

M E M O R A N D U M

DATE: September 23, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0325-SPH – Appeal Period Expired

The appeal period for the above-referenced case expired on September 22, 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 SPECIAL HEARING	*	BEFORE THE
(800 Kenilworth Drive)		
9 th Election District	*	OFFICE OF
5 th Council District		
	*	ADMINISTRATIVE HEARINGS
Kenilworth Limited Partnership		
Legal Owner	*	FOR BALTIMORE COUNTY
Petitioner	*	Case No. 2016-0325-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed by Jason T. Vettori, Esq., with Smith, Gildea & Schmidt, LLC, on behalf of Kenilworth Limited Partnership, legal owner. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) to clarify the relief granted in Case No. 78-91-A applies to the redevelopment of the shopping center; and (2) to approve a modified parking plan with 764 parking spaces in lieu of the required 807 spaces.

Jason T. Vettori, Esq. appeared in support of the petition. There were no protestants or interested citizens in attendance. The file does contain correspondence from Michael Ertel, President of the Greater Towson Council of Community Associations. Mr. Ertel expressed support for the project and noted the community has never experienced any problems with a lack of parking at the Kenilworth shopping center. Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). Neither agency opposed the requests, but requested landscaping and lighting plans be submitted for approval by Baltimore County.

ORDER RECEIVED FOR FILING

Date 8-23-16

By Sen

The subject property is 8.12 acres and is primarily zoned Business, Major (B.M.) with a small sliver of Density Residential (D.R. 5.5). The Shops at Kenilworth is located at the site, and has been in operation at the location for nearly 40 years. The mall is undergoing a significant renovation and redevelopment which will include a new façade, signage and tenants. The owner obtained variance relief in 1978 permitting 853 parking spaces in lieu of the required 978 spaces. The plan contains a note stating the "variance runs with the land" and should be applicable in connection with this redevelopment project. I concur, and will approve both of the special hearing requests.

As noted by counsel, the variance in 1978 permitted the owner to provide just 87% of the number of required parking spaces, while the present request (764 in lieu of 807) is to provide 95% of the number of required off-street spaces. No evidence was presented to suggest granting the petition would have a detrimental impact upon the community. To the contrary, the shopping center has been a valuable asset to the community since its construction, and the redevelopment will enhance both its appearance and functionality.

THEREFORE, IT IS ORDERED this 23rd day of **August, 2016** by this Administrative Law Judge, that the Petition for Special Hearing pursuant to B.C.Z.R. § 500.7 as follows: (1) to confirm the relief granted in Case No. 78-91-A applies to the redevelopment of the shopping center; and (2) to approve a modified parking plan with 764 parking spaces in lieu of the required 807 parking spaces, existing stacking spaces at Susquehanna Bank and Atwater's drive through facilities and dimensions of existing parking spaces, driveways and aisles, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 8-23-16

By sen

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.
2. Prior to issuance of permits Petitioner must submit for approval by Baltimore County landscape and lighting plans for the site.
3. Petitioner shall within 15 days of the date hereof submit to the Office of Administrative Hearings (OAH) an amended site plan striking the note stating "no design, screening and/or landscaping as provided in B.C.Z.R. §409.8.A.1."

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slm

ORDER RECEIVED FOR FILING

Date 8-23-16

By sen



PETITION FOR ZONING HEARING(S)

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

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

Address 800 Kenilworth Drive

which is presently zoned BM & DR 5.5

Deed References: 10438/00703

10 Digit Tax Account # 0920451390

Property Owner(s) Printed Name(s) Kenilworth Limited Partnership

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

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

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

Please see attached.

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

3. ☐ **a Variance** from Section(s)

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

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Date

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200

Towson

MD

Mailing Address

City

State

21204 (410) 821-0070

jvettori@sgs-law.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Donna M. Sills

Authorized Representative of Kenilworth Limited Partnership

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

10096 Red Run Boulevard, Suite 100

Owings Mills

MD

Mailing Address

City

State

21117 (410) 559-2500

dsills@ggcommercial.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC

Name - Type or Print

Signature

600 Washington Avenue, Suite 200

Towson

MD

Mailing Address

City

State

21204 (410) 821-0070

jvettori@sgs-law.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2016-0325-SPH

Filing Date 6/15/2016

Do Not Schedule Dates:

Reviewer [Signature]

ATTACHMENT TO PETITION FOR ZONING HEARING

800 Kenilworth Drive

Case No.: 2016-0325 - SPH

Special Hearing relief to approve:

1. The relief granted in Case No. 78-91-A applying to the redevelopment of the shopping center; and
2. A modified parking plan as provided in BCZR § 409.12.B; and
3. For such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County.

2016-0325-SPH

**KENILWORTH MALL
ZONING DESCRIPTION**

Beginning for the same at a point on the ~~south~~^{north (PA)} side of Kenilworth Drive, 70' wide, said point being approximately 740 feet northwest from the intersection of the north side of Kenilworth Drive with the west side of West Road, thence running westerly and binding on the ~~south~~^{north (PA)} side of Kenilworth Drive;

1. 373.92 feet along a curve to the right having a radius of 3965.00 feet, said curve being subtended by a chord bearing of North 64 degrees, 58 minutes, 56 seconds West, a distance of 373.78 feet, thence;
 2. North 62 degrees, 16 minutes, 50 seconds West, a distance of 191.80 feet, thence;
 3. North 19 degrees, 43 minutes, 10 seconds East, a distance of 566.73 feet, thence;
 4. 373.88 feet along a curve to the left having a radius of 2034.86 feet, said curve being subtended by a chord bearing of South 79 degrees, 37 minutes, 13 seconds East, a distance of 373.36 feet, thence;
 5. South 48 degrees, 52 minutes, 50 seconds East, a distance of 261.51 feet, thence;
 6. South 24 degrees, 31 minutes, 03 seconds West, a distance of 595.18 feet, thence;
- to the place of beginning.

Containing 367211.79 square feet or 8.430 acres, more or less

Being that parcel of land which was conveyed by Irvin C. Tillman, Sr. to Kenilworth Limited Partnership by a deed dated March 31, 1994 and recorded among the Land Records of Baltimore County in Book S.M. 10438 Folio 703.

Professional Certification

I hereby certify that this description was prepared by me or under my responsible charge, and that I am a duly licensed property line surveyor under the laws of the State of Maryland, License No. 358, Expiration Date October 19, 2016.



JUNE 14, 2016

Item #0325

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 7/30/2016

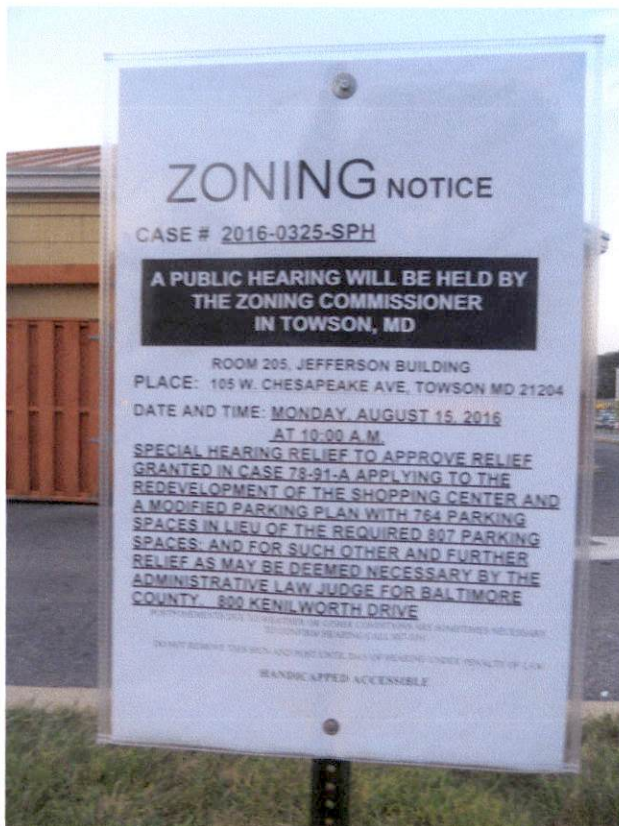
Case Number: 2016-0325-SPH

Petitioner / Developer: JASON VETTORI, ESQ. of SMITH, GILDEA & SCHMIDT, LLC ~ DONNA SILLS

Date of Hearing (Closing): AUGUST 15, 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:
800 KENILWORTH DRIVE

The sign(s) were posted on: JULY 29, 2016



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

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



KEVIN KAMENETZ
County Executive

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

July 19, 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 NUMBER: 2016-0325-SPH

800 Kenilworth Drive

N/s Kenilworth Drive, 740 ft. n/w of West Road

9th Election District – 5th Councilmanic District

Legal Owners: Donna Sills, Authorized Rep for Kenilworth Ltd Partnership

Special Hearing relief to approve relief granted in Case 78-91-A applying to the redevelopment of the shopping center and a modified parking plan with 764 parking spaces in lieu of the required 807 parking spaces; and for such other and further relief as may be deemed necessary by the Administrative Law Judge (ALJ) for Baltimore County.

Hearing: Monday, August 15, 2016 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Jason Vettori, 600 Washington Avenue, Ste. 300, Towson 21204
Donna Sills, 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 TUESDAY, JULY 26, 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: DAILY RECORD
Tuesday, July 26, 2016 Issue

Please forward billing to:
Jason Vettori
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

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:

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N/s Kenilworth Drive, 740 ft. n/w of West Road

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Hearing: Monday, August 15, 2016 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
800 Kenilworth Drive; N/S Kenilworth Drive, *
740' NW of c/line of West Road * OF ADMINISTRATIVE
9th Election & 5th Councilmanic Districts *
Legal Owner(s): Donna M. Sills * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2016-325-SPH

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED
JUL 05 2016

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ^{5th} day of July, 2016, a copy of the foregoing Entry of Appearance was mailed to Jason Vettori, Esquire, 600 Washington Avenue, Suite 200, 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 OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Case Number: CASE NO. 2016-0325-SPH
Property Address: 800 KENILWORTH DRIVE
Property Description: N/S KENILWORTH DR, 740' W of West Rd

Legal Owners (Petitioners): KENILWORTH LIMITED PARTNERSHIP
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: JASON VETTORI
Company/Firm (if applicable): SMITH, GILDEA & SCHMIDT, LLC
Address: 600 WASHINGTON AVENUE
SUITE 200
TOWSON, MD 21204
Telephone Number: (410) 821-0070

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

<http://www.thedailyrecord.com>

Page 1 of 1

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

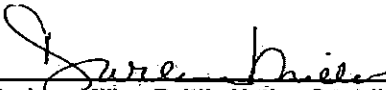
7/26/2016

Order #: 11122905

Case #:

Description:

Case Number: 2016-0325-SPH - Notice of Zoning Hearing



Darlene Miller, Public Notice Coordinator
(Representative Signature)

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: 2016-0325-SPH

800 Kenilworth Drive

N/s Kenilworth Drive, 740 ft. n/w of West Road

9th Election District - 5th Councilmanic District

Legal Owners: Donna Sills, Authorized Rep for Kenilworth Ltd Partnership

Special Hearing relief to approve relief granted in Case 78-91-A applying to the redevelopment of the shopping center and a modified parking plan with 764 parking spaces in lieu of the required 807 parking spaces; and for such other and further relief as may be deemed necessary by the Administrative Law Judge (ALJ) for Baltimore County.

Hearing: Monday, August 15, 2016 at 10:00 a.m. in Room 203, 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.

jjy26

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 8/17/2016

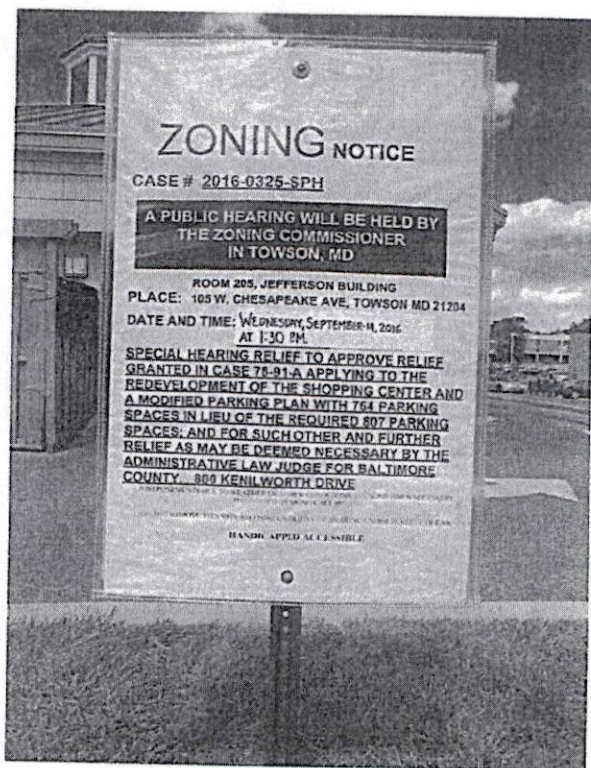
Case Number: 2016-0325-SPH

Petitioner / Developer: JASON VETTORI, ESQ. of SMITH, GILDEA & SCHMIDT, LLC ~ DONNA SILLS

Date of Hearing (Closing): SEPTEMBER 14, 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:
800 KENILWORTH DRIVE

The sign(s) were posted on: AUGUST 15, 2016



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

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

1:30 pm

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 8/17/2016

Case Number: 2016-0325-SPH

Petitioner / Developer: JASON VETTORI, ESQ. of SMITH, GILDEA & SCHMIDT, LLC ~ DONNA SILLS

Date of Hearing (Closing): SEPTEMBER 14, 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:
800 KENILWORTH DRIVE

The sign(s) were posted on: AUGUST 15, 2016



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

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

No.

741404

Date:

6/5/16

THE FUTURE

BUSINESS LETTER THE GUY

4/15/2013 4/15/2013 07:53:33 1

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

RECEIPT # 457809

Ref: 5 528 JAWING VERIFICATION

Q 14193

Rec'd: 1st

REG-07-03, 7/24/07 CA

Baltimore County, Maryland

[illegible]

Total: 500.00

Rec
From: Smith Gildec & Schmidt

For: 800 Ken. Worth Dr

2016-0375-S, PH

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*

August 11, 2016

Donna M Sills
10096 Red Run Boulevard
Suite 100
Owings Mills MD 21117

RE: Case Number: 2016-0325 SPH, Address: 800 Kenilworth Drive

Dear Ms. Sills:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 15, 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
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: 7-5-2016

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2016-0325-SPH

*Special Hearing
Donna M. Sills
800 Kenilworth Drive*

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

Sincerely,

A handwritten signature in blue ink that reads "Richard Zeller".

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

WW/RAZ

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



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

Date: 6/20/16

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2016-0325-SDH

*Special Hearing
Donna M. Sims
800 Kenilworth Drive*

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Zeller'.

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

WW/RAZ

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE



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

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

SUBJECT: Zoning Advisory Committee Meeting
For July 4, 2016
Item No. 2016-0325

DATE: July 13, 2016

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

If granted, Lighting and Landscape Plans are required per the requirements of the Landscape Manual.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 16-0325-07042016.doc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM



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

DATE: July 29, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-325

INFORMATION:

Property Address: 800 Kenilworth Drive
Petitioner: Donna M Sills
Zoning: BM, DR5.5
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve the relief granted in Case No. 78-91-A applying to the redevelopment of the subject property and a modified parking plan.

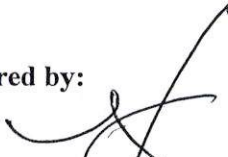
A site visit was conducted on July 7, 2016. The site is located within the Towson Commercial Revitalization District and is part of the Kenilworth Drive Corridor Plan as well as the Towson Community Plan.

The Department has no objection to the reduction of required parking but cannot support a modified plan having "no design, screening and/or landscaping as provided in BCZR §409.8.A.1" as noted on the site plan submitted in support of the petition.

The Department recommends the modified plan provide such design, screening and/or landscaping in accordance with the Landscape Manual and all other manuals adopted pursuant to §32-4-404 of the Baltimore County Code.

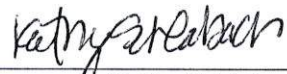
For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Laurie Hay
James Hermann, Permits, Approvals and Inspections
Jason T. Vettori, Smith, Gildea & Schmidt, LLC
Office of the Administrative Hearings
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: June 29, 2016

SUBJECT: EPS Comment for Zoning Item # 2016-0325-SPH
Address 800 Kenilworth Drive
(Sills Property)

Zoning Advisory Committee Meeting of **July 4, 2016.**

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

Reviewer: Steve Ford

Date: 06-29-2016

CASE NAME 800 KENILWORTH DR.
CASE NUMBER 2016-0325-SPH
DATE AUGUST 15, 2016

[illegible]

Debra Wiley

From: Kelly Benton <kbenton@sgs-law.com>
Sent: Wednesday, September 07, 2016 9:38 AM
To: Debra Wiley
Subject: Greenberg Gibbons - The Shops at Kenilworth
Attachments: Certificate of Posting - new hearing date.PDF

Debbie:

Pursuant to our telephone conversation, attached please find the Certificate of Posting for the above matter.

Whenever you get a chance, please let me know what Judge Beverungen says about the advertising issue.

Thank you!
Kelly

Kelly Benton | Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
kbenton@sgs-law.com | www.sgs-law.com

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9-7 Sp. to Kelly
Posting ok
newspaper - not necessary
Also, off to be covered if
anyone attends on 8-14.

John E. Beverungen

From: John E. Beverungen
Sent: Friday, August 19, 2016 2:41 PM
To: 'Jason Vettori'
Cc: Peter Max Zimmerman; Sherry Nuffer (snuffer@baltimorecountymd.gov)
Subject: 2016-325-SPH; Shops at Kenilworth

Mr. Vettori,

I understand you spoke with Mr. Zimmerman about this case, in which a hearing was held this Monday, August 15, 2016. I also received from Mr. Ertel, on behalf of the GTCCA, a letter of support which I have included with the file.

I will send out an order in the early part of next week granting (in all but one particular) the special hearing request. I have included a condition that Petitioner provide landscape and lighting plans, as requested by both DPR and DOP. In other words, the element of the SPH request that "no landscaping or screening" be provided will be denied; at least implicitly, by the condition noted above.

Finally, you indicated the property was recently re-posted with a hearing date sometime in September. This is to confirm you will appear at the hearing room on that date, and if anyone attends in response to the re-posting I would consider that a request or motion for reconsideration and handle accordingly.

John Beverungen
ALJ

John E. Beverungen

From: Jason Vettori <jvettori@sgs-law.com>
Sent: Friday, August 19, 2016 4:36 PM
To: John E. Beverungen
Cc: Peter Max Zimmerman; Sherry Nuffer
Subject: RE: 2016-325-SPH; Shops at Kenilworth
Attachments: CIVIL0620.pdf

Mr. Beverungen,

Yes, I spoke with Mr. Zimmerman this morning. He indicated that he did not think he would appeal the request for special hearing relief. He is aware of the notice issue and was pleased that an additional hearing date (and corresponding signage noting the hearing date on 9/14 at 1:30 p.m.) has been scheduled to ensure no appeal on the basis of insufficient notice would result in a remand to the OAH. I am waiting to hear back from my staff whether the sign giving notice was modified to show the second hearing date or if it would be re-posted for the requisite 20 days pursuant to BCC § 32-3-302 (must be posted by Thursday, August 25, 2016).

That's excellent to hear that Mr. Ertel and the GTCCA have extended their support for the relief requested.

The landscape architect in charge of this project, Mr. Pieranunzi (Century Engineering), notified me that the attached schematic landscape plan was approved by Jean Tansey on July 27, 2015 (see attached). He is following up with Jim Hermann regarding same. Since Dennis Kennedy usually consults with Jean Tansey/Jim Hermann before DPR makes ZAC comments, I would like to have an opportunity to make sure that the attached "approval" is in lieu of the need for a modified parking plan with landscaping to the extent DPR approves (as in less than 10 foot setbacks for parking lots, etc. as opposed to the requested "no landscaping or screening". I don't think the parking layout is being changed. The relief requested was to keep the configuration of the parking lot as is.

I am confirming that I will appear at the hearing room on 9/14 at 1:30 p.m., and if anyone attends in response to the re-posting you will consider that a request or motion for reconsideration and handle accordingly. My intention is to not delay this matter based upon the fact that I did not receive the Notice of Hearing until after the date when the notice was to be posted. Again, I just don't want the appeal period to run for an additional 30 days. I think the idea of the upcoming hearing date being treated as a "reconsideration" is appropriate. Thank you.

Jason T. Vettori
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
jvettori@sgs-law.com | www.sgs-law.com

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Sent: Friday, August 19, 2016 2:41 PM
To: Jason Vettori
Cc: Peter Max Zimmerman; Sherry Nuffer
Subject: 2016-325-SPH; Shops at Kenilworth

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John Beverungen

ALJ



CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

John E. Beverungen

From: Mike Ertel <MErtel@jacobscompany.com>
Sent: Thursday, August 18, 2016 3:37 PM
To: John E. Beverungen
Subject: 600 Kenilworth Drive - Case # 2016-0325-SPH

Judge Beverungen:

I was writing to you in support of the project at 600 Kenilworth. I feel the benefits of the renovation and addition of space to the mall will help sustain it for the next generation.

Generally, we have not had problems with lack of parking with retailers as the tenants tend to require a certain number of parking spots in their leases. It sounds like the retailers are comfortable here.

Thank you for your hard work as ALJ.

Michael P. Ertel
President – Greater Towson Council of Community Associations

Direct: 410-910-8318
Cell: 410-599-6953
mertel@jacobscompany.com

From: Kristen L Lewis
Sent: Monday, August 15, 2016 9:30 AM
To: Debra Wiley
Subject: FW: Report Attached
Attachments: Affidavit Report_BLT_A - 11122905.pdf

Hi Debbie,

The Daily Record just forwarded me the advertisement for Jason Vettori's case today, it is attached.

Kristen Lewis
PAI – Zoning Review
410-887-3391

RECEIVED

AUG 15 2016

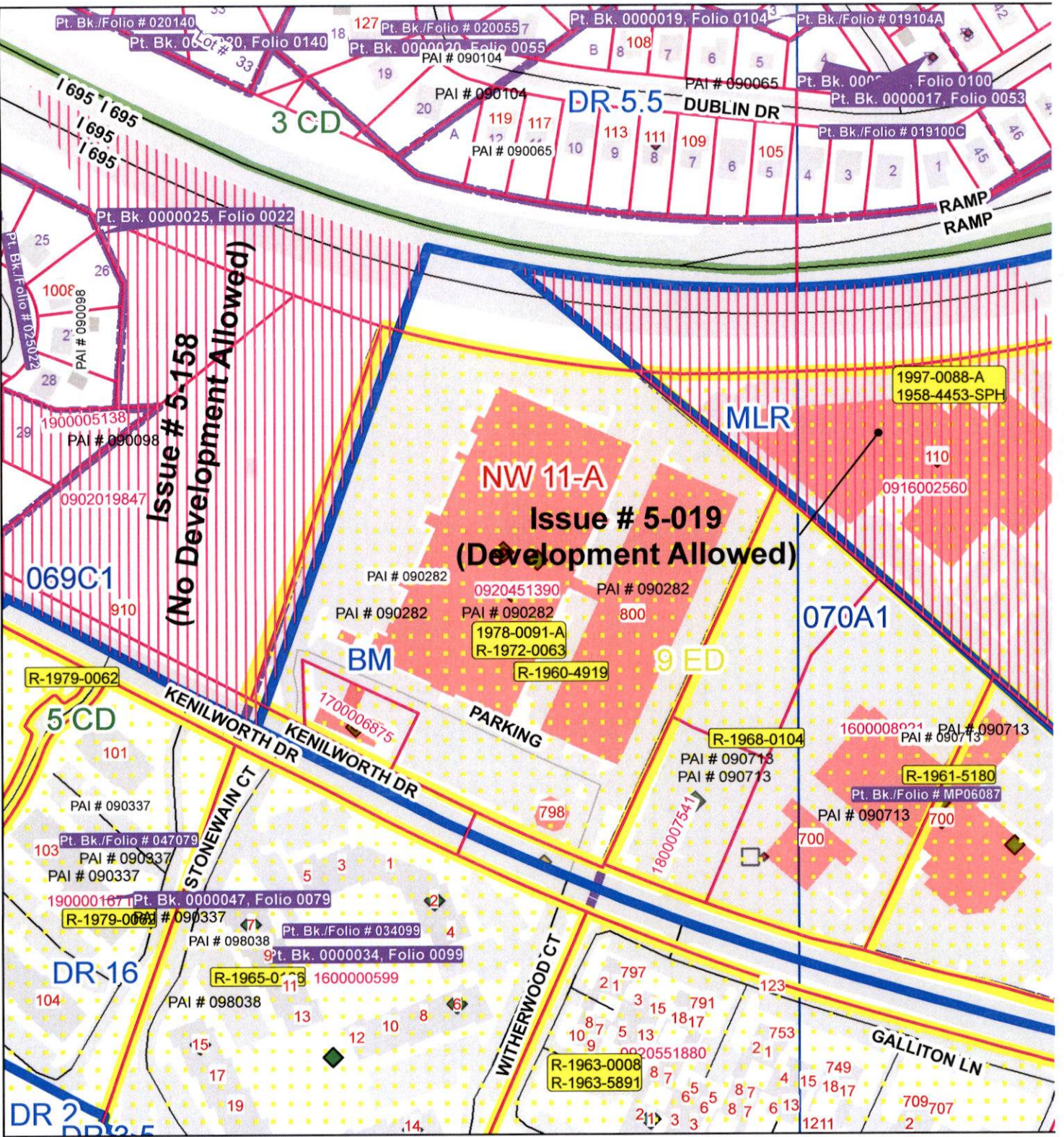
OFFICE OF ADMINISTRATIVE HEARINGS

-----Original Message-----

From: Darlene Miller [mailto:darlene.miller@thedailyrecord.com]
Sent: Monday, August 15, 2016 9:28 AM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>
Cc: darlene.miller@thedailyrecord.com
Subject: Report Attached

This is an automated email from sent to you from an APT Falcon User. Your file is attached.

800 Kenilworth Drive



Publication Date: 6/13/2016



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



0 55 110 220 330 440 Fee

1 inch = 200 feet

Item # 0325

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>7-13</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>C</u>
<u>6-29</u>	DEPS (if not received, date e-mail sent _____)	<u>UC</u>
	FIRE DEPARTMENT	
<u>7-29</u>	PLANNING (if not received, date e-mail sent _____)	<u>C</u>
<u>7-5</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>Confirmed by June 8-11</u> <u>missing + need.</u>)	
NEWSPAPER ADVERTISEMENT	<u>Missing 8-11</u> <u>Date: 8-21-16</u> <u>Left v.m. for Jason Vettori</u> <u>2:15 PM</u>	
SIGN POSTING	<u>* Not 20 days</u> <u>Date: 7-29-16</u> <u>by O'Keefe</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: _____		

Real Property Data Search (w3)

Guide to searching the database

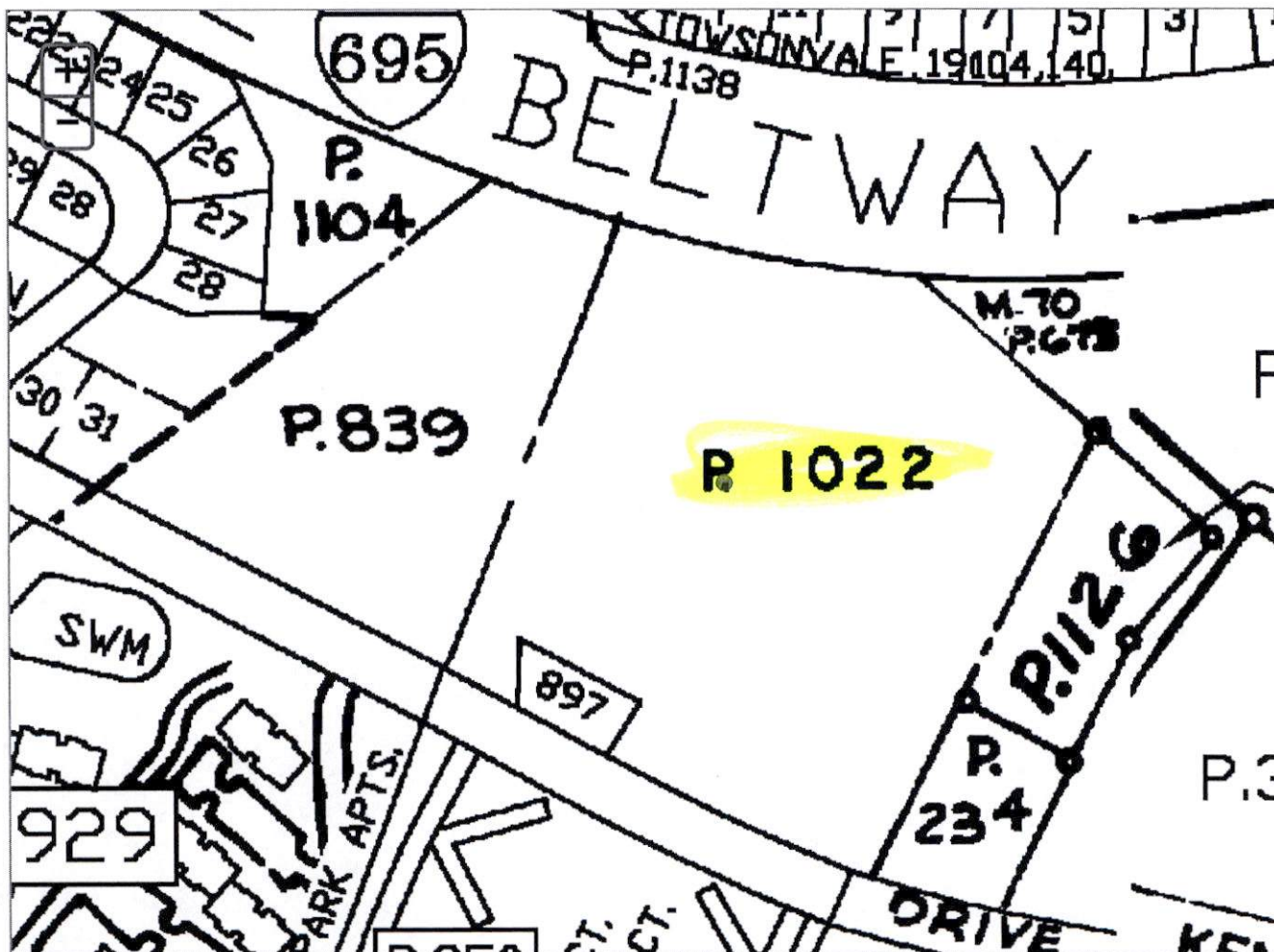
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 09 Account Number - 0920451390			
Owner Information					
Owner Name:		KENILWORTH LIMITED PARTNERSHIP		Use:	COMMERCIAL
Mailing Address:		800 KENILWORTH DR BALTIMORE MD 21204		Principal Residence:	NO
				Deed Reference:	/10438/ 00703
Location & Structure Information					
Premises Address:		800 KENILWORTH DR BALTIMORE MD 21204-2201		Legal Description:	8.1271 AC NS KENILWORTH DR 550 W WEST RD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0069	0006	1022		0000	
				Block:	Lot:
				Assessment Year:	Plat No:
				2017	
					Plat Ref:
Special Tax Areas:			Town:		
			NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	
1978		141776			
				Property Land Area	
				354,016 SF	
				County Use	
				14	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
		SHOPPING CENTER/ REGIONAL			
Value Information					
		Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2016 As of 07/01/2017	
Land:		10,620,400	10,620,400		
Improvements		11,203,900	11,203,900		
Total:		21,824,300	21,824,300	21,824,300	
Preferential Land:		0			
Transfer Information					
Seller: TILLMAN IRVIN C,SR		Date: 04/01/1994		Price: \$250,000	
Type: ARMS LENGTH IMPROVED		Deed1: /10438/ 00703		Deed2:	
Seller: TILLMAN IRVIN C,SR		Date: 02/09/1976		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /05607/ 00233		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class			07/01/2016	07/01/2017
County:	000			0.00	
State:	000			0.00	
Municipal:	000			0.00	0.00
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

Baltimore County

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

District: 09 Account Number: 0920451390



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>).

