

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
8509 Liberty Road, NE/S Liberty Road, * ZONING COMMISSIONER
212'+/- NE of c/1 Old Court Road * OF BALTIMORE COUNTY
2nd Election District *
2nd Councilmanic District *
Legal Owner(s): Russell R. Sprague * CASE NO.: 97-587-X
Contract Purchaser(s): Siena Corporation *
Petitioners *
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Petitioners come before the Deputy Zoning Commissioner on a Petition for Special Exception for a caretaker's residence for a self storage facility.

Petitioners were represented by Benjamin Bronstein. Appearing and supporting the Petitioners' request was David S. Thaler, P.E. of D.S. Thaler & Associates, Inc., a Baltimore County based civil engineering and land consultant firm and Craig Pittinger, Siena Corporation's ("Siena") project manager of this site. In view of the fact that there were no protestants, a proffer by Mr. Bronstein of the testimony of the respective witnesses was accepted.

In addition to the proffered testimony, a plat entitled "Plat to Accompany Zoning Petition EZ - Store Storage Facility at Liberty Crossing Center" dated June 12, 1997 prepared by D.S. Thaler & Associates, Inc., together with a colored rendering of the same were introduced as Exhibits 1 and 2 respectively.

The proffered testimony included the following relevant facts. The site is a vacant shopping center. Siena Corporation proposes to redevelop part of the center as a mini drive thru self storage facility. As part of its operation, Siena proposes a caretaker's residence as shown on Exhibits 1 and 2.

ORDER RECEIVED FOR FILING
Date 5/19/97
By [Signature]

This project has the Baltimore County Administration's support as part of the Liberty Road revitalization. The on site caretaker provides added security for the self storage project and its customers.

The proffered testimony of Mr. Thaler was that the self storage facility on the subject site is zoned BR-AS. §236.4 of the BCZR permits living quarters in a commercial building as a special exception in that zone. Additional proffered testimony indicated that the development plan approval had been secured and a landscaping plan has been approved. Lastly, it was proffered that if Mr. Thaler had been called to testify, he would have opined that the special exception meets the criteria of §502.1 of the BCZR.

The Petitioners have the burden of adducing testimony which shows that the proposed use meets with the prescribed standards and requirements of §502.1 BCZR. I make a finding of fact that the Petitioners have met their burden.

Petitioners have shown the proposed use would be conducted without real detriment to the neighborhood and would not adversely effect the public interest. The facts and circumstances do not show the proposed use at the particular location described in Petitioners' Exhibits 1 and 2 would have an adverse impact above and beyond that inherently associated with such a special exception use irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create

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Date 8/19/99
By [Signature]

congestion in roads, streets, or alleys therein, nor be inconsistent with the purpose of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the BCZR.

It further appears from the evidence and exhibits that the relief requested should be granted, that the requirements of §502.1 of the BCZR are satisfied, and it further appears that the health, safety and general welfare of the community will not be adversely affected by the proposed special exception as requested.

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

IT IS THEREFORE ORDERED by the Deputy Zoning Commissioner for Baltimore County this 19th day of August, 1997, that the Petition for Special Exception for a caretaker's residence in a BR-AS zone, as more particularly shown on Petitioners' Exhibits 1 and 2, be and is hereby granted, subject to the following restriction which is a condition precedent to the relief granted:

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

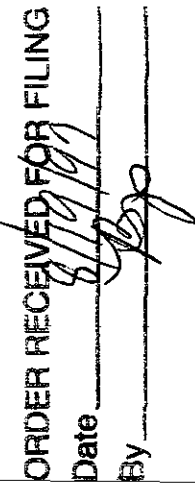


Timothy M. Kotroco
Deputy Zoning Commissioner

ORDER RECEIVED FOR FILING

Date

By





Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

August 19, 1997

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

RE: PETITION FOR SPECIAL EXCEPTION
NE/S Liberty Road, 212'NE of the c/l Old Court Road
(8509 Liberty Road)
2nd Election District - 2nd Councilmanic District
Russell R. Sprague - Petitioner
Case No. 97-587-X

Dear Mr. Bronstein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Russell R. Sprague
314 Rayford Drive, Pasadena, Md. 21122

Mr. Anthony Manganaro, President, Siena Corporation
12011 Guilford Road, Suite 101 Annapolis Junction, Md. 20701

People's Counsel; Case Files



RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
8509 Liberty Road, NE/S Liberty Road,	*	ZONING COMMISSIONER
212'+/- NE of c/l Old Court Road	*	OF BALTIMORE COUNTY
2nd Election District, 2nd Councilmanic	*	CASE NO. 97-587-X
Legal Owner(s): Russell R. Sprague	*	
Contract Purchaser(s): Siena Corporation	*	
Petitioners	*	
* * * * *		

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of August, 1997, a copy of the foregoing Entry of Appearance was mailed to Benjamin Bronstein, Esq., George & Bronstein, 29 W. Susquehanna Avenue, Suite 205, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Petition for Special Exception

97-587-X

to the Zoning Commissioner of Baltimore County

for the property located at 8509 Liberty Road

which is presently zoned BR AS

This Petition shall be filed with the Department of Permits & Development Management

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 Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a caretaker's residence for a self storage facility

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

I, or we, agree to pay expenses of above Special Exception advertising, 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.

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/Lessee:

Siena Corporation

(Type or Print Name) Anthony Manganaro, President

Signature Anthony Manganaro

12011 Guilford Road, Suite 101

Address

Annapolis Junction, Maryland 20701

City State Zipcode

Attorney for Petitioner: Benjamin Bronstein

George & Bronstein, LLP

(Type or Print Name)

Signature [Signature]

29 W. Susquehanna Ave., Suite 205

Address (410) 296-0200 Phone No.

Powson, Maryland 21204

City State Zipcode

Legal Owner(s):

Russell R. Sprague

(Type or Print Name)

Signature Russell R. Sprague

Russell R. Sprague

(Type or Print Name)

Signature

314 Rayford Drive

Address

410 751 6746

Phone No.

Pasadena, Maryland 21122

City State Zipcode

Name, Address and phone number of representative to be contacted.

Stacey McArthur, R.L.A.

D.S. Thaler & Associates, Inc.

Name

7115 Ambassador Rd, Balto. MD 21244

Address (410) 954-3647 Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: [Signature] DATE 6-27-97

587

ORDER RECEIVED FOR FILING

Date _____
Revised 9/5/95

June 4, 1997

97-587-X

EZ-STORE
(Description for Zoning Purposes Only)

Beginning at a point located approximately 212 feet, more or less, northeast of the centerline of the intersection of Liberty Road (Maryland State Route 26) and Old Court Road; thence 26 feet, more or less, east the following nineteen (19) courses and distances:

1. Along the center line of Old Court Road, North 25°36'10" East 72.31 feet to a point; thence leaving the centerline of Old Court Road,
2. South 59°07'00" East 325.05 feet to a point; thence,
3. North 33°11'15" East 440.91 feet to a point; thence,
4. South 58°41'27" East 796.23 feet to a point; thence,
5. South 59°27'10" East 128.42 feet to a point; thence,
6. South 41°21'30" West 412.50 feet to a point; thence,
7. South 38°20'40" West 173.29 feet to a point; thence running along the northern right-of-way of Liberty Road, variable width,
8. North 64°08'50" West 352.16 feet to a point; thence,
9. North 38°39'00" West 23.23 feet to a point; thence,
10. North 58°26'20" West 50.26 feet to a point; thence,
11. North 63°00'00" West 150.05 feet to a point; thence,
12. North 60°12'10" West 29.07 feet to a point; thence,
13. North 64°08'50" West 21.01 feet to a point; thence,

587

page 2

June 4, 1997

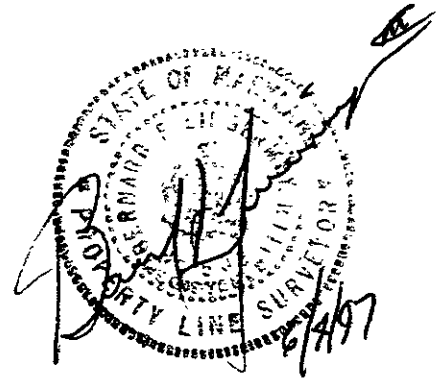
EZ-STORE

(Description for Zoning Purposes Only)

14. North 66°26'20" West 50.05 feet to a point; thence,
15. North 65°17'30" West 150.05 feet to a point; thence,
16. North 80°50'40" West 52.21 feet to a point; thence,
17. North 64°08'50" West 82.35 feet to a point; thence leaving the northern
right-of-way of Liberty Road,
18. North 25°51'10" East 150.05 feet to a point; thence,
19. North 57°51'10" West 198.03 to the point of beginning.

Containing approximately 13.22 acres of land, more or less.

97 587-X



CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/24, 1997

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/24, 1997.

THE JEFFERSONIAN,

A. Henikson

LEGAL AD. - TOWSON

NOTICE OF HEARING

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

Case: #97-587-X
8509 Liberty Road
NE/S Liberty Road, 212 +/-
INE of Old Court Road
2nd Election District
2nd Councilmatic
Legal Owner(s):
Russell R. Sprague
Contract Purchaser(s):
Sigma Corporation
Special Exception: for a caretaker's residence for a self storage facility.
Hearing: Tuesday, August 12, 1997, at 2:00 p.m., Room 407 Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible. For special accommodations please call (410) 887-3353.
(2) For information concerning the file and/or hearing, please call (410) 887-3391.

7/30/98 July 24 C:\60001

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

587 No. 038189

DATE 6-27-97 ACCOUNT Real-615D

AMOUNT \$ 300.00

FROM: B. Bronstein, Esq. P50961500

FOR: City Sp-Ex

PAID RECEIPT

PROCESS ACTUAL TIME
6/27/1997 6/27/1997 09:26:32

05304 CASHIER LSWI LXS DRAWER 4

MISCELLANEOUS CASH RECEIPT (P-LH)

Receipt # 010312

CR NO. 038189

300.00 CHECK

Baltimore County, Maryland

CASHIER'S VALIDATION

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

JCM

CERTIFICATE OF POSTING

RE: Case # 97-587-X

Petitioner/Developer:
(Russell R. Sprague)
Date of Hearing/Closing:
(August 12, 1997)

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

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at _____
8509 Liberty Road Baltimore, Maryland 21133 _____

The sign(s) were posted on _____ July 28, 1997 _____
(Month, Day, Year)

Sincerely,

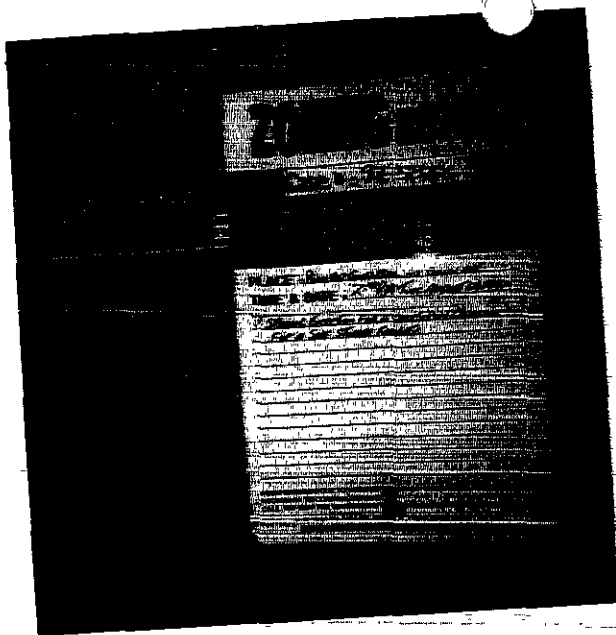

(Signature of Sign Poster & Date)

Thomas P. Ogle, Sr.
(Printed Name)

325 Nicholson Road
(Address)

Baltimore, Maryland 21221 _____

(410)-687-8405
(Telephone Number)



97-587-X



Baltimore County
 Department of Permits and
 Development Management

Development Processing
 County Office Building
 111 West Chesapeake Ave
 Towson, Maryland 21284

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

 ARNOLD JABLON, DIRECTOR

 For newspaper advertising:

Item No.: 587

Petitioner: Russell Sprague

Location: 345 8509 LIBERTY PO.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: REN. Bronstein, ESQ.

ADDRESS: 29 W. Susquehanna Ave. Suite 205

TOWSON, MD. 21204

PHONE NUMBER: 410-296-0200

AJ:ggs

(Revised 09/24/96)

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than *

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 97-587-X

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: *

DATE AND TIME: *

REQUEST: SPECIAL EXCEPTION FOR A CARETAKER'S
RESIDENCE FOR A SELF STORAGE FACILITY.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

TO: PUTUMENT PUBLISHING COMPANY
July 24, 1997 Issue - Jeffersonian

Please forward billing to:

Benjamin Bronstein, Esq.
29 W. Susquehanna Avenue #205
Towson MD 21204
410-296-0200

NOTICE OF HEARING

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

CASE NUMBER: 97-587-X
8509 Liberty Road
NE/S Liberty Road, 212'+/- NE of c/l Old Court Road
2nd Election District - 2nd Councilmanic
Legal Owner(s): Russell R. Sprague
Contract Purchaser(s): Siena Corporation

Special Exception for a caretaker's residence for a self storage facility.

HEARING: TUESDAY, AUGUST 12, 1997 at 2:00 p.m., Room 407 Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 17, 1997

NOTICE OF HEARING

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

CASE NUMBER: 97-587-X
8509 Liberty Road
NE/S Liberty Road, 212'+/- NE of c/l Old Court Road
2nd Election District - 2nd Councilmanic
Legal Owner(s): Russell R. Sprague
Contract Purchaser(s): Siena Corporation

Special Exception for a caretaker's residence for a self storage facility.

HEARING: TUESDAY, AUGUST 12, 1997 at 2:00 p.m., Room 407 Courts Building, 401 Bosley Avenue.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Russell R. Sprague
Stacey McArthur/D.S. Thaler
Siena Corporation
Benjamin Bronstein, Esq.

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JULY 28, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Smk
8/12

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: July 14, 1997

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: 8509 Liberty Road

INFORMATION

Item Number: 587
Petitioner: Sprague Property
Zoning: BR-AS
Requested Action: Special Exception

Summary of Recommendations:

The applicant's site is located on Liberty Road which is a designated Master Plan Commercial Revitalization Area. The Office of Planning and Community Conservation support the request and recommend the following conditions be attached to ensure that the goals of the Master Plan will be met:

1. Replace the sidewalk along the Liberty Road frontage of the site since it is deteriorated and uneven in some sections;
2. Install water lines and hose bibs to planted areas;
3. Provide details regarding the height and design of site lighting;
4. Arrange lights to be directed away from adjacent residences;
5. Provide handicap ramps along sidewalk from Liberty Road to Food Lion; and
6. Submit a final landscape plan to the Office of Planning and Community Conservation.

Prepared by:

Jeffrey W. Lee

Division Chief:

Earl L. Kerns

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

July 10, 1997

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: Russell P. Sprague

Location: DISTRIBUTION MEETING OF July 14, 1997

Item No.: 587 Zoning Agenda:

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.

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", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

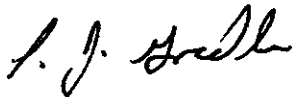
RE: Baltimore County 7.14.97
Item No. 587 JCM

Dear Ms. Eubanks:

We have reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD/US 26 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions. Thank you for the opportunity to review this item.

Very truly yours,

for 
Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Lew Jonsson
Craig Pettenger

2115 Sanguheana Ave Suite 505 Tucson 21204
12011 Searford Rd Suite 101 ^{Orange} Junction 20701

David & Thalia

7115 Ambassador Rd 21244

