

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE

(401 Reisterstown Road) *

3rd Election District

2nd Council District *

Restoring Life International Church, *Legal Owner*

Seasons Maryland LLC, *Contract Purchaser* *

Petitioners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2014-0116-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed by Jeffrey Spatz, Esquire, of Gordon Feinblatt, LLC, on behalf of Restoring Life International Church, the legal owner and Seasons Maryland, LLC, contract purchaser. The Special Hearing was filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."): (1) to approve business parking in a residential zone; and (2) to approve a modified parking plan for existing parking. The Variance petition seeks relief from B.C.Z.R. § 409.6.A.2: (1) to permit 106 spaces in lieu of the required 138 spaces; (2) to permit surface parking spaces for a non-residential facility closer than 10 ft. to the right of way line of a public street; and (3) to permit a 0 ft. RTA setback in lieu of the required 50 ft. buffer and a 75 ft. setback, respectively, for an existing parking lot. 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 were Mayer Gold (on behalf of the contract purchaser), Kenneth Robinson (on behalf of the owner), traffic engineer Mickey Cornelius, and Richard Matz, P.E., whose firm prepared the plans. William Shaughnessy, Esquire and Jeffrey Spatz, Esquire of Gordon Feinblatt, LLC appeared and represented the Petitioners. Numerous citizens (whose names are in the case file) appeared in opposition to the

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Date

12/31/13

By

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requests. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations.

The subject property is 2.1 acres in size and is split-zoned BL and DR 5.5. The property is located in Pikesville, and for many years it was used as a catering operation. In recent years, a church has operated on site, and its pastor indicated that between 800-1,000 parishioners attend each Sunday during two services. The church proposes to sell the property to Seasons Maryland, LLC, which would operate a Kosher grocery store on the premises. Mayer Gold, principal of Seasons, testified it would be a gourmet, upscale grocery similar to Whole Foods. Mr. Gold testified he operates four other grocery stores in New York, and he believed that comparable locations (in Flushing and Lawrence) operated successfully with just 80 parking spaces, while 105 spaces are proposed here.

Mr. Matz (a licensed engineer who was accepted as an expert) testified that the property has no zoning history, and that the primary issue in the case was parking. He noted that the catering facility had used the parking lots shown on the plan since at least 1969, and that the church continued such use. Mr. Matz indicated that the bulk of the improvements will be to the interior of the structure, with only minor exterior changes (including signage) proposed. He believed that 106 parking spaces would be sufficient, especially considering Mr. Gold's experience with his four other stores.

In terms of the requested variance relief, Mr. Matz opined the property was unique given the unusual configuration of the parking lots and the split zoning. I concur, but also believe that this uniqueness gives rise to other concerns under the parking regulations, discussed below.

Mr. Cornelius (also accepted as an expert), described the site and indicated the store would generate approximately 1,100 daily vehicle trips, spread throughout the day. He contrasted this with the Church, where parishioners' ingress and egress occurs at the same time.

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By Den

Mr. Cornelius opined that the existing roads could accommodate the anticipated traffic generated by the store, and he did not believe the community would be negatively impacted.

As noted, many area citizens attended the hearing and expressed strong opposition to the requests, citing concerns with parking, traffic, property values and similar issues. The Petitioners and Protestants submitted post hearing memoranda addressing legal issues in the case, and the Office of People's Counsel also submitted a review by Stephen Weber of the Department of Public Works (DPW) of the proposed parking at the subject site. Mr. Weber indicated there was a "reasonable concern" that the proposal could cause "parking issues within the adjacent community." Having considered the testimony, exhibits and submissions of the parties, I believe the petitions must be denied.

As shown on the plan, a large portion of the site is commercially zoned. But the "satellite" parking lots, and a portion of the parking in front of the proposed store, are located in a residential zone, outside of the Pikesville Revitalization District. This creates a legal obstacle to plan approval.

Specifically, B.C.Z.R. § 409.8.B makes clear that (upon issuance of a use permit) only passenger vehicles may use a commercial parking facility in a residential zone. But here, according to the testimony, trucks will also need to make use of these areas. According to Messrs. Matz and Cornelius, at least once daily a tractor-trailer would need to enter, and back-up through, these DR-zoned areas to reach the loading dock (which is located in the commercial zone). In addition, "box trucks" would also make daily deliveries to the store, again using these residentially-zoned parcels to gain access to the store and loading dock. In my opinion, this is prohibited by B.C.Z.R. §409.8, which provides that "only passenger vehicles . . . may use the parking facility." That same regulation also provides that no "loading, service or any use other than parking shall be permitted."

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Date

12/31/13

By

Den

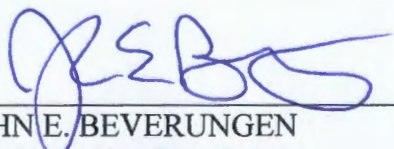
This regulation permits only a limited use (i.e., customer parking) of residential property to serve commercial ventures. The current proposal, given the unique configuration of the parcels and existing site constraints, would necessitate in the DR zone truck traffic and commercial activity associated with the shipping and unloading of inventory. In a similar setting, the court of appeals held that passage of "two to ten trucks daily" over residentially zoned property, to access a commercially-zoned parcel, would constitute the impermissible business use of land in a residential district. Leimbach Constr. Co. v. City of Baltimore, 257 Md. 635 (1970).

THEREFORE, IT IS ORDERED this 31st day of December 2013, by this Administrative Law Judge, that Petitioners' request for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."): (1) to approve business parking in a residential zone; and (2) to approve a modified parking plan for existing parking, be and is hereby DENIED.

IT IS FURTHER ORDERED that Petitioners' request for Variance relief as follows: (1) to permit 106 parking spaces in lieu of the required 138 spaces; (2) to permit surface parking spaces for a non-residential facility closer than 10 ft. to the right of way line of a public street; and (3) to permit a 0 ft. RTA setback in lieu of the required 50 ft. buffer and a 75 ft. setback, respectively, for an existing parking lot, be and is hereby DENIED.

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

JEB/sln



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 12/31/13

By den

KEVIN KAMENETZ
County Executive



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

December 31, 2013

Jeffrey Spatz, Esquire
William Shaughnessy, Esquire
Gordon Feinblatt, LLC
233 East Redwood Street
Baltimore, Maryland 21202

RE: Petitions for Special Hearing and Variance
Property: 401 Reisterstown Road
Case No.: 2014-0116-SPHA

Dear Counsel:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", followed by a long horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
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 401 Reisterstown Rd., 11 Maryland Ave., and 2 Randall Ave. which is presently zoned BL and DR 5.5

Deed References: L.27819 F.075 10 Digit Tax Account # 0303068960, 0302049060,

Property Owner(s) Printed Name(s) Kenneth O. Robinson 0302049540

(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. X **a Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve (See attached)

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) (See attached)

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

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:

Seasons Maryland, LLC - Mayer Gold, Vice President

Name- Type or Print

Mayer Gold / JS

Signature

68-18 Main Street Flushing NY

Mailing Address City State

11367 / 917-731-8557 / mayergold@gmail.com

Zip Code Telephone # Email Address

Attorney for Petitioner:

Jeffrey Spatz GORDON FEINBLATT LLC

Name- Type or Print

JS

Signature

233 East Redwood Street Baltimore MD

Mailing Address City State

21202 / 410-576-4124 / jspatz@gflaw.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Kenneth O. Robinson RESTORING LIFE INTERNATIONAL

Name #1 - Type or Print

Name #2 - Type or Print CHURCH

Kenneth O. Robinson

Signature #1

Signature #2

401 Reisterstown Road Pikesville MD

Mailing Address City State

21208 / 443-858-0732 / kennethorobinson@gmail.com

Zip Code Telephone # Email Address

Representative to be contacted:

Richard E. Matz

Name - Type or Print

Richard E. Matz

Signature

2835 Smith Ave. Suite. G Baltimore MD

Mailing Address City State

21209 / 410-653-3838 / dmatz@cmrengineers.com

Zip Code Telephone # Email Address

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Do Not Schedule Dates:

Date 12/31/13

Reviewer JS

REV. 10/4/11

By JS

CASE NUMBER 2014-0116 - SPHA Filing Date 11/8/13

PETITION FOR ZONING HEARING

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 business parking in a residential zone pursuant to 409.8.B and to approve a modified parking plan for existing parking.

2. **A Variance** from Section 409.6.A.2, Retail Parking - To permit 106 spaces in lieu of the required 138 Spaces, and from Section 409.A.4, Design Standards - To permit surface parking space for a non-residential facility closer than 10 feet to the right of way line of a public street, and from Section 1.B01.1.B.c.2, Variance of RTA - To permit a 0 foot RTA buffer and 0 foot RTA setback in lieu of the required 50 foot buffer and 75 foot setback, respectively, for an existing parking lot.

In the alternative to grant necessary variances for setbacks and landscape buffers, Baltimore County Landscape Manual General Standards and Condition B: Parking lots, to achieve the parking layout as shown on the Plan to Accompany Petition for Zoning Hearing,

and to grant other relief as the Administrative Law Judge deems necessary.

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION

**401 Reisterstown Road
11 Maryland Avenue
2 Randall Avenue**

First Parcel:

Beginning at a point on the northeast side of Reisterstown Road which is 66 feet wide at the intersection of Maryland Avenue which is 40 feet wide. Thence the following courses and distances: N 27° 59' 00" W 200 ft., N 58° 30' 00" E 289.27 ft., S 31° 30' 00" E 199.63 ft., and S 58° 30' 00" W 300.3 ft. to the place of beginning as recorded in Deed Liber 629, Folio 369. Being Parcel 0275 on Tax Map 0078 as recorded in Baltimore County Liber WPC 629, Folio 369, containing 58,972 square feet or 1.35 acres. Also known as 401 Reisterstown Road and located in the 3rd Election District and 2nd Councilmanic District.

Second Parcel:

Beginning at a point on the southeast side of Maryland Avenue which is 40 feet wide at the distance of 275 feet northeast of the centerline of the nearest improved intersecting street, Reisterstown Road which is 66 feet wide. Thence the following courses and distances: S 27° 45' 00" E 197.45 ft., S 58° 15' 01" 50 ft., N 27° 45' 00" W 97.96 ft., S 58° 50' 00" 30 ft., N 27° 45' 00" W 100 ft., and N 58° 50' 00" E 80 ft. to the place of beginning as recorded in Deed Liber 7, Folio 46. Being Parcel 0594, Lots 6 and 7, on Tax Map 0078 as recorded in Baltimore County Liber WPC 7, Folio 46, containing 12,862 square feet or 0.295 acres. Also known as 11 Maryland Avenue and located in the 3rd Election District and 2nd Councilmanic District.

Third Parcel:

Beginning at a point on the northwest side of Randall Avenue which is 40 feet wide at the distance of 233 feet northeast of the centerline of the nearest improved intersecting street, Reisterstown Road which is 66 feet wide. Thence the following courses and distances: N 27° 45' 00" W 200 ft., N 58° 15' 01" E 100 ft., S 27° 45' 00" E 200 ft., and S 58° 15' 01" W 100 ft. to the place of beginning as recorded in Deed Liber 13438, Folio 460. Being Parcel 0594, Lot 20, on Tax Map 0078 as recorded in Baltimore County Plat Book WPC 3, Folio 94, and Baltimore County Liber 13438, Folio 460, containing 19,951 square feet or 0.458 acres. Also known as 2 Randall Avenue and located in the 3rd Election District and 2nd Councilmanic District.

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. 13203

Expiration Date: 11/02/2014



2014-0116-SPHA

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/neighborhood 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: 2014-0116 SPHA
Petitioner: SEASONS MARYLAND, LLC
Address or Location: 401 REISTERSTOWN ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: JEFF SPATZ
Address: GORDON FEINBLATT LLC
233 EAST REDWOOD ST
BALTO, MD 21202
Telephone Number: 410-576-4124

Rob Hoffman

410-

382-9852

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

No. **105023**

Date: **11/5/13**

PAID RECEIPT

BUSINESS ACTUAL TIME DEPT
 11/12/2013 11/08/2013 12:04:26 9

REC'D WALKIN SHIL SAW
 RECEIPT # 400796 11/08/2013 DFLW

5 528 ZOWING VERIFICATION

105023

Receipt Tot \$1,000.00

\$1,000.00 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	506	1000		6150				51000.00

Total: **51000.00**

Rec From: **SEASONS MARYLAND, LLC**

For: **2014-0116-SPMA**

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 11/20/2013

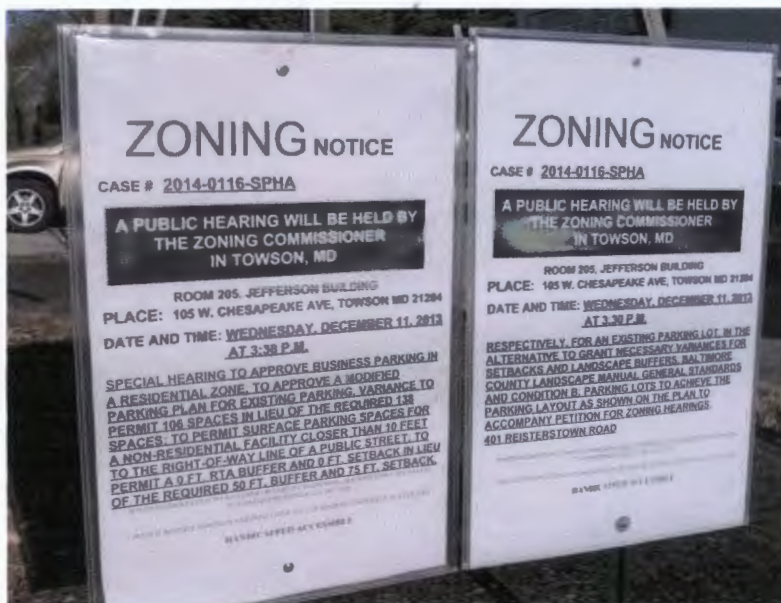
Case Number: 2014-0116-SPHA

Petitioner / Developer: JEFFREY SPATZ~MAYER GOLD~
RICHARD MATZ, KENNETH ROBINSON

Date of Hearing (Closing): DECEMBER 11, 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:
401 REISTERSTOWN RD.~NORTH SIDE OF MARYLAND AVE. FACING
SOUTH~SOUTH SIDE OF MARYLAND AVE. FACING NORTH~
NORTH SIDE OF RANDALL AVE. FACING SOUTH

The sign(s) were posted on: **NOVEMBER 20, 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)

ZONING NOTICE

CASE # 2014-0116-SPHA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

ROOM 205, JEFFERSON BUILDING

PLACE: 105 W. CHESAPEAKE AVE, TOWSON MD 21204

DATE AND TIME: WEDNESDAY, DECEMBER 11, 2013
AT 3:30 P.M.

SPECIAL HEARING TO APPROVE BUSINESS PARKING IN
A RESIDENTIAL ZONE; TO APPROVE A MODIFIED
PARKING PLAN FOR EXISTING PARKING VARIANCE TO
PERMIT 106 SPACES IN LIEU OF THE REQUIRED 138
SPACES; TO PERMIT SURFACE PARKING SPACES FOR
A NON-RESIDENTIAL FACILITY CLOSER THAN 10 FEET
TO THE RIGHT-OF-WAY LINE OF A PUBLIC STREET; TO
PERMIT A 0 FT. RTA BUFFER AND 0 FT. SETBACK IN LIEU
OF THE REQUIRED 50 FT. BUFFER AND 75 FT. SETBACK.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 800-336-1361

DO NOT REMOVE THIS SIGN AND POST WITH DAY OF REMOVAL UNDER PENALTY OF LAW.

HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE # 2014-0116-SPHA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

ROOM 205, JEFFERSON BUILDING

PLACE: 105 W. CHESAPEAKE AVE, TOWSON MD 21204

DATE AND TIME: WEDNESDAY, DECEMBER 11, 2013
AT 3:30 P.M.

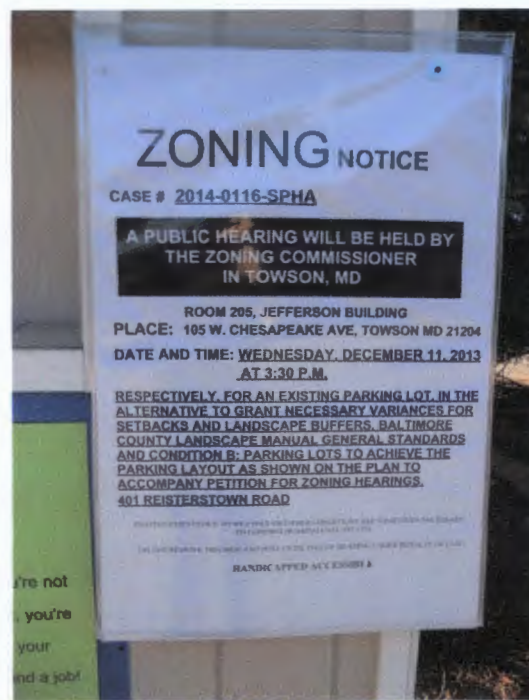
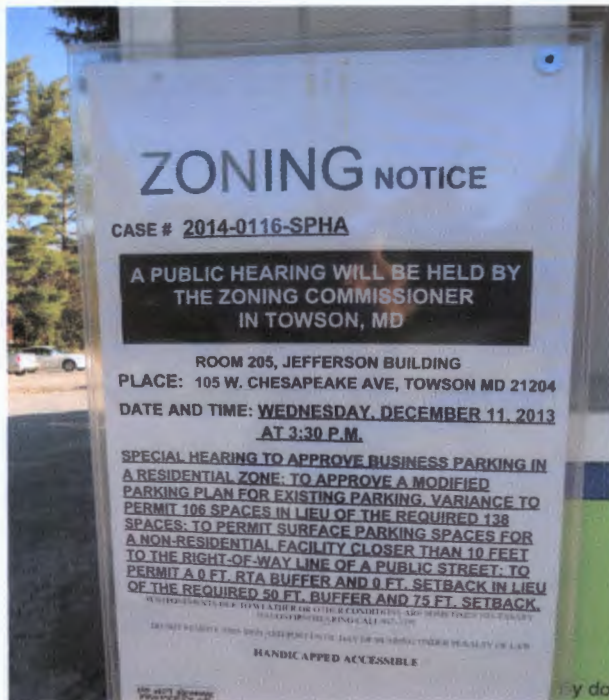
RESPECTIVELY, FOR AN EXISTING PARKING LOT, IN THE
ALTERNATIVE TO GRANT NECESSARY VARIANCES FOR
SETBACKS AND LANDSCAPE BUFFERS, BALTIMORE
COUNTY LANDSCAPE MANUAL GENERAL STANDARDS
AND CONDITION B: PARKING LOTS TO ACHIEVE THE
PARKING LAYOUT AS SHOWN ON THE PLAN TO
ACCOMPANY PETITION FOR ZONING HEARINGS.
401 REISTERSTOWN ROAD

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 800-336-1361

DO NOT REMOVE THIS SIGN AND POST WITH DAY OF REMOVAL UNDER PENALTY OF LAW.

HANDICAPPED ACCESSIBLE

NORTH SIDE OF MARYLAND AVE. FACING SOUTH



SOUTH SIDE OF MARYLAND AVE. FACING NORTH

ZONING NOTICE

CASE # 2014-0116-SPHA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

ROOM 205, JEFFERSON BUILDING
PLACE: 105 W. CHESAPEAKE AVE, TOWSON MD 21204
DATE AND TIME: WEDNESDAY, DECEMBER 11, 2013
AT 3:30 P.M.

SPECIAL HEARING TO APPROVE BUSINESS PARKING IN
A RESIDENTIAL ZONE; TO APPROVE A MODIFIED
PARKING PLAN FOR EXISTING PARKING. VARIANCE TO
PERMIT 106 SPACES IN LIEU OF THE REQUIRED 138
SPACES; TO PERMIT SURFACE PARKING SPACES FOR
A NON-RESIDENTIAL FACILITY CLOSER THAN 10 FEET
TO THE RIGHT-OF-WAY LINE OF A PUBLIC STREET; TO
PERMIT A 0 FT. RTA BUFFER AND 0 FT. SETBACK IN LIEU
OF THE REQUIRED 50 FT. BUFFER AND 75 FT. SETBACK.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOME TIMES NECESSARY.
TO CONFIRM HEARING CALL 800-491-1001

DO NOT REMOVE THIS SIGN ANYTIME UNTIL DAY OF HEARING OR 48 HOURS AFTER

HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE # 2014-0116-SPHA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

ROOM 205, JEFFERSON BUILDING
PLACE: 105 W. CHESAPEAKE AVE, TOWSON MD 21204
DATE AND TIME: WEDNESDAY, DECEMBER 11, 2013
AT 3:30 P.M.

RESPECTIVELY, FOR AN EXISTING PARKING LOT, IN THE
ALTERNATIVE TO GRANT NECESSARY VARIANCES FOR
SETBACKS AND LANDSCAPE BUFFERS, BALTIMORE
COUNTY LANDSCAPE MANUAL GENERAL STANDARDS
AND CONDITION B: PARKING LOTS TO ACHIEVE THE
PARKING LAYOUT AS SHOWN ON THE PLAN TO
ACCOMPANY PETITION FOR ZONING HEARINGS,
401 REISTERSTOWN ROAD

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOME TIMES NECESSARY.
TO CONFIRM HEARING CALL 800-491-1001

DO NOT REMOVE THIS SIGN ANYTIME UNTIL DAY OF HEARING OR 48 HOURS AFTER

HANDICAPPED ACCESSIBLE

NORTH SIDE OF RANDALL AVE. FACING SOUTH



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

November 21, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on November 21, 2013

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

NOTICE OF ZONING

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

Case: # 2014-0116-SPHA
401 Reisterstown Road
N/W corner of Reisterstown Road and Maryland Avenue, NW/s Randall Avenue
3rd Election District - 2nd Councilmanic District
Legal Owner(s): Kenneth O. Robinson, Restoring Life International Church
Contract Purchaser: Seasons Maryland, LLC, Mayer Gold, V.P.

Special Hearing: to approve business parking in a residential zone; to approve a modified parking plan for existing parking. **Variance:** to permit 106 spaces in lieu of the required 138 spaces; to permit surface parking spaces for a non-residential facility closer than 10 feet to the right-of-way line of a public street; to permit a 0 ft. RTA buffer and 0 ft. setback in lieu of the required 50 ft. buffer and 75 ft. setback, respectively, for an existing parking lot. In the alternative to grant necessary variances for setbacks and landscape buffers, Baltimore County Landscape Manual General Standards and Condition B: Parking lots, to achieve the parking layout as shown on the Plan to Accompany Petition for Zoning Hearings.

Hearing: Wednesday, December 11, 2013 at 3:30 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.

11/4/15 Nov. 21 1959445



KEVIN KAMENETZ
County Executive

November 18, 2013

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

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2014-0116-SPHA

401 Reisterstown Road

N/w corner of Reisterstown Road and Maryland Avenue, NW/s Randall Avenue

3rd Election District – 2nd Councilmanic District

Legal Owners: Kenneth O. Robinson, Restoring Life International Church

Contract Purchaser: Seasons Maryland, LLC, Mayer Gold, V.P.

Special Hearing to approve business parking in a residential zone; to approve a modified parking plan for existing parking. Variance to permit 106 spaces in lieu of the required 138 spaces; to permit surface parking spaces for a non-residential facility closer than 10 feet to the right-of-way line of a public street; to permit a 0 ft. RTA buffer and 0 ft. setback in lieu of the required 50 ft. buffer and 75 ft. setback, respectively, for an existing parking lot. In the alternative to grant necessary variances for setbacks and landscape buffers, Baltimore County Landscape Manual General Standards and Condition B: Parking lots, to achieve the parking layout as shown on the Plan to Accompany Petition for Zoning Hearings.

Hearing: Wednesday, December 11, 2014 at 3:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Jeffrey Spatz, 233 East Redwood Street, Baltimore 21202
Mayer Gold, 68-18 Main Street, Flushing NY 11367
Richard Matz, 2835 Smith Ave., Ste. G., Baltimore 21209
Kenneth Robinson, 401 Reisterstown Rd., Pikesville 21208

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, NOVEMBER 21, 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, November 21, 2013 Issue - Jeffersonian

Please forward billing to:

Jeff Spatz
Gordon Feinblatt, LLC
233 East Redwood Street
Baltimore, MD 21202

410-575-4124

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: 2014-0116-SPHA

401 Reisterstown Road

N/w corner of Reisterstown Road and Maryland Avenue, NW/s Randall Avenue

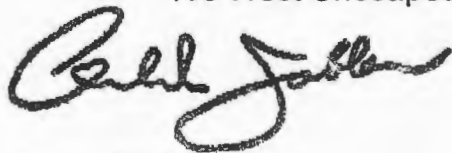
3rd Election District – 2nd Councilmanic District

Legal Owners: Kenneth O. Robinson, Restoring Life International Church

Contract Purchaser: Seasons Maryland, LLC, Mayer Gold, V.P.

Special Hearing to approve business parking in a residential zone; to approve a modified parking plan for existing parking. Variance to permit 106 spaces in lieu of the required 138 spaces; to permit surface parking spaces for a non-residential facility closer than 10 feet to the right-of-way line of a public street; to permit a 0 ft. RTA buffer and 0 ft. setback in lieu of the required 50 ft. buffer and 75 ft. setback, respectively, for an existing parking lot. In the alternative to grant necessary variances for setbacks and landscape buffers, Baltimore County Landscape Manual General Standards and Condition B: Parking lots, to achieve the parking layout as shown on the Plan to Accompany Petition for Zoning Hearings.

Hearing: Wednesday, December 11, 2014 at 3:30 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.

M E M O R A N D U M

DATE: January 31, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0116-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on January 30, 2014. 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 SPECIAL HEARING * BEFORE THE OFFICE
 AND VARIANCE *
 401 Reisterstown Road, 11 Maryland Avenue * OF ADMINISTRATIVE
 and 2 Randall Avenue; NW corner Reisterstown *
 Rd & Maryland Ave., SE/S Maryland Ave., * HEARINGS FOR
 275' NE Reisterstown Rd & NW/S Randall *
 Avenue, NW c/line of Reisterstown Road * BALTIMORE COUNTY
 3rd Election & 2nd Councilmanic Districts *
 Legal Owner: Restoring Life International Church* 2014-116-SPHA
 Contract Purchaser(s): Seasons Maryland LLC

Petitioner(s) *

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

NOV 25 2013

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of November, 2013, a copy of the foregoing Entry of Appearance was mailed to Richard Matz, P.E., Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209 and Jeffrey Spatz, Esquire, 233 East Redwood Street, Baltimore, Maryland 21202, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

CASE NO. 2014-0116-SPHA

CHECKLIST

Support/Oppose/
Conditions/
Comments/
No Comment

Comment
Received

Department

11/20/13 & 12/4/13

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

C

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

FIRE DEPARTMENT

12/4/13

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

C

11/20/13

STATE HIGHWAY ADMINISTRATION

No Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: 11/21/13

SIGN POSTING

Date: 11/20/13

by O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes ☐ No ☐

Comments, if any: _____

**Rhoda J. Wolfe-Carr
20 Maryland Avenue
Pikesville, Maryland 21208**

Re: Case # 2014-0116-SPHA

Date: December 11, 2013

Remarks before Administrative Law Judge at special administrative hearing In

**Opposition to requests for variances to allow business parking in a residential zone
at 401 Reisterstown Road, Pikesville, Maryland 21208**

I have been a resident of Maryland Avenue for more than 26 years. On a peaceful morning just about two weeks ago, I received a telephone call from a neighbor regarding a matter that I, and many of my neighbors, had understood to be a minor adjustment in the number of parking places for the Restoring Life International Church. This proposed zoning matter was, in fact, one part of a larger undisclosed plan for a proposed grocery store in the existing structure at 400 Reisterstown Road, Pikesville, with commercial parking on previously zoned residential parking lots.

The traffic into a residential area that would follow if these variances were to be approved would result in a hugely adverse impact to the two residential roads of Maryland Avenue (with 14 residences) and Randall Avenue (with 21 residences). These two roads run parallel to one another, and have been home to residents, in some instances since before 1928. There has been no zoning history on either of these two roads. Maryland Avenue is not wide, and has parking only on one side of the street. Neither Maryland Avenue nor Randall Avenue connects with any other

road. Further, the streets could not physically support the amount of traffic that this proposed project would generate, both from as many as 800 customers on an average day, 50 plus employees, and the weight of eight to ten eighteen 18-wheel food trucks requiring turn-around space. Such figures are what a similar grocery would generate.

Are these three parking lots adequate space? What if there is an overflow of customers? Then, the closest place for them to seek parking would be in the two adjoining streets of Maryland Avenue and Randall Avenue. Increased traffic would cause more disruption with safety concerns on roads that have no sidewalks.

Then there is the question of how would customers get into and out of the parking lots. Will there only be one exit, and will that be onto Maryland Avenue? Will there be a second exit onto Randall Avenue? What exists today is actually two quiet country lanes that the petitioner seeks to forcefully inject with commerce. These lanes are not sausages. The road surfaces cannot physically tolerate such traffic. The proposed variances will create an adverse traffic and safety impact more than normal. Considering customer and truck traffic, that would make it impossible for residents to get to and from Reisterstown Road. We would be trapped.

The request for variances to permit surface parking for a non-residential facility closer than 10 feet to the right of way line of a public street and to permit a

O foot buffer and O foot RTA setback in lieu of the required 50 foot buffer and 75 foot setback, respectively, for an existing parking lot would be extreme. Such action for roads that are not thru streets would have an adverse impact on the lives of every single person living on Maryland and Randall Avenues. Further, according to the Baltimore County Citizen's Guide to Zoning, it does not appear that the building slated to become a grocery store (already zoned commercial) could have a 0 foot setback because it is abutting a residential zone.

Approving these requested significant variances would place the residences at the beginning of Maryland and Randall Avenues "cheek by jowl" with the parking, traffic jams, noise, lighting, and trash generated by such proposals with No Buffer. We currently have and want to maintain a small Residential Transition Area, or buffer, as noted in Baltimore County Zoning regulations at Section 1B01.1B.

The existing parking lots, if zoned commercial, would be in conflict with county zoning criteria at Section 409.8 B2 because the operation of the parking lot with existing space constraints necessitating the lots' use as, at the very least, turn-around space for large 18-wheel food trucks will be detrimental to adjacent residential properties. The surface is not dustless nor is it properly drained. Currently, the parking lots are zoned residential and they serve as a buffer to our homes. The People's Counsel for Baltimore County has previously cited that buffers are required when use changes, not only for commercially zoned properties abutting

The petitioners have really ignored the community. Such a proposed project lacks all sense of reason. The project will destroy our neighborhood. We cannot let this proposed project just trample through one of the few remaining country-like areas in Pikesville, just because prospective investors want it.

P

Court of Appeals of Maryland.
LEIMBACH CONSTRUCTION COMPANY
v.
Mavor and CITY Council OF BALTIMORE et al.

No. 271.
April 13, 1970.

Appeal from decision of Board of Municipal and Zoning Appeals disapproving application for permit to install driveway and culvert across corner of residential lot. The Baltimore City Court, Anselm Sodaro, J., affirmed action of the Board and appeal was taken. The Court of Appeals, McWilliams, J., held that construction of driveway and culvert across corner of residential lot so as to permit two to ten trucks daily to enter applicant's commercial property would constitute impermissible 'business' use of land in residential district.

Affirmed.

West Headnotes

[1] Zoning and Planning 414 1365

414 Zoning and Planning

414VIII Permits, Certificates, and Approvals

414VIII(A) In General

414k1363 Automobile-Related Uses

414k1365 k. Sales and service. Most

Cited Cases

(Formerly 414k417)

Where property owner could accomplish access to his property on foot or on horseback, fact that he could not drive motor vehicle onto his property did not

render action of Board of Zoning and Zoning Appeals in refusing to permit construction of driveway and culvert in residential area confiscatory.

[2] Zoning and Planning 414 1238

414 Zoning and Planning

414V Construction, Operation, and Effect

414V(C) Uses and Use Districts

414V(C)1 In General

414k1237 Residential Districts

414k1238 k. In general. Most Cited

Cases

(Formerly 414k280)

Construction of driveway and culvert across corner of residential lot so as to permit two to ten trucks daily to enter applicant's commercial property would constitute impermissible "business" use of land in residential district.

*635 **109 Charles C. W. Atwater, Baltimore (Mylander & Atwater, Baltimore, on the brief) for appellant.

*636 Simon Schonfield, Asst. City Sol. (George L. Russell, Jr., City Sol., and Clayton A. Dietrich, Chief Asst. Sol., Baltimore, on the brief) for Mayor and City Council part of appellees.

Marvin M. Polikoff, Baltimore, for Bettie O. Summers, other appellee.

Argued before HAMMOND, C. J., and McWILLIAMS, SINGLEY, SMITH and DIGGES, JJ.

McWILLIAMS, Judge.

The boundaries of the triangular enclave within

which lies the land of the appellant (Litty)[FN1] are Wilkens Avenue on the south, Caton Avenue on the east and the Pennsylvania Railroad on the northwest. On the opposite side of Wilkens Avenue are the spacious grounds of St. Agnes Hospital. On the other side of the railroad is Loudon Park Cemetery. Maiden Choice Run flows through the enclave, from west to east, continuing to its confluence with Gwynn's Falls, a half mile or so farther east. An occasional reference to the accompanying plat will facilitate comprehension of the facts.

FN1. Ernest J. Litty, the president and apparently the principal owner of the appellant, Leimbach Construction Company.

Litty, a general contractor, has outgrown his present place of business. Sometime prior to March 1969 he acquired an option to purchase the three acres of commercially zoned property designated Lot 10 and Lot 21 on the plat. Although legal access thereto is provided by Primson Avenue, vehicular access is, in fact, impossible because the bridge over Maiden Choice Run fell down fifteen, 'maybe even forty' years ago. It seems that city officials displayed a massive indifference to Litty's suggestion that the bridge be rebuilt inspired, no doubt, by an estimated cost of \$50,000 to \$55,000. There were vague mutterings about splitting the cost but Litty had a notion that a crossing could be accomplished**110 at a point about 100 feet southwest of Primson Avenue for about \$12,000. He thereupon obtained an option to buy the irregularly shaped one acre of residentially zoned land designated P on the plat. He had in mind building a 30 foot driveway*637 from Primson Avenue across the easternmost panhandle thereof and thence over a bridge to Lots 10 and 21.

On 19 March 1969 Litty applied for a permit to 'install (a) driveway and culvert across (the) corner of (the residential) lot.' The application was disapproved by the zoning commissioner 'for the reason that it violates (Section 11 of) the zoning ordinance.' The

Board of Municipal and Zoning Appeals took up Litty's appeal on 15 April. Bettie Owings Summers, the chairman of the St. Agnes Neighborhood Association, testified that of the 127 householders in the community at least 113 opposed Litty's application. She spoke, with obvious relish, of the defeat of an earlier (1960) attempt to rezone Lot P from residential to commercial. She expressed fears that Litty's tractor-trailer trucks, two to ten daily, would create a traffic hazard and be an 'additional nuisance.' Litty testified that he proposed to spend \$300,000 to \$400,000 improving Lots 10 and 21. Some mention was made of pedestrian access to the cemetery through a tunnel under the railroad which it seems is on a 30 foot fill. Lots 10 and 21 were described as a 'mess,' a 'jungle' and a 'wilderness.'

The Board found that the 'testimony shows that the only access to Lot(s) 21 and 10 * * * is on Primson Avenue.' It noted that 'the operation of the (proposed) business would necessitate anywhere from two to ten trucks daily entering the area and that these trucks would be of the tractor-trailer type.' It noted also that the opposition of the St. Agnes Neighborhood Association was based on a claim that the proposed use 'would be an encroachment to the residential character of the neighborhood.' The Board's resolution, dated 18 April, goes on to say:

'The premises is vacant land on which it is proposed to construct a 30 foot driveway and metal culvert for ingress and egress to the adjoining commercial lot.

*638 'Under the provisions of Sections 10 and 11 of the Zoning Ordinance, a business and a yard for the storage of motor vehicles are uses excluded from the Residential Use District. The proposal in this case is to construct a driveway and culvert and use that portion of the lot for ingress and egress to the commercially zoned property.'

'The Board is of the opinion that no sufficient reason was shown to make an exception to the use regulations as proposed in this appeal. The Board also finds that the proposal would be detrimental to the health, safety and welfare of the community.'

'In accordance with the above facts and findings, the Board disapproves the application.'

Litty's appeal from the decision of the Board came on for a hearing, before Sodaro, J., in the Baltimore City Court, on 11 June. Miss Summers testified there was a time when there were a few houses on Lot 21 access to which was by 'a foot bridge across Maiden Choice Run * * * (which was) never wide enough for any vehicle to go across.' Litty's testimony before Judge Sodaro was brief. He said, as he did at the hearing before the Board, that there was no access to the property. His revelation that he had exercised the options to purchase Lots 10, 21 and P in May, after the decision of the Board, was something of a surprise to the court and counsel and it is not, to be sure, without significance. The consideration for Lots 10 and 21 was said to be \$26,000; for Lot P, \$12,000.

In affirming the action of the Board, Judge Sodaro said:

'The court is of the opinion that the proposed driveway would be a **commercial use** of **residentially-zoned** land in violation of the Zoning Ordinance. The Appellant contends that Sections 10 and ****111** 11 of the Zoning Ordinance do not ***639** expressly prohibit the use of the driveway as an access route to the commercial lot; that the Ordinance should be strictly construed and should not be applied to interfere with the beneficial use of the property in question unless the restriction appears on the face of the Ordinance or by clear implication. This contention is without merit. The language of the pertinent sections of the Ordinance provides that only the uses prescribed in the Ordinance may be made of land in

each zone classification. There is really nothing left for interpretation. * * *.'

I.

Section 11 of the zoning ordinance, Baltimore City Code, Art. 30 (1966), is as follows:

'In a Residential Use District, no use of land or building shall be excluded, except that

(a) no land or building shall be used; (for)

(1) Uses excluded from Residential and Office Use Districts (Section 10)

(2) Business offices

(3) Professional offices, except as provided in section 12.'

Section 10 prohibits the **use** of land in a **residential** district for '**business**' and for 'storage yards for building or structural materials or equipment.'

[1] As Litty concedes, we seem never to have considered the precise question here presented; nor, we are told, have the courts of our sister states. Both Litty and the appellee (the City) have cited a number of cases but they all seem to deal either with different kinds of ordinances or else the properties in question were without access requiring consideration of the question whether the enforcement of the ordinance would be confiscatory. Of course, Litty insists the denial of his application is tantamount to confiscation but we do not see it quite that ***640** way. It is clear, we think, that Litty's legal access to Lots 10 and 21 is by way of Primson Avenue. That he can't drive a motor vehicle onto the property is quite beside the point. Access can be accomplished on foot or on horseback; materials can be fetched by pack-train. A bridge would be far more convenient, of course, and, in the long run, much less expensive. But this is none of our

concern and, what is somewhat more to the point, Litty knew the circumstances when he exercised his options and committed his company to the purchase of Lots 10 and 21.

[2] The question then is not whether the action of the Board amounts to confiscation but simply whether the proposed use of Lot P is prohibited by the ordinance. We agree with Judge Sodaro that the use Litty proposes to make of the driveway shown in the plat would be a 'business' use of land in a residential use district.

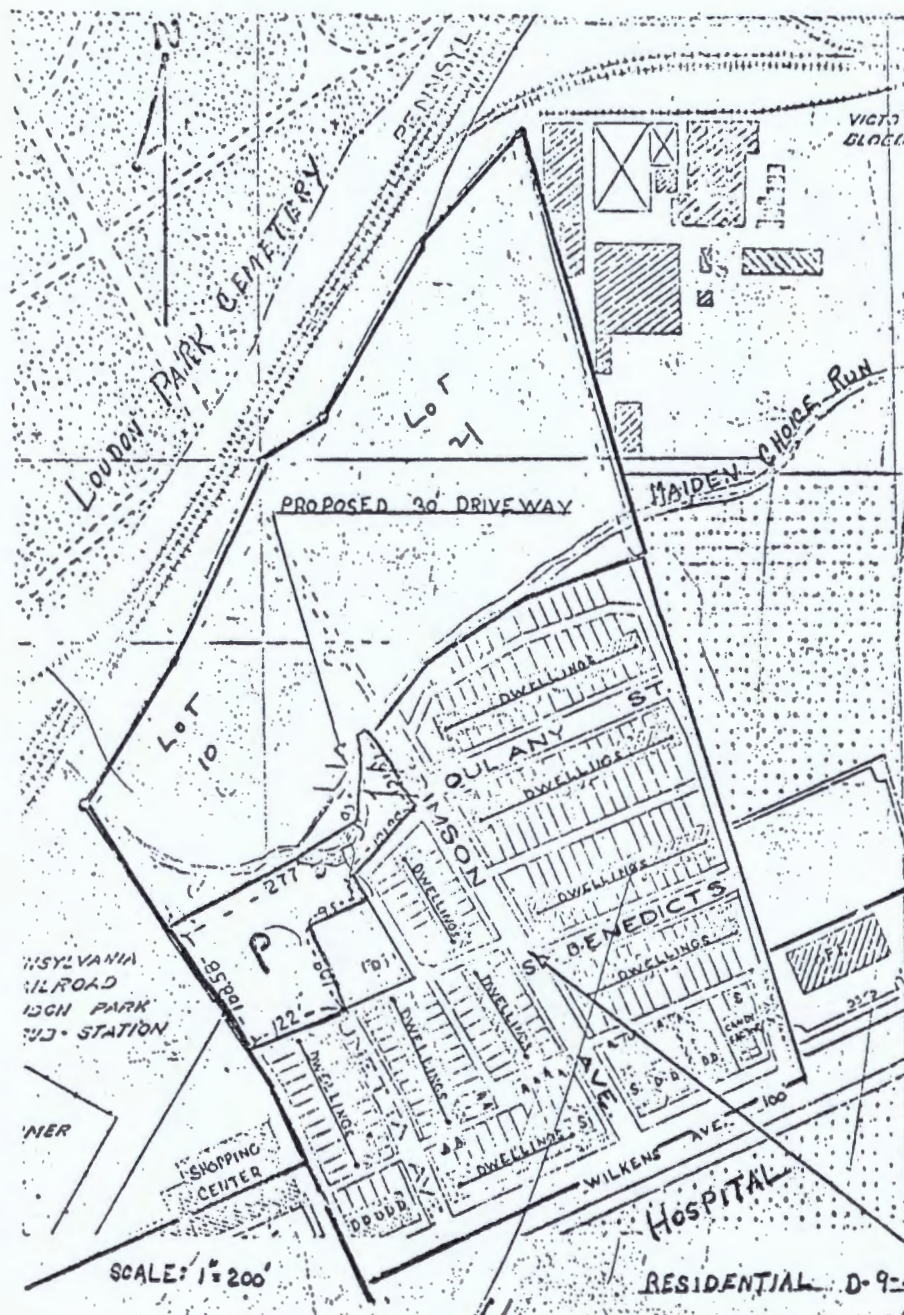
II.

There is about this case a faint bouquet suggesting that Litty may be the victim of a little hanky-panky. We can understand the desire of the residents to preserve the insularity of their little quarter. To be able to thwart any use of Lots 10, 21 and P inures to their benefit, providing them, in effect, with a park or a playground at no expense to them or to the City. And in this, thus far at least, they have been successful. The City, on the other hand, having created value in the

land by classifying it for commercial use, derives tax revenues from it without having to provide much, if anything, in the way of service. But Litty is entitled to enjoy any of the uses for which the land has been zoned and if his proposed use is neither prohibited nor unreasonable he ought not to be frustrated by a dog in the manger attitude on the part of the City and the neighborhood in respect of the bridge and the passage of a few trucks each day over Primson Avenue. As we see it there is no reason why Litty and the City should not be able to arrive at a mutually satisfactory arrangement in respect of the bridge provided**112 negotiations looking to such an arrangement are undertaken*641 in the utmost good faith. All concerned should understand that any litigation which may develop in the future will be subject to careful scrutiny by the courts to see if there is any lack of good faith.

Affirmed.

Costs to be paid by appellant.



Md. 1970.

Leimbach Const. Co. v. City of Baltimore

257 Md. 635, 264 A.2d 109

END OF DOCUMENT

Case # 2014-0116-SPHA

Top Reasons that the Seasons' Parking Lot Won't Work

A. 106 Parking Spots Will Not Be Enough

At the Dec 11 hearing, Seasons' management said that they have a similar-sized store in Flushing NY, and having only 106 spots there would "not be a problem". Seasons' management said that a large number of their customers at the Flushing NY store arrive by public transit & on foot. They suggested that they expect a similarly high percentage of their Pikesville customers to arrive by public transit & on foot. However, the use of public transit in Pikesville is dramatically different from the New York City area: e.g. - The management of a nearby, existing local retail store with a similar profile says that:

- 1) Virtually none of their customers arrives by public transit. And 2) that their parking lot is in an 'overflow' situation at least once a week, even with the County-approved number of parking spots.

B. They Will Not Achieve 106 Parking Spots

There are three reasons that Seasons will not achieve the effective number of parking spots (106) that they claim they will get from their parking lots.

- 1) At the Dec 11 hearing, Seasons claimed that they won't need to dedicate any access space to their loading dock. "All deliveries from semi-trucks will be completed by 7am every day." And non-semi's ("straight trucks") are maneuverable enough that they will go to their loading dock at any hour of the workday, and will not require that any parking spots would be dedicated to accommodating their arrival/departure. But in contrast, the management of an existing local grocery store says that it is "a joke" to think that an independent grocer can dictate the arrival times of a vendor's trucks. This nearby store, of a similar profile, says it's a struggle to contain their arrivals to a time window between 5:30am and 4pm. Seasons will undoubtedly have to off-load semis throughout the work day, and the arriving straight trucks need more room to maneuver than the store admits. This near-the-loading-dock maneuvering room will cost 6-10 parking spots.
(net loss: 6-10 parking spots)
- 2) Seasons claims that they will not need to reserve any space in their parking lot for the temporary storage of shopping carts ("cart corrals"). This statement also appears to be naive: Every grocery store I have ever seen has a cart corral in its parking lot – which takes up at least 1 spot per 100. Meanwhile, the Applicant's proposed parking lot is far more "scattered" than any I've ever seen, possibly resulting in a higher-than-average need for cart corrals.
(net loss: 2 parking spots)

- 3) The transition lanes between Lots B & C will not accommodate the two lanes of traffic that the Applicant suggests. Lots B and C do not align with each other, and therefore need to accommodate two lanes of traffic (in two directions) while these oncoming cars are turning. The Applicant's engineer has only budgeted 22.9 feet of width for this, while 24' is the typical minimum when oncoming vehicles are NOT turning. Successfully mitigating the lane width at the Lot B-to-C transition will delete at least 2 parking spots.
(net loss: 2 parking spots)

In aggregate, resolving these three issues will result in Seasons losing 10-14 parking spots from the claimed number of 106.

C. The Applicant's requested 6-foot setback is not sufficient distance from adjoining residential neighbors.

The Applicant's current neighbors at 4 Randall Avenue, Arthur & Kara Pekarsky, have two young children. The proposed 6-foot setback would have cars parking from 7am till 11pm, about 14 feet from these residents' bedrooms. The neighborhood already has years of experience with two other adjacent grocery stores: At one of these stores, several employees consistently announce their arrival & their departure & their smoke breaks with the BOOM BOOM BOOM of their car stereos. With the current store, one hundred feet of distance does very little to reduce the audio pain of what my children call "graffiti music". If that distance was 14 feet instead of 100 feet, I would absolutely have to move - and I would have to sell my house to a deaf person.

Ironically, this section of the parking lot (Lot C) is exactly the area that Seasons says they will dedicate to employee parking.

Unappealing Side-Effects of the Proposed Parking Lot

A. No Way for Delivery Trucks to Reach the Loading Dock

The Applicant proposes that all their delivery trucks will access their loading dock via Maryland Avenue. However, Maryland Avenue is only 23 feet wide, curb-to-curb. This means that if any car is leaving the store on Maryland Avenue, waiting at the stop sign at Reisterstown Road, it will effectively be blocking any in-bound truck from turning onto Maryland Avenue. While the store intends to bring up to 1500 cars a day onto Maryland Avenue, they have made no contingency for how delivery trucks will arrive, if that traffic count (or any traffic count) occurs.

Seasons' Plan A is for trucks to turn onto Maryland Avenue to make their deliveries at the loading dock. This will back up traffic on Reisterstown Road while they await a clear path for turning.

Being a New York grocer, their Plan B might be to do the New York thing – of just performing all their deliveries from Reisterstown Road at Maryland Avenue: Trucks could park on Route 140, reducing its two lanes of westbound traffic to just one lane, at any time that's convenient for off-loading. Traffic attempting to leave Maryland Avenue would not be able to see past the parked delivery truck(s): Any traffic attempting a left turn would not be able to see past the parked truck. Any traffic attempting a right turn would have to compete with the two lanes of westbound traffic being choked down to one lane.

B. The Overflow Parking is High-Impact on Local Residents

When the requested 32-parking-spot deficiency becomes deficient, arriving customers will park on the nearest available legal parking spots: along Maryland Avenue and Randall Avenue.

These roads do not have sidewalks. Therefore, on every school day, children currently walk to & from school, in the street. A 10x to 20x increase in the neighborhood's traffic will increase the risk to children.

C. The Parking Lot Will Exacerbate Current Storm Water Management Issues

The current parking area does not have storm sewers: It relies on adjacent streets to serve as open-air storm sewers. Also, Maryland Avenue and Randall Avenue do not have storm sewers. The neighborhood currently suffers from inadequate storm water management. The proposal use would make this situation worse, by expanding the impervious surface area.

Postponement Request for Zoning Hearing: 401 Reisterstown Road

Regarding Case # **2014-0116-SPHA**

I understand that the Applicant in this case has revised the content of their application.

As one example, the sign describing the Variance Request specifies that the site has 106 parking spaces, in lieu of the required 138. But the General Notes section of the Site Plan refers to a requirement of 151 spaces.

The setbacks and RTAs also appear to be moving.

The community would like to know the content of the final proposal (or the most recent proposal), and then have 20 days to review it, before the hearing.

I respectfully request that the Zoning Office postpone the hearing, to provide the community with 20 days to review the proposal.

Very Best Regards,

Jim Maguire
9 Randall Avenue
Pikesville, MD 21208

phone: 410-484-0362
E-mail: Jim@E21.us

RECEIVED
DEC 06 2013
OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 6, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 401 Reisterstown Road

RECEIVED

INFORMATION:

Item Number: 14-116

DEC 09 2013

Petitioner: Kenneth O. Robinson

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning: BL

Requested Action: Special Hearing and Variance

SUMMARY OF RECOMMENDATIONS:

The petitioner requests a Special Hearing to approve business parking in residential zone and to approve a modified parking plan for an existing parking lot. The petitioner also requests variances for the following:

- To permit 106 parking spaces in lieu of the required 138 parking spaces.
- To permit surface parking for a non- residential facility closer than 10 feet to the right of way line of a public street.
- To permit a 0 foot RTA buffer and 0 foot RTA setback in lieu of the required 50 foot buffer and 75 foot setback, respectively, for an existing parking lot.

After reviewing the petitioner's request and accompanying site plan, the Department of Planning opines that the proposed Season's grocery store would be a desirable adaptive reuse of an existing structure. The proposed grocery store provides a unique service to the Pikesville Commercial Revitalization District.

The Department of Planning does not oppose the special hearing requests for business parking in a residential zone or a modified parking plan for an existing parking lot.

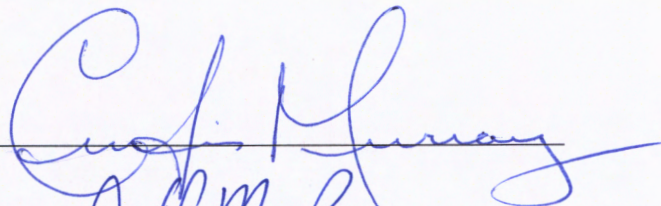
The Department of Planning requests the following:

1. Submit architectural elevations of all sides of the proposed building for review and approval. Elevations shall include building materials, colors, and dimensions.
2. Provide an updated detailed landscape and lighting plan. Lighting shall be oriented so that it does not negatively impact or trespass onto neighboring residential properties.
3. Provide pedestrian connections and pedestrian circulation into and throughout the site.

The subject property is located within the Pikesville Design Review Panel (DRP) area and may be subject to Design Review Panel review. Contact Jenifer Nugent in the Department of Planning at 410-887-3482 or jnugent@baltimorecountymd.gov to discuss DRP requirements and procedures.

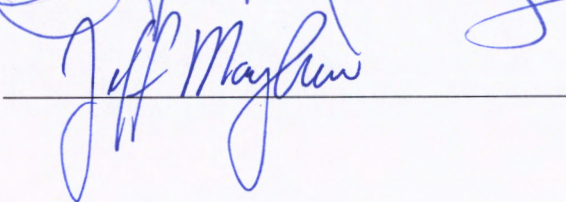
For further information concerning the matters stated here in, please contact Troy Leftwich at 410-887-3480.

Prepared By:

A handwritten signature in blue ink, appearing to read "Craig H. Murray", written over a horizontal line.

Division Chief:

AVA/LL:cjm

A handwritten signature in blue ink, appearing to read "Jeff Mayhew", written over a horizontal line.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 25, 2013
Item No. 2014-0116

DATE: November 20, 2013

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

A landscape plan shall be submitted and approved by this office prior to issuance of any permits.

DAK: CEN.
Cc: file.
ZAC-ITEM NO 14-0116-11252013.doc

DEPARTMENT OF PERMITS, APPROVALS & INSPECTIONS
BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Deputy Administrative Officer

DATE: December 4, 2013

FROM: Jean Tansey, R. L. A. *JMST*
Bureau of Development Plans Review

SUBJECT: Zoning Case 2014-0116-SPHA
Seasons Maryland, LLC
401 Reisterstown Road

This request for hearing notes that modifications to standards within the Landscape Manual will be required. These modifications include:

- Modifications to parking regulations in Part III, Condition B.1.c.(2) to allow
 - 11 feet in lieu of required 15 feet;
 - 1 foot in lieu of the required 15 feet;
 - 4 feet in lieu of the required 15 feet.
- Modification to parking regulations in Part III, Condition B.1.b to allow 4 feet in lieu of the required 6 feet.

I have reviewed the Schematic Landscape Plan and the proposed buffering to ameliorate the reduced strips and believe that, given the site constraints and location, these requests are reasonable and the proposed accommodations acceptable.

Please let me know if any further information is needed. I believe the hearing is scheduled for December 11, 2013.

Thank you.

JMST/js

RECEIVED

DEC 04 2013

OFFICE OF ADMINISTRATIVE HEARINGS



KEVIN KAMENETZ
County Executive

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

December 3, 2013

Restoring Life International Church
Kenneth O Robinson
401 Reisterstown Road
Pikesville MD 21208

RE: Case Number: 2014-0116 SPHA, Address: 401 Reisterstown Rd, 11 Maryland Ave & 2 Randall Ave

Dear Mr. Robinson:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 8, 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 that reads "W. Carl Richards, Jr." The signature is written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Seasons Maryland LLC, Mayer Gold, VP, 68-18 Main Street, Flushing NY 11367
Jeffrey Spatz, Esquire, 233 E Redwood Street, Baltimore MD 21202
Richard E Matz, 2835 Smith Avenue, Suite G, Baltimore MD 21209

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



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

Date: 11-20-13

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

RE: Baltimore County
Item No. 2014-0116-SPHA
Special Hearing Variance
Kenneth O. Robinson
401 Reisterstown Road
MD 1140

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 11-18-13. A field inspection and internal review reveals that an entrance onto MD 140 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2014-0116-SPHA.

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,

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

From: Jeanette Tansey
To: kmatthews@baltimorecountymd.gov
Date: 11/14/2013 4:39 PM
Subject: ZAC Agenda due 11/25/13

Following are the comments for the Department of Recreation and Parks regarding Local Open Space on the above noted agenda:

2014-0115-SPH - This appears to be within the Roland Run environmental greenway, therefore approval is not recommended.

2014-0116-SPHA - No comment

2014-0117-A - No comment

2014-0118-A - No comment

2014-0119-A - No comment

Jeanette M. S. Tansey, R.L.A.
Development Plans Review
Department of Permits, Approvals and Inspections
111 W. Chesapeake Ave, Rm 119
Towson, MD 21204
410-887-3751
410-887-2877 Fax
jtansey@baltimorecountymd.gov

Sherry Nuffer - RE: 2014-0116-SPHA (401 Reisterstown Road)

From: "Spatz, Jeffrey" <jspatz@gfrlaw.com>
To: Sherry Nuffer <snuffer@baltimorecountymd.gov>
Date: 12/20/2013 2:42 AM
Subject: RE: 2014-0116-SPHA (401 Reisterstown Road)

Has Alan Zuckerberg or Stuart Levine filed a brief on this matter? If so please forward and we can respond. If not we ask that the record be closed and the e-mail forwarded to me earlier not be admitted as the entire statement is hearsay, new information not presented at the hearing and based upon the testimony of a somewhat anonymous person at a competitor that has significant incentive to encourage the court to not grant the variance requested.

Thank you,

Jeff

Y. Jeffrey Spatz
Gordon Feinblatt LLC
233 E Redwood St.
Baltimore, Maryland 21202
jspatz@gfrlaw.com
410-576-4124 (work)
410-576-4182 (fax)

The information supplied in this message may be legally privileged. If you are the intended recipient of this message, the sender does not intend delivery to you to waive any privilege or right pertaining to this message. If you have received this message in error, please immediately notify the sender by return e-mail, and delete the errant message. Thank you.

Circular 230 Disclosure: Treasury Department Regulations require us to notify you that any federal tax advice contained in this communication (including any attachments unless otherwise expressly stated) is not intended or written to be used, and cannot be used, for purposes of (i) avoiding penalties under the Internal Revenue Code, or (ii) promoting, marketing or recommending to another party any tax-

related matter addressed herein.

From: Sherry Nuffer [mailto:snuffer@baltimorecountymd.gov]

Sent: Thursday, December 19, 2013 11:07 AM

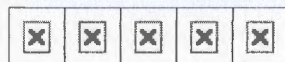
To: Spatz, Jeffrey

Subject: 2014-0116-SPHA (401 Reisterstown Road)

Sending to you at the request of ALJ John Beverungen.

Sherry Nuffer
Legal Assistant
Office of Administrative Hearings
105 W. Chesapeake Avenue
Room 103
Towson, Maryland 21204
410-887-3868
Fax: 410-877-3468

CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

Sherry Nuffer - 2014-0116-SPHA (401 Reisterstown Road)

From: Sherry Nuffer
To: jspatz@gfrlaw.com
Date: 12/19/2013 11:07 AM
Subject: 2014-0116-SPHA (401 Reisterstown Road)
Attachments: 20131219105237386.pdf

Sending to you at the request of ALJ John Beverungen.

Sherry Nuffer
Legal Assistant
Office of Administrative Hearings
105 W. Chesapeake Avenue
Room 103
Towson, Maryland 21204
410-887-3868
Fax: 410-877-3468

Administrative Hearings - Re: Case Number 2014-0116-SPHA, regarding 401 Reisterstown Road

From: Administrative Hearings
To: Maguire, Jim
Date: 12/18/2013 11:54 AM
Subject: Re: Case Number 2014-0116-SPHA, regarding 401 Reisterstown Road

Mr. Maguire,

This is to acknowledge receipt of your email. This will be given to the appropriate judge for his review and also for inclusion in the case file.

Thank you.

>>> Jim Maguire <jim@E21.US> 12/18/2013 9:44 AM >>>

Dear Administrative Hearing Office:

I am grateful that your office is carefully considering Case Number 2014-0116-SPHA, regarding 401 Reisterstown Road.

There are several ways that the proposal would significantly and negatively impact the community, as well as motorists using Reisterstown Road.

The biggest impacts are summarized in the attached documents.

Very Best Regards,
- Jim Maguire
Jim@E21.us

Administrative Hearings - Re: Questions for Businesses Near the Proposed 'Seasons' Market

From: management <management@sevenmilemarket.com>
To: Jim Maguire <jim@E21.US>
Date: 12/15/2013 2:54 PM
Subject: Re: Questions for Businesses Near the Proposed 'Seasons' Market

From: Jim Maguire
Sent: Friday, December 13, 2013 3:56 PM
To: management@sevenmilemarket.com
Subject: Questions for Businesses Near the Proposed 'Seasons' Market

Dear Business Manager,

The 'Seasons' grocery store chain is a popular Kosher market, with 4 stores currently serving the New York City metro area.

They are considering opening a store in Pikesville, at Reisterstown Road & Maryland Avenue.

As an established retailer in the general proximity of the proposed store, your observations may be very helpful to the County's requirement to determine the suitability of the proposed store at that particular site.

The size of the parking lot is a particular issue:

The store is seeking a Zoning Variance from the County, to allow them to utilize the site's 106 parking spaces, in lieu of the 138 spaces that are required for a retail store of that size.

Also, they plan to utilize part of the parking lot as an approach for semi-trucks making deliveries to the store.

The store's management says they will accomplish this by requiring any semi-trucks making a delivery to leave the site before the store's 7am opening time.

As the manager of a retail business in the area of the proposed store, your experience and insights could be helpful to the County's decision-making process.

If you could please respond to the following survey, this information may be helpful to the process of considering the applicant's request for a Zoning Variance.

Thank you in advance for your help.

Sincerely,

- Jim Maguire

9 Randall Ave, Pikesville MD

Q) For background, what is the nature of your business ? We are a locally owned supermarket and have been in this area since 1988. Originally, located at 4000 Seven Mile Lane in a 28,000 sq. ft. bldg. until we moved to our

current location in 2010 which was formally a 55,000 sq. ft. Safeway Supermarket.

Q) Do the parking lots in your current or previous stores ever fill up ? Absolutely. When we moved here we thought we would have plenty of room. We have found that come busy Thursdays, any Holiday, that we have an overfull lot to the extent we have seen customers pull in and leave. Some customers would park in adjacent properties and then walk over. We once had a trailer park in our lot w/o permission and by the time we tracked down the owner and told him we need our spots, he could not move his trailer until the close of business b/c he was totally blocked in with cars. It was a tremendous hazard and very upsetting to us and our customers. We have approx 300 spaces in front of our building plus some parking on the side for overflow. (Our old location we had more than the required spots and the lot was a constant problem. Customers would often park in Safeways lot and then walk over. It was great having Safeway next door!)

(Please include as much detailed information as possible: e.g. - Have you ever had the County-approved number of parking spots, and still seen an overflow situation? If so, how often?)

Q) Do you dedicate any space in your parking lot for "shopping cart corrals", to accommodate the temporary storage of shopping carts? Yes

How much space? 4 parking spots (either the # of equivalent parking spots, or the approximate Square Footage)

Why would you encourage customers to return their carts to some location in the middle of the parking lot ? The customers have no interest in bringing the carts back to the bldg. They just leave them everywhere, at least with the corrals many customers put them in the corrals. We have an outdoor guy just constantly busy with the carts. If you start looking around you will notice the occasional shopping cart from Safeway, Rite Aid, Big Lots, Giant... here there and everywhere.

Q) Do you know roughly what percentage of your customers do NOT require a parking spot? Very , very few of our customers do not require a parking spot. Generally, the shoplifters are on foot. I know of a handful of customers who walk. (and I have stopped some who then walk home with the shopping cart !) I do not know of any of the customers who use public transportation, though I have chased some of the Foot Traffic to the bus stop!

(i.e., They arrive on foot, or by public transportation ?)

Q) Do you know roughly what percentage of your employees do NOT require a parking spot? We probably use 25-30 spots for employees

(i.e., They arrive on foot, or by public transportation, or car-pool ?)

Q) How well can you control the timing of your store's deliveries ? Is that a joke. We try to control our deliveries to 5:30 a.m. thru 4 p.m. but we take them whenever they come – we need our product on the shelves! We are not a Giant or Shoppers whom have a little more control over the deliveries. By them if the driver is early or late

they can just park and wait and leave the reefer running until the designated times.

Would it be reasonably possible to insist that all deliveries by semi-truck must be completed by (some specific time) in the morning ? NO (we wish) . What about garbage,snow removal,bad weather...and many private trucker comes during business hours .Two trucks may be before 7 but the rest are after 7.

If a delivery truck arrives to your store, and it can proceed right to a truck bay to off-load, how long is it typically there?15 mins to half hour depends on the truck and how busy we are

Or if a delivery truck has to wait for a loading dock bay to become available, how long might the driver have to wait ? if busy up to 45 mins.- You also need to keep in mind sometimes before or after a driver will pull up to the side and park for a few hours to catch a break.

Hope I answered your questions thoroughly.Please feel free to contact me or any other of the managers here if we can be of further assistance.

Moshe B
Store Manager

-- Thank you again for sharing your experience & observations. --

Maguire

Administrative Hearings - Re: Request for Postponement of Zoning Hearing: 401 Reisterstown Road

From: Administrative Hearings
To: Maguire, Jim
Date: 12/6/2013 10:20 AM
Subject: Re: Request for Postponement of Zoning Hearing: 401 Reisterstown Road

Good Morning,

The Petitioner in this case has satisfied the posting and advertising requirements set forth in the zoning regulations. As such, the hearing scheduled for December 11, 2013 will not be postponed.

If the Petitioner amends the zoning petition, or you have questions and/or concerns, that will be a matter that will be addressed by the Administrative Law Judge at the hearing.

Thanks.

>>> Jim Maguire <jim@E21.US> 12/5/2013 5:23 PM >>>

Postponement Request for Zoning Hearing: 401 Reisterstown Road

Regarding Case # **2014-0116-SPHA**

I understand that the Applicant in this case has revised the content of their application.

As one example, the sign describing the Variance Request specifies that the site has 106 parking spaces, in lieu of the required 138. But the General Notes section of the Site Plan refers to a requirement of 151 spaces.

The setbacks and RTAs also appear to be moving.

The community would like to know the content of the final proposal, and then have 20 days to review it, before the hearing.

I respectfully request that the Zoning Office postpone the hearing, to provide the community with 20 days to review the proposal.

Very Best Regards,

Jim Maguire
9 Randall Avenue
Pikesville, MD 21208

phone: 410-484-0362
E-mail: Jim@E21.us

Administrative Hearings - Request for Postponement of Zoning Hearing: 401 Reisterstown Road

From: Jim Maguire <jim@E21.US>
To: "administrativehearings@baltimorecountymd.gov" <administrativehearings@b...>
Date: 12/5/2013 5:24 PM
Subject: Request for Postponement of Zoning Hearing: 401 Reisterstown Road
Attachments: 2014-0116-SPHA Postponement Request - 05nov2013.pdf

Postponement Request for Zoning Hearing: 401 Reisterstown Road

Regarding Case # **2014-0116-SPHA**

I understand that the Applicant in this case has revised the content of their application.

As one example, the sign describing the Variance Request specifies that the site has 106 parking spaces, in lieu of the required 138. But the General Notes section of the Site Plan refers to a requirement of 151 spaces.

The setbacks and RTAs also appear to be moving.

The community would like to know the content of the final proposal, and then have 20 days to review it, before the hearing.

I respectfully request that the Zoning Office postpone the hearing, to provide the community with 20 days to review the proposal.

Very Best Regards,

Jim Maguire
9 Randall Avenue
Pikesville, MD 21208

phone: 410-484-0362
E-mail: Jim@E21.us

RECEIVED

DEC 06 2013

OFFICE OF ADMINISTRATIVE HEARINGS

Debra Wiley - Letter regarding 2014-0116-SPHA

From: Kristen Lewis
To: Wiley, Debra
Date: 12/5/2013 11:26 AM
Subject: Letter regarding 2014-0116-SPHA
Attachments: 201312050911.pdf

Debbie,

Yesterday this email was received about the case where Dick Matz and Vicki Almond were involved. We are getting several phone calls for postponement as well. Please show this to John and advise me what to do.
Thanks,

Kristen Lewis

>>> <cpr111@baltimorecountymd.gov> 12/5/2013 9:11 AM >>>
This E-mail was sent from "RNP00267373086F" (Aficio MP 4002).

Scan Date: 12.05.2013 09:11:37 (-0500)
Queries to: cpr111@baltimorecountymd.gov

From: Jim Maguire <jim@E21.US>
To: "crichards@baltimorecountymd.gov" <crichards@baltimorecountymd.gov>
Date: 12/4/2013 1:42 PM
Subject: Please postpone: public hearing on Zoning Case # 2014-0116-SPHA

To: Krista

See me

Dear Mr. Richards,

Last Friday, I learned that there is a proposal to build a grocery store at the entrance to my neighborhood. (Zoning Case # 2014-0116-SPHA)

I understand that the new grocery store would bring additional daily traffic into my neighborhood of 800 to 1100 customers a day, along with dozens of employees, and around 10 delivery trucks.

As far as I can tell, NOBODY in the community knew about this until a few days ago.

The Zoning Commission's public hearing is next Wednesday - while the only people on my street who know about this, heard it from me.

I highly recommend that the Zoning Office postpone this hearing for a few weeks, until the community can get some information about what's going on.

Thank you very much,
Sincerely,
- Jim

Jim Maguire
home - 410.484.0362

Pres. ?

9 Randall Avenue
Pikesville, MD 21208

Hubbard

Administrative Hearings - Re: Zoning

From: Administrative Hearings
To: bapp5@ymail.com
Date: 12/6/2013 10:21 AM
Subject: Re: Zoning

Good Morning,

The Petitioner in this case has satisfied the posting and advertising requirements set forth in the zoning regulations. As such, the hearing scheduled for December 11, 2013 will not be postponed.

If the Petitioner amends the zoning petition, or you have questions and/or concerns, that will be a matter that will be addressed by the Administrative Law Judge at the hearing.

Thanks.

>>> <bapp5@ymail.com> 12/5/2013 7:19 PM >>>

Dec 5, 2013

To whom it may concern:

RECEIVED

DEC 06 2013

OFFICE OF ADMINISTRATIVE HEARINGS

I am writing in regards to Case
No. 2014-0116 - SPHA.

The neighbors have not had sufficient
information and time to make our case.

I am, therefore, requesting a postponement
as I will be out of town for the
holidays.

I am unhappy with the situation that
this business will bring to a residential
neighborhood.

My family has occupied this home for 65 yrs.
Your consideration is greatly appreciated.

Yours truly,
Gloria Hubbard
31 Maryland Ave.
Pikesville, Md. 21
Phone # 410-486-45

From: <bapp5@ymail.com>
To: <administrativehearings@baltimorecountymd.gov>
Date: 12/5/2013 7:20 PM
Subject: Zoning
Attachments: photo.JPG; Part.002

RECEIVED

DEC 06 2013

OFFICE OF ADMINISTRATIVE HEARINGS

Law Offices

STUART LEVINE, LLC

29 WEST SUSQUEHANNA AVENUE
BALTIMORE, MARYLAND 21204

Stuart Levine
sltax@taxation-business.com

Telephone
410.630.4422

Telecopier
443.927.7075

December 19, 2013

Via Hand Delivery

RECEIVED

The Honorable John E. Beverungen,
Administrative Law Judge
Office of Zoning
111 West Chesapeake Avenue
Room 111
Towson, Maryland 21204

DEC 19 2013

OFFICE OF ADMINISTRATIVE HEARINGS

**Re: 401 Reisterstown Road, 11 Maryland Avenue and 2 Randall Avenue;
NW corner Reisterstown Road & Maryland Ave., SE/S Maryland Ave.,
275' NE Reisterstown Road & NW/S Randall Avenue, NW c/line of
Reisterstown Road 3rd Election & 2nd Councilmanic Districts
Legal Owner: Restoring Life International Church
Contract Purchaser(s): Seasons Maryland LLC
Case No. 2014-0116-SPHA**

Dear Judge Beverungen:

I reside at 28 Maryland Avenue, Pikesville, Maryland 21208, a property that I own with my wife, Lisa Levine. That property will be affected by the proposed variance requested in the above captioned matter. I appeared at the special hearing held on December 11.

At issue is a request to:

1. Approve business parking in a residential zone;
2. Approve a modified parking plan for existing parking;

3. Allow a variance to permit 106 spaces in lieu of the required 138 spaces;
4. To permit surface parking spaces for a non-residential facility closer than 10 feet to the right-of-way line of a public street;
5. To permit a 0 ft. RTA buffer and 0 ft. setback in lieu of the required 50 ft. buffer and 75 ft. setback, respectively, for an existing parking lot.

Alternatively, it has also been requested that there be a grant of necessary variances for setbacks and landscape buffers, Baltimore County Landscape Manual General Standards and Condition B: Parking lots, to achieve the parking layout as shown on the Plan to Accompany Petition for Zoning Hearings.

Introduction

At the hearing on December 11, numerous members of the local residential community who will be affected by the proposed changes appeared and spoke against the proposal. Their position was unanimously against the proposals. Many of them, like myself, are long-time residents of the neighborhood. By way of example, I have lived in the neighborhood for over thirty years. Many of those who testified have been there longer than I have. Let me summarize much of the testimony:

1. The use of the improved premises at 401 Reisterstown Road¹ has, over the last 30-35 years occasionally caused problems with traffic congestion. However, these episodes have been limited since the past use, as a catering hall, and the current use, as a church, involved heavy use only on one or, on rare occasions, two days a week.
2. In contrast, the proposed uses of the improved premises will involve heavy use, from 7:00 A.M. until 11:00 P.M. Mondays through Thursdays, 7:00 A.M. until sundown on Fridays, and all day on Sundays. That use will involve fairly heavy truck traffic, including semi-trailers, making deliveries to the improved premises.
3. All traffic will be funneled through Randall Avenue and Maryland Avenue, streets that are fairly narrow.

¹There are actually several properties involved in this matter. The property at 401 Reisterstown Road is the only property that is improved by a building. All of the other property involved is improved only by paved parking. There are three such lots, parcel 1, which is behind the improved area, parcel 2, which is an area that is across Maryland Avenue, and parcel 3, which is adjacent to parcel 2 and runs to Randall Avenue.

4. Historically, when the improved premises experienced heavy use, there was overflow from the existing parking onto the side streets, particularly Maryland Avenue. Yet the variance requested would reduce the number of permitted parking spaces on the adjacent lots, three of which are currently zoned only for residential use.

5. In the past, when the improved premises was used for a catering hall, the dumpster area attracted rats and other vermin. Here, the proposed use would further burden the use of any dumpster. Of course, the current proposal would exacerbate the impact on the neighborhood since it would radically reduce the buffer and setback margins.

6. Relatively little of patron parking for the proposed use would be immediately adjacent to the improved premises. As a consequence, there would not only be increased vehicle traffic, but increased pedestrian traffic across Maryland Avenue, leading to greater traffic snarl.

I will offer further facts in the course of the discussion of the law pertinent to this matter.

Discussion

The Hearing to Allow Business Parking in a Residential Zone Was Held Illegally.

Section 409.8.B.1.d. of the Baltimore County Zoning Regulations provides that a public hearing with respect to a request for business or industrial parking in a residential zone shall "be held not less than 30 days and not more than 90 days from the date of filing of the request for public hearing." In the present case, the hearing was held approximately 21 days after the initial application. I note that at least one resident of the community promptly requested a postponement of the hearing as soon as he learned of it. ***See e-mail from Jim McGuire dated December 5, 2013, a copy of which is attached.*** That request should have been honored. Indeed, once there is any request for a hearing on this sort of zoning change, the Zoning Regulations require that the hearing be held no earlier, in this case, than December 21, 2013.

According, as a matter of law, at the least, there must be another hearing held on this matter.

The Proposed Parking Change Would Violate Section 409.8.B.2. of the Baltimore County Zoning Regulations

The proposed changes to the residential parcels violate portions of Section 409.8.B.2. of the Baltimore County Zoning Regulations. Specifically the following provisions, which address design standards for business or industrial parking in residential zones, provides, in pertinent part, as follows:

In addition to all other applicable requirements, such parking facilities shall be subject to the following conditions:

* * * * *

- b. Only passenger vehicles, excluding buses, may use the parking facility.
- c. No loading, service or any use other than parking shall be permitted.

It is clear that the proposed use of the property would violate subsections b. and c., since the proposed use would involve delivery vehicles, including semi-trailers, and loading and service of the improved premises area, that is, uses that are "other than parking."

On this basis alone, the proposed changes to the residentially zoned parcels must be denied.

There Was Insufficient Evidence to Allow the Regulation Standards Set Forth in Section 409.8.B.2. of the Baltimore County Zoning Regulations to Be Developed.

In the previous section of this letter, I cited portions of Section 409.8.B.2. of the Baltimore County Zoning Regulations that make it clear that the zoning changes requested with respect to the residential parcels are simply not allowed. The objections noted in that section are not being withdrawn. Even if Your Honor rules against my position noted above, there are other pertinent provisions of Section 409.8.B.2. that come into play here. Those pertinent provisions are as follows:

In addition to all other applicable requirements, such parking facilities shall be subject to the following conditions:

* * * * *

- d. Lighting shall be regulated as to location, direction, hours of illumination, glare and intensity, as required.

- e. A satisfactory plan showing parking arrangement and vehicular access must be provided.
- f. Method and area of operation, provision for maintenance and permitted hours of use shall be specified and regulated as required.
- g. Any conditions not listed above which, in the judgment of the Zoning Commissioner, are necessary to ensure that the parking facility will not be detrimental to adjacent properties.

The Petitioners provided little specific testimony as to the lighting. Their plan showing parking arrangements and vehicular access was limited, at best. The permitted hours of use that are proposed are hardly limited (heavy use, from 7:00 A.M. until 11:00 P.M. Mondays through Thursdays, 7:00 A.M. until sundown on Fridays, and all day on Sundays). Moreover, there was little, if any, precise discussion of remedial steps which could be taken.²

Several steps should be taken to address this issue:

- 1. The Petitioners must be required to submit more detailed plans to deal with lighting, traffic flow, and use of the parking areas; and
- 2. Those plans must be submitted to the protestants who shall be allowed a reasonable time to comment and, if necessary, offer comments.

The Variance Requested Does Not Meet the Standards for the Granting of a Variance

In *Cromwell v. Ward*, 102 Md.App. 691 (1995), the Court of Special Appeals noted that:

[T]he nature of the variance process, *i.e.*, it is at least a two-step process. The first step requires a finding that the property whereon structures are to be placed (or uses conducted) is — in and of itself — unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property. Unless there is a finding that the property is unique, unusual, or different, the process stops here and the variance is denied without any consideration of practical

²Of course, this lack of detail is an outgrowth of the illegal scheduling of the hearing which gave the opponents of the matter little time to develop appropriate remedial suggestions.

difficulty or unreasonable hardship. If that first step results in a supportable finding of uniqueness or unusualness, then a second step is taken in the process, *i.e.*, a determination of whether practical difficulty and/or unreasonable hardship, resulting from the disproportionate impact of the ordinance caused by the property's uniqueness, exists. Further consideration must then be given to the general purposes of the zoning ordinance.

Id., 102 Md.App at 694-695 (footnote omitted).

The court cited A. Rathkopf, 3 The Law of Zoning and Planning § 38 (1979), to the effect that "[t]he general rule is that the authority to grant a variance should be exercised sparingly and only under exceptional circumstances." *Id.*, 102 Md.App at 703.

Here there was no testimony that the properties zoned for residential use are in any way unique or unusual. They are, after all, parking lots, and can continued to be used as such. Thus, on that basis alone, the request for a variance must be denied.³

Going further, however, there was no evidence presented at the hearing that the failure to grant the variance would cause the Petitioners "practical difficulty and/or unreasonable hardship" as to the lots for which the variance is sought. The only testimony offered by the Petitioners was to the effect that the failure to grant the variance would place a "practical difficulty and/or unreasonable hardship" on other properties to be acquired. *There was no testimony offered that the residentially zoned properties face these hurdles.*

As the Court of Appeals noted in *Lewis v. Department of Natural Resources*, 377 Md. 382 (2002), there has to be empirical data to support a zoning board's conclusions. *Id.*, 377 Md. at 409. Simply put, there was no empirical data offered at the hearing that supports the conclusion that the residential lots are "unique, unusual, or different" or that the failure to grant the variance would create with respect to the use of those lots "practical difficulty and/or unreasonable hardship." In other words, there is no "exceptional circumstance" that would justify the grant of a variance.

³The Petitioners corrected contend that no variance is required with respect to the one parcel involved in this case, since County Council Bill 36-13 has granted these rights for no set-back to a parcel lying inside the Commercial Revitalization District. However, Bill 36-13 does such right to Parcel 3 and that part of Parcel 2 lying outside the Commercial Revitalization District.

The Honorable John E. Beverungen
Administrative Law Judge
December 19, 2013
Page 7

Stuart Levine

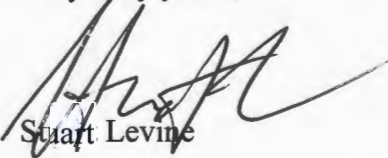
Other Issues

There were other issues that were raised at the hearing. One of them was, in essence, jurisdictional. That is, whether the design of the improvements should have been approved by the County design commission. Nothing in this letter should be construed to be an abandonment of that position or of any other issue raised in the hearing. As noted, the hearing was scheduled hastily (and in violation of the zoning regulations) and there was little time for the protestants to prepare. The problem created thereby was merely compounded by the witnesses offered by the Petitioners who offered testimony that was largely conclusory, with little or no direct empirical evidence.

Conclusion

The testimony is overwhelming that the proposed development will materially change and burden the existing residential community. The hearing was held on notice that was improperly short. The proposed use of the residential lots would violate specific portions of the County zoning regulations. Only conjecture, not specific detail, was offered as to remedial steps what could be taken. For these and the other reasons stated above, the zoning changes requested by the Petitioners must be denied.

Very truly yours,



Stuart Levine

Enclosure (1)

cc: William D. Shaughnessy, Jr., Esquire, w/copy of enclosure
Y. Jeffrey Spatz, Esquire, w/copy of enclosure
Michael Pierce, w/copy of enclosure
Alan Zuckerberg, Esquire, w/copy of enclosure
Jim McGuire, w/copy of enclosure
Mark M. Sapp, w/copy of enclosure
File

Maguire

Administrative Hearings - Re: Request for Postponement of Zoning Hearing: 401 Reisterstown Road

From: Administrative Hearings
To: Maguire, Jim
Date: 12/6/2013 10:20 AM
Subject: Re: Request for Postponement of Zoning Hearing: 401 Reisterstown Road

Good Morning,

The Petitioner in this case has satisfied the posting and advertising requirements set forth in the zoning regulations. As such, the hearing scheduled for December 11, 2013 will not be postponed.

If the Petitioner amends the zoning petition, or you have questions and/or concerns, that will be a matter that will be addressed by the Administrative Law Judge at the hearing.

Thanks.

>>> Jim Maguire <jim@E21.US> 12/5/2013 5:23 PM >>>

Postponement Request for Zoning Hearing: 401 Reisterstown Road

Regarding Case # 2014-0116-SPHA

I understand that the Applicant in this case has revised the content of their application.

As one example, the sign describing the Variance Request specifies that the site has 106 parking spaces, in lieu of the required 138. But the General Notes section of the Site Plan refers to a requirement of 151 spaces.

The setbacks and RTAs also appear to be moving.

The community would like to know the content of the final proposal, and then have 20 days to review it, before the hearing.

I respectfully request that the Zoning Office postpone the hearing, to provide the community with 20 days to review the proposal.

Very Best Regards,

Jim Maguire
9 Randall Avenue
Pikesville, MD 21208

GORDON ■ FEINBLATT LLC
ATTORNEYS AT LAW

WILLIAM D. SHAUGHNESSY, JR.

TEL: 410.576.4092

FAX: 410.576.4182

wshaughnessy@gfrlaw.com

233 EAST REDWOOD STREET

BALTIMORE, MARYLAND 21202-3332

410.576.4000

www.gfrlaw.com

December 24, 2013

Via Email and 1st Class Mail

The Honorable John E. Beverungen,

Administrative Law Judge

Office of Zoning

111 West Chesapeake Avenue, Room 111

Towson, Maryland 21024

Re: 401 Reisterstown Road
Case No: 2014-0116-SPHA

Dear Judge Beverungen:

On December 11, 2013 you held a hearing in the above matter. At the end of the hearing you said you would keep the record open to allow Mr. Zuckerberg (and Mr. Levine?) to file a Memorandum and you gave him until Thursday December 19, 2013 to file a Memorandum, with Petitioner having two days thereafter to respond. On December 20, 2013, your office was kind enough to email Petitioner a copy of Mr. Levine's letter of December 19, 2013 (the "Levine" Letter," which Petitioner received a copy by mail from Mr. Levine on December 23) and allow Petitioner until December 24, 2013 to respond to the Levine Letter. Due to the short time for response, and in light of the Christmas holiday, this response will be limited to the matters raised in the Levine Letter; it is not an attempt to summarize Petitioner's case and evidence.

Introduction.

Mr. Levine makes a number of mischaracterizations in his Introduction. For example, in Paragraph 2 he asserts that there will be "fairly heavy truck traffic, including semi-trailers". In fact, the testimony was that most deliveries would be by box truck and limited semi-trailer activity would occur in the morning, before store hours. Similarly, in Paragraph 4, Mr. Levine erroneously states that "three" of the parking lots are zoned for residential use when, in fact, the main parcel is zoned BL and is within the Revitalization District, thus allowing business parking as a matter of right. In Paragraph 5, Mr. Levine states that the "current proposal would exacerbate the impact on the neighborhood since it would reduce the buffer and setback margins; in fact, the proposal does not change any existing buffer or setback margin, it merely looks to improve upon the existing conditions at the Property. In Paragraph 6 Mr. Levine states that there

is “relatively little” patron parking “immediately adjacent to the improved site”; in fact, as depicted on the Plan, there are 45 parking spaces immediately behind the Building.

The timing of the Hearing was legal and did not need to be postponed.

Mr. Levine asserts that Section 409.8.B.1.d. required that a hearing be held no earlier than December 21, 2013. Mr. Levine is incorrect. Section 409.8.B envisions that a use permit could be issued without the necessity of a public hearing if the property was merely posted for a period of 15 days, notifying the public that a use permit had been requested for business parking in a residential zone. If there were no request for a hearing within 15 days after the posting, the use permit could have been granted without a hearing. See Section 409.8.B.1.c (“If a formal request for a public hearing is not filed, the Zoning Commissioner, without a public hearing, may grant a use permit....”). Section 409.8.B.1.b provides that “within the fifteen-day posting period, any interested person may file a formal request for a public hearing”. Thus, the public may request a public hearing and the Zoning Commissioner would schedule a public hearing if the property were merely posted with notice that a use permit had been applied for to use land in a residential zone for business parking.

In this case, however, the Petitioner did not merely apply for a use permit and post the Property. In this case the Petitioner affirmatively requested a Special Hearing under Section 500.7 of the BCZR and the Property was posted with notice of the hearing date. The sign posted at the Property notified the public not only that a use permit had been requested, but that a public hearing was scheduled to occur. Thus, the public did not need to request a public hearing – Petitioner had done so at the time of application. Mr. Levine simply misreads how Section 409.8.B operates. The hearing was properly and timely held.

Assuming, *arguendo*, that Section 409.8.B were read to require that a hearing be set no earlier than 30 days after the filing of a Petition, the hearing was held more than 30 days after the filing. The Petition was filed November 8, 2013. The hearing was held December 11, 2013, more than 30 days after the filing of the Petition.¹

¹ Mr. Levine intimates that something untoward has occurred regarding a relatively quick hearing in this matter. This intimation is incorrect. As proffered at the hearing, the Property is under contract by the Church. The Church is experiencing financial pressure, is under pressure from its lender for a quick closing and thus the Contract has tight due diligence dates. Accordingly, Petitioner filed its Petition as quickly as possible and sought a hearing as soon as possible. It is a credit to Baltimore County departments that they were able to assist in prompt review and scheduling of a hearing for what was anticipated to be a relatively innocuous process geared toward revitalization of this Property.

The Proposed Parking Plan does not Violate Section 409.8.B.2 of the BCZR

Mr. Levine asserts that the parking plan violates Section 409.8.B.2 because “the proposed use of the property would involve delivery vehicles, including semi-trailers, and loading and service of the improved premises area, that is, uses that are ‘other than parking’”. Mr. Levine fails to note that the uses he asserts are violations occur on the improved parcel, where such uses are permitted as of right. The loading area for the store is on the parcel at 401 Reisterstown Road, at the rear of the Building. As depicted on the Plan, the loading area is immediately behind the Building, in an area that is in the BL zone, not a residential zone. Furthermore, a portion of the parking lot that is immediately behind the Building at 401 Reisterstown Road, though located in part in the DR 5.5 zone, is located within the boundaries of the Pikesville Commercial Revitalization District. As provided by Section 409.8.B.3 of the BCZR: “Notwithstanding the provisions contained in Subsections B.1 and B.2, in a Commercial Revitalization District, business parking in residential zones is permitted by right if there is an existing parking facility.” Thus, any loading and truck activities occur on the improved parcel and are permitted as of right.

Sufficient Evidence was provided to address conditions of Section 409.8.B.2 of the BCZR

Mr. Levine asserts that insufficient evidence was introduced to address subsections d, e, f and g of Section 409.8.B.2 of the BCZR. He is incorrect. The Plan depicts location of lighting, parking arrangements, vehicular access, hours of operation, etc. Mr. Matz testified that all lighting would be directed away from the residential areas. Both Mr. Matz and Mr. Cornelius testified as to the parking plan, vehicular access and circulation, methods, area and hours of operation. Mr. Gold testified that he would be willing to have an employee direct cars at access points if congestion were ever to occur. Mr. Levine may not want a grocery store to operate at the Property, but there was certainly a plethora of evidence and testimony to address the parking plan and the conditions of Section 409.8.B.2 of the BCZR.

The Variance Requested meets the Standards for Granting a Variance.

Mr. Levine asserts that the requested variances should not be granted because there has been no showing of “uniqueness” or “practical difficulty and/or unreasonable hardship.” Mr. Levine seems to believe that a variance is being requested to use the residential parcels for parking purposes – he states that “[t]hey are, after all, parking lots, and can continued to be used as such.” Mr. Levine misunderstands the Petition. A hearing has been held for a use permit to use the residential parcels for business parking, but using the existing residentially zoned parking area is not a variance request. Variances were requested for the number of parking spaces, as well as RTA buffer issues and landscaping.

With regard to satisfying requests for variances, there was substantial testimony regarding the “uniqueness” of the Property and the “practical difficulty and/or unreasonable hardship” that would exist if the requested variance were not granted. The Property is “unique” in a number of ways. The main parcel is split-zoned, with the Building located in the BL zone and the rear parking lot for the Building located in the DR 5.5 zone. The other two parcels, located in a DR 5.5 zone, have been parking lots for over 30 years serving the main parcel commercial building for its parking needs.

The variance request was to reduce the number of parking spaces 106 spaces. The unique features of the zoning on the parcels and limitations of area for parking to support the commercial use of the main parcel, which commercial uses have been in existence for over 30 years, more than demonstrate the uniqueness of the Property. Mr. Matz testified as to the uniqueness of the Property and the practical difficulty or unreasonable hardship that would result if a variance from the number of parking spaces was not granted. There is no practical way of creating more than the existing 106 parking spaces at the Property.

Variances were also requested to permit parking spaces closer than 10 feet to the right of way line of a public street, from the RTA buffer and setback regulations, and for landscape setbacks and buffers. The “uniqueness” of the physical attributes of the Property, together with the split zoning of the Property, together with the long-standing use of the residentially zoned parcels as parking for the main business parcel was subject to extensive testimony. Similarly, the practical difficulty and unreasonable hardship was explained by Mr. Matz in his testimony.

Other Issues

Mr. Levine raises the issue of “whether the design of the improvements should have been approved by the County design commission.” Mr. Matz testified that this issue was specifically addressed with the Planning Department and that Planning advised Petitioner’s engineer that it was not necessary for the Plan to be submitted to the Design Review Panel. Presumably, this is due to the fact that Petitioner is not “developing” the Property – it is keeping the existing Building and merely making minor exterior changes. It is not necessary to obtain Design Review Panel recommendations prior to proceeding in this matter.

Conclusion

As reflected in the testimony at the hearing, the Property and its existing Building and parking have been in the existing configuration for more than 30 years, as Bluefeld Caters and most recently as a church. The main parcel is zoned BL and is located in the Pikesville Commercial Revitalization District. To revitalize this Property as a grocery store to serve the community (a use permitted as of right in the BL zone, and a use supported by the Pikesville Chamber of Commerce), the Petitioner submitted a plan seeking to have the existing and historic

Hon. John E. Beverungen

December 24, 2013

Page 5

parking for the site approved. Petitioner will be doing substantial interior renovations to the Building, but it is not doing any substantial change to the exterior of the Building or expanding the Building – Petitioner seeks merely to use and improve the existing and historically used parking area for the Property. While a new grocery store at the Property may generate more week day traffic than the prior church use, the traffic expert testified that no undue congestion should occur particularly given that grocery traffic is spread out throughout the day (as opposed to congestion from church traffic when all church attendees exit at the same time).

Reducing the number of parking spaces to 106 is reasonable and should work. Mr. Gold testified that similarly sized grocery stores that he operates have approximately 80 parking spaces and that number was sufficient for those stores. Petitioner has demonstrated that the Plan submitted makes sense, meets the requirements of the BCZR, and works to the betterment of the community. Mr. Gold has testified that he is more than willing to work with the community on any traffic issues, including having employees direct vehicles if that ever became necessary. Petitioners have met the requirements for the requested variances and the variances and Plan should be approved.

For all of the reasons elicited at the hearing in this matter, the Petition, Plan and Variances requested should be granted and approved.

Respectfully submitted,

/s/ William D. Shaughnessy, Jr.

William D. Shaughnessy, Jr.
Y. Jeffrey Spatz
Counsel to Petitioner

cc: Stuart Levine, Esquire
Peter M. Zimmerman, Esquire

John Beverungen - Fwd: Zoning Case #2014-116, #401 Reisterstown Rd

From: Peter Zimmerman
To: Beverungen, John
Date: 12/24/2013 2:33 PM
Subject: Fwd: Zoning Case #2014-116, #401 Reisterstown Rd
CC: Weber, Stephen; apzuk@msn.com; jim@E21.US; jspatz@gfrlaw.com; sltax@...
Attachments: Fwd: Zoning Case #2014-116, #401 Reisterstown Rd

Dear Judge Beverungen,

I am forwarding to your office the December 20, 2013 comment of Stephen Weber, Chief, Division of Traffic Engineering, regarding the above zoning case, with copies to counsel for the parties.

The petition was filed on November 8. Our office entered its appearance on November 25, 2013 but did not attend the December 11 hearing in person. However, as usual, we review staff comments and follow the case. On occasion, we request the traffic engineering division to take a look at a matter when it appears there may be significant traffic/parking issues. That is what we did in or about late November here. However, we did not anticipate the relatively early hearing date.

I recognize that this e-mail comes two weeks after the (unusually prompt) scheduled hearing on December 11. It is my understanding that the parties as of this time (December 24) have filed or will be filing memoranda according to a schedule.

As noted, in or about late November, when our office asked Mr. Weber to review the proposal, we did not anticipate the relatively expedited schedule of the November 8 petition. Moreover, it naturally took a reasonable amount of time for Mr. Weber's department to review the matter. In any event, we apologize and take responsibility for the timing.

On balance, however, and in view of the apparent contested nature of the proceedings and likelihood of potential reconsideration or appeal of any decision, I believe it is better to provide everyone Mr. Weber's comment now rather than later.

In the event Petitioner or any of the other parties desire a renewed hearing to consider and/or respond to the comment, we would of course not object. If the comment is considered too late for review at this level, then at least everyone will have it for consideration if or when the case makes its way to a *de novo* appeal at the County Board of Appeals.

We also note e-mails indicating in early December there were citizen phone call requests for postponements and e-mail concerns by James McGuire about changes in the petition or site plan. However, OAH denied the postponement requests, indicating that the basic public notice requirements were satisfied. The additional concerns about notice nevertheless contribute to the view that additional scrutiny by Mr. Weber and his department seems worth attention being paid at this level.

Respectfully, Peter Max Zimmerman, People's Counsel for Baltimore County

John Beverungen - Fwd: Zoning Case #2014-116, #401 Reisterstown Rd

From: Stephen Weber
To: Peter Zimmerman
Date: 12/20/2013 2:06 PM
Subject: Fwd: Zoning Case #2014-116, #401 Reisterstown Rd

Dear Mr. Zimmerman:

In examining the requested parking variance for the subject site (106 spaces vs. the required 151 spaces), there is reasonable concern that not only the lack of required parking but more importantly the location of the available 106 spaces has the potential to cause parking issues within the adjacent community along Maryland Ave. This particular site has generated parking problems within this community and on Maryland Ave in the past, probably more so years ago when it was a catering establishment. Parking is currently prohibited along the north side of Maryland Ave from Reisterstown Rd to the end plus along the south side up to the first residential property. The road in the adjoining residential community is only 20 feet wide so any parking on the south side of the street does narrow the road down to one lane of traffic, unless the vehicle is pulled off of the roadway onto the front yards of the homes. (There is no curb & gutter in this area.)

There are 43 parking spaces proposed directly behind the building on the same side of Maryland Ave. The available on-street parking spaces on Maryland Ave within the adjacent residential community start being located about 100 feet away from the building while the off-street parking spaces farthest from the building, as shown on the site plan, are located approximately 450 to 475 feet from the building, which is a fairly significant distance.

Should you have any questions regarding this information, please feel free to give me a call.

Stephen E. Weber, Chief
Div. of Traffic Engineering
Baltimore County, Maryland
111 W. Chesapeake Avenue, Rm. 326
Towson, MD 21204
(410) 887-3554

Administrative Hearings - Novell GroupWise - Sent Items

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Address Book New Mail New Appt New Task Open My Archive

Pending Requests Delete Sent Item Retract Retract And Delete

Proxy Sent Items Find:

	To	Subject	Date	Reci...	Ope...	De...	Acce...	Com...	Re...	Folder
Administrative Hearings Home										
Mailbox	ashley.mogenha	Case No. 2014-0119-A (I	12/13/2013 1: 1		0	0			0	Mailbox
Sent Items	Lewis, Kristen	Fwd: Case No. 2014-011	12/13/2013 1: 1		1	0			0	Mailbox
Calendar	Mogehan, Ashl	RE: Case No. 2014-0119	12/13/2013 1: 1		0	0			0	Mailbox
Frequent Contacts	Mogehan, Ashl	RE: Case No. 2014-0119	12/13/2013 1: 1		0	0			0	Mailbox
Documents	Mogehan, Ashl	RE: Case No. 2014-0119	12/16/2013 8: 1		0	0			0	Mailbox
Tasklist	Mogehan, Ashl	RE: Case No. 2014-0119	12/17/2013 1: 1		0	0			0	Mailbox
Work In Progress	Maguire, Jim	Re: Case Number 2014-	12/18/2013 1: 1		0	0			0	Mailbox
Cabinet	"fax=/NUM=41	Ttest	12/23/2013 1: 1		0	0			0	Mailbox
Junk Mail	sltax@taxation-l	RE: Order in Case 2014-	12/31/2013 1: 1		0	0			0	Mailbox
Trash [1]	apzuk@msn.com	RE: Order in case 2014-	12/31/2013 1: 1		0	0			0	Mailbox
	timothy.linnert@		12/31/2013 2: 1		0	0			0	Mailbox
	dededumb59@v	Re: Case 2014-0116-A	1/2/2014 11:1 1		0	0			0	Mailbox
	arthurpekarsky@		1/2/2014 11:1 1		0	0			0	Mailbox
	bethhoker@veri:	Re: case 2014-0116-A	1/2/2014 11:1 1		0	0			0	Mailbox
	frankeff@verizor	Re: case 2014-0116-A	1/2/2014 11:1 1		0	0			0	Mailbox
	cs lucky11@gma	Re: 2014-0116-A	1/2/2014 11:1 1		0	0			0	Mailbox
	Jim@E21.us	Re: 2014-0116-A	1/2/2014 11:1 1		0	0			0	Mailbox
	karalot313@yah	Re: 2014-0116-A	1/2/2014 11:1 1		0	0			0	Mailbox
	mpierce1@aol.c	Re: 2014-0116-A	1/2/2014 11:1 1		0	0			0	Mailbox
	mark.m.sapp@n	Re: 2014-0116-A	1/2/2014 11:1 1		0	0			0	Mailbox
	mcohn5@verizor	Re: 2014-0116-A	1/2/2014 11:2 1		0	0			0	Mailbox

Selected: 1 Total: 40

start Administr... 93.1 WPO... Live Like ... Administr... 20131231... 11:22 AM

*e-mailed copy of
Order*

Maryland Avenue at Reisterstown Road: Only 23' wide



The curb-to-curb width of Maryland Ave is only 23 feet:

That means a delivery truck cannot make a right turn from Reisterstown Road onto Maryland Ave when a vehicle is waiting at the stop sign. The Traffic Analyst testified that there would probably be 1500 customers leaving on a typical Thursday – which means: That's at least 3-4 cars per minute in the afternoon & evening, certainly creating a constant line of cars waiting at the stop sign. (Other afternoons & evenings would have lower numbers, but in the same ballpark.)

During much of the day, an arriving delivery truck trying to turn onto Maryland Ave would not be able to make that turn, resulting in one of two bad situations: If the truck waits till it's safe to make the turn, traffic will back up traffic onto Reisterstown Road. Or if the truck does the "New York thing" of just parking on Reisterstown Road & off-loading there, that would also discombobulate traffic.

It seems that this point alone would make the site non-viable for the applicant's proposed use.

December 2013

Real Property Data Search (w4)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier:	District - 03 Account Number - 0303068960	
Owner Information		
Owner Name:	RESTORING LIFE INTERNATIONAL CHURCH	Use: Principal Residence: EXEMPT COMMERCIAL NO
Mailing Address:	410 REISTERSTOWN RD PIKESVILLE MD 21208-5321	Deed Reference: 1) /27819/ 00075 2)
Location & Structure Information		
Premises Address:	401 REISTERSTOWN RD 0-0000	Legal Description: LT NES REISTERSTOWN 401 REISTERSTOWN RD NE COR MARYLAND AVE
Map: 0078	Grid: 0009	Parcel: 0275
Sub District:	Subdivision: 0000	Section:
Block:	Lot:	Assessment Year: 2014
Plat No:	Plat Ref:	
Special Tax Areas:		Town: NONE
Ad Valorem:		
Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
	24,000 SF	
Property Land Area	County Use	
58,902 SF	01	
Stories	Basement	Type
1.000000		CHURCH
Exterior	Full/Half Bath	Garage
BRICK		
Value Information		
Base Value	Value	Phase-in Assessments
	As of	As of
	01/01/2011	07/01/2013
Land:	675,000	675,000
Improvements	1,190,600	1,190,600
Total:	1,865,600	1,865,600
Preferential Land:	0	
Transfer Information		
Seller: ROCK INTERNATIONAL	Date: 03/20/2009	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /27819/ 00075	Deed2:
Seller: BLUECREST NORTH ASSOCIATES	Date: 01/11/1999	Price: \$1,295,000
Type: ARMS LENGTH MULTIPLE	Deed1: /13438/ 00460	Deed2:
Seller: BLUEFELD PHILIP	Date: 03/08/1984	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /06677/ 00699	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	800	1,865,600.00
State:	800	1,865,600.00
Municipal:	800	0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

New Search (<http://sdat.resiusa.org/RealProperty>)

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

(<http://imsweb05.mdp.state.md.us/website/mosp/>)

⇒

PLEASE PRINT CLEARLY

CASE NAME

CASE NUMBER

2014-0116

DATE

Dec. 11, 2013

CITIZEN'S SIGN - IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E - MAIL

Rhoda Wolfe-Carr	20 Maryland Avenue	Pikesville Md. 21208	ryw54@verizon.net
Neri / Carr	20 Maryland Ave	Pikesville 21208	
Emily P. Guy	18 Maryland Ave	Pikes Md. 21208	
JOYCE DEFOOR	13 RANDALL AVE	PIKESVILLE MD 21208	
DeGlyrise Scott	6 Randall Ave	Pikesville MD 21208	
Mary Balsamo	10 Randall Ave.	Pikesville MD 21208	dadedumb59@verizon.net
MICHAEL BALSAMO	10 RANDALL AVE	Pikesville MD 21208	
Rebecca Applebaum	24 Maryland Ave	Pikesville MD 21208	
Carl J Peterson	19 Randall Ave	Pikesville MD 21208	622225@verizon.net
Arthur Pekarsky	4 Randall Ave	Pikesville MD 21208	ARTHURPEKARSKY@gmail.com
Beth Hoker	12 Randall Ave	Pikesville, MD 21208	bethhoker@verizon.net
Frank Eff	16 Randall Ave	Pikesville, MD 21208	frankff@verizon.net
Stratford	28 Maryland Ave	" " 21208	SETAX TAXATION - PRESIDENT
James Cynthia Jones	5 Randall Ave	" " 21208	can
Carol Leventhal	8 Randall Ave. 21208	Pikesville, Md 21208	CSlucky11@gmail.com
Jay Leventhal	8 Randall Avenue	Pikesville Md 21208	jslucky11@gmail.com
JIM MAGARE	9 RANDALL AVE	" "	JIM @ E21.us
Kara Pekarsky	4 Randall Ave	Pikesville, MD 21208	Karalot313@yahoo.com
Sharon Smith	15 Maryland Ave.	Pikesville, MD 21208	
Paul Cole	15 Maryland Ave	Pikesville, MD 21208	
Paul Zuke	1969 Long Meadow Rd	21208	
Pikesville Community	" " "	" "	

PLEASE PRINT CLEARLY

SEASONS MARYLAND
CASE NAME 401 REISTERSTOWN ROAD
CASE NUMBER 2014-0116-SPHA
DATE Dec 11, 2013

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Debra Chaplin	4215 Hubert Hts Ave	Balto MD 21207	1201494@MSN.COM
RICHARD MATZ	2835 SMITH AVE, SUITE G	BALTO MD 21209	dmatz@cmrengineers.com
MIKEY CORNELIUS	9900 Franklin Sq Dr. Ste H	Baltimore, MD 21236	mzcornelius@trafficgroup.com
MAKER GOOD	643 OAK DR FA	FAR ROCKAWAY, NY 11691	MAKERGOOD@GMAIL.COM
ZVI Bloom	509 CEDAR HILL Rd.	FAR ROCKAWAY, NY 11691	ZYBLOOM@AOL.COM
Jeff Spatz	233 E. Redwood St	Balt MD 21202	JSPATZ@GFRLAW.COM
Georgiana Johnson	3618 Springdale Ave	Balto, MD 21216	sassycreations@live.com
Joan TORRY	789 Medinah Cir	Westminster MD 21158	joantorry@gmail.com
Monte TORRY	789 Medinah Cir	Westminster MD 21158	mtorry2000@yahoo.com
Rev. Kenneth Robinson	401 Reisterstown Rd	Reisterstown MD 21134	KennethRobinson@gmail.com
William D Shegnessy	233 E Redwood St	Balt MD 21202	wshgnessy@gtfzw.com
MAXWELL VIDAVER	2835 SMITH AVE, SUITE G	BALT MD 21209	MVIDAVER@CMREENGINEERS.COM

PLEASE PRINT CLEARLY

CASE NAME

CASE NUMBER _____

2014-0116

DATE _____

CITIZEN'S SIGN - IN SHEET

NAME _____

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]

Case No.:

2014-0116-SPHA

Exhibit Sheet

Petitioner/Developer

DW
1-31-14

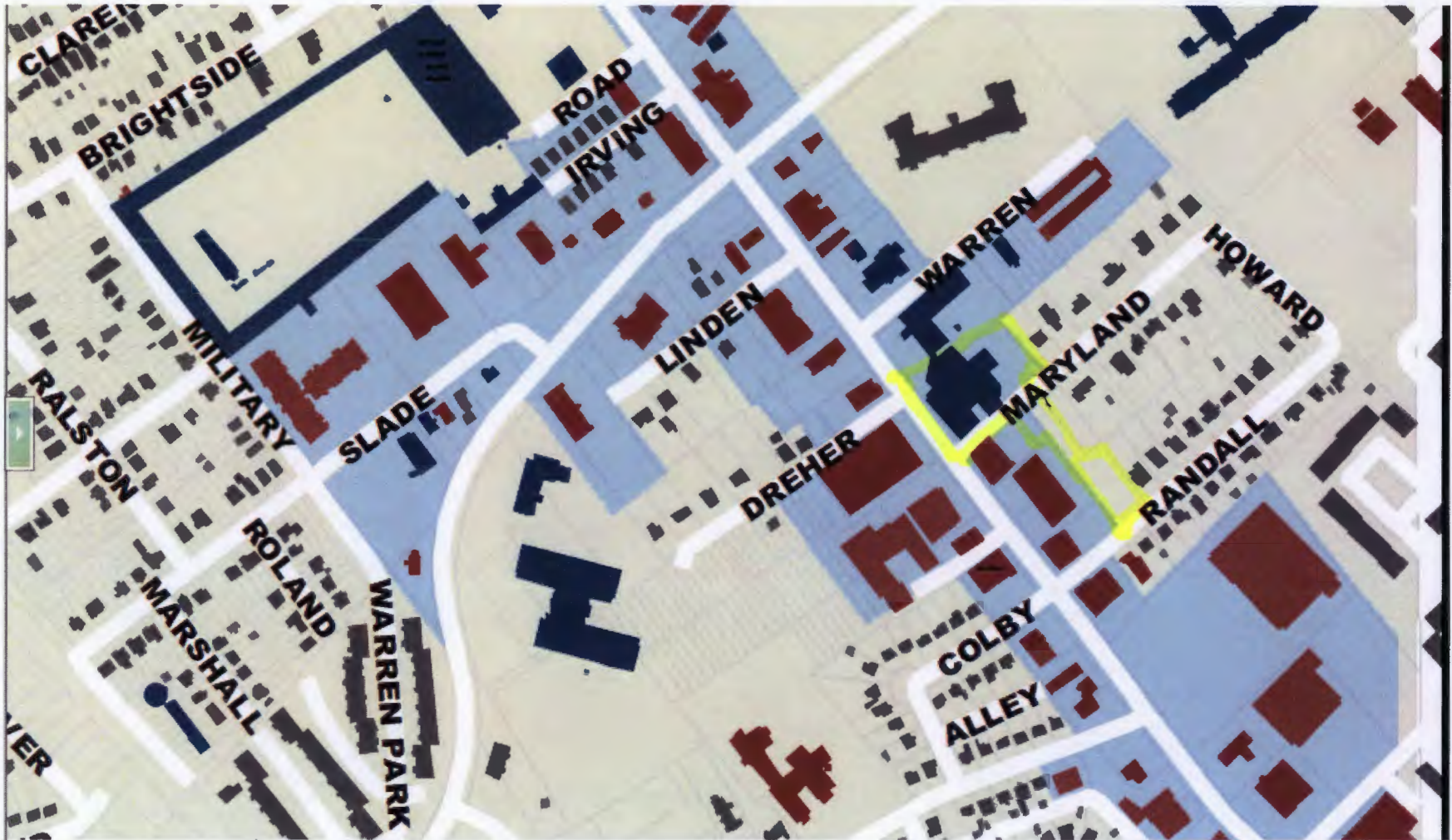
Protestants

Alw
12-31-13

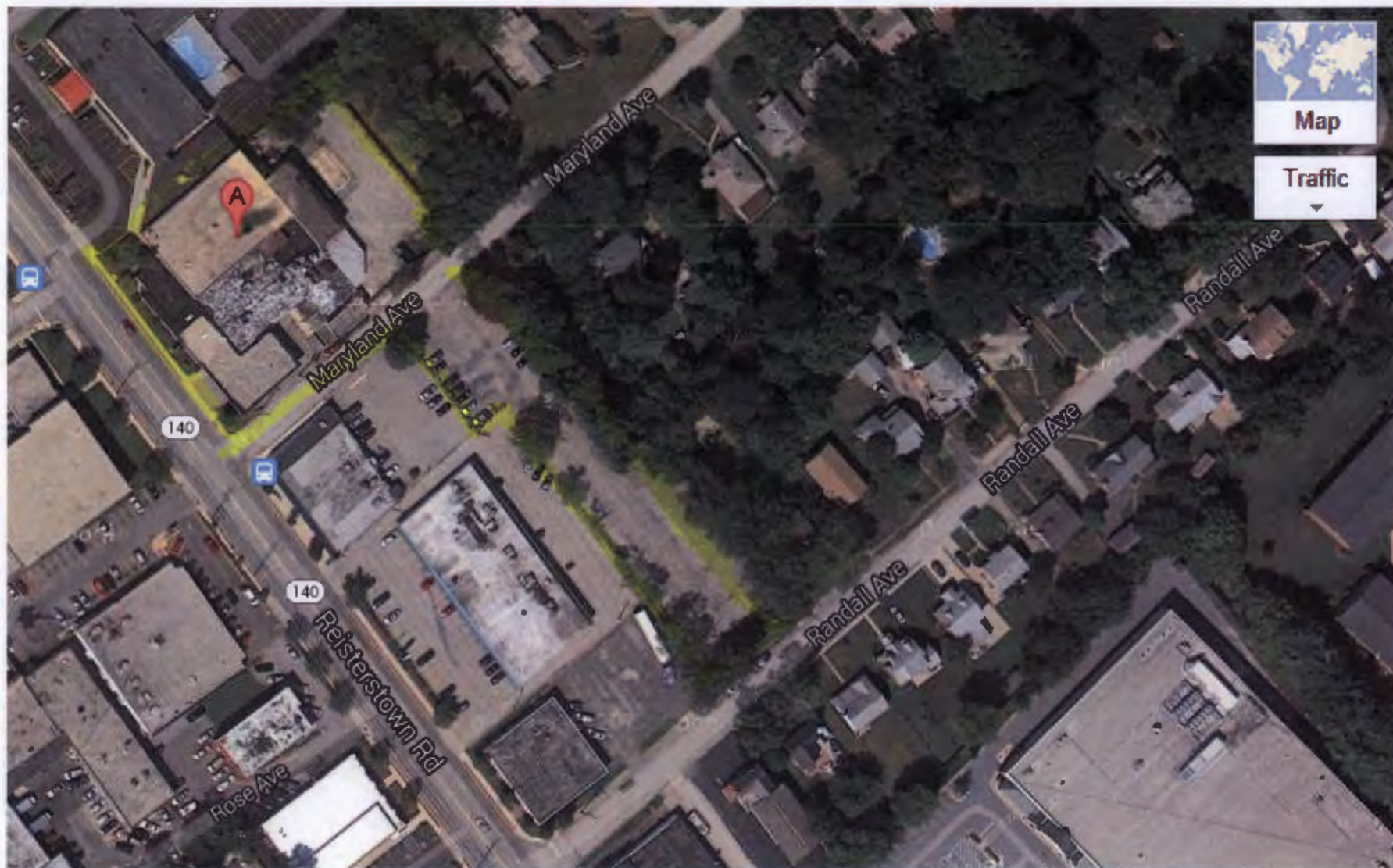
No. 1	Site plan (redline)	Transactions Log from Flushing, NY store 12-1-13
No. 2	Landscape plan	
No. 3	Map - Pikesville Revit. District	
No. 4	Renderings (2 pages)	
No. 5	Aerial photos (#5)	
No. 6	(Omitted)	
No. 7	My Neighborhood Map	
No. 8	letter 12-11-13 Pikesville Chamber Commerce	
No. 9		
No. 10		
No. 11		
No. 12		

PIKEVILLE COMMERCIAL REVITALIZATION DISTRICT BALTIMORE COUNTY, MARYLAND





Area of Pikesville Commercial Revitalization District in vicinity of 401 Reisterstown Road.



Aerial view of Store (A) and parking to the right of store





View of existing Property – Looking south on Reisterstown Road



View of rear of Property, on Maryland Avenue opposite parking lotss



Maryland Avenue entrance to parking lots looking toward Randall Avenue



Randall Avenue, looking to curb cut behind white pick-up

Hour	Date	Cnt
06:00	12/1/2013	1
07:00	12/1/2013	12
08:00	12/1/2013	44
09:00	12/1/2013	90
10:00	12/1/2013	113
11:00	12/1/2013	113
12:00	12/1/2013	106
13:00	12/1/2013	103
14:00	12/1/2013	104
15:00	12/1/2013	117
16:00	12/1/2013	104
17:00	12/1/2013	102
18:00	12/1/2013	76
19:00	12/1/2013	55
20:00	12/1/2013	56
21:00	12/1/2013	3
06:00	12/2/2013	1
07:00	12/2/2013	23
08:00	12/2/2013	48
09:00	12/2/2013	51
10:00	12/2/2013	64
11:00	12/2/2013	91
12:00	12/2/2013	105
13:00	12/2/2013	92
14:00	12/2/2013	101
15:00	12/2/2013	110
16:00	12/2/2013	119
17:00	12/2/2013	105
18:00	12/2/2013	81
19:00	12/2/2013	89
20:00	12/2/2013	70
21:00	12/2/2013	9
06:00	12/3/2013	1
07:00	12/3/2013	21
08:00	12/3/2013	38
09:00	12/3/2013	54
10:00	12/3/2013	68
11:00	12/3/2013	91
12:00	12/3/2013	103
13:00	12/3/2013	119
14:00	12/3/2013	110
15:00	12/3/2013	138
16:00	12/3/2013	155

17:00	12/3/2013	108
18:00	12/3/2013	108
19:00	12/3/2013	94
20:00	12/3/2013	73
21:00	12/3/2013	1
07:00	12/4/2013	32
08:00	12/4/2013	62
09:00	12/4/2013	56
10:00	12/4/2013	67
11:00	12/4/2013	72
12:00	12/4/2013	108
13:00	12/4/2013	114
14:00	12/4/2013	108
15:00	12/4/2013	130
16:00	12/4/2013	122
17:00	12/4/2013	115
18:00	12/4/2013	87
19:00	12/4/2013	91
20:00	12/4/2013	63
21:00	12/4/2013	43
22:00	12/4/2013	4
06:00	12/5/2013	1
07:00	12/5/2013	31
08:00	12/5/2013	63
09:00	12/5/2013	84
10:00	12/5/2013	97
11:00	12/5/2013	110
12:00	12/5/2013	122
13:00	12/5/2013	140
14:00	12/5/2013	138
15:00	12/5/2013	161
16:00	12/5/2013	190
17:00	12/5/2013	175
18:00	12/5/2013	170
19:00	12/5/2013	148
20:00	12/5/2013	134
21:00	12/5/2013	107
22:00	12/5/2013	95
23:00	12/5/2013	45
00:00	12/6/2013	3
06:00	12/6/2013	4
07:00	12/6/2013	66
08:00	12/6/2013	108
09:00	12/6/2013	126

10:00	12/6/2013	171
11:00	12/6/2013	172
12:00	12/6/2013	210
13:00	12/6/2013	255
14:00	12/6/2013	27
23:00	12/6/2013	3



December 11, 2013

To Whom It May Concern,

The Pikesville Chamber of Commerce is very excited about Season's coming into the Pikesville market and supports their proposed project. We are also in support of their request for the parking variance.

We look forward to having them here and supporting the business community by updating this property.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jessica Normington'.

Jessica Normington
Executive Director
Pikesville Chamber of Commerce





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.

Printed 12/9/2013

KOSHER SEASONS, REISTERTOWN, MARYLAND

PROPOSED EXTERIOR DESIGN OPT 1



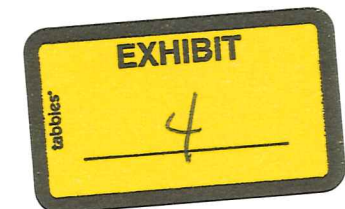
EXISTING EXTERIOR

Project: Exterior Color Elevation **By:** WV
Client: Kosher Seasons, Pikesville MD
Job #: 2013152 **Date:** 12.4.13 **Revision:**

LIND DESIGN
 STORE PLANNING
 DESIGN • DECOR
 RETAIL GRAPHICS

Notes: **PROGRESS RENDERINGS NOT FINAL**
File: t: KOSHERCOLORELEVATIONMD.cdr

NOTE: Colors used here are computer generated. Computer matching systems are approximate colors only. Please use actual color chips for color matching. When color match is critical, customer MUST SPECIFY SPECIAL COLORS



KOSHER SEASONS, REISTERTOWN, MARYLAND

PROPOSED EXTERIOR DESIGN



EXISTING EXTERIOR



Project: Exterior Color Elevation **By:** WV

Client: Kosher Seasons, Pikesville MD

Job #: 2013152 **Date:** 12.4.13 **Revision:**

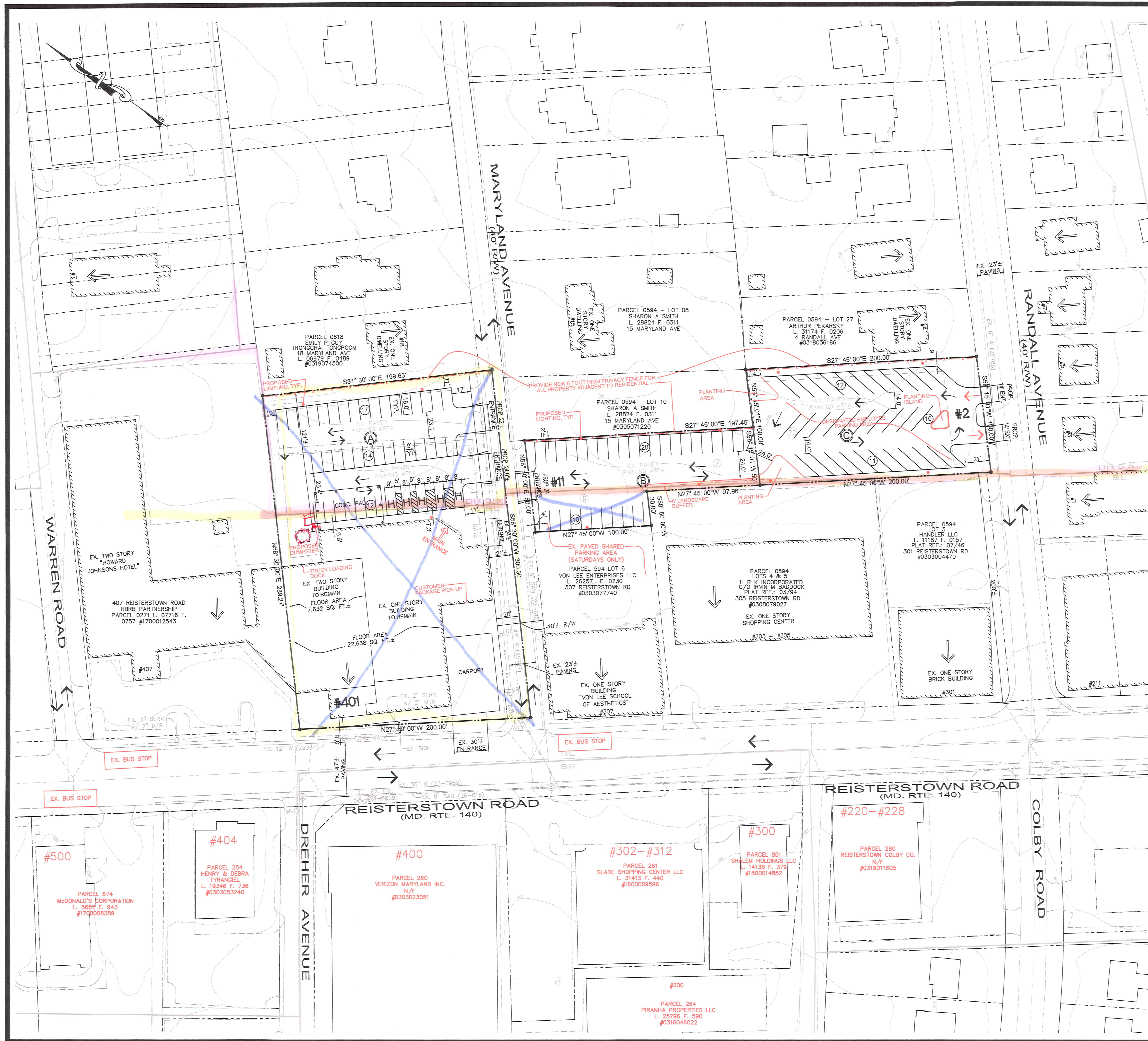
LIND DESIGN

STORE PLANNING
DESIGN • DECOR
RETAIL GRAPHICS

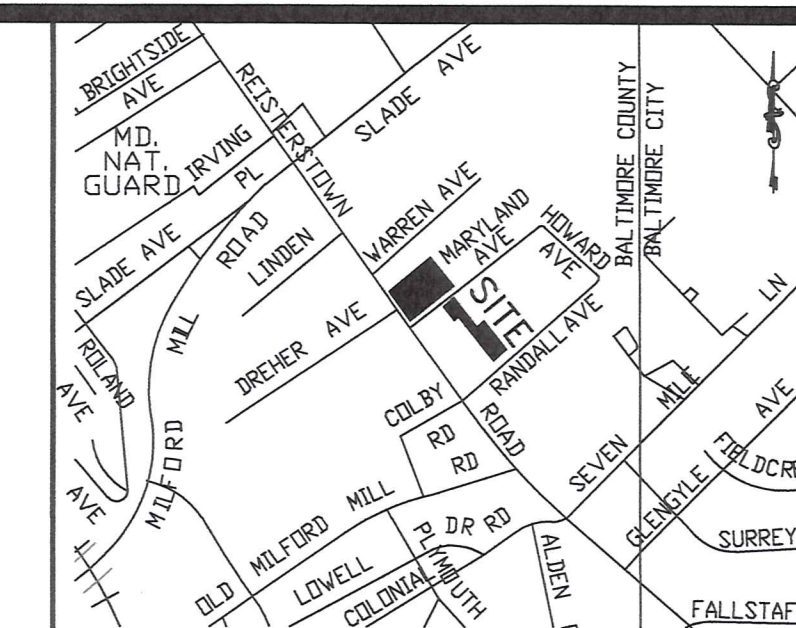
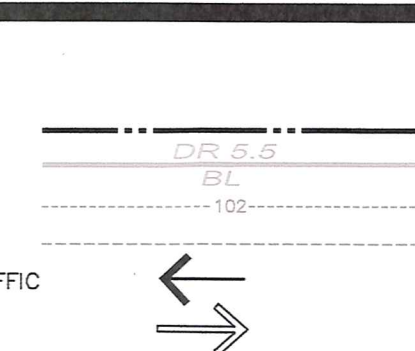
Notes: **PROGRESS RENDERINGS NOT FINAL**

File: t: seasons Reisterstown exterior renderings.cdr

NOTE: Colors used here are computer generated. Computer matching systems are approximate colors only. Please use actual color chips for color matching. When color match is critical, customer MUST SPECIFY SPECIAL COLORS



LEGEND
PROPERTY LINE
ZONING BOUNDARY
EXISTING CONTOURS
EXISTING EDGE OF PAVING
DIRECTION OF VEHICULAR TRAFFIC
DENOTES FRONT OF BUILDING



GENERAL NOTES

- OWNER:
RESTORING LIFE INTERNATIONAL CHURCH
401 REISTERSTOWN ROAD
PIKESVILLE, MARYLAND 2108-5321
DEED REF.: L. 27819 F. 075
PLAT REF.: WALDRON PARK 3/94 & 7/46
- APPLICANT:
SEASONS MARYLAND, LLC
C/O JEFFREY SPATZ
THE GARRETT BUILDING
233 EAST REDWOOD STREET
BALTIMORE, MARYLAND 21202
- SITE ZONING: BL & DR 5.5 (200 SCALE ZONING MAP 078B2)
BL: 41,056 SQ. FT. ± OR 0.942 AC. ± (NET)
DR 5.5: 50,729 SQ. FT. ± OR 1.168 AC. ± (NET)
DR 5.5: 53,630 SQ. FT. ± OR 1.231 AC. ± (GROSS) (INCLUDES 20' OF RANDALL AVE R/W AND 20' OF MARYLAND AVE R/W)
- SITE DATA:
PARCEL 0275:
AREA: 58,972 SQ. FT. ± OR 1.354 AC. ± (DEED)
TAX ACCT. NO.: 0303056960
ADDRESS: 401 REISTERSTOWN RD.
PARCEL 0594 LOT 07:
AREA: 12,862 SQ. FT. ± OR 0.295 AC. ± (DEED)
TAX ACCT. NO.: 0302049060
ADDRESS: 11 MARYLAND AVE
PARCEL 0594 LOT 20: 19,851 SQ. FT. ± OR 0.458 AC. ± (DEED)
TAX ACCT. NO.: 0302048540
ADDRESS: 2 RANDALL AVE

TOTAL SITE AREA: 91,785 SQ. FT. ± OR 2.107 AC. ± (NET)
- SETBACKS:

	REQUIRED	EXISTING
FRONT	10'	0'
INT. SIDE	0'	0'
ST. COR. SIDE	10'	21'
REAR	20'	121'
- BUILDING DATA:

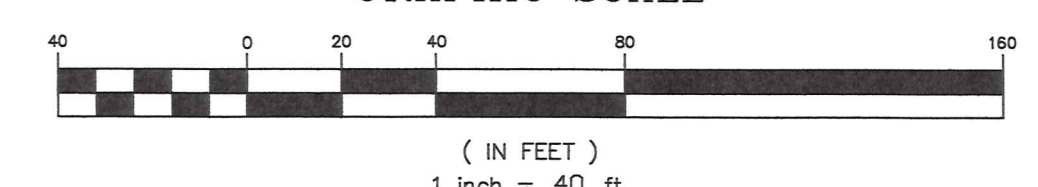
FLOOR AREA:	
EXISTING 1 STORY BUILDING	22,638 SQ. FT. (PROPOSED RETAIL)
EXISTING 2 STORY BUILDING	7,632 SQ. FT. (PROPOSED OFFICE)
GROSS FLOOR AREA	30,270 SQ. FT.
- THE SUBJECT SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO 100-YEAR FLOOD PLAINS ON THE SUBJECT SITE.
- PARKING TABULATION:
PROPOSED GENERAL RETAIL: 30,270 SQ. FT. @ 51/1000 = 152 SPACES
TOTAL REQUIRED PARKING SPACES = 152 SPACES
TOTAL PROVIDED PARKING SPACES = 106 SPACES
-ALL PARKING SURFACES ARE DURABLE, DUST-FREE AND PERMANENTLY STRIPED
- PREVIOUS COMMERCIAL PERMITS: NONE ON FILE.
- ZONING HISTORY: NONE.
- 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.
- BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED ON A DEED PLOT AND AVAILABLE BALTIMORE COUNTY GIS INFORMATION AND DOES NOT REPRESENT A FIELD RUN SURVEY.
- LOCATED WITHIN THE PIKESVILLE COMMERCIAL REVITALIZATION ZONE.
- HOURS OF OPERATION:
SUNDAY - TUESDAY 7:00AM - 9:00PM
WEDNESDAY 7:00AM - 10:00PM
THURSDAY 7:00AM - 12:00AM
FRIDAY 7:00AM - 2 HOURS BEFORE SABBATH

PLAN TO ACCOMPANY PETITION FOR ZONING HEARING

401 REISTERSTOWN ROAD
11 MARYLAND AVENUE
2 RANDALL AVENUE

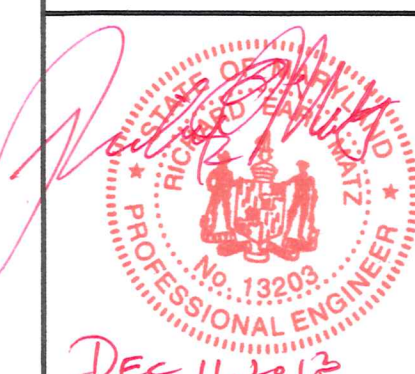
MAP: 0078 PARCEL: 0275 AND 0594
MAP: 0078 PARCEL: 0275 AND 0594 LOTS: p/a 6, 7 AND 20
3rd ELECTION DISTRICT - 2nd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

GRAPHIC SCALE



Colbert Matz Rosenfelt, Inc.

Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953



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.		SCALE: 1"=40'
License No. 13203	Expiration Date: 11/02/14	DATE: 12/06/2013
		JOB NO.: 2013-248
		DESIGNED: -
		DRAWN: AKC
		CHECKED: CMR
		2013248 PROP PARKING (CURRENT).dwg
		DRAWING NUMBER: SPH-1
NO.	DATE	REVISIONS:
		BY SHEET 1 OF 1



Planting Units Calculations

Cond.	LF	PU's
A Street Frontage & Streetscape		
INT RD	35	
(Rd 1)	47	
(Rd 2)	82	@ 1 PU/ 20 LF 4.10
ADJ RD		
Randall	100	
Maryland	142	
	242	@ 1 PU/ 40 LF 6.05
B Parking Lots		
PKG SP.	106	@ 1 PU/ 12 SP 8.83
Adj to Residential	486	@ 1 PU/ 15 LF 32.40
Adj to Commercial	140	@ 1 PU/ 20 LF 7.00
H Dumpsters		
CLASS "A"	30	Measure Enclosure Perimeter sides/rear only @ 1 PU/ 15 LF 2.00 PU
NET MINIMUM REQUIREMENT		60.38 PU
B Interior Green Space		
Parking Area		37697 SF
Green space required	7%	2638 SF
Green space provided		2819 SF 7.5%
PROVIDED		60.40 PU
Quantity		
Majors	11 @ 1 Tree =	1 PU 11 PU
Minors	8 @ 1 Tree =	0.5 PU 4
Evergreen Trees	8 @ 1 Tree =	0.5 PU 4
Shrubs	207 @ 1 Shrub =	0.2 PU 41.4
Perennials/Grasses	0 @ 1 Plant =	0.1 PU 0
Groundcover	0 SF @ 500 SF =	1 PU 0
TOTAL PROVIDED		60.40 PU

MINIMUM SIZE AT PLANTING

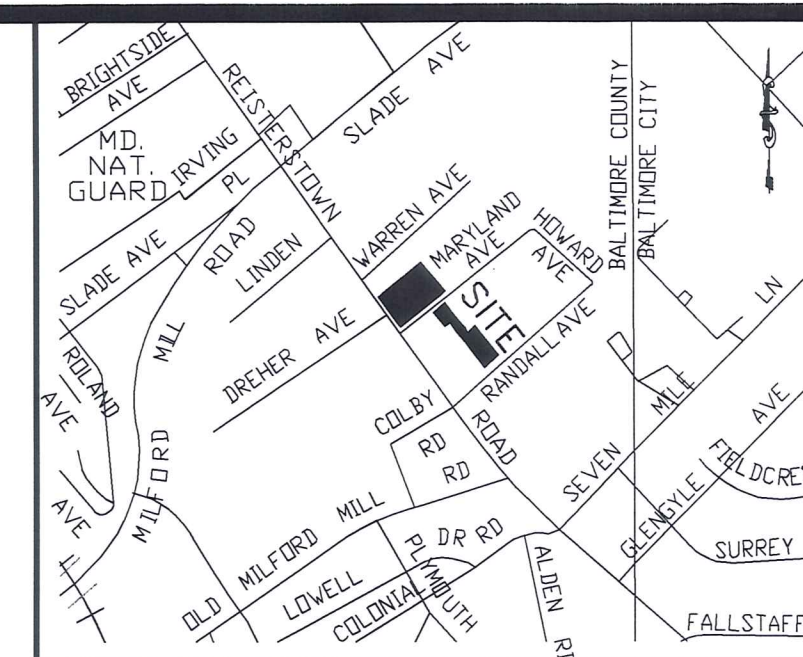
Major Deciduous Trees
Minor Deciduous Trees
Evergreen Trees
Shrubs

2" - 2-1/2" CAL
1" - 1-1/2" CAL
6" - 8" HGT
18" - 24" HGT

LEGEND

PROPERTY LINE
ZONING BOUNDARY
EXISTING CONTOURS
EXISTING EDGE OF PAVING
DIRECTION OF VEHICULAR TRAFFIC
DENOTES FRONT OF BUILDING
DENOTES STREET ADDRESS

#401



VICINITY MAP

SCALE: 1"=1000'

GENERAL NOTES

- OWNER:
RESTORING LIFE INTERNATIONAL CHURCH
401 REISTERSTOWN ROAD
PIKESVILLE, MARYLAND 21208-6321
DEED REF: L 27819 F. 075
PLAT REF: WALDRON PARK 394 & 7146
- APPLICANT:
SEASONS MARYLAND, LLC
C/O JEFFREY SPATZ
THE GARRETT BUILDING
233 EAST REDWOOD STREET
BALTIMORE, MARYLAND 21202
- SITE ZONING: BL & DR 5.5 (200 SCALE ZONING MAP 07882)
BL: 41,056 SQ. FT. ± OR 0.942 AC. ± (NET)
DR 5.5: 50,729 SQ. FT. ± OR 1.165 AC. ± (NET)
DR 5.5: 53,630 SQ. FT. ± OR 1.231 AC. ± (GROSS) (INCLUDES 20' OF RANDALL AVE R/W AND 20' OF MARYLAND AVE R/W)
- SITE DATA:
PARCEL 0275:
AREA: 58,872 SQ. FT. ± OR 1.354 AC. ± (DEED)
TAX ACCT. NO.: 0303069890
ADDRESS: 401 REISTERSTOWN RD.
PARCEL 0594 LOT 07:
AREA: 12,862 SQ. FT. ± OR 0.295 AC. ± (DEED)
TAX ACCT. NO.: 0302049060
ADDRESS: 11 MARYLAND AVE.
PARCEL 0594 LOT 20: 19,951 SQ. FT. ± OR 0.458 AC. ± (DEED)
TAX ACCT. NO.: 0302049540
ADDRESS: 2 RANDALL AVE.
TOTAL SITE AREA: 91,785 SQ. FT. ± OR 2.107 AC. ± (NET)
- SETBACKS:

	REQUIRED	EXISTING
FRONT	10'	0'
INT. SIDE	0'	0'
ST. COR. SIDE	10'	21'±
REAR	20'	121'±
- BUILDING DATA:

FLOOR AREA:	
EXISTING 1 STORY BUILDING	22,638 SQ. FT. (PROPOSED RETAIL)
EXISTING 2 STORY BUILDING	7,632 SQ. FT. (PROPOSED OFFICE)
GROSS FLOOR AREA	30,270 SQ. FT.
- THE SUBJECT SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO 100-YEAR FLOOD PLAINS ON THE SUBJECT SITE.
- PARKING TABULATION:

PROPOSED GENERAL RETAIL: 30,270 SQ. FT. @ 5/1000 =	152 SPACES
TOTAL REQUIRED PARKING SPACES =	152 SPACES
TOTAL PROVIDED PARKING SPACES =	106 SPACES

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- PREVIOUS COMMERCIAL PERMITS: NONE ON FILE.
- ZONING HISTORY: NONE.
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- LOCATED WITHIN THE PIKESVILLE COMMERCIAL REVITALIZATION ZONE.
- HOURS OF OPERATION:

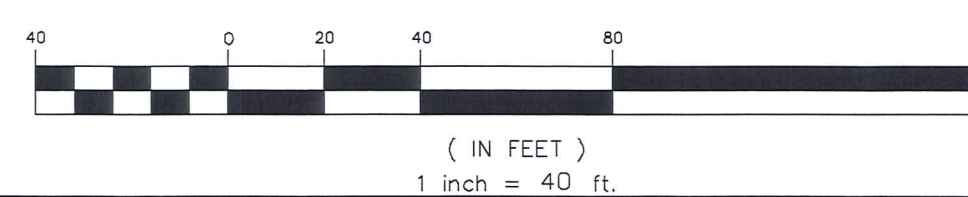
SUNDAY - TUESDAY	7:00AM - 9:00PM
WEDNESDAY	7:00AM - 10:00PM
THURSDAY	7:00AM - 12:00AM
FRIDAY	7:00AM - 2 HOURS BEFORE SABBATH

SCHEMATIC LANDSCAPE PLAN FOR MODIFICATION TO STANDARDS SEASONS MARYLAND, LLC

401 REISTERSTOWN ROAD
11 MARYLAND AVENUE
2 RANDALL AVENUE

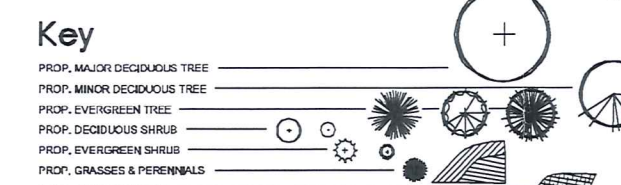
MAP: 0078 PARCEL: 0275 AND 0594
MAP: 0078 PARCEL: 0275 AND 0594 LOTS: p/o 6, 7 AND 20
3rd ELECTION DISTRICT - 2nd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

GRAPHIC SCALE



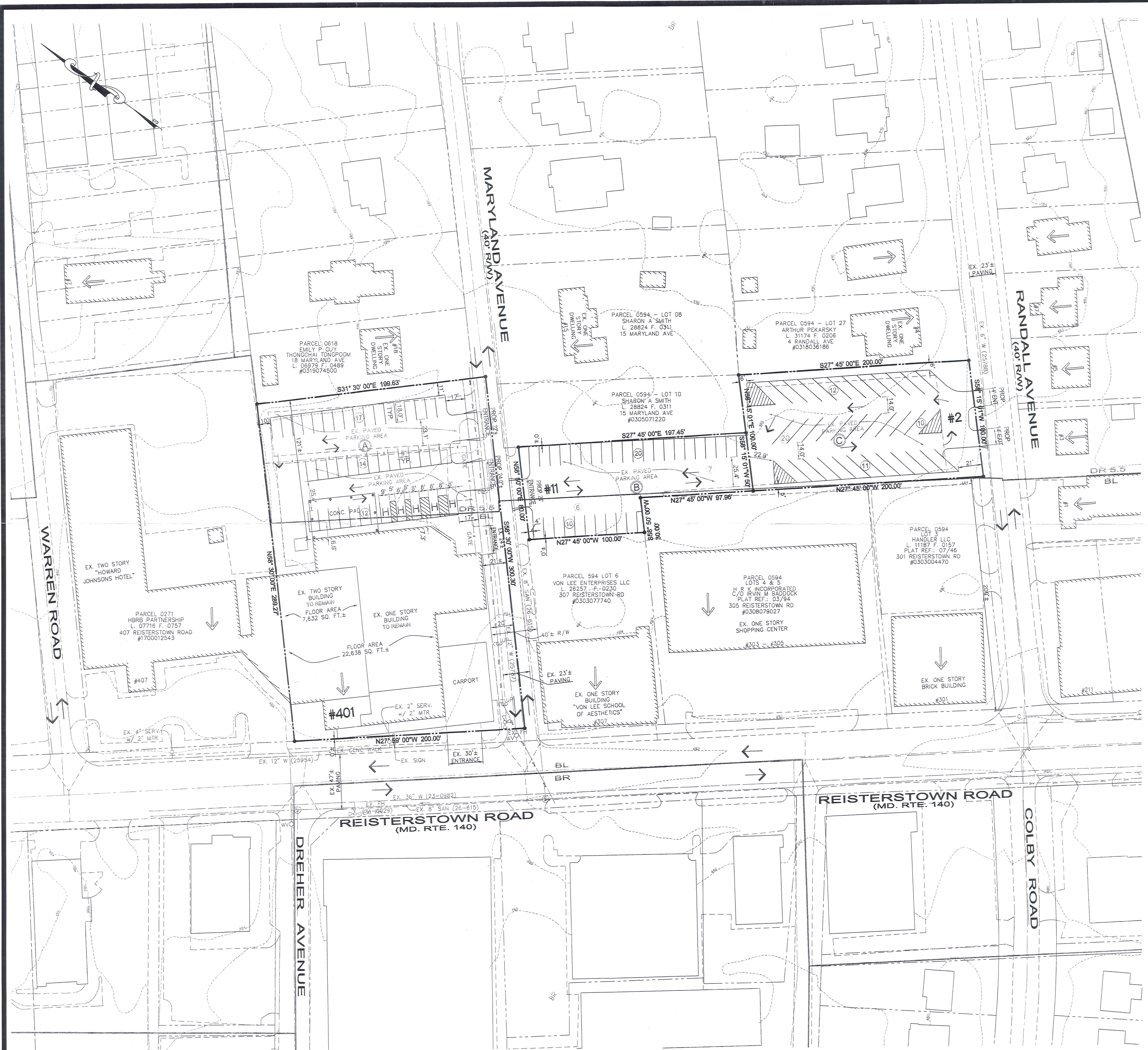
Colbert Matz Rosenfelt, Inc.

Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

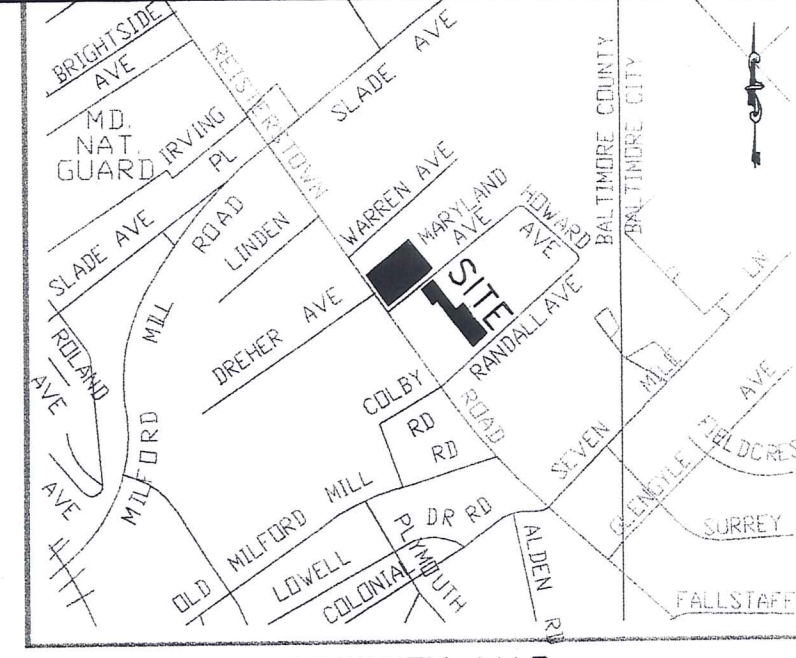
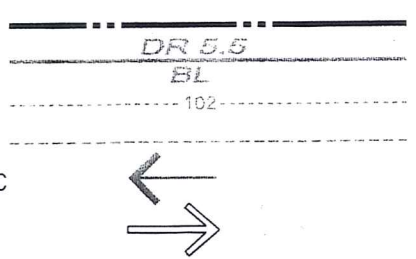


EXHIBIT

NO.	DATE	REVISIONS:	BY	SHEET	1 OF 1
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- LEGEND**
- PROPERTY LINE
 - ZONING BOUNDARY
 - EXISTING CONTOURS
 - EXISTING EDGE OF PAVING
 - DIRECTION OF VEHICULAR TRAFFIC
 - DNOTES FRONT OF BUILDING



VICINITY MAP
SCALE: 1"=1000'

GENERAL NOTES

- OWNER:
RESTORING LIFE INTERNATIONAL CHURCH
401 REISTERSTOWN ROAD
PIKESVILLE, MARYLAND 21208-5321
DEED REF.: L. 27819 F. 075
PLAT REF: WALDRON PARK 394 & 746
- APPLICANT:
SEASONS MARYLAND, LLC
C/O JEFFREY SPATZ
THE GARRETT BUILDING
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DR 5.5: 53,630 SQ. FT. ± OR 1.231 AC. ± (GROSS) (INCLUDES 20' OF RANDALL AVE R/W AND 20' OF MARYLAND AVE R/W)
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TAX ACCT. NO.: 0303089860
ADDRESS: 401 REISTERSTOWN RD.
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AREA: 12,862 SQ. FT. ± OR 0.295 AC. ± (DEED)
TAX ACCT. NO.: 0302049660
ADDRESS: 11 MARYLAND AVE
PARCEL 0594 LOT 20: 19,851 SQ. FT. ± OR 0.458 AC. ± (DEED)
TAX ACCT. NO.: 0302049640
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TOTAL SITE AREA: 91,785 SQ. FT. ± OR 2.107 AC. ± (NET)
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	REQUIRED	EXISTING
FRONT	10'	0'
INT. SIDE	0'	0'
ST. COR. SIDE	10'	21'±
REAR	20'	121'±
- BUILDING DATA:
FLOOR AREA:
EXISTING 1 STORY BUILDING 22,638 SQ. FT. (PROPOSED RETAIL)
EXISTING 2 STORY BUILDING 7,632 SQ. FT. (PROPOSED OFFICE)
GROSS FLOOR AREA 30,270 SQ. FT.
- THE SUBJECT SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO 100-YEAR FLOOD PLAINS ON THE SUBJECT SITE.
- PARKING TABULATION:
PROPOSED GENERAL RETAIL: 30,270 SQ. FT. @ 510/000 = 151 SPACES
TOTAL REQUIRED PARKING SPACES = 151 SPACES
TOTAL PROVIDED PARKING SPACES = 106 SPACES
-ALL PARKING SURFACES ARE DURABLE, DUST-FREE AND PERMANENTLY STRIPED
- PREVIOUS COMMERCIAL PERMITS: NONE ON FILE.
- ZONING HISTORY: NONE.
- ANY FUTURE 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.
- BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED ON A DEED PLOT AND AVAILABLE BALTIMORE COUNTY GIS INFORMATION AND DOES NOT REPRESENT A FIELD RUN SURVEY.

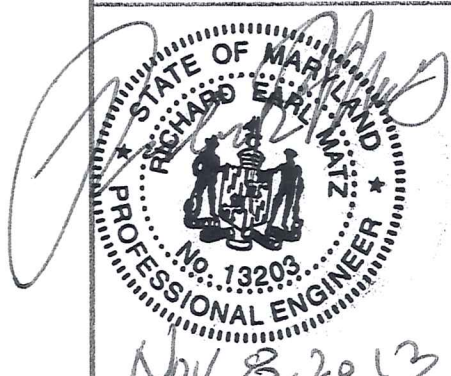
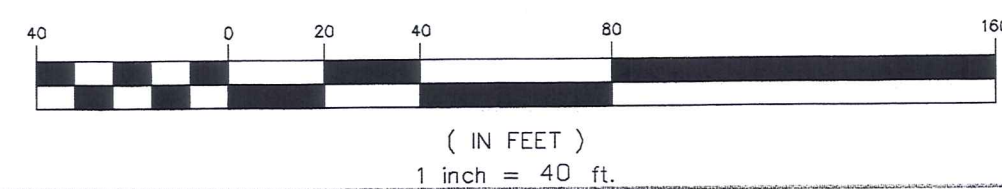
2014-0116-SPH

**PLAN TO ACCOMPANY PETITION
FOR ZONING HEARING**

401 REISTERSTOWN ROAD
11 MARYLAND AVENUE
2 RANDALL AVENUE

MAP: 0078 PARCEL: 0275 AND 0594
MAP: 0078 PARCEL: 0275 AND 0594 LOTS: 0, 6, 7 AND 20
3rd ELECTION DISTRICT - 2nd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

GRAPHIC SCALE



Colbert Matz Rosenfelt, Inc.

Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

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. 13203 Expiration Date: 11/02/14

DATE: 11/08/2013
JOB NO.: 2013-248
DESIGNED: -
DRAWN: AKC
CHECKED: CMR
2013248 PROP. PARKING (CURRENT).dwg
DRAWING NUMBER: SPH-1

NO. DATE REVISIONS: BY SHEET 1 OF 1