

IN RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
(8200 Perry Hall Blvd.)		
14 th Election District	*	OFFICE OF
6 th Council District		
White Marsh Mall, LLC	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
Dave & Buster's of Maryland, Inc.	*	FOR BALTIMORE COUNTY
<i>Lessee</i>		
Petitioners	*	Case No. 2017-0185-X

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Exception filed on behalf of White Marsh Mall, LLC, legal owner and Dave & Buster's of Maryland, Inc., lessee ("Petitioners"). The Special Exception was filed pursuant to the Baltimore County Zoning Regulations ("B.C.Z.R.") to use the herein described property for an arcade that has a second exterior entrance in addition to the entrance from the mall's interior concourse.

Jill Valachovic, Joseph Ucciferro, Michael LeFande & Wesley Rebisz appeared in support of the petition. Edward J. Gilliss, Esq. represented the Petitioners. There were no Protestants or interested citizens in attendance. No substantive Zoning Advisory Committee (ZAC) comments were received from County reviewing agencies.

The subject property is approximately 6.59 acres and is zoned BM-CT. The White Marsh Mall is operated at the site, and this case concerns a portion of the mall structure which will become a Dave & Buster's arcade/restaurant. Under the B.C.Z.R., an arcade is permitted by right in a bowling alley, hotel or enclosed mall in a BM zone, but it may have only one means of access, from the interior concourse. B.C.Z.R. §423.1.A. Here, Dave & Buster's proposes to have a mall entrance as well as an exterior entrance. This was precisely the means of ingress/egress used for

ORDER RECEIVED FOR FILING

Date 3/3/17
By Sen

years by the Sports Authority store which previously occupied this space. In any event, the zoning office instructed Petitioners to seek special exception relief for the second entrance.

Under Maryland law “the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.” Schultz v. Pritts, 291 Md. 1, 22-23 (1981).

There was no such evidence presented in this case and professional engineer Joe Ucciferro opined Petitioners satisfied the requirements of B.C.Z.R. §§423 (pertaining to arcades) & 502.1. I concur, and do not believe the use would have a detrimental impact upon the community. The same can be said for the exterior entrance. As noted above, the prior tenant in this space had an exterior entrance, and many large retailers (i.e., “big box” stores) and restaurants situated in enclosed malls do as well. Therefore, granting this request will in no way be injurious to the community.

THEREFORE, IT IS ORDERED this 3rd day of **March, 2017**, by this Administrative Law Judge, that the Petition for Special Exception to use the herein described property for an arcade that has a second exterior entrance in addition to the entrance from the mall’s interior concourse, 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 RECEIVED FOR FILING

Date

3/3/17

By

sen

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date 3/3/17

By slh



KEVIN KAMENETZ
County Executive

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

March 3, 2017

Edward J. Gilliss, Esq.
102 W. Pennsylvania Avenue, Suite 600
Towson, Maryland 21204

RE: Petition for Special Exception
Case No.: 2017-0185-X
Property: 8200 Perry Hall Blvd.

Dear Mr. Gilliss:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", followed by a long horizontal stroke.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure



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 8200 Perry Hall Boulevard., Space 3000 which is presently zoned BMCT
 Deed References: 29869/00288 10 Digit Tax Account # 1 9 0 0 0 0 0 9 3 0
 Property Owner(s) Printed Name(s) White Marsh Mall, LLC

(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. **X** a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for an arcade that has a second exterior entrance in addition to the entrance from the mall's interior concourse, pursuant to BCZR §423.1A.

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

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

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

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

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

Contract Purchaser/Lessee:

Dave & Buster's of Maryland, Inc.

Name- Type or Print

Signature

2481 Manana Drive, Dallas, TX

Mailing Address

75220

214-904-2257

City

jill_valachovic@daveandbusters.com

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Edward J. Gilliss, Esquire

Name- Type or Print

Signature

102 W. Pennsylvania Ave, #600, Towson, MD

Mailing Address

21204

410-823-1800

City

egilliss@rmmr.com

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

White Marsh Mall, LLC,

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

P. O. Box 617905

Signature #2

Chicago

IL

Mailing Address

60661

667-219-3842

City

State

Zip Code

Telephone #

wesley.rebisz@generalgrowth.com

Email Address

Representative to be contacted:

Wesley Rebisz, Mall Manager

Name - Type or Print

Signature

8200 Perry Hall Blvd., White Marsh, MD

Mailing Address

21236

667-219-3842

City

State

Zip Code

Telephone #

wesley.rebisz@generalgrowth.com

Email Address

CASE NUMBER 2017-0185-X

Filing Date 1/13/2017

Do Not Schedule Dates:

Reviewer TR

ORDER RECEIVED FOR FILING

REV. 10/4/11

Date 3/3/17

By sen

EXHIBIT A

Zoning Property Description of the Tenant's Protected Area within Lot 5 of Parcel 205

BEGINNING AT A POINT ON THE EAST SIDE OF RING ROAD, A DISTANCE OF 520 FEET NORTH OF THE CENTER LINE OF THE PERRY HALL BOULEVARD MALL ENTRANCE; THENCE SOUTH 03 DEGREES 53 MINUTES 24 SECONDS WEST A DISTANCE OF 485.01 FEET; THENCE SOUTH 86 DEGREES 06 MINUTES 36 SECONDS EAST A DISTANCE OF 440.41 FEET; THENCE ON AND ALONG A CURVE HAVING A BEARING OF NORTH 34 DEGREES 29 MINUTES 30 SECONDS EAST AND BEARING DISTANCE OF 30.91 FEET, ALSO HAVING AN ARC LENGTH OF 31.03 FEET AND A RADIUS OF 101.29; THENCE NORTH 24 DEGREES 14 MINUTES 15 SECONDS EAST A DISTANCE OF 92.60 FEET; THENCE ON AND ALONG THE EXTERIOR OF THE EXISTING WHITE MARSH MALL SOUTH 42 DEGREES 32 MINUTES 29 SECONDS EAST A DISTANCE OF 214.46 FEET; THENCE ON AND ALONG THE EXTERIOR OF THE EXISTING WHITE MARSH MALL NORTH 47 DEGREES 27 MINUTES 24 SECONDS EAST A DISTANCE OF 298.47 FEET; THENCE NORTH 42 DEGREES 32 MINUTES 40 SECONDS WEST ON AND ALONG THE EXISTING BOUNDARY LINE FOR LOT 5 A DISTANCE OF 244.98 FEET; THENCE SOUTH 47 DEGREES 27 MINUTES 20 SECONDS WEST ON AND ALONG THE EXISTING BOUNDARY LINE FOR LOT 5 A CURRENT DISTANCE OF 35.00 FEET; THENCE NORTH 42 DEGREES 32 MINUTES 40 SECONDS WEST ON AND ALONG THE EXISTING BOUNDARY LINE FOR LOT 5 A CURRENT DISTANCE OF 53.97 FEET; THENCE SOUTH 47 DEGREES 27 MINUTES 20 SECONDS WEST ON AND ALONG THE EXISTING BOUNDARY LINE FOR LOT 5 A CURRENT DISTANCE OF 70.00 FEET; THENCE NORTH 42 DEGREES 32 MINUTES 40 SECONDS WEST ON AND ALONG THE EXISTING BOUNDARY LINE FOR LOT 5 A CURRENT DISTANCE OF 27.13 FEET; THENCE SOUTH 47 DEGREES 27 MINUTES 20 SECONDS WEST ON AND ALONG THE EXISTING BOUNDARY LINE FOR LOT 5 A CURRENT DISTANCE OF 104.92 FEET; THENCE NORTH 86 DEGREES 06 MINUTES 36 SECONDS WEST ON AND ALONG THE EXISTING BOUNDARY LINE FOR LOT 5 A CURRENT DISTANCE OF 87.86 FEET; THENCE NORTH 03 DEGREES 53 MINUTES 24 SECONDS EAST ON AND ALONG THE EXISTING BOUNDARY LINE FOR LOT 5 A CURRENT DISTANCE OF 117.64 FEET; THENCE NORTH 42 DEGREES 32 MINUTES 40 SECONDS WEST ON AND ALONG THE EXISTING BOUNDARY LINE FOR LOT 5 A CURRENT DISTANCE OF 163.76 FEET; THENCE NORTH 86 DEGREES 06 MINUTES 36 SECONDS WEST ON AND ALONG THE EXISTING BOUNDARY LINE FOR LOT 5 A DISTANCE OF 261.97 FEET TO THE POINT OF BEGINNING.

CONTAINING 286,895.07 SQUARE FEET (6.59 ACRES) OF LAND, MORE OR LESS, LOCATED IN THE 14TH ELECTION DISTRICT AND THE 6TH COUNCILMANIC DISTRICT.

2017-0185-X

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

Nº 147496

Date: 1/13/17

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	886	0000		6150				\$500.00

Total: \$500.00

Rec From: Edward J. Gillis, Esq.

For: 8200 Peking Hall Blvd.

Special Collection 2017-0185X

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME DSW
1/13/2017 1/13/2017 13:18:44 1
REG 0501 WALKIN LJR
>>RECEIPT # 703309 1/13/2017 OFLN
Dept 5 525 ZONING VERIFICATION
CR NO. 147496
Recpt Tot \$500.00
\$500.00 CK \$0.00 CA
Baltimore County, Maryland

**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 4763226

Sold To:

Edward Gillis c/o Royston Mueller - CU00378124
102 W Pennsylvania Ave Ste 600
Towson, MD 21204

Bill To:

Edward Gillis c/o Royston Mueller - CU00378124
102 W Pennsylvania Ave Ste 600
Towson, MD 21204

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

Feb 09, 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: # 2017-0185-SPHX
8200 Perry Hall Boulevard
E/s of Ring Road, 520 ft. n/of centerline of Perry Hall Boulevard mall entrance
14th Election District - 6th Councilmanic District
Legal Owner(s) White Marsh Mall, LLC
Contract Purchaser/Lessee: Dave & Buster's of Maryland, Inc.

Special Exception: to use property for an arcade that has a second exterior entrance in addition to the entrance from the mall's interior concourse.

Hearing: Thursday, March 2, 2017 at 11:00 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.

2/077 Feb. 9 4763226

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

Bruce E. Doak Consulting, LL

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

February 13, 2017

Re:
Zoning Case No. 2017-0185-X
Legal Owner: White Marsh Mall, LLC
Hearing date: March 2, 2017

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **8200 Perry Hall Boulevard**.

The sign was posted on **February 9, 2017**.

Sincerely,



Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor

ZONING NOTICE

CASE NO. 2017-0185-X

8200 PERRY HALL BOULEVARD

**A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204**

DATE & TIME: Thursday March 2, 2017 11:00 AM

REQUEST:

**SPECIAL EXCEPTION TO USE PROPERTY FOR AN
ARCADE THAT HAS A SECOND EXTERIOR ENTRANCE
IN ADDITION TO THE ENTRANCE FROM THE MALL'S
INTERIOR CONCOURSE.**

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.

THE HEARING IS HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE NO. 2017-0185-X

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CASE NO. 2017-0185-X

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IN TOWSON MARYLAND**

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DATE & TIME: Thursday March 2, 2017 11:00 AM

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INTERIOR CONCOURSE.**

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NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.**

**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.**

THE HEARING IS HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE NO. 2017-0185-X

3200 PEERY ROAD, BOULDER

A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE

IN TOWSON MARYLAND

PLACE: ROOM 205 JEFFERSON BUILDING
105 N. CHESAPEAKE AVENUE TOWSON MD 21204

DATE & TIME: Thursday March 2, 2017 3:00 AM

REQUEST: EXCEPTION TO USE PROPERTY FOR AN
SPECIAL THAT HAS A SECOND EXTENSION ENTRANCE
IN ADDITION TO THE ENTRANCE FROM THE MAIN
INTERIOR CONCOURSE

THE BOARD OF ZONING ADJUSTMENTS HAS REVIEWED
THE REQUEST AND HAS DETERMINED THAT THE REQUEST
MEETS THE REQUIREMENTS OF THE ZONING ORDINANCE

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**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 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: 2017-0185-SPHX
Property Address: 8200 Percy Hall Blvd
Property Description: _____

Legal Owners (Petitioners): White Marsh Mall LLC
Contract Purchaser/Lessee: Dave + Busters of Maryland, Inc

PLEASE FORWARD ADVERTISING BILL TO:

Name: Edward J. Gillis, Esquire
Company/Firm (if applicable): Royston, Mueller, McLean & Reid, LLP
Address: 102 W Pennsylvania Ave V
Ste 600
Towson MD 21204
Telephone Number: 410-823-1800

TO: PATUXENT PUBLISHING COMPANY
Thursday, February 9, 2017 Issue - Jeffersonian

Please forward billing to:

Edward Gillis, Esq.

410-823-1800

Royston, Mueller, McLean & Reid, LLP

102 W. Pennsylvania Avenue, Ste. 600

Towson, MD 21204

NOTICE OF ZONING HEARING

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CASE NUMBER: 2017-0185-SPHX

8200 Perry Hall Boulevard

E/s of Ring Road, 520 ft. n/of centerline of Perry Hall Boulevard mall entrance

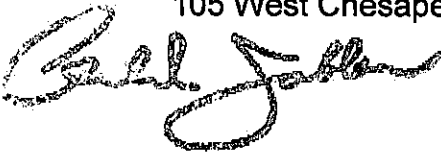
14th Election District – 6th Councilmanic District

Legal Owners: White Marsh Mall, LLC

Contract Purchaser/Lessee: Dave & Buster's of Maryland, Inc.

Special Exception to use property for an arcade that has a second exterior entrance in addition to the entrance from the mall's interior concourse.

Hearing: Thursday, March 2, 2017 at 11:00 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.



KEVIN KAMENETZ
County Executive

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

January 31, 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: 2017-0185-X

8200 Perry Hall Boulevard

E/s of Ring Road, 520 ft. n/of centerline of Perry Hall Boulevard mall entrance

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Hearing: Thursday, March 2, 2017 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Edward Gillis, 102 W. Pennsylvania Avenue, Ste. 600, Towson 21204
Dave Busters, LLC, 2481 Manana Drive, Dallas TX 75220
White Marsh Mall, LLC, P.O. Box 617905, Chicago IL 60661
Wesley Rebisz, 8200 Perry Hall Blvd., Mall Manager, White Marsh 21236

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, FEBRUARY 10, 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.**



KEVIN KAMENETZ
County Executive

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

February 22, 2017

White Marsh Mall LLC
Wesley Rebisz
P O Box 617905
Chicago IL 60661

RE: Case Number: 2017-0185 X, Address: 8200 Perry Hall Boulevard

Dear Mr. Rebisz

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 13, 2017. 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 that reads "W. Carl Richards, Jr." The signature is fluid and cursive.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Dave & Buster's of Maryland, Inc., 2481 Manana Drive, Dallas TX 75220
Edward J Gillis, Esquire, 102 w Pennsylvania Avenue, Suite 600, Towson MD 21204

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



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

Date: 1/17/17

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.

2017-0185-X
Special Exception
White Marsh Mall, LLC.
8200 Perry Hall 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,

A handwritten signature in black ink, appearing to read "Richard Zeller", written over a horizontal line.

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

WW/RAZ

RECEIVED

FEB 1 2017

DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

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 January 23, 2017
Item No. 2017-0179, 0180, 0181, 0182, 0184 and 0185

DATE: January 27, 2017

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\ZAC01232017.doc

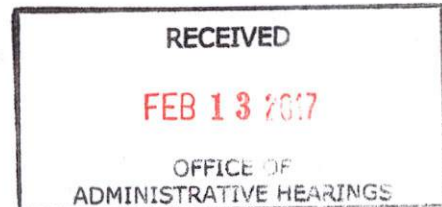
BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 2/9/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-185



INFORMATION:

Property Address: 8200 Perry Hall Boulevard
Petitioner: White Marsh Mall, LLC
Zoning: BM, CT
Requested Action: Special Exception

The Department of Planning has reviewed the petition for a special exception to use the property for an arcade that has a second exterior entrance in addition to the entrance from the mall's interior concourse.

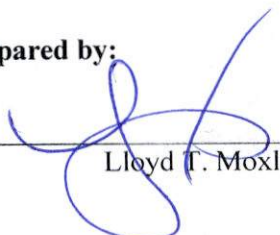
A site visit was conducted on January 25, 2017.

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

Please be advised that any billiard or pool room must be in compliance with BCZR § 423.1.A.

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

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Ngone Seye Diop
Wesley Rebisz, Mall Manager
Edward J. Gilliss, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE OFFICE
8200 Perry Hall Blvd; E/S Ring Road, 520' N *
of c/line of Perry Hall Blvd mall entrance * OF ADMINISTRATIVE
14th Election & 6th Councilmanic Districts *
Legal Owner(s): White Marsh Mall, LLC * HEARINGS FOR
Contract Purchaser(s): Dave & Buster's of MD *
Petitioner(s)* BALTIMORE COUNTY
* 2017-185-X

* * * * *

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

JAN 18 2017

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 18th day of January, 2017, a copy of the foregoing Entry of Appearance was mailed to Wesley Rebisz, Mall Manager, 8200 Perry Hall Blvd, White Marsh, MD 21236 and Edward Gilliss, Esquire, 102 W. Pennsylvania Avenue, Suite 600, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

M E M O R A N D U M

DATE: April 4, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0185- X – Appeal Period Expired

The appeal period for the above-referenced case expired on April 3, 2017. 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

Kristen L Lewis

From: Edward J. Gilliss <egilliss@rmmr.com>
Sent: Tuesday, January 17, 2017 11:46 AM
To: Kristen L Lewis
Subject: Dave and Buster's

Kristen,

Thanks for speaking with me today.

I have inquired of my Dallas-based clients.

The deadline for construction is 3/6/17, so if the hearing could be on March 1, 2 or 3, it'd be great.

My clients would need to leave Baltimore to catch a flight on Friday afternoon, 3/3/17, so a morning hearing on that date would be best.

If a later date is mandated, the following dates are NOT available: 3/10/17, 3/13/17, 3/14/17, 3/15/17, 3/30/17 and 3/31/17.

Thanks.

Ed Gilliss

Edward J. Gilliss
Royston, Mueller, McLean & Reid, LLP
102 W. Pennsylvania Avenue, Suite 600
Towson, Maryland 21204
(office) 410-823-1800
(fax) 410-583-5330
(email) egilliss@rmmr.com

IN RE: PETITION FOR VARIANCE
(7944 Honeygo Blvd.)
14th Election District
6th Councilman District
White Marsh Plaza Business Trust
Petitioner

*
*
*
*
*

JB
4-25-13
BEFORE THE OFFICE
OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2013-0206-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by David H. Karceski, Esquire, on behalf of the legal owner of the subject property. The Petitioner is requesting Variance relief from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow 387 off-street parking spaces in lieu of the required 475 parking spaces. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the requests were Mark Keeley, Brian Donley and Joseph Ucciferro. David H. Karceski, Esquire with Venable, LLP appeared and represented the Petitioner. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

The only substantive Zoning Advisory Committee (ZAC) comment was received from the Bureau of Development Plans Review (DPR) dated March 15, 2013, indicating that the variance, if granted, should be conditioned on the site being landscaped in accordance with the approved landscape plan.

Testimony and evidence revealed that the subject property is approximately 7.2 acres and is zoned BM-CT. The site is improved with a shopping center contiguous to, but not part of, the White Marsh Mall. Petitioner is seeking to lease space to new commercial tenants (including restaurants) and to do so requires variance relief.

Based upon the testimony and evidence presented, I will grant the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

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

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

Petitioner has met this test. The site is irregularly shaped (counsel describes it as elbow shaped) and the property is surrounded by roadways. Thus, it is unique.

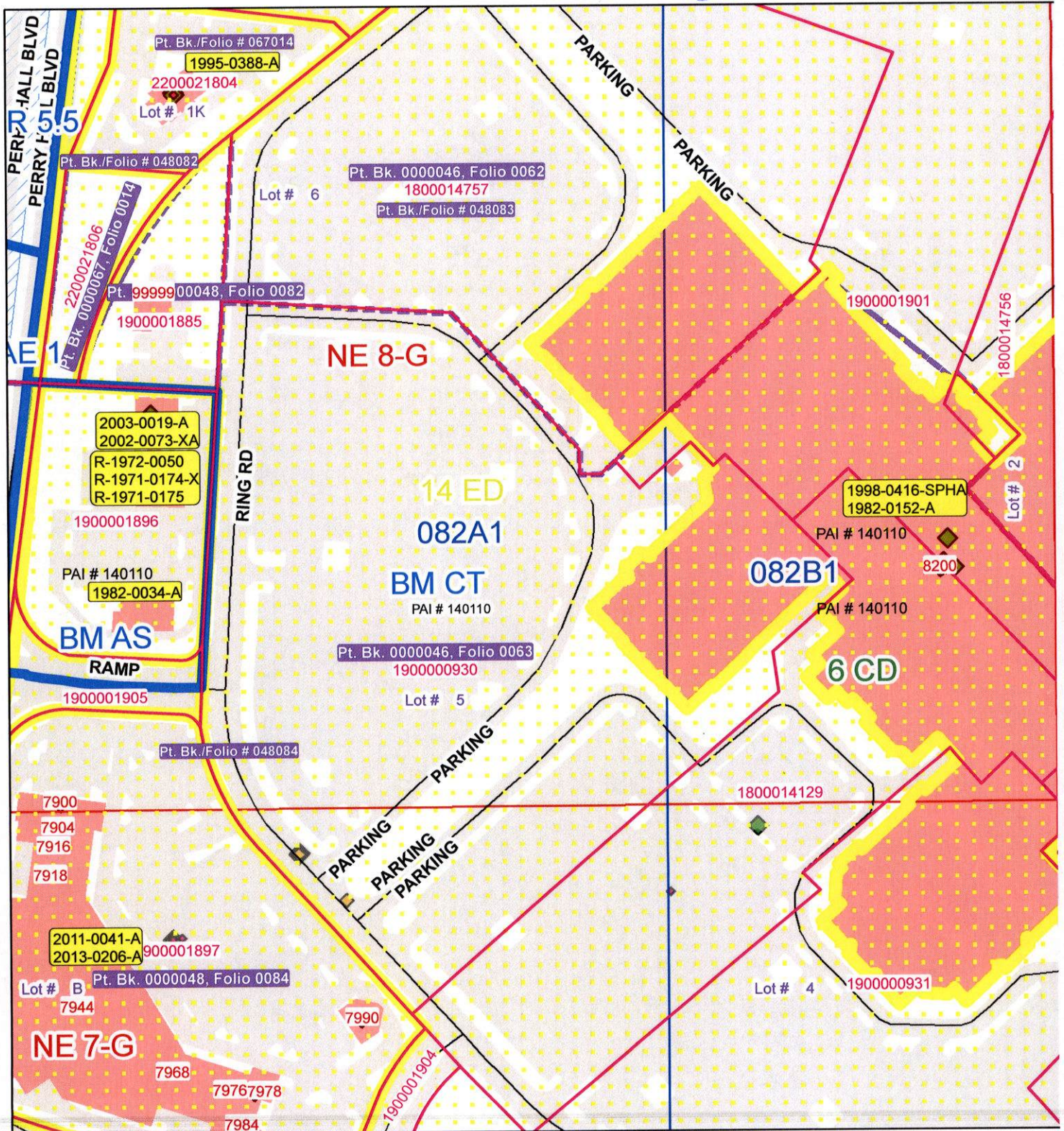
If the B.C.Z.R. were strictly enforced, the Petitioner would indeed suffer a practical difficulty, given it would be unable to attract commercial tenants for its center. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of county and/or community opposition. In addition, a parking study was completed by Traffic Concepts, Inc. (Exhibit 5) demonstrating that more than sufficient parking exists on site.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted.

THEREFORE, IT IS ORDERED, this 29th day of April, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow 387 off-street parking spaces in

8200 Perry Hall Boulevard

2017-0185-X



Publication Date: 1/12/2017



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

Real Property Data Search Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption				View GroundRent Registration			
Account Identifier:			District - 14 Account Number - 1900000930							
Owner Information										
Owner Name:		WHITE MARSH MALL LLC				Use:		COMMERCIAL		
Mailing Address:		PO BOX 617905 CHICAGO IL 60661-7905				Principal Residence:		NO		
						Deed Reference:		/29869/ 00288		
Location & Structure Information										
Premises Address:		PERRY HALL BLVD BALTIMORE MD 21237-0000				Legal Description:		12.8855 AC 986 N HONEYGO BLVD WHITE MARSH MALL		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0082	0003	0205		0000			5	2016	Plat Ref:	0046/0063
Special Tax Areas:					Town:		NONE			
					Ad Valorem:					
					Tax Class:					
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area		Property Land Area		County Use		
		115185				12.8800 AC		14		
Stories	Basement	Type			Exterior	Full/Half Bath	Garage	Last Major Renovation		
		DEPARTMENT STORE								
Value Information										
			Base Value		Value		Phase-in Assessments			
					As of		As of		As of	
					01/01/2016		07/01/2016		07/01/2017	
Land:			7,620,900		7,620,900					
Improvements			5,858,200		7,112,800					
Total:			13,479,100		14,733,700		13,897,300		14,315,500	
Preferential Land:			0						0	
Transfer Information										
Seller: WHITE MARSH GENERAL PARTNERSHIP				Date: 01/13/2010				Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /29869/ 00288				Deed2:		
Seller: WOODWARD & LOTHROP INC				Date: 08/28/1995				Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /11187/ 00438				Deed2:		
Seller: WHITE MARSH MALL ASSOC				Date: 07/22/1980				Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /06185/ 00357				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			0.00 0.00		
Tax Exempt:				Special Tax Recapture:						
Exempt Class:				NONE						
Homestead Application Information										
Homestead Application Status: No Application										

CASE NAME _____
CASE NUMBER 2017-0185-X
DATE March 2, 2017

[illegible]

Case No.: 2017-0185-X

Exhibit Sheet

3-3-17
sen

Petitioner/Developer DA-4-17

Protestant

No. 1	Aerial photograph	
No. 2	site plan	
No. 3	Dave + Busters Brochure	
No. 4	Viciferro C.V.	
No. 5	ZAC comments	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



THE DESTINATION FOR FUN!

PETITIONER'S

EXHIBIT NO.

3





BOHLERTM

ENGINEERING RESUME

901 Dulaney Valley Rd., Ste. 801
Towson, MD 21204
PHONE 410.821.7900
FAX 410.821.7987

Joseph J. Ucciferro, P.E. Project Manager

EDUCATION:

Bachelor of Civil Engineering, University of Delaware, Newark, DE

PROJECT TESTIMONY:

Testified on behalf of Bohler Engineering in numerous municipalities before Planning Commissions, Board of Supervisors, Board of Appeals, and related municipal entities in Maryland, Delaware, and Pennsylvania.

EXPERIENCE:

Currently serves as a Project Manager in Bohler Engineering's Towson, Maryland Office. Experience includes over twelve (12) years of design and project management. Primarily responsible for client and project management for various commercial, residential, and industrial developments. Areas of experience include site feasibility analysis and budgeting, site layout and planning, zoning and subdivision ordinance review/interpretation, horizontal and vertical roadway design, site grading, earthwork balancing and analysis, soil erosion and sediment control measures and facilities, utility design, stormwater management and water quality system designs, environmental compliance/evaluations, pump/tank design and permitting, lighting photometric studies/design, signage compliance, landscaping design, vehicular circulation design, oversight of expediting and application approvals, and related services. Expertise includes supermarkets, service stations, maintenance facilities, restaurants, shopping centers, retail centers, car washes and other related projects in municipalities in Maryland, Delaware, and Pennsylvania.

BALTIMORE COUNTY PROJECTS OF NOTE:

- Merritt Pavilion – (Planned Unit Development) Dundalk
- Insurance Auto Auction – Rosedale and Dundalk (Special Exception and Variance)
- Shelter Development and YMCA (Planned Unit Development) – Catonsville
- Federal Realty – Flats at 703 (Towson Multi-family Development Plan)
- Federal Realty – Avenue at White Marsh PUD Refinement
- YMCA Development – (Development Plan) Towson
- Multiple Quick Serve Restaurants (Chick-fil-A, Sonic)
- Multiple Bank Projects (Bank of America, M&T Bank, PNC Bank, BB&T Bank)
- Multiple Fuel Service Station Projects (SMO, Wawa, Royal Farms)
- Multiple Pharmacy Projects

PROFESSIONAL AFFILIATIONS:

- Maryland Professional Engineer #36064
- Urban Land Institute (ULI)
- National Association of Industrial & Office Properties (NAIOP)
- International Conference of Shopping Centers (ICSC)

#4



KEVIN KAMENETZ
County Executive

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

February 22, 2017

White Marsh Mall LLC
Wesley Rebisz
P O Box 617905
Chicago IL 60661

RE: Case Number: 2017-0185 X, Address: 8200 Perry Hall Boulevard

Dear Mr. Rebisz

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 13, 2017. 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,

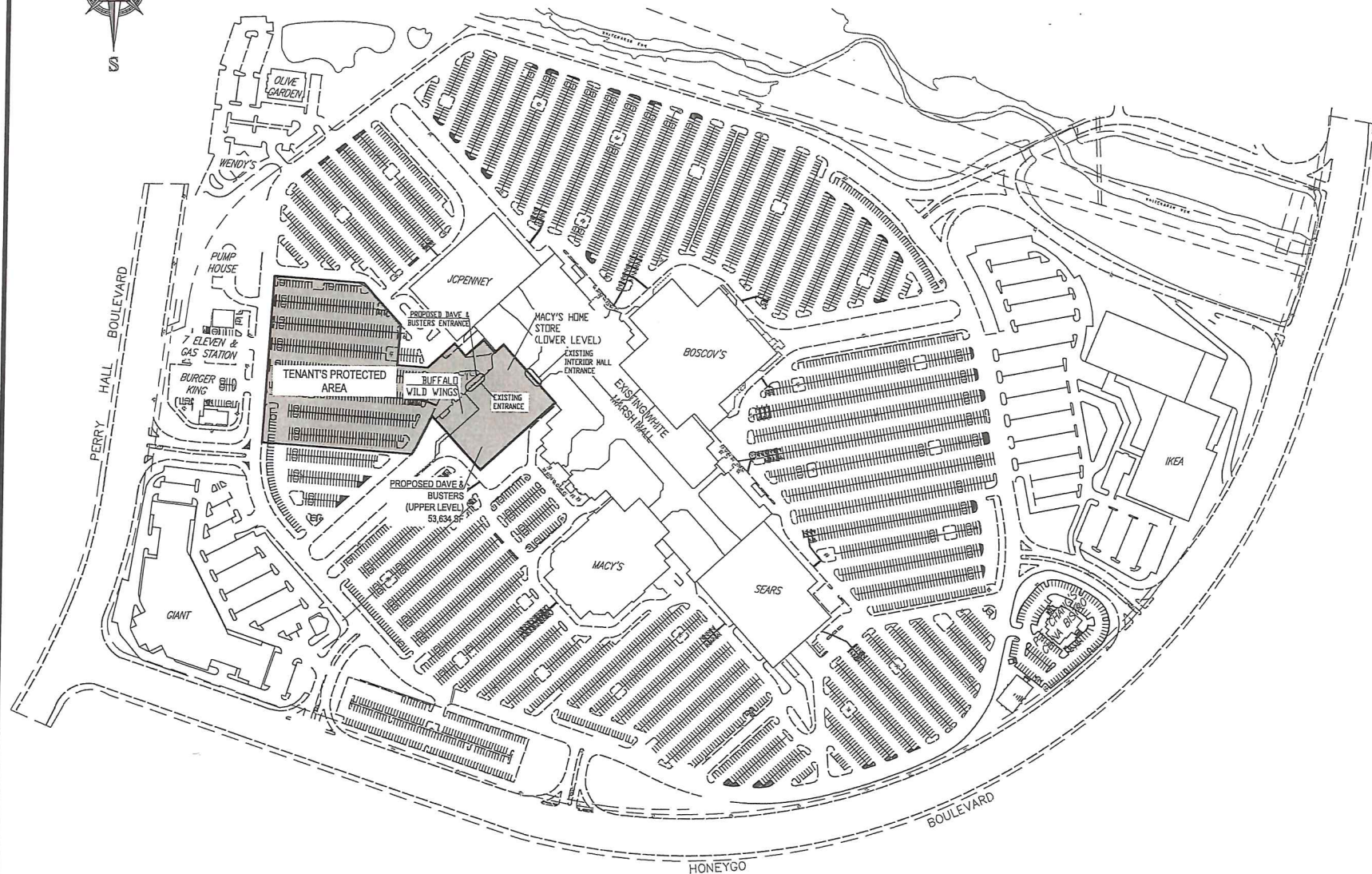
A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Dave & Buster's of Maryland, Inc., 2481 Manana Drive, Dallas TX 75220
Edward J Gillis, Esquire, 102 w Pennsylvania Avenue, Suite 600, Towson MD 21204



SPECIAL EXCEPTION TO ALLOW AN EXTERIOR ENTRANCE TO AN ARCADE PURSUANT TO BCZR SECTION 423.1.A.

OWNER

WHITE MARSH MALL, LLC
P.O. BOX 617905
CHICAGO, IL 60661-7905

TENANT

DAVE & BUSTERS CORPORATE OFFICE
HEADQUARTERS
2481 MANANA DRIVE
DALLAS, TX 75220

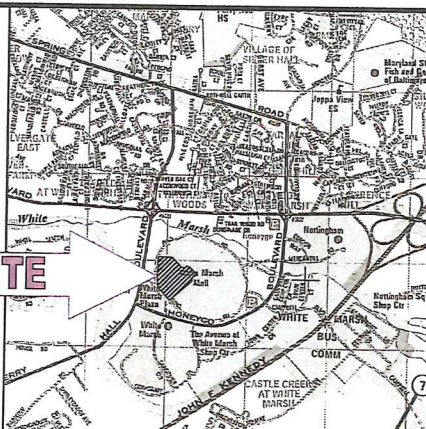
PARKING TABULATION CHART			
(PARKING SPACES REQUIRED BY BCZR SECTION 409.6A)			
USE	LEASEHOLD S.F.	PARKING RATE	PARKING SPACES REQUIRED
DAVE & BUSTERS	53,634	5' 1,000 S.F.	269
TOTAL PARKING REQUIRED			269
TOTAL PARKING PROVIDED (INCLUDE 16 HANDICAP SPACE)			588

COMMERCIAL PERMIT HISTORY

B785363, B782010, B780085, B777521, B764816, B764395, B762521, B760196, B759796, B757655,
B757039, B904809, B904240, B903925, B893810, B877335, B876762

ZONING HISTORY

1. CASE NO. R-1971-0174-X
A PETITION FOR RECLASSIFICATION OF ZONING TO REZONE THE PROPERTY FROM R-6 TO R-6 ZONE FOR PARCEL 1, BR ZONE FOR PARCEL 2, AND RA ZONE FOR PARCEL 3 WAS DENIED ON JANUARY 25, 1971.
- A PETITION FOR THE ZONING STATUS OF THE PROPERTY TO BE RE-DISTRICTED FROM AN UNDISTRICTED AREA TO A C.S.A DISTRICT FOR ALLOWED UTILIZATION OF THE SITE FOR VEHICULAR ORIENTED USES WAS DENIED ON JANUARY 25, 1971.
2. CASE NO. R-1971-0175
A PETITION FOR RECLASSIFICATION OF ZONING TO REZONE THE PROPERTY FROM R-6 ZONE TO BM ZONE WAS DENIED ON JANUARY 25, 1971.
- A PETITION FOR THE ZONING STATUS OF THE PROPERTY TO BE RE-DISTRICTED FROM AN UNDISTRICTED AREA TO A C.T. DISTRICT TO ALLOW PLAN DEVELOPMENT OF A COMMERCIAL CORE TO SERVE THE AREA WAS DENIED ON JANUARY 25, 1971.
3. CASE NO. R-1972-0050
A PETITION FOR RECLASSIFICATION OF ZONING TO REZONE THE PROPERTY FROM A DR-5.5 (-R-6) ZONE TO BM ZONE (PARCEL #1); A BR ZONE (PARCEL #2); A MLR ZONE (PARCEL #3); AND A DR-16 ZONE (PARCEL #4) WAS GRANTED ON DECEMBER 17, 1971.
- A PETITION FOR THE ZONING STATUS OF THE PROPERTY TO BE RE-DISTRICTED FROM AN UNDISTRICTED AREA TO A C.T. DISTRICT (PARCEL #1) TO BE DEVELOPED AS A COMMERCIAL CORE TO SERVE THE AREA AND A CSA DISTRICT (PARCEL #3) TO BE UTILIZED FOR VEHICULAR ORIENTED USES WAS GRANTED ON DECEMBER 17, 1971.
4. CASE NO. 1992-0304-A
A PETITION FOR ZONING VARIANCE FROM SECTION 409.2 (b) TO PERMIT 1,810 PARKING SPACES IN LIEU OF THE REQUIRED 2,913 SPACES ON THE RIVERSIDE MILL PARCEL, THEREBY REDUCING THE TOTAL REQUIRED NUMBER OF SPACES WITHIN THE SHOPPING CENTER FROM 7,011 TO 5,908 WAS GRANTED ON DECEMBER 21, 1991.
5. CASE NO. 1992-0152-A
A PETITION FOR ZONING VARIANCE TO PERMIT SIDE YARD SET BACKS OF 5.90 FEET AND 23 FEET INSTEAD OF THE REQUIRED 50 FEET WAS GRANTED ON JANUARY 11, 1992.
6. CASE NO. 1998-0416-SHPA
A PETITION FOR VARIANCE RELIEF FROM SECTION 450.4 TO PERMIT FOUR WALL MOUNTED SIGNS (TWO SIGNS PER FACE) WITH A TOTAL AREA OF 1,568 SF IN LIEU OF THE REQUIRED TWO WALL MOUNTED SIGNS (ONE SIGN PER FACE) WITH A TOTAL OF 972 SF FOR THE EAST AND SOUTH ELEVATIONS OF A PROPOSED BUILDING AND TO PERMIT TWO WALL MOUNTED SIGNS IN LIEU OF THE PERMITTED ONE WALL MOUNTED SIGN ON THE NORTH ELEVATION OF THE PROPOSED BUILDING WAS GRANTED ON JUNE 26, 1998.
- A PETITION TO AMEND ALL, PRIOR ZONING CASES REGARDING THE SUBJECT PROPERTY WAS GRANTED ON JUNE 26, 1998.
7. CASE NO. 2002-0073-XA
A PETITION FOR SPECIAL EXCEPTION FOR A FUEL SERVICE STATION USE IN COMBINATION WITH A CONVENIENCE STORE WITH A SALES AREA LARGER THAN 1,200 SF. WAS GRANTED ON OCTOBER 24, 2001.
- A PETITION FOR VARIANCE RELIEF TO PERMIT A LANDSCAPE TRANSITION AREA ALONG THE SOUTHERN PERIMETER OF THE FUEL SERVICE STATION OF 0 FEET IN LIEU OF THE REQUIRED 6 FEET WAS DISMISSED AS MOOT.
8. CASE NO. 2003-0019-A
A PETITION FOR VARIANCE RELIEF TO PERMIT SERVICE STATION CANOPY SIGNS, TWO AT 120 SF EACH, TWO AT 185 SF EACH, ONE AT 110 SF AND 1,070 SF IN LIEU OF THE MAXIMUM ALLOWED 25 CF WAS GRANTED ON SEPTEMBER 25, 2003.
9. CASE NO. 2011-0041-A
A PETITION FOR VARIANCE RELIEF TO PERMIT TEN WALL MOUNTED ENTERPRISING SIGNS FOR THE EXISTING GIRANT SUPERMARKET IN LIEU OF THE PERMITTED ONE SIGN WAS GRANTED ON OCTOBER 20, 2010.
10. CASE NO. 2013-0206-A



LOCATION MAP
 COPYRIGHT ADC THE MAP PEOPLE
 PERMIT USE NO. 20602153-5
 SCALE: 1"=2000'

GENERAL NOTES

1. PROPERTY INFORMATION:
- | | | |
|---------------------------|---------------------------|-------------|
| A. PROPERTY ADDRESS: | 8200 PERRY HALL BOULEVARD | |
| B. SITE AREA: | 201236 | 12.8555 AC. |
| C. ELECTION DISTRICT: | 14 | |
| D. COUNCILMANIC DISTRICT: | 06 | |
| E. ADD MAP: | | |
| F. CENSUS TRACT: | 442650 | |
| G. TAX MAP: | 82 | |
| H. PARCEL: | 205 | |
| I. TAX ACCOUNT NO.: | 14-1900000930 | |
2. ZONING: BM CT
3. ZONING MAP REFERENCE: 082A1, 082B1
4. FLOOR AREA RATIO: PERMITTED=5
PROVIDED = 0.202 (113,634 S.F. / 561,052.8 S.F.)
5. EXISTING LAND USE: COMMERCIAL
- PROPOSED LAND USE: COMMERCIAL
- | | | |
|--|-----------------|-----------------|
| SETBACKS: (TO PROPERTY LINE) | <u>REQUIRED</u> | <u>PROVIDED</u> |
| FRONT ALONG ROADWAY (FROM CENTERLINE OF ROADWAY) | 40' | N/A |
| FRONT ALONG PROPERTY LINE | 15' | 592' |
| SIDE | 0' | 0' |
| REAR | 0' | 0' |
- LANDSCAPE SETBACKS:
- | | | |
|----------------------------|-----------------|-----------------|
| ALONG HONEYCROCK BOULEVARD | <u>REQUIRED</u> | <u>PROVIDED</u> |
| ALONG PERRY HALL BOULEVARD | 0' | 0' |
6. HEIGHT REQUIREMENTS: 40'
- EXISTING BUILDING HEIGHT: 30'
7. THE SITE IS SERVICED BY PUBLIC WATER AND PUBLIC SANITARY SEWER.
8. SCREENING AND LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPING MANUAL.
9. THE SITE IS NOT LOCATED IN A 100 YEAR FLOODPLAIN PER FEMA MAPS 2400100290F AND 2400100430G.
10. THE SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICE AREAS.
11. THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THE PROPERTY.
12. ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
13. SIGNAGE ON THIS SITE SHALL CONFORM WITH THE SIGNAGE REQUIREMENTS OF THE BALTIMORE COUNTY ZONING REGULATIONS SECTION 450.
14. THE SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
15. THERE ARE NO HISTORICAL STRUCTURES LOCATED ON THE PROPERTY.

DESIGN & DRAWING BASED ON
MARYLAND COORDINATE SYSTEM:
HORIZONTAL NAD 83/(1991)
VERTICAL NAVD 88

THESE PLANS ARE FOR
SPECIAL EXCEPTION AND
ARE NOT TO BE UTILIZED
FOR CONSTRUCTION

PROFESSIONAL CERTIFICATION
I, JOSEPH J. UCCIFERRO, HEREBY CERTIFY THAT THESE
DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND
THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER
UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO.
36054. EXPIRATION DATE: 6/26/2016



BOHLERTM

ENGINEERING

WITH OVER 40 YEARS OF ENGINEERING EXPERIENCE, BOHLER ENGINEERING CAN PROVIDE THE FOLLOWING SERVICES:

- SURVEYING
- MAINFRAME DESIGN
- CIVIL ENGINEERING
- ENVIRONMENTAL ENGINEERING
- TRANSPORTATION SERVICES
- PERMITTING SERVICES
- LEADERSHIP VALLEY, PA
- NEW YORK, NY
- BOSTON, MA
- BOSTON BEACH, DE
- BOSTON, MA
- SOUTHERN CALIFORNIA
- SOUTHERN MARYLAND
- CENTRAL VIRGINIA
- RALEIGH, NC
- ATLANTA, GA
- SOUTH FLORIDA
- DALLAS - FT. WORTH, TX

REVISIONS

[illegible]

NOT APPROVED FOR
CONSTRUCTION

PROJECT No.:	MDL1630
DRAWN BY:	JG
CHECKED BY:	
DATE:	12-21-
SCALE:	2
CAD I.D.:	L

PROJECT:
PLAN TO ACCOMPANY
SPECIAL EXCEPTION
HEARING
— FOR —
DAVE & BUSTERS
AT WHITE MARSH
MALL
LOCATION OF SITE
8200 PERRY HALL BLVD.
BALTIMORE COUNTY
BALTIMORE, MD 21236

 **BOHLER**
ENGINEERING

1 DULANEY VALLEY ROAD, SUITE 81
TOWSON, MARYLAND 21204

Phone: (410) 821-7900
Fax: (410) 821-7987
MD@BohlerEng.com

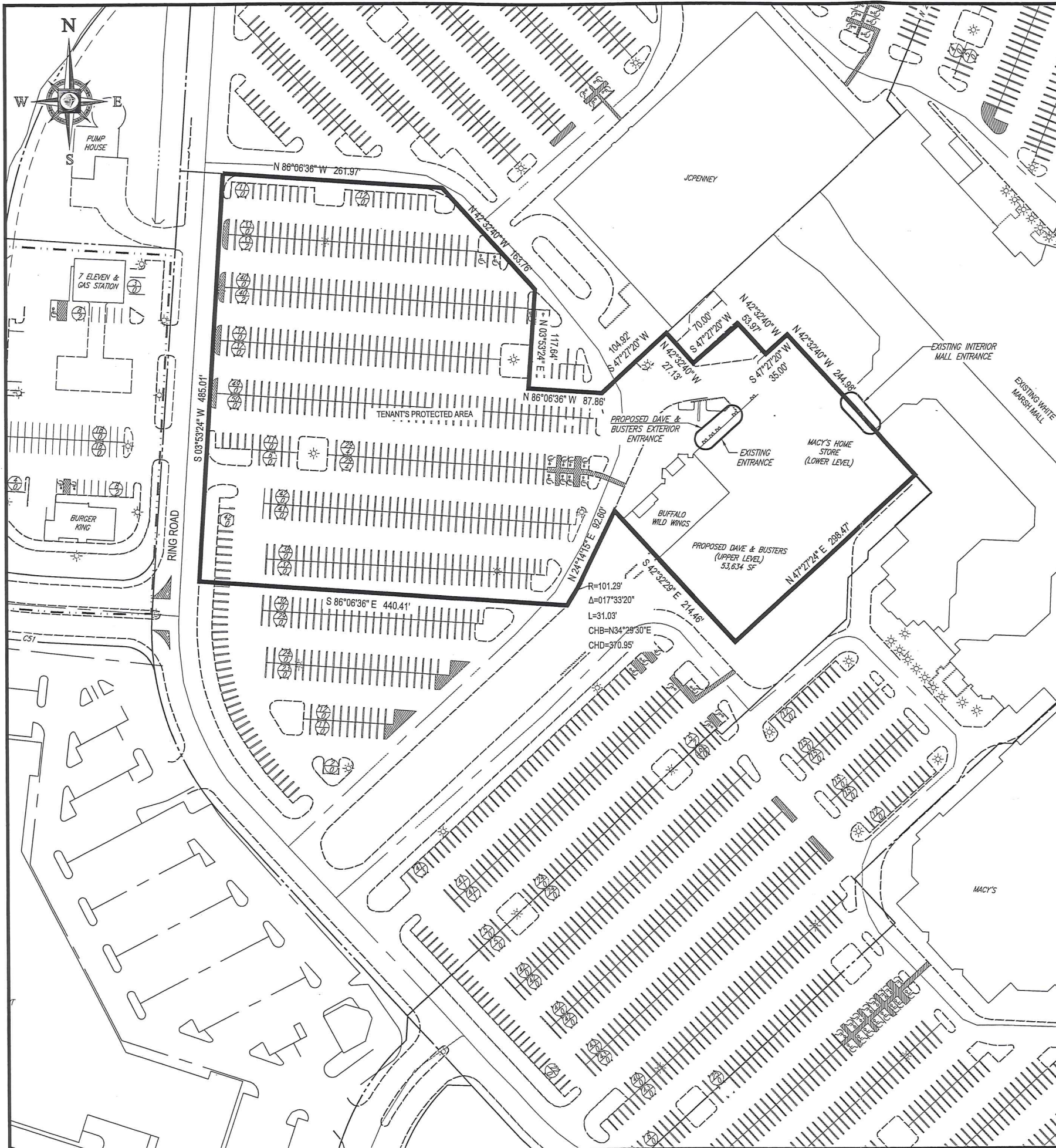
J. J. UCCIFERRO
PROFESSIONAL ENGINEER
MARYLAND LICENSE NO. 31064

HEET TITLE

OVERALL SITE PLAN

SHEET NUMBER

1



REASON FOR SPECIAL EXCEPTION AND SPECIAL HEARING

SPECIAL EXCEPTION TO ALLOW AN EXTERIOR ENTRANCE TO AN ARCADE PURSUANT TO BCZR SECTION 423.1.A.

OWNER

WHITE MARSH MALL, LLC
P.O. BOX 617905
CHICAGO, IL 60661-7905

TENANT

DAVE & BUSTERS CORPORATE OFFICE
HEADQUARTERS
2481 MANANA DRIVE
DALLAS, TX 75220

PARKING TABULATION CHART

(PARKING SPACES REQUIRED BY BCZR SECTION 409.5A)

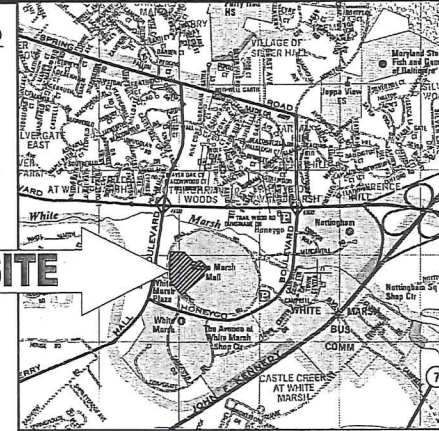
USE	LEASEHOLD S.F.	PARKING RATE	PARKING SPACES REQUIRED
DAVE & BUSTERS	53,634	5/1,000 S.F.	269
TOTAL PARKING REQUIRED			269
TOTAL PARKING PROVIDED (INCLUDE 16 HANDICAP SPACE)			558

COMMERCIAL PERMIT HISTORY

8768363, 8762010, 8760095, 8777321, 8764816, 8764395, 8763221, 8760196, 8759796, 8757655, 8767039, 8804602, 8904240, 8903255, 8932810, 8877335, 8876762

ZONING HISTORY

- CASE NO. R-1971-0174-X**
A PETITION FOR RECLASSIFICATION OF ZONING TO REZONE THE PROPERTY FROM R-6 TO RA ZONE FOR PARCEL 1; BR ZONE FOR PARCEL 2; AND RA ZONE FOR PARCEL 3 WAS DENIED ON JANUARY 25, 1971.
A PETITION FOR THE ZONING STATUS OF THE PROPERTY TO BE RE-DISTRICTED FROM AN UNDISTRICTED AREA TO A C.S.A. DISTRICT TO ALLOW UTILIZATION OF THE SITE FOR VEHICULAR ORIENTED USES WAS DENIED ON JANUARY 25, 1971.
- CASE NO. R-1971-0175**
A PETITION FOR RECLASSIFICATION OF ZONING TO REZONE THE PROPERTY FROM R-6 ZONE TO BM ZONE WAS DENIED ON JANUARY 25, 1971.
A PETITION FOR THE ZONING STATUS OF THE PROPERTY TO BE RE-DISTRICTED FROM AN UNDISTRICTED AREA TO A C.T. DISTRICT TO ALLOW PLAN DEVELOPMENT OF A COMMERCIAL CORE TO SERVE THE AREA WAS DENIED ON JANUARY 25, 1971.
- CASE NO. R-1972-0050**
A PETITION FOR RECLASSIFICATION OF ZONING TO REZONE THE PROPERTY FROM A DR-5.5 (R-6) ZONE TO BM ZONE (PARCEL #1); A BR ZONE (PARCEL #2); A MLR ZONE (PARCEL #3); AND A DR-16 ZONE (PARCEL #4) WAS GRANTED ON DECEMBER 17, 1971.
A PETITION FOR THE ZONING STATUS OF THE PROPERTY TO BE RE-DISTRICTED FROM AN UNDISTRICTED AREA TO A C.T. DISTRICT (PARCEL #1) TO BE DEVELOPED AS A COMMERCIAL CORE TO SERVE THE AREA AND A CSA DISTRICT (PARCEL #5) TO BE UTILIZED FOR VEHICULAR ORIENTED USES WAS GRANTED ON DECEMBER 17, 1971.
- CASE NO. 1982-0034-A**
A PETITION FOR ZONING VARIANCE FROM SECTION 409.2 (B) TO PERMIT 1,810 PARKING SPACES IN LIEU OF THE REQUIRED 2,913 SPACES ON THE DEVELOPER'S MALL PARCEL, THEREBY REDUCING THE TOTAL REQUIRED NUMBER OF SPACES WITHIN THE SHOPPING CENTER FROM 7,011 TO 5,908 WAS GRANTED ON DECEMBER 21, 1981.
- CASE NO. 1982-0152-A**
A PETITION FOR ZONING VARIANCE TO PERMIT SIDE YARD SET BACKS OF 5.60 FEET AND 23 FEET INSTEAD OF THE REQUIRED 50 FEET WAS GRANTED ON JANUARY 11, 1982.
- CASE NO. 1998-0416-SFHA**
A PETITION FOR VARIANCE RELIEF FROM SECTION 450.4 TO PERMIT FOUR WALL MOUNTED SIGNS (TWO SIGNS PER FACE) WITH A TOTAL AREA OF 1,586 SF IN LIEU OF THE REQUIRED TWO SIGNS (1 SIGN PER FACE) WITH A TOTAL OF 872 SF FOR THE EAST AND SOUTH ELEVATIONS OF A PROPOSED BUILDING AND TO PERMIT TWO WALL MOUNTED SIGNS IN LIEU OF THE PERMITTED ONE SIGN FOR THE WEST ELEVATION OF THE PROPOSED BUILDING WAS GRANTED ON JUNE 28, 1998.
A PETITION TO AMEND ALL PRIOR ZONING CASES REGARDING THE SUBJECT PROPERTY WAS GRANTED ON JUNE 28, 1998.
- CASE NO. 2002-0073-XA**
A PETITION FOR SPECIAL EXCEPTION FOR A FUEL SERVICE STATION USE IN COMBINATION WITH A CONVENIENCE STORE WITH A SALES AREA LARGER THAN 1,500 SF, WAS GRANTED ON OCTOBER 24, 2001.
A PETITION FOR VARIANCE RELIEF TO PERMIT A LANDSCAPE TRANSITION AREA ALONG THE SOUTHERN PERIMETER OF THE FUEL SERVICE STATION OF 6 FEET IN LIEU OF THE REQUIRED 6 FEET WAS DISMISSED AS MOOT.
- CASE NO. 2003-0019-A**
A PETITION FOR VARIANCE RELIEF TO PERMIT SERVICE STATION CANOPY SIGNS, TWO AT 120 SF EACH, TWO AT 185 SF EACH, ONE AT 210 SF AND ONE AT 270 SF IN LIEU OF THE MAXIMUM ALLOWED 25 SF WAS GRANTED ON SEPTEMBER 25, 2002.
- CASE NO. 2011-0041-A**
A PETITION FOR VARIANCE RELIEF TO PERMIT TEN WALL MOUNTED ENTERPRISE SIGNS FOR THE EXISTING GRANT SUPERMARKET IN LIEU OF THE PERMITTED ONE SIGN WAS GRANTED ON OCTOBER 20, 2010.
- CASE NO. 2013-0206-A**



LOCATION MAP
COPYRIGHT ADD THE MAP PEOPLE
PERMIT USE NO. 20020153-5
SCALE: 1"=2000'

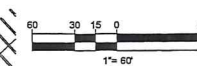
GENERAL NOTES

- PROPERTY INFORMATION:
 - PROPERTY ADDRESS: 8200 PERRY HALL BOULEVARD BALTIMORE, MD 21236 12.8855 AC.
 - SITE AREA: 14
 - ELECTION DISTRICT: 14
 - COUNCILMANIC DISTRICT: 08
 - ADD MAP: 440800
 - CENSUS TRACT: 82
 - TAX MAP: 205
 - TAX ACCOUNT NO.: 14-1900000930
- ZONING: BM CT
- ZONING MAP REFERENCE: 082A1, 082B1
- FLOOR AREA RATIO: PERMITTED = 5.5 PROVIDED = 0.202 (113,634 S.F. / 561,052.8 S.F.)
- EXISTING LAND USE: COMMERCIAL
- PROPOSED LAND USE: COMMERCIAL
- SETBACKS: (TO PROPERTY LINE)

	REQUIRED	PROVIDED
FRONT ALONG ROADWAY (FROM CENTERLINE OF ROADWAY)	40'	N/A
FRONT ALONG PROPERTY LINE	15'	592'
SIDE	0'	0'
REAR	0'	0'
- LANDSCAPE SETBACKS:

	REQUIRED	PROVIDED
ALONG HONEYGO BOULEVARD	6'	0'
ALONG PERRY HALL BOULEVARD		
- HEIGHT REQUIREMENTS: 40'
- EXISTING BUILDING HEIGHT: 30'
- THE SITE IS SERVICED BY PUBLIC WATER AND PUBLIC SANITARY SEWER.
- SCREENING AND LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.
- THE SITE IS NOT LOCATED IN A 100 YEAR FLOODPLAIN PER FEMA MAPS 240010020F AND 240010040G.
- THE SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICE AREAS.
- THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THE PROPERTY.
- ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
- SIGNAGE ON THIS SITE SHALL CONFORM WITH THE SIGNAGE REQUIREMENTS OF THE BALTIMORE COUNTY ZONING REGULATIONS SECTION 452.
- THE SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO HISTORICAL STRUCTURES LOCATED ON THE PROPERTY.

2017-0185-X



DESIGN & DRAWING BASED ON MARYLAND COORDINATE SYSTEM: HORIZONTAL NAD 83(1991) VERTICAL NAVD 88

THESE PLANS ARE FOR SPECIAL EXCEPTION AND ARE NOT TO BE UTILIZED FOR CONSTRUCTION

PROFESSIONAL CERTIFICATION
I, JOSEPH J. UCCIFERRO, HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 36054, EXPIRATION DATE: 02/28/2016

BOHLER ENGINEERING
SITE CIVIL AND CONSULTING ENGINEERING
LAND SURVEYING PROGRAM MANAGER
LANDSCAPE ARCHITECTURE
PLANNING
TRANSPORTATION
WATER RESOURCES
♦ BALTIMORE, MD
♦ CHARLOTTE, NC
♦ CHICAGO, IL
♦ CINCINNATI, OH
♦ COLUMBIA, SC
♦ DALLAS, TX
♦ DENVER, CO
♦ HOUSTON, TX
♦ KANSAS CITY, MO
♦ LOS ANGELES, CA
♦ MIAMI, FL
♦ MINNEAPOLIS, MN
♦ NEW YORK, NY
♦ PHILADELPHIA, PA
♦ RICHMOND, VA
♦ SAN ANTONIO, TX
♦ SEATTLE, WA
♦ TAMPA, FL
♦ WASHINGTON, DC

REVISIONS			
REV	DATE	COMMENT	BY
1	12-29-16	PER COMMENTS	JCW

NOT APPROVED FOR CONSTRUCTION

PROJECT NO.: MDL163011
DRAWN BY: JCW
CHECKED BY: HA
DATE: 12-21-16
SCALE: 200
CADD LID: LPS

PROJECT:
PLAN TO ACCOMPANY SPECIAL EXCEPTION HEARING FOR DAVE & BUSTERS AT WHITE MARSH MALL
LOCATION OF SITE
8200 PERRY HALL BLVD.
BALTIMORE COUNTY
BALTIMORE, MD 21236

BOHLER ENGINEERING
901 DULANEY VALLEY ROAD, SUITE 801
TOWSON, MARYLAND 21204
Phone: (410) 521-7930
Fax: (410) 521-7987
MD@BohlerEng.com

J.J. UCCIFERRO
PROFESSIONAL ENGINEER
MARYLAND LICENSE NO. 36054

SHEET TITLE:
DETAIL SITE PLAN
SHEET NUMBER:
2



3/2/17

MDL163011

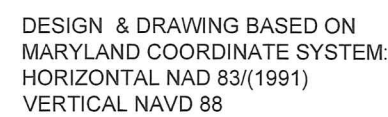
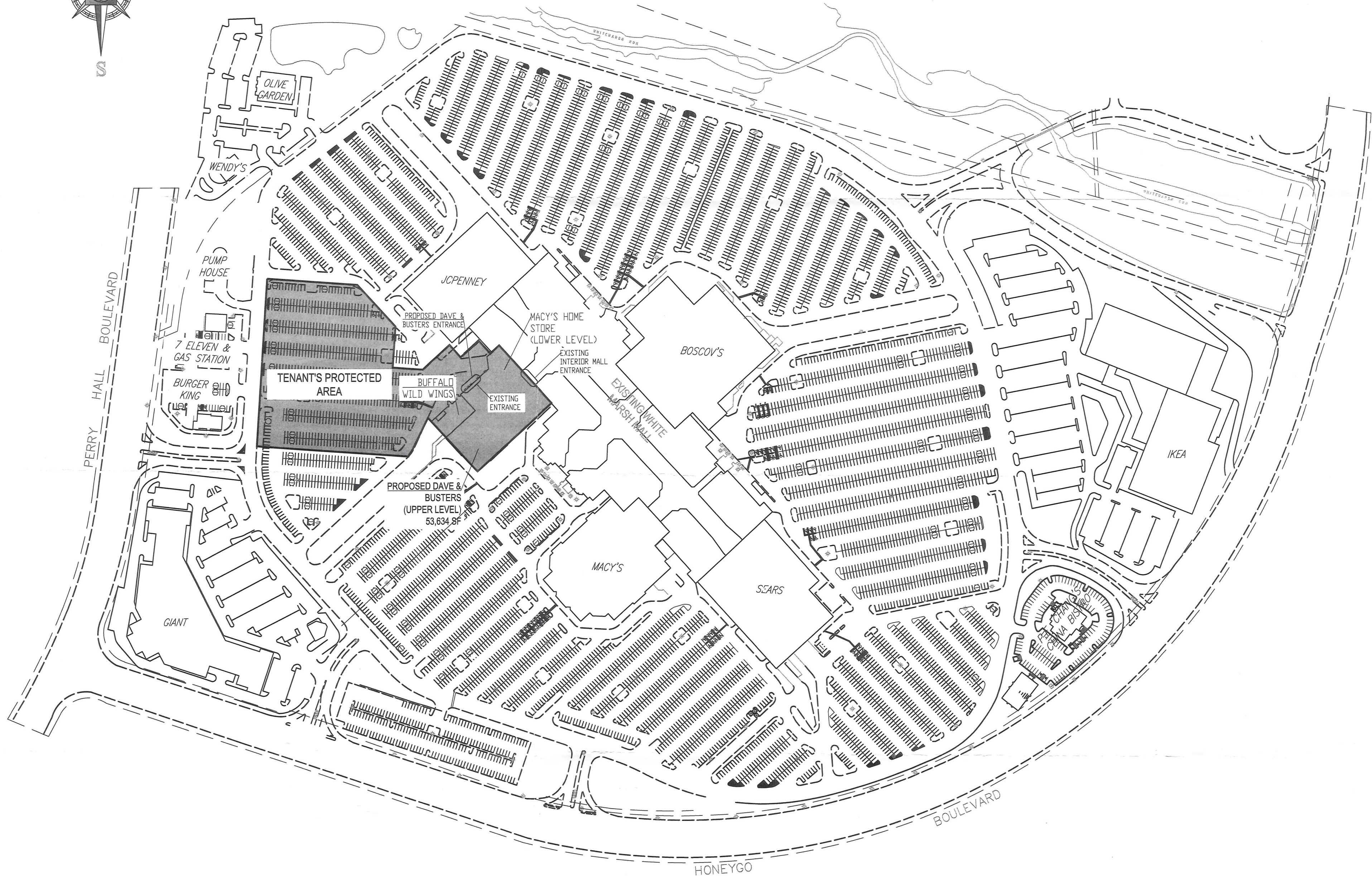
DAVE & BUSTER'S AT WHITE MARSH MALL

BALTIMORE COUNTY, MARYLAND



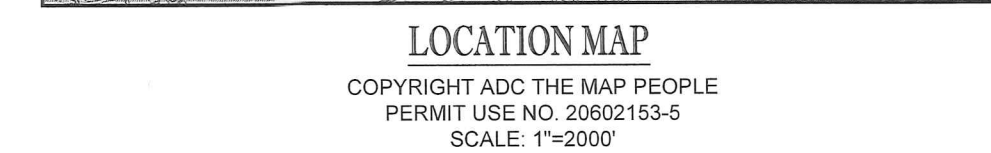
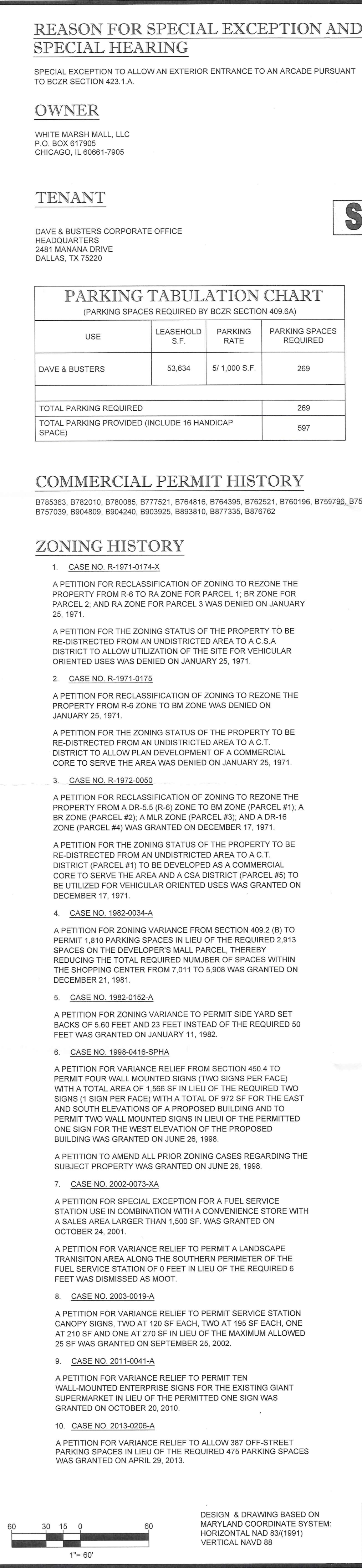
BOHLER
ENGINEERING

EX 1



1

PROFESSIONAL CERTIFICATION
I, JOSEPH J. UCCIFERRO, HEREBY CERTIFY THAT THESE
DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND
THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER
UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO
36064, EXPIRATION DATE: 6/26/2016



PARKING TABULATION CHART			
(PARKING SPACES REQUIRED BY BC2R SECTION 409.6A)			
USE	LEASEHOLD S.F.	PARKING RATE	PARKING SPACES REQUIRED
DAVE & BUSTERS	53,634	5/ 1,000 S.F.	269
TOTAL PARKING REQUIRED			269
TOTAL PARKING PROVIDED (INCLUDE 16 HANDICAP SPACE)			597

[illegible]

GENERAL NOTES

1. PROPERTY INFORMATION:

A. PROPERTY ADDRESS:	8200 PERRY ROAD
B. SITE AREA:	NOTTINGHAM, MD 21235 6.59 AC.
C. ELECTION DISTRICT:	14
D. COUNCILMANIC DISTRICT:	06
E. ADC MAP:	28D11 / 28C11 / 28C10
F. CENSUS TRACT:	440600
G. TAX MAP:	82
H. PARCEL:	205
I. TAX ACCOUNT NO.:	14-1900000930

2. ZONING: BM CT

3. ZONING MAP REFERENCE: 082A1, 082B1

4. FLOOR AREA RATIO: PERMITTED = 5.5
PROVIDED = 0.202 (113.634 S.F. / 561,052.8 S.F.)

5. EXISTING LAND USE: COMMERCIAL

PROPOSED LAND USE: COMMERCIAL

6. SETBACKS: (TO PROPERTY LINE)

	<u>REQUIRED</u>	<u>PROVIDED</u>
FRONT ALONG ROADWAY (FROM CENTERLINE OF ROADWAY)	40'	N/A
FRONT ALONG PROPERTY LINE	15'	592'
SIDE	0'	0'
REAR	0'	0'

7. LANDSCAPE SETBACKS:

	<u>REQUIRED</u>	<u>PROVIDED</u>
ALONG HONEYGO BOULEVARD	6'	10'
ALONG PERRY HALL BOULEVARD		

8. HEIGHT REQUIREMENTS: 40' EXISTING

EXISTING BUILDING HEIGHT: -- 30'

9. THE SITE IS SERVICED BY PUBLIC WATER AND PUBLIC SANITARY SEWER.

10. SCREENING AND LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.

11. THE SITE IS NOT LOCATED IN A 100 YEAR FLOODPLAIN PER FEMA MAPS 2490100290F AND 2490100430G.

12. THE SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICE AREAS.

13. THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THE PROPERTY.

14. ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.

15. SIGNAGE ON THIS SITE SHALL CONFORM WITH THE SIGNAGE REQUIREMENTS OF THE BALTIMORE COUNTY ZONING REGULATIONS SECTION 450.

16. THE SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.

17. THERE ARE NO HISTORICAL STRUCTURES LOCATED ON THE PROPERTY.

NOT APPROVED FOR CONSTRUCTION	
PROJECT No.:	MDL183011
DRAWN BY:	JCW
CHECKED BY:	HA
DATE:	12-21-16
SCALE:	200
CAD I.D.:	LPO
PROJECT:	
PLAN TO ACCOMPANY SPECIAL EXCEPTION HEARING	
FOR	
DAVE & BUSTERS AT WHITE MARSH MALL	
LOCATION OF SITE	
8200 PERRY HALL BLVD. BALTIMORE COUNTY BALTIMORE, MD 21236	

 **BOHLER**
ENGINEERING

901 DULANEY VALLEY ROAD, SUITE 801
TOWSON, MARYLAND 21204

Phone: (410) 821-7900
Fax: (410) 821-7987
MD@BohlerEng.com

J.J. UNGERRO
PROFESSIONAL ENGINEER
No. 3800
1-13-17

SHEET TITLE:

DETAIL
SITE PLAN

SHEET NUMBER:

2

THESE PLANS ARE FOR
SPECIAL EXCEPTION AND
ARE NOT TO BE UTILIZED
FOR CONSTRUCTION