

M E M O R A N D U M

DATE: May 7, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0201-A - Appeal Period Expired

The appeal period for the above-referenced case expired on May 6, 2019. 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.'

/dlw

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(7923 Belair Road)
14th Election District
5th Council District
FP Sub, LLC
Legal Owner
PSP Stores, LLC
Lessee
Petitioners

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2019-0201-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by FP Sub, LLC, legal owner, and PSP Stores, LLC, lessee of the subject property (“Petitioners”). The Petitioners are requesting variance relief from Section 421.2 of the Baltimore County Zoning Regulations (“BCZR”) to permit a pet shop within 64.7 feet of the nearest property line in lieu of the required 200 ft., and within 0 ft. of the nearest lease line in lieu of the required 200 ft. A site plan was marked as Petitioners’ Exhibit 1.

Joe Hochendoner, Mike Ogden, Ryan McCoy and Michael Gesell appeared in support of the petition. Justin Williams, Esq. represented Petitioners. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. No substantive Zoning Advisory Committee (ZAC) comments were received from any of the County reviewing agencies.

The subject property is approximately 18.37 acres in size and is improved with a strip shopping center. This case concerns only a 7,976 sq. ft. portion of the overall site, which is the space which would be occupied by the Lessee. The property is split-zoned BR, BL & DR 5.5. A Salvo auto parts store was previously located in the leased area. Petitioners propose to open a Pet Supplies Plus store in the space, but require variance relief given the 200 ft. setback requirement

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Date 4/5/19
By sen

for “pet shops” imposed by Section 421 of the BCZR.

As discussed at the hearing, a “pet shop” is an antiquated concept now that there are legal and/or ethical restrictions upon the sale of dogs and cats from retail storefronts. The Lessee would sell gerbils and similar small animals but would not sell dogs and cats at the store. Like other “big box” specialty pet retailers, the Lessee (which operates 435+ stores in 33 states) would sell pet foods, toys and supplies, and would also offer pet grooming and dog wash services. The imposition of a 200 ft. setback requirement seems unnecessary in this scenario, although the operation arguably constitutes a “pet shop” as defined under the BCZR.

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).

The property has irregular dimensions and was found to be unique in several recent zoning cases. See Case Nos. 2019-0062-A & 2017-0338-SPHA. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to operate the proposed pet shop. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of County and/or community opposition.

THEREFORE, IT IS ORDERED, this 5th day of **April, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to Section 421.2 of the Baltimore County Zoning Regulations (“BCZR”) to permit a pet shop within 64.7 feet of the nearest property line in lieu of the required 200 ft., and within 0 ft. of the nearest lease line in lieu

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4/5/19

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Sen

of the required 200 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date

4/5/19

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 7923, 7925, and 7927 Belair Road which is presently zoned BR, BL, and DR 5.5
 Deed References: 19892/329 10 Digit Tax Account # 1 9 0 0 0 0 1 4 0 7
 Property Owner(s) Printed Name(s) FP SUB LLC

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

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

1. 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)
 See Attached Sheet 1

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

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

See Attached Sheet 2

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Caroline L. Hecker, Esq. / Rosenberg Martin Greenberg, LLP

Name- Type or Print

Signature

25 S. Charles St., 21st Floor

Baltimore

MD

Mailing Address

City

State

21201

(410) 727-6600

checker@rosenbergmartin.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

See Attached Sheet 3

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Caroline L. Hecker, Esq. / Rosenberg Martin Greenberg, LLP

Name - Type or Print

Signature

25 S. Charles Street, 21st Floor

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Zip Code

Telephone #

Email Address

CASE NUMBER 2019-0201-A

Filing Date 1/3/2019

Do Not Schedule Dates: _____

Reviewer RJ

REV. 10/4/11

Petition for Variance

Attached Sheet 2

Contract Purchaser/Lessee:

PSP Stores LLC

By: 

Name: Josh Goldstein

Title: Director of Real Estate

17197 N. Laurel Park Drive
Suite, 402
Livonia, Michigan 48152

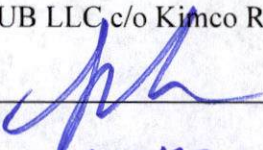
Phone Number: (734) 793-6600

Petition for Variance

Attached Sheet 3

Legal Owner (Petitioner):

FP SUB LLC c/o Kimco Realty Corp.

By: 

Name: MICHEL OGDEN

Title: AUTHORIZED AGENT

1954 Greenspring Drive
Suite 330
Timonium, MD 21093

Phone Number: (410) 684-2000

Petition for Variance

Attached Sheet 1

Requested Variances

The following variances are requested from the Baltimore County Zoning Regulations:

1. From Section 421.2 to permit a pet shop within 64.7 feet of the nearest property line ~~or lease line~~ in lieu of the required 200 feet. *and within 0 feet of the nearest lease line in lieu of the required 200 feet.*
2. For such other and further relief as may be required by the Administrative Law Judge.



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Signature

Mailing Address

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Telephone #

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Signature

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Do Not Schedule Dates:

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By: _____

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Title: Director of Real Estate

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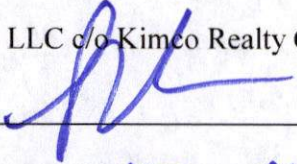
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By: 

Name: MICHAEL OGDEN

Title: AUTHORIZED AGENT

1954 Greenspring Drive
Suite 330
Timonium, MD 21093

Phone Number: (410) 684-2000



ZONING DESCRIPTION
TAX MAP 81, PARCEL 639
THE LAND OF
FP SUB, LLC.
LIBER 19892 FOLIO 329
14TH ELECTION DISTRICT
5th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MD

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

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



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

CONTAINING 800,253 SQUARE FEET OR 18.37 ACRES.



A13 4-4-19
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OFFICE OF
ADMINISTRATIVE HEARINGS

CERTIFICATE OF POSTING

CASE NO. 2019-0201-A
PETITIONER/DEVELOPER
ROSENBERG, MARTIN
GEEBELL, LLP
DATE OF HEARING/CLOSING
April 4, 2019

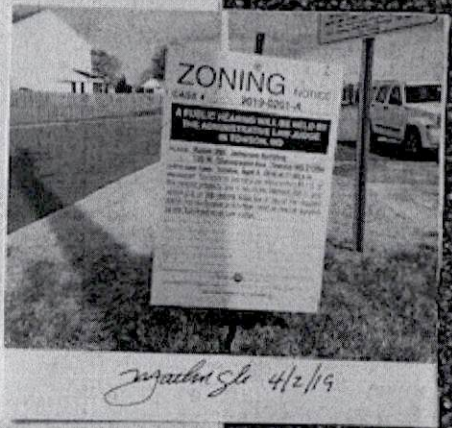
BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION :
LADIES AND GENTLEMAN

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT
7923, 7925, 7927 BELAIR ROAD

THIS SIGN(S) POSTED ON March 15, 2019 April 2, 2019
(MONTH, DAY, YEAR)

SINCERELY,
Martin Ogle 3/15/19
SIGNATURE OF SIGN POSTER

MARTIN OGLE
9912 MAIDBROOK ROAD
PARKVILLE, MD. 21234
443-629-3411



CERTIFICATE OF POSTING

CASE NO. 2019-0201-A

PETITIONER/DEVELOPER

ROSENBERG, MARTIN,
GEEBEL, LLP

DATE OF HEARING/CLOSING

April 4, 2019

BALTIMORE COUNTY DEPARTMENT OF
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111 WEST CHESAPEAKE AVENUE

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SIGN # 2

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March 15, 2019

(MONTH, DAY, YEAR)

April 2, 2019

SINCERELY,

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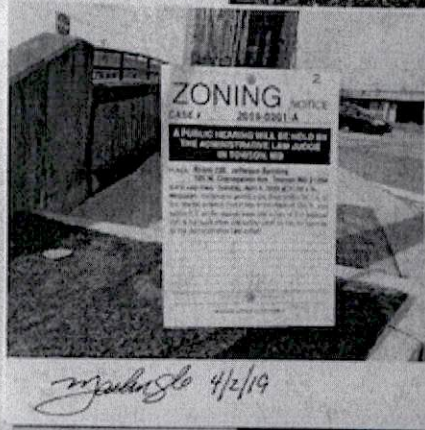
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GREEN, LLP

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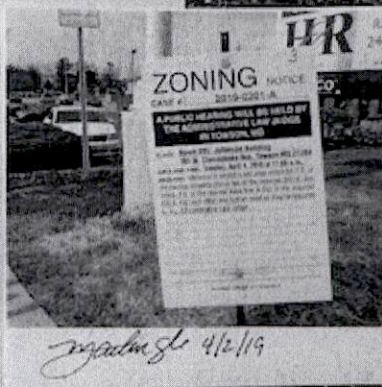
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SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD
PARKVILLE, MD. 21234
443-629-3411



Sent from my iPhone



POLLARD'S INC.
3 EMSON AVE., TOWSON, MD (410) 223-1808

VEHICLES MAY BE RECLAIMED
24 HOURS PER DAY 7 DAYS A WEEK
MON.-FRI. 8 AM - 7 PM SAT. 9 AM - 3 PM
After Hours Vehicle Pick-up Call 410 223-1808
P.O. Box 100000, Towson, Maryland 21204

ZONING NOTICE

CASE # 2019-0201-A

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

PLACE: Rm 205, Jefferson Building
105 W. Chesapeake Ave. Towson MD 21204

DATE AND TIME: Tuesday, April 4, 2019 at 11:00 a.m.

REQUEST: Variance to permit a pet shop within 64.7 ft. of
the nearest property line in lieu of the required 200 ft., and
within 0 ft. of the nearest lease line in lieu of the required
200 ft. For such other and further relief as may be required
by the Administrative Law Judge.

FOR THE PUBLIC TO BE HEARD, ALL CONCERNS ARE NOW BEING HEARD
TO THE BEST OF THE PUBLIC'S KNOWLEDGE

DO NOT REMOVE THIS SIGN AND PAYMENT DAY IS BEARING UNDER THE LAW.

HANDICAPPED ACCESSIBLE

Matthew 86 3/15/19

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100

<http://www.thedailyrecord.com>

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

3/15/2019

Order #: 11712819
Case #: 2019-0201-A
Description:

CASE NUMBER: 2019-0201-A - Baltimore County - NOTICE OF ZONING HEARING



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

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: 2019-0201-A

7923, 7925, 7927 Belair Road

S/east side of Belair Road at the corner of the southwest side of Rossville Boulevard

14th Election District - 5th Councilmanic District

Legal Owners: FP SUB LLC c/o Kimco Realty

Contract Purchaser/Lessee: PSP Stores, LLC

Variance to permit a pet shop within 64.7 ft. of the nearest property line in lieu of the required 200 ft., and within 0 ft. of the nearest lease line in lieu of the required 200 ft. For such other and further relief as may be required by the Administrative Law Judge.

Hearing: Thursday, April 4, 2019 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Mike Mohler

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.

mh15

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JAN 10 1968

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ROSENBERG MARTIN,

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DATE OF HEARING/CLOSING

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WIRE

ZONING NOTICE

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PERSONS DESIRING TO FILE A WRIT OR OTHER CONTINUING ARE NOTED THAT THEY MUST
FILE THE WRIT OR OTHER CONTINUING WITH THE CLERK OF THE COURT.

FILED: 2019 APR 15 PM 4:00 TOWSON, MD

HANDICAPPED ACCESSIBLE

2019/04/15 3/15/19

CERTIFICATE OF POSTING

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111 WEST CHESAPEAKE AVENUE
ATTENTION :

LADIES AND GENTLEMAN :

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

7923, 7925, 7927 BELAIR ROAD

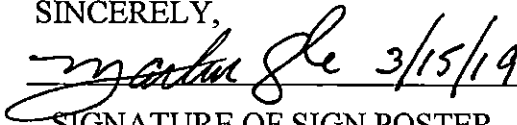
SIGN # 3

THIS SIGN(S) POSTED ON

March 15, 2019

(MONTH, DAY, YEAR)

SINCERELY,

 3/15/19

SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411



3
ZONING NOTICE
CASE # 2019-0201-A

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

PLACE: Room 205, Jefferson Building
105 W. Chesapeake Ave, Towson MD 21204

DATE AND TIME: Tuesday, April 4, 2019 at 11:00 a.m.

REQUEST: Variance to permit a pet shop within 64.7 ft. of
the nearest property line in lieu of the required 200 ft., and
within 0 ft. of the nearest lease line in lieu of the required
200 ft. For such other and further relief as may be required
by the Administrative Law Judge.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM, PLEASE CALL (410) 887-2188.

DO NOT REMOVE THIS SIGN AND PAY \$100.00 FINE PER DAY OF HEARING UNDER PENALTY OF LAW.

HANDICAPPED ACCESSIBLE

BEFORE THE OFFICE
OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
2019-201-A

* * * * *

APPEARANCE

1.1, please enter the appearance of People's
Counsel in the above-captioned matter. Notice

should be sent of any hearing dates or other proceedings in this matter and the passage of any
preliminary or final Order. All parties should copy People's Counsel on all correspondence sent
and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

JAN 09 2019

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of January, 2019, a copy of the foregoing
Entry of Appearance was mailed to Caroline Hecker, Esquire, 25 S. Charles Street, 21st Floor,
Baltimore, Maryland 21201, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL MOHLER, *Director*
Department of Permits,
Approvals & Inspections

March 5, 2019

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: 2019-0201-A

7923, 7925, 7927 Belair Road

S/east side of Belair Road at the corner of the southwest side of Rossville Boulevard

14th Election District – 5th Councilmanic District

Legal Owners: FP SUB LLC c/o Kimco Realty

Contract Purchaser/Lessee: PSP Stores, LLC

Variance to permit a pet shop within 64.7 ft. of the nearest property line in lieu of the required 200 ft., and within 0 ft. of the nearest lease line in lieu of the required 200 ft. For such other and further relief as may be required by the Administrative Law Judge.

Hearing: Thursday, April 4, 2019 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Mike Mohler", is written over a horizontal line.

Mike Mohler
Director

MM:kl

C: Caroline Hecker, 25 S. Charles Street, 21st Fl., Baltimore 21201
John Goldstein, 17197 N. Laurel Park Drive, Ste. 402, Livonia MI 48152
Michael Ogden, 1954 Greenspring Drive, Ste. 330, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, MARCH 15, 2019.**
- (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: THE DAILY RECORD
Friday, March 15, 2019 - Issue

Please forward billing to:

Margaret Giordano
Rosenbert, Martin & Greenberg
25 S. Charles Street, 21st Fl.
Baltimore, MD 21204

410-727-6600

NOTICE OF ZONING HEARING

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Hearing: Thursday, April 4, 2019 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Mike Mohler

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.

**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: 2019-0201-A
Property Address: 7923, 7925 and 7927 Belair Road
Property Description: SE/S of Belair Road corner of SW/s of
Rossville Blvd.
Legal Owners (Petitioners): FP SUB, LLC
Contract Purchaser/Lessee: PSP Stores, LLC

PLEASE FORWARD ADVERTISING BILL TO:

Name: Margaret Giordano
Company/Firm (if applicable): Rosberg Martin Greenberg
Address: 25 S. Charles St.
21st Fl
Baltimore, MD 21201
Telephone Number: (410) 727-6600

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

No. **177776**

Date: **1/3/2019**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 1/03/2019 1/03/2019 10:28:36 3
 REG WOOD WALKIN, CAM
 >>RECEIPT# 802771 1/03/2019 OFLN
 Dept 5 528 ZONING VERIFICATION
 CR NO. 1 7776

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

Total: **500.00**

Rec From: **Rosenberg Martin Greenberg, LLP**
 For: **Variance - 7923, 7925, 7927 Belair Road**
2019-6201-A (EP SUB, LLC)

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

**CASHIER'S
 VALIDATION**



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL MOHLER, *Director*
Department of Permits,
Approvals & Inspections

March 27, 2019

Caroline L. Hecker, Esq
25 S. Charles St. 21st Floor
Baltimore MD 21201

RE: Case Number: 2019-0201-A, 7923, 7925, 7927 Belair Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 3, 2019. 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.", written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

4-4-19

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Mike Mohler
Acting Director, Permits, Approvals and Inspections

DATE: 2/1/2019

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-201



INFORMATION:

Property Address: 7923,7925,7927 Belair Road
Petitioner: FB SUB LLC c/o Kimco Realty Corp.
Zoning: BR, BL and DR 5.5
Requested Action: Variance

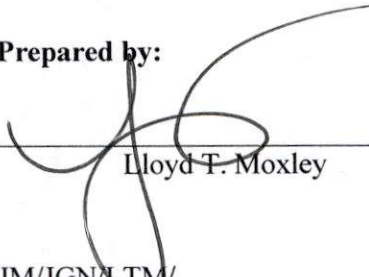
The Department of Planning has reviewed the petition for a variance to permit a pet shop within 64.7 feet of the nearest property line in lieu of the required 200 feet and within 0 feet of the nearest lease line in lieu of the required 200 feet.

A site visit was conducted on 1/4/2019. The site is located in an older strip shopping center located on Belair Road that is undergoing a substantial redevelopment. The site is located in the Overlea Commercial Revitalization District.

This Department has no objection to granting the petitioned zoning relief.

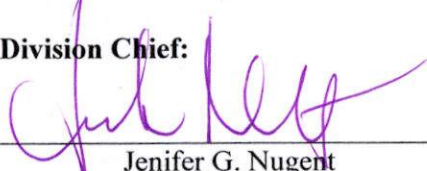
For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

JM/JGN/LTM/

c: Laurie Hay
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Caroline L Hecker, Esq.
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Mike Mohler
Acting Director, Permits, Approvals and Inspections

DATE: 2/1/2019

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-201

INFORMATION:

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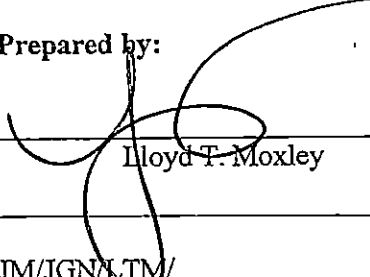
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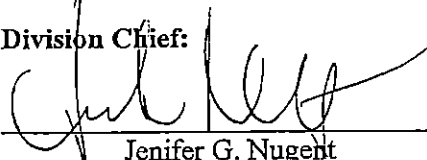
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Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

JM/JGN/LTM/

c: Laurie Hay
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Caroline L Hecker, Esq.
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JAN 15 2018

OFFICE OF
ADMINISTRATIVE HEARINGS

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

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

DATE: January 15, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0201-A
Address 7923 Belair Road
(Kimco Realty Corp. Property)

Zoning Advisory Committee Meeting of **January 14, 2019**.

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

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Mohler, Acting Director
Department of Permits, Approvals

DATE: Feb 15, 2019

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 14, 2018
Item No. 2019-0192-A, 0193-A, 0194-A, 0195-A, 0196-A, 0197-A, 0198-A,
0199-A, 0200-SPH, 0201-A, 0202-SPH & 0203-A

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

*

*

*

*

*

VKD: cen
cc: file

Date: 1/9/19

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
111 West Chesapeake Avenue
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 1/9/19. A field inspection and internal review reveals that an entrance onto US1 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2019-0201-A.

*FPSub LLC c/o Kimco Realty Corp.
7923 Belair Road
US1*

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

Sincerely,



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

WW/RAZ

CASE NAME PSP Stores LLC
CASE NUMBER Case No. 2019-~~6~~ 201-A
DATE 4/4/19

[illegible]

Justin Williams

2019-201.A

(25th hearing date)
no good

410-727-6600

Set for April

CASE NO. 2019-0201-A

CHECKLIST

Comment
Received

Department

Support/Oppose/
Conditions/
Comments/
No Comment

215

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

NO
Comment

115

DEPS
(if not received, date e-mail sent _____)

NO
Comment

21

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)

NO
Objection

119

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

NO
Objection

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 3/15/19

SIGN POSTING (1st) Date: 3/15/19 by Ogle

SIGN POSTING (2nd) Date: 4/2/19 by Ogle

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			
Tax Exempt:		Special Tax Recapture:							
Exempt Class:		NONE							
Account Identifier:		District - 14 Account Number - 1900001407							
Owner Information									
Owner Name:		FP SUB LLC				Use:		COMMERCIAL	
						Principal Residence:		NO	
Mailing Address:		SUITE 100 3333 NEW HYDE PARK RD NEW HYDE PARK NY 11042-1205				Deed Reference:		/19892/ 00329	
Location & Structure Information									
Premises Address:		7927 BELAIR RD BALTIMORE 21236-				Legal Description:		18.371 AC	
PUTTY HILL									
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0081	0011	0639		0000			1	2019	Plat Ref: 0044/0116
Special Tax Areas:				Town:		NONE			
				Ad Valorem:					
				Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
		134819				18.3600 AC		14	
Stories	Basement	Type				Exterior	Full/Half Bath	Garage	Last Major Renovation
		SHOPPING CENTER / NEIGHBORHOOD							2018
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2019		07/01/2018		07/01/2019	
Land:		6,764,400		6,764,400					
Improvements		7,032,400		7,032,400					
Total:		13,796,800		13,796,800		13,796,800		13,796,800	
Preferential Land:		0						0	
Transfer Information									
Seller: FULLERTON PLAZA LLC				Date: 04/14/2004			Price: \$10,799,357		
Type: ARMS LENGTH IMPROVED				Deed1: /19892/ 00329			Deed2:		
Seller: MORTGAGES GROWTH INVESTORS				Date: 03/03/2000			Price: \$8,196,250		
Type: ARMS LENGTH IMPROVED				Deed1: /14337/ 00680			Deed2:		
Seller: AETNA LIFE INSUR ANCE COMPANY				Date: 08/05/1987			Price: \$7,600,000		
Type: ARMS LENGTH IMPROVED				Deed1: /07631/ 00596			Deed2:		
Exemption Information									
Partial Exempt Assessments:		Class				07/01/2018		07/01/2019	
County:		000				0.00			
State:		000				0.00			
Municipal:		000				0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:							

Exempt Class:

NONE

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

Date:

Fullerton Plaza



EXHIBIT

2

Fullerton Plaza

Aerial View

7923 Belair Rd

Google Earth

© 2018 Google

EXHIBIT

3

tabbies

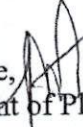
200 ft

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PLANNING

Memorandum

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

DATE: July 6, 2015

FROM: Andrea Van Arsdale, 
Director, Department of Planning

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

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

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

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

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

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



IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE

(7923, 7925 & 7927 Belair Road) *

14th Election District *

5th Council District *

FP SUB LLC *

Legal Owner *

Weis Markets, Inc., *Lessee* *

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2017-0241-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of FP SUB LLC, legal owner and Weis Markets, lessee ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit a fuel service station canopy sign with electronic changeable copy components pursuant to B.C.Z.R. §450. In addition, a Petition for Variance seeks to permit a fuel service station in a planned shopping center to be located on a lot that is within 0 ft. of a residentially zoned property in lieu of the required 100 ft. A site plan was marked and accepted into evidence as Petitioners' Exhibit 5.

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

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



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

SPECIAL HEARING

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

VARIANCE

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

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

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

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

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

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

THEREFORE, IT IS ORDERED this 3rd day of **May, 2017**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“B.C.Z.R”) to permit a fuel service station canopy sign with electronic changeable copy components pursuant to B.C.Z.R. §450, be and is hereby GRANTED.

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

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

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

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

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

JEB/sln

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

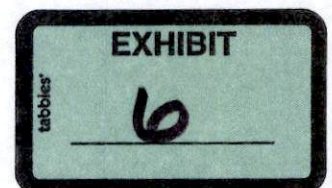
IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(7923, 7925 and 7927 Belair Road)	*	OFFICE OF
14 th Election District		
5 th Council District	*	ADMINISTRATIVE HEARINGS
 KIMCO Realty Corporation	*	 FOR BALTIMORE COUNTY
<i>Legal Owner</i>		
Petitioner	*	Case No. 2017-0338-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of KIMCO Realty Corporation, legal owner ("Petitioner"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) to permit continuance of 3 existing pad sites; and (2) to amend prior zoning orders and previously approved plans if deemed necessary.

In addition, a Petition for Variance seeks: (1) To permit two (2) freestanding enterprise signs along the site frontage in lieu of the permitted one (1) per frontage (existing pad #2); (2) To permit a freestanding enterprise sign with a maximum size of 195 sq. ft. in lieu of the permitted 75 sq. ft. (existing pad #1); (3) To permit wall mounted enterprise signs with a total square footage each of up to 4.55 times the length of the wall to which the sign is affixed converted to square footage in lieu of the permitted two (2) times the length of the wall converted to square footage (shopping center and fuel kiosk); (4) To permit two (2) wall mounted enterprise signs on the front wall with a customer entrance in lieu of the permitted one (1) wall-mounted sign (Weis Markets); (5) To permit ten (10) wall mounted enterprise signs affixed to a wall without an exterior customer



entrance. (signs L-U); (6) To permit a freestanding enterprise sign with a height of 45 ft. in lieu of the permitted 25 ft. (existing pad #1); (7) To permit three (3) wall mounted enterprise signs on the front wall with a customer entrance in lieu of the permitted one (1) wall mounted sign (Salvo Auto Parts); (8) To permit three (3) wall mounted enterprise signs on the front wall with a customer entrance in lieu of the permitted one (1) wall mounted sign (New Samys Liquor); (9) To permit 53 off street parking spaces in lieu of the required 91 off-street parking spaces (existing pad #2); and (10) To permit 690 off-street parking spaces in lieu of the required 766 off-street parking spaces (shopping center). A 5- sheet site plan (with signage detail) was marked and accepted into evidence as Petitioner's Exhibit 1.

Professional Engineer Michael Gessell appeared in support of the requests. Jennifer R. Busse, Esq. represented the Petitioner. Two neighbors attended the hearing to obtain additional information about the requests. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR).

The subject property is approximately 18.37 acres in size and split-zoned BR, BL and DR 5.5. The site is improved with a large strip shopping center, and along the periphery of the property are "pad sites" occupied by a fuel service station, restaurants and other retail stores. The center is being renovated, and the primary purpose of the petition is to "legitimize" existing signage. The only new signage proposed is a freestanding joint identification sign at the entrance to the center (which would replace an existing freestanding enterprise sign for the former K-Mart store) and two wall-mounted signs on the front façade of the Weis grocery store.

SPECIAL HEARING

The petition for special hearing seeks confirmation of three existing pad sites along the Belair Road frontage. These sites are occupied by Mr. Tire, Ithop restaurant and McDonalds. The DOP did not object to the special hearing request, and based on a review of the site plan I believe these three sites are far removed from the strip center stores and can be accurately identified as pad sites.

Part of the difficulty in making such a determination is that the zoning regulations do not define "pad site." In Case No. 2015-0062-SPH, the zoning review office submitted a memorandum which stated the "pad site" definition was removed years ago from the B.C.Z.R. The only references to "pad site" are found in Section 259 of the B.C.Z.R., which concerns the Md. Route 43 overlay district. The Regulations state "[f]reestanding enterprise and freestanding joint identification signs are not permitted on individual pad sites unless the signage is an existing permitted use." B.C.Z.R. §259.9.D.1. Under familiar principles of statutory construction, the implication is that such signage is permitted on pad sites not located in the Route 43 overlay district. And that is also consistent with the long-standing policy of the zoning office, which permits an owner to seek special hearing relief to approve a sign on a pad site.

VARIANCES

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

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

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

The property has an irregular shape and there is a significant grade change at the front of the site. As such it is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to retain the existing signage. Finally, I find that the variances can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the lack of community and/or Baltimore County opposition.

In its ZAC comment, the DOP indicated it did not oppose the relief requested in the petition for a special hearing; i.e., that three pad sites exist on this property. But that agency also stated it opposed freestanding signs for the Ihop restaurant and Mr. Tire store. But, as noted above, county policy permits a freestanding enterprise sign to be erected on a pad site.

THEREFORE, IT IS ORDERED this 9th day of August, 2017, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."): (1) to permit continuance of 3 existing pad sites; and (2) to amend prior zoning orders and previously approved plans, in accordance with the terms of this order, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance: (1) To permit two (2) freestanding enterprise signs along the site frontage in lieu of the permitted one (1) per frontage (existing pad #2); (2) To permit a freestanding enterprise sign with a maximum size of 195 sq. ft. in lieu of the permitted 75 sq. ft. (existing pad #1); (3) To permit wall mounted enterprise signs with a total square footage each of up to 4.55 times the length of the wall to which the sign is affixed converted to square footage in lieu of the permitted two (2) times the length of the wall converted to square footage (shopping center and fuel kiosk); (4) To permit two (2) wall

mounted enterprise signs on the front wall with a customer entrance in lieu of the permitted one (1) wall mounted sign (Weis Markets); (5) To permit ten (10) wall mounted enterprise signs affixed to a wall without an exterior customer entrance. (signs L U); (6) To permit a freestanding enterprise sign with a height of 45 ft. in lieu of the permitted 25 ft. (existing pad #1); (7) To permit three (3) wall mounted enterprise signs on the front wall with a customer entrance in lieu of the permitted one (1) wall mounted sign (Salvo Auto Parts); (8) To permit three (3) wall mounted enterprise signs on the front wall with a customer entrance in lieu of the permitted one (1) wall mounted sign (New Samys Liquor); (9) To permit 53 off street parking spaces in lieu of the required 91 off street parking spaces (existing pad #2); and (10) To permit 690 off street parking spaces in lieu of the required 766 off street parking spaces (shopping center), be and is hereby GRANTED.

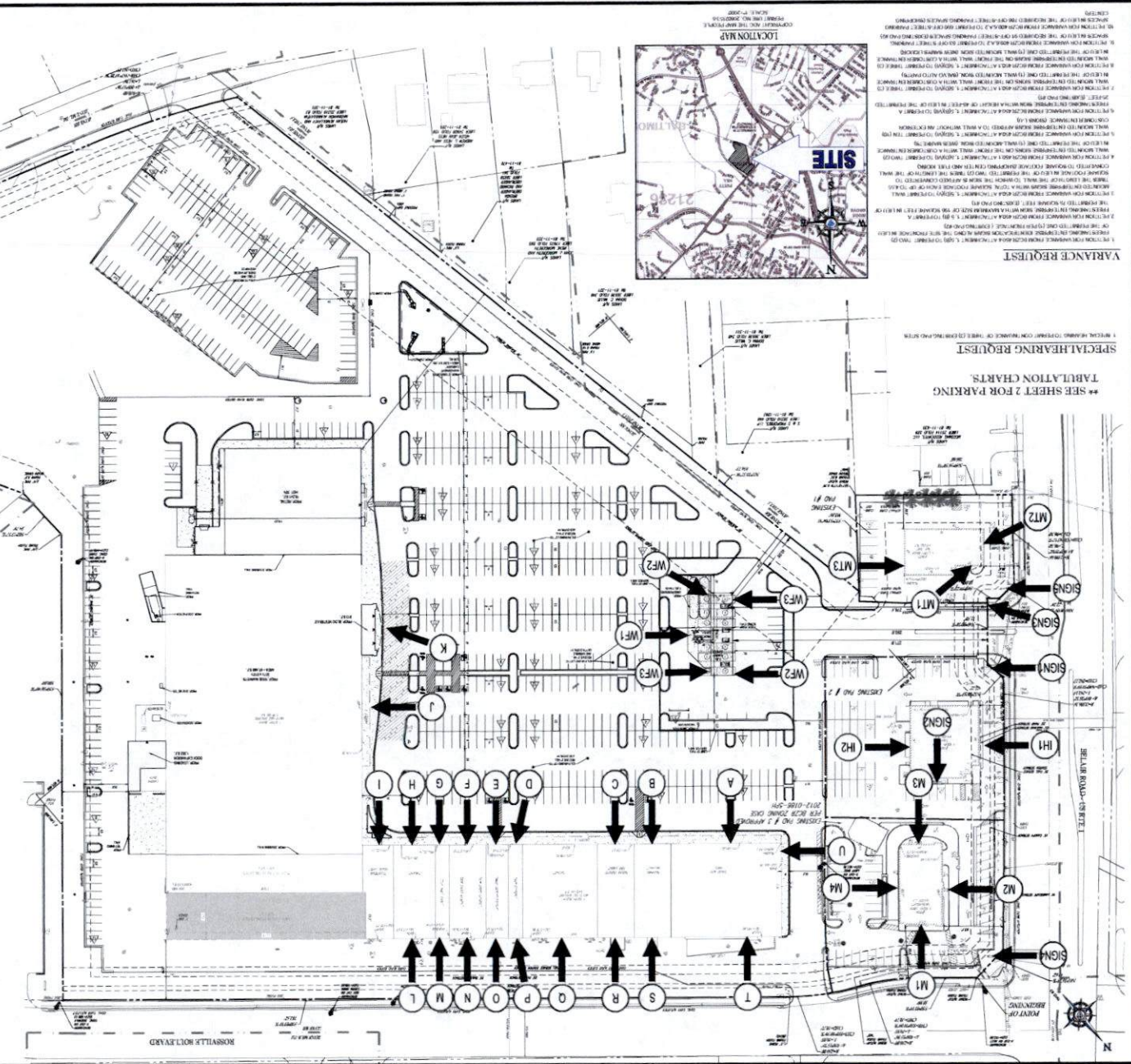
The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioner must submit for approval by Baltimore County landscape and lighting plans for the site.
3. No signage shall be permitted along the Fitch Avenue frontage at the site.

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

Signed _____
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln

[illegible]

IN RE: PETITION FOR VARIANCE
(7923, 7925, & 7927 Belair Road)
14th Election District
5th Council District
FP SUB, LLC
Legal Owner

Petitioner

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2019-0062-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by FP SUB LLC, legal owner of the subject property ("Petitioner"). Petitioner is requesting variance relief pursuant to the Baltimore County Zoning Regulations ("BCZR") as follows: (1) To permit a freestanding identification sign with a maximum size of 228 sq. ft. in lieu of the permitted 150 sq. ft. (Sign #1); (2) To permit a joint identification sign with a minimum sign copy of six (6) inches in height in lieu of the required eight (8) inches in height for sign copy (Sign #1); (3) To permit a joint identification sign with a minimum sign copy of 2.5 inches in height in lieu of the required eight (8) inches in height for sign copy (Sign #2); (4) To allow wall-mounted enterprise signs on building facades without separate, exterior customer entrances (Sign #3 and #4); (5) To allow wall-mounted enterprise signs to be installed in a different location than the tenant space (Sign #3 and #4); and (6) To permit two (2) additional electronic changeable copy, freestanding joint identification signs accessory to a planned shopping center for a total of four (4) on a single premises in lieu of the permitted one (1) sign (Sign #1 and #2). A site plan was marked as Petitioner's Exhibit 1.

Michael Gesell, Alex Ororbia and Michael Ogden appeared in support of the petition. Justin Williams, Esq. represented Petitioner. There were no Protestants or interested citizens in



attendance. The Petition was advertised and posted as required by the BCZR. No substantive Zoning Advisory Committee (ZAC) comments were received from any of the reviewing County agencies.

The site is approximately 18.37 acres in size and split-zoned BR, BL & DR 5.5. A shopping center is operated at the site and features a Weis grocery store and fuel service station along with several other retail tenants. A large fitness facility will soon be added to the center, and Petitioner seeks certain changes to its existing signage to accommodate this tenant. In addition, Weis also proposes signage for the facades of its store which can be seen by motorists on Rossville Boulevard.

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).

This large parcel has an irregular shape and is therefore unique, as confirmed by similar findings in several prior variance cases. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to provide signage for its tenants. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of County and/or community opposition.

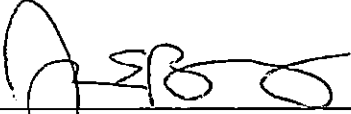
THEREFORE, IT IS ORDERED, this 3rd day of **December, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance as follows: (1) To permit a freestanding identification sign with a maximum size of 228 sq. ft. in lieu of the permitted 150 sq.

ft. (Sign #1); (2) To permit a joint identification sign with a minimum sign copy of six (6) inches in height in lieu of the required eight (8) inches in height for sign copy (Sign #1); (3) To permit a joint identification sign with a minimum sign copy of 2.5 inches in height in lieu of the required eight (8) inches in height for sign copy (Sign #2); (4) To allow wall-mounted enterprise signs on building facades without separate, exterior customer entrances (Sign #3 and #4); (5) To allow wall-mounted enterprise signs to be installed in a different location than the tenant space (Sign #3 and #4); and (6) To permit two (2) additional electronic changeable copy, freestanding joint identification signs accessory to a planned shopping center for a total of four (4) on a single premises in lieu of the permitted one (1) sign (Sign #1 and #2), be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB/sln

Quick Facts

Pet Supplies Plus provides our neighbors with...

- A hassle-free shopping experience
- Convenient, neighborhood locations
- Everyday low prices
- A wide variety of the latest products and services

Pet Supplies Plus believes that pets and their owners prefer to shop in smaller, neighborhood stores rather than big box locations

435+ stores in 33 states (soon to be 34 in 2019)

3rd largest pet specialty retailer

Company and franchise-owned stores. Ranked #1 in Entrepreneur's 2018 Franchise 500 for pet specialty and ranked #32 overall

Our first location opened in 1988 – 30 years of proven pet industry experience



Quick Facts

Year Founded: 1988

Number of Locations: 435+ (roughly 50% corporate / 50% franchise owned)

Number of State: 33 (soon to be 34 in 2019)

Company Headquarters: Livonia, MI

Our Vision: To be America's favorite neighborhood pet store.

Our Mission: To create the easiest shopping experience for our neighbors and make their lives better with their pets.

Our Values: Neighborly, Pet-centric, Trustworthy and Knowledgeable

Our Promise: To make it easier for our neighbors to get better products for their pets at the best price.

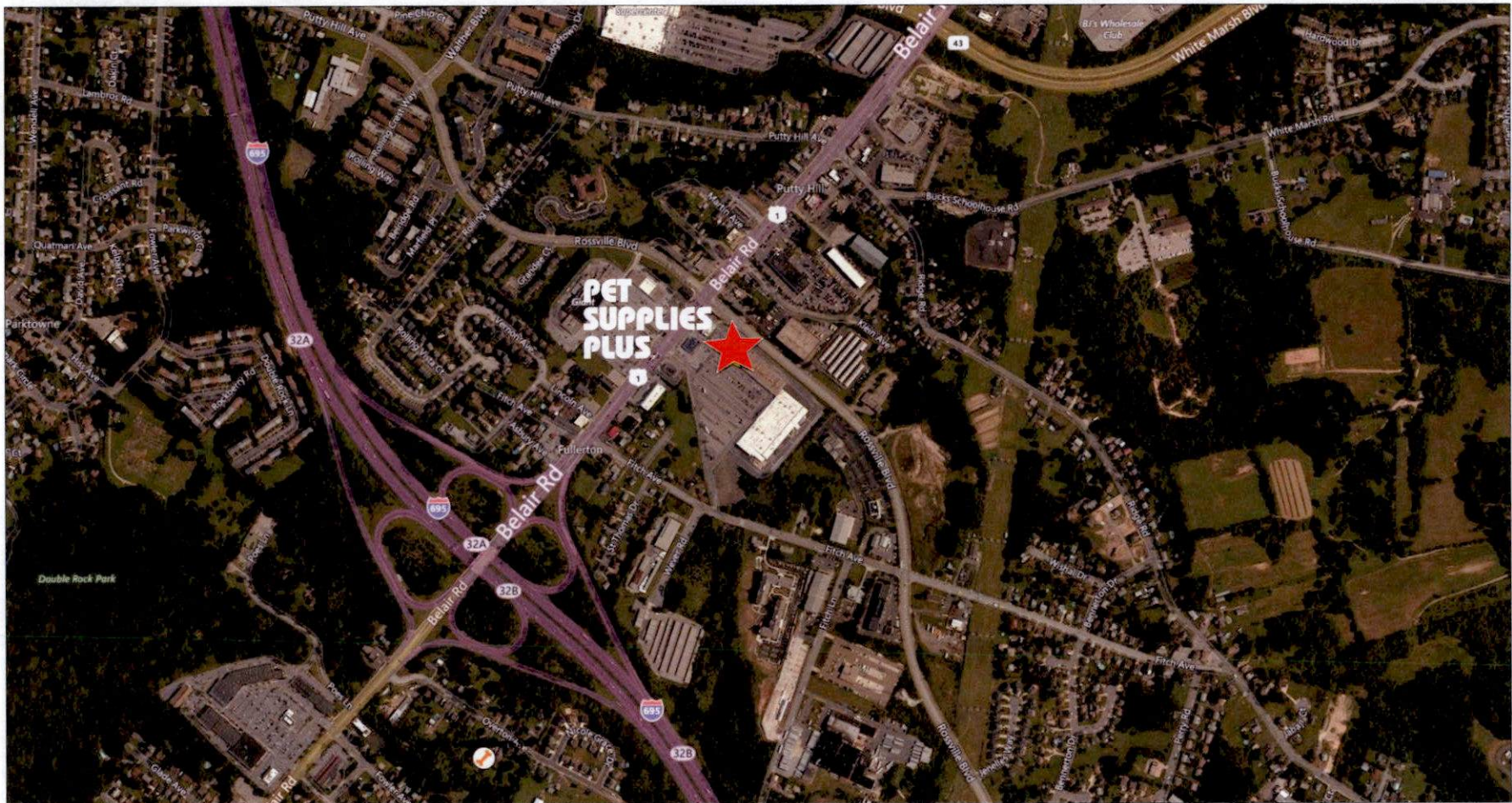
Pet Supplies Plus is **Approachable, Fun, Indie** and **Passionate**.

Aerial Map

Nottingham, MD

PET SUPPLIES PLUS

Minus the hassle.



Site Aerial

Fullerton Plaza

PET SUPPLIES PLUS

Minus the hassle.



Proposed Storefront

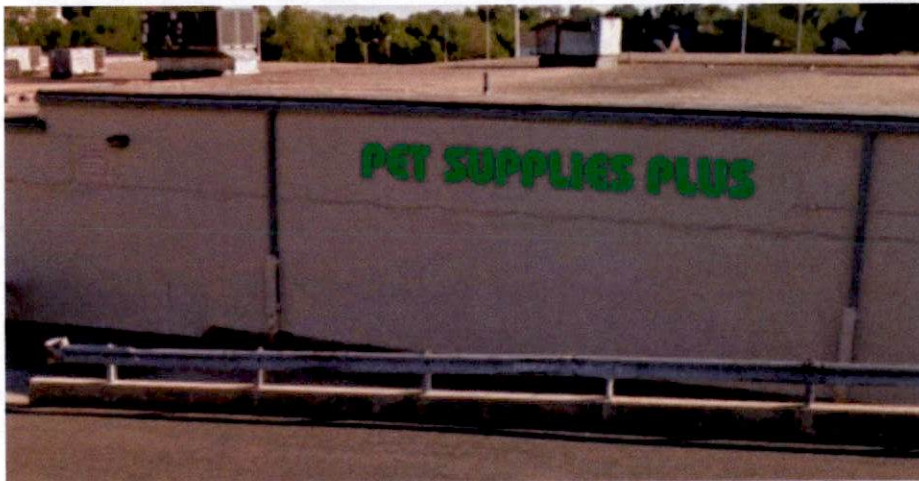
Fullerton Plaza

PET SUPPLIES PLUS

Minus the hassle.



Storefront Elevation



Rear Elevation – Option 1

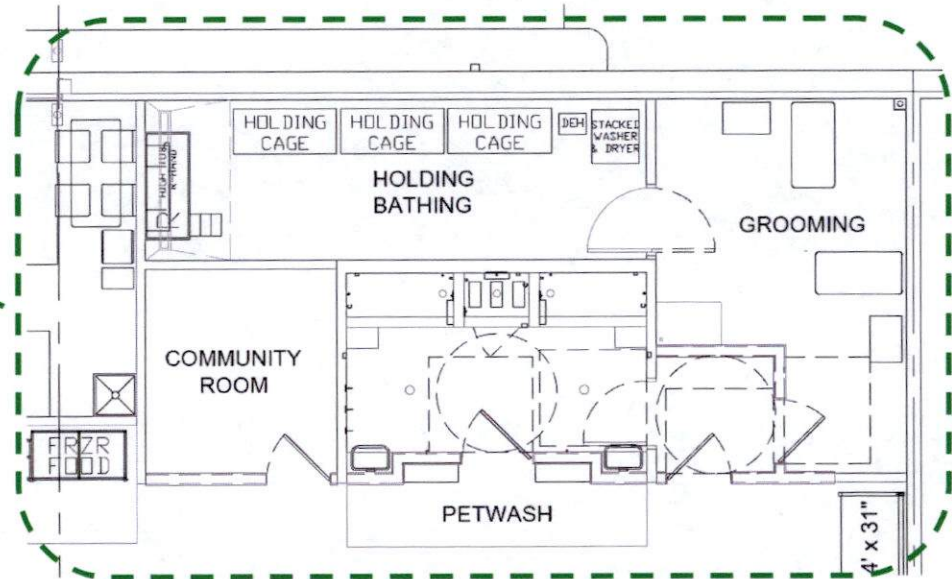
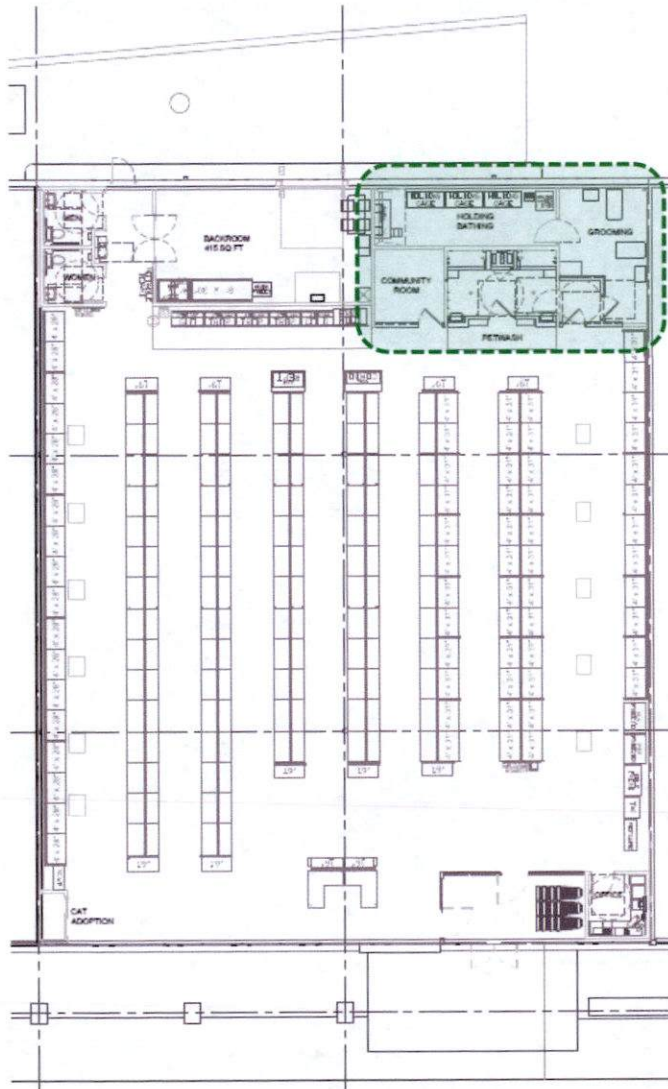


Rear Elevation – Option 2

Proposed Layout

PET SUPPLIES PLUS.

Minus the hassle.



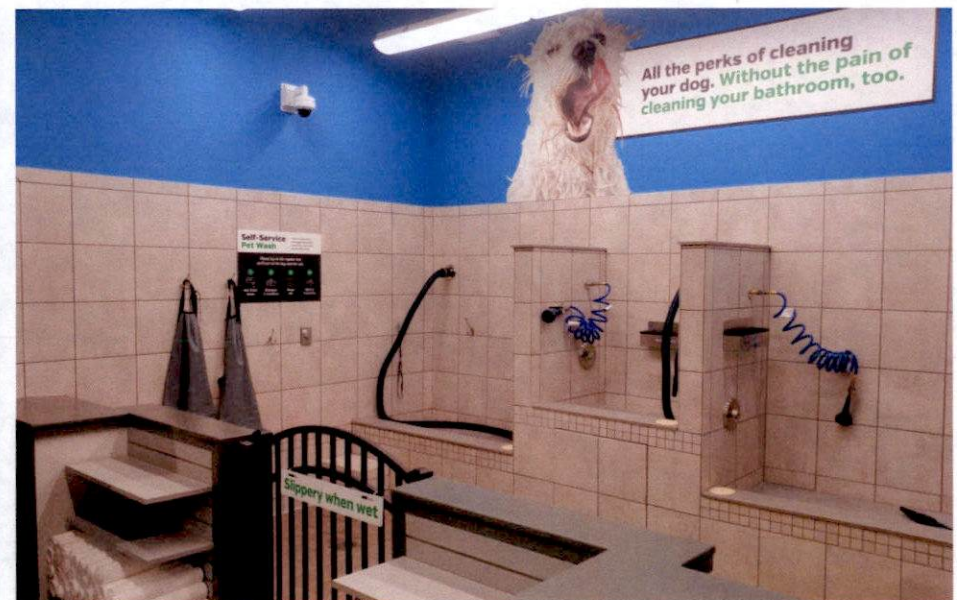
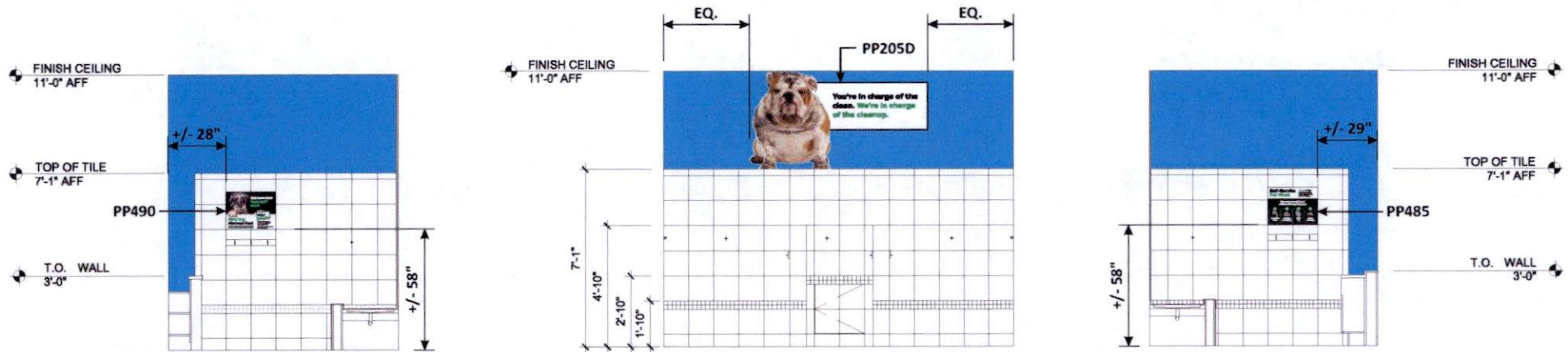
Store Information

Total Square Footage	7,947 SF
Retail Area	6,430 SF (81% of total)
Backroom	415 SF (5% of total)
Petwash	120 SF (2% of total)
Grooming & Holding/Bathing	400 SF (5% of total)
Community Room	95 SF (1% of total)
Cat Adoption	25 SF (less than 1%)

Typical Petwash

PET SUPPLIES PLUS

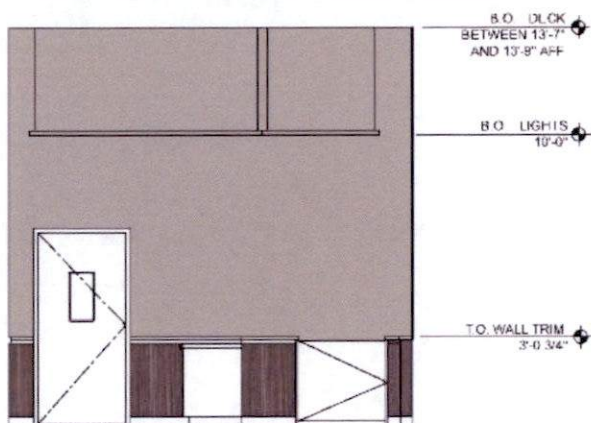
Minus the hassle.



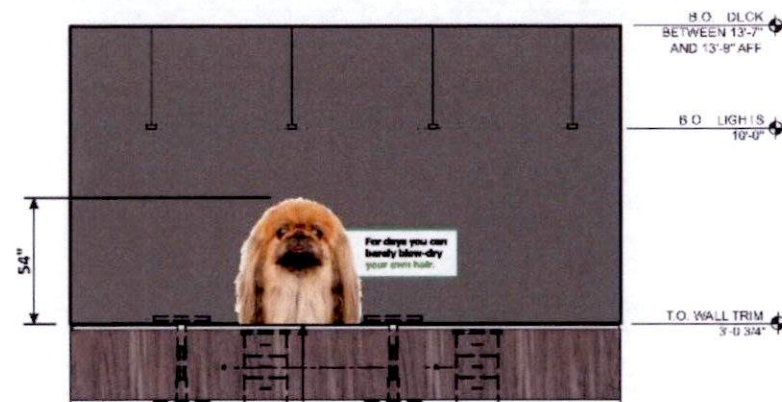
Typical Grooming & Community Room

PET SUPPLIES PLUS.

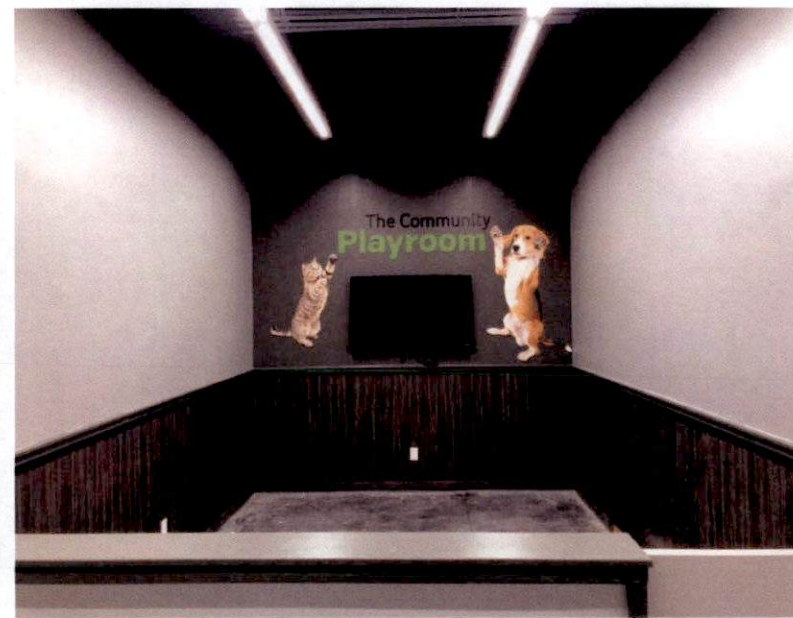
Minus the hassle.



PP430 & PP431



PP210A.2





RESUME

Michael J. Gesell, P.E.
Project Manager

EDUCATION:

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

PROJECT TESTIMONY:

Testified on behalf of Bohler Engineering in numerous municipalities before Planning Commissions, Board of Supervisors, Board of Appeals, Administrative Law Judges, and related municipal entities in Maryland, Delaware, and Pennsylvania.

EXPERIENCE:

Currently serves as a Project Manager in Bohler Engineering's Towson, Maryland Office. Experience includes over Seventeen (17) years of design and project management. Primarily responsible for design and approval for various commercial, and industrial developments. Areas of experience include site feasibility analysis and budgeting, site layout and planning, zoning and subdivision ordinance review/interpretation, horizontal and vertical roadway design, site grading, earthwork balancing and analysis, soil erosion and sediment control measures and facilities, utility design, stormwater management and water quality system designs, environmental compliance/evaluations, lighting photometric studies/design, signage compliance, landscaping design, vehicular circulation design, oversight of expediting and application approvals, and related services. Expertise includes supermarkets, service stations, maintenance facilities, restaurants, shopping centers, retail centers, car washes and other related projects in municipalities in Maryland, Delaware, and Pennsylvania.

BALTIMORE COUNTY PROJECTS OF NOTE:

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

PROFESSIONAL AFFILIATIONS:

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



ZONING COMMISSIONER'S POLICY MANUAL

SECTION 102.2

A. MIXED USES ON ONE PROPERTY

1. If several uses are proposed as separate structures on one property, each use must meet the zoning requirements as if it was a separate parcel.
2. Even if subdivision of the property is not proposed, the Zoning Commissioner may require that a line of division either a lease line or a zoning use division line between each use be shown on the plat.
 - a. Conditions: The following guidelines have been formulated so that this matter can be handled consistently:
 - i. Both existing and proposed uses, as divided, must be able to meet the B.C.Z.R. requirements with respect to area, density, parking, setbacks between buildings and to the division lines as if they were property lines.
 - ii. Residential density may be calculated on the overall property acreage if all uses are residential and is allowed in that zone.
 - b. Interpretation: This determination may be subject to a Special Hearing at the discretion of the Zoning Commissioner.

B. SETBACKS AND BUILDINGS ACROSS ZONE LINES

1. If the property is bisected by a zone or a use and setback limitation line, the required applicable setbacks (for a building legally located in one of these zones) would be measured to the property or street right of way line and not the zone line.

The only exceptions to this method of measuring setbacks would be:

- a. If there is a specific use limitation within a certain distance of a particular zone, then the distance would have to be maintained, or if possible, a variance may be applied for.
 - b. If there are 2 principal buildings proposed in different zones, on the same property, in close proximity, then the greatest distance between principal buildings will have to be maintained or a variance granted.
2. If a building is proposed across a zone or use and setback limitation line, regardless of what percentage of the building is on each side, the setbacks for each section of the building will be determined and applied separately, according to each separate zone or zone proximity requirement.

EXHIBIT

10



ROSENBERG | MARTIN | GREENBERG, LLP

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

BALTIMORE COUNTY ZONING HEARING OUTLINE

PSP STORES LLC

7923, 7925 and 7927 BELAIR ROAD

APRIL 4, 2019

2019-0062-A

I. INTRODUCTION

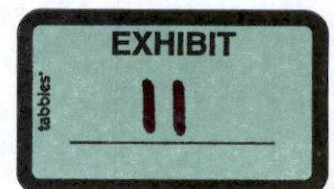
1. Justin Williams – Rosenberg Martin Greenberg, LLP
2. Joseph Hoechendonner – Pet Supplies Plus
3. Michael Ogden – Kimco Realty
4. Michael Gesell – Bohler Engineering, Professional Engineer
5. This is a petition for a variance to permit Pet Supplies Plus to occupy in-line tenant space within the Fullerton Plaza, which is located in the Nottingham area of Baltimore County.
6. The requested variance is shown on the Plan to Accompany Variance Petition, sealed by Michael Gesell, P.E.

i. Exhibit 1 – Plan to Accompany Variance Petition

II. EXISTING CONDITIONS

1. Zoning Classification: Primarily B.R.; small slivers are zoned B.L. and D.R.5.5
2. The Property is known as Fullerton Plaza and is located in the Nottingham area of Baltimore County. It has a total site area of 18.37 AC $\pm$ (800,253 SF), and is improved with a 166,322-SF $\pm$ shopping center.
3. The Property is located along the Belair commercial corridor just north of I-695 at the intersection of Rossville Blvd. The shopping center is situated in line with a number of smaller commercial strip centers and is directly across Belair Road from the Putty Hill Plaza. While a handful of residential properties are located to the southwest of the Property, the closest house is over 250' from the shopping center property.

i. Exhibit 2 – Zoning Map/Photo



ii. Exhibit 3 – Google Earth Aerial

4. Constructed in the 1970s, Fullerton Plaza's anchor tenant was Kmart until it shuttered its location in the plaza in November 2015.
5. By memorandum dated July 6, 2015, the Department of Planning approved the landlord's request to designate Fullerton Plaza as a "Planned Shopping Center."

i. Exhibit 4 – Planned Shopping Center Memo and Plan

6. In April 2018, pursuant to approvals granted in Case No. 2017-241-SPHA, Weis Markets took over the former K-Mart space and constructed a Gas N' Go fuel service station in the parking lot.

i. Exhibit 5 – Opinion and Order – Case No. 2017-241-SPHA

7. In connection with Weis' build-out of its space, Kimco also launched a renovation of the entire shopping center, including a new façade, signage, and landscaping improvements pursuant to approvals granted in Case No. 2017-338-SPHA.

i. Exhibit 6 – Opinion and Order / Site Plan Excerpt – Case No. 2017-338-SPHA

- ii. Note, under the variance plan approved in the case, approval was granted to permit wall-mounted enterprise signage with a total square footage each of up to 4.55 times the length of the wall to which the sign is affixed converted to square footage.

8. Finally, pursuant to approvals granted in Case No. 2019-0062-A, Kimco installed new freestanding and wall-mounted signage prompted in part, by a fitness center assuming a 34,000-SF addition to the shopping center.

i. Exhibit 7 – Opinion and Order – Case No. 2019-0062-A

9. Kimco proposes to lease an 8,000 SF± space within the shopping center to Pet Supplies Plus, to be located in a part of the space formerly occupied by Salvo Auto Parts, which has relocated within the Shopping Center.

III. PET SUPPLIES PLUS – TESTIMONY FROM JOSEPH HOCHENDONER

1. With 435+ stores in 33 states, Michigan-based Pet Supplies Plus (PSP) is the 3rd largest specialty pet food retailer in the US. There are several PSP stores in the DC area and one in Odenton. This would be the first store in Baltimore County.
2. As indicated in the quick facts presentation document, PSP's philosophy is that pets and their owners prefer to shop in smaller, neighborhood stores, rather than big box locations.

i. Exhibit 8 – PSP Quick Facts Presentation

3. PSP offers pet parents a wide selection of natural pet foods, goods and pet services at low prices and focus on a unique, rich in-store experience for “neighbors” (the term PSP uses for customer).
4. As shown in the Presentation Exhibit, the store will also feature self-pet wash stations, grooming services, community rooms. Additionally, community neighbors will have the opportunity to take advantage of knowledgeable pet care team members and carry-out service in which team members carry heavy items to neighbors’ cars.
5. The proposed PSP, like all of their stores, will make it a point to welcome dogs, cats, and other pets to its stores (it displays biscuits at “nose level” so dogs can take samples while shopping); however, it will not offer dogs or cats for sale. PSP will work with local rescue agencies to offer cats and dogs for adoption from time to time. Smaller live animals (e.g., fish, reptiles, hermit crabs) are proposed to be offered for sale.

IV. SITE PLAN/REQUESTED RELIEF – TESTIMONY FROM MICHAEL GESELL

1. The Site Plan in this case was prepared by Michael Gesell, a licensed professional engineer, an expert in the application of the Baltimore County Zoning Regulations (“BCZR” or “Zoning Regulations”) as to sign regulations. He has previously been qualified as an expert witness in Baltimore County zoning proceedings.

i. Exhibit 9 – Gesell, C.V.

2. The location of the PSP leased premises is shown on the Site Plan, in a portion of the former space occupied by Salvo Auto Parts.
3. The former Salvo space had a frontage of approximately 120.17 linear feet, and PSP will occupy a space with 79.75’ of that frontage. The remainder of the former Salvo space, which has a frontage of 40.42’, will be occupied by another tenant.
4. As indicated on Sheet 2 of the plan, the wall-mounted signage approved for the former-Salvo space in Case No. 2017-338-SPHA has been apportioned between the PSP space and the space to be occupied by another tenant, and thus is permitted by right.
5. Zoning Relief Requested:
 - i. Under Section 421.2 of the Baltimore County Zoning Regulations, a pet shop may not be located within 200 feet of the nearest property line or lease line. The PSP premises is 64.70’ from the nearest property line (along Rossville Boulevard). Accordingly, relief is requested to permit the pet shop to be located within 64.70’ of the nearest property line in lieu of the required 200’.
 - ii. The term “lease line” is not defined in the BCZR. Its use in the Zoning Commissioner’s Policy Manual appears to use “lease line” in connection with a ground lease recorded in lieu of a subdivision, and not a building lease.

However, to be safe, at the request of Zoning Staff, when filing the Petition for Variance, the request was modified to also include a request to permit a pet store to be located within 0' of the nearest lease line in lieu of the required 200'.

1. Exhibit 10 – Zoning Commissioner's Policy Manual Excerpt

V. VARIANCE – LEGAL STANDARDS

1. Mr. Gesell would testify that the Property meets the standard for granting the necessary variance(s) under Section 307.1 of the BCZR and the test in *Trinity Assembly of God v. People's Counsel*, 407 Md. 53, 80 (2008).

2. Legal standards:

BCZR Section 307.1 authorizes the Administrative Law Judge to “grant variances ... from sign regulations ... in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship... Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare.

3. Uniqueness/Special Circumstances:

As indicated in the Opinion and Order issued in Case No. 2017-241-SPHA, the Property is unique due to its irregular shape. The Property is well-hidden and buffered by its surroundings. The Property slopes down from Belair Road and Rossville Boulevard.

The Property's uniqueness has also been found in Case Nos. 1981-130-A, 1982-89-A, 2011-343-A, 2017-338-A, and 2019-0062-A.

See Exhibit 5 – Case No. 2017-241-SPHA

4. Practical Difficulty or Hardship:

The unique aspects of the Property work in concert to create a practical difficulty for the PSP to locate on the Property in an area that is 200' from a property line, much less 200' feet from a “lease line.” If required to locate 200 feet away from the property or lease line, the pet shop would need to be located in the parking lot and closer to the nearest residential area.

5. Spirit and Intent:

The granting of these variances is in harmony with the purpose of the Zoning Regulations. The pet store setback regulations are intended to limit the impact on neighboring property owners (or perhaps neighboring tenants).

As sited, the PSP store will be located 320' from the nearest residentially-zoned property and 580' from the nearest dwelling.

While there is arguably a 0' setback from the "lease line," the landlord of the premises, Kimco, would not lease space within the renovated shopping center unless it were confident that PSP is compatible with surrounding tenants.

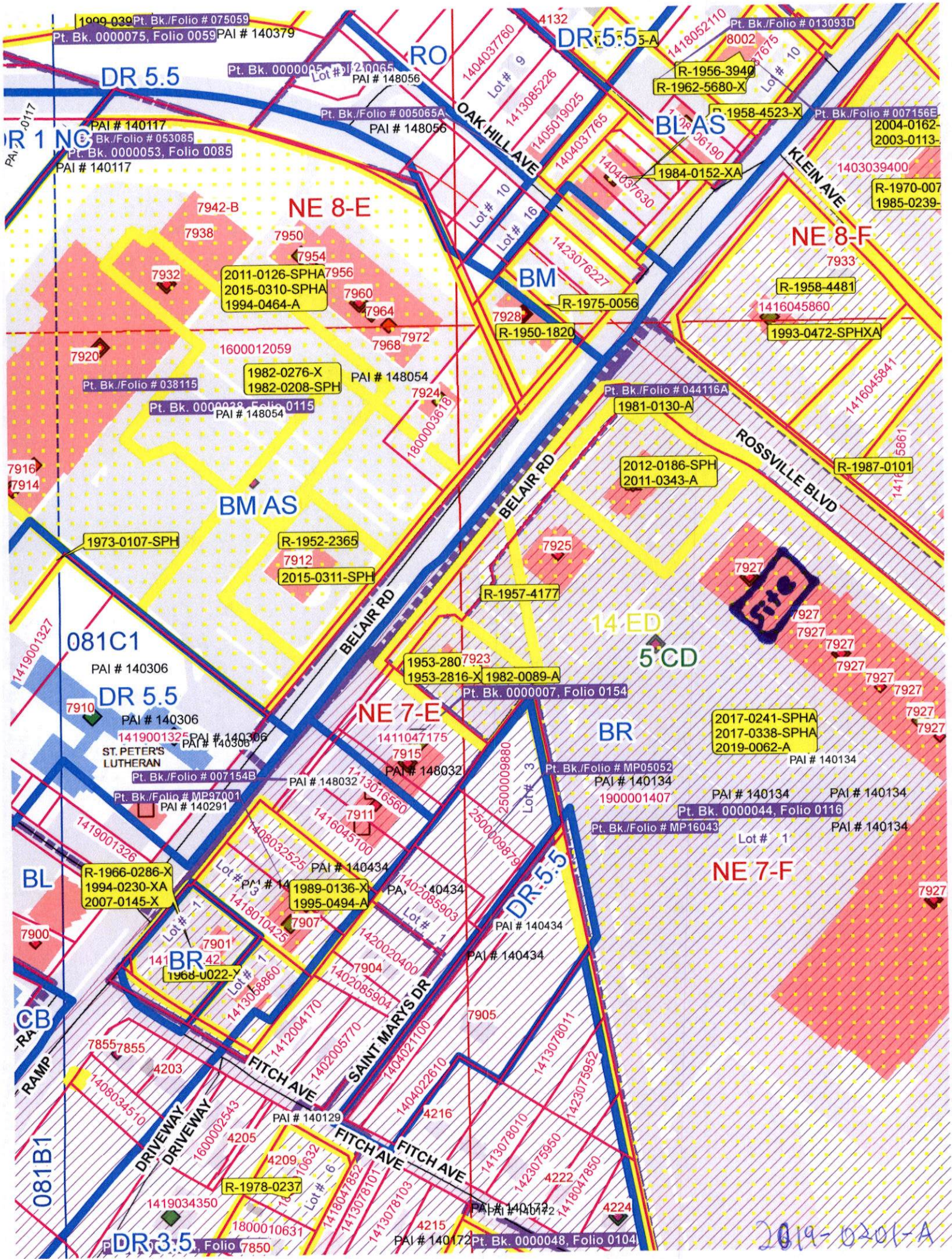
6. Without Injury to Public Health, Safety, and General Welfare:

The granting of the variances will not cause any injury to the public health, safety, or general welfare. As stated above, the PSP store will be setback at least 320' from the nearest residentially-zoned property. The neighboring tenants will not be disturbed by PSP and should welcome the potential pet owning "neighbors" (patrons) who will be drawn to the area who may not have otherwise had a reason to go to the Fullerton Plaza.

VI. CONCLUSION

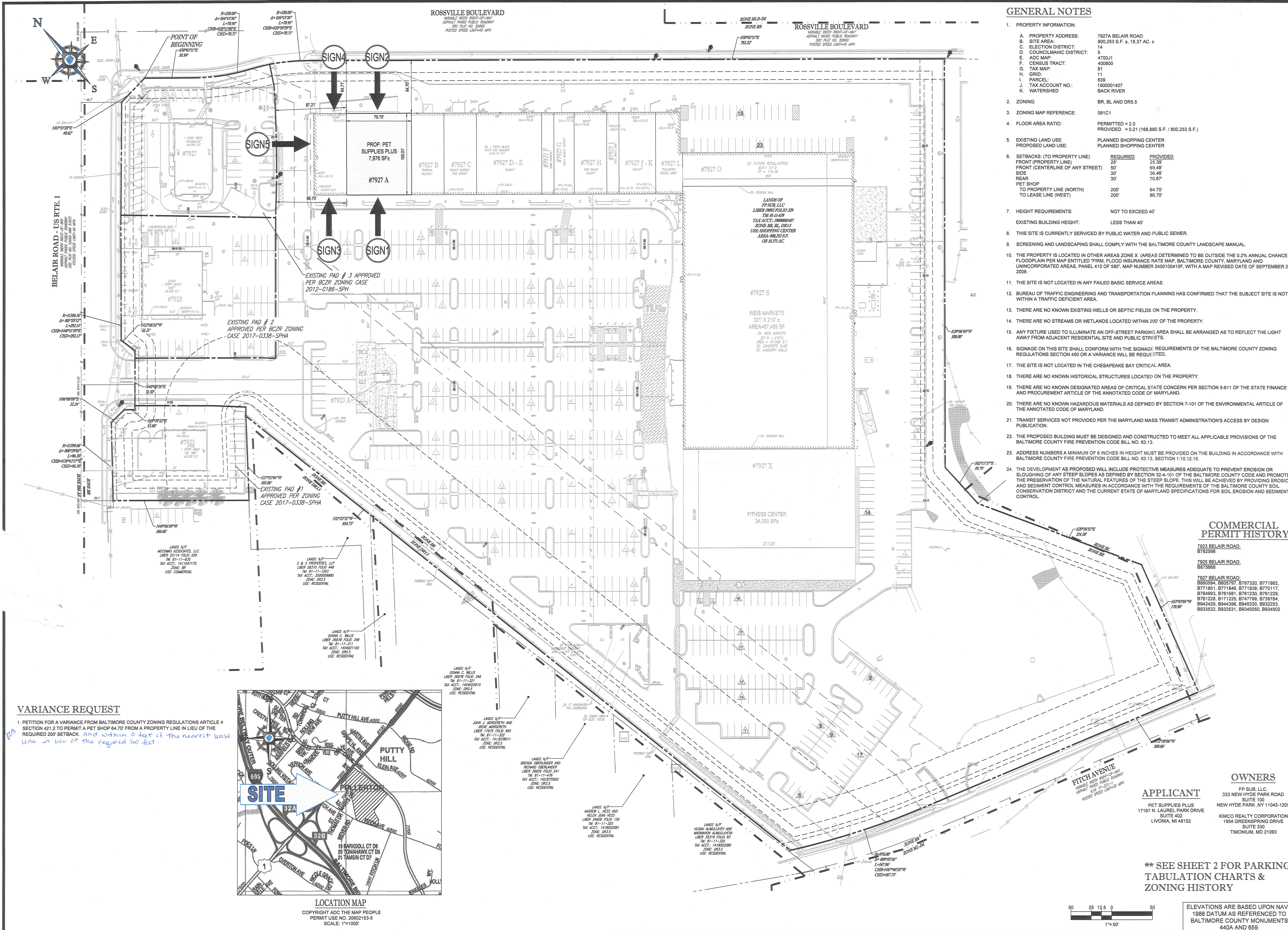
For these reasons, we respectfully request that the variance requests be granted.

Exhibit 11 – Hearing Outline



2019-0201-A





GENERAL NOTES

- PROPERTY INFORMATION:
 - A. PROPERTY ADDRESS: 7927A BELAIR ROAD
 - B. SITE AREA: 800,253 S.F. ±, 18.37 AC. ±
 - C. ELECTION DISTRICT: 14
 - D. COUNCILMANIC DISTRICT: 5
 - E. ADC MAP: 4700J1
 - F. CENSUS TRACT: 400800
 - G. TAX MAP: 81
 - H. GRID: 11
 - I. PARCEL: 639
 - J. TAX ACCOUNT NO.: 1900001407
 - K. WATERSHED: BACK RIVER
- ZONING: BR, BL AND DR5.5
- ZONING MAP REFERENCE: 081C1
- FLOOR AREA RATIO: PERMITTED = 2.0
PROVIDED = 0.21 (168,880 S.F. / 800,253 S.F.)
- EXISTING LAND USE: PLANNED SHOPPING CENTER
PROPOSED LAND USE: PLANNED SHOPPING CENTER
- SETBACKS: (TO PROPERTY LINE)

	REQUIRED	PROVIDED
FRONT (PROPERTY LINE)	25'	25.39'
FRONT (CENTERLINE OF ANY STREET)	50'	59.48'
SIDE	30'	36.46'
REAR	30'	70.67'
PET SHOP		
TO PROPERTY LINE (NORTH)	200'	64.70'
TO LEASE LINE (WEST)	200'	88.70'
- HEIGHT REQUIREMENTS: NOT TO EXCEED 40'
- EXISTING BUILDING HEIGHT: LESS THAN 40'
- THIS SITE IS CURRENTLY SERVICED BY PUBLIC WATER AND PUBLIC SEWER.
- SCREENING AND LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.
- THE PROPERTY IS LOCATED IN OTHER AREAS ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN PER MAP ENTITLED "FIRM FLOOD INSURANCE RATE MAP, BALTIMORE COUNTY, MARYLAND AND UNINCORPORATED AREAS, PANEL 410 OF 580", MAP NUMBER 2400100410F, WITH A MAP REVISED DATE OF SEPTEMBER 28, 2008).
- THE SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICE AREAS.
- BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING HAS CONFIRMED THAT THE SUBJECT SITE IS NOT WITHIN A TRAFFIC DEFICIENT AREA.
- THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THE PROPERTY.
- THERE ARE NO STREAMS OR WETLANDS LOCATED WITHIN 200' OF THE PROPERTY.
- ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
- SIGNAGE ON THIS SITE SHALL CONFORM WITH THE SIGNAGE REQUIREMENTS OF THE BALTIMORE COUNTY ZONING REGULATIONS SECTION 450 OR A VARIANCE WILL BE REQUESTED.
- THE SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO KNOWN HISTORICAL STRUCTURES LOCATED ON THE PROPERTY.
- THERE ARE NO KNOWN DESIGNATED AREAS OF CRITICAL STATE CONCERN PER SECTION 5-611 OF THE STATE FINANCE AND PROCUREMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND.
- THERE ARE NO KNOWN HAZARDOUS MATERIALS AS DEFINED BY SECTION 7-101 OF THE ENVIRONMENTAL ARTICLE OF THE ANNOTATED CODE OF MARYLAND.
- TRANSIT SERVICES NOT PROVIDED PER THE MARYLAND MASS TRANSIT ADMINISTRATION'S ACCESS BY DESIGN PUBLICATION.
- THE PROPOSED BUILDING MUST BE DESIGNED AND CONSTRUCTED TO MEET ALL APPLICABLE PROVISIONS OF THE BALTIMORE COUNTY FIRE PREVENTION CODE BILL NO. 83.13.
- ADDRESS NUMBERS A MINIMUM OF 6 INCHES IN HEIGHT MUST BE PROVIDED ON THE BUILDING IN ACCORDANCE WITH BALTIMORE COUNTY FIRE PREVENTION CODE BILL NO. 83.13, SECTION 1:10.12.15.
- THE DEVELOPMENT AS PROPOSED WILL INCLUDE PROTECTIVE MEASURES ADEQUATE TO PREVENT EROSION OR SLOUGHING OF ANY STEEP SLOPES AS DEFINED BY SECTION 32-4-101 OF THE BALTIMORE COUNTY CODE AND PROMOTE THE PRESERVATION OF THE NATURAL FEATURES OF THE STEEP SLOPE. THIS WILL BE ACHIEVED BY PROVIDING EROSION AND SEDIMENT CONTROL MEASURES IN ACCORDANCE WITH THE REQUIREMENTS OF THE BALTIMORE COUNTY SOIL CONSERVATION DISTRICT AND THE CURRENT STATE OF MARYLAND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL.

COMMERCIAL PERMIT HISTORY

7923 BELAIR ROAD:
B782595
B785665
7927 BELAIR ROAD:
B890594, B895797, B787320, B771882,
B771851, B771846, B771839, B770117,
B764993, B761681, B761230, B761229,
B761228, B711225, B747799, B738784,
B842429, B844398, B845530, B832253,
B833532, B833531, B8345050, B834502

BOHLER ENGINEERING

SITE CIVIL AND CONSULTING ENGINEERING
LAND SURVEYING
SUSTAINABLE DESIGN
PROGRAM MANAGEMENT
PERMITTING SERVICES
TRANSPORTATION SERVICES
LANDSCAPE ARCHITECTURE

• BALTIMORE, MD
• BETHESDA, MD
• BOSTON, MA
• CHICAGO, IL
• CINCINNATI, OH
• DALLAS, TX
• DENVER, CO
• HOUSTON, TX
• LOS ANGELES, CA
• MIAMI, FL
• MINNEAPOLIS, MN
• NEW YORK, NY
• PHILADELPHIA, PA
• RICHMOND, VA
• TAMPA, FL
• WASHINGTON, DC

REVISIONS			
REV	DATE	COMMENT	BY

NOT APPROVED FOR CONSTRUCTION

THE FOLLOWING STATES REQUIRE NOTIFICATION BY EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO DISTURB THE EARTH'S SURFACE ANYWHERE IN THE STATE OF MARYLAND, THE DISTRICT OF COLUMBIA, AND DELAWARE CALL: 811
(WV 1-800-245-4848) (MD 1-800-245-7777) (DC 1-800-257-7777) (VA 1-800-552-7001) (NJ 1-800-257-7777) (DE 1-800-282-8559)

VARIANCE PLAN

FOR
PET SUPPLIES PLUS

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

BOHLER ENGINEERING

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

M.J. GESELL

PROFESSIONAL ENGINEER
11/10/2019/0201-13/19
I, MARYLAND, HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A QUALIFIED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND. LICENSE NO. 24997, EXPIRATION DATE: 6/9/19

OWNERS

FP SUB, LLC
333 NEW HYDE PARK ROAD
SUITE 100
NEW HYDE PARK, NY 11042-1205

KIMCO REALTY CORPORATION
1954 GREENSPRING DRIVE
SUITE 330
TIMONUM, MD 21109

APPLICANT

PET SUPPLIES PLUS
17197 N. LAUREL PARK DRIVE
SUITE 402
LIVONIA, MI 48152

**** SEE SHEET 2 FOR PARKING TABULATION CHARTS & ZONING HISTORY**

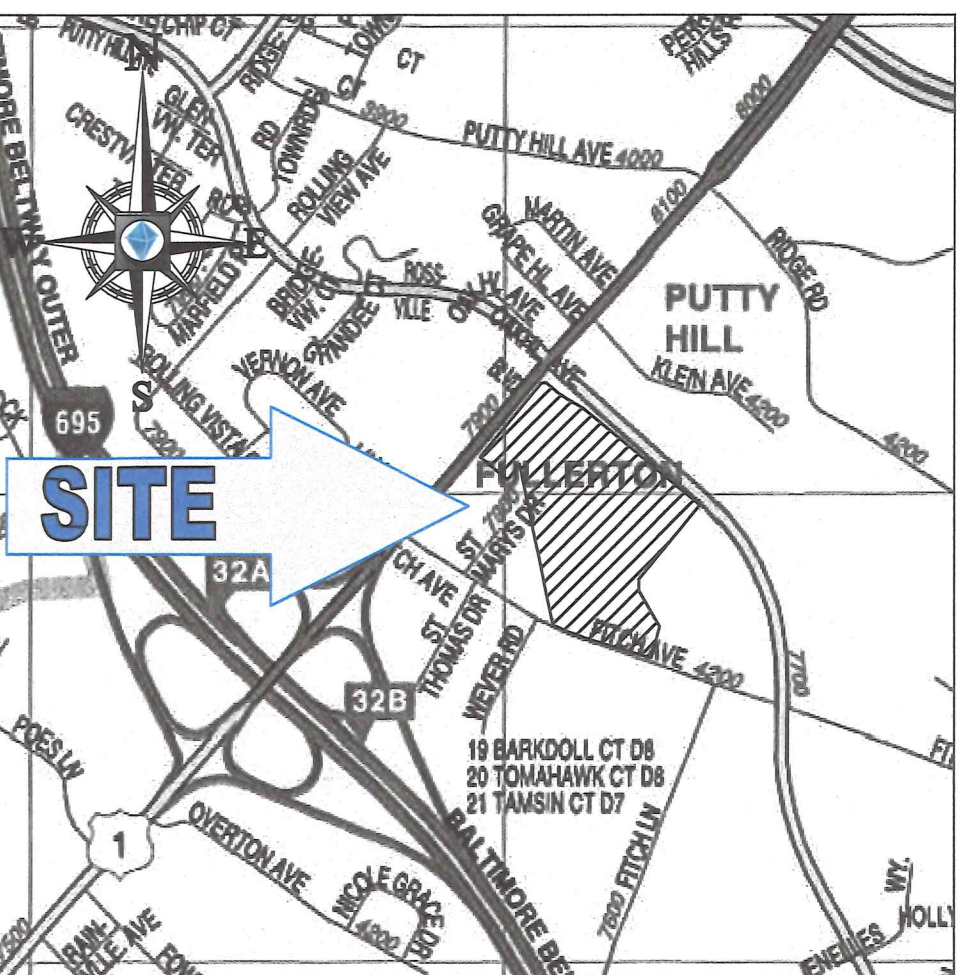
PLAN TO ACCOMPANY VARIANCE PETITION

SHEET NUMBER:
1

2019-0201-A

VARIANCE REQUEST

1. PETITION FOR A VARIANCE FROM BALTIMORE COUNTY ZONING REGULATIONS ARTICLE 4 SECTION 421.5 TO PERMIT A PET SHOP 84.70 FROM A PROPERTY LINE IN LIEU OF THE REQUIRED 200' SETBACK AND WITHIN 0' FEET OF THE NEAREST BASE LINE IN LIEU OF THE REQUIRED 70' FEET.



ILLUMATECH, INC.

3000 Main Street Baker, LA 70714

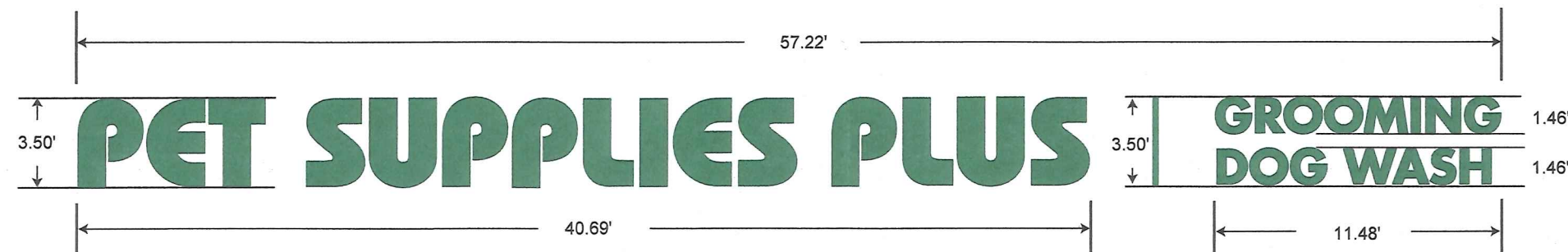
T: 770-928-3555 F: 678-868-2047

SIGNS & LIGHTING

Services

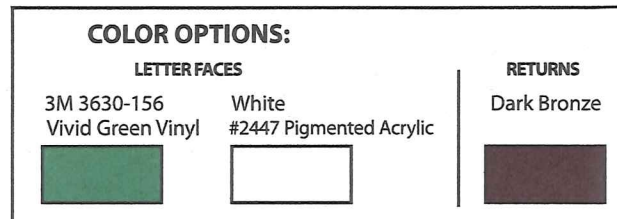
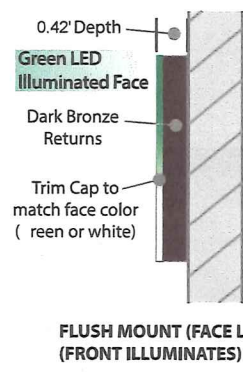


PARTIAL SOUTH ELEVATION



One (1) Set LED ILLUMINATED Channel Letters
Direct Mounted to Building Facade

MOUNTING OPTIONS - Letter Side Views



Description: Front Elevation

Location: Nottingham, MD

Customer Approval: _____ Date: _____

SIGN1 TOTAL SIGN AREA = 200.27 S.F.
NOT TO SCALE

ILLUMATECH, INC.

3000 Main Street Baker, LA 70714

T: 770-928-3555 F: 678-868-2047

SIGNS & LIGHTING

Services

Existing



Proposed



One (1) Set LED ILLUMINATED Channel Letters
Direct Mounted to Building Facade

Description: Rear Elevation Option #1

Location: Nottingham, MD

Customer Approval: _____ Date: _____

SIGN2 TOTAL SIGN AREA = 57.80 S.F.
NOT TO SCALE



Sign & Lighting Maintenance

LED Sign Lighting

Parking Lot Light Maintenance

Sign Maintenance and Conversion

Sign Construction & Engineering

Sign Replacement & Erection

Replacement Faces

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CLIENT	PSP
LOCATION	Nottingham, MD
PURPOSE	Conceptual - For Approval
SALES REP	Joe Mayeaux
FILENAME	PSP - Nottingham, MD - 12-17-2018 - conv
DESIGNER	Kyle Rhody
DATE	12-17-2018
APPROVAL	
SCALE	As Noted
PAGE #	1 of 4
NOTES	

WALL-MOUNTED ENTERPRISE SIGNS

ID	TENANT	PROPOSED SIGNAGE			STORE FRONT WIDTH (FT.)	ALLOWABLE SIGN AREA PER 2017-0338-SPHA (SF.)	NOTES
		WIDTH (FT.)	HEIGHT (FT.)	AREA (SF.)			
SIGN 1	PET SUPPLIES PLUS	57.22	3.50	200.27	79.75	382.86	4.55 TIMES LENGTH OF BUILDING PER 2017-0338-SPHA
SIGN 3	TENANT	34.31	3.50	120.09	40.42	183.91	4.55 TIMES LENGTH OF BUILDING PER 2017-0338-SPHA
TOTAL FRONT SIGNAGE				320.36		566.77	
SIGN 2	PET SUPPLIES PLUS	25.69	2.25	57.80	79.75	66.00	PER 2017-0338-SPHA
SIGN 4	TENANT	12.79	2.58	33.00	40.42	33.00	PER 2017-0338-SPHA
TOTAL REAR SIGNAGE				90.80		99.00	
SIGN 5	TENANT	33.00	3.00	99.00	100.01	99.00	PER 2017-0338-SPHA

PARKING TABULATION CHART - SHOPPING CENTER

(PARKING SPACES REQUIRED BY BCZR SECTION 409.6A)

USE	GROSS S.F.	PARKING RATE	PARKING SPACES REQUIRED PER SECTION 409.6A
SHOPPING CENTER	155,244	5/1,000 S.F.	777
FUEL SERVICE STATION - MAXIMUM # EMPLOYEES ON LARGEST SHIFT			1
FUEL SERVICE STATION - AIR/VACUUM UNIT			1
TOTAL REQUIRED			779
TOTAL PARKING PROVIDED (INCLUDES 19 ADA SPACES)			703*

* VARIANCE 2017-0338-SPHA APPROVED ON 8/19/17 TO PERMIT 690 SPACES IN LIEU OF THE REQUIRED 786 SPACES (76 SPACE REDUCTION), A SPIRIT AND INTENT LETTER WAS APPROVED ON 10/30/18 TO PERMIT 703 SPACES IN LIEU OF THE REQUIRED 779 SPACES (76 SPACE REDUCTION.)

PARKING TABULATION CHART - EXISTING PAD #1

(PARKING SPACES REQUIRED BY BCZR SECTION 409.6A)

USE	GROSS S.F.	PARKING RATE	PARKING SPACES REQUIRED PER SECTION 409.6A
RETAIL	1,440	5/1,000 S.F.	7.2
SERVICE BAYS	4	3/BAY	12.0
TOTAL REQUIRED			19.2 OR 20
TOTAL PARKING PROVIDED			20

PARKING TABULATION CHART - EXISTING PAD #2

(PARKING SPACES REQUIRED BY BCZR SECTION 409.6A)

USE	GROSS S.F.	PARKING RATE	PARKING SPACES REQUIRED PER SECTION 409.6A
STANDARD RESTAURANT	5,628	16/1,000 S.F.	91
TOTAL REQUIRED			91
TOTAL PARKING PROVIDED			53

ZONING HISTORY

1953-2807-X: SPECIAL PERMIT FOR AN ADVERTISING STRUCTURE LOCATED AT 7923 BELAIR ROAD WAS GRANTED ON 12/4/53

1953-2816-X: SPECIAL PERMIT TO CONSTRUCT A 12'X25' POSTER PANEL WAS GRANTED ON 12/7/53

R-1957-4177: PETITION FOR ZONING RE-CLASSIFICATION FROM R-4 TO BM WAS GRANTED ON 9/3/57

1981-0130-A: PETITION FOR ZONING VARIANCE TO PERMIT ONE (1) FREESTANDING SIGN WITH A TOTAL SQUARE FOOTAGE OF 60 S.F. IN LIEU OF THE PERMITTED 0 S.F. WAS GRANTED ON 2/11/81

1982-0088-A: PETITION FOR ZONING VARIANCE TO PERMIT A FREESTANDING SIGN WITH A HEIGHT OF NINETEEN (19) FEET IN TOTAL HEIGHT AND AN AREA OF 39.25 S.F. WAS GRANTED ON 3/31/82

2011-0343-A: PETITION OF ZONING VARIANCE TO PERMIT 46 PARKING SPACES IN LIEU OF THE REQUIRED 64 PARKING SPACES; TO PERMIT A DRIVE-THRU LANE TO BLOCK ENTRY TO OR EXIT FROM OFF-STREET PARKING SPACES AND TO CROSS PRINCIPAL PEDESTRIAN ACCESS TO THE RESTAURANT; TO PERMIT EXCLUSION OF A SEPARATE LOADING SPACE; TO PERMIT SIX (6) WALL MOUNTED ENTERPRISE SIGNS ON THE BUILDING FACADES IN LIEU OF THE PERMITTED THREE (3); TO PERMIT A DIRECTIONAL SIGN OF 10.7 FEET IN HEIGHT IN LIEU OF THE PERMITTED 6-FEET; TO PERMIT A DIRECTIONAL SIGN OF 8.71 FEET IN HEIGHT IN LIEU OF THE PERMITTED 8-FEET; TO PERMIT A CANOPY-TYPE DIRECTIONAL SIGN IN LIEU OF THE PERMITTED WALL-MOUNTED OR FREE-STANDING SIGN; AND TO PERMIT ERECTION OF THE SIGN ABOVE THE FACE OF THE CANOPY IN LIEU OF ITS ERECTION ON THE FACE OF THE CANOPY WAS GRANTED ON 7/19/11

2012-0186-SPH: SPECIAL HEARING TO APPROVE A FREE STANDING ENTERPRISE SIGN WITH AN ELECTRONIC MESSAGE BOARD ON A PAD SITE WITHIN A SHOPPING CENTER IN ADDITION TO THE PERMITTED SHOPPING CENTER JOINT IDENTIFICATION SIGN WAS GRANTED ON 7/19/11

DRC-2016-00146: LIMITED EXEMPTION UNDER SECTION 32-4-105(B)(8) WAS GRANTED ON 11/22/16

2017-0241-SPHA: SPECIAL HEARING TO PLACE A FUEL PRICE INFORMATION (VIA ELECTRONIC CHANGEABLE COPY SIGN) ON THE SERVICE STATION CANOPY AND VARIANCE TO PERMIT A FUEL SERVICE STATION TO BE LOCATED IN A PLANNED SHOPPING CENTER LOT THAT IS WITHIN 0 FEET OF A RESIDENTIALLY ZONED PROPERTY IN LIEU OF THE REQUIRED 100 FEET WAS GRANTED ON 4/27/17

2017-0338-SPHA: REQUEST FOR SPECIAL HEARING AND VARIANCE TO PERMIT CONTINUANCE OF THREE (3) EXISTING PAD SITES; AND TO AMEND PRIOR ZONING ORDERS AND PREVIOUSLY APPROVED PLANS IF DEEMED NECESSARY; AND TO PERMIT TWO (2) FREESTANDING ENTERPRISE SIGNS ALONG THE SITE FRONTAGE IN LIEU OF THE PERMITTED ONE (1) PER FRONTAGE (EXISTING PAD #2); AND TO PERMIT A FREESTANDING ENTERPRISE SIGN WITH A MAXIMUM SIZE OF 195 SQ. FT. IN LIEU OF THE PERMITTED 75 SQ. FT. (EXISTING PAD #1); AND TO PERMIT WALL MOUNTED ENTERPRISE SIGNS WITH A TOTAL SQUARE FOOTAGE EACH OF UP TO 4.55 TIMES THE LENGTH OF THE WALL TO WHICH THE SIGN IS AFFIXED CONVERTED TO SQUARE FOOTAGE (SHOPPING CENTER AND FUEL KIOSK); AND TO PERMIT TWO (2) WALL MOUNTED ENTERPRISE SIGNS ON THE FRONT WALL WITH A CUSTOMER ENTRANCE IN LIEU OF THE PERMITTED ONE (1) WALL-MOUNTED SIGN (WEIS MARKETS); AND TO PERMIT TEN (10) WALL MOUNTED ENTERPRISE SIGNS AFFIXED TO A WALL WITHOUT AN EXTERIOR CUSTOMER ENTRANCE (SIGNED L-U); AND TO PERMIT A FREESTANDING ENTERPRISE SIGN WITH A HEIGHT OF 45 FT. IN LIEU OF THE PERMITTED 25 FT.; AND TO PERMIT THREE (3) WALL MOUNTED ENTERPRISE SIGNS ON THE FRONT WALL WITH A CUSTOMER ENTRANCE IN LIEU OF THE PERMITTED ONE (1) WALL MOUNTED SIGN (SALVO AUTO PARTS); AND TO PERMIT THREE (3) WALL MOUNTED ENTERPRISE SIGNS ON THE FRONT WALL WITH A CUSTOMER ENTRANCE IN LIEU OF THE PERMITTED ONE (1) WALL MOUNTED SIGN (NEW SAM'S LIQUOR); AND TO PERMIT 53 OFF STREET PARKING SPACES IN LIEU OF THE REQUIRED 91 OFF-STREET PARKING SPACES (EXISTING PAD #2); AND TO PERMIT 690 OFF-STREET PARKING SPACES IN LIEU OF THE REQUIRED 786 OFF-STREET PARKING SPACES (SHOPPING CENTER) WERE GRANTED ON AUGUST 9, 2017

2019-0082-A: A PETITION OF ZONING VARIANCE TO PERMIT A FREESTANDING IDENTIFICATION SIGN WITH A MAXIMUM SIZE OF 228 SQ. FT. IN LIEU OF THE PERMITTED 150 SQ. FT. AND TO PERMIT A JOINT IDENTIFICATION SIGN WITH A MAXIMUM SIGN COPY OF SIX (6) INCHES IN HEIGHT IN LIEU OF THE REQUIRED EIGHT (8) INCHES IN HEIGHT FOR SIGN COPY; AND TO PERMIT A JOINT IDENTIFICATION SIGN WITH A MINIMUM SIGN COPY OF 2.5 INCHES IN HEIGHT IN LIEU OF THE REQUIRED EIGHT (8) INCHES IN HEIGHT FOR SIGN COPY; AND TO PERMIT WALL-MOUNTED ENTERPRISE SIGNS ON BUILDING FACADES WITHOUT SEPARATE, EXTERIOR CUSTOMER ENTRANCES; AND TO PERMIT WALL-MOUNTED ENTERPRISE SIGNS TO BE INSTALLED IN A DIFFERENT LOCATION THAN THE TENANT SPACE; AND TO PERMIT TWO (2) ADDITIONAL ELECTRONIC CHANGEABLE COPY, FREESTANDING JOINT IDENTIFICATION SIGNS ACCESSORY TO A PLANNED SHOPPING CENTER FOR A TOTAL OF FOUR (4) ON A SINGLE PREMISES IN LIEU OF THE PERMITTED ONE (1) SIGN WERE GRANTED ON DECEMBER 3, 2018.

PARKING TABULATION CHART - EXISTING PAD #3

(PARKING SPACES REQUIRED BY BCZR SECTION 409.6A)

USE	GROSS S.F.	PARKING RATE	PARKING SPACES REQUIRED PER SECTION 409.6A
STANDARD RESTAURANT	4,000	16/1,000 S.F.	64
TOTAL PARKING PROVIDED			46**

** VARIANCE 2011-0343 APPROVED ON 7/19/11 TO PER 46 PARKING SPACES IN LIEU OF THE REQUIRED 64 PARKING SPACES.

TENANT SIGN

SIGN3 TOTAL SIGN AREA = 120.09 S.F.
NOT TO SCALE

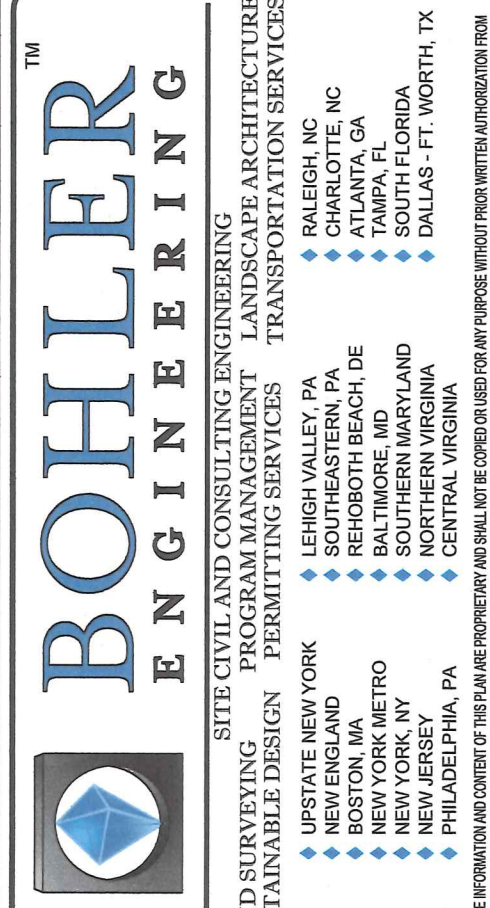
TENANT SIGN

SIGN4 TOTAL SIGN AREA = 33.00 S.F.
NOT TO SCALE

TENANT SIGN

SIGN5 TOTAL SIGN AREA = 99.00 S.F.
NOT TO SCALE

ELEVATIONS ARE BASED UPON NAVD
1988 DATUM AS REFERENCED TO
BALTIMORE COUNTY MONUMENTS
440A AND 659.



REVISIONS

REV	DATE	COMMENT	BY



THE FOLLOWING STATES REQUIRE NOTIFICATION BY EXEMPTORS, DESIGNERS, OR ANY PERSON PREPARING TO DISTURB THE EARTH'S SURFACE ANYWHERE IN THE STATE OF VIRGINIA, MARYLAND, THE DISTRICT OF COLUMBIA, AND DELAWARE CALL - 811
1-800-244-4848 (PA 1-800-242-1776) (DC 1-800-287-7777) (VA 1-800-552-7070) (MD 1-800-557-7777) (DE 1-800-382-6555)

NOT APPROVED FOR
CONSTRUCTION

PROJECT NO.:	MD182134
DRAWN BY:	MCO
CHECKED BY:	MJG
DATE:	12/19/18
SCALE:	NOT TO SCALE
CAD I.D.:	EX1

PROJECT:

VARIANCE
PLAN

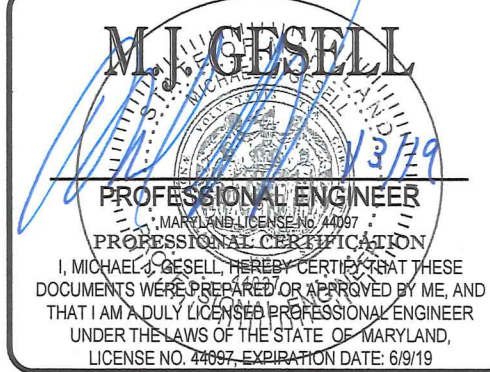
FOR

PET SUPPLIES
PLUS

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



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



SHEET TITLE:

PLAN TO
ACCOMPANY
VARIANCE
PETITION

SHEET NUMBER:

2

ILLUMATECH, INC.

3000 Main Street Baker, LA 70714

T: 770-928-3555 F: 678-868-2047

SIGNS & LIGHTING

Services



PARTIAL SOUTH ELEVATION



One (1) Set LED ILLUMINATED Channel Letters
Direct Mounted to Building Facade

MOUNTING OPTIONS - Letter Side Views



COLOR OPTIONS:

LETTERFACES
3M 3630-156 Vivid Green Vinyl
White #2447 Pigmented Acrylic
Dark Bronze

RETURNS
Dark Bronze

Description: Front Elevation

Location: Nottingham, MD

Customer Approval: _____

Date: _____

SIGN1 TOTAL SIGN AREA = 200.27 S.F.
NOT TO SCALE

ILLUMATECH, INC.

3000 Main Street Baker, LA 70714

T: 770-928-3555 F: 678-868-2047

SIGNS & LIGHTING

Services

Existing



Proposed



One (1) Set LED ILLUMINATED Channel Letters
Direct Mounted to Building Facade

Description: Rear Elevation Option #1

Location: Nottingham, MD

Customer Approval: _____

Date: _____

SIGN2 TOTAL SIGN AREA = 57.80 S.F.
NOT TO SCALE

Sign & Lighting Maintenance

LED Sign Lighting

Parking Lot Light Maintenance

Sign Maintenance and Conversion

Sign Construction & Engineering

Sign Replacement & Erection

Replacement Faces

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CLIENT	PSP
LOCATION	Nottingham, MD
PURPOSE	Conceptual - For Approval
SALES REP	Joe Mayeaux
FILENAME	PSP - Nottingham, MD - 12-17-2018 - conv
DESIGNER	Kyle Rhody
DATE	12-17-2018
APPROVAL	
SCALE	As Noted
PAGE #	2 of 4
NOTES	

WALL-MOUNTED ENTERPRISE SIGNS

ID	TENANT	PROPOSED SIGNAGE			STORE FRONT WIDTH (FT.)	ALLOWABLE SIGN AREA PER 2017-0338-SPHA (S.F.)	NOTES
		WIDTH (FT.)	HEIGHT (FT.)	AREA (S.F.)			
SIGN 1	PET SUPPLIES PLUS	57.22	3.50	200.27	79.75	362.86	4.55 TIMES LENGTH OF BUILDING PER 2017-0338-SPHA
SIGN 3	TENANT	34.31	3.50	120.09	40.42	183.91	4.55 TIMES LENGTH OF BUILDING PER 2017-0338-SPHA
		TOTAL FRONT SIGNAGE			320.36	546.77	
SIGN 2	PET SUPPLIES PLUS	25.69	2.25	57.80	79.75	66.00	PER 2017-0338-SPHA
SIGN 4	TENANT	12.79	2.58	33.00	40.42	33.00	PER 2017-0338-SPHA
		TOTAL REAR SIGNAGE			90.80	99.00	
SIGN 5	TENANT	33.00	3.00	99.00	100.01	99.00	PER 2017-0338-SPHA

PARKING TABULATION CHART - SHOPPING CENTER

(PARKING SPACES REQUIRED BY BCZR SECTION 409.6A)

USE	GROSS S.F.	PARKING RATE	PARKING SPACES REQUIRED PER SECTION 409.6A
SHOPPING CENTER	155,244	5/1,000 S.F.	777
FUEL SERVICE STATION - MAXIMUM # EMPLOYEES ON LARGEST SHIFT			1
FUEL SERVICE STATION - AIR/VACUUM UNIT			1
TOTAL REQUIRED			779
TOTAL PARKING PROVIDED (INCLUDES 19 ADA SPACES)			703*

* VARIANCE 2017-0338-SPHA APPROVED ON 8/19/17 TO PERMIT 690 SPACES IN LIEU OF THE REQUIRED 765 SPACES (76 SPACE REDUCTION). A SPLIT AND INTENT LETTER WAS APPROVED ON 10/30/18 TO PERMIT 703 SPACES IN LIEU OF THE REQUIRED 779 SPACES (76 SPACE REDUCTION).

PARKING TABULATION CHART - EXISTING PAD #1

(PARKING SPACES REQUIRED BY BCZR SECTION 409.6A)

USE	GROSS S.F.	PARKING RATE	PARKING SPACES REQUIRED PER SECTION 409.6A
RETAIL	1,440	5/1,000 S.F.	7.2
SERVICE BAYS	4	3/BAY	12.0
TOTAL REQUIRED			19.2 OR 20
TOTAL PARKING PROVIDED			20

PARKING TABULATION CHART - EXISTING PAD #2

(PARKING SPACES REQUIRED BY BCZR SECTION 409.6A)

USE	GROSS S.F.	PARKING RATE	PARKING SPACES REQUIRED PER SECTION 409.6A
STANDARD RESTAURANT	5,828	16/1,000 S.F.	91
TOTAL REQUIRED			91
TOTAL PARKING PROVIDED			53

ZONING HISTORY

1993-2807-X: SPECIAL PERMIT FOR AN ADVERTISING STRUCTURE LOCATED AT 7923 BELAIR ROAD WAS GRANTED ON 12/4/93

1993-2816-X: SPECIAL PERMIT TO CONSTRUCT A 12'X25' POSTER PANEL WAS GRANTED ON 12/7/93

R-1957-4177: PETITION FOR ZONING RE-CLASSIFICATION FROM R-46 TO BM WAS GRANTED ON 9/3/97

1991-0130-A: PETITION FOR ZONING VARIANCE TO PERMIT ONE (1) FREESTANDING SIGN WITH A TOTAL SQUARE FOOTAGE OF 80 S.F. IN LIEU OF THE PERMITTED 5 S.F. WAS GRANTED ON 2/11/91

1992-0089-A: PETITION FOR ZONING VARIANCE TO PERMIT A FREESTANDING SIGN WITH A HEIGHT OF NINETEEN (19) FEET IN TOTAL HEIGHT AND AN AREA OF 35.25 S.F. WAS GRANTED ON 3/31/92

2011-0343-A: PETITION FOR ZONING VARIANCE TO PERMIT 46 PARKING SPACES IN LIEU OF THE REQUIRED 64 PARKING SPACES; TO PERMIT A DRIVE-THRU LANE TO BLOCK ENTRY TO OR EXIT FROM OFF-STREET PARKING SPACES AND TO CROSS PRINCIPAL PEDESTRIAN ACCESS TO THE RESTAURANT; TO PERMIT EXCLUSION OF A SEPARATE LOADING SPACE; TO PERMIT SIX (6) WALL MOUNTED ENTERPRISE SIGNS ON THE BUILDING FACADES IN LIEU OF THE PERMITTED THREE (3); TO PERMIT A DIRECTIONAL SIGN OF 10.7 FEET IN HEIGHT IN LIEU OF THE PERMITTED 6 FEET; TO PERMIT A DIRECTIONAL SIGN OF 9.71 FEET IN HEIGHT IN LIEU OF THE PERMITTED 6 FEET; TO PERMIT A CANOPY-TYPE DIRECTIONAL SIGN IN LIEU OF THE PERMITTED WALL MOUNTED OR FREE-STANDING SIGN; AND TO PERMIT ERECTION OF THE SIGN ABOVE THE FACE OF THE CANOPY IN LIEU OF ITS ERECTION ON THE FACE OF THE CANOPY WAS GRANTED ON 7/19/11

2012-0186-SPH: SPECIAL HEARING TO APPROVE A FREE STANDING ENTERPRISE SIGN WITH AN ELECTRONIC MESSAGE BOARD ON A PAD SITE WITHIN A SHOPPING CENTER IN ADDITION TO THE PERMITTED SHOPPING CENTER JOINT IDENTIFICATION SIGN WAS GRANTED ON 7/19/11

DR-2016-00146: LIMITED EXEMPTION UNDER SECTION 32-4-106(B)(8) WAS GRANTED ON 11/22/16

2017-0241-SPHA: SPECIAL HEARING TO PLACE A FUEL PRICE INFORMATION (VIA ELECTRONIC CHANGEABLE COPY SIGN) ON THE SERVICE STATION CANOPY AND VARIANCE TO PERMIT A FUEL SERVICE STATION TO BE LOCATED IN A PLANNED SHOPPING CENTER LOT THAT IS WITHIN 5 FEET OF A RESIDENTIALLY ZONED PROPERTY IN LIEU OF THE REQUIRED 100 FEET WAS GRANTED ON 4/27/17

2017-0338-SPHA: REQUEST FOR SPECIAL HEARING AND VARIANCE TO PERMIT CONTINUANCE OF THREE (3) EXISTING PAD SITES; AND TO AMEND PRIOR ZONING ORDERS AND PREVIOUSLY APPROVED PLANS IF DEEMED NECESSARY; AND TO PERMIT TWO (2) FREESTANDING ENTERPRISE SIGNS ALONG THE SITE FRONTAGE IN LIEU OF THE PERMITTED ONE (1) PER FRONTAGE (EXISTING PAD #2); AND TO PERMIT A FREESTANDING ENTERPRISE SIGN WITH A MAXIMUM SIZE OF 195 SQ. FT. IN LIEU OF THE PERMITTED 75 SQ. FT. (EXISTING PAD #1); AND TO PERMIT WALL MOUNTED ENTERPRISE SIGNS WITH A TOTAL SQUARE FOOTAGE EACH OF UP TO 4.55 TIMES THE LENGTH OF THE WALL TO WHICH THE SIGN IS AFFIXED CONVERTED TO SQUARE FOOTAGE IN LIEU OF THE PERMITTED TWO (2) TIMES THE LENGTH OF THE WALL CONVERTED TO SQUARE FOOTAGE (SHOPPING CENTER AND FUEL, KIOSK); AND TO PERMIT TWO (2) WALL MOUNTED ENTERPRISE SIGNS ON THE FRONT WALL WITH A CUSTOMER ENTRANCE IN LIEU OF THE PERMITTED ONE (1) WALL MOUNTED SIGN (WEIG MARKETS); AND TO PERMIT TEN (10) WALL MOUNTED ENTERPRISE SIGNS AFFIXED TO A WALL WITHOUT AN EXTERIOR CUSTOMER ENTRANCE (SIGNED -L-U); AND TO PERMIT A FREESTANDING ENTERPRISE SIGN WITH A HEIGHT OF 45 FT. IN LIEU OF THE PERMITTED 25 FT.; AND TO PERMIT THREE (3) WALL MOUNTED ENTERPRISE SIGNS ON THE FRONT WALL WITH A CUSTOMER ENTRANCE IN LIEU OF THE PERMITTED ONE (1) WALL MOUNTED SIGN (SALVO AUTO PARTS); AND TO PERMIT THREE (3) WALL MOUNTED ENTERPRISE SIGNS ON THE FRONT WALL WITH A CUSTOMER ENTRANCE IN LIEU OF THE PERMITTED ONE (1) WALL MOUNTED SIGN (NEW SAM'S LIQUOR); AND TO PERMIT 53 OFF-STREET PARKING SPACES IN LIEU OF THE REQUIRED 91 OFF-STREET PARKING SPACES (EXISTING PAD #2); AND TO PERMIT 690 OFF-STREET PARKING SPACES IN LIEU OF THE REQUIRED 766 OFF-STREET PARKING SPACES (SHOPPING CENTER); WERE GRANTED ON AUGUST 3, 2017

2019-0062-A: A PETITION OF ZONING VARIANCE TO PERMIT A FREESTANDING IDENTIFICATION SIGN WITH A MAXIMUM SIZE OF 228 SQ. FT. IN LIEU OF THE PERMITTED 150 SQ. FT.; AND TO PERMIT A JOINT IDENTIFICATION SIGN WITH A MAXIMUM SIGN COPY OF SIX (6) INCHES IN HEIGHT IN LIEU OF THE REQUIRED EIGHT (8) INCHES IN HEIGHT FOR SIGN COPY; AND TO PERMIT A JOINT IDENTIFICATION SIGN WITH A MINIMUM SIGN COPY OF 2.5 INCHES IN HEIGHT IN LIEU OF THE REQUIRED EIGHT (8) INCHES IN HEIGHT FOR SIGN COPY; AND TO PERMIT WALL-MOUNTED ENTERPRISE SIGNS ON BUILDING FACADES WITHOUT SEPARATE, EXTERIOR CUSTOMER ENTRANCES; AND TO PERMIT WALL-MOUNTED ENTERPRISE SIGNS TO BE INSTALLED IN A DIFFERENT LOCATION THAN THE TENANT SPACE; AND TO PERMIT TWO (2) ADDITIONAL ELECTRONIC CHANGEABLE COPY, FREESTANDING JOINT IDENTIFICATION SIGNS ACCESSORY TO A PLANNED SHOPPING CENTER FOR A TOTAL OF FOUR (4) ON A SINGLE PREMISES IN LIEU OF THE PERMITTED ONE (1) SIGN WERE GRANTED ON DECEMBER 3, 2018.

PARKING TABULATION CHART - EXISTING PAD #3

(PARKING SPACES REQUIRED BY BCZR SECTION 409.6A)

USE	GROSS S.F.	PARKING RATE	PARKING SPACES REQUIRED PER SECTION 409.6A
STANDARD RESTAURANT	4,000	16/1,000 S.F.	64
TOTAL PARKING PROVIDED			46**

** VARIANCE 2011-0343 APPROVED ON 7/19/11 TO PER 46 PARKING SPACES IN LIEU OF THE REQUIRED 64 PARKING SPACES.

TENANT SIGN

SIGN3 TOTAL SIGN AREA = 120.09 S.F.
NOT TO SCALE

TENANT SIGN

SIGN4 TOTAL SIGN AREA = 33.00 S.F.
NOT TO SCALE

TENANT SIGN

SIGN5 TOTAL SIGN AREA = 99.00 S.F.
NOT TO SCALE



REVISIONS

REV	DATE	COMMENT	BY



NOT APPROVED FOR CONSTRUCTION

PROJECT NO.: MD182134
DRAWN BY: MCO
CHECKED BY: MJG
DATE: 12/19/18
SCALE: NOT TO SCALE
CAD LD: EX1

PROJECT:
VARIANCE PLAN
FOR
PET SUPPLIES PLUS
LOCATION OF SITE
FULLERTON PLAZA
7927A BELAIR ROAD
TM 81, GRID 11, PARCEL 639
NOTTINGHAM MD 21236
BALTIMORE COUNTY

BOHLER ENGINEERING
901 DULANEY VALLEY ROAD, SUITE 801
TOWSON, MARYLAND 21204
Phone: (410) 821-7900
Fax: (410) 821-7987
MD@BohlerEng.com

M.J. GESELL
PROFESSIONAL ENGINEER
PROFESSIONAL CERTIFICATION
I, MICHAEL J. GESELL, HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND. LICENSE NO. 24657, EXPIRATION DATE: 6/31/19

SHEET TITLE:
PLAN TO ACCOMPANY VARIANCE PETITION

SHEET NUMBER:
2

ELEVATIONS ARE BASED UPON NAVD 1988 DATUM AS REFERENCED TO BALTIMORE COUNTY MONUMENTS 440A AND 659.