MEMORANDUM

DATE:

April 20, 2019

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2019-0214-A- Appeal Period Expired

The appeal period for the above-referenced case expired on April 17, 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.'

c: Case File

Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE (800 Kenilworth Drive)	*	BEFORE THE OFFICE
9 th Election District	*	OF ADMINISTRATIVE
5 th Council District Kenilworth Limited Partnership	*	HEARINGS FOR
Legal Owner Jill Acquisition, LLC	*	BALTIMORE COUNTY
Lessee Petitioners	*	CASE NO. 2019-0214-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County as a Petition for Variance filed by Kenilworth Limited Partnership, legal owner of the subject property and Jill Acquisition, LLC, lessee ("Petitioners"). Petitioners are requesting variance relief from Section 450.4 of the Baltimore County Zoning Regulations ("BCZR") to allow a wall-mounted enterprise sign for a tenant in a multi-tenant building to be located on a façade without a separate exterior customer entrance. A site plan was marked as Petitioners' Exhibit 1.

Landscape architect Michael Pieranunzi and Wayne Zinn appeared in support of the petition. David H. Karceski, Esq. represented Petitioners. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee ("ZAC") comment was received from the Department of Planning ("DOP"). That agency opposed the request.

The site is approximately 8.12 acres (354,016 square feet) in size and is zoned BM. The Kenilworth shopping center is located at the site. J. Jill, a clothing store, is a new tenant at the mall and will lease approximately 3,000 sq. ft. of retail space. The lessee will not be identified on either of the joint identification signs on the property. Lessee seeks approval for a wall-mounted enterprise sign but requires a variance since there is not a customer entrance on the

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Date 3118119

у___

façade where the sign would be installed.

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 a significant grade change (approximately 15 ft.) across the site. As such the property is unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to have a sign for the J. Jill store. 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.

In its ZAC comment the DOP opposed the request, believing that sufficient signage exists on the site. A similar variance request by Trader Joe's (for a sign on a wall without a customer entrance) was denied recently in Case No. 2017-259-A. But I think the facts in this case are much different than those presented in the 2017 case. Trader Joe's already had three signs (a wall-mounted enterprise sign on the front of the store and a prominent listing on both of the joint identification signs) and was seeking a fourth sign. The lessee here has no signage at the site and is not listed on either of the joint identification signs. Unlike the sign at issue in the Trader Joe's case, the proposed J. Jill sign would not be visible from Kenilworth Drive or the residential properties along that roadway. In fact, the sign would only be visible to motorists/customers who travel to the rear of the site closest to the Beltway. In these circumstances I do not believe the proposed sign would be excessive or create visual clutter, and the request will therefore be granted.

ORDER RECEIVED FOR FILING
Date 3 18 19

THEREFORE, IT IS ORDERED, this 18th day of March, 2019, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 450.4 of the Baltimore County Zoning Regulations ("BCZR") to allow a wall-mounted enterprise sign for a tenant in a multi-tenant building to be located on a façade without a separate exterior customer entrance, be and is hereby GRANTED.

The relief granted herein shall be subject to 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.

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

Administrative Law Judge for **Baltimore County**

JEB:sln

ORDER RECEIVED FOR FILING



PETITION FOR ZONING HEARING(S)

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

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

	Address 800 Ke Deed References:			10 Digi	which is pres it Tax Account # _			
	Property Owner(s)	Printed Name(s) Ke	enilworth	Limited Pa	artnership			
(SE	LECT THE HEARING(S)	BY MARKING X AT THE	APPROPRIA	TE SELECTIO	N AND PRINT OR T	PE THE PETITI	ON REQUEST)	
The un		er(s) of the property s plan attached hereto					he description	
		der Section 500.7 of oner should approve		Regulations	of Baltimore Cou	inty, to determ	nine whether	
2 a	Special Exception	under the Zoning Re	gulations of	Baltimore C	County to use the	herein descri	ped property for	
3. X a	Variance from Secti	on(s)		and the second process of the second process			*	
			wall-mou	nted enter	rprise sign for a	a tenant in a	a multi-tenant buildi	na
		cade without a se						٥
of the	zoning regulations of	of Baltimore County, Iship or practical di e, you may add an a	, to the zor	ning law of	Baltimore Count	y, for the fol	lowing reasons:	
		TO BE PRES	SENTED A	T HEARI	NG			
I, or we, ag and restrict Legal Own	ree to pay expenses of all ions of Baltimore County	ed as prescribed by the zo pove petition(s), advertising adopted pursuant to the zo do so solemnly declare an etition(s).	g, posting, etc.	and further ag altimore Count	v.			
Contract	Purchaser/Lessee	:		Legal Ow	ners (Petitioners):		
Jill Ad	quisition LLC	11/1/1		SEE A	TTACHED	1		
Name- Typ		//		Name #1 – T	ype or Print	Name #2 - 1	ype or Print	
Signature		and Store Planning		Signature #1		Signature #	2	
Mailing Add	ymarch Park dress		1A State	Mailing Addr	ess	City	State	
02169 Zip Code	/ 617-689-7899 Telephone #	Email Address		Zip Code	_/	/_ Em	ail Address	
Attorney	for Petitioner:			Represen	tative to be cont	acted:		
David I	H. Karceski, Esquire				Karceski, Esquire	5		
Name- Typ	e or Print			Name - Type	e or Print			
Signature				Signature		_	-	
210 W.	Pennsylvania Ave. S	te. 500, Towson, MD	l.		ennsylvania Ave.	Ste. 500, To	wson, MD	
Mailing Add	dress	City	State	Mailing Addr	ess	City	State	
21204	/ 410-494-6285	/ dhkarceski@v	enable.com		/ 410-494-628		rceski@venable.com	
Zip Code	Telephone #	Email Address		Zip Code	Telephone #		all Address	
CASE NU	MBER 2019-02	4-A Filing Date_	1,18,19	_ DONOTS	ENBURECE VE	D FOR FI	Reviewer	

800 KENILWORTH DRIVE

ATTACHMENT TO PETITION FOR VARIANCE

LEGAL OWNER - KENILWORTH LIMITED PARTNERSHIP

By: GGCal Kenilworth LLC, its General Partner

By: GGCal LLC, its sole member

By: GGCal Manager LLC, its Manager

By: (SEAL)

Brian J. Gibbons, Manager



KENILWORTH MALL ZONING DESCRIPTION

Beginning for the same at a point on the north side of Kenilworth Drive, 70' wide, said point being approximately 740 feet northwest from the intersection of the north side of Kenilworth Drive with the west side of West Road, thence running westerly and binding on the north side of Kenilworth Drive;

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

Containing 367211.79 square feet or 8.430 acres, more or less

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

Professional Certification

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

2019-0214-A

s: 2014 survey 141258.00 shops at kently orth kently orth-zoning description.docx

A-MIGG-FIDA

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:

2/22/2019

Order #: Case #:

11700463

2019-0214-A

Description:

NOTICE OF ZONING HEARING CASE NUMBER: 2019-0214-A

(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: 2019-0214-A

800 Kenilworth Drive N/s Kenilworth Drive, 740 ft. n/w of West Road

9th Election District - 5th Councilmanic District

Legal Owners: Kenilworth Limited Partnership Contract Purchaser/Lessee: Jill Acquisition, LLLC

Variance to allow a wall-mounted enterprise sign for a tenant in a multi-tenant building to be located on a facade without a separate exterior customer entrance for the tenant

Hearing: Friday, March 15, 2019 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

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 4 10-887-3391

122

Debra Wiley

\$3-15-19 11 Am

From:

SGT ROBERT BLACK <1opie@comcast.net>

Sent:

Sunday, March 10, 2019 5:34 PM

To:

Barbara Lukasevich; DKarceski@Venable.com; Administrative Hearings

Subject:

Recertification's For 2019-0197-A AND 2019-0214-A

Attachments:

Re-Cert 1 2019-0197-A.doc; Re-Cert 2 2019-0197-A.doc; Re-Cert 1 2019-0214-A.doc;

Re-Cert 2 2019-0214-A.doc

Recertification's for 56 W. Timonium Rd & 800 Kenilworth Dr. Thanks

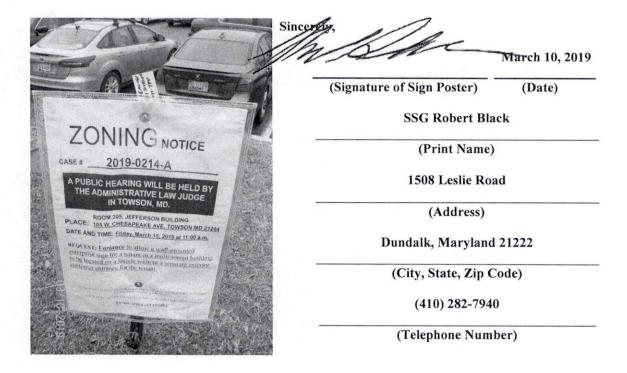
RECEIVED

MAR 11 2019

OFFICE OF ADMINISTRATIVE HEARINGS

CERTIFICATE OF POSTING

	2019-0214-A	
	RE: Case No.:	
	Petitioner/Developer: Konilworth Limited Portnership	
	Kenilworth Limited Partnership Jill Acquisition, LLLC	
	March 15, 2019 Date of Hearing/Closing:	
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111		
11 West Chesapeake Avenue Fowson, Maryland 21204	RECEIVED	below made
Attn: Kristen Lewis:	MAR 11 2019	
Ladies and Gentlemen:	ADMINISTRATIVE HEARIN	3S
This letter is to certify under the peoosted conspicuously on the proper	nalties of perjury that the necessary sign(s) required by law were ty located at:	
800 Kenilworth Drive	SIGN 1 Recertification	
The sign(s) were posted on	February 22, 2019	
	(Month, Day, Year)	



CERTIFICATE OF POST...IG

	RE: Case No.:
	Petitioner/Developer: Kenilworth Limited Partnership Jill Acquisition, LLLC
	March 15, 2019 Date of Hearing/Closing:
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 Attn: Kristen Lewis: Ladies and Gentlemen:	RECEIVED MAR 1 1 2019 OFFICE OF ADMINISTRATIVE HEARINGS
posted conspicuously on the property loc	*
800 Kenilworth Drive	SIGN 2 Recertification
The sign(s) were posted on	(Month, Day, Year)
	Sincerely, March 10, 2019
ZONING NOTICE	(Signature of Sign Poster) (Date) SSG Robert Black
A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE LAW JUDGE IN TOWSON, MD.	(Print Name)
ROOM 205, JEFFERSON BUILDING PLACE: 105 W. CHESAPFAKE AVE, TOWSON ND 21204 DATE AND TIME: Finder March 15, 2019 at 11:00 a.m. REQUEST, Farinance to allow a wall-anounted	1508 Leslie Road (Address)
enterprise sign for a tenant in a multi-tenant building	(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

	2019-0214-A
	RE: Case No.:
	Petitioner/Developer:
	Kenilworth Limited Partnership
	Jill Acquisition, LLLC
	March 15, 2019
	Date of Hearing/Closing:
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 111 West Chesapeake Avenue Fowson, Maryland 21204	
Attn: Kristen Lewis:	
Ladies and Gentlemen:	
This letter is to certify under the penalties of posted conspicuously on the property located a	erjury that the necessary sign(s) required by law were it:
800 Kenilworth Drive	GN 1
The sign(s) were posted on	February 22, 2019
	(Month, Day, Year)
Sin	cerely, February 22, 2019



(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

	2019-021	4-A
	RE: Case No.:	
	Petitioner/Developer:	
	Petitioner/Developer: Kenilworth Limited Partner	ship
	Jill Acquisition, LI	LLC
	Date of Hearing/Closing:	
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204		
Attn: Kristen Lewis:		
Ladies and Gentlemen:		
	lities of perjury that the necessary sign(s) required by law w located at:	vere
800 Kenilworth Drive	SIGN 2	
The sign(s) were posted on		
	(Month, Day, Year)	



Sincerely,

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

	RE: Case No.:	2019-0214- <i>A</i>
		nited Partnership equisition, LLLC
	Date of Hearing/Closing:	March 15, 2019
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 111 West Chesapeake Avenue Fowson, Maryland 21204	•	
Attn: Kristen Lewis:		
Ladies and Gentlemen:		
This letter is to certify under the penalties of posted conspicuously on the property located a	erjury that the necessary sign(s) re t:	quired by law were
800 Kenilworth Drive SIC	GN 2	
The sign(s) were posted on	February 22, 2019 (Month, Day, Year)	
·	(,,,,,,,,,,,,	
Sin	cerely,	February 22, 2019
ZONING NOTICE	(Signature of Sign Poster)	(Date)
. CASE # 2019-0214-A	SSG Robert Bla	ck
A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE LAW JUDGE IN TOWSON, MD.	(Print Name)	
PLACE: 105 W. CHESAFEAKE AVE. TOWSON MD 21204 DATE AND TIME: Finday, March 15: 2012 of 11:00 m.m.	1508 Leslie Roa	ıd
Brouvest Varione to allow a wall-mounted	(Address)	 -
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primary complete a paint and an amount comment of the sale of the complete and the complete	(City, State, Zip C	ode)
	(410) 282-7940)
the state of the s	(Telephone Numi	

CERTIFICATE OF POSTING

	2019-0214-A RE: Case No.:
	Petitioner/Developer: Kenilworth Limited Partnership Jill Acquisition, LLLC
	March 15, 2019 Date of Hearing/Closing:
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 I11 West Chesapeake Avenue Towson, Maryland 21204	
Attn: Kristen Lewis:	
Ladies and Gentlemen:	
This letter is to certify under the penalties of penosted conspicuously on the property located at	rjury that the necessary sign(s) required by law were
800 Kenilworth Drive SIG	SN 1
The sign(s) were posted on	February 22, 2019 Month, Day, Year)
Since	Cerely, February 22, 2019
•	(Signature of Sign Poster) (Date)
ZONINGNOTICE	SSG Robert Black
A PUBLIC HEARING WILL BE HELD BY	(Print Name)
THE ADMINISTRATIVE LAW JUDGE IN TOWSON, MD.	1508 Leslie Road
PLACE: 195W. CHESAPEARE AVE, TOWSON MD 21224 DATE AND TIME: Friday March 15, 2019 of 11:00 a.m.	(Address)
negers to Modanier to allow, a wall-mounted turned is find to a known in a public year to utding to be located on a favoral mitted a separate vistorial a supplier contained in the turned.	Dundalk, Maryland 21222
And a second	(City, State, Zip Code)
Histories and a Constitution of the Constituti	(410) 282-7940
	(Telephone Number)

TO: THE DAILY RECORD

Friday, February 22, 2019 - Issue

Please forward billing to:

David Karceski Venable, LLP

210 W. Pennsylvania Avenue, Ste. 500

Towson, MD 21204

410-494-6285

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: 2019-0214-A

800 Kenilworth Drive

N/s Kenilworth Drive, 740 ft. n/w of West Road 9th Election District – 5th Councilmanic District Legal Owners: Kenilworth Limited Partnership Contract Purchaser/Lessee: Jill Acquisition, LLLC

Variance to allow a wall-mounted enterprise sign for a tenant in a multi-tenant building to be located on a façade without a separate exterior customer entrance for the tenant.

Hearing: Friday, March 15, 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.



JOHN A. OLSZEWSKI, JR. County Executive

MICHAEL MOHLER, Director

Department of Permits,

Approvals & Inspections

February 13, 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: 2019-0214-A

800 Kenilworth Drive

N/s Kenilworth Drive, 740 ft. n/w of West Road 9th Election District – 5th Councilmanic District Legal Owners: Kenilworth Limited Partnership Contract Purchaser/Lessee: Jill Acquisition, LLLC

Variance to allow a wall-mounted enterprise sign for a tenant in a multi-tenant building to be located on a façade without a separate exterior customer entrance for the tenant.

Hearing: Friday, March 15, 2019 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

pull pelle Mike Mohler Director

AJ:kl

C: David Karceski, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204 Karen Green, Jill Acquisition, LLC, 4 Batterymarch Park, Quincy MA 02169

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., FEBRUARY 23, 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.

RE: PETITION FOR VARIANCE

800 Kenilworth Drive; N/S of Kenilworth
Drive, 740' NW of West Road

9th Election & 5th Councilmanic Districts
Legal Owners: Kenilworth Limited Partnership*
by Brian Gibbons, Manager
Contract Purchaser(s): Jill Acquisition, LLC

Petitioner(s)

BEFORE THE OFFICE

OF ADMINSTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

2019-214-A

ENTRY OF APPEARANCE

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

JAN 28 2019

Peter Max Zimmerman

PETER MAX ZIMMERMAN People's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel Jefferson Building, Room 204 105 West Chesapeake Avenue Towson, MD 21204

Cambo S Demlie

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of January, 2019, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, 210 West Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zummerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



JOHN A. OLSZEWSKI, JR. County Executive

MICHAEL MOHLER, Director Department of Permits, Approvals & Inspections

March 7, 2019

David H. Karceski 210 W. Pennsylvania Ave. Ste 500 Towson MD 21204

RE: Case Number: 2019-0214-A, 800 Kenilworth Drive

To Whom It May Concern:

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 18, 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Jill Acquisition LLC 4 Batterymarch Park Quincy MA 02169

13 3-15-19 11 Am

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO:

Mike Mohler

DATE: 2/28/2019

RECEIVED

MAR 0 4 2019

GFFILE UP

FROM:

Jeff Mayhew

Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Acting Director, Permits, Approvals and Inspections

Case Number: 19-214

INFORMATION:

Property Address:

800 Kenilworth Drive

Petitioner:

Kenilworth Limited Partnership

Zoning:

BM

Requested Action:

Variance

The Department of Planning has reviewed the petition for a variance from Section 450.4 of the Baltimore County Zoning Regulations (BCZR) to allow a wall mounted enterprise sign for a tenant in a multi-tenant building to be located on a façade without a separate exterior customer entrance for the tenant.

A site visit was conducted on 2/7/2019. The subject site is located within the boundaries of the Towson Commercial Revitalization Area (CRA). CRA's seek to improve the physical appearance of the business environment (MP 2020 pg. 140).

The Department opposes granting the petitioned variance relief.

Extensive signage now exists on site. Said signage was reviewed by the Department in multiple prior zoning cases requesting relief to the requirements of BCZR §450. Detailed review of the on-site signage also occurred under the review of the approved limited exemption development plan submitted under DRC# 032817. The Department recommends that signage now in place, including a freestanding joint identification sign with changeable copy, located at the main entrance of the mall is sufficient in its function of identifying the commercial entities located within the mall. The Department determined that the signage shown on said zoning and development plans successfully integrated into the overall structural aesthetics of the mall's architecture. To intensify the signage on the mall facades upsets the overall architectural theme of the building and will set a precedence for additional signage that is counter to the Master Plan 2020 goals for the CRA.

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

Prepared by:

Lloyd T. Moxley

JM/JGN/LTM/

c: Laurie Nay

David H. Karceski, Esquire

Office of the Administrative Hearings

People's Counsel for Baltimore County

Division Chief:



Inter-Office Correspondence



ADMINISTRATIVE OF

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:

February 8, 2019

SUBJECT:

DEPS Comment for Zoning Item

2019-0214-A

Address

800 Kenilworth Drive

(Kenilworth Limited Partnership

Property)

Zoning Advisory Committee Meeting of February 4, 2019.

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

Reviewer:

Steve Ford



Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Pete K. Rahn
Secretary

Gregory Slater
Administrator

Date: 1/28/19

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2019-6214-4

Karehvorthemited Partnership Enian Colbans Monager Eco Kenilworth Drives

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

Sincerely,

Wendy Wolcott, P.L.A.

Metropolitan District Engineer

Maryland Department of Transportation

State Highway Administration

District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO:

Mike Mohler

DATE: 2/28/2019

Acting Director, Permits, Approvals and Inspections

FROM:

Jeff Mayhew

Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 19-214

INFORMATION:

Property Address: 800 Kenilworth Drive

Petitioner:

Kenilworth Limited Partnership

Zoning:

BM

Requested Action: Variance

The Department of Planning has reviewed the petition for a variance from Section 450.4 of the Baltimore County Zoning Regulations (BCZR) to allow a wall mounted enterprise sign for a tenant in a multi-tenant building to be located on a façade without a separate exterior customer entrance for the tenant.

A site visit was conducted on 2/7/2019. The subject site is located within the boundaries of the Towson Commercial Revitalization Area (CRA). CRA's seek to improve the physical appearance of the business environment (MP 2020 pg. 140).

The Department opposes granting the petitioned variance relief.

Extensive signage now exists on site. Said signage was reviewed by the Department in multiple prior zoning cases requesting relief to the requirements of BCZR §450. Detailed review of the on-site signage also occurred under the review of the approved limited exemption development plan submitted under DRC# 032817. The Department recommends that signage now in place, including a freestanding joint identification sign with changeable copy, located at the main entrance of the mall is sufficient in its function of identifying the commercial entities located within the mall. The Department determined that the signage shown on said zoning and development plans successfully integrated into the overall structural aesthetics of the mall's architecture. To intensify the signage on the mall facades upsets the overall architectural theme of the building and will set a precedence for additional signage that is counter to the Master Plan 2020 goals for the CRA.

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

Prepared by:

Division Chief:

Jenifer G. Nugent

JM/JGN/LTM/

c: Laurie Hay

David H. Karceski, Esquire

Office of the Administrative Hearings People's Counsel for Baltimore County

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

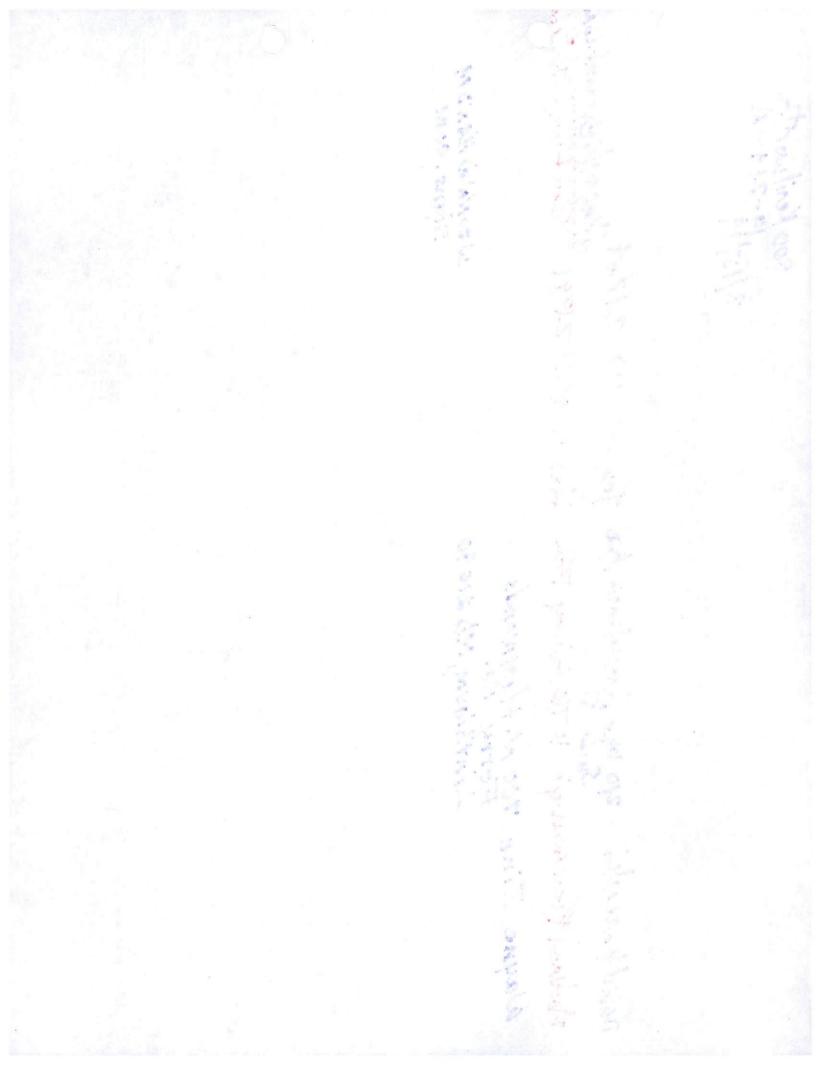
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:	
Case Number: 2019 - 214	4-A
Property Address:	BOU KEMILWORTH DRIVE
Property Description: NS Kenil	worth Drive, 740 feet
N/W Int.	with west Pd.
Legal Owners (Petitioners):	vonth linited lantwersh
Contract Purchaser/Lessee:	
PLEASE FORWARD ADVERTISING BILL TO: Name:	ivid Kanceshi
Company/Firm (if applicable):	nable LLP
Address:	O W. Pomsylvenia Are
Si	ik 500
To	uson MD 21204
Telephone Number: (4/0) +44	-6200

CASE NAME	800	Keni	worth	
CASE NUMBE	R	19-2	14-A	
DATE <	15-	14		
	131			

PETITIONER'S SIGN-IN SHEET

ADDRESS	CITY, STATE, ZIP	E - MAIL
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/		Signs. Com
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		210 mest fensylvania the Tompon M) 212 Suite 500 Tyi 10710 Gilvay 12 H-X. MUD Z1091 Too N. Hammonds Forry Rd.



CHECKLIST

Comment Received	<u>Depar</u>	tment			Support/Oppose/ Conditions/ Comments/ No Comment
	DEVELOPMENT (if not received, da)	
2/8	DEPS (if not received, da	te e-mail sent)	NC
	FIRE DEPARTM	ENT			
7/28	PLANNING (if not received, da	nte e-mail sent			Opposed commen
1128	STATE HIGHWA	Y ADMINISTR	ATION		NO Obj
	TRAFFIC ENGIN	IEERING			
	COMMUNITY A	SSOCIATION			
j.	ADJACENT PRO	PERTY OWNE	RS		
ZONING VIOLA	ATION (Ca	ase No.			
PRIOR ZONING	(Ca	ase No			
NEWSPAPER A	DVERTISEMENT	Date:	2/6	19/16	- 00- 10- 1
SIGN POSTING	(1 st)	Date:	2/2	19/19	_ by <u>SSG BOCK</u>
SIGN POSTING	(2 nd)	Date:	3	10/19	by SSG Black
	NSEL APPEARANCE		4	No E]
Comments, if any	/:	,			

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption					View GroundRent Registration					
Tax Exe	empt:			s	pecial T	ax Recapture):						
Exemp	t Class:			N	ONE								
Account l	ldentifier	:	District	09 Accou	int Num	ber - 0920451	1390						
					Owner I	nformation							
Owner Name:			KENILW	ORTH LIM	ITED PA	RTNERSHIP		Use: Princi	pal Re	sidence:	CO NO	MMERCIAL	
Mailing A	ddress:			ILWORTH ORE MD 21	1204			Deed	Refere	nce:	/104	438/ 00703 	
		_		Locatio	ın & Stru	cture Informa							
Premises Address:			800 KENILWORTH DR BALTIMORE MD 21204-2201				Legal Description:				KE!	8.1271 AC NS KENILWORTH DR 550 W WEST RD	
Мар:	Grid:	Parcel:	Sub District:	Subdiv	ision:	Section:	Bloc	ck:	Lot:	Assess Year:	sment	Plat No:	
0069	0006	1022		0000						2017		Plat Ref:	
Special Tax Areas:					Town:				NONE				
						d Valorem: ax Class:							
Primar Built	y Structu	ire	Above Grade Area	Living	Fir Ar	nished Basen ea	nent		Prop Area	erty Land	d	County Use	
1978			141776						354,0	016 SF		14	
Stories Basement		ement	Туре				Full/Half Garage Bath		Last Major Renovation				
			SHOPPING CEI REGIONAL	ITER/							2017		
					Value li	nformation							
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				<u> </u>	Transfer	Information							
Seller: TILLMAN IRVIN C,SR				D	Date: 04/01/1994			Price: \$			\$250,00	S250,000	
Type: ARMS LENGTH IMPROVED					Deed1: /10438/ 00703			Deed2:			:		
Seller: TILLMAN IRVIN C,SR				D	ate: 02/	09/1976	Price: \$0						
Type:	Type: NON-ARMS LENGTH OTHER				eed1: /0	5607/ 00233	7/ 00233 Deed2 :						
Seller:			D	Date:			Price:						
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Tax Ex	cempt:			;	Special	Tax Recaptui	re:						
Evom	pt Class:				NONE								

Homestead Application	Information	
Homestead Application Status: No Application		
Homeowners' Tax Credit Appl	ication Information	
Homeowners' Tax Credit Application Status: No Application	Date:	

Michael J. Pieranunzi, RLA Landscape Architect

BEGAN WITH CENTURY: 2006, October

YEARS WITH CENTURY:

YEARS WITH OTHER FIRMS: 27

EDUCATION

1987 B.S. Landscape Architecture, West Virginia University

PROFESSIONAL REGISTRATION:

1991 RLA Maryland Registered #1008 (exp. 2020) 2009 March LEED Accredited Professional (LEED AP)

WORK BACKGROUND:

Century Engineering
Hunt Valley, MD
Oct. 2006 - present
Daft-McCune-Walker, Inc.
Towson, Maryland
1997 – 2006
Clark, Finefrock &
Sackett, Inc.

Columbia, Maryland 1987 – 1997

ASSOCIATIONS

American Society of Landscape Architects

Howard County Association of Landscape Architects - Past Vice President

Howard County Homebuilders Association

Howard County Chamber of Commerce

EXPERIENCE

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



With experience in a variety of project types and justifications, he has gained exceptional skills in managing projects from conceptual design, design development, construction drawings and site inspection. He has proven abilities in managing budgets, clients, county officials and staff on multiple project types and projects.

BALTIMORE COUNTY PROJECTS

MARYVALE PREPARATORY SCHOOL REVISED DEVELOPMENT PLAN – SCHEME B, Baltimore County, MD. Project Manager for the land planning services for the preparation and submission of the Development Plan showing a 18,000 SF Media Center, 16,880 SF Performing Arts Center, track, lacrosse filed, 3 soccer fields, parking and stormwater management. The 113 acre site, zoned RC-2, consists of existing buildings, ball fields and forest covering.

COPPERMINE ATHLETIC FACILITY (SYNTHETIC FIELD), Baltimore, MD. As project manager, Mr. Pieranunzi was responsible for meeting with the owner, summarizing schedule and devising a plan of action to obtain grading permits prior to the owner's summer camp schedule. Mr. Pieranunzi oversaw the SWM waiver request from Baltimore County DEPS, while simultaneously gaining approval of the grading and sediment control plan. The field construction drawings required detailed grading, coordination of the underdrain system, retaining wall design and perimeter fencing and lighting.

HOLLINS END, Baltimore, MD. Mr. Pieranunzi was the project manager responsible for coordinating and managing the expansion to the existing warehouse and parking lot at Hollins End. The owner required adapting the existing building to conform to a new tenant program. Mr. Pieranunzi reviewed the new tenant requirements and worked with the design team to implement the new building parking, pedestrian connection, stormwater management and landscape revisions. He processed the plans for the approval and assisted with obtaining permits in a timely manner.

MOUNT de SALES ACADEMY GRANDSTAND AND FIELD ADDITIONS, Baltimore County, MD. Michael Pieranunzi was Project Manager for the proposed field conversion. The school proposed conversion of their existing turf field and natural hillside seating area to a synthetic field and grandstand built within the slope. Working with the architect, Michael managed the preparation of the permit drawings for the mass grading, utilities, walls, plaza and electric design.

WINDSOR STATION, Project Manager. Prepared multiple conceptual studies for a 14 acre commercial parcel in order to maximize the potential office, warehouse or flex space. Studies were prepared in accordance with zoning, parking, and stormwater management facilities requirements. The layout maximized the square footage of the office space to ±320,000 s.f. and the flex space of 90,000 s.f. and 1,600 parking spaces.

OWINGS MILLS MALL, Baltimore County, MD. Prepare layout and grading of Hoyt's Cinema, Lord & Taylor, and Sears expansion. Michael was also responsible for the second expansion at Owings Mills Mall in which the Sears Department Store and free standing Tire Center were razed. The overall mall was redesigned to meet the parking requirement while creating a 15 acre residential out parcel. Michael was responsible for the coordination and negotiation with the MTA connection between the Cinema and Outparcel.

TOWSONTOWN MALL EXPANSION, Baltimore County, MD. Mr. Pieranunzi prepared and submitted permit drawings for a 100,000 s.f. expansion which included restaurants and retail space supported by a

750 space parking deck. Michael was responsible for the layout, grading, paving, hardscape components and utilities. The intricate project establishes Towson Mall as the gateway to Towson, Maryland. Michael worked extensively with the architects, owners and land use attorneys to prepare and process the drawings through reviews by the county, business community, economic development and existing tenants.

WHITE MARSH MALL - LIFESTYLE CENTER, Baltimore County, MD. Project Manager. Responsible for the preparation of the conceptual and documents for the 110,000 s.f. "Lifestyle" expansion to White Marsh Mall and for coordinating the zoning, grading, SWM, utility, sediment and erosion control and landscape architecture plan. The retail component is attached to the exterior of the Mall fronting onto a proposed streetscape with special paving lighting and seating. The layout was sensitive to the existing sloping site and parking issues.

OWINGS MILLS RESTAURANT PARK, Baltimore County, MD. Prepared layout and grading of five restaurant buildings, parking lot and landscaping. Mr. Pieranunzi coordinated the construction of restaurants with five different owners; Red Lobster, Don Pablo's, Tony Roma's, HOPS, Red Robin and five different general contractors.



2019-0214-A

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