

MEMORANDUM

DATE: January 17, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0498-A - Appeal Period Expired

The appeal period for the above-referenced case expired on January 16, 2020. 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

(5235 King Avenue)
14th Election District
6th Council District
5235 King Avenue, LLC
Legal Owner
Petitioner

*

BEFORE THE OFFICE

*

OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2019-0498-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by 5235 King Avenue, LLC, legal owner of the subject property (“Petitioner”). Petitioner is requesting variance relief from Section 450.4 of the Baltimore County Zoning Regulations (“BCZR”): (1) for two (2) wall mounted enterprise signs in lieu of the maximum allowed one sign; and (2) a wall mounted enterprise sign of 24.94 sq. ft. in lieu of the maximum allowed 5 sq. ft. A site plan was marked as Petitioner’s Exhibit 1.

John Dell’Erba appeared in support of the petition. Jennifer R. Busse, Esq. represented Petitioner. Matt Sichel, the professional engineer who drafted and sealed the site plan also attended the hearing. There were no Protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. No substantive Zoning Advisory Committee (“ZAC”) comments were received from any of the County reviewing agencies.

The site is approximately 3.04 acres in size and is zoned O3. Ms. Busse proffered the following facts. The Petitioner, Medstar Health, operates a Medicaid Health center in the subject property. The building can be accessed from either King Avenue or Franklin Square Boulevard. The building is set back substantially from either street and is heavily wooded on the Franklin Boulevard side. The site of the building therefore makes it difficult for their clients to identify

ORDER RECEIVED FOR FILING

Date 12/17/19
By sen

the address from either street, which is why they are requesting the larger signage. Street level photos from both roads as well as an aerial photo were admitted as Exhibits 2, 3, and 4.

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).

As noted above, the property has frontage on two public roads but is set back substantially from each. As such the property is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because its clients would continue to have difficulty locating the building from either road. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of County and/or community opposition.

THEREFORE, IT IS ORDERED, this 17th day of **December, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to the Baltimore County Zoning Regulations: (1) for two (2) wall mounted enterprise signs in lieu of the maximum allowed one sign; and (2) a wall mounted enterprise sign of 24.94 sq. ft. in lieu of the maximum allowed 5 sq. ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

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Date

12/17/19

By

Sen

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 12/17/19

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 5235 King Avenue

which is presently zoned O3

Deed References: 36213/0092

10 Digit Tax Account # 2500011402

Property Owner(s) Printed Name(s) 5235 King Avenue LLC

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

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

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. X a **Variance** from Section(s)

PLEASE SEE 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)

REASONS 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:

Name - Type or Print

MedStar Health/John Dell'Erba

Signature

Mailing Address

City

State

5235 King Avenue, Baltimore, MD

21237 410-933-2246 John.M.DellErba@Medstar.net

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Jennifer R. Busse, Esquire

Name- Type or Print

Signature

Whiteford, Taylor & Preston

1 W. Pennsylvania Ave., Ste. 300, Towson MD

Mailing Address

City

State

21204 410-832-2077 jbusse@wtplaw.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Name #1 - Type or Print

Name #2 - Type or Print

5235 King Avenue LLC c/o Joseph Maranto, VP Signal Corp

Signature #1

Signature #2

9475 Deercro Road, Ste. 404, Timonium, MD

Mailing Address

City

State

21093 410-308-1717 JM@signalcorp.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Jennifer R. Busse, Esquire

Name - Type or Print

Signature

1 W. Pennsylvania Ave., Ste. 300, Towson MD

Mailing Address

City

State

21204 410-832-2077 jbusse@wtplaw.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2019-0498-A Filing Date 10/21/2019 Do Not Schedule Dates: _____

Reviewer RJ

PETITION FOR ZONING HEARING
5235 King Avenue

Variance Relief Requested:

Variance from Section 450.4, Attachment 1, 5(i) of the Baltimore County Zoning Regulations to permit:

- two wall-mounted enterprise signs in lieu of the maximum allowed one sign; and
- a wall-mounted enterprise sign of 24.94 square feet in lieu of the maximum allowed 5 square feet;



ISO 9001:2015 CERTIFIED

ENGINEERS • PLANNERS • SCIENTISTS • CONSTRUCTION MANAGERS

936 Ridgebrook Road • Sparks, MD 21152 • Phone 410-316-7800 • Fax 410-316-7817

**Zoning Description
5233 & 5235 King Avenue
14th Election District
Baltimore County, Maryland**

ZONING PROPERTY DESCRIPTION FOR 5233 & 5235 King Avenue

Beginning at a point on the west side of Franklin Square Drive which is 70 feet wide at the distance of 700 feet south of the centerline of the nearest improved intersecting street, King Avenue which is of varying width.

Thence the following courses and distances: (1st Point of Call- "POC"), by a nontangent curve, to the left, with a radius of 1035.00 feet and an arc length of 243.20 feet, said curve having a chord bearing South 41 degrees 11 minutes 13 seconds West 242.64, (2nd POC) North 62 degrees 54 minutes 22 seconds West 458.61 feet, (3rd POC) North 28 degrees 23 minutes 38 seconds East 826.61 (4th POC) South 61 degrees 53 minutes 33 seconds East 358.87 feet, (5th POC) South 32 degrees 58 minutes 21 seconds West 203.18 feet, (6th POC) South 61 degrees 53 minutes 33 seconds East 200.00 feet, (7th POC) South 32 degrees 58 minutes 21 seconds West 381.08 feet back to the point of beginning as recorded in Deed Liber 36213 Folio 92, containing 386,698 square feet or 8.8773 acres of land in the 14th Election District and the 5th Councilmanic District.



OFFICE OF
ADMINISTRATIVE HEARINGS

CERTIFICATE OF POSTING

CASE NO. 2019-0498-A

PETITIONER/DEVELOPER

WHITEFORD TAYLOR &

PRESTON L.L.P.

DATE OF HEARING/CLOSING

December 9, 2019

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

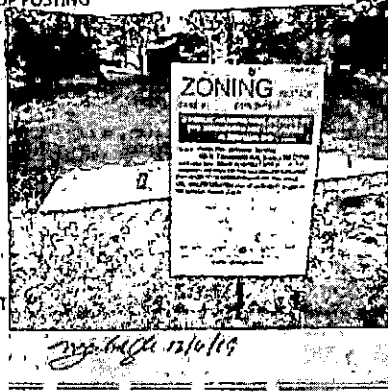
LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT
5235 KING AVENUE

THE SIGN(S) POSTED ON NOVEMBER 19 2019
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle
MARTIN OGLE
9912 MAIDBROOK RD.
PARKVILLE, MD 21234
410-629-3411



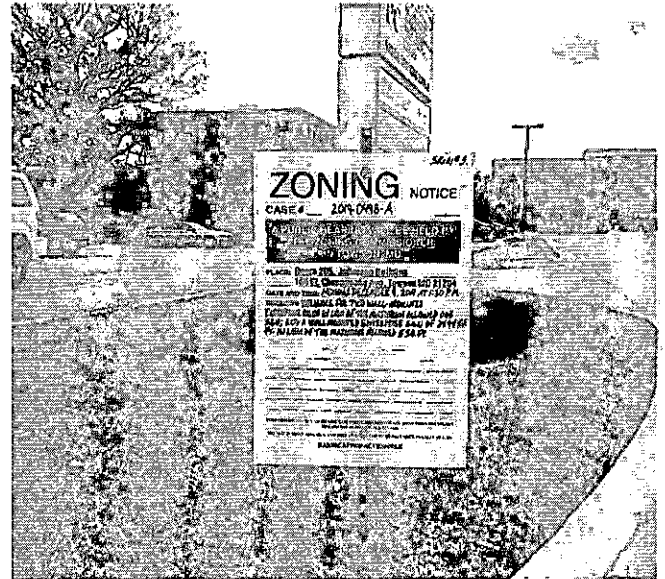
Sent from my iPhone

CERTIFICATE OF POSTING

CASE NO. 2019-0498-A

PETITIONER/DEVELOPER
WHITEFORD, TAYLOR &
PRESTON L.L.P.

DATE OF HEARING/CLOSING
December 9, 2019



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

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THE PROPERTY LOCATED AT

5235 KING AVENUE

SIGNATURE

THE SIGN(S) POSTED ON NOVEMBER 19 2019
(MONTH, DAY, YEAR)

SINCERLEY ,

Martin Ogle 11/19/19
MARTIN OGLE

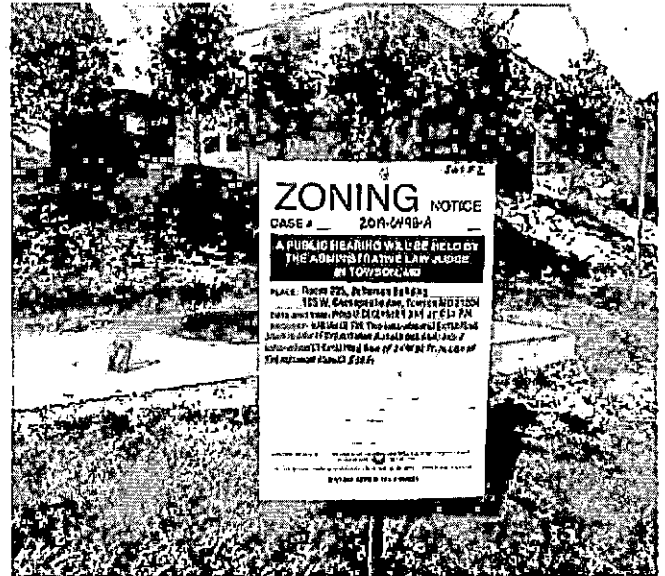
9912 MAIDBROOK RD.
PARKVILLE, MD 21234
443-629-3411

CERTIFICATE OF POSTING

CASE NO. 2019-0498-A

PETITIONER/DEVELOPER
WHITEFORD, TAYLOR &
PRESTON L.L.P.

DATE OF HEARING/CLOSING
December 9, 2019



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

LADIES AND GENTLEMEN :

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THE PROPERTY LOCATED AT

5235 KING AVENUE

SIGN #2

THE SIGN(S) POSTED ON NOVEMBER 19 2019
(MONTH, DAY, YEAR)

SINCERLEY ,

Martin Ogle 11/19/19
MARTIN OGLE

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

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
5235 King Avenue; SW of King Avenue and	*	OF ADMINISTRATIVE
Franklin Square Drive, S/S of King Avenue	*	HEARINGS FOR
14 th Election & 6 th Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): 5235 King Avenue, LLC	*	
Contract Purchaser(s): Medstar Health/	*	
John Dell'Erba	*	
Petitioner(s)	*	2019-498-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

RECEIVED

OCT 29 2019

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of October, 2019, a copy of the foregoing Entry of Appearance was mailed to Jennifer Busse, Esquire, 1 W. Pennsylvania Avenue, Suite 300, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

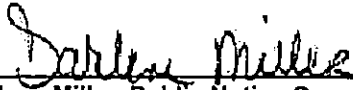
PUBLISHER'S AFFIDAVIT

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

11/19/2019

Order #: 11815819
Case #: 2019-0498-A
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2019-0498-A



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2019-0498-A

5235 King Avenue

Southwest of King Avenue and Franklin Square Drive

14th Election District - 6th Councilmanic District

Legal Owners: 5235 King Avenue, LLC

Contract Purchaser/Lessee: MedStar Health

Variance for two wall-mounted enterprise signs in lieu of the maximum allowed one sign; and a wall-mounted enterprise sign of 24.94 sq. ft. in lieu of the maximum allowed 5 sq. ft.

Hearing: Monday, December 9, 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 ACCOMMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

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

n19



JOHN A. OLSZEWSKI, JR.
County Executive

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

November 12, 2019

NOTICE OF ZONING HEARING

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Southwest of King Avenue and Franklin Square Drive
14th Election District – 6th Councilmanic District
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Contract Purchaser/Lessee: MedStar Health

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Hearing: Monday, December 9, 2019 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: Jennifer Busse, 1 W. Pennsylvania Avenue, Ste. 300, Towson 21204
John Dell'Erba, Medstar, 5235 King Avenue, Baltimore 21237
Joseph Maranto, VP Cignal, 9475 Deerco Road, Ste. 404, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 19, 2019**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: THE DAILY RECORD
Tuesday, November 19, 2019 - Issue

Please forward billing to:

Jennifer Busse
Whiteford, Taylor & Preston
1 W. Pennsylvania Avenue, Ste. 300
Towson, MD 21204

410-832-2077

NOTICE OF ZONING HEARING

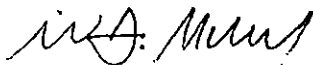
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Michael Mallinoff
Director of Permits, Approvals and Inspections for Baltimore County

- 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.

Note to File: Zoning Case No. 2019-0498

5235 King Avenue—Variance

Petitioner was advised that signatures occurring on separate Petition forms may be rejected.

Petitioner was advised that signage area may be permitted pursuant to Section 450.8.h of the BCZR (12% of wall area). Petitioner files as pursuant to Section 450.8.i of the BCZR (5 s.f.) based upon prior zoning case 2016-0154-A.

rvj

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

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

For Newspaper Advertising:

Case Number: 2019-0498-A

Property Address: 5235 King Avenue

Property Description: _____

Legal Owners (Petitioners): MedStar Health

Contract Purchaser/Lessee: ~~WTP~~ → 5235 King Ave. LLC

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jennifer Basse

Company/Firm (if applicable): WTP

Address: 1 W Pennsylvania Ave, Ste. 300
Towson, MD
21204

Telephone Number: 410 832 2077



JOHN A. OLSZEWSKI, JR.
County Executive

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

December 2, 2019

Jennifer R. Busse
1 W. Pennsylvania Ave Ste 300
Towson MD 21204

RE: Case Number: 2019-0498-A, 5235 King Avenue

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 October 21, 2019. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
MedStar Health & John Dell'Erba 5235 King Avenue Baltimore MD 21237

BALTIMORE COUNTY, MARYLAND

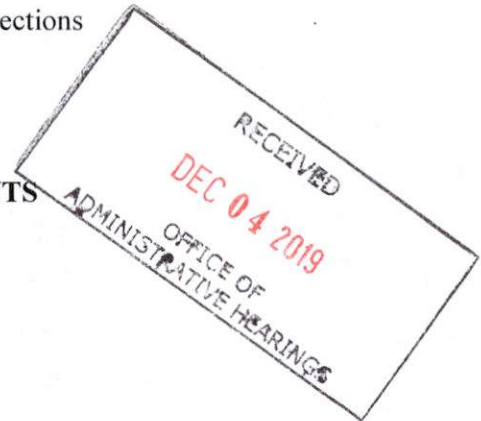
INTER-OFFICE MEMORANDUM

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

DATE: 12/4/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-498



INFORMATION:

Property Address: 5235 King Avenue
Petitioner: Joseph Maranto, VP, Cignal Corp.
Zoning: O-3
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance from Section 450.4, Attachment 1,5(i) of the Baltimore County Zoning Regulations to permit:

1. Two wall mounted enterprise signs in lieu of the maximum allowed one sign; and
2. A wall mounted enterprise sign of 24.94 square feet in lieu of the maximum allowed 5 square feet.

A site visit was conducted on 11/11/2019. The site is a part of the Franklin Square medical campus. The signs are to be located on a four story office building and are internal to the campus.

The Department of Planning has no objection to this variance request.

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

Division Chief:

Jenifer G. Nugent

CPG/JGN/LTM/

c: Laurie Hay
Jennifer R. Busse, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

12-9-19

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: October 30, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0498-A
Address 5235 King Avenue
(5235 King Avenue, LLC Property)

Zoning Advisory Committee Meeting of **October 25, 2019**.

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

Reviewer: Steve Ford

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: 10/29/19

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

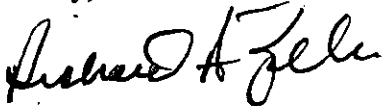
Dear Ms. Lewis:

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. **2019-0498-A**

Variance
5235 King Avenue, LLC
5235 King Avenue.

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

Sincerely,



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

WW/RAZ

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 - 14 Account Number - 2500011402			
Owner Information					
Owner Name:	5235 KING AVE LLC		Use:	COMMERCIAL CONDOMINIUM	
			Principal Residence:	NO	
Mailing Address:	C/O ARMANDO J CIGNARALE 9475 DEERECO RD STE 404 TIMONIUM MD 21093-		Deed Reference:	/36213/ 00092	
Location & Structure Information					
Premises Address:	5235 KING AVE BALTIMORE 21237-0000		Legal Description:	3.0352 AC FUTURE AREA OF EXPANS 5235 KING AVE SS KING AVENUE LAND CONDO	
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No:
0082	0014	0314	10000.04	0012	2019 Plat Ref: 0031/0604
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
	59,360 SF				3.0400 AC
County Use	06				
Stories	Basement	Type	Exterior	Quality	Full/Half Bath
		MEDICAL OFFICE BUILDING	BRICK/	C3	
Garage	Last Notice of Major Improvements				
Value Information					
	Base Value		Value		Phase-in Assessments
			As of		As of
			01/01/2019		07/01/2019
Land:	912,000		912,000		As of
Improvements	2,310,400		5,106,800		07/01/2020
Total:	3,222,400		6,018,800		4,154,533
Preferential Land:	0				5,086,667
					0
Transfer Information					
Seller: KING AVENUE LLC		Date: 05/22/2015		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /36213/ 00092		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		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		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:**

CASE NAME MedStar
CASE NUMBER 2019-498-A
DATE 12/9/19

[illegible]

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(5233 King Avenue)		
14 th Election District	*	OF ADMINISTRATIVE
5 th Council District		
King Avenue, LLC,	*	HEARINGS FOR
Legal Owner		
MedStar Family Choice Inc., Lessee	*	BALTIMORE COUNTY
Petitioners	*	CASE NO. 2016-0154-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of King Avenue, LLC, owner of the subject property, and MedStar Family Choice Inc., Lessee ("Petitioners"). Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §450.4 as follows: (1) to permit a wall-mounted enterprise sign of 24.94 sq. ft. in lieu of the maximum allowed 5 sq. ft.; (2) to permit two wall-mounted enterprise signs in lieu of the maximum allowed one sign; (3) to permit a directory sign with lettering of 2.5 and 3.5 inches in height in lieu of the maximum allowed two and three inches; (4) to permit a directory sign for a building where less than 75% of the tenants have independent direct outside access in lieu of the minimum required 75%; and (5) to permit a directory sign with a height of 7.02 ft. in lieu of the maximum allowed 6 ft. A site plan was marked as Petitioners' Exhibit 1.

Mike Picciotto and professional engineer Matthew Sichel appeared in support of the petition. Adam Baker, Esq. represented Petitioners. The Petition was advertised and posted as required by the B.C.Z.R. One neighbor attended the hearing to obtain additional information regarding the request. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP), requesting landscaping be provided at the base of the ground mounted directory sign.

The subject property is approximately 8.87 acres and is zoned O-3. A MedStar Health professional center is operated at the site. Petitioners propose additional signage which would assist patients in locating the facility.

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

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

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

Petitioners have met this test. The property has irregular dimensions and is therefore unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to install the proposed signage. 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.

THEREFORE, IT IS ORDERED, this 14th day of **March, 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.") §450.4 as follows: (1) to permit a wall-mounted enterprise sign of 24.94 sq. ft. in lieu of the maximum allowed 5 sq. ft.; (2) to permit two wall-mounted enterprise signs in lieu of the maximum allowed one sign; (3) to permit a directory sign with lettering of 2.5 and 3.5 inches in height in lieu of the maximum allowed two and three inches; (4) to permit a directory sign for a building where less than 75% of the tenants have independent direct outside access in lieu of the minimum required 75%; and (5) to permit a directory sign with a height of 7.02 ft. in lieu of the maximum allowed 6 ft., 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.
2. Petitioners must provide landscaping as determined in the sole discretion of the Baltimore County Landscape Architect.

~~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

CHECKLIST

Comment
Received

Department

Support/Oppose/
Conditions/
Comments/
No Comment

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

10/30

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

NO Comment

FIRE DEPARTMENT

12/4

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

NO Objection

10/29

STATE HIGHWAY ADMINISTRATION

NO Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 11/19/19

SIGN POSTING (1st) Date: 11/19/19 by Ogle

SIGN POSTING (2nd) Date: 12-6-19 by "

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

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DR 5/5

DR 10/5

DR 10/5

082B2

6 CD
NE 6-G
14 ED

082A3

03

082B3

PAI # 140284
PLBk/Folio # 064123
PLBk 0000054, Folio 0123
2200013268
Lot # 10
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1991-0095-SPH
1989-0026-X
1992-0093-SPHA

FRANKLIN SQUARE DR
PAULAPL

PAI # 140107
PLBk/Folio # 041067
1800011919
PLBk 0000011, Folio 0067
PLBk/Folio # 042047

BEOWULF CIR

ALTON CT

STANLEY

LOT # 46

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TVJohnson@baltimorecountymd.gov

Baltimore County - My Neighborhood

2019-0498-A



Legend

Councilmanic Districts

- 1
- 2
- 3
- 4
- 5
- 6
- 7

Election Districts

House Numbers

Zoning History Cases

Zoning

Property

County Boundary

6

Q 3

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DR 10.5

DR 10.5

DR 5.5

1:4,514

0 195 390 780 Feet

October 14, 2019

Sources: Esri, HERE, Garmin, Intermap, increment P.,
GeoBase, IGN, Kadaster NL, Ordnance Survey,
OpenStreetMap contributors, and the GIS User Community

STREET VIEW FROM FRANKLIN SQUARE DRIVE



PETITIONER' S

EXHIBIT NO. 2

STREET VIEW FROM KING AVENUE



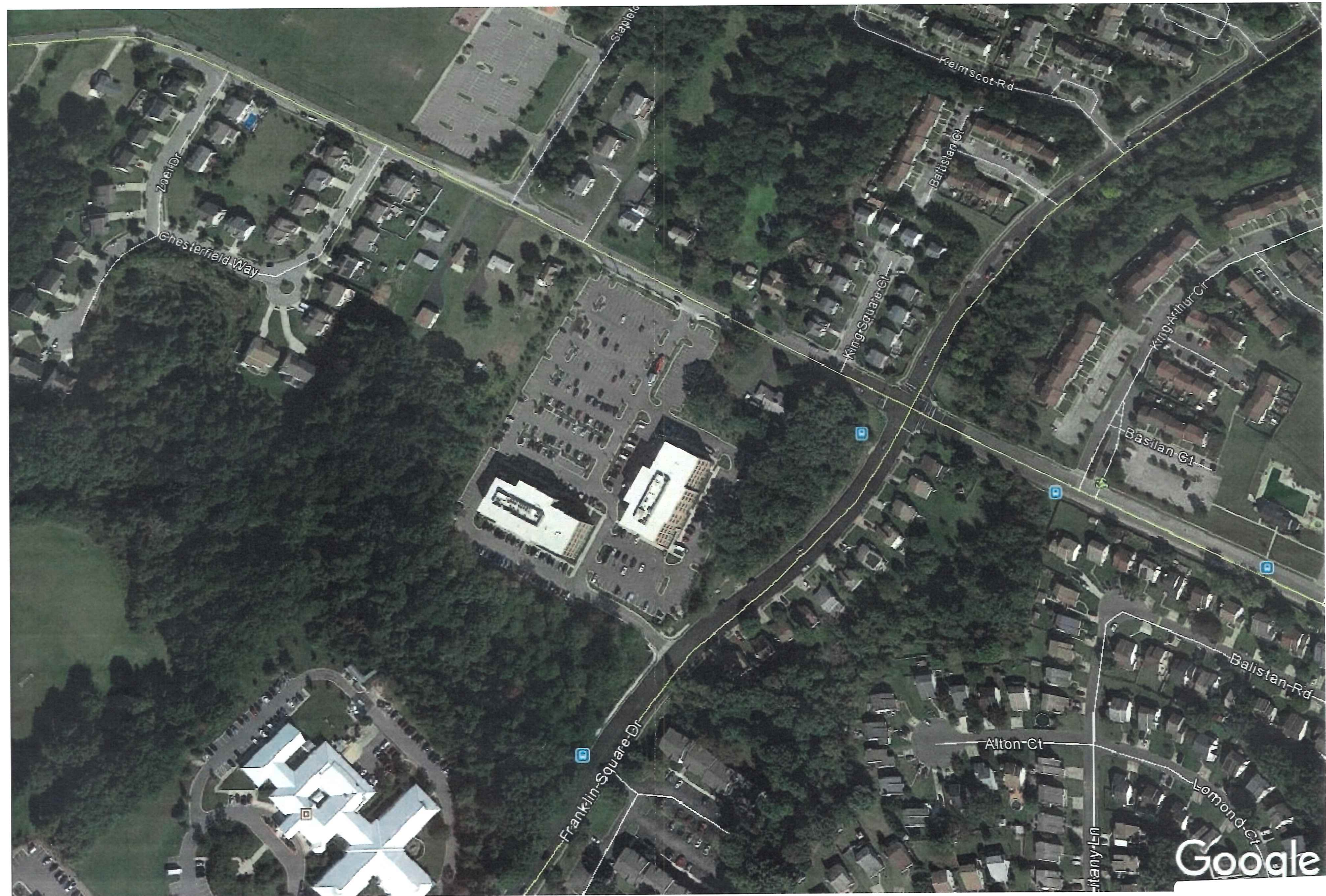
© 2018 Google
© 2019 Google

Google

PETITIONER'S

EXHIBIT NO. 3

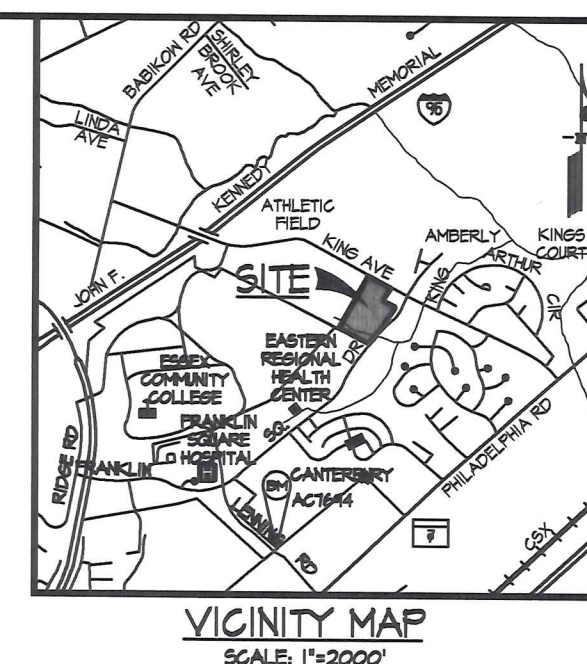
SITE AERIAL



PETITIONER'S

EXHIBIT NO. 4A

	PROPERTY LINE
	RIGHT-OF-WAY
	EX. CONTOURS
	EX. CURB & GUTTER
	EX. STORMDRAIN
	EX. SANITARY SEWER
	EX. WATER
	EX. WOODS LINE
	PROP. CONTOURS
	PROP. CURB & GUTTER
	PROP. STORMDRAIN
	PROP. SANITARY SEWER
	PROP. WATER
	PROP. WOODS LINE
	BUILDING SETBACK LINE
	FIRE HYDRANT
	FIRE SPOT ELEVATION



1. SITE ADDRESS: 5235 KING AVENUE
2. ELECTION DISTRICT: 14
3. COUNCILMANIC DISTRICT: 6
4. CENSUS TRACT: 4407
5. DEED REF: 36213/42
6. PROPERTY TAX ACCOUNT NO.: 2500011402
7. PROPERTY OWNER:
5235 KING AVE LLC
SUITE 404
9475 DEERCO ROAD SUITE 404
TIMONIU, MD 21043
8. TOTAL SITE AREA (GROSS/NET): 0.8713 AC, 386645 sq. ft.
9. SITE IS LOCATED WITHIN THE BIRD RIVER WATERSHED DRAINAGE AREA.
10. ZONING: O-3, MAP 082A3
11. PARKING:
TOTAL PARKING REQUIRED: 4.5 / 1000: 540 SPACES
TOTAL PARKING PROVIDED: 540 SPACES INCLUDING
11 HC
12. THIS SITE IS NOT IN ANY BASIC SERVICE FAILED AREAS
13. 100-YR. FLOODPLAIN IS AS SHOWN ON THIS PLAN
14. FAR: 0.31
15. PREVIOUSLY APPROVED ZONING ACTION:
2010-0053-5FHA
11/15/2009 TO ALLOW THE CONSTRUCTION OF A PARKING
LOT IN THE RIVERINE FLOOD PLAIN. CONFORM BUILDING
HEIGHTS ARE IN CONFORMANCE WITH ZONING
REGULATIONS
2016-0154-A
3/14/2016 GRANTED - VARIANCE RELIEF FROM BCZR
SECTION 450.4

EXHIBIT NO.

PDM #XIV-473

DRAWING NO.

1000

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SHEET 1

KCI JOB NUM

0108

BENCHMARK DATA

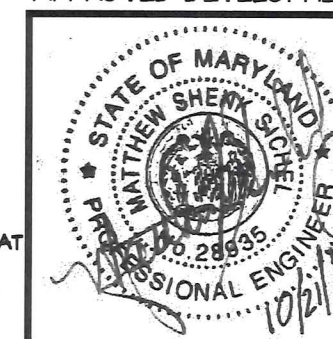
THE HORIZONTAL AND VERTICAL DAMTUMS ARE BASED
GLOBAL POSITIONING SATELITE OBSERVATIONS FROM
THE FOLLOWING NATIONAL GEODETIC SURVEY CONTROL
POINTS:

JV6939 IN M MALL N 620501333 E 1464674542 EL 95.01
DESCRIBED BY MARYLAND DOT HIGHWAY ADMINISTRATION
1941 THE MARKER IS LOCATED ABOUT 9.0 MI NORTHEAST OF
BALTIMORE, 4.1 MI SOUTH-SOUTHEAST OF FERRY HALL, AND
ALONG THE NORTHBOUND LANE I-45. A MARYLAND STATE
HIGHWAY ADMINISTRATION SURVEY DISK IN THE TOP OF A
0.8 FT ROUND CONCRETE MONUMENT WHICH IS FLUSH WITH
THE SURFACE OF THE GROUND.

ACT694 G15-11 N 612726.370 E 1460532.510 EL 43.94
DESCRIBED BY JR MCCRONE JR INCORPORATED 1995
STATION IS LOCATED ABOUT 7.0 MI NORTHEAST OF THE
CENTER OF BALTIMORE AND ABOUT 2.0 MI NORTH OF
ESSEX AT ROSSVILLE. STATION MARK IS SET IN THE TOP OF
A 10 IN. DIAMETER CONCRETE MONUMENT SET FLUSH WITH
THE GROUND.

HORIZ NAD 83/91
VERT NAVD 88

THIS PLAN IS SEALED & CERTIFIED
AS BEING IN ACCORDANCE WITH THE
APPROVED DEVELOPMENT PLAN



KCI
TECHNOLOGIES

ENGINEERS
PLANNERS
SCIENTISTS
CONSTRUCTION MANAGERS

936 RIDGEBROOK ROAD
SPARKS, MARYLAND 21152
TELEPHONE: (410) 316-7800
FAX: (410) 316-7818

REVISIONS				DATE
NO.	DATE	DESCRIPTION	BY	10/21/19
				SCALE
				1"= 40'
				DESIGNED BY
				RJH/MSS
				DRAWN BY
				VRF

DATE	10/21/19
SCALE	1" = 40'
DESIGNED BY	RJH/MSS
DRAWN BY	VRF

SIGN VARIANCE PLAN

MEDSTAR HEALTH
FRANKLIN SQUARE
PROFESSIONAL CENTER

14th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

PDM #XIV-413

DRAWING NO.

C-1

SHEET 1 OF 2

KCI JOB NUMBER

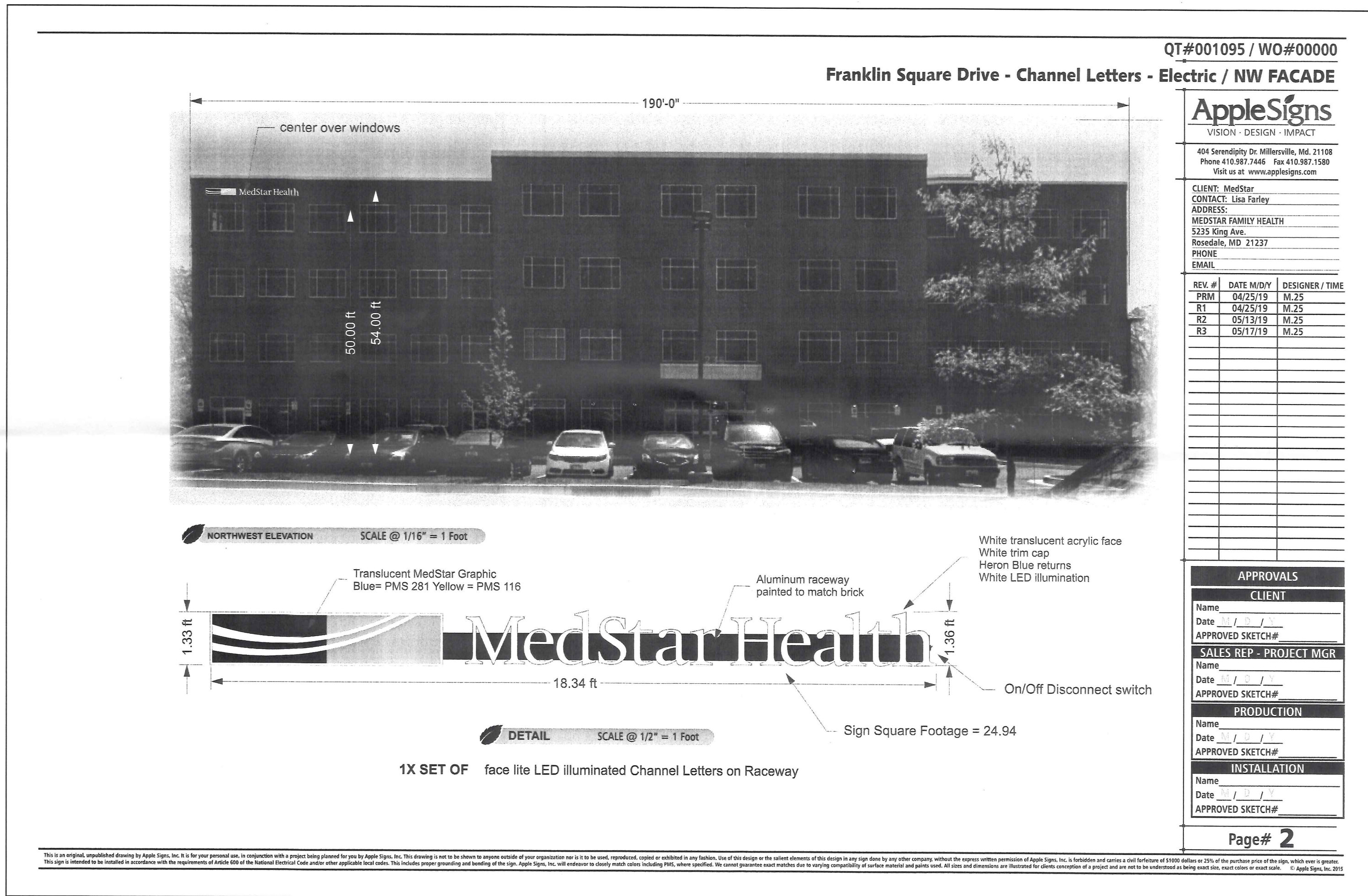
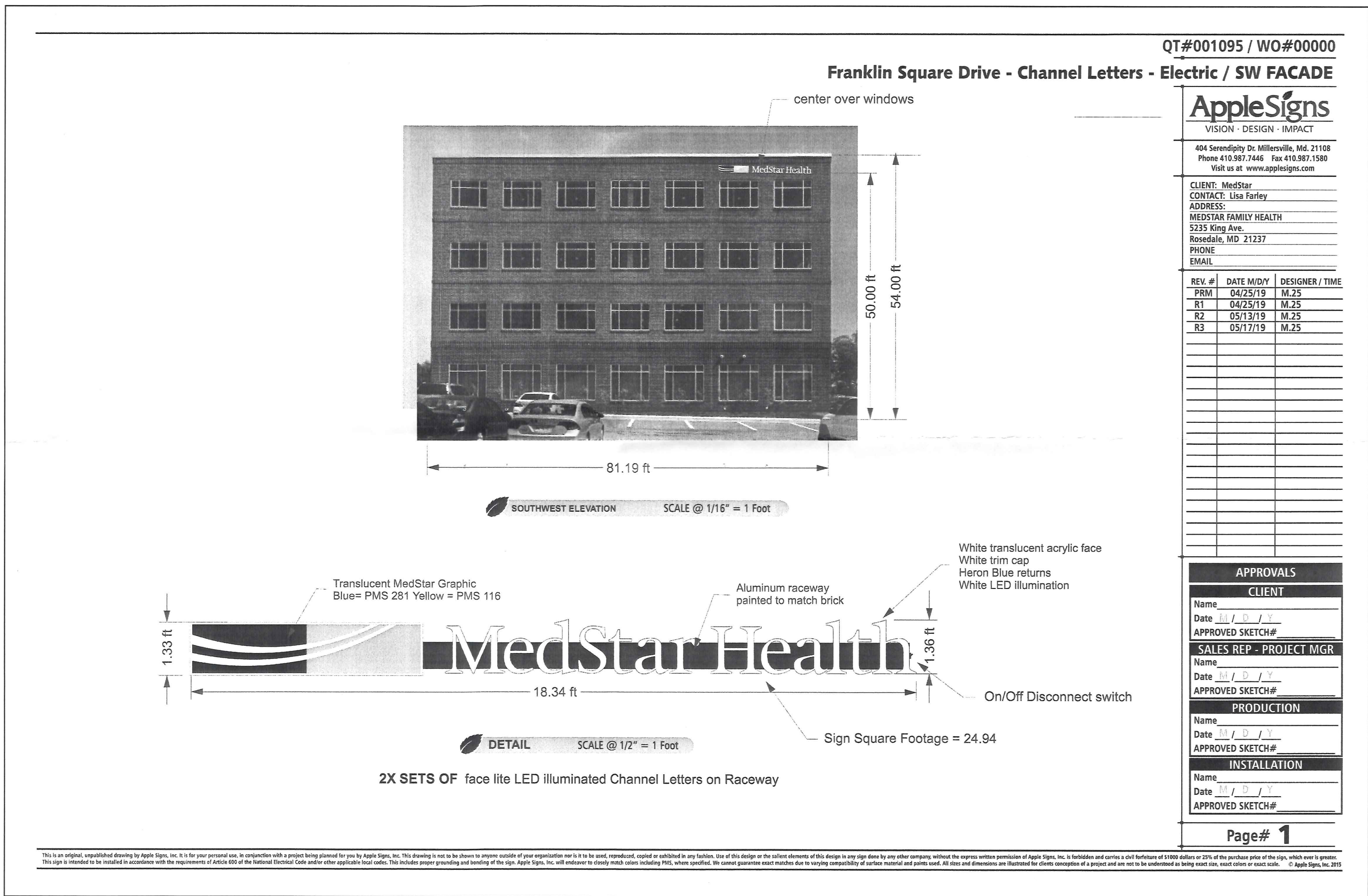
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PLAN
SCALE: 1" = 40'

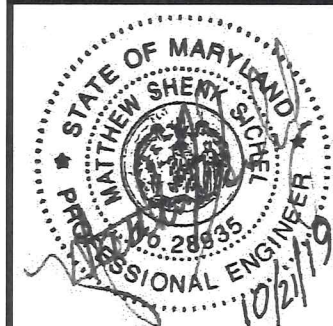


PROFESSIONAL CERTIFICATION. I HEREBY
CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT
I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE
OF MARYLAND, LICENSE NO. 28455
EXPIRATION DATE: 1/15/21.

PLOTTED: 09:46 AM on Monday, October 21, 2019
FILE: \\M-2008\0082375\Drawings\14-VAR02-SIGN VARIANCE DETAILS-5235.dgn



THIS PLAN IS SEALED & CERTIFIED
AS BEING IN ACCORDANCE WITH THE
APPROVED DEVELOPMENT PLAN



PROFESSIONAL CERTIFICATION I HEREBY
CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME AND THAT
I AM A FULLY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE
OF MARYLAND LICENSE NO. 28935
EXPIRATION DATE 1/5/21.



ENGINEERS
PLANNERS
SCIENTISTS
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936 RIDGEBROOK ROAD
SPARKS, MARYLAND 21152
TELEPHONE: (410) 316-7800
FAX: (410) 316-7818

REVISIONS				DATE
NO.	DATE	DESCRIPTION	BY	
				10/21/19

SCALE
AS SHOWN
DESIGNED BY
MSS
DRAWN BY
VRF

SIGN VARIANCE PLAN
MEDSTAR HEALTH
FRANKLIN SQUARE
PROFESSIONAL CENTER

14th ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

DRAWING NO.
C-2
SHEET 2 OF 2
KCI JOB NUMBER
01082375