

JOHN A. OLSZEWSKI, JR. County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

July 27, 2023

David Karceski, Esquire – dhkarceski@venable.com
Adam Rosenblatt, Esquire – amrosenblatt@venable.com
Venable, LLP
210 W. Chesapeake Avenue, Suite 500
Towson, MD 21204

RE:

Petition for Special Hearing & Variances

Case No. 2023-0127-SPHA

Property: 11509 McCormick Road

Dear Counsel:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

PAUL M. MAYHEW

and Maybear

Managing Administrative Law Judge

for Baltimore County

PMM:dlm Enclosure

c: Kristian Spannhake — <u>kspannhake@bvsl.net</u>
Maria Miller — <u>memiller@bvsl.net</u>
Brian Ahola — <u>brian@ashton-design.com</u>
Jacob Dortch — <u>idortch@dmw.com</u>

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(11509 McCormick Road)	*	OFFICE OF
8th Election District		
3rd Council District	*	ADMINISTRATIVE HEARINGS
Brightview Hunt Valley, LLC		
	*	FOR BALTIMORE COUNTY
Legal Owner		
	*	Case No. 2023-0127-SPHA
Petitioner		
* * * *	* *	* *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for consideration of Petitions for Special Hearing and Variance filed by Navigation Development, LLC, Petitioner for the property located at 3 Talbott Avenue, Suite 202A. The Special Hearing was filed pursuant to the Baltimore County Zoning Regulations ("BCZR") §§ 450.5.B.3 and 450.5.B.6 to allow an identification sign to be erected on a canopy structure as this structural sign type is defined in the BCZR rather than be attached to a building wall. (Sign No. 5.). Variances were also filed as follows:

From the Baltimore County Zoning Regulations ("BCZR") § 450.4. Attachment 6(a) to allow a total of 4 identification signs (wall-mounted Sign Nos. 1, 2A, 3 & 6A) accessory to a multifamily building with sign areas/faces of 150 sq. ft., 14 sq. ft., 38 sq. ft. and 5 sq. ft. (for a total of 207 sq. ft.) in lieu of no identification signs permitted for a parcel of land without frontage on a public street.

From the BCZR § 450.5.B.9.b to allow part of a wall-mounted sign to extend 2 feet above the top of the wall to which it is attached (Sign no. 1).

From the BCZR §450.4 Attachment 6(a) to allow an identification sign to be installed on a canopy structure and to allow the sign to extend above the vertical face of the canopy a distance

of 2 feet and from the wall a distance of 19 ft. in lieu of the requirement that the sign be wall-mounted (Sign No. 5). From the BCZR § 450.4 Attachment 3(a) to allow a directional sign with sign areas/faces of 15 sq. ft. each in lieu of the permitted 8 sq. ft. (Sign No. 2C).

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Two interested citizens attended the hearing.

A Substantive Zoning Advisory Committee ("ZAC") comment was received from the Department of Planning ("DOP"). They did not oppose the relief requested.

Kristian Spannhake appeared in support of the Petition on behalf of Brightview Hunt Valley, LLC. Kristy Bischoff, PE, the engineer who prepared the site plan, also attended. The site plan was admitted as Petitioner's Exhibit 1. Also in attendance was Brian Ahola the graphic designer who designed the signage. The sign elevations he designed were admitted as Petitioner's Exhibit 6. David Karceski, Esquire and Adam Rosenblatt, Esquire of Venable, LLP represented the Petitioner.

The case proceeded by way of a proffer by Mr. Karceski, who was assisted by Ms. Bischoff. She identified and explained a series of site photos that were admitted as Petitioner's Exhibit 4. The site is within the Hunt Valley Town Center property. It is approximately 2.10 acres and is zoned BM, BM-CT. Mr. Karceski explained the many unique features of the site and how these unique features necessitate the requested variance relief. The site is accessed from the Town Center's ring road and has no frontage on any public road. It is well below the grade of McCormick Road to the north. The proposed signage is needed for identification and wayfinding for the Brightview Assisted Living complex that is currently under construction. The proposed signage is the standard design used on all Brightview complexes.

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

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

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

As noted above, the site is unique in a number of ways. If the variances were denied the Petitioner would suffer practical difficulty and hardship because Brightview's residents, vendors and visitors would have trouble locating and navigating around the site. As noted by the DOP, the proposed signage is compatible with that of the other tenants in the Hunt Valley Town Center and with the Hunt Valley Timonium Master Plan and Design Guidelines.

THEREFORE, IT IS ORDERED this <u>27th</u> day of **July 2023** by this Administrative Law Judge that the Petition for Special Hearing from BCZR §§ 450.5.B.3 and 450.5.B.6 to allow an identification sign to be erected on a canopy structure as this structural sign type is defined in the BCZR rather than be attached to a building wall is hereby **GRANTED**, and;

IT IS FURTHER ORDERED that the Variance from BCZR § 450.4. Attachment 6(a) to allow a total of 4 identification signs (wall-mounted Sign Nos. 1, 2A, 3 & 6A) accessory to a multifamily building with sign areas/faces of 150 sq. ft., 14 sq. ft., 38 sq. ft. and 5 sq. ft. (for a total of 207 sq. ft.) in lieu of no identification signs permitted for a parcel of land without frontage on a public street is hereby **GRANTED**, and;

IT IS FURTHER ORDERED, from the BCZR § 450.5.B.9.b to allow part of a wall-mounted sign to extend 2 feet above the top of the wall to which it is attached (Sign no. 1) is hereby **GRANTED**, and;

IT IS FURTHER ORDERED, from the BCZR §450.4 Attachment 6(a) to allow an identification sign to be installed on a canopy structure and to allow the sign to extend above the

vertical face of the canopy a distance of 2 feet and from the wall a distance of 19 ft. in lieu of the requirement that the sign be wall-mounted (Sign No. 5). From the BCZR § 450.4 Attachment 3(a) to allow a directional sign with sign areas/faces of 15 sq. ft. each in lieu of the permitted 8 sq. ft. (Sign No. 2C) is hereby **GRANTED.**

The relief granted herein shall be subject to the following:

• Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, 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/dlm

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:	2013-0127-SPHA
Property Address:	McCornick Runy
Legal Owners (Petitioners): _	BRIGHTYIEW Hunt Valley LLC
Contract Purchaser/Lessee: _	MA
PLEASE FORWARD ADVER	
Name: Company/Firm (if appl	icable): 1/41ab/e LLP
Address: Dan'	d H. Kapcesti
210	West Prinsylvania Avenue Suite 500
Town	on Maryland 21204
Telephone Number:	410 494 6285

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

2023-0127-SAHA

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CERTIFICATE OF POSTING

2023-0127-SPHA

RE: C	ase No.:
Po	etitioner/Developer:
	Brightview Hunt Valley
D D	July 27, 2023 Pate 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 th posted conspicuously on the property located at:	at the necessary sign(s) required by law were
11509 McCormick Road	Groups 1 & 2
July 7,	2023
The sign(s) were posted on(Month, 1	Day, Year)
Sincerely,	July 7, 2023
ZONING NOTICE ZONING	gnature of Sign Poster) (Date)
A "PILL COR AND	SSG Robert Black
and the state of t	(Print Name)
07/07/2023	1508 Leslie Road
	(Address)
ZONING NOTICE ZONING	Dundalk, Maryland 21222
A PARTIE OF THE	(City, State, Zip Code)
THE CONTRACT OF THE CONTRACT O	(410) 282-7940

(Telephone Number)

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald **DATE:** 7/5/2023

Director, Department of Permits, Approvals and Inspections

FROM: Steve Lafferty

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 2023-0127-SPHA

INFORMATION:

Property Address: 11509 McCormick Road

Petitioner: Brightview Hunt Valley LLC c/o David D. Carliner, Executive Vice President

Zoning: BM, BM-CT

Requested Action: Variance, Special Hearing

The Department of Planning has reviewed the petition for the following:

Variance(s) -

- 1. From Section 450.4.Attachment.6(a) of the Baltimore County Zoning Regulations (BCZR) to allow a total of four identification signs (wall-mounted Sign Nos. 1, 2A, 3, and 6A) accessory to a multi-family building with sign areas/faces of 150 square feet, 14 square feet, 38 square feet, 5 square feet (for a total of 207 square feet) in lieu of no identification signs permitted for a parcel of land without frontage on a public street;
- 2. From Section 450.5.B.9.b of the BCZR to allow part of a wall-mounted sign to extend 2 feet above the top of the wall to which it is attached (Sign No. 1);
- 3. From Section 450.4.Attachment.6(a) of the BCZR to allow an identification sign to be installed on a canopy structure and to allow the sign to extend above the vertical face of the canopy a distance of 2 feet and from the wall a distance of 19 feet in lieu of the requirement that the sign be wall-mounted (Sign No. 5);
- 4. From Section 450.4.Attachment.3(a) of the BCZR to allow a directional sign with sign areas/faces of 15 square feet in lieu of the permitted 8 square feet (Sign No. 2C); and

Special Hearing - To allow an identification sign to be erected on a canopy structure as this structural sign type is defined in Sections 450.5.B.3 and 450.5.B.6 of the BCZR rather than be attached to a building wall (Sign No. 5).

The subject site is part of the Hunt Valley Towne Center, which is located at the northwest corner of the signalized intersection of Shawan Road and McCormick Road. The site is a mixed-use development, which includes retail and department stores, restaurants, a grocery store, transportation stops (light rail and bus), and apartments. The 15th Plan Refinement for the Hunt Valley Towne Center (PAI # 08-0251) included the proposed Avalon Bay apartment building, a parking garage, and an elderly housing component, now known as Brightview Hunt Valley.

The site is within the boundaries of the Western Baltimore County Pedestrian and Bicycle Access Plan and the Hunt/Valley Timonium Master Plan. Additionally, the site is within the boundary of the Hunt

Valley/Timonium Design Guidelines outlined in the Comprehensive Manual of Development Policies (CMDP). The Hunt Valley/Timonium Master Plan, adopted October 19th, 1998, provides background on, recommendations for, and general design guidelines for the plan boundary area. The Hunt Valley/Timonium Design Guidelines section of the CMDP provides design guidelines to confirm good design quality to make sure the Hunt Valley/Timonium area is an attractive, desirable environment to work, life, and shop. Both of these documents recommend improving the visual quality of properties within the plan boundary area.

The representative for the Zoning Petition submitted a signage package to the Department of Planning via email on June 26th, 2023. The package shows signage concepts for exterior signage, including building identification/parapet signage, main entrance signage, address signage, and garage entry signage. The package shows color daytime and nighttime renderings of the signage on the proposed building.

The Department of Planning has no objections to the requested Variance relief or Special Hearing. The proposed signage will not negatively impact the building or the area.

For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

SL/JGN/KP

c: David Karceski

David Birkenthal, Community Planner Ngone Seye Diop, Community Planning Division Chief Jeff Perlow, Zoning Review Kristen Lewis, Zoning Review Office of Administrative Hearings People's Counsel for Baltimore County

INTEROFFICE CORRESPONDENCE

TO:

Peter Gutwald, Director

DATE: June 21, 2023

Department of Permits, Approvals

FROM:

Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 20, 2023

Item No. 2023-0108-SPHA

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

As part of the proposed improvement the County request a 10-foot highway widening along the property frontage (Gorsuch Mill Rd.)

INTEROFFICE CORRESPONDENCE

TO:

Peter Gutwald, Director

DATE: June 21, 2023

Department of Permits, Approvals

FROM:

Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 20, 2023 Item No. 2023-0124-A

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

DPW&T Comments:

The proposed deck, sunroom, landing and steps are to be constructed within an existing Baltimore City easement for an emergency underground water tunnel. Permission must be obtained from Baltimore City for development within the easement. If Baltimore City approves of the development, DPWT has no exception to the approval of the administrative variance. No Building permits may be granted until Baltimore City approval.

INTEROFFICE CORRESPONDENCE

TO:

Peter Gutwald, Director

DATE: June 21, 2023

Department of Permits, Approvals

FROM:

Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 20, 2023 Item No. 2023-0125-A

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

Landscape: If zoning relief is granted a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

INTEROFFICE CORRESPONDENCE

TO:

Peter Gutwald, Director

DATE: June 21, 2023

Department of Permits, Approvals

FROM:

Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 20, 2023

Item No. 2023-0123-A, 2023-0126-A, 2023-0127-SPHA, 2023-0128-A, 2023-

0129-A, 2023-0130-SPHA, and 2023-0131-A

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

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: June 16, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0127-SPHA

Address: 11509 MCCORMICK RD Legal Owner: Brightview Hunt Valley, LLC

Zoning Advisory Committee Meeting of June 20, 2023.

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

Additional Comments:

Reviewer: Earl D. Wrenn

ZONING PROPERTY DESCRIPTION FOR 11509 McCormick Rd

Beginning at a point on the East side of McCormick Rd which is 50 feet wide at a distance of 571 feet North East of the centerline of the nearest improved intersecting street, Shawan Rd which is 115 feet wide.



Zoning Description To Accompany a petition for Zoning Variance Unit RB1

Hunt Valley Towne Centre West Condominium B Baltimore County, Maryland

Beginning for the same at the northwestern most corner of Unit RB1 as shown on a plat entitled "1ST Amended Plat, Hunt Valley Towne Centre West Condominium B" and recorded in the plat records of Baltimore County, Maryland in plat book J.L.E 37, page 967; thence leaving said point of beginning and running in, over, through, and across a portion of Lot 1B as laid out and shown on a plat entitled "Hunt Valley Mall" and recorded among the Land Records of Baltimore County in Plat Book EHK Jr. 46, Folio 27, referring all courses of this description to the Maryland Coordinate System (NAD83/1991) adjustment; (1) North 66 degrees 36 minutes 34 seconds East 92.84 feet; thence (2) North 68 degrees 01 minutes 23 seconds East 101.40 feet; (3) thence North 67 degrees18 minutes 35 seconds East 58.88 feet; (4) thence North 68 degrees 46 minutes 35 seconds East 34.26 feet; (5) thence South 05 degrees 37 minutes 50 seconds East261.78 feet; (6) thence North 85 degrees 31 minutes 34 seconds East 14.40 feet; (7) thence South 05 degrees 17 minutes 48 seconds East 36.49 feet; (8) thence North 85 degrees 41 minutes 03 seconds East 8.83 feet; (9) thence South 05 degrees 20 minutes39 seconds East 67.14 feet; (10) thence South 84 degrees 46 minutes 48 seconds West252.76 feet; (11) thence by a line curving to the left having a radius of 87.00 feet, for a distance of 49.58 feet, (the arc of said curve being subtended by a chord bearing of South 68 degrees 27 minutes 13 seconds West 48.91 feet; (12) thence North 05 degrees13 minutes 12 seconds West 294.17 feet to the point of beginning; containing

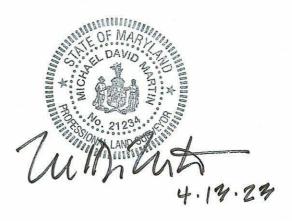
Page 1 of 2

91,623 square feet or 2.103 acres, more or less, as now described by Daft- McCune-Walker, Inc.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR ANY TYPE OF PROPERTY CONVEYANCE.

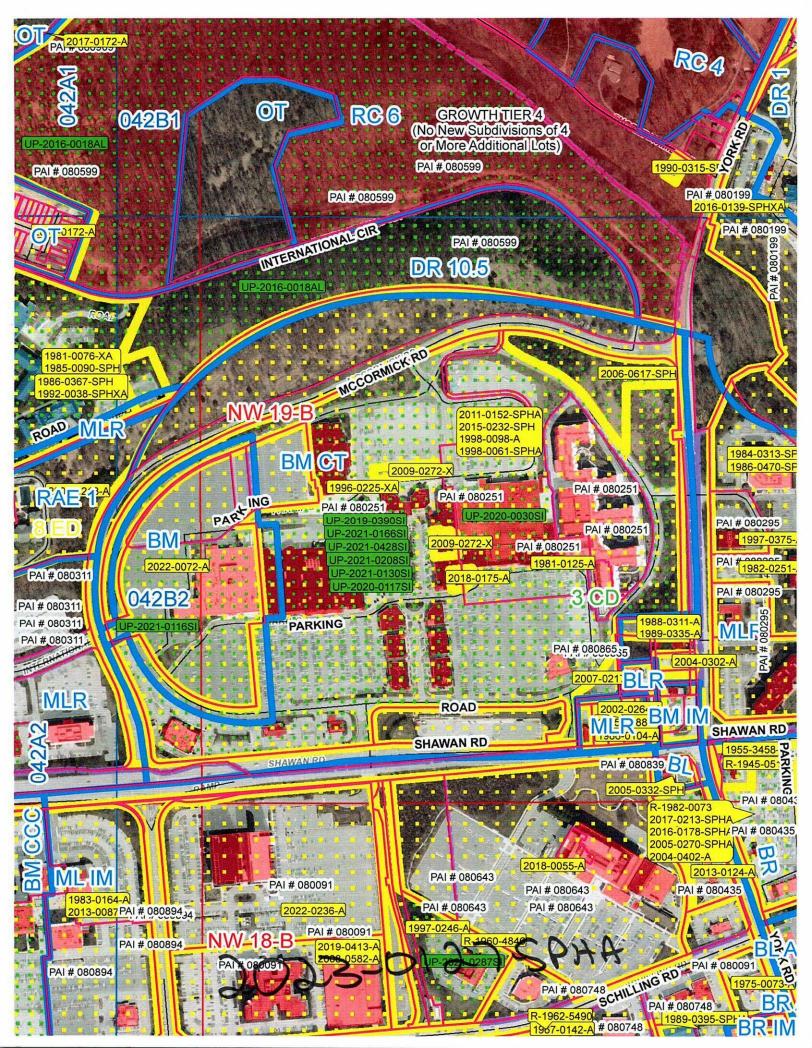
April 12, 2023

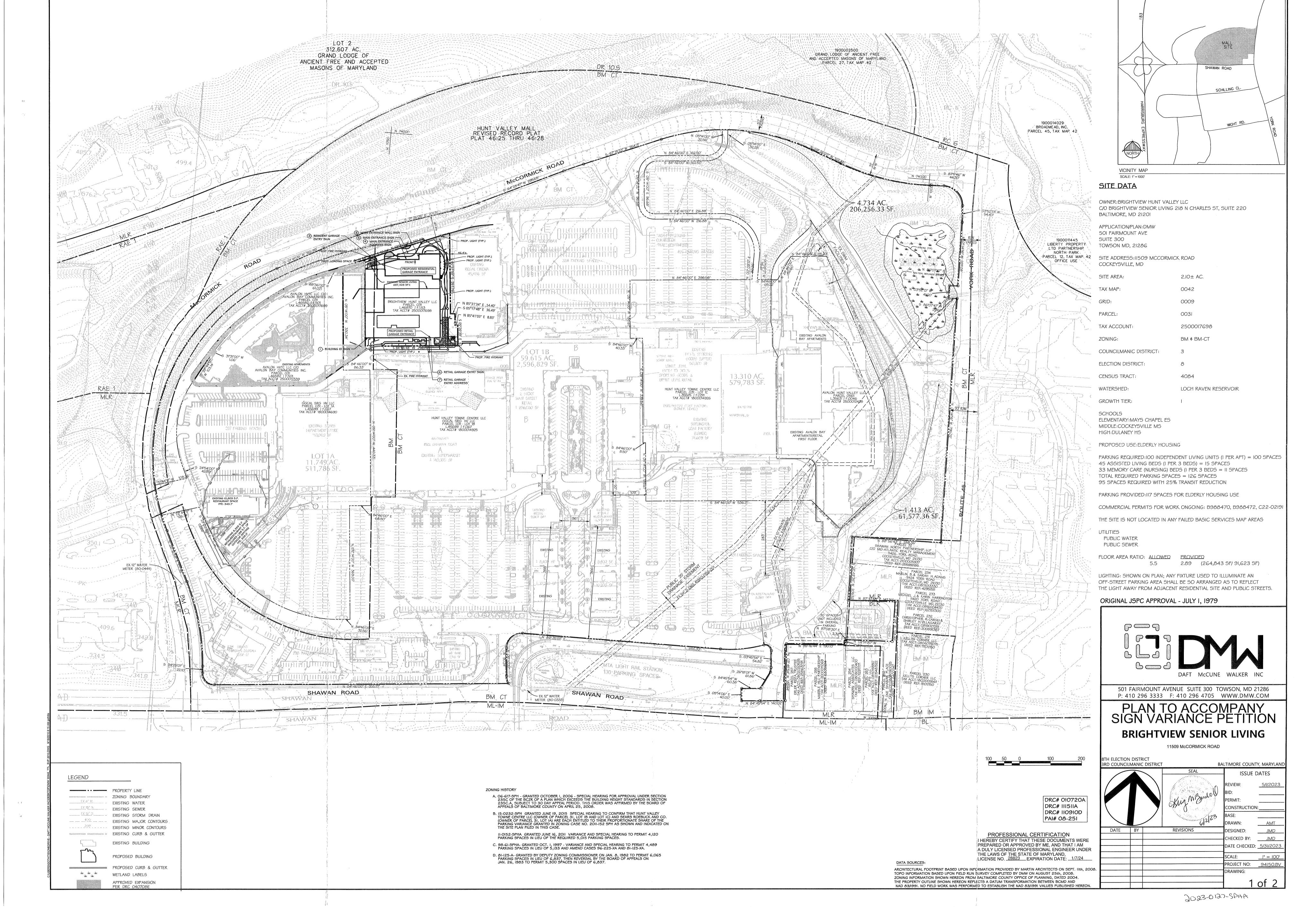
Project No. 94150.BV (L94150.BV)

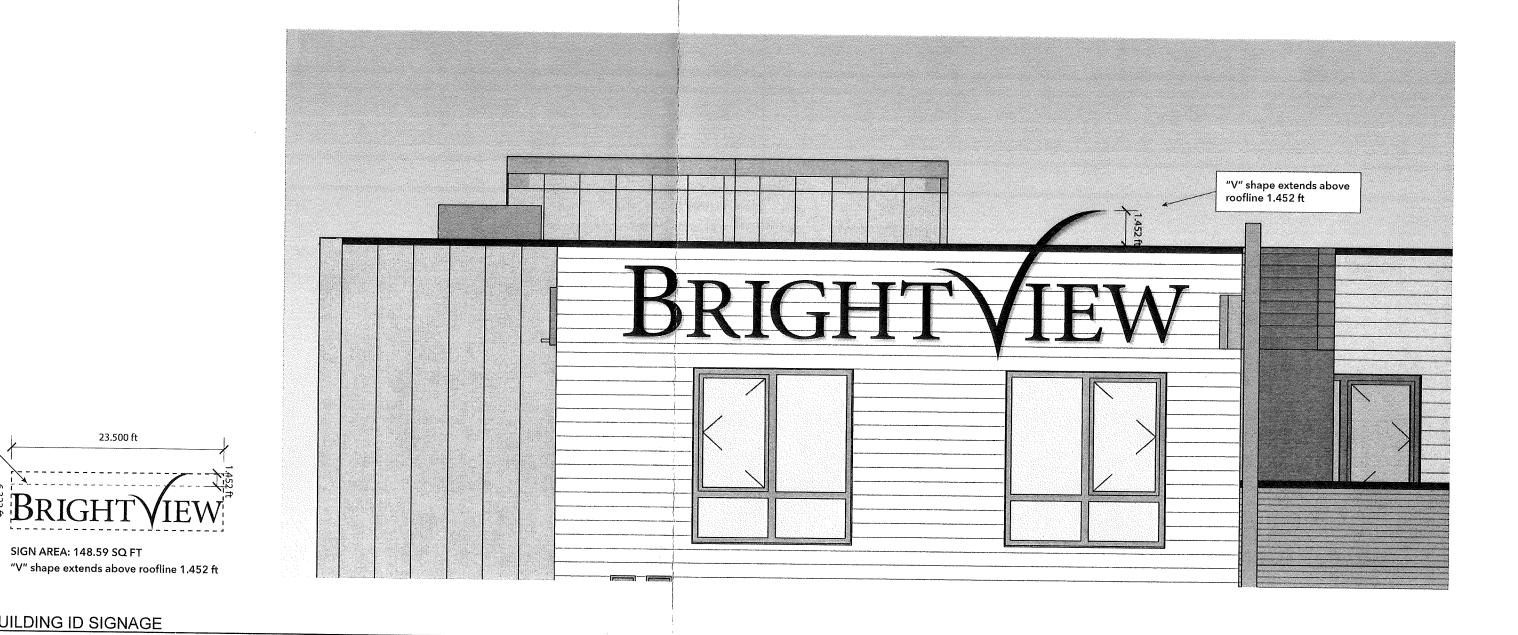


Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map	View GroundF	lent Redemption	View Gro	View GroundRent Registration			
Special Tax Recapt	ure: None						
Account Identifier:	District	08 Account Number	- 1800014925				
		Owner Inform	nation				
Owner Name:		LLEY TOWNE CENT	RE LLCUse:	COMMERCIAL sidence:NO			
Mailing Address: STE 100 10096 RED RU OWINGS MILL		D RUN BLVD MILLS MD 21117-	Deed Referen	ice: /45699/ 00067			
		ation & Structur	e Information				
Premises Address:	SHAWAN		Legal Descri	ption: PT LT 1B - 55.492 AG NS SHAWAN RD HUNT VALLEY MAL			
	Neighborhood: Sub	division: Section: B	lock: Lot: Assessme	nt Year: Plat No: Plat Ref: 0046/ 002			
Town: None	.000.04	<u> </u>	16 2023	riat Rei. 0040/ 002			
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Total:	91,120,	1,000 pt 1,000 pt 1		93,140,467			
Preferential Land:	0	0	31,120,000	30, 140,407			
		Transfer Info	mation				
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Type: ARMS LENG	TH MULTIPLE	Deed1: /45699/	00067	Deed2:			
Seller: STARWOOD	CERUZZI	Date: 08/27/200	4	Price: \$0			
Type: NON-ARMS I	ENGTH OTHER	Deed1: /35525/	00311	Deed2:			
Seller: HUNTMAK A	ASSOCIATES	Date: 04/18/200	0	Price: \$7,850,000			
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		Exemption Info	ormation				
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County:	000		0.00				
State:	000		0.00				
Municipal:	000		0.00 0.00	0.00 0.00			
Special Tax Recap	ture: None						
	Home	stead Applicati	on Information				
Homestead Applica	ation Status: No App	SZESTA					
	Homeowner	s' Tax Credit Ap	plication Inform	mation			
Homeowners' Tax		Status: No Application					
nomeowners rax	Credit Application s	Application	Date.				







23.500 ft

SENIOR LIVING

RETAIL SIGN AREA: 4.205 SQ FT

6A BUILDING

12.000 ft

1.219 ft PARKING SIGN AREA: 5.528 SQ FT

12.000 ft

6 RETAIL GARAGE ENTRY SIGNAGE SCALE: NTS

GARAGE CLEARANCE X'-X"

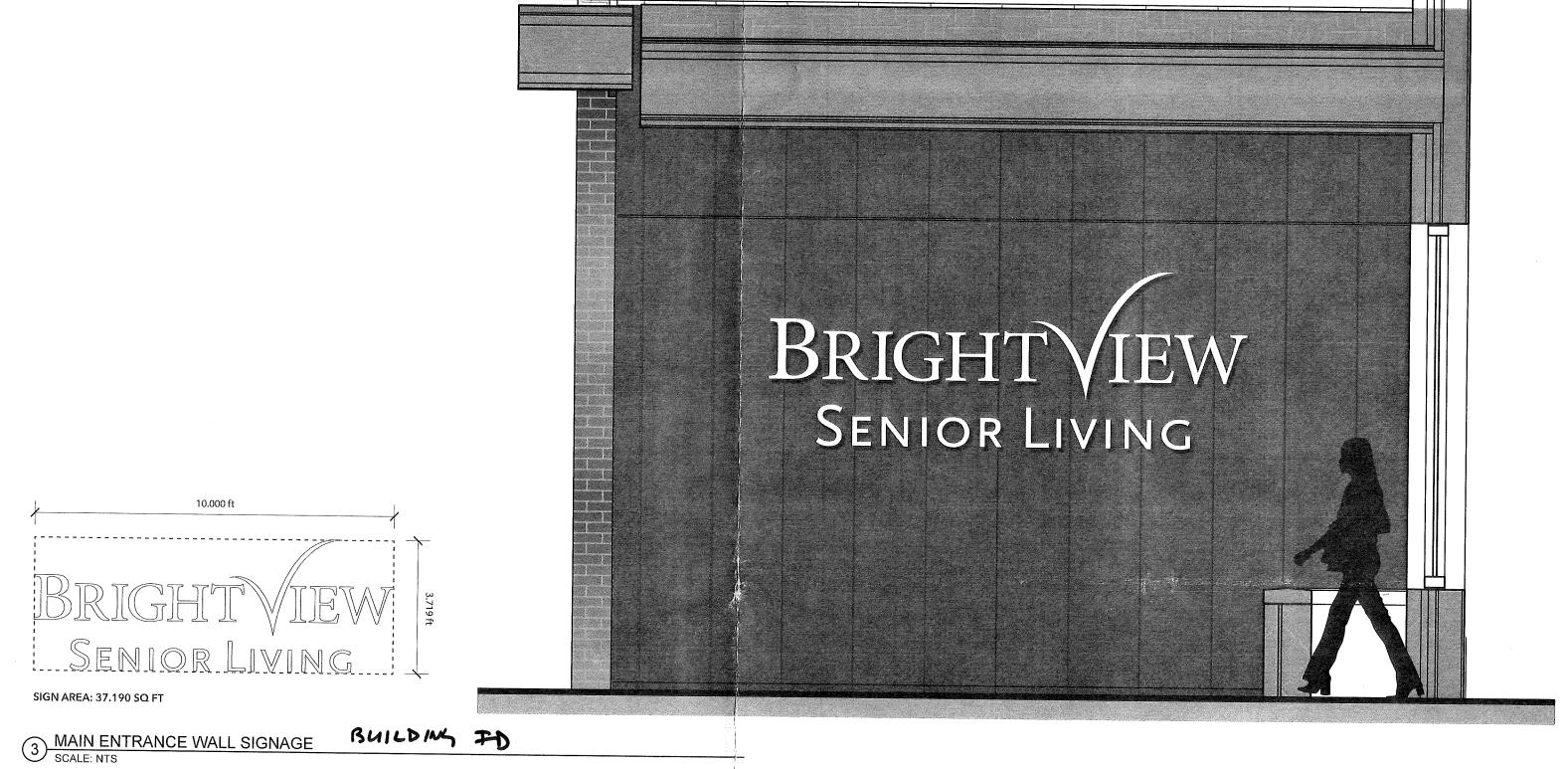
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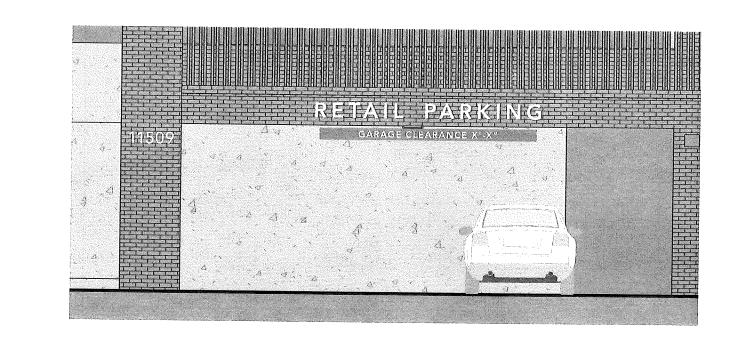
SIGN AREA: 37.190 SQ FT

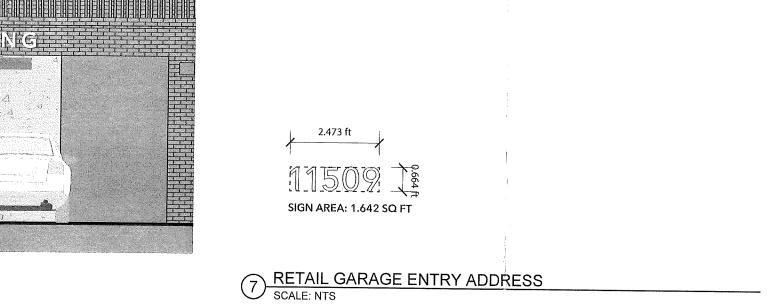
SIGN AREA: 148.59 SQ FT

BUILDING ID SIGNAGE
SCALE: NTS









16.157 ft

22.000 ft

2A BULDING ID

"BRIGHTVIEW RESIDENT" SIGN AREA: 13.976 SQ FT

2C DIRECTONAL
SIGN AREA: 14.674 SQ FT

2 RESIDENT GARAGE ENTRY SIGNAGE SCALE: NTS

SIGN AREA: .943 SQ FT

MAIN ENTRANCE ADDRESS SIGNAGE
SCALE: NTS

TOTAL "BRIGHTVIEW RESIDENT" AND "PARKING" SIGN AREA: 19.091 SQ FT "BRIGHTVIEW RESIDENT" SIGN PERCENTAGE OF TOTAL SIGN AREA: 73.21%

