IN RE: PETITION FOR VARIANCE
W/S Reisterstown Road, 630' N of
Tollgate Road
(10728 Reisterstown Road)
4th Election District
3rd Council District

John Owings, Jr., Owner; Public Storage, Inc., Contract Purchasers

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* Case No. 03-075-A

# FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, John Owings, Jr., and the Contract Purchasers, Public Storage, Inc., by Herbert Reynolds, through their attorney, David K. Gildea, Esquire. The Petitioners seek relief from Sections 235.1 and 303.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 20 feet in lieu of the required 46 feet, and from Sections 232.2.B and 1B01.2.C of the B.C.Z.R. to permit a side yard setback of 10 feet in lieu of the required 15 feet. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Herb Reynolds on behalf of Public Storage, Inc., Andrew Ferretti, the Professional Engineer who prepared the site plan for this property, and David K. Gildea, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the west side of Reisterstown Road, just north of Tollgate Road in Reisterstown. The property contains a gross area of 4.1 acres, more or less, split zoned B.M. and D.R.5.5, and is presently unimproved. The zone line runs bisects the property in an east/west direction; thus, the front portion of the site along Reisterstown Road is zoned B.M. while the rear of the site is zoned D.R.5.5. The entire tract is under contract of sale to Public Storage, Inc. which proposes to develop the B.M. zoned portion of the site with a three-story public storage facility.

Fulikit "D"

The rear (D.R.5.5) portion of the site will be sold back to Mr. Owings who will donate same to a conservation group. Testimony indicated that the rear of the site, which is predominantly zoned D.R.5.5, contains a floodplain, stream, wetlands, and other environmental constraints.

In any event, the nature of Public Storage, Inc.'s business is to lease warehouse space to the public. The proposed three-story building is "L" shaped and will contain nearly 72,000 sq.ft. of floor space, including 1500 sq.ft. of office space, on a 23,994 sq.ft. footprint. A schematic showing the proposed building was offered as Petitioner's Exhibit 3. Moreover, a series of photographs were submitted as Exhibits 5A and 5B showing the site and surrounding areas. Apparently, the development of the site has been reviewed with neighborhood associations in the vicinity and enjoys their support. In fact, a letter of support was received from the Tollgate Action Group (Petitioner's Exhibit 2) indicating they have no objections to the proposal.

Two variances are sought; the first of which is to allow a front yard setback of 20 feet in lieu of the required 46 feet. In this regard, it is to be noted that the site was previously considered for development with a retail shoe store in prior Case No. 99-521-A. In that case, the undersigned Zoning Commissioner considered an identical front yard setback of 20 feet for the proposed store. By my written decision dated August 16, 1999, variance relief was granted; however, the project was never built and the plans never pursued. Nonetheless, it is relevant that a favorable consideration was previously given for a 20-foot front yard setback for a proposed building on this site. It is also to be noted that the 46-foot requirement is based upon the average setbacks of adjacent buildings. The 20-foot setback to the proposed structure appears consistent with other buildings in the area.

The second variance requested is for a small area of the building on the northwest side. That side of the building will be located 10 feet from the side property line. The frontage of the adjacent parcel is zoned B.L. and a sufficient setback exists between the proposed building and the building on the adjacent lot; however, the rear of the adjacent property is zoned D.R.3.5. and it is for a small portion of the proposed building that lies adjacent thereto for which relief is requested.

Based upon the testimony and evidence offered, I am easily persuaded that relief should be granted. The uniqueness of the site is its unusual shape, split zoning and environmental constraints, which justify the relief requested. Moreover, I find that the Petitioners would suffer a practical difficulty if relief was denied and strict adherence to the zoning regulations was required. It is clear, given the support of this project, that the proposal will not detrimentally impact the surrounding locale. For these reasons, I find that the Petitioners have satisfied the burden set out in Section 307 of the B.C.Z.R. for variance relief to be granted. However, it is to be noted that Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Resource Management (DEPRM) relative to certain environmental regulations. Moreover, DEPRM's comment indicated that the buffer line shown on the plan is incorrect. The Petitioner indicated that its representatives would meet with DEPRM to resolve this issue. Thus, the relief requested shall be granted contingent upon Petitioner's resolution of this issue and compliance with DEPRM's environmental regulations.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of September, 2002 that the Petition for Variance seeking relief from Sections 235.1 and 303.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 20 feet in lieu of the required 46 feet, and from Sections 232.2.B and 1B01.2.C of the B.C.Z.R. to permit a side yard setback of 10 feet in lieu of the required 15 feet, 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 comment submitted by DEPRM, dated September 11, 2002, a copy of which is attached hereto and made a part hereof. Petitioners shall resolve the buffer line discrepancy with DEPRM prior to the issuance of any permits.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

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IN THE MATTER OF \* BEFORE THE

JOHN OWINGS JR., Legal Owner

PUBLIC STORAGE, INC. -Contract Purchaser \* COUNTY BOARD OF APPEALS

10728 REISTERSTOWN ROAD \* OF

4<sup>TH</sup> ELECTION DISTRICT

3<sup>RD</sup> COUNCILMANIC DISTRICT \* BALTIMORE COUNTY

CASE NO. 03-075-A

### ORDER OF DISMISSAL

ORDERED that the above captioned appeal be, and the same is, hereby DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence S. Wescott

Charles L. Marks

Richard K Irish



# County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

June 16, 2003

Francis X. Borgerding, Jr., Esquire Suite 600 Mercantile-Towson Building 409 Washington Avenue Towson, MD 21204

RE: In the Matter of: John Owings, Jr. – Legal Owner; Public Storage, Inc. – Contract Purchaser / Case No. 03-075-A /Order of Dismissal

Dear Mr. Borgerding:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of

Appeals of Baltimore County, pursuant to the attached Settlement Agreement in the subject matter.

Very truly yours,

Machleen C. Bianco Burner / Kathleen C. Bianco

Administrator

#### Enclosure

c: David K. Gildea, Esquire
Joseph Woolman, Esquire
Lawrence M. Hammond, Esquire
John Owings, Jr.
Herbert Reynolds /Public Storage, Inc.
RSV Enterprises LLC
People's Counsel for Baltimore County
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Jeffrey Long /Planning
Director, Department of Permits & Development Management

CASE#: 03-075-A Pord. 5/28/03 9:00 am

### SETTLEMENT AGREEMENT

"Agreement") is made and entered into this day of May of M

WHEREAS, Owings is fee simple owner of two (2) parcels of land located in the Fourth Election District of Baltimore County, being collectively known and designated as 10728 Reisterstown Road, Owings Mills, Maryland 21117 ("the Property"); and,

WHEREAS, Public Storage is the contract purchaser of the Property by virtue of an Agreement for Purchase and Sale of Real Property and Joint Escrow Instructions dated January 19, 2001; and,

WHEREAS, Public Storage is in the process of developing the Property into a warehouse storage facility; and,

WHEREAS, on or about August 9, 2002, Public Storage filed a Petition for Variance with the Baltimore County Zoning Commissioner requesting relief from certain setback requirements of the Baltimore County Zoning Regulations, which matter was heard on September 17, 2002 in Case No. 03-075-A; and,

WHEREAS, the Zoning Commissioner, by Order dated September 30, 2002, granted Public Storage's requests for relief, subject to certain restrictions; a copy of the Order is attached hereto and incorporated as Exhibit A; and,

WHEREAS, Varghese is a managing member of RSV Enterprises, LLC, which owns certain real estate abutting the Property and is located at 10806 Reisterstown Road, Owings Mills, Maryland, after purchasing said Property from 10806 Reisterstown Road, LLC and its Managing Member, Henry J. McCarthy, IV ("McCarthy"), on March 7, 2003; and,

WHEREAS, Varghese is the landlord to the following tenants occupying a brick office building located at 10806 Reisterstown Road: Dr. Marion Segal; Dr. Stacey Kargman; Mr. and Mrs. Song; Quality Dry Cleaners; Arthur Rosenbaum; SCM; Paul Silbert; Maryland Health Care; Cathy Rubin; Patricia Armour; Mart Sidnick; Fare Deals, LTD; The Art Craft; H. John Lobe; Lisa Bishop; Marla Stein & Associates; and, Al and Shirley Paul; and,

WHEREAS, on or about October 29, 2002, McCarthy filed an appeal of the Baltimore County Zoning Commissioner's decision rendered in Case No. 03-075-A on behalf of the aforementioned tenants, alleging that the tenants were not notified of the hearing, and the decision had a negative financial impact on the abutting property; a copy of which is attached hereto and incorporated as Exhibit B; and,

WHEREAS, on or about April 3, 2003, Varghese, by letter, notified Arnold Jablon, Director of Permits and Development Management, of his intentions on behalf of the above referenced tenants to continue to pursue the appeal originally filed by McCarthy; and,

WHEREAS, the parties do not wish to seek further seek redress in the appeal pending before the Baltimore County Board of Appeals and desire to settle their dispute by way of this Settlement Agreement.

NOW THEREFORE, in consideration of the mutual promises contained herein, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties agree as follows:

- 1. This Agreement shall not in any way be construed to address the merits of the appeal.
- 2. Varghese, individually and with full authority to act on behalf of the aforementioned tenants, hereby agrees to withdraw the appeal filed in Case No. 03-075-A with prejudice.
- 3. Varghese and the aforementioned tenants hereby agree to file no further appeals to any decisions affecting the development of the Property as contemplated by the existing Revised CRG Plan, and such further revisions as may be submitted in the future.
- 4. Varghese and the aforementioned tenants hereby agree to only appear at public meetings or hearings with regard to the development of the Property in order to express their unqualified support of the currently proposed development of Public Storage.
- 5. Public Storage hereby agrees to file no appeals to any decision affecting any development of the abutting property as contemplated by RSV Enterprises, LLC, unless such decision shall have a direct and adverse impact upon the development and future operation of Public Storage.
- 6. Public Storage hereby agrees to only appear at public meetings or hearings with regard to the development of the abutting property located at 10806 Reisterstown Road in order to express their unqualified support of development, consistent with the current retail and office uses on the abutting property.

- 7. Public Storage hereby agrees to indemnify and save RSV Enterprises, LLC harmless from any and all claims, actions, causes of action, charges, judgments, grievances, obligations, rights, demands, debts, damages, sums of money, attorney's fees, costs or liabilities of whatever nature, whether known or unknown, disclosed or undisclosed, asserted or unasserted, in law or equity, contract or tort, or otherwise arising out the known current conditions of the Property at 10806 Reisterstown Road and the property at 10728 Reisterstown Road, including, but not limited to, the existing outfall on the aforementioned properties.
- 8. Upon the final settlement on the Property through which Public Storage obtains fee simple title to the Property from Owings, or the obtaining by Public Storage of all governmental approvals and permits necessary for development, Public Storage agrees to pay unto Varghese the sum of Fifteen Thousand Dollars (\$15,000.00) in cash or certified funds, provided that Varghese and the aforementioned tenants strictly abide by the terms of this Agreement.
- 9. The parties mutually agree that in entering into this Agreement, each party signs this Agreement freely and voluntarily for the purpose and with the intent of fully settling and determining all of their respective rights and obligations growing out of or incident to the appeal filed in Case No. 03-075-A, and acknowledge that this Agreement is a fair and reasonable Agreement, and that it is not the result of any fraud, duress, or undue influence exercised by either party upon the other, or by any person or persons upon either party.
- 10. This Agreement and its attached Exhibits contain the entire understanding between the parties. No modification or waiver of any of the terms of this Agreement

shall be valid unless made in writing, and signed by the parties.

- 11. Should any provision of this Agreement be found, held, or deemed to be unenforceable, voidable or void, as contrary to law or public policy under the laws of Maryland or any other State of the United States, the parties intended that the remain in provisions of this Agreement shall nevertheless continue in full force and be binding upon the parties, their heirs, personal representatives, executors and assigns.
- 12. All matters pertaining to the construction, performance and enforcement of this Settlement Agreement and Release shall be governed by the laws of the State of Maryland, regardless of conflicts of laws provisions.
- 13. No person nor entity who is not a party to this Agreement shall have any benefit hereunder nor have any third party beneficiary rights as a result of this Agreement, nor shall any party be entitled to rely on actions or inactions to the parties hereof, their agents, all of which are done for the sole benefit of the parties hereto.
- 14. No provision of this Agreement shall be interpreted for or against any party hereto by reason that said party or his or her legal representative drafted all or any part hereof.

IN WITNESS WHEREOF, the said parties hereto have hereunder set their hands and seals, the day and year first written.

WITNESS:

OHN F. OWINGS IR

(SEAL)

PUBLIC STORAGE, INC.

BY: HEATS REYNOLDES

DR, RAJU VARGHESE

Individually, and on behalf of the tenants listed

(SEAL)

(SEAL)

(SEAL)

herein

RSV ENTERPRISES, LLC

DR. RAJU VARGHESE, Managing Member



# Petition for Variance

# to the Zoning Commissioner of Baltimore County

for the property located at 10728 Reisterstown Rd which is presently zoned BM

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.

### Contract Purchaser/Lessee:

Public Storage, Inc.	•	
Name - Type or Print	<del></del>	<u></u>
Signature Herbert Reyno.	lds	<del></del>
3 Chase Lane	(302)376-9313	3
Address	Telephone f	No
Middletown, DE 19709	_	
City	State Zip Co	ode
Attorney For Petitioner:		
zittorrey i or retitioner.		
Danid V Cilder		
David K. Gildea Name - Type or Print	<u></u>	
- ', p - ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' '		
Cionativa	, ————————————————————————————————————	
Signature		
G <u>ildea, LLC</u>		
Сфпірапу		
301 N. Charles St.,	Suite 900	
Address	Telephone N	10.
Baltimore, MD 21201	(410)234-0070	
City	State Zip Co	ode
1		

Mase No. 03-075-1

IWe 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.

### Legal Owner(s):

John Owings, Jr.	
Name - Type or-Rrint c	0
Dun Owwood	$\mathbf{h}$ .
Signature	<del>// \ \ \                              </del>
Aagraig	
Name - Type or Print	
Signature	<del></del>
P.O. Box 295	(410)833-1187
Address	Telephone No
Owings Mills, MD 2	21117
City	State Zip Code
Representative to be C	ontactod:
Tropicocinative to be C	ontacted.
	ı
David K. Gildea	
Name	
301 N. Charles St	., Suite 900

# Address

Baltimore, MD 21201 (410)234-0070 City State Zip Code

Telephone No

### OFFICE USE ONLY

ESTIMATED LENGTH	OF	HEARING	<del></del>
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eviewed By	LE FOR HEARING	Date	OS	·0904

**JADER RE** 

Date,

REU 9/15/98



- 1. BCZR Section 235.1 and 303.2 -- to permit a front yard setback of 20 feet in lieu of the required 46 feet.
- 2. BCZR Section 232.2B and 1B01.2C -- to permit a side yard setback of 10 feet in lieu of the required 15ft.

#### EXHIBIT A-1

DESCRIPTION OF LOT 1

AMENDED PLAT OF OWINGS CREEK

WEST SIDE OF REISTERSTOWN ROAD

700 FEET ± NORTH OF TOLLGATE ROAD

4th ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

### DECEMBER 18, 2000

Beginning for the same at a steel pin found on the southwest right of way line of Reisterstown Road and also being at the beginning point of that land described in a deed dated June 24, 1997 and recorded among the Land Records of Baltimore County in Liber 12254, Folio 189 from J.F.O. Holding Corporation to John F. Owings, Jr., running thence binding on the justmentioned southwest right of way line of said road and with the lines of said deed, (1) S 44°03'03" E 96.07 feet, thence (2) S 44° 03'03" E 68.46 feet, thence (3) S 42°55'32" E 119.54 feet to a pipe found, thence leaving said road, (4) S 47°04'03" W 75.07 feet, thence running with all of the fifth line of said deed and with part of the eighth line of that piece of land described in a deed dated June 24, 1997 and recorded said Land Records in Liber 12254, Folio 201 from J.F.O. Holding Corporation to John F. Owings, Jr., (5) S 51°58'12" W 80.96 feet to a point on the said eighth line, thence leaving said eighth line and running for new lines of division in, through, over and across the land described in said last mentioned deed, the following 17 courses and distances, viz: (6) N 23°45'20" W 4.10 feet, (7) N 14°07'39" W 34.70 feet, (8) N 50°44'05" W 61.11 feet, (9) N 74°57'49" W 18.23 feet, (10) N 52°08'19" W 50.95 feet, (11) N 43°26'00" W 23.85 feet, (12) S 33°58'30" W 13.72 feet, (13) S 02°08'46" W 19.60 feet, (14) N 69°53'28" W 28.45 feet, (15) S 66°36'19" W 49,50 feet, (16) S 39°25'43" W 44.25 feet, (17) S 64°09'00" W 42.54 feet, (18) S 85°13'05" W 27.11 feet, (19) 5 61°55'10" W 27.63 feet, (20) 5 78°15'47" W 89.18 feet, (21) N 80°24'19" W 39.95 feet, (22) S 80°23'58" W 6.98 feet to intersect the third line of the last mentioned deed, 2.61 feet from the beginning thereof, thence running with all of the third and fourth lines of said deed and with all of eighth line of the herein first mentioned deed, (23) N 45°56'56" E 486.53 feet to the southwest right of way line of Reisterstown Road and to the beginning of the last line of the herein first mentioned deed, thence running with said southwest right of way line and said last line, (24) S 44°03'03" E 53.93 feet to the place of beginning. Containing 1.9195 acres of land, more or less.

Being all of that piece or parcel of land which by deed dated June 24, 1997 and recorded among the Land Records of Baltimore County in Liber 12254, Folio 189 was conveyed by J.F.O. Holding Corporation to John F. Owings, Jr., and also being part of that piece or parcel of land which by deed dated June 24, 1997 and recorded among the aforesaid Land Records in Liber 12254, Folio 201 was conveyed by J.F.O. Holding Corporation with the John F. Owings, Jr.

JEO.Jr. mv3

03-075.

EXHIBIT A-2

DESCRIPTION OF PARCEL "A"

AMENDED PLAT OF OWINGS CREEK

WEST SIDE OF REISTERSTOWN ROAD

700 FEET ± NORTH OF TOLLGATE ROAD

4th ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

JANUARY 25, 2001

Beginning for the same at a steel pin found at the point of beginning of the land described in a deed dated June 24, 1997 and recorded among the Land Records of Baltimore County in Liber 12254, Folio 201 from John F. Owings, Jr., as Director-Trustee of J.F.O. Holding Corporation, to John F. Owings, Jr. running thence with the first and second lines thereof and referring all courses mentioned herein to the Baltimore County Metropolitan District Grid, (1) N 65° 24'37" W 136.77 feet to a steel pin found, (2) N 44"56'21" W 288,15 feet to a steel pin found, thence running with a part of the third line thereof, (3) N 45°56'56" E 2.81 feet to a point thereon, thence leaving said line and running for new lines of division in, through, over and across the land described in the herein mentioned deed, the following 17 courses and distances, viz: (4) N 80°23'58" E 6.98 feet, (5) 5 80°24'19" E 39.95 feet, (6) N 78°15'47" E 89.18 feet, (7) N 61°55'10" E 27.63 feet, (8) N 85°13'05" E 27.11 feet, (9) N 64°09'00" E 42.54 feet, (10) N 39°25'43" E 44.26 feet, (11) N 66°36'19" E 49.50 feet, (12) S 69°53'28" E 28.45 feet, (13) N 02°08'46" E 19.60 feet, (14) N 33°58'30" E 13.72 feet, (15) S 43°26'00" E 23.85 feet, (16) S 52°08'19" E 50.95 feet, (17) S 74°57'49" E 18.23 feet, (18) S 50°44'05" E 61.11 feet, (19) S 14°07'39" E 34.70 feet, (20) S 23°45'20" E 4.10 feet to intersect the eighth or S 51°58'12" W 128.49 foot line of the aforementioned deed, at a point located 39.07 feet from the beginning thereof, thence binding thereon, (20) S 51°58'12" W 89.42 feet to a pipe found at the end of said line, thence running with the last or minth line of said deed, (21) 5 18°35'53" W 210.85 feet to the place of beginning. Containing 1.9528 acres of land, more or less.

Being a part of that piece or parcel of land which by deed dated June 24, 1997 and recorded among the Land Records of Baltimore County in Liber 12254, Folio 210 was conveyed by John F. Owings, Jr., as the Director-Trustee of J.F.O. Holding Corporation to John F. Owings, Jr.

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03-075-A:

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

PINK - AGENCY

**DISTRIBUTION** 

WHITE - CASHIER

No.19344

DATE 10/31/02 ACCOUNT 001-006-6150

AMOUNT \$ 310.00

RECEIVED Lewy J. Mc Carly
FROM: 03-075-A

Appeal

YELLOW - CUSTOMER

CATE OFFITTOT
FRANCESC ACTUAL LINE
JV31/2002 10/31/2002 09:55:25
RED VSOS BALKIN RBOS LKB DRAWER 1
JKBETT B 302227 10/31/2002 OFTA
Dec 5 528 ZONTHG VERTICATION
CE NO. 019344
FRECHT IOT \$210.00

Baltimore County, Karyland

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新新 7. A.M. MC.WE AND AND DO 141 Party of the second of the sec 語型語語 (M.C.) 概認 March Ma March Ma No. YELLOW - CUSTOMER 4> ACCOUNT. **AMOUNT** BALTIMORE COUNTY, MARYL & FINANCE RECEIPT PINK - AGENCY INEOUS BUDGET Ÿ 9 WHITE - CASHIER MISCELI DISTRIBUTION OFFICE RECEIVED FROM: DATE FOR:

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April - Charles

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# NOTICE OF ZONING -HEARING T

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

Case: #03-075-A
10728 Relateratown Road
SW/S of Relateratown Road,
980' SE of Ritlers Lake
4th Election District
3rd Councilmanic District
Legal Owner(s): John Owngs, Jr.
Contract Purchaser Public Storage inc

Variance: to permit a from yard setback of 20 feet if lieu of the required 46 feet to permit a side yard set back of 10 feet in lieu of the required 15 feet.

Hearing: Tuesday: September 17, 2002 at 9:00 s.m. in Room 407, County Courts Building, 401 Bostley Avenue

Courts Building, 401 Bos ley Avenue.
LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handleapped 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.

3391. JT/9/603 Sept. 3 C560607

# CERTIFICATE OF PUBLICATION

<u>9/5</u> , 2002	 
THIS IS TO CERTIFY, that the annexed advertisement was publ	lished
in the following weekly newspaper published in Baltimore County,	Md.,
once in each ofsuccessive weeks, the first publication appe	aring
on <u>9/3</u> ,20 <u>02.</u>	
The Jeffersonian	
☐ Arbutus Times	
☐ Catonsville Times	
☐ Towson Times	
Owings Mills Times	
☐ NE Booster/Reporter	
☐ North County News	

LEGAL ADVERTISING

Wilkinger

### APPEAL SIGN POSTING REQUEST

CASE NO.: 03-075-A

### JOHN OWINGS, JR. - LEGAL OWNERS

### 10728 REISTERSTOWN ROAD, OWING MILLS

4TH ELECTION DISTRICT

APPEALED: 10/29/02

ATTACHMENT - (Plan to accompany Petition - Petitioner's Exhibit No. 1)

***	*****COMPLETE AND RETURN BELOW I	NFORMATION****
	CERTIFICATE OF POST	ING
TO:	Baltimore County Board of Appeals 400 Washington Avenue, Room 49 Towson, Maryland 21204	
Atten	tion: Kathleen Bianco Administrator	
RE:	Case No.: 03-075-A	
	Petitioner/Developer:	
This i locate	s to certify that the necessary appeal sign was posted coned at:	nspicuously on the property
The s	ign was posted on $12/4$	, 2002
Ву:	(Signature of Sign Poster)	· <del></del>
	GARY FREUND	
	(Printed Name)	<del> ,,                                 </del>

# APPEAL SIGN POSTING REQUEST

CASE NO.: 03-075-A

JOHN OWINGS, JR. - LEGAL OWNERS

10728 REISTERSTOWN ROAD, OWING MILLS

4TH ELECTION DISTRICT

APPEALED: 10/29/02

ATTACHMENT (Plan to accompany Petition - Petitioner's Exhibit No. 1)

# CERTIFICA OF POSTING

•	RE: Case No.: <u>03-075-A</u>
•	Petitioner/Developer: John
	OWINGS JR.
·	Date of Hearing/Closing: 9/17/02-
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:	
	located at 10728 REISTERSTOWN Rd
The sign(s) were posted on	9/1/02 (Month, Day, Year)
	Sincerely,
	9/1/02
	(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)

TO: PATUXENT PUBLISHING COMPANY

Tuesday, September 3, 2002 Issue – Jeffersonian

Please forward billing to:

David K Gildea 301 N Charles Street Suite 900 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: 03-075-A 10728 Reisterstown Road

SW/S of Reisterstown Road, 960' SE of Ritters Lane

4<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owner: John Owings Jr

Contract Purchaser: Public Storage Inc.

Variance to permit a front yard setback of 20 feet in lieu of the required 46 feet; to permit a side yard setback of 10 feet in lieu of the required 15 feet.

HEARING: Tuesday, September 17, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

TOURIER CORRECTION OF

LAWRENCE E. SCHMIDT GDZ SONING 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

August 20, 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: 03-075-A 10728 Reisterstown Road

SW/S of Reisterstown Road, 960' SE of Ritters Lane

4<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owner: John Owings Jr

Contract Purchaser: Public Storage Inc.

Variance to permit a front yard setback of 20 feet in lieu of the required 46 feet; to permit a side yard setback of 10 feet in lieu of the required 15 feet.

HEARING:

Tuesday, September 17, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

The state of the s

Arnold Jablon GDZ Director

C: David K Gildea, 301 N Charles Street, Suite 900, Baltimore 21201 John Owings Jr, P O Box 295, Owings Mills 21117 Public Storage Inc, Herbert Reynolds, 3 Chase Lane, Middletown DE 19709

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, SEPTEMBER 2, 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.



### County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

### Hearing Room – Room 48 Old Courthouse, 400 Washington Avenue

May 21, 2003

#### NOTICE OF REASSIGNMENT / Earlier Start Time

CASE #: 03-075-A

IN THE MATTER OF: JOHN OWINGS, JR. - Legal Owner; Public Storage, Inc. - Contract Purchaser 10728 Reisterstown Road

4<sup>th</sup> Election District; 3<sup>rd</sup> Councilmanic District

9/30/2002 – Z.C.'s Order in which requested variance relief was GRANTED with restrictions.

which was scheduled to be heard on 5/28/03 at 10:00 a.m. has been **REASSIGNED** to an earlier start time by agreement of Counsel; settlement to be put on the record at the reassigned time of:

**REASSIGNED FOR:** 

WEDNESDAY, MAY 28, 2003 at 9:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the

advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

> Kathleen C. Bianco Administrator

c:

Appellant /Protestant

Francis X. Borgerding, Jr., Esquire

: Henry J. McCarthy IV, REA, et al

David K. Gildea, Esquire Joseph Woolman, Esquire

Lawrence M. Hammond, Esquire

Petitioner /Legal Owner

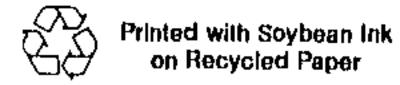
: John Owings, Jr.

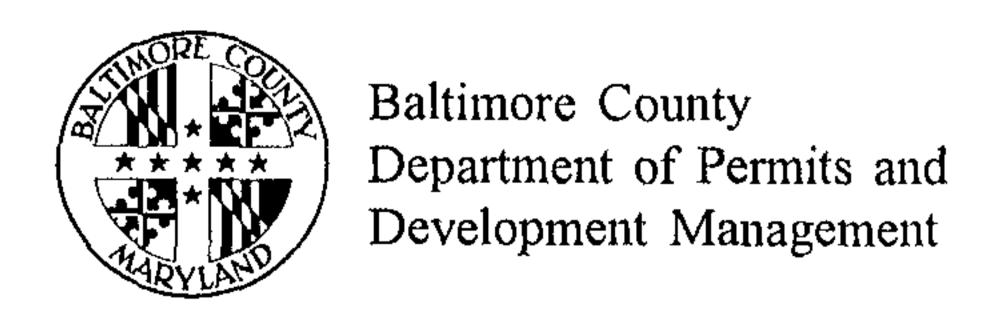
Contract Purchaser

: Herbert Reynolds / Public Storage, Inc.

RSV Enterprises LLC

People's Counsel for Baltimore County Lawrence E. Schmidt /Zoning Commissioner Pat Keller, Planning Director Jeffrey Long /Planning Arnold Jablon, Director /PDM





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

September 13, 2002

David K Gildea Esquire Gildea LLC 301 N Charles Street, Suite 900 Baltimore MD 21201

Dear Mr. Gildea:

RE: Case Number: 03-075-A, 10728 Reisterstown Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 9, 2002.

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. Got Supervisor, Zoning Review

WCR: gdz

Enclosures

c: John Owings Jr, P O Box 295, Owings Mills 21117
Public Storage Inc, Herbert Reynolds, 3 Chase Lane, Middletown DE 19709
People's Counsel

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

TO: , PD

, PDM, MAIL STOP-1105

August21, 2002

FROM: LIEUTENANT JIMMIE MEZICK

BALTIMORE COUNTY FIRE MARSHAL OFFICE MAIL STOP-1102F, PHONE (410) 887-4881

SUBJECT: SUBDIVISION REVIEW COMMENTS

PROJECT NAME: John Owings Jr.

PROJECT NUMBER: 03-075-A

LOCATION: 10728 Reisterstown rd.

DISTRICT: 4th

COMMENTS:

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", 2000 edition prior to occupancy



## Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams
Administrator

Date: September 9, 2002

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

RE: Baltimore County

Item No. 075 (JRA) 10728 Reisterstown RD

MD 140

Dear Mr. George Zahner:

This office has reviewed the referenced Item and has no objection to approval of the Variance request.

However, we will require the owner to obtain an access permit. Please have their representative contact this office regarding the roadway improvements conditioned to the permit.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

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

# DEBAY KANATRASA (ODB<mark>ERSKA KO)SIN ERSKA S</mark>AFIDKOJA ESABIODSI (STEACK) DEKO SIN (CHERA SICA (CHERA SICA)

TO:	Arnold Jablon
FROM:	R. Bruce Seeley RB5 / TGT
DATE:	September 11, 2002
SUBJECT:	Zoning Item 75 Address 10728 Reisterstown Road
Zoning	g Advisory Committee Meeting of <u>August 19, 2002</u>
	epartment of Environmental Protection and Resource Management has no ents on the above-referenced zoning item.
an exte	epartment of Environmental Protection and Resource Management requests ension for the review of the above-referenced zoning item to determine the to which environmental regulations apply to the site.
·—-	epartment of Environmental Protection and Resource Management offers lowing conments on the above-referenced zoning item:
<u>X</u>	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).
	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_	Additional Comments:
buffer	uffer line shown is incorrect. A variance, approved 8/7/92, reduces the to 25 feet off of the wetland. This plan confuses the wetland limit with the The correct buffer line is shown on the plan in red.

Betty Kelley

Reviewer:

Date: September 6, 2002

EVER FOR FILMS

SILL THE CHO

Ó



# BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: September 12, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SEP 1 2 200

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-075

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:

Section Chief:

AFK/LL:MAC

DD.	PETITION FOR VARIANCE.	*	BE
RE:	<b></b>	·	DE
	10728 Reisterstown Road SW/side of	ata.	70
	Reisterstown Road 960' SE of Ritters	*	ZO
	Lane		
	4 <sup>th</sup> Election District 3 <sup>rd</sup> Councilmanic	*	FO
	District		
	Legal Owner: John Owings Jr.	*	BA
	Contract Purchaser: Herbert Reynolds		
	Public Storage, Inc.	*	03-
	Petitioner(s)		- <b>-</b>

EFORE THE

DNING COMMISSIONER

)R

ALTIMORE COUNTY

-075-A

### ENTRY OF APPEARANCE

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

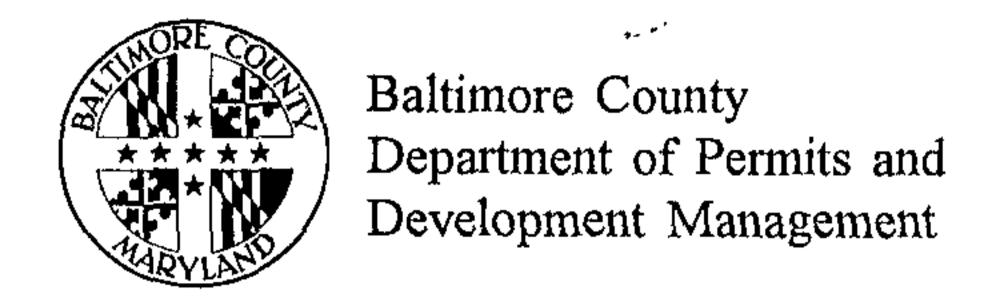
CAROLE S. DEMILIO Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue Towson, MD 21204

(410) 887-2188

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of August, 2002 a copy of the foregoing Entry of Appearance was mailed to David K. Gildea, Gildea, LLC, 301 N. Charles St., Suite 900, Baltimore, MD 21201 Attorney for Petitioner(s).

People's Counsel for Baltimore County



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

Fax: 410-887-5708

October 31, 2002

David K. Gildea Gildea, LLC 301 N. Charles St., Suite 900 Baltimore, MD 21201

Dear Mr. Gildea:

RE: Case No. 03-075-A, 10728 Reisterstown Road

Please be advised that an appeal of the above-referenced case was filed in this office on October 29, 2002 by Henry J. McCarthy, IV on behalf of Dr. Marion Seigel, Dr. Stacey Kargman, Mr. and Mrs. Song, Quality Dry Cleaners, Arthur Rosenbaum, SCM, Paul Silbert, Maryland Health Care, Cathy Rubin, Patricia Armour, Mart Sidnick, Fare Deals, LTD, The Art Craft, H. John Lobe, Lisa Bishop, Marla Stein & Associates & Al and Shirley Paul. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Arnold Jablon

Director

### AJ:rlh

c: Lawrence E. Schmidt, Zoning Commissioner Arnold Jablon, Director of PDM People's Counsel Henry J. McCarthy, IV, REA, 10806 Reisterstown Road, Owings Mills 21117 John Owings, P.O. Box 295, Owings Mills 21117 Public Storage, Inc., 3 Chase Lane, Middletown, DE 19709

### **APPEAL**

Petition for Variance
10728 Reisterstown Road
SW/s of Reisterstown Road, 960 feet southeast of Ritters Lane
4<sup>th</sup> Election District — 3<sup>rd</sup> Councilmanic District
John Owings, Jr.- Legal Owner
Public Storage, Inc. - Contract Purchaser
Case No.: 03-075-A

Petition for Variance (August 2, 2002)

✓ Zoning Description of Property

V Notice of Zoning Hearing (August 20, 2002)

Certification of Publication (The Jeffersonian issue September 3, 2002)

Certificate of Posting (September 1, 2002 posted by SSG Robert Black)

Entry of Appearance by People's Counsel (August 28, 2002)

Petitioner(s) Sign-In Sheet (One)

Protestant(s) Sign-In Sheet (None)

Citizen(s) Sign-In Sheet ( Koke\_)

Zoning Advisory Committee Comments

RECEIVED

NUV 0 4 2002

BALTIMORE COUNTY BOARD OF APPEALS

Petitioners' Exhibits:

M. Plan to accompany Petition for Variance

Letter to Zoning Commissioner from Tollgate Action Group

1/3, Picture of Public Storage facility

14. Findings of Fact and Conclusions of Law of August 16, 1999

√5.a.-f Photographs

Protestants' Exhibits:

None

Miscellaneous (Not Marked as Exhibits): んかんし

Zoning Commissioner's Order (September 30, 2002 – GRANTED subject to the following restrictions)

Notice of Appeal received on October 29, 2002 from Henry J. McCarthy, IV

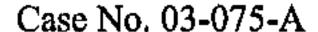
c: People's Counsel of Baltimore County, MS #2010 Lawrence Schmidt, Zoning Commissioner Arnold Jablon, Director of PDM

DAVID K GILDEA GILDEA, LLC 301 N CHARLES STREET, SUITE 900 BALTIMORE MD 21201 ATTORNEY FOR PETITIONER

HERBERT REYNOLDS
PUBLIC STORAGE, INC
3 CHASE LANE
MIDDLETOWN DE 19709
CONTRACT PURCHASER

HENRY J MCOARTHY IV, REA, ET AL 10806 REISTERSTOWN ROAD OWINGS MILLS, MARYLAND 21117 APPELLANT

moved-Left no address JOHN OWINGS, JR. P O BOX 295 OWINGS MILLS MD 21117 PETITIONER



In the Matter of: John Owings, Jr. – Legal Owner; Public Storage, Inc. – Contract Purchaser

VAR -To permit front yard setback of 20' ilo required 46'; and to permit side yard setback of 10' ilo required 15'.

9/30/02 - Z.C..'s Order in which Petition for Variance was GRANTED subject to restrictions.

3/21/03 – Letter from Lawrence Hammond, Esquire, request that this matter be scheduled in place of a settled /dismissed matter; contract of sale to sell property; economic hardship if matter carried for extended period.

3/26/03 - Letter from RSV Enterprises, LLC (unable to read signature); requesting that "all further correspondence be sent to the above address." File so noted.

- Notice of Assignment sent to following; assigned for hearing on Wednesday, May 28, 2003 at 10:00 a.m.:

Henry J. McCarthy IV, REA, et al
David K. Gildea, Esquire
Lawrence M. Hammond, Esquire
John Owings, Jr.
Herbert Reynolds /Public Storage, Inc.
RSV Enterprises LLC
People's Counsel for Baltimore County
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Jeffrey Long /Planning
Arnold Jablon, Director /PDM

5/14/03 – Telephone conversation with Joseph Woolman, Esquire – he advised that this matter has been settled and that said settlement would require only brief time before the Board to put it on the record; wanted to alert the Board to this fact. File has been noted; hearing will only take a brief time as indicated above on 5/28/03.

5/20/03 – T/C from Frank Borgerding; settled case; to put settlement on record on 5/28/03. Requesting if this could be put in at 9 a.m. since he has to be downtown in Court that morning; he has spoken with David Gildea; Joe Woolman, who is handling the settlement on 5/28/03, is okay with the 9 a.m. time.

5/21/03 – Notice of Reassignment /Earlier Time sent to parties; reassigned to 9 a.m. start on same date per agreement of Counsel; settlement to be put on the record at 9:00 a.m. 5/28/03.

5/28/03 – Board convened for specially assigned hearing; settlement put on the record; executed Settlement Agreement submitted; Counsel to provide proposed Order for review by the Board, incorporating agreement reached. (4-5-7).

6/05/03 -- Letter from Joseph Woolman, Esquire -- submitted proposed Order for review and signature by the Board. Copy of Executive Agreement (signed day of hearing) attached to Order of Dismissal.

\_\_\_\_\_\_

### Baltimore County, Maryland



### OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN People's Counsel CAROLE S. DEMILIO Deputy People's Counsel

June 30, 2003

Lawrence S Wescott, Panel Chairman County Board of Appeals of Baltimore County Old Courthouse, Room 49 400 Washington Avenue Towson, MD 21204

Re:

In the Matter of: Johns Owings, Jr. - Legal Owner; Public Storage, Inc

- Contract Purchaser/ Case No.: 03-075-A

Dear Mr. Wescott:

Our office is in receipt of the Board's Order of Dismissal dated June 16, 2003. We entered our appearance as is our practice, but did not participate actively in the case. We have no objection to the dismissal of the appeal. With respect, however, to the settlement agreement which is mentioned in and attached to the Order, we wish to state that we are not a party to it and are not involved in it directly or indirectly. It is an agreement between private parties.

In this context, we do not read or understand the Board's order as approving the Settlement Agreement. We assume the Board's Order is limited to the dismissal of the appeal and that any enforcement would be private and not public.

Sincerely,

Peter Max Zimmerman

People's Counsel

Carole S. Demilio

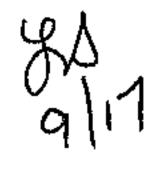
Deputy People's Counsel

PMZ\rmw

cc: David Gildea, Esquire

Francis X. Borgerding, Esquire Lawrence W Hammond, Esquire DECEIVED
JUN 3 0 2003

BALTIMORE COUNTY BOARD OF APPEALS





Parris N. Glendening Governor Kathleen Kennedy Townsend Lt. Governor

Roy W. Kienitz Secretary Mary Ahrams Deputy Secretary

August 23, 2002

Mr. George Zahner
Baltimore County Department of Permits and Development Management
County Office Building
Room 111
111 West Chesapeake Avenue
Mail Stop #1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, 8/26/02 re: Case numbers 03-068-SPHXA, 03-069-A, 03-070-SPHX, 03-071-A, 03-072-SPH, 03-073-SPH, 03-074-A, 03-075-A, 03-076-A, 03-077-A, 03-079-A, 03-080-A

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 8/22/02. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

Manager

Metropolitan Planning

Local Planning Assistance Unit

cc: Mike Nortrup

#### BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County Interoffice Correspondence

DATE:

August 22, 2003

TO:

Timothy Kotroco, Director

Permits & Development Management

Attn.: David Duvall

FROM:

Theresa R. Shelton - 1/10

Board of Appeals

SUBJECT:

**CLOSED APPEAL CASE FILES** 

The following case(s) have been finalized and the Board of Appeals is closing the copy of the appeal case file(s) and returning the file(s) and exhibits (if applicable) attached herewith.

BOARD OF APPEALS CASE NUMBER	PDM FILE NUMBER	NAME	LOCATION
CBA-03-123	Building Permit B513653	MITCHELL	1245 ENGLEBERTH RO
03-154-A	03-154-A	DAVID LAROSA	5 LONGBOTTOM COUR
03-075-A	03-075-A	JOHN OWINGS, JR	10728 REISTERSTOWN

Attachment: SUBJECT FILE(S) / EXHIBIT(S) ATTACHED

#### HAMMOND & HAMMOND, L.L.C. ATTORNEYS AT LAW 465 MAIN STREET

P.O. BOX 569

REISTERSTOWN, MARYLAND 21136-0569 (410) 833-7576

LLOYD J. HAMMOND LAWRENCE M. HAMMOND

TELECOPIER (410) 833-4744

DOUGLAS S. CURTIS

March 21, 2003

BY HAND DELIVERY

Baltimore County Board of Appeals County Office Building 111 West Chesapeake Avenue Towson, MD 21204

MAR 2 1 2003 BALTIMORE COUNTY

**BOARD OF APPEALS** 

RE: Case No. 03-075-A

Ladies & Gentlemen:

I write to you today on behalf of John F. Owings, Jr., who is the owner of record of 10728 Reisterstown Road, Owings Mills, Maryland 21117. An appeal was filed by Henry J. McCarthy with respect to a Petition for Variance requested by Public Storage, Inc., the contract purchaser. It is my client's understanding that this matter will not be heard by the Board until the Fall of 2003.

Mr. Owings has been under contract to sell this property since July 19, 2001 and will suffer severe economic hardship in the event this matter carries on for an extended period of time. Therefore, I respectfully request that this matter be expedited and set in for hearing as soon as possible. It is my understanding that in the event another pending matter settles or is dismissed, it is possible for this matter to be substituted on the docket in place of the settled or dismissed case. Any relief you can offer Mr. Owings will be greatly appreciated.

Sincerely\_yours,

Lawrence M. Hammond

LMH:dje

Mr. John F. Owings, Jr. cc:

Frem

RSV Enterprises LLC 3770 Plum Meadow Dx Ellieolt eily, M.D. 21042 Cas # 03-075-A

Date-03-24-03

To

Baltimore County, Maryland Attn: Mr Arnold Jablon TOWSON, M.D. 21204

Case # 03-075-A
Appeal of the findings by the zoning Commissioner

This is in reference to the above mentioned appeal. The owner and the tenants Still object to the above and we request that all Jurthes correspondence be sent to the above address. Thanking you, Respectfully

ce Board of Appeals Bld Court Home Towson

MAR 2 6 2003

BALTIMORE COUNTY BOARD OF APPEALS JAYA

410-3 1863

P. 002

p. 2

Baltimore County Maryland Atm: Mr. Arnold Jablen Towson, Maryland 21204 Case # 03-075-A

Date: October 11, 2002

\* Mar 21 03 01:08p

Ref: Appeal of the findings by the zoning commissioner of Haltimore County Lawrence E. Schmidt.

I Henry J. McCarthy IV., REA.on behalf of Dr. Marian Seigel, Dr. Stacey Kurgman, Mr. & Mrs. Song. Quality Dryeleaners, Arthur Rosenbaum SCM, Paul Silbert, Maryland Healthcare, Cathy Rubin, Patricia Armour, Mart Sidnick, Parc Deals UTD, Thu Art craft, H. John Lobe, Lisa Bishop, Maria Stein & Associates & Al & Shirley Paul file a polition with Baltimore County to schedule an appeal hearing based on the fact that none of the above were either notified of the zoning and that the posting was not clearly visible so that we aware of the hearing date.

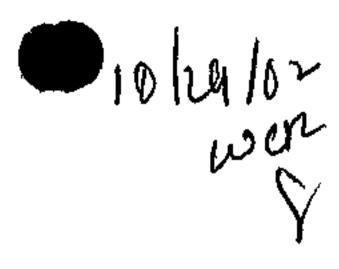
This will now only have a negative financial impact on leasing aspects of the property but will clearly reduce the property value. Also it is clearly evident that changing the county setbacks of this building will have a devastating impact on the surrounding businesses, especially to the north. I have over nighted the filing fee of \$210.00 to your office. Please notify me of the new hearing date so that I can properly prepare for the appeal hearing as soon as possible.

Kexpectful)

McCarthy IV. REA. 10806 Reisterstown Road

Owings Mills, Maryland 21117

1-800-577-5438



Baltimore County Maryland Attn: Mr. Arnold Jablon Towson, Maryland 21204 Case # 03-075-A

Date: October 11, 2002

Ref: Appeal of the findings by the zoning commissioner of Baltimore County Lawrence E. Schmidt.

I Henry J. McCarthy IV, REA.on behalf of Dr. Marian Seigel, Dr. Stacey Kargman, Mr. & Mrs. Song, Quality Drycleaners, Arthur Rosenbaum SCM, Paul Silbert, Maryland Healthcare, Cathy Rubin, Patricia Armour, Mart Sidnick, Fare Deals LTD, The Art craft, H. John Lobe, Lisa Bishop, Marla Stein & Associates & Al & Shirley Paul file a petition with Baltimore County to schedule an appeal hearing based on the fact that none of the above were either notified of the zoning and that the posting was not clearly visible so that we aware of the hearing date.

This will now only have a negative financial impact on leasing aspects of the property but will clearly reduce the property value. Also it is clearly evident that changing the county setbacks of this building will have a devastating impact on the surrounding businesses, especially to the north. I have over nighted the filing fee of \$210.00 to your office. Please notify me of the new hearing date so that I can properly prepare for the appeal hearing as soon as possible.

Respectfully;

Henry J. McCarthy IV, REA.

10806 Reisterstown Road

Owings Mills, Maryland 21117

1-800-577-5438

OCT 2.9 2002

RSV Enterprises LLC 3770 Plum Meadow Dx Ellieott eily, M.D. 21042 Case # 03-075-A Date 03-24-03 To Baltimore County, Maryland Attn: Mr Arnold Jablan Towson, M.D. 21204 Case # 03-675-A
Appeal of the findings by the zoning Commissio This is in reference to the above mentioned appeal. The owner and the tenants Six / Mm still object to the above and we request that all Jurither correspondence be sent to the above address. Reepect July Thanking yen, ce Board of Appeals Old Court Home

Towson

· JA ( JA)

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### PLEASE PRINT CLEARLY

## PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
1 Avid K. Gildea	301 12. Chale 57. Sute 900
	301 N. Charles ST. Sute 900 Palt. N.D. 21201
HERR ROYPOLDS	3 CNASE LANG
7761635 110910063-5	
	MIDDLETTON DE 12709
ANOREW FERRETTI, P.E.	BL COMPANIES
**************************************	849 INTERMATIONAL DR. STE
	UNTHICUM, MD ZIOGO
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# TOLLGATE ACTION GROUP WWW.TOLLGATEACTION.ORG

President Philip Filner
Vice President David Newcomer
Treasurer Patricia Heitmann
Secretary Marjorie Bridgham

13 Old Tollgate Road, Owings Mills, MD 21117

filmerp@bepl.net

410-356-5064

August 22, 2002

Zoning Commissioner for Baltimore County

RE:

10728 Relateratown Road John F. Owings, Jr./Public Storage, Inc.

Dear Mr. Commisioner:

I write to you in my capacity as President of the Tollgate Action Group ("TAG"), a community association comprised of homeowners in the Tollgate subdivision. The Tollgate community is on the south side of the proposed Public Storage site and is the closest residential community to said site. TAG has been deeply involved in the proposed development of this property dating back to the 2000 Comprehensive Zoning Map Process. TAG supported Mr. Owings' request to have the zoning for the property changed from Business Local to Business Major, and has entered into a set of restrictive covenants with the property owner which will govern the use of the property. I write to you today to express TAG's support of the variance request which has been filed by the contractor purchaser, Public Storage, Inc. It is our understanding that the Petitioner is seeking permission for a twenty (20) foot front yard setback in lieu of the required fifty (50) foot front yard setback and permission for a ten (10) foot side-yard setback in lieu of the required fifteen (15) foot side-yard setback. TAG wholeheartedly supports the Petitition and asks that you grant the requested relief. Both Mr. Owings and Public Storage have been reasonable and responsive to our requests and we anticipate good relations with our soon-to-be new neighbors.

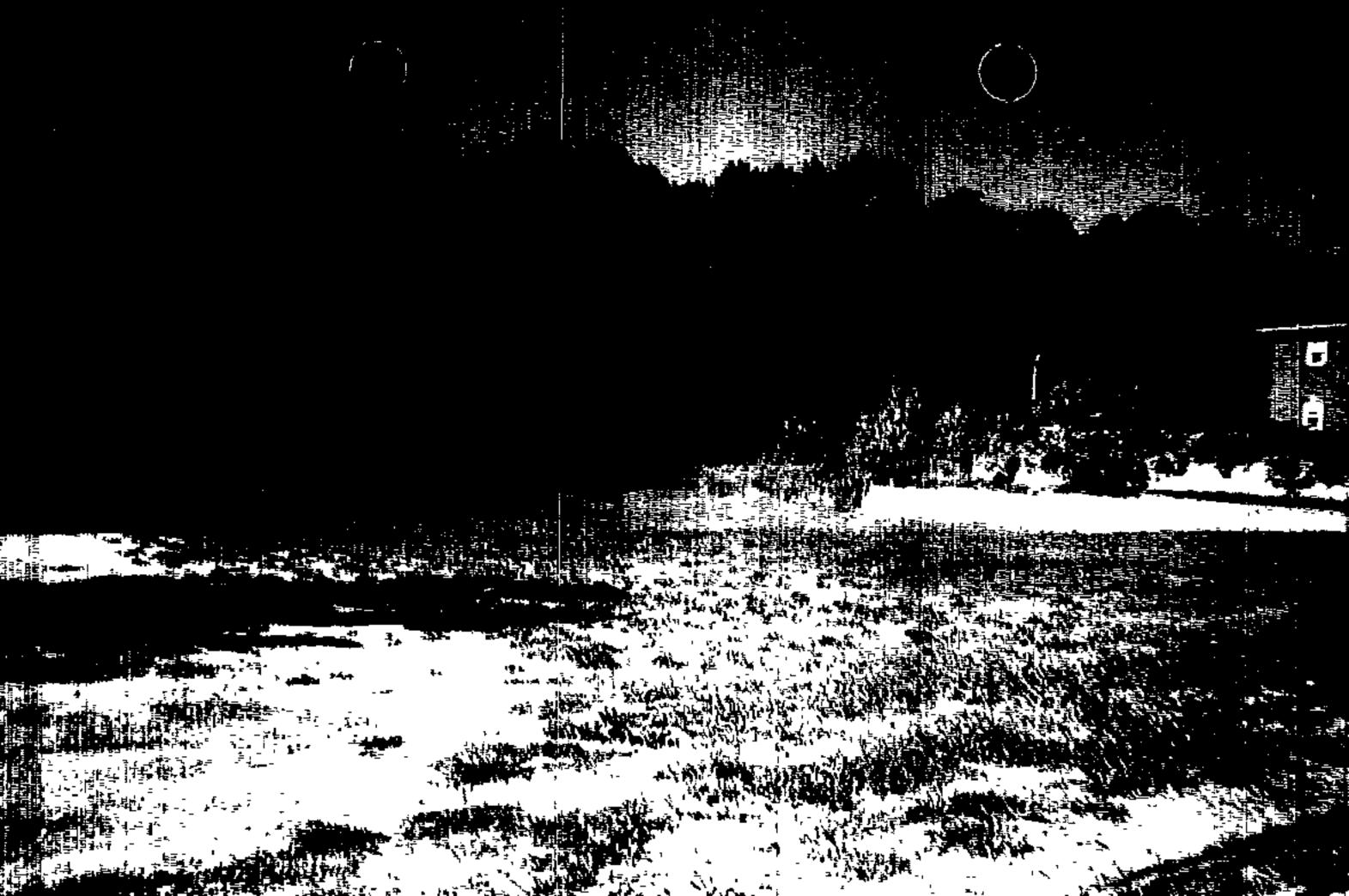
I thank your for your attention to this matter.

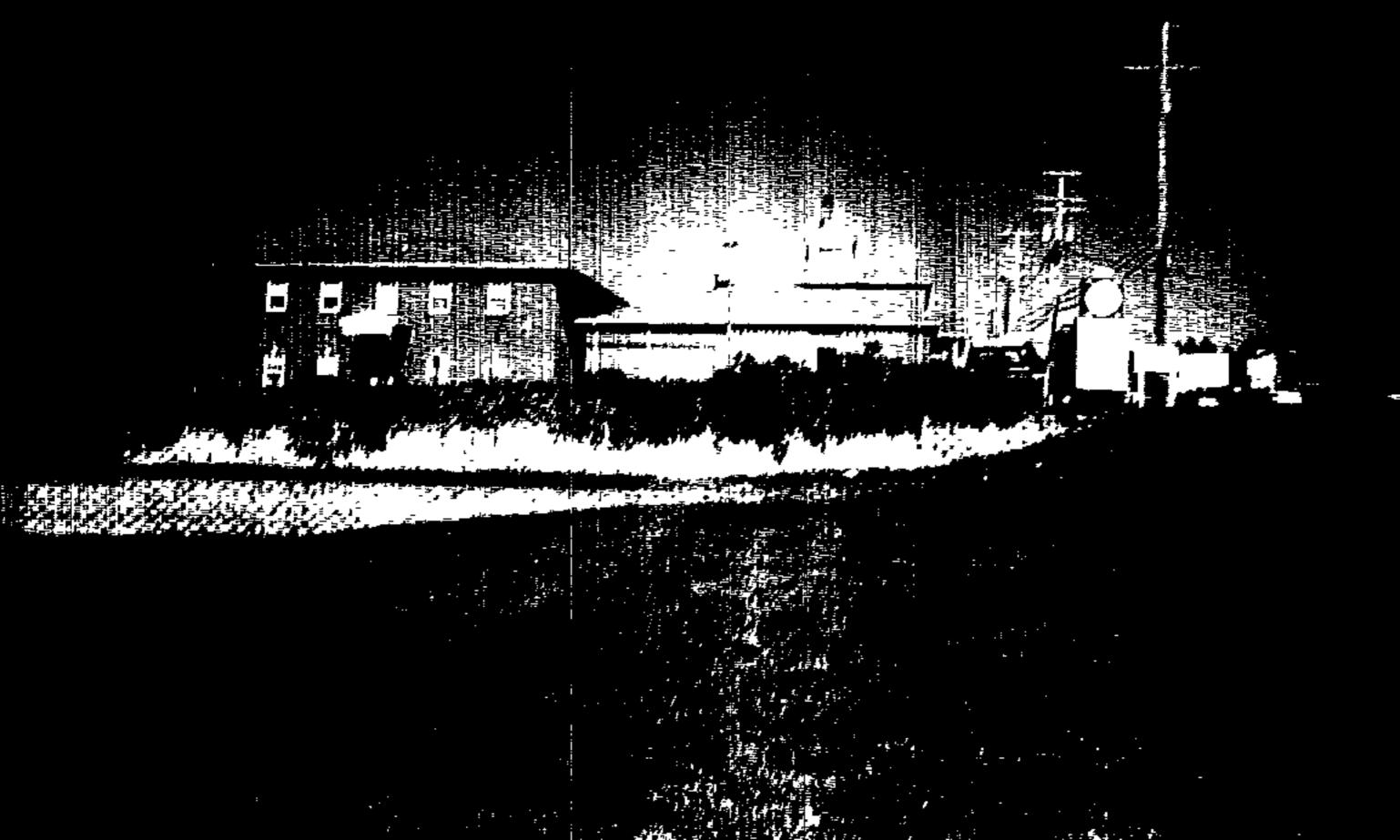
Sincerely yours,

Philip Filner

cc: John F Owings, Jr.

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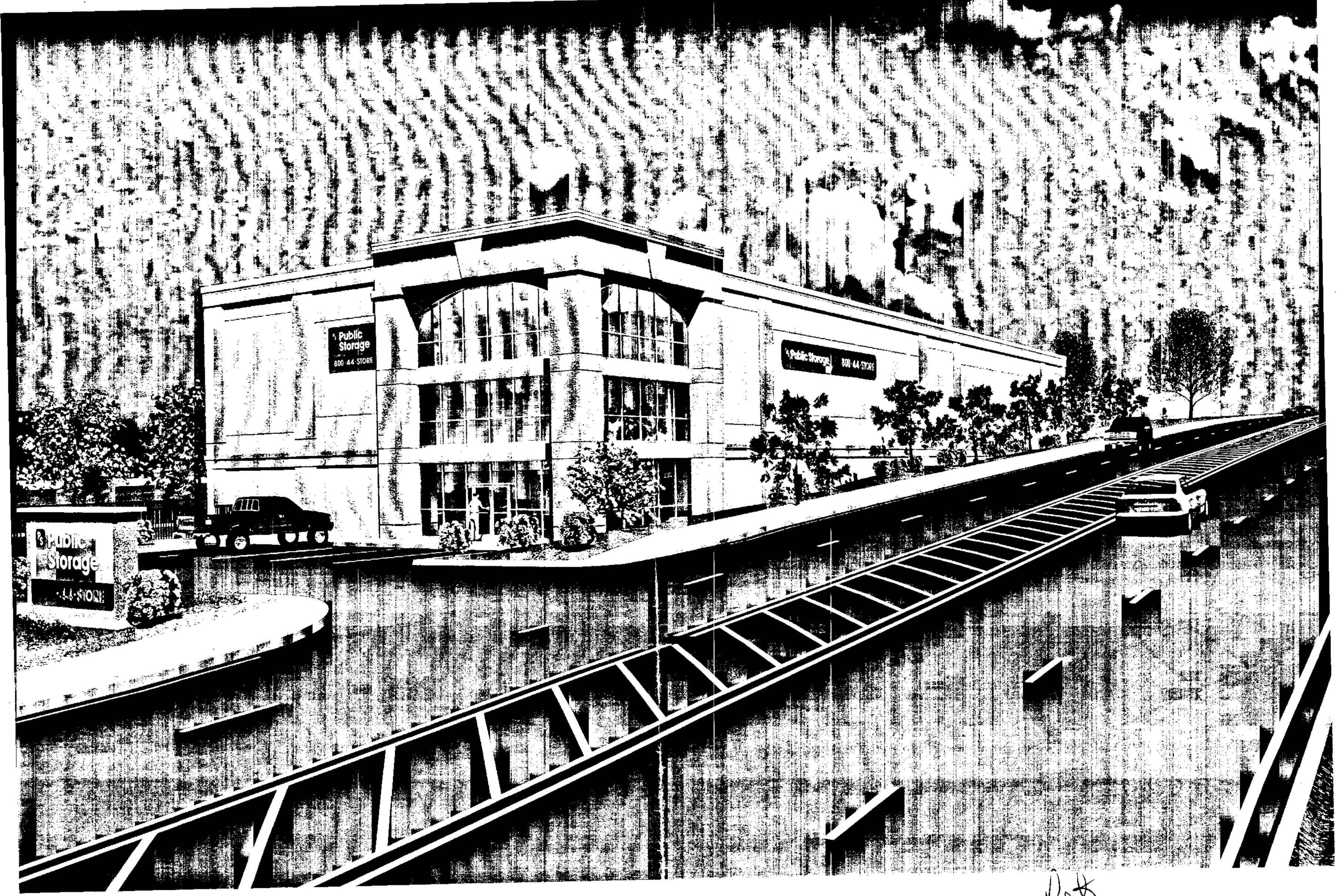















Public Storage Facility 10728 - 10802 Reisterstown Road Owings Creek, Maryland





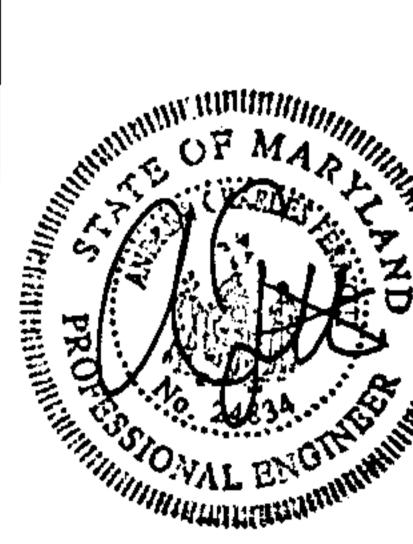


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Checked 1"=30" Project No. CAD File VariancePlat.dwg

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