

M E M O R A N D U M

DATE: August 5, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2020-0041-X – Appeal Period Expired

The appeal period for the above-referenced cases expired on August 3, 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 SPECIAL EXCEPTION***

(4313 Ebenezer Road)

11th Election District

5th Council District

W ARC PH Square Owner, VIII, LLC,

Legal Owner

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Petitioner

Case No. 2020-0041-X

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of a Petition for Special Exception filed on behalf of W ARC PH Square Owner, VIII, LLC, legal owner (“Petitioner”). The special exception petition was filed pursuant to § 230.3 of the Baltimore County Zoning Regulations (“BCZR”) for a community building for recreational purposes (health club).

The Petition was properly advertised. A virtual public hearing was held via WebEx due to the meeting restrictions imposed by the Covid-19 crisis. Mark Arena, the President of ARC Management, Inc. appeared in support of the petition as the agent of the legal owner. David H. Karceski, Esq. represented the Petitioner. Michael Gessel, the engineer who prepared and sealed the site plan also attended and he was accepted as an expert in the fields of engineering and land use, as well as in the BCZR.

FINDINGS OF FACT

The site is approximately 15.67 acres in size and zoned BL-CCC and DR 16. As Mr. Karceski explained, the Petitioner wants to infill the space previously occupied by a Salvo Auto store by replacing it with “Maximum Fitness,” a health and fitness club. No exterior

ORDER RECEIVED FOR FILING

Date

By

7/2/20
D. Mignone

modifications of any kind are proposed. Maximum Fitness has already obtained all the necessary permits for the interior build out and has spent to-date over \$750,000.00.

Mr. Karceski explained that this proposed special exception use will be in accordance with all the requirements of BCZR § 502.1. Specifically, as an in-fill of an existing building in a large existing strip mall, it will not increase traffic or congestion in the area. There is ample parking at the site, especially because Maximum will operate 24 hours a day, thereby spreading out its parking demands. This proposed use will also obviously not cause overcrowding of schools or an undue burden on any public services. To the contrary, as Mr. Karceski pointed out, this proposed use will benefit both the County's residents, and the County's economic vitality.

Special Exception

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

As explained above, in my view this proposed special exception use will have only positive impacts. Further, the proposed use complies in all respects with BCZR § 502.1 as well as the specific requirements of BCZR § 230.3 concerning a community building for recreational purposes (health club).

THEREFORE, IT IS ORDERED this 2nd day of **July, 2020**, by this Administrative Law Judge, that the Petition for Special Exception seeking relief from § 230.3 of the Baltimore County

ORDER RECEIVED FOR FILING

Date

7/2/20

By

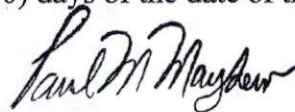
D. Mignone

Zoning Regulations ("BCZR") for a community building for recreational purposes (health club),
be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw

ORDER RECEIVED FOR FILING

Date

7/2/20

By

Drignan



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 4313 Ebenezer Road

which is presently zoned BL-CCC, DR16

Deed References: 37892-242

10 Digit Tax Account # 2200029169

Property Owner(s) Printed Name(s) W ARC PH SQUARE OWNER VIII, L.L.C.

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

SEE ATTACHED SHEET 1

3. a **Variance** from Section(s)

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:

N/A

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

David H. Karceski, Esquire

Name- Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 / 410-494-6285 / dhkarceski@venable.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

SEE ATTACHED SHEET 2 /

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

David H. Karceski, Esquire

Name - Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 / 410-494-6285 / dhkarceski@venable.com

Zip Code Telephone # Email Address

CASE NUMBER

2020-0041-X

Filing Date

2/18/2020

Do Not Schedule Dates:

Reviewer

JNP

REV. 10/4/11

W ARC PH SQUARE OWNER VII L.L.C. – LEGAL OWNER

PROPERTY: 4313 EBENEZER ROAD

ATTACHMENT 1

TO PETITION FOR SPECIAL EXCEPTION

Special Exception for a community building for recreational purposes (health club) pursuant to Section 230.3 of the Baltimore County Zoning Regulations.

W ARC PH SQUARE OWNER VII L.L.C. – LEGAL OWNER

PROPERTY: 4313 EBENEZER ROAD

ATTACHMENT 2

TO PETITION FOR SPECIAL EXCEPTION

Legal Owners:

W ARC PH CENTRE OWNER VIII L.L.C.

By: ARC Management, L.L.C., Authorizing Agent

By: Atlantic Realty Companies, Inc., Manager

8150 Leesburg Pike, Suite 1100

Vienna, VA 22182

By:


Adam Schulman

Title: Executive Vice President

Phone: 703-760-9500

ZONING DESCRIPTION – SPECIAL EXCEPTION AREA

TAX MAP 72, PARCEL 162

THE LAND OF

W ARC PH CENTRE OWNER VIII LLC

LIBER 37892 FOLIO 242

11TH ELECTION DISTRICT

BALTIMORE COUNTY, MD

BEGINNING AT A POINT ON THE EASTERLY RIGHT-OF-WAY LIMITS OF BELAIR ROAD (VARIABLE WIDTH RIGHT-OF-WAY), WHICH IS 254.07 FEET SOUTH OF THE INTERSECTION OF SAID BELAIR ROAD AND EBENEZER ROAD (70-FEET RIGHT-OF-WAY), THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LIMITS AND WITH THE DIVISION LINE BETWEEN BELAIR ROAD ON THE WEST AND THE LAND OF W ARC PH CENTRE OWNER VIII LLC (LIBER 37892 FOLIO 242) ON THE EAST; THENCE FOLLOWING ALONG A LINE SOUTH 53 DEGREES – 52 MINUTES – 51 SECONDS EAST, 744.65 FEET TO A POINT, THENCE FOLLOWING ALONG A LINE NORTH 35 DEGREES – 30 MINUTES – 30 SECONDS EAST, 56.80 FEET TO THE POINT OF BEGINNING FOR THE SPECIAL EXCEPTION AREA.

1. NORTH 35 DEGREES – 53 MINUTES – 37 SECONDS EAST, 103.00 FEET TO A POINT, THENCE;
2. CONTINUING NORTH 16 DEGREES – 49 MINUTES – 51 SECONDS EAST, 66.99 FEET TO A POINT, THENCE;
3. CONTINUING NORTH 52 DEGREES – 30 MINUTES – 29 SECONDS WEST, 192.91 FEET TO A POINT, THENCE;
4. CONTINUING NORTH 18 DEGREES – 37 MINUTES – 50 SECONDS EAST, 49.11 FEET TO A POINT, THENCE;
5. CONTINUING SOUTH 71 DEGREES – 22 MINUTES – 10 SECONDS EAST; 19.53 FEET TO A POINT, THENCE;
6. CONTINUING SOUTH 18 DEGREES – 37 MINUTES – 50 SECONDS WEST; 8.05 FEET TO A POINT, THENCE;
7. CONTINUING SOUTH 68 DEGREES – 51 MINUTES – 57 SECONDS EAST, 42.94 FEET TO A POINT, THENCE;
8. CONTINUING SOUTH 19 DEGREES – 33 MINUTES – 58 SECONDS WEST, 9.12 FEET TO A POINT, THENCE;
9. CONTINUING SOUTH 70 DEGREES – 53 MINUTES – 30 SECONDS EAST, 18.30 FEET TO A POINT, THENCE;
10. CONTINUING SOUTH 19 DEGREES – 48 MINUTES – 50 SECONDS WEST, 8.68 FEET TO A POINT, THENCE;
11. CONTINUING SOUTH 69 DEGREES - 27 MINUTES – 49 SECONDS EAST, 42.16 FEET TO A POINT, THENCE;

12. CONTINUING SOUTH 17 DEGREES – 15 MINUTES – 34 SECONDS WEST, 9.41 FEET TO A POINT, THENCE;
13. CONTINUING SOUTH 72 DEGREES – 6 MINUTES – 1 SECOND EAST, 18.80 FEET TO A POINT, THENCE;
14. CONTINUING SOUTH 21 DEGREES – 33 MINUTES – 24 SECONDS WEST, 9.16 FEET TO A POINT, THENCE;
15. CONTINUING SOUTH 70 DEGREES – 31 MINUTES – 19 SECONDS EAST, 42.70 FEET TO A POINT, THENCE;
16. CONTINUING SOUTH 20 DEGREES – 23 MINUTES – 3 SECONDS WEST, 16.92 FEET TO A POINT, THENCE;
17. CONTINUING SOUTH 69 DEGREES – 6 MINUTES – 19 SECONDS EAST, 62.64 FEET TO A POINT, THENCE;
18. CONTINUING SOUTH 21 DEGREES - 52 MINUTES – 49 SECONDS WEST, 8.48 FEET TO A POINT, THENCE;
19. CONTINUING SOUTH 71 DEGREES – 42 MINUTES – 15 SECONDS EAST, 18.43 FEET TO A POINT, THENCE;
20. CONTINUING SOUTH 20 DEGREES – 26 MINUTES – 26 SECONDS WEST, 18.89 FEET TO A POINT, THENCE;
21. CONTINUING SOUTH 69 DEGREES – 1 MINUTE – 18 SECONDS EAST, 18.98 FEET TO A POINT, THENCE;
22. CONTINUING SOUTH 20 DEGREES – 29 MINUTES – 0 SECONDS WEST, 46.54 FEET TO A POINT, THENCE;
23. CONTINUING SOUTH 23 DEGREES – 52 MINUTES – 29 SECONDS WEST, 64.56 FEET TO A POINT, THENCE;
24. CONTINUING SOUTH 35 DEGREES – 53 MINUTES – 37 SECONDS EAST, 103.00 FEET TO A POINT, THENCE;
25. CONTINUING NORTH 54 DEGREES – 6 MINUTES – 23 SECONDS WEST, 94.36 FEET TO THE POINT OF BEGINNING

CONTAINING 31,291 SQUARE FEET OR 0.718 ACRES.





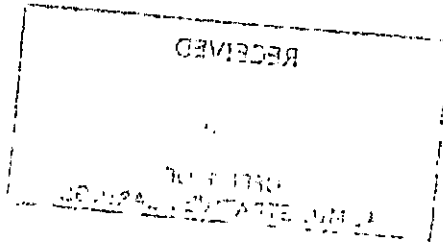
7-2
1:30 PM
Debra Wiley

From: SGT ROBERT BLACK <1opie@comcast.net>
Sent: Monday, June 29, 2020 10:19 PM
To: Barbara Lukasevich; CARobinson@Venable.com; amrosenblatt@venable.com;
Administrative Hearings; DKarceski@Venable.com
Subject: Recertification's For 2020-0046-A, 2020-0041-X And 2019-0534-X
Attachments: Re-Cert 1 2019-0534-X.doc; Re-Cert 2 2019-0534-X.doc; Re-Cert 1 2020-0041-X.doc;
Re-Cert 2 2020-0041-X.doc; Re-Cert 1 2020-0046-A.doc; Re-Cert 2 2020-0046-A.doc

CAUTION: This message from 1opie@comcast.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Recertification's for 7908 New Battle Grove Road, 4313 Ebenezer Road and 5401 Campbell Boulevard. Thanks.





CERTIFICATE OF POSTING

2020-0041-X

RE: Case No.: _____

Petitioner/Developer: _____

W Arc Ph Centre Owner VIII, L.L.C.

July 2, 2020

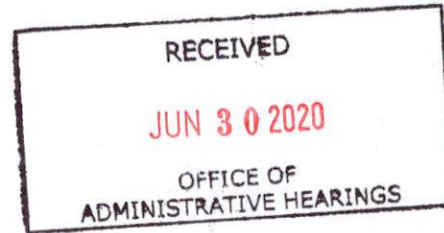
Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

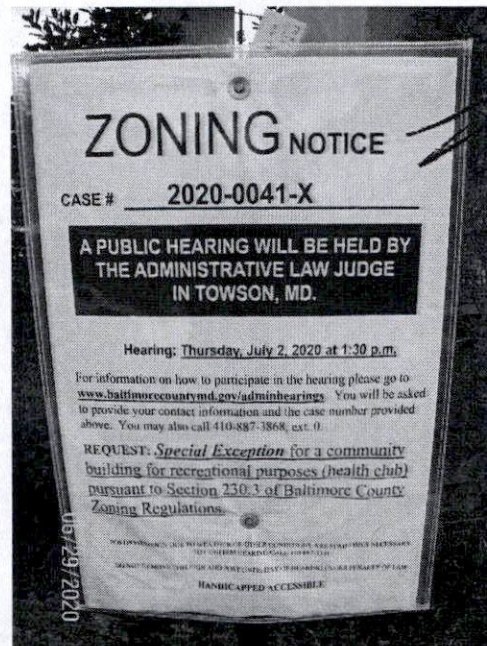


4313 Ebenezer Road

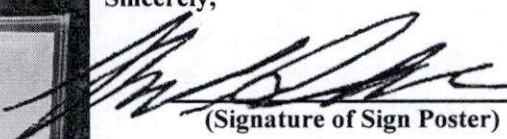
SIGN 1 Recertification

June 11, 2020

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 _____
(Signature of Sign Poster)

June 29, 2020

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

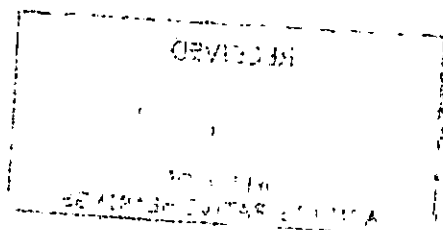
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



CERTIFICATE OF POSTING

2020-0041-X

RE: Case No.: _____

Petitioner/Developer: _____

W Arc Ph Centre Owner VIII, L.L.C.

July 2, 2020

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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



4313 Ebenezer Road

SIGN 2 Recertification

June 11, 2020

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

June 29, 2020

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

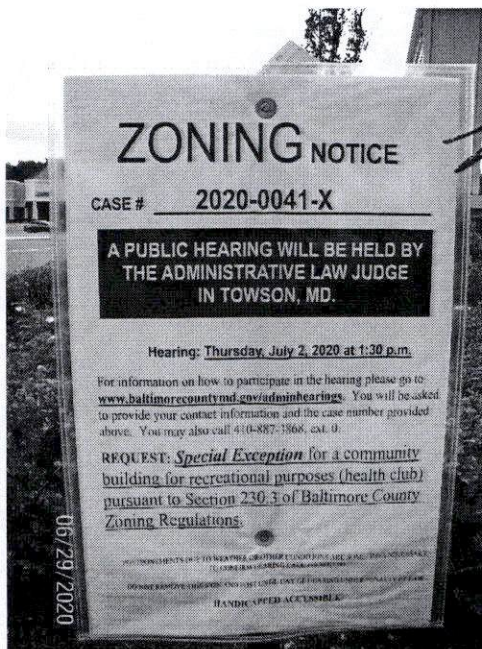
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



CERTIFICATE OF POSTING

2020-0041-X

RE: Case No.: _____

Petitioner/Developer: _____

W Arc Ph Centre Owner VIII, L.L.C.

July 2, 2020

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

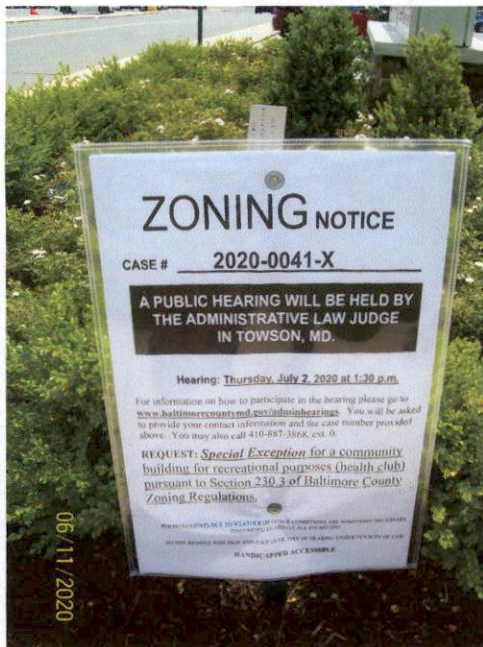
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

4313 Ebenezer Road

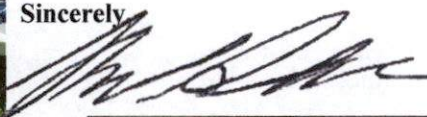
SIGN 1

June 11, 2020

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 June 11, 2020
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2020-0041-X

RE: Case No.: _____

Petitioner/Developer: _____

W Arc Ph Centre Owner VIII, L.L.C.

July 2, 2020

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

4313 Ebenezer Road

SIGN 2

June 11, 2020

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 June 11, 2020

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

Copies
Scanned



JOHN A. OLSZEWSKI, JR.
County Executive

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

June 9, 2020

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 virtual hearing on the property identified herein as follows:

CASE NUMBER: 2020-0041-X

4313 Ebenezer Road

S/east side of Belair Road, 254.07 ft. s/west of Ebenezer Road

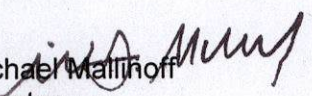
11th Election District – 5th Councilmanic District

Legal Owners: W Arc Ph Centre Owner VIII, L.L.C

Special Exception for a community building for recreational purposes (health club) pursuant to section 230.3 of the Baltimore County Zoning Regulations.

Hearing: Thursday, July 2, 2020 at 1:30 p.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.


Michael Mallinoff
Director

MM:kl

C: David Karceski, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
Adam Schulman, 8150 Leesburg Pike, Ste. 1100, Vienna VA 22182

NOTE: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JUNE 12, 2020.

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

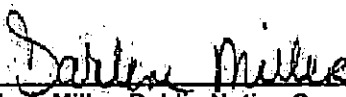
PUBLISHER'S AFFIDAVIT

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:

3/26/2020

Order #: 11869028
Case #: 2020-0041-X
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2020-0041-X


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: 2020-0041-X

4313 Ebenezer Road

S/east side of Belair Road, 254.07 ft. s/west of Ebenezer Road

11th Election District - 5th Councilmanic District

Legal Owners: W Arc Ph Centre Owner VII, L.L.C

Special Exception for a community building for recreational purposes (health club) pursuant to section 230.3 of the Baltimore County Zoning Regulations.

Hearing: Wednesday, April 15, 2020 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.

mh26

CERTIFICATE OF POSTPONING

2020-0041-X

RE: Case No.: _____

Petitioner/Developer: _____

W Arc Ph Centre Owner VIII, L.L.C.

April 15, 2020

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

4313 Ebenezer Road

SIGN 1 POSTPONED

March 24, 2020

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

April 7, 2020

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2020-0041-X

RE: Case No.: _____

Petitioner/Developer: _____

W Arc Ph Centre Owner VIII, L.L.C.

April 15, 2020

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

4313 Ebenezer Road

SIGN 2 POSTPONED

March 24, 2020

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 April 7, 2020
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2020-0041-X

RE: Case No.: _____

Petitioner/Developer: _____

W Arc Ph Centre Owner VIII, L.L.C.

April 15, 2020

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

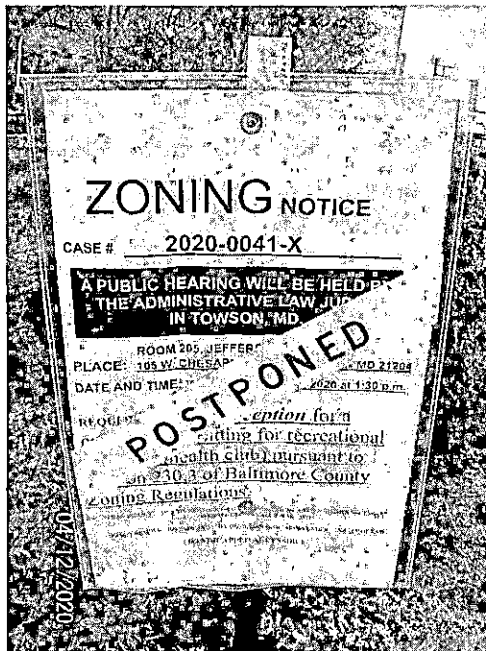
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

4313 Ebenezer Road

SIGN 1 Recertification

March 24, 2020

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 April 12, 2020
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2020-0041-X

RE: Case No.: _____

Petitioner/Developer: _____

W Arc Ph Centre Owner VIII, L.L.C.

April 15, 2020

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

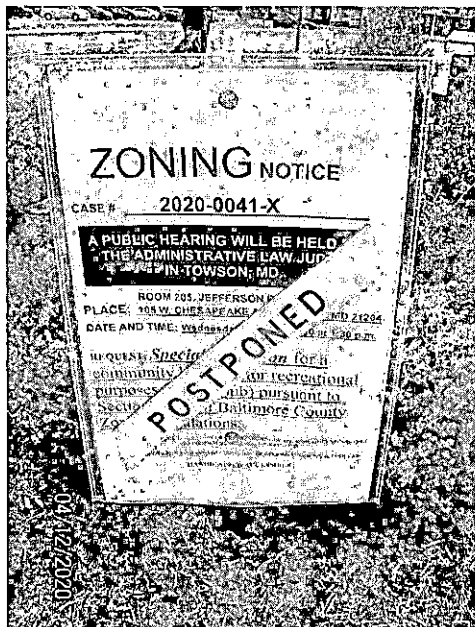
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

4313 Ebenezer Road

SIGN 2 Recertification

March 24, 2020

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 April 12, 2020

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2020-0041-X

RE: Case No.: _____

Petitioner/Developer: _____

W Arc Ph Centre Owner VIII, L.L.C.

April 15, 2020

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

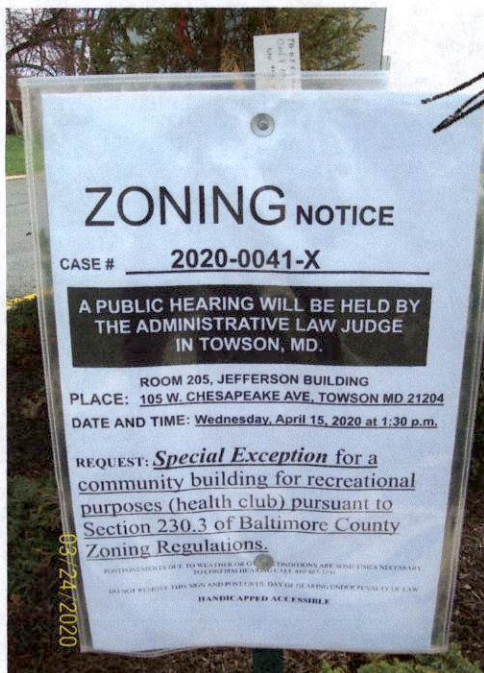
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

4313 Ebenezer Road

SIGN 1

March 24, 2020

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

March 24, 2020

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

NO. 10-10-10

RE: Case No. 10-10-10

Case No. 10-10-10

Case No. 10-10-10

Case No. 10-10-10

Case No. 10-10-10

Case No. 10-10-10

Case No. 10-10-10

Case No. 10-10-10

Case No. 10-10-10

SIGN 1

Case No. 10-10-10

Case No. 10-10-10

Case No. 10-10-10

Case No. 10-10-10

Case No. 10-10-10

Case No. 10-10-10

Case No. 10-10-10

Case No. 10-10-10

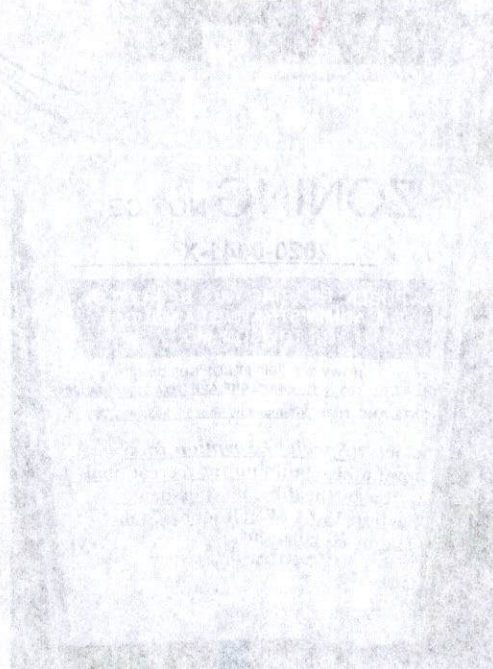
Case No. 10-10-10

Case No. 10-10-10

Case No. 10-10-10

Case No. 10-10-10

Case No. 10-10-10



CERTIFICATE OF POSTING

2020-0041-X

RE: Case No.: _____

Petitioner/Developer: _____

W Arc Ph Centre Owner VIII, L.L.C.

April 15, 2020

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

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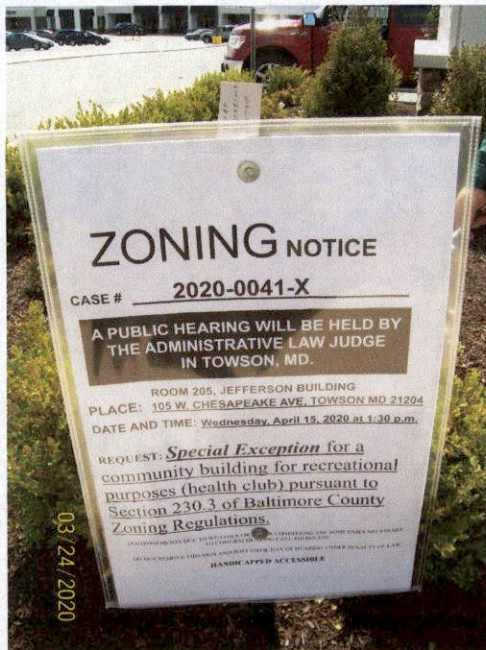
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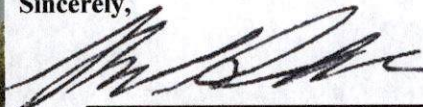
SIGN 2

March 24, 2020

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 March 24, 2020
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

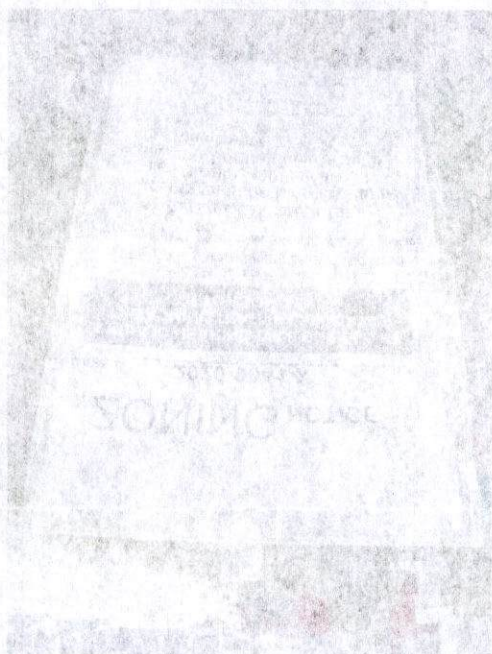
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



Handwritten signature and date: 10/12/10

Official stamp and date: 10/12/10

Official stamp and date: 10/12/10

Official stamp and date: 10/12/10

Official stamp and date: 10/12/10

Official stamp and date: 10/12/10

Official stamp and date: 10/12/10

CERTIFICATE OF POSTING

CERTIFICATE OF POSTING

2020-0041-X

RE: Case No.: _____

Petitioner/Developer: _____

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April 15, 2020

Date of Hearing/Closing: _____

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County Office Building, Room 111
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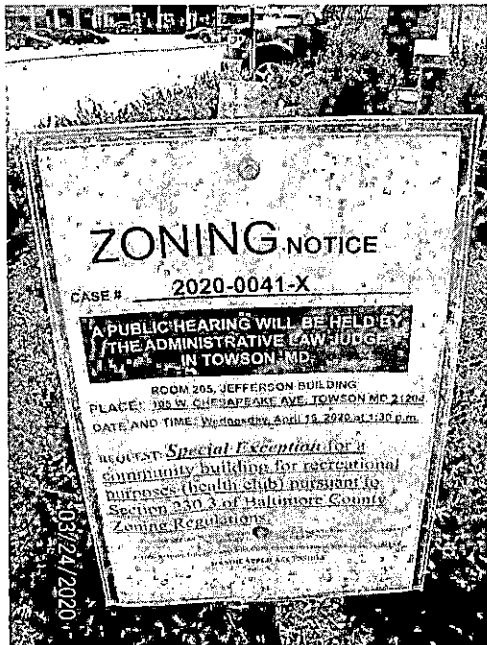
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March 24, 2020

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(Month, Day, Year)



Sincerely,

 March 24, 2020
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2020-0041-X

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(Print Name)

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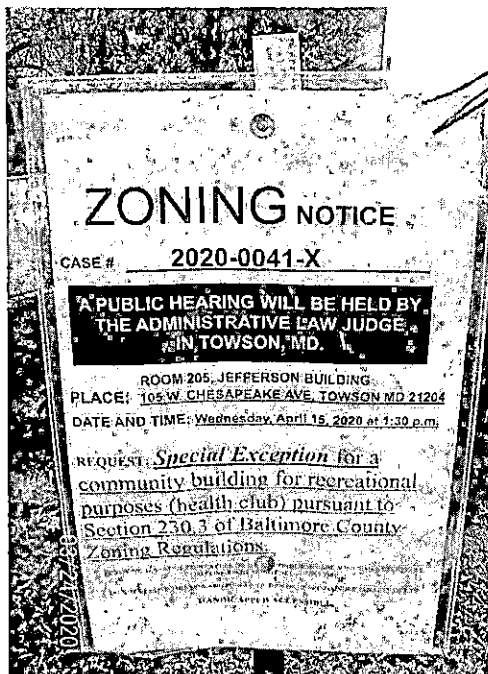
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





JOHN A. OLSZEWSKI, JR.
County Executive

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

March 6, 2020

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: 2020-0041-X

4313 Ebenezer Road

S/east side of Belair Road, 254.07 ft. s/west of Ebenezer Road

11th Election District – 5th Councilmanic District

Legal Owners: W Arc Ph Centre Owner VIII, L.L.C

Special Exception for a community building for recreational purposes (health club) pursuant to section 230.3 of the Baltimore County Zoning Regulations.

Hearing: Wednesday, April 15, 2020 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script, appearing to read "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: David Karceski, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
Adam Schulman, 8150 Leesburg Pike, Ste. 1100, Vienna VA 22182

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MARCH 26, 2020.**
- (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
Thursday, March 26, 2020 – Issue

Please forward billing to:

David Karceski
Venable, LLP
210 W. Pennsylvania Avenue, Ste. 500
Towson, MD 21204

410-494-6285

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2020-0041-X

4313 Ebenezer Road

S/east side of Belair Road, 254.07 ft. s/west of Ebenezer Road

11th Election District – 5th Councilmanic District

Legal Owners: W Arc Ph Centre Owner VIII, L.L.C

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Michael Mallinoff

Director of Permits, Approvals and Inspections for Baltimore County

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RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE OFFICE
4313 Ebenezer Road; SE/S of Belair Road, * OF ADMINISTRATIVE
254.07' SW of Ebenezer Road * HEARINGS FOR
11th Election & 5th Councilmanic Districts *
Legal Owner(s): W ARC PH Square *
Owner VIII, LLC *
Petitioner(s) * BALTIMORE COUNTY
* 2020-041-X

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

FEB 27 2020

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of February, 2020, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Case Number: 2020-0041-X

Property Address: 4313 Ebenezer Road

Property Description: ~~SW/4 of Ebenezer Road~~ SE/4 of Belair Road,
254.07 ft. SW of Ebenezer Road

Legal Owners (Petitioners): W ARC PH CENTRE OWNER VIII, LLC

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: David Karceski

Company/Firm (if applicable): Venable, LLP

Address: 200 W. Pennsylvania Ave, SUITE 500
TOWSON, MD 21204

Telephone Number: 410-494-6200



JOHN A. OLSZEWSKI, JR.
County Executive

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

June 22, 2020

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

RE: Case Number: 2020-0041-X, 4313 Ebenezer Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 11, 2020. 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 dark ink, appearing to read "W. Carl Richards, Jr.", is written over the words "Very truly yours".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

W. H. W.



JOHN A. OLSZEWSKI, JR.
County Executive

PM 7-2-2020
1:30pm

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

June 22, 2020

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

RE: Case Number: 2020-0041-X, 4313 Ebenezer Road

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W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: February 28, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0041-X
Address 4313 Ebenezer Road
(W ARC PH Square Owner VIII,
LLC Property)

Zoning Advisory Committee Meeting of **March 2, 2020**.

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

Reviewer: Steve Ford

Date: 2/26/20

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Lewis:

We have reviewed the site plan to accompany the petition for variance on the subject of the Case number referenced below, which was received on 2/26/20. A field inspection and internal review reveals that an entrance onto US1 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Special Exception, Case Number 2020-0041-X.

WARC PH Square Owner VII, LLC
4313 Ebenezer Road

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

Sincerely,



Wendy Wolcott, P.E.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: 3/11/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-041

INFORMATION:

Property Address: 4313 Ebenezer Road
Petitioner: W ARC PH Centre Owner VII, LLC
Zoning: BL-CCC, DR 16
Requested Action: Special Exception

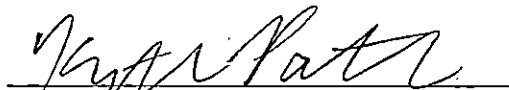
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This site is the location of the Perry Hall Square Shopping Center. The health club is proposed to occupy existing building space. There is no additional square footage proposed to accommodate the club and no changes to be made to the front façade besides a wall-mounted enterprise sign for the tenant. A freestanding joint identification sign was approved for the shopping center via ZAC# 2018-351-SPHA.

The Department of Planning has no objection to the request.

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

Prepared by:


Krystle Patchak

Division Chief:


Jennifer G. Nugent

CPG/JGN/KP

c: Laurie Hay
David H. Karceski, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Millanoff, Director
Department of Permits, Approvals
EFL for VKD
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For March 02, 2020
Item No. 2020-0041-X

DATE: 05/22//2020

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

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

*

*

*

*

*

VKD: cen
cc: file

4-15-20

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 3/11/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-041



INFORMATION:

Property Address: 4313 Ebenezer Road
Petitioner: W ARC PH Centre Owner VII, LLC
Zoning: BL-CCC, DR 16
Requested Action: Special Exception

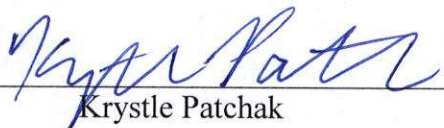
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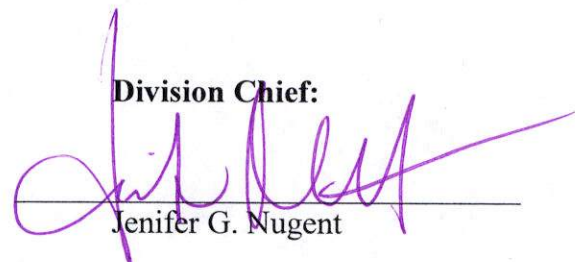
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Prepared by:


Krystle Patchak

Division Chief:


Jenifer G. Nugent

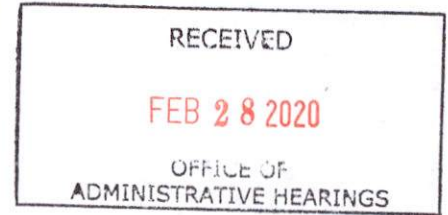
CPG/JGN/KP

c: Laurie Hay
David H. Karceski, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

4-15

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: February 28, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0041-X
Address 4313 Ebenezer Road
(W ARC PH Square Owner VIII,
LLC Property)

Zoning Advisory Committee Meeting of **March 2, 2020.**

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

Reviewer: Steve Ford

Donna Mignon

From: Donna Mignon
Sent: Tuesday, June 23, 2020 12:27 PM
To: 'dhkarceski@venable.com'
Subject: Hearings on July 2, 2020 at 10:00 a.m. and 1:30 p.m.

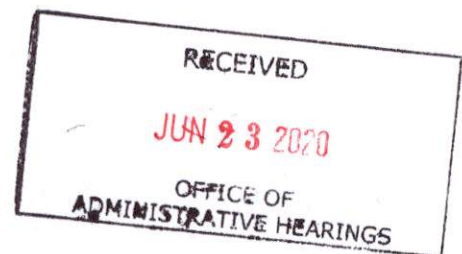
Locations: 7908 New Battle Grove Road
4313 Ebenezer Road

Dear Good Afternoon Mr. Karceski:

I wanted to reach out to you and let you know if you wish to present any exhibits at the hearings that are scheduled for July 2, 2020, please email all exhibits within 48 hours to:
administrativehearings@baltimorecountmd.gov

Thank you so much.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
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Reviewer: Steve Ford

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Gregory Slater
Acting Secretary
Tim Smith, P.E.
Acting Administrator

Date: 2/26/20

Ms. Kristen Lewis
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Permits, Approvals & Inspections
County Office Building, Room 109
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4313 Ebenezer Road*

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

Sincerely,



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

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 3/11/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-041

INFORMATION:

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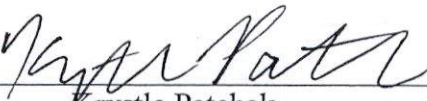
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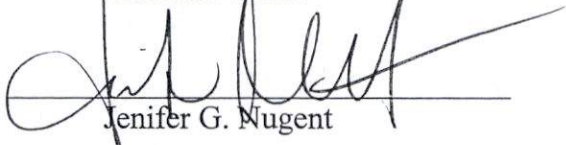
The Department of Planning has no objection to the request.

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

Prepared by:


Krystle Patchak

Division Chief:


Jenifer G. Nugent

CPG/JGN/KP

c: Laurie Hay
David H. Karceski, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Millanoff, Director
Department of Permits, Approvals

FROM: *EFC for VKD*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 02, 2020
Item No. 2020-0041-X

DATE: 05/22//2020

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

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

* * * * *

VKD: cen
cc: file



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 4313 Ebenezer Road which is presently zoned BL-CCC, DR16

Deed References: 37892-242 10 Digit Tax Account # 2200029169

Property Owner(s) Printed Name(s) WARC PH SQUARE OWNER VIII, L.L.C.

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

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

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

2. ☒ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
SEE ATTACHED SHEET 1

3. a Variance from Section(s)

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 bound 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:

N/A

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

David H. Karceski, Esquire

Name - Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 / 410-494-6285 / dhkarceski@venable.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

SEE ATTACHED SHEET 2 /

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

David H. Karceski, Esquire

Name - Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 / 410-494-6285 / dhkarceski@venable.com

Zip Code Telephone # Email Address

CASE NUMBER 2020-0041-X Filing Date 2/18/2020 Do Not Schedule Dates: Reviewer JNP

REV. 10/4/11

3/30 2:26 pm
left v. m
Follow up
email sent
3-30

Deb
4/15 @ 1:30

Donna Mignon

From: Robinson, Drew <CARobinson@Venable.com>
Sent: Monday, June 29, 2020 12:43 PM
To: Administrative Hearings
Subject: RE: EMAIL 1/2: Petitioner's Exhibits Case No. 2020-0041-X (4313 Ebenezer Road)

CAUTION: This message from CARobinson@venable.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Of course - please let me know if you need anything else from us. Thanks!

From: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Sent: Monday, June 29, 2020 12:42 PM
To: Robinson, Drew <CARobinson@Venable.com>
Subject: RE: EMAIL 1/2: Petitioner's Exhibits Case No. 2020-0041-X (4313 Ebenezer Road)

Caution: External Email

Thank you. We want to make sure we have everything.
Have a great day.



Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

From: Robinson, Drew <CARobinson@Venable.com>
Sent: Monday, June 29, 2020 12:37 PM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: RE: EMAIL 1/2: Petitioner's Exhibits Case No. 2020-0041-X (4313 Ebenezer Road)

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Donna,

Here is our list of those who will need the Webex authorizations to speak:

1. David Karceski DKarceski@venable.com
2. Drew Robinson carobinson@venable.com
3. Mark Arena marena@arcrealty.com
4. Vaughn Whitfield vwhitfield@maximumfitness24.com
5. Michael Gesell mgesell@bohlereng.com

1968

We have already sent this list to Kristen Lewis in Zoning who has sent out invites so we may be all set. Please let me know if anyone else has asked to testify.

Thanks,

Drew

From: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Sent: Monday, June 29, 2020 12:29 PM
To: Robinson, Drew <CARobinson@Venable.com>
Subject: RE: EMAIL 1/2: Petitioner's Exhibits Case No. 2020-0041-X (4313 Ebenezer Road)

Caution: External Email

Hi Drew,

We received the first email.

If there are any witnesses that want to speak at the hearing, please send us a list, we will need to send them an invitation.

Thank you.

Donna

From: Robinson, Drew <CARobinson@Venable.com>
Sent: Monday, June 29, 2020 12:26 PM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: EMAIL 1/2: Petitioner's Exhibits Case No. 2020-0041-X (4313 Ebenezer Road)

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EMAIL 1 OF 2

Donna,

Please find attached Petitioner's Exhibits 1, 2, 3A and 3B in Case No. 2020-0041-X. Another email will follow with Exhibits 4, 5, 6 and 7. Please confirm receipt of both emails – thanks!

Drew

C. Andrew Robinson, Esq. | Venable LLP
t 410.494.6279 | f 410.821.0147 | m 443.600.0302
210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204

CARobinson@Venable.com | www.Venable.com

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COVID-19

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Disinfect Surfaces Frequently

STOP THE SPREAD • FLATTEN THE CURVE

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Donna Mignon

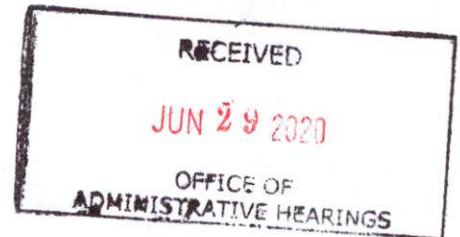
From: Robinson, Drew <CARobinson@Venable.com>
Sent: Monday, June 29, 2020 12:37 PM
To: Administrative Hearings
Subject: RE: EMAIL 1/2: Petitioner's Exhibits Case No. 2020-0041-X (4313 Ebenezer Road)

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2. Drew Robinson carobinson@venable.com
3. Mark Arena marena@arc Realty.com
4. Vaughn Whitfield vwhitfield@maximumfitness24.com
5. Michael Gesell mgesell@bohlereng.com



We have already sent this list to Kristen Lewis in Zoning who has sent out invites so we may be all set. Please let me know if anyone else has asked to testify.

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Caution: External Email

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Thank you.

Donna

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EMAIL 1 OF 2

Donna,

Please find attached Petitioner's Exhibits 1, 2, 3A and 3B in Case No. 2020-0041-X. Another email will follow with Exhibits 4, 5, 6 and 7. Please confirm receipt of both emails – thanks!

Drew

C. Andrew Robinson, Esq. | Venable LLP
t 410.494.6279 | f 410.821.0147 | m 443.600.0302
210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204

CARobinson@Venable.com | www.Venable.com

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Donna Mignon

From: Robinson, Drew <CARobinson@Venable.com>
Sent: Monday, June 29, 2020 12:31 PM
To: Administrative Hearings
Subject: RE: EMAIL 1/2: Petitioner's Exhibits Case No. 2020-0041-X (4313 Ebenezer Road)
Attachments: Petitioner Exhibit 4 - Site Photos and Location Map.pdf; Petitioner Exhibit 5 - Photo of Maximum Fitness Storefront.pdf; Petitioner Exhibit 6 - Marketing Materials for Maximum Fitness.pdf; Petitioner Exhibit 7 - Floor Plan for Maximum Fitness.pdf

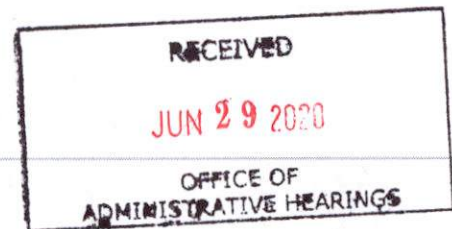
CAUTION: This message from CARobinson@venable.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

EMAIL 2 OF 2

Donna,

Please find attached Petitioner's Exhibits 4, 5, 6 and 7 in Case No. 2020-0041-X. Please confirm receipt of this and the 1st email? Could you also please let us know if anyone else has signed up to testify (or sent in any correspondence)? Thanks!

Drew



From: Robinson, Drew
Sent: Monday, June 29, 2020 12:26 PM
To: 'Administrativehearings@baltimorecountymd.gov' <Administrativehearings@baltimorecountymd.gov>
Subject: EMAIL 1/2: Petitioner's Exhibits Case No. 2020-0041-X (4313 Ebenezer Road)

EMAIL 1 OF 2

Donna,

Please find attached Petitioner's Exhibits 1, 2, 3A and 3B in Case No. 2020-0041-X. Another email will follow with Exhibits 4, 5, 6 and 7. Please confirm receipt of both emails – thanks!

Drew

C. Andrew Robinson, Esq. | Venable LLP
t 410.494.6279 | f 410.821.0147 | m 443.600.0302
210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204

CARobinson@Venable.com | www.Venable.com

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Q24-12000

Q24-12000

Q24-12000

Q24-12000

Donna Mignon

From: Robinson, Drew <CARobinson@Venable.com>
Sent: Monday, June 29, 2020 12:26 PM
To: Administrative Hearings
Subject: EMAIL 1/2: Petitioner's Exhibits Case No. 2020-0041-X (4313 Ebenezer Road)
Attachments: Petitioner Exhibit 1 - Site Plan Filed with Zoning Office.pdf; Petitioner Exhibit 2 - Michael J. Gesell CV.pdf; Petitioner Exhibit 3A - Aerial (Close).pdf; Petitioner Exhibit 3B - Aerial (Wide).pdf

CAUTION: This message from CARobinson@venable.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

EMAIL 1 OF 2

Donna,

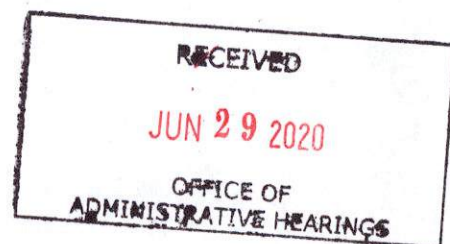
Please find attached Petitioner's Exhibits 1, 2, 3A and 3B in Case No. 2020-0041-X. Another email will follow with Exhibits 4, 5, 6 and 7. Please confirm receipt of both emails – thanks!

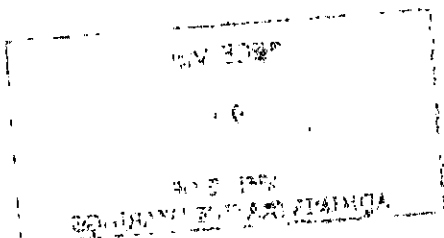
Drew

C. Andrew Robinson, Esq. | Venable LLP
t 410.494.6279 | f 410.821.0147 | m 443.600.0302
210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204

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ZAC AGENDA

Case Number: 2020-0041-X **Reviewer:** Jeffrey Perlow
Existing Use: COMMERCIAL **Proposed Use:** COMMERCIAL
Type: SPECIAL EXCEPTION
Legal Owner: W ARC PH Square Owner VIII, LLC
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 11 **Council Dist:** 5

Property Address: 4313 EBENEZER
Location: SE/ side of Belair Road 254.07 feet SW of Ebenezer Road

Existing Zoning: BL-CCC, DR 16 **Area:** 15,67 AC

Proposed Zoning:

SPECIAL EXCEPTION:

For a community building for recreational purposed (health club) pursuant to Section 230.3 of the Baltimore County Zoning Regulation.

Attorney: David H. Karceski

Prior Zoning Cases: 1963-0011-XA; 1963-5894-X; 1967-0158-A; 1977-0131-SPHX; 1985-0006-X; 1990-0318-XA; 1993-0124-SPX; 1993-0349-XA; 1997-0083-X; 2018-0351-SPHA; R-1952-2346; R-1956-3805

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Special Tax Recapture: None					
Account Identifier:		District - 11 Account Number - 2200029169			
Owner Information					
Owner Name:	W ARC PH CENTRE OWNER VIII LLC C/O WALTON STREET CAPITAL LLC		Use:	COMMERCIAL	
Mailing Address:	SUITE 1900 900 NORTH MICHIGAN AVE CHICAGO IL 60611-		Principal Residence:	NO	
			Deed Reference:	/37892/ 00242	
Location & Structure Information					
Premises Address:	EBENEZER RD BALTIMORE 21236-		Legal Description:	15.672 AC SS EBENEZER RD 150 FT E BELAIR RD	
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:
0072	0014	0162	10000.04	0000	
					Block:
					Lot:
					Assessment Year:
					2019
					Plat No:
					Plat Ref:
Town: None					
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
				Property Land Area	
				15.6700 AC	
				County Use	
				14	
Stories	Basement	Type	Exterior	Quality	Full/Half Bath
					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:	7,835,000		7,835,000		As of
Improvements	8,523,300		11,348,100		07/01/2020
Total:	16,358,300		19,183,100		
Preferential Land:	0				17,299,900
					18,241,500
					0
Transfer Information					
Seller: PERRY HALL SQUARE LLC		Date: 08/18/2016		Price: \$19,000,000	
Type: ARMS LENGTH IMPROVED		Deed1: /37892/ 00242		Deed2:	
Seller: PERRY HALL SQUARE		Date: 06/30/1997		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /12263/ 00251		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	
Special Tax Recapture: None					
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application					
Date:					

CHECKLIST

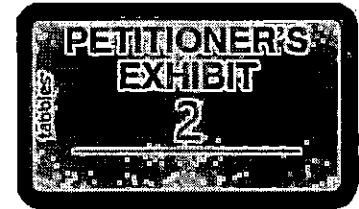
<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>5-22</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>✓</u>
<u>2-28</u>	DEPS (if not received, date e-mail sent _____)	<u>NO</u>
_____	FIRE DEPARTMENT	_____
<u>3-17</u>	PLANNING (if not received, date e-mail sent _____)	<u>No object.</u>
<u>2-26</u>	STATE HIGHWAY ADMINISTRATION	<u>No object.</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING (1 st)	Date: <u>6/11/2020</u> by <u>SSG Black</u>	
SIGN POSTING (2 nd)	Date: <u>6-29-2020</u> by <u>"</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☒	

Comments, if any: _____



RESUME

Michael J. Gesell, P.E.
Project Manager



EDUCATION:

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

PROJECT TESTIMONY:

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

EXPERIENCE:

Currently serves as a Project Manager in Bohler Engineering's Towson, Maryland Office. Experience includes over Twenty (20) years of design and project management. Primarily responsible for design and approval for various commercial, and industrial developments. Areas of experience include site feasibility analysis and budgeting, site layout and planning, zoning and subdivision ordinance review/interpretation, horizontal and vertical roadway design, site grading, earthwork balancing and analysis, soil erosion and sediment control measures and facilities, utility design, stormwater management and water quality system designs, environmental compliance/evaluations, lighting photometric studies/design, signage compliance, landscaping design, vehicular circulation design, oversight of expediting and application approvals, and related services. Expertise includes supermarkets, service stations, maintenance facilities, restaurants, shopping centers, retail centers, car washes and other related projects in municipalities in Maryland, Delaware, and Pennsylvania.

BALTIMORE COUNTY PROJECTS OF NOTE:

- Timonium Square Shopping Center - Redevelopment
- Shawan Plaza - Redevelopment
- Tradepoint Atlantic – Sparrows Point – Under Armour Warehouse, Amazon Warehouse and Floor N' Décor Warehouse
- Mill Station - Redevelopment
- Multiple Quick Serve Restaurants (Chick-fil-A, Sonic)
- Multiple Fuel Service Station Projects (SMO, Royal Farms, Weis Markets)
- Multiple Pharmacy Projects
- Multiple Variance Hearing Projects (Shawan Plaza, Timonium Square, Putty Hill Plaza)

PROFESSIONAL AFFILIATIONS:

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

EXHIBIT NO.

3



PETITIONER'S
EXHIBIT
4



PHOTO #1

PHOTO #2

PHOTO #3

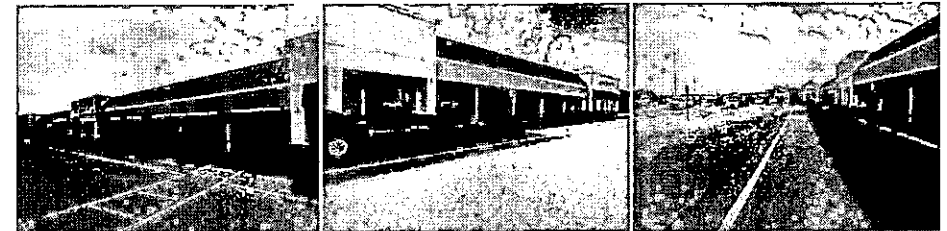


PHOTO #4

PHOTO #5

PHOTO #6



PHOTO #7

PHOTO #8

PHOTO #9



PHOTO #10

PHOTO #11

PHOTO #12



PHOTO #13



PHOTO #14



PHOTO #15

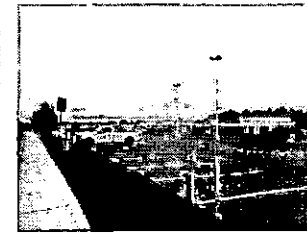


PHOTO #16

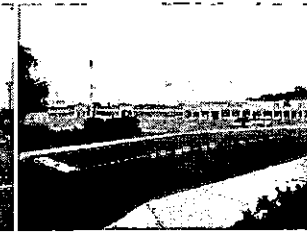


PHOTO #17



PHOTO #18



A black and white advertisement for Maximum Fitness. The background shows a man, a woman, and a young child in a gym setting. The man is leaning against a piece of equipment, the woman is standing next to him, and the child is in the foreground. The gym's logo is in the top left, and promotional text is overlaid on the image.

**MAXIMUM
FITNESS**
TWENTY FOUR SEVEN

PETITIONER'S
EXHIBIT
6

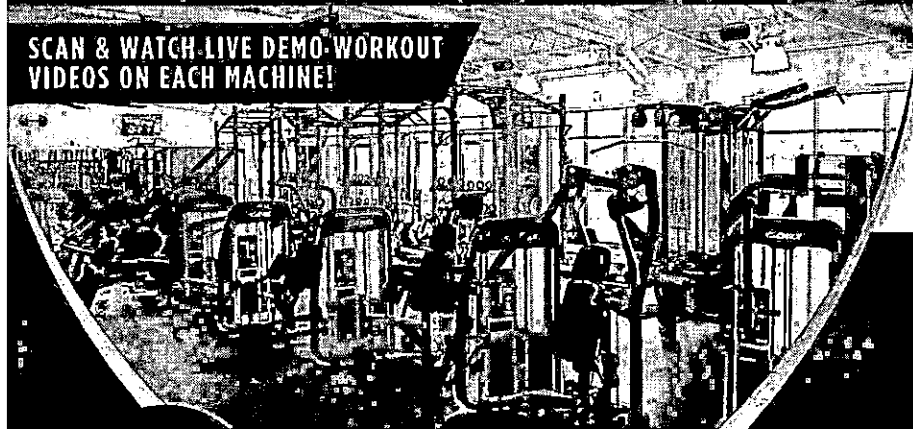
**24/7
ACCESS**

OPENING SOON
PRE-SALE MEMBERSHIPS NOW AVAILABLE!

ZERO ENROLLMENT
+ COMPLIMENTARY GIFT TO FIRST 100 TO JOIN!
NEW STATE-OF-THE-ART EQUIPMENT

NEW EQUIPMENT

SCAN & WATCH LIVE DEMO WORKOUT
VIDEOS ON EACH MACHINE!

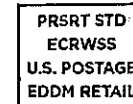
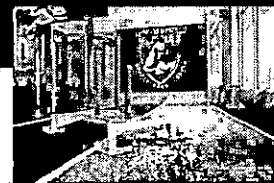
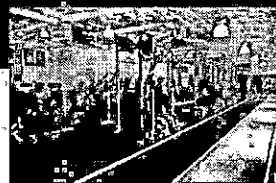


**24/7
ACCESS**

SCYBEX

CLUB FLOOR IS ALWAYS OPEN

- » **Personal Training**
- » **Group Training**
- » **Group Exercise Classes**
(Included with Membership)
- » **Sauna**
- » **Kids Club**
- » **Multi-Club Access**



*****ECRWSS*****

Local

Postal Customer

4303 Ebenezer Rd
Nottingham, MD 21236
(443) 998-1289

www.maximumfitness24.com

STAFFED HOURS

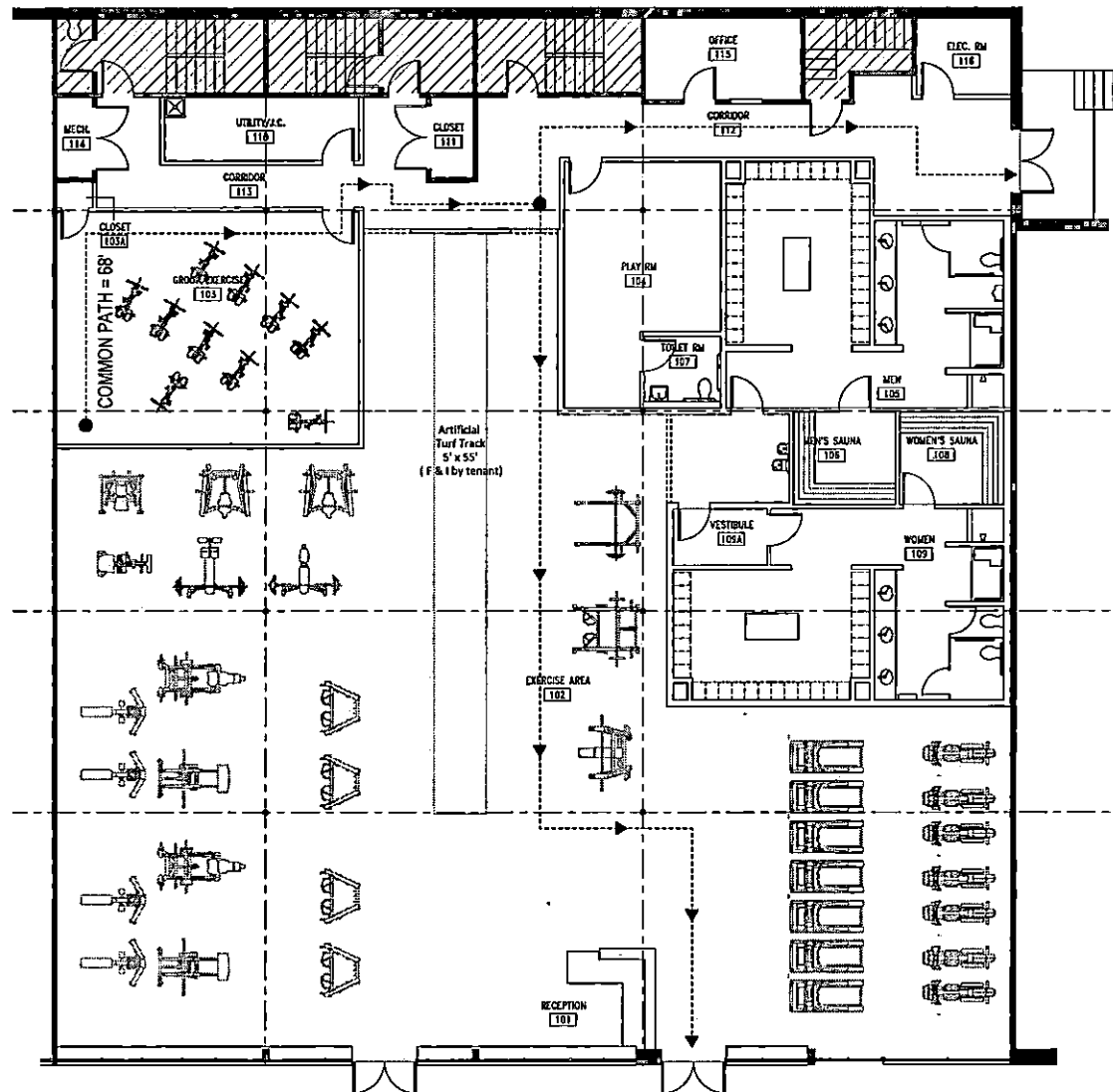
Monday - Thursday 10:30pm - 7:00pm

Friday 11:00am - 5:00pm

Saturday 9:00am - 1:00pm

Sunday CLOSED

FOR ILLUSTRATIVE PURPOSES ONLY



EGRESS PLAN



EGRESS CALCULATION:

LOCATION	AREA	LOAD FACTOR	OCCUPANT LOAD (PERSONS)	NO. OF EXITS REQUIRED	NO. OF EXITS PROVIDED
RECEPTION	250 SF	50	11		
EXERCISE AREA	4,500 SF	50	90		
GROUP EXERCISE	590 SF	50	12		
PLAY ROOM	300 SF	50	8		
MEN	850 SF	50	10		
WOMEN	650 SF	50	10		
OFFICE	100 SF	100	1		
UTILITY ROOMS/CL.	2,099 SF	300	7		
TOTAL:	9,139 SF		147	2	2

CBA

CRAIG
BENNETT
ASSOCIATES

ARCHITECTS

OWNER:
ATLANTIC REALTY
COMPANIES
8150 LEESBURG PIKE
SUITE 1100
VIENNA, VIRGINIA 22182
703-760-9500
www.arc Realty.com
Contact: Zackory Bess
zbess@arc Realty.com
703-760-9500 x172

ARCHITECT:
CBA ARCHITECTS, PC
1239 PINE HILL ROAD
MCLEAN, VIRGINIA 22101
703-847-4900 FAX 847-4955
www.cba-architects.com
Contact: Craig Bennett
cbennet@cba-architects.com
703-875-2400

STRUCTURAL ENGINEERING:
McCON
ENGINEERING, INC.
7214 NEW CUT ROAD
KINGSVILLE, MD 21087
410-563-9335
Contact: Peter McConoughy
pconoughy@comcast.net
410-563-9335

MEP ENGINEER:
Dwyer ENGINEERING
552 FORT EVANS ROAD N.E. #200
LEESBURG, VIRGINIA 20176
703-777-5528 FAX 703-438-2543
www.dwyer.com
Contact: Brian Davis
bdavis@dwyer.com
703-777-5528 EXT. 110

MAXIMUM FITNESS

4303 EBENEZER ROAD
NOTTINGHAM, MD 21236

For Permit: 02/25/10

Professional Certification is hereby and these documents were prepared and approved by me and I am a duly licensed architect under the laws of the State of Maryland. License No. 7818-A, Capital Hill Campus

EGRESS PLAN

SHEET
A4

1993-0349-XA 20-587
2018-0351-SPHA
2020-0041-X

September 16, 2020

David H. Karceski

T 410.494.6271
F 410.821.0147
dkarceski@Venable.com

Via Hand Delivery

W. Carl Richards, Jr., Supervisor
Zoning Review Bureau
Department of Permits, Approvals
and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Spirit and Intent Letter
Perry Hall Square Shopping Center
4313 Ebenezer Road

Dear Mr. Richards:

This firm represents the owner of Perry Hall Square Shopping Center located at 4313 Ebenezer Road in the Perry Hall area of Baltimore County (the "Property"). The Property is improved with a main shopping center containing a mix of commercial uses, a pad site with a restaurant, and a large associated surface parking area. Our client is proposing to redevelop a portion of the existing parking area with a daycare use. We are seeking confirmation that we are within the spirit and intent of the prior zoning cases for the Property and are properly determining the parking calculations and landscape requirements applicable to our proposed redevelopment of the site.

The Property is located at the southeast corner of Belair and Ebenezer Roads and has been improved with a strip shopping center for over 30 years. Baltimore County's My Neighborhood system confirms that the Property is zoned BL CCC and has been the subject of a number of zoning cases dating back to the early 1950s. While the site was originally developed prior to the latest iteration of the Baltimore County Zoning Regulations ("BCZR"), the more recent zoning cases brought the Property into compliance with the current version of Baltimore County's parking and landscaping regulations.

Specifically, in Case No. 93-349-XA, a series of variances were granted to the parking and landscaping provisions contained in Section 409 of the BCZR. The overall number of parking spaces required for the uses existing at that time was reduced from 1146 to 1059 (an 87 space reduction), the location of the existing parking spaces was approved (8 feet from the right of way in lieu of a minimum 10 feet), direct access to existing parking spaces from a travel way was

September 16, 2020

Page 2

approved, the number of stacking spaces for an existing bank was reduced from 7 to 4, and relief was granted from Section 409.8.A.1 so that full compliance with the Landscape Manual was not required (the owner had to provide landscaping “as necessary and possible”). The Zoning Commissioner (now Administrative Law Judge) characterized the variances as necessary to “legitimize the existing situation” on the Property. Throughout the Order, the Zoning Commissioner repeatedly mentioned that the site was developed prior to the latest version of the parking and landscaping requirements, and that the relief was being granted so that a long-standing site would not be forced to unnecessarily comply with the strict letter of the more recent parking and landscaping regulations.

The site plan that accompanied the relief in Case No. 93-349-XA reveals that the required number of parking spaces was calculated “based on current requirements.” As permitted by Section 409.6. of the BCZR, the number of required parking spaces was calculated as “5 per 1,000 square feet of gross leasable area, including any area devoted to restaurants, but excluding any area devoted to theaters and warehouses, in which case the theaters and warehouses shall be considered as separate uses.” The resulting requirement was 1146, which was reduced to 1059 through the petition for variance.

In two more recent cases, the parking calculations for the Property were likewise performed under the current iteration of Section 409 of the BCZR. The site plans that were approved in Case Nos. 2018-0351-SPHA and 2020-041-X are attached hereto for your convenience. Both contain a parking chart that calculates the required number of parking spaces for the various commercial uses in the shopping center at 5 spaces per 1,000 square feet of gross leasable area as permitted by the current version of Section 409.6.

We are now attaching a site plan, entitled Plan to Accompany Spirit and Intent Request and dated July 28, 2020, that shows the location of the daycare center that our client is proposing to construct in the parking area on the Property. The required number of parking spaces for the uses on the Property are once again calculated under the current zoning regulations as follows:

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PARKING TABULATION CHART - SHOPPING CENTER (PARKING SPACES REQUIRED BY BCZR SECTION 409.6A)			
USE	GROSS S.F.	PARKING RATE	PARKING SPACES REQUIRED PER SECTION 409.6A
SHOPPING CENTER	156,769	5/1,000 S.F.	784
PAD #1 - RESTAURANT	6,768	5/1,000 S.F.	34
PAD #2 - DAYCARE	7,200	5/1,000 S.F.	36
TOTAL REQUIRED			854
TOTAL SPACES PROVIDED (INCLUDES 42 ADA SPACES)			861
NOTE: PREVIOUS VARIANCE GRANTED TO FURTHER REDUCE REQUIRED PARKING (SEE CASE NO. 1993 - 349 - XA)			

We are seeking confirmation that construction of the proposed day care pad site and associated changes to the existing layout for surface parking is within the spirit and intent of the relief obtained in Case No. 93-349-XA, and that we have correctly calculated the required number of off-street parking spaces for the Property under the current iteration of Section 409. The discrepancy in the number of required parking spaces between the 1993 case and the present proposal is related to a change in the mix of tenants and elimination of a movie theater that was requiring over 200 parking spaces.

With respect to landscaping, the relief granted in Case No. 93-349-XA “legitimized the conditions” of the site and reduced the requirements so that landscaping only needed to be provided “as necessary and possible.” The proposed daycare center will comply with the Landscape Manual with the exception of one landscaped parking island that will be 4’3” wide in lieu of the required 9 feet. This issue is identified in the “Landscape Note” on the attached Site Plan. We are seeking confirmation that the reduced size of this single parking island falls within the spirit and intent of the relief granted in Case No. 93-349-XA to provide landscaping “as necessary and possible” on the site. As all other aspects of the current Landscape Manual will be met for the proposed daycare center, please confirm that no relief will be required from BCZR Section 409.8.A.1.

Please confirm your agreement by countersignature below that:

1. The parking requirements shown on the attached Site Plan are properly calculated and a sufficient number of off-street parking spaces are provided on the Property to accommodate the proposed daycare center.
2. The proposed landscaping for the daycare center falls within the spirit and intent of the relief granted in Case No. 93-349-XA and will not require any relief from BCZR Section 409.8.A.1.

September 16, 2020
Page 4

Very truly yours,



Adam M. Rosenblatt
David H. Karceski

AGREED AND ACCEPTED:



**W. Carl Richards, Jr., Supervisor
Zoning Review Bureau**

Enclosures

August 19, 2020

David H. Karceski

T 410.494.6271
F 410.821.0147
dkarceski@Venable.com

Via Hand Delivery

W. Carl Richards, Jr., Supervisor
Zoning Review Bureau
Department of Permits, Approvals
and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Spirit and Intent Letter
Perry Hall Square Shopping Center
4313 Ebenezer Road

Dear Mr. Richards:

This firm represents the owner of Perry Hall Square Shopping Center located at 4313 Ebenezer Road in the Perry Hall area of Baltimore County (the "Property"). The Property is improved with a main shopping center containing a mix of commercial uses, a pad site with a restaurant, and a large associated surface parking area. Our client is proposing to redevelop a portion of the existing parking area with a daycare use. We are seeking confirmation that we are within the spirit and intent of the prior zoning cases for the Property and are properly determining the parking calculations and landscape requirements applicable to our proposed redevelopment of the site.

The Property is located at the southeast corner of Belair and Ebenezer Roads and has been improved with a strip shopping center for over 30 years. Baltimore County's My Neighborhood system confirms that the Property is zoned BL CCC and has been the subject of a number of zoning cases dating back to the early 1950s. While the site was originally developed prior to the latest iteration of the Baltimore County Zoning Regulations ("BCZR"), the more recent zoning cases brought the Property into compliance with the current version of Baltimore County's parking and landscaping regulations.

Specifically, in Case No. 93-349-XA, a series of variances were granted to the parking and landscaping provisions contained in Section 409 of the BCZR. The overall number of parking spaces required for the uses existing at that time was reduced from 1146 to 1059 (an 87 space reduction), the location of the existing parking spaces was approved (8 feet from the right of way in lieu of a minimum 10 feet), direct access to existing parking spaces from a travel way was

August 19, 2020

Page 2

approved, the number of stacking spaces for an existing bank was reduced from 7 to 4, and relief was granted from Section 409.8.A.1 so that full compliance with the Landscape Manual was not required (the owner had to provide landscaping “as necessary and possible”). The Zoning Commissioner (now Administrative Law Judge) characterized the variances as necessary to “legitimize the existing situation” on the Property. Throughout the Order, the Zoning Commissioner repeatedly mentioned that the site was developed prior to the latest version of the parking and landscaping requirements, and that the relief was being granted so that a long-standing site would not be forced to unnecessarily comply with the strict letter of the more recent parking and landscaping regulations.

The site plan that accompanied the relief in Case No. 93-349-XA reveals that the required number of parking spaces was calculated “based on current requirements.” As permitted by Section 409.6. of the BCZR, the number of required parking spaces was calculated as “5 per 1,000 square feet of gross leasable area, including any area devoted to restaurants, but excluding any area devoted to theaters and warehouses, in which case the theaters and warehouses shall be considered as separate uses.” The resulting requirement was 1146, which was reduced to 1059 through the petition for variance.

In two more recent cases, the parking calculations for the Property were likewise performed under the current iteration of Section 409 of the BCZR. The site plans that were approved in Case Nos. 2018-0351-SPHA and 2020-041-X are attached hereto for your convenience. Both contain a parking chart that calculates the required number of parking spaces for the various commercial uses in the shopping center at 5 spaces per 1,000 square feet of gross leasable area as permitted by the current version of Section 409.6.

We are now attaching a site plan, entitled Plan to Accompany Spirit and Intent Request and dated July 28, 2020, that shows the location of the daycare center that our client is proposing to construct in the parking area on the Property. The required number of parking spaces for the uses on the Property are once again calculated under the current zoning regulations as follows:

August 19, 2020
Page 4

Very truly yours,



Adam M. Rosenblatt
David H. Karceski

AGREED AND ACCEPTED:

W. Carl Richards, Jr., Supervisor
Zoning Review Bureau

Enclosures

August 19, 2020

Page 3

PARKING TABULATION CHART - SHOPPING CENTER (PARKING SPACES REQUIRED BY BCZR SECTION 409.6A)			
USE	GROSS S.F.	PARKING RATE	PARKING SPACES REQUIRED PER SECTION 409.6A
SHOPPING CENTER	156,769	5/1,000 S.F.	784
PAD #1 - RESTAURANT	6,768	5/1,000 S.F.	34
PAD #2 - DAYCARE	7,200	5/1,000 S.F.	36
TOTAL REQUIRED			854
TOTAL SPACES PROVIDED (INCLUDES 42 ADA SPACES)			861
NOTE: PREVIOUS VARIANCE GRANTED TO FURTHER REDUCE REQUIRED PARKING (SEE CASE NO. 1993 - 349 - XA)			

We are seeking confirmation that construction of the proposed day care pad site and associated changes to the existing layout for surface parking is within the spirit and intent of the relief obtained in Case No. 93-349-XA, and that we have correctly calculated the required number of off-street parking spaces for the Property under the current iteration of Section 409.

With respect to landscaping, the relief granted in Case No. 93-349-XA “legitimized the conditions” of the site and reduced the requirements so that landscaping only needed to be provided “as necessary and possible.” The proposed daycare center will comply with the Landscape Manual with the exception of one landscaped parking island that will be 4’3” wide in lieu of the required 9 feet. This issue is identified in the “Landscape Note” on the attached Site Plan. We are seeking confirmation that the reduced size of this single parking island falls within the spirit and intent of the relief granted in Case No. 93-349-XA to provide landscaping “as necessary and possible” on the site. As all other aspects of the current Landscape Manual will be met for the proposed daycare center, please confirm that no relief will be required from BCZR Section 409.8.A.1.

Please confirm your agreement by countersignature below that:

1. The parking requirements shown on the attached Site Plan are properly calculated and a sufficient number of off-street parking spaces are provided on the Property to accommodate the proposed daycare center.
2. The proposed landscaping for the daycare center falls within the spirit and intent of the relief granted in Case No. 93-349-XA and will not require any relief from BCZR Section 409.8.A.1.

Petition for Special Exception

to the Zoning Commission of Baltimore County 93-349-XA

The undersigned, legal owner(s) of the property above in Baltimore County and asking to be considered in the application and petition submitted herein for a Special Exception, hereby certifies that the proposed exception is in accordance with the Zoning Law and Zoning Regulations of Baltimore County, Maryland, and that the property is not subject to any other pending or proposed zoning action.

Property is to be used and advertised as presented by zoning regulations.

I, the undersigned, legal owner(s) of the property above, do hereby certify that the proposed exception is in accordance with the Zoning Law and Zoning Regulations of Baltimore County, Maryland, and that the property is not subject to any other pending or proposed zoning action.

Property is to be used and advertised as presented by zoning regulations.

I, the undersigned, legal owner(s) of the property above, do hereby certify that the proposed exception is in accordance with the Zoning Law and Zoning Regulations of Baltimore County, Maryland, and that the property is not subject to any other pending or proposed zoning action.

Property is to be used and advertised as presented by zoning regulations.

I, the undersigned, legal owner(s) of the property above, do hereby certify that the proposed exception is in accordance with the Zoning Law and Zoning Regulations of Baltimore County, Maryland, and that the property is not subject to any other pending or proposed zoning action.

Property is to be used and advertised as presented by zoning regulations.

I, the undersigned, legal owner(s) of the property above, do hereby certify that the proposed exception is in accordance with the Zoning Law and Zoning Regulations of Baltimore County, Maryland, and that the property is not subject to any other pending or proposed zoning action.

Property is to be used and advertised as presented by zoning regulations.

I, the undersigned, legal owner(s) of the property above, do hereby certify that the proposed exception is in accordance with the Zoning Law and Zoning Regulations of Baltimore County, Maryland, and that the property is not subject to any other pending or proposed zoning action.

Property is to be used and advertised as presented by zoning regulations.

I, the undersigned, legal owner(s) of the property above, do hereby certify that the proposed exception is in accordance with the Zoning Law and Zoning Regulations of Baltimore County, Maryland, and that the property is not subject to any other pending or proposed zoning action.

Property is to be used and advertised as presented by zoning regulations.

Petition for Variance

to the Zoning Commission of Baltimore County 93-349-XA

for the property located at Perry Hall Square, Baltimore, Maryland 21221

The undersigned, legal owner(s) of the property above in Baltimore County and asking to be considered in the application and petition submitted herein for a Variance, hereby certifies that the proposed variance is in accordance with the Zoning Law and Zoning Regulations of Baltimore County, Maryland, and that the property is not subject to any other pending or proposed zoning action.

Property is to be used and advertised as presented by zoning regulations.

I, the undersigned, legal owner(s) of the property above, do hereby certify that the proposed variance is in accordance with the Zoning Law and Zoning Regulations of Baltimore County, Maryland, and that the property is not subject to any other pending or proposed zoning action.

Property is to be used and advertised as presented by zoning regulations.

I, the undersigned, legal owner(s) of the property above, do hereby certify that the proposed variance is in accordance with the Zoning Law and Zoning Regulations of Baltimore County, Maryland, and that the property is not subject to any other pending or proposed zoning action.

Property is to be used and advertised as presented by zoning regulations.

I, the undersigned, legal owner(s) of the property above, do hereby certify that the proposed variance is in accordance with the Zoning Law and Zoning Regulations of Baltimore County, Maryland, and that the property is not subject to any other pending or proposed zoning action.

Property is to be used and advertised as presented by zoning regulations.

I, the undersigned, legal owner(s) of the property above, do hereby certify that the proposed variance is in accordance with the Zoning Law and Zoning Regulations of Baltimore County, Maryland, and that the property is not subject to any other pending or proposed zoning action.

Property is to be used and advertised as presented by zoning regulations.

I, the undersigned, legal owner(s) of the property above, do hereby certify that the proposed variance is in accordance with the Zoning Law and Zoning Regulations of Baltimore County, Maryland, and that the property is not subject to any other pending or proposed zoning action.

Property is to be used and advertised as presented by zoning regulations.

I, the undersigned, legal owner(s) of the property above, do hereby certify that the proposed variance is in accordance with the Zoning Law and Zoning Regulations of Baltimore County, Maryland, and that the property is not subject to any other pending or proposed zoning action.

Property is to be used and advertised as presented by zoning regulations.

ATTACHMENT A

REQUIRED ZONING VARIANCES

93-349-XA

- Variance from Section 409.4 to permit 1,200 parking spaces located on the subject 2,346 square foot lot of 211 acres. Other than the 1,200 parking spaces, the variance is to allow 1,200 spaces in line of the subject 1,123 square foot lot of 94 acres. This variance was submitted in Case 93-124-07003.
- Variance from Section 409.4 to permit street access parking on a vehicle roadway.
- Variance from Section 409.4.1 to permit design, screening and landscaping in accordance with the landscape manual.
- Variance from Section 409.4.4 to permit existing parking spaces 8 feet to the right of way line in line of the subject 10 feet.
- Variance from Section 409.10 to permit 4 trucking spaces in line of the subject 7 trucking spaces for a two-bay drive-in bank.

ATTACHMENT B

93-349-XA

To satisfy current zoning regulations for the existing shopping center parking lot, substantial changes will be required in order to convert parking regulations under the current zoning regulations. Significant reconstruction of the parking area will be necessary without variance approval, including:

- Increasing the buffer area between the shopping center and the parking area by increasing the parking lot resulting in the removal of pavement, existing curb and gutter, grading, repaving and replacement of curb and gutter to achieve the requirements of Section 409.4.4.1.
- Changing the plan which currently has about seven parking spaces from a vehicle roadway which is not permitted under Section 409.4. This would require substantial reconstruction and reducing the amount of existing parking.
- Requiring significant landscape screening and other planting per Section 409.4.1 and the Baltimore County Landscape Manual, as required by the use of the current parking regulations requirements.
- Requiring seven trucking spaces under Section 409.10 for the Maryland National Bank Drive-Through which currently contains only 4 spaces. There is no current ability to accomplish this without further disturbing the amount of parking provided.

The reconstruction of the above items, associated costs and service disruptions will constitute a practical difficulty for the change of use of an existing structure from retail to a health and fitness center.

93-349-XA

PERRY HALL SQUARE
PERRY HALL, MARYLAND
SPECIAL EXCEPTIONS VARIANCE
FOR SIGNAGE AND PARKING CHANGES

ZONING DESCRIPTION

BEGINNING PARCEL

BEGINNING at a point on the south side of Elmhurst Road with a right of way width of 70 feet, at a distance of 861 feet 4 1/2 inches from the intersection of Elmhurst Road with a right of way width of 70 feet. Thence the following course and distances:

North 69 degrees 41 minutes 55 seconds West 144.0 feet, South 20 degrees 14 minutes 02 seconds West 48.0 feet, South 69 degrees 41 minutes 55 seconds East 87.0 feet, South 22 degrees 14 minutes 5 seconds West 194.0 feet, South 53 degrees 52 minutes 25 seconds East 81.1 feet, North 20 degrees 14 minutes 5 seconds East 265.0 feet to the place of beginning.

CONTAINING 0.55 acres or 23,800 square feet of land more or less, being part of a property known as Perry Hall Square as recorded in the Baltimore County Land Records Liber 6462, Page 711. Also known as 4209 Elmhurst Road, Perry Hall, Maryland 21221 in the Elmhurst Election District.



WILLIAM F. KIRWIN, INC.

Notary Public
for Baltimore County
My Comm. Expires 12/31/94
Notary Public
for Baltimore County
My Comm. Expires 12/31/94

93-349-XA

PERRY HALL SQUARE
PERRY HALL, MARYLAND

ZONING DESCRIPTION

BEGINNING at a point at the intersection of the intersection of Elmhurst Road and Elmhurst Road, thence running in the southerly direction of Elmhurst Road South 69 degrees 41 minutes 55 seconds East 1,024.00 feet 1/4 inch, thence leaving said southerly and running South 20 degrees 14 minutes 05 seconds West 297.00 feet 4 1/2 inches to the place of beginning.

Beginning at said point and running the following course and distances: South 69 degrees 41 minutes 55 seconds West 71.0 feet, North 25 degrees 12 minutes 25 seconds West 6.0 feet, South 36 degrees 47 minutes 21 seconds West 96.5 feet, South 23 degrees 52 minutes 21 seconds East 9.5 feet, North 69 degrees 41 minutes 55 seconds East 13.0 feet, North 20 degrees 14 minutes 5 seconds West 78.5 feet to the place of beginning.

CONTAINING 0.51 acres or 21,777 square feet of land more or less, being part of a property known as Perry Hall Square as recorded in the Baltimore County Land Records Liber 6462, Page 711. Also known as 4209 Elmhurst Road, Perry Hall, Maryland 21221 in the Elmhurst Election District.



WILLIAM F. KIRWIN, INC.

Notary Public
for Baltimore County
My Comm. Expires 12/31/94
Notary Public
for Baltimore County
My Comm. Expires 12/31/94

PERRY HALL SQUARE
PERRY HALL, MARYLAND

93-349-XA

PARTIAL NO. 1

Beginning for the same as a point on the south side of Elmhurst Road, thence running North 69 degrees 41 minutes 55 seconds West 144.00 feet, thence running in the southerly direction of Elmhurst Road South 69 degrees 41 minutes 55 seconds East 87.0 feet, South 20 degrees 14 minutes 5 seconds East 265.0 feet to the place of beginning. This is the same as the beginning of the subject property as shown on the map of Perry Hall Square, Baltimore County, Maryland, as recorded in the Baltimore County Land Records Liber 6462, Page 711. Also known as 4209 Elmhurst Road, Perry Hall, Maryland 21221 in the Elmhurst Election District.

PARTIAL NO. 2

Beginning for the same as a point on the southeast side of Elmhurst Road, thence running North 69 degrees 41 minutes 55 seconds West 144.00 feet, thence running in the southerly direction of Elmhurst Road South 69 degrees 41 minutes 55 seconds East 87.0 feet, South 20 degrees 14 minutes 5 seconds East 265.0 feet to the place of beginning. This is the same as the beginning of the subject property as shown on the map of Perry Hall Square, Baltimore County, Maryland, as recorded in the Baltimore County Land Records Liber 6462, Page 711. Also known as 4209 Elmhurst Road, Perry Hall, Maryland 21221 in the Elmhurst Election District.



WILLIAM F. KIRWIN, INC.

Notary Public
for Baltimore County
My Comm. Expires 12/31/94
Notary Public
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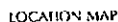
CERTIFICATE OF PUBLICATION

TOWNSHIP NO. 422 123

THIS IS TO CERTIFY, that the proposed amendment was published in THE JEFFERSONIAN, a weekly newspaper published in Baltimore, Baltimore County, Md., on or about 11 months prior to the first publication appearing on 422 123.

THE JEFFERSONIAN

S. Zake Orlov



NAME	ADDRESS	RELATIONSHIP	DATE
Mr. J. H. Smith	123 Main St.	Friend	10/15/22
Mr. W. B. Jones	456 Oak Ave.	Neighbor	11/01/22
Mr. C. D. Brown	789 Elm St.	Business	12/10/22
Mr. E. F. Green	101 Maple Dr.	Family	01/05/23
Mr. G. H. White	202 Pine Rd.	Acquaintance	02/18/23
Mr. I. J. Black	303 Cedar Ln.	Friend	03/22/23
Mr. K. L. Gray	404 Birch St.	Neighbor	04/25/23
Mr. M. N. Hall	505 Spruce Ave.	Business	05/28/23
Mr. O. P. King	606 Willow Dr.	Family	06/30/23
Mr. Q. R. Lee	707 Ash Rd.	Acquaintance	07/31/23
Mr. S. T. Scott	808 Hickory Ln.	Friend	08/31/23
Mr. U. V. Walker	909 Walnut St.	Neighbor	09/30/23
Mr. W. X. Young	1010 Cherry Ave.	Business	10/31/23
Mr. Y. Z. Adams	1111 Peach Dr.	Family	11/30/23
Mr. A. B. Baker	1212 Plum Rd.	Acquaintance	12/31/23
Mr. C. D. Carter	1313 Apple Ln.	Friend	01/31/24
Mr. E. F. Evans	1414 Orange St.	Neighbor	02/28/24
Mr. G. H. Fisher	1515 Lemon Ave.	Business	03/27/24
Mr. I. J. Gibson	1616 Lime Dr.	Family	04/26/24
Mr. K. L. Hart	1717 Grape Rd.	Acquaintance	05/25/24
Mr. M. N. Hill	1818 Fig Ln.	Friend	06/24/24
Mr. O. P. Howell	1919 Coffee St.	Neighbor	07/23/24
Mr. Q. R. Hughes	2020 Tea Ave.	Business	08/22/24
Mr. S. T. Ingram	2121 Mint Dr.	Family	09/21/24
Mr. U. V. Jackson	2222 Basil Rd.	Acquaintance	10/20/24
Mr. W. X. Keller	2323 Parsley Ln.	Friend	11/19/24
Mr. Y. Z. Lane	2424 Dill St.	Neighbor	12/18/24
Mr. A. B. Little	2525 Sage Ave.	Business	01/17/25
Mr. C. D. Long	2626 Fennel Dr.	Family	02/16/25
Mr. E. F. Mason	2727 Chive Rd.	Acquaintance	03/15/25
Mr. G. H. Nelson	2828 Onion Ln.	Friend	04/14/25
Mr. I. J. Owen	2929 Garlic St.	Neighbor	05/13/25
Mr. K. L. Parker	3030 Shallot Ave.	Business	06/12/25
Mr. M. N. Quinn	3131 Leek Dr.	Family	07/11/25
Mr. O. P. Roberts	3232 Asparagus Rd.	Acquaintance	08/10/25
Mr. Q. R. Stone	3333 Broccoli Ln.	Friend	09/09/25
Mr. S. T. Thomas	3434 Cauliflower St.	Neighbor	10/08/25
Mr. U. V. Turner	3535 Spinach Ave.	Business	11/07/25
Mr. W. X. Vance	3636 Beet Dr.	Family	12/06/25
Mr. Y. Z. Webb	3737 Turnip Rd.	Acquaintance	01/05/26
Mr. A. B. Wright	3838 Pumpkin Ln.	Friend	02/04/26
Mr. C. D. Xavier	3939 Squash St.	Neighbor	03/03/26
Mr. E. F. York	4040 Melon Ave.	Business	04/02/26
Mr. G. H. Zimmerman	4141 Watermelon Dr.	Family	05/01/26
Mr. I. J. Ziegler	4242 Cantaloupe Rd.	Acquaintance	06/01/26
Mr. K. L. Ziegler	4343 Honeydew Ln.	Friend	07/01/26
Mr. M. N. Ziegler	4444 Strawberry St.	Neighbor	08/01/26
Mr. O. P. Ziegler	4545 Raspberry Ave.	Business	09/01/26
Mr. Q. R. Ziegler	4646 Blackberry Dr.	Family	10/01/26
Mr. S. T. Ziegler	4747 Blueberry Rd.	Acquaintance	11/01/26
Mr. U. V. Ziegler	4848 Elderberry Ln.	Friend	12/01/26
Mr. W. X. Ziegler	4949 Mulberry St.	Neighbor	01/01/27
Mr. Y. Z. Ziegler	5050 Elderberry Ave.	Business	02/01/27
Mr. A. B. Ziegler	5151 Elderberry Dr.	Family	03/01/27
Mr. C. D. Ziegler	5252 Elderberry Rd.	Acquaintance	04/01/27
Mr. E. F. Ziegler	5353 Elderberry Ln.	Friend	05/01/27
Mr. G. H. Ziegler	5454 Elderberry St.	Neighbor	06/01/27
Mr. I. J. Ziegler	5555 Elderberry Ave.	Business	07/01/27
Mr. K. L. Ziegler	5656 Elderberry Dr.	Family	08/01/27
Mr. M. N. Ziegler	5757 Elderberry Rd.	Acquaintance	09/01/27
Mr. O. P. Ziegler	5858 Elderberry Ln.	Friend	10/01/27
Mr. Q. R. Ziegler	5959 Elderberry St.	Neighbor	11/01/27
Mr. S. T. Ziegler	6060 Elderberry Ave.	Business	12/01/27
Mr. U. V. Ziegler	6161 Elderberry Dr.	Family	01/01/28
Mr. W. X. Ziegler	6262 Elderberry Rd.	Acquaintance	02/01/28
Mr. Y. Z. Ziegler	6363 Elderberry Ln.	Friend	03/01/28
Mr. A. B. Ziegler	6464 Elderberry St.	Neighbor	04/01/28
Mr. C. D. Ziegler	6565 Elderberry Ave.	Business	05/01/28
Mr. E. F. Ziegler	6666 Elderberry Dr.	Family	06/01/28
Mr. G. H. Ziegler	6767 Elderberry Rd.	Acquaintance	07/01/28
Mr. I. J. Ziegler	6868 Elderberry Ln.	Friend	08/01/28
Mr. K. L. Ziegler	6969 Elderberry St.	Neighbor	09/01/28
Mr. M. N. Ziegler	7070 Elderberry Ave.	Business	10/01/28
Mr. O. P. Ziegler	7171 Elderberry Dr.	Family	

[illegible][illegible][illegible]

NZ

 New Zealand (Commonwealth)

 COOK ISLANDS

 FIJI

 FRENCH POLYNESIA

 GUAM

 HAWAII

 HONG KONG

 ICELAND

 INDIA

 INDONESIA

 JAPAN

 KOREA

 LAOS

 MALAYSIA

 MARSHALL ISLANDS

 MICRONESIA

 MONGOLIA

 MOROCCO

 MYANMAR

 NEPAL

 NICARAGUA

 NORWAY

 PAKISTAN

 PANAMA

 PARAGUAY

 PERU

 PHILIPPINES

 POLAND

 PORTUGAL

 PUERTO RICO

 ROMANIA

 RUSSIA

 SAUDI ARABIA

 SINGAPORE

 SOUTH AFRICA

 SPAIN

 SRI LANKA

 SWEDEN

 SWITZERLAND

 TAIWAN

 THAILAND

 TOGO

 TRINIDAD AND TOBAGO

 TURKEY

 UGANDA

 UNITED KINGDOM

 UNITED STATES

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GREENHORNE & O'MARA, INC.
113 WEST ROAD, SUITE 208, BALTIMORE, MARYLAND 21204
(301) 298-4100

PLAN TO ACCOMPANY PETITION FOR
SPECIAL RECESSION AND VOUCHERS
PERRY HALL SQUARE
OFFICE, 105 WEST 11TH ST.,
BIRMINGHAM 1, ALA.
PHONE: 522-2222

DESIGN	SCALE 8" = 4'-0"
DRAWN	1 OF 1
CHECKED	
DATE	

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: San Jose Advisory Committee DATE: April 30, 1982

FROM: James L. Pfeiffer, Captain
Fire Department

SUBJECT: San Jose Building

87528 No comments

8231 No comments

8354 No comments

8255 No comments

8756 Buildings shall comply with the applicable provisions of the Life Safety Code and the Baltimore County Fire Prevention Code.

8357 No comments

8358 No comments

8359 No comments

8740 Buildings shall comply with the applicable provisions of the Life Safety Code and the Baltimore County Fire Prevention Code.

JLP/dal
cc: File

PERRY HALL IMPROVEMENT ASSOCIATION, INC.
P.O. Box 65
Perry Hall, Maryland 21128

May 21, 1993

Lawrence Scheldt, Zoning Commissioner
111 West Chesapeake Avenue
Towson, MD 21204

RE: Special Exception #93-349-1A, PMV Health and Fitness, Inc.

Dear Mr. Scheldt:

The Perry Hall Improvement Association does not object to the special exception for the PMV Health and Fitness, Inc. in the Perry Hall Square Shopping Center.

We request the special exception for the Fitness Center be dissolved if the business should fail or leave the shopping center.

Sincerely,

Dorothy A. McMahon
Dorothy A. McMahon
President

PERRY HALL IMPROVEMENT ASSOCIATION, INC.

RESOLVED: That the position of the PERRY HALL IMPROVEMENT ASSOCIATION as adopted by the (Board of Directors) (Development Committee) on the development known as:

993-349-1A PMV HEALTH AND FITNESS INC.

WE REQUEST THE SPECIAL EXCEPTION BE DISSOLVED IF THIS BUSINESS SHOULD FAIL OR LEAVE THE PERRY HALL SQUARE SHOPPING CENTER.

AS WITNESS OUR HANDS AND SEAL THIS 21 DAY OF MAY 1993.

ATTEST: PERRY HALL IMPROVEMENT ASSOCIATION, INC.

C. McMahon *Dorothy A. McMahon*
Secretary President

RESOLUTION

MOTION: THAT THE PERRY HALL IMPROVEMENT ASSOCIATION AUTHORIZE KATHY CLAUSMEIER

TO APPEAR ON BEHALF OF THE ASSOCIATION IN THE MATTER OF CASE #93-349-1A PMV HEALTH & FITNESS INC.

AND AFFIRM ITS SUPPORT.

SO MOVED; SECONDED;

VOICES UNANIMOUS;

RESOLVED: THAT IN ACCORDANCE WITH THE BY-LAWS OF THE PERRY HALL IMPROVEMENT ASSOCIATION, KATHY CLAUSMEIER IS SO AUTHORIZED TO ACT.

PERRY HALL IMPROVEMENT ASSOCIATION

BY: *C. McMahon*
Secretary

PERRY HALL IMPROVEMENT ASSOCIATION, INC.

RESOLVED: THAT AT THE FIRST BOARD MEETING OF THE PERRY HALL IMPROVEMENT ASSOCIATION HELD ON JANUARY 2, 1992, IT WAS DECIDED BY THE ASSOCIATION THAT RESPONSIBILITY FOR REVIEW AND ACTION ON ALL ZONING MATTERS FOR THE PERIOD JANUARY TO DECEMBER, 1992 BE PLACED IN THE (BOARD OF DIRECTORS) (ZONING COMMITTEE) CONSISTING OF THE FOLLOWING MEMBERS:

DOROTHY S. MCMAHON PRESIDENT
CELIN MOYER VICE-PRESIDENT
CHARLES WARRS RECORDING SECRETARY
DOLORES STADLER CORRESPONDING SECRETARY
BARBARA MILLER TREASURER

BOARD OF DIRECTORS
LARRY MARTIN SUSAN VOI LIGHTBARK ERIN WILSON
MARK MILLER EDWARD WATTS

AS WITNESS OUR HANDS AND SEAL THIS TWELFTH DAY OF MARCH 1993.

ATTEST: PERRY HALL IMPROVEMENT ASSOCIATION, INC.

C. McMahon *Dorothy A. McMahon*
SECRETARY PRESIDENT

PERRY HALL IMPROVEMENT ASSOC., INC.
P.O. Box 65
Perry Hall, MD 21128

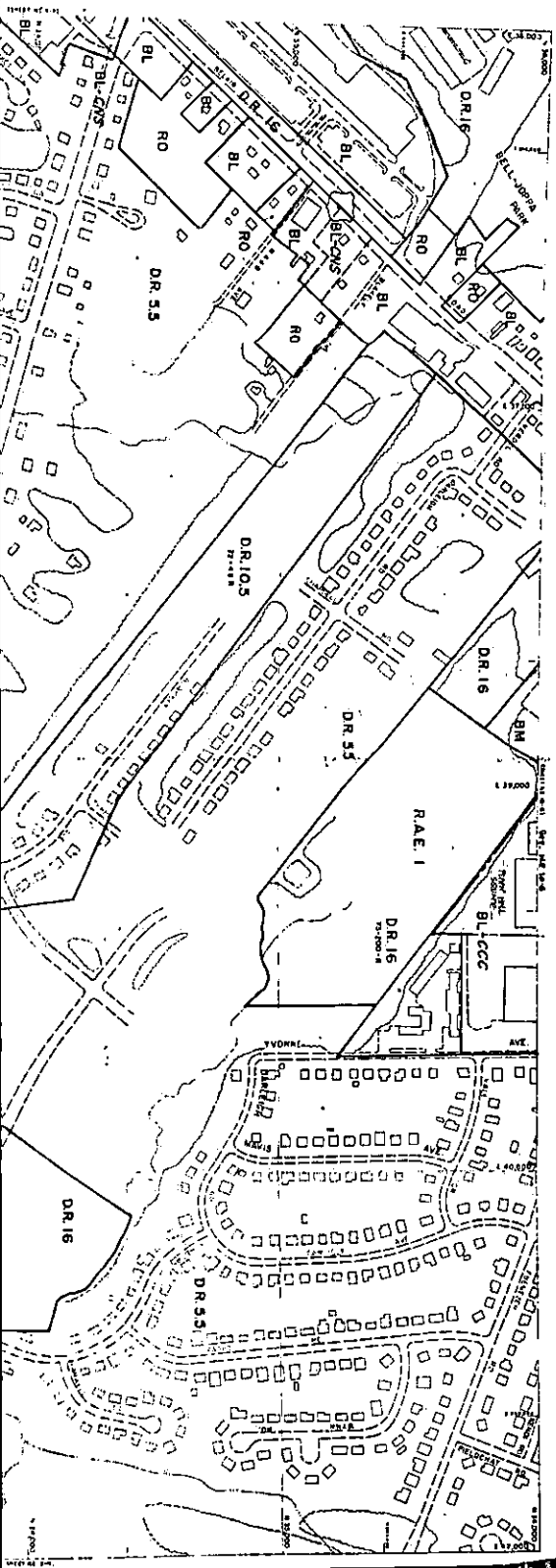
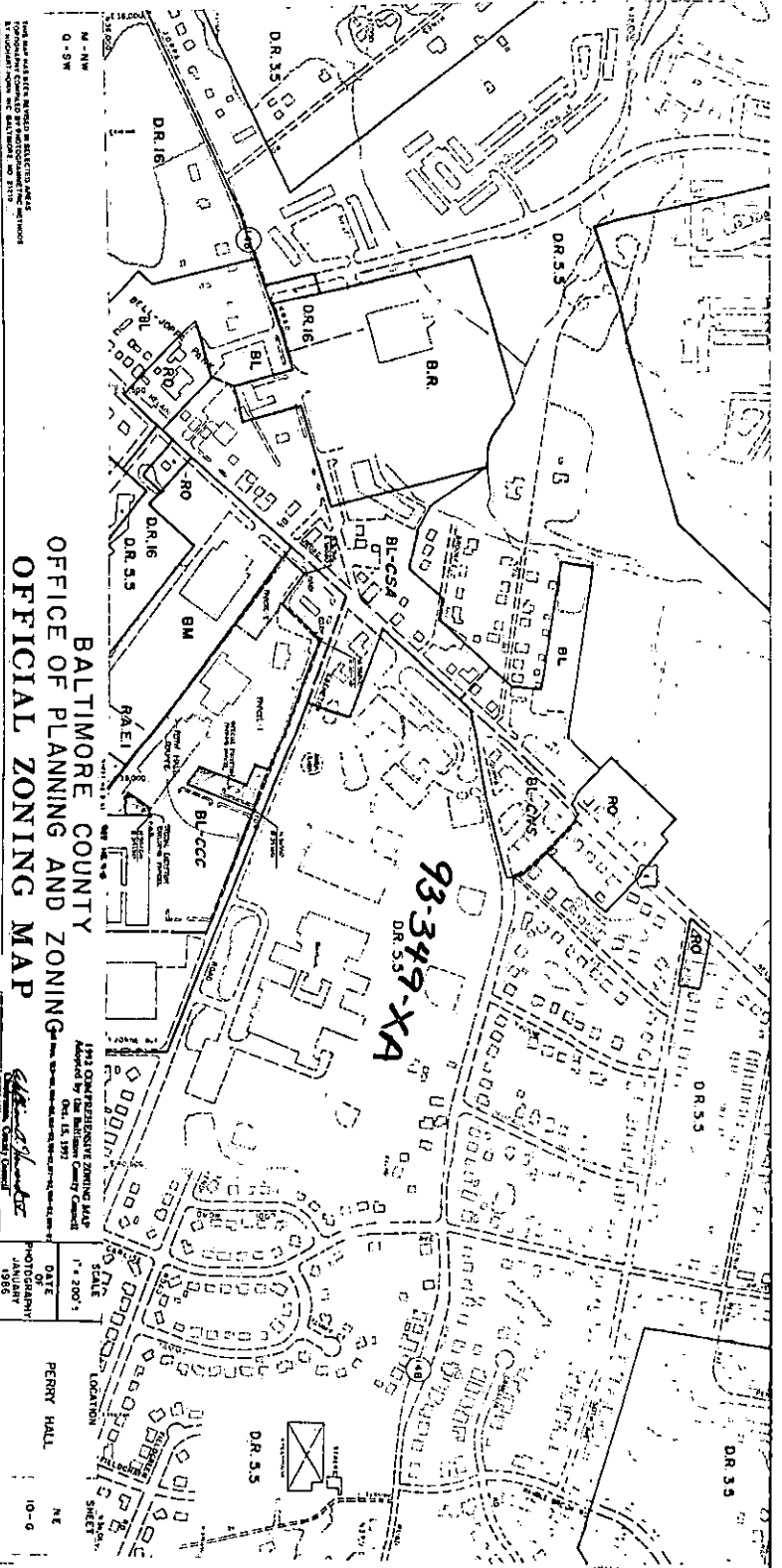
Lawrence Scheldt
Zoning Commissioner
111 West Chesapeake Avenue
Towson, MD 21204

PLEASE PRINT CLEARLY **NOTIFICATION OF ZONING CASE**

NAME	ADDRESS
<i>JAY L. LEWIS</i>	<i>1500 West 1st Street, Suite 101, Baltimore, MD 21201</i>
<i>BILL BROWN</i>	<i>23 E. CHESAPEAKE AVE. EUSTON 21226</i>
<i>MARTIN BUCKER</i>	<i>40 West End, Towson 21204</i>
<i>Kathy Klausmeier</i>	<i>4000 Waltham Ave. #1226</i>

The site plan illustrates the layout of the Perry Hall development. Key features include:

- Building Footprints:** Detailed drawings of various building structures, including residential units and commercial spaces, with associated dimensions and area calculations.
- Parking Lots:** Extensive parking areas with individual parking spaces marked and numbered.
- Roads and Driveways:** A network of roads including Perry Hall Road, Perry Hall Lane, and various internal driveways connecting the buildings and parking areas.
- Landscaping and Site Amenities:** Designations for landscaped areas, trees, and other site features.
- Annotations and Notes:** Numerous text annotations providing specific details about the plan, such as "Perry Hall Road", "Perry Hall Lane", and "Perry Hall Lane".
- North Arrow:** A circular north arrow indicating the orientation of the site.
- Inset Map:** A small map in the bottom right corner showing the location of the site within the Perry Hall area, highlighting the intersection of Perry Hall Road and Perry Hall Lane.



IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
 AND ZONING VARIANCE *
 S/S Ebenezer Rd., 164.61 ft. E * ZONING COMMISSIONER
 of NE/S Belair Road *
 4335 Ebenezer Road * OF BALTIMORE COUNTY
 11th Election District *
 5th Councilmanic District * Case No. 93-349-XA
 Perry Hall Square Partnership, *
 Legal Owner *
 PHW Health & Fitness, Inc.
 Petitioner/Lessee

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as both a Petition for Special Exception and Petition for Zoning Variance for the property known as the Perry Hall Square Shopping Center located in the Perry Hall section of Baltimore County. Within the Petition for Special Exception, approval is sought for use of a portion of the subject site as a health club (fitness center). As to the Petition for Variance, relief from strict compliance with five specific regulations is sought. This includes a variance from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 1,059 parking spaces in lieu of the required 1,146 (a deficit of 87 spaces); a variance from Section 409.4 to permit direct access parking on a vehicle travelway; a variance from Section 409.8.A.1 requiring design, screening and landscaping in accordance with the landscape manual; a variance from Section 409.8.A.4 to permit existing parking spaces 8 ft. to the right of way line in lieu of the required 10 ft.; and a variance from Section 409.10 to permit 4 stacking spaces in lieu of the required 7 stacking spaces for a two-lane drive-in bank. All of the relief is more particularly shown on Petitioner's Exhibit No. 1, the site plan to accompany the Petitions.

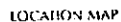
Appearing on behalf of the Petitions was Martin Pechter from the Perry Hall Square Partnership, a limited partnership which owns the subject

NOTED RECEIVED FOR FILING

Date

By

7/22/93
 M. Pechter

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No. 95-124 SPMA

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-20-2010 BY 60322
UCBAW/BJA



PROPERTY OFFICE
Perry Hall Square Limited Partnership
c/o JLL Development Co., Inc.
40 York Road, Suite 200
Towson, MD 21204
(410) 321-8777

WILLIAM P. BIRDSON, JR.
Phone 448-5121 HQ-5 (Industria Architects)
Box 648 615, WJ-1 Local Planning
207 Maryland Avenue (Engineering Dept.)
Phone 301-212-648

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GREENGLASS & O'MARA, INC.
113 WEST ROAD, SUITE 209, BALTIMORE, MARYLAND 21204
(301) 296-4100

PLAN TO ACCOMPANY PETITION FOR
SPECIAL RECESSION AND PARADES
PERRY HALL SQUARE
1111 11th Street, N.W.
WASHINGTON, D.C. 20004
Phone: (202) 462-1111

OF 340A	SCALE (1"=5')
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sented was that the lease had not been consummated and that PHW Health and Fitness, Inc. had, therefore, withdrawn as a co-Petitioner at the time of the hearing. Nonetheless, the property owner seeks to move ahead with the subject Petition, no doubt hoping that another tenant with similar business interests can be located. As to the variances, there are five requested that are more fully outlined above. These variances mainly relate to the parking requirements for the shopping center and the changes that are necessary to the parking plan as a result of the proposed special exception use.

At the hearing, Mr. Kirwin testified and presented the plan. He noted that the shopping center has been in existence for approximately 30 years and that the parking alignment has remained unchanged during that time. He observed that sufficient parking exists to accommodate the existing and proposed uses in the Center. That is, there is no overflow parking problem or other detrimental traffic impact caused by the shopping center use on the surrounding locale. He also noted those sections of the Zoning Commissioner's Policy Manual which state that a health club (fitness center) is permitted only by special exception in a B.L. zone. In this respect, he discussed the enumerated factors set forth in Section 502.1 of the B.C.Z.R. As is well settled, a special exception may be granted only upon the showing that the proposed use will not be detrimental to the health, safety or general welfare of the locale. The standard for special exceptions is set out in Section 502 of the B.C.Z.R. and has been comprehensively analyzed in other opinions of this office and the case law. Based upon those factors, I am persuaded that the special exception use in this case should be granted. Clearly, the proposed fitness club is entirely consistent with the other uses in this strip shopping center. The clientele of the fitness center will no doubt patronize the other uses in the Center.

site. Also appearing and participating in support of the Petition were William F. Kirwin, the engineer who prepared the site plan, as well as Kathy Klausmeier, a representative from the Perry Hall Improvement Association, Inc. The Petitioner was represented by Jay L. Lenrow, Esquire. There were no Protestants present.

Testimony and evidence offered was that the subject site is 15.693 net acres in size and is zoned B.L.-C.C.C. The property has been commercially developed as a strip shopping center known as the Perry Hall Square Shopping Center. The site lies adjacent to the intersection of Ebenezer and Belair Roads. To the west, Ebenezer Road becomes Joppa Road. This site is located within a highly commercial corridor of similar properties which front Belair Road. Further, institutional uses, including Perry Hall Elementary School and Perry Hall Middle School are located nearby.

As noted above, this property has been improved and is built out. The shopping center contains a number of retail and commercial uses including a movie theatre, a bowling alley, a restaurant and other retail establishments. The property was under my consideration recently within case No. 93-124-SPHX. At that time, a special hearing was granted permitting conversion of a portion of the site for use by the business known as the Family Fun Jungle. Further, a parking variance previously allowed in case No. 90-318-XA was approved as modified. The Petitioner now comes in for approval of a special exception and related variances.

As to the special exception, the property owner proposes leasing 10,274 sq. ft. (+/-) for use as a health club (fitness center). At the time the Petition was filed, a proposed lessee had been located, namely, PHW Health and Fitness, Inc. That corporation operates a number of other fitness centers in Baltimore County. However, testimony and evidence pre-

That is, the fitness club use is entirely appropriate and consistent with the retail and commercial uses at this location. As such, there will be no detriment to the health, safety or general welfare of the community if the special exception is granted.

Turning to the variances, Mr. Kirwin noted that all are necessary to legitimize the existing situation. As to the first variance relating to the number of spaces required, Mr. Kirwin noted that what is requested at present is a reduction in the number of spaces variances in the prior case (90-318-XA). That is, the Petitioner's parking plan now submitted contains a deficit of only 87 spaces, 7 less than that previously approved. Based upon the testimony of Mr. Kirwin, as corroborated by Ms. Klausmeier, it appears that parking congestion at this location is not an issue. There appears to be more than sufficient spaces available to accommodate all of the tenants of the shopping center. Further, the Center is fully built out and there is no additional area for more spaces to be constructed. Thus, the variance to permit 1,059 parking spaces in lieu of the required 1,146 should be granted.

By Mr. Spork
The second variance relates to Section 409.4 to permit direct access parking on a vehicular travelway. The necessity of this variance is also demonstrated on the site plan and was also testified to by Mr. Kirwin. It is noted that if the variance was not granted, 84 parking spaces would be lost. Generally, these spaces are directed to both the front and rear of the retail buildings. Again, testimony and evidence presented was that the Center has been in existence for many years and that the parking arrangement, as shown, has worked and causes no traffic congestion on site. To reduce the number of spaces available in order to strictly comply with the

regulation would be inappropriate. Therefore, this variance will also be granted.

The third variance relates to a requested waiver of the required design, screening, and landscaping requirements of the Landscape Manual, pursuant to Section 409.8.A.1 of the B.C.Z.R. In this respect, Mr. Kirwin noted that some landscaping is already in place, particularly on the shopping center's frontage along Ebenezer Road. Further, this Center has been in existence for many years and the proposed special exception relates to but a small portion of the improved area of the Center. To require the Petitioner to re-landscape the entire property fully in compliance with the Manual, at this time, would be, in my view, illogical. Nonetheless, Mr. Kirwin indicated that the Petitioner is contemplating additional landscaping. Moreover, the approval granted by this office under case No. 93-18-XA was conditioned upon the Petitioner submitting a landscape plan, which apparently was never done. I am appreciative of the position taken by the Department of Public Works, within their Zoning Plans Advisory Committee comment, that compliance with this prior Order should be required. Thus, I will reaffirm the restrictions contained therein and require the Petitioner to submit a landscape plan. However, that plan need not fully comply with the Manual. Clearly, the fact that the site is fully built out must be taken into account. Further, the proposed special exception area is but a small part of the overall tract. Thus, any landscaping plan should be consistent with that already in place and cognizant of the limited area remaining available for further landscaping improvements.

The fourth variance relates to a request permitting the existing parking spaces to be 8 ft. to the right-of way-line in lieu of the required 10 ft. Again, as Mr. Kirwin observed, this variance is necessary to legiti-

Date

By

7/22/93
Th. Spork

mize an existing situation. Further, to strictly observe this requirement would result in a loss of a number of spaces and several of the mature trees which are located on site. Clearly, the possible loss of these trees and spaces justifies the granting of this variance.

Lastly, a variance is sought to permit 4 stacking spaces in lieu of the required 7. This variance request relates to the drive-in bank use which is located in the middle of the shopping center. I reviewed the site plan carefully on this issue, as well as considered the testimony of Mr. Kirwin. Also, I have considered the comment from the Department of Public Works as it relates to the bank's drive-in facility. Also, I questioned Mrs. Klausmeier, who resides in the area, regarding the current use of this facility. After considering all of this evidence, I am persuaded that the Petition for Variance should, likewise, be granted. A reconfiguration or reorientation of the drive-in facility would not be practical. Reorientation of the drive-in facility towards the rear of the site would not work. The current arrangement works and is acceptable. In view of same, I will grant the final variance proposed, as shown on the site plan.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

TH. J. JONES
THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 22nd day of July, 1993 that, pursuant to a Petition for Special Exception, approval for a portion of the subject site as a health club (fitness center), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 1,059 parking spaces in

lieu of the required 1,146 (a deficit of 87 spaces), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.4 to permit direct access parking on a vehicle travelway, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8.A.1 requiring design, screening and landscaping in accordance with the landscape manual, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8.A.4 to permit existing parking spaces 8 ft. to the right of way line in lieu of the required 10 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.10 to permit 4 stacking spaces in lieu of the required 7 stacking spaces for a two-lane drive-in bank, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

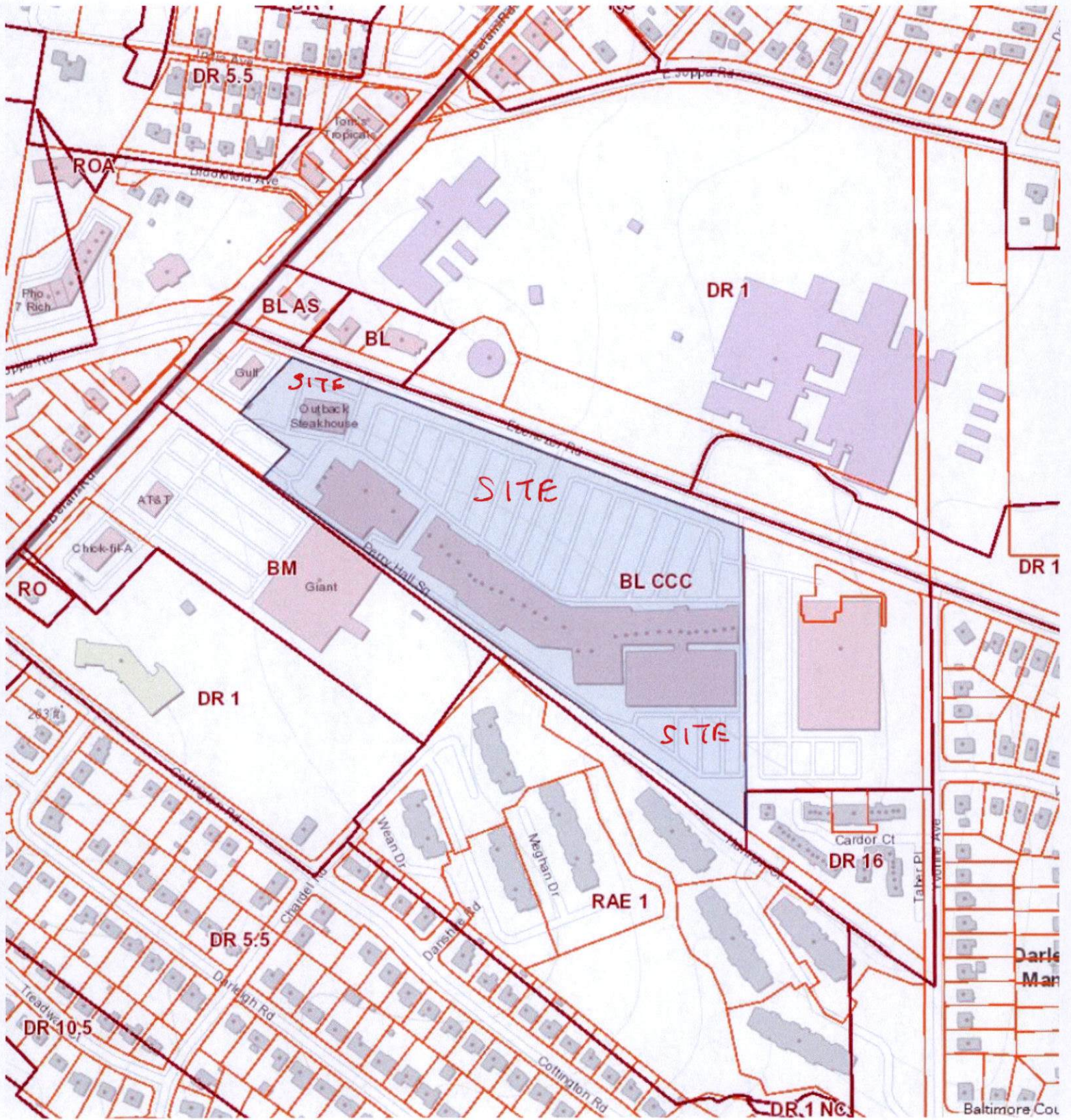
1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall submit a landscape plan to the Architect for review and approval. Due to the built out nature of the site, the plan need not comply fully with the Landscape Manual but shall provide for additional landscape, where necessary and possible. The Baltimore County Landscape Architect shall approve the plan consistent with the comments expressed herein.

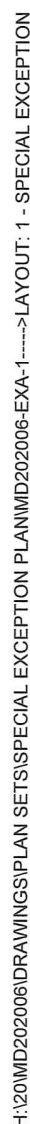
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LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County



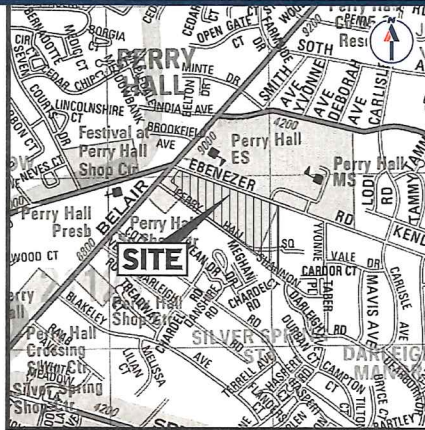
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PARKING TABULATION CHART - SHOPPING CENTER			
(PARKING SPACES REQUIRED BY BCZR SECTION 409.6A)			
USE	GROSS S.F.	PARKING RATE	PARKING SPACES REQUIRED PER SECTION 409.6A
SHOPPING CENTER	156,769	5/1,000 S.F.	784
PAD #1 - RESTAURANT	5,768	5/1,000 S.F.	34
PAD #2 - DAYCARE	7,200	5/1,000 S.F.	36
TOTAL REQUIRED			854
TOTAL SPACES PROVIDED (INCLUDES 42 ADA SPACES)			861

NOTE: PREVIOUS VARIANCE GRANTED TO FURTHER REDUCE REQUIRED PARKING (SEE CASE NO. 1993-349-XA)



LOCATION MAP
COPYRIGHT ADD THE MAP PEOPLE
PERMIT USE NO. 20020153-5
SCALE: 1"=1000'

BOHLER

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

REVISIONS			
REV	DATE	COMMENT	DRAWN BY

811

Know what's Below.
Call before you dig.
ALWAYS CALL 811
It's fast. It's free. It's the law.

FOR EXHIBIT PURPOSES ONLY

THIS DRAWING IS INTENDED FOR MUNICIPAL AND/OR AGENCY REVIEW AND APPROVAL. IT IS NOT INTENDED AS A CONSTRUCTION DOCUMENT UNLESS INDICATED OTHERWISE.

PROJECT No.: MD192009
DRAWN BY: MCO
CHECKED BY: JCB
DATE: 7/28/20
CAD I.D.: MD192009-EX-0.DWG

SITE PLAN

FOR

W-ARC PH SQUARE OWNER VIII, LLC

PERRY HALL SQUARE SHOPPING CENTER
4313 EBENEZER ROAD
NOTTINGHAM MD 21236
BALTIMORE COUNTY
TM 72 G 14 P 162

BOHLER

901 DULANEY VALLEY ROAD, SUITE 801
TOWSON, MARYLAND 21284
Phone: (410) 821-7500
Fax: (410) 821-7987
MD@BohlerEng.com

M.J. GESELL

PROFESSIONAL ENGINEER
MARYLAND LICENSE NO. 44007
PROFESSIONAL CERTIFICATION
I, MICHAEL J. GESELL, 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. 44007, EXPIRATION DATE: 6/30/21

PLAN TO ACCOMPANY SPIRIT & INTENT REQUEST

SHEET NUMBER: 1

ORG. DATE - 7/28/20

GENERAL NOTES

- PROPERTY INFORMATION:
 - PROPERTY ADDRESS: 4313 EBENEZER ROAD
 - SITE AREA: 682,585 S.F. ±, 15.87 AC. ±
 - ELECTION DISTRICT: 11
 - COUNCILMANIC DISTRICT: 5
 - ADC MAP: 458107, 458107
 - CENSUS TRACT: 411303
 - TAX MAP: 72
 - GRID: 15.14
 - PARCEL: 162
 - TAX ACCOUNT NO.: 2200029169
 - WATERSHED: BIRD RIVER
- ZONING: BLCCC / DR16
- ZONING MAP REFERENCE: 072A2
- FLOOR AREA RATIO:

PERMITTED = 4.0
PROVIDED = 0.25 (169,841 S.F. / 682,585 S.F.)
- EXISTING LAND USE: SHOPPING CENTER
PROPOSED LAND USE: SHOPPING CENTER
- SETBACKS: (TO PROPERTY LINE)

	REQUIRED	PROVIDED
FRONT (BEL AIR ROAD)	10'	84.9'
FRONT (EBENEZER ROAD)	10'	12.0'
SIDE (SOUTH)	10'	23.1'
REAR (EAST)	20'	20.5'
- HEIGHT REQUIREMENTS:

MINIMUM OF 40'; GREATER THAN 40' WITH APPLICATION OF HEIGHT TENT GUIDELINES IN BCZR 231

BUILDING HEIGHT: 40' MAX
- THIS SITE IS CURRENTLY SERVICED BY PUBLIC WATER AND PUBLIC SEWER.
- SCREENING AND LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.
- THE PROPERTY IS LOCATED IN OTHER AREAS ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN PER MAP ENTITLED "FIRM, FLOOD INSURANCE RATE MAP, BALTIMORE COUNTY, MARYLAND AND UNINCORPORATED AREAS, PANEL 290 OF 589, MAP NUMBER 240310229F, WITH A MAP REVISED DATE OF SEPTEMBER 26, 2009.
- THE SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICE AREAS.
- BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING HAS CONFIRMED THAT THE SUBJECT SITE IS NOT WITHIN A TRAFFIC DEFICIENT AREA.
- THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THE PROPERTY.
- THERE ARE NO STREAMS OR WETLANDS LOCATED WITHIN 200' OF THE PROPERTY.
- ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
- SIGNAGE ON THIS SITE SHALL CONFORM WITH THE SIGNAGE REQUIREMENTS OF THE BALTIMORE COUNTY ZONING REGULATIONS SECTION 450 OR A VARIANCE WILL BE REQUESTED.
- THE SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO KNOWN HISTORICAL STRUCTURES LOCATED ON THE PROPERTY.
- THERE ARE NO KNOWN DESIGNATED AREAS OF CRITICAL STATE CONCERN PER SECTION 5-611 OF THE STATE FINANCE AND PROCUREMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND.
- THERE ARE NO KNOWN HAZARDOUS MATERIALS AS DEFINED BY SECTION 7-101 OF THE ENVIRONMENTAL ARTICLE OF THE ANNOTATED CODE OF MARYLAND.
- TRANSIT SERVICES NOT PROVIDED PER THE MARYLAND MASS TRANSIT ADMINISTRATIONS ACCESS BY DESIGN PUBLICATION.
- ADDRESS NUMBERS A MINIMUM OF 6 INCHES IN HEIGHT MUST BE PROVIDED ON THE BUILDING IN ACCORDANCE WITH BALTIMORE COUNTY FIRE PREVENTION CODE BILL NO. 63.13, SECTION 1.10.12.15.
- AMENITY OPEN SPACE PROVIDED MEETS OR EXCEEDS REQUIRED RATIO OF 0.2 PER BCZR 232.A.4.
- THE DEVELOPMENT AS PROPOSED WILL INCLUDE PROTECTIVE MEASURES ADEQUATE TO PREVENT EROSION OR SLOUGHING OF ANY STEEP SLOPES AS DEFINED BY SECTION 32.4-101 OF THE BALTIMORE COUNTY CODE AND PROMOTE THE PRESERVATION OF THE NATURAL FEATURES OF THE STEEP SLOPE. THIS WILL BE ACHIEVED BY PROVIDING EROSION AND SEDIMENT CONTROL MEASURES IN ACCORDANCE WITH THE REQUIREMENTS OF THE BALTIMORE COUNTY SOIL CONSERVATION DISTRICT AND THE CURRENT STATE OF MARYLAND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL.
- APPROXIMATE LIMITS OF DISTURBANCE: 34,939 S.F. ± OR 0.80 AC. ±

LANDSCAPE NOTE

THE PROPOSED DAYCARE AND SURROUNDING IMPROVEMENTS SHOWN IN RED ON THIS PLAN COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL EXCEPT FOR THE LANDSCAPED ISLAND BESIDE THE DUMPSTER WHICH IS 4.3' WIDE IN LIEU OF THE REQUIRED 9'. THIS ISLAND IS PROVIDED FOR SCREENING PURPOSES.

ZONING HISTORY

- R-1952-2346 - REQUEST FOR RECLASSIFICATION OF PROPERTY FROM AN "A" RESIDENCE ZONE TO AN "E" COMMERCIAL ZONE WAS GRANTED ON 8/29/92.
- R-1956-3805 - REQUEST FOR RECLASSIFICATION OF PROPERTY FROM A RESIDENCE ZONE TO A COMMERCIAL ZONE WAS GRANTED ON 1/11/95.
- 1963-0011-XA - REQUEST FOR SPECIAL EXCEPTION FOR A FILLING STATION WAS GRANTED ON 7/2/63.
- 1963-5894-X - REQUEST FOR SPECIAL EXCEPTION FOR A GASOLINE SERVICE STATION WAS GRANTED ON 7/12/63.
- 1967-0158-A - REQUEST FOR DOUBLE FACED ILLUMINATED ID SIGN 220 SF INSTEAD OF 150 SF O' TOTAL SIGN AREA WAS GRANTED ON 2/15/67.
- 1977-131-XSPH - REQUEST FOR THEATER AND COMMUNITY BUILDING AND OTHER STRUCTURAL AND LAND USES DEVOTED TO CIVIC, SOCIAL, RECREATIONAL, AND EDUCATIONAL ACTIVITIES (TENNIS BARN) WAS GRANTED ON 4/5/77.
- 1993-124-SPX - REQUEST FOR APPROVAL OF SPECIAL EXCEPTION TO OPERATE AN ARCADE IN A BL-CCC ZONE AND TO AMEND THE PARKING VARIANCE GRANTED IN CASE 90-318-XA WAS GRANTED ON 12/1/92.
- 1985-0006-X - REQUEST FOR A COMMUNITY BUILDING, SWIMMING POOL, OR OTHER STRUCTURAL OR LAND USE DEVOTED TO CIVIC, SOCIAL, RECREATIONAL, AND EDUCATIONAL ACTIVITIES (TANNING SALON AS A PRINCIPAL USE) WAS GRANTED WITH EXCEPTION ON 7/11/84.
- 1990-0318-XA - REQUEST FOR VARIANCE TO PERMIT 1,059 PARKING SPACES IN LIEU OF THE REQUIRED 1,153 SPACES AND REQUEST FOR SPECIAL EXCEPTION FOR THEATER USE WERE GRANTED ON 4/19/90.
- 1993-0349-XA - RELIEF FROM SECTION 409.6 TO PERMIT 1,059 PARKING SPACES IN LIEU OF THE REQUIRED 1,148, SECTION 409.6 TO PERMIT DIRECT ACCESS PARKING ON A VEHICLE TRAVELWAY; A VARIANCE FROM SECTION 409.8.A.1 REQUIRING DESIGN, SCREENING, AND LANDSCAPING IN ACCORDANCE WITH THE LANDSCAPE MANUAL; A VARIANCE FROM SECTION 409.8.A.2 TO PERMIT EXISTING PARKING SPACES 8' TO THE RIGHT OF WAY LINE IN LIEU OF THE REQUIRED 10'; AND A VARIANCE FROM SECTION 409.10 TO PERMIT FOUR (4) STACKING SPACES IN LIEU OF THE REQUIRED SEVEN (7) SPACES FOR A TWO-LANE DRIVE IN BANK WERE ALL GRANTED ON 7/22/93.
- 1997-0083-X - REQUEST FOR SPECIAL EXCEPTION FOR A COMMUNITY BUILDING OR LAND USE DEVOTED TO SOCIAL OR RECREATIONAL ACTIVITY (RELOCATION OF AN EXISTING TANNING SALON AS PRINCIPAL USE) WAS GRANTED 10/28/96.
- 2018-0351-SPHA - REQUEST FOR SPECIAL HEARING AND VARIANCE TO ALLOW A FREESTANDING ENTERPRISE SIGN ON A PAD SITE; TO ALLOW THREE GROUND MOUNTED FREESTANDING JOINT IDENTIFICATION SIGNS ON EBENEZER ROAD, EACH WITH A HEIGHT OF 8 FT. AND A SIGN AREA/FAÇADES OF 24 SF IN LIEU OF THE ONE FREESTANDING JOINT IDENTIFICATION SIGN PERMITTED WITH A SIGN AREA/FAÇADE OF 150 SF AND A HEIGHT OF 25 FT; TO ALLOW FREESTANDING JOINT IDENTIFICATION SIGNS WITH SIGN COPY FOR NAMES OF TENANTS/OCCUPANTS A MINIMUM OF 3 INCHES IN HEIGHT IN LIEU OF THE REQUIRED 8 INCHES; TO ALLOW TENANTS IN A MULTI-TENANT COMMERCIAL BUILDING A WALL-MOUNTED ENTERPRISE SIGN/ SIGNS WITH A TOTAL SIGN AREA/FAÇADE THAT EXCEEDS TWO TIMES THE LENGTH OF THE WALL CONTAINING THE EXTERIOR ENTRANCE AND DEFINING THE SPACE OCCUPIED BY THE TENANT; TO ALLOW A MAXIMUM OF 5 WALL-MOUNTED ENTERPRISE SIGNS FOR A SINGLE TENANT IN A MULTI-TENANT COMMERCIAL BUILDING IN LIEU OF ONE WALL-MOUNTED AND ONE CANOPY SIGN PERMITTED FOR EACH EXTERIOR ENTRANCE FOR THE TENANT; TO ALLOW FOR A TOTAL OF FOUR WALL-MOUNTED ENTERPRISE SIGNS FOR A SINGLE TENANT COMMERCIAL BUILDING WITH NO MORE THAN TWO SIGNS ON A SINGLE FAÇADE; AND TO ALLOW A FREESTANDING SIGN 21 FT. FROM ANOTHER FREESTANDING SIGN IN LIEU OF THE REQUIRED 100 FT WAS GRANTED ON 5/8/2018.
- 2020-0041-X - REQUEST FOR SPECIAL EXCEPTION SEEKING RELIEF FROM §220.3 OF THE BALTIMORE COUNTY ZONING REGULATIONS FOR A COMMUNITY BUILDING FOR RECREATIONAL PURPOSES (HEALTH CLUB) WAS GRANTED ON JULY 2, 2020.

