



KEVIN KAMENETZ
County Executive

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

February 23, 2017

Whiteford, Taylor & Preston L.L.P.
One West Pennsylvania Avenue
Towson,, Maryland 21204-4515

RE: Spirit & Intent Request Letter
11317 York Road
Shawan Plaza Shopping Center

Dear Ms. Busse:

Your letter to the Director of Permits, Approvals and Inspections has been referred to me for reply. Based on the information contained in the BCZR (Baltimore County Zoning Regulations) and research of available records the following has been determined.

Provided the relief requested in zoning case number 2017-0213-SPHA is granted by the Administrative Law Judge there will be no open issues with the zoning history or zoning regulations in general for the subject property.

Sincerely,

A handwritten signature in blue ink that reads "Gary Hucik".

Gary Hucik
Planner II
Zoning Review

WHITEFORD, TAYLOR & PRESTON L.L.P.

JENNIFER R. BUSSE
DIRECT LINE (410) 832-2077
DIRECT FAX (410) 339-4027
jbusse@wtplaw.com

TOWSON COMMONS, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5025
MAIN TELEPHONE (410) 832-2000
FACSIMILE (410) 832-2015

BALTIMORE, MD
BETHANY BEACH, DE*
BETHESDA, MD
COLUMBIA, MD
DEARBORN, MI
FALLS CHURCH, VA
LEXINGTON, KY
ROANOKE, VA
WASHINGTON, DC
WILMINGTON, DE*

WWW.WTPLAW.COM
(800) 987-8705

February 22, 2017

Via Hand Delivery

W. Carl Richards, Jr.
Zoning Review Chief/Supervisor
Baltimore County Permits, Inspections & Approvals
111 W. Chesapeake Avenue
Towson, Maryland 21204

**Re: 11317 York Road
Request for Spirit & Intent Relief**

Dear Mr. Richards:

This office represents Kimco with regard to its shopping center at the York and Shawan intersection in Hunt Valley, Maryland. Kimco is proposing a two story addition to the existing building to serve as office space for its employees, specifically to be located on the north side of the space occupied by Giant Food.

Yesterday, the DRC granted Kimco's request for a (b) exemption for this development. At the DRC meeting, Mr. Merrey requested Kimco file this request for Spirit & Intent approval. Kimco has already filed a Plan to Accompany Zoning Relief related to this project. The hearing has not yet been scheduled but the case number has been assigned - 2017-0213-SPHA. Therefore, we are seeking an expedited decision for this S&I, and I am submitting a \$500 check with this request.

The property's zoning history is documented on the attached plan. Most recently, a petition for special hearing and variance was granted in Case 2016-0178-SPHA, confirming that a previously granted parking variance (Case 05-270-SPHA) is applicable to the current and future development as long as the minimum number of parking spaces approved by that variance is maintained for the shopping center, and granting a variety of sign variances. A copy of Case 2016-0178-SPHA is attached hereto.

To: GH
* ASAP 2/22/17
uc

#17-081
\$500⁰⁰

Specifically, the reduction approved in that case was 117 spaces. As shown on the attached plan, Kimco is able to provide more spaces than required, taking into account this approved reduction. The total gross leasable area square footage approved by the DRC yesterday is 114,772 square feet. At 5 spaces per 1,000, 574 spaces would otherwise be required, but pursuant to the approved reduction of 117 spaces, 457 spaces are now required. Kimco is able to provide 483 spaces, and is thus able to provide 26 spaces more than required pursuant to the previously approved variance. Therefore, we respectfully request your office confirm that the now proposed parking is within the spirit & intent of the previously approved variance.

As shown on the attached plan, while a handful of parking spaces are proposed to be located within the future Shawan Road right of way, those spaces are not being counted toward satisfying any requirements. The proposed addition occupies one of the areas previously approved as an addition for Giant Food, which will no longer be constructed. The ground level square footage of the now proposed addition is very similar to the square footage of the addition previously approved.

There are no outstanding violations on the property. As stated above, I am attaching my firm's check in the amount of \$500.00 representing payment for this expedited request, a plan to accompany this request, a copy of the decision in Case 2016-0178-SPHA, and a copy of the petition recently filed (Case 2017-0213-SPHA). Thank you for your attention to this request.

Sincerely,



Jennifer R. Busse

cc: (all via email, no attachments provided)
Greg Reed
Dana Valenti
Mike Gesell

Provide the relief requested in the
complaint. Special hearing is granted on
ad hoc basis. There will be no ^{an} open
issuance with this property.

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(11317 York Road)	*	OFFICE OF
8 th Election District		
3 rd Council District	*	ADMINISTRATIVE HEARINGS
Kimco Realty Corp.		
Owner	*	FOR BALTIMORE COUNTY
Petitioner	*	Case No. 2016-0178-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Kimco Realty Corp., legal owner ("Petitioner"). The subject property is approximately 11.49 acres and is split-zoned BR (Business Roadside) and RC-6. The site contains the Shawan Plaza Shopping Center and all site improvements are located in the BR zoned portion of the property.

The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to confirm that the parking variance approved in Case No. 05-270-SPHA is applicable to the current and future development during the phased construction of the improvements as long as the minimum number of parking spaces approved by that variance is maintained for the shopping center.

In addition, a Petition for Variance seeks: (1) to permit wall mounted enterprise signs with a total square footage each of up to three (3) times the length of the wall to which the sign is affixed converted to square footage in lieu of the permitted two (2) times the length of the wall converted to square footage; (2) to permit two (2) wall-mounted enterprise signs on the front wall with a customer entrance in lieu of the permitted one (1) wall-mounted sign (Bldg.1, space 'E'); (3) to permit two (2) free standing joint identification signs with electronic reader board in lieu of the

permitted one (1) per frontage; and (4) to permit an electronic reader board with multiple lines of text in lieu of the permitted five (5) lines of text and with sign copy height less than the required eight (8) inches. At the hearing an amended petition was filed which included a fifth variance request pertaining to the signs at the Giant grocery store which were approved in Case No. 2011-0295-A. A four-sheet site plan with sign elevations was marked and accepted into evidence as Petitioner's Exhibit 1A-1D.

Appearing at the public hearing in support of the requests was Michael Ogden on behalf of Kimco and professional engineer Michael Gesell, whose firm prepared the plans. Jennifer R. Busse, Esq. represented the Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. No substantive Zoning Advisory Committee (ZAC) comments were received from any of the county agencies.

SPECIAL HEARING

Petitioner in 2005 (Case No. 2005-0270-SPHA) was granted variance relief under B.C.Z.R. §409.6.A.2, permitting 406 off-street parking spaces in lieu of the required 523 spaces. The plan (Ex. 1A, note 8) indicates 406 parking spaces are in fact provided at the site, although Mr. Gesell testified some of those spaces could in the future be relocated such that they would not be in exactly the same location as shown on the plan approved in the 2005 case. Counsel indicated special hearing relief was sought to simply confirm that relocating off-street parking spaces at the center—provided those spaces remain accessible to customers--was permissible as long as the same number of spaces is provided. This is a reasonable request and the petition for special hearing will be granted.

VARIANCES

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

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

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

Petitioner has met this test. The parcel is irregularly shaped and Mr. Gesell noted the shopping center sits approximately 15-20 feet lower than York Road, which limits to some extent a motorist's view into the site. As such the property is unique. Petitioner would experience practical difficulty if the regulations were strictly interpreted because it would be unable to provide appropriate signage for its current and future tenants. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of County and/or community opposition.

THEREFORE, IT IS ORDERED this 29th day of **June, 2016**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to confirm that the parking variance approved in Case No. 05-270-SPHA is applicable to the current and future development during the phased construction of the improvements as long as the minimum number of parking spaces approved by that variance is maintained for the shopping center, be and is hereby GRANTED.

IT IS FURTHER ORDERED the Petition for Variance: (1) to permit wall mounted enterprise signs with a total square footage each of up to three (3) times the length of the wall to which the sign is affixed converted to square footage in lieu of the permitted two (2) times the

length of the wall converted to square footage; (2) to permit two (2) wall-mounted enterprise signs on the front wall with a customer entrance in lieu of the permitted one (1) wall-mounted sign (Bldg. 1, space 'E'); (3) to permit two (2) free standing joint identification signs with electronic reader board in lieu of the permitted one (1) per frontage; (4) to permit an electronic reader board with multiple lines of text in lieu of the permitted five (5) lines of text and with sign copy height less than the required eight (8) inches; and (5) to permit twelve (12) wall mounted enterprise signs on a front wall with a customer entrance in lieu of the permitted one (1) wall-mounted sign (Bldg. 1, space 'A'), be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

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

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

JEB/sln


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

IN RE: **PETITIONS FOR SPECIAL HEARING *
AND VARIANCE**

(11317 York Road)
8th Election District
3rd Council District
Stonehenge, LLC
Legal Owner

Petitioner

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2017-0213-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Stonehenge, LLC, legal owner ("Petitioner"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit 60 parking spaces in the RC-6 zone. In addition, a Petition for Variance seeks: (1) To permit a building setback of 0.75 ft. in lieu of the required 25 ft. from the future right-of-way; (2) To permit direct access to parking spaces off of a vehicular travel way; (3) To permit a parking landscape setback of 0 ft. in lieu of the required 10 ft. from the future right-of-way; (4) To permit direct access to parking spaces on a street where the average daily traffic exceeds 800 vehicles; and (5) To permit one (1) wall mounted enterprise sign on the front wall without a customer entrance in lieu of the permitted zero (0) wall mounted signs. A site plan was marked and accepted into evidence as Petitioner's Exhibit 1.

Greg Reed and Dana Valenti (on behalf of the owner) and professional engineer Mike Gesell appeared in support of the requests. Jennifer R. Busse, Esq. represented the Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC)

ORDER RECEIVED FOR FILING

Date

4/14/17

By

sen

comments were received from the Department of Planning (DOP) and the Department of Environmental Protection and Sustainability (DEPS). Neither agency opposed the requests.

The subject property is located at the intersection of York and Shawan Roads in Hunt Valley. The site is approximately 11.49 acres in size and is split-zoned BR and RC-6. The site is improved with a strip shopping center (i.e., Shawan Plaza Shopping Center) containing a Giant grocery store, restaurants and several other retail stores. Petitioner proposes to construct a two-story building which would adjoin the Giant food store along the northern boundary of the site. The first floor would contain 5,887 sq. ft. and the second floor would be 9,667 sq. ft. The building would serve as the regional headquarters for Kimco Realty, and would have approximately 60 employees.

This is somewhat of an unusual case, in that Petitioner seeks a building setback variance (as well as other variance requests) from a "future right-of-way." The 90 ft. right-of-way in question is shown on an April, 1988 CRG plan from when the site was first developed. But the right-of-way has never been dedicated to the County, so as a technical matter one could argue a building setback variance is not required since the proposed building would in fact be located more than 25 ft. from the existing "property line." B.C.Z.R. §238.1. Even so, Petitioner acknowledges the right-of-way (which could be used for an extension of Shawan Road) is shown on both the CRG plan and the Hunt Valley/Timonium Master Plan (which is incorporated into Master Plan 2020), so it believed the more prudent course was to include the setback variance request.

The original zoning petition did not include a request concerning the number of off-street parking spaces provided for the overall shopping center. Petitioner explained it was granted a variance in 2005 permitting 406 spaces in lieu of the required 523. And in 2015 it sought and obtained a declaration that the relief granted in 2005 was applicable to future construction and projects at the property. This is in accord with the general rule in zoning cases. 3 Rathkopf's The

ORDER RECEIVED FOR FILING

Date

4/14/17

By

sen

Law of Zoning and Planning § 58:23 (4th ed.) (generally, a grant of a zoning variance runs with the land). Petitioner explained that the 2005 variance permitted a reduction of 117 spaces, and that in this case the deficit (i.e., 574 spaces required—463 provided) would be less than the 117 shortfall approved in 2005.

While that may be the case, Petitioner is proposing to construct a new building at the site which increases the number of parking spaces required beyond the number at issue in the 2005 case (i.e., 523). As such, as discussed at the hearing, I believe it is preferable to include an additional variance request here to permit 463 spaces in lieu of the required 574. This will more accurately reflect the current state of affairs and will assist others viewing the zoning and development history of the site. The Petition was so amended following the hearing at the suggestion of the undersigned.

SPECIAL HEARING

The special hearing request seeks approval for business parking in a residential zone. The parking spaces in question would be behind the shopping center and located in the RC-6 zone, which necessitates zoning relief. Petitioner originally sought approval for 60 off-street parking spaces, although following discussions with County review agencies the Petition was amended and requests approval for 36 spaces.

Mr. Gesell opined (via proffer) Petitioner satisfied the requirements of B.C.Z.R. §409.8, as well as the special exception standards which are incorporated into the aforementioned regulation. The undersigned reviewed with Petitioner the restrictions contained in B.C.Z.R. §409.8.B.2, and I believe the parking arrangement as proposed will satisfy these conditions. As such, the petition for special hearing will be granted.

ORDER RECEIVED FOR FILING

Date 4/14/17

By Sen

VARIANCE

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

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

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

Petitioner has met this test. The property has irregular dimensions and is therefore unique. In addition, the property was found to be unique in several prior zoning cases. *See, e.g.*, Case Nos. 2016-0178-SPHA & 2011-0295-A. Petitioner would experience practical difficulty if the regulations were strictly interpreted because it would be unable to construct the proposed building. Finally, I do not believe granting the variance request would have a detrimental impact upon the community.

THEREFORE, IT IS ORDERED this 14th day of **April, 2017**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit 36 parking spaces in the RC 6 zone, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the petition for variance as follows: (1) To permit a building setback of 0.75 ft. in lieu of the required 25 ft. from the future right-of-way; (2) To permit direct access to parking spaces off of a vehicular travel way; (3) To permit a parking landscape setback of 0 ft. in lieu of the required 10 ft. from the future right-of-way; (4) To permit direct access to parking spaces on a street where the average daily traffic exceeds 800 vehicles; (5) To permit one (1) wall mounted enterprise sign on the front wall without a customer entrance in lieu of the permitted zero (0) wall mounted signs; and (6) to permit 463 parking spaces in lieu of the

ORDER RECEIVED FOR FILING

Date

4/14/17

By

sen

required 574 (489 spaces will be provided, but the 26 spaces shown in the future right-of-way shall not be used for purposes of this calculation), be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioner shall provide landscaping at the site as determined in the sole discretion of the Baltimore County landscape architect.
3. Petitioner must comply with the ZAC comment submitted by DEPS, a copy of which is attached.
4. Should Baltimore County decide to extend Shawan Road and acquire the 90 ft. right-of-way shown on the site plan, Petitioner would be responsible for removing at its own expense any parking spaces, landscaping or other improvements constructed in that right-of-way.

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 4/14/17

By sen

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
FEB 15 2017
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: February 15, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0213-SPHA
Address 11317 York Road
(Stonehedge, LLC Property)

Zoning Advisory Committee Meeting of **February 20, 2017**

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

Delineation of surface water resources and subsequent establishment of Forest Buffer Easement may be required. EIR will provide detailed comments on this and Forest Conservation requirements during the Phase 2 review process.

Reviewer: Glenn Shaffer Date: Feb. 13, 2017

ORDER RECEIVED FOR FILING

Date 4/14/17
By Sen



KEVIN KAMENETZ
County Executive

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

April 14, 2017

Jennifer R. Busse, Esq.
Whiteford, Taylor & Preston
1 W. Pennsylvania Avenue, Suite 300
Towson, Maryland 21204

RE: Petitions for Special Hearing and Variance
Case No. 2017-0213-SPHA
Property: 11317 York Road

Dear Mrs. Busse:

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", with a long horizontal flourish extending to the right.

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 11317 York Road

which is presently zoned BR/RC6

Deed References: 12263/00228

10 Digit Tax Account # 0 8 1 6 0 4 2 0 2 5

Property Owner(s) Printed Name(s) Stonehenge, 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. X a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

PLEASE SEE ATTACHED

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

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

PLEASE SEE ATTACHED

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

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

N/A

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Dana Valenti, Stonehedge LLC /

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

1954 Greenspring Ave. #330, Timonium, MD

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Jennifer R. Busse, Esquire

Name - Type or Print

Signature

Whiteford, Taylor & Preston

1 W. Pennsylvania Ave., Ste. 300, Towson MD

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Jennifer R. Busse, Esquire

Name - Type or Print

Signature

Whiteford, Taylor & Preston

1 W. Pennsylvania Ave., Ste. 300, Towson MD

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2017-0213-SPHA Filing Date 2 / 9 / 17

Do Not Schedule Dates: _____ Reviewer RD

ORDER RECEIVED FOR FILING

Date

By

REV-10/4/11

REVISED

Attachment to Zoning Petitions

11317 York Road

Variances:

Petition for Variance from BCZR Section 238.1 to permit a building setback of 0.75-feet in lieu of the required 25-feet from the future right-of-way

Petition for Variance from BCZR Section 409.4 to permit direct access to parking spaces off of a vehicular travel way

Petition for Variance from BCZR Section 409.8.A.1 to permit a parking landscape setback of 0-feet in lieu of the required 10-feet from the future right-of-way

Petition for Variance from BCZR Section 409.8.A.4 to permit a parking landscape setback of 0-feet in lieu of the required 10-feet from the future right-of-way

Petition for Variance from BCZR Section 409.8.C.2 to permit direct access to parking spaces on a street where the average daily traffic exceeds 800 vehicles

Petition for Variance from BCZR Section 450.4 Attachment 1, 5.(d)(VI)(page 4 Attachment 1:3) to permit one (1) wall mounted enterprise sign on the front wall (west elevation facing York Road) without a customer entrance in lieu of the permitted zero (0) wall mounted signs

Petition for Variance from BCZR Section 409.6.A.2 to permit 463 parking spaces in lieu of required 574 (489 spaces will be provided but request for 463 does not count the 26 spaces in the potential future right of way)

Special Hearing:

Petition for Special Hearing in accordance with BCZR Section 409.8.B.1 to permit 36 (thirty-six) parking spaces in the R.C.6 (Rural Conservation and Residential Zone)

Attachment to Zoning Petitions

11317 York Road

OLD

Variances:

Petition for Variance from BCZR Section 238.1 to permit a building setback of 0.75-feet in lieu of the required 25-feet from the future right-of-way

Petition for Variance from BCZR Section 409.4 to permit direct access to parking spaces off of a vehicular travel way

Petition for Variance from BCZR Section 409.8.A.1 to permit a parking landscape setback of 0-feet in lieu of the required 10-feet from the future right-of-way

Petition for Variance from BCZR Section 409.8.A.4 to permit a parking landscape setback of 0-feet in lieu of the required 10-feet from the future right-of-way

Petition for Variance from BCZR Section 409.409.8.C.2 to permit direct access to parking spaces on a street where the average daily traffic exceeds 800 vehicles

Petition for Variance from BCZR Section 450.4 Attachment 1, 1(D)(VI) to permit one (1) wall mounted enterprise sign on the front wall without a customer entrance in lieu of the permitted zero (0) wall mounted signs

Special Hearing:

Petition for Special Hearing in accordance with BCZR Section 409.8.B.1 to permit 60 (sixty) parking spaces in the R.C.6 (Rural Conservation and Residential Zone)

Item #0213



BOHLERTM
ENGINEERING

901 Dulaney Valley Road, Suite 801
Towson, MD 21204
PHONE 410.821.7900
FAX 410.821.7987

ZONING DESCRIPTION
TAX MAP 42, PARCEL 200
THE LAND OF
STONEHENGE, LLC.
LIBER 12263 FOLIO 228
8TH ELECTION DISTRICT
BALTIMORE COUNTY, MD

BEGINNING AT A POINT ON THE EASTERLY RIGHT-OF-WAY LIMITS OF YORK ROAD (MD ROUTE 45) (VARIABLE WIDTH RIGHT-OF-WAY), WHICH IS 99 FEET NORTHEAST OF THE INTERSECTION OF SAID YORK ROAD AND SHAWAN ROAD (VARIABLE WIDTH RIGHT-OF-WAY), THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LIMITS AND WITH THE DIVISION LINE BETWEEN THE SHAWAN ROAD RIGHT-OF-WAY ON THE NORTH AND THE LAND OF STONEHENGE, LLC. (LIBER 12263 FOLIO 228) ON THE SOUTH;

1. NORTH 83 DEGREES – 28 MINUTES – 47 SECONDS EAST, 740.61 FEET TO A POINT, THENCE;
2. CONTINUING SOUTH 02 DEGREES – 26 MINUTE – 26 SECONDS EAST, 646.85 FEET TO A POINT, THENCE;
3. CONTINUING SOUTH 71 DEGREES – 03 MINUTES – 38 SECONDS WEST, 643.96 FEET TO A POINT, THENCE;
4. CONTINUING NORTH 13 DEGREES – 46 MINUTES – 32 SECONDS WEST, 99.90 FEET TO A POINT, THENCE;
5. CONTINUING NORTH 21 DEGREES – 30 MINUTES – 43 SECONDS WEST, 195.94 FEET TO A POINT, THENCE;
6. CONTINUING NORTH 19 DEGREES – 23 MINUTES – 08 SECONDS WEST, 98.15 FEET TO A POINT, THENCE;
7. CONTINUING NORTH 17 DEGREES – 49 MINUTES – 44 SECONDS WEST, 175.17 FEET TO A POINT, THENCE;
8. CONTINUING NORTH 03 DEGREES – 14 MINUTES – 29 SECONDS EAST, 73.58 FEET TO A POINT, THENCE;
9. CONTINUING NORTH 15 DEGREES – 28 MINUTES – 05 SECONDS WEST, 54.41 FEET TO A POINT, THENCE;
10. CONTINUING NORTH 19 DEGREES – 34 MINUTES – 48 SECONDS EAST, 113.16 FEET TO THE POINT OF BEGINNING.

CONTAINING 520,072 SQUARE FEET OR 11.49 ACRES



2017-0213 SPAH

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

Nº 148661

Date: 2/9/17

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$1000

Total: \$1000

Rec From: Stonington LLC
For: Zoning hearing - case # 2017-0213-SPHA

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
2/10/2017 2/09/2017 10:16:54 2
REG W502 WALKIN JEE
>>RECEIPT # 000180 2/09/2017 CFLH
Dept 5 528 ZONING VERIFICATION
CR NO. 148661
Recpt Tot \$1,000.00
\$1,000.00 CK \$0.00 CA
Baltimore County, Maryland

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

CERTIFICATE OF POSTING

CASE NO: 2017-0213-SPHA

PETITIONER/DEVELOPER

WHITEFORD, TAYLOR & PRESTON LLP

DATE OF HEARING/CLOSING:

4/12/17

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT _____

11317 YORK ROAD

THIS SIGN(S) WERE POSTED ON _____
(MONTH, DAY, YEAR)

March 21, 2017

SINCERELY,

 3/21/17
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE

(SIGN POSTER)

~~60 CHELMSFORD COURT~~ 9912 MAIDBROOK RD

BALTIMORE, MD ~~21220~~ 21234

(ADDRESS)

PHONE NUMBER: 443-629-3411



zach 3/21/17



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 4844475

Sold To:

Whiteford-Taylor & Preston LLP - CU00187154
1 W Pennsylvania Ave Ste 300
TOWSON,MD 21204

Bill To:

Whiteford-Taylor & Preston LLP - CU00187154
1 W Pennsylvania Ave Ste 300
TOWSON,MD 21204

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

Mar 21, 2017

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

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: # 2017-0213-SPH
11317 York Road, S of Shawan Road, (SE corner of E/S York Road)
Intersection
8th Election District - 3rd Councilmanic District
Legal Owner(s) Dana Valenti, Stonehedge, LLC

SPECIAL HEARING: to permit 60 parking spaces in the RC-6 (Rural Conservation and Residential Zone) commercial parking in a residential zone.

VARIANCE: to permit a building setback of 0.75 ft. in lieu of the required 25 ft. from the future right-of-way; to permit direct access to parking spaces off a vehicular travel way; to permit a parking landscape setback of 0 ft. in lieu of the required 10 ft. from the future right of way. To permit direct access to parking spaces on a street where the average daily traffic exceeds 800 vehicles. To permit one wall mounted entrance sign on the front wall without a customer entrance in lieu of the permitted zero wall mounted signs.

Hearing: Monday, April 10, 2017 at 1:30 p.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.

JT 3/7/26 March 21 4844475

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 13, 2017 Issue - Jeffersonian

Please forward billing to:

Jennifer Busse
Whiteford, Taylor & Preston
One W. Pennsylvania Avenue, Ste. 300
Towson, MD 21204

410-832-2077

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: 2017-0213-SPH

11317 York Road

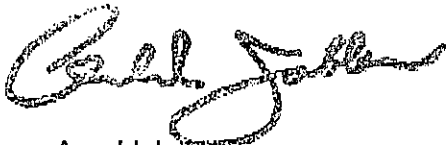
E/s York Road, S/of Shawan Road, (SE corner of intersection)

8th Election District – 3rd Councilmanic District

Legal Owners: Dana Valenti, Stonehedge, LLC

Special Hearing to permit 60 parking spaces in the RC-6 (Rural Conservation and Residential Zone) commercial parking in a residential zone. **Variance** to permit a building setback of 0.75 ft. in lieu of the required 25 ft. from the future right-of-way; to permit direct access to parking spaces off a vehicular travel way; to permit a parking landscape setback of 0 ft. in lieu of the required 10 ft. from the future right-of-way. To permit direct access to parking spaces on a street where the average daily traffic exceeds 800 vehicles. To permit one wall mounted enterprise sign on the front wall without a customer entrance in lieu of the permitted zero wall mounted signs.

Hearing: Monday, April 10, 2017 at 1:30 p.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.



March 13, 2017
KEVIN KAMENETZ
County Executive

NOTICE OF ZONING HEARING

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

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: 2017-0213-SPHA

11317 York Road

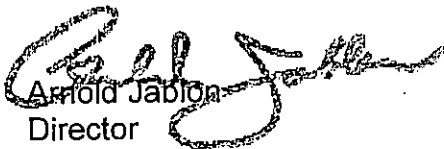
E/s York Road, S/of Shawan Road, (SE corner of intersection)

8th Election District -- 3rd Councilmanic District

Legal Owners: Dana Valenti, Stonehedge, LLC

Special Hearing to permit 60 parking spaces in the RC-6 (Rural Conservation and Residential Zone) commercial parking in a residential zone. **Variance** to permit a building setback of 0.75 ft. in lieu of the required 25 ft. from the future right-of-way; to permit direct access to parking spaces off a vehicular travel way; to permit a parking landscape setback of 0 ft. in lieu of the required 10 ft. from the future right-of-way. To permit direct access to parking spaces on a street where the average daily traffic exceeds 800 vehicles. To permit one wall mounted enterprise sign on the front wall without a customer entrance in lieu of the permitted zero wall mounted signs.

Hearing: Monday, April 10, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Arnold Jablon
Director

AJ:kl

C: Jennifer Busse, 1 W. Pennsylvania Avenue, Ste. 300, Towson 21204
Dana Valenti, 19554 Greenspring Avenue, #330, Timonium 21093

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 21, 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.

**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/neighborhood 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: 2017-0213-SHA
Property Address: 11317 York Road
Property Description: East Side York Road, South
of Shawan Road
Legal Owners (Petitioners): Stonehenge, LLC
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jenn Busse
Company/Firm (if applicable): WTP
Address: One W. Pennsylvania Ave.
Ste. 300
Towson MD 21204
Telephone Number: 410 832 2077

Revised 7/9/2015



KEVIN KAMENETZ
County Executive

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

April 5, 2017

Dana Valenti, Stonehenge LLC
1954 Greenspring Avenue
Suite 330
Timonium MD 21093

RE: Case Number: 2017-0213 SPHA, Address: 11317 York Road

Dear Mr. Valenti:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 9, 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Jennifer R Busse, Esquire, 1 W Pennsylvania Avenue, Suite 300, Towson MD 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 4/3/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-213

INFORMATION:

Property Address: 11317 York Road
Petitioner: Dana Valenti
Zoning: BR, RC 6
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should permit 60 parking spaces in the RC 6 zone and also the petition for variance to permit a building setback of 0.75 feet from the future ROW, a parking landscape setback of 0 feet from the future ROW and one (1) wall mounted enterprise sign on the front wall without a customer entrance in lieu of the required 25 feet from the future ROW, 10 feet from the future ROW and zero (0) wall mounted signs respectively and to permit direct access to parking spaces off a vehicular travel way and permit direct access to parking spaces on a street where the average ADT exceeds 800 vehicles.

A site visit was conducted on February 27, 2017. The subject site is within the Hunt Valley/ Timonium Master Plan adopted into the Master Plan by the County Council on October 19, 1998. The plan lists as objectives *"Improving the Visual Quality of the York Road Corridor."* (Page 28) and *"Improving the Visual Quality and Providing Important Support Amenities"* (Pages 27, 28).

The proposal is for a two story building of 15,554 square feet for office and future retail. The Department supports the additional office space in that it is consistent with the "Employment Center" 2020 Master Plan land use designation for this area. To mitigate landscaping lost on the Shawan Road side of the project, the developer has proposed significant additional plantings in the northwest corner of the site, which has the highest visibility from York Road. Further, in response to concerns expressed by the Department, the petitioner has revised the plan to limit the additional parking in the RC 6 zone thereby avoiding an area in said zone having site constraints and not being suitable for the parking proposal.

The Department has no objection to granting the petitioned zoning relief and by this recommendation finds the proposal to be consistent with the spirit and intent of the legislative goals of BCZR § 1A07.

RECEIVED
MAY 01 2017

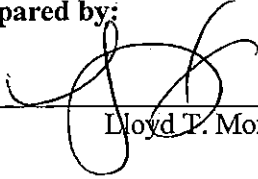
Date: 4/3/2017

Subject: ZAC #17-213

Page 2

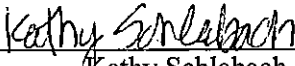
For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Wally Lippincott

James Hermann, R.L.A., Department of Permits, Approvals and Inspections

Jennifer R. Busse, Esquire

Office of the Administrative Hearings

People's Counsel for Baltimore County

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



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

Date: 2/13/17

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

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 2/13/17. A field inspection and internal review reveals that an entrance onto MD 45 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Special Hearing Case Number 2017-0213-5PHA

Special Hearing
Dana Valenti, Stonehedge, LLC
11317 York Road -
MD 45

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

Sincerely,

A handwritten signature in black ink, appearing to read "Wendy Wolcott".

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

WW/RAZ

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 23, 2017

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

SUBJECT: Zoning Advisory Committee Meeting
For February 20, 2017
Item No. 2017-0205, 0206, 0207, 0209, 0210, 0211, 0212 and 0213

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\ZAC02202017.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-213



INFORMATION:

Property Address: 11317 York Road
Petitioner: Dana Valenti
Zoning: BR, RC 6
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should permit 60 parking spaces in the RC 6 zone and also the petition for variance to permit a building setback of 0.75 feet from the future ROW, a parking landscape setback of 0 feet from the future ROW and one (1) wall mounted enterprise sign on the front wall without a customer entrance in lieu of the required 25 feet from the future ROW, 10 feet from the future ROW and zero (0) wall mounted signs respectively and to permit direct access to parking spaces off a vehicular travel way and permit direct access to parking spaces on a street where the average ADT exceeds 800 vehicles.

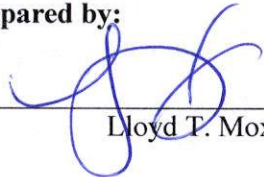
A site visit was conducted on February 27, 2017. The subject site is within the Hunt Valley/ Timonium Master Plan adopted into the Master Plan by the County Council on October 19, 1998. The plan lists as objectives *"Improving the Visual Quality of the York Road Corridor."* (Page 28) and *"Improving the Visual Quality and Providing Important Support Amenities"* (Pages 27, 28).

The proposal is for a two story building of 15,554 square feet for office and future retail. The Department supports the additional office space in that it is consistent with the "Employment Center" 2020 Master Plan land use designation for this area. To mitigate landscaping lost on the Shawan Road side of the project, the developer has proposed significant additional plantings in the northwest corner of the site, which has the highest visibility from York Road. Further, in response to concerns expressed by the Department, the petitioner has revised the plan to limit the additional parking in the RC 6 zone thereby avoiding an area in said zone having site constraints and not being suitable for the parking proposal.

The Department has no objection to granting the petitioned zoning relief and by this recommendation finds the proposal to be consistent with the spirit and intent of the legislative goals of BCZR § 1A07.

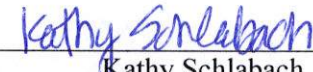
For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Wally Lippincott
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Jennifer R. Busse, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: February 15, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0213-SPHA
Address 11317 York Road
(Stonehedge, LLC Property)

Zoning Advisory Committee Meeting of February 20, 2017

 X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

 X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

 X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

Delineation of surface water resources and subsequent establishment of Forest Buffer Easement may be required. EIR will provide detailed comments on this and Forest Conservation requirements during the Phase 2 review process.

Reviewer: Glenn Shaffer

Date: Feb. 13, 2017

RE: PETITION FOR SPECIAL HEARING
AND VARIANCE
11317 York Road; E/S York Road,
S of Shawan Road
8th Election & 3rd Councilmanic Districts
Legal Owner(s): Stonehedge, LLC
by Dana Valenti

Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2017-213-SPHA

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

FEB 16 2017

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of February, 2017, a copy of the foregoing Entry of Appearance was mailed to Jennifer Busse, Esquire, Whiteford, Taylor & Preston, One West Pennsylvania Avenue, Suite 300, 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: May 16, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0213-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on May 15, 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

John E. Beverungen

From: Busse, Jennifer R. <jbusse@wtplaw.com>
Sent: Tuesday, April 11, 2017 1:43 PM
To: John E. Beverungen
Subject: Zoning Case 2017-213-SPHA
Attachments: TOWSON-#446593-v2-Kimco_Shawan_attachment_to_zoning_petitions.DOCX;
TOWSON-#446593-v3-Kimco_Shawan_attachment_to_zoning_petitions.DOCX

Hello Judge Beverungen –

Please find our revised requested relief.

As discussed at the hearing, while it is the zoning office's policy that zoning variances run with the land, and we are not now seeking relief for a greater reduction in the number of spaces, we agree that seeking the relief in the manner identified on our attached revised petition will be easier for others to follow when reviewing the site's zoning history in the future.

Thank you for your assistance in this matter.

Please don't hesitate to let me know if you have any questions or concerns.



Whiteford | Taylor | Preston."

Jennifer R. Busse | *Partner*

Towson Commons, Ste. 300 | One West Pennsylvania Avenue | Towson, MD | 21204-5025

t: 410.832.2077 | f: 410.339.4027

jbusse@wtplaw.com | [Bio](#) | [vCard](#) | <http://secure->

web.cisco.com/1QHWWHKe1i08KRQ9wsyUjSwNDULEmN4t4SjdXpdHG9T8x69p1NTdRzIktwWmqx2ubAWc-Z69dLALkKPbFaQJsaIQkd38TNiF-7gUOSH8ihV_VlgyIDkqjmGeFnk5POccuPwU9Gs5tq-VDooz6OOqfO9nN5f1ChMwy2qdPzZk0z-OKoiorvuRXgzOKvOd31JD452rBJTpirXfHnLyDIH_YcVAUsakXthid9xYfvQd9XA97wXzgiHob3IPDU6jZ7g7Osnlb3KbND1jINIBJJCIWrWZSb47b7IUQC3aEwWYyhlogdPozX3ueVgvc2uyTmbHW9lnp9mHfL3JT5PCXsYBlrx3b0D2b1NOHRsYWKkmHnJmyGTftNfBSW3JU3JUffpl-DW-0XGB4VrTrzDZnDxMaCpep_anqnXT-lxf45EFIFNPdUKQXGFWv_vwx2ik0YSXLrCbmmQpiYCiojwal3Vug/http%3A%2F%2Fwww.wtplaw.com

WTP is a proud member of two global law firm networks.



PANGAEA NET

This transmission contains information from the law firm of Whiteford, Taylor & Preston LLP which may be confidential and/or privileged. The information is intended to be for the exclusive use of the planned recipient. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately.

John E. Beverungen

From: Dennis A Kennedy
Sent: Wednesday, April 12, 2017 9:18 AM
To: John E. Beverungen
Subject: RE: 11317 York Road

John:
The CRG plan from the 1980s did not require dedication and we have amended the plan a few times without addressing it. The proposal to build next to the right-of-way is probably not reason enough to require it now. That being said, they have agreed that if the County ever decides to build the road, and if the County needs right-of-way to the line shown, they would remove their parking at their own cost. They are in the process of revising the CRG and we are requiring a note on the plan for them to do that.
In addition, the right-of-way shown is 90-feet wide. If the road were ever extended, a long bridge would be needed to get to Paper Mill Road. This bridge would probably not be wider than three lanes so there would be no reason to build five or six lanes at the shopping center and taper them down to three at the bridge. And therefore 90-feet is probably 25 or 30 feet too wide. This was my logic in not worrying about the parking encroachment and dedication of the right-of-way at this time.

Thanks, I will miss seeing everyone.
Yes, I decided to retire while I am still young, relatively speaking.

From: John E. Beverungen
Sent: Tuesday, April 11, 2017 3:47 PM
To: Dennis A Kennedy <DKennedy@baltimorecountymd.gov>
Subject: 11317 York Road

Dennis, I had a hearing in this case yesterday, wherein Kimco proposes to construct a building for its offices adjacent to the Giant food store in the Shawan Road plaza in Hunt Valley. The first variance sought is for a 0.75 ft. bldg.. setback from a "future right-of-way" in lieu of the required 25 ft. I understand the future ROW refers to a potential extension of Shawan Road, which ROW was shown on an approved CRG plan when this site was first developed. Counsel said the ROW was never dedicated to or accepted by the County, and that the County has not filed a condemnation case to acquire the ROW.

To your knowledge, is that correct? If so, should the variance be granted only upon condition the developer provide the ROW to the county at no cost if and when needed for the roadway extension project? What are your thoughts?

Tim K. told me you are retiring. If so, I'll be sorry to see you go, but I know that I won't be too far behind!

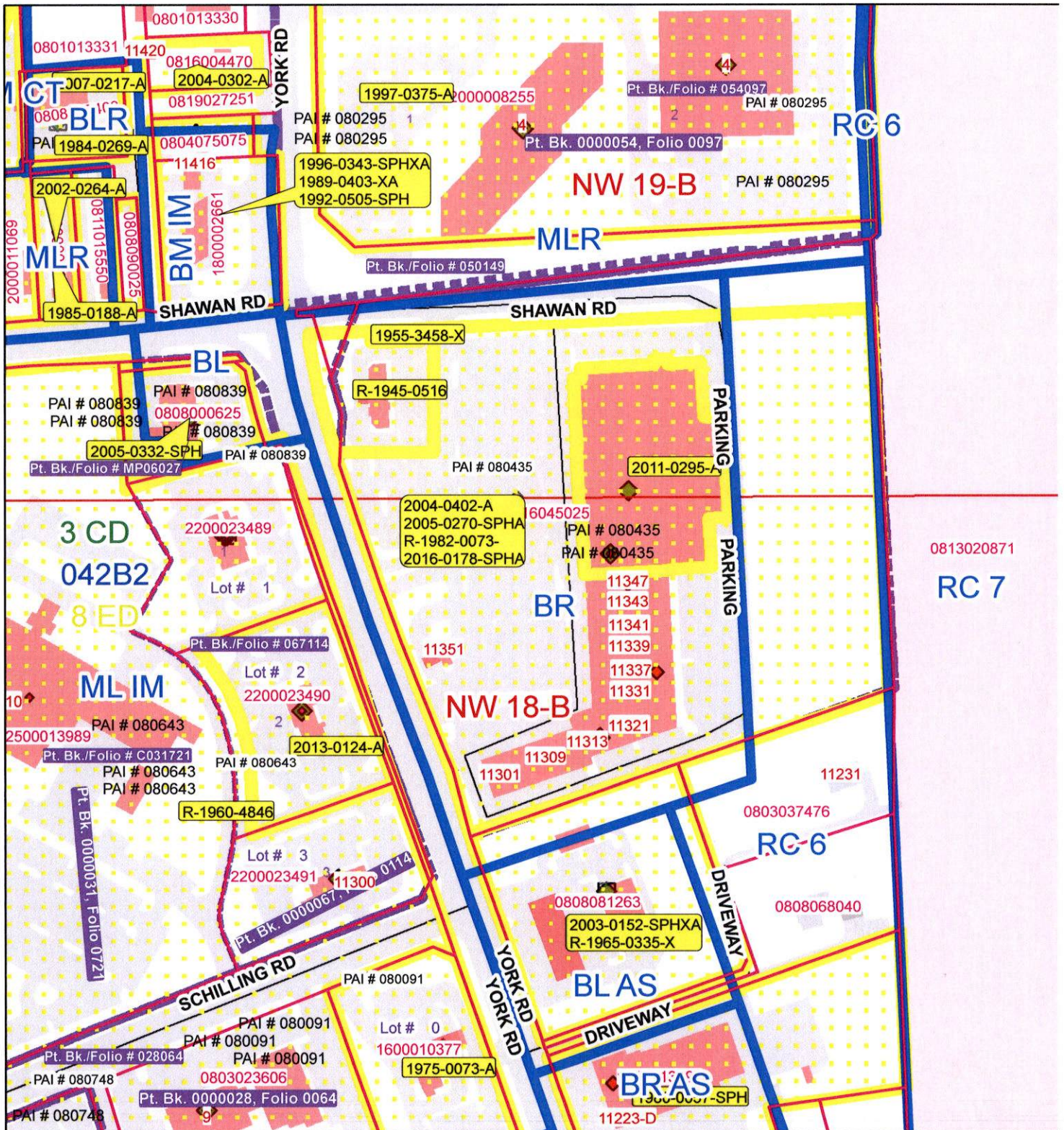
Thanks, John.

<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 - 08 Account Number - 0816045025			
Owner Information					
Owner Name:		STONEHENG LLC C/O KIMCO REALTY CORP		Use:	COMMERCIAL
Mailing Address:		SUITE 100 3333 NEW HYDE PARK RD NEW HYDE PARK NY 11042-1205		Principal Residence:	NO
				Deed Reference:	/12263/ 00228
Location & Structure Information					
Premises Address:		11317 YORK RD COCKEYSVILLE MD 21030-1909		Legal Description:	11.9398 AC ES YORK RD 70 N COR SHAWAN RD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0042	0016	0200		0000	2017
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area	Property Land Area	County Use
1989	94993			11.9300 AC	14
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
		SHOPPING CENTER / COMMUNITY			
Value Information					
	Base Value	Value As of 01/01/2017	Phase-in Assessments As of 07/01/2016 As of 07/01/2017		
Land:	12,197,500	12,197,500			
Improvements	6,805,800	6,430,800			
Total:	19,003,300	18,628,300	19,003,300	18,628,300	
Preferential Land:	0			0	
Transfer Information					
Seller: STONEHENG LIMITED PARTNERSHIP		Date: 06/30/1997		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /12263/ 00228		Deed2:	
Seller: SHAWAN ASSOCIATE S		Date: 12/23/1988		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /08359/ 00412		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

Hunt Valley Trade Center



Publication Date: 2/6/2017



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

Item # 0213

CASE NAME Kimco - Stonehedge
CASE NUMBER 2017-243-
DATE 4/10/17 SP47

[illegible]

4/10
1:30
PM

Case No.: 2017-0213-SPHA-11317 York Rd.

Exhibit Sheet

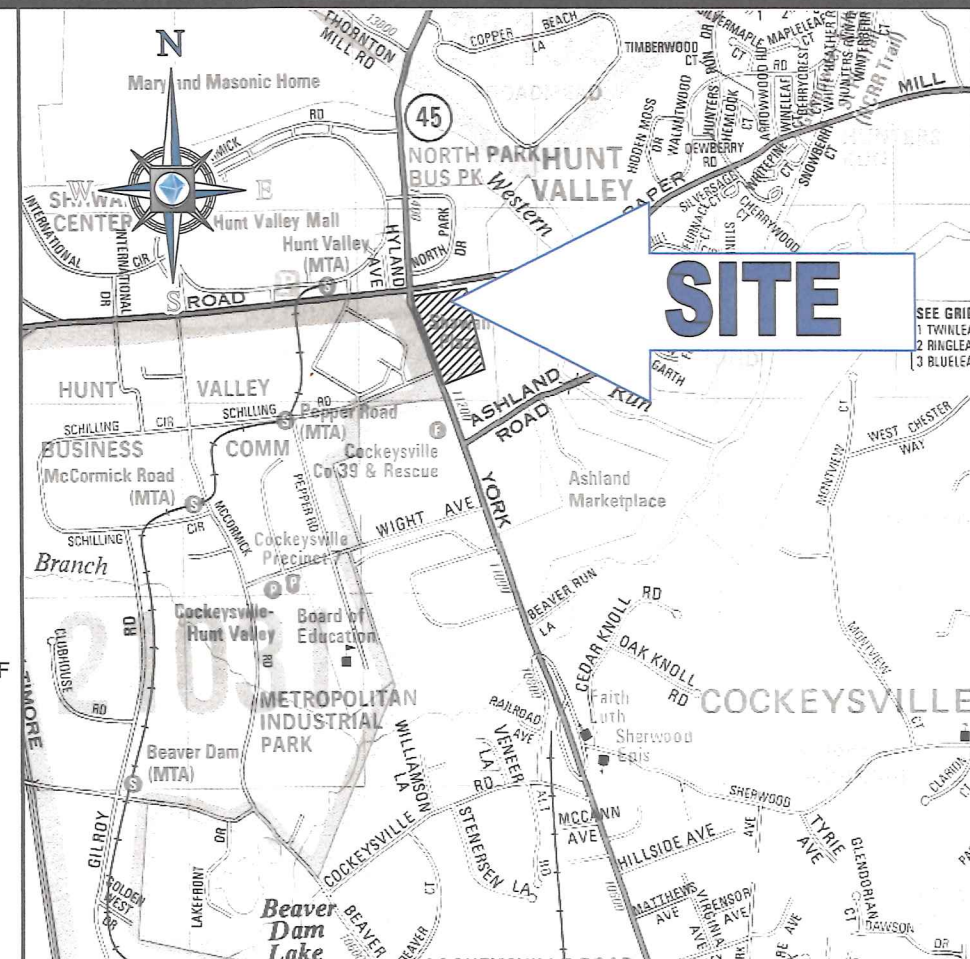
Petitioner/Developer

DW
5-16-17

Protestants

Sen
4-14-17

No. 1	site plan	
No. 2	Aerial exhibit	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



SITE

CIRCUIT COURT CASE NO: 82-M-3
BALTIMORE COUNTY CIRCUIT COURT REVERSED ORDER FROM THE
BALTIMORE COUNTY COURT OF APPEALS.

COURT OF SPECIAL APPEALS NO. 1381 (UNREPORTED)
SEPTEMBER TERM 1982 NO. R-82-73 (DECIDED MAY 2, 1983)
MARYLAND COURT OF SPECIAL APPEALS REVERSED THE ORDER FROM
BALTIMORE COUNTY CIRCUIT COURT AND UPHELD THE ORIGINAL DENIAL OF
THE RECLASSIFICATION PETITION FROM AN RC-2 TO A BR ZONE.

CASE NO. 04-402-A - (ORDER DATED APRIL 27, 2004) -
VARIANCE GRANTED FROM SECTION 409.6 OF THE BCZR TO PERMIT
PARKING SPACES IN LIEU OF THE REQUIRED 505 SPACES.

CASE NO. 05-270-SPHA - (ORDER DATED JANUARY 28, 2005) -
VARIANCE GRANTED FROM SECTION 409.6.A.2 TO PERMIT 406 OFF ST
PARKING SPACES IN LIEU OF THE REQUIRED 523 PARKING SPACES.

CASE NO. 11-0295-A - (ORDER DATED MAY 26, 2011) -
VARIANCE GRANTED TO ALLOW TEN (10) WALL-MOUNTED ENTERPRISE
SIGNS IN LIEU OF THE PERMITTED ONE (1) FOR BUILDING 'A' PURSUANT TO
BCZR SECTION 450.4 ATTACHMENT 1.5a

CASE NO. 16-0178-SHA - (ORDER DATED JUNE 29, 2016) -
SPECIAL HARKING PETITION TO CONFIRM PARKING VARIANCE APPROVED IN
CASE 05-270-SHA IS APPLICABLE TO CURRENT AND FUTURE
PERMITS GRANTED FOR THE INSTALLATION OF PERMANENT WALL-MOUNTED
ENTERPRISE SIGNS WITH A TOTAL SQUARE FOOTAGE OF UP TO THREE (3)
TIMES THE LENGTH OF THE WALL WHICH IT IS AFFIXED IN LIEU OF THE
PERMITTED TWO (2) TIMES THE LENGTH. VARIANCE GRANTED TO PERMIT
TWO (2) WALL-MOUNTED ENTERPRISE SIGNS ON THE FRONT WALL IN LIEU
OF THE PERMITTED ONE (1). VARIANCE GRANTED TO PERMIT TWO (2) FREE-
STANDING JUNGLE IDENTIFICATION SIGNS WITH ELECTRONIC READER BOARD
IN LIEU OF THE PERMITTED ONE(1). VARIANCE GRANTED TO PERMIT AN
ELECTRONIC READER BOARD WITH MULTIPLE LINES OF TEXT IN LIEU OF
THE PERMITTED FIVE (5) LINES. VARIANCE GRANTED TO PERMIT TWELVE
(12) WALL-MOUNTED ENTERPRISE SIGNS ON A FRONT WALL IN LIEU OF THE
PERMITTED ONE (1).

LOCATION MAP
COPYRIGHT ADC THE MAP PEOPLE
PERMIT USE NO. 20602

- | | | |
|----|------------------------|--------------------------|
| A. | SITE ADDRESS: | 11317 YORK ROAD |
| B. | SITE AREA: | 520,072 S.F. OR 11.49 AC |
| C. | ELECTION DISTRICT: | 8 |
| D. | COUNCILMANIC DISTRICT: | 3 |
| E. | ADC MAP: | 4460F1 AND 4460G1 |
| F. | CENSUS TRACT: | 408900 |
| G. | TAX MAP: | 42 |
| H. | PARCEL: | 200 |
| I. | TAX ACCOUNT NO: | 0816045025 |

- | | | |
|----------------------|--------------------|---|
| 5. FLOOR AREA RATIO: | ALLOWABLE:
0.50 | EXISTING / PROPOSED:
114,200 / 520,072 S.F. = 0.22 |
| 6. SETBACKS: | REQUIRED | |

- | | |
|------------|--|
| FRONT: | 50' FROM YORK RD. AND
25' FROM FUTURE SHAWAN
ROAD RIGHT-OF-WAY |
| SIDE(S): | 30' |
| PARCEL: | 30' |
| LANDSCAPE: | 10' |
| PARKING: | 10' (RIGHT-OF-WAY)
6' (ADJACENT COMMERCIAL USE)
15' (ADJACENT RESOURCE CONSERVATION USE) |

8. PARKING :
REQUIRED: (5 SPACES PER 1,000 S.F. OR GROSS LEASABLE AREA) X 114,200 S.F. = 571 SPACES
REDUCED: A VARIANCE PERMIT 418 PARKING SPACES IN LIEU OF THE REQUIRED 571 SPACES
PARKING SPACES FOR A REDUCTION OF 117 SPACES WAS APPROVED ON
JANUARY 28, 2005
REQUIRED LESS VARIANCE = 454 SPACES
PROVIDED:
EXISTING: 427
PROPOSED: 0
PROPOSED IN R/C ZONE: 36
PROPOSED IN FUTURE R.O.W.: 26
TOTAL: 454 PARKING SPACES (454 SPACES NOT INCLUDING SPACES WITH
OUTSTANDING SPACES)

9. THIS SITE IS SERVICED BY A PUBLIC WATER AND SEWER SYSTEM.
10. EXISTING SCREENING AND LANDSCAPING WILL REMAIN.
11. THE SITE IS NOT LOCATED WITHIN A 100-YEAR FLOODPLAIN PER FEMA MAP #24001002235F DATED SEPTEMBER 26, 2008.
12. THE SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICE AREAS.
13. THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THE SITE.
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. THE SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
16. THERE ARE NO KNOWN HISTORICAL STRUCTURES LOCATED ON THE PROPERTY.

EXHIBIT NO. 1

ADDITIONAL PROPOSED
PERVIOUS PAVEMENT WITHIN
R.C.6 ZONE = 5,663 S.F. OR 0.13 AC

TOTAL IMPERVIOUS WITHIN R.C.6 ZONE
(PER THE CRG PLAN APPROVED ON 11/11/14)
MORE THAN 10% OF THE RC ZONE
IMPROVED WITH IMPERVIOUS SURFACING
TOTAL PROPERTY WITHIN R.C.6 ZONE

STONE HENGE, LLC
C/O KIMCO REALTY CORPORATION
3333 NEW HYDE PARK RD.
NEW HYDE PARK, NY, 11042-1205

PROFESSIONAL CERTIFICATION
I, MICHAEL J. GESELL, 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. 44097. EXPIRATION DATE: 6/31/17

D:\M216205\DRAWINGS\EXHIBITS\PLAN TO ACCOMPANY SPECIAL HEARING\M216205\EX1.DWG PRINTED BY: MGESELL 4/08/17 @ 11:26 AM. LAST SAVED BY: JOCKET



BOHLER ENGINEERING

CORPORATE OFFICE:
♦ WARREN, NJ

CIVIL & CONSULTING ENGINEERS

SURVEYORS

PROJECT MANAGERS

ENVIRONMENTAL CONSULTANTS

LANDSCAPE ARCHITECTS

♦ ALBANY, NY ♦ SOME MD
♦ BETHESDA, MD ♦ TOWSON, MD
♦ BIRMINGHAM, AL ♦ WASHINGTON, DC
♦ CHAMPAIGN, IL ♦ WAREHOUSING, VA
♦ CHICAGO, IL ♦ WASHINGTON, VA
♦ CHICAGO, IL ♦ PHILADELPHIA, PA

BOHLER ENGINEERING, A DIVISION OF BOHLER GROUP, INC., IS AN EQUAL OPPORTUNITY EMPLOYER. MINORITIES AND WOMEN ARE ENCOURAGED TO APPLY. BOHLER GROUP, INC. IS AN EQUAL OPPORTUNITY EMPLOYER. MINORITIES AND WOMEN ARE ENCOURAGED TO APPLY. BOHLER GROUP, INC. IS AN EQUAL OPPORTUNITY EMPLOYER. MINORITIES AND WOMEN ARE ENCOURAGED TO APPLY.

[illegible]

THE FOLLOWING STATES REQUIRE NOTIFICATION BY
EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO
DISTURB THE EARTH'S SURFACE ANYWHERE IN THE STATE.
IN VIRGINIA, MARYLAND, THE DISTRICT OF COLUMBIA, AND
DELAWARE CALL - 811
(WV 1-800-245-4848) (PA 1-800-242-1776) (DC 1-800-257-7777)
(VA 1-800-552-7001) (MD 1-800-257-7777) (DE 1-800-282-8555)

PROJECT No.:	MD169005
DRAWN BY:	DML
CHECKED BY:	MJG
DATE:	03/28/17
SCALE:	1"=40'
CAD ID:	EX1

PROJECT:
PLAN TO ACCOMPANY
SPECIAL HEARING
AND VARIANCE
REQUEST

LOCATION OF SITE
SHAWAN PLAZA SHOPPING
CENTER
11317 YORK ROAD (MD.
ROUTE 45)
COCKEYSVILLE, MD



901 DULANEY VALLEY ROAD,
SUITE 801
TOWSON, MARYLAND 21204
Phone: (410) 821-7900
Fax: (410) 821-7987
www.BohlerEngineering.com



SHEET TITLE:

PLAN TO
ACCOMPANY
SPECIAL HEARING
AND VARIANCE
REQUEST

SHEET NUMBER:
1
OF 1



SITE

CASE NO. 18-0178-SHA - (ORDER DATED JUNE 28, 2018) - SPECIAL HARBOR PETITION TO CONFIRM PARKING VARIANCE APPROVED IN CASE 05-270-SHA IS APPLICABLE TO CURRENT AND FUTURE DEVELOPMENT GRANTED. VARIANCE GRANTED TO PERMIT WALL MOUNTED ENTERPRISE SIGNS WITH AN ELECTRICAL FOOTPRINT OF UP TO THREE (3) TIMES THE LENGTH OF THE WALL WHICH IT IS AFFIXED IN LIEU OF THE PERMITTED TWO (2) TIMES THE LENGTH. VARIANCE GRANTED TO PERMIT TWO (2) WALL MOUNTED ENTERPRISE SIGNS ON THE FRONT WALL IN LIEU OF THE PERMITTED ONE (1) WALL MOUNTED ENTERPRISE SIGN. VARIANCE GRANTED TO PERMIT TWO (2) WALL MOUNTED ENTERPRISE SIGNS WITH ELECTRONIC READER BOARD IN LIEU OF THE PERMITTED ONE (1). VARIANCE GRANTED TO PERMIT AN ELECTRONIC READER BOARD WITH MULTIPLE LINES OF TEXT IN LIEU OF THE PERMITTED ONE (1) FULL SIZE SIGN. VARIANCE GRANTED TO PERMIT TRAVELER IDENTIFICATION SIGN WITH ELECTRONIC READER BOARD IN LIEU OF THE PERMITTED ONE (1).



COPYRIGHT ADC THE MAP PEOPLE
PERMIT USE NO. 20802

1. PROPERTY INFORMATION

1. PROPERTY INFORMATION:
- A. SITE ADDRESS: 11317 YORK ROAD
B. SITE AREA: 520,072 S.F. OR 11.49 AC
C. ELECTION DISTRICT: 8
D. COUNCILMANIC DISTRICT: 3
E. ADC MAP: 4480F1 AND 4480G1
F. CENSUS TRACT: 408800
G. TAX MAP: 42
H. PARCEL: 200
I. TAX ACCOUNT NO: 0819045025
2. ZONING : BR (BUSINESS ROADSIDE)
RC-8 (RURAL CONSERVATION AND RESIDENTIAL)
3. ZONING MAP REFERENCE: Q4282
4. LAND USE: EXISTING; PLANNED SHOPPING CENTER
5. FLOOR AREA RATIO: ALLOWABLE: 0.50 EXISTING/PROPOSED: 114,772 / 520,072 S.F. = 0.22
105,009 S.F. = 0.20
6. SETBACKS: REQUIRED
- FRONT: 50' FROM CENTERLINE OF YORK RD. AND 25' FROM FRONT PROPERTY LINE
- SIDE(S): 30'
PARCEL: 30'
LANDSCAPE: 10'
PARKING: 15' FROM FRONT SETBACK
7. HEIGHT REQUIREMENTS: 35' (MAX)
8. PARKING : REQUIRED: (5 SPACES PER 1,000 S.F. OF GROSS LEASABLE AREA) 114,772 / 105,009 S.F. = 574 / 516
- REDUCED: A VARIANCE TO REDUCE THE PARKING REQUIRED WAS APPROVED ON JANUARY 28, 2005 FOR 117 SPACES
- REQUIRED: LESS VARIANCE = 457 SPACES
PROPOSED: 408 PARKING SPACES 483 PARKING SPACES
(DOES NOT INCLUDE 14 SPACES WITHIN FUTURE SHAWHAN ROAD RIGHT-OF-WAY)
9. THIS SITE IS SERVICED BY A PUBLIC WATER AND SEWER SYSTEM.
10. EXISTING SCREENING AND LANDSCAPING WILL REMAIN.
11. THE SITE IS NOT LOCATED WITHIN A 100-YEAR FLOODPLAIN PER FEMA MAP #24001-00235F DATED SEPTEMBER 28, 2008.
12. THE SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICE AREA.
13. THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THE SITE.
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. THE SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
16. THERE ARE NO KNOWN HISTORICAL STRUCTURES LOCATED ON THE PROPERTY.

BUILDING LABEL	BUILDING ADDRESS
A	11399 YORK RD COCKEYSVILLE, MD 21030
B	11347 YORK RD COCKEYSVILLE, MD 21030
C	11343 YORK RD COCKEYSVILLE, MD 21030
D	11341 YORK RD COCKEYSVILLE, MD 21030
E	11337 YORK RD COCKEYSVILLE, MD 21030
F	11331 YORK RD COCKEYSVILLE, MD 21030
G	11321A YORK RD COCKEYSVILLE, MD 21030
H	11321 YORK RD COCKEYSVILLE, MD 21030
I	11319 YORK RD COCKEYSVILLE, MD 21030
J	11319 YORK RD COCKEYSVILLE, MD 21030
K	11313 YORK RD COCKEYSVILLE, MD 21030
L	11311 YORK RD COCKEYSVILLE, MD 21030
M	11309 YORK RD COCKEYSVILLE, MD 21030
N	11307 YORK RD COCKEYSVILLE, MD 21030
O	11301 YORK RD COCKEYSVILLE, MD 21030
P	11301 YORK RD COCKEYSVILLE, MD 21030
Q	11351 YORK RD COCKEYSVILLE, MD 21030

PROFESSIONAL CERTIFICATION
I, MICHAEL J. GESELL, 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. 44097 EXPIRATION DATE: 6/30/17

[illegible]

REVISIONS

[illegible]

THE FOLLOWING STATES REQUIRE NOTIFICATION BY
EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO
DISTURB THE EARTH'S SURFACE ANYWHERE IN THE STATE
IN VIRGINIA, MARYLAND, THE DISTRICT OF COLUMBIA, AND
DELAWARE CALL - 811
(WV 1-800-245-4848) (PA 1-800-242-1776) (DC 1-800-257-7777)

NOT APPROVED FOR
CONSTRUCTION

PROJECT No.:	MD149002
DRAWN BY:	DML
CHECKED BY:	MJG
DATE:	12/6/16
SCALE:	1"=40'
CAD I.D.:	CA2

PLAN TO
ACCOMPANY
SPIRIT & INTENT
LETTER
— FOR —
STONEHENGE,
LLC

LOCATION OF SITE
SHAWAN PLAZA SHOPPING
CENTER
11317 YORK ROAD (MD.
ROUTE 45)
COCKEYSVILLE, MD



901 DULANEY VALLEY ROAD,
SUITE 801
TOWSON, MARYLAND 21204
Phone: (410) 821-7900
Fax: (410) 821-7987
www.BohlerEngineering.com



SHEET TITLE:

PLAN TO
ACCOMPANY
SPIRIT & INTENT
LETTER

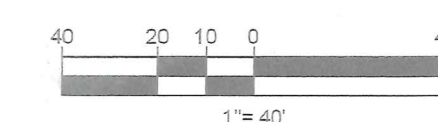
SHEET NUMBER:

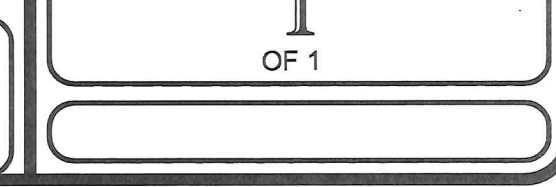
1

GENERAL NOTE:
IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WORK SCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS DEFINED BY THE DRAWINGS AND ALL FULL CONFORMANCE WITH LOCAL REGULATIONS AND CODES.

OWNER

STONE HENGE, LLC
C/O KIMCO REALTY CORPORATION
3333 NEW HYDE PARK RD.
NEW HYDE PARK, NY, 11042-1205





40

PROFESSIONAL CERTIFICATION
I, MICHAEL J. GESELL, 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. 44097, EXPIRATION DATE: 6/9/17