

IN RE: PETITION FOR VARIANCE
W/S Owings Mills Boulevard
at Groffs Lane
4th Election District
3rd Councilmanic District
(11000 Owings Mills Boulevard)

Owings Mills Self-Storage
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-020-SPHA
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owners of the subject property, The Owings Mills Self-Storage, by and through R. Peter Bosworth, its President. The Petitioners are requesting a special hearing from Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) and a variance for property located at 11000 Owings Mills Boulevard, which property is zoned ML-IM. The special hearing request is for a determination that the proposed pizza shop should be classified as a carry-out restaurant and thus 5 parking spaces per 1,000 would be required, and to amend the site plan approved in Case No. 98-382-A. In the alternative, in the event the special hearing relief is not granted, the Petitioner is requesting a variance from Section 409.6.A.2 of the B.C.Z.R. to allow 56 parking spaces in lieu of the required 80 parking spaces.

Appearing at the hearing on behalf of the special hearing and variance request were: R. Peter Bosworth on behalf of the owner of the property; David Martin appearing on behalf of G.W. Stephens, the engineers who prepared the site plan of the property; Greg Adelman, the owner and operator of the pizza carry-out business which is the subject of this request; and Rob Hoffman, attorney at law, representing the Petitioner. There were no protestants in attendance.

ORDER RECEIVED FOR FILING

Date 9/10/99

By J. P. Jamison

Testimony and evidence indicated that the property, which is the subject of this request, consists of 7.70 acres, more or less, and is zoned ML-IM. The subject property is located on the west side of Owings Mills Boulevard at its intersection with Groff's Lane. The subject property is improved with a commercial strip shopping center wherein the applicant's carry-out pizza restaurant is located. At issue in this case is the classification of the pizza store and the amount of parking spaces required for such use. Testimony and evidence indicated that Mr. Adelman operates a Vito's Pizza at this particular location. Mr. Adelman testified that he currently provides 6 tables along with 25 seats for his customers. He testified that all customers come to the counter to order their pizza or sub and that no tableside service is provided. Further testimony revealed that Mr. Adelman's business consists of greater than 80% carry-out and/or delivery service.

The issue presented in the case before me is similar to the issue brought before commissioner Schmidt in Case No. 98-382-A. In that case, Mr. Schmidt ruled that the bagel shop, which is also located within this commercial strip center, is in fact a carry-out facility even though limited seating is provided to customers. In this case, as was the same in the bagel shop case, a limited amount of seating was provided for patrons as a convenience for the purpose of consuming food products purchased on site. However, no tableside service is provided by this pizza carry-out business. Furthermore, the testimony and evidence indicated that Vito's Pizza provides more than 80% carry-out and delivery service. A carry-out restaurant is defined by the Baltimore County Zoning Regulations as "An establishment whose principle business is the sale of ready to consume foods and beverages to customers who order their food and beverages over the counter, by telephone, or by fax machine, and whose principle characteristic is that food and beverages are consumed off the premises." Based upon this definition and the testimony and evidence offered at the hearing, I find that the Vito's Pizza business operating from this facility is in fact a carry-out restaurant and, therefore, only 5 parking spaces per 1,000 sq. ft. of leasable area are required.

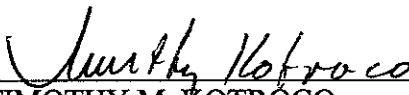
Having so made this determination, the Petitioner's request for variance which was filed in the alternative shall be dismissed as moot.

Pursuant to the advertisement, posting of the property, and public hearing held on this Petition, I find that the proposed pizza shop is in fact a carry-out restaurant and therefore 5 parking spaces per 1,000 sq. ft. are in fact required and the Petitioner does in fact meet the parking requirements imposed by the Baltimore County Zoning Regulations. Therefore, having granted the special hearing, it is not necessary to rule upon the variance which was filed in the alternative.

THEREFORE, IT IS ORDERED this 10th day of September, 1999, by this Deputy Zoning Commissioner, that the Petitioners' Special Hearing Request from Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a determination that a proposed pizza shop should be classified as a carry-out restaurant and thus 5 parking spaces per 1,000 would be required, and to amend the site plan approved in Case No. 98-382-A, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the Petitioner's request for variance which was filed in the alternative shall be dismissed as moot.

IT IS FURTHER ORDERED that any party has the right to file an appeal within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 9/10/99
By R. J. Johnson



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

September 9, 1999

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
Case No. 00-20-SPHA
Property: 11000 Owings Mills Boulevard

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above-captioned case. The Request for Special Hearing has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Copies to:

Mr. R. Peter Bosworth, President
c/o Owings Mills Self-Storage
801 St. George's Road
Baltimore, Maryland 21210

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

Mr. Greg Adelman
10220 S. Dolfield Road, #207
Owings Mills, Maryland 21117

Mr. David Martin
c/o G.W. Stephens, Jr. & Assocs., Inc.
1020 Cromwell Bridge Road
Towson, Maryland 21286



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 11000 Owings Mills Boulevard
which is presently zoned ML-IM

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 Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should

a special hearing to determine that the proposed pizza shop should be classified as a carry-out restaurant and, thus, five parking spaces per 1,000 sf. would be required, and to amend the site plan approved in Case No. 98-382-A.

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. and further agree to and are bounded 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:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney for Petitioner:

Robert A. Hoffman
Name - Type or Print _____
Signature _____
Venable, Baetjer and Howard, LLP
Company _____
210 Allegheny Ave (410) 494-6200
Address Telephone No. _____
Towson MD 21204
State Zip Code _____

Legal Owner(s):

Owings Mills Self-Storage
Name - Type or Print _____
By: R. Peter Bosworth
Signature R. Peter Bosworth, President

Name - Type or Print _____
Signature _____
801 St. George's Road 410-539-2708
Address Telephone No. _____
Baltimore MD 21210
City State Zip Code _____

Representative to be Contacted:

Robert A. Hoffman, Venable, Baetjer and Howard, LLP
Name _____
210 Allegheny Ave (410) 494-6200
Address Telephone No. _____
Towson MD 21204
City State Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date

REV 9/15/98

CO-20-SP47



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11000 Owings Mills Boulevard

which is presently zoned

ML-IM

This Petition shall be filed with the Department of Permits and 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 Variance from Section(s)

409.6.A.2 of the Baltimore County Zoning Regulations to permit 56 parking spaces in lieu of the 80 parking spaces required, if necessary.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To be determined at hearing.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print

Signature

Address

Telephone No.

City State Zip Code

Attorney for Petitioner:

Robert A. Hoffman

Name - Type or Print

Signature

Venable, Baetjer and Howard, LLP

Company

810 Allegheny Ave

(410) 494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Owings Mills Self Storage

Name - Type or Print

By:

Signature R. Peter Bosworth, President

Name - Type or Print

Signature

801 St. George's Road

410-539-2708

Address

Telephone No.

Baltimore

MD

21210

City

State

Zip Code

Representative to be Contacted:

Robert A. Hoffman, Venable, Baetjer and Howard, LLP

Name

210 Allegheny Ave

(410) 494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

SEE ROB HOFFMAN'S
VACATION SCHED.

Reviewed By

SM

Date

7-15-99

Case No. 00-20-SP47

REV 9/15/98

FROM THE OFFICE OF

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CONSULTING ENGINEERS • LAND PLANNERS • LAND SURVEYORS
1020 CROMWELL BRIDGE ROAD • TOWSON, MARYLAND 21286-3396

11000 Owings Mills Boulevard

Description to Accompany Zoning Petition

July 13, 1999

DESCRIPTION OF PROPERTY ON OWINGS MILLS BOULEVARD AT BONITA AVENUE (ALSO KNOWN AS GROFFS LANE) TO ACCOMPANY REQUEST FOR ZONING VARIANCE.

BEGINNING AT A POINT ON THE WESTERN RIGHT-OF-WAY LINE OF OWINGS MILLS BOULEVARD, AS SHOWN HEREON. THENCE LEAVING SAID POINT OF BEGINNING, AND RUNNING THE FOLLOWING COURSES:

- | | |
|----------------------------|---------|
| 1. S 05° 33' 24" E | 619.87' |
| 2. R = 1180.92 L = 591.95' | |
| CH = S 19° 55' 00" E | 585.77 |
| Δ = 28° 43' 12" | |
| 3. S 34° 16' 36" E | 140.95' |
| 4. S 53° 31' 41" W | 495.42' |
| 5. N 05° 29' 30" W | 357.18' |
| 6. S 84° 36' 40" W | 15.00' |
| 7. N 05° 23' 10" W | 23.60' |
| 8. R = 410.82' L = 264.46' | |
| CH = N 11° 24' 25" E | 259.92' |
| Δ = 36° 53' 01" | |
| 9. N 07° 02' 05" W | 355.37' |
| 10. N 11° 12' 32" W | 64.60' |
| 11. N 17° 56' 14" W | 84.31' |
| 12. N 05° 23' 10" W | 355.05' |
| 13. R = 100.00' L = 59.90' | |
| CH = N 11° 46' 21" E | 59.00' |
| Δ = 34° 19' 03" | |
| 14. N 28° 55' 53" E | 22.66' |
| 15. R = 70.00' L = 67.82' | |
| CH = N 56° 41' 14" E | 65.20' |
| Δ = 55° 30' 42" | |
| 16. N 84° 26' 36" E | 68.18' |
| 17. R = 25.00' L = 40.48' | |
| CH = S 49° 03' 27" E | 36.20' |
| Δ = 92° 45' 56" | |
| 18. N 84° 26' 36" E | 2.07' |

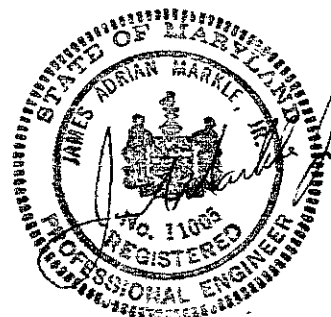
BEING ALSO KNOWN AND DESIGNATED AS LOT 3B, AS SHOWN ON PLAT SM 69/44

Area = 335,540 SQUARE FEET OR 7.7029 ACRES

NOTE: The above description is for zoning purposes only and is not to be used for any conveyances or agreements.

\\ARISTOTLE\USERS\data\towson\9256\docs\071399desczoning.doc

410-825-8120 • FAX 410-583-0288
gwstowson@erols.com



8009 CO-20-SP147

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 070500

5009

DATE 7-15-99 ACCOUNT 7-001-6150

AMOUNT \$ 500.00

RECEIVED FROM: UIC'S Expires For Drugs Plus Seal Strip

COMMERCIAL 250

FOR: SPECIALTY 250

CTAL 500.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

00-205PH9

PAID RECEIPT

PROCESS ACTUAL TIME

7/16/1999 7/15/1999 15:45:24

REC 66505 CASHIER NOTE WEB DRAFTER 5

DEPT 5 528 ZONING VERIFICATION

Receipt # 111098

FOR NO. 0705006

Receipt Tot.

500.00 OK 500.00 EA

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE Case No. 00-020-SPHA

Petitioner/Developer VITO'S PIZZA, ETAL

% ROBERT HOFFMAN, ESQ

Date of Hearing/Closing 9/7/99

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 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 #11000 OWINGS MILLS BLVD.

The sign(s) were posted on

8/22/99
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 8/22/99
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

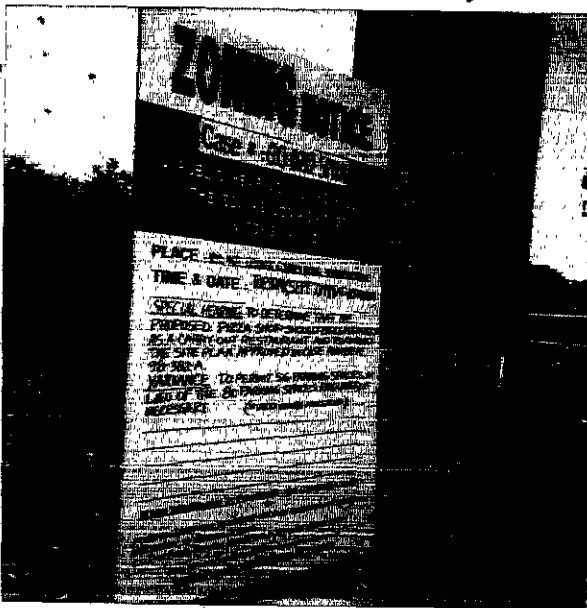
(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571

(Telephone Number)



00-020-SPHA

VITO'S PIZZA

9/7/99

NOTICE OF ZONING HEARING

The Zoning Commission 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 #00-020-SPHA

11000 Owings Mills Boulevard at Grofs Lane
W/S Owings Mills Boulevard
4th Election District - 3rd Councilmanic District

Land Owner: Owings Mills Self Storage

Special Hearing: to determine that the proposed pizza shop should be classified as a carry-out restaurant and to amend the site plan approved in case number 88-382-A. Variance: to permit 66 parking spaces in lieu of the 80 parking spaces required, if necessary.

Hearing: Tuesday, September 7, 1999 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible. For special accommodations, please contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the file and/or hearing, contact the Zoning Review Office at (410) 887-3391.

8/19/99, 19

CS92803

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/20/, 1999

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 8/19/, 1999.

THE JEFFERSONIAN,

S. Williams

LEGAL ADVERTISING

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
11000 Owings Mills Boulevard,
W/S Owings Mills Blvd at Groffs Ln
4th Election District, 3rd Councilmanic

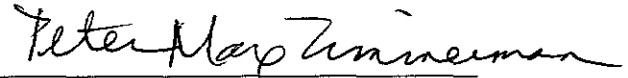
Legal Owner: Owings Mills Self Storage
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-20-SPHA

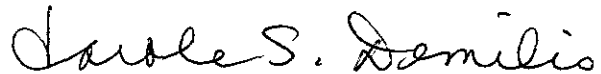
* * * * *

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
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of August, 1999 a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.



PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

August 11, 1999

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: 00-020-SPHA
11000 Owings Mills Boulevard
W/S Owings Mills Boulevard at Groffs Lane
4th Election District – 3rd Councilmanic District
Legal Owner: Owings Mills Self Storage

Special Hearing to determine that the proposed pizza shop should be classified as a carry-out restaurant and to amend the site plan approved in case number 98-382-A. Variance to permit 56 parking spaces in lieu of the 80 parking spaces required, if necessary.

HEARING: Tuesday, September 7, 1999 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

c: Robert A. Hoffman, Esquire, 210 Allegheny Avenue, Towson 21204
Owings Mills Self Storage, 801 St. George's Road, Baltimore 21210

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY AUGUST 23, 1999.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Thursday, August 19, 1999 Issue – Jeffersonian

Please forward billing to:

Barbara W. Ormord
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

410-494-6201

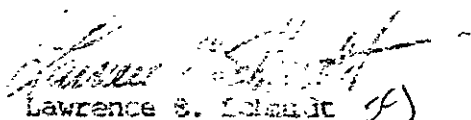
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HEARING: Tuesday, September 7, 1999 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 00-20-SPAA.
Petitioner: OWINGS - PLUS SELF-STORAGE.
Address or Location: 11000 OWINGS PLUS BLVD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Barbara W. Ormrod
Address: Venable, Baetjer + Howard, LLP
210 Allegheny Avenue, Towson, Md 21204
Telephone Number: 410-494-6201

Revised 2/20/98 - SCJ

— SJA 00-20-SPAA



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

September 3, 1999

Robert A. Hoffman, Esq.
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

Dear Mr. Hoffman:

RE: Case No.: 00-20-SPHA, Petitioner: Owings Mills Self Storage,
Location: 11000 Owings Mills Boulevard

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on July 15, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in cursive script, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *RS*
DATE: August 27, 1999
SUBJECT: Zoning Item #020
Owings Mills Storage, 11000 Owings Mills Blvd

Zoning Advisory Committee Meeting of August 9, 1999

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- _____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
- X Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
- _____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
- X No Expansion of existing building or parking will be approve by DEPRM.



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

August 26, 1999

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

RE: Property Owner: SEE BELOW.

Location: DISTRIBUTION MEETING OF AUGUST 9, 1999

Item No.: 018, 020, 021, AND 037 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. HERB TAYLOR
Fire Marshal Office, PHONE 887-4881, MS-1102F
cc: File

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

B A L T I M O R E C O U N T Y , M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

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

Date: August 16, 1999

FROM: *fwb* Robert W. Bowling, Supervisor
 Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for August 16, 1999
 Item Nos. 016, 017, 018, 019, 020,
 021, 022, 023, 024, 026, 028, 030,
 031, 032, 033, 034, 035, 042, 043,
 044

and

Case Number 99-200-SPHXA
1010 Eastern Avenue and
1017 Eastern Boulevard

Item #37 (commercial)
Radcliffe Shopping Center
1017 York Road

Item #38 (residential)
OXEYE ROAD - Greengate
2208 OXEYE ROAD

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

RWB:HJO:jrb

cc: File

ZAC08169.NOC

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: August 4, 1999

TO: Larry E. Schmidt
Zoning Commissioner

FROM: James H. Thompson - LW
Code Enforcement Supervisor

SUBJECT: ITEM NO.: 020
PETITIONER: Owings Mills Self-Storage

VIOLATION CASE NO.: 99-4681

LOCATION OF VIOLATION: W/S Owings Mills Boulevard at Groffs Lane
(11000 Owings Mills Boulevard)

DEFENDANT(S): Owings Mills Self-Storage

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME

ADDRESS

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

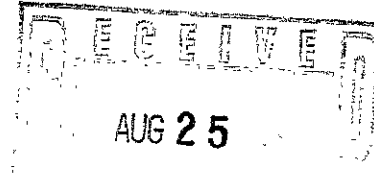
JHT/lw/lmh

00-020-SPHA

Sent
9/7

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE



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

DATE: August 24, 1999

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

SUBJECT: 11000 Owings Mills Boulevard

INFORMATION:

Item Number: 020

Petitioner: Owings Mills Self Storage

Zoning: ML-IM

Requested Action: Variance and Special Hearing

SUMMARY OF RECOMMENDATIONS:

Based on a review of the petitioner's exhibits and a site visit, the Office of Planning offers the following comments and recommendation:

The zoning history of the site indicates a long and continuing need for relief from the required bulk and area standards of the ML-IM zone. This reveals the site is over-developed or that the proposed commercial uses are inappropriate (in terms of parking demand) for such a small development site.

The parking variance request raises significant safety concerns related to possible overflow parking along the shoulder of Owings Mill Boulevard and Groffs Lane.

The Office of Planning recommends that the parking variance be denied.

Section Chief:

Jeffrey W. Lang



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 8.10.99

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

RE: Baltimore County
Item No. 020 JRA

Dear Ms Stephens:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

16 Michael M. Lenhart, Chief
Engineering Access Permits Division

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



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 7.24.00

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

RE: Baltimore County
Item No. 020 TAG

Dear Ms. Jackson:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

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

PETITIONER(S) SIGN-IN SHEET

NAME
Rob Hoffman
DAVID MARTIN

PETER BASWORTH

GREG ADELMAN

ADDRESS
210 Allegheny Ave 21204
1020 CROMWELL BRIDGE DR.
OWS. TOWSON, MD

801 ST. GEORGES RD
BALTO. MD 21210

10220 S. DUBLIN RD #207
Owings Mills, MD 21117



IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
WS Owings Mills Blvd. cor.S & SE
Groffs Ln & 2000' S Crondall * ZONING COMMISSIONER
11000 Owings Mills Blvd.
4th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District
Owings Mills Self Storage,Inc * Case No. 98-382-A
Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 11000 Owings Mills Blvd. The Petition was filed by Owings Mills Self Storage, Inc., by R. Peter Bosworth, President, property owner. Variance relief is requested from Section 409.6.A.2 of the Baltimore County Zoning Regulations (BCZR) to ~~permit 56~~ ~~stacking spaces for drive-through window~~ and also a variance from Section 409.10.A of the BCZR to permit 3 stacking spaces for drive-through window in lieu of the 5 required. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the public hearing held for this case was R. Peter Bosworth, on behalf of the Petitioner, Owings Mills Self Storage, Inc. Also present was Tom Woolfolk, a registered landscape architect, on behalf of George W. Stephens, Jr., Associates, Inc., the firm which prepared the site plan. Also appearing was Mickey Cornelius, a traffic expert, from The Traffic Group, and Susan I. Lemig, a prospective tenant of the site. The Petitioner was represented by Robert A. Hoffman, Esquire. There were no Protestants or other interested persons present.

An examination of the site plan indicates that the property is an irregularly shaped parcel, approximately 7.70 acres in area, zoned ML-IM. The property is located with frontage on Owings Mills Lane, not far from Reisterstown Road in western Baltimore County. The site is proposed for

construction of a building which will contain retail and office space. The building is proposed to be located towards the rear of the site with an area of parking to serve same towards the front.

The zoning history of the property is significant and set out on the site plan. The County Board of Appeals granted a request to reclassify the zoning of the property from D.R.1 to M.L.-I.M. in May 1995. Later, the D.R.C. granted a partial waiver of Public Works Standards in January of 1996. Under zoning case, 96-381-SPHA, variance relief was granted to permit a minimum 75 ft. setback within 100 ft. of a residential zone and special hearing relief was also granted to approve waivers to road and water main improvements. Lastly, under zoning case No. 97-545-A, a variance was permitted to allow a 10 ft. setback in lieu of the 25 ft. required on July 15, 1997.

The present case comes before me for consideration of parking variances from the requirements set forth in Section 409 of the BCZR. As shown on the site plan, there will be 56 parking spaces provided. At the hearing, there was discussion regarding the number required. One of the businesses which will occupy a part of the proposed building is a bagel shop, to be operated by Ms. Lemig. A determination need be made if that operation is considered a standard restaurant or carry-out facility. Section 101 of the BCZR defines a standard restaurant as "A facility or part of a facility used primarily for serving meals and beverages to persons seated at tables on the premises of the establishment . . .". A carry-out restaurant is defined in that section as, "An establishment whose principal business is the sale of ready to consume food and beverages to customers who order their food and beverages over the counter, by telephone, or by fax machine, in whose principal characteristic is that food and beverages are consumed off of the premises."

Section 409 of the BCZR regulates the parking necessary for restaurant uses. Under that regulation, five spaces would be needed for the proposed operation if same were to be determined to be a carry-out restaurant. However, 16 spaces will be required if the use is considered a standard restaurant.

Testimony offered was that the bagel shop will have some seating; thus, the zoning office preliminary determined that same was a standard restaurant. However, remarks from the proprietor at the hearing were persuasive to a finding that the use is indeed a carry-out restaurant. Although there will be some limited seating for patrons, the proposed restaurant is clearly more in character with the carry-out facility. Most patrons will buy their bagels and eat the product off-premises. Although there will be some individuals who will dine on site, there will be a rapid turn-over of patrons. Also, there is no table service. Based upon the characteristics of this facility, I believe that it should be classified as a carry-out restaurant and, thus, five spaces required under Section 409 of the BCZR. Having reached such a determination, the relief requested must, therefore, be altered. Rather than providing 56 parking spaces in lieu of the required 81 spaces, variance relief need be granted to permit 56 spaces in lieu of the required 59.

Based upon the testimony and evidence offered, I am persuaded to grant the Petition for Variance. There does not appear to be a potential for parking spill over to adjacent properties or public roads which abut the use. In my judgment, the Petitioner has satisfied the requirements of Section 307 of the BCZR, as construed by the case law. I am persuaded that the property is unique by virtue of its shape, size and constraints which limit the area and size of the parking lot. Moreover, I find that the Petitioner would suffer practical difficulty if relief were denied,

and that a grant of the relief would not cause adverse impacts to the surrounding locale.

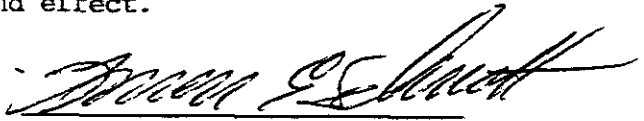
Variance relief will also be permitted to grant 3 stacking spaces for the drive-thru window in lieu of the 5 required. The site plan shows that a drive-in facility is proposed for the southern end of the building. In my judgment, the proposed layout is acceptable and variance relief should be granted.

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

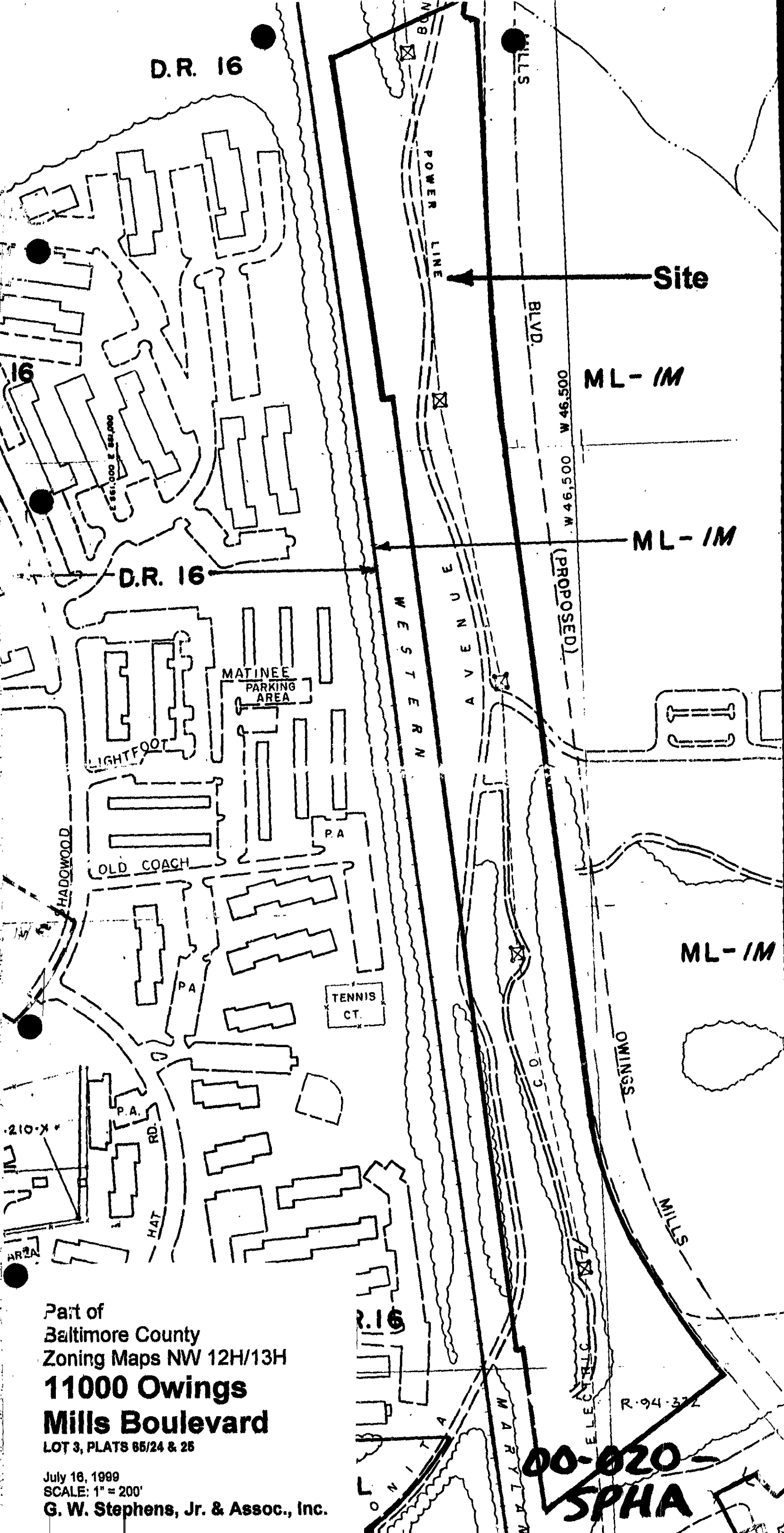
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of July 1998, that a variance from Section 409.6.A.2 of the Baltimore County Zoning Regulations (BCZR) to permit 56 parking spaces in lieu of the 80 required, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.10.A of the BCZR to permit 3 stacking spaces for drive-through window, in lieu of the 5 required, be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioner is hereby made aware that *proceeding* at this time is at its 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. All requirements relating to landscaping and development of the site as set out in the prior zoning cases and/or by the Development Review Committee are expressly incorporated herein and remain in full force and effect.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn



D.R. 16

MILLS

Site

BLVD.

ML-1M

W 46,500 W 46,500

ML-1M

(PROPOSED)

WESTERN AVENUE

MATINEE PARKING AREA

LIGHTFOOT

OLD COACH

TENNIS CT.

ML-1M

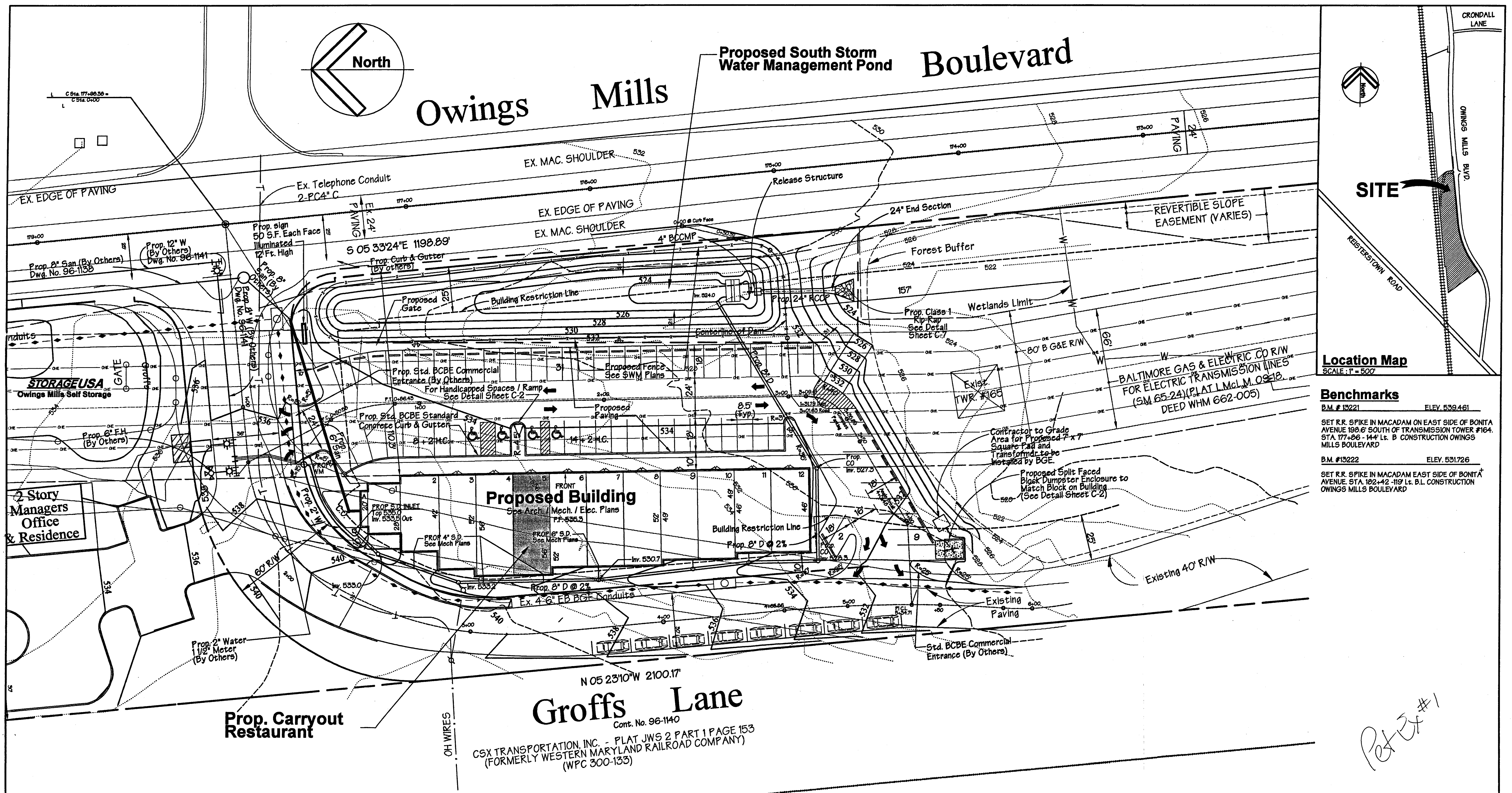
OWINGS

MILLS

Part of
Baltimore County
Zoning Maps NW 12H/13H
11000 Owings
Mills Boulevard
LOT 3, PLATS 65/24 & 25

July 16, 1989
SCALE: 1" = 200'
G. W. Stephens, Jr. & Assoc., Inc.

00-020-
SPHA



Location Map
SCALE: 1" = 500'

Benchmarks

B.M. #13221 ELEV. 539.461
SET R.R. SPIKE IN MACADAM ON EAST SIDE OF BONITA AVENUE 198.6' SOUTH OF TRANSMISSION TOWER #164. STA. 177+86 - 144' L.S. B. CONSTRUCTION OWINGS MILLS BOULEVARD

B.M. #13222 ELEV. 531.726
SET R.R. SPIKE IN MACADAM EAST SIDE OF BONITA AVENUE. STA. 102+42 - 119' L.S. B.L. CONSTRUCTION OWINGS MILLS BOULEVARD

DR-16

Zoning History

CASE R-94-332 - BGE, INC. / NACE, INC.
*RECLASSIFICATION FROM DR-1 TO ML-1M - GRANTED MAY 19, 1995.

DRC NUMBER 12051
*A2 LIMITED EXEMPTION - GRANTED NOVEMBER 30, 1995.

DRC NUMBER 01026F
*WAIVER TO STANDARDS (ROAD AND WATER MAIN IMPROVEMENTS) - PARTIAL WAIVER GRANTED JANUARY 19, 1996.

CASE 96 - 361 - SPHA
*VARIANCE TO MINIMUM 75 FOOT SETBACK WITHIN 100 FEET OF RESIDENTIAL ZONE
*SPECIAL HEARING TO APPROVE WAIVERS TO ROAD AND WATER MAIN IMPROVEMENTS GRANTED 5/29/96.

CASE # 97-545 - A
*VARIANCE TO ALLOW 10' SETBACK IN LIEU OF 25' REQUIRED GRANTED JULY 15, 1997.

CASE # 98-392-A
*VARIANCE TO PERMIT 56 PARKING SPACES IN LIEU OF 80 REQUIRED AND TO PERMIT 3 STACKING SPACES FOR DRIVE THRU WINDOW IN LIEU OF THE 5 REQUIRED.

General Notes

1. THERE SHALL BE NO OUTSIDE STORAGE OF MATERIALS.
2. FINISH MATERIAL ON THE BUILDING WILL BE LIMITED TO CONCRETE, BRICK, GLASS, PLASTIC, METAL, AND WOOD.
3. THE 66' RIGHT-OF-WAY FOR THE ELECTRIC TRANSMISSION LINES IS NOT IN FEE. THE RIGHT-OF-WAY WAS CREATED ON A PLAT DATED 1928.
4. ALL BUILDINGS ARE SINGLE STORY AND WILL NOT EXCEED 30' IN HEIGHT.
5. ALL PARKING AREAS WILL BE PAVED WITH BITUMINOUS CONCRETE AND PERMANENTLY STRIPED. TYPICAL PARKING SPACES ARE 8'-6" X 18'.
6. PARKING SPACES FOR THE HANDICAPPED WILL BE PROVIDED IN ACCORDANCE WITH THE MARYLAND BUILDING CODE FOR THE HANDICAPPED.
7. ALL LIGHT FIXTURES USED TO ILLUMINATE THE OFF-STREET PARKING AREAS SHALL BE ARRANGED SO AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITES AND PUBLIC STREETS.
8. APPROXIMATELY 119 AC +/- OF THIS SITE IS WITHIN A 100-YEAR FLOODPLAIN.
9. NO PART OF THIS SITE IS LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
10. THIS SITE IS NOT LOCATED IN A BASIC SERVICES MORATORIUM AREA.
11. ALL PROPOSED BUILDINGS WILL MEET BUILDING CODE AND FIRE CODE.
12. ALL SIGNAGE WILL BE IN ACCORDANCE WITH D.C.Z.R. SECTIONS 413.5 & 413.6 OR A VARIANCE WILL BE APPLIED FOR.
13. NO PREVIOUS COMMERCIAL PERMITS HAVE BEEN ISSUED ON THIS SITE.
14. NUMBER OF TENANT SPACES MAY BE ALTERED TO SUIT TENANT REQUIREMENTS.

Site Data

ELECTION DISTRICT
COUNCILMANIC DISTRICT
EXISTING ZONING
DEED REFERENCE
TAX ACCOUNT NUMBER
PLAT REFERENCE
CENSUS TRACT
WATERSHED
SUBWERSHED
THERE ARE NO ARCHAEOLOGICAL SITES ONSITE.
THERE ARE NO HISTORIC BUILDINGS ONSITE.
THERE ARE NO ENDANGERED SPECIES HABITATS ONSITE

SITE AREA
EXISTING USE:
PROPOSED USE:
RESTAURANT
RETAIL
BANK

PROPOSED BUILDING FLOOR AREA @ 16/1000
PARKING REQUIRED: RESTAURANT @ 5/1000
RETAIL @ 3.3/1000
BANK

1992 S.F.
8831 S.F.
920 S.F.

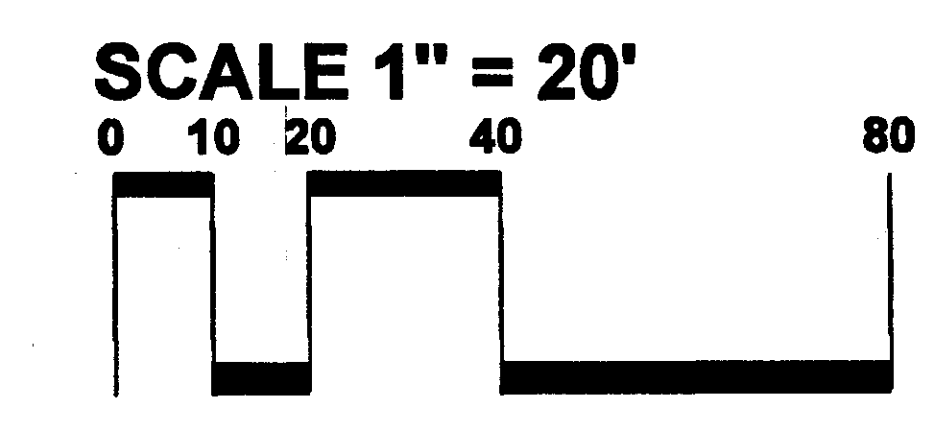
11,743 SQ. FT.
32 SPACES
441 SPACES
31 SPACES
80 SPACES
68 SPACES

(11,743 / 43560) / 7.70 AC = 0.055

Legend

- | | | | |
|-----------------------|-------|--------------------------------|--------|
| R/W & PROP. LINE | --- | PROP. SPOT ELEVATION | 534.1+ |
| EX. PAVING | ===== | EXISTING BGE CONDUIT | --- |
| PROP. CURB & GUTTER | ===== | EXISTING 2' CONTOURS | ----- |
| PROP. PUBLIC WATER | ===== | EXISTING 10' CONTOURS | ----- |
| PROP. PUBLIC SANITARY | ===== | EXISTING FENCE LINE | -X- |
| PROP. 2' CONTOUR | ===== | PROP. STORM DRAIN | --- |
| PROP. 10' CONTOUR | ===== | PROP. SANITARY | --- |
| PROP. ONSITE WATER | ===== | STRIPED PAVING | ===== |
| PROP. FENCE | -X- | DIRECTION OF PROP SURFACE FLOW | --- |

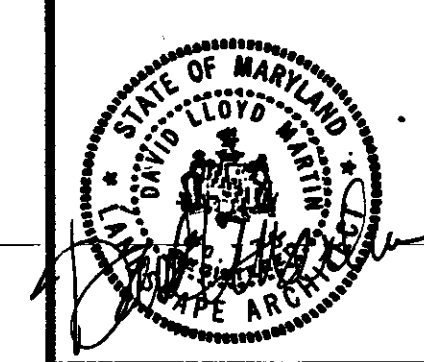
Owner/Developer
Owings Mills Self Storage
801 St. Georges Road
Baltimore, Maryland 21210



Plan to Accompany Zoning Petition

Proposed Building 11000 Owings Mills Boulevard

BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT 4 - COUNCILMANIC DISTRICT 3



GEORGE W. STEPHENS, JR.
AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
644 KIRKIN WORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-4150

1	4/26/97	CLARIFIED UNIT DISTRIBUTION	TW	SCALE	1" = 20'
2	5/2/98	ZONING HISTORY	TW	DATE	5-27-98
				JOB NO.	8085
				DESIGNED	EW
				CHECKED	TW
				FILED	C-1-1000/8085
				DRAWING NUMBER	Z-1
NO.	DATE	REVISIONS	BY	SHEET	1 OF 1