

IN RE: PETITION FOR SPECIAL HEARING *
(1734 Merritt Blvd.) *
12th Election District *
7th Council District *
MP63, LLC *
Legal Owner *
Brinker of Baltimore County, Inc. *
Lessee *
Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2016-0057-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of MP63, LLC, legal owner of the subject property, and Brinker of Baltimore County, Inc., lessee ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to approve a ground-mounted freestanding enterprise sign for a pad site in a shopping center.

Appearing at the public hearing in support of the request was J.J. Jamadar, Matthew Destino, Peter Obrecht and professional engineer Joseph Ucciferro. David H. Karceski, Esq. represented the Petitioners. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). The issues raised by those agencies will be included as conditions in the Order below. The zoning review office submitted a memorandum dated September 2, 2015, concerning whether the parking requirements for a pad site must be calculated separate and apart from the overall shopping center of which they are a part. On October 22, 2015, the Director of that office (Carl Richards) indicated that if the pad site

ORDER RECEIVED FOR FILING

Date 11/2/15

By Den

and the shopping center are in common ownership, the pad site would not be evaluated on its own for calculation of the necessary number of parking spaces.

The subject property is zoned BM-CT and contains the Merritt Park Shopping Center. The overall site is in excess of 13 acres, although the "pad site" at issue in this case is approximately 20,000 sq. ft. As shown on the plan, Petitioners propose to construct a Chili's restaurant at the site. Mr. Ucciferro testified (via proffer) that the site for the restaurant is located at the periphery of the center's large parking lot. He also noted the site would be enclosed on three sides, which would also feature significant landscaping, as shown on the illustrative site plan. Exhibit 5. In these circumstances, the subject property qualifies as a "pad site," a term counsel noted was not defined in the B.C.Z.R. Even so, the longstanding practice is to consider freestanding commercial sites within a larger shopping center to be "pad sites," and I believe the subject property easily fits within that category. Pad sites are permitted (again by institutional precedent) to have an enterprise sign, such as that proposed by Petitioner. See Exhibit 3. As such, the petition will be granted.

THEREFORE, IT IS ORDERED this 2nd day of November, 2015 by this Administrative Law Judge, that the Petition for Special Hearing pursuant to B.C.Z.R. § 500.7 to approve a ground-mounted freestanding enterprise sign for a pad site in a shopping center, 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.

ORDER RECEIVED FOR FILING

Date

11/3/2/15

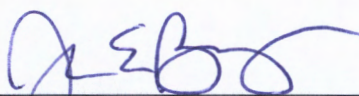
By

Sen

2. Petitioners must provide landscaping or vegetation at the base of the proposed enterprise sign, as shown on the illustrative site plan which was admitted as Petitioners' Exhibit 5.
3. Petitioners must provide lighting and landscaping at the site as determined in the sole discretion of the Baltimore County Landscape Architect.

Any appeal of this decision must be filed 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 11/22/15

By Sen



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 1734 Merritt Boulevard

which is presently zoned BM-CT

Deed References: 31855-341

10 Digit Tax Account # 1211047612, 1213024581

Property Owner(s) Printed Name(s) MP63, 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 a ground-mounted freestanding enterprise sign for a pad site in a shopping center, pursuant to BCZR Section 450.4 Attachment 1.5(b)

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

3. ☐ a Variance from Section(s)

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:

Brinker of Baltimore County, Inc.

Bryan McCrory, President

Name- Type or Print

Signature

6820 LBJ Freeway, Dallas, Texas

Mailing Address City State

75249 972-770-8878

Zip Code Telephone # Email Address

Attorney for Petitioner:

David H. Karceski, Esquire

Name- Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 410-494-6285 dhkarceski@venable.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

MP63, LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

9475 Deereco Road, Ste. 200, Timonium, Maryland

Mailing Address City State

21093 410-561-5858

Zip Code Telephone # Email Address

Representative to be contacted:

David H. Karceski, Esquire

Name - Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 410-494-6285 dhkarceski@venable.com

Zip Code Telephone # Email Address

CASE NUMBER

2016-0057-SPH

Filing Date 9/1/2015

Do Not Schedule Dates:

Reviewer JNP

ORDER RECEIVED FOR FILING

REV 10/4/11

Date

10/2/15

By

Den



PROPERTY DESCRIPTION FOR PARCELS "A" AND "B"
"MERRITT PARK SHOPPING CENTER" PLAT BOOK WJR 26 FOLIO 94
TAX MAP 103- GRID 11- PARCEL 53
BALTIMORE COUNTY, MARYLAND

BEGINNING AT A ¾" PIPE FOUND ON THE WESTERLY SIDE OF MERRITT BOULEVARD, VARIABLE WIDTH, AS SHOWN ON THE BALTIMORE COUNTY BUREAU OF RIGHTS-OF-WAY PLATS HRW 53-139 AND HRW 53-140, SAID POINT ALSO BEING AT THE NORTHEAST CORNER OF PARCEL "B" AS SHOWN ON A PLAT ENTITLED "MERRITT PARK SHOPPING CENTER" AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN PLAT BOOK WJR 26, FOLIO 94; THENCE RUNNING WITH AND BINDING ON THE WESTERLY SIDE OF SAID MERRITT BOULEVARD AND RUNNING REVERSELY AND BINDING ON THE OUTLINE OF SAID PARCEL "B" AND PARCEL "A", AS SHOWN ON SAID PLAT (WJR 26/94), THE FOLLOWING THIRTY TWO COURSES AND DISTANCES, AS NOW SURVEYED, WITH BEARINGS OF THIS DESCRIPTION BEING BASED ON THE MARYLAND COORDINATE SYSTEM

- 1) SOUTH 24 DEGREES 33 MINUTES 47 SECONDS WEST 176.95 FEET TO THE DIVISION LINE OF SAID PARCELS "A" AND "B": THENCE CONTINUING WITH THE WESTERLY SIDE OF SAID MERRITT BOULEVARD AND THE OUTLINE OF SAID PARCEL "A".
- 2) SOUTH 24 DEGREES 33 MINUTES 46 SECONDS WEST 245.00 FEET TO A ½" PIPE FOUND: THENCE CONTINUING WITH THE WESTERLY SIDE OF SAID MERRITT BOULEVARD AND THE OUTLINE OF SAID PARCEL "A"
- 3) SOUTH 28 DEGREES 08 MINUTES 22 SECONDS WEST 160.31 FEET TO A ½" PIPE FOUND; THENCE CONTINUING WITH THE WESTERLY SIDE OF SAID MERRITT BOULEVARD AND THE OUTLINE OF SAID PARCEL "A"
- 4) SOUTH 24 DEGREES 33 MINUTES 47 SECONDS WEST 194.56 FEET TO A ½" PIPE FOUND AT THE FILLET LINE OF SAID MERRITT BOULEVARD AND SEARLES ROAD, 60 FEET WIDE, AS SHOWN ON A PLAT ENTITLED "SUBDIVISION PLAT NO. 3 - EASTFIELD" AND RECORDED AMONG THE AFORESAID LAND RECORDS IN PLAT BOOK GLB 19, FOLIO 91 : THENCE RUNNING WITH AND BINDING ON SAID FILLET LINE AND CONTINUING WITH THE OUTLINE OF SAID PARCEL "A"
- 5) SOUTH 72 DEGREES 22 MINUTES 21 SECONDS WEST 125.95 FEET TO THE NORTHERLY SIDE OF SAID SEARLES ROAD: THENCE RUNNING WITH AND BINDING ON THE NORTHERLY SIDE OF SAID SEARLES ROAD AND CONTINUING WITH THE OUTLINE OF SAID PARCEL "A"
- 6) NORTH 59 DEGREES 51 MINUTES 42 SECONDS WEST 91.69 FEET TO A ½" PIPE FOUND AT THE FILLET OF SAID SEARLES ROAD AND BEDLINGTON ROAD AS SHOWN ON SAID PLAT (GLB 19/91); THENCE RUNNING WITH AND BINDING ON SAID FILLET LINE AND CONTINUING WITH THE OUTLINE OF SAID PARCEL "A"
- 7) WITH THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 15.00 FEET, AN ARC LENGTH OF 20.80 FEET AND A CHORD BEARING NORTH 20 DEGREES 08 MINUTES 09 SECONDS WEST 19.17 FEET TO THE EASTERLY SIDE OF SAID BEDLINGTON ROAD; THENCE RUNNING WITH AND BINDING ON THE EASTERLY AND NORTHERLY SIDE OF SAID BEDLINGTON ROAD AND CONTINUING WITH THE OUTLINE OF SAID PARCEL "A"
- 8) NORTH 19 DEGREES 35 MINUTES 24 SECONDS EAST 123.82 FEET; THENCE
- 9) NORTH 70 DEGREES 24 MINUTES 44 SECONDS WEST 60.00 FEET TO THE EASTERLY SIDE OF A 16 FOOT ALLEY AS SHOWN ON SAID PLAT (GLB 19/91): THENCE LEAVING SAID 16 FOOT ALLEY AND CONTINUING WITH THE OUTLINE OF SAID PARCEL "A"
- 10) NORTH 19 DEGREES 35 MINUTES 24 SECONDS EAST 1.02 FEET; THENCE CONTINUING WITH THE OUTLINE OF SAID PARCEL "A"



- 11) NORTH 59 DEGREES 51 MINUTES 42 SECONDS WEST 229.88 FEET TO THE NORTHERLY SIDE OF HEADLEY ROAD, 60 FEET WIDE; THENCE RUNNING WITH AND BINDING ON THE EASTERLY AND NORTHERLY SIDE OF SAID HEADLEY ROAD AND CONTINUING WITH THE OUTLINE OF SAID PARCEL "A"
- 12) NORTH 19 DEGREES 34 MINUTES 48 SECONDS EAST 10.15 FEET; THENCE
- 13) NORTH 70 DEGREES 24 MINUTES 36 SECONDS WEST 30.00 FEET TO THE DIVISION LINE OF SAID PARCELS "A" AND "B"; THENCE LEAVING THE OUTLINE OF SAID PARCEL "A" AND CONTINUING WITH THE NORTHERLY SIDE OF SAID HEADLEY ROAD AND RUNNING WITH AND BINDING ON THE OUTLINE OF SAID PARCEL "B"
- 14) NORTH 70 DEGREES 24 MINUTES 36 SECONDS WEST 30.00 FEET TO THE EASTERLY SIDE OF A 16 FOOT ALLEY AS SHOWN ON SAID PLAT (GLB 19/91); THENCE LEAVING SAID 16 FOOT ALLEY AND CONTINUING WITH THE OUTLINE OF SAID PARCEL "B"
- 15) NORTH 19 DEGREES 05 MINUTES 43 SECONDS EAST 1.01 FEET; THENCE
- 16) NORTH 59 DEGREES 51 MINUTES 42 SECONDS WEST 88.10 FEET; THENCE
- 17) NORTH 14 DEGREES 28 MINUTES 26 SECONDS WEST 31.04 FEET; THENCE
- 18) NORTH 19 DEGREES 35 MINUTES 24 SECONDS EAST 247.43 FEET; THENCE
- 19) NORTH 20 DEGREES 07 MINUTES 01 SECOND WEST 38.67 FEET; THENCE
- 20) NORTH 59 DEGREES 49 MINUTES 31 SECONDS WEST 94.82 FEET TO THE EASTERLY SIDE OF SAID SEARLES ROAD; THENCE RUNNING WITH AND BINDING ON THE EASTERLY SIDE OF SAID SEARLES ROAD AND CONTINUING WITH THE OUTLINE OF SAID PARCEL "B"
- 21) WITH THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 870.00 FEET, AN ARC LENGTH OF 75.06 FEET AND A CHORD BEARING NORTH 27 DEGREES 37 MINUTES 06 SECONDS EAST 75.04 FEET; THENCE
- 22) NORTH 30 DEGREES 05 MINUTES 24 SECONDS EAST 106.87 FEET; THENCE
- 23) WITH THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 740.00 FEET, AN ARC LENGTH OF 205.21 FEET AND A CHORD BEARING NORTH 22 DEGREES 08 MINUTES 44 SECONDS EAST 204.55 FEET; THENCE
- 24) NORTH 14 DEGREES 12 MINUTES 04 SECONDS EAST 375.63 FEET TO THE FILLET OF SAID SEARLES ROAD AND HOLABIRD AVENUE, VARIABLE WIDTH; THENCE RUNNING WITH AND BINDING ON SAID FILLET AND CONTINUING WITH THE OUTLINE OF SAID PARCEL "B"
- 25) WITH THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 39.28 FEET AND A CHORD BEARING NORTH 59 DEGREES 12 MINUTES 04 SECONDS EAST 35.36 FEET TO THE SOUTHERLY SIDE OF SAID HOLABIRD AVENUE; THENCE RUNNING WITH AND BINDING ON THE SOUTHERLY SIDE OF SAID HOLABIRD AVENUE AND CONTINUING WITH THE OUTLINE OF SAID PARCEL "B"
- 26) SOUTH 75 DEGREES 48 MINUTES 58 SECONDS EAST 54.38 FEET; THENCE
- 27) WITH THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1354.51 FEET, AN ARC LENGTH OF 245.37 FEET AND A CHORD BEARING SOUTH 70 DEGREES 37 MINUTES 35 SECONDS EAST 245.03 FEET TO A ½" PIPE FOUND; THENCE
- 28) SOUTH 65 DEGREES 26 MINUTES 13 SECONDS EAST 190.72 FEET TO THE BEGINNING OF THE SIXTH LINE OF A PARCEL OF LAND DESCRIBED IN AN ASSIGNMENT DATED NOVEMBER 19, 1959 BY AND BETWEEN MERRITT PARK SHOPPING CENTER, INC. AND PHILLIP E. KLEIN AND MELVYN GOLDMAN AND RECORDED AMONG THE AFORESAID LAND RECORDS IN LIBER 3816, FOLIO 093; THENCE RUNNING WITH AND BINDING ON THE SIXTH THROUGH THE NINTH LINES OF SAID DEED AND CONTINUING WITH THE OUTLINE OF SAID PARCEL "B"
- 29) SOUTH 24 DEGREES 33 MINUTES 47 SECONDS WEST 231.02 FEET; THENCE
- 30) SOUTH 65 DEGREES 26 MINUTES 13 SECONDS EAST 168.00 FEET; THENCE

- 31) SOUTH 24 DEGREES 33 MINUTES 47 SECONDS WEST 210.00 FEET; THENCE
- 32) SOUTH 65 DEGREES 26 MINUTES 13 SECONDS EAST 204.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 18.2741 ACRES OF LAND MORE OR LESS.

BEING ALL OF THE FOLLOWING TWO DESCRIBED PARCELS OF LAND, THE FIRST BEING ALL OF THE PROPERTY DESCRIBED IN A LEASE DATED JUNE 18, 1959 BY AND BETWEEN THE DELWOOD COMPANY AND MARKET CENTER REALTY CO. AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER 3546, FOLIO 515, SAID PROPERTY DESIGNATED AS PARCEL "B" AS SHOWN ON A PLAT ENTITLED "MERRITT PARK SHOPPING CENTER" AND RECORDED AMONG THE AFORESAID LAND RECORDS IN PLAT BOOK WJR 26, FOLIO 94, THE SECOND BEING ALL OF THE PROPERTY DESCRIBED IN A LEASE DATED JUNE 18, 1959 BY AND BETWEEN THE DELWOOD COMPANY AND REGIONAL PROPERTIES CORPORATION AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER 3546, FOLIO 466, SAID PROPERTY ALSO BEING DESIGNATED AS PARCEL "A" AS SHOWN ON A PLAT ENTITLED "MERRITT PARK SHOPPING CENTER" AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN PLAT BOOK WJR 26, FOLIO 94.



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

No. **128727**

Date: **9/1/2015**

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

Total: **500.00**

Rec From: **Venablc LLC**

For: **Special Hearing - 1734 Morris + Blvd**
2016-0057-SPH (MP63, LLC)

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 9/02/2015 9/01/2015 14:32:07 5

6 MS05 WALKIN RROS LRB
 RECEIPT # 817192 9/01/2015 OFLN

Dpt 5 528 ZONING VERIFICATION
 NO. 128727

Recpt Tot \$500.00
 \$500.00 CK \$1.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

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: 2016-0057-SPH
Petitioner: ~~Banker of Baltimore County, Inc.~~ MP63, LLC
Address or Location: 1739 Merritt Boulevard

PLEASE FORWARD ADVERTISING BILL TO:

Name: Adam Rosengarten
Address: 210 W. Penn Ave
Towson, MD 21204
Telephone Number: 410-494-6271

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 8, 2015 Issue - Jeffersonian

Please forward billing to:

Adam Rosenblatt
Venable, LLP
210 W. Pennsylvania Avenue, Ste. 500
Towson, MD 21204

410-494-6271

NOTICE OF ZONING HEARING

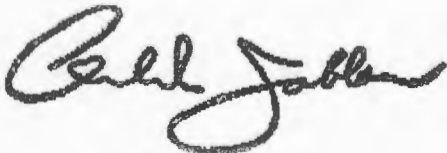
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2016-0057-SPH

1734 Merritt Boulevard
NW/s Merritt Blvd., 400 ft. SW of Holabird Avenue
12th Election District – 7th Councilmanic District
Legal Owners: MP63, LLC
Lessee: Brinker of Baltimore County, Inc., Bryan McCrory, President

Special Hearing to determine whether or not the Administrative Law Judge should approve a ground-mounted freestanding enterprise sign for a pad site in a shopping center.

Hearing: Thursday, October 29, 2015 at 11:00 a.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 SPECIAL HEARING
1734 Merritt Boulevard; NW/S Merritt
Boulevard, 400' SW of Holabird Avenue
12th Election & 7th Councilmanic Districts
Legal Owner(s): MP63, LLC
Contract Purchaser(s): Brinker of Baltimore
County, Inc

Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2016-057-SPH

* * * * *

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

SEP 09 2015

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of September, 2015, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, Venable, LLP, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



KEVIN KAMENETZ
County Executive

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

September 15, 2015

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: 2016-0057-SPH

1734 Merritt Boulevard
NW/s Merritt Blvd., 400 ft. SW of Holabird Avenue
12th Election District – 7th Councilmanic District
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Hearing: Thursday, October 29, 2015 at 11:00 a.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: David Karceski, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
Bryan McCrory, 6820 LBJ Freeway, Dallas Texas 75249
MP63, LLC, 9475 Deereco Rd., Ste. 200, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, OCTOBER 9, 2015**
- (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.



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 Ord

Sold To:

VENABLE LLP - CU00174151
210 W Pennsylvania Ave Ste 500
TOWSON, MD 21204-5304

Bill To:

VENABLE LLP - CU00174151
210 W Pennsylvania Ave Ste 500
TOWSON, MD 21204-5304

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

Oct 08, 2015

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: # 2016-0057-SPH
1734 Merritt Boulevard
NW/s Merritt Blvd., 400 ft. SW of Holabird Avenue
12th Election District - 7th Councilmanic District
Legal Owner(s) MP63, LLC
Lessee: Brinker of Baltimore County, Inc., Bryan McCrory, President

Special Hearing to determine whether or not the Administrative Law Judge should approve a ground-mounted freestanding enterprise sign for a pad site in a shopping center.

Hearing: Thursday, October 29, 2015 at 11:00 a.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.

15 October 8 3632391

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

CERTIFICATE OF POSTING

2016-0057-SPH

RE: Case No.: _____

Petitioner/Developer: _____

**Brinker of Baltimore County, Inc., Bryan McCrory, President
MP63, LLC**

October 29, 2015

Date of Hearing/Closing: _____

**Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attn: 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: _____**

1734 Merritt Boulevard

October 9, 2015

**The sign(s) were posted on _____
(Month, Day, Year)**



Sincerely,

October 9, 2015

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

Case No. 2016-0057-SPH

Exhibit Sheet

11-2-15
sen

Petitioner/Developer

19W
12-3-14

Protestant

No. 1	Site plan (redline)	
No. 2	2A-2C photos of site	
No. 3	proposed sign elevation	
No. 4	Elevation of sign rejected by DDP	
No. 5	Illustrative site plan	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S EXHIBIT **2A**







DOUBLE-FACED MONUMENT SIGN | ONE (1) REQ'D

75 SQ.FT.

scale 3/8" = 1'-0"

****NOTE: Only Chili's & Pepper's to illuminate at night****



D REPLACEMENT FACES FOR EXISTING PYLON SIGN | TWO (2) FACES REQ. 61.5 SQ.FT
Scale: 1/2"=1'-0"

FACES: CLEAR MATTE LEXAN WITH GRAPHICS APPLIED SECOND SURFACE

CHILI'S WORDMARK: CHILI'S TO BE WHITE VINYL APPLIED SECOND SURFACE. APOSTROPHE TO HAVE 3630-156 GREEN VINYL.

PEPPER-S: PEPPER TO BE #3630-43 RED VINYL (HIGHLIGHTS TO SHOW-THRU WHITE). "APOSTROPHE & S" TO BE #3630-156 GREEN VINYL. CLOUD BACKGROUND TO BE SILVER VINYL.

FACE BKG'D: BACKGROUND BEHIND COPY AND PEPPER S TO BE BLACK OPAQUE VINYL.

PEPPER COLORS		VINYL	
	PMS 485 VINTAGE'S 3630-43 7795-13		PMS 370 VINTAGE'S 3630-156 7795-146
	WHITE VINTAGE'S 3630-20 7795-10		BLACK VINTAGE'S 3630-22 7795-12
	SILVER VINTAGE'S 3630-22 7795-12		WHITE VINTAGE'S 3630-22 7795-12

* Apply 3630-22 Black Behind Silver to Opaque Out When Required

PEPPER COLORS	
	PMS 485C RED
	PMS 370C GREEN
	WHITE
	BLACK
	SILVER



NEW LOOK

NTS

FEDERAL HEATH

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Tampa, FL • Daytona Beach, FL • Orlando, FL

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Revisions:

- 1 R1-4.3-15 Update design per marking (C)
- 2 R2-4.18-15 Add new Sign D with 2 Options (D)
- 3 R3 4.24.15 GR Del. Sign D/Opt. 2

Account Rep: JOE DUNAVAN

Project Manager: PAUL KARLIN

Drawn By: ROBERTO MUJARES/JULIE REILLY

Project / Location:



SWC HOLABIRD & MERRITT
DUNDALK, MD 21222

Underwriters Laboratories Inc. (UL) MATERIALS TO BE USED MUST COMPLY WITH UL LISTED AND APPROVED MATERIALS. ALL ELECTRICAL WIRING AND CONNECTIONS MUST BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND ALL APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS. THE PROPER INSTALLATION AND MAINTENANCE OF ALL SIGNS IS THE RESPONSIBILITY OF THE CLIENT.

Client Approval/Date:

Landlord Approval/Date:

This original drawing is provided as part of a planning project and is not to be exhibited, copied or reproduced without the written permission of Federal Heath Sign Company LLC or its authorized agent. © FHSC
Colors Depicted in This Rendering May Not Match Actual Material Finishes. Refer to Product Samples for Exact Color Match.

Job Number: 23-24098-10

Date: MAY 27, 2015

Sheet Number: 6 of 7

Design Number: 23-24098-10-R3 Signs

MEMORANDUM

DATE: December 2, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0057-A – Appeal Period Expired

The appeal period for the above-referenced case expired on December 2, 2015. 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 NAME 1734 Merritt Blvd.
CASE NUMBER 2016-57-A
DATE 10/29/15
LET

CASE NAME 1734 Merritt Blvd.
CASE NUMBER 2016-57-A
DATE 10/29/15
LET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
D. Karcuski	210 W. Penn. Ave. Suite 500	Towson 21204	dkarcuski@verable.
J. J. JAMADAR	6820 LBJ Freeway	Dallas Tx 75240	jjj.jamadar@brinker.com
MATTHEW DESTINO	901 DULANEY VALLEY RD, SUITE 801	Towson MD 21204	mdestino@bakereng.com
JOSEPH UCCIFERRO	9475 Diereco Rd Suite 200	Towson MD 21204	juciferro@bakereng.com

NOTE TO FILE

DATE: September 2, 2015

TO: Administrative Law Judge

FROM: Jeffrey Perlow, Planner II
Zoning Review

RE: 2016-0057-SPH, 1734 Merritt Boulevard
MP63, LLC, Petitioners (Brinker of Baltimore County, Inc., Lessee)
12th Election District, 7th Councilmanic District

This office has no specific objections regarding the filing of this petition. However, if the petitioners/legal owners (and lessees) are granted approval of the special hearing request, including approval as a separate pad site for applicability of the sign regulations, then staff is of the opinion that the zoning regulations would necessitate the following restrictions be considered:

1. Approval of the subject property as a separate pad site for sign regulation purposes must also extend to all other zoning standards for pad sites, including parking regulations (Section 409, BCZR) that would be calculated as 16 space per 1000 square feet of gross floor area.
2. If, after applicability of the other zoning standards for pad sites (including the parking standard mentioned above), the petitioners/legal owners (and lessees) are unable to meet any minimum requirements of the zoning regulations, then further public hearings for variances may be required.

NOTE TO FILE

DATE: September 2, 2015

TO: Administrative Law Judge

FROM: Jeffrey Perlow, Planner II
Zoning Review

RE: 2016-0057-SPH, 1734 Merritt Boulevard
MP63, LLC, Petitioners (Brinker of Baltimore County, Inc., Lessee)
12th Election District, 7th Councilmanic District

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2. If, after applicability of the other zoning standards for pad sites (including the parking standard mentioned above), the petitioners/legal owners (and lessees) are unable to meet any minimum requirements of the zoning regulations, then further public hearings for variances may be required.

WCR - 10/22/15
If common ownership
+ lease, this memo
does not apply.

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

9/11/15

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

C

10/19/15

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

N/C

FIRE DEPARTMENT

10/6/15

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

C

9/10/15

STATE HIGHWAY ADMINISTRATION

no obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 10/8/15

SIGN POSTING Date: 10/9/15 by SSG Black

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 12 Account Number - 1211047612			
Owner Information					
Owner Name:	MP63 LLC		Use:	COMMERCIAL	
Mailing Address:	C/O OBRECHT PROPERTIES 9475 DEERECO RD STE 200 TIMONIUM MD 21093-		Principal Residence:	NO	
			Deed Reference:	/31855/ 00341	
Location & Structure Information					
Premises Address:		MERRITT BLVD 0-0000		Legal Description:	.4625 AC NW3 MERRITT BLVD 267 S OF WISE AVE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0103	0011	0427		0000	2016
Special Tax Areas:			Town:	NONE	
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
	5457		20,146 SF	26	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
		Base Value	Value As of 01/01/2013	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		302,100	302,100		
Improvements		0	0		
Total:		302,100	302,100	302,100	
Preferential Land:		0			
Transfer Information					
Seller: MP63 LLC		Date: 03/23/2012		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /31855/ 00341		Deed2:	
Seller: MACHT CAROL ET AL		Date: 11/02/1999		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /14126/ 00634		Deed2:	
Seller: MACHT PHILIP/SOPHIA PER REP		Date: 11/01/1967		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /04942/ 00289		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00		0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					

New Search (<http://sdat.dat.maryland.gov/RealProperty>)

P. 470

P. 472
EASTFIELD

P. 53
MERRITT PARK SHOPPING CENTER
#26 94

P. 493

P. 640

P. 525

BALTO CO, MD
6408/542
25 00 A
P 15

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>).



KEVIN KAMENETZ
County Executive

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

October 22, 2015

MP63 LLC
9475 Deereco Road
Suite 200
Timonium MD 21093

RE: Case Number: 2016-0057 SPH, Address: 1734 Merritt Boulevard

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 September 1, 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
Brinker of Baltimore County Inc., Bryan McCrory, President, 6820 LBJ Freeway
Dallas Texas 75249
David H Karceski, Esquire, 210 W Pennsylvania Avenue, Suite 500, Towson MD 21204

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Douglas H. Simmons, Acting Administrator

Date: 9/10/15

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

RE: Baltimore County
Item No. 2016-0057-SPH
Special Hearing
MP63, LLC
1734 Merritt Boulevard
MD157

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 9/9/15. A field inspection and internal review reveals that an entrance onto MD157 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Special Hearing, Case Number 2016-0057-SPH.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) X 2332 or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in black ink, appearing to read 'David W. Peake'.

David W. Peake
Metropolitan District Engineer
Baltimore & Harford Counties

DWP/RAZ

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

OCT 19 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: October 19, 2015

SUBJECT: DEPS Comment for Zoning Item # 2016-0057-SPH
Address 1734 Merritt Boulevard
(MP63, LLC Property)

Zoning Advisory Committee Meeting of September 7, 2015.

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 6, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 1734 Merritt Boulevard

RECEIVED

INFORMATION:

OCT 07 2015

Item Number: 16-057

Petitioner: MP63, LLC

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning: BM-CT

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the Petition for Special Hearing to determine whether or not the Zoning Commissioner should approve a ground-mounted freestanding enterprise sign for a pad site in a shopping center.

The Department has no objection to the granting of the petitioned zoning relief conditioned upon the following:

- Provide landscaping at the base of the sign.

For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Division Chief: Krystle Patchak

AVA/KS

C: Krystle Patchak

Jeanette Tansey, RLA, PAI

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 September 7, 2015
Item No. 2016-0057

DATE: September 11, 2015

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

The final Landscape and Lighting Plans must be approved before issuance of a building permit.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 16-0057-09142015.doc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

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

DATE: October 6, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 1734 Merritt Boulevard

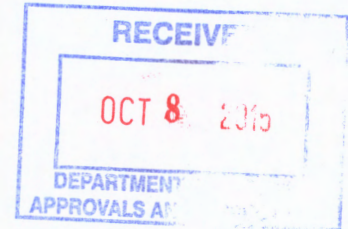
INFORMATION:

Item Number: 16-057

Petitioner: MP63, LLC

Zoning: BM-CT

Requested Action: Special Hearing



SUMMARY OF RECOMMENDATIONS:

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The Department has no objection to the granting of the petitioned zoning relief conditioned upon the following:

- Provide landscaping at the base of the sign.

For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Division Chief: Kary S. Patchak
AVA/KS
C: Krystle Patchak
Jeanette Tansey, RLA, PAI

IN RE: **PETITION FOR SPECIAL HEARING**

(1734 Merritt Blvd.)

12th Election District

7th Council District

MP63, LLC

Legal Owner

Brinker of Baltimore County, Inc.

Lessee

Petitioners

*

*

*

*

*

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2016-0057-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of MP63, LLC, legal owner of the subject property, and Brinker of Baltimore County, Inc., lessee ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to approve a ground-mounted freestanding enterprise sign for a pad site in a shopping center.

Appearing at the public hearing in support of the request was J.J. Jamadar, Matthew Destino, Peter Obrecht and professional engineer Joseph Ucciferro. David H. Karceski, Esq. represented the Petitioners. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). The issues raised by those agencies will be included as conditions in the Order below. The zoning review office submitted a memorandum dated September 2, 2015, concerning whether the parking requirements for a pad site must be calculated separate and apart from the overall shopping center of which they are a part. On October 22, 2015, the Director of that office (Carl Richards) indicated that if the pad site

ORDER RECEIVED FOR FILING

Date 11/2/15

By Den

and the shopping center are in common ownership, the pad site would not be evaluated on its own for calculation of the necessary number of parking spaces.

The subject property is zoned BM-CT and contains the Merritt Park Shopping Center. The overall site is in excess of 13 acres, although the "pad site" at issue in this case is approximately 20,000 sq. ft. As shown on the plan, Petitioners propose to construct a Chili's restaurant at the site. Mr. Ucciferro testified (via proffer) that the site for the restaurant is located at the periphery of the center's large parking lot. He also noted the site would be enclosed on three sides, which would also feature significant landscaping, as shown on the illustrative site plan. Exhibit 5. In these circumstances, the subject property qualifies as a "pad site," a term counsel noted was not defined in the B.C.Z.R. Even so, the longstanding practice is to consider freestanding commercial sites within a larger shopping center to be "pad sites," and I believe the subject property easily fits within that category. Pad sites are permitted (again by institutional precedent) to have an enterprise sign, such as that proposed by Petitioner. See Exhibit 3. As such, the petition will be granted.

THEREFORE, IT IS ORDERED this 2nd day of November, 2015 by this Administrative Law Judge, that the Petition for Special Hearing pursuant to B.C.Z.R. § 500.7 to approve a ground-mounted freestanding enterprise sign for a pad site in a shopping center, 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.

ORDER RECEIVED FOR FILING

Date

11/2/15

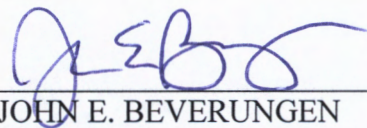
By

Sen

2. Petitioners must provide landscaping or vegetation at the base of the proposed enterprise sign, as shown on the illustrative site plan which was admitted as Petitioners' Exhibit 5.
3. Petitioners must provide lighting and landscaping at the site as determined in the sole discretion of the Baltimore County Landscape Architect.

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

JEB:slh



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 11/22/15

By Sen



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 1734 Merritt Boulevard

which is presently zoned BM-CT

Deed References: 31855-341

10 Digit Tax Account # 1211047612, 1213024581

Property Owner(s) Printed Name(s) MP63, 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. 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 a ground-mounted freestanding enterprise sign for a pad site in a shopping center, pursuant to BCZR Section 450.4 Attachment 1.5(b)
2. _____ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. _____ a **Variance** from Section(s)

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:

Brinker of Baltimore County, Inc.

Bryan McCrory, President

Name- Type or Print

Signature

6820 LBJ Freeway, Dallas, Texas

Mailing Address City State

75249, 972-770-8878

Zip Code Telephone # Email Address

Attorney for Petitioner:

David H. Karceski, Esquire

Name- Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204, 410-494-6285, dhkarceski@venable.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

MP63, LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

9475 Deereco Road, Ste. 200, Timonium, Maryland

Mailing Address City State

21093, 410-561-5858

Zip Code Telephone # Email Address

Representative to be contacted:

David H. Karceski, Esquire

Name - Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204, 410-494-6285, dhkarceski@venable.com

Zip Code Telephone # Email Address

CASE NUMBER 2016-0057-SPH Filing Date 9, 1, 2015 Do Not Schedule Dates: _____ Reviewer JNP

ORDER RECEIVED FOR FILING

REV 10/4/11

Date 11/2/15

By Den



**PROPERTY DESCRIPTION FOR PARCEL 427
"MERRITT PARK SHOPPING CENTER"
PLAT BOOK WJR 26 FOLIO 94
TAX MAP 103- GRID 11
BALTIMORE COUNTY, MARYLAND**

PART I

BEGINNING AT A ¾" PIPE FOUND AT THE END OF THE SOUTH 65 DEGREES 10 MINUTES 42 SECONDS EAST 204.00 FOOT LINE AS SHOWN ON A PLAT ENTITLED "MERRITT PARK SHOPPING CENTER" AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN PLAT BOOK WJR 26, FOLIO 94, SAID POINT ALSO BEING ON THE WESTERLY SIDE OF MERRITT BOULEVARD, VARIABLE WIDTH, AS SHOWN ON THE BALTIMORE COUNTY BUREAU OF RIGHTS-OF-WAY PLATS HRW 53-139 AND HRW 53-140, SAID POINT ALSO BEING AT THE BEGINNING OF THE SECOND LINE OF A PARCEL OF LAND DESCRIBED IN A LEASE DATED JUNE 18, 1959 BY AND BETWEEN THE DELWOOD COMPANY AND MARKET CENTER REALTY AND RECORDED AMONG THE AFORESAID LAND RECORDS IN LIBER 3546, FOLIO 515; THENCE LEAVING SAID MERRITT BOULEVARD AND RUNNING REVERSELY AND BINDING ON SAID PLAT LINE AND WITH SAID SECOND AND PART OF THE THIRD LINES OF SAID DEED, AS NOW SURVEYED, WITH BEARINGS OF THIS DESCRIPTION BEING BASED ON THE MARYLAND COORDINATE SYSTEM

- 1) NORTH 65 DEGREES 26 MINUTES 13 SECONDS WEST 204.00 FEET; THENCE
- 2) NORTH 24 DEGREES 33 MINUTES 47 SECONDS EAST 100.00 FEET TO THE BEGINNING OF THE EIGHTH LINE OF A PARCEL OF LAND DESCRIBED IN A DEED DATED MAY 27, 1963 THAT WAS GRANTED AND CONVEYED BY THE DELWOOD COMPANY, PHILLIP E. KLEIN AND MELVYN GOLDMAN TO BALTIMORE COUNTY, MARYLAND AND RECORDED AMONG THE AFORESAID LAND RECORDS IN LIBER 4156, FOLIO 003; THENCE RUNNING WITH AND BINDING ON SAID EIGHTH DEED LINE
- 3) SOUTH 65 DEGREES 26 MINUTES 13 SECONDS EAST 198.24 FEET TO THE WESTERLY SIDE OF SAID MERRITT BOULEVARD; THENCE RUNNING WITH AND BINDING ON THE WESTERLY SIDE OF SAID MERRITT BOULEVARD
- 4) SOUTH 20 DEGREES 58 MINUTES 59 SECONDS WEST 92.18 FEET; THENCE
- 5) SOUTH 24 DEGREES 33 MINUTES 47 SECONDS WEST 8.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.4622 OF AN ACRE OF LAND MORE OR LESS.

BEING PART OF THE PROPERTY DESCRIBED IN AN ASSIGNMENT DATED NOVEMBER 19, 1959 BY AND BETWEEN MERRITT PARK SHOPPING CENTER, INC. AND PHILLIP E. KLEIN AND MELVYN GOLDMAN AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND.

PART II

BEGINNING AT A POINT ON THE SOUTHERLY SIDE OF HOLABIRD AVENUE, VARIABLE WIDTH, AS SHOWN ON A PLAT ENTITLED "MERRITT PARK SHOPPING CENTER" AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN PLAT BOOK WJR 26, FOLIO 094, SAID POINT ALSO BEING AT THE BEGINNING OF THE FIFTH LINE OF A PARCEL OF LAND DESCRIBED IN A DEED DATED MAY 27, 1963 THAT WAS GRANTED AND CONVEYED BY THE DELWOOD COMPANY, PHILLIP E. KLEIN AND MELVYN GOLDMAN TO BALTIMORE COUNTY, MARYLAND AND RECORDED AMONG THE AFORESAID LAND RECORDS IN LIBER 4156, FOLIO 003; THENCE LEAVING



THE SOUTHERLY SIDE OF SAID HOLABIRD AVENUE AND RUNNING WITH AND BINDING ON SAID FIFTH DEED LINE, AS NOW SURVEYED, WITH BEARINGS OF THIS DESCRIPTION BEING BASED ON THE MARYLAND COORDINATE SYSTEM

- 1) SOUTH 24 DEGREES 33 MINUTES 47 SECONDS WEST 231.02 FEET TO A POINT ON THE FOURTH LINE OF A PARCEL OF LAND DESCRIBED IN A LEASE DATED JUNE 18, 1959 BY AND BETWEEN THE DELWOOD COMPANY AND MARKET CENTER REALTY CO. AND RECORDED AMONG THE AFORESAID LAND RECORDS IN LIBER 3546, FOLIO 515; THENCE RUNNING WITH AND BINDING ON A PART OF SAID FOURTH DEED LINE
- 2) NORTH 65 DEGREES 26 MINUTES 13 SECONDS WEST 100.00 FEET TO THE BEGINNING OF THE FIFTH LINE OF SAID DEED (3546/515); THENCE RUNNING WITH AND BINDING ON SAID FIFTH DEED LINE
- 3) NORTH 24 DEGREES 33 MINUTES 47 SECONDS EAST 231.02 FEET TO A POINT ON THE SOUTHERLY SIDE OF SAID HOLABIRD AVENUE; THENCE RUNNING WITH AND BINDING ON THE SOUTHERLY SIDE OF SAID HOLABIRD AVENUE
- 4) SOUTH 65 DEGREES 26 MINUTES 13 SECONDS EAST 100.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.5303 OF AN ACRE OF LAND MORE OR LESS.
BEING PART OF THE PROPERTY DESCRIBED IN AN ASSIGNMENT DATED NOVEMBER 19, 1959 BY AND BETWEEN MERRITT PARK SHOPPING CENTER, INC. AND PHILLIP E. KLEIN AND MELVYN GOLDMAN AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND.





PROPERTY DESCRIPTION FOR PARCELS "A" AND "B"
"MERRITT PARK SHOPPING CENTER" PLAT BOOK WJR 26 FOLIO 94
TAX MAP 103- GRID 11- PARCEL 53
BALTIMORE COUNTY, MARYLAND

BEGINNING AT A ¾" PIPE FOUND ON THE WESTERLY SIDE OF MERRITT BOULEVARD, VARIABLE WIDTH, AS SHOWN ON THE BALTIMORE COUNTY BUREAU OF RIGHTS-OF-WAY PLATS HRW 53-139 AND HRW 53-140, SAID POINT ALSO BEING AT THE NORTHEAST CORNER OF PARCEL "B" AS SHOWN ON A PLAT ENTITLED "MERRITT PARK SHOPPING CENTER" AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN PLAT BOOK WJR 26, FOLIO 94; THENCE RUNNING WITH AND BINDING ON THE WESTERLY SIDE OF SAID MERRITT BOULEVARD AND RUNNING REVERSELY AND BINDING ON THE OUTLINE OF SAID PARCEL "B" AND PARCEL "A", AS SHOWN ON SAID PLAT (WJR 26/94), THE FOLLOWING THIRTY TWO COURSES AND DISTANCES, AS NOW SURVEYED, WITH BEARINGS OF THIS DESCRIPTION BEING BASED ON THE MARYLAND COORDINATE SYSTEM

- 1) SOUTH 24 DEGREES 33 MINUTES 47 SECONDS WEST 176.95 FEET TO THE DIVISION LINE OF SAID PARCELS "A" AND "B": THENCE CONTINUING WITH THE WESTERLY SIDE OF SAID MERRITT BOULEVARD AND THE OUTLINE OF SAID PARCEL "A".
- 2) SOUTH 24 DEGREES 33 MINUTES 46 SECONDS WEST 245.00 FEET TO A ½" PIPE FOUND: THENCE CONTINUING WITH THE WESTERLY SIDE OF SAID MERRITT BOULEVARD AND THE OUTLINE OF SAID PARCEL "A"
- 3) SOUTH 28 DEGREES 08 MINUTES 22 SECONDS WEST 160.31 FEET TO A ½" PIPE FOUND; THENCE CONTINUING WITH THE WESTERLY SIDE OF SAID MERRITT BOULEVARD AND THE OUTLINE OF SAID PARCEL "A"
- 4) SOUTH 24 DEGREES 33 MINUTES 47 SECONDS WEST 194.56 FEET TO A ½" PIPE FOUND AT THE FILLET LINE OF SAID MERRITT BOULEVARD AND SEARLES ROAD, 60 FEET WIDE, AS SHOWN ON A PLAT ENTITLED "SUBDIVISION PLAT NO. 3 - EASTFIELD" AND RECORDED AMONG THE AFORESAID LAND RECORDS IN PLAT BOOK GLB 19, FOLIO 91 : THENCE RUNNING WITH AND BINDING ON SAID FILLET LINE AND CONTINUING WITH THE OUTLINE OF SAID PARCEL "A"
- 5) SOUTH 72 DEGREES 22 MINUTES 21 SECONDS WEST 125.95 FEET TO THE NORTHERLY SIDE OF SAID SEARLES ROAD: THENCE RUNNING WITH AND BINDING ON THE NORTHERLY SIDE OF SAID SEARLES ROAD AND CONTINUING WITH THE OUTLINE OF SAID PARCEL "A"
- 6) NORTH 59 DEGREES 51 MINUTES 42 SECONDS WEST 91.69 FEET TO A ½" PIPE FOUND AT THE FILLET OF SAID SEARLES ROAD AND BEDLINGTON ROAD AS SHOWN ON SAID PLAT (GLB 19/91); THENCE RUNNING WITH AND BINDING ON SAID FILLET LINE AND CONTINUING WITH THE OUTLINE OF SAID PARCEL "A"
- 7) WITH THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 15.00 FEET, AN ARC LENGTH OF 20.80 FEET AND A CHORD BEARING NORTH 20 DEGREES 08 MINUTES 09 SECONDS WEST 19.17 FEET TO THE EASTERLY SIDE OF SAID BEDLINGTON ROAD; THENCE RUNNING WITH AND BINDING ON THE EASTERLY AND NORTHERLY SIDE OF SAID BEDLINGTON ROAD AND CONTINUING WITH THE OUTLINE OF SAID PARCEL "A"
- 8) NORTH 19 DEGREES 35 MINUTES 24 SECONDS EAST 123.82 FEET; THENCE
- 9) NORTH 70 DEGREES 24 MINUTES 44 SECONDS WEST 60.00 FEET TO THE EASTERLY SIDE OF A 16 FOOT ALLEY AS SHOWN ON SAID PLAT (GLB 19/91); THENCE LEAVING SAID 16 FOOT ALLEY AND CONTINUING WITH THE OUTLINE OF SAID PARCEL "A"
- 10) NORTH 19 DEGREES 35 MINUTES 24 SECONDS EAST 1.02 FEET; THENCE CONTINUING WITH THE OUTLINE OF SAID PARCEL "A"



- 11) NORTH 59 DEGREES 51 MINUTES 42 SECONDS WEST 229.88 FEET TO THE NORTHERLY SIDE OF HEADLEY ROAD, 60 FEET WIDE; THENCE RUNNING WITH AND BINDING ON THE EASTERLY AND NORTHERLY SIDE OF SAID HEADLEY ROAD AND CONTINUING WITH THE OUTLINE OF SAID PARCEL "A"
- 12) NORTH 19 DEGREES 34 MINUTES 48 SECONDS EAST 10.15 FEET; THENCE
- 13) NORTH 70 DEGREES 24 MINUTES 36 SECONDS WEST 30.00 FEET TO THE DIVISION LINE OF SAID PARCELS "A" AND "B"; THENCE LEAVING THE OUTLINE OF SAID PARCEL "A" AND CONTINUING WITH THE NORTHERLY SIDE OF SAID HEADLEY ROAD AND RUNNING WITH AND BINDING ON THE OUTLINE OF SAID PARCEL "B"
- 14) NORTH 70 DEGREES 24 MINUTES 36 SECONDS WEST 30.00 FEET TO THE EASTERLY SIDE OF A 16 FOOT ALLEY AS SHOWN ON SAID PLAT (GLB 19/91); THENCE LEAVING SAID 16 FOOT ALLEY AND CONTINUING WITH THE OUTLINE OF SAID PARCEL "B"
- 15) NORTH 19 DEGREES 05 MINUTES 43 SECONDS EAST 1.01 FEET; THENCE
- 16) NORTH 59 DEGREES 51 MINUTES 42 SECONDS WEST 88.10 FEET; THENCE
- 17) NORTH 14 DEGREES 28 MINUTES 26 SECONDS WEST 31.04 FEET; THENCE
- 18) NORTH 19 DEGREES 35 MINUTES 24 SECONDS EAST 247.43 FEET; THENCE
- 19) NORTH 20 DEGREES 07 MINUTES 01 SECOND WEST 38.67 FEET; THENCE
- 20) NORTH 59 DEGREES 49 MINUTES 31 SECONDS WEST 94.82 FEET TO THE EASTERLY SIDE OF SAID SEARLES ROAD; THENCE RUNNING WITH AND BINDING ON THE EASTERLY SIDE OF SAID SEARLES ROAD AND CONTINUING WITH THE OUTLINE OF SAID PARCEL "B"
- 21) WITH THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 870.00 FEET, AN ARC LENGTH OF 75.06 FEET AND A CHORD BEARING NORTH 27 DEGREES 37 MINUTES 06 SECONDS EAST 75.04 FEET; THENCE
- 22) NORTH 30 DEGREES 05 MINUTES 24 SECONDS EAST 106.87 FEET; THENCE
- 23) WITH THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 740.00 FEET, AN ARC LENGTH OF 205.21 FEET AND A CHORD BEARING NORTH 22 DEGREES 08 MINUTES 44 SECONDS EAST 204.55 FEET; THENCE
- 24) NORTH 14 DEGREES 12 MINUTES 04 SECONDS EAST 375.63 FEET TO THE FILLET OF SAID SEARLES ROAD AND HOLABIRD AVENUE, VARIABLE WIDTH; THENCE RUNNING WITH AND BINDING ON SAID FILLET AND CONTINUING WITH THE OUTLINE OF SAID PARCEL "B"
- 25) WITH THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 39.28 FEET AND A CHORD BEARING NORTH 59 DEGREES 12 MINUTES 04 SECONDS EAST 35.36 FEET TO THE SOUTHERLY SIDE OF SAID HOLABIRD AVENUE; THENCE RUNNING WITH AND BINDING ON THE SOUTHERLY SIDE OF SAID HOLABIRD AVENUE AND CONTINUING WITH THE OUTLINE OF SAID PARCEL "B"
- 26) SOUTH 75 DEGREES 48 MINUTES 58 SECONDS EAST 54.38 FEET; THENCE
- 27) WITH THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1354.51 FEET, AN ARC LENGTH OF 245.37 FEET AND A CHORD BEARING SOUTH 70 DEGREES 37 MINUTES 35 SECONDS EAST 245.03 FEET TO A ½" PIPE FOUND; THENCE
- 28) SOUTH 65 DEGREES 26 MINUTES 13 SECONDS EAST 190.72 FEET TO THE BEGINNING OF THE SIXTH LINE OF A PARCEL OF LAND DESCRIBED IN AN ASSIGNMENT DATED NOVEMBER 19, 1959 BY AND BETWEEN MERRITT PARK SHOPPING CENTER, INC. AND PHILLIP E. KLEIN AND MELVYN GOLDMAN AND RECORDED AMONG THE AFORESAID LAND RECORDS IN LIBER 3816, FOLIO 093; THENCE RUNNING WITH AND BINDING ON THE SIXTH THROUGH THE NINTH LINES OF SAID DEED AND CONTINUING WITH THE OUTLINE OF SAID PARCEL "B"
- 29) SOUTH 24 DEGREES 33 MINUTES 47 SECONDS WEST 231.02 FEET; THENCE
- 30) SOUTH 65 DEGREES 26 MINUTES 13 SECONDS EAST 168.00 FEET; THENCE



- 31) SOUTH 24 DEGREES 33 MINUTES 47 SECONDS WEST 210.00 FEET; THENCE
- 32) SOUTH 65 DEGREES 26 MINUTES 13 SECONDS EAST 204.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 18.2741 ACRES OF LAND MORE OR LESS.

BEING ALL OF THE FOLLOWING TWO DESCRIBED PARCELS OF LAND, THE FIRST BEING ALL OF THE PROPERTY DESCRIBED IN A LEASE DATED JUNE 18, 1959 BY AND BETWEEN THE DELWOOD COMPANY AND MARKET CENTER REALTY CO. AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER 3546, FOLIO 515, SAID PROPERTY DESIGNATED AS PARCEL "B" AS SHOWN ON A PLAT ENTITLED "MERRITT PARK SHOPPING CENTER" AND RECORDED AMONG THE AFORESAID LAND RECORDS IN PLAT BOOK WJR 26, FOLIO 94, THE SECOND BEING ALL OF THE PROPERTY DESCRIBED IN A LEASE DATED JUNE 18, 1959 BY AND BETWEEN THE DELWOOD COMPANY AND REGIONAL PROPERTIES CORPORATION AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER 3546, FOLIO 466, SAID PROPERTY ALSO BEING DESIGNATED AS PARCEL "A" AS SHOWN ON A PLAT ENTITLED "MERRITT PARK SHOPPING CENTER" AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN PLAT BOOK WJR 26, FOLIO 94.



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

No. **128727**

Date: **9/1/2015**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 9/02/2015 9/01/2015 14:32:07 5

6 WALKIN RDOS LRB
 RECEIPT # 017192 9/01/2015 OFLN

Dpt 5 528 ZONING VERIFICATION
 NO. 128727

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

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

Total: **500.00**

Rec From: **Venable, LLC**

For: **Special Hearing - 1734 Morris St Blvd**
2016-0057-SPH (MAG3, LLC)

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

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: 2016-0057-SPH
Petitioner: ~~Brinker of Baltimore County, Inc.~~ MP63, LLC
Address or Location: 1739 Merritt Boulevard

PLEASE FORWARD ADVERTISING BILL TO:

Name: Adam Rosenthal
Address: 210 W. Penn Ave
Towson, MD 21204
Telephone Number: 410-494-6271

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 8, 2015 Issue - Jeffersonian

Please forward billing to:

Adam Rosenblatt
Venable, LLP
210 W. Pennsylvania Avenue, Ste. 500
Towson, MD 21204

410-494-6271

NOTICE OF ZONING HEARING

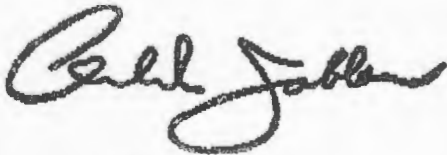
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2016-0057-SPH

1734 Merritt Boulevard
NW/s Merritt Blvd., 400 ft. SW of Holabird Avenue
12th Election District – 7th Councilmanic District
Legal Owners: MP63, LLC
Lessee: Brinker of Baltimore County, Inc., Bryan McCrory, President

Special Hearing to determine whether or not the Administrative Law Judge should approve a ground-mounted freestanding enterprise sign for a pad site in a shopping center.

Hearing: Thursday, October 29, 2015 at 11:00 a.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 SPECIAL HEARING
1734 Merritt Boulevard; NW/S Merritt
Boulevard, 400' SW of Holabird Avenue
12th Election & 7th Councilmanic Districts
Legal Owner(s): MP63, LLC
Contract Purchaser(s): Brinker of Baltimore
County, Inc

Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2016-057-SPH

* * * * *

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

SEP 09 2015

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of September, 2015, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, Venable, LLP, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



KEVIN KAMENETZ
County Executive

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

September 15, 2015

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: 2016-0057-SPH

1734 Merritt Boulevard
NW/s Merritt Blvd., 400 ft. SW of Holabird Avenue
12th Election District – 7th Councilmanic District
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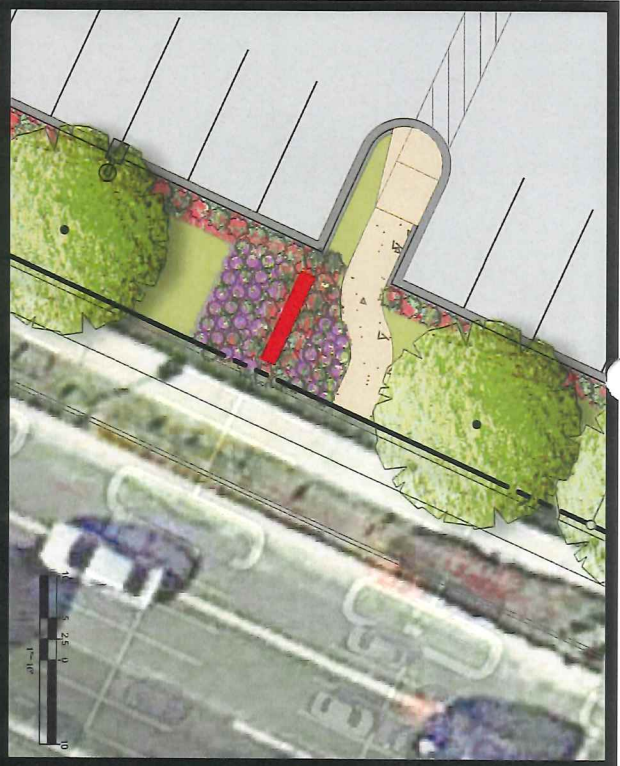
A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: David Karceski, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
Bryan McCrory, 6820 LBJ Freeway, Dallas Texas 75249
MP63, LLC, 9475 Deereco Rd., Ste. 200, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, OCTOBER 9, 2015**
- (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.



CHILI'S MONUMENT
SIGN DETAIL



PROPOSED CHILI'S
MONUMENT SIGN

PETITIONER'S EXHIBIT 5

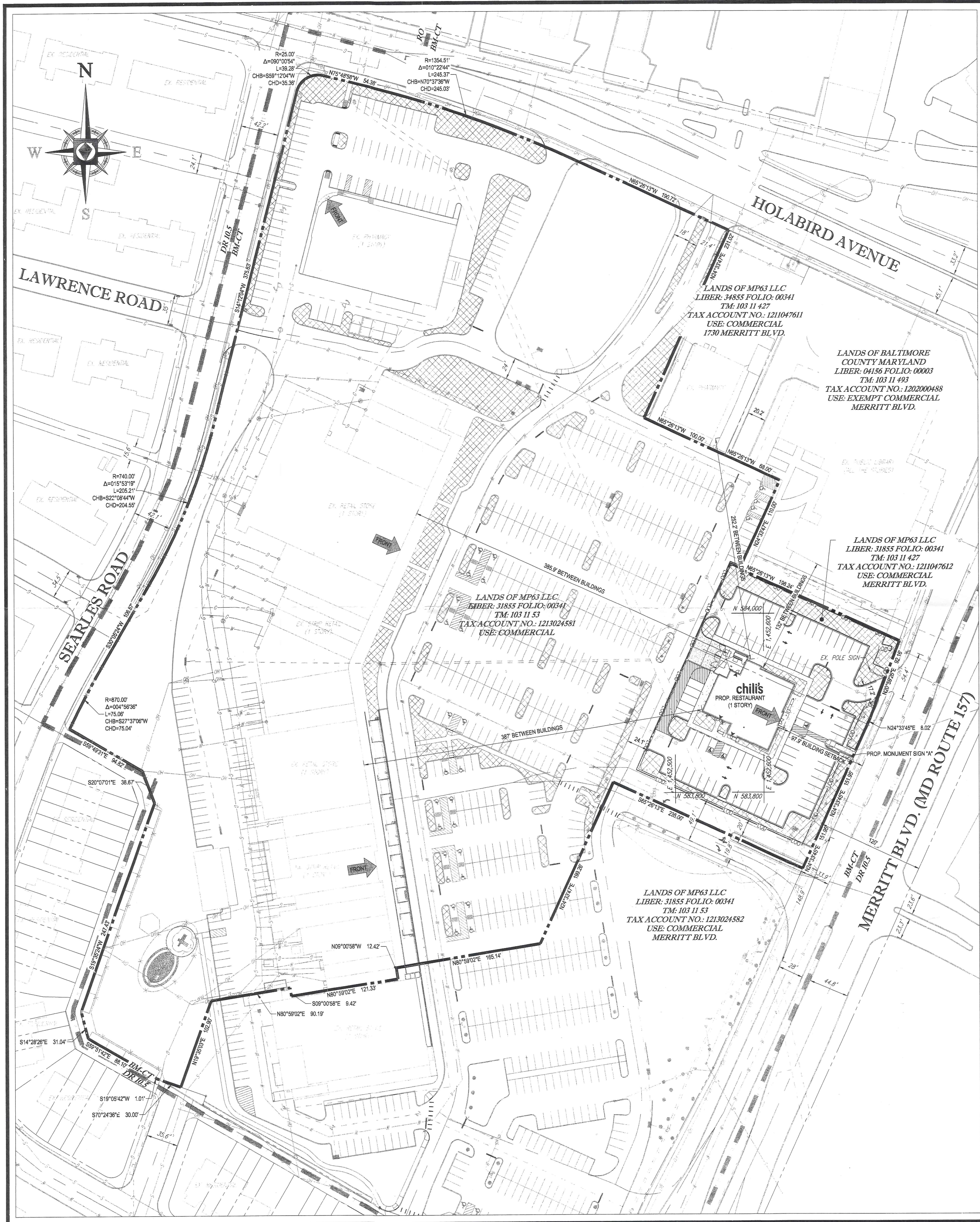
10/28/15

CHILI'S ILLUSTRATIVE PLAN
MERRITT SHOPPING CENTER, MARYLAND

* FOR ILLUSTRATIVE
PURPOSES ONLY



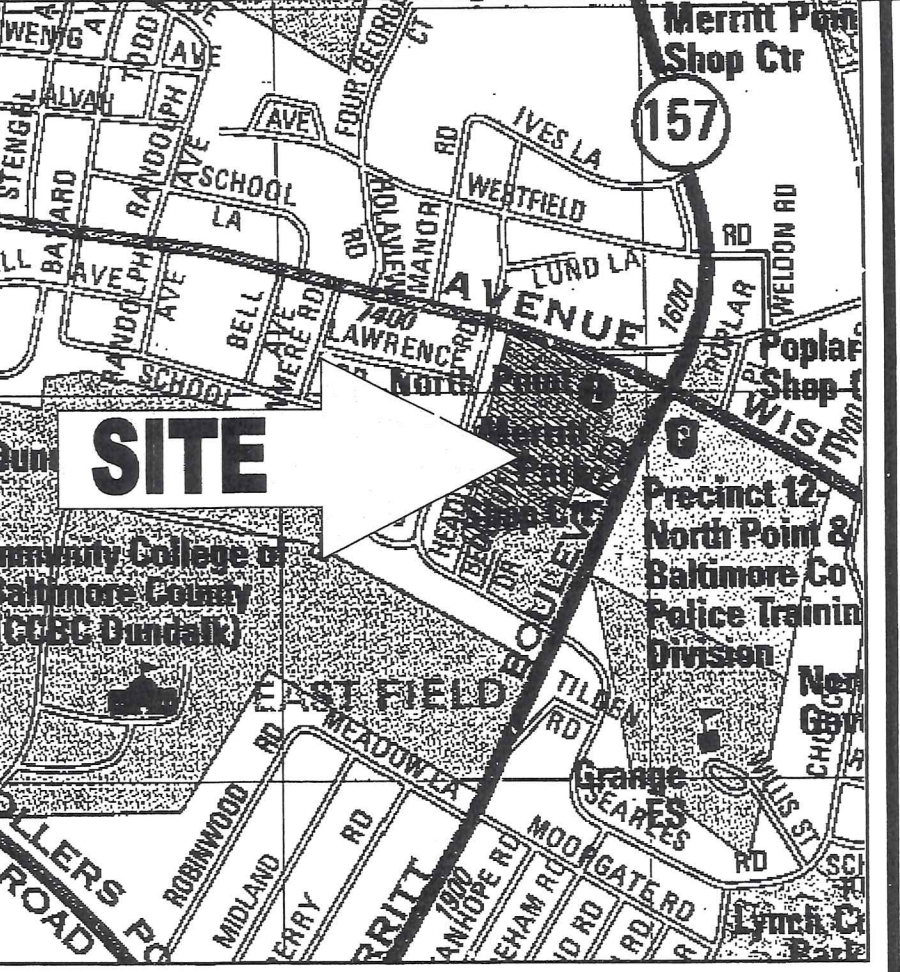
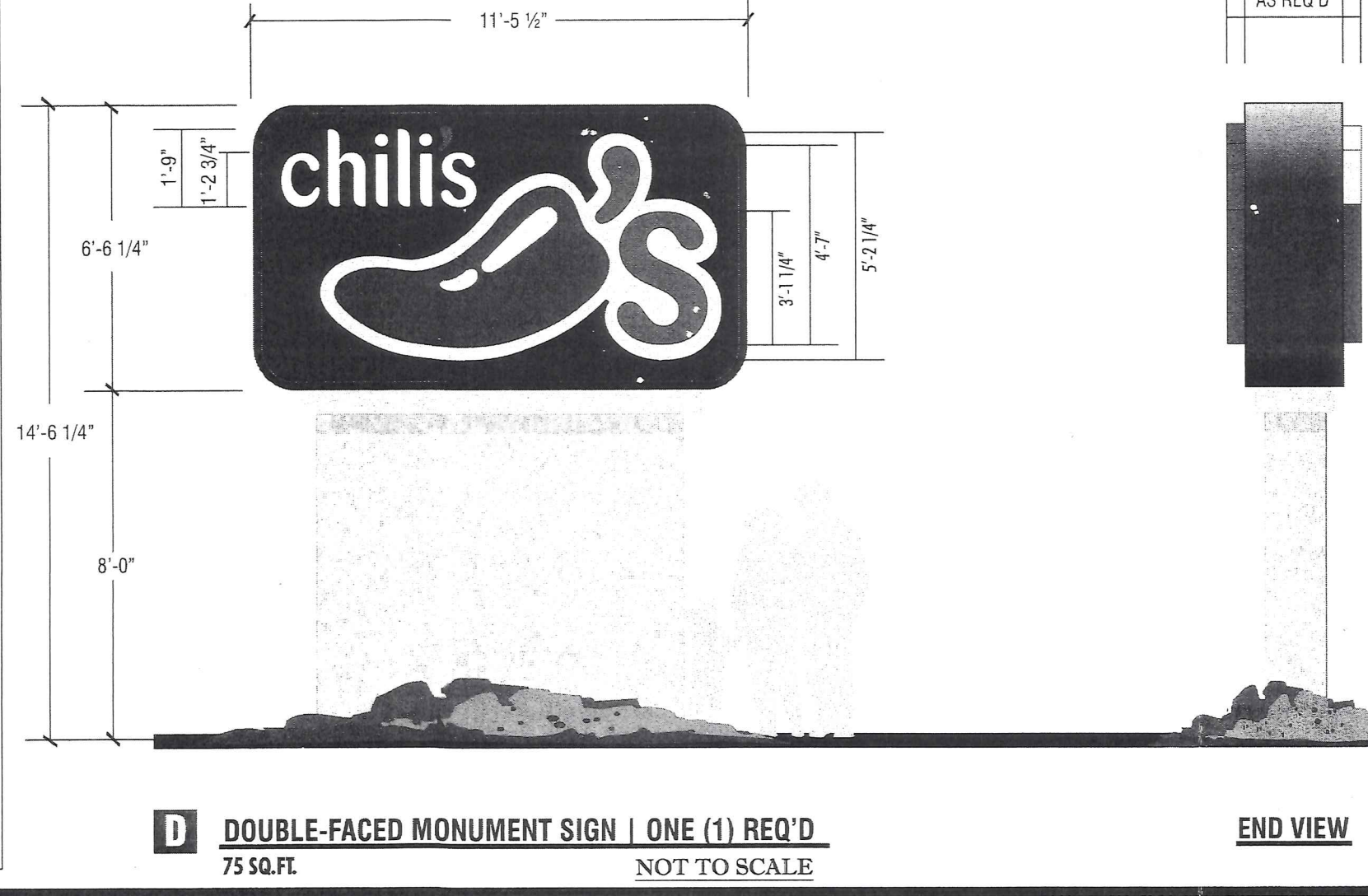
BOHLER
ENGINEERING



ZONING MAP
SCALE: 1"=500'

- ZONING HISTORY:**
- CASE NO. 1959-4638-X
PETITION FOR A SPECIAL EXCEPTION TO USE THE LAND (AND IMPROVEMENTS NOW OR BE ERECTED THEREON) HEREAFTER DESCRIBED FOR GASOLINE FILLING STATION GRANTED ON MAY 16, 1959.
- CASE NO. 1959-4643-X
PETITION FOR A SPECIAL EXCEPTION TO USE THE LAND (AND IMPROVEMENTS NOW OR BE ERECTED THEREON) HEREAFTER DESCRIBED FOR GASOLINE FILLING STATION GRANTED ON MAY 16, 1959.
- CASE NO. 1959-4708-A
PETITION FOR A VARIANCE TO PERMIT THE ERECTION OF A SIGN 212 SQUARE FEET INSTEAD OF THE 100 SQUARE FEET AND INCREASE OF A HEIGHT REGULATION TO 35 FEET INSTEAD OF 25 FEET GRANTED ON AUGUST 19, 1959.
- CASE NO. 1959-4810-X
PETITION FOR A SPECIAL EXCEPTION TO USE THE LAND (AND IMPROVEMENTS NOW OR BE ERECTED THEREON) HEREAFTER DESCRIBED FOR DRY CLEANING, LAUNDRY SALES AND SERVICE GRANTED ON DECEMBER 7, 1959.
- CASE NO. 1962-5473-X
PETITION FOR A SPECIAL EXCEPTION TO USE THE HEREIN DESCRIBED PROPERTY FOR A MINIATURE GOLF COURSE IN A BL ZONE GRANTED FEBRUARY 14, 1962.
- CASE NO. 1967-0258-X
PETITION FOR A SPECIAL EXCEPTION TO USE THE HEREIN DESCRIBED PROPERTY FOR AN AUTOMATIC CAR WASH GRANTED JUNE 30, 1967.
- CASE NO. 1968-0047-X
PETITION FOR A SPECIAL EXCEPTION TO USE THE HEREIN DESCRIBED PROPERTY FOR A GARAGE SERVICE GRANTED SEPTEMBER 18, 1967.
- CASE NO. 1978-0136-X
PETITION FOR A SPECIAL EXCEPTION TO USE THE HEREIN DESCRIBED PROPERTY FOR A SERVICE GARAGE (INSTALLATION OF PARTS IN CONJUNCTION WITH EXISTING AUTO ACCESSORY SALES) GRANTED DECEMBER 22, 1977.
- CASE NO. 1980-0074-A
PETITION FOR A VARIANCE FROM SECTION 405.4A.2A TO ALLOW A CANOPY TO BE SET BACK (1'-6") ONE FOOT-SIX INCHES FROM THE RIGHT OF WAY IN LIEU OF THE REQUIRED TEN (10) FEET GRANTED SEPTEMBER 27, 1979.
- CASE NO. 1983-0046-X
PETITION FOR A SPECIAL EXCEPTION TO USE THE HEREIN DESCRIBED PROPERTY FOR AN ARCADE GRANTED NOVEMBER 16, 1982 WITH THE FOLLOWING RESTRICTIONS:
1. A MAXIMUM OF 80 AMUSEMENT DEVICES, INCLUDING CHILDREN'S RIDES, SHALL BE LOCATED WITHIN THE 2,800 SQUARE FOOT ENCLOSED AREA DEPICTED ON PETITIONER'S EXHIBIT 1, AND ANY INCREASE IN AREA OR NUMBER OF AMUSEMENT DEVICES, INCLUDING CHILDREN'S RIDES, OR CHANGE IN LOCATION WITHIN THE CENTER SHALL BE SUBJECT TO A PUBLIC HEARING TO AMEND THIS ORDER.
2. THE USE AS AN ARCADE SHALL CEASE UPON TERMINATION OR EXPIRATION OF THE LEASE BETWEEN THE OWNER AND SCREENPLAY, INC., LESSEE, AND SHALL NOT BE LEASED OR SUBLEASED TO ANOTHER PERSON, PARTNERSHIP, OR CORPORATION WITHOUT A PUBLIC HEARING TO EXTEND THE SPECIAL EXCEPTION TO A NEW TENANT. FOR PURPOSES OF THIS RESTRICTION, A NEW TENANCY WILL OCCUR UPON THE SALE OF A MAJORITY OF THE CORPORATION'S STOCK TO ANYONE OTHER THAN THE PRESENT STOCKHOLDER NOW OWNING A MAJORITY OF THE STOCK IN THE AFOREMENTIONED CORPORATION.
3. VIDEO GAMES SHALL BE AT A RATIO OF AT LEAST 3 TO 1 AS APPLIED TO OTHER AMUSEMENT DEVICES, INCLUDING CHILDREN'S RIDES, AND NO PRIZE, OTHER THAN EXTENDED PLAY TIME, SHALL BE AWARDED. ALL RULES FOR PLAY, CONDUCT, AND DRESS REQUIRED OF PATRONS SHALL BE CONSPICUOUSLY POSTED IN AND ABOUT THE PREMISES AND SHALL BE STRICTLY ENFORCED. NO ONE UNDER THE AGE OF 18 YEARS SHALL BE PERMITTED ON THE PREMISES DURING SCHOOL HOURS.
4. THE HOURS OF OPERATION SHALL BE BETWEEN 11:00 A.M. AND 12:00 MIDNIGHT, MONDAY THROUGH THURSDAY; 11:00 A.M. AND 1:00 A.M., FRIDAY AND SATURDAY; AND 12:00 NOON AND 12:00 MIDNIGHT, SUNDAY.
5. ONE OF THE OWNERS SHALL BE ON THE PREMISES AT ALL TIMES THE BUSINESS IS OPEN MONDAY THROUGH THURSDAY AND ONE OF THE OWNERS AND AT LEAST ONE OTHER PERSON IN AUTHORITY ON THE PREMISES FRIDAY THROUGH SUNDAY TO STRICTLY ENFORCE THESE RESTRICTIONS AND THOSE OF THE MANAGEMENT.
6. A REVISED SITE PLAN, INCORPORATING THE RESTRICTIONS SET FORTH ABOVE, SHALL BE SUBMITTED FOR APPROVAL BY THE DEPARTMENT OF PUBLIC WORKS AND THE OFFICE OF PLANNING AND ZONING.
- CASE NO. 1983-0280-SPH
PETITION FOR A SPECIAL HEARING TO APPROVE AN AMENDMENT TO THE SITE PLAN AND RESTRICTION #1 OF THE ORIGINAL ORDER AND RESTRICTION #1 OF THE AMENDED ORDER FOR CASE #83-46-X TO ALLOW HOURS OF OPERATION BETWEEN 9:00 A.M. AND 1:00 A.M. FOR SUMMER MONTHS ONLY EXCLUDED SUNDAY (OPENING TO BE 12 NOON) AND INCREASE NUMBER OF AMUSEMENT DEVICES TO 100 GRANTED ON JUNE 10, 1983.
- CASE NO. 1984-0102-SPH
PETITION FOR A SPECIAL HEARING TO APPROVE AN AMENDMENT RESTRICTION #2 IN CASE #83-46-X TO ALLOW A CHANGE IN THE OWNERTENANT OF THE SUBJECT ARCADE BUSINESS GRANTED ON OCTOBER 28, 1983 SUBJECT TO THE FOLLOWING:
1. THE USE AS AN ARCADE SHALL CEASE UPON TERMINATION OR EXPIRATION OF THE LEASE BETWEEN THE OWNER AND JOHN C. CHAH, LESSEE, AND SHALL NOT BE LEASED OR SUBLEASED TO ANOTHER PERSON, PARTNERSHIP, OR CORPORATION WITHOUT A PUBLIC HEARING TO EXTEND THE SPECIAL EXCEPTION TO A NEW TENANT.
2. THE LESSEE SHALL SPEND A MINIMUM OF TWO HOURS ONCE EVERY THREE WEEKS ON THE PREMISES.
3. THE FOLLOWING RULES SHALL BE POSTED AND ENFORCED:
a. NO SMOKING
b. NO FOOD OR DRINK
c. NO GAMBLING
d. NO LOITERING
e. NO ABUSIVE LANGUAGE
f. PROPER DRESS REQUIRED
- CASE NO. 1984-0102-X
PETITION FOR A SPECIAL EXCEPTION TO USE THE HEREIN DESCRIBED PROPERTY FOR A COMMUNITY BUILDING OR OTHER STRUCTURAL OR LAND USE DEVOTED TO CIVIC, SOCIAL, OR RECREATIONAL ACTIVITIES, SPECIFICALLY AN EXERCISE AND AND/OR HEALTH SPA, INCLUDING, WITHOUT LIMITATION, EXERCISE ROOMS, SAUNAS, AND WHIRLPOOLS GRANTED MAY 29, 1984 SUBJECT TO THE FOLLOWING RESTRICTIONS:
1. THE HOURS OF OPERATION SHALL BE FROM 9:00 A.M. TO 9:00 P.M., MONDAY THROUGH FRIDAY, AND 9:00 A.M. TO 5:00 P.M., SATURDAY.
2. AT LEAST TWO EMPLOYEES SHALL BE ON PREMISES AT ALL TIMES DURING THE HOURS OF OPERATION.
3. IF THE PETITIONER CANNOT SATISFY THE PARKING REQUIREMENTS OF THE BZCZ BY PROVIDING THE REQUISITE NUMBER OF HANDICAPPED PARKING SPACES REQUIRED TO SATISFY THE MARYLAND DEPARTMENT OF TRANSPORTATION LAWS, NO VARIANCE WILL BE REQUIRED THERETO.
4. THE NECESSARY PERMITS MAY BE ISSUED AFTER APPLICATION BY THE PETITIONER 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 APPLICABLE APPEAL PROCESS FROM THIS ORDER HAS EXPIRED. IF, FOR WHATEVER REASON, THIS ORDER IS REVERSED, THE PETITIONER WOULD BE REQUIRED TO RETURN, AND BE RESPONSIBLE FOR RETURNING, SAID PROPERTY TO ITS ORIGINAL CONDITION.
- CASE NO. 1986-0143-SPH
PETITION FOR A SPECIAL HEARING TO APPROVE AN AMENDMENT TO RESTRICTION #2 IN CASE #83-46-X TO ALLOW A CHANGE IN THE OWNERTENANT OF THE SUBJECT ARCADE BUSINESS GRANTED ON OCTOBER 10, 1985 SUBJECT TO THE FOLLOWING:
1. ALL OTHER RESTRICTIONS SHALL REMAIN IN EFFECT.

SIGN A (75 SQ. FT.)

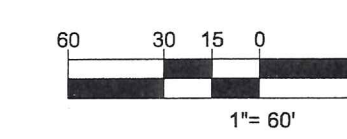


LOCATION MAP
COPYRIGHT ADD THE MAP PEOPLE
PERMIT USE NO. 20602153-5
SCALE: 1"=1000'

- SITE PLAN NOTES:**
- SITE ADDRESS:
1734 MERRITT BOULEVARD
DUNDALK, MD 21222
 - SITE AREA:
PARCEL 53: 13.27 AC. ±
PARCEL 427: 0.46 AC. ±
 - OWNER:
MP63, LLC C/O OBRECHT PROPERTIES
9475 DEEROCK ROAD, SUITE 200
TIMONILUM, MD 21093
CONTACT: BRYAN EBERLE
PHONE: 410-561-5858
EMAIL: BEBERLE@OBRECHTPROPERTIES.COM
 - APPLICANT:
BRINKER OF BALTIMORE COUNTY, INC.
8820 LBJ FREEWAY, DALLAS, TX, 75240
CONTACT: J.J. JAMADAR
PHONE: 972-770-8879
EMAIL: J.J.JAMADAR@BRINKER.COM
 - COUNTY INFORMATION
 - TAX MAP: 103
PARCELS: 0353, 0427
CENSUS TRACT: 240800
WATERSHED: BALTIMORE HARBOR
TRANSPORTATION ZONE: 940
COUNTY COUNCIL DISTRICT: 7
ELECTION DISTRICT: 1271
ZONING MAP NO.: 10352
 - TAX ACCOUNT NO.: 1213024581 (PARCEL 53), 1211047612 (PARCEL 427)
 - EXISTING USE: COMMERCIAL
PROPOSED USE: RESTAURANT
 - ZONE: BM-CT (BUSINESS MAJOR - TOWN CENTER CORE DISTRICT)
 - PREVIOUS COMMERCIAL PERMITS:
11. THIS PLAN IS LOCATED IN ZONE X (AREAS OF MINIMAL FLOODING) PER PLAN: FEMA MAP 24001004203, DATED MAY 5, 2014.
12. THERE ARE NO KNOWN WETLANDS LOCATED WITHIN THE SITE BOUNDARY.
13. ALL HANDICAP SPACES SHALL BE IN CONFORMANCE WITH THE ADA CODE OF MARYLAND REGULATIONS 05.01.07.
 - BUILDING AREA:
EXISTING: 170,854 S.F.
PROPOSED: 171,437 S.F.
 - BULK REQUIREMENTS:
REQUIRED: 15' FROM PROPERTY LINE
SIDE: 15' FROM PROPERTY LINE
REAR: 15' FROM PROPERTY LINE
PROVIDED: 84' 0", 90' 1", 53' 1"
 - PARKING (MERRITT PARK SHOPPING CENTER):
REQUIRED: 5 SPACES/1,000 S.F. X (171,437) = 860 SPACES
PROVIDED: 907 SPACES (TOTAL)
 - FLOOR AREA RATIO
MAX: 5.5
PROVIDED: 171,437 / 598,079 S.F. = 0.29
 - SITE IS SERVED BY PUBLIC WATER AND SEWER.
 - LIMIT OF DISTURBANCE: 1.19 AC.
 - AMENITY OPEN SPACE
REQUIRED: 0.2 x GFA
171,437 S.F.
MIN. AOS: 34,287 S.F.
66,813 S.F.
PROVIDED AOS: 56,813 S.F. / 171,437 S.F. = 0.33
 - THE SUBJECT SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICES MAP AREAS.
 - THE SUBJECT SITE IS NOT UNDER AND ACTIVE ZONING VIOLATIONS.

LEGEND

AMENITY OPEN SPACE



THIS PLAN IS BASED ON THE HORIZONTAL NAVD 83 (1991) AND VERTICAL NAVD 88 DATUM PER BALTIMORE COUNTY CONTROL MONUMENTS NO. GS 54.

PROFESSIONAL CERTIFICATION
I, JOSEPH J. UCCIFERRO, 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. 38064, EXPIRATION DATE: 6/28/2015.

BOHLER ENGINEERING

SITE CIVIL AND CONSULTING ENGINEERING
LAND SURVEYING
SUSTAINABLE DESIGN
PROGRAM MANAGEMENT
PERMITTING SERVICES
TRANSPORTATION SERVICES

• NORTHERN VIRGINIA
• PHILADELPHIA, PA
• UPRISTATE NEW JERSEY
• BOSTON, MA
• NEW YORK METRO
• SOUTH FLORIDA
• SOUTH CAROLINA
• SOUTH ALABAMA
• SOUTH TEXAS
• SOUTH CALIFORNIA
• SOUTH ILLINOIS
• SOUTH INDIANA
• SOUTH KENTUCKY
• SOUTH MISSISSIPPI
• SOUTH NEBRASKA
• SOUTH NORTH CAROLINA
• SOUTH OREGON
• SOUTH TEXAS
• SOUTH UTAH
• SOUTH VIRGINIA
• SOUTH WYOMING

REVISIONS			
REV	DATE	COMMENT	BY

NOT APPROVED FOR CONSTRUCTION

PROJECT NO.: MD152002
DRAWN BY: RDH
CHECKED BY: MDH
DATE: 08/03/15
SCALE: 1"=60'
CAD I.D.: SV0

SIGN VARIANCE PLAN

FOR

chili's

RESTAURANT NO. 1576

LOCATION OF SITE
1734 MERRITT BLVD
MERRITT PARK SHOPPING CENTER, TAX MAP 103,
GRID 11, PARCELS 53 AND 427
BALTIMORE COUNTY, MD

BOHLER ENGINEERING

901 DULANEY VALLEY ROAD, SUITE 801
TOWSON, MARYLAND 21204
Phone: (410) 821-7900
Fax: (410) 821-7987
MD@BohlerEng.com

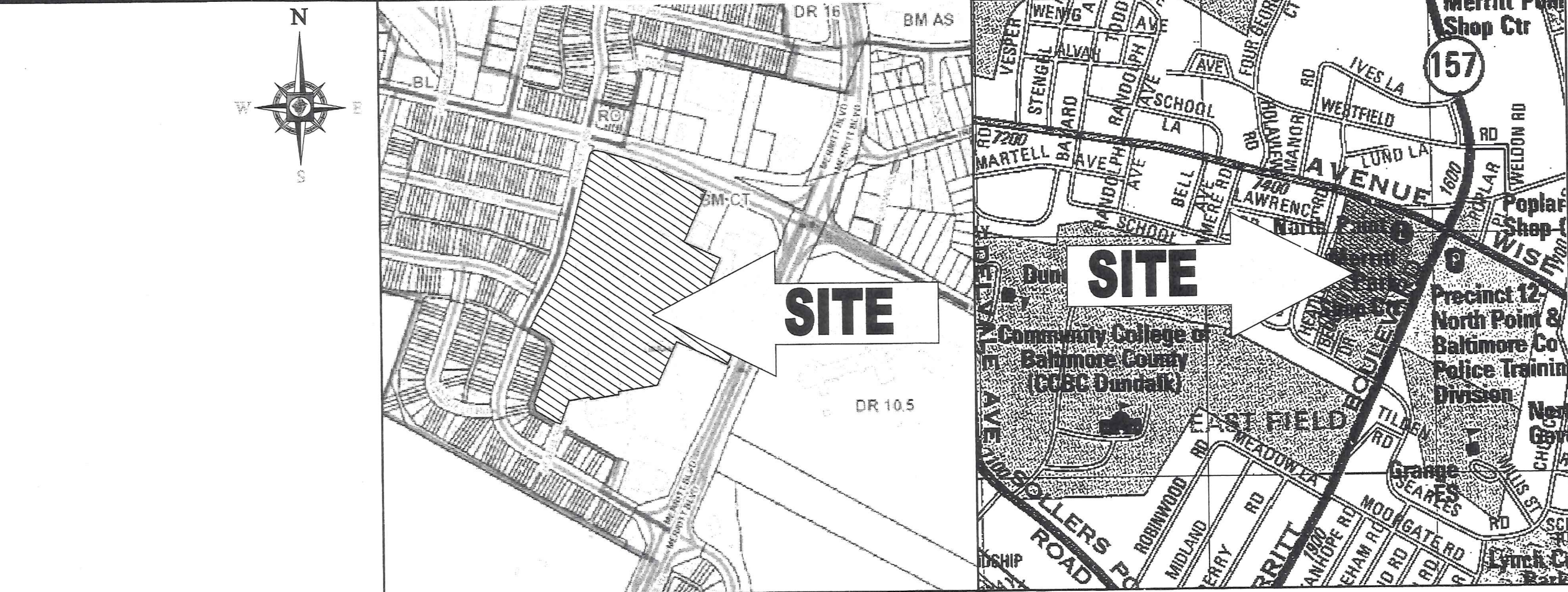
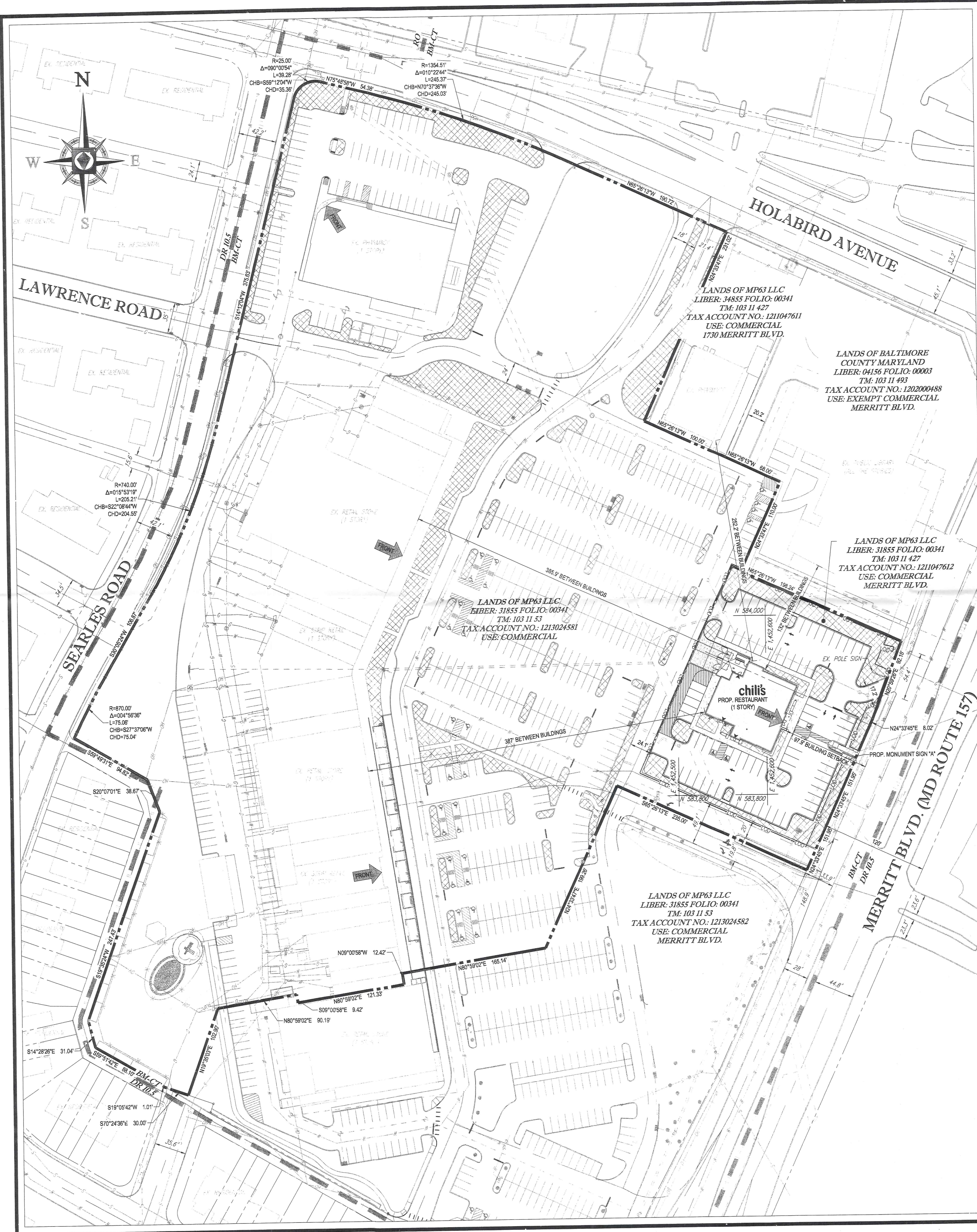
J.J. UCCIFERRO

PROFESSIONAL ENGINEER
LICENSE NO. 38064
EXPIRATION DATE: 6/28/2015

SHEET TITLE:
PLAN TO ACCOMPANY VARIANCE REQUEST

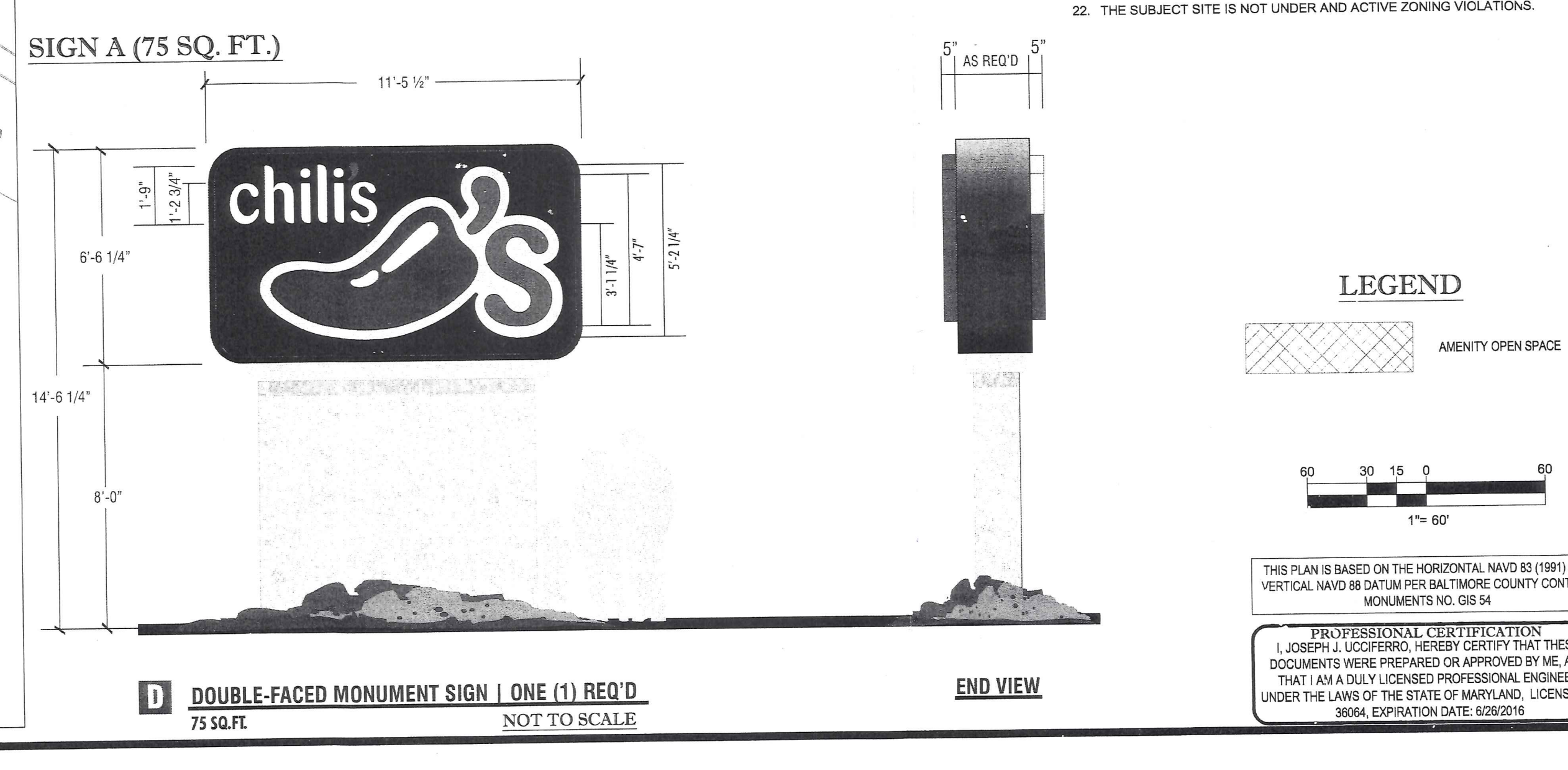
SHEET NUMBER:
1

PETITIONER'S EXHIBIT **1**



ZONING HISTORY

D DOUBLE-FACED MONUMENT SIGN | ONE (1) RE

[illegible]
