MEMORANDUM

DATE: November 15, 2019

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2019-0391-A - Appeal Period Expired

The appeal period for the above-referenced case expired on November 14, 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 (800 Kenilworth Dr.) 9th Election District 5th Council District Kenilworth Limited Partnership *Legal Owner* About Faces Day Spa *Lessee/Contract Purchaser* **Petitioners**	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **CASE NO. 2019-0391-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 About Faces Day Spa, lessee/contract purchaser ("Petitioners"). Petitioners are requesting variance relief from Section 450.4 of the Baltimore County Zoning Regulations ("BCZR") to permit a wall-mounted enterprise sign for a tenant in a multi-tenant building to be located on a façade without a separate exterior entrance. A plan was marked as Petitioners' Exhibit 1. An overhead site plan of the entire Shops at Kenilworth complex was marked as Exhibit 2.

Helga Surratt, the owner of About Faces Day Spa, and Michael Pieranunzi from Century Engineering appeared in support of the petition. Jason T. Vettori, 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 zoned BM. The Shops at Kenilworth shopping center is located at the site. The Petitioner wishes to install a wall mounted enterprise sign but needs the variance relief requested because there is no customer

entrance for their store on the façade where the sign would be installed.

Mr. Vettori proffered the following facts in support of the requested relief: First, he explained that About Faces leases approximately 14,000 square feet of space on the second level of the mall, directly above the Jos. A Bank store. About Faces has several locations in Baltimore County and the Kenilworth location has 120 employees. It is therefore a significant employer and economic driver in the County. They wish to install the sign in question in order to assist their clients, and would-be clients, in finding their location, which is most easily accessed by parking outside the Jos. A Bank store and entering the mall through that store's entrance. Mr. Vettori explained that the clients of the Spa have repeatedly voiced confusion to management regarding where to park and where to enter the mall in order to access the Spa. Mr. Vettori noted that a similar variance was recently granted for the J. Jill store in the Kenilworth mall and he proffered that decision (which was already in the case file) (Case No. 2019-0214-A).

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. In addition, this corner of the mall is bordered by 695 on one side and by a playground on the other (the side facing the façade in question). 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 to identify the location of the Spa from the parking lot. Unlike the J. Jill store in Case No. 2019-0214-A, the Petitioner in this case does have a small

sign on the joint identification sign at the corner of the building. However, the unrebutted evidence is that their customers are still having difficulty determining where to park and enter the mall in order to access the Spa. As in the J. Jill case, the proposed sign here will only be visible to persons in that area of the parking lot and would not face any residential properties or front any public street.

The Department of Planning comments that were in the case file at the time of the hearing[1] explain that the property in question is within the Towson Commercial Revitalization Area, and one of the goals of the CRA under the 2020 Master Plan is to improve the physical appearance of businesses within the CRA. In addition, the comments note that there is already "extensive signage" on the property, "including a freestanding joint identification sign with changeable copy, located at the main entrance of the mall [which] is sufficient in its function of identifying the commercial entities located within the mall." DOP is also of the opinion that "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 contrary to the Master Plan 2020 goals for the CRA." While I appreciate DOP's comments I do not believe they justify denying the requested relief in this case. As noted above, although there is changeable copy signage at the front entrance to the mall which identifies all the mall tenants, the evidence in this case is that the Spa's clients are still experiencing some difficulty locating the best parking and ingress. Further, as also explained above, and as in the J. Jill case, the sign in question will be located in the rear of the mall and will

[1] On the day of the hearing, but *after* the hearing was held, the Department of Planning submitted additional and more detailed comments to the Office of Administrative Hearings. Those additional comments will be placed in the file but cannot be considered in deciding the merits of this petition. Under basic principles of Due Process, litigants are afforded the right to "notice and an opportunity to be heard." *Reese v. Dept. of Health and Mental Hygiene,* 934 A.2d 1009 (Md. App. 2007). Because the additional DOP comments were submitted after the hearing the Petitioner did not have notice of them, nor an opportunity to address and possibly rebut them.

not face any public street or residences. The plan submitted shows that the sign has an aesthetically attractive font and scale, and does not, in my view, "upset the overall architectural theme of the building." Further, I do not believe the approval of the requested relief in this case will set a precedent for further signage in the Towson CRA as each case will be judged on its own particular merits.

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 addition to the facts set forth above, this is further demonstrated by the absence of community opposition.

THEREFORE, IT IS ORDERED, this **15th** day of **October, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance to permit a wall-mounted enterprise sign for a tenant in a multi-tenant building to be located on a façade without a separate exterior 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.

PAUL M. MAYHEW
Managing Administrative Law Judge
For Baltimore County

PMM/sln

ORDER RECEIVED FOR FILING
Date 10/15/19
By sln

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 Kenilworth Drive **which is presently zoned** BM

Deed References: 10438/00703 10 Digit Tax Account # 0920451390

Property Owner(s) Printed Name(s) Kenilworth Limited Partnership

(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.✓ **a Variance** from Section(s)

Please see the attached.

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

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.
Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

About Faces Day Spa/Eric Brennan, Authorized Representative
Name- Type or Print

Signature

110 West Road, Suite 222 Towson MD
Mailing Address City State

21204 / 410-296-4099 / Eric@AboutFacesDaySpa.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

H. Kimberly Potember / Authorized Representative of Kenilworth Limited Partnership
Name #1 – Type or Print Name #2 – Type or Print

Signature #1 Signature # 2

10096 Red Run Boulevard, Suite 100 Owings Mills MD
Mailing Address City State

21117 / (410) 559-2528 / KPotember@ggcommercial.com
Zip Code Telephone # Email Address

Attorney for Petitioner:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC
Name- Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD
Mailing Address City State

21204 / (410) 821-0070 / jvettori@sgs-law.com
Zip Code Telephone # Email Address

Representative to be contacted:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC
Name – Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD
Mailing Address City State

21204 / (410) 821-0070 / jvettori@sgs-law.com
Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING
Date 10/15/19
By

CASE NUMBER 2019-0391-A **Filing Date** 7/19/19 **Do Not Schedule Dates:** **Reviewer** GS

REV. 10/4/11

ATTACHMENT TO PETITION FOR ZONING HEARING

800 Kenilworth Drive
9th Election District
5th Councilmanic District
Case No.: 2019- -A

Variance from Section(s):

1. BCZR § 450.4 Attachment 1.5(d) to permit a wall-mounted enterprise sign for a tenant in a multi-tenant building to be located on a façade without a separate exterior entrance; and

2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

CENTURY ENGINEERING

10710 Gilroy Road, Hunt Valley, MD 21031
t 443.589.2400 f 443.589.2401 centuryeng.com

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, 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, 2020.

July 9, 2019

S:\2014\Survey\141258.00_Shops_at_Kenilworth\Kenilworth-Zoning Description_UPDATE.docx

2019-0391-A

TO: THE DAILY RECORD
Friday, September 20, 2019 - Issue

Please forward billing to:
Jason Vettori 410-821-0070
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

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: 2019-0391-A
800 Kenilworth Drive
N/s Kenilworth Drive, 740 ft. to the centerline of West Road
9th Election District – 5th Councilmanic District
Legal Owners: H. Kimberly Potember, Kenilworth Limited Partnership
Contract Purchaser/Lessee: About Faces Day Spa

Variance to permit a wall-mounted enterprise sign for a tenant in a multi-tenant building to be located on a façade without a separate exterior entrance; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Thursday, October 10, 2019 at 1:30 p.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.

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* Contract Purchaser(s): About Faces Day Spa Petitioner(s)	*	BEFORE THE OFFICE OF ADMINSTRATIVE HEARINGS FOR BALTIMORE COUNTY 2019-391-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.

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
JUL 18 2019

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of July, 2019, a copy of the foregoing Entry of Appearance was mailed to Jason Vettori, Esquire, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

JOHN A. OLSZEWSKI, JR.
County Executive

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

September 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:

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800 Kenilworth Drive
N/s Kenilworth Drive, 740 ft. to the centerline of West Road
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Michael Mallinoff
Director

MM:kl

C: Jason Vettori, 600 Washington Avenue, Ste. 200, Towson 21204
Eric Brennan, 110 West Road, Ste. 222, Towson 21204
H. Kimberly Potember, 10096 Red Run Blvd., Ste. 100, Owings Mills 21117

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, SEPTEMBER 20, 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.

PM 10-10-19
1:30 PM

Debra Wiley

From: Linda Okeefe <luckylinda1954@yahoo.com>
Sent: Tuesday, October 8, 2019 12:00 AM
To: Administrative Hearings
Subject: Certifications Case # 2019-0391-A ~ 2019-0366-SPH ~ 2019-0394-SPHA
Attachments: Kenilworth Drive Cert..jpeg; Kenilworth Dr. Photos.docx; Jerusalem Rd. Cert..jpeg; Jerusalem Rd. Photos.docx; Hazelwood Ave. Cert..jpeg; Hazelwood Ave. Photos.docx

Hi Debbie,

I am attaching Certification copies of the 2nd Certifications for your records of Case # 2019-0391-A @ 800 Kenilworth Drive, Case # 2019-0366-SPH @ 12443 Jerusalem Road & Case # 2019-0394-SPHA @ Hazelwood Avenue (On-Site).
Thank you,

Linda

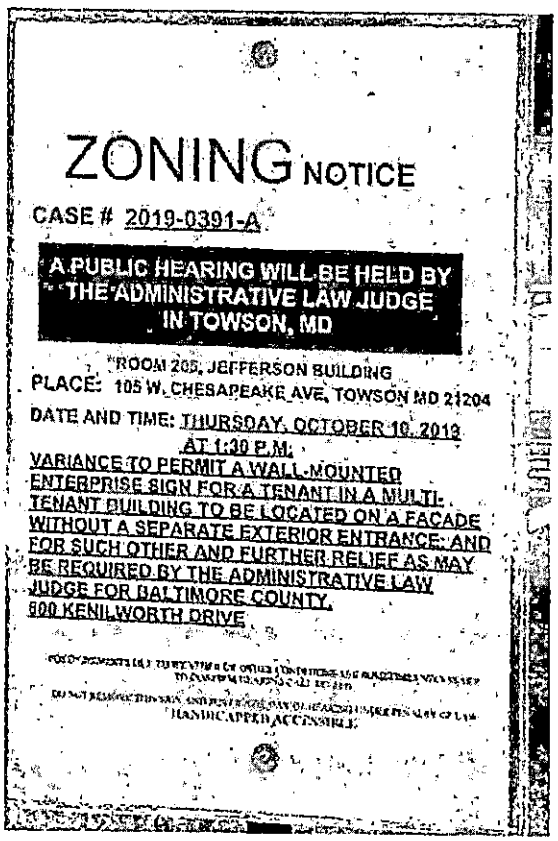
Linda O'Keefe
523 Penny Lane
Hunt Valley MD 21030
Phone # 410-666-5366
Cell# 443-604-6431
Fax# 410-666-0929
luckylinda1954@yahoo.com

SECOND CERTIFICATE OF POSTING

ATTENTION: SHERRY NUFFER
DATE: 10/7/2019
Case Number: 2019-0391-A
Petitioner / Developer: JASON VETTORI, ESQ. ~ ERIC BRENNAN ~ H. KIMBERLY POTEMBER
Date of Hearing: OCTOBER 10, 2019

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
800 KENILWORTH DRIVE

The sign(s) were posted on: SEPTEMBER 20, 2019
The sign(s) were re-photographed on: OCTOBER 7, 2019



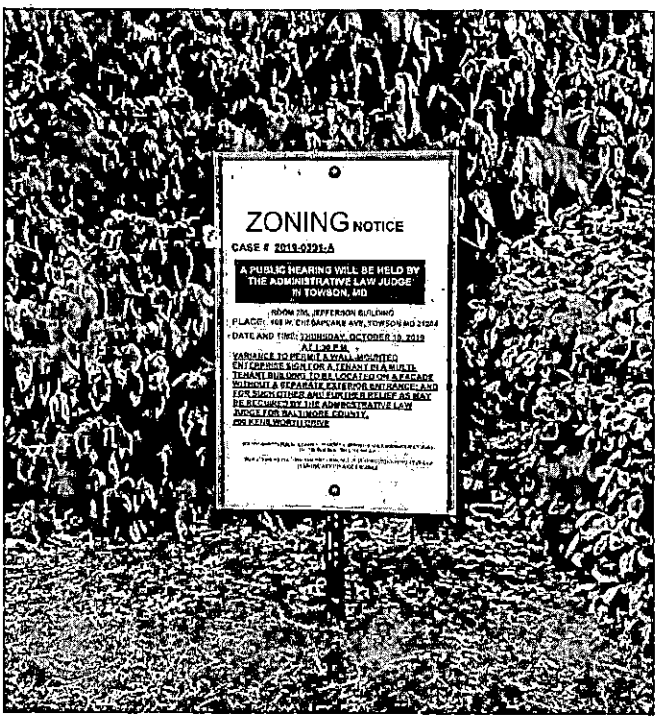
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

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



Re-Photographed 1st Sign @ 800 Kenilworth Drive ~ 10/7/2019

Re-Photographed 2nd Sign @ 800 Kenilworth Drive ~ 10/7/2019

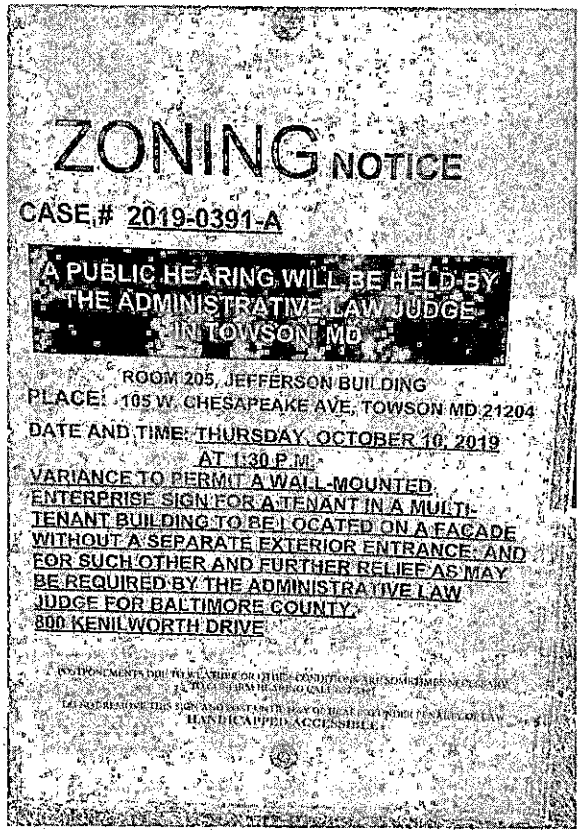
CASE # 2019-0391-A

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS
DATE: 9/20/2019
Case Number: 2019-0391-A
Petitioner / Developer: JASON VETTORI, ESQ. ~ ERIC BRENNAN ~ H. KIMBERLY POTEMBER
Date of Hearing: OCTOBER 10, 2019

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
800 KENILWORTH DRIVE

The sign(s) were posted on: SEPTEMBER 20, 2019



Linda O'Keefe
(Signature of Sign Poster)

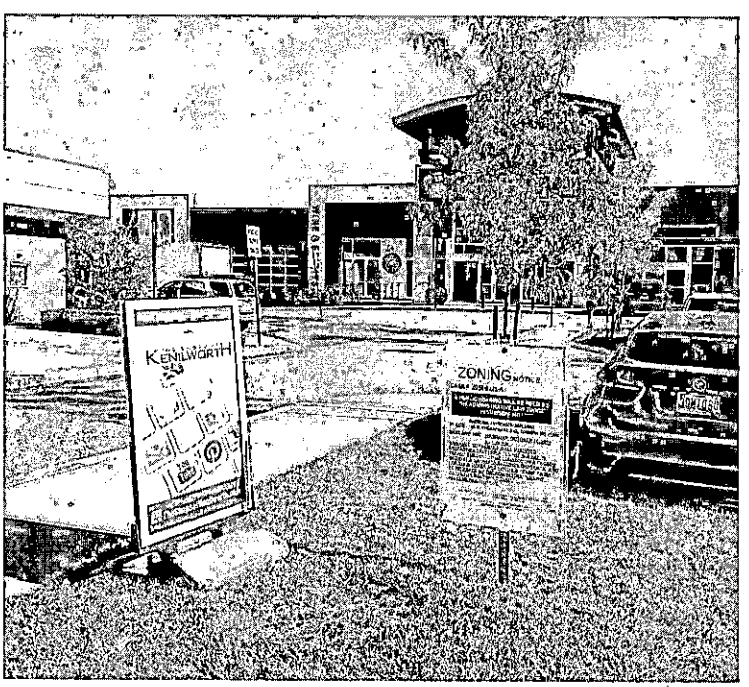
Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

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

Background Photo 1st Sign @ 800 Kenilworth Drive ~ 9/20/2019



Background Photo 2nd Sign @ 800 Kenilworth Drive ~ 9/20/2019

CASE # 2019-0391-A

The Daily Record

200 St. Paul Place Suite 2480
Baltimore, Maryland 21202
1 (443) 524-8100
www.thedailyrecord.com

Order #: 11789765
Case #: 2019-0391-A
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2019-0391-A

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:

9/20/2019

Darlene Miller

Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

NOTICE OF ZONING HEARING

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N/s Kenilworth Drive, 740 ft. to the centerline of West Road
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Variance to permit a wall-mounted enterprise sign for a tenant in a multi-tenant building to be located on a facade without a separate exterior entrance; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Thursday, October 10, 2019 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff
Director of Permits, Approvals and Inspections for Baltimore County

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(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

s20

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

No. 187516

Date: 7/10/19

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				500

Total: 500.00

Rec From: Smith, Gildea & Schmidt, LLC

For: 500 Kenilworth Dr.

2019-0391-A

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

CASHIER'S VALIDATION

PAID RECEIPT
BUSINESS ACTUAL TIME 3PM
7/11/2019 7/10/2019 09:13:13
REG NUM WALKIN CAM
RECEIPT # 015246 7/10/2019 3PM
SOURCE ZONING VERIFICATION
REG # 518
Amount Tot $ 500.00
50 .00 CP .00 CK
Baltimore County, Maryland

JOHN A. OLSZEWSKI, JR.
County Executive

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

October 02, 2019

Jason T. Vettori
600 Washington Ave Suite 200
Towson MD 21204

RE: Case Number: 2019-0391-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 July 10, 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
H. Kimberly Potember 10096 Red Run Blvd Suite 100 Owings Mills MD 21117

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 10/9/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE**
Case Number: 19-391

INFORMATION:
Property Address: 800 Kenilworth Drive
Petitioner: H. Kimberly Potember
Zoning: BM
Requested Action: Variance

As follow-up to the Department's comments dated 8/21/2019 the following information is being presented for further consideration into Planning's opposition of the requested variances:

DRC#042815B
DRC granted a B8 of the JSPC Plan originally approved in 1975.

The proposal was for an expansion of the mall to the western portion for a total of approx. 20,000sf. Due to the extensive nature of the expansions, planning had specifically requested all design details for the request, inclusive of architectural elevations, lighting, landscaping and signage. The B8 limited exemption development plan was approved on 10/13/2015 based on the cooperative understanding by both the applicant and the DOP that no further signage would be supported and the signage would need to adhere to Section 450 of the BCZR

Over the course of several meetings and discussions, a concept design package dated August 24, 2015 was developed for the project which detailed concept elevations showing signage and their locations, as well as perspective sketches showing how the proposed signage would be incorporated into the new renovations of the mall. The sign at the corner of the building facing the beltway proposed increasing the number of lines to accommodate more tenants within the mall complex and Planning was supportive of the request with the emphasized position that individual signage outside of the joint ID signage would not be supported.

ZAC Case 2017-0072
Sign request for Joint ID signs with changeable copy and up to 7 tenants in lieu of the permitted 5 tenants.This request was supported by DOP as it was reflective of the conceptual sign package within the Limited Exemption Development Plan review. The argument for adding the tenant lines due to significant renovations of the site and attracting new tenants was deemed suitable and the requests were granted. No other tenant signage was proposed and shown on the building facades except where a tenant had a direct customer entrance as is allowed in the BCZR.

ZAC Case 2017-259

Sign request for Trader Joes that was already listed on both Joint ID signs and on the front of the store entrance, asking for a sign on façade without a customer entrance, which was denied. Planning had not supported the request.

ZAC Case 2019-214

Sign request for a new tenant, J.Jill, for a wall mounted sign for a tenant in a multi-tenant building without a separate customer entrance. Planning had made substantive comments justifying its position as to why the department was not in support of the sign most importantly being the fact that the mall is within a Commercial Revitalization Area and extensive review and analysis of the site determined that there was sufficient opportunity for the tenants to have signage. This new tenant could have been presented with the opportunity to have a line on the Joint ID sign that was granted in ZAC Case 2017-0072, but that fact is unknown to DOP and was not mentioned in the ALJ's order, which granted the request citing the property was unique. The DOP disagrees with this justification since the mall has been in existence since 1978 and at no time up to the granting of this sign had any other signage been added to the facades of the building for a tenant that did not already have its own customer entrance.

ZAC Case 2019-391

Now being presented, as a result of granting signage outside of the originally approved ZAC case 2017-0072 through case 2019-214, is a new request for 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. The tenant for the request is About Faces spa and salon who has long been a tenant of the property. When the original Joint ID AND wall mounted joint ID signs were granted in 2017, the About Faces tenant had a line on both signs. Currently, About Faces tenant sign remains on the west side of the wall mounted Joint ID sign at the beltway but not on the joint ID sign along Kenilworth Drive. The Department of Planning position on the requested variances for signage that continue to add wall mounted enterprise signs outside of the originally granted sign request negates the original design concept, which the overall sign package was a major component of review and approval by this department. We strongly oppose the request as it will continue to set precedent of allowing signage outside the spirit and intent of the approved development plan and original sign variance case of 2017.

In total, there are 25 possible tenants within the mall proper with additional tenants being added once the current mall expansion is complete. The Department of Planning will continue to oppose the additional wall mounted enterprise signage beyond what was originally approved in ZAC Case 2017-0072A.

Division Chief:

Jenifer G. Nugent

CPG/JGN/JAB/

c: Laurie Hay
Jason T. Vettori, Smith, Gildea & Schmidt, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

Pm 10-10-19
1:30 PM

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 10/9/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE**
Case Number: 19-391

RECEIVED
OCT 10 2019
OFFICE OF
ADMINISTRATIVE HEARINGS

Recd after hearing
D.W.

INFORMATION:

Property Address:	800 Kenilworth Drive
Petitioner:	H. Kimberly Potember
Zoning:	BM
Requested Action:	Variance

As follow-up to the Department's comments dated 8/21/2019 the following information is being presented for further consideration into Planning's opposition of the requested variances:

DRC#042815B
DRC granted a B8 of the JSPC Plan originally approved in 1975.

The proposal was for an expansion of the mall to the western portion for a total of approx. 20,000sf. Due to the extensive nature of the expansions, planning had specifically requested all design details for the request, inclusive of architectural elevations, lighting, landscaping and signage. The B8 limited exemption development plan was approved on 10/13/2015 based on the cooperative understanding by both the applicant and the DOP that no further signage would be supported and the signage would need to adhere to Section 450 of the BCZR

Over the course of several meetings and discussions, a concept design package dated August 24, 2015 was developed for the project which detailed concept elevations showing signage and their locations, as well as perspective sketches showing how the proposed signage would be incorporated into the new renovations of the mall. The sign at the corner of the building facing the beltway proposed increasing the number of lines to accommodate more tenants within the mall complex and Planning was supportive of the request with the emphasized position that individual signage outside of the joint ID signage would not be supported.

ZAC Case 2017-0072
Sign request for Joint ID signs with changeable copy and up to 7 tenants in lieu of the permitted 5 tenants.This request was supported by DOP as it was reflective of the conceptual sign package within the Limited Exemption Development Plan review. The argument for adding the tenant lines due to significant renovations of the site and attracting new tenants was deemed suitable and the requests were granted. No other tenant signage was proposed and shown on the building facades except where a tenant had a direct customer entrance as is allowed in the BCZR.

ZAC Case 2017-259

Sign request for Trader Joes that was already listed on both Joint ID signs and on the front of the store entrance, asking for a sign on façade without a customer entrance, which was denied. Planning had not supported the request.

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Division Chief:

Jenifer G. Nugent

CPG/JGN/JAB/

c: Laurie Hay
Jason T. Vettori, Smith, Gildea & Schmidt, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

PM
10-10-19

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 10/9/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE**
Case Number: 19-391

RECEIVED
NOV 06 2019
OFFICE OF
ADMINISTRATIVE HEARINGS
Rec'd after hearing DLW

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Petitioner:	H. Kimberly Potember
Zoning:	BM
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Division Chief:

Jenifer G. Nugent

CPG/JGN/JAB/

c: Laurie Hay
Jason T. Vettori, Smith, Gildea & Schmidt, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

10-10-19

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 8/21/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 19-391

INFORMATION:
Property Address: 800 Kenilworth Drive
Petitioner: H. Kimberly Potember
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 7/25/19. 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:
Jessie Bialek

Division Chief:
Jenifer G. Nugent

CPG/JGN/JAB/

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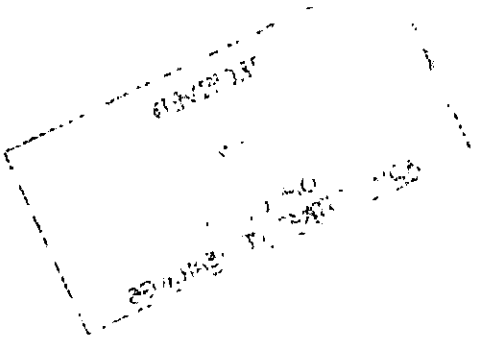

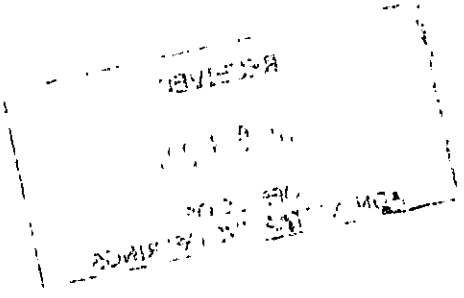

c: Laurie Hay
Jason T. Vettori, Smith, Gildea & Schmidt, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

MARYLAND DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION

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

Date: 7/17/19

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. 2019-0391-A

Variance
Kenilworth Limited Partnership
80 - Kenilworth Drive

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,

Richard A. Zeller

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

DATE: 8/21/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 19-391

INFORMATION:
Property Address: 800 Kenilworth Drive
Petitioner: H. Kimberly Potember
Zoning: BM
Requested Action: Variance

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Prepared by:
Jessie Bialek

Division Chief:
Jenifer G. Nugent

CPG/JGN/JAB/

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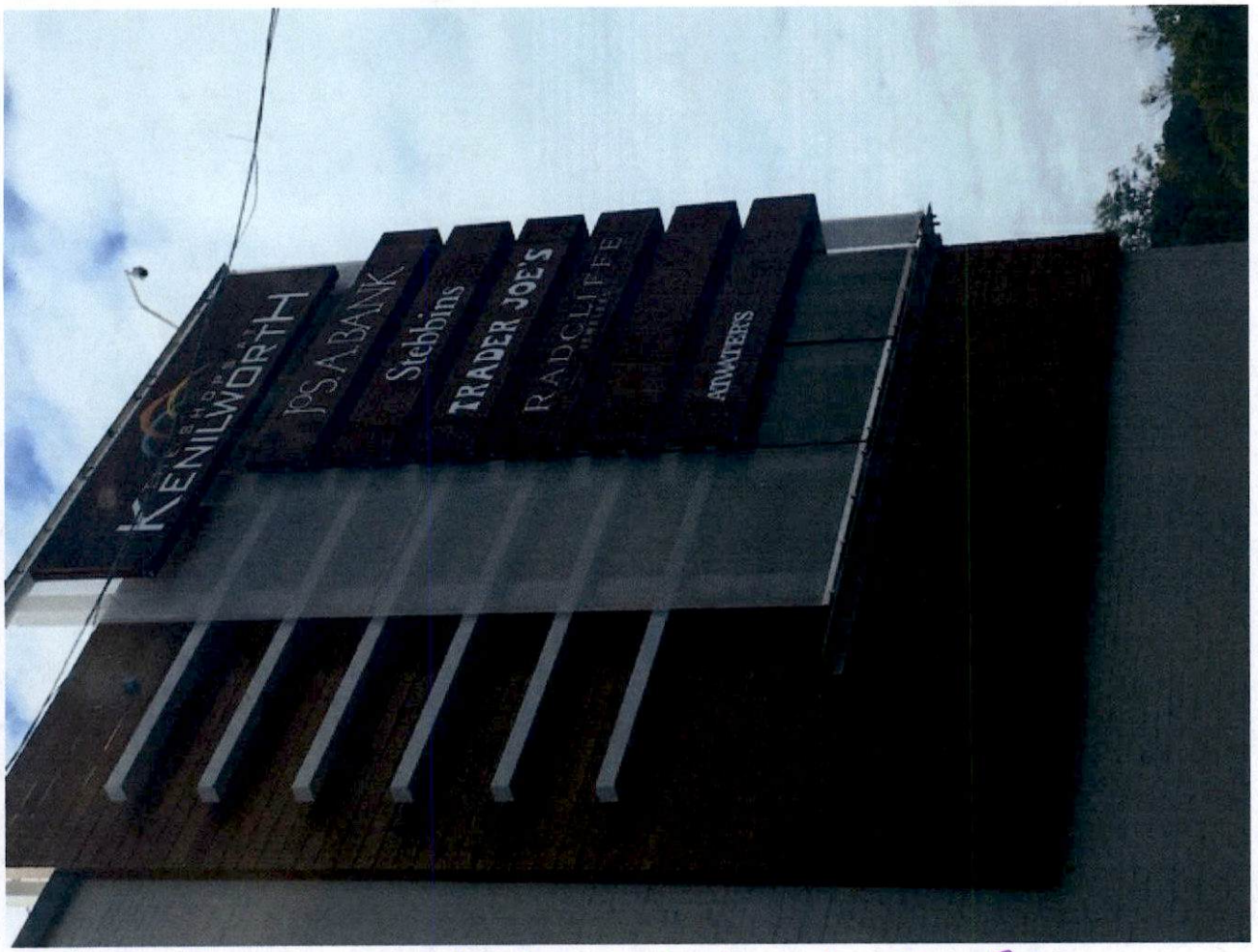
Jenifer G. Nugent

From: Jenifer Nugent <jennynuge@yahoo.com>
Sent: Wednesday, October 9, 2019 1:53 PM
To: Jenifer G. Nugent
Subject: Kenilworth



North Facing Wall Mounted Joint ID Sign


OPEN
ONE WAY
33

About Faces already on Wall Mounted Joint ID Sign


KENILWORTH
TRADER JOE'S
Stubhub Anderson
JPS A BANK
RADCLIFFE
TRADER JOE'S

PLEASE PRINT CLEARLY

CASE NAME 800 Kenilworth Dr.
CASE NUMBER 2019-0391-A
DATE 10/10/19

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
Michael Pieranunzi	10710 Gailroy Rd	Hunt Valley	mpieranunzi@centuryewg.com
Helga Surratt	110 West Rd. Suite 222	Towson, Md. 21204	helga@aboutfaceidayspa.com
JASON VETTORI	600 Washington Ave., Ste. 200	Towson, MD 21204	jvettori@sgs-law.com

PM

CASE NO. 2019-0391-A

CHECKLIST

Attorney: Jason T Vettori

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
8/21	PLANNING (if not received, date e-mail sent _____)	OPPOSED
7/17	STATE HIGHWAY ADMINISTRATION	NO Objection
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 19-214-A; 17-0259-A; 17-0072-A; 16-0325-SPH) Related cases:

NEWSPAPER ADVERTISEMENT Date: 9/20/19 THE Daily Record

SIGN POSTING (1st) Date: 9/20/19 by O'Keefe

SIGN POSTING (2nd) Date: 10/7/19 by O'Keefe

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: None
Special Tax Recapture: None
Exempt Class: None

Account Identifier: **District** - 09 **Account Number** - 0920451390

Owner Information

Owner Name:	KENILWORTH LIMITED PARTNERSHIP	**Use:**	COMMERCIAL
		Principal Residence:	NO
Mailing Address:	800 KENILWORTH DR BALTIMORE MD 21204	**Deed Reference:**	/10438/ 00703

Location & Structure Information

Premises Address:	800 KENILWORTH DR BALTIMORE MD 21204-2201	**Legal Description:**	8.1271 AC NS KENILWORTH DR 550 W WEST RD

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0069	0006	1022	20000.04	0000				2020	Plat Ref:

Special Tax Areas: None
Town: None
Ad Valorem: None
Tax Class: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1978	141,776 SF		354,016 SF	14

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
		SHOPPING CENTER/ REGIONAL	/	C4			2017

Value Information

	Base Value	Value As of 01/01/2017	Phase-in Assessments As of 07/01/2019	As of 07/01/2020
Land:	10,620,400	10,620,400		
Improvements	12,649,800	12,649,800		
Total:	23,270,200	23,270,200	23,270,200	
Preferential Land:	0			

Transfer Information

Seller: TILLMAN IRVIN C,SR	**Date:** 04/01/1994	**Price:** $250,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /10438/ 00703	**Deed2:**
Seller: TILLMAN IRVIN C,SR	**Date:** 02/09/1976	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /05607/ 00233	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2019	07/01/2020
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00	0.00

Tax Exempt: None
Special Tax Recapture: None
Exempt Class: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(800 Kenilworth Dr.)		
9th Election District	*	OF ADMINISTRATIVE
5th Council District		
Kenilworth Limited Partnership,	*	HEARINGS FOR
Legal Owner		
Trader Joe's, *Lessee*	*	BALTIMORE COUNTY
Petitioners		
	*	**CASE NO. 2017-0259-A**

* * * * * * *

OPINION AND ORDER ON MOTION FOR RECONSIDERATION

Now pending is a Motion for Reconsideration filed by Trader Joe's, identified as lessee of Kenilworth Limited Partnership which is also a Petitioner in the above case. Trader Joe's sought variance relief in this case to permit a wall mounted enterprise sign on a façade without a customer entrance. The variance request was denied in an Order dated May 23, 2017.

The primary (though not the only) reason the petition was denied was due to a zoning violation on the property, as more completely discussed in the May 23, 2017 Order. Petitioner contends it was erroneous to deny the request on that basis since the variance "request was wholly independent of said violation." Motion, p.2. That is incorrect.

The variance sought was for property owned by Kenilworth Limited Partnership, and if granted the variance would "run with the land," meaning even if Trader Joe's vacated the space a new tenant would be entitled to erect its sign on the east-facing façade. The owner and tenant are in privity, and the owner is a necessary party in a zoning case. In addition, Trader Joe's itself had a large vinyl sign on a wall of the shopping center (without a customer entrance) facing the Beltway. This sign, which was not permitted under the B.C.Z.R., was in place for several weeks, and was removed shortly before the May 17, 2017 public hearing. Thus, the zoning violations on the property were attributable to both the owner and tenant. As such the Motion will be denied.

WHEREFORE, for the foregoing reasons, it is this 29th day of **June, 2017** by the Administrative Law Judge for Baltimore County ordered that the Motion for Reconsideration be and is hereby DENIED.

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

JB 5-17-11

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(800 Kenilworth Dr.)		
9th Election District	*	OF ADMINISTRATIVE
5th Council District		
Kenilworth Limited Partnership,	*	HEARINGS FOR
Legal Owner		
Trader Joe's, *Lessee*	*	BALTIMORE COUNTY
Petitioners		
	*	**CASE NO. 2017-0259-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, owner of the subject property and Trader Joe's, lessee ("Petitioners"). The variance request pursuant to the Baltimore County Zoning Regulations (B.C.Z.R.) seeks approval to permit a wall mounted enterprise sign on an existing wall without a customer entrance. A site plan was marked as Petitioners' Exhibit 2.

Landscape architect Michael Pieranunzi prepared the site plan and appeared in support of the petition. Matthew C. Tedesco, Esq. and Cliff Glover, Esq. represented the Petitioners. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP). That agency opposed the request, and opined the signage proposed would be excessive.

The subject property is approximately 8.1271 acres in size and is zoned BM. The site is improved with a multi-tenant commercial building occupied by several retail stores and eateries. The mall is currently undergoing a renovation, and Trader Joe's (which recently opened a new grocery store at this location) seeks permission to have a sign on the east-facing façade, which

does not have a customer entrance.

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).

While I doubt Petitioners would be able to satisfy the requisite standard for variance relief, the petition will be denied for other reasons. Even though variances have in prior cases been granted for the subject property, those were uncontested proceedings and *res judicata* and/or collateral estoppel would not be applicable because the issues of uniqueness or practical difficulty were not "actually litigated." *Seminary Galleria, LLC v. Dulaney Valley Improv. Ass'n.*, 192 Md. App. 719, 736 (2010).

In any event, a violation currently exists on the property which prevents Petitioners from obtaining zoning relief. By Orders dated November 14, 2016 and November 22, 2016 the owner obtained variances for the freestanding joint identification sign (on which Trader Joe's is included) at the shopping center. As a condition of that approval, the owner was obliged to remove a rooftop sign on or before January, 2017. As of today's date, that sign has not been removed, and the petition must therefore be denied.

THEREFORE, IT IS ORDERED, this **23rd** day of **May, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for variance to permit a wall mounted enterprise sign on an existing wall without a customer entrance, be and is hereby DENIED.

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

8-15-16

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2016-0325-SPH

IN RE: **PETITION FOR SPECIAL HEARING**
(800 Kenilworth Drive)
9th Election District
5th Council District
Kenilworth Limited Partnership
Legal Owner

Petitioner

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed by Jason T. Vettori, Esq., with Smith, Gildea & Schmidt, LLC, on behalf of Kenilworth Limited Partnership, legal owner. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) t clarify the relief granted in Case No. 78-91-A applies to the redevelopment of the shopping c and (2) to approve a modified parking plan with 764 parking spaces in lieu of the requ spaces.

Jason T. Vettori, Esq. appeared in support of the petition. There were interested citizens in attendance. The file does contain correspondence f President of the Greater Towson Council of Community Associations. Mr for the project and noted the community has never experienced any pro at the Kenilworth shopping center. Zoning Advisory Committee (from the Department of Planning (DOP) and the Bureau of D Neither agency opposed the requests, but requested landsc for approval by Baltimore County.

Any appeal of th

JEB:sln

The subject property is 8.12 acres and is primarily zoned Business, [illegible] small sliver of Density Residential (D.R. 5.5). The Shops at Kenilworth [illegible] has been in operation at the location for nearly 40 years. Th[illegible]nde renovation and redevelopment which will include a n[illegible] obtained variance relief in 1978 permitting [illegible] The plan contains a note stating th[illegible] connection with this rede[illegible]ie requests.

[illegible]tel, [illegible]uppo[illegible] [illegible]f pa[illegible] [illegible]ere [illegible] [illegible]evi [illegible]ans

8-15-16

IN RE: **PETITION FOR SPECIAL HEARING** **(800 Kenilworth Drive)** 9th Election District 5th Council District	*	BEFORE THE
	*	OFFICE OF
	*	ADMINISTRATIVE HEARINGS
Kenilworth Limited Partnership *Legal Owner*	*	FOR BALTIMORE COUNTY
Petitioner	*	**Case No. 2016-0325-SPH**

* * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed by Jason T. Vettori, Esq., with Smith, Gildea & Schmidt, LLC, on behalf of Kenilworth Limited Partnership, legal owner. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) to clarify the relief granted in Case No. 78-91-A applies to the redevelopment of the shopping center; and (2) to approve a modified parking plan with 764 parking spaces in lieu of the required 807 spaces.

Jason T. Vettori, Esq. appeared in support of the petition. There were no protestants or interested citizens in attendance. The file does contain correspondence from Michael Ertel, President of the Greater Towson Council of Community Associations. Mr. Ertel expressed support for the project and noted the community has never experienced any problems with a lack of parking at the Kenilworth shopping center. Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). Neither agency opposed the requests, but requested landscaping and lighting plans be submitted for approval by Baltimore County.

The subject property is 8.12 acres and is primarily zoned Business, Major (B.M.) with a small sliver of Density Residential (D.R. 5.5). The Shops at Kenilworth is located at the site, and has been in operation at the location for nearly 40 years. The mall is undergoing a significant renovation and redevelopment which will include a new façade, signage and tenants. The owner obtained variance relief in 1978 permitting 853 parking spaces in lieu of the required 978 spaces. The plan contains a note stating the "variance runs with the land" and should be applicable in connection with this redevelopment project. I concur, and will approve both of the special hearing requests.

As noted by counsel, the variance in 1978 permitted the owner to provide just 87% of the number of required parking spaces, while the present request (764 in lieu of 807) is to provide 95% of the number of required off-street spaces. No evidence was presented to suggest granting the petition would have a detrimental impact upon the community. To the contrary, the shopping center has been a valuable asset to the community since its construction, and the redevelopment will enhance both its appearance and functionality.

THEREFORE, IT IS ORDERED this **23rd** day of **August, 2016** by this Administrative Law Judge, that the Petition for Special Hearing pursuant to B.C.Z.R. § 500.7 as follows: (1) to confirm the relief granted in Case No. 78-91-A applies to the redevelopment of the shopping center; and (2) to approve a modified parking plan with 764 parking spaces in lieu of the required 807 parking spaces, existing stacking spaces at Susquehanna Bank and Atwater's drive through facilities and dimensions of existing parking spaces, driveways and aisles, 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. Prior to issuance of permits Petitioner must submit for approval by Baltimore County landscape and lighting plans for the site.

3. Petitioner shall within 15 days of the date hereof submit to the Office of Administrative Hearings (OAH) an amended site plan striking the note stating "no design, screening and/or landscaping as provided in B.C.Z.R. §409.8.A.1."

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

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln

1 3-10-19

IN RE: PETITION FOR VARIANCE (800 Kenilworth Drive)	*	BEFORE THE OFFICE
9th Election District 5th Council District	*	OF ADMINISTRATIVE
Kenilworth Limited Partnership *Legal Owner*	*	HEARINGS FOR
Jill Acquisition, LLC *Lessee*	*	BALTIMORE COUNTY
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

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.

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.

JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

November 22, 2016

Jason T. Vettori, Esq.
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

RE: Petition for Variance
Case No. 2017-0072-A
Property: 800 Kenilworth Drive

Dear Mr. Vettori:

I am in receipt of your letter dated November 21, 2016, concerning the above-captioned case. You have requested that Condition No. 3 in the Opinion and Order dated November 14, 2016 (which requires certain signs to be removed within 45 days) be stricken, to accommodate your client's construction schedule.

While I am amenable to doing so with respect to the wall-mounted signs, I will not modify the condition with respect to the rooftop sign. Such signs are not permitted in Baltimore County, and the 45 day period will allow your client to retain the rooftop sign through the holiday shopping season.

As such, and though it is informal in nature, this correspondence shall document that Condition No. 3 of the final order in the above case is hereby modified, such that the three existing wall-mounted signs can remain in place until such time as Petitioner installs the new signage, which is anticipated to be Spring of 2017. That portion of Condition 3 pertaining to the roof mounted sign shall remain unchanged.

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

11-10-16

IN RE: PETITION FOR VARIANCE (800 Kenilworth Drive) 9th Election District 5th Council District Kenilworth Limited Partnership *Legal Owner* Petitioner	*	BEFORE THE OFFICE
	*	OF ADMINISTRATIVE
	*	HEARINGS FOR
	*	BALTIMORE COUNTY
	*	**CASE NO. 2017-0072-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, owner of the subject property ("Petitioner"). The Petitioner is requesting variance relief from the Baltimore County Zoning Regulations (B.C.Z.R): (1) to permit a freestanding joint identification sign with changeable copy as follows: (A) up to 7 lines displaying the names of tenants or occupants of the shopping center in lieu of the maximum of 5 lines; and (B) copy which is as little as 5 inches high in lieu of the minimum of 8 inches. A site plan was marked as Petitioners' Exhibit 1.

Landscape architect Michael Pieranunzi and Kim Potember appeared in support of the petition. Jason T. Vettori, Esq. represented the Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Bureau of Development Plans Review (DPR) and the Department of Planning (DOP).

The property is approximately 8.12 acres in size and is zoned BM and DR 5.5. The Kenilworth Shopping Center is located at the site, and the center is undergoing significant renovations at present. Petitioner anticipates several new retailers will become tenants at the center. This case concerns only a freestanding joint identification sign, which will replace (in the

same location) an existing freestanding joint identification sign.

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).

Petitioner has met this test. The site has irregular dimensions and is therefore unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to display the names of new tenants in the shopping center. Finally, I find that the variance 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 Baltimore County and/or community opposition.

The DOP suggested the sign be constructed of materials that would match the existing design of the center. In addition, both the DOP and the DPR required landscaping to be provided at the base of the sign. Mr. Pieranunzi shared with the DOP proposed sign elevations, which show the new sign would be constructed of materials similar to those used throughout the site. Pet. Ex. Nos. 3-4. Petitioner also provided photos showing substantial and attractive landscaping at the base of the existing sign (Pet. Ex. No. 2), which will be retained when the new sign is erected. As such, the DOP submitted a revised ZAC comment indicating its concerns were addressed and that it had no objection to the requests.

The only remaining issue concerns the wall mounted joint identifications signs, which were shown on the plan even though they require no zoning relief. The elevations (Pet. Ex. Nos. 6-7) display six (6) panels or tenant signs, even though the Regulations provide no numerical limitation

on the number of lines or panels on wall-mounted joint identification signs. As such, Petitioner would be entitled to add additional lines or panels on these wall-mounted joint identification signs, provided the sign did not occupy more than 12% of the area of the wall on which the sign was affixed.

THEREFORE, IT IS ORDERED, this **14th** day of November, **2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R."): (1) to permit a freestanding joint identification sign with changeable copy as follows: (A) up to 7 lines displaying the names of tenants or occupants of the shopping center in lieu of the maximum of 5 lines; and (B) copy which is as little as 5 inches high in lieu of the minimum of 8 inches, 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. Existing landscaping at the base of the freestanding sign shall be retained.

3. Petitioner shall remove within 45 days of the date hereof the roof-mounted sign and three (3) wall-mounted signs shown in the photograph admitted as Pet. Ex. No. 5.

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

Sherry Nuffer

From: Paul Mayhew
Sent: Tuesday, October 15, 2019 10:31 AM
To: Sherry Nuffer
Subject: FW: Case No. 2019-0391-A

From: Paul Mayhew
Sent: Friday, October 11, 2019 7:54 PM
To: Jason Vettori <jvettori@sgs-law.com>
Subject: Re: Case No. 2019-0391-A

Mr Vettori,
Thanks for this input but I have already written the decision wherein I stated that the materials received after the hearing could not be considered.

Sent using OWA for iPhone

From: Jason Vettori <jvettori@sgs-law.com>
Sent: Friday, October 11, 2019 6:06:14 PM
To: Paul Mayhew; Jenifer G. Nugent
Cc: 'dwylie@baltimorecountymd.gov'; Sherry Nuffer
Subject: Case No. 2019-0391-A

Mr. Mayhew,

It is my understanding that the Department of Planning was kind enough to drop off the attached "update" of sorts to its original ZAC Comment sometime after the hearing was concluded. I do not expect you to consider the content of this message or Planning's updated ZAC comment as the record of the hearing is closed and additional testimony and/or evidence should not be considered. Rule 4.B of the Rules of Practice and Procedure Before the Zoning Commissioner/Hearing Officer of Baltimore County provides that, "[e]xcept where stipulations are filed ..., the witnesses whose testimony may be desired at any hearing before the Zoning Commissioner shall testify orally, unless the Zoning Commissioner, for good cause shown, deems it proper in special cases that written evidence, under affidavit or otherwise, be submitted." Notwithstanding that fact, I cannot resist the temptation to respond to this unorthodox effort by Planning to interject themselves into the quasi-judicial process. I, of course, would have welcomed a representative of Planning to have made themselves available for cross examination if they wanted to discuss what transpired in the past regarding prior development and zoning approvals, as my firsthand knowledge does not correspond with Planning's representations. I can only surmise that Planning is endeavoring to set the tone regarding its ability to influence zoning decisions during your tenure as Administrative Law Judge (ALJ). As I indicated at the hearing, I represented Greenberg Gibbons regarding some of the prior development and zoning approvals and there are no such covenant-esque conditions that were imposed upon the property. While I won't point out everything wrong with Planning's comments, I will highlight a few items.

Having been involved in the prior development plan approval, I am not aware of any condition that was noted on the plan that pertained to any limitation on signage. Planning noted that the "DRC granted a B8 of the JSPC Plan originally

approved in 1975." While I'm sure you're familiar with all of the acronyms and misnomers that casually get used around the County hallways, I feel better trying to make a few clarifications. The DRC, or Development Review Committee (a number of representatives of various County agencies who meet to consider how certain development reviews will be processed), doesn't approve anything. They make a recommendation regarding process (i.e. whether a development can go right to permits, has to go through the full development review and approval process or is entitled to a limited exemption) as provided in Section 32-4-106 of the Baltimore County Code (BCC). The DRC made a recommendation, it did not grant anything (B8 refers to a limited exemption pursuant to BCC § 32-4-106(b)(8) and JSPC is an acronym for Joint Subdivision Planning Committee, which is the predecessor to the DRC). The Director of the Department of Permits, Approvals and Inspections (PAI) administrative approval granted a limited exemption. I have attached a copy of the Director of PAI's approval letter for DRC #042815B. As you can see, nothing to the effect of what Planning represented is in the Director of PAI's limited exemption approval letter. While I'm not going to go through the effort of scanning a full scale copy of the Development Plan, I can safely state that the plan speaks for itself and it says nothing about a cooperative understanding that no further signage would be permitted besides the Joint Identification signs or what I can only surmise is some kind of unspoken prohibition on any zoning relief from the sign regulations in Section 450 of the Baltimore County Zoning Regulations (BCZR).

I similarly represented Greenberg Gibbons in Case No. 2017-0072-A, wherein variances for, among other things, there to be room for 7 tenants listed on the freestanding joint identification sign in lieu of the maximum of 5 tenants on Kenilworth Avenue (Planning incorrectly indicates in its dissertation on DRC #042815B that the variance relief which was approved was for the wall-mounted joint identification sign facing towards I-695, but as ALJ Beverungen correctly pointed out in his decision no variance relief for the number of tenants listed on the wall-mounted joint identification sign was requested or granted (in fact no relief whatsoever was granted for that sign as part of the zoning case)). As was noted at the hearing yesterday, the wall-mounted sign replaced the prior illegal roof sign. The signage proposed was part of Greenberg Gibbons renovation of the mall and its corresponding signage. The fact that individual tenants requests for signage relief was not included at that time is in no way dispositive regarding past, present or future signage variance requests from the requirements of BCZR § 450. There are no conditions in the decision that future signage would be precluded from being granted zoning relief. As further evidence that Planning did not even seek to preclude future signage variances, I am attaching their original and revised ZAC comments from that case. Suffice to say, Planning's comments were limited to the signage for which relief was proposed at that time.

While Planning may, as a public policy issue, disagree with the aesthetics of individual wall-mounted signage, the appropriate forum for them to seek an audience is with the County Council, not the ALJ. There are numerous cases where signage variances have been granted for tenants without an exterior customer entrance. Generally speaking, such signage is proposed for wayfinding purposes. I myself have represented a number of clients who wanted to put signage on the back of a building without an exterior customer entrance as their storefront may not face a public or private right of way. The only applicable standard that is relevant is the variance standard in BCZR § 307 and Cromwell v. Ward.

Jason T. Vettori
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
jvettori@sgs-law.com | www.sgs-law.com

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Millanoff, Director
Department of Permits, Approvals

DATE: 08/21/19

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 15, 2019
Item No. 2019-0391-A, 0392-A, 0393-A, & 0394-SPHA

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

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Mallinoff, Director
Department of Permits, Approvals

DATE: 08/21/19

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 15, 2019
Item No. 2019-0381-A

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

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

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* * * * *

VKD: cen
cc: File

Case No.: 2019-0417 SPX

Exhibit Sheet

DW 11-14-2019

Petitioner/Developer DW 12-3-19 Protestants Sen 10-29-19

No. 1	CV Michael Coghlan	
No. 2	Letter dated 10-23-19 to Devel. From Den-Fl-Pennisi	
No. 3	A-F TRUCK MOVEMENT Exhibit	
No. 4	A+B PLAN TO ACCOMPANY PETN. FOR SP. EXC	
No. 5	ILLUSTRATED SITE PLAN	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PETITIONER'S

EXHIBIT NO. 1

MICHAEL G. COUGHLIN, PE, LEED AP

Principal

YEARS OF EXPERIENCE:

MRA:	14
Other Firms:	2

EDUCATION:

B.S., Civil Engineering, Villanova University, 2003

ACTIVE REGISTRATION:

Maryland, Professional Engineer, (2010), #38291

L.E.E.D. Accredited Professional (2008)

PROFESSIONAL AFFILIATIONS:

NAIOP Commercial Real Estate Development Association, Member

Maryland Building Industry Association (MBIA), Baltimore County Chapter, Vice President

Greater Towson Committee (GTC), Member

QUALIFICATIONS:

As a Principal and Civil Engineer in MRA's Towson office, Mr. Coughlin's responsibilities include day-to-day supervision, management, and quality control of land development projects in Anne Arundel, Baltimore, Harford, and Howard Counties, and Baltimore City. Areas of site design expertise include site layout, grading, roadways, storm drain, water, gravity sewer, erosion & sediment control, and stormwater management for commercial, residential, and institutional projects. Mr. Coughlin excels in developing creative and cost-effective site design solutions for unique design problems associated with significant site constraints and regulatory restrictions.

Mr. Coughlin has been accepted and testified as an expert witness in zoning, land use, development, and stormwater management for Zoning and Development Plan Hearings in Baltimore County, Maryland.

Mr. Coughlin has been involved with many of his projects from due diligence / feasibility study through construction completion and project close-out. He is experienced in site research, quantity take-offs, cost estimating, preliminary & final design, quality control, value engineering, permitting, construction administration, as-builts, and security release.

Mr. Coughlin's hydrologic analysis capabilities include a proficient use and understanding of TR-55, TR-20, Flowmaster, and the rational method.

Examples of Mr. Coughlin's project experience include:

Greenleigh at Crossroads, Baltimore County, Maryland - Civil Project Manager for the 240-acre development located in White Marsh, Maryland. This master planned development, which blends housing, retail, office, and warehouse/office flex space, is contained within a larger 1,000-acre Master Plan known as Baltimore Crossroads. Responsible for providing site / civil engineering services construction administration, and project close-out services for the 175-acre residential component of the Greenleigh project including road and utility design, mass and final grading, erosion and sediment control, and stormwater management. The residential unit mix is comprised of approximately 300 single family homes and 700 townhomes, and incorporates a high-density, "neo-traditional" site layout, with 65 acres of environmentally sensitive areas and open space with various amenities (clubhouse, pool, dog park, pocket parks, and walking trails). Entitlements for the project require review and approval from multiple jurisdictions including Baltimore County, Maryland State Highway Administration (MDSHA), Maryland Department of the Environment (MDE), and United States Army Corp of Engineers (USACOE). **Mr. Coughlin also served as an expert witness in the Special Hearing for this project.**

101 York Road (Planned Unit Development), Towson, Maryland - 101 York is a mixed-use development located in the heart of Towson. This project includes 611 dormitory beds in 248 units intended for students attending local higher education institutions. The building includes first floor restaurant and retail space facing York Road which will provide for a vibrant streetscape. The entire building is located on top of several levels of structured parking which can be accessed both from York Road and Burke Avenue. Also included is an extensive green roof system to address stormwater management requirements and a rooftop terrace which will include a variety of program elements for the students including grills, a bocce court, seating areas, and study areas. Over a two year period, MRA worked closely with the client, Baltimore County staff, local community groups, and an extensive team of design professionals in the development of this complex project. The project started as sketches and progressed through the entire approval process including the Concept Plan, PUD Development Plan, Community Input Meetings, Administrative Law Judge (ALJ) Hearings, and finally into construction drawings and permitting. **Mr. Coughlin testified as an expert witness in stormwater management at the project's PUD Development Plan Hearing.**

Brightview Perry Hall (Planned Unit Development), Baltimore County, Maryland – As the site/civil project manager for this two-phased, 225-unit, multi-family Senior Living facility, Mr. Coughlin oversaw the site planning, civil engineering, construction administration, and project close-out services for this project. The civil engineering elements include site grading, erosion & sediment control, retro-fitting an existing stormwater management facility, a new stormwater management facility, extension of an existing access road, and utility (water, sewer, storm drain) design, on a fifteen (15) acre site (+/-). **Mr. Coughlin also served as an expert witness in the PUD Development Plan Hearing for this project.**

Ballard Green (Planned Unit Development), Baltimore County, Maryland - As the site/civil project manager for this 105-acre, 521-home mixed-use community with elementary school and located in the heart of Owings Mills Town Center, Mr. Coughlin is currently overseeing and reviewing the site / civil design, permitting, and construction administration portions of the project. Design elements of the overall development included roads, storm drain, water, sewer, grading, stormwater management, and erosion & sediment control. Named "2015 Project of the Year," by the Maryland Building Industry Association, Land Development Council.

Towson Green (Planned Unit Development), Baltimore County, Maryland - As project manager, Mr. Coughlin oversaw and reviewed the civil design of an urban residential subdivision, comprised of 120 townhomes and a 93-bed Assisted Living Facility, located in downtown Towson. Design elements of the overall development included roads, utilities, grading, stormwater management, and erosion & sediment control. The 9-acre site was a redevelopment project, whose previous use was existing single-family homes. Much of the site's existing infrastructure (roads, underground utilities, telephone poles, etc.) had to remain, presenting numerous design challenges.

Meadowvale, Baltimore County, Maryland - As civil project engineer, Mr. Coughlin performed subdivision road design, mass grading, and above-ground stormwater management for this 38-acre, 106-lot mixed-use residential subdivision, including luxury single-family homes, in Timonium, MD. The project also included restoring a historic structure. A challenge of this project was grading due to the site being on a hill and water quality management due to the Chesapeake Bay nearby.

Royal Farms Store #374 (6426, 6430, 6434 Baltimore National Pike), Baltimore County, Maryland - Mr. Coughlin testified as an expert witness in the Baltimore County Special Exception & Zoning Variance case for this 4,913 square foot Royal Farms convenience store, with sixteen (16) fueling positions. Site design aspects of the project include site layout, grading, earthwork analysis, utilities (water, sewer, storm drain), Maryland State Highway Administration entrance design, underground stormwater management, and erosion & sediment control.

Royal Farms Store #173, Baltimore County, Maryland – As project manager, Mr. Coughlin supervised and reviewed the site design, permitting, and close-out for a 5,166 square foot Royal Farms convenience store, with twenty (20) fueling positions. Site design aspects of the project included site layout, grading, earthwork analysis, road widening, utilities (water, sewer, storm drain), Maryland State Highway Administration entrance design, above-ground stormwater management, and erosion & sediment control. The 2.43-acre site is located in Randallstown, and was a redevelopment project, with the site's previous use being a car dealership.

Royal Farms Store #180, Baltimore County, Maryland - As project manager, Mr. Coughlin supervised and reviewed the site design, permitting, and close-out for a 5,166 square foot Royal Farms convenience store, with fourteen (14) fueling positions. Site design aspects of the project included site layout, grading, earthwork analysis, road widening, utilities (water, sewer, storm drain), Maryland State Highway Administration entrance design, above-ground stormwater management, and erosion & sediment control. The 2.25-acre site is located in Owings Mills, and was a redevelopment project, with the site's previous use being a dine-in and carry-out seafood restaurant.

Merritt Park Shopping Center Redevelopment, Dundalk, Maryland - Managed and oversaw the design of the commercial re-development of an existing 20-acre shopping center, including the creation of five pad sites and total renovation of an existing strip center. Four existing commercial entrances (17, 26, 50 and 150 feet wide, respectively) were re-designed as part of the shopping center re-development, along with 1,320 feet of existing sidewalk, 7 handicap ramps, two public water connections, one public sewer connection, and traffic control. Plan approval and permitting was processed through the Maryland State Highway Administration (MDSHA), Access Management Division (AMD), and the Baltimore County Department of Permits, Approvals, and Inspections (PAI), Development Plans Review (DPR) and Development Management (DM) Divisions.

JOHN A. OLSZEWSKI, JR.
County Executive

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

October 23, 2019

Morris & Ritchie Associates, Inc.
Mrs. Nicole Reedy, PLA
1220-C East Joppa Road
Towson, Maryland 21286
Phone: 410-821-1690

Subject: WAWA
Zoning Case # 2019-0417-SPHX
7501 Pulaski Highway
Baltimore, Maryland

Dear Mrs. Reedy:

This is in response to our meeting on September 6, 2019, and your request for review of the Schematic Landscape Plan dated September 20, 2019. It has been reviewed based on the Schematic Landscape Plan Checklist requirements, with a number of minor comments and we are in support the landscape modification(s) discussed, provided the Special Exception is granted.

Sincerely,

James Hermann, RLA. 10/23/19
Landscape Architect, Development Plans Review

cc:

PETITIONER'S
EXHIBIT NO. 2

Case No.: 2019 - 0391 - A

Exhibit Sheet

Petitioner/Developer DW 11-15-19 Protestants DLN 10-15-19

No. 1	Plan	
No. 2	Overhead Mall Plan	
No. 3	FLOOR PLAN SHOWING SPA LOCATION	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

TABLE OF SIGN REGULATIONS

Baltimore County

PERMANENT SIGNS

I	II	III	IV	V	VI	VII	VIII	IX
Class	Structural Type	Zone or Use	Permit Required	Maximum Area/Face	Maximum No./Premises	Height	Illumination	Additional Limitations
1. CHANGEABLE COPY, meaning an on-premises sign displaying a message which may be changed periodically, manually, by electric or electronic controls, or by any other means. Changeable copy signs include:	(a) Wall-mounted; freestanding	Accessory to institutional structure or community building	Use	25 square feet	One	6 feet	Yes	
	(b) Wall-mounted; freestanding; canopy	Accessory to a theater, stadium or similar public entertainment use	Use	150 square feet	One; two if on canopy	25 feet	Yes	
	(c) Wall-mounted; freestanding; canopy; enterprise window sign	Accessory to a planned shopping center or to any separate commercial establishment in a Business Zone	Use	See Section 450.7.B	One	25 feet	Yes	See Section 450.6.A.8

(2) Paragraph (1) does not apply to: (A) (Reserved) [2] (B) A sign located within a state-designated transit-oriented development in the C.T. District of Owings Mills; however, a sign under Paragraph (B) may not display video, flashing, blinking, animation, strobing or scrolling.	(e) Wall-mounted	Sign installed within a state-designated transit-oriented development in the C.T. District of Owings Mills	Use	1,000 square feet	2	Not applicable	Yes	See Section 450.7.B.2; structured parking must be provided; signage may be installed on or attached to any building wall or attached or detached structured parking facilities; for a total of 12 minutes of each hour the sign is in operation, messages must be devoted to public service announcements.
CHANGEABLE COPY, (continued) Manual changeable copy—A sign designed so that characters, letters, or illustrations on the sign can be changed or rearranged without altering the background of the sign. These signs require the physical changing or rearranging of characters, letters, or illustrations.								
Enterprise window sign — Any enterprise sign mounted on the interior of an enclosed structure that is visible from the exterior.	Interior wall-mounted; interior window-mounted	B.L., B.M., B.R., C.B., B.L.R., M.L., M.L.R., M.H., M.R., excluding multi-tenant office, retail or industrial building	Use	3 square feet	3 when mounted on the interior of any front facade window or door		Yes	See Sections 450.6.A.4 and 450.7.B Interior application only, Not permitted to be mounted on any window or door that is not a front facade
2. COMMUNITY , meaning a sign displaying the identity of a subdivision or residential community	Wall-mounted; Freestanding	All zones	Use	25 square feet	Not applicable	6 feet	Yes	Maximum two signs per highway intersection

3. DIRECTIONAL, meaning a sign intended principally for traffic control or to provide directions to an entity, activity or area elsewhere on the same premises,	(a) Wall-mounted; freestanding	Accessory, in all zones	Use	8 square feet	Not regulated	6 feet in nonresidential zones; 4 feet in residential zones	Yes	See Section 450.6. A. 1 and A.2. May include company name or logo if not more than 30 percent of the total sign area
	(b) Freestanding	Accessory to multifamily buildings for leasing purposes only	Use	8 square feet	Maximum 4 freestanding monument signs for each apartment community	6 feet	No	See Section 450.6. A. 1 and A.2. May include pertinent information regarding availability of multifamily buildings for rental, if the apartment community contains a minimum of 550 apartment units under common control or ownership within a one-mile radius of the sign location/s; must be high-quality building material and integrated with landscaping approved by County Landscape Architect
4. DIRECTORY, meaning an accessory sign displaying the identity and location of the nonresidential occupants of a building or development	Wall-mounted; freestanding	All zones; See Section 450.7.A	Use	Not regulated, except 25 square feet in S-E Zone	Not regulated	6 feet	Yes	See Section 450.7.A

5. ENTERPRISE , meaning an accessory sign which displays the identity and which may otherwise advertise the products or services associated with the individual organization	(a) Wall-mounted; projecting canopy	B.L., B.M., B.R., C.B., B.L.R., M.L., M.L.R., M.H., M.R., excluding multi-tenant office, retail or industrial building	Use	Twice the length of the wall to which the signs are affixed	One in C.B. and M.R., otherwise three, no more than two on each facade	Not applicable	Yes, when the use to which sign is accessory is open, but not in C.B. or M.R.	No single sign larger than 50 square feet in C.B. and M.R.; 150 square feet otherwise. Canopy signs may extend 3 feet above the face of the canopy. A canopy sign may extend more than 3 feet with a finding by the Director of Planning that all components of the sign are compatible with the architectural elements of the building.
	(b) Freestanding	B.L.R, B.M., B.L., B.R., M.L.R., M.R., M.L., M.H., excluding munti-tenant office, retail or industrial building	Use	75 square feet; 100 square feet if premises has more than 300 feet of frontage	One per frontage	25 feet	Yes	See 450.4.5(g)
	(c) Awning	B.L., B.M., B.R., C.B., B.L.R.	Use	See Section 450.5.B.1	See Section 450.5.B.1	Not applicable	No	
	(d) Wall-mounted; canopy	On multi-tenant office, retail or industrial building, accessory to separate commercial entity with exterior customer entrance	Use	Two times the length of the wall containing the exterior entrance and defining the space occupied by the separate commercial entity	Entity with separate exterior customer entrance may erect one canopy and one wall-mounted sign	Not applicable	Yes, but in C.B. only when use to which sign is accessory is open	In C.B., area shall not exceed 100 square feet. Canopy signs may extend 2½ feet above the face of the canopy. A canopy sign may extend more than 2½ feet with a finding by the Director of Planning that all components of the sign are compatible with the architectural elements of the building.

ENTERPRISE, (continued)	(e) Service station canopy	Fuel service station	Use	25 square feet per canopy sign	Six	Not applicable	Yes	Permanent signage under the canopy on pumps or supports shall not be counted towards the canopy, freestanding or wall-mounted signage limits. Except for windows, commercial special events signs shall not be permitted on the premises.
	(f) Freestanding wall-mounted; projecting	Order board, ancillary to drive-through lanes for pickup of food and beverages	Use	50 square feet per order board	Two	6 feet	Yes	Location according to approved development plan
	(g) Freestanding	Accessory to new or used vehicle dealership	Use	50 square feet. Each sign may be increased to 75 square feet if combined on the same structure. Total sign area on any one structure not to exceed 300 square feet	One for each franchise agreement held by the dealership	25 feet	Yes	A new motor vehicle dealership may display one sign not to exceed 50 square feet.

	(h) Wall-mounted	OR-1, OR-2, O.T., B.M.B.	Use	12% of area. One per of wall upon building which sign is erected, maximum 100 square feet, except maximum 150 square feet in OR-2 or O.T.	One per building	Not [applicable]	Yes	
ENTERPRISE, (continued)	(i) Wall-mounted	Accessory or auxiliary commercial use within building in OR-1, OR-2	Use	5 square feet per use; maximum 25 square feet per building entrance	One per accessory or auxiliary commercial use	Not applicable	Yes	
	(j) Wall-mounted	S-E; office or retail or service use in R.A.E. Zones	Use	2 square feet	One at each exterior entrance to a separate entity within the building	Not applicable	No	
	(k) Freestanding	R.C.C., OR-1, OR-2, O.T., S-E, B.M.M., B.M.B., B.M.Y.C.	Use	25 square feet; 30 square feet in S-E; 60 square feet in O.T. for an office park	One per frontage; 2 freestanding monument signs per vehicular entrance in O.T. for an office park	6 feet; 13 feet in S-E; 25 feet for waterfront sign in B.M.M., B.M.B., B.M.Y.C.; 9 feet in O.T. for an office park	Yes. No in R.C.C.	In S-E must be compatible with building. In R.C.C., integrate with landscaping and Director of Department of Planning approves location. In O.T., must be high-quality building material compatible with building

	(l) Wall-mounted; freestanding	Farmer's roadside stand, farm market, commercial agriculture or farm produce stand	Use	25 square feet total for all signs	Not regulated	6 feet	Yes	Minimum 10 feet setback from right-of-way and 75 feet from highway intersection center lines
	(m) Wall-mounted; projecting	Elderly housing facility in D.R., commercial use in D.R., R.C., R-O-A, R.O., R.C.C., B.M.Y.C.	Use	8 square feet; 6 square feet in R-O-A, 1 square foot in D.R.	One		No, but Yes for tearoom or restaurant	In R-O, may also have 15 square feet freestanding sign 6 feet high if on principal arterial adjoining and facing non-residentially zoned property; in R-O-A may also have 12 square feet freestanding monument sign, maximum height of 6 feet, including a 2-foot-high monument, maximum width of 4 feet, regardless of the adjacent zoning, if on a principal arterial
ENTERPRISE, (continued)	(n) Wall-mounted	Strip-tease business, pawnshop	Use	2 square feet per linear feet of frontage, not more than 50 square feet	One	Not applicable	Yes	Zoning Commissioner's hearing required for use permit
	(o) Wall-mounted	Waterfront business off-premises directional	Use	6 square feet	Not applicable	6 feet, but up to 10 feet if multiple signs are on a single sign post	Yes	Must obtain written permission of premises property owner. Number per business determined by the Director of PDM. Use permit application may include more than one sign.

ENTERPRISE, (continued)	(p) Wall mounted; canopy; projecting; roof [3]	Plan of development with a minimum of 500,000 square feet of retail and/or office gross floor area in B.L., B.M., B.R., and M.L.-I.M; or a minimum of 300,000 square feet of retail and/or office gross floor area in the C.T. District of Towson	Use	12% of the face of the wall to which the sign is affixed	Not regulated	Not applicable	Yes	Structured parking must be provided; signage may be installed on or attached to any building wall or attached or detached structured parking facilities; signage installed on or attached to structured parking facilities may not advertise products or services associated with individual tenants; no changeable copy is permitted; in the C.T. District of Towson, roof signage may extend no more than 2½ feet above the roofline, and the Director of Planning shall confirm that the location for the signs will not adversely conflict with architectural elements of the building. Canopy signs may extend 2½ feet above the face of the canopy. A canopy sign may extend more than 2½ feet with a finding by the Director of Planning that all components of the sign are compatible with the architectural elements of the building.
	(q) (Reserved) [4]							
ENTERPRISE, (continued)	(q)(1) Wall-mounted	Class A or Class B brewery in MH/ML Zone per Section 4E	Use	10% of the total area of the wall to which the signs are affixed	4 per building; no more than 2 per facade	Not applicable	Yes	

	(q)(2) Mural, wall-mounted	Class A or Class B brewery in MH/ML Zone per Section 4E	Use	25% of the total area of the wall to which the sign is affixed	2	Not applicable	Yes	Mural may be painted or be cloth, canvas or similar flexible material and shall be mounted flush with wall. External illumination only.
	(q)(3) Roof	Class A or Class B brewery in MH/ML Zone per Section 4E	Use	10% of the total area of the wall above which the sign is located	1	Not applicable	Yes	No changeable copy is permitted
	(r) Wall-mounted; canopy	On multi-tenant building with a minimum of 50,000 square feet of gross floor area in M.R., M.L.R., M.L., M.H., O.T.	Use	Two times the length of the wall to which the signs are affixed	Not regulated	Not applicable	Yes	Multi-tenant building must be at least 2 stories in height; signage installed above the first story may not advertise products or services associated with individual tenants; no changeable copy is permitted. Canopy signs may extend 2½ feet above the face of the canopy. A canopy sign may extend more than 2½ feet with a finding by the Director of Planning that all components of the sign are compatible with the architectural elements of the building.

ENTERPRISE, (continued)	(s) Free-standing	C.B.	Use	15 square feet	Maximum of one provided the use has frontage on two connecting streets	9 feet	Yes	Director of Department of Planning approves location for any new sign, which sign will be an improvement over existing sign; must be high-quality building material compatible with building; sign may not advertise products or services associated with individual tenants; no changeable copy is permitted.
6. IDENTIFICATION , meaning a sign displaying the name or purpose of a place or structure	(a) Wall-mounted; freestanding; integral	Accessory to a multifamily building or institutional structure or community building	Use	25 square feet	One for each frontage	6 feet	Yes	
	(b) Wall-mounted	Accessory to a stadium located on the campus of a private college	Use	300 square feet	1	Not applicable	Yes	Sign shall be installed on a wall of the stadium; no changeable copy is permitted.
7. JOINT IDENTIFICATION [5], meaning an accessory sign displaying the identity of a multi-occupant nonresidential development such as a shopping center, office building or office park	(a) Wall-mounted canopy	B.L., B.M., B.R., C.B., B.L.R.	Yes	12% of area of wall upon which sign is erected	One per frontage	Not applicable	Yes	Canopy signs may extend 4 feet above the face of the canopy but may not display names of tenants or occupants. A canopy sign may extend more than 4 feet with a finding by the Director of Planning that all components of the sign are compatible with the architectural elements of the building.

	(b) Freestanding	B.L., B.M., B.R., B.L.R.	Use	The greater of (a) 1 square foot per 4 linear feet of frontage, maximum 150 square feet; or (b) 1 square foot per linear foot of building facade parallel to the lot line with frontage, maximum 150 square feet; or (c) 100 square feet	One per frontage	25 feet	Yes	For shopping center, display the names of tenants or occupants if copy is at least 8 inches high, and no more than 5 lines are displayed.
JOINT IDENTIFICATION (continued)	(c) Freestanding	C.B.	Use	1 square foot for each 8 feet of linear building or lot frontage, whichever is greater	One per frontage	12 feet	Only during hours of operation	Same as 450.4.7.b above
	(d) Freestanding	Industrial or office park in OR-2, O.T., S-E, M.R., M.L.R., M.L., M.H.	Use	100 square feet in OR-2 or O.T.; 75 square feet in manufacturing zones	One per vehicular entrance; see Column IX	12 feet	Yes	In OR-2, one additional sign allowed per office park

	(e) Wall-mounted	OR-1, OR-2, O.T., S-E, M.R., M.L.R., M.L., M.H.	Use	12% of area of wall upon which sign is erected; maximum 150 square feet per frontage	One per principal building	Not applicable	Yes	
	(f) Freestanding	In a Density Residential Zone in the Pikesville Commercial Revitalization District, accessory to an existing multi-tenant nonresidential building on a single lot of record	Use	100 square feet	One per frontage	20 feet	Yes	Multi-tenant building must be located in a Business Zone; sign must be ground-mounted; sign may not advertise products or services associated with individual tenants; no changeable copy is permitted.
8. MEMORIAL , meaning a non-commercial sign displaying information of a commemorative, interpretative or historical nature	Wall-mounted; freestanding; integral	Accessory in all zones	None	15 square	Not regulated	10 feet	No	
9. NAMEPLATE , meaning a sign displaying the identity of the owner or occupant of a premises or a home occupation, professional office or name or purpose of a place or structure	Wall-mounted; projecting; integral	Accessory to single-residence uses or to home occupation, professional office or similar accessory use in a residential or R.C. Zone	None except use if illuminated	1 square foot	One, plus one per accessory use	Not regulated	No	

10. NOTICE, meaning a non-commercial sign authorized, but not mandated by law or other regulation, for displaying cautionary information regarding use or ownership or property	Wall-mounted; freestanding	Accessory in all zones	Use, if more than 2 square feet	8 square feet	Not regulated	Not	May be illuminated only if otherwise required by law or regulation	
11. OUTDOOR ADVERTISING, meaning a non-accessory sign which is commercially maintained principally for calling attention to places, businesses, products services or activities which are located or offered on another premises	Wall-mounted; freestanding	B.L., B.M., B.R., M.L., M.H.	SE	300 square feet	One	25 feet	Yes	See Section 450.7.C

[Bill Nos. 97-1998; 117-2003; 139-2006; 3-2007; 53-2007; 60-2008; 106-2008; 71-2009; 72-2009; 59-2010; 65-2011; 74-2011; 47-2012; 25-2013; 71-2013; 21-2014; 44-2014; 16-2015; 25-2015; 36-2015; 49-2016; 34-2017; 55-2018]

TEMPORARY SIGNS

I	II	III	IV	V	VI	VII	VIII	IX
Class	Structural Type	Zone or Use	Permit Required	Maximum Area/Face	Maximum No./Premises	Height	Illumination	Additional Limitations

12. CONSTRUCTION , meaning a temporary accessory sign announcing a building project or the sale of lots in a subdivision	Wall-mounted; freestanding	All zones	Use	50 square feet in OR-1, OR-2, O.T., S-E, B.L., B.M., B.R., M.R., M.L.R., M.L., M.H., C.B., B.L.R.; 8 square feet in any other zone except 50 square feet is permitted on an unimproved lot	Three	15 feet in OR-1, OR-2, O.T., S-E, B.L., B.M., B.R., M.R., M.L.R., M.L., M.H., C.B., B.L.R.; 8 feet in any other zone	No	See Section 450.7.D
13. PERSONAL MESSAGE , meaning an accessory sign displaying a political, religious or other noncommercial message	Wall-mounted; freestanding	All zones	None	50 square feet in OR-1, OR-2, O.T., S-E, B.L., B.M., B.R., M.R., M.L.R., C.B., B.L.R.; 8 square feet in any other zone, except 50 square feet is permitted on an unimproved lot	Not regulated	15 feet in OR-1, OR-2, O.T., S-E, B.L., B.M., B.R., M.I.R., M.L., M.I., M.H., C.B., B.L.R.; 8 feet in any other zone	No	Definition does not include political campaign signs

14. POLITICAL CAMPAIGN, meaning a temporary sign displaying information about an electoral issue or a candidate for public office	Wall-mounted; freestanding; banner	All zones, but may not be placed in a right-of-way and may not be placed on private property without the express permission of the owner	None	50 square feet in OR-1, OR-2, B.M., B.R., M.R., M.L.R., M.L., M.H., C.B., B.L.R.; 8 square feet in any other zone, except 50 square feet is permitted on an unimproved lot	Not regulated	15 feet in OR-1, OR-2, O.T., S-E, B.L., B.M., B.R., M.R., M.L.R., M.L., M.H., C.B., B.L.R.; 8 feet in any other zone	No	See Section 450.7.F for placement/removal requirements [6]
15. REAL ESTATE, meaning a temporary accessory sign displaying pertinent information regarding availability of a premises for purchase or rental	Wall-mounted; freestanding	All zones	None	50 square feet in OR-1, OR-2, O.T., S-E, B.L., B.M., B.R., M.R., M.L.R., M.L., M.H., C.B., B.L.R.; 8 square feet in any other zone, except 50 square feet is permitted on an unimproved lot	One per frontage	15 feet in OR-1, OR-2, O.T., S-E, B.L., B.M., B.R., M.R., M.L.R., M.L., M.H., C.B., B.L.R.; 8 feet in any other zone	No	See Section 450.7.E

16. SPECIAL EVENT, meaning a temporary accessory sign in conjunction with an event sponsored by or on behalf of a noncommercial organization	Wall-mounted; freestanding; marquee; banner	All zones	None	50 square feet in OR-1, OR-2, O.T., S-E, B.L., B.M., B.R., M.R., M.L.R., M.L., M.H., C.B., B.L.R.; 8 square feet in any other zone, except 50 square feet is permitted on an unimproved lot	Not regulated	15 feet in OR-1, OR-2, O.T., S-E, B.L., B.M., B.R., M.R., M.L.R., M.L., M.H., C.B., B.L.R.; 8 feet in any other zone	No	See Section 450.7.E
17. COMMERCIAL SPECIAL EVENT, meaning a temporary accessory sign for sales-event promotion or other events sponsored by a commercial	Wall-mounted; freestanding; marquee; banner	Accessory to commercial use in all zones	Use	50 square feet in OR-1, OR-2, O.T., S-E, B.L., B.M., B.R., M.R., M.L.R., M.L., M.H., C.B., B.L.R.; 8 square feet in any other zone, except 50 square feet is permitted on an unimproved lot	Two	15 feet in OR-1, OR-2, O.T., S-E, B.L., B.M., B.R., M.R., M.L.R., M.L., M.H., C.B., B.L.R.; 8 feet in any other zone	No	For time limits, see Section 450.7.E.2

[Bill No. 97-1998]

Footnotes:
— (1) —
1. Editor's Note— Former Subsection (d), regarding wall-mounted signs accessory to certain uses in the C.T. District of Towson, was repealed by Bill No. 49-2016.

— (2) —

2. Editor's Note— Former Subsection (A), regarding signs accessory to certain uses in the C.T. District of Towson, was repealed by Bill No. 49-2016.

— (3) —

3. Editor's Note— Bill 49-16 purported to repeal Subparagraph (p) from Paragraph 5 of the Permanent Regulations portion of the Table of Sign Regulations in § 450. Bill 49-16 was meant only to "repeal [ ] provisions relating to the C.T. District of Towson" but there was no intent to repeal all of Subparagraph (p), which applies to more than the former C.T. District of Towson. The County Attorney and the Counsel Secretary/Legislative Counsel have ordered the publisher not to show this subparagraph as repealed in this 10-01-2016 Supplement. Legislation will be submitted to the County Council to repeal the references to the C.T. District of Towson under Columns HI and IX.

— (4) —

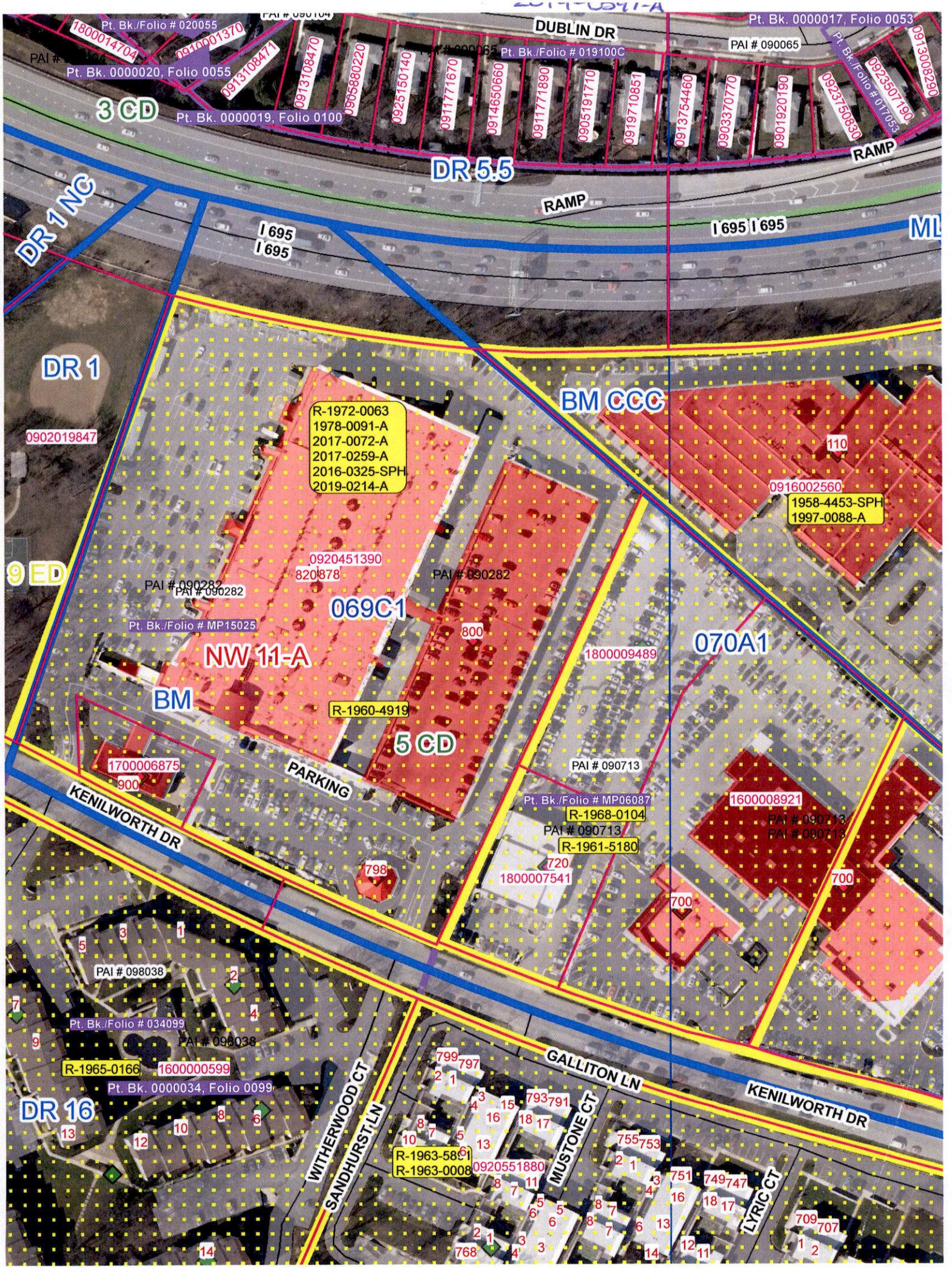
4. Editor's Note— Former Subsection (q), regarding signs for certain retail and office space in portions of the C.T. District of Towson, was repealed by Bill No. 49-2016.

— (5) —

5. Editor's Note— Bill 49-16 purported to repeal references to "canopy" in Columns II and IX, and "one per frontage" language in Column VI, from Paragraph 7(a) of the Permanent Signs portion of the Table of Sign Regulations. Bill 49-16 was meant only to "repeal [ ] provisions relating to the C.T. District of Towson" and there was no intent to repeal all of Column IX, the "canopy" reference in Column II and "one per frontage" language in Column VI, all of which applies to more than the former C.T. District of Towson. The County Attorney and the Counsel Secretary/Legislative Counsel have ordered the publisher not to show this language as repealed in this 10-01-2016 Supplement. Corrective legislation will be submitted to the County Council.

— (6) —

6. Editor's Note— A federal district court declared Section 450.7F unconstitutional as a prior restraint on free speech in violation of the First and Fourteenth Amendments and permanently enjoined the County from enforcing it. [Clarence Bell et al v. Baltimore County, CCB 07-0305. See also 550F. Supp. 2d 590 (2008).]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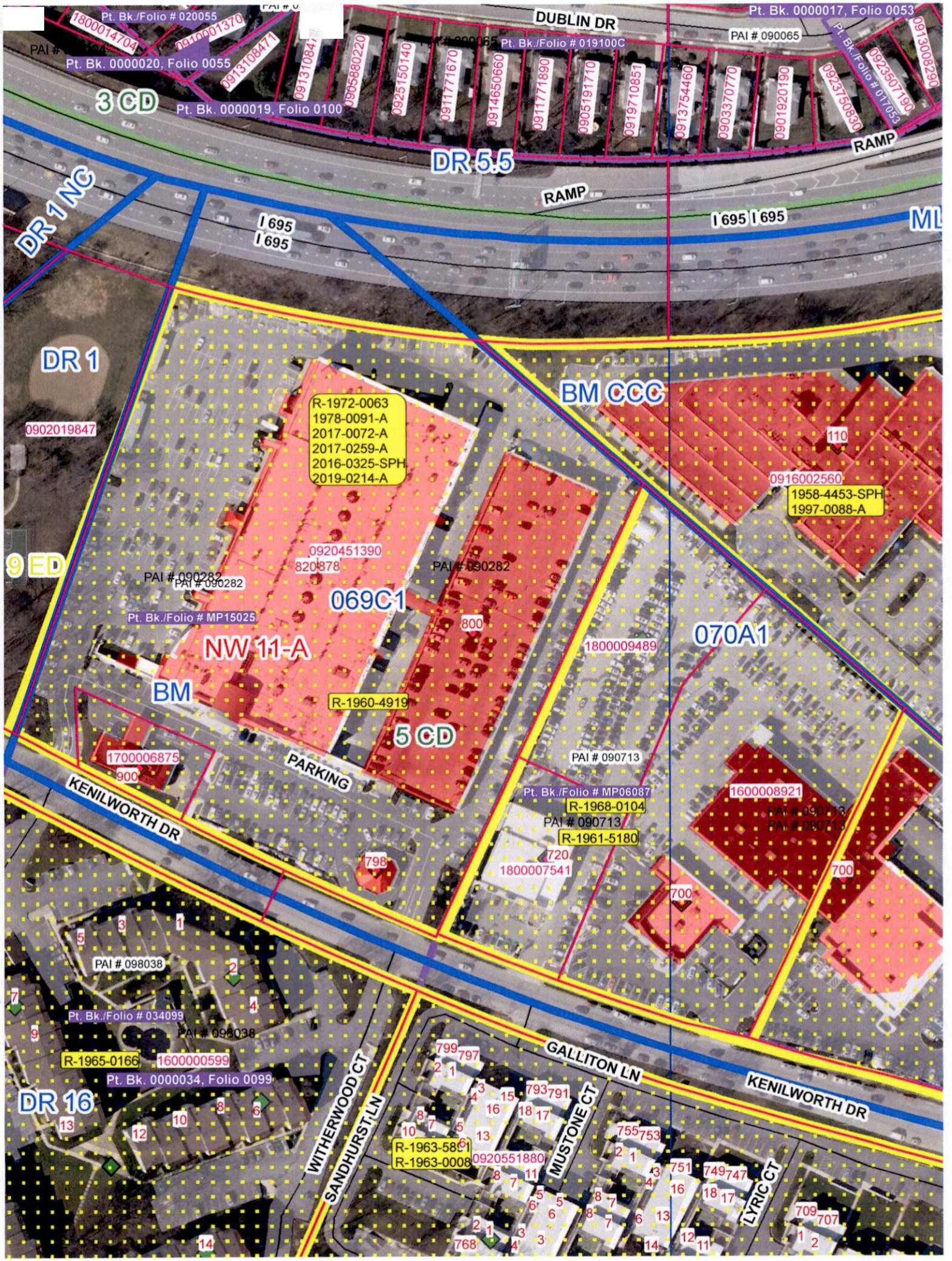
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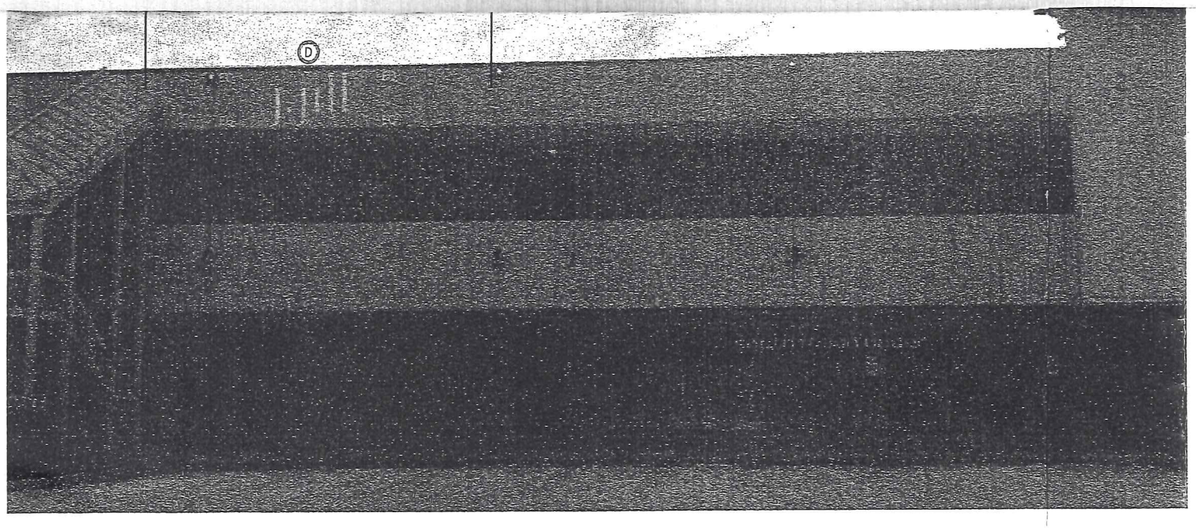
1600008921
PAI # 090713
PAI # 090713
700
700
PAI # 098038
Pt. Bk./Folio # 034099
PAI # 098038
R-1965-0166
1600000599
Pt. Bk. 0000034, Folio 0099
DR 16
WITHERWOOD CT
SANDHURST LN
799
797
GALLITON LN
KENILWORTH DR
793
791
MUSTONE CT
755
753
R-1963-5801
R-1963-0008
0920551880
751
749
747
LYRIC CT
709
707
768



WALL MOUNTED ENTERPRISE SIGN

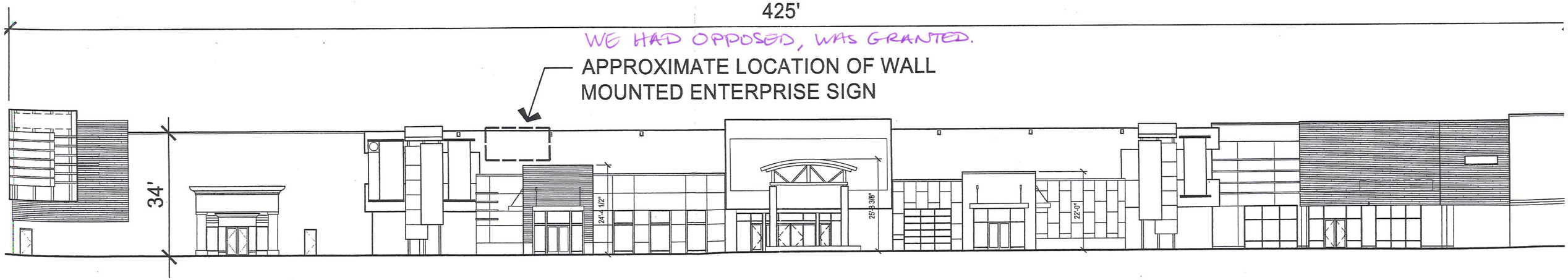
NOT TO SCALE

SIGN AREA CHART

SIGN TYPE	SIGN AREA (SF)	FASCADE
WALL MOUNTED ENTERPRISE SIGN	33.01	WEST

BUILDING FASCADE AREA CHART

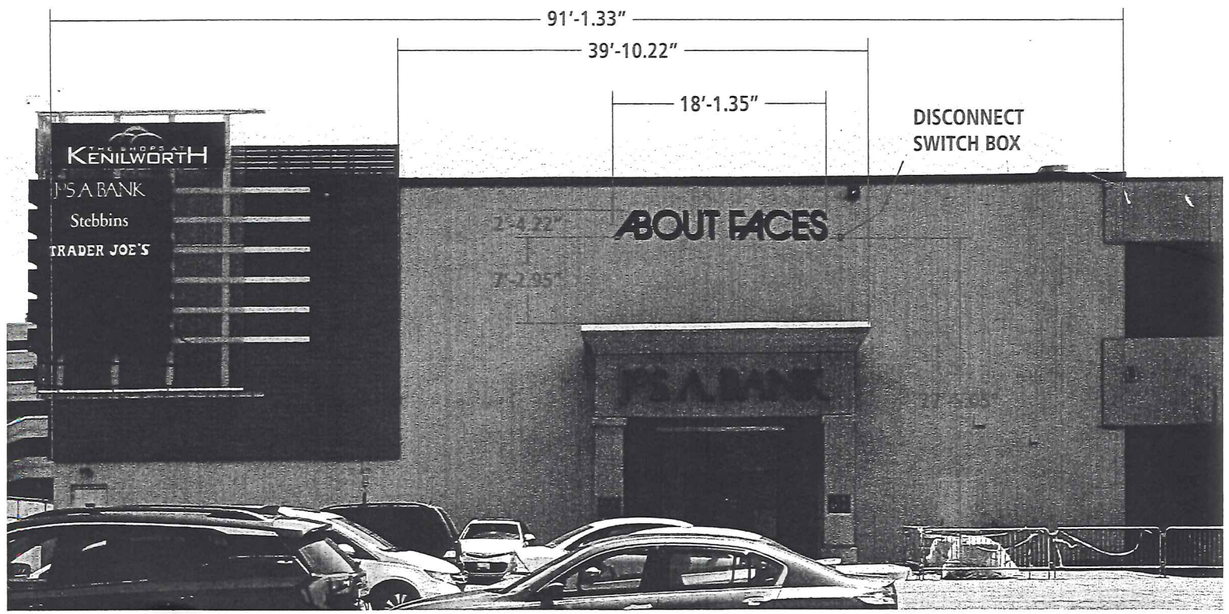
ORIENTATION	FASCADE LENGTH (LF)	SIGN AREA PERMITTED (SF)	TOTAL SIGN AREA PROPOSED (SF)
WEST	35	70	33.01



WEST ELEVATION

NOT TO SCALE

ZAC 19-24



WALL MOUNTED ENTERPRISE SIGN

NOT TO SCALE

VICINITY MAP

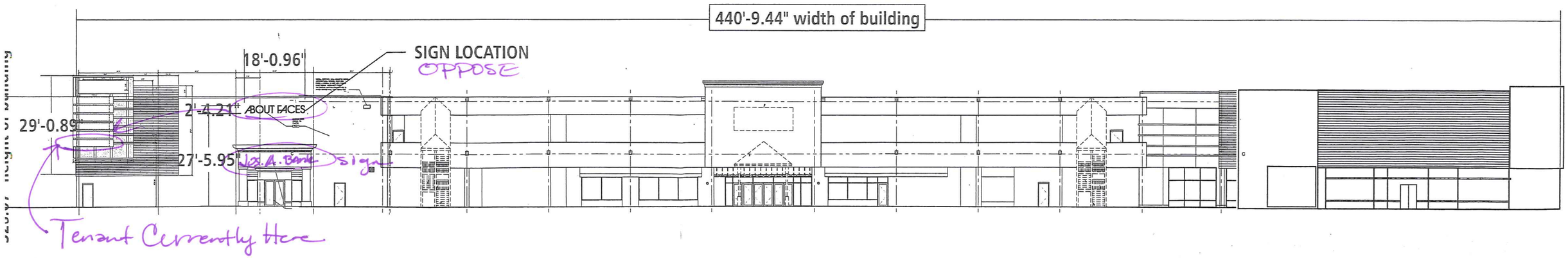
SCALE: 1"=500'

SIGN AREA CHART

SIGN TYPE	SIGN AREA (SF)	FASCADE
WALL MOUNTED ENTERPRISE SIGN	42.19	WEST

BUILDING FASCADE AREA CHART

ORIENTATION	FASCADE LENGTH (LF)	SIGN AREA PERMITTED (SF)	TOTAL SIGN AREA PROPOSED (SF)
WEST	91.11	182.22	42.19



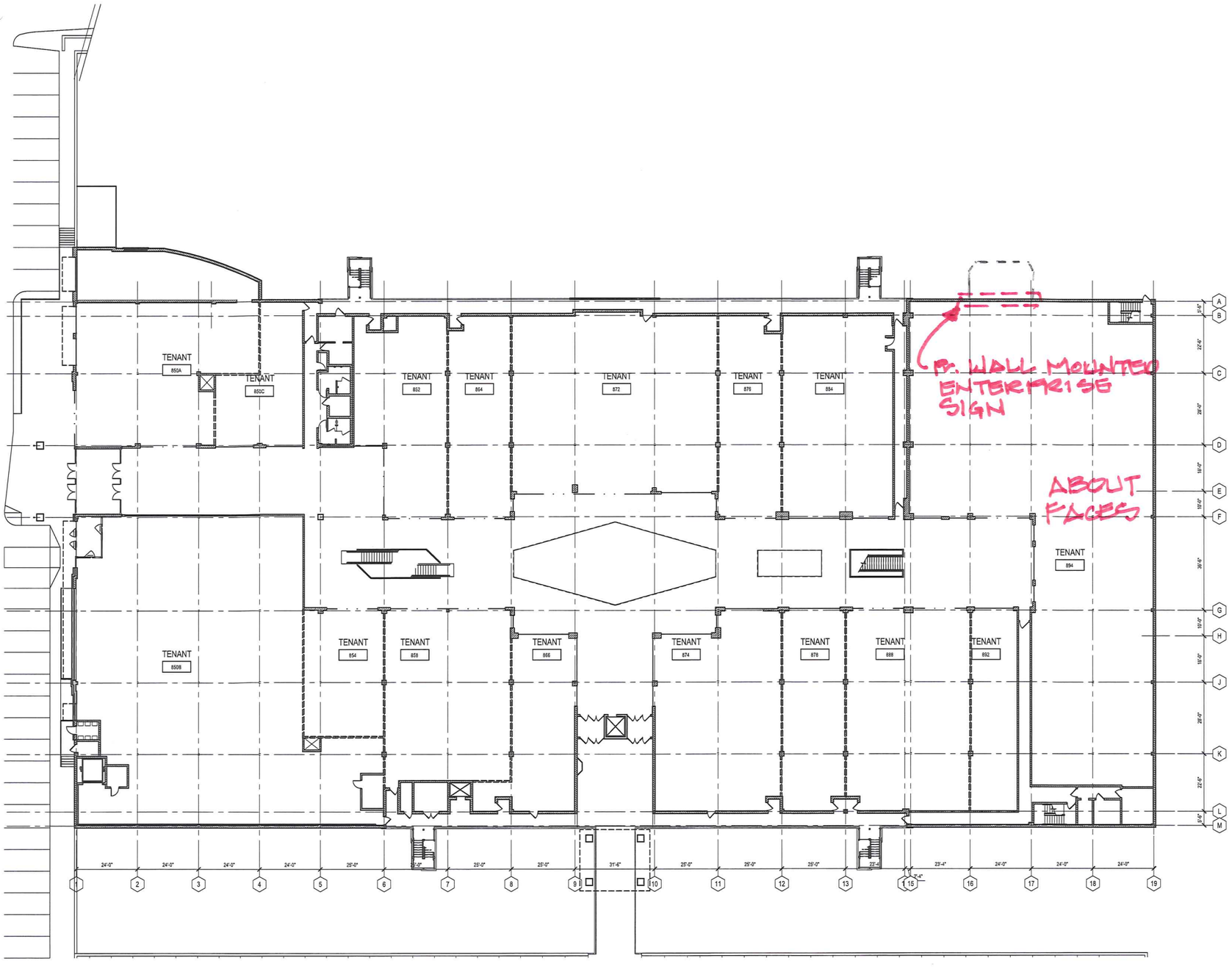
WEST ELEVATION

NOT TO SCALE

ZBA 19-391

PETITIONER'S

EXHIBIT NO. 3



A8 LEVEL 02 EGRESS PLAN
SCALE: 1/16" = 1'-0"

NORTH

JP2

JP2 ARCHITECTS
2811 Dillon St.
Baltimore, MD 21224
t 410.646.8300
www.JP2architects.com

CONSULTANTS

Structural:
Carroll Engineering
215 Schilling Circle
Suite 102
Hunt Valley, MD 21031
t 410.785.7423
f 410.771.1313

Mechanical, Electrical, Plumbing, Fire Protection:
Wick Fisher White
100 N. Independence Mall W
Suite 5 SE
Philadelphia, PA 19106-1512
t 215.627.0200
f 215.627.8240

Landscape Architect:
Bohler Engineering
901 Dulaney Valley Road
Suite 801
Towson, MD 21204
t 410.821.7900

CIVIL:
Century Engineering
10710 Gilroy Road
Hunt Valley, MD 21031
t 443.589.2400

SEAL / SIGNATURE

PROJECT

THE SHOPS AT KENILWORTH
800 KENILWORTH DRIVE
TOWSON, MARYLAND 21204

CLIENT / OWNER

Greenberg Gibbons
10096 Red Run Boulevard
Suite 100
Owings Mills, MD 21117
t 410.559.2500
f 410.581.2032
www.ggcommercial.com

REVISION DRAWING LOG

No.	Date	Title

PROJECT NUMBER: 16449

DRAWING TITLE

LEVEL 02 EGRESS PLAN

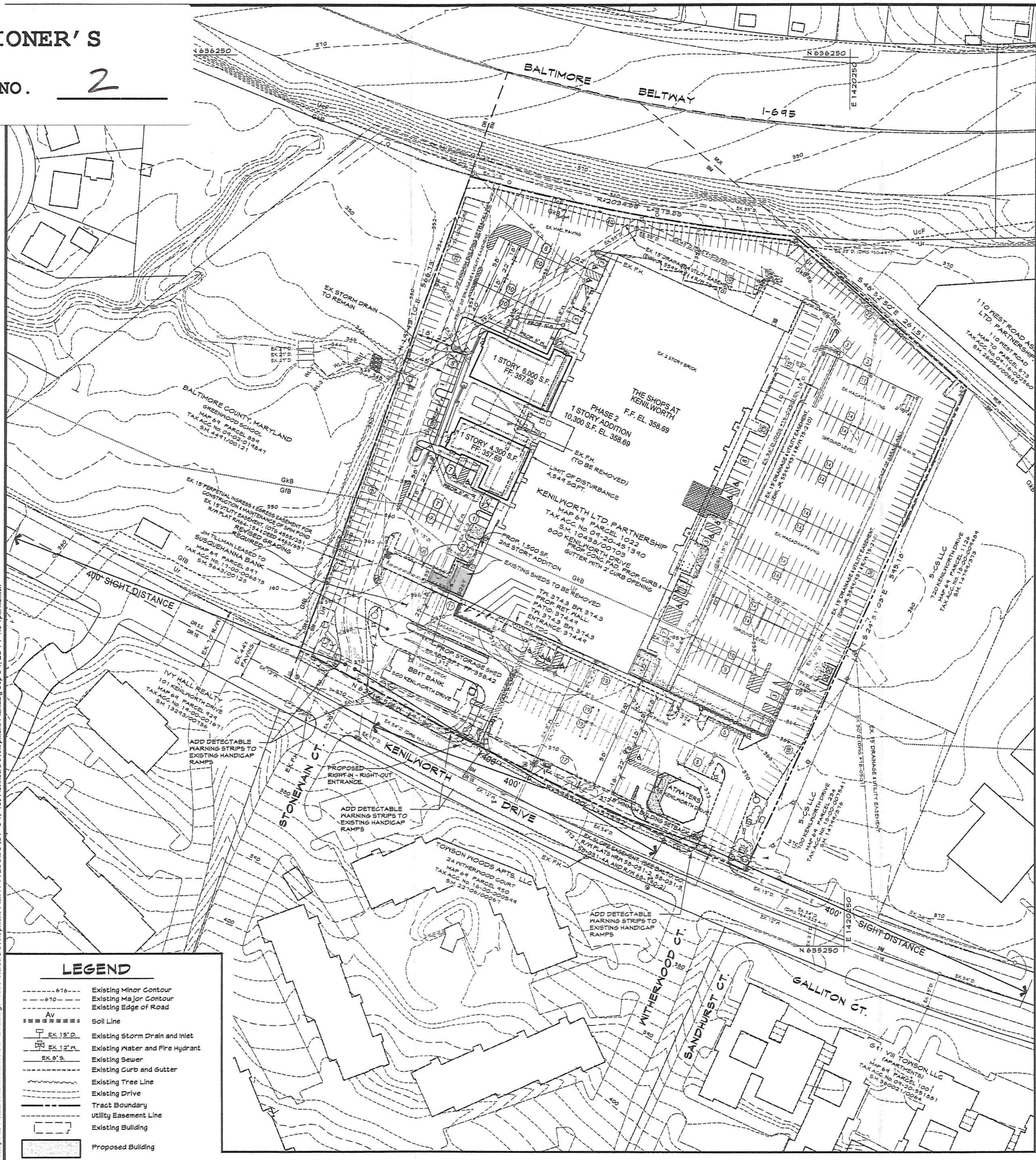
DRAWING NUMBER

G-002

Scale AS NOTED Issue Date 11/20/2017

PETITIONER'S

EXHIBIT NO. 2



LEGEND

- Existing Minor Contour
- Existing Major Contour
- Existing Edge of Road
- Soil Line
- Existing Storm Drain and Inlet
- Existing Water and Fire Hydrant
- Existing Sewer
- Existing Curb and Gutter
- Existing Tree Line
- Existing Drive
- Tract Boundary
- Utility Easement Line
- Existing Building
- Proposed Building
- Proposed Grades
- Proposed Sewer
- Proposed Water and Fire Hyd
- Proposed Storm Drain and In
- Proposed Curb & Gutter
- Zoning Line (BM / DR 16)
- Stream Buffer

DELINQUENT ACCOUNTS NOTE

I, Brian J. Gibbons, authorized agent/owner of the subject property, certify under oath, that to the best of my knowledge, there are no delinquent accounts for any other development with respect to any of the following: the applicant, a person with a financial interest in the proposed development, or a person who will perform contractual services on behalf of the proposed development.

Kenilworth Limited Partnership

By: [signature] — 6/10/15

Owner's Signature — Date

PLAN

SCALE: 1"=50'

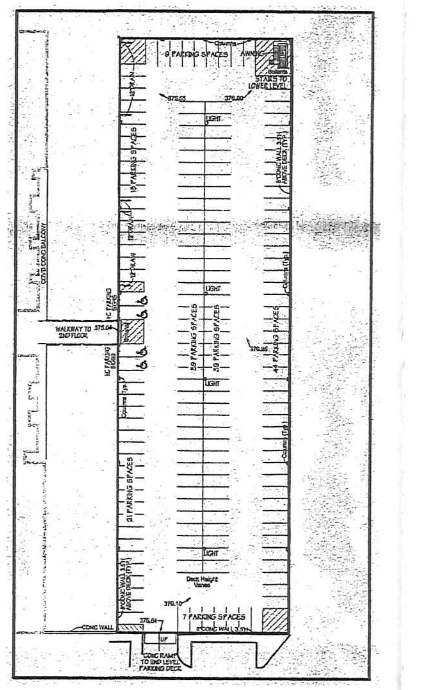
0 50' 100'

SEE DRAWING 2 OF 2
FOR BUILDING ELEVATION

BENCHMARK

COORDINATES, BEARINGS AND DISTANCES SHOWN HEREON ARE REFERRED TO THE MARYLAND STATE PLANE COORDINATE SYSTEM, (NAD 83-91) AS DERIVED FROM THE FOLLOWING BALTIMORE COUNTY SURVEY CONTROL POINTS:

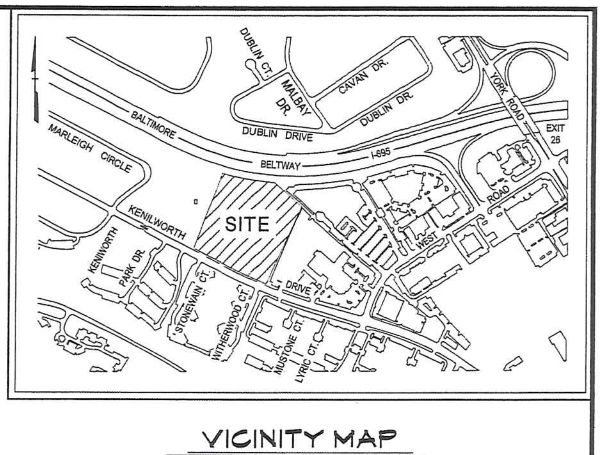
1324	ELEV. 388.55	N 633,241.480	E 1,416,155.390
1151	ELEV. 402.090	N 635,729.48	E 1,421,415.680
973	ELEV. 342.460	N 636,452.310	E 1,417,916.920



DETAIL

UPPER LEVEL PARKING DECK

SCALE: 1"=50'



VICINITY MAP

SCALE: 1"=500'

SITE DATA

EXISTING ZONING AND MAXIMUM DENSITY PERMITTED

ZONE	ACRES	UNITS ALLOWED	DENSITY UNITS	UNITS PROPOSED
BM	7.87	N/A	N/A	N/A
DR 5.5	0.25	N/A	N/A	N/A
TOTAL	8.12	N/A	N/A	N/A

COUNTY ADOPTED PLANS

EXISTING	NOT EXISTING	IN CONFORMANCE	
✓		✓	BALTO. CO. MASTER PLAN 2020
	✓		COMMUNITY OR REVITALIZATION PLAN(S)
	✓		RECREATION AND PARKS PLAN
	✓		STREETSCAPE PLAN
	✓		GREENWAYS PLAN
			OTHER:

OPEN SPACE PROPOSAL

OPEN SPACE TYPE	REQUIRED ACRES	PROVIDED ACRES
PASSIVE OPEN SPACE		
ACTIVE OPEN SPACE		
AMENITY SPACE		
TRAILS & CONNECTIONS		
OTHER		
TOTAL		
PROPOSED OWNERSHIP		

UNDEVELOPED AREA	ACRES
STORMWATER MANAGEMENT	N/A
HOA/COA AREAS	N/A
OTHER	N/A
LOS AREAS	N/A
TOTAL PROVIDED	N/A

DEDICATION TABLE

TYPE OF CONVEYANCE	NO.	TOTAL AREA* (Ac.)
Access Easement	0	----
Drainage and Utility Easement	1	0.2
Forest Conservation Easement	----	----
Stormwater Management Easement	----	----
100 year Floodplain Easement	----	----

* NOTE: Total areas in this table are approximate.

BALTIMORE COUNTY DEPT. OF PAI
Project No. 09-0282; DRC 032817B
BALTIMORE COUNTY CODE
Section 32-4-106B
CERTIFICATION DEVELOPMENT Plan Approval
By: J Chen Date: 9/13/17
This plan approval shall expire four (4) years from this approval date.

BALTIMORE COUNTY DEPT. OF PAI
Project No. 09-0282; DRC #042815B
BALTIMORE COUNTY CODE
Section 32-4-106B
CERTIFICATION DEVELOPMENT Plan Approval
By: J. Chen Date: 2/2/16
This plan approval shall expire four (4) years from this approval date.

GENERAL NOTES

1. Site Address: 800 Kenilworth Drive, Towson, Maryland 21204
2. Owner/Developer: Kenilworth Limited Partnership, 800 Kenilworth Drive, Towson, Maryland 21204, 410-559-2528
3. Tax Account No.: 09-20-451390
   Tax Map: 69
   Grid: 06
   Parcel: 1022
   Deed Reference: S.M. 10438/703
   Census Tract: 490301
   Watershed: Jones Falls
4. Gross Area: 8.1271 Acres (354,012 S.F.)
5. Net Area: 8.1271 Acres
   a. Limit of Disturbance: 0 S.F. Phase 1 (see note 22); 4,549 S.F. Phase 2
6. Existing Zoning: BM
   Zoning Map: 69C1
7. Existing Use: Commercial Shopping Center
8. Proposed Use: Commercial Shopping Center
9. Existing Building Area: 138,412 S.F.
   a. Existing Mall: 133,314 S.F.
   b. Existing Out Buildings: 5,098 S.F.
10. Proposed Building Area: 150,212 S.F. (Phase 1 & 2)
    a. Existing Building: 138,412 S.F.
    b. Proposed 2nd. Fl. Add.: 1,500 S.F. (Phase 1)
    c. Proposed Expansion: 10,300 S.F. (Phase 2)
11. Average Daily Trips: 1,852
12. Existing Parking Summary:
    a. Existing Parking: 828
    b. Parking deleted for Phase 1 & 2: 71 (Phase 1: 13 spaces, Phase 2: 58 spaces)
    c. Remaining Parking Available: 757
    d. Additional spaces to be provided for Phase 1: 2
    e. Total Parking Provided: 759 (includes 18 Handicap spaces)
13. Proposed Parking Calculations:
    a. Retail - 150,212 @ 5/1,000 751
    b. Parking Spaces Required: 751
    c. Parking Spaces Provided: 759 (includes 21 Handicap spaces)
14. Floor Area Ratio Calculations: 0.4
15. Setbacks:
    a. Front: 15 feet
    b. Side & Rear: 30 feet
16. Site is within the URDL.
17. Site is within the Metropolitan District.
18. Site is not in a Design Review Panel Area.
19. Site is not in the Chesapeake Bay Critical Area.
20. The site is not located in a deficient area on any of the Basic Services Maps.
21. 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 topographic 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.
22. The Limit of Disturbance for Phase 1 (Shed, 2nd floor addition) includes the removal of parking lot top coat paving, leaving the stone base undisturbed. Therefore, no disturbance is required. Phase 2 Limit of Disturbance equals 4,549 sq.ft. See approval letter from D.E.P.S. dated July 10, 2015.
23. Signage to comply with Section 450 of the Baltimore County Zoning Regulations and all zoning sign policies.
24. The site is not located within a Revitalization Area, Area of Special Concern, or Traffic Deficient Area.
25. There are no buildings on this site that are on the Maryland Historical Trust Inventory of Historic Properties, the Baltimore County Preliminary or Final Landmarks List, the National Register of Historic Places, the Maryland Archaeological Survey, nor any identification of any Baltimore County Historic District, or National Register District.
26. This site is not in a designated area of critical state concern.
27. There are no known hazardous materials on this site.
28. The proposed buildings shall be designed and constructed as to meet the applicable provisions of the Baltimore County Fire Prevention Code, County Bill No. 63-13. Any on-site fire hydrant must be a minimum distance of 40 feet away from any building. A separate building permit is required for the installation of automatic sprinkler systems. The Baltimore County Fire Prevention Code, County Bill No. 63-13, Section 1:10.12.1.5 requires that the address numbers for commercial properties be a minimum of 6 inches.
29. Waste and refuse containers should not be placed closer than 15 feet to any structural walls or partitions constructed of combustible materials; nor from openings in exterior walls such as doors and windows; nor beneath a combustible overhang in accordance with the Baltimore County Fire Prevention Code, County Bill No. 63-13, Section 1:19.2.1.4.1 (4).
30. Bureau of Traffic Engineering and Transportation Planning has confirmed the the subject site is not in a traffic deficient area.
31. A variance was granted on October 1, 2015 by the Baltimore County Department of Environmental Protection and Sustainability from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains to waive establishment of a Forest Buffer Easement.
32. A forest conservation waiver was granted by Baltimore County Department of Environmental Protection and Sustainability on October 1, 2015.

PAI #09-0282	DRC: 032817B

REASON FOR FIRST REFINEMENT

The purpose of this plan is to:

1. Add one story, 10,300 s.f. retail/restaurant space to west side of building. Remove existing parking.
2. Convert existing entrance to Right In - Right Out.
3. Update Zoning

RECEIVED
SEP 06 2017
DEPARTMENT OF PERMITS APPROVALS AND INSPECTIONS

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND.

LICENSE No.: 1008 EXPIRATION DATE: 5.20.18

DATA SOURCES:

1. Topographic information shown on this plan is from Field-Run Survey performed by Century Engineering, Inc. dated May 2015.
2. Additional topo outside the subject site is from the Baltimore County G. I. S. Web portal.
3. Existing utilities shown were digitized from public drawings.
4. Additional information is from an ALTA/ACSM Land Title Survey by G.W. Stephens & Associates, dated May 17, 1999.

DATE	BY	REVISIONS
7.15.15	C.E.I.	Per county review comments

CENTURY ENGINEERING
CONSULTING ENGINEERS - PLANNERS
10710 Gilroy Road, Hunt Valley, MD 21031
Phone: 443.589.2400 Fax: 443.589.2401
www.centuryeng.com

1st Refinement
Limited Exemption Development Plan

THE SHOPS AT KENILWORTH

800 Kenilworth Drive Towson, Maryland 21204
9th Election District 5th Councilmanic District
Baltimore County, Maryland
PAI #09-0282 DRC: 032817B

NORTH
NAD 83

THIS PLAN HAS PREPARED IN ACCORDANCE WITH THE BALTO. CO. DEVELOPMENT PLAN CHECK LIST AND ALL AGENCY COMMENTS.

ISSUE DATES			
REVIEW:	8/18/17	BASE:	M.S.S.
BID:	----	DRAWN:	M.S.S.
PERMIT:	----	DESIGNED:	M.J.P.
CONSTRUCTION:	----	CHECKED BY:	----
		DATE CHECKED:	----
SCALE:	1"=50'	DRAWING:	1 of 2
PROJECT NO.:	141258		

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S:\2014\Facilities\141258.40 About Faces at Kenilworth\CIVIL\CADD\Drawings\141258.40 (SPP-01) Sign Variance Plan.dwg Jul 09, 2019 12:02pm msmith

LEGEND

- Existing Minor Contour
- Existing Major Contour
- Existing Edge of Road
- Existing Storm Drain and Inlet
- Existing Water and Fire Hydrant
- Existing Sewer
- Existing Curb and Gutter
- Existing Tree Line
- Existing Drive
- Tract Boundary
- Utility Easement Line
- Existing Building
- Zoning Line
- Stream Buffer

PLAN

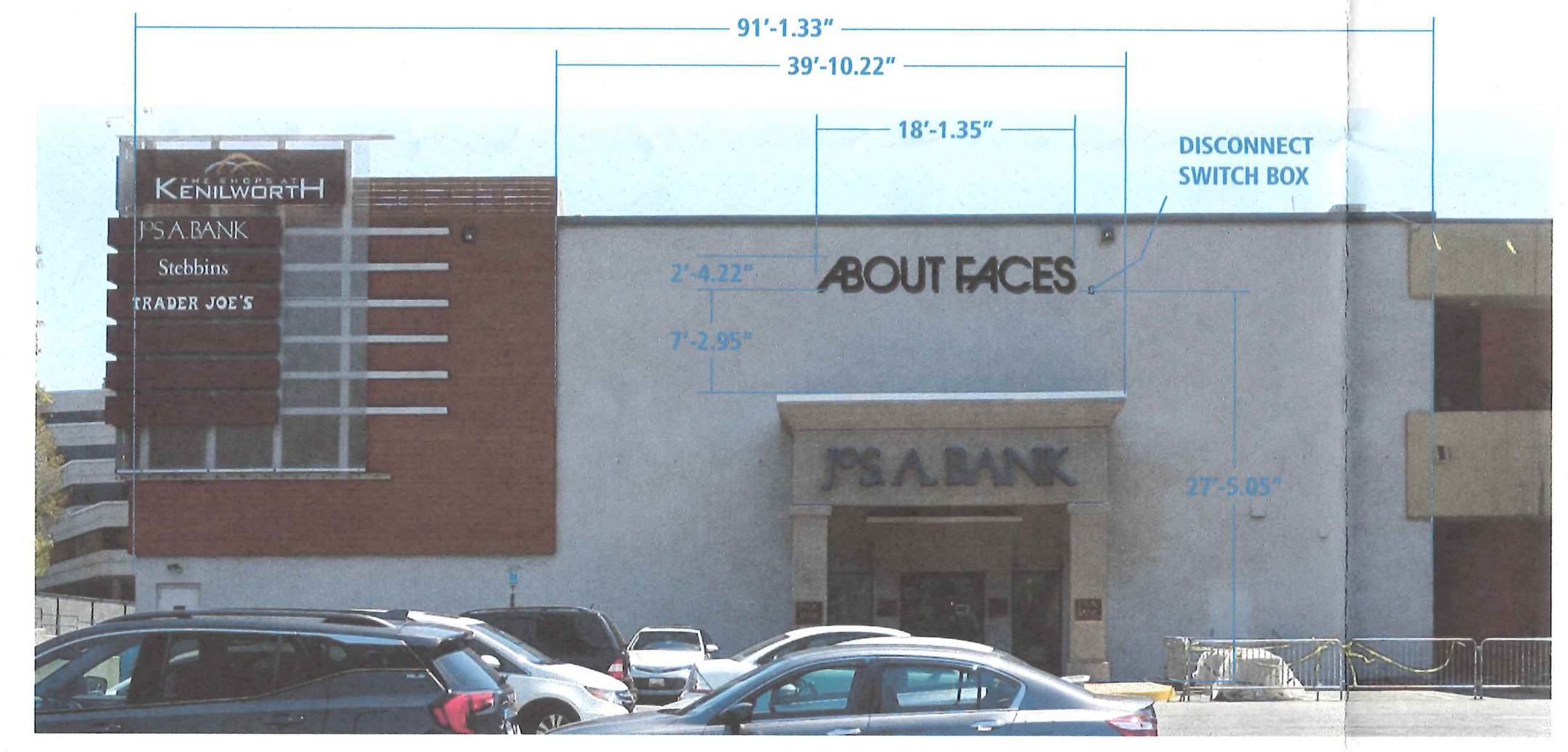
SCALE: 1"=50'

0 50' 100'

42.19 SQ.FT.±

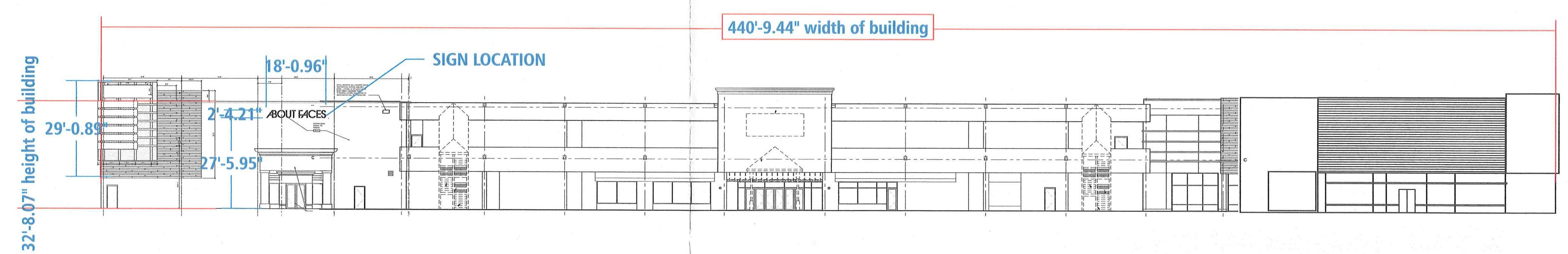
SIGN DETAIL

NOT TO SCALE



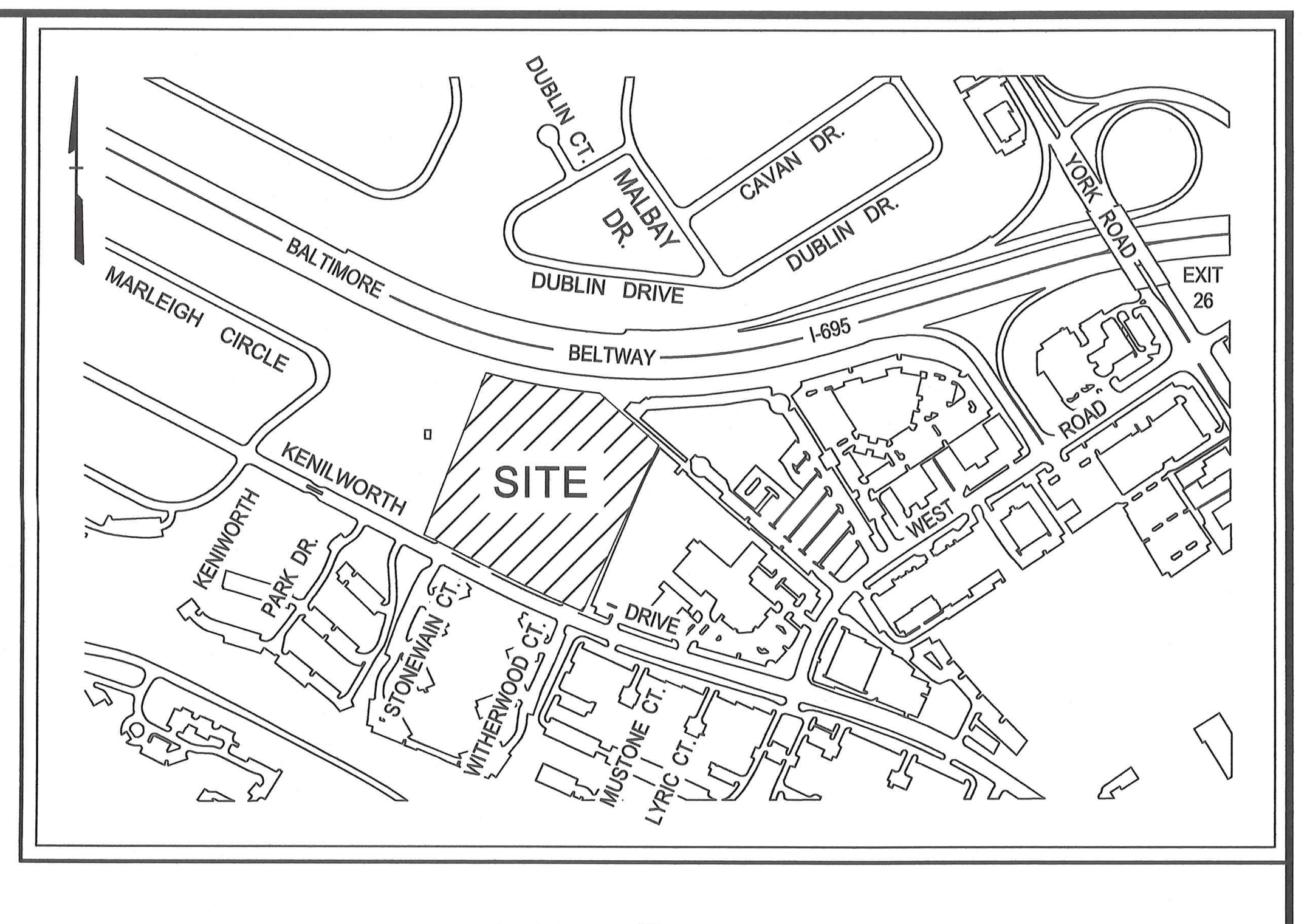
WALL MOUNTED ENTERPRISE SIGN

NOT TO SCALE



WEST ELEVATION

NOT TO SCALE



VICINITY MAP

SCALE: 1"=500'

SIGN AREA CHART

SIGN TYPE	SIGN AREA (SF)	FASCADE
WALL MOUNTED ENTERPRISE SIGN	42.19	WEST

BUILDING FASCADE AREA CHART

ORIENTATION	FASCADE LENGTH (LF)	SIGN AREA PERMITTED (SF)	TOTAL SIGN AREA PROPOSED (SF)
WEST	91.11	182.22	42.19

GENERAL NOTES

1. Site Address: .... 800 Kenilworth Drive
   Towson, Maryland 21204
2. Owner/Developer: ...... Kenilworth Limited Partnership
   800 Kenilworth Drive
   Towson, Maryland 21204
3. Tax Account No.: 09-20-451390
   Tax Map: 69
   Parcel: 1022
   Deed Reference: .... S.M. 10438/703
   Census Tract: 490301
   Watershed: .... Jones Falls
4. Gross Area: .... 8.1271 Acres
   (354,012 S.F.)
5. Net Area: .... 8.1271 Acres
   a. Limit of Disturbance: 0 S.F.±
6. Existing Zoning: .... BM
   Zoning Map: 69C1
7. Existing Use: .... Commercial Shopping Center
8. Proposed Use: .... Commercial Shopping Center
9. Existing Building Area: ...... 136,380 S.F.
   a. Existing Mall: .... 131,631 S.F.
   b. Existing Out Buildings: .. 4,749 S.F.
10. Parking Calculations:
    a. Parking Required: 818
       (per Kenilworth Bazaar Plan IX - 282)
       1. Bank: .... 2,520 SF (1sp/300 SF) = 9
       2. Retail Area: .. 153,200 SF (1sp/200 SF) = 766
       3. Office: .... 21,384 SF (1sp/500 SF) = 43
    b. Parking Required: 4
       (per proposed 980 SF shed addition)
       1. Retail Area: 980 SF (1sp/300 SF) = 4
    c. Total Parking Required: 822
    d. Existing Parking: 826
11. Floor Area Ratio Calculations: 0.38
    (354,062 ÷ 136,380)
12. Required Setbacks:
    a. Front: .... 15 feet
    b. Side & Rear: ..... 30 feet
13. Site is within the URDL.
14. Site is within the Metropolitan District.
15. Site is not in a Design Review Panel Area.
16. Site is not in the Chesapeake Bay Critical Area.
17. The site is not located in a deficient area on any of the Basic Services Maps of the Basic Service Maps.
18. "A variance was granted on October 1, 2015 by the Baltimore County Department of Environmental Protection and Sustainability from the Law for the Protection of Water Quality, Streams, Wetlands, and floodplains to waive establishment of a Forest Buffer Easement."
19. Signage to comply with Section 450 of the Baltimore County Zoning Regulations and all zoning sign policies or a variance will be granted.
20. The site is located within the Towson Commercial Revitalization Area.
21. There are no buildings on this site that are on the Maryland Historical Trust Inventory of Historic Properties, the Baltimore County Preliminary or Final Landmarks List, the National Register of Historic Places, the Maryland Archaeological Survey, nor any identification of any Baltimore County Historic District, or National Register District.
22. This site is not in a designated area of critical state concern.
23. There are no known hazardous materials on this site.
24. There are no floodplains located on the site.

ATTACHMENT TO PETITION FOR ZONING HEARING

Variance from Section(s):

1. BCZR 450.4 Attachment 1.5(d) to permit a wall mounted enterprise sign for a tenant in a multi-tenant building to be located on a facade without a separate exterior entrance; and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

ZONING HISTORY

1. Case Number R-1960-4918: Zoning Case for 700/720 Kenilworth Drive.
2. Case Number 72-63-R: To correct a zoning error.
3. Case Number 78-91-A: Variance to permit 853 parking spaces in lieu of the required 978 spaces Granted on October 25, 1978.
4. Case Number 16-325-SPH: Variance to confirm relief granted in Case 78-91-A applies to the redevelopment of the shopping center, reduction of required parking, stacking space for Atwaters and the bank, and dimensions of existing parking spaces, driveways and isles. (Granted August 23, 2016)
5. Case Number 2017-0072-A: To permit freestanding joint identification sign with changeable copy. Granted November 14, 2016.
6. Case Number 2017-259-A: Sign Variance Case.
7. Case Number 2019-0214-A: Sign Variance Case.

DATA SOURCES:

1. Topographic information shown on this plan is from a Field-Run Survey performed by Century Engineering, Inc. dated May 2015 and December 15, 2016.
2. Additional topo outside the subject site is from the Baltimore County G.I.S. Web portal.
3. Existing utilities shown were digitized from public drawings.

DATE	BY	REVISIONS

CENTURY ENGINEERING
CONSULTING ENGINEERS - PLANNERS
10710 Gilroy Road, Hunt Valley, MD 21031
Phone: 443.589.2400 Fax: 443.589.2401
www.centuryeng.com

About Faces
Sign Variance Plan

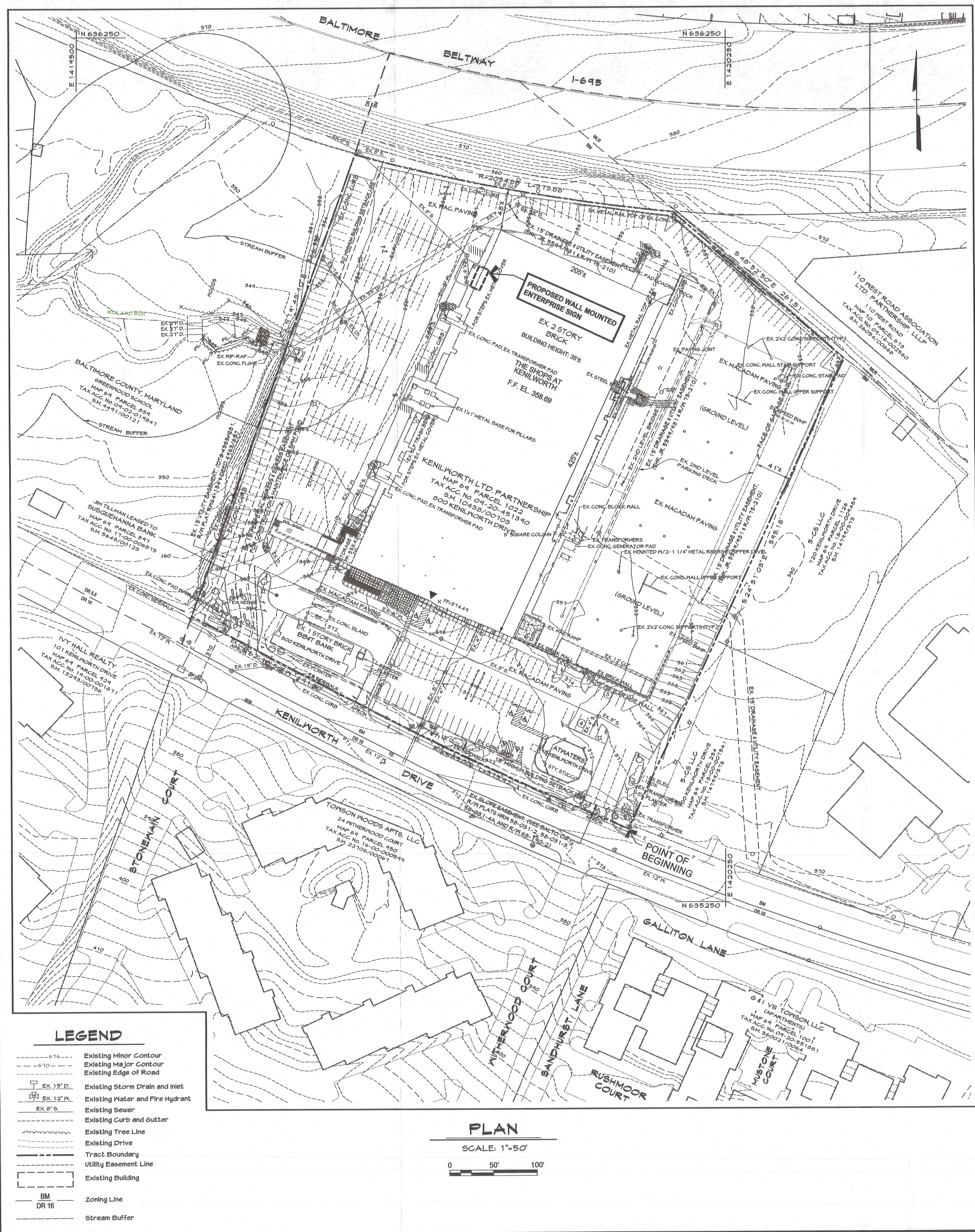
THE SHOPS AT KENILWORTH
800 Kenilworth Drive Towson, Maryland 21204
9th Election District 5th Councilmanic District
Baltimore County, Maryland

NORTH
NAD 83

BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS
MICHAEL JOSEPH PIERANUNZI
1008
STATE OF MARYLAND

ISSUE DATES			
REVIEW:	7.9.19	BASE:	M.S.S.
BID:	----	DRAWN:	M.S.S.
PERMIT:	----	DESIGNED:	M.J.P.
CONSTRUCTION:	----	CHECKED BY:	----
		DATE CHECKED:	----
SCALE:	1"=50'	DRAWING:	
PROJECT NO.:	141258.40		1 of 1

2019-0391-A



LEGEND

---676---	Existing Minor Contour
---670---	Existing Major Contour
	Existing Edge of Road
EX. 15" D.	Existing Storm Drain and Inlet
EX. 12" W.	Existing Water and Fire Hydrant
EX. 8" S.	Existing Sewer
	Existing Curb and Gutter
	Existing Tree Line
	Existing Drive
	Tract Boundary
	Utility Easement Line
	Existing Building
BM / DR 16	Zoning Line
	Stream Buffer

PLAN

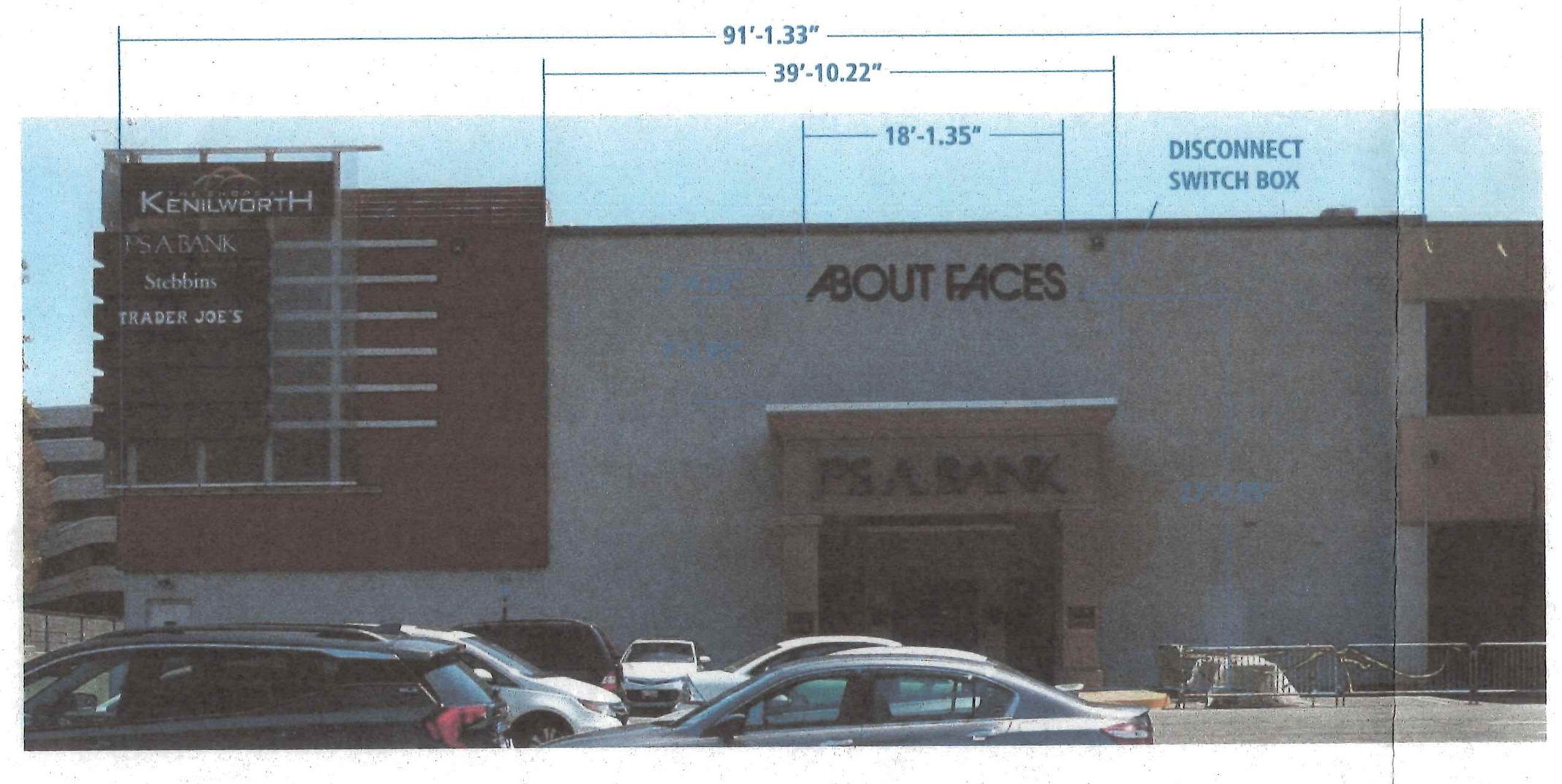
SCALE: 1"=50'

0 50' 100'

42.19 SQ.FT.±

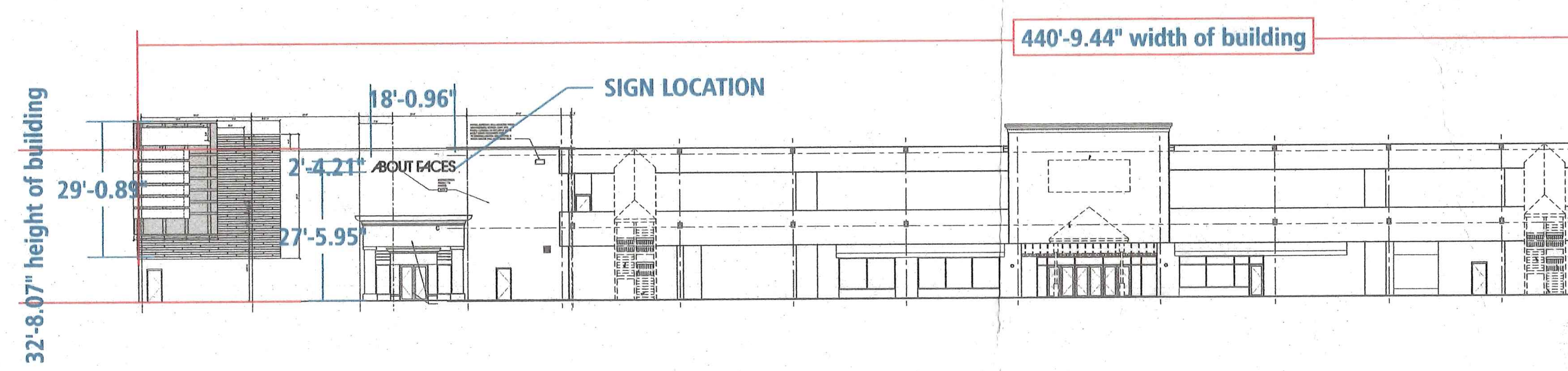
SIGN DETAIL

NOT TO SCALE



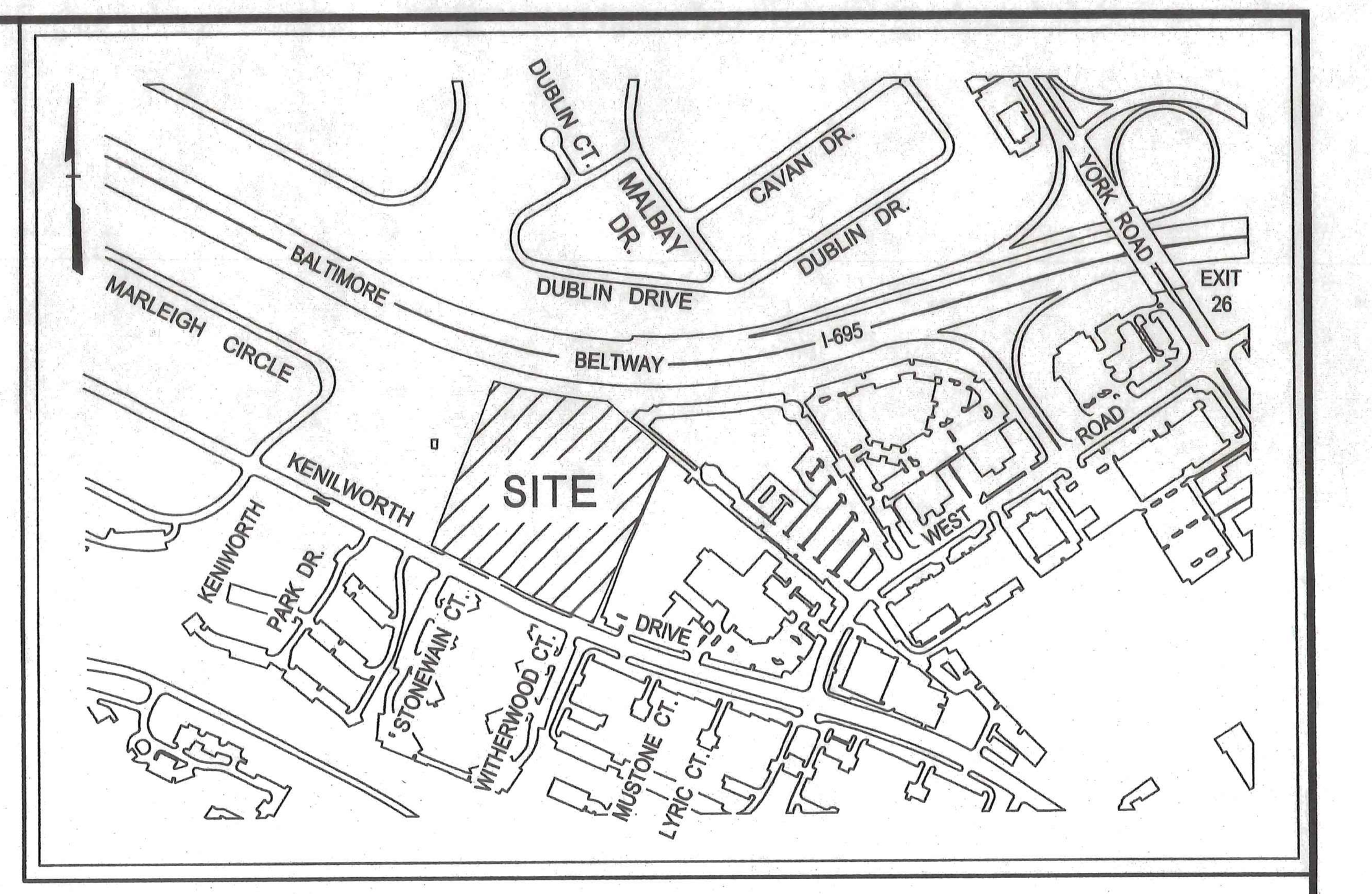
WALL MOUNTED ENTERPRISE SIGN

NOT TO SCALE



WEST ELEVATION

NOT TO SCALE



VICINITY MAP

SCALE: 1"=500'

SIGN AREA CHART

SIGN TYPE	SIGN AREA (SF)	FASCADE
WALL MOUNTED ENTERPRISE SIGN	42.19	WEST

BUILDING FASCADE AREA CHART

ORIENTATION	FASCADE LENGTH (LF)	SIGN AREA PERMITTED (SF)	TOTAL SIGN AREA PROPOSED (SF)
WEST	91.11	182.22	42.19

GENERAL NOTES

1. Site Address: .... 800 Kenilworth Drive, Towson, Maryland 21204
2. Owner/Developer: ...... Kenilworth Limited Partnership, 800 Kenilworth Drive, Towson, Maryland 21204
3. Tax Account No.: 09-20-451390
   Tax Map: 69
   Parcel: 1022
   Deed Reference: .... S.M. 10438/703
   Census Tract: 490301
   Watershed: .... Jones Falls
4. Gross Area: .... 8.1271 Acres (354,012 S.F.)
5. Net Area: .... 8.1271 Acres
   a. Limit of Disturbance: 0 S.F.±
6. Existing Zoning: .... BM
   Zoning Map: 69C1
7. Existing Use: .... Commercial Shopping Center
8. Proposed Use: .... Commercial Shopping Center
9. Existing Building Area: ...... 136,380 S.F.
   a. Existing Mall: .... 131,631 S.F.
   b. Existing Out Buildings: .. 4,749 S.F.
10. Parking Calculations:
    a. Parking Required: 818
       (per Kenilworth Bazaar Plan IX - 282)
       1. Bank: .... 2,520 SF (1sp./300 SF) = 9
       2. Retail Area: ...153,200 SF (1sp./200 SF) = 766
       3. Office: .... 21,384 SF (1sp./500 SF) = 43
    b. Parking Required: 4
       (per proposed 980 SF shed addition)
       1. Retail Area: 980 SF (1sp./300 SF) = 4
    c. Total Parking Required: 822
    d. Existing Parking: 826
11. Floor Area Ratio Calculations: 0.38
    (354,062 ÷ 136,380)
12. Required Setbacks:
    a. Front: .... 15 feet
    b. Side & Rear: ..... 30 feet
13. Site is within the URDL.
14. Site is within the Metropolitan District.
15. Site is not in a Design Review Panel Area.
16. Site is not in the Chesapeake Bay Critical Area.
17. The site is not located in a deficient area on any of the Basic Services Maps of the Basic Service Maps.
18. "A variance was granted on October 1, 2015 by the Baltimore County Department of Environmental Protection and Sustainability from the Law for the Protection of Water Quality, Streams, Wetlands, and floodplains to waive establishment of a Forest Buffer Easement."
19. Signage to comply with Section 450 of the Baltimore County Zoning Regulations and all zoning sign policies or a variance will be granted.
20. The site is located within the Towson Commercial Revitalization Area.
21. There are no buildings on this site that are on the Maryland Historical Trust Inventory of Historic Properties, the Baltimore County Preliminary or Final Landmarks List, the National Register of Historic Places, the Maryland Archaeological Survey, nor any identification of any Baltimore County Historic District, or National Register District.
22. This site is not in a designated area of critical state concern.
23. There are no known hazardous materials on this site.
24. There are no floodplains located on the site.

ATTACHMENT TO PETITION FOR ZONING HEARING

Variance from Section(s):

1. BCZR 450.4 Attachement 1.5(d) to permit a wall mounted enterprise sign for a tenant in a multi-tenant building to be located on a facade without a separate exterior entrance; and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

ZONING HISTORY

1. Case Number R-1960-4918: Zoning Case for 700/720 Kenilworth Drive.
2. Case Number 72-63-R: To correct a zoning error.
3. Case Number 78-91-A: Variance to permit 853 parking spaces in lieu of the required 978 spaces Granted on October 25, 1978.
4. Case Number 16-325-SPH: Variance to confirm relief granted in Case 78-91-A applies to the redevelopment of the shopping center, reduction of required parking, stacking space for Atwaters and the bank, and dimensions of existing parking spaces, driveways and isles. (Granted August 23, 2016)
5. Case Number 2017-0072-A: To permit freestanding joint identification sign with changeable copy, Granted November 14, 2016.
6. Case Number 2017-259-A: Sign Variance Case.
7. Case Number 2019-0214-A: Sign Variance Case.

PETITIONER'S

EXHIBIT NO. 1

DATA SOURCES:

1. Topographic information shown on this plan is from a Field-Run Survey performed by Century Engineering, Inc. dated May 2015 and December 15, 2016.
2. Additional topo outside the subject site is from the Baltimore County G.I.S. Web portal.
3. Existing utilities shown were digitized from public drawings.

DATE	BY	REVISIONS

CENTURY ENGINEERING
CONSULTING ENGINEERS - PLANNERS
10710 Gilroy Road, Hunt Valley, MD 21031
Phone: 443.589.2400 Fax: 443.589.2401
www.centuryeng.com

About Faces
Sign Variance Plan

THE SHOPS AT KENILWORTH

800 Kenilworth Drive Towson, Maryland 21204
9th Election District 5th Councilmanic District
Baltimore County, Maryland

NORTH
NAD 83

ISSUE DATES			
REVIEW:	7.9.19	BASE:	M.S.S.
BID:	----	DRAWN:	M.S.S.
PERMIT:	----	DESIGNED:	M.J.P.
CONSTRUCTION:	----	CHECKED BY:	----
		DATE CHECKED:	----
SCALE:	1"=50'	DRAWING:	1 of 1
PROJECT NO.:	141258.40		

S:\2014\Facilities\141258.40 About Faces at Kenilworth\CIVIL\CADD\Drawings\141258.40(SPP-01) Sign Variance Plan.dwg Jul 09, 2019 12:02pm msmith

LEGEND

676	Existing Minor Contour
670	Existing Major Contour
	Existing Edge of Road
EX. 15" D.	Existing Storm Drain and Inlet
EX. 12" W.	Existing Water and Fire Hydrant
EX. 8" S.	Existing Sewer
	Existing Curb and Gutter
	Existing Tree Line
	Existing Drive
	Tract Boundary
	Utility Easement Line
	Existing Building
BM / DR 16	Zoning Line
	Stream Buffer

PLAN

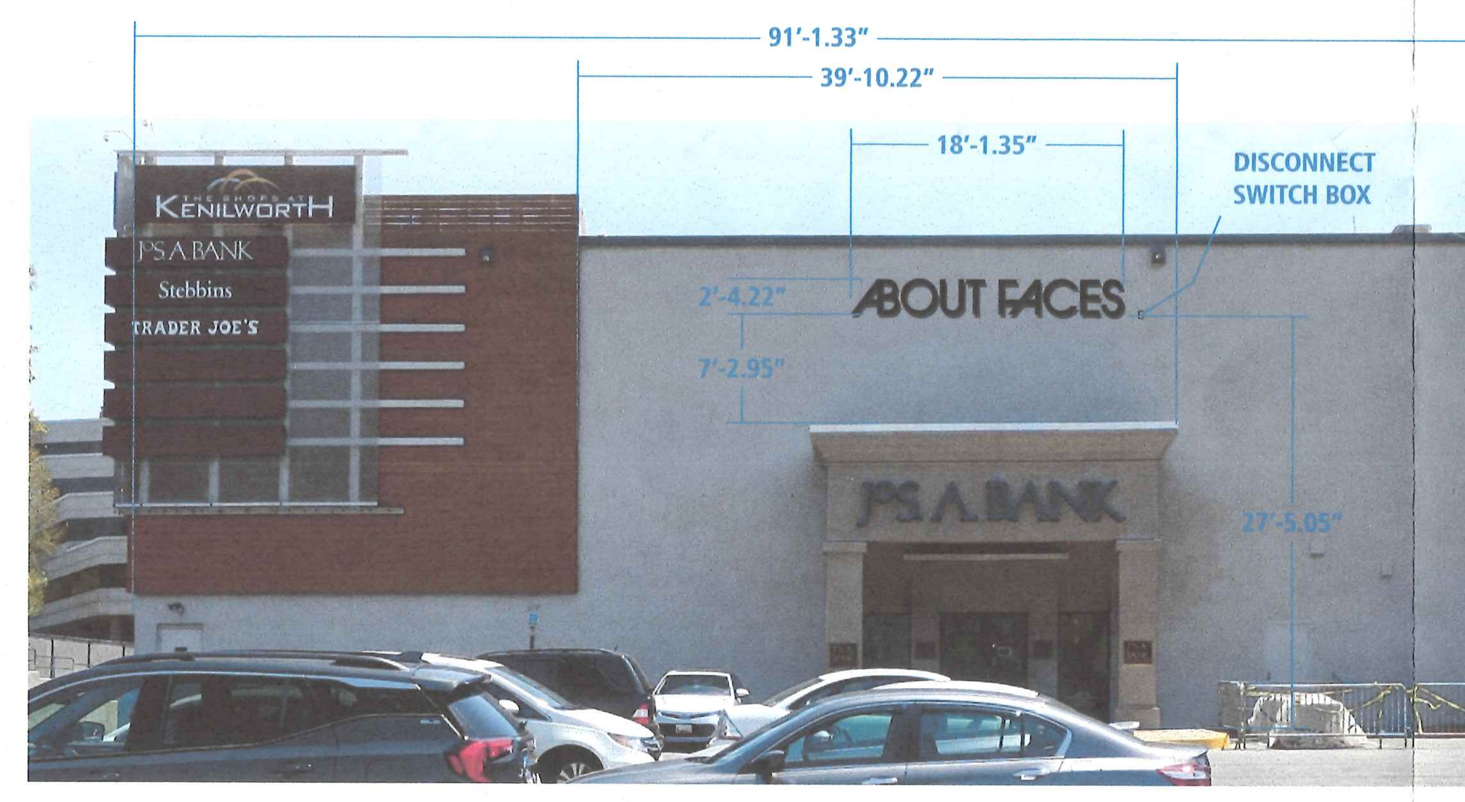
SCALE: 1"=50'

0 50' 100'

42.19 SQ.FT.±

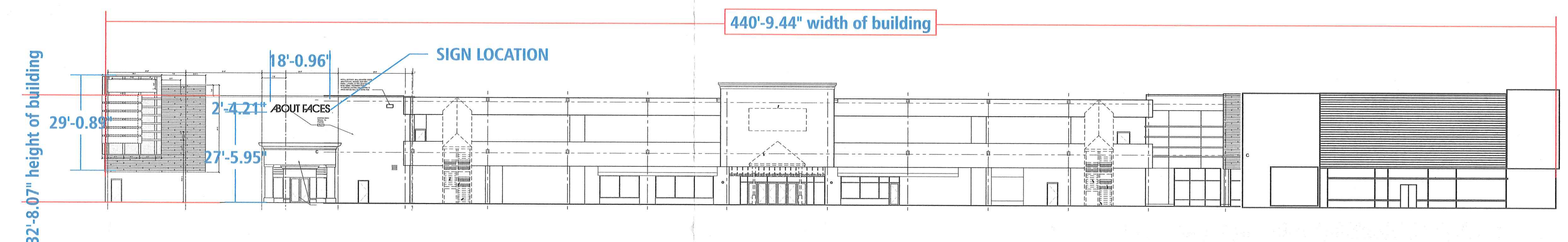
SIGN DETAIL

NOT TO SCALE



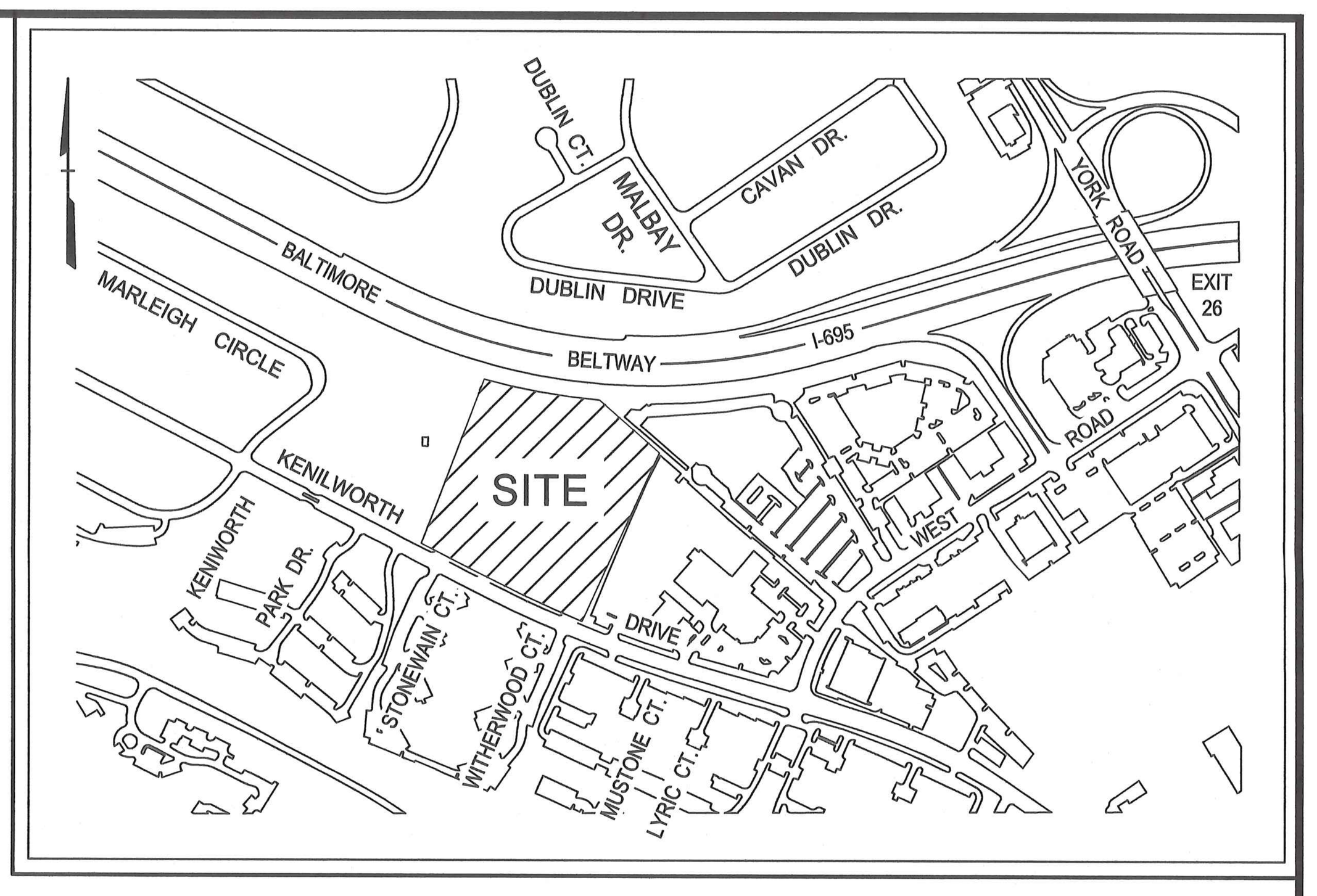
WALL MOUNTED ENTERPRISE SIGN

NOT TO SCALE



WEST ELEVATION

NOT TO SCALE



VICINITY MAP

SCALE: 1"=500'

SIGN AREA CHART

SIGN TYPE	SIGN AREA (SF)	FASCADE
WALL MOUNTED ENTERPRISE SIGN	42.19	WEST

BUILDING FASCADE AREA CHART

ORIENTATION	FASCADE LENGTH (LF)	SIGN AREA PERMITTED (SF)	TOTAL SIGN AREA PROPOSED (SF)
WEST	91.11	182.22	42.19

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Sign Variance Plan

THE SHOPS AT KENILWORTH

800 Kenilworth Drive Towson, Maryland 21204
9th Election District 5th Councilmanic District
Baltimore County, Maryland

NORTH
NAD 83

MICHAEL JOSEPH PIERANUNZI — STATE OF MARYLAND — BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS — 1008

ISSUE DATES			
REVIEW:	7.9.19	BASE:	M.S.S.
BID:	----	DRAWN:	M.S.S.
PERMIT:	----	DESIGNED:	M.J.P.
CONSTRUCTION:	----	CHECKED BY:	----
		DATE CHECKED:	----
SCALE:	1"=50'	DRAWING:	
PROJECT NO.:	141258.40		1 of 1

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2019-0391-A