

PETITION FOR ZONING VARIANCE 84-242-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 233.2.12A.1.1.2. A. 11. F. 102.2 to permit a front yard setback of 55' in lieu of the required 75' and a rear yard setback of 30' in lieu of the required 50'. and a distance between buildings of 18' in lieu of the required 100', from Section 233.1 (238.1 & 2) & 102.2 to permit a minimum distance between buildings of 17.5' in lieu of the required 60' and side yard setbacks of 25' and 28' and 1' in lieu of the required 30' of the Zoning Regulations of Baltimore County, the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. Shape and acreage of property.
2. Other practical hardships and unreasonable difficulties to be presented at time of hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of petition, and further agree to and are to be bound by the zoning regulations and restrictions Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do 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 Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
Name
Address
City and State

Attorney's Telephone No.: 828-4442

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of February, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 26th day of March, 1984, at 11:00 o'clock A.M.

Carl John
Zoning Commissioner of Baltimore County.

(over)

TIMONIUM SOUTH MINI-STORAGE -2- November 10, 1983

Site is subject to two recent zoning hearings: variance of side and front setbacks for cold storage facility and violation with complaint dealing with lighting within this site. Variances were granted and the violation was dismissed since at the time of the hearing, the warehouses were vacant and lights not in use. Approval of this site plan is subject to all existing and proposed lighting to be shown on the plan. A detail must be provided for lights showing the height and shields must be provided and all lights must be directed away from adjacent residences. A structural connection between the mini warehouses is an acceptable means of attaching the units. A detail must be provided and shown on the plan. Building A needs a 30' side yard and floor ratio must be included in the site data.

CITIZENS' COMMENTS

Those present still expressed concern about the lights within this site and the affect on their properties. They were also concerned about the through traffic that would serve Building J and requested that the traffic be forced to use the area away from the residential properties.

The developer advised that lights will be attached to the building and existing lights would be removed. He also stated that they would try to revise the building design as requested and landscaping would be provided along the property line adjacent to residential dwellings.

Written comments from the aforementioned agencies were given to the developer and developer's engineer.

The plan was approved by the Dept. of Public Works and Office of Planning. The meeting was adjourned at 12:00 noon.

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 15, 1984

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Chairman
Nicholas B. Commodari

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Benjamin Bronstein, Esquire
Alex Brown Building
Suite 200
102 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Case No. 84-242-A (Item No. 168)
Petitioner - Timonium South Mini Storage and Company
Variance Petition

Dear Mr. Bronstein:

The Zoning Plans Advisory Committee and the County Review Group (CRG) have both reviewed the plans submitted with the above referenced petition. The following comments from the CRG have been substituted for those of the Zoning Plans Advisory Committee. They are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:mch

Enclosures

cc: George W. Stephens, Jr. & Assoc., Inc.
303 Allegheny Avenue
Towson, Maryland 21204

COUNTY REVIEW GROUP MEETING
Thursday, November 10, 1983

TIMONIUM SOUTH MINI-STORAGE

COUNTY REVIEW GROUP - THOSE PRESENT*

Gilbert S. Benson, Chairman - Dept. of Public Works
E. A. Bober - Office of Current Planning
Susan Currell - Office of Planning
Diana Titter - Office of Zoning
Mel Herzberger - Timonium Mini-Storage
John M. Piccirillo - Ratcliffe & Associates/Architects
Jim Kline - G. W. Stephens, Jr. & Assoc.
John Strong Smith - G. W. Stephens, Jr. & Assoc.
*Attachment - List of Interested Citizens

The meeting was called to order by Mr. Benson, Chairman of the County Review Group, at 11:00 a.m. Mr. Benson introduced the members of the Committee and stated the purpose of the meeting.

Mr. John Strong Smith, developer's engineer, presented the plan. Access to this tract is from Greenspring Avenue. This site is fully paved. Tract was previously used by the Good Humor Corp. and the two existing buildings will remain and will be converted to mini-storage also. Security gate will be provided at the entrance and there will be a caretaker office on the site. Existing lights to be removed and lights will be attached to the existing and proposed building. A variance was granted for setback and Building J. Eighteen feet wide aisles and 35' turning radii at the end of the aisles are proposed and have been approved by the Fire Dept. for this use.

Mr. Eugene Bober, co-chairman of the CRG, summarized the written comments submitted from the Health Dept., Developers Engineering Division, Office of Planning, Office of Zoning. Mr. Bober's summary is as follows:

Health Dept. recommends plan for approval subject to the conditions set forth by that office.

Developers Engineering Division recommends plan for approval as submitted. Storm water management is not required for this site.

The location of the office for caretaker to be noted on the plan and landscaping is to be provided where possible and particularly along the residential area.

Warehouse buildings need to have raised channelization areas extended 8' beyond each of the buildings on the north side. Driveway needs to be widened at least 20' in front of raised channelization areas.

BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS DATE: November 3, 1983
FROM: Edward A. McDonough, P.E., Chief
Developers Engineering Division

PROJECT NAME: Timonium South Mini-Storage
PROJECT NUMBER: 883173
LOCATION: W/S of Greenspring Drive,
S. of Timonium Road
DISTRICT: 8C4

The Plan for the subject site, dated October 10, 1983, has been reviewed by the Developers Engineering Division and we comment as follows:

The Plan may be approved as presented.

Edward A. McDonough
EDWARD A. MCDONOUGH, P.E., Chief
Developers Engineering Division

EAM:CLM:ss
cc: File

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS DATE: November 10, 1983
FROM: ZONING

PROJECT NAME: Timonium South Mini Storage PLAN: ☒
LOCATION: 1932 Greenspring Drive DEVELOPMENT PLAN: ☒
DISTRICT: 8th Election District PLAT: ☒

1. This site was the subject of two recent zoning hearings - Case No. 83-138-A, variances for side and front yard setbacks for the existing cold storage facility and Case No. 83-126-V, a violation hearing dealing with a complaint concerning the lighting on the site. The variances were granted on November 7, 1983 by the County Board of Appeals subject to several restrictions which are as follows:

The violation was dismissed on appeal to the County Board of Appeals on October 28, 1983 since the warehouses were at that time vacant and the lights not in use. Due to the history of the lighting complaints, the following must be on the site plan prior to CRG approval.

- All existing and proposed lighting must be shown on the plan.
- A detail must be provided for the lights, showing the height; shields must be provided
- All lights must be directed away from any off-site residences.

2. The structural connections between the mini-warehouse units are an acceptable means to attach these units; however they must be built at the same time the buildings are constructed. A detail must be provided on the structural connection between the proposed warehouse buildings on both the CRG plan and on the plan which accompanies the building permit.

After building permits are issued, the appropriate Building Inspector will be notified in order to inspect the site to assure that these connections are indeed built. If there is no intent to build them, they should not be shown on the plan, instead a note to the effect that variances will be requested to the distances between buildings should be on the plan.

C. R. G. MEETING AGENDA

1. Convene Meeting
2. Introductory statement concerning aims and goals of development regulations
3. Introduction of County representatives
4. Presentation of Plan by developer's representative
5. Comments of County agencies
6. Citizens' comments
7. Adjourn Meeting

SPN: 20

Name

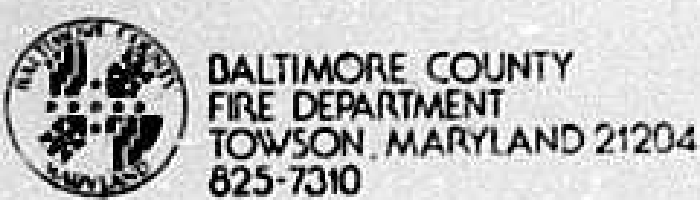
Address

18 IN KNOX

1930 Greenspring Dr.
Timonium

Howard L. Smith
FRANCES A. SMITH

518 FOREST DRIVE
LUTHERVILLE, MD 21113



PAUL H. REINCKE
CHIEF

February 14, 1984

Mr. William H. Hays
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Timonium South Mini Storage and Company

Location: W/S Greenspring Drive 2350' S. from c/l Timonium Road

Item No.: 168

Zoning Agenda: Meeting of January 3, 1984

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

(X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

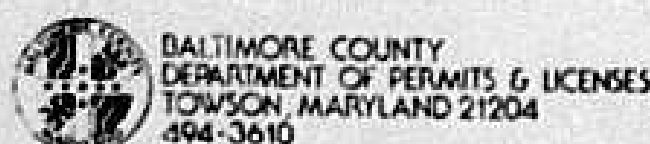
REVIEWED BY: [Signature] 2-14-84
Planning Group
Special Inspection Division

Noted and

Approved:

[Signature] George M. Hagan
Fire Prevention Bureau

/mb



TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

January 20, 1984

Dear Mr. Jablon:

Comments on Item # 168 Zoning Advisory Committee Meeting are as follows:

Property Owner: Timonium South Mini Storage and Company
Location: W/S Greenspring Drive 2350' S. from c/l Timonium Road
Existing Zoning: M.L. - 1H
Proposed Zoning: Variance to permit a front yard setback of 55' in lieu of the required 75 feet and a side yard setback of 25' in lieu of the required 30'.

Acres: 4.47
District: 8th

The items checked below are applicable:

(A) All structures shall conform to the Baltimore County Building Code 1981/Council Bill 4-82 State of Maryland Code for the Handicapped and Aged; and other applicable Codes.

(B) A building/ & other miscellaneous permit shall be required before beginning construction.

(C) Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/ is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.

(D) Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

(E) An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A firewall is required if construction is on the lot line, see Table 401, line 2, Section 1407 and Table 1402, also Section 503.2.

(F) Requested variance appears to conflict with the Baltimore County Building Code, Section 4.

(G) A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the code requirements for the proposed change. Drawings may require a professional seal.

(H) Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.

(I) Comments - Existing gas pumps and tanks shall be removed. A firewall between proposed warehouse "I" and Building "J" is required. The distance between the proposed buildings will be determined by types of construction, Table 401 and 505 and also the Fire Department used for access. The caretakers area shall have a 3 hour fire separation from Building "K". See Section 1414.0 for opening protectives.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,

[Signature] Charles E. Burnham, Chief
Plans Review

CEB:ec

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: January 3, 1984

Mr. Arnold Jablon
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of:
January 3, 1984

RE: Item No: 158,159,160,161,162,163,164,165,166,167, & 168.
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Jablon:

The above items have no hearing on student population.

Very truly yours,

[Signature] Nick Petrovich, Assistant
Department of Planning

WNP/lh

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
SW/S Greenspring Dr., : OF BALTIMORE COUNTY
2,350' S of Timonium :
Rd., 8th District :
TIMONIUM SOUTH MINI : Case No. 84-242-A
STORAGE & COMPANY, :
Petitioner :
: : : : :
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

[Signature] Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

[Signature] Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY THAT ON THIS 19th DAY OF MARCH, 1984, a copy of the foregoing Entry of Appearance was mailed to Benjamin Bronstein, Esquire, Suite 200, Alex. Brown Building, 102 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner.

[Signature] Phyllis Cole Friedman
Phyllis Cole Friedman

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
SW/S Greenspring Dr., : OF BALTIMORE COUNTY
2,350' S of Timonium :
Rd., 8th District :
TIMONIUM SOUTH MINI : Case No. 84-242-A
STORAGE & COMPANY, :
Petitioner :
: : : : :
NOTICE OF APPEAL

Please note an appeal from your decision in the above-captioned matter, under date of March 28, 1984, to the County Board of Appeals and forward all papers in connection therewith to the Board for hearing.

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY
Rm. 223, Court House
Towson, Maryland 21204
494-2188

By: [Signature] Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

I HEREBY CERTIFY that on this 25th day of April, 1984, a copy of the foregoing Notice of Appeal was mailed to Benjamin Bronstein, Esquire, Alex Brown Building, Suite 200, 102 W. Pennsylvania Ave., Towson, MD 21204; and George Canaris, Esquire, 10 E. Eager St., Baltimore, MD 21202.

[Signature] Peter Max Zimmerman
Peter Max Zimmerman

IN THE MATTER : BEFORE
OF THE APPLICATION OF : COUNTY BOARD OF APPEALS
TIMONIUM SOUTH MINI STORAGE & CO. :
FOR VARIANCE FROM 155.2 (243.1, :
2, & 3) and 1102.2 (SETBACKS) : OF
OF THE BALTIMORE COUNTY : BALTIMORE COUNTY
ZONING REGULATIONS :
SW/S GREENSPRING DR. 2,350' :
S. OF TIMONIUM ROAD : NO. 84-242-A
8th DISTRICT :
: : : : :
: : : : :
OPINION

This case comes before the Board on appeal from a decision of the Zoning Commissioner granting the requested variances with some restrictions. The subject property is on the southwest side of Greenspring Drive 2,350 feet south of Timonium Road, in the Eighth Election District of Baltimore County.

Prior to today's hearing, the Petitioner had requested that he be permitted to introduce an amended site plan correcting the setback variances in order to reach an agreement with the Protestants. Mr. James G. Hoswell, Planner for Baltimore County, testified that his office and People's Counsel had reached an agreement with the Petitioner to reduce the size of building "L" and restrict its uses. The site plan, as revised, was entered as Joint Exhibit #1.

Therefore, the Board will affirm the Order of the Zoning Commissioner contingent upon compliance with the resubmitted site plan.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 27th day of July, 1984, by the County Board of Appeals, ORDERED that the Order of the Zoning Commissioner, dated March 25, 1984 be AFFIRMED and, in addition, Restriction No. 8 will be inserted to read as follows:

8. Full compliance with the resubmitted site plan as regards to the configuration of building "L" and the restricted uses of building "L", as noted on the site plan.

TIMONIUM SOUTH MINI STORAGE & CO. - #84-242-A

2.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

[Signature] William T. Hackett, Chairman

[Signature] LeRoy S. Spurr

[Signature] Keith S. Franz

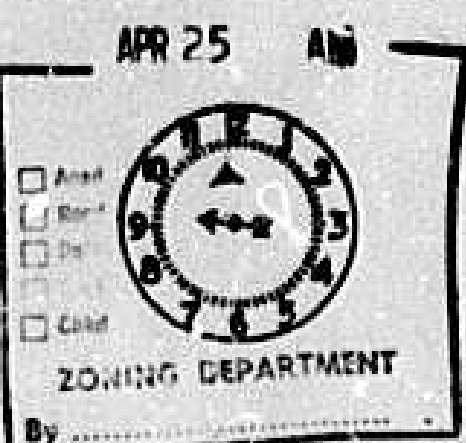
IN THE MATTER OF THE : BEFORE
APPLICATION OF : COUNTY BOARD OF APPEALS
GOOD HUMOR CORPORATION :
FOR ZONING VARIANCES : OF
On property located on the west side :
of Greenspring Drive, 2,350' south of : BALTIMORE COUNTY
Timonium Road - 8th District :
: No. 83-158-A
: : : : :
OPINION

This matter comes before this Board on appeal from an Order of the Deputy Zoning Commissioner granting a variance to Petitioner to permit a side yard setback of 30 feet in lieu of the required 50 feet and a front yard setback of 55 feet in lieu of the required 75 feet for an existing cold storage building, with restrictions.

The property in question is located in the 8th Election District of Baltimore County and is situated on the west side of Greenspring Drive, 2,350' south of Timonium Road. The property in question is owned by the Good Humor Corporation² and the subject of these variance requests is a cold storage warehouse facility which is constructed to house Good Humor products at minus 20 degrees temperature.

Mr. Allan Hackett, the project engineer assigned to this cold warehouse facility by Good Humor Corporation during acquisition and construction in 1972 and 1973, testified that prior to construction, Good Humor Corporation retained Harrison & Crane Architects, to properly engineer the construction of this building in accordance with Baltimore County regulations. He further testified that it was not until after construction was completed that Good Humor Corporation learned of a possible setback violation. He further testified that if Good Humor Corporation were required to tear down part of the existing structure, that the costs involved would be in the nature of \$100,000. He further testified that Good Humor Corporation is not presently operating the cold storage facility and that the building is now vacant.

- (1) No trucks shall be permitted west of the cold storage building.
- (2) Sound baffles shall be provided between compressors mounted outside the building and adjacent residences.
- (3) Approval of the aforementioned site plan by the Department of Public Works and the Office of Planning and Zoning, including landscaping and screening required for approval by the Current Planning and Development Division.
2. There does exist a fully executed contract of sale to a third party but settlement has not yet taken place.



Mr. Eugene Raphael, a registered professional land surveyor of 25 years, testified that he had been retained by Good Humor Corp. and Harrison & Craine, to survey the tract involved. He further testified that great confusion existed concerning the setback requirements³ in September of 1972. (Letter dated Sept. 1, 1972, contained in Exhibit #1) He further testified that he prepared the plot plan and submitted same to the Baltimore County Office of Planning and Zoning, which was subsequently approved by that office in early 1973.

The documentary evidence contained in Petitioner's Exhibit #1 establishes that Building Permits and Occupancy Permits were issued on January 15, 1973, and November of 1973, respectively.

Mr. Stanley L. Craine, an architect retained by the Good Humor Corp., testified that prior to construction, he met with Mr. Bums of the Baltimore County Zoning Department, who advised him that 30 foot side and rear yard setbacks would be required. He testified that the warehouse was located on the property in such a manner as to comply with these setback requirements. He indicated that had he been aware of more onerous setback requirements, that Good Humor could have relocated that site for the warehouse with little difficulty, prior to construction.

Mr. Howard Smith, the complainant herein, testified that he has resided to the west of the warehouse since 1970. Mr. Smith stated that he has complained to Good Humor Corp. and/or County Agencies about once weekly since 1973. He testified that the noise and vibrations of the compressors⁴ have caused great disturbances to him and his family over the years. He further testified that the tractor trailers which frequently visit the warehouse, create additional noise disturbances. Mr. Smith testified that although he knew the property adjacent to him, which now contains this cold storage warehouse, was zoned ML when he purchased his home, he never thought a facility would be constructed such as the one there today.

3. See Map of 1971 and 1976 contained in Petitioner's Exhibit #1. Thirty foot setbacks would have been required if the facility was not within 100' of a residential zone.
4. Eight compressors are located on the roof of the warehouse, which are necessary to a cold storage facility.

This Board recognizes that its decision must be governed by Section 307 of the Baltimore County Zoning Regulations, which would permit the variances if strict compliance would result in practical difficulty or unreasonable hardship to the Petitioner and would not result in substantial injury to the public health, safety and general welfare.

This Board is of the opinion that strict compliance with the setback requirements would result in a practical difficulty and unreasonable hardship to the Petitioner because it would require Petitioner to demolish a section of the building at great financial expense. The Board is also of the opinion that the granting of the variances will not adversely affect the health, safety and general welfare of the community or Mr. Smith, because this facility has already been in existence for over 10 years and the problems complained of by Mr. Smith would not cease to exist if this Board denied the variances. Therefore, this Board will grant the variances with restrictions.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 7th day of November, 1983, by the County Board of Appeals, ORDERED that variances be granted to permit a side yard setback of 30 feet in lieu of the required 50 feet, and a front yard setback of 55 feet in lieu of the required 75 feet for the existing cold storage facility, subject to the following restrictions:

1. No trucks shall be permitted west of the cold storage building.
2. Sound baffles shall be provided between compressors mounted outside the building and adjacent residences.
3. Approval of the aforementioned site plan by the Department of Public Works and the Office of Planning and Zoning, including landscaping and screening required for approval by the Current Planning and Development Division.

Any appeal from this decision must be in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William R. Evans, Acting Chairman

Joanne L. Suder

Diana K. Vincent

IN THE MATTER OF THE APPLICATION OF GOOD HUMOR CORPORATION FOR VARIANCES FROM \$255.2 (243.2 and 243.1) OF THE BALTIMORE COUNTY ZONING REGULATIONS W/S GREENSPRING DRIVE 2350' S. OF TIMONIUM ROAD 8th DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
NO. 83-158-A

AMENDED ORDER

The Order of the County Board of Appeals, passed on November 7, 1983, in the above entitled case is hereby amended so as to insert on Page 3, in Restriction #1, after the word NO "parking of" - so said restriction will read:

1. No parking of trucks shall be permitted west of the cold storage building.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William R. Evans, Acting Chairman

Joanne L. Suder

Diana K. Vincent

Date: December 13, 1983

PETITION FOR
ZONING VARIANCE
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Case No. 83-158-A

PETITIONER'S PRE-HEARING MEMORANDUM

This pre-hearing memorandum is submitted on behalf of the petitioner, Good Humor Corporation.

Sought is a variance from the side and front yard^{1/} setback requirements applicable to Petitioner's cold storage warehouse facility, located in a M.L. Zone within 100 feet of a residential zone boundary.

The evidence will show that the warehouse facility was constructed in 1973. It also will show that preliminary survey work on the property was performed in August and September of 1972. At that time, the County Zoning Commissioner indicated that 30' setbacks on the rear and side^{2/} yards would be required, (Letter dated August 24, 1972, Exhibit 1)^{3/}, even though the Commissioner appears to have recognized that the adjacent property was residential. (Letter dated September 1, 1972, Exhibit 2).

prior to construction, application was made for a building permit. As part of that process, a Plot Plan (Exhibit 3) was prepared by E. F. Raphael & Associates, Registered

- 1/ The Plot accompanying the Petition erroneously indicates that a variance also is requested as to the rear yard setback. Such a variance is not necessary because the rear yard is not within 100 feet of a residential zone boundary. Similarly, the references in Exhibit A of the Petition to rear yard setbacks can be disregarded.
- 2/ This would have been correct if the facility was not within 100' of a residential zone boundary.
- 3/ The references are to Exhibits Good Humor intends to introduce at the hearing. They are not attached to this memorandum.

Professional Land Surveyor, and submitted to the County Office of Planning and Zoning.

The Plot Plan contained an error. It reflected the adjacent property as M.L., when in fact it was not. The error was not discovered by Good Humor, by the architect who sited the facility or by the County Zoning Commissioner and the Office of Planning and Zoning, even though coordinates were set forth on the drawing. The Plot Plan was approved by the Zoning Commissioner and the Office of Planning and Zoning in early 1973. Zoning approval also was reflected on the Building Permit, issued January 15, 1973 (Exhibit 4). The building was constructed in accordance with the approved plans^{4/} and an occupancy permit was issued in November of 1973 (Exhibit 5).

Late in 1973, when construction of the building was essentially complete, Good Humor and the County realized that a technical violation of the setback requirements existed. Upon coming to this realization, the Zoning Department suggested that a variance petition be filed in order to correct the error. (Memorandum dated October 4, 1973, Exhibit 6).

For one reason or another, the petition was not filed until now. Significantly, no complaint was made by persons in the adjacent residential zone or by anyone else regarding the setback requirement until June of 1980.^{5/}

4/ As such, the setback on the side yard was approximately 30', instead of the required 50' and the setback on the front yard was approximately 55' instead of the required 75'.

5/ In late 1979 Howard and Frances Smith, owners of property known as 518 Forest Drive, located in the adjacent residential zone, filed suit against Good Humor in the Circuit Court for Baltimore County alleging that the property was being used as a trucking terminal or warehouse and claiming that such use was not permitted in an M.L. Zone. The facility is not (and has not been) used as a trucking terminal. It has been used as a warehouse - a permitted use in an M.L. Zone. The suit was amended in June of 1980 to also claim a violation of setback requirements. It has remained essentially dormant since that time.

This variance request, of course, is governed by Section 307 of the Baltimore County Zoning Regulations ("B.C.Z.R."). It is permitted if strict compliance would result in "practical difficulty or unreasonable hardship" and if it would be in harmony with the spirit and intent of the setback regulations and would not result in "substantial injury to the public health, safety and general welfare". Section 307.

Said another way, under the "practical difficulty" standard, Good Humor must show (1) that compliance with the strict letter of the setbacks would be unnecessarily burdensome, (2) that grant of the variance would do substantial justice and (3) that grant of the variance can be accomplished in such a fashion that the spirit of the ordinance will be observed and public safety and health secured. Anderson v. Board of Appeals, 22 Md. App. 28, 39, 322 A.2d 220 (1974). See also, McLean v. Soley, 270 Md. 213, 310 A.2d 783 (1973); Sengler v. Bd. of Co. Commissioners, 262 Md. 1, 276 A.2d 646 (1971); Loyola Loan Assn. v. Bischman, 227 Md. 243, 176 A.2d 355 (1961).

The evidence to be presented in this case meets the burden.

First, strict compliance with the setback would be unnecessarily burdensome. It would require Good Humor to demolish a section of its building (which has existed for nearly ten years) at great cost and expense.

Second, grant of the variance would do substantial justice. The evidence will show that the present building location was approved by the County. The reason for that approval appears to rest on a surveyor's error, which neither Good Humor or the County detected at the time. It would be unjust to require Good Humor to demolish a section of its

building, when both Good Humor and the County believed the building to be properly sited at the time of construction and when the County approved the site plan and permit. See, De Martre v. District of Columbia, 1, Etc., 388 A.2d 1233, 1239 (D.C.App. 1978).

Third, grant of the variance can be accomplished in such a fashion that the spirit of the setback ordinance will be observed and public safety and health secured. The purpose of setback restrictions at zoning boundaries is to provide a buffer between zones. State v. Gallop Building, 103 N.J. Super. 367, 247 A.2d 350, 352 (1968). The purpose will be observed here, particularly in view of the significant buffer landscaping which exists already. (Photographs, Exhibits 7A, E and C).

CONCLUSION

For all the foregoing reasons, and for such additional reasons as are presented at the hearing, the requested variance should be granted.

James K. Archibald

David B. Abramoff
1800 Mercantile Bank & Trust Bldg.
Two Hopkins Plaza
Baltimore, Maryland 21201
(301) 244-7400

Attorneys for Petitioner

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO Zoning Commissioner..... Date March 13, 1984

Norman E. Gerber, Director
FROM Office of Planning and Zoning

Timonium South Mini Storage & Co.
SUBJECT No. 84-242-A

Please consider the comments and actions of the CRG to be the position of this office. Please note, however, that Building "L" was not shown on the plan approved by CRG, that it would appear to block the access land by its operation, and that this office is opposed to this part of the proposal and believes Building "L" should be deleted from the plan.

Norman E. Gerber
Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JGH/sf

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
303 ALLEGHENY AVENUE, TOWSON, MARYLAND 21204

Description to Accompany A Zoning Petition
For Variances to Front, Rear and Side Yards
in an Existing ML-IN Zone
For Timonium South Mini Storage
1932 Greenspring Drive

December 1, 1983

Point of beginning being located 2350 feet more or less from the southwest intersection of Greenspring Drive and Timonium Road, thence; binding on the west side of Greenspring Drive curving to the right with a radius of 699.44 feet in a southerly direction 50.64 feet, thence leaving the side of Greenspring Drive:

- 1) South 80° 31' 48" West 276.15' and
- 2) South 09° 32' 42" East 311.72' and
- 3) South 80° 31' 48" West 530.00' and
- 4) South 22° 11' 56" East 425.00' and
- 5) North 80° 31' 48" East 634.47' to the place of beginning.

Containing: 4.47 Acres of land more or less.

(THIS DESCRIPTION FOR ZONING PURPOSES ONLY)



PETITION FOR VARIANCES

8th Election District

ZONING: Petition for Variances

LOCATION: Southwest side of Greenspring Drive, 2,350 ft. South of Timonium Road

DATE & TIME: Monday, March 26, 1984 at 11:00 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variances to permit a front yard setback of 55 ft. in lieu of the required 75 ft. and a rear yard setback of 30 ft. in lieu of the required 50 ft. and a distance between buildings of 18 ft. in lieu of the required 100 ft. and to permit a minimum distance between buildings of 17.5 ft. in lieu of the required 60 ft. and side yard setbacks of 25 ft., 28 ft., and 1 ft. in lieu of the required 30 ft.

Being the property of Timonium South Mini Storage & Company, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

March 19, 1984

Benjamin Bronstein, Esquire
102 West Pennsylvania Avenue
Suite 200 Alex Brown Building
Towson, Maryland 21204

Re: Petition for Variances
Timonium South Mini Storage & Company - Petitioner
SW/S of Greenspring Dr., 2,350' S of Timonium Rd.
Case No. 84-242-A

Dear Mr. Bronstein:

This is to advise you that \$53.60 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS C/S# RECEIPT

No. 128233

DATE 3-26-84 ACCOUNT R-01-615-010

AMOUNT \$53.60

RECEIVED
FROM *Julia Bros. Construction Co.*
FOR *advertising & posting Case # 84-242-A*
(Timonium South Mini Storage)

8 650*****938026 8262A

VALIDATION OR SIGNATURE OF CASHIER

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 26, 1984

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000
Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Benjamin Bronstein, Esquire
Alex Brown Bldg., Suite 200
102 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No. 168
Timonium South Mini Storage & Co.
W/S Greenspring Dr. S Timonium Rd.
Variance Petition

Dear Mr. Bronstein:

Recently, a meeting was held with various members of this Committee in order to discuss the above referenced petition. At that time, it was verbally indicated that revised site plans, reflecting comments from the following department(s), would be required.

Traffic Engineering - Michael Flanigan - 494-3554

In order to avoid any future delays in processing this petition, I urge you to personally contact the representative(s) from the above department(s) and discuss the required revisions. When discussing this petition, it should be referred to by the item number. Since it will save you approximately 3-4 weeks in the processing of your petition, this matter should be pursued immediately.

After discussing the comments with the above representative(s), you should contact me at 494-3391 in order to determine the outcome of said discussion and what your future course of action will be.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI, Chairman
Zoning Plans Advisory Committee

NBC:bsc

cc: George W. Stephens, & Assoc.
P.O. Box 6828
Towson, Md. 21204

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 15, 1984

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000
Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Benjamin Bronstein, Esq.
102 West Pennsylvania Ave
Alex Brown Bldg. - Suite 200
Towson, Md. 21204

84-242-A (168)

Timonium South Mini Storage & Co
Variances

Dear Mr. Bronstein:

Enclosed please find additional comments submitted after my original comments of March 15, 1984. These comments were received after the hearing and were not considered in rendering the Zoning Commissioner's decision.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosure

Geo. W. Stephens, Jr. & Assoc.
303 Allegheny Ave
Towson, Md. 21204



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

TED ZALESKI JR.
DIRECTOR
Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

March 8, 1984

Dear Mr. Jablon:

Comments on Item #168 Zoning Advisory Committee Meeting are as follows:

Property Owner: Timonium South Mini Storage & Company
Location: W/S Greenspring Drive 2350' S. from c/l Timonium Road
Existing Zoning: ML-IN
Proposed Zoning: Variance to permit a front yard setback of 55' in lieu of the required 75', etc.

Acres: 4.47
District: 8th.

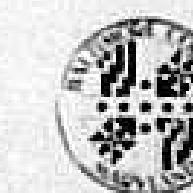
The items checked below are applicable:

- A. All structures shall conform to the Baltimore County Building Code 1961/Council Bill 4-82 State of Maryland Code for the Building and Code; and other applicable Codes.
- B. A building/ & other /miscellaneous /permits shall be required before beginning construction.
- C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.
- D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- E. An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot line. A firewall is required if construction is on the lot line, see Table 601, Line 2, Section 1107 and Table 1104, also Section 503.2.
- F. Requested variance appears to conflict with the Baltimore County Building Code, Section/s _____.
- G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 601.
- I. General: C.C. should be taken by the designer to assure all buildings comply with Building Code & P.C. can meet the height and area requirements once the setbacks have been reduced below 30'-0". See Section 505 and the definition of "Fire Separation, exterior fire exposure on Page 29 of the Building Code. Also notice should be taken of Section 1114.C.

NOTE: These comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,

Charles E. Burnham
Charles E. Burnham, Chief
Plans Review



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

March 28, 1984

Benjamin Bronstein, Esquire
Alex Brown Building
Suite 200
102 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Variances
S4/s Greenspring Drive, 2350'
S of Timonium Road - 8th
Election District
Timonium South Mini Storage
and Company - Petitioner

Dear Mr. Bronstein:

I have this date passed by Order in the above captioned matter in accordance with the attached.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ:ech

cc: George Canaris, Esquire
10 East Eager Street
Baltimore, Maryland 21202

People's Counsel



Baltimore County, Maryland

PEOPLE'S COUNSEL
OLD COURT HOUSE
TOWSON, MARYLAND 21204

PHYLLIS COLE FRIEDMAN
People's Counsel
PETER MAX ZIMMERMAN
Deputy People's Counsel

TEL. 494-3100

June 27, 1984

The Honorable
William T. Hackett, Chairman
County Board of Appeals
Room 200, Court House
Towson, Maryland 21204

RE: Timonium South Mini Storage
& Company, Petitioner -
Zoning Case No. 84-242-A

Dear Chairman Hackett:

I am writing to request an expedited short hearing on the above case. I suggest a 9:30 a.m. hearing on a convenient date in mid-July, 1984.

Following the filing of our appeal, this office and Petitioner have worked toward an amended plan which reduces substantially the size of Building "L" and appears satisfactory.

Thank you for your prompt consideration of this matter.

Very truly yours,

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

*Hackett will be in 9/26-27
Wed. or Thurs. to see
about this.
P.2. will talk to Kovens & Canaris
about this and get in touch with
Hackett next week. Can set any
morning except 7/17 & 7/18*

RECEIVED
COUNTY BOARD OF APPEALS
JUN 26 P 2 49



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3100

July 27, 1984

Phyllis Cole Friedman
People's Counsel for Baltimore County
Room 223 Courthouse
Towson, MD 21204

Re: Case No. 84-242-A
Timonium South Mini
Storage & Co.

Dear Mrs. Friedman:

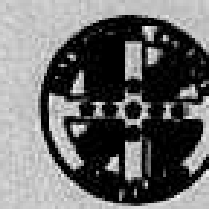
Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

Encl.

cc: Benjamin Bronstein, Esquire
Timonium South Mini Storage & Co.
George Canaris, Esquire
Norman E. Gerber
James G. Horwell
Arnold Jablon
Jean M. H. Jung
James E. Dyer
Peter M. Zimmerman, Esquire



County Board of Appeals of Baltimore County

Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3100

July 3, 1984

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 84-242-A TIMONIUM SOUTH MINI STORAGE & COMPANY
FOR VARIANCE (SETBACKS)
SW/S GREENSPRING DRIVE 2350'
S. OF TIMONIUM ROAD
8th DISTRICT
3/25/84 - Z.C. GRANTED PETITION

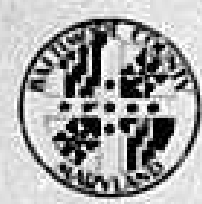
ASSIGNED FOR: THURSDAY, JULY 19, 1984 at 9:30 a.m.

cc: Benjamin Bronstein, Esquire	Counsel for Petitioner
M. I. Herzberger, Jr.	Petitioner
George Canaris, Esquire	Protestant
Phyllis Cole Friedman	People's Counsel
Peter M. Zimmerman	Deputy People's Counsel
Norman E. Gerber	
James G. Horwell	
Arnold Jablon	
Jean M. H. Jung	
James E. Dyer	

Edith T. Eisenhart, Adm. Secretary

7/3/84 - Notified of appeal hearing scheduled for THURSDAY, JULY 19, 1984 at 10 a.m.

Benjamin Bronstein, Esq.
M. I. Herzberger, Jr.
George Canaris, Esq.
Phyllis C. Friedman



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

May 16, 1984

Benjamin Bronstein, Esquire
Suite 200 Alex Brown Building
102 West Pennsylvania Avenue
Towson, Maryland 21204

Re: Petition for Variances
SW/S Greenspring Dr., 2,350' S of
Timonium Road
Timonium South Mini Storage & Co. - Petitioner
Case No. 84-242-A

Dear Mr. Bronstein:

Please be advised that an appeal has been filed by Phyllis Cole Friedman, People's Counsel for Baltimore County, from the decision rendered by Zoning Commissioner of Baltimore County, in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Very truly yours,

Arnold Jablon
Arnold Jablon
Zoning Commissioner

AJ:a]

cc: George Canaris, Esquire
10 East Eager Street
Baltimore, Maryland 21202

February 29, 1984

Benjamin Bronstein, Esquire
102 W. Pennsylvania Avenue
Towson, Maryland 21204

NOTICE OF HEARING

Re: Petition for Variances
SW/S of Greenspring Drive, 2,350' S
of Timonium Road
Timonium South Mini Storage & Company - Petitioner
Case No. 84-242-A

TIME: 11:00 A.M.

DATE: Monday, March 26, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

Arnold Jablon
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

NO. 124037

DATE 12/27/82 ACCOUNT R-01-615-000

AMOUNT 100.00

RECEIVED FROM Mr. B. BRONSTEIN

FOR 100.00 for Jan 1-1983

1 ch

3 031*****1809015 8238A

VALIDATION OF SIGNATURE OF CASHIER

IN RE: PETITION FOR ZONING VARIANCES
SW/S Greenspring Drive, 2350'
S of Timonium Road - 8th
Election District

Timonium South Mini Storage
and Company

Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-242-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein, Timonium South Mini Storage and Company, requests variances to permit: (1) a front yard setback of 55' instead of the required 75' for building H, (2) side yard setbacks of 18' instead of the required 60' between buildings A, B, C, D, E, G, and H, (3) a side yard setback of 18' instead of the required 100' between buildings H and I, (4) a side yard setback of 17.5' instead of the required 60' between buildings F and G, (5) a 1' side yard setback instead of the required 30' on the north side for building L and 28' to the south side of building L instead of the required 30', and (6) a side yard setback on the east side of the property, between building A and the adjacent property line, of 25' instead of the required 30', all as more fully described on Petitioner's Exhibit 4.

The Petitioner, by its manager, appeared and testified, and was represented by counsel. Also testifying for the Petitioner was J.S. Smith, a registered professional engineer. Howard Smith, represented by counsel, appeared in opposition. Also appearing were Irvin Kovens and Melvin Tapper, owners of adjacent commercial property, who were concerned about access to their property from the Petitioner's property, an issue not within the sphere of this hearing. Their concern will be addressed directly by and between the Petitioner and them. Testimony indicated that this property, zoned M.L. was the site of a cold storage warehouse owned by the Good Humor Corporation, and the subject of decisions

by the Deputy Zoning Commissioner and the Board of Appeals, which granted certain variances accruing to building J as identified on Petitioner's Exhibit 4. These decisions have been appealed to the Circuit Court of Baltimore County, where they are now pending. The Good Humor Corporation ceased operation on the site and the Petitioner has since purchased the property. In addition, the Petitioner will attempt to auction building J which would then be removed making the appeal moot. In any event, it obviously would be futile for any variance affecting building J to be considered here at this time, and therefore, it is decided that none shall be until such time as the appeal is decided.

The Petitioner did in fact submit its plan to the County Review Group, (CRG), without building L shown, and it was approved pursuant to the variances requested.

The Petitioner intends to build mini-warehouses, approximately 700 units, on site, which comprises 4 1/2 acres. The property is surrounded on three sides by industrial uses, and on the fourth, the west side, by residential, specifically Mr. Smith. The Petitioner would place the office and caretaker's quarters in building L, with the caretaker being on the site 24 hours a day. The hours of operation would be 7:00 a.m. until 9:00 p.m., seven days a week with access after 9:00 p.m. to any user who possesses a special computer card allowing entrance. The mini-warehouses, except for building L, would front to the north property line, with the rear to the south. Building L would front Greenspring Drive, with its sides to the north and south.

Mr. Herzberger, the manager, testified that in his experience, which includes the operation of another mini-warehouse owned by the Petitioner and comprising

ORDER RECEIVED FOR FILING

DATE March 25, 1984
BY Mary Zimmerman (Clerk)

ORDER RECEIVED FOR FILING

DATE March 25, 1984
BY Mary Zimmerman (Clerk)

Mr. Smith is concerned about traffic flow within the site and being shielded from the use.

Certainly, the property, being zoned M.L., can be utilized for a myriad of purposes, and the Petitioner argues that the proposed use would cause less problems to Mr. Smith than most permitted.

The Petitioner seeks relief from Sections 255.2 (243.1, 243.2, and 243.3) and 102.2, and from Section 255.1 (238.1 and 238.2) and 102.2, pursuant to Section 307 of the Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Solev, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

-3-

It is clear from the testimony that if the variances were granted, such uses as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement the Petitioner seeks relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 28 day of March, 1984, that the Petition for Variances to permit (1) a front yard setback of 55' instead of the required 75' for building H, (2) side yard setbacks of 18' instead of the required 60' between buildings A, B, C, D, E, G, and H, (3) a side yard setback of 18' instead of the required 100' between buildings H and I, (4) a side yard setback of 17.5' instead of the required 60' between buildings F and G, (5) a 1' side yard setback instead of the required 30' on the north side for building L and 28' to the south side of building L instead of the required 30', and (6) a side yard setback on the east side of the property, between building A and the adjacent property line, of 25' instead of the required 30' be and are hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

-4-

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the applicable 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. Buildings G, H, and I shall be available for use during normal business hours only, which shall be 7:00 a.m. to 9:00 p.m. daily, 7 days a week.
3. The Petitioner shall provide a caretaker on site 24 hours a day, 7 days a week.
4. The Petitioner shall allow after hours entrance only by special computer card identifying any such user.
5. After consultation with Mr. Smith, the Petitioner shall submit a detailed landscaping plan for approval to Current Planning, specifically providing screening between Mr. Smith's home and the Petitioner's operation.
6. After final disposition of the appeal cited previously, if the Petitioner intends to utilize building J for any purpose, a hearing shall be held to determine the applicability of the intended use and the variances requested as impacted by said final disposition.
7. The Petitioner shall submit a final revised site plan to CRG for approval. It is specifically determined by the Zoning Commissioner that building L is compatible with the entire proposed use, and with the surrounding neighborhood.

Zoning Commission
of
Baltimore County

ORDER RECEIVED FOR FILING

DATE March 28, 1984
BY Mary Compagne (Clerk)

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
20th day of February, 1964.

Petitioner Timonium Mini Storage
 Petitioner's
 Attorney Benjamin Bronstein

ARNOLD JABLON
Zoning Commissioner

Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

CERTIFICATE OF PUBLICATION

Towson, Md., 3/26 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for 1 consecutive weeks, the first publication appearing on the 27th day of March 1981.

The TOWSON TIMES
in Argyleville
Cost of Advertisement: \$ 21.60

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District P. 24 Date of Posting 3-5-54
 Posted for: Varanus
 Position: Timonium North River Strips & Property
 Location of property: SW side of Treening Drive, 2,321' south
of Timonium Road
 Location of Sign: SW side of Treening Drive approx 2,355' south
of Timonium Road
 Remarks:
 Posted by: A. J. Probst Date of return: 3-16-54
Signature
 Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 6, 1984

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ~~on or before~~ of one time ~~on or before~~ before the 26th day of March 1984, the first publication appearing on the 8th day of March 1984.

THE JEFFERSONIAN;
L. Leank *Manager.*
Cost of Advertisement, \$ 22.00

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 8th Date of Posting 5-31-84
 Posted for: Appeal
 Prisoner:
 Location of property: S.W. Side Greenspring Dr. 2350 S of Tennessee Rd.
 Location of Sign: S.W. Side Greenspring Dr. approx. 2355 S of Tennessee Rd.
 Remarks:
 Posted by S.J. Austin Date of return: 5-31-84
 Number of Signs: 1 Signature

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 130257

DATE 4/23/84 ACCOUNT R-01-615-000

AMOUNT \$80.00

RECEIVED People's Counsel

FROM Appeal fee on Case #84-242-A

FOR (Timberland South Mail Storage)

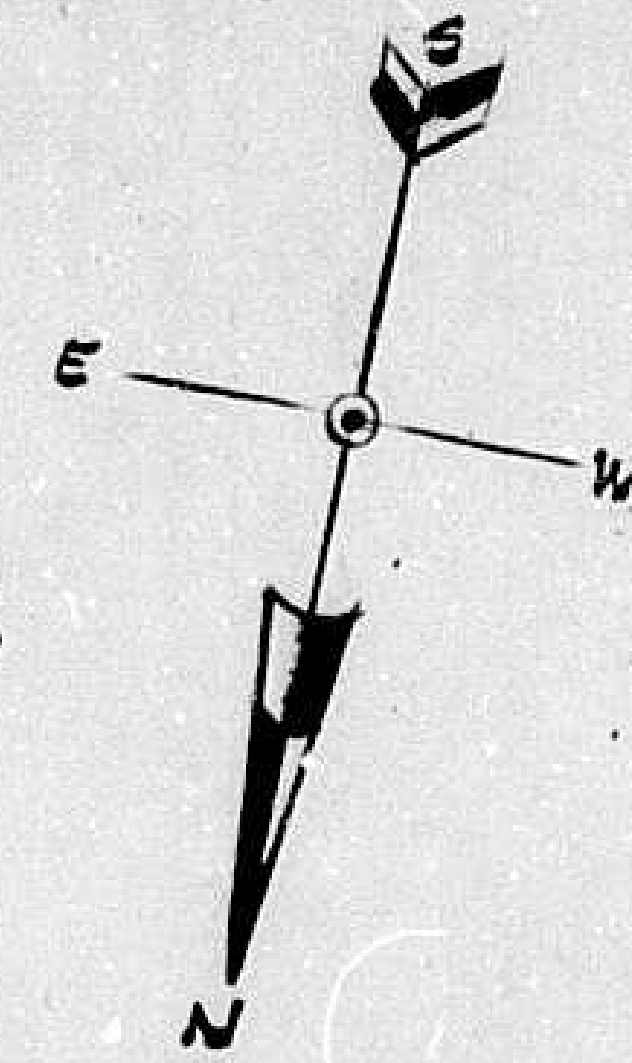
1 *Chd.*

8 117*****05015 4302

VALIDATION OR SIGNATURE OF CARRIER

SITE DATA

- 1) AREA OF TRACT ~ 4.47 AC±
- 2) EX ZONING ~ ML-1M
- 3) EX USE ~ WAREHOUSES, OFFICES, STORAGE
MAINTENANCE OF VEHICLES
- 4) PROPOSED ~ MINI-WAREHOUSES (SELF-STORAGE)
- 5) FIRE SERVICE, DOMESTIC WATER & SEWER
STORM DRAIN SYSTEMS EXIST ON SITE (PRIVATE)
- 6) COUNCILMANIC DISTRICT ~ #4
- 7) CENSUS TRACT ~ 4088
- 8) WATERED ~ #24
- 9) SUBSERVED ~ #57
- 10) NO HISTORIC BUILDINGS
- 11) NO WETLANDS
- 12) NO S.V.M. (NO INCREASE OF IMPERVIOUS AREAS) (EXEMPT)
- 13) NO CRITICAL AREAS
- 14) NO ARCHEOLOGICAL SITE
- 15) NO ENDANGERED SPECIES
- 16) NO HAZARDOUS MATERIALS
- 17) PROP. N° ~ 08-07-048740 (W.M. #15-6°-00-120776-001
4°-00-120777-002)
- 18) DEED REF ~ 4930/497
- 19) TAX MAP ~ 60, PARCEL ~ 651
- 20) BLDG SECTION 'J' SEE ZONING CASE 88-150-A
- 21) 2 SPACES FOR CARTAKER + 6 SPACES FOR CUSTOMERS
(INCLUDES 1 HANDICAP SPACE)
- 22) NO NATURAL SLOPES GREATER THAN 25%
- 23) SOIL TYPE JpC2-FOR ENTIRE SITE (NO LIMITATIONS
ON THIS SITE AS PROVEN BY EXISTING DEVELOPMENT.
- 24) NO CHANGE IS PROPOSED IN BASE GRADE (FINE
GRADING TO BE SHOWN ON FINAL SITE PLAN.
- 25) TOTAL BLDG COVERAGE ~ 72,144 sq ft FAR = 0.57
- 26) LANDSCAPING & SCREENING TO BE IN ACCORDANCE
WITH APPROPRIATE REGULATIONS
- 27) LIGHTING SHALL BE SO ERRECTED AS TO NOT REFLECT
RAYS TOWARD ADJACENT RESIDENCES. (EX LIGHTS TO BE
ABANDONED + PROPOSED LIGHTING SHALL BE ATTACHED TO
BUILDINGS STAGGERED AT 40' TO 60' INTERVALS (SEE
BUILDINGS 'G' & 'H' FOR TYPICAL) MAX 10' HIGH.
LIGHTING A PROPOSED IS BELOW GRADE OF EX.
RESIDENCES
- 28) VARIANCES REQUESTED INDICATED THUS -Y.R.-1, Y.R.-3 ETC.



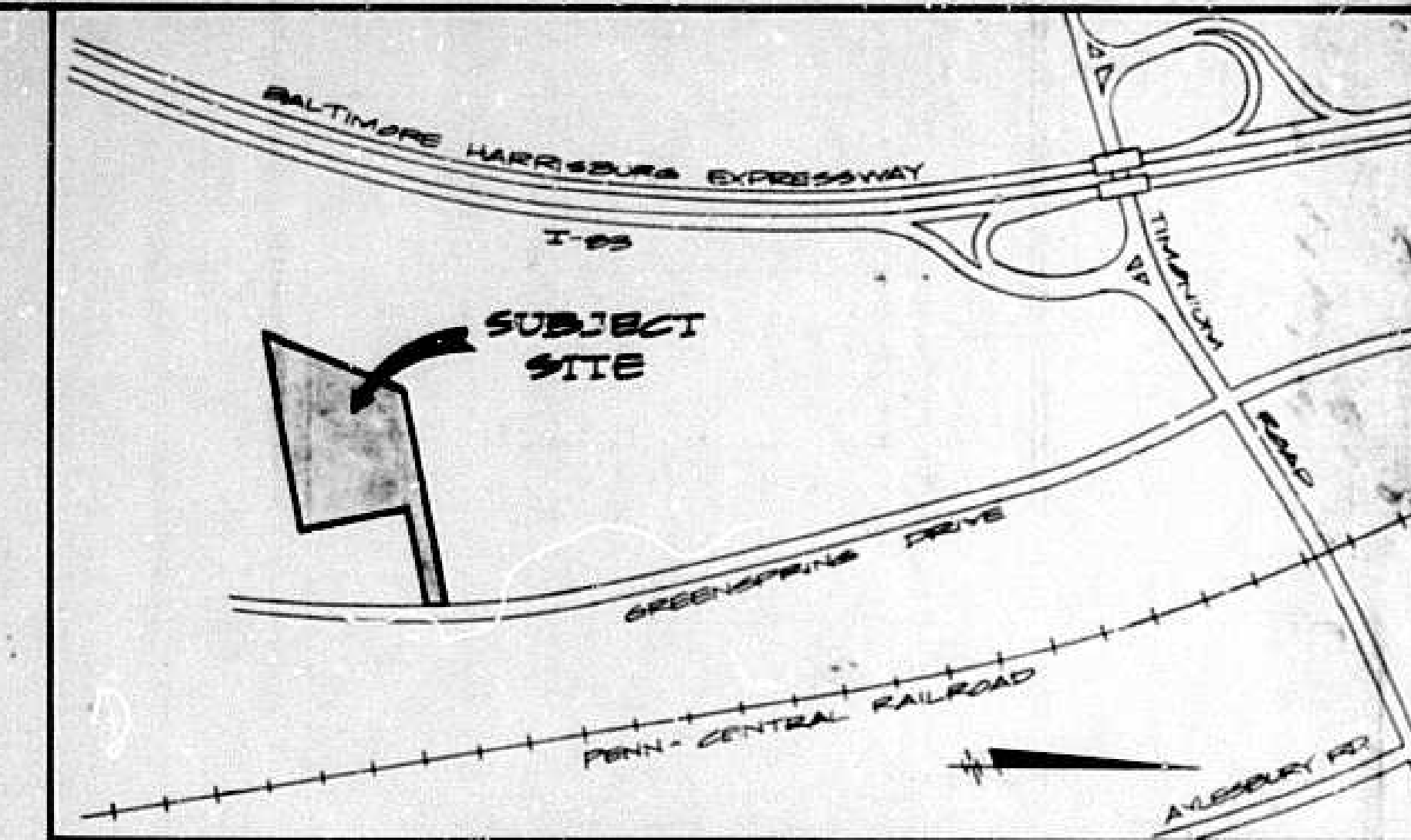
VARIANCES REQUESTED (THUS -Y.R.-) ON PLAN FROM SECTIONS

- 1) 255.2 (243.1 & .2 & .3) & 102.2 TO PERMIT A FRONT YARD SETBACK OF 55' IN LIEU OF THE REQUIRED 75' AND
- 2) A REAR YARD SETBACK OF 30' IN LIEU OF THE REQUIRED 50' AND A DISTANCE BETWEEN BUILDING OF 18' IN LIEU OF THE REQUIRED 100' FROM SECTION 255.1 (238.1 & .2) & 102.2 TO PERMIT A MINIMUM DISTANCE BETWEEN BUILDINGS OF 17.5' IN LIEU OF THE REQUIRED 60' AND A SIDE YARD SETBACK OF 25' IN LIEU OF THE REQUIRED 30' AND A SIDE YARD SETBACK OF 1' IN LIEU OF THE REQUIRED 30', AND
- 3) A SIDE YARD SETBACK OF 20' IN LIEU OF THE REQUIRED 30'

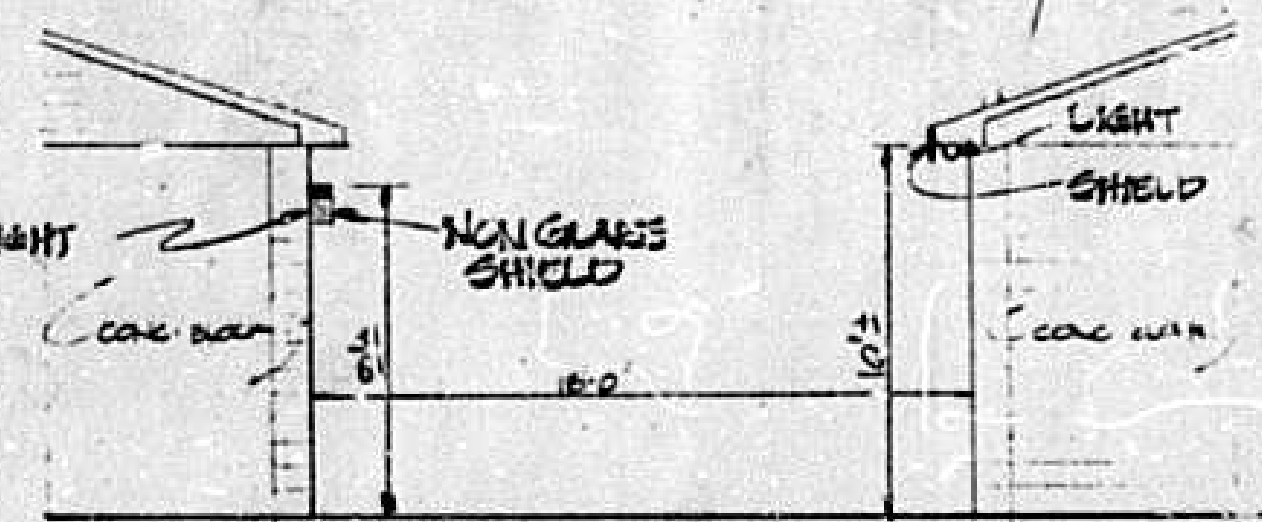
STEWART WHITE ET. UX
5102/516
ML-1M

CENTRAL LABORATORIES INC
9825/625
ML-1M

EX SCREENING & LANDSCAPING
TO BE SUPPLEMENTED



VICINITY MAP SCALE: 1"=500'

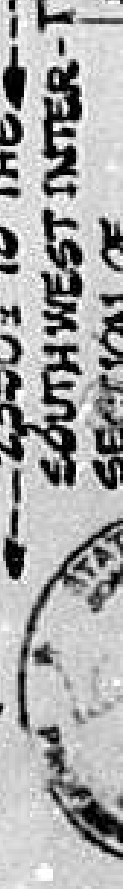


ELEVATION & LIGHT DETAIL
No SCALE

NOTE: SIGNAGE ALLOWED (200' TOTAL) + A TEMP REAL ESTATE SIGN (100')

PETITIONER'S
EXHIBIT

GREENSPRING
DRIVE



ENGINEER

GEORGE W. STEPHENS, JR.
#68800, INC.
508 ALLEGHENY AVE.
TOWSON, MD. 21204
(301-825-8120)

CONTRACT PURCHASER

TIMONIUM SOUTH MINI STORAGE & CO
40 NEW DUTCH LANE
COCKEYSVILLE, MD. 21030
(301-666-0040)

OWNER

GOOD HUNOR INC.
40 NEW DUTCH LANE
FAIRFIELD, NJ 07006
(201-267-6452)

NOTES:

- 1) NO PARKING OF TRUCKS SHALL BE PERMITTED WEST OF THE COOL STORAGE BUILDING
- 2) SOUND Baffles SHALL BE PROVIDED BETWEEN COMPRESSORS MOUNTED OUTSIDE THE BUILDING + ADJACE IT RESIDENCES.

NOTE:

FOR FURTHER INFORMATION
SEE APPROVED C.R.G. PLAN OF
NOV. 1983 & ZONING CASES
N° 83-186-Y & N° 83-150-A

PLAT TO ACCOMPANY A ZONING
PETITION FOR VARIANCES TO
FRONT, REAR AND SIDE YARDS
IN AN EXISTING ML-1M ZONE
FOR
"TIMONIUM SOUTH"
MINI STORAGE

1932 GREENSPRING DRIVE

BALTIMORE CO., MD.
DATE: DEC 1, 1983
ELECT. DIST. #
SCALE: 1"=30'

REV. FEB. 17 1984 ZONING COMMENTS

PN 4084

SITE DATA

- 1) AREA OF TRACT ~ 4.47 AC±
- 2) EX ZONING ~ ML-1M
- 3) EX USE ~ WAREHOUSES, OFFICES, STORAGE
MAINTENANCE OF VEHICLES
- 4) PROPOSE ~ MINI-WAREHOUSES (SELF-STORAGE)
- 5) FIRE SERVICE, DOMESTIC WATER & SEWER
STORM DRAIN SYSTEMS EXIST ON SITE (PRIVATE)
- 6) COUNCILMANIC DISTRICT ~ #4
- 7) CENSUS TRACT ~ 4000
- 8) WATER SHED ~ #24
- 9) SUBDIVISION ~ #57
- 10) NO HISTORIC BUILDINGS
- 11) NO WETLANDS
- 12) NO SW.M. (NO INCREASE OF IMPERVIOUS AREAS) (EXEMPT)
- 13) NO CRITICAL AREAS
- 14) NO ARCHEOLOGICAL SITE
- 15) NO ENDANGERED SPECIES
- 16) NO HAZARDOUS MATERIALS
- 17) PROP N° ~ 08-07-040740
- 18) DEED REF ~ 4330/497
- 19) TAX MAP ~ 60, PARCEL ~ 651
- 20) BLDG SECTION 'J' SEE ZONING CASE 08-150-A
- 21) 2 SPACES FOR CARPENTER & 4 SPACES FOR CUSTOMERS
(INCLUDES 1 HANDICAP SPACE)
- 22) NO NATURAL SLOPES GREATER THAN 25%
- 23) SOIL TYPE JpG2 FOR ENTIRE SITE (NO LIMITATIONS
ON THIS SITE AS PROVEN BY EXISTING DEVELOPMENT)
- 24) NO CHANGE IS PROPOSED IN BASE GRADE (FINE
GRADING TO BE SHOWN ON FINAL SITE PLAN)
- 25) TOTAL BLDG COVERAGE ~ 72,144 S.F. FAR = 0.37
- 26) LANDSCAPING & SCREENING TO BE IN ACCORDANCE
WITH APPROPRIATE REGULATIONS
- 27) LIGHTING SHALL BE SO ERRECTED AS TO NOT REFLECT
RAYS TOWARD ADJACENT RESIDENCES. EX LIGHTS TO BE
ABANDONED & PROPOSED LIGHTING SHALL BE ATTACHED TO
BUILDINGS STAGGERED AT 40' TO 60' INTERVALS (SEE
BUILDINGS 'G' & 'H' FOR TYPICAL) MAX 10' HIGH.
LIGHTING A PROPOSED IS BELOW GRADE OF EX
RESIDENCES
- 28) VARIANCES REQUESTED INDICATED THUS -V.R.-1, V.R.-3 ETC.
- 29) NO STORAGE PROPOSED IN BLDG. "L"

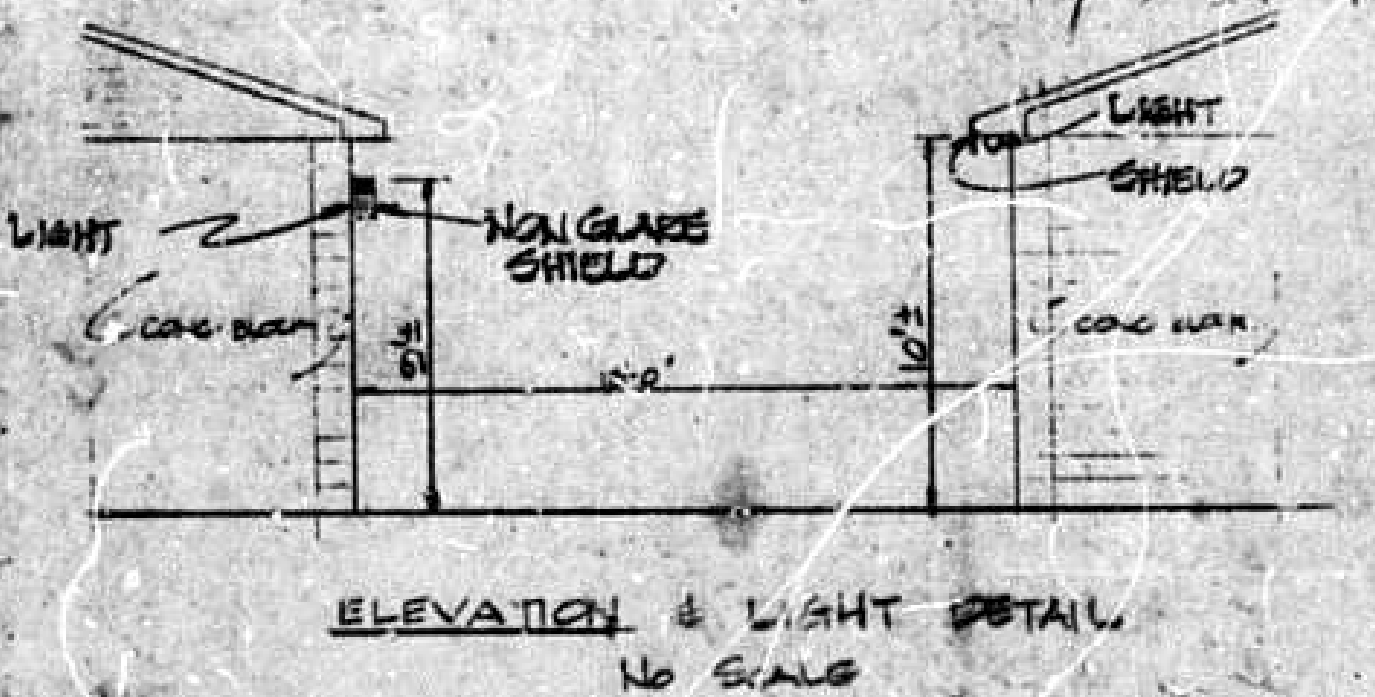
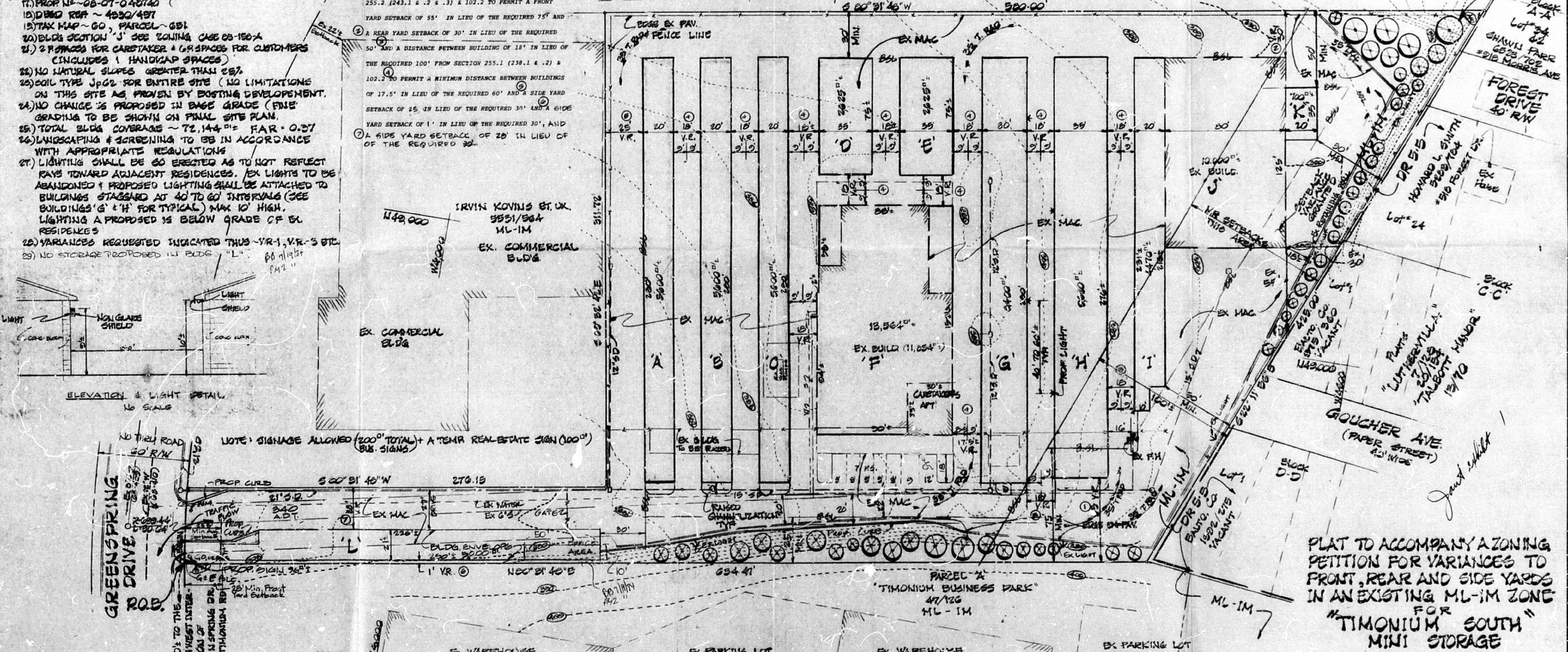
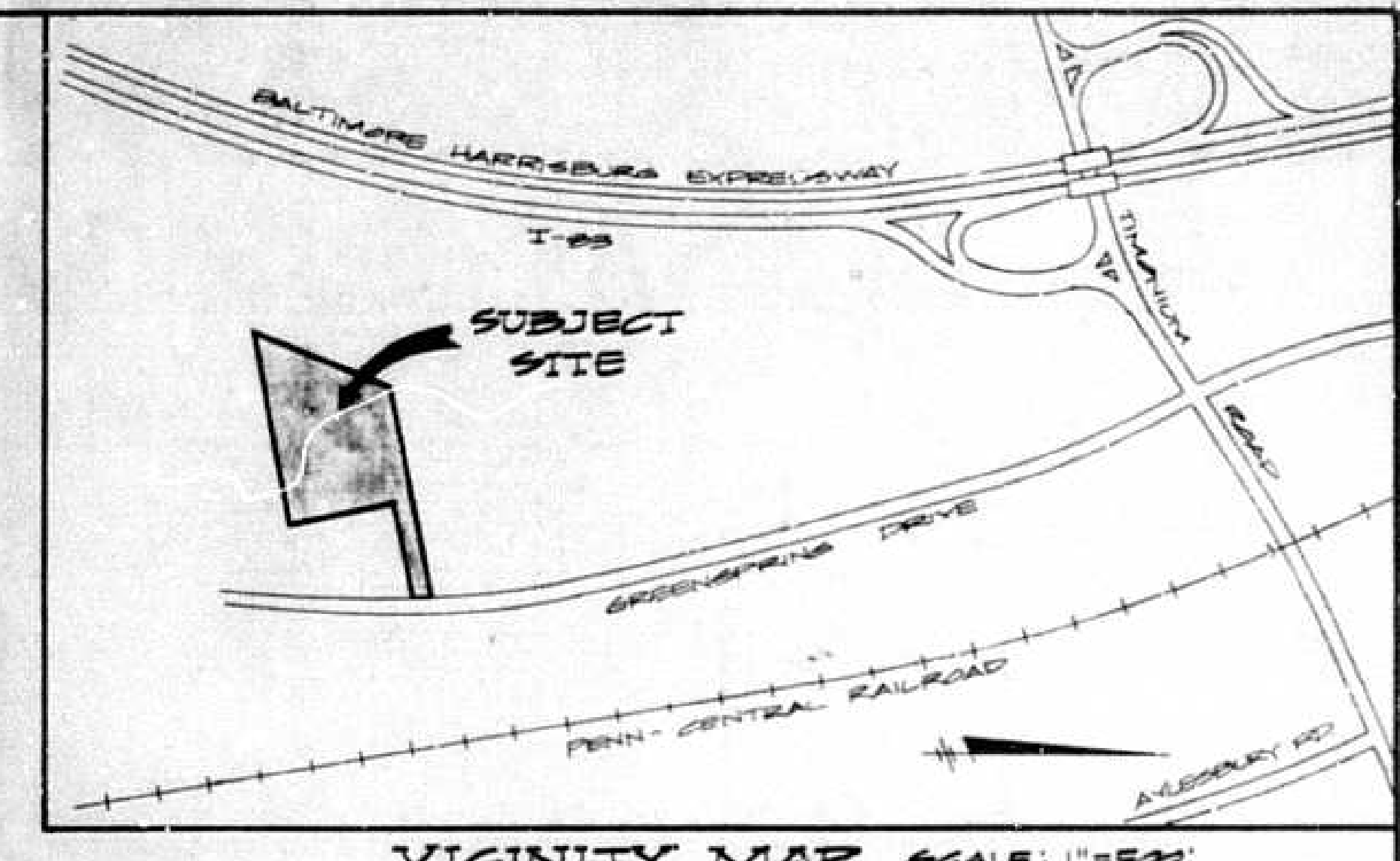
VARIANCES REQUESTED (THUS -V.R.-) FROM SECTIONS ON PLAN

- 1) 255.2 (243.1 & .2 & .3) & 102.2 TO PERMIT A FRONT
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SETBACK OF 25' IN LIEU OF THE REQUIRED 30' AND A SIDE
YARD SETBACK OF 1' IN LIEU OF THE REQUIRED 30', AND
- 3) A SIDE YARD SETBACK OF 20' IN LIEU OF
OF THE REQUIRED 30'

IRVIN KOVINS ST. EX.
5531/564
ML-1M
EX. COMMERCIAL BLDG.

STEWART WHITE ST. EX.
5102/516
ML-1M

CENTRAL LABORATORIES INC
5929/625
ML-1M



NOTE: SIGNAGE ALLOWED (200' TOTAL) + A TEMP REAL ESTATE SIGN (100')

PLAT TO ACCOMPANY A ZONING
PETITION FOR VARIANCES TO
FRONT, REAR AND SIDE YARDS
IN AN EXISTING ML-1M ZONE
FOR
"TIMONIUM SOUTH"
MINI STORAGE

1932 GREENSPRING DRIVE
BALTIMORE CO. MD.
DATE: DEC 1, 1983
ELECT. DIST # 8
SCALE: 1"=30'

- NOTES:
- 1) NO PARKING OF TRUCKS SHALL BE PERMITTED
WEST OF THE COLD STORAGE BUILDING
 - 2) SOLID BARRIERS SHALL BE PROVIDED BETWEEN
COMPRESSORS MOUNTED OUTSIDE THE BUILDING
& ADJACENT RESIDENCES.

NOTE:
FOR FURTHER INFORMATION
SEE APPROVED C.R.G. PLAN OF
NOV. 1983 & ZONING CASES
N° 08-126-Y & N° 08-150-A

REV. FEB. 17 1984 ZONING COMMENTS
PIN 4004 CASE N° 84-242-A

ENGINEER
GEORGE W. STEPHENS, JR.
P.E. 3500
308 ALLEGHENY AVE.
TOWSON, MD. 21204
(301-625-8120)

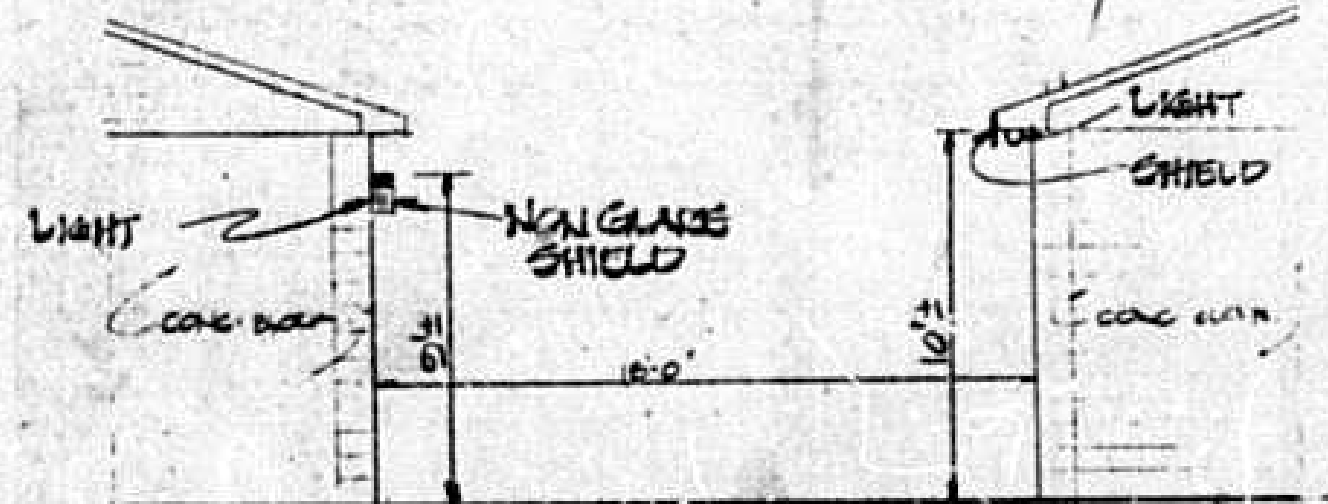
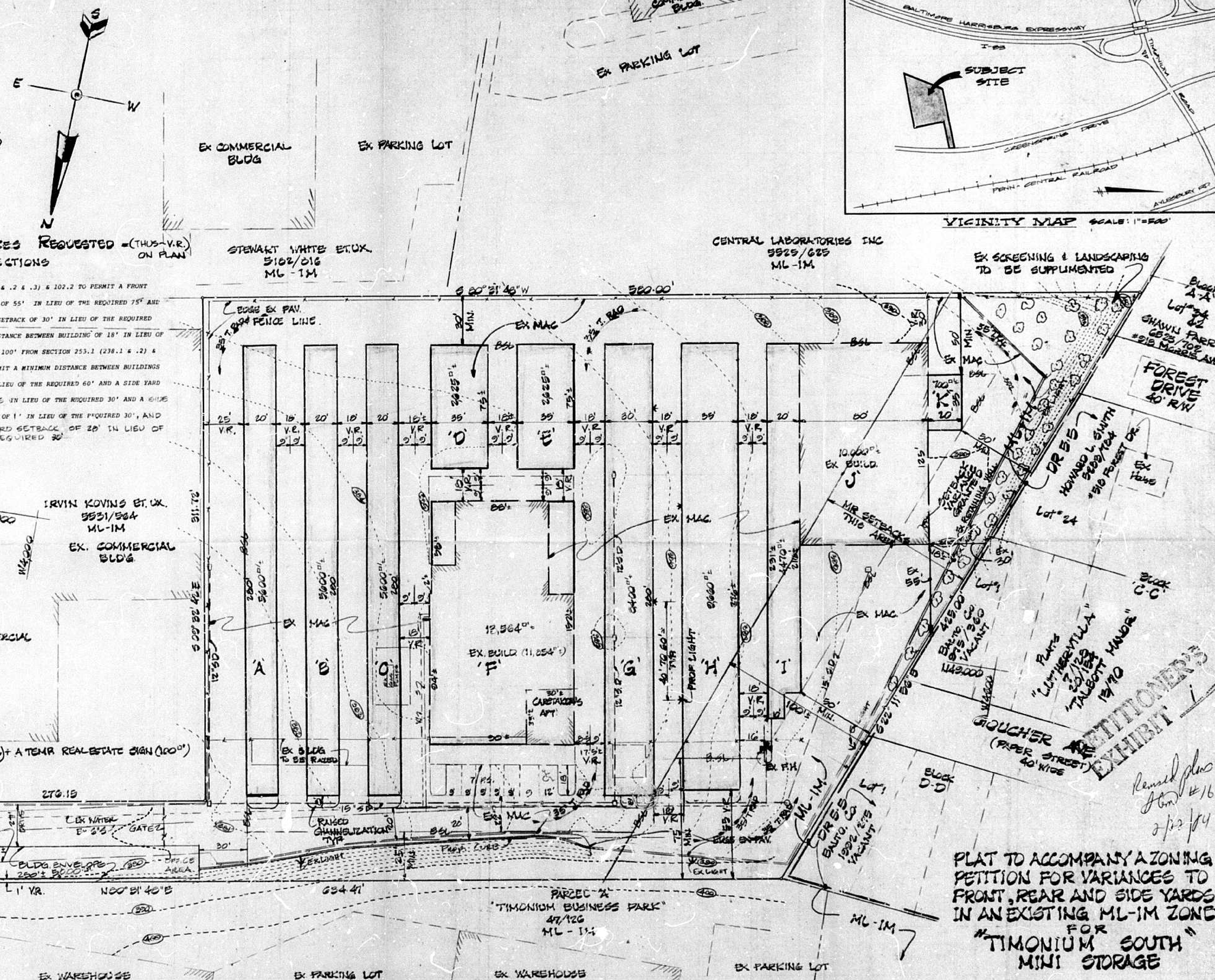


CONTRACT PURCHASER
TIMONIUM SOUTH MINI STORAGE & CO.
10 PARK AVE.
COCKEYSVILLE, MD. 21030
(301-666-0040)

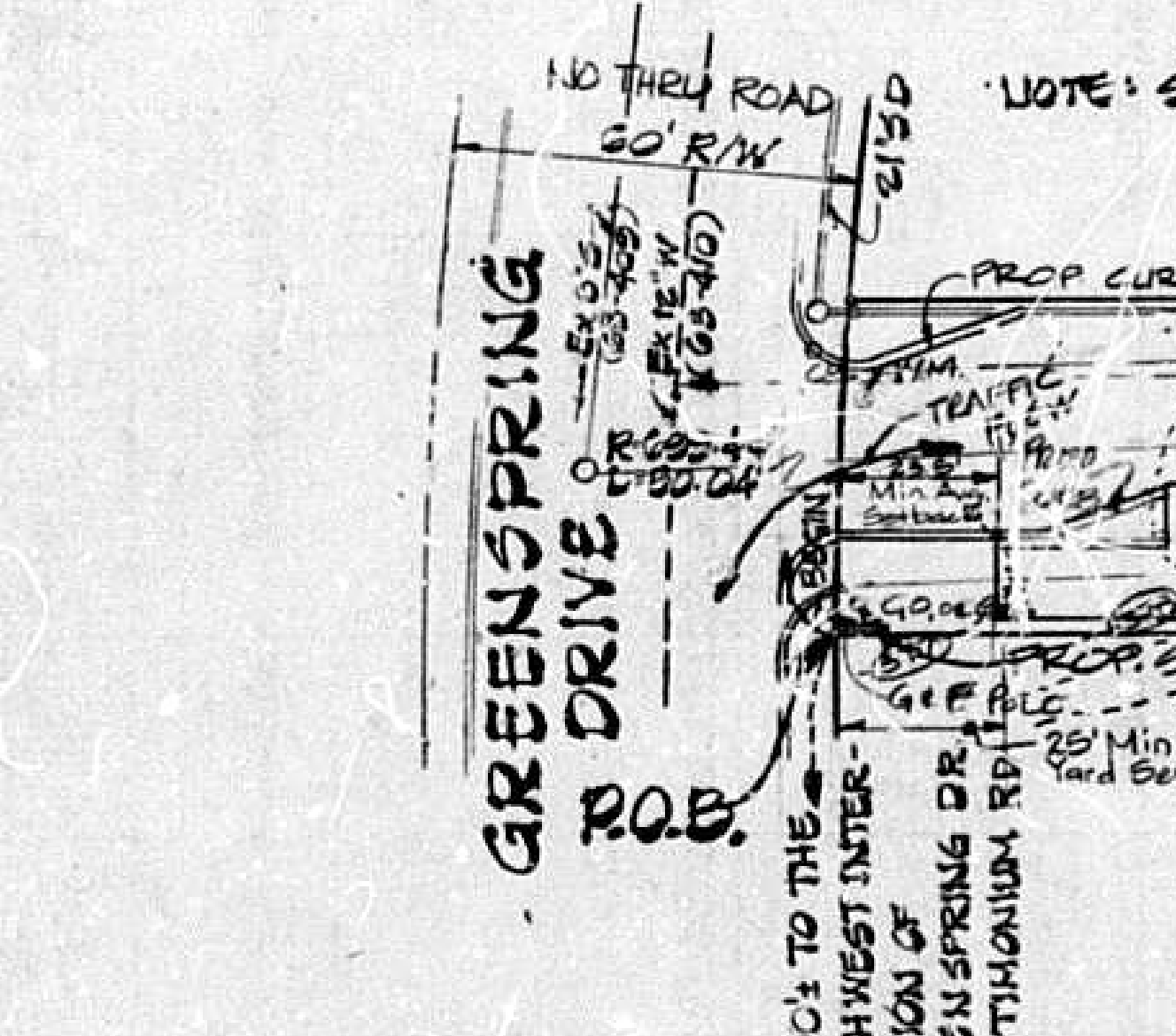
OWNER
GOOD HUMOR INC.
40 NEW DUTCH LANE
FAIRFIELD, N.J. 07006
(201-227-2450)

SITE DATA

- 1) AREA OF TRACT ~ 4.47 AC
- 2) EX ZONING ~ ML-1M
- 3) EX USE ~ WAREHOUSES, OFFICES, STORAGE
MAINTENANCE OF VEHICLES
- 4) PROPOSED ~ MINI-WAREHOUSES (SELF-STORAGE)
- 5) FIRE SERVICE, DOMESTIC WATER & SEWER
STORM DRAIN SYSTEMS EXIST ON SITE (PRIVATE)
- 6) COUNCILMANIC DISTRICT ~ #4
- 7) CENSUS TRACT ~ 4080
- 8) WATERSHED ~ #24
- 9) SUBSERVED ~ #57
- 10) NO HISTORIC BUILDINGS
- 11) NO WETLANDS
- 12) NO SWIM (NO INCREASE OF IMPERVIOUS AREAS) (EXEMPT)
- 13) NO CRITICAL AREAS
- 14) NO ARCHEOLOGICAL SITE
- 15) NO ENDANGERED SPECIES
- 16) NO HAZARDOUS MATERIALS
- 17) PROP NO ~ 08-07-048740
- 18) DEED REF ~ 4330/497
- 19) TAX MAP ~ 60, PARCEL ~ 651
- 20) BLDG SECTION 'J' SEE ZONING CASE 88-150-A
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- 28) VARIANCES REQUESTED INDICATED THUS -Y.R.-1, Y.R.-3 ETC.



ELEVATION & LIGHT DETAIL
No Scale



ENGINEER
GEORGE W. STEPHENS, JR.
EASSOC. INC.
303 ALLEGHENY AVE.
TOWSON, MD. 21204
(301-825-6120)

CONTRACT PURCHASER
TIMONIUM SOUTH MINI STORAGE & CO
10 PARKS AVE.
COCKEYSVILLE, MD. 21030
(301-666-0040)

OWNER
GOOD HUMAN INC.
40 NEW DUTCH LANE
FAIRFIELD, N.J. 07006
(201-227-6450)

NOTES:
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& ADJACENT RESIDENCES.

NOTES:
FOR FURTHER INFORMATION
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NOV. 1983 & ZONING CASES
N° 88-186-Y & N° 88-150-A

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PETITION FOR VARIANCES TO
FRONT, REAR AND SIDE YARDS
IN AN EXISTING ML-1M ZONE
FOR
"TIMONIUM SOUTH"
MINI STORAGE

1932 GREENSPRING DRIVE
BALTIMORE CO., MD.
DATE: DEC 1, 1983
REV. FEB. 17, 1984 ZONING COMMENTS
PN 4084