

IN RE: PETITION FOR VARIANCE
W/S Owings Mills Boulevard, 1500' N
of Reisterstown Road
4th Election District
3rd Councilmanic District
(11000 Owings Mills Boulevard)

Owings Mills Self Storage, Inc., *Legal Owner*
and Julie M. Lee, *Lessee*
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 02-193-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, Owings Mills Storage, Inc. and the Lessee of the property, Julie M. Lee. The Petitioners are requesting a special hearing for property located at 11000 Owings Mills Boulevard. The special hearing request is from Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve tanning beds as an accessory use to a beauty salon.

Appearing at the hearing on behalf of the special hearing request were Julie and Jeffrey Lee, Lessees of the property, Peter Bosworth, appearing on behalf of the owner of the property, David Martin, appearing on behalf of G. W. Stephens, the engineering firm who prepared the site plan of the property, David Richardson and David Karceski, attorney at law, appearing on behalf of the Petitioners. There were no Protestants or others in attendance.

Testimony and evidence indicated that the Petitioners have leased spaces #10 and #11 located within a strip-shopping center situated between Owings Mills Boulevard and Groffs Lane. The Lessees are interested in operating a beauty salon within that particular retail space. In conjunction with the operation of their beauty salon, the Petitioners wish to install 7 tanning beds as is shown on Petitioners' Exhibit No. 2, the plan showing the build-out of the leased

11/4/02
R. J. [Signature]

space. In order to proceed with the installation of these tanning beds, the special hearing request is necessary to show that this use is accessory to the overall use of the property as a beauty salon.

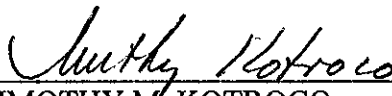
Testimony and evidence offered indicated that while the beauty salon will operate year round, the use of the tanning beds is basically a seasonal operation which occurs mainly in the winter months. The main income derived from this operation will be from the other beauty salon services offered on site.

After considering the testimony and evidence offered at the hearing, I find that the special hearing request should be granted. It is clear that practical difficulty or unreasonable hardship would result if the special hearing were not granted to allow the Petitioners' request. The relief requested will not be detrimental to the public health, safety or general welfare, and meets the spirit and intent of the Baltimore County Zoning Regulations.

Pursuant to the advertisement, posting of the property and public hearing held on the petition and for the reasons given above, the special hearing request should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of January, 2002, that the Petitioners' request for special hearing from Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve tanning beds as an accessory use to a beauty salon, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj



Baltimore County
Zoning Commissioner

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

January 14, 2002

David Karceski, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
Case No. 02-193-SPH
Property: 11000 Owings Mills Boulevard

Dear Mr. Karceski:

Enclosed please find the decision rendered in the above-captioned case. The Petition 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 Department of Permits and Development Management. 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 cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

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



Printed with Soybean Ink
on Recycled Paper

Copies to:

Peter Bosworth
c/o Owings Mills Self Storage, Inc.
801 St. Georges Road
Baltimore, MD 21210

Julie M. Lee
19502 Middletown Road
Freeland, MD 21053

David Richardson
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

David Martin, P.E.
G. W. Stephens & Associates, Inc.
1020 Cromwell Bridge Road
Towson, MD 21286-3396



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

11000 OWINGS MILLS BLVD
for the property located at OWINGS MILLS, MD 21117
which is presently zoned YL-1M

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

SPECIAL HEARING TO APPROVE TANNING BEDS AS AN ACCESSORY
USE TO A BEAUTY SALON.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, 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:

JULIE M. LEE
Name - Type or Print
[Signature]
Signature
19502 MIDDLETOWN RD. 443-386-3655
Address Telephone No.
FREELAND MD 21053
City State Zip Code

Attorney For Petitioner:

DAVID KARCESKI
Name - Type or Print
[Signature]
Signature
VENABLE, BAETJER + HOWARD LLP
Company
210 ALLEGHENY AVE 410-494-6255
Address Telephone No.
TOWSON MD 21204
City State Zip Code

Legal Owner(s):

OWINGS MILL SELF STORAGE, INC.
Name - Type or Print
PETER BOSWORTH - PRES.
Signature
[Signature]
Signature
Name - Type or Print
[Blank]
Signature
801 ST. GEORGES RD 410-340-8031
Address Telephone No.
BALTO MD 21210
City State Zip Code

Representative to be Contacted:

PETER BOSWORTH
Name
801 ST. GEORGES RD 410-340-8031
Address Telephone No.
BALTO MD 21210
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JCM Date 11-13-01

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

Description to Accompany Variance Petition
For 11000 Owings Mills Boulevard

DATE: November 12, 2001

Beginning at a point at the centerline intersection of Owings Mills Boulevard, 70 feet wide and Groffs Lane, 60 feet wide thence South 26 degrees 17 minutes 27 seconds West, 66.23 feet to a point of beginning on the property, thence the following courses:

1. South 84 degrees 26 minutes 36 seconds West, 2.07 feet, thence
2. Along a curve to the west having a chord of North 70 degrees 7 minutes 58 seconds West, radius of 25 feet, and an arc length of 36.2 feet, thence
3. South 84 degrees 26 minutes 36 seconds West, 68.18 feet, thence
4. Along a curve to the Southwest having a chord of South 56 degrees 40 minutes 22 seconds West, radius of 70 feet and an arc length of 65.2 feet, thence
5. South 28 degrees 55 minutes 53 seconds West, 22.66 feet, thence
6. Along a curve to the South having a chord of South 12 degrees 16 minutes 34 seconds West, radius of 100 feet and an arc length of 59 feet, thence
7. South 5 degrees 23 minutes 10 seconds East, 355.05 feet, thence
8. North 26 degrees 15 minutes 0 seconds East, 158 feet, thence
9. North 81 degrees 36 minutes 57 seconds East, 102.68 feet, thence
10. North 5 minutes 33 minutes 25 seconds West, 291.94 feet back to the Point of Beginning:

Being a part of Lot 3B shown on the Plat S.M. 69-44 as recorded in the Land Records of Baltimore County, Maryland containing 7.7029 Acres of land more or less.

Note: The above description is for zoning purposes only and is not to be used for contracts, conveyances or agreements.



193

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

193
No. **07876**

DATE 11.12.01 ACCOUNT 601-006-6150

AMOUNT \$ 250.00

RECEIVED J. LEE 11000 OWING
FROM: 11000 Mills Rd

FOR: SPH

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

JCA

PAID RECEIPT

PAYMENT ACTUAL TIME

11/13/2001 11/13/2001 09:12:07

REF: 0301 CASHIER JRIC JMR DROWER 1

RECEIPT # 071214 DEPT 5 528 ZIMING VERIFICATION 0714

CR NO. 007876

Receipt Tot 250.00

250.00 OK .00 CR

Baltimore County, Maryland

CASHIER'S VALIDATION

TO: PATUXENT PUBLISHING COMPANY
Thursday, December 27, 2001 Issue – Jeffersonian

Please forward billing to:

David Karceski
Venable Baetjer & Howard
210 Allegheny Avenue
Towson MD 21204

410 494-6285

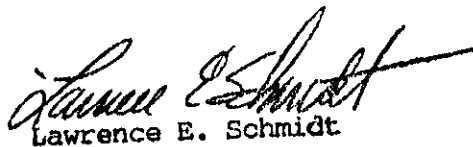
NOTICE OF ZONING HEARING

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: 02-193-SPH
11000 Owings Mills Boulevard
W/S of Owings Mills Road, 1500' N of Reisterstown Road
4th Election District – 3rd Councilmanic District
Legal Owner: Peter Bosworth
Contract Purchaser: Julie M Lee

Special Hearing to approve tanning beds as an accessory use to a beauty salon.

HEARING: Monday, January 14, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDZ
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.



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

December 13, 2001

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: 02-193-SPH
11000 Owings Mills Boulevard
W/S of Owings Mills Road, 1500' N of Reisterstown Road
4th Election District – 3rd Councilmanic District
Legal Owner: Peter Bosworth
Contract Purchaser: Julie M Lee

Special Hearing to approve tanning beds as an accessory use to a beauty salon.

HEARING: Monday, January 14, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

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

Arnold Jablon GDZ
Director

C: Davis Karceski, Venable Baetjer & Howard, 210 Allegheny Avenue,
Towson 21204
Peter Bosworth, Owings Mill Self Storage Inc, 801 St Georges Road,
Baltimore 21210
Julie M Lee, 19502 Middletown Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, DECEMBER 29, 2001.**
(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.



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

January 11, 2002

David Karceski
Venable Baetjer & Howard
210 Allegheny Avenue
Towson MD 21204

Dear Mr. Karceski:

RE: Case Number: 02-193-SPH, 11000 Owings Mills Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 13, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Peter Bosworth, Owings Mill Self Storage Inc, 801 St Georges Road,
Baltimore 21210
Julie M Lee, 19502 Middletown Road, Freeland 21053
People's Counsel

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



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt. **DATE:** December 26, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For December 10, 2001
Item Nos. 176, 177, 178, 179, 181, 184,
185, 186, 187, 188, 189, 193, 190, 191,
~~193~~ 194, 195, 196, 197, 198, 199, and
223

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

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

December 12, 2001

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF December 3, 2001

Item No.: See Below

Dear Ms. Stephens:

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.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187,
188, 190, 191, 192, 195, 198, 199, 223

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

Sup
1/14

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 12, 2001

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

13

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-178, 02-181, 02-185, 02-187, 02-192,
02-193, 02-198, & 02-199

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: Mark A. Cunningham

Section Chief: Jeffrey W. Lee

AFK/JL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 12.11.01

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. [redacted] JCM

Dear Mr. Zahner:

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,

KAM 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

Granted 1/14/02

RE: PETITION FOR SPECIAL HEARING
11000 Owings Mills Boulevard, W/S Owings Mills Blvd,
1500' N of Reisterstown Rd
4th Election District, 3rd Councilmanic

Legal Owner: Owings Mills Self Storage, Inc.
Contract Purchaser: Julie M. Lee
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-193-SPH

* * * * *

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. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

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

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

CERTIFICATE OF SERVICE

JAN 13

I HEREBY CERTIFY that on this 19th day of December, 2001 a copy of the foregoing Entry of Appearance was mailed to David H. Karceski, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147
www.venable.com

VENABLE
ATTORNEYS AT LAW

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

Writer's Direct Number:
(410) 494-6285

dhkarcieski@venable.com

January 29, 2002

HAND-DELIVERED

Mr. Timothy M. Kotroco
Deputy Zoning Commissioner
Zoning Commissioner's Office
401 Bosley Avenue
Towson, Maryland 21204

Re: PETITION FOR SPECIAL HEARING
11000 Owings Mills Boulevard, W/S of
Owings Mills Boulevard, North of Reisterstown Road
4th Election District -- 3rd Councilmanic District
Peter Bosworth -- Legal Owner
Julie M. Lee -- Contract Lessee
Case Number: 02-193-SPH

Dear Mr. Kotroco:

I have reviewed your Findings of Fact and Conclusions of Law and accompanying Order issued in the above-referenced case dated January 14, 2002. In the Order, there is a clarification required regarding usage of tanning beds. The Order indicates that tanning is a seasonal activity that "occurs mainly in the winter months." According to Ms. Lee's testimony at the hearing, tanning is a seasonal activity, however, tanning beds are and would on the above-referenced property be used most frequently from March through June.

I would appreciate it if you would include this letter in your permanent case file for the case. Thank you for your assistance with this matter.

Very truly yours,



David H. Karcieski

DHK/bl

cc: Mr. Peter Bosworth
Ms. Julie M. Lee

FOIDOC51/DHK01/#130456 v1

-INCINERATORS will be considered as an accessory structure, provided that it is incidental to the principal use, and meets Section 400 of the B.C.Z.R. requirements in residential zones and principal building requirements in commercial and industrial zones. (this does not apply to dumpsters)

-PIT BEEF STANDS - See Roadside Stands below. It must meet commercial site plan requirements.

-ROADSIDE STANDS

- (1) On public land, zoning has no authority or jurisdiction over any sales carried on within the public right-of-way which usually is both the street and the adjacent sidewalk.
- (2) Vendors or Hucksters are not regulated by zoning if they remain permanent or moving in the public right-of-way.
- (3) On private property, zoning does not permit roadside stands or sales temporary or permanent on residential property unless:
 - a. It is a garage or yard sale (see Garage and Yard Sales above)
 - b. It is a farmer's roadside stand (See Section 404.2 B.C.Z.R. & Z.C.P.M., Page 4-6)

-SATELLITE DISHES

- (1) Satellite television dish systems are permitted on residential property as an accessory use, only, and must comply with all of the provisions of Section 400, except that attaching the dish to the dwelling would not supplant the need for a variance hearing, if the requirements cannot be met.
- (2) See the following cases: C-84-735
85-347-A
- (3) Dishes are permitted on commercial and manufacturing buildings (no height limitation) i.e., a dish on a building in a D.L. zone may extend above 40' building limit.

-SNOWBALL STANDS - See Roadside Stands above. It must meet commercial site plan requirements.

-SWIMMING POOLS AND TENNIS COURTS

- (1) Swimming pools and tennis courts are considered accessory structures/uses.
- (2) Community pools or tennis courts not located in the rear areas behind the subdivision dwellings are to be considered other principal buildings and subject to the standards in the C.M.U.P. If located in a residential transition area, these standards will also have to be met.
See also TENNIS FACILITIES Section 406A, Page 4-24

- (3) See the following cases: 82-270-A
88-206-SPH

→ -TANNING AND HOT TUB FACILITIES - are not specifically listed in the Zoning Regulations, but may be permitted as an accessory use to but not limited to the following uses:

Beauty Salons
Barber Shops
Racquet Ball

Health Spas
Tanning Barns
Country Clubs

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

DAVID KARCESKI

210 ALLEGHENY AVENUE, TOWSON

PETER BASWORTH

80 ST GEORGES RD BALTO. 21210

Julie Mazer Lee

19502 MIDDLETOWN RD. FREELAND, MD 21053

JEFFREY LEE

19502 MIDDLETOWN RD
FREELAND, MD 21053

DAVID RICHARDSON

210 ALLEGHENY AVE, TOWSON



NO.	REVISION	DATE



MORRIS & FITCHIE ASSOCIATES, INC.
ARCHITECTS, ENGINEERS,
PLANNERS, ENVIRONMENTAL
& LANDSCAPE ARCHITECTS
70 WEST ROAD SUITE 200
TOWSON, MARYLAND 21204
TEL (410) 881-7400
FAX (410) 881-7440

SHEET TITLE

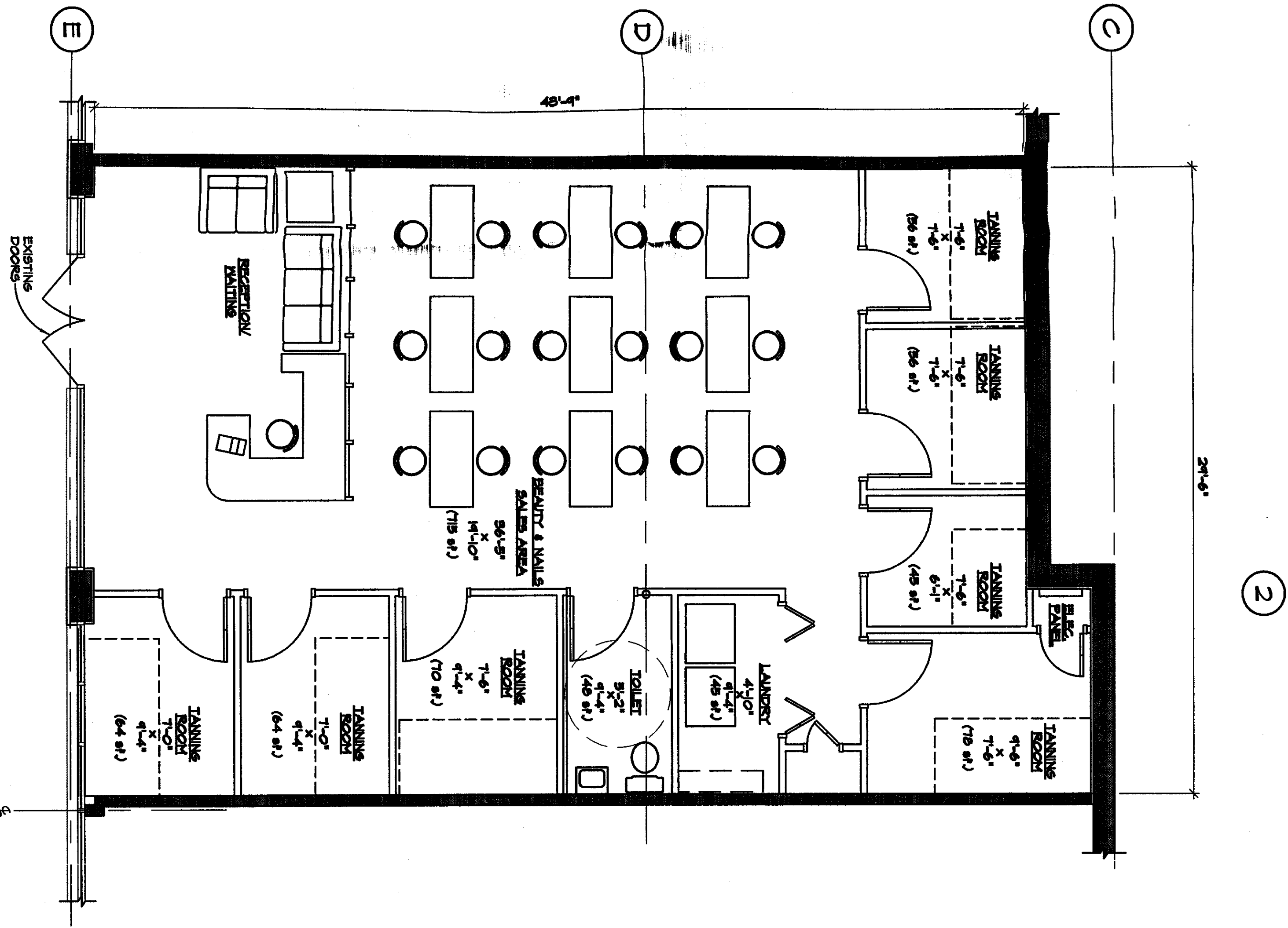
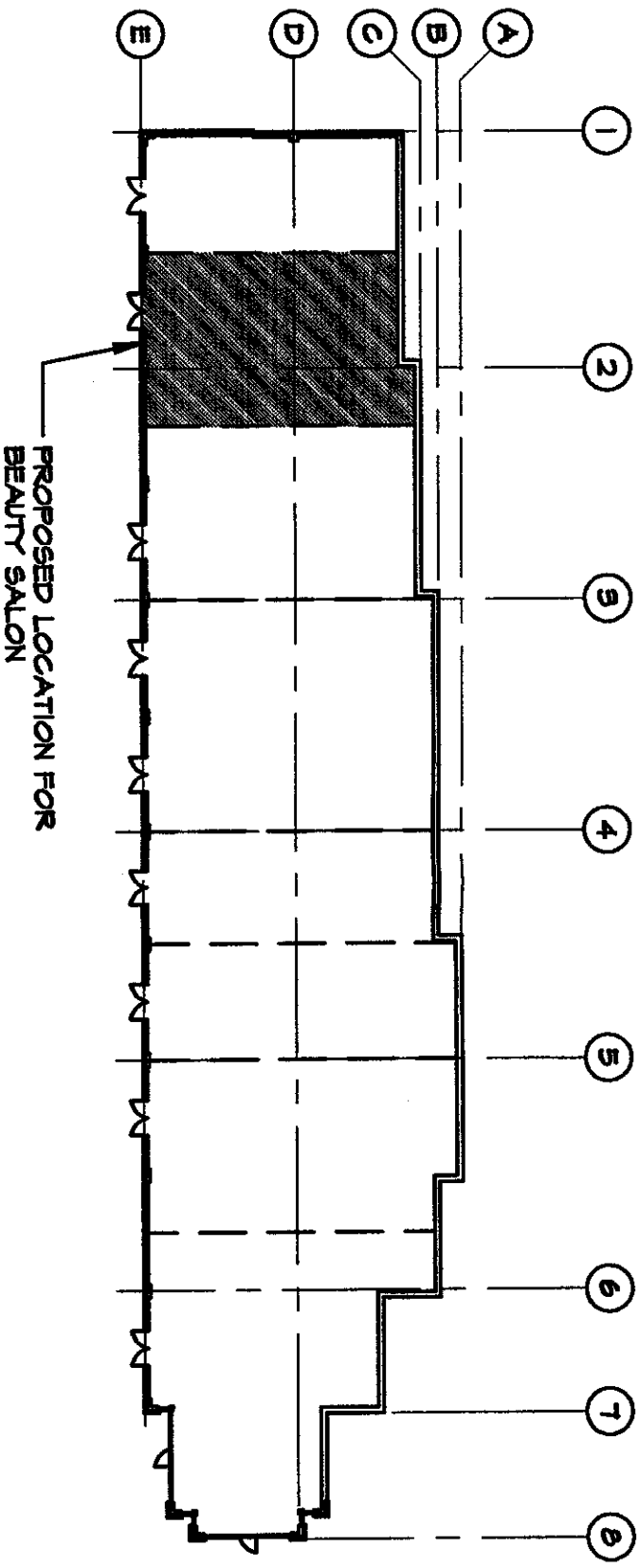
FLOOR PLAN

SHEET NUMBER

A-1

SCALE: AS NOTED

10732



1 BEAUTY SALON FLOOR PLAN
SCALE: 1/4" = 1'-0"

KEY PLAN
NOT TO SCALE

SCALE	LOCATION	SHEET
1" = 200' ±	ROSEWOOD	N 45° E
DATE		N.W.



