#### MEMORANDUM

DATE: March 16, 2017

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2017-0148-A - Appeal Period Expired

The appeal period for the above-referenced case expired on March 13, 2017. There being no appeal filed, the subject file is ready for return to the Zoping Review Office and is placed in the 'pick up box.'

c: Case File

Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(5201 Campbell Blvd.)
14<sup>th</sup> Election District

6<sup>th</sup> Council District

Weingarten Realty Investors, Legal Owner \*

Zoes Maryland, LLC, Lessee

Petitioners

BEFORE THE OFFICE

OF ADMINISTRATIVE

**HEARINGS FOR** 

BALTIMORE COUNTY

CASE NO. 2017-0148-A

#### **OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Weingarten Realty Investors, owner of the subject property and Zoes Maryland, LLC, lessee ("Petitioners"). The variance request pursuant to the Baltimore County Zoning Regulations (B.C.Z.R.) seeks approval for 1 wall mounted enterprise sign with a sign area/face of 128 sq. ft. in lieu of the permitted 74 sq. ft. As originally filed the Petition also sought a variance for an enterprise sign on the side wall. After discovering that electric utilities would need to be relocated the Petitioners abandoned that request, as shown on the amended zoning petition. A two-sheet site plan was marked as Petitioners' Exhibit 1A & 1B.

Keith Miller and landscape architect Michael Pieranunzi appeared in support of the petition. David H. Karceski, Esq. and Neill Thupari, Esq. represented the 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 from County review agencies.

The subject property is approximately 2.38 acres in size and is zoned BM-AS. The site is improved with a multi-tenant commercial building (19,385 sq. ft.) occupied by service businesses and eateries. Zoes is a "fast casual" restaurant and will occupy a corner unit of the strip center.

Date 2/10/17
By Aln

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

(1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and

(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

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

Petitioners have met this test. The property has irregular access points and this business is located approximately 200 feet from the public roadway. As such the property is unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to install appropriate signage. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of Baltimore County and community opposition.

THEREFORE, IT IS ORDERED, this <u>10<sup>th</sup></u> day of February, 2017, by the Administrative Law Judge for Baltimore County that the Petition for variance to approve 1 wall mounted enterprise sign (front wall) with a sign area/face of 128 sq. ft. in lieu of the permitted 74 sq. ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

ORDER REC	CEIVED FOR FILI	VG
Date	FILOI	
Bv	Sla	
- <i>,</i>		

2

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

JOHN E. BEVERUNGEN Administrative Law Judge for

Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections
e Office of Administrative Law of Baltimore County for the property located at:

Address 5201 Campbell Boulevard, Nottingham, N	MD 21236 which is presently zoned BM-AS
Deed References: 35411/220	10 Digit Tax Account # 2 5 0 0 0 1 2 0 2 2
Property Owner(s) Printed Name(s) Weingarten	Realty Investors
(SELECT THE HEARING(S) BY MARKING $\underline{X}$ AT THE APPROPR	IATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)
The undersigned legal owner(s) of the property situate in E	Baltimore County and which is described in the description
and plan attached hereto and made	
	g Regulations of Baltimore County, to determine whether
or not the Zoning Commissioner should approve	
2 a Special Exception under the Zoning Regulations of	of Baltimore County to use the herein described property for
3. x a Variance from Section(s)	
SEE ATTACHED SHEET	
of the zoning regulations of Baltimore County to the zo	oning law of Baltimore County, for the following reasons:
	indicate below "TO BE PRESENTED AT HEARING". If
you need additional space, you may add an attachmen	
TO BE PRESENTED AT HEA	RING
Property is to be posted and advertised as prescribed by the zoning regulati	ions.
I, or we, agree to pay expenses of above petition(s), advertising, posting, et	<b>.</b>
and restrictions of Baltimore County adopted pursuant to the zoning law for Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm under	er 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/Lessege	Legal Owners (Petitioners):
SEE ATTACHED CENTER	TVL.R
and restrictions of Baltimore County adopted pursuant to the zoning law for Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm und which is the subject of this / these Petition(s).  Contract Purchaser/Lessee:  SEE ATTACHED  Name- Type or Print  Signature	Name #1 - Type @ Print
DER	ALL MACINION WALLEY TO SEE THE STATE OF THE SECOND
Signature	Signature #1 Signature # 2
Signature	
Mailing Address City State	2600 Citadel Plaza, Suite 125 Houston TX  Mailing Address City State
Walling Address City State	
Zip Code Telephone # Email Address	77008
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address
Attorney for Petitioner:	Representative to be contacted:
David H. Karceski, Esquire	David H. Karceski, Esq.
Name- Type or Print	Name - Type or Print
Signature	Signature
210 W. Pennsylvania Avenue, Towson, MD	210 W. Pennsylvania Avenue, Towson, MD
Mailing Address City State	Mailing Address City State
21204 / (410) 494-6285 / dhkarceski@venable.com Zip Code Telephone # Email Address	21204 / (410) 494-6285 / dhkarceski@venable.com Zip Code Telephone # Email Address
2.2 11/12/	
CASE NUMBER	Do Not Schedule Dates: Reviewer

REV. 10/4/11

2/9/17

#### WEINGARTEN REALTY INVESTORS

#### **5201 CAMPBELL BOULEVARD**

### ATTACHMENT TO PETITION FOR VARIANCE

1. On the front wall, 1 wall-mounted enterprise sign with a sign area/face of 128 square feet in lieu of the permitted 74 square feet by way of B.C.Z.R. Section 450.4 Attachment 1.5(d) (Wall Mounted Enterprise Sign No. 1).

Revised Petiton

DHK

#### WEINGARTEN REALTY INVESTORS

#### 5201 CAMPBELL BOULEVARD

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- 2. On the side wall, a variance to permit two wall-mounted enterprise signs in lieu of the one wall-mounted enterprise and one canopy sign permitted by way of B.C.Z.R. Section 450.4 Attachment 1:5(d) (Wall Mounted Enterprise Sign Nos. 2 and 3).

#### WEINGARTEN REALTY INVESTORS

#### **5201 CAMPBELL BOULEVARD**

### **ATTACHMENT TO PETITION FOR VARIANCE**

#### Contract Purchaser/Lessee:

Zoes Maryland, LLC 5760 Hwy 121, Suite 250 Plano, TX 75024

Telephone: 214-436-8765

By: Michael Todd

Title: General Counsel



**CONSULTING ENGINEERS** 

#### LOT 41A NOTTINGHAM COMMONS PLAT JLE 79-471

#### ZONING DESCRIPTION

Beginning for the same at a point on the western right-of-way of Franklin Square Drive at the intersection with the southern right-of-way of Campbell Boulevard as shown on the plat of Nottingham Commons which is recorded among the Land Records of Baltimore County in Plat Book JLE 79 Page 471, thence running on the fillet line between the two roads the following course:

- 1) South 82° 41' 47" East 91.01 feet to a point on the southern side of said Campbell Boulevard, thence;
- 2) 239.28 feet along the arc of a curve to the left, having a radius of 3341.13 feet and being subtended by a chord bearing South 49° 27' 21" East 239.23 feet to a point, thence leaving said Boulevard;
- 3) South 40° 56' 18" West 321.86 feet to a point, thence
- 4) North 49° 03' 42" West 352.26 feet to a point on the aforesaid Franklin Square Drive, thence running on the north side of said road;
- 5) North 48° 48' 07" East 272.36 feet to the place of beginning.

Containing 103,838 square feet or 2.384 acres of land, more or less.

Being a portion of that property conveyed to Weingarten Realty Investors in a deed recorded among the Land Records of Baltimore County in Liber 35411 Folio 220.

#### 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.

10/17/2016

10710 Gilroy Road

Hunt Valley, Maryland 21031

443.589.2400

443.589.2401 fax

2017-0148-A





**CONSULTING ENGINEERS** 

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LINE SUMMER AND ADDRESS OF THE SUMER ADDRESS OF THE SUMER AND AD

10/17/2016





## **CERTIFICATE OF POSTING**

	American Landson	2017-0148-A
	RE: Case No.:	
	Petitioner/Developer:	
	J. Victoria Brown, Weingarter Zoe	n Realty Investors s Maryland, LLC
		Fohmow: 0, 2017
	Date of Hearing/Closing:	February 9, 2017
<b>Baltimore County Department of</b>		
Permits, Approvals and Inspections		
County Office Building, Room 111		
111 West Chesapeake Avenue Towson, Maryland 21204		
Attn: Kristen Lewis:		
A Company of the Comp		
Ladies and Gentlemen:		
This letter is to certify under the penalti posted conspicuously on the property lo	es of perjury that the necessary sign(s) r cated at:	equired by law were
5201 Compbell Pauloyand		
5201 Campbell Boulevard		
The sign(s) were posted on	January 20, 2017	
The sign(s) were posted on	(Month, Day, Year)	
	Sincerely,	
	Sincerely,	
8	Mill	January 20, 2017
	(Signature of Sign Poster)	(Date)
ZONING NOTICE	SSG Robert Bl	ack
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD	(Print Name	)
PLACE: 105 W. CHESAPEAKE AVE, TOWSON MD 21204 DATE AND TIME: Thursday, February 9, 2017 at 19:90 a.m.	1508 Leslie Ro	ad
REQUEST: Lattance L. On the front wall, i-wall mounted enterprise sign with a sign securities of 128 s sq. in these of the normaled 74 s sq. in a sign securities of 18 CR section 451 s 4 sq. in these of the CR section 451 s 4 sq. in these of the CR section 451 s 4 sq. in the securities of 18 CR section 451 s 4 sq. in the securities of 18 cR section 451 s 4 sq. in the section 15 sq. in the sect	(Address)	
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ANY PROCESSION OF THE PROPERTY	(City, State, Zip	Code)
TALL SERVICE SERVICE	(410) 282-794	0
MANAGER STATE	(Telephone Num	ber)

### **CERTIFICATE OF POSTING**

	RE: Case No.:	Z017-0140-A
e e e e e e e e e e e e e e e e e e e	Petitioner/Developer:	ten Realty Investors oes Maryland, LLC
	Date of Hearing/Closing	February 9, 2017
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 111 West Chesapeake Avenue Fowson, Maryland 21204		
Attn: Kristen Lewis:		
Ladies and Gentlemen:		
This letter is to certify under the penaltic posted conspicuously on the property loc		) required by law were
5201 Campbell Boulevard		
The sign(s) were posted on	January 20, 2017	
	(Month, Day, Year)	
	Sincerely,	January 26, 2017
	(Signature of Sign Poster	(Date)
ZONING NOTICE 2017-0148-A	SSG Robert	
A PUBLIC HEARING WILL BE NELD BY THE ZONING COMMISSIONER	(Print Na	ıme)
IN TOWSON, MD  ROOS 295 JEFFERSON BUILDING  PLACE: "DSW_QUIESABLANE AVE." 1290-00 AUL 212-43.	1508 Leslie	Road
DATE AND DIME TEXTINGUES DE LE COMPANION DE LA COMPANION DE LE COMPANION DE LE COMPANION DE LE COMPANION DE LA	(Addre	ss)
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Hectory or server	(City, State, 2	Cip Code)
	(410) 282	7940
2 w	(Telephone I	Tumber)

11 East Saratoga Street Baltimore, MD 21202-2199 (443) 524-8100

http://www.thedailyrecord.com

#### **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:

1/19/2017

Order #:

11253089

Case #:

2017-0148-A

Description:

Case Number: 2015-0165-SPH - Notice of Zoning Hearing

Darlene Miller, Public Notice Coordinator (Representative Signature)

#### 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: 2017-0148-A

5201 Campbell Boulevard

SW/s Campbell Blvd. at the corner of Franklin Square Blvd. 14th Election District - 6th Councilmante District

Legal Owners: J. Victoria Brown, Welngarten Realty Investors

Contract Purchaser/Lessee: Zoes Maryland, LLC
Variance 1. On the front wall, 1 wall mounted enterprise sign with a sign area/face of 128 sq. ft. in lieu of the permitted 74 sq. ft. by way of BCZR section 450.4 Attachment 1.5 (d) (Wall Mounted Enterprise Sign No. 1). 2. On the side wall, a variance to premit two wall mounted enterprise signs in lieu of the wall mounted enterprise and one canopy sign permitted by way of BCZR section 450.4 Attachment 1.5 (d) ( Wall Mounted Enterprise Sign Nos. 2 and 3). Hearing: Thursday, February 9, 2017 at 10:00 a.m. in Room 205, Jefferson Building, 105 W. Chesapeake Avenue, Towson 21204

ARNOLD JABLON.

Director of Permits,

Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDI CAPPED 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 410-887-339 1.

# INVOICE

(INVOICE # V-8/January 31, 2017)

TO: Venable, LLP

FROM: SSG ROBERT BLACK

Phone: 410-282-7940 / Cell: 410-499-7940

Make checks to: Linda Black
1508 Leslie Road
Dundalk, Maryland 21222

NUMBER OF SIGNS: COST PER SIGN:

 $\frac{1}{\$150.00}$ 

TOTAL PAYMENT DUE: ..... \$150.00

\*\*\* (PLEASE RETURN COPY OF INVOICE WITH CHECK) \*\*\*

**CASE NUMBER:** 

2017-0148-A

ADDRESS SIGN POSTED:

5201 Campbell Boulevard

DATE POSTED:

January 20, 2017

REMARKS: ATTN:

A. Niell Thupari

CC:

Barbara Lukasevich

### **CERTIFICATE OF POSTING**

	·	2017-0148-A
	RE: Case No.:	
	Petitioner/Developer:	
	J. Victoria Brown, Weingar	ten Realty Investors oes Maryland, LLC
4	Date of Hearing/Closing	February 9, 2017
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 11 West Chesapeake Avenue Cowson, Maryland 21204		
Attn: Kristen Lewis:		
adies and Gentlemen:		
This letter is to certify under the penaltie posted conspicuously on the property loca	of perjury that the necessary sign(s	) required by law were
5201 Campbell Boulevard		
	January 20, 2017	
The sign(s) were posted on	(Month, Day, Year)	
	l Character	
	Sincerety,	January 20, 2917
	(Signature of Sign Poster	) (Date)
	SSG Robert	Black
	(Print Na	me)
1.7	1508 Leslie	Road
	(Addre	
	Dundalk, Mary	land 21222
A STATE OF THE STA	(City, State, Z	íp Code)
The state of the s	(410) 282-	7940
	(Telephone N	lumber)



KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

January 17, 2017

#### 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: 2017-0148-A

5201 Campbell Boulevard

SW/s Campbell Blvd. at the corner of Franklin Square Blvd.

14<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: J. Victoria Brown, Weingarten Realty Investors

Contract Purchaser/Lessee: Zoes Maryland, LLC

Variance 1. On the front wall, 1 wall mounted enterprise sign with a sign area/face of 128 sq. ft. in lieu of the permitted 74 sq. ft. by way of BCZR section 450.4 Attachment 1.5 (d) (Wall Mounted Enterprise Sign No.1). 2. On the side wall, a variance to permit two wall mounted enterprise signs in lieu of the one wall mounted enterprise and one canopy sign permitted by way of BCZR section 450.4 Attachment 1.5 (d) (Wall Mounted Enterprise Sign Nos. 2 and 3).

Hearing: Thursday, February 9, 2017 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jabiön Director

AJ:kl

C: David Karceski, 210 W. Pennsylvania Avenue, Ste 500, Towson 21204 J. Victoria Brown, 2600 Citadel Plaza, Ste. 125 Houston TX 77008

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JANUARY 20, 2017.

- (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, January 19, 2017 Issue - Jeffersonian

Please forward billing to:

Barbara Lukasevich Venable, LLP 210 W. Pennsylvania Avenue, Ste. 500 Towson, MD 21204

410-494-6200

#### **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: 2017-0148-A

5201 Campbell Boulevard

SW/s Campbell Blvd. at the corner of Franklin Square Blvd.

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Hearing: Thursday, February 9, 2017 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

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

5201 Campbell Blvd, SW/S Campbell Blvd, at corner of SE/S of Franklin Square Boulevard\* 14<sup>th</sup> Election & 6<sup>th</sup> Councilmanic Districts

Legal Owner(s): Weingarten Realty Investors \* Contract Purchaser(s): Zoes of Maryland LLC

DEC 22 2016

Petitioner(s)

BEFORE THE OFFICE

OF ADMINSTRATIVE

**HEARINGS FOR** 

**BALTIMORE COUNTY** 

2017-148-A

ENTRY OF APPEARANCE

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

Peter Max Zummerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Cante S Vemlio

CAROLE S. DEMILIO
Deputy People's Counse

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 22nd day of December, 2016, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



#### **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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) 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: 2017-0148-A
Property Address: 5201 Campbell Boulevard
Property Description: Southwest side of Campbell Boulevarde corner of
Southeast side of Franklin Square Blud.
Legal Owners (Petitioners): Weingarten Realty Investors  Contract Purchaser/Lessee: Zoes Maryland, LLC
Contract Purchaser/Lessee: Zoes Mary and LLC
3
PLEASE FORWARD ADVERTISING BILL TO:
Name: Barbara Lukasevich
Company/Firm (if applicable):
Address: 210 W. Pernsylvania Ave., Suite 500 Towson, Mb 21204
Towson mb 21204
Telephone Number: 410 494-6200
Totophone Number.

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KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

February 2, 2017

Weingarten Realty Investors J Victoria Brown 2600 Citadel Plaza Suite 125 Houston TX 77008

RE: Case Number: 2017-0148 A, Address: 5201 Campbell Boulevard

Dear Ms. Brown:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 2, 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 David H Karceski, Esquire, 210 W Pennsylvania Avenue, Suite 500, Towson MD 21204



Larry Hogan, Governor Boyd K. Rutherford, Lt. Governor Pete K. Rahn, Secretary Gregory C. Johnson, P.E., Administrator

Date: 1/3/17

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. 2017-048-A

Variance Weingarten Realty Investors, J. Victoria Brown 5201 Compbell Boulevard

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,

Wendy Wolcott, PLA

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: 12/19/16

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. 2017-0148-A

Variance Weingerten Kesty Investors, F. Victoria Brown 5281 Compbell Boulevand

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,

Wendy Wolcott, PLA

Metropolitan District Engineer – District 4

Baltimore & Harford Counties

WW/RAZ

### BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO:

Arnold Jablon

DATE: 1/25/2017

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: 17-148

RECEIVED

FEB 0 2 2017

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

**Property Address:** 

5201 Campbell Boulevard Weingarten Realty Investors

Petitioner: Zoning:

**BM-AS** 

Variance Requested Action:

The Department of Planning has reviewed the petition for a variance to allow a single wall-mounted enterprise sign on the front wall with a sign area/face of 128 square feet and two wall-mounted enterprise signs on the side wall in lieu of the permitted 74 square feet area/face and one wall-mounted enterprise and one canopy sign respectively.

A site visit was conducted on January 5, 2017.

The Department of Planning has no objection granting the petitioned zoning relief for those signs identified on the site plan accompanying the petition as wall mounted enterprise signs numbered 1 and 2 and the canopy sign numbered 1.

Please be advised that the Department understands the original petition has been revised to remove any request for zoning relief attached to the wall mounted enterprise sign # 3 as shown on the aforementioned site plan.

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

Prepared by:

**Division Chief:** 

Kathy Schlabach

AVA/KS/LTM/ka c: Ngone Seye Diop

David H. Karceski, Esquire

Office of the Administrative Hearings

Lloyd T. Moxley

People's Counsel for Baltimore County

RECEIVED

#### **Inter-Office Correspondence**

DEC 2 1 2016

**OFFICE** OF ADMINISTRATIVE HEARINGS



TO:

Hon. Lawrence M. Stahl; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE:

December 21, 2016

SUBJECT:

**DEPS** Comment for Zoning Item

Address

# 2017-0148-A

5201 Campbell Blvd.

(Weingarten Realty Investors

Property)

Zoning Advisory Committee Meeting of December 26, 2016.

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

Reviewer:

Steve Ford

Date: 12-21-2016

JAN 1 2 2017

#### INTEROFFICE CORRESPONDENCE

DEPARTMENT OF PERMITS APPROVALS AND INSPECTIONS

TO:

Arnold Jablon, Director

DATE: January 6, 2017

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 2, 2017

Item No. 2017-0148, 0165, 0166 and 0167

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

DAK:CEN cc:file
G:\DevPlanRev\ZAC -No Comments\ZAC01022017.doc

#### INTEROFFICE COR. SPONDENCE

TO:

Arnold Jablon, Director

DATE: December 26, 2016

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 26, 2016

Item No. 2017-0148, 0156, 0157, 0158, 0160, 0162 and 0164

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

DAK:CEN cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC12262016.doc

#### **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:

December 21, 2016

SUBJECT:

**DEPS** Comment for Zoning Item

Address

# 2017-0148-A

5201 Campbell Blvd.

(Weingarten Realty Investors

Property)

Zoning Advisory Committee Meeting of December 26, 2016.

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

Reviewer:

Steve Ford

Date: 12-21-2016

# BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO:

Arnold Jablon

**DATE:** 1/25/2017

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: 17-148

**INFORMATION:** 

Property Address:
Petitioner:

5201 Campbell Boulevard Weingarten Realty Investors

BM-AS

Zoning: Requested Action:

Variance

The Department of Planning has reviewed the petition for a variance to allow a single wall-mounted enterprise sign on the front wall with a sign area/face of 128 square feet and two wall-mounted enterprise signs on the side wall in lieu of the permitted 74 square feet area/face and one wall-mounted enterprise and one canopy sign respectively.

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

Prepared by:

**Division Chief:** 

Kathy Schlaba

/Lloyd T. Moxley

AVA/KS/LTM/ka

c: Ngone Seye Diop David H. Karceski, Esquire

Office of the Administrative Hearings

People's Counsel for Baltimore County

#### **DELEGATION OF AUTHORITY**

- I, Mark D. Stout, hereby certify that I am the duly elected Senior Vice President of Weingarten Realty Investors, a Texas real estate investment trust (the "Company"), and further certify as follows:
- 1. Attached hereto as <u>Exhibit 1</u> is a true and correct copy of each of Exhibit IV and VI of the Resolutions ("Resolutions") adopted by the Board of Trust Managers of the Company on April 21, 2016.
- 2. As authorized by the Resolutions, the undersigned hereby delegates the authority to execute documents for business transactions to those officers and other employees of the Company ("Delegates") as described in Exhibit 2, Exhibit 3, Exhibit 4, Exhibit 5, Exhibit 6, and Exhibit 7 attached hereto and made a part hereof so long as the documents to be executed do not pertain to a business transaction in excess of \$10,000,000.00 for Senior Vice Presidents or Vice Presidents nor to a business transaction in excess of \$1,000,000.00 for other named employees.
- 3. The delegation of authority to each Delegate set forth herein shall continue in full force and effect until the earlier to occur of: (i) the execution by the undersigned, the Chairman, Chief Executive Officer or any Executive Vice President of the Company of a written revocation of the delegation of authority set forth herein; or (ii) the date upon which any such Delegate is no longer an employee of Weingarten Realty Investors.

IN WITNESS WHEREOF, the undersigned has hereunto subscribed his hand this **29n4** day of June, 2016, to be effective as of April 21, 2016.

Mark D. Stout

Senior Vice President

#### Exhibit 1

#### EXHIBIT IV RESOLUTION OF THE BOARD OF TRUST MANAGERS OF WEINGARTEN REALTY INVESTORS 2016 - ELECTION OF OFFICERS

RESOLVED, that the following persons be elected to the offices with the titles shown opposite their names to serve until the next annual meeting of the Trust Managers or until their successors shall have been duly elected and qualified:

Stanford Alexander

Chairman

Andrew M. Alexander

President/Chief Executive Officer

Johnny L. Hendrix Stephen C. Richter Executive Vice President/Chief Operating Officer Executive Vice President/Chief Financial Officer

Lee Brody Gerald Crump Senior Vice President/Leasing Senior Vice President/Leasing

F. William Goeke III

Senior Vice President/Property Management

Alan R. Kofoed

Senior Vice President/Construction

Miles Sanchez

Senior Vice President/Leasing

Joe D. Shafer Robert Smith Mark D. Stout Senior Vice President/Chief Accounting Officer/Secretary Senior Vice President/New Development & Acquisitions Senior Vice President/General Counsel/Assistant Secretary

Michael Townsell

Senior Vice President/Human Resources

Steven R. Weingarten Karl Brinkman Chris Byrd

Senior Vice President/Leasing Area Vice President/Leasing Area Vice President/Leasing Area Vice President/Leasing Area Vice President/Leasing

Patrick Manchi Taylor Vaughan Darren Amato

Divisional Vice President/Acquisitions

William M. Crook

Divisional Vice President/Associate General Counsel/Assistant Secretary

Jenny Hyun

Divisional Vice President/Associate General Counsel

Marc A. Kasner

Divisional Vice President/Associate General Counsel/Assistant Secretary

Divisional Vice President/Assistant Controller

Terri Klages Kristen Seaboch

Divisional Vice President/Controller Divisional Vice President/Construction

Gary Wankum Richard H. Carson

Regional Vice President/New Development & Acquisitions Regional Vice President/New Development & Acquisitions

Timothy M. Frakes Frank Rollow

Regional Vice President/Property Management

Candy Tillack Lee Pearson

Regional Vice President/Property Management Vice President/Chief Information Officer

Michelle Wiggs Mark Witcher

Vice President/Investor Relations Vice President/Acquisitions

> Exhibit 1 Page 1 of 3

#### EXHIBIT VI RESOLUTION OF THE BOARD OF TRUST MANAGERS OF WEINGARTEN REALTY INVESTORS

#### RESOLUTION FOR DELEGATION OF AUTHORITY

RESOLVED, that any one of the Trust's Chairman, President and Chief Executive Officer, Executive Vice Presidents, and each of the following officers: GERALD CRUMP, Senior Vice President/Leasing, and MARK D. STOUT, Senior Vice President/General Counsel (the "Authorized Officers"), shall have the power and authority to take actions on behalf of the Trust and to bind the Trust in business transactions in which the amount involved does not exceed \$75,000,000, and additionally to ALAN R. KOFOED, Senior Vice President/Construction, with respect to only construction-related transactions in which the amount does not exceed \$50,000,000;

RESOLVED, that either (a) any four members of the Trust's Executive Committee or (b) the Approval Group shall have the power and authority to take actions on behalf of the Trust and to bind the Trust in business transactions in which the amounts involved exceed \$75,000,000 but do not exceed \$150,000,000, and the Authorized Officers are authorized to execute and deliver any documents required to carry out and implement such transactions;

RESOLVED, that the Approval Group will be comprised of (a) either the Chief Executive Officer or the Chairman of the Board AND (b) two other Trust Managers designated by management of the Company who are not either the Chief Executive Officer or Chairman of the Board;

RESOLVED, that any business transactions in which the amounts involved exceed \$150,000,000 shall require the approval of the Board of Trust Managers;

RESOLVED, that with respect to joint ventures, partnerships, limited partnerships, corporations, limited liability companies, trusts and other entities, the dollar limitations stated in these Resolutions will apply with respect to the Trust's program share of such transactions;

RESOLVED, that any officer to whom authority has been granted pursuant to these Resolutions shall have the authority to delegate all or any portion of the delegated authority to any Senior Vice President or other Vice President of the Trust on business transactions in which the amount involved does not exceed \$10,000,000, and to any other employee of the Trust in business transactions in which the amount involved does not exceed \$1,000,000;

RESOLVED, that the transactions to which these Resolutions apply include, but are not limited to, the following, subject to the respective dollar limitations and other limitations stated herein;

Agreements) secured or unsecured and pledge or mortgage all or any portion of the Trust's assets to secure such borrowing and enter into derivative transactions including, but not limited to, interest rate caps, swaps and floors for the purpose of hedging, and execute associated International Swaps and Derivatives Association (ISDA) master agreements, schedules and confirmations (or other documentation as necessary); provided, however, no individual derivative transaction shall create an exposure (as determined in a manner consistent with market best practices) greater than \$75,000,000;

Exhibit 1 Page 2 of 3

- (ii) Purchase or sell assets of the Trust;
- (iii) As landlord, enter into leases for terms of not more than 99 years (including all renewal options) and execute agreements relating to such leases;
- (iv) As tenant, enter into leases covering not more than 200,000 square feet of building floor area for terms of not more than 50 years (including renewal options) and enter into leases covering not more than 40 acres of unimproved land for terms not exceeding 99 years (including all renewal options) and execute all agreements relating to such leases;
- (v) Authorize the Secretary or Treasurer of the Trust to open and close Trust bank accounts;
- (vi) Execute construction contracts covering construction or alterations to or remodeling of improvements;
- (vii) Enter into any joint venture, partnership or limited partnership agreement or execute organizational documents forming any corporation, limited liability company, trust or other entity;
- (viii) Enter into guaranty, indemnity, or similar agreements, whether relating to amounts payable by the Trust or by third parties;
- (ix) Subject to the limitation provided in Section 4.30(B) and Section 4.30(C) of the Texas Real Estate Investment Trust Act and other applicable provisions of the law, in addition to other actions' specifically authorized in this Resolution, take any other action relating to the business of the Trust (whether or not similar to the other actions referred to in this Resolution) which the Board of Trust Managers could take.

#### Exhibit 2

#### LEGAL DEPARTMENT DELEGATES

### I. LEASE DOCUMENTS SIGNATURE AUTHORITY

"Designated Signatory Attorneys" (Jan Odom, Associate General Counsel, Kim Brungardt, Senior Counsel, and Earl Spencer, Senior Counsel) may execute the following documents, whether written, printed, or in electronic media format:

- all leases (15,000 sf or less, based on building area if a pad or ground lease)
- all commencement letters and approvals
- renewals (25,000 sf or less)
- commission agreements (25,000 sf or less)
- assignments (25,000 sf or less)
- subordinations (25,000 sf or less)
- expansion amendments (if the new expansion space is 15,000 sf or less)
- lease amendments (without expansion) (25,000 sf or less)
- all confidentiality agreements

### II. ACQUISITION/DISPOSITION/DEVELOPMENT DOCUMENTS SIGNATURE AUTHORITY

Marc A. Kasner, Divisional Vice President ("Kasner"), William M. Crook, Divisional Vice President ("Crook"), Carol Fielding Fasano, Senior Counsel, and John R. Hohlt, Senior Counsel, may execute documents in connection with the acquisition, disposition or development of properties, whether written, printed, or in electronic media format, so long as such documents do not (i) establish or modify the purchase price or sales price of the subject property, (ii) pertain directly to the conveyance of fee title to any portion of the properties, or (iii) exceed the dollar limitations stated in the Delegation of Authority document to which this Exhibit is attached; provided, however, that Kasner and Crook may sign all purchase and sale agreements, disposition agreements, contribution agreements, and all closing deeds, subject to the dollar limitations stated in the Delegation of Authority document to which this Exhibit is attached.

Additionally, Kasner, Crook, Carol Fielding Fasano and John R. Hollit have the authority to execute the following documents related to the acquisition, disposition of development of properties: Earnest Money Investment Instructions, W-9, Management Agreement (if internal between related WRI entities), limited partnership and limited liability organizational documents if the entity is a single purpose entity which is owned solely by WRI or an entity owned solely by WRI, Access Agreements, Confidentiality Agreements, tenant notice letters and utility notice letters.

Further, Kasner and Crook are authorized to sign the following: engagement letters with outside law firms and consultants and conflict of interest waiver letters.

Exhibit 2 Page 1 of 2

### HI. BANKRUPTCY / LITIGATION DOCUMENTS SIGNATURE AUTHORITY

Jenny Hyun, Divisional Vice President, and Boyd Hoekel, Senior Counsel, may execute the following documents, whether written, printed, or in electronic media format:

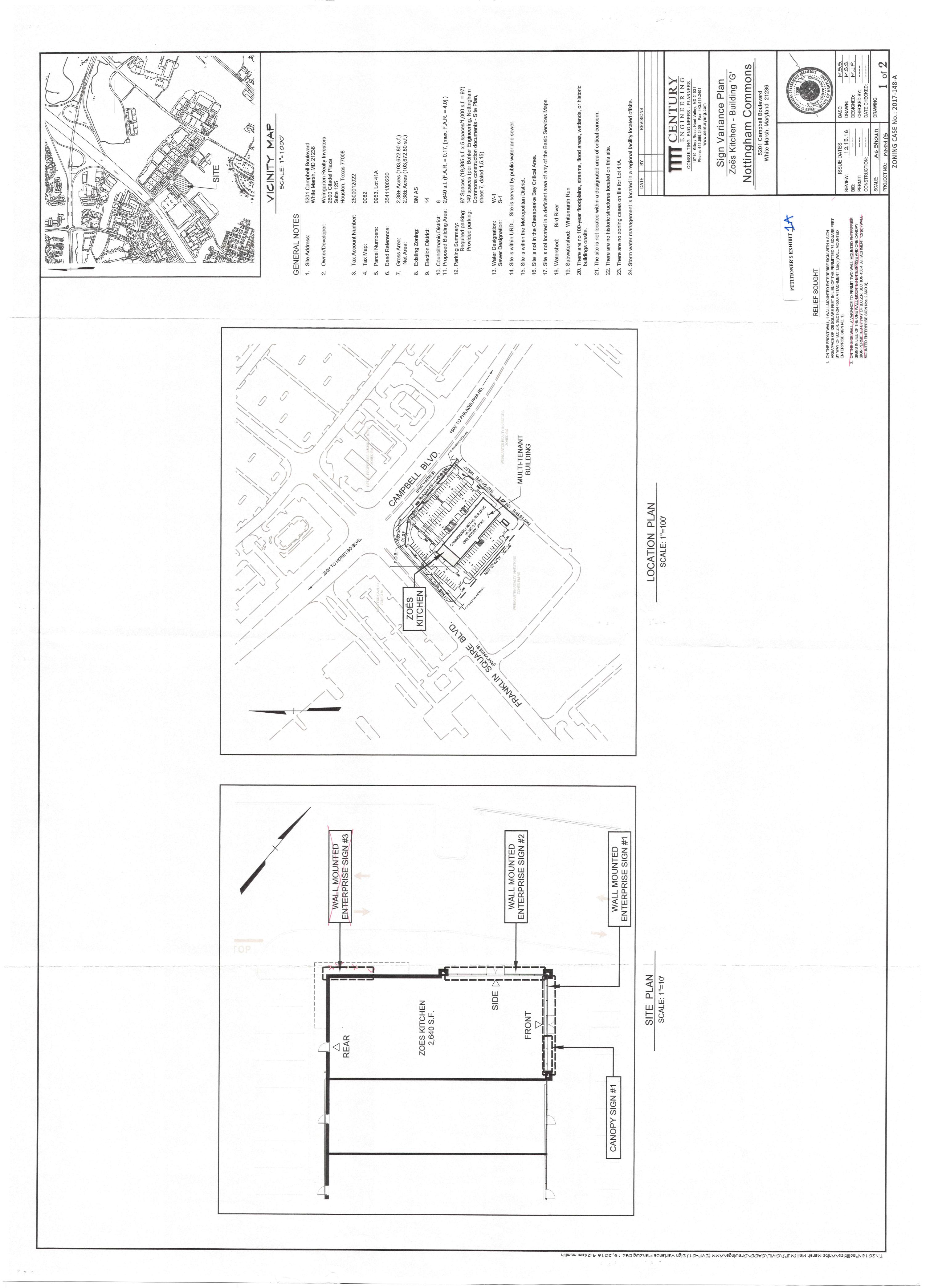
- Any bankruptcy related document, including but not limited to proofs of claim, rejection claims, administrative claims, cure claims, orders resolving claims, legal representation and other agreements so long as such document does not relate to a claim that exceeds: (i) \$10,000,000 for documents executed by Jenny Hyun or (ii) \$1,000,000 for documents executed by Boyd Hoekel.
- Any litigation related document, including but not limited to affidavits; declarations, orders, legal representation, and other agreements so long as such document does not relate to a lawsuit that exceeds: (i) \$500,000 for documents executed by Jenny Hyun or (ii) \$200,000 for documents executed by Boyd Hoekel.
- This delegation of authority specifically excludes conveying or receiving fee title, or obligating WRI to convey or receive fee title to any portion of, or interest in, any real property.

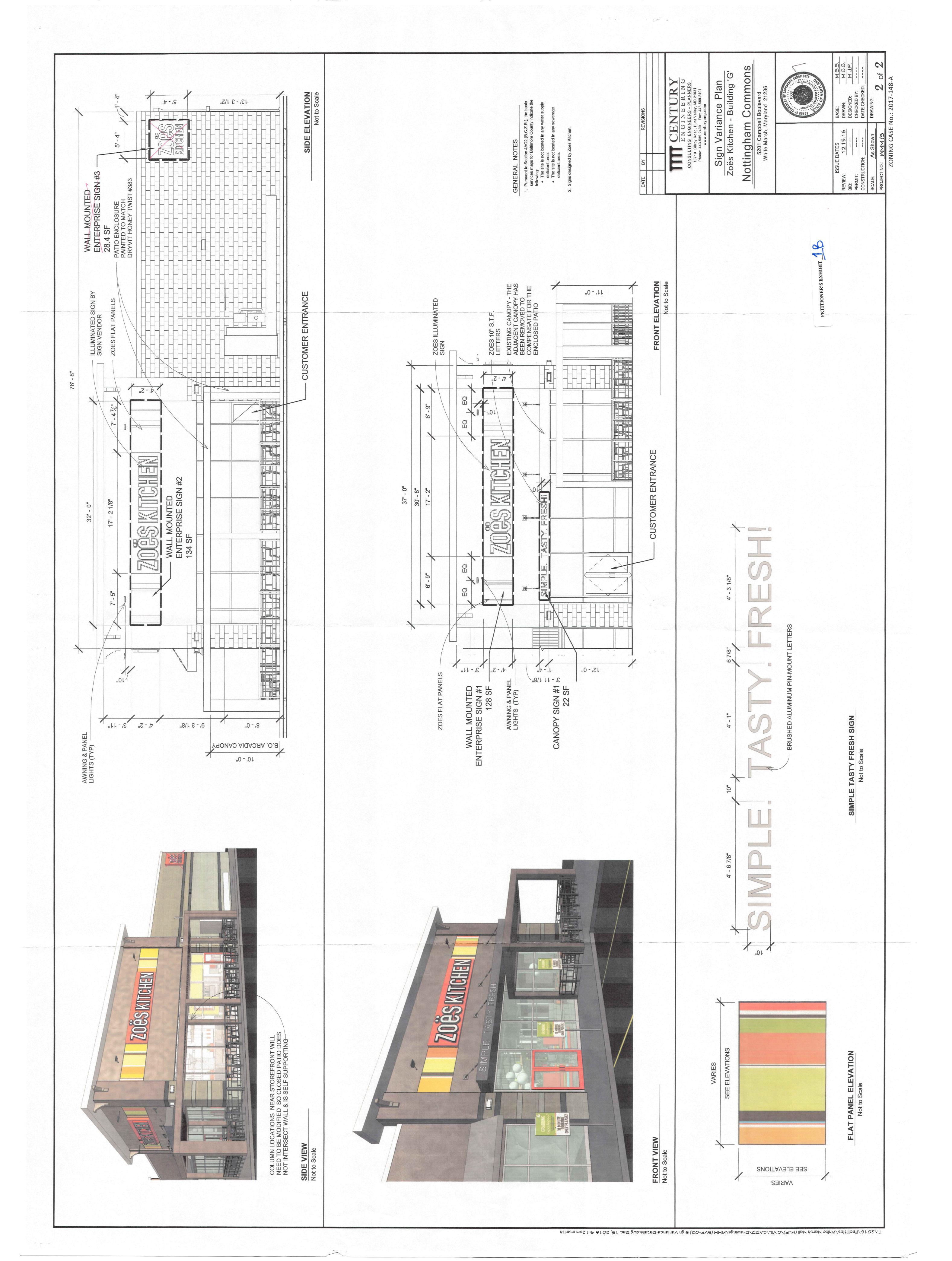
### IV. GOVERNMENTAL COMPLIANCE DOCUMENTS SIGNATURE AUTHORITY

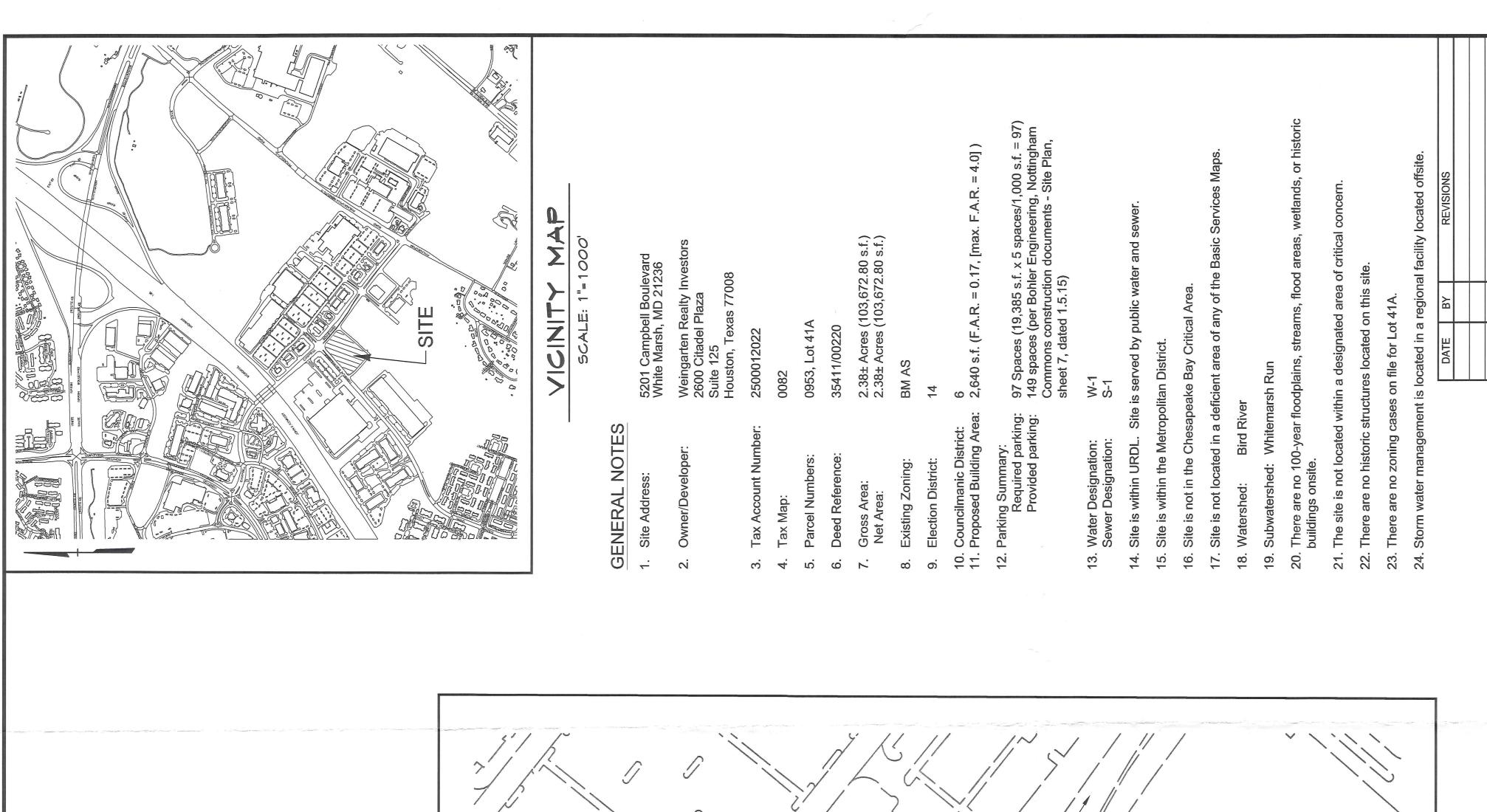
Victoria Brown, Director of Land Sales and Acquisitions, may execute the following: documents related to zoning matters, zoning compliance, platting of properties, property acquisitions and sales; applications related to Variances, Rezoning, Boundary Adjustments and Plats, Site Development Review applications and related submittals, Modifications of Planned Development Districts and PUDs, Conditional Use Permits, and Affidavits related to existing development and parking conditions. Additionally, she may execute proposals for surveys, plats, traffic studies, parking studies, planning consultant proposals, appraisals, and land use or condemnation attorney proposals, the cost of which do not exceed \$25,000; This delegation of authority specifically excludes conveying or receiving fee title or obligating the Company to convey or receive fee title to any portion of, or interest in, any real property.

- V. Any one of the following Divisional Vice Presidents may also execute any of the documents described hereinabove:
  - Marc A, Kasner
  - William M. Crook
  - Jenny J. Hyun
- VI. No attorney other than Marc Kasner, Bill Crook, or Jenny Hyun may sign a document which that attorney has prepared and/or negotiated.

Exhibit 2 Page 2 of 2

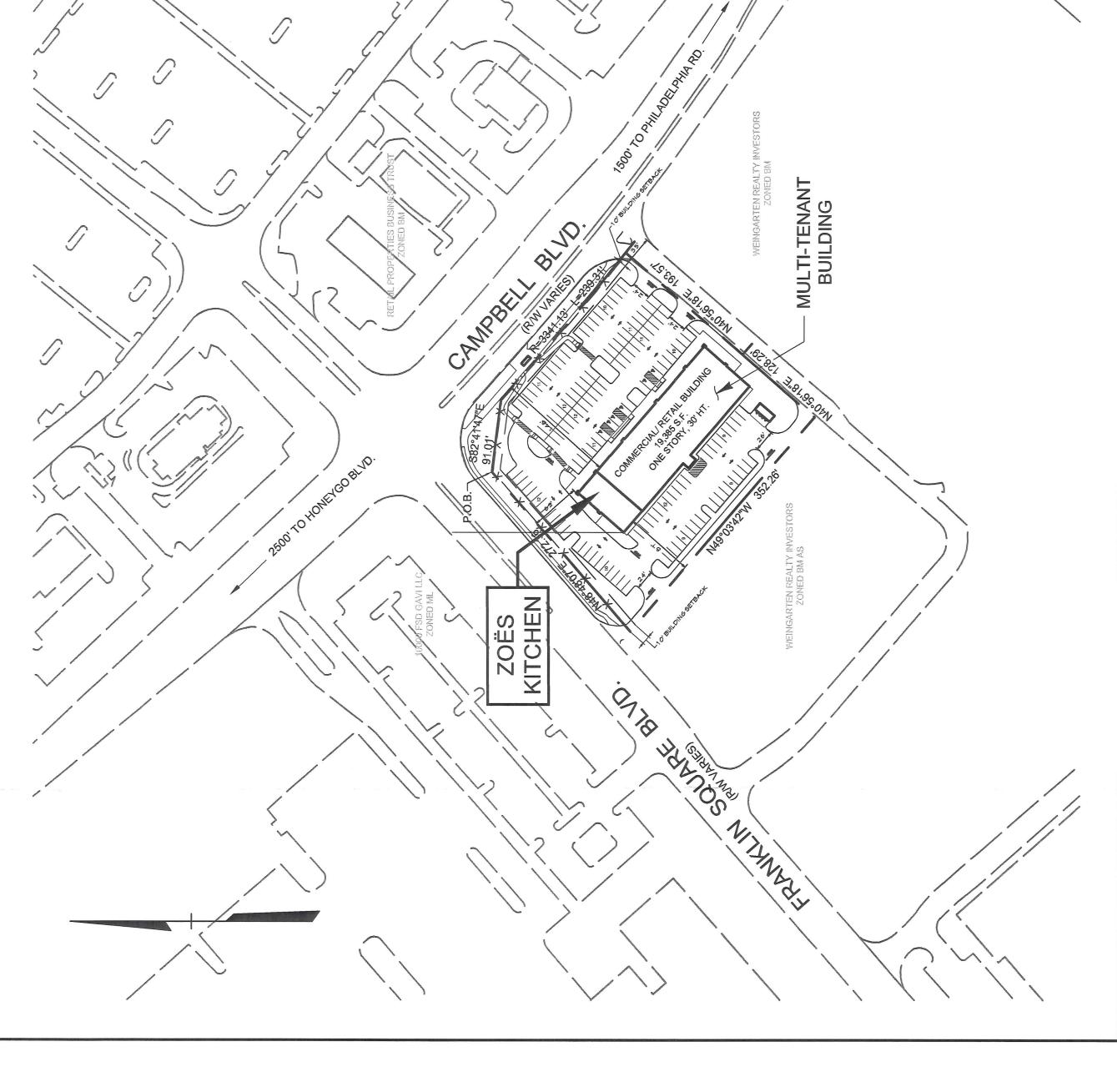






WALL MOUNTED ENTERPRISE SIGN

**⊘** REAR



WALL MOUNTED ENTERPRISE SIGN #2

SIDE

FRONT

ZOES KITCHEN 2,640 S.F.

LOCATION PLAN

WALL MOUNTED ENTERPRISE SIGN #1

NOPY SIGN #1

CA

PLAN

SITE PLAN SCALE: 1"=10"

T:/2016/Facilities/White Marsh Mall (MJP)/CIVIL/CADD/Drawings/WMM (57P-01) Sign Variance Plan.dwg Dec 15, 2016 1:15pm msmith

Nottingham Commons
5201 Campbell Boulevard
White Marsh, Maryland 21236

Sign Variance Plan Zoës Kitchen - Building 'G'

CENTING ENGINEERS - PLANNERS

10710 Gilroy Road, Hunt Valley, MD 21031
Phone: 443.589.2400 Fax: 443.589.2401

www.centuryeng.com

PROJECT NO.: ZONING CASE No.: 2017-148-A

