Petitioner:

JASON T. VETTORI

Name - Type or Print

Signature

Mailing Address 600 Washington Ave., Ste. 200 Towson, MD

City State

Zip Code 21204 Telephone # (410) 841-0070 Email Address jvettori@sps-law.com

Zip Code Telephone # Email Address

Representative to be contacted:

Matt Culler

Name - Type or Print

Signature

Mailing Address 307 W. Main St. Lexington SC

City State

Zip Code 29072 Telephone # (803) 996-2900 Email Address matt.culler@meadhunt.com

Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING

CASE NUMBER 2014-0012-A Filing Date 7/15/13

Do Not Schedule Dates: 9/16/13 Reviewer BJD

Date

By Den

REV. 10/4/11

ATTACHMENT TO PETITION FOR ZONING HEARING

9515 Philadelphia Road

15th Election District

6th Councilmanic District

Variance from Section(s):

1. BCZR §409.6 to permit 35 parking spaces in lieu of the minimum required 46 parking spaces.
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Item #0014

July 16, 2013

Zoning Property Description for 1206 Middle River Road Avenue

Election District No. 15, Councilmanic District No. 6

ALL that piece or parcel of land situated on the southeasterly side of Philadelphia Road (MD Route 7) and on the southwesterly side of Middle River Road, Election District No. 15, Baltimore County, Maryland, and being more particularly described as follows, (Maryland Grad Meridian – NAD83), and horizontal measurements being used thru out) to wit:

BEGINNING for the same at a 5/8" iron pin with cap set in the southwesterly right of way margin of Middle River Road (a 50-foot right of way as per Plat 15-49, dated January 10, 1950) a distance of 238 feet, more or less, measured southeasterly along said right of way line from the centerline of Philadelphia Road (a 60-foot right of way as per Maryland State Roads Commission Plat No. 53618) and also being along the 3rd line of a deed recorded October 10, 2000 from Stanley E. Lloyd to 9519 Philadelphia Road LLC in Deed Liber 14743, Folio 177 among the Land Records of Baltimore County, Maryland, thence leaving the lines of said deed and running with the aforesaid right of way margin of Middle River Road for the next two courses and distances ;

1. South 42 degrees 43 minutes 21 seconds East a distance of 72.14 feet to a point, thence;
2. By a curve to the left with an arc length of 103.97', a radius of 1075.00', and being subtended by a chord bearing South 47 degrees 07 minutes 51 seconds East, a chord length of 103.93' to a point in the edge of a macadam apron located along the 9th line of a deed recorded August 5, 1998 from Samuel T. Perrone to Joseph D. Deigert in Deed Liber 13054, Folio 342, and running thence with part of said 9th line and the entire 10th thru the 15th lines thereof, as corrected;
3. South 35 degrees 16 minutes 02 seconds West a distance of 222.96 feet to a 1/2" iron pin with cap found, thence;
4. South 53 degrees 02 minutes 17 seconds East a distance of 50.14 feet to a 1/2" iron pin with cap found, thence;
5. North 35 degrees 16 minutes 02 seconds East a distance of 18.11 feet, thence;
6. South 53 degrees 46 minutes 08 seconds East a distance of 94.16 feet to a 1/2" iron pin with cap found, thence;
7. South 53 degrees 46 minutes 08 seconds East a distance of 120.64 feet to a 1/2" iron pin with cap found along the 8th line of a deed recorded February 1, 1999 from Wayne T. Ruth, by Ray C. Kimble his Attorney in Fact to Joe K. Holman in deed liber 13506, folio 556, thence running with part of the 8th line, as corrected;
8. South 56 degrees 00 minutes 15 seconds West a distance of 418.56 feet to a 1" pipe found at the end of the aforesaid 8th line and said pipe also being at the end of the 2nd line of a deed recorded July 20, 2009 from Norman A. Teal and Cindi H. Teal to MCMJ 9505 Philadelphia Road, LLC in Deed Liber 28409, Folio 042, thence running with the 3rd line thereof for the next two courses and distances, as corrected;
9. North 39 degrees 09 minutes 56 seconds West a distance of 625.83 feet to a 1" pipe found, thence;
10. North 39 degrees 09 minutes 56 seconds West a distance of 0.32 feet to a point in the southeasterly right of way margin of Philadelphia Road (MD Route 7) (a 60-foot right of

Bennett, Brewer
& Associates, LLC

23 East Main Street
Suite 200
Frostburg, MD 21532

Phone (301) 687-0494
Fax (301) 687-0495

Item # 0012

way) as shown on Plat SI, dated December 29, 1922, thence running with said right of way margin for the next two courses and distances;

11. North 48 degrees 07 minutes 26 seconds East a distance of 99.93 feet, thence;

12. North 47 degrees 16 minutes 10 seconds East a distance of 218.74 feet to a 5/8" iron pin with cap set at the end of the 1st line of the aforementioned deed recorded in Deed Liber 14743, Folio 177, and running thence with the entire 2nd and part of the 3rd lines thereof, as corrected;

13. South 41 degrees 43 minutes 50 seconds East a distance of 208.51 feet to a 1" iron pin with cap found, thence;

14. North 47 degrees 16 minutes 10 seconds East a distance of 202.05 feet (passing at 102.47 feet a 1/2" iron pin found) to the place of beginning containing 6.13 acres, more or less.

ALL OF THE ABOVE described lot being all of the property conveyed by deed recorded December 3, 2004 from Lawrence W. Clow and Kathryn D. Clow in Deed Liber 21073, Folio 036, and by deed recorded April 6, 2005 from Carl Ray Mann, Et Al to Philmill, LLC in Deed Liber 21668, Folio 393 among the Land Records of Baltimore County, Maryland.

TOGETHER WITH AND SUBJECT TO any restrictions, reservations, covenants, right of ways, et cetera as of record.

David A. Bennett
Property Line Surveyor
Maryland Reg. No. 219



DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 2014-0012-A

Petitioner: Ph:ll M:ll, LLC

Address or Location: 9515 Philadelphia Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: JASON T. VETTORI

Address: SMITH, GILDER & SCHMIDT, LLC

600 WASHINGTON AVE., STE. 200

TOWSON, MD 21204

Telephone Number: (410) 821-0070

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

No. **101491**

Date: **July 15 2013**

PAID RECEIPT

BUSINESS ACTUAL TIME INW
7/15/2013 7/15/2013 10:51:32 6

REC N006 WALKIN TTAY YST
>>RECEIPT # 685985 7/15/2013 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 101491

Recpt Tot 1395.00
1395.00 CK 1.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	306	0000		6150				5385

Total: _____

Rec From:

Platinum LLC

For:

zoning hearing case # 2014-0012-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 08/16/2013

Case Number: 2014-0012-A

Petitioner / Developer: JASON T. VETTORI, ESQ.

Date of Hearing (Closing): SEPTEMBER 5, 2013

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
9515 PHILADELPHIA ROAD

The sign(s) were posted on: AUGUST 16, 2013



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

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



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

August 15, 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 August 15, 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: #2014-0012-A

9515 Philadelphia Road
SW/s Middle River Road, 238 ft. SE of centerline of
Philadelphia Road

15th Election District - 8th Councilmanic District
Legal Owner(s): PhilMill, LLC, Brian Lutters, Co-trustee
Contract Purchaser: ACDH Maryland, LLC

Variance: to permit 35 parking spaces in lieu of the minimum required 46 parking spaces, and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Thursday, September 5, 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.
8/317 Aug. 15 940392



KEVIN KAMENETZ
County Executive

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

August 2, 2013

NOTICE OF ZONING HEARING

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SW/s Middle River Road, 238 ft. SE of centerline of Philadelphia Road
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105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over the hearing information.

Arnold Jablon
Director

AJ:kl

C: Jason Vettori, 600 Washington Ave., Ste. 200, Towson 21204
Brian Lutters, P.O. Box 7, Fallston MA 21047
ACDH Maryland, LLC, 1907 Thurmond Mall, Columbia SC 29201
Matt Culler, 307 W. Main Street, Lexington SC 29072

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, AUGUST 16, 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, August 15, 2013 Issue - Jeffersonian

Please forward billing to:

Jason Vettori
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

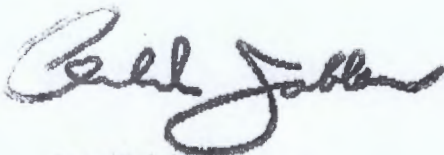
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Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- 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: October 9, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0012-A – Appeal Period Expired

The appeal period for the above-referenced case expired on October 8, 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
9515 Philadelphia Road; SW/S Middle River	*	
Road, 238' SE of c/line Philadelphia Road	*	OF ADMINSTRATIVE
15 th Election & 6 th Councilmanic Districts	*	
Legal Owner(s): PhilMill, LLC	*	HEARINGS FOR
Contract Purchaser(s): ACDH Maryland LLC	*	
Petitioner(s)	*	BALTIMORE COUNTY
	*	2014-012-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

AUG 01 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 2nd day of August, 2013, a copy of the foregoing Entry of Appearance was mailed to Jason Vettori, Esquire, Smith, Gildea & Schmidt, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
8/11/13	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	N/C
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
8/15/13	PLANNING (if not received, date e-mail sent _____)	NOT OPPOSED w/C
7/30/13	STATE HIGHWAY ADMINISTRATION	C
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: 8/15/13	
SIGN POSTING	Date: 8/16/13 by OKeefe	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: _____		



KEVIN KAMENETZ
County Executive

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

August 29, 2013

PHILMILL LLC by Brian M Lutters
Co-Trustee of the J Deigert Bypass Trust, Member
P O Box 7
Fallston MD 21047

RE: Case Number: 2014-0012 A, Address: 9515 Philadelphia Road

Dear Mr. Lutters:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 15, 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
ACDH Maryland LLC, Charles T Davenport, 1907 Thurmond Mall, Columbia SC 29201
Jason T Vettori, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204
Matt Culler, 307 W Main Street, Lexington SC 29072

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



Maryland Department of Transportation

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

Date: 7-30-13

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

RE: Baltimore County
Item No. 2014-0012-A
Variance
Phill Mill LLC, Brian M. Cutters,
Co-Trustee of The Ridgely
Bypass Trust, Member
9515 Philadelphia Road
MD 7

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 7-29-13. A field inspection and internal review reveals that an entrance onto MD 7 consistent with current State Highway Administration guidelines is required. As a condition of approval for Variance, Case Number 2014-0012-A, the applicant must contact the State Highway Administration to obtain an entrance permit.

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 E-mail 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/
Development Manager
Access Management Division

SDF/raz

\cc: Mr. Michael Pasquariello, Utility Engineer, SHA
Mr. David Peake, District Engineer, SHA

} see previous letter dated
4-12-13

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: August 1, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For July 29, 2013
Item Nos. 2014-0010, 0011, 0012, 0013, 0015, 0016, 0017, 0018 and
0019.

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

DAK
cc:file

e/als
wa

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 15, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 12518 Eastern Boulevard and 9515 Philadelphia Road

INFORMATION:

Item Number: 14-011 and 14-012

Petitioner: Matt Culler

Zoning: BL, BM, BR, and ML

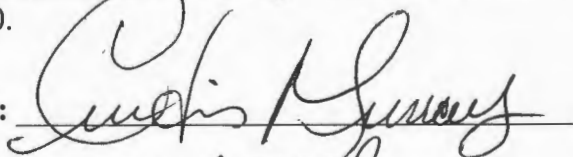
Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning does not oppose the petitioner's request for variances of the parking requirements of Baltimore County. However, the amount of paving for both sites mentioned above appears to be excessive. The petitioner shall consider revising the site plans to show less paving, or in the alternative provide justification for the paving shown on the accompanying site plan.

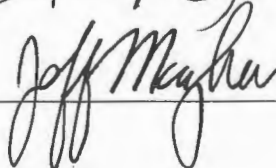
For further information concerning the matters stated here in, please contact Dennis Wertz at 410-887-3480.

Prepared By:



Deputy Director:

AVA/JM:cjm



Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.1A)
BALTIMORE COUNTY

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

Account Identifier: District - 15 Account Number - 1519000310

Owner Information

Owner Name: PHILMILL LLC **Use:** COMMERCIAL/RESIDENTIAL
Mailing Address: P O BOX 7 **Principal Residence:** NO
FALLSTON MD 21047-0007 **Deed Reference:** 1) /21668/ 00393
2)

Location & Structure Information

Premises Address 9515 PHILADELPHIA RD
0-0000
Legal Description 1.0442 AC
SES PHILADELPHIA RD
228FT W MIDDLE RVR RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
0082	0021	0158		0000				3	

Special Tax Areas **Town** NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1959	1547	1.0400 AC	15

Stories	Basement	Type	Exterior
1.500000	YES	STANDARD UNIT BRICK	

Value Information

	Base Value	Value As Of 01/01/2012	Phase-in Assessments	
			As Of 07/01/2012	As Of 07/01/2013
Land	359,000	359,000		
Improvements:	137,500	127,000		
Total:	496,500	486,000	486,000	486,000
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
DEIGERT JOSEPH D	04/06/2005	\$0
Type: NON-ARMS LENGTH OTHER	Deed1: /21668/ 00393	Deed2:
SAPP EDWARD	04/10/1979	\$60,000
Type: ARMS LENGTH IMPROVED	Deed1: /06008/ 00108	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	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

Item #0012

Real Property Data Search (w3)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 15 Account Number - 1519000310		
Owner Information		
Owner Name:	PHILMILL LLC	Use: COMMERCIAL/RESIDENTIAL
Mailing Address:	P O BOX 7 FALLSTON MD 21047-0007	Principal Residence: NO Deed Reference: 1) /21668/ 00393 2)
Location & Structure Information		
Premises Address:	9515 PHILADELPHIA RD 0-0000	Legal Description: 1.0442 AC SES PHILADELPHIA RD 228FT W MIDDLE RVR RD
Map: 0082	Grid: 0021	Parcel: 0158
Sub District:	Subdivision: 0000	Section:
Block:	Lot:	Assessment Year: 2012
Plat No:	Plat Ref:	
Special Tax Areas:		Town: NONE
		Ad Valorem:
		Tax Class:
Primary Structure Built 1959	Above Grade Enclosed Area 1547	Finished Basement Area
		Property Land Area 1.0400 AC
County Use 15		
Stories 1.500000	Basement YES	Type STANDARD UNIT
Exterior BRICK	Full/Half Bath 1 full	Garage
Last Major Renovation		
Value Information		
	Base Value	Value
		Phase-in Assessments
		As of
		As of
Land:	359,000	359,000
Improvements	137,500	127,000
Total:	496,500	486,000
Preferential Land:	0	486,000
		0
Transfer Information		
Seller: DEIGERT JOSEPH D	Date: 04/06/2005	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /21668/ 00393	Deed2:
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Type: ARMS LENGTH IMPROVED	Deed1: /06008/ 00108	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	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		

New Search

[illegible]

Order the **TAX MAP** [click here...](#)

<http://sdats.resiusa.org/realproperty/maps/showmap.html?countyid=04&accountid=15+151...> 8/30/2013

CASE NAME 2014-0012-A
CASE NUMBER ~~2014-0011-A~~
DATE 9-5-2013

~~and 2014 off~~
~SA

[illegible]

Case No.: 2014-0012-A

Exhibit Sheet

19210-9-13

Aln
9-6-13

Petitioner/Developer

Protestant

No. 1	Site plan	
No. 2	Email from J. Vettori	
No. 3	Email from D. Kennedy	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Jason Vettori

From: Jason Vettori
Sent: Thursday, August 22, 2013 11:58 AM
To: dkennedy@baltimorecountymd.gov
Subject: Dollar General (Case Nos. 14-011 & 14-012)
Attachments: Phil Road - Truck Path.pdf; Eastern Ave Truck Path.pdf

Dennis,

Dennis,

I was told that you would be available to talk around 1:30 p.m. possibly. However, I may be predisposed. I am writing about your ZAC comment for the above referenced matters.

We represent Dollar General who is proposing stores on Philadelphia Rd and Eastern Ave. We're asking for parking variances as Dollar General has stores across the country and is certain it needs less parking than the County's parking regulations require. Planning issued a ZAC comment to the effect that the amount of paving seemed excessive. I have triple checked with my client and they insist that the paving is needed to accommodate their delivery trucks. While I appreciate Planning's concern, Dollar General tells me they would have to move materials from their trucks to vans if they did not have the proposed layout to accommodate their trucks. I just want to make sure you're okay with the drive aisles. I only see a minimum requirement in the regulations. I'm not familiar with a maximum width limitation.

Jason T. Vettori
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
Phone: (410) 821-0070
Facsimile: (410) 821-0071
<http://sgs-law.com>

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From: Jeff Miller [<mailto:jeff.miller@meadhunt.com>]
Sent: Wednesday, August 21, 2013 4:47 PM
To: Ty Davenport (tdavenport@devrealty.com); Jason Vettori
Cc: Matt Culler
Subject: Dollar General

Please see the attached plans with the truck paths.

The Philadelphia plan path may need to be updated since technically the truck isn't backing to the door on this plan but I'll have to re-run the simulation if you feel we need to do that.

Thanks,
Jeff

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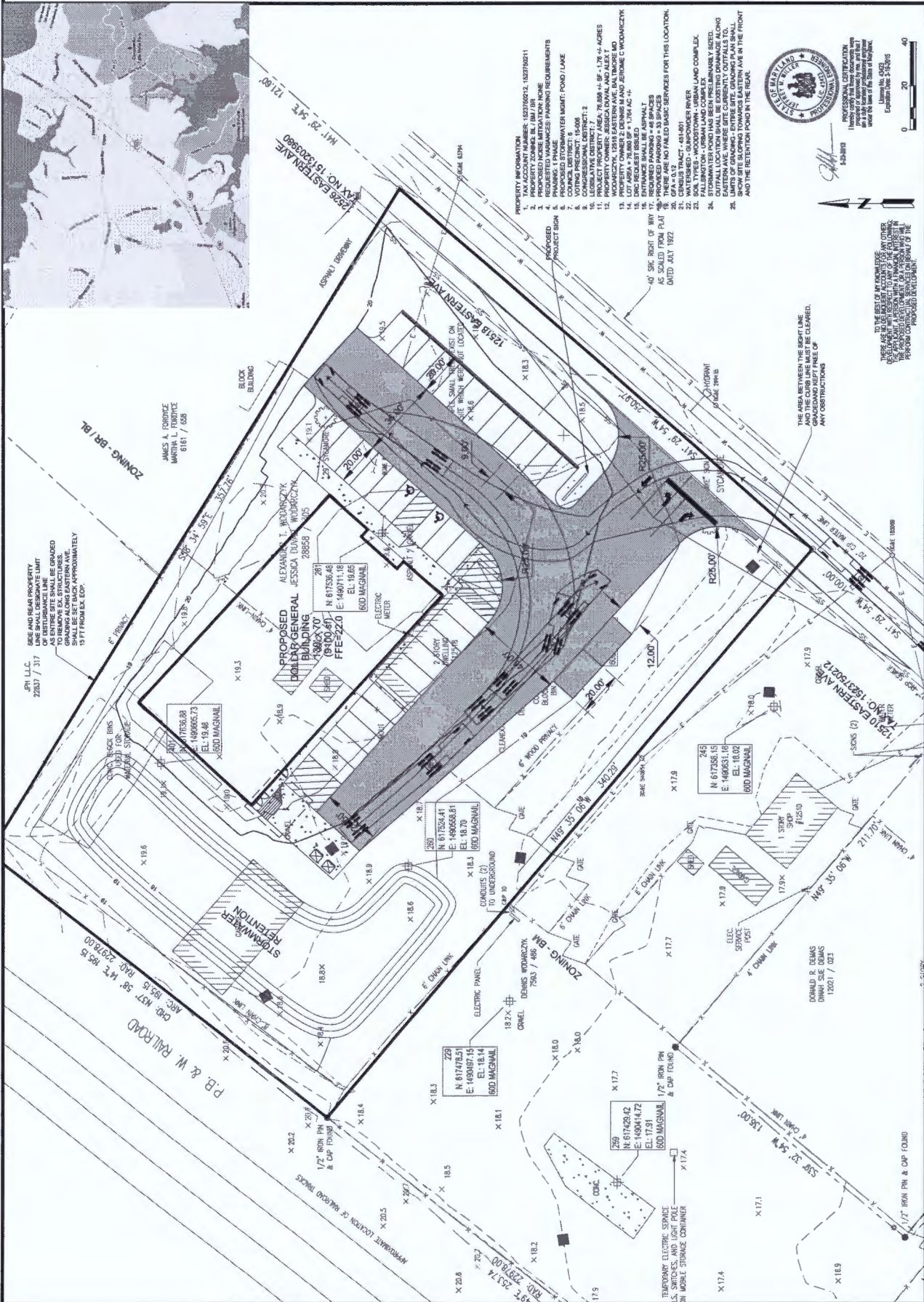
Thanks,
Jeff

PREPARED FOR: **ACDH LLC**
PO BOX 1058, LEXINGTON, SC

Mead & Hunt

NOT FOR CONSTRUCTION

100



EXISTING FEATURES LEGEND

-
- DEED PARCEL BOUNDARY
ADVANCED PROPERTY BOUNDARY
EXISTING EASEMENT
CORNER POINT (AS NOTED)
CALCULATED CORNER
CORNER SET (AS NOTED)
EXISTING INDEX CONTOUR
EXISTING INTERMEDIATE CONTOUR



PROFESSIONAL CERTIFICATION

(I hereby certify that these documents were prepared or approved by me, and that I

am a duly licensed professional engineer under the laws of the State of Maryland.

License No. 43477

Experiment Date: 2-19-2013

100

Jason Vettori

From: Dennis Kennedy <DKennedy@baltimorecountymd.gov>
Sent: Thursday, August 22, 2013 3:32 PM
To: Jason Vettori
Subject: Re: Dollar General (Case Nos. 14-011 & 14-012)

Jason:

Earlier, I reviewed the plans sent in your attachments. They clearly show that the wide drive aisles are needed for truck maneuvering. This is primarily due to the each site's size and buildable area rather than a preference of the designer. However, on the Philadelphia Road site, there does seem to be some extra pavement that doesn't serve any purpose. This is along the 167.92' line. The truck template should be re-run to move off of the parking spaces to the left and this would show what pavement could be removed from the plan along the 167.92' line.

Also, there is no maximum drive aisle width in the regs; however, there is a point where the marked parking spaces are lost or are construed by customers to be too far away from the store so they create their own parking. I don't see that problem with either of these sites.

Dennis

>>> Jason Vettori <jvettori@sgs-law.com> 8/22/2013 11:58 AM >>>

Dennis,

Dennis,

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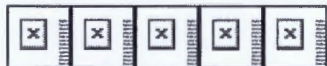
Jeffrey M. Miller, P.E., LEED AP | Senior Project Engineer
Mead & Hunt, Inc | 1012 38th Ave. North, Suite 301 | Myrtle Beach, SC 29577
Main: 843-839-1490 | Fax: 843-839-1491 | Mobile: 843-458-0270
Jeff.Miller@MeadHunt.com | www.MeadHunt.com
Connect with me on LinkedIn

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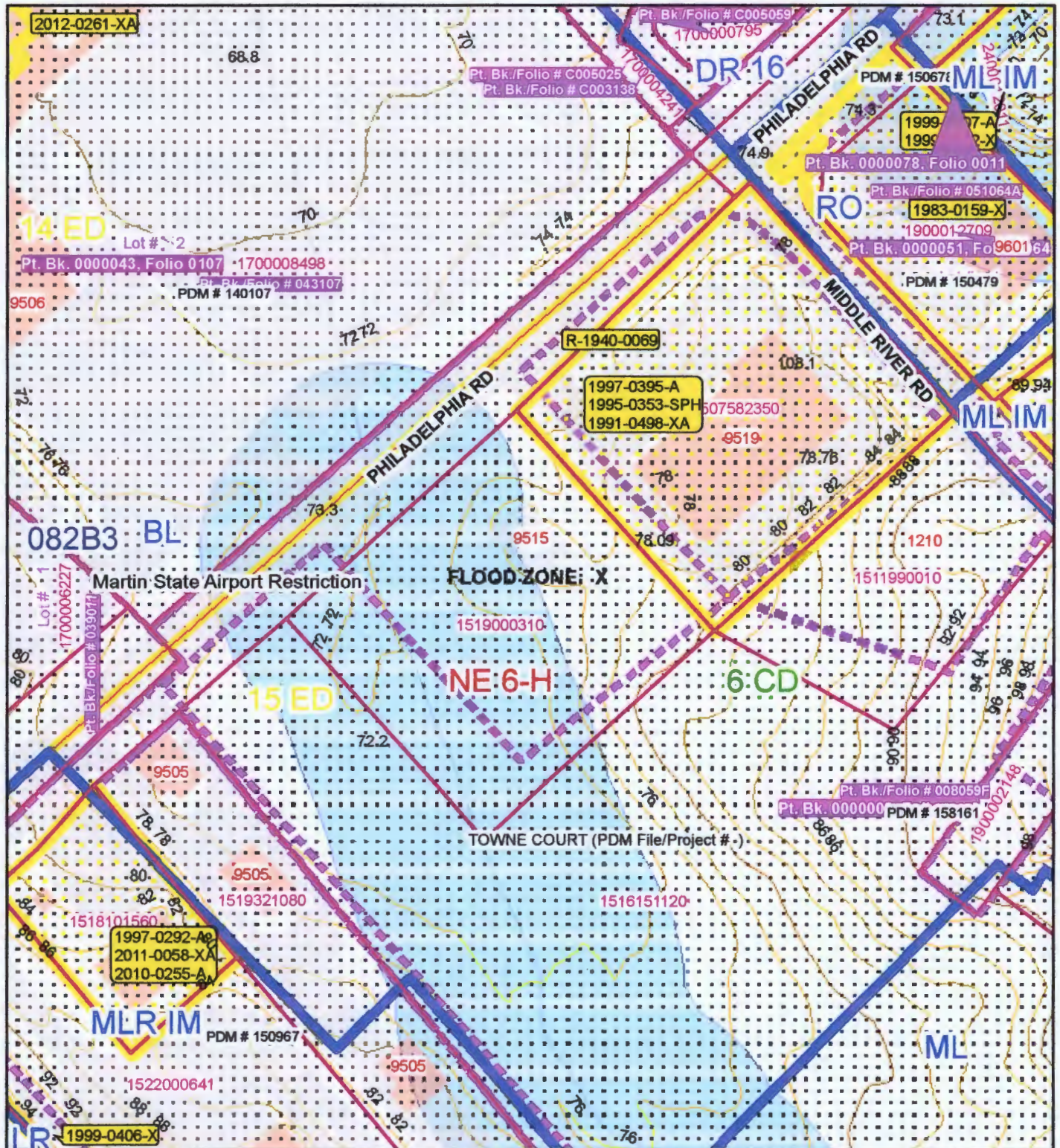
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www.baltimorecountymd.gov

Elevations and Flood Hazards



Publication Date: 7/15/2013



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

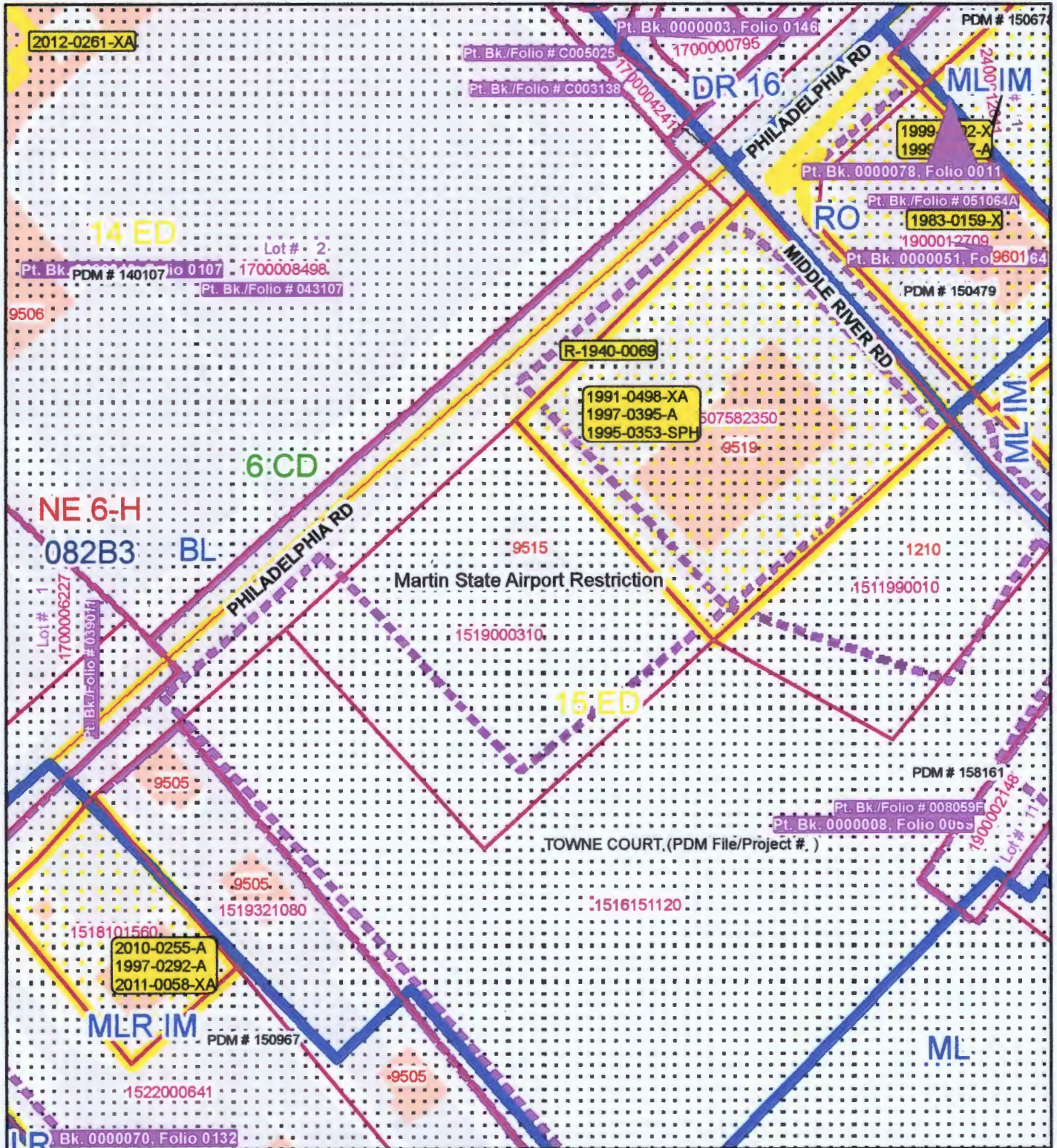


0 25 50 100 150 200 Feet

1 inch = 100 feet

Item #0012

9515 Philadelphia Road



Publication Date: 7/10/2013



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



A scale bar labeled "Feet" with markings at 0, 25, 50, 100, 150, and 200.

1 inch = 100 feet

Item #0012



EXISTING FEATURES LEGEND

- PROPERTY BOUNDARY
- DEED PARCEL BOUNDARY
- ADJACENT PROPERTY BOUNDARY
- EXISTING EASEMENT
- CORNER FOUND (AS NOTED)
- CALCULATED CORNER
- CORNER SET (AS NOTED)
- EXISTING INDEX CONTOUR
- EXISTING INTERMEDIATE CONTOUR
- EXISTING SPOT ELEVATION
- EXISTING DITCH LINE
- EXISTING EDGE OF STREAM
- EXISTING CENTERLINE OF STREAM
- EXISTING FLOODPLAIN BOUNDARY
- ZONE A - AREA OF 100-YEAR FLOODING
- ZONE B - AREA BETWEEN LIMITS OF 100-YEAR FLOOD & 500-YEAR FLOOD
- EXISTING CONCRETE CURB
- EXISTING SIDEWALK
- EXISTING GUARD RAIL
- EXISTING FENCE
- EXISTING GATE
- EXISTING TREE
- EXISTING TREE LINE
- EXISTING BRUSH LINE
- EXISTING SIGN
- EXISTING LIGHT POLE
- EXISTING ASPHALT
- EXISTING CONCRETE
- EXISTING GRAVEL DRIVE
- EXISTING STORM DRAIN LINE
- EXISTING STORM INLET
- EXISTING STORM DRAIN MANHOLE
- EXISTING SANITARY SEWER LINE
- EXISTING SANITARY SEWER MANHOLE
- EXISTING CLEANOUT
- EXISTING WATER LINE
- EXISTING WATER MANHOLE
- EXISTING WATER METER
- EXISTING WATER VALVE
- EXISTING FIRE HYDRANT
- EXISTING WATER MARKER
- EXISTING GAS LINE
- EXISTING GAS VALVE
- EXISTING GAS MARKER
- EXISTING OVERHEAD ELECTRIC LINE
- EXISTING UNDERGROUND ELECTRIC
- EXISTING UTILITY POLE
- EXISTING GUY WIRE
- EXISTING TELEPHONE LINE
- EXISTING UNDERGROUND TELEPHONE
- DELINEATED STREAM
- DELINEATED WETLAND
- 25' WETLAND BUFFER
- EXISTING CONTROL POINT

- PROPERTY INFORMATION
1. TAX ACCOUNT NUMBER: 1516151120, 1519000310, 1511990010
 2. PROPERTY ZONING: BL / ML
 3. REQUIRED PARKING: 9100 sf x 5 spaces per 1000 sf = 45.5 spaces (say 46)
 4. PROPOSED PARKING: 35 SPACES
 5. PROPOSED NOISE MITIGATION: NONE
 6. REQUESTED VARIANCES: PARKING REQUIREMENTS
 7. PHASING: 1 PHASE
 8. PROPOSED STORMWATER MGMT: POND / LAKE
 9. COUNCIL DISTRICT: 6
 10. VOTING PRECINCT: 15-004
 11. CONGRESSIONAL DISTRICT: 2
 12. LEGISLATIVE DISTRICT: 7
 13. PROJECT PROPERTY AREA: 271,153 SF - 6.23 ACRES (NOT ALL BUILT UPON)
 14. PROPERTY OWNER: PHILLMILL, LLC, JOSEPH D. DEIGERT, BYPASS TRUST, MEMBER, BRIAN M. LUTTERS, CO-TRUSTEE, 508 ROCK SPRINGS MD 21014
 15. GFAR= 0.034
 16. THERE ARE NO FAILED SERVICES AT THIS LOCATION.
 17. CURBING OR WHEEL STOPS WILL BE UTILIZED IN THE FINAL DESIGN.
 18. ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.

PROFESSIONAL CERTIFICATION
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.

License No. 43423
Expiration Date: 3-19-2015

Mead & Hunt
Mead & Hunt, Inc.
1012 38th Avenue North,
Suite 301
Myrtle Beach, SC 29577
phone: 843-839-1490
meadhunt.com



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PLAN TO ACCOMPANY PARKING VARIANCE REQUEST
PREPARED FOR:
ACDH LLC PO BOX 1058, LEXINGTON, SC

REVISION
1. REVISED SITE PLAN
7-24-2013

NOT FOR CONSTRUCTION

MSH NO.: 121454.01
DATE: 3-1-2013
DESIGNED BY: JMM
DRAWN BY: JMM
CHECKED BY: JB
DO NOT SCALE DRAWINGS

SHEET CONTENTS
CONCEPT PLAN

SHEET NO.

E-101

PETITIONER'S
EXHIBIT NO. 1