

IN RE: PETITION FOR VARIANCE

(9946 York Road)
8th Election District
3rd Council District
Texas Property II, LLC
Petitioner

*

BEFORE THE OFFICE

*

OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2014-0263-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed on behalf of the legal owner of the subject property. The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) to permit the continuance of a previously permitted free-standing enterprise sign erected on October 1, 1973 (see sign Detail #1) pursuant to §450.4 Attachment 1.5(b); (2) to permit the continuation of a previously permitted free standing joint identification sign erected in 1972 containing 196 sq. ft. in lieu of the permitted 100 sq. ft. and displaying the name of tenants containing 13 lines in lieu of the permitted 5 lines (see Sign Detail #2) pursuant to §450.4 Attachment 1.7(b); and (3) to permit two previously permitted free-standing signs that were erected prior to 1989 to remain within 100 ft. of each other (see Sign Detail # 1 and #2) pursuant to §450.5.B.4(a). The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 2.

Appearing at the public hearing in support of the requests was Gus Stratakis, Katherine Strakes, George Antonakos, Latashia Davis and Rick Richardson, P.E., from Richardson Engineering, the firm that prepared the site plan. Edward C. Covahey, Jr., Esquire represented the Petitioner. The Petition was advertised and posted as required by the Baltimore County Zoning

ORDER RECEIVED FOR FILING

Date

7/30/14

By

den

Regulations. There were no Protestants or interested citizens in attendance, and the file does not contain any letters of opposition. The only substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP) dated July 27, 2014.

The subject property is approximately 5.75 acres and is zoned BR & ML-IM. The property is improved with a strip center known as Church Lane Shopping Center. The center opened over forty years ago at its present location. Katherine Strakes (a member of the legal entity-owner) testified that the two existing freestanding signs at the property were installed in 1972, and that she has not had any complaints or concerns expressed about the signs or the property in her 40+ years of ownership. A new tenant at the Center (Savers Donation) recently applied for certain permits, and was informed by the zoning office that the existing signs were in violation of the B.C.Z.R. sign abatement provisions (§450.8.D). As such, this Petition was filed.

Based upon the testimony and evidence presented, I will grant the request. To obtain variance relief a petitioner must show that:

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

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

Petitioner has met this test. Mr. Richardson, a professional engineer accepted as an expert, testified the large site has only 125 feet of frontage on York Road. Mr. Richardson also noted (as did the DOP, which did not object to the requests) that the property sits "down in a hole," such that the stores are nearly 600' from York Road and are located 6-8' below the grade of that roadway. The Petitioner would experience a practical difficulty if the regulations were strictly interpreted, since it would be unable to retain the signs which have been in place for over 40 years.

As noted by Mr. Richardson (and the DOP), the stores at the Center are not visible from York

ORDER RECEIVED FOR FILING

Date 7/30/14

By Sen

Road, and signage is needed so that motorists can locate the tenants.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of County and/or community opposition.

THEREFORE, IT IS ORDERED, this 30th day of July, 2014 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Baltimore County Zoning Regulations ("B.C.Z.R") as follows: (1) to permit the continuance of a previously permitted free-standing enterprise sign erected on October 1, 1973 (see sign Detail #1) pursuant to §450.4 Attachment 1.5(b); (2) to permit the continuation of a previously permitted free standing joint identification sign erected in 1972 containing 196 sq. ft. in lieu of the permitted 100 sq. ft. and displaying the name of tenants containing 13 lines in lieu of the permitted 5 lines (see Sign Detail #2) pursuant to §450.4 Attachment 1.7(b); and (3) to permit two previously permitted free-standing signs that were erected prior to 1989 to remain within 100 ft. of each other (see Sign Detail # 1 and #2) pursuant to §450.5.B.4(a), be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

ORDER RECEIVED FOR FILING

Date

7/30/14

By

Sen

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 7/30/14
By Den

KEVIN KAMENETZ
County Executive



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

July 30, 2014

Edward C. Covahey, Jr., Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: Petition for Variance
Property: 9946 York Road
Case No. 2014-0263-A

Dear Mr. Covahey:

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", with a long horizontal line extending to the right.

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 9946 York Road which is presently zoned BR
Deed References: 22003/00538 10 Digit Tax Account # 1 6 0 0 0 0 7 8 8 4
Property Owner(s) Printed Name(s) TEXAS PROPERTY II LLC

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

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

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

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

3. ☒ a Variance from Section(s)

SEE ATTACHMENT

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

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Edward C. Covahey, Jr., Esquire

Name- Type or Print

Signature

614 Bosley Avenue,

Towson,

MD

Mailing Address

City

State

21204

410-828-9441

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Texas Property II LLC

Name #1 - Type or Print

Name #2 - Type or Print

By: Katherine Strakes

Signature #1 KATHERINE STRAKES, Managing Member

9920C York Road Cockeysville MD

Mailing Address

City

State

21030

410-828-4125

Zip Code

Telephone #

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2014-0263-A

Filing Date 6/6/2014

Do Not Schedule Dates:

Reviewer Ta

ATTACHMENT

- (1) A variance from Section 450.4 of the Baltimore County Zoning Regulations (BCZR), Attachment I.5(b), Table of Sign Regulations, to permit the continuance of a previously permitted free-standing enterprise sign erected on October 1, 1973 (see Sign Detail #1).
- (2) A variance from Section 450.4 of the BCZR, Attachment I.7(b), Table of Sign Regulations, to permit the continuation of a previously permitted free standing joint identification sign erected in 1972 containing 196 square feet in lieu of the permitted 100 square feet and displaying the name of tenants containing 13 lines in lieu of the permitted 5 lines (see Sign Detail #2).
- (3) A variance from Section 450.5.B.4(a) of the BCZR to permit two previously permitted free-standing signs that were erected prior to 1989 to remain within 100 feet of each other (see Sign Detail #1 and #2).

**AT THE HEARING THE PETITIONER WILL ESTABLISH THAT THE
PROPERTY IS UNIQUE AND THE PETITIONER WILL SUSTAIN
AN UNREASONABLE HARDSHIP OR PRACTICAL DIFFICULTY
FOR THE FOLLOWING REASONS:**

The property at 9946 York Road upon which the free-standing and enterprise signs are erected is unique in that it was initially approved as a pad site for a drive-in banking facility and it does not appear to be part of Church Lane Center Multi-Tenant Facility as situate to the rear of this site. This property appears as a separate and distinct property when, in fact, both it and the Church Lane Center site are contained within the same metes and bounds description. Church Lane Center is itself unique as it has limited visibility to a major highway (York Road) because of the sloping elevation from York Road to the west and improvements that obstruct the view of the retail center from York Road. The pad property at 9946 York Road and the shopping center do not appear to be integrated as one property.

The property owner will sustain a hardship in the event the Variances are not granted in that both the free-standing sign and the enterprise sign were erected in accordance with applicable zoning regulations and approved by all appropriate Baltimore County agencies. The signs became subject to Baltimore County Council Bill No. 89-97 subsequent to their erection and their removal would detract from the aesthetics of the shopping center.

2014-0263-A

The property owner will sustain a practical difficulty and removal of the free-standing sign would place the property at a competitive disadvantage to other centers and impact the tenants, causing both the tenants and property owner a severe hardship.

The practical difficulty that would be sustained by the owner by removing the sign is further compounded by the topography of the site and the manner in which the center and signs were laid out in relying on the sign regulations as they existed prior to 1989.

jk140521

0263-A

**ZONING DESCRIPTION FOR
9946 YORK ROAD
(MARYLAND ROUTE #45)
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the west side right-of-way of York Road (80 feet) wide at a distance of 106 feet south of the centerline intersection of York Road and Church Lane which is (60 feet) wide thence binding on the west side right-of-way line of York Road the following course and distance; (1) South 18 degrees 32 minutes 06 seconds East 123.55 feet, thence leaving the west side right-of-way of York Road the following courses and distances; (2) South 71 degrees 27 minutes 54 seconds West 200.00 feet, (3) South 18 degrees 32 minutes 06 seconds East 131.00 feet, (4) North 71 degrees 27 minutes 54 seconds East 28.00 feet, (5) South 01 degrees 12 minutes 27 seconds East 45.26 feet, (6) South 87 degrees 23 minutes 01 seconds West 57.00 feet, (7) South 18 degrees 32 minutes 06 seconds East 100.00 feet, (8) South 87 degrees 23 minutes 01 seconds West 256.55 feet, (9) South 81 degrees 58 minutes 56 seconds West 64.92 feet, (10) South 71 degrees 08 minutes 01 seconds West 138.60 feet, (11) North 00 degrees 12 minutes 10 seconds West 619.23 feet to a point on the south side right-of-way line of Church Lane, thence binding on the south side right-of-way line of Church Lane for the following courses and distances; (12) South 83 degrees 09 minutes 29 seconds East 308.53 feet, (13) North 06 degrees 28 minutes 52 seconds East 3.81 feet, (14) South 82 degrees 35 minutes 56 seconds East 75.00 feet, thence leaving the south right-of-way line of Church Lane the following courses and distances; (15) South 06 degrees 32 minutes 04 seconds West 137.56 feet, (16) South 83 degrees 33 minutes 52 seconds East 55.93 feet, (17) North 06 degrees 07 minutes 43 seconds East 38.27 feet, (18) North 75 degrees 12 minutes 43 seconds East 70.18 feet, (19) South 14 degrees 47 minutes 17 seconds East 3.00 feet, (20) North 75 degrees 12 minutes 43 seconds East 68.78 feet to the point of beginning.

Containing a net area of 250,548 square feet, or 5.75 acres of land, more or less.



5/9/14

2014-0263-A

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 2014-0263-A
Petitioner: Texas Property II LLC
Address or Location: 9946 York Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: Edward Cooney Jr
Address: 614 Bosley Ave
Towson, MD 21204
Telephone Number: 410 828-9441

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

No. **112224**

Date: **6/6/14**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
6/06/2014 6/06/2014 09:28:48 5

REG WSD5 WALKIN RBD5 LRB
>>RECEIPT # 740454 6/06/2014 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					500.00

Dept 5 528 ZONING VERIFICATION
CR NO. 112224

Recpt Tot \$500.00
\$500.00 CK \$0.00 CA
Baltimore County, Maryland

Total: **500.00**

Rec From:

For:

9946 York Rd

2014-0263-A

DISTRIBUTION

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

**CASHIER'S
VALIDATION**

Letter of Transmittal

William D. Gulick, Jr.

Consultant to Land Development and Industry

Commercial and Residential

2944 Edgewood Avenue

Baltimore, MD 21234

Phone - 410-530-6293

E-mail - wdgjr@comcast.net

To: Zoning Office, Attn. Ms. June Wisnom & Ms. Kristen Lewis

We Are Sending You: ☒ Attached ☐ Under separate cover the following items:

☐ Copy of Letter ☒ Prints ☒ Documents ☐ Other

No. of Copies Date Description

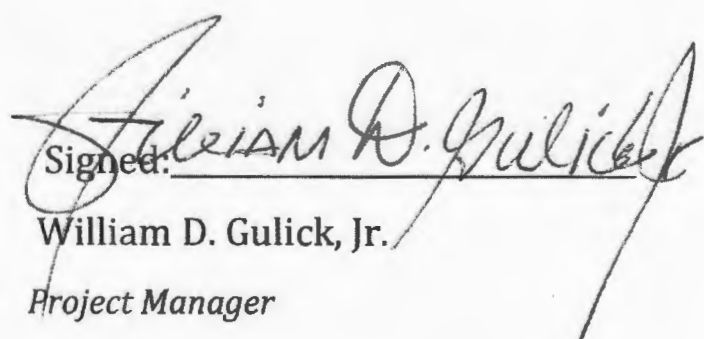
1	July 5, 2014	Certificate Of Posting
2	July 5, 2014	Site Photos

Transmittals are as checked below:

☐ For approval ☒ For your use ☐ As requested ☒ For review & content

Project: Case No.: 2014-0263-A

Remarks: 9946 York Road

Signed: 

William D. Gulick, Jr.

Project Manager

Certificate of Posting

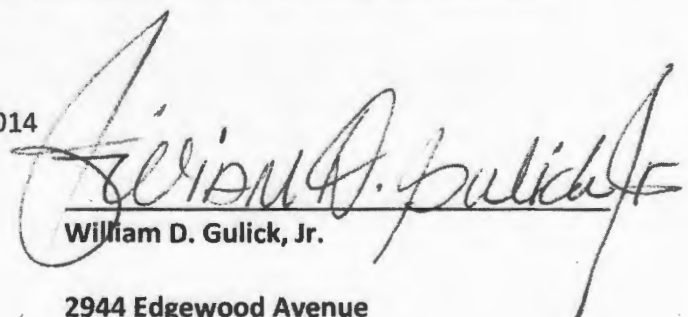
Department of Permits, Approval, and Inspections
Baltimore County
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

Date: 07-05-2014
Attention: Ms. Kristen Lewis

Re: Case Number: 2014-0263-A
Petitioner/Developer: Texas Property, II, LLC
Date of Hearing/Closing: July 25, 2014

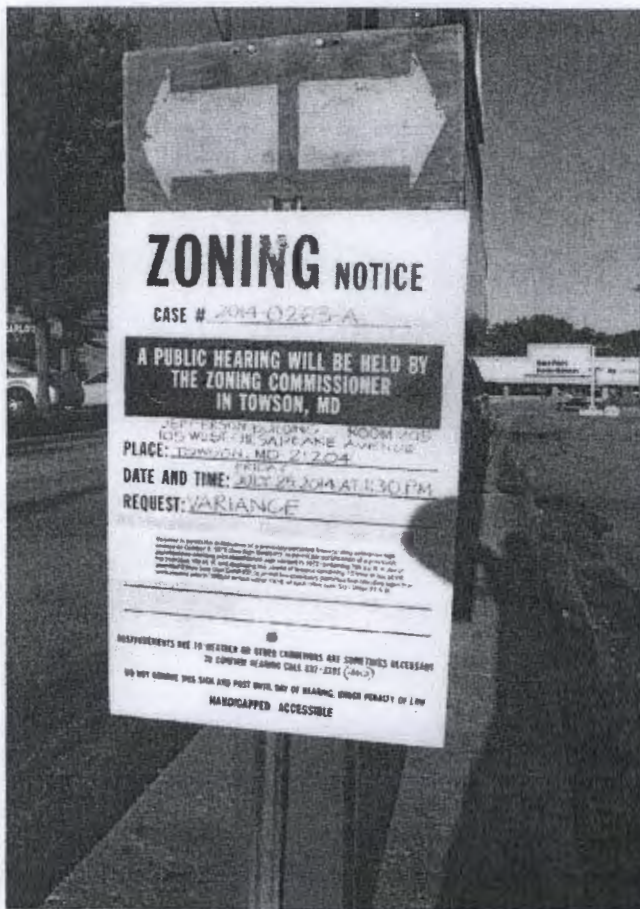
This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 9946 York Road, see attached Photos.

The sign(s) were posted on: July 05, 2014



William D. Gulick, Jr.

2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293



ROAD

YORK



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

July 17, 2014

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, the publication appearing on July 1, 2014.

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

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

NOTICE OF ZONING HEARING

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

Case: #2014-0263-A

9946 York Road

W/s York Road at the S/w corner of Church Lane
8th Election District - 3rd Councilmanic District

Legal Owner(s): Texas Property, II, LLC

Variance: to permit the continuance of a previously permitted free-standing enterprise sign erected on October 1, 1973 (See Sign Detail #1); to permit a continuation of a previously permitted free-standing joint identification sign erected in 1972 containing 196 sq. ft. in lieu of the permitted 100 sq. ft. and displaying the names of tenants containing 13 lines in lieu of the permitted 5 lines (See Sign Detail #2); to permit two previously permitted free-standing signs that were erected prior to 1989 to remain within 100 ft. of each other (See Detail # 18.2).

Hearing: Friday, July 25, 2014 at 1:30 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.
JT 7/662 July 1 985608



KEVIN KAMENETZ
County Executive

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

June 24, 2014

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: 2014-0263-A

9946 York Road

W/s York Road at the S/w corner of Church Lane

8th Election District – 3rd Councilmanic District

Legal Owners: Texas Property, II, LLC

Variance to permit the continuance of a previously permitted free-standing enterprise sign erected on October 1, 1973 (See Sign Detail #1); to permit the continuation of a previously permitted free-standing joint identification sign erected in 1972 containing 196 sq. ft. in lieu of the permitted 100 sq. ft. and displaying the named of tenants containing 13 lines in lieu of the permitted 5 lines (see Sign Detail #2); to permit two previously permitted free-standing signs that were erected prior to 1989 to remain within 100 ft. of each other (see Sign Detail #1 & 2).

Hearing: Friday, July 25, 2014 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Edward Covahey, Jr., 614 Bosley Avenue, Towson 21204
Texas Property, II, LLC, 9920C York Road, Cockeysville 21030

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 5, 2014.**
- (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
Tuesday, July 1, 2014 Issue - Jeffersonian

Please forward billing to:
Edward Covahey, Jr.
614 Bosley Avenue
Towson, MD 21204

410-828-9441

NOTICE OF ZONING HEARING

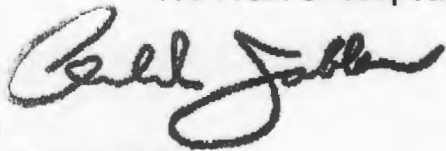
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2014-0263-A

9946 York Road
W/s York Road at the S/w corner of Church Lane
8th Election District – 3rd Councilmanic District
Legal Owners: Texas Property, II, LLC

Variance to permit the continuance of a previously permitted free-standing enterprise sign erected on October 1, 1973 (See Sign Detail #1); to permit the continuation of a previously permitted free-standing joint identification sign erected in 1972 containing 196 sq. ft. in lieu of the permitted 100 sq. ft. and displaying the named of tenants containing 13 lines in lieu of the permitted 5 lines (see Sign Detail #2); to permit two previously permitted free-standing signs that were erected prior to 1989 to remain within 100 ft. of each other (see Sign Detail #1 & 2).

Hearing: Friday, July 25, 2014 at 1:30 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: September 2, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0263-A – Appeal Period Expired

The appeal period for the above-referenced case expired on August 29, 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 VARIANCE
9946 York Road; W/S of York Road at SW
Corner of Church Lane
8th Election & 3rd Councilmanic Districts
Legal Owner(s): Texas Property II, LLC
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2014-263-A

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

JUN 16 2014

.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of June, 2014, a copy of the foregoing Entry of Appearance was mailed to Edward Covahey, Jr., Esquire, 614 Bosley Avenue, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NO. 2014- 0263-A

C H E C K L I S T

Comment
Received

Department

Support/Oppose/
Conditions/
Comments/
No Comment

7/16/14

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

N/C

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

FIRE DEPARTMENT

7/27/14

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

C

6/9/14

STATE HIGHWAY ADMINISTRATION

NO Cdy

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

7/1/14

SIGN POSTING

Date:

7/5/14

by

Gulich

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



TRANSMITTAL

Date:	05/17/2017
To:	Randy Wolfe, Account Clerk III
	Finance & Administration – DEPS
	Baltimore County Office Building
	111 W. Chesapeake Avenue, Room 319
	Towson, MD 21204
	Tel: (410) 887-3514
Deliver To:	Room 319 (Direct Delivery)
From:	Yvonne Holston
	Tel: (410) 821-1690
	E-mail: yholston@mragta.com
Project #:	16625x04A-600
Project:	Ballard Green PUD - Phase 5B
PAI #:	02-739

Sent Via:	☐ Mail
	☐ Pick-up
	☒ Messenger
	☐ Over Night
	☐ Fax - # Pages
	(including cover)

- | | | |
|--|--|---|
| ☒ Approval | ☐ Record | ☐ Per your request |
| ☐ Review & Comment | ☐ Use & Information | ☐ Distribution |

COPIES	SHEETS	DATE	DESCRIPTION
1	2	05/12/2017	Original Signed Environmental Agreement (EA)
1	1	02/01/2017	Approved SWM Cost Estimate (Ex. Pond 5A)
1	2	05/12/2017	Original LOC for SWM Security (\$22,600.00)

CONFIRMATION

Baltimore County has received this package on 05/17/2017.

Sharon Barger
Signature

Sharon Barger
Print Name:

1220-C East Joppa Road, Suite 505, Towson, Maryland 21286 Tel: (410) 821-1690 Fax: (410) 821-1748

Visit us on the web at www.mragta.com

S:\PROJECT FOLDERS\16600-16699\16625\Transmittals\EA



KEVIN KAMENETZ
County Executive

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

July 16, 2014

Texas Property II LLC
Katherine Shaker
9920 C York Road
Cockeysville MD 21030

RE: Case Number: 2014-0263 A, Address: 9946 York Road

Dear Ms. Shaker:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 6, 2014. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Edward C. Covahey, Esquire, 614 Bosley Avenue, Towson MD 21204

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



Maryland Department of Transportation

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

Date: 6/9/14

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

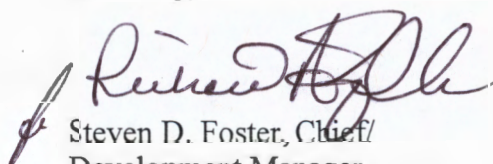
RE: Baltimore County
Item No. 2014-0263-A
Variance
Texas Property II, LLC
Katherine Stralkes

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 6/9/14. A field inspection and internal review reveals that an entrance onto MD 45 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance.
Case Number 2014-0263-A

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may email him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,


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

7-25
1:30

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 27, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

JUN 30 2014

SUBJECT: 9946 York Road

INFORMATION:

OFFICE OF ADMINISTRATIVE HEARINGS

Item Number: 14-263

Petitioner: Texas Property II, LLC – Katherine Strakes, Managing Member

Zoning: BR

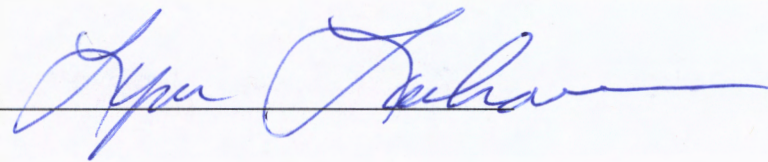
Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request for a variance for existing signs and accompanying site plan. The stores are set back from York Road and thus need signage for autos to be able to locate the businesses. This shopping center appears to be under some stress and there appears to be unused parking areas. The Department of Planning does not object to the requested variances. However, the applicant may want to consider reduction of impervious surfaces through the removal of some parking spaces and the addition of trees.

For further information concerning the matters stated here in, please contact Wally Lippincott, Jr. at 410-887-3480.

Division Chief:
AVA/LL



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For June 16, 2014
Item No. 2014-0233, 0258, 0259, 0260, 0261, 0262 and 0263

DATE: July 16, 2014

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

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC06162014 -.doc

Real Property Data Search (w3)

Guide to search

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption			View GroundRent R		
Account Identifier:			District - 08 Account Number - 1600007884					
Owner Information								
Owner Name:			TEXAS PROPERTY II LLC			Use:		COM
Mailing Address:			9920C YORK RD COCKEYSVILLE MD 21030-3401			Principal Residence:		NO
						Deed Reference:		/220
Location & Structure Information								
Premises Address:			9946 YORK RD COCKEYSVILLE MD 21030-3401			Legal Description:		5.62 WS 60 S
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessme
0051	0017	0247		0000				Year: 2014
Special Tax Areas:					Town:		N	
					Ad Valorem:			
					Tax Class:			
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area		Property Land Area		
1981		75645				5.6200 AC		
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Ma		
		RESTAURANT						
Value Information								
			Base Value	Value	Phase-in Assessme			
				As of	As of			
				01/01/2014	07/01/2013			
Land:			4,647,000	4,647,000				
Improvements			2,835,600	3,268,600				
Total:			7,482,600	7,915,600	7,482,600			
Preferential Land:			0					
Transfer Information								
Seller: STRATAKIS, JAMES G				Date: 06/08/2005		Pr		
Type: NON-ARMS LENGTH OTHER				Deed1: /22003/ 00538		De		
Seller:				Date:		Pr		
Type:				Deed1:		De		
Seller:				Date:		Pr		
Type:				Deed1:		De		
Exemption Information								
Partial Exempt Assessments:		Class		07/01/2013		07/0		
County:		000		0.00				
State:		000		0.00				
Municipal:		000		0.00 0.00		0.00		

Tax Exempt:
Exempt Class:

Special Tax Recapture:
NONE

Homestead Application Information

Homestead Application Status: No Application

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty/>)District: **08** Account Number: **1600007884**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



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

☒ Loading... Please

Loading... Please Wait.

CASE NAME

CASE NUMBER 2014-0263-A

DATE 7/25/2014

PETITIONER'S SIGN-IN SHEET

[illegible]

Case No.: 2014-0263-A

Exhibit Sheet

Petitioner/Developer

Protestant

DW
9-2-14

Sen
7-30-14

No. 1	1A-ID ZAC Comments	
No. 2	Site Plan	
No. 3	Color photo	
No. 4	" "	
No. 5	" "	
No. 6	" "	
No. 7	" "	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



KEVIN KAMENETZ
County Executive



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

July 16, 2014

Texas Property II LLC
Katherine Shaker
9920 C York Road
Cockeysville MD 21030

RE: Case Number: 2014-0263 A, Address: 9946 York Road

Dear Ms. Shaker:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 6, 2014. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Edward C. Covahey, Esquire, 614 Bosley Avenue, Towson MD 21204

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



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



Date: 6/9/14

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

RE: Baltimore County
Item No. 2014-0263-A
Variance
Texas Property II, LLC
Katherine Straltes

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 6/9/14. A field inspection and internal review reveals that an entrance onto MD 45 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2014-0263-A.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may email him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE



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

DATE: July 16, 2014

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

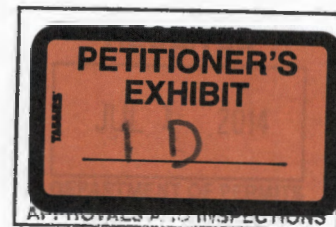
SUBJECT: Zoning Advisory Committee Meeting
For June 16, 2014
Item No. 2014-0233, 0258, 0259, 0260, 0261, 0262 and 0263

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

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC06162014 -.doc

1008



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 27, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 9946 York Road

INFORMATION:

Item Number: 14-263

Petitioner: Texas Property II, LLC – Katherine Strakes, Managing Member

Zoning: BR

Requested Action: Variance

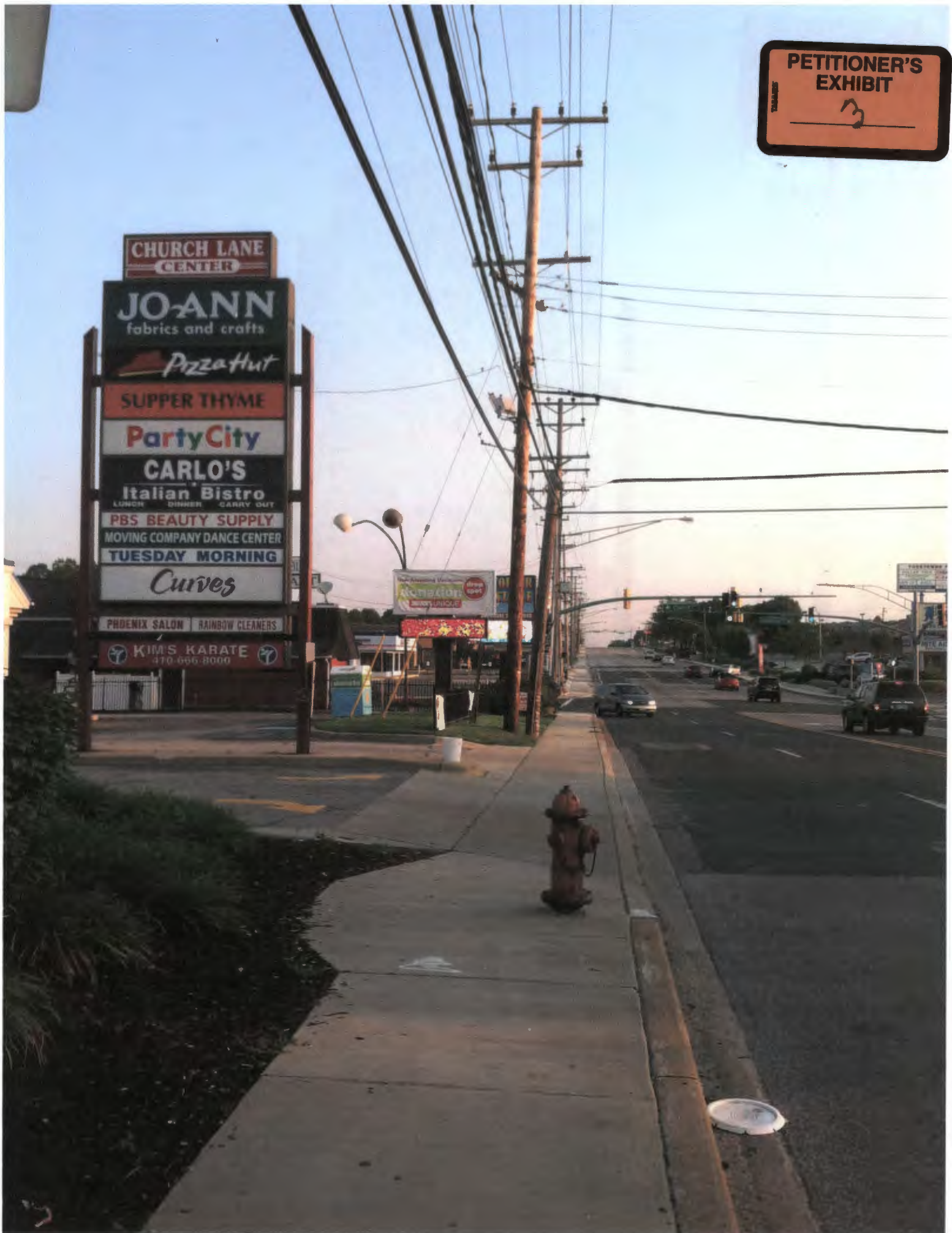
SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request for a variance for existing signs and accompanying site plan. The stores are set back from York Road and thus need signage for autos to be able to locate the businesses. This shopping center appears to be under some stress and there appears to be unused parking areas. The Department of Planning does not object to the requested variances. However, the applicant may want to consider reduction of impervious surfaces through the removal of some parking spaces and the addition of trees.

For further information concerning the matters stated here in, please contact Wally Lippincott, Jr. at 410-887-3480.

Division Chief:
AVA/LL

A handwritten signature in black ink, appearing to read "Wally Lippincott, Jr.", written over a horizontal line.

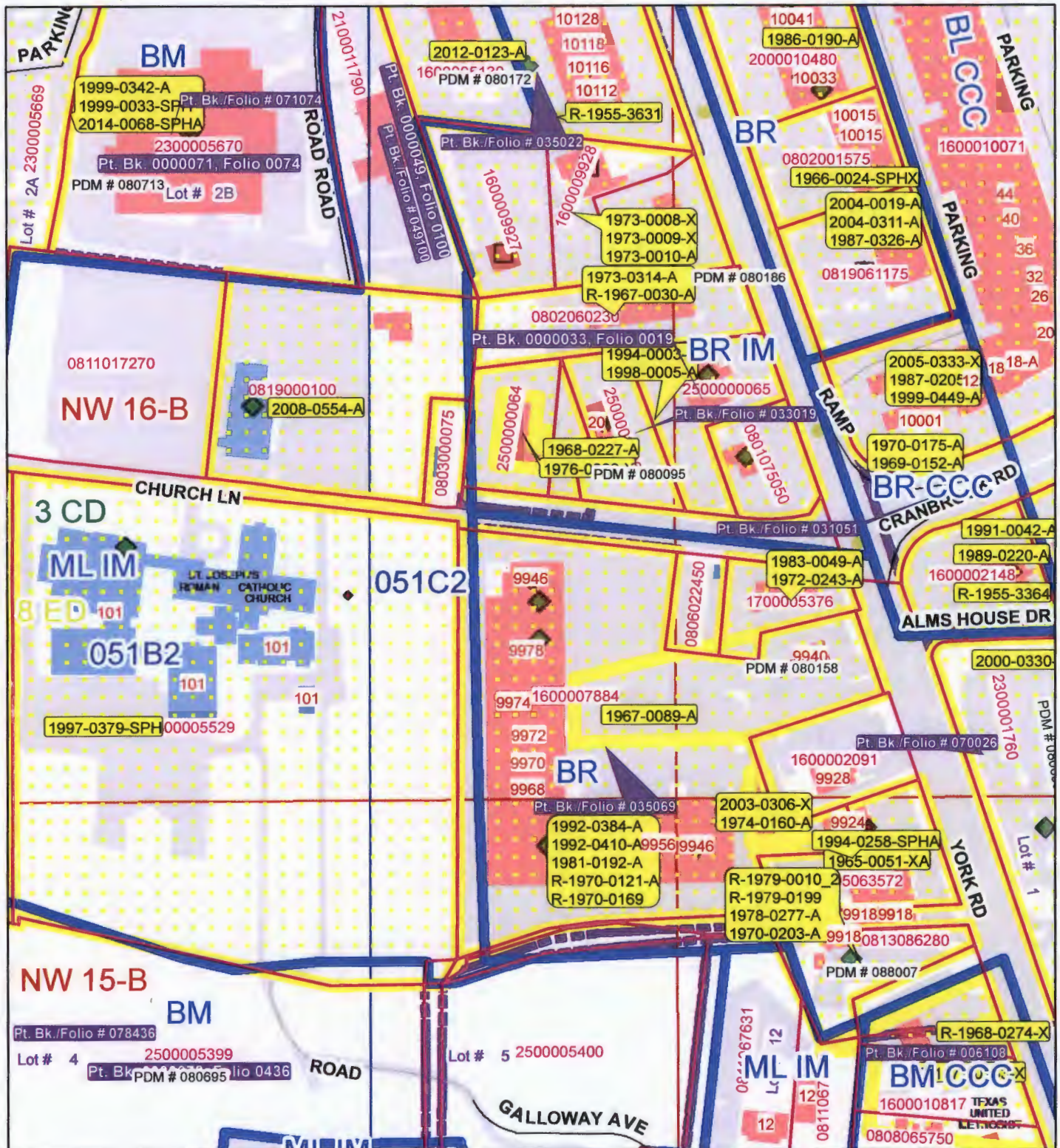






9946 York Road

2014-0263-A



Publication Date: 6/6/2014

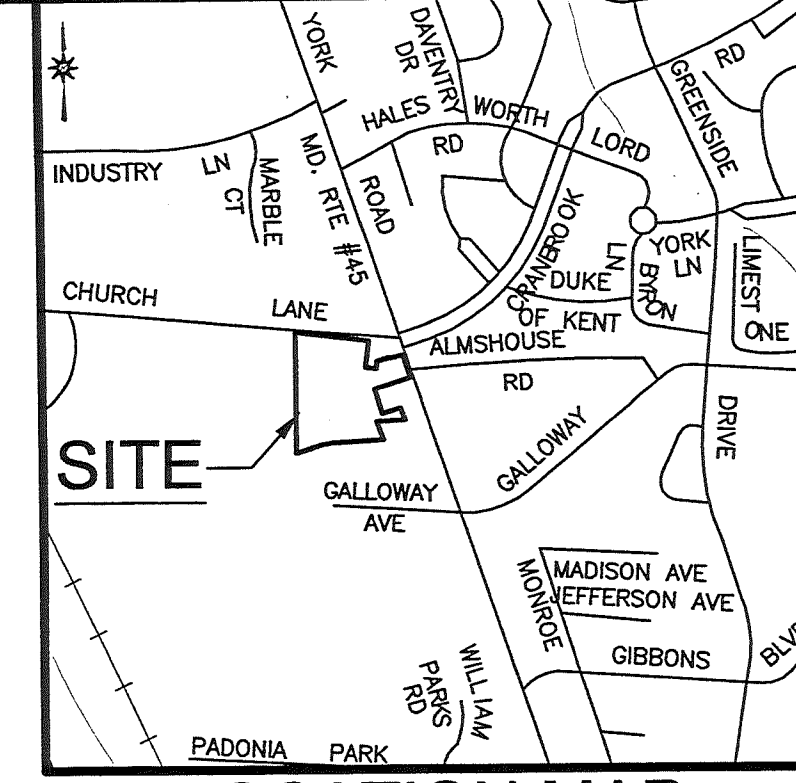
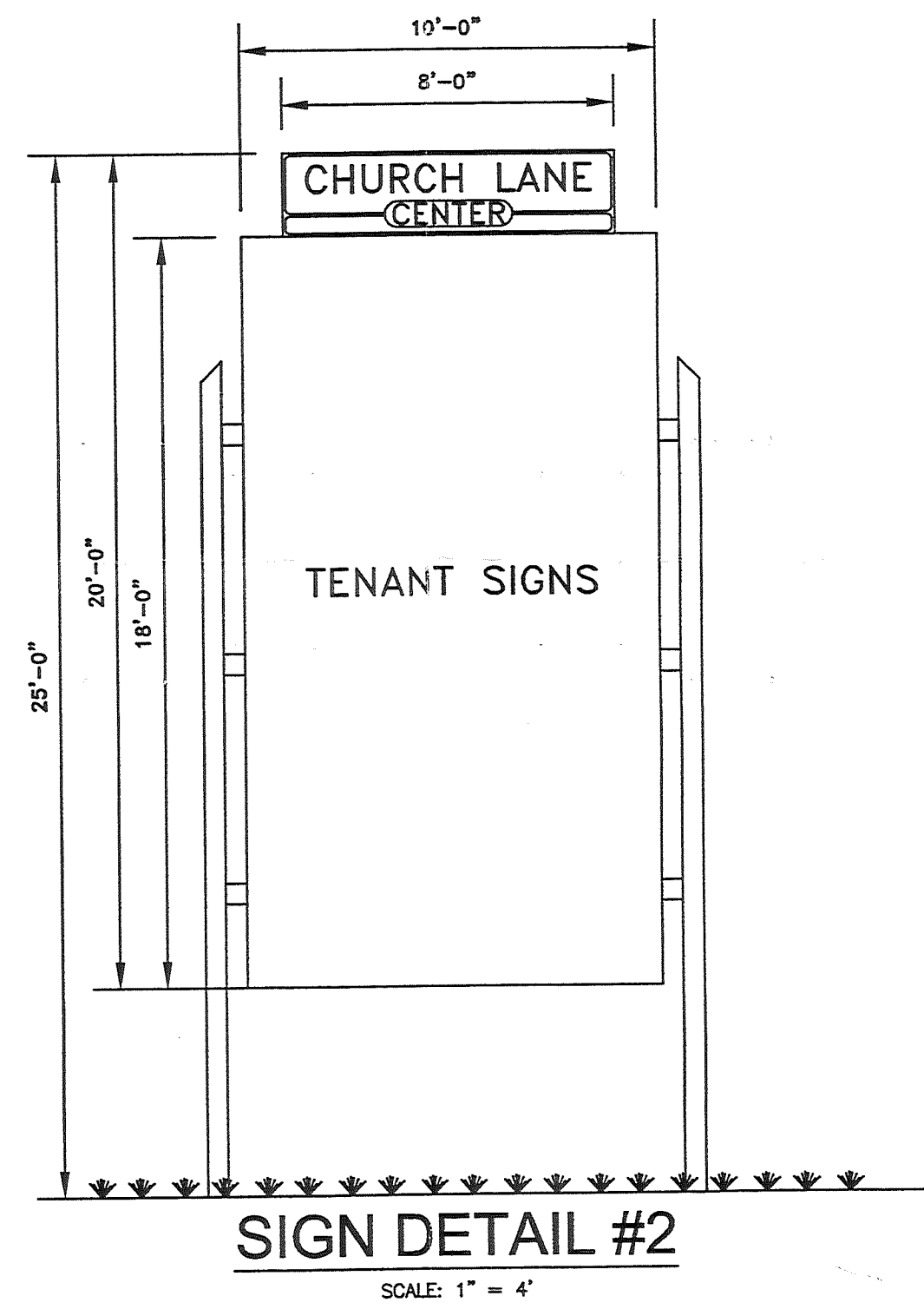
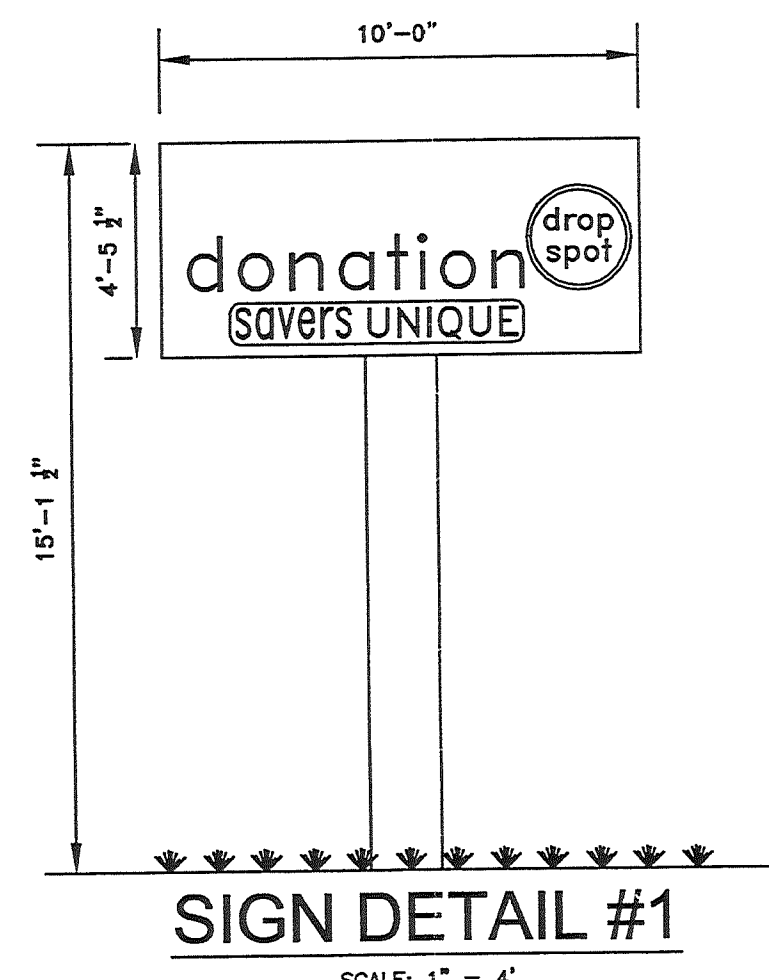
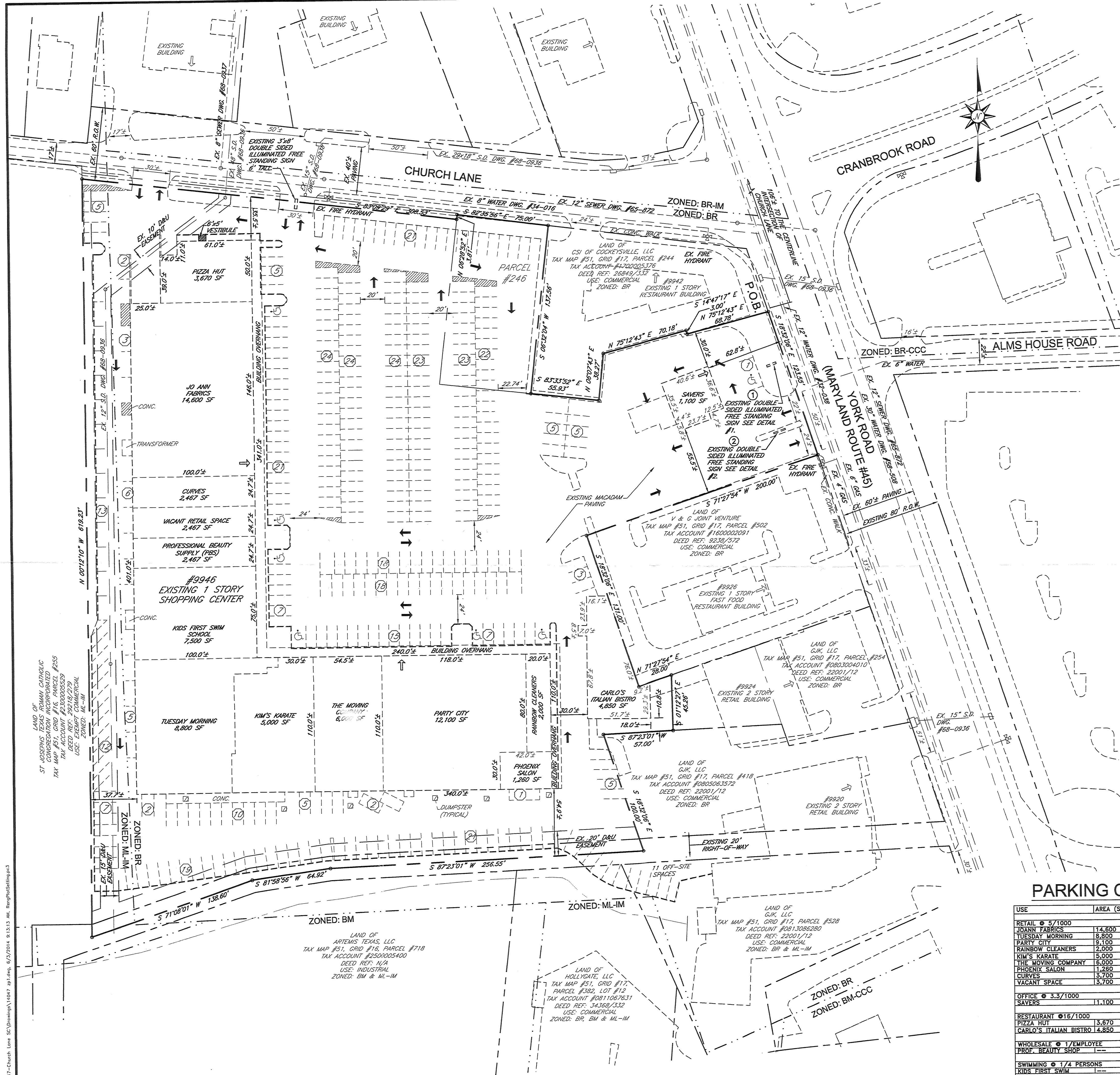


Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



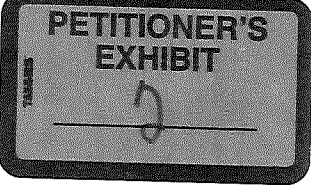
0 50 100 200 300 400 Feet

1 inch = 200 feet



GENERAL NOTES:

- OWNER: TEXAS PROPERTY II, LLC
9920C YORK ROAD
COCKEYSVILLE, MARYLAND 21030-3401
- SITE AREA:
NET: 250,548 SF or 5.75 Ac.±
GROSS: 265,526 SF or 6.10 Ac.±
- USES:
EXISTING: MIXED USE SHOPPING CENTER.
PROPOSED: MIXED USE SHOPPING CENTER.
- UTILITIES:
PUBLIC WATER & SEWER
DEED REF: 22003/538
TAX ACCOUNT: #1600007884 & 0806022450
- COUNCILMANIC DISTRICT: 3RD
- ZONING: BR & ML-IM
(PER 200 SCALE GIS FILE #05102)
- TAX MAP #51, GRID #17, PARCEL #247 & 246
- PLAT REFERENCE: STRATKIS PROPERTY SHOPPING CENTER 35-69
- WATERSHED: LOCH RAVEN RESERVOIR
- ZONING HISTORY:
1987-0089-A: VARIANCE TO PERMIT 1) A SIDE YARD OF 6'-5" IN LIEU OF 30', 2) A REAR YARD OF 10' IN LIEU OF 30', AND 3) 8 SPACES IN LIEU OF 11 SPACES, GRANTED ON 10-20-1966.
R-1970-0169; RE-CLASSIFICATION FROM R-10 TO BR, GRANTED ON 03-10-1970.
1974-0160-A: VARIANCE TO PERMIT A SIDE AND REAR YARD SETBACK OF 0' IN LIEU OF 30', GRANTED 01-30-1974.
1981-0192-A: VARIANCE TO PERMIT 318 SPACES IN LIEU OF 370 SPACES, GRANTED 07-08-1981.
1992-0384-A: VARIANCE TO PERMIT 387 SPACES IN LIEU OF 396 SPACES AND A SIDE YARD OF 10' IN LIEU OF 30', GRANTED ON 06-08-1992.
2003-0306-X: SPECIAL EXCEPTION TO PERMIT 12 AMUSEMENT DEVICES IN LIEU OF 4 DEVICES, GRANTED ON 03-26-2003.
- NO KNOWN PRIOR PERMITS ON FILE.
- THE PROPERTY AND STRUCTURES ARE NOT HISTORIC.
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THE SITE DOES NOT LIE WITHIN A FLOOD ZONE.
- EXISTING BUILDING AREAS: 76,046 SF
- NO PROPOSED SIGNS, EXISTING SIGNS ARE TO REMAIN.
- BASIC SERVICE MAPS:
TYPE DEFICIENT (Y/N) NOTE
SEWER N
WATER N
TRANSPORTATION N
SETBACKS FOR BR REQUIRED PROVIDED
TYPE FRONT FROM P.L. 25' 62.8'±
SIDE FROM C.L. 30' 100.3'±
REAR 30' 0.0'± **
** VARIANCES PREVIOUSLY GRANTED, SEE ZONING HISTORY ABOVE.
- FLOOR AREA RATIO
MAXIMUM PERMITTED: 2.0
PROVIDED: 0.29 (76,046 SF/265,526 SF)



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 NUMBER 16597,
EXPIRATION DATE: 08-15-2015

PARKING CALCULATIONS

USE	AREA (SF)	EMPLOYEES	PERSONS	SPACES REQUIRED
RETAIL • 5/1000				
JOANN FABRICS	14,800	---	---	73
TUESDAY MORNING	8,800	---	---	44
PARTY CITY	9,100	---	---	51
RAINBOW CLEANERS	2,000	---	---	10
KIM'S KARATE	5,000	---	---	25
THE MOVING COMPANY	6,000	---	---	30
PHOENIX SALON	1,260	---	---	7
CURVES	3,700	---	---	13
VACANT SPACE	3,700	---	---	13
OFFICE • 3.3/1000				
SAVERS	11,100	---	1	4
RESTAURANT • 16/1000				
PIZZA HUT	3,670	---	---	59
CARLO'S ITALIAN BISTRO	4,850	---	---	78
WHOLESALE • 1/EMPLOYEE				
PROF. BEAUTY SHOP	---	2	---	2
SWIMMING • 1/4 PERSONS	---	---	1	50
KIDS FIRST SWIM	---	---	---	13
TOTAL REQUIRED PRIOR TO VARIANCE				405
VARIANCE PER CASE #81-192-A				59
TOTAL REQUIRED				355
TOTAL PROVIDED				384

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION FOR

CHURCH LANE SHOPPING CENTER
9946 YORK ROAD
(MARYLAND ROUTE #45)
COCKEYSVILLE, MARYLAND 21030

8TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY:	DESIGNED BY:	SCALE:
	CND	PCR	1" = 40'
	DATE:	JOB NO.:	SHEET NO.:
	05-09-14	14047	1 OF 1