

IN RE: PETITION FOR SPECIAL EXCEPTION*

N side of Ridge Road, 318' SE of the
c/line of Belair Road
14th Election District
6th Councilmanic District
(4212 Ridge Road)

Max Real Estate, LLC, *Legal Owner*
James Quarry, *Contract Purchaser/Lessee*
Petitioners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR

BALTIMORE COUNTY

Case No. 2012-0155-X

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Exception filed by Max Real Estate, LLC, and RSC Equipment Rental. The Special Exception is filed pursuant to Section 502 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve a contractor's equipment storage yard in accordance with Section 236.2 of the B.C.Z.R. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests were David Porter and Bill Monk with Morris & Ritchie Associates, Inc., the professional engineer who prepared the site plan. Jason T. Vettori, Esquire, appeared as counsel and represented the Petitioners. There were no Protestants or other interested persons present at the hearing, and the file does not contain any letters of protest or opposition.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

ORDER RECEIVED FOR FILING

Date 2-10-12

By [Signature]

Testimony and evidence offered at the hearing revealed that the subject property is 1.95 acre in size, and is zoned BR. The site was previously used by S&S Motors, as an auto repair facility, adjacent to a new car dealership. The Petitioner proposes to operate an equipment storage, rental and retail business on the site. Mr. Porter estimated that nearly all of the sales activity will happen "in the field" at particular construction jobsites. The bulk of the operation will involve rental of equipment, tools and related machinery, and the Petitioner explained the business will be similar to the United and Sunbelt rental franchises seen in this vicinity.

The Petitioner will operate the location from 7 AM to 5 PM, Monday through Friday, with no weekend hours. Mr. Monk, who was accepted as an expert familiar with the B.C.Z.R., opined that this use would cause no greater impact upon the community at this location than would be the case at other available and permissible sites throughout the County. In fact, Mr. Monk advised that the prior use of the site – automotive repair – was a more intense use that caused more negative impacts than the storage and rental operation proposed. Finally, Mr. Monk indicated he was familiar with the standards for special exception relief set forth at B.C.Z.R. Section 502.1, and he testified (via proffer) that this proposal satisfied each of the factors enumerated in that regulation.

Of course, special exception uses are presumptively valid, People's Counsel v. Loyola College, 406 Md 54, 77 n. 23 (2008), and no evidence was offered here to rebut the presumption. Petitioner's expert, Bill Monk, testified that the storage garage proposed would satisfy Section 502.1 of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing, and after considering the testimony and evidence offered, I find that Petitioners' Special Exception request should be GRANTED.

ORDER RECEIVED FOR FILING

Date 2-10-12

2

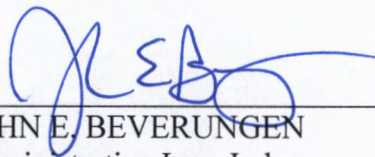
By 192

THEREFORE, IT IS ORDERED this 10 day of February, 2012, by this Administrative Law Judge, that Petitioners' request for a Special Exception filed pursuant to Section 502 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve a contractor's equipment storage yard in accordance with B.C.Z.R. Section 236.2, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are 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, Petitioners 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/dlw

ORDER RECEIVED FOR FILING

Date 2-10-12

By DLW



KEVIN KAMENETZ
County Executive

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

February 10, 2012

Jason T. Vettori, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, Maryland 21204

RE: Petition for Variance
Case No.: 2012-0155-X
Property: 4212 Ridge Road

Dear Mr. Vettori:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a stylized flourish at the end.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

address 8445 Belair Road and 4212 Ridge Road

which is presently zoned BR

Deed Reference 030842/369

10 Digit Tax Account # 1800006126

Property Owner(s) Printed Name(s) Max Real Estate, LLC

CASE NUMBER 2012-0155X Filing Date LA/12 Estimated Posting Date / / Reviewer AT

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. ✓ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
PLEASE SEE ATTACHED

3. a **Variance** from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "To Be Presented At Hearing". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

James Quarry, Authorized Representative of RSC Equipment Rental, Inc.

Name- Type or Print

Signature

16340 Park Ten Place, Houston, TX, 77084

Mailing Address City State

281-647-5184

Zip Code Telephone # Email Address

Attorney for Petitioner:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200, Towson, MD 21204

Mailing Address City State

(410) 821-0070 jvettori@sgs-law.com

Zip Code Telephone # Email Address

Legal Owners:

Meir Duke, Authorized Representative of Max Real Estate, LLC

Name #1 - Type or Print Name #2 - Type or Print

Signature #1

Signature #2

7-G Gwynns Mill Court, Owings Mills, MD 21117

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC

Name - Type or Print

Signature

600 Washington Avenue, Suite 200, Towson, MD 21204

Mailing Address City State

(410) 821-0070 jvettori@sgs-law.com

Zip Code Telephone # Email Address

ATTACHMENT TO PETITION FOR SPECIAL EXCEPTION

~~8115 Belair Road~~ and 4212 Ridge Road

1. A contractor's equipment storage yard in accordance with BCZR § 236.2; and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

2012-0155-X

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



January 4, 2012

ZONING DESCRIPTION FOR SPECIAL EXCEPTION REQUEST

Beginning at a point 201.92 feet Southwesterly from the intersection at Belair Road and Ridge Road. Heading North 40°21'53" East for 200.06 feet; heading South 72°02'38" East for 318.33 feet; heading South 21°53'53" West for 213.89 feet; heading along Bucks School House Road Right of Way Line North 86°48'27" West for 227.27 feet; heading North 43°17'02" West for 183.61 feet to the point of beginning. Having an address Of 4212 Ridge Road (formerly 8115 Bel Air Road) located on the Northerly side of Ridge Road.

Containing 84,745 square feet or 1.945 acres of land, more or less and being located in the fourteenth Election District, Sixth Councilmanic District, of Baltimore County, Maryland.



Michael G. Coughlin
Professional Engineer No. 38291

2012-0155-X

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: # 2012-0155-X

4212 Ridge Road

N/s Ridge Road, 318 feet S/east of the centerline of Belair Road

14th Election District - 6th Councilmanic District

Legal Owner(s): Max Real Estate, LLC

Contract Purchaser/Lessee: RSC Equipment Rental, Inc.

Special Exception: to permit contractor's equipment storage yard in accordance with BCZR 236.2; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Tuesday, February 7, 2012 at 1:30 p.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.
JT/1/698 Jan. 24 295469

CERTIFICATE OF PUBLICATION

1/26/, 2012

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 1/24/, 2012.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

2012-0155-X

RE: Case No.: _____

Petitioner/Developer: _____

RSC Equipment Rental, Inc

February 7, 2012
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: _____

4212 Ridge Road

January 23, 2012

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

Sincerely,

January 23, 2012

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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

No. **73619**

Date: **1/4/2012**

PAID RECEIPT

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$ 450

Total: **\$450**

Rec From: **SMITH, GILDEA & SCHMIDT, LLC**

For: **4212 RIDGE MD**

2012-0155-X (SPHx)

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 24, 2012 Issue - Jeffersonian

Please forward billing to:

Jason Vettori
Smith, Gildea & Schmidt
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: 2012-0155-X

4212 Ridge Road

N/s Ridge Road, 318 feet S/east of the centerline of Belair Road

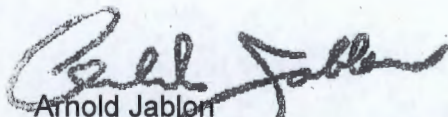
14th Election District – 6th Councilmanic District

Legal Owners: Max Real Estate, LLC

Contract Purchaser/Lessee: RSC Equipment Rental, Inc.

Special Exception to permit contractor's equipment storage yard in accordance with BCZR 236.2; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Tuesday, February 7, 2012 at 1:30 p.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 ADMINISTRATVE 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,
Plans & Inspections
January 19, 2012

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: 2012-0155-X

4212 Ridge Road

N/s Ridge Road, 318 feet S/east of the centerline of Belair Road

14th Election District – 6th Councilmanic District

Legal Owners: Max Real Estate, LLC

Contract Purchaser/Lessee: RSC Equipment Rental, Inc.

Special Exception to permit contractor's equipment storage yard in accordance with BCZR 236.2; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Tuesday, February 7, 2012 at 1:30 p.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 Avenue, Ste. 200, Towson 21204
James Quarry, 16340 Park Ten Place, Houston TX 77084
Meir Duke, 7-G Gwynns Mill Court, Owings Mills 21117

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 23, 2012.**
- (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, APPROVALS AND INSPECTIONS
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: 2012-0155-X
Petitioner: RSC EQUIPMENT RENTAL, INC.
Address or Location: 8115 Belair Road and 4212 Ridge Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: JASON VETTORI
Address: SMITH, GILDEA & SCHMIDT, LLC
600 Washington Ave., Suite 200
Towson, MD 21204
Telephone Number: (410) 821-0070



KEVIN KAMENETZ
County Executive

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

January 30, 2012

Meir Duke
7-G Gwynns Mill Court
Owings Mills MD 21117

RE: Case Number 2012-0155X, 4212 Ridge Road

Dear Mr. Duke:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 4, 2012. 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." The signature is stylized with a large, flowing "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Jason Vettori, 600 Washington Ave., Ste. 200, Towson MD 21204
James Quarry, 16340 Park Ten Place, Houston TX 77084

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 1-9-12

Ms. Kristen Matthews
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2012-0155-SPHX
Special Exception.
Max Real Estate, LLC/Meir Dulle
4212 Ridge Road.

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. 2012-0155-SPHX.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Steven D. Foster".

Steven D. Foster, Chief
Access Management Division

SDF/rz

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For January 16, 2011
Item Nos. 2012-152,153,154,155
And 156

DATE: January 18, 2012

Kennedy
2/7/12

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-01162012 -NO COMMENTS.doc

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE OFFICE
4241 Ridge Road; N/S Ridge Road,	*	OF ADMINSTRATIVE
318' S/E of c/line Belair Road	*	HEARINGS FOR
14 th Election & 6 th Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): Max Real Estate LLC	*	2012-155-X
Contract Purchaser(s): RSC Equipment Rental	*	
Petitioner(s)	*	

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

JAN 13 2012



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of January, 2012, 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

JB
2/7 1:30

Debra Wiley - ZAC Comments - Distribution Mtg. of 1/9/12

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 1/9/2012 9:29 AM
Subject: ZAC Comments - Distribution Mtg. of 1/9/12

Good Morning,

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.

2012-0152-A (9955 Pulaski Highway)
 No hearing date assigned in database as of 1/9/12

2012-0153-A (3405 Janellen Drive)
 Administrative Variance (Closing Date: 1/30/12)

2012-0154-A (3621 Burmont Avenue)
 No hearing date assigned in database as of 1/9/12

2012-0155-SPHX (4212 Ridge Road)
 No hearing date assigned in database as of 1/9/12

2012-0156-A (36 Bush Cabin Circle)
 Administrative Variance (Closing Date: 1/30/12)

Thanks and have a great day !

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

M E M O R A N D U M

DATE: March 13, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0155-X - Appeal Period Expired

The appeal period for the above-referenced case expired on March 12, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: **Case File**
Office of Administrative Hearings

CASE NAME _____
CASE NUMBER 2012-155X
DATE 2-7-12

[illegible]

Case No.:

2012-155-X

Exhibit Sheet

Petitioner/Developer

Protestant

DW 2-10-12
SA 3-12-12

No. 1	Site Plan	
No. 2	Zoning Petition	
No. 3	Cert. of Posting	
No. 4	Cert. of Publication	
No. 5	ZAC Comments	
No. 6	SDAT Printout	
No. 7	Aerial Maps	
No. 8	BCZP Provision	
No. 9	BCZP Provision	
No. 10 A-F	Photos	
No. 11	Monk CV	
No. 12	Zoning Map showing site	

RSC Equipment Rental - 8115 Belair Road

Table of Contents

Mark for ID purposes Only

1	Plan to Accompany Petition
2	Petition for Zoning Relief
3	Certificate of Posting
4	Certificate of Publication
5	ZAC Comments
6	SDAT Printout
7A, B, C & D	Aerial Maps
8	Definition of Contractors Equipment Storage Yard
9	BR Zone Use Regulations
10	Site Photos
11	Bill Monk's CV



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

address 8115 Belair Road and 4212 Ridge Road

which is presently zoned BR

Deed Reference 030842/369

10 Digit Tax Account # 1800006126

Property Owner(s) Printed Name(s) Max Real Estate, LLC

CASE NUMBER _____ Filing Date ____/____/____ Estimated Posting Date ____/____/____ Reviewer _____

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

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:

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. ☒ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
PLEASE SEE ATTACHED

3. a **Variance** from Section(s)

PETITIONER'S

EXHIBIT NO. 2

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "To Be Presented At Hearing". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

James Quarry, Authorized Representative of RSC Equipment Rental, Inc.

Name- Type or Print JAMES G. QUARRY
VP - REAL ESTATE

Signature

16340 Park Ten Place, Houston, TX, 77084

Mailing Address _____ City _____ State _____

281-647-5184

Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Jason T. Vettori

Signature

600 Washington Avenue, Suite 200, Towson, MD 21204

Mailing Address _____ City _____ State _____

(410) 821-0070 , jvettori@sgs-law.com

Zip Code _____ Telephone # _____ Email Address _____

Legal Owners:

Meir Duke, Authorized Representative of Max Real Estate, LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

7-G Gwynns Mill Court, Owings Mills, MD 21117

Mailing Address _____ City _____ State _____

Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC

Name - Type or Print

Jason T. Vettori

Signature

600 Washington Avenue, Suite 200, Towson, MD 21204

Mailing Address _____ City _____ State _____

(410) 821-0070 , jvettori@sgs-law.com

Zip Code _____ Telephone # _____ Email Address _____

CERTIFICATE OF POSTING

2012-0155-X

RE: Case No.: _____

Petitioner/Developer: _____

RSC Equipment Rental, Inc

February 7, 2012

Date of Hearing/Closing: _____

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

PETITIONER' SEXHIBIT NO. 3

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: _____

4212 Ridge Road

January 23, 2012

The sign(s) were posted on _____

(Month, Day, Year)

Sincerely,

January 23, 2012

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

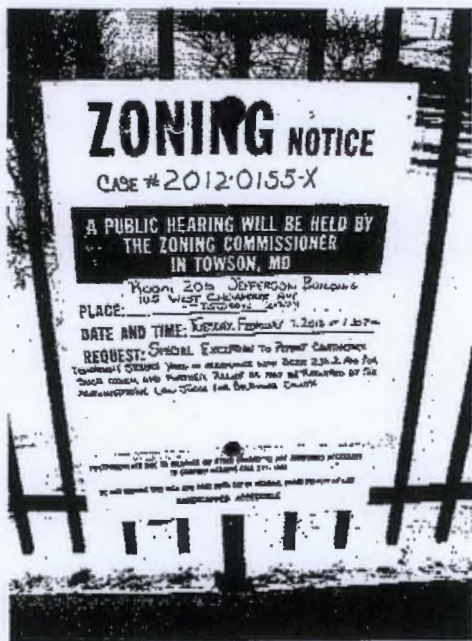
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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: # 2012-0155-X

4212 Ridge Road

N/s Ridge Road, 318 feet S/east of the centerline of Belair Road

14th Election District - 6th Councilmanic District

Legal Owner(s): Max Real Estate, LLC

Contract Purchaser/Lessee: RSC Equipment Rental, Inc.

Special Exception: to permit contractor's equipment storage yard in accordance with BCZR 236.2; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Tuesday, February 7, 2012 at 1:30 p.m. in Room 205, Jefferson Building, 100 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.

JT/1/698 Jan. 24

295469

CERTIFICATE OF PUBLICATION

1/26/, 2012

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 1/24/, 2012.

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

S. Wilkinson

LEGAL ADVERTISING

PETITIONER'S

EXHIBIT NO. 4



KEVIN KAMENETZ
County Executive

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

January 30, 2012

Meir Duke
7-G Gwynns Mill Court
Owings Mills MD 21117

PETITIONER'S

EXHIBIT NO. 5

RE: Case Number 2012-0155X, 4212 Ridge Road

Dear Mr. Duke:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 4, 2012. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Jason Vettori, 600 Washington Ave., Ste. 200, Towson MD 21204
James Quarry, 16340 Park Ten Place, Houston TX 77084

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

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 14 Account Number - 1800006126

Owner Information

Owner Name: MAX REAL ESTATE, LLC **Use:** COMMERCIAL
Mailing Address: 7-G GWYNNS MILL CT **Principal Residence:** NO
OWINGS MILLS MD 21117- **Deed Reference:** 1) /30842/ 00369
2)

Location & Structure Information

Premises Address **Legal Description**
8115 BELAIR RD 5.507 AC
0-0000 225 N RIDGE RD
LOYOLA MOTORS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
0081	0005	0801		0000				1		0036/ 0047

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
	47900	5.5000 AC	06

Stories	Basement	Type	Exterior
		COMPLETE AUTOMOBILE DEALERSHIP	

PETITIONER'S

EXHIBIT NO. 6

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2011	07/01/2012
Land	2,554,700	2,554,700		
Improvements:	2,475,100	2,930,400		
Total:	5,029,800	5,485,100	5,333,333	5,485,100
Preferential Land:	0			0

Transfer Information

Seller:	Type:	Date:	Deed1:	Price:	Deed2:
S & S AUTO PROPERTIES LLC	ARMS LENGTH IMPROVED	05/26/2011	/30842/ 00369	\$3,370,000	
S & S AUTO PROPERTIES LLP	NON-ARMS LENGTH OTHER	06/22/2000	/14544/ 00175	\$0	
S & S ENTERPRISES	NON-ARMS LENGTH OTHER	10/18/1996	/11855/ 00716	\$0	

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class:

COMMERCIAL KENNEL

Any establishment where the commercial breeding of dogs or the boarding, sale, or training of dogs takes place and for which a fee is charged. A commercial kennel does not include a private kennel, pet shop, veterinarian's office, or veterinarianium. [Bill Nos. 87-2001; 72-2002]

COMMERCIAL RECREATIONAL FACILITIES**PETITIONER'S**

Facilities whose principal purpose is to provide space and equipment activities. A commercial recreational facility includes, but is not limited to: golf driving range; putting green; miniature golf; athletic field; soccer course; baseball, racquetball, tennis or squash court; archery range or combination of the above. For the purpose of these regulations, a commercial recreational facility shall not include a rifle, pistol, skeet or trap range; go-cart course; amusement park; or similar use. [Bill Nos. 176-1994; 21-1996]

EXHIBIT NO. 8**COMMERCIAL VEHICLE**

Any vehicle with a gross vehicle weight or gross combination weight over 10,000 pounds or any vehicle, regardless of weight, which: (1) is used for the transportation of materials, products, freight, other vehicles or equipment in furtherance of any commercial activity; (2) is used "for hire"; or (3) displays advertising thereon. Identification of the vehicle's manufacturer model or dealer shall not be considered as advertising. Commercial vehicles shall not be deemed to include any farm vehicle or farm equipment actually and regularly used on a farm, satellite farm or farmette; school or church vehicle located at a civic, educational, social, recreational or religious institution; recreational vehicle as defined in Section 101; trailer (or mobile home) as defined in Section 101; vanpool or historic vehicle as registered with the State Motor Vehicle Administration. As used herein, gross vehicle weight or gross combination weight means the weight recorded by the State Motor Vehicle Administration on the vehicle's registration certificate or recorded by the manufacturer on the certificate of origin if no specific weight is recorded on the registration certificate. [Bill No. 70-1988] *Editor's Note: The definition of "community..." which followed this definition was repealed by Bill No. 3-1992.*

COMMUNITY CARE CENTER

A small-scale facility, sponsored or operated by a private charitable organization or by a public agency and licensed by the Maryland State Department of Health and Mental Hygiene or by the Maryland State Department of Social Services, for the housing, counseling, supervision or rehabilitation of alcoholics or drug abusers or of physically or mentally (including emotionally) handicapped or abused individuals who are not subject to incarceration or in need of hospitalization. [Bill No. 142-1979]

COMPARTMENTALIZED WAREHOUSE ESTABLISHMENT

A building consisting of individual, small, self-contained units that are leased or owned for self-service storage of business or household goods. [Bill No. 46-1992]

CONSERVANCY AREA

The portion of a rural cluster development which contains significant natural or historic features and which has been dedicated through deed restriction and easements for continued farming, forestry or open space use in order to remain largely undisturbed. [Bill No. 113-1992]

CONSTRUCTION EQUIPMENT STORAGE YARD

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. [Bill No. 149-1987]

CONTINUING CARE FACILITY

A building or group of buildings that contains dwelling facilities for assisted living, and facilities for convalescent or nursing care on the same site, where occupancy of the facility is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older. [Bill No. 36-1988]

CONTRACTOR'S EQUIPMENT STORAGE YARD

The use of any space, whether inside or outside a building, for the storage or keeping of contractor's equipment or machinery, including building materials storage, construction equipment storage or landscaping equipment and associated materials. [Bill No. 149-1987]

CONTRACTOR'S OFFICE

Baltimore County, MD
Tuesday, February 7, 2012

§ 236.2. Special exception uses.

The following uses when permitted as special exceptions (Sections 270 and 502): *Editor's Note: "After-hours club," which originally followed, was repealed by Bill No. 36-2000.*

Airport

Amusement park

Arcade, subject to the provisions of Section 423B
[Bill No. 29-1982]

Automotive-service station, subject to the provisions of Section 405
[Bill Nos. 40-1967; 85-1967] *Editor's Note: The entry entitled "Boat yard," which originally followed, was omitted from the draft of Bill No. 85-1967 through the copying of an apparently incomplete list of special exceptions as it appeared in a post-1955 edition of the zoning regulations. It is assumed, therefore, that the omission of the entry from the bill as enacted was inadvertent. (No intent regarding the regulation of boat yards is reflected in either the title of the bill or in any record pertaining to the bill.) The words "and/or marine railway" were previously repealed by Bill No. 64-1963.*

Bus terminal

Car wash
[Bill Nos. 108-1964; 85-1967]

Cemetery (Section 401)

Contractor's equipment storage yard

Drive-in restaurant
[Bill Nos. 40-1967; 85-1967]

Excavations, controlled (Section 403) *Editor's Note: "Filling station," which originally followed, was repealed by Bill No. 85-1967.*

Golf driving range, miniature golf and baseball batting range

Heliport, Type I
[Bill No. 85-1967]

Heliport, Type II
[Bill No. 85-1967] *Editor's Note: "Hospital, Class B," which originally followed, was repealed by Bill No. 37-1988.*

Living quarters in a commercial building

PETITIONER'S

EXHIBIT NO. 9



PETITIONER'S

EXHIBIT NO.

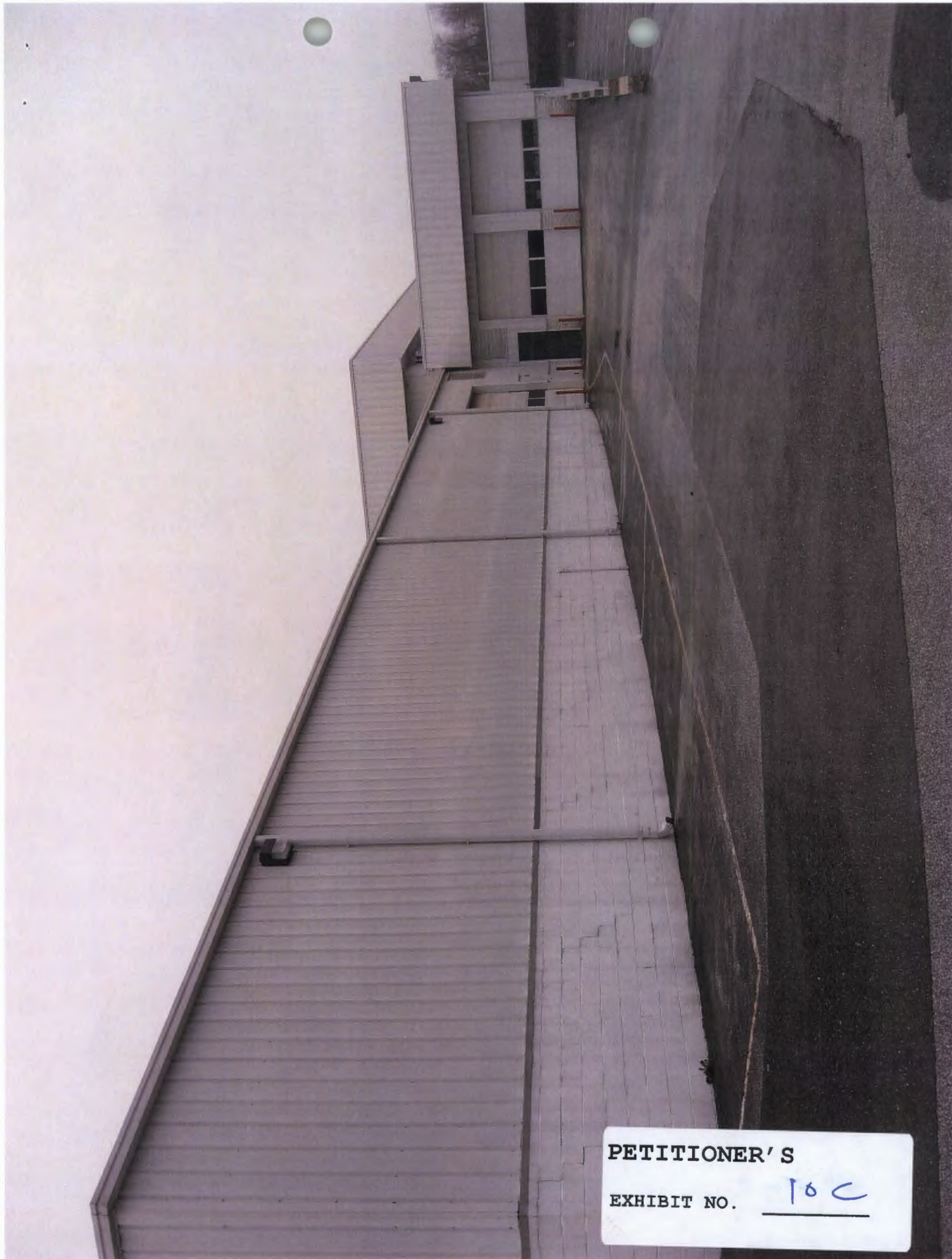
104



PETITIONER'S

EXHIBIT NO.

108



PETITIONER' S

EXHIBIT NO. 10C



PETITIONER'S

EXHIBIT NO. 107



PETITIONER'S

EXHIBIT NO.

10E



PETITIONER'S

EXHIBIT NO.

16F