### MEMORANDUM

DATE:

May 24, 2016

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2016-0187-A - Appeal Period Expired

The appeal period for the above-referenced case expired on May 23, 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
(10100 Reisterstown Road)

3<sup>rd</sup> Election District
2<sup>nd</sup> Council District
GGCV Real Estate, LLC

Petitioner

Legal Owner

BEFORE THE OFFICE

OF ADMINISTRATIVE

**HEARINGS FOR** 

**BALTIMORE COUNTY** 

CASE NO. 2016-0187-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 GGCV Real Estate, LLC, legal owner of the subject property ("Petitioner"). Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.)§450.4 as follows: (1) to permit three wall-mounted enterprise signs in lieu of the permitted two such signs per façade; (2) to permit seven wall-mounted enterprise signs in lieu of the permitted three such signs per premises; and (3) to permit wall-mounted enterprise signs larger than 150 sq. ft. as follows: (a) Sign A: 458 sq. ft.; (b) Sign C: 184 sq. ft.; (c) Sign E: 336.5 sq. ft.; (d) Sign F: 336.5 sq. ft. A two-sheet site plan was marked as Petitioner's Exhibit 1.

Gustavo Arango and landscape architect Michael Pieranunzi appeared in support of the Petition. Jason T. Vettori, Esq. represented Petitioners. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. No substantive Zoning Advisory Committee (ZAC) comments were received.

The subject property is zoned BM and is the site of the Foundry Row shopping center. The petition concerns wall-mounted enterprise signs for the new Wegman's store which will open in the near future. Counsel explained the "sign package" proposed for the store is identical to that approved for the Wegman's location at Hunt Valley Towne Center, which has been very successful

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Date H 21 16

By Sln

since it opened several years ago.

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 large site has an irregular configuration and is bound on three sides by public roadways. As such it is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because it would not be able to install the proposed signs. 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 <u>21st</u> day of **April**, **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 three wall-mounted enterprise signs in lieu of the permitted two such signs per façade; (2) to permit seven wall-mounted enterprise signs in lieu of the permitted three such signs per premises; and (3) to permit wall-mounted enterprise signs larger than 150 sq. ft. as follows: (a) Sign A: 458 sq. ft.; (b) Sign C: 184 sq. ft.; (c) Sign E: 336.5 sq. ft.; (d) Sign F: 336.5 sq. ft., be and is hereby GRANTED.

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Date 4 2 1 10

By Sl

The relief granted herein shall be subject to 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.

Administrative Law Judge for

**Baltimore County** 

JEB/sln

ORDER RECEIVED FOR FILING



KEVIN KAMENETZ County Executive LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

April 21, 2016

Jason T. Vettori, Esq. Smith, Gildea & Schmidt, LLC 600 Washington Avenue Suite 200 Towson, Maryland 21204

RE:

Petition for Variance

Case No. 2016-0187-A

Property: 10100 Reisterstown Road

Dear Mr. Vettori:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVER WAGEN Administrative Law Judge for Baltimore County

for Baltimore County

JEB:sln Enclosure

CASE NAME 10100 REISTORSTOND ED CASE NUMBER 2016-0187-A DATE 4/19/16

# COUNTY REPRESENTATIVE'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
JASON VETTORY	18096 Red Run Blod	TOWSON, MD 21204	Wetter Osgs-law.com
Gustavo Aparto	18096 Red Run Blod	awings MUUS, MD 21212	garange ggcommand
Michael Frevanny	10710 Gilvay Rd	HX Md 2104(	garange ggcommand
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### CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
3/1	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	-N/C
3/7	DEPS (if not received, date e-mail sent)	molecument
· 	FIRE DEPARTMENT	
3/24	PLANNING (if not received, date e-mail sent)	mo Obj
2/29	STATE HIGHWAY ADMINISTRATION	mo obj
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLA	TION (Case No	
PRIOR ZONING	(Case No. <u>2015-0105</u>	<u>)-A</u> _)
	DVERTISEMENT Date: 3/29/10	Lo CI'L
SIGN POSTING	Date: 3/3/14	by reefe
PEOPLE'S COU	NSEL APPEARANCE Yes No [	
PEOPLE'S COU	NSEL COMMENT LETTER Yes LI No L	
Comments, if any	75.	<u> </u>
		<del></del> .



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 4064994

### **Sold To:**

Smith Gildea & Schmidt LLC - CU00433777 600 Washington Ave Ste 200 TOWSON, MD 21204

### Bill To:

Smith Gildea & Schmidt LLC - CU00433777 600 Washington Ave Ste 200 TOWSON, MD 21204

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

Mar 29, 2016

#### 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: # 2016-0187-A
10100 Reisterstown Road
Corner SW/s of Reisterstown Road and SE/S of Painters

Mill Road
3rd Election District - 2nd Councilmanic District
Legal Owner(s) GGCV Real Estate, LLC Brian Gibbons
Variance: to permit three wall-mounted enterprise signs in Variance: to permit three wall-mounted enterprise signs in lieu of the permitted two such signs per facade; to permit seven wall-mounted enterprise signs in lieu of the permitted three signs per premises; to permit wall-mounted enterprise signs larger than 150 sq. ft. as follows: a. Sign A; 458 sq. ft. b. Sign C: 184 sq. ft. c. Sign E: 336.5 sq. ft. d. Sign F: 336.5 sq. ft., and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County. Hearing: Tuesday, April 19, 2016 at 1:30 p.m. at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204. 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.

The Baltimore Sun Media Group

S. Wilkinson

Legal Advertising

## **CERTIFICATE OF POSTING**

**ATTENTION: KRISTEN LEWIS** 

**DATE:** 3/30/2016

**Case Number:** 2016-0187-A

Petitioner / Developer: JASON VETTORI, ESQ. of SMITH, GILDEA &

SCHMIDT, LLC ~ BRIAN GIBBONS

Date of Hearing (Closing): APRIL 19, 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: 10100 REISTERSTOWN ROAD

The sign(s) were posted on: MARCH 30, 2016



(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

March 2, 2016

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

### 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: 2016-0187-A

10100 Reisterstown Road

Corner SW/S of Reisterstown Road and SE/S of Painters Mill Road

3rd Election District – 2nd Councilmanic District

Legal Owners: GGCV Real Estate, LLC, Brian Gibbons

Variance to permit three wall-mounted enterprise signs in lieu of the permitted two such signs per façade; to permit seven wall-mounted enterprise signs in lieu of the permitted three signs per premises; to permit wall-mounted enterprise signs larger than 150 sq. ft. as follows: a. Sign A: 458 sq. ft. b. Sign C: 184 sq. ft. c. Sign E: 336.5 sq. ft.; d. Sign F: 336.5 sq. ft.; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Tuesday, April 19, 2016 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

AJ:kl

C: Jason Vettori, 600 Washington Avenue, Ste. 200, Towson 21204 Brian Gibbons, 10096 Red Run Blvd., Ste. 100, Owings Mills 21117

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MARCH 30, 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, March 29, 2016 Issue - Jeffersonian

Please forward billing to:

Jason Vettori Smith, Gildea & Schmidt, LLC 600 Washington Avenue, Ste. 200 Towson, MD 21204 410-821-0070

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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:

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Corner SW/S of Reisterstown Road and SE/S of Painters Mill Road

3<sup>rd</sup> Election District – 2<sup>nd</sup> Councilmanic District

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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
10100 Reisterstown Road; SW/S Reisterstown
Road at the corner of Painters Mill Road
3<sup>rd</sup> Election & 2<sup>nd</sup> Councilmanic Districts
Legal Owner(s): GGCV Real Estate LLC
Petitioner(s)

BEFORE THE OFFICE

OF ADMINSTRATIVE

**HEARINGS FOR** 

BALTIMORE COUNTY

2016-187-A

**ENTRY OF APPEARANCE** 

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

RECEIVED

MAR 02 2016

Peter Max Zummerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel Jefferson Building, Room 204 105 West Chesapeake Avenue Towson, MD 21204

(410) 887-2188

**CERTIFICATE OF SERVICE** 

I HEREBY CERTIFY that on this 2nd day of March, 2016 a copy of the foregoing Entry of Appearance was mailed to Jason Vettori, Esquire, Smith, Gildea & Schmidt, LLC, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Mar Zummerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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 10100 Reisterstown Road	which is presently zoned	00009626
Deed References: 31168/00344	10 Digit Tax Account # 0319091370; 1700009625; 0313001550; 0313025131; 03	1302513
Description (1) GGCV F	Peal Estate II C	

Property Owner(s) Printed Name(s)	
(SELECT THE HEARING(S) BY MARKING $\underline{\mathbf{X}}$ AT THE APPROP	PRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)
	Baltimore County and which is described in the description de a part hereof, hereby petition for:
a Special Hearing under Section 500.7 of the Zonior not the Zoning Commissioner should approve	ng Regulations of Baltimore County, to determine whether
a Special Exception under the Zoning Regulations	s of Baltimore County to use the herein described property for
X_ a Variance from Section(s)	
See attached.	
	zoning law of Baltimore County, for the following reasons: or indicate below "TO BE PRESENTED AT HEARING". If ent to this petition)
nd restrictions of Baltimore County adopted pursuant to the zoning law for	etc. and further agree to and are to be bounded by the zoning regulations or Baltimore County.
or we, agree to pay expenses of above petition(s), advertising, posting, and restrictions of Baltimore County adopted pursuant to the zoning law for agal Owner(s) Affirmation: I / we do so solemnly declare and affirm, ur	etc. and further agree to and are to be bounded by the zoning regulations
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REV. 10/4/11

### ATTACHMENT TO PETITION FOR ZONING HEARING

10100 Reisterstown Road 3rd Election District 2nd Councilmanic District

### Variance from Section(s):

- 1. BCZR § 450.4 Attachment 1.5(a)(vi) to permit three (3) wall-mounted enterprise signs in lieu of the permitted two (2) such signs per facade; and
- 2. BCZR § 450.4 Attachment 1.5(a)(vi) to permit seven (7) wall-mounted enterprise signs in lieu of the permitted three (3) such signs per premises; and
- 3. BCZR § 450.4 Attachment 1.5(a)(ix) to permit wall-mounted enterprise signs larger than 150 square feet as follows:
  - a. Sign A: 458 square feet;
  - b. Sign C: 184 square feet;
  - c. Sign E: 336.5 square feet;
  - d. Sign F: 336.5 square feet; and
- 4. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.



CONSULTING ENGINEERS

### CONSOLIDATED FOUNDRY ROW ZONING DESCRIPTION

Beginning for the same at a point on the southeastern right-of-way of Painters Mill Road, said point being located 40.00 feet left, measured radially, from station 9+30.03 as shown on Baltimore County Plat HRW 63-152-7. Thence running with and binding on the southeastern right-of-way of Painters Mill Road as shown on Baltimore County Plats HRW 63-152-5 through HRW 63-152-7, as now surveyed and referenced to the Maryland Coordinate System (NAD 83/91)

- 1) 70.86 feet along the arc of a curve to the left, having a radius of 16097.41 feet and being subtended by a chord bearing North 48° 15' 06" East 70.86 feet to a point, thence
- 2) 217.49 feet along the arc of a curve to the left, having a radius of 44240.86 feet and being subtended by a chord bearing North 47° 59' 22" East 217.49 feet to a point, thence by a line not tangent to the preceding arc
- 3) South 42° 09' 05" East 11.44 feet to a point, thence
- 4) North 47° 50' 17" East 12.00 feet to a point, thence
- 5) North 42° 09' 05" West 4.43 feet to a point, thence
- 6) 137.30 feet along the arc of a curve to the left, not tangent to the preceding line, having a radius of 44247.86 feet and being subtended by a chord bearing North 47° 44° 31" East 137.30 feet to a point of tangency, thence by a line tangent to the preceding arc
- 7) North 47° 39' 19" East 117.91 feet to a point, thence
- 8) North 51° 15' 07" East 67.13 feet to a point, thence
- 9) North 42° 20' 41" West 7.00 feet to a point, thence
- 10) North 51° 15' 07" East 108.22 feet to a point, thence
- 11) North 48° 41' 00" East 54.74 feet to a point, thence
- 12) North 62° 25' 27" East 76.03 feet to a point, thence
- 13) South 69° 47' 38" East 68.55 feet to a point on the southwestern right-of-way of Reisterstown Road, as shown the State of Maryland, State Roads Commission Plat No. 54951, thence running with and binding on the right-of-way of Reisterstown Road
- 14) South 47° 57' 07" East 14.06 feet to a point, thence
- 15) South 53° 41' 13" East 110.55 feet to a point, thence
- 16) South 47° 58' 35" East 239.00 feet to a point, thence
- 17) South 42° 01' 25" West 7.00 feet to a point, thence

2016-0187-A

- 19) North 42° 01' 25" East 7.00 feet to a point, thence
- 20) South 47° 58' 35" East 137.00 feet to a point, thence
- 21) South 50° 50' 19" East 38.69 feet to a point, thence
- 22) South 42° 01' 25" West 22.24 feet to a point, thence
- 23) South 47° 53' 06" East 8.00 feet to a point, thence
- North 42° 01' 25" East 17.33 feet to a point, thence
- 25) South 47° 58' 35" East 21.36 feet to a point, thence
- 26) North 42° 01' 25" East 6.40 feet to a point, thence
- 27) South 50° 50' 19" East 119.46 feet to a point, thence
- 28) South 48° 04' 25" East 909.16 feet to a point, thence leaving the right-of-way of Reisterstown Road,
- 29) South 41° 26' 21" West 1121.32 feet to a point, thence
- 30) North 41° 38' 26" West 2050.24 feet to a point, thence
- 31) North 48° 21' 51" East 22.16 feet to a point, thence
- 32) North 41° 37° 03" West 21.50 feet to the place of beginning.

Containing 1,775,308 square feet or 40.755 acres of land, more or less.

Being part of those parcels of land described in a deed to GGCV Real Estate, LLC dated August 31, 2011 and recorded among the Land Records of Baltimore County in Liber 31168 Folio 344.

#### Professional Certification

I hereby certify that this description was prepared by me or under my responsible charge, and that I am a duly licensed professional land surveyor under the laws of the State of Maryland, License No. 21139, Expiration Date June 20, 2016.



## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: 2016-0187-A  Petitioner: GGCV REAL ESTATE, LLC
Address or Location: 10100 REISTERSTOWN ROAD
PLEASE FORWARD ADVERTISING BILL TO:  Name: Jason T. Vettori, Esquire
Address: Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
Telephone Number: 410-821-0070

The property of the second of		A THE PARTY OF THE
BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET AND FINANCE MISCELLANEOUS CASH RECEIPT	No. 134784	PAID RECEIPT 3
Rev Sub Source/ Rev/		r 18/2016 - 2/15, 2016 e/15(197 - )   BEOS   WALKEY CHET CHA   TELET N 668560 - 2/15/2016 - efta
Fund Dept Unit Sub Unit Obj Sub Obj [	300.0	t 5 529 ZCHTA) VERIFICATED TO. 134784 (Control of the SCO.CO) Recpt Fot (SCO.CO) PROJECT Communication Ca Baltimore Country Caryland
Rec	Total: 500.	
From: SALITH, GILTER & TCHMIDT, LLC	: L016-0187-A	
	1	CACHIEDIO
DISTRIBUTION WHITE CASHIER PINK - AGENCY YELLOW - CUSTOMER PLEASE PRESS HARD!!!!	GOLD - ACCOUNTING	CASHIER'S VALIDATION



KEVIN KAMENETZ County Executive

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

April 13, 2016

GGCV Real estate LLC Brian Gibbons 10096 Red Run Boulevard Suite 100 Owings Mills MD 21117

RE: Case Number: 2016-0187 A, Address: 10100 Reisterstown Road

Dear Mr. Gibbons:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 18, 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel '
Jason T Vettori, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204



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

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

Date: 2/29/16

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

RE: Baltimore County
Item No. 2016-0187-A.

Variance
Brian Gibbons, Rep of gger Realestate, LLC.
10100 Reisters town Road.

M& 140

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 2/24/. A field inspection and internal review reveals that an entrance onto 1/20/1/20 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for 1/20/16-0187-A. Case

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

## BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO:

Arnold Jablon

**DATE:** March 24, 2016

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

RECEIVED

MAR 29 2016

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 16-187

OFFICE OF ADMINISTRATIVE HEARINGS

**INFORMATION:** 

**Property Address:** 

10100 Reisterstown Road

**Petitioner:** 

GGCV Real Estate, LLC BM

**Zoning:** Requested Action:

Variance

The Department of Planning has reviewed the petition for variance to permit three wall mounted enterprise signs in lieu of the permitted two per façade, seven wall mounted enterprise signs in lieu of the permitted three per premises and to permit four wall mounted enterprise signs larger than 150 square feet.

A site visit was conducted on March 4, 2016.

The Department of Planning has no objection to granting the petitioned zoning relief.

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

Prepared by:

**Division Chief:** 

AVA/KS/LTM/ka

c: Jason T. Vettori, Gildea & Schmidt, LLC Troy Leftwich Office of the Administrative Hearings

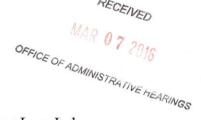
Lloyd T. Moxley

People's Counsel for Baltimore County

### **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:

March 7, 2016

SUBJECT:

**DEPS** Comment for Zoning Item

# 2016-0187-A

Address

10100 Reisterstown Road

(Gibbons Property)

Zoning Advisory Committee Meeting of March 7, 2016.

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

Reviewer:

Jeff Livingston – Development Coordination

## BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** March 1, 2016

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 7, 2016

Item No. 2016-0180, 0186, 0187, 0188, 0189 and 0191

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

DAK:CEN cc:file

### BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

APR 4 2016

DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

**DATE:** March 24, 2016

TO:

Arnold Jablon

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT:

ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 16-187

INFORMATION:

**Property Address:** 

10100 Reisterstown Road GGCV Real Estate, LLC

Petitioner: Zoning:

BM

**Requested Action:** 

Variance

The Department of Planning has reviewed the petition for variance to permit three wall mounted enterprise signs in lieu of the permitted two per façade, seven wall mounted enterprise signs in lieu of the permitted three per premises and to permit four wall mounted enterprise signs larger than 150 square feet.

A site visit was conducted on March 4, 2016.

The Department of Planning has no objection to granting the petitioned zoning relief.

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

Prepared by:

Lloyd T. Moxley

**Division Chief:** 

Kathy Schlabach

AVA/KS/LTM/ka

c: Jason T. Vettori, Gildea & Schmidt, LLC Troy Leftwich Office of the Administrative Hearings People's Counsel for Baltimore County

12-29-14

IN RE: PETITION FOR VARIANCE

(10100 Reisterstown Road)

3<sup>rd</sup> Election District 2<sup>nd</sup> Council District GGCV Real Estate, LLC Petitioner BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0105-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 the legal owner of the subject property. This case concerns only the signage proposed for the Foundry Row project. As is often the case with large commercial projects (the Foundry Row project encompasses nearly 50 acres and will have 425,000 square feet of commercial/office space) a variety of sign variances are sought, and the Petition identified the relief sought with respect to each of the sign types proposed for the site.

The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

### Wall-Mounted Enterprise Signs:

- 1. Pursuant to §450.4 Attachment 1.5(d)(vi) to permit three (3) wall-mounted enterprise signs for LA Fitness (Building 1) in lieu of the permitted one (1) such sign per entity with a separate exterior customer entrance (two (2) of which do not have customer entrances); and
- 2. Pursuant to §450.4 Attachment 1.5(d)(v) to permit wall-mounted enterprise signs for LA Fitness (Building 1) with a maximum area/face of up to 350 square feet in lieu of the permitted 320 square feet (i.e. two times the length of the wall (160 feet) containing the exterior entrance and defining the space occupied by the separate commercial entity); and

### Freestanding Joint Identification Signs:

1. Pursuant to §450.4 Attachment 1.7(b)(vi) to permit up to 3 freestanding joint identification signs per frontage on Reisterstown Road and Painters Mill Road for 1 Sign

A and 2 Sign B or Sign C's (or, in the alternative, up to 2 freestanding joint identification signs per frontage on Reisterstown Road and Painters Mill Road (as well as the one at the corner of Reisterstown Road and Painters Mill Road)); and

2. Pursuant to §450.4 Attachment 1.7(b)(ix) to permit freestanding joint identification signs fronting on Reisterstown Road and Painters Mill Road with up to 9 lines of copy in lieu of the maximum of 5 lines of copy; and

### Freestanding Directory Sign:

- 1. Pursuant to §§450.4 Attachment 1.4 & 450.7.A.1 to permit a freestanding directory sign with:
  - a. Lettering indicating the names and locations of occupants up to 12 inches high in lieu of the maximum permitted 2 inches high; and
  - b. Other lettering indicating the "identity" (as defined in B.C.Z.R. §450.3) of the shopping center up to 4 feet high in lieu of the maximum permitted 3 inches high; and

### Joint Identification Signs with Changeable Copy:

1. Pursuant to §§450.4 Attachment 1.1©(vi), 450.6.B.3 and/or 450.7.B to permit up to 4 joint identification signs with up to 50% of the face area devoted to changeable copy (and to confirm that what is labeled on sheet 3 of 3 on the plan as Joint Identification Sign C constitutes a freestanding changeable copy sign erected as an integral part of an otherwise permitted freestanding joint identification sign which is permitted to have up to 50% of the face area devoted to changeable copy (i.e. up to 43 s.f. is permitted if the face area is 86 s.f.))

A three-sheet site plan was marked and accepted into evidence as Petitioner's Exhibit 1A-1C, and it contains further details regarding the site and the design and location of the proposed signs.

Appearing at the public hearing in support of the requests was Kim Potember, Authorized Representative of GGCV Real Estate LLC. Michael Pieranunzi, a landscape architect accepted as an expert, provided testimony (via proffer) in support of the variance requests. Lawrence Schmidt, Esquire from Smith, Gildea & Schmidt, LLC, represented the Petitioner. No Protestants or interested citizens attended the hearing. The Petition was advertised and posted as required by the B.C.Z.R. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP) dated December 11, 2014.

To obtain variance relief requires a showing that:

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

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

Petitioner has met this test. As noted earlier, the property is nearly 50 acres and has irregular dimensions; i.e., it is shaped like a pan handle lot. Both of these attributes make the property unique. If the B.C.Z.R. were strictly interpreted the Petitioner would suffer a practical difficulty, given it would be unable to install the signage as proposed.

While at first blush it might seem the signage is excessive, on closer examination I believe the relief sought is both reasonable and consistent with the signage featured at other prominent retail and commercial projects. When you consider that along this stretch of Reisterstown Road each fast food outlet or other small business has its own freestanding sign (see Exhibits 4A-4F), the five freestanding signs proposed for this 50 acre site, which will have 15 or more individual buildings/retailers, seems reasonable indeed. I also 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.

The DOP did not oppose the relief, and it believed the proposed signage presents "a consistent aesthetic for the entire project." The DOP's ZAC comment identified four proposed conditions regarding the location of the freestanding signs. After consulting with the DOP, the Petitioner prepared a redlined sign variance plan (Exhibits 2A-2C) which identified the precise location of each freestanding sign, and thus that agency's concerns have been addressed. The

DOP also reviewed and approved sign elevations with logos and font/typeface details for proposed anchor tenants (including LA Fitness and Wegmans), and the signs will be attractive and constructed of high quality materials. See Exhibits 3A & 3B.

THEREFORE, IT IS ORDERED, this 2<sup>nd</sup> day of January, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows:

### Wall-Mounted Enterprise Signs:

- 1. Pursuant to §450.4 Attachment 1.5(d)(vi) to permit three (3) wall-mounted enterprise signs for LA Fitness (Building 1) in lieu of the permitted one (1) such sign per entity with a separate exterior customer entrance (two (2) of which do not have customer entrances); and
- 2. Pursuant to §450.4 Attachment 1.5(d)(v) to permit wall-mounted enterprise signs for LA Fitness (Building 1) with a maximum area/face of up to 350 square feet in lieu of the permitted 320 square feet (i.e. two times the length of the wall (160 feet) containing the exterior entrance and defining the space occupied by the separate commercial entity); and

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  - c. Lettering indicating the names and locations of occupants up to 12 inches high in lieu of the maximum permitted 2 inches high; and
  - d. Other lettering indicating the "identity" (as defined in B.C.Z.R. §450.3) of the shopping center up to 4 feet high in lieu of the maximum permitted 3 inches high; and

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be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

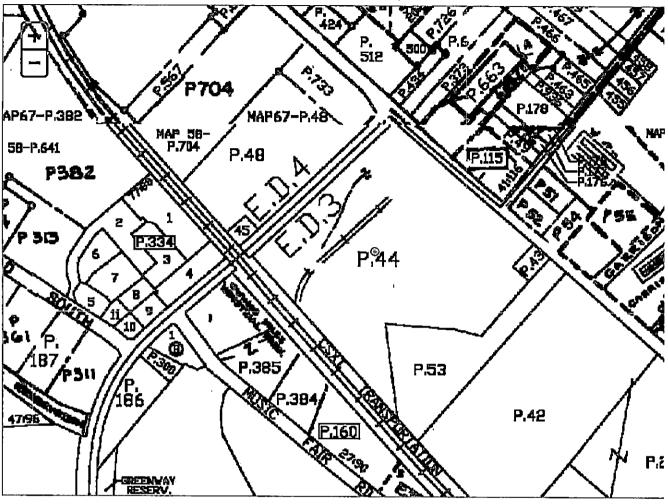
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### **Baltimore County**

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

District: 03 Account Number: 0313025131



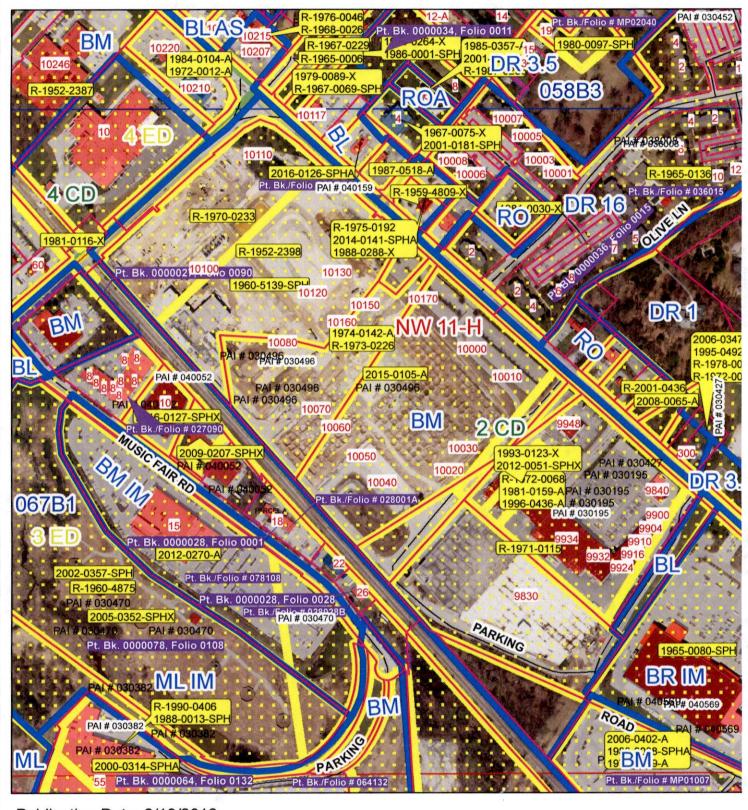
The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

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).

## 10100 Reisterstown Road 2016-0187-A

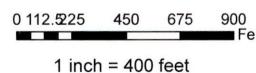


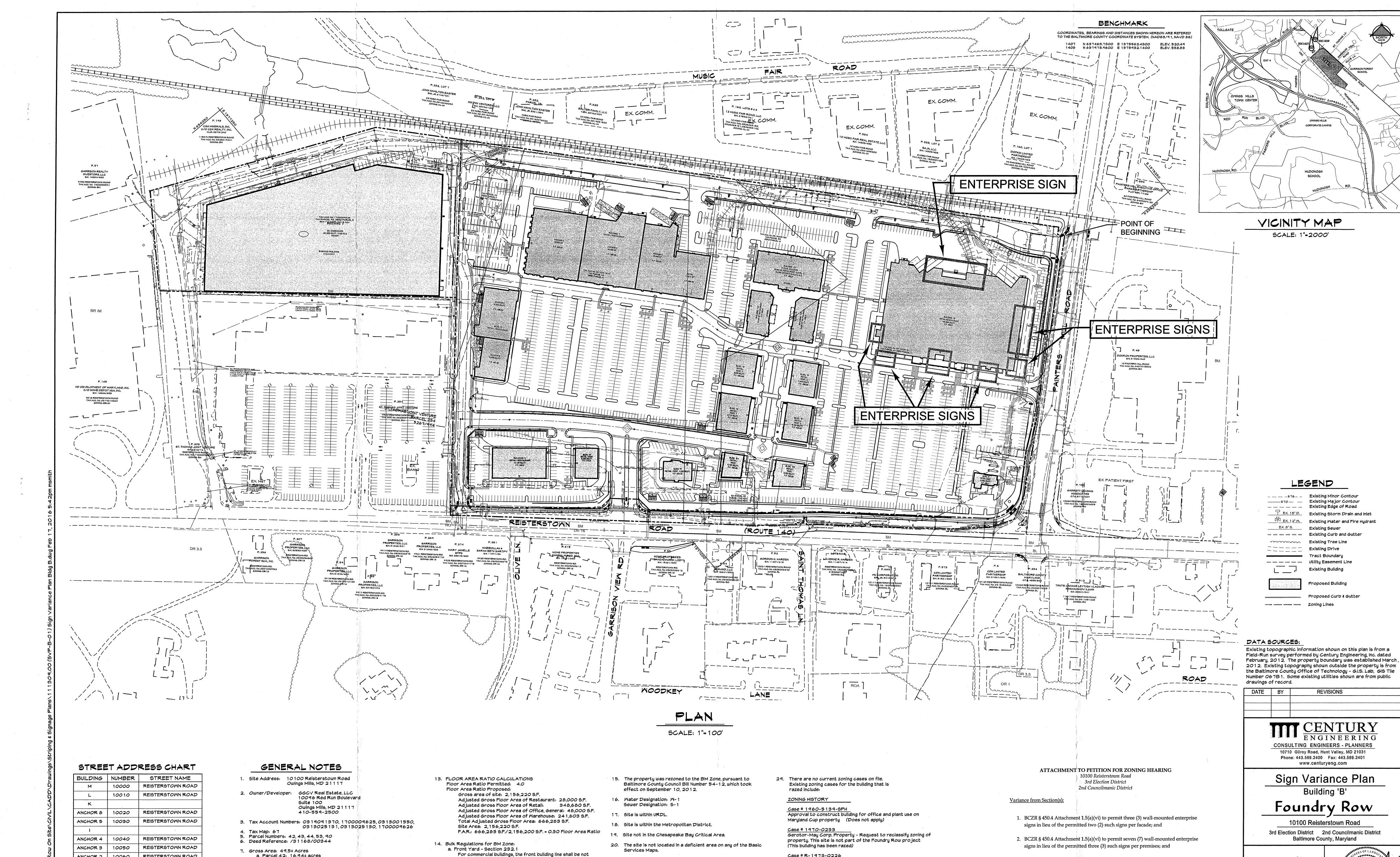
Publication Date: 2/18/2016



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







21. No signage is proposed at this time; however, any future

Zoning Regulations and all zoning sign policies.

23. Census Tract: 403702

24. Watershed: Gwynns Falls

25. Subwatershed: Relsterstown

22. There is no prior zoning case history for this property.

26. There are no 100 year floodplanes, flood areas, wetlands, or historic buildings on site.

27. The site is not located within a designated area of critical

28. There are no historic structures located on this site.

signage to comply wth Section 450 of the Baltimore County

less than 15 feet from the front property line and not less

than 40 feet from the center line of the street, except as

For commercial buildings, none required on interior lots,

minimum width required for a dwelling on the abutting lot

and, on corner lots, the side yard on the street side shall

there must be a side yard not less than the greater

For commercial buildings, none required, except that

where the rear lot line abuts a lot in a residence zone

there shall be a rear yard not less than 20 feet deep.

except that where the lot abuts a lot in a residence zone,

specified in Section 303.2.

be not less than 10 feet in width.

b. Side Yard - Section 232.2

c. Rear Yard - Section 232.3

Case # R-1973-0226

Case # 2015-6105-A

Request for zoning reclassification for portion of the

Case # 1974-0142-A
Request to construct building 70' in height in lieu of the

Sweetheart Properties (Does not apply)

Request various sign variances, (approved

required 40' height (Does not apply)

a. Parcel 42: 16.94± acres

b. Parcel 43: 0.32± acres

d. Parcel 53: 4.88± acres

e. Parcel 90: 8.80± acres

a. R/M Dedication Area: 1.5± acres

a. Retail/Restaurant: 376,680 square feet

11. Existing Building Area to Remain: 241,603 square feet

48,000 square feet

Total required: 2,206 parking spaces (see Parking Calulations Chart)

10. PROPOSED BUILDING AREA: 424,680± S.F.

Total provided: 2,217 parking spaces

8. Net Area: 48.0 ± acres

9. Existing Zoning: BM

12. Parking Summary

c. Parcel 44: 18.55± acres

ANCHOR 2

ANCHOR 1

A

E

F-1

F-2

N

10060

10070

10080

10100

10110

10120

10130

10140

10141

10150

10160

REISTERSTOWN ROAD

10170 REISTERSTOWN ROAD

2.17.16 M.S.S. DRAWN: M.J.P. **DESIGNED:** ----CHECKED BY: ---DATE CHECKED: ----\_\_\_\_

DRAWING:

ZONING CASE: 2016-0187-A

**ISSUE DATES** 

PROJECT NO.: 111309

1"= 1*00*'

REVIEW:

PERMIT:

SCALE:

CONSTRUCTION:

3. BCZR § 450.4 Attachment 1.5(a)(ix) to permit wall-mounted enterprise signs

4. For such other and further relief as may be required by the Administrative Law

larger than 150 square feet as follows:

a. Sign A: 458 square feet;

b. Sign C: 184 square feet;

Judge for Baltimore County.

c. Sign E: 336.5 square feet;

d. Sign F: 336.5 square feet; and

