

IN RE: PETITION FOR VARIANCE
(8731 Liberty Road)

4th Election District

2nd Council District

MFB Randallstown LLC

Legal Owner

Ruby Tuesday, Inc.

Lessee

Petitioners

*

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0229-A

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OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of MFB Randallstown LLC, legal owner and Ruby Tuesday, Inc., lessee ("Petitioners"). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §450.4 Attachment 1 #5(a) to permit a 4th enterprise wall sign on a single tenant building in lieu of the permitted 3 wall signs. A site plan was marked and admitted as Petitioners' Exhibit 1.

Edward J. Gilliss, Esq. appeared and represented the Petitioners. No Protestants or interested citizens were in attendance. The Petition was advertised and posted as required by the B.C.Z.R. There were no substantive Zoning Advisory Committee (ZAC) comments received.

The subject property is approximately 5 ½ acres and is zoned BM. The property is the site of the Brenbrook Plaza Shopping Center, and the Ruby Tuesday restaurant has a pad site in the center. Petitioners propose a 4th wall-mounted enterprise sign (although the "sign" is actually painted onto the wall) which requires variance relief.

To obtain variance relief requires a showing that:

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

ORDER RECEIVED FOR FILING

Date

6/10/15

By

sen

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

Petitioners have met this test. The property is of irregular dimensions and is therefore unique. Petitioners would experience a practical difficulty if the regulations were strictly interpreted, since they would be unable to install the proposed sign, which is part of a rebranding effort on the part of Ruby Tuesday. 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.

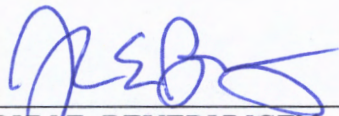
THEREFORE, IT IS ORDERED, this 10th day of June, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") §450.4 Attachment 1 #5(a) to permit a 4th enterprise wall sign on a single tenant building in lieu of the permitted 3 wall signs, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

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 6/10/15

By sln



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 8731 Liberty Road which is presently zoned BM
 Deed References: Liber 24446/Folio 124 10 Digit Tax Account # 2 5 0 0 0 0 0 2 8 0
 Property Owner(s) Printed Name(s) MFB Randallstown, LLC

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

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

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

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

3. **X** a **Variance from Section(s)**

A VARIANCE FROM SECTION 450.4 ATTACHMENT 1 #5(a) TO PERMIT A 4TH ENTERPRISE WALL SIGN ON A SINGLE TENANT BUILDING IN LIEU OF THE PERMITTED 3 WALL SIGNS.

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

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Ruby Tuesday, Inc.
 Name- Type or Print
[Signature]
 Signature
150 West Church Avenue Maryville Tennessee
 Mailing Address City State
37801 / 1-800-325-0755 / ebordelon@rubytuesday.com
 Zip Code Telephone # Email Address

Attorney for Petitioner:

Edward J. Gilliss
 Name- Type or Print
[Signature]
 Signature
102 W. Pennsylvania Avenue Suite 600 Towson Maryland
 Mailing Address City State
21204 / 410-823-1800 / egilliss@rmmr.com
 Zip Code Telephone # Email Address

Legal Owners (Petitioners):

MFB Randallstown, LLC /
 Name #1 - Type or Print Name #2 - Type or Print
 /
 Signature #1 Signature #2
 /
 Mailing Address City State
 / /
 Zip Code Telephone # Email Address

Representative to be contacted:

Edmond Bordelon
 Name - Type or Print
[Signature]
 Signature
Ruby Tuesday, Inc.
150 West Church Avenue Maryville Tennessee
 Mailing Address City State
37801 / 1-800-325-0755 / ebordelon@rubytuesday.com
 Zip Code Telephone # Email Address

CASE NUMBER 2015-0229-A Filing Date 4/17/2015

ORDER RECEIVED FOR FILING

Do Not Schedule Dates:

Reviewer *[Signature]*

Date 6/10/15 REV. 10/4/11

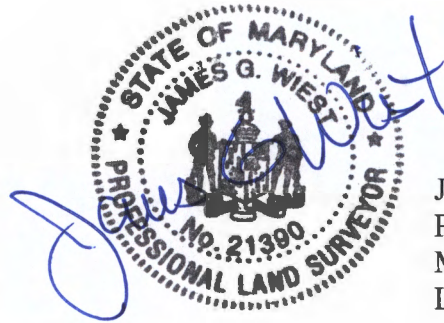
By *[Signature]*

ZONING DESCRIPTION FOR
8731 LIBERTY ROAD

Beginning at a point on the south side of Liberty Road which is 80 feet wide at the distance of 495 feet northwest of the centerline of Brenbrook Drive which is 70 feet wide; thence the following courses and distances:

By a curve to the right having a radius of 22,878.32 feet, an arc length of 103.57 feet and a chord bearing South 64 degrees 47 minutes 46 seconds East 103.57 feet;
South 64 degrees 39 minutes 53 seconds East 64.44 feet;
South 25 degrees 20 minutes 07 seconds West 190.00 feet;
North 64 degrees 39 minutes 53 seconds West 171.45 feet;
North 26 degrees 22 minutes 30 seconds East 189.79 feet to the point of beginning.

Being that land described as Parcel 1 as recorded in Deed Liber S.M. 12065, folio 202.
Containing 0.740 acres, more or less, and located in the 2nd Election District and 4th Council District.



James G. Wiest
Professional Land Surveyor
MD Registration No. 21390
License Expires February 5, 2016

2015-0229-A

277

**DESCRIPTION TO ACCOMPANY ZONING PETITION
BRENBROOK PLAZA, RANDALLSTOWN, MARYLAND 21133
2ND ELECTION DISTRICT**

November 4, 2005

Beginning at a point on the north side of Brenbrook Drive (70' wide) said point being westerly 1,500 feet, more or less, from the centerline of Liberty Road (80' wide) thence running the following courses and distances:

1. North 43° 53' 07" West 513.34 feet, more or less, to a point; thence,
 2. North 37° 15' 27" East 1,036.61 feet, more or less, to a point; thence,
 3. North 26° 22' 27" East 253.42 feet, more or less, to a point; thence,
 4. Southeasterly by a non-radial curve to the right having a radius of 22,878.32 feet and a length of 103.57 feet, said curve being subtended by a chord bearing South 64° 47' 44" East 103.57 feet, more or less, to a point; thence,
 5. South 64° 39' 57" East 213.69 feet, more or less, to a point; thence,
 6. South 31° 56' 47" West 557.72 feet, more or less, to a point; thence,
 7. South 57° 24' 10" East 208.35 feet, more or less, to a point; thence,
 8. South 25° 20' 03" West 8.92 feet, more or less, to a point; thence,
 9. Southwesterly by a tangent curve to the right having a radius of 1,965.00 feet and a length of 890.93 feet, said curve being subtended by a chord bearing South 38° 19' 23" West 883.32 feet, more or less, to the point of beginning.
- Containing 621,374 square feet or 14.265 acres of land, more or less. Known as Brenbrook Plaza located in the 2nd Electric District of Baltimore County, Maryland.

This description is intended for zoning purposes only and shall not be used for conveyance of land.



229-A

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/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 legal owner/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:

Case Number: 2015-0229-A

Property Address: 8731 Liberty Road, Randallstown, Maryland 21133

Property Description: Free-standing Ruby Tuesday restaurant

Legal Owners (Petitioners): MFB Randallstown, LLC

Contract Purchaser/Lessee: Ruby Tuesday, Inc.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Edward J. Gilliss

Company/Firm (if applicable): Royston, Mueller, McLean & Reid, LLP

Address: 102 West Pennsylvania Avenue, Suite 600
Towson, MD 21204

Telephone Number: 410-823-1800

Revised 5/20/2014



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3283981

Sold To:

Royston Mueller Mclean & Reid - CU00171698
102 W Pennsylvania Ave
Ste 600
Towson, MD 21204-4510

Bill To:

Royston Mueller Mclean & Reid - CU00171698
102 W Pennsylvania Ave
Ste 600
Towson, MD 21204-4510

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

May 19, 2015

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

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: # 2015-0229-A
8731 Liberty Road
S/s Liberty Road, 495 ft. NW of centerline of Brenbrook Drive
4TH Election District - 2ND Councilmanic District
Legal Owner(s) MFB Randallstown, Inc.
Contract Purchaser(s): Ruby Tuesday, Inc.

Variance: to permit a 4th enterprise wall sign on a single tenant building in lieu of the permitted 3 wall signs.

Hearing: Monday, June 8, 2015 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.

IT 5/753 May 19 3283981

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

CERTIFICATE OF POSTING

May 19, 2015

Re:
Zoning Case No. 2015-0229-A
Petitioner / Owner: Ruby Tuesday, Inc.
Date of Hearing: June 8, 2015

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

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at **8731 Liberty Road**.

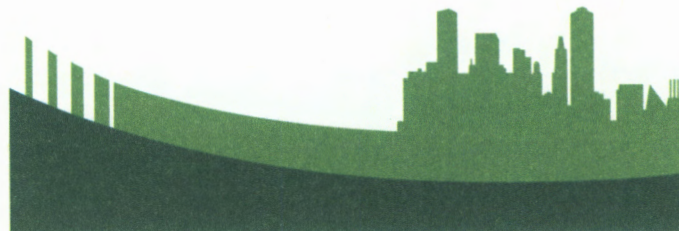
The sign(s) were posted on **May 19, 2015**.

Sincerely,



Bruce E. Doak
MD Property Line Surveyor #531

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



Land Use Expert and Surveyor



TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 19, 2015 Issue - Jeffersonian

Please forward billing to:

Edward Gillis
Royston, Mueller, McLean & Reid
102 W. Pennsylvania Avenue, Ste. 600
Towson, MD 21204

410-823-1800

NOTICE OF ZONING HEARING

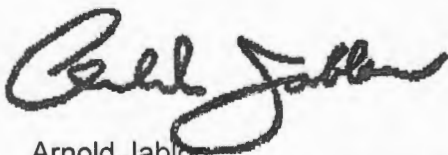
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CASE NUMBER: 2015-0229-A

8731 Liberty Road
S/s Liberty Road, 495 ft. NW of centerline of Brenbrook Drive
4th Election District – 2nd Councilmanic District
Legal Owners: MFB Randallstown, Inc.
Contract Purchaser: Ruby Tuesday, Inc.

Variance to permit a 4th enterprise wall sign on a single tenant building in lieu of the permitted 3 wall signs.

Hearing: Monday, June 8, 2015 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.

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
8731 Liberty Road; S/S Liberty Road, 495' NW	*	
Of the c/line Brenbrook Drive	*	OF ADMINSTRATIVE
4 th Election & 2 nd Councilmanic Districts	*	
Legal Owner(s): MFB Randallstown LLC	*	HEARINGS FOR
Contract Purchaser(s): Ruby Tuesday Inc	*	
Petitioner(s)	*	BALTIMORE COUNTY
	*	2015-229-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

APR 22 2015

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 22nd day of April, 2015, a copy of the foregoing Entry of Appearance was mailed to Edmond Bordelon, Ruby Tuesday, Inc, 150 West Church Avenue, Maryville, Tennessee 37801 and Edward Gillis, Esquire, 102 W. Pennsylvania Avenue, Suite 600, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

MEMORANDUM

DATE: July 16, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0229-A - Appeal Period Expired

The appeal period for the above-referenced case expired on July 10, 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

CASE NO. 2015- 0229-A

C H E C K L I S T

Support/Oppose/
Conditions/
Comments/
No Comment

Comment
Received

Department

4/27/15

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

N/C

5/15/15

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

N/C

FIRE DEPARTMENT

5/11/15

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

no obj

4/27/15

STATE HIGHWAY ADMINISTRATION

no obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 2006-0386-A)

NEWSPAPER ADVERTISEMENT

Date:

5/19/15

SIGN POSTING

Date:

5/19/15

by

DOCK

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

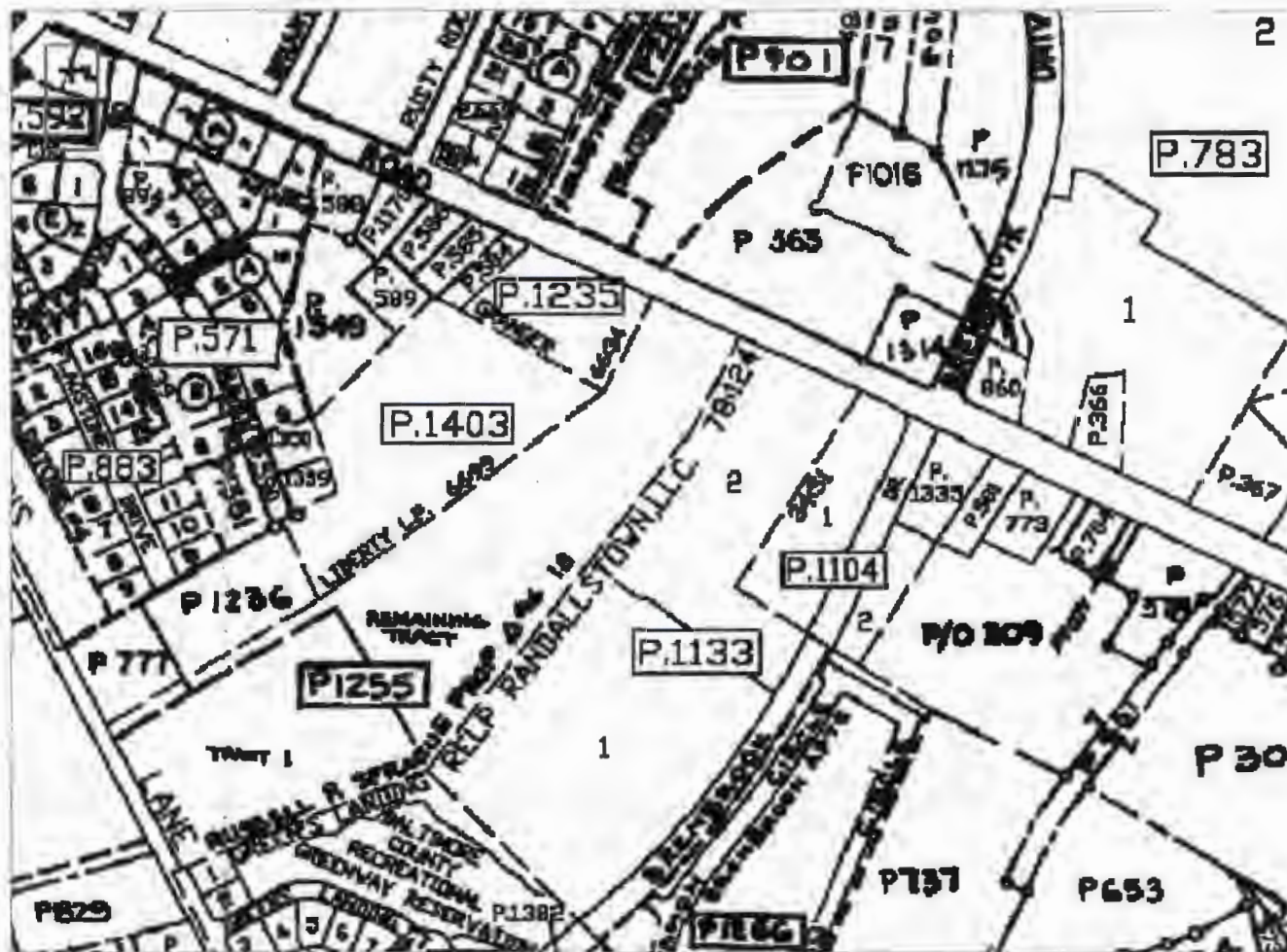
Real Property Data Search (w3)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 02 Account Number - 2500000280			
Owner Information					
Owner Name:		MFB RANDALLSTOWN LLC		Use:	COMMERCIAL
Mailing Address:		C/O RD MANAGEMENT LLC 810 SEVENTH AVE 10TH FLR NEW YORK NY 10019-		Principal Residence:	NO
				Deed Reference:	/24446/ 00572
Location & Structure Information					
Premises Address:		8727 LIBERTY RD RANDALLSTOWN MD 21133-0000		Legal Description:	5.5212 AC 8727 LIBERTY RD SS REL RANDALLSTOWN LLC
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0077	0015	1133		0000	
					</

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)District: **02** Account Number: **2500000280**

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/>)

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KEVIN KAMENETZ
County Executive

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

June 4, 2015

MFB Randallstown LLC
8731 Liberty Road
Randallstown MD 21133

RE: Case Number: 2015-0229 A, Address: 8731 Liberty Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 17, 2015. 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: jaw

Enclosures

c: People's Counsel
Ruby Tuesday Inc., Edmond Bordelon, 150 West Church Avenue, Maryville Tennessee 37801
Edward J Gillis, Esquire, 102 W Pennsylvania Avenue, Suite 600, Towson MD 21204

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor



Maryland Department of Transportation

Pete K. Rahn, Secretary
Melinda Peters, Administrator

Date: 1/27/15

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

RE: Baltimore County
Item No. 2015-0229-A
Variance
MFB Randallstown LLC
8731 Liberty Road
MD 20

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 4/20/15. A field inspection and internal review reveals that an entrance onto MD26 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance. Case Number 2015-0229-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

BALTIMORE COUNTY, MARYLAND**Inter-Office Correspondence****RECEIVED****MAY 15 2015****OFFICE OF ADMINISTRATIVE HEARINGS**

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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: May 15, 2015

SUBJECT: DEPS Comment for Zoning Item # 2015-0229-A
Address 8731 Liberty Road
(MFB Randallstown, LLC Property)

Zoning Advisory Committee Meeting of April 20, 2015.

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

Reviewer: *Jeff Livingston – Development Coordination*

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 11, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 8731 Liberty Road

INFORMATION:

Item Number: 15-229

Petitioner: MFB Randallstown, LLC

Zoning: BM

Requested Action: Variance

RECEIVED

MAY 14 2015

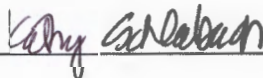
OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the Petition for Variance to permit a fourth enterprise wall sign on a single tenant building in lieu of the required three wall signs. The Department of Planning has no objection to granting the petitioned relief.

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

Division Chief:
AVA/KS



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For April 27, 2015
Item No. 2015-0206, 0224, 0225, 0226, 0228, 0229 and 0230

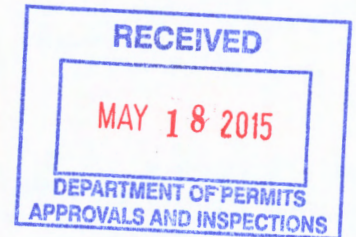
DATE: April 27, 2015

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\ZAC04272015.doc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE



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

DATE: May 11, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 8731 Liberty Road

INFORMATION:

Item Number: 15-229

Petitioner: MFB Randallstown, LLC

Zoning: BM

Requested Action: Variance

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Division Chief: Kathy Schlabach
AVA/KS

ROYSTON, MUELLER, McLEAN & REID, LLP

ATTORNEYS AT LAW

SUITE 600

THE ROYSTON BUILDING

102 WEST PENNSYLVANIA AVENUE

TOWSON, MARYLAND 21204-4575

TELEPHONE 410-823-1800

FACSIMILE 410-828-7859

www.rmmr.com

R. TAYLOR McLEAN
WILLIAM F. BLUE
THOMAS F. McDONOUGH
KEITH R. TRUFFER*
ROBERT S. HANDZO*
EDWARD J. GILLISS
TIMOTHY J. OURSLER
ROBERT G. BLUE
CRAIG P. WARD
LEANNE M. SCHRECENGOST
LISA J. McGRATH

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

OF COUNSEL

LAUREL PARETTA REESE
EUGENE W. CUNNINGHAM, JR., P.A.
BRADFORD G.Y. CARNEY
STEPHEN C. WINTER
JOHN A. PICA, JR.

CARROLL W. ROYSTON
1913-1991

H. ANTHONY MUELLER
1913-2000

RICHARD A. REID
1931-2008

* ALSO ADMITTED IN D.C.

April 17, 2015

VIA HAND DELIVERY

Mr. Len Wasilewski
Baltimore County Department of Permits,
Approvals and Inspections
County Office Building
111 West Chesapeake Ave. Suite 105
Towson, MD 21204

Re: Ruby Tuesday, Inc.
8731 Liberty Road
Randallstown, MD 21133

Dear Mr. Wasilewski:

Enclosed with this letter are documents relating to the request that a variance hearing be scheduled for the above-described property:

- Three copies of the Petition for Variance with original signatures;
- Twelve copies of the Plan to Accompany Variance Application;
- Three copies of the property description;
- One copy of the GIS Zoning Map;
- Color mock-up of proposed stencil sign;
- Color schematics with building dimensions and proposed "Painted Logo on existing Brick" (three pages);

2015-0229-A

Baltimore County Department of Permits,
Approvals and Inspections
Page 2
April 17, 2015

- One completed copy of the advertising and posting requirements and procedures form; and
- A \$500.00 filing fee in the form of a check made payable to "Baltimore County" from my firm's advance account.

Thank you for your cooperation.

Very truly yours,

Edward J. Gilliss

EJG/ajf
Enclosures

S:\LITIGATION\SLMS\EJG\Ruby Tuesday\Randallstown - Lease Dispute\PAI 4-17-15.doc

0229- A



2015-0229 - A

Ruby **Tuesday**

**8731 Liberty Road
Randallstown, MD 21133**

**Zonning - BM
Tax ID: 25-00000280
Owner: Ruby Tuesday, Inc.**

0229-A

SEE S.H.A. PLAT 28140

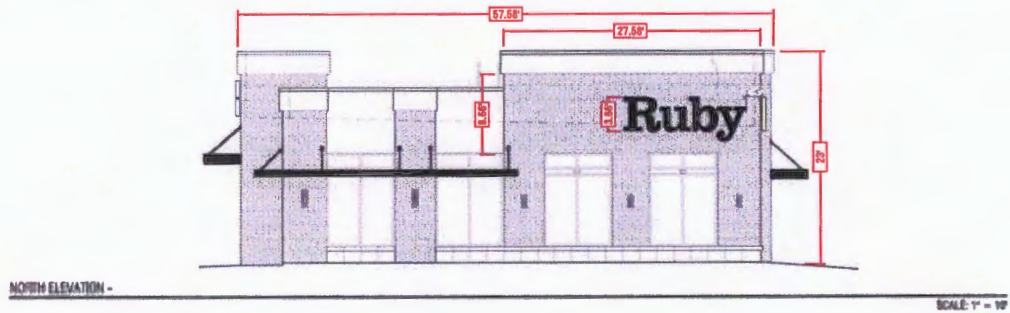
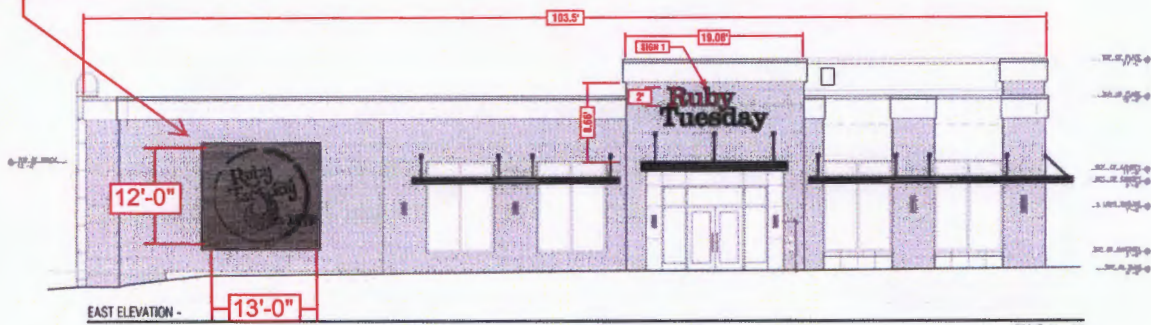


SITE PLAN

Date:	
Page #:	2

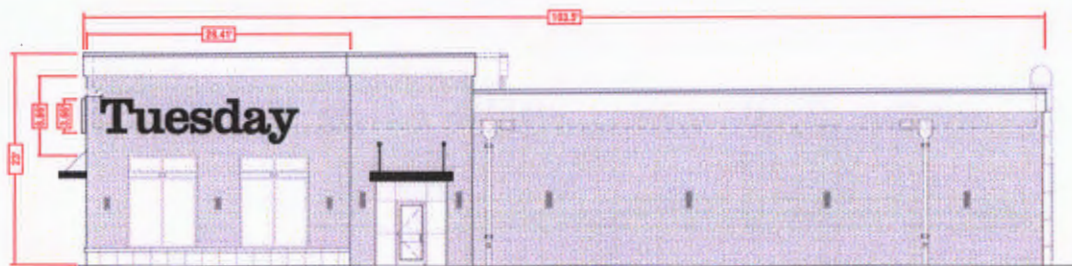
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Row 6	800080	05-09-09	XXX	XXX	None
Row 7	800080	05-09-09	XXX	XXX	
Row 8	800080	05-09-09	XXX	XXX	
Row 9	800080	05-09-09	XXX	XXX	
Row 10	800080	05-09-09	XXX	XXX	

Painted Logo on
existing brick



Ruby Tuesday	ELEVATIONS	Location: 8731 Liberty Road Randallstown, MD 21133		Rev. # Rev. Date Rev. Rev. Rev. Description										Rev. # Rev. Date Rev. Rev. Rev. Description									
				Rev. 1 1001151 01/15/14 02 00000 02/05/14 002 000 000										Rev. 5 000000 02/05/14 002 000 000									
				Rev. 2 170123 01/27/14 02 0 0 0 Added comment and revised dimensions for entrance										Rev. 6 000000 02/05/14 002 000 000									
				Rev. 3 177000 02/04/14 02 0 0 0 All existing signs removed per new directions										Rev. 7 000000 02/05/14 002 000 000									
				Rev. 4 170120 02/13/14 02 0 0 0 Signs 6-10 color scheme changed, Signs 1-3 details added										Rev. 8 000000 02/05/14 002 000 000									
		Date:																					
		Page # 3																					

2015-0229-A



WEST ELEVATION -

SCALE: 1" = 10'

Ruby Tuesday	ELEVATIONS	Location: 8731 Liberty Road Randallstown, MD 21133	Rev #	Revised Date	Rev. By	Design Description	Rev #	Revised Date	Rev. By	Design Description
			Rev 1	08/01/13	CD	Initial schematic site plan	Rev 2	05/09/14	KSH	None
			Rev 2	07/02/14	CD	Added roughing and revised dimensions for measurement	Rev 3	05/09/14	KSH	None
			Rev 3	07/08/14	CD	All building signs revised per new elevations	Rev 4	05/09/14	KSH	None
			Rev 4	07/08/14	CD	Signs 8-10 color scheme changed. Signs 1-3 details added	Rev 5	05/09/14	KSH	None
			Date:	Page 4						

2015-0229-A

8731 Liberty Road 2015-0229-A



Publication Date: 4/17/2015



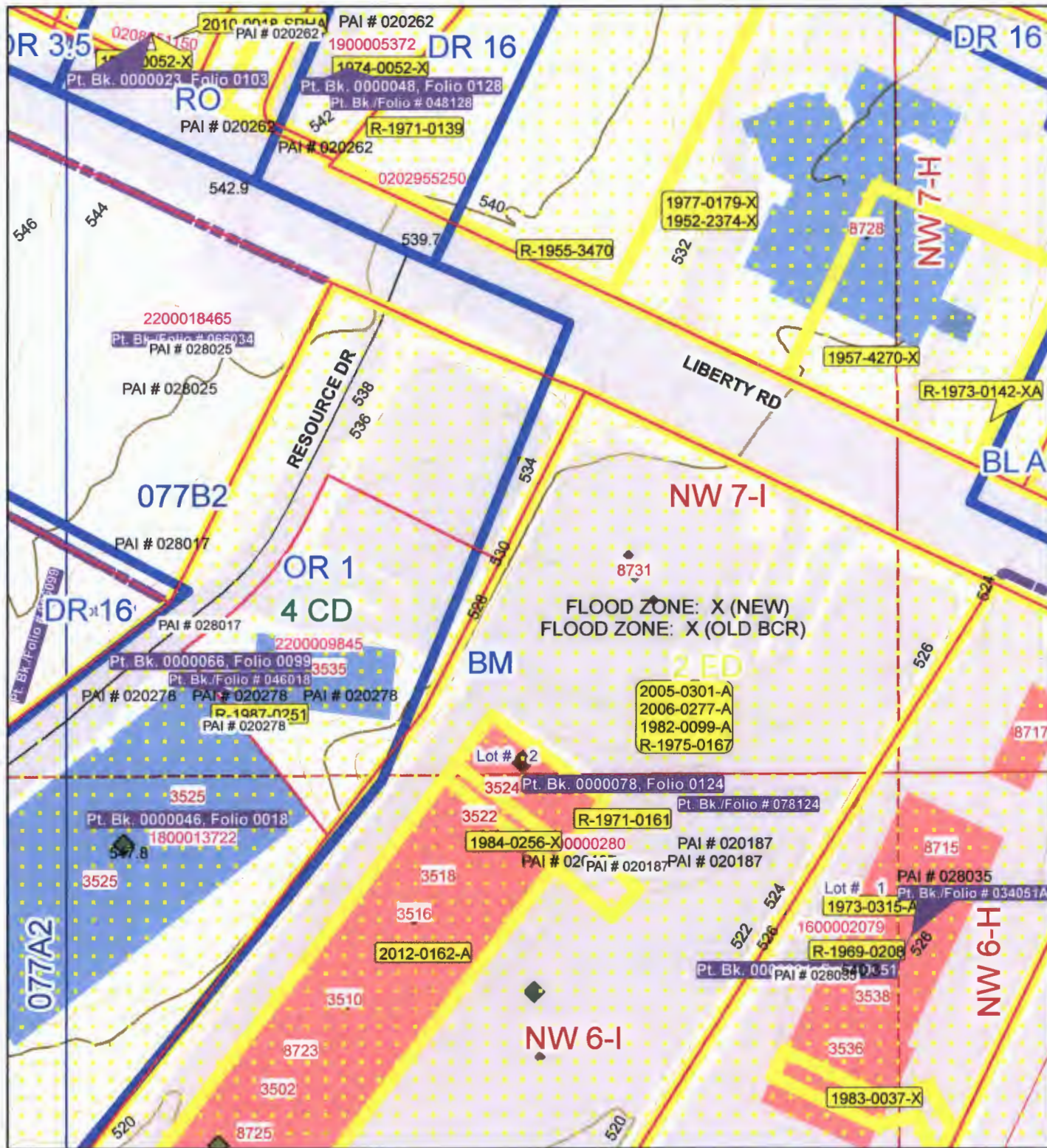
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



A horizontal scale bar with alternating black and white segments. Above the bar, numerical values are marked at intervals: 0, 25, 50, 100, 150, and 200. The word "Feet" is written at the right end of the bar.

1 inch = 100 feet

8731 Liberty Road 2015-0229-A not Flood Plain or CBCA



Publication Date: 4/17/2015



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

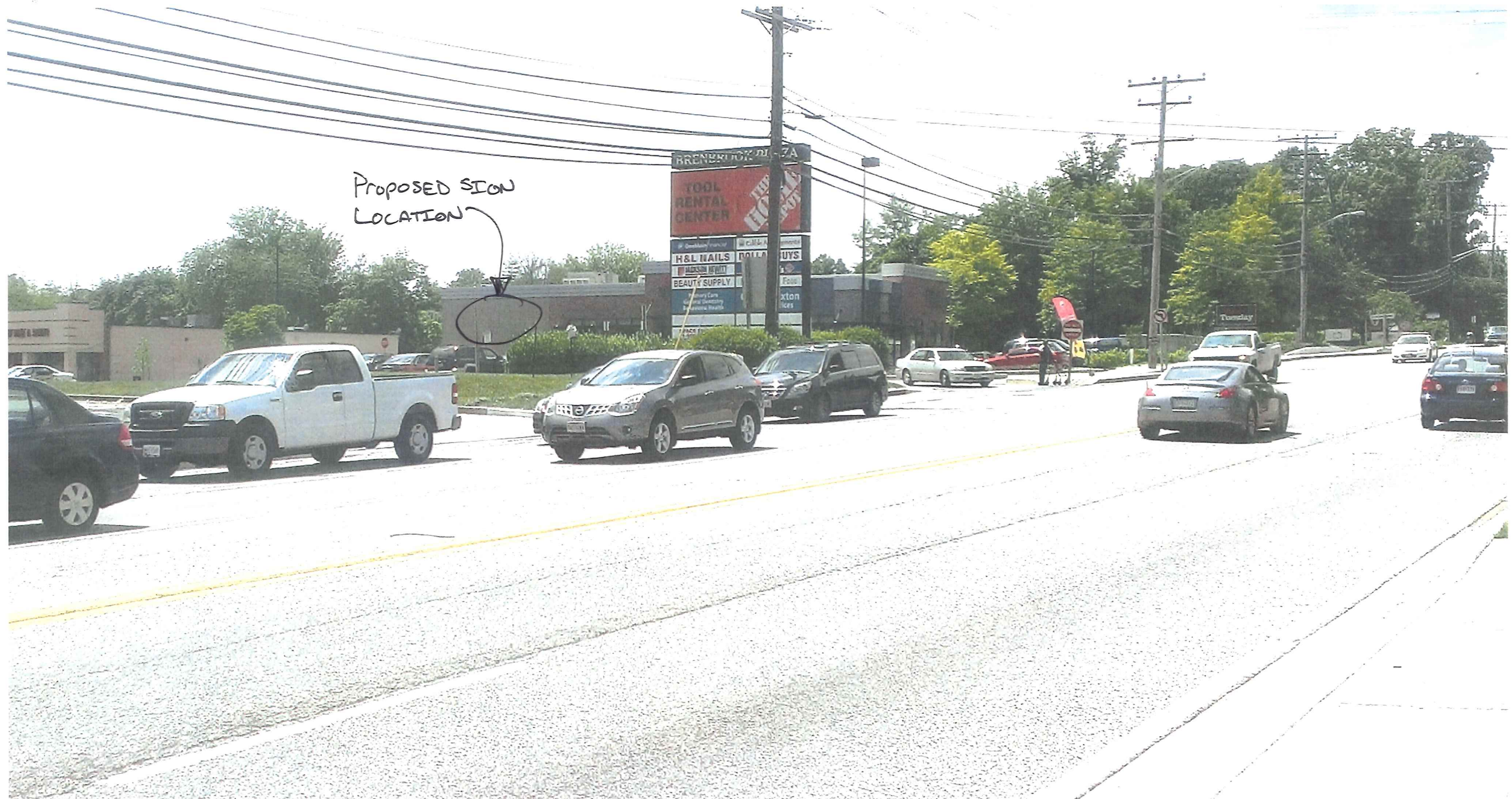


1 inch = 100 feet



PROPOSED SIGN
LOCATION





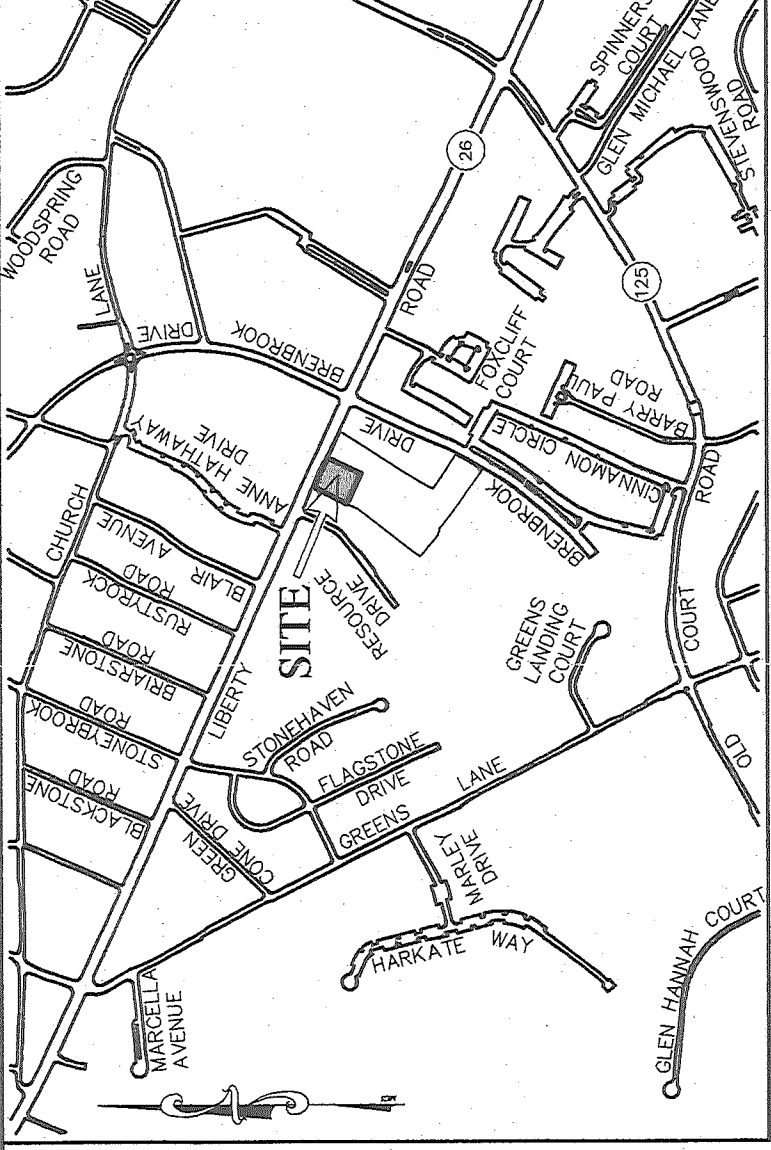




PETITIONER'S

EXHIBIT NO. 2

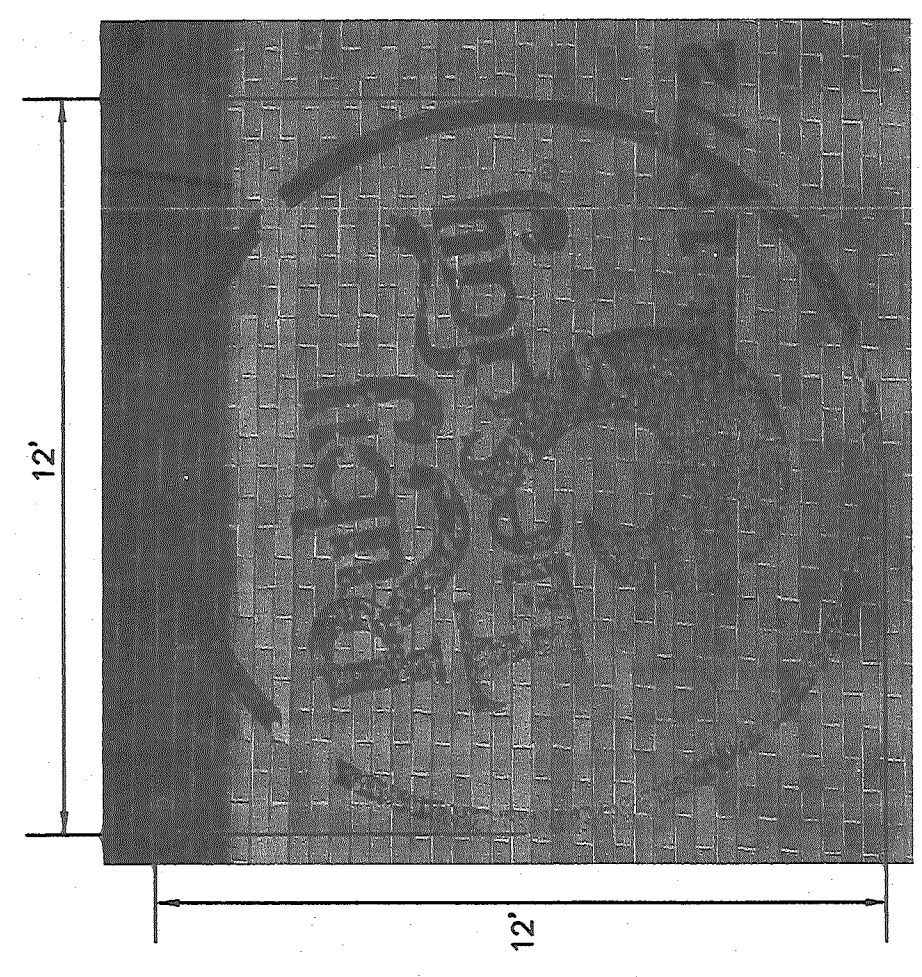




SITE DATA
1. AREA: NET/GROSS TRACT AREA: 5,5813 AC± (243,121 SF)
2. ZONING: ZONING IS BM, 200 SCALE MAP 7782.
3. OWNER: M & G PROPERTY MANAGEMENT FIVE, LLC
C/O RD MANAGEMENT LLC
8728 LIBERTY ROAD
NEW YORK, NY 10019
4. TAX ACCOUNT NUMBER: 250000280
5. PLAT: 75/124, LOT: 2
6. TAX MAP NO.: 77 GRID: 15 PARCEL: 1133
7. THIS SITE IS NOT LOCATED WITHIN ANY DEFICIENT AREAS BASED ON THE 2015 (DRAFT)
8. BASIC SERVICES MAPS, PURSUANT TO SECTION 4402, B02R.

ZONING HISTORY
CASE # 75-167-R GRANTED
PETITION TO RECLASSIFY FROM BM TO BMCCC
CASE # 84-256-X APPROVED
SPECIAL EXCEPTION OF AMUSEMENT ARCADE
CASE # 05-301-A GRANTED
VARIANCE TO ALLOW 677 PARKING SPACES IN LIEU OF THE REQUIRED 860 SPACES AND
VARIANCE TO ALLOW 677 PARKING SPACES IN LIEU OF THE REQUIRED 860 SPACES AND
SUBJECT TO THE FOLLOWING RESTRICTIONS:
1. PETITIONERS MAY APPLY FOR BUILDING PERMIT AND BE GRANTED THE SAME UPON
COMPLETION OF THE FOLLOWING RESTRICTIONS:
PERIOD FROM THE DATE OF THIS ORDER HAS EXPIRED. IF AN APPEAL IS FILED
ORDER IS REVERSED. THE RELIEF GRANTED HEREIN SHALL BE
RESCINDED.
2. PETITIONER WILL SUBMIT A LANDSCAPE AND LIGHTING PLAN (IN ACCORDANCE WITH
IESNA STANDARDS) TO AVERY HARREN, BALTIMORE COUNTY'S LANDSCAPE
DESIGNER. THE LANDSCAPE AND LIGHTING PLAN SHALL INCLUDE TREES IN
BUILDING PERMIT APPLICATION. THE LANDSCAPE PLAN SHALL INCLUDE TREES IN
MEDIAN, AND ALL LIGHTING ON THE PARKING LOT SHALL BE DIRECTED AWAY
FROM ADJACENT RESIDENTIAL USE.
3. RESIDENTIAL PROPERTIES.
4. WHEN APPLYING FOR BUILDING PERMIT, THE SITE AND LANDSCAPING PLAN FILED
MUST REFERENCE THIS CASE AND ADDRESS THE RESTRICTIONS OF THIS ORDER.
CASE # 06-277-A GRANTED
PETITION FOR VARIANCE TO PERMIT FOUR (4) WALL MOUNTED SIGNS ON A FACADE IN
LIEU OF THE PERMITTED ONE (1).
CASE # 06-386-A GRANTED
PETITION FOR VARIANCE TO PERMIT WHETHER A PAD SITE WITHIN A SHOPPING CENTER IS
PERMITTED TO HAVE ONE FREESTANDING ENTERPRISE SIGN PER FRONTAGE IN A BM
ZONE.

REASON FOR VARIANCE
A VARIANCE FROM SECTION 450.4 ATTACHMENT 1 #5(G) TO PERMIT A 4TH ENTERPRISE
WALL SIGN ON A SINGLE TENANT BUILDING IN LIEU OF THE PERMITTED 3 WALL SIGNS.



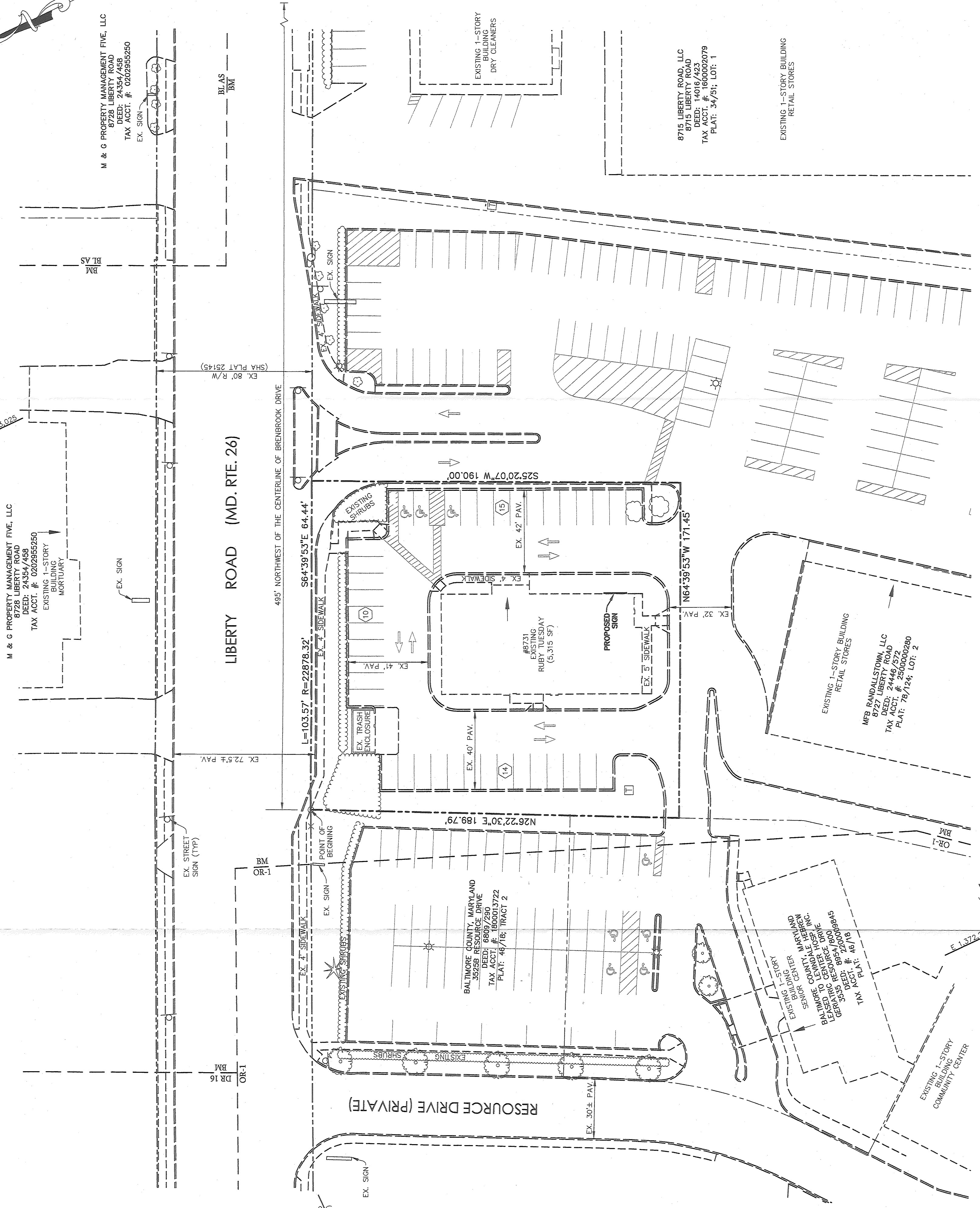
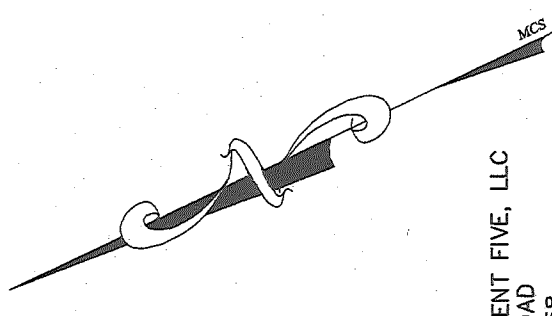
PROPOSED SIGN DETAIL
N.T.S.

PETITIONER'S
EXHIBIT NO. 1

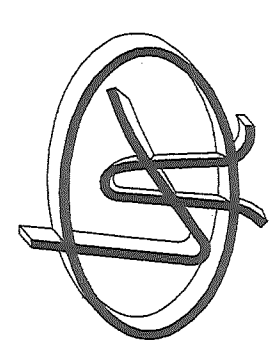
2015-0229-A

PLAN TO ACCOMPANY VARIANCE APPLICATION
RUBY TUESDAY RESTAURANT
#8731 LIBERTY ROAD

DISTRICT 10c4
BALTIMORE COUNTY, MD
FEBRUARY 26, 2015
SCALE: 1"=30'



PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME,
A PROFESSIONAL ENGINEER, IN ACCORDANCE WITH THE LAWS OF THE
STATE OF MARYLAND.
LICENSE NO. 16019 . EXPIRATION DATE: 5/3/16.



LITTLE & ASSOCIATES, INC.
ENGINEERS~LAND PLANNERS~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639

