

MEMORANDUM

DATE: August 13, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0306-A - Appeal Period Expired

The appeal period for the above-referenced case expired on August 12, 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

(8836 Waltham Woods Road)

9th Election District

5th Council District

North Plaza I, LLC

Legal Owner

Petitioner

*

BEFORE THE OFFICE

*

OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2019-0306-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by North Plaza I, LLC, *et. al.*, legal owner of the subject property (“Petitioner”). Petitioner is requesting variance relief from Section 450.4 of the Baltimore County Zoning Regulations (“BCZR”): (1) to allow an illuminated wall-mounted enterprise sign of 43.15 sq. ft. without a separate customer entrance in addition to the one existing wall-mounted enterprise sign; and (2) to allow an illuminated wall-mounted enterprise sign of 43.15 sq. ft. in lieu of the maximum 40 sq. ft. A site plan was marked as Petitioner’s Exhibit 1.

Barry Silber and surveyor Bruce Doak appeared in support of the petition. Herbert Burgunder, 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 County reviewing agencies.

The site is approximately 31.57 acres in size and is zoned BL. The North Plaza shopping center is located on the property, and this case concerns a single tenant (“Great Clips”) in the center. Petitioner seeks approval for a second enterprise sign on a façade without a separate customer entrance. A photo was submitted (Exhibit 4) showing the prior tenant (“J. Florist”) also

ORDER RECEIVED FOR FILING

Date

7/12/19

By

Den

had two signs of a similar size to those requested.

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 large property has an irregular shape and several means of access to the tenant space at issue. As such the property is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because it would be unable to have the signage necessary to direct potential customers to the 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. This is demonstrated by the absence of County and/or community opposition.

THEREFORE, IT IS ORDERED, this 12th day of **July, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to the Baltimore County Zoning Regulations ("BCZR"): (1) to allow an illuminated wall-mounted enterprise sign of 43.15 sq. ft. without a separate customer entrance in addition to the one existing wall-mounted enterprise sign; and (2) to allow an illuminated wall-mounted enterprise sign of 43.15 sq. ft. in lieu of the maximum 40 sq. ft., 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.

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Date 7/12/19
By Sen

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 7/12/19

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 8836 WALTHAM WOODS ROAD which is presently zoned BL
 Deed References: SM 21157/369 10 Digit Tax Account # 1800003190
 Property Owner(s) Printed Name(s) 1) NORTH PLAZA I, LLC 2) NORTH PLAZA II, LLC
3) NORTH PLAZA III, LLC

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

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

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

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

3. ☒ a **Variance** from Section(s)

SEE ATTACHED PAGE

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 THE 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).

~~Contact Purchaser/Lessee:~~

ATESSA LLC
 Name- Type or Print

• Benny Silber OWNER
 Signature BARRY SILBER

6510 CLARINGTON ROAD BALTIMORE MD
 Mailing Address City State

21209 / 410-802-1264 /
 Zip Code Telephone # Email Address
BARRY.SILBER@GREATCLIPS.NET

Attorney for Petitioner:

HERBERT BURGUNDER, III
 Name- Type or Print

• WY
 Signature

901 DULANEY VALLEY ROAD SUITE 500 TOWSON MD
 Mailing Address City State

21204 / 410-938-8800 /
 Zip Code Telephone # Email Address

ANEIFERT@PKLAW.COM (ALEXANDRA NEIFERT) BDOAK@BRUCEBDOAKCONSULTING.COM

CASE NUMBER

2019-0306-A

Filing Date

4/23/19

Do Not Schedule Dates:

Reviewer

ORDER RECEIVED FOR FILING AT
 REV. 10/4/11

Date 7/12/19

By Sen

Legal Owners (Petitioners): AGENT FOR OWNER

J.D. BRAKEFIELD, DIRECTOR OF PROPERTY
 Name #1 - Type or Print Name #2 - Type or Print MANAGEMENT

Jim
 Signature #1 Signature #2

1427 CLARKVIEW ROAD BALTIMORE MD
 Mailing Address City State

21209 / 410-296-4335 /
 Zip Code Telephone # Email Address
J.BRAKEFIELD@C2CREALTY.COM

Representative to be contacted:

BRUCE E. DOAK
BRUCE E. DOAK CONSULTING
 Name - Type or Print

Bruce E Doak
 Signature

3801 BAKER SCHOOLHOUSE ROAD FREELAND MD
 Mailing Address City State

21053 / 410-419-4906 /
 Zip Code Telephone # Email Address

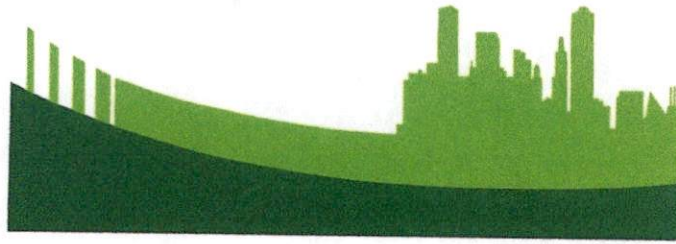
Petitions Requested
For Case # 2019-0306-A
8836 Waltham Woods Road

Special Hearing

Special Exception

Variances

- 1) To allow an illuminated wall-mounted enterprise sign of 43.15 square feet without a separate customer entrance in addition to the one wall-mounted enterprise sign permitted per Section 450.4 Attachment 1, Section 5(d) BCZR
- 2) To allow an illuminated wall-mounted enterprise sign of 43.15 square feet in lieu of the required 40 square feet per Section 450.4 Attachment 1, Section 5(d) BCZR



Zoning Description

31.5716 Acre Parcel
Ninth Election District Fifth Councilmanic District
Baltimore County, Maryland

Beginning at the intersection of the south side of Perring Parkway, variable width, and the west side of Waltham Woods Road, variable width, thence binding on the side of Waltham Woods Road and running and binding on the outlines of the subject property, the six following courses and distances, viz.

- 1) South 27 degrees 51 minutes 02 seconds East 204.21 feet,
- 2) Southerly by a line curving to the right with a radius of 630.89 feet for a distance of 645.00 feet and a chord of South 1 degree 26 minutes 16 seconds West 617.27 feet,
- 3) South 30 degrees 43 minutes 35 seconds West 308.17 feet,
- 4) Southwesterly by a line curving to the right with a radius of 660.00 feet for a distance of 283.56 feet and a chord of South 43 degrees 02 minutes 05 seconds West 281.39 feet,
- 5) South 55 degrees 20 minutes 35 seconds West 114.75 feet,
- 6) Southwesterly by a line curving to the left with a radius of 740.00 feet for a distance of 381.03 feet and a chord of South 40 degrees 35 minutes 31 seconds West 376.84 feet, thence leaving the side of Waltham Woods Road and continuing to run and bind on the outlines of the subject property, the seven following courses and distances, viz.
- 7) North 59 degrees 13 minutes 31 seconds West 6.25 feet,
- 8) North 59 degrees 13 minutes 31 seconds West 240.00 feet,
- 9) South 30 degrees 46 minutes 30 seconds West 92.40 feet,
- 10) North 23 degrees 07 minutes 30 seconds West 125.00 feet,
- 11) South 66 degrees 52 minutes 30 seconds West 200.00 feet,
- 12) North 23 degrees 07 minutes 30 seconds West 471.12 feet and
- 13) South 66 degrees 52 minutes 29 seconds West 35.91 feet to the south side of Perring Parkway, thence binding on the south side of Perring Parkway and continuing to run and bind on the outlines of the subject property, the ten following courses and distances, viz.
- 14) North 30 degrees 33 minutes 22 seconds East 3.03 feet,
- 15) North 45 degrees 37 minutes 44 seconds East 85.56 feet,
- 16) North 27 degrees 25 minutes 51 seconds East 241.84 feet,

- 17)Northeasterly by a line curving to the right with a radius of 2,764.79 feet for a distance of 379.79 feet and a chord of North 41 degrees 13 minutes 26 seconds East 379.49 feet,
- 18)North 60 degrees 05 minutes 01 second East 60.60 feet,
- 19)North 42 degrees 05 minutes 39 seconds East 148.00 feet,
- 20)Northeasterly by a line curving to the right with a radius 2,764.79 feet for a distance of 613.34 feet and a chord of North 55 degrees 47 minutes 39 seconds East 612.08 feet,
- 21)North 62 degrees 08 minutes 58 seconds East 155.48 feet,
- 22)North 84 degrees 06 minutes 36 seconds East 66.85 feet and
- 23)South 75 degrees 17 minutes 27 seconds East 34.01 feet to the point of beginning

Containing 31.5671 acres of land, more or less.

This description is part of a zoning petition and is not intended for any conveyance purposes.



Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

TO: THE DAILY RECORD
Friday, June 21, 2019 - Issue

Please forward billing to:

Barry Silber
Atessa, LLC
6510 Clarington Road
Baltimore, MD 21209

410-802-1264

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: 2019-0306-A

8836 Waltham Woods Road

Southeast corner of Perry Parkway and Waltham Woods Road

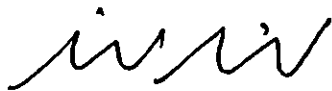
9th Election District – 5th Councilmanic District

Legal Owners: North Plaza, I, LLC, North Plaza II, LLC, North Plaza III, LLC

Contract Purchaser/Lessee: Atessa, LLC

Variance to allow an illuminated wall-mounted enterprise sign of 43.15 square feet without a separate customer entrance in addition to the one wall-mounted enterprise sign permitted per section 450.4 attachment 1, section 5(d) BCZR. To allow an illuminated wall-mounted enterprise sign of 43.15 square feet in lieu of the required 40 square feet per section 450.4 attached 1 section 5(d) BCZR.

Hearing: Thursday, July 11, 2019 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Michael Mallinoff

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 D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

June 3, 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:

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8836 Waltham Woods Road

Southeast corner of Perry Parkway and Waltham Woods Road

9th Election District – 5th Councilmanic District

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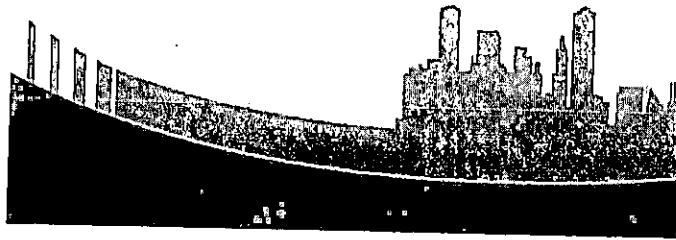
A handwritten signature in black ink, appearing to read "M. Mallinoff", is written over a horizontal line.

Michael Mallinoff
Director

MM:kl

C: Herbert Burgunder, 901 Dulaney Valley Road, Ste. 500, Towson MD 21204
Barry Silber, Atessa, LLC, 6510 Clarington Road, Baltimore 21209
J.D. Brakefield, 1427 Clarkview Road, Baltimore 21209
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JUNE 21, 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.



CERTIFICATE OF POSTING

June 13, 2019 (amended _____)

Re:

Zoning Case No. 2019-0306-A

Legal Owner: North Plaza I, LLC, North Plaza II, LLC & North Plaza III, LLC

Lessee: Atessa, LLC

Hearing date: July 11, 2019

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

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **8836 Waltham Woods Road**.

The signs were posted on **June 13, 2019**.

The signs were inspected again on _____.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

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

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100
<http://www.thedailyrecord.com>

Order #: 11753949
Case #: 2019-0306-A
Description:

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:

6/21/2019

NOTICE OF ZONING HEARING CASE NUMBER: 2019-0306-A



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

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8836 Waltham Woods Road

Southeast corner of Perry Parkway and Waltham Woods Road

9th Election District - 5th Councilmanic District

Legal Owners: North Plaza I, LLC, North Plaza II, LLC, North Plaza III, LLC

Contract Purchaser/Lessee: Atesa, LLC

Variance to allow an illuminated wall-mounted enterprise sign of 43.15 square feet without a separate customer entrance in addition to the one wall-mounted enterprise sign permitted per section 450.4 attachment 1, section 5(d) BCZR. To allow an illuminated wall-mounted enterprise sign of 43.15 square feet in lieu of the required 40 square feet per section 450.4 attached 1 section 5(d) BCZR.

Hearing: Thursday, July 11, 2019 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff

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.

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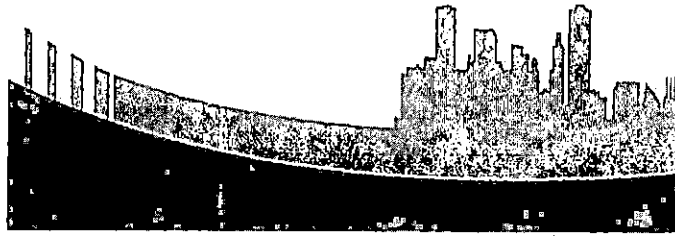
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JB 7-11
10 AM

CERTIFICATE OF POSTING

June 13, 2019 (amended July 8, 2019)

Re:

Zoning Case No. 2019-0306-A

Legal Owner: North Plaza I, LLC, North Plaza II, LLC & North Plaza III, LLC

Lessee: Atessa, LLC

Hearing date: July 11, 2019

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

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **8836 Waltham Woods Road**.

The signs were posted on **June 13, 2019**.

The signs were inspected again on July 08, 2019.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

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

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

ZONING NOTICE

CASE NO. 2019-0306-A

8836 Waltham Woods Road

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

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

DATE & TIME: Thursday July 11, 2019 10:00 PM

REQUEST:

**VARIANCE 1) TO ALLOW AN ILLUMINATED WALL-MOUNTED
ENTERPRISE SIGN OF 43.15 SQUARE FEET WITHOUT A
SEPARATE CUSTOMER ENTRANCE IN ADDITION TO THE
ONE WALL MOUNTED ENTERPRISE SIGN PERMITTED PER
SECTION 450.4 ATTACHMENT 1, SECTION 5(d) BCZR 2) TO
ALLOW AN ILLUMINATED WALL-MOUNTED ENTERPRISE
SIGN OF 43.15 SQUARE FEET IN LIEU OF THE REQUIRED 40
SQUARE FEET PER SECTION 450.4 ATTACHED 1 SECTION 5
(d) BCZR**

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

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

THE HEARING IS HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE NO. 2019-0306-A

8836 Waltham Woods Road

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8836 Waltham Woods Road

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CASE NO. 2019-0306-A

8836 Waltham Woods Road

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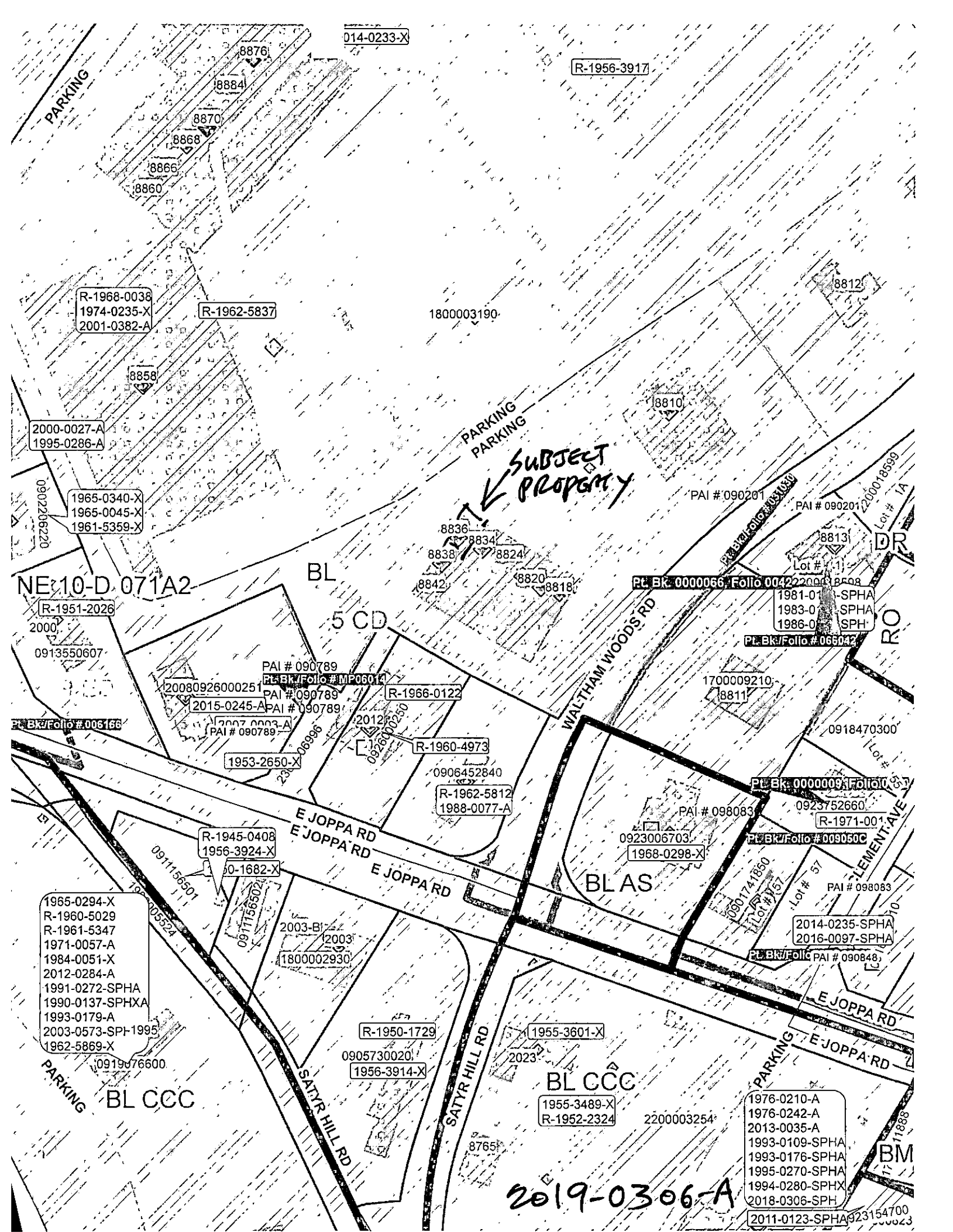
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THE HEARING IS HANDICAPPED ACCESSIBLE



DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least 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: 2019-0306-A

Property Address: 8836 WALTHAM WOODS ROAD

Property Description: _____

Legal Owners (Petitioners): NORTH PLAZA I LLC, NORTH PLAZA II, LLC & NORTH PLAZA III LLC

Contract Purchaser/Lessee: ATESSA LLC

PLEASE FORWARD ADVERTISING BILL TO:

Name: BARRY SILBER

Company/Firm (if applicable): ATESSA LLC

Address: 6510 CLARINGTON ROAD

BALTIMORE MD 21209

Telephone Number: 410-802-1269

Revised 7/9/2015

2019-2020
State Department of Labor

When you are ready to pay for your services, please contact us at 1-800-455-4673

State Department of Labor
2019-2020
State Department of Labor

1-800-455-4673



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

July 3, 2019

Herbert Burgvmder III
901 Dulaney Valley Road Suite 500
Towson MD 21204

RE: Case Number: 2019-0306-A, 8836 Waltham Woods 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 April 22, 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.", with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

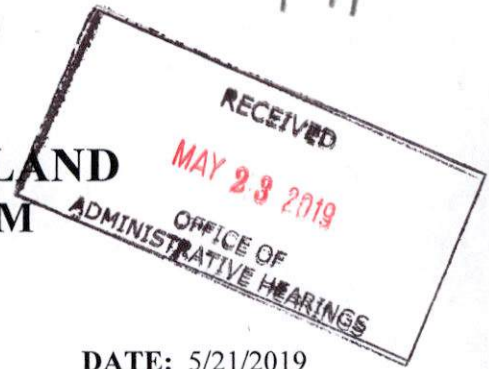
WCR/kl

Enclosures

c: People's Counsel
ATESSA LLC Barry Silber 6510 Clarington Road Baltimore MD 21209
JD Brakefield Director of Property 427 Clarkview Road Baltimore MD 21209
Bruce E. Doak Consulting 3801 Baler Schoolhouse Road Freeland MD 21053

7-11

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM



TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 5/21/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-306

INFORMATION:

Property Address: 8836 Waltham Woods Road
Petitioner: J.D. Brakefield, Dir. Of Property Management
Zoning: BL
Requested Action: Variance

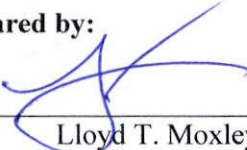
The Department of Planning has reviewed the petition for variance to permit an illuminated wall-mounted enterprise sign of 43.15 square feet without a separate customer entrance (west façade) and a second illuminated wall-mounted enterprise sign of 43.15 square feet in lieu of the required 40 square feet (north façade).

A site visit was conducted on May 7, 2019. The subject site is located within the boundaries of the Loch Raven Commercial Revitalization District. There is existing signage currently on the subject building.

The Department of Planning has no objection to granting the petitioned zoning relief.

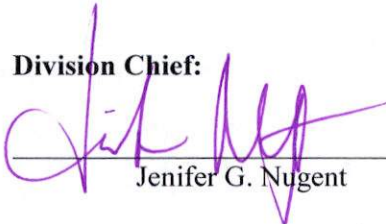
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

CPG/JGN/LTM/

c: Taylor Bensley
Bruce E. Doak, Bruce E. Doak Consulting
Office of the Administrative Hearings
People's Counsel for Baltimore County

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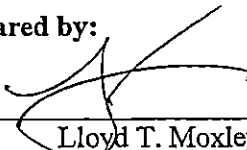
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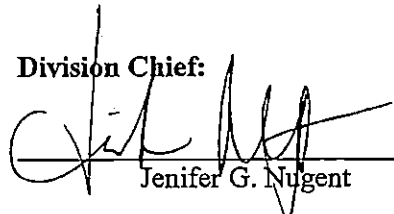
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c: Taylor Bensley
Bruce E. Doak, Bruce E. Doak Consulting
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Millanoff, Director
Department of Permits, Approvals

FROM: *MS*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 6, 2019
Item No. 2019-0304-A, 0305 & 0306-A

DATE: May 14, 2019

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

* * * * *

VKD: cen
cc: file

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: 5/1/19

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. 2019-0306-A

*Variance
North Plaza, LLC
8836 Waltham Woods Road.*

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 Correspondence



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

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

DATE: April 26, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0306-A
Address 8836 Waltham Woods Road
(North Plaza, LLC Property)

Zoning Advisory Committee Meeting of **May 6, 2019**.

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

Reviewer: Steve Ford

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
8836 Waltham Woods Rd; SE corner of intersection		
Perring Parkway & Waltham Wood Road	*	OF ADMINISTRATIVE
9 th Election & 5 th Councilmanic Districts		
Legal Owner(s): North Plaza I, LLC, North	*	HEARINGS FOR
Plaza II, LLC & North Plaza III, LLC		
Contract Purchaser(s): Atessa LLC	*	BALTIMORE COUNTY
Petitioner(s)	*	2019-306-A

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

MAY 01 2019

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of May, 2019, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053 & Herbert Burgunder, III, Esquire, 901 Dulaney Valley Road, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME _____
CASE NUMBER 2019-0306-A
DATE 7/11/19

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
------	---------	------------------	----------

[illegible]

C H E C K L I S TSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment

5/14

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)No Comment

4/26

DEPS
(if not received, date e-mail sent _____)No Comment

5/21

FIRE DEPARTMENT

No Obj.PLANNING
(if not received, date e-mail sent _____)No Objection

5/1

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

6/21/19

SIGN POSTING (1st)

Date:

6/13/19

by

Doak

SIGN POSTING (2nd)

Date:

7/8/19

by

Doak

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

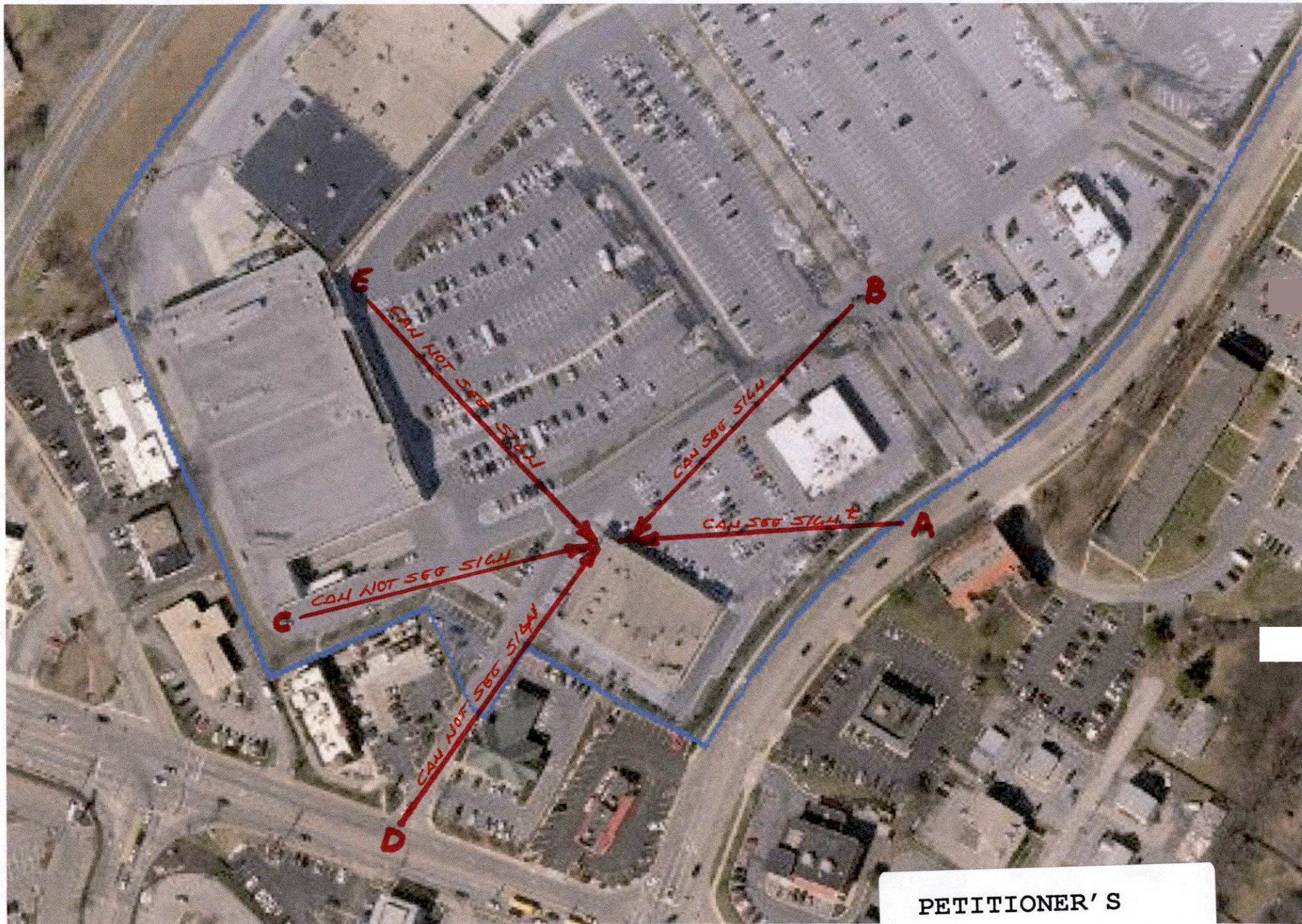
View Map		View GroundRent Redemption				View GroundRent Registration			
Tax Exempt:		Special Tax Recapture:							
Exempt Class:		NONE							
Account Identifier:		District - 09 Account Number - 1800003190							
Owner Information									
Owner Name:		NORTH PLAZA I LLC NORTH PLAZA II LLC ET AL				Use:		COMMERCIAL	
						Principal Residence:		NO	
Mailing Address:		1427 CLARKVIEW RD BALTIMORE MD 21209				Deed Reference:		/21157/ 00369	
Location & Structure Information									
Premises Address:		8858 WALTHAM WOODS RD BALTIMORE MD 21234-2402				Legal Description:		31.7213 AC NWS WALTHAM WOODS RD 600 N JOPPA RD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0071	0008	0620		0000				2017	Plat Ref:
Special Tax Areas:				Town:		NONE			
				Ad Valorem:					
				Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
2001		67938				31.7200 AC		14	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation			
		MARKET				2001			
Value Information									
			Base Value	Value	Phase-in Assessments				
				As of	As of		As of		
				01/01/2017	07/01/2018		07/01/2019		
Land:			13,180,000	13,180,000					
Improvements			19,894,800	24,273,100					
Total:			33,074,800	37,453,100	35,993,667		37,453,100		
Preferential Land:			0				0		
Transfer Information									
Seller: STULMAN LEONARD				Date: 12/21/2004			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /21157/ 00369			Deed2:		
Seller: STULMAN LEONARD				Date: 09/04/1992			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /09350/ 00201			Deed2:		
Seller:				Date:			Price:		
Type:				Deed1:			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:



SKETCH SHOWING EXISTING VISION OF SIGN

PETITIONER'S

EXHIBIT NO. 5



PETITIONER' S

EXHIBIT NO. 6 A A : B



6A4B



9



9





④



GENERAL SITE INFORMATION

- Property Ownership: North Plaza I LLC, North Plaza II LLC and North Plaza III, LLC
1427 Clarkview Road Baltimore, MD 21209
- Suite Address: 8836 Waltham Woods Road Parkville, MD 21234
- Suite Lessee: Atesa LLC 6510 Clarington Road Baltimore MD 21209 410-802-1264
- Deed references: SM 21157/369
- Area: 31.5716 acres (per survey)
- Tax Map / Parcel / Tax account #: 71 / 620 / 18-00-003190
- Election District: 9 Councilmanic District: 5
ADC Map: 468007 GIS title: 071A2 Position sheet: 38NE14
Census tract: 491701 Census block: 2400540917011008
Schools: Harford Hills ES Pine Grove MS Loch Raven HS
- The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County and the information provided by Baltimore County on the internet. All other information shown hereon was taken from an ALTA performed by MAI in 2013.

OFFICE OF ZONING

Zoning: BL

Previous zoning cases on the subject property:

R-1951-2026
R-1956-3917
R-1960-4973
R-1962-5837
R-1966-0122
R-1968-0038
1974-0235-X
1995-0286-A
2000-0027-A
2001-0382-A
2002-0064-X
2007-0003-A
2014-0233-X
2015-0245-A

Sign Calculations (size)

Per Section 450.5.B.1, Section 5(d) BCZR
Twice the length of the (single) wall to which the sign is affixed
2 x 50 ft. = 100 sq. ft. (west side of building) & 2 x 20 ft. = 40 sq. ft. (north side of building)
43.15 sq. ft. per side (proposed) = 2.95' high x 14.63' wide

ENVIRONMENTAL IMPACT

Watershed: Lower Gunpowder Falls URDL land type: 1

- The subject property is served by public water and sewer.
- There are no underground storage tanks on the subject property.
- The subject property is not in the Chesapeake Bay Critical Area.
- The subject property is not located within a 100 year flood plain.

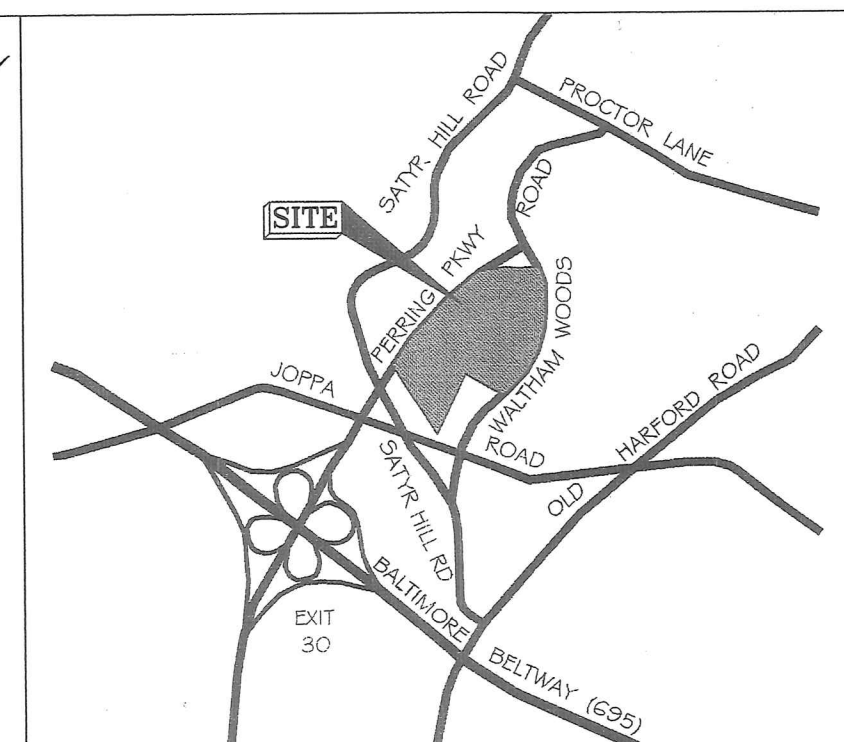
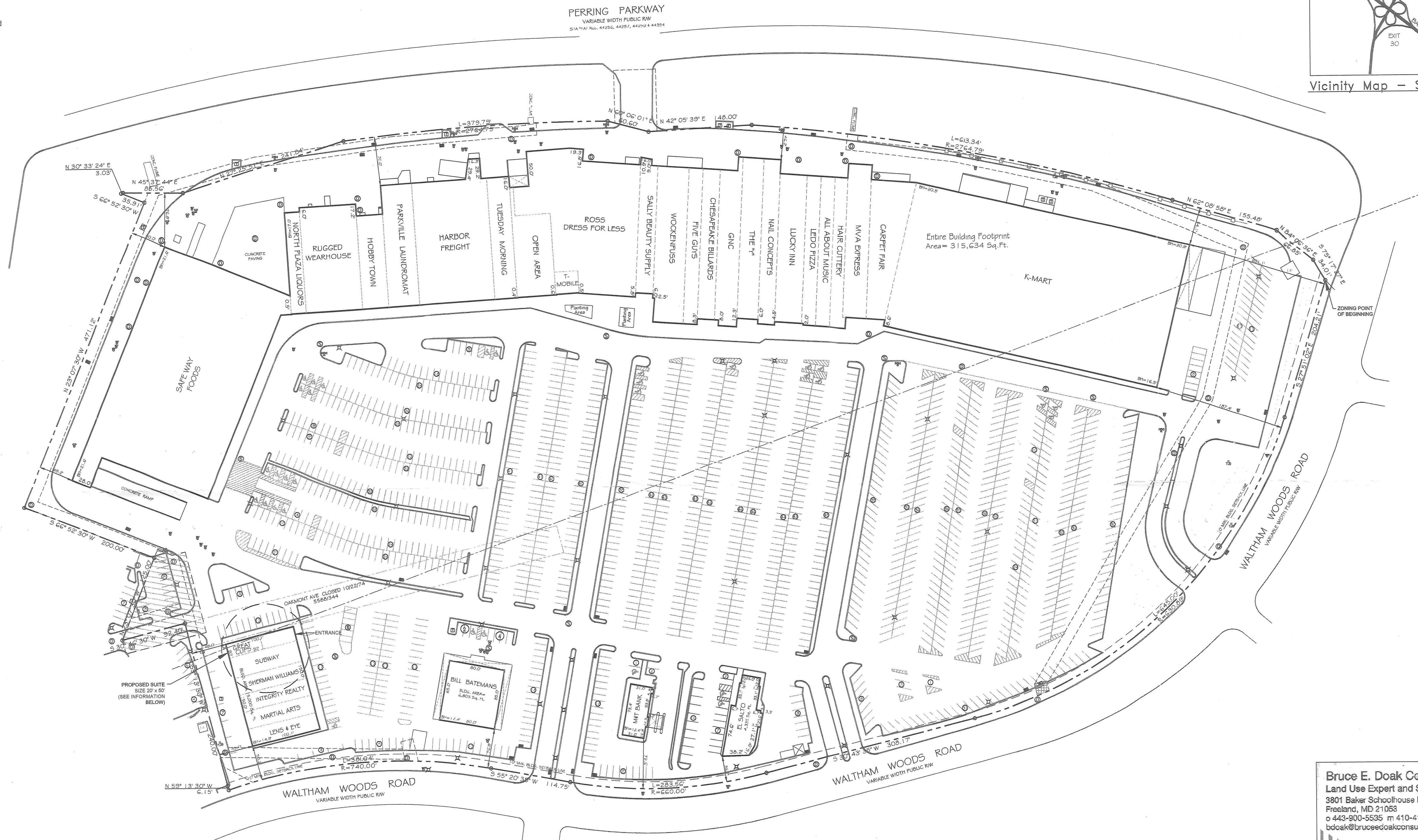
OFFICE OF PLANNING

Regional Planning District: Parkville District Code: 316

- The subject dwelling is not historic. The subject property is not in a historic district.

PROPOSED DEVELOPMENT

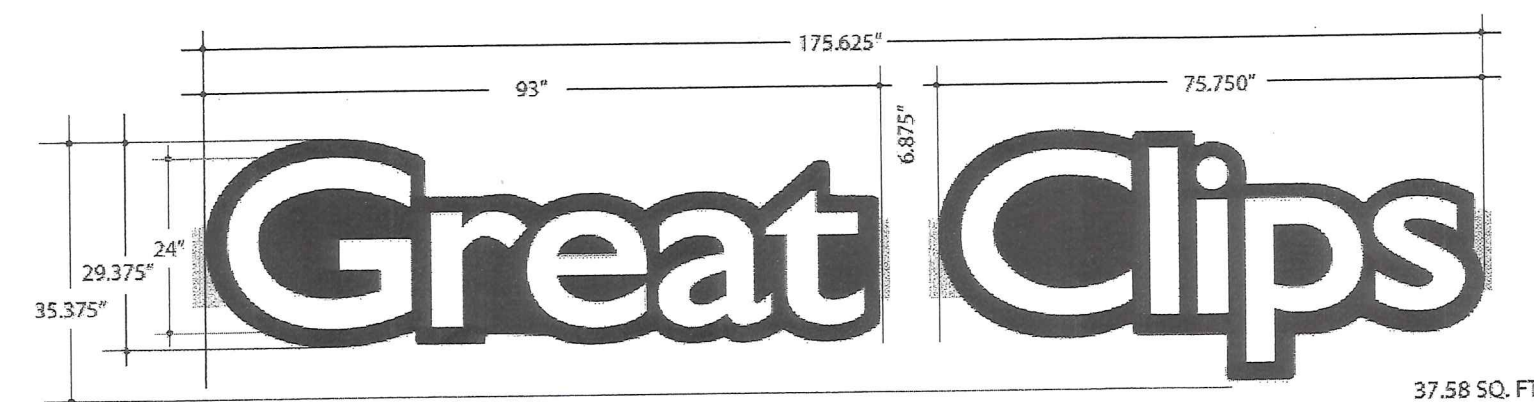
Exchange two outside wall mounted enterprise signs on the sides of a corner suite



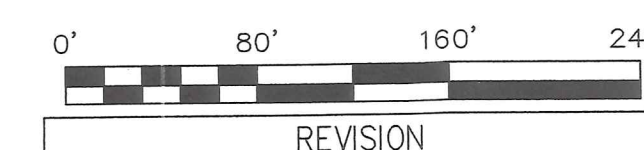
Vicinity Map - Scale: 1" = 2000'



PHOTO SHOWING PROPOSED LOCATION OF SIGNS



PROPOSED WALL MOUNTED ENTERPRISE SIGNS



REVISION

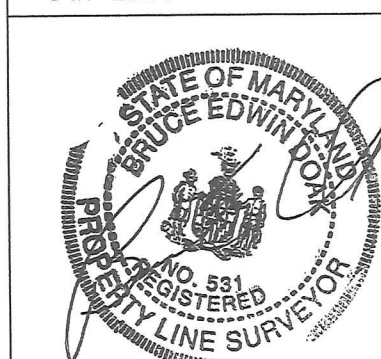
Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY
A ZONING PETITION

FOR

#8836 WALTHAM WOODS ROAD

BALTIMORE COUNTY, MARYLAND
9th ELECTION DISTRICT 5th COUNCILMANIC DISTRICT



Date: 4/19/19

Scale: 1" = 80'

PET. 1

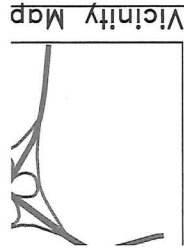
CASE #2019-0306-A

Baltimore County - My Neighborhood



PETITIONER'S

EXHIBIT NO. 2



Vicinity Map



Bruce E. Doe
Land Use Expert
3801 Baker School
Freeland, MD 2105
o 443-900-5535 m
bdock@bruceedocai

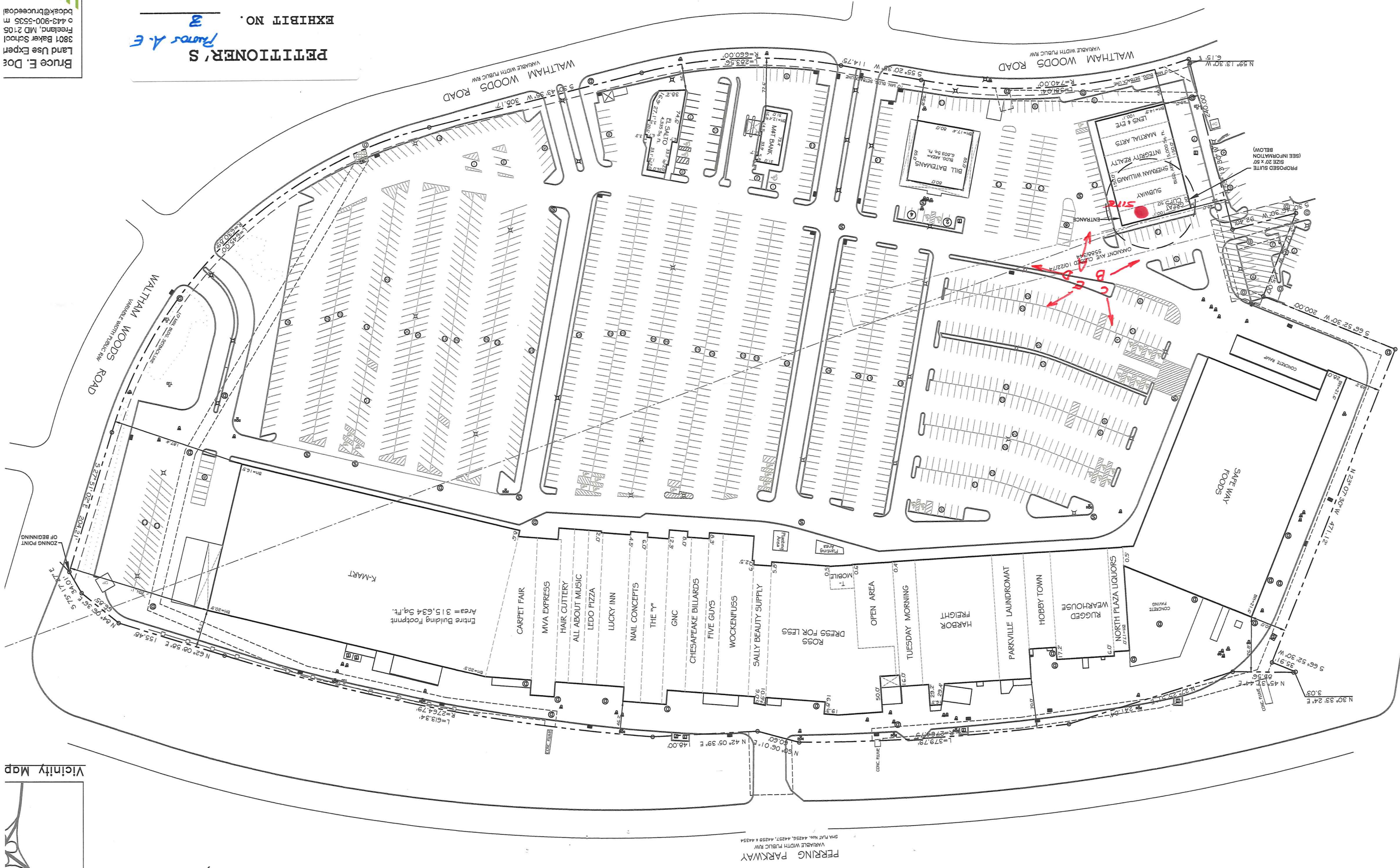
3

Peterson A.E.

EXHIBIT NO.

PETITIONER'S

Plan to Accompany Photographs





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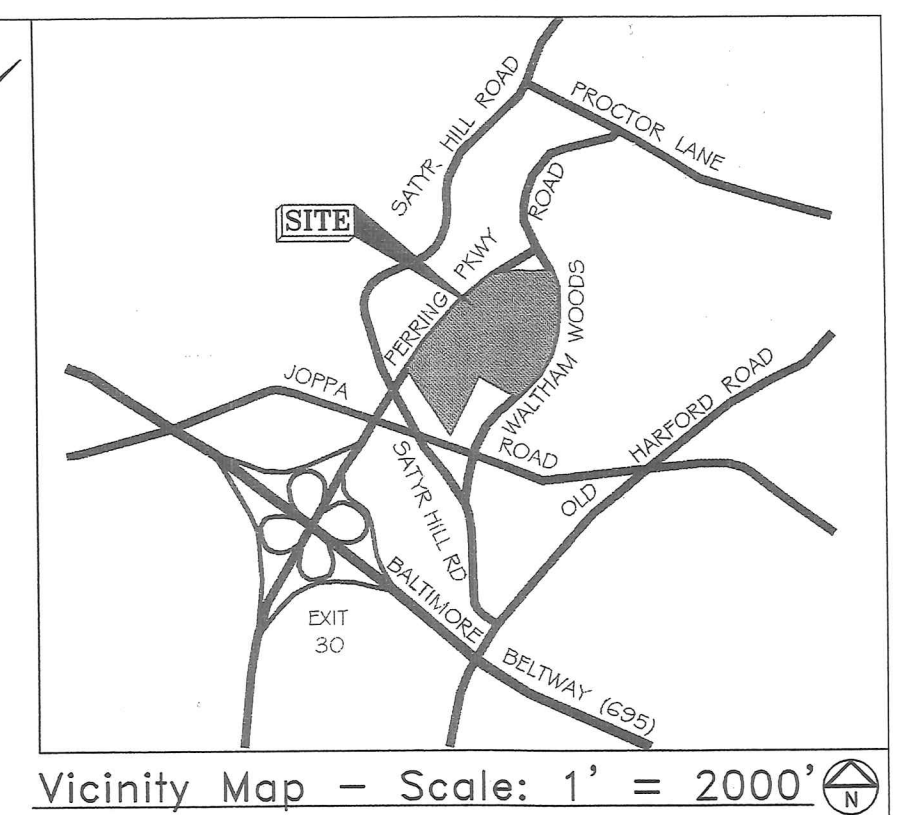
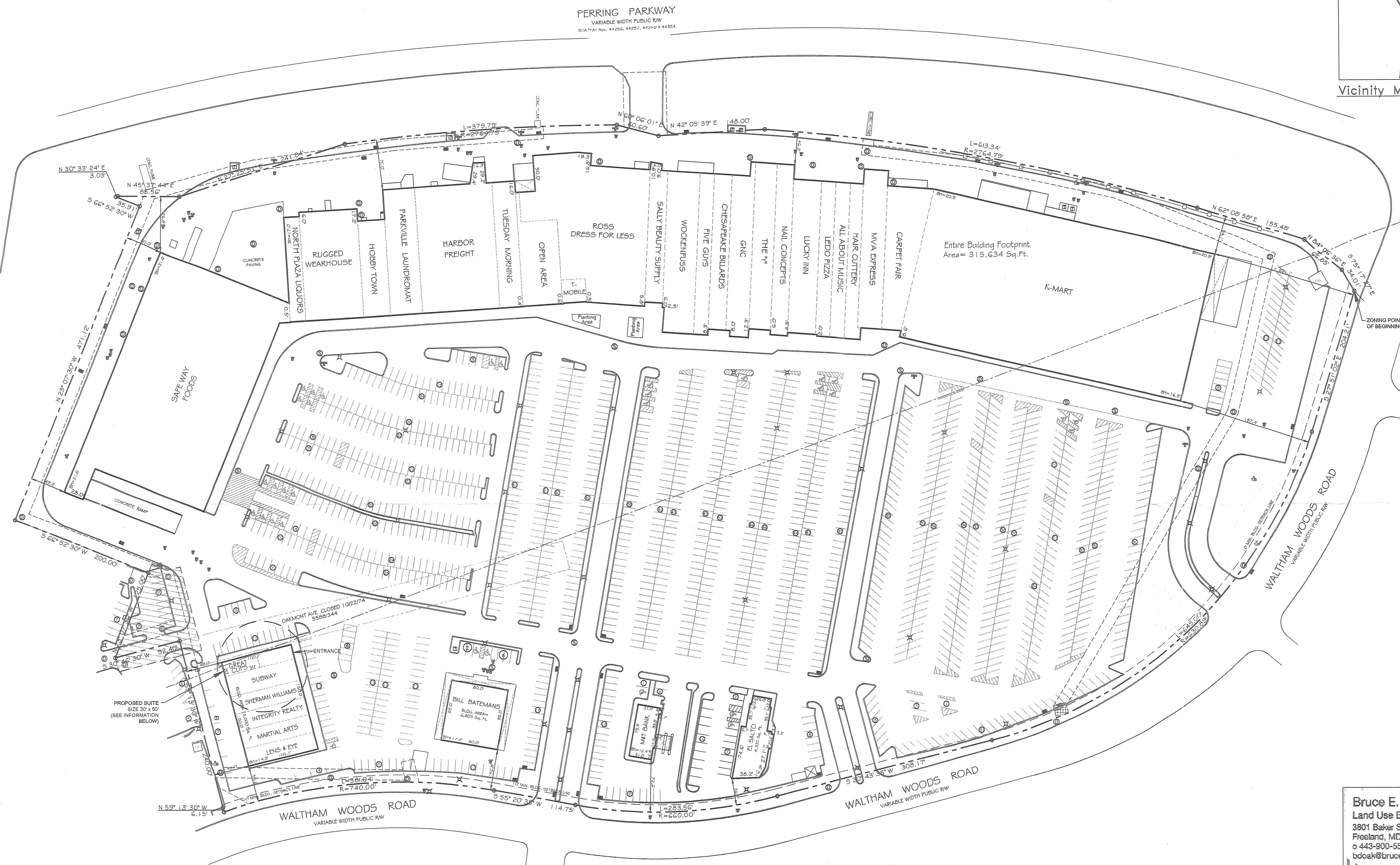
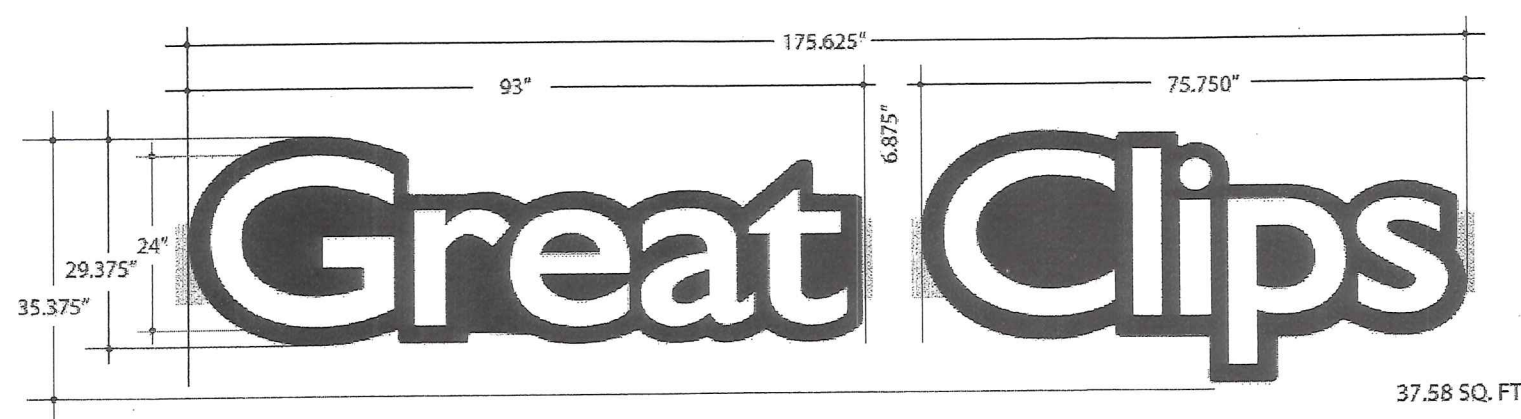
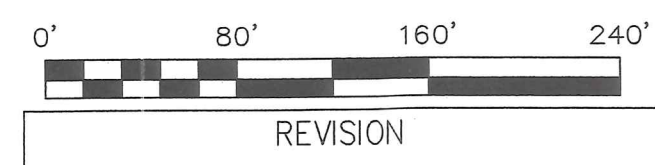


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PROPOSED WALL MOUNTED ENTERPRISE SIGNS



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A ZONING PETITION
FOR
#8836 WALTHAM WOODS ROAD
BALTIMORE COUNTY, MARYLAND
9th ELECTION DISTRICT 5th COUNCILMANIC DISTRICT

Date: 4/19/19
Scale: 1" = 80'

STATE OF MARYLAND
BRUCE E. DOAK
REGISTERED
SURVEYOR
No. 11111