

JOHN A. OLSZEWSKI, JR. County Executive

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

October 30, 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 Variance Case No. 2023-0175-A

Property: 11915 Reisterstown Road

Dear Mr. Karceski and Mr. Rosenblatt

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.

MAUREEN E. MURPHY Administrative Law Judge for Baltimore County

Usincerely, & Murphy

MEM:dlm Enclosure

c: Thomas Sheckells — <u>tsheckells@mragta.com</u>
Erin Meadows — <u>emeadows@agi.com</u>
Corey Patton — <u>cpatton@agi.net</u>
Natalie Billings — nbillings@agi.net

IN RE: PETITION FOR VARIANCE (11915 Reisterstown Road)

4th Election District
4th Council District
GGCAL RSC LLC
Legal Owner
Bank of America
Contract Purchaser/Lessee

BEFORE THE

OFFICE OF ADMINISTRATIVE

* HEARINGS OF

BALTIMORE COUNTY

Case No: 2023-0175-A

Petitioners

* * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") as a Petition for Variance filed by GGCAL RSC, LLC, legal owner, and Bank of America, lessee ("Petitioners") for property located at 11915 Reisterstown Road, Reisterstown (the "Bank of America Space"). Petitioners filed a Petition for Variance from the Baltimore County Zoning Regulations ("BCZR"), §450.4 Table of Sign Regulations 5.d, to allow a total of 3 wall-mounted enterprise signs (each sign on a different building facade) for a tenant in a multi-tenant building with a single exterior customer entrance in lieu of the one canopy and one wall-mounted enterprise sign permitted on the same facade as the separate exterior customer entrance for the tenant space.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Erin Meadows, AGI, authorized representative for the Petitioners, attended the hearing along with Thomas Sheckells, Principal with Morris & Ritchie Associates, Inc., the civil engineering firm who prepared and sealed a Site Plan (the "Site Plan"). (Pet. Ex. 1). David Karceski, Esquire and Adam Rosenblatt, Esquire of Venable, LLP represented the Petitioners. There were no Protestants or interested citizens who attended the hearing.

Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP"), Department of Plans Review ("DPR"), and Department of Environmental Protection and Sustainability ("DEPS"), which agencies did not oppose the requested relief.

The case proceeded by way of proffer by Mr. Karceski. The Bank of America space, addressed as 11915 Reisterstown Rd., is contained within a multi-tenant shopping center north of the intersection of Reisterstown Rd. and Franklin Blvd. (the "Shopping Center"). The Shopping Center is 17.47 acres +/- (693,867 sf +/-) and has 3 access points: Reisterstown Rd., Hillfield Drive, and Framfield Rd. It is an integral part of the surrounding residential communities. The Shopping Center was the subject of a Petition for Special Hearing and Variance relief in Case No.: 2008-491-SPHA in which zoning relief was granted to reduce the number of required parking spaces.

Aerial photographs reveal that the shape of the Shopping Center resembles a 'home plate.' (Pet. Exs. 3A, 3B, 4A). The aerials show the location of the Bank of America space as near the Hillfield Rd. entrance. The Bank of America space is not visible from Reisterstown Rd. or from Hillfield Rd. (Pet. Exs. 4A, 4B). Entering the Hillfield Rd., only the side of the Bank of America can be seen. The front of the space faces the interior parking lot, but more towards the rear of the Shopping Center. The space itself is oddly shaped with 3 facades.

Petitioners desire to upgrade and improve the 3 existing wall-mounted signs to improve visibility. Sign renderings were provided on the Site Plan. (Pet. Ex. 1). The 3 existing signs have the Bank of America logo beneath and to the side of the lettering. The 3 proposed replacement signs would have the logos above the lettering. (Pet. Ex. 1). One of the signs is overtop of the ATM machine, one is over front door, and one is on side of the building.

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

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

or hardship.

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

The Property was previously adjudicated to be unique in Case No.: 2008-0491-SPHA due to its irregular, 'home base' shape. As a result, the Property's physical characteristics have not changed, that factual finding is applicable to this Case under the doctrine of collateral estoppel. Garrity v. Maryland State Bd. of Plumbing, 447 Md. 359, 368 (2016). (See also Colandrea v. Wilde Lake Community Ass'n, Inc., 361 Md. 391 (2000); Washington Suburban Sanitary Commission v. TKU Associates, 281 Md. 1, 18-19 (1977)).

I find that the Petitioner would suffer a practical difficulty and unreasonable hardship if the proposed 3 wall mounted signs were not permitted because, while a typical tenant space in this type of shopping center would have 1 single, flat exterior front which would accommodate a wall mounted and/or a canopy sign under BCZR, §450.4.5.d, the Bank of America's location within the Shopping Center, its direct access onto Hillfield Rd., its front facing the interior parking lot, and its multiple façades, demands 3 wall mounted signs in order to direct customers to the space. I also find that the requested Variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare, particularly in light of the lack of opposition.

THEREFORE, IT IS ORDERED, this <u>30th</u> day of **October**, **2023**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from the BCZR, §450.4 Table of Sign Regulations 5.d to allow a total of 3 wall-mounted enterprise signs (each sign on a different building facade) for a tenant in a multi-tenant building with a single exterior customer entrance in lieu of the one canopy and one wall-mounted enterprise sign permitted on the same facade as the separate exterior customer entrance for the tenant space be, and it is hereby, **GRANTED**.

The relief granted herein shall be subject to the following:

- 1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
- 2. The Site Plan (Pet. Ex. 1) is attached hereto and incorporated herein in its entirety.

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

Mauren E. Murphy

Administrative Law Judge

for Baltimore County

MEM/dlm

PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 11915 Reisterstown Road	, ,	urrently Zoned BM-CCC, ROA, DR 3.5
Deed Reference 39012 / 00024	10 Digit Tax Account # 0 4	119086320
Owner(s) Printed Name(s) GGCal RSC, LLC		
(SELECT THE HEARING(S) BY MARKING \underline{X} AT THE	ADDDODDIATE SELECTION(S) AND	ADDING THE DETITION DECLIESTS
The undersigned, who own and occupy the property situate in Bahereof, hereby petition for an:	altimore County and which is described i	i the plan/plat attached hereto and made a part
 a Special Hearing under Section 500.7 of the or not the Zoning Commissioner should approve 	ne Zoning Regulations of Baltimo	ore County, to determine whether
2 a Special Exception under the Zoning Reg	ulations of Baltimore County to ι	se the herein described property for
3. × a Variance from Section(s)		,
	See Attachment	
of the period regulations of Baltimore County to the	a zaning law of Politimara Coun	by for the following resease: Andicate
of the zoning regulations of Baltimore County, to the below your hardship or practical difficulty or additional space, you may add an attachment to	ndicate below "TO BE PRESI	
TO BE F	PRESENTED AT HEARING	
Property is to be posted and advertised as prescribed by the zon I/ we agree to pay expenses of above petition(s), advertising, postaltimore County adopted pursuant to the zoning law for Baltimotegal Owner(s) Affirmation: I / we do so solemnly declare and which is the subject of this / these Petition(s).	sting, etc. and further agree to be bound ore County.	
Contract Purchaser/Lessee:	Legal Owners (Petitioners):	
See AttachmentS	See Attachments	
Name Type of Print,	Name #1 – Type or Print	Name #2 – Type or Print
Signature Signature	Signature #1	Signature # 2
Mailing Address City State	Mailing Address	City State
Zip Code Telephone # Email Address	Zip Code Telephone #'s (Ce	/ Il and Home) Email Address
Attorney for Potitioners	Representative to be contact	etod:
Attorney for Petitioner: David Karcesk Esq.	David Karceski, Esq.	neu.
Name - Type of Print	Name – Type of Punt	
Signature	Signature	
210 W. Pennsylvania Ave. Suite 500 Towson MD	210 W. Pennsylvania Ave. Su	
Mailing Address City State 21204 ,410-494-6285 ,DHKarceski@venable.com	Mailing Address 21204 , 410-494-6285	City State , DHKarceski@venable.com
Zip Code Telephone # Ernail Address	Zip Code Telephone	e# Email Address
CASE NUMBER 2025-0175-4 Filing Date	29 16823 Do Not Schedule Da	tes Reviewer

11915 REISTERSTOWN ROAD ATTACHMENT 1 TO PETITION FOR VARIANCE

1. Petition for Variance to allow a total of three wall-mounted enterprise signs (each sign on a different building facade) for a tenant in a multi-tenant building with a single exterior customer entrance in lieu of the one canopy and one wall-mounted enterprise sign permitted on the same façade as the separate exterior customer entrance for the tenant space, pursuant to Section 450.4. Table of Sign Regulations. 5.d of the Baltimore County Zoning Regulations.

11915 REISTERSTOWN ROAD ATTACHMENT 2 TO PETITION FOR VARIANCE

11915 REISTERSTOWN ROAD TAX MAP 48, PARCEL 270 TAX ACCOUNT # 0419086320 DEED REFERENCE: 39012/24

LESSEE:

BANK OF AMERICA 2505 W. CHANDLER BLVD (AZ1-805-01-30) CHANDLER, AZ 85224

By: Charles L. Warner

Title: Director of Project Management

Telephone: 214-284-0855

Email: charles.l.warner@cbre.com

11915 REISTERSTOWN ROAD <u>ATTACHMENT 3 TO PETITION FOR VARIANCE</u>

11915 REISTERSTOWN ROAD TAX MAP 48, PARCEL 270 TAX ACCOUNT # 0419086320 DEED REFERENCE: 39012/24

LEGAL OWNER:

GGCAL RSC LLC STE 100 10096 RED RUN BLVD OWINGS MILLS MD 21117-4632

By: Laura Ying Ing

Title: Asset Manager Phone: 240-338-8534

Email: lyingling@ggcommercial.com

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS



August 15, 2023

ZONING AREA DESCRIPTION FOR 11915 REISTERSTOWN ROAD

Tax Map 48, Parcel 270 Tax Account # 0419086320 Deed Reference: 39012/24

Beginning at a point located at the intersection of Reisterstown Road and East Cherry Hill Road or N 648,513.81 E 1,364,761.00, at the distance of 182.49' and bearing of N 30°15'17" W to a point. Thence, the following courses and distances:

- 2) North 44°22'58" West 483.78'.
- 3) North 45°37'01" East 206.54'.
- 4) North 44°22'58" West 469.88'.
- 5) South 40°43'28" West 207.29'.
- 6) North 44°22'58" West 62.23'.
- North 40°45'30" East 578.08'.
- 8) South 77°38'24" East 192.40'.
- 9) North 84°21'01" East 587.67'.
- 10) South 03°04'01" West 800.64'.
- 11) South 47°59'39" West 425.50'.
- 12) North 44°20'06" West 149.72'.
- 13) South 45°40'05" West 115.00'.
- 14) South 44°20'13" East 145.05'.
- 15) South 47°59'39" West 10.00'.

Containing 693,867 square feet or 15.9290 acres of land, more or less, being located in the 4th Election District and 4th Councilmanic District of Baltimore County, Maryland

I certify that this description was either personally prepared by me or I was in responsible charge of its preparation.



2023-0175-A

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING RECLASSIFICATION HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning reclassification hearing. This is accomplished by Baltimore County posting a sign on the property at least fifteen (15) days before the hearing and advertising in local newspapers. The advertising consists of a list and map of all reclassification petitions (cost evenly distributed between all petitioners), as well as individual advertising in local newspapers. The list and map must be published in two newspapers for three different weeks and the individual advertisements must be published in two newspapers fifteen (15) days prior to the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the 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.

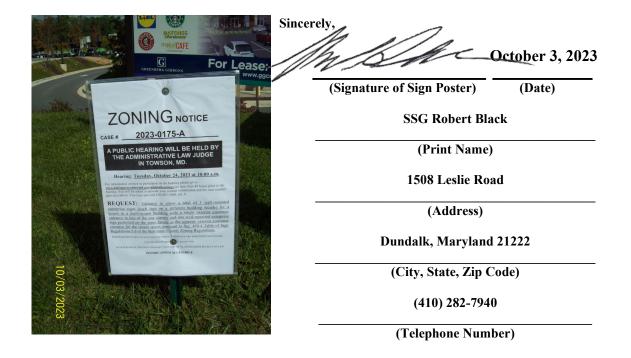
For Newspaper Advertising:	
Item Number or Case Number: 2023 - 0175 - 4	
Petitioner: GGCal RSC, LLG	
Address or Location: 1915 Perskus Dun	Road
PLEASE FORWARD ADVERTISING BILL TO:	
Name: Dand Races 14	
Address: Venus & Letter Andrew Andrews Address:	rave, Sant 500
Telephone Number:	
(A10) 494-6285	Revised 2/20/98 - SCJ

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### **CERTIFICATE OF POSTING**

	2023-0175-A
	RE: Case No.:
	Petitioner/Developer:
	GGCAL RSC, LLC
	Bank of America
	October 24, 2023
	Date of Hearing/Closing:
<b>Baltimore County Department of</b>	
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 posted conspicuously on the property located	perjury that the necessary sign(s) required by law were at:
11915 Reisterstown Road	SIGN 2
	October 3, 2023
The sign(s) were posted on	(Month, Day, Year)



### **CERTIFICATE OF POSTING**

2023-0175-A

	RE: Case No.:	
	Petitioner/Developer:	
	. <u> </u>	GCAL RSC, LLC
		Bank of America
		October 24, 2023
	Date of Hearing/Closing:	
<b>Baltimore County Department of</b>		
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 posted conspicuously on the property located		required by law were
11915 Reisterstown Road	SIGN 1	
	October 3, 2023	
The sign(s) were posted on	(Month Day Voor)	
	(Month, Day, Year)	



Sincerely,
October 3, 2023

(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)

## BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

**TO:** C. Pete Gutwald **DATE:** 9/20/2023

Director, Department of Permits, Approvals and Inspections

**FROM:** Steve Lafferty

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 2023-0175-A

**INFORMATION:** 

Property Address: 11915 Reisterstown Road

**Petitioner:** GGCal RSC, LLC - Laura Yingling

**Zoning:** BM-CCC, ROA, DR 3.5

Requested Action: Variance

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

Variance -

1. To allow a total of three wall-mounted enterprise signs (each sign on a different building façade) for a tenant in a multi-tenant building with a single exterior customer entrance in lieu of the one canopy and one wall-mounted enterprise sign permitted on the same façade as the separate exterior customer entrance for the tenant space, pursuant to Section 450.4 Table of Sign Regulations. 5.d of the Baltimore County Zoning Regulations.

The subject site is a 20.57-acre property that sits immediately adjacent to residential dwellings and commercial uses. The proposed site has multiple previous zoning actions/relief. The existing land use is currently commercial.

The requested signage zoning relief, as said in above request, does not appear to impose adverse visual impacts on adjacent properties or the public right of way. The proposed signs will be attached to the building and will serve as identification signage. It is understood that the signage is existing and the new proposed signage will replace the existing signage. All of the signs tie in with the buildings and development through their use of design, size, materials and colors. The requested relief helps achieve the desired visual effect for motorist, patrons, and pedestrians.

The Department has no objections in granting the relief requested.

For further information concerning the matters stated herein, please contact Brett M. Williams at 410-887-3482.

Prepared by:

**Division Chief:** 

Krystle Patchak

SL/JGN/KP

David H. Karceski Alexandra Laham, 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

### **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: September 18, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0175-A

Address: 11915 REISTERSTOWN RD

Legal Owner: GGCAL RSC LLC

Zoning Advisory Committee Meeting of September 18, 2023.

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

Additional Comments:

Reviewer: Earl D. Wrenn

### Real Property Data Search ( ) Search Result for BALTIMORE COUNTY

Homeowners' Tax Credit Application Status: No Application Date:

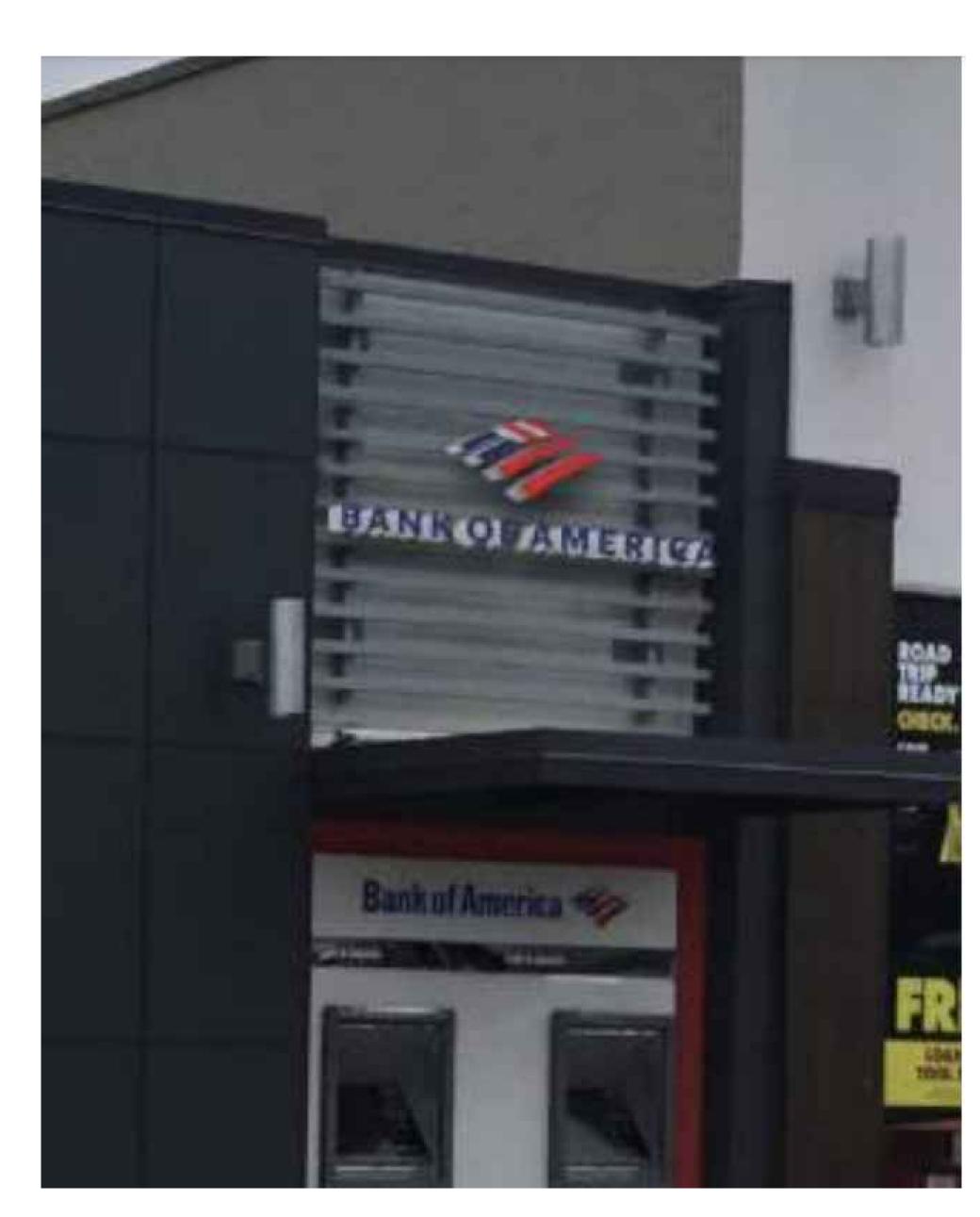
Vlew GroundRent Registration View GroundRent Redemption View Map Special Tax Recapture: None District - 04 Account Number - 0419086320 Account Identifier: **Owner Information** COMMERCIAL GGCAL RSC LLC Owner Name: Principal Residence:NO /39012/ 00024 **STE 100** Deed Reference: Malling Address: 10096 RED RUN BLVD OWINGS MILLS MD 21117-4632 **Location & Structure Information** 11989 REISTERSTOWN RD Legal Description: 15.929 AC UNIT 1 Premises Address: 11989 REISTERSTOWN RD REISTERSTOWN SHOPPING CENTER LOT 1A LAND CONDO Subdivision: Block: Lot: Assessment Year: Plat No: Neighborhood: Section: Map: Grid: Parcel: Plat Ref: 0032/0042 1A 2023 20000.04 8042 0048 0024 0270 Town: None Property Land Area County Use Above Grade Living Area Finished Basement Area **Primary Structure Built** 4,762 SF 15.9290 AC Garage Last Notice of Major Improvements Exterior Quality Full/Half Bath Type Stories Basement BRICK/ C3 BRANCH BANK Value Information Value Phase-in Assessments Base Value As of As of 07/01/2024 01/01/2023 07/01/2023 6,965,400 6,965,400 Land: 15,336,100 15,394,100 Improvements 22,301,500 22,301,500 22,301,500 22,359,500 Total: Preferential Land: **Transfer Information** Date: 05/30/2017 Price: \$0 Seller: GGCAL RSC LLC Deed1: /39012/ 00024 Deed2: Type: NON-ARMS LENGTH OTHER Date: 03/02/2017 Price: \$0 Seller: GGCAL RSC LLC Deed2: Deed1: /38697/ 00175 Type: NON-ARMS LENGTH OTHER Price: \$34,500,000 Date: 02/08/2016 Seller: REISTERSTOWN SHOPPING CENTER Deed1: /37150/ 00244 Deed2: Type: ARMS LENGTH MULTIPLE **Exemption Information** 07/01/2023 07/01/2024 Partial Exempt Assessments: Class 0.00 000 County: 000 0.00 State: 0.00|0.00 0.00|0.00 000 Municipal: Special Tax Recapture: None **Homestead Application Information** Homestead Application Status: No Application Homeowners' Tax Credit Application Information

2023 - 0175-A



1 EXISTING SIGN

NOT TO SCALE



PROPOSED SIGN

NOT TO SCALE





PROPOSED SIGN
NOT TO SCALE



3 EXISTING SIGN
NOT TO SCALE



PROPSOED SIGN

NOT TO SCALE

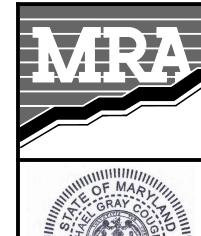
DATUM

DESIGN & DRAWING BASED ON

MARYLAND COORDINATE SYSTEM (MCS):

HORIZONTAL NAD 83 (1991)

VERTICAL NAVD 88



ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-B EAST JOPPA ROAD, SUITE 400K
TOWSON, MARYLAND 21286 (410) 821-1690 FAX (410) 821-1748 Copyright 2023 Morris & Ritchie Associates, Inc.

11915 REISTERSTOWN ROAD

SIGNAGE PLAN

PROFESSIONAL CERTIFICATION Million I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 38291, EXPIRATION DATE: 01/13/2024

**DEVELOPER** GGCAL RSC LLC 10096 RED RUN BLVD, SUITE 100 OWINGS MILLS MD 21117 AGI
412 N CEDAR BLUFF ROAD
SUITE 306
KNOXVILLE TN 37923
ATTN: COREY PATTON
PH: 800-877-7868

ELECTION DISTRICT 4 REISTERSTOWN, MARYLAND COUNCILMANIC DISTRICT 2 DATE REVISIONS JOB NO.: SCALE: AS SHOWN DATE: 08/15/2023 DRAWN BY: DESIGN BY: REVIEW BY: SHEET: 02 OF 02



EXISTING SIGN



PROPOSED SIGN



2 EXISTING SIGN



(2) PROPOSED SIGN



EXISTING SIGN



3 PROPSOED SIGN



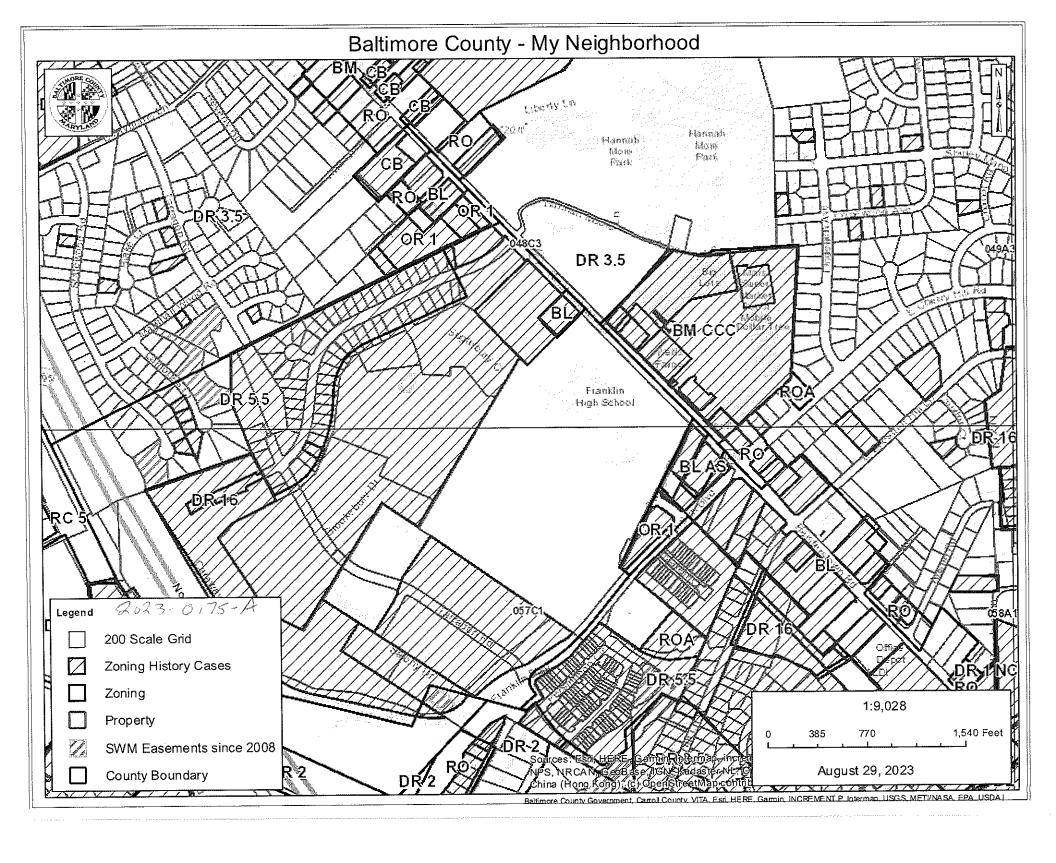
## MORRIS & RITCHIE ASSOCIATES, INC. [VORIES, PANAMES, 1804-095; NO LONGIAN RATHELD 1720-0 ESST JORPA RADO, BUILTE 605; (180) 621-1630 (180) 621-1630 (Copyright 2021 Alone & Proble Associate, Inc.

11915 REISTERSTOWN ROAD

SIGNAGE PLAN

PROFESSIONAL CERTIFICATION

I HARD CEPTAY THE FALL CALIENTS REAL PROPERTY OF ME, AND THE T. M. A DAT DETAIL OF PROFESSION, GENERAL RECEIVED THE LIFE OF THE STATE OF MESSION OF THE STATE OF THE MESSION OF THE STATE OWNER
GEAL INC LIC
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Baltimore County - My Neighborhood 8/21/23, 1:48 PM



Baltimore County - My Neighborhood



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2023-0175-4

