

IN RE: PETITION FOR SPECIAL HEARING

E side of Gilroy Road, at the southern
terminus of Gilroy Road, 2,500' S of
Golden West Drive
(Gilroy Road)
8th Election District
3rd Council District

Gilroy, LLC
Petitioner

BEFORE THE OFFICE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2011-0364-SPH

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings for Baltimore County pursuant to a Petition for Special Hearing filed by Gilroy, LLC, Property Owner/Petitioner. The Petitioner requests confirmation that the proposed use of subject property constitutes a "construction equipment storage yard" and/or for such other relief as may be deemed necessary by the Administrative Law Judge of Baltimore County. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the Plat to Accompany the Petition for Special Hearing.

Appearing at the requisite public hearing held for this case was Robert Webbert, principal of Gilroy, LLC (Property Owner/Petitioner). The Petitioner was represented by Lawrence E. Schmidt, Esquire of Smith, Gildea & Schmidt, LLC. Also appearing was Geoffrey Schultz (Professional Land Surveyor) of McKee & Associates, Inc., who prepared the Plat to accompany the Petition. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject property is an unimproved parcel of land approximately 13.5 acres in area, zoned ML-IM. The property is located in the Cockeysville/Hunt Valley community of Baltimore County. It is immediately bordered on the west side by the Baltimore Harrisburg Expressway (Interstate I-83) and to the south the Warren

ORDER RECEIVED FOR FILING

Date

9-29-11

By

103

Road interchange to that highway. To the north, the property abuts other office/manufacturing properties which are located to the south of the Hunt Valley Industrial Park. To the west, the property abuts lands owned by State Highway Administration ("SHA"). There are no residential uses in the immediate vicinity.

Gilroy, LLC is an affiliate of Gray & Son, Inc., a well know construction/contracting business in Baltimore County. Mr. Webbert is a principal with Gray & Son. Gray & Son's main office is located not far from the subject property, near a quarry property (known for many years as the "Genstar Quarry") adjacent to Padonia Road.

The subject property was recently acquired by Gilroy, LLC and is proposed for use by the Gray & Son company. No buildings or other structures are immediately contemplated as part of the proposed use. Instead, an area of the property (approximately 6.24 acres), will be utilized as a construction equipment storage yard. That is, Gray and Son anticipates using a portion of this land for storage purposes associated with its construction business.

As was noted at the hearing, a construction equipment storage yard is defined under Baltimore County Zoning Regulation ("B.C.Z.R.") Section 101.1 as "the use of any space, whether inside or outside a building, for the storage of construction equipment or machinery, including landscaping equipment and associated materials." Pursuant to land use regulations for the ML zone in B.C.Z.R. Section 253.1.B.3, construction equipment storage yards are permitted by right in that zone. Further, B.C.Z.R. Section 253.1.E permits a combination of permitted uses listed within the ML zoning regulations as permitted by right in that zone. In addition to construction equipment storage yards, other uses permitted by right in the ML zone include, "building material storage or sales yards" and "utility storage yards." Indeed, Gray and Son's operation may be considered as permitted by right as a combination of permitted uses.

A detailed description of the nature of the work performed by Gray and Son and the proposed items to be stored at the site was provided at the hearing. It was asserted that the Company's operation falls within three specific construction activities. Specifically, the Company contracts with public and private clients to construct and install utilities, including storm drains and other infrastructure. In addition, the Company builds and paves roads. Finally, the Company provides general excavation services for its clients. For its business, the Company has acquired the site and anticipates storage of construction equipment and material, including but not limited to the following: millings, pipe (including concrete, steel and plastic), fittings, pre-cast concrete structures, man holes and inlets, top soil, clay, stone, stockpile material, extra dirt, grates, cast frames and fencing. All of these items easily fall within the construction equipment materials and/or the landscaping materials which are stated in the definition of "construction equipment storage yard."

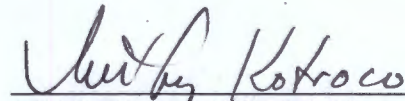
Based upon the testimony and evidence offered, it is apparent that the proposed use and nature of the business falls within the construction equipment storage yard definition. I therefore find that the proposal for use of this site by Gilroy, LLC (i.e. Gray & Son, Inc.) is permitted by right in the ML zone. As noted above, there were no Protestants present at the hearing. Zoning Advisory Committee ("ZAC") comments were received from State and County agencies which reviewed the petition. Most of these comments were in the nature of a "no comment" but substantive remarks were offered by the State Highway Administration (the immediate neighbor) and the Department of Environmental Protection and Sustainability ("DEPS"). Neither written comment offered by these respective agencies opposes the request, as to the proposed use, however both identify potential issues which may arise when/if the site is developed and/or improvements are constructed thereon in the future. As noted above, no structure or building is

proposed on the property at this time. Ultimately, certain improvements will be made to the site in order to provide vehicular access. The issues identified by DEPS and SHA are more properly addressed when permits for access are required or the site is further improved. Thus, the written ZAC comments are at this point deemed advisory. As to the narrow issue presented by the instant Petition for Special Hearing, I find that the Petitioner has satisfied its burden and that relief requested should be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this matter held, and after considering the testimony and evidence offered, I find that Petition for Special Hearing shall be GRANTED.

THEREFORE, IT IS ORDERED by the undersigned Administrative Law Judge of Baltimore County, this 29th day of September, 2011, that the Petition for Special Hearing to confirm that the proposed use of subject property as described herein constitutes a "construction equipment storage yard", be and is hereby GRANTED.

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


TIMOTHY M. KOTROCO
Administrative Law Judge for
Baltimore County

TMK:dlw

ORDER RECEIVED FOR FILING

Date

9-29-11

By

62

KEVIN KAMENETZ
County Executive



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

September 29, 2011

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

Re: PETITION FOR SPECIAL HEARING

E side of Gilroy Road, at the southern terminus of Gilroy Road, 2,500' S of
Golden West Drive
(Gilroy Road)
8th Election District - 3rd Council District
Gilroy, LLC - Petitioner
CASE NO. 2011-0364-SPH

Dear Mr. Schmidt:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/dlw
Enclosure



Flood Plain Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at Gilroy Road (Map 51, Parcel 360)
which is presently zoned ML-IM

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

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

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 Hearing, advertising, posting, etc. and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Jason T. Vettori
Name - Type or Print _____
Signature _____
Company _____
Smith, Gildea & Schmidt, LLC
Address _____ Telephone No. _____
Towson MD 21204
City _____ State _____ Zip Code _____
410-221-0671

Legal Owner(s):

Robert F. Webbert, Authorized Representative of Gilroy, LLC

Name - Type or Print _____
Signature *Robert F. Webbert* _____
Name - Type or Print _____

Signature _____
430 West Padonia Rd. (410) 771-4311
Address _____ Telephone No. _____
Timonium MD 21093
City _____ State _____ Zip Code _____

Representative to be Contacted:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC
Name _____
600 Washington Ave, Suite 200 410-821-0070
Address _____ Telephone No. _____
Towson MD 21204
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. **2011-0364-SAH**

REV 9/15/98

UNAVAILABLE FOR HEARING

Reviewed By *JCM* Date **6.17.11**

ORDER RECEIVED FOR FILING

Date **9-29-11**

By *DW*

ATTACHMENT TO PETITION FOR SPECIAL HEARING

Gilroy Road (Map 51, Parcel 360)

1. Petitioners request for confirmation that the proposed use constitutes a "construction equipment storage yard;" and
2. For such other relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

McKEE & ASSOCIATES, INC.

*Engineering • Surveying • Environmental Planning
Real Estate Development*

Zoning Description of
Gilroy LLC Property
Gilroy Road
8th Election District
5th Councilmanic District
Baltimore County, MD



Beginning at a point along the common Right-of-Way lines of Gilroy Road and the Baltimore Harrisburg Expressway, said point being 2600 feet more or less South of the intersection of Gilroy Road and Beaver Dam Road, thence running along the Right-of-Way of Gilroy Road 1) N 81° 15' 00" E 70.00 feet, thence leaving said road and running 2) S 08° 45' 00" E 157.24 feet, 3) S 72° 06' 11" E 3.82 feet, 4) S 83° 05' 20" E 199.45 feet, 5) S 78° 58' 49" E 96.78 feet, 6) S 41° 59' 46" E 236.14 feet, 7) S 81° 56' 27" E 114.13 feet, 8) N 35° 18' 40" E 58.82 feet, 9) N 69° 46' 03" E 79.21 feet, 10) S 19° 59' 40" W 149.99 feet, 11) S 01° 43' 21" W 680.11 feet, and 12) S 71° 17' 00" W 525.96 feet to the Eastern Right-of-Way line of the Baltimore-Harrisburg Expressway, thence running along said Eastern Right-of-Way line 13) N 08° 45' 00" W 1124.90 feet, 14) N 81° 15' 00" E 32.00 feet, 15) N 08° 45' 00" W 110.00 feet, 16) S 81° 15' 00" W 32.00 feet, and 17) N 08° 45' 00" W 74.41 feet to the place of beginning.

Containing 13.5 Acres of Land more or less as recorded in Deed Liber 30014 Folio 389.

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

No. **70343**
 Date: **6/17/11**

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					385.-

Total: **385.-**

Rec From: **GILROY, INC.**
 For: **2011-0364 SPH**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 6/20/2011 6/17/2011 14:20:24 2
 NO 0002 WALKIN JEVA JEE
 RECEIPT # 739313 6/17/2011 OFLN
 Dept 5 528 ZONING VERIFICATION
 TR NO. 070343
 Recpt Tot \$385.00
 \$385.00 CK \$0.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2011-0364-SPH

Gilroy Road (Map 51, Parcel 360)
E/s of Gilroy Rd, at the Southern Terminus of Gilroy Rd.,
2,500 ft. (+/-) south of Golden W. Drive
8th Election District - 3rd Councilmanic District
Legal Owner(s): Robert Webbert, Gilroy LLC

Special Hearing: at petitioner's request for confirmation that the proposed use constitutes a "construction equipment storage yard" and for such other further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Hearing: Monday, September 12, 2011 at 10:00 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 Administrative Hearings Office at (410) 887-3868.

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

9/25/11 Aug. 25

284827

CERTIFICATE OF PUBLICATION

8/25/2011

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 8/25/2011.

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

J. Wilkinson

LEGAL ADVERTISING

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2011-0364-SPH

Gilroy Road (Map 51, Parcel 360)

E/s of Gilroy Rd, at the Southern Terminus of Gilroy Rd, 2,500 ft. (+/-) south of Golden W. Drive

8th Election District — 3rd Councilmanic District

Legal Owners: Robert Webbert, Gilroy LLC

Special Hearing: at petitioner's request for confirmation that the proposed use constitutes a "construction equipment storage yard" and for such other further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Hearing: Tuesday, August 2, 2011 at 10:00 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 07/656 July 19

281495

Requested
new hearing
date

Hearing
8/2/11

CERTIFICATE OF PUBLICATION

7/21/2011

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 7/19/2011.

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

S. Wilkinson

LEGAL ADVERTISING

9/12
11 AM

CERTIFICATE OF POSTING

2011-0364-SPH

RE: Case No.: _____

Petitioner/Developer: _____

Robert Webbert, Gilroy LLC

September 12, 2011

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

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: _____

End of Gilroy Road

August 27, 2011

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

Sincerely,

August 27, 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)

ZONING NOTICE

CASE #2011-0364-SPH

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

PLACE

Room 205, JEFFERSON BUILDING 21204
105 WEST CHESAPEAKE AVENUE, TOWSON

DATE AND TIME: MONDAY, SEPTEMBER 12, 2011 AT 11:00 A.M.

REQUEST SPECIAL HEARING AT PETITIONERS REQUEST FOR
CONFIRMATION THAT THE PROPOSED USE CONSTITUTES A "CONSTRUCTION
EQUIPMENT STORAGE YARD" AND FOR SUCH OTHER AND FURTHER RELIEF
AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE FOR
BALTIMORE COUNTY

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

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

TO: PATUXENT PUBLISHING COMPANY
Thursday, August 25, 2011 Issue - Jeffersonian

Please forward billing to:

Jason Vettori
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2011-0364-SPH

Gilroy Road (Map 51, Parcel 360)

E/s of Gilroy Rd, at the Southern Terminus of Gilroy Rd, 2,500 ft. (+/-) south of Golden W. Drive

Legal Owners: Robert Webbert, Gilroy LLC

8th Election District – 3rd Councilmanic District

Special Hearing at petitioner's request for confirmation that the proposed use constitutes a "construction equipment storage yard" and for such other further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Hearing: Monday, September 12, 2011 at 10:00 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 ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

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

August 23, 2011

NEW NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2011-0364-SPH

Gilroy Road (Map 51, Parcel 360)

E/s of Gilroy Rd, at the Southern Terminus of Gilroy Rd, 2,500 ft. (+/-) south of Golden W. Drive

Legal Owners: Robert Webbert, Gilroy LLC

8th Election District – 3rd Councilmanic District

Special Hearing at petitioner's request for confirmation that the proposed use constitutes a "construction equipment storage yard" and for such other further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Hearing: Monday, September 12, 2011 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Jason Vettori, 600 Washington Ave., Ste. 200, Towson 21204
Robert Webbert, Gilroy, LLC, 430 West Padonia Road, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 27, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE 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, July 19, 2011 Issue - Jeffersonian

Please forward billing to:

Jason Vettori
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2011-0364-SPH

Gilroy Road (Map 51, Parcel 360)

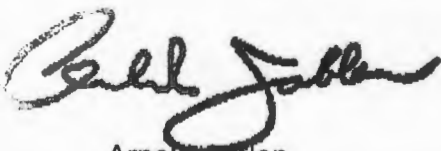
E/s of Gilroy Rd, at the Southern Terminus of Gilroy Rd, 2,500 ft. (+/-) south of Golden W. Drive

Legal Owners: Robert Webbert, Gilroy LLC

8th Election District – 3rd Councilmanic District

Special Hearing at petitioner's request for confirmation that the proposed use constitutes a "construction equipment storage yard" and for such other further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Hearing: Tuesday, August 2, 2011 at 10:00 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 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.



KEVIN KAMENETZ
County Executive

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

July 12, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2011-0364-SPH

Gilroy Road (Map 51, Parcel 360)

E/s of Gilroy Rd, at the Southern Terminus of Gilroy Rd, 2,500 ft. (+/-) south of Golden W. Drive

Legal Owners: Robert Webbert, Gilroy LLC

8th Election District – 3rd Councilmanic District

Special Hearing at petitioner's request for confirmation that the proposed use constitutes a "construction equipment storage yard" and for such other further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Hearing: Tuesday, August 2, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Jason Vettori, 600 Washington Ave., Ste. 200, Towson 21204
Robert Webbert, Gilroy, LLC, 430 West Padonia Road, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JULY 18, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number:

2011-364-SPH

Petitioner:

Gilroy, LLC

Address or Location:

~~jkajfksldkld~~

Gilroy Road (Map 51, Parcel 360)

Please Forward Advertising Bill to:

Name:

JASON VETTORI

Address:

SMITH, GILDEA & SCHMIDT, LLC

600 Washington Ave., Ste. 200

Towson, MD 21204

Telephone:

(410) 821-0070



KEVIN KAMENETZ
County Executive

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

September 7, 2011

Mr. Robert F. Webbert
Representative of Gilroy, LLC
430 West Padonia Road
Timonium, MD 2103

RE: Case Number 2011-0364-SPH, Gilroy Road (Map 51, Parcel 360)

Dear Mr. Webbert,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 17, 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, reading "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Jason T. Vettori, Smith, Gildea & Schmidt, LLC, 600 Washington Avenue, Suite 200,
Towson, MD 21204



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

Beverley K. Swaim-Staley, Secretary
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

July 8, 2011

Mr. Joseph Merrey
Baltimore County Office of
Development Management/PAI
County Office Building
Room 109
Towson, Maryland 21204

RE: Baltimore County
I-83 (Harrisburg Expwy)
at MD 943 (Warren RD)
Case No. 2011-0364-SPH
Gilroy, LLC Property
Mile Post 0.22

Dear Mr. Merrey:

Thank you for the opportunity to review Plat to Accompany Petition for Special Hearing Case Number 2011-0364-SPH associated with Gilroy, LLC property located at the northeast quadrant of I-83/MD 943 interchange in Baltimore County, which was received on February 23rd. The State Highway Administration (SHA) offers the following comments:

Landscape Operations Division Comments:

1. The property is adjacent to a large tract of land owned by SHA that includes a small SHA wetland mitigation site. However, the impacts of the proposed project are sufficiently distant from the mitigation site to prevent damage.
2. Because of its proximity to the culturally significant Connemara Property and I-83, the proposed construction equipment storage yard should be adequately screened. In addition, the construction equipment storage yard should be adequately buffered from undeveloped SHA property.
3. Therefore, the Office of Environmental Design recommends that this Access Permit request be granted with the following requirements:
 - a. The applicant shall leave a 50 foot buffer of vegetation on the west, south, and east sides of proposed construction equipment storage yard.
 - b. The applicant shall not cut or remove any vegetation within the SHA right of way, or on SHA property.

For clarifications contact Mr. John Krouse at (410) 545-2891.

Project Planning Division-Cultural Review Section Comments:

A cultural resources inventory (standing structures and archeological sites) was compiled within the vicinity of the MD 943 & I-83 improvements, related to the Gilroy Property project. Based on this assessment, the proposed improvements to along the property fronting MD 943 & I-83 associated with the Gilroy Property project do not have the potential to impact historic properties. Formal consultation with the Maryland Historic Trust is not recommended.

For clarification contact Ms. Julie Schablitsky at (410) 545-8564.

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.roads.maryland.gov

Highway Hydraulics Comments:

1. For any construction activity within the FEMA floodplain and 'Waters of the U.S', a Joint Federal/State Permit would be required. Please verify whether an application has been submitted for a Joint Federal/State Permit.
2. Please provide a plan view clearly showing and labeling the proposed stream crossing – along with a profile (showing both the proposed crossing and existing crossing beneath I-83). Based upon the submitted plat, we *assume* that the site entrance (for the proposed construction equipment storage yard) would be an extension of existing Gilroy Road – with the proposed stream crossing located within the narrow (less than 40 feet wide) projection of site boundary (at the northwest corner of property). Showing/labeling both existing and proposed contouring on the plan view would be very helpful. See comment #3.
3. Based upon our assumed location of the proposed site entrance (see comment #2), we note that any proposed crossing of Beaverdam Run would be situated just downstream of (and in very close proximity to) the existing SHA bridge structure along I-83 – designated as Bridge Structure #0306000 within the SHA Office of Structures (OOS) 'Bridge Inventory'. A flood study (HEC-RAS modeling) would be required – demonstrating what impact the proposed structure would have upon the hydraulic performance of existing SHA Bridge Structure #0306000 and upon the 100-year floodplain water surface elevation. [*This portion of I-83 is functionally classified as an 'Urban Interstate'.*] From past experience, we are aware that proposing new crossings in close proximity to SHA bridges or small structures can pose *unique* hydraulic challenges. Even if the hydraulic performance of the existing SHA structure is not adversely impacted, there could still be an issue of raising the floodplain elevation on private properties upstream of the SHA roadway. As a result, it is best if any proposed structure is located sufficiently downstream – such that the post-development headwater elevation associated with the new structure has negligible impact upon the pre-development tailwater elevation associated with the existing SHA crossing. Nor would SHA accept any proposed extension of existing Bridge Structure #0306000. Please address – while investigating other options for the site entrance roadway.
4. At this stage, we would not be prepared to accept a new stream crossing structure immediately downstream of existing SHA Bridge Structure #0306000 (along I-83 – conveying Beaverdam Branch).

For clarification of any hydraulic comments, please contact Rick Schmuff
(rschmuff@sha.state.md.us).

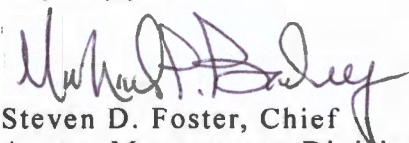
District Four Maintenance Section Comments:

1. Comments will be forwarded as soon as the findings and recommendations are available.

Mr. Joseph Merrey
Case Number 2011-0364-SPH
Gilroy Property
Plat to Accompany Special Hearing
Page 3

Further review of this project will be withheld until the above comments have been addressed. Please reference the hydraulic file number on future submissions and provide a written point-by-point response to the comments. The submission should include five (5) sets of plans and resubmitted directly to Mr. Michael Bailey. Should you have any questions, feel free to contact Mr. Bailey 410-545-5606 or our toll free number in Maryland only 1-800-876-4742 extension 5593. Also, you may e-mail at (m Bailey@sha.state.md.us).

Very truly yours,


Fon¹ Steven D. Foster, Chief
Access Management Division

SDF/jwr/mb

CC: Gilroy LLC/Mr. Robert F. Webbert, representative/409 Washington Boulevard,
Suite 314, Towson, MD 21204
Mr. Andre Futrell, SHA ADE D4 Maintenance (via email)
Ms. Colleen M. Kelly- Baltimore County Development Management/PAI
111 W. Chesapeake Avenue, Room 123, Towson, Maryland 21204
Mr. Dennis A. Kennedy- Baltimore County Development Management/PAI,
111 W. Chesapeake Avenue, Room 119, Towson, Maryland 21204
Ms. Erin Kuhn- SHA ADE-Traffic (via email)
Mr. John Krouse, SHA-OED Landscape Operations (via email)
Mr. Mike Pasquariello, SHA -D 4 Utilities (via email)
Mr. David Peake- SHA -Metropolitan District Engineer ((via email)
Mr. Duane Pennington, SHA -D 4 Utilities (via email)
Mr. Geoffrey C. Schultz, engineer/ McKee & Associates, Inc./5 Shawan Road, Suite 1,
Cockeysville, MD 21030
Dr. Julie Schablitsky, Project Planning Division- Cultural Review Section (via email)
Mr. Rick Schmuff- JMT/SHA-Highway Hydraulics Reviewer (via email)
Mr. Al Wirth, Baltimore County Dept. of Environmental Protection and Sustainability (via email)
Mr. Mike Wetzel, SHA D 4 Maintenance Section (via email)
Mr. Rich Zeller- SHA Access Management Division (via email)

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: July06, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For July 11, 2011
Item Nos. 2011-359, 361, 362, 363, 364, 365, 367, 368
And 369.

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-07112011 -NO COMMENTS.doc



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

June 28, 2011

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: **June 27, 2011**

Item No.:

Special Hearing: 2011-0359-SPHA, 2011-0361-SPH, **2011-0364-SPH**, 2011-0368-SPH

Administrative Variance: 2011-0363A, 2011-0365A, 2011-0367A, 2011-0369A

Variance: 2011-0360A, 2011-0366-ASA

Special Variance: 2011-0366-ASA

Comments:

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

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

8/2/11 10 AM 205

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

JUL 08 2011



OFFICE OF ADMINISTRATIVE HEARINGS

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

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

DATE: July 8, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-364-SPH
Address Gilroy Road (Map 51 Parcel 360)
(Gilroy, LLC. Property)

Zoning Advisory Committee Meeting of June 27, 2011.

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

X 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).

Additional Comments:

Depending upon what is ultimately proposed, access and development of this property may raise significant concerns. At a minimum, impacts to Forest Buffer and riparian forest (or other priority forest) will have to first be substantiated through the alternatives analysis (Section 33-3-112(c)) and forest retention investigation report (Section 33-6-111(b)) processes.

Reviewer: Michael S. Kulis; Environmental Impact Review

RE: PETITION FOR SPECIAL HEARING
Gilroy Map 51, Parcel 360; E/S Gilroy Road,
2500' S of Golden W. Drive
8th Election & 3rd Councilmanic Districts
Legal Owner(s): Gilroy, LLC
Petitioner(s)

* BEFORE THE
* ADMINISTRATIVE LAW
* JUDGE FOR
* BALTIMORE COUNTY
* 2011-364-SPH

* * * * *

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

JUL 06 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 6th day of July, 2011, a copy of the foregoing Entry of Appearance was mailed to Jason Vettori, Esquire, Gildea & Schmidt, LLC, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Debra Wiley - ZAC Comments

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 7/12/2011 3:04 PM
Subject: ZAC Comments

Good Afternoon,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

Thanks and feel free to contact me should you have any questions or concerns.

2011-0359-SPH - 110 Forest Avenue (No Hearing Date reflected in data base as of today)

2011-0360-A - 1512 Denton Road (Hearing Date: 8/1/11) [DEPS comment rec'd]

2011-0361-SPH - Lincoln and Cooper Avenue (No Hearing Date reflected in data base as of today) - [DEPS comment rec'd]

2011-0362-SPH - 164 Wesley Avenue (Hearing: 8/1/11)

2011-0363-A (Administrative Variance) - 606 Hollow Road (Closing Date Per ZAC Agenda - 7/11/11; Closing Date Per data base - 7/25/11 - not sure which is correct)

2011-0364-SPH - Gilroy, Map 51, Parcel 360 Rd. (Hearing Date: 8/2/11) - [DEPS comment rec'd]

2011-0365-A (Administrative Variance) - 750 Chapel Ridge Road (Closing Date 7/18/11)

2011-0366-ASA (Variance Special Variance) - 1402 East Joppa Road (No Hearing Date reflected in data base as of today)

2011-0367-A (Administrative Variance) - 5 Ivy Brook Farm Ct. (Closing Date 7/18/11) - [DEPS comment rec'd]

2011-0368-SPH - 2464 East Ruhl Road (No Hearing Date reflected in data base as of today)

2011-0369-A - (Administrative Variance) 2627 Brannan Avenue (Closing Date 7/18/11)

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

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN
MICHAEL G. DEHAVEN
RAY M. SHEPARD

LAUREN M. DODRILL
MICHAEL J. LIPPENHOLZ
CHARLES B. MAREK, III
ELYANA TARLOW
JASON T. VETTORI
REBECCA G. WYATT

of counsel:

JAMES T. SMITH, JR.

July 15, 2011

Sent via Hand Delivery

Kristin Lewis
Baltimore County Zoning
111 W. Chesapeake Avenue, Room 111
Towson, MD 21204

**Re: Gray & Son/Gilroy Road
Case No.: 2011-0364-SPH**

Dear Ms. Lewis:

Please accept this letter as a request for postponement of the Zoning Hearing for the above referenced matter currently scheduled for Tuesday, August 2, 2011. My client, who will be testifying at the hearing, will be out of town on a business trip during the week of August 1, 2011. Additionally, the engineer who will also be testifying at the hearing is out of town during the week of August 22, 2011. Due to these scheduling conflicts, it seems wise to schedule this hearing for a date in early September. Please coordinate with Jennifer in my office when scheduling the new hearing date.

Should you have any questions or concerns, please do not hesitate to contact me. With kind regards, I am

Very truly yours,

Lawrence E. Schmidt 

Lawrence E. Schmidt

LES: jkl

CC: Robert Webbert, Gilroy, LLC
Geoffrey C. Schultz, McKee & Associates, Inc.
Jason T. Vettori, Esquire

Maryland Department of Assessments and Taxation
Real Property Data Search (vw5.1A)
BALTIMORE COUNTY

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[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 08 Account Number - 1600007009

Owner Information

Owner Name: GILROY LLC **Use:** INDUSTRIAL
Mailing Address: STE 314 **Principal Residence:** NO
409 WASHINGTON AVE **Deed Reference:** 1) /30014/ 00389
TOWSON MD 21204-4902 2)

Location & Structure Information

Premises Address **Legal Description**
GILROY RD 13.4425 AC ES
HUNT VALLEY MD 21031-0000 HARRISBURG EXPWY
273 NW RAMP TO WARREN RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0051	0002	0360		0000			142	2	Plat Ref: 0038/0102

Special Tax Areas **Town** NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		13.4400 AC	07

Stories **Basement** **Type** **Exterior**

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2011	07/01/2012
Land	100,000	100,000		
Improvements:	0	0		
Total:	100,000	100,000	100,000	100,000
Preferential Land:	0			0

Transfer Information

Seller: FR MD LAND III LLC	Date: 10/20/2010	Price: \$225,000
Type: ARMS LENGTH VACANT	Deed1: /30014/ 00389	Deed2:
Seller: HRD COMMERCIAL PROPERTIES INC	Date: 12/28/2005	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /23132/ 00547	Deed2:
Seller: ROUSE-TEACHERS PROPERTIES INC	Date: 12/28/1998	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /13403/ 00336	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County			0.00
State			0.00
Municipal			0.00

Tax Exempt:
Exempt Class:

Special Tax Recapture:
* NONE *

CASE NAME GRAY & SON
CASE NUMBER 2011-364-SPH
DATE 9/13/11

CASE NAME GRAY & SON
CASE NUMBER 2011-364-SPH
DATE 9/13/11

[illegible]

Case No.: 2011-0364-SPH

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	<i>Site Plan</i>	
No. 2	<i>Aerial Photo</i>	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



10707 Gilroy Rd, Cockeysville, MD 21031

PETITIONER'S

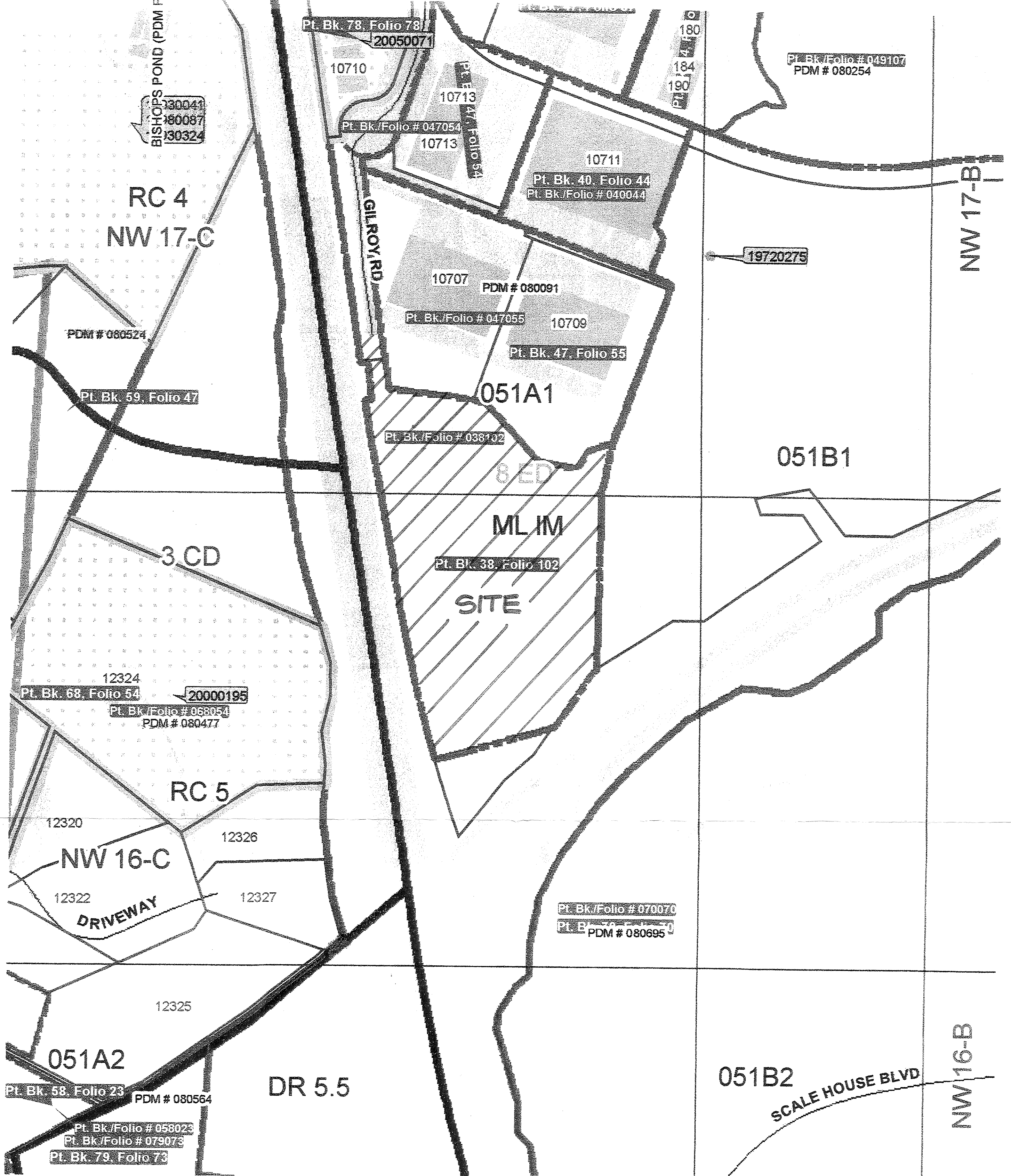
EXHIBIT NO.

2

Imagery Date: 8/29/2010

39°28'25.89" N 76°39'40.29" W elev 279 ft

Eye alt 3567 ft

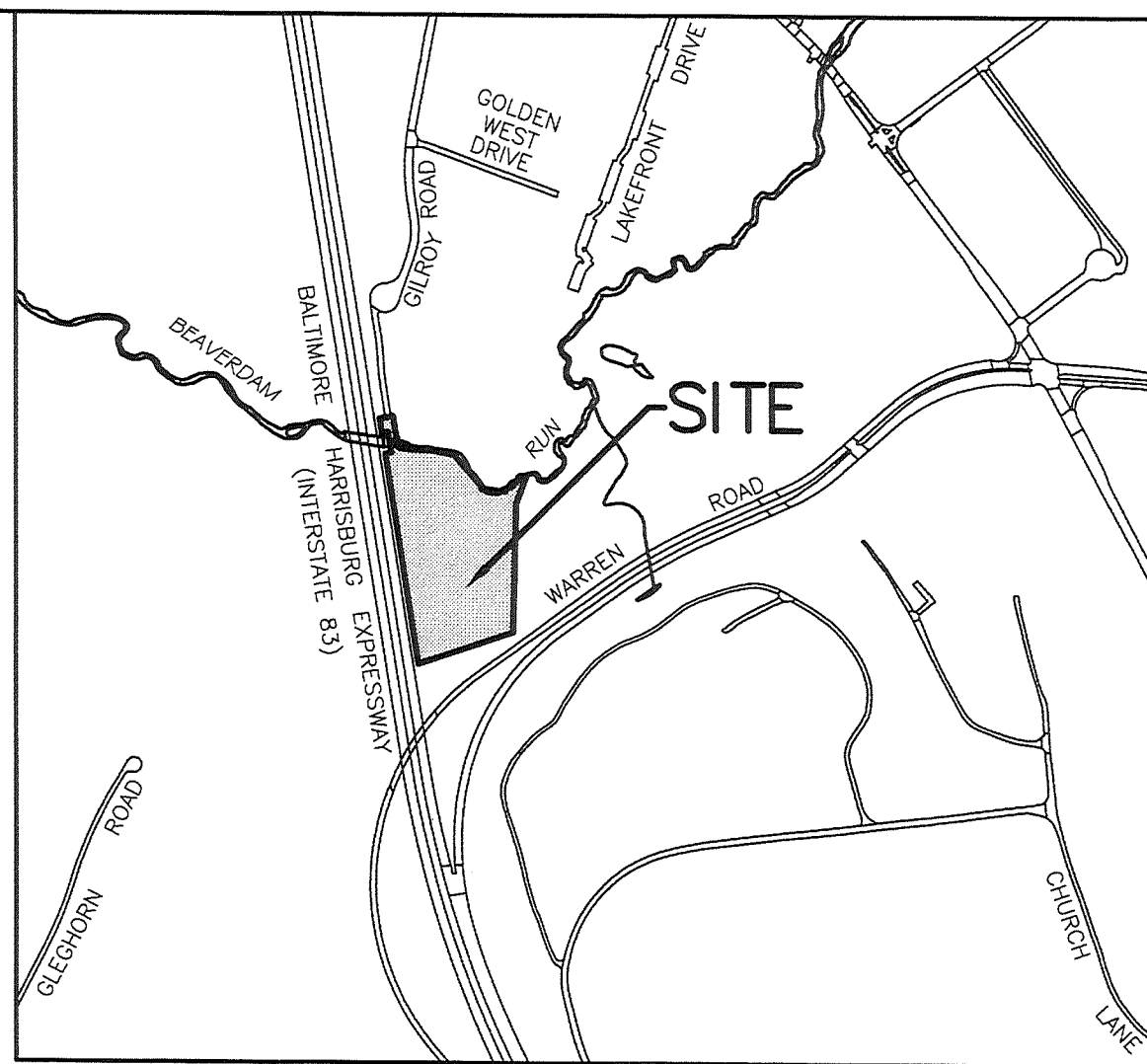
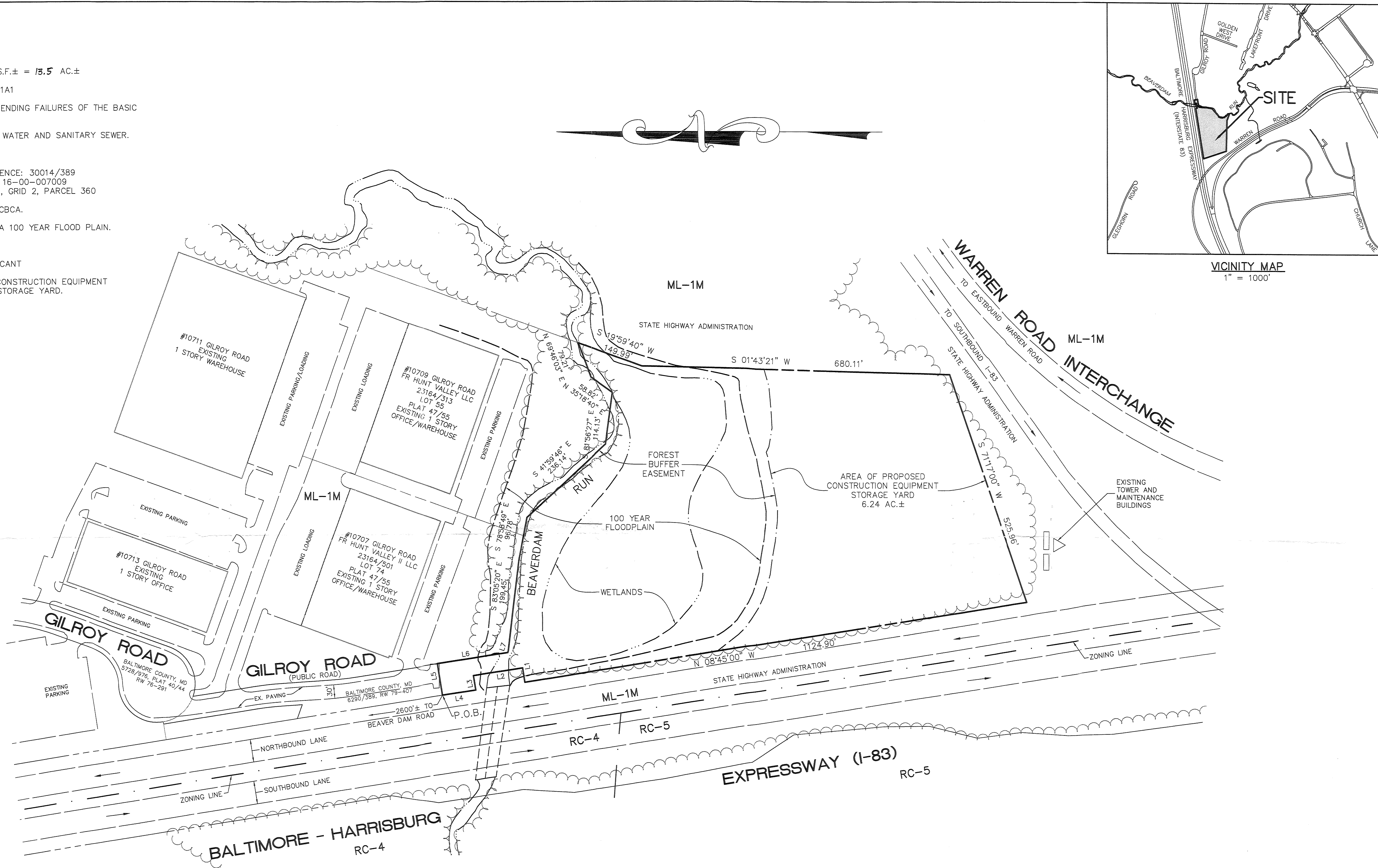


200 SCALE
ZONING MAP
GILROY LLC PROPERTY

NOTES:

1. EXISTING ZONING: ML-1M
2. GROSS AND NET AREA: 588,000 S.F.± = 13.5 AC.±
3. 200 SCALE ZONING MAP NO. 051A1
4. THERE ARE NO EXISTING OR IMPENDING FAILURES OF THE BASIC SERVICES MAPS FOR THIS SITE.
5. THIS LOT IS SERVED BY PUBLIC WATER AND SANITARY SEWER.
6. PROPERTY INFORMATION:

DEED REFERENCE: 30014/389
TAX ACCT.# 16-00-007009
TAX MAP 51, GRID 2, PARCEL 360
7. THIS PROPERTY IS NOT IN THE CBCA.
8. THIS SITE IS PARTIALLY WITHIN A 100 YEAR FLOOD PLAIN.
9. THIS SITE IS NOT HISTORIC.
10. EXISTING USE OF PROPERTY: VACANT
11. PROPOSED USE OF PROPERTY: CONSTRUCTION EQUIPMENT STORAGE YARD.



VICINITY MAP
1" = 1000'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N81°15'00"E	32.00'
L2	N08°45'00"W	110.00'
L3	S81°15'00"W	32.00'
L4	N08°45'00"W	74.41'
L5	N81°15'00"E	70.00'
L6	S08°45'00"E	157.24'
L7	S72°06'11"E	3.82'



McKEE & ASSOCIATES, INC.
Engineering - Land Planning - Land Surveying

Natural Resource Planning - Real Estate Development

5 SHAWAN ROAD, Suite 1 COCKEYSVILLE, MARYLAND 21030
TELEPHONE: (410) 527-1555 FACSIMILE: (410) 527-1563

OWNER:

GILROY LLC
SUITE 314
409 WASHINGTON AVE.
TOWSON, MD 21204

PLAT TO ACCOMPANY
PETITION FOR SPECIAL HEARING
"GILROY LLC PROPERTY"

3RD COUNCILMANIC DISTRICT
8TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE: 1"= 100' DATE: MAY 19, 2011

PETITIONER'S

EXHIBIT NO. 1