

IN RE: PETITIONS FOR SPECIAL HEARING *

AND SPECIAL EXCEPTION

NE/Side of Music Fair Rd., 875' SE *

C/line of Painters Mill Road *

(12 Music Fair Road) *

3rd Election District *

2nd Council District *

12 Music Fair Road, LLC, *Legal Owner* *

PLMD, LLC, *Contract Lessee* *

Petitioners *

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2009-0207-SPHX

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Special Exception filed by the owner of the subject property, 12 Music Fair Road, LLC, and PLMD, LLC, (PLMD) contract lessee, through their attorney, Arnold E. Jablon, Esquire with Venable, LLP. The Petitioners request a special hearing, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to confirm that (1) dispatching of vehicles is accessory to the principal use as offices; and (2) minor repairs of vehicles is accessory to the principal use as offices. In the event it is determined that the special hearing relief requested does not meet the regulation requirements, Petitioners have filed, in the alternative, a petition for special exception to permit a service garage use at this location. The subject property and requested relief are more particularly described on the amended site plan¹ submitted, which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing were William C. Krasner, managing member of PLMD; Thomas A. Church, Professional Engineer with Development Engineering

¹ The plan was amended in response to comments received from the Office of Planning who does not oppose the use but asked for revisions to reflect perpendicular parking instead of angled parking, security fencing, site access, etc.

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Date 4-1-09
By [Signature]

Consultants, Inc., who prepared the site plan for this property, and Arnold E. Jablon, Esquire, on behalf of the Petitioners. There were no adverse Zoning Advisory Committee (ZAC) comments received from any of the County reviewing agencies and no one appeared as a Protestant in opposition to the request.

Testimony and evidence offered revealed that the subject property is comprised of three (3) separate lots of record that form an irregular rectangular shaped tract consisting of 0.73 acres (32,034 square feet) of M.L.-I.M. zoned land in Owings Mills. The site is located on the northeast side of Music Fair Road, which is just south and perpendicular to Painters Mill Road. The property is improved with a one-story warehouse/office building, of approximately 27,000 square feet. PLMD is proposing to lease a portion (10,200 square feet) of the existing building. There will be no new construction and no variances are requested. The existing building is also rectangularly shaped and the contract lessee's use of the building is that portion shown on the site plan surrounded by yellow highlighter or the left-portion of the building, adjacent to 10 Music Fair Road, owned by Real Estate, LLP and used as a construction equipment storage yard and offices.

The purpose of the special hearing request is to confirm that the proposed uses by the Petitioner (PLMD) are permitted as of right. As noted, there is to be no change to the footprint of the existing building, to any other use on site, nor to the site itself. PLMD proposes to have its office and storage space in the front portion of the building (7,968 square feet) and to dispatch non-emergency medical transportation vehicles (specialized vehicles for handicap people) including the ancillary repair and maintenance of these vehicles. The described vehicles as shown on Petitioners' Exhibit 5 will be located outside, to the rear of the building, behind a secure fence and bordered by the existing CRX railroad tracks.

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Date 4-1-99
By [Signature]

PMLD will employ three (3) to five (5) full-time office workers, including an office manager. The office will maintain all business and financial records. The purpose of the business is to provide non-emergency transportation to those in need due to age or disability from or to home, an alternative living facility, nursing home, hospital, or doctor's office for those who do not have available transportation or cannot transport themselves. In addition, it will employ about 12-15 full-time drivers on any given day and approximately 30 employees who will work directly with assisted living facilities (ALF's), nursing homes, hospitals and doctors. These latter employees will not be located on site. There will be approximately 12-15 non-emergency vehicles parked on-site. Each of these vehicles is expected to be in service daily. The drivers will park their personal cars in the non-emergency vehicle's parking space delineated on the site plan. PLMD wants to be able to wash the non-emergency vehicles, which will occur only within an 874 square foot rear portion of the building. See Petitioner's Exhibit 1, denoting the area for washing of vehicles. In addition, they propose to perform very minor vehicle repairs, such as oil changes. The 1,400 square foot area for this work is also shown on Exhibit 1. There will be no major vehicle repairs on site. These accessory uses would occur only inside the building. There will be no abandoned, disabled or unlicensed vehicles on site. No vehicles will be for sale and none for hire.

This property is, according to Mr. Church, uniquely qualified for this particular use for the following reasons. First, because of its location. Immediately to the rear of the site and bordering the full length of the site is the CRX tracks. These railroad tracks literally separate more intense manufacturing uses that exist between the tracks and Reisterstown Road from the uses on Music Fair Road. See aerial photographs submitted as Petitioners' Exhibits 2 and 3, detailing the instant property and surrounding adjacent properties. The tracks are elevated with

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Date 4-1-09
By 103

steep grades down to the properties on either side, according to Mr. Church. Second, access to the parking area and to the interior of the building by vehicles is by an existing easement between 12 Music Fair Road, LLC and the owner of 10 Music Fair Road. This arrangement is illustrated on Petitioners' Exhibit 3 as well as on photos submitted as Exhibits 4, 5, 6 and 7. The easement will permit vehicles to use the adjacent driveway, on 10 Music Fair Road, back to the rear of the properties, with egress and ingress into the subject site by way of a driveway, through a gate and into the parking lot area of the subject property. This access is shown on Exhibit 1 as well as the fence and gate displayed in the photos (Exhibits 4-7). The vehicles will at all times be located in a totally secured area, with a fence line on both sides of the site and the tracks to the rear. Third, there is no residential community anywhere near this location. Immediately across the street is a major Toyota vehicle service center. Office uses and other commercial uses are nearby and adjacent. Finally, the site's location has easy access to I-795, Painters Mill Road, Reisterstown Road, Liberty Road, to the Owings Mills and Reisterstown communities, and is perfect for what is proposed.

Mr. Krasner stated the principal use of the building is the office where his full-time employees will maintain all records and provide the normal and customary office use for the business. The accessory uses would be minor repairs and vehicle washes, as described above. Mr. Krasner stated that only the non-emergency vehicles used by the business would be so maintained. Further, the dispatching of the vehicles is not done in the stereotypical way that limos and taxicabs are. These non-emergency vehicles are similar to ambulances, with wheel chair accessibility, but will not be used for emergency transportation. They will not be dispatched by 2-way radios as taxis are; the drivers will be given itineraries and contacted by cell phones. The proposed use is available only to a very specific population, not available to the

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Date 4-1-99
By 193

public generally. The sole purpose is to permit doctors and hospitals, nursing homes and ALF's to ensure that their patients are afforded the health services they require.

Section 253.1 of the B.C.Z.R. permits office use as of right in the M.L. zone. Section 253.1.F permits accessory uses as of right in the M.L.-I.M. zone. The vehicles, Mr. Jablon opines, are not cabs or limos; they are not available for hire or sale. It is not the vehicle that forms the service the lessee will provide. Indeed, in the M.L.-I.M. zone, auxiliary service uses are permitted as of right. The service the lessee provides, as described, is to those who need patient management in order to meet their medical needs in a non-emergency setting, where they might not otherwise be able to do so. The use of vehicles to transport them, as was described, is but one element of the overall service provided. The office use is the principal use; the other uses are auxiliary to the office use.

The Petitioners filed, in the alternative, a request for a special exception to permit a service garage use. A service garage is defined, by Section 101 of the B.C.Z.R., as a "garage, other than a residential garage, where motor-driven vehicles are stored, equipped for operation, repaired or kept for remuneration, hire or sale." In this regard, I find that the office use is the principal use. I further find that the minor repairs and washing of the lessee's vehicles are accessory.

After due consideration of the testimony and evidence presented, I am persuaded to grant special hearing relief to confirm that (1) the dispatching of the non-emergency vehicles is accessory to the principal use of the office; and (2) the minor repairs of these vehicles is also accessory to the principal use of the subject property as an office. I further find that the petition for special exception to approve a conditional use for a service garage should be dismissed as moot.

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Date 4-11-09
By 103

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth herein, the Petition for Special Hearing shall be granted. The Petition for Special Exception has been determined to be unnecessary and shall be dismissed as moot.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 1ST day of April, 2009, that the Petition for Special Hearing, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), requesting confirmation that (1) the dispatching of vehicles is accessory to the principal use as offices; and (2) that minor repairs of vehicles is accessory to principal use as offices, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Exception filed in the alternative, to approve a service garage use on the subject property, be and is hereby dismissed as MOOT.

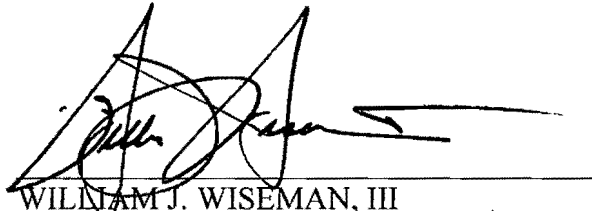
IT IS FURTHER ORDERED, that the relief granted is subject to the following conditions:

1. The Special Hearing relief granted is limited for uses and operations performed by PLMD, LLC and shall not run with the land as to enure to the benefit of any subsequent property lessor or owner.
2. The Petitioners are hereby made aware that proceeding at this is at their own risk until such time as the thirty (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.
3. No body or fender work shall be performed on the site including the painting of vehicles.
4. There shall be no storage of abandoned, inoperable, damaged and/or disabled vehicles on the premises for longer than thirty (30) days.

COPIES REQUIRED FOR FILING
Date 4-1-09
By [Signature]

5. The decision in this case is not a legal precedent that may be cited as such in any other zoning case involving dispatching of vehicles as accessory to the principal use as offices.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code and filed within thirty (30) days of the date of this Order.

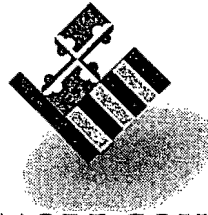


WILLIAM J. WISEMAN, III

Zoning Commissioner
of Baltimore County

WJW:dlw

ORIGINAL RECEIVED FOR FILING
Date 4-1-09
By 1502



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

April 1, 2009

Arnold E. Jablon, Esquire
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION
NE/Side of Music Fair Rd., 875' SE c/line of Painters Mill Road
(12 Music Fair Road)
3rd Election District - 2nd Council District
12 Music Fair Road, LLC, *Legal Owner*; PLMD, LLC, *Contract Lessee* - Petitioners
Case No. 2009-0207-SPHX

Dear Mr. Jablon:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted with restrictions and the Petition for Special Exception was Dismissed As Moot, in accordance with the attached Order.

In the event anyone finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read 'William J. Wiseman III', written over a large, stylized circular flourish.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: William C. Krasner, PLMD, LLC, 12 Music Fair Road, LLC, 12 Music Fair Road,
Owings Mills, MD 21117
Thomas A. Church, Professional Engineer, Development Engineering Consultants, Inc.,
6603 York Road, Baltimore, MD 21212
People's Counsel; Office of Planning; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 12 Music Fair Rd
which is presently zoned ML-IM

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve free
(This box to be completed by planner)

Confirmation that (1) dispatching of vehicles is accessory to the principal use as offices; and (2) the minor repairs of vehicles is accessory to principal use as offices; or

in alternative, see attached petition for special exception

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

PLMD, LLC

Name - Type or Print

Signature

8028 Ritchie Hwy, Suite 118

Address

Telephone No.

Pasadena, Maryland 21122

City

State

Zip Code

Attorney For Petitioner:

Arnold Jablon

Name - Type or Print

Signature

Venable, LLP

Company

210 Allegheny Ave

410 494 6298

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

Legal Owner(s):

12 Music Fair Road, LLC

Name - Type or Print

Signature

Name - Type or Print

Signature

12 Music Fair Road

Address

Telephone No.

Owings Mills, Maryland 21117

City

State

Zip Code

Representative to be Contacted:

Arnold Jablon

Name

210 Allegheny Ave

410 494 6298

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2009-0207-SPHX

REV 9/15/98

UNAVAILABLE FOR HEARING

Reviewed By D.T.

Date 2/9/09

DROP-OFF

ORDER RECEIVED FOR FILING

Date 4-1-09

By 10W



Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property
located at 12 Music Fair Road

which is presently zoned ML-IM

Deed Reference: 27532 / 241 Tax Account # 032606510

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
to permit service garage

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:

PLMD, LLC

Name - Type or Print

Signature

8028 Ritchie Hwy, Suite 118

Address

Telephone No.

Pasadena, Maryland 21122

City

State

Zip Code

Attorney For Petitioner:

Arnold Jablon

Name - Type or Print

Signature

Variable, LLP

Company

210 Allegheny Ave

410 494 6298

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

Legal Owner(s):

12 Music Fair Road, LLC

Name - Type or Print

Signature

Name - Type or Print

Signature

12 Music Fair Road

Address

Telephone No.

Owings Mills, Maryland 21117

City

State

Zip Code

Representative to be Contacted:

Arnold Jablon

Name

210 Allegheny Ave

410 494 6298

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

Case No. 2009-0207-SPHX

REV 07/27/2007

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By D.T.

Date 2/9/09

DROP-OFF

ORDER RECEIVED FOR FILING

Date 4-1-09

By OW

DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Site Engineers & Surveyors

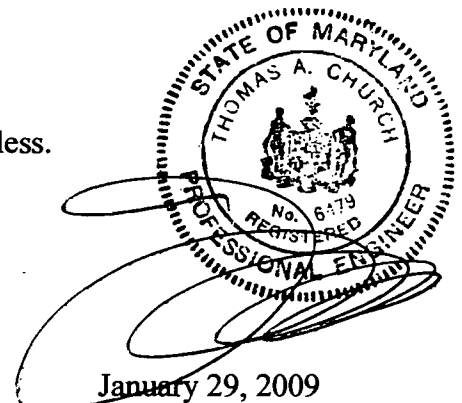
6603 York Road
Baltimore, Maryland 21212
(410) 377-2600
(410) 377-2625 Fax

ZONING DESCRIPTION FOR 12 MUSIC FAIR ROAD

Beginning for the same at a point on the northeast side of Music Fair Road, 65 feet wide more or less, said point being 875 feet more or less southeast of the centerline of Painters Mill Road, 70 feet wide more or less. Thence the following courses and distances:

1. North 23 degrees 28 minutes 20 seconds East, 268.77 feet
 2. South 41 degrees 21 minutes 20 seconds East 114.96 feet
 3. South 38 degrees 49 minutes 00 seconds East 77.99 feet
 4. South 37 degrees 05 minutes 20 seconds West 128.19 feet
 5. North 52 degrees 54 minutes 40 seconds West 51.99 feet
 6. South 37 degrees 05 minutes 20 seconds West 10.00 feet
 7. North 52 degrees 54 minutes 40 seconds West 9.00 feet
 8. South 37 degrees 05 minutes 20 seconds West 25.00 feet
 9. South 52 degrees 54 minutes 40 seconds East 6.00 feet
 10. South 37 degrees 05 minutes 20 seconds West 10.00 feet
 11. South 52 degrees 54 minutes 40 seconds East 13.00 feet
 12. South 37 degrees 05 minutes 20 seconds West 4.00 feet
 13. South 52 degrees 54 minutes 40 seconds East 33.00 feet
 14. South 02 degrees 28 minutes 13 seconds West 51.04 feet
 15. North 52 degrees 54 minutes 40 seconds West 145.00 feet
- to the point of beginning.

Containing 34,628 square feet or 0.80 acres of land, more or less.

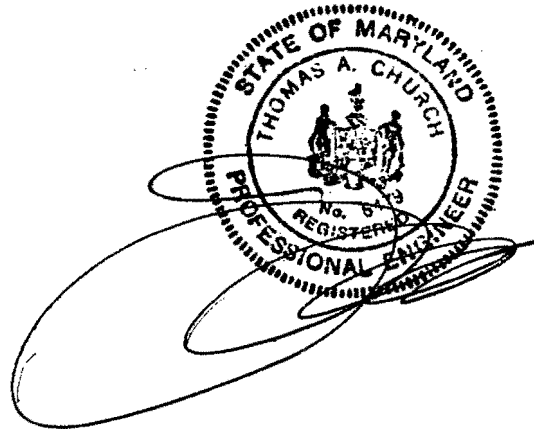


January 29, 2009

2009-0207-SPHX

Being a part of the first parcel described in a deed dated December 30, 1983, and recorded among the Land Records of Baltimore County in Liber 6646, Folios 001 and a part of the parcel described in a deed dated December 30, 1983 and recorded among the Land Records of Baltimore County in Liber 6646, Folio 004.

Also being known as #12 Music Fair Road situated in the 3rd Election District of Baltimore County, Maryland.



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **35028**

Date: **2/9/09**

PAID RECEIPT

BUSINESS ACTUAL TIME
 2/10/2009 2/10/2009 11:39:27

REC MCM WALKIN ESTE DIE
 >> RECEIPT # 446044 2/10/2009

\$ 529 ZONING VERIFICATION

0. 035028

Recpt Tot \$705.00
 \$705.00 CR \$1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150					4	705.00

Total: **705.00**

Rec From: **VENABLE LLP**

For: **2009-2007-SPHX**

12. MUSIC FAIR RD

D. THOMPSON

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

NOTICE OF ZONING HEARING

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

Case: #2009-0207-SPHX

12 Music Fair Road

N/east side of Music Fair Road, 875 feet +/- s/east of centerline of Painters Mill Road

3rd Election District — 2nd Councilmanic District

Legal Owner(s): 12 Music Fair Road, LLC

Special Hearing: for confirmation that dispatching vehicles is accessory to the principal use as office, and minor repairs of vehicles is accessory to principal use as offices or in the alternative. **Special Exception:** to permit a service garage.

Hearing: Wednesday, March 25, 2009 at 9:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

JT 3/7/01 Mar. 10, 196439

CERTIFICATE OF PUBLICATION

3/12/, 2009

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/10/, 2009.

☒ 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: 2009-0207-SPHX

Petitioner/Developer: _____

12 Music Fair Road, LLC

Date of Hearing/closing March 25, 2009

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

Attn : Kristin Matthews

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at _____
12 Music Fair Road

The sign(s) were posted on

3-10-09
(Month, Day, Year)

Sincerely,

Robert Black 3-12-09
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE # 2009-0207-SPHX

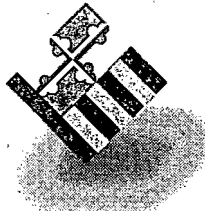
A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: Room 104, JEFFERSON BUILDING
105 W. CHESAPEAKE AVE TOWSON, MD 21204
DATE AND TIME: WEDNESDAY, MARCH 25, 2009 AT 9:00 A.M.

REQUEST: SPECIAL HEARING CONFIRMATION THAT DISPATCH-
ING VEHICLES IS ACCESSORY TO THE PRINCIPAL USE AS OFFICE,
AND MINOR REPAIRS OF VEHICLES IS ACCESSORY TO PRINCIPAL
USE AS OFFICES OR IN THE ALTERNATIVE:
SPECIAL EXCEPTION TO PERMIT A SERVICE GARAGE.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM HEARING CALL 387-3392

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

March 4, 2009
TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

NOTICE OF ZONING HEARING

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CASE NUMBER: 2009-0207-SPHX

12 Music Fair Road

N/east side of Music Fair Road, 875 feet +/- s/east of the centerline of Painters Mill Road

3rd Election District – 2nd Councilmanic District

Legal Owners: 12 Music Fair Road, LLC

Special Hearing for confirmation that dispatching vehicles is accessory to the principal use as office, and minor repairs of vehicles is accessory to principal use as offices or in the alternative. Special Exception to permit a service garage.

Hearing: Wednesday, March 25, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Handwritten signature of Timothy Kotroco in black ink.
Timothy Kotroco
Director

TK:klm

C: Arnold Jablon, Venable, 210 Allegheny Avenue, Towson 21204
PLMD, LLC, 8028 Ritchie Highway, Ste. 118, Pasadena 21122
12 Music Fair Road, Owings Mills 21117

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 10, 2009.**
- (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, March 10, 2009 Issue - Jeffersonian

Please forward billing to:
Arnold Jablon
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

410-494-6298

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: 2009-0207-SPHX

12 Music Fair Road

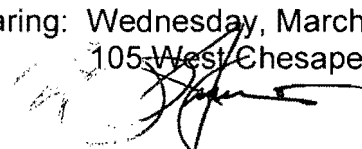
N/east side of Music Fair Road, 875 feet +/- s/east of the centerline of Painters Mill Road

3rd Election District – 2nd Councilmanic District

Legal Owners: 12 Music Fair Road, LLC

Special Hearing for confirmation that dispatching vehicles is accessory to the principal use as office, and minor repairs of vehicles is accessory to principal use as offices or in the alternative. Special Exception to permit a service garage.

Hearing: Wednesday, March 25, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


WILLIAM J. WISEMAN III
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/neighbor 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: 2009-0207-SPHX

Petitioner: PLMD, LLC

Address or Location: 12 MUSIC FAIR RD, OWINGS MILLS

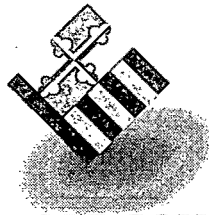
PLEASE FORWARD ADVERTISING BILL TO:

Name: ARNOLD JABLON

Address: 210 ALDERBURY AVE
TOWSON, MD 21204

Telephone Number: 410 494 6298

Revised 2/20/98 - SCJ



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
March 19, 2009

Arnold Jablon,
Venable
210 Allegheny Ave.
Towson, MD 21204

Dear: Arnold Jablon

RE: Case Number 2009-0207-SPHX, 12 Music Fair Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 9, 2009. This letter is not an approval, but only a **NOTIFICATION**.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
12 Music Fair, LLC, 12 Music Fair Rd.; Owings Mills, MD 21117
PLMD, LLC; 8028 Ritchie Hwy, Ste. 118; Pasadena, MD 21122

BW 365
9 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 9, 2009

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

SUBJECT: 12 Music Fair Road

INFORMATION:

Item Number: 9-207

Petitioner: PLMD, LLC

Zoning: ML-IM

Requested Action: Special Exception and Special Hearing

RECEIVED

MAR 11 2009

ZONING COMMISSIONER

The petitioner requests a Special Hearing for a confirmation that (1) dispatching of vehicles is accessory to the principal use as offices; and (2) minor repairs of vehicles is accessory to principal use as offices or in alternative a special exception for a service garage.

For this particular industrially zoned location, the Office of Planning does not oppose the use of the described portion of the building for the storage and dispatching of non-emergency medical transport including ancillary repair and maintenance.

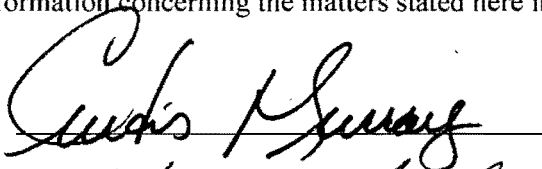
SUMMARY OF RECOMMENDATIONS:

Should the Zoning Commissioner grant the proposed use, the site plan should be revised to reflect the following.

1. Show a complete security fence on the rear of the building.
2. Revise the parking on the front to be perpendicular parking instead of angled parking.
3. Submit an up-to-date landscape plan.
4. Accurately show existing site conditions on the adjacent attached building, i.e. dumpster, existing fencing, gate and storage containers.

For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Prepared by:



Division Chief:

AFK/LL: CM



BW 3/25/00

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

APR 09 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination JWL

DATE: April 8, 2009

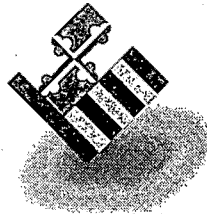
SUBJECT: Zoning Item # 09-207-SPHX
Address 12 Music Fair Road
(12 Music Fair Road, LLC Property)

Zoning Advisory Committee Meeting of February 16, 2009

- X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Reviewer: JWL

Date: 4/8/2009



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

February 19, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 16, 2009

Item Numbers 0200, 0203, 0204, 0205, 0206, ~~0207~~, 0208, 0210

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For February 23, 2009
Item Nos. 2009-0200, 0203, 0205,
0206, ~~0207~~ 0208, and 0209

DATE: February 18, 2009

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

DAK:CEN:lrk
cc: File
ZAC-02232009-NO COMMENTS



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: FEB. 23, 2009

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

RE: Baltimore County
Item No. 2009-0207-SPHX
12 MUSIC FAIR ROAD, LLC
PLMD, LLC PROPERTY
SPECIAL HEARING
SPECIAL EXCEPTION

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2009-0207-SPHX.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For ¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND SPECIAL EXCEPTION *
12 Music Fair Road; NE/S of Music Fair Rd,* ZONING COMMISSIONER
875' SE c/line Painters Mill Road
3rd Election & 2nd Councilmanic Districts * FOR
Legal Owner(s): 12 Music Fair Road, LLC *
Petitioner(s) * BALTIMORE COUNTY
* 09-207-SPHX

* * * * *

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.

RECEIVED

FEB 26 2009

.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of February, 2009, a copy of the foregoing Entry of Appearance was mailed to Arnold Jablon, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

12 Music Fair Road
Owings Mills, Maryland 21117

January 30, 2009

Zoning Office
Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Application for 12 Music Fair Road, Owings Mills, Maryland 21117

To whom it may concern:

12 Music Fair Road, LLC, a Maryland limited liability company, (the "Owner") is the owner of 12 Music Fair Road, located in Owings Mills, Maryland pursuant to a Deed dated December 19, 2008, and recorded December 31, 2008 among the Land Records of Baltimore County at Liber 27532, folio 241.

The Owner hereby authorizes Arnold Jablon, Esquire of Venable, LLP, to submit the Application for Special Hearing and the Application for Special Exception enclosed herewith, on behalf of the Owner.

Very truly yours,

12 Music Fair Road, LLC

By:



Randy Moss, Authorized Person

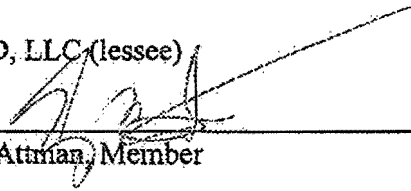
2009-0207-SPHX

Zoning Office
Department of Permits and Development Management
111 West Chesapeake Ave
Towson, Maryland 21204

Zoning Office:

Please be advised that the undersigned authorizes Arnold Jablon, Esq., Venable, LLP, 210 Allegheny Ave., Towson, Maryland 21204, to be our attorney-in-fact and attorney-at-law and on our behalf file the attached petitions for zoning relief. We hereby understand that the relief requested is for property we propose to lease and we hereby and herewith acknowledge our express permission for said petitions to be filed on our behalf. The petition(s) filed are for property located at 12 Music Fair Road.

PLMD, LLC (lessee)

By: 
Gary Attman, Member

1/30/09 (Date)

8028 Ritchie Hwy, Suite 118, Pasadena, Maryland 21122
address

2009-0207-SPHX

SECTION

101 GARAGE, SERVICE: includes truck and car rental and taxicab businesses but must be in enclosed building

ONLY SCENARIO OUTSIDE OF
THE ABOVE IS POSSIBLY A
DRIVERS ED SCHOOL WITH
PROHIBITION ON WORKING ON
FLEET VEHICLES

CASE NAME P. J. M. J. L. L.
CASE NUMBER 2009-0207 -SP-IX
DATE 3-25-09

[illegible]

Case No.: 2009-0207-SHX

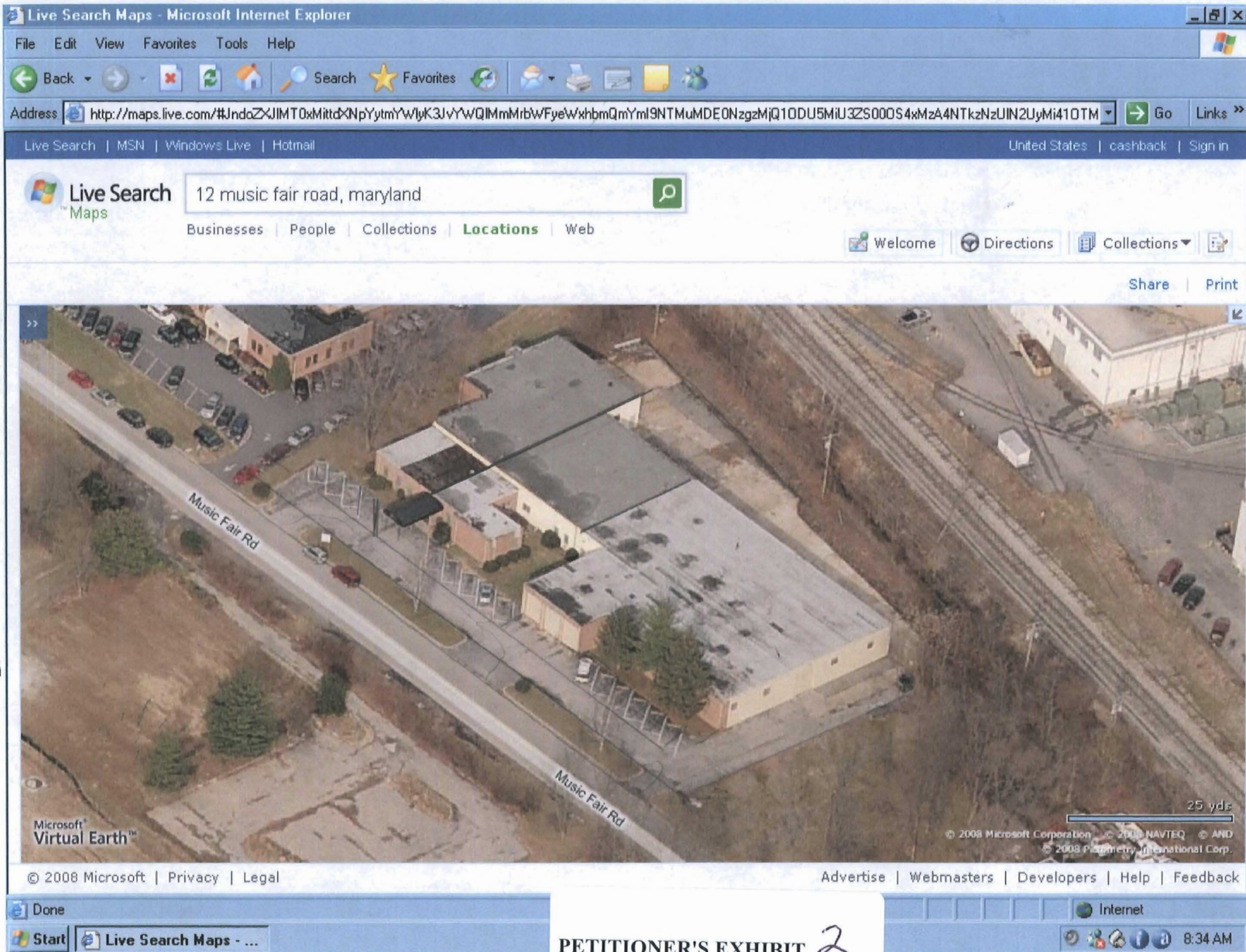
12 MUSIC FAIR RD.

Exhibit Sheet

Petitioner/Developer

Protestant

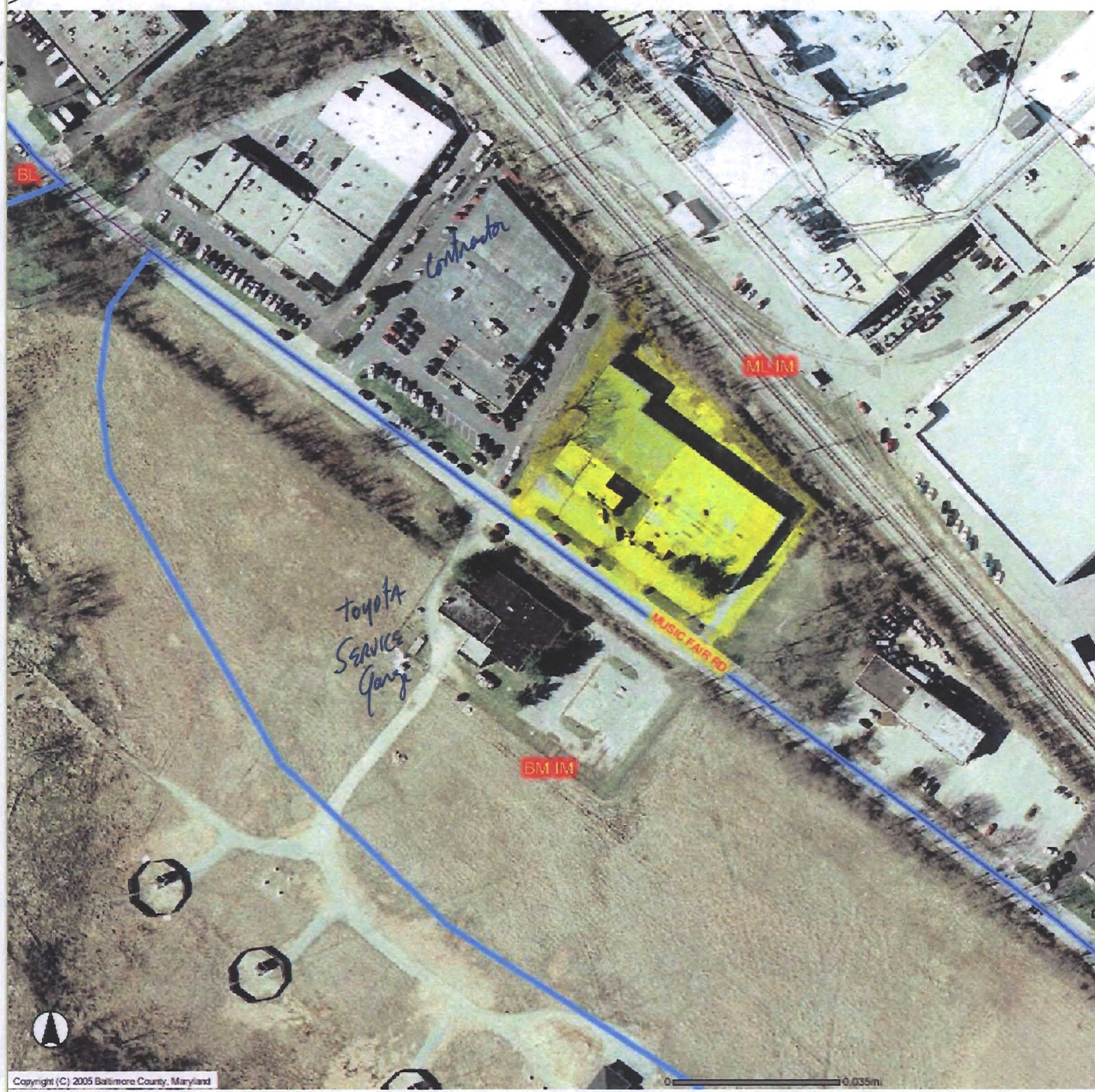
No. 1	AMENDED SITE PLAN	
No. 2	Aerial Photograph of Existing Conditions	
No. 3 photo	Aerial showing Existing uses.	
No. 4 Photo	Access Road Photo	
No. 5 Photo	Park for 9 vehicles	
No. 6 photo	Park area and buildg.	
No. 7 photo	Away from Access Point	
No. 8 Photo	Garbage Receptacle other tenant	
No. 9 photo.	Security Fence	
No. 10		
No. 11		
No. 12		



PETITIONER'S EXHIBIT 2

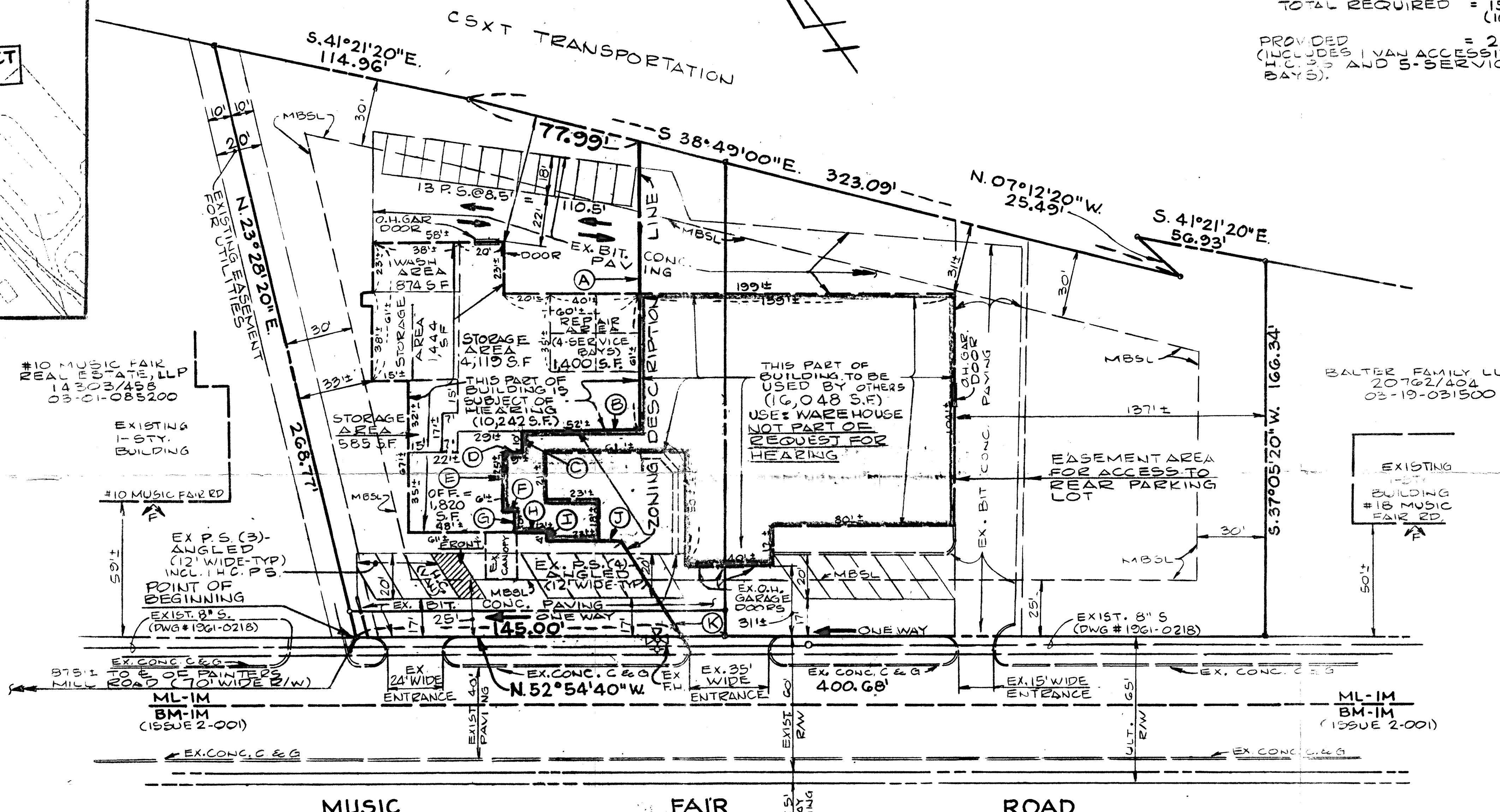
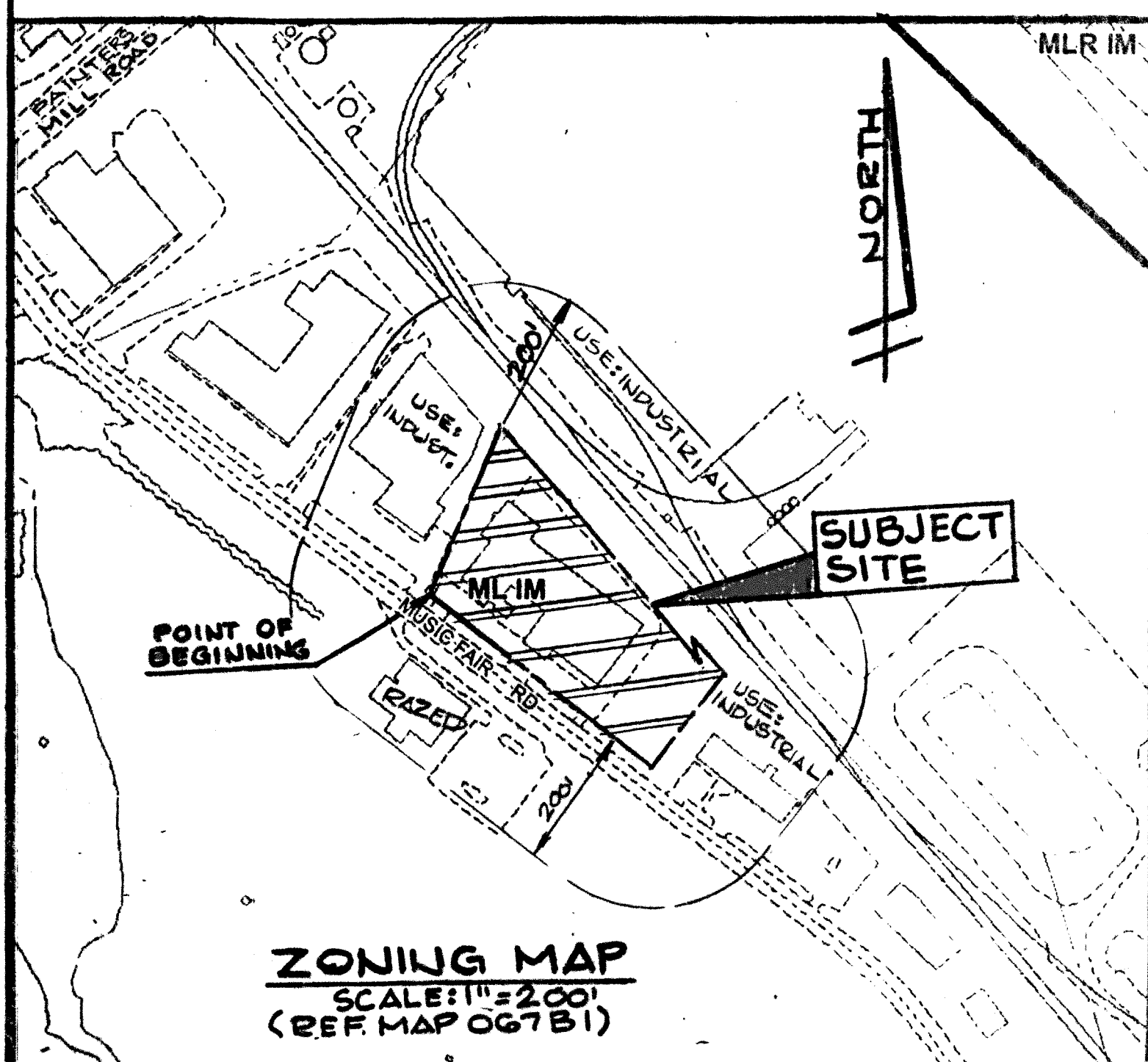
* 12 MUSIC FAIR RD
LOOKING NORTH
09-102

Baltimore County - My Neighborhood



PETITIONER'S EXHIBIT 3

PLAT TO ACCOMPANY PETITION FOR ZONING: ☒ SPECIAL EXCEPTION ☒ SPECIAL HEARING



BEARINGS AND DISTANCES FOR ZONING DESCRIPTION LINE

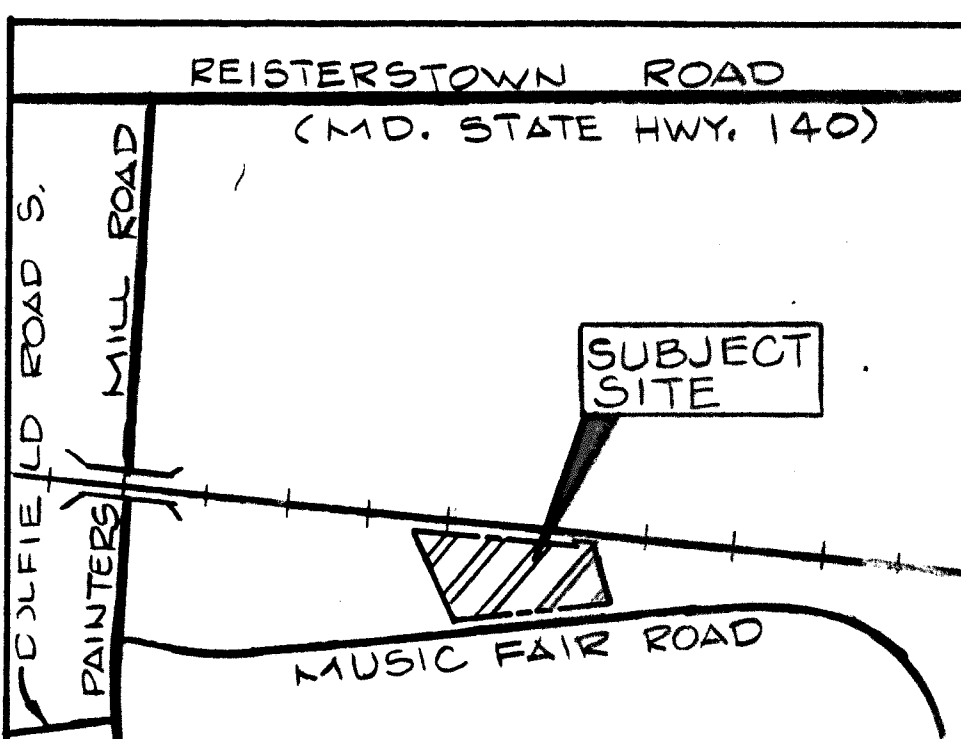
A	S. 37° 05' 20" W.	128.19'
B	N. 52° 54' 40" W.	51.99'
C	S. 37° 05' 20" W.	10.00'
D	N. 52° 54' 40" W.	9.00'
E	S. 37° 05' 20" W.	25.00'
F	S. 52° 54' 40" E.	6.00'
G	S. 37° 05' 20" W.	10.00'
H	S. 52° 54' 40" E.	13.00'
I	S. 37° 05' 20" W.	4.00'
J	S. 52° 54' 40" E.	33.00'
K	S. 02° 28' 13" W.	51.04'

SITE DATA

BUILDING AREA TABULATION (PART OF BUILDING THAT IS SUBJECT OF SPECIAL HEARING)	
OFFICE	1,820 S.F.
SERVICE BAYS	
REPAIR AREA	1,400 S.F.
WASH BAY	874 S.F.
STORAGE AREA	6,148 S.F.
TOTAL	10,242 S.F.

FLOOR AREA RATIO (FAR)	
FAR	$\frac{10,242 \text{ SF}}{38,978 \text{ SF}} = 0.26$ (2.00 MAX)

PARKING DATA	
REQUIRED	
OFFICE	$(1,820 \text{ S.F.} \times 3.3) \div 1,000 = 6.0$
SERVICE AREA	$(2,214 \text{ S.F.} \times 3.3) \div 1,000 = 7.5$
STORAGE AREA	$(6,148 \text{ S.F.} \times 3.3) \div 1,000 = 20.0$
TOTAL REQUIRED	33.5
PROVIDED	25
(INCLUDES 1 VAN ACCESSIBLE BAY AND 5 SERVICE BAYS)	



VICINITY MAP
SCALE: 1"=500'

LOCATION INFORMATION

ELECTION DISTRICT NO.: 3
COUNCILMANIC DISTRICT NO.: 2
ZONING: ML-1M (REFERENCE MAP(S): OG7B1)
AREA OF SITE: (SUBJECT OF HEARING)
NET= 34,628 SF = 0.80 AC.
GROSS= 38,978 SF = 0.89 AC.

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐
	YES	NO
CHESAPEAKE AREA CRITICAL AREA	☐	☒
AREA DESIGNATION:	N/A	
100 YEAR FLOODPLAIN	☐	☒
HISTORIC PROPERTY / BUILDING	☐	☒
PRIOR ZONING HEARINGS:	NONE ON FILE	
PREVIOUS COMMERCIAL PERMITS:	NONE ON FILE	

ZONING OFFICE USE ONLY

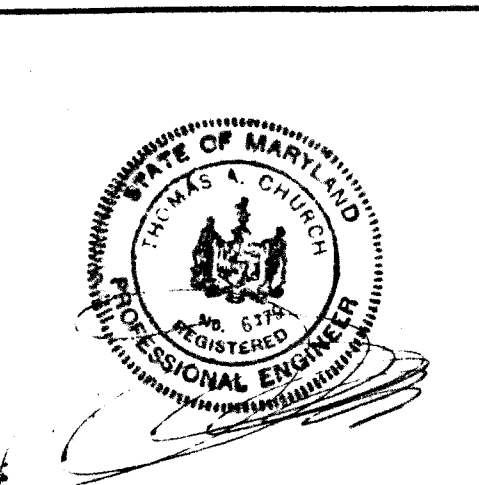
REVIEWED BY	ITEM #	CASE #
D.T.	0207	2009-0207-SPHX
DROP-OFF		

PROPERTY DATA
OWNER: 12 MUSIC FAIR, LLC
ADDRESS: 12 MUSIC FAIR, OWINGS MILLS, MD, 21117
PHONE NUMBER: 410-484-6050
TAX ACCOUNT NUMBER(S): 03-26-065150
03-26-065151
DEED REFERENCE(S): 6646/001 & 6646/004
PLAT REFERENCE: 27/90

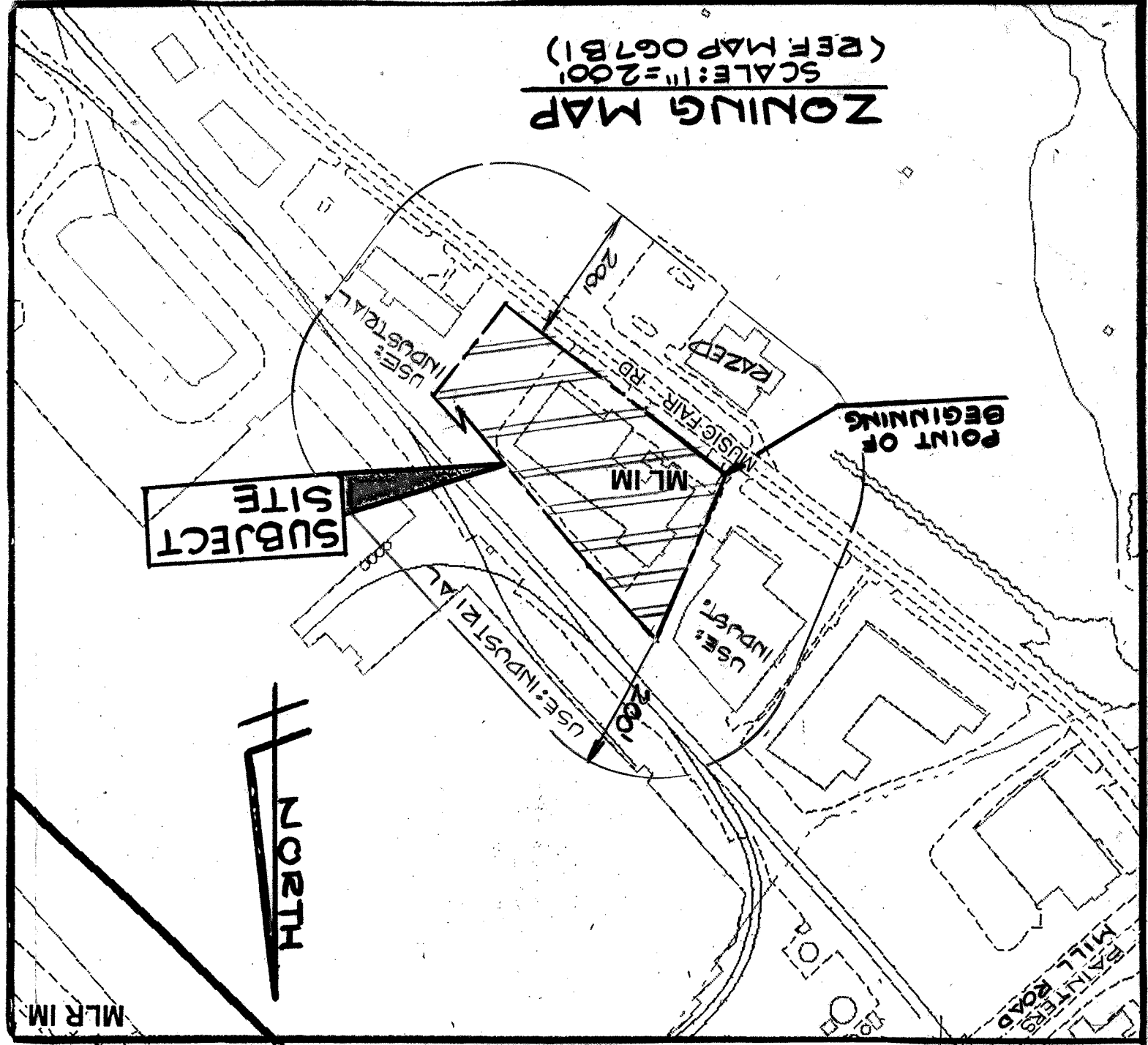
SPECIAL HEARING TO CONFIRM:

(1) DISPATCHING OF VEHICLES IS PART OF OFFICE USE OR, IN ALTERNATIVE, ACCESSORY THEREOF.

(2) MINOR REPAIR OF VEHICLES ACCESSORY TO OFFICE USE OR, IN ALTERNATIVE, SPECIAL EXCEPTION FOR SERVICE GARAGE.



PLAT TO ACCOMPANY PETITION FOR ZONING: ☒ SPECIAL EXCEPTION ☐ SPECIAL HEARING



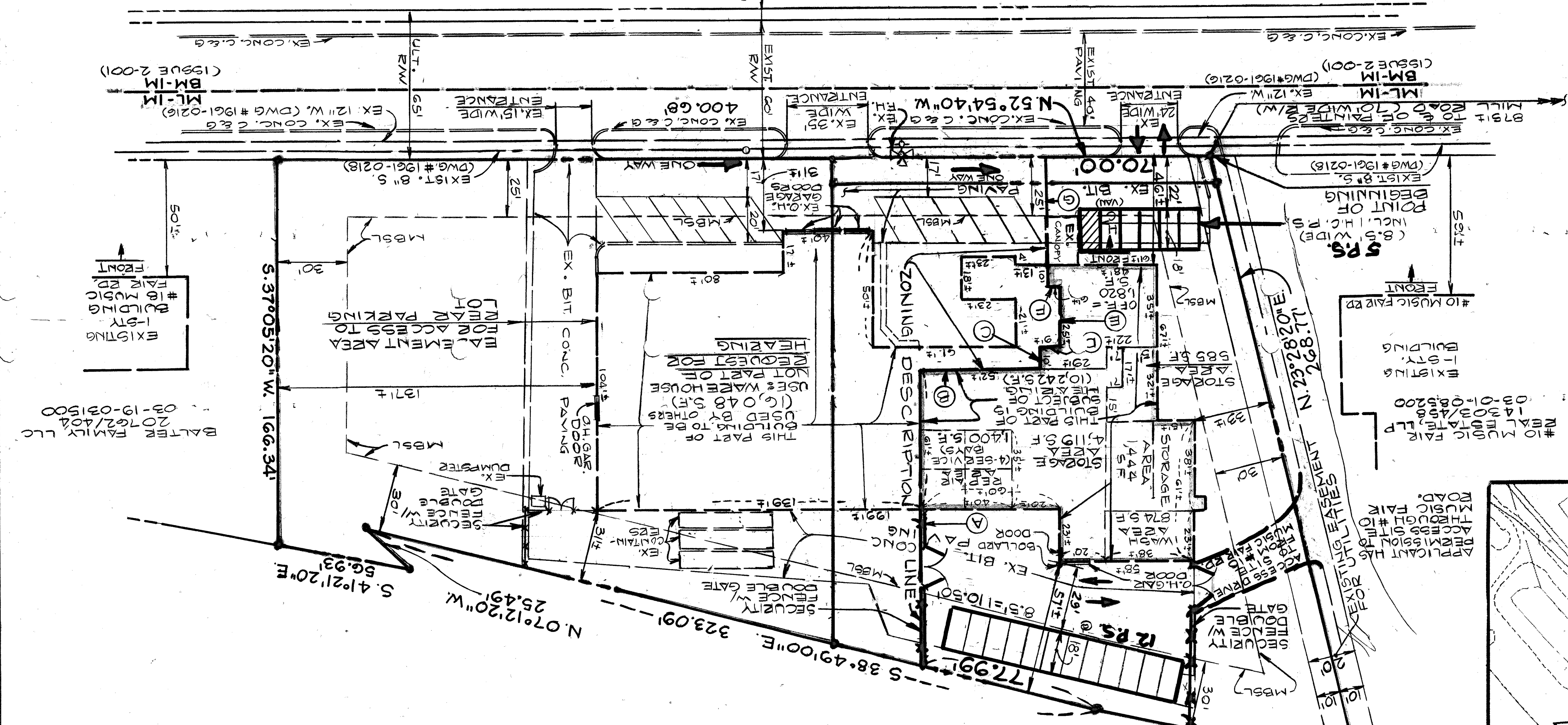
SITE DATA

BUILDING AREA TABULATION (PART OF BUILDING THAT IS SUBJECT OF SPECIAL HEARING)	1,820 S.F.
OFFICE	1,820 S.F.
SERVICE BAYS	1,400 S.F.
REPAIR AREA	874 S.F.
WASH BAY	614 S.F.
STORAGE AREA	10,242 S.F.
TOTAL REQUIRED	15,536 S.F.
PROVIDED (INCLUDES L.V.A. ACCESSIBLE BAYS), AND S.B. SERVICE BAYS)	25

FAR= 10,242 SF = 0.30
FAR= 34,134 SF (2.00 MAX)

PARKING DATA

REQUIRED OFFICE	1,820 S.F.
SERVICE BAYS	1,400 S.F.
REPAIR AREA	874 S.F.
WASH BAY	614 S.F.
STORAGE AREA	10,242 S.F.
TOTAL REQUIRED	15,536 S.F.
PROVIDED (INCLUDES L.V.A. ACCESSIBLE BAYS), AND S.B. SERVICE BAYS)	25

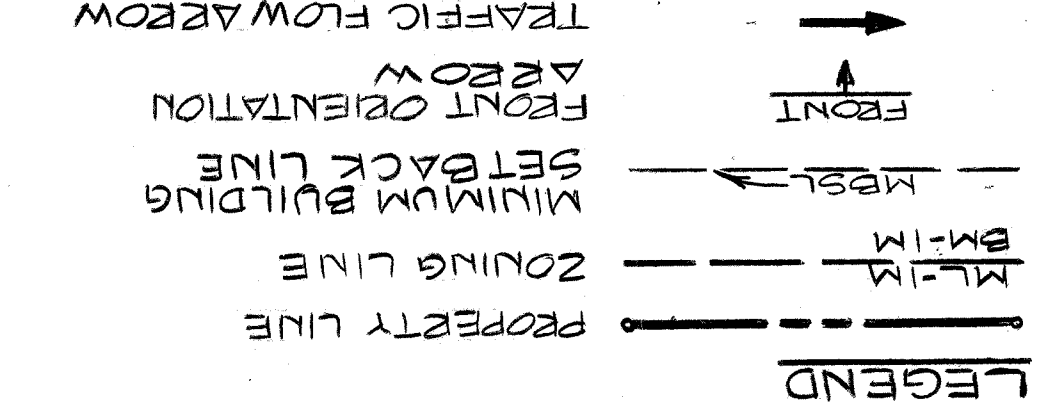


BEARINGS AND DISTANCES FOR ZONING DESCRIPTION LINE

A	S. 37° 05' 20" W.	128.19'
B	N. 52° 54' 40" W.	51.99'
C	S. 37° 05' 20" W.	10.00'
D	N. 52° 54' 40" W.	9.00'
E	S. 37° 05' 20" W.	25.00'
F	S. 52° 54' 40" E.	6.00'
G	S. 37° 05' 20" W.	56.00'

SPECIAL HEARING TO CONFIRM:

- (1) DISPATCHING OF VEHICLES IS PART OF OFFICE USE OR, IN ALTERNATIVE, ACCESSORY THERE TO.
- (2) MINOR REPAIR OF VEHICLES ACCESSORY TO OFFICE USE OR, IN ALTERNATIVE, SPECIAL EXCEPT FOR SERVICE DAMAGE.



PROPERTY DATA
OWNER: TEDDY MOSE
ADDRESS: 12 MUSIC FAIR
OWING MILLS, MD, 21117
PHONE NUMBER: 410-484-6050
TAX ACCOUNT NUMBER(S): 03-26-065150
DEED REFERENCE(S): 03-26-065150
PLAT REFERENCE: 27/90

LOCATION INFORMATION

ELECTION DISTRICT NO.: 3
COUNCILMANIC DISTRICT NO.: 2
(ZONING MAP(S): 067B1)
AREA OF SITE (SUBJECT OF HEARING)
NET= 32,034 SF = 0.73 AC.
GROSS= 34,134 SF = 0.78 AC.
PUBLIC PRIVATE
SEWER
WATER
YES NO
CHESAPEAKE AREA CRITICAL AREA
AREA DESIGNATION: N/A
100 YEAR FLOODPLAIN
HISTORIC PROPERTY / BUILDING
PRIOR ZONING HEARINGS: NONE ON FILE
PREVIOUS COMMERCIAL PERMITS: NONE ON FILE
ZONING OFFICE USE ONLY
REVIEWED BY
ITEM #
CASE #

VICINITY MAP
SCALE: 1"=500'
NORTH
REISTERSTOWN ROAD
(MD. STATE HWY. 140)
MILL ROAD
PAINTERS
MUSIC FAIR ROAD
SUBJECT SITE

PLAT TO ACCOMPANY PETITION FOR ZONING: ☒ SPECIAL EXCEPTION ☐ SPECIAL HEARING

DEVELOPMENT ENGINEERING CONSULTANTS, INC.
SITE ENGINEERS & SURVEYORS
6603 YORK ROAD 410-377-2600 BALTIMORE, MARYLAND 21212

APPLICANT
ATTMAN PROPERTIES
8028 RITCHIE HIGHWAY-SUITE 118
PASADENA, MD, 21122
410-766-6484

ELECTION DISTRICT NO. 3
BALTIMORE COUNTY, MARYLAND
COUNCILMANIC DISTRICT NO. 2

PLAT TO ACCOMPANY REQUEST FOR HEARING
#12 MUSIC FAIR ROAD
COUNCILMANIC DISTRICT NO. 2

CASE NO: 2009-027-SPHX

09-102



PETITIONER'S EXHIBIT 4



PETITIONER'S EXHIBIT 5



PETITIONER'S EXHIBIT 6

Exhibits 4 thru 9



PETITIONER'S EXHIBIT 7



PETITIONER'S EXHIBIT 8



PETITIONER'S EXHIBIT 9