IN RE: PETITION FOR SPECIAL EXCEPTION NW/S of Pulaski Highway, 1,500 ft. NE intersection of Philadelphia Road 15th Election District 7th Election District **(7520 Pulaski Highway)**	* * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 05-179-X
SMO Realty, LLC, By: G. M. Autosh, Real Estate Mgr., *Legal Owner* **and** Fitzgerald Electric Co., *Contract Purchaser* *Petitioners*	* * *	

* * * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception filed by the legal owner of the subject property, SMO Realty, LLC, by G. M. Autosh, Real Estate Manager and Fitzgerald Electric Co., contract purchaser. The Petitioners are requesting a special exception for property located at 7520 Pulaski Highway in the eastern area of Baltimore County. The special exception request is to permit a contractor's storage yard.

The property was posted with Notice of Hearing on November 11, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on November 9, 2004 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 502.1 of the B.C.Z.R. - *Special Exceptions*

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

A. Be detrimental to the health, safety or general welfare of the locality involved;
B. Tend to create congestion in roads, streets or alleys therein;
C. Create a potential hazard from fire, panic or other danger;
D. Tend to overcrowd land and cause undue concentration of population;
E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
F. Interfere with adequate light and air; [Bill No. 45-1982]

ORDER RECEIVED FOR FILING
Date 12/2/04
By

G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the sprit and intent of these Zoning Regulations; [Bill No. 45-1982]

H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]

I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 zone. [Bill No. 74-2000]

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated October 29, 2004, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing in support of the request were Michael Ertel, civil engineer, and Johnny Dixon, representing the contract purchaser. Frank Borgerding Esquire represented the Petitioners. Russ Mirabile, president of the Rosedale Community Association appeared in support of the Petition. Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence presented in this case indicated that this property is part of a larger commercial tract between Old Philadelphia Road and Pulaski Highway near the Baltimore City line. The subject site occupies the eastern 0.95 acres of the 2.3 acre tract and was the location of a Wendy's restaurant franchise that moved out some time ago. Mr. Borgerding proffered that when the restaurant moved they also removed HVAC units located on the roof leaving large openings therein. The Petitioner's photographs show the damage caused by weather entering the building that caused mold and structural collapse. See Petitioner's Exhibit 4. As an abandoned building the site became a dumping ground for trash and debris. Even squatters moved into the building for a time.

PLACED IN FILE
Date 12/2/04
By RAJ

The subject area is split-zoned BR-AS and BL-AS in keeping with an existing fuel service station, which occupies the western portion of the site. See Petitioner's Exhibit 1. Mr. Dixon, representing Fitzgerald Electric Company, testified that they purchased the site intending to renovate the building, enclose the site with a security fence, and relocate Fitzgerald's offices and storage facilities thereon. Apparently in the process of cleaning out the building, they were cited by the County for accumulation of trash and discovered that they needed a variance to allow the storage of contractor's equipment in the BR portion of the subject site.

Mr. Ertel indicated that the surrounding uses were industrial or commercial, with the nearest residential uses in an RO zone to the north across Old Philadelphia Road. He noted that because of the present condition of the building, the granting of the special exception would mean Fitzgerald would clean up the site and renovate the now abandoned building. As such this would substantially improve the neighborhood. He also opined that granting the special exception would not be a detriment to the neighborhood considering each of the criteria of Section 502.1 of the B.C.Z.R.

In regard to the Office of Planning's comments, he indicated that the Petitioner agreed to each. However, Mr. Borgerding expressed concern that the fence around the site not be submitted to the Planning Office for approval as this was not needed. He indicated that the fence was first and foremost for security of the very valuable equipment to be stored on site, and he was concerned that the Office of Planning may not have security as its primary goal. For example, there will be motorized gates in the fence which are needed for the business but may not be appreciated by the Office of Planning.

Mr. Dixon indicated that he grew up in the Rosedale area and has operated Fitzgerald Electric for many years in the area, first serving residential customers but now serving State and County governments through subcontracts through BGE. He noted the high value of the equipment to be stored in the yard, his efforts to clean up the building, and his frustration at being cited for accumulations of trash and debris under the circumstances.

ORDER RECEIVED FOR FILING
Date 12/12/04
By

Mr. Mirable indicated that the community association supported the requested special exception, welcomed the Petitioner's efforts to clean up the property and noted that Fitzgerald was a good citizen of Rosedale at its present location. He requested landscaping the road frontages to which the Petitioner agreed.

Findings of Fact and Conclusions of Law

I find that the requested special exception for a contractor's storage yard is fully justified considering the testimony and evidence presented. I find this request will not result in a detriment to the community but will in fact be a great asset. I further find that the Petitioner has met all the criteria of Section 502.1 of the B.C.Z.R. Therefore I will grant the special exception.

The Petitioner has accepted the requests by the Office of Planning set forth in their October 29, 2004 comments except the request that the fence be replaced and new elevations for a new fence be submitted to the Office of Planning for review and approval. Mr. Borgerding argues that the Petitioner had every reason to erect a first class fence and security arrangement considering the valuable equipment to be stored in the yard. I accept this reasoning but I also find that there can be a community input to these projects, which would otherwise be lost simply on the Petitioner. I do not believe that the Office of Planning will hinder this effort. I also note that if a problem arises regarding the fence within 30 days of the date of this decision, either the Petitioner or the County can request the matter be reconsidered.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' request for special exception should be granted.

THEREFORE, IT IS ORDERED, this 2 day of December, 2004, by the Deputy Zoning Commissioner, that the Petitioners' request for special exception to permit a contractor's storage yard, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

ORDER RECEIVED FOR FILING
Date 12/2/04
By

1. The Petitioners may apply for their 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 such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;

2. Compliance with the ZAC comments submitted by the Office of Planning dated October 29, 2004, a copy of which is attached hereto and made a part hereof;

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.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 12/2/04
By

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax. 410-887-3468

Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

December 2, 2004

Francis X. Borgerding, Jr., Esquire
409 Washington Avenue, Suite 600
Towson, Maryland 21204

Re: Petition for Special Exception
Case No. 05-179-X
Property: 7520 Pulaski Highway

Dear Mr. Borgerding:

Enclosed please find the decision rendered in the above-captioned case. The petition for special exception has been granted in accordance with the enclosed Order.

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

Very truly yours,

John V. Murphy /rj

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Johnny D. Dixon, Jr., Fitzgerald Electric Co., Inc., 8023 Philadelphia Rd., Baltimore, MD 21237
Michael J. Ertel, 208 Washington Ave., 2nd Flr., Towson, MD 21204
SMO Realty, LLC, G. M. Antosh, P. O. Box 2810, LaPlata, MD 20646
Russ Mirabile, P. O. Box 70065, Rosedale, MD 21237

CBCA

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 7520 Pulaski Highway
Baltimore, MD 21237

which is presently zoned B.L., B.L.-A.S. and B.R.-A.S.

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 a contractor's storage yard, pursuant to Baltimore County Zoning Regulation 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:

Fitzgerald Electric Co., Inc.
Name - Type or Print

Signature

8023 Philadelphia Road
Address — Telephone No.

Baltimore — MD — 21237
City — State — Zip Code

Attorney For Petitioner:

Francis X. Borgerding, Jr.
Name - Type or Print

Signature

Francis X. Borgerding, Jr., Esquire
Company

409 Washington Avenue, #600 — 410-296-6820
Address — Telephone No.

Towson — MD — 21204
City — State — Zip Code

Legal Owner(s):

SMO Realty, LLC
Name - Type or Print

Signature

G. M. AWTOSH
Name - Type or Print

REAL ESTATE MANAGER
Signature

P. O. Box 2810
Address — Telephone No.

LaPlata — MD — 20646
City — State — Zip Code

Representative to be Contacted:

Francis X. Borgerding, Jr.
Name

409 Washington Avenue, #600 — 410-296-6820
Address — Telephone No.

Towson — MD — 21204
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____
UNAVAILABLE FOR HEARING _____

Reviewed By SDM Date 10:07.04

Case No. OS-179-X

RECEIVED FOR FILING
Date 12/2/04
By Rec
09/12/98

LEGAL DESCRIPTION

The following described tract of land located in Baltimore County, Maryland.

BEGINNING at a point on the northwest right-of-way line of Pulaski Highway, U. S. Route 40, then with the dividing line with Mullan Enterprises, Inc. as described in a Lease Agreement with Esso Standard Oil Company as recorded in Liber G.L.B. 2684, Folio 363; and 1500'± northeast of the intersection of Philadelphia Road and Pulaski Highway;

(1) North 31 degrees 03 minutes 40 seconds West 220.57 feet to a point on the southeast right-of-way line of Old Philadelphia Road, then with said right-of-way line

(2) North 49 degrees 18 minutes 20 seconds East 405.72 feet, then with the dividing line with Forest E. and Corrine L. Fitch as recorded in Liber E.H.K. Jr. 6004 at Folio 68

(3) South 31 degrees 03 minutes 40 seconds East 138.46 feet, then continuing with the same line and the dividing line with Mullan Enterprises, Inc. as described in a Lease with Sherwood Brothers Incorporated as recorded in Liber G.L.B. 2695 at Folio 178

(4) South 31 degrees 03 minutes 40 seconds East 150.00 feet to Pulaski Highway, then with the northwest right-of-way line of said highway

(5) South 58 degrees 56 minutes 20 seconds West 400.00 feet to the Beginning Point containing a computed area of 2.337 acres.

STATE OF MARYLAND
MICHAEL JOSEPH BERTEL
No. 15537
PROFESSIONAL ENGINEER

10/6/04

05-179-X

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: #05-179-X
7520 Pulaski Highway
N/west side of Pulaski Highway, 1,500 feet n/east of intersection of Philadelphia Road
15th Election District
7th Councilmanic District
Legal Owner(s): SMO Realty, LLC
Contract Purchaser: Fitzgerald Electric Co., Inc.
Special Exception: to permit a contractor's storage yard.
Hearing: Monday, November 29, 2004 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM WISEMAN
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.

JT11/653 Nov. 9 29080

CERTIFICATE OF PUBLICATION

11/11, 2004

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 11/9, 2004.

- [x] 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.: 05-179-X

Petitioner/Developer:
FITZGERALD ELECTRIC

Date of Hearing/Closing: 11/29/04

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention:

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 at 7520 PULASKI HIGHWAY

This sign(s) were posted on November 11, 2004.
(Month, Day, Year)

Sincerely,

Martin Ogle 11/11/04
(Signature of Sign Poster and Date)

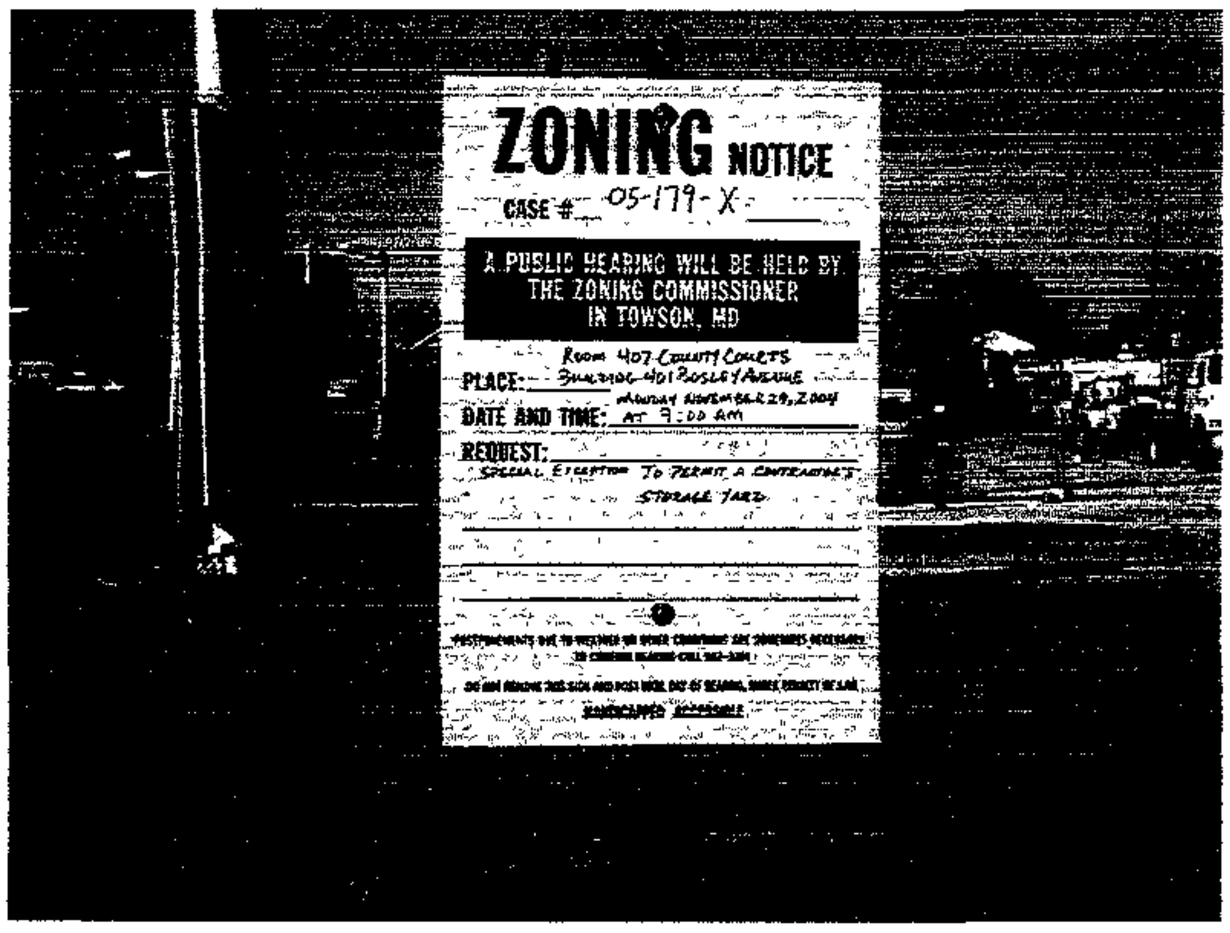
Martin Ogle
(Printed Name)

5016 Castlestone Drive
(Address)

Balto,MD 21237
(City,State,Zip Code)

(410)-933-9470
(Phone Number)

im000111 (1152x864x24b jpeg)



Martin Ogle 11/11/04

Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr, County Executive
Timothy M Kotroco, Director

October 21, 2004

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: 05-179-X
7520 Pulaski Highway
N/west side of Pulaski Highway, 1,500 feet n/east of intersection of Philadelphia Road
15th Election District – 7th Councilmanic District
Legal Owners: SMO Realty, LLC
Contract Purchaser: Fitzgerald Electric Co., Inc.

Special Exception to permit a contractor's storage yard.

Hearing: Monday, November 29, 2004, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Francis Borgerding, Jr., 409 Washington Avenue, Ste. 600, Towson 21204
G.M. Awtosh, SMO Realty, P.O. Box 2810, LaPlata 20646
Fitzgerald Electric, Inc., 8023 Philadelphia Rd., Baltimore 21237

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, NOVEMBER 13, 2004.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 9,2004 Issue - Jeffersonian

Please forward billing to:
Francis Borgerding 410-296-6820
409 Washington Avenue, Ste. 600
Towson, MD 21204

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: 05-179-X
7520 Pulaski Highway
N/west side of Pulaski Highway, 1,500 feet n/east of intersection of Philadelphia Road
15th Election District – 7th Councilmanic District
Legal Owners: SMO Realty, LLC
Contract Purchaser: Fitzgerald Electric Co., Inc.

Special Exception to permit a contractor's storage yard.

Hearing: Monday, November 29, 2004, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM WISEMAN
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing

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

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

For Newspaper Advertising:

Item Number or Case Number: OS-179-X

Petitioner: FITZGERALD ELECTRIC

Address or Location: 7520 PULASKI HWY.

PLEASE FORWARD ADVERTISING BILL TO

Name: FRANCIS X BORGERDING

Address: 409 WASHINGTON AVE. #600
TOWSON MD. 21204

Telephone Number: 410-296-6820

Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M Kotroco, Director

November 22, 2004

Francis X. Borgerding, Jr.
409 Washington Avenue, # 600
Towson, Maryland 21204

Dear Mr. Borgerding:

RE: Case Number: 05-179-X, 7520 Pulaski Highway

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 7, 2004.

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.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
SMO Realty, Inc., GM Awtosh P.O. Box 2810 LaPlata 20646
Fitzgerald Electric Co. 8023 Philadelphia Road Baltimore 21237

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: November 3, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For October 25, 2004
Item ~~Nos~~ 170, 171, 173, 175, 176,
178, 179, 180, 181, and 182

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: John D. Oltman, Jr JDO

DATE: November 16, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of October 18, 2004.

__X__ The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-171
04-173
04-176
04-178
5
04-179
04-180
04-181
04-182

Reviewers: Sue Farinetti, Dave Lykens

RECEIVED
NOV 3 2004
RECEIVED 9m 11/29
ZONING COMMISSIONER
NOV 2004
ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: October 29, 2004

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

SUBJECT: 7520 Pulaski Highway

INFORMATION:

Item Number: 5-179

Petitioner: SMO Realty, LLC

Zoning: BL/BL-AS/BR-AS

Requested Action: Special Exception

SUMMARY OF RECOMMENDATIONS:

The Office of Planning conducted an inspection of the subject site and does not oppose the petitioner's request provided the following conditions are met:

1. The former Wendy's building is in gross disrepair. The petitioner should raze the structure or repair its exterior façade.
2. Remove the existing Wendy's sign structure from the subject site.
3. Replace the temporary chain link fence with a permanent and attractive fence to screen the proposed storage areas from public view. Submit an elevation of the proposed fence to this office for review and approval.
4. Provide landscaping along both rights-of-way. Submit a landscape plan to this office for review and approval.
5. Submit sign elevations of any proposed sign to this office for review and approval.

For further information concerning the matters stated herein, please contact Amy Mantay at 410-887-3480.

Prepared by: _____

Division Chief: _____

AFK/LL:MAC:

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

State Highway Administration
Driven to Excel
Maryland Department of Transportation

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

Date: 11·9·04

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

RE: Baltimore County
Item No. 179 JRA

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval. Our review has determined that no construction is required within the State Highway Administration's right-of-way.

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,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

INTER-OFFICE CORRESPONDENCE

FROM

DATE: January 3, 2006

~~To:~~

Mr. Wirth - DEPRM, SWM
Ms. Farr - DEPRM, EIR
Mr. Seeley - DEPRM, PDR (2)
~~Mr. Richards - PDM, Development Control~~
Ms. Kemp - PDM, Street Names & House Numbers
Mr. Kennedy - DPR, PDM (4)
Special Projects Officer of the Fire Marshal's Office - Fire Dept. - 1102F
Mr. Cook - Rec & Parks
Mr. Gredlein- SHA (3)
Ms. Lanham - PO, Development Review (3)

TO

~~From:~~ **Kristin Weis**, Development Management

Subject:

Project Name:	SMO Realty LLC Property
PDM No.:	XV-870
DRC No.:	091905K
Project No.:	05156
District:	15C7
Engineer:	MJ Consulting, Inc.
Phone No.:	410-296-5288

Action:

- X Limited Exemption (26-171.b.9)
- ☐ Waived Hearing Officer Hearing
- ☐ CRG Non-material Amendment
- ☐ Waived CRG Meeting

Please review the attached plan for compliance with current regulations and return comments to this office by **January 24, 2006.** If you have no comments or do not need to review this plan, please indicate by placing your initials here. JL Lewis 1/17/06 ZONING REVIEW.

Please initial here if your agency requests PDM, Land Acquisition, to acquire.

_____ HIGHWAY WIDENING
_____ GREENWAY
_____ DRAIN/UTILITY EASEMENT
_____ FOREST CONSERVATION
_____ FOREST BUFFER
_____ FLOODPLAIN
_____ PUBLIC WORKS AGRMT
_____ NONE OF THE ABOVE

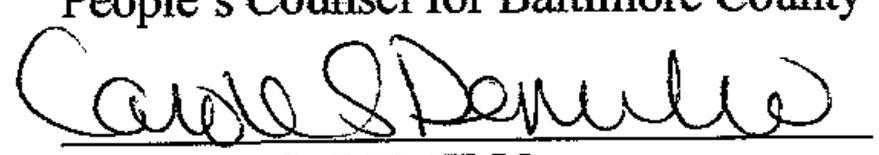
RE:	PETITION FOR SPECIAL EXCEPTION 7520 Pulaski Highway; NW/side Pulaski Highway, 1,500' NE of Philadelphia Rd 15th Election & 7th Councilmanic Districts Legal Owner(s): SMO Realty, LLC, G. M. Autosh, Real Estate Manager Contract Purchaser(s): Fitzgerald Electric Co. Petitioner(s)	* * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 05-179-X

* * * * * * * * * * * * *

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 and documentation filed in the case.

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

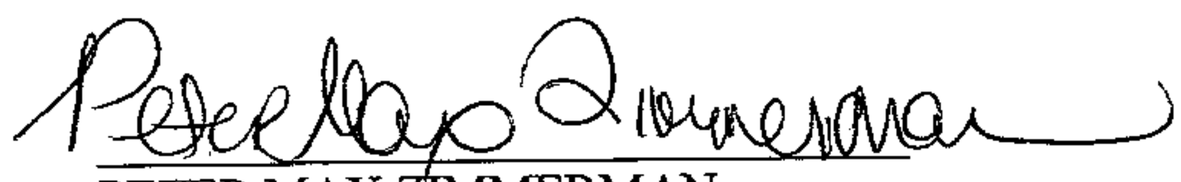


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED
OCT 22 2004
Per CLB

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of October, 2004, a copy of the foregoing Entry of Appearance was mailed Francis X. Borgerding, Jr, Esquire, 409 Washington Avenue, St 600, Towson, MD, 21204, Attorney for Petitioner(s).



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

CASE NAME 7520 Pulaski Hwy
CASE NUMBER 05-179-X
DATE 11/29/04

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Russ Mirabilo	P.O. Box 20065	Rosedale, Md. 21237	—

PLEASE PRINT CLEARLY

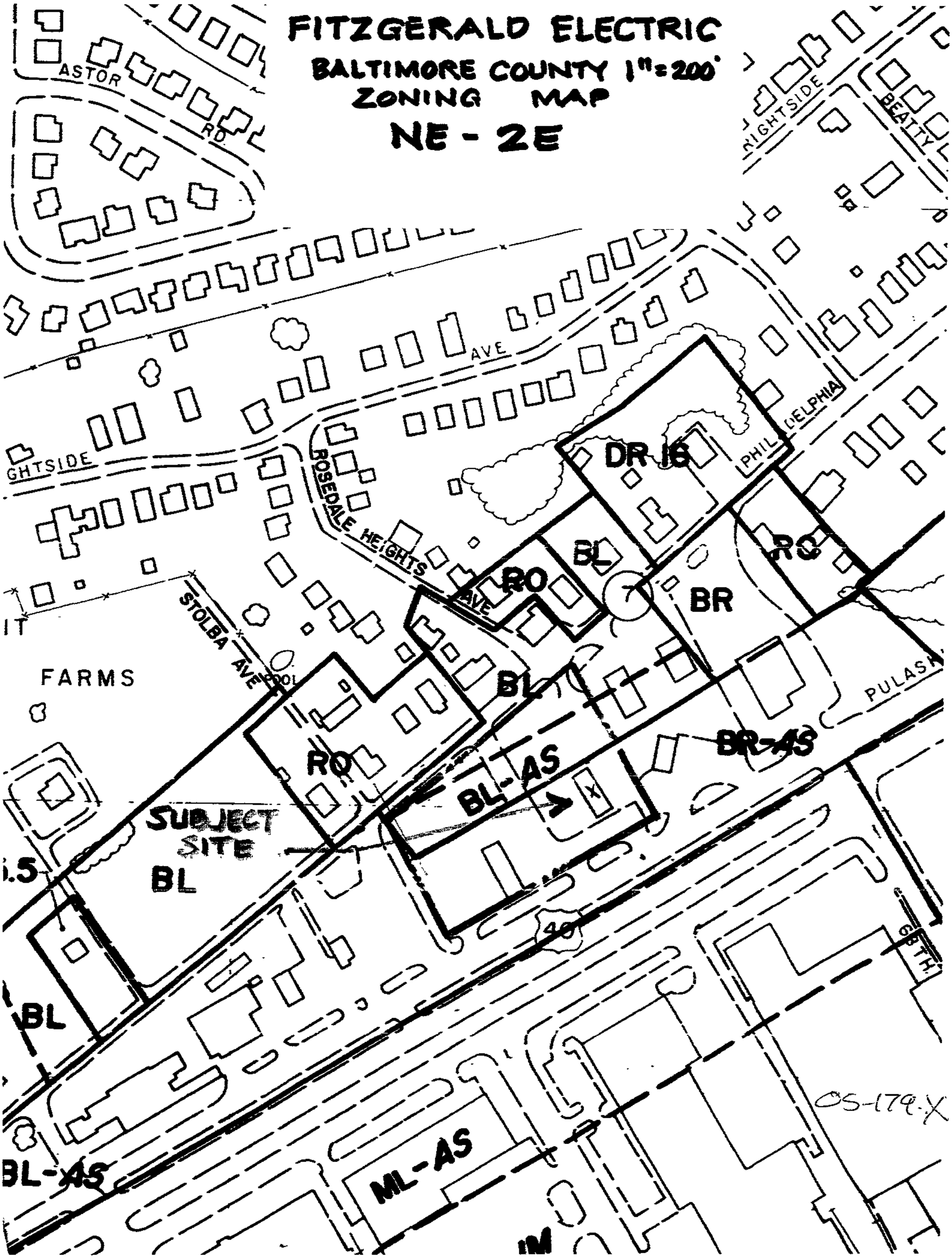
CASE NAME 7520 Pulaski Hwy.
CASE NUMBER 05-179-X
DATE 11/29/04

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Johnny D. Dixon Jr.	8023 PHILADELPHIA ROAD	BALTIMORE MARYLAND 21237	fitz.elec@ERols.com
Frank Borgerding	409 washington ave 600	Towson, Md 21204	fxbakb@aol.com
MICHAEL J. ERTEL	208 WASHINGTON AVE 2nd Fl.	Towson, Md 21204	mjconsultinginc@comcast.net

FITZGERALD ELECTRIC

BALTIMORE COUNTY 1"=200'
ZONING MAP
NE - 2E



Maryland
FENCE CO.
7318 Philadelphia Road
Baltimore, MD 21237-9974
Phone : 410-866-3200
Fax : 410-866-3203

FAX

DATE: 2/12/04

TO: Johnny

FROM: Bob Osteeli

FAX #: 410-866-3218

TOTAL PAGES INCLUDING COVER: 3

COMMENT:

THANK YOU!

MARYLAND FENCE MFG. CO., INC.

Pet #3

Proposal

Page No. of Pages

MARYLAND FENCE MFG. CO. INC.
"Celebrating Our 40th Year"
7318 Philadelphia Road
BALTIMORE, MARYLAND 21237
(410) 866-3200-01-02
FAX (410) 866-3203

PAGE - I

PROPOSAL SUBMITTED TO	PHONE	DATE
FITZGERALD ELECTRIC	(P) 410-866-3944	2/12/04
STREET	JOB NAME	
8023 PHILADELPHIA RD.	(F) 410-866-3218	
CITY, STATE and ZIP CODE	JOB LOCATION	
BALTIMORE, MD. 21237		
ARCHITECT / DATE OF PLANS		JOB PHONE
JOHNNY (C) 443-463-1733		

We hereby submit specifications and estimates for:

Listed below you will find the information reguarding the job at the above location.

CUSTOMER RESPONSIBLE FOR PROPERTY LINES AND OBTAINING PERMITS.
CUSTOMER TO MARK AND CLEAR LINES WHERE NEEDED.
CUSTOMER RESPONSIBLE FOR UNDERGROUND UTILTY LOCATION.
FENCE TO REMAIN THE PROPERTY OF MARYLAND FENCE CO. UNTIL THE JOB IS PAID IN FULL.

To install approximately 550ft. of 6ft. 9ga galv. with (3) aluminum gates. Two gates to be 15ft. and (1) gate to be 20ft.

MATERIALS:	Fabric	6ft. 9ga galv.
	Coil	Top/Bottom
	Terminal Posts	2½" SS 20
	line Posts	2" O.D.
	Gate Posts	4" SCH 40
	Gates	(2) 15ft. Aluminum
		(1) 20ft. Aluminum

** PLUS THE FOLLOWING PAGE **

Thank You - Bob Posterli

We Propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

_____ dollars ($ _____).

Payment to be made as follows:

One third deposit down, balance due upon completion of job.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized Signature _____

Note: This proposal may be withdrawn by us if not accepted within 30 days.

Acceptance of Proposal — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Date of Acceptance: _____

Signature _____

Proposal

MARYLAND FENCE MFG. CO. INC.

"Celebrating Our 40th Year"
7318 Philadelphia Road
BALTIMORE, MARYLAND 21237
(410) 866-3200-01-02
FAX (410) 866-3203

PAGE - II

PROPOSAL SUBMITTED TO: FITZGERALD ELECTRIC	PHONE	DATE: 2/12/04
STREET	JOB NAME	
CITY, STATE and ZIP CODE	JOB LOCATION	
ARCHITECT: JOHNNY / DATE OF PLANS		JOB PHONE

We hereby submit specifications and estimates for:

Listed below you will find the information reguarding the job at the above location.

CUSTOMER RESPONSIBLE FOR PROPERTY LINES AND OBTAINING PERMITS.
~~***CUSTOMER TO MARK AND CLEAR LINES WHERE NEEDED.***~~
CUSTOMER RESPONSIBLE FOR UNDERGROUND UTILTY LOCATION.
~~***FENCE TO REMAIN THE PROPERTY OF MARYLAND FENCE CO. UNTIL THE JOB IS PAID IN FULL.***~~

*** ALL ELECTRICAL WORK DONE BY OTHERS.!! **

MATERIALS:

(3) sentex model SL-580-75,3/4 hp, heavey duty chain slide gate operator. Pad mount unit rated 20 cycles per hour.

Operator will handel gate pannel up to 1300lbs. maximum weight.

(3) Push - button station to open gates.

(1) Linear model Accesskey programmable keypad.

(6) Safety photocell for across driveways and backplane.

SERVICE HOURS:

Install above equipment, terminate wiring and test system.

Thank You - Bob Posterli

We Propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

twenty six thousand nine hundred seventy eight dollars ($ 26,978.00).

Payment to be made as follows:

One third deposit down, balance due upon completion of job.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized Signature _____

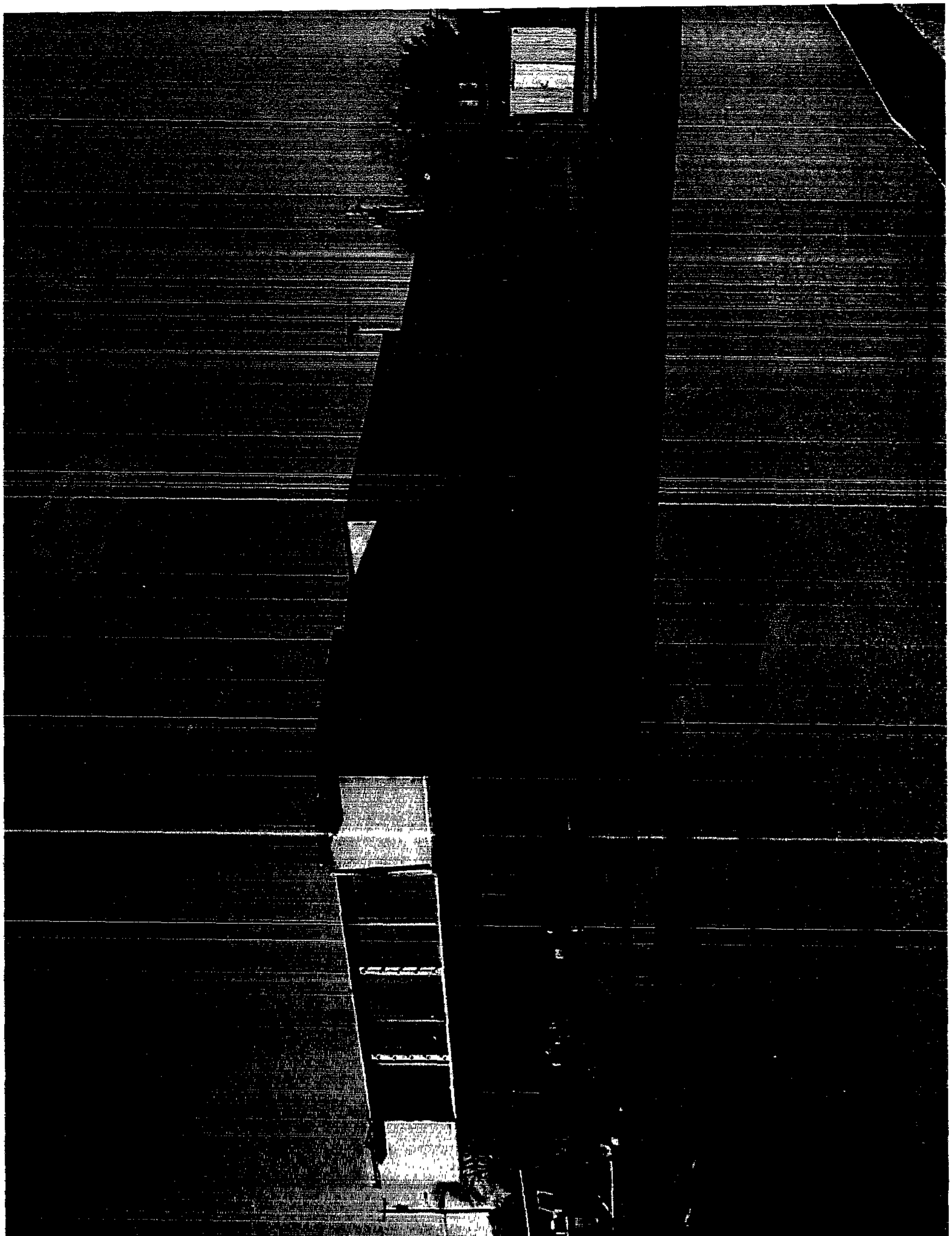
Note: This proposal may be withdrawn by us if not accepted within 30 days.

Acceptance of Proposal — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Date of Acceptance: _____

Signature _____



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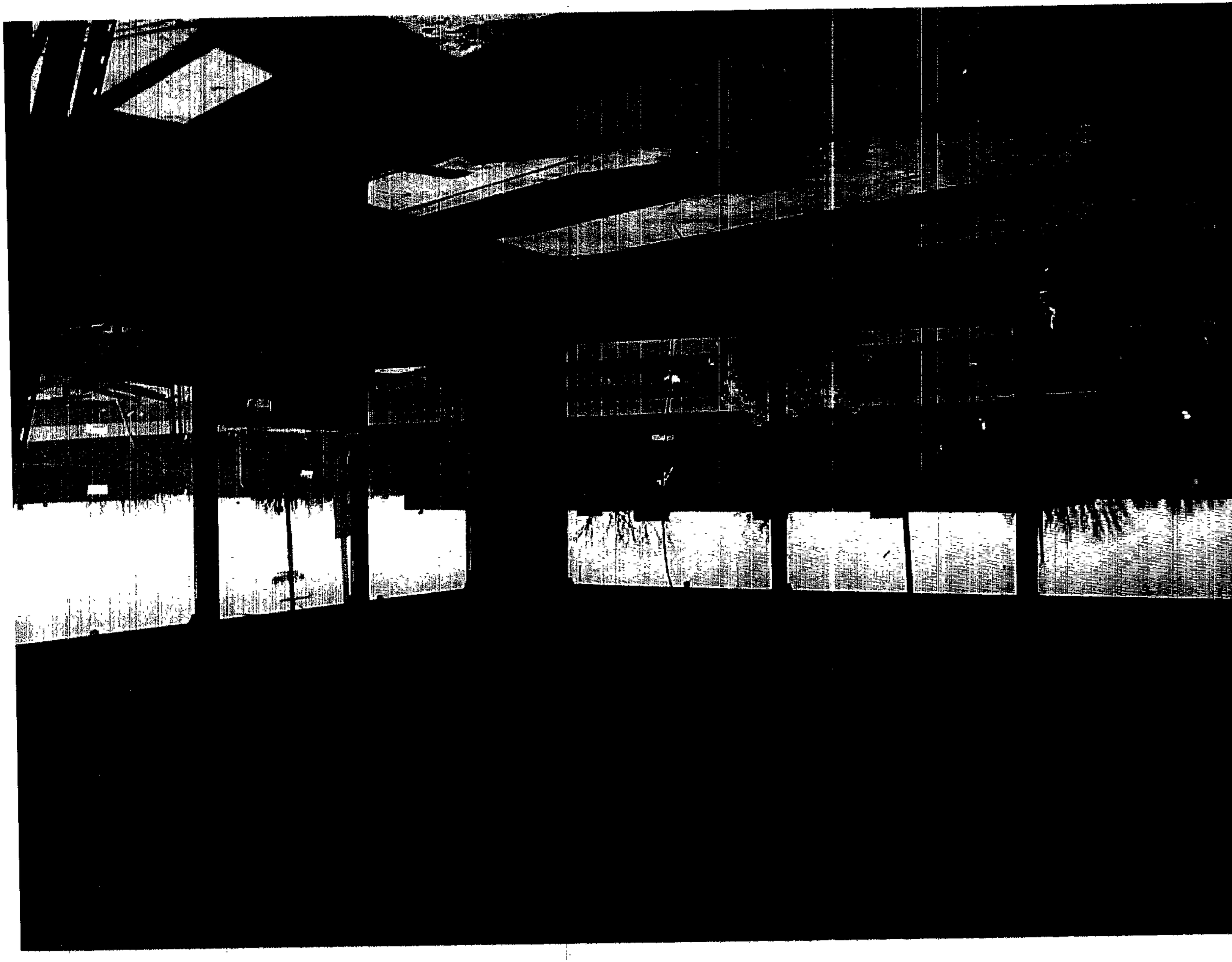

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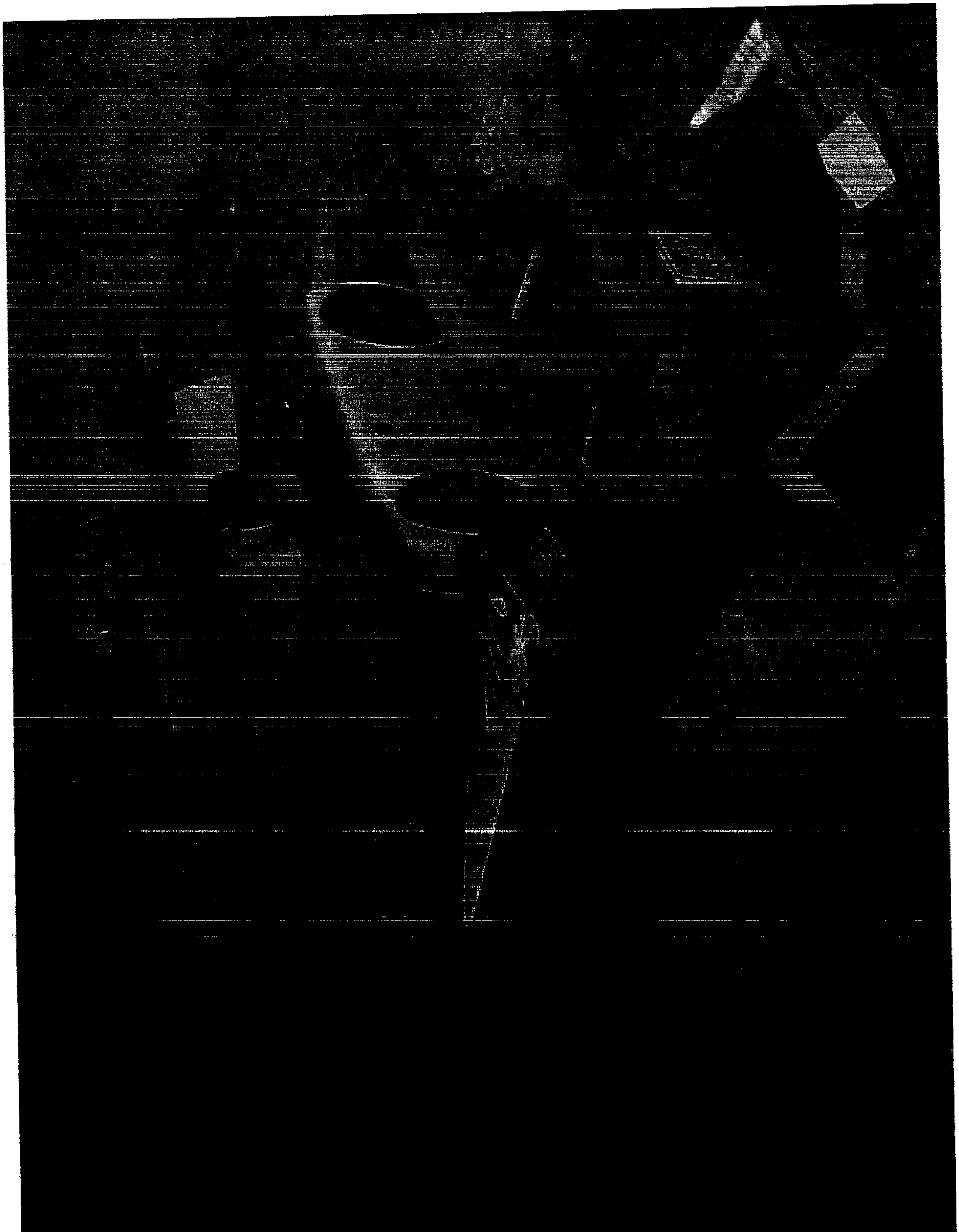

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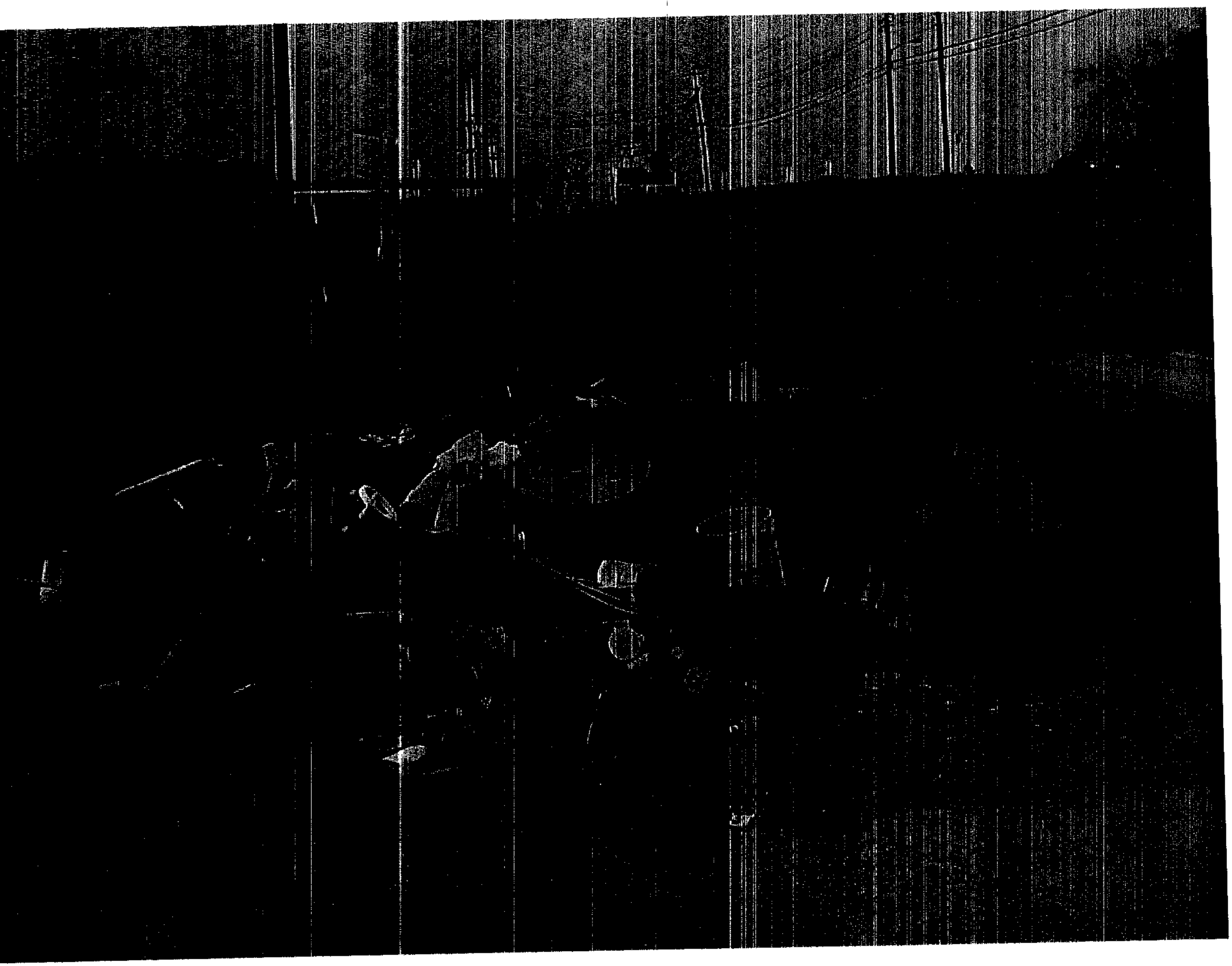

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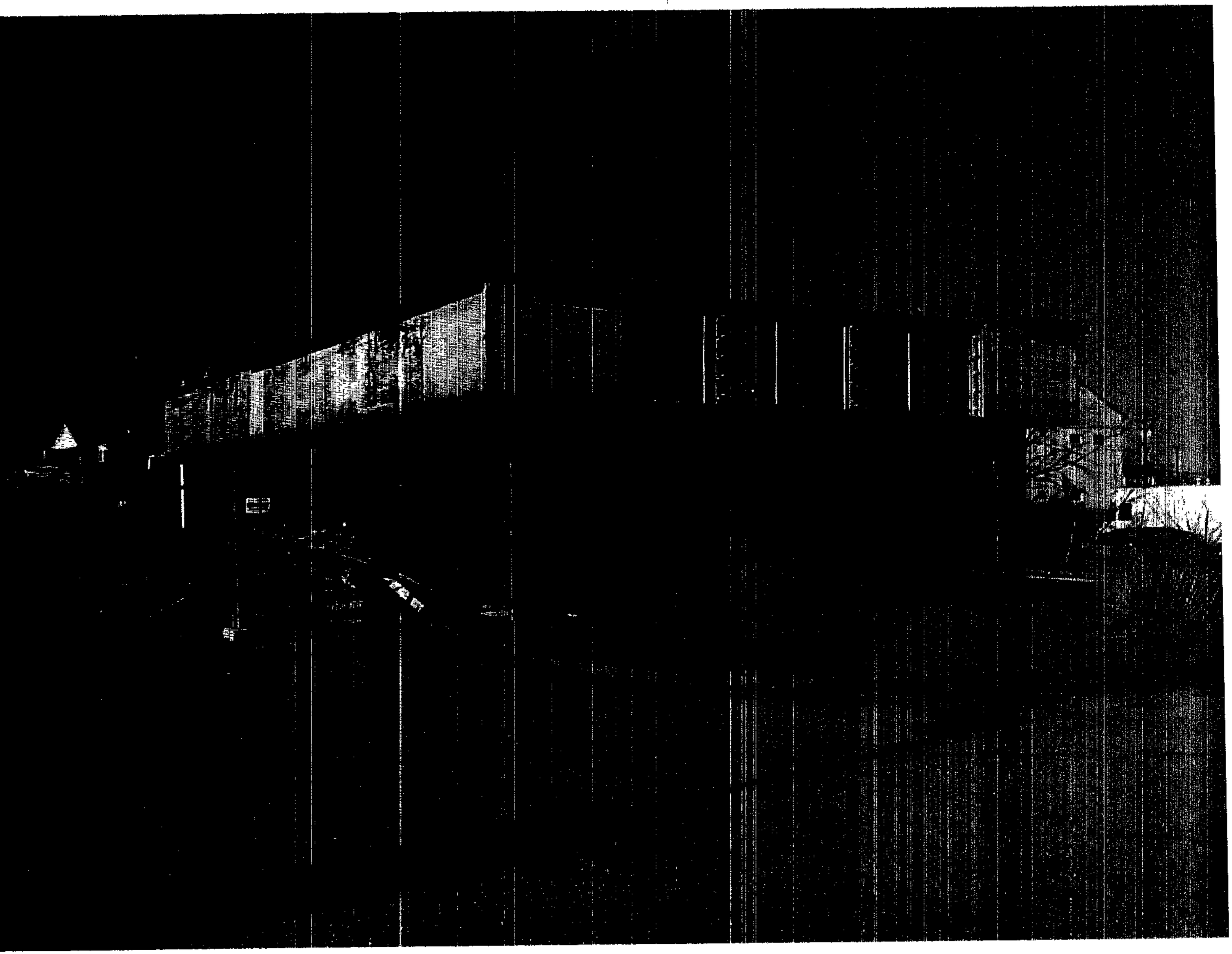

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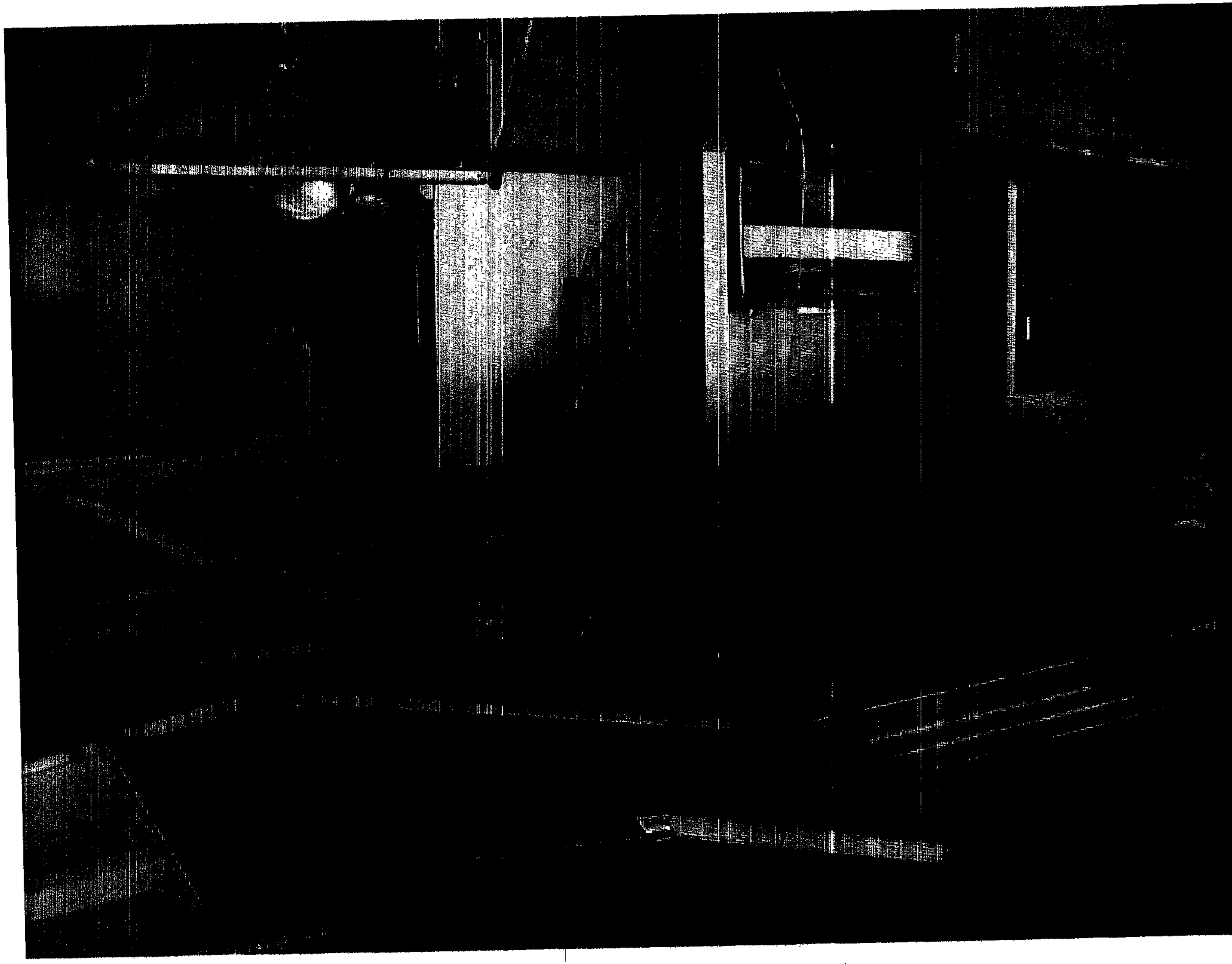

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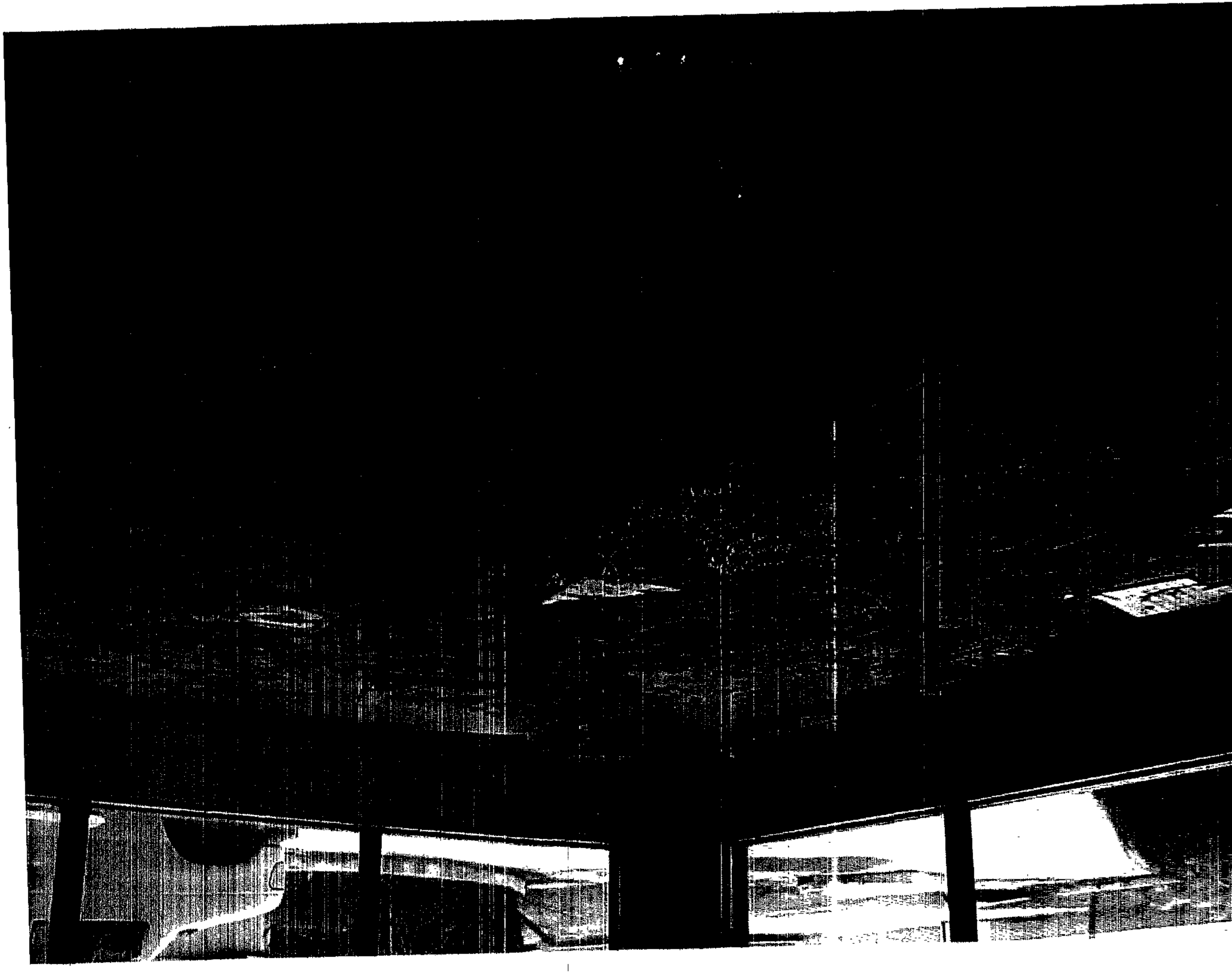

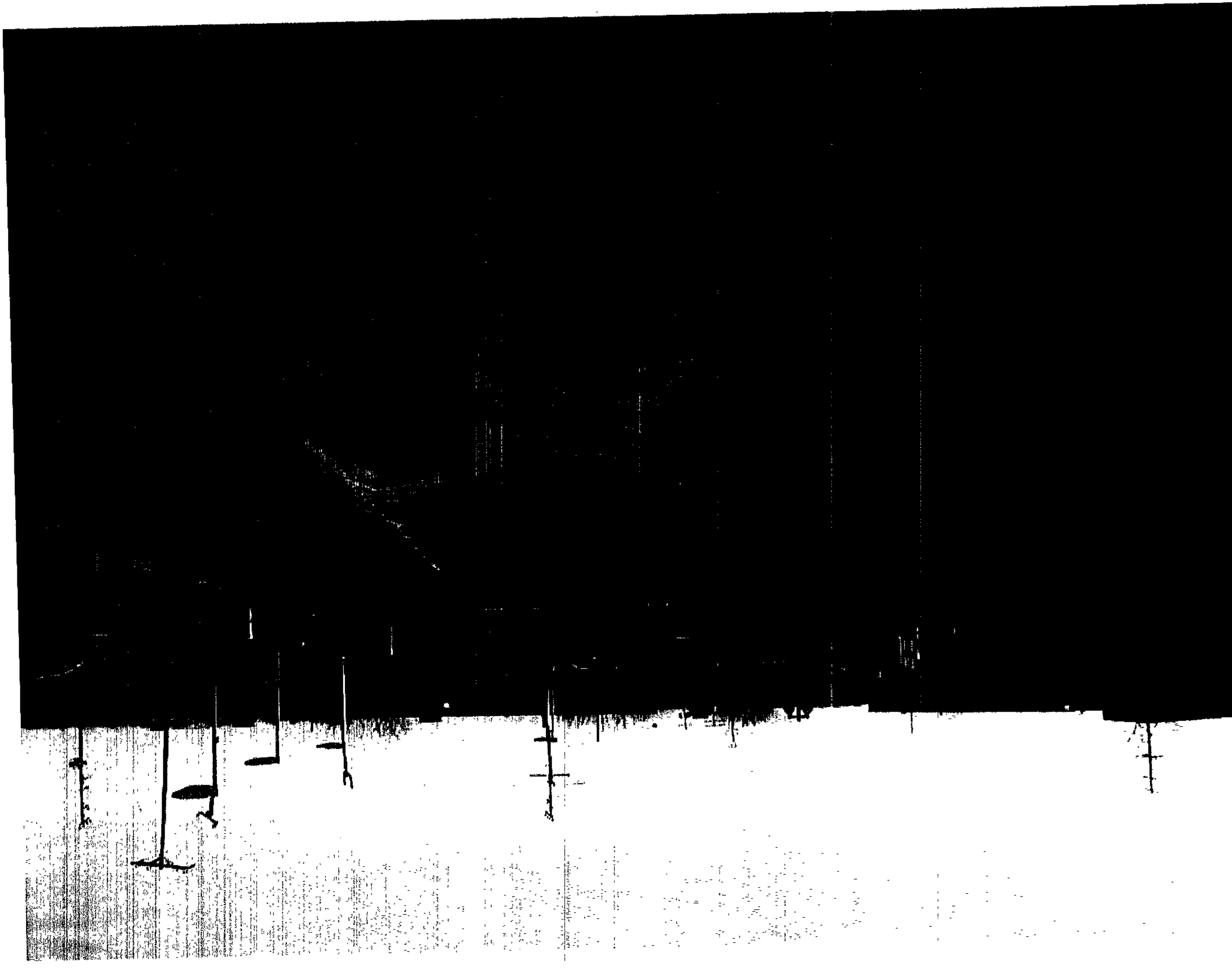

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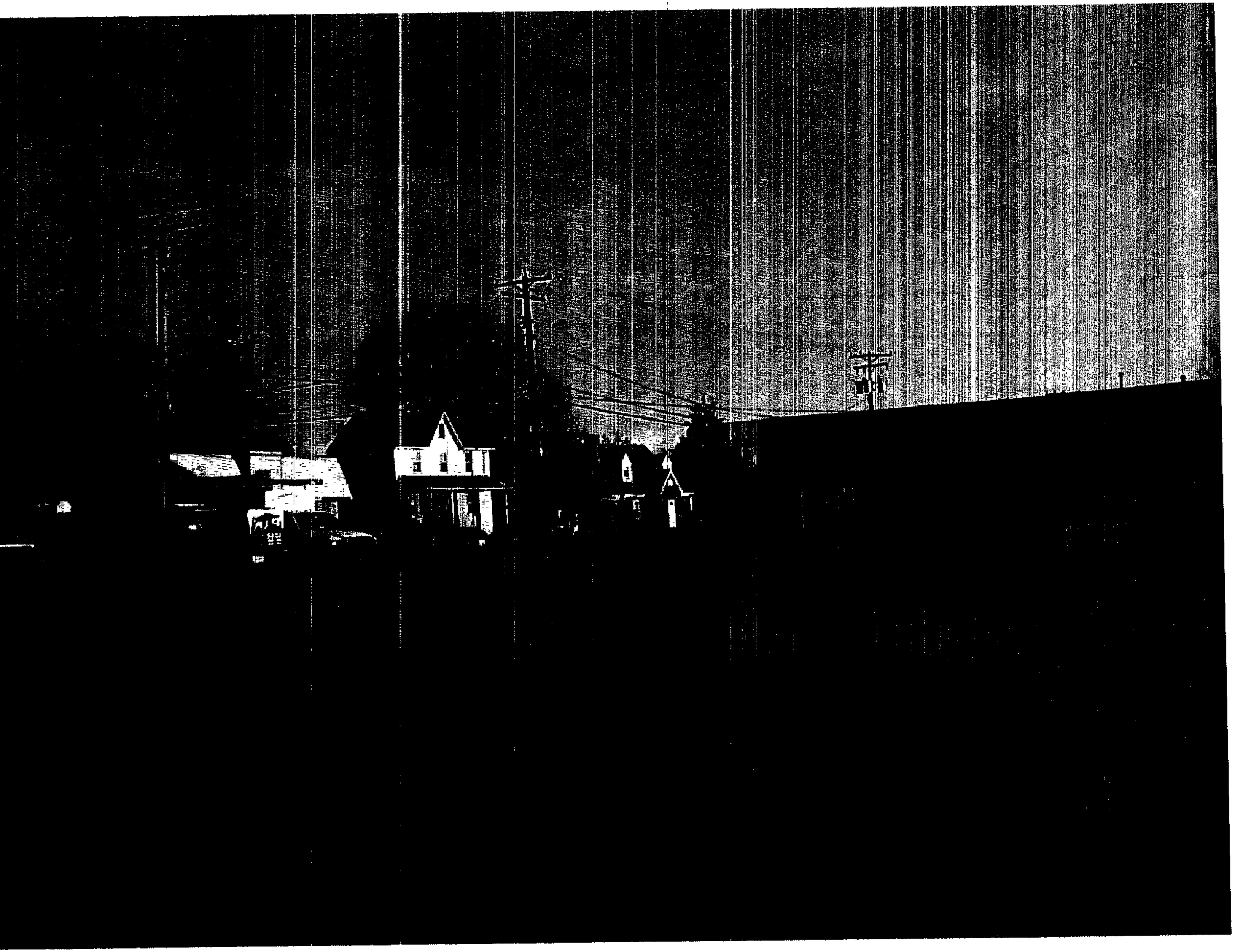

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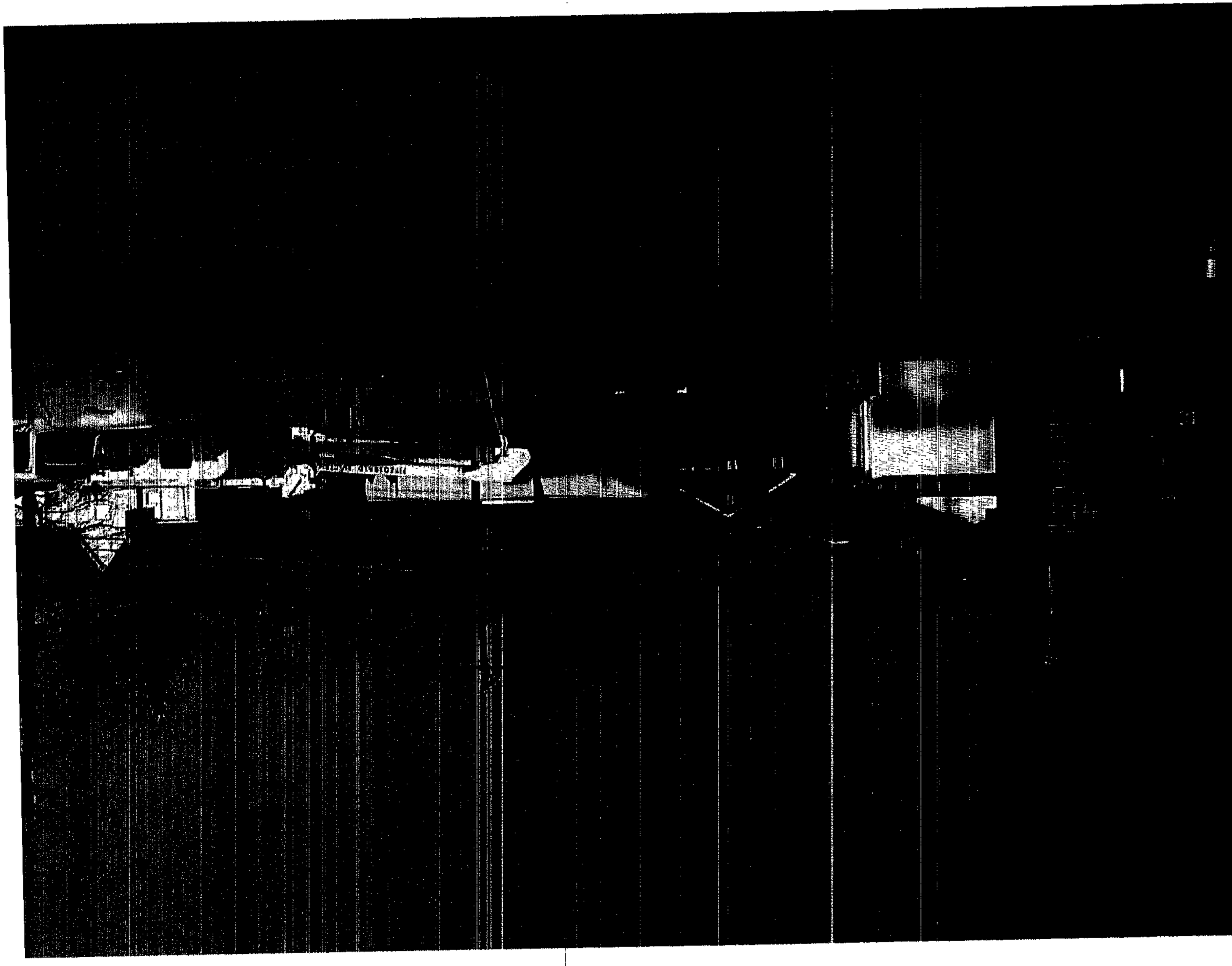

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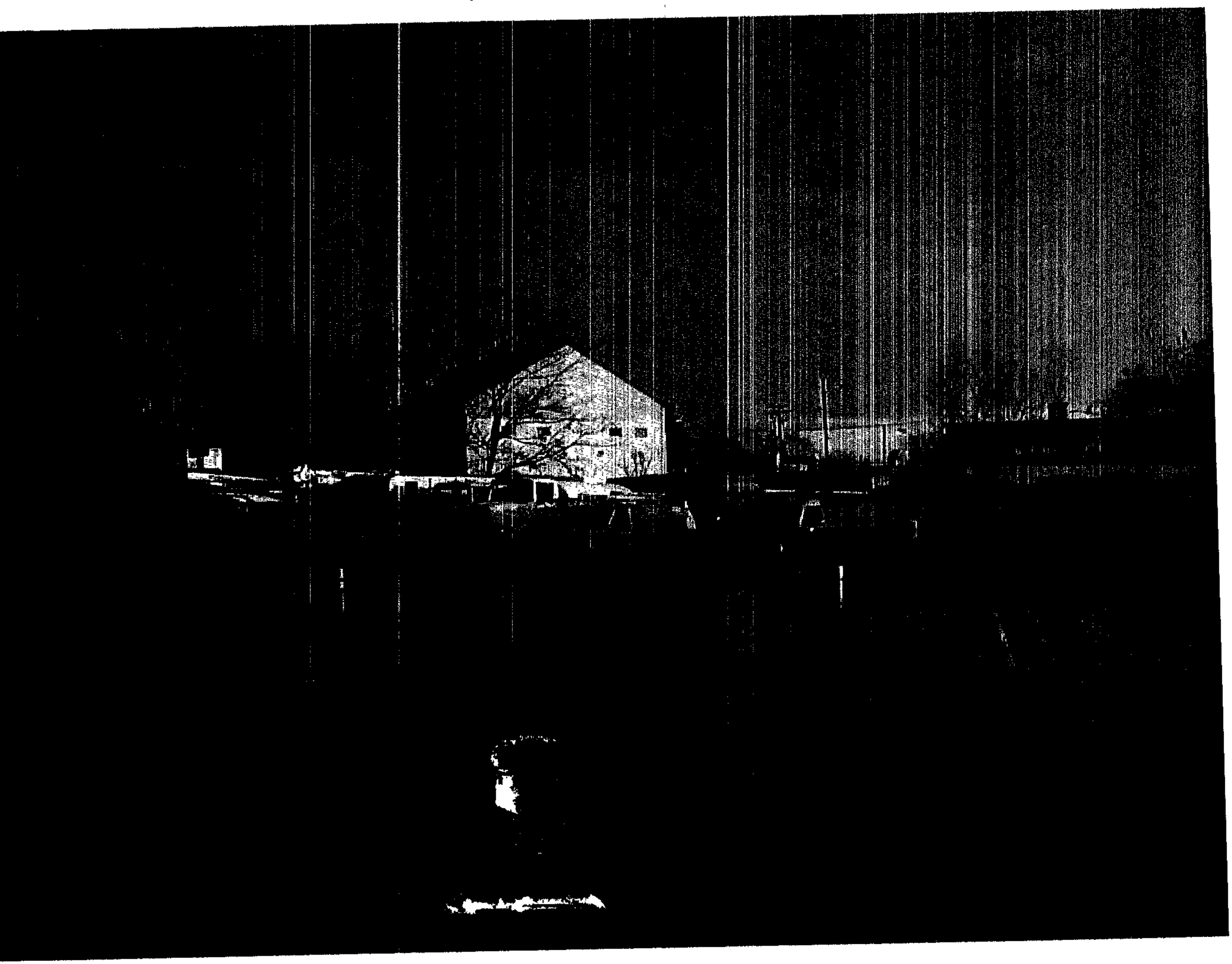

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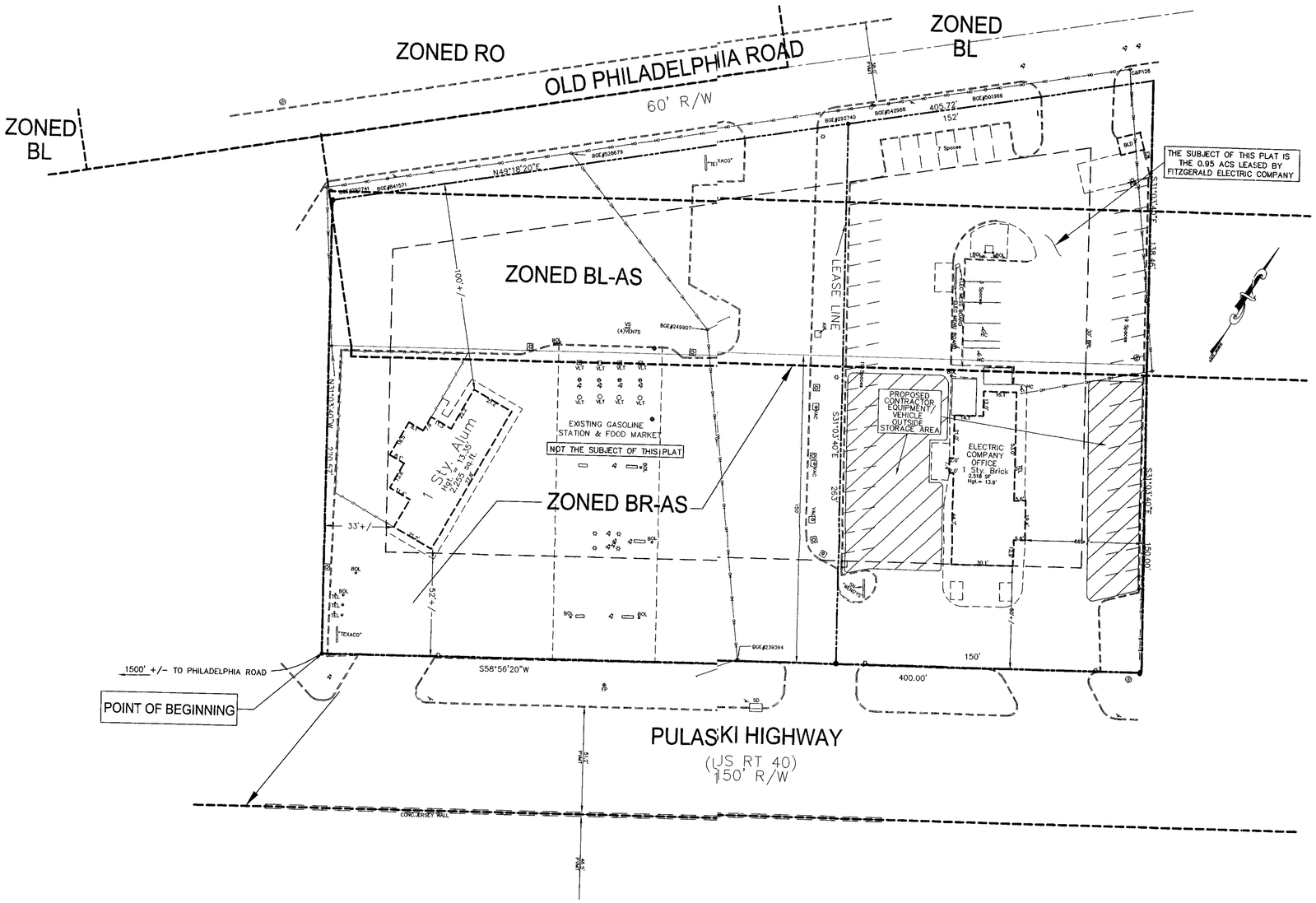

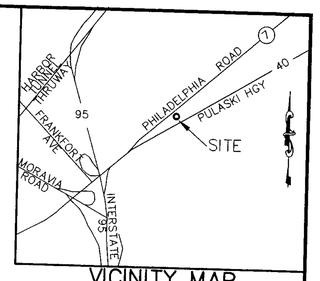

VICINITY MAP

SITE INFORMATION

DEED REFERENCE: 14863/374
CENSUS TRACT: 450100
TAX MAP: 96, BLOCK: 3, PARCEL: 242
COUNILMANIC DISTRICT: 7
WATERSHED: BACK RIVER
SUBSEWERSHED: 45
LOT ACREAGE: 2.33 ACS
REGIONAL PLANNING DISTRICT: 326
WATER SERVICE AREA: FIRST ZONE
TRANSPORTATION ZONE: 0714
LEASE AREA: 0.95 ACRES +/-
BALTIMORE COUNTY 200 SCALE ZONING MAP – NE-2E

1. EXISTING USE: COMMERCIAL/OFFICE/EQUIP. STORAGE
2. PROPOSED USE: COMMERCIAL/OFFICE/EQUIP. STORAGE
3. EXISTING ZONING: BR-AS, BL-AS, BL
4. THERE ARE NO KNOWN HAZARDOUS MATERIAL SITES ON THIS PROPERTY
5. THERE ARE NO KNOWN HISTORICAL SITES ON THIS PROPERTY
6. THERE ARE NO KNOWN UNDERGROUND STORAGE TANKS ON THIS PROPERTY
7. THE PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA

LEGEND

LEASE LINE
ZONING LINE

OWNER
SMO REALTY, LLC
P.O. BOX 2810
LAPLATA, MD 20646
508-868-2108

APPLICANT
FITZGERALD ELECTRIC
8023 PHILADELPHIA ROAD
BALTIMORE, MD 21237
410-866-3944

PREPARER OF PLAN
MJ CONSULTING, INC.
208 WASHINGTON AVE. 2ND FLOOR
TOWSON, MD 21204
410-296-5288
FAX 410-296-5289

ZONING REQUEST

REQUEST SPECIAL EXCEPTION TO USE A PORTION OF THE PROPERTY IN THE BR-AS ZONE AS A CONTRACTORS EQUIPMENT STORAGE YARD AS PERMITED BY THE BCZR, SECTION 236.4.

ZONING CASE # 043195

STATE OF MARYLAND
MICHAEL JOSEPH EBERLY
No. 15551
PROFESSIONAL ENGINEER
10/6/04

PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION

FITZGERALD ELECTRIC
7520 PULASKI HYWY
ELECTION DISTRICT 15
COUNCILMATIC DISTRICT 7
BALTIMORE COUNTY, MARYLAND

BY	REVISION	DATE

MJ CONSULTING, INC.
208 Washington Ave., 2nd Floor
Towson, Maryland 21204
410-296-5288 fax 410-296-5289
email
mjconsultinginc@comcast.net

SCALE	DATE:
1"= 30'	OCT. 4, 2004
DRAWN BY: BEI	DESIGNED BY: MJE
CHECKED BY: MJE	JOB NO: 04-016

10/6/2004 3:45:18 PM. Copyright 2003 MJ. Consulting, Inc.