

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

(7923, 7925 & 7927 Belair Road) *

14th Election District

5th Council District *

FP SUB LLC

Legal Owner *

Weis Markets, Inc., *Lessee*

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2017-0241-SPHA

* * * * *

CORRECTED OPINION AND ORDER

By Order dated May 3, 2017 Petitioners were granted in the above case special hearing and variance relief. On May 17, 2017, Michael Pierce filed with the Office of Administrative Hearings a letter explaining an error had been made in that order; i.e., the order cited a superseded provision in the zoning regulations. Mr. Pierce requested a revised order be issued to correct the erroneous reference to B.C.Z.R. §405.2. Having reviewed that correspondence I agree the May 3, 2017 Order should be corrected to read as follows:

THEREFORE, IT IS ORDERED this **3rd** day of **May, 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 a fuel service station canopy sign with electronic changeable copy components pursuant to B.C.Z.R. §450, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance from B.C.Z.R. §405.2 to permit a fuel service station in a planned shopping center to have fuel servicing spaces within 85 feet of a D.R., R.C. or R.A.E. zoned property, in lieu of the required 100 feet, be and is hereby GRANTED.

All other terms and conditions set forth in the original Order dated May 3, 2017 shall continue in full force and effect.

ORDER RECEIVED FOR FILING

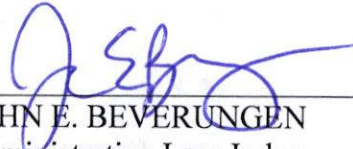
Date

5/24/17

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 5/24/17

By sln



KEVIN KAMENETZ
County Executive

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

May 24, 2017

Caroline L. Hecker, Esq.
Justin Williams, Esq.
25 S. Charles Street, 21st Floor
Baltimore, Maryland 21201

RE: Petitions for Special Hearing and Variance (**Corrected Order and Opinion**)
Case No. 2017-0241-SPHA
Property: 7923, 7925 & 7927 Belair Road

Dear Counsel:

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 flourish.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Gloria Kelly, 4218 Fitch Avenue, Nottingham, MD. 21236
Donna Willis, 7905 St. Mary Drive, Nottingham, MD. 21236
Michael Pierce, 7448 Bradshaw Road, Kingsville, MD 21087

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE

(7923, 7925 & 7927 Belair Road) *

14th Election District

5th Council District *

FP SUB LLC

Legal Owner *

Weis Markets, Inc., *Lessee*

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2017-0241-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 FP SUB LLC, legal owner and Weis Markets, lessee ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit a fuel service station canopy sign with electronic changeable copy components pursuant to B.C.Z.R. §450. In addition, a Petition for Variance seeks to permit a fuel service station in a planned shopping center to be located on a lot that is within 0 ft. of a residentially zoned property in lieu of the required 100 ft. A site plan was marked and accepted into evidence as Petitioners' Exhibit 5.

Professional engineer Michael Gesell and Jack O'Hara & Alex Ororbia, Sr. (from Weis Markets) appeared in support of the requests. Caroline L. Hecker, Esq. and Justin Williams, Esq. represented the Petitioners. Two neighbors attended the hearing to express certain concerns with the requests. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. A substantive Zoning Advisory Committee (ZAC) comment was received from the Bureau of Development Plans Review (DPR), noting landscape and lighting plans would be required.

The subject property is approximately 18.37 acres in size and is primarily zoned BR with small slivers of BL and DR 5.5. A large shopping center (166,322 sq. ft.) known as Fullerton Plaza was

ORDER RECEIVED FOR FILING

Date

5/3/17

By

DLH

constructed at the site in the 1970s. The former "anchor" tenant (K-Mart) closed its doors about 1 ½ years ago, and Weis Markets proposes to open a large (approximately 60,000 sq. ft.) grocery store in that space. As it has in many other locations, Weis proposes to open a fuel service station as an ancillary use to the grocery store. A fuel service station is permitted by right in the BR zone, since the DOP confirmed in a memorandum dated July 6, 2015 (See Exhibit 3) the Fullerton Plaza qualifies as a "planned shopping center." B.C.Z.R. §405.2.A.1.

SPECIAL HEARING

The petition for special hearing concerns the request to display gasoline price information on the service station canopy. Similar requests have been made and approved in other zoning cases, and I do not believe the signage would have any adverse impact upon the community. As Petitioners note, state law requires retailers to display fuel price information, and also exempts such signage from the requirements of local zoning laws concerning the size and number of such signs permitted. As such, the special hearing request will be granted.

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).

Petitioners have met this test. The large site is irregularly shaped and was found to be "unique" in several prior zoning cases. See Case Nos. 1981-0130-A, 1982-0089-A and 2011-0343-A. As such a similar finding is appropriate in this case. Petitioners would experience practical difficulty if the

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Date 5/3/17

By Ben

regulations were strictly interpreted because they would be unable to construct the fuel service station, which is permitted by right under the Regulations.

Though the variance request seeks a 0 ft. setback from a residential zone boundary, this is due to the wording of the applicable regulation (B.C.Z.R. §405.2) which states “no part of the lot [may be] within 100 feet of a residentially zoned property.” To be conservative Petitioners considered the “lot” to be the entire shopping center parcel, which has for many years directly abutted a residential zone. The reality is the service station itself will be over 40 ft. from the residential zone while the fuel pumps will be located at least 98 ft. from the residential zone boundary. Finally, certain conditions will be included in the order below to help ensure that granting the request will not have a detrimental impact upon the community.

THEREFORE, IT IS ORDERED this 3rd day of **May, 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 a fuel service station canopy sign with electronic changeable copy components pursuant to B.C.Z.R. §450, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance to permit a fuel service station in a planned shopping center to be located on a lot that is within 0 ft. of a residentially zoned property in lieu of the required 100 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon 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 5/3/17

By Sen

2. Prior to issuance of permits Petitioners must submit for approval by the Baltimore County landscape architect landscape and lighting plans for the site.
3. The fuel service station may not have hours of operation which extend beyond those of the Weis grocery store. In other words, the fuel service station must be closed at such times as the grocery store is also closed.
4. Petitioners shall erect a fence no less than 6 feet in height along the boundary to screen the site from nearby dwellings.
5. The fuel service station must turn off all exterior lighting when it is closed for business.

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

ORDER RECEIVED FOR FILING

Date 5/3/17
By sln



KEVIN KAMENETZ
County Executive

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

May 3, 2017

Caroline L. Hecker, Esq.
Justin Williams, Esq.
25 S. Charles Street, 21st Floor
Baltimore, Maryland 21201

RE: Petitions for Special Hearing and Variance
Case No. 2017-0241-SPHA
Property: 7923, 7925 & 7927 Belair Road

Dear Counsel:

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", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Gloria Kelly, 4218 Fitch Avenue, Nottingham, MD. 21236
Donna Willis, 7905 St. Mary Drive, Nottingham, MD. 21236



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 7923, 7925, and 7927 Belair Road which is presently zoned B.R., B.L., DR 5.5

Deed References: 19892/329 10 Digit Tax Account # 1 9 0 0 0 0 1 4 0 7

Property Owner(s) Printed Name(s) FP SUB 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

See Attached Sheet # 1

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)

See Attached Sheet # 2

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:

See Attached Sheet # 3

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

See Attached Sheet # 4

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Caroline L. Hecker

Name- Type or Print

Signature

25 S. Charles St., 21st Floor, Baltimore, MD

Mailing Address

City

State

21201

Zip Code

(410) 727-6600

Telephone #

/ checker@rosenbergmartin.com

Email Address

Representative to be contacted:

Caroline L. Hecker

Name - Type or Print

Signature

25 S. Charles St., 21st Floor, Baltimore, MD

Mailing Address

City

State

21201

Zip Code

(410) 727-6600

Telephone #

/ checker@rosenbergmartin.com

Email Address

CASE NUMBER

2017-0241-SHA

Filing Date

3/10/2017

Do Not Schedule Dates:

Reviewer

JNP

Petition for Special Hearing and Variance

Attached Sheet 1

Special Hearing approval is requested to permit a fuel service station canopy sign with electronic changeable copy components pursuant to BCZR Section 450 (Table of Sign Regulations).

Petition for Special Hearing and Variance

Attached Sheet 2

A variance is requested from:

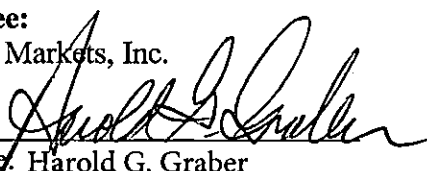
Section 405.2.A to permit a fuel service station in a planned shopping center to be located on a lot that is within 0 feet of a residentially zoned property in lieu of the required 100 feet.

Petition for Special Hearing and Variance

Attached Sheet 3

Lessee:

Weis Markets, Inc.

By: 

Name: Harold G. Graber

Title: SVP Real Estate & Development

1000 S. Second Street

P.O. Box 471

Sunbury, PA 17801

(570) 286-3299

Petition for Variance

Attached Sheet 4

Legal Owners (Petitioners):

FP SUB LLC

By: *Kimco SEB Business Trust, its managing member*

By: *Hilary J. O'Connor*

Name: _____

Title: Hilary J. O'Connor
Vice President

3333 New Hyde Park Road

Suite 100

New Hyde Park, NY 11042-1205

(410) 684-2000



ZONING DESCRIPTION
TAX MAP 81, PARCEL 639
THE LAND OF
FP SUB, LLC.
LIBER 19892 FOLIO 329
14TH ELECTION DISTRICT
BALTIMORE COUNTY, MD

BEGINNING AT A POINT ON THE EASTERLY RIGHT-OF-WAY LIMITS OF BELAIR ROAD (U.S. ROUTE 1) (VARIABLE WIDTH RIGHT-OF-WAY), WHICH IS 0 FEET SOUTH OF THE INTERSECTION OF SAID BELAIR ROAD (U.S. ROUTE 1) AND ROSSVILLE BOULEVARD (VARIABLE WIDTH RIGHT-OF-WAY), THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LIMITS AND WITH THE DIVISION LINE BETWEEN THE ROSSVILLE BOULEVARD RIGHT-OF-WAY ON THE NORTH AND THE LAND OF FP SUB, LLC. (LIBER 19892 FOLIO 329) ON THE SOUTH;

1. SOUTH 50 DEGREES – 03 MINUTES – 11 SECONDS EAST, 58.99 FEET TO A POINT, THENCE;
2. CONTINUING 70.95 FEET ALONG THE ARC OF CURVE TO THE LEFT, HAVING A RADIUS OF 250.00 FEET, A CENTRAL ANGLE OF 16 DEGREES – 15 MINUTES – 36 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 58 DEGREES – 11 MINUTES – 00 SECONDS EAST, 70.71 FEET TO A POINT, THENCE;
3. CONTINUING 70.95 FEET ALONG THE ARC OF CURVE TO THE RIGHT, HAVING A RADIUS OF 250.00 FEET, A CENTRAL ANGLE OF 16 DEGREES – 15 MINUTES – 38 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 58 DEGREES – 10 MINUTES – 59 SECONDS EAST, 70.71 FEET TO A POINT, THENCE;
4. CONTINUING SOUTH 50 DEGREES – 03 MINUTE – 11 SECONDS EAST, 782.52 FEET TO A POINT, THENCE;
5. CONTINUING SOUTH 39 DEGREES – 56 MINUTES – 49 SECONDS WEST, 500.00 FEET TO A POINT, THENCE;
6. CONTINUING SOUTH 02 DEGREES – 13 MINUTES – 37 SECONDS EAST, 59.79 FEET TO A POINT, THENCE;
7. CONTINUING SOUTH 29 DEGREES – 36 MINUTES – 51 SECONDS EAST, 214.50 FEET TO A POINT, THENCE;
8. CONTINUING SOUTH 15 DEGREES – 55 MINUTES – 04 SECONDS WEST, 170.90 FEET TO A POINT, THENCE;
9. CONTINUING NORTH 72 DEGREES – 38 MINUTES – 06 SECONDS WEST, 369.86 FEET TO A POINT, THENCE;
10. CONTINUING 167.96 FEET ALONG THE ARC OF CURVE TO THE RIGHT, HAVING A RADIUS OF 970.00 FEET, A CENTRAL ANGLE OF 09 DEGREES – 55 MINUTES – 16 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 67 DEGREES – 40 MINUTES – 28 SECONDS WEST, 167.75 FEET TO A POINT, THENCE;



11. CONTINUING NORTH 11 DEGREES – 23 MINUTES – 31 SECONDS WEST, 854.73 FEET TO A POINT, THENCE;
12. CONTINUING SOUTH 37 DEGREES – 53 MINUTES – 04 SECONDS WEST, 103.86 FEET TO A POINT, THENCE;
13. CONTINUING NORTH 49 DEGREES – 56 MINUTES – 59 SECONDS WEST, 166.66 FEET TO A POINT, THENCE;
14. CONTINUING 96.30 FEET ALONG THE ARC OF CURVE TO THE LEFT, HAVING A RADIUS OF 11,399.66 FEET, A CENTRAL ANGLE OF 00 DEGREES – 29 MINUTES – 02 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 38 DEGREES – 43 MINUTES – 17 SECONDS EAST, 96.30 FEET TO A POINT, THENCE;
15. CONTINUING NORTH 86 DEGREES – 08 MINUTES – 09 SECONDS EAST, 22.24 FEET TO A POINT, THENCE;
16. CONTINUING SOUTH 49 DEGREES – 59 MINUTES – 22 SECONDS EAST, 13.00 FEET TO A POINT, THENCE;
17. CONTINUING NORTH 40 DEGREES – 00 MINUTES – 38 DEGREES EAST, 71.50 FEET TO A POINT, THENCE;
18. CONTINUING NORTH 12 DEGREES – 36 MINUTES – 33 SECONDS WEST, 21.21 FEET TO A POINT, THENCE;
19. CONTINUING 292.14 FEET ALONG THE ARC OF CURVE TO THE LEFT, HAVING A RADIUS OF 11,386.16 FEET, A CENTRAL ANGLE OF 01 DEGREES – 28 MINUTES – 12 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 40 DEGREES – 11 MINUTES – 59 SECONDS EAST, 292.13 FEET TO A POINT, THENCE;
20. CONTINUING NORTH 83 DEGREES – 35 MINUTES – 28 SECONDS EAST, 40.62 FEET TO THE POINT OF BEGINNING

CONTAINING 800,253 SQUARE FEET OR 18.37 ACRES.



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

NO 148671

Date: 3/10/2017

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				1000.00

Total: 1000.00

Rec From: Rosenberg, Martin, Graenberg

For: Special Hearing & Variance - 7923, 7925 and 7927 Belair Rd.
2017-0241-SPH (FB SUB, LLC)

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME DRAW
3/13/2017 3/10/2017 10:36:51 2
REG 0502 WALKIN JEE
>>RECEIPT # 003233 3/10/2017 CFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 148671

Recpt Tot \$1,000.00
\$1,000.00 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 4879358

Sold To:

ROSENBERG MARTIN GREENBERG LLP - CU00193689
25 S Charles St 21st Floor
BALTIMORE, MD 21201

Bill To:

ROSENBERG MARTIN GREENBERG LLP - CU00193689
25 S Charles St 21st Floor
BALTIMORE, MD 21201

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

Apr 06, 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: # 2017-2041-SPH - 0241
7923, 7925, 7927 Belair Road
SE's of Belair Road at the corner of the SW's of Rossville Boulevard

14th Election District - 5th Councilmanic District
Legal Owner(s) FP SUB LLC
Contract Purchaser/Lessee: Weis Markets, Inc.

SPECIAL HEARING to permit a fuel service station canopy sign with electronic changeable copy components pursuant to BCZR Section 450 (Table of Sign Regulations).

VARIANCE to permit a fuel service station in a planned shopping center to be located on a lot that is within 0 ft. of a residentially zoned property in lieu of the required 100 ft.

Hearing: Thursday, April 27, 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.

4/014 April 4 4879358

CERTIFICATE OF POSTING

RE: Case No. 2017-0241-SPHA

Petitioner: Weis Markets, Inc.

C/O Caroline Hecker, atty.

Closing Date: 4/27/17

Baltimore County Department of
Permits, Approvals and Inspections
Room 111, County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204

This letter is to confirm, under penalties of perjury, that the necessary sign(s)
were posted conspicuously on the property located at _____

7923, 7925, 7927 Belair Road

_____ on 4/7/17

Sincerely,

 4/7/17

Richard E. Hoffman

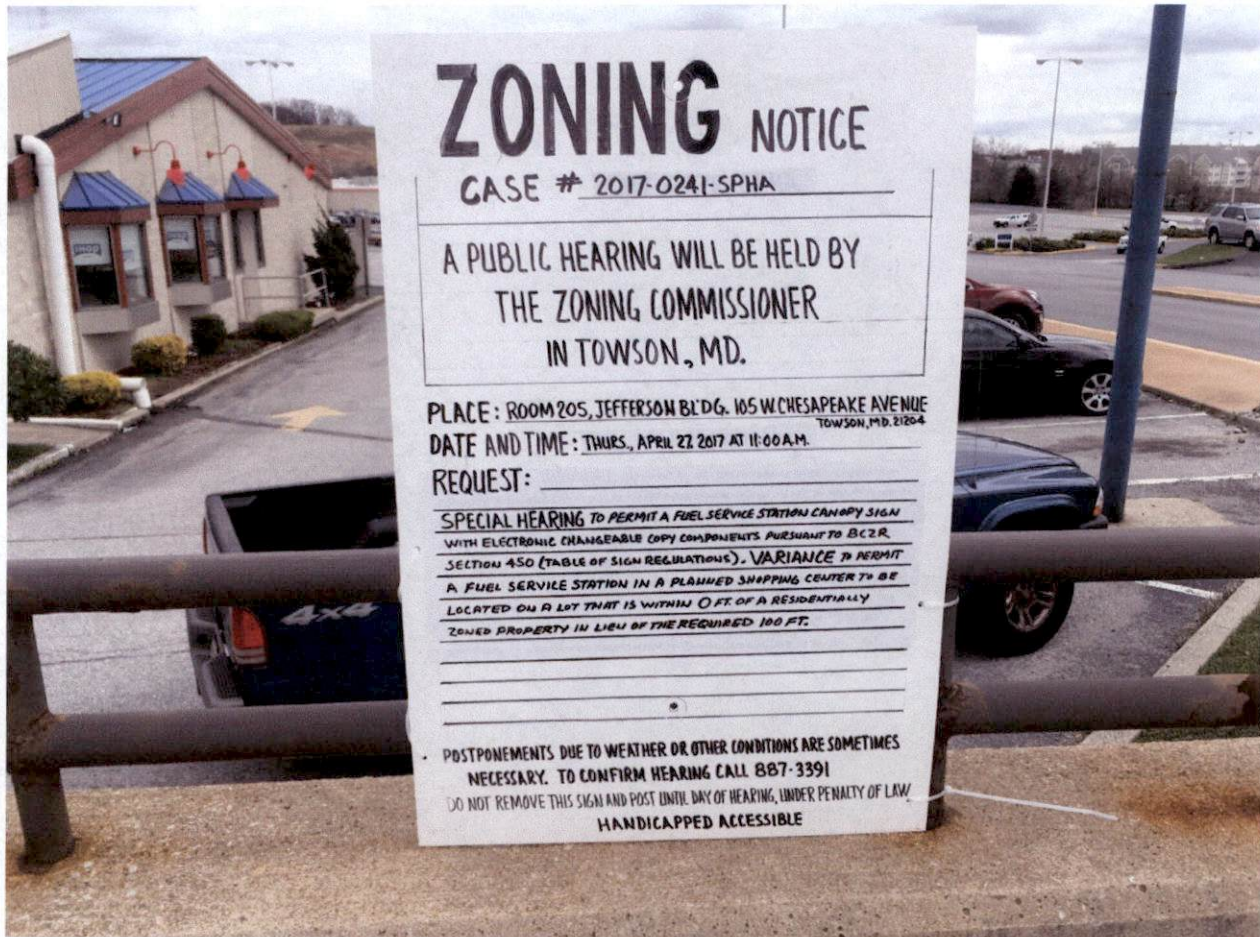
904 Dellwood Drive

Fallston, Md. 21047

(443) 243-7360

Certificate of Posting

Case No. 2017-0241-SPHA



7923,7925,7927 Belair Road

(Posted 4/7/17)

Richard E. Hoffman 4/7/17

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

CERTIFICATE OF POSTING

RE: Case No. 2017-0241-SPHA

Petitioner: Weis Markets, Inc.

C/O Caroline Hecker, atty.

Closing Date: 4/27/17

**Baltimore County Department of
Permits, Approvals and Inspections
Room 111, County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204**

**This letter is to confirm, under penalties of perjury, that the necessary sign(s)
were posted conspicuously on the property located at _____
_____ 7923, 7925, 7927 Belair Road
_____ on _____ 4/7/17**

Sincerely,

Richard E. Hoffman

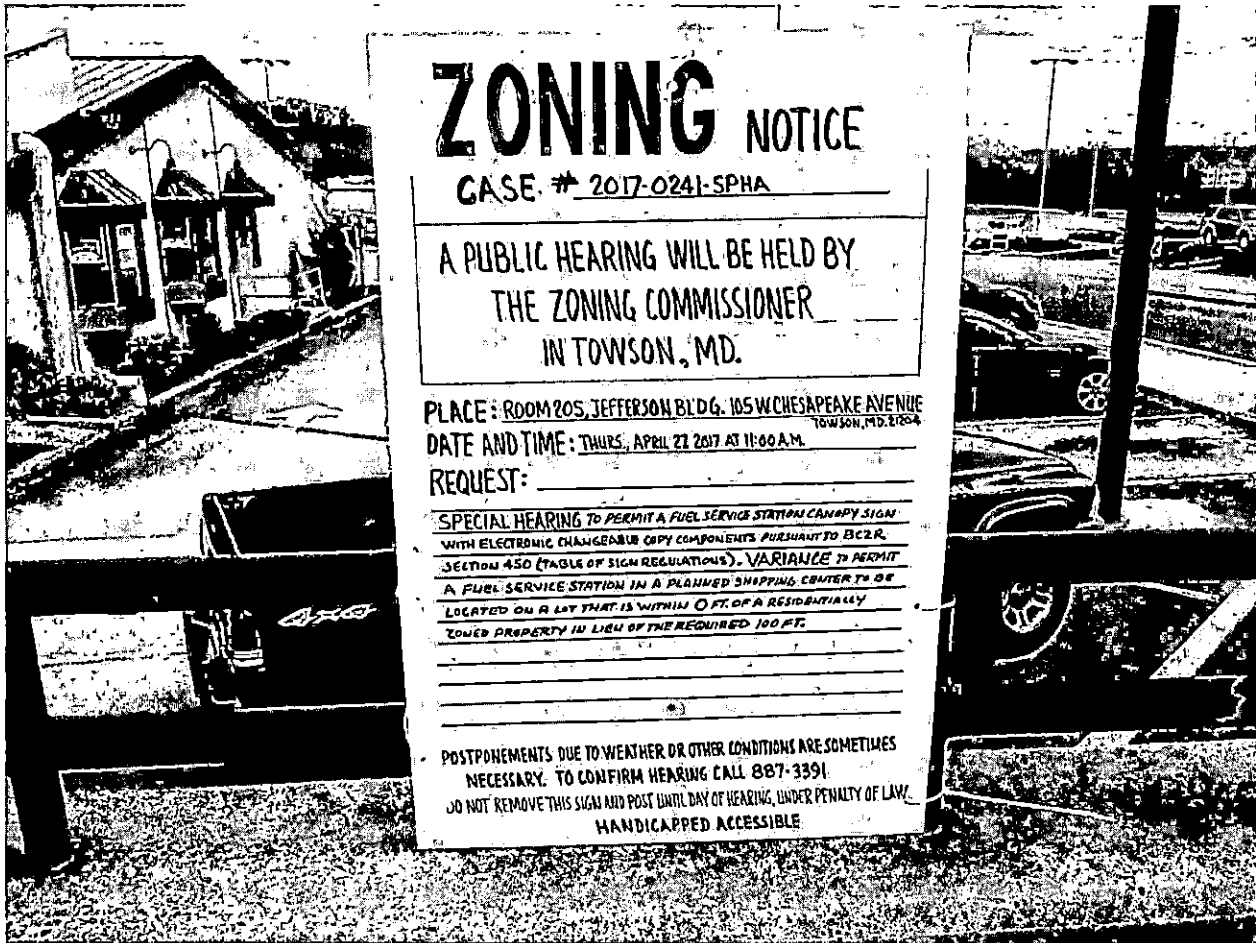
904 Dellwood Drive

Fallston, Md. 21047

(443) 243-7360

Certificate of Posting

Case No. 2017-0241-SPHA



7923,7925,7927 Belair Road

(Posted 4/7/17)

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

TO: PATUXENT PUBLISHING COMPANY
Thursday, April 6, 2017 Issue - Jeffersonian

Please forward billing to:

Margaret Giordano
Rosenberg, Martin, Greenberg, LLP
25 S. Charles Street, 21st Fl
Baltimore, MD 21201

410-727-6600

NOTICE OF ZONING HEARING

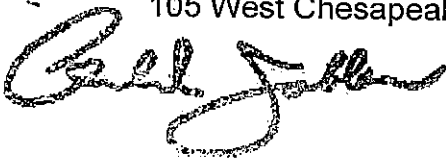
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2017-0241-SPH

7923, 7925, 7927 Belair Road
SE/s of Belair Road at the corner of the SW/s of Rossville Boulevard
14th Election District – 5th Councilmanic District
Legal Owners: FP SUB LLC
Contract Purchaser/Lessee: Weis Markets, Inc.

Special Hearing to permit a fuel service station canopy sign with electronic changeable copy components pursuant to BCZR Section 450 (Table of Sign Regulations). **Variance** to permit a fuel service station in a planned shopping center to be located on a lot that is within 0 ft. of a residentially zoned property in lieu of the required 100 ft.

Hearing: Thursday, April 27, 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

March 27, 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: 2017-0241-SPHA

7923, 7925, 7927 Belair Road

SE/s of Belair Road at the corner of the SW/s of Rossville Boulevard

14th Election District – 5th Councilmanic District

Legal Owners: FP SUB LLC

Contract Purchaser/Lessee: Weis Markets, Inc.

Special Hearing to permit a fuel service station canopy sign with electronic changeable copy components pursuant to BCZR Section 450 (Table of Sign Regulations). **Variance** to permit a fuel service station in a planned shopping center to be located on a lot that is within 0 ft. of a residentially zoned property in lieu of the required 100 ft.

Hearing: Thursday, April 27, 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: Caroline Hecker, 25 S. Charles Street, 21st Fl., Baltimore 21201
FP SUB LLC, Hilary O'Connor, 3333 New Hyde Park Rd., # 100, New Hyde Park NY 11042
Weis Markets, Inc., Harold Graber, 1000 S. Second Street, P.O. Box 471, Sunbury PA 17801

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, APRIL 7, 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/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: 2017-0241-SPH
Property Address: 7923, 7925 and 7927 Belair Road
Property Description: SE/5 of Belair Road
@ Corner of SW/5 of Rossville Blvd.
Legal Owners (Petitioners): FP SUB, LLC
Contract Purchaser/Lessee: Weis Markets, Inc.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Margaret Giordano
Company/Firm (if applicable): Rosenberg Martin Greenberg, LLP
Address: 25 S. Charles St.
215th Fl.
Baltimore, MD 21201
Telephone Number: (410) 727-6600



KEVIN KAMENETZ
County Executive

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

April 18, 2017

FP SUB LLC
Kimco SEB Business Trust
Hilary O'Connor
3333 New Hyde Park Road
Suite 100
New Hyde Park NY 11042-1205

RE: Case Number: 2017-0241 SPHA, Address: 7923, 7925, 7927 Belair Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 10, 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
Caroline L Hecker, Esquire, 25 S Charles Street, 21st Floor, Baltimore MD 21201
Weis Markets, Inc., Harold G Graber, 1000 S Second Street, P.O. Box 471, Sunbury PA 17801

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 4/13/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-241

INFORMATION:

Property Address: 7923, 7925, 7027 Belair Road
Petitioner: Kimco SEB Business Trust
Zoning: BR, BL, DR 5.5
Requested Action: Special Hearing, Variance

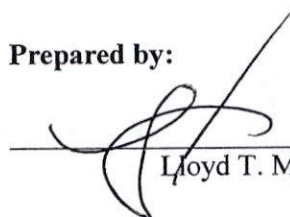
The Department of Planning has reviewed the petition for a special hearing to permit a fuel service station canopy sign with electronic changeable copy components and the petition for a variance to permit a fuel service station in a planned shopping center to be located on a lot that is within 0 feet of a residentially zoned property in lieu of the required 100 feet.

A site visit was conducted on March 23, 2017. The site is located within the Overlea Commercial Revitalization District. In a memorandum dated July 6, 2015 the Department of Planning confirmed the Planned Shopping Center status of the Fullerton Plaza Shopping Center

The Department no objection to granting the petitioned zoning relief

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

Prepared by:


Lloyd T. Moxley

Division Chief:


Kathy Schlabach

AVA/KS/LTM/ka

c: Laurie Hay
Caroline L. Hecker, Esq.
Office of the Administrative Hearings
People's Counsel for Baltimore County

RECEIVED

MAY - -

RECEIVED

MAY 01 2017



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

Date: 3/20/17

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 3/20/17. A field inspection and internal review reveals that an entrance onto US1 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2017-0241-SPHA

Special Hearing Variance

FP Sub LLC.

7923, 7925, 7927 Belair Road.

US1

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, -

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

WW/RAZ

Maryland Department of Transportation
State Highway Administration

320 West Warren Road, Hunt Valley, MD 21030
410.229.2300 | TTY 800.735.2258 | roads.maryland.gov

My telephone number/toll-free number is 866.998.0367

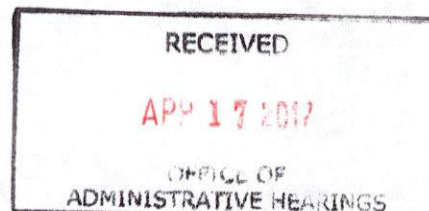
BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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: 17-241

DATE: 4/13/2017



INFORMATION:

Property Address: 7923, 7925, 7027 Belair Road
Petitioner: Kimco SEB Business Trust
Zoning: BR, BL, DR 5.5
Requested Action: Special Hearing, Variance

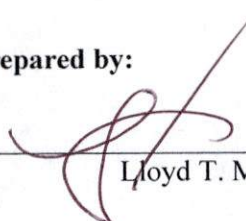
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The Department no objection to granting the petitioned zoning relief

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

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Laurie Hay
Caroline L. Hecker, Esq.
Office of the Administrative Hearings
People's Counsel for Baltimore County

4-27

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: March 17, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0241-SPHA
Address 7923, 7925, 7027 Belair Road
(FP SUB, LLC Property)

Zoning Advisory Committee Meeting of **March 20, 2017**.

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

Reviewer: Steve Ford Date: 3-17-17

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 March 20, 2017
Item No. 2017-0241

DATE: March 21, 2017

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

Landscape- If the Special Hearing permission and Variances are granted, Lighting and Landscape Plans are required per the requirements of the Landscape Manual.

Rec. and Parks- Confirm Recreational Greenway at the Southeastern part of the property, north of Fitch Avenue.

* * * * *

DAK:CEN
cc:file
ZAC-ITEM NO 17-0241-03202017.doc

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE *
7923,7925, 79257 Belair Road; SE/S Belair * OF ADMINISTRATIVE
Road, corner of SW/S Rossville Boulevard *
14th Election & 5th Councilmanic Districts * HEARINGS FOR
Legal Owner(s): FP SUB LLC *
Contract Purchaser(s): Weis Market, Inc * BALTIMORE COUNTY
Petitioner(s) * 2017-241-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
MAR 20 2017

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of March, 2017, a copy of the foregoing Entry of Appearance was mailed to Caroline Hecker, Esquire, 25 S. Charles Street, 21st Floor, Baltimore, Maryland 21201, 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: June 5, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0241-SPHA- Appeal Period Expired

The appeal period for the above-referenced case expired on June 2, 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

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 14 Account Number - 1900001407							
Owner Information									
Owner Name:		FP SUB LLC				Use:		COMMERCIAL	
Mailing Address:		SUITE 100 3333 NEW HYDE PARK RD NEW HYDE PARK NY 11042-1205				Principal Residence:		NO	
						Deed Reference:		/19892/ 00329	
Location & Structure Information									
Premises Address:		7927 BELAIR RD BALTIMORE 21236-				Legal Description:		18.371 AC PUTTY HILL	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0081	0011	0639		0000			1	2016	Plat Ref: 0044/0116
Special Tax Areas:					Town:		NONE		
					Ad Valorem:				
					Tax Class:				
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area		Property Land Area		County Use	
		150241				18.3600 AC		14	
Stories	Basement	Type			Exterior	Full/Half Bath	Garage	Last Major Renovation	
		SHOPPING CENTER / NEIGHBORHOOD							
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of 01/01/2016		As of 07/01/2016		As of 07/01/2017	
Land:		6,764,400		6,764,400					
Improvements		9,842,400		6,870,600					
Total:		16,606,800		13,635,000		13,635,000		13,635,000	
Preferential Land:		0						0	
Transfer Information									
Seller: FULLERTON PLAZA LLC				Date: 04/14/2004		Price: \$10,799,357			
Type: ARMS LENGTH IMPROVED				Deed1: /19892/ 00329		Deed2:			
Seller: MORTGAGES GROWTH INVESTORS				Date: 03/03/2000		Price: \$8,196,250			
Type: ARMS LENGTH IMPROVED				Deed1: /14337/ 00680		Deed2:			
Seller: AETNA LIFE INSUR ANCE COMPANY				Date: 08/05/1987		Price: \$7,600,000			
Type: ARMS LENGTH IMPROVED				Deed1: /07631/ 00596		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									

May 17, 2017

Judge John E Beverungen
Office of Administrative Law
105 W Chesapeake Ave.
Towson, MD 21204



Re: Case 2017-0241-SPHA, Motion for Amendment

Dear Judge Beverungen,

I am requesting an amendment to the Order issued in this case due to its referencing an out-of-date County Code.

Although I was interested in this case and reviewed the file, I did not attend the hearing as I saw nothing to oppose or comment on.

Toward the top of page 3, there is a statement that the BCZR §405.2 states

"no part of the lot [may be] within 100 feet of a residentially zoned property",
which, of course, is ambiguous.

In fact, the County Council, in Bill 87-16 passed December 19, 2016 and effective 45 days later, corrected this by changing the words "part of the lot is" to read "fuel servicing spaces are", so the variance required and granted here is really much less. Copy of Bill attached.

The plan submitted for this case shows the fuel servicing space to be 87.44 ft from the adjacent property zoned DR 3.5.

Thus, the 2nd part of the Order on page 3 should read: "...in a planned shipping center to have a fuel servicing space that is located within 85 ft of a residentially zoned property in lieu of the required 100 ft ...".

This should also help to alleviate the concerns of the many residents who submitted a petition opposing any relief in set-back from their properties.

Regards,

Michael Pierce
7448 Bradshaw Rd
Kingsville, MD 21087

cc: w/o attachment
Caroline L Hecker, Esq.
Rosenburg, Martin, Greenberg, LLP
25 S Charles St, STE 2115
Baltimore, MD 21201

Peter Max Zimmerman

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2016, Legislative Day No. 20

Bill No. 87-16

Councilmembers Marks, Quirk, Almond & Jones

By the County Council, November 21, 2016

A BILL
ENTITLED

AN ACT concerning

Convenience Stores

FOR the purpose of amending the definition of a convenience store by increasing the permitted gross floor area of a convenience store; permitting a fuel service station within a certain distance of certain residentially-zoned property under certain conditions; permitting a fuel service station in a planned shopping center if at least a certain portion is under construction; permitting a combination of a convenience store and a carry-out restaurant as an ancillary use in conjunction with a fuel service station; amending the minimum site area requirement for a convenience store and carry-out restaurant in combination with a fuel service station; and generally relating to fuel service stations and convenience stores.

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter stricken from existing law.

~~Strike out~~ indicates matter stricken from bill.

Underlining indicates amendments to bill.

CASE NAME Weis Markets
CASE NUMBER 2017-0241-SPHA
DATE 4/27/17

[illegible]

DATE _____

[illegible]

02-5-17

Case No.: 2017-0241-SPHA

Exhibit Sheet

5/3/17
Sen

Petitioner/Developer

Protestant

No. 1	Zoning map	"Petition to Deny Weis Market Zoning Request"
No. 2	Aerial photo - Fulkerton Plaza	
No. 3	DOP Memorandum	
No. 4	BBJ News Article	
No. 5	site plan	
No. 6	Schematic landscape plan	
No. 7	Signage exhibit - Fuel station	
No. 8	Order # 00-287- SPHA	
No. 9	Gessell Resume	
No. 10	Letter from Overlea Business Assoc.	
No. 11	Zoning hearing outline	
No. 12		



Fullerton Plaza

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 4/25/2017

Fullerton Plaza

Aerial Photo



EXHIBIT

2

tables

Google Earth

© 2016 Google

200 ft

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PLANNING

Memorandum

TO: Mitch Kellman
DMW
501 Fairmount Avenue, Suite 300
Towson, MD 21204

DATE: July 6, 2015

FROM: Andrea Van Arsdale, 
Director, Department of Planning

SUBJECT: Planned Shopping Center Designation
Fullerton Plaza
7927 Belair Road
DRC# 063015A

Staff has reviewed your request for designation as a planned shopping center. The shopping center is bordered on the north, east and west with commercial uses, to the south is a mix of residential and commercial uses. The property is zoned BL, BR and DR 5.5 and is 18.37 acres in total, the improvements upon which were constructed prior to this application. The plan submitted in support of your request does not propose new or additional access points.

The Fullerton Plaza shopping center meets the definitional criteria of Baltimore County Zoning Regulations Section 101 as follows:

- The 18.37 acre property is listed under common ownership of FP SUB LLC in Deed Liber 19892 at Folio 329.
- The property meets the acreage requirements of at least 3 acres in net area at 18.37 acres; and,
- Buildings are served by a combination of interior service drives to access parking and buildings.
- Prior development plans approved by Baltimore County indicate a single point of access into the shopping center.

The Director of Planning has determined that your request to designate the Fullerton Plaza shopping center as a Planned Shopping Center is appropriate subject to the following:

- Before plan signature, attach a copy of this memorandum to this and any other plan submitted to Baltimore County for permit.
- Upon the issuance of and before plan signature, add the DRC number to the plan.
- Before plan signature, add in bold letters the following to the plan:



Approved as a Planned Shopping Center pursuant to BCZR Section 101

By: _____ **Date:** _____

Be advised that the above determination does not indicate Baltimore County Department of Planning approval for any future required waiver, variance relief, special hearing, development plan or building permit. You should contact the Bureau of Zoning Review to confirm whether the determination of a Planned Shopping Center is within the spirit and intent of, or necessitates a change to, any existing zoning case rulings associated with the property.

Please submit 3 copies of your plan to the Department of Planning for signature. If you have any questions, please contact Lloyd T. Moxley of Development Review in the Department of Planning at (410) 887-3482.

JGN:jgn

C: Carl Richards, PAI Zoning
Jan Cook, PAI



RECEIVED
JUL 23 2013
DEPT. OF PLANNING

APPROVED AS A PLANNED SHOPPING CENTER PURSUANT TO BCZA SECTION 102
BY: Chris. J. [Signature] DATE: 5-20-12

ZONING HISTORY

ZONING CASES: 1982-0039-A (SIGNAGE) - GRANTED 3/23/1982
1981-0130-A (SIGNAGE) - GRANTED 2/23/1981
2012-0143-A (NOT SHOWN ON COUNTY WEBSITE)
2012-0186-SPH (SIGNAGE) - GRANTED 3/20/2012

GENERAL NOTES

PROPERTY OWNER:	FP SUB LLC
OWNER'S ADDRESS:	3131 NEW HYDE PARK ROAD SUITE 100 NEW HYDE PARK, NY 11043
PROPERTY AREA:	18.37 AC 8028572 SF
TAX ACCOUNT #:	1900001407
ZONING:	RA, RL, OR S.S.



DATA SOURCE DEPARTMENT OF PLANNING
TOPOGRAPHIC INFORMATION SHOWN HEREIN IS TAKEN FROM BALTIMORE COUNTY
RECORDS

BOUNDARY INFORMATION SHOWN HEREIN IS TAKEN FROM PL. COMMERCIAL CENTER (44/21.0)



501 FAIRMOUNT AVENUE SUITE 300 TOWSON, MD 21286
P: 410 296 3939 F: 410 296 4705 WWW.DMW.COM

PLAN TO ACCOMPANY PLANNED SHOPPING CENTER DESIGNATION

FULLERTON PLAZA

14 ELECTION DISTRICT
15 CONGRESSIONAL DISTRICT



DATE	BY	REVISIONS	DESIGNED:
2/27/75	Chubb	ALL INFORMATION REQUIRED BY DEPT. OF PLANNING	MURK
			CHECKED BY:
			DATE CHECKED:
			SCALE: 1" = 50'
			PROJECT NO.: 135024
			DRAWN BY:
			1 of 1

FOR THE EXCLUSIVE USE OF LBLECHA@ROSENBERGMARTIN.COM

From the Baltimore Business Journal:

<https://www.bizjournals.com/baltimore/news/2016/10/14/weis-market-to-take-over-a-former-kmart-in.html>

Weis Market to take over a former Kmart in Parkville next year

Oct 14, 2016, 8:57am EDT Updated: Oct 14, 2016, 11:33am EDT

Weis Markets is expanding again — this time to Fullerton Plaza in Parkville.

The grocery chain that is based in Sunbury, Pa., will soon take over a former Kmart in the shopping center owned by Kimco just north of Interstate 695 on Belair Road.

It will be the 12th location for the chain in Baltimore County.

Next year, Kimco is launching a renovation of the Fullerton Plaza development to include a new facade and landscaping, said Baltimore County Councilman David Marks.

Kmart shuttered its 95,900-square foot location in the plaza in November 2015, laying off 102 employees.

Weis Markets Inc. has been growing its presence in the Baltimore metro area over the past 10 months.

The chain this summer completed a takeover of five former Mars Super Markets in Baltimore County after that grocer announced it was closing down. The new Weis stores are in Essex, Arbutus, Carney and two in Dundalk.

The Parkville location at 7923 Belair Rd. will help to rejuvenate that shopping plaza that was built in the 1970s, Marks said. Other tenants in the plaza include an IHOP, Hair Cuttery and Salvo Auto Parts.

Kimco purchased the property in July 2014 for \$1.3 million.

The new Weis market in Fullerton Plaza will have extra features than other Weis locations: a 1,000-item produce department, a deli and cafe and an in-store sushi counter as well as a full-service pharmacy and a gasoline pump out front.

It is expected to open in late 2017.

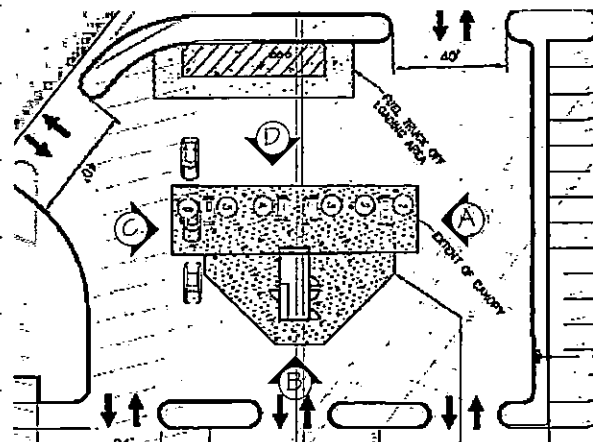
"This shopping center is ready for a change," Marks said, in a statement. "When I called a meeting of community leaders from this area, they were clearly interested in improvements to this aging part of the Belair Road corridor. I look forward to the completion of this project."

Added Gregory Reed, vice president of development for Kimco's Mid-Atlantic Region in a statement: "Fullerton Plaza is a great asset in a thriving market...we're confident that the changes to come will be well received by the community."

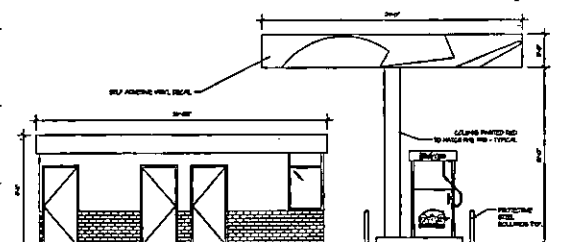
Melody Simmons
Reporter
Baltimore Business Journal



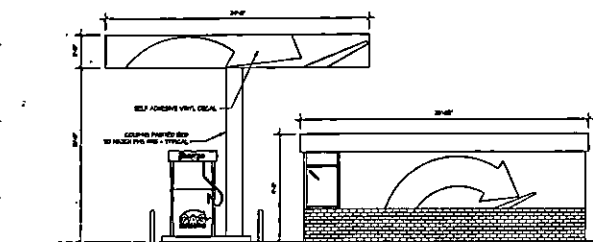
[illegible]



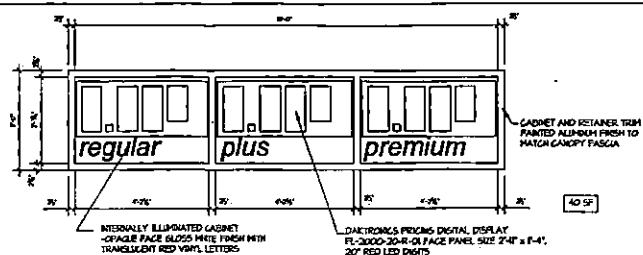
PARTIAL SITE PLAN



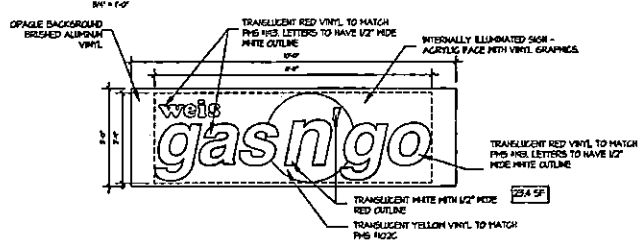
ELEVATION - A



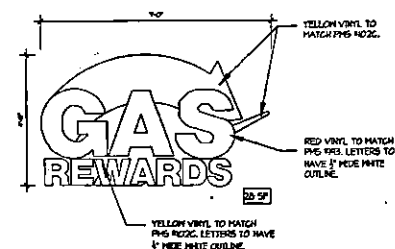
ELEVATION - C



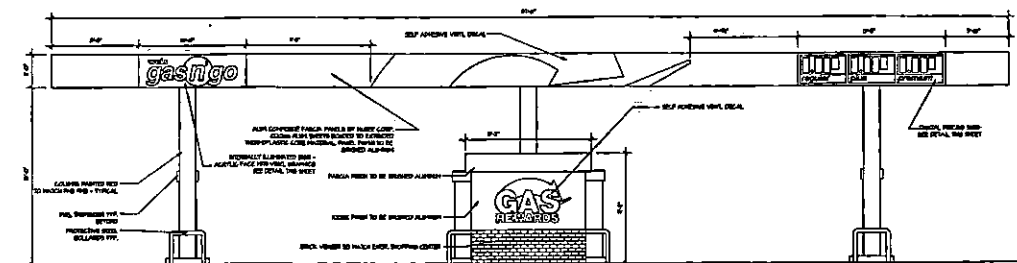
GAS PRICE CABINET SIGN ELEVATION



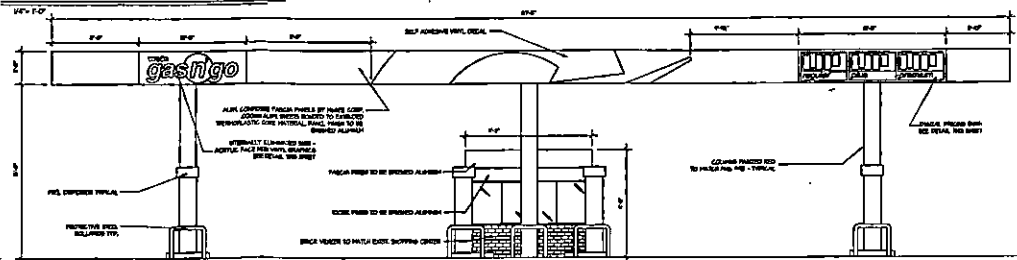
CANOPY ILLUMINATED SIGN



KIOSK VINYL DECAL



ELEVATION - B



ELEVATION - D

	weiß
--	-------------

Walter Blacheta, Esq.
1009 SOUTH SECOND ST.
P.O. BOX 671
LANCASTER, PA. 17601

Don't miss the opportunity to see the new film "The Last Days of Pompeii" at the Regency Theatre. The film is a masterpiece of the silent era, and it's a must-see for anyone who loves the history of ancient Rome. The film is shown at the Regency Theatre, and it's a must-see for anyone who loves the history of ancient Rome.



9527541

20. I agree to pay the sum of \$100.00 to the City of New York, New York, for the use of the City of New York, New York, and for the use of the City of New York, New York.

PROJECT:
GAS FUELING STATION
PROPOSED AT
FALLON PLAZA
BETHESDA, MD

GASn'GO
SIGNAGE
EXHIBIT

DATE
JANUARY 24, 1973

206

G-1

IN RE: PETITION FOR SPECIAL HEARING
NWC Baltimore National Pike
and Ingleside Avenue
1st Election District
1st Councilmanic District
(5780 Baltimore National Pike)

Westview Investment, LC
Westview Mall – OL L.C.
Westview Mall – BW L.C.
Westview Mall – FLR L.C.

Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-287-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a requested Special Hearing and Variance filed by the legal owners of the subject property, Westview Investment, LC, et al., by and through Robert A. Hoffman, attorney at law. The special hearing request is for property located at 5780 Baltimore National Pike. Specifically, the Petitioners are requesting to amend a previously approved site plan in Case No. 99-238-SPHA. In addition to the special hearing request, a variance is being requested from Section 405.2.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a fuel service station in a planned shopping center to be located on a lot that is within 0 ft. of a residentially zoned property in lieu of the required 100 ft. In addition, a variance from Section 409.6 of the B.C.Z.R., to allow 2,381 parking spaces in lieu of the required 3,587 parking spaces is also being requested. Finally, the Petitioners are requesting a variance from Sections 405.4.A.2.b and 405.4.A.2.c of the B.C.Z.R. to waive the requirement to provide a landscape transition area on the subject property.

Appearing at the hearing on behalf of the special hearing and variance request was Rob Hoffman, attorney at law, representing the Petitioners. There were no protestants in attendance.

ORIGINAL RECEIVED FOR FILING

Date 3/14/2000

By R. Hoffman



Testimony and evidence indicated that the property, which is the site of this request, is the Westview Mall located on the north side of Baltimore National Pike, just west of Ingleside Avenue in the Catonsville area of Baltimore County. The subject property is improved with large retail uses, such as Lowe's Home Improvement Store, containing 135,000 sq. ft. and the Value City Department Store, containing 188,000 sq. ft. There are other commercial operations on the property. At the present time, the owners of the property propose to locate a Sam's Wholesale Club on the property as shown on Petitioners' Exhibit 1A, the site plan of the property. The Petitioners propose to demolish a portion of the mall and construct a new building consisting of 130,421 sq. ft. wherein the Sam's Club will be located. The proposed Sam's Club will also operate a fuel service station on their parking area, adjacent to the club itself. A small lot of ground has been set aside whereupon the gas pumps will be located. In order to proceed with the construction of this new Sam's Club and the installation of these gas pumps, the special hearing and two of the variance requests are necessary.

The first variance requested by the Petitioners is to allow the fuel service station to be located within 0 ft. of a residentially zoned property line in lieu of the required 100 ft. However, a review of the site plan clearly indicates that the lot set aside whereupon the service station will operate is located in excess of 100 ft. from the nearest residentially zoned property. Therefore, it is not necessary for the Petitioners to request that particular variance and, therefore, the variance shall be dismissed as moot. The remaining variances are necessary and shall be granted to allow the Petitioners to install the fuel service station on the property as shown on Petitioners' Exhibit 1A.

COPIES RECEIVED FOR FILING
Date 3/14/2000
By J.R. Jernigan



RESUME

Michael J. Gesell, P.E.
Project Manager

EDUCATION:

Westminster Senior High School, Westminster, MD
Carroll County Career and Technology Center, Westminster, MD

PROJECT TESTIMONY:

Testified on behalf of Bohler Engineering in numerous municipalities before Planning Commissions, Board of Supervisors, Board of Appeals, Administrative Law Judges, 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 Seventeen (17) years of design and project management. Primarily responsible for design and approval for various commercial, 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, 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:

- Timonium Square Shopping Center Redevelopment
- Shawan Plaza Redevelopment
- Tradepoint Atlantic – Sparrows Point - St. Johns Warehouse
- Wilkens Beltway Plaza - Redevelopment
- Multiple Quick Serve Restaurants (Chick-fil-A, Sonic)
- Multiple Fuel Service Station Projects (SMO, Royal Farms, Weis Markets)
- Multiple Pharmacy Projects
- Multiple Variance Hearing Projects (Shawan Plaza, Timonium Square, Putty Hill Plaza)

PROFESSIONAL AFFILIATIONS:

- Maryland Professional Engineer #44097
- Certified Professional in Erosion and Sediment Control (CPESC) #6145





Overlea-Fullerton Business and Professional Association

www.ofbpa.com

April 25, 2017

The Honorable John E. Beverungen
Baltimore County Office of Administrative Hearings
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

Re: 7323-7927 Belair Road
Case No. 2017-0241-SPHA

Dear Judge Beverungen:

On behalf of the Overlea Fullerton Business & Professional Association (OFBPA), I am pleased to offer this letter in support of the proposal of Weis Markets, Inc. to redevelop the former Kmart space and construct a new gas station in the Fullerton Plaza located at 7923-7927 Belair Road.

Over the last several months, we have corresponded with representatives of Weis, as well as the representatives from the property management company of the Fullerton Plaza, about the plans for the shopping center's redevelopment. Based on conversations with OFBPA members as well as leaders from other neighborhood associations and local residents and business in the immediate vicinity, there appears to be a consensus that the new grocery store and gas station will be an asset to our community.

We understand that this proposal requires a variance from the County's Zoning Regulations for development near a residential zoning boundary and special hearing approval to permit the pricing information to be shown on the gas station canopy. We fully support the requested relief.

Sincerely,
On behalf of the OFBPA Board of Directors,

A handwritten signature in black ink, appearing to read "Donna Bethke".

Donna Bethke, President
7406 Brookwood Avenue
Nottingham, MD 21236
410-665-6551
ptavon@comcast.net
www.ofbpa.com





ROSENBERG | MARTIN | GREENBERG, LLP

25 South Charles Street, Suite 2115 Baltimore, Maryland 21201-3305 410-727-6600

BALTIMORE COUNTY ZONING HEARING OUTLINE

WEIS MARKETS

7923, 7925 and 7927 BELAIR ROAD

APRIL 27, 2017

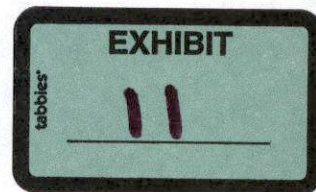
2017-0241-SPHA

I. INTRODUCTION

1. Caroline Hecker and Justin Williams – Rosenberg Martin Greenberg, LLP
2. Jack O'Hara – Weis Markets, Vice President of Legal Affairs & Real Estate
3. Alex Orobia, Sr. – Weis Markets, Senior Manager, Architecture
4. Michael Gesell – Bohler Engineering
5. This is a petition for: (1) a variance necessary to construct a Gas N' Go fuel service station in the Fullerton Plaza, and (2) special hearing approval of the pricing signage that is proposed to be located on the face of the fuel service station canopy.

II. EXISTING CONDITIONS

1. Zoning Classification: Primarily B.R.; small slivers are zoned B.L. and D.R.5.5
2. The Property is known as Fullerton Plaza and is located in the Parkville area of Baltimore County. It has a total site area of 18.37 AC (800,253 SF), and is improved with a 166,322-SF Shopping Center.
3. The Property is located along the Belair commercial corridor just north of I-695 at the intersection of Rossville Blvd. The shopping center is situated in line with a number of smaller commercial strip centers and is directly across Belair Road from the Putty Hill Plaza. While a handful of residential properties are located to the southwest of the property, the closest house is over 250' from the shopping center property.
 - i. Exhibit 1 – Zoning Map/ Photo
 - ii. Exhibit 2 – Google Earth Aerial
4. Constructed in the 1970s, Fullerton Plaza's anchor tenant was Kmart until it shuttered its location in the plaza in November 2015.



Case No.:

2017-0241-SPHA

Exhibit Sheet

Petitioner/Developer

Protestant

5/3/17
den

No. 1	Zoning map	"Petition to Deny Weis Market Zoning Request"
No. 2	Aerial photo - Fullerton Plaza	
No. 3	DOP Memorandum	
No. 4	BBJ News Article	
No. 5	site plan	
No. 6	Schematic landscape plan	
No. 7	Signage exhibit - Fuel Station	
No. 8	Order # 00-287- SPHA	
No. 9	Gessell Resume	
No. 10	Letter from Overlea Business Assoc.	
No. 11	Zoning hearing outline	
No. 12		

evergreen

Fitch Avenue Community Association

7843 St. Thomas Drive

Nottingham, MD 21236

*what makes
practicality
how
length of
variance*
→

Petition to Deny Weis Markets Zoning Request #2017-0241 SPHA

Petition Summary: Weis Markets is requesting a 0 variance to allow a fuel station to be built adjacent to residential property. The variance is being requested because Baltimore County Zoning Code requires a 100 foot buffer between a fuel station and any residential property. We feel the value of our property and the tranquility of our neighborhood will be affected negatively by this change.

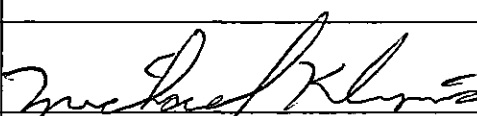
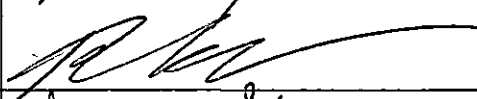
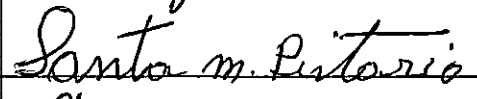
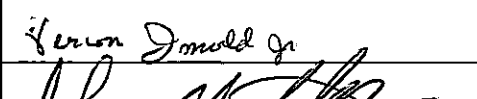
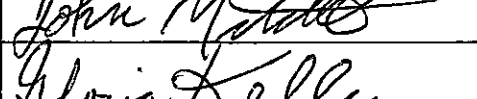
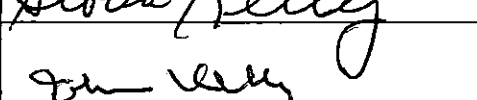
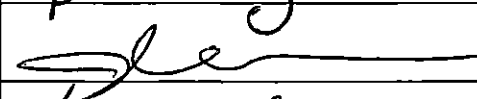
Action Petitioned For: We the undersigned are concerned residents who are against the 0 variance and urge Baltimore County to protect our property rights and the well-being of our neighborhood by upholding the 100 foot buffer requirement and denying the variance to Weis Markets.

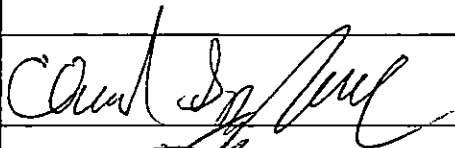
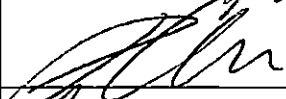
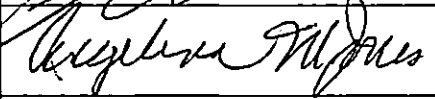
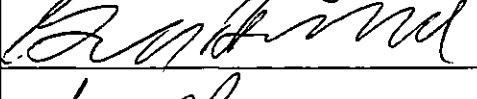
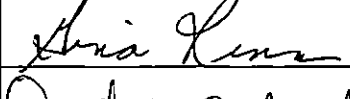
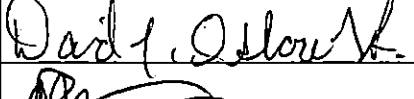
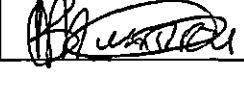
Date	Signature	Printed Name	Address	
4-23-17	<i>Donna C. Willis</i>	DONNA C. WILLIS	7905 ST. MARYS DR 21236	
4-23-17	<i>William W. Willis</i>	WILLIAM W. WILLIS	7905 St. Marys Dr 21236	
4-23-17	<i>Laurie Adams</i>	LAURIE ADAMS	7906 St Marys Dr 21236	
4-23-17	<i>Andrew Adams</i>	Andrew Adams	7906 St Marys Dr. 21236	

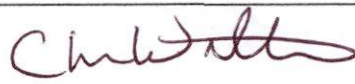
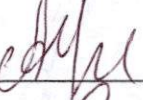
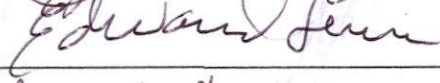
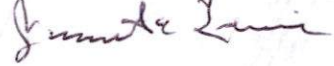
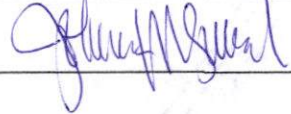
Go to www.AtYourBusiness.com for more free business forms

PROTESTANT' S

EXHIBIT NO. 1

Date	Signature	Printed Name	Address
4-23-17		MICHAEL KLIMA	4212 FITCH AVE.
4-23-17		Rickey SHANKLIN	4207 Fitch Avenue
4/23/17		Ashley Shanklin	4205 1/2 Fitch Ave
4-23-17		SANTA M. PISTORIO	7848 ST. THOMAS DR 21236
4-23-17		SHARON IMWOOD	7849 ST THOMAS DR 21236
4-23-17		VERNON IMWOOD	7849 ST THOMAS DR 21236
4-23-17		John MITCHELL	7850 ST. THOMAS DR. 21236
4/23/17		GLORIA KELLY	7843 ST THOMAS DR 21236
4-23-17		JOHN KELLY	7843 ST THOMAS DR 21236
4-23-17		JOSEPITA KELLY	4218 FITCH AVE 21236
4-23-17		Krist Seesh	7840 Saint Thomas Dr.

Date	Signature	Printed Name	Address
4-23-17		Chadwick Springfield	4209 Fitch Ave Nottingham
4-23-17		Phi Leanh	7839 St Thomas DR Nottingham, MD
4-23-17		Angelina Jones	7857 St. Thomas DR Nottingham MD 21236
4-23-17		L HARE	4215 Fitch Ave 21236
4-23-17		Ed Hare	4215 Fitch Ave 21236
4-23-17		Traci Caldwell	4210 Fitch Ave 21236
4-23-17		Robert Caldwell	4210 Fitch Ave 21236
4-23-17		Ben Bromwell	4205 Fitch Ave
4-23-17		Gina Renna	4203 Fitch Ave
4-23-17		David Osborne	4203 Fitch ave.
4-23-17		Betty Willis	4216 Fitch Ave 21236

Date	Signature	Printed Name	Address
4-23-17		CHRIS WILLIS	4216 Fitch Ave 21236
4-23-17		JAZZY ALEXANDER	4220 Fitch Ave 21236
4-23-17		Alimulla Madina	4224 Fitch Ave 21236
4-23-17		Seana Marcasis	4222 Fitch Ave 21236
4-23-17		EDWARD LEWIS	7904 ST. MARYS DR 21236
4-22-17		JUANITA LEWIS	7904 St. Marys Dr 21236
4-27-17		Johanna Samset	4243 Fitch Ave. No. Hingham, Md 21236

GO TO WWW.447.201.883 FOR GO-LIFE MUSIC 1155 PM JUNE 22 2012

15/05/12
15/05/12

2

DATE

SIGNATURE

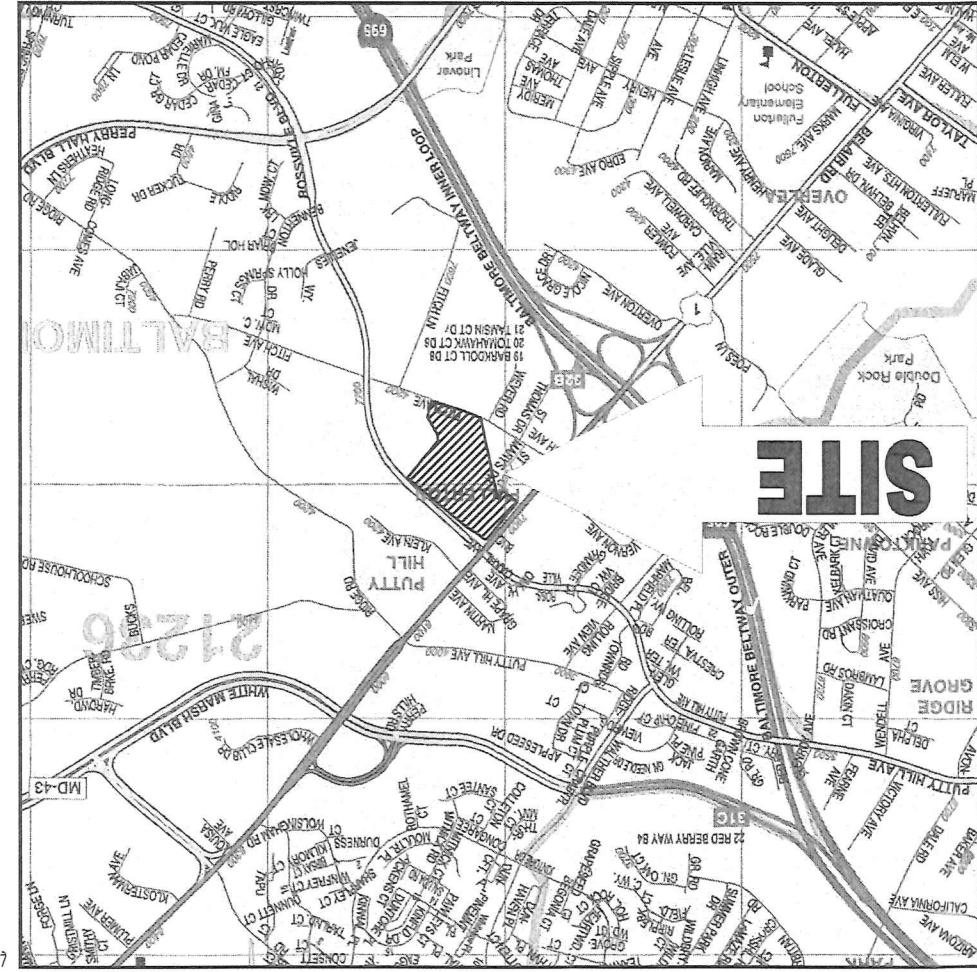
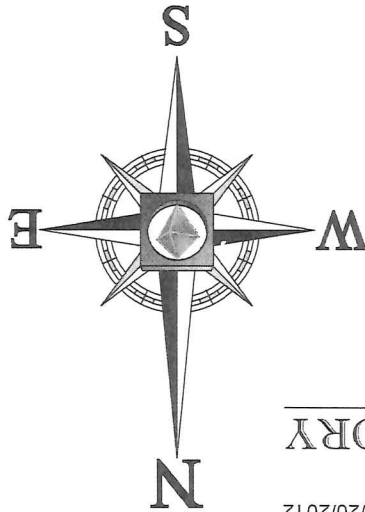
OWNER/BUYER

ADDRESS

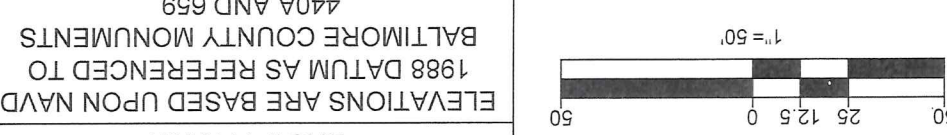
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ZONING HISTORY

PARKING TABULATION CHART			
(PARKING SPACES REQUIRED BY BQSR SECTION 409.6A)			
USE	GROSS S.F.	PARKING RATE	PARKING REQUIRED PER SECTION 409.6A
SHOPPING CENTER			
	166 322	5/1,000 S.F.	832
INSTEAD OF THE REQUIRED 64 SPACES			
VARIANCE 2011-0343 - PERMIT 46 SPACES AT MCDONALDS			
SHIFT			
FUEL SERVICE STATION - MAXIMUM # EMPLOYEES ON LARGEST			
1			
FUEL SERVICE STATION - AIR/VACUUM UNIT			
1			
TOTAL PARKING PROVIDED (INCLUDES 18 ADA SPACES)			
816			



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



PLAN TO
ACCOMPANY
SPECIAL HEARING
PETITION

PROFESSIONAL ENGINEER
M J GESSLT
1/10/15
I, MICHAEL J. GESSLT, 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: 8/9/2017

BOHLER
ENGINEERING

01 DULANEY VALLEY ROAD, SUITE 801
TOWSON, MARYLAND 21204

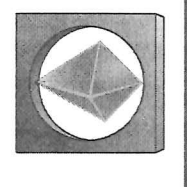
Phone: (410) 821-7900
Fax: (410) 821-7987
MD@BohlerEng.com

LOCATION OF SITE
FULLERTON PLAZA
7923, 7925, AND 7927 BELAIR ROAD
TM 81, GRID 11, PARCEL 639
NOTTINGHAM MD 21236
BALTIMORE COUNTY

PROJECT:
VARIANCE AND
SPECIAL HEARING
PLAN
— FOR —
WEIS MARKETS
INC.

PROJECT NO.: MD172017
DRAWN BY: RJM
CHECKED BY: M.J.G.
DATE: 03/08/17
SCALE: 1"=50'
SAD L.D.: SSO

NOT APPROVED FOR
CONSTRUCTION

[illegible][illegible]

1.	PROPERTY INFORMATION.	A. PROPERTY ADDRESS. B. SITE AREA. C. ELECTION DISTRICT. D. CONJUGAL/NEIGHBOR DISTRICT. E. ADJ. MAP. F. CENSUS TRACT. G. TAX MAP. H. GRID. I. PARCEL. J. TAX ACCOUNT NO. K. WATERSHED.
2.	ZONING.	BR, BL AND DRS.5
3.	ZONING MAP REFERENCE.	BR, BL AND DRS.5 1900001407 639
4.	FLOOR AREA RATIO.	08101
5.	EXISTING LAND USE.	PERMITTED = 2.0 PROVIDED = 0.21 (166.322 S.F. / 800' PLANNED SHOPPING CENTER
6.	PROPOSED (AND) USE.	REQUIRED
7.	STREACKS: (TO PROPERTY LINE)	25' 30' 30' 30' 25' 100'
8.	REAR RESIDENTIAL ZONE	25' 30' 30' 30' 25' 100'
9.	HEIGHT BUILDING HEIGHTS	NOT TO EXCEED 40'
10.	PROPOSED SURROUNDING HEIGHT.	40' MAX

