

RE: PETITION FOR SPECIAL EXCEPTION *

S/E Side of Hanover Pike, 2,400' N of
Lees Mill Road
(111 Hanover Pike)

5th Election District
3rd Council District

111 Hanover Pike, LLP, *Owner*

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2010-0269-X

* * * * *

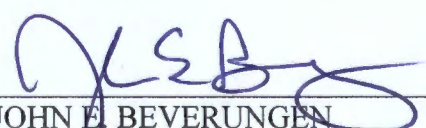
**CLARIFICATION
OPINION AND ORDER**

Upon consideration of the Petitioner's request for clarification of the Special Exception utilization period in the above-captioned matter and pursuant to Section 502.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), it is on this 24th day of July, 2012:

ORDERED, that the request for clarification of the Special Exception utilization period, be and hereby is GRANTED;

IT IS FURTHER ORDERED that the Special Exception utilization period in the above-captioned matter shall expire on June 14, 2015.

All other aspects of the Zoning Commissioner's Order dated June 14, 2010 shall continue in full force and effect.



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

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Date 7-24-12

By DW



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

July 24, 2012

G. Scott Barhight, Esquire
Adam D. Baker, Esquire,
Whiteford, Taylor & Preston, L.L.P.
Towson Commons, Suite 300
One West Pennsylvania Avenue
Towson, MD 21204

RE: PETITION FOR SPECIAL EXCEPTION
(111 Hanover Pike)
Case No. 2010-0269-X *SMZ*

Dear Counsel:

I am in receipt of your letter dated July 16, 2012, regarding the captioned matter.

I have now had an opportunity to review former Zoning Commissioner Wiseman's Order in this case, as well as the Declaration of Restrictive Covenants which was attached and incorporated into that Order. You are correct that the Zoning Commissioner failed to specify in the Order the time period provided for utilization of the special exception, as required by the regulations. *See* B.C.Z.R. § 502.3 ("the Zoning Commissioner ... in connection with the grant of any special exception, shall fix within the foregoing limits (i.e., between two and five years) the period of time for its utilization").

In this case, representatives from the Baltimore County Department of Economic Development testified that they supported the expansion of your client's business, especially in light of the recent economic downturn. And it has been that economic malaise, as reflected in your letter, which has delayed your client's construction of the improvements approved in the Zoning Commissioner's Order. In these circumstances, a five year period of utilization for the special exception seems entirely appropriate, and I will issue an Order clarifying the Zoning Commissioner's Opinion in this regard. Of course, all other aspects of the original Order will continue in full force and effect.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the typed name.
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Michael Snyder, Esquire, Coady & Farley, 400 Allegheny Avenue, Suite 2, Towson, MD 21204
S. Glenn Elseroad, Vice President, Hanover Road Association, 5423 Mt. Gilead Road,
Reisterstown, MD 21137

WHITEFORD, TAYLOR & PRESTON L.L.P.

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July 16, 2012

The Honorable John E. Beverungen
Office of Administrative Hearings
105 W. Chesapeake Avenue
Towson, Maryland 21204

**Re: Request for clarification and/or extension of timeframe for utilizing
Special Exception granted in Case No. 2010-0269-X**

Dear Judge Beverungen,

Whiteford, Taylor & Preston, LLP, represents 111 Hanover Pike, LLC, the owner of the property located at 111 Hanover Pike in Baltimore County. Our client operates its contracting business, Brothers Services Company, from this location. In 2010, we obtained Special Exception relief for our client in order to allow the expansion of its business operation on the property. I have enclosed a copy of the order for your reference.

In light of the recession, our client has been unable to move forward with the construction permitted under the Special Exception. In the 2010 order, you will notice that the Zoning Commissioner failed to indicate a specific time period during which the Special Exception approval must be utilized, per Section 502.3 of the Baltimore County Zoning Regulations ("BCZR"). On behalf of our client, we respectfully request a clarification of the Special Exception utilization period with the caveat that should the utilization period run two years from the date of final order that it be extended to five years from the date of final order. I have attached an order for your consideration.

Thank you for your attention in this matter. Should you have any questions, please feel free to contact me.

Sincerely,


Adam D. Baker

The Honorable John Beverungen
July 18, 2012
Page 2

Cc: John Martindale
G. Scott Barhight, Esq.
Timothy M. Kotroco, Esq.
Michael Snyder, Esq.

AB:adb

Enclosure

2011662

IN RE: PETITION FOR SPECIAL EXCEPTION

111 HANOVER PIKE
S/east side of Hanover Pike,
2400' north of Lees Mill Road

5th Election District
3rd Councilmanic District

111 Hanover Pike, LLC,
Owner

John Martindale, CEO

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 2010-269-X
*
*

* * * * *

ORDER

Upon consideration of the Petitioner's request for clarification of the Special Exception utilization period in the above-captioned matter and pursuant to Section 502.3 of the Baltimore County Zoning Regulations, it be and hereby is on this ____ day of _____, 2012:

ORDERED, that the request for clarification of the Special Exception utilization period be **GRANTED**, and it is

ORDERED FURTHER, that the Special Exception utilization period shall expire on July 14, 2015.

John E. Beverungen
Administrative Law Judge
for Baltimore County

RE: PETITION FOR SPECIAL EXCEPTION *	BEFORE THE
S/E Side of Hanover Pike, 2,400' N of	
Lees Mill Road *	ZONING COMMISSIONER
(111 Hanover Pike) *	FOR
5 th Election District	
3 rd Council District *	BALTIMORE COUNTY
111 Hanover Pike, LLP, <i>Owner</i> *	Case No. 2010-0269-X

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by John Martindale on behalf of 111 Hanover Pike, LLP, the legal owner of the subject property. The Petitioner has requested special exception relief from the following sections of the Baltimore County Zoning Regulations (B.C.Z.R.):

- (1) From Section 236.2 to permit a contractor's equipment storage yard in the B.R.-C.R. zone;
- (2) From Section 259.3.C.1 to permit a 31,500 square foot building in excess of the 8,800 square foot limit pursuant to Section 259.3.B.3;
- (3) From Section 259.3.C.1.a to permit 26,484 square feet of building on the ground floor in lieu of the permitted 6,600 square feet pursuant to Section 259.3.B.3; and
- (4) From Section 259.3.C.1.b to permit a Floor Area Ratio of 0.23 in lieu of the permitted 0.20 pursuant to Section 259.3.B.3.

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

Appearing at the requisite public hearing in support of the requests were John Martindale, partner of 111 Hanover Pike, LLP and CEO of Brothers Services Company, G. Scott Barhight, Esquire and Adam D. Baker, Esquire, of Whiteford, Taylor & Preston, LLP, attorneys for Petitioner; Dean Hoover and Matthew Bishop with Morris & Ritchie Associates, Inc., who

ORDER RECEIVED FOR FILING

Date _____

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3

supervised the preparation of the site plan, schematic landscape plan and elevations for the Petitioner. Also in attendance were S. Glenn Elseroad, Vice President of the Hanover Road Association, and Rick Cobert, with the Baltimore County Department of Economic Development, who each appeared in support of the zoning petition. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is an irregularly shaped parcel containing approximately 5.22 acres of land located in the Hampstead area of northwestern Baltimore County. The property is located directly on the border of Baltimore County and Carroll County and is bisected by the County line with approximately 3.14 acres of the eastern half of the property located in Baltimore County and approximately 2.08 acres of the western half of the property located in Carroll County. The property is zoned B.R.-C.R. (Business Roadside – Commercial Rural District overlay) on the Baltimore County portion of the property that is pertinent to this request, but is accessed from Hanover Pike (Maryland Route 30) with the entire road frontage located on the Carroll County side of the property.

Petitioner submitted an aerial photograph of the surrounding area, which was marked and accepted into evidence as Petitioner's Exhibit 2. The photograph reveals that the property is bordered to the east by a railroad line and the Piney Branch Golf Course. The area southeast of the property appears rural in character and is primarily used for agricultural and residential purposes. Approximately one mile north of the property is the town of Hampstead, which contains a more dense configuration of commercial and residential uses. Indeed, the property lies just south of the Hampstead Bypass, a Carroll County road recently constructed to improve access to the surrounding area.

ORDER RECEIVED FOR FILING

Date

By

Mr. Barhight explained that the property is currently improved with an office building and accessory parking that house the Brothers Services Company, a construction firm that has operated its business from this location for over twenty (20) years. Brothers Services specialize in exterior construction and provides residential and commercial clients with roofing, windows, doors, and skylights, among other services. On account of the growth that the company has experienced over the years, the existing facilities have become outdated and Petitioner is seeking to expand the operation on the property in order to meet the rising demand for their construction services. Specifically, Petitioner has proposed to build an approximately 20,000 square foot enclosed contractor's storage yard and a 10,500 square foot expansion of the existing office building. The proposed construction will enable the Petitioner to expand the business and hire up to fifty additional employees over the next two (2) years. However, given the size of the proposed additions, a special exception is required.

The regulations governing Petitioner's request for special exception are particularly complex due to the location of the property in the Commercial Rural (C.R.) District, which was established in 1988 and codified in Section 259.3 of the B.C.Z.R. In addition to the requirements generally imposed by Section 502.1 of the B.C.Z.R., applicants requesting a special exception for property in the C.R. District are subject to the additional requirements outlined in Section 259.3, including the area regulations contained in Section 259.3.C and the various additional requirements set forth in Section 259.3.E.

Turning first to the Petitioner's request for a contractor's storage yard, this particular use is permitted by special exception in the underlying B.R. zone pursuant to B.C.Z.R. Section 236.2. As stated in Section 259.3.B.1, uses permitted by special exception in the underlying zone are permissible if the proposal meets the bulk regulations contained in Section 259.3.C.1 of

the B.C.Z.R. However, the proposed buildings in this case exceed the bulk regulations of Section 259.3.C.1 in several ways: (1) the gross floor area of the proposed buildings would be 31,500 square feet in lieu of the maximum 8,800 square feet, (2) the ground floor of the proposed building will contain 26,484 square feet in lieu of the maximum 6,600 square feet, and (3) the resulting floor area ratio will be 0.23 in lieu of the maximum 0.20 ratio. Accordingly, Section 259.3.B.3 requires the Petitioner to demonstrate that "the proposed development is in compliance with site design guidelines and performance standards which are part of a duly adopted Master Plan for the district." Additionally, Section 259.3.B.4 states that in addition to the Section 502.1 criteria that generally apply to requests for special exception, any use permitted by special exception in C.R. Districts shall meet the requirements contained in Section 259.3.E, which states as follows:

1. The petitioner shall document the need for the development at the proposed location.
2. The proposed development shall take into account existing and proposed roads, topography, existing vegetation, soil types and the configuration of the site. The proposed development will not disturb slopes with grades exceeding 25%; will minimize disturbance to vegetated areas, wetlands and streams; and will not result in undue site disturbance or excessive erosion and sediment loss. Infiltration will be maximized and stormwater management discharge will be decentralized.
3. Architecturally or historically significant buildings and their settings shall be preserved and integrated into the site plan.
4. The buildings shall be sited to protect scenic views from public roads and so that the natural rural features, including but not limited to pastures, croplands, meadows and trees, are preserved to the extent possible. Additional open space may be required to preserve and enhance the enjoyment of the natural amenities and visual quality of the site.
5. The proposed development will not be detrimental to neighboring uses and the tranquility of the rural area through excessive noise and will not result in a nuisance or air pollution from dust, fumes, vapors, gases and odors. Altogether, the regulations are complex and place a high burden on the Petitioner that is not taken lightly by this Commission. However, as will be explained in greater detail,

ORDER RECEIVED FOR FILING

Date

By

the Petitioner has gone to great lengths to ensure that the request meets all of the aforementioned criteria and has submitted a site plan that is the product of years of negotiations with the surrounding community.

At the outset of the public hearing, Mr. Barhight provided a historical overview of the property and the requested relief. Since 2008, Mr. Martindale has been communicating with the surrounding community, explaining the proposal to expand the facilities for Brothers Services and attempting to propose a site plan that would account for any community concerns. Prior to the 2008 Comprehensive Zoning Map Process (CZMP), the community and property owner reached an agreement where the owner would apply for a zoning change to rezone the property B.R. (initially the owner wanted M.L. but compromised to B.R.) and would submit the site plan proposed today, which includes significant mitigation such as setting the contractors storage yard structure back 200 feet from the road and shielding the building from the neighboring community with a landscaping strip containing a mix of flowers, trees, and shrubs. However, negotiations were contingent on the property being rezoned B.R., and much to the surprise of the owner and the community, the property was rezoned B.R.-C.R. during the CZMP.¹

Following the 2008 CZMP, the property owner resumed discussions with the surrounding community, again attempting to propose a solution where Brothers Services could improve their existing facilities without negatively impacting the surrounding community. The conversations were reduced to writing and the owner agreed to enter into a Declaration of Restrictive Covenants whereby the Hanover Road Association would support this Petition in exchange for the owner making improvements to landscaping, lighting and stormwater management facilities. An executed copy of the Declaration was marked and accepted into evidence as Petitioner's

¹ Mr. Barhight candidly stated that the owners considered filing a petition for reclassification but rezoning the property B.R.-C.R. did not seem to fit into any of the limited grounds for filing such a petition. Accordingly, the owner resumed negotiations with the surrounding community.

Exhibit 5. All of the owner's obligations are incorporated into the site plan submitted at the public hearing, and the Hanover Road Association submitted a letter fully supporting the petition for special exception, stating that the proposed use does not pose any adverse impacts to the surrounding community and explaining that the proposal is a "logical extension of the Brothers Services operation on the property." See Petitioner's Exhibits 6, 7. As previously stated and as reflected on the site plan, the proposed structure will be set back 200 feet from the road and will be shielded from public view and earthen berm and substantial with a strip of vegetation as depicted on the elevations marked and accepted into evidence as Petitioner's Exhibit 4. The majority of the storage will be enclosed in the storage structure, and any loading/unloading will take place behind the building and will be shielded from neighboring citizens and motorists traveling on Hanover Pike.

Mr. Martindale also obtained the support of the Baltimore County Department of Economic Development prior to submitting the petition for special exception. Rick Cobert, who specializes in office and industrial expansion in the Owings Mills and Reisterstown areas of Baltimore County, appeared at the public hearing and testified in support of the petition. Mr. Cobert stated that in light of the recent economic downturn, Baltimore County is actively supporting and encouraging the expansion of successful businesses such as Brothers Services. Additionally, the County aims to support redevelopment rather than sprawl development, and the proposed expansion will create jobs, serve a legitimate corporate purpose, and increase the tax base for Baltimore County. The development will have a multiplier effect for Reisterstown residents who will be employed by Brothers Services and will utilize the services offered by the company. In sum, the Department of Economic Development, similar to the surrounding community, was strongly in favor of the proposed expansion to Brothers Services.

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 May 21, 2010, which state that the Office of Planning opposes the Petitioner's request for special exception. The Office of Planning noted that this property was the subject of 2008 CZMP Issue 3-027, where the Petitioner requested that the property be re-zoned from 0.8 acres of B.R.-C.R. and 2.6 acres of R.C.2 to 3.3 acres of M.L. After discussions with the Hanover Road Association, which is the local community group in the area, the Petitioner decided that they would rather seek B.R. as opposed to M.L. zoning with a 10-foot strip of R.C.2 along the southern boundary of the property. The Office of Planning recommended that the zoning be changed to B.R. for the entire site, including the C.R. overlay insuring that there would not be a large commercial enterprise amidst a rural agricultural setting and along a County designated scenic route. According to the 2010 Master Plan, medical facilities, stores, and other services and amenities should be located within urban areas, and to some extent, rural commercial centers. This area of the County is not a designated rural commercial center and is listed as an Agricultural Preservation Area under the Land Management Areas in the Master Plan 2010 and the property is also included in the Rural Legacy Area. With that said, the Office of Planning would be willing to support buildings that are of a smaller size and more closely conform to the CR District regulations.

Comments were also received from the Department of Environmental Protection and Resource Management (DEPRM) dated May 21, 2010. The DEPRM comment stated that the County line bisects this parcel. Afforestation to meet Forest Conservation requirements may be met for the entire parcel in Baltimore County per an agreement between the Carroll County Planning and Baltimore County DEPRM. The proposed commercial office building permit will

be reviewed by the Groundwater Management Section since the site is on well and septic. Additional comments were received from the Bureau of Development Plans Review dated April 23, 2010. The Bureau stated that it appears that vehicles must cross the outdoor storage yard to get to proposed parking spaces; therefore, the outdoor storage yard should be paved with a durable and dustless surface.

Considering all of the evidence and testimony presented at the public hearing, I am persuaded to grant the requested special exception. As previously stated, in addition to the requirements generally imposed by Section 502.1 of the B.C.Z.R., this Petitioner is subject to the additional restrictions imposed by in Section 259.3 of the B.C.Z.R., including the area regulations contained in Section 259.3.C and the criteria set forth in Section 259.3.E. For the following reasons, I find that the requested relief should be granted.

Turning first to the requirements that generally apply in special exception cases, uses permitted by special exception enjoy a legislative presumption that they are compatible with the uses that are permitted in adjoining areas under the applicable zoning regulations. In *Schultz v. Pritts*, 291 Md. 1, 14 (1981), the leading Maryland case on special exceptions, the Court stated:

[T]he appropriate standard to be used in determining whether a special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.

See, also *People's Counsel for Baltimore County v. Loyola College in Maryland*, 406 Md. 54 (2008) quoting *Schultz* and confirming that the analysis of an individual case must be focused on the particular locality or neighborhood around the proposed site, *Id.* @ 101-102.

There is no evidence that the proposed contractor's equipment storage yard in this particular location would have adverse impacts above and beyond those inherently associated

with such a use throughout the B.R.-C.R. zone. In fact, this request for a storage yard is somewhat unique in that the "yard" will actually be enclosed. Furthermore, the location of the parking and loading area is shielded from public view by the warehouse building, which is amply setback, screened, and buffered from the roadway. Accordingly, there is actually less impact than would be expected from a typical contractor's storage yard throughout the underlying zone.

I am further convinced that this request meets all of the requirements imposed by Section 502.1 of the B.C.Z.R. The Petitioner, and their counsel, should be commended for taking a cooperative approach with the surrounding community and incorporating community concerns with regard to several of the 502.1 factors into the site plan submitted at the public hearing. While this use, absent mitigating factors, may cause adverse impacts on a community, the Petitioner has incorporated a vegetative buffer to shield the proposed building from public view, has set the structure 200 feet back from the roadway, and has developed a layout where all loading and unloading will take place behind a building away from nearby citizens. These factors, as well as the improvements being made to the stormwater management system, ensure that the proposal meets the requirements of Section 502.1 of the B.C.Z.R.

Turning next to the additional requirements contained in Section 259.3 of the B.C.Z.R., I find that the Petitioner has justified the request to exceed the bulk requirements set forth in Section 259.3.C.1 of the B.C.Z.R.² Section 239.3.B.3 requires that buildings exceeding the bulk regulations set forth in Section 259.3.C.1 comply with site design guidelines and performance standards which are part of a duly adopted Master Plan for the district. While the Office of

² It is worth noting that while the regulations require property owners to achieve area modifications from Section 259.3.C via special exception, the request to exceed bulk regulations appears more similar to a request for variance relief, which is typically reviewed under the stringent standards set forth in *Cromwell v. Ward*, 102 Md. App. 691 (1995). Indeed, requests to exceed area regulations in any zone other than the C.R. District would be processed under a request for variance.

Planning noted that this property is located in an area primarily used for residential and agricultural purposes, the comment overlooks the fact that the property is bisected by the Baltimore and Carroll County lines and that the area to the north of the property is filled with a dense mix of commercial and residential uses. Indeed, the subject property lies one mile south of the town of Hampstead, and a bypass was recently constructed to improve access to the area surrounding the subject property. This property is more oriented to the north, as the sole access point is from the Carroll County side to the west of the property. It must be noted that the proposed use is permitted as of right in the B.G. (General Business) zone comprising the western, Carroll County half of the property. However, after discussing this proposal at length with the surrounding community, the Petitioner determined that even though zoning relief would be required in order to set the proposed structure back onto the Baltimore County side of the property, the proposal submitted in this petition would better serve the interests of the surrounding community than forcing the improvements into the western half of the property. Taking into account the community-friendly layout and the development of the area west and north of the property, I find that the proposal is appropriate at this location and is located in a rural commercial center in line with the requirements of Section 259.3B.3 of the B.C.Z.R.

Finally, I find that the Petitioner has satisfied the additional requirements imposed by Section 259.3.E of the B.C.Z.R. Petitioner established that there is a need for the development at the proposed location, which will satisfy the Department of Economic Development's interest in redevelopment rather than sprawl development and the community's interest in setting the structure back from the road to the west of the property. The development will create much needed jobs in this area, and will continue a use that has existed in this location for over twenty years without incident. Petitioner has also made improvements to the existing stormwater

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Date

6-14-10

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23

management facilities and has sited the buildings to protect scenic views from public roads to preserve the natural rural features of the surrounding area. Indeed, the elevations submitted demonstrate that the structure will be largely shielded from public view by a mix of trees, flowers and shrubs. Finally, the proposed development will not be detrimental to neighboring uses or create a nuisance or air pollution from dust, fumes, vapors, gases and odors. In fact, the Hanover Road Association submitted a signed agreement certifying that the development would not pose any adverse impact to the surrounding community. *See Exhibit 6.*

As previously stated, the Petitioner and their attorneys and engineering firm are commended for taking a cooperative approach and working with the surrounding community to present a proposal that fulfills the needs of a growing business without posing any risks to the surrounding community. It was particularly important to take this approach in the case at hand, where the complex C.R. regulations place added restrictions on property owners seeking a special exception. While the burden for obtaining a special exception from these regulations is undoubtedly high, this particular proposal satisfies the regulations, Department of Economic Development, and surrounding community while allowing a growing business to update their facilities to meet the increased demand for their services. For all of these reasons, I find that the request for special exception should be granted.

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

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County this 14th day of June 2010, that the Petition for Special Exception from the following sections of the Baltimore County Zoning Regulations (B.C.Z.R.):

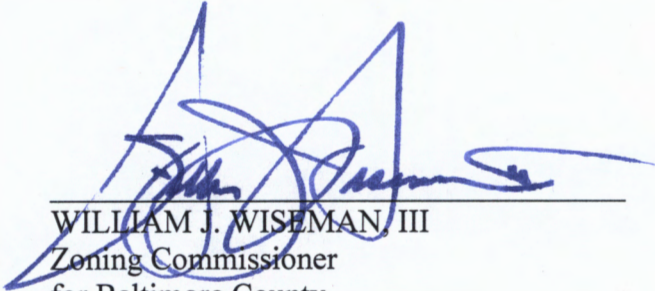
- (1) From Section 236.2 to permit a contractor's equipment storage yard in the B.R.-C.R. zone;

- (2) From Section 259.3.C.1 to permit a 31,500 square foot building in excess of the 8,800 square foot limit pursuant to Section 259.3.B.3;
- (3) From Section 259.3.C.1.a to permit 26,484 square feet of building on the ground floor in lieu of the permitted 6,600 square feet pursuant to Section 259.3.B.3; and
- (4) From Section 259.3.C.1.b to permit a Floor Area Ratio of 0.23 in lieu of the permitted 0.20 pursuant to Section 259.3.B.3.

is hereby GRANTED subject to the following conditions:

1. The Petitioner may apply for its building permits and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed, and his Order is reversed, the relief granted herein shall be rescinded.
2. That the Declaration of Restrictive Covenants, dated May 26, 2010, by 111 Hanover Pike, LLP and entered as Petitioner's Exhibit 5 is made a part of this Order as a condition to the approval. This agreement will be attached to the Order kept in the Zoning Commissioner's Office.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date

6-14-10

By



DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS ("Declaration"), dated this 26th day of May, 2010, is hereby made by 111 HANOVER PIKE, LLP (the "Declarant").

WHEREAS, the Declarant is the owner in fee simple of all that property situate and lying in the 8th Election District of Baltimore County, Maryland, and more particularly described in a Deed dated July 20, 2001, and recorded in the Land Records of Baltimore County in Liber 16175, folio 465, and recorded in the Land Records of Carroll County in Liber 2662, folio 355 from 111 Hanover Pike General Partnership to 111 Hanover Pike, LLP (the "Property");

WHEREAS, the Declarant desires to expand the existing contracting business located on the Property. As part of this expansion, the Declarant proposes the construction of a new office building and the construction of a 20,000± square foot warehouse on the Property. In order to accomplish this goal, the Declarant has filed a Petition for Special Exception with the Zoning Commissioner for Baltimore County (1) to permit a "Contractor's Equipment Storage Yard" pursuant to Section 236.2 of the Baltimore County Zoning Regulations; (2) to permit 31,500 square foot building in excess of the 8,800 square foot limit imposed by Section 259.3.C.1.a of the Baltimore County Zoning Regulations pursuant to Section 259.3.B.3 of the Baltimore County Zoning Regulations; (3) to permit 26,484 square feet of building on the ground floor in lieu of the permitted 6,600 square feet imposed by Section 259.3.C.1.a of the Baltimore County Zoning Regulations pursuant to Section 259.3.B.3 of the Baltimore County Zoning Regulations; and (4) to permit a Floor Area Ratio of 0.23 in lieu of the permitted 0.20 imposed by Section 259.3.C.1.b of the Baltimore County Zoning Regulations pursuant to Section 259.3.B.3 of the Baltimore County Zoning Regulations (the "Petition");

WHEREAS, the Hanover Road Association has agreed to support the Petition on the condition that the Declarant will subject the Property to the restrictive covenants, hereinafter defined and set forth below, which are for the purpose of protecting the value and desirability of the Property and the surrounding area;

WHEREAS, in the event that an appeal of the Petition is filed, the Hanover Road Association has agreed to offer its continued support of the Petition at every stage of the appeals process until either the Petition is approved, no appeals being filed, or the Declarant is unable to prevail on an appeal of the Petition;

WHEREAS, Declarant hereby declares that the Property shall be held, sold, and conveyed for the next ninety-nine (99) years subject to the restrictive covenants set forth below on the condition that the Petition be approved consistent with the intended use and the Declarant is permitted to construct a new warehouse and a new office of the same square footage as set forth in the Petition and on the condition that parking be permitted as shown on the Petition. Provided that the Petition is approved consistent with the intended use and the Declarant is permitted to construct a new warehouse and a new office building of the same square footage as set forth in the Petition, and provided that parking be permitted as shown on the Petition, the Property shall be automatically held, sold, and conveyed subject to the restrictive covenants set forth below for the first fifteen (15) years of this ninety-nine (99) year term. Thereafter, for the remaining eighty-four (84) years of the ninety-nine (99) year term, the Property shall be held,

sold, and conveyed subject to the restrictive covenants set forth below on the condition that the Hanover Road Association, its successors and/or assigns, remains a corporation in good standing in the State of Maryland and continues to exist with the purpose of promoting agricultural and community land preservation. In the event that the building and parking are approved in smaller sizes and 111 moves to construct them, then the restrictive covenants set forth below will still stand.

NOW, THEREFORE, in consideration of the support of the Hanover Road Association and the benefits derived from the Declarant, its successors and/or assigns, the Declarant hereby declares that the Property shall be held, sold and conveyed subject to the following restrictive covenants for the period stated in this Declaration, which are for the purpose of protecting the value and desirability of the Property and the surrounding area and which shall be recorded among the land records of Baltimore County and the land records of Carroll County, and agrees as follows on the condition that the approvals be given based on the Petition and no appeals filed:

1. Landscaping. Within one-hundred and twenty (120) days from the date of the approval of the Petition, the Declarant shall plant six (6) trees along the western border of the Property which fronts on Hanover Pike, south of the existing parking lot. Within one (1) year from the date on which the Use and Occupancy permits are issued for the proposed warehouse and office, the Declarant will add an approximately three to four foot high berm and landscaping along Hanover Pike in front of the proposed two story office building on the Carroll County side of the Property. Within the same one (1) year period, the Declarant will also add an approximately five to six foot high berm and landscaping along the west side of the proposed storage building which faces Hanover Pike on the Carroll County side of the Property. In carrying out the landscaping schedule as set forth in this section, the Declarant shall make all reasonable efforts to landscape the Property in a manner consistent with that shown on the Schematic Site Plan attached hereto as **Exhibit A**. In areas where no future buildings or other improvements are proposed, the Declarant agrees to put forth all reasonable efforts to landscape in a manner that reflects a park-like setting.
2. Lighting. The lighting on the Property shall be designed in a manner that, to the extent possible, is self contained (facing down and in towards the Property).
3. Stormwater management facility. The Declarant will refrain from adding parking or buildings in the future to the southwest corner of the Property in the location of the proposed stormwater management facility and the proposed septic field.
4. Term. The covenants numbered 1 through 3 above (the "Restrictive Covenants") shall run with and bind the Property and shall be enforceable against the Declarant, or its successors and assigns, until the ninety-ninth (99th) anniversary of the date of this Declaration ("Expiration Date"). After the Expiration Date, this Declaration and the Restrictive Covenants contained herein shall no longer bind or run with the Property and shall become void and unenforceable.

5. Condition Precedent. These Restrictive Covenants are conditioned and shall only be applicable and enforceable upon the Petition being granted consistent with the intended use thereby allowing the Declarant the right to construct a new warehouse and construct a new office building on the Property for Declarant's commercial purposes, in a size consistent with the square footage as set forth in the Petition and with parking consistent with that as set forth in the Petition and supporting documentation. In the event that the Petition, is not approved or if the Declarant is unable to prevail on an appeal of the Petition, these Restrictive Covenants shall immediately become null and void ab initio. In the event that the building and parking are approved in smaller sizes and 111 moves to construct them, then the Restrictive Covenants will still stand.
6. Enforcement. Enforcement of the Restrictive Covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant, to restrain the violation. All costs and expenses of prosecuting any proceeding at law or in equity brought to enforce the provisions of the Restrictive Covenants, including reasonable attorneys' fees and expenses, shall be a binding personal obligation of the party against whom the final, unappealed decision is rendered.
7. Separable. The invalidity of any of the provisions of this Declaration shall not affect the validity of any of the other provisions, all of which shall remain in full force and effect.
8. Binding Nature. This Declaration shall be binding upon and inure to the benefit of the Declarant and the Hanover Road Association, their respective successors and assigns and shall touch and concern the Property thus running with and binding upon the Property.
9. Further Assurances. The Declarant agrees to act in good faith and with due diligence and to sign, seal, deliver and acknowledge all documents and take or cause to occur all actions necessary to effect the terms, intentions and conditions hereof.

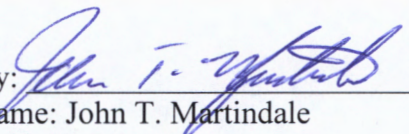
[signatures appear on following page]

WITNESS the due execution of this Declaration of Restrictive Covenants by the Declarant.

ATTEST/WITNESS:

DECLARANT:

111 HANOVER PIKE, LLP

By:  (SEAL)
Name: John T. Martindale
Title: Partner

STATE OF MARYLAND, CITY/COUNTY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY, that on this ____ day of _____, 2010, before me, a Notary Public in and for the State and County aforesaid, personally appeared John T. Martindale, acting in his capacity as Partner for 111 Hanover Pike, LLP, known to me (or satisfactorily proven) to be the Declarant of the within Declaration of Restrictive Covenants and acknowledge that, being authorized to do so, executed the same on behalf of 111 Hanover Pike, LLP for the purposes therein contained.

AS WITNESS my hand and notarial seal.

NOTARY PUBLIC

My Commission Expires:

This is to certify that the within instrument was prepared by an attorney admitted to practice before the Court of Appeals of Maryland.

Adam D. Baker, Esq.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

June 14, 2010

G. Scott Barhight, Esquire
Adam D. Baker, Esquire,
Whiteford, Taylor & Preston, L.L.P.
Towson Commons, Suite 300
One West Pennsylvania Avenue
Towson, MD 21204

RE: PETITION FOR SPECIAL EXCEPTION
S/E Side of Hanover Pike, 2,400' N of Lees Mill Road
(111 Hanover Pike)
5th Election District - 3rd Council District
111 Hanover Pike, LLP, *Owner*
Case No. 2010-0269-X

Dear Counsel:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: John Martindale, CEO, 111 Hanover Pike, LLP, 111 Hanover Pike, Hampstead, MD 21074
Dean Hoover and Matthew Bishop, Morris & Ritchie Associates, Inc.,
1220-C East Joppa Road, Towson, MD 21286
S. Glenn Elseroad, Vice President, Hanover Road Association, 5423 Mt. Gilead Road,
Reisterstown, MD 21137
Rick Cobert, Baltimore County Department of Economic Development
People's Counsel; Office of Planning; DEPRM; DPR; File



Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property
located at 111 Hanover Pike

which is presently zoned BR CR

Deed Reference: 16175 / 465 Tax Account # 0523075265

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

Please see ATTACHED

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

G. Scott Barnhight

Name - Type or Print

Signature

Whiteford, Taylor & Preston, LLP

Company

1 W. Pennsylvania Ave., Suite 300 410-832-2000

Address

Telephone No.

Towson, Maryland 21204-5025

City

State

Zip Code

Legal Owner(s):

111 Hanover Pike, LLP

Name - Type or Print

Signature

JOHN MARTINDALE, CEO

Name - Type or Print

Signature

111 Hanover Pike

410-549-5545

Address

Telephone No.

Hampstead, Maryland 21074

City

State

Zip Code

Representative to be Contacted:

Adam D. Baker

Whiteford, Taylor & Preston LLP

Name

1 W. Pennsylvania Ave., Suite 300

410-832-2052

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

Case No. **2010-0269-X**

REV 07/27/2007

ORDER RECEIVED FOR FILING

Date

6-14-10

By

[Signature]

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

JNP

Date

4/6/2010

1. To permit a contractor's equipment storage yard pursuant to Section 236.2 of the Baltimore County Zoning Regulations; ~~- 1 -~~
2. To permit 31,500 square foot building in excess of the 8,800 square foot limit imposed by Section 259.3.C.1.a of the Baltimore County Zoning Regulations pursuant to Section 259.3.B.3 of the Baltimore County Zoning Regulations;
3. To permit 26,484 square feet of building on the ground floor in lieu of the permitted 6,600 square feet imposed by Section 259.3.C.1.a of the Baltimore County Zoning Regulations pursuant to Section 259.3.B.3 of the Baltimore County Zoning Regulations;; and
4. To permit a Floor Area Ratio of 0.23 in lieu of the permitted 0.20 imposed by Section 259.3.C.1.b of the Baltimore County Zoning Regulations pursuant to Section 259.3.B.3 of the Baltimore County Zoning Regulations;.

415328

2010-0269-X

MORRIS & RITCHIE ASSOCIATES, INC.

ARCHITECTS, ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



Zoning Description

Beginning at a point located on the easterly side of Hanover Pike (Maryland Route 30) which has a width of ± 40 feet at the distance of 2040 feet northerly of the centerline of the nearest intersecting street, Lees Mill Road, which has a width of ± 20 feet. **Thence** the following courses and distances, referred to the Maryland Coordinate System (NAD '83/91):

North 02 degrees 53 minutes 23 seconds West, 529.54' to a point; North 86 degrees 53 minutes 44 seconds East, 398.43' to a point; South 11 degrees 02 minutes 08 seconds East, 520.75' to a point; South 85 degrees 13 minutes 34 seconds West, 472.47' to the point and place of beginning and being known as "111 Hanover Pike." As recorded in Deed Liber (16175), Folio (465) & Deed Liber (2662), Folio (355). Being parcel number 189 on Map number 25 in Baltimore County, and Map number 48 Parcel number 42 in Carroll County.

Containing an area of 227,776.98 square feet or 5.22 acres of land, more or less and being located partially in the Fifth Election District of Baltimore County (137,118 square feet, 3.14 acres more or less) and partially in the Eighth Election District of Carroll County (90,731 square feet, 2.08 acres more or less), Maryland.



2010-0269-X

1220-C East Joppa Road, Suite 505, Towson, MD 21286 (410) 821-1690 Fax: (410) 821-1748 www.mragta.com

Abingdon, MD ♦ Laurel, MD ♦ Towson, MD ♦ Georgetown, DE ♦ Wilmington, DE ♦ York, PA
(410) 515-9000 (410) 792-9792 (410) 821-1690 (302) 855-5734 (302) 326-2200 (717) 751-6073

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 2010-0269-X
Petitioner: 111 HANOVER PIKE, LLC
Address or Location: 111 HANOVER PIKE

PLEASE FORWARD ADVERTISING BILL TO:

Name: ADAM BAKER
Address: WHITEFORD TAYLOR & PRESTON, LLP
110 PENNSYLVANIA AVE, STE 300
TOWSON, MD 21204
Telephone Number: 410-332-2052

Revised 7/11/05 - SCJ

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

No. **53214**

Date: **4/6/2010**

PAID RECEIPT

BUSINESS ACTUAL TIME
 4/6/2010 4/6/2010 10:45:22

REC'D 4/6/2010 BALTIMORE COUNTY JEFF
 RECEIPT # 079420 4/6/2010 OFIN

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept	Obj	BS Acct	Amount
001	006	0000		650							380.00
		1									

Total: **380.00**

Rec From: **111 HANOVER PIKE, LLC**

For: **Special Erection - 111 Hanover Road**
JOED-0269-X (111 HANOVER PIKE, LLC)

5 H2B ZONING VERIFICATION

Recpt Tot 4880.00
 4380.00 500.00
 Baltimore County, Maryland

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: # 2010-0269-X

111 Hanover Pike

S/east side of Hanover Pike, 2400 feet north of Lees Mill Road

5th Election District — 3rd Councilmanic District

Legal Owner(s): 111 Hanover Pike, LLP, John Martindale, CEO

Special Exception: to permit a contractors equipment storage yard, to permit 31,500 square foot building in excess of the 8,800 square feet; to permit 26,484 square feet building on the ground floor in lieu of the permitted 6,600 square feet; to permit a floor area ratio of 0.23 in lieu of the permitted 0.20.

Hearing: Wednesday, May 26, 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 5/724 May 11

239588

CERTIFICATE OF PUBLICATION

5/14/2010

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 5/11/2010.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

+ - CERTIFICATE OF POSTING

2010-0269-X

RE: Case No.: _____

Petitioner/Developer: _____
111 Hanover Pike, LLP, John Martindale, CEO

May 26 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: _____
111 Hanover Pike

May 7 2010
The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

Robert Black 5/10 /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)



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

April 23, 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: 2010-0269-X

111 Hanover Pike

S/east side of Hanover Pike, 2400 feet north of Lees Mill Road

5th Election District – 3rd Councilmanic District

Legal Owners: 111 Hanover Pike, LLP, John Martindale, CEO

Special Exception to permit a contractors equipment storage yard, to permit 31, 500 square foot building in excess of the 8,800 square feet; to permit 26,484 square feet building on the ground floor in lieu of the permitted 6,600 square feet; to permit a floor area ratio of 0.23 in lieu of the permitted 0.20.

Hearing: Wednesday, May 26, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: G. Scott Barhight, 1 W. Pennsylvania Avenue, Ste. 300, Towson 21204
John Martindale, 111 Hanover Pike, Hampstead 21074
Adam Baker, 1 W Pennsylvania Avenue, Ste. 300, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 11, 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, May 11, 2010 Issue - Jeffersonian

Please forward billing to:

Adam Baker
Whiteford, Taylor & Preston
1 W. Pennsylvania Avenue, Ste. 300
Towson, MD 21204

410-832-2052

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: 2010-0269-X

111 Hanover Pike

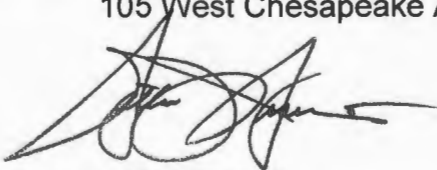
S/east side of Hanover Pike, 2400 feet north of Lees Mill Road

5th Election District – 3rd Councilmanic District

Legal Owners: 111 Hanover Pike, LLP, John Martindale, CEO

Special Exception to permit a contractors equipment storage yard, to permit 31, 500 square foot building in excess of the 8,800 square feet; to permit 26,484 square feet building on the ground floor in lieu of the permitted 6,600 square feet; to permit a floor area ratio of 0.23 in lieu of the permitted 0.20.

Hearing: Wednesday, May 26, 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

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

May 20, 2010

G. Scott Barhight
Whiteford, Taylor & Preston, LLP
1 W. Pennsylvania Ave Ste. 300
Towson, MD 21204

Dear: G. Scott Barhight

RE: Case Number 2010-0269-X, 111 Hanover Pike

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 06, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
111 Hanover Pike, LLP; 111 Hanover Pike; Hampstead, MD 21074
Adam D. Baker; 1W. Pennsylvania Ave. Ste. 300; Towson, MD 21204

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

MAY 21 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: May 21, 2010
SUBJECT: Zoning Item # 10-269-X
Address 111 Hanover Pike
(111 Hanover Pike, LLP Property)

Zoning Advisory Committee Meeting of April 19, 2010

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code). – *Glenn Shaffer; Environmental Impact Review*

Additional Comments:

The county line bisects this parcel. Afforestation to meet Forest Conservation requirements may be met for the entire parcel in Baltimore County per an agreement between Carroll County Planning and Baltimore County DEPRM. – *Glenn Shaffer; Environmental Impact Review*

The proposed commercial office Building Permit will be reviewed by Groundwater Mgmt. Section, since the site is on well and septic. – *Dan Esser; Groundwater Management*

BW
5-26-10
9 AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUN 09 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: LEAVE BLANK
SUBJECT: Zoning Item # 10-269-X
Address 111 Hanover Pike
(111 Hanover Pike, LLP Property)

Zoning Advisory Committee Meeting of April 19, 2010

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

 X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

 X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

The county line bisects this parcel. Afforestation to meet Forest Conservation requirements may be met for the entire parcel in Baltimore County per an agreement between Carroll County Planning and Baltimore County DEPRM.

Reviewer: Glenn Shaffer Date: April 30, 2010



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

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

Maryland Department of Transportation

May 4, 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. ~~08-367-SPH~~ 2010-0269-X
MD 30 (Hanover Road) e/s
111 Hanover Road
111 Hanover Pike, LLP Property
Plan to Accompany Special Exception

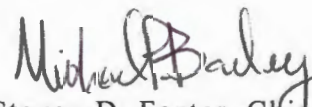
Dear Ms. Matthews:

Thank you for the opportunity to review the plan to accompany special exception associated with 111 Hanover Pike, which was received on April 23rd. We completed our assessment of the referenced plan. A field inspection reveals that a permit is required for access to MD 30 (Hanover Road). However, we understand that these improvements are located in Carroll County. Therefore, coordination with Mr. D. Scott Newill SHA Area Engineer is necessary to obtain a SHA Access Permit.

In summation: The State Highway Administration has no objection to ZAC Agenda case Number 2010-2069-X approval. Kindly, include our comments in your staff report to the Zoning Review Planner.

Should you have any questions regarding this matter, please 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,


Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

Cc: Mr. David Malkowski, District Engineer, SHA
Mr. Joseph Merrey, Reviewer, Baltimore County
Mr. D. Scott Newill, EAPD, SHA

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



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 20, 2010

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

RECEIVED

SUBJECT: 111 Hanover Pike

INFORMATION:

MAY 21 2010

Item Number: 10-269

Petitioner: 111 Hanover Pike, LLP

Zoning: BR-CR

Requested Action: Special Exception

ZONING COMMISSIONER

The petitioner requests a special exception to permit a contractor's equipment storage yard pursuant to Section 236.2 of the BCZR and to permit a 31,500 square foot building in excess of the 8,800 square foot limit imposed by Section 259.3.C.1.a of the BCZR pursuant to Section 259.3.B.3 of the BCZR. Also to permit 26,484 square feet of building in the ground floor in lieu of the permitted 6,600 square feet imposed by Section 259.3.C.1.a of the BCZR pursuant to Section 259.3.B.3 of the BCZR and to permit a Floor Area Ratio of 0.23 in lieu of the permitted 0.20 imposed by Section 259.3.C.1.b of the BCZR pursuant to Section 259.3.B.3.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning opposes the petitioner's request to permit a contractor's equipment storage yard pursuant to Section 236.2 of the BCZR and to permit a 31,500 square foot building in excess of the 8,800 square foot limit imposed by Section 259.3.C.1.a of the BCZR pursuant to Section 259.3.B.3 of the BCZR. The Office of Planning also opposes the petitioner's request to permit 26,484 square feet of building in the ground floor in lieu of the permitted 6,600 square feet imposed by Section 259.3.C.1.a of the BCZR pursuant to Section 259.3.B.3 of the BCZR and to permit a Floor Area Ratio of 0.23 in lieu of the permitted 0.20 imposed by Section 259.3.C.1.b of the BCZR pursuant to Section 259.3.B.3.

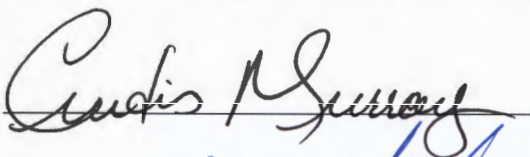
This property was the subject of 2008 CZMP Issue 3-027, where the petitioner requested that the property be re-zoned from 0.8 acres of BR CR and 2.6 acres of RC 2 to 3.3 acres of ML. After discussions with the Hanover Road Association, which is the local community group in the area the petitioner decided that they would rather seek BR as opposed to ML zoning with a 10-foot strip of RC 2 along the southern boundary of the property. The Office of Planning recommended that the zoning be changed to BR CR for the entire site, including the CR overlay would insure that there would not be a large commercial enterprise amidst a rural agricultural setting and along a County designated scenic route.

According to the 2010 Master Plan, medical facilities, stores, and other services and amenities should be located within urban areas, and to some extent, rural commercial centers. This area of the County is not a designated rural commercial center and is listed as an Agricultural Preservation Area under the Rural

Land Management Areas in the Master Plan 2010 and the property is also included in the Rural Legacy Area. With that said, the Office of Planning would be willing to support buildings that are of a smaller size and that more closely conform the CR District Regulations.

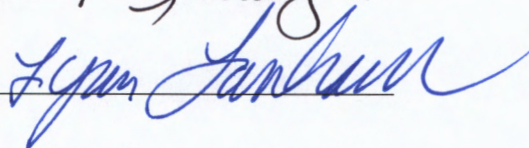
For further information concerning the matters stated here in, please contact Jessie Bialek at 410-887-3480.

Prepared by:

A handwritten signature in black ink, appearing to read "Curtis M. Sullivan", written over a horizontal line.

Division Chief:

AFK/LL: CM

A handwritten signature in blue ink, appearing to read "Lynn Sanborn", written over a horizontal line.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 23, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For May 3, 2010
Item No.: 2010-269

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

It appears that vehicles must cross the outdoor storage yard to get to proposed parking spaces; therefore, the outdoor storage yard should be paved with a durable and dustless surface.

DAK:CEN:elm

cc: File

G:\DevPlanRev\ZAC - Comments\ZAC-ITEM NO 2010-0269-05032010.doc

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
111 Hanover Pike; SE/S of Hanover Pike, * ZONING COMMISSIONER
2,400' North of Lees Mill Road *
5th Election & 3rd Councilmanic Districts * FOR
Legal Owner(s): 111 Hanover Pike, LLP *
Petitioner(s) * BALTIMORE COUNTY
* 10-269-X

* * * * *

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.

RECEIVED

APR 27 2010

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 27th day of April, 2010, a copy of the foregoing Entry of Appearance was mailed to Adam Baker, Esquire and G. Scott Barhight, Esquire, Whiteford, Taylor & Preston, One W. Pennsylvania Avenue, Suite 300, Towson, MD 21204, Attorneys for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

From: Debra Wiley
To: Livingston, Jeffrey; Murray, Curtis
Date: 5/21/2010 9:13 AM
Subject: Fwd: Addition to May Calendar
Attachments: Addition to May Calendar

*Missing
OP +
Debra*

Good Morning,

Just a gentle reminder ... need for Wednesday (see attached).

Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

From: Debra Wiley
To: Livingston, Jeffrey; Murray, Curtis
CC: Zook, Patricia
Date: 5/11/2010 12:16 PM
Subject: Addition to May Calendar

Good Morning,

In anticipation of receiving comments, just wanted to let you know that an additional case has been added to the May calendar as follows.

CASE NUMBER: 2010-0269-X

111 Hanover Pike

Location: SE side of Hanover Pike, 2400 feet N of Lees Mill Road.

5th Election District, 3rd Councilmanic District

Legal Owner: 111 Hanover Pike, LLP

SPECIAL EXCEPTION 1) To permit a contractor's equipment storage yard; 2) To permit 31,500 square foot building in excess of the 8,800 square feet; 3) To permit 26, 484 square feet building on the ground floor in lieu of the permitted 6,600 square feet; 4) To permit a floor area ratio of 0.23 in lieu of the permitted 0.20.

Hearing: Wednesday, 5/26/2010 at 9:00:00 AM, Jefferson Building, 105 West Chesapeake Avenue, Room 104, Towson, MD 21204

Thanks and have a great day !

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

5/26
9AM

Case No. 2010- 0269-X

CHECKLIST

**Comment
Received**

Department

**Support/
Oppose**

4-23

DEVELOPMENT PLANS REVIEW

Comment

~~4-23~~ ⁵⁻²¹
~~missing 5/11 + 5/21~~ DEPRM email sent

Comment

FIRE DEPARTMENT

⁵⁻²¹
~~missing 5/11 + 5/21~~ PLANNING email sent

Comment - Oppose

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

ZONING VIOLATION

✓ 5-11

NEWSPAPER ADVERTISEMENT

✓ 4-27

PEOPLE'S COUNSEL APPEARANCE

PRIOR ZONING

✓ 5-7

SIGN POSTING

Comments, if any: _____



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw6.3d)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 05 Account Number - 0523075265

Owner Information

Owner Name: 111 HANOVER PIKE LLP **Use:** COMMERCIAL
Mailing Address: 111 HANOVER PIKE **Principal Residence:** NO
 HAMPSTEAD MD 21074-2019 **Deed Reference:** 1) /16175/ 465
 2)

Location & Structure Information

Premises Address **Legal Description**
 HANOVER RD 3.753 AC
 ESR HANOVER RD
 4450FT N OF ARCADIA AVE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
25	4	189						1	Plat Ref:

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2002	6,600 SF	3.75 AC	06

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2009	07/01/2010
Land	107,900	107,900		
Improvements:	387,500	413,400		
Total:	495,400	521,300	495,400	504,033
Preferential Land:	0	0	0	0

Transfer Information

Seller: 111 HANOVER PIKE	Date: 03/06/2002	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /16175/ 465	Deed2:
Seller: KEPLER CYNTHIA R	Date: 12/06/1989	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 8343/ 661	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

PLEASE PRINT CLEARLY

CASE NAME 111 Hammer Pile #2P
CASE NUMBER 2010-0269-X
DATE 5-26-10

CITIZEN'S SIGN-IN SHEET

[illegible]

PLEASE PRINT CLEARLY

CASE NAME III Honover Pike

CASE NUMBER 2010-0269-X

DATE 5-26-10

COUNTY REPRESENTATIVE'S SIGN-IN SHEET

[illegible]

CASE NAME 111 Hannover Pike
CASE NUMBER 2010-0269-X
DATE 5-26-10

[illegible]

Case No.: 2010-0269-X 111 Hanover Pike

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site PLAN	
No. 2	Aerial Photo area	
No. 3	Schematic - Colonized SITE PLAN - in accord with Covenants	
No. 4	Elevation - Sectional VIEW	
No. 5	Covenants →	
No. 6	Letter of Support Hanover RD Assoc INC	
No. 7	Authorization PAPER	
No. 8	Community Plan	
No. 9		
No. 10		
No. 11		
No. 12		

Google maps Address

To see all the details that are visible on the screen, use the "Print" link next to the map.

[Print](#) [Send](#) [Link](#)



PETITIONER'S

EXHIBIT NO.

2

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS ("Declaration"), dated this 26th day of May, 2010, is hereby made by 111 HANOVER PIKE, LLP (the "Declarant").

WHEREAS, the Declarant is the owner in fee simple of all that property situate and lying in the 8th Election District of Baltimore County, Maryland, and more particularly described in a Deed dated July 20, 2001, and recorded in the Land Records of Baltimore County in Liber 16175, folio 465, and recorded in the Land Records of Carroll County in Liber 2662, folio 355 from 111 Hanover Pike General Partnership to 111 Hanover Pike, LLP (the "Property");

WHEREAS, the Declarant desires to expand the existing contracting business located on the Property. As part of this expansion, the Declarant proposes the construction of a new office building and the construction of a 20,000± square foot warehouse on the Property. In order to accomplish this goal, the Declarant has filed a Petition for Special Exception with the Zoning Commissioner for Baltimore County (1) to permit a "Contractor's Equipment Storage Yard" pursuant to Section 236.2 of the Baltimore County Zoning Regulations; (2) to permit 31,500 square foot building in excess of the 8,800 square foot limit imposed by Section 259.3.C.1.a of the Baltimore County Zoning Regulations pursuant to Section 259.3.B.3 of the Baltimore County Zoning Regulations; (3) to permit 26,484 square feet of building on the ground floor in lieu of the permitted 6,600 square feet imposed by Section 259.3.C.1.a of the Baltimore County Zoning Regulations pursuant to Section 259.3.B.3 of the Baltimore County Zoning Regulations; and (4) to permit a Floor Area Ratio of 0.23 in lieu of the permitted 0.20 imposed by Section 259.3.C.1.b of the Baltimore County Zoning Regulations pursuant to Section 259.3.B.3 of the Baltimore County Zoning Regulations (the "Petition");

WHEREAS, the Hanover Road Association has agreed to support the Petition on the condition that the Declarant will subject the Property to the restrictive covenants, hereinafter defined and set forth below, which are for the purpose of protecting the value and desirability of the Property and the surrounding area;

WHEREAS, in the event that an appeal of the Petition is filed, the Hanover Road Association has agreed to offer its continued support of the Petition at every stage of the appeals process until either the Petition is approved, no appeals being filed, or the Declarant is unable to prevail on an appeal of the Petition;

WHEREAS, Declarant hereby declares that the Property shall be held, sold, and conveyed for the next ninety-nine (99) years subject to the restrictive covenants set forth below on the condition that the Petition be approved consistent with the intended use and the Declarant is permitted to construct a new warehouse and a new office of the same square footage as set forth in the Petition and on the condition that parking be permitted as shown on the Petition. Provided that the Petition is approved consistent with the intended use and the Declarant is permitted to construct a new warehouse and a new office building of the same square footage as set forth in the Petition, and provided that parking be permitted as shown on the Petition, the Property shall be automatically held, sold, and conveyed subject to the restrictive covenants set forth below for the first fifteen (15) years of this ninety-nine (99) year term. Thereafter, for the remaining eighty-four (84) years of the ninety-nine (99) year term, the Property shall be held,

PETITIONER' S

EXHIBIT NO.

5

sold, and conveyed subject to the restrictive covenants set forth below on the condition that the Hanover Road Association, its successors and/or assigns, remains a corporation in good standing in the State of Maryland and continues to exist with the purpose of promoting agricultural and community land preservation. In the event that the building and parking are approved in smaller sizes and the Declarant moves to construct them, then the restrictive covenants set forth below will still stand.

NOW, THEREFORE, in consideration of the support of the Hanover Road Association and the benefits derived from the Declarant, its successors and/or assigns, the Declarant hereby declares that the Property shall be held, sold and conveyed subject to the following restrictive covenants for the period stated in this Declaration, which are for the purpose of protecting the value and desirability of the Property and the surrounding area and which shall be recorded among the land records of Baltimore County and the land records of Carroll County, and agrees as follows on the condition that the approvals be given based on the Petition and no appeals filed:

1. Landscaping. Within one-hundred and twenty (120) days from the date of the approval of the Petition, the Declarant shall plant six (6) trees along the western border of the Property which fronts on Hanover Pike, south of the existing parking lot. Within one (1) year from the date on which the Use and Occupancy permits are issued for the proposed warehouse and office, the Declarant will add an approximately three to four foot high berm and landscaping along Hanover Pike in front of the proposed two story office building on the Carroll County side of the Property. Within the same one (1) year period, the Declarant will also add an approximately five to six foot high berm and landscaping along the west side of the proposed storage building which faces Hanover Pike on the Carroll County side of the Property. In carrying out the landscaping schedule as set forth in this section, the Declarant shall make all reasonable efforts to landscape the Property in a manner consistent with that shown on the Schematic Site Plan attached hereto as **Exhibit A**. In areas where no future buildings or other improvements are proposed, the Declarant agrees to put forth all reasonable efforts to landscape in a manner that reflects a park-like setting.
2. Lighting. The lighting on the Property shall be designed in a manner that, to the extent possible, is self contained (facing down and in towards the Property).
3. Stormwater management facility. The Declarant will refrain from adding parking or buildings in the future to the southwest corner of the Property in the location of the proposed stormwater management facility and the proposed septic field.
4. Term. The covenants numbered 1 through 3 above (the "Restrictive Covenants") shall run with and bind the Property and shall be enforceable against the Declarant, or its successors and assigns, until the ninety-ninth (99th) anniversary of the date of this Declaration ("Expiration Date"). After the Expiration Date, this Declaration and the Restrictive Covenants contained herein shall no longer bind or run with the Property and shall become void and unenforceable.

5. Condition Precedent. These Restrictive Covenants are conditioned and shall only be applicable and enforceable upon the Petition being granted consistent with the intended use thereby allowing the Declarant the right to construct a new warehouse and construct a new office building on the Property for Declarant's commercial purposes, in a size consistent with the square footage as set forth in the Petition and with parking consistent with that as set forth in the Petition and supporting documentation. In the event that the Petition, is not approved or if the Declarant is unable to prevail on an appeal of the Petition, these Restrictive Covenants shall immediately become null and void ab initio. In the event that the building and parking are approved in smaller sizes and the Declarant moves to construct them, then the Restrictive Covenants will still stand.
6. Enforcement. Enforcement of the Restrictive Covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant, to restrain the violation. All costs and expenses of prosecuting any proceeding at law or in equity brought to enforce the provisions of the Restrictive Covenants, including reasonable attorneys' fees and expenses, shall be a binding personal obligation of the party against whom the final, unappealed decision is rendered.
7. Separable. The invalidity of any of the provisions of this Declaration shall not affect the validity of any of the other provisions, all of which shall remain in full force and effect.
8. Binding Nature. This Declaration shall be binding upon and inure to the benefit of the Declarant and the Hanover Road Association, their respective successors and assigns and shall touch and concern the Property thus running with and binding upon the Property.
9. Further Assurances. The Declarant agrees to act in good faith and with due diligence and to sign, seal, deliver and acknowledge all documents and take or cause to occur all actions necessary to effect the terms, intentions and conditions hereof.

[signatures appear on following page]

WITNESS the due execution of this Declaration of Restrictive Covenants by the Declarant.

ATTEST/WITNESS:

DECLARANT:

111 HANOVER PIKE, LLP

Sammy D. Martin

By: John T. Martindale (SEAL)
Name: John T. Martindale
Title: Partner

STATE OF MARYLAND, ~~CITY~~/COUNTY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY, that on this 26th day of MAY, 2010, before me, a Notary Public in and for the State and County aforesaid, personally appeared John T. Martindale, acting in his capacity as Partner for 111 Hanover Pike, LLP, known to me (or satisfactorily proven) to be the Declarant of the within Declaration of Restrictive Covenants and acknowledge that, being authorized to do so, executed the same on behalf of 111 Hanover Pike, LLP for the purposes therein contained.

AS WITNESS my hand and notarial seal

Kristina M. Loveland
NOTARY PUBLIC

My Commission Expires:

11/6/2011

This is to certify that the within instrument was prepared by an attorney admitted to practice before the Court of Appeals of Maryland.

Adam D. Baker
Adam D. Baker, Esq.

Hanover Road Association Inc.

P.O. Box 70
Boring, Maryland 21220

PETITIONER' S

May 25, 2010

EXHIBIT NO. 6

The Office of the Zoning Commissioner
Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 2010-269-X: 111 Hanover Pike

Mr. Wiseman

Please accept this letter on behalf of the Hanover Road Association. I am a member of the Board of Directors of the Hanover Road Association.

The Association has entered into a Declaration of Restrictive Covenant with 111 Hanover Pike, LLC regarding the proposed use on the property that is the subject of this case, The Declaration will be recorded among the land records of Baltimore County and Carroll County if the request relief is granted.

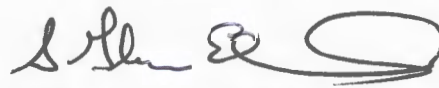
The Association fully supports the Petition for Special Exception to permit a contractor's equipment storage yard pursuant to Section 236.2 of the Baltimore County Zoning Regulations ("BCZR") and Special Exceptions to permit a warehouse and addition to the existing office in excess of the square footage required of the CR overlay district, in the case referenced above. The proposed use does not pose any adverse impacts to our Association. In fact, we welcome the proposed use. It is a logical extension of the Brothers Services operation on the property.

Thank you for your kind consideration of our support, Please feel free to contact us should you have any questions.

Sincerely



Robert Slaterbeck, President



S. Glenn Elseroad, Vice President

HANOVER ROAD ASSOCIATION, INC.

P.O. Box 70
Boring, Maryland 21020

The undersigned hereby acknowledge and attest that on 05/24/2010 the Board of the Hanover Road Association, Inc. (HRA), a Maryland corporation, in accordance with Section 2-408 of the Maryland Corporations and Associations Code and its Charter and By-Laws, approved the Resolution set forth herein:

RESOLVED: That at the April 14th HRA meeting the membership voted to support the Brothers plan if all covenants stay in tact. After review and discussion this appears to be the case and HRA supports such efforts.

AND FURTHER RESOLVED: That the Board empowers and instructs Glenn Elseroad respectively, to individually or jointly represent HRA at any hearings before the Zoning Commissioner of Baltimore County and any body of appropriate jurisdiction for any subsequent appeals. Glenn Elseroad to appear at those hearings for HRA and make known the position of HRA in this matter, to wit, that: HRA represented by Glenn Elseroad supports 111 Hanover Pike LLP, the Brothers Roofing plan to move forward with their plans to build a storage building in the back of the property with the parking lot located along the CSX railroad and to the rear of the new storage building. These plans are in accordance with a previous covenant agreement and Brothers Roofing has committed to honor all of the conditions of the covenant agreement with the HRA.

HRA supports the proposed special exemption that Brothers requests and Furthermore, Glenn Elseroad is authorized to explain or amplify as he see fit, this stated position.

AS WITNESS OUR HANDS THIS 24th day of May 2010.

ATTEST: The Hanover Road Association, Inc.

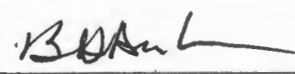

Barbara Ambrose, Secretary

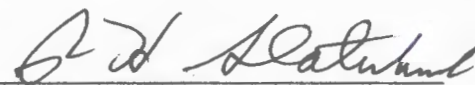

Robert Slaterbeck, President

RESOLVED, that at this first meeting of 2009 that the responsibility for review and recommend action on all zoning and development matters is hereby placed on the President, Vice President, and Zoning Committee Chair as elected, or duly appointed.

WITNESS OUR HANDS AND SEALS THIS 24th day of 2010.

ATTEST: Hanover Road Association, Inc.


Barbara Ambrose, Secretary

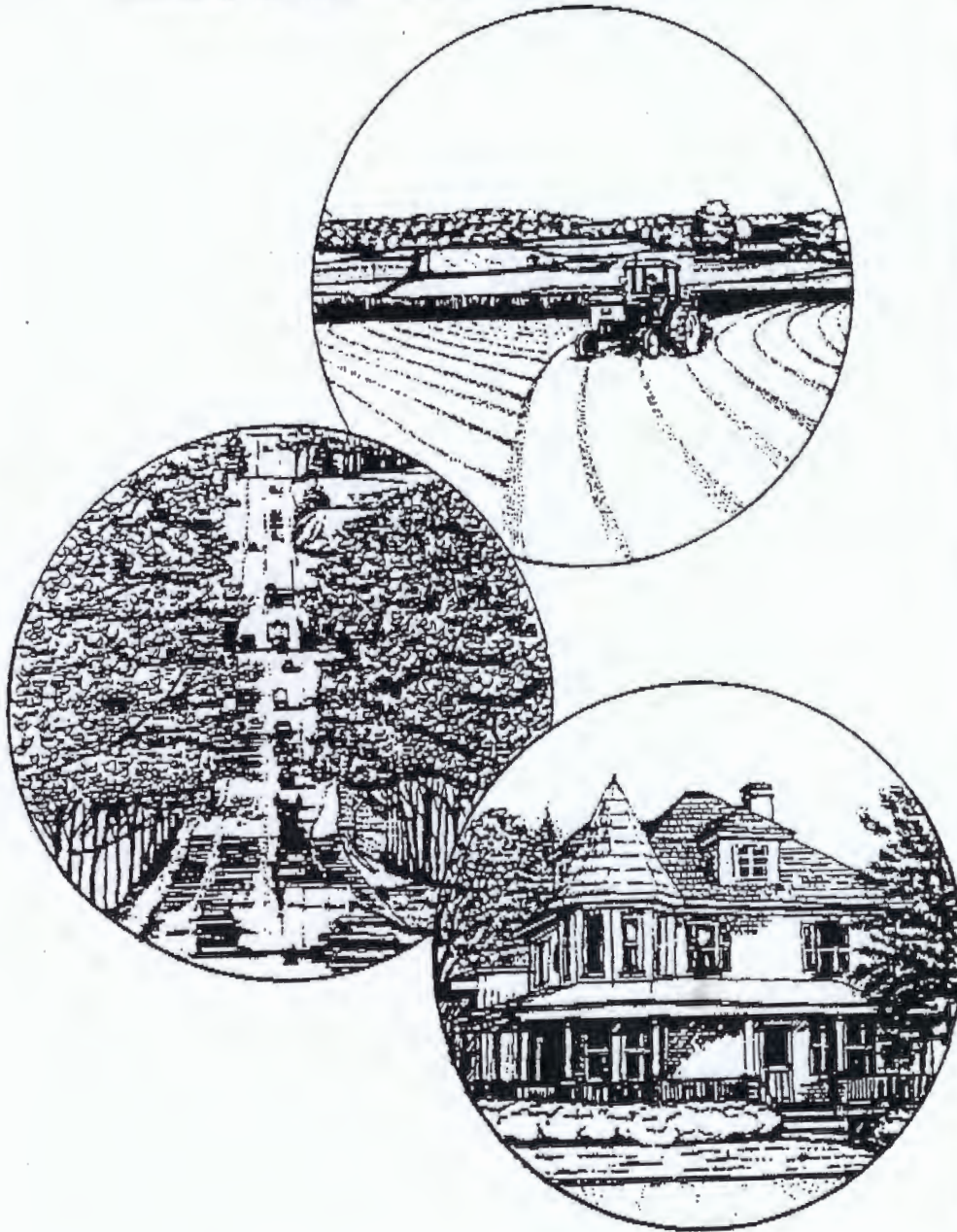

Robert Slaterbeck, President

PETITIONER'S

EXHIBIT NO.

7

HANOVER PIKE CORRIDOR STUDY

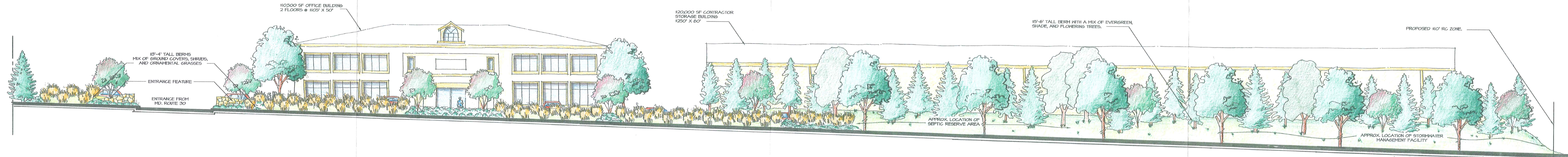


Adopted by the Baltimore County Council
April 19, 1993

PETITIONER'S

EXHIBIT NO.

8



GENERAL PLAN NOTES:

1. THE PROPOSED ARCHITECTURE IS USED TO ILLUSTRATE BUILDING MASSING AND SCREENING. THE ARCHITECTURE IS SCHEMATIC IN NATURE AND SUBJECT TO CHANGE.
2. THE PROPOSED HEIGHTS OF THE SCREEN MOUNDS ARE APPROXIMATE.
3. THE PROPOSED PLANTING ILLUSTRATES POSSIBLE SCREENING OPTIONS. THE PLANTING IS SCHEMATIC IN NATURE AND SUBJECT TO CHANGE.



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)

District - 05 Account Number - 0523075265



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2009.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml



Plan Sheet: 025B1

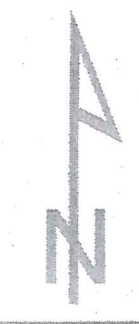
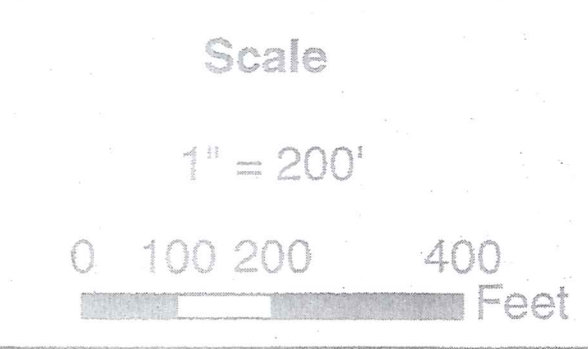
Note:
The zoning depicted in this application incorporates the actions associated with 2008 Comprehensive Zoning Map Process, zoning changes associated with an adopted Community Plan and Baltimore County Board of Appeals actions through December 31, 2008.

Legend

- Buildings
- Streams
- Vegetation
- Zoning
- Roads
- Rail Lines

Baltimore County Office of Planning and Zoning Official Zoning Map

019B3	019C3	020A3	020B3
025B1	025C1	026A1	026B1
025B2	025C2	026A2	026B2



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

2010-0269-X



GENERAL PLAN NOTES

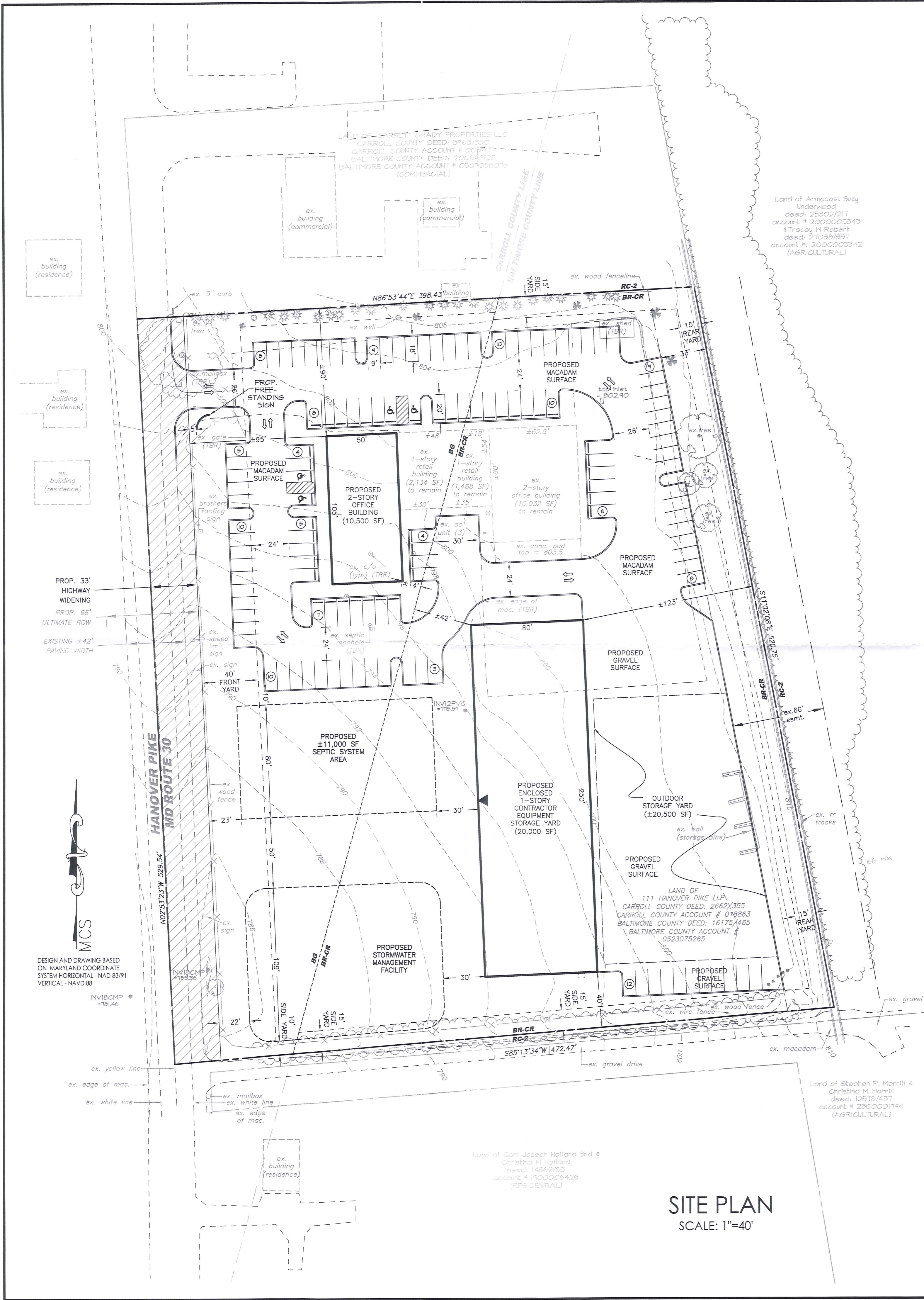
1. THE PROPOSED ARCHITECTURE IS USED TO ILLUSTRATE BUILDING MASSING AND SCREENING. THE ARCHITECTURE IS SCHEMATIC IN NATURE AND SUBJECT TO CHANGE.
2. THE PROPOSED HEIGHTS OF THE SCREEN FIELDS ARE APPROXIMATE.
3. THE PROPOSED PLANTING ILLUSTRATES POSSIBLE SCREENING OFFICES. THE PLANTING IS SCHEMATIC IN NATURE AND SUBJECT TO CHANGE.
4. PROPOSED SCREENING OR NO BUILDINGS OR PARKING WILL BE ADDED TO THE AREAS DESIGNATED AS STORMWATER MANAGEMENT, OR SEPTIC RESERVE.



SCHEMATIC SITE PLAN

111 HANOVER PIKE (MD. ROUTE 30)

SCALE: NTS



SITE DATA GENERAL:

1. GROSS SF. / AC.:	BALTIMORE COUNTY: ±137,118 SF. / ±3.14 AC.
2. NET SF. / AC.:	CARROLL COUNTY: ±90,731 SF. / ±2.08 AC.
3. ZONING:	BALTIMORE COUNTY: ±137,118 SF. / ±3.14 AC.
4. TAX MAP/PARCEL:	CARROLL COUNTY: ±90,731 SF. / ±2.08 AC.
5. TAX ACCOUNT NUMBERS:	BALTIMORE COUNTY: BR-CR
6. DEED REFERENCE:	BALTIMORE COUNTY: BG
	CARROLL COUNTY: 25/189
	CARROLL COUNTY: 48/42
	BALTIMORE COUNTY: 0523075265
	CARROLL COUNTY: 018863
	BALTIMORE COUNTY: 16175/465
	CARROLL COUNTY: 2662/355

SITE DATA (BALTIMORE COUNTY):

3. EXISTING LAND USE:	COMMERCIAL
4. COUNCILMANIC DISTRICT:	3
5. ELECTION DISTRICT:	5
6. ADC MAP LOCATION:	MAP 21, GRID K 4
7. ZONING MAP REFERENCES:	02581
8. CENSUS TRACT:	4050.00
9. WATERSHED:	LOCH RAVEN
10. SUBSEWERSHED:	NA
11. REGIONAL PLANNING DISTRICT:	302

ZONING/PERMIT HISTORY (BALTIMORE COUNTY):

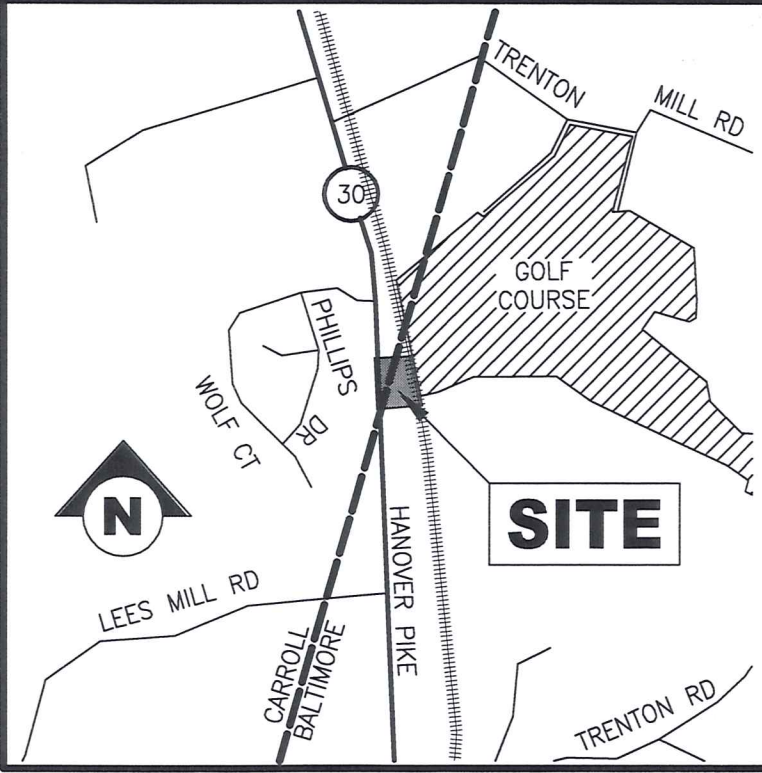
- DRC # 120301E APPROVED 12-3-01 FOR AN 'A-7' EXEMPTION OR WAIVER AS PER SECTION 26-171-(a)(7). BALTIMORE COUNTY DEVELOPMENT REGULATIONS. TO RAZE EXISTING 3,600 SF BUILDING AND CONSTRUCT A NEW 6,800 SF BUILDING.
- PLAN TO ACCOMPANY PETITION FOR USE PERMIT FOR COMMERCIAL PARKING IN AN RC-2 ZONE. APPROVED.
- PREVIOUS COMMERCIAL PERMITS:
 - B470586 FOR A COMMERCIAL BUILDING
 - B483041 FOR A CERTIFICATE OF OCCUPANCY
 - E479181 ELECTRICAL
 - P474267 PLUMBING
 - B723206 COMMERCIAL GRADING

OWNER / APPLICANT / CONSULTANT:

- PROPERTY OWNER / APPLICANT:
111 HANOVER PIKE LLP
111 HANOVER PIKE
HAMPSTEAD MARYLAND 21074
ATTN: MR. JOHN MARTINDALE
- PLAN PREPARED BY:
MORRIS & RITCHIE ASSOCIATES, INC. (MRA)
1220-C EAST JOPPA ROAD SUITE 505
TOWSON, MD 21286
ATTN: MATTHEW BISHOP, RLA
TEL: 410-821-1690

GENERAL NOTES (BALTIMORE COUNTY):

- THIS PROJECT IS NOT WITHIN THE URBAN RURAL DEMARCATION LINE.
- PER BALTIMORE COUNTY PUBLIC WORKS, THE PROPERTY HAS A SEWER DESIGNATION OF S-7 AND A WATER DESIGNATION OF W-7. THIS DEVELOPMENT PROPOSES PRIVATE SEWER AND WATER SERVICE.
- PER BALTIMORE COUNTY BASIC SERVICES MAPS THIS SITE IS NOT WITHIN ANY DEFICIENT AREAS.
- THERE ARE NO KNOWN DESIGNATED HISTORIC SITES AS PER LANDMARKS PRESERVATION COMMISSION OR THE MARYLAND HISTORIC TRUST INVENTORY.
- MS. RISING OF BALTIMORE COUNTY HAS CONFIRMED THIS.
- THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THIS SITE IS NOT LOCATED WITHIN THE 100-YEAR FLOODPLAIN (FEMA PANEL #2400100080F).
- ALL PARKING AREAS WILL BE CONSTRUCTED OF A DURABLE AND DUSTLESS SURFACE AND BE PERMANENTLY STRIPED.
- LANDSCAPING WILL BE PROVIDED IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL AND ALL OTHER MANUALS ADOPTED PURSUANT TO SECTION 22-105 OF THE BALTIMORE COUNTY CODE (BCC). (SEE SECTION 409.8 OF THE BCZR).
- ANY PROPOSED LIGHTING SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITES AND PUBLIC STREETS AND BE IN ACCORDANCE WITH SECTION 409.8.A.3 OF THE BCZR.



VICINITY MAP

SCALE: 1"=2000'

LEGEND:

---	EX. PROPERTY LINE
---	EX. ADJACENT PROPERTY LINE
---	EX. 2' CONTOUR
---	EX. 10' CONTOUR
---	EX. BUILDING
---	EX. CONCRETE
---	EX. CURB
---	PROP. CURB
---	EX. STORM DRAIN
---	EX. WOODS
---	EX. CHAIN LINK FENCE
---	EX. RAILROAD

BR-CR BULK REGULATIONS: (BALTIMORE COUNTY ZONING REGULATIONS)

REGULATION	PERMITTED	PROPOSED
THE GROSS FLOOR AREA FOR ALL BUILDINGS ON A LOT. §259.3.C.1.a	NOT TO EXCEED 8,800 SQUARE FEET, OF WHICH NO MORE THAN 6,600 SQUARE FEET SHALL BE ON THE GROUND FLOOR.	±31,500
FLOOR AREA RATIO §259.3.C.1.b	0.20	0.23 (31,500 SF GROSS BLDG. AREA / 137,118 SF GROSS SITE AREA)
BUILDING HEIGHT §259.3.C.1.c	30'	MAX. 30'
FRONT YARD §259.3.C.2.a	MIN. 15' FROM THE STREET ROW LINE AND NOT MORE THAN THE AVERAGE OF THE SETBACKS OF THE ADJACENT BUILDINGS.	NA
REAR AND SIDE YARD §259.3.C.2.b	15'	40'
LANDSCAPING §259.3.C.3.a	ENTIRE REQUIRED FRONT, SIDE AND REAR SETBACK	PLANTINGS WILL BE PROVIDED IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL
PARKING LOT §259.3.C.3.b	MIN. 7% OF PARKING LOT SHALL BE PERVIOUS SURFACE WITH MINIMUM OF 1 TREE PER 8 PARKING SPACES.	MIN. 7% PERVIOUS SURFACE & MIN. 1 TREE PER 8 PARKING SPACES EQUIVALENT PROVIDED
OUTSIDE STORAGE AREA §259.3.C.6.a-c	MUST BE LOCATED TO THE SIDE OR REAR OF THE BUILDING OUTSIDE OF THE REQUIRED SETBACKS OUTSIDE STORAGE AREA SHALL NOT COVER MORE THAN 15% OF THE LOT, EXCEPT AS DETERMINED BY THE ZONING COMMISSIONER IN A SPECIAL EXCEPTION HEARING	OUTSIDE STORAGE WILL BE LOCATED IN THE REAR OF THE BUILDING OUTSIDE OF THE REQUIRED SETBACKS OUTSIDE STORAGE = ±15% OF THE PORTION OF THE LOT LOCATED IN BALTIMORE COUNTY.
SIGNAGE §259.3.C.7.a-c	ONE FREESTANDING ENTERPRISE SIGN WITH A SURFACE AREA OF NO MORE THAN 25 SF. ONE WALL MOUNTED ENTERPRISE SIGN WHICH DOES NOT PROJECT MORE THAN 6" FROM THE BUILDING AND DOES NOT HAVE A SURFACE AREA EXCEEDING 8 SF. NO SIGN SHALL BE ILLUMINATED UNLESS APPROVED BY THE ZONING COMMISSIONER AFTER A HEARING.	NA NA NA

BUILDING SF/PARKING TABLE:

CARROLL COUNTY				BALTIMORE COUNTY		
USE	GROSS SQUARE FOOTAGE	REQUIRED PARKING	PROPOSED PARKING	GROSS SQUARE FOOTAGE	REQUIRED PARKING	PROPOSED PARKING
RETAIL	±2,134 SF	1 SP. / 200 SF = 10.67		±1,468 SF	5 SP./1,000 SF = 7.34	
OFFICE	±10,500 SF	3.3 SP./1,000 SF = 34.65		±10,032 SF	3.3 SP./1,000 SF = 33.4	
CONTRACTOR'S EQUIPMENT STORAGE YARD	-	-		±20,000 SF	1 SP. / # OF EMPLOYEES ON LARGEST SHIFT = 14	
TOTALS	±12,634	±46 SPACES	±73 SPACES	±31,500	±55 SPACES	±55 SPACES

BG BULK REGULATIONS: (CARROLL COUNTY ZONING REGULATIONS)

REGULATION	PERMITTED	PROPOSED
MINIMUM LOT AREA §223-113	NONE REQUIRED	NA
BUILDING HEIGHT §223-111	50'	MAX. 50'
BUILDING STORIES §223-113	1	2
FRONT YARD §223-113	MIN. 40'	±95'
REAR AND SIDE YARD §223-113	MIN. 10'	±14'
LOT WIDTH §223-113	NONE REQUIRED	NA
SIGNAGE §223-138	NO SIGN SHALL PROJECT OVER OR INTO ANY STREET RIGHT-OF-WAY OR MORE THAN 4 FEET ABOVE THE PARAPET WALL OR ROOFLINE. THE TOTAL AREA OF ALL SIGNS SHALL NOT EXCEED 4 TIMES EACH LINEAR FOOT OF THE BUILDING WALL, MOST NEARLY PARALLEL TO OR CONFRONTING THE ADJACENT STREET. ONLY ONE BUILDING FRONTAGE SHALL BE USED IN COMPUTING THE SIGN AREA ALLOWANCE. IN NO CASE SHALL THE AREA OF ANY ONE SIGN EXCEED 200 SQUARE FEET ON ANY ONE SIDE. NO EXTERIOR SIGN SHALL EXCEED 30 FEET IN TOTAL HEIGHT, IF FREESTANDING. A SIGN MUST BE SET BACK FROM A PUBLIC ROAD RIGHT-OF-WAY LINE BY AT LEAST 5 FEET. NO FREESTANDING SIGN SHALL BE LOCATED CLOSER THAN 20 FEET TO A SIDE PROPERTY LINE OR 5 FEET TO A FRONT PROPERTY LINE.	THE PROPOSED FREESTANDING SIGN WILL BE LESS THAN 30' IN HEIGHT. THE PROPOSED FREESTANDING SIGN WILL BE SETBACK 5' FROM THE PUBLIC ROAD RIGHT OF WAY, GREATER THAN 20' FROM A SIDE PROPERTY LINE AND 5' FROM THE FRONT PROPERTY LINE.

REASON FOR SPECIAL EXCEPTION REQUEST:

- TO PERMIT A CONTRACTOR'S EQUIPMENT STORAGE YARD PURSUANT TO SECTION 236.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS;
- TO PERMIT 31,500 SQUARE FOOT BUILDING IN EXCESS OF THE 8,800 SQUARE FOOT LIMIT IMPOSED BY SECTION 259.3.C.1.a OF THE BALTIMORE COUNTY ZONING REGULATIONS PURSUANT TO SECTION 259.3.B.3 OF THE BALTIMORE COUNTY ZONING REGULATIONS;
- TO PERMIT 26,494 SQUARE FEET OF BUILDING ON THE GROUND FLOOR IN LIEU OF THE PERMITTED 6,600 SQUARE FEET IMPOSED BY SECTION 259.3.C.1.a OF THE BALTIMORE COUNTY ZONING REGULATIONS PURSUANT TO SECTION 259.3.B.3 OF THE BALTIMORE COUNTY ZONING REGULATIONS; AND
- TO PERMIT A FLOOR AREA RATIO OF 0.23 IN LIEU OF THE PERMITTED 0.20 IMPOSED BY SECTION 259.3.C.1.b OF THE BALTIMORE COUNTY ZONING REGULATIONS PURSUANT TO SECTION 259.3.B.3 OF THE BALTIMORE COUNTY ZONING REGULATIONS.

MRA

STATE OF MARYLAND
PROFESSIONAL LANDSCAPE ARCHITECT
NO. 3385
2018

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MRAGTA.COM

PLAN TO ACCOMPANY SPECIAL EXCEPTION

111 HANOVER PIKE
BALTIMORE, MARYLAND

ELECTION DISTRICT 5 COUNCILMANIC DISTRICT 3

DATE	REVISIONS	JOB NO.: 15737.02
		SCALE: AS SHOWN
		DATE: 04/06/2010
		DRAWN BY: M.A.B.
		DESIGN BY: M.A.B.
		REVIEW BY: DH
		SHEET: 1 OF 1