

IN RE: PETITION FOR VARIANCE

(800 Kenilworth Dr.)

9th Election District

5th Council District

Kenilworth Limited Partnership,

Legal Owner

Trader Joe's, *Lessee*

Petitioners

*

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0259-A

* * * * *

OPINION AND ORDER ON MOTION FOR RECONSIDERATION

Now pending is a Motion for Reconsideration filed by Trader Joe's, identified as lessee of Kenilworth Limited Partnership which is also a Petitioner in the above case. Trader Joe's sought variance relief in this case to permit a wall mounted enterprise sign on a façade without a customer entrance. The variance request was denied in an Order dated May 23, 2017.

The primary (though not the only) reason the petition was denied was due to a zoning violation on the property, as more completely discussed in the May 23, 2017 Order. Petitioner contends it was erroneous to deny the request on that basis since the variance "request was wholly independent of said violation." Motion, p.2. That is incorrect.

The variance sought was for property owned by Kenilworth Limited Partnership, and if granted the variance would "run with the land," meaning even if Trader Joe's vacated the space a new tenant would be entitled to erect its sign on the east-facing façade. The owner and tenant are in privity, and the owner is a necessary party in a zoning case. In addition, Trader Joe's itself had a large vinyl sign on a wall of the shopping center (without a customer entrance) facing the Beltway. This sign, which was not permitted under the B.C.Z.R., was in place for several weeks, and was removed shortly before the May 17, 2017 public hearing. Thus, the zoning violations on the property were attributable to both the owner and tenant. As such the Motion will be denied.

ORDER RECEIVED FOR FILING

Date

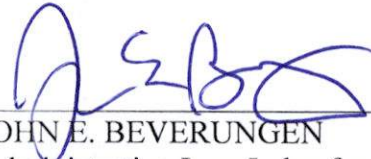
6/29/17

By

sen

WHEREFORE, for the foregoing reasons, it is this 29th day of **June, 2017** by the Administrative Law Judge for Baltimore County ordered that the Motion for Reconsideration be and is hereby DENIED.

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

6/29/17

By

sln



McNamee Hosea
Attorneys & Advisors

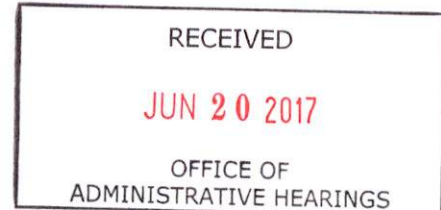
McNamee Hosea
6411 Ivy Lane, Suite 200 O 301.441.2420
Greenbelt, Maryland 20770 F 301.982.9450
mhlawyers.com

June 19, 2017

Via Federal Express

The Honorable John E. Beverungen
105 W. Chesapeake Avenue #102
Towson, MD 21204

RE: Case Number 2017-0259-A
800 Kennilworth Drive



Honorable John E. Beverungen,

On behalf of Matthew C. Tedesco, Esq., enclosed please find a Motion for Reconsideration and/or Rehearing in regards to the above referenced case.

Thank you for your consideration in this matter. Please do not hesitate to contact me should you have any questions.

Very truly yours,

Morgan McWilliams
Legal Assistant

Enclosures

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY**

IN RE: PETITION FOR VARIANCE	*	
(800 Kenilworth Drive)		
9th Election District	*	
5th Council District		
Kenilworth Limited Partnership,	*	Case No.: 2017-0259-A
<i>Legal Owner</i>		
Trader Joe's, <i>Lessee</i>	*	
Petitioners		
* * * * * * *		

MOTION FOR RECONSIDERATION AND/OR REHEARING

COMES NOW Petitioner, Trader Joe's, by and through its attorneys, Matthew C. Tedesco, Clifford B. Glover III, and McNamee, Hosea, Jernigan, Kim, Greenan & Lynch, P.A., pursuant to Title 2, Chapter 1, Part 1, Appendix G, Rule 4(K) of the Code of Baltimore County Regulations, and hereby files this Motion for Reconsideration and/or Rehearing and states the following:

1. Trader Joe's leases space for a grocery store at the Shops at Kenilworth, a shopping mall located at 800 Kenilworth Drive, Towson, Maryland (the "Subject Property"). The Subject Property is owned by Kenilworth Limited Partnership (the "Owner"). Trader Joe's ("Petitioner") has no direct control over the actions or inactions of the Owner concerning rooftop signs on the Subject Property. Petitioner only has direct control over its leased area and, in conjunction with the same, the signs it erects.

2. On March 28, 2017, Petitioner filed a Petition for Zoning Hearing ("Petition") in the above-captioned matter seeking approval to permit a wall mounted enterprise sign on the east-facing façade of the grocery store.

3. On May 17, 2017, a hearing before this Honorable Body was held on the Petition.

MCNAMEE, HOSEA,
JERNIGAN, KIM,
GREENAN & LYNCH, P.A.

6411 IVY LANE
SUITE 200
GREENBELT, MD 20770
(301) 441-2420

4. On May 23, 2017, this Honorable Body issued an Opinion and Order denying the Petition due to an existing sign violation regarding a rooftop sign over which Petitioner has no control. This Honorable Body noted that the subject rooftop sign was in violation of its Orders dated November 14 and 22, 2016. Said Orders are attached hereto as Exhibit A.

5. During the May 17th hearing, Petitioner did not address the then-existing rooftop sign nor the violation, as the violation stemmed solely from the Owner's approval of a joint identification sign pursuant to Case No. 2017-0072-A, and Petitioner believed that this issue had been (or would be) resolved by the Owner of the Subject Property. Moreover, Petitioner was surprised that this Honorable Body denied the Petition on the stated grounds, as Petitioner's request was wholly independent of said violation and, more importantly, Petitioner had no ability to even cure the violation. Indeed, Petitioner had been allowed to submit the Petition for review by the County despite the violation, and there existed no opposition to the Petition on this basis from Staff. Critically, this Honorable Body did not raise the violation as an issue nor even inquire as to the status of same with Petitioner's Counsel during the hearing. Consequently, Petitioner had no notice that this alleged violation would be considered as the basis for the denial of the Petition, and was, therefore, not afforded any opportunity to be heard on the issue.

6. Further, as of the filing of this Motion, the Owner confirmed that on or before June 8, 2017, it had removed the rooftop sign at issue. Therefore, the violation has been cured and resolved by the Owner, which now renders the primary basis for denial of the Petition moot.

7. Given the foregoing, Petitioner respectfully requests that this Honorable Body reconsider its denial of the Petition based on an alleged violation of its Orders dated November 14, 2016 and November 22, 2016, which have been cured and satisfied. No violation exists on the Property.

8. Additionally, in its Opinion and Order, this Honorable Body cast doubt as to the Petitioner's ability to satisfy the uniqueness or practical difficulty standard needed for a variance to be granted because those issues were not actually litigated and, therefore, *res judicata* and/or collateral estoppel would not apply.

9. At the hearing, Counsel for Petitioner proffered that the Subject Property's uniqueness had already been determined by previous variance approvals. This determination was made in Case Number 2017-0072-A, where on November 14, 2016, this Honorable Body approved a freestanding joint identification sign with a changeable copy by determining that the "site has irregular dimensions and is therefore *unique*." (Ex. A) (emphasis added). The proffered testimony also included statements and photographs which: (1) depicted existing conditions that not only impede views of Petitioner's existing wall-mounted enterprise sign when approaching the shopping mall from the east, but also impede the site access to Petitioner's store; (2) showed topographical changes that result in the site requiring a two-tier parking garage with the sole access to the top tier (which is next to Petitioner's leased space) being accessed at grade along the east façade of Petitioner's space and out of view of any of Petitioner's existing signage; and (3) showed site boundaries being restricted by I-695 to the north and Kenilworth Drive to the south, thereby, prohibiting the ability to expand the property boundaries to address certain unique characteristics of the Subject Property.

10. This Honorable Body accepted the proffered testimony. Nevertheless, Petitioner was (and remains) prepared to have Mr. Michael J. Pieranunzi, its expert witness, testify to the uniqueness of the Subject Property through direct examination testimony, but did not do so in light of this Honorable Body's acquiescence of the proffered testimony. Accordingly, Petitioner

respectfully requests that this Honorable Body reconsider its decision and/or grant a rehearing so that additional direct examination testimony can be further adduced in support of said Petition.

11. Although Petitioner did not raise collateral estoppel or *res judicata per se* at the hearing, Petitioner would like to address the same since it was included in this Honorable Body's decision denying the Petition. As the Court of Special Appeals held in *Seminary Galleria, LLC v. Dulaney Valley Improvement Ass'n, Inc.*:

Although there were cases decided several decades ago in which the Court of Appeals held that principles of *res judicata* did not apply to rulings of administrative agencies, the Restatement (Second) of Judgments (1982) provides in § 83(1) that "a valid and final adjudicative determination by an administrative tribunal has the same effects under the rules of *res judicata*, subject to the same exceptions and qualifications, as a judgment of a court." The more recent Maryland cases have held that, when an administrative agency is performing a quasi-judicial function, the principles of *res judicata* are applicable.

192 Md. App. 719, 735-36 (2010) (citing *Stavely v. State Farm Mut. Auto Ins. Co.*, 376 Md. 108, 116 (2003); *Sugarloaf v. Waste Disposal*, 323 Md. 641, 658-59 (1991); *Cicala v. Disability Review Bd.*, 288 Md. 254, 263-64 (1980)). Further clarifying the standard for collateral estoppel amongst administrative agencies, the Court of Special Appeals quoted the Court of Appeals' holding in *Baston v. Shiflett*, 325 Md. 684, 705 (1992), wherein it held that an administrative agency decision was subject to collateral estoppel:

Whether an administrative agency's declaration should be given preclusive effect hinges on three factors: (1) whether the [agency] was acting in a judicial capacity; (2) whether the issue presented to the [reviewing] court was actually litigated before the [agency]; and (3) whether its resolution was necessary to the [agency's] decision.

Seminary Galleria, LLC, 192 Md. App. at 736.

12. In this instance, when this Honorable Body presided over Case No. 2017-0072-A, it acted in a judicial capacity by holding an evidentiary hearing where the Owner, who is named in the pending Petition, participated and presented evidence on an issue in controversy (i.e. a

variance for a sign); the variance for a joint identification sign was actually litigated through the introduction of evidence and/or testimony and included a finding of uniqueness of the site; and this body made a necessary ruling that the site was unique. Therefore, Petitioner respectfully contends that the determination of uniqueness in Case No. 2017-0072-A can attach to the pending Petition. Accordingly, Petitioner respectfully requests that this Honorable Body reconsider its decision and/or grant a rehearing so that additional direct examination testimony can be further adduced in support of said Petition.

13. In closing, Petitioner requests that this Honorable Body reconsider its decision to deny the Petition based on a violation that was not only outside of Petitioner's control, but has now been cured, thereby rendering the primary basis for denial moot. In addition, Petitioner respectfully requests that this Honorable Body reconsider its determination on uniqueness or practical difficulty given this Body's prior finding and/or the accepted proffered testimony regarding the same. In the alternative, Petitioner requests a rehearing to propound additional testimony from its expert witness regarding the uniqueness and practical difficulty related to the Subject Property.

WHEREFORE, Petitioner, Trader Joe's, respectfully requests that this Honorable Body:

- A. Grant this Motion for Reconsideration and Rehearing;
- B. Reconsider its decision on the requested Petition and approve the same;
- C. Find that, pursuant to its prior decisions regarding the Subject Property and/or proffered testimony by the Petitioner, that the Subject Property is unique and that a failure to grant the relief requested will cause a practical difficulty; or

D. In the alternative, set this matter in for a rehearing to hear additional testimony regarding the issues of uniqueness and practical difficulty in the event it is not satisfied with paragraph C above; and

E. Grant such further relief as is deemed necessary and proper.

Respectfully Submitted

MCNAMEE, HOSEA, JERNIGAN, KIM
GREENAN & LYNCH, P.A.



Matthew C. Tedesco
Clifford B. Glover III
6411 Ivy Lane, Suite 2003
Greenbelt, Maryland 20770
301-441-2420
301-982-9450 (fax)
mtedesco@mhlawyers.com
cglover@mhlawyers.com
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of June, the foregoing Motion for Reconsideration and/or Rehearing was mailed first-class, postage prepaid, to:

Peter Max Zimmerman
Carole S. Demilio
People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, Maryland 21204



Clifford B. Glover III



KEVIN KAMENETZ
County Executive

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

November 22, 2016

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

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

Dear Mr. Vettori:

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 11-22-16

JEB:dlw

By [Signature]

IN RE: PETITION FOR VARIANCE

(800 Kenilworth Dr.)

9th Election District

5th Council District

Kenilworth Limited Partnership,

Legal Owner

Trader Joe's, *Lessee*

Petitioners

*

BEFORE THE OFFICE

*

OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2017-0259-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Kenilworth Limited Partnership, owner of the subject property and Trader Joe's, lessee ("Petitioners"). The variance request pursuant to the Baltimore County Zoning Regulations (B.C.Z.R.) seeks approval to permit a wall mounted enterprise sign on an existing wall without a customer entrance. A site plan was marked as Petitioners' Exhibit 2.

Landscape architect Michael Pieranunzi prepared the site plan and appeared in support of the petition. Matthew C. Tedesco, Esq. and Cliff Glover, Esq. represented the Petitioners. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP). That agency opposed the request, and opined the signage proposed would be excessive.

The subject property is approximately 8.1271 acres in size and is zoned BM. The site is improved with a multi-tenant commercial building occupied by several retail stores and eateries. The mall is currently undergoing a renovation, and Trader Joe's (which recently opened a new grocery store at this location) seeks permission to have a sign on the east-facing facade, which

ORDER RECEIVED FOR FILE
Date 5/23/17
By sen

does not have a customer entrance.

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).

While I doubt Petitioners would be able to satisfy the requisite standard for variance relief, the petition will be denied for other reasons. Even though variances have in prior cases been granted for the subject property, those were uncontested proceedings and *res judicata* and/or collateral estoppel would not be applicable because the issues of uniqueness or practical difficulty were not “actually litigated.” *Seminary Galleria, LLC v. Dulaney Valley Improv. Ass’n.*, 192 Md. App. 719, 736 (2010).

In any event, a violation currently exists on the property which prevents Petitioners from obtaining zoning relief. By Orders dated November 14, 2016 and November 22, 2016 the owner obtained variances for the freestanding joint identification sign (on which Trader Joe’s is included) at the shopping center. As a condition of that approval, the owner was obliged to remove a rooftop sign on or before January, 2017. As of today’s date, that sign has not been removed, and the petition must therefore be denied.

THEREFORE, IT IS ORDERED, this 23rd day of **May, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for variance to permit a wall mounted enterprise sign on an existing wall without a customer entrance, be and is hereby DENIED.

ORDER RECEIVED FOR FILING

Date 5/23/17

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:slh

ORDER RECEIVED FOR FILING

Date 5/23/17

By slh



KEVIN KAMENETZ
County Executive

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

May 23, 2017

Matthew C. Tedesco, Esq.
6411 Ivy Lane, Suite 200
Greenbelt, Maryland 20770

RE: Petition for Variance
Case No. 2017-0259-A
Property: 800 Kenilworth Drive

Dear Mr. Tedesco:

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 the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure



KEVIN KAMENETZ
County Executive

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

June 29, 2017

Matthew C. Tedesco, Esq.
6411 Ivy Lane, Suite 200
Greenbelt, Maryland 20770

RE: Petition for Variance- Motion for Reconsideration
Case No. 2017-0259-A
Property: 800 Kenilworth Drive

Dear Mr. Tedesco:

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 the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure



KEVIN KAMENETZ
County Executive

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

April 17, 2017

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2017-0259-A

800 Kenilworth Drive

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

9th Election District – 5th Councilmanic District

Legal Owners: Kenilworth Limited Partnership

Contract Purchaser: Rob Newman, Trader Joes National Equipment Buyer

Variance to permit a wall mounted enterprise sign on an existing wall without a customer entrance.

Hearing: Wednesday, May 17, 2017 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Matthew Tedesco, 6411 Ivy Lane, Ste. 200, Greenbelt 20770
Rob Newman, 711 Atlantic Ave., 3rd Fl., Boston MA 02111
Kenilworth Limited Partnership, 800 Kenilworth Drive, Baltimore 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, APRIL 27, 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: 2017-0259-A

Property Address: 800 Kenilworth Drive, Unit 850B, Baltimore, Maryland 21204

Property Description: Trader Joe's at the Shops at Kenilworth

Legal Owners (Petitioners): Kenilworth Limited Partnership

Contract Purchaser/Lessee: Rob Newman, Trader Joe's Equipment Buyer

PLEASE FORWARD ADVERTISING BILL TO:

Name: Matthew C. Tedesco

Company/Firm (if applicable): McNamee, Hosea, Jernigan, Kim, Greenan & Lynch, P.A.

Address: 6411 Ivy Lane, Suite 200

Greenbelt, Maryland 20770

Telephone Number: 301-441-2420

Revised 7/9/2015



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 800 Kenilworth Drive, Unit 850B which is presently zoned BM
 Deed References: Liber 10438 folio 703 10 Digit Tax Account # 0 9 2 0 4 5 1 3 9 0
 Property Owner(s) Printed Name(s) Kenilworth Limited Partnership

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

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

3. X a **Variance** from Section(s) 450.4 Attachment 1#5(d)vi
to permit a wall mounted enterprise sign
on an existing wall without a customer entrance.

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:

Rob Newman Trader Joes National Equipment Buyer

Name- Type or Print

[Signature]
 Signature

711 Atlantic Ave., 3rd Floor, Boston, MA

Mailing Address City State

02111 / 857-400-3374 / Rob Newman

Zip Code Telephone # Email Address

Attorney for Petitioner:

Matthew C. Tedesco, Esquire

Name- Type or Print

[Signature]
 Signature

6411 Ivy Lane, Suite 200, Greenbelt, MD

Mailing Address City State

20770 301-441-2420 mtedesco@mhlawyers.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Kenilworth Limited Partnership

Name #1 - Type or Print

Name #2 - Type or Print

[Signature]
 Signature #1

[Signature]
 Signature #2

800 Kenilworth Drive, Baltimore, MD

Mailing Address City State

21204 / /

Zip Code Telephone # Email Address

Representative to be contacted:

Matthew C. Tedesco, Esquire

Name - Type or Print

[Signature]
 Signature

6411 Ivy Lane, Suite 200, Greenbelt, MD

Mailing Address City State

20770 301-441-2420 mtedesco@mhlawyers.com

Zip Code Telephone # Email Address

CASE NUMBER 2017-0259-A

Filing Date 3/28/2017

ORDER RECEIVED FOR FILING

Do Not Schedule Dates:

Reviewer [Signature]

Date

5/23/17

REV 10/4/11

By

[Signature]

... ..

**KENILWORTH MALL
ZONING DESCRIPTION**

Beginning for the same at a point on the ^{North (89)} south side of Kenilworth Drive, 70' wide, said point being approximately 740 feet northwest from the intersection of the north side of Kenilworth Drive with the west side of West Road, thence running westerly and binding on the ~~south~~ ^{North (89)} side of Kenilworth Drive;

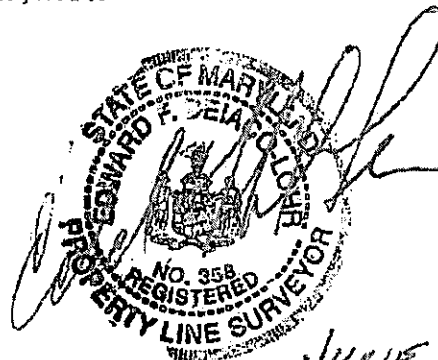
1. 373.92 feet along a curve to the right having a radius of 3965.00 feet, said curve being subtended by a chord bearing of North 64 degrees, 58 minutes, 56 seconds West, a distance of 373.78 feet, thence;
 2. North 62 degrees, 16 minutes, 50 seconds West, a distance of 191.80 feet, thence;
 3. North 19 degrees, 43 minutes, 10 seconds East, a distance of 566.73 feet, thence;
 4. 373.88 feet along a curve to the left having a radius of 2034.86 feet, said curve being subtended by a chord bearing of South 79 degrees, 37 minutes, 13 seconds East, a distance of 373.36 feet, thence;
 5. South 48 degrees, 52 minutes, 50 seconds East, a distance of 261.51 feet, thence;
 6. South 24 degrees, 31 minutes, 03 seconds West, a distance of 595.18 feet, thence;
- to the place of beginning.

Containing 367211.79 square feet or 8.430 acres, more or less

Being that parcel of land which was conveyed by Irvin C. Tillman, Sr. to Kenilworth Limited Partnership by a deed dated March 31, 1994 and recorded among the Land Records of Baltimore County in Book S.M. 10438 Folio 703.

Professional Certification

I hereby certify that this description was prepared by me or under my responsible charge, and that I am a duly licensed property line surveyor under the laws of the State of Maryland, License No. 358, Expiration Date October 19, 2016.



JUNE 14, 2016

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



KEVIN KAMENETZ
County Executive

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

May 10, 2017

Kenilworth Limited Partnership
800 Kenilworth Drive
Towson MD 21204

RE: Case Number: 2017-0259 A, Address: 800 Kenilworth Drive

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 28, 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
Rob Newman, Trader Joe's National Equipment Buyer, 711 Atlantic Avenue, 3rd Floor
Boston MA 02111
Matthew C Tedesco, Esquire, 6411 Ivy Lane, Suite 200, Greenbelt MD 20770

Date: 4/5/17

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2017-0259-A

*Variance
Kenilworth Limited Partnership
800 Kenilworth Drive.*

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

Sincerely,



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

WW/RAZ

JB 5-17
11am

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 5/3/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-259



INFORMATION:

Property Address: 800 Kenilworth Road, Unit 850 B
Petitioner: Kenilworth Limited Partnership
Zoning: BM
Requested Action: Variance

The Department of Planning has reviewed the petition for a Variance to permit a wall mounted enterprise sign on an existing wall without a customer entrance.

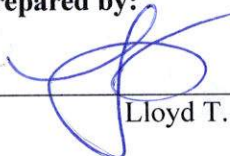
A site visit was conducted on April 14, 2016. The site is within the Kenilworth Commercial Revitalization Area and the Kenilworth Drive Corridor Plan.

The Department does not support granting the petitioned zoning relief.

The Department has carefully reviewed the overall sight and signage package for the center as part of its review of the limited exemption plan package. The site was previously granted variance relief for signage along the commercial corridor in zoning case no. 2017-0072-A. "Trader Joes" is a prominent component of the signage in that case. The brand is further prominently displayed on south elevation of the building facing the residential communities across the street and Kenilworth Drive. The Department recommends that any additional signage is excessive and contrary to the requirements of BCZR Section 450. E wherein it is stated that the existence of excessive signage is contrary to the master plan. Said BCZR Section 450 has the following goals: 1) improved quality of commercial corridors, including signage, and 2) enhanced control of placement, size and design of commercial corridor signage.

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
Matthew C. Tedesco, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 800 Kenilworth Drive, Unit 850B which is presently zoned BM
 Deed References: Liber 10438 folio 703 10 Digit Tax Account # 0 9 2 0 4 5 1 3 9 0
 Property Owner(s) Printed Name(s) Kenilworth Limited Partnership

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
3. **X** a Variance from Section(s) 450.4 Attachment 1#5(d)vi
to permit a wall mounted enterprise sign
on an existing wall without a customer entrance.

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:

Rob Newman Trader Joes National Equipment Buyer

Name- Type or Print

Signature

711 Atlantic Ave., 3rd Floor, Boston, MA

Mailing Address City State

02111 / 857-400-3374 /
 Zip Code Telephone # Email Address

Attorney for Petitioner:

Matthew C. Tedesco, Esquire

Name- Type or Print

Signature

6411 Ivy Lane, Suite 200, Greenbelt, MD

Mailing Address City State

20770 301-441-2420 mtedesco@mhlawyers.com
 Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Kenilworth Limited Partnership

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

800 Kenilworth Drive, Baltimore, MD

Mailing Address City State

21204 / 410-559-2521 / kpd@kenilworth.com
 Zip Code Telephone # Email Address

Representative to be contacted:

Matthew C. Tedesco, Esquire

Name - Type or Print

Signature

6411 Ivy Lane, Suite 200, Greenbelt, MD

Mailing Address City State

20770 301-441-2420 mtedesco@mhlawyers.com
 Zip Code Telephone # Email Address

CASE NUMBER 2017-0259-A

Filing Date 3/28/2017

Do Not Schedule Dates

ORDER RECEIVED FOR FILING

Reviewer

Date

REV. 10/4/11

By

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

NO 151405

Date: 3/28/17

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

Total: 500.00

Rec From: Clifford B. Glover III
Taxes Fees

For: 800 Kenilworth Dr

2017-0259-4

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME DFW
3/29/2017 3/28/2017 09:44:35 3
REG WSO3 WALKIN CAM
>>RECEIPT # 720436 3/28/2017 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 151405
Recpt Tot \$500.00
\$500.00 CN \$.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 4918748

Sold To:

Matthew Tedesco - CU00596122
6411 Ivy Ln
Ste 200
Greenbelt, MD 20770-1405

Bill To:

Matthew Tedesco - CU00596122
6411 Ivy Ln
Ste 200
Greenbelt, MD 20770-1405

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

Apr 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: # 2017-0259-A
800 Kenilworth Drive
N/s Kenilworth Drive, 740 ft. NW of the centerline of West Road
9th Election District - 5th Councilmanic District
Legal Owner(s) Kenilworth Limited Partnership
Contract Purchaser(s): Rob Newman, Trader Joes National Equipment Buyer

Variance: To permit a wall mounted enterprise sign on an existing wall without a customer entrance.

Hearing: Wednesday, May 17, 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.

4/138 April 27 4918748

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

Bruce E. Doak Consulting, LLC

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

CERTIFICATE OF POSTING

April 26, 2017

Re:

Zoning Case No. 2017-0259-A

Legal Owner: Keniworth Limited Partnership

Hearing date: May 17, 2017

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

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **800 Keniworth Drive**.

The sign was posted on **April 25, 2017**.

Sincerely,



Bruce E. Doak
MD Property Line Surveyor #531

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



Land Use Expert and Surveyor

ZONING NOTICE

CASE NO. 2017-0259-A

800 Keniworth Drive

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

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

DATE & TIME: Wednesday May 17, 2017 11:00 AM

REQUEST:

Variance to permit a wall mounted enterprise
sign on an existing wall without a customer
entrance.

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

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

THE HEARING IS HANDICAPPED ACCESSIBLE



TO: PATUXENT PUBLISHING COMPANY
Thursday, April 27, 2017 Issue - Jeffersonian

Please forward billing to:
Matthew Tedesco
6411 Ivy Lane, Ste. 200
Greenbelt, MD 20770

301-441-2420

NOTICE OF ZONING HEARING

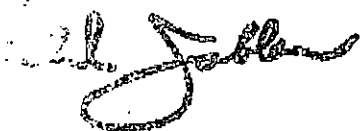
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CASE NUMBER:

800 Kenilworth Drive
N/s Kenilworth Drive, 740 ft. NW of the centerline of West Road
9th Election District – 5th Councilmanic District
Legal Owners: Kenilworth Limited Partnership
Contract Purchaser: Rob Newman, Trader Joes National Equipment Buyer

Variance to permit a wall mounted enterprise sign on an existing wall without a customer entrance.

Hearing: Wednesday, May 17, 2017 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.

20BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 10, 2017

FROM: ^{DAK}
Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 3, 2017
Item No. 2017-0257, 0258, 0259, 0260, 0262, 0263, 0264, 0265, 0267
and 0268

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\ZAC04102017.doc

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
800 Kenilworth Drive; N/S Kenilworth Drive, *
740' NW of c/line with West Road * OF ADMINISTRATIVE
9th Election & 5th Councilmanic Districts HEARINGS FOR
Legal Owner(s): Kenilworth Limited Partnership*
Contract Purchaser(s): Trader Joes by Rob Newman
Petitioner(s) * BALTIMORE COUNTY
* 2017-259-A

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED
APR 05 2017

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of April, 2017, a copy of the foregoing Entry of Appearance was mailed to Matthew Tedesco, Esquire, 6411 Ivy Lane, Suite 200, Greenbelt, Maryland 20770, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

MEMORANDUM

DATE: August 1, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0259-A – Appeal Period Expired

The appeal period for the above-referenced case expired on July 31, 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

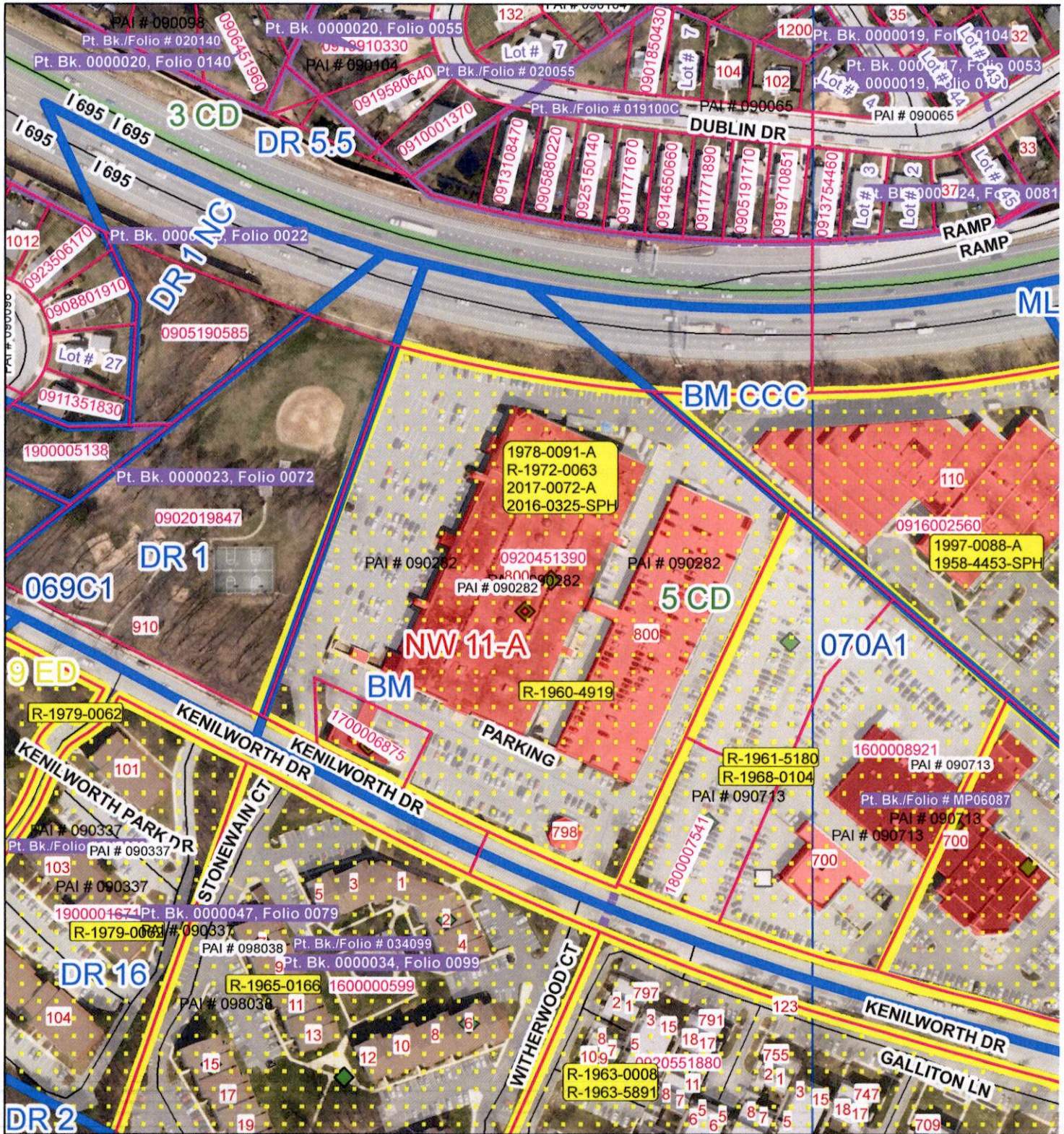
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 09 Account Number - 0920451390							
Owner Information									
Owner Name:		KENILWORTH LIMITED PARTNERSHIP				Use:		COMMERCIAL	
Mailing Address:		800 KENILWORTH DR BALTIMORE MD 21204				Principal Residence:		NO	
						Deed Reference:		/10438/ 00703	
Location & Structure Information									
Premises Address:		800 KENILWORTH DR BALTIMORE MD 21204-2201				Legal Description:		8.1271 AC NS KENILWORTH DR 550 W WEST RD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0069	0006	1022		0000				2017	Plat Ref:
Special Tax Areas:				Town:		NONE			
				Ad Valorem:					
				Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1978		141776				354,016 SF		14	
Stories	Basement	Type			Exterior	Full/Half Bath	Garage	Last Major Renovation	
		SHOPPING CENTER/ REGIONAL							
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2017		07/01/2016		07/01/2017	
Land:		10,620,400		10,620,400					
Improvements		11,203,900		11,541,700					
Total:		21,824,300		22,162,100		21,824,300		21,936,900	
Preferential Land:		0						0	
Transfer Information									
Seller: TILLMAN IRVIN C,SR				Date: 04/01/1994		Price: \$250,000			
Type: ARMS LENGTH IMPROVED				Deed1: /10438/ 00703		Deed2:			
Seller: TILLMAN IRVIN C,SR				Date: 02/09/1976		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /05607/ 00233		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									

CASE NAME Trader Joes / Shopse Komilow
CASE NUMBER 2017-0259-A
DATE 5/17/2017

[illegible]

800 Kenilworth Drive 2017-0259-A



Publication Date: 3/28/2017



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

Case No.: 2017-0259-A

Exhibit Sheet

Petitioner/Developer

192-1-17

Protestants

Den
5-23-17

No. 1	Pieranunzi	
No. 2	Site Plan (1 sheet)	
No. 3	Sign Plan (5 sheets)	
No. 4	Letter of Support from Property Owner	
No. 5	5A-SE Photos	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Michael J. Pieranunzi, RLA
Landscape Architect

BEGAN WITH CENTURY: 2006, October

YEARS WITH CENTURY: 10

YEARS WITH OTHER FIRMS: 27

EDUCATION

1987 B.S. Landscape Architecture, West Virginia University

PROFESSIONAL REGISTRATION:

1991 RLA Maryland Registered #1008 (exp. 2016)

2009 March LEED Accredited Professional (LEED AP)



WORK BACKGROUND:

Century Engineering

Hunt Valley, MD

Oct. 2006 - present

Daft-McCune-Walker, Inc.

Towson, Maryland

1997 – 2006

Clark, Finefrock &

Sackett, Inc.

Columbia, Maryland

1987 – 1997

ASSOCIATIONS

American Society of Landscape Architects

Howard County Association of Landscape Architects - Past Vice President

Howard County Homebuilders Association

Howard County Chamber of Commerce

EXPERIENCE

As a project manager, Mr. Pieranunzi provides landscape architecture and land planning services to public and private clients. His extensive background in residential and commercial site planning and land development result in creative and environmentally-sensitive design solutions. Mr. Pieranunzi's experience has assisted in implementing plans from conceptual design through construction on projects that include residential and commercial land use planning, community master planning and landscaping, golf course design, and site planning.

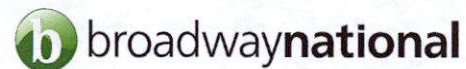
PETITIONER' S

EXHIBIT NO. 1

TRADER JOE'S

800 KENILWORTH DRIVE, UNIT 850B
TOWSON , MD 21204

Job Number: 19379



Property of Broadway National. Unauthorized use, publication or distribution is prohibited.

PETITIONER'S

EXHIBIT NO.

3

Contact 1900 Ocean Avenue Ronkonkoma, NY 11779 P631.737.3140 F631.737.4865

Sign Type: *****

Description: AERIAL VIEW

Quantity: **

2

1 AERIAL VIEW
NTS



b **broadwaynational**

Job Name: Trader Joe's
Address: 800 Kenilworth Drive, Unit 850B
Towson, MD 21204

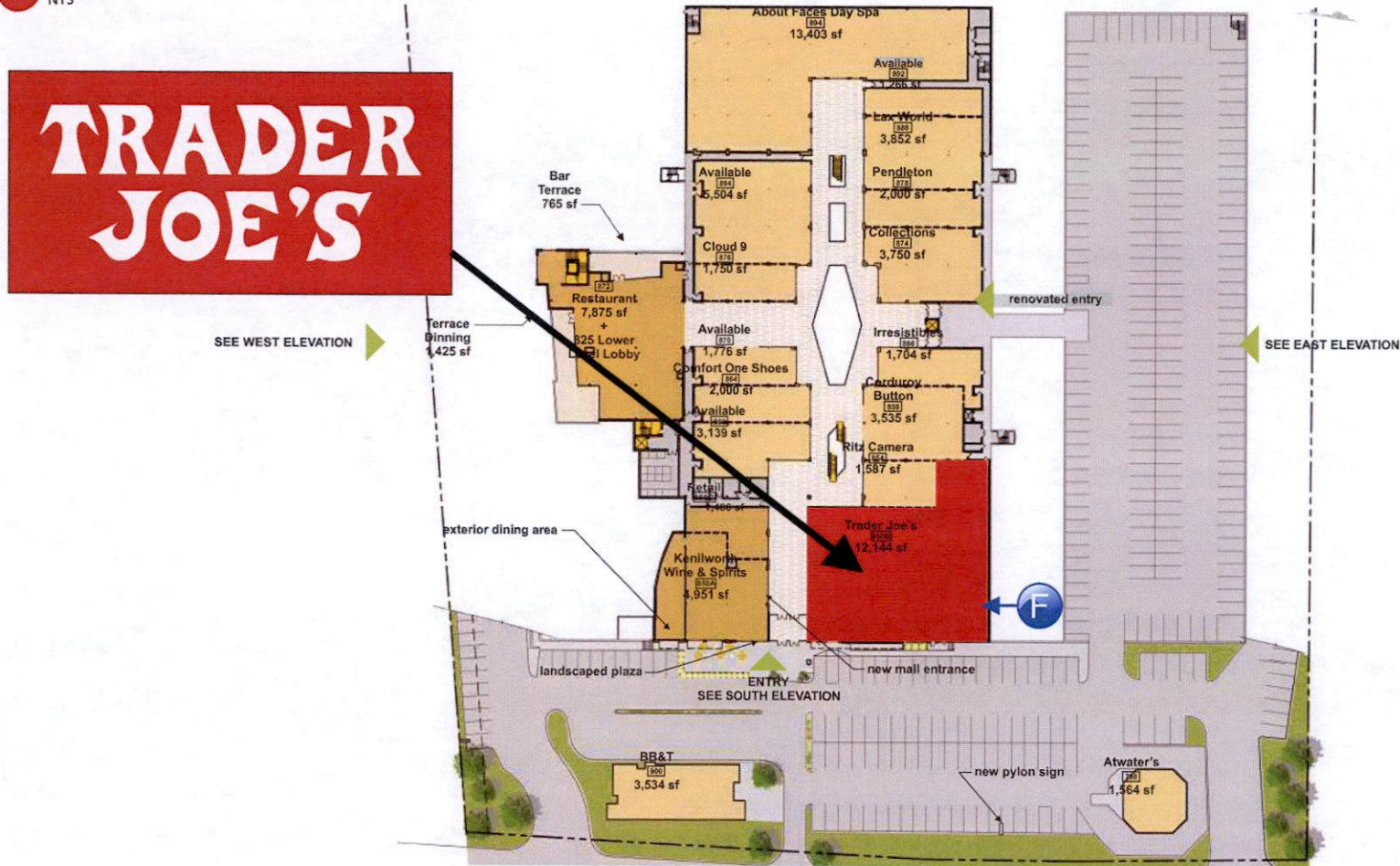
Date: 08.04.15
Job Number: 19379
Project Manager: JR

Scale: SEE DRAWING
Drawn By: KK
Revised: 04.18.17 # 11.01

☐ Approved ☐ Rejected
☐ Approved with Corrections ☐ Revise and Resubmit
Signature: _____ Date: _____

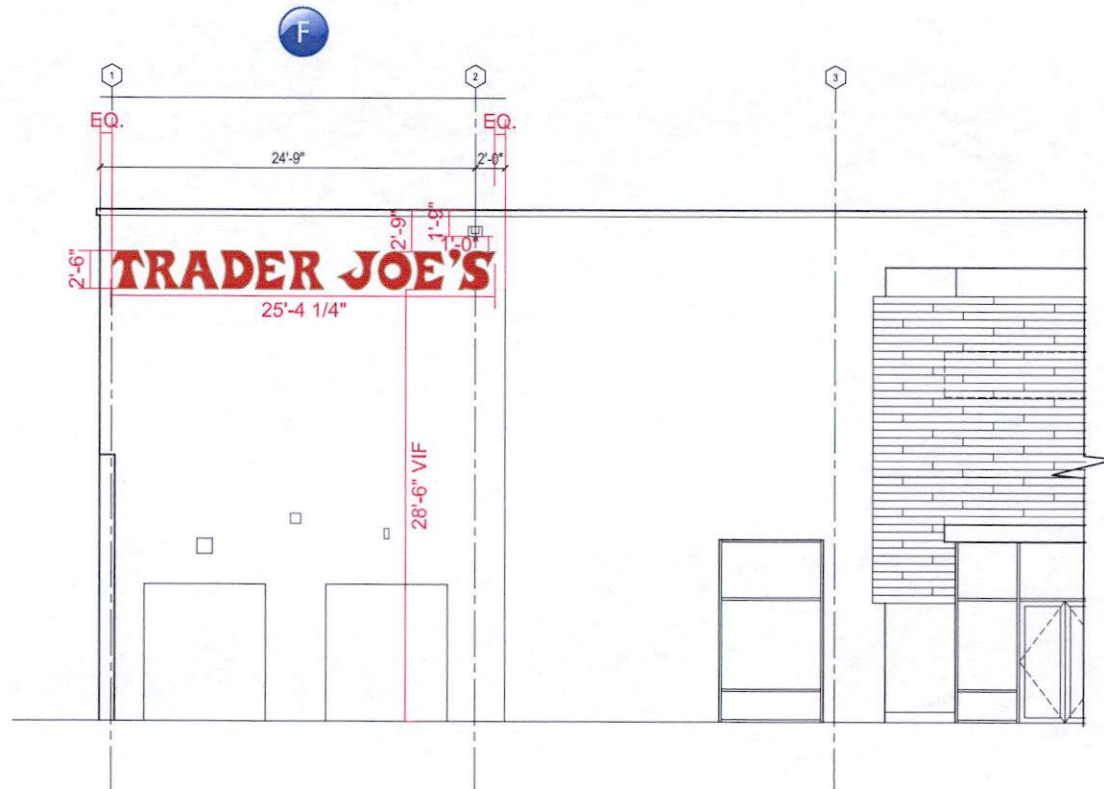
This artwork is the property of Broadway National. Unauthorized use, publication or distribution is prohibited.

2 FLOOR PLAN
NTS



3 EAST EXTERIOR ELEVATION

SCALE: 1/8" = 1'0"



EXISTING



PROPOSED

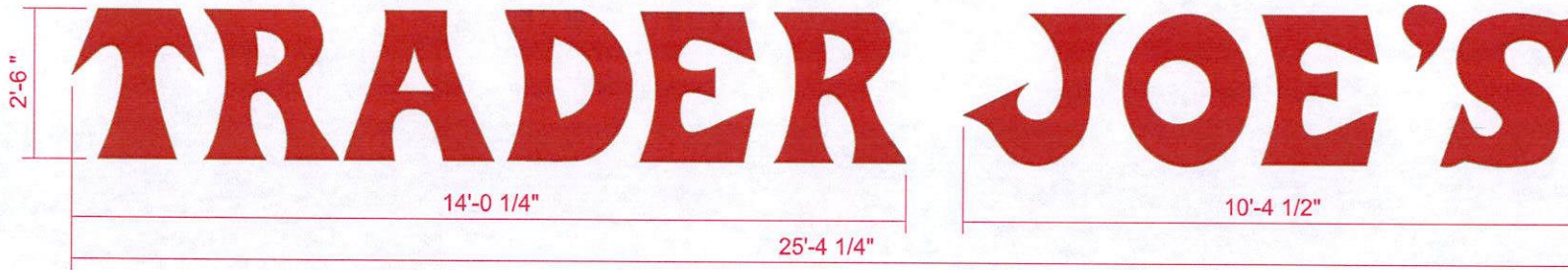




CHANNEL LETTERS (LINEAR)

SCALE: 1/2" = 1'

63.38 Sq. Ft.



SECTION DETAIL
SCALE: NTS

NOTES:

ALL ELECTRICAL PARTS & ASSEMBLIES UL LISTED.
UL LABELS TO BE LOCATED AT DISCONNECT SWITCH

NOTES:

ELECTRICAL WIRING FROM SIGN WILL NEED TO BE
WIRED INTO THE PRIMARY ELECTRICAL SOURCE.
DEDICATED 120V AC CIRCUIT REQUIRED AND TO BE
PROVIDED BY OTHERS PRIOR TO SIGN INSTALLATION



A .040 Dark Bronze Anodized Aluminum Returns

B 1" Continuous Jewelite Bronze Anodized
Trim Cap Fussed To Acrylic Face.

C .063 Aluminum Backs with White Inside.

D .177 #2793 Red Acrylic Face

E Red LED Lighting

F Non-Corrosive 1/4"-20 Thru-Bolts With Fender Washers &
Nuts. Mounting Hardware May Vary To Suit Wall Conditions

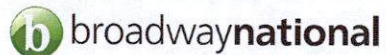
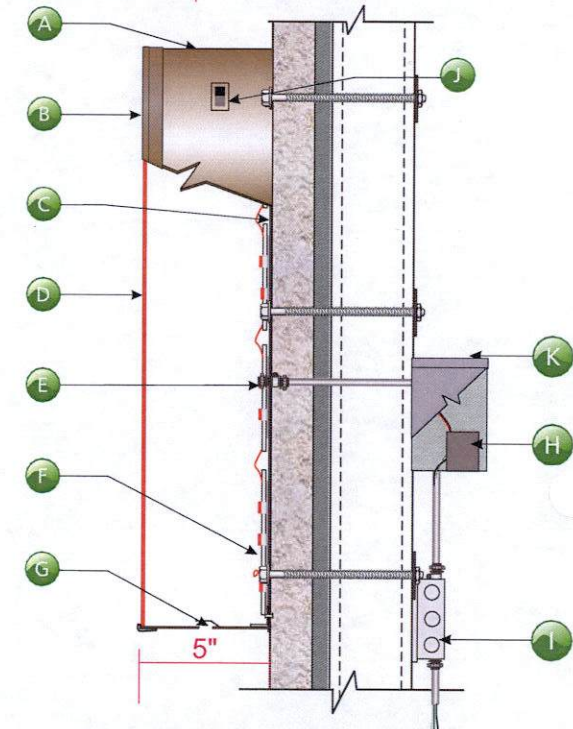
G 1/4" Diameter Drain Hole (Min. 2 Per Letter)
With Light Baffle

H LED Power Supply

I 120v. Primary Power Junction Box

J Disconnect Switch

K Enclosure Box



Job Name: Trader Joe's
Address: 800 Kenilworth Drive, Unit 850B
Towson, MD 21204

Date: 08.04.15
Job Number: 19379
Project Manager: JR

Scale: SEE DRAWING
Drawn By: KK
Revised: 04.18.17 # 11.01

☐ Approved ☐ Rejected
☐ Approved with Corrections ☐ Revise and Resubmit
Signature: _____ Date: _____



GREENBERG GIBBONS

10096 Red Run Blvd. • Suite 100 • Owings Mills, MD 21117 • p: 410.559.2500 • f: 410.581.2032 • www.ggcommercial.com

May 15, 2017

Ms. Jordana Cohen
1900 Ocean Boulevard
Ronkonkoma, NY 11779

RE: Kenilworth Mall
Trader Joe's
Sign Variance

Dear Jordana:

We understand you are under contract to design and permit a sign for our tenant, Trader Joe's. The proposed sign is to be located on the east façade, adjacent to the south wall.

Because the sign is not associated with a store entrance, a variance is required. As owners of the mall, we are in support of the sign.

In our opinion, we believe the sign will assist with directing internal traffic to Trader Joe's main entrance within the mall property.

Please contact me with any questions.

H. Kimberly Potember
Sr. Vice President/Director of Development

PETITIONER'S

EXHIBIT NO. 4



PETITIONER' S

EXHIBIT NO. 5a



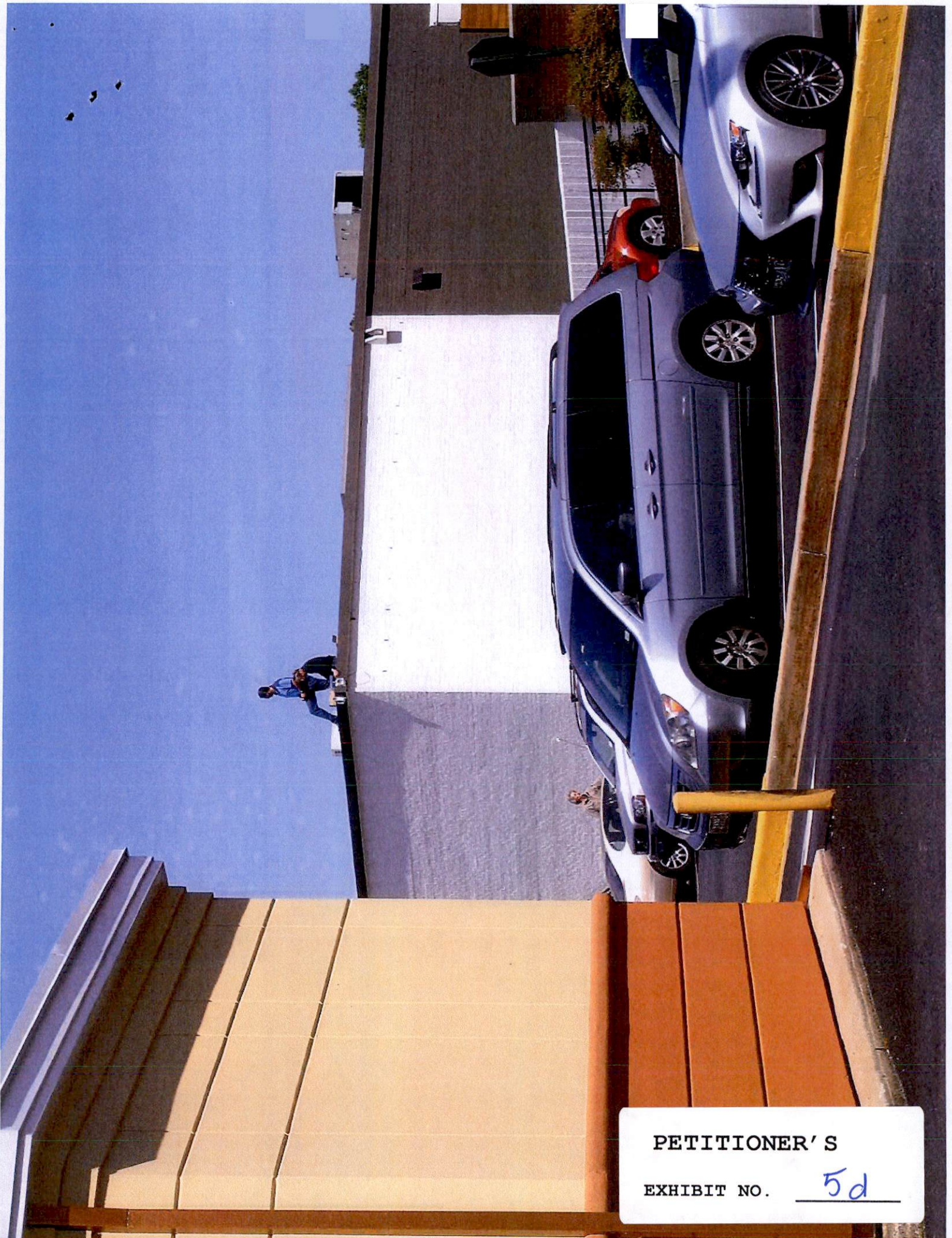
PETITIONER'S

EXHIBIT NO. 5b



PETITIONER' S

EXHIBIT NO. 5c



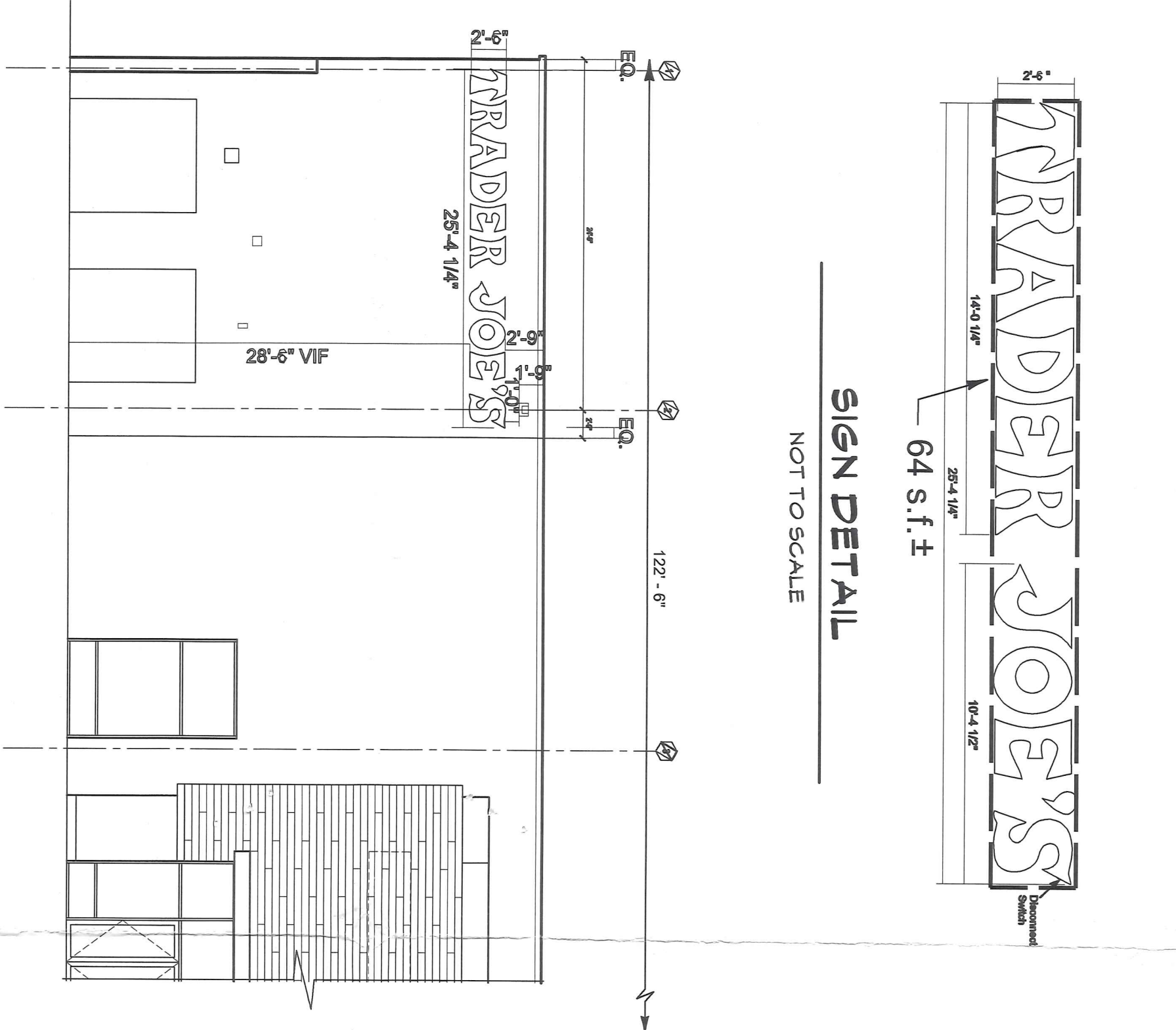
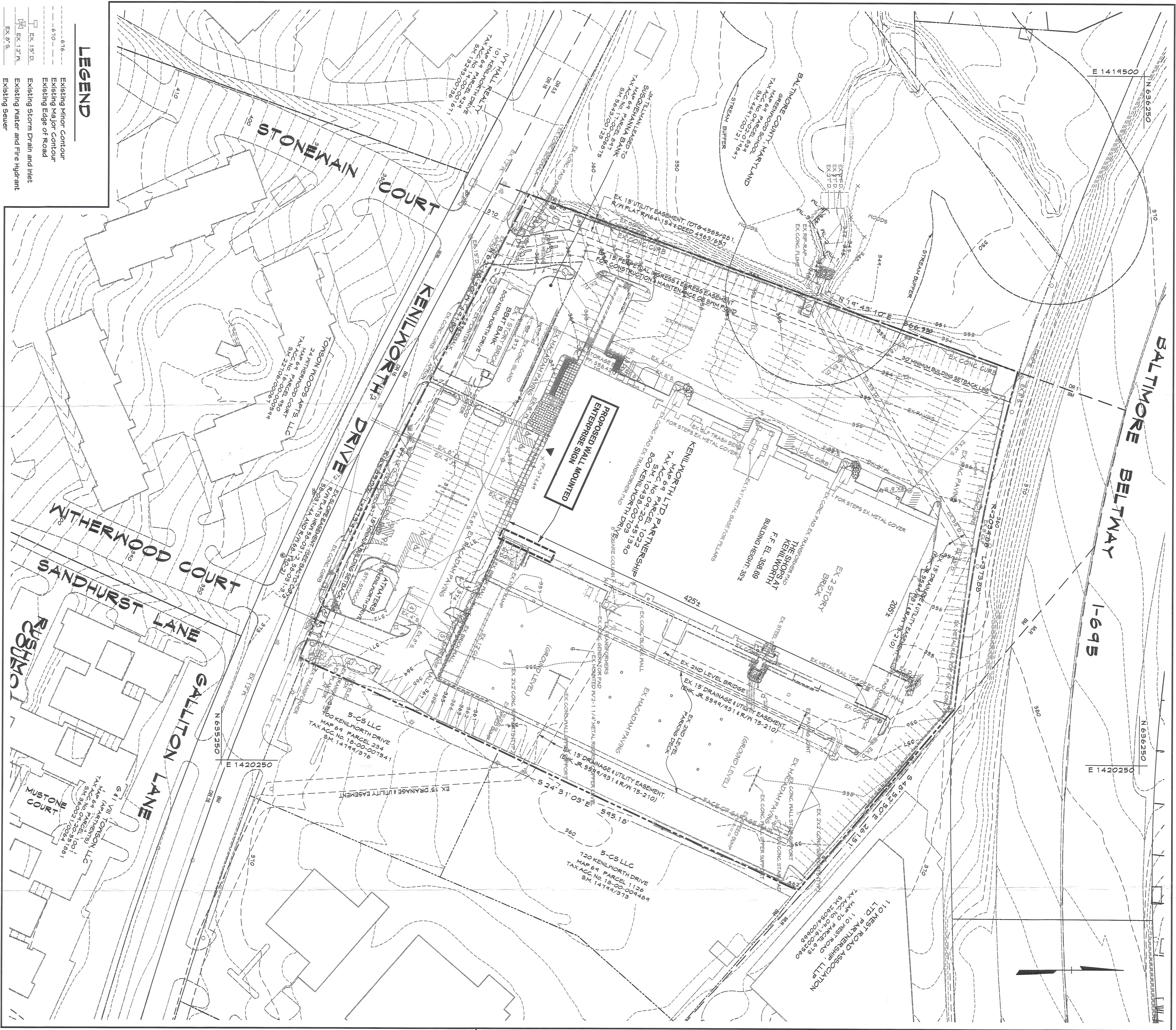
PETITIONER' S

EXHIBIT NO. 5d



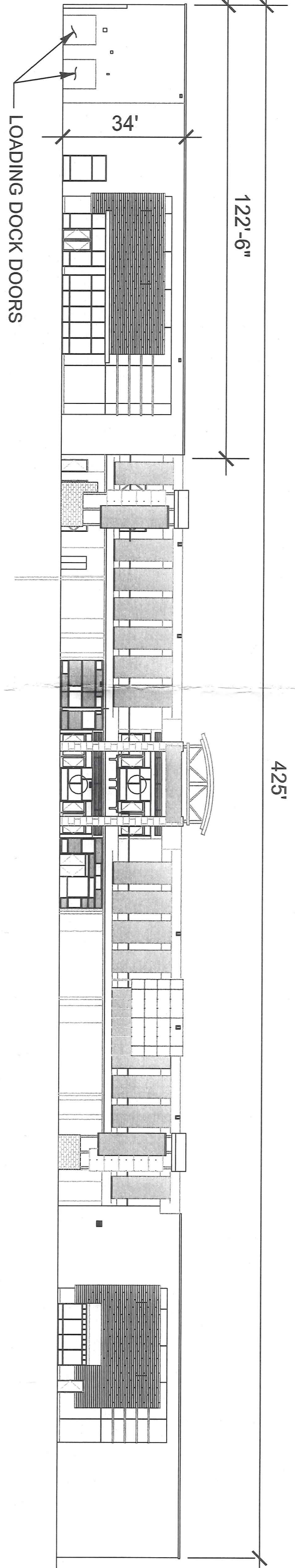
PETITIONER' S

EXHIBIT NO. 5e



WALL MOUNTED ENTERPRISE SIGN

NOT TO SCALE



EAST ELEVATION

NOT TO SCALE

GENERAL NOTES

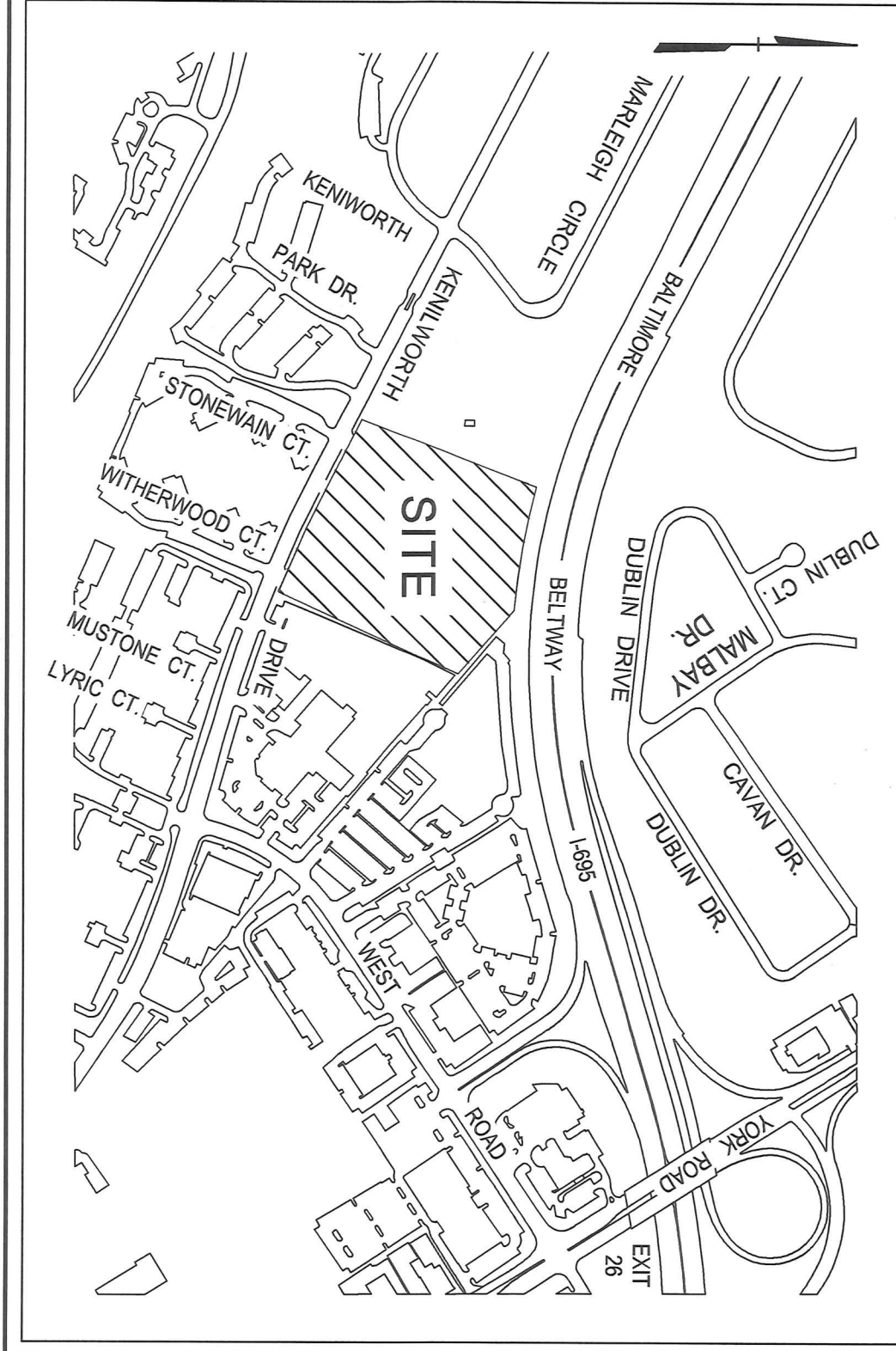
1. Site Address: 800 Kenilworth Drive, Towson, Maryland 21204
2. Owner/Developer: Kenilworth Limited Partnership, 800 Kenilworth Drive, Towson, Maryland 21204
3. Tax Map: 04-20-45 1940
4. Parcel Reference: 04-20-45 1940
5. Net Area: 8,137.1 Acres
6. Zoning Map: 04-20-45 1940
7. Existing Use: Commercial Shopping Center
8. Existing Building Area: 131,631 S.F.
9. Existing Out Buildings: 4,143 S.F.
10. Proposed: 0
11. Parking Calculations: 819
12. Site is within the MCDL.
13. Site is within the Metropolitan District.
14. Site is not in a Design Review Panel Area.
15. Site is not in the Chesapeake Bay Critical Area.
16. The site is not located in a deficient area on any of the Basic Services Maps.

ATTACHMENT TO PETITION FOR ZONING HEARING

1. BGRS 465 (560) VI to permit a wall mounted enterprise sign on an existing wall without a customer entrance.
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

ZONING HISTORY

- Case Number 17-63-R: TO correct a zoning error.
- Case Number 17-61-A: Variance to permit 853 parking spaces in lieu of the required 918 spaces granted on October 25, 1976.
- Case Number 16-525: Variance to request reduction of parking spaces.
- Case Number 2016-0235-SP: Confirm relief granted in Case Number 17-61-A for 853 parking spaces in lieu of the required 918 parking spaces.
- Case Number 2017-0072-A: To permit freestanding light identification sign with changeable copy, granted November 14, 2016.



VICINITY MAP

SCALE: 1"=500'

DATE: 5/17/17

BY: [Signature]

REVISIONS:

DATA SOURCES:

1. Topographic information shown on this plan is from field-run survey performed by Century Engineering, Inc.

2. Additional topographic information shown on this plan is from the Baltimore County 6.15 Map Portal.

3. Existing utilities shown were digitized from public drawings. Information is from an AT&T/ACS/1 Land May 17, 1994.

4. Title Survey by G.M. Stephens & Associates, dated May 17, 1994.

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ISSUE DATES

REVIEW: 3/21/17

DESIGNED: M.S.

PERMIT: M.J.P.

CONSTRUCTION: [Signature]

DATE CHECKED: [Signature]

SCALE: 1"=50'

DRAWING: 1 of 1

Case No. 2017-0257