

MEMORANDUM

DATE: August 1, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0178-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on July 29, 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: **PETITIONS FOR SPECIAL HEARING *
AND VARIANCE**

(11317 York Road)
8th Election District
3rd Council District
Kimco Realty Corp.
Owner
Petitioner

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2016-0178-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Kimco Realty Corp., legal owner ("Petitioner"). The subject property is approximately 11.49 acres and is split-zoned BR (Business Roadside) and RC-6. The site contains the Shawan Plaza Shopping Center and all site improvements are located in the BR zoned portion of the property.

The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to confirm that the parking variance approved in Case No. 05-270-SPHA is applicable to the current and future development during the phased construction of the improvements as long as the minimum number of parking spaces approved by that variance is maintained for the shopping center.

In addition, a Petition for Variance seeks: **(1)** to permit wall mounted enterprise signs with a total square footage each of up to three (3) times the length of the wall to which the sign is affixed converted to square footage in lieu of the permitted two (2) times the length of the wall converted to square footage; **(2)** to permit two (2) wall-mounted enterprise signs on the front wall with a customer entrance in lieu of the permitted one (1) wall-mounted sign (Bldg.1, space 'E'); **(3)** to permit two (2) free standing joint identification signs with electronic reader board in lieu of the

ORDER RECEIVED FOR FILING

Date

6/29/16

By

Den

permitted one (1) per frontage; and (4) to permit an electronic reader board with multiple lines of text in lieu of the permitted five (5) lines of text and with sign copy height less than the required eight (8) inches. At the hearing an amended petition was filed which included a fifth variance request pertaining to the signs at the Giant grocery store which were approved in Case No. 2011-0295-A. A four-sheet site plan with sign elevations was marked and accepted into evidence as Petitioner's Exhibit 1A-1D.

Appearing at the public hearing in support of the requests was Michael Ogden on behalf of Kimco and professional engineer Michael Gesell, whose firm prepared the plans. Jennifer R. Busse, Esq. represented the Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. No substantive Zoning Advisory Committee (ZAC) comments were received from any of the county agencies.

SPECIAL HEARING

Petitioner in 2005 (Case No. 2005-0270-SPHA) was granted variance relief under B.C.Z.R. §409.6.A.2, permitting 406 off-street parking spaces in lieu of the required 523 spaces. The plan (Ex. 1A, note 8) indicates 406 parking spaces are in fact provided at the site, although Mr. Gesell testified some of those spaces could in the future be relocated such that they would not be in exactly the same location as shown on the plan approved in the 2005 case. Counsel indicated special hearing relief was sought to simply confirm that relocating off-street parking spaces at the center—provided those spaces remain accessible to customers--was permissible as long as the same number of spaces is provided. This is a reasonable request and the petition for special hearing will be granted.

ORDER RECEIVED FOR FILING

Date

6/29/16

By

Den

VARIANCES

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).

Petitioner has met this test. The parcel is irregularly shaped and Mr. Gesell noted the shopping center sits approximately 15-20 feet lower than York Road, which limits to some extent a motorist's view into the site. As such the property is unique. Petitioner would experience practical difficulty if the regulations were strictly interpreted because it would be unable to provide appropriate signage for its current and future tenants. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of County and/or community opposition.

THEREFORE, IT IS ORDERED this 29th day of **June, 2016**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to confirm that the parking variance approved in Case No. 05-270-SPHA is applicable to the current and future development during the phased construction of the improvements as long as the minimum number of parking spaces approved by that variance is maintained for the shopping center, be and is hereby GRANTED.

IT IS FURTHER ORDERED the Petition for Variance: (1) to permit wall mounted enterprise signs with a total square footage each of up to three (3) times the length of the wall to which the sign is affixed converted to square footage in lieu of the permitted two (2) times the

ORDER RECEIVED FOR FILING

Date

6/29/16

By

SEN

length of the wall converted to square footage; **(2)** to permit two (2) wall-mounted enterprise signs on the front wall with a customer entrance in lieu of the permitted one (1) wall-mounted sign (Bldg. 1, space 'E'); **(3)** to permit two (2) free standing joint identification signs with electronic reader board in lieu of the permitted one (1) per frontage; **(4)** to permit an electronic reader board with multiple lines of text in lieu of the permitted five (5) lines of text and with sign copy height less than the required eight (8) inches; and **(5)** to permit twelve (12) wall mounted enterprise signs on a front wall with a customer entrance in lieu of the permitted one (1) wall-mounted sign (Bldg. 1, space 'A'), be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its 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, Petitioner would be required to return the subject property to its original condition.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date 6/29/16

By slh



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 11317 York Road

which is presently zoned BR/RC6

Deed References: 12263/00228

10 Digit Tax Account # 0 8 1 6 0 4 2 0 2 5

Property Owner(s) Printed Name(s) Stonehenge, LLC c/o Kimco Realty

(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

please see attached

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

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

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:

N/A

Name - Type or Print

Signature

Mailing Address

Zip Code

Date

City

State

Telephone #

Email Address

Attorney for Petitioner:

Jennifer R. Busse, Esquire

Name- Type or Print

Signature

Whiteford, Taylor & Preston

1 W. Pennsylvania Ave., Ste. 300, Towson

MD

Mailing Address

City

State

21204

/410-832-2077/

jbusse@wtplaw.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Greg Birdsall, Kimco Realty

/

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

1954 Greenspring Ave. #330, Timonium, MD

Mailing Address

City

State

21093/

410-427-4414/

gbirdsall@kimcorealty.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Jennifer R. Busse, Esquire

Name - Type or Print

Signature

Whiteford, Taylor & Preston

1 W. Pennsylvania Ave., Ste. 300, Towson

MD

Mailing Address

City

State

21204

/ 410-832-2077 / jbusse@wtplaw.com

Zip Code

Telephone #

Email Address

CASE NUMBER

2016-0178-SPHA

Filing Date

2/4/16

Do Not Schedule Dates:

Reviewer

Attachment to Petition for Special Hearing and Variances
Shawan Plaza Shopping Center
11317 York Road
Cockeysville, MD

Case 2016-0178-SPHA

1. Petition for Variance from BCZR §450.4 attachment 1, 5(d)(v) to permit wall mounted enterprise signs with a total square footage each of up to three (3) times the length of the wall to which the sign is affixed converted to square footage in lieu of the permitted two (2) times the length of the wall converted to square footage.
2. Petition for Variance from BCZR §450.4 attachment 1, 5(d)(vi) to permit two (2) wall mounted enterprise signs on the front wall with a customer entrance in lieu of the permitted one (1) wall-mounted sign. (BLDG 1, space 'E')
3. Petition for Variance from BCZR §450.4 attachment 1, 1(c)(vi) & 7(b)(vi) to permit two (2) free standing joint identification signs with electronic reader board in lieu of the permitted one (1) per frontage.
4. Petition for Variance from BCZR §450.4 attachment 1, 7(b)(ix) to permit an electronic reader board with multiple lines of text in lieu of the permitted five (5) lines of text and with sign copy height less than the required eight (8) inches.
5. Petition for Special Hearing to confirm that the parking variance approved in Case #05-270-SPHA is applicable to the current and future development during the phased construction of the improvements as long as the minimum number of spaces approved by that variance is maintained for the shopping center.
6. Petition for Variance from BCZR §450.4 attachment 1, 5(d)(vi) to permit ^{twelve} (12) wall mounted enterprise signs on a front wall with a customer entrance in lieu of the permitted one (1) wall-mounted sign. (BLDG 1, space 'A' – space currently occupied by Giant)

JSB
6-28-16

Attachment to Petition for Special Hearing and Variances
Shawan Plaza Shopping Center
11317 York Road
Cockeysville, MD

1. Petition for Variance from BCZR 450.4 attachment 1, 5(d)(v) to permit wall mounted enterprise signs with a total square footage each of up to three (3) times the length of the wall to which the sign is affixed converted to square footage in lieu of the permitted two (2) times the length of the wall converted to square footage.
2. Petition for Variance from BCZR 450.4 attachment 1, 5(d)(vi) to permit two (2) wall mounted enterprise signs on the front wall with a customer entrance in lieu of the permitted one (1) wall-mounted sign. (BLDG 1, space 'E')
3. Petition for Variance from BCZR 450.4 attachment 1, 1(c)(vi) & 7(b)(vi) to permit two (2) free standing joint identification signs with electronic reader board in lieu of the permitted one (1) per frontage.
4. Petition for Variance from BCZR 450.4 attachment 1, 7(b)(ix) to permit an electronic reader board with multiple lines of text in lieu of the permitted five (5) lines of text and with sign copy height less than the required eight (8) inches.
5. Petition for Special Hearing to confirm that the parking variance approved in Case #05-270-SPHA is applicable to the current and future development during the phased construction of the improvements as long as the minimum number of spaces approved by that variance is maintained for the shopping center.



ZONING DESCRIPTION
TAX MAP 42, PARCEL 200
THE LAND OF
STONEHENGE, LLC.
LIBER 12263 FOLIO 228
8TH ELECTION DISTRICT
BALTIMORE COUNTY, MD

BEGINNING AT A POINT ON THE EASTERLY RIGHT-OF-WAY LIMITS OF YORK ROAD (MD ROUTE 45) (VARIABLE WIDTH RIGHT-OF-WAY), WHICH IS 99 FEET NORTHEAST OF THE INTERSECTION OF SAID YORK ROAD AND SHAWAN ROAD (VARIABLE WIDTH RIGHT-OF-WAY), THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LIMITS AND WITH THE DIVISION LINE BETWEEN THE SHAWAN ROAD RIGHT-OF-WAY ON THE NORTH AND THE LAND OF STONEHENGE, LLC. (LIBER 12263 FOLIO 228) ON THE SOUTH;

1. NORTH 82 DEGREES – 53 MINUTES – 16 SECONDS EAST, 740.61 FEET TO A POINT, THENCE;
2. CONTINUING SOUTH 03 DEGREES – 01 MINUTE – 57 SECONDS EAST, 646.35 FEET TO A POINT, THENCE;
3. CONTINUING SOUTH 70 DEGREES – 28 MINUTES – 07 SECONDS WEST, 643.96 FEET TO A POINT, THENCE;
4. CONTINUING NORTH 14 DEGREES – 22 MINUTES – 03 SECONDS WEST, 99.90 FEET TO A POINT, THENCE;
5. CONTINUING NORTH 22 DEGREES – 06 MINUTES – 14 SECONDS WEST, 195.94 FEET TO A POINT, THENCE;
6. CONTINUING NORTH 19 DEGREES – 58 MINUTES – 39 SECONDS WEST, 98.15 FEET TO A POINT, THENCE;
7. CONTINUING NORTH 18 DEGREES – 25 MINUTES – 15 SECONDS WEST, 175.17 FEET TO A POINT, THENCE;
8. CONTINUING NORTH 02 DEGREES – 38 MINUTES – 58 SECONDS EAST, 73.58 FEET TO A POINT, THENCE;
9. CONTINUING NORTH 16 DEGREES – 03 MINUTES – 36 SECONDS WEST, 54.41 FEET TO A POINT, THENCE;
10. CONTINUING NORTH 18 DEGREES – 59 MINUTES – 18 SECONDS EAST, 113.16 FEET TO THE POINT OF BEGINNING.

CONTAINING 520,072 SQUARE FEET OR 11.49 ACRES.





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 4214557

Sold To:

Whiteford-Taylor & Preston LLP - CU00187154
1 W Pennsylvania Ave Ste 300
TOWSON,MD 21204

Bill To:

Whiteford-Taylor & Preston LLP - CU00187154
1 W Pennsylvania Ave Ste 300
TOWSON,MD 21204

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

May 31, 2016

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

NOTICE OF ZONING HEARING

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

Case: # 2016-0178-SPHA

11317 York Road

E/s York Road at the SE corner of Shawan Road

8th Election District - 3rd Councilmanic District

Legal Owner(s) Greg Birdsall, Kimco Realty

Variance: 1. To permit wall mounted enterprise signs with a total square footage each of up to three (3) times the length of the wall to which the sign is affixed converted to square footage in lieu of the permitted two (2) times the length of the wall converted to square footage. 2. To permit two (2) wall-mounted enterprise signs on the front wall with a customer entrance in lieu of the permitted one (1) wall-mounted sign (BLDG 1, space 'E'). 3. To permit two (2) free standing joint identification signs with electronic reader board in lieu of the permitted one (1) per frontage. 4. To permit an electronic reader board with multiple lines of text in lieu of the permitted five (5) lines of text and with sign copy height less than the required eight (8) inches.

Special Hearing: to confirm that the parking variance approved in Case #05-270-SPHA is applicable to the current and future development during the phased construction of the improvements as long as the minimum number of parking spaces approved by that variance is maintained for the shopping center.

Hearing: Monday, June 27, 2016 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 5/829 May 31

4214557

CERTIFICATE OF POSTING

CERTIFICATE OF POSTING

CASE NO: 2016-0178-SPHA

PETITIONER/DEVELOPER

WHITEFORD, TAYLOR, & PRESTON
JENNIFER BUSSE

DATE OF HEARING/CLOSING:

6/27/16

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

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 AT _____

11317 YORK ROAD

THIS SIGN(S) WERE POSTED ON _____
(MONTH, DAY, YEAR)

5/31/16

SINCERELY,

Martin Ogle 5/31/16
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411

ZONING NOTICE

CASE # 2016-0178-SPHA

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

PLACE: Room 205, Jefferson Building
105 W. Chesapeake Ave., Towson MD 21204

DATE AND TIME: MONDAY, JUNE 27, 2016 AT 1:30 P.M.

REQUEST: VARIANCE 1. TO PERMIT WALL MOUNTED ENTERPRISE
SIGNS WITHIN TOTAL SQUARE FOOTAGE EACH OF UP TO THREE (3) TIMES
THE LENGTH OF THE WALL TO WHICH THE SIGN IS AFFIXED CONVERTED
TO SQUARE FOOTAGE IN LIEU OF THE PERMITTED TWO (2) TIMES THE
LENGTH OF THE WALL CONVERTED TO SQUARE FOOTAGE. 2. TO
PERMIT TWO (2) WALL MOUNTED ENTERPRISE SIGNS ON THE FRONT
WALL WITH A CUSTOMER ENTRANCE IN LIEU OF THE PERMITTED ONE
(1) WALL MOUNTED SIGN (B.D.G. 1, SINCE "E").

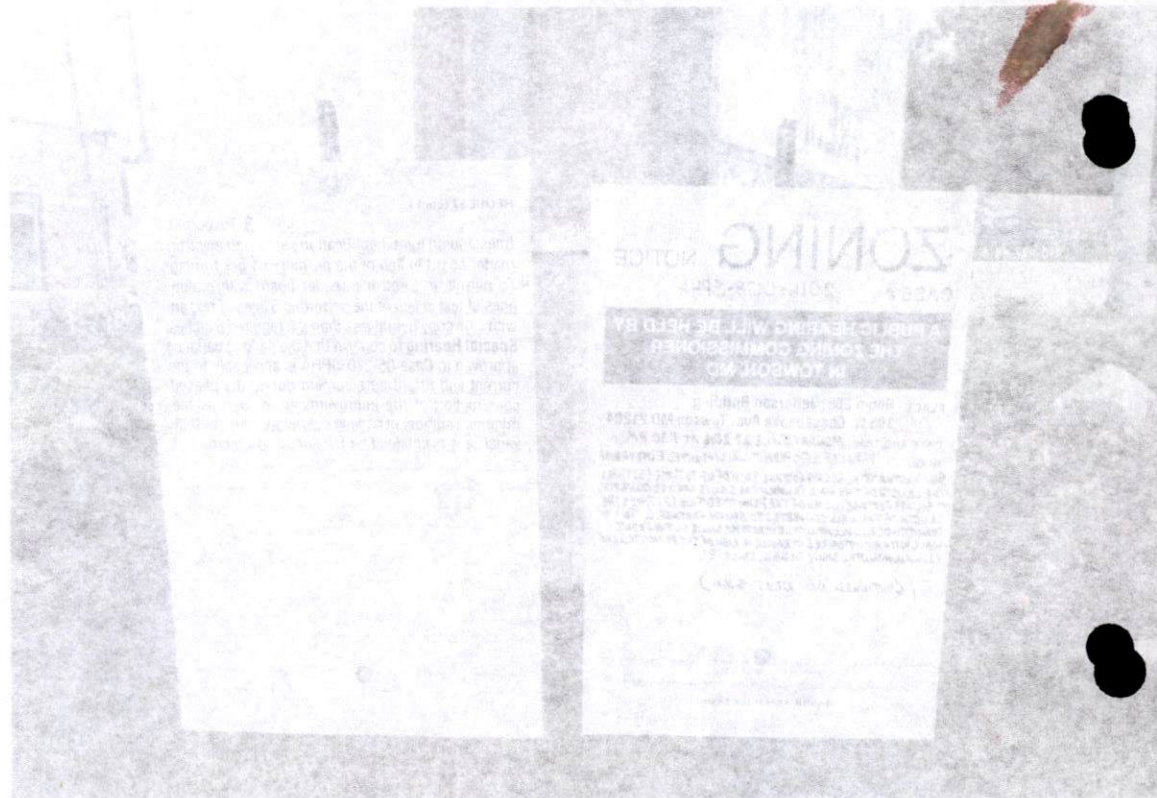
(CONTINUED ON NEXT SIGN)

POSTERMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOME TIMES NECESSARY.
TO COMPLY WITH THE ABOVE SIGNED AND POSTED.
DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF HEARING UNDER PENALTY OF LAW.
HANDICAPPED ACCESSIBLE

REQUEST (cont.):

3. To permit 2
freestanding joint identification signs with electronic
reader board in lieu of the permitted 1 per frontage.
4. To permit an electronic reader board with multiple
lines of text in lieu of the permitted 5 lines of text and
with sign copy height less than the required 8 inches.
Special Hearing to confirm that the parking variance
approved in Case 05-270-SPHA is applicable to the
current and future development during the phased
construction of the improvements as long as the
minimum number of parking spaces approved by that
variance is maintained for the shopping center.

myattmgle 5/31/16





KEVIN KAMENETZ
County Executive

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

May 20, 2016

NEW 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: 2016-0178-SPHA

11317 York Road
E/s York Road at the SE corner of Shawan Road
8th Election District – 3rd Councilmanic District
Legal Owners: Greg Birdsall, Kimco Realty

Variance 1. To permit wall mounted enterprise signs with a total square footage each of up to three (3) times the length of the wall to which the sign is affixed converted to square footage in lieu of the permitted two (2) times the length of the wall converted to square footage. 2. To permit two (2) wall-mounted enterprise signs on the front wall with a customer entrance in lieu of the permitted one (1) wall-mounted sign (BLDG 1, space 'E'). 3. To permit two (2) free standing joint identification signs with electronic reader board in lieu of the permitted one (1) per frontage. 4. To permit an electronic reader board with multiple lines of text in lieu of the permitted five (5) lines of text and with sign copy height less than the required eight (8) inches. **Special Hearing** to confirm that the parking variance approved in Case #05-270-SPHA is applicable to the current and future development during the phased construction of the improvements as long as the minimum number of parking spaces approved by that variance is maintained for the shopping center.

Hearing: Monday, June 27, 2016 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Jennifer Busse, 1 W. Pennsylvania Avenue, Ste. 300, Towson 21204
Greg Birdsall, 1954 Greenspring Avenue, Ste. 330, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 31, 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
Tuesday, May 31, 2016 Issue - Jeffersonian

Please forward billing to:

Jennifer Busse
Whiteford, Taylor & Preston
1 W. Pennsylvania Avenue, Ste. 300
Towson, MD 21204

410-832-2077

NOTICE OF ZONING HEARING

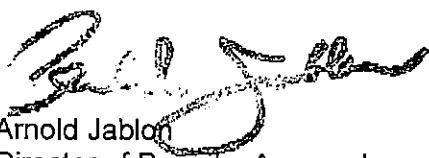
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2016-0178-SPHA

11317 York Road
E/s York Road at the SE corner of Shawan Road
8th Election District – 3rd Councilmanic District
Legal Owners: Greg Birdsall, Kimco Realty

Variance 1. To permit wall mounted enterprise signs with a total square footage each of up to three (3) times the length of the wall to which the sign is affixed converted to square footage in lieu of the permitted two (2) times the length of the wall converted to square footage. 2. To permit two (2) wall-mounted enterprise signs on the front wall with a customer entrance in lieu of the permitted one (1) wall-mounted sign (BLDG 1, space 'E'). 3. To permit two (2) free standing joint identification signs with electronic reader board in lieu of the permitted one (1) per frontage. 4. To permit an electronic reader board with multiple lines of text in lieu of the permitted five (5) lines of text and with sign copy height less than the required eight (8) inches. **Special Hearing** to confirm that the parking variance approved in Case #05-270-SPHA is applicable to the current and future development during the phased construction of the improvements as long as the minimum number of parking spaces approved by that variance is maintained for the shopping center.

Hearing: Monday, June 27, 2016 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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 4018721

Sold To:

Whiteford-Taylor & Preston LLP - CU00187154
1 W Pennsylvania Ave Ste 300
TOWSON,MD 21204

Bill To:

Whiteford-Taylor & Preston LLP - CU00187154
1 W Pennsylvania Ave Ste 300
TOWSON,MD 21204

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

Mar 10, 2016

The Baltimore Sun Media Group

By

S. Wilkinson

Legal Advertising

NOTICE OF ZONING HEARING

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

Case: # 2016-0178-SPHA
11317 York Road
E/s York Road at the SE corner of Shawan Road
8th Election District - 3rd Councilmanic District
Legal Owner(s) Greg Birdsell, Kimco Realty

Variance: to permit wall mounted enterprise signs with a total square footage each of up to 3 times the length of the wall to which the sign is affixed converted to square footage in lieu of the permitted 2 times the length of the wall converted to square footage. To permit 2 wall mounted enterprise signs on the front wall with a customer entrance in lieu of the permitted 1 wall mounted sign (BLDG 1, space 'E'). To permit 4 wall mounted enterprise signs in lieu of the permitted 3 wall signs (BLDG 2, space 'P'). To permit 4 wall mounted enterprise signs in lieu of the permitted 3 wall mounted signs (BLDG 3, space 'Q'). To permit 2 freestanding joint identification signs with electronic reader boards in lieu of the permitted 1 per frontage. To permit an electronic reader board with multiple lines of text in lieu of the permitted 5 lines of text and with sign copy height less than the required 8 inches. **SPECIAL HEARING:** to confirm that the parking variance approved in Case 05-270-SPHA is applicable to the current and future development during the phased construction of the improvements as long as the minimum number of parking spaces approved by that variance is maintained for the shopping center.

Hearing: Friday, April 1, 2016 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

3/083 March 10 4018721

CERTIFICATE OF POSTING

CERTIFICATE OF POSTING

CASE NO: 2016-0178-SPHA

PETITIONER/DEVELOPER

GREG BIRDSALL

KIMCO REALTY

DATE OF HEARING/CLOSING:

APRIL 1, 2016

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

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 AT _____

11317 YORK ROAD

THIS SIGN(S) WERE POSTED ON _____
(MONTH, DAY, YEAR)

March 12, 2016

SINCERELY,

 3/12/16
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411

• • • • •

1. *Phragmites australis* (Cav.) Trin. ex Steud.

[illegible]

1. *Chlorophyll a* and *Chlorophyll b* contents were determined by spectrophotometry using the method of Lichtenthaler and Whistler (1973).

— 1 —

[illegible]

the 1990s, the number of people in the world who are under 15 years of age is expected to increase by 1.5 billion, from 1.1 billion in 1990 to 2.6 billion in 2010. The number of people aged 65 and over is expected to increase by 1.1 billion, from 350 million in 1990 to 1.4 billion in 2010. The number of people aged 15-64 is expected to increase by 1.5 billion, from 2.5 billion in 1990 to 4.0 billion in 2010. The number of people aged 65 and over is expected to increase by 1.1 billion, from 350 million in 1990 to 1.4 billion in 2010. The number of people aged 15-64 is expected to increase by 1.5 billion, from 2.5 billion in 1990 to 4.0 billion in 2010.

1990

Figure 1. The effect of the concentration of the *Agrobacterium* suspension on the transformation efficiency of *Agrobacterium* strains.

the 1990s, the number of people in the world who are under 15 years of age is expected to increase from 1.1 billion to 1.5 billion. The number of people aged 65 and over is expected to increase from 250 million to 450 million. The number of people aged 15 and over is expected to increase from 3.5 billion to 4.5 billion. The number of people aged 15 and over is expected to increase from 3.5 billion to 4.5 billion. The number of people aged 15 and over is expected to increase from 3.5 billion to 4.5 billion.

[illegible]

1. *Chrysomelidae* (10 species)

meeting 3/12/16

ZONING NOTICE

CASE # 2016-0178-SPHA

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

PLACE: Room 205, Johnson Building
105 W. Chesapeake Ave., Towson MD 21204

DATE AND TIME: Friday, April 1, 2016 at 1:30 p.m.

Request: Variance to permit wall mounted enterprise signs with a total square footage each of up to 3 times the length of the wall to which the sign is affixed converted to square footage in lieu of the permitted 2 times the length of the wall converted to square footage. To permit 2 wall mounted enterprise signs on the front wall with a customer entrance in lieu of the permitted 1 wall mounted sign (B.D.G. 1 space). To permit 4 wall mounted enterprise signs in lieu of the permitted 3 wall mounted signs (B.D.G. 2 space "P"). To permit 4 wall mounted enterprise

request for signs in lieu of the permitted 3 wall mounted signs (B.D.G. 3 space "P"). To permit 2 freestanding four identification signs with electronic reader board in lieu of the permitted 1 per frontage. To permit an electronic reader board with multiple lines of text in lieu of the permitted 5 lines of text and with sign copy height less than the required 8 inches. Special Hearing to confirm that the parking variance approved in Case 05-210-SPHA is applicable to the current and future development during the phased construction of the improvements as long as the minimum number of parking spaces approved by that variance is maintained for the shopping center.



KEVIN KAMENETZ
County Executive

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

February 18, 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: 2016-0178-SPHA

11317 York Road

E/s York Road at the SE corner of Shawan Road

8th Election District – 3rd Councilmanic District

Legal Owners: Greg Birdsall, Kimco Realty

Variance to permit wall mounted enterprise signs with a total square footage each of up to 3 times the length of the wall to which the sign is affixed converted to square footage in lieu of the permitted 2 times the length of the wall converted to square footage. To permit 2 wall mounted enterprise signs on the front wall with a customer entrance in lieu of the permitted 1 wall mounted sign (BLDG 1, space 'E'). To permit 4 wall mounted enterprise signs in lieu of the permitted 3 wall mounted signs (BLDG 2, space 'P'). To permit 4 wall mounted enterprise signs in lieu of the permitted 3 wall mounted signs (BLDG 3, space 'Q'). To permit 2 freestanding joint identification signs with electronic reader board in lieu of the permitted 1 per frontage. To permit an electronic reader board with multiple lines of text in lieu of the permitted 5 lines of text and with sign copy height less than the required 8 inches. **Special Hearing** to confirm that the parking variance approved in Case 05-270-SPHA is applicable to the current and future development during the phased construction of the improvements as long as the minimum number of parking spaces approved by that variance is maintained for the shopping center.

Hearing: Friday, April 1, 2016 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a horizontal line.

Arnold Jablon
Director

AJ:kl

C: Jennifer Busse, 1 W. Pennsylvania Avenue, Ste. 300, Towson 21204
Greg Birdsall, 1954 Greenspring Avenue, Ste. 330, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 12, 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, March 10, 2016 Issue - Jeffersonian

Please forward billing to:

Jennifer Busse
Whiteford, Taylor & Preston
1 W. Pennsylvania Avenue, Ste. 300
Towson, MD 21204

410-832-2077

NOTICE OF ZONING HEARING

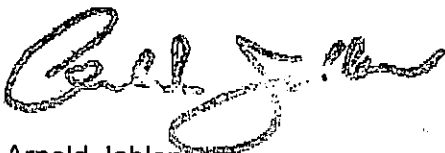
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2016-0178-SPHA

11317 York Road
E/s York Road at the SE corner of Shawan Road
8th Election District – 3rd Councilmanic District
Legal Owners: Greg Birdsall, Kimco Realty

Variance to permit wall mounted enterprise signs with a total square footage each of up to 3 times the length of the wall to which the sign is affixed converted to square footage in lieu of the permitted 2 times the length of the wall converted to square footage. To permit 2 wall mounted enterprise signs on the front wall with a customer entrance in lieu of the permitted 1 wall mounted sign (BLDG 1, space 'E'). To permit 4 wall mounted enterprise signs in lieu of the permitted 3 wall mounted signs (BLDG 2, space 'P'). To permit 4 wall mounted enterprise signs in lieu of the permitted 3 wall mounted signs (BLDG 3, space 'Q'). To permit 2 freestanding joint identification signs with electronic reader board in lieu of the permitted 1 per frontage. To permit an electronic reader board with multiple lines of text in lieu of the permitted 5 lines of text and with sign copy height less than the required 8 inches. **Special Hearing** to confirm that the parking variance approved in Case 05-270-SPHA is applicable to the current and future development during the phased construction of the improvements as long as the minimum number of parking spaces approved by that variance is maintained for the shopping center.

Hearing: Friday, April 1, 2016 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE * OF ADMINISTRATIVE
11317 York Road; E/S York Road at *
SE corner of Shawan Road * HEARINGS FOR
8th Election & 3rd Councilmanic Districts *
Legal Owner(s): Kimco Realty, Greg Birdsall *
Petitioner(s) * BALTIMORE COUNTY
* 2016-178-SPHA

* * * * *

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

FEB 18 2016

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of February, 2016, a copy of the foregoing Entry of Appearance was mailed to Jennifer Busse, Esquire, One West Pennsylvania Avenue, Suite 300, Towson, Maryland 21204, 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/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the 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 - 0178-SPHA
Petitioner: Stone Henge, LLC
Address or Location: 11317 York Rd. Cockeysville MD

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jennifer Busse
Address: c/o WTP One W. Pennsylvania Ave.
Ste. 300
Towson MD 21204
Telephone Number: 410. 832. 2077

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

No. **134152**

Date: **2/4/16**

PAID RECEIPT

BUSINESS ACTUAL TIME BOM
2/04/2016 2/04/2016 09:33:44 2

RECEIPT # 954748 2/04/2016 09:33:44
DEPT 5 520 ZONING VERIFICATION
TR NO. 134152

Receipt Tot \$1,000.00
\$1,000.00 CK \$1.00 Ch
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				1000.00

Total: **1000.00**

Rec From: *Whiteford Taylor & Preston*

For: *11317 York RD*

2016-0178-SP4A

DISTRIBUTION

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

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

March 24, 2016

Greg Birdsall
Kimco Realty
1954 Greenspring Avenue #330
Timonium MD 21093

RE: Case Number: 2016-0178 SPHA, Address: 11317 York Road

Dear Mr. Birdsall:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 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
Jennifer R. Busse, Esquire, 1 W Pennsylvania Avenue, Suite 300, Towson MD 21204

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



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

Date: 2/8/16

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

RE: Baltimore County
Item No. 2016-0178-SPHA
Variance Special Hearing
Greg Birdsall, Kinco Realty
11317 York Road.
MD 45

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 2/8/16. A field inspection and internal review reveals that an entrance onto MD 45 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2016-0178-SPHA.

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,

David W. Peake
Metropolitan District Engineer
Baltimore & Harford Counties

DWP/RAZ

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll-Free

Street Address: 320 West Warren Road • Hunt Valley, Maryland 21030 • Phone 410-229-2300 or 1-866-998-0367 • Fax 301-527-4690

www.roads.maryland.gov



KEVIN KAMENETZ
County Executive

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

June 22, 2016

Greg Birdsall
Kimco Realty
1954 Greenspring Avenue #330
Timonium MD 21093

RE: Case Number: 2016-0178 SPHA, Address: 11317 York Road

Dear Mr. Birdsall:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 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
Jennifer R Busse, Esquire, 1 W Pennsylvania Avenue, Suite 300, Towson MD 21204

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

4/11
postponed
RECEIVED

FEB 12 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: February 12, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0178-SPHA
Address 11317 York Road
(Kimco Realty Property)

Zoning Advisory Committee Meeting of February 15, 2016.

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

Reviewer: Steve Ford

Date: 02-12-2016

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



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

Date: 5/16/16

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

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 5/14/16. A field inspection and internal review reveals that an entrance onto MD45 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2016-0178-SPHA

Variance Special Hearing
Greg Birdsall, Kinco Realty
11317 York Road

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,

Wendy Wolcott, PLA
Acting Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

6-27-16

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

MAY 18 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: May 18, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0178-SPHA
Address 11317 York Road
(Kimco Realty Property)

Zoning Advisory Committee Meeting of May 23, 2016.

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

Reviewer: Steve Ford

Date: 05-18-2016

TO WCR

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: May 20, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For May 20, 2016
Item No. 2016-0178, 0273, 0274, 0275, 0276, 0277, 0278, 0280 and
0281

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\ZAC05232016.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: May 18, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0178-SPHA
Address 11317 York Road
(Kimco Realty Property)

Zoning Advisory Committee Meeting of May 23, 2016.

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

Reviewer: Steve Ford

Date: 05-18-2016

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
DATE: February 17, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For February 15, 2016
Item No. 2016-0164, 0173, 0174, 0175, 0176, 0177, 0178 and 0179

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\ZAC02152016.doc

John E. Beverungen

From: Busse, Jennifer R. <jbusse@wtplaw.com>
Sent: Monday, June 27, 2016 2:43 PM
To: John E. Beverungen
Subject: TOWSON-#442812-v3-Attachments_petitions_variance_and_special_hearing_shawan_shopping_center.docx
Attachments: TOWSON-#442812-v3-Attachments_petitions_variance_and_special_hearing_shawan_shopping_center.docx

Thank you Judge Beverungen – please do consider permitting us to amend our request to include what is attached – new item being #6.

I think you are correct – per BCZR §450.8.D, a new variance should be requested.

Plus, I just reviewed the 2011 case and it was slightly different – the relief was from Attachment 1.5(a) and I know Mr. Wasilewski feels strongly that the relief here should be from Attachment 1.5(d).

Further, they only asked for 10 signs and the chart Mr. Gesell has on Sheet 2 of our Plan lists 12 signs.

It might just be a difference in how the signs are viewed – for example, Mr. Gesell separated out “Giant” and “Pharmacy” where really I can see someone might see that as 1 sign.

Also – I don’t see the “Welcome” sign but to be safe I am asking for relief for 12 signs in lieu of the 1 permitted since Mr. Gesell said that is what exists.

Thank you!

Jennifer R. Busse, Esq.
Whiteford Taylor Preston LLP
One W. Pennsylvania Ave., Suite 300
Towson, Maryland 21204
t: 410-832-2077 | f: 410-339-4027
jbusse@wtplaw.com | www.wtplaw.com | [Bio](#) | [vCard](#)

WTP is a proud member of two global law firm networks.



This transmission contains information from the law firm of Whiteford, Taylor & Preston LLP which may be confidential and/or privileged. The information is intended to be for the exclusive use of the planned recipient. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately.

John E. Beverungen

From: John E. Beverungen
Sent: Tuesday, June 28, 2016 12:08 PM
To: Busse, Jennifer R.
Cc: Sherry Nuffer (snuffer@baltimorecountymd.gov)
Subject: Case No. 2016-178-SPHA

Ms. Busse,

I received yesterday your email along with a revised attachment to the zoning petition, which added a 5th variance request. I am writing to advise that the attachment references "ten" signs at the current Giant store, even though your email indicated 12 signs are in fact shown; and the number (12) also appears in the revised attachment page. This is to advise I have stricken on the attachment the word "ten" and in its place hand-written "twelve," along with my initials and the date. A copy of this e-mail will be included in the case file, and the order granting the relief will be sent out tomorrow.

John Beverungen
ALJ

PLEASE PRINT CLEARLY

CASE NAME 2016-0178-SPHA
CASE NUMBER Shawan Plaza
DATE 6/27/16

PETITIONER'S SIGN-IN SHEET

[illegible]

C H E C K L I S TSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment

5/20

DEVELOPMENT PLANS REVIEW

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

N/C

5/18

DEPS

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

N/C

FIRE DEPARTMENT

PLANNING

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

5/16

STATE HIGHWAY ADMINISTRATION

NO Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

5/31/16

SIGN POSTING

Date:

5/31/16

by

Ogle

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

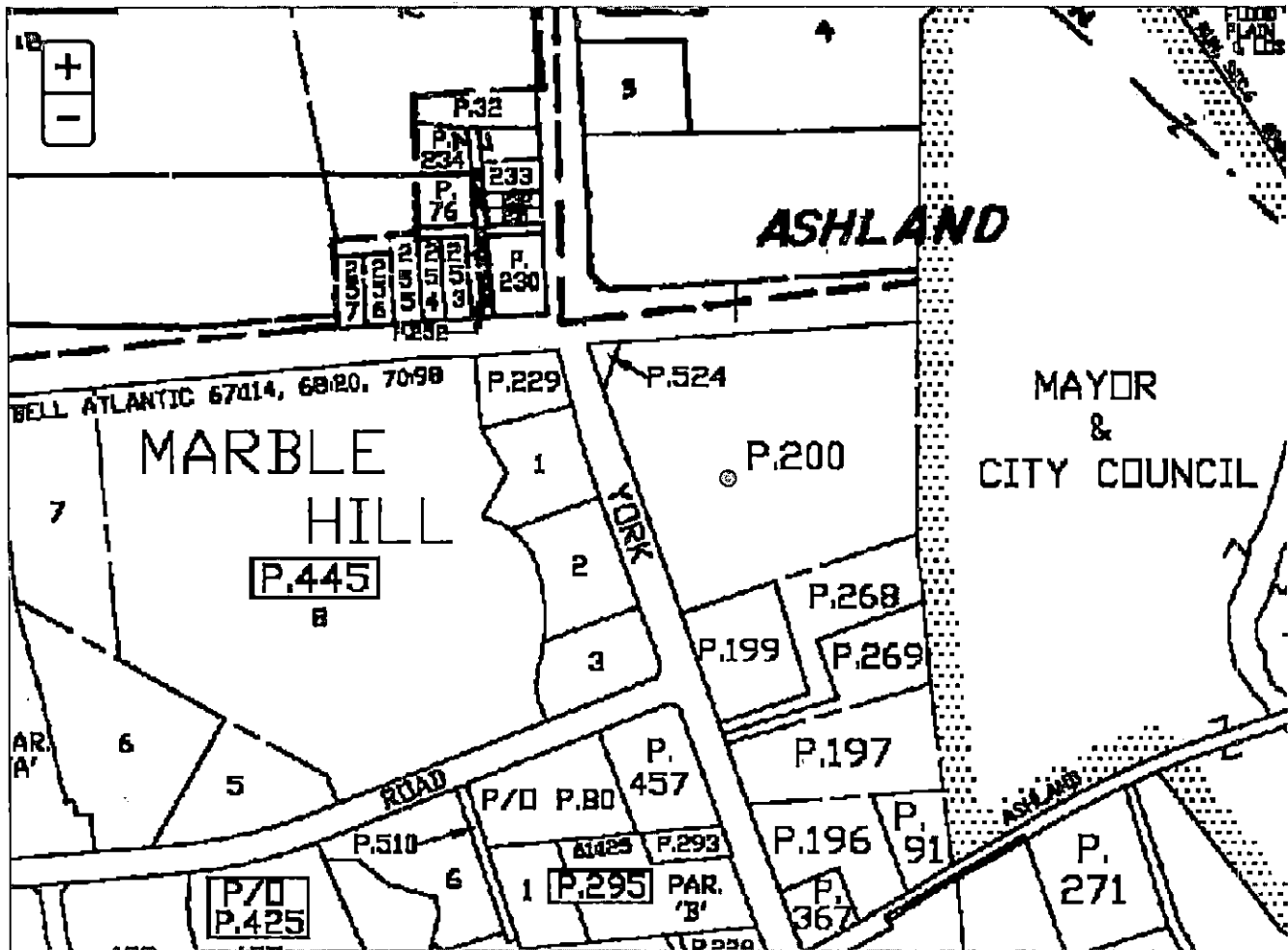
Real Property Data Search (w2)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 0816045025			
Owner Information					
Owner Name:	STONEHENGE LLC C/O KIMCO REALTY CORP		Use:	COMMERCIAL	
Mailing Address:	SUITE 100 3333 NEW HYDE PARK RD NEW HYDE PARK NY 11042-1205		Principal Residence:	NO	
			Deed Reference:	/12263/ 00228	
Location & Structure Information					
Premises Address:		11317 YORK RD COCKEYSVILLE MD 21030-1909		Legal Description:	11.9398 AC ES YORK RD 70 N COR SHAWAN RD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0042	0016	0200		0000	2014 14
Special Tax Areas:			Town: Ad Valorem: Tax Class:		
			NONE		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1989	94993		11.9300 AC	14	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
		SHOPPING CENTER / COMMUNITY			
Value Information					
	Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2015 As of 07/01/2016		
Land:	12,197,500	12,197,500			
Improvements	6,586,000	6,805,800			
Total:	18,783,500	19,003,300	18,930,033	19,003,300	
Preferential Land:	0			0	
Transfer Information					
Seller: STONEHENGE LIMITED PARTNERSHIP		Date: 06/30/1997		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /12263/ 00228		Deed2:	
Seller: SHAWAN ASSOCIATE S		Date: 12/23/1988		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /08359/ 00412		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>)District: **08** Account Number: **0816045025**

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>).

WHITEFORD, TAYLOR & PRESTON L.L.P.

JENNIFER R. BUSSE
DIRECT LINE (410) 832-2077
DIRECT FAX (410) 339-4027
jbusse@wtplaw.com

TOWSON COMMONS, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5025
MAIN TELEPHONE (410) 832-2000
FACSIMILE (410) 832-2015

3/24/16
TO KL
OK

BALTIMORE, MD
BETHANY BEACH, DE*
BETHESDA, MD
COLUMBIA, MD
DEARBORN, MI
FALLS CHURCH, VA
LEXINGTON, KY
PITTSBURGH, PA
ROANOKE, VA
WASHINGTON, DC
WILMINGTON, DE*

WWW.WTPLAW.COM
(800) 987-8705

March 21, 2016

VIA U.S MAIL AND VIA EMAIL- klewis@baltimorecountymd.gov

Ms. Kristen Lewis
Baltimore County Permits, Approvals & Inspections
111 W. Chesapeake Avenue, Room 105
Towson, MD 21204

Re: **Zoning Case 2016-0178-SPHA
11317 York Road - Shawan Plaza**

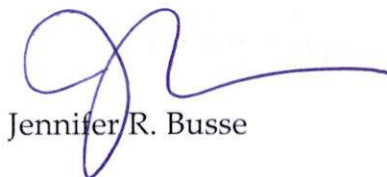
Dear Ms. Lewis:

The hearing in the above-referenced matter is currently set for Friday, April 1, 2016 at 1:30 p.m. My client, KIMCO, the applicant in this matter, is still negotiating sign details with a tenant. As a result, the zoning relief needed appears it is going to need to be slightly revised. I apologize, but as a result, I need to ask for a postponement. I am unaware of any opposing counsel. I am copying People's Counsel on this letter since they entered their appearance.

If we could be assigned a hearing date in May, it would be greatly appreciated, and I am confident we will be ready to proceed and therefore the hearing will be able to be handled much more efficiently than it would if we are forced to proceed on April 1.

Thank you for your attention to this matter.

Sincerely,



Jennifer R. Busse

JRB:tm

Ms. Kristen Lewis

March 21, 2016

Page 2

cc: Michael Ogden (KIMCO)
Greg Reed (KIMCO)
Michael Gesell (Bohler Engineering)
Wallace S. Lippincott (Office of Planning)
Peter Max Zimmerman, Esq. (People's Counsel)
Carole S. Demilio (People's Counsel)

Case No.: 2016-0178-SPHA

Exhibit Sheet

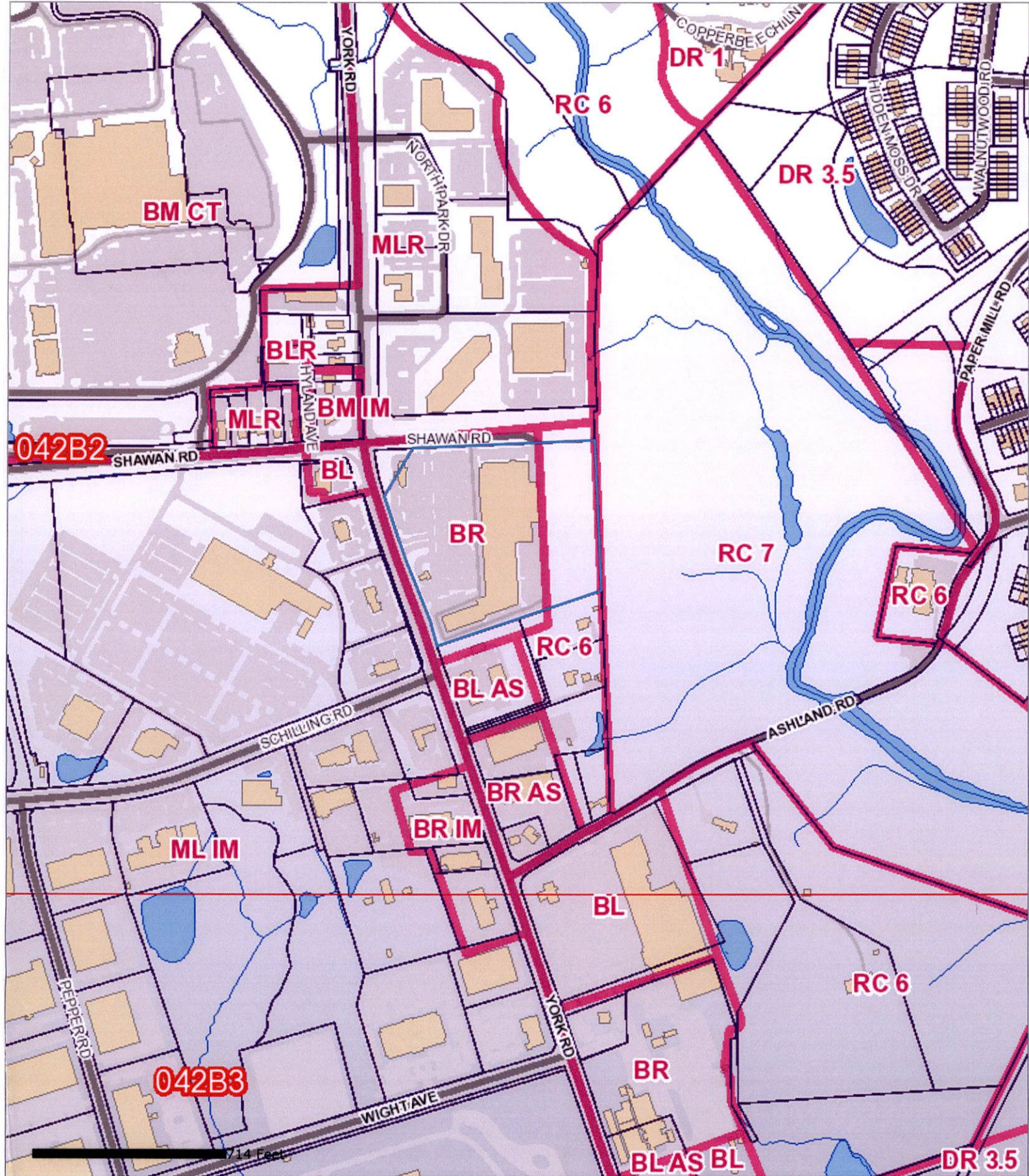
Petitioner/Developer

PG-1-16

Protestant

See
6-29-16

No. 1	1A-1D 4 sheet site plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



Zoning

Created By
Baltimore County
My Neighborhood

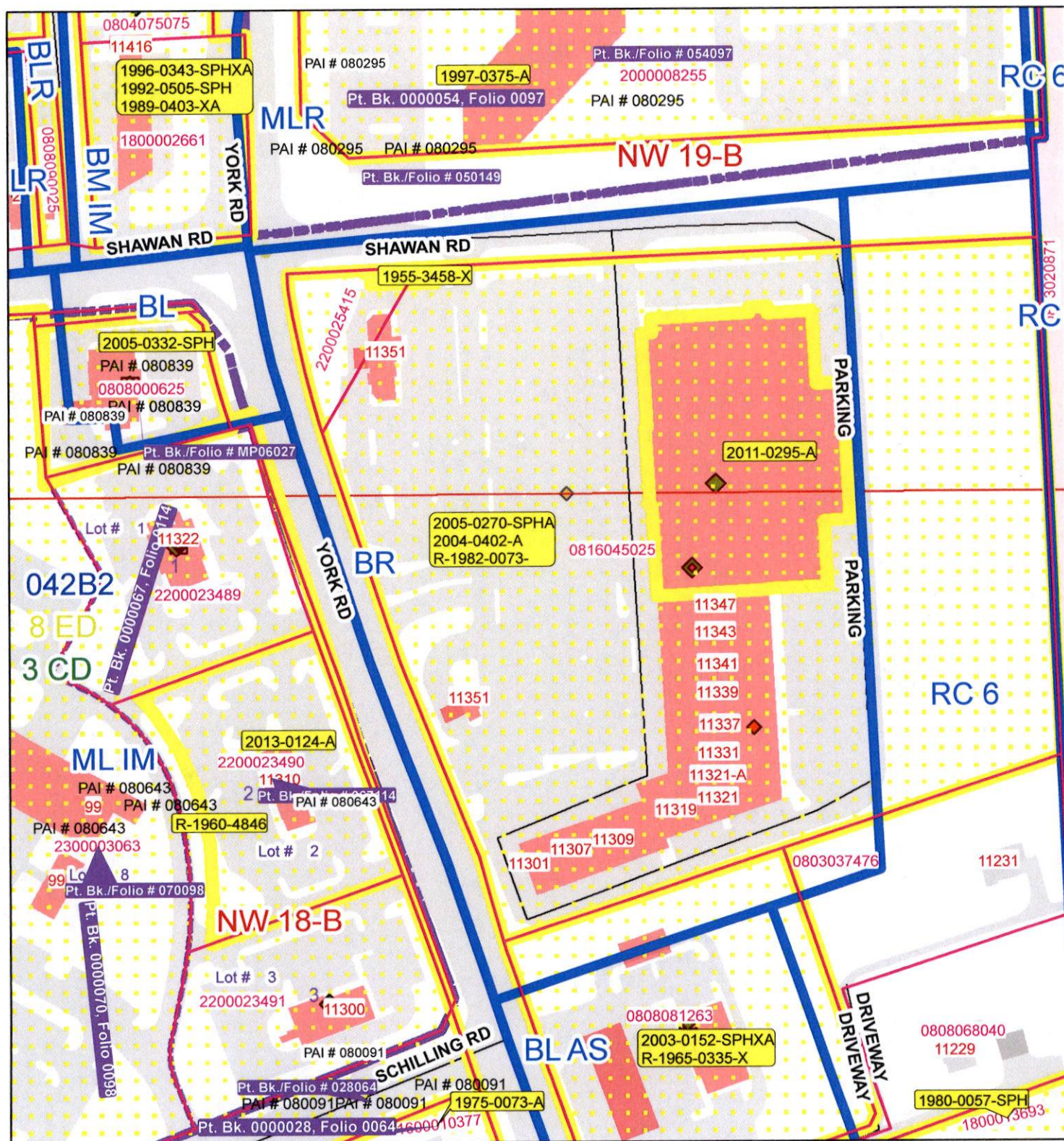


This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' fees, and court costs incurred as a result of, or arising in connection with the use of or reliance upon this data.

Printed 2/1/2016

2016-0178-SPHA

11317 York Road 2016-0178-SPHA



Publication Date: 2/4/2016



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



A horizontal scale bar with alternating black and white segments. Above the bar, numerical values are marked at intervals: 0, 40, 80, 160, 240, and 320. The word "Feet" is written at the right end of the bar.

1 inch = 150 feet

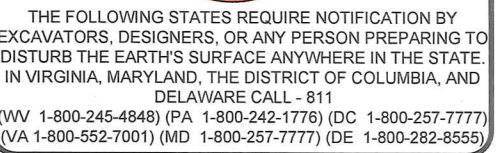


FREESTANDING I.D. SIGNS								
ID	Tenant	Signage			Sign Height (FT.)	Allowable Sign Height Per Code (SF.)	Allowable Sign Area (SF.)	NOTES
		Sign Panel Width (FT.)	Sign Panel Height (FT.)	Sign Panel Area (SF.)				
R	SHAWAN/YORK ROAD TOTAL	8.00	14.58	116.64	20.00	25.00	150.00	SHOPPING CENTER ID SIGN WITH ELECTRONIC READER BOARD
S	YORK ROAD TOTAL	8.00	14.58	116.64	20.00	25.00	150.00	SHOPPING CENTER ID SIGN WITH ELECTRONIC READER BOARD

ID	Tenant	Signage			Sign Height (FT.)	Allowable Sign Height Per Code (SF.)	Allowable Sign Area (SF.)	NOTES
		Sign Panel Width (FT.)	Sign Panel Height (FT.)	Sign Panel Area (SF.)				
R	SHAWAN/YORK ROAD TOTAL	8.00	14.58	116.64	20.00	25.00	150.00	SHOPPING CENTER ID SIGN WITH ELECTRONIC READER BOARD
S	YORK ROAD TOTAL	8.00	14.58	116.64	20.00	25.00	150.00	SHOPPING CENTER ID SIGN WITH ELECTRONIC READER BOARD



SHAWAN PLAZA SIGN
YORK ROAD
NOT TO SCALE
116.64 S.F.

[illegible]

NOT APPROVED FOR
CONSTRUCTION

PROJECT No.:	MD149002
DRAWN BY:	RMS
CHECKED BY:	MJG
DATE:	2/3/16
SCALE:	NOT TO SCALE
CAD I.D.:	SV1

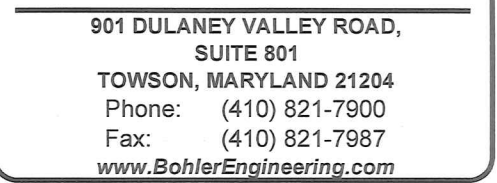
PROJECT:

SIGN
VARIANCE
PLAN

— FOR —

STONEHENGE,
LLC

LOCATION OF SITE
SHAWAN PLAZA SHOPPING
CENTER
11317 YORK ROAD (MD.
ROUTE 45)
COCKEYSVILLE, MD



M.J. GESELL
PROFESSIONAL ENGINEER

SHEET TITLE:
SIGN DETAILS TO
ACCOMPANY
PETITIONS FOR
SIGN VARIANCES
AND SPECIAL
HEARING

SHEET NUMBER: 2 OF 4

2016-0178-SPHA

PROFESSIONAL CERTIFICATION
I, MICHAEL J. GESELL, 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. 44097, EXPIRATION DATE: 6/3/17



Ref. Ex 1
C

[illegible]

THE FOLLOWING STATES REQUIRE NOTIFICATION BY EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO DISTURB THE EARTH'S SURFACE ANYWHERE IN THE STATE IN VIRGINIA, MARYLAND, THE DISTRICT OF COLUMBIA, AND DELAWARE CALL - 811

(WV 1-800-245-4848) (PA 1-800-242-1776) (DC 1-800-257-7777)
 (VA 1-800-552-7001) (MD 1-800-257-7777) (DE 1-800-282-8555)

NOT APPROVED FOR
CONSTRUCTION

PROJECT No.:	MD149002
DRAWN BY:	RMS
CHECKED BY:	MJG
DATE:	2/3/18
SCALE:	NOT TO SCALE
CAD ID:	SV4

PROJECT:

SIGN
VARIANCE
PLAN

FOR

STONEHENGE,
LLC

LOCATION OF SITE
SHAWAN PLAZA SHOPPING
CENTER
11317 YORK ROAD (MD.
ROUTE 45)
COCKEYSVILLE, MD

BOHLER
ENGINEERING

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

M.J. GESELL

PROFESSIONAL ENGINEER
MAY 1990 AND LICENSE NO. 44003

SHEET TITLE:
SIGN DETAILS TO
ACCOMPANY
PETITIONS FOR
SIGN VARIANCES
AND SPECIAL
HEARING

SHEET NUMBER:

3

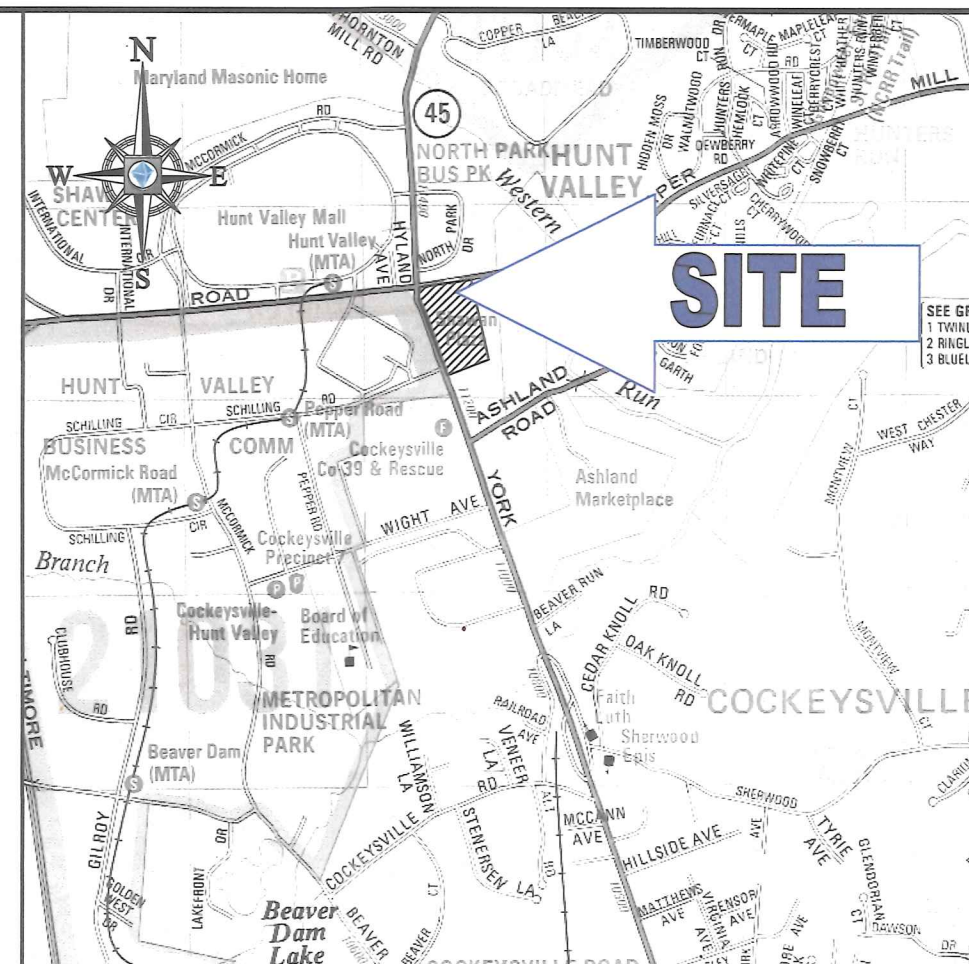
OF 4

2016-0178-SPHA

PROFESSIONAL CERTIFICATION
I, MICHAEL J. GESELL, 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. 44097. EXPIRATION DATE: 6/9/17

GENERAL NOTE:

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WORK SCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS DEFINED BY THE DRAWINGS AND FULL CONFORMANCE WITH ALL LOCAL REGULATIONS AND CODES.



LOCATION MAP
COPYRIGHT ADC THE MAP PEOPLE
PERMIT USE NO. 20602

1. PETITION FOR VARIANCE FROM BCCR 450.4 A ATTACHMENT 1, 5(D)(V) TO PERMIT WALL MOUNTED ENTERPRISE SIGNS WITH A TOTAL SQUARE FOOTAGE EACH OF UP TO THREE (3) TIMES THE LENGTH OF THE WALL TO WHICH THE SIGN IS TO BE CONVERTED TO IN LIEU OF THE PERMITTED ONE FOOT OF THE PERMITTED TWO (2) TIMES THE LENGTH OF THE WALL CONVERTED TO SQUARE FOOTAGE.
2. PETITION FOR VARIANCE FROM BCCR 450.4 A ATTACHMENT 1, 5(D)(VI) TO PERMIT TWO (2) WALL MOUNTED ENTERPRISE SIGNS ON THE FRONT WALL WITH A CUSTOMER ENTRANCE IN LIEU OF THE PERMITTED ONE (1) WALL MOUNTED SIGN (B.D.G. 1, SPACE E).
3. PETITION FOR VARIANCE FROM BCCR 450.4 A ATTACHMENT 1, 1(C)(VI) & 7(B)(IX) TO PERMIT TWO (2) FREE STANDING JOINT IDENTIFICATION SIGNS WITH ELECTRONIC READER BOARD IN LIEU OF THE PERMITTED ONE (1) PER FRONTAGE.
4. PETITION FOR VARIANCE FROM BCCR 450.4 A ATTACHMENT 1, 7(B)(IX) TO PERMIT AN ELECTRONIC READER BOARD WITH MULTIPLE LINES OF TEXT IN LIEU OF THE PERMITTED FIVE (5) LINES OF TEXT AND WITH SIGN CORD HEIGHT LESS THAN THE REQUIRED FIFTY (50) INCHES.
5. PETITION FOR SPECIAL HEARING TO CONFIRM THAT THE PARKING VARIANCE PROVIDED FOR THE PHASED CONSTRUCTION IS APPLICABLE TO THE CURRENT AND FUTURE DEVELOPING DURING THE PHASED CONSTRUCTION OF THE IMPROVEMENTS AS LONG AS THE MINIMUM PARKING SPACES PROVIDED BY THAT VARIANCE IS MAINTAINED FOR THE SHOPPING CENTER.

GENERAL NOTES:

1. PROPERTY INFORMATION:

A. SITE ADDRESS:	11317 YORK ROAD
B. SITE AREA:	520,072 S.F. OR 11.49 AC
C. ELECTION DISTRICT:	8
D. COUNCILMANIC DISTRICT:	4
E. ADC MAP:	4480F1 AND 4480G1
F. CENSUS TRACT:	408900
G. TAX MAP:	42
H. PARCEL:	200
I. TAX ACCOUNT NO:	0816045025
2. ZONING :
B/R (BUSINESS ROADSIDE)
RC-6 (RURAL CONSERVATION AND RESIDENTIAL)
3. ZONING MAP REFERENCE:
(042B2)
4. LAND USE:
EXISTING: PLANNED SHOPPING CENTER
5. FLOOR AREA RATIO:
ALLOWABLE: 0.50
EXISTING: 105,039 / 520,072 S.F. = 0.20
6. SETBACKS:
REQUIRED
FRONT: 50' FROM CENTERLINE
OF YORK RD.
25' FROM FRONT
PROPERTY LINE

SIDE(S): 30'
PARCEL: 30'
LANDSCAPE: 10'
PARKING: 15' FROM FRONT
SETBACK
7. HEIGHT REQUIREMENTS:
35' (MAX)
8. PARKING :

REQUIRED: (S SPACES PER 1,000 S.F. OR GROSS LEASABLE AREA) X 105,039 S.F. = 526

REDUCED: A VARIANCE TO REDUCE THE PARKING REQUIRED WAS APPROVED ON
JANUARY 28, 2006.

EXISTING: 406 PARKING SPACES
9. THIS SITE WILL BE SERVICED BY A PUBLIC WATER AND SEWER SYSTEM.
10. EXISTING SCREENING AND LANDSCAPING WILL REMAIN.
11. THE SITE IS NOT LOCATED WITHIN A 100-YEAR FLOODPLAIN PER FEMA MAP #2400100235F
DATED SEPTEMBER 28, 2006.
12. THE SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICE AREAS.
13. THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THE SITE.
14. ANY FUTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED
AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC
STREETS.
15. THE SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
16. THERE ARE NO KNOWN HISTORICAL STRUCTURES LOCATED ON THE PROPERTY.

ZONING HISTORY

CASE NO. 82-73
DECIDED BY BALTIMORE COUNTY BOARD OF APPEALS DECEMBER 8,
1991-BOARD OF APPEALS DENIES RECLASSIFICATION PETITION FOR 4.10
ACRES FROM AN RC-2 TO A BR ZONE.

CIRCUIT COURT CASE NO: 82-M-3
BALTIMORE COUNTY CIRCUIT COURT REVERSED ORDER FROM THE
BALTIMORE COUNTY COURT OF APPEALS.

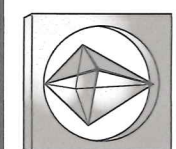
COURT OF SPECIAL APPEALS NO. 1381 (UNREPORTED)
SEPTEMBER TERM 1982 NO. R-82-73 (DECIDED MAY 2, 1983)
MARYLAND COURT OF SPECIAL APPEALS REVERSED THE ORDER FROM
BALTIMORE COUNTY CIRCUIT COURT AND UPHELD THE ORIGINAL DENIAL OF
THE RECLASSIFICATION PETITION FROM AN RC-2 TO A BR ZONE.

CASE NO. 04-402-A - (ORDER DATED APRIL 27, 2004) -
VARIANCE GRANTED FROM SECTION 409.6 OF THE BCZR TO PERMIT 465
PARKING SPACES IN LIEU OF THE REQUIRED 505 SPACES.

CASE NO. 05-270-SPHA - (ORDER DATED JANUARY 28, 2005) -
VARIANCE GRANTED FROM SECTION 409.6.A.2 TO PERMIT 406 OFF STREET
PARKING SPACES IN LIEU OF THE REQUIRED 523 PARKING SPACES.

CASE NO. 11-0295-A - (ORDER DATED MAY 26, 2011) -
VARIANCE GRANTED TO ALLOW TEN (10) WALL-MOUNTED ENTERPRISE
SIGNS IN LIEU OF THE PERMITTED ONE (1) FOR BUILDING 'A' PURSUANT TO
BCZR SECTION 450.4 ATTACHMENT 1.5a

PROFESSIONAL CERTIFICATION
I, MICHAEL J. GESELL, 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. 44097. EXPIRATION DATE: 6/31/17

BOHLER
ENGINEERING

CIVIL & CONSULTING ENGINEERS

SURVEYORS

OFFICES:

♦ SOUTHBOROUGH, MA ♦ BOWIE, MD

PROJECT MANAGERS

ENVIRONMENTAL CONSULTANTS

◆ TOWSON, NY
◆ ALBANY, NY
◆ RONKONKOMA, NY
◆ STERLING, VA
◆ CHALFONT, PA
◆ WARRENTON, OR

LANDSCAPE ARCHITECTS
♦ TAMPA, FL ♦ PHILADELPHIA ♦

FROM BORLEN ENGINEERING. ONLY APPROVED, SIGNED AND SEALED PLANS SHALL BE UTILIZED FOR CONSTRUCTION PURPOSES © 2001 BORLEN

REVISIONS

[illegible]

THE FOLLOWING STATES REQUIRE NOTIFICATION BY
EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO
DISTURB THE EARTH'S SURFACE ANYWHERE IN THE STATE
IN VIRGINIA, MARYLAND, THE DISTRICT OF COLUMBIA, AND
DELAWARE CALL - 811
(WV 1-800-245-4848) (PA 1-800-242-1778) (DC 1-800-257-7777)
(VA 1-800-552-7001) (MD 1-800-257-7777) (DE 1-800-282-8555)

NOT APPROVED FOR
CONSTRUCTION

PROJECT No.:	MD149002
DRAWN BY:	RMS
CHECKED BY:	MJG
DATE:	2/3/16
SCALE:	1"=40'
CAD ID :	SV1

PROJECT:

SIGN VARIANCE PLAN

— FOR —
STONEHENGE,
LLC

LOCATION OF SITE
SHAWAN PLAZA SHOPPING
CENTER
11317 YORK ROAD (MD.
ROUTE 45)
COCKEYSVILLE, MD



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

M.J. GESELL

PROFESSIONAL ENGINEER
MARYLAND LICENSE No. 44167

SHEET TITLE:

PLAN TO
ACCOMPANY
PETITIONS FOR
SIGN VARIANCES
AND SPECIAL
HEARING

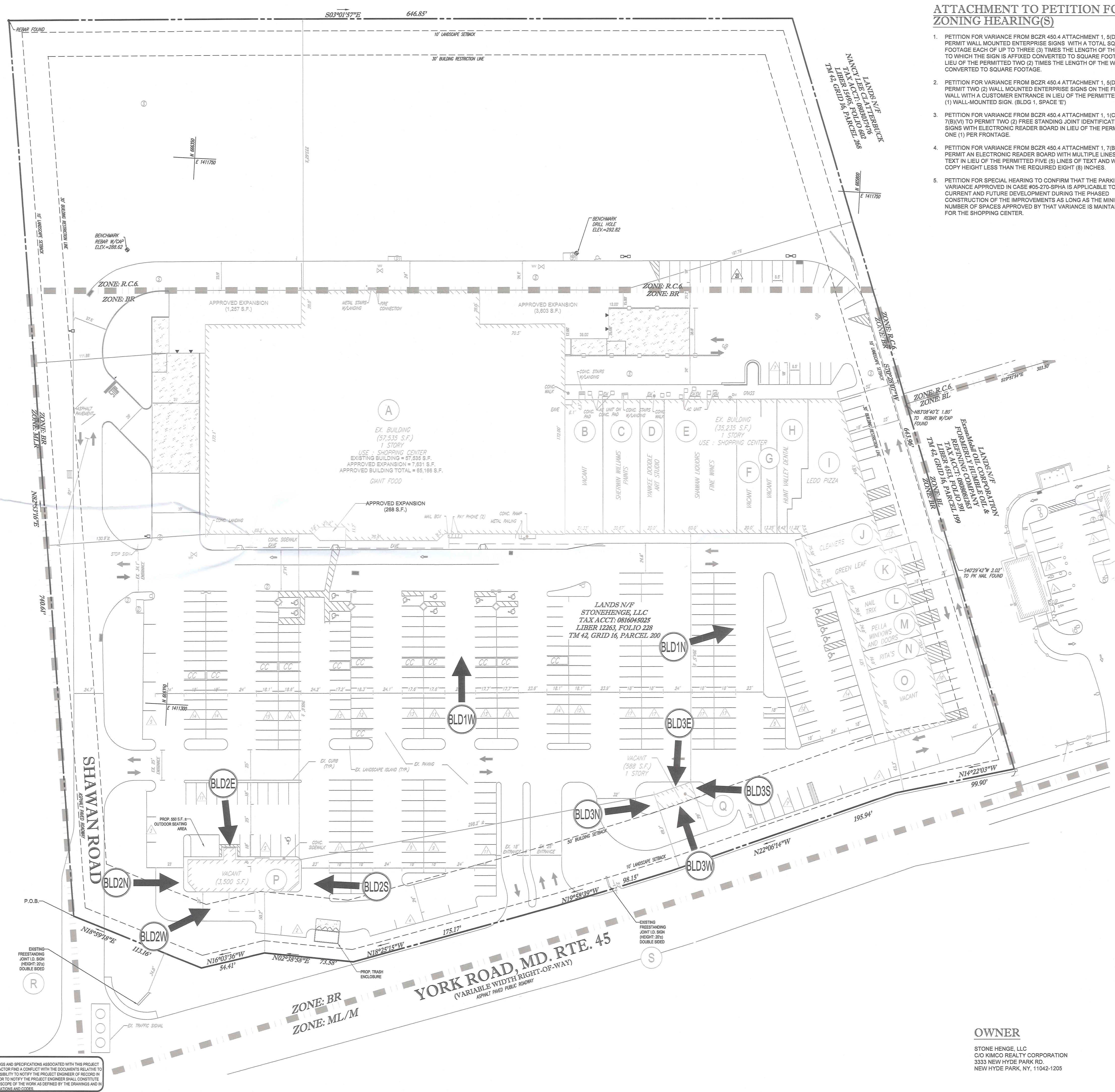
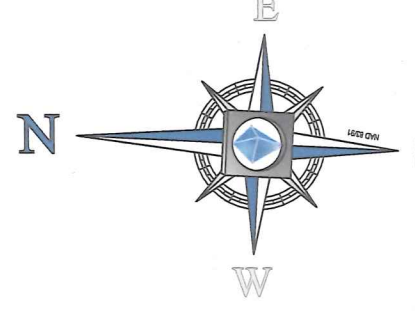
SHEET NUMBER:

1

OF 4

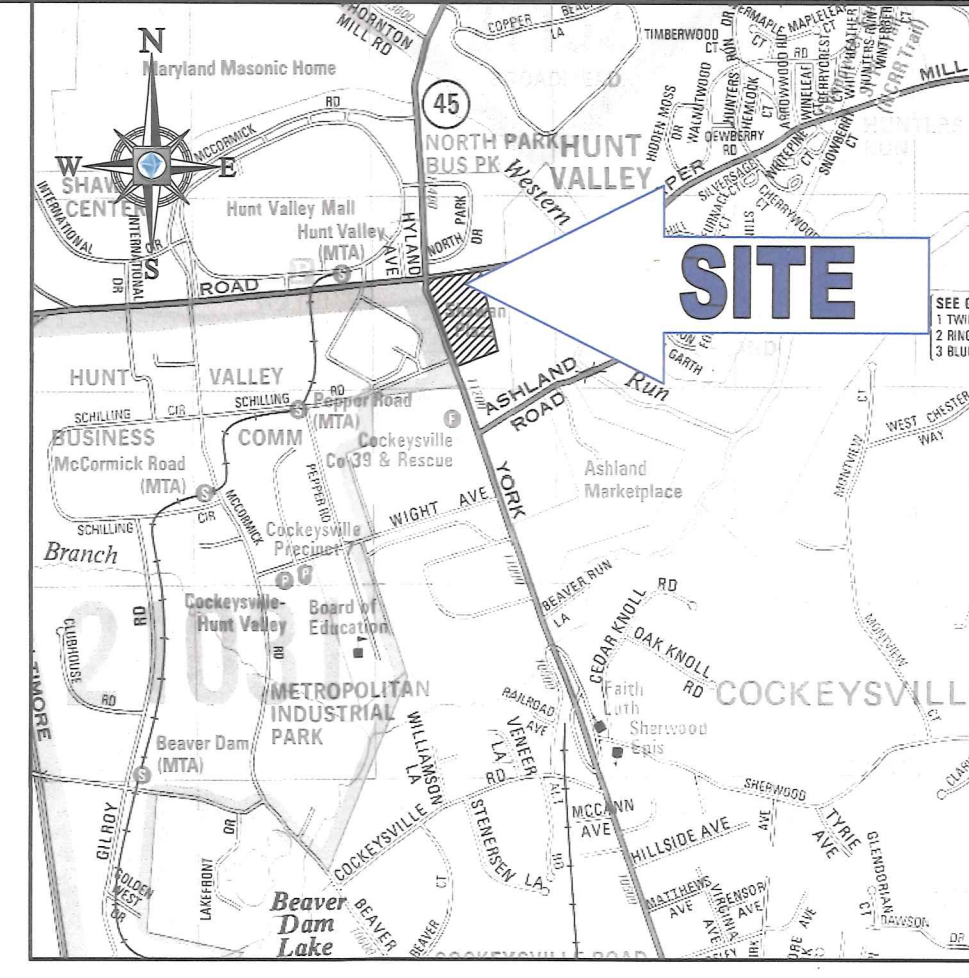
2016-0178-SPHA

GENERAL NOTE:
IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WORK SCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS DEFINED BY THE DRAWINGS AND IN FULL CONFORMANCE WITH LOCAL REGULATIONS AND CODES.



ATTACHMENT TO PETITION FOR ZONING HEARING(S)

- PETITION FOR VARIANCE FROM BCZR 450.4 ATTACHMENT 1, 5(D)(V) TO PERMIT WALL MOUNTED ENTERPRISE SIGNS WITH A TOTAL SQUARE FOOTAGE EACH OF UP TO THREE (3) TIMES THE LENGTH OF THE WALL TO WHICH THE SIGN IS AFFIXED CONVERTED TO SQUARE FOOTAGE IN LIEU OF THE PERMITTED TWO (2) TIMES THE LENGTH OF THE WALL CONVERTED TO SQUARE FOOTAGE.
- PETITION FOR VARIANCE FROM BCZR 450.4 ATTACHMENT 1, 5(D)(V) TO PERMIT TWO (2) WALL MOUNTED ENTERPRISE SIGNS ON THE FRONT WALL WITH A CUSTOMER ENTRANCE IN LIEU OF THE PERMITTED ONE (1) WALL-MOUNTED SIGN (BLDG 1, SPACE 'E').
- PETITION FOR VARIANCE FROM BCZR 450.4 ATTACHMENT 1, 1(C)(V) & 7(B)(V) TO PERMIT TWO (2) FREE STANDING JOINT IDENTIFICATION SIGNS WITH ELECTRONIC READER BOARD IN LIEU OF THE PERMITTED ONE (1) PER FRONTAGE.
- PETITION FOR VARIANCE FROM BCZR 450.4 ATTACHMENT 1, 7(B)(X) TO PERMIT AN ELECTRONIC READER BOARD WITH MULTIPLE LINES OF TEXT IN LIEU OF THE PERMITTED FIVE (5) LINES OF TEXT AND WITH SIGN COPY HEIGHT LESS THAN THE REQUIRED EIGHT (8) INCHES.
- PETITION FOR SPECIAL HEARING TO CONFIRM THAT THE PARKING VARIANCE APPROVED IN CASE #05-270-SPHA IS APPLICABLE TO THE CURRENT AND FUTURE DEVELOPMENT DURING THE PHASED CONSTRUCTION OF THE IMPROVEMENTS AS LONG AS THE MINIMUM NUMBER OF SPACES APPROVED BY THAT VARIANCE IS MAINTAINED FOR THE SHOPPING CENTER.



LOCATION MAP
COPYRIGHT ADC THE MAP PEOPLE
PERMIT USE NO. 20602

GENERAL NOTES:

- PROPERTY INFORMATION:
 - A. SITE ADDRESS: 11317 YORK ROAD
 - B. SITE AREA: 520,072 S.F. OR 11.49 AC
 - C. ELECTION DISTRICT: 8
 - D. COUNCILMANIC DISTRICT: 3
 - E. ADC MAP: 4480F1 AND 4480G1
 - F. CENSUS TRACT: 408900
 - G. TAX MAP: 42
 - H. PARCEL: 200
 - I. TAX ACCOUNT NO: 0816045025
- ZONING: BR (BUSINESS ROADSIDE) RC-6 (RURAL CONSERVATION AND RESIDENTIAL)
- ZONING MAP REFERENCE: 042B2
- LAND USE: EXISTING: PLANNED SHOPPING CENTER
- FLOOR AREA RATIO:
 - ALLOWABLE: 0.50
 - EXISTING: 105,039 / 520,072 S.F. = 0.20
- SETBACKS:
 - REQUIRED
 - FRONT: 50' FROM CENTERLINE OF YORK RD. AND 25' FROM FRONT PROPERTY LINE
 - SIDE(S): 30'
 - PARCEL: 30'
 - LANDSCAPE: 10'
 - PARKING: 15' FROM FRONT SETBACK
- HEIGHT REQUIREMENTS: 35' (MAX)
- PARKING:
 - REQUIRED: (5 SPACES PER 1,000 S.F. OR GROSS LEASABLE AREA) X 105,039 S.F. = 526
 - REDUCED: A VARIANCE TO REDUCE THE PARKING REQUIRED WAS APPROVED ON JANUARY 28, 2005
 - EXISTING: 406 PARKING SPACES
- THIS SITE WILL BE SERVICED BY A PUBLIC WATER AND SEWER SYSTEM.
- EXISTING SCREENING AND LANDSCAPING WILL REMAIN.
- THE SITE IS NOT LOCATED WITHIN A 100-YEAR FLOODPLAIN PER FEMA MAP #2400100235F DATED SEPTEMBER 28, 2008.
- THE SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICE AREAS.
- THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THE SITE.
- ANY FUTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
- THE SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO KNOWN HISTORICAL STRUCTURES LOCATED ON THE PROPERTY.

ZONING HISTORY

CASE NO. 82-73
DECIDED BY BALTIMORE COUNTY BOARD OF APPEALS DECEMBER 8, 1991-BOARD OF APPEALS DENIES RECLASSIFICATION PETITION FOR 4.10 ACRES FROM AN RC-2 TO A BR ZONE.

CIRCUIT COURT CASE NO. 82-M-3
BALTIMORE COUNTY CIRCUIT COURT REVERSED ORDER FROM THE BALTIMORE COUNTY COURT OF APPEALS.

COURT OF SPECIAL APPEALS NO. 1381 (UNREPORTED)
SEPTEMBER TERM 1992 NO. R-62-73 (DECIDED MAY 2, 1993)
MARYLAND COURT OF SPECIAL APPEALS REVERSED THE ORDER FROM BALTIMORE COUNTY CIRCUIT COURT AND UPHOLD THE ORIGINAL DENIAL OF THE RECLASSIFICATION PETITION FROM AN RC-2 TO A BR ZONE.

CASE NO. 04-402-A - (ORDER DATED APRIL 27, 2004) -
VARIANCE GRANTED FROM SECTION 409.6 OF THE BCZR TO PERMIT 465 PARKING SPACES IN LIEU OF THE REQUIRED 505 SPACES.

CASE NO. 05-270-SPHA - (ORDER DATED JANUARY 28, 2005) -
VARIANCE GRANTED FROM SECTION 409.6 OF THE BCZR TO PERMIT 406 OFF STREET PARKING SPACES IN LIEU OF THE REQUIRED 523 PARKING SPACES.

CASE NO. 11-0295-A - (ORDER DATED MAY 28, 2011) -
VARIANCE GRANTED TO ALLOW TEN (10) WALL-MOUNTED ENTERPRISE SIGNS IN LIEU OF THE PERMITTED ONE (1) FOR BUILDING 'A' PURSUANT TO BCZR SECTION 450.4 ATTACHMENT 1.5a

OWNER
STONE HENGE, LLC
C/O KIMCO REALTY CORPORATION
3333 NEW HYDE PARK RD.
NEW HYDE PARK, NY, 11042-1205

PROFESSIONAL CERTIFICATION
I, MICHAEL J. GESELL, 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. 44087, EXPIRATION DATE: 6/9/17

BOHLER ENGINEERING

CORPORATE OFFICE:
4 YARBLEN, NJ

SURVEYORS
PROJECT MANAGERS
ENVIRONMENTAL CONSULTANTS
LANDSCAPE ARCHITECTS

OTHER OFFICES:
• FOWLE, MD
• TOWSON, MD
• ALBANY, NY
• CHALCOTTE, PA
• COCKEYSVILLE, PA
• HUNTSVILLE, AL
• TAMPA, FL
• FORT LAUDERDALE, FL
• WASHINGTON, VA

REVISIONS			
REV	DATE	COMMENT	BY
1	4/18/16	REVISED TENANT SIGNAGE	DSH

THE FOLLOWING STATES REQUIRE NOTIFICATION BY EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO DISTURB THE EARTH'S SURFACE ANYWHERE IN THE STATE IN VIRGINIA, MARYLAND, THE DISTRICT OF COLUMBIA, AND DELAWARE CALL-811 (WV 1-800-245-4444) (PA 1-800-245-1775) (DE 1-800-287-7777) (VA 1-800-552-7001) (MD 1-800-287-7777) (DC 1-800-282-8555)

NOT APPROVED FOR CONSTRUCTION

PROJECT NO.: MD149002

DRAWN BY: RMS

CHECKED BY: MUG

DATE: 2/3/16

SCALE: 1"=40'

CAD L.D.: SV1

SIGN VARIANCE PLAN

FOR

STONEHENGE, LLC

LOCATION OF SITE

SHAWAN PLAZA SHOPPING CENTER

11317 YORK ROAD (MD. ROUTE 45)

COCKEYSVILLE, MD

901 DULANEY VALLEY ROAD, SUITE 801

TOWSON, MARYLAND 21204

Phone: (410) 821-7800

Fax: (410) 821-7887

www.BohlerEngineering.com

4/21/16

SHEET TITLE:

PLAN TO ACCOMPANY PETITIONS FOR SIGN VARIANCES AND SPECIAL HEARING

SHEET NUMBER:

1

OF 4

2016-0178-SPHA

GENERAL NOTE
IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT. WORK SCOPE PRIOR TO THE INITIATION OF CONSTRUCTION SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS SHOWN BY THE DRAWINGS AND FULL CONFORMANCE WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS AND CODES.



PROFESSIONAL CERTIFICATION
I, MICHAEL J. GESELL, HEREBY CERTIFY THAT THE
DOCUMENTS WERE PREPARED OR APPROVED BY ME
THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER
UNDER THE LAWS OF THE STATE OF MARYLAND
LICENSE NO. 44097, EXPIRATION DATE: 6/9/17

SHEET NUMBER:
2
OF 4
2016-0178-SPHA

GENERAL NOTE:
IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WORK SCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS DEFINED BY THE DRAWINGS AND IN FULL CONFORMANCE WITH LOCAL REGULATIONS AND CODES.



PROFESSIONAL CERTIFICATION
I, MICHAEL J. GESELL, 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. 44097, EXPIRATION DATE: 6/9/17

[illegible]

NOT APPROVED FOR
CONSTRUCTION

PROJECT No.:	MD149002
DRAWN BY:	RMS
CHECKED BY:	MJC
DATE:	2/3/16
SCALE:	NOT TO SCALE
CAD I.D.:	SV

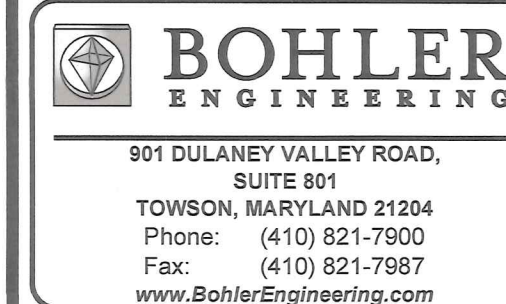
PROJECT:

SIGN
VARIANCE
PLAN

FOR

STONEHENGE,
LLC

LOCATION OF SITE
SHAWAN PLAZA SHOPPING
CENTER
11317 YORK ROAD (MD.
ROUTE 45)
COCKEYSVILLE, MD



M.J. GESELL
PROFESSIONAL ENGINEER
IMPROVED LICENSE # 14087
PROFESSIONAL ENGINEER
44087
4/21/16

SHEET TITLE:
**SIGN DETAILS TO
ACCOMPANY
PETITIONS FOR
SIGN VARIANCES
AND SPECIAL
HEARING**

SHEET NUMBER:

3

OF 4

2016-0178-SPHA

