

M E M O R A N D U M

DATE: April 18, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0154-A- Appeal Period Expired

The appeal period for the above-referenced case expired on April 13, 2016. 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

IN RE: PETITION FOR VARIANCE

(5233 King Avenue)

14th Election District

5th Council District

King Avenue, LLC,

Legal Owner

MedStar Family Choice Inc., *Lessee*

Petitioners

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2016-0154-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of King Avenue, LLC, owner of the subject property, and MedStar Family Choice Inc., Lessee ("Petitioners"). Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §450.4 as follows: (1) to permit a wall-mounted enterprise sign of 24.94 sq. ft. in lieu of the maximum allowed 5 sq. ft.; (2) to permit two wall-mounted enterprise signs in lieu of the maximum allowed one sign; (3) to permit a directory sign with lettering of 2.5 and 3.5 inches in height in lieu of the maximum allowed two and three inches; (4) to permit a directory sign for a building where less than 75% of the tenants have independent direct outside access in lieu of the minimum required 75%; and (5) to permit a directory sign with a height of 7.02 ft. in lieu of the maximum allowed 6 ft. A site plan was marked as Petitioners' Exhibit 1.

Mike Picciotto and professional engineer Matthew Sichel appeared in support of the petition. Adam Baker, Esq. represented Petitioners. The Petition was advertised and posted as required by the B.C.Z.R. One neighbor attended the hearing to obtain additional information regarding the request. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP), requesting landscaping be provided at the base of the ground mounted directory sign.

ORDER RECEIVED FOR FILING

Date 3-14-16

By [Signature]

The subject property is approximately 8.87 acres and is zoned O-3. A MedStar Health professional center is operated at the site. Petitioners propose additional signage which would assist patients in locating the facility.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioners have met this test. The property has irregular dimensions and is therefore unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to install the proposed signage. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of Baltimore County and/or community opposition.

THEREFORE, IT IS ORDERED, this 14th day of **March, 2016**, 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 as follows: (1) to permit a wall-mounted enterprise sign of 24.94 sq. ft. in lieu of the maximum allowed 5 sq. ft.; (2) to permit two wall-mounted enterprise signs in lieu of the maximum allowed one sign; (3) to permit a directory sign with lettering of 2.5 and 3.5 inches in height in lieu of the maximum allowed two and three inches; (4) to permit a directory sign for a building where less than 75% of the tenants have independent direct outside access in lieu of the minimum required 75%; and (5) to permit a directory sign with a height of 7.02 ft. in lieu of the maximum allowed 6 ft., be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

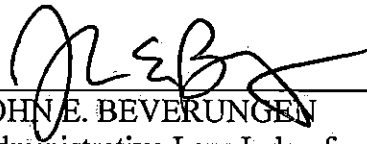
Date 3-14-16

By [Signature]

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.
2. Petitioners must provide landscaping as determined in the sole discretion of the Baltimore County Landscape Architect.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:slh

ORDER RECEIVED FOR FILING

Date 3-14-16

By BW



AMENDED

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 5233 King Avenue

which is presently zoned 03

Deed References: 24993/507

10 Digit Tax Account # 2 5 0 0 0 1 2 6 9 9

Property Owner(s) Printed Name(s) King Avenue LLC

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

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

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

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

3. ☒ a Variance from Section(s)

Please see attached.

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

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:

MedStar Family Choice, Inc.

Name- Type or Print

Signature

8094 Sandpiper Circle, Baltimore, MD

Mailing Address

21236

Zip Code

410 933 3012

Telephone #

john.m.dellaquila@medstar.net

Email Address

Attorney for Petitioner:

Adam Baker

Name- Type or Print

Signature

8830 Stanford Blvd., Ste. 400, Columbia, MD

Mailing Address

21045

Zip Code

410-832-2000

Telephone #

abaker@wtplaw.com

Email Address

Legal Owners (Petitioners):

King Avenue LLC / Joseph Maranto

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

9475 Deerco Road, Ste. 404, Timonium, MD

Mailing Address

21093

Zip Code

410-308-1717

Telephone #

jmaranto@kulcorp.com

Email Address

Representative to be contacted:

Adam Baker

Name - Type or Print

Signature

8830 Stanford Blvd., Ste. 400, Columbia, MD

Mailing Address

21045

Zip Code

410-832-2000

Telephone #

abaker@wtplaw.com

Email Address

CASE NUMBER

ORDER RECEIVED FOR FILING

Filing Date: _____

Schedule Dates: _____

Reviewer: _____

Date 3-14-16

By DW

REV. 10/4/11

Amended

PETITION FOR ZONING HEARING
5233 King Avenue – MedStar Family Choice, Inc.

Variance Relief Requested:

1. Variance from Section 450.4, Attachment 1, 5(i) and Section 450.4, Attachment 1, 4 and 450.7.A of the Baltimore County Zoning Regulations to permit: (1) a wall-mounted enterprise sign of 24.94 square feet in lieu of the maximum allowed 5 square feet; (2) to permit two wall-mounted enterprise signs in lieu of the maximum allowed one sign; (3) to permit a directory sign with lettering of 2.5 and 3.5 inches in height in lieu of the maximum allowed two and three inches; (4) to permit a directory sign for a building where less than 75% of the tenants have independent direct outside access in lieu of the minimum required 75%; and (5) to permit a directory sign with a height of 7.02 feet in lieu of the maximum allowed 6 feet.

2145293



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 5233 King Avenue which is presently zoned 03
Deed References: 24993/507 10 Digit Tax Account # 2 5 0 0 0 1 2 6 9 9
Property Owner(s) Printed Name(s) King Avenue 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)

Please see attached.

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

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:

MedStar Family Choice, Inc.
Name- Type or Print
John M. Dellerba
Signature
8094 Sandpiper Circle, Baltimore, MD
Mailing Address City State
21236 410 933 3012
Zip Code Telephone #
John.M.Dellerba@medstar.net
Email Address

Attorney for Petitioner:

Adam Baker
Name- Type or Print
8830 Stanford Blvd., Ste. 400, Columbia, MD
Mailing Address City State
21045 410-832-2000
Zip Code Telephone #
abaker@wtplaw.com
Email Address

Legal Owners (Petitioners):

King Avenue LLC / JOSEPH MARANTO
Name #1 - Type or Print Name #2 - Type or Print
Joseph Maranto
Signature #1 Signature #2
9475 Deerco Road, Ste. 404, Timonium, MD
Mailing Address City State
21093 410 308 1717
Zip Code Telephone #
JM@signalgroup.com
Email Address

Representative to be contacted:

Adam Baker
Name- Type or Print
8830 Stanford Blvd., Ste. 400, Columbia, MD
Mailing Address City State
21045 410-832-2000
Zip Code Telephone #
abaker@wtplaw.com
Email Address

CASE NUMBER 2016-0154-A Filing Date 1/4/16 Do Not Schedule Dates

Reviewer B. J.

REV. 10/4/11

Date 3-14-16

By BW

PETITION FOR ZONING HEARING
5233 KING AVENUE – MEDSTAR FAMILY CHOICE, INC.

Variance Relief Requested,

Pursuant to Section 207.3 of the BCZR, uses permitted by right or special exception and the supplementary use regulation of Section 206.3 (OR-2):

- 1) Section 450.4, Attachment 1, i – to permit a wall mounted enterprise sign of 28.755 square feet in lieu of the maximum allowed 5 square feet
- 2) Section 450.4, Attachment 1, i – to permit two wall mounted enterprise signs in lieu of the maximum allowed one sign
- 3) Section 450.7.A.1 – to permit a directory sign with lettering of 6 inches in height in lieu of the maximum allowed two and three inches
- 4) Section 450.7.A.2 – to permit a directory sign for a building where less than 75% of the tenants have independent direct outside access in lieu of the minimum required 75%
- 5) Section 450.4, Attachment 1, 4 – to permit a directory sign with a height of 7.02 feet in lieu of the maximum allowed 6 feet

Item #0154



ENGINEERS • PLANNERS • SCIENTISTS • CONSTRUCTION MANAGERS

936 Ridgebrook Road • Sparks, MD 21152 • 410-316-7800 • (FAX) 410-316-7853

**Zoning Description
5233 & 5235 King Avenue
14th Election District
Baltimore County, Maryland**

ZONING PROPERTY DESCRIPTION FOR 5233 & 5235 King Avenue

Beginning at a point on the west side of Franklin Square Drive which is 70 feet wide at the distance of 700 feet south of the centerline of the nearest improved intersecting street, King Avenue which is of varying width.

Thence the following courses and distances: (1st Point of Call- "POC"), by a nontangent curve, to the left, with a radius of 1035.00 feet and an arc length of 243.20 feet, said curve having a chord bearing South 41 degrees 11 minutes 13 seconds West 242.64, (2nd POC) North 62 degrees 54 minutes 22 seconds West 458.61 feet, (3rd POC) North 28 degrees 23 minutes 38 seconds East 826.61 (4th POC) South 61 degrees 53 minutes 33 seconds East 358.87 feet, (5th POC) South 32 degrees 58 minutes 21 seconds West 203.18 feet, (6th POC) South 61 degrees 53 minutes 33 seconds East 200.00 feet, (7th POC) South 32 degrees 58 minutes 21 seconds West 381.08 feet back to the point of beginning as recorded in Deed Liber 36213 Folio 92, containing 386,698 square feet or 8.8773 acres of land in the 14th Election District and the 5th Councilmanic District.





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 3961570

Sold To:

Whiteford Taylor & Preston LLP - CU00483501
8830 Stanford Blvd
Ste 400
Columbia, MD 21045-5425

Bill To:

Whiteford Taylor & Preston LLP - CU00483501
8830 Stanford Blvd
Ste 400
Columbia, MD 21045-5425

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

Feb 18, 2016



The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 2/19/2016

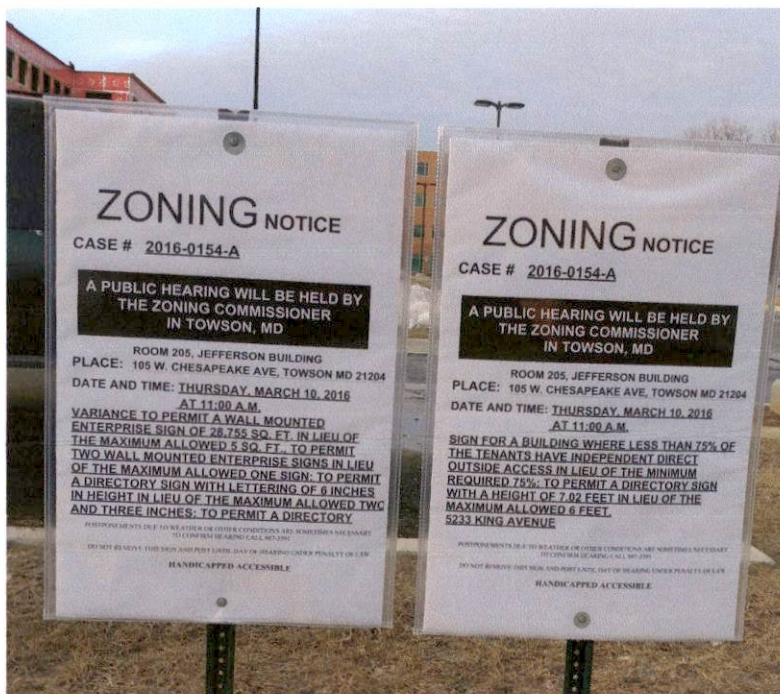
Case Number: 2016-0154-A

Petitioner / Developer: ADAM BAKER, ESQ. ~ MEDSTAR FAMILY CHOICE, INC. ~ KING AVENUE, LLC

Date of Hearing (Closing): MARCH 10, 2016

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
5233 KING AVENUE

The sign(s) were posted on: FEBRUARY 19, 2016



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

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



KEVIN KAMENETZ
County Executive

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

January 13, 2016

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: 2016-0154-A

5233 King Avenue

S/s King Avenue, 340 ft. w/of centerline of Franklin Square Drive

14th Election District – 5th Councilmanic District

Legal Owners: King Avenue, LLC

Contract Purchaser: MedStar Family Choice, Inc.

Variance to permit a wall-mounted enterprise sign of 28.755 sq. ft. in lieu of the maximum allowed 5 sq. ft.; to permit two wall-mounted enterprise signs in lieu of the maximum allowed one sign; to permit a directory sign with lettering of 6 inches in height in lieu of the maximum allowed two and three inches; to permit a directory sign for a building where less than 75% of the tenants have independent direct outside access in lieu of the minimum required 75%; to permit a directory sign with a height of 7.02 feet in lieu of the maximum allowed 6 feet.

Hearing: Thursday, March 10, 2016 at 11:00 a.m., in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Adam Baker, 8830 Stanford Blvd., Ste. 400, Columbia 21045
MedStar Family Choice, Inc., 8094 Sandpiper Circle, Baltimore 21236
King Avenue, LLC, 9475 Deerco Road, Ste. 404, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, FEBRUARY 19, 2016**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, February 18, 2016 Issue - Jeffersonian

Please forward billing to:

Adam Baker
Whiteford, Taylor & Preston
8830 Stanford Blvd., Ste. 400
Columbia, MD 21045

410-832-2000

NOTICE OF ZONING HEARING

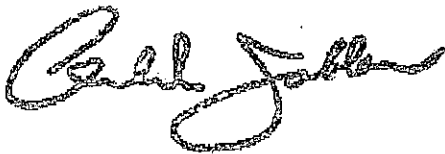
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S/s King Avenue, 340 ft. w/of centerline of Franklin Square Drive
14th Election District – 5th Councilmanic District
Legal Owners: King Avenue, LLC
Contract Purchaser: MedStar Family Choice, Inc.

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

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- (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
5233 King Avenue; S/S King Avenue, 340' W	*	OF ADMINSTRATIVE
of c/line of Franklin Square Drive	*	HEARINGS FOR
14 th Election & 5 th Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): King Avenue, LLC	*	
by Joseph Maranto		
Contract Purchaser(s): MedStar Family Choice,*		
Inc by John Dellerha		
Petitioner(s)	*	2016-154-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.

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

JAN 14 2016

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of January, 2016, a copy of the foregoing Entry of Appearance was mailed to Adam Baker, Esquire, 8830 Stanford Boulevard, Suite 400, Columbia, Maryland 21045, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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: 2016-0154-A

Petitioner: MEDSTAR FAMILY CHOKE, INC.

Address or Location: 5233 KING AVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: ADAM BAKER

Address: 8330 STANFORD BLVD, STE 400
COLUMBIA, MD 21045

Telephone Number: 410.332.2952

1. The first part of the paper is devoted to a discussion of the general principles of the theory of the structure of the atom.

2. The second part of the paper is devoted to a discussion of the general principles of the theory of the structure of the atom.

3. The third part of the paper is devoted to a discussion of the general principles of the theory of the structure of the atom.



KEVIN KAMENETZ
County Executive

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

March 2, 2016

King Avenue LLC
Joseph Maranto
9475 Deereco Road
Suite 404
Timonium MD 21093

RE: Case Number: 2016-0154 A, Address: 5233 King Avenue

Dear Mr. Maranto:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 4, 2016. 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
MedStar Family Choice Inc., John Dellerha, 8094 Sandpiper Circle, Baltimore MD 21236
Adam Baker, Esquire, 8830 Stanford Boulevard, Suite 400, Columbia MD 21045

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



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 1/13/16

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
- Item No. 2016-0154-A
Variance
King Avenue LLC, Joseph Moranto
5233 King Avenue.

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2016-0154-A.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 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 – District 4
Baltimore & Harford Counties

DWP/RAZ

J13 3-10-16
11 Am

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: February 12, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-154

RECEIVED

FEB 17 2016

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 5233 King Avenue
Petitioner: King Avenue, LLC, Joseph Maranto
Zoning: O 3
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit zoning relief for multiple requests addressing signage and as listed on the attachment to the petition.

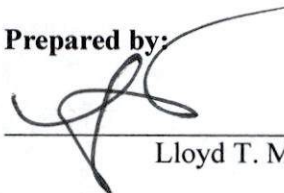
A site visit was conducted on January 20, 2016. A portion of the site (2.02 acres) is currently 2016 CZMP Issue no. 6-048. The issue proposes changing the existing DR 5.5 zoning to O-3 zoning.

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

- Revise the site plan to indicate all existing signage located at the site entrances. Provide a copy of said revised plan to the Department.
- Provide landscaping meeting the approval of the Baltimore County Landscape Architect at the base of the proposed ground mounted directory sign and ensure that any landscaping pursuant to an approved landscape plan proposed for the existing signage is installed.

For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Ngone Seye Diop
Jeanette M. S. Tansey, R.L.A., Permits and Development Management
Adam Baker
Office of the Administrative Hearings

310

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

JAN 19 2016

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: January 19, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0154-A
Address 5233 King Avenue
(Maranto Property)

Zoning Advisory Committee Meeting of January 19, 2016.

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

Reviewer: Steve Ford

Date: 01-19-2016

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 21, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For January 18, 2015
Item No. 2016- 0152, 0153, 0154, 0155, 0156, 0157 and 0158

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\ZAC01182016.doc

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM**



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

DATE: February 12, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-154

INFORMATION:

Property Address: 5233 King Avenue
Petitioner: King Avenue, LLC, Joseph Maranto
Zoning: O 3
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit zoning relief for multiple requests addressing signage and as listed on the attachment to the petition.

A site visit was conducted on January 20, 2016. A portion of the site (2.02 acres) is currently 2016 CZMP Issue no. 6-048. The issue proposes changing the existing DR 5.5 zoning to O-3 zoning.

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

- Revise the site plan to indicate all existing signage located at the site entrances. Provide a copy of said revised plan to the Department.
- Provide landscaping meeting the approval of the Baltimore County Landscape Architect at the base of the proposed ground mounted directory sign and ensure that any landscaping pursuant to an approved landscape plan proposed for the existing signage is installed.

For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:

A handwritten signature in black ink, appearing to be "Lloyd T. Moxley", written over a horizontal line.

Lloyd T. Moxley

Division Chief:

A handwritten signature in black ink, appearing to be "Kathy Schlabach", written over a horizontal line.

Kathy Schlabach

AVA/KS/LTM/ka

c: Ngone Seye Diop
Jeanette M. S. Tansey, R.L.A., Permits and Development Management
Adam Baker
Office of the Administrative Hearings

CASE NAME ~~5225~~ KING AVE
CASE NUMBER 2010-0154-4
DATE 3.10.10

[illegible]

24 and 25

2000-00

1000

1000-00

1000-00

1000-00

1000-00

PLEASE PRINT CLEARLY

CASE NAME 5223 KING AVE

CASE NUMBER 2016-154-A

DATE 3.10.16

CITIZEN'S SIGN - IN SHEET

NAME _____

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]

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

1/21/16

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

N/C

1/19/16

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

N/C

FIRE DEPARTMENT

2/12/16

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

C

1/13/16

STATE HIGHWAY ADMINISTRATION

no obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

2/18/16

SIGN POSTING

Date:

2/19/16

by

O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 14 Account Number - 2500012699			
Owner Information					
Owner Name:	KING AVENUE LLC		Use:	COMMERCIAL CONDOMINIUM	
Mailing Address:	SUITE 404 9475 DEERECO RD TIMONIUM MD 21093-		Principal Residence:	NO	
			Deed Reference:		
Location & Structure Information					
Premises Address:		5233 KING AVE BALTIMORE 21237- CONDO UNIT: 400		Legal Description:	UNIT 400 5233 KING AVE SS 5233 KING AVE CONDOMINIUM
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0082	0014	0954			
				Assessment Year:	Plat No:
				2016	31/686
Special Tax Areas:			Town:	NONE	
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area	Property Land Area	County Use
				12,956 SF	06
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
		Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		932,800	932,800		
Improvements		2,176,600	2,176,600		
Total:		3,109,400	3,109,400	3,109,400	3,109,400
Preferential Land:		0			0
Transfer Information					
Seller:			Date:	Price:	
Type:			Deed1:	Deed2:	
Seller:			Date:	Price:	
Type:			Deed1:	Deed2:	
Seller:			Date:	Price:	
Type:			Deed1:	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		0.00 0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					

Baltimore County

[New Search \(http://sdat.dat.maryland.gov/RealProperty\)](http://sdat.dat.maryland.gov/RealProperty)District: **14** Account Number: **2500012699****A map was not found for this property.**

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.

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>).

Case No.: 2016-154-A

Exhibit Sheet

DW 4-18-16

Petitioner/Developer DW 3-10-16 Protestants

No. 1	Sichel resume	
No. 2 2A- 2B	redline site plan 2 sheets	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

DW

Matthew S. Sichel, PE
KCI Technologies, Inc.
936 Ridgebrook Rd.
Sparks, MD 21152
410-316-7894 v 410-316-7853 f
matthew.sichel@kci.com

PETITIONER'S

EXHIBIT NO. 1

PROFESSIONAL BACKGROUND

A Civil Engineer with 15 years' experience in Land Development

Associate/Senior Project Engineer, KCI Technologies, Inc., Sparks, MD
Summers 1998-2002; Part-time Fall 2002; Full-Time Dec. 2002-Present
Promoted to Associate 2009

Skills:

- Experience in site conceptual layout and planning as well as zoning regulations
- Experience in several areas of site development design such as site grading; designing public utilities, including electrical conduit, water, sewer, and storm water systems; and designing roadway alignments for large urban highways and for local subdivision streets.
- Producing contract drawings and drawing sets for both large and small projects.
- Performing as-built computations on existing stormwater systems to verify that they are functioning as designed.
- Skilled in drafting flood study reports involving the establishment of existing land use, precipitation, and run-off for watersheds; the final computation of the floodplain using HEC-RAS; and the submittal of the forms necessary to complete a Federal Emergency Management floodplain map revision.

EDUCATION / LICENSES

MA in Religion, Historical and Theological Studies, Evangelical Seminary, Myerstown, PA, currently enrolled, expected graduation 2018. 3.9 GPA.

B.S. in Civil Engineering, University of Maryland at College Park, 2002
with a citation in French Language & Culture

Licensed PE : Maryland, Pennsylvania & Virginia

COMPUTER PROGRAMS

- ♦ MicroStation J & V8, with Siteworks and Fieldworks, Inroads
- ♦ TR-20
- ♦ HEC-2 and HEC-RAS
- ♦ Microsoft Office Applications
- ♦ Some limited AutoCAD experience

INTERESTS & ACTIVITIES

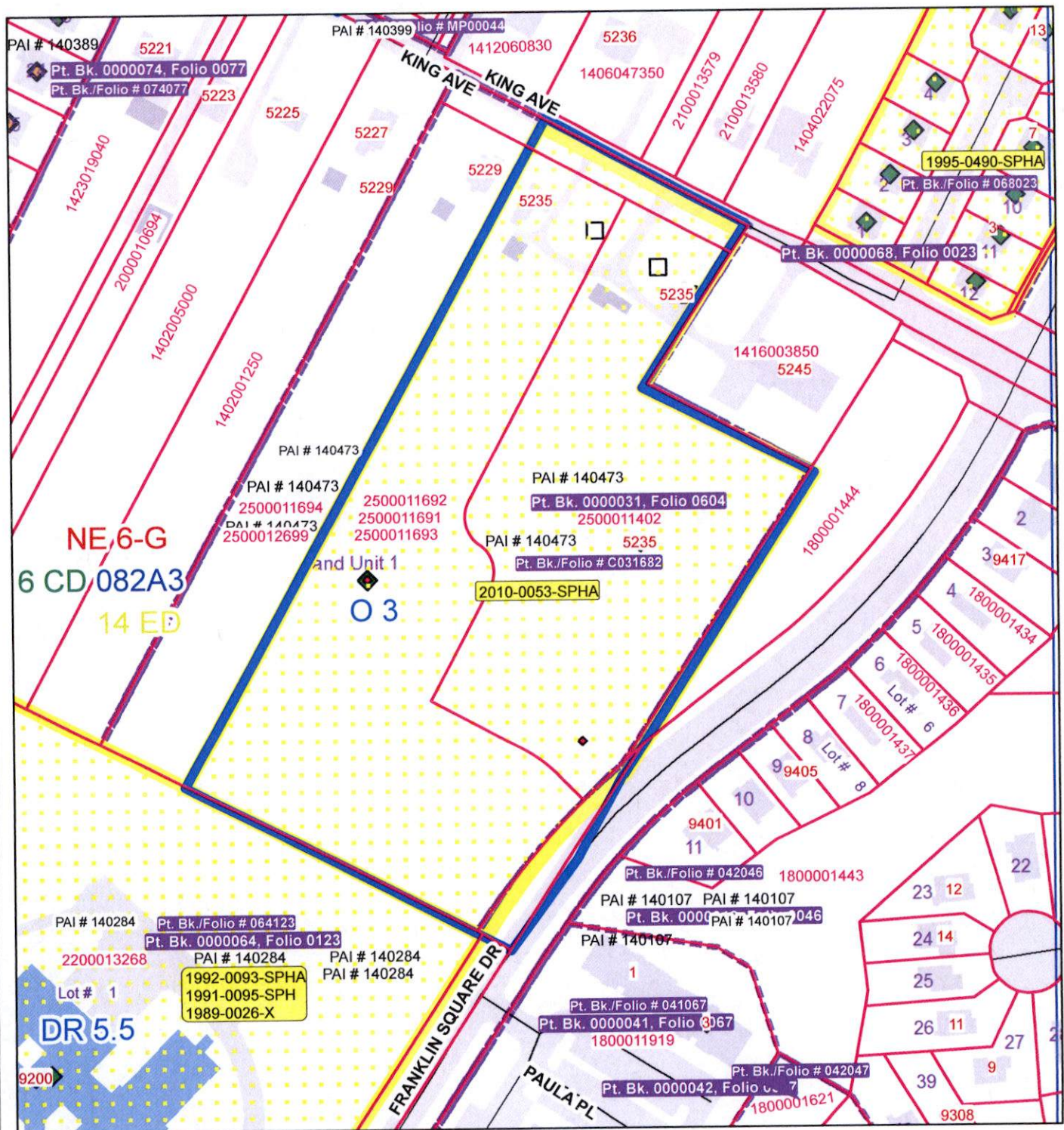
- ♦ Previous Board of Zoning Appeals member, Town of Hampstead, Maryland
- ♦ Chairman, Administrative Council, Wesley United Methodist Church, Hampstead, MD
- ♦ Baltimore/Washington Conference United Methodist Church Lay Member
- ♦ Inquiring Candidate for Deacon Orders, Baltimore/Washington Conference, United Methodist Church

My interests in Civil Engineering include street, utility, and stormwater design for large development projects (e.g. Flaghouse Courts, Baltimore), traffic flow theory, transportation system design and operation emphasizing railroad and automobile applications, open channel flow, water power structures and conveyance systems, flood control and surface water hydrology.

AWARDS

Eagle Scout February, 1998

5233 King Avenue



Publication Date: 12/28/2015



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



0 40 80 160 240 320 Feet

1 inch = 150 feet

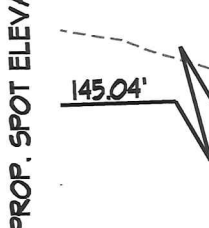
Item #0154

LEGEND

---	PROPERTY LINE		FIRE HYDRANT
---	RIGHT-OF-WAY		EX. CONTOURS
---			EX. CURB & GUTTER
---			EX. STORM DRAIN

DATE: 11/11/03 BY: [Signature]

145.04'



EX DWELLING

KENNY D. HINH
1205015005
UNZONED
ZONED: DR-3
1402001250

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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