

M E M O R A N D U M

DATE: December 8, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0084-SPH – Appeal Period Expired

The appeal period for the above-referenced case expired on December 7, 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

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
(1100 N. Rolling Road) *
1st Election District * OFFICE OF
1st Council District *
Rolling Road Plaza Business Trust * ADMINISTRATIVE HEARINGS
Legal Owner *
Bridgestone Retail Operations * FOR BALTIMORE COUNTY
Lessee *
Petitioners * **Case No. 2018-0084-SPH**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Rolling Road Plaza Business Trust, legal owner and lessee Bridgestone Retail Operations (“Petitioners”). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R”) as follows: (1) to approve the replacement of an existing freestanding enterprise sign for a single tenant in a multi-tenant retail building (shopping center); and (2) to permit the replacement of an existing freestanding sign, along the same frontage (N. Rolling Road) where there is an existing freestanding joint identification sign for a shopping center. A site plan was marked and accepted into evidence as Petitioners’ Exhibit 1A & 1B.

Ken Padgett and Mitch Kellman appeared in support of the petition. Lawrence E. Schmidt, Esq. represented Petitioners. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP). That agency did not object to the requests.

The subject property is approximately 5.75 acres in size and zoned BL. The property is improved with a strip shopping center and is located at the intersection of N. Rolling Road &

ORDER RECEIVED FOR FILING

Date 11/7/17

By Sen

Powers Lane, one block from Baltimore National Pike. Bridgestone/Firestone, the lessee, obtained a special exception in 1970 to operate a service garage at the property, and has been at this same location for nearly 50 years. Petitioners presented the file from the 1970 zoning case (#70-138-X, Exhibit 3), including a site plan which specifically demarcates a "special exception area" for this service garage operation, which in essence renders this a pad site. Firestone for years had a freestanding enterprise sign at the site, but it was damaged and had to be removed. This petition was filed seeking a determination Petitioners are entitled to replace that sign.

Under the sign regulations, a freestanding enterprise sign is permitted in a BL zone, provided it is not in conjunction with a "multi-tenant office, retail or industrial building." B.C.Z.R. §450.4, Sign Table, Attachment 1:4. This case involves a strip shopping center, not a multi-tenant building such as an office building or professional center. The sign proposed here (approximately 16 ft. x 3.5 ft.) would also comply with the 75 sq. ft. area and 25 ft. height limitation set forth in that same regulation. *Id.*

The sign table also restricts freestanding enterprise signs to "one per frontage." *Id.* This shopping center has two frontages: on Rolling Road and Powers Lane. One tenant at the center--CORT furniture rental--has a freestanding enterprise sign on the Rolling Road frontage. The proposed Firestone sign would be located at the corner of the property at the intersection of Powers Lane and Rolling Road. Based on a photograph submitted at the hearing (Ex. 2N) the proposed sign would be clearly visible from both roadways and in my opinion the sign is permitted since it has frontage on Powers Lane and is the only freestanding enterprise sign on that frontage.

The DOP's ZAC comment indicated the dumpster(s) at the site were not properly stored on the pad shown on the site plan. Counsel indicated the refuse hauler misplaced the dumpsters

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Date 11/7/17

2 By Sen

after they were emptied, and Petitioners agreed to locate the dumpsters on the pad as shown on the plan.

The DOP also indicated it noticed during a site visit a shipping container on the property, which it suggested should be removed. Firestone stores worn tires in the container, where they are picked up for disposal by a licensed hauler in compliance with state regulations. Mr. Padgett stated Firestone previously stored the used tires outside, in the area now occupied by the container. But the landlord objected and insisted that used tires not be stored outside. The tenant does not have sufficient space inside to store the tires, and Mr. Padgett noted that all tire retailers and service garages keep old tires outside of the service bay areas, usually in the rear of the building.

Due to the unusual configuration of this site, and the fact it is bordered by two roadways, Firestone does not have any area outside its store (not visible to the public) where it could keep these tires. As such, it acquired the container so the used tires would not be visible to passersby or fill with rain water creating a breeding ground for mosquitoes. I am sympathetic to the tenant's plight, and frankly do not know whether a container of this sort would be permitted in connection with a service garage in a BL zone under these circumstances. As such, I believe this is a matter best left to the Code Enforcement Bureau of the Department of Permits, Approvals and Inspections (PAI).

THEREFORE, IT IS ORDERED this 7th day of **November, 2017** by this Administrative Law Judge, that the Petition for Special Hearing to approve the replacement of an existing freestanding enterprise sign for a single tenant in a shopping center, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 11/7/17
By Sen

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

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Petitioners must within 30 days of the date hereof relocate the dumpster(s) on the site to the "dumpster pad" area shown on the site plan which was marked and admitted as Exhibit 1A. The dumpsters and/or enclosures must comply with the requirements of Condition H of the Baltimore County Landscape Manual.

Any appeal of this decision must be filed 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 11/7/17
By sen



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 1100 N. Rolling Road (aka 1920 Powers Lane)

which is presently zoned BL

Deed References: 21370/00115

10 Digit Tax Account # 0106001020

Property Owner(s) Printed Name(s) Rolling Road Plaza Business Trust

(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

3. ☐ a **Variance** from Section(s)

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

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

John Sylvina/Senior Manager Facilities, Bridgestone Retail Operations

Name- Type or Print

Signature

211 Welsh Pool Rd, Ste. 220 Exton PA

Mailing Address City State

19341 610-968-2038 jsylvina@bfr.com

Zip Code Telephone # Email Address

Attorney for Petitioner:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 (410) 821-0070 lschmidt@sgs-law.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners): Authorized Representative of

Math Kells Rolling Road Plaza Business Trust

Name #1 - Type or Print

Name #2 - Type or Print

Math Kells

Signature #1

Signature #2

3333 New Hyde Park Road New Hyde Park New York

Mailing Address City State

11042-1205 40 427 4435 mkells@kimco-realty.com

Zip Code Telephone # Email Address

Representative to be contacted:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name - Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 (410) 821-0070 lschmidt@sgs-law.com

Zip Code Telephone # Email Address

CASE NUMBER 2018-0034-3PH Filing Date 9/15/17

Do Not Schedule Dates: ORDER RECEIVED FOR FILING Reviewer JP

Date 11/7/17 REV. 10/4/11

By *Sen*

ATTACHMENT TO PETITION FOR SPECIAL HEARING

1100 N. Rolling Road
(also known as 1920 Powers Lane)
1st Councilmanic District
1st Election District

Special Hearing Relief:

1. To approve the replacement of an existing freestanding enterprise sign for a single tenant in a multi tenant retail building (shopping center), as required by BCZR § 450.4, Attachment 1.5(b).
2. To permit the replacement of an existing freestanding enterprise sign, along the same frontage (N. Rolling Road) where there is an existing freestanding joint identification sign for a shopping center.
3. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.



Description

To Accompany Petition for Zoning Variance and/or Special Hearing

Rolling Road Plaza Shopping Center

Northwest Corner of the Intersection of

Rolling Road with Powers Lane

First Election District, Baltimore County, Maryland

Beginning for the same at a point on the Westerly right of way line of Rolling Road and at the Northeasterly end of the fillet line connecting said Westerly right of way line of Rolling Road with the Northerly right of way line of Powers Lane; thence leaving said point of beginning and binding along said fillet line, (1) South 54 degrees 23 minutes 24 seconds West 30.00 feet to a point on the Northerly right of way line of Powers Lane; thence running with and binding along said right of way line, thence (2) North 70 degrees 56 minutes 16 seconds West 564.56 feet, thence (3) leaving Powers Lane and running North 18 degrees 50 minutes 44 seconds East 158.44 feet; thence North 18 degrees 02 minutes 44 seconds East 100.00 feet; thence South 76 degrees 04 minutes 16 seconds East 101.10 feet, thence North 13 degrees 14 minutes 44 seconds East 70.20 feet, thence North 16 degrees 42 minutes 44 seconds East 220.78 feet, and thence South 73 degrees 13 minutes 00 seconds East 255.92 feet to intersect the Westerly right of way line of Rolling Road, thence running with and binding along said right of way line of the following two courses and distances, viz: (1) South 14 degrees 26 minutes 09 seconds East 147.16 feet, and thence (2) by a line curving to the right having a radius of 1055.00 feet (the arc of said curve being subtended by a chord bearing South 02 degrees 05

minutes 31 seconds East 451.07 feet) for a distance of 454.58 feet, to the point of
beginning; containing 5.75 acres, more or less.

September 11, 2017

Project No. 93067.F (L93067.F)





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 5229708

Sold To:

Smith Gildea & Schmidt LLC - CU00433777
600 Washington Ave Ste 200
TOWSON, MD 21204

Bill To:

Smith Gildea & Schmidt LLC - CU00433777
600 Washington Ave Ste 200
TOWSON, MD 21204

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

Oct 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: # 2018-0084-SPH
1100 North Rolling Road
NW corner of the intersection of Rolling Road and Powers Lane
1st Election District - 1st Councilmanic District
Legal Owner(s) Rolling Road Plaza Business Trust
Contract Purchaser/Lessee: Bridgestone Retail Operations
Special Hearing to approve the replacement of an existng freestanding enterprise sign for a single tenant in a multi-tenant retail building (shopping center). To permit the replacement of an existing freestanding enterprise sign, along the same frontage (N. Rolling Road) where there is an existing freestanding joint identification sign for a shopping center. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.
Hearing: Friday, November 3, 2017 at 10:00 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.
10/036 October 12 5229708

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 10/15/2017

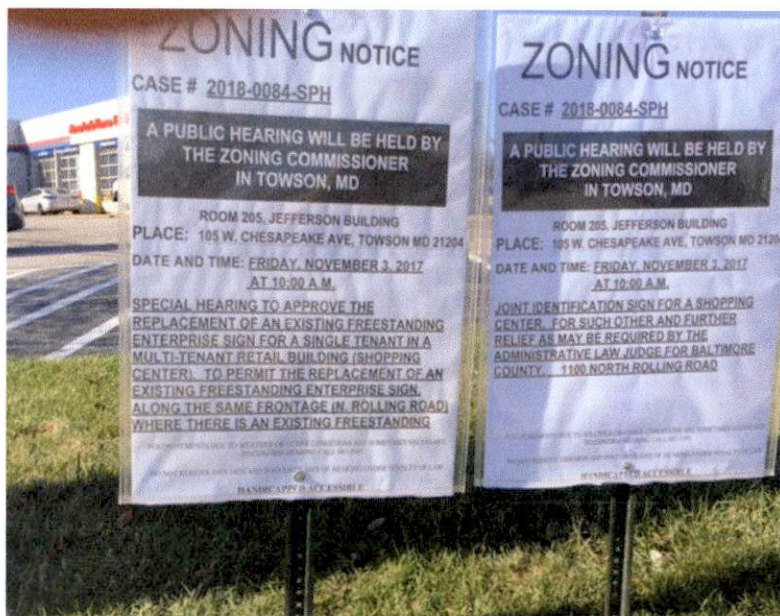
Case Number: 2018-0084-SPH

Petitioner / Developer: LAWRENCE SCHMIDT, ESQ. ~ JOHN SYLVINA
MATT KELLS

Date of Hearing (Closing): NOVEMBER 3, 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:
1100 NORTH ROLLING ROAD (ON-SITE)

The sign(s) were posted on: OCTOBER 14, 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

September 28, 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: 2018-0084-SPH

1100 North Rolling Road

NW corner of the intersection of Rolling Road and Powers Lane

1st Election District – 1st Councilmanic District

Legal Owners: Rolling Road Plaza Business Trust

Contract Purchaser/Lessee: Bridgestone Retail Operations

Special Hearing to approve the replacement of an existing freestanding enterprise sign for a single tenant in a multi-tenant retail building (shopping center). To permit the replacement of an existing freestanding enterprise sign, along the same frontage (N. Rolling Road) where there is an existing freestanding joint identification sign for a shopping center. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Friday, November 3, 2017 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a circular stamp. The stamp contains the text "Arnold Jablon" and "Director" below it.

Arnold Jablon
Director

AJ:kl

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
John Sylvinia, 211 Welsh Pool Road, Ste. 220, Exton PA 19341
Matt Kells, 3333 New Hyde Park Rd., New Hyde Park, NY 11042-1205

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, OCTOBER 14, 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
Thursday, October 12, 2017 Issue - Jeffersonian

Please forward billing to:

Lawrence Schmidt
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

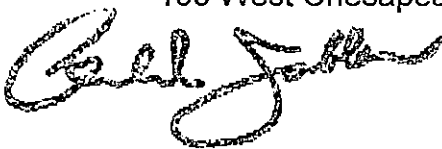
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2018-0084-SPH

1100 North Rolling Road
NW corner of the intersection of Rolling Road and Powers Lane
1st Election District – 1st Councilmanic District
Legal Owners: Rolling Road Plaza Business Trust
Contract Purchaser/Lessee: Bridgestone Retail Operations

Special Hearing to approve the replacement of an existing freestanding enterprise sign for a single tenant in a multi-tenant retail building (shopping center). To permit the replacement of an existing freestanding enterprise sign, along the same frontage (N. Rolling Road) where there is an existing freestanding joint identification sign for a shopping center. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Friday, November 3, 2017 at 10:00 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.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
1100 N. Rolling Road; NW corner of Rolling *
Road & Powers Lane * OF ADMINISTRATIVE
1st Election & 1st Councilmanic Districts HEARINGS FOR
Legal Owners: Rolling Rd Plaza Business Trust*
Contract Purchaser(s): Bridgestone Retail * BALTIMORE COUNTY
Operations by John Sylvina *
Petitioner(s) *
2018-084-SPH

* * * * *

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

SEP 27 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 27th day of September, 2017, a copy of the foregoing Entry of Appearance was mailed to Lawrence Schmidt, Esquire, 600 Washington Avenue, Suite 200, 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/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 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: 2018-0084-SPH

Property Address: 1100 N. Rolling Road (also known as 1920 Powers Lane)

Property Description: _____

Legal Owners (Petitioners): Rolling Road Plaza Business Trust

Contract Purchaser/Lessee: Bridgestone Retail Operations

PLEASE FORWARD ADVERTISING BILL TO:

Name: Lawrence E. Schmidt, Esquire

Company/Firm (if applicable): Smith, Gildea & Schmidt, LLC

Address: 600 Washington Avenue, Suite 200

Towson, MD 21204

Telephone Number: 410-821-0070

Revised 5/20/2014

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

NO 157244

Date: 9/15/17

Fund	Dept	Unit	Sub Unit	Rev. Source/Obj	Sub Rev/Sub Obj	Dept Obj	BS Acct	Amount
001	816	0000		6100				500.00

Total: 500.00

Rec From: Smith, Gildea & Schmidt
 For: SPR Case # 2018-0084-SRW
1100 N. Rolling Dr.

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME BSW
 9/18/2017 9/15/2017 11:52:50 3
 REG WSD3 WALKIN CAM
 >>RECEIPT H 744726 9/15/2017 OFLN
 Dept 5 528 ZONING VERIFICATION
 CR NO. 157244

Recpt Tot \$500.00
 \$500.00 CR \$1.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

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

October 26, 2017

Rolling Road Plaza Business Trust
Matt Kells
3333 New Hyde Park Road
New Hyde Park, NY 11042-1205

RE: Case Number: 2018-0084 SPH, Address: 1100 N Rolling Road (aka 1920 Powers Lane)

Dear Mr. Kells:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 15, 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, appearing to read "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Senior Manager Facilities, Bridgestone Retail Operations, John Sylvina, 211 Welsh Pool Road,
Suite 220, Exton PA 19341
Lawrence E Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

 MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 9/25/17

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. 2018-0084-SPH

*Special Hearing
Rolling Road Plaza Business Trust
1100 Rolling Road N.*

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

WW/RAZ

11-3

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 10/24/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-084



INFORMATION:

Property Address: 1100 N. Rolling Road (aka: 1920 Powers Lane)
Petitioner: Matt Kells, Rolling Road Plaza Business Trust
Zoning: BL
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for special hearing to determine whether or not the administrative law judge should approve the replacement of an existing freestanding enterprise sign for a single tenant in a multi-tenant retail building and the replacement of an existing freestanding enterprise sign along the same frontage (N. Rolling Road) where there is an existing freestanding, joint identification sign for a shopping center.

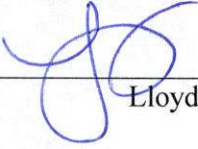
A site visit was conducted on 10/2/2017. The subject site is located within the Baltimore National Pike Commercial Revitalization District (CRD). The Department observed the presence of illegal shipping containers on site. Unscreened dumpsters were found in locations not in a dumpster pad site as shown on the plan. One was in the sidewalk, posing an impediment to pedestrians along Powers Lane. Baltimore County Master Plan 2020 has specific policies and recommended actions for CRDs. It is a Master Plan policy to improve the appearance and walkability of the CRDs, and the Master Plan recommends enforcement of the County Code (page 140).

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- Remove all illegal shipping containers.
- Relocate the two dumpsters along Powers Lane not situated on a dumpster pad and ensure all dumpsters associated with the shopping center meet the requirements of Condition H of the Baltimore County Landscape Manual.

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

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

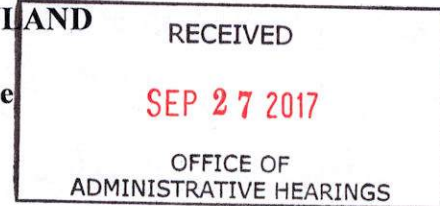
AVA/KS/LTM/ka

c: Dennis Wertz

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: September 27, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0084-SPH
Address 1100 S. Rolling Road
(Rolling Road Plaza Business Trust
Property)

Zoning Advisory Committee Meeting of **October 2, 2017**.

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

Reviewer: Steve Ford Date: 9-27-2017

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 11, 2017

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 2, 2017
Item No. 2018-0084-SPH, 0086-A, 0088-A and 0089-A

The Bureau of Development Plans Review has reviewed the subject zoning
Items and we have no comments.

*

*

*

*

*

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: September 27, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0084-SPH
Address 1100 S. Rolling Road
(Rolling Road Plaza Business Trust
Property)

Zoning Advisory Committee Meeting of **October 2, 2017**.

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

Reviewer: Steve Ford Date: 9-27-2017

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: September 27, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0084-SPH
Address 1100 S. Rolling Road
(Rolling Road Plaza Business Trust
Property)

Zoning Advisory Committee Meeting of **October 2, 2017**.

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

Reviewer: Steve Ford Date: 9-27-2017

CASE NAME Firestone Valley
CASE NUMBER 2018-84-SP/H
DATE 11/2/17

[illegible]

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>10/11</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>no comment</u>
<u>9/27</u>	DEPS (if not received, date e-mail sent _____)	<u>no comment</u>
_____	FIRE DEPARTMENT	_____
<u>10/26</u>	PLANNING (if not received, date e-mail sent _____)	<u>no objection w/ conditions</u>
<u>9/25</u>	STATE HIGHWAY ADMINISTRATION	<u>no objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>10/12/17</u>	
SIGN POSTING	Date: <u>10/14/17</u> by <u>O'Keefe</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 01 Account Number - 0106001020							
Owner Information									
Owner Name:		ROLLING ROAD PLAZA BUSINESS TRUST				Use: Principal Residence:		COMMERCIAL NO	
Mailing Address:		3333 NEW HYDE PARK RD NEW HYDE PARK NY 11042-1205				Deed Reference:		/21370/ 00115	
Location & Structure Information									
Premises Address:		1920 POWERS LN BALTIMORE MD 21228-0000				Legal Description:		4.939 AC WS 1920 POWERS LN N COR POWERS LA	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0094	0024	0106		0000				2018	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	
						4.9400 AC		14	
Stories	Basement	Type	Exterior	Full/Half Bath		Garage	Last Major Renovation		
Value Information									
			Base Value	Value		Phase-in Assessments			
				As of 01/01/2015		As of 07/01/2017		As of 07/01/2018	
Land:			1,975,600	1,975,600					
Improvements			7,324,400	7,324,400					
Total:			9,300,000	9,300,000		9,300,000			
Preferential Land:			0						
Transfer Information									
Seller: ROLLING ROAD PLAZA, INC				Date: 02/02/2005		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /21370/ 00115		Deed2:			
Seller: FAIR LANES DEV P ROPTIES INC				Date: 06/05/1970		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /04619/ 00076		Deed2:			
Seller:				Date:		Price:			
Type:				Deed1:		Deed2:			
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2017		07/01/2018			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00		0.00			
Tax Exempt:				Special Tax Recapture:					
Exempt Class:				NONE					
Homestead Application Information									
Homestead Application Status: No Application									

Case No.: 2018-0084-SPH

Exhibit Sheet

Petitioner/Developer

DW
12-8-17

Sen
Protestants 11-7-17

No. 1	1A > Site plan 1B	
No. 2	2A-ZN Site photos	
No. 3	Order + site plan #70-138-X	
No. 4	4A-4C photo - shipping container	
No. 5	Elevation photo proposed sign	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

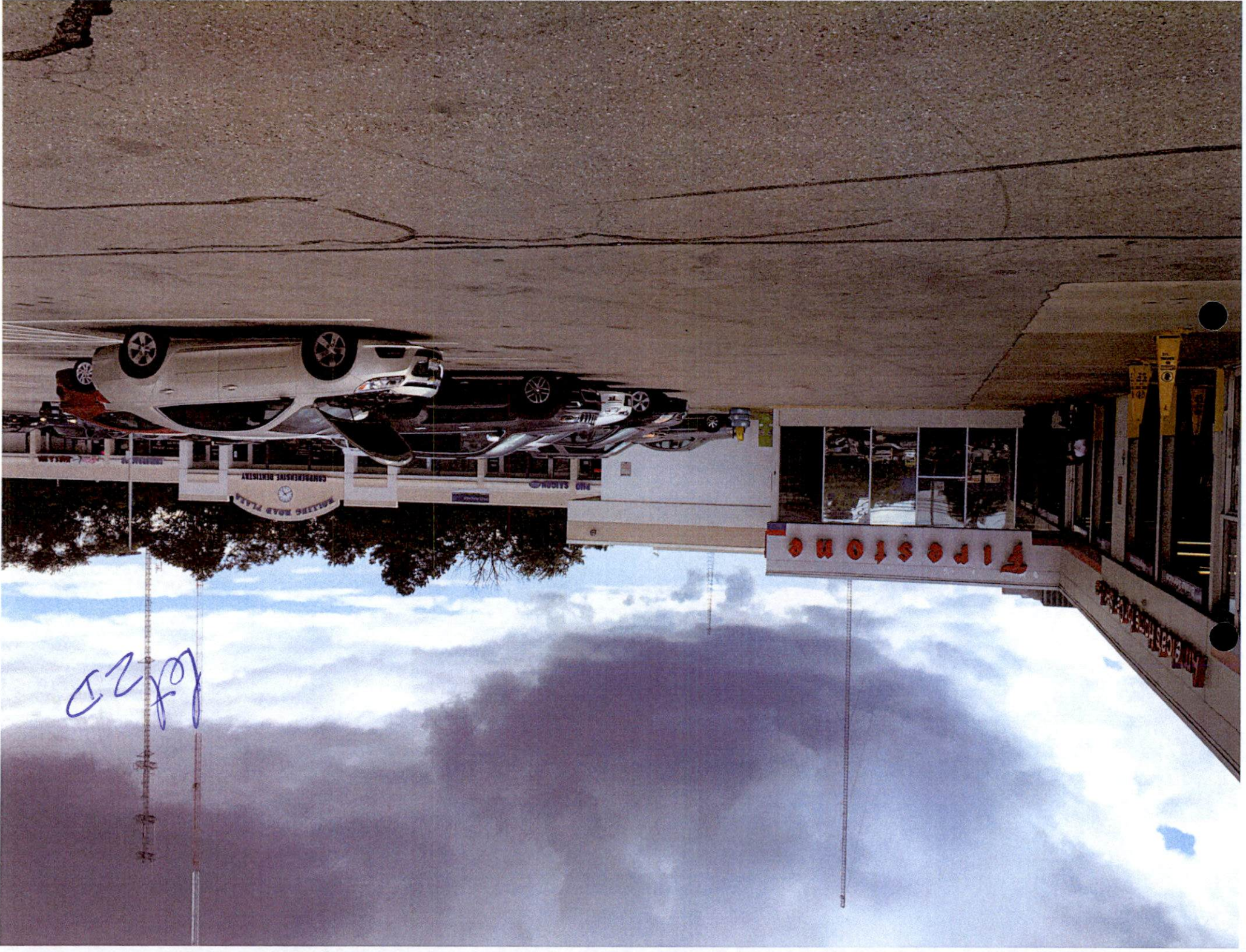
Ref.
2A



Box 2B



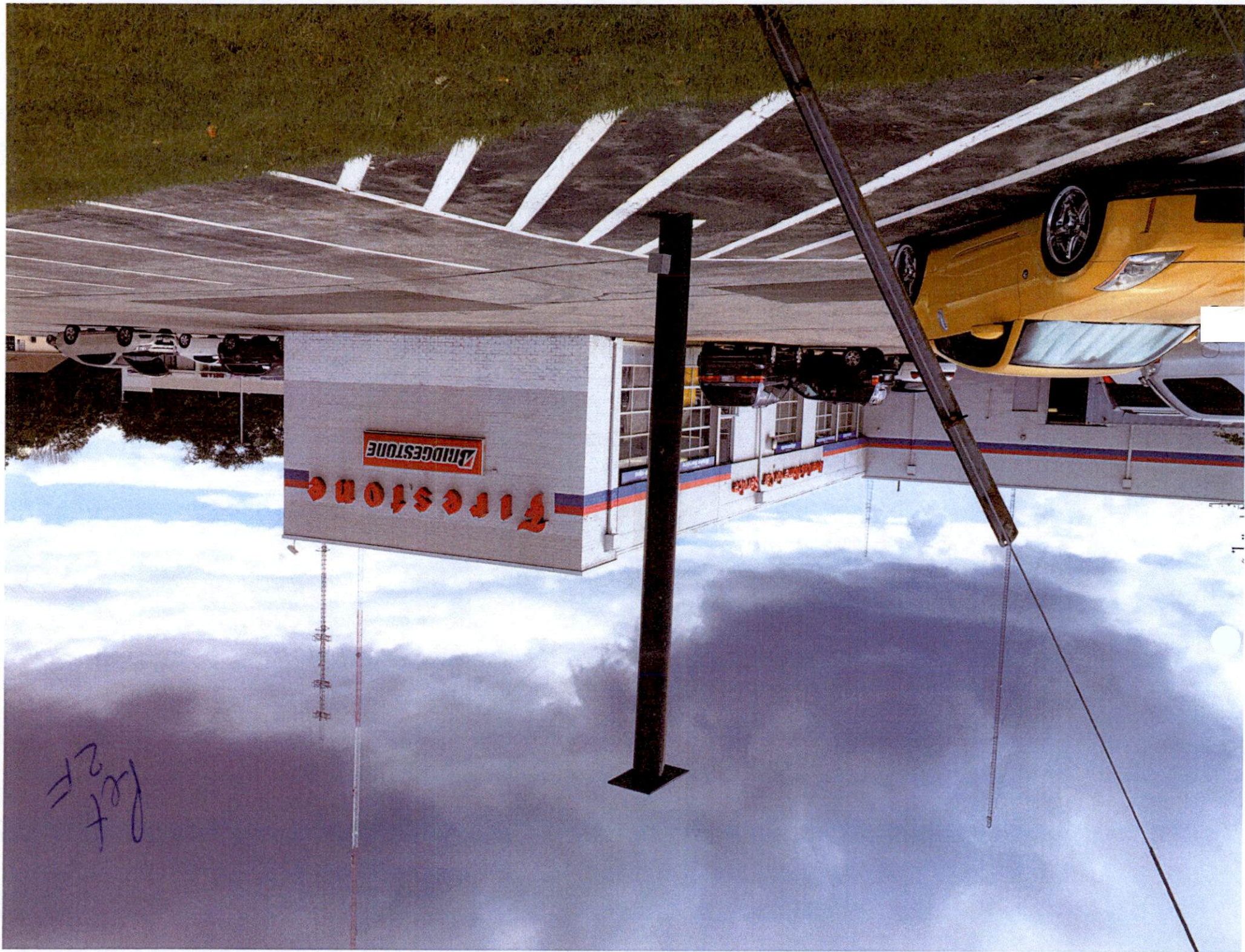




Lot 20



12/25



Pet
2F

25
12/2





Pet 2H

ROLLING ROAD PLAZA
CORT
FURNITURE
RENTAL • SALES

HOME & OFFICE
FURNITURE
←

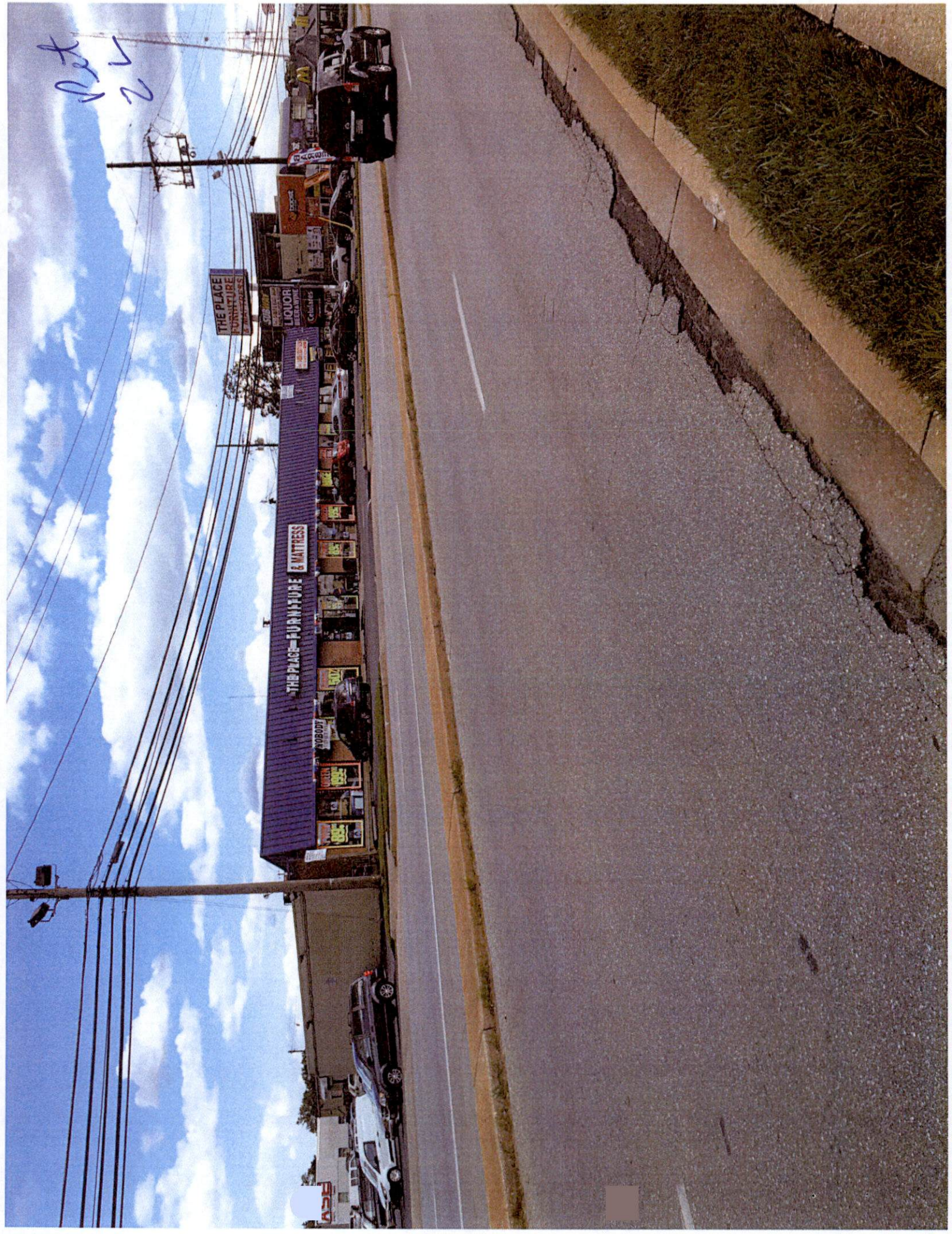
GRAND
REOPENING
←



12-25







Pet
2m

THE PLACE
FURNITURE
MATTRESS

SUBWAY
LIQUOR
BEER WINE
Celulares

boost

CORT
FURNITURE RENTAL
& CLEARANCE CENTER

GRAND
REOPENING
→



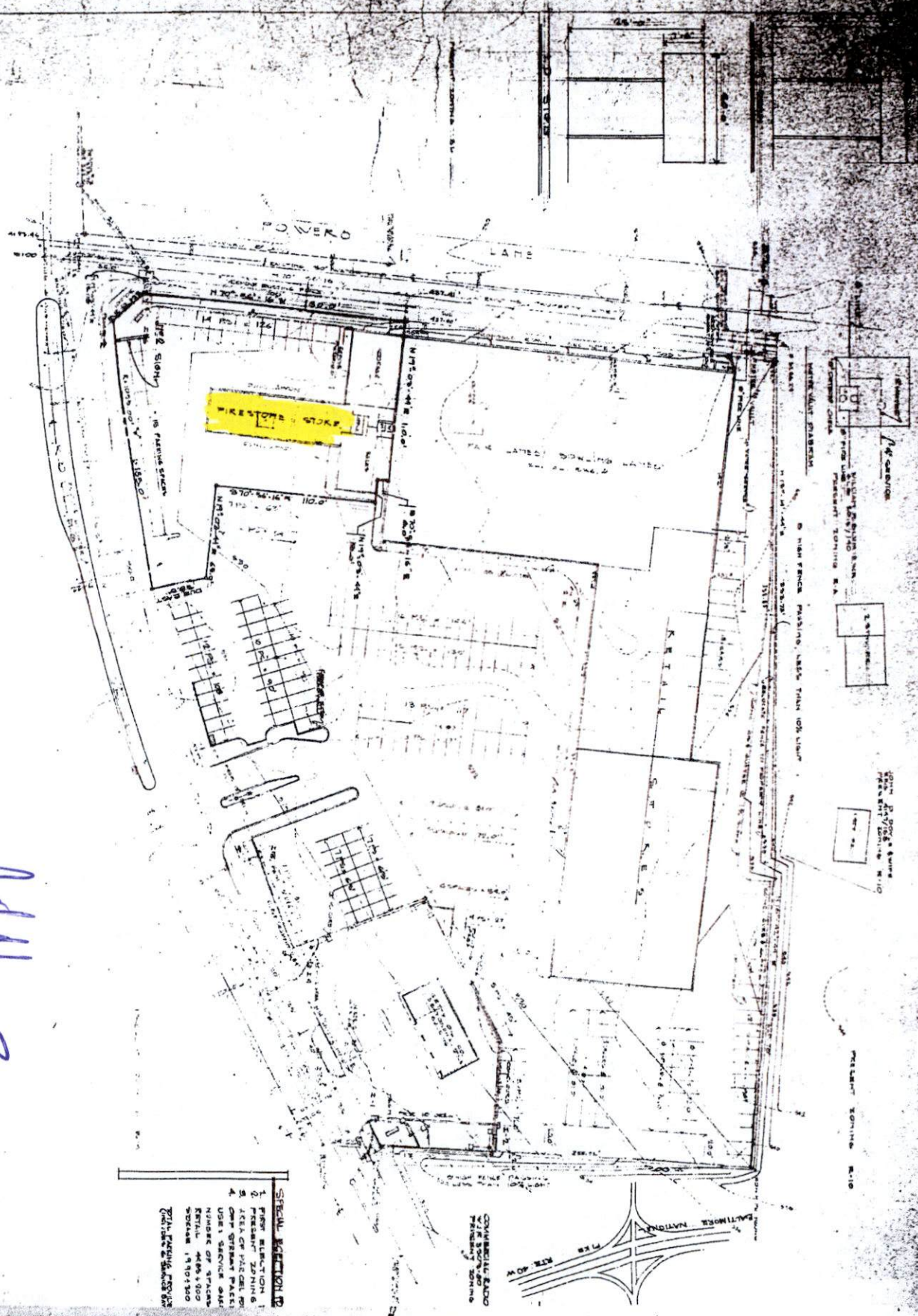
AMERICA'S HOME FOR TIRES & SERVICE
Firestone

**MASTERCARE
CAR SERVICE**

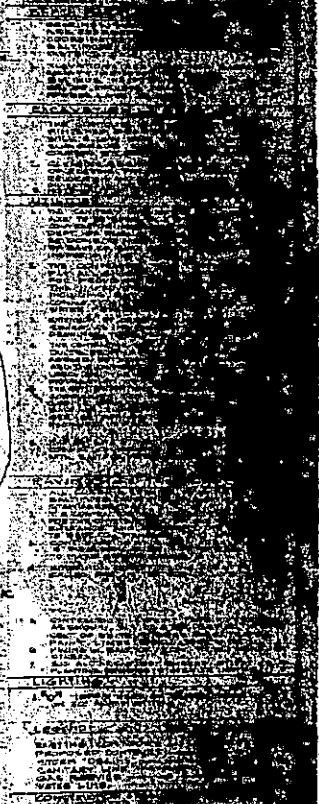
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SPECIAL SECTION 12
 1. FROM ELECTION 1
 2. PRESENT ZONING
 3. AREA OF PLACED FOR
 4. OWN STREET PACE
 5. USE SERVICE AREA
 6. NUMBER OF SPACES
 7. RETAIL 468,150
 8. TOTAL 1,101,250
 9. TOTAL FUTURE 1,101,250



1 FIRST ELECTION DISTRICT
2 PRESENT ZONING: S L
3 AREA OF PARCEL WHICH SPECIAL EXCEPTION IS REQUESTED: CLASSIC
4 OFF STREET PARKING:
USE: SERVICE GARAGE
NUMBER OF SPACES REQUIRED:
TOTAL 4500+700 73
SQUARE 1430+1250 26
TOTAL 73 26
TOTAL FACING PROVIDED
TOTAL SERVICE BAY

26 70 PM



113
Hollow Rd. Place
Jae

11-25-57

ROLLERS ROSE PLAIN, INC. 470-138-2
Div. of Rolling Ball and Powder Co.
Lancaster Pa.

IT IS ORDERED by the Zoning Commission of Baltimore County, Md., that the above notwithstanding, he and the estate in hereby GRANTED and that the above described property of said he and estate is hereby continued as used and as the Special Exception for _____ and the same is hereby DENIED.

_____ and the same is hereby DENIED.

Zoning Commission of Baltimore County

APPROVED: _____

DATE: _____

[illegible][illegible][illegible]

C. H. H. H.
Charles H. H. H.
 Assistant Traffic Engineer

[illegible]

1957
and two Special Assistants for Marine Services.
District: Southern Red Plains, Tex.
Locations of property: Abilene, El Paso, Fort Worth, Texas, and
Dallas, Texas.
Date of report: 12-1-57
Date of census: 12-1-57

22-138-X

FAULTY LOGIC AND CREDITS

the bearing on students population,

Owner shall be required to comply with all F.H.A. Department requirements when plans are submitted for approval.

QUALIFYING ENGINEERING OFFICE

HEALTH DEPARTMENTS

Public water is available to the site and public sewers are proposed.

Subject on registration and compliance with the Maryland State Health Air Pollution Control Regulations. Additional information may be obtained from the division of Air Pollution, Baltimore County Department of Health.

ZONING ADMINISTRATION DIVISION:

Very truly yours,

WILLIAM L. HUGHES, Chairman

every one of them.
N. W. Cox, of Halling Id., &
Fonsco Lens

Engineering's comments: *There are no comments at present.*

County Office Building
Ill. V. Champaign Avenue
Troy, N. Y. 12182

Call Now, Any Phone, Any Time

Library of Congress

2. The following information is required for the purpose of the study:

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the above-mentioned a

day of 1932, the first publication
 of the Amendment signed before the
 State of
 and published in Town, Baltimore County, Md., once in each
 year.

10 21 12

THE JEFFERSONIAN

Cost of Advertisement, By Amount and by Month	
Amount	Month
1000	Jan 11
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1000	Mar 11
1000	Apr 11
1000	May 11
1000	Jun 11
1000	Jul 11
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1. *Chlorophyll a* (Chl *a*)
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 15. *Chlorophyll o* (Chl *o*)
 16. *Chlorophyll p* (Chl *p*)
 17. *Chlorophyll q* (Chl *q*)
 18. *Chlorophyll r* (Chl *r*)
 19. *Chlorophyll s* (Chl *s*)
 20. *Chlorophyll t* (Chl *t*)
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 22. *Chlorophyll v* (Chl *v*)
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 26. *Chlorophyll z* (Chl *z*)
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 124. *Chlorophyll a72* (Chl *a72*)
 125. *Chlorophyll a73* (Chl *a73*)
 126. *Chlorophyll a74* (Chl *a74*)
 127. *Chlorophyll a75* (Chl *a75*)
 128. *Chlorophyll a76* (Chl *a76*)
 129. *Chlorophyll a77* (Chl *a77*)
 130. <

[illegible]

TO THE BOARD OF COMMISSIONERS OF BALTIMORE COUNTY:

I, we, Rolling Road, Inc. legal owner, of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-districted, pursuant to the Zoning Law of Baltimore County, from _____ to _____ district for the following reasons:

Do affected individuals?

and (7) for a Special Exception, under the said zoning law and zoning regulations of Baltimore County, in use the herein described property, for...R-101150-001000.....

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

1. we agree to pay expenses of above re-districting and/or Special Election advertising.
2. we agree to file this petition, and further agree to and are to be bound by the zoning laws and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

REARDE ROAD PLAZA, INC.
BRI [Signature]
Attorney at Law
Legal Owner
President
Address: 518 N. MYERS STREET
Falmouth, MAINE 01540
Falmouth's Attorney

ORIGINATED By The zoning Committee of Baltimore County, Md. _____ day
of _____, 1963. And the subject matter of this petition be advertised, as
required by the zoning Law of Baltimore County, in two newspapers of general circulation through-
out Baltimore County, that property be posted, and that the public hearing be held before the zoning
Commission of Baltimore County in Room 114, County Clerk Building in Towson, Baltimore
County, on the _____ day of _____, 1963. at 10:00 o'clock
a.m.

Edward B. Hardin
DEPUTY Zoning Commissioner of Baltimore County.

INTER-OFFICE CORRESPONDENCE

7000 X-100.....
attends Mr. O. E. Meyers
FROM: Wm. Kravitz Road, Miami Beach.
SIXTY-THREE
Kravitz Road Miami, Fla.
R.W. Corner of
Kravitz Road & Powers Lane

161a...December 12, 1968.....

PETITIONER TO COMPLY WITH BALDWIN COUNTY BUILDING CODE, 2008.5

6320 40644-10 03E
4.06.1700000, 001 07E 1-4
F000000, 001-0000

DESCRIPTION OF PROPERTY AT
ROLLING ROAD AND JONES LANE
FIRST ELECTION DISTRICT, LAUNINGTON COUNTY, MARYLAND.
(SPECIAL EXEMPTION)

ACQUITTING FOR THE SAME at a point in the westerly right of way line of Rolling Road as now defined to a width of 70 feet end thence on the latter line County Highways of Land Acquisition 20 feet end thence on the Right of Way Agreement 17th 57-00-00-000000 point being adjacent to the beginning of a grant line connecting said westerly right of way line of Rolling Road with the northerly right of way of Town of Leno as proposed to be widened to a width of 60 feet thence leaving said point of beginning and making along said grant line, containing all corners to the two sections as established for the latter two County Highways District, South 29 degrees 23 minutes 24 seconds West 70.00 feet to the northerly right of way line of, more or less, 60 feet wide thence binding along said right of way line, north 70 degrees 55 minutes 16 seconds West 100.00 feet to a point thence leaving Town of Leno and running the six following courses and distances: (1) North 19 degrees 03 minutes 46 seconds East 110.00 feet (2) South 70 degrees 55 minutes 16 seconds East 6.00 feet (3) North 19 degrees 03 minutes 46 seconds West 15.00 feet (4) South 70 degrees 55 minutes 16 seconds East 110.00 feet (5) North 19 degrees 03 minutes 46 seconds East 6.00 feet (6) East 33 feet to intersect the before mentioned westerly right of way line of Rolling Road thence to the north along said right of way line by a curve to the 24 feet point.

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: December 16, 1969
 Attn: Mr. Wyke
 FROM: Inspector John Lilley
 Fire Department
 SUBJECT: Property owner Rolling Road Plaza Inc.

Locations NW/corner of Rolling Road and Powers Lane
Item #11 Lining Agency December 9, 1965

*Owner shall be required to comply with all Fire Department requirements when plans are submitted for approval.

Inspector John D. Lee

Ernest B. Reed
General Road, Plains Highway

Page 2
DESCRIPTION OF PROPERTY AT
BOLLING ROAD AND TOWERS LANE
FIRST ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.
(SPECIAL EXCEPTIONS)

1055.00 feet for an area distance of 185 feet to the point of beginning, containing 0.609 acres more or less,
 BEING part of land which by Deed dated May 19, 1966 and recorded among the Land Records of Baltimore County in Liber B.R.O.No. 8619, page 974 was conveyed by Cecelia Goldichman, widow to Fair Lakes Development Properties, Inc.

11/7/1969.

This description is for zoning purposes only and is not to be used for the conveyance of property.

ENTER-OF-FICE CORRESPONDENCE

TO: Mr. Edward R. Hendricks, Deputy Zoning
Commissioner Date: January 16, 1972

FROM: Mr. George E. Gerasulis, Director of
Planning

SUBJECT: Petition #70-158-X, Special Exception for Change, Service, Northwest
corner of Rolling Road and Powers Lane, Rolling Road Plaza, Inc. Petitioners

Test District

HEARING: Thursday, January 29, 1970 (10:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition for a service garage. We voice no objection to the Special Exception as such but we note that the plans submitted with the application for the overall center is not in accordance with that approved in December by this office and by the traffic engineering. Approval of plans for the service garage will be predicated upon compliance of the overall center with plans approved as noted above.

GEG

INTER-OFFICE CORRESPONDENCE

TO: Mr. Oliver L. Ryan
FROM: JEO, FOREIGN
SUBJECT: Item 113 - Zoning Advisory Committee Meeting, December 8, 1992

Health Department Complaints

113. Property Owner: Rolling Pond Plaza, Inc.
Location: N.W. Cor. of Rolling Rd. & Powers Lane
District: 1st
Present Zoning: R1
Proposed Zoning: S.U. for a service garage
No. Acres: 0.609 +

Public water is available at the site and public sewers are proposed.

Air Pollution Comments: For building or buildings on this site may be subject to registration and compliance with the Maryland State Health Air Pollution Control Regulations. Additional information may be obtained from the Division of Air Pollution, Baltimore County Department of Health.

John J. Frost
Chief
Section of Recreational Services
BUREAU OF ENVIRONMENTAL HEALTH

4P/c2

Google Maps Catonsville, Maryland



Image capture: Sep 2012 © 2017 Google United States

Google, Inc.

Street View - Sep 2012

Ref No 4A

Google Maps Catonsville, Maryland



Image capture: Sep 2012 © 2017 Google United States

Street View - Sep 2012

Plot 4B

Google Maps 1914 Powers Ln



Image capture: Nov 2016 © 2017 Google United States

Catonsville, Maryland

Google, Inc.

Street View - Nov 2016

Red 4c



Existing



Proposed



Ref No 5

Site ID: 028142 Cantonsville MD

Location:
1000 N. Rolling Rd.
Cantonsville MD 21228

AGI Rep: B.W.

Drawn by: hw

Project Title: Firestone

Survey ID:

Scale: NTS

Date: 5/12/17

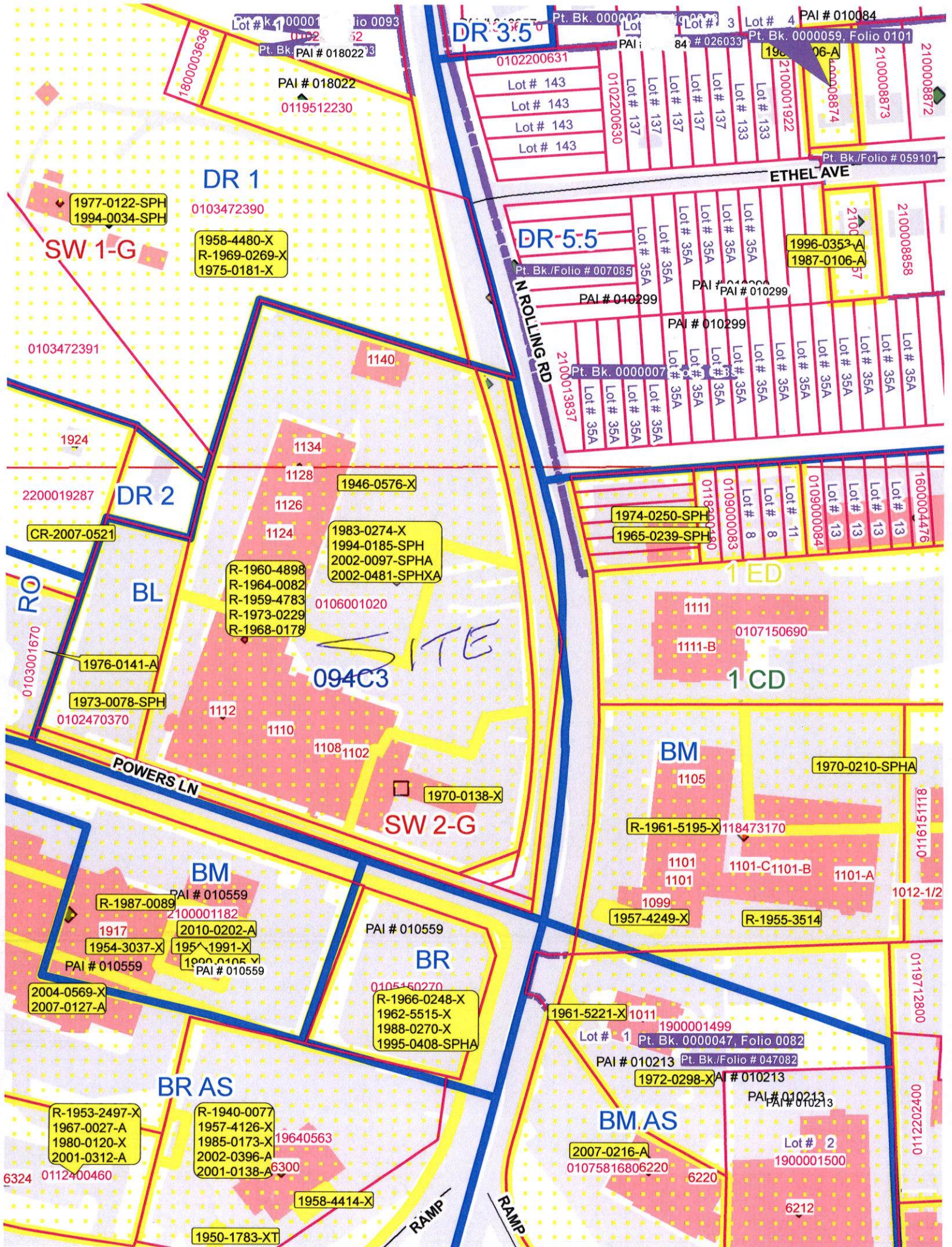
Date Revised:

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DR 1

DR 3.5

DR 5.5

DR 2

094C3

1 ED

1 CD

BM

BR

BR AS

BM AS

SW 1-G

SW 2-G

RAMP

RAMP

ETHEL AVE

POWERS LN

N ROLLING RD

PAI # 018022
0119512230

1958-4480-X
R-1969-0269-X
1975-0181-X

1946-0576-X
1983-0274-X
1994-0185-SPH
2002-0097-SPHA
2002-0481-SPHXA

R-1960-4898
R-1964-0082
R-1959-4783
R-1973-0229
R-1968-0178

1970-0138-X

R-1987-0089
2100001182
2010-0202-A
1954-3037-X
1951-1991-X
1990-0105-X
PAI # 010559

2004-0569-X
2007-0127-A

PAI # 010559
0105450270
R-1966-0248-X
1962-5515-X
1988-0270-X
1995-0408-SPHA

R-1953-2497-X
1967-0027-A
1980-0120-X
2001-0312-A

R-1940-0077
1957-4126-X
1985-0173-X
2002-0396-A
2001-0138-A

1950-1783-X

1958-4414-X

1961-5221-X

1900001499
Pt. Bk. 0000047, Folio 0082
PAI # 010213 Pt. Bk./Folio # 047082
1972-0298-X

2007-0216-A
01075816806220

Lot # 2
1900001500

1996-0353-A
1987-0106-A

1974-0250-SPH
1965-0239-SPH

R-1961-5195-X
118473170

1957-4249-X

R-1955-3514

1970-0210-SPHA

1012-1/2

0119712800

0072022110

1960-008874

2100008873

2100008872

2100008858

2100008858

2100008858

Lot # 35A

Lot # 35A

Lot # 35A

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Existing

Proposed



PETITIONER'S
EXHIBIT NO. 1B

[illegible]