IN RE:

PETITION FOR SPECIAL EXCEPTION

SE/S Perring Parkway and SW/S

McLean Boulevard

(EZ-Store)

9th Election District

6th Councilmanic District

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 98-353-X

Bethel Park L.P., Legal Owners;

Siena Development Corp., Contract Lessees

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Special Exception filed by the owners of the subject property, Bethel Park Limited Partnership, by Cory D. Boss, Vice President of Lamar Bethel, Inc., a General Partner, and by the Contract Lessee, Siena Development Corporation, by Kenneth L. Hankin, Vice President, through their attorney, Benjamin Bronstein, Esquire. The Petitioners request a special exception to permit a caretaker's residence on the subject property for a proposed self-storage facility. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing in support of the Petition were Craig B. Pittinger, a representative of Siena Development Corporation, Alan Scoll and David Hamil, representatives of D. S. Thaler and Associates, Inc., the consulting firm which prepared the site plan for this property, and Benjamin Bronstein, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 2.042 acres, more or less, zoned B.M.- A.S., and is presently unimproved. The property is identified as Lot 1 on the site plan and is part of a larger parcel of land owned by the Bethel Park

ORDER RECEWED FOR FILING
Date 2/2/8

Limited Partnership. The Petitioners have contracted to lease the subject Lot 1 to Siena Development Corporation who wishes to develop the property with a five-story storage building. Siena Development Corporation operates a number of EZ-Store public storage facilities in and around the Baltimore Metropolitan area and has selected the subject property as a suitable site for such a facility in this particular area of Baltimore County. The proposed facility will be secured with a gated, cast iron ornamental fence. In addition, as is the case with all of their storage facilities, the Petitioners propose, for security reasons, to have a caretaker reside on the premises to provide security for customers and patrons of the facility. However, in order to have a caretaker's residence on the subject property, a special exception is necessary.

It is clear that the B.C.Z.R. permits the use proposed in a B.M.-A.S. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any 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 congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

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

Baltimore County this 20 day of May, 1998 that the Petition for Special Exception to permit a caretaker's residence on the subject property for a proposed self-storage facility, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

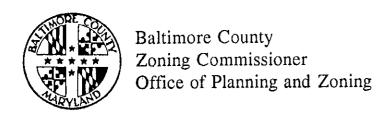
1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

TIMOTHÝ M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs



Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

May 20, 1998

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

RE: PETITION FOR SPECIAL EXCEPTION
SE/S Perring Parkway and SW/S McLean Boulevard
(EZ-Store)
9th Election District - 6th Councilmanic District
Bethel Park L.P., Legal Owners;
Siena Development Corp., Contract Lessees
Case No. 98-353-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

buthy lotraco

for Baltimore County

TMK:bjs

cc: Mr. Cory D. Boss, Vice President, Bethel Park L.P. 365 South Street, Morristown, N.J. 07960

Messrs. Kenneth L. Hankin and Craig B. Pittinger, Siena Dev. Corp., 12011 Guilford Road, Suite 101, Annapolis Junction, Md. 20701

Messrs. Alan Scoll and David Hamil, D. S. Thaler & Assoc., Inc. 7115 Ambassador Road, Baltimore, Md. 21244

People's Counsel; Case Files



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at

Perring Parkway and McLean Boulevard

which is presently zoned

BM-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 caretakers 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:	Legal Owner(s):
Siena Development Corporation (Type or Print Name) Kenneth L. Hankin, Vice Preside	Bethel Park Limited Partnership nt(Type or Print Name)
Signature COLOANO	BY: Lamar Bethel Inc., its
12011 Guilford Road, Suite 101 Address Annapolis Junction, Maryland 20701 City State Zipcode	(Type or Print Name) Aug O. Bro VP \$19/98 Signature
Attorney for Petitioner: Benjamin Bronstein George & Bronstein, LLP (Type or Print Name)	Address Phone No. Morristown, New Jersey 07960 City State Zipcode Name, Address and phone number of representative to be contacted. Stacey McArthur, R.L.A. D.S. Thaler & Associates, Inc.
Signature 29 N. Susqqehanna Ave., Suite 205 Address (410)296-0200 Phone No. Towson, Maryland 21204 City State Zipcode	Name 7115 Ambassador Road, Balto., MD 21244 Address (410)944-3647 OFFICE USE ONLY
	the following dates OTHER
© videod 0/5/05	REVIEWED BY: DATE

January 8, 1998

E-Z STORE (ZONING DESCRIPTION FOR SPECIAL EXCEPTION ONLY)

Beginning at a point located approximately 325 feet, more or less, Southwest of the intersection of the centerline of Perring Parkway (State Route 41) and the west side of McLean Boulevard; (an 80'right-of-way) thence, running the following seventeen (17) courses and distances:

- 1. Southwesterly 110.21 feet by a curve to the right having, a radius of 226.90 feet to a point; thence,
- 2. North 88°09'40" West 28.05 feet to a point; thence,
- 3. South 0°00'00" West 120.04 feet to a point; thence,
- 4. South 90°00'00" West 495.07 feet to a point; thence,
- 5. North 43°29'43" East 43.89 feet to a point; thence,
- 6. North 46°52'15" East 96.82 feet to a point; thence,
- 7. North 52°14'14' East 96.77 feet to a point; thence,
- 8. North 53°13'42" East 144.56 feet to a point; thence,
- 9. North 57°13'36" East 163.14 feet to a point; thence,
- 10. South 04°45'45" West 161.88 feet to a point; thence,
- 11. South 82°29'18" East 30.13 feet to a point; thence,
- 12. South 90°00'00" East 52.17 feet to a point; thence,

98-353-X

- 13. South 88°09"40" East 28.05 feet to a point; thence,
- 14. Northeasterly 80.20 feet by a curve to the left having a radius of 201.90 feet to a point; thence,
- 15. North 24°32'47" West 15.92 feet to a point; thence,
- 16. North 66°03'21" East 17.46 feet to a point; thence,
- 17. South 25°59'44" East 40.08 feet to the point of beginning.

Containing approximately 2.042 acres of land, more or less.

Bull 1/4/3

DESCRIPT DSK EZ STORE AEO JAN 9 YDG

NOTICE OF ZONING HEARING

The Zoning Commissioner of Battimore County, by authority of the Zoning Act and Agula-tions of Battimore County will hold a public hearing in <u>Tow-son</u> Maryland on the property identified herein as follows:

Case: #98-353-X W/S McLean Boulevard, 325'+/- SW of Perring Park-

way
9th Election District
6th Councilmania District
Legal Owner(s): Bettal
Limited Partnership
Contract Purchaser: Siena
Development Corporation

Special Exception: for a care-takers residence for a self storage facility. storage racing. Hearing: Thursday, May 14, 1998 at 11:00 a.m., in Room 407, County Courts Bidg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT - Zoning Commissioner for Battimore Quenty NOTES: (1) Hearings are Handicapped Accessible: for special accommodations Please Call (410) 887-3383 (2) For Information contenting the File and/or Hearing. Please Call (410) 887-3391

4/535 Apr. 30 C224678

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/30 , 1998
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 successive
weeks, the first publication appearing on $4/30$, 19 98.
THE JEFFERSONIAN.
a. Henrelson LEGAL ADTOWSON
LEGAL 76.

BALTIMORE COUNTY, MA OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 1794	PAID RECEIPT PROESS ACTIVAL TIME
DATE 3-2-5-78	ACCOUNT FOOL 6150	3/75/1990 5/25/1998 10:27:41 RFG NSOS CAGNIER DIRV BXT DRANEX S MISEFLLANNUS CASH RECTIP! Relialpt N 057/1/9 Off
RECEIVED SIENA DEL.	CORD BOO. SPRING PKING & MILE	CR NO. 051794 300.00 CHECK Battimore County, Narviand
FOR: (050) SP. X.	48.35	3-X
DISTRIBUTION	. :	CASHIER'S VALIDATION

RE: PETITION FOR SPECIAL EXCEPTION
Perring Parkway and McLean Boulevard, W/S
McLean Blvd., 325'± SW of Perring Pkwy.
9th Election District, 6th Councilmanic

Legal Owner(s): Bethel Park L.P.
Contract Purchaser(s): Siena Devel. Corp. *
 Petitioners

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 98-353-X

* * * * * * * * * * *

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

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel Room 47, Courthouse

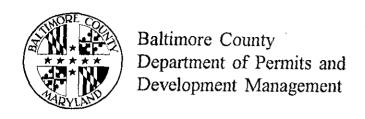
400 Washington Avenue Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _______ day of April, 1998, 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



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

April 2, 1998

NOTICE OF ZONING 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: 98-353-X

W/S McLean Boulevard, 325' +/- SW of Perring Parkway

9th Election District - 6th Councilmanic District Legal Owner: Bethel Park Limited Partnership

Contract Purchaser: Siena Development Corporation

Special Exception for a caretakers residence for a self storage facility.

HEARING:

Thursday, May 14, 1998 at 11:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Arnold Jablon Director

c: Benjamin Bronstein, Esquire D.S. Thaler & Associates, Inc. Bethel Park Limited Partnership Siena Development Corporation

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY APRIL 30, 1998.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY April 30, 1998 Issue - Jeffersonian

Please forward billing to:

Benjamin Bronstein, Esquire 29 W. Susquehanna Avenue

410-296-0200

Suite 205

Towson, MD 21204

NOTICE OF ZONING HEARING

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LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



Baltimore County Department of Permits and Development Management

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

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.

					ARNOL	D JABLON	, DIR	ECTOR	
FOR BOWER									
For newspa	ber ganer.	tising:							
Item No.:_	353								
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98-353-X

AJ:ggs

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.: 98-353-X

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

PLACE:	···-							<u></u>
DATE AND T	ГІМЕ:							
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DO NOT	REMOV	E THIS SIGN	AND POST	' UNTIL DAY	OF HEARING	UNDE	R PENALTY OF LA	w

HANDICAPPED ACCESSIBLE

CERTIFICATE OF POSTING

RE: Case No. 98-353-X Petitioner/Developer: (Siena Develop. Corp.) Date of Hearing/Glowing: (May 14, 1998)

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 Gentleman:

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						
McClean Blvd. & Perring Parkway Baltimore, Maryland 21234						
The sign(s) were posted on Apr. 29, 1998						

Case I 7/362

Case I 7/362

THE COURT CONSTRUCTION

SHOULD BE COMMON AS CONSTRUCTION

SHOULD BE CONSTR

Sincerely, Olambia Stayles (Signature of Signator & Date)
Thomas P. Ogle, Sr
325 Nicholson Road
Bakklamery, Marshand 28028
(416)-687-8465 (Telephone Number)

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: April 16, 1998

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting

for April 13, 1998

Item Nos. 348, 350, 352, 353) 355,

356, 357, 358, 359, and 360

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



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 4.3.9%

Item No. 353

JCM

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration 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,

P. J. Greet Land Por Ronald Burns, Chief

Engineering Access Permits

Division

LG

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

April 16, 1998

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

RE: Property Owner: AAI CORPORATION

CAVES VALLEY GOLF CLUB, INC. BETHEL PARK LIMITED PTNP.

Location: DISTRIBUTION MEETING OF APRIL 6, 1998

Item No.: 350, 352, 353 Zoning Agenda:

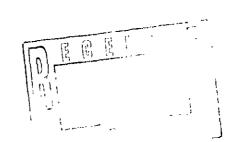
Gentlemen:

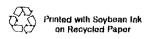
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

- 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- 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", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO:

POM

FROM:

R. Bruce Seeley.

Permits and Development Review

DEPRM

SUBJECT:

Zoning Advisory Committee

Meeting Date:

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: April 13, 1998

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

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

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item No. 353, 354, 361, and 363

If there should be any questions or if this office can provide additional information. please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by: Jeffry M. Long

Division Chief: Cay L. Klins

AFK/JL

GEORGE AND BRONSTEIN, LLP

SUSQUEHANNA BUILDING, SUITE 205 29 WEST SUSQUEHANNA AVENUE TOWSON, MARYLAND 21204 (410) 296-0200 FAX: (410) 296-3719

HARRIS JAMES GEORGE BENJAMIN BRONSTEIN CONSTANCE K PUTZEL OF COUNSEL

March 25, 1998

HAND DELIVERED

Arnold Jablon, Director
Department of Permits
and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Mr. Joseph Merry

RE: Perring Parkway and McLean Boulevard

Dear Mr. Merry:

In reference to the above entitled property I am hereby enclosing the following:

- 1. Petition for Special Exception in triplicate.
- 2. Twelve (12) copies of the Development Plan and Plat to Accompany Special Exception.
 - 3. Three (3) copies of the description under seal.
 - Copy of the 200 Scale Zoning Map.
 - 5. My check to cover costs.

Please enter my appearance on behalf of the Petitioner and advise me as to the hearing date.

Very truly yours,

GEORGE AND BRONSTEIN, LLP

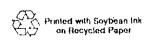
Benjamin Bronstein

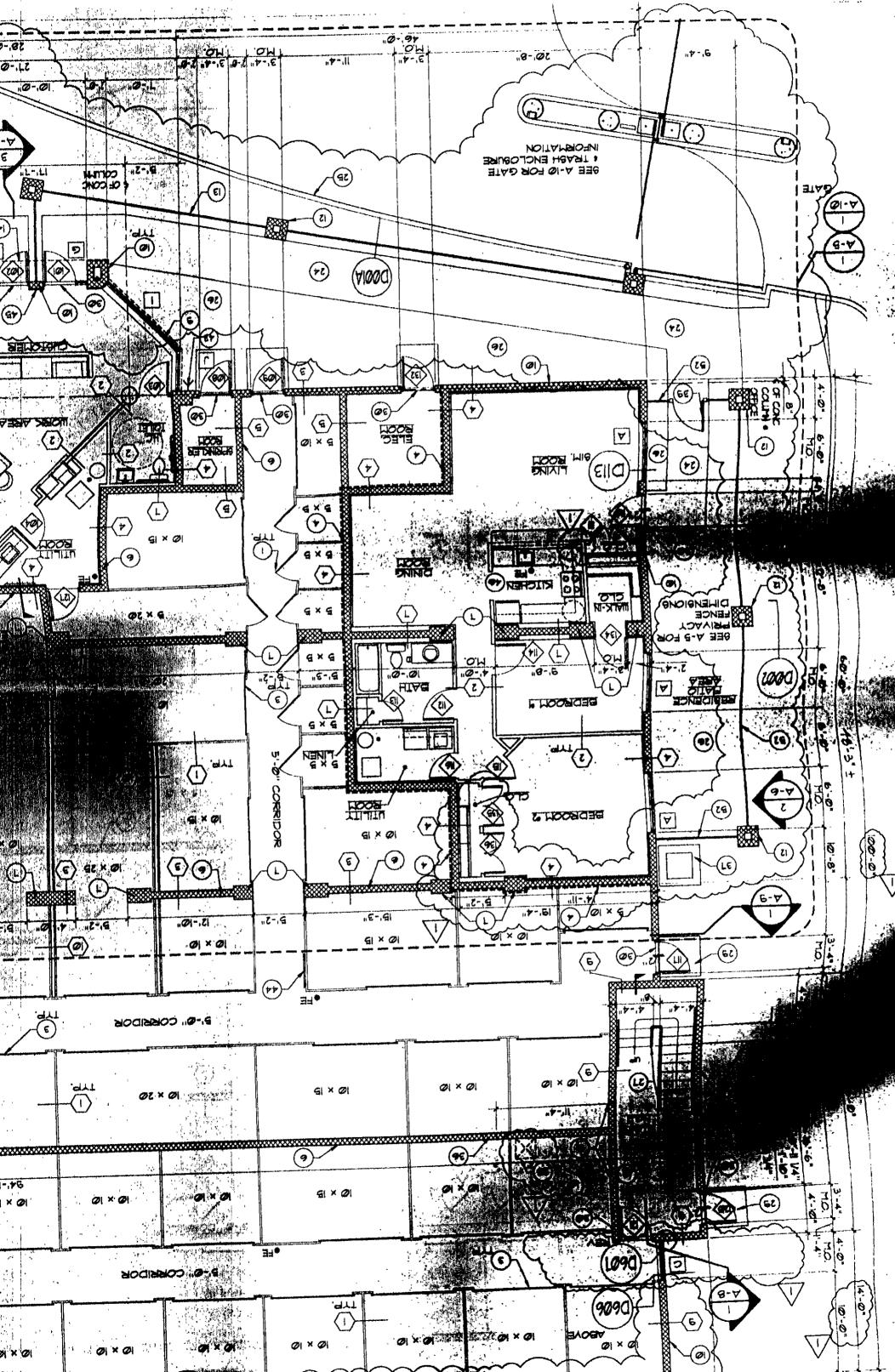
BB/mlh Enclosures

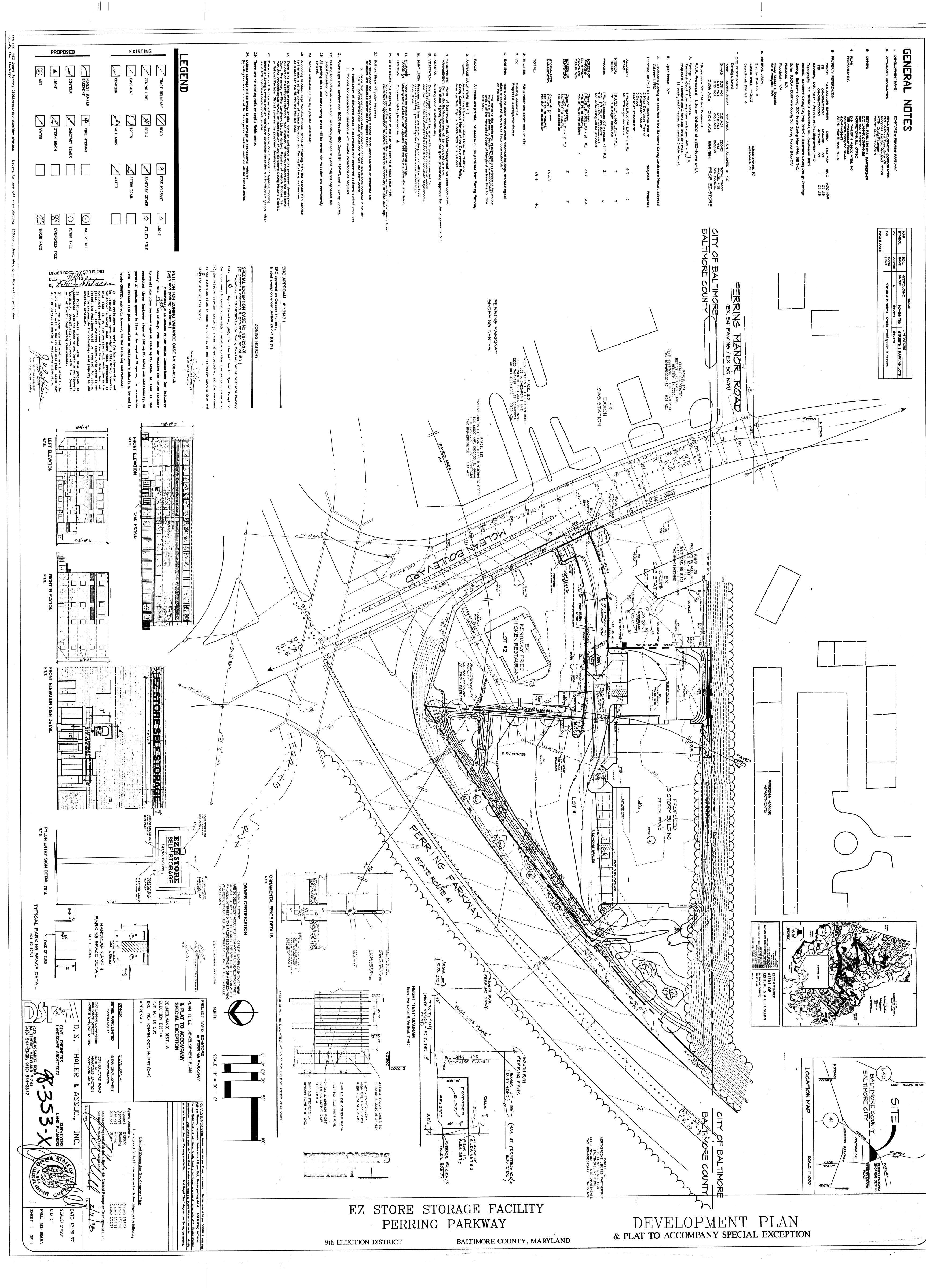
98-353-X

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Den Fronstein	29 W Susquehanno Ave 21204
Alan Syoff	DS Tholor & ASSOC. The
David Hamil	75 Thola & Assoc, Jac. 7115 Ambreguela Rd. 2128A
CANG B PITTIONS	12011 William Ro, Amarous Jan
CHAIS O VIII DONG	Jaon Couran Ro, Manons Jan
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OFFICIAL ZONING AND ZONING OFFICE OF PLANNING AND ZONING



EZ STORE SELF STORAGE FACILITY

PERRING PARKWAY

1996 Baltimore County 200' Scale Zoning Map (NE 7-C) To Accompany Special Exception

98-353-X

