

MEMORANDUM

DATE: December 15, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0072-A- Appeal Period Expired

The appeal period for the above-referenced case expired on December 14, 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

(800 Kenilworth Drive)
9th Election District
5th Council District
Kenilworth Limited Partnership
Legal Owner

Petitioner

*

BEFORE THE OFFICE

*

OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2017-0072-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Kenilworth Limited Partnership, owner of the subject property ("Petitioner"). The Petitioner is requesting variance relief from the Baltimore County Zoning Regulations (B.C.Z.R): (1) to permit a freestanding joint identification sign with changeable copy as follows: (A) up to 7 lines displaying the names of tenants or occupants of the shopping center in lieu of the maximum of 5 lines; and (B) copy which is as little as 5 inches high in lieu of the minimum of 8 inches. A site plan was marked as Petitioners' Exhibit 1.

Landscape architect Michael Pieranunzi and Kim Potember appeared in support of the petition. Jason T. Vettori, Esq. represented the Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Bureau of Development Plans Review (DPR) and the Department of Planning (DOP).

The property is approximately 8.12 acres in size and is zoned BM and DR 5.5. The Kenilworth Shopping Center is located at the site, and the center is undergoing significant renovations at present. Petitioner anticipates several new retailers will become tenants at the center. This case concerns only a freestanding joint identification sign, which will replace (in the

ORDER RECEIVED FOR FILING

Date

11/14/16

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same location) an existing freestanding joint identification sign.

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 site has irregular dimensions and is therefore unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to display the names of new tenants in the shopping center. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of Baltimore County and/or community opposition.

The DOP suggested the sign be constructed of materials that would match the existing design of the center. In addition, both the DOP and the DPR required landscaping to be provided at the base of the sign. Mr. Pieranunzi shared with the DOP proposed sign elevations, which show the new sign would be constructed of materials similar to those used throughout the site. Pet. Ex. Nos. 3-4. Petitioner also provided photos showing substantial and attractive landscaping at the base of the existing sign (Pet. Ex. No. 2), which will be retained when the new sign is erected. As such, the DOP submitted a revised ZAC comment indicating its concerns were addressed and that it had no objection to the requests.

The only remaining issue concerns the wall mounted joint identifications signs, which were shown on the plan even though they require no zoning relief. The elevations (Pet. Ex. Nos. 6-7) display six (6) panels or tenant signs, even though the Regulations provide no numerical limitation

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Date 11/14/16
By sen

on the number of lines or panels on wall-mounted joint identification signs. As such, Petitioner would be entitled to add additional lines or panels on these wall-mounted joint identification signs, provided the sign did not occupy more than 12% of the area of the wall on which the sign was affixed.

THEREFORE, IT IS ORDERED, this 14th day of November, **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."): (1) to permit a freestanding joint identification sign with changeable copy as follows: (A) up to 7 lines displaying the names of tenants or occupants of the shopping center in lieu of the maximum of 5 lines; and (B) copy which is as little as 5 inches high in lieu of the minimum of 8 inches, be and is hereby GRANTED.

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. Existing landscaping at the base of the freestanding sign shall be retained.
3. Petitioner shall remove within 45 days of the date hereof the roof-mounted sign and three (3) wall-mounted signs shown in the photograph admitted as Pet. Ex. No. 5.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:slh

ORDER RECEIVED FOR FILING

Date

By



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

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:

Name- Type or Print

Signature

Mailing Address

Zip Code

Date

City

State

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

Donna M. Sills

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 2017-0072-A

Filing Date 9/13/16

Do Not Schedule Dates: _____

Reviewer *[Signature]*

ATTACHMENT TO PETITION FOR ZONING HEARING

*800 Kenilworth Drive
9th Election District
5th Councilmanic District
Case No.: 2016-0072-A*

Variance from Section(s):

1. BCZR § 450.4 Attachment 1.7(b) to permit a freestanding joint identification sign with changeable copy as follows:
 - A. up to 7 lines displaying the names of tenants or occupants of the shopping center in lieu of the maximum of 5 lines; and
 - B. copy which is as little as 5 inches high in lieu of the minimum of 8 inches; and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

**KENILWORTH MALL
ZONING DESCRIPTION**

Beginning for the same at a point on the north 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 north side of Kenilworth Drive;

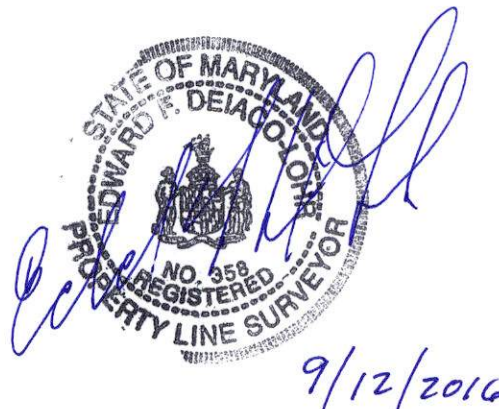
1. 373.92 feet along a curve to the right having a radius of 3965.00 feet, said curve being subtended by a chord bearing of North 64 degrees, 58 minutes, 56 seconds West, a distance of 373.78 feet, thence;
 2. North 62 degrees, 16 minutes, 50 seconds West, a distance of 191.80 feet, thence;
 3. North 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.



2017-0072-A

s:\2014 survey\141258.00_shops_at_kenilworth\kenilworth-zoning description.docx

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

No. 141421

Date: 9/13/16

PAID RECEIPT

BUSINESS ACTUAL TIME IRG
9/14/2016 9/13/2016 09:35:05 3

NO. 141421
RECEIPT # 697117 9/13/2016 OFLN

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

Total: 500.00

Rec From: Smith, Gildea & Schmidt LLC

For: 800 Kenilworth Dr

2017-0072-A

Dept 5 528 ZONING VERIFICATION

NO. 141421

Recpt Tot \$500.00

\$500.00 CK \$1.00 CA

Baltimore County, Maryland

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION



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 4526010

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:

Oct 20, 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: # 2017-0072-A
800 Kenilworth Drive
N/s Kenilworth Drive, 740 ft. NW of centerline of West Road
9th Election District - 5th Councilmanic District
Legal Owner(s) Donna Sills

Variance: 1. To permit a freestanding joint identification sign with changeable copy as follows: A. Up to 7 lines displaying the names of tenants or occupants of the shopping center in lieu of the maximum of 5 lines; and B. Copy which is as little as 5 inches high in lieu of the minimum of 8 inches; and 2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Thursday, November 10, 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 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.

10/084 Oct. 20 4526010

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 10/20/2016

Case Number: 2017-0072-A

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

Date of Hearing (Closing): NOVEMBER 10, 2016

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

The sign(s) were posted on: OCTOBER 20, 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)

100

100

100



KEVIN KAMENETZ
County Executive

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

October 3, 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: 2017-0072-A

800 Kenilworth Drive

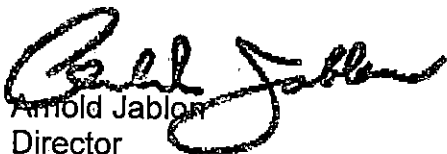
N/s Kenilworth Drive, 740 ft. NW of centerline of West Road

9th Election District – 5th Councilmanic District

Legal Owners: Donna Sills

Variance 1. To permit a freestanding joint identification sign with changeable copy as follows:
A. Up to 7 lines displaying the names of tenants or occupants of the shopping center in lieu of the maximum of 5 lines; and B. Copy which is as little as 5 inches high in lieu of the minimum of 8 inches; and 2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

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


Arnold Jablon
Director

AJ:kl

C: Jason Vettori, 600 Washington Avenue, Ste. 200, 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 FRIDAY, OCTOBER 21, 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, October 20, 2016 Issue - Jeffersonian

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:

CASE NUMBER: 2017-0072-A

800 Kenilworth Drive

N/s Kenilworth Drive, 740 ft. NW of centerline of West Road

9th Election District – 5th Councilmanic District

Legal Owners: Donna Sills

Variance 1. To permit a freestanding joint identification sign with changeable copy as follows:

A. Up to 7 lines displaying the names of tenants or occupants of the shopping center in lieu of the maximum of 5 lines; and B. Copy which is as little as 5 inches high in lieu of the minimum of 8 inches; and 2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Thursday, November 10, 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 VARIANCE * 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
* 2017-072-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

SEP 19 2016

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of September, 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: 2017-0072-A
Property Address: 800 Kenilworth Drive
Property Description: _____

Legal Owners (Petitioners): Kenilworth Limited Partnership
Contract Purchaser/Lessee: n/a

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jason T. Vettori, Esquire
Company/Firm (if applicable): Smith, Gildea & Schmidt, LLC
Address: 600 Washington Avenue, Suite 200
Towson, MD 21204

Telephone Number: 410-821-0070

Revised 5/20/2014



KEVIN KAMENETZ
County Executive

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

November 3, 2016

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

RE: Case Number: 2017-0072 A, Address: 800 Kenilworth Avenue

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 September 13, 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: 9/19/16

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. 2017-0072-A

Varouco
Donna M. Sills
300 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 'Wendy Wolcott'.

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

WW/RAZ

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

RECEIVED

NOV 09 2016

OFFICE OF ADMINISTRATIVE HEARINGS

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

DATE: November 9, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS (revised)
Case Number: 17-072

INFORMATION:

Property Address: 800 Kenilworth Drive
Petitioner: Donna M. Sills
Zoning: BM, DR 5.5
Requested Action: Variance

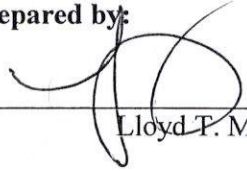
The Department of Planning has reviewed the petition for a variance to permit a freestanding joint identification sign with changeable copy with up to 7 lines displaying the names of tenants or occupants of the shopping center in lieu of the maximum of 5 lines and with copy which is as little as 5 inches high in lieu of the maximum of 5 lines and minimum of 8 inches respectively.

A site visit was conducted on October 3, 2016. The subject site is currently under renovation.

The Department has no objection to granting the petitioned zoning relief and offers the following recommendations:

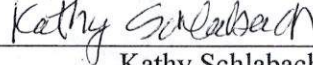
For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Laurie Hay
James Hermann, R.L.A., Department of 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 MEMORANDUM

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

DATE: November 3, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-072

RECEIVED
NOV 04 2016
OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 800 Kenilworth Drive
Petitioner: Donna M. Sills
Zoning: BM, DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit a freestanding joint identification sign with changeable copy with up to 7 lines displaying the names of tenants or occupants of the shopping center in lieu of the maximum of 5 lines and with copy which is as little as 5 inches high in lieu of the maximum of 5 lines and minimum of 8 inches respectively.

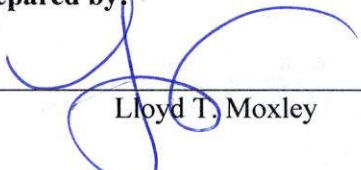
A site visit was conducted on October 3, 2016. The subject site is currently under renovation.

The Department has no objection to granting the petitioned zoning relief and offers the following recommendations:

- Incorporate the synthetic wood plank system (used on the two wall mounted signs and in the entrance treatments) into the design of the freestanding sign for a uniform look.
- Provide substantial landscaping around the base of the freestanding sign in order to screen the four foot base.

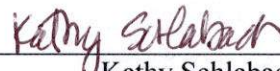
For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Laurie Hay

James Hermann, R.L.A., Department of 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

RECEIVED

SEP 22 2016

Inter-Office Correspondence

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: September 22, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0072-A
Address 800 Kenilworth Drive
(Sills Property)

Zoning Advisory Committee Meeting of **September 26, 2016**

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

Reviewer: Steve Ford

Date: 09-22-2016

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For September 26, 2016
Item No. 2017-0072

DATE: September 28, 2016

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

Provide a Landscape Plan with foundation planting at base of proposed sign.

* * * * *

DAK:CEN
Cc:file
ZAC-ITEM NO 17-0072-09262016.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: November 9, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS (revised)
Case Number: 17-072

NOV 14 2016

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 800 Kenilworth Drive
Petitioner: Donna M. Sills
Zoning: BM, DR 5.5
Requested Action: Variance

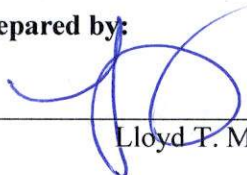
The Department of Planning has reviewed the petition for a variance to permit a freestanding joint identification sign with changeable copy with up to 7 lines displaying the names of tenants or occupants of the shopping center in lieu of the maximum of 5 lines and with copy which is as little as 5 inches high in lieu of the maximum of 5 lines and minimum of 8 inches respectively.

A site visit was conducted on October 3, 2016. The subject site is currently under renovation.

The Department has no objection to granting the petitioned zoning relief and offers the following recommendations:

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, R.L.A., Department of 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

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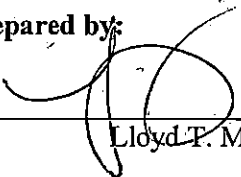
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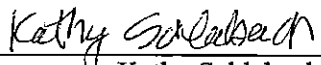
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Lloyd F. Moxley

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Kathy Schlabach

AVA/KS/LTM/ka

c: Laurie Hay
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Jason T. Vettori, Smith, Gildea & Schmidt, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

Case No.: 2017-0072-A

Exhibit Sheet

Petitioner/Developer

DW
12-15-16

Protestant

Sen

11-14-16

No. 1	Site plan	
No. 2	Photos-existing freestanding sign	
No. 3	Elevation - freestanding sign	
No. 4	Elevation - freestanding sign	
No. 5	Photo existing signs	
No. 6	Elevation - wall sign	
No. 7	Elevations - wall signs	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Kenilworth Sign and existing LS

Write a description for your map.

Legend



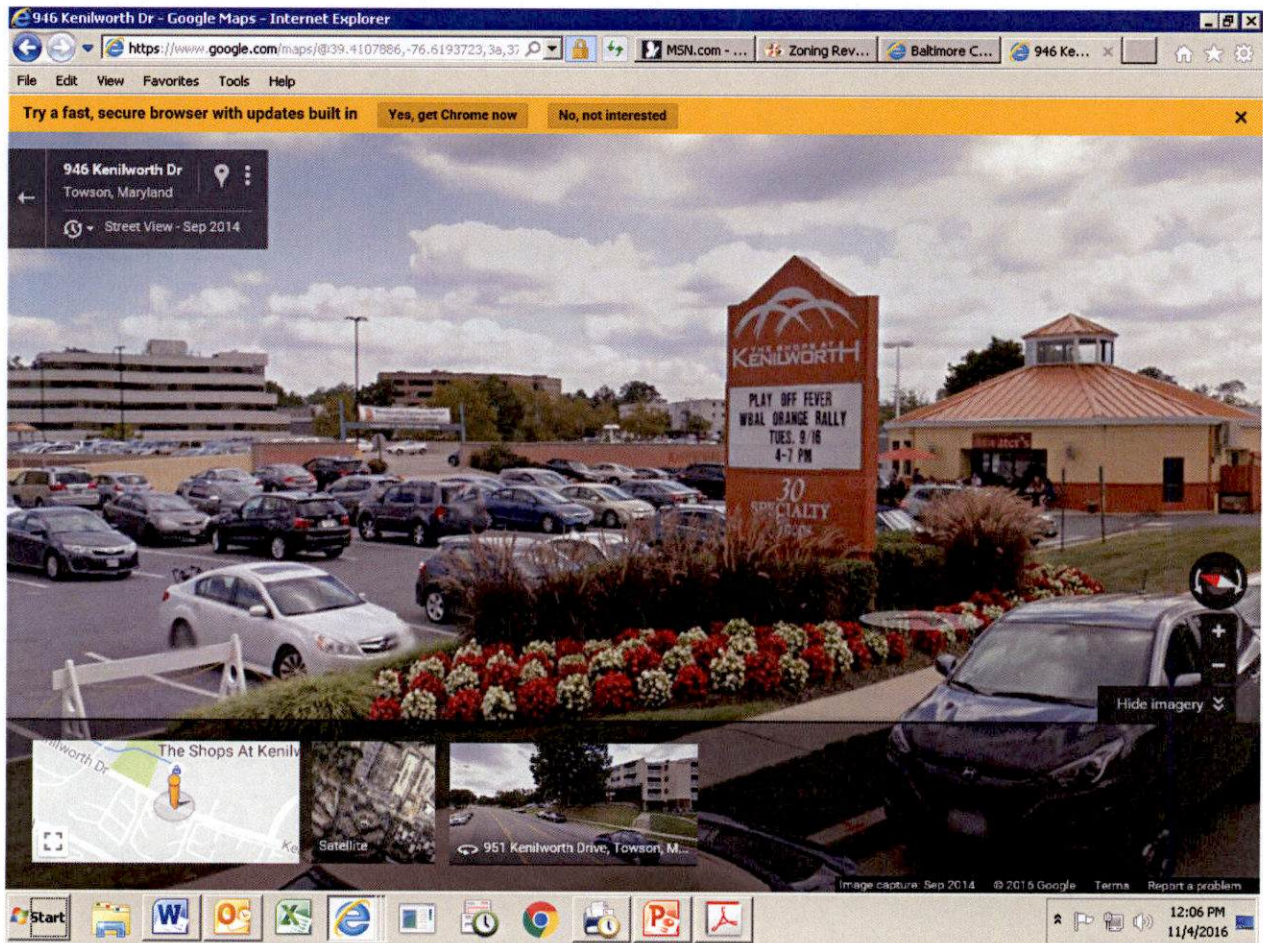
Google Earth

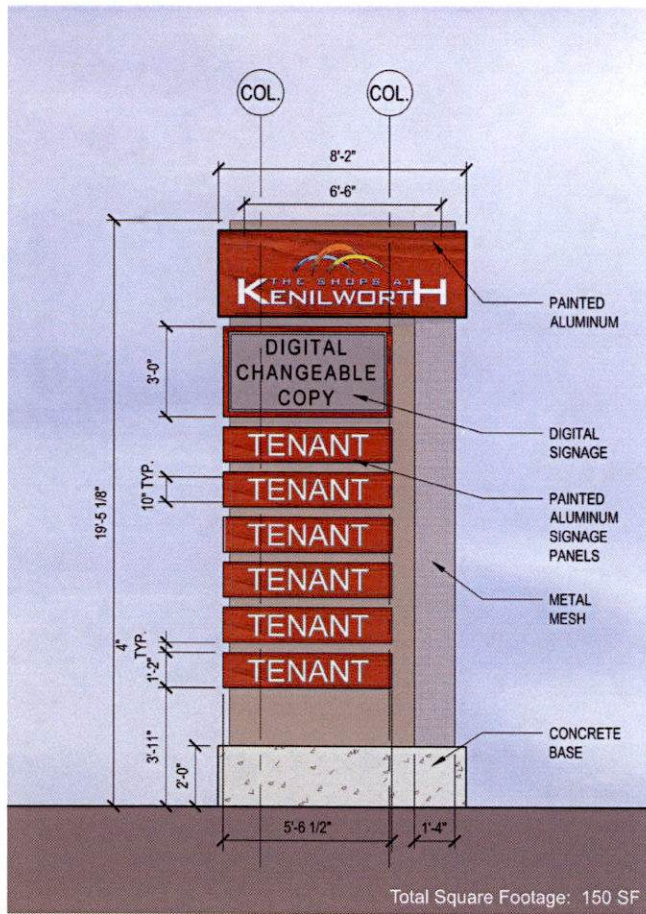
© 2016 Google

PETITIONER'S

EXHIBIT NO. 2

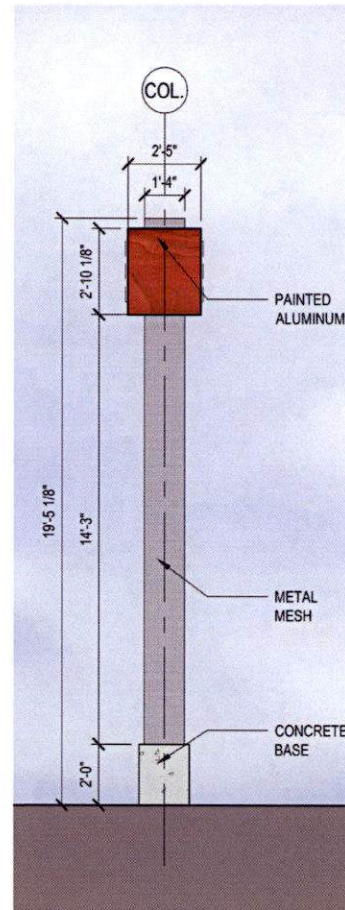
6.85 ft





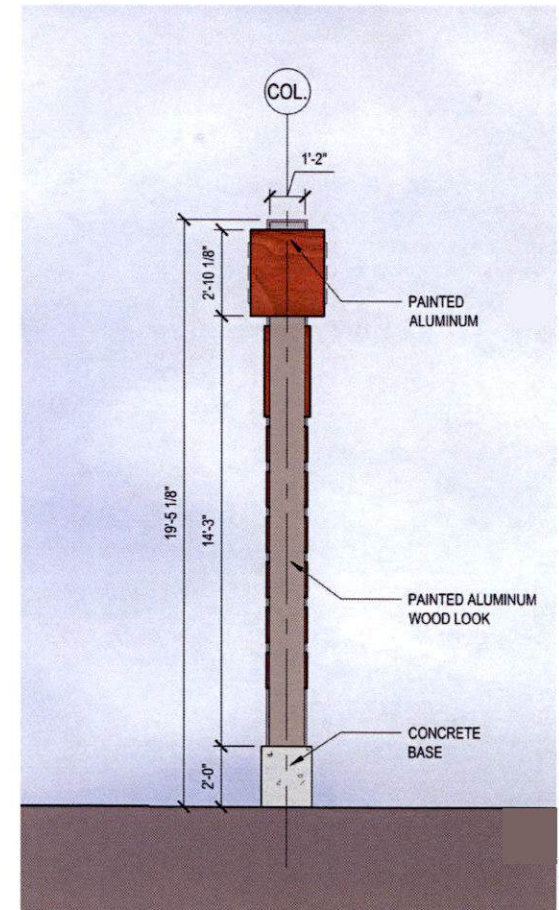
Front Elevation

Scale: 1/4" = 1'-0"



Side Elevation

Scale: 1/4" = 1'-0"



Side Elevation

Scale: 1/4" = 1'-0"



Pylon Sign

Pylon Sign Image

Scale: 1/8" = 1'-0"



JP2 ARCHITECTS, LLC
2835 O'Donnell Street
Suite 300
Baltimore, MD 21224
t 410.276.7470
f 410.276.7471
www.jp2architects.com

The Shops at Kenilworth
August 16, 2016



Greenberg Gibbons
10096 Rad Run Blvd.
Owings Mills, MD 21117
t 410.559.2500

PETITIONER'S

EXHIBIT NO.

4

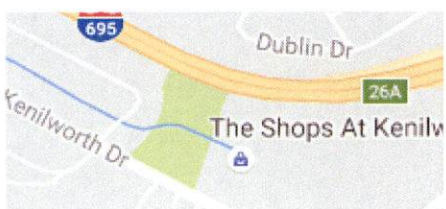
Google Maps I-695



Image capture: Sep 2015 © 2016 Google

Towson, Maryland

Street View - Sep 2015



PETITIONER' S

EXHIBIT NO. 5



695 Sign Image

Scale: 1/8" = 1'-0"



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2835 O'Donnell Street
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Baltimore, MD 21224
t 410.276.7470
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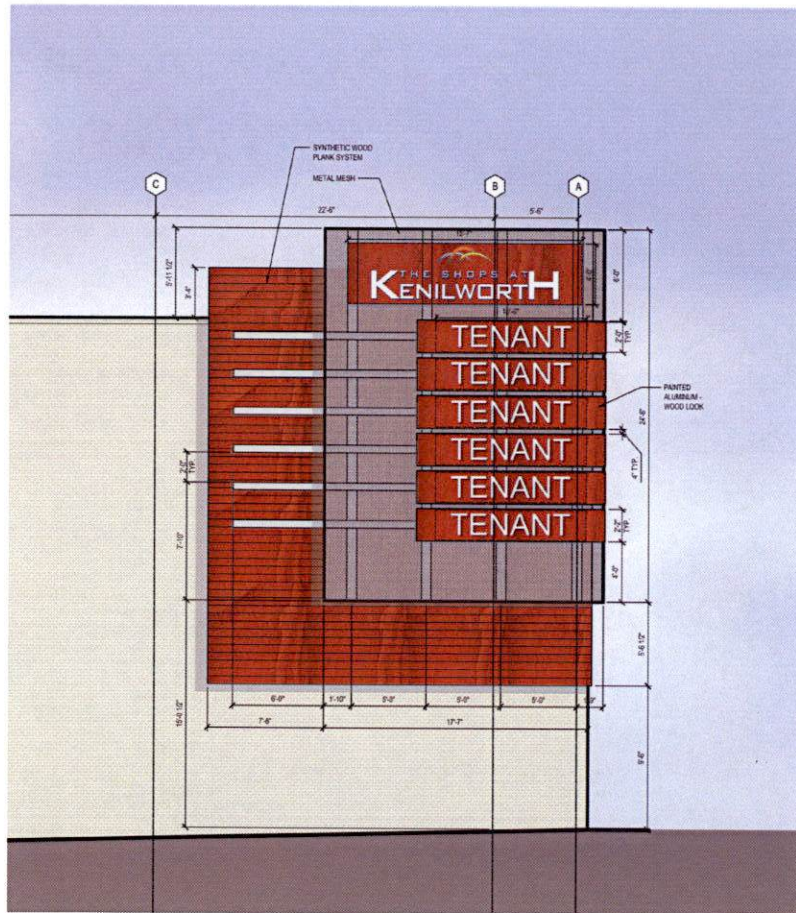
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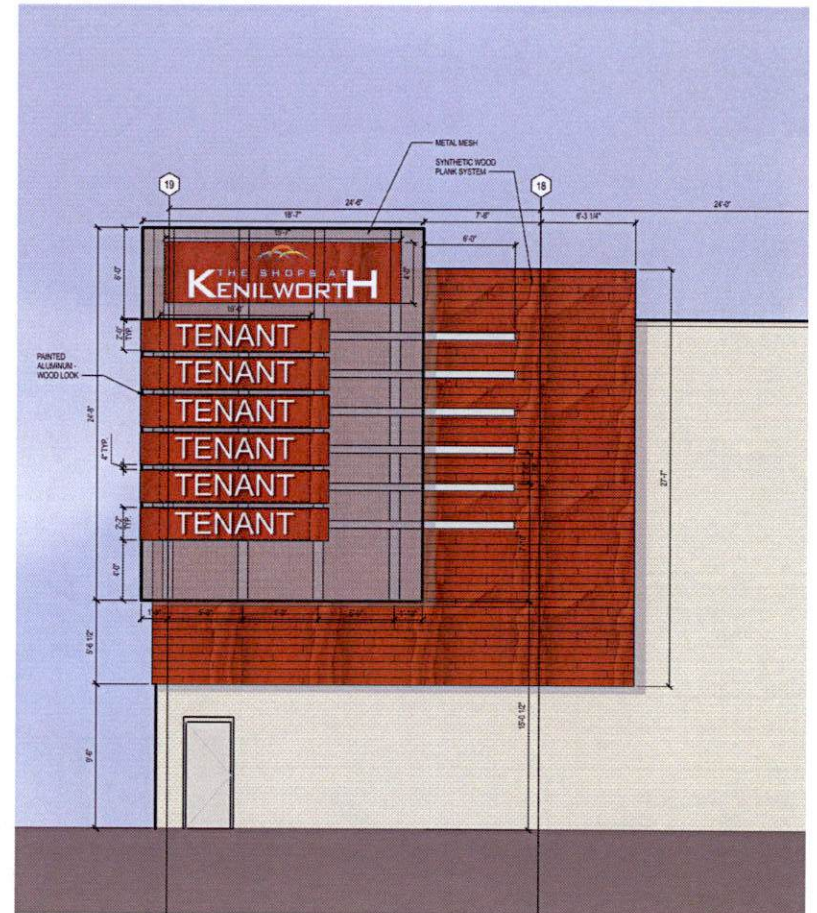
PETITIONER'S

EXHIBIT NO. 6



North Elevation

Scale: 1/8" = 1'-0"



West Elevation

Scale: 1/8" = 1'-0"



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August 16, 2016

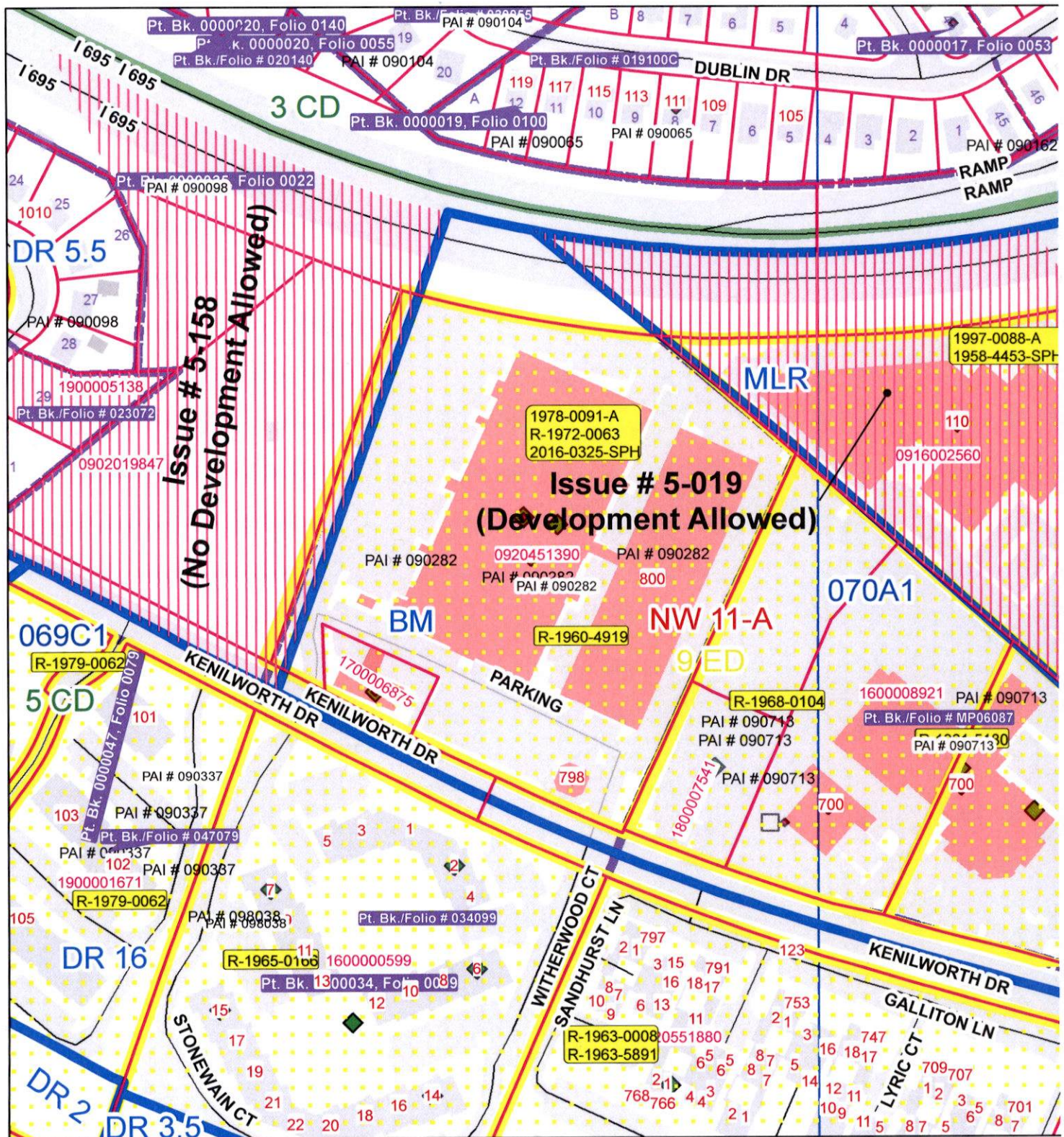


Greenberg Gibbons
10096 Red Run Blvd.
Owings Mills, MD 21117
t 410.559.2500

PETITIONER'S

EXHIBIT NO.

7



Publication Date: 9/13/2016



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



0 55 110 220 330 440 Feet

1 inch = 200 feet

CASE NAME 800 KENILWORTH DRIVE
CASE NUMBER 2017-0072-A
DATE NOVEMBER 10, 2016

[illegible]

CASE NO. 2017-

0072-A

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

9/28

DEVELOPMENT PLANS REVIEW

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

C

9/22

DEPS

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

N/C

FIRE DEPARTMENT

11/3

PLANNING

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

Revised 11/9

NO Obj
w/conditions

9/19

STATE HIGHWAY ADMINISTRATION

NO Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

10/20/16

SIGN POSTING

Date:

10/20/16

by

O'Keefe

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 - 09 Account Number - 0920451390							
Owner Information									
Owner Name:		KENILWORTH LIMITED PARTNERSHIP				Use: Principal Residence:		COMMERCIAL NO	
Mailing Address:		800 KENILWORTH DR BALTIMORE MD 21204				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:	Block:	Lot:	Assessment Year:	Plat No: Plat Ref:
0069	0006	1022		0000				2017	
Special Tax Areas:					Town: Ad Valorem: Tax Class:		NONE		
Primary Structure Built 1978		Above Grade Enclosed Area 141776			Finished Basement Area		Property Land Area 354,016 SF		County Use 14
Stories	Basement	Type			Exterior	Full/Half Bath	Garage	Last Major Renovation	
		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 Type: ARMS LENGTH IMPROVED				Date: 04/01/1994 Deed1: /10438/ 00703			Price: \$250,000 Deed2:		
Seller: TILLMAN IRVIN C,SR Type: NON-ARMS LENGTH OTHER				Date: 02/09/1976 Deed1: /05607/ 00233			Price: \$0 Deed2:		
Seller: Type:				Date: Deed1:			Price: 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: Exempt Class:				Special Tax Recapture: NONE					
Homestead Application Information									
Homestead Application Status: No Application									

Baltimore County

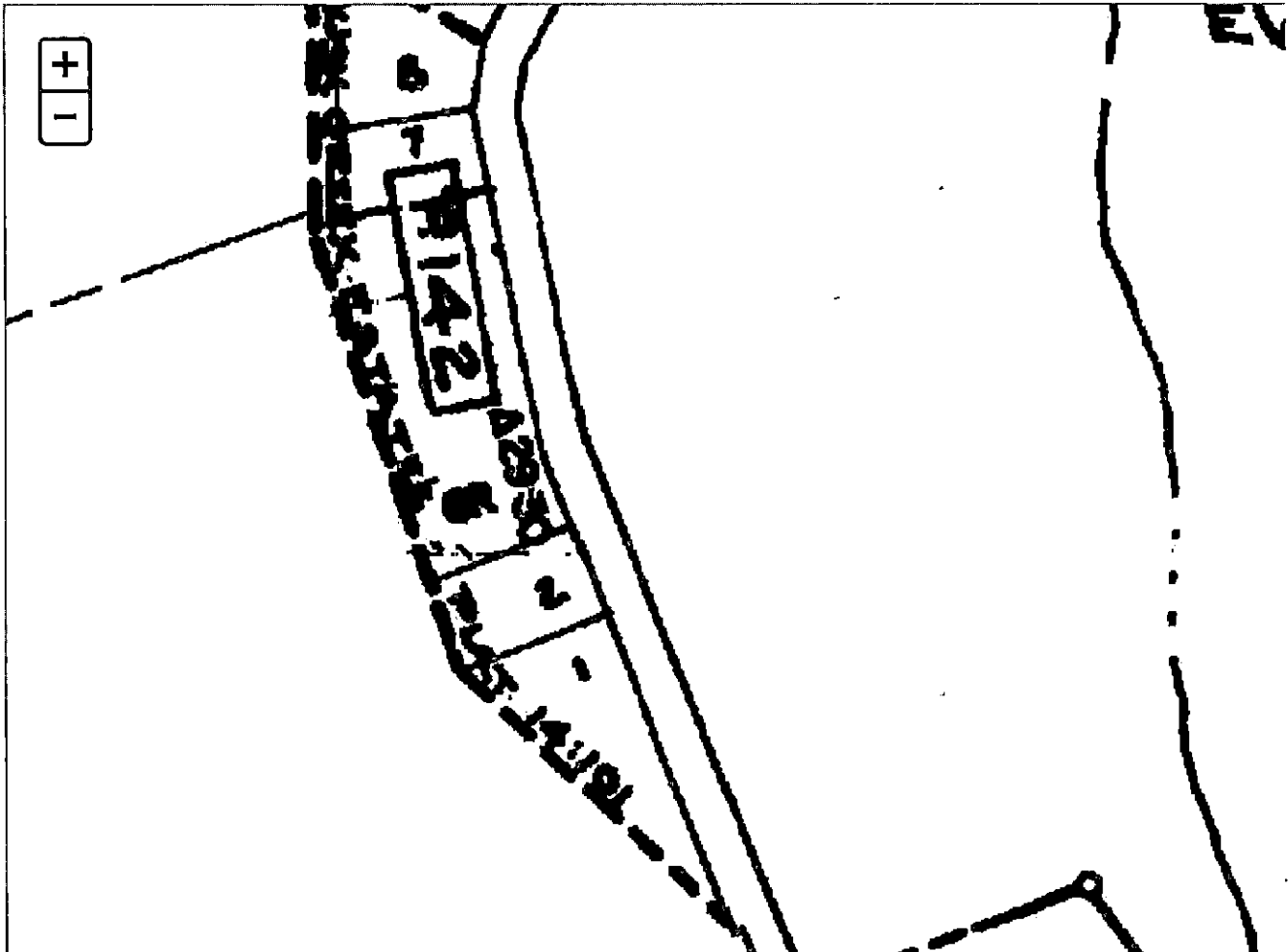
[New Search \(http://sd.dat.maryland.gov/RealProperty\)](http://sd.dat.maryland.gov/RealProperty)District: **09** Account Number: **0920451390****A map was not found for this property.**

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

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).

Baltimore County[New Search \(http://sdat.dat.maryland.gov/RealProperty\)](http://sdat.dat.maryland.gov/RealProperty)District: **09** Account Number: **0920451390**

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SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI
DAVID W. TERRY*

*Admitted in MD, MO, IL, AR

RECEIVED

NOV 23 2016

OFFICE OF ADMINISTRATIVE HEARINGS

LAUREN DODRILL BENJAMIN
CHRISTOPHER W. COREY
MARIELA C. D'ALESSIO**
MELISSA L. ENGLISH
SARAH A. ZADROZNY
of counsel:

JAMES T. SMITH, JR.
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON

**Admitted in MD, FL, PA

November 21, 2016

Sent via Electronic & Regular Mail

John E. Beverungen, Esquire
Office of Administrative Hearings
Administrative Law Judge
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

**Re: Petition for Variance
Case No. 17-0072-A
Property: 800 Kenilworth Drive**

Dear Mr. Beverungen:

I am in receipt of your Opinion and Order in the above referenced case. This Order approved the Petition for Variance with certain conditions.

I am writing with respect to Condition No. 3. I would like to strike the requirement that the signs referenced in Condition No. 3 be removed within 45 days of the Opinion and Order. As indicated at the hearing, the three existing wall mounted enterprise signs (Jos.A.Banks on the northern wall; Stebbins and Lax World on the western wall) and rooftop sign, as shown in the photograph admitted as Pet. Ex. No. 5, are going to be removed. That is not an issue. The construction schedule makes it problematic to comply with the 45 day timeline. The property owner is, as you know, renovating the shopping center. Presently, they do not plan to remove that sign until they are ready to install the new wall-mounted joint identification signs. Those signs need to be designed and a permit needs to be issued before they can be installed. My client does not anticipate obtaining permits for the signs, having them constructed and being ready for installation/existing signs being removed prior to the Spring of 2017. Therefore, I respectfully request that Condition No. 3 be modified to allow the existing signs to remain until the proposed wall-mounted joint identification signs are being installed.

Should you have any questions, comments or concerns, please feel free to contact me. With kind regards, I remain

Very truly yours,


Jason T. Vettori

JB 11-10-16

Debra Wiley

From: Jason Vettori <jvettori@sgs-law.com>
Sent: Monday, November 21, 2016 11:24 AM
To: John E. Beverungen
Cc: Debra Wiley
Subject: Petition for Variance for 800 Kenilworth Drive
Attachments: Letter to Beverungen re Case No. 2017-0072-A.pdf

RECEIVED

Please see the attached letter regarding the above referenced case.

NOV 21 2016

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

OFFICE OF ADMINISTRATIVE HEARINGS

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. 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 e-mail in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

SMITH, GILDEA & SCHMIDT_{LLC}

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LAWRENCE E. SCHMIDT
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**Admitted in MD, FL, PA

November 21, 2016

Sent via Electronic & Regular Mail

John E. Beverungen, Esquire
Office of Administrative Hearings
Administrative Law Judge
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Towson, MD 21204

**Re: Petition for Variance
Case No. 17-0072-A
Property: 800 Kenilworth Drive**

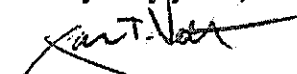
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Should you have any questions, comments or concerns, please feel free to contact me. With kind regards, I remain

Very truly yours,


Jason T. Vettori



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

November 22, 2016

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

RE: Petition for Variance
Case No. 2017-0072-A
Property: 800 Kenilworth Drive

Dear Mr. Vettori:

I am in receipt of your letter dated November 21, 2016, concerning the above-captioned case. You have requested that Condition No. 3 in the Opinion and Order dated November 14, 2016 (which requires certain signs to be removed within 45 days) be stricken, to accommodate your client's construction schedule.

While I am amenable to doing so with respect to the wall-mounted signs, I will not modify the condition with respect to the rooftop sign. Such signs are not permitted in Baltimore County, and the 45 day period will allow your client to retain the rooftop sign through the holiday shopping season.

As such, and though it is informal in nature, this correspondence shall document that Condition No. 3 of the final order in the above case is hereby modified, such that the three existing wall-mounted signs can remain in place until such time as Petitioner installs the new signage, which is anticipated to be Spring of 2017. That portion of Condition 3 pertaining to the roof mounted sign shall remain unchanged.

Sincerely,

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

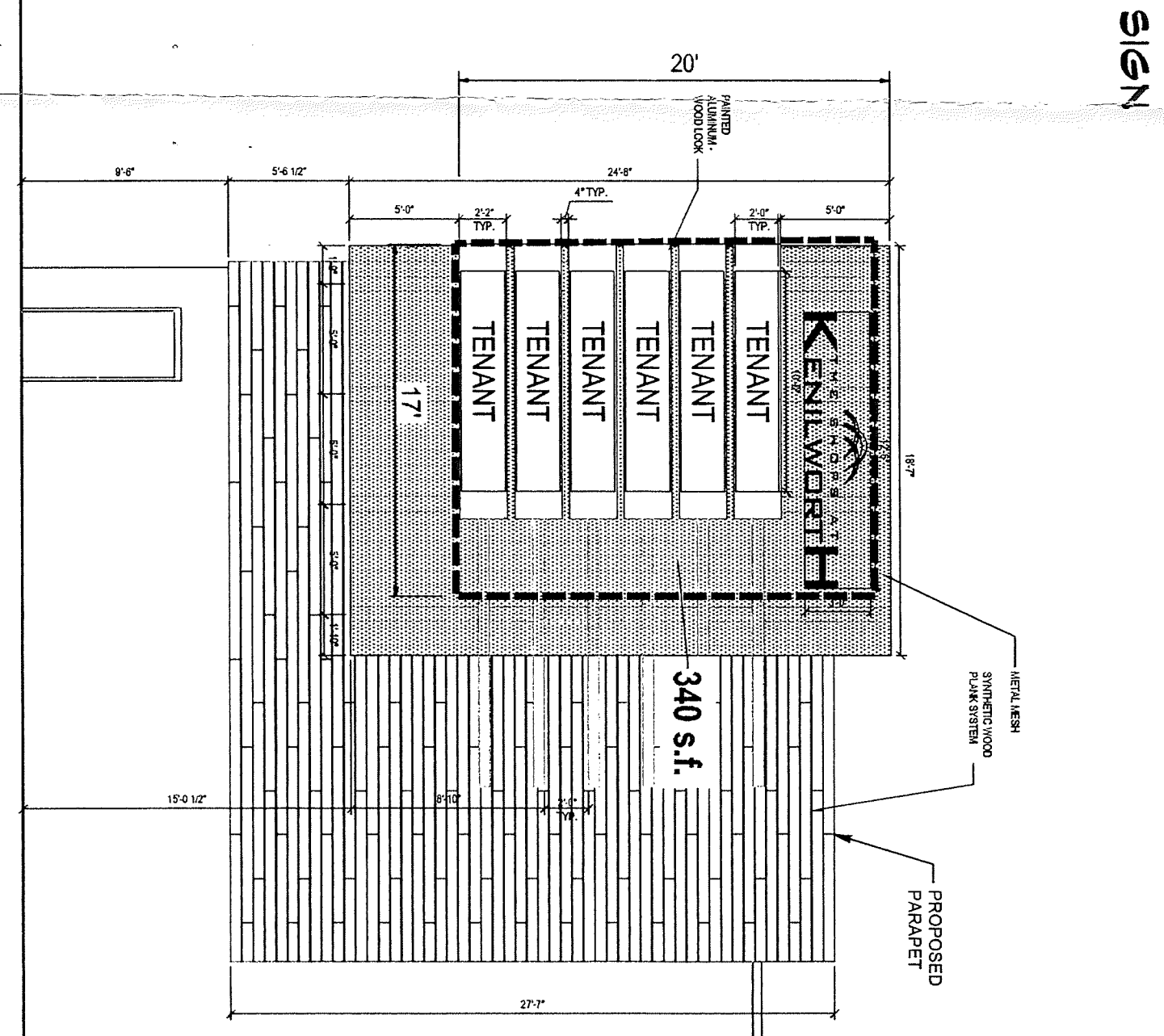
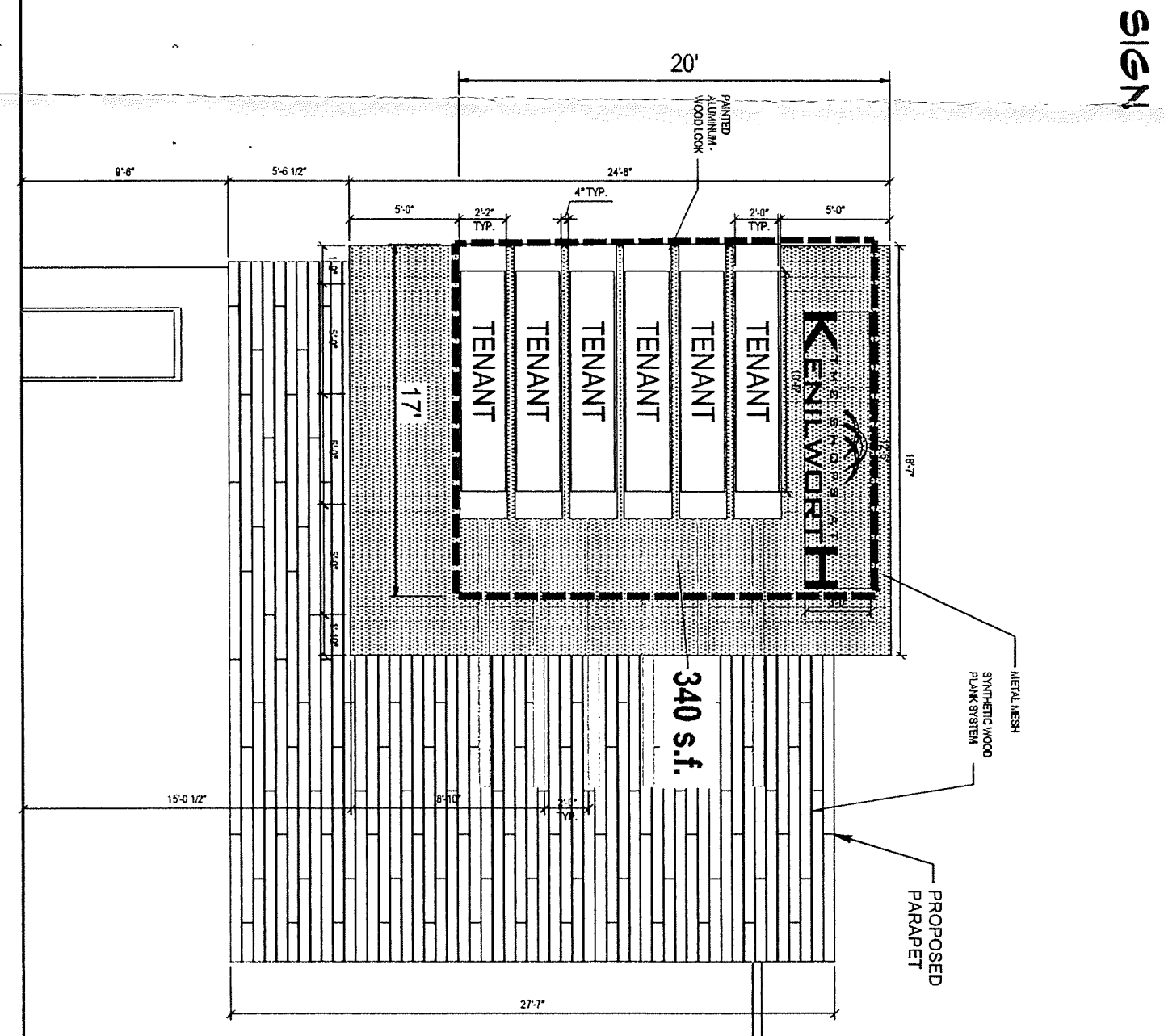
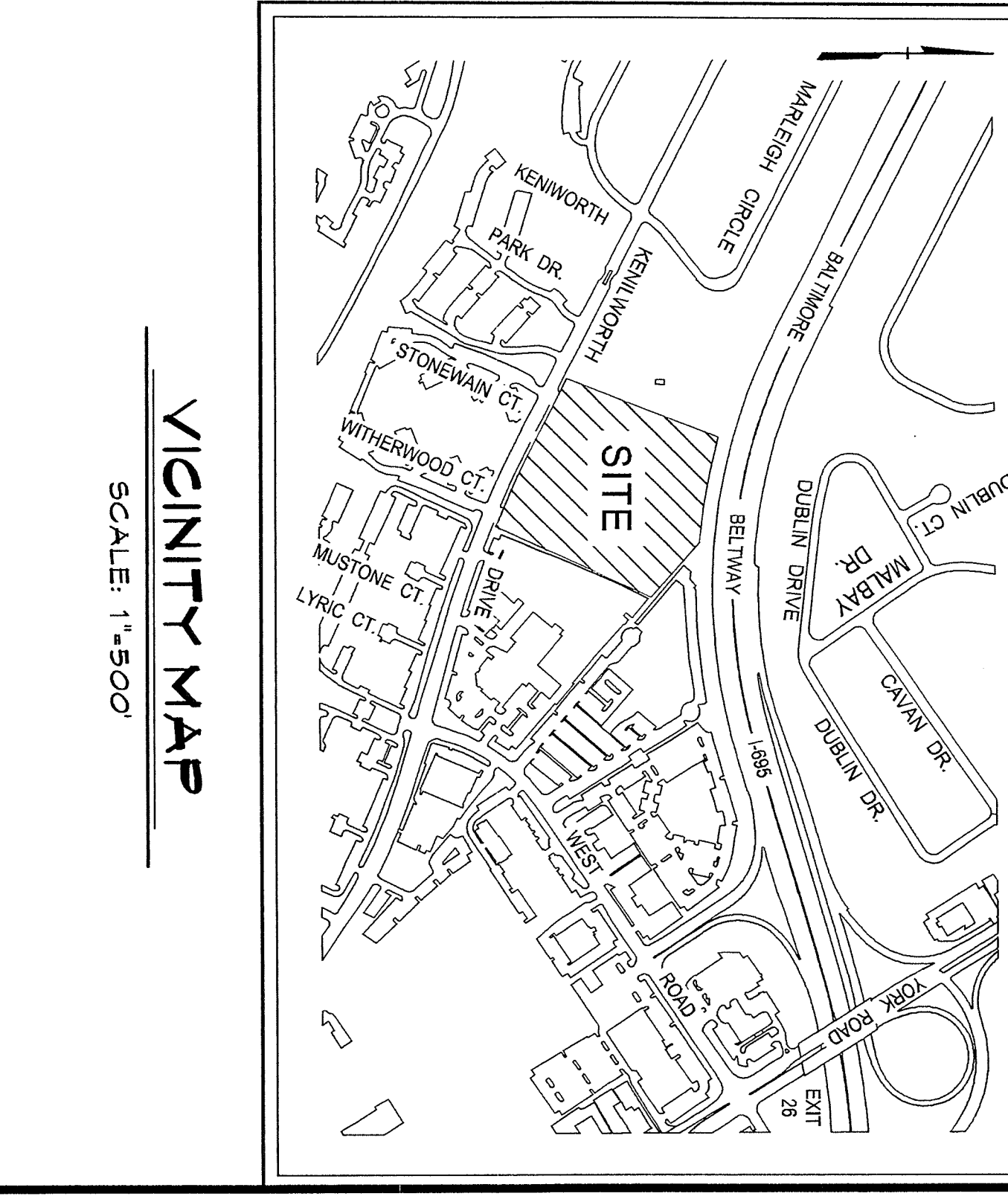
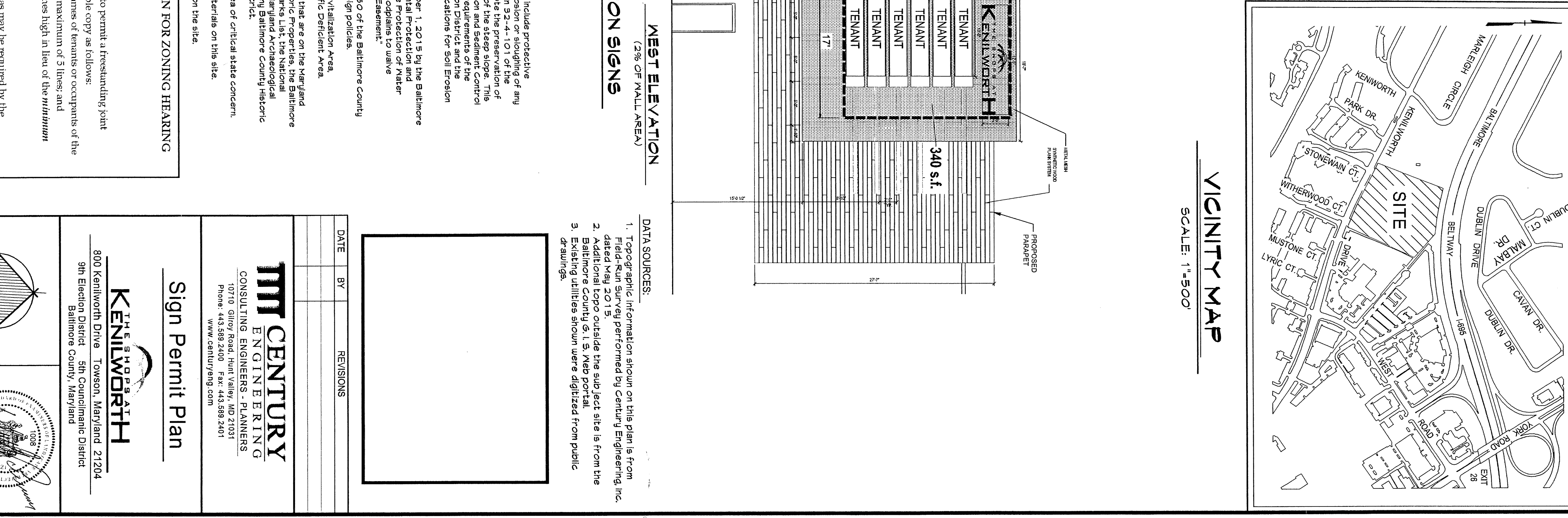
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 11-22-16

JEB:dlw

By [Signature]



DATA SOURCES:

1. Topographic information shown on this plan is from Field Run Survey performed by Century Engineering Inc. dated May 2015.
2. Additional info outside the subject site is from the Baltimore County's 1:5,000 portal.
3. Existing utilities shown were digitized from public drawings.

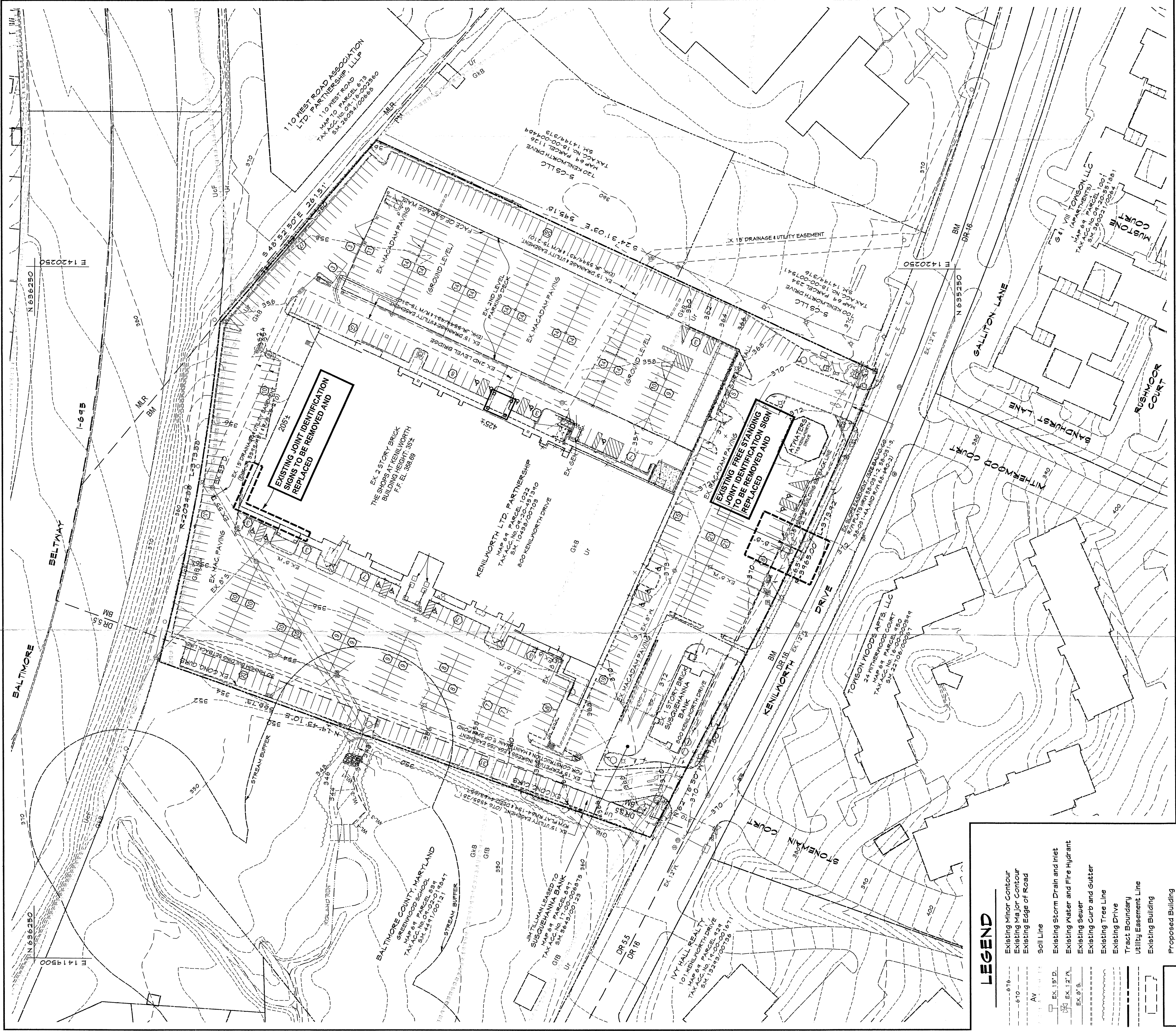
DATE	BY	TITLE	REVISIONS
THM ENGINEERING CONSULTING ENGINEERS - PLANNERS 1070 Glenview Road, Hunt Valley, MD 21031 Phone: 443.882.2400 Fax: 443.882.2401 www.kandeyang.com			
Sign Permit Plan			
KENILWORTH			
800 Kenilworth Drive Towson, Maryland 21204 9th Election District St. Charles/Maryland District Baltimore County Annapolis			

SCALE: 1"=50'

A horizontal graphic scale bar. It is divided into three segments. The first segment on the left is labeled '0' at its left end. The second segment is labeled '50'' at its right end. The third segment is labeled '100'' at its right end. The bar is black with white tick marks at the 0, 50, and 100-foot points.

ZONING HISTORY	
Case Number	17-03-R; To correct a zoning error.
Case Number	75-01-A; Variance to permit 853 parking spaces in lieu of the required 970 spaces granted on October 25, 1979.
Case Number	16-025; Variance to request reduction of parking spaces.

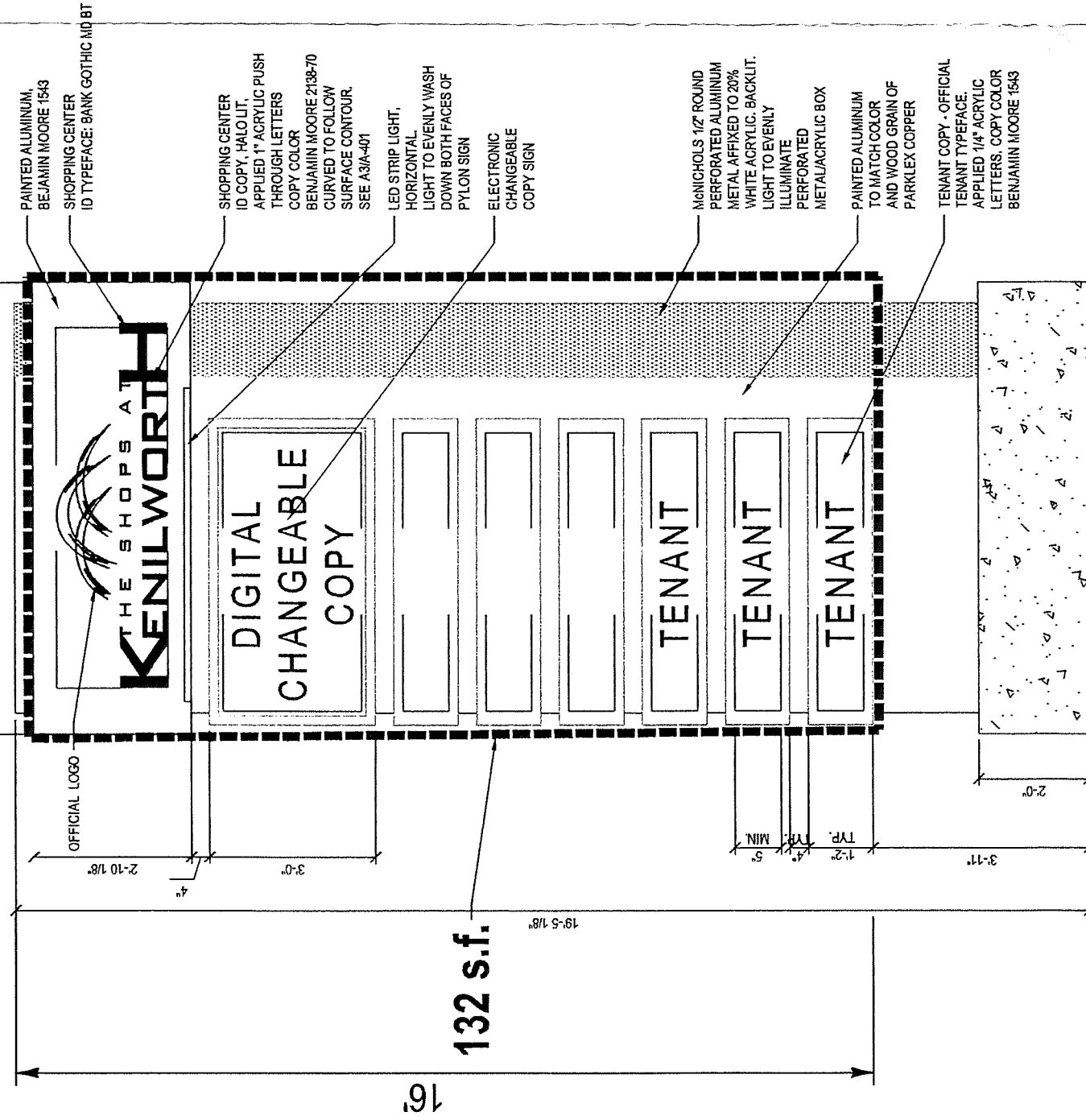
ISSUE DATES	BASE:	M.S.S.
REVIEW:	DRAWN:	M.S.S.
SID: 8/12/16	DESIGNED:	M.J.P.
PENIT: -----	CHECKED BY:	-----
CONSTRUCTION: -----	DATE CHECKED:	-----
SCALE: 1"=50'	DRAWING:	



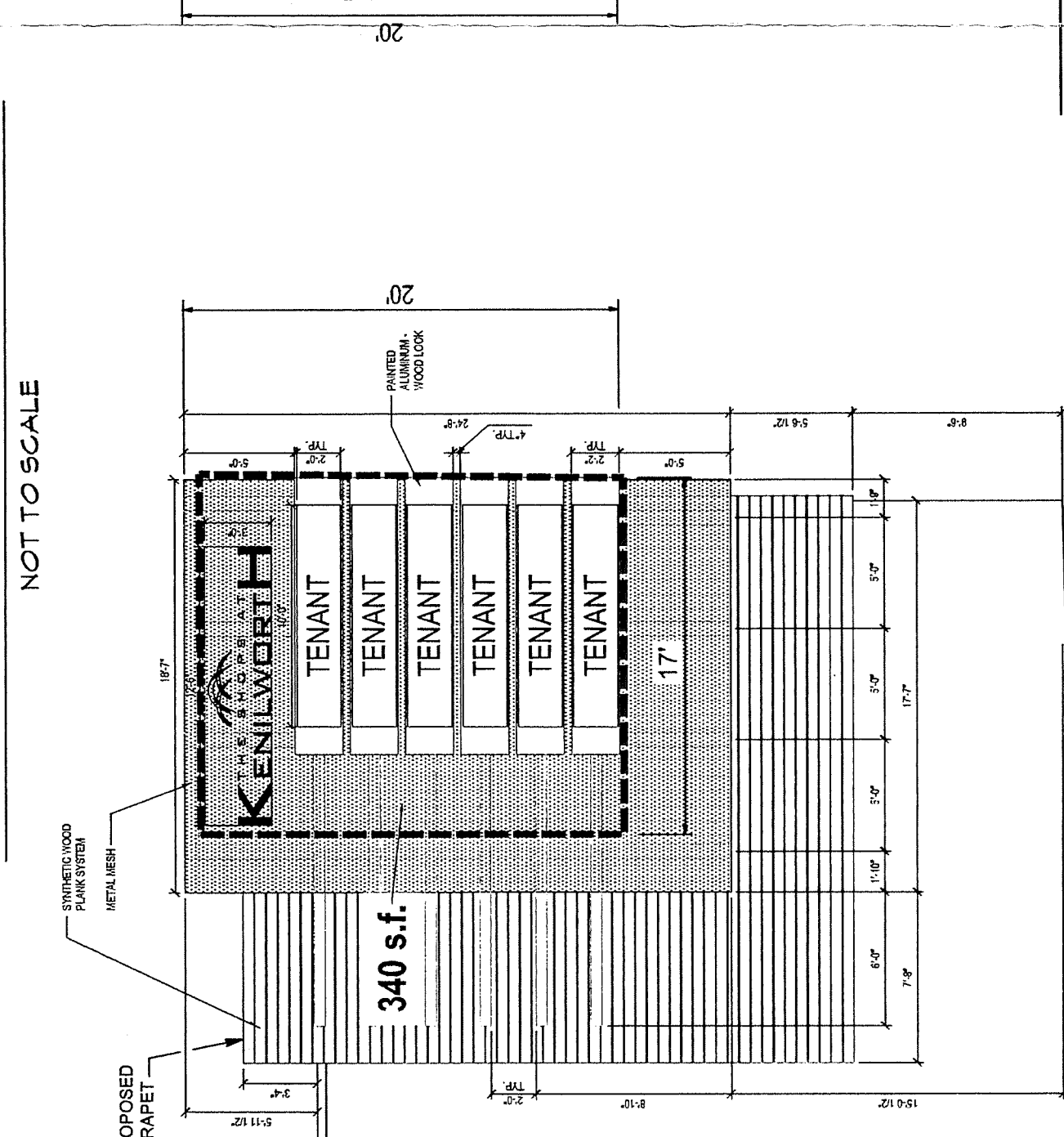
PLAN
SCALE: 1"=50'

LEGEND

- Existing Minor Contour
- Existing Major Contour
- Existing Edge of Road
- Soil Line
- Existing Storm Drain and Inlet
- Existing Water and Fire Hydrant
- Existing Sewer
- Existing Curb and Gutter
- Existing Tree Line
- Existing Drive
- Tract Boundary
- Utility Easement Line
- Existing Building
- Proposed Building
- Proposed Grades
- Proposed S.S.
- Proposed Sewer
- Proposed Water and Fire Hydrant
- Proposed Storm Drain and Inlets
- Proposed Curb & Gutter
- Zoning Line
- Stream Buffer



FREE STANDING JOINT IDENTIFICATION SIGN
ALONG KENILWORTH AVENUE



NORTH ELEVATION
(3% OF WALL AREA)

WEST ELEVATION
(2% OF WALL AREA)

GENERAL NOTES

1. Site Address: 800 Kenilworth Drive, Towson, Maryland 21204
2. Owner/Developer: Kenilworth Limited Partnership, 800 Kenilworth Drive, Towson, Maryland 21204
3. Tax Account No.: 04-20-451340
4. Parcel: 5.41, 10-436/103
5. Gross Area: 8,127.1 Acres (934.0 ± SF)
6. Net Area: 8,121.1 Acres (934.0 ± SF)
7. Existing Zoning: BM and DR 8.5
8. Proposed Use: Commercial Shopping Center
9. Existing Building Area: 136,900 SF
10. Existing Out Buildings: 4,744 SF
11. Proposed: 612 SF ±, Canopy
12. Parking Calculations: a. 1,199 SF (119,900 SF) ± 4 b. 1,199 SF (119,900 SF) ± 4 c. Office: 21,194 SF (119,900 SF) ± 3 d. Parking Required: (per proposed 190 SF shed addition) 1. Retail Area: 190 SF (119,900 SF) ± 5 2. Total Parking Required: 929
13. Existing Parking: 926
14. Floor Area Ratio Calculations: 0.4
15. Setbacks: a. Front: 15 feet b. Side & Rear: 30 feet
16. Site is within the UDL
17. Site is within the Metropolitan District
18. Site is not in a Design Review Panel Area
19. Site is not in the Chesapeake Bay Critical Area
20. The site is not located in a deficient area on any of the Basic Service Maps.

DATA SOURCES

1. Topographic information shown on this plan is from the 2011 aerial photograph performed by Century Engineering, Inc. dated May 2011.
2. Additional topo outside the subject site is from the Baltimore County & L.S. Map portal.
3. Existing utilities shown were digitized from public drawings.

REVISIONS

DATE	BY	REVISIONS

MM CENTURY ENGINEERING
CONSULTING ENGINEERS - PLANNERS
10710 Gilroy Road, Hunt Valley, MD 20811
Phone: 443.389.2424 Fax: 443.389.2401
www.mcentury.com

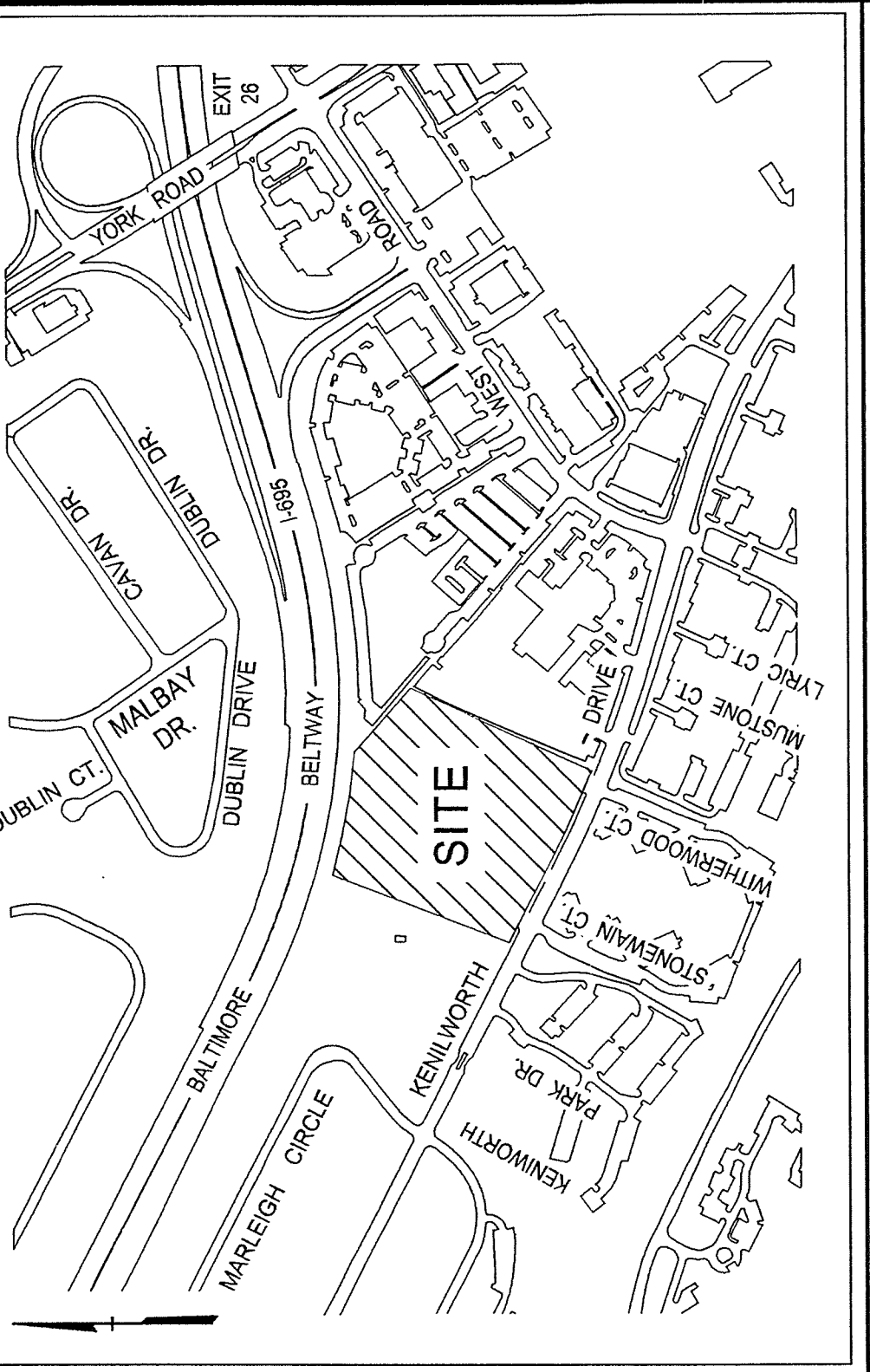
Sign Permit Plan

KENILWORTH
THE SHOP AT
800 Kenilworth Drive, Towson, Maryland 21204
8th Election District, 8th Councilmatic District
Baltimore County, Maryland

ZONING HISTORY

Case Number 7-2-69-R: To correct a zoning error.
Case Number 7-8-91-A: Variance to permit 959 parking spaces in lieu of the required 415 spaces. Granted on October 25, 1978.
Case Number 16-92B: Variance to request reduction of parking spaces.

ISSUE DATES
REVIEW: 8/12/16
DESIGNED: M.J.P.
CHECKED BY: M.J.P.
DATE CHECKED: ---
CONSTRUCTION: ---
SCALE: 1"=50'
PROJECT NO.: 141259
DRAWING: 1 of 1



VICINITY MAP
SCALE: 1"=500'