

TO KL
WHITEFORD, TAYLOR & PRESTON L.L.P.

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

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

RECEIVED
OCT 26 2017
DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

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

WWW.WTPLAW.COM
(800) 987-8705

October 26, 2017

Hand Delivery

Arnold Jablon, Esquire
Director,
Baltimore County Permits, Approvals & Inspections
111 W. Chesapeake Avenue
Towson, MD 21204

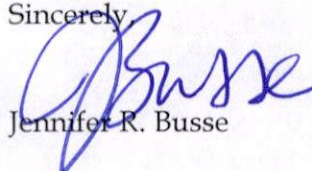
Re: 107 Mt. Carmel Road
Withdrawing of Zoning Petitions
Case #2018-0050-SPHX

Dear Mr. Jablon:

This firm represents the applicant and property owner noted on the Petitions filed for the above referenced property. The owner and applicant desires to withdraw without prejudice the Petitions at this time.

Thank you for your assistance in this regard. Please do not hesitate to contact me with any questions or concerns.

Sincerely,


Jennifer R. Busse

cc: (all sent via email)
Mr. W. Carl Richards
Ms. Kristen Lewis
D. Kathleen Rus, Esq.
Peter Zimmerman, Esq.
Wally Lippincott
Lloyd Moxley
Bruce Levine
John B. Gontrum, Esq.

449172



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 107 Mt. Carmel Road which is presently zoned RO-CR, RC-5-CR
Deed References: 38155/00369 10 Digit Tax Account # 0 7 2 5 0 0 0 0 3 5
Property Owner(s) Printed Name(s) Eleazer Hirmes, Trustee

(SELECT THE HEARING(S) BY MARKING ☒ 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

PLEASE SEE ATTACHED

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

Please see attached

3. ☐ a **Variance** from Section(s)

PLEASE SEE ATTACHED

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

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

N/A

Name – Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Jennifer R. Busse, Esquire

Name- Type or Print

Signature Whiteford, Taylor & Preston

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

Mailing Address City State

21204 /410-832-2077/ jbusse@wtplaw.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Eleazer Hirmes, Trustee

By: Bruce Levine

Name #1 – Type or Print

Name #2 – Type or Print

Signature #1

Signature # 2

Suite 312, 25 Hooks Lane, Baltimore, MD

Mailing Address City State

21208 (410) 486-0800, ext. 216 bruce@mlcstorch.com

Zip Code Telephone # Email Address

Representative to be contacted:

Jennifer R. Busse, Esquire

Name – Type or Print

Signature Whiteford, Taylor & Preston

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

Mailing Address City State

21204 / 410-832-2077 / jbusse@wtplaw.com

Zip Code Telephone # Email Address

CASE NUMBER 2018-0050-SPHX Filing Date 8/11/2017 Do Not Schedule Dates: _____ Reviewer JNP

**ATTACHMENT TO ZONING PETITIONS
FOR SPECIAL HEARING
AND SPECIAL EXCEPTION**

Village Plaza
107 Mount Carmel Road
3rd Councilmanic District
7th Election District

Special Hearing Relief:

1. To amend the prior Zoning Order and Plan in Case No. 2003-545-XA.
2. For such other and further relief as the nature of this case may require.

Special Exception Relief:

1. From Sections 259.3.B.3 and 259.3.C.1.a., BCZR, to permit a gross floor area of 11,576 square feet in lieu of the max 8,800 square feet.
2. From Sections 259.3.B.3 and Section 259.3.C.1.b., BCZR, to permit a floor area ratio of 0.211 in lieu of the permitted 0.20.
3. For such other and further relief as the nature of this case may require.

**ATTACHMENT TO ZONING PETITIONS
FOR SPECIAL HEARING
AND SPECIAL EXCEPTION**

Village Plaza
107 Mount Carmel Road
3rd Councilmanic District
7th Election District

Special Hearing Relief:

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2. From Sections 259.3.B.3 and Section 259.3.C.1.b., BCZR, to permit a floor area ratio of 0.211 in lieu of the permitted 0.20.
3. For such other and further relief as the nature of this case may require.

Page 100

100



ZONING DESCRIPTION
107 Mount Carmel Road
Parkton, Maryland

Beginning at a point on the south side of Mount Carmel Road (variable width) at a distance of 764' +/- from the center of York Road. (variable width), and thence leaving said Mount Carmel Road and running with and binding on the land of the herein petitioner,

1. South 00 degrees 38 minutes 03 seconds East 230.49 feet,
2. North 87 degrees 08 minutes 04 seconds West 271.89 feet,
3. North 00 degrees 53 minutes 55 seconds West 199.08 feet,
4. South 88 degrees 04 minutes 19 seconds East 272.57 feet back to the point of beginning.

Containing 54,709.9 Square Feet or 1.26 of an Acre more or less.

Located in the 7th Election District and 3rd Councilmanic District. Known as 107 Mount Carmel Road.

Professional Certification

I 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. 13203

Expiration Date: 11/02/2018





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 5174322

Sold To:

Whiteford Taylor & Preston LLP - CU00241777
1 W Pennsylvania Ave Ste 300
Towson, MD 21204

Bill To:

Whiteford Taylor & Preston LLP - CU00241777
1 W Pennsylvania Ave Ste 300
Towson, MD 21204

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

Sep 12, 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: # 2018-0050-SPHX

107 Mt. Carmel Road
Southside of Mt. Carmel Road, 764 ft. West of York Road
7th Election District - 3rd Councilmanic District
Legal Owner(s) Eleazer Hirmes, Trustee

Special Hearing to amend the prior Zoning Order and Plan in case 2003-0545-XA. For such other and further relief as the nature of this case may require. Special Exception to permit a gross floor area of 11,576 sq. ft. in lieu of the maximum 8,800 sq. ft. To permit a floor area ratio of 0.211 in lieu of the permitted 0.20. For such other and further relief as the nature of this case may require.

Hearing: Monday, October 2, 2017 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 9/643 September 12

5174322

The Baltimore Sun Media Group

By

S. Wilkinson

Legal Advertising

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 9/10/2017

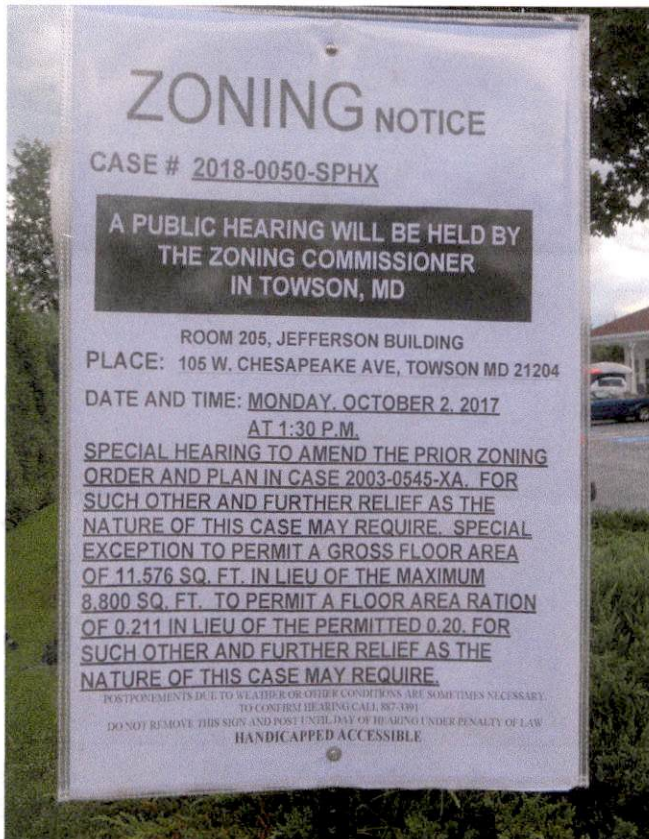
Case Number: 2018-0050-SPHXA

Petitioner / Developer: COLBERT, MATZ & ROSENFELT, INC. ~
JENNIFER BUSSE, ESQ. ~ BRUCE LEVIN

Date of Hearing (Closing): OCTOBER 2, 2017

This is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property located at:
107 MT. CARMEL ROAD

The sign(s) were posted on: SEPTEMBER 8, 2017



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



KEVIN KAMENETZ
County Executive

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

August 28, 2017

NOTICE OF ZONING HEARING

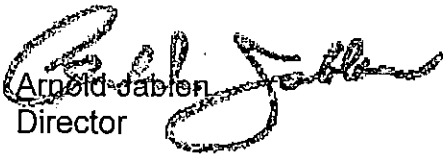
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CASE NUMBER: 2018-0050-SPHX

107 Mt. Carmel Road
Southside of Mt. Carmel Road, 764 ft. West of York Road
7th Election District – 3rd Councilmanic District
Legal Owners: Eleazer Hirmes, Trustee

Special Hearing to amend the prior Zoning Order and Plan in case 2003-0545-XA. For such other and further relief as the nature of this case may require. Special Exception to permit a gross floor area of 11,576 sq. ft. in lieu of the maximum 8,800 sq. ft. To permit a floor area ratio of 0.211 in lieu of the permitted 0.20. For such other and further relief as the nature of this case may require.

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105 West Chesapeake Avenue, Towson 21204


Arnold Jablon
Director

AJ:kl

C: Jennifer Busse, 1 W. Pennsylvania Avenue, Ste. 300, Towson 21204
Bruce Levin, 25 Hooks Lane, Ste. 312, Baltimore 21208

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUES., SEPTEMBER 12, 2017**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 12, 2017 Issue - Jeffersonian

Please forward billing to:

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

410-832-2077

NOTICE OF ZONING HEARING

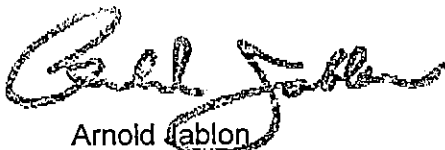
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CASE NUMBER: 2018-0050-SPHX

107 Mt. Carmel Road
Southside of Mt. Carmel Road, 764 ft. West of York Road
7th Election District – 3rd Councilmanic District
Legal Owners: Eleazer Hirmes, Trustee

Special Hearing to amend the prior Zoning Order and Plan in case 2003-0545-XA. For such other and further relief as the nature of this case may require. Special Exception to permit a gross floor area of 11,576 sq. ft. in lieu of the maximum 8,800 sq. ft. To permit a floor area ration of 0.211 in lieu of the permitted 0.20. For such other and further relief as the nature of this case may require.

Hearing: Monday, October 2, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL HEARING
AND SPECIAL EXCEPTION
107 Mount Carmel Road; S/S Mount
Carmel Road, 764' W of York Road
7th Election & 3rd Councilmanic Districts
Legal Owner(s): Eleazer Hirmes, Trustee
by Bruce Levine

Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2018-050-SPHX

* * * * *

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

AUG 17 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 17th day of August, 2017, a copy of the foregoing Entry of Appearance was mailed to Jennifer Busse, Esquire, Whiteford, Taylor & Preston, 1 West Pennsylvania Avenue, Suite 300, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**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/neighbor 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 fifteen (15) 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: 2018-0050-SPHX
Property Address: _____
Property Description: 107 Mt. Carmel Rd
S/S Mt. Carmel Rd.
Legal Owners (Petitioners): Eleanor Himes, Trustee
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

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

№ 157165

2/17/17

[illegible]

Total: 1000.00

Rec From: Whiteford, Taylor & Preston, LLP
For: Special Hearing / Special Exception
2018-0050-SPHX-107 Mt. Carmel Rd (Flower Firm)
(Twelve)

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PAID RECEIPT

BUSINESS ACTION TIME ID#
 8/14/2017 8/11/2017 10:23:47 5
 DES 0505 MALKIN LRB
 RECEIPT # 212144 8/11/2017 OFLH
 Rept 5 528 ZONING VERIFICATION
 CR NO. 157165
 Rept Tot \$1,080.00
 \$1,000.00 CR \$1.00 CA
 Baltimore County, Maryland



KEVIN KAMENETZ
County Executive

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

September 28, 2017

Eleazer Hirmes
Bruce Levine
25 Hooks Lane
Suite 312
Baltimore MD 21208

RE: Case Number: 2018-0050 SPHX, Address: 107 Mt. Carmel Road

Dear Mr. Levine:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 11, 2017. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

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

Date: 8/14/17

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

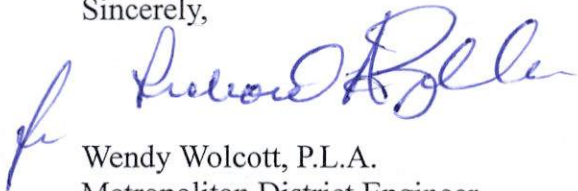
Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 8/14/17. A field inspection and internal review reveals that an entrance onto MD137 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for SPHX, Case Number 2018-0050 SPHX.

*Special Exception Special Hearing
Eleazer Humes, Bruce Levine.
107 Mt. Carmel Road
MD 137*

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, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

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: 18-050

DATE: 9/19/2017

INFORMATION:

Property Address: 107 Mount Carmel Road
Petitioner: Eleazer Hirmes, Trustee
Zoning: RC 5-CR, RO-CR
Requested Action: Special Exception, Special Hearing

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge (ALJ) should amend the prior zoning order and plan in case # 2003-545-XA and also the petition for special exception to permit a gross floor area (GFA) of 11,576 square feet and a floor area ratio (FAR) of 0.211 in lieu of the maximum permitted 8,800 square feet gross floor area and the maximum permitted floor area ratio of 0.20.

A site visit was conducted on August 17, 2017.

This property is located within a Commercial, Rural (CR) District and the Hereford Community Plan area. Mount Carmel Road is a Baltimore County Scenic Route and a Maryland State Highway Administration Scenic Route (Horses and Hounds).

Department does not support granting the petitioned zoning relief.

The property was the subject of prior zoning case # 03-545-XA wherein the petition for special exception was granted with conditions. In said case, variance requests were withdrawn. It was established through testimony that the then proposal with a GFA of 8,794 sq. ft. and a FAR of 0.1998 met all bulk and area standards for the C.R. District pursuant to § 259 of the BCZR. These § 259 bulk and area standards are also reflected in the Hereford Community Plan, which the site is subject to.

Based upon those figures and materials submitted in that case, the Department recommended the special exception, as then proposed, met the compatibility objectives of the Comprehensive Manual of Development Policies (CMDP) and Baltimore County development regulations, subject to landscape plan approval by Baltimore County. Condition No. 2 in said order granting approval stated:

"The proposed building shall be constructed substantially in accordance with the elevation and architectural drawings and the compatibility study reviewed by the Office of Planning. Moreover, the ceiling in the attic shall be no greater than 6 feet in height."

Scaling the second floor detail on the current plan shows the as-built second floor GFA to be at or near the 2,200 sq. ft. GFA limit needed to meet the CR District and Hereford Community Plan GFA and FAR

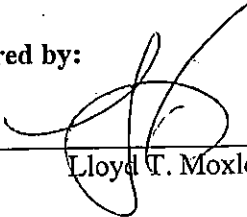
requirements although its arraignment is not in accordance with the floor plan exhibit presented to the Department and Hearing Officer in the earlier case.

The Department recommends that by rescinding any conditions in the prior order and more specifically nos. 2 & 3, which are aimed at ensuring the performance of the C.R. District and community plan standards, and allowing the addition of proposed office #205 makes the proposal unsuited to the surrounding neighborhood. The proposal is contradictory to BCZR § 502.1. B & G wherein the structure will have a volume and capacity for commercial activity beyond what is appropriate to the rural setting and may adversely impact the character of the surrounding neighborhood.

The Department further recommends that the site would have to remove all temporary signage and provide adequate screening of the dumpster as determined by the Baltimore County Landscape Architect to be in conformance with the Hereford Community Plan and Baltimore County Master Plan.

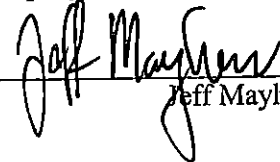
For further information concerning the matters stated herein, please contact Keeve Brine at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/ka

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE 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: 18-050

DATE: 9/19/2017



INFORMATION:

Property Address: 107 Mount Carmel Road
Petitioner: Eleazer Hirmes, Trustee
Zoning: RC 5-CR, RO-CR
Requested Action: Special Exception, Special Hearing

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COMMUNICATIONS SECTION
OFFICE OF
JUL 20 1964
RECEIVED

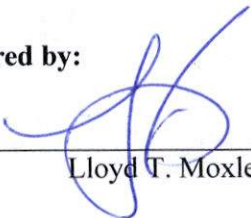
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For further information concerning the matters stated herein, please contact Keeve Brine at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/ka

c: Keeve Brine

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

Jennifer R. Busse, Esquire

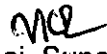
Office of the Administrative Hearings

People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 21, 2017
Item No. 2018-0050- SPHX

DATE: August 23, 2017

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

If Special Exception and Zoning Relief is granted a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

* * * * *

VKD: CEN
cc: file



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: August 24, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0050-SPHX
Address 107 Mt. Carmel Road
(Hirmes & Levine Property)

Zoning Advisory Committee Meeting of **August 21, 2017**.

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

Reviewer: Steve Ford Date: 8-24-2017

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: August 24, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0050-SPHX
Address 107 Mt. Carmel Road
(Hirmes & Levine Property)

Zoning Advisory Committee Meeting of **August 21, 2017**.

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

Reviewer: Steve Ford Date: 8-24-2017

Sherry Nuffer

From: John E. Beverungen
Sent: Monday, October 02, 2017 10:29 AM
To: Debra Wiley; Sherry Nuffer
Subject: FW: Case # 2018-0050-SPHX, 107 Mt Carmel Rd, 21111
Attachments: letter to Judge Beverungen 107 Mt Carmel Road.docx

Can you please put this e-mail and letter in the file.

From: Lynne Jones [mailto:dryad101@hotmail.com]
Sent: Sunday, October 01, 2017 10:50 PM
To: John E. Beverungen <jbeverungen@baltimorecountymd.gov>
Subject: Case # 2018-0050-SPHX, 107 Mt Carmel Rd, 21111

Dear Judge Beverungen,

Attached is our letter from the Sparks Glencoe Community Planning Council concerning the Village Plaza at 107 Mt Carmel Road in Hereford. We oppose the request to increase office space and to modify any original restrictions.

This case is set to be heard Monday, Oct. 2.

I'm not aware as to who the petitioner's council is, so I have not forwarded this letter to anyone but you. If necessary, I'd appreciate it if you could make a copy for the petitioners.

Thank you for your consideration,

Lynne Jones, President SGCPD

"You have not lived today until you have done something for someone who can never repay you." - John Bunyan
Visit our
websites: lynnejonesart.com and jameswvoshell.com

Sherry Nuffer

From: Debra Wiley
Sent: Friday, September 29, 2017 10:09 AM
To: Sherry Nuffer
Subject: FW: Continuance Request for hearing set for Monday at 1:30 p.m.

FYI

From: John E. Beverungen
Sent: Friday, September 29, 2017 10:00 AM
To: Busse, Jennifer R. <jbusse@wtplaw.com>; Debra Wiley <dwiley@baltimorecountymd.gov>; Kristen L Lewis <klewis@baltimorecountymd.gov>; Lloyd Moxley <lmoxley@baltimorecountymd.gov>; Wallace S. Lippincott <wlippincott@baltimorecountymd.gov>; Peter Max Zimmerman <pzimmerman@baltimorecountymd.gov>; Carole Demilio <cdemilio@baltimorecountymd.gov>
Cc: Gontrum, John <JGontrum@wtplaw.com>; Bruce I. Levine <bruce@mleostorch.com>; Dick Matz <dmatz@cmrengineers.com>; Anthony Cortea (acortea@cmrengineers.com) <acortea@cmrengineers.com>
Subject: RE: Continuance Request for hearing set for Monday at 1:30 p.m.

Ms. Busse,

I will grant the continuance request set forth in your letter dated September 28, 2017. Please be present in the hearing room at 1:30 on Monday in case any residents or protestants appear, in which case you can get their contact information to notify them of the rescheduled date, and also let them know they can view the entire case file in the OAH office.

John Beverungen
ALJ

From: Busse, Jennifer R. [mailto:jbusse@wtplaw.com]
Sent: Thursday, September 28, 2017 3:09 PM
To: John E. Beverungen <jbeverungen@baltimorecountymd.gov>; Debra Wiley <dwiley@baltimorecountymd.gov>; Kristen L Lewis <klewis@baltimorecountymd.gov>; Lloyd Moxley <lmoxley@baltimorecountymd.gov>; Wallace S. Lippincott <wlippincott@baltimorecountymd.gov>; Peter Max Zimmerman <pzimmerman@baltimorecountymd.gov>; Carole Demilio <cdemilio@baltimorecountymd.gov>
Cc: Gontrum, John <JGontrum@wtplaw.com>; Bruce I. Levine <bruce@mleostorch.com>; Dick Matz <dmatz@cmrengineers.com>; Anthony Cortea (acortea@cmrengineers.com) <acortea@cmrengineers.com>
Subject: Continuance Request for hearing set for Monday at 1:30 p.m.

Your Honor, we respectfully request a continuance as set forth in the attached letter.
Thank you for your consideration.



Whiteford Taylor PrestonSM

Jennifer R. Busse | Partner
Towson Commons, Ste. 300 | One West Pennsylvania Avenue | Towson, MD | 21204-5025
t: 410.832.2077 | f: 410.339.4027

JB 10/2
1:30 PM

Debra Wiley

From: Busse, Jennifer R. <jbusse@wtplaw.com>
Sent: Thursday, September 28, 2017 3:09 PM
To: John E. Beverungen; Debra Wiley; Kristen L Lewis; Lloyd Moxley; Wallace S. Lippincott; Peter Max Zimmerman; Carole Demilio
Cc: Gontrum, John; Bruce I. Levine; Dick Matz; Anthony Corteaal (acorteaal@cmrengineers.com)
Subject: Continuance Request for hearing set for Monday at 1:30 p.m.
Attachments: CopitrakScan.PDF

Your Honor, we respectfully request a continuance as set forth in the attached letter.
Thank you for your consideration.



Whiteford | Taylor | Preston[®]

Jennifer R. Busse | *Partner*

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

t: 410.832.2077 | f: 410.339.4027

jbusse@wtplaw.com | [Bio](#) | [vCard](#) | http://secure-web.cisco.com/1uEUSehe-YFj6rsNXUH9ZM_m3vpXVd8zoDAof22IHqn5cA8Zv-5JSEWhvxb_BEINOjO-fuoUC9SGLOgJktjos892vHGmZlaKrkcYaRsgflsYDIKYHIHZ8IdiAlrXjDGBdu_QcteGwLJqhzQ2Nb3UAudN1wj59xrlr2px6x5v0oKGbzbxAaexQIWkRhYQQRIzA4mVOpD5p_xuMINP-dAiVRBPmGakQOyvJwLJq2ObiOcNAXT69Fw2Vf1LYIP77HCgpt0znHbR3dgfIMWpytqu1jrxOYjn5adyH-XikOWUXRifjA2JgliZahpYdhibJwL9OLsxtM4mxVwz6O4ocm64MxZB4dek6SPUAWybZxXOpRcMsMdfGS_T8woB04s1yScNb1HwVIBuSJhJ0qyRL69wTeeEcmO-myLj5i7JhvwNW7VIT0JJY3fleW9DeBGfCT6Uu_Is8YpXUUWjIKwUoOMciHVg/http%3A%2F%2Fwww.wtplaw.com

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PANGAEA NET

From: Busse, Jennifer R.

Sent: Thursday, September 28, 2017 3:04 PM

To: Busse, Jennifer R.

Subject: Copitrak Scan to E-Mail

Copitrak Scan

copitrak

Your Scan File is Attached



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WHITEFORD, TAYLOR & PRESTON L.L.P.

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

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

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BETHANY BEACH, DE*
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DEARBORN, MI
FALLS CHURCH, VA
LEXINGTON, KY
PITTSBURGH, PA
ROANOKE, VA
WASHINGTON, DC
WILMINGTON, DE*

WWW.WTPLAW.COM
(800) 987-8705

September 28, 2017

Sent Via Email (jbeverungen@baltimorecountymd.gov)

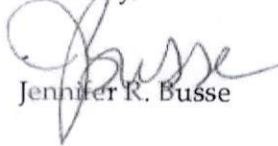
Honorable John E. Beverungen
Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: **Zoning Case 2018-050-SPHX**
Request for Continuance

Dear Judge Beverungen:

This office represents the petitioner in the above referenced matter (who is also the owner of the property), which is set for a hearing before you on Monday, October 2, 2017. In light of the ZAC comment from the Department of Planning raising concerns relating to the request, we respectfully request time to permit us to meet with the reviewer and attempt to resolve the outstanding concerns. Thank you for your consideration of this request and I apologize for the lateness of this request. I have alerted Planning of this request as well as the contacts for the Hereford Community of which I am I aware. I will of course appear on Monday at 1:30 p.m. to formalize this request. Please advise me as how to proceed if this is not acceptable.

Sincerely,



Jennifer R. Busse

cc: *Sent via email*
Peter Max Zimmerman, Esquire (pzimmerman@baltimorecountymd.gov)
Carol Demilio, Esquire (cdemilio@baltimorecountymd.gov)
Kristen Lewis (klewis@baltimorecountymd.gov)
Deb Wiley (dwiley@baltimorecountymd.gov)
Lloyd Moxley (lmoxley@baltimorecountymd.gov)
Wallace Lippincott (wlippincott@baltimorecountymd.gov)
Bruce Levine (bruce@mleostorch.com)
Richard Matz, P.E. (dmatz@cmrengineers.com)

448867

jbusse@wtplaw.com | [Bio](#) | [vCard](#) | http://secure-web.cisco.com/12jM57h_Du0WvkD7_3c3oXI7asEXEQ8wiRmx6befREOFsfdLiptohVAY9TjyL8ttJUcadX0mAtneKrhKNkt3p4J1Dvtilaa3UA2ucl2v_S7Egg5M4n2S7Es8-G0x1QtrPj_PUD_xvIAY61rWOJwfXEsUOjnGiLyJh/WkP_IDMkBgY7WJ2E2xSK710w9-6drUyg0sMwr5LA4YKS9RxdOuHkw3dPpdcC-tVIZZ-fDHLObNF6YDZS5pyM7O1MAEUtmAf1OGyAps9PJIEUd7Rz3xVm_uZoo719ySXWaWzhPJZD049Qlqdt0axFjRGJqAvGDdgGW-DkTXVd_3lt6tfe_6wlpdpsNwtYxYIGpKVXWowrzFC34-Nz4LuhZMQUGwHVOMmm16de7pIAwI5xtiWzWdZr8bGmzHfbP_EKpesofW-OICtDssE2a5_ZBTQfC5_-VHP4V882wQT5HZOTI7cyTw/http%3A%2F%2Fwww.wtplaw.com

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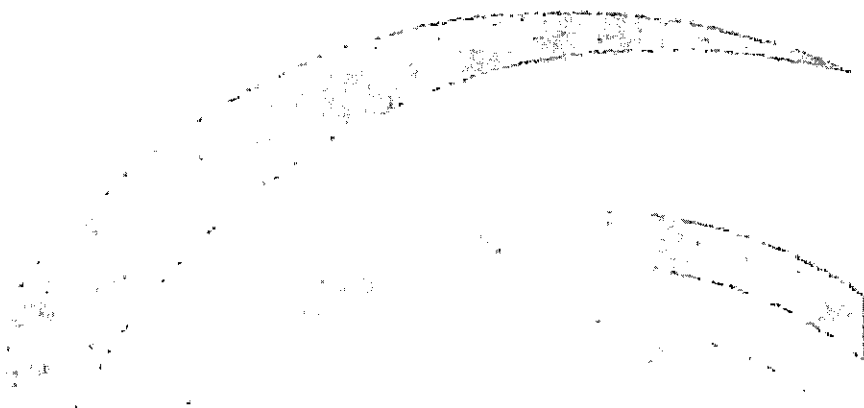
PANGAEA NET

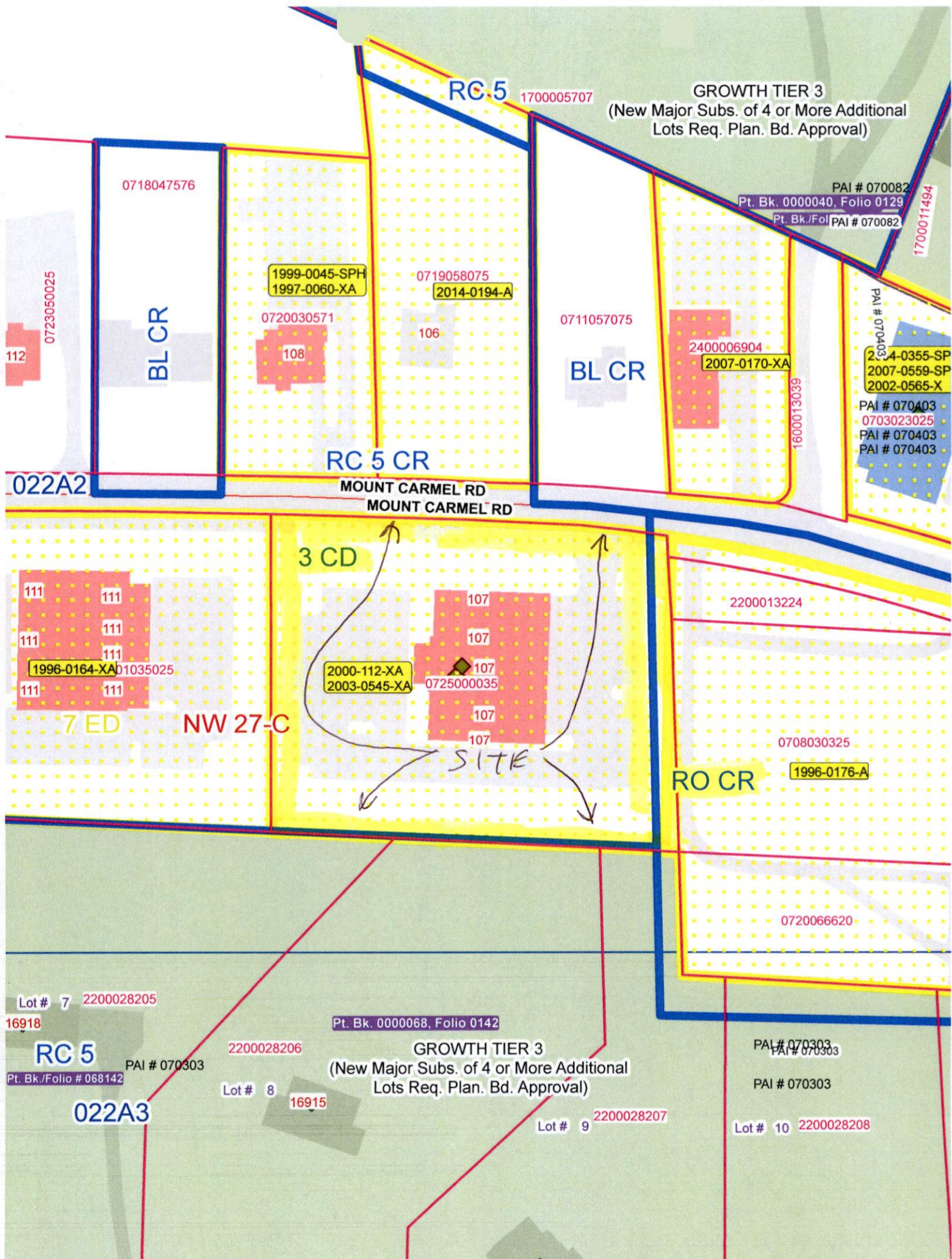
From: Busse, Jennifer R.
Sent: Thursday, September 28, 2017 3:04 PM
To: Busse, Jennifer R.
Subject: Copitrak Scan to E-Mail

Copitrak Scan



Your Scan File is Attached





RC 5

1700005707

GROWTH TIER 3
(New Major Subs. of 4 or More Additional
Lots Req. Plan. Bd. Approval)

0718047576

BL CR

1999-0045-SPH
1997-0060-XA

0720030571

108

0719058075
2014-0194-A

106

0711057075

BL CR

2400006904

2007-0170-XA

PAI # 070082
Pt. Bk. 0000040, Folio 0129

Pt. Bk./Folio PAI # 070082

1700011494

PAI # 070403

2004-0355-SP
2007-0559-SP
2002-0565-X

PAI # 070403
0703023025
PAI # 070403
PAI # 070403

022A2

RC 5 CR

MOUNT CARMEL RD
MOUNT CARMEL RD

3 CD

111 111
111 111
111 111
1996-0164-XA
1035025

7 ED

NW 27-C

2000-112-XA
2003-0545-XA

107
107
107
0725000035
107
107

SITE

2200013224

RO CR

0708030325

1996-0176-A

0720066620

Lot # 7 2200028205

16918

RC 5

PAI # 070303

Pt. Bk./Folio # 068142

022A3

2200028206

Pt. Bk. 0000068, Folio 0142

GROWTH TIER 3
(New Major Subs. of 4 or More Additional
Lots Req. Plan. Bd. Approval)

Lot # 8

16915

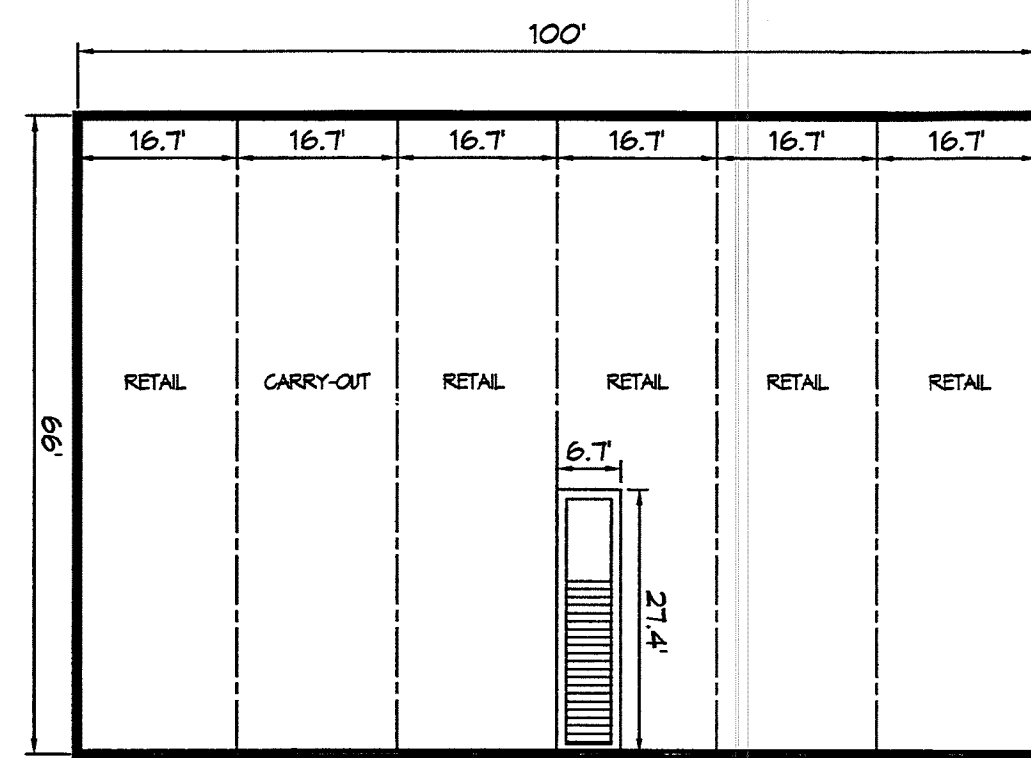
Lot # 9

2200028207

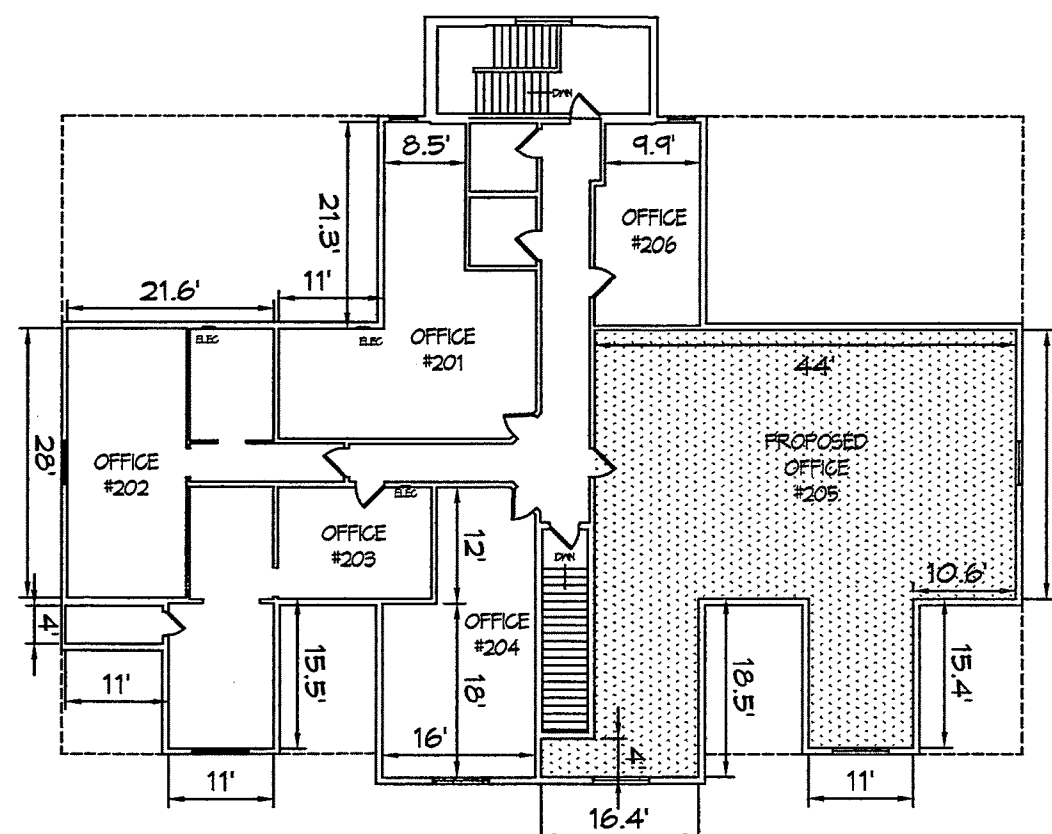
PAI # 070303
PAI # 070303

PAI # 070303

Lot # 10 2200028208



FIRST FLOOR
GROSS FLOOR AREA: 6,800 SF
1" = 20'



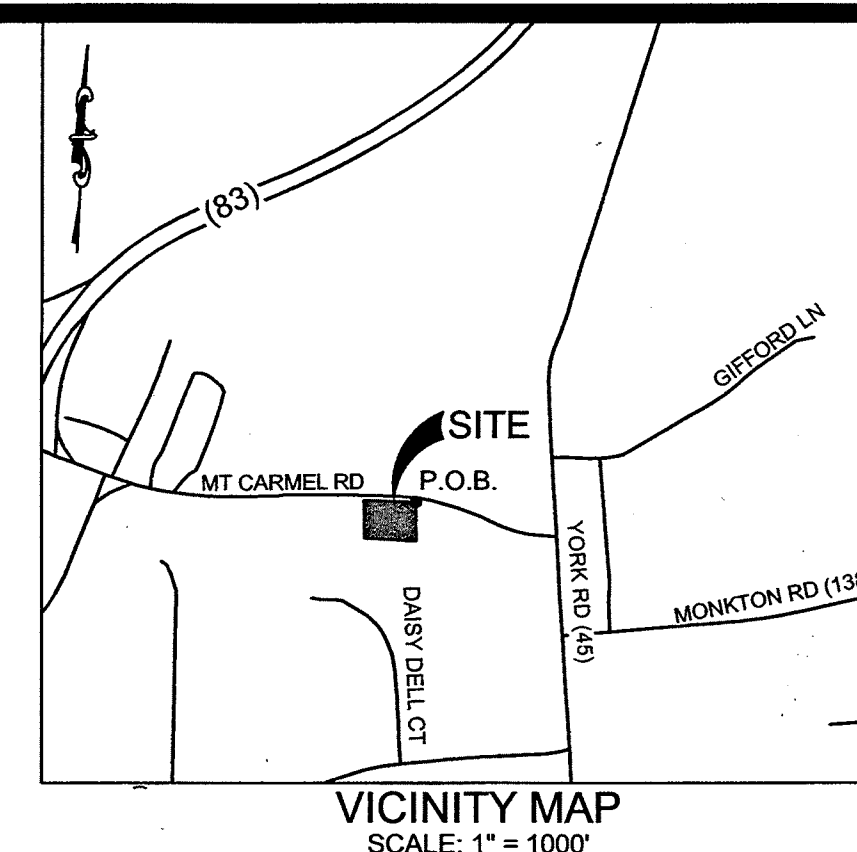
SECOND FLOOR
GROSS FLOOR AREA: 4,976 SF
1" = 20'

GROSS FLOOR AREA FOR C.R. DISTRICT (SECTION 259.3C.1.a):

ALLOWABLE:	
MAXIMUM ALLOWED GROSS GROUND FLOOR AREA:	6,800 SF
MAXIMUM ALLOWED GROSS SECOND FLOOR AREA:	2,200 SF
TOTAL MAXIMUM ALLOWED GROSS FLOOR AREA:	8,800 SF
EXISTING:	
EXISTING GROSS GROUND FLOOR AREA:	6,800 SF
EXISTING GROSS SECOND FLOOR AREA:	4,976 SF
TOTAL EXISTING GROSS FLOOR AREA:	11,576 SF

OFF-STREET PARKING CALCULATIONS (SECTION 409.6A.2.):

EXISTING USES:	
RETAIL / CARRY OUT - 5 PER 1,000 SF OF GROSS FLOOR AREA	6,594 SF G.F.A. (6,594 x 5 = 33 REQUIRED PARKING SPACES)
OFFICE GENERAL - 3.3 PER 1,000 SF OF GROSS FLOOR AREA	2,200 SF G.F.A. (2.2 x 3.3 = 8 REQUIRED PARKING SPACES)
TOTAL EXISTING REQUIRED PARKING SPACES:	41
TOTAL EXISTING PROVIDED PARKING SPACES:	60
PROPOSED USES:	
RETAIL / CARRY OUT (3 TABLES/10 SEATS) - 5 PER 1,000 SF OF GROSS FLOOR AREA	6,594 SF G.F.A. (6,594 x 5 = 33 REQUIRED PARKING SPACES)
OFFICE GENERAL - 3.3 PER 1,000 SF OF GROSS FLOOR AREA	4,976 SF G.F.A. (4,976 x 3.3 = 17 REQUIRED PARKING SPACES)
TOTAL PROPOSED REQUIRED PARKING SPACES:	50
TOTAL PROPOSED PROVIDED PARKING SPACES:	60



VICINITY MAP
SCALE: 1" = 1000'

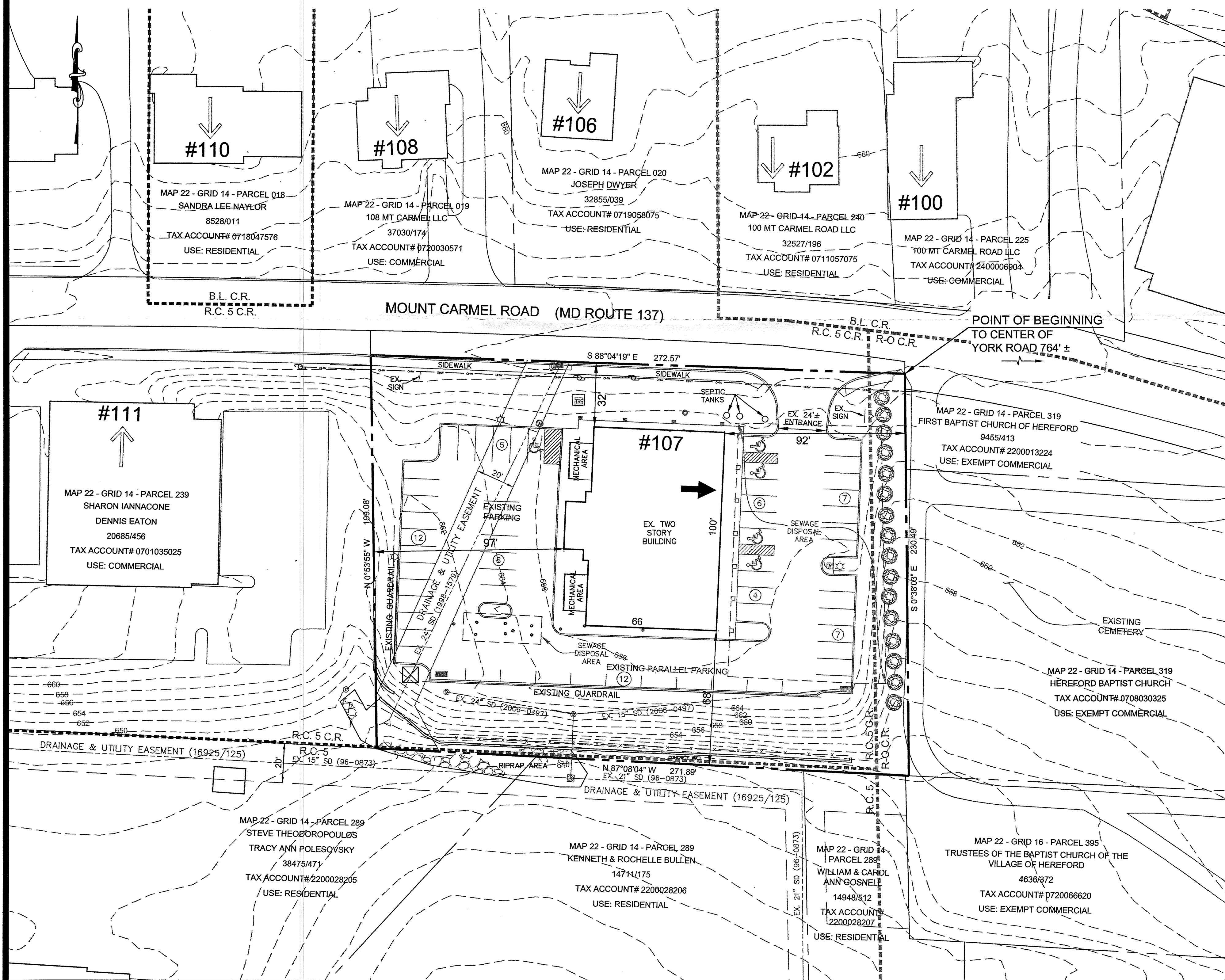
ZONING CASES - SUMMARY:

- Case No. 00-112-XXA
 - Request for Special Exception to allow commercial, office, and retail uses in the proposed building. This building would have 2,800 sq ft of leasable space on first floor, 6,000 sq ft of leasable space on second floor. There would also be 2,200 square feet of basement storage space, which would be utilized by employees only.
 - Variance request to permit a front yard setback of 67 feet in lieu of the required front average of 16 feet.
 - Variance request to permit landscape yards of 5 feet and 9 feet (side and rear) in lieu of the required 15 feet for each.
 - PETITIONER'S COUNSEL WITHDREW THE PETITION AND THE CASE WAS DISMISSED WITHOUT PREJUDICE.
- Case No. 03-545-XA
 - Original request was for a Special Exception to allow office and retail uses and variances to allow landscape yards of 5 and 9 feet in lieu of the required 15 feet and a front yard setback of 36 feet in lieu of the required average of 16 feet. The variance requests were withdrawn and were dismissed.
 - At the hearing there was discussion on the maximum FAR of 0.20 and the gross floor area of the building.
 - FAR - the total adjusted gross floor area of the building does not include below grade floor space that contains accessory heating or air conditioning plant or mechanical equipment, or attic space where the headroom is less than 7 feet. The adjusted gross floor area is 10,768 square, which is comprised of 6,594 sq ft of leasable area on the first floor, 2,200 sq ft of leasable area on the second floor, and portion of the attic. This was accepted and the FAR is 0.1998 and does not exceed the 0.20 max.
 - Gross floor area of the building - The limit is 8,800 sq ft and no more than 6,800 sq ft can be on the first floor. The gross floor area is 8,794 sq ft, comprised of 6,594 sq ft on the first floor and 2,200 sq ft on the second floor. It was determined that the basement did not need to be included because it only contains mechanical equipment and the attic did not need to be included because the ceiling height is no higher than 6 feet.
 - Special Exception to allow office and retail uses was approved, with the following conditions:
 - There will be no leased space within the attic or basement levels.
 - A LAP shall be submitted to County LA for review and approval showing emphasis on screening the rear of the building and proposed retaining wall from adjacent residential.
 - All exterior lighting shall be directed downward and away from adjacent residential properties.
 - The building will not be open to the public from 11pm to 6am, although employees can work in their offices during these hours.
 - If Petitioner applies for building permit before 30 day appeal period has expired, it is at their own risk.
 - The proposed building shall be constructed in accordance with the elevations and architectural drawings and the attic ceiling shall be no greater than 6 feet in height.

GENERAL NOTES:

- OWNER:
ELEAZER HERMES TRUSTEE
25 HOOKS LN
SUITE #312
BALTIMORE MARYLAND, 21208
CONTACT: BRUCE LEVINE (410) 486-0800, EXT. #116
- PREMISES ADDRESS
107 MT CARMEL ROAD
PARKTON MARYLAND, 21120
- SITE DATA:
TAX MAP 22, GRID 14, PARCEL 378
TAX ACCOUNT NO. 072500035
DEED REFERENCE: L 38155 F 369
PLAT REFERENCE: N/A
- ZONING: R.C. 5 C.R., R-O C.R.
- SETBACKS FOR C.R. DISTRICTS (SECTION 259.3C.2.):

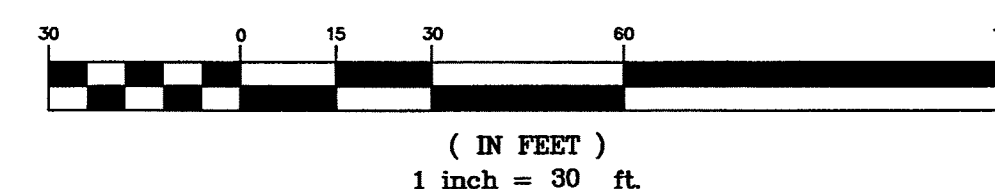
	REQUIRED	EXISTING
FRONT YARD:	15'	92'
SIDE YARD:	15'	34'/68'
REAR YARD:	15'	97'
- EXISTING USE:
FIRST FLOOR - RETAIL / CARRYOUT, RESTAURANT
SECOND FLOOR - OFFICE
- F.A.R. FOR C.R. DISTRICTS (SECTION 259.3C.1.b.):
MAXIMUM ALLOWED: 0.20
EXISTING: 0.211 (11,576 / 54,709.9 = 0.211)
- SITE AREA: 54,709.9 SF OR 1.28 AC±
- THIS SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- THIS SITE IS NOT LOCATED WITHIN THE 100 YR. FLOODPLAIN.
- THE SITE IS SERVED BY WELL AND SEPTIC.
- THERE ARE NO STRUCTURES LOCATED ON SITE INCLUDED IN THE MARYLAND INVENTORY OF HISTORIC PROPERTIES OR THE BALTIMORE COUNTY FINAL LANDMARKS LIST.
- TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON A FIELD RUN SURVEY PERFORMED BY COLBERT MATZ & ROSENFELT, INC. DATED 9/26/2016. BOUNDARY AND ADDITIONAL INFORMATION IS TAKEN FROM BALTIMORE COUNTY GIS AND AVAILABLE RECORDS.



PLAN TO ACCOMPANY ZONING PETITION

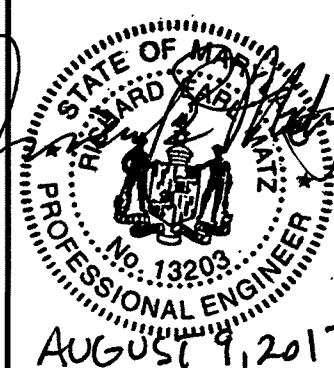
VILLAGE PLAZA

107 MOUNT CARMEL ROAD
BALTIMORE COUNTY MARYLAND, 21120
3RD COUNCILMANIC DISTRICT
7TH ELECTION DISTRICT
GRAPHIC SCALE



Colbert Matz Rosenfelt, Inc.

Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953



Professional Certification

I 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. 13203 Expiration Date: 11/02/18

DATE: 7/13/2017
JOB NO.: 2016352
DESIGNED: CMR
DRAWN: CMR
CHECKED: CMR
FILE: VILLAGE PLAZA BASE.dwg
DRAWING NUMBER: ZON-1

NO. DATE REVISIONS: BY SHEET 1 OF 1