IN RE: PETITION FOR VARIANCE SE side of Philadelphia Road; 521 feet SW of the c/l of Mohrs Lane 15th Election District 6th Councilmanic District (9913 Philadelphia Road) **White Marsh Commerce Park, LLC** *Petitioner*	*	BEFORE THE DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY **CASE NO. 2010-0204-A**

* *

ORDER ON JOINT MOTION FOR RECONSIDERATION

This matter comes before this Deputy Zoning Commissioner for consideration of a Joint Motion for Reconsideration filed by Carol S. Demilio, Esquire, Deputy People's Counsel for Baltimore County on behalf of the Office of People's Counsel and Petitioner White Marsh Commerce Park, LLC, by its attorneys Gildea & Schmidt, LLC. The Joint Motion for Reconsideration was filed pursuant to Rule 4(k) of Appendix G of the Baltimore County Zoning Regulations (B.C.Z.R.) wherein the Rules of Practice and Procedure before the Zoning Commissioner/Hearing Officer for Baltimore County are provided. Rule 4(k) permits a party to file a Motion for Reconsideration of an Order issued by the Zoning Commissioner. This Motion must be filed within 30 days of the date the Order was issued, and must state with specificity the grounds and reasons for their request.

In the instant matter, Petitioner requested Variance relief pursuant to Section 238.2 (by way of Section 255.1) of the B.C.Z.R. and Section 450.4.3 of the B.C.Z.R. The requested relief was sought in connection with a proposed self-storage facility at the subject property, and specifically as to the proposed distance between the buildings and a sign that would be located at the front of the property near Philadelphia Road. In an Order dated April 19, 2010, the undersigned granted the Variance requests with conditions.

Thereafter, Ms. Demilio submitted a letter dated May 18, 2010 as a Joint Motion for Reconsideration. In the Joint Motion, Ms. Demilio indicates that her Office was concerned about the size of the proposed directional sign and, after discussions with the attorneys for Petitioner, reached a compromise for a lesser variance than what was granted in my Order. In particular, Petitioner agreed to reduce the face area from 36 square feet to 20 square feet in lieu of the permitted 3 square feet under Section 450.4.3(v) of the B.C.Z.R. The parties request that I modify my Order to reflect the agreed upon change in the face area of the sign and that my Order be amended accordingly, with all other conditions on page 12 and the advisory comment on page 13 to remain in effect.

In considering the Joint Motion for Reconsideration, the undersigned reviewed the file and the Findings of Fact and Conclusions of Law dated April 19, 2010, as well as the particulars outlined in the Joint Motion for Reconsideration and an elevation drawing of the agreed upon sign that accompanied the Motion. After reviewing these items, I am in agreement with the accommodation that has been reached by the parties and shall grant the Joint Motion for Reconsideration. I shall also amend my Order and attach the elevation drawing as Exhibit "A" to reflect their agreement.

WHEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 18th day of May, 2010 that the aforementioned Joint Motion for Reconsideration be and is hereby **GRANTED**, and the third request for Variance relief previously granted in the above-captioned matter as to the square footage of the proposed directional sign shall be amended and modified as follows:

> IT IS HEREBY ORDERED by this Deputy Zoning Commissioner that Petitioner's Variance request from Section 450.4.3(v) of the B.C.Z.R. to permit 20 square feet of face area for the proposed directional sign in lieu of the

maximum permitted 3 square feet of face area per sign, be and is hereby **GRANTED** in accordance with the elevation drawing attached and incorporated herein as Exhibit "A."

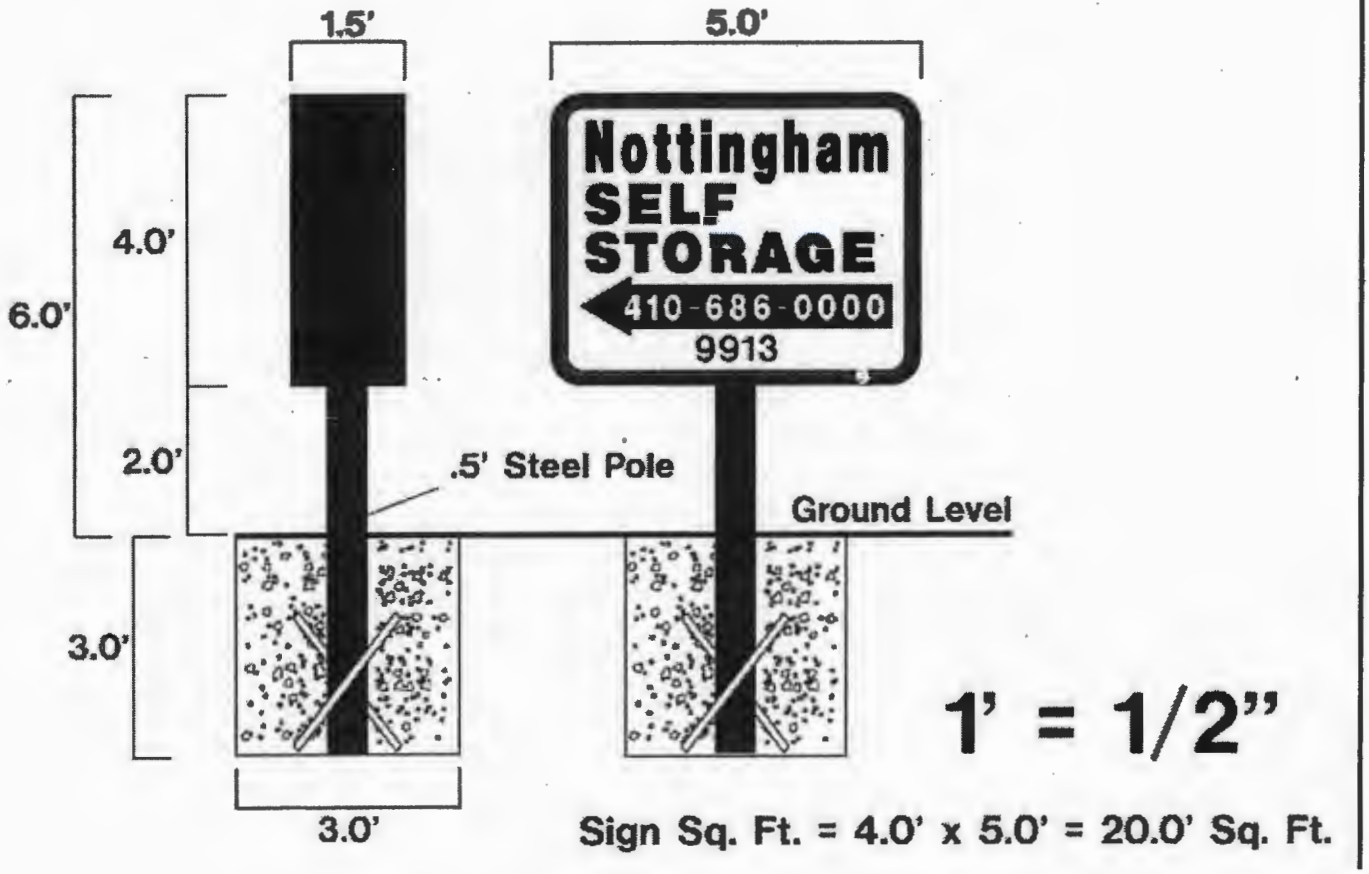
All other relief granted and the terms and conditions contained in the original April 19, 2010 Order shall remain the same and in full force and effect.

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

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

EXHIBIT "A"


1.5'
5.0'
Nottingham
SELF
STORAGE
410-686-0000
9913
6.0'
4.0'
2.0'
.5' Steel Pole
Ground Level
3.0'
3.0'
1' = 1/2"
Sign Sq. Ft. = 4.0' x 5.0' = 20.0' Sq. Ft.

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

May 18, 2010

CAROLE S. DEMILIO
DEPUTY PEOPLE'S COUNSEL
FOR BALTIMORE COUNTY

LAWRENCE E. SCHMIDT, ESQUIRE
GILDEA & SCHMIDT, LLC
600 WASHINGTON AVENUE, SUITE 200
TOWSON, MD 21204

Re: Petition for Variance
Order on Motion for Reconsideration
Case No. 2010-0204-A
Property: 9913 Philadelphia Road

Dear Ms. Demilio and Mr. Schmidt:

Enclosed please find the decision rendered in the above-captioned case.

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,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

Enclosure

c: Rick Chadsey, 1129 Gypsey Lane, Towson MD 21286
John Dudnanski, 10000 Philadelphia Road, Baltimore MD 21237
Judith Davies, 9929 Philadelphia Road, Rosedale MD 21237
Sharon Waddill, 9918 Philadelphia Road, Baltimore MD 21237
Richard DeSimone, 9207 Nottingwood Road, Baltimore MD 21237
John Buedel, 9211 Nottingwood Road, Rosedale MD 21237
Michael Touchard, 9919 Philadelphia Road, Rosedale MD 21237
Lorenzo DiCocco, President of the Nottingham Improvement Association, *no address provided*

TB 3/17/10

Baltimore County, Maryland
OFFICE OF PEOPLE'S COUNSEL
Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

May 18, 2010

HAND-DELIVERED
Thomas H. Bostwick, Deputy Zoning Commissioner
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

RECEIVED
MAY 18 2010
ZONING COMMISSIONER

Re: PETITION FOR VARIANCE
White Marsh Commerce Park, LLC
9913 Philadelphia Road
Case No: 10-204-A

Dear Mr. Bostwick:

Please accept this letter as a Joint Rule K Motion for Reconsideration of the Findings of Fact and Conclusions of Law, and Order dated April 19, 2010 in the above case, said Motion being filed by the Office of People's Counsel and the Petitioner, by its attorneys, Gildea & Schmidt, LLC.

Our office was concerned about the size of the directional sign and the concomitant variance granted from BCZR Section 450.4.3(v). As a result of discussions with the attorneys for Petitioner, we have reached a compromise for a lesser variance under the principles articulated in McLean v. Soley, 270 Md. 208 1973. The Petitioner has agreed to reduce the square feet of face area from 36 sq. ft to 20 sq. ft in lieu of the permitted 3 sq. ft. under BCZR 450.4.3 (v). Our office is not challenging the other variances granted in your Order dated April 19, 2010. If you agree with this reconsideration of the amended Petition, I believe the only amendment to your Order should be the modification to the variance for the face area. Both parties agree that the conditions on page 12 of your Order should remain in place as well as the advisory comment on page 13.

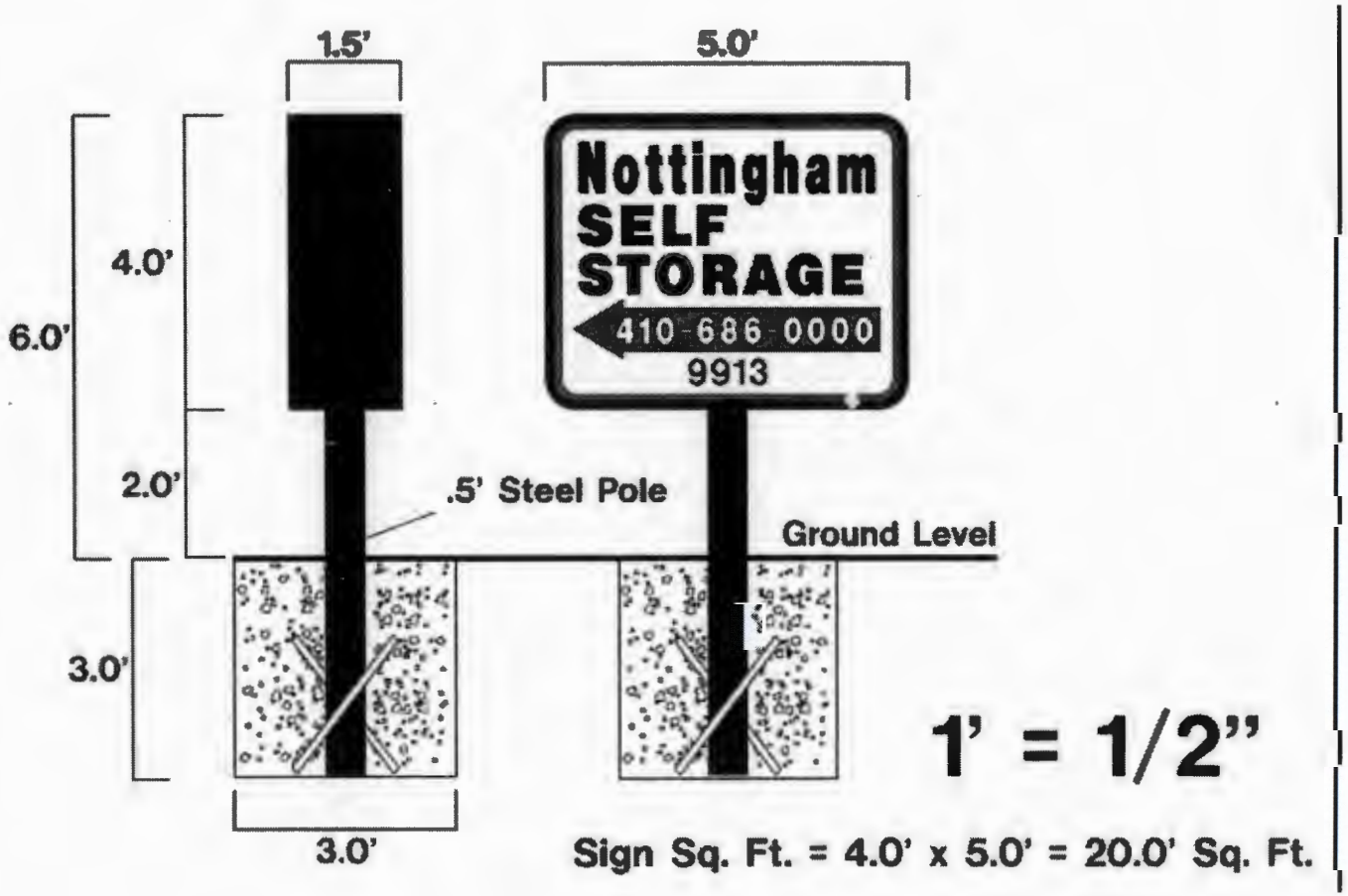
Petitioner has submitted a drawing of the proposed 20 sq. ft sign. Both parties agree it would be helpful if this drawing were attached to the Order as an amendment to the site plan to insure compliance with the compromise. I am attaching a copy of the drawing.

Finally, permit me to say our office appreciates your efforts in this case as particularly manifested by the conditions and advisory comment imposed.

Sincerely,

Carole S. Demilio
Deputy People's Counsel for Baltimore County

cc: Jason T. Vettori, Esquire
Lawrence E. Schmidt, Esquire


1.5'
5.0'
Nottingham
SELF
STORAGE
410-686-0000
9913
6.0'
4.0'
2.0'
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IN RE: PETITION FOR VARIANCE SE side of Philadelphia Road; 521 feet SW of the c/l of Mohrs Lane 15th Election District 6th Councilmanic District (9913 Philadelphia Road) **White Marsh Commerce Park, LLC** *Petitioner*	*	BEFORE THE DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY **CASE NO. 2010-0204-A**

* *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, White Marsh Commerce Park, LLC. Petitioner is requesting Variance relief as follows:

- From Section 238.2 (by way of Section 255.1) of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow rear yards of 20 feet for building nos. 1-7 and 9-11 in lieu of the 60 feet required for rear yards;

- From Section 238.2 (by way of Section 255.1) of the B.C.Z.R. to allow a rear yard of 30 feet for building nos. 8 and 9 in lieu of the required 60 feet required for rear yards; and

- From Section 450.4.3(v) of the B.C.Z.R. to permit 36 square feet of face area, or, in the alternative, 24 square feet of face area, for the proposed directional sign in lieu of the maximum permitted 3 square feet of face area per sign; and

- From Section 450.4.3(vii) of the B.C.Z.R. to permit a directional sign with a height of 6 feet in lieu of the maximum permitted height of 4 feet in a residential zone; and

- From Section 450.4.3(ix) of the B.C.Z.R. to permit a directional sign with a company name or logo which is more than 50% of the total sign area in lieu of the maximum permitted 30% of the total sign area.

The subject property and requested relief are more fully depicted on the site plan, which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance requests was Lawrence E. Schmidt, Esquire on behalf of Petitioner White Marsh Commerce Park, LLC. Also appearing in support of the requested relief was Rick Chadsey, the professional engineer who

supervised the preparation of the site plan for Petitioner. The case also garnered interest in the community and several adjacent and nearby property owners appeared in opposition to the requested relief. The Protestants included John Dudnanski, Judith Davies, Sharon Waddill, Richard DeSimone, John Buedel, and Michael Touchard. There were no other interested citizens in attendance at the public hearing.

Testimony and evidence offered revealed that the subject property is irregular in shape and contains 9.69 acres, more or less, split-zoned M.L.-I.M. with a thin strip of D.R.3.5 in the western corner of the property. The property is located on the east side of Philadelphia Road (MD Route 7), opposite Spotswood Road and south of Mohrs Lane, in the Nottingham / White Marsh area of Baltimore County. Also to the east of the property is a CSX railroad line and Pulaski Highway (U.S. 40). Petitioner submitted several aerial photographs of the subject property, which were marked and accepted into evidence as Petitioner's Exhibits 2A through 2C. The photographs reveal the precise location of the property and its irregular shape, which consists of a wider, rectangular center area located between thin strips of land that extend to the western and eastern corners of the property. In unusual fashion, the property is accessed from Philadelphia Road via a thin strip of land that opens up into a rectangular central area before again thinning out into a strip of land on the eastern side of the property.

The site plan and photographs also reveal a number of unusual characteristics including environmental restrictions and an existing cemetery that is centrally located and notched into the southern section of the property. A significant portion of the eastern section of the property is dedicated to a proposed storm water management facility, which is classified as a 100-year detention facility. The facility far surpasses the minimum requirement for storm water management on this property, which is only required to protect against a 5-year storm. The

property is further constrained by sizeable forest buffer and forest conservation easements in the northeast corner of the property. Petitioner has maintained the wooded area along the northeast side of the property and is limiting the proposed storage business to the central area of the property.

Further evidence revealed that the property owner wishes to open a self-storage business on the property that will consist of a two-story office building near the western corner of the property and a series of 12 parallel storage buildings for residential and commercial use. The first floor of the two-story office building will consist of office space and the second floor will provide living quarters for a 24-hour on call caretaker to monitor the storage units. In order to shed additional light on the proposed layout of the twelve storage buildings, Petitioner submitted a series of aerial photographs depicting similar storage businesses on properties throughout Baltimore County. The photographs were marked and accepted into evidence as Petitioner's Exhibits 3A through 3F. While the photographs do not reveal the exact layout reflected on the site plan accompanying the variance petition, they provide an approximate representation of the layout of the storage buildings that will be constructed on the subject property. The first portion of the relief requested in this petition relates to the setbacks between each of the proposed storage buildings. Buildings 1-7 and 9-11 will have a 20-foot rear setback in lieu of the required 60 feet, and buildings 8-9 will have a rear setback of 30 feet in lieu of the required 60 feet.

Additional testimony described the directional sign that Petitioner is proposing to construct off of Philadelphia Road in the D.R.3.5 area, on the west side of the property. The storage business will be accessed from Philadelphia Road and the directional sign will alert potential customers of the existence of the business. The proposed sign will stand six feet tall and will be reinforced with an underground steel pole as reflected on the site plan. The base of

the sign will contain the number of the street address for the subject property, and the rectangular section of the sign will contain the words Nottingham Self Storage as well as the phone number for the business. Petitioner submitted several photographs depicting similar signs throughout the Whitemarsh area, which were marked and accepted into evidence as Petitioner's Exhibits 4A through 4K. Similar to the aerial photographs submitted to represent the proposed layout of the storage buildings, these photographs do not show the exact dimensions of the proposed sign but provide illustrative examples of similarly sized and structured signs throughout the surrounding area. Petitioner also submitted a series of photographs depicting larger, raised signs along Philadelphia Road between Middle River Road and U.S. 40. These photographs, which were marked and accepted into evidence as Petitioner's Exhibits 5A through 5M, reveal that larger, taller commercial signs frequent the area surrounding the subject property. Petitioner is not proposing to construct an overhead sign as depicted in the aforementioned exhibits, but rather is limiting the proposal to the type of sign shown in Exhibits 4A through 4K. Due to the proposed size of the face area and words depicted on the sign, Petitioner is in need of variance relief.

Following the conclusion of the Petitioner's case, several Protestants who appeared at the public hearing testified and expressed their concerns with regard to the project and the variance requests. John Dudnaski explained that in his belief, the zoning regulations provide for sufficient property uses and should be strictly enforced. Judith Davies testified that her family owns adjacent properties and is opposed to the requested relief. Ms. Davies explained that she did not feel that the property was unique, expressed concerns over fire hazards and emergency risks, and was opposed to the construction of a storage business near a residential neighborhood. Michael Touchard, who owns property northeast of the subject property, expressed concern that the proposed sign would impact the sight lines from his property. Richard DeSimone testified that

he is not a neighbor but was appearing on behalf of the Nottingham Community Association. According to Mr. DeSimone, the Association maintains the grass and cemetery located at the southern section of the property and he hoped there would be a provision that the Association would still have access to the cemetery for the continued maintenance of the small cemetery. Finally, the Protestants submitted a letter from Lorenzo DiCocco, President of the Nottingham Improvement Association. The letter, which was marked and accepted into evidence as Protestants' Exhibit 1, explains the general objection of the surrounding community to issuing variances for both the minimum required setbacks and the dimensions of the sign.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated March 16, 2010, which state that the Department cannot support the required variances. They request that Petitioner revise the site plan to include a future right-of-way of approximately 70 feet wide running in a north/south direction, bisecting the site in the approximate location of the climate controlled building. Preliminary planning efforts in the area indicate a need for a road connection through this property (Mohrs Lane to Middle River Road) in conformance with the Pulaski Highway-BRAC Draft Redevelopment Plan (*see*, map attached to comments). This plan was recently prepared and will be included in the Master Plan 2020; the Planning Office is in the process of amending the County's Master Plan 2010 that was adopted on February 22, 2000 and is slated for its decennial review and amendment. The plan will be amended in sections beginning with the Rural Areas portion. The Office of Planning, in partnership with all other County agencies, is working on a proposal for redevelopment of existing commercial properties in need of rehabilitation, with an emphasis on mixed use (commercial and residential), walkable, and transit-oriented sustainable development. The Office of Planning believes it would be

premature to approve the plan and variances for the proposed development on the subject property while the Master Plan 2020 planning efforts are ongoing and without the plan being revised to reflect the above-referenced road connection. Therefore, the Planning Office recommends denial of the requested relief.

The Office of Planning provided a detailed Comment that deserves further analysis and explanation before the specific variance requests are addressed. Most importantly, while the Comment raises questions concerning the authority of Baltimore County to impose restrictions and demand reservations through the development process, this matter did not come before the Zoning Commissioner as a Hearing Officer's Hearing on a development plan. The limited issue at stake in this zoning petition is whether the request meets the requirements of Section 307.1 of the B.C.Z.R., as interpreted in *Cromwell v. Ward*, 102 Md.App. 691 (1995).

The Office of Planning Comment does correctly note that Baltimore County has the authority to demand public reservations through the development process, but seems to overlook the fact that this authority is only available in limited circumstances. Specifically, a reservation may only be imposed when a feature of a development plan would "conflict with, interfere with, impede or delay a proposal in the Master Plan." *See,* Baltimore County Code ("B.C.C."), Section 32-2-301. As the Office of Planning's Comment explains, the requested dedication for the proposed road related to this case is not currently reflected in the County's Master Plan and the County simply intends to incorporate the proposed road in the 2020 Master Plan. Accordingly, this development does not conflict with the existing Master Plan and the County does not appear to have any authority to impose such a reservation in this case.

The Planning Comment also raises questions as to the authority of the County to demand conveyance of a right-of-way and/or easement corresponding to a proposed road shown on the

draft BRAC plan. While the County does have the authority to make such a demand in the development plan context, the Court of Appeals of Maryland has held that "in order to exact from a developer a setting aside of land for highway purposes there must be a reasonable nexus between the exaction and the proposed subdivision." *See, Howard County v. JJM, Inc.*, 301 Md. 256, 282 (1984). In the present scenario, even if this case was set in for a Hearing Officer's Hearing on a development plan, the proposed self-storage business is a small commercial development. This is significant because unlike a residential subdivision, which could place many demands on public infrastructure, the dedication of the roadway described in the Planning Comment was not necessitated by (i.e., the requisite nexus) the small commercial project in question, thus the requested dedication does not meet the requisite "reasonable nexus" standard. That is, there is no evidence that the exaction requested by Planning is sufficiently related to Petitioner's project. In sum, the Planning Comment raises several questions concerning the authority of the County to impose reservations and demand conveyances through the development process, but this Commission is not conducting a hearing on a development plan. Indeed, the limited issue before the Zoning Commissioner is whether the requested relief meets the B.C.Z.R. criteria for a variance.

After considering all of the testimony and evidence presented at the public hearing, I am persuaded to grant the requested variance relief. The relief requested in this petition can essentially be divided into two sections: setback variances for the proposed storage buildings and sign variances. Due to the complex nature of the requests, the applicable regulations will be explained before the requests are subjected to the criteria for a variance.

Turning first to the setback variances, Section 255.1 of the B.C.Z.R. explains that the area regulations in the M.L. Zone shall be the same as those in the B.R. Zone. Since all of the

requested setback variances lie in the M.L.-I.M portion of the property, the area regulations governing these requests are contained in Sections 238.1 and 238.2 of the B.C.Z.R., which provide the area regulations for the B.R. Zone. Section 238.1 of the B.C.Z.R. explains that the only front setback for commercial buildings in the M.L Zone relates to the setback from the front property line (50 feet if on a dual highway, 25 feet from the property line and 50 feet from the center line of any other street). Because the proposed storage buildings lie further than 50 feet from the front property line and center line of Philadelphia Road, Petitioner is not required to seek any variances for front setbacks. However, Petitioner is required to seek rear setback variances for the space between each of the parallel storage buildings for the reason that Section 238.2 of the B.C.Z.R. requires commercial buildings to have minimum side and rear yards of 30 feet (emphasis added). As previously stated, the site plan reflects that Buildings 1-7 and 9-11 will have a 20-foot rear setback and Buildings 8-9 will have a rear setback of 30 feet.

Initially, it is somewhat curious that the Zoning Review office required Petitioner to request rear setback variances from "the minimum of 60 feet required for rear yards" rather than the 30 foot rear yard required under Section 238.2. Presumably, the office relied on Section 102.2 of the B.C.Z.R., which states that: "no yard space or minimum area required for a building or use shall be considered as any part of the yard space or minimum area for another building or use." This section mandates that if two adjacent buildings each require a front and a rear yard of 30 feet, the total setback between the buildings must be 60 rather than 30 feet because the space dedicated to each yard cannot overlap without a variance; however, Section 102.2 does not appear to apply to the storage buildings proposed for the subject property because, as previously stated, there is no building-to-building front setback in the M.L. Zone and Petitioner is only seeking variances for rear setbacks between each of the storage buildings (emphasis added).

That being said, the classification of the setback requests from minimum requirements of 60 feet rather than 30 feet does not effect the ultimate decision of this Commission to grant the requested variances. As will be explained in greater detail below, I find that this request meets the criteria for a variance regardless of whether the minimum rear yard is viewed as 30 feet or 60 feet.

Turning next to the variances related to the proposed sign, the applicable regulations are contained in the table of sign regulations codified as Section 450.4 of the B.C.Z.R. As shown on the site plan and explained at the public hearing, the proposed directional sign is located in the D.R.3.5 portion of the property and is therefore regulated by Section 450.4.3 of the B.C.Z.R. Pursuant to Section 450.4.3(vii), the maximum height for directional signs in a residential zone is 4 feet and Petitioner is proposing to construct a sign with a height of 6 feet. Additionally, Section 450.4.3(ix) provides that a company name or logo make not take up more than 30% of the total sign area, and Petitioner is proposing a logo that comprises 50% of the sign. Finally, the maximum area/face of a directional sign permitted under Section 450.4.3(v) is 3 square feet and the proposed sign has a face area of 36 square feet. For the following reasons, I find that the requested sign variances, as well as the requested setback variances, should be granted.

Initially, I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. The subject property is uniquely shaped and is further constrained by a number of environmental factors and the existence of a cemetery centrally located at the south side of the property. As previously stated, a significant portion of the eastern section of the property is dedicated to a storm water management facility as well as forest conservation and forest buffer easements. The environmental conditions, combined with the unique shape of the property, place unusual constraints on the building area available for the storage buildings.

I also find that Petitioner would suffer practical difficulty and undue hardship if the variances were to be denied in that Petitioner would be denied a use of the property that is specifically permitted by the Regulations. Section 253.1 permits a series of industrial and storage uses as of right in the M.L. Zone. The unusual shape of this property should not prohibit Petitioner from making use of the subject property as a storage business that is permitted as of right. Certainly, it is perhaps unusual that this use would be permitted near residentially used properties and the D.R. Zone, but it is equally important to recognize that such a use is specifically permitted in the M.L. Zone under the present zoning configuration in the area.

As for the proposed sign, the Whitemarsh area is filled with commercial businesses that maintain much larger and more imposing signs than that proposed by Petitioner. Testimony presented at the public hearing revealed that the sign is not elevated similar to the gas station or fast food restaurant signs that aim to bring in customers looking for those types of businesses from afar. The sign in this case is simply dedicated to directing customers to the location of the storage business, and it would cause an unnecessary burden to prohibit Petitioner from adequately informing customers along Philadelphia Road of the existence of the business.

I further find that the variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. After listening to the testimony of the Protestants at the public hearing, it appears that the most significant concern relates to the existence of a business in close proximity to the residential properties located north and east of the subject property. While it might seem strange that a property adjacent to residential homes is zoned M.L.-I.M., as previously stated, the zone permits a series of industrial and storage uses as of right. It is therefore important to note that the "use" of the property as a storage business is not in question

in this case, and the only matters for consideration are the appropriate space between the storage buildings and maximum size of the directional sign along Philadelphia Road.

I find that permitting Petitioner to limit the space between the storage buildings to 20 feet and 30 feet, respectively, will not cause any fire or other emergency issues and will have no additional effect on the surrounding community. The effects of a storage business would be the same whether the buildings are spaced 20, 30, or 60 feet apart, as this is not the type of business that will result in a heavy stream of traffic entering and exiting the property regardless of the space between the units. There should be sufficient space and drive aisle between the buildings for customers to utilize the storage units, and Petitioner's plan appears to meet that need. Additionally, I find that the proposed sign can be erected without causing any harm or injury to the surrounding public, because the property is located along Philadelphia Road in the largely commercial White Marsh area. The photographs submitted by Petitioner demonstrate that the surrounding area is filled with signs similar to that proposed by Petitioner, and the layout of this sign is far less intrusive than many of the larger, raised signs that are designed to reach potential customers from a distance.

Based on the preceding analysis, I find that the variances can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as interpreted in *Cromwell v. Ward*, 102 Md.App. 691 (1995). The granting of this variance will be subject to several conditions aimed to alleviate the concerns of the neighboring Protestants.

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 parties, I find that Petitioner's variance requests should be granted.

ORDER RECEIVED FOR FILING

Date 4.19.10

By

THEREFORE, IT IS ORDERED this 19th day of April, 2010 by this Deputy Zoning Commissioner, that Petitioner's Variance requests as follows:

- From Section 238.2 (by way of Section 255.1) of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow rear yards of 20 feet for building nos. 1-7 and 9-11 in lieu of the 60 feet required for rear yards;

- From Section 238.2 (by way of Section 255.1) of the B.C.Z.R. to allow a rear yard of 30 feet for building nos. 8 and 9 in lieu of the required 60 feet required for rear yards; and

- From Section 450.4.3(v) of the B.C.Z.R. to permit 36 square feet of face area, or, in the alternative, 24 square feet of face area, for the proposed directional sign in lieu of the maximum permitted 3 square feet of face area per sign; and

- From Section 450.4.3(vii) of the B.C.Z.R. to permit a directional sign with a height of 6 feet in lieu of the maximum permitted height of 4 feet in a residential zone; and

- From Section 450.4.3(ix) of the B.C.Z.R. to permit a directional sign with a company name or logo which is more than 50% of the total sign area lieu of the maximum permitted 30% of the total sign area,

be and are hereby **GRANTED**. The relief granted herein shall be subject to the following:

1. Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Petitioner shall construct a privacy fence (preferably board on board) of sufficient height to adequately screen along the northeast side of the property that separates the subject property from adjacent residential properties.

3. Petitioner must amend the site plan to reflect a planting and landscaping strip beginning at the northern corner of the forest conservation easement and running along the northeast side of the property.

4. There shall be no loud speakers or other noise amplification system on the property as part of the public self-storage use.

5. Lighting shall be mounted on the storage buildings and shall be illuminated to the internal areas of the site so as to meet the visibility and security needs of customers. There shall be no light standards of the height and magnitude normally associated with a shopping center.

ORDER RECEIVED FOR FILING

Date 4-19-10

By PJS

Advisory – Petitioner should make every effort to allow continued access to the small cemetery located at the southern end of the property. Testimony during the hearing indicated the Nottingham Improvement Association maintains the cemetery and certainly this should continue if possible. The site plan shows access to the cemetery is via Taylor Lane, a private road that is labeled on the site plan as "existing right to use with others for ingress/egress." Perhaps an agreement can be reached between Petitioner and the Association for access to Taylor Lane for the continued maintenance of the cemetery.

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

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING

Date 4·19·10

By PB

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

April 19, 2010

LAWRENCE E. SCHMIDT, ESQUIRE
GILDEA & SCHMIDT, LLC
600 WASHINGTON AVENUE, SUITE 200
TOWSON, MD 21204

Re: Petition for Variance
Case No. 2010-0204-A
Property: 9913 Philadelphia Road

Dear Mr. Schmidt:

Enclosed please find the decision rendered in the above-captioned case.

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,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

Enclosure

c: Rick Chadsey, 1129 Gypsey Lane, Towson MD 21286
John Dudnanski, 10000 Philadelphia Road, Baltimore MD 21237
Judith Davies, 9929 Philadelphia Road, Rosedale MD 21237
Sharon Waddill, 9918 Philadelphia Road, Baltimore MD 21237
Richard DeSimone, 9207 Nottingwood Road, Baltimore MD 21237
John Buedel, 9211 Nottingwood Road, Rosedale MD 21237
Michael Touchard, 9919 Philadelphia Road, Rosedale MD 21237
Lorenzo DiCocco, President of the Nottingham Improvement Association, *no address provided*

Note to file: Case # 2010-0204-A

Hearing Officer:

The petition does not address the matter of building orientation nor building separation and setbacks as per section 102.2 of the BCZR. At the request of attorney Jason T. Vettori, the wording on the petition and site plan is to be presented as is and will be addressed at the hearing.

David Duvall
Planner II

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: 9913 Philadelphia Road

which is presently zoned: DR 3.5, ML-IM

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):

PLEASE SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

TO BE PRESENTED AT HEARING

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Attorney For Petitioner:

Jason T. Vettori
Name - Type or Print

Signature

Gildea & Schmidt, LLC
Company

600 Washington Avenue, Suite 200 — (410) 821-0070
Address — Telephone No.

Towson — MD — 21204
City — State — Zip Code

Legal Owner(s):

White Marsh Commerce Park, LLC
Name - Type or Print

Signature Lawrence E. Julio, Authorized Representative

Name - Type or Print

Signature

216 Schilling Circle
Address — Telephone No.

Hunt Valley — MD — 21031-1127
City — State — Zip Code

Representative to be Contacted:

Jason T. Vettori, Gildea & Schmidt, LLC
Name

600 Washington Avenue, Suite 200 — (410) 821-0070
Address — Telephone No.

Towson — MD — 21204
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 2010-0204-A

Reviewed By KD Date 1/26/10

REV 9/15/98 ORDER RECEIVED FOR FILING

Date 4.19.10

By PM

ATTACHMENT TO PETITION FOR VARIANCE
9913 Philadelphia Road

1. 238.2 of the BCZR, by way of BCZR § 255.1, to allow rear yards of 20 feet for Building Nos. 1-7 and 9-11 in lieu of the 60 feet required for rear yards; and

2. 238.2 of the BCZR, by way of BCZR § 255.1, to allow a rear yard of 30 feet for Building Nos. 8 and 9 in lieu of the 60 feet required for rear yards; and

3. BCZR § 450.4.3(v) to permit 36 square feet of face area, or, in the alternative, 24 square feet of face area, for the proposed directional sign in lieu of the maximum permitted 3 square feet of face area per sign;

4. BCZR § 450.4.3(vii) to permit a directional sign with a height of 6 feet in lieu of the maximum permitted height of 4 feet in a residential zone; and

5. BCZR § 450.4.3(ix) to permit a directional sign with a company name or logo which is more than 50% of the total sign area in lieu of the maximum permitted 30% of the total sign area.

6. For such other and further relief as deemed necessary by the Zoning Commissioner for Baltimore County.

Item #0204

Description to Accompany Variance Petition
Nottingham Self Storage
August 14, 2009

Beginning at point South 30 degrees 50 minutes 36 seconds West a distance of 532.00 feet from the intersection of Philadelphia Road (MD Rte. 7) and Mohrs Lane, said point being in the centerline of Philadelphia Road; thence leaving said point of beginning along the following courses:

South 63 degrees 48 minutes 39 seconds East 301.04 feet;
North 30 degrees 34 minutes 21 seconds East 199.99 feet;
South 63 degrees 43 minutes 06 seconds East 815.31 feet;
South 25 degrees 29 minutes 11 seconds West 402.44 feet;
South 65 degrees 11 minutes 49 seconds East 190.55 feet;
South 40 degrees 41 minutes 44 seconds 97.60 feet;
North 58 degrees 25 minutes 17 seconds West 590.20 feet to the easterly property line of the Jones-Taylor-Henry Family Cemetery;
Thence continuing along the Jones-Taylor-Henry Family Cemetery property line, North 33 degrees 03 minutes 28 seconds East 52.84 feet to the northerly property line of the Jones-Taylor-Henry Family Cemetery;
Thence continuing along the Jones-Taylor-Henry Family Cemetery property line, North 58 degrees 14 minutes 02 seconds West 52.50 feet to the westerly property line of the Jones-Taylor-Henry Family Cemetery;
Thence continuing along the Jones-Taylor-Henry Family Cemetery property line, South 33 degrees 09 minutes 52 seconds West 38.01 feet;
Thence leaving the Jones-Taylor-Henry Family Cemetery property line, North 58 degrees 25 minutes 17 seconds West 680.10 feet to the centerline of Philadelphia Road;
Thence continuing along the centerline of Philadelphia Road, North 30 degrees 50 minutes 36 seconds East 155.57 feet to the point of beginning;

Containing 9.69 acres or 422,096 square feet more or less.

This description is for zoning purposes only and is shall not be used for any purposes other than to accompany the variance petition. This description may not be used for transactions, deeds or agreements.

15th Election District
6th Councilmanic District

Item #0204

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 that is the subject of an upcoming zoning hearing. For those petitions that 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: 2010-0204-A

Petitioner: WHITEMARSH COMMERCE PARK, LLC

Address or Location: ~~jksjfksdlskld~~ 9913 PHILADELPHIA ROAD

Please Forward Advertising Bill to:

Name: JASON VETTORI

Address: 600 WASHINGTON AVE.

SUITE 200

TOWSON, MD 21204

Telephone: (410) 821-0070

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

No.

Date: _____

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount

Total: _____

Rec From: _____

For: _____

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: # 2010-0204-A
9913 Philadelphia Road
S/east side of Philadelphia Road, 521 feet south west of the centerline of Mohrs Lane
15th Election District - 6th Councilmanic District
Legal Owner(s): White Marsh Commerce Park, LLC

Variance: to allow rear yard of 20 feet for building nos. 1-7 and 9-11; to allow a rear yard of 30 feet for building nos. 8 & 9 in lieu of the required 60 feet respectively, and to permit 36 square feet of face area, or, in the alternative, 24 square feet of face area, for the proposed directional sign in lieu of the maximum permitted 3 square feet of face area per sign; to permit a directional sign with a height of 6 feet in lieu of the maximum permitted height of 4 feet in a residential zone and to permit a directional sign with a company name or logo which is more than 50% of the total sign area in lieu of the maximum permitted 30% of the total sign area. For such other and further relief as deemed necessary by the Zoning Commissioner of Baltimore County.

Hearing: Wednesday, March 17, 2010 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 3/625 Mar. 2 231251

CERTIFICATE OF PUBLICATION

3/4/, 2010

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 3/2/,2010.

- [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

2010-0204-A

RE: Case No.: _____

Petitioner/Developer: _____
White Marsh Commerce Park, LLC

_____
March 17, 2010

Date of Hearing/Closing: _____

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: _____
9913 Philadelphia Road

_____

March 2 2010

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

Robert Black 3/4/10

(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 # 2010-0204-A

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

PLACE: Room 104 Jefferson Building 105 West Chesapeake Ave Towson 21204

DATE AND TIME: Wednesday March 17, 2010 at 9:00 A.m.

REQUEST: VARIANCE TO ALLOW REAR YARD OF 20 FEET FOR BUILDING NOS. 1-7 AND 9-11, TO ALLOW A REAR YARD OF 30 FEET FOR BUILDING NOS. 8 & 9 IN LIEU OF THE REQUIRED 60 FEET RESPECTIVELY, AND TO PERMIT 36 SQUARE FEET OF FACE AREA, OR IN THE ALTERNATIVE, 24 SQUARE FEET OF FACE AREA, FOR THE PROPOSED DIRECTIONAL SIGN IN LIEU OF THE MAXIMUM PERMITTED 3 SQUARE FEET OF FACE AREA PER SIGN, TO PERMIT A DIRECTIONAL SIGN WITH A HEIGHT OF 6 FEET IN LIEU OF THE MAXIMUM PERMITTED HEIGHT OF 4 FEET IN A RESIDENTIAL ZONE AND TO PERMIT A DIRECTIONAL SIGN WITH A COMPANY NAME OR LOGO WHICH IS MORE THAN 30 % OF THE TOTAL SIGN AREA OF THE MAXIMUM PERMITTED 30 % OF THE TOTAL SIGN AREA. FOR SUCH OTHER AND FURTHER RELIEF AS DEEMED NECESSARY BY THE ZONING COMMISSIONER OF BALTIMORE COUNTY.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

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

HANDICAPPED ACCESSIBLE

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

February 17, 2010

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: 2010-0204-A
9913 Philadelphia Road
S/east side of Philadelphia Road, 521 feet south west of the centerline of Mohrs Lane
15th Election District – 6th Councilmanic District
Legal Owners: White Marsh Commerce Park, LLC

Variance to allow rear yard of 20 feet for building nos. 1-7 and 9-11; to allow a rear yard of 30 feet for building nos. 8 &9 in lieu of the required 60 feet respectively, and to permit 36 square feet of face area, or, in the alternative, 24 square feet of face area, for the proposed directional sign in lieu of the maximum permitted 3 square feet of face area per sign; to permit a directional sign with a height of 6 feet in lieu of the maximum permitted height of 4 feet in a residential zone and to permit a directional sign with a company name or logo which is more than 50% of the total sign area in lieu of the maximum permitted 30% of the total sign area. For such other and further relief as deemed necessary by the Zoning Commissioner of Baltimore County.

Hearing: Wednesday, March 17, 2010 at 9:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Jason Vettori, 600 Washington Ave., Ste. 200, Towson 21204
White Marsh Commerce Park, LLC, 216 Schilling Circle, Hunt Valley 21031

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 2, 2010.**
(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 2, 2010 Issue - Jeffersonian

Please forward billing to:
Jason Vettori 410-821-0070
Gildea & Schmidt
600 Washington Ave., Ste. 200
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: 2010-0204-A
9913 Philadelphia Road
S/east side of Philadelphia Road, 521 feet south west of the centerline of Mohrs Lane
15th Election District – 6th Councilmanic District
Legal Owners: White Marsh Commerce Park, LLC

Variance to allow rear yard of 20 feet for building nos. 1-7 and 9-11; to allow a rear yard of 30 feet for building nos. 8 &9 in lieu of the required 60 feet respectively, and to permit 36 square feet of face area, or, in the alternative, 24 square feet of face area, for the proposed directional sign in lieu of the maximum permitted 3 square feet of face area per sign; to permit a directional sign with a height of 6 feet in lieu of the maximum permitted height of 4 feet in a residential zone and to permit a directional sign with a company name or logo which is more than 50% of the total sign area in lieu of the maximum permitted 30% of the total sign area. For such other and further relief as deemed necessary by the Zoning Commissioner of Baltimore County.

Hearing: Wednesday, March 17, 2010 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.

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

March 11, 2010

Jason T. Vettori
Gilddea & Schmidt, LLC
600 Washington Ave. Ste. 200
Towson, MD 21204

Dear: Jason T. Vettori \

RE: Case Number 2010-0204-A, 9913 Philadelphia Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 26, 2010. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
White Marsh Commerce Park, LLC; 216 Schilling Cir.; Hunt Valley, MD 21031-1127

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 3, 2010

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For February 15, 2010
Item Nos. 2010-0201, 202, 203 and
204

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

DAK:CEN:cab
cc: File
G:\DevPlanRev\ZAC -No Comments\ZAC-02152010 -NO COMMENTS.doc

BALTIMORE COUNTY
MARYLAND

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 10, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 01, 2010

Item Numbers: 0201,0202,0203,0204

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

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

SHA State Highway Administration

Beverley K. Swaim-Staley, *Secretary*
Neil J. Pedersen, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: FEB. 22, 2010

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

RE: Baltimore County
Item No. 2010-0204-A
MD 7
9913 PHILADELPHIA RD
WHITE MARSH COMMERCE
PARK, LLC
VARIANCE -

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 02/12/10. A field inspection and internal review reveals that an entrance onto MD 7 is not consistent with current State Highway Administration guidelines is required. As a condition of approval for 9913 PHILA. RD, Case Number 2010-0204-A the applicant must contact the State Highway Administration to obtain an entrance permit.

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

Very truly yours,

Michael P. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB
Cc: Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 16, 2010

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

RECEIVED
MAR 16 2010
ZONING COMMISSIONER

SUBJECT: 9913 Philadelphia Road
Nottingham Self Storage

INFORMATION:

Item Number: 10-204

Petitioner: White Marsh Commerce Park, LLC

Zoning: **DR 3.5, ML-IM**

Requested Action: **Variance**

Requested Action(s):

1. 238.2 of the BCZR, by way of BCZR § 255.1, to allow rear yards of 20 feet for Building Nos. 1-7 and 9-11 in lieu of the 60 feet required for rear yards; and
2. 238.2 of the BCZR, by way of BCZR to allow a rear yard of 30 feet for Building Nos. 8 and 9 in lieu of the 60 feet required for rear yards; and
3. BCZR § 450.4.3 (v) to permit 36 square feet of face area or, in the alternative, 24 square feet of face area, for the proposed directional sign in lieu of the maximum permitted 3 square feet of face area per sign;
4. BCZR § 450.4.3 (vii) to permit a directional sign with a height of 6 feet in lieu of the maximum permitted height of 4 feet in a residential zone; and
5. BCZR § 450.4.3 (ix) to permit a directional sign with a company name or logo which is more than 50% of the total sign area in lieu of the maximum permitted 30% of the total sign area.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning can not support the requested variances. Revise the plan to include a future right-of-way of approximately 70 feet wide running in a north/south direction bisecting the site in the approximate location of the climate controlled building.

Preliminary planning efforts in the area indicate a need for a road connection through this property (Mohrs Lane to Middle River Road) in conformance with the Pulaski Highway-BRAC Draft Redevelopment Plan (see attached). This plan was recently prepared and will be included in the Master Plan 2020.

The Office of Planning is in the process of amending the county's Master Plan 2010. The plan was adopted on February 22, 2000, and is slated for its decennial review and amendment. The plan will be

amended in sections, beginning with the Rural Areas portion. On January 21, 2010, the Planning Board voted to adopt the proposed amendment to the "Rural County" chapter of Master Plan 2010 which will eventually be adopted as part of Master Plan 2020. The document, entitled "Master Plan Amendment: Rural Areas" has been forwarded to the County Council for review.

The second phase of the Master Plan 2020 includes a "water resources element" (WRE). To protect the quality and quantity of all water resources in our area (public drinking water supplies, well water, storm water, sewer outfalls and septic discharges), we must analyze the existing and future impacts of development. Strategies to reduce pollutant levels are being examined, and a plan selected which will reduce pollutant levels.

The Office of Planning, in partnership with all other County agencies, is working on a proposal for redevelopment of existing commercial properties in need of rehabilitation, with an emphasis on mixed use (commercial and residential), walkable, and transit-oriented sustainable development. This type of development will be able to accommodate our growing population, protect our existing neighborhoods, and preserve and enhance the natural environment.

Public input meetings (4) on this amendment are scheduled during March 2010 (March 2, 9, 16, and 23) and the first draft of Master Plan 2020 is scheduled for publication in the spring of 2010.

It would be premature to approve the proposed plan and variances for Nottingham Self Storage at 9913 Philadelphia Road while the Master Plan 2020 planning efforts are on-going without the plan being revised to reflect the above referenced road connection. Therefore, the Office of Planning recommends denial of the requested relief.

For further questions or additional information concerning the matters stated herein, please contact Lynn Lanham in the Office of Planning at 410-887-3480

Prepared by: _____

Director: _____
AFK/LL
attachment

RE:	PETITION FOR VARIANCE 9913 Philadelphia Road; SE/S Philadelphia Road, 521' SW c/line of Mohrs Lane 15th Election & 6th Councilmanic Districts Legal Owners: White Marsh Commerce Park* Petitioner(s)	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 10-204-A

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

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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 all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S Demilio

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

RECEIVED
FEB 16 2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of February, 2010, a copy of the foregoing Entry of Appearance was mailed to Jason T. Vettori Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

PERSONAL AND CONFIDENTIAL
ATTORNEY/CLIENT PRIVILEGED

TO: Thomas H. Bostwick
Deputy Zoning Commissioner

FROM: John E. Beverungen
County Attorney

Adam M. Rosenblatt
Assistant County Attorney

DATE: March 17, 2010

RE: BRAC Conceptual Plan Road

Pursuant to your request, the Law Office has reviewed the above-captioned case and provides the following advise:

In brief, the Office of Planning (in the normal course of reviewing development plans) recommended that a proposed mini-storage development plan be revised to reflect a 70 foot wide proposed roadway. The proposed roadway was shown on the draft redevelopment plan for Pulaski Highway-BRAC, which as the name implies has not been finalized, nor has it been incorporated into the County's Master Plan.

After a brief review of pertinent County Code provisions, I do not believe that Baltimore County can insist upon a reservation and/or dedication in connection with the Nottingham Self Storage Development Plan. While it is true that the County does have authority to impose public reservations in certain circumstances, it is not permitted to do so in the present matter. Specifically, a reservation may be imposed only when a feature of a development plan would "conflict with, interfere with, impede or delay a proposal in the Master Plan." BCC §32-2-301. Given that the proposed road is not reflected in the County's Master Plan, the County has no authority to impose a reservation in these circumstances.

The second issue concerns whether the Director of the Department of Public Works would be entitled to demand the conveyance to the County of a right-of-way and/or easement corresponding to the proposed road shown on the draft BRAC plan, as he is permitted to do in many development scenarios. While that is no doubt true in the general sense, our highest court has held "that in order to exact from a developer a setting aside of land for highway purposes there must be a reasonable nexus between the exaction and the proposed subdivision." *See*

Howard County v. JJM, Inc., 301 Md. 256, 282 (1984). In the present scenario, the mini storage facility is a commercial development, and unlike a residential subdivision (which places many demands of public infrastructure), it would be hard to argue that the dedication of a roadway was necessitated by (i.e., the requisite nexus) the project in question. As such, I do not think that the Director of DPW could insist upon such an exaction from the developer, although the County at least has a better argument on this point than with regard to the Master Plan reservation issue discussed above.

BALTIMORE COUNTY, MARYLAND

SUBJECT: LIMITED EXEMPTION DEVELOPMENT PLAN COMMENTS – 2nd Review

FROM: PDM - ZONING REVIEW DATE: 08/102009

PROJECT NAME:	NOTTINGHAM SELF STORAGE	PLAN DATE 05/26/09
PROJECT NUMBER:	08-105	PDM NUMBER: 15-945
DRC #	052907I	DISTRICT: 15c6
LOCATION:	9913 PHILADELPHIA RD.	ZONING: ML-IM, DR 3.5

The plan is not approved for zoning due to the following:

The building separation must be **60 feet** pursuant to section 255.1 of Baltimore County Zoning Regulations (BCZR). The proposed building connection component i.e. a pre-stressed concrete beam, is considered an architectural feature and does not serve as a functionally and physically connection between buildings. A variance is required.

Final zoning approval is contingent upon all comments being addressed, the outcome of the requested zoning relief, and the inclusion of the commercial checklist information being included on the building permit site plans.

Aaron Tsui
Planner II, Zoning Review

Item # 0204

PLEASE PRINT CLEARLY

CASE NAME Whitemarsh
CASE NUMBER
DATE 3-17-10

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Lawrence E Schmidt	600 Washington Ave	Towson MD 21204	
~~Richard~~ & Chelsey & Nick	1129 Gypsy Ln	W Towson 21286	

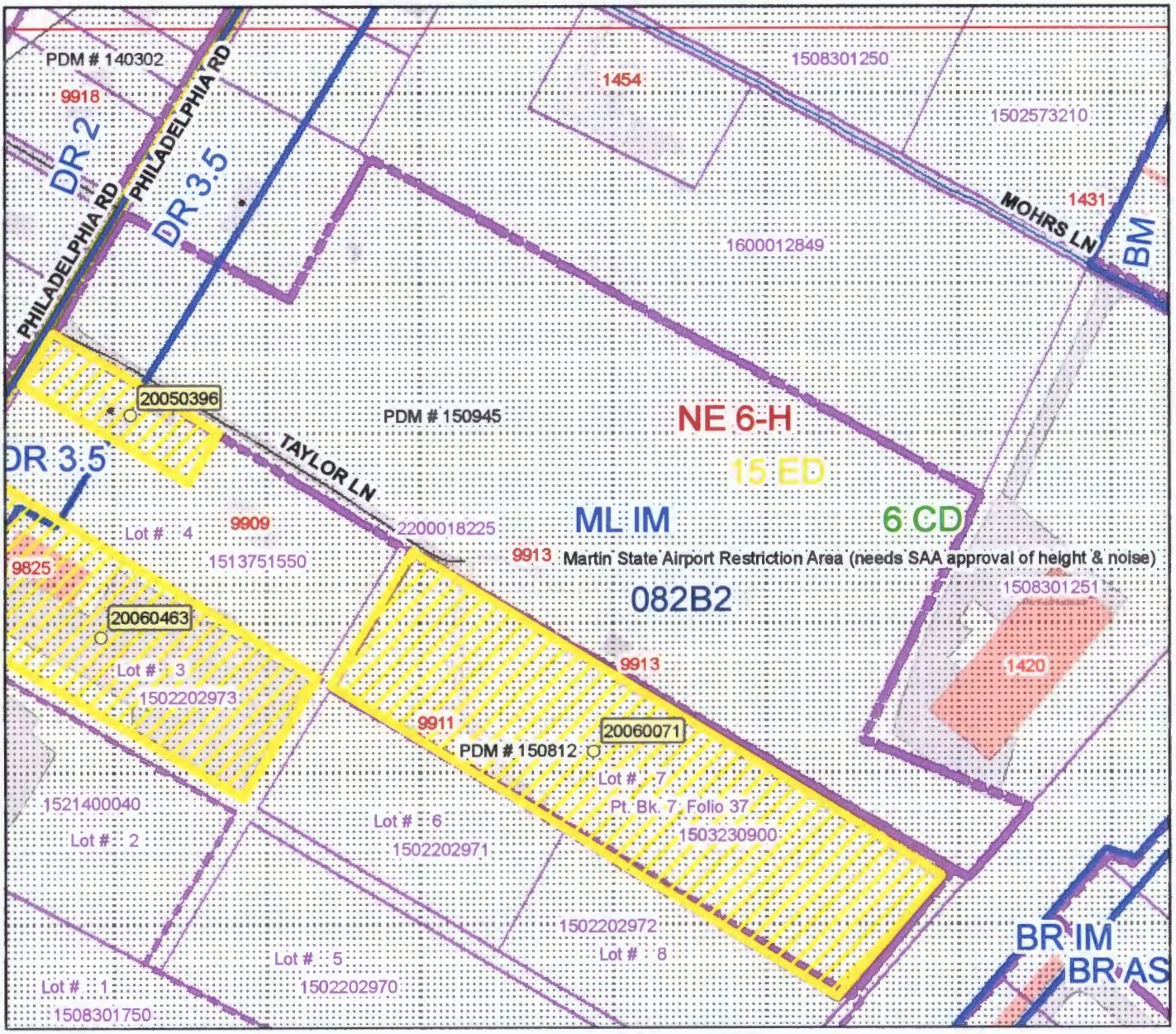
PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
John Dudzinski	10,000 Phila. Rd.	Balto MD 21237	
JUDITH DAVIES	9929 PHILADELPHIA RD	ROSEDALE MD 21237	
Sharon Waddill	9918 Philadelphia Rd.	Balto MD 21237	
Richard DeSimone	9207 Nottingwood Rd.	BALTIMORE, md 21237	
JOAN BUEDEL	9911 NOTTINGWOOD Rd	ROSEDALE, MD 21237	
Michael Touchard	9919 PhiladelphiaRd	Rosedale, MD 21237.	

9913 Philadelphia Road



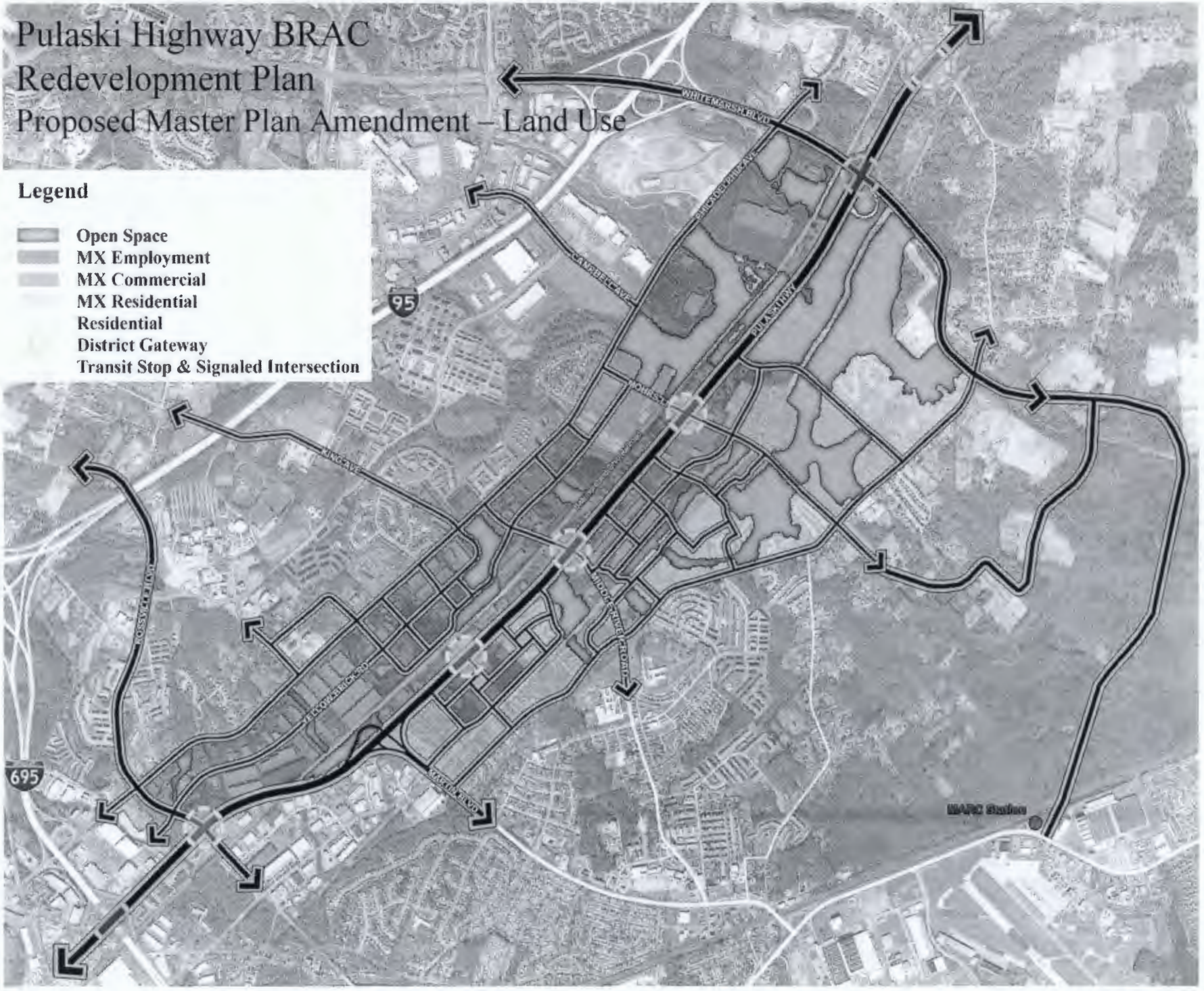
Publication Date: January 26, 2010
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

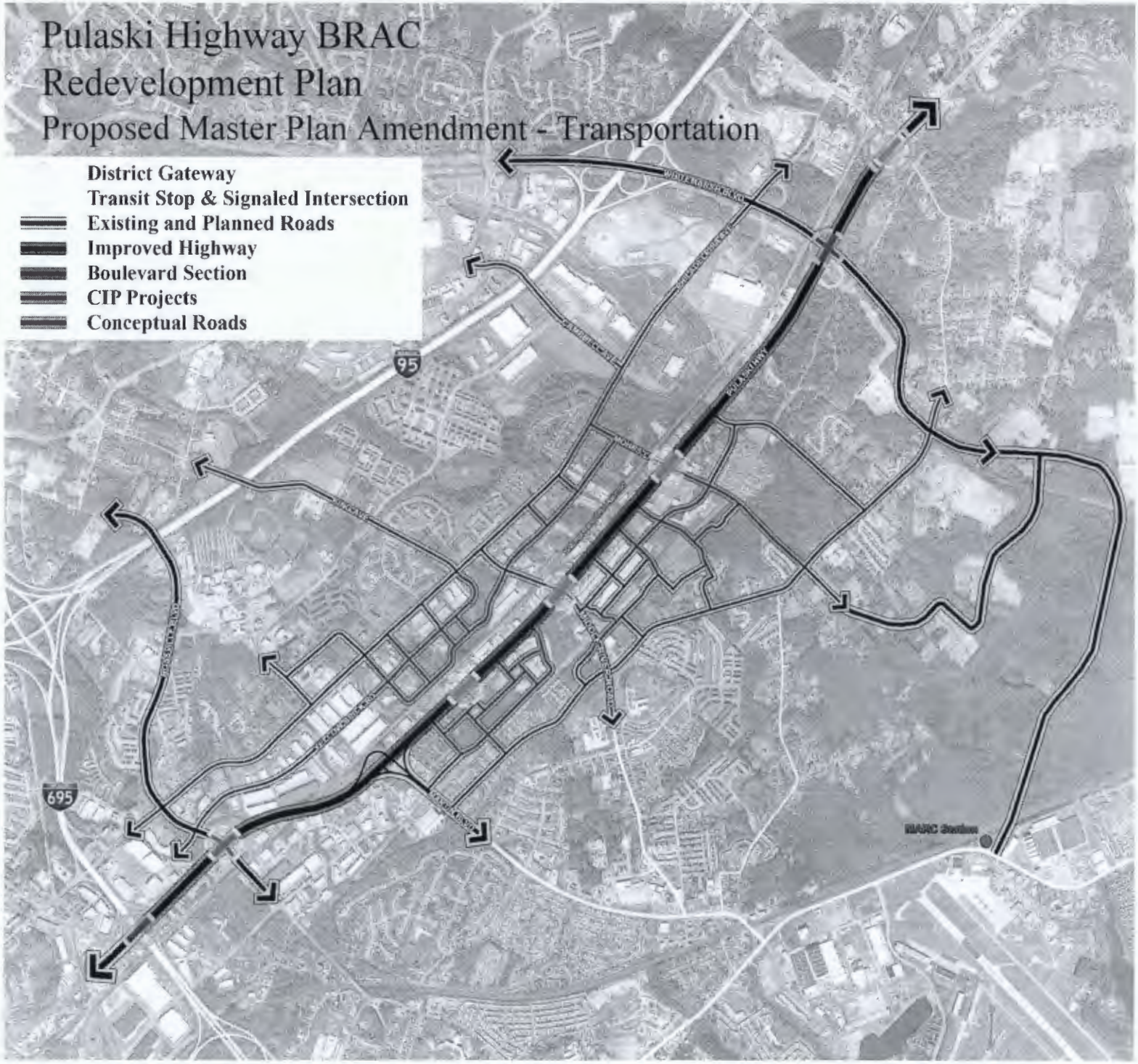
N W E S

200 0 200 Feet

1 inch equals 200 feet

Item #0204


Pulaski Highway BRAC
Redevelopment Plan
Proposed Master Plan Amendment – Land Use
Legend
Open Space
MX Employment
MX Commercial
MX Residential
Residential
District Gateway
Transit Stop & Signaled Intersection
WHITEMARSH BLVD
PULASKI HWY
LAMBERT AVE
95
KING AVE
695
BRAC Station

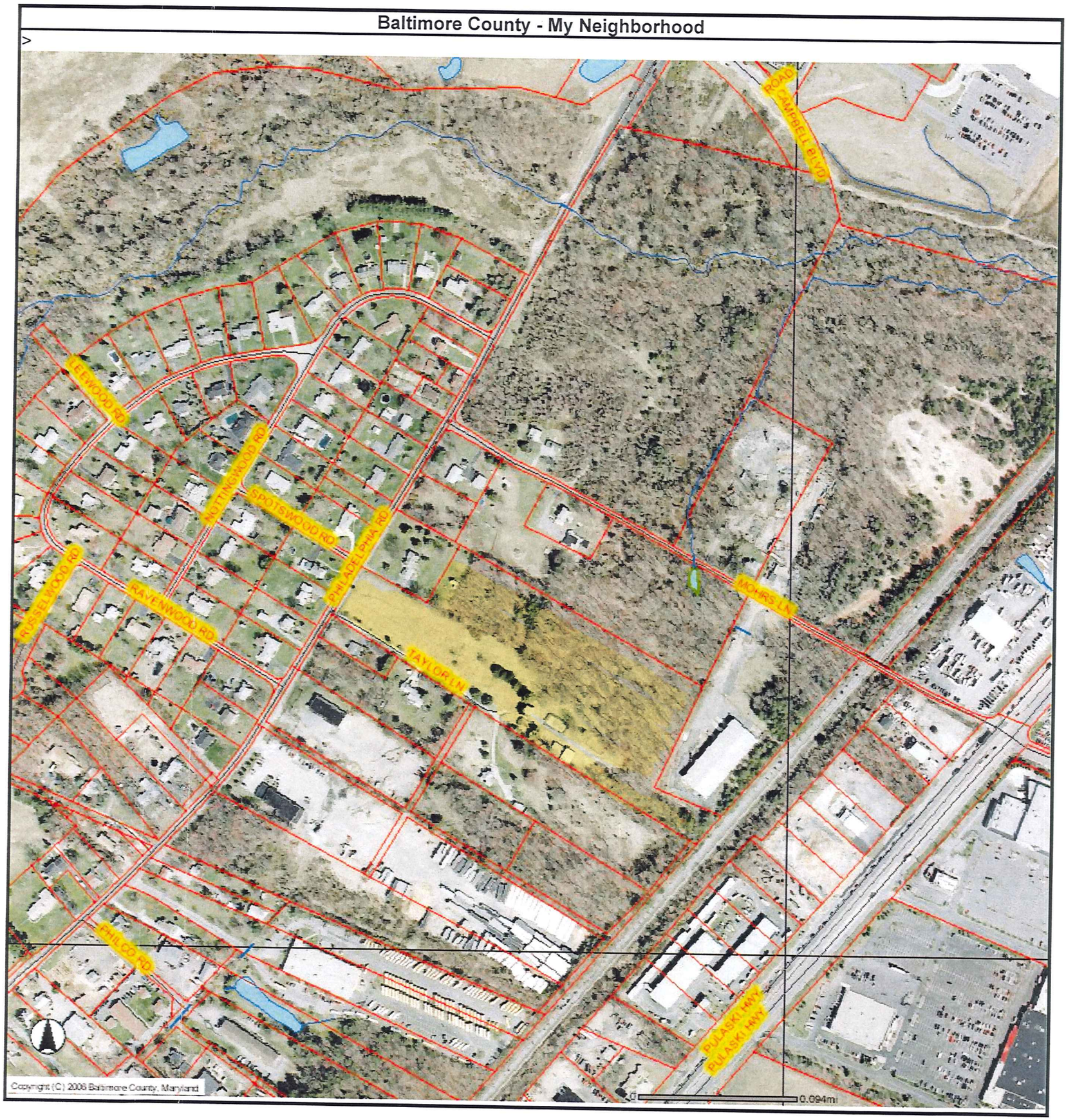

Pulaski Highway BRAC
Redevelopment Plan
Proposed Master Plan Amendment - Transportation
District Gateway
Transit Stop & Signaled Intersection
Existing and Planned Roads
Improved Highway
Boulevard Section
CIP Projects
Conceptual Roads
95
695
BRAC Station

Case No.: 2010-0204-A

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	site plan	3-17-10 letter of opposition
No. 2	map and aerial photos	
No. 3	aerial photos of similar storage units	
No. 4	photos of similar signs in White Marsh	
No. 5	photos of signage on Middle River Rd b/t Phil. Rd + Pulaski Hwy	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

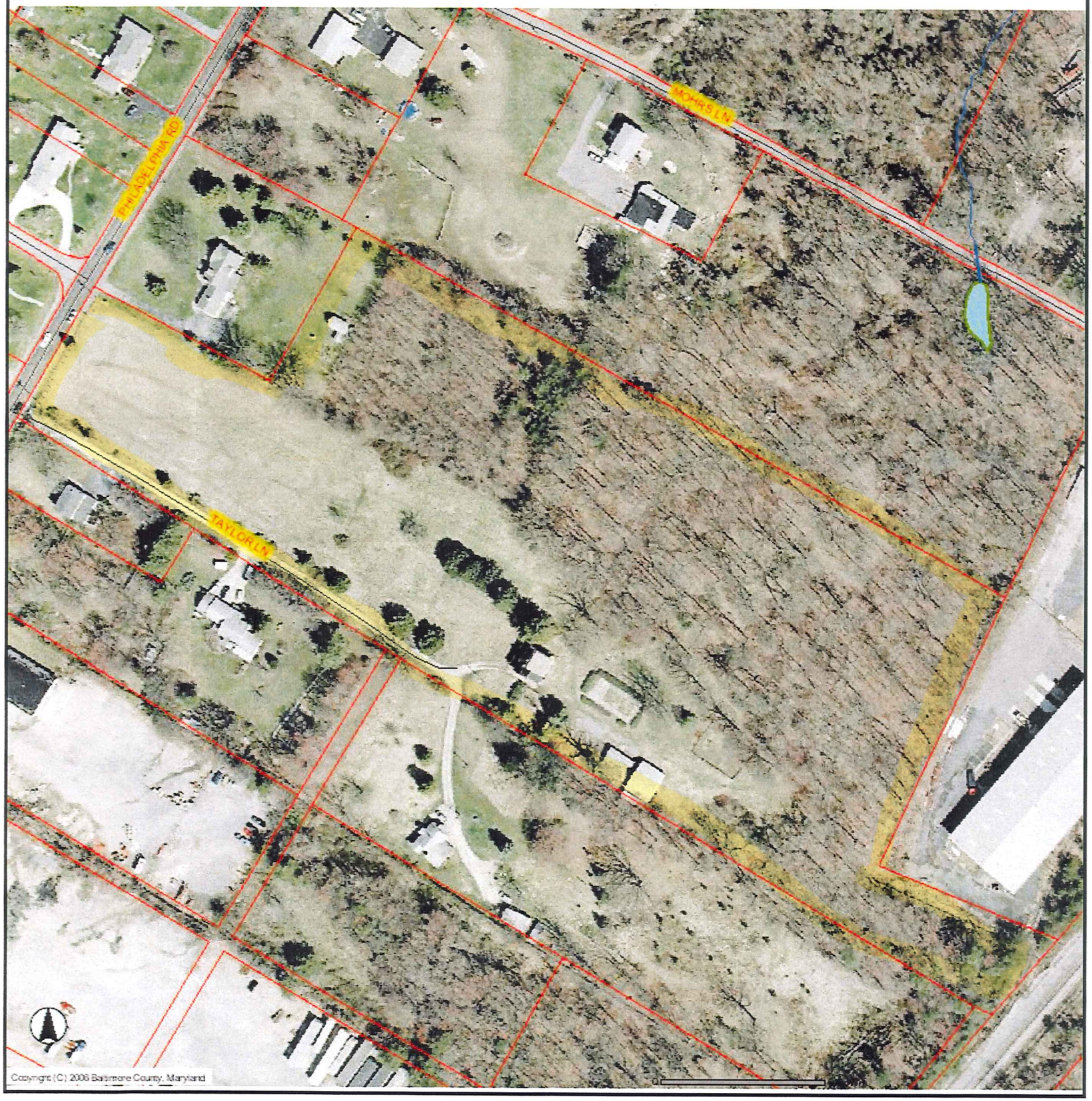
B


Baltimore County - My Neighborhood
LEEWOOD RD
NOTTINGWOOD RD
SPOTSWOOD RD
PHILADELPHIA RD
RUSSELWOOD RD
RAVENWOOD RD
TAYLOR LN
MOHRS LN
ROAD
CAMPBELL BLVD
PHILCO RD
PULASKI HWY
PULASKI HWY
Copyright (C) 2008 Baltimore County, Maryland
0.094mi

C

Baltimore County - My Neighborhood

>

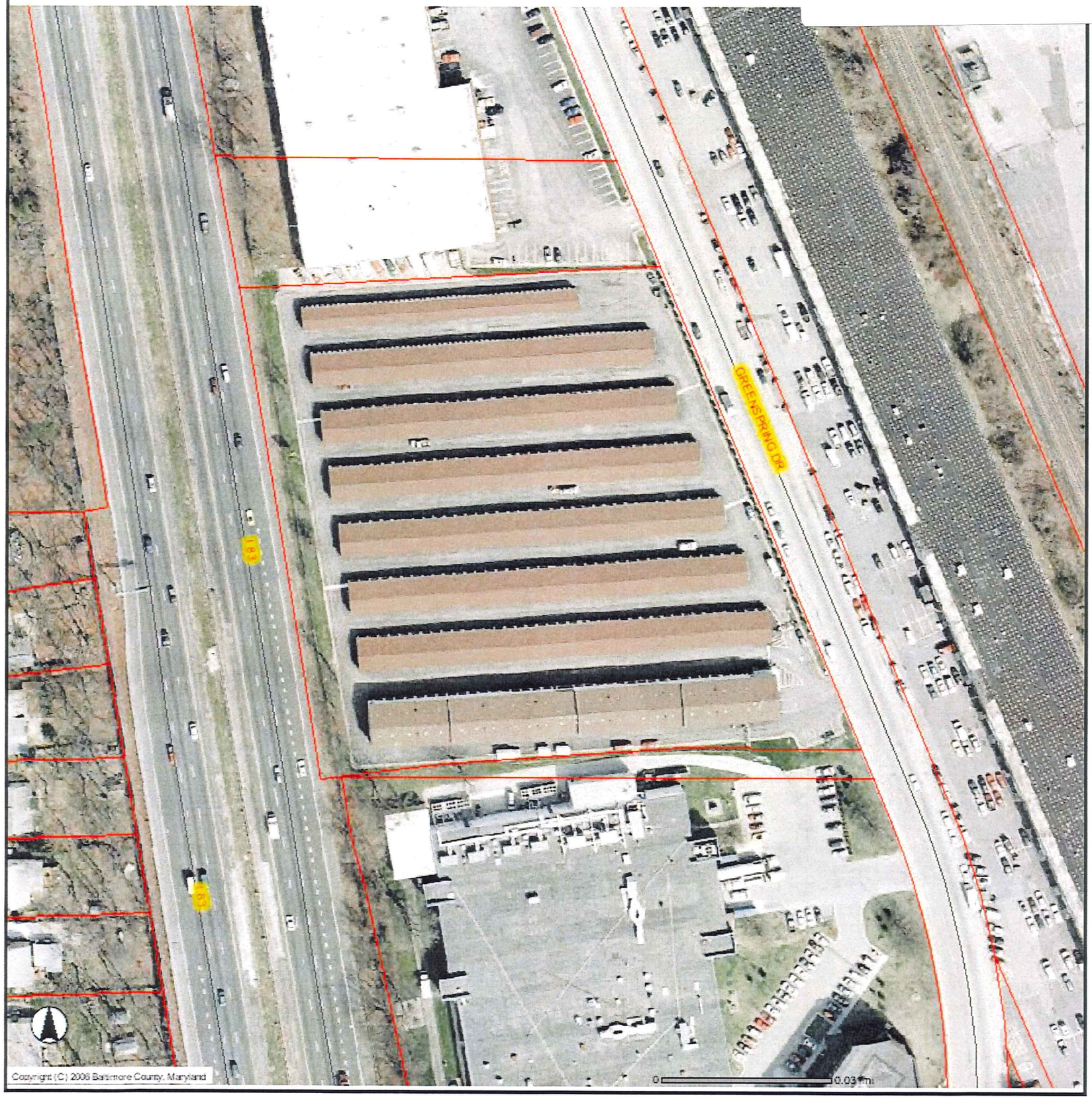


Turonian

PETITIONER'S

EXHIBIT NO. 3A-F

Baltimore County - My Neighborhood



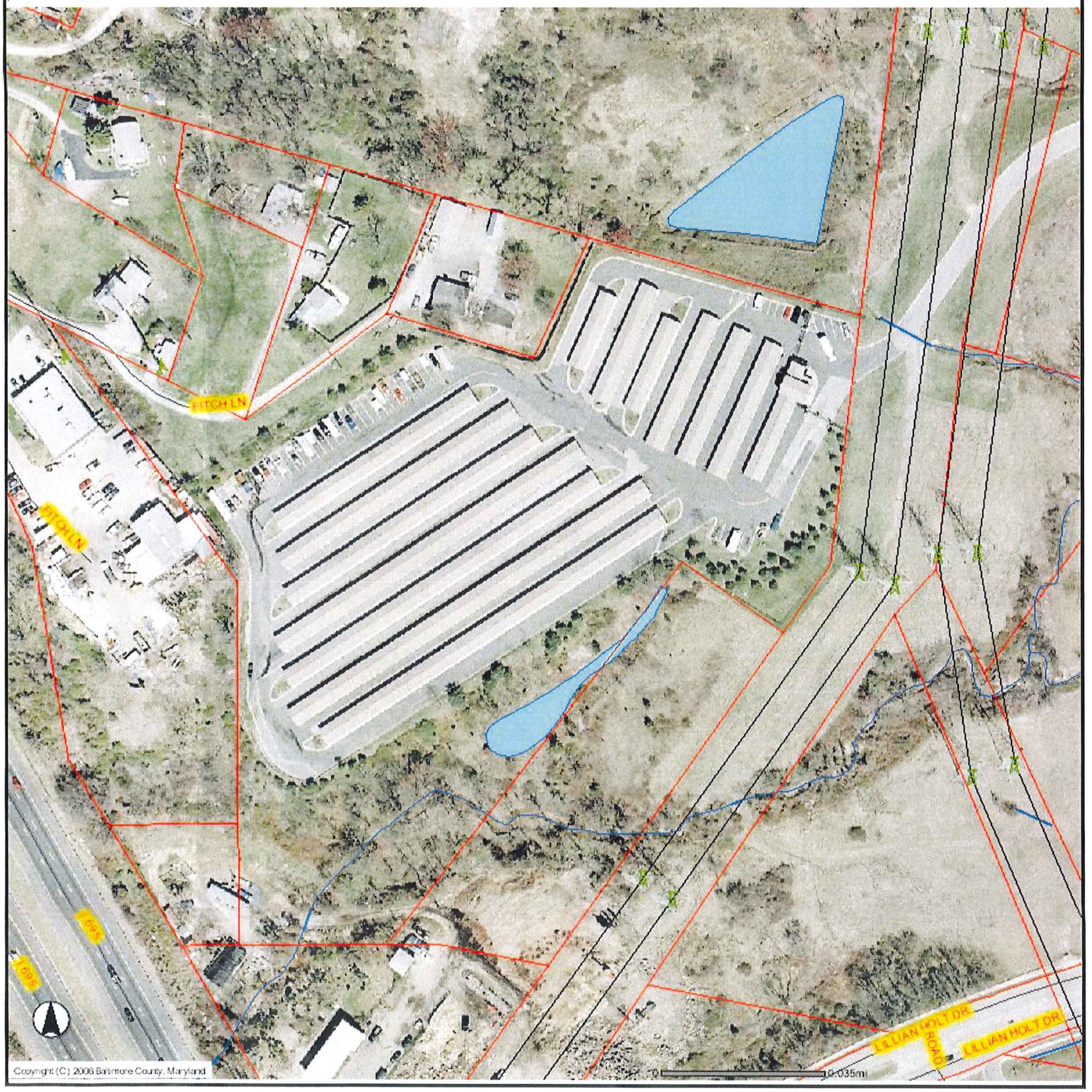
Baltimore County - My Neighborhood

1 on Belair Road + Rossville

Baltimore County - My Neighborhood

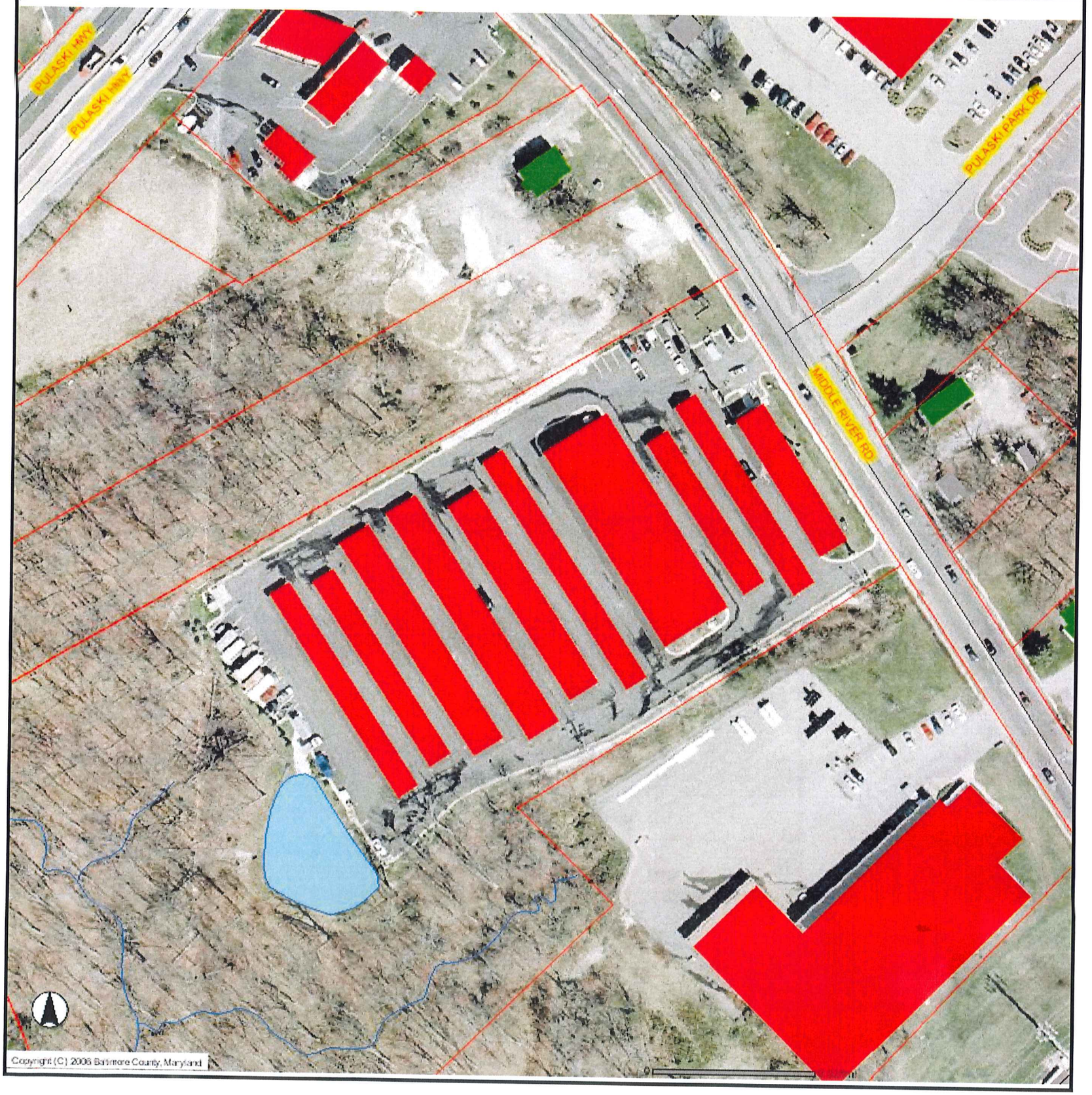
Rockfield + Fitch Lane

Baltimore County - My Neighborhood



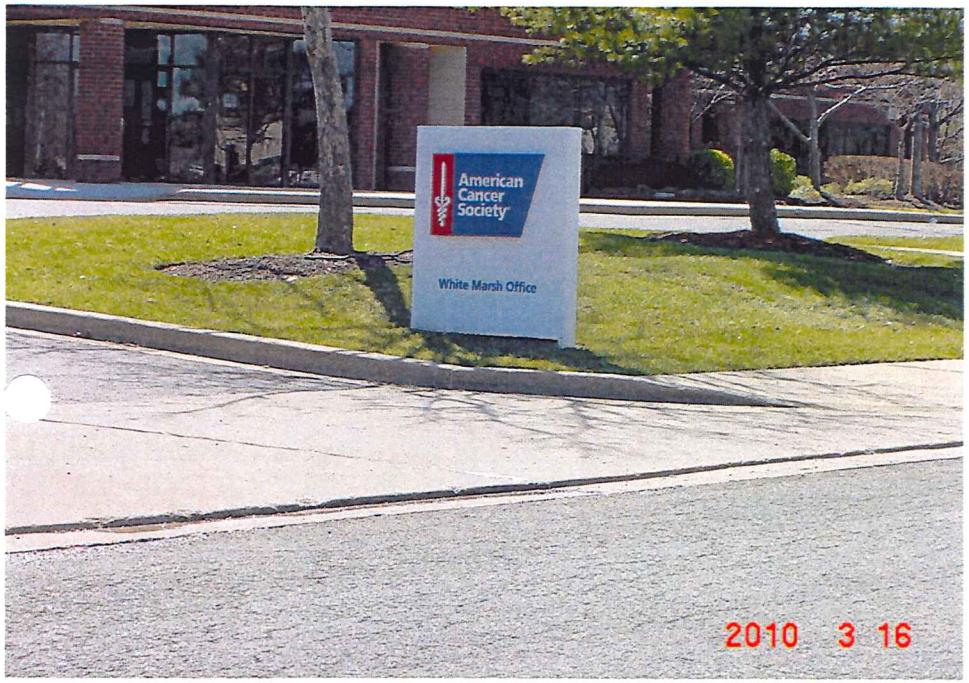
Middle River Road near Pulaski Hwy

Baltimore County - My Neighborhood



PETITIONER'S

EXHIBIT NO. 4A-K

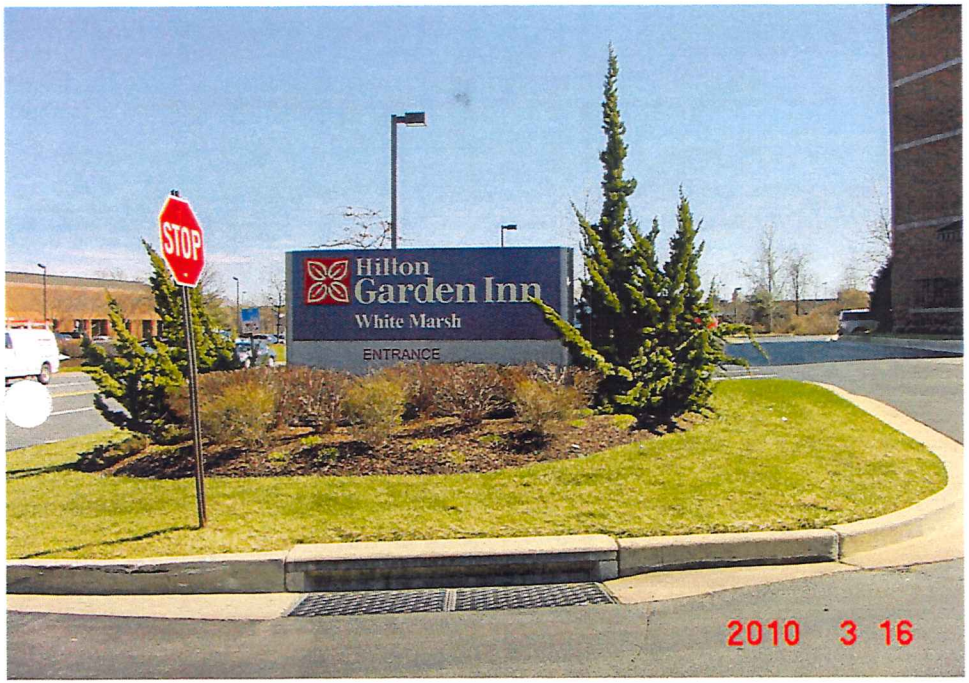



Red Lobster
2010 3 16


Comcast
2010 3 16


CORPORATE PLACE
2010 3 16


ITALIAN
Bertucci's
RESTAURANT
2010 3 16


STOP
Hilton
Garden Inn
White Marsh
ENTRANCE
2010 3 16


HAGEMEYER
2010 3 16


THE APARTMENTS AT
CAMBRIDGE COURT
2010 3 16

PETITIONER'S

EXHIBIT NO. 5A-M

signage from Middle River Road to Route 40 on Phil. Road


Nottingham
Stuckey's
LAWN & GARDEN
410-391-0799
SPRING IS COMING
CLEAN UP YOUR YARD
WITH FRESH MULCH & TOPSOIL
ADOPT A
HIGHWAY
4511
WAT TEAM
2010 3 16


Campbell BLVD
1ST MARINER BANK
1MARINER MORTGAGE
2010 3 16


White Marsh
OPEN 24 HRS
EVERYDAY
Unauthorized vehicles will be towed at owner's risk and expense to:
Frankford Towing
6300 Belair Road
410-254-3800
Vehicles may be redeemed
24 HOURS A DAY.
Maximum Towing Charge
Maximum Daily Storage
2010 3 16


GTS-WELCO
Industrial Gases and
Welding Equipment
SALES SERVICE
RENT ALS
2010 3 16


CHEVROLET
KOONS
USED CAR OUTLET
2010 3 16


Allison
TRANSMISSION
2010 3 16


5430 WHITE MARSH PROFESSIONAL CENTER 5430
2010 3 16


CARmax
THE AUTO SUPERSTORE
2010 3 16


NISSAN
2010 3 16

Nottingham Improvement Association
Nottingham, Md. 21237

March 17th, 2010

Zoning Hearing # 2010-0204-A
9913 Philadelphia Rd.
White Marsh Storage

Commissioner William Wiseman,

My name is Lorenzo DiCocco and I am the active president of the Nottingham Improvement Association. I live at 9912 Philadelphia Rd. I am writing you this letter because I am unable to attend this hearing # 2010-0204-A.

Our community will be fully impacted by these variance requests and we unanimously oppose all of them. The proposed site at 9913 Philadelphia Rd. has neighbors on three sides of this of project. Allowing the minimum 60 required feet to change would mean that the developer wants to squeeze more storage buildings on this parcel of property. Over crowding is unsightly and will make it extremely difficult for emergency vehicles to get around. We are against any changes to the current zoning regulations that deal with the minimum required feet between buildings.

We also oppose changing the dimensions of the business signs. Larger signs create more unwanted light at night. Size changes would also set precedence for other businesses along Philadelphia Rd. The business signs we have up in our community are large enough for everyone to see and they do not need to be any larger.

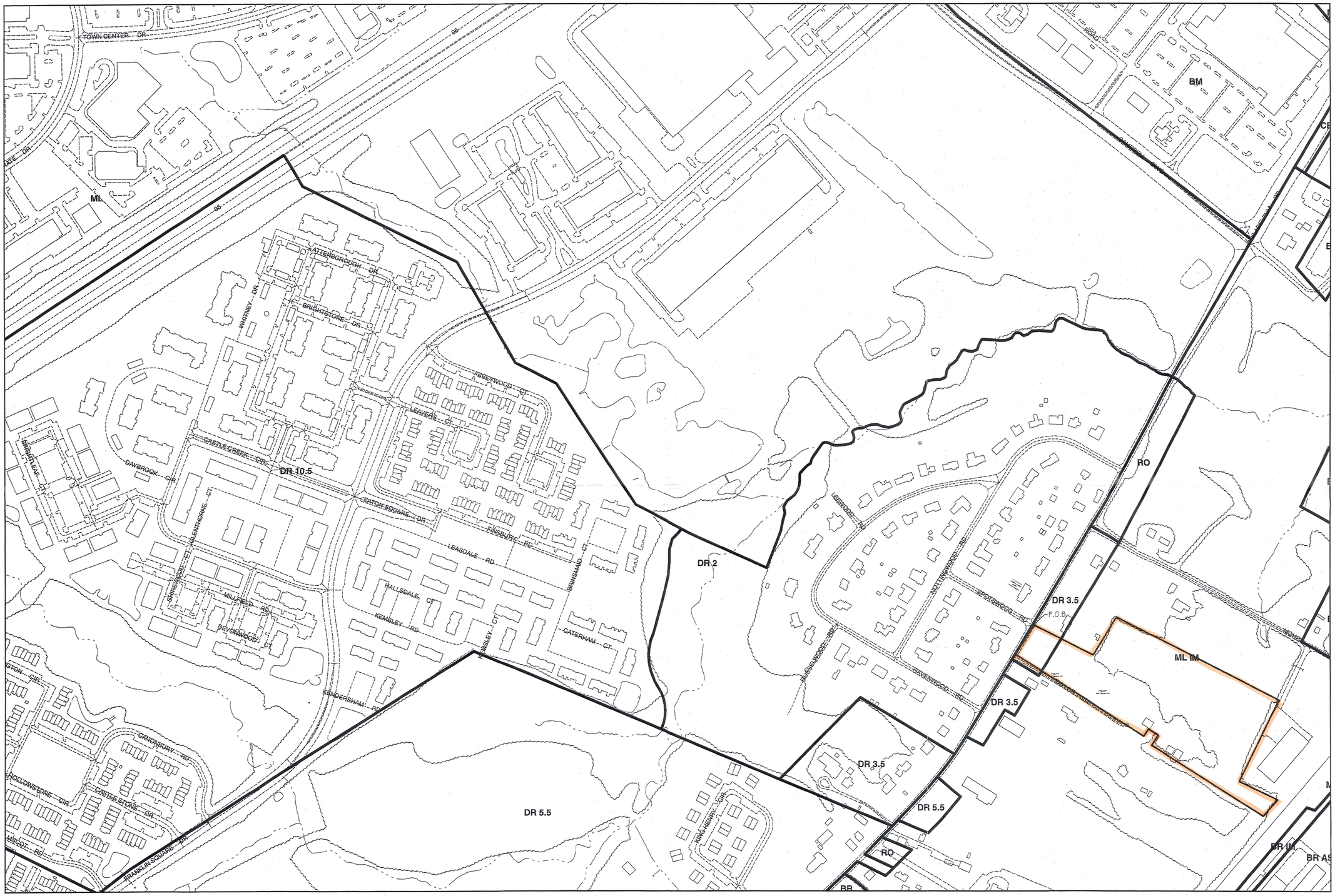
Please consider our opposition to these zoning variances and leave the zoning regulations unchanged.

Thank you Commissioner Wiseman,

Lorenzo DiCocco

(President N I A) Lorenzo DiCocco

~~PETITIONER'S~~
PROTESTANTS
EXHIBIT NO. 1



Plan Sheet: *082B2*

Note:
The zoning depicted in this application incorporates the actions associated with 2008 Comprehensive Zoning Map Process, zoning changes associated with an adopted Community Plan and Baltimore County Board of Appeals actions through December 31, 2008.

Legend

Buildings — Streams — Vegetation
Zoning — Roads — Rail Lines

Baltimore County
Office of Planning and Zoning
Official Zoning Map

081C1	082A1	082B1	082C1	083A1
081C2	082A2	082B2	082C2	083A2
081C3	082A3	082B3	082C3	083A3

Scale
1" = 200'
0 100 200 400 Feet

N

Data Sources:
Planametric Data - Baltimore County OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2008

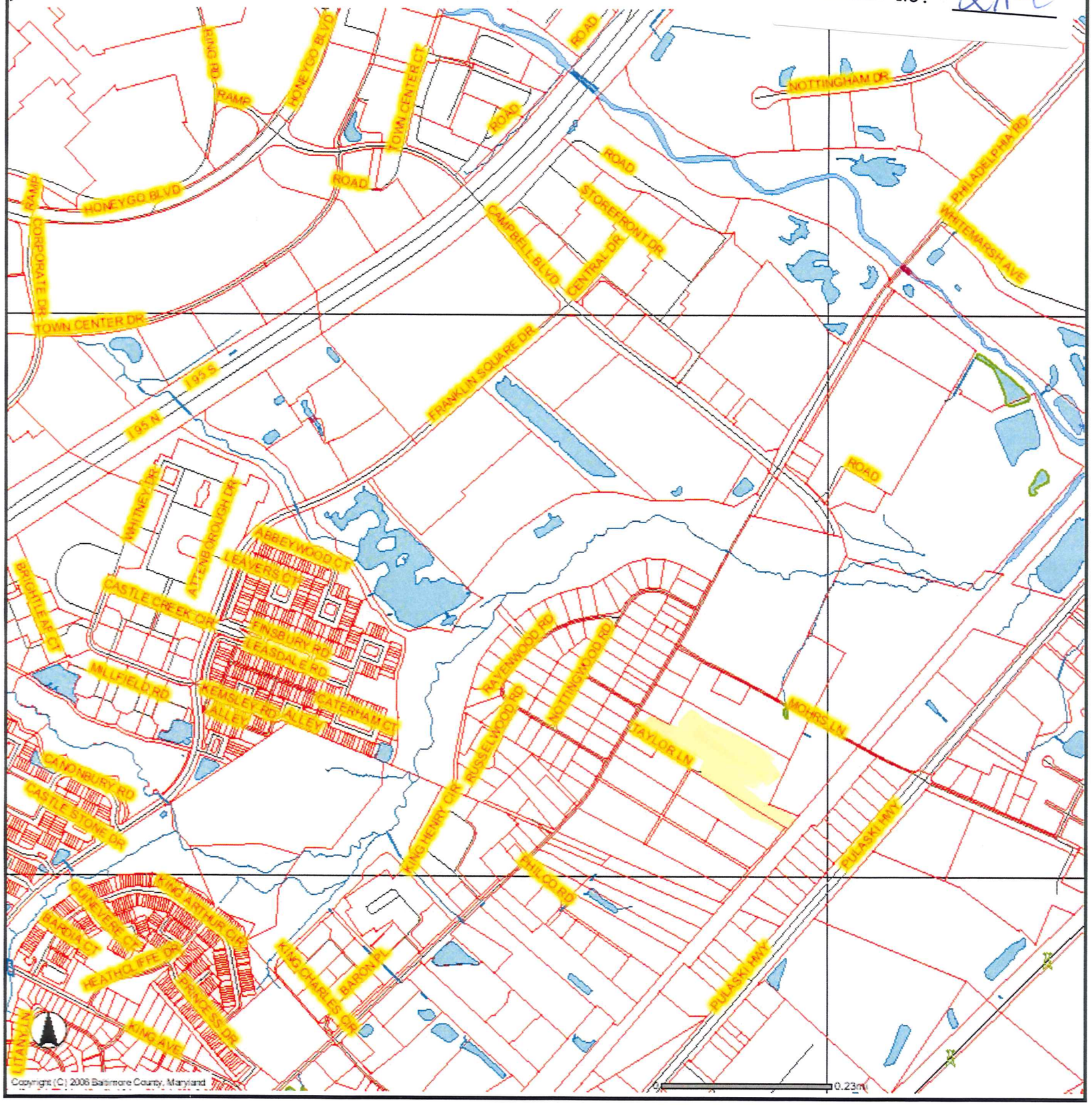
Item #0204

A

PETITIONER'S

EXHIBIT NO. 2A-C

Baltimore County - My Neighborhood



ZONING HISTORY

CASE No. 07-156-SPH

Petition 07-156-SPH, granted by the Zoning Commissioner on December 15, 2006, approved a waiver pursuant to Sections 32-4-107(a) and 32-4-107(b) of the Baltimore County Code (B.C.C.), of the requirements of Sections 32-4-223(8) and 32-4-416(a)(2), to raze a structure (dwelling) placed on the Maryland Historical Trust inventory of Historic Properties (BA # 3177), subject to the following restrictions:

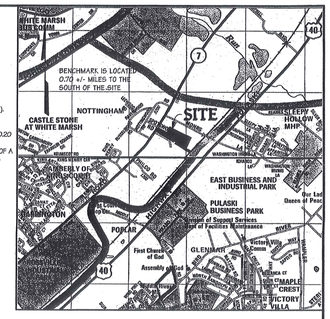
1) Petitioner may apply for their razing permit and be granted the same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of the Order has expired. If an appeal is reversed, the relief granted herein shall be rescinded.

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

BENCHMARK

Designation: 015 10 PID: AC7695
North 569,382.69 East 1,457,855.63
Elevation: 20.46

STATION IS LOCATED ABOUT 6.0 MI EAST OF BALTIMORE AND ABOUT 2.0 MI NORTHEAST OF DUNDALK. TO REACH STATION FROM I-695 (BELTWAY) TAKE EXIT 41 TO COVE ROAD AND NORTH POINT BLVD (ROUTE 151). TURN RIGHT AND GO NORTH ON NORTH POINT BLVD FOR 0.60 MI TO TRAPPE ROAD. TURN RIGHT ON TRAPPE ROAD AND GO 0.15 MI TO THE INTERSECTION WITH AN UNNAMED ROAD TO THE LEFT. TURN LEFT AND GO 0.20 MI ALONG THE UNNAMED ROAD TO A T INTERSECTION WITH NORRIS ROAD AND THE STATION ON THE RIGHT. STATION MARK IS SET IN THE TOP OF A 10 IN DIAMETER CONCRETE MONUMENT SET FLUSH WITH THE GROUND. IT IS 70.80 FT SOUTHEAST OF A SANITARY SEWER MANHOLE, 60.26 FT SOUTHEAST OF THE CENTERLINE OF NORRIS ROAD, 54.0 FT SOUTH OF TELEPHONE POLE NO. 16, 29.30 FT NORTHEAST OF THE UNNAMED ROAD, 53.4 FT NORTH OF AN UNNUMBERED UTILITY POLE AND 49.15 FT WEST OF THE CORNER OF A CHAIN LINK FENCE.



VICINITY MAP

Scale: 1"=2000'

GENERAL NOTES

1. Existing features shown hereon are based on an ALTA/ACSM survey prepared by G.W. Stephens, Inc.
2. The subject property is not located within the critical area.
3. The site does not lie within a 100-year floodplain.
4. It is intended that forest conservation requirements will be met off site to satisfy subdivision requirements.
5. Existing zoning: ML-IM (Manufacturing, Light - Industrial, Major) DR 3.5: (Density Residential 3.5 Units/Acre)
6. Required setbacks in ML:
   a. minimum setback from any lot line other then a street right-of-way line or an abutting property line which is predominantly residentially zoned: 25 feet.
   b. minimum setback from any street line: 35 feet or the average of the setbacks of adjacent structures, whichever is more.
   c. minimum setback if an abutting property line is predominantly residentially zoned, other than a boundary line that lies within a street: 50 feet
7. There are no known active water wells or septic areas on the subject site.
8. Zoning Case No. 07-156-SPH, Special Hearing, see restrictions below:

   1. Petitioner may apply for their razing permit and be granted the same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at their own risk until the 30-day appeal from the date of the Order has expired. If an appeal if filed and this Order is reversed, the relief granted shall be rescinded.
   2. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of the Order.

9. No rare, threatened or endangered species were observed on the property.
10. Surrounding land use consists of residential and forested land.
11. Soil types are in accordance with the Soil Survey, Baltimore County, Map No. 40.
12. All signage shall comply with section 450 and other applicable sections of the Baltimore County Zoning Regulations or a variance will be petitioned for.
13. A schematic landscape plan for this site has been prepared and will be submitted to Baltimore County P.D.M.
14. Bureau of Traffic Engineering and Transportation Planning have confirmed that the subject site is not within a traffic deficient area.
15. Building heights will comply with section 254 BCZR or variances will be petitioned for.
16. All parking spaces are 8.5'(w) x 18'(l) and all drive isles are a minimum of 24' wide.
17. Buildings shall meet current building code referenced in Baltimore County.
18. The site is not subject to the Residential Transition Area Requirement (RTA)
19. There are no limitations established by the courts, County Board of Appeals, Planning Board and/or Zoning Commissioner or restrictive covenants recorded with individuals or groups which would limit proposed development on the site.
20. There are no known hazardous materials located on this site as defined by section 7-101 of the Environmental Article of the Annotated Code of Maryland, as from time to time amended.
21. There is a designated historic site contiguous to this property, it is the Jones-Taylor-Henry Family Cemetery, #275, (County Inventory #C1-3177), (MIHP # BA-3177). The site is located along the Southwest property line. Access to the site is provided by way of an existing 15' wide right-to-use road with others for ingress/egress.
22. There are no wetlands onsite.
23. To the best of our knowledge, there have been 2 permits, Permit B667306, to allow razing of 2 garages, and B637560, to allow razing of single family dwelling, issued by PDM.
24. A lighting plan shall be submitted in accordance with IESNA standards in conjunction with a Final Landscape Plan, to Avery Harden, Baltimore County Landscape Architect, for review and approval.
25. Stormwater Management Hydrology has been reviewed and approved with comments by Baltimore County DEPRM on January 29, 2009.
26. A fire flow test will be performed to determine if the water available is adequate for fire protection and domestic service.
27. The developer will investigate and provide a pressure reducing valve (PRV) when the static pressure exceeds 80-psi.
28. A request to purchase 0.9 acres of credits in a DEPRM-approved offsite Forest Conservation forest retention bank was approved by Baltimore County Department of Environmental Protection and Resource Management on August 6, 2008.
29. Bearings and distances shown hereon for easements are approximate and final bearings and distances will be determined at the time of final construction document preparation.

DATA SOURCES:
Topo from - Baltimore County GIS and Field Run Survey by GW Stephens, Inc.
Building locations from owner.
Boundary Survey performed by GW Stephens, Inc.

FOREST BUFFER NOTES

Standard non-disturbance note:

"There shall be no clearing, grading, or disturbance of vegetation in the forest buffer easements, except as permitted by the Baltimore County Department of Environmental Protection and Resource Management."

Protective covenants note: "Any forest buffer easement shown hereon is subject to protective covenants which may be found in the land records of Baltimore County and which restrict disturbance and use of these areas."

SITE DATA

1. Site Address: 9913 Philadelphia Road
2. Tax map #2 Grid 16 Parcel 848
3. Deed reference: S.M. 17700/756
4. Gross Area: 9.69 Acres or 422,086 SqFt.
   SHA R/W Widening 0.0365 Acres or 1,590 Sq. Ft.
   Net Area: 9.653 Acres or 420,506 Sq. Ft.
   DR 3.5: 0.46 Acres or 19,976 Sq. Ft.
   ML-IM: 9.23 Acres or 402,118 Sq. Ft.
5. Existing Zoning: DR 3.5, ML-IM
6. Existing Use: Residential
7. Proposed Use: Self Storage Facility
8. Tax Account Number: 2200018225
9. Open Space Required: N/A
10. Open Space Proposed: N/A
11. 2000 Census Tracts: 415.1701
12. Watershed: Bird River
13. Sub-Sewershed: 14
14. Regional Planning District: Perry Hall/White Marsh
15. 200-scale Map Reference: 08NW2
16. Land Management Areas: Growth Area
17. Owner: White Marsh Commerce Park, LLC
    216 Schilling Circle
    Hunt Valley, MD 21031-1127
18. Parking Required: Office: Required: 1500 SF @ 3.3 Sp/1000SF = 5 P.S.
    Provided: 5 P.S. (Includes 1 Handicap P.S.)
* 19. Building Square Footage (ML-IM Zone):
    Office Building Sq. Ft.: 1,500 Sq. Ft.
    Self Storage Building Sq. Ft.: 69,175 Sq. Ft.
    Total Building Square Footage: 70,675 Sq. Ft.
    Building Square Footage (DR 3.5 Zone): N/A
    Office Building Sq. Ft.: 0 Sq. Ft.
    Self Storage Building Square Footage: 0 Sq. Ft.
    Total Building Square Footage: 0 Sq. Ft.
20. F.A.R. Maximum ML-IM Zone: 2.0
    F.A.R. Maximum DR 3.5 Zone: N/A
21. F.A.R. Proposed ML-IM Zone: 0.176
    F.A.R. Proposed DR 3.5 Zone: N/A
22. ADT Office: 25/1000 SF or 37.5 ADT's
    ADT Warehouses: 2.5/1000 SF or 177 ADT's
    Total ADTs: 214.5

* Proposed Building Square Footage

Office:	1,500 SF
Building #1:	4,400 SF
Building #2:	4,400 SF
Building #3:	6,600 SF
Building #4:	4,400 SF
Building #5:	4,350 SF
Building #6:	8,800 SF
Building #7:	13,325 SF
Building #8:	4,000 SF
Building #9:	6,300 SF
Building #10:	4,200 SF
Building #11:	4,200 SF
Building #12:	4,200 SF

OWNER/APPLICANT

White Marsh Commerce Park, LLC
216 Schilling Circle
Hunt Valley, MD 21031-1127

PLAN

Scale: 1"=50'

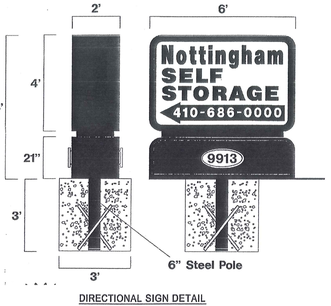
LEGEND

- Existing Building
- Stream
- Existing Contours (400 / 2')
- Existing Trees/ Tree Line
- Forest Buffer Easement
- Existing Curb & Gutter
- Existing Storm Drains (EX. 15" D.)
- Existing Water Main (EX. 8" W.)
- Existing Sanitary Sewer (EX. 8" S.)
- Existing Gas (EX. GAS)
- Proposed Tree Line
- Existing Zoning Line (DR 3.5 / ML-IM)
- Existing Overhead Electric (OHE)
- Existing Underground Electric (UGE)
- Existing Underground High Pressure Gas Main
- Proposed Contours (400 / 2')
- Proposed Building
- Proposed Curb & Gutter
- Proposed Storm Drains (PROP. SD)
- Proposed Sanitary Sewer (PROP. SEWER)
- Proposed Water Main (PROP. WATER)
- Proposed Fire Hydrant (FH)
- Proposed Fence
- Existing Soils Line (ShB (B) / ShC2 (B))
- Existing Driveway to be Removed

PETITION FOR VARIANCE

9913 Philadelphia Road

1. 238.2 of the BCZR, by way of BCZR § 255.1, to allow rear yards of 20 feet for Building Nos. 1-7 and 9-11 in lieu of the 60 feet required for rear yards; and
2. 238.2 of the BCZR, by way of BCZR § 255.1, to allow a rear yard of 30 feet for Building Nos. 8 and 9 in lieu of the 60 feet required for rear yards; and
3. BCZR § 450.4.3(v) to permit 36 square feet of face area, or, in the alternative, 24 square feet of face area, for the proposed directional sign in lieu of the maximum permitted 3 square feet of face area per sign;
4. BCZR § 450.4.3(vii) to permit a directional sign with a height of 6 feet in lieu of the maximum permitted height of 4 feet in a residential zone; and
5. BCZR § 450.4.3(ix) to permit a directional sign with a company name or logo which is more than 50% of the total sign area in lieu of the maximum permitted 30% of the total sign area.
6. For such other and further relief as deemed necessary by the Zoning Commissioner for Baltimore County.



DIRECTIONAL SIGN DETAIL

NOTE: SIGN IS DOUBLE FACED WITH INTERIOR ILLUMINATION

PETITIONER'S EXHIBIT NO. 1

PDM #15-945

Date	No.	Revision Description

Nottingham Self Storage

9913 Philadelphia Road
15th Election District 6th Councilmanic District
Baltimore County, Maryland

CENTURY ENGINEERING
CONSULTING ENGINEERS - PLANNERS
10710 Gilroy Road, Hunt Valley, MD 21031
Phone: 443.589.2400 Fax: 443.589.2401

Plan to Accompany Petition for Zoning Variance and/or Special Hearing

Designed By: R.T.S.	Scale: As Shown	Project No. 27132.00
Drawn By: M.S.S.	Date: Jan. 13, 2010	1 OF 1
Checked By:	Approved:	