

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE – N/S Eastern Avenue,
1100' W of the c/l Diamond Point Road * ZONING COMMISSIONER
(8100 Eastern Avenue)
15th Election District * OF BALTIMORE COUNTY
7th Council District *
Case No. 02-318-XA
Diamond Point Plaza Phase II, LLC, Owners;
Extra Space Storage, Contract Lessees *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Exception and Variance filed by the owners of the subject property, Diamond Point Plaza Phase II, LLC, by Alan Smith, Executive Vice President, and by the Contract Lessees, Extra Space Storage, by Richard S. Tanner, through their attorney, David K. Gildea, Esquire. The Petitioners request a special exception to permit living quarters in a commercial building, pursuant to Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), and variance relief from the B.C.Z.R. as follows: From Sections 238.2 and 102.2 of the B.C.Z.R. to allow setbacks of 30 feet in lieu of the required 60 feet between those buildings itemized on the Attachment to the Petition for Variance; a setback of 20 feet in lieu of the required 60 feet between the Office/Manager's Residence and Building M; a setback of 5 feet in lieu of the required 60 feet between Buildings A and B, C and D, and E and F; and a 0-foot rear yard setback in lieu of the required 30 feet for Buildings A and B. In addition, the Petitioner's Request a variance from Section 409.8.A of the B.C.Z.R. to permit a 0-foot parking setback in lieu of the required 10 feet, pursuant to the requirements of the Landscape Manual and as adopted in Section 26-283 of the Baltimore County Code. The subject property and requested relief are more particularly described on the five-page site plan, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were John Englar, on behalf of Diamond Point Plaza Phase II, LLC, property owners; Mel Willis a representative of Burgess and Niple, the engineering consultants who prepared the site plan for this property; and,

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Date

By

Sebastian Cross, Esquire, attorney for the Petitioners. There were no Protestants or other persons present.

The subject property under consideration is an irregular shaped parcel located on the north side of Eastern Avenue, near Oriole Avenue and not far from its intersection with the Patapsco Freeway (I-695) in Essex. The property contains a gross area of 5.28 acres, more or less, zoned B.R., and is presently unimproved. The site is part of an overall parcel that has been developed as the Diamond Point Shopping Center. The anchor tenant is a Sam's Club retail/warehouse, which building is located on an adjacent lot within the shopping center property. The Petitioner recently contracted to lease the subject property to Extra Space Storage for the purpose of developing same with a self-storage facility. Extra Space Storage is a business entity, which leases warehouse space to residential and commercial users. The company has facilities nationwide; however, this is the first proposal in the state of Maryland.

As more particularly shown on the site plan (Petitioner's Exhibit 1), the Petitioners propose over 60,000 sq.ft. of storage space. The storage area will be contained in a series of buildings (17), which are typically 30' x 150', 30' x 145', and 25' x 125' in dimension. Testimony and evidence offered at the hearing indicated that due to a lease arrangement between the property owner and Sam's Club, the height of the buildings proposed by the Petitioners is limited. Thus, the structures proposed are long and narrow, low-rise buildings. Such an arrangement will provide a variety of storage space options for customers. Moreover, the lower profile of the buildings is also compatible with the residences that are nearby and adjacent to Oriole Avenue.

Mr. Englar, through Counsel, described the proposed operation. As noted above, storage space will be leased to both homeowners and commercial business owners. The property is gated with but a single entrance from the shopping center property. The perimeter of the site is also fenced and lighted so as to provide security. As is the case with similar operations, a manager will live onsite to provide a 24-hour presence. The site plan shows a 30' x 30' manager's residence immediately adjacent to a 600 sq.ft. office area. This security will be a benefit to not

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Date 4/11/02
By [Signature]

only the subject property but to the adjacent shopping center use as well. In view of the proposed manager's residence, the requested special exception relief is necessary.

It is clear that the proposal is well thought out and that the Petitioner has given great care to the proposed design and operation of the facility. There were no Protestants present and testimony indicated that the Petitioner contacted surrounding neighbors to advise them of the proposal and obtain feedback. Moreover, Zoning Advisory Committee (ZAC) comments in support of the project were received from the Office of Planning. Generally, those comments require that the buildings be constructed in such a manner so as to be attractive and compatible with the existing locale. The comments suggested such improvements as a brick façade, decorative fencing, and landscaping. In this regard, the Petitioner has revised its plans to comply with these comments.

An additional comment was received from the Department of Public Works regarding an existing sewer line and storm drain which traverse the subject site. The comment indicates that the Petitioner should clarify the ownership of these utilities and if same are public, they must be relocated or the buildings moved to allow access for maintenance. In this regard, Mr. Willis, the engineer for the project, indicated that he believes the lines to be public and that they will be relocated at the Petitioner's expense.

Based upon the testimony and evidence presented, I am easily persuaded to grant the relief requested. I am impressed with the design of this project and the Petitioner's attention to detail. The proposed special exception use appears appropriate here and will not cause detrimental impacts to the health, safety and general welfare of the locale. As to the variance requests, I find that the Petitioner has met the requirements of Section 307 of the B.C.Z.R. The nature of the use, the configuration of the property, and the constraints associated with the lease arrangement are all persuasive factors that the design of the buildings and location thereof are appropriate. I find that the property is unique, that a practical difficulty would result if relief were denied, and that variances can be granted without adverse impact to the surrounding locale.

ORDER RECEIVED FOR FILING

Date

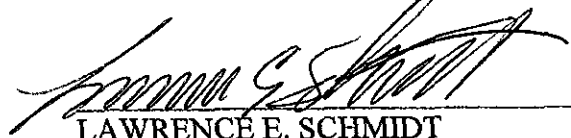
By

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of April, 2002 that the Petition for Special Exception to permit living quarters in a commercial building, pursuant to Section 236.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), and in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. as follows: From Sections 238.2 and 102.2 of the B.C.Z.R. to allow setbacks of 30 feet in lieu of the required 60 feet between those buildings itemized on the Attachment to the Petition for Variance; a setback of 20 feet in lieu of the required 60 feet between the Office/Manager's Residence and Building M; a setback of 5 feet in lieu of the required 60 feet between Buildings A and B, C and D, and E and F; and, a 0-foot rear yard setback in lieu of the required 30 feet for Buildings A and B; and from Section 409.8.A of the B.C.Z.R. to permit a 0-foot parking setback in lieu of the required 10 feet, pursuant to the requirements of the Landscape Manual, as adopted in Section 26-283 of the Baltimore County Code, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 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.
- 2) Compliance with the ZAC comments submitted by the Office of Planning dated March 4, 2002 and March 21, 2002, and the Bureau of Development Plans Review, dated March 21, 2002, copies of which are attached hereto and made a part hereof.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 4/10/02
By [Signature]



Baltimore County
Zoning Commissioner

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

April 10, 2002

David K. Gildea, Esquire
Sebastian Cross, Esquire
301 N. Charles Street, Suite 800
Baltimore, Maryland 21201

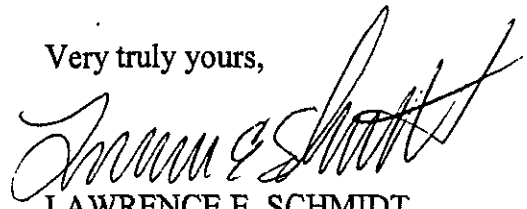
RE: PETITIONS FOR SPECIAL EXCEPTION & VARIANCE
N/S Eastern Avenue, 1100' W of the c/l Diamond Point Road
(8100 Eastern Avenue)
15th Election District – 7th Council District
Diamond Point Plaza Phase II, LLC, Owners; Extra Space Storage, Lessees - Petitioners
Case No. 02-318-XA

Dear Messrs. Gildea & Cross:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have 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 Department of Permits and Development Management office at 887-3391.

Very truly yours,


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Alan Smith, Executive Vice President
Diamond Point Plaza Phase II, LLC, 16 Munson Road, Farmington, CT. 06032
Mr. Richard S. Tanner, Extra Space Storage,
934 Washington Street, 3rd Floor, Norwood, MA 02062
Mr. Mel Willis, Burgess & Niple, Inc.
170 Rollins Avenue, Rockville, MD 20850
Office of Planning; Bureau of Development Plans Review; People's Counsel; Case File

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



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 8100 Eastern Avenue

which is presently zoned BR

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

Living quarters in a commercial building pursuant to BCZR
Section 236.4

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

Extra Space Storage

Name - Type or Print

Signature By: Richard S. Lanner

934 Washington St., 3rd Fl.

Address

Telephone No.

Norwood, MA 02062 (781) 440-9530

City

State

Zip Code

Attorney For Petitioner:

David K. Gildea

Name - Type or Print

Signature

Gildea, LLC

Company

301 N. Charles St., Suite 800

Address

Telephone No.

Baltimore, MD 21201 (410) 234-0070

City

State

Zip Code

Legal Owner(s):

Diamond Point Plaza Phase II, LLC
By: Konover Management Corporation

Name - Type or Print

Signature BY: Alan Smith, Exec.V.P.

Name - Type or Print

Signature

16 Munson Road (860) 284-7107

Address

Telephone No.

Farmington, CT 06032

City

State

Zip Code

Representative to be Contacted:

David K. Gildea

Name

301 N. Charles St., Suite 800

Address

Telephone No.

Baltimore, MD 21201 (410) 234-0070

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____
UNAVAILABLE FOR HEARING _____

Reviewed By JRF Date 1-29-02

02-318-XA

ORDER RECEIVED
Date
By



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8100 Eastern Avenue

which is presently zoned BR

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)

See attached

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 presented 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:

Extra Space Storage

Name - Type or Print

Signature By: Richard S. Tanner

934 Washington St., 3rd Fl.

Address

Telephone No.

Norwood, MA 02062 (781)440-9530

City

State

Zip Code

Attorney For Petitioner:

David K. Gildea

Name - Type or Print

Signature

Gildea, LLC

Company

301 N. Charles St., Suite 800

Address

Telephone No.

Baltimore, MD 21201 (410)234-0070

City

State

Zip Code

Legal Owner(s):

Diamond Point Plaza Phase II, LLC

By:

Konover Management Corporation

Name - Type or Print

Signature By: Alan Smith, Exec.V.P.

Name - Type or Print

Signature

16 Munson Road (860)284-7107

Address

Telephone No.

Farmington, CT 06032

City

State

Zip Code

Representative to be Contacted:

David K. Gildea

Name

301 N. Charles St., Suite 800

Address

Telephone No

Baltimore, MD 21201 (410)234-0070

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By JRF Date 1-29-02

ORDER RECEIVED FOR FILING

Date

By

220 9/15/98

No. 02-318-XA

Attachment to Petition for Variance – 8100 Eastern Avenue

1. BCZR Sections 238.2 and 102.2 – to permit a 30 ft. setback in lieu of the required 60 ft. setback for the following:

- Between Building A and Building C
- Between Building B and Building D
- Between Building C and Building E
- Between Building D and Building F
- Between Building E and Building G
- Between Building E and Building H
- Between Building E and Building I
- Between Building E and Building J
- Between Building E and Building K
- Between Building F and Building L
- Between Building F and the Office/Manager's Residence
- Between Building G and Building H
- Between Building H and Building I
- Between Building I and Building J
- Between Building J and Building K
- Between Building K and Building L
- Between Building L and Building M
- Between Building G and Building O
- Between Building H and Building P
- Between Building I and Building P
- Between Building J and Building P
- Between Building K and Building Q
- Between Building L and Building Q
- Between Building M and Building Q
- Between Building O and Building P
- Between Building P and Building Q

2. BCZR Sections 238.2 and 102.2 – to permit a 20 ft. setback in lieu of the required 60 ft. setback between the Office/Manager's Residence and Building M.

3. BCZR Sections 238.2 and 102.2 – to permit a 5 ft. setback in lieu of the required 60 ft. setback for the following:

- Between Building A and Building B
- Between Building C and Building D
- Between Building E and Building F

4. BCZR Section 238.2 – to permit a 0 ft. rear yard setback in lieu of the required 30 ft. setback for Building A and Building B.

5. BCZR Section 409.8A – to permit a 0 ft. setback for parking in lieu of the required 10 ft. setback pursuant to the Landscape Manual as adopted pursuant to Section 26-283 of the Baltimore County Code.

Record Description

Exhibit A
(Legal Description)

BEGINNING FOR THE SECOND AND BEING KNOWN AND DESIGNATED as Lot 2 as shown on a Plat entitled "Subdivision Plat of Lot One Diamond Point Plaza", which Plat is recorded among the Land Records of Baltimore County in Plat Book 66, page 32.

Survey Description

DESCRIPTION OF LOT TWO
DIAMOND POINT PLAZA
FIFTEEN ELECTION DISTRICT,
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at the point of intersection of the division line between Lot One and the herein described Lot Two with northernmost right-of-way line of Eastern Avenue as shown and delineated on a subdivision plat entitled "Lot One, Diamond Point Plaza" and recorded among the plat record books of Baltimore County, Maryland in Plat Book SM 66, Folio 32;

THENCE, leaving said beginning point so fixed and binding on the aforesaid Eastern Avenue the following three (3) courses and distances: (1) South 70° 30' 11" West 599.79 feet to an iron rod, (2) South 75° 11' 20" West 61.20 feet to an iron rod and cap set, and (3) North 80° 48' 07" West 65.49 feet to an iron rod and cap set,

THENCE, leaving said point so fixed and binding on the division line between the lands now or formerly of Russell R. Mirabile (see 10590/203) and the herein described lands, North 09° 11' 53" East 111.67 feet to an iron rod and cap set,

THENCE, leaving said point so fixed and binding on the division line between the lands now or formerly of William F. Sudek (see 6712/742), the lands now or formerly of Richard W. Schmitt (see 4964/53), and the herein described lands, North 87° 16' 31" East 66.31 feet to an iron rod and cap set, North 19° 32' 28" West 30.00 feet to a concrete monument found, North 70° 27' 32" East 125.00 feet to an iron rod and cap set, and North 19° 32' 28" West 150.00 feet to an iron pipe found in the southernmost side of Katherine Avenue,

THENCE, leaving said point so fixed and binding on the end of the aforesaid Katherine Avenue, North 06° 45' 34" West 40.61 feet to an iron rod and cap set,

THENCE, leaving said point so fixed and binding on the division line between the lands now or formerly of Jeffrey Pennington (see 9337/248) and the herein described lands, North 05° 44' 53" East 102.60 feet to an iron rod and cap set,

THENCE, leaving said point so fixed and binding on the division line between the aforementioned Lot One and the herein described Lot Two of Diamond Point Plaza, North 70° 27' 20" East 419.17 feet to an iron rod and cap set, South 64° 32' 40" East 5.71 feet to an iron rod and cap set, and South 19° 32' 40" East 424.09 feet to the place of beginning. Containing in all 5.28 acres of land more or less;

BEING OR INTENDING TO BE all of Lot Two as shown on the subdivision plat entitled "Subdivision of Lot One Diamond Point Plaza" recorded among the plat record books of Baltimore County, Maryland in Plat Book SM 66, page 32

This describes the same property as insured by Title
Commitment No. 60109009, Dated August 23, 2001

#318

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 07824

DATE 1-29-02 ACCOUNT 001-006-6150
AMOUNT \$ 550.00

RECEIVED Gilboa
FROM: ITEM # 318
TAKEN BY: JRP
FOR: 020 - VARIANCE - 050 SPECIAL EXCEPTION

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME
1/30/2002 1/29/2002 15:51:51
REG 0506 CASHIER KIM KIM DROMER 4
>> RECEIPT # 063906 DELI
DATE 5 528 ZONING VERIFICATION
CR NO. 007824
Receipt Tot 550.00
550.00 OK .00 CR
Baltimore County, Maryland

CASHIER'S VALIDATION

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: #02-318-XA

8100 Eastern Avenue

N/S of Eastern Avenue, 1100' +/- W centerline Diamond Point Road

15th Election District - 7th Councilmanic District

Legal Owner(s): Alan Smith

Contract Purchaser: Richard S. Tanner

Special Exception: for living quarters in a commercial building **Variance:** to permit a 30 feet setback in lieu of the required 60 feet for the following between Building A thru Building Q; to permit a 20 feet setback in lieu of the required 60 feet setback between Office/Manager's Residence and Building M; to permit a 5 feet setback in lieu of the required 60 feet setback for the following buildings A thru building F; to permit a 0 feet rear yard setback in lieu of the required 30 feet setback for building A and building B; and to permit a 0 feet setback for parking in lieu of the required 10 feet setback pursuant to the landscape manual.

Hearing: Tuesday, April 2, 2002 at 9:00 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.

JT 3/7/05 March 19

C526674

CERTIFICATE OF PUBLICATION

3/21, 2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/19, 2002.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 02-318-XA

Petitioner/Developer: RICHARD S.

TANNER

Date of Hearing/Closing: 4/2/02

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 8100 EASTERN AVE

The sign(s) were posted on 3/18/02
(Month, Day, Year)

Sincerely,

[Signature] 3/18/02
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

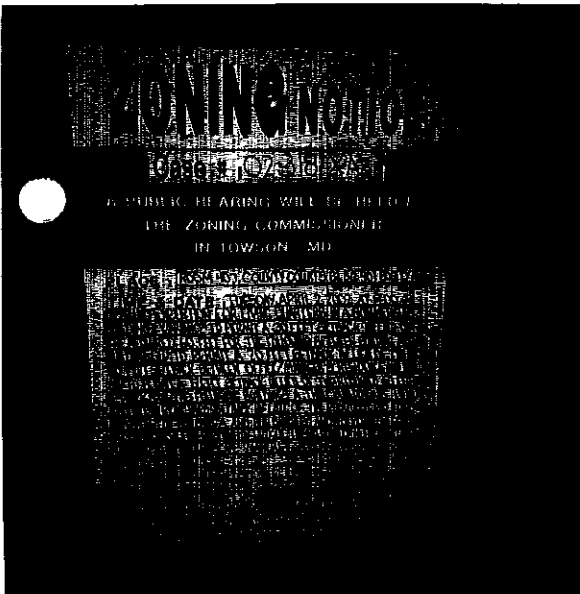
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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: 318

Petitioner: EXTRA SPACE STORAGE RICHARD TANNER

Address or Location: 8100 EASTERN AVENUE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: GILDEA, LLC

Address: 301 N. CHARLES STREET

BALTIMORE, MD 21201

Suite 800

Telephone Number: ~~410~~ (410) 234-0070

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 19, 2002 Issue – Jeffersonian

Please forward billing to:

David K Gildea
Gildea LLC
301 N Charles Street
Suite 800
Baltimore MD 21201

410 234-0070

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: 02-318-XA

8100 Eastern Avenue

N/S of Eastern Avenue, 1100' +/- W centerline Diamond Point Road

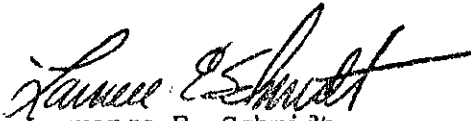
15th Election District – 7th Councilmanic District

Legal Owner: Alan Smith

Contract Purchaser: Richard S Tanner

Special Exception for living quarters in a commercial building. Variance to permit a 30 feet setback in lieu of the required 60 feet for the following between Building A thru Building Q; to permit a 20 feet setback in lieu of the required 60 feet setback between Office/Manager's Residence and Building M; to permit a 5 feet setback in lieu of the required 60 feet setback for the following buildings A thru building F; to permit a 0 feet rear yard setback in lieu of the required 30 feet setback for building A and building B; and to permit a 0 feet setback for parking in lieu of the required 10 feet setback pursuant to the landscape manual.

HEARING: Tuesday, April 2, 2002 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT G.D.Z.
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

February 25, 2002

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: 02-318-XA
8100 Eastern Avenue
N/S of Eastern Avenue, 1100' +/- W centerline Diamond Point Road
15th Election District – 7th Councilmanic District
Legal Owner: Alan Smith
Contract Purchaser: Richard S Tanner

Special Exception for living quarters in a commercial building. Variance to permit a 30 feet setback in lieu of the required 60 feet for the following between Building A thru Building Q; to permit a 20 feet setback in lieu of the required 60 feet setback between Office/Manager's Residence and Building M; to permit a 5 feet setback in lieu of the required 60 feet setback for the following buildings A thru building F; to permit a 0 feet rear yard setback in lieu of the required 30 feet setback for building A and building B; and to permit a 0 feet setback for parking in lieu of the required 10 feet setback pursuant to the landscape manual.

HEARING: Tuesday, April 2, 2002 at 9.00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon GDL
Director

C: David K Gildea, Gildea LLC, 301 N Charles St, Ste 800, Baltimore 21201
Alan Smith Diamond Point Plaza Phase II, 16 Munson Road, Farmington CT 06032
Richard S Tanner, Extra space Storage, 934 Washington St, 3rd Flr,
Norwood MA 02062

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MARCH 18, 2002.**
(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

March 29, 2002

Mr. David K. Gildea
Gildea LLC
301 N Charles Street
Suite 800
Baltimore MD 21201

Dear Mr. Gildea:

RE: Case Number: 02-318-XA, 8100 Eastern Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 29, 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. GDC
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Diamond Point Plaza Phase II, Mr. Alan Smith VP, 16 Munson Road,
Farmington CT 06032
Extra Space Storage, Mr. Richard S Tanner, 934 fWashington Street,
3rd Floor, Norwood MA 02062
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
Management

DATE: March 21, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
for March 4, 2002
Item No. 318

The Bureau of Development Plans Review has reviewed the subject zoning item.

The developer must clarify the ownership of the sanitary sewer and the storm drain pipes show under the "E" and "Q" Buildings in the plan.

If these pipes are public, they must be relocated or the buildings moved to allow access for maintenance of the underground utilities.

RWB:HJO:cab

cc: File

ZAC-3-4-2002-ITEM NO 318-3212002.doc

ORDER RECEIVED FOR FILING

Date

By

4/16/02
RWB



Baltimore County
Fire Department

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

February 28, 2002

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

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF February 25, 2002

Item No.: 285, 318, 320, 322, 324, 327, 329, 330

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.

4. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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

cc: File

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



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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *qbs/jbt*

DATE: March 25, 2002

Zoning Advisory Committee Meeting of February 25, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

318

285, 314-325, 327-329

Log
4/2

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE AMENDED COMMENTS

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

DATE: March 21, 2002

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

MAR 22

SUBJECT: 8100 Eastern Avenue

INFORMATION:

Item Number: 02-318

Petitioner: Diamond Point Plaza Phase II, LLC
Konover Management Corporation

Zoning: BR

Requested Action: Special Exception/Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to allow living quarters in a commercial building pursuant to Section 236.4 of the BCZR. The Office of Planning met with the applicant on March 14, 2002 and discussed certain revisions to the plan, architectural elevations, signage and fencing. The following issues have been addressed on the plans submitted on March 14, 2002:

1. The elevations facing Eastern Avenue have been revised to reduce the number of doors.
2. A decorative fence with brick piers and black aluminum pickets and rails will be used along the Eastern Avenue frontage and along the east boundary of the parcel.
3. Signage will be ground mounted and will incorporate a brick base in the design.
4. The roofline of the buildings facing east and facing Eastern Avenue will be pitched.
5. The end walls of the buildings facing Eastern Avenue will be brick.

6. Submit a landscape plan to this office for review and approval prior to the issuance of any building permits. Said landscape plan should provide a double class A landscape screen along Eastern Avenue and along lot 1 boundary.

Prepared by: Mark A. Cunniff

Section Chief: John J. Urban

AFK/LL:MAC:

file
4/2

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 4, 2002

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

MAR 4

SUBJECT: 8100 Eastern Avenue

INFORMATION:

Item Number: 02-318

Petitioner: Diamond Point Plaza Phase II, LLC
Konover Management Corporation

Zoning: BR

Requested Action: Special Exception/Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning met with the applicant on January 28, 2002 and discussed certain revisions to the plan. As discussed in that meeting, this office will support the subject request to allow living quarters in a commercial building pursuant to Section 236.4 of the BCZR, contingent upon the following:

1. Reduce the number of doors visible along Eastern Avenue.
2. A decorative fence with brick piers and black aluminum pickets and rails shall be used along the Eastern Avenue frontage and along the east boundary of the parcel.
3. Signage shall be ground mounted and shall incorporate a brick base in the design.
4. The roof line of the buildings facing east and facing Eastern Avenue shall be revised to have a pitched roof.
5. End walls of the buildings facing Eastern Avenue shall be brick.

6. A landscape plan will be submitted to this office for review and approval prior to the issuance of any building permits. Said landscape plan will provide a double class A landscape screen along Eastern Avenue and the boundary of lot 1.

Prepared by: Maria A. Cunniff

Section Chief: Tyler J. Hurdman

AFK/LL:MAC:



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 2.25.02

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

RE: Baltimore County
Item No. 318 JRF

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,

K.A. 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

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
8100 Eastern Avenue, N/S Eastern Ave,
1100' +/- W of c/l Diamond Point Rd
15th Election District, 7th Councilmanic

Legal Owner: Diamond Point Plaza Phase II LLC by
Konover Mgmt. Corp.
Contract Purchaser: Extra Space Storage
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
*
* Case No. 02-318-XA

* * * * *

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
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 25th day of February, 2002 a copy of the foregoing Entry of Appearance was mailed to David K. Gildea, Esq., Gildea, LLC, 301 N. Charles Street, Suite 800, Baltimore, MD 21201, attorney for Petitioner(s).


PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

Sebastian Cross

John Englar

Mal Willis

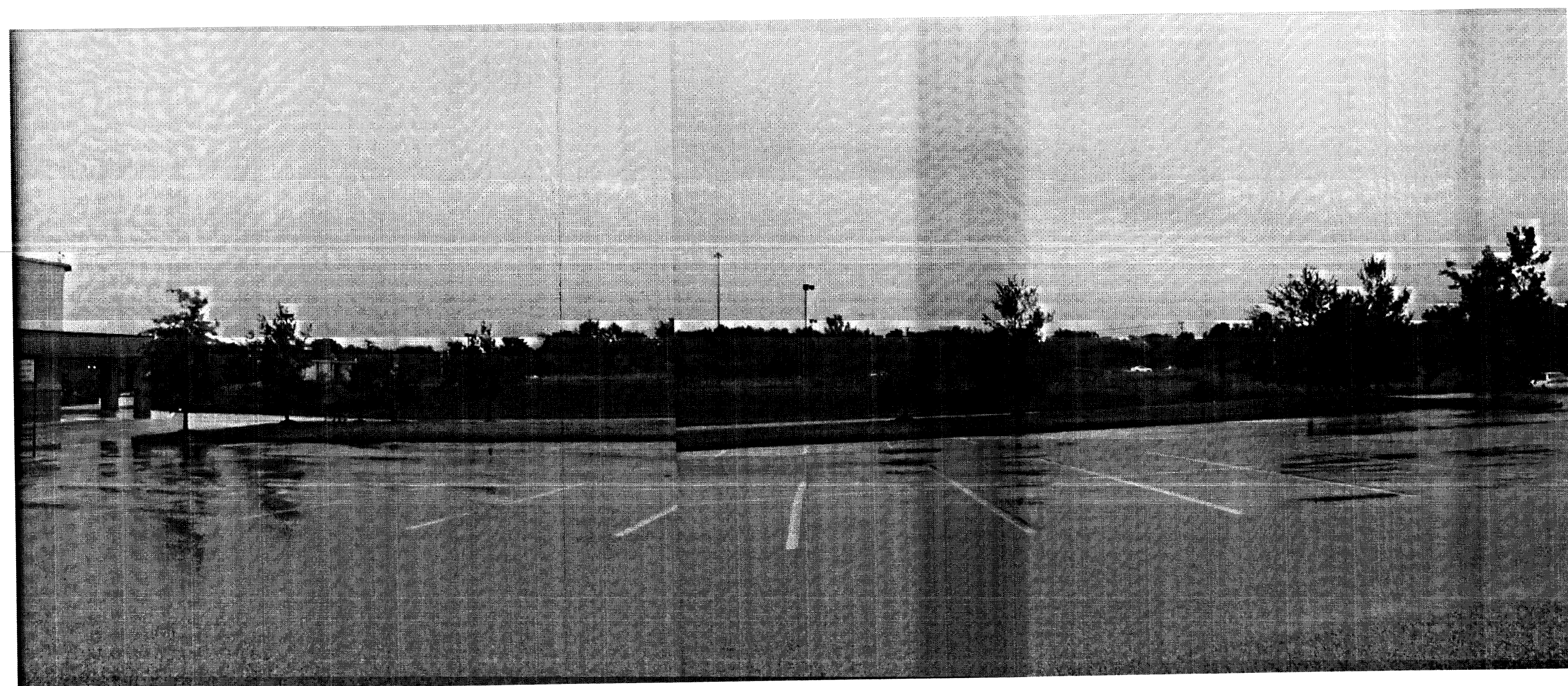
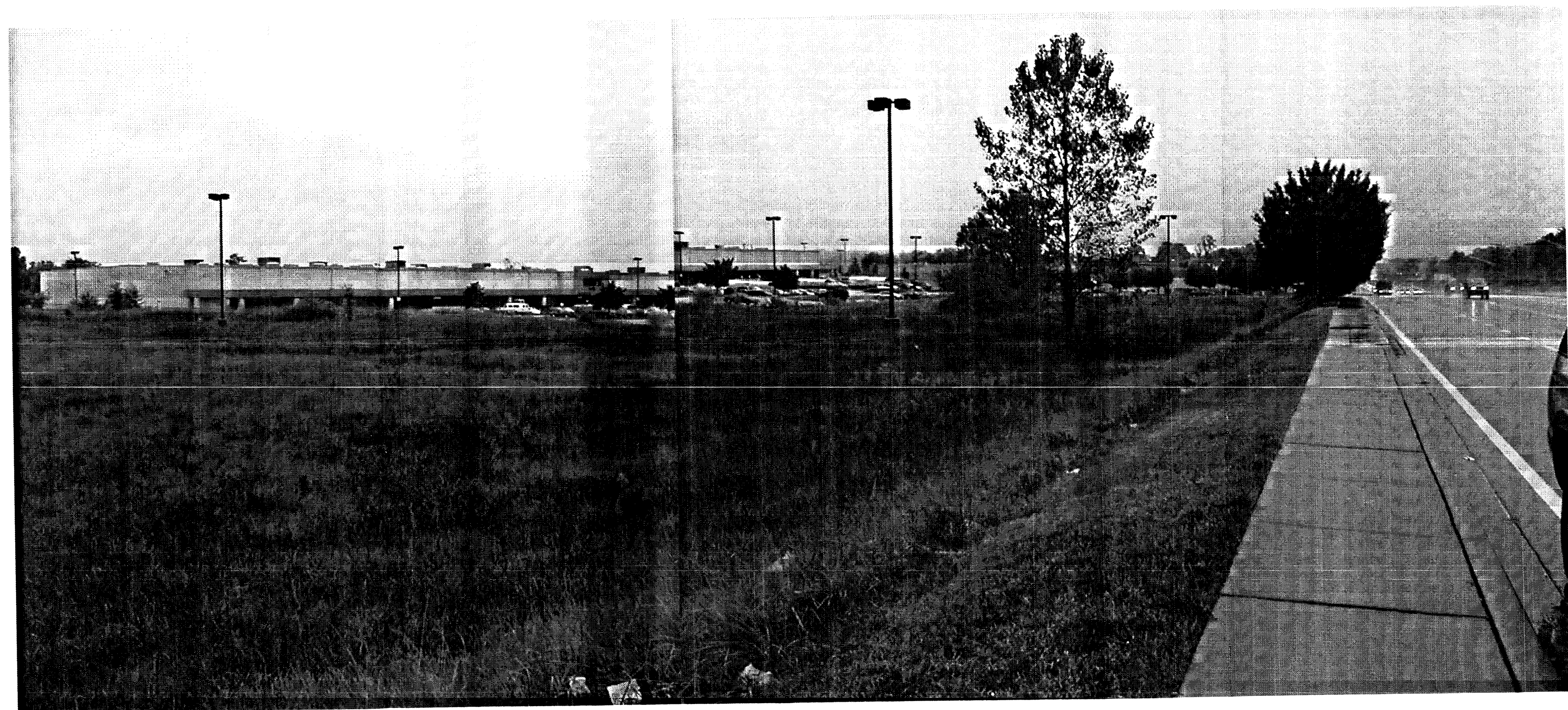
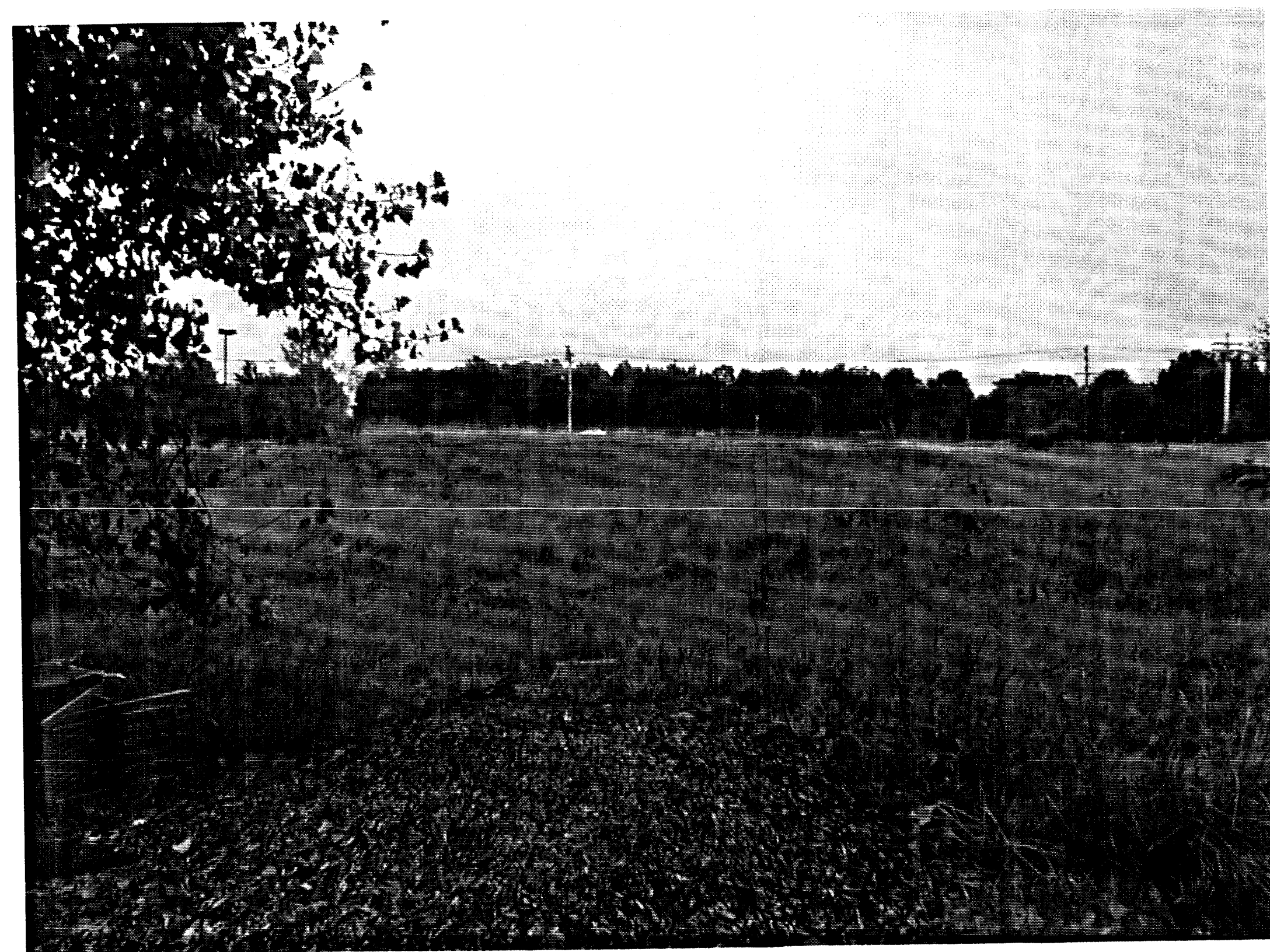
ADDRESS

G:lden LLC
301 N. Charles St. Balt. 21201

934 Washington St.
Norwood, MA 02062

Burgess & Niple, Inc.
170 Collins Ave.
Rockville, MD 20850



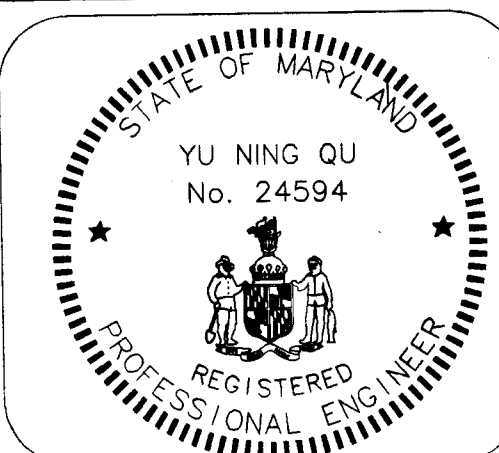


PLAN TO ACCOMPANY PETITIONS FOR
SPECIAL EXCEPTION AND VARIANCE
EXTRA SPACE
DIAMOND POINT PLAZA
ESSEX, MARYLAND
7TH COUNCILMATIC DISTRICT

TO RAGE

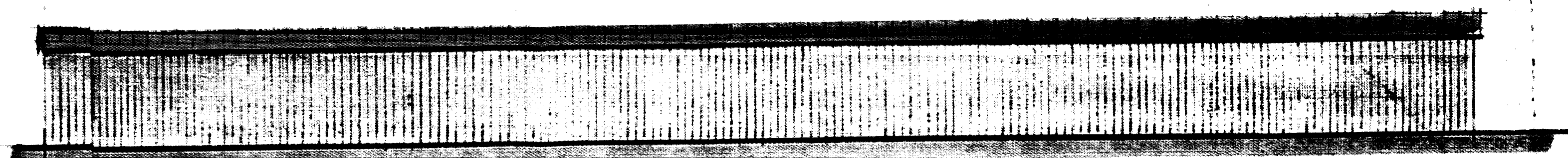
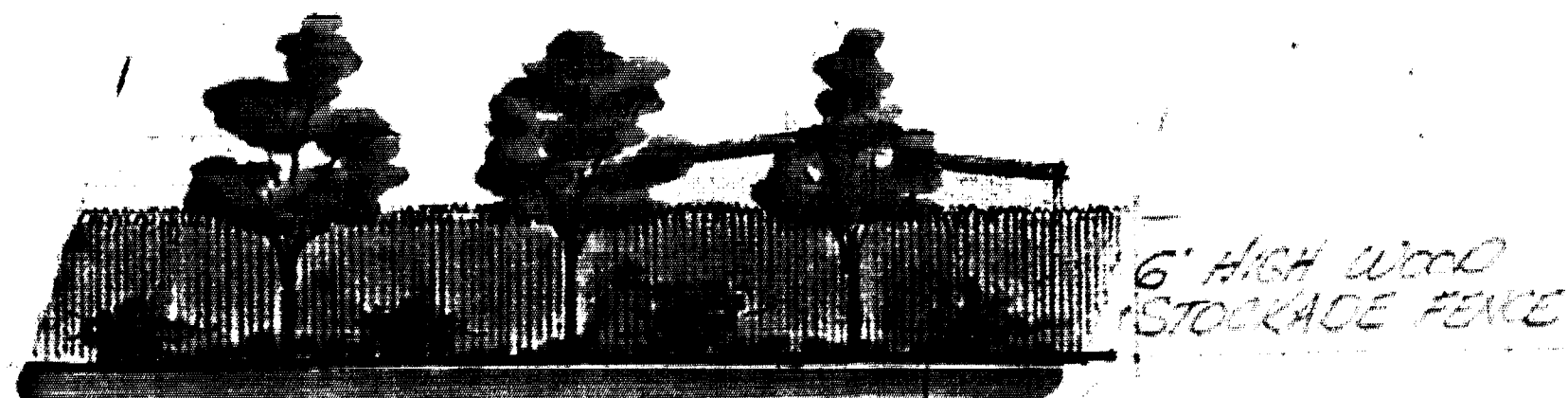
REVISIONS	DATE
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BURGESS & NIPLE
170 ROLLING AVENUE ROCKVILLE, MARYLAND, 20852-4099
PH. (301) 468-9400 FAX (301) 468-9669



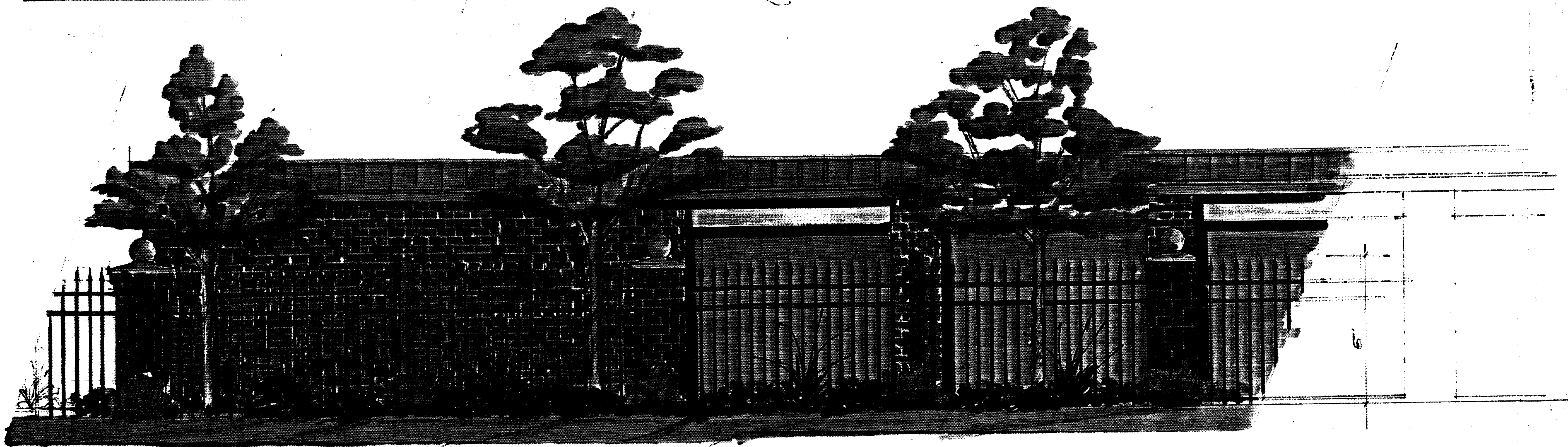
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DESIGN: NJM	DRAWN: GSK
CHECK: MFW	CHECK: MFW
JOB NO.:	
P.R. NO.:	
SHEET 1 OF 1	
FILE NO.: 30679	

Feb 1/12



PART FENCE ELEV.

PARTIAL NORTH ELEVATION



PARTIAL EASTERN AVENUE ELEVATION - ORNAMENTAL FENCE

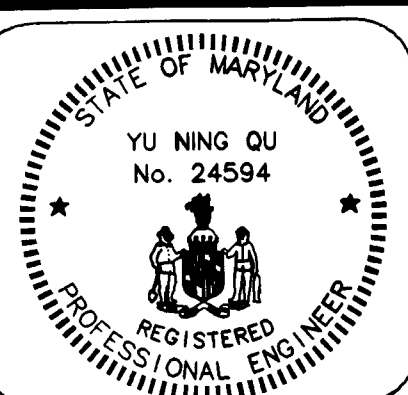
14" x 1'0"

EXTRA SPACE STORAGE - BALTIMORE, MD

BURGESS & NIPLE
170 ROLLINS AVENUE ROCKVILLE, MARYLAND, 20852-4099
PH. (301) 468-9400 FAX (301) 468-9669

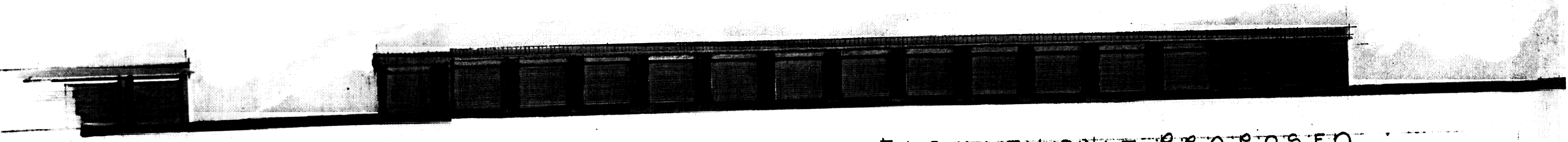
REVISIONS	DATE

PLAN TO ACCOMPANY PETITIONS FOR
SPECIAL EXCEPTION AND VARIANCE
EXTRA SPACE STORAGE
DIAMOND POINT PLAZA
7TH COUNCLMATIC DISTRICT ESSEX, MARYLAND

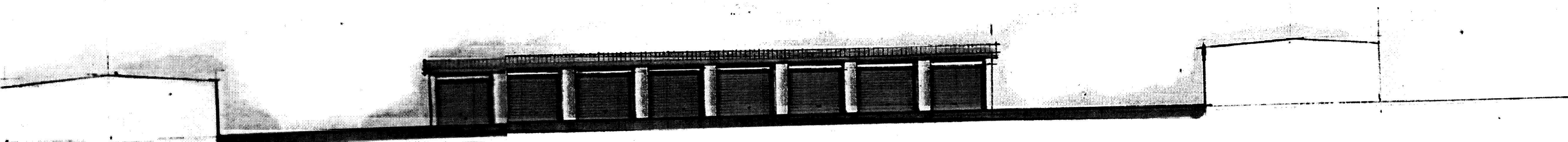


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SCALE: AS SHOWN	
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SHEET 1 OF 1	
FILE NO.: 30679	

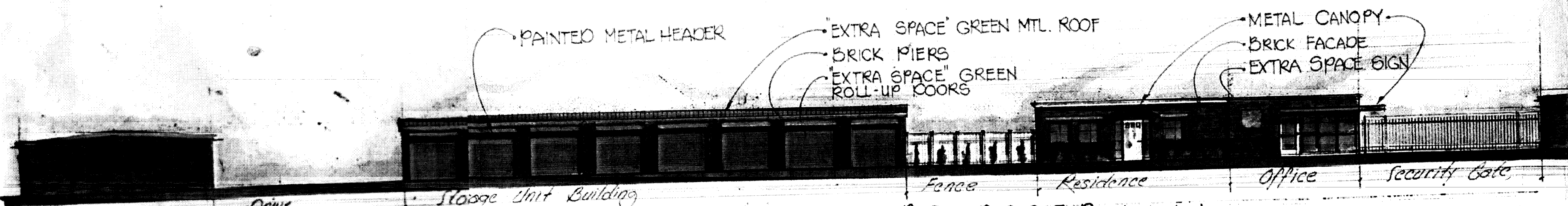
1/16" = 1' 0" 3-12-02 5:18:13 PM UNAPPROVED



PARTIAL EASTERN AVENUE ELEVATION - PROPOSED
1/16" = 1' 0"



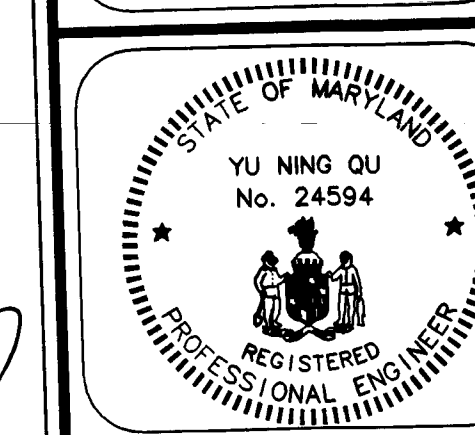
TYPICAL PROPOSED ELEVATION - BUILDINGS "G" - "L"
1/16" = 1' 0"



EAST ELEVATION - PROPOSED

Red 13

PLAN TO ACCOMPANY PETITIONS FOR
SPECIAL EXCEPTION AND VARIANCE
EXTRA SPACE STORAGE
DIAMOND POINT PLAZA
7TH COUNCILMATIC DISTRICT ESSEX, MARYLAND



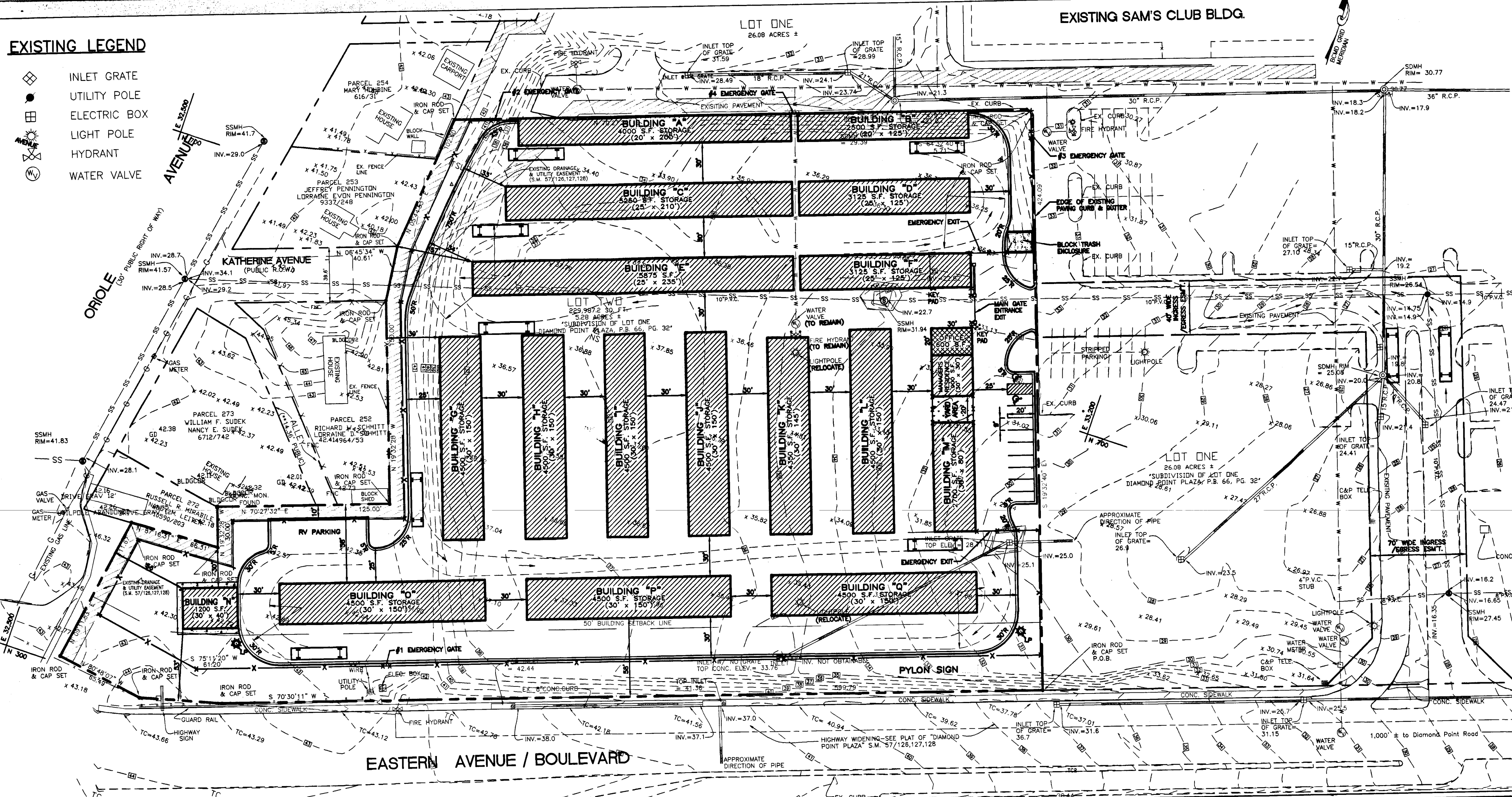
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SCALE:	AS SHOWN		
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CHECK:	MFV	CHECK:	M
JOB NO.:	MFV		
P.R. NO.:			
SHEET	1	OF	1
FILE NO.:	30679		

REVISIONS	DATE

BURGESS & NIPLE
170 ROLLINS AVENUE ROCKVILLE, MARYLAND, 20852-4099
PH. (301) 468-9400 FAX (301) 468-9669



- | | |
|---|--------------|
|  | INLET GRATE |
|  | UTILITY POLE |
|  | ELECTRIC BOX |
|  | LIGHT POLE |
|  | HYDRANT |
|  | WATER VALVE |



Zoning History:
Case No.: 2111\$ (Order dated November 8, 1951) - Special permit to operate an automobile junk yard. Request denied.

Case No.: 75-59-R (Order dated October 22, 1974) - Special Exception hearing to reclassify the zoning from DR-16 and M zones to a BM zone. Application was denied.

Case No.: 74-159-V (Order dated January 28, 1976, affirmed May 23, 1977) - Wrecking and junk yard operation confirmed to be a non-conforming use with the condition that the wrecking business, junk yard, storage of wrecked or damaged vehicles and/or the parking of private passenger vehicles and/or trucks was expressly prohibited within 25 feet of the public right of way of Diamond Point Road and Oriole Avenue.

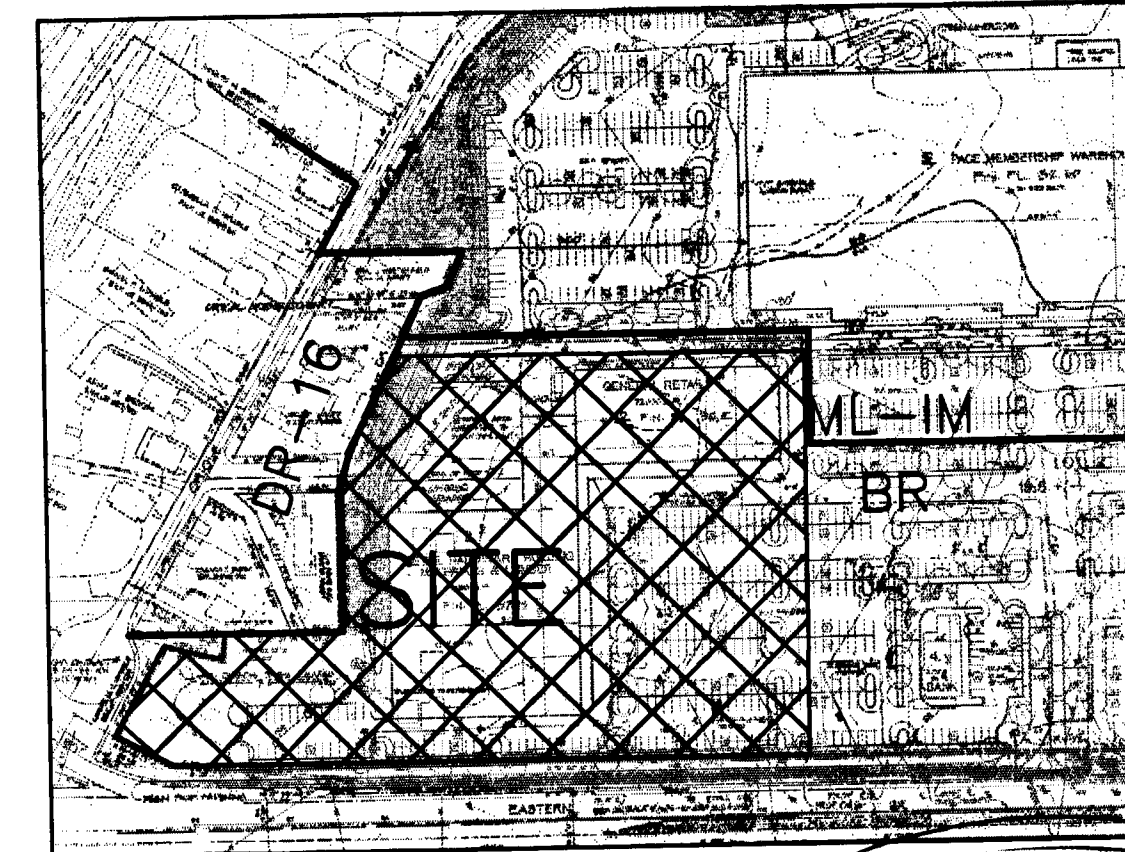
Case No.: 76-277-V (Order dated October 11, 1978) - Decision finding property owner guilty of violating a submitted site plan due to the allowing of parking of vehicles and storage of junk and debris within 25 feet of public roads, ordered to remove all debris and general merchandise in the area within 25 feet along Eastern Boulevard, Diamond Point Road, and Oriole Avenue.

Case No.: 82-218-SPH (Order dated March 10, 1983) - Petition for Special Hearing to confirm non-conforming commercial uses, structures and sites for the property (uses included repair and sale of automobiles, automobile inspection, automobile towing, automobile storage and salvage). Uses were allowed to continue as non-conforming uses.

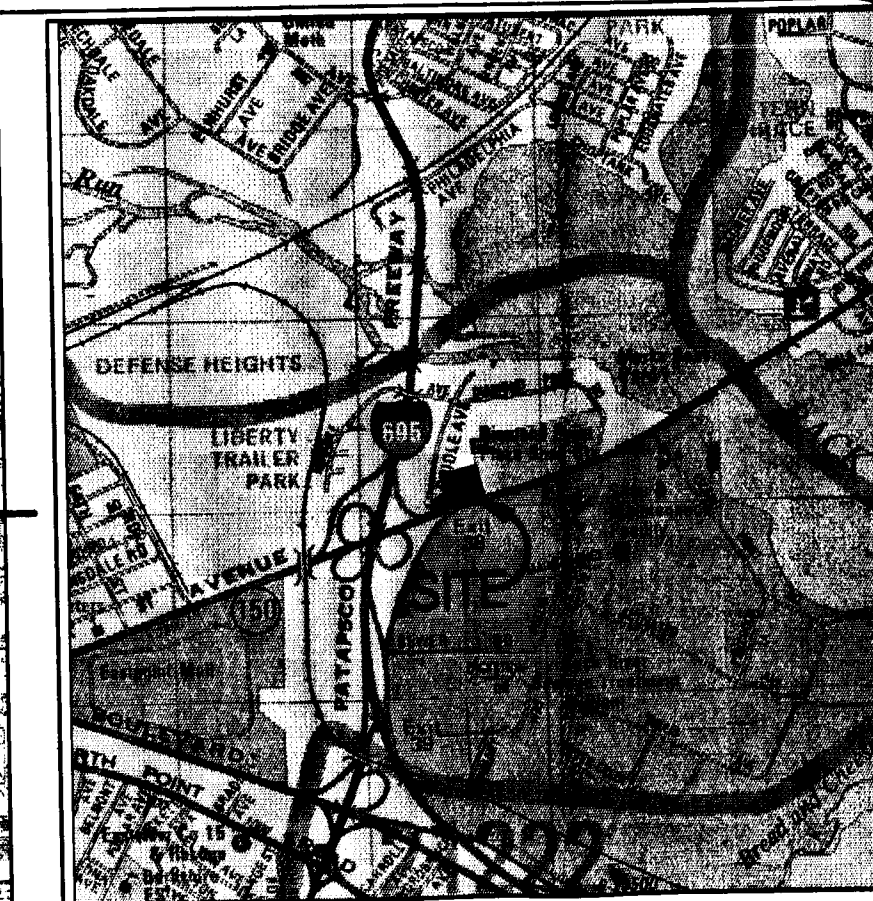
Zoning Relief Requested;
Special Exception - to permit living quarters in a commercial building pursuant to BCZR Section 236.4

Variances

1. BCZR Sections 238.2 and 102.2 - to permit a 30 ft. setback in lieu of the required setbacks from the following:
- Between Building A and Building C
 - Between Building B and Building D
 - Between Building C and Building E
 - Between Building D and Building F
 - Between Building E and Building G
 - Between Building E and Building H
 - Between Building E and Building J
 - Between Building E and Building K
 - Between Building F and Building L
 - Between Building F and the Office /Manager's Residence
 - Between Building G and Building H
 - Between Building H and Building I
 - Between Building I and Building J
 - Between Building J and Building K
 - Between Building K and Building L
 - Between Building L and Building M
 - Between Building G and Building O
 - Between Building H and Building P
 - Between Building I and Building P
 - Between Building J and Building P
 - Between Building K and Building Q
 - Between Building L and Building Q
 - Between Building M and Building Q
 - Between Building O and Building P
 - Between Building P and Building Q
2. BCZR Sections 238.2 and 102.2 - to permit a 20 ft. setback in lieu of the required 60 ft. setback between the Office/ Manager's Residence and Building M.
3. BCZR Sections 238.2 and 102.2 - to permit a 5 ft. setback in lieu of the required 60 ft. setback for the following:
- Between Building A and Building B
 - Between Building C and Building D
 - Between Building E and Building F
4. BCZR Section 238.2 - to permit a 0 ft. rear yard setback in lieu of the required 30 ft. setback for Building A and Building B.
5. BCZR Section 409.8A - to permit a 0 ft. setback for parking in lieu of the required 10 ft. setback pursuant to the Landscape Manual as adopted pursuant to Section 238.2- of the Baltimore County Code.



ZONING MAP
SCALE = 1" = 200' NE 1/4



VICINITY MAP
SCALE= 1"=200'

SITE INFORMATION:

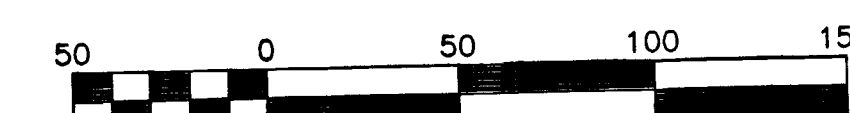
1. SITE ADDRESS : LOT 2, 8700 EASTERN AVENUE
APPLICANT: EXTRA SPACE STORAGE
934 WASHINGTON STREET, 3RD FLOOR
NORWOOD, MA 02062
CONTACT: JOHN ENGLAR
OWNER: KONOVER MANAGEMENT CORPORATION
16 MUNSON ROAD
FARMINGTON, CT 06032
CONTACT: ALAN SMITH
EXECUTIVE VICE PRESIDENT
2. TAX MAP: 96 GRID: 12 PARCEL: 505
3. DEED BOOK : P.B.66 - PG.32
4. EXISTING USE: EMPTY LOT
5. ZONING: BR (BUSINESS ROADSIDE)
DISTRICT: 15 ACCOUNT NO.: 2200018077
6. PARKING:
REQUIRED: 1 PER EMPLOYEE ON LARGEST SHIFT
PROVIDED: 10
PARKING = 10' x 18' (180 S.F.)
7. BUILDING RESTRICTIONLINE:
FRONT SETBACK = 50' (IF ON DUAL HIGHWAY)
SIDE SETBACK = 30'
REAR SETBACK = 30'
8. F.A.R.:
ALLOWED = 2.0
PROPOSED = 0.25
9. DRIVEWAYS = MIN. 20' FOR 2 WAY TRAFFIC
NOTE: ISLES = MIN. 20' (W/OUT ACCESS)
ISLES = MIN. 22' (W/ACCESS)
NO DIRECT ACCESS PARKING SPACES
NOTE: THIS SITE OS NOT W/IN A FLOOD PLAIN OR WETLANDS.

SITE TABULATION:

SITE TABULATION:
BUILDING AREA (A-Q) = 61,725 SF.
OFFICE AREA = 600 SF.
RESIDENT AREA = 900 SF.
PAVEMENT AREA = 126,275 SF.
GRASSED AREA = 40,484 SF.
TOTAL SITE AREA = 229,987 SF.



BUILDING TYPICAL
SCALE: N.T.S.

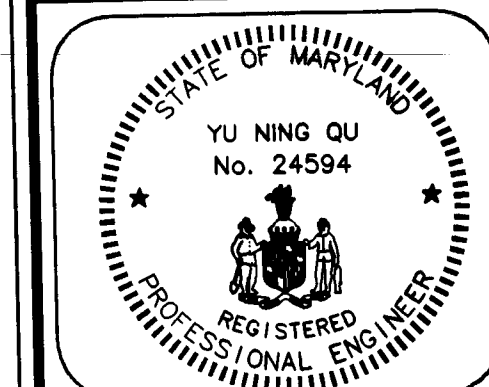


Scale 1" = 50

BURGESS & NIPLÉ
VENUE ROCKVILLE, MARYLAND, 20852-4099
410 (301) 468-9400 FAX (301) 468-9669

BURGESS & NIELLE
1170 ROLLINS AVENUE ROCKVILLE, MARYLAND, 20852-4099
PH (301) 468-9400 FAX (301) 468-9669

PLAN TO ACCOMPANY PETITIONS FOR
SPECIAL EXCEPTION AND VARIANCE
EXTRA SPACE
DIAMOND POINT PLAZA
7TH CONJUNCTION DISTRICT ESSEX, MARYLAND



DATE: 01/28/2002	
SCALE: AS SHOWN	
DESIGN: NUM	DRAWN: GSK
CHECK: MFW	CHECK: MFW
JOB NO.: MFW	
P.R. NO.:	
SHEET 1 OF 1	
FILE NO.: 30879	

These standard symbols will be found in the drawing.

- INLET GRATE
- UTILITY POLE
- ELECTRIC BOX
- LIGHT POLE
- HYDRANT
- WATER VALVE

" AT THE TIME OF THIS SURVEY, NO ENCROACHMENTS WERE OBSERVED AND THEREFORE NONE ARE SHOWN HEREON."

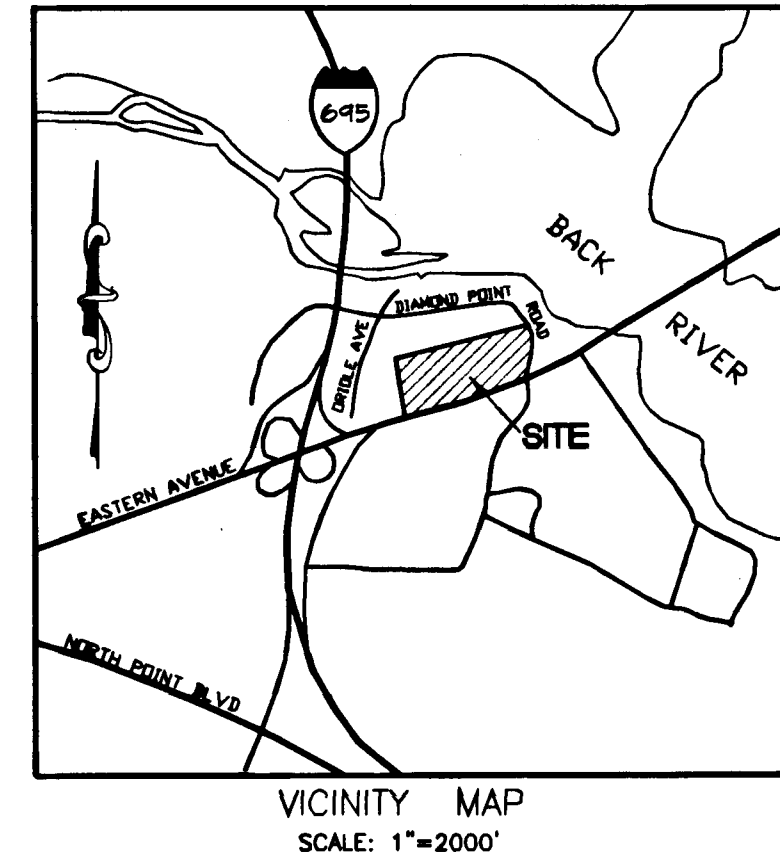


Exhibit A (Legal Description)

BEGINNING FOR THE SECOND AND BEING KNOWN AND DESIGNATED as Lot 2 as shown on a Plat entitled "Subdivision Plat of Lot One Diamond Point Plaza", which Plat is recorded among the Land Records of Baltimore County in Plat Book 66, page 32.

DESCRIPTION OF LOT TWO DIAMOND POINT PLAZA FIFTEEN ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at the point of intersection of the division line between Lot One and the herein described Lot Two with northernmost right-of-way line of Eastern Avenue as shown and delineated on a subdivision plat entitled "Lot One, Diamond Point Plaza" and recorded among the plat record books of Baltimore County, Maryland in Plat Book S.M. 66, folio 32;

THENCE, leaving said beginning point so fixed and binding on the aforesaid Eastern Avenue the following three (3) courses and distances: (1) South 70° 30' 11" West 599.79 feet to an iron rod, (2) South 75° 11' 20" West 61.20 feet to an iron rod and cap set, and (3) North 80° 48' 07" West 65.45 feet to an iron rod and cap set;

THENCE, leaving said point so fixed and binding on the division line between the lands now or formerly of Russell R. Mirable (see 10590/203) and the herein described lands, North 09° 11' 53" East 111.67 feet to an iron rod and cap set;

THENCE, leaving said point so fixed and binding on the division line between the lands now or formerly of William F. Sudek (see 6712/742), the lands now or formerly of Richard W. Schmitt (see 4964/53), and the herein described lands, North 87° 16' 31" East 66.31 feet to an iron rod and cap set, North 19° 32' 28" West 30.00 feet to a concrete monument found, North 70° 27' 32" East 125.00 feet to an iron rod and cap set, and North 19° 32' 28" West 150.00 feet to an iron pipe found in the southernmost side of Katherine Avenue;

THENCE, leaving said point so fixed and binding on the end of the aforesaid Katherine Avenue, North 06° 45' 34" West 40.61 feet to an iron rod and cap set;

THENCE, leaving said point so fixed and binding on the division line between the lands now or formerly of Russell R. Mirable (see 10590/203) and the herein described lands, North 05° 44' 53" East 102.60 feet to an iron rod and cap set;

THENCE, leaving said point so fixed and binding on the division line between the aforesaid Lot One and the herein described Lot Two of Diamond Point Plaza, North 70° 27' 20" East 419.17 feet to an iron rod and cap set, South 64° 32' 40" East 5.71 feet to an iron rod and cap set, and South 19° 32' 40" East 424.09 feet to the place of beginning. Containing in all 5.28 acres of land more or less;

BEING OR INTENDING TO BE all of Lot Two as shown on the subdivision plat entitled "Subdivision of Lot One Diamond Point Plaza" recorded among the plat record books of Baltimore County, Maryland in Plat Book S.M. 66, page 32.

This describes the same property as insured by Title Commitment No. 60109009, Dated August 23, 2001.

#318

ALTA/ACSM LAND TITLE SURVEY for ES-Exxon Project Site No. 1 8100 Eastern Avenue Essex, MD

Based Upon Title Commitment No. 60109009
of First American Title Insurance Company
bearing an effective date of August 23, 2001

Surveyor's Certification

To: Extra Space Storage, LLC; Extra Space Development, LLC; Extra Space of Essex, LLC; First American Title Insurance Company; and Bock & Clark Corporation.

I hereby certify that on the 12 day of November, 2001:

(1) this survey was made on the ground and correctly shows the physical status of the Property, including (i) the boundaries and areas of the Property and the location of buildings and improvements thereof (if any) and the distance therefrom to the nearest facing exterior property lines of the subject property (ii) the location of all rights-of-way, easements and any other matters of record, described on Schedule B-11 to the Policy of Title Insurance No. 60109009 issued by First American Title Insurance Company, or which are visible on the ground affecting the Property; (iii) the location of all visible utility lines serving the Property; (iv) the location of any exterior parking areas on the Property, which contains regular parking spaces and handicap parking spaces; and (v) all abutting dedicated public streets providing access to the Property together with the width and name thereof;

(ii) except as shown on the survey, there are no (i) encroachments upon the Property by improvements on adjacent property, (ii) encroachments on adjacent property, streets or alleys by any improvements on the Property, (iii) party walls, or (iv) other overlaps, conflicts or protrusions;

(iii) adequate ingress to and egress from the Property is provided by Eastern Avenue, the same being a paved, dedicated public right-of-way;

(iv) all required building set back lines on the Property are located as shown hereon;

(v) all zoning, use and density classifications affecting the Property are correctly shown hereon;

(vi) no part of the Property lies within any designated special flood hazard area as shown on the most recent Flood Hazard Boundary Maps prepared by the Department of Housing and Urban Development or as designated by either the Federal Emergency Management Administration or the Flood Insurance Administration or a statement indicating the flood zone classification and map reference; and

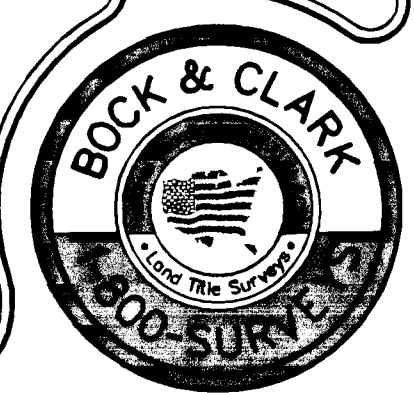
(vii) this map or plat and the survey on which it was based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA and ACSM in 1999; and includes items 1, 2, 3, 4, 5, 6, 7(a), 7(b)(1), and a calculation of total building square footage relative to the total square footage of the site (expressed in percentage); 7(c), 8, 9, 10, 11(a), 11(b), 11(c), 13, 14, 15 and 16; and meets the accuracy requirements of an Urban Survey, as defined therein, and any and all requirements of the applicable laws and regulations.

The area, expressed in square feet and acreage, as calculated by any discrepancy of this calculation and that in a client provided legal

10320
Mc Crane, Inc.
Date of Survey: 11/13/01
Network Project No. 20010877-1
Survey Prepared By:
Mc Crane, Inc.
20 Ridgely Avenue
Annapolis, Maryland 21401
Phone: 410-267-8621 Fax: 410-267-9932

Sheet 1 of 2

Bock & Clark's National Surveyors Network
National Coordinators of ALTA/ACSM Land Title Surveys
537 North Cleveland-Massillon Road
Akron, Ohio 44333
Phone: (800) SURVEYS, Fax: (330) 666-3608
www.1800surveys.com



- ** NOTES:
1. BY THE BALTIMORE COUNTY ZONING REGULATION THE PROPERTY SHOWN HEREON IS ZONED B.R.(BUSINESS, RESIDENTIAL) & M.L.(MANUFACTURING, LIGHT)
 2. ITEMS 14.15, & 16 OF TABLE "A" OF THE MINIMUM STANDARD FOR ALTA/ACSM SURVEYS DOES NOT APPLY TO THE SUBJECT PROPERTY.
 3. THERE IS NO EVIDENCE OF PARKING SPACES FOR THIS SITE.
 4. ALL FIELD MEASUREMENTS MATCHED RECORD DIMENSIONS WITHIN THE PRECISION REQUIREMENTS OF ALTA/ACSM SPECIFICATIONS.
 5. EXCEPT AS OTHERWISE INDICATED, ALL BUILDING RESTRICTION LINES SHOWN HEREON HAVE BEEN PLACED AS THE RESULT OF AN INTERPRETATION ONLY OF CURRENTLY APPLICABLE REGULATIONS AND POLICIES OF THE BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING. EXCEPTIONS TO THESE RESTRICTIONS MAY APPLY.
 6. ELEVATIONS SHOWN HEREON ARE BASED ON BALTIMORE COUNTY GRID STATIONS #12885 & #12886.
 7. AS OF THE DATE OF THIS SURVEY, THERE ARE NO BUILDINGS AFFECTING THE SUBJECT PROPERTY.

18. Rights of the public in and to such portions of the subject property, if any, as may lie within the public roadways known as "Driole Avenue and Katherine Avenue and parts of two alleys.
This item is plotted hereon and does affect the subject property.

19. Reservation of an easement or right of ingress and egress on and over the subject property, for the benefit of Charles A. Diffendall and Charlotte H. Diffendall, owners of a 0.358 acre tract pursuant to a deed dated December 18, 1986, recorded December 19, 1986, in Liber 7360, folio 824.
This is not plotted hereon because the record Deed is illegible.

20. Subject to those matters as shown on plats dated December 11, 1987, entitled "Subdivision Plat of Diamond Point Plaza", recorded among the Land Records of Baltimore County in Plat Book 57, Plat Nos. 126, 127, and 128, as follows:

- a) drainage and utility easement;
- b) 10' drainage and utility easement;
- c) highway widening as set forth;
- d) 50 ft. minimum building setback line; and
- e) notes, notations & data.

This item is plotted hereon and does affect the subject property.

21. Subject to those matters as shown on a plat dated December 6, 1993, entitled "Subdivision Plat of Lot One Diamond Point Plaza", recorded among the Land Records of Baltimore County in Plat Book 66, Plat No. 32, as follows:

- a) Existing drainage and utility easements;
- b) minimum building setback line;
- c) 10 ft. drainage and utility easement;
- d) note indicating highway widening; and
- e) notes, notations & data.

This item is plotted hereon and does affect the subject property.

According to a visual inspection of the site, at the time of this survey, no visible evidence of access to this site was observed and therefore cannot be plotted hereon.

PER THE CURRENT BALTIMORE COUNTY ZONING REGULATIONS, AS OF THE DATE OF THIS SURVEY AND SUBJECT TO CHANGE:

PERMITTED USES FOR BR ZONING: WIDE RANGE OF COMMERCIAL USES, NON-COMMERCIAL USES OF A CIVIC, SOCIAL, RECREATIONAL OR EDUCATIONAL NATURE, USES ALLOWED IN ANY ADJOINING RESIDENTIAL ZONE.

PERMITTED USES FOR ML ZONING: INDUSTRIAL USES REQUIRING ASSEMBLY, PRODUCTION, PROCESSING, PACKAGING, OR TREATMENT OF VARIOUS ELEMENTS; BOAT YARDS; LABORATORIES, OFFICE/MEDICAL CLINICS; BUS TERMINALS; EXCAVATIONS NOT USING EXPLOSIVES; EQUIPMENT/ MATERIAL STORAGE YARDS; HELIPORTS; VOLUNTEER FIRE COMPANY FACILITIES.

ZONE	SETBACKS	MIN. SIZE	LOT COVERAGE	MIN. LOT WIDTH	HEIGHT LIMIT	F.A.R.
	FRONT	SIDE	REAR			
BR	50'	30'	30'	NONE	NONE	SEE BELOW
ML	50'	30'	30'	NONE	NONE	SEE BELOW

* 50' FROM FRONT PROPERTY LINE IF ON DUAL HIGHWAY, 25' ELSEWHERE;
50' FROM CENTER LINE OF STREET OTHER THAN DUAL HIGHWAY.

HEIGHT LIMIT FOR BR ZONE IS SUBJECT TO HEIGHT TENT REGULATIONS.

HEIGHT LIMIT FOR ML ZONE IS UNLIMITED EXCEPT IF WITHIN 100' OF A BUSINESS OR RESIDENTIAL ZONE THEN 3 STORIES OR 40'.

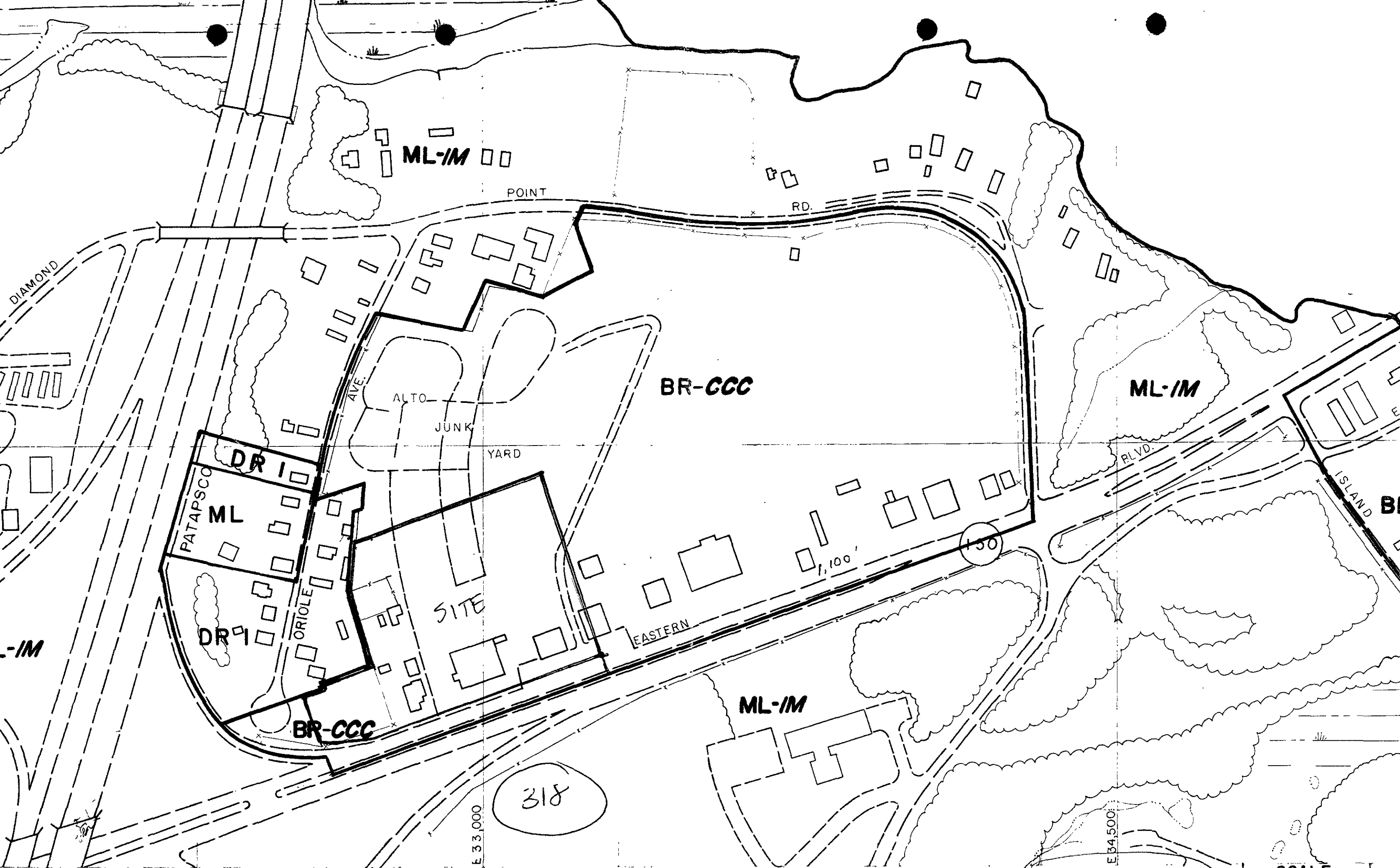
FURTHER INFORMATION CAN BE OBTAINED BY TELEPHONE AT 410-887-4386 (OFFICE OF THE ZONING COMMISSIONER) OR VISIT THERE WEBSITE AT www.co.ba.md.us/p.cfm/agencies/planning/index.cfm

The utilities shown hereon were observed and field located October 2001. There were no visible utility markings on the ground of the site, and attempts to contact the individual utility provider's i.e.: Util Quest, Baltimore County Department of Public Works, Baltimore City, Department of Public Works, Baltimore Gas & Electric, Comcast Cable vision, and Bell Atlantic Telephone to mark these utilities at the specified time of this survey could not be provided by these companies in that time frame. Therefore the direction and location of such subsurface utilities as gas, water, electric, telephone, cable and sewer should be clearly delineated and shown on an approved site/grading plan before any excavation of this site.

The Bench mark shown hereon by is a 1/2" bolt in concrete #12885 of the Baltimore County Grid System and is referred to NGVD 29 datum.

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FLOOD NOTE: By graphic plotting only, this property is in Zone of the Flood Insurance Rate Map Community Panel No. 240010-0440-C Fz Baltimore County, which bears an effective date of 11/17/93 and is not in a Special Flood Hazard Area. By telephone call dated 10/12/01 to the National Flood Insurance Program (800-638-6620) we have learned this community does currently participate in the program. No field surveying was performed to determine this zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency.



(SHEET SE 1-F)

BALTIMORE COUNTY

SCALE

1" = 200' ±

NE 1 F

SITE DATA

Existing Zoning and Maximum Density Permitted

Zone	Acres	Units Allowed	Units Proposed
DR 3.5	19.5	68.3	58
DR 16	0.4	6.4	0
Total	19.9	74.7	58

SITE DEVELOPMENT PROPOSAL

Dwelling Type	Proposed Units	Parking Required	Parking Proposed	Phase	Development Schedule
SINGLE FAMILY	58	116	116		4/02
Total	58	116	116		

OPEN SPACE PROPOSAL

Open Space Type	Acres
Local Open Space	1.34
Baltimore County Greenway/Easement	N/A
Stormwater Management	0.77
Total Provided	2.11

ADDITIONAL INFORMATION

Anticipated Actions:
 Waivers - of Public Works Standards for Road Improvements to Lennings Lane along the property frontage.
 Special Exceptions - NONE
 Other - NONE
 Consistency with design manuals? YES

OPEN SPACE CALCULATIONS
 ACTIVE REQ'D 58 x 650 = 37700 S.F. OR 0.87 AC.±
 PASSIVE REQ'D 58 x 350 = 20300 S.F. OR 0.47 AC.±
 TOTAL PROVIDED 37700 S.F. OR 0.87 AC.±
 ACTIVE 20300 S.F. OR 0.47 AC.±

HEARING OFFICER'S DEVELOPMENT PLAN ORDER

CASE NO. XIV-402

THEREFORE, IT IS ORDERED by this Zoning Commission/Hearing Officer for Baltimore County this 14th day of June, 2002 that the red-lined development plan for Lennings Crossing, identified herein as Developer's Exhibit 1C, be and is hereby APPROVED, subject to the following restrictions:

1) The Developer shall meet with Mr. Miner to identify those trees located on Mr. Miner's property which might be irreparably damaged as a result of the clearing and grading on the subject property and agrees to remove same at no expense to Mr. Miner.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

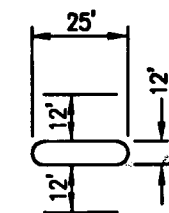
Lawrence E. Schmidt
 LAWRENCE E. SCHMIDT
 Zoning Commission/Hearing Officer
 for Baltimore County

LES:bj

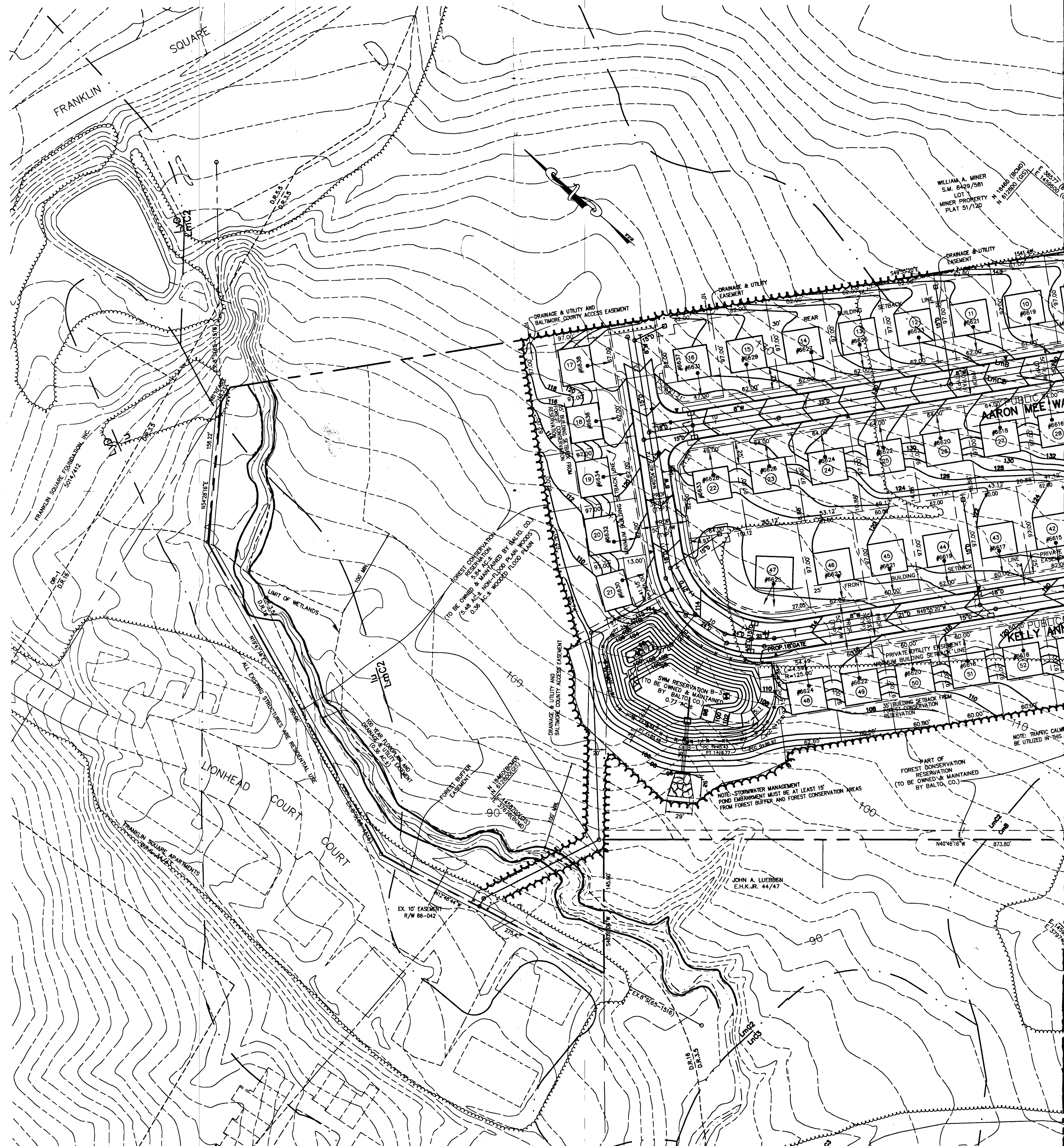
BEST MANAGEMENT PRACTICE NOTE

THE SITE IS TO BE DEVELOPED IN ACCORDANCE WITH THE 2000 MARYLAND STORMWATER DESIGN MANUAL.

BEST MANAGEMENT PRACTICES (BMP) TO BE INCORPORATED INTO THE DEVELOPMENT OF THIS SITE INCLUDE, BUT ARE NOT LIMITED TO THE FOLLOWING:
 - AN UNDISTURBED FOREST BUFFER & CONSERVATION # WILL BE CREATED AND MAINTAINED (NATURAL AREA C - LOTS 17 THRU 21 AND 48 THRU 58 WILL INCORPORATE SPECIALLY DESIGNED TO DIRECT RUNOFF FROM THE NATURAL AND UNDISTURBED FORESTED AREA. (SHEET - AN EXTENDED DETENTION STORMWATER MANAGEMENT TREAT RUNOFF FROM THE REMAINDER OF THE SITE TO AND QUALITY IN ACCORDANCE WITH LOCAL, STATE AND FEDERAL DESIGN, CONSTRUCTION AND MAINTENANCE OF THE # WILL NOT CREATE ANY ADVERSE EFFECTS OR OBJECTIONS



TRAFFIC CALMING DEVICE
 NOT TO SCALE



I HEREBY CERTIFY THAT I HAVE REVIEWED WITH DUE DILIGENCE THE APPROVED 1ST AMENDED DEVELOPMENT PLAN DATED 5/27/2003, AND HAVE PREPARED WITH DUE DILIGENCE THE 1ST AMENDED FINAL DEVELOPMENT PLAN PURSUANT TO THAT APPROVED 1ST AMENDED DEVELOPMENT PLAN.



W. DUVALL & ASSOCIATES, INC.
 ENGINEERS . SURVEYORS . LAND PLANNERS
 530 EAST JOPPA ROAD
 TOWSON, MARYLAND 21286
 Phone: 410.583.9571
 E-mail: wduvall2@qwest.net

I, WILBUR L. DUVALL, JR. CERTIFY UNDER OATH, THAT TO THE BEST OF MY KNOWLEDGE, THERE ARE NO DELINQUENT ACCOUNTS FOR ANY OTHER DEVELOPMENT WITH RESPECT TO ANY OF THE FOLLOWING: THE APPLICANT, A PERSON WITH A FINANCIAL INTEREST IN THE PROPOSED DEVELOPMENT, OR A PERSON WHO WILL PERFORM CONTRACTUAL SERVICES ON BEHALF OF THE PROPOSED DEVELOPMENT.

