

IN THE MATTER OF:
PERRY HALL MINI STORAGE & CO.
LEGAL OWNERS
7750 ROSSVILLE BOULEVARD

14TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF BALTIMORE COUNTY
* CASE NO.: R-90-413

* * * * *

ORDER OF DISMISSAL

This matter having come before this Board on request for amendment to a restriction imposed on a previously granted Petition for Zoning Reclassification.

WHEREAS, the Board has been reviewing its docket with reference to inactive cases with the intent to dismiss and close as many of these cases as possible; and

WHEREAS, the subject matter has been held on the Board's docket since September 15, 1993, and no further action has occurred in this matter;

IT IS THEREFORE ORDERED, this 16th day of June, 2009 by the Board of Appeals for Baltimore County that the above-referenced appeal in Case No.: R-90-413 be and is hereby **DISMISSED FOR LACK OF PROSECUTION**.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Maureen E. Murphy, Chairman

PERRY HALL MINI STORAGE & CO.
7750 Rossville Boulevard

#R-90-413
14th Election District
6th Councilmanic District

Request to Amend Restriction #2 /CB of A Order dated 12/07/90

June 24, 1993 Petitioner's request for amendment to
Restriction #2 /Board of Appeals Order dated
December 7, 1990.

Mr. T. C. Julio
Hill Management Services, Inc.
9640 Deereco Road
Timonium, MD 21093

Petitioner

James Earl Kraft
Baltimore County Board of Education
940 York Road
Towson, Maryland 21204

People's Counsel for
Baltimore County

P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Mr. Andrew Kampe
Northeast Fullerton Imp. Assn.
7700 Bennerton Drive
Baltimore, MD 21236

e



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

September 3, 1993

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 RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. R-90-413

PERRY HALL MINI STORAGE AND
COMPANY

SW/s Rossville Boulevard, 827'
North of Perry Hall Boulevard
(7750 Rossville Boulevard)
14th Election District
6th Councilmanic District

REQUEST FOR
AMENDMENT TO
RESTRICTION #2 -
BOARD'S ORDER
DATED 12/07/90

6/24/93 -Petitioner's request for
Amendment to Restriction #2 of Board's
Order issued December 7, 1990

Cancelled per CBA letter of 9/15/93
ASSIGNED FOR:

THURSDAY, SEPTEMBER 30, 1993 at 10:00 a.m.

cc: T. C. Julio
Hill Management Services, Inc.

Petitioner

James Earl Kraft

People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant



9/03/93 -Following parties notified of hearing: Petitioner's request to amend restriction /Board's 12/07/90 Order /scheduled for Thursday September 30, 1993 at 10:00 a.m.:

T. C. Julio /Hill Management Services, Inc.
James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

9/08/93 -Letter from P. Zimmerman --PC recommendation that (1) should be treated as usual amendment to plan or (2) treated as request for a variance from zoning regulation and therefore be considered as a variance request before the Zoning Commissioner prior to any further action being done by Board.

9/15/93 -Notice of Cancellation of Hearing sent to parties; letter from Chairman Hackett to parties advising that, upon review, the Board has determined that it does not have jurisdiction; zoning matter that lies with the Zoning Commissioner as to a variance for sign to increase size; Petition should be filed with the Zoning Commissioner. Hearing scheduled before Board therefore cancelled. Also notified Andrew Kampe per letter from P. Zimmerman.

9/03/93 -Following parties notified of hearing: Petitioner's request to amend restriction /Board's 12/07/90 Order /scheduled for Thursday September 30, 1993 at 10:00 a.m.:

T. C. Julio /Hill Management Services, Inc.
James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

9/08/93 -Letter from P. Zimmerman --PC recommendation that (1) should be treated as usual amendment to plan or (2) treated as request for a variance from zoning regulation and therefore be considered as a variance request before the Zoning Commissioner prior to any further action being done by Bo

9/15/93 -Notice of Cancellation of Hearing sent to parties; letter from Chairman Hackett to parties advising that, upon review, the Board has determined that it does not have jurisdiction; zoning matter that lies with the Zoning Commissioner as to a variance for sign to increase size; Petition should be filed with the Zoning Commissioner. Hearing scheduled before Board therefore cancelled. Also notified Andrew Kampe per letter from P. Zimmerman.

W/Pete
Please
advise
Thank - you

6/2009
no response
dismiss
LOP

IN THE MATTER OF THE
APPLICATION OF PERRY HALL MINI
STORAGE AND COMPANY FOR A
ZONING RECLASSIFICATION FROM
D.R.5.5 TO M.L.-I.M. ON
PROPERTY LOCATED ON THE SOUTH-
WEST SIDE OF ROSSVILLE BLVD.,
827' NORTH OF PERRY HALL BLVD.,
(7750 ROSSVILLE BLVD.)
14TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

BEFORE THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. R-90-413
Item #14, Cycle III
1990

OPINION

This case comes before the Board of Appeals on Petition for Zoning Reclassification from D.R.5.5 to M.L.-I.M. for a .16 acre parcel. The case was heard this day in its entirety.

Counsel for the Petitioner entered nine exhibits of evidence describing the location, configuration, and reasons for reclassification of this small parcel. Initially seeking a zoning change for .66 acre, the Petitioner, in consultation with the Office of Planning and Zoning, reduced their request to the smaller acreage (.16 acre) for the purpose of positioning a lighted sign at the entrance drive to their mini-storage facility.

The subject site lies between Rossville Boulevard on the east and on the west is bounded by several public utility conveyances, such as Baltimore Gas & Electric transmission lines and water line easements of the City of Baltimore, all of which lie in a D.R.5.5 zone. To the west of the high tension transmission lines the land is zoned M.L.-I.M. and is the location of the Perry Hall Mini Storage Company, whose access drive is over the subject parcel.

Testimony by Mr. William Kirwin, expert land planner, highlighted the fact that this parcel of land is unbuildable, noting the transmission lines, the existence of wetlands, and prohibitive cost factors for water and sewage hookups. Mr. Kirwin

Perry Hall Mini Storage and Company
Case No. R-90-413

further testified that the construction of Rossville Boulevard subsequent to the zoning of the subject acreage by the County in 1977, locked the site between power lines and a boulevard in an unusable D.R. classification. In his opinion, if the County had known the distance from the Rossville construction to the high tension power lines, they would have zoned the acreage the same as the land west of the lines. He agreed with People's Counsel that the D.R. zoning often is intended as a reasonable buffer, but in this instance the location became an isolation island. Mr. Kirwin felt that the case stood by itself and would not set a precedent if the .16 acre parcel was changed to M.L.-I.M.

Mr. Theodore Julio, a partner with the storage firm, reviewed the difficulties of obtaining access to his facility through the M.L.-I.M. zone west of the power lines, and the ultimate approval of a driveway from Rossville Boulevard over the residential zoning of the subject site.

Mr. Dennis Wertz, Senior Planner with the Office of Planning and Zoning, reviewed the 1988 Comprehensive Map considerations and reasons for down zoning from D.R.16 to D.R.5.5 over 50 acres at this location, as well as opposition to the M.L.-I.M. zoning for this subject parcel. At the time, Petitioner did not have a plan for the acreage. At today's hearing, Mr. Wertz agreed that the request for .16 acre as M.L.-I.M. is reasonable and that the proposed sign, 25 sq. ft. per side, will contribute as a safety factor for vehicles looking for the site and its entrance.

Participating as protesting residents of the area and representing the N.E. Fullerton Community Association, Mr. Andrew Kampe supported the zoning that utilized land under the Baltimore Gas & Electric power lines as the demarcation between residential

Perry Hall Mini Storage and Company
Case No. R-90-413

and commercial zoning. Referring to "before and after" photographs, Mr. Kampe voiced his concern about the removal of wooded land and the encroachment of commercialism and its adverse effects on residential properties. Mrs. Kampe further noted that the area is engulfed by main highway and noise disturbances. She also expressed doubt about the number and size of the proposed sign.

The Board is of the opinion that this Petition for Reclassification should be granted. The access driveway, segments the only usable portion of the Petitioner's property, leaving .16 acre for the desired location of a sign that has particular purpose for the Petitioner and a corresponding safety value to the public. The Board is also cognizant of the letter of recommendation from the Director of the Office of Planning and Zoning dated November 13, 1990 that the Petitioner's request be granted. The concurrence of People's Counsel gives further credence to the correctness of this partial reclassification of the Petitioner's property.

ORDER

For the reasons set forth herein, it is this 7th day of December, 1990 by the County Board of Appeals of Baltimore

County ORDERED that the Petition for Reclassification of the subject .16 acre parcel from D.R.5.5 to M.L.-I.M. be and the same is hereby GRANTED subject, however, to the following restrictions:

1. The area to be rezoned M.L.-I.M. shall be the .16 acre of land that lies north of the south curb of the driveway from Rossville Boulevard.
2. The sign to be erected shall be no larger than 6' x 6' in total area per side.

Perry Hall Mini Storage and Company
Case No. R-90-413

3. The remaining half acre of the parcel south of the driveway shall remain in its natural condition in the D.R.5.5 zoning classification.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Michael A. Sauer, Acting Chairman

Harry E. Buchheister, Jr.

Lynn B. Moreland



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 867-3180

December 7, 1990

Benjamin Bronstein, Esquire
Evans, George & Bronstein
29 W. Susquehanna Avenue
Suite 205
Towson, Maryland 21204

RE: Case No. R-90-413 (Perry Hall Mini Storage & Company)

Dear Mr. Bronstein:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,
Linda Lee M. Kuszmaul
Linda Lee M. Kuszmaul
Legal Secretary

Enclosure

cc: Perry Hall Mini Storage and Co.
Morris & Ritchie Associates, Inc.
Mr. James Earl Kraft
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Public Services
Arnold Jablon, County Attorney

PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE #14

TO THE COUNTY BOARD OF APPEALS 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 (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an DR 5.5 zone to an ML-IM zone, for the reasons given in the attached statement; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser: Perry Hall Mini Storage and Co.
(Type or Print Name)

Signature Theodore C. Julio

Theodore C. Julio, Managing Partner
(Type or Print Name)

City and State

Attorney for Petitioner: EVANS, GEORGE & BRONSTEIN
(Type or Print Name)

Signature

29 W. Susquehanna Avenue, Suite 205
(Type or Print Name)

Address

Towson, Maryland 21204
City and State

Attorney's Telephone No.: (301) 296-0200

Legal Owner(s):

Perry Hall Mini Storage and Co.

(Type or Print Name)

Signature

Theodore C. Julio, Managing Partner

(Type or Print Name)

City and State

Signature

9640 Deereco Road
Address

Timonium, Maryland 21093
City and State

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

Morris & Ritchie Associates, Inc.

139 N. Main Street
Bel Air, MD 21014
Address

836-7560
Phone No.

POINTS OF ERROR AND CHANGE

CONCERNING PROPERTY OF PERRY HALL MINI STORAGE AND CO.

0.677 ACRES ±

4th ELECTION DISTRICT, BALTIMORE COUNTY

THE PETITIONER, PERRY HALL MINI STORAGE AND CO. states that the County Council committed error in classifying the subject property DR 5.5 and that there are changes in the neighborhood supporting reclassification of the property to ML-IM in that:

1. The property is zoned DR 5.5 and should have been classified in the ML-IM zone.
2. The DR 5.5 zoning placed on the property is not usable and is confiscatory in its application.
3. Due to the size, configuration, power lines, transmission lines, location and topography of the property, the DR 5.5 zone is confiscatory and does not recognize the potentials which the ML-IM zone allows to serve the community.
4. That because of its size, the property cannot be residentially developed.
5. There are changes in the area which have created a demand for property zoned in the ML-IM zoning classification which cannot be addressed by the current zoning DR 5.5.
6. The ML-IM zone recognized Master Plan objectives and the attendant opportunities presented by the growing and now developed industrial uses and has available and adequate transportation, water supply and other public facilities compatible with the ML-IM zone and character of the surrounding area.

#14
R-90-413

7. The adjoining property is zoned industrial use and is being developed for manufacturing and office use.

8. For such further and other reasons as may be disclosed upon more detailed review during the pendency of this Petition, assigning error by the Council and change in the neighborhood.

Benjamin Bronstein
EVANS, GEORGE & BRONSTEIN
29 W. Susquehanna Avenue
Suite 205
Towson, Maryland 21204



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

September 15, 1993

NOTICE OF CANCELLATION OF HEARING

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

CASE NO. **R-90-413** PERRY HALL MINI STORAGE AND COMPANY
SW/s Rossville Boulevard, 827'
North of Perry Hall Boulevard
(7750 Rossville Boulevard)
14th Election District
6th Councilmanic District
6/24/93 -Petitioner's request for Amendment to Restriction #2 of Board's Order issued December 7, 1990

which was scheduled on the Board's docket for Thursday, September 30, 1993 has been CANCELLED pursuant to the attached letter of the Board dated September 15, 1993.

cc: T. C. Julio Petitioner
Hill Management Services, Inc.

Mr. Andrew Kampe
James Earl Kraft

People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

R 90-413

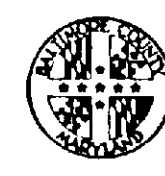
IMPORTANT MESSAGE

TO: **Carol**
DATE: **7/14/93** TIME: **8:53 AM**
WHILE YOU WERE OUT
M. Ted Julio

OF: **666-1000**
Area Code & Exchange
TELEPHONED ☒ PLEASE CALL ☒
CALLED TO SEE YOU ☒ WILL CALL AGAIN ☒
WANTS TO SEE YOU ☒ URGENT ☒
RETURNED YOUR CALL ☒

Message

Operator



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

September 15, 1993

Mr. T. C. Julio
Hill Management Services, Inc.
9640 Deereco Road
Timonium, MD 21093

RE: Case No. R-90-413
Perry Hall Mini Storage & Co.

Dear Mr. Julio:

After further consideration of your request for an amendment to the size of your sign, the Board is by law not granted jurisdiction in this matter based on the facts as presented, since, as we understand it, the original petition for reclassification case has been concluded and is a final decision, and any time for modification or revision of that decision has passed.

The size of the sign was determined at the reclassification hearing and established as a restriction in that case. Original jurisdiction for petitions for variances from zoning regulations lies with the Zoning Commissioner. Since this Board cannot grant the relief you have requested, your only alternative is to petition the Zoning Commissioner for a variance as to the size of this sign.

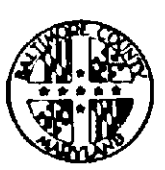
The Board will therefore rule that it does not have jurisdiction to honor your request and will therefore cancel the hearing as scheduled for September 30, 1993.

Very truly yours,

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

WTH/kcw

cc: Peter Max Zimmerman
People's Counsel for Baltimore County
Mr. Andrew Kampe
P. David Fields, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /ZADM



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

September 3, 1993

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 RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. R-90-413 PERRY HALL MINI STORAGE AND COMPANY
SW/s Rossville Boulevard, 827'
North of Perry Hall Boulevard
(7750 Rossville Boulevard)
14th Election District
6th Councilmanic District
6/24/93 -Petitioner's request for Amendment to Restriction #2 of Board's Order issued December 7, 1990

ASSIGNED FOR: THURSDAY, SEPTEMBER 30, 1993 at 10:00 a.m.

cc: T. C. Julio Petitioner
Hill Management Services, Inc.

James Earl Kraft

People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy H. Kotroco
W. Carl Richards, Jr.
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

Kathleen C. Weidenhammer
Administrative Assistant

RECEIVED
SEP 7 1993

ZADM

TO: WCR
FROM: Ted Julio
SUBJECT: Hasn't filed yet - Problem -
MESSAGE: Tony DiPaula is supposed to be contacting you about getting up meeting
94-260-SPH

WCR
666-1000
Ted Julio
ARE WE STILL
HOLDING THIS
3?
Tony DiPaula will be calling
11/30/93

WCR
Talk to AJ
about PH
Mini Storage
sign - Rest #2
Sign Size

9/29/93
Called Ted Julio - told him he needed to file petition for variance to permit sign (51.33) and to amend restriction #2 in case #R-90-413
I called Ted Julio 10/1 about filing petition WCR

CASE #94-260-SPH IS IN
Z.C. OFFICE FOR HEARING
ON THURSDAY, 3-17. THIS
IS THE ITEM NUMBER
FILE.



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204
(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

September 8, 1993

The Honorable
William T. Hackett, Chairman
County Board of Appeals
Room 49, Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: Perry Hall Mini Storage & Company,
Petitioner - Case No. R-90-413
(Item 14, Cycle III)

Dear Chairman Hackett:

The hearing scheduled Thursday, September 30, 1993, at 10:00 a.m. on this case involves a request for amendment of a condition involved in the zoning reclassification granted by the Board on December 7, 1990. Specifically, the sign condition, presently limited to 36 sq. ft. per side, is proposed to be replaced by a limit of 51.33 sq. ft. per side, as shown on a sketch plan.

The usual procedure for consideration of amendments to reclassifications is Section 2-356(n) of the Baltimore County Code. Such an amendment may be made only during a required public hearing, upon which the matter is referred to the Director of Planning, and then to the Planning Board, for report and recommendation.

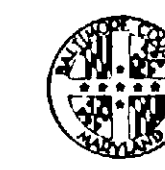
In this case, however, because the amendment focuses so specifically on the size of the sign, and pertains to the special regulations on signs, it may be appropriate to consider referral of the case to the Zoning Commissioner. As the Board knows, the Zoning Commissioner typically addresses sign issues in the first instance by way of variance or special hearing. A copy of this letter, moreover, is being sent to the Commissioner for his review.

In any event, it is important because of the time lapse from the zoning reclassification that there be appropriate public notice and opportunity to be heard. We are also sending a copy of this letter to Andrew Kampe. Our file reflects that he participated in 1990 as a representative of the North-east Fullerton Improvement Assn.

We hope that this letter will be helpful in determining the appropriate procedure.

cc: Lawrence E. Schmidt
T. C. Julio; Andrew Kampe;
P. David Fields, & Arnold Jablon
People's Counsel for Baltimore County

PWZ:ah



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

September 15, 1993

Mr. T. C. Julio
Hill Management Services, Inc.
9640 Deereco Road
Timonium, MD 21093

RE: Case No. R-90-413
Perry Hall Mini Storage & Co.

Dear Mr. Julio:

After further consideration of your request for an amendment to the size of your sign, the Board is by law not granted jurisdiction in this matter based on the facts as presented, since, as we understand it, the original petition for reclassification case has been concluded and is a final decision, and any time for modification or revision of that decision has passed.

The size of the sign was determined at the reclassification hearing and established as a restriction in that case. Original jurisdiction for petitions for variances from zoning regulations lies with the Zoning Commissioner. Since this Board cannot grant the relief you have requested, your only alternative is to petition the Zoning Commissioner for a variance as to the size of this sign.

The Board will therefore rule that it does not have jurisdiction to honor your request and will therefore cancel the hearing as scheduled for September 30, 1993.

Very truly yours,

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

WTH/kcw

cc: Peter Max Zimmerman
People's Counsel for Baltimore County
Mr. Andrew Kampe
P. David Fields, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /ZADM



T. C. Julio
President

June 24, 1993

Arnold Jablon
Director of Zoning and Administration
111 W. Chesapeake Avenue
Towson, MD 21204

William Hackett
Chairman, County Board of Appeals
Room 49, Old Court House
Towson, MD 21204

RE: Perry Hall Mini Storage
7750 Rossville Boulevard
Case # R-90-413

Dear Messrs. Jablon and Hackett:

On December 7, 1990 the Baltimore County Board of Appeals issued an order granting our petition for zoning reclassification of .16 acres from DB-5.5 to M-1M at the above referenced project. The order was subject to three restrictions; one of which has become increasingly difficult to live with because of the negative impact it has on our rentals.

The restriction in question deals with the size of our sign within that .16 acre parcel, and along side of the entrance to the project; which has been limited to 36 square feet, each side of a double faced sign. Since over 50% of our rentals come from signage in the competitive mini-storage business, we must be able to make prospective tenants aware of services and specials which we are offering in order to be successful.

Providing for the foregoing together with an adequately sized typical identification sign displaying the name of the project, telephone number and logo, cannot be condensed into 36 square feet of sign area if we expect this information to be distinguishable by passing motorists while driving on that five lane section of Rossville Boulevard adjacent to where our entrance is located.

I have enclosed a copy of a sketch of our proposed double faced sign which totals 51.33 square feet each side and is 15.33 square feet more than the restriction imposed by the Board of Appeals would permit; even though, on this site, we are allowed up to 150 square feet per face of a double faced sign as a matter of right.

Therefore, we ask that you consider an Administrative Amendment to that one restriction thereby increasing the maximum allowable square footage per face from 36 to 51.33, approximately one third of what would be permitted without any restriction.

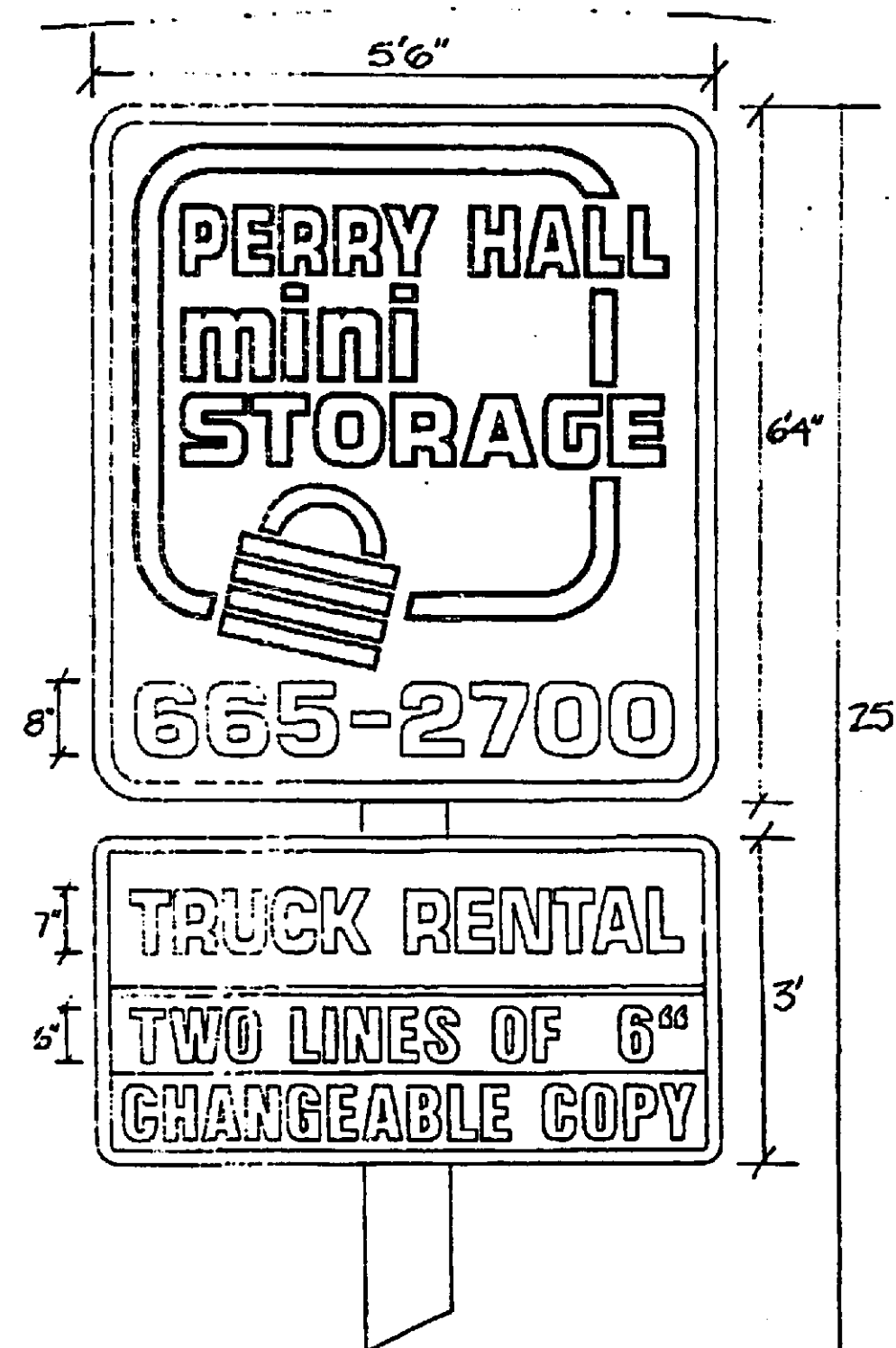
T.C. Julio

Hill Management Services, Inc.

JUN 17 '93 16:49

PASADENA SIGN CO.

727 P03.03

[illegible]

Notes wr/JCL

REMOVE #2ND PERRY HALL MINI STORAGE SIGN WITH
ALL ATTACHMENTS

PER RECORD PLAT THIS IS A 2 LOT SUB.

BOARD ORDER FOR 16X6 SIGN.

150th park ID 413.6.F 50th ID

Not traditional Ind fork so since our def
so vague that if pushed may qualify
Namely the allowances of 413.6 would
apply however due to the Comy reclass

By sign would be allowed 150 ft however
because only 2 lots + only 1 unperf. use 50 ft
entrance sign allowed under 413.6
would be more appropriate for D.1
However. Not a traditional park + would not
qualify for 150 ft. Due to multiple uses
we would not object to 50 ft sign as
permitted under 413.6 D.1 for the entrance
but not limited by D.2.
Changeable Copy only permitted to change once in 24 hrs
we would recommend to Board?
City Gov.?

Check with A. J.

8/12/93 A.J. said BOT issue
not for zoning to decide since BOT limited
sign in releases order.

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
W/S Rossville Boulevard, 649' N of *
the c/l of Lillian Molt Drive * DEPUTY ZONING COMMISSIONER
(7750 Rossville Boulevard) *
14th Election District * OF BALTIMORE COUNTY
6th Councilmanic District *
* Case No. 94-260-SPH

Perry Hall Mini Storage & Co.
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 7750 Rossville Boulevard, located in the Fullerton area of eastern Baltimore County. The Petition was filed by the owners of the property, Perry Hall Mini Storage and Company, a Maryland General Partnership, through T. C. Julio, a General Partner, and their attorney, Anthony J. DiPaula, Esquire. The Petitioners seek approval to amend Restriction 2 of the Order issued December 7, 1990 by the Baltimore County Board of Appeals in Case No. R-90-413 to permit a double-faced identification sign of 51.33 sq.ft. per side in lieu of the 36 sq.ft. per side granted in the prior case. The subject property and the relief sought are more particularly described on the plan submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petitioner were Ted C. Julio, General Partner, James E. Matis, Professional Engineer, and Carl W. Richards, Supervisor of Development Control for the Baltimore County Zoning Administration and Development Management (ZADM) office. There were no Protestants present at the hearing.

Testimony established that the subject property consists of a gross area of 9.467 acres, more or less, zoned M.L.-I.M. and is the site of the Perry Hall Mini Storage facility. This property was the subject of

#14 R-90-413

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



February 19, 1990

0.677 acre parcel of land surveyed for Perry Hall Mini-Storage & Co., located on the southwest side of Rossville Boulevard, Fourteenth Election District, Baltimore County, Maryland.

BEGINNING for the same at a point on the southwest side of Rossville Boulevard, said point being in and distant 188.89 feet from the end of the fifth or South 16° 59' West 325.87 foot line of a deed from William F. C. Scarbath and Lily M. Scarbath, his wife, to Bankers Trust Company and Consolidated Gas, Electric, Light & Power Company of Baltimore, dated July 17, 1950 and recorded among the Land Records of Baltimore County, Maryland in Liber 1858, Folio 342, said point also being distant North 13° 41' 30" West 827.7 feet from the intersection of the centerline of said Rossville Boulevard with the centerline of Perry Hall Boulevard, thence leaving said Rossville Boulevard and binding on the remainder of the said fifth and part of the sixth lines of said deed, as now surveyed, two courses, viz:

1. South 15° 40' 43" West 188.89 feet, and
2. North 74° 27' 27" West 80.81 feet, thence running for a new line of division through the aforesaid conveyance,
3. North 07° 12' 20" East 349.44 feet to a point and to intersect the fourth line of the aforesaid deed, thence binding on part of said line,
4. South 65° 54' 41" East 36.89 feet to a point and to intersect the aforesaid southwest side of Rossville Boulevard, thence binding thereon and running through and across the aforesaid conveyance,

139 N. MAIN STREET, SUITE 200
BELL AIR, MARYLAND 21014
(301) 878-1890 (301) 878-7550
FAX (301) 878-1890

806 D BOSLEY AVENUE
TOWSON, MARYLAND 21204
(301) 821-1890
FAX (301) 821-1748

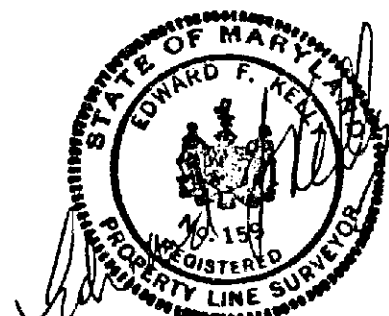
0.677 acre parcel
February 19, 1990
Page 2

5. By a curve to the right with a radius of 917.43 feet and an arc length 179.23 feet, said curve being subtended by a chord bearing South 16° 41' 30" East 178.95 feet, to the place of beginning.

CONTAINING 0.677 acres of land more or less.

BEING part of land conveyed by and described in a deed from William F. C. Scarbath and Lily M. Scarbath, his wife, to Bankers Trust Company and Consolidated Gas, Electric, Light & Power Company of Baltimore, dated July 17, 1950, and recorded among the Land Records of Baltimore County, Maryland in Liber 1858, Folio 342, being also the same and all the land conveyed by and described in a deed from Baltimore Gas and Electric Company and Bankers Trust Company to Perry Hall Mini-Storage & Co. dated November 22, 1989 and recorded among the aforesaid Land Records in Liber 8337, Folio 82.

SUBJECT to a water line easement granted to Mayor and City Council of Baltimore by an Agreement recorded among the Land Records of Baltimore County, Maryland in Liber 1152, Folio 71.



RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY
FROM D.P. 5-5 TO M.L.-I.M. ZONE : BOARD OF APPEALS
SW/S Rossville Blvd., 827' :
N of Perry Hall Blvd. : OF BALTIMORE COUNTY
(7750 Rossville Blvd.) :
14th Election District :
4th Councilmanic District :
PERRY HALL MINI STORAGE & CO., : Case No. R-90-413
Petitioner : Item 14, Cycle III

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.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 897-2188

RECEIVED
COUNTY BOARD OF APPEALS
30 APR 26 AM 11:30

I HEREBY CERTIFY that on this 26th day of April, 1990, a copy of the foregoing Entry of Appearance was mailed to Ben Bronstein, Esquire, 29 W. Susquehanna Ave., Suite 205, Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 14th Date of Posting: 10/24/90
Posted for: Reclassification
Petitioner: Perry Hall Mini-Storage Company
Location of property: SW/S Rossville Blvd, 827' N of Perry Hall Blvd.
Location of Sign: Facing Rossville Blvd, across 105' from
Remarks: 1/2 of property of Baltimore Gas & Electric Co.
Posted by: [Signature] Date of return: 11/2/90
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
No 1506

2/20/90 H9000277
PUBLIC HEARING FEES CITY PRICE
060 -RECLASSIFICATION 1 X \$175.00
TOTAL: \$175.00
LAST NAME OF OWNER: PERRY HALL MINI

B 045*****17500:3 328:F

Please make checks payable to: Baltimore County

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10-17-90

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zebe
Publisher

0.181.05

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

Perry Hall Mini Storage and Company
9640 Deereco Road
Timonium, Maryland 21093

Re: Petition for Zoning Re-classification
CASE NUMBER: R-90-413
SW/S Rossville Blvd., 827' N of Perry Hall Blvd.
7750 Rossville Blvd.
Legal Owner(s): Perry Hall Mini Storage and Company
Hearing Scheduled: WEDNESDAY, NOVEMBER 14, 1990 at 10:00 a.m.

Dear Petitioner(s):

This is to advise you that \$489.79 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE RECLASSIFICATION SIGN AND POST RETURNED TO THE BALTIMORE COUNTY ZONING OFFICE ON THE DAY OF THE BOARD OF APPEALS' HEARING OR THE ORDER WILL NOT BE ISSUED.

Please make your check payable to "Baltimore County, Maryland" and remit it to Mr. G. Stephens, Zoning Office, Room 113, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, before the hearing.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

cc: File
Benjamin Bronstein, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

November 26, 1990

Benjamin Bronstein, Esquire
Evans, George & Bronstein
29 W. Susquehanna Avenue, Suite 205
Towson, MD 21204



RE: Item No. 14
Case No. R90-413
Petitioner: Perry Hall Mini Storage and Co.
Reclassification Petition

Dear Mr. Bronstein:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the October-April reclassification cycle (Cycle V). It has been reviewed by the zoning office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and/or commenting agencies' standards and policies, you are requested to review these comments make your own judgment as to their accuracy and submit the necessary amendments to this office on or before October 26, 1990. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

In view of the fact that the submitted site plan does not indicate a proposed use at this time, the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time.

Page 2

If you have any questions concerning the enclosed comments, please feel free to contact the Zoning Office at 887-3391 or the commenting agency.

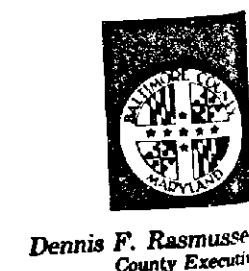
Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures

cc: Mr. Theodore C. Julio
Perry Hall Mini Storage and Co.
9640 Deereco Road
Timonium, MD 21093

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner



Your petition has been received and accepted for filing this
28th day of September, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Hines
James E. Hines
Chairman,
Zoning Plans Advisory Committee

Petitioner: Perry Hall Mini Storage and Co
Petitioner's Attorney: Benjamin Bronstein

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
(301) 887-3554

May 14, 1990

RECEIVED
MAY 25 1990



Mr. William Hackett
Chairman, Board of Appeals
County Office Building
Towson, Maryland 21204

Zoning Classification Cycle III
Item No. 14
Property Owner:
Case No./Hearing Date:
Contract Purchaser:
Location:

April 1990 - October 1990
Perry Hall Mini Storage & Company
R-90-413; November 14, 1990
SW/S Rossville Blvd., 827' N of
Perry Hall Boulevard (#7750
Rossville Boulevard).

Existing Zoning:
Election District:
Councilmanic District:
Acres:
Proposed Zoning:

D.R.-5.5
14th
6th
.677 (+/-)
M.L.-I.M.

Dear Mr. Hackett:

The existing D.R.-5.5 zoning for this site can be expected to generate
approximately 30 trips per day. The proposed M.L.-I.M. zoning can be
expected to generate approximately 36 trips per day.

Very truly yours,

Michael S. Planigan
Michael S. Planigan
Traffic Engineer Associate II

MSP/LW

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500
Paul H. Reincke
Chief

April 25, 1990



J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: PERRY HALL MINI STORAGE AND CO.
Location: #7750 ROSSVILLE BOULEVARD
Item No.: 14 Zoning Agenda: APRIL 1990 - OCTOBER 1990

Gentlemen:

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

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.

REVIEWER: *Paul H. Reincke* 4-25-90 Noted and Approved *Captain W. F. Brady*
Planning Group Fire Prevention Bureau
Special Inspection Division

BALTIMORE COUNTY, MARYLAND
Interoffice correspondence

TO: ZONING ADVISORY COMMITTEE DATE: MAY 14, 1990
FROM: ROBERT W. BOWLING, P.E.

RE: Reclassification and Redistricting Petitions
Cycle III April 1990 - October 1990

We have reviewed the subject Cycle Zoning Items
and we have no comments for Item 1, 2, 3, 7, 8, 10,
11, 12, 13, 15, and 16.

For Items 4, 5, 6, 9 and 14, the previous County
Review Group Comments still apply.

Robert W. Bowling
ROBERT W. BOWLING, P.E., CHIEF
Developers Engineering Division

RWB:s

April 17, 1990
NOTICE OF HEARING

Petition for Zoning Re-classification
CASE NUMBER: R-90-413
SW/S Rossville Blvd., 827' N of Perry Hall Blvd.
7750 Rossville Blvd.
Legal Owner(s): Perry Hall Mini Storage and Company

Petition to reclassify the property from an D.R. 5.5 to an M.L. - I.M. zone.

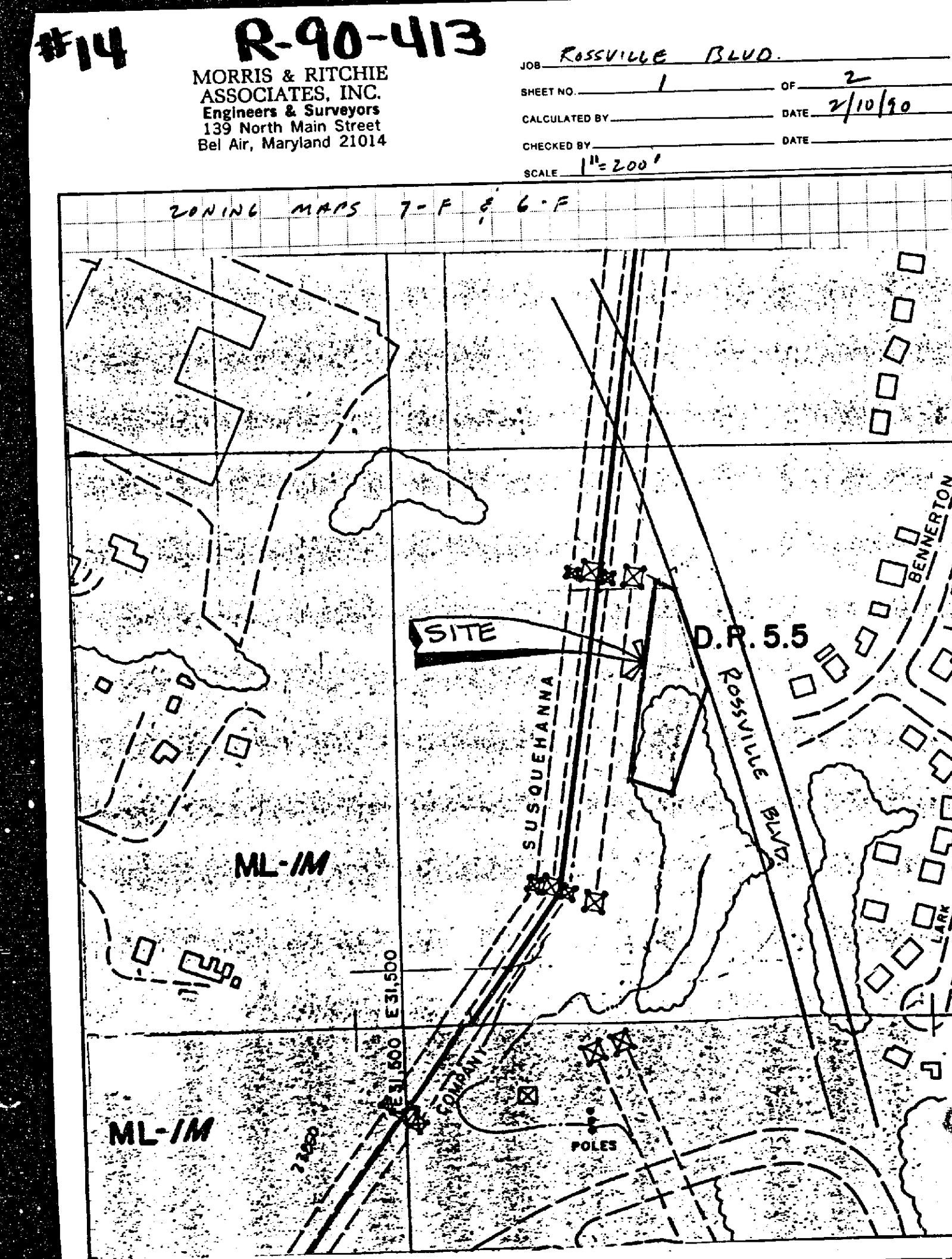
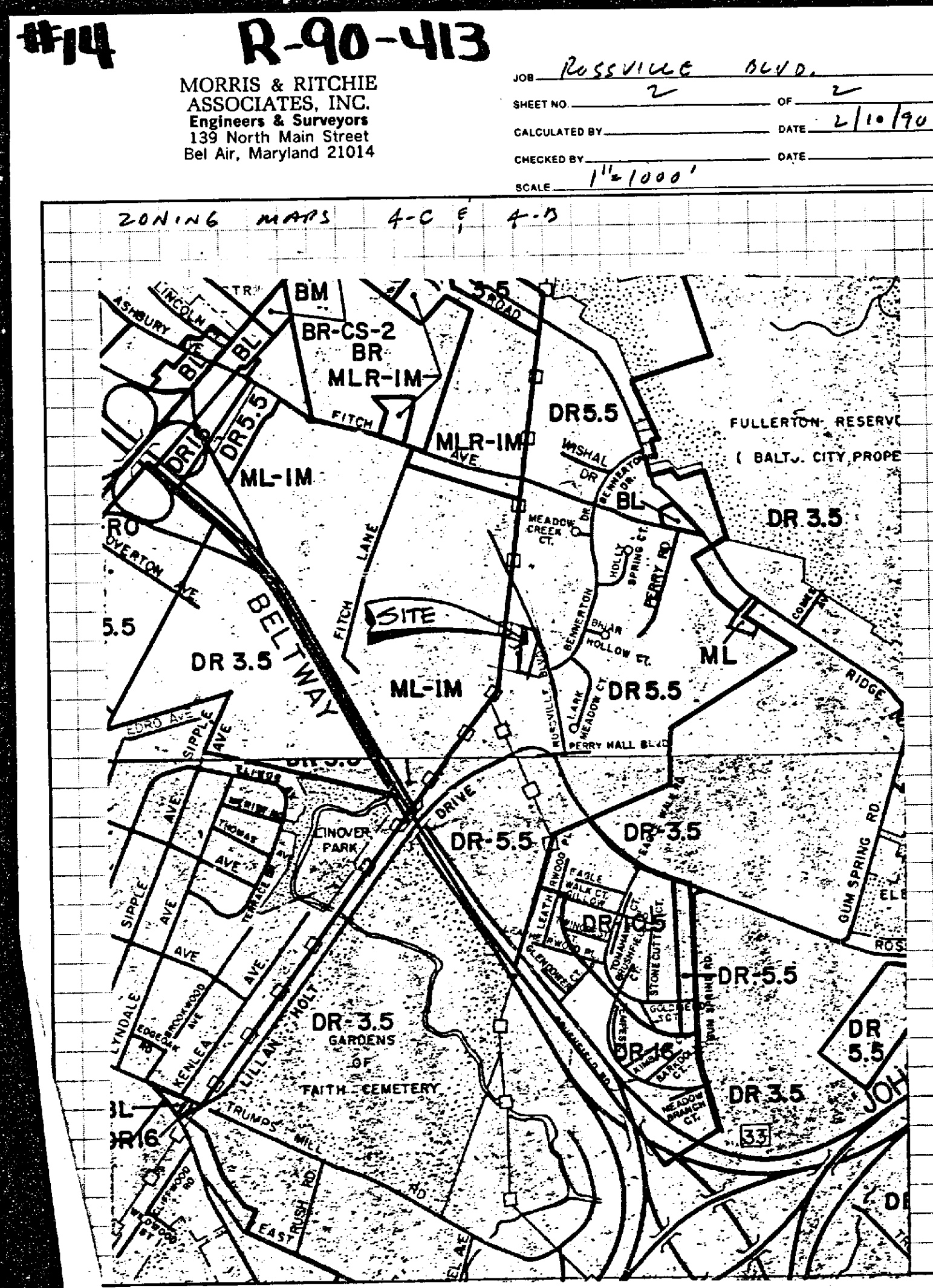
TIME: 10:00 a.m.
DATE: WEDNESDAY, NOVEMBER 14, 1990
LOCATION: County Office Building, Room 301
111 N. Chesapeake Avenue
Towson, Maryland 21204

WILLIAM T. HACKETT, CHAIRMAN
County Board of Appeals

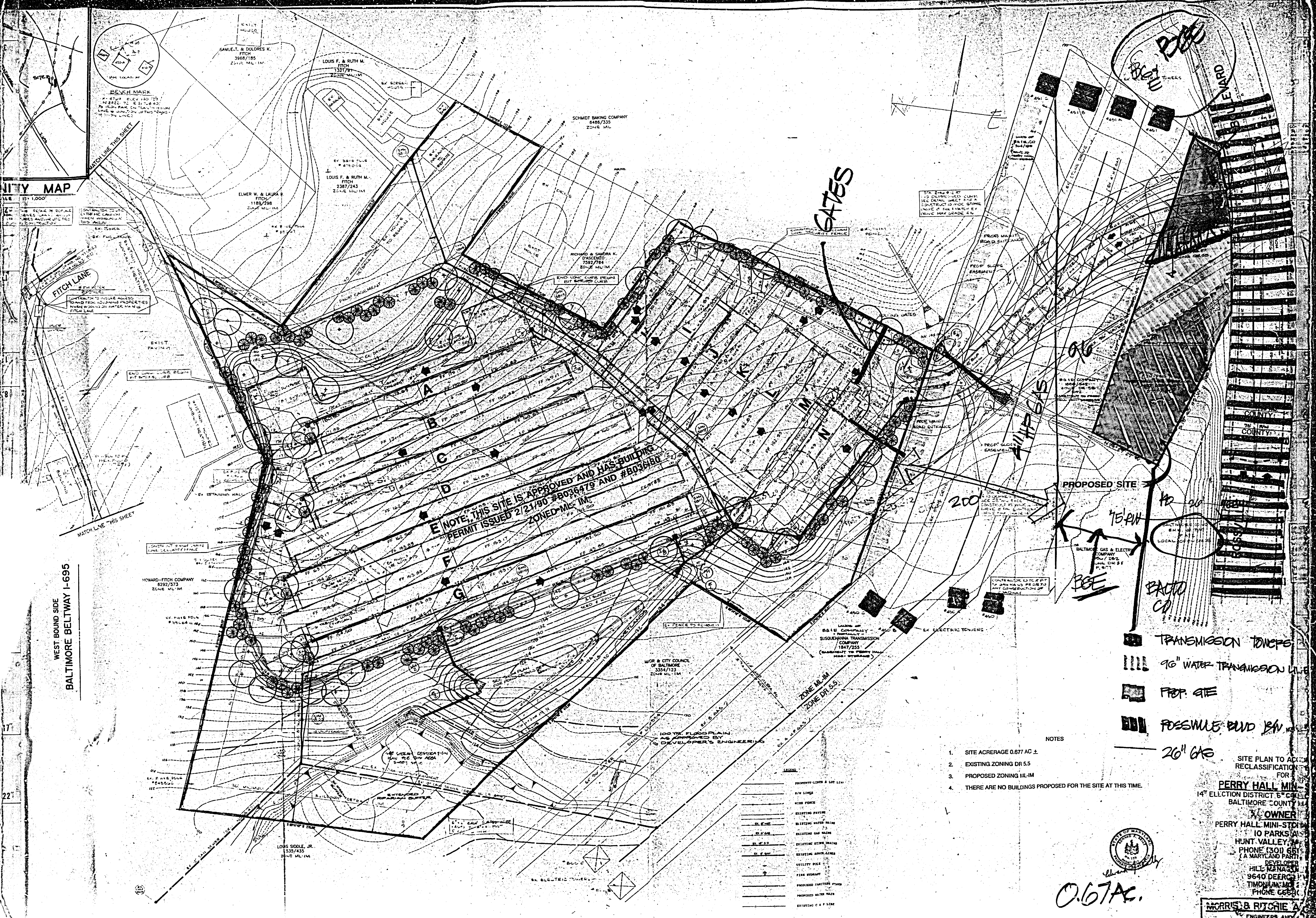
cc: Perry Hall Mini Storage and Company
Benjamin Bronstein, Esq.
Morris & Ritchie Associates, Inc.
File

THIS IS TO ADVISE YOU THAT YOU WILL BE BILLED BY THE ZONING OFFICE FOR ADVERTISING AND POSTING COSTS WITHIN
RESPECT TO THIS CASE APPROXIMATELY A WEEK BEFORE THE HEARING. THIS FEE MUST BE PAID AND THE SIGN AND POST
RETURNED TO THE ZONING OFFICE ON THE DAY OF THE HEARING OR THE ORDER WILL NOT BE ISSUED.

W.T.H.



RECEIVED
COUNTY BOARD OF APPEALS
9/14/90 2:58 PM
Dear Mr. Haines
I would like to inform
you that Perry Hall Mini
Storage has erected another sign
(2'x4') at the corner of Lillian Holt
& Rossville Blvd. It appeared at
the zoning hearing representing
N.E. Mullerton Com. case on Nov.
14, 1990. The sign is on county
road property. I do not know
if a permit was applied for, or
if it is a zoning violation but I
think they are abusing their zoning
privileges. I would like for you to take
this in consideration in your final
decision.
Thank you
Andrew R. Kump Jr.



CITY MAP

SCALE 1" = 100'

CONTRIBUTOR TO THE
STREET LIGHTING
SYSTEMS OF THE CITY
OF BALTIMORE

CONTRIBUTOR TO THE
STREET LIGHTING
SYSTEMS OF THE CITY
OF BALTIMORE

CONTRIBUTOR TO THE
STREET LIGHTING
SYSTEMS OF THE CITY
OF BALTIMORE

CONTRIBUTOR TO THE
STREET LIGHTING
SYSTEMS OF THE CITY
OF BALTIMORE

CONTRIBUTOR TO THE
STREET LIGHTING
SYSTEMS OF THE CITY
OF BALTIMORE

CONTRIBUTOR TO THE
STREET LIGHTING
SYSTEMS OF THE CITY
OF BALTIMORE

CONTRIBUTOR TO THE
STREET LIGHTING
SYSTEMS OF THE CITY
OF BALTIMORE

CONTRIBUTOR TO THE
STREET LIGHTING
SYSTEMS OF THE CITY
OF BALTIMORE

**NOTE: THIS SITE IS APPROVED AND HAS BUILDING
PERMIT ISSUED 2/21/90 #B036479 AND #B036180
ZONED ML-IM**

1. SITE ACREAGE 0.677 AC ±
2. EXISTING ZONING DR 5.5
3. PROPOSED ZONING ML-IM
4. THERE ARE NO BUILDINGS PROPOSED FOR THE SITE AT THIS TIME.

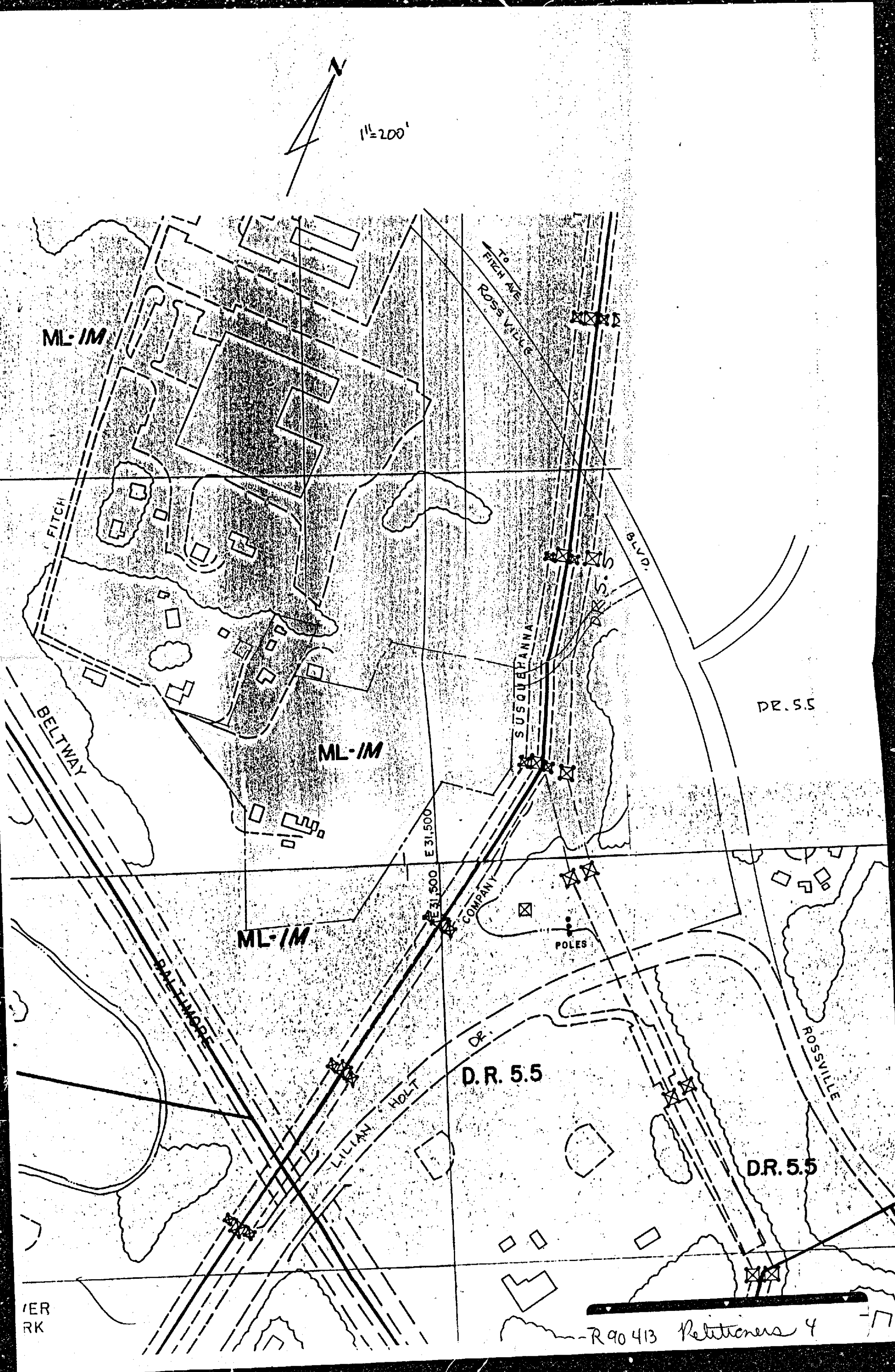
- TRANSMISSION TOWERS
- 96" WATER TRANSMISSION LINE
- PROP. SITE
- POSSIBLE RWD BAY
- 20" GAS

**SITE PLAN TO ACCOMPLISH
RECLASSIFICATION
FOR
PERRY HALL MINI-STORE
14TH ELECTION DISTRICT 6TH COUNCIL
BALTIMORE COUNTY
OWNER
PERRY HALL MINI-STORE
10 PARKS WAY
HUNT VALLEY, MD
PHONE (301) 551-1111
A MARYLAND PARTNERSHIP
DEVELOPER
HILLMAN ASSOCIATES
9640 DEER CREEK
TIMonium, MD
PHONE 665-1111**



0.677 AC.

**MORRIS B. RITCHIE & ASSOCIATES
ENGINEERS AND ARCHITECTS**



28 East Susquehanna Avenue
TOWSON, MARYLAND 21204
Phone 494-4914

CHECKED BY: DATE: SCALE: PRELIMINARY COST ESTIMATE

SANITARY SEWER			
CLEARING & GRUBBING	0.5 AC.	\$5000.00/AC	\$2500.00
STANDARD MANHOLES	3 EA.	\$1000.00 EA.	\$3000.00
6" SAN. SEWER (INCL. EXCHG. & BACKFILL)	300 L.F.	\$50.00 L.F.	\$15000.00
SEDIMENT CONTROL	1 S.		\$2000.00
SEEDING (1.0 AC.)	20 LB.	\$30.00 LB.	\$600.00
			\$23,600.00

WATER			
6" D.T.P. IN EXIST. RD.	65 L.F.	\$16.00 L.F.	\$1040.00
8" D.T.P. OUTSIDE MAINS	100 L.F.	\$40.00 L.F.	\$4000.00
FIRE HYDRANT	1 EA.	\$1000.00 EA.	\$1000.00
			\$5,040.00

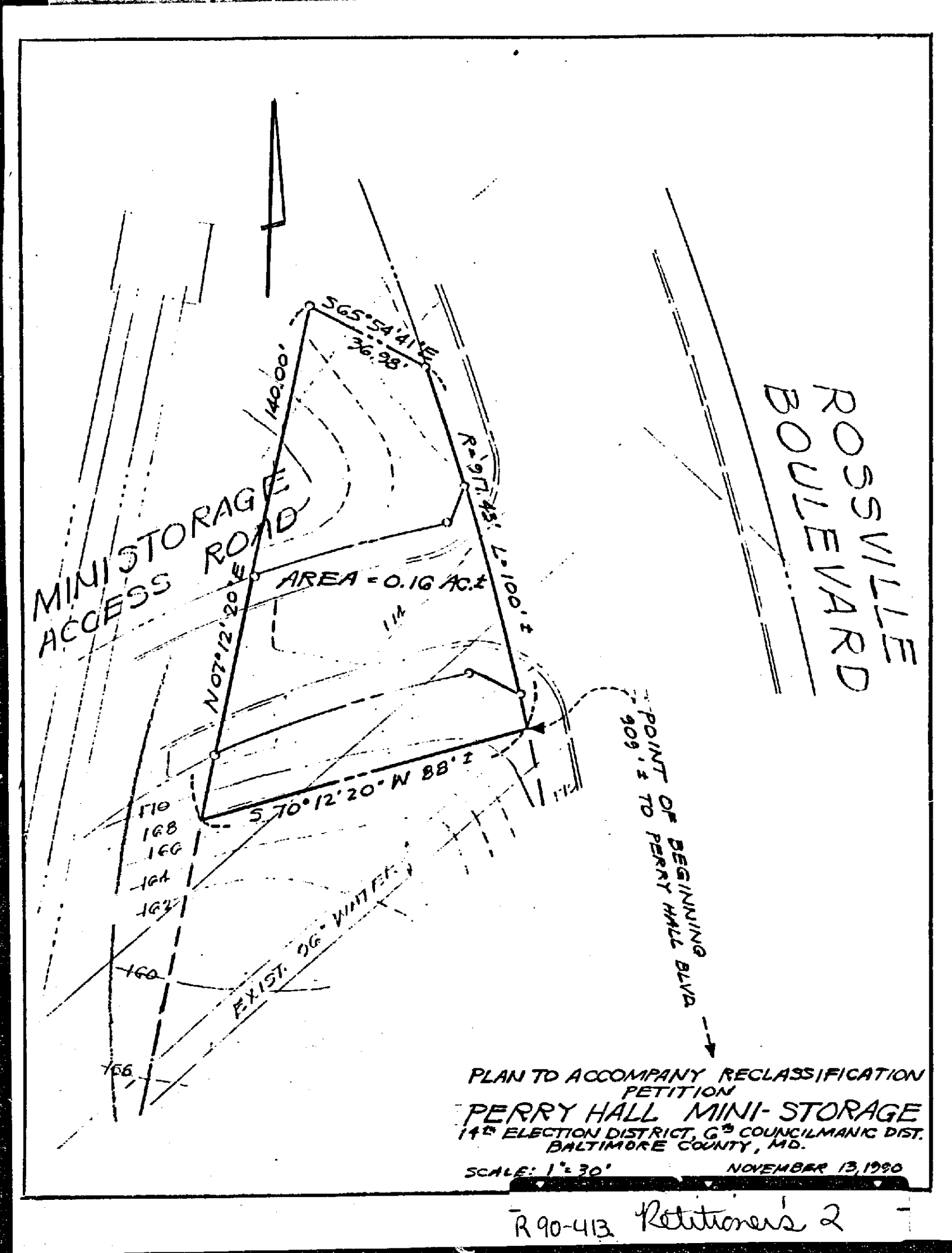
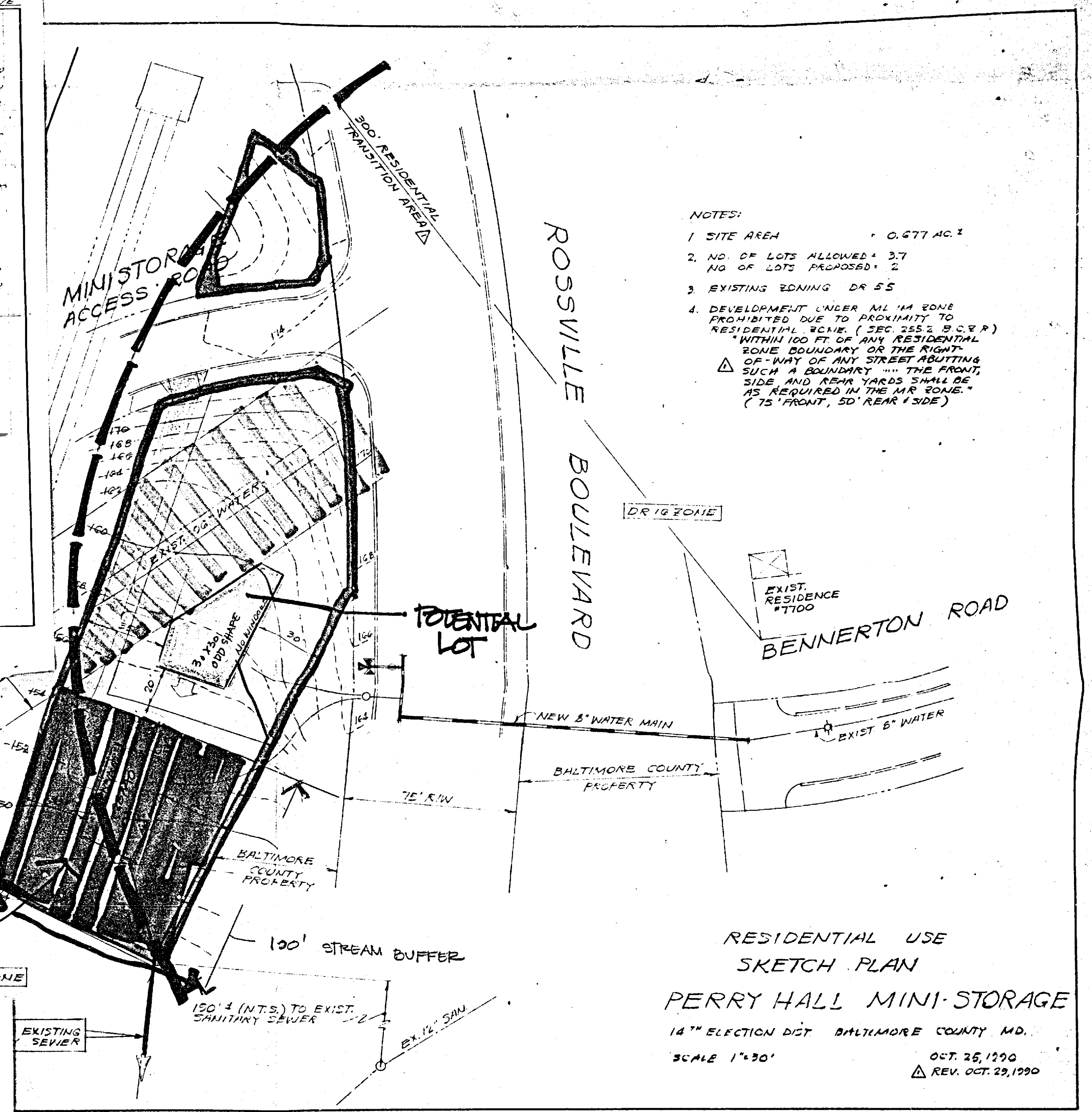
TOTAL CONTINGENCIES 20% \$10,080.00

TOTAL ESTIMATE \$33,680.00

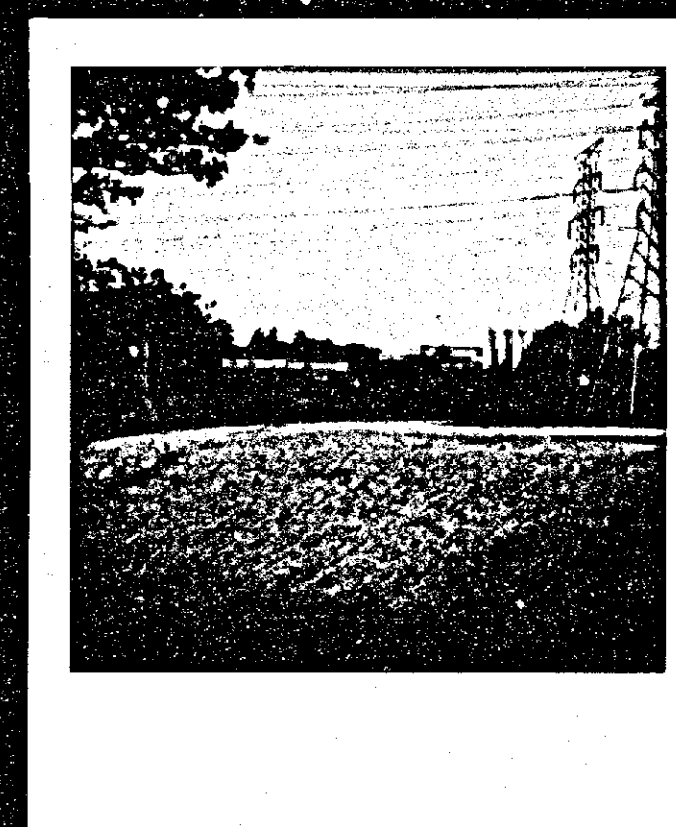
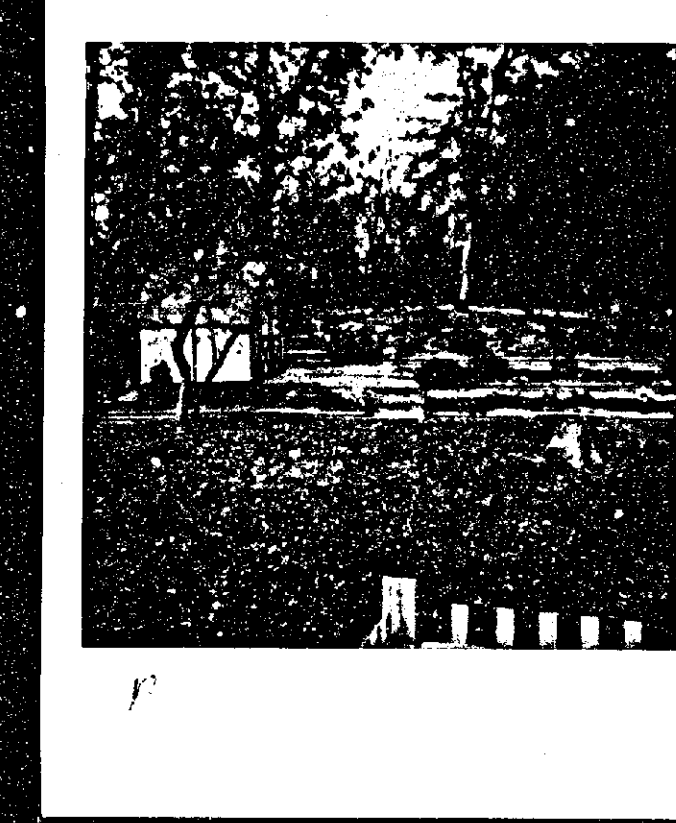
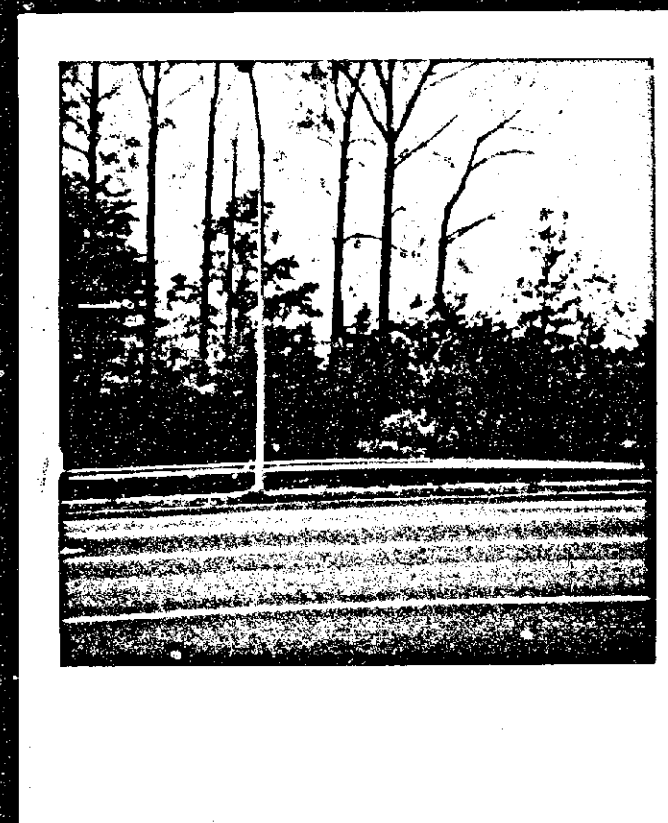
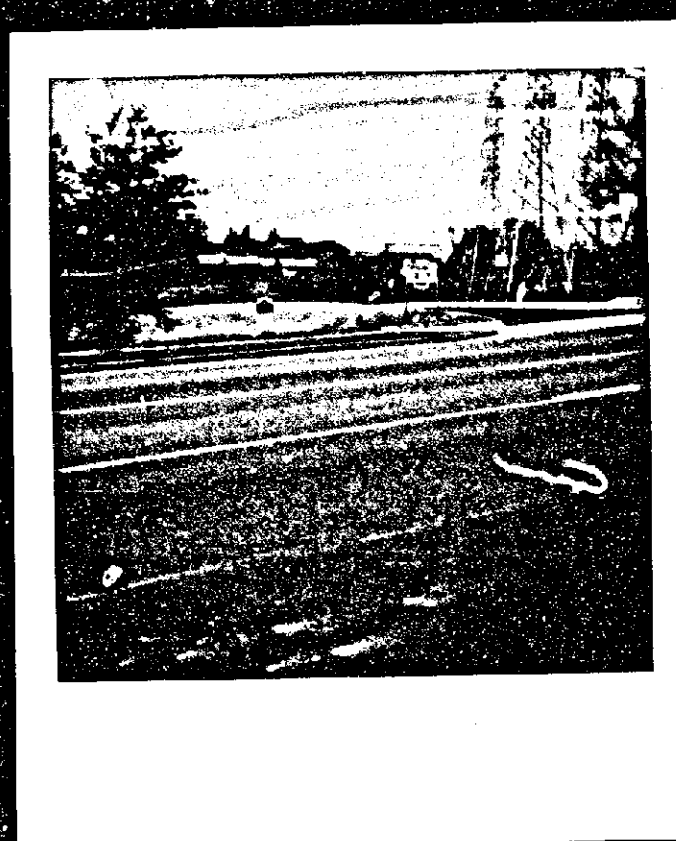
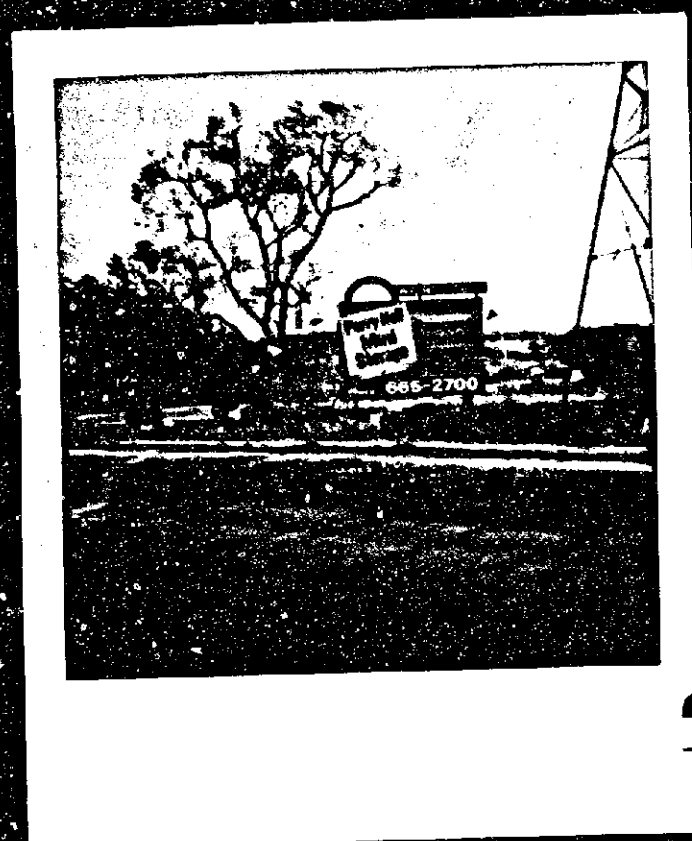
ADD. FUL. FOR ROAD \$12,800.00

ADD. LOT PREP. CLEARING ETC. 12,800.00

51K



R 90-413 Petitioner's 2



R 90-413 Petitioner 8

PERSONAL DATA: WILLIAM F. KIRWIN, PRESIDENT

WILLIAM F. KIRWIN, INC.

Occupation: Consultant, Landscape Architect
Environmental Land Planner

Registered: Maryland 1971, No. 8
West Virginia 1972, No. 78
Delaware 1976, No. 39

Education: B.S. Landscape Architecture, 1961, New York
State College of Environmental Science
B.S. Science, 1961, Syracuse University
Juris Doctor Law, 1968, University of Baltimore
Post Graduate Courses in Public Administration
New York State Graduate School of Public
Affairs Albany

Professional Associations:

1989 President, Maryland Chapter, American
Society of Landscape Architects

1990 Chairman, State Board of Registration for
Landscape Architects

Vice President, Maryland Association of
Landscape Architects

Former Member, Maryland Interprofessional
Committee on the Environment

Former Member, Landmark Preservation
Commission, Baltimore County

Former Member, Baltimore County Planning Board,
Planning Board designate Regional Planning
Council, Former Chairman, Baltimore County
Planning Board

Guest Lecturer:

University of Maryland - Environmental Law
College of Notre Dame - Residential Landscape
Architecture

Morgan State University - Professor for Design
Studio Involving Environmental Planning
U.S. Representative, Guest Lecturer,
International Symposium On The Environment,
Belfast, Ireland, June, 1986, Topic:
Conducting Environmental Impact Assessments,
Including Water Quality and Wildlife Habitat
Structures
1975-1976 President's Committee to Develop
Barrier Free Standards for Handicapped for HUD

Member, American Society of Landscape
Architects

Employment: 29 years
Land Planning/Landscape Architect
William F. Kirwin, Inc.

Firm's Responsibilities:

Large land planning projects in private and
public sector. Vast experience in master
planning and construction of parks for
recreational use, college campus planning,
hospital site planning, natural environmental
planning, streetscape, malls, residential
housing, commercial and industrial site work.

Special Expertise:

Skilled in communication technique through
participation on boards and commission as
chairman.

Conducted numerous public hearings on zoning,
master planning and contemporary environmental
issues, including the adoption of a county-
wide Growth Management Plan, adequate facility
legislation, developed criteria for adoption
of Resource Conservation Zones, Baltimore
County, to define those elements of development
compatible with natural environments.

Recognized as an expert in landscape
architecture/land planning has qualified and
practiced before the Circuit Courts of
Baltimore County Zoning and zoning Appeals
Board for Baltimore, Harford and Howard
Counties.

Baltimore County
Office of Planning & Zoning
County Courts Building, Suite 406
401 Bosley Avenue
Towson, Maryland 21204
(301) 887-3211
Fax (301) 887-3802

P. David Fields
Director

November 13, 1990



Dennis F. Rasmussen
County Executive

Mr. William T. Hackett, Chairman
Baltimore County Board of Appeals
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Subject: Revised Comment
Case No. R-90-413
Cycle III, Item No. 14
Perry Hall Mini-Storage
and Company

Dear Mr. Hackett:

This office has met with the Petitioner's attorney, Ben
Bronstein to discuss the subject case. Mr. Bronstein informed staff
of the applicant's intent to erect a sign on a portion of the area
subject to this case.

Based upon the information provided, staff recommends that the
Petitioner's request be granted, subject to the following:

- The area to be rezoned shall be confined to the portion of
the property north of the south right-of-way line of the
driveway which is located directly off Rossville Boulevard.
- The uppermost portion of the proposed sign shall be no larger
than 6 ft. X 6 ft. in total area per side.

If there should be any questions or if staff can provide
additional information, please contact Jeffrey Long at 887-3211.

Sincerely,

David Fields
P. David Fields
Director

ITEM14.LTR/CYCLE

R 90-413 People's Counsel 4

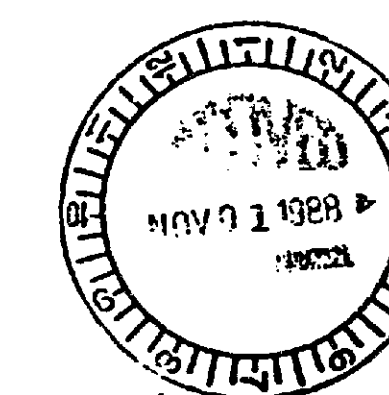
RE: PETITION FOR RECLASSIFICATION : BEFORE THE COUNTY BOARD OF APPEALS
FROM D.R. 5.5 TO M.L.-I.M. ZONE : OF BALTIMORE COUNTY
SW/S Rossville Blvd., 827' N of :
Perry Hall Blvd. : Case No. R-90-413 (Item 14, Cycle III)
(7750 Rossville Blvd.) :
14th Election District :
6th Councilmanic District :
PERRY HALL MINI STORAGE :
AND CO., Petitioner :
: : : : :
: : : : :

PEOPLE'S COUNSEL'S LIST OF EXHIBITS

	Page
The Recommended Baltimore County Comprehensive Zoning Map, Log of Issues, June 28, 1988, A Report by the Baltimore County Planning Board for Public Hearings by the Baltimore County Council	1
Baltimore County Council Minutes, October 13, 1988	4
Report by the Baltimore County Planning Board to the Baltimore County Board of Appeals Zoning Reclassification Petitions, Cycle III, 1990, July 31, 1990	6

THE RECOMMENDED BALTIMORE COUNTY COMPREHENSIVE ZONING MAP

Log of Issues, June 28, 1988



A Report by the
Baltimore County Planning Board
For Public Hearings by the
Baltimore County Council

THE RECOMMENDED BALTIMORE COUNTY COMPREHENSIVE ZONING MAP

Log of Issues, June 28, 1988

A Report by the
Baltimore County Planning Board
For Public Hearings by the
Baltimore County Council



BALTIMORE COUNTY 1988 COMPREHENSIVE ZONING MAP ISSUES									
NO.	SPONSOR, OWNER, PETITIONER, ORGANIZATION OR PLACE NAME	LOCATION	TOTAL ACRES	EXISTING ZONING AND RECORDS	REQUESTED ZONING AND RECORDS	PLANNING BOARD RECOMMENDATION	COUNCIL DECISIONS	COMMENTS	DATE
6-184	By County Council	E of Harford Rd beten Piering Woods Rd & Highpoint Rd	8.40	DR 5.5 DR 8.40	DR 3.5 DR 5.5 DR 8.40	DR 3.5 DR 8.40			06/23/88
6-185	By County Council	beten Fitch Ave & Baltimore Beltway E of the power transmission line	53.00	DR 16 53.00	DR 5.5 53.00	DR 5.5 53.00		See Issue 6-035	
6-186	By County Council	W of Annapolis Rd beten First Ave & East Ave	6.50	RM 3.25 DR 5.5	DR 3.5 3.25 DR 5.5	DR 3.5 3.25 DR 5.5			
6-187	By County Council	NE side of Baltimore Beltway beten Spaul Ave & Annapolis Rd	4.40	DR 5.5 DR 4.40	DR 3.5 DR 4.40	DR 3.5 DR 4.40			
6-188	By County Council	SE side of Old Harford Rd 600' W of Proctor Ln	13.00	DR 5.5 13.00	DR 3.5 13.00	DR 3.5 13.00			
6-189	By County Council	beten Putty Hill Ave & Oribian Rd W of Red Berry Way	19.00	DR 16 19.00	DR 5.5 19.00	DR 5.5 19.00			
6-190	By County Council	NE side of Baltimore Beltway 800' W of Belair Rd	14.00	DR 5.5 14.00	DR 3.5 14.00	DR 3.5 14.00			
6-191	By County Council	S side of Delago Rd 300' W of Golden Ring Rd	15.00	DR 5.5 15.00	DR 3.5 15.00	DR 3.5 15.00			

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 1988, LEGISLATIVE DAY NO. 19
OCTOBER 13, 1988 7:00 P.M.

A. The meeting was called to order by Chairman Volz at 7:30 P.M.
The Chairman then asked the audience to rise for a moment of
silent meditation and the Pledge of Allegiance to the Flag. There were
approximately 200 persons in attendance and the following
Councilmembers were present:

MELVIN G. MINTZ
C.A. DUTCH RUPPERSBERGER, III
BARBARA F. BACHUR
NORMAN W. LAUENSTEIN
WILLIAM F. EVANS
DALE T. VOLZ

SECOND DISTRICT
THIRD DISTRICT
FOURTH DISTRICT
FIFTH DISTRICT
SIXTH DISTRICT
SEVENTH DISTRICT

B. CALL OF BILLS FOR FINAL READING AND VOTE

BILL NO. 144-88, Comprehensive Zoning Maps - First District,
was called. Councilman Volz moved to accept the Planning Board's
recommendation on the following issues: 1-002, 1-006, 1-013, 1-015,
1-017, 1-018, 1-019, 1-020, 1-022, 1-025, 1-028, 1-029, 1-030, 1-031,
1-032, 1-033, 1-037, 1-038, 1-040, 1-044, 1-045, 1-047, 1-051, 1-052,
1-053, 1-054, 1-055, 1-056, 1-057, 1-058, 1-059, 1-060, 1-061, 1-062,
1-063, 1-064, 1-066, 1-067, 1-068, 1-070, 1-071, 1-074, 1-076, 1-077,
1-079, 1-080, 1-084, 1-085, 1-086, 1-087, 1-088, 1-089, 1-090, 1-091,
1-092, 1-093, 1-096, 1-097, 1-098, 1-099, 1-100, 1-103, 1-104, 1-105,
1-107, 1-109, 1-112, 1-113, 1-114, 1-115, 1-116, 1-117, 1-120, 1-121
and 1-123. Councilman Mintz seconded the motion and these issues were
passed unanimously by the six Councilmembers present.

Chairman Volz then moved for the following changes in the First
District Comprehensive Zoning Map:

Issue 1-001 from RO to DR 5.5. Motion was seconded by
Councilman Bachur and passed unanimously by the six Councilmembers
present.

Issue 1-009 from RL to DR 3.5. Motion was seconded by
Councilman Evans and passed unanimously by the six Councilmembers
present.

Issue 1-010 from DR 10.5 to DR 10.5 and RO as shown on the
overlay. Motion was seconded by Councilman Ruppensberger and passed by
the six Councilmembers present.

Issue 1-021 from RO to RO and DR 5.5 as shown on the overlay.
Motion was seconded by Councilman Evans and passed unanimously by the
six Councilmembers present.

Issue 1-023 from RL to M/R-DM. Motion was seconded by
Councilman Ruppensberger and passed unanimously by the six
Councilmembers present.

Aye - Mintz, Ruppensberger, Bachur, Evans, Volz
Nay - None
Abstain - Lauenstein
Absent - Hickernell

Councilman Lauenstein then moved the following changes:

Issue 5-146 from RO to DR 5.5. Motion was seconded by
Councilman Evans and passed unanimously by the six Councilmembers
present.

Issue 5-184 from RL to DR 5.5. Motion was seconded by
Councilman Evans and passed unanimously by the six Councilmembers
present.

Thereafter, upon motion by Councilman Lauenstein, seconded by
Councilman Evans, Bill 148-88, as amended, passed by the following roll
call vote:

Aye - Mintz, Ruppensberger, Bachur, Lauenstein, Evans, Volz
Nay - None
Absent - Hickernell

BILL NO. 149-88, Comprehensive Zoning Maps - Sixth District,
was called. Councilman Evans moved to accept the Planning Board's
recommendation on the following issues: 6-001, 6-002, 6-004, 6-005,
6-006, 6-007, 6-009, 6-010, 6-011, 6-012, 6-014, 6-015, 6-017, 6-018,
6-019, 6-020, 6-021, 6-022, 6-023, 6-024, 6-027, 6-028, 6-029, 6-030,
6-031, 6-033, 6-034, 6-035, 6-036, 6-037, 6-038, 6-039, 6-040, 6-043,
6-044, 6-045, 6-047, 6-048, 6-049, 6-050, 6-052, 6-053, 6-055, 6-056,
6-057, 6-058, 6-059, 6-060, 6-061, 6-062, 6-064, 6-065, 6-066, 6-068,
6-069, 6-071, 6-073, 6-075, 6-076, 6-077, 6-078, 6-079, 6-080, 6-082,
6-083, 6-085, 6-086, 6-088, 6-089, 6-090, 6-091, 6-092, 6-093, 6-094,
6-095, 6-096, 6-097, 6-100, 6-102, 6-103, 6-104, 6-105, 6-106, 6-108,
6-109, 6-110, 6-113, 6-114, 6-115, 6-117, 6-119, 6-120, 6-121, 6-122,
6-123, 6-124, 6-125, 6-126, 6-127, 6-129, 6-130, 6-131, 6-132, 6-133,
6-134, 6-135, 6-136, 6-138, 6-139, 6-140, 6-143, 6-144, 6-145, 6-146,
6-147, 6-148, 6-149, 6-151, 6-153, 6-154, 6-156, 6-157, 6-158, 6-160,
6-161, 6-162, 6-163, 6-164, 6-165, 6-166, 6-167, 6-168, 6-169, 6-171,
6-172, 6-173, 6-174, 6-175, 6-177, 6-178, 6-180, 6-181, 6-182, 6-183,
6-185, 6-187, 6-188, 6-189, 6-190, 6-191, 6-192, 6-193, 6-194, 6-195,
6-196, 6-197, 6-198, 6-199, 6-201 and 6-202. Motion was seconded by
Councilman Volz and these issues were passed unanimously by the six
Councilmembers present with the exception of Issue 6-061 in which
Councilman Volz abstained from the vote on that issue.

Councilman Evans then moved for the following changes in the
Sixth District Comprehensive Zoning Maps:

Issue 6-003 from DR 16 to RO. Motion was seconded by
Councilman Bachur and passed unanimously by the six Councilmembers
present.

Issue 6-008 from DR 16 to RL. Motion was seconded by
Councilman Bachur and passed unanimously by the six Councilmembers
present.

Report by the
Baltimore County Planning Board
to the
Baltimore County Board of Appeals

ZONING RECLASSIFICATION PETITIONS

Cycle III, 1990

July 31, 1990

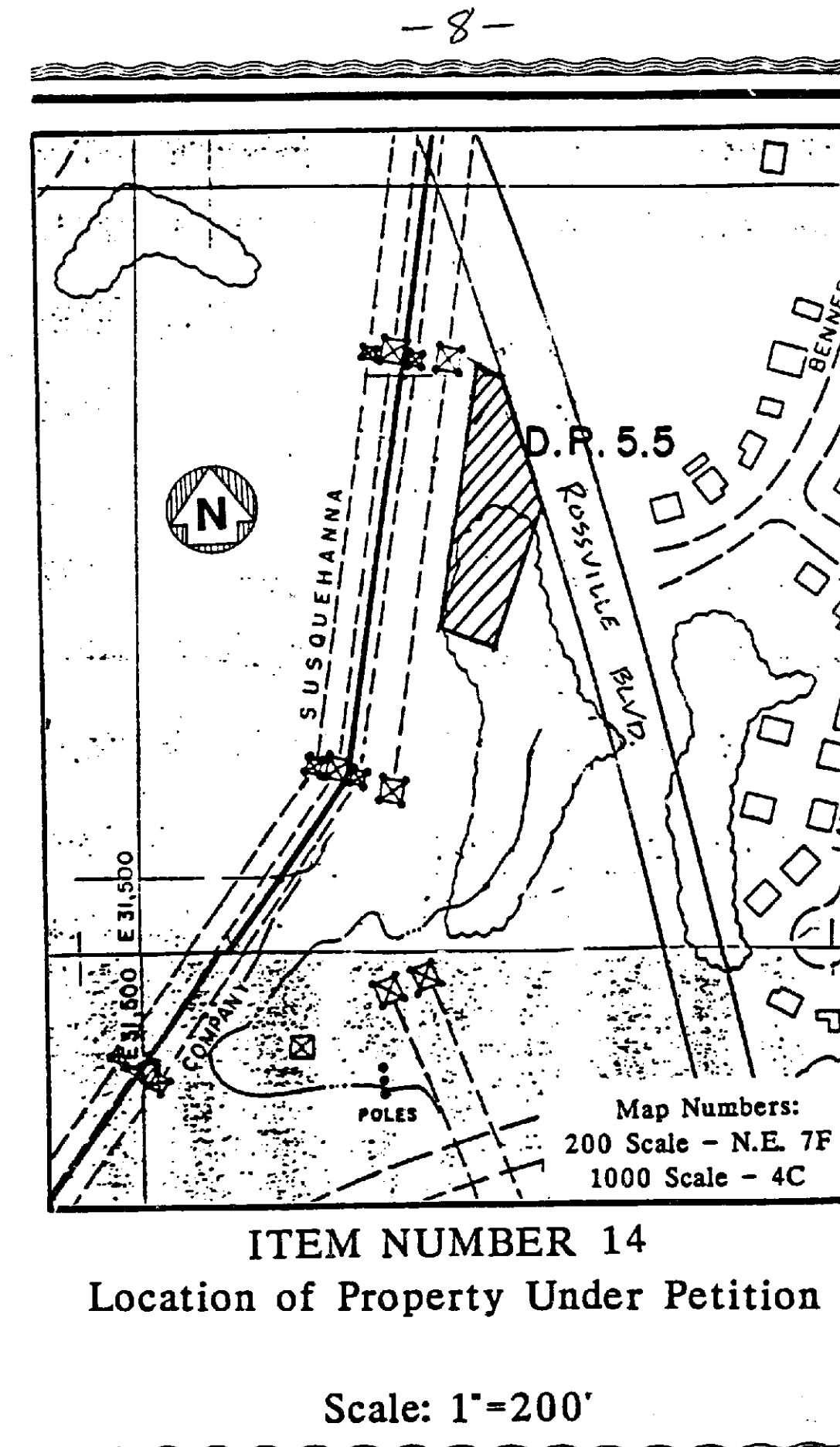


Dennis F. Ruppensberger
County Executive

ITEM NO. And PETITIONER	LOCATION	ACRES	EXISTING ZONING	REQUESTED ZONING	OPZ RECOMMENDATION	PLANNING BOARD
ITEM NO. 8 Tall Bldg R-90-407; 10/17/90	NE/S Reisterstown Road, 440' SE of the centerline of Mt. Wilson Lane Extended	2.608	D.R. 3.5	B.L.	D.R. 3.5	D.R. 3.5
ITEM NO. 9 Mobil Oil Corporation CR-90-408 EXSPH; 10/24/90	SE/S Reisterstown Rd, 960'±, SW of I-695 centerline (#1708 Reisterstown Rd)	.6432	B.L.	B.L.-C.N.S.	B.L.-C.N.S.	B.L.-C.N.S.
ITEM NO. 10 Claridge Towers Company CR-90-409 SPH; 10/24/90	E/S Belzona Lane, 74'±, SW of centerline Belzona Av (#4915 Belzona Lane)	4.944	D.R. 16	O-1	D.R. 16	D.R. 16
ITEM NO. 11 Calvin & Dolores Unfried R-90-410; 10/31/90 John L. Lininger	SW/S MD, 18 Railroad, 340'±, SW of the centerline of Glen Ave Road	2.490	R.C. 5	B.L.-C.R.	R.C. 5	R.C. 5
ITEM NO. 12 Ruth C. Stephens, Personal Representative in the Estate of Ruth Chatterton R-90-411; 11/7/90	NE/S Gontzner Road, 205'±, SE of centerline Belair Road	0.24	R.C. 5	B.L.	R.C. 5	R.C. 5
ITEM NO. 13 Belair Road White Marsh Joint Venture R-90-412; 11/13/90	N/S White Marsh Blvd (Proposed), 940' E. of centerline Belair Road; also 220' E. of centerline of Susquehanna Transmission Company Powerline	3.288± (2.948 acres)	D.R. 3.5	B.R.	B.R.	B.R.
ITEM NO. 14 Perry Hall Mini Storage & Company R-90-413; 11/14/90	SW/S Roseville Blvd, 627'±, N. of Perry Hall Blvd (#7750 Roseville Boulevard)	.677±	D.R. 5.5	B.L.-L.R.	D.R. 5.5	D.R. 5.5
ITEM NO. 15 Shell Oil Company CR-90-414 EXSPH; 11/27/90	SW/S Stammers Run Road, cor. SW/S Bayley Avenue (#401 Stammers Run Road)	0.372	B.L.	B.L.-C.N.S.	B.L.-C.N.S.	B.L.-C.N.S.
ITEM NO. 16 Charles Kahley R-90-415; 11/28/90	NE/S North Point Blvd, between City Line and Rolling Hill Road (#6800 Rolling Hill Road)	.3±	B.H.-L.R.	B.R.-L.R.	B.H.-L.R.	B.H.-L.R.

CYCLOPS/EXTOL
7/31/90

8



136

-10-

Perry Hall Mini Storage and Company
Case No. R90-413, Cycle III, Item 14
Page 2

ZONING HISTORY

This site was a part of a 53 acre parcel that was recently downzoned from D.R.16 to D.R.5.5 in the 1988 Comprehensive Zoning Map Process (Item 6-185), which served as a precursor to the Master Plan designation of "low density urban/residential" for the area.

An adjoining property, owned by the Petitioner, was granted CPG approval for a mini storage use on September 29, 1988 (File No. XIV-271). Zoning Variations, a Special Exception, and a Special Hearing were requested. (Case No. 90-17-SPHA)

The Zoning Commissioner, in his order dated September 12, 1989, denied, in part, and granted with restriction, in part, the petition. The Board of Appeals, on February 5, 1990, denied, in part, and granted, in part, the petition, as well. Specifically, the Board denied the petitioner's request to use an easement and erect an outdoor advertising sign. It further ordered that the non-conforming use of a residence in a M.L. zone be granted; the right to cross a residential zone to access a commercial site be granted; and the request for a zoning Variance to allow an 18 ft. separation between the building was granted also.

MASTER PLAN/COMMUNITY PLANS

In the Baltimore County Master Plan, the area is designated for "low density urban residential." As indicated in the Plan (p. 108) "... the eastern sector has its share of arterial highways comprised by strips of conflicting commercial development. This ... is ... a nuisance to adjoining residential areas. The alternative use, more commercial development, would merely compound traffic and other conflicts."

PROPOSED VS. EXISTING ZONING

The regulations for D.R. zones may be found in Section 1801.1A of the B.C.Z.R. Regulations governing the M.L.-I.M. zone can be found in Section 253.1. The I.M. district application is addressed in Section 259.2.H.

The M.L. zone permits a number of light manufacturing uses by right. The zone also allows auxiliary retail or service uses or semi-industrial uses, provided the use is located in a planned industrial park of at least 25 acres in net acres or in an I.M. district. However, such uses are not permitted in cases where district access to an arterial street exists. The M.L. zone also permits several uses by Special Exception.

Building height is unlimited except on lots abutting a residence or business zone. In these cases the maximum permitted height is 40

138

R90 413 Request
Control 3

NORTHEAST FULLERTON COMMUNITY ASSOCIATION
23 Lark Meadow Court
Baltimore, Maryland 21236
November 19, 1990

To Whom It May Concern:

The Northeast Fullerton Community Association is opposed to the requested zoning reclassification of case number R-90-413, Item #14, III submitted by the Perry Hall Mini Storage.

The zoning change is requesting reclassification of .677 acre located at 7750 Rossville Boulevard from D.R. 5.5 to M.L.-I.M. The acreage in question is in a stable residential neighborhood. In light of recent major road construction in the same area, the Association feels that increasing the zoning levels will cause further damage to the neighborhood's aesthetic value.

This view is supported by the last zoning process in which County Councilman William Evans downgraded zoning in this area to the current level of D.R. 5.5 in order to preserve the area. As agreed to by Councilman Evans, the area nearest to the community, as divided by Baltimore Gas & Electric Company's power lines, would remain at D.R. 5.5 and the area on the opposite side of the power lines would remain at M.L. Therefore, the Northeast Fullerton Community Association is opposed to changing the zoning which violates this agreement.

Very truly yours:

Daniel Moore

Daniel Moore

President

James Ports

Vice-President

N.E. FULLERTON ASSOCIATION

RESOLVED: That at the NOV meeting of the N.E. Fullerton Association held on 11/19/90, it was decided by the Association that responsibility for review and action on all zoning matters for the period 11/19/90 - 12/31/90 be placed in the (Board of Directors) (Zoning Committee) consisting of the following members: DANIEL MOORE
JIM PORTS
VALERIA KUZNIARSKI
ANDREW KAMPE JR

AS WITNESS OUR HANDS AND SEAL THIS 19 day of NOV

1990.

ATTEST:

N.E. FULLERTON ASSOCIATION

Daniel Moore

President

Secretary

N.E. FULLERTON ASSOCIATION

RESOLVED: That the position of the N.E. Fullerton Association as adopted by the (Board of Directors) (Zoning Committee) on the zoning matter known as: CASE # R-90-413, ITEM #14, III THE RECLASSIFICATION OF .677 ACRE LOCATED AT 7750 ROSSVILLE Blvd. FROM D.R. 5.5 TO M.L.-I.M. is that: WE ARE OPPOSED TO THE CHANGE IN ZONING

AS WITNESS OUR HANDS AND SEAL THIS 19 day of NOV

1990.

ATTEST:

N.E. FULLERTON ASSOCIATION

Daniel Moore

President

Secretary

AFFIDAVIT

STATE OF MARYLAND
BALTIMORE COUNTY, SS:

TO WIT:

I hereby swear upon penalty of perjury that I am currently a duly elected member of the (Board of Directors) (Zoning Committee) of the N.E. Fullerton Association.

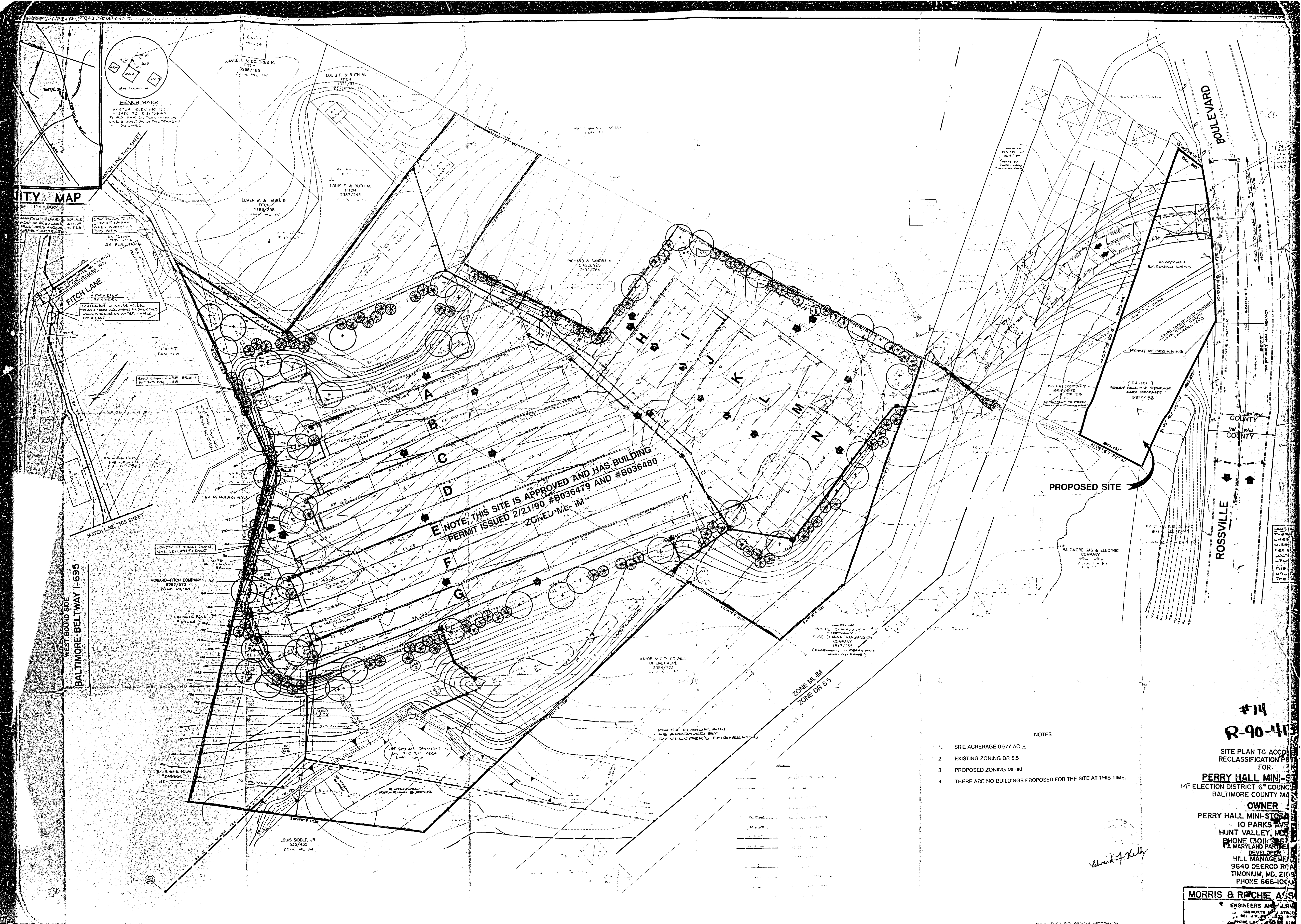
ATTEST:

Andrew B. Kampe Jr

Daniel Moore

President

Secretary



E NOTE: THIS SITE IS APPROVED AND HAS BUILDING PERMIT ISSUED 2/21/90 #B036479 AND #B036480 ZONED ML-IM

- NOTES
1. SITE ACRERAGE 0.677 AC ±
 2. EXISTING ZONING DR 5.5
 3. PROPOSED ZONING ML-IM
 4. THERE ARE NO BUILDINGS PROPOSED FOR THE SITE AT THIS TIME.

#14
R-90-41

SITE PLAN TO ACCOMPANY
RECLASSIFICATION PETITION
FOR:
PERRY HALL MINI-STOR
14TH ELECTION DISTRICT 6TH COUNCIL
BALTIMORE COUNTY, MARYLAND

OWNER
PERRY HALL MINI-STOR
10 PARKS AVE
HUNT VALLEY, MD 21031
PHONE (301) 366-5353
A MARYLAND PARTNER

DEVELOPER
HILL MANAGEMENT
9640 DEERCO ROAD
TIMONIUM, MD 21093
PHONE 666-1000

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS AND ARCHITECTS
100 NORTH ST. 10TH FLOOR
BALTIMORE, MD 21201
PHONE 333-5100