

IN RE: PETITION FOR VARIANCE

W side of Pepper Road, SW corner of
Schilling Road and Pepper Road
8th Election District
3rd Councilmanic District
(11200 Pepper Road)

Schilling Pepper Lot 24
Business Trust
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
*
* CASE NO. 2011-0217-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of a Petition for Variance filed by Robert J. Aumiller, President, Schilling Pepper Lot 24 Business Trust, the legal owner of the subject property. Petitioner is requesting Variance relief from Section 255.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a side yard variance of 7 feet in lieu of the required 30 feet, and a side/rear yard variance of 7 feet in lieu of the required 30 feet. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 2.

Appearing at the public hearing in support of the variance petition were Robert J. Aumiller, President, Schilling Pepper Lot 24 Business Trust, along with James Matis of Matis Warfield Consulting Engineers, the professional engineer who prepared the site plan, and David Koratich of LSL Design. Jennifer R. Busse, Esquire of Whiteford, Taylor & Preston, LLP, was the attorney representing the Petitioner.

Testimony and evidence offered revealed that the subject property consists of two lots, known as Lots 23 and 24, as shown on Petitioner's Exhibit 2. Together they comprise approximately 9.8 acres +/-, and are zoned ML-IM. Mr. Aumiller testified, via proffer, that he had entered into a lease with a Nintendo-style gaming company that would operate a call center at the

ORDER RECEIVED FOR FILING

Date 3-24-11

By [Signature]

site, necessitating additional parking. The additional parking – which would exceed County requirements – gave rise to the need for variance relief from side and rear yard setbacks.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief. The County's Department of Economic Development, by Memorandum dated 1-15[10] sic, indicated it "endorses the Mackenzie Pepper Road garage project." See Exhibit 3.

Based upon the testimony and evidence presented, I am persuaded to grant the request for variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioner.

Specifically, parcels 23 and 24 are in common ownership, which presents a unique opportunity for creative redevelopment and an efficient use of land. In addition, as shown on the site plan (Exhibit 2) the Light Rail train tracks essentially circle the property, which dictates the permissible entry and exit points and poses some limitations as to how the parcels can be used and developed. Finally, and perhaps most importantly, Mr. Matis indicated that the site grading and topography dictated the placement of the proposed parking decks, which in turn created the need for variance relief.

Strict compliance with the B.C.Z.R. would, in these circumstances, cause the Petitioner practical difficulties. Petitioner would be forced to either relocate the parking decks – which may be impossible given the site constraints noted above – or reduce their size, which could cause traffic congestion or parking shortages in the area and may very well trigger the need for a variance pertaining to the number of spaces provided. Neither is an attractive option, and these circumstances are more than sufficient to establish the requisite "practical difficulty."

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Date 3-24-11

By ps

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. The surrounding uses are manufacturing or office and the proposal would be in keeping with the environs. In addition, no letters of opposition or protest were received concerning this project, which will generate many additional new jobs and result in significant capital investment in the region.

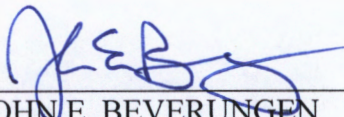
Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered, I find that Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this 24 day of March, 2011, by this Administrative Law Judge that Petitioner's Variance request from Section 255.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a side yard variance of 7 feet in lieu of the required 30 feet, and a side/rear yard variance of 7 feet in lieu of the required 30 feet be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

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


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/pz
ORDER RECEIVED FOR FILING

Date

3-24-11

By





KEVIN KAMENETZ
County Executive

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

March 24, 2011

JENNIFER R. BUSSE, ESQUIRE
WHITEFORD, TAYLOR & PRESTON, LLP
TOWSON COMMONS, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MD 21204-5025

Re: Petition for Variance
Case No. 2011-0217-A
Property: 11200 Pepper Road

Dear Ms. Busse:

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

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

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:pz

Enclosure

c: Robert J. Aumiller, President, Schilling Pepper Lot 24 Business Trust, Suite 200C, 2328 West Joppa Road, Lutherville MD 21093
James Matis, Matis Warfield Consulting Engineers, 10540 York Road, Suite M, Hunt Valley MD 21030
David Koratich, LSL Design, 1110 East Princess Street, York PA 17403



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property

located at 11200 Pepper Road

which is presently zoned ML-IM

Deed Reference: 24651 / 121 Tax Account # 082500000712

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

please see attached

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

REASONS TO BE PROVIDED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.

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

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

Contract Purchaser/Lessee:

N/A

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Jennifer R. Busse, Esq.

Name - Type or Print

Signature

Whiteford, Taylor & Preston LLP

Company

1 W. Pennsylvania Ave., Suite 300 410-832-2077

Address

Telephone No.

Towson, MD 21204

City

State

Zip Code

Legal Owner(s):

Schilling Pepper Lot 24

Name - Type or Print

Business Trust

Signature

Robert J. Aumiller, President

Name - Type or Print

Signature

Suite 200C, 2328 W. Joppa Road

Address

Telephone No.

Lutherville, MD 21093

City

State

410-832-2077

Zip Code

Representative to be Contacted:

Jennifer R. Busse, Esq.

Name

1 W. Pennsylvania Avenue, Suite 300

Address

Telephone No.

Towson, MD 21204

City

State

410-832-2077

Zip Code

Case No.

2011-0217-A

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by

ATS4I

Date

1/18/2011

REV 8/20/07 ORDER RECEIVED FOR FILING

Date

3-24-11

By

[Signature]

253.1

A variance is requested to section ~~258~~ 253.1 BCZR (238.2) pursuant to Section 500.7 BCZR to permit. ^{ADS}

A side yard variance of 7 feet in lieu of the required 30 feet

A side/rear yard variance of 7 feet in lieu of the required 30 feet

2011-0217-A



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property

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Deed Reference: 24651 / 121 Tax Account # 082500000712

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please see attached

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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:

N/A

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Jennifer R. Busse, Esq.

Name - Type or Print

Signature

Whiteford, Taylor & Preston LLP

Company

1 W. Pennsylvania Ave., Suite 300 410-832-2077

Address

Telephone No.

Towson, MD 21204

City

State

Zip Code

Legal Owner(s):

Schilling Pepper Lot 24

Name - Type or Print

Business Trust

Signature

Robert J. Aumiller, President

Name - Type or Print

Signature

Suite 200C, 2328 W. Joppa Road

Address

Telephone No.

Lutherville, MD 21093

City

State

410-832-2077

Zip Code

Representative to be Contacted:

Jennifer R. Busse, Esq.

Name

1 W. Pennsylvania Avenue, Suite 300

Address

Telephone No.

Towson, MD 21204

City

State

410-832-2077

Zip Code

Case No. 2011-0217-A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by ATSUI Date 1/18/2011

REV 8/20/07

ORDER RECEIVED FOR FILING

Date 3-24-11

By per

255.1

A variance is requested to section ~~258.1~~ BCZR (238.2) pursuant to Section 500.7 BCZR to permit: ^{ADB}

A side yard variance of 7 feet in lieu of the required 30 feet

A side/rear yard variance of 7 feet in lieu of the required 30 feet

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Petition for Variance

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which is presently zoned ML-IM Tax Account # 08250000712
Deed Reference: 24651 / 121

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please see attached

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

REASONS TO BE PROVIDED AT HEARING

Party is to be posted and advertised as prescribed by the zoning regulations. I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property and are to be bounded by the zoning law for Baltimore County.

Legal Owner(s):

Schilling Pepper Lot 24
Name - Type or Print Business Trust

Robert J. Aumiller, President
Signature
Suite 200C, 2328 W. Joppa
Address
Lutherville, MD 21093
City

Representative to be Contacted:

Jennifer R. Busse,
Name

1 W. Pennsylvania
Address

Towson, MD 21204
City

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by ATSUI

Contract Purchaser/Lessee:

N/A
Name - Type or Print

Signature

Address

City

State

Telephone No.

Zip Code

Attorney For Petitioner:

Jennifer R. Busse, Esq.
Name - Type or Print

Signature

Whiteford, Taylor & Preston LLP
Company

1 W. Pennsylvania Ave., Suite 300
Address

Towson, MD 21204
City

State

Telephone No.

Zip Code

Case No.

2011-0217-A

Date

3-24-11

By

REV 8/20/07

ORDER RECEIVED FOR FILING

January 14, 2011

Description to Accompany Zoning Petition
Lots 23+24 Hunt Valley Business Community
Zoned ML-IM
Election District 8
Baltimore County, MD

Beginning for the same at a point on the west side of Pepper Road, 50 feet wide, said point distant South 19°41' West 60 feet more or less from the point of intersection of the centerlines of Schilling Road and Pepper Road, running thence and binding along the west side of Pepper Road the three following courses viz:

1. by a curve to the left having a radius of 1211.16 feet for an arc length of 250.73 feet to a point, thence
2. South 16° 23 '16" East 190.26 feet to a point, thence
3. South 16° 23 '16" East 350.00 feet to a point, thence leaving said Pepper Road and running the three following courses viz,
4. South 72° 47' 30" West 524.99 feet to a point, thence
5. North 16° 23 '16" West 377.27 feet to a point, thence
6. North 04° 31' 35" West 556.24 feet to the south side of Schilling Road, 70 feet wide, running thence and binding along said south side of Schilling Road
7. North 85° 28' 25" East 430.17 feet to a point at the beginning of the cutoff leading to Pepper Road, running thence binding along said cutoff
8. South 49° 31 '35 " East 28.28 feet to the place of beginning

Containing 9.8448 acres of land, more or less. Being all of Lots 23 and 24 as shown on a plat entitled "*Plat Four Hunt Valley Business Community*" dated November 7, 1980 and recorded among the Plat Records of Baltimore County in Plat Book EHK Jr. No. 47 folio 50. The system of bearings referred to herein based on said plat.

This description is intended for zoning purposes only and is not for use in conveyance of land



2011-0217-A

January 14, 2011

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Lots 23+24 Hunt Valley Business Community
Zoned ML-IM
Election District 8
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2011-0217-A

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

No. **62959**
Date: **1/18/2011**

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
1/18/2011 1/18/2011 10:15:09 8

REG WSD4 WALKIN SHIL SHH
>>RECEIPT # 482606 1/18/2011 DELN

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$385

Dep: 5. 528 ZONING VERIFICATION

CR NO 062959

Recpt Tot \$385.00
\$385.00 CK \$1.00 CA
Baltimore County, Maryland

Total:

\$385

Rec From: **WHITEFORD, TAYLOR & PRESTON LLP**
For: **11200 PEPPER RD**
2011-0217-A

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: # 2011-0217-A

11200 Pepper Road

W/side of Pepper Road, s/west corner of Schilling Road and Pepper Road

8th Election District — 3rd Councilmanic District

Legal Owner(s): Schilling Pepper, Lot 24

Variance: to permit a side yard setback of 7 feet in lieu of the required 30 feet; a side/rear yard setback of 7 feet in lieu of the required 30 feet.

Hearing: Wednesday, March 2, 2011 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS 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 2/676 February 15 267165

CERTIFICATE OF PUBLICATION

2/17/2011

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 2/15/2011.

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

J. Wilkinson

LEGAL ADVERTISING



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

February 3, 2011

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105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director, PAI

AJ:kl

C: Jennifer Busse, 1 W. Pennsylvania Avenue, Ste. 300, Towson 21204
Robert Aumiller, 2328 W. Joppa Road, Ste. 2000, Lutherville 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, FEBRUARY 15, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE OFFICE OF ADMINISTRATIVE HEARINGS AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 15, 2011 Issue - Jeffersonian

Please forward billing to:

Jennifer Busse
Whiteford, Taylor & Preston
1 West Pennsylvania Avenue, Ste. 300
Towson, MD 21204

410-832-2077

NOTICE OF ZONING HEARING

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CASE NUMBER: 2011-0217-A

11200 Pepper Road

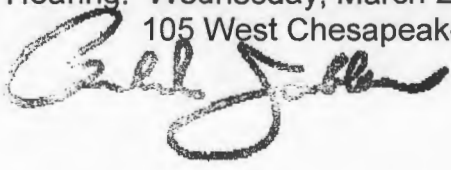
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Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR VARIANCE * BEFORE THE *none*
11200 Pepper Road; W/side of * ZONING COMMISSIONER
Pepper Road, SW corner of *
Schilling Road. & Pepper Road * FOR
8th Election & 3rd Councilmanic Distract *
Legal Owner(s): Schilling Pepper Lot 24 * BALTIMORE COUNTY
Business Trust *
Petitioner(s) * 2011-0217-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

FEB 02 2011

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 2nd day of February, 2011, a copy of the foregoing Entry of Appearance was mailed to Jennifer R. Busse, Esquire, Whiteford, Taylor & Preston L.L.P., One W. Pennsylvania Avenue, Ste. 300, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**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: 2011-0217-A
Petitioner: Schilling Pepper Lot 24 Business Trust
Address or Location: 11200 Pepper Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jennifer Burke
Address: c/o WTP
One W. Pennsylvania Ave., Ste 300
Towson, MD 21204
Telephone Number: 410 832 2077



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

February 24, 2011

Mr. Robert J. Aumiller, President
Schilling Pepper
2328 W. Joppa Road, Ste. 200 C
Lutherville, MD 21093

RE: Case Number 2011-0217 A, 11200 Pepper Road, Lutherville, MD 21093

Dear Mr. Aumiller,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 18, 2011. 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 that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Ms. Jennifer R. Busse, Eqs., 1 W. Pennsylvania Avenue, Suite 300, Towson, MD 21204
Zoning Review | County Office Building
111 West Chesapeake Avenue, Room 111 | Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3048
www.baltimorecountymd.gov

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits,
Approvals and Inspections

DATE: February 11, 2011

RECEIVED

FROM: Jeff Mayhew
(Acting) Director, Office of Planning

FEB 14 2011

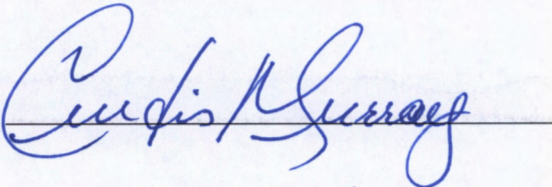
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 11-217- Variance**

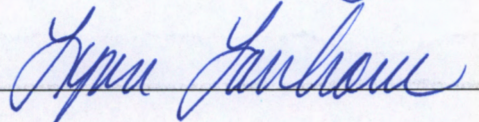
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:



Division Chief:
CM/LL



CASE NAME 11200 Pepper Rd
CASE NUMBER 2011-0217-A
DATE 3/2/11

NAME Korotich

[illegible]

John Beverungen - 2011-0217-A

From: John Beverungen
To: jbusse@wtpaw.com
Date: 03/02/11 11:41 AM
Subject: 2011-0217-A

Ms. Busse,

I neglected to get back from you the sign-in sheet. Can you please send that along to me when you provide the documentation concerning the parking issues we discussed at the hearing.

Thanks.

3/2 11 AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Dave Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: February 15, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-217-A
Address 11200 Pepper Road
(Schilling Pepper Business Trust Property)

Zoning Advisory Committee Meeting of January 31, 2011.

X The Department of Environmental Protection and Sustainability has no
comments on the above-referenced zoning item.

Reviewer: JWL Date: 2/14/11

RECEIVED

FEB 15 2011

ZONING COMMISSIONER



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, Chief
Fire Department

February 3, 2011

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

wed 3/2 11AM

ATTENTION: Zoning Review

Distribution Meeting of: **January 31, 2011**

Item No.:

Administrative Variance: 2011-0215A – 0216A, 2011-0224A

Special Hearing: 2011-0213-SPH, 2011-0219-SPHA, 2011-0220-SPH, 2011-0225-SPHA

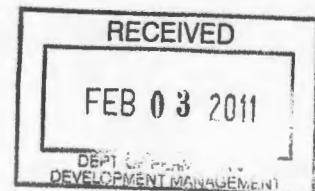
3-2 **Variance:** 2011-0217A, 2011-0219-SPHA, 2011-0221-XA, 2011-0222A – 0223A, 2011-0225-SPHA

Special Exception: 2011-0221-XA,

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Acting Lieutenant
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 2, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For February 7, 2011
Item Nos. 2011- 213, 215, 216, 217,
219, 220, 221, 222 and 223

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

DAK:CEN:cab
cc: File
G:\DevPlanRev\ZAC -No Comments\ZAC-02072011 -NO COMMENTS.doc



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

State Highway
Administration

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

Maryland Department of Transportation

3/3/11

Date: 2-14-2011

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

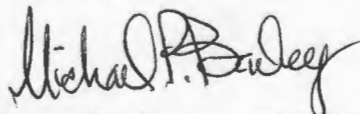
RE: Baltimore County
Item No 2011-0217-A
11200 PEPPER ROAD
AUMILLER PROPERTY
VARIANCE -

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2011-0217-A.

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

Very truly yours,


For Steven D. Foster, Chief
Access Management Division

SDF/mb

CERTIFICATE OF POSTING

2011-0217-A

RE: Case No.: _____

Petitioner/Developer: _____

Schilling Pepper, Lot 24

Date of Hearing/Closing: _____

Mar 2, 2011

11 AM

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

Attn: Kristen 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: _____

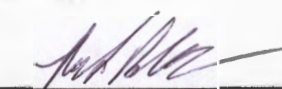
11200 Pepper Road

February 15, 2011

The sign(s) were posted on _____

(Month, Day, Year)

Sincerely,



February 15, 2011

(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)

After Recording Please Revert To.

Fidelity National Title Insurance Company
2 N. Charles Street, Suite 930
Baltimore, Maryland 21201

0020140 106

2

04-0513

RECIPROCAL EASEMENT AGREEMENT

THIS AGREEMENT is made as of the 26th day of May, 2004, by and among SCHILLING PEPPER LOT 21 BUSINESS TRUST, a Maryland business trust (the "Lot 21 Owner"), SCHILLING PEPPER LOT 21 IMPROVEMENTS BUSINESS TRUST, a Maryland business trust (the "Lot 21 Improvements Owner;" collectively with Lot 21 Owner, the "Lot 21 Owners"), SCHILLING PEPPER LOT 23 BUSINESS TRUST, a Maryland business trust (the "Lot 23 Owner"), and SCHILLING PEPPER IMPROVEMENTS BUSINESS TRUST, a Maryland business trust (the "Lot 23 Improvements Owner;" collectively with Lot 23 Owner, the "Lot 23 Owners").

RECITALS

A. Lot 21 Owner owns in fee simple a parcel of land situated and lying in Hunt Valley, Baltimore County, Maryland which is more particularly described as follows:

Lot 21 as shown on a Plat entitled "Plat Four Hunt Valley Business Community," which Plat is recorded among the Land Records for Baltimore County, Maryland in Plat Book 47, folio 50 ("Lot 21").

B. Lot 23 Owner owns in fee simple a parcel of land situated and lying in Hunt Valley, Baltimore County, Maryland which is more particularly described as follows:

Lot 23 Block B as shown on a Plat entitled "Plat Four Hunt Valley Business Community," which Plat is recorded among the Land Records for Baltimore County, Maryland in Plat Book 47, folio 50 ("Lot 23;" sometime collectively referred to herein with Lot 21 and the "Lots" or the "Property").

IMP FD SURE \$ 20.00
RECORDING FEE 20.00
TOTAL 40.00
Rest B002 Rcpt # 57290
SM TD Blk # 64
May 28, 2004 09:22 am

C. Lot 21 Improvements Owner owns in fee simple all of the improvements located on Lot 21.

D. Lot 23 Improvements Owner owns in fee simple all of the improvements located on Lot 23. Sometimes Lot 21 Owner, Lot 23 Owner, Lot 21 Improvements Owner, and Lot 23 Improvements Owner are referred to collectively herein as the "Owners."

E. The Owners desire to grant to one another various reciprocal rights in accordance with the terms and conditions of this Agreement.

NOW, THEREFORE, WITNESSETH: in consideration of the sum of Ten and No/100 Dollars (\$10.00) and of the mutual covenants set forth below, the parties hereby agree as follows:

1. Ingress Egress Easements Over and Across Lot 21. Lot 21 Owners hereby grant to Lot 23 Owners and their successors and assigns a non-exclusive perpetual easement for ingress and egress for pedestrian and vehicular traffic over and across Lot 21. Lot 21 Owners shall designate all easement areas and may modify the location of all easement areas in their sole and absolute discretion. Lot 21 Owners solely shall be responsible for the maintenance and repair of all easement areas located on Lot 21 except to the extent that any maintenance or repair is necessitated by the negligence or intentional misconduct of Lot 23 Owners, their successors or assigns, or their agents, employees, tenants, or invitees.

2. Ingress Egress Easements Over and Across Lot 23. Lot 23 Owners hereby grant to Lot 21 Owners and their successors and assigns a non-exclusive perpetual easement for ingress and egress for pedestrian and vehicular traffic over and across Lot 23. Lot 23 Owners shall designate all easement areas and may modify the location of all easement areas in their sole and absolute discretion. Lot 23 Owners solely shall be responsible for the maintenance and repair of all easement areas located on Lot 23 except to the extent that any maintenance or repair is necessitated by the negligence or intentional misconduct of Lot 21 Owners, their successors or assigns, or their agents, employees, tenants, or invitees.

3. Parking Easement Over and Across Lot 23. Lot 23 Owners hereby grant to Lot 21 Owners and its successors and assigns a non-exclusive perpetual easement for parking in all parking areas located on Lot 23. Lot 23 Owners shall designate all easement areas and may modify the location of all easement areas in their sole and absolute discretion. Lot 23 Owners solely shall be responsible for the maintenance and repair of all easement areas located on Lot 23 except to the extent that any maintenance or repair is necessitated by the negligence or intentional misconduct of Lot 21 Owners, their successors or assigns, or their agents, employees, tenants, or invitees.

4. Storm Water Management Pond. The parties agree and acknowledge that located on Lot 21 are a storm water management pond and associated improvements (the "SWM System") which connect to the regional storm water management system (the "Regional System"). The parties further agree and acknowledge that Lot 23 drains into the SWM System through an existing system of drains and pipes located on Lot 21 and Lot 23. Lot 21 Owners hereby grant to Lot 23 Owners and their successors and assigns a non-exclusive perpetual easement to maintain the existing pipe system and to drain into the SWM System. Lot 21 Owners and Lot 23 Owners each shall be responsible for the maintenance and repair of the drains which are located on their Lots. Lot 21 Owners and Lot 23 Owners shall share equally the responsibility of and all costs associated with the maintenance and repair of the SWM System and the connection to the Regional System. Notwithstanding the foregoing, if maintenance or repair is necessitated by the negligence or intentional misconduct of any Owner, its successors or assigns, or their agents, employees, tenants, or invitees, then such Owner shall bear the full cost of such maintenance or repair.

5. Superiority to Mortgages. The parties hereto agree that should any of the Property be sold under a foreclosure of any mortgage or by deed in lieu of foreclosure of sale by a trustee

in bankruptcy or other sales under distress, such sales or conveyances will be subject to this Agreement.

6. Entire Agreement and Modifications. This Agreement embodies and constitutes the final and entire agreement between the parties hereto and they shall not be bound by any terms, covenants, conditions, representations or warranties not expressly contained herein. This Agreement may not be altered, changed or amended except by an instrument in writing, executed by both parties hereto.

7. Applicable Law. This Agreement shall be governed, construed and enforced according to the laws of the State of Maryland, without regard to principals of conflict of laws.

8. Headings. Descriptive headings are for convenience only and shall not control or affect the meaning or construction of any provision of this Agreement.

9. Recordation. The parties agree that this Agreement shall be recorded among the Land Records of Baltimore County, Maryland and that the parties shall share equally the costs of recordation.

10. Interpretation. Whenever the context hereof shall so require, the singular shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

11. Severability. If any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

12. Run with the Land; Successor and Assigns. All covenants, conditions and agreements contained herein are made for the direct, mutual and reciprocal benefit of each and every parcel which comprises the Property and shall run with the land. This Agreement shall create reciprocal rights and obligations between and/or among the respective owners of the parcels which comprise the Property and their respective successors and assigns. Every owner of any interest in any parcel which comprises the Property now or in the future is and conclusively shall be deemed to have consented and agreed to every condition, standard and covenant set forth in this Agreement whether or not any reference to this Agreement is set forth in the instrument pursuant to which such owner acquires an interest in any parcel.

13. Notices. Any notice to be given to any party hereto in connection with this Agreement shall be in writing and shall be deemed given when hand delivered with a signed receipt or sent postage prepaid by Certified Mail. Notices to Lot 21 Owner, Lot 21 Improvements Owner, Lot 23 Owner, and Lot 23 Improvements Owner shall be sent to the following address:

c/o MacKenzie Commercial Real Estate, Inc.
 2328 West Joppa Road
 Suite 200
 Lutherville, Maryland 21093
 Attn: Robert J. Aumiller, Esquire

Any party, by written notice to the others, may change its address to which notices are to be sent.

IN WITNESS WHEREOF, the parties hereto have executed under seal this Agreement as of the day and year first above written.

WITNESS:

Kam Daly

SCHILLING PEPPER LOT 21 BUSINESS TRUST

By: Robert J. Aumiller (SEAL)
 Robert J. Aumiller, President

WITNESS:

Kam Daly

SCHILLING PEPPER LOT 21 IMPROVEMENTS
 BUSINESS TRUST

By: Robert J. Aumiller (SEAL)
 Robert J. Aumiller, President

WITNESS:

Kam Daly

SCHILLING PEPPER LOT 23 BUSINESS TRUST

By: Robert J. Aumiller (SEAL)
 Robert J. Aumiller, President

WITNESS:

Kam Daly

SCHILLING PEPPER IMPROVEMENTS
 BUSINESS TRUST

By: Robert J. Aumiller (SEAL)
 Robert J. Aumiller, President

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

On this 26th day of May, 2004, before me, the subscribed, a Notary Public of the State aforesaid, personally appeared Robert J. Aumiller, the President of Schilling Pepper Improvements Business Trust, and he acknowledged the above Agreement to be the act of Schilling Pepper Improvements Business Trust.

IN WITNESS WHEREOF, I hereunto set my hand and Notarial Seal.

Deborah Stange

My commission expires: 11/1/07

THIS IS TO CERTIFY THAT THE WITHIN INSTRUMENT HAS BEEN PREPARED BY OR UNDER THE SUPERVISION OF THE UNDERSIGNED MARYLAND ATTORNEY.

Pamela McDade Johnson

Return to: Chicago Title Insurance Company
19 E. Fayette St. # 300, Baltimore, MD 21202
Attn: Gail Mangels (410.230-9575)
File No. 4507-44921

0026580 140

PARKING EASEMENT AGREEMENT

THIS PARKING EASEMENT AGREEMENT (this "Agreement") is made as of the 14th day of January, 2008, by and among SCHILLING PEPPER LOT 23 BUSINESS TRUST, a Maryland business trust (the "Lot 23 Owner"), SCHILLING PEPPER LOT 24 BUSINESS TRUST, a Maryland business trust (the "Lot 24 Owner"), SCHILLING PEPPER LOT 28 BUSINESS TRUST, a Maryland business trust (the "Lot 28 Owner"), and SCHILLING PEPPER LOT 29 BUSINESS TRUST, a Maryland business trust (the "Lot 29 Owner"; sometimes collectively with Lot 23 Owner, Lot 24 Owner, and Lot 28 Owner, the "Owners"; sometimes individually, an "Owner").

RECITALS

A. Lot 23 Owner owns in fee simple a parcel of land situated and lying in Hunt Valley, Baltimore County, Maryland which is more particularly described as follows:

Lot 23 as shown on a Plat entitled "Plat Four Hunt Valley Business Community," which Plat is recorded among the Land Records for Baltimore County, Maryland in Plat Book 47, folio 50 ("Lot 23").

A. Lot 24 Owner owns in fee simple a parcel of land situated and lying in Hunt Valley, Baltimore County, Maryland which is more particularly described as follows:

Lot 24 as shown on a Plat entitled "Plat Four Hunt Valley Business Community," which Plat is recorded among the Land Records for Baltimore County, Maryland in Plat Book 47, folio 50 ("Lot 24").

C. Lot 28 Owner owns in fee simple a parcel of land situated and lying in Hunt Valley, Baltimore County, Maryland which is more particularly described as follows:

Lot 28 as shown on a Plat entitled "Plat Four Hunt Valley Business Community," which Plat is recorded among the Land Records for Baltimore County, Maryland in Plat Book 47, folio 50 ("Lot 28").

D. Lot 29 Owner owns in fee simple a parcel of land situated and lying in Hunt Valley, Baltimore County, Maryland which is more particularly described as follows:

Lot 29 as shown on a Plat entitled "Plat Four Hunt Valley Business Community," which Plat is recorded among the Land Records for Baltimore County, Maryland in Plat Book 47, folio 50 ("Lot 29; sometimes collectively referred to herein with Lot 23, Lot 24, and Lot 28 as the "Lots" or the "Property"; sometimes individually as a "Lot").

E. Lot 23 Owner, Lot 24 Owner, and Lot 28 Owner desire to grant to Lot 29 Owner an easement for parking in accordance with the terms and conditions of this Agreement.

NOW, THEREFORE, WITNESSETH: in consideration of the sum of Ten and No/100 Dollars (\$10.00) and of the mutual covenants set forth below, the parties hereby agree as follows:

1. Parking Easement Over and Across Lot 23, Lot 24, and Lot 28. Lot 23 Owner, Lot 24 Owner, and Lot 28 Owner hereby grant to Lot 29 Owner and its successors and assigns a non-exclusive perpetual easement for parking in no more than forty (40) parking spaces located within all parking areas located on Lot 23, Lot 24, and Lot 28, subject to the limitations set forth herein. The total number of parking spaces permitted to be used by Lot 29 Owner at any one time pursuant to the easement granted by this Agreement is forty (40) parking spaces. The forty (40) parking spaces may be located entirely on one Lot or partially on two or more of the Lots. Lot 23 Owner, Lot 24 Owner, and Lot 28 Owner shall designate all easement areas and may modify the location of all easement areas in their sole and absolute discretion at any time and from time to time. Lot 23 Owner, Lot 24 Owner, and Lot 28 Owner solely shall be responsible for the maintenance and repair of all easement areas located on the property owned by such Owner except to the extent that any maintenance or repair is necessitated by the negligence or intentional misconduct of Lot 29 Owner, its successors or assigns, or its agents, employees, tenants, or invitees.

2. Ingress Egress Easements Over and Across Lot 23, Lot 24, and Lot 28. Solely to facilitate ingress to and egress from the parking easement areas described above, Lot 23 Owner, Lot 24 Owner, and Lot 28 Owner hereby grant to Lot 29 Owner and its successors and assigns a non-exclusive perpetual easement for ingress and egress for pedestrian and vehicular traffic over and across Lot 23, Lot 24, and Lot 28. Lot 23 Owner, Lot 24 Owner, and Lot 28 Owner shall designate all easement areas and may modify the location of all easement areas in their sole and absolute discretion. Lot 23 Owner, Lot 24 Owner, and Lot 28 Owner solely shall be responsible for the maintenance and repair of all easement areas located on the Lot owned by such Owner except to the extent that any maintenance or repair is necessitated by the negligence or intentional misconduct of Lot 29 Owner, its successors or assigns, or its agents, employees, tenants, or invitees.

3. Superiority to Mortgages. The parties hereto agree that should any of the Property be sold under a foreclosure of any mortgage or by deed in lieu of foreclosure of sale by a trustee in bankruptcy or other sales under distress, such sales or conveyances will be subject to this Agreement.

4. Entire Agreement and Modifications. This Agreement embodies and constitutes the final and entire agreement between the parties hereto and they shall not be bound by any terms, covenants, conditions, representations or warranties not expressly contained herein. This Agreement may not be altered, changed or amended except by an instrument in writing, executed by both parties hereto.

5. Applicable Law. This Agreement shall be governed, construed and enforced according to the laws of the State of Maryland, without regard to principals of conflict of laws.

6. Headings. Descriptive headings are for convenience only and shall not control or affect the meaning or construction of any provision of this Agreement.

7. Recordation. The parties agree that this Agreement shall be recorded among the Land Records of Baltimore County, Maryland and that the parties shall share equally the costs of recordation.

8. Interpretation. Whenever the context hereof shall so require, the singular shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

9. Severability. If any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

10. Run with the Land; Successor and Assigns. All covenants, conditions and agreements contained herein are made for the direct, mutual and reciprocal benefit of each and every parcel which comprises the Property and shall run with the land. This Agreement shall create reciprocal rights and obligations between and/or among the respective owners of the parcels which comprise the Property and their respective successors and assigns. Every owner of any interest in any parcel which comprises the Property now or in the future is and conclusively shall be deemed to have consented and agreed to every condition, standard and covenant set forth in this Agreement whether or not any reference to this Agreement is set forth in the instrument pursuant to which such owner acquires an interest in any parcel.

11. Notices. Any notice to be given to any party hereto in connection with this Agreement shall be in writing and shall be deemed given when hand delivered with a signed receipt or sent postage prepaid by Certified Mail. Notices to the Owners shall be sent to the following address:

c/o MacKenzie Commercial Real Estate, Inc.
2328 West Joppa Road
Suite 200
Lutherville, Maryland 21093
Attn: Robert J. Aumiller, Esquire

Any party, by written notice to the others, may change its address to which notices are to be sent.

IN WITNESS WHEREOF, the parties hereto have executed under seal this Agreement as of the day and year first above written.

0026580 143

WITNESS:

Lisa Ann Stungis

SCHILLING PEPPER LOT 23 BUSINESS TRUST

By: Robert J. Aumiller (SEAL)
Robert J. Aumiller
President

WITNESS:

Lisa Ann Stungis

SCHILLING PEPPER LOT 24 BUSINESS TRUST

By: Robert J. Aumiller (SEAL)
Robert J. Aumiller
President

WITNESS:

Lisa Ann Stungis

SCHILLING PEPPER LOT 28 BUSINESS TRUST

By: Robert J. Aumiller (SEAL)
Robert J. Aumiller
President

WITNESS:

Lisa Ann Stungis

SCHILLING PEPPER LOT 29 BUSINESS TRUST

By: Robert J. Aumiller (SEAL)
Robert J. Aumiller
President

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

On this 14th day of January, 2008, before me, the subscribed, a Notary Public of the State aforesaid, personally appeared Robert J. Aumiller, the President of each of Schilling Pepper Lot 23 Business Trust, Schilling Pepper Lot 24 Business Trust, Schilling Pepper Lot 28 Business Trust, Schilling Pepper Lot 29 Business Trust, and he acknowledged the above Agreement to be the act of each of said business trusts.

IN WITNESS WHEREOF, I hereunto set my hand and Notarial Seal.

Les Ann Stungui

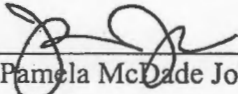
My commission expires: 11/22/11



0026580 145

ATTORNEY CERTIFICATION

THIS IS TO CERTIFY THAT THE WITHIN INSTRUMENT HAS BEEN PREPARED BY OR
UNDER THE SUPERVISION OF THE UNDERSIGNED MARYLAND ATTORNEY.



Pamela McDade Johnson

JOINDER AND CONSENT OF BENEFICIARY
UNDER DEED OF TRUST

The undersigned Beneficiary under an Indemnity Deed of Trust and Security Agreement executed by the Owners dated August 6, 2003 and recorded among the Land Records of Baltimore County, Maryland at Liber No. 18537, folio 397 (the "Deed of Trust") joins in the execution of the foregoing Parking Easement Agreement for the purpose of consenting to said Agreement and subordinating the lien of the Deed of Trust to the Agreement.

WITNESS:

BENEFICIARY:

PNC BANK, NATIONAL ASSOCIATION,
 successor by merger to Mercantile-Safe Deposit &
 Trust Company

Connie Staleper

By:

Brian J. Cannon (SEAL)
 Brian J. Cannon
 Vice President

STATE OF MARYLAND

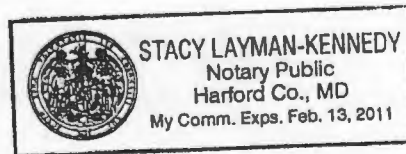
~~CITY~~/COUNTY OF Harford, TO WIT:

I HEREBY CERTIFY, that on this 10th day of January, 2008, before me, the subscriber, a Notary Public for the aforesaid State, personally appeared Brian J. Cannon, Vice President of PNC BANK, NATIONAL ASSOCIATION, successor by merger to Mercantile-Safe Deposit & Trust Company, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument, who acknowledged the foregoing to be his act on behalf of the bank, and in my presence signed and sealed the same.

AS WITNESS my hand and Notarial Seal:

Stacy Layman-Kennedy (SEAL)
 Notary Public

My Commission expires: _____



0026580 147

State of Maryland Land Instrument Intake Sheet BALTIMORE COUNTY									
Information provided is for use of the Clerk's Office, State Department of Assessments and Taxation and County Finance Office only. (Type or Print in Black Ink Only—All Copies Must Be Legible)									
1	Type(s) of Instruments	(1) Check Box if Addendum Intake Form is Attached							
2	Conveyance Type Check box	Improved Sale Arms-Length[1]	Unimproved Sale Arms-Length[2]	Multiple Accounts Arms-Length[3]	Not an Arms-Length Sale	JTB, FD SURE \$ 28.00 RECORDING FEE 28.00 TOTAL 48.00 Reg # BA04 Rcpt # 39076			
3	Tax Exemptions (if Applicable) Cite Or Explain Authority	Recording [] State Transfer [] County Transfer []							
4	Consideration And Tax Calculation	Consideration Amount				Finance Office Use Only			
		Purchase Price/Consideration	\$		Transfer and Recording Tax Consideration	\$			
		Any New Mortgage	\$		Transfer Tax Consideration	\$			
		Balance of Existing Mortgage	\$		X() %	\$			
		Other:	\$		Less Exemption Amount	\$			
			\$		Total Transfer Tax	\$			
		Other	\$		Recording Tax (Consideration)	\$			
			\$		X() % per \$500	\$			
		Full Cash Value	\$		TOTAL DUE	\$			
5	Fees	Amount of Fees	Doc. 1	Doc. 2	Agent				
		Recording Charge	\$ 20.00	\$	Tax/Bill				
		Surcharge	\$ 20.00	\$	C.B. Credit				
		State Recording Tax	\$	\$	Ag. Tax/Other				
		State Transfer Tax	\$	\$					
		County Transfer Tax	\$	\$					
		Other	\$	\$					
		Other	\$	\$					
6	Description of Property	District: 08 Property Tax ID No. (1): 25-00-000737 Grantor Liber/Folio: 24651-105 Map: 42 Parcel No.: 427 Var. LOG: (5) Subdivision Name: Hunt Valley Business Community Lot(3a): 29 Block(3b): 2 Sect/AR(3c): 47/50 Acreage(4): 1.87 Location/Address of Property Being Conveyed (2): Pepper Road, Hunt Valley, MD 21031 Other Property Identifiers (if applicable): Water Meter/Account No.: Residential () or Non-Residential (X) Fee Simple (X) or Ground rent () Amount: Partial Conveyance? () Yes (X) No Description/Amt. of SqFt/Acreage Transferred: 11,561 acres If Partial Conveyance, List Improvements Conveyed:							
7	From	Doc. 1 - Grantor(s) Name(s): SCHILLING PEPPER LOT 23 BUSINESS TRUST, SCHILLING PEPPER LOT 24 BUSINESS TRUST, SCHILLING PEPPER LOT 28 BUSINESS TRUST and SCHILLING PEPPER LOT 29 BUSINESS TRUST				Doc. 2 - Grantor(s) Name(s):			
		Doc. 1 - Owner(s) of Record, If Different from Grantor(s):				Doc. 2 - Owner(s) of Record, If Different from Grantor(s):			
8	Transferred To	Doc. 1 - Grantee(s) Name(s):				Doc. 2 - Grantee(s) Name(s):			
		New Owner's (Grantee) Mailing Address:							
9	To Be Indexed	Doc. 1 - Additional Names to be Indexed (Optional):				Doc. 2 - Additional Names to be Indexed (Optional):			
10	Contact/Mail Information	Instrument Submitted By or Contact Person: [X] Return to Contact Person				Name: Gail Mangels			
		Firm: Chicago Title Insurance Company				[] Hold for Pickup			
		Address: 19 E. Fayette Street - Suite 300, Baltimore, MD 21202				[] Return Address Provided			
		410-230-9575							
IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER. Assessment [] Yes [] No Will the property being conveyed be the grantee's principal residence? Information [] Yes [] No Does transfer include personal property? If yes, identify: [] Yes [] No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required). Assessment Use Only - Do Not Write Below This Line Terminal Verification [] Agricultural Verification [] Whole [] Part [] Partial [] Trans. Process Verification [] Transfer Number [] Date Received [] Deed Reference [] Assigned Property Not [] Year [] Geo. [] Map [] Sub. [] Block [] Land [] Zoning [] Plat [] Lot [] Buildings [] Use [] Parcel [] Section [] Occ. Cd. [] Total [] Town Cd. [] Ex. St. [] Ex. Cd. [] REMARKS: TAX NOT REQUIRED Director of Budget and Finance BALTIMORE COUNTY, MARYLAND COUNTY TRANSFER TAX ART 1, TITLE 3 SUBTITLE 2, § 202 RECORDATION TAX T.P. ART 12-108									

ZONING NOTICE

CASE # 2011-0217A

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

Room 205 JEFFERSON BUILDING
105 WEST CHESAPEAKE AVE. TOWSON 21204
PLACE:

DATE AND TIME: WEDNESDAY, MARCH 2, 2011 AT 11:00^{A.M.}

REQUEST: VARIANCE TO PERMIT A SIDE YARD SETBACK OF
7 FEET IN LIEU OF THE REQUIRED 30 FEET, A SIDE/REAR YARD
SETBACK OF 7 FEET IN LIEU OF THE REQUIRED 30 FEET.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-1391

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

HANDICAPPED ACCESSIBLE



ME IM

SCHILLING RD

PEPPER RD

PEPPER RD

SCHILLING CIR

MATISWARFIELD

Consulting Engineers

10540 York Road, Suite M Hunt Valley, MD 21030
410.683.7004 **PHONE** 410.683.1798 **FAX**
www.matiswarfield.com



PART OF OFFICIAL ZONING MAPS
042B2 + 042B3
SCALE 1" = 200'

2011-0217-A



111 Schilling Road

101 Schilling Road

Schilling Place

11200 Pepper Road

PROPOSED
PARKING
DECK

Residence
Inn
Marriott

EXHIBIT
tabbles®



MEMORANDUM

TO: Robert Aumiller, President, Mackenzie Commercial Real Estate Services

FROM: George Klunk, Acting Executive Director, DED 

RE: Pepper Road Zoning Variance

DATE: January 15, 2010

John Gontrum, Esquire has contacted our department on your behalf concerning the Zoning variance for this project.

We understand that Mackenzie Commercial Real Estate Properties is building a 2-story garage at 11200 Pepper Road in Hunt Valley that will allow existing and prospective tenants to meet growing need for additional parking requirements. Additional renovations and additions contemplated will permit Mackenzie to attract professional service businesses to their Hunt Valley facilities. As a result of these investments, total employment is expected to increase with 300 additional new jobs. The capital investment for the project exceeds \$2,500,000.

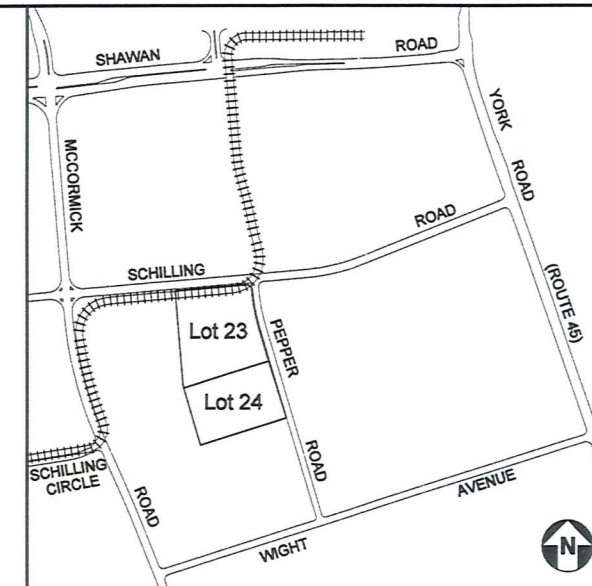
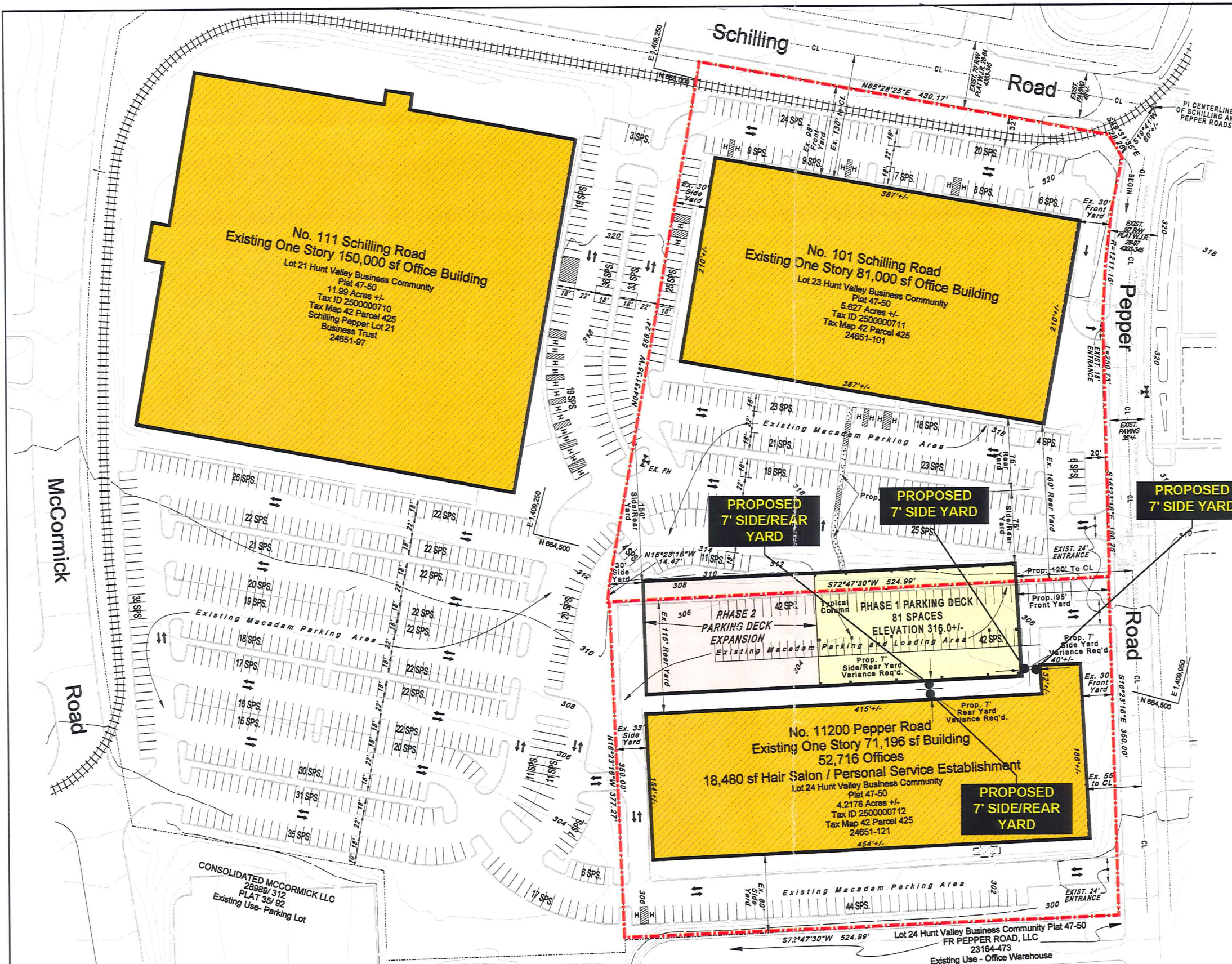
This redevelopment prepares the Mackenzie facilities for further growth as the economy improves over the next several years. The York Road corridor is undergoing redevelopment of aging buildings into new and updated professional service facilities for new businesses and expanding local firms.

Our department endorses the Mackenzie Pepper Road garage project. The location is zoned ML-IM. The immediate area includes a wide variety of office, manufacturing, and service businesses.

CC: John Gontrum, Esquire

400 Washington Avenue Mezzanine | Towson MD 21204-4665 | phone 410.887.8000 | fax 410-887-8017
www.baltimorecountyonline.info/business





Site Data
NET AREA OF LOT 24 = 4.2178 +/- ACRES OR 183,727 SF
NET AREA OF LOT 23 = 5.627 +/- ACRES OR 245,112 SF
TOTAL NET AREA DESCRIBED IN PETITION = 9.8446 +/- ACRES OR 428,839 SF
EXISTING ZONING - M-1W
EXISTING USES - GENERAL OFFICES, HAIR SALON AND PERSONAL SERVICE ESTABLISHMENT
PROPOSED USE - SAME WITH PROPOSED 81 SPACE PARKING DECK (PHASE 1) (PHASE 2 ADDITIONAL 75 SPACES)
DEED REFERENCE - LOT 24 24651-121
DEED REFERENCE - LOT 23 24651-101
PLAT REFERENCE - S.M. 47 FOLIO 50
PRIOR DEVELOPMENT APPROVAL - JSPC TENTATIVE PLAN SECTION 2, GREATER BALTIMORE INDUSTRIAL PARK, APPROVAL DATE 3-13-62
LOT 23 - LIMITED EXEMPTION AUTHORIZED BY DRC 100703E FOR BUILDING MODIFICATIONS ON DECEMBER 28, 2010 (DRC 1228100) AND THE DRC TOOK "NO ACTION"
ZONING HISTORY: NO PRIOR ZONING APPLICATIONS FOR THIS SITE.
PRIOR COMMERCIAL PERMITS: UNKNOWN
FDM NO. 05-91
TAX ACCOUNT NUMBER LOT 24 - 25-0000-0712 LOT 23 25-0000-0711
FOREST CONSERVATION - APPLIES A SPECIAL VARIANCE WILL BE REQUESTED TO LIMIT THE AFFORESTATION REQUIREMENT TO THE AREA OF DISTURBANCE ON THE BASIS THAT THE SITE WAS PREVIOUSLY DEVELOPED
FOREST BUFFER- NO FOREST BUFFER APPLICABLE- NO REGULATED RESOURCES IN VICINITY
SIGNAGE - NO SIGNAGE PROPOSED. ANY FUTURE SIGNAGE TO COMPLY WITH SECTION 450 BCZR AND ALL ZONING SIGN POLICIES
FLOOD PLAN - THE SITE SHOWN HEREON DOES NOT LIE WITHIN THE 100 YEAR FLOODPLAIN
LIGHTING - ANY FUTURE USED TO ILLUMINATE THE OFFSTREET PARKING AREA SHALL BE ERRECTED AS TO REFLECT LIGHT AWAY FROM ADJOINING PREMISES AND PUBLIC STREETS.
WATERSHED- 3 LOON RAVEN SUBSEWER SHED - 34
CENSUS TRACT - 4084 REGIONAL PLANNING DISTRICT - 308A
FLOOR AREA RATIO: PERMITTED - 2.0
LOT 24 71,196 SF / 193,450 SF (GROSS AREA) = 0.37
LOT 23 81,000 SF / 270,150 SF (GROSS AREA) = 0.30
AMENITY OPEN SPACE - NONE REQUIRED
EXISTING BUILDING HEIGHTS - 25' +/- FEET
AREA OF DISTURBANCE - LESS THAN 5,000 SF INCLUDES NEW IMPERVIOUS SURFACE AND DECK OVER LAWN AND EXCAVATION FOR COLUMNS
STORMWATER MANAGEMENT- N/A PROPOSED AREA OF DISTURBANCE LESS THAN 5,000 SF
CRITICAL AREA - THE SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
BASIC SERVICES- THE SITE IS NOT LOCATED IN ANY AREA IDENTIFIED AS DEFICIENT ON THE 2010 BASIC SERVICES MAPS

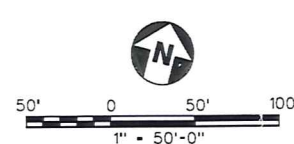
Parking Tabulation
THE THREE PROPERTIES SHOWN HEREON ARE UNDER COMMON CONTROL AND OWNERSHIP AND SHARE A COMMON PARKING FIELD

PARKING REQUIRED:	
NO. 111 SCHILLING ROAD	
150,000 SF OF GENERAL OFFICE @ 3.3 SPACES PER 1000 SF	• 495 SPACES
NO. 101 SCHILLING ROAD	
81,000 SF OF GENERAL OFFICE @ 3.3 SPACES PER 1000 SF	• 268 SPACES
NO. 11200 PEPPER ROAD	
52,716 SF OF GENERAL OFFICE @ 3.3 SPACES PER 1000 SF	• 174 SPACES
7,400 SF OF PERSONAL CARE ESTABLISHMENT @ 3.3 SPACES PER 1000 SF	• 25 SPACES
11,880 SF OF HAIR SALON @ 5 SPACES PER 1000 SF	• 60 SPACES
TOTAL REQUIRED	• 1,022 SPACES
TOTAL PARKING PROVIDED	• 1,130 SPACES
SURFACE PARKING LOTS	• 81 SPACES
PARKING DECK PHASE 1	• 75 SPACES
PARKING DECK PHASE 2	• 75 SPACES
TOTAL PARKING PROVIDED	• 1,286 SPACES

STANDARD PARKING SPACES AT 8.5'x18'
HANDICAP PARKING AT 13'x18' (SINGLE) 24'x18' (TWO SIDE BY SIDE) OR 24'x18' (VAN ACCESSIBLE SIDE BY SIDE)
TOTAL INCLUDES 27 SPACES FOR THE PHYSICALLY HANDICAP

A VARIANCE IS REQUESTED TO SECTION 255.1 BCZR (238.2) PURSUANT TO SECTION 500.7 BCZR TO PERMIT:
A SIDE YARD VARIANCE OF 7 FEET IN LIEU OF THE REQUIRED 30 FEET
A SIDE / REAR YARD VARIANCE OF 7 FEET IN LIEU OF THE REQUIRED 30 FEET

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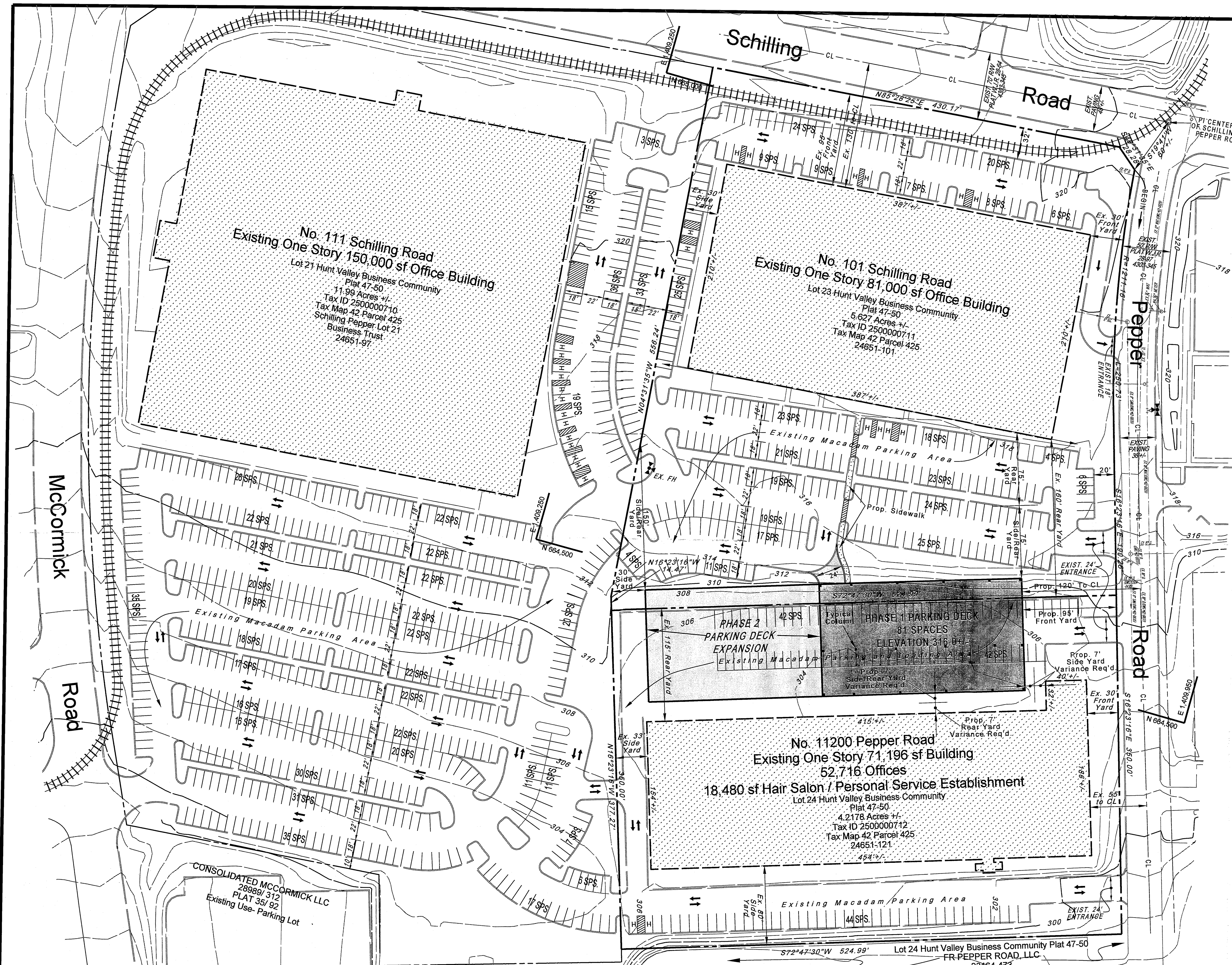


Owner Lot 23
Schilling Pepper Lot 23 Business Trust
c/o Mackenzie Commercial Real Estate Services, LLC
2328 West Joppa Road, Suite 200C
Timonium, Maryland 21093
410-821-8585 Phone 410-821-5327 Fax
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Plan To Accompany Zoning Petition
11200 Pepper Road Lot 24
101 Schilling Road Lot 23
Hunt Valley Business Community
Baltimore County, Maryland
Election District No. 8
Councilmanic District 3
January 14, 2011

EXHIBIT
2



Vicinity Map Scale 1" = 500'

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 ZONING HISTORY - NO PRIOR ZONING APPLICATIONS FOR THIS SITE: CASE No. 1996-0350A D03
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 8TH ELECTION DISTRICT, 3RD COUNCILMANIC DISTRICT D03

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