IN RE: LION BROTHERS CO., INC. PETITIONERS FOR SPECIAL HEARING ON THE PROPERTY LOCATED AT 10246 REISTERSTOWN ROAD 3RD ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT	*	BEFORE THE BOARD OF APPEALS FOR BALTIMORE COUNTY CASE No: 19-202-SPH

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

OPINION

This case come before the Board of Appeals as a de novo appeal of Administrative Law Judge John Beverungen's April 19, 2019 denial of a Petition for Special Hearing filed on behalf of Lion Brothers Co., Inc., legal owner ("Petitioner"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("BCZR") seeking a declaration that a commercial structure to be constructed at 10244 Reisterstown Rd. fronting on a private roadway/street as defined in the BCZR, is required to comply with BCZR § 235.1, requiring a minimum front yard setback of 40 feet from the centerline of a street. A *de novo* hearing was conducted before this Board on October 22, 2019 and October 30, 2019, with a public deliberation being held on January 7, 2020.

J. Carroll Holzer, Esquire appeared on behalf of Petitioner, with Dino C. La Fiandra, Esquire appearing on behalf of the Respondent, Mid-Atlantic Lubes, LLC, ("Respondent".) Peter Max Zimmerman appeared on behalf of the Office of the People's Counsel.

BACKGROUND

Motion to Recuse

On the first day of hearing before the Board, Petitioner moved to recuse Board members Andrew M. Belt and Joseph L. Evans. The Petitioner complained that these Board members had served on the panel that heard a prior hearing involving the parties and had ruled against the

Petitioner on a postponement request. Recusal is required where a judicial officer has obtained information from an extra-judicial source. There was no suggestion that the Board's earlier ruling or its ability to hear this new case was influenced by any action or information from a non-judicial source. Simply ruling against a party in another matter, related or not, does not justify recusal. If it did, then no party could ever appear before a judicial officer after having once lost a matter before that officer. The Board denied this Motion finding it inconsistent with the relevant jurisprudence, in that there was no evidence presented suggesting prejudice or bias on the part of the Board member's prior decisions. Cf. *Boyd v. State,* 321 Md. 69 (1990); *Doering v. Fader,* 316 Md. 351 (1989); *Lane v. State,* 226 Md. 81 (1981); *Carey v. State*, 43 Md. App. 246, *cert. denied* 286 Md. 744 (1979).

Respondent's Motion to Dismiss

Additionally, on the first day of the hearing before the Board, Respondent moved to dismiss the Petitioner's Petition for Special Hearing on the grounds of lack of jurisdiction on the basis that the required public notice was deficient. Respondent argued that the petition and notice referred to the Petitioner's address, not the Respondent's adjacent address, the actual property at issue. The Board found the notice to be substantially in compliance denied the Respondent's motion..

Nature of Petitions for Special Hearings &
The Issue Before the Board

A Special Hearing Petition is effectively a request for declaratory judgment. BCZR § 500.7, *Antwerpen v. Baltimore County,* 163 Md. App. 194, 209 (2005). Due to the fact that Respondent's proposed project is permitted by right in the B.M. Zone as a service garage use. BCZR § 233.1.B. The main question to be determined by the Board is whether a private access easement that flanks the proposed Valvoline is a "street" per BCZR § 101.1, thus requiring the applicable front yard setback. A collateral issue separately concerns the orientation of the

proposed development. If Reisterstown Road is deemed the front yard, then the question as to whether the easement is a "street" is no longer relevant.

FACTS

The Respondent's proposed development is located in Owing Mills, on the southwest side Reisterstown Road, northwest of the Painters Mill Road intersection. The proposed Valvoline is a regional oil change and auto service business operated by Mid-Atlantic Lubes. The proposed facility will replace the former Pizza Hut that previously occupied the location.

Petitioner, Lion Brothers produces apparel, insignias, and logos. Petitioner's 10246 Reisterstown Road property also borders Reisterstown. Petitioner has ceased operations at that location and has razed its former factory there. The property is now vacant.

The access easement at issue ("Lion Brothers Easement") is within a 30-foot wide right of way along the Respondent and Petitioner's properties. The access to the Petitioner's property is on this access easement, from behind the Respondent's property. The easement also connects with an interior private easement into the area previously occupied by Toys 'R Us and Bed, Bath, and Beyond. There is a signalized intersection where the easement meets Reisterstown Road. Rosewood Lane, a county road, intersects from the north and ends at the intersection. It has four lanes there, two lanes going north and two south, including a left turn lane.

TESTIMONY AND EVIDENCE

Petitioner's Case

James S. Patton

James S. Patton, P.E., Civil Engineer and Land Planner was accepted as an expert Professional Engineer and Land Planner and testified on behalf of the Petitioner. Mr. Patton reviewed the ALJ's prior decision in this matter, as well as deeds, state regulations, site plans and

engineering codes in forming his expert opinion that the easement at issue was a "street," thus requiring applicable setback requirements. Mr. Patton provided documentation regarding various State of Maryland and Baltimore County laws, policy and regulations illustrating the fact there is no universal uniform definition of "street." As the subject property is fronted by a Maryland State highway, Mr. Patton referred to the following definitions from the Maryland Annotated Code:

Md. Code Ann, Transportation, § 8-101

§ 8-101. Definitions

Highway
(i) "Highway" includes:
(1) Rights-of-way, roadway, surfaces, roadway subgrades, shoulders, median dividers, drainage facilities and structures, related storm water management facilities, roadway cuts, roadway fills, guardrails, bridges, highway grade separation structures, railroad grade separations, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, and other structures forming an integral part of a street, road or highway, including bicycle and walking paths; and
(2) Any other property acquired for the construction, operation, or use of the highway.

Street
(s) "Street" means a highway.

Based on these definitions, Mr. Patton opined that a thirty-foot (30) right of way, the Lion Brothers Easement, which accesses a State highway should be considered a "street" in this context. Noting that Maryland law enables all Baltimore County laws, regulations and policy, Mr. Patton further cited the following from the Baltimore County Code:

§18-3-106. - DECLARATION OF ROAD AS PUBLIC HIGHWAY

Authority. When any road has been in use by the public for 20 years, though the same may never have been condemned or granted as a public highway, the county, if it deems public necessity requires the adoption of same as such, shall declare the road to be a public highway, provided such road right of way shall not be less than thirty feet (30) wide.

Mr. Patton extrapolated that since the Lion Brothers Easement is thirty (30) feet wide, and that it provides public access to a large development, the County, at some point in the future, may deem that public necessity requires the declaration of the road to be a public highway. Mr. Patton further noted that there has been a change in County law relative to the width of a right of way for acceptance as a "public street."

§18-3-307. –ACCEPTANCE OF ROAD DEDICATIONS

> (a) *Authority of county to accept a dedicated road or alley.* When an owner of property in the county opens, lays out, grades, paves, and drains, in accordance with the requirements of the county, a road or alley for the public convenience and is willing to dedicate the road or alley to public uses by a good and sufficient deed duly recorded, the county may accept the road or alley if the county determines that the road or alley is necessary and convenient for public use
>
> (b) *Conditions for acceptance.* The county may not accept:
> (1) A road constructed in a right of way that is less than forty feet (40') in width;

Using this provision, Mr. Patton further opined that the a setback as requested by the Petitioner would provide for a 10 foot increase on right of way width from 30 to 40 feet thus satisfying §18-3-307.

In furtherance of his point, Mr. Patton referred to the following provisions to support his contention that the easement at issue may be a "street," despite being on private property:

§18-2-104 – ENFORCMENT ON PRIVATE PROPERTY USED BY THE PUBLIC IN GENERAL

> The county may enforce applicable provisions of this title and Article 14, Title 3 of the Code on private property used by the public in general. (Bill No. 70-08, § 1, 8-17-2008)

Baltimore County Code defines private property used by the public in general:

> "Private property used by the public in general" means a parking lot of a shopping center, condominium building, apartment building or development, or town house development where official county parking signs or fire hydrants have been situated.

§18-2-101 –ADOPTION OF ORDERS AND REGUALTIONS

(a) *Authority in general.* The county may issue and adopt reasonable orders and regulations to regulate, restrict, or limit the parking or movement of vehicles on a public highway of the county:

(1) For the safety and convenience of the public;

(2) For keeping the roads and highways in the county from becoming congested by vehicles; and

(3) To allow the free and obstructed use of the roads and highways.

(b) Force and effect of law. Orders and regulations issued and adopted under this section have the force and effect of law.

Mr. Patton opines that since fire hydrants exist on the tract of land comprised of the vacant Lion Brothers site and the existing Toys 'R Us parcel, and since both use this easement, requiring a setback is in furtherance of the Baltimore County Code and in the public interest. Consequently, the Petitioner argues that this Board has the authority to mandate such setback through this Petition for Special Hearing.

Additionally, Petitioner argues that the BCZR are codified for the purpose of implementing the Baltimore County Master Plan (the "Master Plan") to achieve purpose and intent legislated by the Baltimore County Code. Petitioner notes that Petitions for Special hearings provide clarity to "unique and uncommon situations" which are not specifically delineated in the BCZR. Mr. Patton opined that the Master Plan and Baltimore County Comprehensive Manual of Development Policy (CMDP) issues must be addressed relative to rendering an opinion thus requiring a setback from the easement in question. In short, Petitioner contends failing to require the proposed setback for the easement at issue, could have a detrimental effect on the future development of the surrounding neighborhood in contradiction of the Master Plan.

Finally, Petitioner contends, in more general terms, since the easement at issue is often used by the general public to access the Lion Brothers and former Toys 'R Us property, that applying the setback for a public street would protect the health, safety and welfare of the public.

Respondent's Case

The Respondent presented three witnesses in responding to Petitioner's case.

Joshua Sharon, P.E.

Joshua Sharon, a professional engineer primarily responsible for the development of the Valvoline Property was accepted as an expert in the fields of civil engineering, the BCZR and the Baltimore County Code ("BCC"). Mr. Sharon testified to the particulars of the Valvoline Property. The existing 2,660 square foot Pizza Hut restaurant will be demolished. In its place, a 4-bay Valvoline Instant Oil Change facility, measuring 2,535 sq. ft. and one-story building and a basement will be built. This new building will be rectangular with the long side of the building parallel to Reisterstown Road and the short side perpendicular to Reisterstown Road. Mr. Sharon identified the front of the building as facing Reisterstown Road. (Prot. Ex. 4).

From the Site Plan which accompanied the DRC Request, Mr. Sharon identified the setbacks on the Valvoline property as 59 feet from the front property line, 30 feet from the west side (Toys 'R Us side) property line, 16 feet from the east side (Lion Brothers) property line, and 101 feet from the rear property line. (Prot. Ex. 7). Mr. Sharon opined that these setbacks meet all the requirements of the BM zone. Mr. Sharon described the Lion Brothers Easement as 30 feet wide, extending from the intersection of Rosewood Lane behind the proposed Valvoline facility, to the west side of the Lion Brothers property line. Mr. Sharon further clarified that no part of the Valvoline facility will encroach into the Lion Bothers Easement.

Mr. Sharon testified from the Site Plan prepared for approval from DRC #052918D for the proposed Valvoline facility that there are no public utilities that serve the easement area itself, and no utilities run through the easement to serve any parties with rights to the use of the easement. (Prot. Ex. 3). Mr. Sharon identified a portion of storm drain line that runs through the easement

area near the intersection with Reisterstown Road, but there is no storm drain within the easement area. (*Id.*) He also identified a gas line in the easement area that runs from Reisterstown Road that serves only the former Pizza Hut. (*Id.*) There is also a fiber optic line that traverses the easement area but does not serve any of the properties that are served by the easement. (*Id.*) Other than the previously noted features, there are no utilities, no fire hydrants, no "No Parking" signs and no sidewalks in the easement area. (Prot. Ex. 6A-6L).

Mr. Sharon clarified that the Lion Brothers Easement has not been offered for dedication to Baltimore County. He testified that Valvoline owns the easement area and is responsible for its maintenance. (Prot. Ex. 12). Mr. Sharon noted that in his extensive communication with County agencies in securing development plan approvals, Baltimore County has expressed no interest in acquiring the Lion Brothers Easement area for any public purpose.

Mr. Sharon referred to the Development Plans Review Policy Manual (the "DPR Manual") in discussing the distinction between public roads, private roads, and driveways. He noted that according to § VIII (A)(3) of the DPR Manual, both public roads and private roads are each built to the same standards of the Department of Public Works, but that public roads are ultimately accepted by County for ownership and maintenance, whereas private roads remain in private ownership. Mr. Sharon notes that "driveways and panhandles," are different from "roads" entirely because driveways are not built to the standards of the Public Works. Mr. Sharon cited § VIII(A)(3)(B) of the DPR Manual, which states:

> Driveways are not classified as road. DRIVEWAYS & PANHANDLES (including residential and commercial parking lots and access to the parking lots) – Off-street means of vehicular ingress and egress to a parcel of land (also used by pedestrians) which can be designed to physical and geometric standards differing from streets.

Mr. Sharon further noted that the Lion Brothers Easement fails to meet the minimum right of way width for even the most minor street in Baltimore County, which he identified as 40 feet.

Mr. Sharon referred to photos illustrating that the easement lacks sidewalks on either side, which he contends are a requirement of the Department of Public Works for streets whether public or private. (Respondent's Exhibit 5, p. 10.)

Carl Richards

The Respondent next called Baltimore County Zoning Supervisor, Carl Richards. Mr. Richards testified that it was the long-standing practice of the Zoning Office to require setbacks from public roads only, thus not requiring setbacks for easements and private streets.

Mr. Richards testified that the proposed Valvoline facility meets all the required setbacks of the BM zone in which the Valvoline Property is located. Mr. Richards confirmed that in applying his interpretation of the BCZR, the Valvoline property is an "interior lot" because it is not located at the intersection of two streets. Accordingly, as an interior lot, the side yard setback in the BM zone is zero feet from the property line. Additionally, Mr. Richards stated that the Valvoline building is oriented to front toward Reisterstown Road.

Bill Monk

Finally, Respondent provided the testimony of Bill Monk, a witness accepted as an expert in the fields of land planning, land development, the BCZR and the BCC. Mr. Monk opined that under the BCZR and BCC, the Lion Brothers Easement does not require a setback because it does not meet the definition of a "street." He reasoned that the BCZR defines "street" as a "motorway which is not a freeway or expressway but which has a right of way more than 20 feet in width." In defining "motorway," Mr. Monk cited Webster's Third New International Dictionary, which defines "motorway" as a "motor highway, especially a superhighway." In Mr. Monk's opinion, despite the fact that the Lion Brothers Easement is in excess of 20 feet in width, the easement is not a "street" because it is not a motorway. Mr. Monk testified that the terms "motorway, "motor

highway," and "super highway" all have a public element which the Lion Brothers Easement lacks. The Lion Brothers Easement only serves the Lion Brothers Property, and while members of the public may use it to access the Lion Brothers Property, they are invitees of Lion Brothers when they do so. Therefore, Mr. Monk opined the Lion Brothers Easement is not a street requiring a setback, it is a driveway.

Mr. Monk further pointed to the definition of a "street" in the BCC that states the following:

§32-1-101- Definitions

(a) In general. In this article the following words have the meaning indicated.
(i) Street.

(1) "street" means:
(i) A street, avenue, boulevard, road, lane, parkway, freeway, viaduct, bridge, or other way, which is an existing state or county highway; or
(ii) A street or way shown on a plat duly filed and recorded in the Office of the Clerk of the Circuit Court for the county.

§32-3-1-3. – VALIDATIONS OF EXISTING ZONING REGULATIONS

(2) In the case of a conflict between the Baltimore County Zoning Regulations and the provisions of this title, this title shall control.

Mr. Monk opined the BCC definition of "street" with its references to avenue, boulevard, parkway, freeway, etc., or "other way which is an existing state or county highway" (and all the like terms) reiterates that there is a required public element in the definition that is missing from the Lion Brothers Easement, thus making the Lion Brothers Easement a private driveway. The Lion Brothers Easement is for the joint use of Lion Brothers and Valvoline, their successors and assigns, and no one else. As such, the Lion Brothers Easement is hardly an avenue, a boulevard, a freeway or any of the other things listed in the BCC definition of "street." It is not owned or maintained by County or the State of Maryland. It is not shown on a plat recorded in the Land

Records. Accordingly, in Mr. Monk's opinion, the Lion Brothers Easement is not a street requiring a setback under any of the applicable definitions.

To further bolster his opinion that the Lion Brothers Easement is not a "street," Mr. Monk referred to two prior zoning opinions related to the site at issue. The first is Case 1987-285-A involved a parking variance for the prior Pizza Hut. A site plan accompanying the variance request noted the Pizza Hut to be 34 feet from the property line, and approximately 4 feet from the right of way. (Prot. Exs. 13 and 14). Mr. Monk stated that in his experience, if either the Zoning Office that reviewed the Petition for Variance when it was submitted, or the Deputy Zoning Commissioner who ultimately approved the parking variance, considered the right of way to be a "street", then an issue would have been made of the setback due to a deficient setback. Mr. Monk also cited a 1958 request for Variance in Case 4390-V in which a 10 foot set-back in lieu of 30 feet from the "private Lane" for the Owings Mills Post Office, which stood where the current Toys 'R Us building is now located. (Prot. Ex. 15). Mr. Monk explained that in this case, it was the property line that was generating the setback requirement, not the "private lane," thus distinguishing it from this case.

People's Counsel

Office of People's Counsel called no witness of its own, but joined in the Respondent's position that the easement in question was not a "street." For additional perspective and clarity, People's Counsel cites the following definitions from Webster's and Black's Law Dictionary:

> From Webster's:
>
> **"Avenue:** . . . . . 4. a city street esp. when broad and attractive
>
> **Easement** : . . . . 4. An incorporeal usu. non-profitable interest granted by deed or created by will, deed, or prescription that is held by one person in land owned by another and that entitles its holder to a specific limited use or enjoyment (as the right to cross the land or to have a view continue unobstructed over it)

Highway: 1a: a road or way on land or water that is open to public use as a matter of right whether or not a thoroughfare: a public road or way (as a footpath, road or water way) including the right-of-way – compare PRIVATE WAY b: such a road or way established and maintained (as by a state) in accordance with law c: a main direct road 9as between one town or city and another – sometimes contrasted with byway

Motorway: a motor highway esp: SUPERHIGHWAY

Right of way: 1: a legal right of passage over another person's ground – compart EASEMENT, SERVITUDE 2: the area or way over which a right-of-way exists: as a part or thoroughfare which one may lawfully use (as in crossing the property of another): one established by persons exercising the right to pass over the property of another b: the strip of land devoted to or over which is built a public road <miles of right-of way at the sides of improved highways – A.W. Wells> c: the land occupied by railroad for its tracks, yards, and building but esp. for its main line d: the land used by a public utility (as for an electric power transmission line or a natural gas pipeline

Street: . . . . 1a: a paved road; HIGHWAY <until recently the Canterbury road was known as the Street – Chicago Daily Tribune> b(1): a public thoroughfare esp. in a city, town, or village including all area within the right of way (as sidewalks and tree belts) and sometimes further distinguished as being wider than an alley or lane but narrower than an avenue or boulevard and as separating blocks rather than penetrating them <another alley that . . . gave on a through ~ - Paul Bowles> - contrasted with road: abbr. st. (2): the strip of a public thoroughfare reserved for vehicular traffic <a pedestrian killed while crossing the ~> (3): a public thoroughfare including the property abutting it <lives on a fashionable ~><has an office on Main Street> c:the roadway in front of or between the barracks or tents of a company or battery <instruction in . . . shelter tent pitching, in the battery~ - C.P. Smith>"

From Black's Law Dictionary:

"**Easement** (eez-ment). (14c) An interest in land owned by another person, consisting in the right to use or control the land, or an area above or below it, for a specific limited purpose (such as to cross it for access to a public road).

Highway. (bef. 12c) 1. Broadly, any main route on land, on water, or in the area. 2. A free and public roadway or street that every person may use. Cf. CARRIAGEWAY

> "Every thoroughfare which is used by the public, and is, in the language of the English books, 'common to all the king's subjects,' is a highway, whether it be a carriage-way, a horse-way, a foot-way, or a navigable river. It is, says Lord Holt, the genus of all public ways." 3. James Kent, Commentaries on American Law *432 (George Comstock ed., 11th ed. 1866).

> 3. The main public road, esp. a wide one, connecting towns or cities. 4. The entire width between boundaries of every publicly maintained way when part is open to public use for purposes of vehicular traffic.
>
> **Right-of-way.** (18c) 1. The right to pass through property owned by another. A right-of-way may be established by contract, by longstanding usage, or by public authority (as with a highway). Cf. EASEMENT.
>
> **Street.** (bef. 12c) A road or public thoroughfare used for travel in an urban area, including the pavement, shoulders, gutters, curbs, and other areas within the street lines."

In light of the definitions above, People's Counsel concluded the following:

> Any way these definitions are charted, collated, compared, mapped, or reviewed, it is conspicuous that there is a big difference between a street, motorway or highway, on the one hand, and an easement or right of way, on the other hand. These definitions confirm, individually and collectively, that a street, motorway, or highway characteristically means a publicly owned and maintained thoroughfare. In contrast, an easement or right of way typically involves a private arrangement.

(*People's Counsel Memorandum* p. 10.)

People's Counsel deferred to the discretion of the Board as to whether the frontage of the Valvoline project is on Reisterstown Road, thus negating the need for a setback in the first place.

ANALYSIS

While all parties involved in this matter have provided a plethora of definitions to plead their respective cases, and to define "street" in a manner to bolster their respective causes, the Board finds these definitions unhelpful in providing any clarity to the question at hand. Due to this definitional ambiguity, this Board gives great weight to the long-standing interpretation of the term "street" by the Baltimore County Office of Zoning Review. To this end, the Board puts great weight on the testimony provided by Baltimore County Zoning Supervisor, Carl Richards. Mr. Richards testified that it was the long-standing practice of the Zoning Office to require setbacks from public roads only, thus not requiring setbacks for easements and private streets.

The deed recorded in Land Records at Book 4020, Page 378, for the Valvoline property located at 10244 Reisterstown Rd. specifies that the driveway at issue is subject to: "an easement or right of way for ingress and egress and other purposes" and further subject to "a private road, 22 feet wide..." (Prot. Ex. 12).

It is undisputed from the facts in this case that, while the public may use the easement in question, it is privately owned and maintained by the Respondent. There has been no evidence presented showing Baltimore County has any interest in acquiring the easement in the future, nor is the Respondent interested in parting with it.

Additionally relevant are the cases cited by Mr. Monk where in one case, no reference of setbacks is made from the very easement at issue, and in another, refers to the same easement as a "private lane," further bolstering the Respondent's argument that the easement at issue is not a "street."

Petitioner argues that requiring a setback for the easement at issue protects the health welfare and safety of the general public and that it is in the Board's power to require it. The Board is not persuaded that such authority exists, or that the public interest is served by the imposition of such a setback. Consequently, the Board finds that the easement at issue is not a "street" requiring a minimum front yard setback of 40 feet from the centerline of a street pursuant BCZR §235.1.

As to the issue of whether the frontage to the Valvoline project is on Reisterstown Road, we find the testimony of Mr. Sharon to be most persuasive due to his close involvement and familiarity with the Valvoline project. Mr. Sharon clearly testified that the Valvoline building is planned to be rectangular with the long side of the building parallel to Reisterstown Road and the short side perpendicular to Reisterstown Road. Mr. Sharon clearly identified the front of the

building as facing Reisterstown Road. After reviewing the details of the Valvoline project, Carl Richards concurred with Mr. Sharon's assertion.

Accordingly, the Petitioner's Request for Special Hearing is DENIED.

ORDER

THEREFORE, IT IS THIS 11th day of March, 2020, by the Board of Appeals of Baltimore County,

ORDERED, that the Petition for Special Hearing in case number 19-202-SPH be and is hereby **DENIED.**

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

BOARD OF APPEALS
OF BALTIMORE COUNTY

Maureen E. Murphy, Panel Chair

Joseph L. Evans

Andrew M. Belt

Board of Appeals of Baltimore County

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March 11, 2020

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RE: In the Matter of: Lion Brothers Co., Inc.
Case No.: 19-202-SPH

Dear Counsel:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Sunny Cannington

Krysundra "Sunny" Cannington
Administrator

Enclosure
Duplicate Original Cover Letter

c: Yenwen Tsai, CFO/Lion Brothers Co, Inc.
James Patton/Patton Consultants, Ltd.
Randolph Kazazian/Mid-Atlantic Lubes, LLC
C. Pete Gutwald, Director/Department of Planning
James R. Benjamin, Jr., County Attorney
Michael Mallinoff, Director/Permits, Approvals and Inspections
Nancy C. West, Assistant County Attorney
Office of People's Counsel
Paul Mayhew, Managing Administrative Law Judge

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Lion Brothers Co., Inc. – Legal Owner 19-202-SPH

DATE: January 7, 2020

BOARD/PANEL: Maureen E. Murphy, Chair
Joseph L. Evans
Andrew M. Belt

RECORDED BY: Tammy A. Zahner, Legal Secretary

PURPOSE: To deliberate the following:

Petition for Special Hearing pursuant to BCZR Section 500.7 seeking a declaration that a structure fronting on a private roadway/street as defined in the BCZR is required to comply with BCZR Section 235.1-front yard.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

DISCUSSION:

- The Board discussed the request which questions if the access to the Lion Brothers property, which is across the Valvoline property, is a street or an easement. If it is considered a street, a setback is required. If it is an easement, there is no setback requirement.
- The Board noted that when there is ambiguity, they turn to the administration for an interruption. There was testimony from Carl Richards, Baltimore County Zoning Supervisor, that the easement is not a street. The Board noted that the easement has no name, and the County took no action over the past 60 years to declare the easement a street.
- The Board also pointed out that if the building fronts Reisterstown Road, which is does, there is no setback requirement. The doors all face Reisterstown Road and the property has a Reisterstown Road address.
- The Board also noted that the easement is on land owned by Valvoline, and provides Lion Brothers access to its property. The easement also provides access to a now closed Toys R Us store, among others. Valvoline has the right to stop the public use of the easement, but cannot deny Lion Brothers access to its property.

CONCLUSION: After a thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to DENY the Petition for Special Exception.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,

Tammy A. Zahner
Tammy A. Zahner

IN THE MATTER OF:	*	BEFORE THE
LION BROTHERS COMPANY, INC. Legal Owner 10244 Reisterstown Road Owings Mills, Maryland 21117	*	BOARD OF APPEALS
	*	FOR
	*	BALTIMORE COUNTY
	*	
4th Councilmanic District 3rd Election District	*	Case No.: CBA-19-202-SPH
	*	

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

PETITIONERS MEMORANDUM IN LIEU OF FINAL ARGUMENT

The Petitioner, ***Lion Brothers Co. Inc.,*** filed the above-captioned Petition for Special Hearing pursuant to §500.7 seeking a Declaration that a structure fronting on a private roadway/street as defined in the B.C.Z.R. is required to comply with B.C.Z.R. §235.1 – Front Yard.

The Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was **DENIED** was subsequently timely appealed to this Board. This matter was heard on October 22, 2019, and concluded on October 30, 2019. The closing memos are due on ***Friday, December 6, 2019*** with a Deliberation scheduled for ***Monday, January 7, 2020*** at 9:00 a.m.

FACTS AND ARGUMENT

James S. Patton, P.E., Civil Engineer and Land Planner appeared before the Board and testified as a Professional Engineer and Land Planner presenting Petitioners entire case.

RECEIVED
DEC 06 2019
BALTIMORE COUNTY
BOARD OF APPEALS

LAW OFFICE
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The Petitioner operated a business at the subject property where it manufactured embroidered emblems, etc. That business ceased operation and the on-site improvement were raised. The owner is now exploring retail and mixed use redevelopment opportunities for the commercial property. Lion Brothers filed the Petition to determine whether there is a front yard setback requirement for structures constructed adjacent to a thirty foot (30') wide "access road" shown on the Site Plan and used by the public.

Professional Engineer and Land Planner, Patton, submitted the following testimony and thirteen (13) Exhibits to support the requirement that there is a front yard setback.

One aspect of the testimony presented on behalf of Petitioners was the documentation of various State of Maryland and Baltimore County laws, policy, and regulations. Specifically, how is "street" defined and then within that context the distinction of "street" being "public" or "private". In short, amongst the various laws, policy, and regulations there is no universal uniform definition of "street". Thus, the "confusion" of attempting to define what is a "street". To paraphrase Mies Van deRohe, the famous architect: "A Street wants to be a Street because it is a Street". As the subject property, "Lion Brothers parcel with right-of way" fronts on a State of Maryland highway the following was submitted as applicable in this instance:

MD Code, Transportation, § 8-101

§ 8-101. Definitions

Highway
(i) "Highway" includes:
(1) *Rights-of-way*, roadway surfaces, roadway subgrades, shoulders, median dividers, drainage facilities and structures, related storm water management facilities and structures, roadway cuts, roadway fills, guardrails, bridges, highway grade separation structures, railroad grade separations, tunnels, overpasses, underpasses, interchanges, entrance plazas, *approaches*, and *other*

structures forming an integral part of a street, road, or highway, including bicycle and walking paths; and

(2) Any other property acquired for the construction, operation, or use of the highway.

Street

(s) "*Street" means a highway*

EMPHASIS ADDED

Thus, the thirty-foot (30') right-of-way accessing the State highway should be defined as a "street" in this specific context. As Maryland law enables all Baltimore County laws, regulations and policy, this underlying definition must be utilized. Then following up from the Baltimore County Code provision:

§ 18-3-106. - DECLARATION OF ROAD AS PUBLIC HIGHWAY.

Authority. When any road has been in use by the public for 20 years, though the same may never have been condemned or granted as a public highway, the county, if it deems public necessity requires the adoption of same as such, shall declare the road to be a public highway, provided such *road right-of-way shall not be less than thirty feet (30') wide*. EMPHASIS ADDED

The subject petition right-of-way is thirty feet (30') wide. Thus, for access to the overall development of the large tract of land comprised of Lion Brothers and Toys 'R Us which access the State highway at this point, the County could deem that public necessity requires the declaration of the road to be a public highway. However, as was presented by the petitioner's testimony there has been a change in the county law relative to the width of a right-of-way for acceptance as a "public street."

18-3-307. - ACCEPTANCE OF ROAD DEDICATIONS.

(a) Authority of county to accept a dedicated road or alley. When an owner of property in the county opens, lays out, grades, paves, and drains, in accordance with the requirements of the county, a road or alley for the public convenience and is willing to dedicate the road or alley to public uses by a good and sufficient deed duly recorded, the county may accept the road or alley if the county determines that the road or alley is necessary and convenient for public use.

(b) Conditions for acceptance. The county may not accept:

(1) A road constructed in a right-of way that is less than forty feet (40') in width; ……..
EMPHASIS ADDED

A setback, as requested by the petition, would provide for the ten-foot increase in right-of-way width from thirty feet (30') to forty feet (40'). To meet the spirit and intent of the Baltimore County Code, the Board would be proactive in supporting and acknowledging that there was, over time, a change in law by granting this petition.

In further support of our requested setback is the provision of the Baltimore County Code:

18-2-104. - ENFORCEMENT ON PRIVATE PROPERTY USED BY THE PUBLIC IN GENERAL.

The county may enforce applicable provisions of this title and Article 14, Title 3 of the Code on private property used by the public in general.
(Bill No. 70-08, § 1, 8-17-2008)

The Baltimore County Code defines

Private property used by the public in general. "Private property used by the public in general" means a parking lot of a shopping center, condominium building, apartment building or *development*, or town house development where official county parking signs *or fire hydrants* have been situated. EMPHASIS ADDED

Then referring to:

18-2-101. - ADOPTION OF ORDERS AND REGULATIONS.

(a) *Authority in general.* The county may issue and adopt reasonable orders and regulations to regulate, restrict, or limit the parking or *movement of vehicles* on a public highway of the county:

(1) For the *safety and convenience of the public*;

(2) For keeping the roads and highways in the county from becoming congested by vehicles; and

(3) To *allow the free and unobstructed use of the roads and highways*.

(b) *Force and effect of law*. Orders and regulations issued and adopted under this section have the force and effect of law. **EMPHASIS ADDED**

which is a part of "this title." Testimony clearly established that fire hydrants exist on the large tract comprised of the vacant Lion Brothers site and the existing Toys 'R Us parcel, both sites which utilize this street. Therefore, I submit that the Board has the authority to acknowledge the purpose and intent to require a setback in furtherance of the Baltimore County Code in the public interest.

To address the granting of the setback as requested in the Petition and due to the uniqueness of this specific situation, I refer to the Baltimore County Code wherein is stated:

- **Zoning**
- **SUBTITLE 1. - IN GENERAL**

32-3-101. - POWERS OF THE COUNTY.

(a) Purpose of the zoning map and regulations. For the purpose of promoting the health, safety, morals and general welfare of the community, the zoning map and regulations shall be prepared in the manner provided under this title to regulate and restrict, within the county

(4) The *setback or distance* of any buildings or structures from front or *side lot*, road, street, or alley *line* and other open spaces.

(a) *Intent of Laws*

(b) (1) This title is intended to protect and promote public health, safety, and welfare and to ensure public facilities, services, and amenities are provided .....

(2) This title is intended to ensure that *proposed* development projects are safe, adequate, convenient and, where applicable, provide for the following: .....

(iii) *Improved linkage between developments to enhance circulation of motor vehicles*, bicycles, and pedestrians, including appropriate location and

design of streets, foot paths, and transit facilities relative to their anticipated functions and to existing facilities. **EMPHASIS ADDED**

Further, the county code provides relative to zoning law

§ 32-4-102. - DEVELOPMENT POLICIES

(b) Intent of laws.

(1) This title is intended to protect and promote public health, safety, and welfare and to ensure that public facilities, services, and amenities are provided.

(2) This title is intended to ensure that *proposed development projects are safe, adequate, convenient and, where applicable, provide for the following:*

(i) Conservation of existing communities and the *promotion of the quality of development,* site and building design, and *compatibility*;

(ii) Promotion of *economic development to expand the tax base*, provide employment, *facilitate commercial activity*, and house the citizens of the county;

(iii) *Improved linkage between developments to enhance circulation of motor vehicles*, bicycles, and pedestrians, *including appropriate location and design of streets*, foot paths, and transit facilities *relative to their anticipated functions and to existing facilities;*

(iv) Water supply, sewerage, storm water drainage, street lighting, *fire protection*, and emergency services, including adequacy of water volume, water pressure, and *emergency access to all parts of the property*; **EMPHASIS ADDED**

And

§ 32-4-103. - PURPOSES OF THE TITLE.

(a) In general. This title is adopted for the following purposes:

(1) To protect and provide for the public health, safety, and general welfare of the county;

(2) To *implement the future growth and development of the county in accordance with the Master Plan*; .....

(6) To protect the viability of the county's existing communities *by ensuring that new development and redevelopment is compatible with the neighborhood* and *minimizes adverse* environmental, *traffic, and economic impacts on the surrounding community*;

(7) To *preserve and protect existing business and industry and provide a system of regulatory controls on development that will foster the growth of business, employment, and the economic tax base* of the county;

(8) To *provide adequate and efficient transportation*, water, sewerage, drainage, schools, parks, street lights and sidewalks, open space tracts, playgrounds, and other recreation facilities and other public requirements and facilities;

(9) To *provide the most beneficial relationships between the uses of land and buildings and the circulation of traffic* throughout the county, having particular regard for:

(i) The *avoidance of congestion in the streets* and highways;

(ii) The *provisions of access for firefighting and other emergency equipment*; and

(iii) The pedestrian traffic movement appropriate to the various uses;

(10) To *provide for the proper location and width of streets and building lines*; **EMPHASIS ADDED**

To succinctly summarize, the Baltimore County Zoning Regulations are codified and adopted for the purpose of implementing the Master Plan and achieve the purposes and intents as legislated by the Baltimore County Code. There are unique and uncommon situations which have not been identified in the structuring of the B.C.Z.R. Therefore, the B.C.Z.R. provides for Petitions for Special Hearing, such as in this instance. The Board of Appeals must look to the underlying legislation and the County adopted Master Plan as has been outlined in rendering a decision.

As testified to by James S. Patton, Baltimore County Master Plan and Baltimore County Comprehensive Manual of Development Policy (CMDP) issues must be addressed relative to rendering an opinion thus requiring a setback from this publicly, commonly used access point. This forth leg of a signalized intersection provides ingress and egress to a major economic area of prime vacant and developable land mass. The Master Plan includes this location in the "Northern Employment Corridor" with the stated "Policy: Retain employment-generating zoning in the Northern Employment Corridor in order to preserve employment opportunities" with particular Actions to accomplish this objective. Further, as stated in the CMDP Part III: CMDP, Division III Commercial Corridors (page 98).

> **SITE CONTEXT**
> Evaluate surrounding development to determine appropriate building form, orientation and *setbacks*. Prior to the submission of a site design, the surrounding neighborhood context should be evaluated to ascertain the appropriate building form, *orientation*, and *setbacks*. The primary purpose of this evaluation is to *achieve a built project that blends into the surrounding development.* For example, if surrounding buildings are located close to the road, then the proposed buildings should be located in a similar manner. (*In this case along Reisterstown Road, in contrast to Pikesville for example, buildings are not located close to the road*). **EMPHASIS ADDED**

Clear understanding and acknowledgement of such statements of the Master Plan and Baltimore County Development Policy are a critical and essential element in addressing the issue at hand. Rendering an opinion based on a "small cog" in a "big wheel" ("Valvoline facility" in the "Lion Brothers/Toys 'R Us total complex") while trying to solely apply the provisions of the B.C.Z.R. severely jeopardizes the future development of the neighborhood.

Among other witnesses, the Respondent presented Carl Richards, the Zoning Supervisor for Baltimore County. Mr. Richards initials were indicated on County documents indicating that he was the author of the County's determination that there

would be no setback requirement from a private right-of-way. (See Petitioner's Exhibit #13). When questioned, Mr. Richards indicated that it was long-standing County policy initiated by someone else, but he could not explain the rationale for such a distinction of not requiring setbacks from a private right-of-way. Thus, it appears that the Respondents provided no basis for the County's determination that a setback could not or should not be required from a private road under certain circumstances.

PRACTICAL APPLICATION

The practical application of the County's interpretation causes potential health, safety and welfare issues to the public in this particular case which shall be explained by the record and the facts presented to the Board.

Specifically, the Board heard testimony about the following practical concerns related to the private driveway that connects all of the Lion Brothers property to Reisterstown Road as well as the Toys 'R Us Shopping Center. The evidence before the Board reflects that Lion Brothers acreage is totally dependent on access to Reisterstown Road over the private right-of-way which is the subject of the Petitioners request and of this case. The Board saw photographs in which large tractor/trailers are shown parked on the Lion Brothers parking lot. The history shows that the subject right-of-way was used by the public to access and leave the Lion Brothers property and buildings which are now torn down, but which will soon encompass a new retail and/or mixed use commercial activity where the public will be invited to access the Lion Brothers new development.

In addition to Lion Brothers, the Toys 'R Us Shopping Center utilizes the private road to not only access the shopping center, but it is the only access to leave the Toys 'R Us Shopping Center and enter Reisterstown Road. The public is constantly using their private access over the existing private road to enter and leave the shopping center. Maryland State roads have installed a four (4) way traffic signal at the private road and Reisterstown Road.

Finally, the Respondent, Valvoline, is proposing a second access from its property to Reisterstown Road, which would permit a right or **LEFT TURN** (emphasis added) going northwest on Reisterstown Road, which would clearly conflict with access exiting the Toys 'R Us Shopping Center and the proposed redevelopment of the Lion Brothers Property by the private road going east on Reisterstown Road as shown on Protestant's Exhibit #3, as well as vehicles proceeding west on Reisterstown Road and turning left into the Toys 'R Us Shopping Center, the proposed redevelopment of the Lion Brothers Property and accessing the existing Pizza Hut (proposed Valvoline). This traffic situation caused by these two (2) accesses on Reisterstown Road is clearly an improper and illegal situation which, if approved by the Board, will certainly cause vehicular collisions.

With the public having full access to enter the Lion Brothers property and the Toys 'R Us Shopping Center, there cannot be any rational reason for not requiring setbacks from the private road to protect the health, safety and welfare of the public utilizing said private road.

As stated before, the County and Respondent have failed to provide any rational reason to make the distinction of requiring setbacks for private roads in which the public is invited to the two (2) subject commercial properties. Again, no rational reason from the health, safety and welfare standpoint has been presented as to the limitation of setbacks to only public roads in this instance. The public should be protected whether it is a public or private road when the public is being invited to utilize access to large commercial properties.

While Patton's testimony is presented to support a legal analysis, common sense and protection of the public should be the prime requirement of the County in the above scenario. The County should be concerned for the safety of the public utilizing the private road accessing two (2) commercial properties rather than its unsupported reason for the public versus private.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of December 2019, a copy of the foregoing Petitioners Memorandum in Lieu of Final Argument was mailed first class, postage pre-paid to the following:

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C:\My Docs\Memos 2019\Sugarman – Pet Memo in Lieu of Final Arg – 12/5/19

RE: PETITION FOR SPECIAL HEARING 10246 Reisterstown Rd; SW/S of Reisterstown Road, 118' NE of Rosewood Lane 3rd Election & 4th Councilmanic Districts Legal Owner(s): Lion Brothers Co., Inc. Petitioner(s)	*	BEFORE THE BOARD OF APPEALS FOR BALTIMORE COUNTY 2019-202-SPH

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MEMORANDUM OF PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

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

MEMORANDUM OF PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

Strange days have found us,
Strange days have tracked us down."
The Doors, Strange Days (1967)

Prologue

"They are who we thought they were." Dennis Green (2006)

It's been 74 years since Baltimore County enacted its first comprehensive zoning ordinance. As if there are not enough other zoning issues to debate, we encounter for the first time the scope and parameters of the word 'street," more specifically, does a private easement or right of way qualify as such? We all learned about and used streets at a young age. To cut to the chase, this easement/right of way does not cut the mustard.

The Chinese philosopher Confucius instructed sagely that the most important thing in government is to call things by their right name. Language must be in accordance with the truth of things. Confucius, Analects, Book XIII, Chapter 3, Verses 4-7

William Shakespeare asked, in Romeo and Juliet (circa 1595),

> "What's in a name, That which we call a rose
> By any other name would smell as sweet."

What's in the name "street?" An avenue, a road, a highway, a boulevard, a motorway. Publicly named, owned, laid out, maintained, and operated. Federal, state, local. Originating as public ways, or dedicated and accepted.

The classic On the Street Where You Live (1956) could not work as an easement. The opening, "I have often walked on this street before" would not translate well with "easement" instead of "street." The Orlons made famous Philadelphia's South Street in

their 1963 classic. That's where all the hippies meet --- not in "south easement." It's the hippest street in town, not the hippest easement.

Former head football coach Dennis Green of the Minnesota Vikings comes to mind. He famously said in a postgame press conference, "They are who we thought they were." We all know "who" streets are and were! They do not include private easements.

The Proceedings

Game of Clones

On January 3, 2019, Lion Brothers Co. (LB) filed a petition for special hearing to claim the proposed Valvoline redevelopment at 10244 Reisterstown Road must satisfy the Business-Major Zone minimum front yard setback of 40 feet from the centerline of a street. Baltimore County Zoning Regulation (BCZR) Sec. 235.1. Administrative Law Judge John Beverungen correctly denied the petition at the first level on April 19, 2019. He judged the relevant access easement is not a "street," as defined in BCZR Sec. 101.1. Therefore, the minimum front yard setback from a "street" centerline does not apply.

LB thereupon appealed to this County Board of Appeals (CBA). The CBA exercises *de novo* review. Baltimore County Charter Sec. 603; County Code Sec. 32-3-401; Pollard's Towing v. Berman's Repair and Mechanical 137 Md. 277, 289 (2001). The CBA conducted a trial hearing on October 22 and 300, 2019.

This is LB's second try to stop Valvoline. On June 12, 2019, this CBA previously denied LB's appeal of a limited development exemption approved by the Department of Permits, Approvals, and Inspections. Case No. CBA 19-008. (**LB I**). LB then petitioned for judicial review in the Circuit Court, where it is pending.

LB's Motion to Recuse Panel Members Belt and Evans

Sour Grapes --- A Jurisprudential Diversion

At the start of the current **LB II** hearing, LB moved to recuse CBA Panel Members Andrew M. Belt and Joseph L. Evans. LB complained that they served on the **LB I** panel and alleged they made unfair rulings. Our office opposed the motion as untimely, undocumented, and contrary to settled law. LB did not allege a whiff of personal bias or misconduct, or any extrajudicial source of improper influence.

The CBA denied the Motion. Panel Member Evans observed the motion is inconsistent with the relevant jurisprudence. He also explained why LB's claims of unfair rulings lack merit The **LB I** CBA panel had addressed all the relevant issues pertinent to the development plan under review. Panel Member Belt incisively agreed.

The law concerning judicial disqualification or recusal focuses on extrajudicial sources of bias or prejudice, from outside the adjudicatory process, such as a family relationship to a party, ownership of a business interest in a party; a stock or other financial interest; or previous representation. It does not apply to a decision-maker's earlier role in adjudicating matters involving the parties. Cf. Boyd v. State 321 Md. 69 (1990); Doering v. Fader 316 Md. 351 (1989); Lane v. State 226 Md. 81 (1981); Carey v. State 43 Md. App. 246, cert. denied 286 Md. 744 (1979). If an initial legal error were cause for recusal, then every appellate court reversal for error would likely disqualify the errant judge for subsequent proceedings. But this is not the law. Miles v. State 88 Md. App. 360 (1991). It is common for losers to makes claims of errant or unfair rulings. The judicial review process is available for such claims, not baseless motions for recusal.

Valvoline's Motion to Dismiss for Defective Public Notice

Let's Get On With It

Valvoline then moved to dismiss for lack of jurisdiction on the basis that the public notice was deficient. He argued that the petition and notice referred to LB's address, but not to Valvoline's adjacent address, even though Valvoline's property was at issue. Our office viewed the notice as substantially in compliance. We added that Valvoline clearly had actual notice, and there was no indication anyone else had any concerns. The CBA denied this motion as well.

The law does not recognize complaints about notice which are "rather technical and specious in nature." Rogers v. Eastport Yachting Center 408 Md. 722, 738 (2009). The Court observed that where a party to an agency proceeding has constructive and/or actual notice, they may not complain abstractly about some technical defect.

"The law, in its majesty, is not designed to require futile action or idle gestures." Ibid.

Summary Declaratory Judgment; Private Easement Not a Street

Never a Doubt

A special hearing petition is effectively a request for declaratory judgment. BCZR Sec. 500.7, Antwerpen v. Baltimore County 163 Md. App. 194, 209 (2005). As in Antwerpen, People's Counsel has authority and responsibility to participate in special hearing and other cases deemed of public interest related to the Baltimore County Comprehensive Zoning Maps. These include special hearings. There are many precedents. Baltimore County Charter Sec. 524.1; Peoples' Counsel v. Maryland Marine Mfg. Co 316 Md. 491 (1989); Board of Child Care v. Harker. 316 Md. 683 (1989); People's Counsel v. Crown Development Corp. 328 Md. 303 (1992); Marzullo v. Kahl 366 Md 158 (2002); HNS Development Corp. v. People's Counsel 425 Md. 436 (2012); Fifth Street v. Ciarpella, unreported, 194 Md. App. 727 (2010); Kahn v. Baltimore County, unreported, 216 Md. App. 748 (2014); Lagna v. People's Counsel, unreported, 226 Md. App. 721, 2016 WL 327029 (2016); Geddes v. People's Counsel unreported, 232 Md. App. 726, 2017 WL 1193781, cert. denied 455 Md. 443 (2017).

Valvoline's project is permitted by right in the B.M. Zone as a service garage use. BCZR Sec. 233.1.B. The main question is whether a private access easement is a "street" per BCZR Sec. 101.1, Bill 100, 1970. If so, the front yard setback comes into play.

There is no precedent for this absurd claim. The statutory language, scheme, history, administrative practice, and case law are in accord. The recognized language usage confirms that a private easement is not a street. The ADC Street Atlas confirms this point. Zoning Supervisor W. Carl Richards testified the Zoning Office has always applied the "street" definition to public roads only,

The CBA should render a summary declaratory judgment that the joint private easement here is not a street under the zoning law. Based on the undisputed material facts, this Petition for Special Hearing is insufficient as a matter of law.

The resolution of this issue is important to do justice here and serve as a precedent. The decision will also function effectively to ratify longstanding practice and comparable

past approvals. To rule that this access easement is a street would cast a legal shadow on many commercial developments with similar private access easements.

There is a separate issue concerning the orientation of the development, which focuses on the front yard location. If Reisterstown Road is the front yard, then it does not matter what the private easement is called. The "street" issue would be moot because the development would satisfy the front yard setback from Reisterstown Road, and there would be no minimum side yard setback from the easement. We leave it to the CBA to resolve this issue, which is secondary to the public interest involved in the street issue.

Questions Presented

Reverse Jeopardy

Does the proposed Valvoline development require a minimum front yard setback of 40 feet from the 22-feet wide access easement/30-feet wide right of way? In this context,

1. Is the private access easement/right of way from Reisterstown Road into the commercial development a "street" as defined in BCZR Sec. 101.1?

2. Is the front yard of the proposed development oriented to the access easement, or is the frontage on Reisterstown Road?

Statement of Facts

Geography

Putting It on the Map

The location is Owing Mills, southwest side Reisterstown Road (RR), northwest of the Painters Mill Road intersection. RR is State Road 140, a major arterial road running from Baltimore City through Baltimore County to Carroll County.

Valvoline is a regional oil change and auto service business operated by Mid-Atlantic Lubes, Inc. Utilizing M & S Limited Partnership, they acquired the .55 acre property bordering SW RR in 2018. Their new facility will replace the former Pizza Hut.

LB produces apparel with brand names, insignias, and logos. Their larger 10246 Reisterstown Road property also borders RR. LB razed its former factory there. The

property is now vacant. There is still an LB sign facing RR. There are trucks and other vehicles in the parking lot. There is no evidence about LB's plans for the site.

The access easement at issue is within a 30-feet wide right of way along the Valvoline and LB properties. The access to LB's property is on this access easement, from behind the Valvoline property. The easement also connects with an interior private easement into the area previously occupied by Toys R Us and Bed, Bath, and Beyond. Toys R Us went into bankruptcy. A Hobby Lobby is slated for this site.

There is a signalized intersection where the easement meets Reisterstown Road. Rosewood Lane, a county road, intersects from the north and ends at the intersection. It has four lanes at there, two lanes going north and two south, including a left turn lane. A Shell gas station is at the northwest corner, and a Taco Bell at the northeast corner. Rosewood Lane is substantially wider and better improved than the easement at issue.

Back to Basics

"What's It All About Alfie? Is It Just For the Moment We Live?" Alfie (1967)

The deed and zoning history follow this path:

December 19, 1957: Deed from Gerotor May Corporation to Emblem Realty Co., Liber 3287, Folio 40 includes, , Pet. Exh. 14C,

> "... an easement or right of way for ingress, egress, or other purposes ... for the joint use of the party of the second part, its successors and assigns, and the party of the first part, its successors and assigns, ... to and from the property presently owned by the party of the second part, and the property now being conveyed by the said party of the first part, ... to and from the property presently owned , and the property to be acquired by the said party of the first party form the said party of the second party, by deed of even date herewith ...." 3287/41.
>
> * * *
>
> "It is mutually agreed by and between the parties thereto to build and construct a suitable roadway over the easement or right of way hereinabove granted, and the cost therefor shall be equally divided between them."3287/42

This deed documents the legal framework of the paved access roadway now shared by the Valvoline and LB properties.

March, 1958: Gerotor May Corporation Petition for Variance (side yard setbacks) denied by Zoning Commissioner to construct post office on property across

easement/right of way from (now) Valvoline property. Case No. 4390-V. Pet. Exh. 4, 4A, Prot. Exh. 15. The site plan identifies easement/right of way as "PRIVATE LANE."

1967-68: National Building Rentals Petition for Zoning Reclassification from M.R. to B.R. for restaurant on (now) Valvoline property granted by CBA. Appeal to Circuit Court withdrawn. Case No. 67-248-R. Pet. Exh. 5, 5A. The CBA opinion refers to the easement/right of way on Pages 1-2,

> "Since the Land Use map this private road was constructed to serve the Lion Brothers Company, Inc. plant and resulted in the severance of Petitioner's small tract of M-R land."

The site plan description of the access is illegible, but perhaps said "Private Road." This zoning reclassification allowed restaurant use, which became a Pizza Hut in 1973.

1986-87: National Building Rentals Petition for Zoning Variance (parking spaces for Pizza Hut addition) granted by Deputy Zoning Commissioner. Case No. 87-285-A. Prot. Exh. 13, 14. The site plan describes easement as "EXIST.RIGHT-OF-WAY." The opinion describes the Pizza Hut as having been there since 1973.

April 23, 2018: Deed from National Building Rentals, Inc. to M & S Limited Partnership. Liber 40203/Folio 378. Prot. Exh. 12. This deed refers to the easement or right of way granted by Gerotor May Corporation to Emblem Realty Co. in the December 19, 1957 deed. 40203/382.

1957-2019: No documentation or evidence of any offer or other step to have this easement declared a public highway or street.

There is no dispute about the following salient facts:

Currently: ADC Street Atlas (2012) Page 48 shows area. The location of the easement/right of way is not shown as a road or street, whether private or public.

Currently: No name.

Currently: No street or public signs.

Currently: No public maintenance.

Takeaway: It doesn't look like a street, quack like a street, or walk like a street.

Argument

The proposed Valvoline development does not require a minimum front yard setback of 40 feet from the 22-feet wide access easement.

"Takin' It To the Street." The Doobie Brothers (1976)

I. The Access into the Commercial Development Is Not a "Street," but Rather a Private Easement and Right of Way.

Street-Smart and Street-Wise

In everyday parlance, a street is a public roadway, established or accepted for public ownership, naming, signs and maintenance. To hinder Valvoline's redevelopment project, LB conflates the private easement with a "street." This is nonsense.

Plain Language

"Please Don't Let Me Be Misunderstood." Nina Simone, cover, The Animals (1965)

BCZR Sec. 101.1 defines "street." There is also a Baltimore County Code definition in Sec. 32-4-101(xx). There is no BCZR Sec. 101.1 definition of "easement" or "right of way." Nor have we found one in Article 32 of the County Code law pertinent to Planning, Zoning, and Subdivision Control

Where there is no BCZR Sec. 101.1 definition, this section provides for words to have the definitions in Webster's Third New International Dictionary (Webster's). We have surveyed a constellation of legal and Webster's definitions. We have also consulted Black's Law Dictionary. Here is what we find.

BCZR Sec. 101.1 defines of "STREET" is:

> "STREET — A motorway which is not a freeway or expressway but which has a right-of-way more than 20 feet in width."

Baltimore County Code Sec. 32-4-101(xx) defines street as:

> "(xx) *Street* "Street" means:
>
> (1) (i) A street, avenue, boulevard, road, lane, parkway, freeway, viaduct, bridge, or other way, which is an existing state or county highway; or
>
> (ii) A street or way shown on a plat duly filed and recorded in the Office of the Clerk of the Circuit Court for the county.

(2) "Street" includes:

(i) The land between the street right-of-way lines, whether improved or unimproved; and

(ii) The pavements, shoulders, curbs and gutters, sidewalks, parking areas, and other areas within the street right-of-way lines."

The following Webster's definition excerpts are relevant:

"**Avenue**: . . . . . 4. a city street esp. when broad and attractive

Easement : . . . . 4. An incorporeal usu. non-profitable interest granted by deed or created by will, deed, or prescription that is held by one person in land owned by another and that entitles its holder to a specific limited use or enjoyment (as the right to cross the land or to have a view continue unobstructed over it)

Highway: 1a: a road or way on land or water that is open to public use as a matter of right whether or not a thoroughfare: a public road or way (as a footpath, road or water way) including the right-of-way – compare PRIVATE WAY b: such a road or way established and maintained (as by a state) in accordance with law c: a main direct road 9as between one town or city and another – sometimes contrasted with byway

Motorway: a motor highway esp: SUPERHIGHWAY

Right of way: 1: a legal right of passage over another person's ground – compart EASEMENT, SERVITUDE 2: the area or way over which a right-of-way exists: as a part or thoroughfare which one may lawfully use (as in crossing the property of another): one established by persons exercising the right to pass over the property of another b: the strip of land devoted to or over which is built a public road <miles of right-of way at the sides of improved highways – A.W. Wells> c: the land occupied by railroad for its tracks, yards, and building but esp. for its main line d: the land used by a public utility (as for an electric power transmission line or a natural gas pipeline

Street: . . . . 1a: a paved road; HIGHWAY <until recently the Canterbury road was known as the Street – Chicago Daily Tribune> b(1): a public thoroughfare esp. in a city, town, or village including all area within the right of way (as sidewalks and tree belts) and sometimes further distinguished as being wider than an alley or lane but narrower than an avenue or boulevard and as separating blocks rather than penetrating them <another alley that . . . gave on a through ~ - Paul Bowles> - contrasted with road: abbr. st. (2): the strip of a public thoroughfare reserved for vehicular traffic <a pedestrian killed while crossing the ~> (3): a public thoroughfare including the property abutting it <lives on a fashionable ~><has an office on Main Street> c:the roadway in front of or between the barracks or tents of a company or battery <instruction in . . . shelter tent pitching, in the battery~ - C.P. Smith>"

Black's Law Dictionary (10th Edition, 2014) is also helpful:

"**Easement** (eez-ment). (14c) An interest in land owned by another person, consisting in the right to use or control the land, or an area above or below it, for a specific limited purpose (such as to cross it for access to a public road).

Highway. (bef. 12c) 1. Broadly, any main route on land, on water, or in the area. 2. A free and public roadway or street that every person may use. Cf. CARRIAGEWAY

> "Every thoroughfare which is used by the public, and is, in the language of the English books, 'common to all the king's subjects,' is a highway, whether it be a carriage-way, a horse-way, a foot-way, or a navigable river. It is, says Lord Holt, the genus of all public ways." 3. James Kent, Commentaries on American Law *432 (George Comstock ed., 11th ed. 1866).

3. The main public road, esp. a wide one, connecting towns or cities. 4. The entire width between boundaries of every publicly maintained way when part is open to public use for purposes of vehicular traffic.

Right-of-way. (18c) 1. The right to pass through property owned by another. A right-of-way may be established by contract, by longstanding usage, or by public authority (as with a highway). Cf. EASEMENT.

Street. (bef. 12c) A road or public thoroughfare used for travel in an urban area, including the pavement, shoulders, gutters, curbs, and other areas within the street lines."

Any way these definitions are charted, collated, compared, mapped, or reviewed, it is conspicuous that there is a big difference between a street, motorway or highway, on the one hand, and an easement or right of way, on the other hand. These definitions confirm, individually and collectively, that a street, motorway, or highway characteristically means a publicly owned and maintained thoroughfare. In contrast, an easement or right of way typically involves a private arrangement.

Not Lost in Translation

The French language translation of "street" is "rue;" and "easement" is "serviturde." In Spanish, a "street" is "calle;" for "easement," "comodidad" or "servidumbre." A Russian street is "ulitsa" and easement a "servitut." In any language, the words "street" and "easement" are distinctive and have distinctive meanings.

The Statutory Scheme

More Things Considered

There are distinctive setback provisions in the Density Residential Zones from "Paving of a private road" and from "Public street right of way." BCZR Sec. 1B01.2.C.1.b. Residential subdivisions often include private roads as well as public roads or streets. Contextually, these setbacks reinforce the schematic distinction between public streets and private roads. The distinction is even greater between streets and private easements or rights of way.

It is also noteworthy that BCZR Sec. 409, governing Off-Street Parking and Loading, differentiates streets from private access, vehicular travelways, and driveways. The term "Off-Street Parking" refers to parking off a public street. It does not say or mean "Off-Easement Parking." The Valvoline development must comply with such provisions as may be applicable. These include "Locational requirements." BCZR Sec. 409.7; and "Design standards." BCZR Sec. 409.8, including "Distance to street line," referring "... to the right-of-way line of a public street." BCZR Sec. 409.8.A.4. This statutory scheme reinforces the distinction between public streets and private easements.

Reasonableness: Consequences and Precedent

Must Be Prudent

Statutory construction may encompass consideration of the consequences of an interpretation, and their reasonableness. Across Baltimore County, there are commercial and industrial developments with private access roads, whether established by easement or private road. The Towson Town Center major shopping mall is just one example mentioned during the hearing. The principals of such developments would be unpleasantly surprised to learn that their buildings along private access paths are now subject to zoning setbacks. This would be an unwarranted consequence.

Administrative Practice and Policy

Carl Richards Steps Up

Consistent administrative practice and policy is in accord. W. Carl Richards, longtime Zoning Supervisor, testified without contradiction that his office has interpreted

"street" to mean a publicly maintained street throughout his career, which extends back to about 1970. During that entire time, there is no evidence that anyone contradicted or objected to this interpretation. There is no evidence that the County Council considered an amendment to the legislative definition to include private easements or rights of way.

The Zoning Supervisor's testimony brings to mind Harford County v. Bel Air Realty Co. 148 Md. App. 244 (2002), which deals with a proposed residential subdivision. It came down to whether an access road to Route 1 through an adjacent subdivision was "directly accessible." If so, this would enhance density over and above conventional development. The Court reinstated the Harford County Council's decision, which adopted that of the Zoning Hearing Examiner that the road did not qualify. The Court observed that even if the term were ambiguous, the issue would be resolved by the testimony of Anthony McClune, veteran Manager, Division of Land Use Management, Department of Planning and Zoning. Judge Thieme began an extensive discussion of deference to longstanding administrative construction, 144 Md. App. at 267,

"Administrative Interpretation

> We also conclude that, even if the phrase "directly accessible" were ambiguous to the point of obscuring the evident meaning of the statute, and the intent of the County Council, the administrative interpretation of the "directly accessible" requirement, as applied by the Department of Planning and Zoning, voiced through the testimony of Mr. McClune, and sanctioned by the Board of Appeals, trumps the testimony of Bel Air Realty's experts and its interpretation to the contrary. Again, we must respect the expertise of the agency. See Adamson v. Correctional Medical Services, Inc. 359 Md. 238, 266–67, 753 A.2d 501, 516 (2000)."

Attention should also be paid to the 2002 Bureau of Development Plans Review Policy Manual, adopted by the County Council originally in 1985, differentiates public roads, private roads, and driveways. Prot. Exh. 11. The easement here is not required to meet public roads standards and specifications.

Case Law and Treatises

Sojourn to the Law Library

Our research revealed Valentine v. Mayor of Hagerstown 86 Md. 486 (1897). The city undertook to tax a platted real estate development based on a charter provision,

which made taxation dependent on streets being "laid out and opened" through the town's extended limits. The Court held the city had no authority to tax a right of way because, although dedicated, the town had not formally accepted it to be laid out, opened, improved, and maintained as a street. This case supports the point that the easement here is not a street because never accepted by the county (and here never even offered).

There is also cited in 11 M.L.E. Highways Sec. 1 the case of State, for Use of Hoffman v. Potomac Edison Co. 166 Md. 138 (1934). The Court there recognized,

> "A highway is a public street, road, or way, dedicated to every lawful and reasonable use to which it may be put by the public at large for purposes of transportation or travel. "

To be sure, there may be private roads, when designated as such on deeds and other real estate documents. Conversely, there may be publicly held easements or rights of way, but these occur by government acquisition or requirement. 8A M.L.E. Easements Sec. 1. The nature and extent of rights in an easement or right of way depend on the relevant deed or document. 8A M.L.E. Easements Sec. 23-24. But the characteristic distinction between public streets and highways and private easements holds.

LB's Presentation

"It's a Jungle Out There,"
Burkhard Dallwitz, It's a Jungle Out There (1998), the Underbelly Theme

LB rambled through a zoning version of Shakespeare's Much Ado About Nothing (circa 1599). James Patton mused that "Baltimore County" (whoever) supposedly intended 60 years ago to launch a connecting road from Reisterstown Road to Painters Mill Road. But this never happened. He narrated the zoning history of a former post office across the way. He dwelt on the former Pizza Hut and supposed parking violations. But their relevance remains a mystery, and there is no record of complaints anyway. He said there could be an offer or request for dedication of the easement as a public highway. But that never happened either. (Anyway, the access would not qualify for acceptance because lacking a wide enough right of way.) He cluttered the record with disparate and

extraneous statutory provisions. Pet. Exh. 8-10. He concluded with his hollow opinion that the use of the easement to access businesses made it a street.

This is a classic case of expert testimony unsupported by relevant facts and legal reasoning. People's Counsel v. Beachwood 107 Md. App. 627, 650 (1995), cert. denied 342 Md. 472 (1996). In several recent cases, we expressed skepticism about the scope of "expert" testimony on statutory issues. Just another whole cloth episode. To paraphrase Madonna's Sorry (2005), we've heard it all before.

Incidentally, LB did not call a company representative as a witness. There was no evidence about their own redevelopment or transactional plans. They not only failed, but also refused to explain why they object to Valvoline. They presented zero evidence that the Valvoline project would conflict with any development regulations. We asked Valvoline's engineer, Joshua Sharon, about any safety issue with the potential left turn across Reisterstown Road to the northbound lanes. He said the State Highway Administration might preclude this based on likely road improvements. In any event, this traffic issue does not affect the issue at hand.

II. The Board May Determine the Frontage of the Valvoline Development

"Over, Under, Sideways, Down;
Backward, Forward, Square, Around."
The Yardbirds (1966)

The CBA may also review the Valvoline project frontage. If the frontage is on Reisterstown Road, there is no setback conflict in any event. The Court addressed the front/back orientation issue in Swoboda v. Wilder 173 Md. App. 615 (2007) and identified relevant factors. We submit on this issue to the CBA's discretion.

Conclusion

"*Truth, like football, receive many kicks before reaching goal.*"
Charlie Chan at the Olympics (1937), quoted in Y. Huang, Charlie Chan, xvi (2010)

The CBA must deny LB's petition and declare the access easement is not a "street," so no front yard setback applies, even if Valvoline's project fronts the easement.

Peter Max Zimmerman

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of December, 2019, a copy of the foregoing Entry of Appearance was mailed to Dino LaFiandra, Esquire, 100 West Pennsylvania Avenue, Suite 305, Towson, Maryland 21204 and J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson, Maryland 21286, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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BALTIMORE COUNTY
BOARD OF APPEALS

IN THE MATTER OF:	)	**BEFORE THE**
	)	
Lion Brothers Co., Inc. – Legal Owner	)	**BALTIMORE COUNTY**
10246 Reisterstown Road	)	
	)	**BOARD OF APPEALS**
	)	
3rd Election District	)	**CASE NO. 19-202-SPH**
4th Councilmanic District	)	
	)	
	)	

RESPONDENTS' BRIEF IN LIEU OF CLOSING ARGUMENT

Mid-Atlantic Lubes, LLC t/a Valvoline Instant Oil Change and M & S Limited Partnership, Respondents/Appellees (collectively, "Valvoline"), by and through their attorney, Dino C. La Fiandra and The Law Office of Dino C. La Fiandra, LLC, submit this brief in lieu of a closing argument, and state:

Statement of the Case and Procedural Posture

This is a *de novo* appeal of a Petition for Special Hearing that was filed by Lion Brothers Co., Inc. ("Lion Brothers"), the legal owner of the property located at 10246 Reisterstown Road. The Petition for Special Hearing sought a determination under BCZR § 500.7 whether "a structure fronting on a private roadway / street as defined in the BCZR is required to comply with BCZR §235.1 – Front Yards, specifically in this instance; and such other items pertaining thereto which will be presented at the hearing."

Fundamentally, the issue presented by Lion Brothers is whether the right of way or easement which traverses Valvoline's property at 10244 Reisterstown Road,[1] and of which Lion Brothers has the non-exclusive benefit of use, requires a setback as a "street" under the BCZR. The Administrative Law Judge determined it did not and denied the Petition for Special Hearing.

[1] At the start of the hearing, the Board denied Valvoline's Motion in Limine seeking to exclude any evidence of Valvoline's property at 10244 Reisterstown Road during the course of the hearing as it was not the subject of the required notice under the Baltimore County Zoning Regulations or the Baltimore County Code in order to be considered in the course of the zoning hearing.

Lion Brothers appealed to the Board of Appeals which held a two-day hearing on October 22 and 30, 2019. At the conclusion of the hearing, Board invited the parties to submit briefs in lieu of making closing arguments.

Testimony and Evidence

Lion Brothers' presented one witness, Mr. James Patton, a professional engineer who was accepted as an expert in the fields of land planning, zoning, land development, site engineering and the Baltimore County Code. Mr. Patton testified that he reviewed the ALJ's decision in this matter as well as other documentation, state regulations, site plans, deeds, and engineering codes. In addition, Mr. Patton made several site visits to the properties at issue.

Mr. Patton described the Lion Brothers property (the "Lion Brother Property") as well as the easement or right of way (the "Lion Brothers Easement") that traverses the adjoining property owned by Valvoline (the "Valvoline Property") through which Lion Brothers gains access to its property. The Lion Brothers Property and the Lion Brothers Easement are shown on Petitioner's Exhibit 2, the Site Plan to Accompany the Zoning Petition, and are described in Petitioner's Exhibit 14C, the deed recorded at liber 3287, folio 040 (see Exhibit A to this Memorandum).[2] As shown in the highlighted portion Petitioner's Exhibit 14C attached hereto, the Lion Brothers Easement is for the *joint use of the parties to the deed and their successors and assigns,* including obviously Valvoline and Lion Brothers, for ingress, egress and other purposes. Notably absent from this easement or right of way is any mention of rights in favor of Baltimore County or the public at large. Indeed, on cross-examination, Mr. Patton admitted that

[2] It should be noted that for whatever reason, the Petitioner initially offered Petitioner's Exhibit 14 which contained only pages 1 and 3 of the deed recorded at liber 3287, folio 040, but not page 2 of that deed. Only when the undersigned counsel Valvoline objected to the exhibit on the basis that it was incomplete because it omitted page 2 did Petitioner reluctantly offer the complete deed as Petitioner's Exhibit 14C. Unfortunately, the Petitioner never gave a copy of this exhibit to Respondent's counsel or People's Counsel. Notably, as testified to by Mr. Patton on cross examination by the undersigned attorney, Petitioner's Exhibit 14C, page 2 (originally missing from Petitioner's Exhibit 14) contains the operative language of the Lion Brothers Easement at issue in this case. In any event, a true and complete copy of the deed recorded at liber 3287, folio 040 is attached to this memorandum as Exhibit A as a facsimile of Petitioners Exhibit 14C. The operative language giving Lion Brothers and Valvoline their relative rights of *joint use* of the easement area has been highlighted on page 2 of Exhibit A for the convenience of the Board.

neither the public nor Baltimore County has any rights in the Lion Brothers Easement. The Lion Brothers Easement is 30 feet in width.

Petitioner's Exhibit 3 is a Baltimore County Department of Public Works Storm Drain Plan dated 1958 which indicates that the 30-foot-wide access right of way was under construction at that time, and notably, that there are no public storm drains located within the access road. Equally notable, Petitioner's Exhibit 3 does not identify this access road as a public road.

Petitioner's Exhibits 4 and 4A involve a request for a setback variance for the Owings Mills Post Office in 1958 in front of what is now the Toys-R-Us building on the property that is to the northwest of the Lion Brothers Property and the Valvoline Property.[3]

Petitioner's Exhibits 5 and 5A involve a 1967 request for a reclassification of the Valvoline property from the MR to the BR zone so that a restaurant may be erected on the property.[4]

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[3] As later testified by Valvoline's expert land planner Bill Monk, Petitioner's Exhibits 4 and 4A are not particularly relevant to any issue in this case because the issue in the 1958 case was the setback from a *property line* where the issue in the case at bar is whether the private easement line generates a setback requirement.

[4] It is unclear why the Petitioner offered Exhibits 5 and 5A, and perhaps it will offer a reason in its brief. Valvoline would be remiss, however, to not point out that these exhibits contain what now appears to have been prophetic language in the Board's two page order *approving* the reclassification at issue in that case so that what would become the Pizza Hut restaurant could be built on what is now the Valvoline Property:

> The Petitioner seeks a reclassification from M-R to B-R so that a restaurant may be erected on the subject lot [the Valvoline property].
>
> The Petitioner cited changes which have taken place since the adoption of the Land Use Map. He claimed practical hardship in utilizing the small tract in its present M-R classification. Impressive to this Board was the physical change caused by the construction of the road immediately to the north of the subject property. Since the adoption of the Land Use Map this private road was constructed to serve the Lion Brothers Company, Inc. plant and resulted in the severance of Petitioner's small tract of M-R land.
>
> The prime Protestant in this case was John D. O'Neill, President of Lion Brothers Company, Inc. Mr. O'Neill testified that the granting of this reclassification might adversely affect the operation of his plant, citing traffic patterns, storm water and sewer problems. On cross-examination he acknowledged that the granting of any building permit would be predicated on the availability of utilities. This Board is further aware the development of the subject property must meet the County's requirements in order to obtain site plan approve by the various agencies.

Petitioner's Exhibit 5A, Board of Appeals Case 67-248-R, pp. 1-2. [Underscoring added.]

Accordingly, it would appear from the language of the Board's order in the 1967 case that the effect of the Lion Brothers Easement on the Valvoline Property justified the reclassification of the Valvoline Property from MR to BR. It also is plainly evident that the Board found that the Lion Brothers Easement was "constructed to serve the Lion Brothers Company, Inc. plant," essentially finding it is nothing more than a driveway to serve the Lion Brothers

Petitioner's Exhibits 6 and 7 are aerial photos of the area showing the properties. Petitioners 8 and 9 are code provision from the Transportation Article of the Baltimore County Code which are not relevant to the definitional issue in this case. Petitioner's Exhibit 10 are code provisions from the Planning, Zoning and Development Article of the Baltimore County Code. Petitioner's Exhibit 11 is a one page excerpt of the Development Plans Review Policy Manual relating to public roads, private roads, and, notably, *driveways*. Petitioner's Exhibits 12A and 12B are photographs of fire hydrants which are not located within the Lion Brothers Easement, and therefore, are not particularly relevant to the issues presented by this case. Petitioner's Exhibit 13 is the BCZR definition of "Street". As noted earlier, Petitioner's 14 is the deed containing the easement or right of way but omitting the operative language on page 2. Petitioner's Exhibit 14A is the Toys-R-Us deed. Petitioner's Exhibit 14C is the complete deed record at liber 3287, folio 040 describing the Lion Brothers Property and the Lion Brothers Easement. Petitioner's Exhibits 15A, 15B, and 15C were marked for identification but not admitted as evidence. Upon the conclusion of Mr. Patton's testimony, Lion Brothers rested its case-in-chief.

Valvoline presented three witnesses in response to Lion Brothers' case. Joshua Sharon, the professional engineer primarily responsible for the development of the Valvoline Property, was accepted as an expert in the fields of civil engineering, the Baltimore County Zoning Regulations, the Baltimore County Development Regulations and the Baltimore County Code.

Property, consistent with the present day testimony of Messrs. Sharon and Monk in the Respondent's case. Accordingly, the Board should dismiss this case as a matter *of res judicata* or collateral estoppel, or at least find, consistent with its earlier ruling in the 1967 case, that the Lion Brothers Easement was constructed to serve the Lion Brothers Property and it amounts to nothing more than a "driveway", as provided in the Development Plans Policy Manual, Respondent's Exhibit 5. Notably, Lions Brothers does not seem to have argued in the 1967 case that there was a setback required from the Lion Brothers Easement for the proposed restaurant on the Valvoline Property shown on the on Petitioner's Exhibit 5 in the 1967 case, nor did the Board conclude that a setback was required. This is likewise consistent with Mr. Richards testimony in the Respondents case.

Using Protestant's Exhibit 3, the "Plan Prepared Per Approval from DRC #052918D",[5] Mr. Sharon described the development that has been approved for the Valvoline Property. The existing 2,660 square foot Pizza Hut restaurant will be demolished. In its place will be constructed a 4-bay Valvoline Instant Oil Change ("VIOC") facility. The 2,535 square foot new building will be 1-story plus a basement. This new building will be roughly rectangular in shape with the long side of the building parallel to Reisterstown Road and the short side perpendicular to Reisterstown Road. Using Petitioner's Exhibit 4, the architectural elevation, Mr. Sharon identified the front of the building as the elevation that faces Reisterstown Road. Notably, Mr. Patton did not offer a countervailing opinion on the orientation of the building.

Mr. Sharon identified the setbacks of the VIOC facility from the property lines. There is a 59 foot setback from the front property line. A 30 foot setback from the west side (Toy-R-Us) side property line. A 16 foot setback from the east side (Lion Brothers) property line. And, a 101 foot setback from the rear property line. Mr. Sharon opined these setbacks meet all the requirements of the BM zone in which this property is located.

Mr. Sharon also identified the Lion Brothers Easement on the Valvoline Property. The Lion Brothers Easement is 30 feet wide and extends from the intersection of Rosewood Lane behind the VIOC facility to the west side property line of the Lion Brothers Property. Mr. Sharon testified that no part of the VIOC facility will encroach into the Lion Brothers Easement. As shown on Respondent's Exhibit 3, part of the building will be constructed right up to the easement line, essentially with a zero-foot setback from the Lion Brothers Easement. Another

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[5] As explained by Mr. Sharon during the course of his testimony, Respondent's Exhibit 3, the "Plan Prepared Per Approval from DRC #052918D", is a simplified version of the plan that accompanied DRC Request 052918D for the Valvoline Property, which request was approved by this Board in Case No. CBA 19-008 as a "minor commercial structure" under BCC, §32-4-106(A)(1)(vi). Respondent's Exhibit 3 is substantively identical to the plan that accompanied the DRC request that was ultimately approved by the Board of Appeals, but certain plan elements were removed for readability in this case, such as topography and contour lines, certain dimension lines that are not relevant to the issues presented by this case, many of the plan notes, and certain other plan features. In the event the Board would like to refer to the actual plan that accompanied the DRC request, it was admitted as Respondent's Exhibit 7. Both Respondent's Exhibits 3 and 7 were admitted over Lion Brothers objection that the exhibits should not be admitted because the DRC matter is on appeal to the Circuit Court.

part of the building will be built within about 2 feet of the easement line. Mr. Sharon testified that the existing Pizza Hut restaurant is built within a foot or less of the easement line.

Having worked on this property for several years in order to secure development approvals for the VOIC facility, Mr. Sharon is very familiar with it. He testified there are no public utilities that serve the easement area itself, and no utilities run through the easement to serve any parties with rights to use of the easement (i.e, Lion Brothers). There is a small portion of a storm drain line that runs through the easement area near the intersection with Reisterstown Road, but there is no storm drain within the easement area. Likewise, there is a gas line in the easement area that runs from Reisterstown Road that serves only the Pizza Hut. There is a fiber optic line that traverses the easement area but does not serve any of the properties that are served by the easement. Otherwise, there are no utilities in the Lion Brothers easement. There are no fire hydrants in the easement.[6] There are no "No Parking" signs. No sidewalks. The easement area is not shown on a recorded plat. The easement area has not been offered for dedication to Baltimore County, much less accepted for dedication. The uncontroverted testimony was that Valvoline owns the easement area and is responsible for its maintenance in all respects. In Mr. Sharon's extensive discussions with the county agencies in his work in securing the development approvals for the VIOC facility, Baltimore County has expressed no interest in acquiring the Lion Brothers Easement area for any public purpose.

Lastly, Mr. Sharon testified that in his work he often refers to the Development Plans Review Policy Manual, which is an official manual of the Department of Permits, Approvals and Inspections. Respondent's Exhibit 5 is an excerpt of this manual that Mr. Sharon referred to in his testimony. Mr. Sharon testified that Section VIII(A)(3) of this manual discusses the distinction between public roads, private roads, and driveways. He stated that according to this

[6] The fire hydrants shown in Petitioner's Exhibits 12A and 12B are not within the Lion Brothers Easement.

section both public roads and private roads are each built to the same standards of the Department of Public Works, but that public roads are ultimately accepted by the County for ownership and maintenance, whereas private roads remain in private ownership. As described by Mr. Sharon with reference to this manual, "Driveways and panhandles", however, are different from roads entirely because driveways are not built to the standards of the Department of Public Works. According to Section VIII(A)(3)(b),

> Driveways are not classified as roads. DRIVEWAYS & PANHANDLES (*including residential and commercial parking lots and access to the parking lots*) – Off-street means of vehicular ingress and egress to a parcel of land (also used by pedestrians) which can be designed to physical and geometric standards differing from streets. [All caps and italics in original; underlining added.]

Mr. Sharon testified that the Lion Brothers Easement fails to meet the minimum right of way width for even the most minor street in Baltimore County, which Mr. Sharon identified as 40 feet 40 feet.[7] See, Respondent's Exhibit 5, page 8. Likewise, as plainly evident in the photographs of the Lion Brothers Easement in Respondents Exhibit 6, the Lion Brothers Easement lacks sidewalks on either side, which are a requirement of the Department of Public Works for streets whether public or private. See, Respondent's Exhibit 5, page 10. In Mr. Sharon's opinion, there is no indication the travel way within the easement area was

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[7] The minimum width for dedication of a right of way to Baltimore County has been 40 feet for *at least* the past 60 years. As the Board will recall, during the testimony of Mr. Patton, the witness asserted the Lion Brothers Easement was *designed* to county standards because BCC, §18-3-106, Declaration of Road as a Public Highway, allows the county to declare a road to be a public highway if the right of way is not less than 30 feet in width, it has been in the public use for at least 20 years, and the county determines it necessary to do so. On cross-examination the witness was asked about BCC, §18-3-307, which requires a minimum right of way width of 40 feet in order for a road to be dedicated to the county. The witness seemed confounded by this section of law which was in his own exhibit. In the colloquy that followed, undersigned counsel noted that the 40 foot minimum requirement for dedication of a right of way appeared to have gone back at least to 1958 because of the annotations in the code provision in the exhibit, which referred to Section 28-16 of the 1958 Baltimore County Code, and *Gerezak v. Todd*, 233 Md. 25 (1963). For the convenience of the Board, *Gerezak v. Todd* is attached as an exhibit to this memorandum. The case confirms that at least as early as 1962 (and almost certainly from prior to 1958), the minimum right of way width for dedication to Baltimore County was 40 feet.

The provision of code originally pointed to by Mr. Patton, § 18-3-106, obviously is intended to allow the county to declare an *existing road* as a public highway if that should be necessary to serve some other public purpose. It certainly does not mean the declared public highway was *originally designed* to be dedicated to the county. Indeed, an examination of the annotations to the code provision relied upon for that assertion by Mr. Patton, §18-3-106, reveals it did not even exist in 1958 when the Lion Brothers Easement was first created, apparently making its first appearance in the 1988 Baltimore County Code as §31-6. See the annotations to §18-3-106 in Petitioner's Exhibit 9.

constructed to the standards of the Department of Public Works and accordingly the Lion Brothers Easement is driveway, not a street.

Valvoline's next witness was Carl Richards, Baltimore County's Zoning Supervisor. Mr. Richards has held his post as Zoning Supervisor for dozens of years and testified under subpoena issued by Valvoline so the Board could hear first-hand what the Zoning Office's administrative practice has been with respect to requiring setbacks from easements and private streets. The testimony of Mr. Richards can be summarized very succinctly: It has been the long-standing practice of the Zoning Office to require setbacks from public roads only. This has been the practice since before Mr. Richards was the Zoning Supervisor and he see no reason to discontinue the practice.

Mr. Richards confirmed that the approved VIOC facility shown on Respondent's Exhibit 3 meets all the required setbacks of the BM zone in which the Valvoline Property is located. Mr. Richards likewise confirmed that in the parlance of the BCZR, the Valvoline Property is an "interior lot" because it is not located at the intersection of two streets. As an interior lot, the side yard setbacks in the BM zone are zero feet from the property line. Mr. Richards confirmed the VIOC building is oriented to front toward Reisterstown Road.

Valvoline's final witness was Bill Monk. Mr. Monk was admitted as an expert in the fields of land planning, land development, the Baltimore County Zoning Regulations, and the Baltimore County Code, including specifically the Development Regulations.

Mr. Monk's first area of testimony involved the definitional issue relating to the word "Street" under the BCZR and the Baltimore County Code. In Mr. Monk's opinion, the Lion Brothers Easement does not require a setback because it is not a street under the BCZR or the Baltimore County Code. He reasoned that, the BCZR defines "street" as a "a *motorway* which is not a freeway or expressway but which has a right of way more than 20 feet in width." BCZR, §101.1; Respondent's Exhibit 9. Turning to the definition of "motorway", Webster's Third New

International Dictionary defines it as a "motor highway, especially a superhighway." Respondent's Exhibit 10. In Mr. Monk's opinion, despite the fact that the Lion Brothers Easement is in excess of 20 feet in width, the easement is not a "street" because it is not a motorway. The terms "motorway", "motor highway", and "super highway" all have a public element which the Lion Brothers Easement at issue in this case lacks. The Lion Brothers Easement only serves the Lion Brothers Property, and while members of the public may use it to access the Lion Brothers Property, they are invitees of Lion Brothers when they do so. Therefore, in his opinion, the Lion Brothers Easement is not a street requiring a setback; it is a driveway.

Furthermore, Mr. Monk pointed out that, apart from the BCZR, the Baltimore County Code contains another definition of "street" that is equally applicable in this case. Article 32, Planning, Zoning and Subdivision Control contains the following provisions:

§ 32-1-101. - DEFINITIONS.

(a) *In general.* In this article[8] the following words have the meanings indicated.

(i) *Street.*

(1) "Street" means:

(i) A street, avenue, boulevard, road, lane, parkway, freeway, viaduct, bridge, or other way, which is an existing state or county highway; or

(ii) A street or way shown on a plat duly filed and recorded in the Office of the Clerk of the Circuit Court for the county.

* * *

§ 32-3-103. - VALIDATION OF EXISTING ZONING REGULATIONS.

* * *

(2) In the case of a conflict between the Baltimore County Zoning Regulations and the provisions of this title, this title shall control.

In Mr. Monk's opinion, this Baltimore County Code definition of "street" with its references to avenue, boulevard, parkway, freeway, etc., or "other way which is an existing

[8] Article 32 contains Title 3, "Zoning". This, of course, means that the definition of "street" provided in §32-1-101 applies to zoning matters. Likewise, in the event of a conflict between the definition of "street" in the BCZR and the BCC, the definition provided in the BCC controls by virtue of §323-103, set forth in the text above.

state or county highway" (and all the like terms) reiterates that there is a required public element in the definition that is missing from the Lion Brothers Easement, which, once again, is why the Lion Brothers Easement is not a street. By contrast, by its own terms, the Lion Brothers Easement is for the joint use of Lion Brothers and Valvoline, their successors and assigns, *and no one else*. As such, the Lion Brothers Easement is hardly an avenue, a boulevard, a freeway, or any of the other things listed in the code definition of "street". It is certainly not owned or maintained by Baltimore County or the State of Maryland. And it is not shown on a plat recorded in the land records. Accordingly, in Mr. Monk's opinion, the Lion Brothers Easement simply is not a street requiring a setback under any of the applicable definitions.

Next, Mr. Monk discussed two zoning cases involving the properties at issue in this case. The first was Case 1987-285-A, which was listed on the Lion Brothers' site plan, but not discussed during their case in chief. On cross-examination of Mr. Patton, the witness oddly asserted that the Petitioners did not discuss this case because it would it would somehow harm Valvoline's chances of redeveloping its property. This obviously makes no sense at all. Petitioners obviously did not discuss the case, because it harms their position. This 1986 zoning case involved a parking variance for the Pizza Hut for 44 parking spaces in lieu of 51 spaces required. The site plan that accompanied the request for variance, which was admitted as Respondent's Exhibit 13, shows that the Pizza Hut restaurant is located 34 feet from the property line, approximately 4 feet from the right of way. Mr. Monk testified that in his experience, if either the Zoning Office that reviewed the Petition for Variance when it was submitted, or the Deputy Zoning Commissioner who ultimately approved the parking variance, was concerned with the setback from the right of way was deficient, it would have been made an issue of the setback. Respondent's Exhibit 13 shows parking spaces *in* the Lion Brothers Easement, which obviously would not have been permitted if the Deputy Zoning Commissioner or any of the county reviewing agencies considered the Lion Brothers Easement to be a street.

The fact that was none of this was an issue is consistent with Mr. Richards' testimony of the administrative practice from long ago that the Zoning Office does not interpret the word "street" to include private rights of way like the one at issue in this case. It is also consistent with all the other evidence in the Respondent's case.

Lastly, Mr. Monk discussed Case 4390-V, which was the 1958 request for variance for a 10-foot setback in lieu of 30 feet from the "private lane" for the Owings Mills Post Office in front of what is now the Toys R Us building. This case was discussed at length in the Petitioner's case in chief with the implication being that the private lane was generating a setback requirement from which an variance was being required in that case, and so the same must be required for Valvoline in this case. Mr. Monk explained that it was not the private lane in the 1958 case that was generating the setback, it was the *property line* that was generating the setback requirement. Accordingly, in Mr. Monk's opinion, that 1958 case is distinguishable and not particularly relevant to the case at bar.

Argument

The Petition for Special Hearing asks whether "a structure fronting on a private roadway / street as defined in the BCZR is required to comply with BCZR §235.1 – Front Yards, specifically in this instance; and such other items pertaining thereto which will be presented at the hearing." As a preliminary matter, the only evidence in the case relating to the orientation of the VIOC building was offered by Mr. Sharon and Mr. Richards. Both these witnesses testified with reference to Respondent's Exhibit 3 (and Mr. Sharon with reference to Respondent's Exhibit 4 also) that the VIOC facility fronts on Reisterstown Road. There was no countervailing evidence offered by the Petitioners that the VIOC facility fronts on the Lion Brothers Easement. Reisterstown Road obviously is not a private road. Without any evidence presented by the Petitioners that a building *fronts* on a private road as petitioned, the Petition for Special Hearing

should be dismissed as a matter of law for lack of evidence. BCZR, §235.1 – Front Yards simply is not implicated by the evidence of record in this case.

Moving past that preliminary issue, this case presents a relatively straight forward definitional issue. Is the Lion Brothers Easement a street or a driveway?

The main thrust of Lion Brothers argument seems to be that the Lion Brothers Easement has functioned as public road and it should be treated as such, requiring a setback. Lion Brothers seems to go further to assert, *without any substantiation whatsoever*, that Baltimore County always intended to develop a major through street in this area extending from Rosewood Lane, which has an 65 foot public right of way, through the Lion Brothers Easement, which is only a 30 foot private easement, and that this hypothetical major public thoroughfare would extend perhaps 1800 feet to the railroad tracks behind the Lion Brothers property, or perhaps to somewhere else – we don't know. Yet, despite two days of hearings in this case before this Board, an afternoon before the ALJ before this Board proceeding, and other hearings involving the *same* properties and the *same* issues before this Board, Lion Brothers has yet to point to *any* planning documents of the Department of Planning which would indicate that this road has ever been planned, *any* standards or specifications of the Department of Public Works that the Lion Brothers Easement was constructed to the standards of DPW, or any other policies of the Department of Permits, Inspections and Approvals that substantiate any of its conjecture. Instead they offer portions of deeds missing critical information, a discussion of irrelevant variances and site plans, and what can only be described as miscellaneous code provisions that define a variety of terms like "street", "highway" and "roadway" in a multitude of mostly irrelevant contexts in an obvious attempt to obfuscate the definitional issue before the Board.

The BCZR defines a street as "a *motorway* which is not a freeway or expressway but which has a right of way more than 20 feet in width." BCZR, §101.1; Respondent's Exhibit 9.

Obviously, the Lion Brothers Easement is more than 20 feet in width. But in order to be a street under this definition, the Lion Brothers Easement must be a motorway. Motorway is not defined in the BCZR, so we turn to Webster's Third New International Unabridged Dictionary, which defines motorway as, a "motor highway, especially a super highway." From an objective, common sense perspective, the Lion Brothers Easement, as shown in the photographs of Respondent's Exhibit 6 A-L, does not *appear* to be a "motor highway", much less a "super highway". It should be noted, of course, that this easement leads only from Reisterstown Road to the Lion Brothers property line, a matter of a couple of hundred feet, and there is no outlet from the Lion Brothers Property to other roads. So, as a practical matter, this easement does not serve anyone other than Valvoline and Lion Brothers. As noted earlier, hardly a motor highway.

The only other definition of "street" that is relevant to zoning matters in Baltimore County is the definition in BCC, §32-1-101(a)(i), as noted by Mr. Monk. A street under that definition means "a street, avenue, boulevard, road, lane, parkway, freeway, viaduct, bridge, or other way, which is an existing state or county highway; or a street or way shown on a plat duly filed and recorded in the Office of the Clerk of the Circuit Court for the county." The analysis of the Lion Brothers Easement under that definition is very simple: The Lion Brothers Easement is none of those things. Aside from the fact that the easement is not shown on a recorded plat, and the uncontroverted evidence is that neither the state nor the county owns or maintains the easement, it is not a boulevard, a parkway, a freeway, a viaduct, a bridge, or any of the other things listed. As noted by Mr. Monk and consistent with the longstanding policy of the Zoning Office as described by Mr. Richards, there is a public element to the BCC definition of "street" in the zoning context. As Mr. Richards stated, the definition applies to public roads only. Mr. Monk's corollary is that all of the examples used in the definition of "street" to illustrate what a street is have a public element to them. You generally do not find *private* viaducts, *private*

freeways, *private* bridges, *private* highways, although undoubtedly they exist. These facilities are generally regarded as public thoroughfares allowing the public at large to move through.

By contrast, the Lion Brothers Easement is for the joint use of Lion Brothers and Valvoline, their successors and assigns, *and no one else*. See, Petitioner's Exhibit 14C, a facsimile of which is reproduced as Exhibit A to this brief. Petitioners will likely argue that there is nothing prohibiting the public from using the Lion Brothers Easement. If the public uses the Lion Brothers Easement to access the Lion Brothers Property it does so as business invitees of Lion Brothers, not by right or authority of the public in general. The distinction is important. The Lion Brothers Easement is not a public right of way.

Furthermore, as testified by Mr. Sharon, there are no other indications that the Lion Brothers Easement was ever intended to function as public street. It does not meet the minimum right of way width for dedication to the county, even in 1958 when it was constructed. See Protestant's Exhibit 5, p. 8. There are no sidewalks, which are generally required for public streets unless waived by the Department of Public Works. See, Respondent's Exhibit 5, p. 10. In fact, the Zoning Commissioner allowed the Pizza Hut to be built within 4 feet of the easement without comment, and even permitted cars to be parked within the easement area itself. See, Respondent's Exhibit 13. There are no "No Parking Signs". There are no fire hydrants. There are no public utilities in the Lion Brothers Easement. Despite the misguided testimony of Mr. Patton, there is absolutely no objective evidence the Lion Brothers Easement was constructed to the standards of the Department of Public Works. In Mr. Sharon's opinion, the Lion Brother's Easement is not a street requiring a setback under the BCZR, but is a driveway under the Development Plans Review Policy Manual, defined as

> Driveways are not classified as roads. DRIVEWAYS & PANHANDLES (*including residential and commercial parking lots and access to the parking lots*) – Off-street means of vehicular ingress and egress to a parcel of land (also used by pedestrians) which can be designed to physical and geometric standards differing from streets. [All caps and italics in original; underlining added.]

See, Respondent's Exhibit 5, page 6.

Conclusion

This is the second appeal Lion Brothers has taken of Valvoline's proposed development of its property for an oil change facility. The parties are in the Circuit Court on the DRC Appeal and regardless of the outcome of this case before the Board, it seems likely the parties will be heading to the Circuit Court for review of the Board's decision in this case as well. In the meanwhile, Valvoline will continue to defend these cases and asks the Board to render the best decision it is able to, in accordance with the facts and the law.

The facts and the law indicate the Lion Brothers Easement is not a street that generates a setback requirement. Contrary to Lion Brothers' position, this easement was not designed to public standards and was never intended to be dedicated to the county. It is not shown in a record plat. There is no competent, material or substantial evidence of record to support a finding that there are any plans to construct a public thoroughfare of any type through this area. The Lion Brothers Easement is nothing more than a 62-year-old driveway serving only 2 properties – the Lion Brothers Property and the Valvoline Property. By all measures, the easement has functioned well for many years, even with the existing Pizza Hut restaurant located within a foot or so from the easement. The Deputy Zoning Commissioner even approved a plan that allowed cars to be parked in the easement, and counted the spaces toward the restaurants parking requirement, which would not have been allowed if anyone in the county regarded the easement as a street. The testimony of Messrs. Sharon, Monk and Richards all compel the Board to find that the public element necessary for a travel way to be a considered street is simply missing from the Lion Brothers Easement.

Accordingly, Respondents' Mid-Atlantic Lubes, LLC and M&S Limited Partnership respectfully request the Board of Appeals to affirm the decision of the Administrative Law Judge and deny the Petition for Special Hearing.

Respectfully submitted,

December 6, 2019
Date

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THE LAW OFFICE OF DINO C. LA FIANDRA, LLC
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Certificate of Service

I certify that on December 6, 2019, I sent a copy of the foregoing Respondent's Brief in Lieu of Closing Argument, by first class mail, postage prepaid, to: J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson, Maryland 21286.

Dino C. La Fiandra

Exhibit A
Petitioner's Exhibit 14C – Deed Recorded at 3287/040
(Including "Lion Brothers Easement" at Page 2)

LIBER 3287 PAGE 040

THIS DEED made this 19th day of December, in the year nineteen hundred and fifty-seven, by and between GEROTOR MAY CORPORATION, a corporation of the State of Maryland, party of the first part (GRANTOR) and EMBLEM REALTY COMPANY, INC., a corporation of the State of Maryland, party of the second part (GRANTEE).

WITNESSETH : That in consideration of the sum of five dollars, and other valuable considerations, this day paid, the receipt whereof is hereby acknowledged, the said party of the first part does hereby grant and convey unto the said party of the second part, its successors and assigns, in fee simple, all that lot of ground situate, lying and being in the Third Election District of Baltimore County, State of Maryland, and described as follows, according to a description prepared by Benjamin E. Beavin Company, Engineers and Surveyors, on October 2, 1957, that is to say :

BEGINNING for the same at an iron pipe heretofore set on the southwest side of Reisterstown Road, as now laid out 66 feet wide, said iron pipe being distant south 40 degrees 2 minutes 30 seconds east 750 feet along the first line of the land which, by deed dated August 13, 1954, and recorded among the Land Records of Baltimore County in Liber G.L.B. NO. 2536 folio 148, was conveyed by James G. Saffell and wife to Gerotor May Corporation, said point of beginning also being at the end of the first line of a six acre tract of land which, by deed dated August 16, 1957, and recorded among the Land Records of Baltimore County in Liber G.L.B. NO. 3217 folio 334, was conveyed by Gerotor May Corporation to Emblem Realty Company, Inc; and running from thence along the southwest side of Reisterstown Road, south 40 degrees 2 minutes 30 seconds east 87 feet; thence leaving the said Reisterstown Road and running across the property of Gerotor May Corporation, south 49 degrees 57 minutes 30 seconds west 864.75 feet to intersect the northeast right of way line of the Western Maryland Railroad (80 feet wide) and the outline of the property of Gerotor May Corporation ; thence with said Western Maryland Railroad right of way and said out-

Petitioners Exhibit 14C

BALTIMORE COUNTY CIRCUIT COURT (Land Records) GLB 3287, p. 0040, MSA_CE62_3142. Date available 09/10/2006. Printed 10/03/2019.

line, north 33 degrees 54 minutes 30 seconds west 87.50 feet to the southernmost corner of the said six acre tract owned by Emblem Realty Company,Inc; thence with the same north 49 degrees 57 minutes 30 seconds east 855.40 feet to the place of beginning.

Containing 1.718 acres of land, more or less.

BEING part of the property which, by deed dated August 13 1954, and recorded among the Land Records of Baltimore County in Liber G.L.B. NO. 2536 folio 148, was granted and conveyed by James G. Saffell and wife to the said party of the first part, in fee simple.

As an appurtenant easement to the lands of the party of the second part, the said party of the first part doth hereby grant and convey unto the said party of the second part, its successors and assigns, an easement or right of way for ingress, egress and other purposes, over, under and across the parcel of land hereinafter described, which said easement or right of way is to be for the joint use of the said party of the second part, its successors and assigns, and of the said party of the first part, its successors and assigns, for ingress, egress and other purposes by the said party of the second part, its successors and assigns, to and from the property presently owned by the said party of the second part, and the property now being conveyed by the said party of the first part to the said party of the second part by this deed, and for ingress, egress and other purposes by the said party of the first part, its successors and assigns, to and from the property presently owned by the said party of the first part, and the property to be acquired by the said party of the first part from the said party of the second part, by deed of even date herewith and recorded or intended to be recorded among the Land Records of Baltimore County prior hereto, said parcel of land being described as follows :

BEGINNING for the same at a point on the southwest side of Reisterstown Road, as now laid now laid out 66 feet wide, said point

BALTIMORE COUNTY CIRCUIT COURT (Land Records) LIB 3287, p. 0041, MSA_CE62_3142. Date available 08/10/2006. Printed 10/03/2019.

of beginning being distant south 40 degrees 2 minutes 30 seconds east 364.36 feet along the first line of the land which, by deed dated August 13,1954, and recorded among the Land Records of Baltimore County in Liber G.L.B. NO. 2536 folio 148,was granted and conveyed by James G. Saffell and wife to Gerotor May Corporation; and running thence, along said first line and with the said side of said road, south 40 degrees 2 minutes 30 seconds east 74 feet to an iron pipe heretofore set; thence, continuing along Reisterstown Road, south 40 degrees 2 minutes 30 seconds east 36 feet; thence leaving Reisterstown Road, north 85 degrees 2 minutes 30 seconds west 56.56 feet; thence south 49 degrees 57 minutes 30 seconds west 60 feet; thence southerly by a line curving to the left with a radius of 90 feet, an arc distance of 141.37 feet; thence south 40 degrees 2 minutes 30 seconds east 4.50 feet to the northwest boundary of the remaining property of the Emblem Realty Company, Inc; thence, binding along said northwest boundary line of said property, south 49 degrees 57 minutes 30 seconds west 30 feet; thence, leaving said boundary line, north 40 degrees 2 minutes 30 seconds west 4.50 feet; thence northerly, by a line curving to the right with a radius of 120 feet, an arc distance of 188.50 feet; and thence north 49 degrees 57 minutes 30 seconds east 60 feet; and thence north 4 degrees 57 minutes 30 seconds east 56.56 feet to the place of beginning.

It is mutually agreed by and between the parties hereto to build and construct a suitable roadway over the easement or right of way hereinabove granted, and the cost therefor shall be equally divided between them.

In addition to the above easement and as an appurtenant easement to the land above described, and of other property owned by the said party of the second part adjacent thereto, the said party of the first part does hereby grant and convey unto the said party of the second part, its successors and assigns, an easement or right of way ten feet in width over, under and across the remaining land of the said party of the first part, lying between the property now being

conveyed by the said party of the first part to the said party of the second part by this deed and the storm drain to be constructed by the said party of the first part, the said easement or right of way to be used for the construction and maintenance by the said party of the second part, its successors and assigns, of a storm water drain; said right of way being more particularly described as follows :

BEGINNING for the same at a point in the second line of the property herein intended to be conveyed, said point of beginning being distant south 40 degrees 2 minutes 30 seconds east 837 feet and south 49 degrees 57 minutes 30 seconds west 263 feet from the beginning point of the land which, by deed dated August 13,1954 and recorded among the Land Records of Baltimore County in Liber G.L.B. NO. 2536 folio 148, was conveyed by James G. Saffell and wife to Gerotor May Corporation ; and running thence across the land of the grantor herein, south 40 degrees 2 minutes 30 seconds east 105 feet; thence south 49 degrees 57 minutes 30 seconds west 10 feet; and thence north 40 degrees 2 minutes 30 seconds west 105 feet, and thence north 49 degrees 57 minutes 30 seconds east 10 feet to the place of beginning.

Reserving, however, unto the said party of the first part an easement or right of way 10 feet in width for the purpose of constructing and maintaining a sanitary sewer line extending across the rear portion of said property from the remaining property of the said party of the first part lying to the northwest of the property of the said party of the second part, for the purpose of connecting with Painter's Mill Road interceptor of the Gwynn's Falls Lateral sewer, as established in the deed dated August 16,1957, and recorded among the Land Records of Baltimore County in Liber G.L.B. NO. 3217 folio 334 from the said party of the first part to Emblem Realty Company, Inc.

TOGETHER with the buildings and improvements thereupon; and the rights, alleys, ways, waters, privileges,appurtenances and advantages thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the above described property, unto and to the use of the said EMBLEM REALTY COMPANY, INC., its successors and assigns, in fee simple.

AND the said party of the first part does hereby covenant that it will warrant specially the property hereby granted and conveyed, and that it will execute such further assurances of said land as may be requisite.

WITNESS the corporate seal of the said party of the first part, and the signature of its President or Vice-President hereto.

WITNESS: GEROTOR MAY CORPORATION

BY E. E. Yaggy, Jr., President

R. M. Zimmermann

STATE OF MARYLAND COUNTY OF BALTIMORE SCT :

I HEREBY CERTIFY That on this 19th. day of December, in the year nineteen hundred and fifty-seven, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared E. E. Yaggy, Jr., who acknowledged himself to be the [redacted]-President of Gerotor May Corporation, a corporation, and that he as such [redacted] President being authorized so to do executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as [redacted]-President.

WITNESS my hand and notarial seal.

Charles E. Talbott
Notary Public.
Charles E. Talbott

My commission expires May 4, 1959.

Filed for record DEC 23 1957 at 3 P.M.
Per George L. Byerly, Clerk.
Mailed to THE TITLE GUARANTEE CO.

Exhibit B

Gerczak v. Todd, 233 Md. 25 (1963)

233 Md. 25
Court of Appeals of Maryland.

Peter C. GERCZAK et al.
v.
T. Bernard TODD et al., etc.

No. 60.
|
Nov. 12, 1963.

Synopsis

Proceeding on appeal from grant of a special exception for a mobile park home. The Circuit Court for Baltimore County, John Grason Turnbull, J., entered judgment affirming grant of the exception and an appeal was taken. The Court of Appeals, Henderson, J., held that an exception could not be validly granted where there was no showing of ready access to the proposed development.

Order reversed and case remanded with directions.

West Headnotes (4)

[1] **Zoning and Planning**
Grounds for grant or denial in general

Zoning and Planning
Presumptions and burden of proof

414 Zoning and Planning
414IX Variances and Exceptions
414IX(A) In General
414k1473 Grounds for grant or denial in general
(Formerly 414k489)
414 Zoning and Planning
414IX Variances and Exceptions
414IX(B) Proceedings for Variances and Exceptions
414k1539 Notice and Hearing
414k1544 Presumptions and burden of proof
(Formerly 414k536)

Before a special exception may be granted in Baltimore County, it is necessary that Board find that the proposed development, among other things, will not create congestion in the roads, streets or alleys, and the burden of proof is upon the applicant.

1 Cases that cite this headnote

[2] **Zoning and Planning**
Mobile homes; trailer parks

414 Zoning and Planning
414IX Variances and Exceptions
414IX(A) In General
414k1515 Mobile homes; trailer parks
(Formerly 414k512)

A special exception for a mobile homes park could not be granted where there was no showing of ready access to the proposed development.

[3] **Zoning and Planning**
Streets, improvements and utilities

414 Zoning and Planning
414VIII Permits, Certificates, and Approvals
414VIII(A) In General
414k1379 Maps, Plats, and Plans; Subdivisions
414k1382 Conditions and Agreements
414k1382(2) Streets, improvements and utilities
(Formerly 414k382.2, 268k43)

Although zoning authorities may not require a developer to defray cost of public improvements beyond boundaries of his own property, the developer may validly contract to do so.

2 Cases that cite this headnote

[4] **Zoning and Planning**
Grounds for grant or denial in general

414 Zoning and Planning
414IX Variances and Exceptions
414IX(A) In General
414k1473 Grounds for grant or denial in general
(Formerly 414k489)

Duty of Zoning Board, before granting a special exception, to make certain that adequate access is provided, is not satisfied by a mere showing of permissive use of an access road or of future expectation of development of an access road.

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Attorneys and Law Firms

*25 **800 W. Lee Harrison, Towson (Smith & Harrison, Towson, on the brief), for appellants.

John J. Brennan, Baltimore (John N. Maguire, Baltimore, on the brief), for appellees.

Before HENDERSON, HAMMOND, HORNER, MARBURY and SYBERT, JJ.

Opinion

HENDERSON, Judge.

This appeal in a zoning case from Baltimore County involves *26 a special exception for a mobile homes park in an M-L zone. The Board of Appeals granted the exception, and on appeal the case was remanded for the taking of additional testimony. A second appeal resulted in an affirmance of the Board's action.

We find it unnecessary to review the record in detail, or to discuss the contention of the appellants that the zoning authorities have no power to grant a special exception for a trailer park in an M-L zone. The key issue, as both sides agree, is whether there was a sufficient showing of ready access to the proposed development. It seems to be conceded that the only practicable means of ingress and egress, except by recourse to a network of narrow, winding and inadequate roads in an old development to the north, is by way of Patapsco Avenue in the vicinity of the main line of the Pennsylvania Railroad. After crossing the railroad at grade, a left turn leads into an existing dirt road known as Philadelphia Avenue, parallel to the tracks, into the proposed nine acre development. The developer testified he proposed to widen and pave Philadelphia Avenue, shown on the plats as a paper street. This street had never been dedicated to or accepted by the County; indeed, the appellants argue that under sec. 28-16 of the County Code (1962 Supp.) the County lacks the power to accept a road under 40 feet in width. See Chapman v. Rogan, 222 Md. 12, 17, 158 A.2d 626. The Board granted the special exception 'based on the provision that Philadelphia Avenue be widened [to 30 feet]. As to how the road is widened, by whom, or any other problems attending to the widening of the road, the Board does not feel that it is necessary that these facts be known to them.' We disagree.

[1] [2] Before a special exception may be granted in Baltimore County, it is necessary that the Board find that the proposed development, among other things, will not create congestion in the roads, streets or alleys. The burden of proof is upon the petitioner. The record shows that both sides of Philadelphia Avenue, from Patapsco Avenue to the property in question, are owned by the Pennsylvania Railroad. Mr. Hipple, local supervisor of real estate for that company, testified that the Railroad had no present objection to the maintenance or use by others of Philadelphia Avenue, but he also testified that any *27 conveyance of title or interest would have to be approved by the Board in Philadelphia. He further testified that the Railroad was 'supposed to use that thirty-foot strip [Philadelphia Avenue] for this additional tract, extension of Bayview Yard northward. It is still on the books. It may come about someday. They bought additional property **801 for the relocation of this thirty-foot road.'

The most that we can make of this testimony is that the Railroad Company, insofar as it could be bound by the statement of a local supervisor, was willing to grant a revocable license to the petitioner. Clearly, there was no showing that the petitioner had title, or even a claim of title, to the bed of Philadelphia Avenue, and no showing of the grant of an easement to anyone. Philadelphia Avenue was obviously not a public road. Presumably, the title was in the Railroad Company. There was no evidence of public use of what was obviously a *cul de sac*. There was not even a showing of any reasonable expectation, far less a commitment by the petitioners to obtain title or a permanent easement in the future. The undisputed evidence is that the Railroad Company intended ultimately to close Philadelphia Avenue and relocate it at an undisclosed location.

On this state on the record we think the Board was clearly in error in granting the special exception. The Board stated at one point that it agreed with counsel for the protestants that it 'could not grant the special exception upon condition that the petitioner pave and widen Philadelphia Avenue', but went on to say that it had a legal right to grant the petition 'based on the provision that Philadelphia Avenue be widened * * *'. We think this is a distinction without a difference. There was no showing that anyone other than the petitioner had any intention of widening the road, and to grant the petition contingent gent upon the road being widened by some undisclosed person would be even more objectionable than to grant it contingent upon action by the petitioner.

[3] [4] We have held that zoning authorities may not require a developer to defray the cost of public improvements beyond the boundaries of his own property, Baltimore County v. Security Mtge., 227 Md. 234, 239, 175 A.2d 755. This does not mean that the developer may *28 not validly contract to

do so. But the duty of the Board, to make certain that adequate access is provided, is not satisfied by a vague showing of permissive use or indefinite future expectation. Cf. Furnace Branch Land Co. v. Board of County Commissioners of Anne Arundel County, Md., 194 A.2d 643, and Bonhage v. Cruse, Md., 194 A.2d 803.

Order reversed and case remanded for the passage of an order reversing the Board of Appeals and denying the petition for special exception, costs to be paid by the appellees.

All Citations

233 Md. 25, 194 A.2d 799

End of Document

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Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

November 7, 2019

NOTICE OF DELIBERATION

IN THE MATTER OF: Lion Brothers Co., Inc. – Legal Owner
10246 Reisterstown Road
19-202-SPH 3rd Election District; 4th Councilmanic District

Re: Petition for Special Hearing pursuant to BCZR Section 500.7 seeking a declaration that a structure fronting on a private roadway/street as defined in the BCZR is required to comply with BCZR Section 235.1-front yard.

4/19/19 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was DENIED.

This matter having been heard on October 22, 2019 and concluded October 30, 2019, a public deliberation has been

ASSIGNED FOR: JANUARY 7, 2020, AT 9:00 A.M.

LOCATION: Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

NOTE: Closing briefs are due on **December 6, 2019 no later than 3:00 p.m.**
(Original and three (3) copies)

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS THAT ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. THE BOARD WILL ISSUE A WRITTEN OPINION AND ORDER WITHIN A REASONABLE TIMEFRAME AFTER DELIBERATION. A COPY OF THE OPINION AND ORDER WILL BE SENT TO ALL PARTIES AND POSTED ON OUR WEBSITE.

For further information, including our updated schedule, inclement weather policy, deliberation minutes, opinions of the Board, and our Rules of Practice and Procedure, please visit our website at www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra Cannington
Administrator

c. Counsel for Petitioner : J. Carroll Holzer, Esquire
Petitioner : Lion Brothers Co., Inc. and/or assigns

Counsel for Respondent : Dino C. La Fiandra, Esquire
Respondent : Mid-Atlantic Lubes, LLC

James S. Patton/Patton Consultants, Ltd.

C. Pete Gutwald, Director/Department of Planning
Michael D. Mallinoff, Director/PAI
Michael E. Field, County Attorney
Nancy C. West, Assistant County Attorney
Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

September 6, 2019

NOTICE OF REASSIGNMENT

IN THE MATTER OF: Lion Brothers Co., Inc. – Legal Owner
10246 Reisterstown Road
19-202-SPH 3rd Election District; 4th Councilmanic District

Re: Petition for Special Hearing pursuant to BCZR Section 500.7 seeking a declaration that a structure fronting on a private roadway/street as defined in the BCZR is required to comply with BCZR Section 235.1-front yard.

4/19/19 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was DENIED.

REASSIGNED FOR: OCTOBER 22, 2019, AT 10:00 A.M. - Day 1
And OCTOBER 30, 2019, AT 10:00 A.M. - Day 2

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.
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- Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington,
Administrator

c. Counsel for Petitioner : J. Carroll Holzer, Esquire
Petitioner : Lion Brothers Co., Inc. and/or assigns

Counsel for Respondent : Dino C. La Fiandra, Esquire
Respondent : Mid-Atlantic Lubes, LLC

James S. Patton/Patton Consultants, Ltd.

C. Pete Gutwald, Director/Department of Planning
Lawrence M. Stahl, Managing Administrative Law Judge
Michael D. Mallinoff, Director/PAI
Michael E. Field, County Attorney
Nancy C. West, Assistant County Attorney
Office of People's Counsel

Krysundra Cannington

From: Dino La Fiandra <dcl@lafiandralaw.com>
Sent: Wednesday, August 28, 2019 12:54 PM
To: Krysundra Cannington; Randolph L. Kazazian III
Subject: Re: Lion Brothers and MGJ Properties

CAUTION: This message from dcl@lafiandralaw.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Sunny,

When you and I spoke yesterday, I believe you said that I should give you our unavailable dates starting on October 7. If I am mistaken, please let me know, and I will check with my client and our witnesses for earlier dates as well.

Starting on October 7, and going through the end of November, we are unavailable on the following dates:
October 8, 9, 11, 16, 17, 18, 21, 23, 24, 25, 28, 29.
November 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 20, 27, 28, 29.
As always, thank you for your kind assistance with this matter and please let me know if you need anything else.
Dino

Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Tel: 443-204-3473

LaFiandralaw.com
vCard

On Tue, Aug 27, 2019 at 10:47 AM Krysundra Cannington <kcannington@baltimorecountymd.gov> wrote:

Good morning,

Mr. Holzer has provided his availability for the rescheduling of the above referenced matters. I have also received a response from Mr. Schmidt. At this time I request that, if you have any dates you know you are not available, please send them to me so I can work with the Board to reset these matters.

Krysundra Cannington

From: Peoples Counsel
Sent: Tuesday, August 27, 2019 12:37 PM
To: Krysundra Cannington; Peoples Counsel; Dino La Fiandra; Marissa Merrick
Cc: J. Carroll Holzer, Esquire (jcholzer38@gmail.com); Lawrence Schmidt, Esquire
Subject: RE: Lion Brothers and MGJ Properties

Sunny,

Mr. Zimmerman is UNAVAILABLE the following dates of September, October and November

September 10
September 16 – October 7
November 5
November 14
November 25-November 29

Thank you for your consideration.

Rebecca Wheatley, Legal Secretary
Office of People's Counsel

From: Krysundra Cannington <kcannington@baltimorecountymd.gov>
Sent: Tuesday, August 27, 2019 10:47 AM
To: Peoples Counsel <peoplescounsel@baltimorecountymd.gov>; Dino La Fiandra <dcl@lafiandralaw.com>; Marissa Merrick <mmerrick@baltimorecountymd.gov>
Cc: J. Carroll Holzer, Esquire (jcholzer38@gmail.com) <jcholzer38@gmail.com>; Lawrence Schmidt, Esquire <lschmidt@sgs-law.com>
Subject: Lion Brothers and MGJ Properties

Good morning,

Mr. Holzer has provided his availability for the rescheduling of the above referenced matters. I have also received a response from Mr. Schmidt. At this time I request that, if you have any dates you know you are not available, please send them to me so I can work with the Board to reset these matters.

If I have not heard from you by the close of business on Friday, August 30, 2019, I will reschedule these matters on dates most convenient for the Board.

Thank you for your attention and prompt response.

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
410-887-3180

Krysundra Cannington

From:	Carroll Holzer <jcholzer38@gmail.com>
Sent:	Sunday, August 25, 2019 7:32 PM
To:	Krysundra Cannington
Cc:	Dino La Fiandra; Schmidt, Lawrence; Peoples Counsel
Subject:	Re: Lion Brothers and MGJ Properties postponements

CAUTION: This message from jcholzer38@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Dear Ms. Cannington:

Thank you for being patient in regard to the rescheduling of the above-captioned cases. I finally received the doctor's schedule for my surgery and schedule of my follow-up and I can now provide you my schedule along with the necessary witnesses in the above-captioned cases.

I will ***not*** be available due to medical appointments on the following days:

Friday, September 6, 2019
Wednesday, September 11, 2019
Monday, September 16th through Thursday, September 26, 2019
Thursday, October 24th and Friday, October 25, 2019
Thursday, November 7, 2019 - Circuit Court, PG County

In the **Lion Brothers** case, my expert witness, James Patton will be ***unavailable*** from ***Friday, September 13th through Wednesday, October 2, 2019*** and ***Wednesday, October 23rd through Saturday, October 28, 2019***.

In the **MGJ Properties**, my clients are ***unavailable*** on ***Tuesday, October 1st, Monday, October 14th, Friday, October 18th and Thursday, October 31, 2019***.

Obviously, my availabilities are the same in both the **Lion Brothers** and **MGJ Properties**.

Thanks for your patience.

Very truly yours,

J. Carroll Holzer

On Mon, Aug 19, 2019 at 8:19 AM Krysundra Cannington <kcannington@baltimorecountymd.gov> wrote:

Good morning Mr. Holzer,

-

Just following up with you to see if you know when you might be available for hearings in the Lion Brothers and MGJ Properties matters. I would like to get these matters rescheduled and it would be helpful to have a ballpark of when you should be "back up and running" – as they say.

-

Thank you,

-

Sunny

-

-

Krysundra "Sunny" Cannington

Administrator

Board of Appeals of Baltimore County

410-887-3180

-

-

Confidentiality Statement

-

Krysundra Cannington

From: Krysundra Cannington
Sent: Monday, August 19, 2019 8:19 AM
To: J. Carroll Holzer, Esquire (jcholzer38@gmail.com)
Cc: Dino La Fiandra; Lawrence Schmidt, Esquire; Peoples Counsel; Marissa Merrick
Subject: Lion Brothers and MGJ Properties postponements

Good morning Mr. Holzer,

Just following up with you to see if you know when you might be available for hearings in the Lion Brothers and MGJ Properties matters. I would like to get these matters rescheduled and it would be helpful to have a ballpark of when you should be "back up and running" – as they say.

Thank you,

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
410-887-3180

Confidentiality Statement

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Board of Appeals of Baltimore County

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105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

August 5, 2019

NOTICE OF POSTPONEMENT

IN THE MATTER OF: Lion Brothers Co., Inc. – Legal Owner
10246 Reisterstown Road
19-202-SPH 3rd Election District; 4th Councilmanic District

Re: Petition for Special Hearing pursuant to BCZR Section 500.7 seeking a declaration that a structure fronting on a private roadway/street as defined in the BCZR is required to comply with BCZR Section 235.1-front yard.

4/19/19 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was DENIED.

This matter was assigned for hearing on August 13, 2019 and has been postponed by request of counsel. This matter will be reassigned to a later date.

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
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- Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.
- Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington,
Administrator

c.	Counsel for Petitioner	: J. Carroll Holzer, Esquire
	Petitioner	: Lion Brothers Co., Inc. and/or assigns
	Counsel for Respondent	: Dino C. La Fiandra, Esquire
	Respondent	: Mid-Atlantic Lubes, LLC

James S. Patton/Patton Consultants, Ltd.

C. Pete Gutwald, Director/Department of Planning
Lawrence M. Stahl, Managing Administrative Law Judge
Michael D. Mallinoff, Director/PAI
Michael E. Field, County Attorney
Nancy C. West, Assistant County Attorney
Office of People's Counsel

11:33am 8/2/19

Sterling

Recovery time -

September?

Sterling - thinks Sept may be do-able - Will check with Carroll - also asked about 8/22 if need be - I need formal req for postponement

STEVEN A. WALSH, *Director*
Department of Public Works

Krysundra Cannington

From: Carroll Holzer <jcholzer38@gmail.com>
Sent: Friday, August 2, 2019 12:46 PM
To: Krysundra Cannington
Cc: Dino La Fiandra; Peoples Counsel
Subject: CBA Postponements

CAUTION: This message from jcholzer38@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Sunny
I have scheduled for Mr. Holzer to see a surgeon at GBMC on August 15 in the afternoon. We won't know until after then when he will have his surgery. But I know that our expert in the Valvoline case is unavailable Sept. 14 through Oct. 1 and another witness not available first two weeks of Sept. Without knowing more, my guess is that the Valvoline case will have to be set in for early Oct. I will be in Maine next week and cannot help much. We both will be back in the office Monday, Aug. 12.
Best regards

Sterling Leese

The Law Office of Dino C. LaFiandra, LLC
100 West Pennsylvania Avenue | Suite 305 | Towson, Maryland 21204
443-204-3473 • dcl@LaFiandraLaw.com • LaFiandraLaw.com

August 1, 2019

VIA Email
Jason Garber, Chair
Baltimore County Board of Appeals
105 W. Chesapeake Avenue, Suite 204
Towson, Maryland 21204

Re: Petition for Special Hearing
Lion Brothers Co., Inc., Petitioner
Case No 2019-0202-SPH

Dear Mr. Garber:

I represent Mid-Atlantic Lubes, LLC and M and S Limited Partnership, the respondents/appellees in the above referenced matter (collectively, "Valvoline"). I am in receipt of Mr. Holzer's letter to you dated July 31, 2019[1] in which he asks for a postponement of the hearing currently scheduled for August 13, 2019 for medical reasons.

My clients do not object to a postponement of the matter for the reasons Mr. Holzer cited in his letter. Nonetheless, we are concerned about the resulting delay caused by the postponement, and the potential for *further* delay if the hearing does not conclude in one day. I note that Valvoline's redevelopment of this site already has been substantially delayed by Mr. Holzer's clients' appeals of the DRC decision granting a limited exemption for this project which is now pending in Circuit Court, and their attempt to create zoning issues through the Petition for Special Hearing in this case, which the ALJ resolved in favor of Valvoline but which obviously Lion Brothers appealed to this Board. Accordingly, I respectfully request that the hearing in this matter be rescheduled for the earliest available date, and that two days be allocated to the hearing to avoid a further delay if the hearing does not conclude in one day.

[1] Mr. Holzer identified the matter he was writing about as "Re: Valvoline Instant Oil Change, CBA-19-008", but I believe he was actually writing about the above-referenced matter, "Petition for Special Hearing, Lion Brothers Co., Inc., Petitioner, Case No. 2019-0202-SPH", which is currently scheduled for hearing on August 13, 2019. CBA-19-008 is actually a different case against Valvoline by Mr. Holzer's client, Lion Brothers Co., Inc., which the Board resolved in Valvoline's favor, and which Lion Brothers has further appealed to the Circuit Court.

Please do not hesitate to call if you have any questions. Thank you in advance for your consideration.

Sincerely,

Dino C. La Fiandra

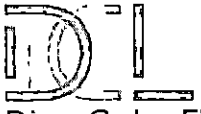
C: J. Carroll Holzer, Esquire, by email
Peter M. Zimmerman, Esquire, People's Counsel, by email
Valvoline

Krysundra Cannington

From: Dino La Fiandra <dcl@lafiandralaw.com>
Sent: Thursday, August 1, 2019 10:38 AM
To: Krysundra Cannington
Cc: J. Carroll Holzer, Esquire (jcholzer38@gmail.com); Peter Max Zimmerman
Subject: Case 2019-0202-SPH
Attachments: Response to Request for Postponement 080819.pdf

CAUTION: This message from dcl@lafiandralaw.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Sunny,
Please see the attached letter.
Best regards,
Dino



Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Tel: 443-204-3473

LaFiandralaw.com
vCard

XXXXXXXXXXXXX
E-Mail: jcholzer38@gmail.com

July 31, 2019
8257

Jason Garber, Chair
Baltimore County Board of Appeals
105 West Chesapeake Avenue
Second Floor, Suite 203
Towson, Maryland 21204

RE: Valvoline Instant Oil Change
CBA-19-008
Request for Postponement

Dear Mr. Garber:

This morning I spoke with Mr. Leese of my office to inform him that two days ago (Monday, July 29) while on vacation in North Carolina, I suffered severe abdominal pains and went to the emergency room at a nearby hospital. After undergoing tests and examination, I was seen by a surgeon who reinserted my hernia that I had surgically repaired about 20 years ago. The surgeon advised that his "fix" was only temporary and that upon my return to Maryland I would have to have the hernia repaired surgically.

I will return on August 11 and need to schedule my surgery as soon as possible. Consequently, I will not be in a position to conduct the hearing that is scheduled for Tuesday, August 13 and respectfully request a postponement of that hearing. I am copying Mr. La Fiandra to inform him at the earliest opportunity. Both Mr. Leese and my secretary Peggy will be in the office to field any questions.

Very truly yours,

J. Carroll Holzer

JCH:mlg
Cc: People's Counsel, Esq.
Dino La Fiandra, Esq.

Krysundra Cannington

From:	Carroll Holzer <jcholzer38@gmail.com>
Sent:	Wednesday, July 31, 2019 2:09 PM
To:	Krysundra Cannington
Cc:	Peoples Counsel; Dino La Fiandra
Subject:	Postponement
Attachments:	Garber - CBA - Valvoline - 7-31-19.doc

CAUTION: This message from jcholzer38@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Mr. Garber
Attached is a letter from Mr. Holzer requesting a postponement of the Valvoline Instant Oil change matter scheduled for August 13, 2019.
Best regards,

Sterling Leese

IN THE MATTER OF:	)	**BEFORE THE**
	)	
Petition for Special Hearing	)	**BOARD OF APPEALS**
Lion Brothers Co., Inc, *Petitioner*	)	
	)	**FOR**
For the Property located at:	)	
10246 Reisterstown Road	)	**BALTIMORE COUNTY**
	)	
	)	**Case No.: 2019-0202-SPH**
3rd Election District	)	
4th Councilmanic District	)	
	)	
	)	

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: W. Carl Richards, Zoning Supervisor
Baltimore County Department of Permits, Approvals and Inspections
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204

YOU ARE COMMANDED TO PERSONALLY APPEAR at the hearing in the above-captioned matter currently scheduled on August 13, 2019 at 10:00 a.m. in Hearing Room 2, 105 W. Chesapeake Avenue, Towson, Maryland 21204 and continuing day to day thereafter as necessary and as scheduled by the Board.

Requested by: Dino C. La Fiandra, Esquire
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
Tel: 443-204-3473
Attorney for Mid-Atlantic Lubes, LLC and M and S Limited Partnership

The witness named above is hereby ORDERED to so appear before the Board of Appeals of Baltimore County.

RECEIVED
JUL 31 2019
BALTIMORE COUNTY
BOARD OF APPEALS

Sunny Cannington
Board of Appeals of Baltimore County

IN THE MATTER OF:	)	**BEFORE THE**
	)	
	)	**COUNTY BOARD OF APPEALS**
PETITION FOR SPECIAL HEARING	)	
10246 Reisterstown Road	)	**FOR**
	)	
	)	**BALTIMORE COUNTY**
Petitioner: Lion Brothers Co., Inc.	)	
	)	**Case No. 19-202-SPH**
	)	

ENTRY OF APPEARANCE

Please enter the appearance of the undersigned attorney as counsel for:

Mid-Atlantic Lubes, LLC
54 Jaconnet Street
Newton Highlands MA 02461

and

M and S Limited Partnership
54 Jaconnet Street
Newton Highlands, MA 02461.

Please send copies of all notices, filings, correspondence, orders, and other related papers to the undersigned at the address below.

Respectfully submitted,

July 30, 2019
Date

Dino C. La Fiandra, Esquire
THE LAW OFFICE OF DINO C. LA FIANDRA, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
443-204-3473

RECEIVED
JUL 31 2019
BALTIMORE COUNTY
BOARD OF APPEALS

Certificate of Service

I certify that on July 30, 2019, I sent a copy of the foregoing Entry of Appearance by first class mail, postage prepaid, to:

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, Maryland 21286

and

Peter Max Zimmerman, Esquire
People's Counsel of Baltimore County
105 W. Chesapeake Avenue
Suite 204
Towson Maryland 21204

Dino C. La Fiandra

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

June 7, 2019

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Lion Brothers Co., Inc. – Legal Owner
10246 Reisterstown Road
19-202-SPH 3rd Election District; 4th Councilmanic District

Re: Petition for Special Hearing pursuant to BCZR Section 500.7 seeking a declaration that a structure fronting on a private roadway/street as defined in the BCZR is required to comply with BCZR Section 235.1-front yard.

4/19/19 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was DENIED.

ASSIGNED FOR: **AUGUST 13, 2019, AT 10:00 A.M.**

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
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- Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.
- Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington,
Administrator

c. Counsel for Petitioner : J. Carroll Holzer, Esquire
Petitioner : Lion Brothers Co., Inc. and/or assigns

Counsel for Respondent : Dino C. La Fiandra, Esquire
Respondent : Mid-Atlantic Lubes, LLC

James S. Patton/Patton Consultants, Ltd.

C. Pete Gutwald, Director/Department of Planning
Lawrence M. Stahl, Managing Administrative Law Judge
Michael D. Mallinoff, Director/PAI
Michael E. Field, County Attorney
Nancy C. West, Assistant County Attorney
Office of People's Counsel

RECEIVED
MAY 17 2019
OFFICE OF
ADMINISTRATIVE HEARINGS

IN RE: Petition for Special Hearing	*	BEFORE THE
	*	OFFICE
Case No.: 2019-0202-SPH	*	OF
10246 Reisterstown Road S/W Side of Reisterstown Road N/E of Rosewood Lane	*	ADMINISTRATIVE HEARINGS
	*	FOR BALTIMORE COUNTY
3rd Election District 4th Councilmanic District	*	
Legal Owners: Lion Brothers Co., Inc. and/or Assigns	*	Case No.: 2019-0202-SPH
	*	

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

NOTICE OF APPEAL OF THE ADMINISTRATIVE LAW JUDGE
OPINION AND ORDER DATED APRIL 19, 2019

The Petitioner Lion Brothers Co., Inc. and/or assigns, *et al.*, hereby appeal the Opinion and Order of the Administrative Law Judge, John Beverungen, dated April 19, 2019, attached hereto to the Baltimore County Board of Appeals. Petitioners/Appellants are "persons aggrieved" or "feeling aggrieved." Also attached is a check made payable to Baltimore County to cover the costs of this appeal.

Respectfully submitted,

RECEIVED
MAY 21 2019
BALTIMORE COUNTY
BOARD OF APPEALS

J. CARROLL HOLZER, Esquire
J. CARROLL HOLZER, P.A.
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for Petitioner/Appellants

LAW OFFICE
HOLZER AND LEE
THE 508 BUILDING
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND
21286

(410) 825-6961
FAX: (410) 825-4923

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on the 16th day of May, 2019, a copy of the foregoing Notice of Appeal of the Administrative Law Judge Opinion and Order Dated April 19, 2019, was mailed first class, postage prepaid, to:

Baltimore County Board of Appeals
Jefferson Building
105 West Chesapeake Avenue
Second Floor, Suite 203
Towson, Maryland 21204

Dino LaFiandra, Esquire
100 West Pennsylvania Avenue
Suite 305
Towson, Maryland 21204

J. CARROLL HOLZER, Esquire

C:\My Docs\Notices 2019\Sugarman – Lion Brothers - 5/16/19

IN RE: **PETITION FOR SPECIAL HEARING** **(10246 Reisterstown Road)** 3rd Election District 4th Council District Lion Brothers Co., Inc. *Legal Owner* **Petitioner**	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY
	*	**Case No. 2019-0202-SPH**

* * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for consideration of a Petition for Special Hearing filed on behalf of Lion Brothers Co., Inc., legal owner ("Petitioner"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") seeking a declaration that a structure fronting on a private roadway/street as defined in the BCZR is required to comply with BCZR Section 235.1-front yard. A site plan was marked and admitted as Petitioner's Exhibit 2.

Professional engineer James Patton appeared in support of the petition. J. Carroll Holzer, Esq. represented Petitioner. Dino C. La Fiandra, Esq., represented the Respondent Mid-Atlantic Lubes, LLC, which owns the adjacent property at 10244 Reisterstown Road. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee ("ZAC") comment was received from the Department of Planning ("DOP").

For many years Petitioner operated a business at the subject property where it manufactured uniform patches and insignia. That business has ceased operation and the on-site improvements were razed. The owner is now exploring redevelopment opportunities for the property. Lion Brothers filed the petition for special hearing to determine whether there is a front yard setback requirement for structures constructed adjacent to a 30 ft. wide "access road" shown on the site

plan.

The access road or right-of-way was discussed extensively at the hearing, and it appears undisputed the road was created in older deeds (which were not submitted as exhibits) to provide access to both the Lion Brothers property as well as to what until recently was the Toys R Us shopping center located to the southwest of the subject property. The right-of-way is apparently 30 ft. wide although only a 22 ft. wide portion is paved. The right-of-way intersects Reisterstown Road (Md. Route 140) and there is a traffic signal at that location permitting vehicles to make left or right turns onto Maryland Route 140 or continue straight onto what becomes Rosewood Lane.

The sole issue in this case is whether the right-of-way is a "street" as that term is defined in the BCZR; if that inquiry is answered in the affirmative a setback would likely be required. The petition for special hearing was filed pursuant to BCZR Section 500.7, a regulation which permits the Administrative Law Judge to interpret the "zoning regulations." A petition for special hearing is in essence a proceeding for a declaratory judgment, as noted by the court in *Antwerpen v. Baltimore County*, 163 Md. App. 194 (2005).

The BCZR defines "street" in pertinent part as a "motorway which is not a freeway or expressway." BCZR §101.1. This definition is entirely unhelpful, since neither "freeway" nor "expressway" are defined in the BCZR. "Motorway" is also not defined, although the Webster's Third New International Dictionary indicates it is a British term meaning "a motor highway; especially a superhighway." This is also an unhelpful definition; "motorway" is simply a contraction of "motor highway." The reference to "superhighway" completely muddies the waters, since the BCZR specifies a motorway does <u>not</u> include a freeway or expressway, both of which in common parlance are high speed roads which could arguably be categorized as superhighways, though that too is an antiquated and anachronistic term.

The parties agree Baltimore County does not own or have an interest in the right-of-way and there are no utilities located beneath the paved portion. Thus, if it is a street it must be a private street, and as the Department of Planning ("DOP") noted in its Zoning Advisory Committee ("ZAC") comment the BCZR does not define or differentiate between a public or private street.

The property is zoned B.M., and the regulations specify a front yard in that zone must be not less than 15 ft. from the property line and 40 ft. from the center line of the street. BCZR § 235.1. Josh Sharon, a professional engineer accepted as an expert, testified the front of the proposed Valvoline building will be oriented towards Maryland Route 140. Mr. Sharon submitted a plan for the project to the Development Review Committee ("DRC") which shows these front yard setbacks are satisfied. *See* Prot. Ex. 2. But Petitioner contends the Valvoline site is a dual-frontage corner lot, such that the side of the proposed building facing the private road is also considered a front yard. The B.M. regulations (which incorporate the B.L. zone side yard setbacks) specify a side yard setback for a "corner lot . . . on the street side shall be not less than ten feet in width." BCZR §§ 235.2 and 232.2. A commercial building on an interior lot in the B.M. zone has no side yard setback requirement. *Id.* So again, this regulation (as well as the definition of "corner lot" in BCZR §101.1) begs the question of whether the right-of-way is a "street."

In analogous circumstances (*i.e.*, trying to interpret ambiguous zoning regulations) courts have looked to the common law definition of "street." In *Nash v. Campbell County,* 345 S.W. 3rd 811 (Ky. 2011) the court held the "common law has injected the concept of a public use-that the vehicular way be open to the public–to be considered a street." *Id.* at 818. The court reasoned that if the owner(s) could put a gate or barrier "across a vehicular entrance to his property, the vehicular way is not open to the public in the sense that the owner of the fee can regulate the public use." *Id.* at 818-19.

Petitioner submitted a site plan from a 1958 zoning case (No. 1958-4390-A) involving the adjacent property known as the Post Office site. The petitioner in that case was seeking a variance (which was denied) to permit a 10 ft. side yard setback in lieu of the 30 ft. setback imposed by Section 238.2 of the 1955 zoning regulations. The site plan shows the proposed 10 ft. setback from the "private lane" shown thereon. *See* Pet. Ex. 4. The property was at that time zoned B.R., which clearly and explicitly required a 30 ft. side yard setback and the 1955 zoning regulations contained a definition of "street" which is quite different than the current definition in the BCZR. As such I do not believe that plan is relevant in the present case.

Baltimore County does not own the private road and has not formally accepted a dedication of the property, as required by Section 18-3-307 of the BCC. The owner(s) would be entitled to prevent public access by placing a gate across the road which, in accordance with the common law rule noted above, indicates this is not a "street" as courts have defined that term. Finally, since I believe the definition of "street" in the BCZR is ambiguous, it is also appropriate to consider the long-standing interpretation of the term by the Office of Zoning Review to include "public roads only." As Maryland's highest court has held, the "interpretation of a statute by the agency charged with its administration is entitled to great deference, especially when the interpretation has been applied consistently and for a long period of time." *BGE v. Public Service Comm'n.*, 305 Md. 145, 161 (1986).

THEREFORE, IT IS ORDERED this **19th** day of **April, 2019** by this Administrative Law Judge, that the Petition for Special Hearing seeking a declaration that a structure fronting on a private roadway/street as defined in the BCZR (as more particularly shown on the site plan marked and admitted as Petitioner's Ex. 2) is required to comply with BCZR Section 235.1-front yard, be and is hereby DENIED.

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

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln

JOHN A. OLSZEWSKI, JR.
County Executive

ADMINISTRATIVE LAW JUDGE
Office of Administrative Hearings

May 20, 2019

J. Carroll Holzer, Esq
508 Fairmount Avenue
Towson, Maryland 21286

Dina La Fiandra, Esq.
100 W. Pennsylvania Avenue
Suite 305
Towson, Maryland 21204

RECEIVED
MAY 20 2019
BALTIMORE COUNTY
BOARD OF APPEALS

RE: **APPEAL TO BOARD OF APPEALS**
Petition for Special Hearing
Case No. 2019-0202-SPH
Property: 10246 Reisterstown Road

Dear Counsel:

Please be advised that an appeal of the above-referenced case was filed in this Office on May 17, 2019. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

JOHN E. BEVERUNGEN
Managing Administrative Law Judge
for Baltimore County

JEB/sln

c:
Baltimore County Board of Appeals
People's Counsel

APPEAL

Petition for Special Hearing
(10246 Reisterstown Road)
3rd Election District – 4th Councilmanic District
Legal Owner: Lion Brothers Co., Inc.
Case No. 2019-0202-SPH

Petition for Variance Hearing (January 3, 2019)

Zoning Description of Property

Certificate of Posting –

1st Posting- March 26, 2019- Bruce E. Doak
2nd Posting- Re-Certification- April 12, 2019-Bruce E. Doak

Newspaper Advertisement – March 26, 2019- The Daily Record

Notice of Zoning Hearing – March 15, 2019

People's Counsel Entry of Appearance –January 9, 2019

RECEIVED
MAY 20 2019
BALTIMORE COUNTY
BOARD OF APPEALS

Zoning Advisory Committee Comments

Petitioner's Sign-in Sheets – one sheet

Citizen's Sign-in Sheets- one sheet

Petitioner(s) Exhibits –

1. Patton Resume
2. Site Plan
3. Storm Drain Plan
4. Post office Lot drawing
5. Plan for Reclassification Case- Pizza Hut
6. Aerial photo
7. Aerial photo
8. County Code §18-2-104
9. County Code §18-3-106
10. BCZR §32-3-101
11. Bureau of DPR Policy Manual
12. 12A & 12B- Photos- fire hydrants
13. Zoning Comm'r

Protestants' Exhibits –

1. Resume Josh Sharon
2. Site Plan-DRC

Miscellaneous (Not Marked as Exhibits)-

Administrative Law Judge Order and Letter (DENIED- April 19, 2019)

Notice of Appeal & Receipt – J. Carroll Holzer, Esq. May 17, 2019

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

No. 174819

Date: 5/17/19

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				300 00

Total: 300 00

Rec From: J. Gerard Holzer, Esq

For: OFFICE OF ADMINISTRATIVE HEARINGS (CD OR (APPEAL))

CASE NO. 2019-0202-SPH

ADDRESS OR PROJECT: 10246 Reisterstown Rd

HEARING DATE(S): 4/15/19

CHECK # 4880

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME
5/20/2019 5/17/2019 11:53:03

REG 0602 WALKIN JEE

>>RECEIPT # 001794 5/17/2019

Dept 5 528 ZONING VERIFICATION

NO. 174819

Recpt Tot $ 300.00

300.00 CK .00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

RECEIVED
MAY 17 2019
OFFICE OF
ADMINISTRATIVE HEARINGS

IN RE: Petition for Special Hearing	*	BEFORE THE
	*	OFFICE
Case No.: 2019-0202-SPH	*	OF
10246 Reisterstown Road S/W Side of Reisterstown Road N/E of Rosewood Lane	*	ADMINISTRATIVE HEARINGS
	*	FOR BALTIMORE COUNTY
3rd Election District 4th Councilmanic District	*	
Legal Owners: Lion Brothers Co., Inc. and/or Assigns	*	Case No.: 2019-0202-SPH
	*	

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

NOTICE OF APPEAL OF THE ADMINISTRATIVE LAW JUDGE
OPINION AND ORDER DATED APRIL 19, 2019

The Petitioner Lion Brothers Co., Inc. and/or assigns, *et al.*, hereby appeal the Opinion and Order of the Administrative Law Judge, John Beverungen, dated April 19, 2019, attached hereto to the Baltimore County Board of Appeals. Petitioners/Appellants are "persons aggrieved" or "feeling aggrieved." Also attached is a check made payable to Baltimore County to cover the costs of this appeal.

Respectfully submitted,

J. CARROLL HOLZER, Esquire
J. CARROLL HOLZER, P.A.
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for Petitioner/Appellants

LAW OFFICE
HOLZER AND LEE
THE 508 BUILDING
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND
21286

(410) 825-6961
FAX: (410) 825-4923

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on the 16th day of May, 2019, a copy of the foregoing Notice of Appeal of the Administrative Law Judge Opinion and Order Dated April 19, 2019, was mailed first class, postage prepaid, to:

Baltimore County Board of Appeals
Jefferson Building
105 West Chesapeake Avenue
Second Floor, Suite 203
Towson, Maryland 21204

Dino LaFiandra, Esquire
100 West Pennsylvania Avenue
Suite 305
Towson, Maryland 21204

J. CARROLL HOLZER, Esquire

C:\My Docs\Notices 2019\Sugarman – Lion Brothers - 5/16/19

IN RE: **PETITION FOR SPECIAL HEARING** **(10246 Reisterstown Road)** 3rd Election District 4th Council District Lion Brothers Co., Inc. *Legal Owner* **Petitioner**	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **Case No. 2019-0202-SPH**

* * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for consideration of a Petition for Special Hearing filed on behalf of Lion Brothers Co., Inc., legal owner ("Petitioner"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") seeking a declaration that a structure fronting on a private roadway/street as defined in the BCZR is required to comply with BCZR Section 235.1-front yard. A site plan was marked and admitted as Petitioner's Exhibit 2.

Professional engineer James Patton appeared in support of the petition. J. Carroll Holzer, Esq. represented Petitioner. Dino C. La Fiandra, Esq., represented the Respondent Mid-Atlantic Lubes, LLC, which owns the adjacent property at 10244 Reisterstown Road. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee ("ZAC") comment was received from the Department of Planning ("DOP").

For many years Petitioner operated a business at the subject property where it manufactured uniform patches and insignia. That business has ceased operation and the on-site improvements were razed. The owner is now exploring redevelopment opportunities for the property. Lion Brothers filed the petition for special hearing to determine whether there is a front yard setback requirement for structures constructed adjacent to a 30 ft. wide "access road" shown on the site

plan.

The access road or right-of-way was discussed extensively at the hearing, and it appears undisputed the road was created in older deeds (which were not submitted as exhibits) to provide access to both the Lion Brothers property as well as to what until recently was the Toys R Us shopping center located to the southwest of the subject property. The right-of-way is apparently 30 ft. wide although only a 22 ft. wide portion is paved. The right-of-way intersects Reisterstown Road (Md. Route 140) and there is a traffic signal at that location permitting vehicles to make left or right turns onto Maryland Route 140 or continue straight onto what becomes Rosewood Lane.

The sole issue in this case is whether the right-of-way is a "street" as that term is defined in the BCZR; if that inquiry is answered in the affirmative a setback would likely be required. The petition for special hearing was filed pursuant to BCZR Section 500.7, a regulation which permits the Administrative Law Judge to interpret the "zoning regulations." A petition for special hearing is in essence a proceeding for a declaratory judgment, as noted by the court in *Antwerpen v. Baltimore County*, 163 Md. App. 194 (2005).

The BCZR defines "street" in pertinent part as a "motorway which is not a freeway or expressway." BCZR §101.1. This definition is entirely unhelpful, since neither "freeway" nor "expressway" are defined in the BCZR. "Motorway" is also not defined, although the Webster's Third New International Dictionary indicates it is a British term meaning "a motor highway; especially a superhighway." This is also an unhelpful definition; "motorway" is simply a contraction of "motor highway." The reference to "superhighway" completely muddies the waters, since the BCZR specifies a motorway does <u>not</u> include a freeway or expressway, both of which in common parlance are high speed roads which could arguably be categorized as superhighways, though that too is an antiquated and anachronistic term.

The parties agree Baltimore County does not own or have an interest in the right-of-way and there are no utilities located beneath the paved portion. Thus, if it is a street it must be a private street, and as the Department of Planning ("DOP") noted in its Zoning Advisory Committee ("ZAC") comment the BCZR does not define or differentiate between a public or private street.

The property is zoned B.M., and the regulations specify a front yard in that zone must be not less than 15 ft. from the property line and 40 ft. from the center line of the street. BCZR § 235.1. Josh Sharon, a professional engineer accepted as an expert, testified the front of the proposed Valvoline building will be oriented towards Maryland Route 140. Mr. Sharon submitted a plan for the project to the Development Review Committee ("DRC") which shows these front yard setbacks are satisfied. *See* Prot. Ex. 2. But Petitioner contends the Valvoline site is a dual-frontage corner lot, such that the side of the proposed building facing the private road is also considered a front yard. The B.M. regulations (which incorporate the B.L. zone side yard setbacks) specify a side yard setback for a "corner lot . . . on the street side shall be not less than ten feet in width." BCZR §§ 235.2 and 232.2. A commercial building on an interior lot in the B.M. zone has no side yard setback requirement. *Id.* So again, this regulation (as well as the definition of "corner lot" in BCZR §101.1) begs the question of whether the right-of-way is a "street."

In analogous circumstances (*i.e.*, trying to interpret ambiguous zoning regulations) courts have looked to the common law definition of "street." In *Nash v. Campbell County,* 345 S.W. 3rd 811 (Ky. 2011) the court held the "common law has injected the concept of a public use-that the vehicular way be open to the public–to be considered a street." *Id.* at 818. The court reasoned that if the owner(s) could put a gate or barrier "across a vehicular entrance to his property, the vehicular way is not open to the public in the sense that the owner of the fee can regulate the public use." *Id.* at 818-19.

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Baltimore County does not own the private road and has not formally accepted a dedication of the property, as required by Section 18-3-307 of the BCC. The owner(s) would be entitled to prevent public access by placing a gate across the road which, in accordance with the common law rule noted above, indicates this is not a "street" as courts have defined that term. Finally, since I believe the definition of "street" in the BCZR is ambiguous, it is also appropriate to consider the long-standing interpretation of the term by the Office of Zoning Review to include "public roads only." As Maryland's highest court has held, the "interpretation of a statute by the agency charged with its administration is entitled to great deference, especially when the interpretation has been applied consistently and for a long period of time." *BGE v. Public Service Comm'n.*, 305 Md. 145, 161 (1986).

THEREFORE, IT IS ORDERED this 19th day of **April, 2019** by this Administrative Law Judge, that the Petition for Special Hearing seeking a declaration that a structure fronting on a private roadway/street as defined in the BCZR (as more particularly shown on the site plan marked and admitted as Petitioner's Ex. 2) is required to comply with BCZR Section 235.1-front yard, be and is hereby DENIED.

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

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln

JOHN A. OLSZEWSKI, JR.
County Executive

ADMINISTRATIVE LAW JUDGE
Office of Administrative Hearings

April 19, 2019

J. Carroll Holzer, Esq.
508 Fairmount Avenue
Towson, Maryland 21286

Dino La Fiandra, Esq.
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204

RE: Petitions for Special Hearing
Case No. 2019-0202-SPH
Property: 10246 Reisterstown Road

Dear Counsel:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

IN RE: **PETITION FOR SPECIAL HEARING** **(10246 Reisterstown Road)** 3rd Election District 4th Council District Lion Brothers Co., Inc. *Legal Owner* **Petitioner**	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY
	*	**Case No. 2019-0202-SPH**

* * * * * * * *

OPINION AND ORDER

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ORDER RECEIVED FOR FILING
Date 4-19-19
By DLR

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ORDER RECEIVED FOR FILING
Date 4-19-19
By Sln

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ORDER RECEIVED FOR FILING
Date 4-19-19
By

Petitioner submitted a site plan from a 1958 zoning case (No. 1958-4390-A) involving the adjacent property known as the Post Office site. The petitioner in that case was seeking a variance (which was denied) to permit a 10 ft. side yard setback in lieu of the 30 ft. setback imposed by Section 238.2 of the 1955 zoning regulations. The site plan shows the proposed 10 ft. setback from the "private lane" shown thereon. *See* Pet. Ex. 4. The property was at that time zoned B.R., which clearly and explicitly required a 30 ft. side yard setback and the 1955 zoning regulations contained a definition of "street" which is quite different than the current definition in the BCZR. As such I do not believe that plan is relevant in the present case.

Baltimore County does not own the private road and has not formally accepted a dedication of the property, as required by Section 18-3-307 of the BCC. The owner(s) would be entitled to prevent public access by placing a gate across the road which, in accordance with the common law rule noted above, indicates this is not a "street" as courts have defined that term. Finally, since I believe the definition of "street" in the BCZR is ambiguous, it is also appropriate to consider the long-standing interpretation of the term by the Office of Zoning Review to include "public roads only." As Maryland's highest court has held, the "interpretation of a statute by the agency charged with its administration is entitled to great deference, especially when the interpretation has been applied consistently and for a long period of time." *BGE v. Public Service Comm'n.*, 305 Md. 145, 161 (1986).

THEREFORE, IT IS ORDERED this **19th** day of **April, 2019** by this Administrative Law Judge, that the Petition for Special Hearing seeking a declaration that a structure fronting on a private roadway/street as defined in the BCZR (as more particularly shown on the site plan marked and admitted as Petitioner's Ex. 2) is required to comply with BCZR Section 235.1-front yard, be and is hereby DENIED.

ORDER RECEIVED FOR FILING
Date 4-19-19
By DLN

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

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING
Date 4-19-19
By Sln

PLEASE PRINT CLEARLY

CASE NAME 1242 Rokstown
CASE NUMBER 2019-0202-SPH
DATE April 15, 2019

PETITIONER'S SIGN-IN SHEET

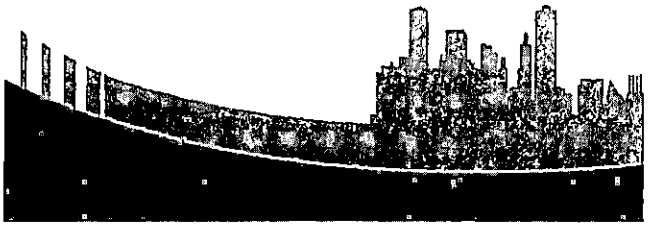
NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
J. Carroll Horizon	508 Fairmount Ave	Towson, MD	
James S. Patti	508 Fairmount Ave.	Towson MD	JSPC@ATTON consultants. net

PLEASE PRINT CLEARLY

CASE NAME Lions Brothers
CASE NUMBER 19-0202
DATE 4/15/19

CITIZEN'S SIGN - IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
1 Dino LaFiandra	100. W. Pennsylvania Avenue #305	Towson 21204	dcl@lafiandralaw.com
Josh Sharon	1220-C E. Joppa Rd Suite 305	Towson MD 21286	JSharon@mragta.com
RANDOLPH KATZMAN	54 JACONNET STREET, NEWTON, MA	02461	RKATZMAN@VIOC.NET



CERTIFICATE OF POSTING

March 26, 2019 (amended April 12, 2019)

Re:
Zoning Case No. 2019-0202-SPH
Legal Owner: Lion Brothers Co Inc
Hearing date: April 15, 2019

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

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **10246 Reisterstown Road.**

The signs were posted on **March 26, 2019.**

The signs were inspected again on **April 12, 2019.**

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

ZONING NOTICE

CASE NO. 2019-0202-SPH

10246 Reisterstown Road

A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE LAW JUDGE IN TOWSON MARYLAND

PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: Monday April 15, 2019 1:30 PM

REQUESTS:

SPECIAL HEARING THAT A STRUCTURE FRONTING ON A PRIVATE ROADWAY/ STREET AS DEFINED IN THE BCZR IS REQUIRED TO COMPLY WITH BCZR SECTION 235.1-FRONT YARDS, SPECIFICALLY IN THIS INSTANCE; AND SUCH OTHER ITEMS PERTAINING THERETO, WHICH WILL BE PRESENTED AT THE HEARING.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.

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

THE HEARING IS HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE NO. 2019-0202-SPH

10246 Reisterstown Road

A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE LAW JUDGE IN TOWSON MARYLAND

PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

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THE HEARING IS HANDICAPPED ACCESSIBLE

Sherry Nuffer

From: Bruce Doak <doakfarm@gmail.com>
Sent: Friday, April 12, 2019 12:52 PM
To: Sherry Nuffer
Cc: Administrative Hearings; Carroll Holzer
Subject: Posting cert for Case #2019-0202-SPH
Attachments: Posting cert 4 12 19.pdf

Enclosed is my 2nd posting cert.

Bruce
Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906
bdoak@bruceedoakconsulting.com

JOHN A. OLSZEWSKI, JR.
County Executive

MIC

Approvals & Inspections

ZAC Comments

April 11, 2019

J. Carroll Holzer ESQ
508 Fairmont Ave.
Towson MD 21286

RE: Case Number: 2019-0202-SPH, 10246 Reisterstown Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 3, 2019. This letter is not an approval, but only a **NOTIFICATION.**

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

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

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Lion Brother Co. INC 300 Red Brook BLVD Owings Mills 21117
J. Carroll Holzer ESQ. 508 Fairmount Ave, Towson MD 21286

4-15

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Mike Mohler
Acting Director, Department of Permits, Approvals and Inspections

DATE: 2/6/2019

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 19-202

INFORMATION:
Property Address: 10246 Reisterstown Road
Petitioner: Lion Brothers Co., Inc.
Zoning: BM
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for special hearing to determine whether or not a structure on a private roadway/street as defined in the Baltimore County Zoning Regulations (BCZR) is required to comply with BCZR § 235.1 – front yards, specifically in this instance.

A site visit was conducted on January 15, 2019. The property is currently vacant.

The Department finds no definition of *"private roadway/street"* within the Baltimore County Zoning Regulations. The plan submitted in support of the petition does not identify building orientations, whether existing or proposed, therefore determining the front yard requirements is problematic.

Subsequent to the public hearing, the Department will concur with the decision of Administrative Law Judge as to the requested zoning relief.

For further information concerning the matters stated herein, please contact Lloyd T. Moxley at 410-887-3480.

Prepared by:

Lloyd T. Moxley

Division Chief:

Jenifer G. Nugent

JM/JGN/LTM/
c: Bill Skibinski
J. Carroll Holzer, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

s:\planning\dev rev\zac\zacs 2019\19-202.docx

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
JAN 15 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

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

FROM: Jeff Livingston, Department of Environmental Protection and Sustainability (EPS) - Development Coordination

DATE: January 15, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0202-SPH
Address 10246 Reisterstown Road
(Lion Brothers Co., Inc. Property)

Zoning Advisory Committee Meeting of **January 14, 2019**.

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

Reviewer: Steve Ford

Date: 1/9/19

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 1/9/19. A field inspection and internal review reveals that an entrance onto MD 140 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Special Hearing Case Number 2019-0202-SPH

Special Hearing
Lion Brothers Co. Inc.
10246 Reisterstown Road
MD 140

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) X 2332 or by email at (rzeller@sha.state.md.us).

Sincerely,

for Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100
http://www.thedailyrecord.com

Order #: 11717291
Case #: 2019-0202-SPH
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2019-0202-SPH

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

3/26/2019

Darlene Miller

Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2019-0202-SPH
10246 Reisterstown Road
S/w side of Reisterstown Road, n/e of Rosewood Lane
3rd Election District - 4th Councilmanic District
Legal Owners: Lion Brothers Co., Inc.

Special Hearing that a structure fronting on a private roadway/street as defined in the BCZR is required to comply with BCZR Section 235.1 - front yards, specifically in this instance; and such other items pertaining thereto, which will be presented at the hearing.

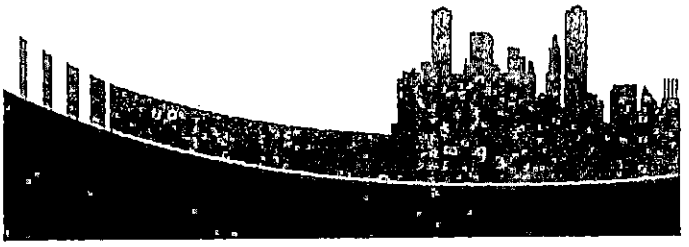
Hearing: Monday, April 15, 2019 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Mike Mohler
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.

mh26



CERTIFICATE OF POSTING

March 26, 2019 (amended _____)

Re:
Zoning Case No. 2019-0202-SPH
Legal Owner: Lion Brothers Co Inc
Hearing date: April 15, 2019

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

Attention: Kristen Lewis

Ladies and Gentlemen,

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The signs were posted on **March 26, 2019.**

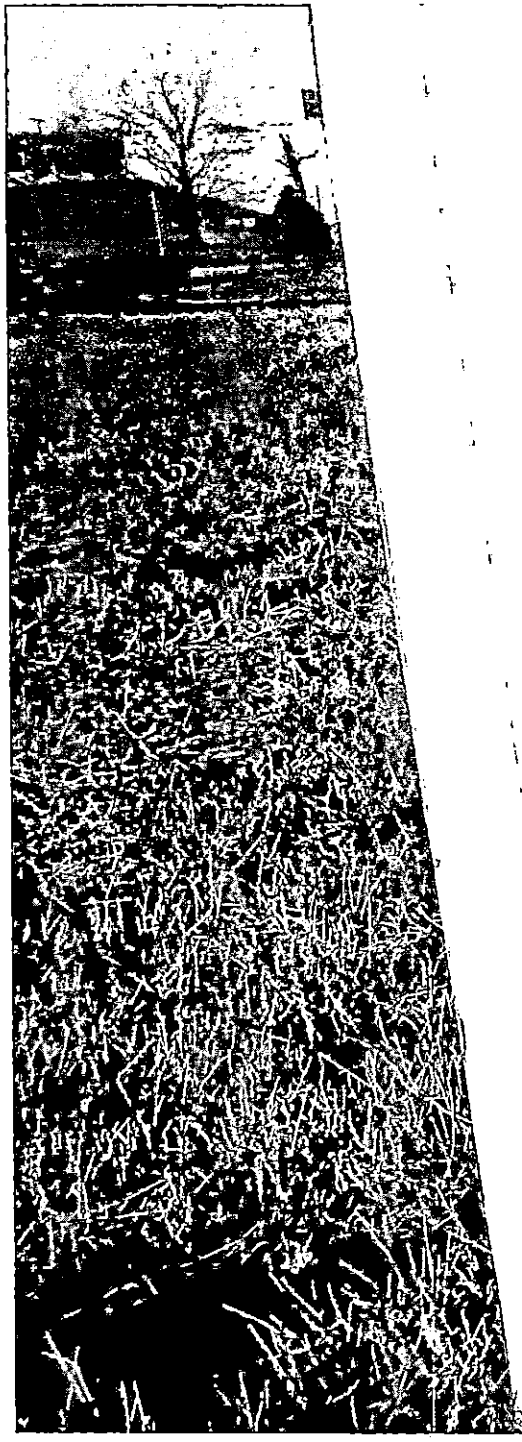
The signs were inspected again on _____.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com



ZONING NOTICE

CASE NO. 2019-0202-SPH

10246 Reisterstown Road

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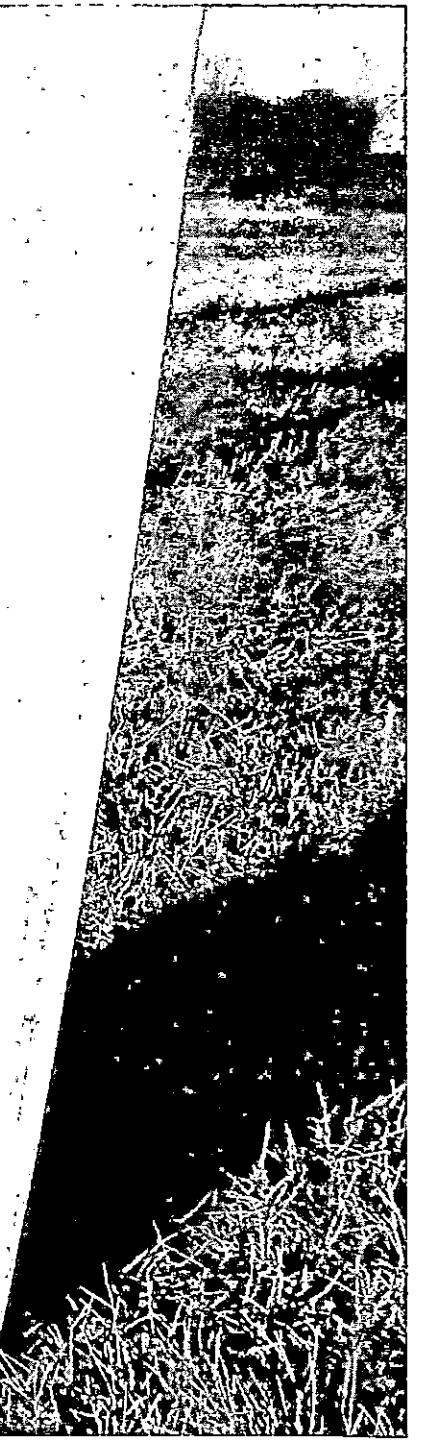

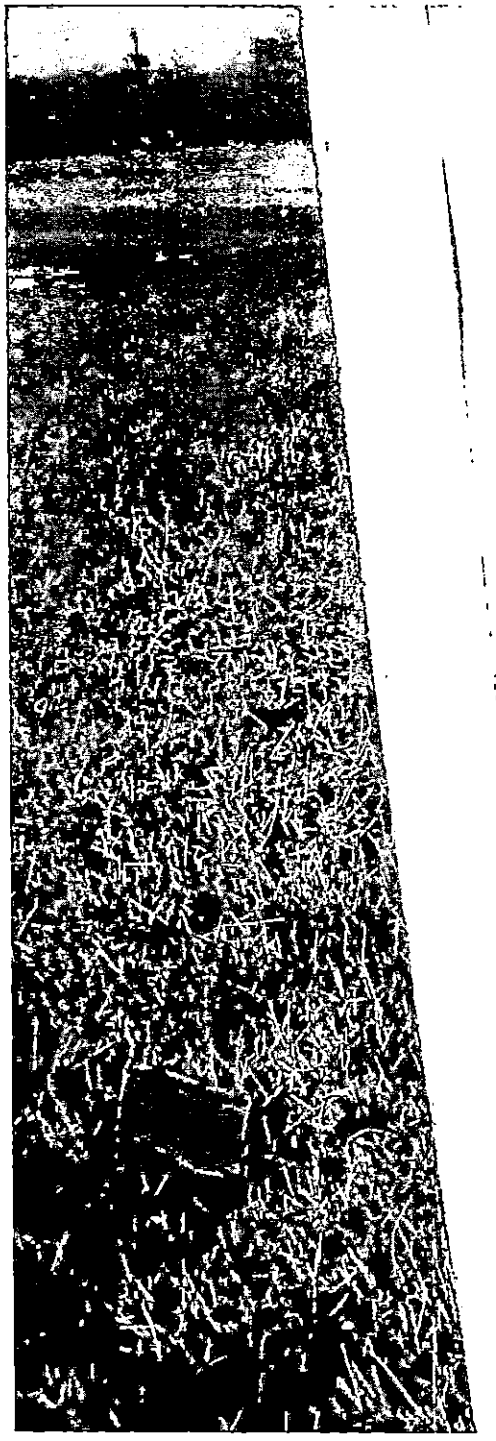

ZONING NOTICE

CASE NO. 2019-0202-SPH

10246 Reisterstown Road

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PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: Monday April 15, 2019 1:30 PM

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THE HEARING IS HANDICAPPED ACCESSIBLE

JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL MOHLER, *Director*
Department of Permits, Approvals & Inspections

March 15, 2019

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2019-0202-SPH
10246 Reisterstown Road
S/w side of Reisterstown Road, n/e of Rosewood Lane
3rd Election District – 4th Councilmanic District
Legal Owners: Lion Brothers Co., Inc.

Special Hearing that a structure fronting on a private roadway/street as defined in the BCZR is required to comply with BCZR Section 235.1 – front yards, specifically in this instance; and such other items pertaining thereto, which will be presented at the hearing.

Hearing: Monday, April 15, 2019 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Mike Mohler
Director

MM:kl

C: J. Carroll Holzer, 508 Fairmount Avenue, Towson 21286
Lion Brothers, 300 Red Brook Blvd., Ste. 410, Owings Mills 21117
Dino LaFiandra, 100 W. Pennsylvania Avenue, Ste. 305, Towson 21204

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 26, 2019.**
(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.

IN THE MATTER OF:	)	**BEFORE THE**
	)	
	)	**BALTIMORE COUNTY**
PETITION FOR SPECIAL HEARING	)	
10246 Reisterstown Road	)	**OFFICE OF**
	)	
	)	**ADMINISTRATIVE LAW**
Petitioner: Lion's Brothers Co., Inc.	)	
	)	**Case No. 19-202-SPH**
	)	

ENTRY OF APPEARANCE

Please enter the appearance of the undersigned attorney as counsel for:

Mid-Atlantic Lubes, LLC
54 Jaconnet Street
Newton Highlands MA 02461

and

M and S Limited Partnership
54 Jaconnet Street
Newton Highlands, MA 02461.

Please send copies of all notices, filings, correspondence, orders, and other related papers to the undersigned at the address below.

Respectfully submitted,

March 14, 2019
Date

Dino C. La Fiandra, Esquire
THE LAW OFFICE OF DINO C. LA FIANDRA, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, Maryland 21204
443-204-3473

Certificate of Service

I certify that on March 14, 2019, I sent a copy of the foregoing Entry of Appearance by first class mail, postage prepaid, to: J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson, Maryland 21286.

Dino C. La Fiandra

Kristen L Lewis

From: Jim Patton <jsp@pattonconsultants.net>
Sent: Tuesday, March 12, 2019 4:44 PM
To: 'Carroll Holzer'; 'Howard Sugarman'
Cc: Kristen L Lewis
Subject: RE: Hearing Date 2019-0202-SPH

The petition for Special Hearing was filed as "Lion Brothers Co. Inc" as shown on the Petition and on the "Plat to accompany Special Hearing Petition".

I can make my self available on the 15th

James S. Patton, P.E., M.ASCE
Cell: 410-960-8280

PATTON CONSULTANTS, LTD
Land Development Consultants
Corporate Office: 10 Winding Brook Dr., Stratham, NH 03885
Baltimore Office: 508 Fairmount Ave. Towson, MD 21286

Cell: 410-960-8280 **Web Site:** www.pattonconsultants.net **e-mail:** jsp@pattonconsultants.net

CONFIDENTIALITY NOTICE: This e-mail message is intended only for the addressee and may contain material which is confidential, privileged, professional work product, or exempt from disclosure under applicable law. Any interception, review, retransmission, dissemination, or other use of, or taking of any action upon this information by persons or entities other than the intended recipient is prohibited by law and may subject them to criminal or civil liability. If you received this communication in error, please contact us immediately at the direct dial number set forth above and delete the communication from any computer or network system. Although this e-mail (including attachments) is believed to be free of any virus or other defect that might negatively affect any computer system into which it is received and opened, it is the responsibility of the recipient to ensure that it is virus free, and no responsibility is accepted by the sender for any loss or damage arising in any way in the event that such a virus or defect exists. This e-mail message, on a case by case basis, is considered communication between legal consultant/expert witness and an attorney, if such it is considered privileged and confidential information.

GO GREEN! SAVE PRINTING WHEN YOU CAN!

From: Carroll Holzer <jcholzer38@gmail.com>
Sent: Monday, March 11, 2019 4:01 PM
To: Howard Sugarman <hsugarman@capico.com>; Patton, James S. <jsp@pattonconsultants.net>
Subject: Fwd: Hearing Date 2019-0202-SPH

FYI
Very truly yours,

Sterling

Kristen L Lewis

From: Carroll Holzer <jcholzer38@gmail.com>
Sent: Tuesday, February 12, 2019 2:49 PM
To: Kristen L Lewis
Cc: dcl@lafiandralaw.com
Subject: Vacation schedule

Kristen
This e-mail is to inform you that I will be going to Florida from March 4 through March 22, 2019. However, I have a CBA hearing on Tuesday, March 26. Consequently, my first available date will be Wed. March 27, 2019 and appreciate your not setting any hearings in during that period. Thanks.
Best regards,

J. Carroll Holzer

2019-0202-JPM

RE: PETITION FOR SPECIAL HEARING 10246 Reisterstown Rd; SW/S of Reisterstown Road, 118' NE of Rosewood Lane 3rd Election & 4th Councilmanic Districts Legal Owner(s): Lion Brothers Co., Inc. Petitioner(s)	*	BEFORE THE OFFICE OF ADMINSTRATIVE HEARINGS FOR BALTIMORE COUNTY 2019-202-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.

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 09 2019

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of January, 2019, a copy of the foregoing Entry of Appearance was mailed to J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson, Maryland 21286, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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 10246 Reisterstown Road **which is presently zoned** BM

Deed References: 05981/00033 10 Digit Tax Account # 0412040650 & 041204051

Property Owner(s) Printed Name(s) LION BROTHERS CO. INC.

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

SEE ATTACHMENT.

2. ____ **a Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

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)**

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:

NOT APPLICABLE

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

LION BROTHERS CO. INC.

Name #1 – Type or Print Name #2 – Type or Print

Signature #1 Yenwen Tsai Signature # 2

Suite 410, 300 RED BROOK BLVD, OWINGS MILLS, MD

Mailing Address City State

21117 / 800-365-6543 /

Zip Code Telephone # Email Address

Attorney for Petitioner:

J. CARROLL HOLZER, ESQ.

Name- Type or Print

Signature

508 Fairmount Ave. TOWSON MD

Mailing Address City State

21286 / 410-825-6961 / jcholzer38@gmail.com

Zip Code Telephone # Email Address

Representative to be contacted:

J. CARROLL HOLZER, ESQ.

Name – Type or Print

Signature

508 Fairmount Ave. TOWSON MD

Mailing Address City State

21286 / 410-825-6961 / jcholzer38@gmail.com

Zip Code Telephone # Email Address

CASE NUMBER 2019-0202-SPH **Filing Date** 1/3/19 **Do Not Schedule Dates:** _____ **Reviewer** JS

REV: 10/4/11

ORDER RECEIVED FOR FILING

Date 4-19-19

By NR

ATTACHMENT

TO

PETITION FOR A SPECIAL HEARING

FOR

LION BROTHERS CO INC
10246 Reisterstown Road, Owings Mills, MD 21117

THAT A STRUCTURE FRONTING ON A PRIVATE ROADWAY/STREET AS DEFINED IN THE BCZR IS REQUIRED TO COMPLY WITH BCZR SECTION 235.1 – FRONT YARDS, SPECIFICALLY IN THIS INSTANCE;

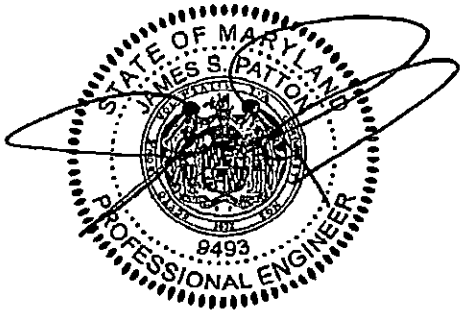
AND SUCH OTHER ITEMS, PERTAINING THERETO, WHICH WILL BE PRESENTED AT THE HEARING.

2019-0202-SPH

ZONING PROPERTY DESCRIPTION FOR 10246 REISTERSTOWN ROAD

Beginning at a point on south side of Reisterstown Road which is 66 feet wide at the distance of 118 feet +/- northeast of the centerline of the nearest improved intersecting street Rosewood Lane which is 50 feet wide.

THENCE the following courses and distances, from the P.O.B: South 40° 02' 30" East, 311.64' to a point, thence leaving Reisterstown Road South 49° 57' 30" W, 855.40' to a point on the north side of the Western Maryland Right-of-way 80' in width, thence following the northly side of said right-of-way North 33° 54' 30" West, 313.43' to a point, thence along same line a distance of 80.46' to a point, thence leaving said right-of-way, North 49° 57' 30" East, 629.77' to a point on the southwest side of a 30' easement appurtenant to an ingress/egress right-of-way, thence by a curve to the right with radius 120' an arc length of 106.84' to a point, thence North 49° 57' 30" East, 60' to a point, thence North 4° 57' 30". East, 56.56' to a point on the southerly side of Reisterstown Road, thence along the southerly side of said Road South 40° 02' 30" East, 110' to a point, thence leaving Reisterstown Road, South 85° 2' 30" West, 56.56' to a point, thence South 49° 57' 30" East, 60' to a point, thence by a curve to the left with radius of 90' an arc length of 141.37' to a point thence South 40° 02' 30" East, 4.50' to a point, thence North 49° 57' 30" East, 180.27'the P.O.B. as recorded in Deed Liber 05981, Folio 00033 (in various parcels and right-of-way descriptions) containing 7.080 +/- acres (308,405 square feet, more or less. Located in the Fourth (4th) Election District and the Fourth (4th) Councilmanic District.



2019-0202-SPH

R-1952-2381

THOMAS W. OFFUTT, ET AL

vs

BOARD OF ZONING APPEALS

JAMES G. SAFFELL
VIRGINIA J. SAFFELL
(Intervenors)

JAMES G. SAFFELL and
VIRGINIA SAFFELL, his wife

vs

BOARD OF ZONING APPEALS

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

IN LAW

\# 2327 MAP \# 4-B

2387

There are two appeals in the above-entitled matter from a decision of the Board of Zoning Appeals, reclassifying, upon the applications of James G. Saffell and Virginia J. Saffell, his wife, the owners, two tracts of land located on the west side of Reisterstown Road at Painter's Mill Road in the village of Owings Mills, Maryland, from "A" Residential to "F" Light Industrial, subject however to a setback along the Reisterstown Road of 250 feet. An appeal was taken by the protestants from the action of the Board of Zoning Appeals reclassifying the property. There was an appeal by the applicants from the increase in the setback from 150 feet to 250 feet by the Board of Zoning Appeals.

The Court first will consider the appeal of the protestants from the decision of the Board reclassifying the property in question.

The general principles governing the Court in Zoning cases have been set forth in a number of recent opinions. The Court has kept them in mind in arriving at its conclusions.

In Kracke vs Weinberg, 79 Atl. 2nd 387 the Court said,

> "In the Northwest Merchants Terminal case, we also discussed the presumption of reasonableness attached to a zoning ordinance, and we said that while this might also apply to rezoning, it did not apply with the same weight. The presumption as to the original ordinance would be that the areas were well planned and arranged and were to be more or less permanent, subject to change only to meet genuine changes in conditions. Where property is rezoned, it must appear that either there was some mistake in the original zoning, or that the character of the neighborhood has changed to such an extent that such action ought to be taken."

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In the case of Wakefield vs Kraft 96 Atl. 2nd 27, Judge Hammond, speaking for the Court, approved the language in the Kracke case and said:

> "In deciding the challenge to the action of the County Commissioners functioning as a municipal legislature, the court must use rigorous self-discipline, as it must always in such cases, to avoid substituting its judgment or views as to the wisdom or soundness of the action taken for that of the legislative body to whom such questions are committed exclusively under our governmental system of separation of power, and only to decide whether the action is illegal, arbitrary or discriminatory....... Where the legislative body of a municipality, under powers granted by the Legislature, has enacted a zoning ordinance, the Court's function in review is restricted and its scope is narrow. Such an ordinance, as exercise of police power, enjoys a presumption in favor of its validity. One attacking it, to be successful, must show affirmatively and clearly that it is arbitrary, capricious, discriminatory or illegal. This presumption of reasonableness and constitutionality applies to rezoning as well as to original zoning, though not with as great force. This is so because it is presumed that the original zoning was well planned, and designed to be permanent; it must appear, therefore, that either there was a mistake in the original zoning or that the character of the neighborhood was changed to an extent which justifies the amendatory action. N.W. Merchants Term. vs O'Rourke, 191 Md. 171, 191, 60 A.2d 743; Kracke v. Weinberg, Md., 79 A.2d 387, and Linney v. City of Joliet, 411 Ill. 597, 105 N.E.2d 183."

> "The Court will not substitute its judgment for that of the legislative body if the question decided was fairly debatable. Tome v. Board of Public Works, [illegible]; Anne Arundel County v. Ward, [illegible]; Anne Arundel County v. Snyder, [illegible]; Francis v. McGill [illegible]; and Hoffman v. Mayor and City Council of Baltimore, 79 A.2d 367. It is not the function, duty or right of a Court to zone or rezone, but only to determine whether the legislative body has properly applied the governing law to the facts. If there is room for reasonable debate as to whether the facts justify the municipal legislature in deciding the need for its enactment, it must be upheld. It is only when there is no room for reasonable debate, or a record barren of supporting facts, that the Court can declare the legislative action arbitrary, capricious, discriminatory, or an unequal application of the law."
> (Insert 2A)

I have read the voluminous testimony in this case and have viewed the property several times. I have studied the opinions of the then Zoning Commissioner, Mr. Haller, and of the Board of Zoning Appeals and the carefully prepared memoranda submitted by counsel.

The Court is of the opinion that there is substantial and ample evidence to support the finding of the Board of Zoning Appeals and the action of the Board is not illegal, arbitrary or discriminatory. The Board had ample grounds for considering that the public good not only of the community but of the county called for the reclassification of the property in question.

A mistake apparently was made at the time of the original zoning of this area and the property in question should have been zoned as light industrial rather than residential. The original error is being corrected.

-2-

It is easy to understand and sympathize with the feeling of those who have estates or properties in this general section. It is hard for those who prefer the seclusion of large country places to have their rural retreats invaded and be forced to yield to the steady pressure of both population and industry.

There are a number of large estates in this general community. There are also commercial enterprises, industrial establishments, small dwellings and the Western Maryland Railroad. Automobiles and busses [illegible] in this locality for passenger travel [illegible] railroad, of course, [illegible] freight with the usual accompaniment of noise and smoke.

It is impossible, of course, for any individual or group of individuals clearly to foresee and plan with absolute definiteness years ahead in a rapidly growing community such as Baltimore County. General conditions also change from day to day.

Planners are not endowed with greater prescience than many practical business men and make their mistakes also. The planning in many fields by "master planners" of which we have heard so much in recent years has its limitations. Even the best of the planners see but through a glass darkly.

Apparently, there are many differences of opinion as to new communities should be laid out and divided into residential, commercial and industrial areas. New developments such as the automobile and the aeroplane and now the atom bomb alter the entire scheme of living and working. All designs for the future necessarily are tentative and must be modified as conditions change.

The Reisterstown Road, like all the highways leading out of Baltimore, with the exception of Charles Street, is a hodgepodge of residential, commercial and light industrial. It cannot be affected too adversely by the establishment of new enterprises such as the ones involved in this appeal.

The Court must endeavor to view zoning matters in the light of present and future needs as the Zoning Board undertakes to do. The rules laid down by the Court of Appeals are intended to aid zoning authorities and courts to arrive at conclusions that are both practical and legal.

As pointed out in the opinion of the Zoning Commissioner there is a need for the dispersal of industry in the county. This need has recently been emphasized. The advisability of dispersal from a defense standpoint is a matter of which the Court can and should take judicial notice. The Garrison [illegible] plays a small but important part in the military plan. The concentration of industry in large industrial areas

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unquestionably constitutes a national hazard. I shall not go beyond the record in arriving at a decision but the article on the dispersal of industry in the New York Times of Sunday, October 25, an Associated Press dispatch, is timely. I shall quote from it briefly:

> "They [illegible] have been [illegible] at Government plans to build new plants outside potential target cities for atomic bombs are beginning to accept the efforts of Defense Mobilization since then. [illegible] to building new factories it is good business to disperse them.
>
> [illegible]
>
> Until two months ago, officials of the agency said, the going was slow. Then came Premier Malenkov's announcement that the Soviet Union no longer had a monopoly of production of the hydrogen bomb.
>
> 'That announcement saved a lot of [illegible],' an official asserted. Right after the Soviet Premier spoke, the official added, various business men deluged the mobilization agency with calls.
>
> 'About a year ago, we had to persuade them,' he continued, 'now they come around to us.'
>
> The Defense Mobilizer, Arthur S. Flemming, said this week that a great deal remained to be done toward 'improving the ability of industry to continue vital production in the event of attack'. He asserted that 75 per cent of the country's industrial capacity was located in fifty big metropolitan centers."

Industry has legitimate rights to exist and develop and the workers in any neighborhood are entitled to have their need for employment considered. Baltimore County looks to industry for taxes and many of our citizens are dependent upon local industry for their living. Suitable locations for the establishment of light industry are limited. A short time ago, a branch of one large county enterprise was established in Carroll County because no acceptable site could be found in Baltimore County.

Much of the opposition against the establishment of light industry in Baltimore County is unfounded. There is a prejudice against light industry not justified by present day experience. The gloomy era of industrial slums surrounded by the shabby redundancy of the worker is giving way to a new and brighter day.

It is a fact of which the Court can take judicial notice that in the communities where light industries recently have been established and modern plants erected there seems to be no injury to the neighboring property or the surrounding countryside. We can point to several industries in [illegible] that are next [illegible] residential areas.

Electric power has come "of age". Industrial buildings, with no unsightly stacks belching smoke and soot, can be made as attractive and clean as dwellings,

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court houses, libraries and even churches both as to architecture and landscaping. There is a marked contrast between the Cimmerian gloom that envelops many industrial areas, such as Sparrows Point, and the cheerful communities where light industry is located.

Good taste cannot be enforced from above even if it is possessed to a high degree by the official arbiters. The charm of a city or countryside is, in the final analysis, an expression of the feeling for beauty of the people themselves. The general level of culture sets the community or national patterns. Depressing rows of identical dwellings are perhaps less desirable from a community standpoint than a well-designed factory.

Although billboards and other unsightly structures are still tolerated, there has been a marked improvement in public taste in recent years. Throughout the country today one sees many [illegible] factories of architectural merit set among spacious landscaped grounds with lawns, shrubbery and trees and handsome residences nearby.

We have no right to anticipate that in the present instance there will be a throwback to a [illegible] architectural and economic era. It is not unreasonable to believe that the two companies will make every effort, as they have indicated, to construct buildings of attractive design which will be assets rather than liabilities to the community. Self interest would dictate such action. There should be neither dirt, noise nor odors emanating from either of the contemplated industries.

The railroad at this location is not a thing of beauty and by skillful arrangement of buildings and landscaping the present unsightly appearance of the railroad tracks and of the whole neighborhood could be much improved.

The natural trend of light industry today is to seek asylum in country communities and small towns and villages where local labor can be hired and adequate space acquired with some security against enemy attack. A desirable industry has a stabilizing influence upon a community and frequently spares the workers long and exhausting hours in commuting. It is true that many of the employees of both companies in this case do not live in this neighborhood but experience in Baltimore County has shown that eventually many of the workers in the local plants establish homes reasonably near their work and more help is recruited from local residents.

The objections of the schools of the community to the establishment of industry and the threats of parents to withdraw their children from educational institutions if industries should be established on the land in question seem to the Court to be without

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foundation. Goucher College, one of the outstanding institutions of higher learning for women in the United States, is located near two manufacturing plants, one of them quite large. No one has suggested that the health, safety or morals of the young ladies who attend this institution have been adversely affected. Public schools are likewise located near light industrial plants.

It is contended that a serious traffic condition will be created on the Reisterstown Road. This is not borne out by the testimony. As has been pointed out, the other main highways from Baltimore City are even more heavily travelled than Reisterstown Road and the additional traffic resulting from the establishment of the two plants should prove no real burden.

The Court has made inquiry and has ascertained that a change of setback from 150 feet to 250 feet was not a typographical error as suggested. The condition seems a reasonable and proper one.

For the reasons assigned the action of the Board in both appeals will be affirmed.

November 2, 1953

[illegible], Judge

IN: PETITION FOR RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "F" INDUSTRIAL ZONE
N. S. Painters Mill Road, Vst. Reisterstown Road & Western Maryland Railroad, 4th Dist.
James G. and Virginia J. Saffell, Petitioners
and

RE: PETITION FOR RECLASSIFICATION FROM AN "A" RESIDENCE ZONE TO AN "F" LIGHT INDUSTRIAL ZONE - W. S. Painters Mill Road, Vst. Reisterstown Road and W. Md. Railroad - 4th District of Baltimore County -
Jas. G. and Virginia J. Saffell, Petitioners
Owings Mills Corporation, Contract Purchaser

The appeal in the above entitled matters coming on for hearing before the Board of Zoning Appeals of Baltimore County on the [illegible] day of [illegible], granting the reclassification from an "A" Residence Zone to an "F" Light Industrial Zone in regard to the properties described therein; and it appearing from the facts and evidence adduced at the appeal and for reasons set forth in the Opinion attached hereto that the granting of the reclassification would not be detrimental to the health, safety, and general welfare of the community; therefore,

It is this 3rd day of April, 1953, Ordered by the Board of Zoning Appeals of Baltimore County that the property described in these proceedings be reclassified from an "A" Residence Zone to an "F" Light Industrial Zone, with exception of the property lying along the west side of the Reisterstown Road for a depth of 250 feet, which shall remain in an "A" Residence Zone.

[signature]
Chairman

[signature]
Board of Zoning Appeals of
Baltimore County

OPINION OF THE BOARD OF ZONING APPEALS
OF
BALTIMORE COUNTY

This is an appeal by Thomas W. Offutt, Benjamin Tongue, George F. D. Ward, Garrison Forest School, Inc., from the Orders of the Zoning Commissioner of Baltimore County dated November 20, 1952, and December 11, 1952, granting the reclassification from an "A" Residence Zone to an "F" Industrial Zone as to certain areas of the tracts of land described in the petitions of James G. Saffel and Virginia J. Saffel, pertaining to the land lying the west side of Reisterstown Road; one parcel being North of Painters Mill Road, and the other South of said road.

The case came on for hearing before the Board, testimony was taken for and against said petition, and counsel heard. The two cases were heard and considered as one, and this opinion will accordingly deal with both properties.

The property which is the subject of these petitions is located on the West side of Reisterstown Road extending to the East boundary line of the Western Maryland Railroad; one piece of land being known as the Northern tract, and the other the Southern tract; the former having a frontage of 1367 feet on Reisterstown Road and 924 feet on Painters Mill Road, and the latter tract having 840 feet on Reisterstown Road by approximately 920 feet on Painters Mill Road. The total number of feet along the Western Maryland Railroad tract being 2330 feet.

A number of persons appeared at the hearing and testified at length, setting forth their reasons why they were either in favor or opposed to the reclassification. Those who were opposed were apprehensive of possible adverse effects on their properties either from the standpoint of depreciation in values of their investments or loss of revenue, or both; from dangers of traffic hazards due to increased vehicular travel, and the conviction that there is no need for any industry in

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the area and that the property is not contiguous to an existing industrial or commercial use, and that whatever commercial and industrial enterprise now in existence in the area are there by virtue of non-conforming use or are small and insignificant in relation to the size of the tracts of land under consideration.

All these matters were of interest to the Board and were given every consideration, but it was also noted that there was considerable testimony to the contrary; and that in addition to those who testified in favor of the reclassification there was a voluminous petition bearing a large number of names of those favoring reclassification for the reasons stated therein, namely: "being familiar with this general neighborhood and believing as we do that the development of these properties by the Corporations named for light industrial purposes would be of tremendous advantage to our community, would create employment, would not adversely affect the health, safety, morals or general welfare of our community, but would tend to improve same, and believing that the proper zoning of this property would be for light industrial purposes, especially when such zoning would generally benefit our community, we earnestly request and urge the zoning authorities of Baltimore County to grant the applications for re-zoning from residential to light industrial, particularly in view of the great public need for industrial zoning in our section of the County."

There are other matters, however, which the Board has considered from the evidence in the case and from a review of the property in question and the general area thereabouts, in addition to the general opinion of the neighbors, as to the desirability or undesirability of the tracts of land in question being reclassified, namely, there are a number of properties in

-3-

this general area which are not being used for residential purposes. Some of such properties are old, well established non-conforming uses situated in such a manner and with such physical structures of a permanent nature that in all likelihood they will continue to exist for many years to come. These are scattered out along both sides of the railroad, as well as some of the properties which have been reclassified or are subject to a special permit such as the Electrical Transformer Station, the Natural Gas Line Pressure Relief Station, and the Radio Towers.

The Board is of the opinion that under the original zoning that the two tracts of land in question were erroneously classified as "A" Residential.

An examination of the zoning map of Baltimore County shows two Light Industrial tracts were set up at the time of the original zoning, and both pieces being on the same side of the railroad tracks as the property now under consideration but farther to the north on the east side of the Reisterstown Road.

Subsequent to original zoning another large piece of land was reclassified on the east side of the railroad between the first mentioned Light Industrial areas. There are also commercial properties on both sides of the Reisterstown Road where it intersects the railroad which were set up under the original County zoning.

From an inspection of the property and adjoining areas it is clear that this is not a well settled and established exclusive residential or agricultural neighborhood.

There was some testimony that although Reisterstown Road is a heavily traveled highway it still could take an additional load of twice the number of vehicles without difficulty or serious danger. The number of employees that would be using

-4-

the Reisterstown Road would, of course, increase the traffic load on this highway, but it is perfectly possible and probable that the peak traffic from the plants would not necessarily coincide with the peak traffic now present on the Reisterstown Road in the morning and evenings at Painters Mill Road. Some of this traffic would no doubt use the route from Painters Mill Road through to McDonogh Road. The installation of traffic lights and the building of merging lanes would greatly facilitate the handling of this traffic.

The Board is of the opinion that the reclassification of this property will not be detrimental to the health, safety, and general welfare of the community; and it will, therefore, pass its Order granting the reclassification of the two properties from "A" Residence Zone to "F" Light Industrial Zone, with exception of the property lying along the west side of the Reisterstown Road for a depth of 150 feet, which shall remain in an "A" Residence Zone.

[signature]
Chairman

[signature]
Board of Zoning Appeals of Baltimore County

FILED DEC 5 1952 #238 [illegible]

Re: Petition for Reclassification from an "A" Residence Zone to an "F" Light Industrial Zone – N. S. Painters Mill Road, Bet. Reisterstown Road and W. M. R. R. 4th Dist. James G. and Virginia J. Duffell, Petitioners – Gerotor May Corp. Contract Purchaser

BEFORE ZONING COMMISSIONER OF BALTIMORE COUNTY

ORDER FOR APPEAL

Mr. Zoning Commissioner:

Please enter an appeal to the Board of Zoning Appeals of Baltimore County from your decision in the above entitled matter granting the reclassification from an "A" Residence Zone to an "F" Light Industrial Zone.

[signature]
Attorney for Protestants

2317

Re: Petition for Reclassification from an "A" Residence Zone to an "F" Light Industrial Zone – N. S. Painters Mill Road, Bet. Reisterstown Road and W. Md. Railroad – 4th District of Baltimore County – Jas. G. and Virginia J. Duffell, Petitioners
Gerotor May Corporation, Contract Purchaser

The property which is the subject of this petition is located on the north side of Painters Mill Road, between Reisterstown Road and the Western Maryland Railroad. The property fronts 1357 feet on Reisterstown Road; 914 feet on Painters Mill Road and 1304 feet on the Western Maryland Railroad.

It is the intention of the contract purchaser, if this reclassification is granted, to construct a one story factory building comprising 100,000 square feet. The approximate dimensions of this building are to be 250 feet by 400 feet, the 400 foot side to parallel the Railroad. The building will be located 75 feet to 100 feet from the Railroad so as to allow for the construction of a siding between the present Railroad and the proposed building.

The contract purchaser, the Gerotor Corporation, which now operates its business at Maryland Avenue and Oliver Street, stated it is his intention to employ three hundred persons on one shift at this location. The main operations of the Company are the production of hydraulic pumps, motors and valves. The contract purchaser also stated that it is necessary for the business to be moved from its present location due to the fact that the proposed Jones Falls Expressway right-of-way will take in their present location.

The petitioner stated that they have made a survey of possible industrial locations in all sections of the City and the County and that they found this location to be the most desirable from the standpoint of location, transportation facilities and desirability from a labor supply standpoint. The contract purchaser further stated that there is a need in their operations for high voltage electricity, natural gas and public water facilities. All of these are available at this location. There is a water supply problem existing, however, at the present time. This problem will be removed, according to the Department of Public Works, prior to the time of occupancy by the Gerotor May Corporation, by the redesign of pumping facilities in Pikesville.

The petitioner stated that it is not their intention at the present time to operate the building more than one shift and that no electric lighting will be employed but that only security lights will be on at night.

Counsel for the petitioner contends that the property located as it is, adjacent to the Railroad, to the Electric Transformer Station and near the natural gas line Pressure Relief Station and bordering on the heavily travelled Reisterstown Road, the logical use of this property is for such use as is proposed by the petitioners.

-2-

The residents of the area protest the re-zoning of this property for industrial use giving testimony that such use would have a depreciating effect upon the values of their residential properties. Many of these people are long time residents of the area and even though changes have taken place in the form of the Electric Transformer Station, the Pressure Relief Station for the natural gas line and the erection of the Broadcasting and Transmitting Station, it is their contention that the future of the area is for residential and agricultural use.

A check with the Baltimore County Planning Commission indicates that it is the announced plan of the State Roads Commission to construct the Northwest Expressway beginning at Wabash Avenue extension in the City, following the Western Maryland Railroad and Gwynn Falls to Owings Mills, and paralleling Reisterstown Road to the Westminster Pike. The proposed location of the Expressway will be approximately 1500 feet west of the Western Maryland Railroad at Painters Mill Road.

In addition to this proposed Expressway, it is expected that within the near future the outfall sewer to serve the Reisterstown area will be constructed through this area, in general, the location of Gwynn Falls as far as Owings Mills. It is felt that the construction of this sewer line, in addition to the construction of the Northwest Expressway, will have a great effect upon the development in this area. In view of this expected increased development it is apparent that the property in question will be used for some purpose other than agricultural, that is, for residential development or for some other use. It appears that the use which is proposed by the petitioner is a desirable one.

There is a great need for the dispersal of industry in the County. In addition to the desirability of dispersal from a defense standpoint, there is also a great need from a civilian standpoint. There is a need for the setting up of light industrial areas to the north, northeast and northwest of the City to provide locations where light industry might locate where transportation and labor are available. Not only are these locations desirable as far as industry is concerned but they are desirable as far as the inhabitants are concerned in that they will provide local employment.

With the increase of traffic problems in the County, it does not seem practical that a person residing in the areas heretofore mentioned be required to travel to either the southeastern or southwestern sections of the County or to Baltimore City where extensive industrial areas have been established and where industry is now located.

For these reasons it would appear that the location of a desirable industry on the property in question is logical and reasonable. It is the plan of the contract purchaser to carry on his industrial operations in the rear of the property along the Railroad. The contract purchaser stated that at the present time there were no plans for the use of the Reisterstown Road frontage except for open areas to be used as a lawn and for a planting area. In view of this and to ensure that the residential properties on the east side of Reisterstown Road will be given proper protection against commercial encroachment, the Reisterstown Road frontage to a depth of 150 feet will not be zoned for industrial use and will remain an "A" Residence Zone.

150'

-3-

It is the opinion of the Zoning Commissioner that the reclassification of the remaining portion for Light Industrial use will not be detrimental to the health, safety and general welfare of the community and the reclassification should be had.

It is this 26th day of November, 1952, ORDERED by the Zoning Commissioner of Baltimore County that the above described property or area should be reclassified, with the exception of the Reisterstown Road frontage to a depth of 150 feet, be and the same is hereby reclassified from an "A" Residence Zone to an "F" Light Industrial Zone, the part so reclassified being more particularly described as follows:

Beginning for the same on the north side of Painters Mill Road distant 150 feet westerly at right angles from Reisterstown Road and running thence binding on the north side of Painters Mill Road, 774 feet, more or less, to the Gas & Electric Transformer Station property, thence binding on said Gas & Electric Company's property northerly 120 feet and westerly 120 feet to the easternmost right-of-way of the Western Maryland Railroad, thence northerly, binding thereon, 1185 feet to intersect the second or westerly 750 foot line in the description in petition, thence reversely on a part of said line easterly at right angles to Reisterstown Road, 590 feet, to a point distant 150 feet westerly at right angles from Reisterstown Road, thence southerly, parallel and distant 150 feet at right angles, to Reisterstown Road, 1357 feet, more or less, to beginning.

[signature]
Zoning Commissioner of Baltimore County

2317

Petition for Zoning Re-Classification

To The Zoning Commissioner of Baltimore County —

I, or we, James G. & Virginia J. Duffell, legal owner[s] of the property situate: All that parcel of land in the 4th District of Baltimore County at the northwest corner of Reisterstown Road and Painters Mill Road, thence northwesterly and binding on the westernmost side of Reisterstown Road 1357 feet, thence at right angles to Reisterstown Road and running westerly 750 feet to the Western Maryland Railroad, thence southerly and binding on the easternmost right of way of the Western Maryland Railroad 1185 feet to a point 120 feet northeast of Painters Mill Road, thence easterly and parallel to Painters Mill Road 120 feet, thence southerly and parallel to Western Maryland Railroad 120 feet to the north side of Painters Mill Road, thence easterly and binding on the northernmost side of Painters Mill Road 914 feet to place of beginning.

hereby petition that the zoning status of the above described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an A. Res. zone to an F. Li. Ind. zone.

Reasons for Re-Classification: [illegible]

Size and height of buildings: front ______ feet; depth ______ feet; height ______ feet.

Front and side set backs of building from street lines: front ______ feet, side ______ feet.

Property to be posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above re-classification, advertising, posting, etc., upon filing of this petition, 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.

[signature]
[signature]
Legal Owner

Address ______

ORDERED By The Zoning Commissioner of Baltimore County, this 7th day of October, 1952, that the subject matter of this petition be advertised, as required by the "Zoning Law of Baltimore County," in a newspaper of general circulation throughout Baltimore County, that property be posted, and that the public hearing hereon be had in the office of the Zoning Commissioner of Baltimore County, in the Court House Bldg., in Towson, Baltimore County, on the 29th day of October, 1952, at 11:30 o'clock A. M.

Zoning Commissioner of Baltimore County

B2317
Oct. 29th
@ 11 AM

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 4th — #3317
Date of Posting 10-15-52
Posted for: Am. & Reclassification & Variance & Light Industrial Zone
Petitioner: James B. Lofstad, et ux
Location of property: Cor. the Northeast corner, Southeast & Northeast corner of Lofstad Lane, Lee Plat
Location of signs: Property of Petitioners, Old Eastern Ave. & Lofstad Lane
Remarks:
Posted by: George R. Howard
Date of return: 10-25-52

PAID
JUN 22 1953
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY

PAID
OCT 23 1952
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY

December 8, 1952

$22.00

RECEIVED of James T. H. Lankford, Attorney for Protestants, the sum of Twenty Two ($22.00) Dollars, being cost of appeal to the Board of Zoning Appeals from the decision of the Zoning Commissioner granting the Reclassification of property Palmers Mill Road, 4th District of Baltimore County.

Zoning Commissioner

PAID
DEC 8 - 1952
COUNTY COMMISSIONERS
OF BALTIMORE COUNTY
BY

NO PLAT
IN
THIS FOLDER

1958 - 4370 A

PETITION FOR VARIANCE TO THE ZONING REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

GEROTOR MAY CORPORATION

For Variance to the Zoning Regulations

To the Zoning Commissioner of Baltimore County

GEROTOR MAY CORPORATION, Legal Owner

of the property hereinafter described hereby petition for a Variance to the Zoning Regulations of Baltimore County.

The Zoning Regulation to be excepted is as follows:

Section 255.2 - Side Yards - For residences or other buildings, 30 feet.

The Reason for Variance:

To permit both side yards of 12 feet instead of required 30 feet.

Property situate:

All that parcel of land in the Fourth District of Baltimore County on the Northwest corner of Reisterstown Road and private road (said private road being a continuation of Rosewood Lane); thence Northerly and binding on the West side of Reisterstown Road 50 feet; thence South 10 degrees 03 minutes West 209 feet; thence South 10 degrees 03 minutes West 50 feet to the North side of said private road; thence Easterly and binding on said private road 212 feet to the place of beginning.

GEROTOR MAY CORPORATION

Witness:

By Ernest A. Wagner, Pres.-Vice-Pres.
Legal Owner

Treasurer and Asst. Secretary

Reisterstown and Painters Mill Roads, Owings Mills, Maryland.
Address

Hearing: Notify: Mr. Russell L. Fiss, 6 Wildwood Rd., Balto (6) Md

ORDERED By the Zoning Commissioner of Baltimore County this 7th day of March, 1958, that the subject matter of this petition be advertised in a newspaper of general circulation throughout Baltimore County and that the property be posted, as required by the Zoning Regulations and Act of Assembly aforesaid, and that a public hearing thereon be had in the office of the Zoning Commissioner of Baltimore County, Maryland, on the 2nd day of April, 1958, at 11 o'clock A. M.

Zoning Commissioner of Baltimore County

Upon hearing on petition for a Variance to the Zoning Regulations of Baltimore County, requested side yards of 12 feet instead of the required 30 feet, and it appearing that there is sufficient property to provide the required setbacks there would be no practical difficulty or unnecessary hardship imposed upon the petitioner, therefore, the variance should be denied.

It is this 2nd day of April, 1958, by the Zoning Commissioner of Baltimore County, ORDERED that the aforesaid petition for a variance be and the same is hereby denied.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY, DEPARTMENT OF PUBLIC WORKS
BUREAU OF PUBLIC SERVICES
Inter-Office Correspondence

From: George E. Lewis, March 31, 1958

To: Wilbie M. Adams

Subject: Zoning Petition #4370-A
Gerotor May Corporation
Reisterstown Road & Rosewood Lane
District 4

This is a subdivision of a large tract of land; therefore, a 150' wider parcel could be set aside for this use to conform with the B-R zoning area requirements.

George E. Lewis
Chief - Permit Section
Division of Land Development

GEL:ls

cc: Mr. Stirling (Pleading)

March 22, 1958

$20.00

RECEIVED of Russell L. Fiss, for petitioner, Gerotor May Corporation, the sum of Twenty Dollars ($20.00), being cost of petition, advertising and posting property situate on the Northwest corner of Reisterstown Road and private road, 4th District of Baltimore County.

Thank you.

Zoning Commissioner of Baltimore County

HEARING:
Wednesday, April 2, 1958
at 11:00 A. M.
Room 108
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland

RECEIVED
MAR 21 1958
ZONING DEPT.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#4370

District 4th Date of Posting 3-19-58

Posted for: Request for Zoning Variance

Petitioner: Gerotor May Corporation

Location of property: N/W Corner of Reisterstown Road & Rosewood Lane

Location of Signs: Northwest Corner of Reisterstown Road and Rosewood Lane

Remarks:

Posted by George E. Lewis Date of return: 3-20-58

NOTICE OF ZONING HEARING
4th DISTRICT

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a hearing in the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland, as follows:

Petition for Variance to the Zoning Regulations of Baltimore County, for the Fourth District of Baltimore County, on the Northwest corner of Reisterstown Road and a private road (said private road being a continuation of Rosewood Lane); thence Northerly and binding on the West side of Reisterstown Road 50 feet; thence South 10 degrees 03 minutes West 209 feet; thence South 10 degrees 03 minutes West 50 feet to the North side of said private road; thence Easterly and binding on said private road 212 feet to the place of beginning.

Section 255.2 - Side Yards - For residences or other buildings, 30 feet.

To permit both side yards of 12 feet instead of required 30 feet.

Gerotor May Corporation, Legal Owner

Hearing: Wednesday, April 2, 1958 at 11:00 A. M.

By order of Wilbie M. Adams, Zoning Commissioner of Baltimore County.

March 14-21.

OFFICE OF
THE BALTIMORE COUNTIAN

THE COMMUNITY NEWS, Reisterstown, Md. — THE COMMUNITY PRESS, Dundalk, Md.
THE DEER LAND-LOCUST, Catonsville, Md.

No. 1 Newbury Avenue CATONSVILLE, MD.

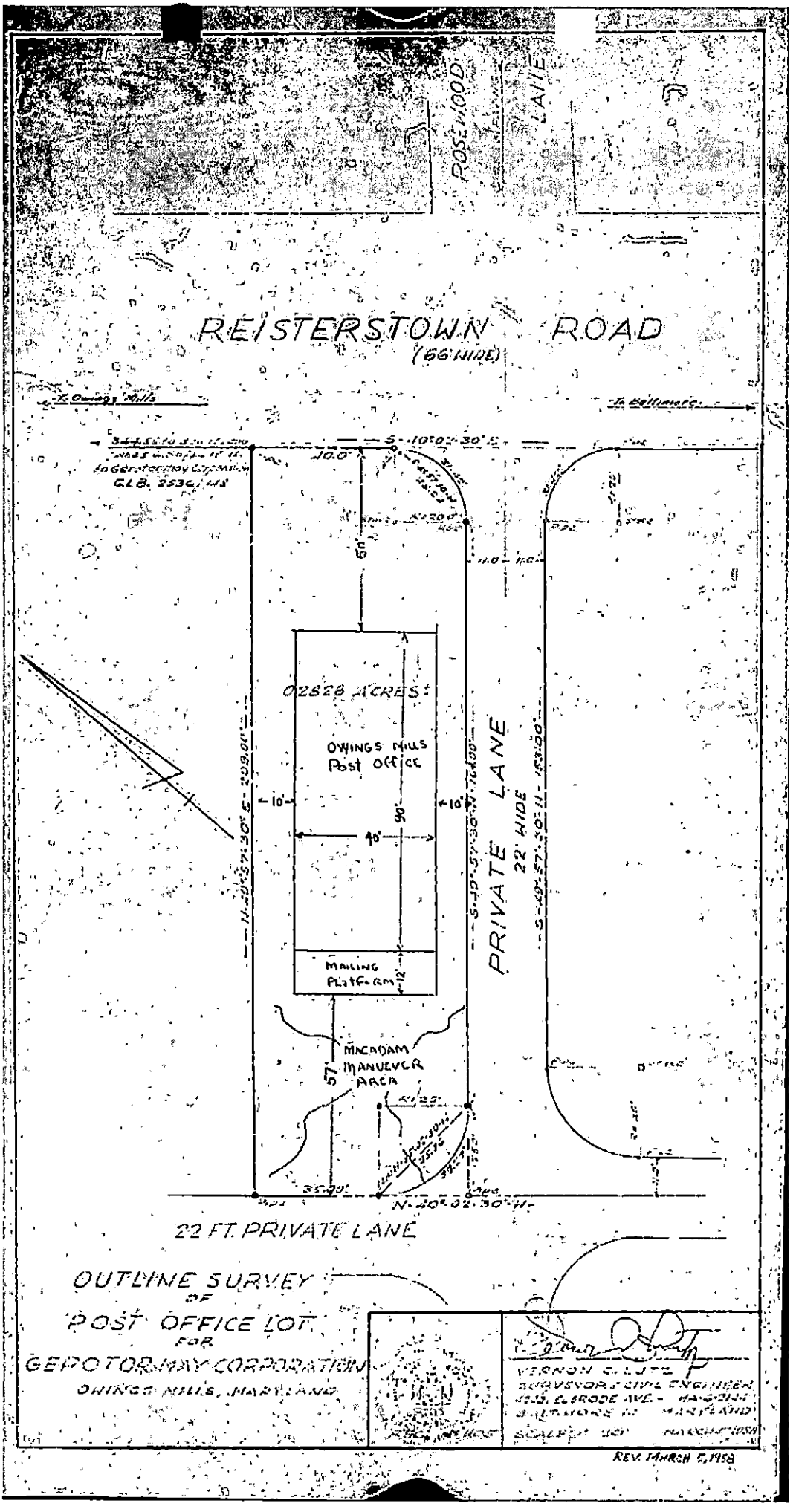
March 22, 1958

THIS IS TO CERTIFY, that the annexed advertisement of Wilbie M. Adams, Zoning Commissioner of Baltimore County

was inserted in THE BALTIMORE COUNTIAN, a group of three weekly newspapers published in Baltimore County, Maryland, once a week for 2 successive weeks before the 22nd day of March, 1958, that is to say the same was inserted in the issues of March 14 - 21, 1958.

THE BALTIMORE COUNTIAN

By Paul J. Murgia
Editor and Manager.


ROSEWOOD LANE
REISTERSTOWN ROAD
(66' WIDE)
To Baltimore
0.2528 ACRES±
OWINGS MILLS
Post Office
MACADAM
MANUEVER
AREA
PRIVATE LANE
22' WIDE
22 FT. PRIVATE LANE
OUTLINE SURVEY
OF
POST OFFICE LOT
FOR
GEPOTOR MAY CORPORATION
OWINGS MILLS, MARYLAND
VERNON C. LUTZ
SURVEYOR & CIVIL ENGINEER
REV. MARCH 5, 1958

Board of Appeals

Case No: 19-202-SPH Case Name: Lion Brothers

Exhibit List

Party: Protestants Date: 10/22/2019

Exhibit No:	Description:
✓ 1	Posting Notices from Board's file
KC 10/29/19	FOR MONDAY ONLY 3 pages
10/30/19 ✓ 2	Sharod CV
✓ 3	Plat
✓ 4.	~~Photo of Valvoline~~ Rendering of Valvoline
✓ 5	Development Plans Review Policy Manual - Excerpt
✓ 6A	Photo
✓ 6B	"
✓ 6C	"
✓ 6D	"
✓ 6E	"
✓ 6F	"
✓ 6G	"
✓ 6H	"
✓ 6I	"
	VERIFIED BY KC DATE: 10/30/19

Board of Appeals

Case No: _____ Case Name: Lion Bros

Exhibit List

Party: Protestants Date: 10/30/19

Exhibit No:	Description:
✓ 6J	Photo
✓ 6K	"
✓ 6L	"
✓ 7	Plan from first Lion Case - DRC request
✓ 8	Monk CV
✓ 9.	BCZR def of street
✓ 10	Webster's "motorway"
✓ 11.	BCZR excerpt - Definitions - Street (COUNT Code)
✓ 12.	Deed for access road
✓ 13.	Plan - Brown 1987 87-285-A
✓ 14.	Opinion from Dep. Zoning Commissioner
✓ 15.	Order
	VERIFIED BY KC DATE: 10/30/19

CERTIFICATE OF POSTING

March 26, 2019 (amended April 12, 2019)

Re:
Zoning Case No. 2019-0202-SPH
Legal Owner: Lion Brothers Co Inc
Hearing date: April 15, 2019

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

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **10246 Reisterstown Road.**

The signs were posted on **March 26, 2019.**

The signs were inspected again on **April 12, 2019.**

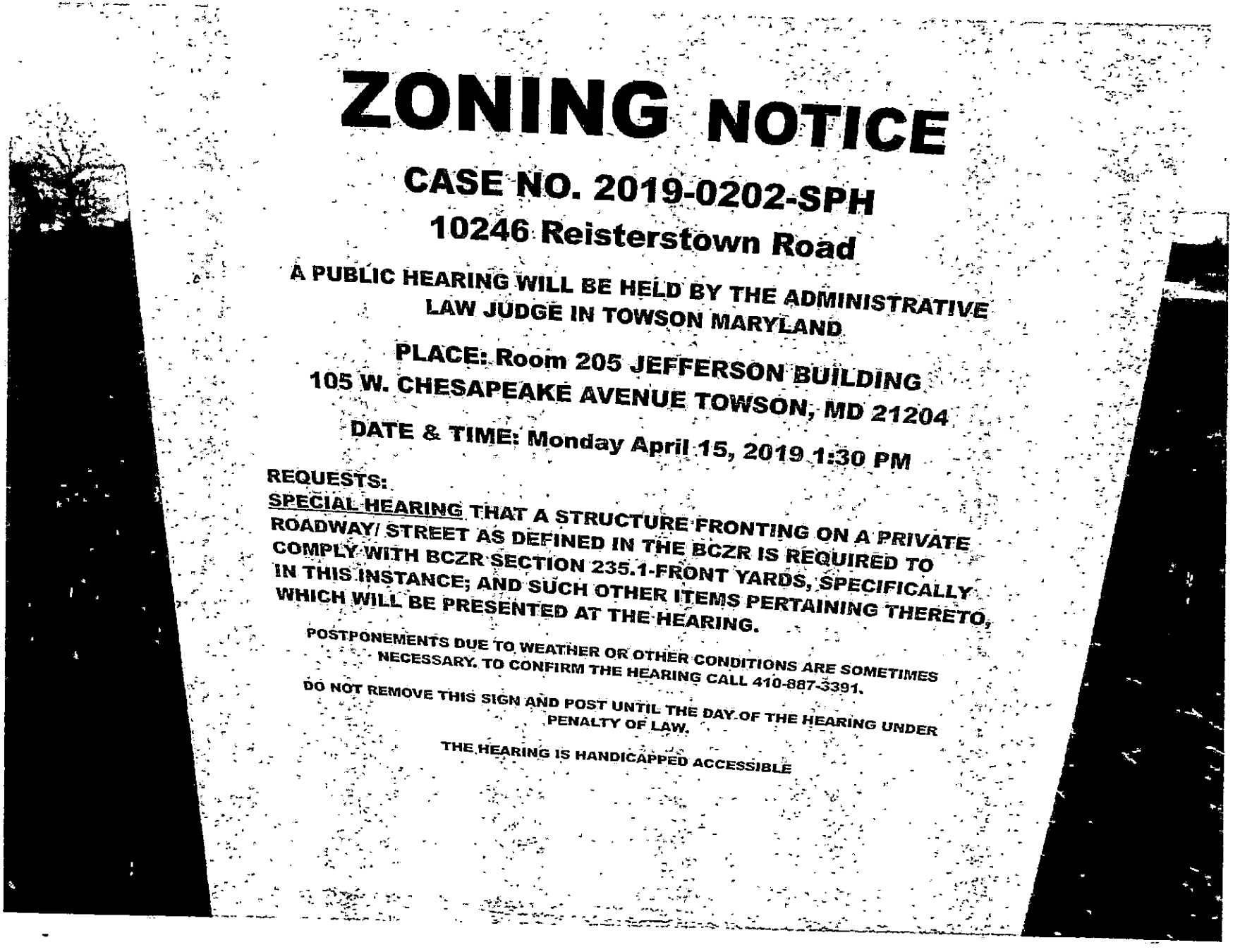
Sincerely,

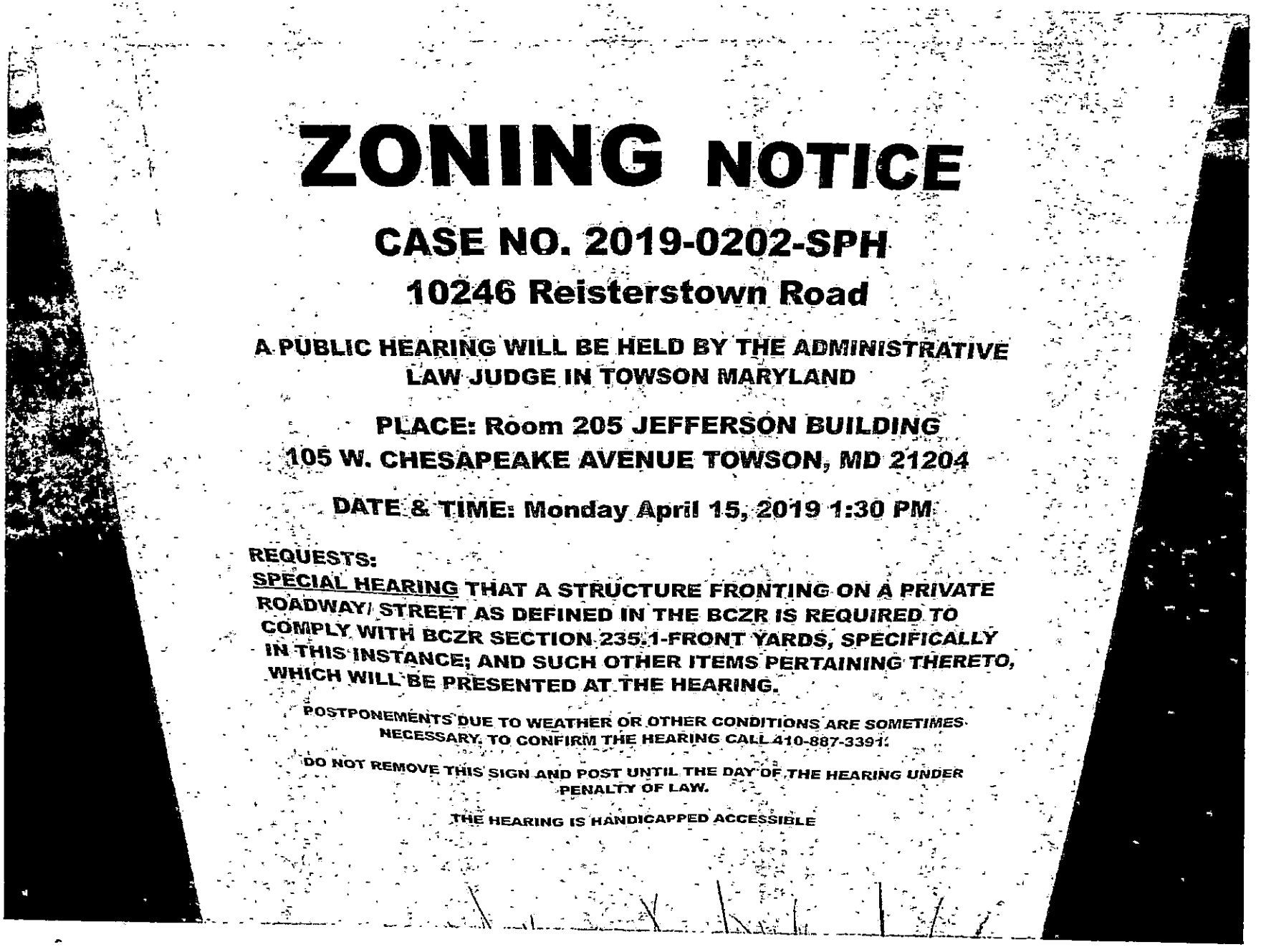
Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

Protestant
CBA Exhibit
1


ZONING NOTICE
CASE NO. 2019-0202-SPH
10246 Reisterstown Road
A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE LAW JUDGE IN TOWSON MARYLAND
PLACE: Room 205 JEFFERSON BUILDING 105 W. CHESAPEAKE AVENUE TOWSON, MD 21204
DATE & TIME: Monday April 15, 2019 1:30 PM
REQUESTS:
SPECIAL HEARING THAT A STRUCTURE FRONTING ON A PRIVATE ROADWAY/ STREET AS DEFINED IN THE BCZR IS REQUIRED TO COMPLY WITH BCZR SECTION 235.1-FRONT YARDS, SPECIFICALLY IN THIS INSTANCE; AND SUCH OTHER ITEMS PERTAINING THERETO, WHICH WILL BE PRESENTED AT THE HEARING.
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.
DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER PENALTY OF LAW.
THE HEARING IS HANDICAPPED ACCESSIBLE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THE HEARING IS HANDICAPPED ACCESSIBLE

JOSHUA T. SHARON
P.E, L.S.I.T, LEED AP BD+C.

Project Assignment:

Principal

Years of Experience:

MRA: 14

Education:

B.S., Civil Engineering,
University of Maryland, 2005

Active Registrations:

Professional Engineer - Maryland,

Land Surveyor in Training-
Maryland,

LEED Accredited Professional,

Professional Affiliations:

American Society of Civil Engineers

National Society of Professional
Engineers

Maryland Society of Professional
Engineers

Recognitions:

2009 Consultant of the Year by the
Baltimore County Soil
Conservation District

**MORRIS & RITCHIE
ASSOCIATES, INC.**

Qualifications:

Mr. Sharon is a Principal with Morris & Ritchie Associates, Inc.'s Towson office. Mr. Sharon has a comprehensive background in the civil engineering field. He has worked with Morris & Ritchie Associates on a variety of projects located in Baltimore City, Baltimore County, Anne Arundel County, Harford County, Garrett County and Frederick County.

Mr. Sharon has extensive experience in the design and development of an assortment of site development projects including single-family residential communities, multi-tenant neighborhoods, commercial properties, retail centers, hospitality buildings and telecommunication sites. He has extensive knowledge of the procedures for processing permits and developments through Baltimore County and other jurisdictions.

As a Principal in MRA's Towson office, Mr. Sharon is responsible for engineering design of development projects, day-to-day management of client services and preparation of construction documents.

Mr. Sharon has extensive design experience that includes site layout and design, grading, earthwork analysis, storm drain and utility design, hydrology and hydraulic analysis and design, erosion and sediment control design, culvert analysis and design, roadway design and stormwater management design for both commercial lots and residential subdivision projects.

Protestant
CBA Exhibit
2

Mr. Sharon is experienced in developing alternatives analysis to evaluate cost effective design options, and solving design problems with severe site constraints.

Examples of Mr. Sharon's project experience include:

Mixed Use:

1 Light Street, Baltimore City, Maryland - Civil Project Engineer for site planning and engineering design of the construction of the 28-storey mixed use building with apartments, office, and retail uses, in the downtown business district.

5601 Eastern Avenue aka Yard 56, Baltimore City, Maryland - Civil Project Engineer for site planning and engineering design of the redevelopment PUD project with retail, restaurants, fitness and grocery store, hotel and apartment uses.

CPC Falls Road aka Bluestem, Baltimore County, Maryland - Civil Project Engineer for engineering design of the proposed 6-acre redevelopment project with retail, office, restaurants, and 152 apartments adjacent to Lake Roland Park.

Martin's Landing and The Runway at Martin's Landing, Baltimore County, Maryland - Civil Project Engineer for site planning engineering design of the proposed 60-acre redevelopment project with retail, office, restaurants, recreational and apartments, on the former Middle River Depot campus adjacent to Martin's State Airport.

Crown, Cork & Seal, Baltimore City, Maryland - Civil Project Engineer for engineering design of the proposed redevelopment project with proposed uses to include retail, restaurants, wellness, grocery, hotel and other residential uses.

Shopping Centers:

6300 York Road, Baltimore City, Maryland - Civil Project Engineer for engineering design of an inline-retail addition project to a successful shopping center.

801 Goucher Boulevard, Baltimore County, Maryland - Civil Project Engineer for site planning and engineering design for redevelopment of a 14.5-acre shopping center containing over 157,000 s.f. of retail space.

725 Butler Road, Baltimore County, Maryland - Civil Project Engineer for site planning and engineering design of a commercial center consisting of historic buildings and new construction. Project work included the first pervious concrete stormwater management design solution in Baltimore County.

Martin Plaza, Baltimore County, Maryland - Civil Project Engineer for site planning and engineering design for redevelopment of the 25-acre shopping center for two large box retail anchors, pad sites, and drive-thru restaurants.

Magothy Gateway, Anne Arundel County, Maryland - Civil Project Engineer for site planning and engineering design for redevelopment of the 17-acre shopping center with retail, restaurant, bank and service uses.

Apartments:

10 Light Street, Baltimore City, Maryland - Civil Project Engineer for site planning and engineering design of the conversion of the 10 Light Street building from office to 430 residential apartments.

1517 Eutaw Place, Baltimore City, Maryland - Civil Project Engineer for site planning and engineering design of the 4-storey apartment building redevelopment project.

Hotels:

Riparius Lot #1, Baltimore County, Maryland - Civil Project Engineer for site planning and engineering design of an 88 room Holiday Inn Express located on an undeveloped parcel hindered by grade changes, environmental constraints and requiring an underground stormwater management facility to meet local and state regulations.

Residential Projects:

Allender Road, Baltimore County, Maryland - Civil Project Engineer on team designing a 173-unit single-family home community located on Allender Road with stormwater management challenges including dual design discharge points.

Meadowvale, Baltimore County, Maryland - Civil Project Engineer engineering design team for Phase 1 of a 103-unit single family community located in an area of severe grade changes and limited by existing drainage patterns and environmental constraints.

The Preserve at Windlass Run, Baltimore County, Maryland - Civil Project Engineer on engineering design team for a 412-unit development mixed with single family and town homes located off of White Marsh Boulevard, surround by environmentally sensitive areas and requiring seven stormwater management facilities.

Foundry Station, Baltimore County, Maryland - Civil Project Engineer on engineering design team for a 185 townhome unit re-development project of the former Seagram's Brewing company in Dundalk, MD in cooperation with Maryland Department of the Environments Response Action Plan (RAP).

The Courts of Hidden Waters, Baltimore County, Maryland - Civil Project Engineer on engineering design team for a 24 single family unit project along Old Court Road in the Greenspring area.

Williams Fields, Baltimore County, Maryland - Civil Project Engineer on engineering design team for a 20 single family unit project along Philadelphia Road in the Honeygo area.

1001 Rutland, Baltimore City, Maryland - Civil Project Engineer on for site planning and engineering design of a 34 unit townhome project on the new (2018) Baltimore City Eager Square Park.

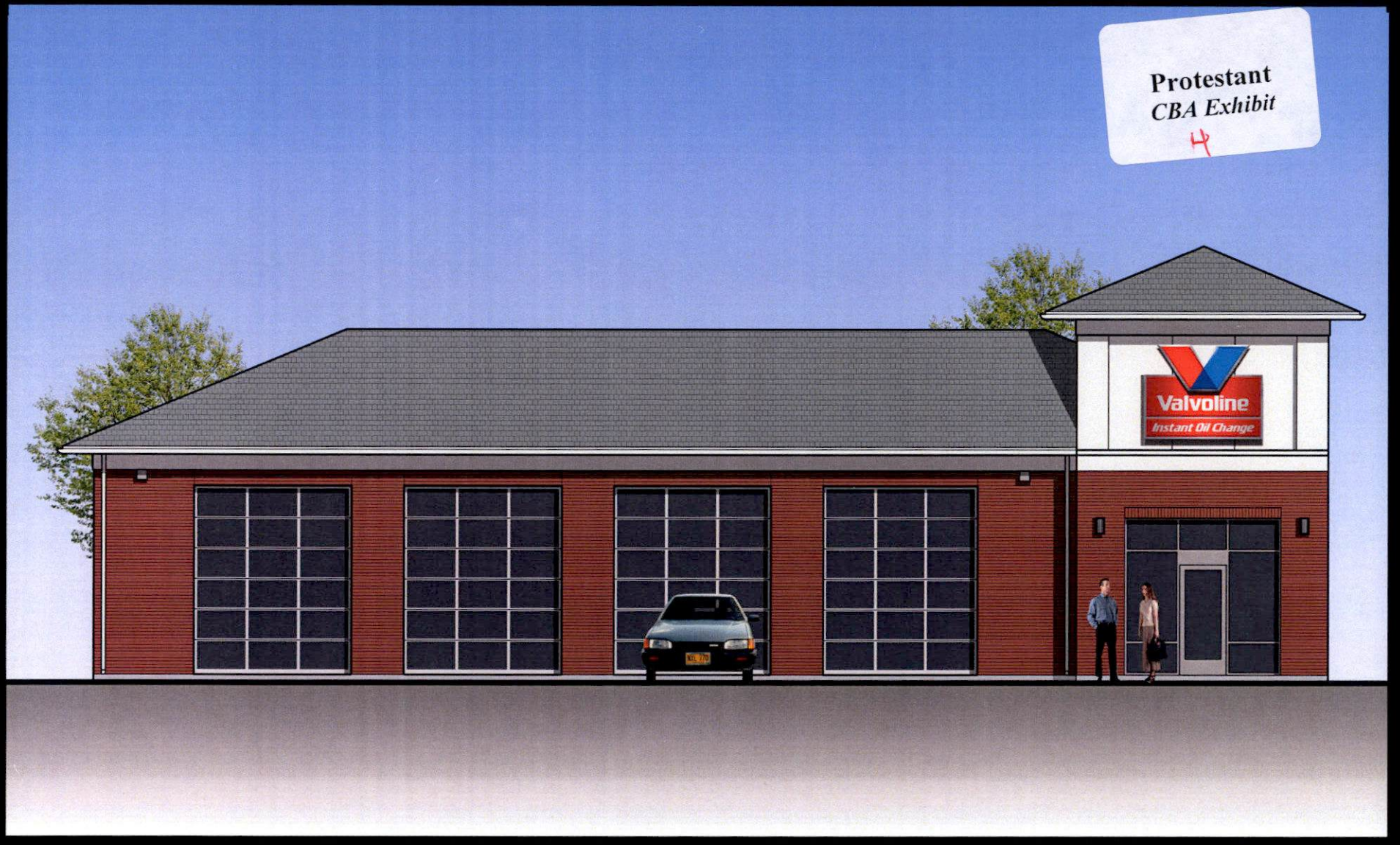
1800 North Castle Street, Baltimore City, Maryland - Civil Project Engineer on for site planning and engineering design of a 62 unit townhome project in the East Baltimore area near Johns Hopkins hospital.

Service Projects:

Royal Farms Store #008, #232, #266, #302, Baltimore County, Maryland - Civil Project Engineer on team designing multiple fuel service with convenience stores throughout the Baltimore County region.

Wawa Fuel and Convenience Stores, Baltimore County, Maryland - Civil Project Engineer on team designing multiple fuel service with convenience stores throughout the Baltimore County region.

Protestant
CBA Exhibit
4



VALVOLINE INSTANT OIL CHANGE

Mid-Atlantic Lubes, LLC
54 Jaconnet Street
Newton Highlands, MA
15 May 2018

Wyatt Howard Nelson
Architecture, PLLC
522 Elm Street
Syracuse, NY 13203

BALTIMORE COUNTY

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

BUREAU OF DEVELOPMENT PLANS REVIEW POLICY MANUAL

In accordance with Section 26-283 of the Baltimore County code, regulations in this manual are intended to repeal the following sections of the Department of Public Works Development Procedures and Policy Manual adopted by County Council Resolution No. 100-85 on November 18, 1985.

Division I	*Sections 4, 5, 6, 7, 8*
Division II	*All Sections*
Division III	*Section 14*
Division IV	*All Sections*

February 27, 2002

Protestant
CBA Exhibit
5

VIII. PUBLIC FACILITIES (ROADS)

PURPOSE – The proposed street system must provide safe and convenient vehicular circulation, both within the tract and between it and neighboring properties or particular traffic generators.

A. GENERAL

1. Roads shall be of such widths, grades and locations as to accommodate existing and future traffic as determined by existing and probable future land use.

2. The street layout of a proposed development shall conform to the Master Plan of Baltimore County.

3. Classification

   a. Roads may be classified as either:

      PUBLIC ROADS – Those which are constructed and inspected in accordance with Department of Public Works standards and specifications and which, after satisfactory completion, are accepted by the County for ownership and maintenance.

      PRIVATE ROADS – Those which are designed and constructed to Department of Public Works standards and specifications, but which are inspected and certified to the Bureau of Development Plans Review by the developer's engineer (P.E.) and are retained for ownership and maintenance by a single entity, company, or corporations, within an unsubdivided lot, parcel, or tract.

   b. Driveways are not classified as roads.

      DRIVEWAYS & PANHANDLES (*including residential and commercial parking lots and access to the parking lots*) – Off-street means of vehicular ingress and egress to a parcel of land (*used also by pedestrians*) which can be designed to physical and geometric standards differing from those required for streets.

4. The developer shall be responsible for the complete cost of preparing construction drawings for roads in accordance with Baltimore County Design Standards. The drawings shall be subject to review and approval by the Department of Public Works and the Department of Permits and Development Management.

5. When the sole or primary means of access leading to a development is substandard, the developer shall be responsible for all costs of bringing the road up to a standard approved by the

Department of Public Works, including rights-of-way acquisition, grading, paving, curbs and gutters, and sidewalks. If adequate access cannot be obtained, the developer will not be permitted to proceed with the development.

6. Provisions for turnaround (*cul-de-sacs or tee's*) on dead-end roads shall be required as stated in the Baltimore County Design Manual, Roads and Streets, and the Standard Specifications and Details for Construction.

7. All existing roads abutting a tract of land, whether accessed by the development or not, to be developed are to be improved through the full frontage to a standard approved by the Director of Public Works on the development side. The developer shall be responsible for all costs relating to design and grading, and for improvement costs, not to exceed curb and gutter, sidewalk, and pavement up to and including a 25-foot width. Such costs are recognized to be a reasonable apportionment of the cost of improving existing roads to standards necessitated by community growth. Costs for pavement in excess of those apportioned to the development will be the responsibility of Baltimore County.

B. MINIMUM PAVEMENT WIDTHS AND PAVEMENT THICKNESS

1. Minimum road widths between curbs will necessarily vary with character of building development and the amount of traffic anticipated and shall be designed in accordance with the Department of Public Works Design Manual and the Standard Specifications and Details for Construction. The pavement widths will be in accordance with the Minor Residential Street Standards Plate R-S, Baltimore County Department of Public Works Standard Details for Construction.

2. Where deemed in the public interest, the County reserves the right to require higher standards in connection with rights-of-way and paving width for developments. In such cases, the developer shall furnish the additional rights-of-way, including grading up to a maximum width of 84 feet, plus slope easements. However, where rights-of-way greater than 84 feet are required, the County will be responsible for the additional rights-of-way at the developer's original cost per acre.

3. Paving thickness will vary with the character of building development, the soil type, and the volume and type of traffic anticipated. The developer shall be responsible for the full thickness of paving required for the development as determined by the Baltimore County Department of Public Works. In no case shall the pavement section be less than the minimum 11" standard section in accordance with Plate R-2, Baltimore County Department of Public Works Standard Details for Construction.

C.ee RIGHTS-OF-WAY REQUIREMENTSee

1.ee In the design of roads, the developer shall provide sufficient rights-of way to allow for the ultimate increase in pavement widths, theee addition of sidewalks, and roadside improvements.ee

2.ee Where development abuts existing roads of substandard right-of-ee way widths, the developer shall furnish the additional rights-of-wayee and revertible slope easements to the County withoutee remuneration.ee

3.ee Right-of-way Requirements:ee

A. TYPE OF RIGHT-OF-WAY	WIDTH IN FEET
Arterial Roads	
Boulevard	84 – 120ee
Undivided	80 – 120ee
Collector	60 – 70ee
Local Roads	40 – 60ee
Cul-de-sac	100 – 150ee
Alley (Residential)	20
Alley (Commercial/Industrial)	24

4.ee When off-site rights-of-way are necessary for the sole or primaryee means of access to a development, the rights-of-way must beee acquired before the Final Plat is recorded, or before a buildingee permit application is approved for development projects noteee involving subdivision of land.ee

D.ee CONSTRUCTION COSTSee

1.eeRoad Improvements – For all road improvements required for aee development, the developer shall be responsible for theee engineering, rights-of-way, grading paving, signage and lightingee costs.ee

2.eePaving, Curb and Gutter – The developer shall be responsible foree the construction of up to, and including, a 50-foot paving sectionee with concrete curb and gutter within the development.ee

3. Improvements Required for Access – The developer is responsible for the cost of offsite improvements required to provide his development with a suitable access. Minimum roadway width exclusive of any shoulder shall be as set forth in the following table. Average Daily Traffic (ADT) shall include traffic anticipated to be generated by the development.

ROADWAY WIDTH (Feet)	ADT Not to Exceed
16	500
18	2000
20	5000
22	9000
24	All roads exceeding 9000 ADT

4. Additional Means of Access – Where additional means of access for circulation within or between developments is deemed necessary, the developer shall provide such access and bear the cost of improvements.

5. Roads Terminating at Boundary Line – Where roads temporarily terminate at a property boundary line, a temporary "T" turnaround shall be required. The developer shall provide engineering drawings for an extended road grade for sufficient distance beyond the property line to establish a suitable grade.

6. Road Reconstruction – Where reconstruction of an existing road is required, the County may defer the improvements until proper methods of sequence of construction and/or detour of traffic can be resolved. The developer must provide engineering drawings for the reconstruction and maybe required to post approved security for the improvements.

7. Road Improvements – With rural developments, the developer shall be fully responsible for the cost of road improvements related to the applicable open-section or concrete mountable curb and gutter section as established by the Bureau of Development Plans Review.

8. Developments Abutting Existing Paved Roads – Where the proposed development abuts existing paved roads, and no road improvements are required, the developer must grant to Baltimore County, without remuneration, the rights-of-way and revertible slope easements necessary for future widening and realignment.

E. GRADING

The developer shall be responsible for the grading of the full width of right-of-way on existing and proposed roads to the required cross sections, including grading at intersections where a traffic hazard exists or is created by limited visibility, whether or not road improvements are required.

F. SIDEWALKS, CURBS AND GUTTERS

1. The installation of sidewalks, curbs and gutters, and handicap ramps on both sides of a road shall be required in connection with all development in order to provide for the safety of pedestrians and children at play and improve pedestrian linkages within and between communities.

2. Specifications – Sidewalks shall be constructed of Portland cement concrete.

1. Required Depth

Pedestrian Traffic (only)	*4 inches*
Vehicular Traffic (also)	*7 inches*

2. Required Width

Residential	*4 feet*
Apartment & Group Development	*5 feet*
Commercial, Industrial & Institutional	*as required by the Department of Public Works*

Sidewalks shall be installed in accordance with the County's Standard Details.

3. Sidewalks will be constructed in accordance with approved plans and at the developer's expense. Although sidewalks will not be constructed under County contract, the developer must advise the Construction Contracts Administration Division before the date on which sidewalk construction is expected to begin.

G. PUBLIC WORKS AGREEMENT

1. The developer shall enter into a Public Works Agreement for public roads. Work shall be done under a private contract under

County inspection. Contractors must be prequalified by Baltimore County*. A deposit sufficient to cover road costs as estimated on the Public Works Agreement shall be collected with the Right-of-Way Agreement or Utility Agreement for the project. When a Public Works Agreement is required for road and drain work only, a deposit shall be made for estimated construction costs before execution of the Public Works Agreement.

**For public or private roads or drain construction under $25,000.00, a qualified contractor who does not hold a prequalification certificate shall submit evidence to the Chief of the Bureau of Engineering & Construction as to his qualifications to perform the work.*

2. If Baltimore County has cost responsibilities in a developer's road project, construction must be under a public contract to obtain the County's participation.

IX. PUBLIC FACILITIES (*STORM DRAINS*)

PURPOSE – As part of any land subdivision or development, provision shall be made for drainage so that storm water runoff is collected and conveyed in open channel systems such as swales, gutters, channels, streams and rivers with culverts or bridges or in combined systems including swales, gutters, inlets, drain pipes, channels, streams and rivers with culverts or bridges. Drainage shall be conveyed to a point of suitable outfall without creating any nuisance or damage to adjacent property. *(See Appendix A for policy guidelines.)* In the review, approval or acceptance of a drainage system for maintenance, Baltimore County does not warrant nor insure the developer against liability for damage to others resulting from his development or from the drainage system.

A. GENERAL

1. The drainage systems improvement policy applies equally to all land used, or to be used, for residential purposes, including apartments, and to commercial, industrial, institutional or any other type of public or non-public usage.

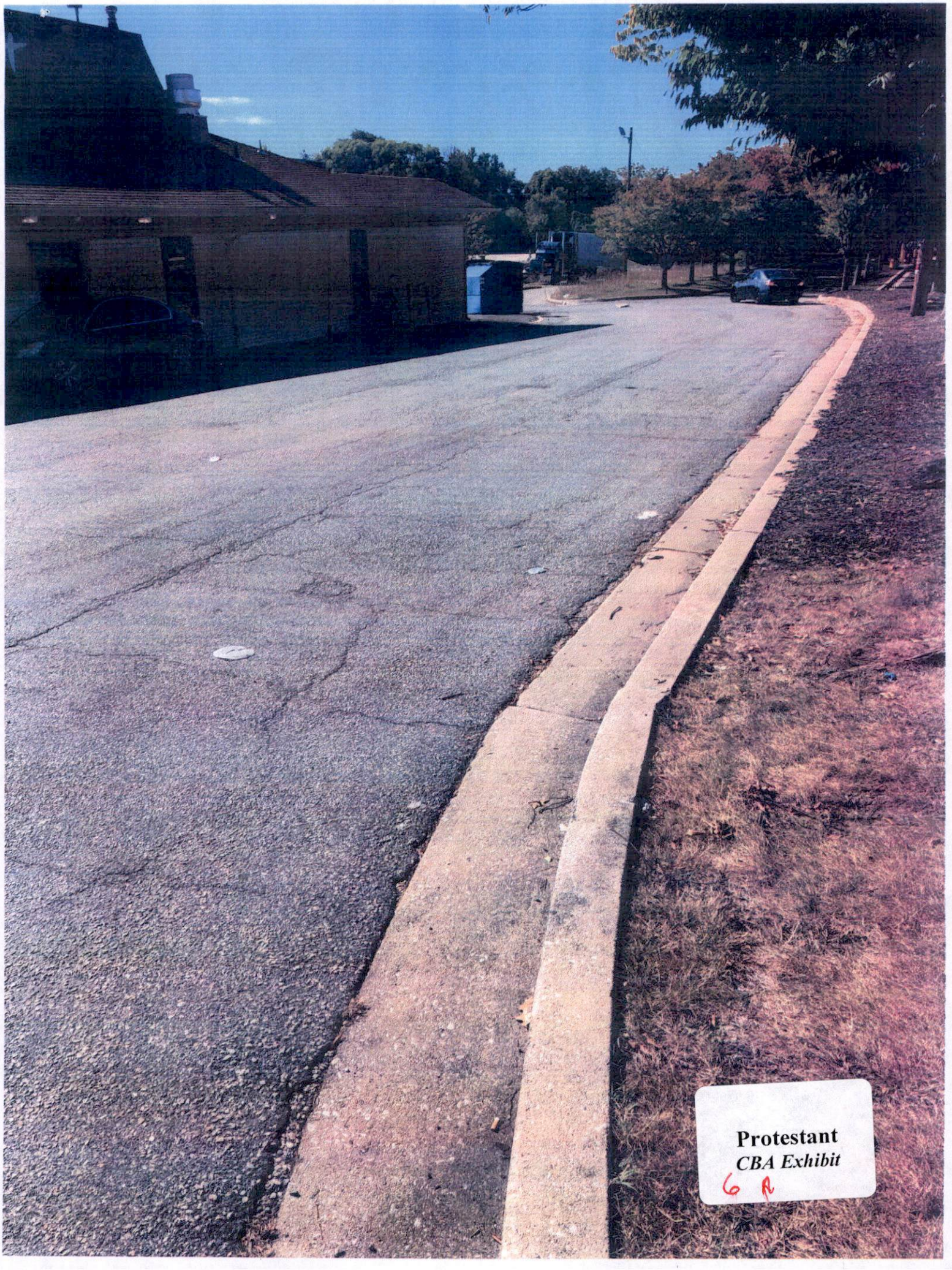
2. Classification – Drainage systems may be classified as either public or private:

   a. A drainage system is considered public when it:

      (1) Conveys water from off-site property or from a public road or public easement;

      (2) Entails construction on or through an adjacent property; and

      (3) Is situated within a public road or public easement.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STOP
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CBA Exhibit
GE

Protestant
CBA Exhibit
6F

Protestant
CBA Exhibit
66

Protestant
CBA Exhibit
6H

Protestant
CBA Exhibit
6F

Protestant
CBA Exhibit
63

Protestant
CBA Exhibit
6K

Protestant
CBA Exhibit
6L

Protestant
CBA Exhibit
8

WILLIAM P. MONK

PROJECT ASSIGNMENT:
Principal, Urban/Site Planning, Expert Witness / Project Manager

YEARS OF EXPERIENCE:

MRA:	15
Other Firms:	25

EDUCATION:
Master of Urban Planning, University of Illinois, 1975
Bachelor of Urban Planning, University of Illinois, 1973

PROFESSIONAL & INDUSTRY AFFILIATIONS:
Greater Towson Committee (formerly Towson Development Corporation)
President 1998-2000
Bd. of Directors 1994-2016
Baltimore County Design Review Panel, 2008-2015, past Chairman 2011-2013
National Association of Industrial and Office Properties, Legislative Committee
Baltimore Development Work Group (member)
International Council of Shopping Centers (ICSC)
Maryland Building Industry Association (MBIA), Baltimore County Chapter

PAST MEMBERSHIPS & AFFILIATIONS:
Mayor's Transition Committee for Economic Development, Mayor Martin O'Malley, City of Baltimore 1999-2000

National Golf Association
Citizens Planning & Housing Association (CPHA) (past board member)
Tomorrow's Towson Urban Design Committee (member)

QUALIFICATIONS:

Mr. Monk provides site planning/design, project management, and government and community liaison services to institutional, commercial/retail, industrial, and residential clients throughout the mid-Atlantic region. Mr. Monk has worked throughout the mid-Atlantic region for over 40 years, representing commercial/retail and residential clients, as well as serving on nonprofit boards, ad hoc committees, and providing pro bono professional services.

Mr. Monk has extensive experience providing expert witness testimony. He is an approved expert witness in land planning and zoning issues in several jurisdictions throughout the mid-Atlantic region, including Annapolis, Anne Arundel County, Baltimore, Baltimore County, Carroll County, Frederick County, Harford County, Howard County, Prince George's County, and St. Charles Community in Maryland. He has testified in more than 300 zoning hearings over the past 40 years.

Sample projects managed and designed by Mr. Monk include the following:

COMMERCIAL/ RETAIL CENTERS

Bay River – Planned Business Community, Havre de Grace, Maryland - Project Manager/Chief Designer for a 76-acre mixed-use master planned business community containing over 900,000 SF of retail, office, and institutional space. Located at the interchange of I-95 and MD 155, the "Gateway" to the historic city of Havre de Grace.

Hampstead Business Park, Hampstead, Maryland - Project management and site planning for a 26-acre mixed-use (industrial, office, and retail) planned community at the crossroads of the new Hampstead By-Pass and MD Route 482.

Solo Cup Site, Owings Mills, Maryland - Project Manager and Designer in the preparation of a mixed-use (office, retail, and residential) planned community containing over 900,000 SF for this 51-acre site in Baltimore County.

Reisterstown Plaza, Baltimore, Maryland - Principal-In-Charge responsible for design/site planning studies for the reconfiguration expansion of the retail center consisting of over 100,000 SF.

Towson Commons Redevelopment Studies and Design, Towson, Maryland - Project Manager for ongoing redevelopment design studies intended to reposition the street-level retail component of a 15-year old mixed-use project that includes a proposed 20-story residential tower and an existing 10-story office tower. The Redevelopment Study process began with a survey of existing commercial real estate market opportunities in the area, and has focused on adding a strong residential component, while reinforcing the project's strength as an office location of choice and creating new retail and restaurant opportunities with direct street level pedestrian access. Upfront project feasibility studies included surveying, site engineering, and securing government entitlement approvals.

~ NATIONAL AND REGIONAL CLIENTS ~

During the past 20 years, **William Monk, Inc.** has prepared over 2,600 feasibility studies and development plans for commercial developers, as well as national and regional companies. This includes: office buildings, shopping centers, free-standing commercial uses, industrial warehouses, office parks, and mixed use developments. A partial list of national and regional companies includes the following:

CONVENIENCE STORES

7-Eleven Food Stores
High's Food Stores
Wawa Food Stores
Paceway Convenience Stores
Dash-In Food Stores
6-12 Convenience Food Marts
X-Tra Mart

AUTOMOTIVE SERVICE

Precision Tune
Mr. Transmission
Pit Stop, Inc.
Windshields of America
Grease Monkey
Econo Lube 'N' Tune
Midas Muffler
3 RiversGlass
Jiffy Lube
Mr. Tire
Kimmel Tire
Midas Muffler
Grease Monkey
Salvo Auto Parts
National Tire Warehouse
Western Auto
Parts America
NTW Automotive

AUTOMOTIVE-GASOLINE

BP/Amoco Oil Co.
Arco Petroleum
Gulf Oil Company
Steuart/Agip
Shell Oil Company
Southern Maryland Oil Co.
Sunoco
Texaco/Star Enterprise
Eastern Petroleum
Quarles Petroleum, Inc.
Carroll Independent Fuel
Ewing Oil Company
Ocean Petroleum Co.

RESTAURANTS

Dunkin Donuts
Pizza Hut
Taco Bell
Hot-N-Now
Big Boys
Roy Rogers Restaurants
Checkers
Church's Fried Chicken
Hardee's
Burger King
Golden Corral
Kentucky Fried Chicken
Mr. Donut
Friendly's Restaurants
Chili's Restaurants
Subway Sub Shops
Red Hot n' Blue
McDonald's Corporation
All-In-One (TacoBell, Pizza Hut, KFC)
East Side Marios
Chevys Mexican Restaurants
California Pizza Kitchen
Fuddruckers
Sweet Pea Cafe
Old Country Buffet
Cracker Barrel
Rita's Water Ice
Krispy Kreme
Wendy's

MISCELLANEOUS-COMMERCIAL

Rite Aid
K-Mart
Duron Paints
Nichol's Department Store
Safeway Food Stores
Blockbusters Video
Pier One Imports
Price Warehouse
F&M Drug Stores
Roses Department Store
Town & Country Pontiac-Nissan
Klein's Supermarkets
C.J. Bonner Co.
Carteret Savings Bank
Penn Advertising
Universal Advertising
Giant Foods
Nextel Corporation
PNE Media
Enterprise Rent-A-Car
Koons Ford
ATI Communications, Inc.
Wal-Mart
Sam's Club
Hechingers
Bluecrest North Caterers
Musselman Chevrolet
Bell Atlantic
Luby Chevrolet
Sports Authority
Revco Drugs
CVS Drugs
Weis Markets
Lamar Advertising
Hollywood Video
Food Lion
Graul's Food Markets
Jeepers, Inc.

~ JURISDICTIONS WHERE WORK HAS BEEN PERFORMED ~

MARYLAND
- Aberdeen
- Annapolis*
- Anne Arundel County*
- Baltimore*
- Baltimore County*
- Bel Air
- Bowie
- Charles County
- Calvert County
- Cambridge
- Caroline County
- Carroll County*
- Cecil County
- Centreville
- Chesapeake Beach
- College Park
- Columbia
- Easton
- Ellicott City
- Frederick
- Frederick County*
- Gaithersburg
- Hagerstown
- Hampstead
- Harford County*
- Havre De Grace
- Howard County*
- Kent County
- Laurel
- Montgomery County
- Ocean City
- Perryville
- Prince George's County*
- Queen Anne's Co.
- Rockville
- St. Charles Community*
- St. Mary's County
- St. Michael's
- Salisbury
- Talbot County
- Washington County
- Westminster

DELAWARE
- Dover
- Kent County
- Milford
- Newark
- Rehobeth Beach
- Sussex County

DISTRICT OF COLUMBIA

NEW JERSEY
- Cherry Hill
- Dover Township
- Mountainside
- Pequannock Township
- Perth Amboy
- Piscataway*
- Wall Township*
- Pompton Plains
- Toms River

NORTH CAROLINA
- Pinehurst

PENNSYLVANIA
- Bucks County
- Chester County
- Montgomery County
- Paoli
- Shrewsbury

VIRGINIA
- Alexandria
- Arlington
- Arlington County
- Chesterfield County (Richmond area)
- Fairfax City
- Fairfax County
- Falls Church
- Fauquier County
- Henrico County (Richmond area)

VIRGINIA (Cont'd.)
- Herndon
- Leesburg
- Loudon County
- Manassas
- Manassas Park
- McLean
- Prince William County
- Quantico
- Richmond
- Sterling
- Vienna

WEST VIRGINIA
- Martinsburg

*** EXPERT WITNESS**

Excerpts from the Baltimore County Zoning Regulations
Online content updated through August 21, 2019

§ 101.1. - Word usage; definitions.

[Bill No. 149-1987]

Words used in the present tense include the future; words in the singular number include the plural number; the word "shall" is mandatory. For the purposes of these regulations, certain terms and words are defined below.

Any word or term not defined in this section shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged.

EXPRESSWAY — A motorway or portion thereof which is, or is intended, for intra-metropolitan travel of varying distances; has or is intended to have a center median strip and a total of four or more lanes for moving traffic; is designed or intended for traffic speeds of at least 55 miles per hour; has no direct access to individual uses on abutting private property; and has been designated as an expressway by the Baltimore County Planning Board.

[Bill No. 40-1967]

FREEWAY — A motorway or portion thereof which: is, or is intended, for both intra- and inter-metropolitan travel; has or is intended to have a center median strip and a total of four or more lanes for moving traffic; is designed or intended for traffic speeds of at least 60 miles per hour; has no access to abutting private property; has no grade intersections with other motorways; and has been designated as a freeway by the Planning Board.

[Bill No. 40-1967]

STREET — A motorway which is not a freeway or expressway but which has a right-of-way more than 20 feet in width.

[Bill No. 100-1970]

Note— Public roads only per WCR.

STREET LINE — A line which divides the right-of-way of a street from other property; a street right-of-way line.

[Bill No. 111-1958]

Note— Public roads only per WCR.

[Bill Nos. 30-1998; 9-2002 [35]]

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SECTION 235 - B.M. Zone Area Regulations

Minimum requirements, except as provided in Article 3, shall be as follows:

§ 235.1. - Front yard.

For residences, as in Sections 302 and 303.1; for commercial buildings the front building line shall be not less than 15 feet from the front property line and not less than 40 feet from the center line of the street, except as specified in Sections 303.2 and 235B.

§ 235.2. - Side yards.

For residences, as in Section 302. For commercial buildings, same as in B.L. Zone, except as specified in Section 235B.

§ 235.3. - Rear yard.

For residences, as in Section 302. For commercial buildings, same as in B.L. Zones.

SECTION 232 - B.L. Zone Area Regulations

Minimum requirements, except as provided in Article 3, shall be as follows:

§ 232.2. - Side yards.

A. For residences, as in Section 302.

B. For commercial buildings, none required on interior lots, except that where the lot abuts a lot in a residence zone there must be a side yard not less than the greater minimum width required for a dwelling on the abutting lot and on corner lots the side yard on the street side shall be not less than ten feet in width.

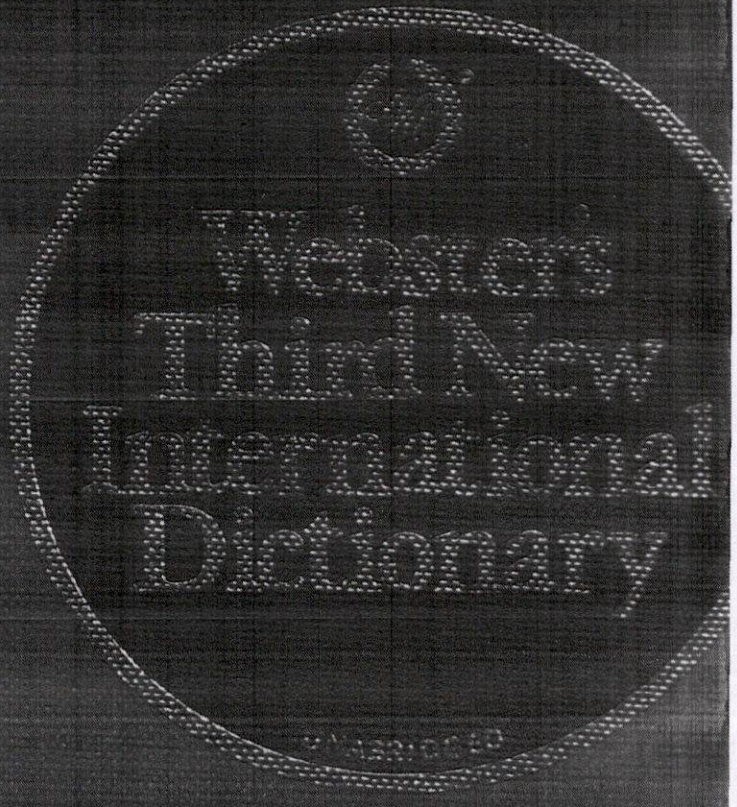
§ 232.3. - Rear yard.

A. For residences, as in Section 302.

B. For commercial buildings, none required, except that where the rear lot line abuts a lot in a residence zone there shall be a rear yard not less than 20 feet deep.

§ 303.2. - Standards for B.L., B.M. and B.R. Zones.

In B.L., B.M. and B.R. Zones, the front yard depth of any building hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side, provided such adjoining lots are improved with permanent commercial buildings constructed of fire-resisting materials situate within 100 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all lots within 100 feet on each side thereof which are improved as described above.



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CBA Exhibit
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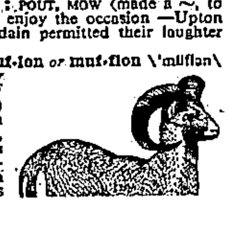
²motorboat \"\ *vi* **1** : to ride in or drive a motorboat **2** : to make sounds resembling the exhaust of a motorboat
motorboating \ˈ==,==\ *n* : an inherent low frequency instability in electronic circuits characterized when heard on a telephone receiver or loudspeaker by a noise similar to the exhaust of a motorboat
motor boss *n* : one who directs and records mine haulage operations underground or at the surface — called also *dispatcher*
motor bus *n* : an automotive omnibus : MOTOR COACH
mo·tor·cade \ˈmōd·ə(r),kād, -ōtə-\ *n* -s [¹*motor* + -*cade*] : a procession of automobiles ⟨the prime minister's ~ passed —*St. John (New Brunswick) Telegraph-Jour.*⟩ ⟨taken in a twenty-five-car ~ to City Hall —Fendall Yerxa⟩
motorcar \ˈ==,=\ *n* **1** : AUTOMOBILE **2** *usu* **motor car a** : a railroad car containing motors for propulsion ⟨several railroads operate electric *motor cars* in suburban passenger train service —*Stories Behind the Pictures*⟩ **b** : a motor-propelled inspection or work car on a railroad
motor cargo insurance *n* : insurance against loss resulting from damage to goods in transit by motor truck
motor carriage *n* : a self-propelled mount for a weapon
motor carrier *n* : a highway passenger and freight carrier regulated by the federal government
motor cell *n* : BULLIFORM CELL
motor center *n* : a nervous center that controls or modifies (as by inhibiting or reinforcing) a motor impulse — compare MOTOR AREA
motor coach *n* : an automotive omnibus : MOTOR BUS ⟨a fleet of *motor coaches* —*Motor (London)*⟩
motor converter *n* : a machine consisting of an induction motor and a synchronous converter mounted on a common shaft with their rotor windings in series with each other
motor cortex *n* : the cortex of a motor area; *also* : the motor areas as a functional whole
motor court *n* : MOTEL ⟨*motor courts* with swimming pools and finely furnished bungalows —*N.Y. Times*⟩
¹**motorcycle** \ˈ==,==\ *n* [fr. earlier *motor bicycle*] : a 2-wheeled tandem automotive vehicle having 1 or 2 riding saddles and sometimes having a 3d wheel for the support of a sidecar
²**motorcycle** \"\ *vi* : to ride a motorcycle or go by motorcycle
motorcyclist \ˈ==,==\ *n* : one that rides a motorcycle
motor drive *n* : an electric motor and auxiliaries for driving a machine or group of machines
mo·tor·drome \ˈmōd·ə(r),drōm\ *n* [¹*motor* + -*drome*] : a track or course usu. enclosed and furnished with seats for spectators at races or tests of automobiles or motorcycles
mo·tored \ˈmōd·ə(r)d\ *adj* [¹*motor* + -*ed*] : equipped with a motor — often used in combination ⟨a four-*motored* airplane⟩
motor end plate *n* : the terminal arborization of a motor axon on a muscle fiber
motor fiber *n* : a nerve fiber whose stimulation causes muscular contraction
motor generator *or* **motor-generator set** *n* : one or more motors mechanically coupled to one or more generators for transforming or converting electric currents
motor horn *n* : a warning horn used on a motor vehicle
mo·to·ri·al \mōˈtōrēəl\ *adj* [L *motorius* moving + E -*al* — more at MOTORY] : MOTOR 1
mo·tor·ic \mōˈtōrik, -tär-\ *adj* [¹*motor* + -*ic*] : MOTOR 1c — **mo·tor·i·cal·ly** \-rək(ə)lē\ *adv*
¹**motoring** *n* -s [fr. gerund of ³*motor*] : the act or recreation of riding in or driving an automobile
²**motor·ing** *adj, chiefly Brit* : of or relating to automobiles, the driving of automobiles, or the people who drive automobiles ⟨the design has been virtually dictated by American ~ opinion —Bertram Wycock⟩ ⟨~ offences⟩
mo·tor·ism \ˈmōd·ə,rizəm\ *n* -s [¹*motor* + -*ism*] : addiction to or practice of motoring
mo·tor·ist \ˈmōd·ərəst, -ōtə-\ *n* -s : one who makes a practice of driving a car or traveling by car
mo·to·ri·um \mōˈtōrēəm\ *n, pl* **moto·ria** \-ēə\ [NL, fr. LL, neut. of *motorius* moving — more at MOTORY] **1** : the part of an organism (as of its nervous system) that is concerned in movement as distinguished from that concerned in sensation **2** : a differentiated cytoplasmic area in certain protozoans that acts as a coordinating center analogous to the brain of higher animals
mo·tor·iza·tion \,mōd·ərəˈzāshən, -ōtər-, -rī'-\ *n* -s : the act or process of motorizing
mo·tor·ize \ˈmōd·ə,rīz, -ōtə-\ *vt* -ED/-ING/-S *see -ize in Explan Notes* [¹*motor* + -*ize*] : to equip with a motor ⟨a *motorized* wheelchair⟩ : as **a** : to equip with motor-driven vehicles in substitution for those otherwise propelled ⟨~ a fire department⟩ ⟨~ a farm⟩ **b** : to equip (as ground-fighting troops) with motor-driven vehicles for transportation — distinguished from *mechanize* **c** : to equip with automobiles ⟨the population is becoming increasingly *motorized* —Harold Callender⟩ ⟨~ the police⟩ **d** : to design or adapt (as a machine or a tool) for direct operation esp. by an electric motor ⟨~ a lathe⟩
motor launch *n* : a launch propelled by an internal-combustion engine
mo·tor·less \-ə(r)ləs\ *adj* : having no motor
motor liner *n* : a motor-driven ocean liner
motor-lorry \ˈ==,==\ *n, Brit* : MOTORTRUCK
mo·tor·man \ˈmōd·ə(r)mən\ *n, pl* **motormen 1** : an operator of a motor-driven vehicle; *esp* : an operator of a street railway car, subway or elevated train, dinkey, or other haulage engine **2** : one who operates the sound and camera motors used in the making of motion pictures
motor-minded \ˈ==;==\ *adj* : inclined to think of things in terms of the muscular movements they involve — compare EYE-MINDED — **mo·tor-mind·ed·ness** *n* -ES
motor paralysis *n* : paralysis of the voluntary muscles
motor pendulum *n* : a pendulum that is used to drive the wheelwork and hands of a turret clock and is maintained in motion by electromagnetic impulses applied at regular intervals
motor phrase *n* : a precisely timed movement division in dancing
motor point *n* : a small area on a muscle at which electrical or other stimulation is most effective
motor pool *n* : a group of motor vehicles controlled by a single governmental agency whether or not assembled in one place and dispatched for use as needed by different organizations or individuals
motor pumper *n* : a unit of automotive fire apparatus with fire pump driven by the engine — compare FIRE ENGINE b
motor root *n* : a nerve root containing only motor fibers; *specif* : the ventral root of a spinal nerve
motors *pl of* MOTOR, *pres 3d sing of* MOTOR
motor sailer *n* : a motorboat with sailing equipment
motor scooter *n* : a low 2- or 3-wheeled automotive vehicle resembling a child's scooter, having a seat so that the rider does not straddle the engine, sometimes having a parcel compartment, but having smaller wheels and being less powerful than a motorcycle

motor scooter

motor scythe *n* : a mower with a short reciprocating knife attached to a garden tractor mechanism
motorship \ˈ==,=\ *n* : a seagoing ship propelled by a motor; *esp* : one propelled by an

motor vessel *n* : an inland waterway boat or ocean ship propelled by one or more diesel engines
motorway \ˈ==,=\ *n, Brit* : a motor highway; *esp* : SUPERHIGHWAY
mo·to·ry \ˈmōd·ərē\ *adj* [LL *motorius* moving, fr. L *motus* (past part. of *movēre* to move) + -*orius* -ory — more at MOVE] : MOTOR 1
mo·to·zin·tlec \,mōd·əˈzintlek\ *n, pl* **motozintlec** *or* **motozintlecs** *usu cap* [Sp *motozintleca*, fr. *Motozintla*, town in Chiapas state, Mexico] **1 a** : an Indian people of southeastern Mexico **b** : a member of such people **2** : a Mayan language of the Motozintlec people
mots *pl of* MOT
¹**motte** *or* **mott** \ˈmät\ *n* -s [MexSp *mata*, fr. Sp, bush, shrub, orchard, prob. fr. LL *matta* mat — more at MAT] *chiefly Southwest* : a grove or clump of trees; *esp* : a shrubby copse in open prairie country ⟨a thick oak ~⟩
²**motte** \"\ *n* -s [F, fr. OF *mote, motte* mound, hillock, fr. OProv *mota*] : MOTE 1; *specif* : a palisaded mound common in prehistoric Europe
mot·tet·to \mōˈted·(,)ō\ *n, pl* **mottettos** *or* **mottet·ti** \-d·ē\ [It, fr. F *motet* — more at MOTET] : MOTET
¹**mot·tle** \ˈmäd·ᵊl, -ätᵊl\ *n* -s [prob. back-formation fr. ¹*motley*] **1** : a colored spot ⟨streaks and ~s⟩ **2 a** : a surface having colored spots, blotchings, or cloudings ⟨his chest and flanks were a ~ of bruises —Arthur Morrison⟩ **b** : the arrangement of such markings on a surface ⟨available in a variety of opaque colors or ~s —*Modern Plastics Catalog*⟩ **3** : MOSAIC 5b
²**mottle** \"\ *adj* : MOTTLED
³**mottle** \"\ *vt* **mottled**; **mottled**; **mottling** \-d·ᵊliŋ, -t(ᵊ)liŋ\ **mottles** : to mark with spots or blotches of different color or shades of color as if stained : SPOT, BLOTCH ⟨drifting clouds *mottled* the sea —J.A.Michener⟩
mottled *adj* : marked with spots of different colors : DAPPLED, SPOTTED ⟨~ wood⟩ ⟨a ~ complexion⟩ ⟨~ linoleum⟩ ⟨hills . . . some mantled in green, some ~ with the hues of red clay and white granite —Mabel R. Gillis⟩ ⟨his face was ~ with embarrassment —Mary Austin⟩
mottled brant *or* **mottled goose** *n* : WHITE-FRONTED GOOSE
mottled duck *n* : a Louisiana and Texas variety (*Anas fulvigula maculosa*) of the Florida duck
mottled enamel *n* : a spotted condition of the enamel of teeth caused by continual use of drinking water containing excessive amounts of fluorides during the time the teeth are calcifying
mottled iron *n* : cast or pig iron that is intermediate between white and gray iron and shows a mottled surface on fracture
mottled owl *n* : an American screech owl in the gray phase of plumage
mottle-leaf \ˈ==,=\ *also* **mottled leaf** *n* **1** : a zinc deficiency disease of citrus plants characterized by a partial chlorosis, reduced size of leaves and fruits, and stunting **2** : a virus disease of cherry characterized by chlorotic mottling, puckering, distortion, and wrinkling of the leaves
mot·tle·ment \ˈmäd·ᵊlmənt\ *n* -s : mottled condition or appearance
mot·tler \ˈmäd·ᵊlə(r), -ät(ᵊ)l-\ *n* -s : one that mottles (as in dyeing or ceramics); *specif* : a brush for producing a mottled surface
mottling *n* -s **1** : MOTTLE 2 ⟨inhabitants of certain districts had a curious ~ of their teeth —*Irish Digest*⟩; *specif* : a mingling of other-colored spots with the normal green in foliage (as in many variegated plants and in mosaic diseases) **2** : the act or process of producing mottle
mot·to \ˈmäd·(,)ō, -ä(,)tō\ *n, pl* **mottoes** *also* **mottos** [It, fr. L *muttum* grunt, mumble, fr. *muttire* to mutter, mumble — more at MUTE] **1** : a sentence, phrase, or word accompanying a heraldic achievement ⟨two bends with the owner's word, reason, or ~ —W.H.St.John Hope⟩ **2 a** : a sentence, phrase, or word inscribed on something as appropriate to or indicative of its character or use ⟨"Cry Aloud and Spare Not", the belligerent ~ of the paper —*Amer. Guide Series: Tenn.*⟩ **b** : a short suggestive expression of a guiding principle : MAXIM ⟨the Boy Scout ~ "Be Prepared"⟩ **c** : a short usu. quoted passage prefixed to a literary work (as a novel, essay, or poem) or to one of its divisions (as a chapter or canto) and intended to suggest the subject matter that follows **d** (1) *or* **motto kiss** : a piece of candy in a paper wrapper inscribed with or enclosing a saying or verse (2) : a party novelty consisting of a fancy wrapper containing usu. a paper printed with a sentimental or humorous verse, a paper hat, and a small toy or charm — compare CRACKER 2c, FAVOR 4b **3** *also* **motto theme** : a recurring phrase or musical figure possibly varied and usu. alluding to a specific idea
mot·toed \-ōd\ *adj* : bearing or having a motto
mot·tram·ite \ˈmä·trə,mīt\ *n* -s [*Mottram* St. Andrew, Cheshire, England + E -*ite*] : a mineral $(Cu,Zn)Pb(VO_4)(OH)$ that consists of a basic vanadate of lead, copper, and zinc with more copper than zinc and that is isomorphous with descloizite
mot·ty *also* **mot·tie** \ˈmäti\ *adj* [*mot* (Sc. var of ²*mote*) + -*y*] *Scot* : full of motes : DUSTY
¹**mo·tu** \ˈmō(,)tü\ *n, pl* **motu** *or* **motus** *usu cap* **1 a** : a Melanesian people in New Guinea **b** : a member of such people **2** : the language of the Motu people used in trade on the southeast coast of Papua New Guinea
²**motu** \"\ *n, pl* **motu** *or* **motus** [Maori, Tahitian, Tuamotuan, Marquesan, Samoan, & Tongan] : a Polynesian reef islet with vegetation
mo·tu pro·prio \ˈmō(,)tü'prōprē,ō\ *n* [L, by one's own impulse] : a rescript initiated and issued by the pope of his own accord and apart from the advice of others
¹**mou** \ˈmü\ *Scot var of* MOUTH
²**mou** \ˈmau, ˈmü\ *or* **mow** \ˈmau\ *also* **mu** \ˈmü\ *n, pl* **mou** *or* **mow** [Chin (Pek) *mou³*, *mu³*] : any of various Chinese units of land area; *esp* : one equal to 0.1518 acre
mouch *chiefly Brit var of* MOOCH
mou·char·a·by \müˈsharəbē\ *or* **mouch·ra·bi·eh** \,müshrəˈbē(y)ə\ *or* **mesh·ra·bi·yeh** \,meshrəˈbē(y)ə\ *also* **mush·ra·bi·yeh** \,müshrəˈbē(y)ə\ *n, pl* **moucharabies** *or* **mouchrabiehs** *or* **meshrabiyehs** [F & Ar; F *moucharaby, moucharabieh*, fr. Ar *mushrabiyah*] : a Moorish projecting oriel window or enclosed balcony of which the enclosure is largely made up of carved wooden latticework
mou·choir \(ˈ)müˈshwär\ *n* -s [F, fr. *moucher* to blow the nose, fr. (assumed) VL *muccare*, fr. L *muccus, mucus* mucus — more at MUCUS] : HANDKERCHIEF
mou·die *or* **mou·dy** \ˈmüdi, ˈmüdi\ *n, pl* **moudies** [short for *moudiewarp*] *chiefly Scot* : ¹MOLE 1a
mou·die·warp \-,wȯrp\ *or* **mou·die·wort** \-rt\ *Scot var of* MOLDWARP
moue \ˈmü\ *n* -s [F — more at MOW] : a little grimace (as of distaste or playful impudence) : POUT, MOW ⟨made a ~, to show that he didn't expect to enjoy the occasion —Upton Sinclair⟩ ⟨his ~ of comic disdain permitted their laughter —L.A.Fiedler⟩
mouf·lon *or* **mouf·flon** *also* **muf·lon** *or* **muf·flon** \ˈmüflän\ *n, pl* **mouflon** *or* **mouflons** *or* **moufflon** *or* **moufflons** [F *mouflon*, fr. It dial. (Corsica) *mufrone, muvrone* & Sardinian *muvrone*, fr. LL *mufron-, mufro*] **1** : a wild sheep (*Ovis musimon*) inhabiting the mountains of Sardinia and Corsica and having large curling horns



MELT] : pronounced palatally — used esp. in *l mouillé* with reference to the sound \lʸ\ in Old French and certa dialects of Modern French or rarely with reference to counterpart \y\ in standard Modern French
mouil·lure \müˈyü(ə)r\ *n* -s [F, fr. *mouiller* + -*ure*] : MOU LATION
moujik *var of* MUZHIK
moul \ˈmül\ *var of* MOOL
mou·lage \(ˈ)müˈläzh\ *n* -s [F, molding, casting, fr. MF, *mouler* to mold (fr. OF, fr. *modle, molle, moule* mold) + — more at MOLD] **1 a** : the taking of an impression (as of a mark or tooth print) for use as evidence in a criminal investigation **b** : an impression or cast made for use as evidence criminal investigation : MOLDING **2** : a mold of a lesion defect used as a guide in applying medical treatment (radiation therapy) or in performing reconstructive surg esp. on the face
¹**mould** *var of* MOLD
²**mould** \ˈmōld\ *n* -s [ME *molde*, fr. OE *molda* or *molde* — at -BLAST] **1** *archaic* : the top of the head **2** : FONTANEL
mouldboard *var of* MOLDBOARD
mould·warp \ˈmōld,wȯrp\ *archaic var of* MOLDWARP
moulder *var of* MOLDER
mou·lin \(ˈ)müˈlaⁿ\ *n* -s [F, lit., mill, fr. LL *molinum* — at MILL] : a nearly cylindrical vertical shaft in a glacier out by meltwater and rock debris pouring into it
moul·mein cedar \(ˈ)mülˈmān-, (ˈ)mōl-, -ˈmīn-\ *n, usu cap* [fr. *Moulmein*, Burma] : TOON
moult *var of* MOLT
moulten *adj* [*moult* + -*en*] *obs* : MOLTED : having plumage ⟨a ~ raven —Shak.⟩
¹**moulter** *var of* MOLTER
²**moul·ter** \ˈmō(l)tə(r)\ *chiefly dial var of* ²MOLDER
moulvi *var of* MAULVI
¹**mound** \ˈmaund\ *vb* -ED/-ING/-S [origin unknown] *vt* **1** *chaic* **a** : to surround with a barrier : FENCE ⟨to ~ over would require double the rails —Jethro Tull⟩ **b** : to enclo fortify with a ridge of earth ⟨heaped hills that ~ —Alfred Tennyson⟩ **2 a** : to gather into a heap : PILE ~*ed* in high white cones above the pillars —Josephine son⟩ **b** : to surround or cover with a raised heap : BANK ⟨roses are ~*ed* for winter protection⟩ ⟨the ~*ed* grave British Tommy —T.O.Heggen⟩ ⟨spotted the wreck, wh silt of 22 centuries had ~*ed* up —*Nat'l. Geographic*⟩ ~ become a mound : pile up ⟨thunderheads are ~*ing* in
²**mound** \"\ *n* -s *often attrib* [origin unknown] **1 a** *Eng* : an encompassing hedge or fence **b** *obs* : a line marcation : BOUNDARY ⟨stars, whose whirling co mark the true ~*s* of years, and months, and days — Sylvester⟩ **2 a** : an earthwork used as a fortification PART **b** : a prehistoric earthwork constructed by mound builders of No. America (often a burial or altar or as a foundation or fortification or for purposes **3 a** : an accumulated mass or artificially heap : PILE ⟨~*s* of oyster shells surround the weat shacks —*Amer. Guide Series: Fla.*⟩ ⟨began to pr orders —M.E.Harvey⟩ ⟨fluffy ~*s* of mashed potatoes — Alexander⟩ **b** : the slightly elevated area in which a pitcher's plate is set **c** : a natural elevation : HILL, and dunes of loose sand —Willa Cather⟩ ⟨hurri dragging in their centers a ~ of seawater —Marjory las⟩; *specif* : HUMP ⟨under his left eye was a ~ of —G.B.Shaw⟩
³**mound** \"\ *also* **mond** \ˈmänd\ *n* -s [MF *monde*, fr. L *mundus*] : ORB 1c(3)
mound ant *n, Austral* : MEAT ANT
mound bird *n* : MEGAPODE
mound builder *n* **1** *usu cap M&B* : a member of prehistoric Indian peoples of central No. A extensive earthworks are found esp. around the and in the Mississippi valley region and many of skilled craftsmen in pottery, stone, or copper — EFFIGY MOUND, HOPEWELL, MOUND 2b **2** : MEGAP
mound burial *n* : the practice of laying a corpse and covering it with earth or stones or of heaping of soil and sinking a grave into it — compare
mound layer *n* : a new shoot of a woody plant bush) that has been mounded with earth to induce
mound layering *also* **mound layerage** *n* : a meth gation in which various woody-stemmed plants gooseberries, quinces) are cut back to the spring and the new shoots that they develop soil to a depth of six to eight inches to induce which forms individual plants that can be re — called also *stool layering*
mound lily *or* **mound lily yucca** *n* : SPANISH DA
mound maker *n* : MEGAPODE
mounds·man \ˈmaun(d)zmən\ *n, pl* **mound**
mound turkey *n* : any of several of the large **a** : BRUSH TURKEY **b** : JUNGLE FOWL 2a
moun·seer \maunˈsi(ə)r, -iə\ *n* -s [by alter.] SIEUR
¹**mount** \ˈmaunt\ *n* -s [ME *munt, mont, mount*, *munt*, fr. L *mont-, mons*; partly fr. OF *mont*, fr. L akin to ON *manir* ridgepole, *mana* to project project, threaten, W *mynydd* mountain, Av fr get a head start, *mati-* promontory; basic **1 a** : a lofty promontory : MOUNTAIN; *specif* or less conical detached hill rising from a Vesuvius⟩ **b** : a lofty position ⟨VANTAGE returned from the ~ of vision —J.S.Bixler⟩ proper vert in base **2 a** *archaic* : a proje : RAMPART **b** *obs* : CAVALIER 1 **3 a** : an : MOUND ⟨~ in the background is the *Geographic*⟩ **b** *obs* : an elevated area in a a view of the surrounding countryside pretty height . . . to look abroad into the Bacon⟩ **4** *obs* : a lending agency : BANK compare MONT-DE-PIÉTÉ **6** *usu cap* : a flesh on the palm of the hand esp. at the base held by palmists to indicate predominant temperament ⟨the absence of *Mounts* . . . the virtues represented by that *Mount* LOWER MARS, MOUNT OF APOLLO, MOUNT OF LUNA, MOUNT OF MERCURY, MOUNT OF SA VENUS, UPPER MARS
²**mount** \"\ *vb* -ED/-ING/-S [ME *mounten*, (assumed) VL *montare*, fr. L *mont-*, **1 a** : to become greater in amount or extent ends when passenger volume ~*s* sharply of operation . . . are continually ~*ing* —C. know how those storage bills ~ up —Berna reach an ultimate amount or extent : TOTAL pagne . . . is liable to ~ up to a couple of —*English Digest*⟩ **2 a** : to wing upward ~*ing* from the lea —William Allingham⟩ the eternal forms —Bernard DeVoto⟩ **b** to make a steep ascent : CLIMB ⟨~*ing* ivy⟩ ~*s* to higher levels —*Amer. Guide Series* promontories are . . . residential sections business areas have ~*ed* partway —*Amer.* **c** : to reach upward : TOWER ⟨the skyscr dusk to a winking red light on top⟩ **d** : to ⟨hid her face on the bounteous breast that Meredith⟩ **e** : to surge up and suffuse the

Excerpts from the Baltimore County Code
Online Content updated through October 10, 2019

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§ 32-1-101. - DEFINITIONS.

(a) *In general.* In this article the following words have the meanings indicated.

(i) *Street.*

(1) "Street" means:

(i) A street, avenue, boulevard, road, lane, parkway, freeway, viaduct, bridge, or other way, which is an existing state or county highway; or

(ii) A street or way shown on a plat duly filed and recorded in the Office of the Clerk of the Circuit Court for the county.

(2) "Street" includes:

(i) The land between the street right-of-way lines, whether improved or unimproved; and

(ii) The pavements, shoulders, curbs and gutters, sidewalks, parking areas, and other areas within the street right-of-way lines.

(1988 Code, §§ 26-1, 26-132, 26-209) (Bill No. 18, 1990, § 2, 3-30-1990; Bill No. 116, 1990, § 2, 7-13-1990; Bill No. 1, § 2, 1992; Bill No. 4, 1992, § 13-2-1992; Bill No. 103-02, § 2, 7-1-2004; Bill No. 75-03, § 3, 7-1-2004; Bill No. 72-04, § 1, 8-11-2004; Bill No. 73-16, § 1, 11-21-2016)

Annotations:

Remedy provided under title 34 of 1958 Code held to be an alternative to that afforded by this section, at least where it is affirmatively alleged that the planning board has violated zoning regulations and that a violation of either the zoning or the subdivision regulations was subject to an injunction under title 34. Lynn v. Goldman, 216 Md. 562, 141 A.2d 172 (1958).

County council need not follow the recommendations of the planning board, and need not have any further or additional hearing in regard to any changes or amendments the county council may see fit to make. Swathmore Company v. Kaestner, 258 Md. 517, 266 A.2d 341 (1970).

The people's counsel has the right to appeal zoning decisions. People's Counsel for Baltimore County v. Williams, 45 Md.App. 617, 415 A.2d 585 (1974).

§ 32-3-101. - POWERS OF THE COUNTY.

(a) *Purpose of the zoning map and regulations.* For the purpose of promoting the health, safety, morals, and general welfare of the community, the zoning map and regulations shall be prepared in the manner provided under this title to regulate and restrict, within the county:

(1) The height, number of stories, and size of buildings and other structures;

(2) The percentage of a lot that may be occupied;

(3) The size of yards or courts;

(4) The setback or distance of any buildings or structures from front or side lot, road, street, or alley line and other open spaces;

(5) The density of population; and

(6) The location and use of buildings, structures, and land for trade, industry, residence, or other purpose.

(b) *Comprehensive plan; design.*

(1) The zoning map and regulations shall be made in accordance with a comprehensive plan.

(2) The zoning map shall be designed to:

(i) Reduce congestion in the roads, streets, and alleys;

(ii) Promote safety from fire, emergency and other dangers;

(iii) Promote health and the general welfare;

(iv) Provide adequate light and air;

(v) Prevent the overcrowding of land to avoid undue concentration of population; and

(vi) Facilitate adequate provision for schools, parks, water, sewerage, transportation, and other public requirements, conveniences, and improvements, including gas and electric structures and facilities.

(1988 Code, § 26-116) (Bill No. 103-02, § 2, 7-1-2004; Bill No. 72-04, § 1, 8-11-2004)

§ 32-3-102. - INTERPRETATION AND ENFORCEMENT OF ZONING REGULATIONS.

The Director of Permits, Approvals and Inspections shall interpret and enforce the Baltimore County Zoning Regulations to insure that uses or buildings, including structures, landscaping, roads, and streets, conform to plans approved by the county.

(1988 Code, § 26-121) (Bill No. 18, 1990, § 2, 3-30-1990; Bill No. 88, 1990, § 1, 8-13-1990; Bill No. 4, 1992, § 1, 3-2-1992; Bill No. 69-95, § 10, 7-1-1995; Bill No. 103-02, § 2, 7-1-2004; Bill No. 122-10, §§ 12, 30, 1-16-2011)

§ 32-3-103. - VALIDATION OF EXISTING ZONING REGULATIONS.

(1) The zoning regulations adopted by the county on March 30, 1955 and as adopted and amended are declared to be in full force and effect.

(2) In the case of a conflict between the Baltimore County Zoning Regulations and the provisions of this title, this title shall control.

(1988 Code, § 26-117) (Bill No. 65, 1993, § 3, 6-2-1993; Bill No. 32-99, § 1, 7-5-1999; Bill No. 103-02, § 2, 7-1-2004)

When Recorded Return to: Christopher L. Wester
First American Title Insurance Company National Commercial Services
800 Boylston Street, Suite 2820, Boston, MA 02199
NCS – 889480 – BOS1
Tax ID: 04-0414001070 Reisterstown Road

BOOK: 40203 PAGE: 378

Baltimore County Cir Crt
IMP FD SURE $40.00
RECORDING FEE $20.00
TR TAX STATE $4,900.00
TOTAL $4,960.00
JLE AN
May 01, 2018 10:13 am

PAID RECEIPT
DATE 04/30/2018 TIME 15:25:16
TAX ID: 0414001070
CO. TR TAX $14,700.00
RECORDATION TAX $4,900.00
CR Baltimore County, Maryland

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 40203, p. 0378, MSA_CE62_40060. Date available 05/02/2018. Printed 02/19/2019.

DEED

THIS DEED, is made this 23rd day of April 2018 by NATIONAL BUILDING RENTALS, INC., a Maryland corporation, having an address of P.O. Box 520, Westminster, Maryland 21158 ("**Grantor**"), to and in favor of M and S Limited Partnership, a Massachusetts limited partnership, having an address of 54 Jaconnet Street, Newton Highlands, MA 02461 ("**Grantee**").

WITNESSETH, that for and in consideration of the sum of Nine Hundred Eighty Thousand and 00/100 Dollars ($980,000.00), the receipt and sufficiency whereof is hereby acknowledged, Grantor does hereby grant and convey unto Grantee, in fee simple, all that certain parcel of land, together with the improvements, rights, privileges and appurtenances to the same belonging, situate in Baltimore County, Maryland, as more particularly described on **EXHIBIT A** attached hereto and made a part hereof, commonly known as 10244 Reisterstown Road, Owings Mills, Maryland 21117.

BEING THE SAME PREMISES conveyed to the Grantor and recorded on March 16, 1967 among the Land Records of Baltimore County in Liber 4733, Folio 501.

TOGETHER WITH all right, title and interest of the Grantor in and to all easements, covenants and other rights appurtenant to such land.

TO HAVE AND TO HOLD the premises herein granted unto the Grantee, the heirs or successors and assigns of Grantee in fee simple forever.

GRANTOR hereby covenants that it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed, except for matters of record; that it will warrant specially the property hereby granted; and that it will execute such further assurances of the same as may be requisite.

The within conveyance is not a sale of all, or substantially all of, the assets of the Grantor in the State of Maryland.

[Remainder of Page Intentionally Blank; Signature Page Follows]

Protestant
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IN WITNESS WHEREOF, the Grantor has duly executed this Deed as an instrument under seal as of the day and year first above written.

NATIONAL BUILDING RENTALS, INC.,
a Maryland corporation

By: _____
Name:
Title:

State of Maryland)
) ss.
County of Carroll)

On this 23rd day of April 2018, before me, the undersigned notary public, Glenn S. Bair personally appeared, proved to me through satisfactory evidence of identification, which were Drivers License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose, as President for National Building Rentals, Inc., a corporation.

MONICA J. LLEWELLYN NOTARY PUBLIC CARROLL COUNTY, MD

_____
Notary Public
My Commission Expires: 4-25-2019

[SEAL]

THIS IS TO CERTIFY that the Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

_____
MORRON P. FISHER, JR

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 40203, p. 0379, MSA_CE62_40060. Date available 05/02/2018. Printed 02/19/2019.

EXHIBIT A

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 40203, p. 0380, MSA_CE62_40060. Date available 05/02/2018. Printed 02/19/2019.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 40203, p. 0381, MSA_CE62_40060. Date available 05/02/2018. Printed 02/19/2019.

BEGINNING FOR THE SAME AT A CONCRETE MONUMENT HERETOFORE SET ON THE SOUTHWEST SIDE OF REISTERSTOWN ROAD, 66 FEET WIDE, AT THE BEGINNING OF THE SEVENTH LINE OF THE LAND WHICH BY DEED DATED JANUARY 20, 1959, AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER W.J.R. 3476, FOLIO 628, WAS CONVEYED BY AMERICA STORES COMPANY, A CORPORATION OF THE STATE OF DELAWARE TO BANKERS TRUST COMPANY, A CORPORATION OF THE STATE OF NEW YORK, TRUSTEE, AND BALTIMORE GAS AND ELECTRIC COMPANY, A CORPORATION OF THE STATE OF MARYLAND; THENCE LEAVING SAID PLACE OF BEGINNING AND BINDING ALONG THE SOUTHWEST SIDE OF REISTERSTOWN ROAD AND ALONG THE SEVENTH LINE OF THE AFORESAID LAND, REFERRING ALL COURSES TO THE TRUE MERIDIAN AS ESTABLISHED BY BALTIMORE COUNTY METROPOLITAN DISTRICT, SOUTH 47° 32' 19" EAST 144.0 FEET TO AN IRON PIPE HERETOFORE SET IN THE SOUTHEAST OUTLINE OF THAT TRACT OF LAND WHICH BY DEED DATED DECEMBER 19, 1957, AND RECORDED AMONG THE AFORESAID LAND RECORDS IN LIBER G.L.B. NO. 3287, FOLIO 40, WAS CONVEYED BY GEROTOR MAY CORPORATION, TO EMBLEM REALTY COMPANY, INC., CORPORATION OF THE STATE OF MARYLAND; THENCE LEAVING SAID IRON PIPE AND BINDING ON A PART OF THE EIGHTH LINE OF THE FIRST MENTIONED DEED SOUTH 42° 27' 41" WEST 220.0 FEET TO AN IRON PIPE HERETOFORE SET AT THE BEGINNING OF THE FIRST LINE OF THAT TRACT OF LAND WHICH BY DEED DATED DECEMBER 16, 1964, AND RECORDED AMONG THE AFORESAID LAND RECORDS IN LIBER R.R.G. NO. 4408, FOLIO 483, WAS CONVEYED BY BALTIMORE GAS AND ELECTRIC COMPANY AND BANKERS TRUST COMPANY, TRUSTEE, TO LION BROTHERS, INC., A CORPORATION OF THE STATE OF MARYLAND; THENCE LEAVING SAID IRON PIPE AND BINDING ALONG THE WEST SIDE OF A 30 FOOT RIGHT OF WAY OR EASEMENT, GRANTED BY GEROTOR MAY CORPORATION TO EMBLEM REALTY COMPANY, INC., BY DEED DATED DECEMBER 19, 1957, AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER G.L.B. NO. 3287, FOLIO 40, AND BINDING REVERSELY ALONG THE FIFTH AND FOURTH LINES OF THE DEED FROM BALTIMORE GAS AND ELECTRIC COMPANY TO LION BROTHERS, INC., NORTH 47° 32' 19" WEST 4.50 FEET TO AN IRON PIPE HERETOFORE SET AT A POINT OF CURVE; THENCE STILL BINDING ON A PART OF THE 30 FOOT RIGHT OF WAY OR EASEMENT BY A LINE CURVING TO THE RIGHT IN A NORTHERLY DIRECTION WITH A RADIUS OF 120.0 FEET FOR AN ARC DISTANCE OF 81.66 FEET MORE OR LESS TO A 5/8 INCH DIAMETER PIN HERETOFORE SET; THENCE LEAVING THE WEST SIDE OF THE 30 FOOT RIGHT OF WAY OR EASEMENT AND RUNNING FOR A LINE OF DIVISION NORTH 47° 32' 19" WEST 46.33 FEET MORE OR LESS TO A POINT OF INTERSECTION WITH THE FOURTH LINE OF THE LAND CONVEYED BY AMERICAN STORES COMPANY TO BANKERS TRUST COMPANY AND BALTIMORE GAS AND ELECTRIC COMPANY, SAID POINT BEING LOCATED ON THE FOURTH LINE, A LINE CURVING TO THE RIGHT IN A NORTHEASTERLY DIRECTION, WITH A RADIUS OF 25 FEET, AT A POINT 9.5 FEET MORE OR LESS MEASURED REVERSELY ALONG THE ARC OF SAID FOURTH LINE FROM A CONCRETE MONUMENT HERETOFORE SET AT THE BEGINNING OF THE FIFTH LINE; THENCE FROM SAID POINT OF INTERSECTION SO LOCATED AND BINDING ALONG A PART OF THE FOURTH LINE AN ARC DISTANCE OF 9.5 FEET MORE OR LESS TO A CONCRETE MONUMENT HERETOFORE SET AT THE END OF THE FOURTH LINE AND AT THE BEGINNING OF THE FIFTH LINE OF THE LAST MENTIONED CONVEYANCE; THENCE BINDING ON SAID FIFTH LINE AND THE NORTHWEST SIDE OF A 22 FOOT PRIVATE LANE, GRANTED BY GEROTOR MAY CORPORATION TO VALLEY INVESTMENT CORPORATION BY DEED DATED APRIL 15, 1958, AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER G.L.B. NO. 3337, FOLIO 146, NORTH 42° 27' 41" EAST 164.0 FEET TO A CONCRETE MONUMENT HERETOFORE SET AT THE END OF SAID FIFTH LINE, A POINT OF CURVE; THENCE BY A CURVE TO THE LEFT IN A NORTHWESTERLY DIRECTION

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WITH A RADIUS OF 20 FEET, FOR A DISTANCE OF 31.42 FEET, THE ARC OF WHICH IS SUBTENDED BY A CHORD BEARING NORTH 02° 32' 19" WEST 28.28 FEET TO THE PLACE OF BEGINNING.

CONTAINING 0.57 OF AN ACRE MORE OR LESS.

SUBJECT TO AN EASEMENT OR RIGHT OF WAY FOR INGRESS AND EGRESS AND OTHER PURPOSES ALL AS PARTICULARLY DESCRIBED IN A DEED DATED DECEMBER 19, 1957, AND RECORDED AMONG THE AFORESAID LAND RECORDS IN LIBER G.L.B. NO. 3287, FOLIO 40, FROM GEROTOR MAY CORPORATION TO EMBLEM REALTY COMPANY, INC., AND

SUBJECT TO A PRIVATE ROAD, 22 FEET WIDE, GRANTED BY GEROTOR MAY CORPORATION TO THE VALLEY INVESTMENT CORPORATION BY DEED DATED APRIL 15, 1958, AND RECORDED AMONG THE AFORESAID LAND RECORDS IN LIBER G.L.B. NO. 3337, FOLIO 146, AND

SUBJECT TO THE RIGHTS OF THE CHESAPEAKE AND POTOMAC TELEPHONE COMPANY OF MARYLAND TO ERECT POLES, SWING WIRES, ETC., UNDER AGREEMENT WITH E. L. PAINTER DATED MAY 19, 1902, AND RECORDED AMONG THE AFORESAID LAND RECORDS IN LIBER W.P.C. NO. 279, FOLIO 372, AND

SUBJECT TO THE RIGHTS OF BALTIMORE COUNTY, MARYLAND, TO CONSTRUCT AND MAINTAIN A STORM DRAIN IN A RIGHT OF WAY 20 FEET WIDE ALONG THE SOUTHWEST SIDE OF REISTERSTOWN ROAD EXTENDING FROM THE SOUTHEAST CORNER OF THE PROPERTY HEREIN DESCRIBED NORTHWESTERLY TO THE PROPERTY CONVEYED BY GEROTOR MAY CORPORATION TO THE VALLEY INVESTMENT CORPORATION BY DEED DATED APRIL 15, 1958, AND RECORDED AMONG THE AFORESAID LAND RECORDS IN LIBER G.L.B. NO. 3337, FOLIO 146.

ALSO SUBJECT TO A COMMITMENT TO GRANT AN EASEMENT FOR A SANITARY SEWER, IF NECESSARY, TO THE VALLEY INVESTMENT COMPANY THE EXACT LOCATION OF WHICH EASEMENT HAS NOT BEEN DETERMINED; HOWEVER, THE LOCATION AND WIDTH OF EASEMENT IS TO BE APPROVED BY THE GRANTOR, ITS SUCCESSORS AND ASSIGNS.

RESERVING TO THE GRANTOR, ITS SUCCESSORS AND ASSIGNS, AN EASEMENT OR RIGHT OF WAY FOR INGRESS AND EGRESS AND FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF OVERHEAD AND UNDERGROUND ELECTRIC AND/OR GAS AND APPURTENANT ELECTRIC AND GAS FACILITIES, TOGETHER WITH THE RIGHT TO CUT AND TRIM AND KEEP CUT DOWN AND TRIMMED ANY TREES WITHIN THE PARCEL OF LAND HEREBY CONVEYED WHICH IN THE SOLE JUDGMENT OF THE GRANTOR, ITS SUCCESSORS AND ASSIGNS, MIGHT INTERFERE WITH OR FALL UPON THE ELECTRIC FACILITIES OF THE GRANTOR LOCATED OR TO BE LOCATED ON SAID EASEMENT OR RIGHT OF WAY; THE SAID EASEMENT OR RIGHT OF WAY IS DESCRIBED AS FOLLOWS:

BEGINNING FOR THE SAME AT A CONCRETE MONUMENT SAID CONCRETE MONUMENT BEING THE SAME AS THAT WHICH IS DESCRIBED MORE FULLY AS THE BEGINNING POINT OF THE HEREIN ABOVE DESCRIBED PARCEL OF LAND; THENCE LEAVING SAID PLACE OF BEGINNING AND BINDING ON THE SOUTHWEST SIDE OF REISTERSTOWN ROAD AND ALONG A PORTION OF THE FIRST LINE OF THE ABOVE DESCRIBED TRACT, REFERRING ALL COURSES TO THE TRUE MERIDIAN AS ESTABLISHED BY BALTIMORE

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 40203, p. 0383, MSA_CE62_40060. Date available 05/02/2018. Printed 02/19/2019.

COUNTY METROPOLITAN DISTRICT, SOUTH 47° 32' 19" EAST 89.5 FEET TO A POINT HERETOFORE SET; THENCE BINDING ON THE SECOND AND THIRD LINES OF A 30 FOOT WIDE RIGHT OF WAY OR EASEMENT CONVEYED BY GEROTOR MAY CORPORATION TO EMBLEM REALTY COMPANY, INC., CORPORATIONS OF THE STATE OF MARYLAND, BY DEED DATED DECEMBER 19, 1957, AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER G.L.B. NO. 3287, FOLIO 40, THE TWO FOLLOWING COURSES AND DISTANCES, VIZ., SOUTH 87° 27' 41" WEST 56.56 FEET TO A POINT IN THE SOUTHEAST SIDE OF THE ABOVE MENTIONED 30 FOOT WIDE RIGHT OF WAY OR EASEMENT; THENCE BINDING ON THE SOUTHEAST SIDE OF THE 30 FOOT WIDE RIGHT OF WAY OR EASEMENT SOUTH 42° 27' 41" WEST 60.0 FEET TO THE END OF SAID SECOND LINE; THENCE CONTINUING IN A SOUTHWESTERN DIRECTION FOR A NEW LINE OF DIVISION WITH THE SAME COURSE SOUTH 42° 27' 41" WEST 93.27 FEET TO INTERSECT THE FIFTH LINE IN THE HEREIN ABOVE DESCRIBED PARCEL OF LAND, AT A POINT MEASURED REVERSELY ALONG SAID FIFTH LINE SOUTH 47° 32' 19" EAST 14.5 FEET TO THE BEGINNING OF SAID LINE; THENCE CONTINUING FROM THE POINT OF INTERSECTION SO LOCATED NORTH 47° 32' 19" WEST 31.83 FEET TO A POINT OF INTERSECTION WITH THE FOURTH LINE OF LAND CONVEYED BY AMERICAN STORES COMPANY TO BANKERS TRUST COMPANY AND BALTIMORE GAS AND ELECTRIC COMPANY, SAID POINT BEING LOCATED ON THE FOURTH LINE OF THE LAST MENTIONED CONVEYANCE, A LINE CURVING TO THE RIGHT IN A NORTHEASTERLY DIRECTION, WITH A RADIUS OF 25 FEET, AT A POINT 9.5 FEET MORE OR LESS MEASURED REVERSELY ALONG THE ARC OF SAID FOURTH LINE FROM A CONCRETE MONUMENT HERETOFORE SET AT THE BEGINNING OF THE FIFTH LINE OF THE SAME TRACT; THENCE FROM SAID POINT OF INTERSECTION SO LOCATED AND BINDING ALONG A PART OF THE FOURTH LINE AN ARC DISTANCE OF 9.5 FEET MORE OR LESS TO A CONCRETE MONUMENT HERETOFORE SET AT THE END OF THE FOURTH LINE AND AT THE BEGINNING OF THE FIFTH LINE OF THE CONVEYANCE FROM AMERICAN STORES COMPANY TO BANKERS TRUST COMPANY AND BALTIMORE GAS AND ELECTRIC COMPANY; THENCE BINDING ON SAID FIFTH LINE AND THE NORTHWEST SIDE OF A 22 FOOT WIDE PRIVATE LANE, GRANTED BY GEROTOR MAY CORPORATION TO VALLEY INVESTMENT CORPORATION BY DEED DATED APRIL 15, 1958, AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER G.L.B. NO. 3337, FOLIO 146, NORTH 42° 27' 41" EAST 164.0 FEET TO A CONCRETE MONUMENT HERETOFORE SET AT THE END OF SAID FIFTH LINE, A POINT OF CURVE; THENCE BY A CURVE TO THE LEFT IN A NORTHWESTERLY DIRECTION WITH A RADIUS OF 20 FEET, FOR A DISTANCE OF 31.42 FEET, THE ARC OF WHICH IS SUBTENDED BY A CHORD BEARING NORTH 02° 32' 19" WEST 28.28 FEET TO THE PLACE OF BEGINNING.

RESERVING ALSO TO THE GRANTOR, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO ERECT, CONSTRUCT, OPERATE, AND MAINTAIN OVERHEAD AND UNDERGROUND ELECTRIC AND/OR GAS AND APPURTENANT ELECTRIC AND GAS FACILITIES ALONG THE SOUTHWEST SIDE OF REISTERSTOWN ROAD AND THE RIGHT TO CUT AND TRIM AND KEEP CUT DOWN AND TRIMMED ANY TREES WITHIN THE PARCEL OF LAND HEREBY CONVEYED WHICH IN THE SOLE JUDGMENT OF THE GRANTOR, ITS SUCCESSORS AND ASSIGNS, MIGHT INTERFERE WITH OR FALL UPON THE ELECTRIC FACILITIES OF THE GRANTOR LOCATED OR TO BE LOCATED ON THE SOUTHWEST SIDE OF REISTERSTOWN ROAD.

MARYLAND FORM **WH-AR**

Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence

2018

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor NATIONAL BUILDING RENTALS, INC.

2. Reasons for Exemption

Resident Status

☐ As of the date this form is signed, I, Transferor, am a resident of the State of Maryland.

☑ Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR)03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

Principal Residence

☐ Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 (principal residence for 2 (two) of the last 5 (five) years) and is currently recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

Witness _____ Name _____ **Date

Signature _____

3b. Entity Transferors

J. Rebecca Bare
Witness/Attest

NATIONAL BUILDING RENTALS, INC
Name of Entity

By _____

Glenn S. Bair 4/23/18
Name **Date

President
Title

** Form must be dated to be valid.

Note: Form is only valid if recordation occurs within 60 days of execution of this form.

18-49

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 40203, p. 0384, MSA_CE62_40060. Date available 05/02/2018. Printed 02/19/2019.

BOOK: 40203 PAGE: 385

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☑ County: Baltimore

Information provided is for the 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)

Space Reserved for Circuit Court Clerk Recording Validation

1 Type(s) of Instruments (☐ Check Box if addendum Intake Form is Attached.)

X	Deed Deed of Trust		Mortgage Lease		Other		Other

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 *[9]*

3 Tax Exemptions (if applicable) Cite or Explain Authority

Recordation	
State Transfer	
County Transfer	

4 Consideration and Tax Calculations

Consideration Amount		Finance Office Use Only Transfer and Recordation Tax Consideration	
Purchase Price/Consideration	$ 980,000.00	Transfer Tax Consideration	$
Any New Mortgage	$	X ( ) % =	$
Balance of Existing Mortgage	$	Less Exemption Amount −	$
Other:	$	Total Transfer Tax =	$
Other:	$	Recordation Tax Consideration	$
		X ( ) per $500 =	$
Full Cash Value:	$	TOTAL DUE	$

5 Fees

Amount of Fees	Doc. 1	Doc. 2
Recording Charge	$ 20.00	$
Surcharge	$ 40.00	$
State Recordation Tax	$ 4,900.00	$
State Transfer Tax	$ 4,900.00	$
County Transfer Tax	$ 14,700.00	$
Other	$	$
Other	$	$

Agent:

Tax Bill: Real Property

C.B. Cred.: PAID

Ag. Tax/Other:

6 Description of Property

SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
04	0414001070	4733/501	0058	0606	☐ (5)

Subdivision Name	Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.	SqFt/Acreage (4)
Metes and Bounds					.549 Acres +/-

Location/Address of Property Being Conveyed (2)

Reisterstown Road

Other Property Identifiers (if applicable)	Water Meter Account No.

Residential ☐ or Non-Residential ☑ | Fee Simple ☑ or Ground Rent ☐ Amount:

Partial Conveyance? ☐ Yes ☑ No | Description/Amt. of SqFt/Acreage Transferred:

If Partial Conveyance, List Improvements Conveyed:

7 Transferred From

Doc. 1 – Grantor(s) Name(s)	Doc. 2 – Grantor(s) Name(s)
National Building Rentals, Inc., a Maryland corporation	
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)
M and S Limited Partnership, a Massacheusetts limited partnership	

New Owner's (Grantee) Mailing Address

54 Jeconnet Street, Newton Highlands, MA 02461

9 Other Names 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

Name: Christopher Wester

Firm: First American Title Insurance Company, National Commercial Services

Address: 800 Boylston Street, Suite 2620, Boston, MA 02199

Phone: (410) 246-6548

☑ Return to Contact Person

☐ Hold for Pickup

☐ Return Address Provided

11 IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information

☐ Yes ☑ No Will the property being conveyed be the grantee's principal residence?

☐ 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).

Space Reserved for County Validation

Assessment Use Only – Do Not Write Below This Line

Terminal Verification | Agricultural Verification | Whole | Part | Tran. Process Verification

Transfer Number | Date Received: | Deed Reference: | Assigned Property No.:

Year	20	20	Geo.	Map	Sub	Block
Land			Zoning	Grid	Plat	Lot
Buildings			Use	Parcel	Section	Occ. Cd.
Total			Town Cd.	Ex. St.	Ex. Cd.	

REMARKS:

Distribution: White – Clerk's Office; Pink – Office of Finance; Canary – SDAT; Goldenrod – Preparer

AOC-CC-300 (5/2007)

BALTIMORE COUNTY CIRCUIT COURT (Land Records) JLE 40203, p. 0385, MSA_CE62_40060. Date available 05/02/2018. Printed 02/19/2019.

Protestant
CBA Exhibit
14

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
SW/S of Reisterstown Rd, 825' NW
of the c/l of Painters Mill Rd. * DEPUTY ZONING COMMISSIONER
(10244 Reisterstown Road)
4th Election District * OF BALTIMORE COUNTY

National Building Rentals, Inc. * Case No. 87-285-A

Petitioner *

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

The Petitioner herein requests a variance to permit 44 parking spaces in lieu of the required 51 parking spaces.

Testimony by and on behalf of the Lessee indicated that the existing Pizza Hut Restaurant has been at this site since 1973 with parking spaces and two accesses to Reisterstown Road as reflected on the plan submitted, prepared by Hudkins Associates, Inc., dated September 3, 1986, corrected January 6, 1986, and identified as Petitioner's Exhibit 1. The quadrupling of menu items require that the kitchen be remodelled and that an addition be built to provide, among other things, more storage and refrigeration. The seating arrangement will continue to accommodate 64 patrons. Currently the parking lot has unused space; only one parking space will be eliminated. Both accesses onto Reisterstown Road are needed for a smooth flow of traffic. The proposed addition will be brick, matching the original building. Gravel and hardy shrubs are located between the building and the road to provide durable, low-maintenance landscaping.

There were no Protestants.

After due consideration of the testimony and evidence presented, and it appearing that strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the Petitioners, in the opinion of the Deputy Zoning Commissioner, the variance requested would not adversely affect the health, safety, and general welfare of the community and should therefore be granted.

ORDER RECEIVED FOR FILING
Date 1/14/87
By Betty J. Schlemmer

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 16th day of January, 1987, that the herein request for a variance to permit 44 parking spaces in lieu of the required 51 parking spaces, be and is hereby GRANTED, subject, however, to the following restriction:

> The landscaping area between the restaurant and the road shall be designed, planted and maintained in accordance with the requirements of the Division of Current Planning and Development.

Jean M. H. Jung
Deputy Zoning Commissioner
of Baltimore County

ORDER RECEIVED FOR FILING
Date 1/16/87
By Kathi Schlueter

4390-V

PETITION FOR VARIANCE TO THE ZONING REGULATIONS

IN THE MATTER OF : BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

GEROTOR MAY CORPORATION :

For Variance to the Zoning Regulations

To the Zoning Commissioner of Baltimore County

GEROTOR MAY CORPORATION Legal Owners

of the property hereinafter described hereby petition for a Variance to the Zoning Regulations of Baltimore County.

The Zoning Regulation to be excepted is as follows:

Section 238.2 - Side Yards - For residences or other buildings, 30 feet.

The Reason for Variance:

To permit both side yards of 10 feet instead of required 30 feet.

Property situate:

All that parcel of land in the Fourth District of Baltimore County on the Northwest corner of Reisterstown Road and private road (said private road being a continuation of Rosewood Lane); thence Northerly and binding on the West side of Reisterstown Road 60 feet; thence South 49 degrees 58 minutes West 209 feet; thence South 40 degrees 03 minutes East 60 feet to the North side of said private road; thence Easterly and binding on said private road 209 feet to the place of beginning.

GEROTOR MAY CORPORATION

Witness:

John F. Roland
Treasurer and Asst. Secretary

By Charles A. Wagner Exec. Vice-Pres.
Legal Owner

Reisterstown and Painters Mill Roads,
Owings Mills, Maryland.
Address

4/25/57
11 AM Notify: Mr. Russell L. Finn
6 Wildwood Rd.
Balto (6) Md

Protestant
CBA Exhibit
15

7 REC'D

ORDERED BY the Zoning Commissioner of Baltimore County this 7th day of March, 19 58, that the subject matter of this petition be advertised in a newspaper of general circulation throughout Baltimore County and that the property be posted, as required by the Zoning Regulations and Act of Assembly aforesaid, and that a public hearing thereon be had in the office of the Zoning Commissioner of Baltimore County, Maryland, on the 2nd day of April, 19 58, at 11 o'clock A. M.

Zoning Commissioner
of Baltimore County

Upon hearing on petition for a variance to the Zoning Regulations of Baltimore County, requested side yards of 10 feet instead of the required 30 feet, and it appearing that there is sufficient property to provide the required setbacks there would be no practical difficulty or unnecessary hardship imposed upon the petitioner, therefore, the variance should be denied.

It is this 24th day of April, 1958, by the Zoning Commissioner of Baltimore County, ORDERED that the aforesaid petition for a variance be and the same is hereby denied.

Zoning Commissioner
of Baltimore County

4/15
1:30pm

Case No.: 2019-0202-SPR-10246 Reisterstown Rd.

Exhibit Sheet

4-19-19
Sen

Petitioner/Developer | Protestant

No. 1	Patton resume	Resume - Josh Sharon
No. 2	Site plan	Site plan - DRC
No. 3	Storm Drain Plan	
No. 4	Post office Lot drawing	
No. 5	Plan for Reclassification Case - Pizza Hut	
No. 6	Aerial photo	
No. 7	Aerial photo	
No. 8	County Code §18-2-104	
No. 9	County Code § 18-3-106	
No. 10	BCC § 32-3-101	
No. 11	Bureau of DPR Policy Manual	
No. 12	12A, 12B > Photos - fire hydrants	
No. 13	2 printed Comments	

RESUME

JAMES S. PATTON, PE, MCP, M. ASCE, CRE

PRINCIPAL - PATTON CONSULTANTS, LTD.

Mr. Patton has over fifty (50) years' experience in site engineering, site planning, land development consulting, development project management, and real estate counseling for a variety of public and private clients. His private sector experience has been in residential, commercial, and industrial site development and construction while providing services to corporations and financial institutions, developers, and private individuals. Public sector experience is very broad: serving as an officer in the U. S. Navy Civil Engineer Corps, as City Engineer and Planner for Washington, PA, and as consulting planner and/or consulting engineer to a number of municipalities and governmental agencies including Pittsburgh, PA; Wilmington, DE; New Castle County, DE; Bradford, PA; Fredonia, NY; Wheeling, WV; Wirt and Doddridge Counties, WV; Canonsburg, PA; South Hills Regional Planning Commission, PA; Mt. Lebanon Township, PA; Baltimore County, MD, Harford County, and the U.S. Fish and Wildlife Service. He has provided site planning and engineering services to many local school boards, hospitals, colleges, and institutions in their development and construction programs, either as consultant or as a board member.

He has been responsible for projects ranging in size and scope from a few thousand square feet to areas of more than a thousand acres. These projects have included major and minor storm water management facilities, water distribution, sanitary sewer, streets, roads, parking areas, grading, building construction, wetlands and critical areas, and erosion control. His background includes involvement with all phases of land development projects as planner, civil engineer, manager, consultant, counselor, or expert witness relative to new development, expansion, restoration, renewal and revitalization.

Planning, detailed design and plan preparation, approvals and permitting from conception through the development process to a project's completion is a major focus. The ability to plan, engineer, and overview the various elements of site development and building construction such as zoning, environmental concerns (wetlands/buffers, forestation, and storm water management), and infrastructure are an important function performed by Mr. Patton. He obtains approvals and expedites the development of a site or project through completion. In the alternative, in many cases, he provides the documentation and testimony to challenge the proposed implementation of a specific project depending on the municipality.

EDUCATION:

SWARTHMORE COLLEGE	*Bachelor of Science, Civil Engineering*
UNIVERSITY OF PENNSYLVANIA	*Master of City Planning*

LICENSES & CERTIFICATIONS:

PROFESSIONAL ENGINEER	*Maine - #13223; Maryland - #9493*

PETITIONER'S EXHIBIT
1

JAMES S. PATTON, P.E. - Resume

EXPERT WITNESS

Board of Airport Zoning Appeals, MAA
Baltimore County, MD - Circuit Court;
Baltimore County, MD - District Court;
Zoning Commissioner and/or Board of Appeals- Anne Arundel County, MD, Harford County, MD, Prince Georges County, MD, Cecil County, MD & Baltimore County, MD;
Zoning Commissioner-City of Baltimore;
County Commissioners-Worcester County, MD;
City Council - Aberdeen, MD & Frederick, MD;
Washington County, PA - Circuit Court, Cited in MARYLAND COURT OF SPECIAL APPEALS recorded decisions.

COMPREHENSIVE PLANNER-IN- CHARGE

New York, Pennsylvania, West Virginia, and Delaware. (Previous certification- Federal 701 Planning Program)

PROFESSIONAL EXPERIENCE:

PRINCIPAL/PRESIDENT *(1990 - Present)*
PATTON CONSULTANTS, LTD.
Site evaluation and feasibility, site planning, site engineering, and land development consulting, project management, zoning issues, expert testimony, and processing governmental approvals.

CHIEF OF CIVIL ENGINEERING *(1988 - 1990)*
LPJ, INC.
Directed the civil engineering department and provided consulting services to projects of commercial, residential, institutional and industrial clients and the architectural community.

VICE-PRESIDENT, CIVIL ENGINEERING *(1987 - 1988)*
MARSHALL-CRAFT ASSOCIATES, INC.
Principal in charge of the site planning and engineering for this major architectural firm. Projects included industrial, elderly housing, publishing, public utilities, and residential sub-division.

VICE-PRESIDENT *(1986 - 1987)*
DAFT- McCUNE-WALKER (DMW)
Project management, permitting/processing of site development projects through governmental agencies for this major land development consulting, land surveying, and civil engineering firm.

CHIEF OF SITE DEVELOPMENT *(1984 - 1986)*
D.S. THALER AND ASSOCIATES, INC.
Site evaluation and land development project management for this Baltimore County engineer.

JAMES S. PATTON. P.E – Resume

PRINCIPAL *(1982 - 1983)*
JAMES S. PATTON ASSOCIATES, INC.
Historic restoration, feasibility studies, site plans, and site engineering for clients in the City of Baltimore, Harford, Howard, Frederick and Anne Arundel Counties.

DIRECTOR, *(1973 – 1979)*
WASHINGTON CEMETERY
A major historic perpetual care cemetery located in Washington, PA.

DIRECTOR, *(1975 - 1977)*
THE R.G. JOHNSON COMPANY, INC
A family held shaft and slope heavy construction company serving the bituminous coal industry in western Pennsylvania, eastern Ohio, and West Virginia since 1917.

PRESIDENT *(1971 - 1981)*
WASHINGTON CENTER FOR DESIGN, LTD.
& ENGELHARDT-POWER & ASSOC., INC.
As Principal of these affiliated organizations, he was responsible for marketing & providing planning, site engineering, municipal engineering, architecture, & land development consulting services to a clientele of multi-national and local corporations, financial institutions, developers, and thirteen (13) southwestern Pennsylvania municipalities.

PRESIDENT *(1971 - PRESENT)*
WALNUT RIDGE, INC.
A closely held Pennsylvania corporation engaged in real estate development, including the holding of natural resource (natural gas and oil) lease rights in southwestern Pennsylvania.

DIRECTOR of PITTSBURGH OFFICE & URBAN RENEWAL *(1968 - 1971)*
KENDREE AND SHEPARD PLANNING CONSULTANTS, INC.
Directed comprehensive planning programs, preparation of urban renewal plans, & consulted on zoning and development for towns and cities in West Virginia, Pennsylvania, New York, & Delaware.

OFFICER (Ensign-Lieutenant) *(Active Duty 1965 - 1968)*
U.S. NAVY CIVIL ENGINEER CORPS
Served as Manpower Planning Officer for Public Works and Facilities Engineering at the Navy Department, Washington, D.C. and as Assistant Resident Officer in Charge of Construction, U.S. Naval Base, Guantanamo Bay during a period when construction volume exceeded $44 Million, including the operation and maintenance of the desalinization plant.

PROFESSIONAL SOCIETIES

AMERICAN SOCIETY OF CIVIL ENGINEERS Member, ASCE

JAMES S. PATTON. P.E. – Resume

PROJECTS AND CLIENTS - PARTIAL LIST

RESIDENTIAL:

Sunset Knoll, Baltimore Co., MD	-	*Sunset Knoll Associates*
Silver Spring Station, Baltimore Co., MD	-	*The Strutt Group*
Walnut Ridge, Washington, PA.	-	*Walnut Ridge, Inc.*
Jenkins Property & Neighbors Re-zoning	-	*Worcester Co. MD*
McDonough Township, Baltimore Co., MD	-	*Greenabaum Partnership*
Watermark Condos, Columbia, MD	-	*General American*
Claybrooke, Baltimore Co. MD	-	*Fairwinds Development, LLC.*
Hoehn-Saric Residence, A.A. Co. MD	-	*Gibson Island, MD*
24 Farms - Agricultural Easements (4,000 acres +/-)	-	*Baltimore County, MD*

COMMERCIAL:

McDonald's (3 sites)	-	*Washington, PA / Baltimore Co., MD*
Elby's Big Boy (3 Sites)	-	*Southwest PA*
MD. National Bank (Now Bank of America)	-	*Baltimore Co. MD*
Foster Brothers Hardware	-	*Baltimore Co. MD*
Coastal Crane Service	-	*Baltimore Co. MD*
Greystone Golf Course	-	*Baltimore Co. MD*
Metropolitan Life Company	-	*Penn's Southwest, PA*
Pittsburgh National Bank (Now PNC)	-	*Pittsburgh, PA*
Springhill Suites by Marriott -BWI	-	*BWI Airport, A.A. Co., MD*
Hilton Hotel-BWI	-	*BWI Airport, A.A. D*
Towneplace Suites by Marriott-BWI	-	*BWI Airport, A.A. Co., MD*
Courtyard by Marriott (rehab)-BWI	-	*BWI Airport, A.A. Co., MD*
Hilton Garden Inn/Homewood Suites–Arundel Mills	-	*BWI Airport, A.A. Co., MD*
Hilton Garden Inn/Homewood Suites–Dulles	-	*Loudon Co., MD*
Marriott Hotel -BWI	-	*BWI Airport, A.A. Co., MD*
BPG- Land Partners I, LLC Holdings	-	*BWI Airport, A.A. Co., MD*

INDUSTRIAL:

G. Heilman Brewery (Lacrosse, WI)	-	*Halethorpe, MD*
Point Breeze Maritime Center	-	*Baltimore Co. MD*
North Point Industrial Center	-	*Baltimore Co. MD*
Westinghouse Corp.	-	*Hunt Valley, MD*
Prime Technology	-	*Loveton, MD*
Browning-Ferris Industries	-	*Baltimore Co. MD*
Greif Brothers	-	*Baltimore Co. MD*
McCormick & Company	-	*Hunt Valley, MD*
TESSCO Technologies	-	*Hunt Valley, MD*

GOVERNMENTAL & INSTITUTIONAL:

Bradford, PA	-	*Urban Renewal Plans*
Wilmington, Del	-	*Midtown Urban Renewal Area*
Pittsburgh, PA	-	*Various Street/Circulation Studies*
Mt. Lebanon, PA.	-	*CBD Beautification & Circulation Plans*
New Castle County, DE	-	*Utilities Master Plan*

GOVERNMENTAL & INSTITUTIONAL (con't.)

Baltimore County, MD	-	*On-Call Site Engineer*
U.S. General Services Administration	-	*U.S. Fish & Wildlife Service-Annapolis*
American Legion Post #22, Towson, MD	-	*Land development consultation*

EDUCATIONAL:

Harford County, MD. School District	-	*Church Creek School*
Harford County, MD. School District	-	*Woodbridge Center*
Harford County, MD. School District	-	*Churchville Elementary*
Harford County, MD. School District	-	*Harford Glen Nature Center*
Harford County, MD. School District	-	*St. Clements Learning Center*
Mount St. Mary's College	-	*Campus Maintenance Facility*
McDonough School	-	*Entrance, Parking & Walkways*
Washington & Jefferson College	-	*Campus Plan*
University of Pittsburgh-Bradford Campus	-	*Campus Plan*
Anne Arundel Co. School District	-	*Meade Middle School*
St. Paul's School for Boys	-	*Chapel, Athletic Center, Upper School*

MARITIME FACILITIES:

Chesapeake Yachting Center	-	*Bowleys Quarters*
Gibson Island Yacht Squadron	-	*Gibson Island, MD*
Mears Marinas	-	*Annapolis, MD, & Kent Island*
Numerous Individual Pier Permits	-	*Baltimore Co.; Anne Arundel Co.,*

EXPERT TESTIMONY:

Scarlett, et.al. Trustees Saters Baptist Church	-	*Baltimore County Circuit Court - Judge H. Patrick Stringer*
Rainbow Hall / Valleys Planning Council	-	*Baltimore County Zoning Commissioner & Board of Appeals*
Ridge at Old Court	-	*Baltimore County Administrative Law Judge, Board of Appeals, & Circuit Court*
Bowley's Quarters Condominium	-	*Baltimore County Administrative Law Judge (ALJ)*
The American Legion Towson Post #22	-	*Baltimore County ALJ*
Cited as expert in Lucy Ware variance case	-	*Recorded Decision of Maryland Court of Special Appeals*
Jenkins Zoning Issue -Berlin, MD	-	*Worcester County Council & Planning Commission.*
BWI Hilton Height Variance(s)	-	*Board of Airport Zoning Appeals, MAA*
BWI Marriott re-roofing Variance	-	*Board of Airport Zoning Appeals, MAA*
McCormick & Co. & TESSCO Technologies	-	*Development Issue Baltimore County*
Red Run PUD	-	*Development Issue Baltimore County*
Cromwell Coventry Development Plan	-	*Administrative Law Judge, Baltimore County*

PRO BONO CONSULTATION:

Rogers Park-Howard Street, Chicago, IL	-	*CRE- Consulting Corps*
State Center Community College District, Fresno County, CA	-	*CRE- Consulting Corps*
Preston Riverwalk, Town of Preston, CN	-	*CRE- Consulting Corps*

COMMUNITY SERVICE:

In 1986-1987, Mr. Patton served on the Baltimore County Water Quality Steering Committee. This Committee developed the stream buffer/water quality protection regulations.

Mr. Patton was the founding Co-Chairman of the initial Leukemia Cup Regatta in Annapolis. Last year was the 25th Anniversary of this Leukemia & Lymphoma Society fund raising event throughout the United States. Over $65 Million has been raised over that time. He served on the Board of Directors of the Leukemia Society of Maryland.

Board of Appeals

Case No: 19-202-SPH Case Name: Lion Brothers

Exhibit List

Party: People's Counsel Date: 10/22/2019

Exhibit No:	Description:
✓ 1	Street Atlas
	VERIFIED BY KC DATE: 10/30/19

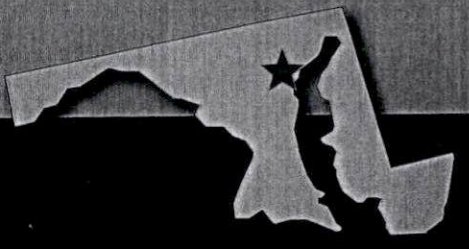
ADC The Map People®
by Kappa Map Group

STREET ATLAS

More Titles
MID-ATLANTIC REGION
Better Selection

Baltimore City & County Maryland

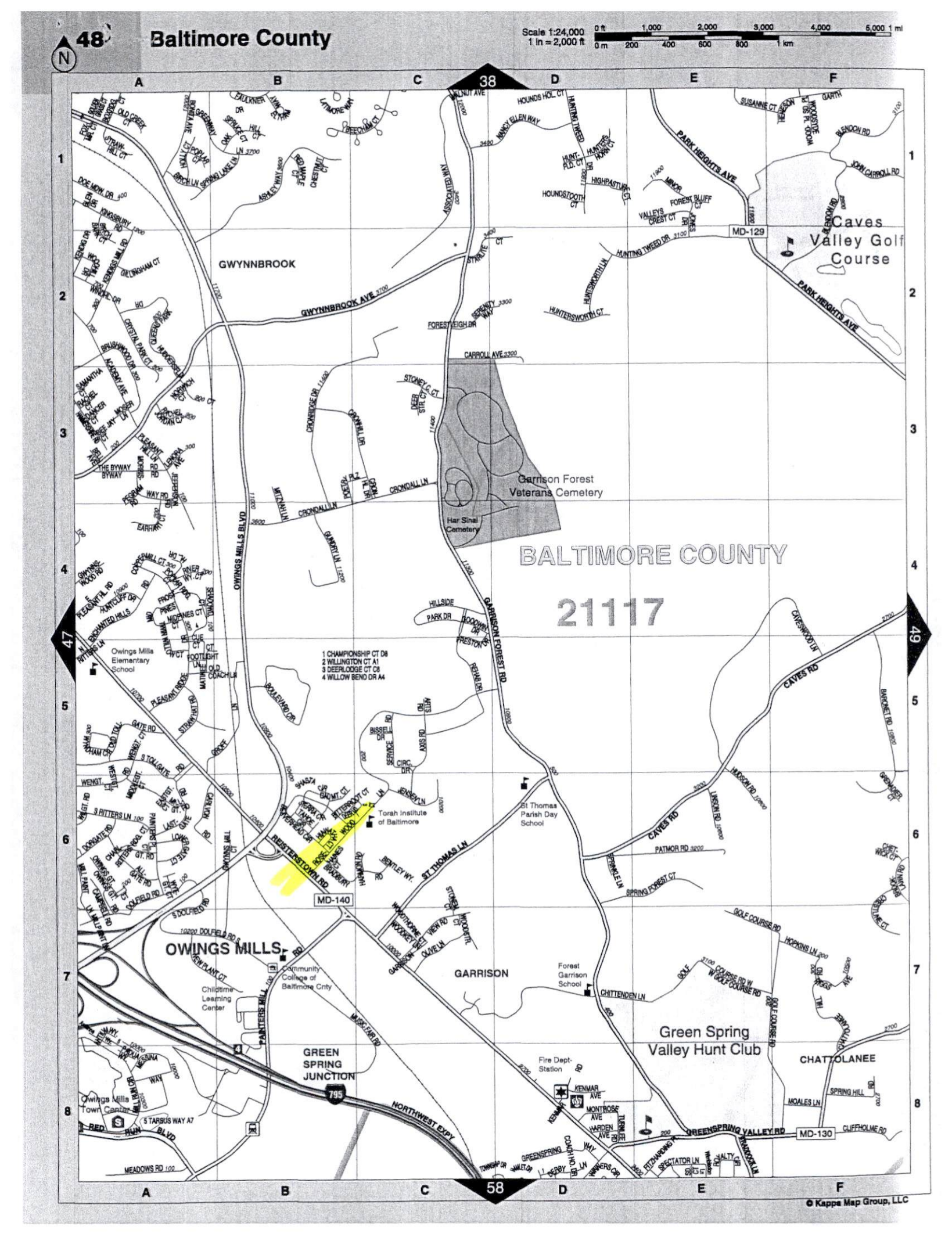
Trusted. Accurate. Everywhere.™



INCLUDING: Complete Baltimore County coverage, Hampstead & Downtown Baltimore (large-scale)

FEATURING: Detail of Baltimore/ Washington International Thurgood Marshall Airport (BWI), Block Numbers, Downtown Baltimore, Colleges & Universities, Baltimore Metro & Central Light Rail, Maryland Rail Commuter System, Parks & Rec Areas, Places of Interest, Schools & ZIP Codes

People's Counsel
CBA Exhibit
1


Scale 1:24,000
1 in = 2,000 ft
0 ft 1,000 2,000 3,000 4,000 5,000 1 mi
0 m 200 400 600 800 1 km
N
A B C 38 D E F
1 2 3 4 5 6 7 8
47 49
58
GWYNNBROOK
GWYNNBROOK AVE
PARK HEIGHTS AVE
MD-129
Caves Valley Golf Course
HUNTING TWEED DR
HUNTERSWORTH LN
HUNTERSWORTH CT
FOREST LEIGH DR
CARROLL AVE
Garrison Forest Veterans Cemetery
Har Sinai Cemetery
BALTIMORE COUNTY
21117
OWINGS MILLS BLVD
CRONRIDGE DR
CRONHILL DR
CRONDALL LN
GARRISON FOREST RD
CAVES RD
CAVESWOOD LN
BARONET RD
HUDSON RD
LARSON RD
PATMOR RD
SPRINKLE LN
SPRING FOREST CT
ST THOMAS LN
St Thomas Parish Day School
Torah Institute of Baltimore
REISTERSTOWN RD
MD-140
OWINGS MILLS
Community College of Baltimore Cnty
Childtime Learning Center
Owings Mills Elementary School
Owings Mills Town Center
GARRISON
Forest Garrison School
CHITTENDEN LN
GOLF COURSE RD
W GOLF COURSE RD
Green Spring Valley Hunt Club
CHATTOLANEE
GREEN SPRING JUNCTION
Fire Dept-Station
KENMAR AVE
MONTROSE AVE
HARDEN AVE
GREENSPRING VALLEY RD
MD-130
CLIFFHOLME RD
MOALES LN
SPRING HILL RD
PANTERS HILL RD
MUSIC FAIR RD
795
NORTHWEST EXPY
RED RUN BLVD
MEADOWS RD
PLEASANT HILL RD
PARK VIEW WAY
1 CHAMPIONSHIP CT D8
2 WILLINGTON CT A1
3 DEERLODGE CT C8
4 WILLOW BEND DR A4
5 TARSUS WAY A7
© Kappa Map Group, LLC

FEE-SIMPLE DEED—CODE—City or County—40 LIBER 3337 PAGE 146

Petitioner
CBA Exhibit
16

This Deed, Made this Fifteenth day of April

in the year one thousand nine hundred and Fifty-Eight , by and between

The Gerotor - May Corporation

of Baltimore County in the State of Maryland, of the first part, and

The Valley Investment Corporation

of the second part.

Witnesseth, that in consideration of the sum of Five Dollars and other good and valuable considerations, receipt of which is hereby acknowleged, the said party of the first part

doth grant and convey unto the said party of the second part

~~heirs~~ and assigns, in fee simple, all that lot of ground, situate, lying and being in Baltimore County , aforesaid, and described as follows, that is to say:—

Beginning for the same at a pipe set on the Southwest side of Reisterstown Road, 66 feet wide, and in the first line of the land which by deed dated August 13, 1954, and recorded among the Land Records of Baltimore County in Liber No. 2536, folio 148, was conveyed by James G. Saffel and Wife, to Gerotor-May Corporation, said place of beginning being situate, referring all courses to said deed South 40 degrees 02 Minutes 30 seconds East, 304.86 feet from the beginning of the said first line, thence leaving said place of beginning and binding on the Southwest side of Reisterstown Road and on part of the first line of said deed South 40 Degrees 02 minutes 30 seconds East, 80 feet to a pipe now set at the intersection of said Southwest side of Reisterstown Road with the West side of a private lane there situate, thence leaving Reisterstown Road and said first line and binding on the West and Northwest side of said private lane, 22 feet wide with the use thereof in common with others entitled thereto, the two following courses and distances, viz: by a curve to the right with a Radius of 20 feet in a Southerly direction for a distance of 31.42 feet, the arc of which is subtended by a chord bearing South 04 degrees 57 minutes 30 seconds West, 28.28 feet to a pipe

at the end of said curve, thence South 49 degrees 57 minutes 30 seconds West, 164 feet to a pipe and to a point of curve, thence leaving the Northwest side of said lane and running and binding on the North and Northeast side of another 22 foot private lane there laid out with use thereof in common with others entitled thereto, the two following courses and distances, viz: By a curve to the right with a radius of 25 feet for a distance of 39.27 feet, the arc of which is subtended by a Chord bearing North 85 degrees 02 minutes 30 seconds West, 35.36 feet to a pipe at the end of said curve, thence North 40 degrees 02 minutes 30 seconds West, 75 feet to a pipe and thence running for a new line of division thru the property of which the lot now being described is a part, North 49 degrees 57 minutes 30 seconds East, 209 feet to the place of beginning.
CONTAINING 0.475 ACRES MORE OR LESS

Being part of that lot of ground which by deed dated August 13, 1954 and recorded among the land records of Baltimore County in Liber GLB 2536 folio 148 was conveyed from James G. Saffel and Wife to the Gerotor-May Corporation.

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

To Have and To Hold the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said

Valley Investment Corporation

~~heirs~~ and assigns, in fee simple.

And the said party of the first part hereby covenants that ~~he~~ it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that ~~i the~~ will warrant specially the property granted and that ~~i the~~ will execute such further assurances of the same as may be requisite.

Witness the hand and seal of said grantor

TEST:

Gerotor May Corporation

by Charles H. Wagner (SEAL)

by John F. Boland (SEAL)

STATE OF MARYLAND, Baltimore County, to wit:

I HEREBY CERTIFY, That on this 10th day of April in the year one thousand nine hundred and fifty eight, before me, the subscriber, a Notary Public of the State of Maryland, in and for County, aforesaid, personally appeared Charles H. Wagner, Executive Vice-President, and John F. Boland, Treasurer, of Gerotor May Corporation ----------

the above named grantor, and they acknowledged the foregoing Deed to be their act.

As Witness my hand and Notarial Seal.

W. ELWOOD SHAFFER NOTARY PUBLIC Baltimore County, Md.

W. Elwood Shaffer
Notary Public.

Rec'd for Record APR 22 1958 at 2 P.M.
Per George L. Byerly, Clerk.
Mailed to Consumer + League

LIBER 3364 PAGE 414

THIS DEED and AGREEMENT made this [illegible] day of [illegible] in the year Nineteen Hundred and Fifty-eight between

CEROTOR MAY CORPORATION, a body corporate of the State of Maryland, Grantor,

party of the first part; and THE FIRST NATIONAL BANK OF BALTIMORE, a body corporate duly organized and existing under the National Banking Act of the United States, Mortgagee,

party of the second part; and BALTIMORE COUNTY, MARYLAND, a municipal corporation, party of the third part.

WHEREAS, the party of the third part desires to construct and maintain sewers, drains, water pipes, and other municipal utilities and services, in and across the land hereinafter described, and the party of the first part is willing to grant such right.

NOW, THEREFORE, in consideration of the premises and the sum of One Dollar, the receipt whereof is hereby acknowledged, the said party of the first part hereby grants and conveys unto Baltimore County, Maryland, a municipal corporation, its successors and assigns, the right to lay, construct and maintain sewers, drains, water pipes and other municipal utilities and services in and through the land of the party of the first part, situate in Baltimore County, State of Maryland, said sewers, drains, water pipes and other municipal utilities and services to be laid in the right-of-way which is described as follows:

Situated in the Fourth Election District of Baltimore County.

BEING a right-of-way, 10 feet wide, running along the Western Maryland Railroad, as shown shaded and indicated, "10' Utility Easement", on the Baltimore County Bureau of Land Acquisition Drawing No. BM 58-123, which is attached hereto and made a part hereof.

FOR TITLE, see the following: (1) Deed dated December 19, 1957, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 3287, folio 34, from Rubloff Realty Company, Inc., to Cerotor May Corporation; (2) Deed dated August 13, 1954, and recorded among the aforesaid Land Records in Liber G.L.B. No. 2536, folio 140, from James O. Sarfoll and wife to Cerotor May Corporation.

AND the party of the first part does hereby agree that Baltimore County, Maryland, its successors and assigns, shall have the right and privilege of entering upon the aforesaid land, whenever it may be necessary, to make openings and excavations, and to lay, construct and maintain said municipal utilities and appurtenances, provided however, that the ground shall be restored and left in good condition; and it is further agreed that no buildings or similar structures of any kind shall be erected in, on or over the said right-of-way by any of the parties hereto, their successors and assigns.

THE said party of the second part joins in this conveyance solely for the purpose of consenting to and subordinating its lien of mortgage to the hereinbefore described right-of-way and for that purpose only, fully retaining its lien on the property described in said mortgage.

FORM D.P.W.—1956

AS WITNESS the due execution hereof by the aforenamed parties of the first and second parts.

TEST:

GEROTOR MAY CORPORATION

BY: _____ (SEAL)

E. E. Yaggy, Jr., President

THE FIRST NATIONAL BANK OF BALTIMORE

BY: _____ (SEAL)

C. F. Reese, Vice President

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY that on this 2nd day of June, in the year Nineteen Hundred and Fifty-eight, before me, the subscriber, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared E. E. Yaggy, Jr., President of Gerotor May Corporation,

party to the within Deed and Agreement, and he acknowledged the same to be the act of said body corporate.

AS WITNESS my Hand and Notarial Seal.

James L. Adams
Notary Public.

STATE OF MARYLAND, BALTIMORE City, to wit:

I HEREBY CERTIFY that on this 2nd day of June, in the year Nineteen Hundred and Fifty-eight, before me, the subscriber, a Notary Public of the State of Maryland, in and for the City aforesaid, personally appeared C. F. Reese, Vice-President of The First National Bank of Baltimore,

party to the within Deed and Agreement, and he acknowledged the same to be the act of said body corporate.

AS WITNESS my Hand and Notarial Seal.

William E. Holland
Notary Public.
May 4, 1959

STATE OF MARYLAND, BALTIMORE , to wit:

I HEREBY CERTIFY, that on this day of , in the year Nineteen Hundred and before me, the subscriber, a Notary Public of the State of Maryland, in and for the aforesaid, personally appeared

party to the within Deed and Agreement, and acknowledged the same to be act

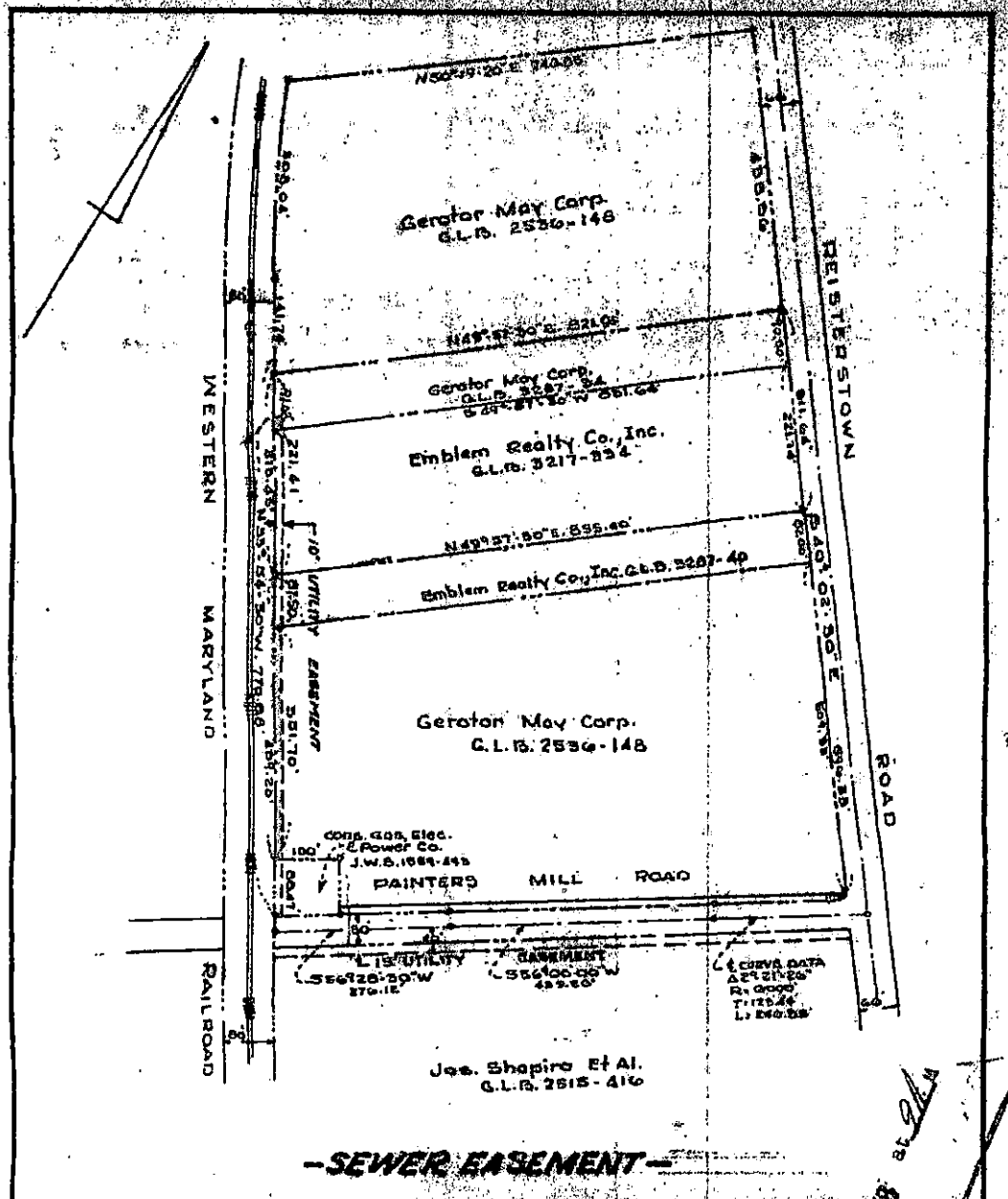
AS WITNESS my Hand and Notarial Seal.

Notary Public.

Approved as to legal form and sufficiency this 12th day of June, 1958.

William E. Hamm
Assistant County Solicitor

Index: 2/24/58
CVMcF:DFW



-SEWER EASEMENT-

BALTIMORE COUNTY	DEPARTMENT OF PUBLIC WORKS	BUREAU OF LAND ACQUISITION
BUREAU OF LAND ACQUISITION APPROVED: W. C. Grason CHIEF DATE: 2-7-1958	PLAN TO ACCOMPANY RIGHT-OF-WAY AGREEMENT CONSTRUCTION PLAN NO.	EDWIN [illegible] CONSULTING ENGINEER & SURVEYOR DATE [illegible]
DIVISION OF DRAFTING APPROVED: [illegible] CHIEF DRAFTSMAN DATE: 2-7-1958	THIS PLAT IS COMPILED FROM DEEDS AND SURVEYS. THE COURSES AND DISTANCES SHOWN ON PROPERTIES ADJOINING THE PROPOSED RIGHT OF WAY ARE TRULY COMPILED IN THE SAME REVISED TO THE DEEDS AND PLATS SHOWN AND DO NOT NECESSARILY AGREE TO THE BEARINGS SHOWN HEREON AND DO THEY IMPLY A CORRECT STATUS OF ALL PROPERTIES ADJOINING SAID NOTED.	AREA TO BE ACQUIRED BLOTTED AREA EXISTING CONDITION AREA TO BE RELEASED SCALE: 1" = 200' DATE: 2-1-1958 DISTRICT: 4 FILE NO. 58-023
DRAWN: CHECKED:		

Plans Drawn - Item # BW 58-023

THIS DEED and AGREEMENT made this 2nd day of June in the year Nineteen Hundred and Fifty-eight between

GEROTOR MAY CORPORATION, a body corporate of the State of Maryland, Grantor,

party of the first part; and THE FIRST NATIONAL BANK OF BALTIMORE, a body corporate duly organized and existing under the National Banking Act of the United States, Mortgagee,

party of the second part; and BALTIMORE COUNTY, MARYLAND, a municipal corporation, party of the third part.

WHEREAS, the party of the third part desires to construct and maintain sewers, drains, water pipes, and other municipal utilities and services, in and across the land hereinafter described, and the party of the first part is willing to grant such right.

NOW, THEREFORE, in consideration of the premises and the sum of One Dollar, the receipt whereof is hereby acknowledged, the said party of the first part hereby grant s and conveys unto Baltimore County, Maryland, a municipal corporation, its successors and assigns, the right to lay, construct and maintain sewers, drains, water pipes and other municipal utilities and services in and through the land of the party of the first part, situate in Baltimore County, State of Maryland, said sewers, drains, water pipes and other municipal utilities and services to be laid in the right-of-way which is described as follows:

Situated in the Fourth Election District of Baltimore County.

BEING a right-of-way, 10 feet wide, running along the Western Maryland Railroad, as shown shaded and indicated, "10' Utility Easement", on the Baltimore County Bureau of Land Acquisition Drawing No. BW 58-023, which is attached hereto and made a part hereof.

FOR TITLE, see the following: (1) Deed dated December 19, 1957, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 3287, folio 34, from Rables Realty Company, Inc., to Gerotor May Corporation; (2) Deed dated August 13, 1954, and recorded among the aforesaid Land Records in Liber G.L.B. No. 2536, folio 148, from James C. Saffell and Wife to Gerotor May Corporation.

AND the party of the first part do es hereby agree that Baltimore County, Maryland, its successors and assigns, shall have the right and privilege of entering upon the aforesaid land, whenever it may be necessary, to make openings and excavations, and to lay, construct and maintain said municipal utilities and appurtenances, provided however, that the ground shall be restored and left in good condition; and it is further agreed that no buildings or similar structures of any kind shall be erected in, on or over the said right-of-way by any of the parties hereto, their successors and assigns.

THE said party of the second part joins in this conveyance solely for the purpose of consenting to and subordinating its lien of mortgage to the hereinbefore described right-of-way and for that purpose only, fully retaining its lien on the property described in its mortgage.

THIS DEED, Made this 20th day of January, in the year one thousand nine hundred and fifty-nine by and between AMERICAN STORES COMPANY, a corporation of the State of Delaware, party of the first part, BANKERS TRUST COMPANY, a corporation of the State of New York, Trustee, party of the second part, and BALTIMORE GAS AND ELECTRIC COMPANY, a corporation of the State of Maryland, party of the third part.

WHEREAS, the said party of the third part, by its original indenture dated February 1, 1919, and recorded among the Mortgage Records of Baltimore County in Liber W.P.C. No. 555, folio 1, etc., and twenty-four (24) indentures supplemental thereto, the last being dated March 1, 1958, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 3321, folio 152, etc., conveyed to the said party of the second part, Trustee, for the uses and purposes therein set forth, all the property of the said Baltimore Gas and Electric Company then owned or thereafter to be acquired by it; and

WHEREAS, in order to vest the title to the property hereinafter described in the said party of the second part, as Trustee under said original indenture dated February 1, 1919, and indentures supplemental thereto, it is now proposed to grant and convey the property hereinafter described directly to the said party of the second part, as such Trustee, and to the said party of the third part, subject, in all respects, to the right, title and interest of the said party of the second part, as such Trustee.

NOW, THEREFORE, THIS DEED WITNESSETH: That in consideration of the premises and the sum of Five Dollars ($5.00) and other valuable considerations, this day paid, the receipt whereof is hereby acknowledged, the said party of the first part does hereby grant and convey unto the said Bankers Trust Company, Trustee under the aforesaid original indenture dated February 1, 1919, and indentures supplemental thereto, and its successors in said trust, for the uses and purposes and upon the trusts in said indentures set forth, and, subject to the interest and estate so vested in Bankers Trust Company, Trustee, unto the said Baltimore Gas and Electric Company, its successors and assigns, in fee simple, all that parcel of land situate in the Fourth Election District of Baltimore County, State of Maryland, and which, according to a Survey dated December 1, 1958, prepared by Vernon C. Lutz & Associates, Surveyors, is found to be within the following metes, bounds, courses and distances, to wit:

BEGINNING for the same on the southwest side of Reisterstown Road, 66 feet wide, at the beginning of the land which by Deed dated August 13, 1954 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2536, folio 148, was conveyed by James G. Saffell and wife to Gerotor May Corporation; thence leaving said place of beginning and binding along the southwest side of Reisterstown Road and along a part of the first line of the above mentioned deed, referring all courses to the True Meridian as established by the Baltimore County Metropolitan District, south 47 degrees 32

6600 160 MR21 59
1000 ₩

minutes 19 seconds east 304.85 feet to the beginning of the land which by Deed dated April 15, 1958 and recorded among the aforesaid Land Records in Liber G.L.B. No. 3337, folio 146, was conveyed by Gerotor May Corporation to The Valley Investment Corporation; thence leaving Reisterstown Road and binding reversely upon the last or sixth line of said last mentioned deed and reversely on the fifth, fourth, third and second lines of said deed, respectively, the five following courses and distances, viz: south 42 degrees 27 minutes 41 seconds west 209 feet to the northeast side of a 22 foot private lane at the westernmost end thereof; thence binding thereon, with the use thereof in common with others entitled thereto, south 47 degrees 32 minutes 19 seconds east 75 feet to a point of curve and thence still binding on said private lane, by a curve to the left in an easterly direction, with a radius of 25 feet, for a distance of 39.27 feet, the arc of which is subtended by a chord bearing north 87 degrees 27 minutes 41 seconds east 35.36 feet to the end of said curve and to the northwest side of the said 22 foot private lane; thence binding thereon, with the use thereof in common with others entitled thereto, north 42 degrees 27 minutes 41 seconds east 164.00 feet to a point of curve; thence still binding on said private lane, by a curve to the left with a radius of 20 feet in a northwesterly direction for a distance of 31.42 feet, the arc of which is subtended by a chord bearing north 02 degrees 32 minutes 19 seconds west 28.28 feet to the end of said curve and to the southwest side of Reisterstown Road and to intersect the first line of the first above mentioned Deed; thence binding thereon, south 47 degrees 32 minutes 19 seconds east 144 feet to the southeast outline of that tract of land which by Deed dated December 19, 1957 and recorded among the aforesaid Land Records in Liber G.L.B. No. 3287, folio 44, was conveyed by Emblem Realty Company, Inc. to Gerotor May Corporation; thence leaving Reisterstown Road and binding on said southeast outline, south 42 degrees 27 minutes 41 seconds west 831.64 feet to the northeast right of way line of the Western Maryland Railroad; thence binding thereon, the two following courses and distances, viz: north 41 degrees 24 minutes 19 seconds west 232.76 feet to a point of curve; thence by a curve to the right with a radius of 1870.08 feet in a northwesterly direction for a distance of 308.04 feet, the arc of which is subtended by a chord bearing north 36 degrees 41 minutes 11 seconds west 307.69 feet to the beginning of the last or north 50 degrees 19 minutes 20 seconds east 748.85 foot line of the first herein mentioned deed; thence leaving the right of way of said Railroad and binding on said last line, as now surveyed, north 42 degrees 49 minutes 31 seconds east 748.85 feet to the place of beginning. Containing 9.26 acres, more or less.

SUBJECT, however, to an easement or right of way for ingress, egress and other purposes, all as particularly described in Deed dated December 19, 1957 and recorded among the aforesaid Land Records in Liber G.L.B. No. 3287, folio 40, from Gerotor May Corporation to Emblem Realty Company, Inc.

SUBJECT ALSO to a private road, 22 feet wide, granted by Gerotor May Corporation to The Valley Investment Corporation, by Deed dated April 15, 1958 and recorded among the aforesaid Land Records in Liber G.L.B. No. 3337, folio 146.

IT BEING UNDERSTOOD that the party of the second part and/or the party of the third part, their respective successors or assigns, shall, in no way, have any obligation whatsoever for the cost of construction of either of said rights of way hereinabove referred to regardless of whether construction is before or after the date hereof.

SUBJECT ALSO to the rights of Baltimore County, Maryland, to construct and maintain sanitary sewers, pipes, etc. in an easement, 10 feet wide, the southernmost line thereof lying along the southwesternmost outline of the property hereinabove described and extending northwesterly into said property for a distance of 20 feet with an even width of 10 feet, said easement having been granted by Gerotor May Corporation to Baltimore County, Maryland, by Deed dated June 2, 1958 and recorded among the aforesaid Land Records in Liber G.L.B. No. 3364, folio 414, and shown on Plat attached thereto numbered BW 58-023.

SUBJECT ALSO to the rights of The Chesapeake and Potomac Telephone Company of Maryland to erect poles, swing wires, etc. under Agreement with E. L. Fainter, dated May 19, 1902 and recorded among the aforesaid Land Records in Liber W.P.C. No. 279, folio 372.

SUBJECT ALSO to the rights of Baltimore Gas and Electric Company to erect poles, swing wires, etc. under Agreement with Gerotor May Corporation, dated September 26, 1956 and recorded among the aforesaid Land Records in Liber G.L.B. No. 3035, folio 234 and under Agreement with James G. Saffell and wife, dated April 18, 1945 and recorded

among the aforesaid Land Records in Liber R.J.S. No. 1381, folio 490.

SUBJECT ALSO to the rights of Baltimore County, Maryland, to construct and maintain a storm drain in a right of way 20 feet wide along the southwest side of Reisterstown Road, extending from the southeast corner of the property hereby conveyed northwesterly to the property conveyed by Gerotor May Corporation to The Valley Investment Corporation, by Deed dated April 15, 1958 and recorded among the aforesaid Land Records in Liber G.L.B. No. 3337, folio 146.

SUBJECT ALSO to a commitment to grant an easement for a sanitary sewer, if necessary, to The Valley Investment Corporation, the exact location of which easement cannot be determined at this time; however, the location and width of said easement is to be approved by the said party of the third part, its successors or assigns.

BEING the same property which by Deed dated and recorded or intended to be recorded prior hereto among the Land Records of Baltimore County, was granted and conveyed by Gerotor May Corporation to American Stores Company, in fee simple.

TOGETHER with any, all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

TO HAVE AND TO HOLD said parcel of land and premises above described, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining, unto and to the proper use and benefit of the said BANKERS TRUST COMPANY, Trustee under the aforesaid original indenture of February 1, 1919, and indentures supplemental thereto, and its successors in said trust, for the uses and purposes and upon the trusts in said indentures set forth, in fee simple.

TO HAVE AND TO HOLD said parcel of land and premises above described, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining, unto and to the proper use and benefit of the said BALTIMORE GAS AND ELECTRIC COMPANY, its successors and assigns, subject to the interest and estate so vested in the Bankers Trust Company, Trustee, in fee simple.

AND the said party of the first part covenants that it will warrant specially the property hereby conveyed and that it will execute such further assurances of said land as may be requisite.

WITNESS the corporate seal of the said party of the first part and the signature of its Vice-President hereto.

ATTEST:

E. A. Colson
SECRETARY
E. A. Colson

AMERICAN STORES COMPANY

James K. Robinson
Vice President
James K. Robinson Jr.

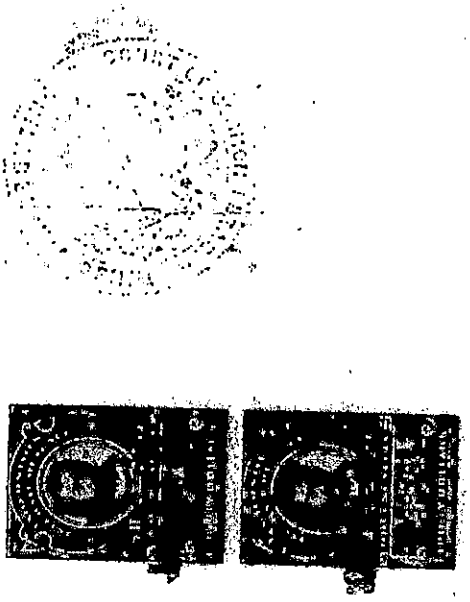
STATE OF PENNSYLVANIA , COUNTY OF PHILADELPHIA, TO WIT:

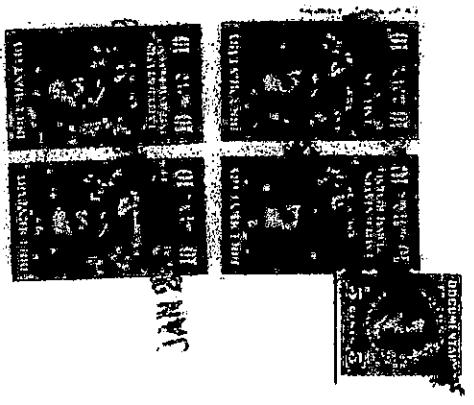
I HEREBY CERTIFY that on this 20th day of January, 1959, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared James K. Robinson, Jr. , who acknowledged himself to be the Vice-President of AMERICAN STORES COMPANY, a corporation, and that he, as such Vice-President, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing, in my presence, the name of the corporation by himself as such Vice-President.

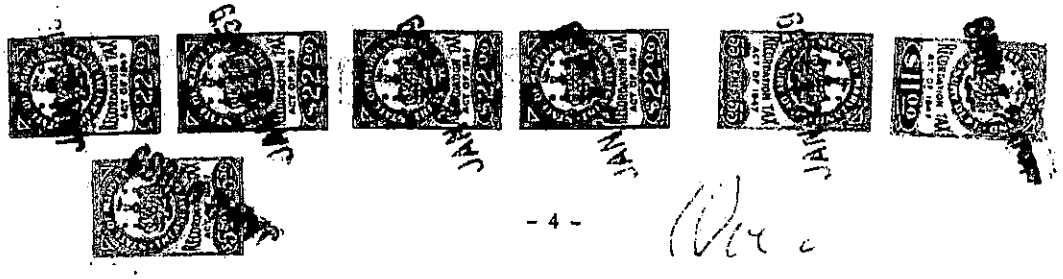
WITNESS my hand and Notarial Seal.

Beatrice Anthony
Notary Public

My commission expires:
BEATRICE ANTHONY
Notary Public, Philadelphia, Philadelphia Co.
My Commission Expires September 11, 1960







Vice

Board of Appeals

Case No: 19-202-SPH Case Name: Lion Bros

Exhibit List

Party: Lion Brothers - Petitioners Date: 10/22/2019

Exhibit No:	Description:
✓ 1	Patton CV
✓ 2.	Plan
✓ 3.	Drainage Plan site
✓ 4.	Site plan portion from 1958
✓ 4A	Copy & pages from 1958 file re Ex 4
✓ ID only 5	Pizza Hut site plan
✓ 6	My Neighborhood areial photo
✓ 7	" " areial " - close up
✓ 8	County Code
✓ 9	Code Sections
✓ 10	" "
✓ 11	Foley Manual section
✓ 12A	Photo of fire hydrant
✓ 12B	" " second fire hydrant
	VERIFIED BY KC DATE: 10/29/19

P.2

Board of Appeals

Case No: 19-202-SPH Case Name: Lion Bros

Exhibit List

Party: Petitioner Date: 3/22/2018

Exhibit No:	Description:
✓13	Code excerpt Cnty Council Bill
✓14	Deed Excerpt
✓14C	Entire Deed May → Emblen
✓14A	Deed Toys R US → Trust
14B	— BLANK —
✓15A	Cereentree Plat
✓ B	Rockland Ridge Plat 1
✓ C	" " 2
✓ 5A	Full file re Ex 5
16	Chain of title re Toys R Us
	VERIFIED BY 10/30/19 DATE: KC

1st only KC 10/29/19 10/30/19

RESUME

JAMES S. PATTON, PE, MCP, M. ASCE, CRE

PRINCIPAL - PATTON CONSULTANTS, LTD.

Mr. Patton has over fifty (50) years' experience in site engineering, site planning, land development consulting, development project management, and real estate counseling for a variety of public and private clients. His private sector experience has been in residential, commercial, and industrial site development and construction while providing services to corporations and financial institutions, developers, and private individuals. Public sector experience is very broad: serving as an officer in the U. S. Navy Civil Engineer Corps, as City Engineer and Planner for Washington, PA, and as consulting planner and/or consulting engineer to a number of municipalities and governmental agencies including Pittsburgh, PA; Wilmington, DE; New Castle County, DE; Bradford, PA; Fredonia, NY; Wheeling, WV; Wirt and Doddridge Counties, WV; Canonsburg, PA; South Hills Regional Planning Commission, PA; Mt. Lebanon Township, PA; Baltimore County, MD, Harford County, and the U.S. Fish and Wildlife Service. He has provided site planning and engineering services to many local school boards, hospitals, colleges, and institutions in their development and construction programs, either as consultant or as a board member.

He has been responsible for projects ranging in size and scope from a few thousand square feet to areas of more than a thousand acres. These projects have included major and minor storm water management facilities, water distribution, sanitary sewer, streets, roads, parking areas, grading, building construction, wetlands and critical areas, and erosion control. His background includes involvement with all phases of land development projects as planner, civil engineer, manager, consultant, counselor, or expert witness relative to new development, expansion, restoration, renewal and revitalization.

Planning, detailed design and plan preparation, approvals and permitting from conception through the development process to a project's completion is a major focus. The ability to plan, engineer, and overview the various elements of site development and building construction such as zoning, environmental concerns (wetlands/buffers, forestation, and storm water management), and infrastructure are an important function performed by Mr. Patton. He obtains approvals and expedites the development of a site or project through completion. In the alternative, in many cases, he provides the documentation and testimony to challenge the proposed implementation of a specific project depending on the municipality.

EDUCATION:

SWARTHMORE COLLEGE	*Bachelor of Science, Civil Engineering*
UNIVERSITY OF PENNSYLVANIA	*Master of City Planning*

LICENSES & CERTIFICATIONS:

PROFESSIONAL ENGINEER	*Maine - #13223; Maryland - #9493*

PETITIONER'S EXHIBIT

Petitioner
CBA Exhibit

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JAMES S. PATTON. P.E. - Resume

EXPERT WITNESS

Board of Airport Zoning Appeals, MAA
Baltimore County, MD - Circuit Court;
Baltimore County, MD - District Court;
Zoning Commissioner and/or Board of Appeals- Anne Arundel County, MD, Harford County, MD, Prince Georges County, MD, Cecil County, MD & Baltimore County, MD;
Zoning Commissioner-City of Baltimore;
County Commissioners-Worcester County, MD;
City Council - Aberdeen, MD & Frederick, MD;
Washington County, PA - Circuit Court, Cited in MARYLAND COURT OF SPECIAL APPEALS recorded decisions.

COMPREHENSIVE PLANNER-IN- CHARGE

New York, Pennsylvania, West Virginia, and Delaware. (Previous certification- Federal 701 Planning Program)

PROFESSIONAL EXPERIENCE:

PRINCIPAL/PRESIDENT *(1990 - Present)*
PATTON CONSULTANTS, LTD.
Site evaluation and feasibility, site planning, site engineering, and land development consulting, project management, zoning issues, expert testimony, and processing governmental approvals.

CHIEF OF CIVIL ENGINEERING *(1988 - 1990)*
LPJ, INC.
Directed the civil engineering department and provided consulting services to projects of commercial, residential, institutional and industrial clients and the architectural community.

VICE-PRESIDENT, CIVIL ENGINEERING *(1987 - 1988)*
MARSHALL-CRAFT ASSOCIATES, INC.
Principal in charge of the site planning and engineering for this major architectural firm. Projects included industrial, elderly housing, publishing, public utilities, and residential sub-division.

VICE-PRESIDENT *(1986 - 1987)*
DAFT- McCUNE-WALKER (DMW)
Project management, permitting/processing of site development projects through governmental agencies for this major land development consulting, land surveying, and civil engineering firm.

CHIEF OF SITE DEVELOPMENT *(1984 - 1986)*
D.S. THALER AND ASSOCIATES, INC.
Site evaluation and land development project management for this Baltimore County engineer.

JAMES S. PATTON. P.E – Resume

PRINCIPAL *(1982 - 1983)*
JAMES S. PATTON ASSOCIATES, INC.
Historic restoration, feasibility studies, site plans, and site engineering for clients in the City of Baltimore, Harford, Howard, Frederick and Anne Arundel Counties.

DIRECTOR, *(1973 – 1979)*
WASHINGTON CEMETERY
A major historic perpetual care cemetery located in Washington, PA.

DIRECTOR, *(1975 - 1977)*
THE R.G. JOHNSON COMPANY, INC
A family held shaft and slope heavy construction company serving the bituminous coal industry in western Pennsylvania, eastern Ohio, and West Virginia since 1917.

PRESIDENT *(1971 - 1981)*
WASHINGTON CENTER FOR DESIGN, LTD.
& ENGELHARDT-POWER & ASSOC., INC.
As Principal of these affiliated organizations, he was responsible for marketing & providing planning, site engineering, municipal engineering, architecture, & land development consulting services to a clientele of multi-national and local corporations, financial institutions, developers, and thirteen (13) southwestern Pennsylvania municipalities.

PRESIDENT *(1971 - PRESENT)*
WALNUT RIDGE, INC.
A closely held Pennsylvania corporation engaged in real estate development, including the holding of natural resource (natural gas and oil) lease rights in southwestern Pennsylvania.

DIRECTOR of PITTSBURGH OFFICE & URBAN RENEWAL *(1968 - 1971)*
KENDREE AND SHEPARD PLANNING CONSULTANTS, INC.
Directed comprehensive planning programs, preparation of urban renewal plans, & consulted on zoning and development for towns and cities in West Virginia, Pennsylvania, New York, & Delaware.

OFFICER (Ensign-Lieutenant) *(Active Duty 1965 - 1968)*
U.S. NAVY CIVIL ENGINEER CORPS
Served as Manpower Planning Officer for Public Works and Facilities Engineering at the Navy Department, Washington, D.C. and as Assistant Resident Officer in Charge of Construction, U.S. Naval Base, Guantanamo Bay during a period when construction volume exceeded $44 Million, including the operation and maintenance of the desalinization plant.

PROFESSIONAL SOCIETIES

AMERICAN SOCIETY OF CIVIL ENGINEERS Member, ASCE

JAMES S. PATTON. P.E. – Resume

PROJECTS AND CLIENTS - PARTIAL LIST

RESIDENTIAL:

Sunset Knoll, Baltimore Co., MD	-	*Sunset Knoll Associates*
Silver Spring Station, Baltimore Co., MD	-	*The Strutt Group*
Walnut Ridge, Washington, PA.	-	*Walnut Ridge, Inc.*
Jenkins Property & Neighbors Re-zoning	-	*Worcester Co. MD*
McDonough Township, Baltimore Co., MD	-	*Greenabaum Partnership*
Watermark Condos, Columbia, MD	-	*General American*
Claybrooke, Baltimore Co. MD	-	*Fairwinds Development, LLC.*
Hoehn-Saric Residence, A.A. Co. MD	-	*Gibson Island, MD*
24 Farms - Agricultural Easements (4,000 acres +/-)	-	*Baltimore County, MD*

COMMERCIAL:

McDonald's (3 sites)	-	*Washington, PA / Baltimore Co., MD*
Elby's Big Boy (3 Sites)	-	*Southwest PA*
MD. National Bank (Now Bank of America)	-	*Baltimore Co. MD*
Foster Brothers Hardware	-	*Baltimore Co. MD*
Coastal Crane Service	-	*Baltimore Co. MD*
Greystone Golf Course	-	*Baltimore Co. MD*
Metropolitan Life Company	-	*Penn's Southwest, PA*
Pittsburgh National Bank (Now PNC)	-	*Pittsburgh, PA*
Springhill Suites by Marriott -BWI	-	*BWI Airport, A.A. Co., MD*
Hilton Hotel-BWI	-	*BWI Airport, A.A. D*
Towneplace Suites by Marriott-BWI	-	*BWI Airport, A.A. Co., MD*
Courtyard by Marriott (rehab)-BWI	-	*BWI Airport, A.A. Co., MD*
Hilton Garden Inn/Homewood Suites–Arundel Mills	-	*BWI Airport, A.A. Co., MD*
Hilton Garden Inn/Homewood Suites–Dulles	-	*Loudon Co., MD*
Marriott Hotel -BWI	-	*BWI Airport, A.A. Co., MD*
BPG- Land Partners I, LLC Holdings	-	*BWI Airport, A.A. Co., MD*

INDUSTRIAL:

G. Heilman Brewery (Lacrosse, WI)	-	*Halethorpe, MD*
Point Breeze Maritime Center	-	*Baltimore Co. MD*
North Point Industrial Center	-	*Baltimore Co. MD*
Westinghouse Corp.	-	*Hunt Valley, MD*
Prime Technology	-	*Loveton, MD*
Browning-Ferris Industries	-	*Baltimore Co. MD*
Greif Brothers	-	*Baltimore Co. MD*
McCormick & Company	-	*Hunt Valley, MD*
TESSCO Technologies	-	*Hunt Valley, MD*

GOVERNMENTAL & INSTITUTIONAL:

Bradford, PA	-	*Urban Renewal Plans*
Wilmington, Del	-	*Midtown Urban Renewal Area*
Pittsburgh, PA	-	*Various Street/Circulation Studies*
Mt. Lebanon, PA.	-	*CBD Beautification & Circulation Plans*
New Castle County, DE	-	*Utilities Master Plan*

GOVERNMENTAL & INSTITUTIONAL (con't.)

Baltimore County, MD	-	*On-Call Site Engineer*
U.S. General Services Administration	-	*U.S. Fish & Wildlife Service-Annapolis*
American Legion Post #22, Towson, MD	-	*Land development consultation*

EDUCATIONAL:

Harford County, MD. School District	-	*Church Creek School*
Harford County, MD. School District	-	*Woodbridge Center*
Harford County, MD. School District	-	*Churchville Elementary*
Harford County, MD. School District	-	*Harford Glen Nature Center*
Harford County, MD. School District	-	*St. Clements Learning Center*
Mount St. Mary's College	-	*Campus Maintenance Facility*
McDonough School	-	*Entrance, Parking & Walkways*
Washington & Jefferson College	-	*Campus Plan*
University of Pittsburgh-Bradford Campus	-	*Campus Plan*
Anne Arundel Co. School District	-	*Meade Middle School*
St. Paul's School for Boys	-	*Chapel, Athletic Center, Upper School*

MARITIME FACILITIES:

Chesapeake Yachting Center	-	*Bowleys Quarters*
Gibson Island Yacht Squadron	-	*Gibson Island, MD*
Mears Marinas	-	*Annapolis, MD, & Kent Island*
Numerous Individual Pier Permits	-	*Baltimore Co.; Anne Arundel Co.,*

EXPERT TESTIMONY:

Scarlett, et.al. Trustees Saters Baptist Church	-	*Baltimore County Circuit Court - Judge H. Patrick Stringer*
Rainbow Hall / Valleys Planning Council	-	*Baltimore County Zoning Commissioner & Board of Appeals*
Ridge at Old Court	-	*Baltimore County Administrative Law Judge, Board of Appeals, & Circuit Court*
Bowley's Quarters Condominium	-	*Baltimore County Administrative Law Judge (ALJ)*
The American Legion Towson Post #22	-	*Baltimore County ALJ*
Cited as expert in Lucy Ware variance case	-	*Recorded Decision of Maryland Court of Special Appeals*
Jenkins Zoning Issue -Berlin, MD	-	*Worcester County Council & Planning Commission.*
BWI Hilton Height Variance(s)	-	*Board of Airport Zoning Appeals, MAA*
BWI Marriott re-roofing Variance	-	*Board of Airport Zoning Appeals, MAA*
McCormick & Co. & TESSCO Technologies	-	*Development Issue Baltimore County*
Red Run PUD	-	*Development Issue Baltimore County*
Cromwell Coventry Development Plan	-	*Administrative Law Judge, Baltimore County*

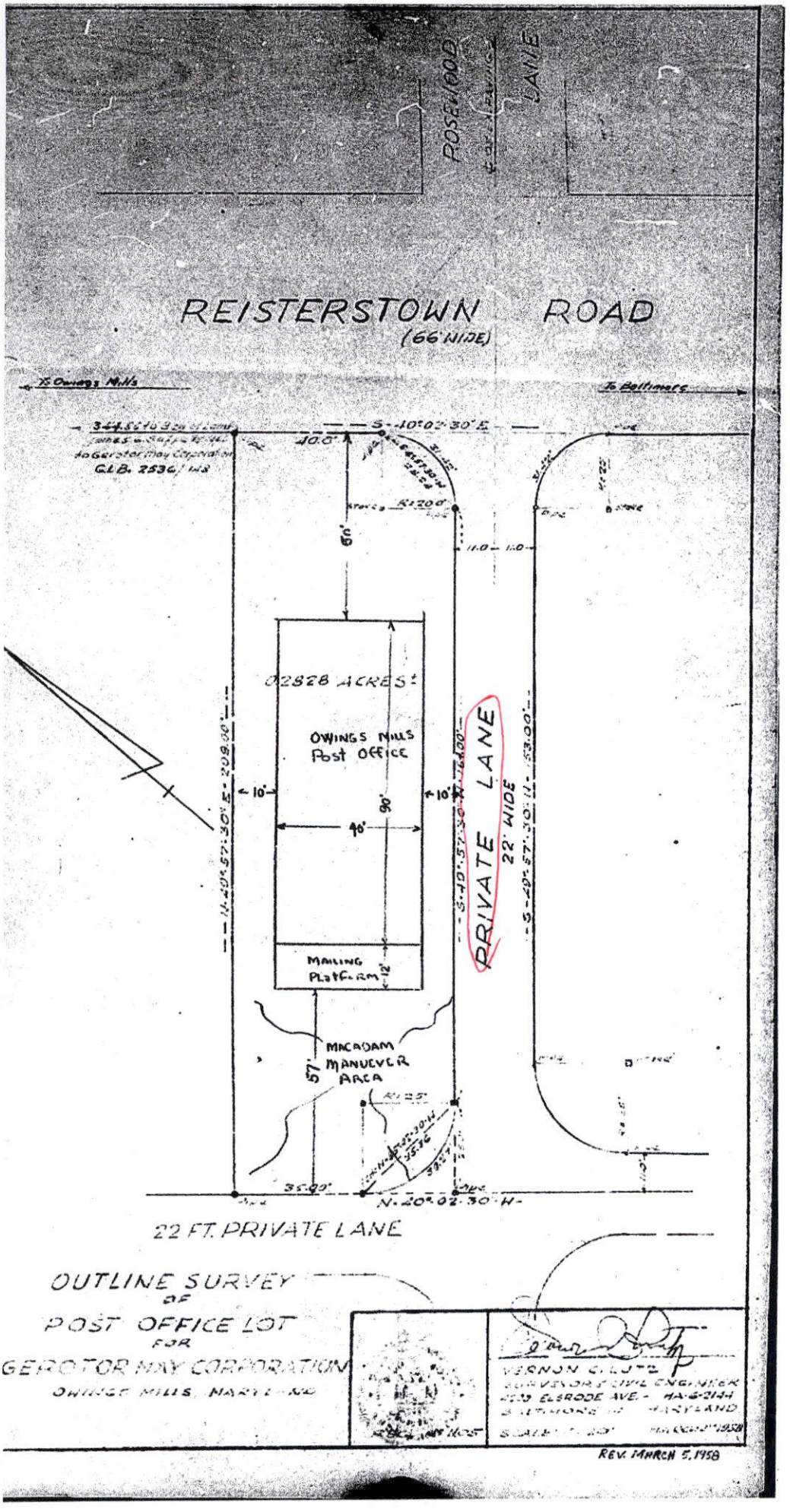
PRO BONO CONSULTATION:

Rogers Park-Howard Street, Chicago, IL	-	*CRE- Consulting Corps*
State Center Community College District, Fresno County, CA	-	*CRE- Consulting Corps*
Preston Riverwalk, Town of Preston, CN	-	*CRE- Consulting Corps*

COMMUNITY SERVICE:

In 1986-1987, Mr. Patton served on the Baltimore County Water Quality Steering Committee. This Committee developed the stream buffer/water quality protection regulations.

Mr. Patton was the founding Co-Chairman of the initial Leukemia Cup Regatta in Annapolis. Last year was the 25th Anniversary of this Leukemia & Lymphoma Society fund raising event throughout the United States. Over $65 Million has been raised over that time. He served on the Board of Directors of the Leukemia Society of Maryland.



Petitioner
CBA Exhibit
4

PETITIONER'S EXHIBIT
 # 4

4390-V

PETITION FOR VARIANCE TO THE ZONING REGULATIONS

IN THE MATTER OF : BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

GEROTOR MAY CORPORATION :

For Variance to the Zoning Regulations

To the Zoning Commissioner of Baltimore County

GEROTOR MAY CORPORATION Legal Owners of the property hereinafter described hereby petition for a Variance to the Zoning Regulations of Baltimore County.

The Zoning Regulation to be excepted is as follows:

Section 238.2 - Side Yards - For residences or other buildings, 30 feet.

The Reason for Variance:

To permit both side yards of 10 feet instead of required 30 feet.

Property situate:

All that parcel of land in the Fourth District of Baltimore County on the Northwest corner of Reisterstown Road and private road (said private road being a continuation of Rosewood Lane); thence Northerly and binding on the West side of Reisterstown Road 60 feet; thence South 49 degrees 58 minutes West 209 feet; thence South 40 degrees 02 minutes East 60 feet to the North side of said private road; thence Easterly and binding on said private road 209 feet to the place of beginning.

GEROTOR MAY CORPORATION

Witness:

By Gerry F. Wagner Exec. Vice-Pres.
Legal Owner

John F. Rowland
Treasurer and Asst. Secretary

Reisterstown and Painters Mill Roads,
Owings Mills, Maryland.
Address

4/9/58 Ltr Russell L Finn
11 AM Notify 6 Wildwood Rd
Balto (6) Md

GEROTOR MAY CORPORATION
Petition for Variance
4th Dist.
4390-V

4390-V

ORDERED BY the Zoning Commissioner of Baltimore County this 7th day of March, 1958, that the subject matter of this petition be advertised in a newspaper of general circulation throughout Baltimore County and that the property be posted, as required by the Zoning Regulations and Act of Assembly aforesaid, and that a public hearing thereon be had in the office of the Zoning Commissioner of Baltimore County, Maryland, on the 2nd day of April, 1958, at 11 o'clock A. M.

Zoning Commissioner
of Baltimore County

Upon hearing on petition for a variance to the Zoning Regulations of Baltimore County, requested side yards of 10 feet instead of the required 30 feet, and it appearing that there is sufficient property to provide the required setbacks there would be no practical difficulty or unnecessary hardship imposed upon the petitioner, therefore, the variance should be denied.

It is this 2nd day of April, 1958, by the Zoning Commissioner of Baltimore County, ORDERED that the aforesaid petition for a variance be and the same is hereby denied.

Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS
BUREAU OF PUBLIC SERVICES
Inter-Office Correspondence

From George R. Lewis March 31, 1958

To Wilkie M. Adams

Subject Zoning Petition #4390-V
Gerotor May Corporation
Reisterstown Road & Rosewood Lane
District 4

This is a subdivision of a large tract of land; therefore, a 60' wider parcel could be set aside for this use to conform with the R-40 zoning area requirements.

George R. Lewis
Chief - Permit Section
Division of Land Development

GRL:b

cc: Mr. Stirling - Planning

March 11, 1958

$30.00

RECEIVED of Russell L. Finn, for petitioner, Gerotor May Corporation, the sum of Thirty Dollars ($30.00), being cost of petition, advertising and posting property situate on the Northwest corner of Reisterstown Road and private road, 4th District of Baltimore County.

Thank you.

Zoning Commissioner
of Baltimore County

HEARING

Wednesday, April 2, 1958
at 11:00 A. M.

Room 106
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland

RECEIVED
MAR 11 1958
ZONING COMMISSIONER'S OFFICE

01-03-Rec'd

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#4390

District 4th Date of Posting 3-19-58

Posted for: Petition for Zoning Regulations

Petitioner: Gerotor May Corporation

Location of property: N/W corner of Reisterstown Road and private Road

Location of Signs: Northwest Corner of Reisterstown Road and private Road

Remarks:

Posted by George R. Hammond Date of return: 3-20-58

NOTICE OF ZONING HEARING
4th DISTRICT

The public is hereby notified that there will be a hearing before the Zoning Commissioner of Baltimore County in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland:

On Wednesday, April 2, 1958 at 11:00 A.M.

The purpose of this hearing being to determine whether or not the Gerotor May Corporation, legal owner of the property situate in the Fourth District of Baltimore County on the Northwest corner of Reisterstown Road and a private road (said private road being a continuation of Rosewood Lane), thence Northerly and binding on the West side of Reisterstown Road 60 feet; thence South 49 degrees 58 minutes West 209 feet; thence South 40 degrees 02 minutes East 60 feet to the North side of said private road; thence Easterly and binding on said private road 209 feet to the place of beginning, should be granted an exception to the Zoning Regulations and Restrictions for Baltimore County.

The Zoning Regulation to be excepted is as follows:

Section 238.2 — Side Yards — For residences or other buildings, 30 feet.

The Reason for Variance:

To permit both side yards of 10 feet instead of the required 30 feet.

The prayer of the petition is to permit both side yards of 10 feet instead of the required 30 feet.

By Order of
Wilkie M. Adams
Zoning Commissioner
of Baltimore County
March 14-21.

OFFICE OF
THE BALTIMORE COUNTIAN

THE COMMUNITY NEWS
Reisterstown, Md.

THE COMMUNITY PRESS
Dundalk, Md.

THE HERALD-ARGUS
Catonsville, Md.

No. 1 Newburg Avenue CATONSVILLE, MD.

March 22, 1958

THIS IS TO CERTIFY, that the annexed advertisement of Wilkie M. Adams, Zoning Commissioner of Baltimore County

was inserted in THE BALTIMORE COUNTIAN, a group of three weekly newspapers published in Baltimore County, Maryland, once a week for 2 successive weeks before the 22nd day of March, 1958, that is to say the same was inserted in the issues of March 14 - 21, 1958.

THE BALTIMORE COUNTIAN

By Earl S. Morgan
Editor and Manager.

Petitioner
CBA Exhibit
4A

Petitioner
CBA Exhibit

PETITIONER'S EXHIBIT
 # 5

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of ...

the above Reclassification should be had; and ...

IT IS ORDERED by the Zoning Commissioner of Baltimore County this ... day of June, 1967, that the herein described property or area should be and the same is hereby reclassified; from a ... zone to a ... zone;

and ... from and after the date of this order, such ... is approval of the site plan by the Bureau of Public Services and the Office of Planning and Zoning.

DEPUTY Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of ...

the above re-classification should NOT BE HAD, and or the Special Exception should NOT BE GRANTED

IT IS ORDERED by the Zoning Commissioner of Baltimore County this ... day of ... 196... that the above re-classification be and the same is hereby DENIED and that the above described property or area, be and the same is hereby continued as and to remain a ... zone; and or the Special Exception for ... be and the same is hereby DENIED

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: June 8, 1967

FROM: George E. Gavrelis, Director

SUBJECT: Petition #67-248-A, Reclassification from M.L. to B.R. Southwest side of Belmont Avenue 931.87 feet north of Painters Mill Road. Being the property of National Building Equity, Inc.

4th District

HEARING: Monday, June 12, 1967 (10:00 A.M.)

The planning staff of the Office of Planning and Zoning will offer no comment on the subject petition.

MICROFILMED

OFFICE OF
THE BALTIMORE COUNTIAN

No. 1 Hamburg Avenue CATONSVILLE, MD.

May 31, 1967

THIS IS TO CERTIFY, that the annexed advertisement of John G. Rose, Zoning Commissioner of Baltimore County

was inserted in THE BALTIMORE COUNTIAN, a group of weekly newspapers published in Baltimore County, Maryland, once a week for one successive weeks before the 31st day of May, 1967, that is to say the same was inserted in the issues of May 25, 1967.

THE BALTIMORE COUNTIAN

By Esther J. Morgan

STATE OF MARYLAND
STATE ROADS COMMISSION
BALTIMORE, MD. 21203

July 10, 1967

Mr. John G. Rose
Zoning Commissioner
County Office Building
Towson, Maryland, 21204

Re: Petition For Reclassification
Southwest side Belmont Road
(State 140), 931.87' North of
Painters Mill Road, 4th District
National Bldg. Equity, Inc., Petitioner
No. 67-248-A

Dear Mr. Rose:

At the Zoning Advisory Comittee Meeting of May 23, 1967, the writer made comments with respect to the subject petition. We have reviewed the Zoning Order dated June 12, 1967 in which the Reclassification was granted. However, it was noted that reference to State Roads Comission comments were omitted from the Order.

Therefore, it is requested that the Order be amended to be subject to construction of the entrance to conform to State Roads Commission standards under permit from this office.

Thank you for your cooperation.

Very truly yours,
Charles Lee, Chief
Development Engineering Section

By: John E. Meyers
Asst. Development Engineer

JEM/mb

MICROFILMED

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 1, 1967

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of ... successive weeks before the 31st day of May, 1967, the first publication appearing on the 25th day of May, 1967.

THE JEFFERSONIAN

Cost of Advertisement, $...

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
COURT HOUSE
TOWSON, MARYLAND 21204

No. 45561

Date May 31, 1967

Filing Fee, Case No. 67-248-A ... $25.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

MICROFILMED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
COURT HOUSE
TOWSON, MARYLAND 21204

No. 49267

Date 6/14/67

Cost of Accounts filed in Case No. 67-248-A ... $4.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

MICROFILMED

BUREAU OF PLANNING AND ZONING

Plat published has been received and accepted for filing this ... day of June, 1967.

Zoning Commissioner

MICROFILMED

PETITIONER'S

Petitioner
CBA Exhibit
5-A

[redacted]

DESCRIPTION OF LOT ZONED OR SOUGHT TO BE RECLASSIFIED FROM RE Zone TO BE ZONED

BEGINNING for the same at a concrete monument heretofore set on the southwest side of Reisterstown Road, 66 feet wide, at the distance of 1650 feet more or less measured northwesterly along said southwest side of Reisterstown Road from its intersection with the northwest side of Reisterstown Road, thence leaving said place of beginning and binding along the southwest side of said Reisterstown Road, reversing all courses of this description to conform to the true meridian as established by the Baltimore County metropolitan district, [illegible] 47 degrees 39 minutes 39 seconds East 144.0 feet to the [illegible] thence [illegible] and leaving said Iron pipe South [illegible] West [illegible] feet to an Iron pipe heretofore set, thence [illegible] said Iron pipe South [illegible] West [illegible] feet to an Iron pipe heretofore set, thence leaving said Reisterstown Road and binding along the East side of a [illegible] heretofore set, thence [illegible] North 42 degrees 39 minutes 39 seconds West 144.0 feet to the place of beginning. Containing [illegible] more or less.

CERTIFICATE OF PUBLICATION

TOWSON, MD., [illegible], 19[illegible]

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of [illegible] successive weeks before the [illegible] day of [illegible], 19[illegible], the first publication appearing on the [illegible] day of [illegible], 19[illegible].

THE JEFFERSONIAN,

Manager

Cost of Advertisement, $[illegible]

467-29?R

Page 2

northwest side of a 22 foot private lane, created by Crockett Pay Corporation to Valley Investment Corporation, North 42 degrees 39 minutes 39 seconds East 144.0 feet to a concrete monument heretofore set, thence by a curve to the left in a northeasterly direction with a radius of 30 feet for a distance of 31.4 feet the arc of which is subtended by a chord bearing North 02 degrees 39 minutes 39 seconds East 28.26 feet to the place of beginning.

Containing [illegible] more or less.

Being this description to be used for zoning purposes only and is not intended to be used for conveyance.

STATE OF MARYLAND — REGISTERED LAND SURVEYOR

J. Carroll Holzer

PETITION FOR RECLASSIFICATION

4th District

LOCATION: S/W side Reisterstown Road 144.0' North of Pedimore Mill Road

DATE & TIME: Monday, June 12, 1967 at 10:00 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing:

Present Zoning: M-R

Proposed Zoning: B-R

All that parcel of land in the Fourth District of Baltimore County

BEGINNING for the same at a concrete monument heretofore set, and on the southwest side of Reisterstown Road, 66 feet wide, at the distance of 1650 feet more or less measured northwesterly along said southwest side of Reisterstown Road from its intersection with the northwest side of Reisterstown Road, thence leaving said place of beginning and binding along the southwest side of said Reisterstown Road, reversing all courses of this description to conform to the true meridian as established by the Baltimore County metropolitan district, North 47 degrees 39 minutes 39 seconds East 144.0 feet to the [illegible] thence [illegible] and leaving said Iron pipe South [illegible] West [illegible] feet to an Iron pipe heretofore set, thence [illegible] said Iron pipe South [illegible] West [illegible] feet to an Iron pipe heretofore set, thence leaving said Reisterstown Road and binding along the East side of a [illegible] heretofore set, thence [illegible] North 42 degrees 39 minutes 39 seconds West 144.0 feet to the place of beginning. Containing [illegible] more or less.

Being the property of National Building Rentals, Inc., as shown on plat plan filed with the Zoning Department.

Hearing Date: Monday, June 12, 1967 at 10:00 A.M.

Public Hearing: Room 106 County Office Building, 111 W. Chesapeake Ave., Towson, Md.

BY ORDER OF
JOHN G. ROSE
Zoning Commissioner
of Baltimore County

OFFICE OF
THE BALTIMORE COUNTIAN

THE COMMUNITY NEWS, Baltimore, Md.
THE HERALD - ARGUS, Catonsville, Md.

No. 1 Newberg Avenue CATONSVILLE, MD

May [illegible], 1967

THIS IS TO CERTIFY that the annexed advertisement of [illegible] was inserted in THE BALTIMORE COUNTIAN, a group of weekly newspapers published in Baltimore County, Maryland, once a week for [illegible] successive weeks before the [illegible] day of [illegible], 19[illegible], that is to say the same was inserted in the issues of [illegible]

THE BALTIMORE COUNTIAN

By [illegible]
Editorial Manager

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 4th

Date of Posting May 29, 1967

Posted for: Reclassification from M-R to B-R

Petitioner: National Building Rentals, Inc.

Location of property: S/W/S Reisterstown Rd. 144.0' N/W of the c/l of Pedimore Mill Rd.

Location of Signs: S/W/S Reisterstown Rd. 210' S/E/ly from c/l of Pedimore Mill Rd.

Remarks:

Posted by J. Roscoe

Number of Signs 1

Date returned June 1, 1967

INVOICE

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE

Division of Collection and Receipts

COURT HOUSE

TOWSON, MARYLAND 21204

No. 44201

DATE June 14, 1967

SOLD TO: National Building Rentals, Inc.
c/o Box 239
Hagerstown, Md. 21740

Advertising and posting of property (67-246-R)

6-12-67	[illegible]	6875
6-12-67	[illegible]	[illegible]

4

PLEASE MAKE CHECKS PAYABLE TO: BALTIMORE COUNTY, MARYLAND

MAIL TO: DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

May 19, 1967

67-246-R

W. Lee Harrison, Esq.
527 Lewis Federal Building
Towson, Md. 21204

NOTICE OF HEARING

Re: Petition for Reclassification for National Building Rentals, Inc.
67-246-R

TIME: 10:00 A.M.

DATE: Monday, June 12, 1967

PLACE: ROOM 106, COUNTY OFFICE BUILDING, 111 W. Chesapeake Ave., Towson, Maryland

ZONING COMMISSIONER OF
BALTIMORE COUNTY

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE

Division of Collection and Receipts

COURT HOUSE

TOWSON, MARYLAND 21204

INVOICE

No. 46366

DATE May 25, 1967

SOLD TO: [illegible]

PLEASE MAKE CHECKS PAYABLE TO: BALTIMORE COUNTY, MARYLAND

MAIL TO: DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON, MARYLAND 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Mr. John Rooney, Zoning Commissioner Date May 24, 1967

FROM R. E. Hoak - Industrial Development Commission

SUBJECT Zoning Advisory Committee
May 23, 1967
National Building Rentals, Inc.
Reisterstown Road
Election District - 1

The industrial plants at this above noted location is in conformance with the requirements of the MR Zone. To reclassify this portion of M.R. present M.R Zone to M.R.-I would make same would be a more restrictive use on the property as the M.R. Zone.

The Industrial Development Commission suggests that the present MR zone not be reclassified.

R. E. HOAK
Director

BALTIMORE COUNTY MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Date

FROM

SUBJECT

June 7, 1967

W. Lee Harrison, Esq.
Loyola Federal Building
Towson, Maryland 21204

Re: Petition for Reclassification for National Building Rentals, Inc.
#67-248-R

Dear Sir:

This is to advise you that $68.75 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Md. and remit to Mrs. Anderson, Room 113, County Office Building, before the hearing.

Very truly,

JOHN G. ROSE
ZONING COMMISSIONER

JGR/be

W. Lee Harrison, Esq.
Loyola Federal Building
Towson, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
_____ day of May, 1967.

John G. Rose
Zoning Commissioner

Petitioner National Building Rentals, Inc.
Petitioner's Attorney W. Lee Harrison
Reviewed by Robert A. Morton
Chairman of Advisory Committee

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

June 5, 1967

W. Lee Harrison, Esq.
407 Loyola Federal Building
Towson, Maryland 21204

RE: Reclassification from R-A to B-M, for the National Building Rentals, Inc., located S/W side of Reisterstown Road, N/W of Pikesville Hill Road
4th District
(Item 5 May 23, 1967)

Dear Sir:

The above referenced petition is accepted for filing as of the date on the enclosed filing certificate. Review of the hearing date and time, which will be held not less than 30 days nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

If you have any questions concerning this matter, please do not hesitate to contact us at YA 3-3000, Extension 353.

Very truly yours,

James E. Dyer, Principal
Zoning Technician

JED/be

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Building
Towson, Maryland 21204

W. Lee Harrison, Esq.
407 Loyola Federal Building
Towson, Maryland 21204

RE: Reclassification from R-A to B-M, for the National Building Rentals, Inc., located S/W side of Reisterstown Road, N/W of Pikesville Hill Road
4th District
(Item 5 May 23, 1967)

Dear Sir:

The Zoning Advisory Committee has reviewed the subject petition and makes the following comments:

BUREAU OF ENGINEERING:
Water - Including 12" water in Reisterstown Road.
Sewerage of existing utilities to be determined by developer or his engineer.
Sewer - Sanitary sewer outlets at Fairway Hills and Reisterstown Roads. To serve this property would require extension of approximately 800'.

FIRE PROTECTION: It shall be required to meet all fire department regulations pertaining to construction.

TRAFFIC ENGINEERING: This office will review and make any necessary comment at a later date.

STATE ROADS COMMISSION: The setback along Reisterstown Road must be varied with ... observe curb and gutter. The roadside face of curb to be 21' from and parallel to the centerline of the ... road. The work must be extended into the entrance on a 15' minimum radius. The road along the 60' radius must be an 8" x 12" concrete curb, otherwise the 1/2 line must be varied. Construction within the State Roads R/W must be done under permit and approval of State Roads Commission.

BUREAU OF ADMINISTRATIVE SERVICES: If the petition is granted, no occupancy may be made until this office is given three days notification and approval and the property inspected for compliance to the approved plan.

The above comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems that may have a bearing on this case. The Director and/or the Deputy Director of the Office of Planning and Zoning will submit recommendations at the appropriateness of the requested zoning in time for the Zoning Commissioner's hearing.

The following numbers may be accessed to offices:

Project Planning Division
Building Engineer
Board of Education
Industrial Development

Very truly yours,

James E. Dyer, Principal
Zoning Technician

cc: Carlyle Hyer-Bureau of Engineering
Mr. Charles Morris-Bureau of Fire Prevention
Mr. Richard Moore-Bureau of Public Engineering
William Hammond-Health Department
John Meyers-State Roads Commission

PETITION FOR ZONING RE-CLASSIFICATION
AND/OR SPECIAL EXCEPTION

67-248-R

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

I or we National Building Rentals, Inc. legal owner 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 (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an R-A zone to an B-M zone; for the following reasons: Error in original zoning and a permanent change in character use.

(2) that a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we agree to pay expenses of above re-classification and or Special Exception advertising, posting, etc. upon filing of this petition, 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.

Contract purchaser

Address

W. Lee Harrison, Petitioner's Attorney

Address 407 Loyola Federal Building
Towson, Maryland 823-1200

NATIONAL BUILDERS RENTALS, INC.
Robert E. Chitwood Jr. Owner
President
Address P.O. Box 520
Westminster, Md. 21157

Petitioner's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this ... day of ... P.M. ... 1967 ... that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through out Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the ... day of June ... 1967 ... at 10:30 o'clock P.M.

John G. Rose
Zoning Commissioner of Baltimore County

Scale 1" = 200' & 1 Mile

ORDER RECEIVED FOR FILING
DATE 5/24/67
BY

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of error on the original zoning map

the above re-classification should be granted

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 12th day of June, 1967 that the herein described property or area should be and the same is hereby reclassified, from and after the date of this order, subject to approval of the site plan by the Bureau of Public Services and the Office of Planning and Zoning.

Edward X. Hardesty
DEPUTY Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of

the above re-classification should not be granted

IT IS ORDERED by the Zoning Commissioner of Baltimore County this ... day of ... 1967 that the above re-classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and remain as ... zone, etc. as the Special Exception for ... be and the same is hereby ... D.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

W. Lee Harrison, Esq.
601 Equitable Building
Towson, Maryland 21204

SUBJECT: Reclassification from RC to BM, for the National Building Rentals, Inc., Property located S/W side of Reisterstown Road, N/W of Painters Mill Road
4th District
(Item # May 23, 1967)

Dear Sir:

The Zoning Advisory Committee has reviewed the subject petition and makes the following comments:

BASIS OF CONSIDERATION:
Water - Existing 12" water in Reisterstown Road.
Adequacy of existing utilities to be determined by developer or his engineer.
Sewer - Sanitary sewer exists at Painters Mill and Reisterstown roads. To serve this property would require extension of approximately 800'.

FIRE PROTECTION: It would be required to meet all fire department regulations pertaining to construction.

TRAFFIC CONSIDERATION: This office will review and make any necessary comment at a later date.

HEALTH DEPARTMENT: The method of public water and sewerage to the site should be indicated on the plans prior to the hearing. Prior to the approval of a building application, complete plans and specifications should be submitted to the Health Department for approval.

STATE HIGHWAY CONSIDERATION: The frontage along Reisterstown Road must be dashed with rounded curb and gutter. The tangents from of curb to be 24' from and parallel to the centerline of the aforementioned road. The curb must be extended into the entrance on a 15' minimum radius. The curb along the 25' buffer must be on 8' x 32' centroids curb, wherever the 5'/ line must be shifted. Construction within the State Roads r/w must be done under permit and approval of State Roads Commission.

ZONING ADMINISTRATION OFFICE: If the petition is granted, no occupancy may be made until a use line is plans have been submitted and approved and the property inspected for compliance to the approved plan.

The above comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties may make known at plans or problems that may have a bearing on this case. The Director and/or the County Director of the Office of Planning and Zoning will submit recommendations on the appropriateness of the requested zoning 10 days before the Zoning Commissioner's hearing.

The following members had no comment to offer:

Project Planning Division
Building Engineer
Board of Education
Industrial Development

Very truly yours,

JOHN L. WIMBLEY, Principal
Zoning Technician

cc: Carlyle Fromm-Bureau of Engineering
Mr. Charles Burnt-Bureau of Fire Prevention
Mr. Richard Moore-Bureau of Traffic Engineering
William Crossmail -Health Department
John Meyers-State Roads Commission

RE: PETITION FOR RECLASSIFICATION
FROM M-R ZONE TO B-M ZONE
S/W/S REISTERSTOWN ROAD
961.47' of Painters Mill Road
4th District
National Building Rentals, Inc.
Petitioner
No. 67-248-R

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. Docket:
Folio:
File:

ORDER FOR APPEAL

MR. CLERK:

Please enter an Appeal on behalf of Lion Brothers Company, Inc., Protestants before the Board of Appeals in the above-entitled, from the Board's Opinion and Order of July 10, 1968.

A. Owen Hennegan
404 Jefferson Building
Towson, Maryland - 21204
823-7300
Attorney for Protestant, Lion Brothers Company, Inc.

I HEREBY CERTIFY, that on this 7th day of August, 1968, copies of the foregoing Order for Appeal were mailed to The Baltimore County Board of Appeals, 301 County Office Building, Towson, Maryland - 21204; and W. Lee Harrison, Esq., 22 W. Pennsylvania Avenue, Towson, Maryland - 21204, Attorney for Petitioner.

A. Owen Hennegan

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO... Mr. John Rose, Zoning Commissioner Date: May 24, 1967

FROM H. D. Stasin - Industrial Development Commission

SUBJECT: Zoning Advisory Committee
May 23, 1967
National Building Rentals, Inc.
Reisterstown Road
Election District - 4

The industrial plants in this area were constructed in conformance with the regulations of the MR Zone. To reclassify this portion of the present MR Zone (1 MR-1) to any other zone would be a serious reflection on the integrity of the MR Zone.

The Industrial Development Commission suggests that the present MR zoning be retained.

H. D. STASIN
Director

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

MICROFILMED

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Re: PETITION FOR RECLASSIFICATION
Lots M-H zone to B-R zone,
Southeast side of Reisterstown Road
961.47' North of Painters Mill Road
4th District
National Building Kennels, Inc.,
Petitioner

Zoning File No. 67-248-R

Misc. Docket No. 8
Folio No. 343
File No. 6030

Lion Brothers Company, Inc.
Protestant-Appellants

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come John A. Slowik, John A. Miller and Walter A. Adler, Jr., constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers on file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING
COMMISSIONER OF BALTIMORE COUNTY

No. 67-248-R

May 3, 1967 Petition of National Building Kennels, Inc. for reclassification from an M-H zone to a B-R zone on property located on the southeast side of Reisterstown Road 961.47' north of Painters Mill Road, 4th District - filed

" " Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for June 12, 1967 at 10:00 a.m.

" 25 Certificate of Publication in newspaper - filed

" 29 Certificate of Posting of property - filed

June 12 At 1:00 p.m. hearing held on petition by Deputy Zoning Commissioner

" " Order of Zoning Commissioner granting reclassification

July 12 Order of appeal to County Board of Appeals from Order of Deputy Zoning Commissioner

Dec. 3, 1968 Hearing on appeal before County Board of Appeals - case held sub curia

July 10 Order of County Board of Appeals granting reclassification

Aug. 8 Order for appeal filed in the Circuit Court for Baltimore County filed by A. Owen Hennegan, Esq., attorney for protestant-appellant, Lion Brothers Company, Inc.

Aug. 8, 1968 Petition to accompany Order for appeal filed in the Circuit Court for Baltimore County

" 12 Certificate of Notice sent to all interested parties

" 28 Motion to extend time for transmittal of record filed in Circuit Court extending time to October 11, 1968

Sept. 24 Transcript of testimony filed -

Petitioner's Exhibit No. 1 - Plat of subject property (5/24/67)

" " 2 - Baltimore County Zoning Regulations, Sec. 243.1 through 243.6

" " 3 - Plat of Com. Gas & Electric Co., dated 2/7/63, Owings Mills (#129-401-D)

Protestant's Exhibit A-1 - Deed, 12/18/57, G.L.B. 3232/40

" " A-2 - Deed, 11/22/58, W.J.R. 3471/474

" " A-3 - Deed, 8/14/57, G.L.B. 3217/324

" " B - Plat, 12/14/57 - Progress Print, Lion Brothers Co., Inc.

" " C - Deed, 2/2/67, G.T.G. 4733/301, Balto. Gas and Electric Co. to National Bldg. Kennels, Inc.

" 24 Record of proceedings filed in the Circuit Court for Baltimore County

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, to own also the use district maps, and your respondents respectively suggest that it would be inconvenient and unappropriate to file same in this proceeding, but your respondents will produce any and all such rules and regulations, together with the zoning use district maps, at the hearing on this petition, or whenever directed to do so by this Court.

Respectfully submitted,

Muriel E. Buckmaster
County Board of Appeals of Baltimore County

Appealed 7/23/68

Re: PETITION FOR RECLASSIFICATION
from M-H zone to B-R zone,
Southeast side of Reisterstown Road
961.47' North of Painters Mill Road
4th District
National Building Kennels, Inc.,
Petitioner

Zoning File No. 67-248-R

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

Misc. Docket No. 8
Folio No. 343
File No. 6030

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 1101-4(d) of the Maryland Rules of Procedure, John A. Slowik, John A. Miller and Walter A. Adler, Jr., constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding below, namely, W. Lee Harman, Esq., Legum Federal Building, Towson, Maryland, 21204, attorney for the petitioner, and A. Owen Hennegan, Jr., Esq., Jefferson Building, Towson, Maryland, 21204, attorney for the protestants, a copy of which notice is attached hereto and prayed that it may be made a part thereof.

Muriel E. Buckmaster
County Board of Appeals of Baltimore County
County Office Building, Towson, Md. 21204
VAlley 3-3000, Ext. 370

I hereby certify that a copy of the aforegoing Certificate of Notice has been mailed to W. Lee Harman, Esq., Legum Federal Building, Towson, Maryland, 21204, attorney for the petitioner, and A. Owen Hennegan, Jr., Esq., Jefferson Building, Towson, Maryland, 21204, attorney for the protestants, on this 12th day of August, 1968.

Muriel E. Buckmaster
County Board of Appeals of Baltimore County

July 10, 1968

#67-248-R

A. Owen Hennegan, Jr., Esq.
Jefferson Building
Towson, Maryland 21204

Re: National Building Kennels, Inc.
No. 67-248-R

Dear Mr. Hennegan:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Muriel E. Buckmaster

Encl.

cc: W. Lee Harman, Esq.
Mr. John O. Hess
Mr. Edward D. Hardesty
Mr. George E. Gavrelis
Board of Education

RE: PETITION FOR RECLASSIFICATION
FROM M-H ZONE TO B-R ZONE
SW/S Reisterstown Road 961.47' N.
of Painters Mill Road
4th District

National Building Kennels, Inc.
Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 67-248-R

OPINION

This case comes before this Board on an appeal by the Protestants from an Order of the Deputy Zoning Commissioner which granted the requested reclassification of the subject property from an M-H zone to a B-R zone. The subject property is located on the southwest side of Reisterstown Road approximately 961.47 feet north of Painters Mill Road and approximately opposite Ascensal Lane, in the 4th Election District of Baltimore County. The area of the subject property is .57 acres more or less.

The uses surrounding the subject property are as follows: On the south and west is M-H and M-L zoning, the majority of which is now improved and used by the Lion Brothers Company, Inc., a large sanitary manufacturing. Immediately north of the subject property there exists a B-R zone, upon which has been erected the Owings Mills Post Office. Across Reisterstown Road to the east on both sides of Ascensal Lane there is a B-R zone partly in use by a gasoline service station and partly by a small strip shopping center. Approximately 1800 feet to the rear and easterly from the subject lot are the Western Maryland Railroad tracks.

The Petitioner seeks a reclassification from M-H to B-R so that a restaurant may be erected on the subject lot.

The Petitioner cited changes which have taken place since the adoption of the Land Use Map. He claimed practical hardship in utilizing the south zone in its present and classification. Testimony in this Board was the physical change caused by the construction of the road immediately to the north of the subject property. Since

National Building Kennels, Inc.,
No. 67-248-R

- 2 -

the adoption of the Land Use Map this private road was constructed to serve the Lion Brothers Company, Inc., plant and resulted in the severance of Petitioner's small tract of M-H land.

The prime Protestant in this case was John D. O'Neill, President of Lion Brothers Company, Inc. Mr. O'Neill testified that the granting of this reclassification might adversely affect the operation of his plant, citing traffic patterns, storm water and sewage problems, etc. On cross-examination he acknowledged that the granting of any building permit would be predicated on the availability of utilities. This Board is further aware that development of the subject property must meet the County's requirements in order to obtain the plan approval by the various agencies.

Considering the same, it is the judgment of this Board that the Order of the Deputy Zoning Commissioner shall be affirmed, and the reclassification shall be granted as requested.

ORDER

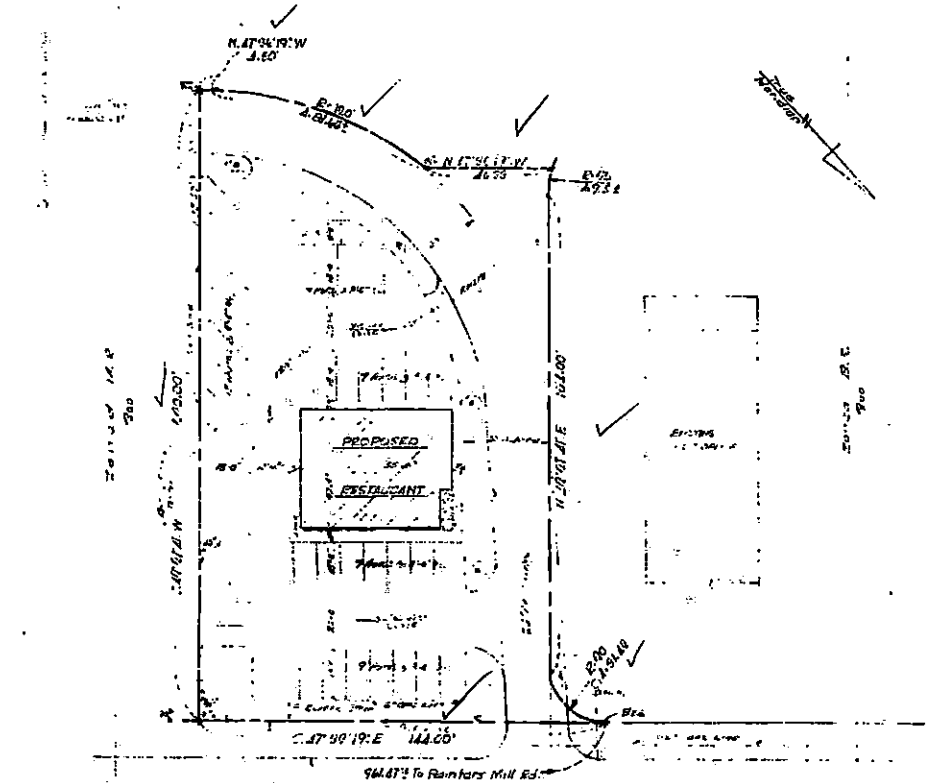
For the reasons set forth in the aforegoing Opinion, it is this 10th day of July, 1968, by the County Board of Appeals ORDERED, that the reclassification petitioned for be and the same is hereby GRANTED, subject to the plan approved by the Office of Planning and Zoning and the Development Engineering Section of the State Roads Commission.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of the Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

John A. Slowik, Acting Chairman

Walter A. Adler, Jr.



NOTE

OFFICE COPY

MAP #4 SEC. 2-C NW-11-H

BR

MICROFILMED

EVANS, HAGAN & ASSOCIATES
SURVEYING & CIVIL ENGINEERING
5836 ELSRODE AVE. — PHONE 426-5144
BALTIMORE, MARYLAND 21214

RE: PETITION FOR RECLASSIFICATION FROM M-R ZONE TO B-R ZONE SW/S Reisterstown Road 961.47' N. of Painters Mill Road 4th District	:	BEFORE
	:	COUNTY BOARD OF APPEALS
	:	OF
National Building Rentals, Inc. Petitioner	:	BALTIMORE COUNTY
	:	No. 67-248-R

: : : : :

OPINION

This case comes before this Board on an appeal by the Protestants from an Order of the Deputy Zoning Commissioner which granted the requested reclassification of the subject property from an M-R zone to a B-R zone. The subject property is located on the southwest side of Reisterstown Road approximately 961.47 feet north of Painters Mill Road and approximately opposite Rosewood Lane, in the 4th Election District of Baltimore County. The area of the subject property is .57 acres more or less.

The uses surrounding the subject property are as follows: On the south and west is M-R and M-L zoning, the majority of which is now improved and used by the Lion Brothers Company, Inc., a large emblem manufacturer. Immediately north of the subject property there exists a B-R zone, upon which has been erected the Owings Mills Post Office. Across Reisterstown Road to the east on both sides of Rosewood Lane there is a B-R zone partly in use by a gasoline service station and partly by a small strip shopping center. Approximately 1800 feet to the rear and westerly from the subject lot are the Western Maryland Railroad tracks.

The Petitioner seeks a reclassification from M-R to B-R so that a restaurant may be erected on the subject lot.

The Petitioner cited changes which have taken place since the adoption of the Land Use Map. He claimed practical hardship in utilizing the small tract in its present M-R classification. Impressive to this Board was the physical change caused by the construction of the road immediately to the north of the subject property. Since

the adoption of the Land Use Map this private road was constructed to serve the Lion Brothers Company, Inc. plant and resulted in the severance of Petitioner's small tract of M-R land.

The prime Protestant in this case was John D. O'Neill, President of Lion Brothers Company, Inc. Mr. O'Neill testified that the granting of this reclassification might adversely affect the operation of his plant, citing traffic patterns, storm water and sewer problems as his reasons. On cross-examination he acknowledged that the granting of any building permit would be predicated on the availability of utilities. This Board is further aware that development of the subject property must meet the County's requirements in order to obtain site plan approval by the various agencies.

Considering the above, it is the judgment of this Board that the Order of the Deputy Zoning Commissioner shall be affirmed, and the reclassification shall be granted as requested.

ORDER

For the reasons set forth in the aforegoing Opinion, it is this 10th day of July, 1968, by the County Board of Appeals ORDERED, that the reclassification petitioned for be and the same is hereby GRANTED, subject to site plan approval by the Office of Planning and Zoning and the Development Engineering Section of the State Roads Commission.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of the Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

John A. Slowik, Acting Chairman

John A. Miller

Walter A. Reiter, Jr.

July 17, 1967

...Appeal Building Rentals, Inc.

...Opinion, Order and Judgment of Circuit Court for ... County, Zoning Commissioner

...Certificate of Posting

...Certificate of Publication

...Petitioner's Exhibits

...Letter to ... from Zoning Commissioner dated July 17, 1967

...Order of Appeal

Attorney ... Legal

...

...
Suite 406, Court House
Towson, Maryland 21204
Counsel for Petitioner

...
Attorney-at-Law
Loyola Federal Building
Towson, Maryland 21204

...
Attorney-at-Law
Loyola Federal Building
Towson, Maryland 21204

67-248-A

Appealed 8/7/67

...
Zoning Solicitor

RE: PETITION FOR RECLASSIFICATION from R-A zone to B-R zone Southwest side of Baltimore Nat. Pol. 67' North of Painters Mill Road 4th District National Building Rentals, Inc. Petitioner	:	BY THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW
Zoning File No. 67-248-A	:	
Lion Brothers Company, Inc. Protestants-Appellants	:	Misc. Docket No. 8 Folio No. 343 File No. 4000

ANSWER TO ORDER OF APPEAL TO CIRCUIT COURT FOR BALTIMORE COUNTY AND CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND BOARD OF APPEALS OF BALTIMORE COUNTY

MR. CLERK:

Please file, &c.

...
Clerk to the Board
County Board of Appeals of Baltimore County

July 17, 1967

W. Lee Harrison, Esq.
Loyola Federal Building
Towson, Maryland 21204

Re: Petition for Reclassification
from R-A Zone to B-R Zone
S/W Side Reisterstown Road -
961.67' N. Painters Mill Road
4th Dist.; National Bldg. Rentals,
Inc., Petitioner - No. 67-248

Dear Mr. Harrison:

An appeal has been filed from the decision of the Deputy Zoning Commissioner rendered in the above matter.

You will be notified of the hearing when scheduled by the Board of Appeals.

Very truly yours

Zoning Commissioner

A. CHESTER PENNIMAN
...
TOWSON MARYLAND 21204

July 12, 1967

...
Suite 406, Court House
Towson, Maryland 21204

RECEIVED
JUL 13 1967
ZONING DEPARTMENT

Re: No. 67-248-A
Reclassification from M.L. to B.R.
Petitioner: National Building Rentals, Inc.
S/W/s Reisterstown Road, approximately
1000' N of Painters Mill Road

Gentlemen:

Please enter an Appeal to the Baltimore County Board of Appeals from the decision of the Zoning Commissioner, dated June 12, 1967 in the above matter.

Enclosed herewith is a check in the amount of $70.00 representing appeal costs.

Very truly yours,

A. Chester Penniman
Attorney for Petitioners
Lion Bros. Co., Inc.

ACP:mmd
cc: W. Lee Harrison, Esq.
Loyola Federal Building
Towson, Maryland - 21204

Encl.

STATE ROADS COMMISSION
...
TOWSON, MD. 21204

July 10, 1967

Mr. John G. Rose
Zoning Commissioner
County Office Building
Towson, Maryland, 21204

RE: Petition For Reclassification
Southwest Side Reisterstown Road
(Route 140), 961.67' North of
Painters Mill Road-4th District
National Bldg. Rentals, Inc.-Petitioner
No. 67-248-A

Dear Mr. Rose:

At the Zoning Advisory Committee meeting of May 23, 1967, the writer made comments with respect to the subject petition, to have reviewed the Zoning Order dated June 12, 1967 in which the Reclassification was granted. However, it was noted that reference to State Roads Commission comments were omitted from the Order.

Therefore, it is requested that the Order be amended to be subject to construction of the entrance to conform to State Roads Commission standards under permit from this office.

Thank you for your cooperation.

very truly yours,

Charles Lee, Chief
Development Engineering Section

JEK/mrb

By: John E. Meyers
Asst. Development Engineer

June 12, 1967

W. Lee Harrison, Esquire
603 Loyola Federal Building
Towson, Maryland 21204

RE: Petition for Reclassification
S/W/S Reisterstown Road 961.67'
N of Painters Mill Rd. - 4th Dist.
National Building Rentals, Inc.,
Petitioner
NO. 67-248-A

Dear Mr. Harrison:

I have this date passed my Order granting the above reclassification from an M.L. zone to a B.R. zone, subject to approval of the site plan by the Bureau of Public Services and the Office of Planning and Zoning.

Very truly yours,

EDWARD D. HARDESTY
Deputy Zoning Commissioner

EDH:jd

July 19, 1967

Mr. John E. Meyers
Development Engineering
State Roads Commission
300 W. Preston Street
Baltimore, Maryland 21201

RE: Petition for Reclassification
S/W/S Reisterstown Road (rt. 140)
961.67 feet N of Painters Mill Rd.
4th District
National Building Rentals, Inc., Pet.
NO. 67-248-A

Dear Mr. Meyers:

Your letter dated July 10, 1967, to Mr. Rose concerning the above Petition has been referred to me for reply.

It would probably be as good to amend my Order because I note in the file that an appeal has been taken to the County Board of Appeals as of July 24, 1967.

By copy of your letter I am advising the Board of your interests in this matter and am attaching a copy of your letter. In the event the Board should affirm my Order it could word its Order accordingly (that is--if the Board is in agreement).

Yours truly,

EDWARD D. HARDESTY
Deputy Zoning Commissioner

EDH:jd

cc: Board of Appeals

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: June 9, 1967

FROM: George E. Gavrelis, Director

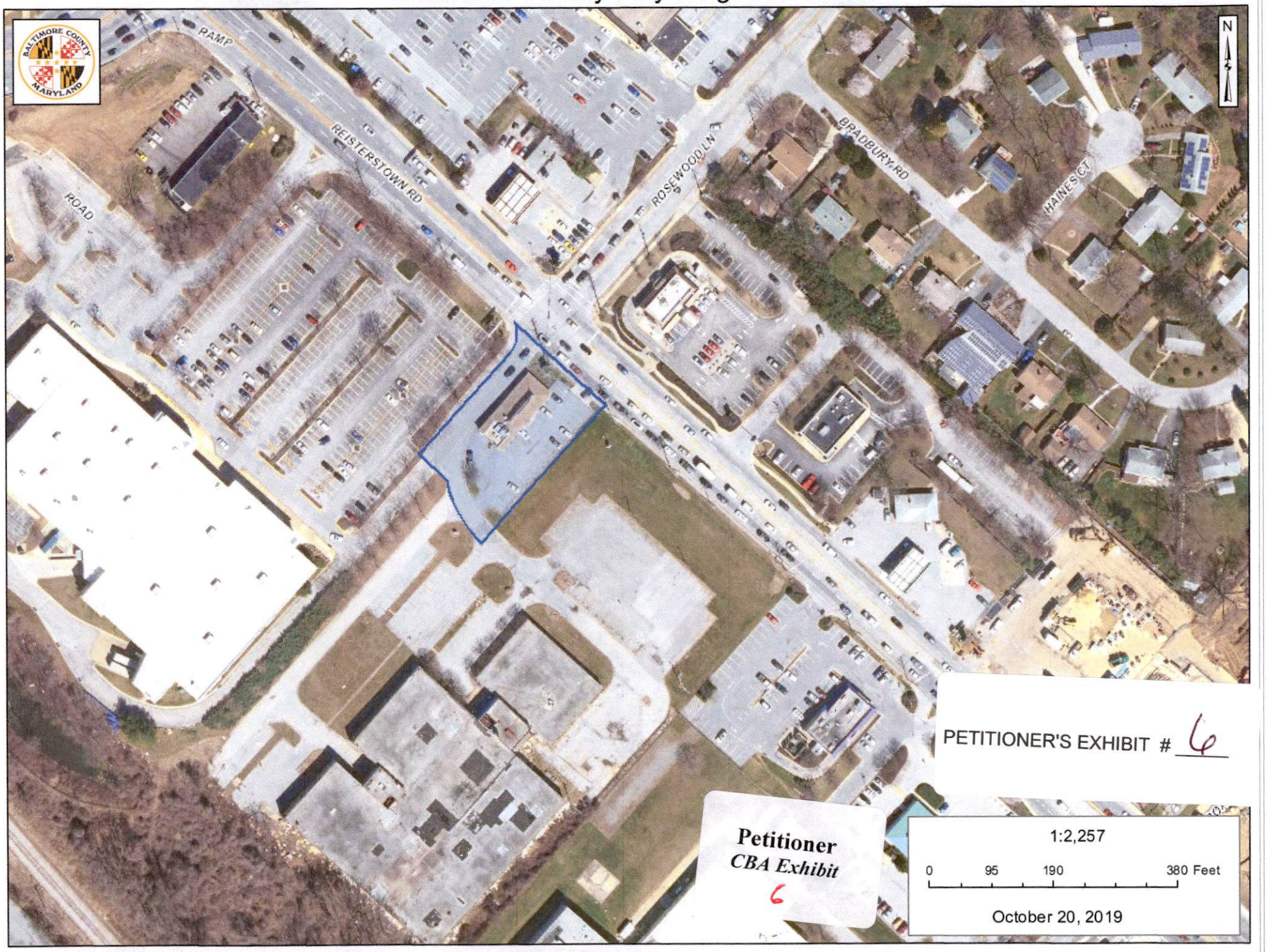
SUBJECT: Petition #67-248-A, Reclassification from M.L. to B.R., Southwest side of Reisterstown Road 961.67' feet north of Painters Mill Road. Being the property of National Building Rentals, Inc.

4th District

HEARING: Monday, June 12, 1967 (10:00 P.M.)

The planning staff of the Office of Planning and Zoning will have no comment on the subject petition.

Baltimore County - My Neighborhood



Baltimore County - My Neighborhood

Make recommendations to the County Executive for the improvement of traffic conditions in the county;

(7)

Prohibit parking on any portion of a public highway;

(8)

Prohibit parking and designate one-way streets; and

(9)

Adopt or issue reasonable regulations or orders governing parking, traffic, and the movement of vehicles in the vicinity of any public fair, game, parade, or other public event where a large gathering of people or vehicles is anticipated.

18-2-104. - ENFORCEMENT ON PRIVATE PROPERTY USED BY THE PUBLIC IN GENERAL.

The county may enforce applicable provisions of this title and Article 14, Title 3 of the Code on private property used by the public in general.

(Bill No. 70-08, § 1, 8-17-2008)

18-2-401. - "STREET" DEFINED.

In this subtitle, "street" has the meaning stated in Title 11 of the Transportation Article of the Annotated Code of Maryland.

(1988 Code, § 21-186) (Bill No. 66-01, § 2, 7-1-2004)

§ 8-101. Definitions

West's Annotated Code of MarylandTransportationEffective: July 1, 2018
West's Annotated Code of Maryland
Transportation
Title 8. Highways (Refs & Annos)
Subtitle 1. Definitions; General Provisions (Refs & Annos)

Effective: July 1, 2018 Current through all legislation from the 2018 Regular Session of the General Assembly

MD Code, Transportation, § 8-101

§ 8-101. Definitions

County road

(g) "County road" means any public highway:
(1) The title to which or the easement for the use of which, is vested in a public body or governmental agency; and

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(2) That is not a State highway or located in Baltimore City.

Highway
(i) "Highway" includes:
(1) Rights-of-way, roadway surfaces, roadway subgrades, shoulders, median dividers, drainage facilities and structures, related stormwater management facilities and structures, roadway cuts, roadway fills, guardrails, bridges, highway grade separation structures, railroad grade separations, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, and other structures forming an integral part of a street, road, or highway, including bicycle and walking paths; and
(2) Any other property acquired for the construction, operation, or use of the highway.

Street
(s) "Street" means a highway

§ 18-3-106. - DECLARATION OF ROAD AS PUBLIC HIGHWAY.

(a)

Authority. When any road has been in use by the public for 20 years, though the same may never have been condemned or granted as a public highway, the county, if it deems public necessity requires the adoption of the same as such, shall declare the road to be a public highway, provided such road right-of-way shall not be less than 30 feet in width.

(b)

Publication. The county shall publish a notice of the county's intention under this section once a week for 2 successive weeks in at least one newspaper of general circulation.

(c)

Plat recorded. The county shall cause a description and plat of the public highway to be made and recorded or filed among the county's records.

(d)

Alterations and maintenance. The county may relocate and straighten a road declared a public highway under this section and shall keep the public highway in good order and repair in a manner similar to other county public highways.

(1988 Code, § 31-6) (Bill No. 3, § 2, 3-30-1990; Bill No. 66-01, § 2, 7-1-2004)

Annotation:
Sec. 33 of the Art. 3 of the Maryland Constitution does not prohibit legislative enactment of law declaring highway in Baltimore County less than thirty feet wide to be public highway. Willis v. County Commissioners of Baltimore County, 173 Md. 28.

18-3-307. - ACCEPTANCE OF ROAD DEDICATIONS.

(a)

Authority of county to accept a dedicated road or alley. When an owner of property in the county opens, lays out, grades, paves, and drains, in accordance with the requirements of the county, a road or alley for the public convenience and is willing to dedicate the road or alley to public uses by a good

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and sufficient deed duly recorded, the county may accept the road or alley if the county determines that the road or alley is necessary and convenient for public use.

(b)

Conditions for acceptance. The county may not accept:

(1)

A road constructed in a right-of-way that is less than 40 feet in width;

(2)

An alley constructed in a right-of-way that is less than 14 feet in width; or

(3)

A road or alley unless, in the judgement of the county the road or alley is duly and properly graded, paved, and drained.

Annotations:

Failure to endorse acceptance upon deed (as required under § 595 of the 1929 Code), a formal defect, cured by proof of actual acceptance. County Commissioners of Baltimore County v. Collins, 158 Md. 335, 148 Atl. 242 (1930).

Applied in Chapman v. Rogan, 222 Md. 12, 158 A.2d 626 (1960).

Section 28-16 of the code (1958) cited in Gerezak v. Todd, 233 Md. 25, 194 A.2d 799 (1963).

§ 14-3-102. - ESTABLISHMENT OF FIRE LANE.

(a)

Authority. To prevent parking in front of or adjacent to fire hydrants or to provide access for emergency vehicles, the Fire Chief may designate fire lanes on:

(1)

Public streets and on private property used for commercial, industrial, or multifamily housing; and

(2)

Other private property.

(b)

Signs. The Traffic Engineer may design, approve, and supervise the posting of all signs for the purpose of marking and designating fire lanes.

(c)

Penalty. A person who damages, defaces, tampers with, removes, destroys, or impairs the usefulness of a posted fire lane sign installed under this title is guilty of a misdemeanor.

(1988 Code, §§ 21-162, 21-163) (Bill No. 26-00, § 2, 7-1-2004)

Article 32 – Planning and Zoningi)

(a)

In general. In this article the following words have the meanings indicated.

Street.

(1)

"Street" means:

(i)

A street, avenue, boulevard, road, lane, parkway, freeway, viaduct, bridge, or other way, which is an existing state or county highway; or

(ii)

A street or way shown on a plat duly filed and recorded in the Office of the Clerk of the Circuit Court for the county.

(2)

"Street" includes:

(i)

The land between the street right-of-way lines, whether improved or unimproved; and

(ii)

The pavements, shoulders, curbs and gutters, sidewalks, parking areas, and other areas within the street right-of-way lines.

- **ZONING**
- **SUBTITLE 1. - IN GENERAL**

32-3-101. - POWERS OF THE COUNTY.

(a)

Purpose of the zoning map and regulations. For the purpose of promoting the health, safety, morals, and general welfare of the community, the zoning map and regulations shall be prepared in the manner provided under this title to regulate and restrict, within the county:

(1)

The height, number of stories, and size of buildings and other structures;

(2)

The percentage of a lot that may be occupied;

(3)

The size of yards or courts;

(4)

The setback or distance of any buildings or structures from front or side lot, road, street, or alley line and other open spaces;

§ 32-3-102. - INTERPRETATION AND ENFORCEMENT OF ZONING REGULATIONS.

The Director of Permits, Approvals and Inspections shall interpret and enforce the Baltimore County Zoning Regulations to ensure that uses or buildings, including structures, landscaping, roads, and streets, conform to plans approved by the county.

32-3-103. - VALIDATION OF EXISTING ZONING REGULATIONS.

(1)

The zoning regulations adopted by the county on March 30, 1955 and as adopted and amended are declared to be in full force and effect.

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VIII. PUBLIC FACILITIES (ROADS)

PURPOSE – The proposed street system must provide safe and convenient vehicular circulation, both within the tract and between it and neighboring properties or particular traffic generators.

A. GENERAL

1. Roads shall be of such widths, grades and locations as to accommodate existing and future traffic as determined by existing and probable future land use.

2. The street layout of a proposed development shall conform to the Master Plan of Baltimore County.

3. Classification

a. Roads may be classified as either:

PUBLIC ROADS – Those which are constructed and inspected in accordance with Department of Public Works standards and specifications and which, after satisfactory completion, are accepted by the County for ownership and maintenance.

PRIVATE ROADS – Those which are designed and constructed to Department of Public Works standards and specifications, but which are inspected and certified to the Bureau of Development Plans Review by the developer's engineer (P.E.) and are retained for ownership and maintenance by a single entity, company, or corporations, within an unsubdivided lot, parcel, or tract.

b. Driveways are not classified as roads.

DRIVEWAYS & PANHANDLES (*including residential and commercial parking lots and access to the parking lots*) – Off-street means of vehicular ingress and egress to a parcel of land (*used also by pedestrians*) which can be designed to physical and geometric standards differing from those required for streets.

4. The developer shall be responsible for the complete cost of preparing construction drawings for roads in accordance with Baltimore County Design Standards. The drawings shall be subject to review and approval by the Department of Public Works and the Department of Permits and Development Management.

5. When the sole or primary means of access leading to a development is substandard, the developer shall be responsible for all costs of bringing the road up to a standard approved by the

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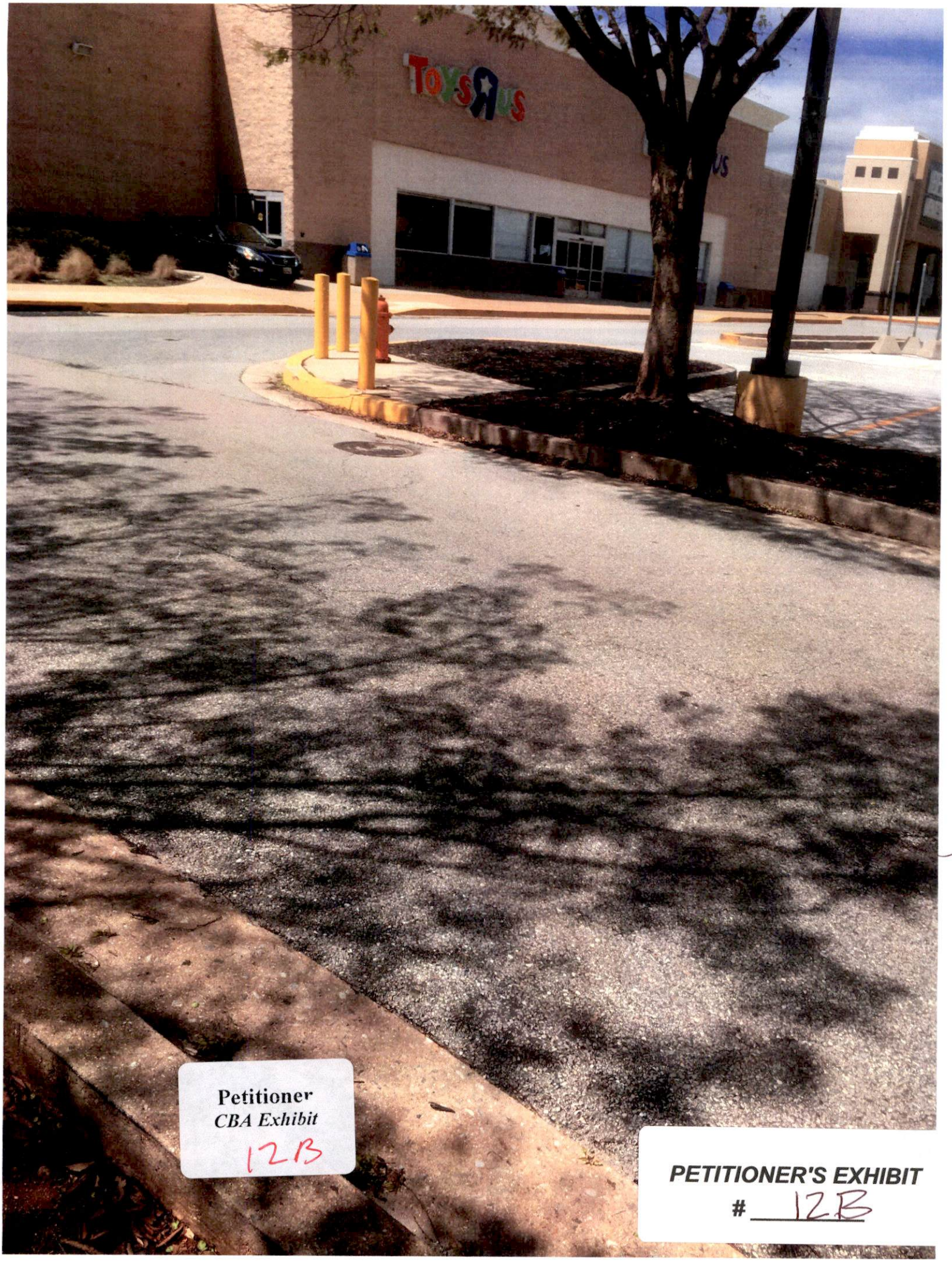
12A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- SETBACK — The required minimum horizontal distance between the building line (as defined in Section 101) and the related front, side or rear property line.

[Bill No. 138-1962]

- STREET — A motorway which is not a freeway or expressway but which has a right-of-way more than 20 feet in width.

[Bill No. 100-1970]

Note— Public roads only per WCR.

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THIS DEED made this 12th day of December, in the year nineteen hundred and fifty-seven, by and between GEROTOR MAY CORPORATION, a corporation of the State of Maryland, party of the first part (GRANTOR) and EMBLEM REALTY COMPANY, INC., a corporation of the State of Maryland, party of the second part (GRANTEE).

WITNESSETH : That in consideration of the sum of five dollars, and other valuable considerations, this day paid, the receipt whereof is hereby acknowledged, the said party of the first part does hereby grant and convey unto the said party of the second part, its successors and assigns, in fee simple, all that lot of ground situate, lying and being in the Third Election District of Baltimore County, State of Maryland, and described as follows, according to a description prepared by Benjamin E. Beavin Company, Engineers and Surveyors, on October 2, 1957, that is to say :

BEGINNING for the same at an iron pipe heretofore set on the southwest side of Reisterstown Road, as now laid out 66 feet wide, said iron pipe being distant south 40 degrees 2 minutes 30 seconds east 750 feet along the first line of the land which, by deed dated August 13, 1954, and recorded among the Land Records of Baltimore County in Liber G.L.B. NO. 2536 folio 148, was conveyed by James G. Saffell and wife to Gerotor May Corporation, said point of beginning also being at the end of the first line of a six acre tract of land which, by deed dated August 16, 1957, and recorded among the Land Records of Baltimore County in Liber G.L.B. NO. 3217 folio 334, was conveyed by Gerotor May Corporation to Emblem Realty Company, Inc; and running from thence along the southwest side of Reisterstown Road, south 40 degrees 2 minutes 30 seconds east 87 feet; thence leaving the said Reisterstown Road and running across the property of Gerotor May Corporation, south 49 degrees 57 minutes 30 seconds west 864.75 feet to intersect the northeast right of way line of the Western Maryland Railroad (80 feet wide) and the outline of the property of Gerotor May Corporation ; thence with said Western Maryland Railroad right of way and said out-

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of beginning being distant south 40 degrees 2 minutes 30 seconds east 364.36 feet along the first line of the land which, by deed dated August 13,1954, and recorded among the Land Records of Baltimore County in Liber G.L.B. NO. 2536 folio 148,was granted and conveyed by James G. Saffell and wife to Gerotor May Corporation; and running thence, along said first line and with the said side of said road, south 40 degrees 2 minutes 30 seconds east 74 feet to an iron pipe heretofore set; thence, continuing along Reisterstown Road, south 40 degrees 2 minutes 30 seconds east 36 feet; thence leaving Reisterstown Road, north 85 degrees 2 minutes 30 seconds west 56.56 feet; thence south 49 degrees 57 minutes 30 seconds west 60 feet; thence southerly by a line curving to the left with a radius of 90 feet, an arc distance of 141.37 feet; thence south 40 degrees 2 minutes 30 seconds east 4.50 feet to the northwest boundary of the remaining property of the Emblem Realty Company, Inc; thence, binding along said northwest boundary line of said property, south 49 degrees 57 minutes 30 seconds west 30 feet; thence, leaving said boundary line, north 40 degrees 2 minutes 30 seconds west 4.50 feet; thence northerly, by a line curving to the right with a radius of 120 feet, an arc distance of 188.50 feet; and thence north 49 degrees 57 minutes 30 seconds east 60 feet; and thence north 4 degrees 57 minutes 30 seconds east 56.56 feet to the place of beginning.

It is mutually agreed by and between the parties hereto to build and construct a suitable roadway over the easement or right of way hereinabove granted, and the cost therefor shall be equally divided between them.

In addition to the above easement and as an appurtenant easement to the land above described, and of other property owned by the said party of the second part adjacent thereto, the said party of the first part does hereby grant and convey unto the said party of the second part, its successors and assigns, an easement or right of way ten feet in width over, under and across the remaining land of the said party of the first part, lying between the property now being

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RECORDATION AND TRANSFER
TAXES NOT REQUIRED
TAX-PROPERTY ARTICLE §§ 12-108(P)(1)
and 13-207(A)(9)

Return to: 4504-43846 pole
Chicago Title Insurance Company
19 E. Fayette Street, Suite 300
Baltimore, MD 21202
(410) 230-9562

WARRANTY DEED

Prepared under the supervision of local counsel by and when recorded, return to:
Robert R. DiVita, Esq.
@ Sills Cummis Epstein & Gross
One Riverfront Plaza, Newark, NJ 07102
(973) 643-7000

Site / Store #:
10200 Reistertown Road, Owings Mill, Maryland / Site 8332

Real property tax bills to be sent to:
Grantee

Instrument:
Warranty Deed

Dated:
Dated as of the earliest notarization but effective as of November 30, 2005.

REVIEWED SDAT BY DATE 11-26-05

GRANTOR:
TOYS "R" US - DELAWARE, INC., a Delaware corporation, having an address at c/o Toys "R" Us, One Geoffrey Way, Wayne, NJ 07470, (973) 617-3500, EIN #13-5159250, as successor by name change to Toys "R" Us, Inc., a Delaware corporation, as evidenced by the certificate annexed hereto as Exhibit A.

GRANTEE:
TRU 2005 RE II TRUST, a Delaware statutory trust, c/o Toys "R" Us, One Geoffrey Way, Wayne, NJ 07470, (973) 617-3500.

Nature of Instrument:
This Instrument is a conveyance (a) in which Grantee is a wholly-owned affiliate of Grantor, (b) with no change in beneficial interest, and (c) being made pursuant to Sections 12-108(p)(1) and 13-207(a)(9) of the Tax-Property Article of the Annotated Code of Maryland and is therefore exempt from the payment of recordation and transfer taxes.

K&E 10757570.1

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14A

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Witnesseth:
That Grantor, for **NO CONSIDERATION**, does hereby grant, convey, transfer, assign and generally warrant unto Grantee, its successors and assigns, all of its estate, right, title and interest in and to that certain plot, piece or parcel of land (together with the buildings and improvements thereon erected) described on Exhibit B hereto (the "Premises").

Together with:
All right, title and interest (if any) of Grantor in and to any streets and roads abutting the Premises to the center line thereof, as well as any gaps, strips or gores on, around or within the Premises;

Together with:
All right, title and interest (if any) of Grantor in and to any hereditaments and appurtenances, and all of the estate and rights of Grantor.

To have and to hold:
The Premises herein conveyed unto the Grantee, its successors and assigns forever.

Warranty as to the Premises Conveyed Herein:
Grantor covenants with Grantee that (a) Grantor is lawfully seized of the fee simple title, (b) the fee simple title is free from all encumbrances, except those remaining as exceptions in Title Commitment #122403198 issued by Chicago Title Insurance Company, (c) Grantor has a good right and lawful authority to sell and convey the fee simple title, and (d) Grantor fully warrants the fee simple title against the lawful claims of all persons. The foregoing warranty is for the sole benefit of immediate Grantee only and shall not extend to any successor grantee.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

In witness whereof, the undersigned, by its duly elected officer(s) and pursuant to proper authority of its board of directors has duly executed, acknowledged and delivered this instrument as of the day and year first above written.

	GRANTOR: TOYS "R" US - DELAWARE, INC., a Delaware corporation By: _____ Name: Jeffrey D. Snyder Title: V.P

County of Passaic)
) **ss.**
State of New Jersey)

On November 4th, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared Jeffrey D. Snyder, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he / she / they executed the same in his / her / their capacity(ies), and that by his / her / their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument. Witness my hand and official seal.

Karen L. Chiandusse (SEAL)
Notary Public

KAREN L. CHIANDUSSE
A Notary Public Of New Jersey
My Commission Expires: Expires July 13, 2007

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Preparer's Certification:
This is to certify that the foregoing instrument was prepared by, or under the supervision of, the undersigned, one (1) of the parties named herein.

[GRANTOR]

TOYS "R" US - DELAWARE, INC.,
a Delaware corporation

By: _____
Name: Jeffrey D. Snyderman
Title: V. P.

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Exhibit A

Certificate

- see annexed -

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 23284, p. 0548, MSA_CE62_23139. Date available 02/13/2006. Printed 10/22/2019.

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Exhibit B

Premises

ALL THAT TRACT OR PARCEL OF LAND LYING OR BEING IN BALTIMORE COUNTY, MARYLAND being more particularly described as follows:

All that lot or parcel of ground situate in Baltimore County, Maryland and being more particularly described as follows:

BEGINNING for the same on the southwest side of Reisterstown Road at a point southwest of and distant 37.00 feet measured at right angles to the Baseline of Right-of-Way of Reisterstown Road, Station 359+42.88, as shown on Maryland State Highway Administration Right-of-Way Plat No. 47594, said point also being on the second or South 42 degrees 58 minutes 27 seconds West 200.16 foot line of the land which by deed dated December 23, 1970 and recorded among the Land Records of Baltimore County, Maryland in Liber O.T.G. 5153, Folio 573 was granted and conveyed by Frank S. Nicoll, Jr. to C. E. Kimmel and Company, distant 192.04 feet measured reversely in a northeasterly direction on said line from a concrete monument found at the end thereof, thence leaving said point of beginning and the outlines of the abovementioned land and running and binding on the southwest side of Reisterstown Road as shown on said plat, with all courses of this description referred to the Grid Meridian established in the Baltimore County Metropolitan District, the two following courses and distances, viz: (1) South 48 degrees 00 minutes 40 seconds East 142.88 feet, and thence (2) South 47 degrees 31 minutes 09 seconds East 220.71 feet to intersect the eighth or northeasterly 31.42 foot line of the land which by deed dated March 3, 1967 and recorded among the Land Records aforesaid in Liber O.T.G. 4733, Folio 501 was granted and conveyed by Bankers Trust Company and Baltimore Gas and Electric Company to National Building Rentals, Inc., thence leaving the southwest side of Reisterstown Road aforesaid and running and binding reversely on a part of the eighth, and the seventh through the fifth lines, inclusive, of the lastly abovementioned parcel, the four following courses and distances, viz: (3) by a curve to the right having a radius of 20.00 feet for a distance of 14.12 feet (the arc of said curve being subtended by a long chord bearing South 22 degrees 10 minutes 25 seconds West 13.83 feet), thence (4) South 42 degrees 23 minutes 52 seconds West 164.00 feet, thence (5) by a curve to the right having a radius of 25.00 feet for a distance of 9.50 feet (the arc of said curve being subtended by a long chord bearing South 53 degrees 17 minutes 03 seconds West 9.44 feet), and thence (6) South 47 degrees 36 minutes 08 seconds East 46.33 feet to a P.K. nail found at the end of the seventh or North 42 degrees 27 minutes 41 seconds East 91.82 foot line of the thirdly described parcel of land which by deed dated December 28, 1978 and recorded among the Land Records aforesaid in Liber E.H.K. Jr. 5981, Folio 33 was granted and conveyed by Warren V. Musser, et al. to Lion Brothers Company, Inc., thence leaving the outlines of the abovementioned parcel conveyed to National Building Rentals, Inc. and running

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and binding reversely on the seventh through fifth lines, inclusive, of the land conveyed to Lion Brothers Company, Inc., in all (7) South 42 degrees 27 minutes 15 seconds West 631.10 feet (passing over three concrete monuments at the end of 91.94 feet, 376.95 feet and 630.15 feet respectively) to intersect the northeastern right-of-way line of the Western Maryland Railroad (of variable width), thence leaving the outlines of the land conveyed to Lion Brothers Company and running and binding on the northeastern right-of-way line of said railroad, as shown on the right-of-way and Track Map of Western Maryland Railway Company, Valuation Map No. V.1-1 6, the two following courses and distances, viz: (8) North 41 degrees 22 minutes 01 second West 157.79 feet, and thence (9) by a curve to the right having a radius of 1870.08 feet for a distance of 302.26 feet (the arc of said curve being subtended by a long chord bearing North 36 degrees 44 minutes 12 seconds West 301.93 feet) to intersect the sixth or North 51 degrees 09 minutes 04 seconds East 171.69 foot line of the land which by deed dated June 30, 1971 and recorded among the Land Records aforesaid in Liber O.T.G. 5225, Folio 238 was granted and conveyed by Atlantic Seaboard Corporation to Columbia Gas Transmission Corporation, said point also being at the beginning of the elventh or North 42 degrees 49 minutes 31 seconds East 748.85 foot line of the land which by deed dated January 20, 1959 and recoded among the Land Records aforesaid in Liber W.J.R. 3476, Folio 628 was granted and conveyed by American Stores Company to Bankers Trust Company and Baltimore Gas and Electric Company, thence leaving the northeastern right-of-way line of Western Maryland Railroad aforesaid and running and binding on a part of the abovementioned sixth line of the land conveyed to Columbia Gas Transmission Corporation and on a part of the eleventh line of the land conveyed by American Stores Company, (10) North 42 degrees 48 minutes 19 seconds East 137.02 feet to a concrete monument found at the end of the second line of the land which by deed dated November 29, 1949 and recorded among the Land Records aforesaid in Liber T.B.S. 1801, Folio 211 was granted and conveyed by Walter C. Mylander to Bankers Trust Company and Consolidated Gas Electric Light and Power Company, thence leaving the outlines of the land conveyed by American Stores Company and running and binding on the division line between the land conveyed by Walter C. Mylander and that conveyed to Columbia Gas Transmission Corporation, (11) North 17 degrees 48 minutes 04 seconds West 217.13 feet to a 3/4 inch diameter iron pin with a 2 inch diameter aluminum cap marked "Daft-McCune-Walker, Inc. Property Marker C-99" (hereinafter referred to as a standard marker) now set, thence leaving the outlines of the land conveyed to Columbia Gas Transmission Corporation and running across the land conveyed by Walter C. Mylander for a new line of division, (12) North 72 degrees 11 minutes 56 seconds East 183.80 feet to a standard marker now set and to intersect the fourth or North 09 degrees 35 minutes 20 seconds West 300.76 foot line of the land conveyed by Walter C. Mylander aforesaid in Liber T. B.S. 1801, Folio 211, thence running and binding on a part of said fourth line, (13) North 17 degrees 48 minutes 04 seconds West 187.00 feet to a standard marker now set at the end of said line, said point also being south of and distant 63.92 feet measured radially from Baseline of Right-of-Way of the Owings Mills Boulevard Connector Station 4+00.90 as shown on the abovementioned State Highway Administration Right-of-Way Plat, thence leaving the outlines of the land conveyed by Walter C. Mylander and

running and binding on the Right-of-Way Line and Right-of-Way Line of Through Highway of the Owings Mills Boulevard Connector, as shown on the aforesaid plat, three following courses and distances, viz: (14) South 63 degrees 19 minutes 22 seconds East 42.92 feet to a standard marker now set, thence (15) South 71 degrees 20 minutes 44 seconds East 38.80 feet to a standard marker now set, and thence (16) North 72 degrees 57 minutes 06 seconds East 30.82 feet to intersect the fifth or South 47 degrees 40 minutes 06 seconds East 232.27 foot line of the land which by deed dated May 6, 1971 and recorded among the Land aforesaid in Liber O.T.G. 5184, Folio 919 was granted and conveyed by C. E. Kimmel and Company to Bankers Trust Company and Baltimore Gas and Electric Company at a standard marker now set, thence running and binding on a part of said line (17) South 47 degrees 26 minutes 15 seconds East 205.20 feet to a concrete monument found at the end thereof, thence running and binding reversely on the aforesaid second line of the first hereinmentioned deed (18) North 42 degrees 55 minutes 16 seconds East 192.04 feet to the point of beginning; containing 9.199 acres of land, more or less, according to a survey made by Daft-McCune-Walker, Inc. in April of 1988.

Subject to a reservation of a 40 foot wide right of way over the above described parcel for ingress and egress as described in a Deed from Baltimore Gas and Electric Company and Bankers Trust Company to Constellation Properties, Inc., dated July 29, 1988 and recorded among the Land Records of Baltimore County in Liber S.M. No. 7940, folio 68.

Subject to a reservation of a right to construct, install, etc. future electric, gas and communication lines as described in Deed recorded among the Land Records of Baltimore County in Liber S.M. No. 7940, folio 68.

Subject to the use in common with others entitled thereto of a 22 foot wide lane mentioned in a Deed from American Stores Company to Bankers Trust Company and Baltimore Gas and Electric Company, dated January 20, 1959 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3476, folio 628.L.

from Rossville Rd
to Days Rus —
on top of 30'
access road

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 23284, p. 0551, MSA_CE62_23139. Date available 02/13/2006. Printed 10/22/2019.

LIBER 3287 PAGE 040

THIS DEED made this 12th day of December, in the year nineteen hundred and fifty-seven, by and between GEROTOR MAY CORPORATION, a corporation of the State of Maryland, party of the first part (GRANTOR) and EMBLEM REALTY COMPANY, INC., a corporation of the State of Maryland, party of the second part (GRANTEE).

WITNESSETH : That in consideration of the sum of five dollars, and other valuable considerations, this day paid, the receipt whereof is hereby acknowledged, the said party of the first part does hereby grant and convey unto the said party of the second part, its successors and assigns, in fee simple, all that lot of ground situate, lying and being in the Third Election District of Baltimore County, State of Maryland, and described as follows, according to a description prepared by Benjamin E. Beavin Company, Engineers and Surveyors, on October 2, 1957, that is to say :

BEGINNING for the same at an iron pipe heretofore set on the southwest side of Reisterstown Road, as now laid out 66 feet wide, said iron pipe being distant south 40 degrees 2 minutes 30 seconds east 750 feet along the first line of the land which, by deed dated August 13, 1954, and recorded among the Land Records of Baltimore County in Liber G.L.B. NO. 2536 folio 148, was conveyed by James G. Saffell and wife to Gerotor May Corporation, said point of beginning also being at the end of the first line of a six acre tract of land which, by deed dated August 16, 1957, and recorded among the Land Records of Baltimore County in Liber G.L.B. NO. 3217 folio 334, was conveyed by Gerotor May Corporation to Emblem Realty Company, Inc; and running from thence along the southwest side of Reisterstown Road, south 40 degrees 2 minutes 30 seconds east 87 feet; thence leaving the said Reisterstown Road and running across the property of Gerotor May Corporation, south 49 degrees 57 minutes 30 seconds west 864.75 feet to intersect the northeast right of way line of the Western Maryland Railroad (80 feet wide) and the outline of the property of Gerotor May Corporation ; thence with said Western Maryland Railroad right of way and said out-

Petitioner
CBA Exhibit
14C

line, north 33 degrees 54 minutes 30 seconds west 87.50 feet to the southernmost corner of the said six acre tract owned by Emblem Realty Company,Inc; thence with the same north 49 degrees 57 minutes 30 seconds east 855.40 feet to the place of beginning.
Containing 1.718 acres of land, more or less.

BEING part of the property which, by deed dated August 13 1954, and recorded among the Land Records of Baltimore County in Liber G.L.B. NO. 2536 folio 148, was granted and conveyed by James G. Saffell and wife to the said party of the first part, in fee simple.

As an appurtenant easement to the lands of the party of the second part, the said party of the first part doth hereby grant and convey unto the said party of the second part, its successors and assigns, an easement or right of way for ingress, egress and other purposes, over, under and across the parcel of land hereinafter described, which said easement or right of way is to be for the joint use of the said party of the second part, its successors and assigns, and of the said party of the first part, its successors and assigns, for ingress, egress and other purposes by the said party of the second part, its successors and assigns, to and from the property presently owned by the said party of the second part, and the property now being conveyed by the said party of the first part to the said party of the second part by this deed, and for ingress, egress and other purposes by the said party of the first part, its successors and assigns, to and from the property presently owned by the said party of the first part, and the property to be acquired by the said party of the first part from the said party of the second part, by deed of even date herewith and recorded or intended to be recorded among the Land Records of Baltimore County prior hereto, said parcel of land being described as follows :

BEGINNING for the same at a point on the southwest side of Reisterstown Road, as now laid how laid out 66 feet wide, said point

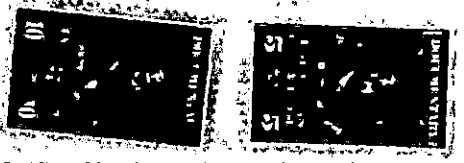
BALTIMORE COUNTY CIRCUIT COURT (Land Records) GLB 3287, p. 0041, MSA_CE62_3142. Date available 06/10/2006. Printed 12/12/2018.

of beginning being distant south 40 degrees 2 minutes 30 seconds east 364.36 feet along the first line of the land which, by deed dated August 13,1954, and recorded among the Land Records of Baltimore County in Liber G.L.B. NO. 2536 folio 148,was granted and conveyed by James G. Saffell and wife to Gerotor May Corporation; and running thence, along said first line and with the said side of said road, south 40 degrees 2 minutes 30 seconds east 74 feet to an iron pipe heretofore set; thence, continuing along Reisterstown Road, south 40 degrees 2 minutes 30 seconds east 36 feet; thence leaving Reisterstown Road, north 85 degrees 2 minutes 30 seconds west 56.56 feet; thence south 49 degrees 57 minutes 30 seconds west 60 feet; thence southerly by a line curving to the left with a radius of 90 feet, an arc distance of 141.37 feet; thence south 40 degrees 2 minutes 30 seconds east 4.50 feet to the northwest boundary of the remaining property of the Emblem Realty Company, Inc; thence, binding along said northwest boundary line of said property, south 49 degrees 57 minutes 30 seconds west 30 feet; thence, leaving said boundary line, north 40 degrees 2 minutes 30 seconds west 4.50 feet; thence northerly, by a line curving to the right with a radius of 120 feet, an arc distance of 188.50 feet; and thence north 49 degrees 57 minutes 30 seconds east 60 feet; and thence north 4 degrees 57 minutes 30 seconds east 56.56 feet to the place of beginning.

It is mutually agreed by and between the parties hereto to build and construct a suitable roadway over the easement or right of way hereinabove granted, and the cost therefor shall be equally divided between them.

In addition to the above easement and as an appurtenant easement to the land above described, and of other property owned by the said party of the second part adjacent thereto, the said party of the first part does hereby grant and convey unto the said party of the second part, its successors and assigns, an easement or right of way ten feet in width over, under and across the remaining land of the said party of the first part, lying between the property now being

BALTIMORE COUNTY CIRCUIT COURT (Land Records) GLB 3287, p. 0042, MSA_CE62_3142. Date available 08/10/2006. Printed 12/12/2018.



conveyed by the said party of the first part to the said party of the second part by this deed and the storm drain to be constructed by the said party of the first part, the said easement or right of way to be used for the construction and maintenance by the said party of the second part, its successors and assigns, of a storm water drain; said right of way being more particularly described as follows :

BEGINNING for the same at a point in the second line of the property herein intended to be conveyed, said point of beginning being distant south 40 degrees 2 minutes 30 seconds east 837 feet and south 49 degrees 57 minutes 30 seconds west 263 feet from the beginning point of the land which, by deed dated August 13,1954 and recorded among the Land Records of Baltimore County in Liber G.L.B. NO. 2536 folio 148, was conveyed by James G. Saffell and wife to Gerotor May Corporation ; and running thence across the land of the grantor herein, south 40 degrees 2 minutes 30 seconds east 105 feet; thence south 49 degrees 57 minutes 30 seconds west 10 feet; and thence north 40 degrees 2 minutes 30 seconds west 105 feet, and thence north 49 degrees 57 minutes 30 seconds east 10 feet to the place of beginning.

Reserving, however, unto the said party of the first part an easement or right of way 10 feet in width for the purpose of constructing and maintaining a sanitary sewer line extending across the rear portion of said property from the remaining property of the said party of the first part lying to the northwest of the property of the said party of the second part, for the purpose of connecting with Painter's Mill Road interceptor of the Gwynn's Falls Lateral sewer, as established in the deed dated August 16,1957, and recorded among the Land Records of Baltimore County in Liber G.L.B. NO. 3217 folio 334 from the said party of the first part to Emblem Realty Company, Inc.

TOGETHER with the buildings and improvements thereupon; and the rights, alleys, ways, waters, privileges,appurtenances and advan - tages thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the above described property, unto and to the use of the said EMBLEM REALTY COMPANY, INC., its successors and assigns, in fee simple.

AND the said party of the first part does hereby covenant that it will warrant specially the property hereby granted and conveyed, and that it will execute such further assurances of said land as may be requisite.

WITNESS the corporate seal of the said party of the first part, and the signature of its President or Vice-President hereto.

WITNESS: GEROTOR MAY CORPORATION

BY E E Yaggy Jr
President

R.M. Zimmermann
R.M. Zimmermann

E.E. Yaggy, Jr.

STATE OF MARYLAND COUNTY OF BALTIMORE SCT :

I HEREBY CERTIFY That on this 19TH. day of December, in the year nineteen hundred and fifty-seven, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared E.E. YAGGY, JR. ,who acknowledged himself to be the [redacted]-President of Gerotor May Corporation, a corporation, and that he as such [redacted] President being authorized so to do executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as [redacted]-President.

WITNESS my hand and notarial seal.

Charles E. Talbott
Notary Public.

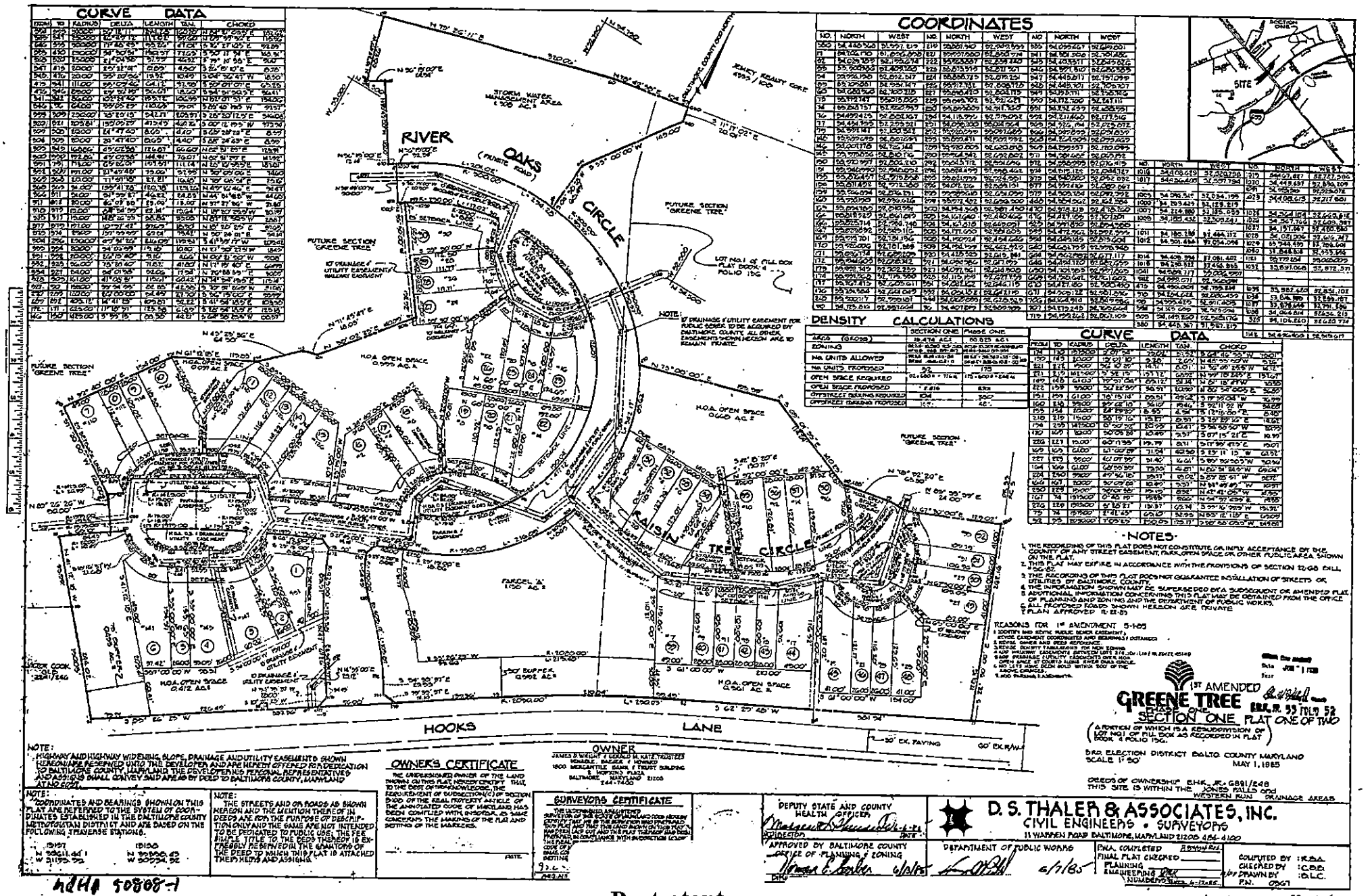
Charles E Talbott

My commission expires May 4,1959.

Recorded DEC 23 1957 at 2 P.M.

Per George L. Byerly, Clerk.

Mailed to THE TITLE GUARANTEE CO.

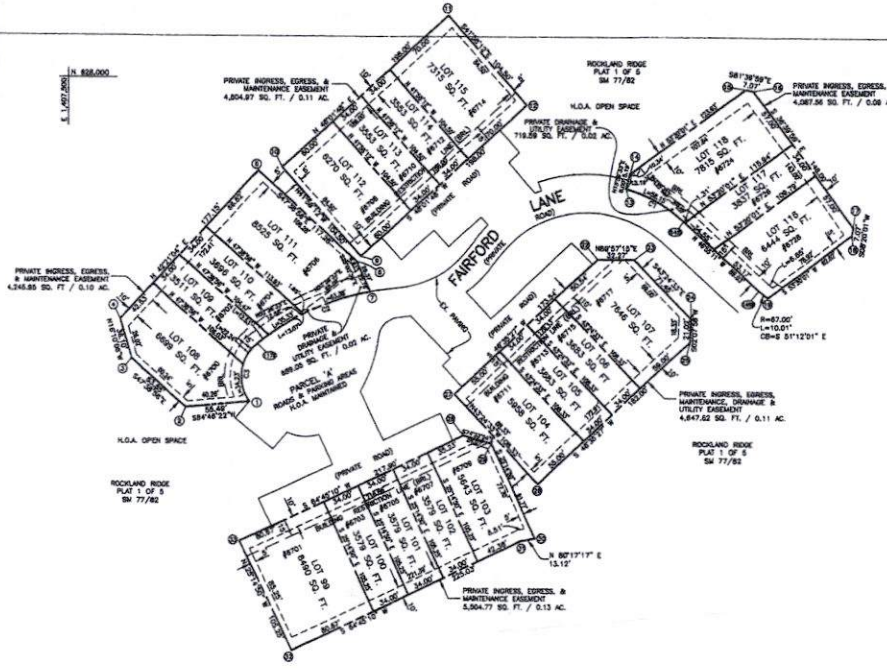

CURVE DATA
COORDINATES
DENSITY CALCULATIONS
SECTION ONE
PHASE ONE
RIVER OAKS CIRCLE
RIVER OAKS (PRIVATE ROAD)
GREENE TREE CIRCLE
HOOKS LANE
STORM WATER MANAGEMENT AREA 1.900 AC.±
H.O.A. OPEN SPACE 0.412 AC.±
H.O.A. OPEN SPACE 0.900 AC.±
H.O.A. OPEN SPACE 0.661 AC.±
H.O.A. OPEN SPACE 0.900 AC.±
H.O.A. OPEN SPACE 0.661 AC.±
PARCEL 'A' 1.700 AC.±
50' BUFFER 0.992 AC.±
FUTURE SECTION "GREENE TREE"
LOT NO.1 OF HILL DOCK PLAT BOOK 4 FOLIO 156
JERICY REALTY CORP. 4955/100
NOTES
REASONS FOR 1st AMENDMENT 8-1-85
1ST AMENDED GREENE TREE PHASE ONE SECTION ONE PLAT ONE OF TWO
(A PORTION OF WHICH IS A RESUBDIVISION OF LOT NO.1 OF HILL DOCK AS RECORDED IN PLAT BOOK 4 FOLIO 156)
3RD ELECTION DISTRICT BALTO COUNTY MARYLAND
MAY 1, 1985
SCALE 1"=50'
DEEDS OF OWNERSHIP E.H.K. JR. 6881/248
THIS SITE IS WITHIN THE JONES FALLS and WESTERN RUN DRAINAGE AREAS
NOTE: HIGHWAY AND HIGHWAY WIDENING, SLOPE, DRAINAGE AND UTILITY EASEMENTS SHOWN HEREON ARE RESERVED UNTO THE DEVELOPER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND THE DEVELOPER HIS PERSONAL REPRESENTATIVES AND ASSIGNS SHALL CONVEY SAID AREAS BY DEED TO BALTIMORE COUNTY, MARYLAND AT NO COST.
NOTE: COORDINATES AND BEARINGS SHOWN ON THIS PLAT ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRAVERSE STATIONS.
NOTE: THE STREETS AND OR ROADS AS SHOWN HEREON AND THE MENTION THEREOF IN DEEDS ARE FOR THE PURPOSE OF DESCRIPTION ONLY AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE; THE FEE SIMPLE TITLE TO THE BEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED THEIR HEIRS AND ASSIGNS.
OWNER'S CERTIFICATE
OWNER
SURVEYOR'S CERTIFICATE
DEPUTY STATE AND COUNTY HEALTH OFFICER
APPROVED BY BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
DEPARTMENT OF PUBLIC WORKS
D. S. THALER & ASSOCIATES, INC.
CIVIL ENGINEERS • SURVEYORS
11 WARREN ROAD BALTIMORE, MARYLAND 21208 484-4100
COMPUTED BY: R.B.A.
CHECKED BY: C.B.E.
DRAWN BY: D.L.C.
F.N. 0967
84HA 50808-1
MSA SS4 1936-10080-1 83-87
Protestant
CBA Exhibit
15A
PETITIONER'S EXHIBIT # 15A

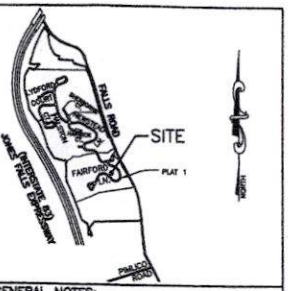
COORDINATE TABLE		
Point	Northing	Easting
1	627715.6648	1407658.3487
2	627710.6060	1407663.0858
3	627753.6247	1407703.8946
4	627788.2948	1407645.8444
5	627819.2140	1407685.1848
6	627840.3039	1407701.5807
7	627813.5851	1407764.2785
1176	627786.6755	1407864.5049
9	627844.9855	1407765.5408
10	627922.3561	1407680.6084
11	628094.7902	1407632.8712
12	627977.0765	1407902.7826
13	627904.3974	1407990.0100
14	627917.0760	1407983.6438
15	627991.0636	1408063.0546
16	627995.0857	1408100.0810
17	627871.3439	1408186.4296
18	627884.3475	1408187.4048
19	627808.9219	1408112.9542
1459	627815.1891	1408108.1562
648	627675.9968	1408040.1341
22	627842.0648	1407985.2835
23	627842.1208	1407987.5564
24	627780.2139	1408046.8884
25	627799.3127	1408046.5784
26	627844.1413	1407912.6801
27	627722.8391	1407836.2151
28	627686.4801	1407847.0270
29	627578.5068	1407872.1503
30	627580.5966	1407911.3911
31	627684.2927	1407898.3889
32	627498.3139	1407894.6391
33	627563.5125	1407846.9463

RIGHT-OF-WAY CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	DELTA	CHORD BEARING	CHORD
C1	58.13'	133.00'	29.63'	25°02'48"	S72°27'49" W	57.67'
C2	111.34'	313.00'	56.61'	20°22'52"	S 64°40'07" W	108.78'
C3	56.47'	38.00'	34.91'	85°06'59"	S 07°12'59" W	51.42'

DENSITY CALCULATIONS						
DESCRIPTION	PLAT 1 OF 5	PLAT 2 OF 5	PLAT 3 OF 5	PLAT 4 OF 5	PLAT 5 OF 5	TOTAL
AREA GROSS	16.35 AC.	12.75 AC.	18.57 AC.	21.93 AC.	8.51 AC.	78.10 AC.
NET	15.76 AC.	12.58 AC.	17.84 AC.	20.74 AC.	8.50 AC.	72.34 AC.
ZONING DR1	16.35 AC.	13.58 AC.	18.62 AC.	21.93 AC.	8.51 AC.	78.93 AC.
MLR	0.00 AC.	0.17 AC.	0.00 AC.	0.00 AC.	0.00 AC.	0.17 AC.
DWELLING UNITS ALLOWED DR1	16.35X1=16.35	12.58X1=12.58	18.57X1=18.57	21.92X1=21.92	8.51X1= 8.51	
MLR	0.00X0= 0	0.17X0= 0	0.00X0= 0	0.00X0= 0	0.00X0= 0	75
	TOTAL =16.35	TOTAL =12.58	TOTAL =18.57	TOTAL =21.92	TOTAL = 8.51	
DWELLING UNITS PROPOSED	20	0	19+0 EXST=24	28+3 EXST= 31	0	75
OPEN SPACE # REQUIRED	20X650=13000 S.F. = 0.30 AC.	0X650=0.00 S.F. = 0.00 AC.	24X650=15600 S.F. = 0.36 AC.	31X650=20150 S.F. = 0.46 AC.	0.00X650=0.00 S.F. = 0.00 AC.	1.12 AC.
OPEN SPACE # PROVIDED	8.85 AC.	11.81 AC.	11.28 AC.	13.85 AC.	2.16 AC.	47.86 AC.
PARKING SPACES REQUIRED	20X2= 40	0	24X2= 48	31X2=62	0X2= 0	150
PARKING SPACES PROVIDED	50	0	88	72	0	190

THE ROADS AND UTILITIES (I.E. WATER MAINS, SEWER MAINS, STORM DRAINS, ETC.) ARE PRIVATE AND SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION. DUE TO THE HEIGHT OF THE RETAINING WALLS AND THEIR PROXIMITY TO THE ROADS AND UTILITIES, BALTIMORE COUNTY WILL NEVER UNDER ANY CIRCUMSTANCES ACCEPT THESE FOR MAINTENANCE.





GENERAL NOTES:

1. THE OWNER HEREBY RESERVES AND OFFERS FOR DEDICATION TO BALTIMORE COUNTY ALL SUCH RIGHTS OF WAY AND PROPERTY INTERESTS OF ANY KIND DESIGNATED HEREON OR OTHERWISE REASONABLY DETERMINABLE TO BE INTENDED FOR DEDICATION TO BALTIMORE COUNTY (THE "PROPERTY INTERESTS"). THE PROPERTY INTERESTS MAY INCLUDE, BUT ARE NOT LIMITED TO, HIGHWAY AND HIGHWAY WIDENING, SLOPE EASEMENTS, DRAINAGE AND UTILITY EASEMENTS, SIGHT LINE EASEMENTS, FIRE SUPPRESSION EASEMENTS, FOREST CONSERVATION AREAS IN FEE OR EASEMENT, ACCESS EASEMENTS, FOREST BUFFER AREAS IN FEE OR EASEMENT, CRITICAL AREA EASEMENTS, LOCAL OPEN SPACE, SPECIMEN AREAS IN FEE OR EASEMENT, STORM WATER MANAGEMENT AREAS, CONSERVANCY AREAS, AND ANY OTHER SIMILAR RIGHTS OF WAY OR PROPERTY INTERESTS. NO MATTER HOW STATED OR EXISTED, EXCEPT FOR THOSE ROADS DESIGNATED AS PRIVATE, ALL RIGHTS, TITLES, AND PROPERTY INTERESTS BY DEED TO BALTIMORE COUNTY, MARYLAND AT NO COST TO BALTIMORE COUNTY. THE OBLIGATION TO CONVEY SAID PROPERTY INTERESTS SHALL RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNER, THE OWNER'S PERSONAL REPRESENTATIVES, SUCCESSORS AND ASSIGNS. UPON FINAL APPROVAL OF THIS PLAT BY THE REQUIRED GOVERNMENTAL AUTHORITIES, AND UNTIL SUCH TIME AS SAID CONVEYANCE IS ACCEPTED BY BALTIMORE COUNTY, THE OWNER AUTHORIZES BALTIMORE COUNTY, ITS AGENTS AND ASSIGNS, TO ENTER UPON THE PROPERTY SHOWN HEREON FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING AND REPAIRING ROADS, UTILITY LINES AND FACILITIES, AND STORM WATER MANAGEMENT PONDS AND FACILITIES, AND FOR OTHER PUBLIC PURPOSES AS REASONABLY NECESSARY. THE PROPERTY SHOWN HEREON SHALL BE SUBJECT TO THE RIGHTS OF BALTIMORE COUNTY IN AND TO THE PROPERTY INTERESTS.
2. STREETS AND/OR ROADS SHOWN HEREON, AND THE MENTION THEREOF IN DEEDS ARE FOR PURPOSES OF DESCRIPTION ONLY, AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE, THE FEE SIMPLE TITLE TO THE BEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTOR OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.
3. THIS PLAT MAY EXPIRE IN ACCORDANCE WITH THE PROVISIONS OF THE BALTIMORE COUNTY CODE, SECTION 32-4-274.
4. THE RECORDING OF THIS PLAT DOES NOT GUARANTEE THE INSTALLATION OF STREETS OR UTILITIES BY BALTIMORE COUNTY.
5. THE INFORMATION SHOWN HEREON MAY BE SUPERSEDED BY A SUBSEQUENT OR AMENDED PLAT.
6. ADDITIONAL INFORMATION CONCERNING THIS PLAT MAY BE OBTAINED FROM THE BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS.
7. THE RECORDING OF THIS PLAT DOES NOT CONSTITUTE OR IMPLY ACCEPTANCE BY THE COUNTY OF ANY STREET, EASEMENT, PARK, OPEN SPACE OR OTHER PUBLIC AREA SHOWN ON THE PLAT.
8. THE OWNER/DEVELOPER WILL COMPLY WITH THE BEST MANAGEMENT PRACTICES ADOPTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY.
9. THE SECOND REVISED CRG PLAN FOR THE PROPERTY SHOWN ON THIS PLAT WAS APPROVED ON SEPTEMBER 23, 2002 2ND REFINEMENT DRC #0325020 REFINEMENT.
10. THE ROADS AND STORM DRAINS AS LAID OUT ON THIS PLAT HAVE BEEN DESIGNED BY A PROFESSIONAL ENGINEER DAVID A. HAUK, MD. P.E. #22056.
11. ANY FOREST CONSERVATION EASEMENT AND BUFFER EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND THE USE OF THESE AREAS.
12. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST CONSERVATION EASEMENTS AND FOREST BUFFER EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY.
13. THE DEVELOPMENT OF THIS PLAT IS BASED UPON A REASONABLE EXPECTATION THAT THE WATER AND SEWER SERVICE THAT IS PLANNED FOR THIS DEVELOPMENT WILL BE AVAILABLE WHEN NEEDED. HOWEVER, BUILDING PERMITS MAY NOT BE ISSUED UNTIL THE PLANNED WATER AND SEWER FACILITIES ARE COMPLETED AND DETERMINED TO BE ADEQUATE TO SERVE THE PROPOSED DEVELOPMENT.
14. EXCEPT AS OTHERWISE INDICATED, ALL BUILDING RESTRICTION LINES SHOWN HEREON HAVE BEEN PLACED AS A RESULT OF AN INTERPRETATION ONLY OF CURRENT APPLICABLE REGULATIONS AND POLICIES OF THE BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS. EXCEPTIONS TO THESE RESTRICTIONS MAY APPLY.
15. A VARIANCE WAS GRANTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT FROM REGULATIONS FOR THE PROTECTION OF WATER QUALITY, STREAMS, WETLANDS AND FLOODPLAINS TO ALLOW A REDUCTION OF THE FOREST BUFFER EASEMENT, CONDITIONS WERE PLACED ON THIS VARIANCE TO REDUCE WATER QUALITY IMPACTS. THESE CONDITIONS INCLUDE, BUT WERE NOT LIMITED TO PERMANENT FENCING AND POSTING OF PROTECTIVE SIGNAGE ALONG THE FOREST BUFFER EASEMENT AS WELL AS ESTABLISHING BOTH DOOD VEGETATIVE COVER AND REFORESTATION IN THE FOREST BUFFER EASEMENT.
16. THIS SITE IS LOCATED IN THE JONES FALLS WATERSHED #24.
17. DEED REFERENCE: L. 21827, F. 310, TAX ACCOUNT NUMBER: 2400009891 - 2400009205 TAX MAP 69, PARCEL 1092.
18. THIS SITE IS LOCATED IN SUBSEWERSHEDS 50, 56, & 53.
19. TOTAL AREA OF LOTS = 2.4800 Ac.
20. CBS-CAPPED IRON BAR SET.

Filed for record
JLE Liber 79 Folio 368
Date SEP 10 2013
Test:
Julie L. Enzor
Clerk

JLE 79-368

Protestant
CBA Exhibit
15B

PETITIONER'S EXHIBIT # 15B

I HEREBY CERTIFY THAT I HAVE REVIEWED WITH DUE DILIGENCE THE APPROVED SECOND REVISED CRG PLAN DATED SEPT. 25, 2002 AND HAVE PREPARED WITH DUE DILIGENCE THIS PLAT, PURSUANT TO THAT APPROVED CRG PLAN.

REASONS FOR THE FIFTH AMENDMENT
1. INTERIOR LOT LINE ADJUSTMENT FOR LOTS 99-118 (ONLY) TO REFLECT REDUCED BUILDING PRODUCT

COORDINATES AND BEARINGS SHOWN ON THIS PLAT ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE MARYLAND COORDINATE SYSTEM NAD 83/91, BASED ON THE FOLLOWING TRAVERSE STATIONS:

STATION	NORTHING	EASTING	ELEV.
GIS-96	624053.01	1392252.58	486.42
GIS-135	632810.29	1411250.02	220.36

MARYLAND COORDINATE SYSTEM
HORIZONTAL - NAD 83
VERTICAL - NAVD 88

P.W.A. COMPLETED:
ZONING: DR 9/4/13
DEV. DESIGN: Dave 8/15/13
DEV. ENGINEER: VND 8/15/13
STREETS, NUMBERING: 9-4-13
REAL ESTATE COMPLIANCE: 9-4-13
PARKS & RECREATION: 9/9/13

OWNERS CERTIFICATE:
THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT HEREBY CERTIFIES THAT, TO THE BEST OF ITS KNOWLEDGE, THE REQUIREMENTS OF SUBSECTION (C) OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND HAVE BEEN COMPLIED WITH, INSOFAR AS SAME CONCERNS THE MAKING OF THIS PLAT AND SETTING OF THE MARKERS.
MICHAEL KELLY, MANAGING MEMBER ROCKLAND RIDGE, LLC 8/5/13 DATE

SURVEYOR'S CERTIFICATE:
THE UNDERSIGNED, A REGISTERED PROPERTY LINE SURVEYOR OF THE STATE OF MARYLAND, DOES HEREBY CERTIFY THAT HE IS THE SURVEYOR WHO PREPARED THIS PLAT AND THAT THE LAND SHOWN ON THIS PLAT HAS BEEN LAID OUT AND THE PLAT THEREOF HAS BEEN PREPARED IN COMPLIANCE WITH SUBSECTION (C) OF SECTION 3-108 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND, PARTICULARLY INSOFAR AS THE SAME CONCERNS THE MAKING OF THIS PLAT AND THE SETTING OF THE MARKERS.
BERNARD F. LINEMANN III PROP. L.S. 583 7/30/13 DATE

LICENSE EXPIRATION DATE: 1-28-2015

APPROVED BY THE DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS PURSUANT TO SECTION 32-4-272, BALTIMORE COUNTY CODE:
DIRECTOR OF DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS 9/10/13 DATE

APPROVED:
DIRECTOR OF DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY 8/29/13 DATE

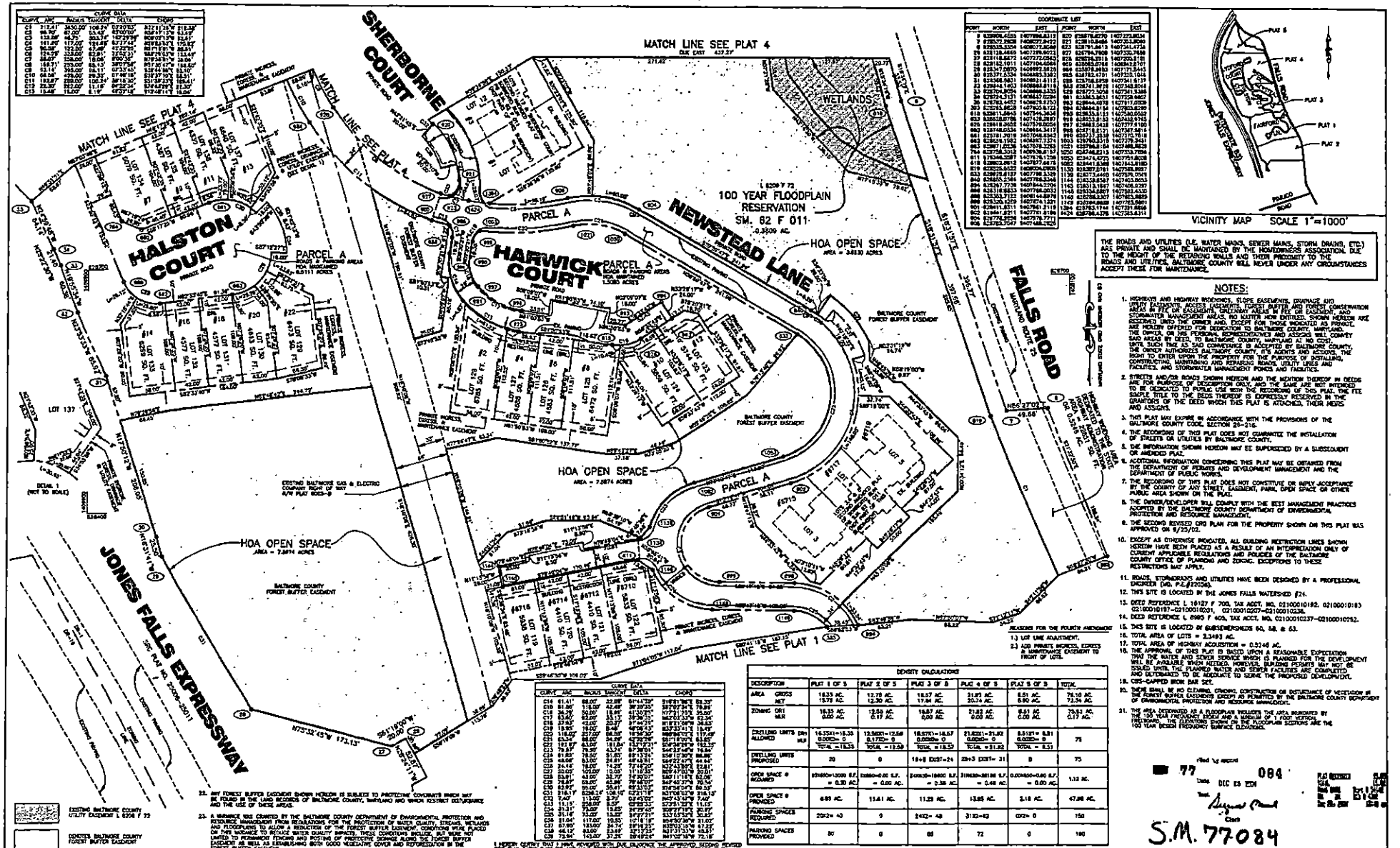
OWNER/DEVELOPER
ROCKLAND RIDGE, LLC
P.O. BOX 280
STEVENSON, MD. 21153

COMPUTED BY: MJB
CHECKED BY: BFL/BLC
DRAWN BY: MJB
P.N.: 02508K

P.A.I. #03-0302
5TH. AMENDED PLAT
ROCKLAND RIDGE
A RESUBDIVISION OF A PORTION OF A PREVIOUSLY RECORDED PLAT OF ROCKLAND RIDGE S.M. 77/82
3RD ELECTION DISTRICT, 2ND COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=50' DATE: JULY, 2013

CIVIL ENGINEERS - SITE PLANNERS - LANDSCAPE ARCHITECTS - SURVEYORS
D. S. THALER & ASSOCIATES, INC.
7115 AMBASSADOR ROAD, P.O. BOX 47428
BALTIMORE, MD 21244-7428
410-944-3647

P201535 MSA SSM 1236 12183



15C

Protestant

CBA Exhibit

PETITIONER'S EXHIBIT # 15C

MSASSU 1236-11335-3

Untitled Map
Write a description for your map.
Legend
10244 Reisterstown Rd
PETITIONER'S EXHIBIT
6
PETITIONER'S EXHIBIT
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Google Earth
© 2018 Google
500 ft
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Untitled Map
Write a description for your map.
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PETITIONER'S EXHIBIT
1
Google Earth
© 2018 Google
90 ft

Make recommendations to the County Executive for the improvement of traffic conditions in the county;

(7)

Prohibit parking on any portion of a public highway;

(8)

Prohibit parking and designate one-way streets; and

(9)

Adopt or issue reasonable regulations or orders governing parking, traffic, and the movement of vehicles in the vicinity of any public fair, game, parade, or other public event where a large gathering of people or vehicles is anticipated.

18-2-104. - ENFORCEMENT ON PRIVATE PROPERTY USED BY THE PUBLIC IN GENERAL.

The county may enforce applicable provisions of this title and Article 14, Title 3 of the Code on private property used by the public in general.

(Bill No. 70-08, § 1, 8-17-2008)

18-2-401. - "STREET" DEFINED.

In this subtitle, "street" has the meaning stated in Title 11 of the Transportation Article of the Annotated Code of Maryland.

(1988 Code, § 21-186) (Bill No. 66-01, § 2, 7-1-2004)

§ 8-101. Definitions

West's Annotated Code of MarylandTransportationEffective: July 1, 2018
West's Annotated Code of Maryland
Transportation
Title 8. Highways (Refs & Annos)
Subtitle 1. Definitions; General Provisions (Refs & Annos)

Effective: July 1, 2018 Current through all legislation from the 2018 Regular Session of the General Assembly

MD Code, Transportation, § 8-101

§ 8-101. Definitions

County road
(g) "County road" means any public highway:
(1) The title to which or the easement for the use of which, is vested in a public body or governmental agency; and

PETITIONER'S EXHIBIT
9

(2) That is not a State highway or located in Baltimore City.

Highway
(i) "Highway" includes:
(1) Rights-of-way, roadway surfaces, roadway subgrades, shoulders, median dividers, drainage facilities and structures, related stormwater management facilities and structures, roadway cuts, roadway fills, guardrails, bridges, highway grade separation structures, railroad grade separations, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, and other structures forming an integral part of a street, road, or highway, including bicycle and walking paths; and
(2) Any other property acquired for the construction, operation, or use of the highway.

Street
(s) "Street" means a highway

§ 18-3-106. - DECLARATION OF ROAD AS PUBLIC HIGHWAY.

(a)

Authority. When any road has been in use by the public for 20 years, though the same may never have been condemned or granted as a public highway, the county, if it deems public necessity requires the adoption of the same as such, shall declare the road to be a public highway, provided such road right-of-way shall not be less than 30 feet in width.

(b)

Publication. The county shall publish a notice of the county's intention under this section once a week for 2 successive weeks in at least one newspaper of general circulation.

(c)

Plat recorded. The county shall cause a description and plat of the public highway to be made and recorded or filed among the county's records.

(d)

Alterations and maintenance. The county may relocate and straighten a road declared a public highway under this section and shall keep the public highway in good order and repair in a manner similar to other county public highways.

(1988 Code, § 31-6) (Bill No. 3, § 2, 3-30-1990; Bill No. 66-01, § 2, 7-1-2004)

Annotation:
Sec. 33 of the Art. 3 of the Maryland Constitution does not prohibit legislative enactment of law declaring highway in Baltimore County less than thirty feet wide to be public highway. Willis v. County Commissioners of Baltimore County, 173 Md. 28.

18-3-307. - ACCEPTANCE OF ROAD DEDICATIONS.

(a)

Authority of county to accept a dedicated road or alley. When an owner of property in the county opens, lays out, grades, paves, and drains, in accordance with the requirements of the county, a road or alley for the public convenience and is willing to dedicate the road or alley to public uses by a good

PETITIONER'S EXHIBIT
 # 9

and sufficient deed duly recorded, the county may accept the road or alley if the county determines that the road or alley is necessary and convenient for public use.

(b)

Conditions for acceptance. The county may not accept:

(1)

A road constructed in a right-of-way that is less than 40 feet in width;

(2)

An alley constructed in a right-of-way that is less than 14 feet in width; or

(3)

A road or alley unless, in the judgement of the county the road or alley is duly and properly graded, paved, and drained.

Annotations:

Failure to endorse acceptance upon deed (as required under § 595 of the 1929 Code), a formal defect, cured by proof of actual acceptance. County Commissioners of Baltimore County v. Collins, 158 Md. 335, 148 Atl. 242 (1930).

Applied in Chapman v. Rogan, 222 Md. 12, 158 A.2d 626 (1960).

Section 28-16 of the code (1958) cited in Gerezak v. Todd, 233 Md. 25, 194 A.2d 799 (1963).

§ 14-3-102. - ESTABLISHMENT OF FIRE LANE.

(a)

Authority. To prevent parking in front of or adjacent to fire hydrants or to provide access for emergency vehicles, the Fire Chief may designate fire lanes on:

(1)

Public streets and on private property used for commercial, industrial, or multifamily housing; and

(2)

Other private property.

(b)

Signs. The Traffic Engineer may design, approve, and supervise the posting of all signs for the purpose of marking and designating fire lanes.

(c)

Penalty. A person who damages, defaces, tampers with, removes, destroys, or impairs the usefulness of a posted fire lane sign installed under this title is guilty of a misdemeanor.

(1988 Code, §§ 21-162, 21-163) (Bill No. 26-00, § 2, 7-1-2004)

Article 32 – Planning and Zoningi)

(a)

In general. In this article the following words have the meanings indicated.

Street.

(1)

"Street" means:

(i)

A street, avenue, boulevard, road, lane, parkway, freeway, viaduct, bridge, or other way, which is an existing state or county highway; or

(ii)

A street or way shown on a plat duly filed and recorded in the Office of the Clerk of the Circuit Court for the county.

(2)

"Street" includes:

(i)

The land between the street right-of-way lines, whether improved or unimproved; and

(ii)

The pavements, shoulders, curbs and gutters, sidewalks, parking areas, and other areas within the street right-of-way lines.

- **ZONING**
- **SUBTITLE 1. - IN GENERAL**

32-3-101. - POWERS OF THE COUNTY.

(a)

Purpose of the zoning map and regulations. For the purpose of promoting the health, safety, morals, and general welfare of the community, the zoning map and regulations shall be prepared in the manner provided under this title to regulate and restrict, within the county:

(1)

The height, number of stories, and size of buildings and other structures;

(2)

The percentage of a lot that may be occupied;

(3)

The size of yards or courts;

(4)

The setback or distance of any buildings or structures from front or side lot, road, street, or alley line and other open spaces;

§ 32-3-102. - INTERPRETATION AND ENFORCEMENT OF ZONING REGULATIONS.

The Director of Permits, Approvals and Inspections shall interpret and enforce the Baltimore County Zoning Regulations to ensure that uses or buildings, including structures, landscaping, roads, and streets, conform to plans approved by the county.

32-3-103. - VALIDATION OF EXISTING ZONING REGULATIONS.

(1)

The zoning regulations adopted by the county on March 30, 1955 and as adopted and amended are declared to be in full force and effect.

PETITIONER'S EXHIBIT
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BALTIMORE COUNTY

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

BUREAU OF DEVELOPMENT PLANS REVIEW POLICY MANUAL

In accordance with Section 26-283 of the Baltimore County code, regulations in this manual are intended to repeal the following sections of the Department of Public Works Development Procedures and Policy Manual adopted by County Council Resolution No. 100-85 on November 18, 1985.

Division I	***Sections 4, 5, 6, 7, 8***
Division II	***All Sections***
Division III	***Section 14***
Division IV	***All Sections***

February 27, 2002

PETITIONER'S EXHIBIT
 # 11

VIII. PUBLIC FACILITIES (ROADS)

PURPOSE – The proposed street system must provide safe and convenient vehicular circulation, both within the tract and between it and neighboring properties or particular traffic generators.

A. GENERAL

1. Roads shall be of such widths, grades and locations as to accommodate existing and future traffic as determined by existing and probable future land use.

2. The street layout of a proposed development shall conform to the Master Plan of Baltimore County.

3. Classification

   a. Roads may be classified as either:

      PUBLIC ROADS – Those which are constructed and inspected in accordance with Department of Public Works standards and specifications and which, after satisfactory completion, are accepted by the County for ownership and maintenance.

      PRIVATE ROADS – Those which are designed and constructed to Department of Public Works standards and specifications, but which are inspected and certified to the Bureau of Development Plans Review by the developer's engineer (P.E.) and are retained for ownership and maintenance by a single entity, company, or corporations, within an unsubdivided lot, parcel, or tract.

   b. Driveways are not classified as roads.

      DRIVEWAYS & PANHANDLES (*including residential and commercial parking lots and access to the parking lots*) – Off-street means of vehicular ingress and egress to a parcel of land (*used also by pedestrians*) which can be designed to physical and geometric standards differing from those required for streets.

4. The developer shall be responsible for the complete cost of preparing construction drawings for roads in accordance with Baltimore County Design Standards. The drawings shall be subject to review and approval by the Department of Public Works and the Department of Permits and Development Management.

5. When the sole or primary means of access leading to a development is substandard, the developer shall be responsible for all costs of bringing the road up to a standard approved by the

PETITIONER'S EXHIBIT
12A

PETITIONER'S EXHIBIT
12B

- SETBACK — The required minimum horizontal distance between the building line (as defined in Section 101) and the related front, side or rear property line.

[Bill No. 138-1962]

- STREET — A motorway which is not a freeway or expressway but which has a right-of-way more than 20 feet in width.

[Bill No. 100-1970]

Note— Public roads only per WCR.

PETITIONER'S EXHIBIT
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JOSHUA T. SHARON
P.E, L.S.I.T, LEED AP BD+C.

Project Assignment:

Principal

Years of Experience:

MRA: 13

Education:

B.S., Civil Engineering,
University of Maryland, 2005

Active Registrations:

Professional Engineer - Maryland,

Land Surveyor in Training-
Maryland,

LEED Accredited Professional,

Professional Affiliations:

American Society of Civil Engineers

National Society of Professional
Engineers

Maryland Society of Professional
Engineers

Recognitions:

2009 Consultant of the Year by the
Baltimore County Soil
Conservation District

**MORRIS & RITCHIE
ASSOCIATES, INC.**

Qualifications:

Mr. Sharon is a Principal with Morris & Ritchie Associates, Inc.'s Towson office. Mr. Sharon has a comprehensive background in the civil engineering field. He has worked with Morris & Ritchie Associates on a variety of projects located in Baltimore City, Baltimore County, Anne Arundel County, Harford County, Garrett County and Frederick County.

Mr. Sharon has extensive experience in the design and development of an assortment of site development projects including single-family residential communities, multi-tenant neighborhoods, commercial properties, retail centers, hospitality buildings and telecommunication sites. He has extensive knowledge of the procedures for processing permits and developments through Baltimore County and other jurisdictions.

As a Principal in MRA's Towson office, Mr. Sharon is responsible for engineering design of development projects, day-to-day management of client services and preparation of construction documents.

Mr. Sharon has extensive design experience that includes site layout and design, grading, earthwork analysis, storm drain and utility design, hydrology and hydraulic analysis and design, erosion and sediment control design, culvert analysis and design, roadway design and stormwater management design for both commercial lots and residential subdivision projects.

Prot. 1

Mr. Sharon is experienced in developing alternatives analysis to evaluate cost effective design options, and solving design problems with severe site constraints.

Examples of Mr. Sharon's project experience include:

10 Light Street, Baltimore City, Maryland - Civil Project Engineer for site planning and engineering design of the conversion of the 10 Light Street building from office to 430 residential apartments.

1 Light Street, Baltimore City, Maryland - Civil Project Engineer for site planning and engineering design of the construction of the 28-story mixed use building in the downtown business district.

5601 Eastern Avenue, Baltimore City, Maryland - Civil Project Engineer for site planning and engineering design of a mixed-use redevelopment PUD project with retail, residential apartments and hospitality.

6300 York Road, Baltimore City, Maryland - Civil Project Engineer for engineering design of an inline-retail addition project to a successful shopping center.

801 Goucher Boulevard, Baltimore County, Maryland - Civil Project Engineer for site planning and engineering design for redevelopment of a 14.5 acre shopping center containing over 157,000 s.f. of retail space.

725 Butler Road, Baltimore County, Maryland - Civil Project Engineer for site planning and engineering design of a commercial center consisting of historic buildings and new construction. Project work included the first pervious concrete stormwater management design solution in Baltimore County.

Meadowvale, Baltimore County, Maryland - Civil Project Engineer engineering design team for a 103-unit single family community located in an area of severe grade changes and limited by existing drainage patterns and environmental constraints.

Martin Plaza, Baltimore County, Maryland - Civil Project Engineer for site planning and engineering design for redevelopment of the 25 acre shopping center.

Riparius Lot #1, Baltimore County, Maryland - Civil Project Engineer for site planning and engineering design of an 87 room Holiday Inn Express located on an undeveloped parcel hindered by grade changes, environmental constraints and requiring an underground stormwater management facility to meet local and state regulations.

Allender Road, Baltimore County, Maryland - Civil Project Engineer on team designing a 173-unit single-family home community located on Allender Road with stormwater management challenges including dual design discharge points.

The Preserve at Windlass Run, Baltimore County, Maryland - Civil Project Engineer on engineering design team for a 412-unit development mixed with single family and town homes located off of White Marsh Boulevard, surround by environmentally sensitive areas and requiring seven stormwater management facilities.

JOHN A. OLSZEWSKI, JR.
County Executive

ADMINISTRATIVE LAW JUDGE
Office of Administrative Hearings

May 20, 2019

J. Carroll Holzer, Esq
508 Fairmount Avenue
Toswon, Maryland 21286

Dina La Fiandra, Esq.
100 W. Pennsylvania Avenue
Suite 305
Towson, Maryland 21204

RECEIVED
MAY 20 2019
BALTIMORE COUNTY
BOARD OF APPEALS

RE: **APPEAL TO BOARD OF APPEALS**
Petition for Special Hearing
Case No. 2019-0202-SPH
Property: 10246 Reisterstown Road

Dear Counsel:

Please be advised that an appeal of the above-referenced case was filed in this Office on May 17, 2019. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

JOHN E. BEVERUNGEN
Managing Administrative Law Judge
for Baltimore County

JEB/sln

c:
Baltimore County Board of Appeals
People's Counsel

APPEAL

Petition for Special Hearing
(10246 Reisterstown Road)
3rd Election District – 4th Councilmanic District
Legal Owner: Lion Brothers Co., Inc.
Case No. 2019-0202-SPH

Petition for Variance Hearing (January 3, 2019)

Zoning Description of Property

Certificate of Posting –

1st Posting- March 26, 2019- Bruce E. Doak
2nd Posting- Re-Certification- April 12, 2019-Bruce E. Doak

Newspaper Advertisement – March 26, 2019- The Daily Record

Notice of Zoning Hearing – March 15, 2019

People's Counsel Entry of Appearance –January 9, 2019

Zoning Advisory Committee Comments

Petitioner's Sign-in Sheets – one sheet

Citizen's Sign-in Sheets- one sheet

Petitioner(s) Exhibits –

1. Patton Resume
2. Site Plan
3. Storm Drain Plan
4. Post office Lot drawing
5. Plan for Reclassification Case- Pizza Hut
6. Aerial photo
7. Aerial photo
8. County Code §18-2-104
9. County Code §18-3-106
10. BCZR §32-3-101
11. Bureau of DPR Policy Manual
12. 12A & 12B- Photos- fire hydrants
13. Zoning Comm'r

Protestants' Exhibits –

1. Resume Josh Sharon
2. Site Plan-DRC

Miscellaneous (Not Marked as Exhibits)-

Administrative Law Judge Order and Letter (DENIED- April 19, 2019)

Notice of Appeal & Receipt – J. Carroll Holzer, Esq. May 17, 2019

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 10246 Reisterstown Road **which is presently zoned** BM

Deed References: 05981/00033 10 Digit Tax Account # 0412040650 & 041204051

Property Owner(s) Printed Name(s) LION BROTHERS CO. INC.

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

SEE ATTACHMENT.

2. ____ **a Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

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)**

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:

NOT APPLICABLE
Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

LION BROTHERS CO. INC.
Name #1 – Type or Print Name #2 – Type or Print

Signature #1 Yenwen Tsai Signature # 2

Suite 410, 300 RED BROOK BLVD, OWINGS MILLS, MD
Mailing Address City State

21117 800-365-6543
Zip Code Telephone # Email Address

Attorney for Petitioner:

J. CARROLL HOLZER, ESQ.
Name- Type or Print

Signature

508 Fairmount Ave. TOWSON MD
Mailing Address City State

21286 410-825-6961 jcholzer38@gmail.com
Zip Code Telephone # Email Address

Representative to be contacted:

J. CARROLL HOLZER, ESQ.
Name – Type or Print

Signature

508 Fairmount Ave. TOWSON MD
Mailing Address City State

21286 410-825-6961 jcholzer38@gmail.com
Zip Code Telephone # Email Address

CASE NUMBER 2019-0202-SPH **Filing Date** 1/3/19 **Do Not Schedule Dates:** **Reviewer** JS

REV. 10/4/11

ORDER RECEIVED FOR FILING

Date 4-19-19

By

ATTACHMENT

TO

PETITION FOR A SPECIAL HEARING

FOR

LION BROTHERS CO INC
10246 Reisterstown Road, Owings Mills, MD 21117

THAT A STRUCTURE FRONTING ON A PRIVATE ROADWAY/STREET AS DEFINED IN THE BCZR IS REQUIRED TO COMPLY WITH BCZR SECTION 235.1 – FRONT YARDS, SPECIFICALLY IN THIS INSTANCE;

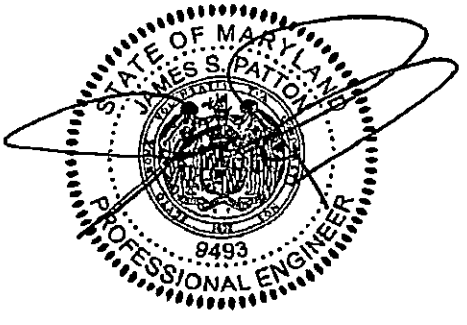
AND SUCH OTHER ITEMS, PERTAINING THERETO, WHICH WILL BE PRESENTED AT THE HEARING.

2019-0202-SPH

ZONING PROPERTY DESCRIPTION FOR 10246 REISTERSTOWN ROAD

Beginning at a point on south side of Reisterstown Road which is 66 feet wide at the distance of 118 feet +/- northeast of the centerline of the nearest improved intersecting street Rosewood Lane which is 50 feet wide.

THENCE the following courses and distances, from the P.O.B: South 40° 02' 30" East, 311.64' to a point, thence leaving Reisterstown Road South 49° 57' 30" W, 855.40' to a point on the north side of the Western Maryland Right-of-way 80' in width, thence following the northly side of said right-of-way North 33° 54' 30" West, 313.43' to a point, thence along same line a distance of 80.46' to a point, thence leaving said right-of-way, North 49° 57' 30" East, 629.77' to a point on the southwest side of a 30' easement appurtenant to an ingress/egress right-of-way, thence by a curve to the right with radius 120' an arc length of 106.84' to a point, thence North 49° 57' 30" East, 60' to a point, thence North 4° 57' 30" East, 56.56' to a point on the southerly side of Reisterstown Road, thence along the southerly side of said Road South 40° 02' 30" East, 110' to a point, thence leaving Reisterstown Road, South 85° 2' 30" West, 56.56' to a point, thence South 49° 57' 30" East, 60' to a point, thence by a curve to the left with radius of 90' an arc length of 141.37' to a point thence South 40° 02' 30" East, 4.50' to a point, thence North 49° 57' 30" East, 180.27'the P.O.B. as recorded in Deed Liber 05981, Folio 00033 (in various parcels and right-of-way descriptions) containing 7.080 +/- acres (308,405 square feet, more or less. Located in the Fourth (4th) Election District and the Fourth (4th) Councilmanic District.



2019-0202-SPH

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2019-0202-SPH

Property Address: 10246 Reisterstown Road, Owings Mills, MD 21117

Property Description: 5.976 Acres with right-of-way

Legal Owners (Petitioners): LION BROTHERS CO INC

Contract Purchaser/Lessee: Not Applicable

PLEASE FORWARD ADVERTISING BILL TO:

Name:

Company/Firm (if applicable): LION BROTHERS CO INC

Address: Suite 410
300 Red Brook Blvd.
Owings Mills, MD 21117

Telephone Number: 800-365-6543

Revised 7/9/2015

KEVIN KAMENETZ
County Executive

STEVEN A. WALSH, *Director*
Department of Public Works

September 27, 2016

Rosedale Federal Savings and Loan Association
9616 Belair Road
Baltimore, MD 21236

Re: **Contract No. 15149 UA0**
Job Order No. 210-201-203-5619
8552 Philadelphia Road
District No. 14c6

Project Manager,

In accordance with applicable Baltimore County Standards Specifications for Construction, we hereby notify you that the referenced project has been accepted as of September 22, 2016.

Sincerely,

Jeffrey S. Peluso, PE, Area Engineer
Division of Construction Contracts Administration

JSP:jf

cc: Accounting Section
Chief Inspector – M. Messenger
Sediment Control Enforcement-M. Beichler
Bureau of Engineering-T. Kiefer
Bureau of Utilities-Mark Tabisz
Bureau of Utilities-Phil Flaherty
Baltimore County Soil Conservation District
Metropolitan District Financing
Kathy McHenry (Contracts File)
Mike Kolbe
Brenda Payne

BALTIMORE COUNTY

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

UTILITY AGREEMENT

for projects not requiring a public works agreement

Project Name:	Rosedale Federal Savings and Loan Association	**UA No.:**	15149-UA0
PAI No.:	14-492		
Job Order No.:	210-201, 203-5619	**DATE:**	10/23/2015
Plat Reference(s):	N/A		
Total Estimated Cost:	$50,183.00		
Security Required:	$55, 202.00		

NAME OF APPLICANT: Rosedale Federal Savings and Loan Association

WHEREAS, the named Applicant desires to construct and install, at no cost to the County, all of the improvements located within the referenced project, the same being more fully outlined in Exhibit A which is attached hereto and made a part hereof,

WHEREAS, in accordance with the applicable provisions of the Baltimore County Code and Department of Permits, Approvals and Inspections (PAI) Construction Policy Manual, PAI has received and approved the cost estimates and construction drawings for the improvements covered in this utility agreement. PAI has also received all fees applicable to the improvements covered by this utility agreement.

WHEREAS, the Applicant is requesting authorization to proceed with construction of improvements covered herein.

NOW THEREFORE, in consideration of the foregoing and in order to obtain the County's approval for the Applicant to proceed with construction of the improvements, the Applicant confirms its understandings and obligations as follows:

1. With respect to the improvements covered by this Utility Agreement:

a. The Applicant shall install at its own expense all facilities in said property as shown on the approved construction drawings referenced herein.

b. The Applicant shall perform all work covered by this utility agreement in accordance with the provisions of the PAI Construction Policy Manual and the Department of Public Works (DPW) Standard Specifications and Details for Construction.

c. All work shown on the approved construction drawings shall be performed by a prequalified Baltimore County contractor.

d. Prior to beginning any work covered by this Agreement, the Applicant shall:

1. Schedule an on-site pre-construction meeting with DPW, the Department of Environmental Protection and Sustainability (DEPS) and the prequalified contractor. At this time the Applicant shall provide, in writing to DPW, the name, address and phone number of an authorized site representative.

2. Provide to DPW the pre-qualified contractor's certificate of insurance on a form provided by the County.

3. Obtain a written "notice to proceed" from DPW.

e. The Applicant shall deliver security to PAI as required in Baltimore County Code Section 32-4-312.

f. The County will inspect all phases of construction for which the Applicant has paid the County an inspection fee at a rate of 8% of the approved estimate. It is expressly understood, however, that any inspections performed are solely for the benefit and protection of the County, and that no duty of care is owed to the Applicant, or the Applicant's contractors, customers or purchasers.

2. Notwithstanding any other provisions of this Agreement, the Applicant acknowledges that:

a. No building permits may be issued until required security has been delivered to and approved by the County.

b. Any reductions to security will be made in accordance with the Baltimore County Code Section 32-4-313.

c. Any failure of the Applicant or its contractor to fully comply with any part of this Agreement may cause the issuance of a stop work order by DPW or PAI subject to all relevant provisions of the Baltimore County Code, including but not limited to Article 3, Title 6. The Applicant may also be cited for nonperformance under Section 32-4-309 of the County Code.

d. Any written stop work order, whether posted on the work site, hand-delivered, mailed, or sent by fax to the Applicant, Applicant's contractor, or the Applicant's designated authorized representative named in this utility agreement shall constitute sufficient and adequate service of such stop work order under Section 32-4-305(c) of the County Code, and the Applicant expressly agrees to the adequacy and sufficiency of such service.

e. Upon receipt of any stop work order(s) from the County, the Applicant shall stop work, and cause its independent contractors to stop work, and shall not resume any work thereafter until expressly authorized in writing by the County.

f. In the event of nonperformance, the County may utilize the security in accordance with the Baltimore County Code Section 32-4-309.

3. This utility agreement is not intended to waive or supersede any of the Applicant's obligations under any plat of record, or under applicable law and policies of the County. This utility agreement is not intended to create or impose any new obligations upon the County.

4. In the event Applicant seeks to construct improvements within any County-owned easement, based upon construction drawings approved by the Department of Public Works, County hereby authorizes and approves a right of entry to Applicant and its agents to perform said improvements thereon.

5. The Applicant shall protect, hold free and harmless, defend and indemnify Baltimore County (including its officers, agents and employees) from all liability, losses, damage, expenses, causes of action, claims or judgments resulting from injury to, or death of, any person or damage to property of any kind, which injury, death or damage arises out of, or is in any way connected with the performance of work under this agreement or the County's grant of the right of entry herein, except that this agreement shall not be applicable to injury, death or damage to property arising from the sole negligence of Baltimore County, its officers, agents and employees.

6. The pre-printed form of this utility agreement is intended to repeat, verbatim, the language contained in the master utility agreement form, revision date 10/1/2004, maintained by the Director of PAI for the County. Any inconsistencies between this form and the master form shall be resolved in favor of the master form.

FOR APPLICANT:

WITNESS the signatures of:

I AFFIRM THAT I HAVE REVIEWED THIS AGREEMENT AND THE ATTACHED EXHIBIT A AND UNDERSTAND THAT SECURITY IS REQUIRED IN ACCORDANCE WITH THE BALTIMORE COUNTY CODE SECTIONS 32-4-305, 32-4-312 AND 32-4-313.

Rosedale Federal Savings and Loan Association

Date 10/23/15 Signed _____ (Seal)
Linda A. Muffoletto, Senior Vice President

Witness Susan L. Anderson Address: 9616 Belair Road
Susan L. Anderson Baltimore, MD 21236
Phone: (410) 668-4400 ext. 313

RECOMMENDED FOR SCHEDULING OF PRE-CONSTRUCTION MEETING AND NOTICE TO PROCEED UPON APPROVAL OF DPW AND DEPS

By _____ 2/17/2016
Director of Permits Approvals and Inspections DATE

UTILITY AGREEMENT
EXHIBIT A

PROJECT NAME: **Rosedale Federal Savings and Loan Association**
UTILITY AGREEMENT NUMBER: **15149-UA0**

ESTIMATES

IMPROVEMENTS	DRAWING NUMBERS	ESTIMATED COSTS
Please check off below the improvements covered in this agreement		
___ Sewer Mains _X_ Connections	2015-1448	$2,080.00
number of sewer connections _1_ size _6"_		
___ Water Mains _X_ Services	2015-1447	$13,760.00
number of water connections _1_ size 1" Meter, 1 ½" Service		
number of water connections ___ size ___		
number of water connections ___ size ___		
___ Storm Drains		
Subtotal (Estimated costs subject to inspection fees)		$15,840.00
Required Inspection Fees (8% of subtotal) $1,268.00		
___ Sidewalks		
_X_ Mobilization, Maint. Of Traffic, Stakeout		$2,535.00
_X_ Landscaping		$31,808.00
___ Streetlights		
___ Other (list)		
TOTAL - ESTIMATED COSTS SUBJECT TO SECURITY		**$50,183.00**

Required Security (110% of Total): **$55,202.00**

Pre-qualification work classification(s): F1 & F2

Construction Drawings and Cost Estimates are Approved as Shown on this Exhibit

Dennis A. Kennedy 8/24/15
Supervisor, PAI Developers Plans Review ML

Names of Streets and Addresses of Lots Covered by this Agreement:

8552 Philadelphia Road

PRE-QUALIFIED CONTRACTOR'S CERTIFICATE OF INSURANCE

THIS FORM TO BE COMPLETED BY AUTHORIZED REPRESENTATIVE OF INSURANCE COMPANY OR INSURANCE AGENCY

TO: Baltimore County, Maryland
Dept. of Permits and Development Management
111 W. Chesapeake Avenue COB Room 125
Towson, Maryland 21204

Re: Utility Agreement and/or Right-of-Way Improvement Agreement No. 15149 UAO

Name of Contractor **Donald Excavating, Inc.**

THIS IS TO CERTIFY THAT:

1) The undersigned has received and reviewed the INSURANCE PROVISIONS of the above-numbered Contract/Purchase Order; and

2) The Contractor has insurance coverage naming Baltimore County, Maryland as an additional insured in conformity with the above provisions for all work performed under the referenced Utility Agreement and/or Right-of-Way Improvement Agreement by the Contractor, its subcontractors, agents and employees relating to the following:

Type of Insurance	Insurance Company	Policy Number
General Liability	**Selective Insurance**	**S1364104**
Automobile Liability	**Selective Insurance**	**S1364104**
Workers Compensation and Employers' Liability	Selective Insurance	**WC902725900**

THE UNDERSIGNED AGREES that should any of the insurance coverages indicated be canceled, not renewed, or changed in such a manner as would make the coverage not in conformity with the provisions mentioned above, that thirty (30) days' advance written notice shall be given to BALTIMORE COUNTY, MARYLAND at the address shown above; EXCEPT IN THE CASE OF NON-RENEWAL, notice shall be given as soon as known, if that be less than thirty (30) days, but in no event, less than ten (10) days. This notice requirement shall be reduced to only ten (10) days in case of cancellation for non-payment of insurance premiums for the coverages certified. All notice requirements shall identify the Contractor/Vendor and the number of the Contract/Purchase Order.

PSA Insurance , Inc.
Name of Insurance Company or Agency

11311 McCormick Road
Address

Hunt Valley, MD 21031
City, State, Zip Code

410-821-7766
Phone No.

Claudia Jo Yeatts
Signature of Authorized Representative of Insurance Company or Agency

Claudia Jo Yeatts
Type (Print) Name

February 8, 2016
Date

Rev. 8-25-04

RE: PETITION FOR SPECIAL HEARING 10246 Reisterstown Rd; SW/S of Reisterstown Road, 118' NE of Rosewood Lane 3rd Election & 4th Councilmanic Districts Legal Owner(s): Lion Brothers Co., Inc. Petitioner(s)	*	BEFORE THE BOARD OF APPEALS FOR BALTIMORE COUNTY 2019-202-SPH

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

MEMORANDUM OF PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

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

MEMORANDUM OF PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

Strange days have found us,
Strange days have tracked us down."
The Doors, Strange Days (1967)

Prologue

"They are who we thought they were." Dennis Green (2006)

It's been 74 years since Baltimore County enacted its first comprehensive zoning ordinance. As if there are not enough other zoning issues to debate, we encounter for the first time the scope and parameters of the word 'street," more specifically, does a private easement or right of way qualify as such? We all learned about and used streets at a young age. To cut to the chase, this easement/right of way does not cut the mustard.

The Chinese philosopher Confucius instructed sagely that the most important thing in government is to call things by their right name. Language must be in accordance with the truth of things. Confucius, Analects, Book XIII, Chapter 3, Verses 4-7

William Shakespeare asked, in Romeo and Juliet (circa 1595),

> "What's in a name, That which we call a rose
> By any other name would smell as sweet."

What's in the name "street?" An avenue, a road, a highway, a boulevard, a motorway. Publicly named, owned, laid out, maintained, and operated. Federal, state, local. Originating as public ways, or dedicated and accepted.

The classic On the Street Where You Live (1956) could not work as an easement. The opening, "I have often walked on this street before" would not translate well with "easement" instead of "street." The Orlons made famous Philadelphia's South Street in

their 1963 classic. That's where all the hippies meet --- not in "south easement." It's the hippest street in town, not the hippest easement.

Former head football coach Dennis Green of the Minnesota Vikings comes to mind. He famously said in a postgame press conference, "They are who we thought they were." We all know "who" streets are and were! They do not include private easements.

The Proceedings

Game of Clones

On January 3, 2019, Lion Brothers Co. (LB) filed a petition for special hearing to claim the proposed Valvoline redevelopment at 10244 Reisterstown Road must satisfy the Business-Major Zone minimum front yard setback of 40 feet from the centerline of a street. Baltimore County Zoning Regulation (BCZR) Sec. 235.1. Administrative Law Judge John Beverungen correctly denied the petition at the first level on April 19, 2019. He judged the relevant access easement is not a "street," as defined in BCZR Sec. 101.1. Therefore, the minimum front yard setback from a "street" centerline does not apply.

LB thereupon appealed to this County Board of Appeals (CBA). The CBA exercises *de novo* review. Baltimore County Charter Sec. 603; County Code Sec. 32-3-401; Pollard's Towing v. Berman's Repair and Mechanical 137 Md. 277, 289 (2001). The CBA conducted a trial hearing on October 22 and 300, 2019.

This is LB's second try to stop Valvoline. On June 12, 2019, this CBA previously denied LB's appeal of a limited development exemption approved by the Department of Permits, Approvals, and Inspections. Case No. CBA 19-008. (**LB I**). LB then petitioned for judicial review in the Circuit Court, where it is pending.

LB's Motion to Recuse Panel Members Belt and Evans

Sour Grapes --- A Jurisprudential Diversion

At the start of the current **LB II** hearing, LB moved to recuse CBA Panel Members Andrew M. Belt and Joseph L. Evans. LB complained that they served on the **LB I** panel and alleged they made unfair rulings. Our office opposed the motion as untimely, undocumented, and contrary to settled law. LB did not allege a whiff of personal bias or misconduct, or any extrajudicial source of improper influence.

The CBA denied the Motion. Panel Member Evans observed the motion is inconsistent with the relevant jurisprudence. He also explained why LB's claims of unfair rulings lack merit The **LB I** CBA panel had addressed all the relevant issues pertinent to the development plan under review. Panel Member Belt incisively agreed.

The law concerning judicial disqualification or recusal focuses on extrajudicial sources of bias or prejudice, from outside the adjudicatory process, such as a family relationship to a party, ownership of a business interest in a party; a stock or other financial interest; or previous representation. It does not apply to a decision-maker's earlier role in adjudicating matters involving the parties. Cf. Boyd v. State 321 Md. 69 (1990); Doering v. Fader 316 Md. 351 (1989); Lane v. State 226 Md. 81 (1981); Carey v. State 43 Md. App. 246, cert. denied 286 Md. 744 (1979). If an initial legal error were cause for recusal, then every appellate court reversal for error would likely disqualify the errant judge for subsequent proceedings. But this is not the law. Miles v. State 88 Md. App. 360 (1991). It is common for losers to makes claims of errant or unfair rulings. The judicial review process is available for such claims, not baseless motions for recusal.

Valvoline's Motion to Dismiss for Defective Public Notice

Let's Get On With It

Valvoline then moved to dismiss for lack of jurisdiction on the basis that the public notice was deficient. He argued that the petition and notice referred to LB's address, but not to Valvoline's adjacent address, even though Valvoline's property was at issue. Our office viewed the notice as substantially in compliance. We added that Valvoline clearly had actual notice, and there was no indication anyone else had any concerns. The CBA denied this motion as well.

The law does not recognize complaints about notice which are "rather technical and specious in nature." Rogers v. Eastport Yachting Center 408 Md. 722, 738 (2009). The Court observed that where a party to an agency proceeding has constructive and/or actual notice, they may not complain abstractly about some technical defect.

"The law, in its majesty, is not designed to require futile action or idle gestures." Ibid.

Summary Declaratory Judgment; Private Easement Not a Street

Never a Doubt

A special hearing petition is effectively a request for declaratory judgment. BCZR Sec. 500.7, Antwerpen v. Baltimore County 163 Md. App. 194, 209 (2005). As in Antwerpen, People's Counsel has authority and responsibility to participate in special hearing and other cases deemed of public interest related to the Baltimore County Comprehensive Zoning Maps. These include special hearings. There are many precedents. Baltimore County Charter Sec. 524.1; Peoples' Counsel v. Maryland Marine Mfg. Co 316 Md. 491 (1989); Board of Child Care v. Harker. 316 Md. 683 (1989); People's Counsel v. Crown Development Corp. 328 Md. 303 (1992); Marzullo v. Kahl 366 Md 158 (2002); HNS Development Corp. v. People's Counsel 425 Md. 436 (2012); Fifth Street v. Ciarpella, unreported, 194 Md. App. 727 (2010); Kahn v. Baltimore County, unreported, 216 Md. App. 748 (2014); Lagna v. People's Counsel, unreported, 226 Md. App. 721, 2016 WL 327029 (2016); Geddes v. People's Counsel unreported, 232 Md. App. 726, 2017 WL 1193781, cert. denied 455 Md. 443 (2017).

Valvoline's project is permitted by right in the B.M. Zone as a service garage use. BCZR Sec. 233.1.B. The main question is whether a private access easement is a "street" per BCZR Sec. 101.1, Bill 100, 1970. If so, the front yard setback comes into play.

There is no precedent for this absurd claim. The statutory language, scheme, history, administrative practice, and case law are in accord. The recognized language usage confirms that a private easement is not a street. The ADC Street Atlas confirms this point. Zoning Supervisor W. Carl Richards testified the Zoning Office has always applied the "street" definition to public roads only,

The CBA should render a summary declaratory judgment that the joint private easement here is not a street under the zoning law. Based on the undisputed material facts, this Petition for Special Hearing is insufficient as a matter of law.

The resolution of this issue is important to do justice here and serve as a precedent. The decision will also function effectively to ratify longstanding practice and comparable

past approvals. To rule that this access easement is a street would cast a legal shadow on many commercial developments with similar private access easements.

There is a separate issue concerning the orientation of the development, which focuses on the front yard location. If Reisterstown Road is the front yard, then it does not matter what the private easement is called. The "street" issue would be moot because the development would satisfy the front yard setback from Reisterstown Road, and there would be no minimum side yard setback from the easement. We leave it to the CBA to resolve this issue, which is secondary to the public interest involved in the street issue.

Questions Presented

Reverse Jeopardy

Does the proposed Valvoline development require a minimum front yard setback of 40 feet from the 22-feet wide access easement/30-feet wide right of way? In this context,

1. Is the private access easement/right of way from Reisterstown Road into the commercial development a "street" as defined in BCZR Sec. 101.1?

2. Is the front yard of the proposed development oriented to the access easement, or is the frontage on Reisterstown Road?

Statement of Facts

Geography

Putting It on the Map

The location is Owing Mills, southwest side Reisterstown Road (RR), northwest of the Painters Mill Road intersection. RR is State Road 140, a major arterial road running from Baltimore City through Baltimore County to Carroll County.

Valvoline is a regional oil change and auto service business operated by Mid-Atlantic Lubes, Inc. Utilizing M & S Limited Partnership, they acquired the .55 acre property bordering SW RR in 2018. Their new facility will replace the former Pizza Hut.

LB produces apparel with brand names, insignias, and logos. Their larger 10246 Reisterstown Road property also borders RR. LB razed its former factory there. The

property is now vacant. There is still an LB sign facing RR. There are trucks and other vehicles in the parking lot. There is no evidence about LB's plans for the site.

The access easement at issue is within a 30-feet wide right of way along the Valvoline and LB properties. The access to LB's property is on this access easement, from behind the Valvoline property. The easement also connects with an interior private easement into the area previously occupied by Toys R Us and Bed, Bath, and Beyond. Toys R Us went into bankruptcy. A Hobby Lobby is slated for this site.

There is a signalized intersection where the easement meets Reisterstown Road. Rosewood Lane, a county road, intersects from the north and ends at the intersection. It has four lanes at there, two lanes going north and two south, including a left turn lane. A Shell gas station is at the northwest corner, and a Taco Bell at the northeast corner. Rosewood Lane is substantially wider and better improved than the easement at issue.

Back to Basics

"What's It All About Alfie? Is It Just For the Moment We Live?" Alfie (1967)

The deed and zoning history follow this path:

December 19, 1957: Deed from Gerotor May Corporation to Emblem Realty Co., Liber 3287, Folio 40 includes, , Pet. Exh. 14C,

> "... an easement or right of way for ingress, egress, or other purposes ... for the joint use of the party of the second part, its successors and assigns, and the party of the first part, its successors and assigns, ... to and from the property presently owned by the party of the second part, and the property now being conveyed by the said party of the first part, ... to and from the property presently owned , and the property to be acquired by the said party of the first party form the said party of the second party, by deed of even date herewith ...." 3287/41.
>
> * * *
>
> "It is mutually agreed by and between the parties thereto to build and construct a suitable roadway over the easement or right of way hereinabove granted, and the cost therefor shall be equally divided between them."3287/42

This deed documents the legal framework of the paved access roadway now shared by the Valvoline and LB properties.

March, 1958: Gerotor May Corporation Petition for Variance (side yard setbacks) denied by Zoning Commissioner to construct post office on property across

easement/right of way from (now) Valvoline property. Case No. 4390-V. Pet. Exh. 4, 4A, Prot. Exh. 15. The site plan identifies easement/right of way as "PRIVATE LANE."

1967-68: National Building Rentals Petition for Zoning Reclassification from M.R. to B.R. for restaurant on (now) Valvoline property granted by CBA. Appeal to Circuit Court withdrawn. Case No. 67-248-R. Pet. Exh. 5, 5A. The CBA opinion refers to the easement/right of way on Pages 1-2,

> "Since the Land Use map this private road was constructed to serve the Lion Brothers Company, Inc. plant and resulted in the severance of Petitioner's small tract of M-R land."

The site plan description of the access is illegible, but perhaps said "Private Road." This zoning reclassification allowed restaurant use, which became a Pizza Hut in 1973.

1986-87: National Building Rentals Petition for Zoning Variance (parking spaces for Pizza Hut addition) granted by Deputy Zoning Commissioner. Case No. 87-285-A. Prot. Exh. 13, 14. The site plan describes easement as "EXIST.RIGHT-OF-WAY." The opinion describes the Pizza Hut as having been there since 1973.

April 23, 2018: Deed from National Building Rentals, Inc. to M & S Limited Partnership. Liber 40203/Folio 378. Prot. Exh. 12. This deed refers to the easement or right of way granted by Gerotor May Corporation to Emblem Realty Co. in the December 19, 1957 deed. 40203/382.

1957-2019: No documentation or evidence of any offer or other step to have this easement declared a public highway or street.

There is no dispute about the following salient facts:

Currently: ADC Street Atlas (2012) Page 48 shows area. The location of the easement/right of way is not shown as a road or street, whether private or public.

Currently: No name.

Currently: No street or public signs.

Currently: No public maintenance.

Takeaway: It doesn't look like a street, quack like a street, or walk like a street.

Argument

The proposed Valvoline development does not require a minimum front yard setback of 40 feet from the 22-feet wide access easement.

"Takin' It To the Street." The Doobie Brothers (1976)

I. The Access into the Commercial Development Is Not a "Street," but Rather a Private Easement and Right of Way.

Street-Smart and Street-Wise

In everyday parlance, a street is a public roadway, established or accepted for public ownership, naming, signs and maintenance. To hinder Valvoline's redevelopment project, LB conflates the private easement with a "street." This is nonsense.

Plain Language

"Please Don't Let Me Be Misunderstood." Nina Simone, cover, The Animals (1965)

BCZR Sec. 101.1 defines "street." There is also a Baltimore County Code definition in Sec. 32-4-101(xx). There is no BCZR Sec. 101.1 definition of "easement" or "right of way." Nor have we found one in Article 32 of the County Code law pertinent to Planning, Zoning, and Subdivision Control

Where there is no BCZR Sec. 101.1 definition, this section provides for words to have the definitions in Webster's Third New International Dictionary (Webster's). We have surveyed a constellation of legal and Webster's definitions. We have also consulted Black's Law Dictionary. Here is what we find.

BCZR Sec. 101.1 defines of "STREET" is:

> "STREET — A motorway which is not a freeway or expressway but which has a right-of-way more than 20 feet in width."

Baltimore County Code Sec. 32-4-101(xx) defines street as:

> "(xx) *Street* "Street" means:
>
> (1) (i) A street, avenue, boulevard, road, lane, parkway, freeway, viaduct, bridge, or other way, which is an existing state or county highway; or
>
> (ii) A street or way shown on a plat duly filed and recorded in the Office of the Clerk of the Circuit Court for the county.

(2) "Street" includes:

(i) The land between the street right-of-way lines, whether improved or unimproved; and

(ii) The pavements, shoulders, curbs and gutters, sidewalks, parking areas, and other areas within the street right-of-way lines."

The following Webster's definition excerpts are relevant:

"Avenue: . . . . . 4. a city street esp. when broad and attractive

Easement : . . . . 4. An incorporeal usu. non-profitable interest granted by deed or created by will, deed, or prescription that is held by one person in land owned by another and that entitles its holder to a specific limited use or enjoyment (as the right to cross the land or to have a view continue unobstructed over it)

Highway: 1a: a road or way on land or water that is open to public use as a matter of right whether or not a thoroughfare: a public road or way (as a footpath, road or water way) including the right-of-way – compare PRIVATE WAY b: such a road or way established and maintained (as by a state) in accordance with law c: a main direct road 9as between one town or city and another – sometimes contrasted with byway

Motorway: a motor highway esp: SUPERHIGHWAY

Right of way: 1: a legal right of passage over another person's ground – compart EASEMENT, SERVITUDE 2: the area or way over which a right-of-way exists: as a part or thoroughfare which one may lawfully use (as in crossing the property of another): one established by persons exercising the right to pass over the property of another b: the strip of land devoted to or over which is built a public road <miles of right-of way at the sides of improved highways – A.W. Wells> c: the land occupied by railroad for its tracks, yards, and building but esp. for its main line d: the land used by a public utility (as for an electric power transmission line or a natural gas pipeline

Street: . . . . 1a: a paved road; HIGHWAY <until recently the Canterbury road was known as the Street – Chicago Daily Tribune> b(1): a public thoroughfare esp. in a city, town, or village including all area within the right of way (as sidewalks and tree belts) and sometimes further distinguished as being wider than an alley or lane but narrower than an avenue or boulevard and as separating blocks rather than penetrating them <another alley that . . . gave on a through ~ - Paul Bowles> - contrasted with road: abbr. st. (2): the strip of a public thoroughfare reserved for vehicular traffic <a pedestrian killed while crossing the ~> (3): a public thoroughfare including the property abutting it <lives on a fashionable ~><has an office on Main Street> c:the roadway in front of or between the barracks or tents of a company or battery <instruction in . . . shelter tent pitching, in the battery~ - C.P. Smith>"

Black's Law Dictionary (10th Edition, 2014) is also helpful:

"**Easement** (eez-ment). (14c) An interest in land owned by another person, consisting in the right to use or control the land, or an area above or below it, for a specific limited purpose (such as to cross it for access to a public road).

Highway. (bef. 12c) 1. Broadly, any main route on land, on water, or in the area. 2. A free and public roadway or street that every person may use. Cf. CARRIAGEWAY

> "Every thoroughfare which is used by the public, and is, in the language of the English books, 'common to all the king's subjects,' is a highway, whether it be a carriage-way, a horse-way, a foot-way, or a navigable river. It is, says Lord Holt, the genus of all public ways." 3. James Kent, Commentaries on American Law *432 (George Comstock ed., 11th ed. 1866).

3. The main public road, esp. a wide one, connecting towns or cities. 4. The entire width between boundaries of every publicly maintained way when part is open to public use for purposes of vehicular traffic.

Right-of-way. (18c) 1. The right to pass through property owned by another. A right-of-way may be established by contract, by longstanding usage, or by public authority (as with a highway). Cf. EASEMENT.

Street. (bef. 12c) A road or public thoroughfare used for travel in an urban area, including the pavement, shoulders, gutters, curbs, and other areas within the street lines."

Any way these definitions are charted, collated, compared, mapped, or reviewed, it is conspicuous that there is a big difference between a street, motorway or highway, on the one hand, and an easement or right of way, on the other hand. These definitions confirm, individually and collectively, that a street, motorway, or highway characteristically means a publicly owned and maintained thoroughfare. In contrast, an easement or right of way typically involves a private arrangement.

Not Lost in Translation

The French language translation of "street" is "rue;" and "easement" is "serviturde." In Spanish, a "street" is "calle;" for "easement," "comodidad" or "servidumbre." A Russian street is "ulitsa" and easement a "servitut." In any language, the words "street" and "easement" are distinctive and have distinctive meanings.

The Statutory Scheme

More Things Considered

There are distinctive setback provisions in the Density Residential Zones from "Paving of a private road" and from "Public street right of way." BCZR Sec. 1B01.2.C.1.b. Residential subdivisions often include private roads as well as public roads or streets. Contextually, these setbacks reinforce the schematic distinction between public streets and private roads. The distinction is even greater between streets and private easements or rights of way.

It is also noteworthy that BCZR Sec. 409, governing Off-Street Parking and Loading, differentiates streets from private access, vehicular travelways, and driveways. The term "Off-Street Parking" refers to parking off a public street. It does not say or mean "Off-Easement Parking." The Valvoline development must comply with such provisions as may be applicable. These include "Locational requirements." BCZR Sec. 409.7; and "Design standards." BCZR Sec. 409.8, including "Distance to street line," referring "... to the right-of-way line of a public street." BCZR Sec. 409.8.A.4. This statutory scheme reinforces the distinction between public streets and private easements.

Reasonableness: Consequences and Precedent

Must Be Prudent

Statutory construction may encompass consideration of the consequences of an interpretation, and their reasonableness. Across Baltimore County, there are commercial and industrial developments with private access roads, whether established by easement or private road. The Towson Town Center major shopping mall is just one example mentioned during the hearing. The principals of such developments would be unpleasantly surprised to learn that their buildings along private access paths are now subject to zoning setbacks. This would be an unwarranted consequence.

Administrative Practice and Policy

Carl Richards Steps Up

Consistent administrative practice and policy is in accord. W. Carl Richards, longtime Zoning Supervisor, testified without contradiction that his office has interpreted

"street" to mean a publicly maintained street throughout his career, which extends back to about 1970. During that entire time, there is no evidence that anyone contradicted or objected to this interpretation. There is no evidence that the County Council considered an amendment to the legislative definition to include private easements or rights of way.

The Zoning Supervisor's testimony brings to mind Harford County v. Bel Air Realty Co. 148 Md. App. 244 (2002), which deals with a proposed residential subdivision. It came down to whether an access road to Route 1 through an adjacent subdivision was "directly accessible." If so, this would enhance density over and above conventional development. The Court reinstated the Harford County Council's decision, which adopted that of the Zoning Hearing Examiner that the road did not qualify. The Court observed that even if the term were ambiguous, the issue would be resolved by the testimony of Anthony McClune, veteran Manager, Division of Land Use Management, Department of Planning and Zoning. Judge Thieme began an extensive discussion of deference to longstanding administrative construction, 144 Md. App. at 267,

"Administrative Interpretation

> We also conclude that, even if the phrase "directly accessible" were ambiguous to the point of obscuring the evident meaning of the statute, and the intent of the County Council, the administrative interpretation of the "directly accessible" requirement, as applied by the Department of Planning and Zoning, voiced through the testimony of Mr. McClune, and sanctioned by the Board of Appeals, trumps the testimony of Bel Air Realty's experts and its interpretation to the contrary. Again, we must respect the expertise of the agency. See Adamson v. Correctional Medical Services, Inc. 359 Md. 238, 266–67, 753 A.2d 501, 516 (2000)."

Attention should also be paid to the 2002 Bureau of Development Plans Review Policy Manual, adopted by the County Council originally in 1985, differentiates public roads, private roads, and driveways. Prot. Exh. 11. The easement here is not required to meet public roads standards and specifications.

Case Law and Treatises

Sojourn to the Law Library

Our research revealed Valentine v. Mayor of Hagerstown 86 Md. 486 (1897). The city undertook to tax a platted real estate development based on a charter provision,

which made taxation dependent on streets being "laid out and opened" through the town's extended limits. The Court held the city had no authority to tax a right of way because, although dedicated, the town had not formally accepted it to be laid out, opened, improved, and maintained as a street. This case supports the point that the easement here is not a street because never accepted by the county (and here never even offered).

There is also cited in 11 M.L.E. Highways Sec. 1 the case of State, for Use of Hoffman v. Potomac Edison Co. 166 Md. 138 (1934). The Court there recognized,

> "A highway is a public street, road, or way, dedicated to every lawful and reasonable use to which it may be put by the public at large for purposes of transportation or travel. "

To be sure, there may be private roads, when designated as such on deeds and other real estate documents. Conversely, there may be publicly held easements or rights of way, but these occur by government acquisition or requirement. 8A M.L.E. Easements Sec. 1. The nature and extent of rights in an easement or right of way depend on the relevant deed or document. 8A M.L.E. Easements Sec. 23-24. But the characteristic distinction between public streets and highways and private easements holds.

LB's Presentation

"It's a Jungle Out There,"
Burkhard Dallwitz, It's a Jungle Out There (1998), the Underbelly Theme

LB rambled through a zoning version of Shakespeare's Much Ado About Nothing (circa 1599). James Patton mused that "Baltimore County" (whoever) supposedly intended 60 years ago to launch a connecting road from Reisterstown Road to Painters Mill Road. But this never happened. He narrated the zoning history of a former post office across the way. He dwelt on the former Pizza Hut and supposed parking violations. But their relevance remains a mystery, and there is no record of complaints anyway. He said there could be an offer or request for dedication of the easement as a public highway. But that never happened either. (Anyway, the access would not qualify for acceptance because lacking a wide enough right of way.) He cluttered the record with disparate and

extraneous statutory provisions. Pet. Exh. 8-10. He concluded with his hollow opinion that the use of the easement to access businesses made it a street.

This is a classic case of expert testimony unsupported by relevant facts and legal reasoning. People's Counsel v. Beachwood 107 Md. App. 627, 650 (1995), cert. denied 342 Md. 472 (1996). In several recent cases, we expressed skepticism about the scope of "expert" testimony on statutory issues. Just another whole cloth episode. To paraphrase Madonna's Sorry (2005), we've heard it all before.

Incidentally, LB did not call a company representative as a witness. There was no evidence about their own redevelopment or transactional plans. They not only failed, but also refused to explain why they object to Valvoline. They presented zero evidence that the Valvoline project would conflict with any development regulations. We asked Valvoline's engineer, Joshua Sharon, about any safety issue with the potential left turn across Reisterstown Road to the northbound lanes. He said the State Highway Administration might preclude this based on likely road improvements. In any event, this traffic issue does not affect the issue at hand.

II. The Board May Determine the Frontage of the Valvoline Development

"Over, Under, Sideways, Down;
Backward, Forward, Square, Around."
The Yardbirds (1966)

The CBA may also review the Valvoline project frontage. If the frontage is on Reisterstown Road, there is no setback conflict in any event. The Court addressed the front/back orientation issue in Swoboda v. Wilder 173 Md. App. 615 (2007) and identified relevant factors. We submit on this issue to the CBA's discretion.

Conclusion

"Truth, like football, receive many kicks before reaching goal."
Charlie Chan at the Olympics (1937), quoted in Y. Huang, Charlie Chan, xvi (2010)

The CBA must deny LB's petition and declare the access easement is not a "street," so no front yard setback applies, even if Valvoline's project fronts the easement.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of December, 2019, a copy of the foregoing Entry of Appearance was mailed to Dino LaFiandra, Esquire, 100 West Pennsylvania Avenue, Suite 305, Towson, Maryland 21204 and J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson, Maryland 21286, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NO. 2019-0202-SPH

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
2/15	DEPS (if not received, date e-mail sent _____)	No Comment
_____	FIRE DEPARTMENT	_____
2/6	PLANNING (if not received, date e-mail sent _____)	Comment
1/9	STATE HIGHWAY ADMINISTRATION	No Objection
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 3/26/19

SIGN POSTING (1st) Date: 3/26/19 by Dcuk

SIGN POSTING (2nd) Date: 4/12/19 by Dcuk

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Account Identifier: **District -** 04 **Account Number -** 0412040650

Owner Information

Owner Name:	LION BROTHERS CO INC	**Use:**	INDUSTRIAL
		Principal Residence:	NO
Mailing Address:	SUITE 410 300 RED BROOK BLVD OWINGS MILLS MD 21117	**Deed Reference:**	/05981/ 00033

Location & Structure Information

Premises Address:	REISTERSTOWN RD OWINGS MILLS 21117-	**Legal Description:**	5.976 AC SWS REISTERSTOWN RD 450 NW PAINTERS MILL RD

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0058	0022	0704		0000				2017	Plat Ref:

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

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
	65857		5.9700 AC	07

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation

Value Information

	Base Value	Value As of 01/01/2017	Phase-in Assessments As of 07/01/2018	Phase-in Assessments As of 07/01/2019
Land:	1,281,800	1,281,800		
Improvements	0	0		
Total:	1,281,800	1,281,800	2,524,833	1,281,800
Preferential Land:	0			0

Transfer Information

Seller: EMBLEM REALTY CO	**Date:** 12/31/1958	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /05981/ 00033	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2018	07/01/2019
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Mike Mohler
Acting Director, Department of Permits, Approvals and Inspections

DATE: 2/6/2019

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 19-202

INFORMATION:
Property Address: 10246 Reisterstown Road
Petitioner: Lion Brothers Co., Inc.
Zoning: BM
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for special hearing to determine whether or not a structure on a private roadway/street as defined in the Baltimore County Zoning Regulations (BCZR) is required to comply with BCZR § 235.1 – front yards, specifically in this instance.

A site visit was conducted on January 15, 2019. The property is currently vacant.

The Department finds no definition of *"private roadway/street"* within the Baltimore County Zoning Regulations. The plan submitted in support of the petition does not identify building orientations, whether existing or proposed, therefore determining the front yard requirements is problematic.

Subsequent to the public hearing, the Department will concur with the decision of Administrative Law Judge as to the requested zoning relief.

For further information concerning the matters stated herein, please contact Lloyd T. Moxley at 410-887-3480.

Prepared by: Lloyd T. Moxley

Division Chief: Jenifer G. Nugent

JM/JGN/LTM/
c: Bill Skibinski
J. Carroll Holzer, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

s:\planning\dev rev\zac\zacs 2019\19-202.docx

TO: THE DAILY RECORD
Tuesday, March 26, 2019 - Issue

Please forward billing to:
Lion Brothers 800-365-6543
300 Red Brook Blvd., Ste. 410
Owings Mills, MD 21117

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2019-0202-SPH
10246 Reisterstown Road
S/w side of Reisterstown Road, n/e of Rosewood Lane
3rd Election District – 4th Councilmanic District
Legal Owners: Lion Brothers Co., Inc.

Special Hearing that a structure fronting on a private roadway/street as defined in the BCZR is required to comply with BCZR Section 235.1 – front yards, specifically in this instance; and such other items pertaining thereto, which will be presented at the hearing.

Hearing: Monday, April 15, 2019 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Mike Mohler
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.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2019-0202-SAH

Property Address: 10246 Reisterstown Road, Owings Mills, MD 21117

Property Description: 5.976 Acres with right-of-way

Legal Owners (Petitioners): LION BROTHERS CO INC

Contract Purchaser/Lessee: Not Applicable

PLEASE FORWARD ADVERTISING BILL TO:

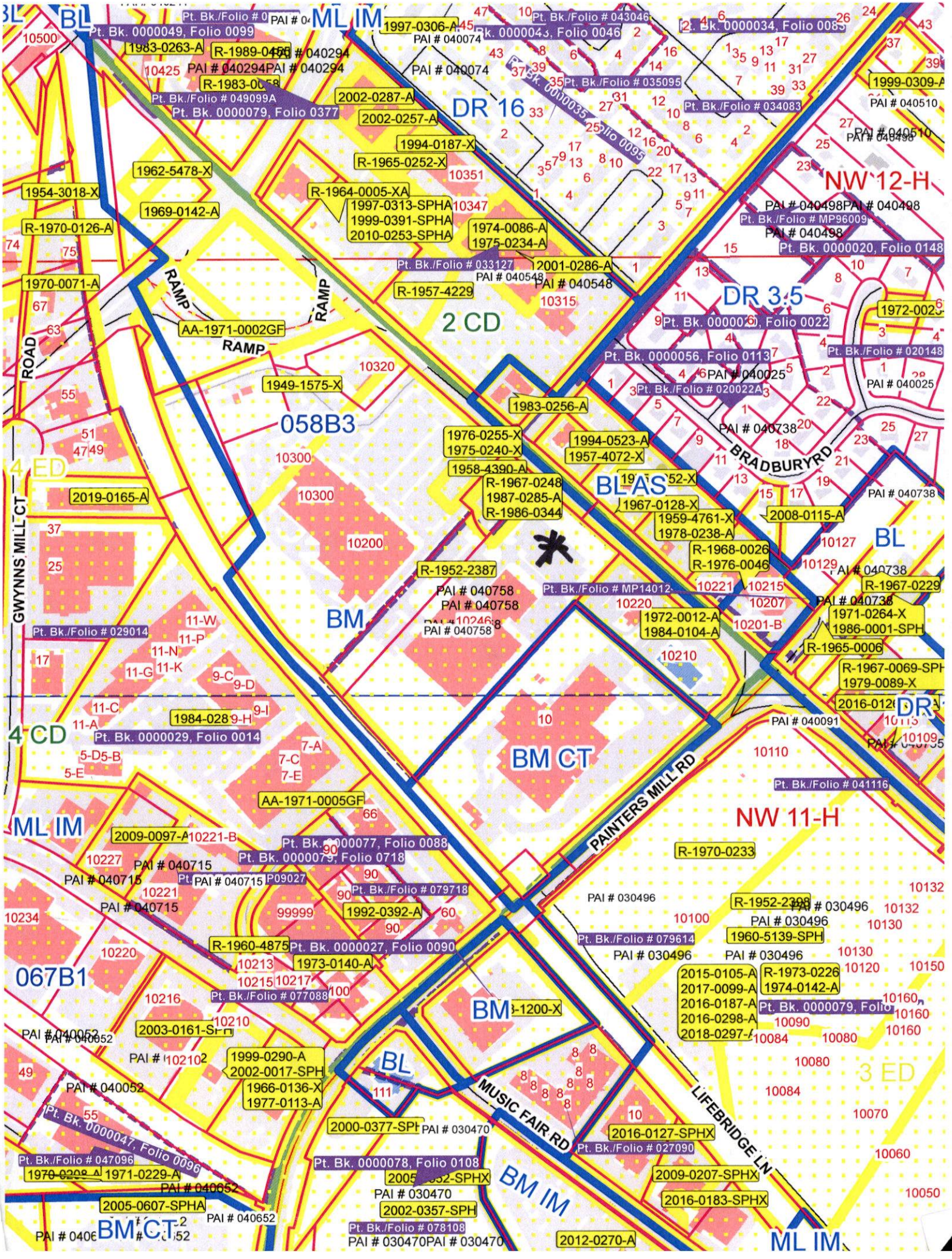
Name:

Company/Firm (if applicable): LION BROTHERS CO INC

Address: Suite 410
300 Red Brook Blvd.
Owings Mills, MD 21117

Telephone Number: 800-365-6543

Revised 7/9/2015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067B1
BM
BL
3 ED
BM IM
ML IM
BM CT
RAMP
RAMP
RAMP
ROAD
GWYNNS MILL CT
BRADBURYRD
PAINTERS MILL RD
MUSIC FAIR RD
LIFEBRIDGE LN
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PAI # 0
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2015-0105-A
2017-0099-A
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2016-0298-A
2018-0297-A
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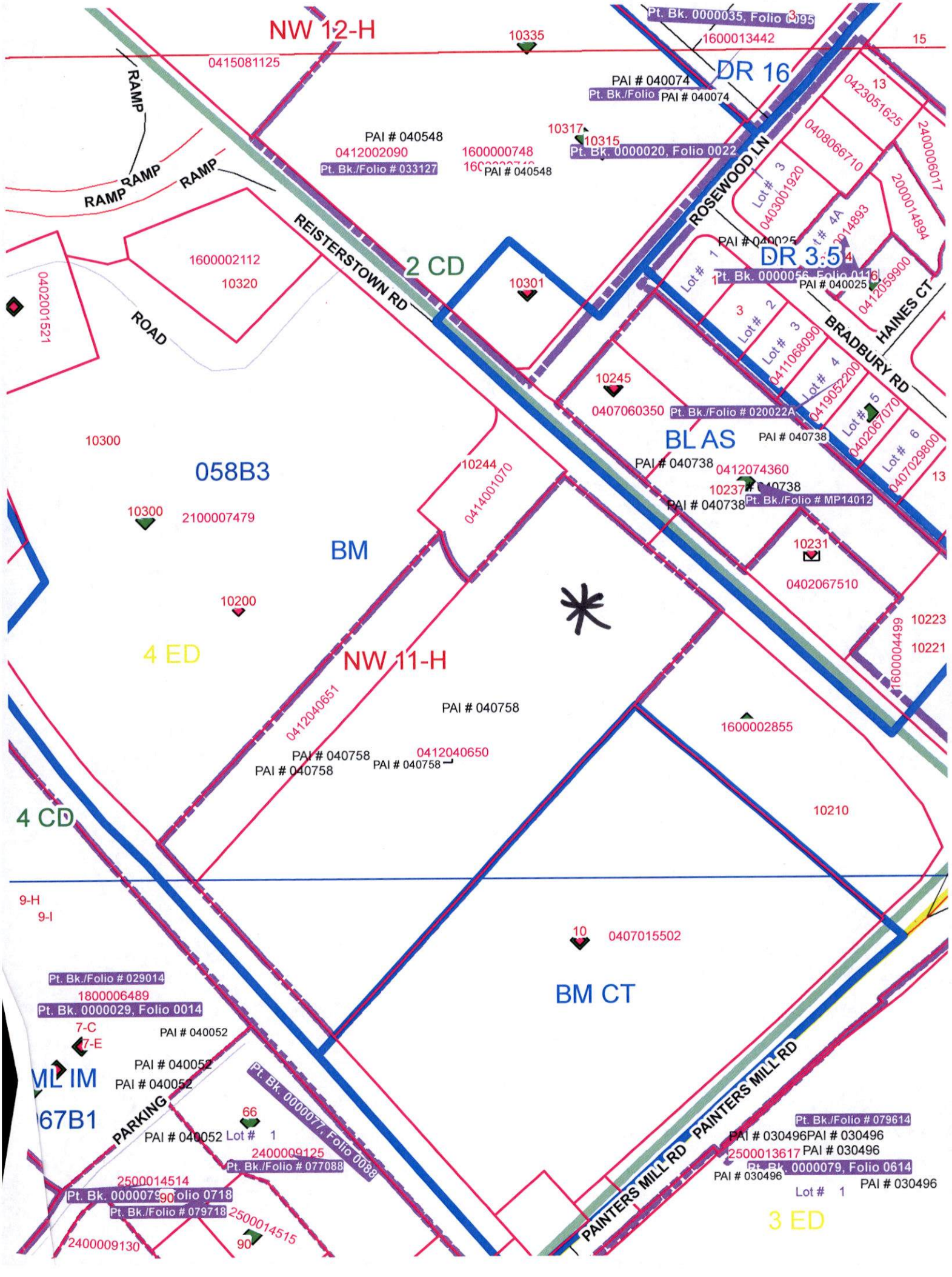
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Lot # 3
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BRADBURY RD
Lot # 4
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Lot # 5
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Lot # 6
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PAINTERS MILL RD
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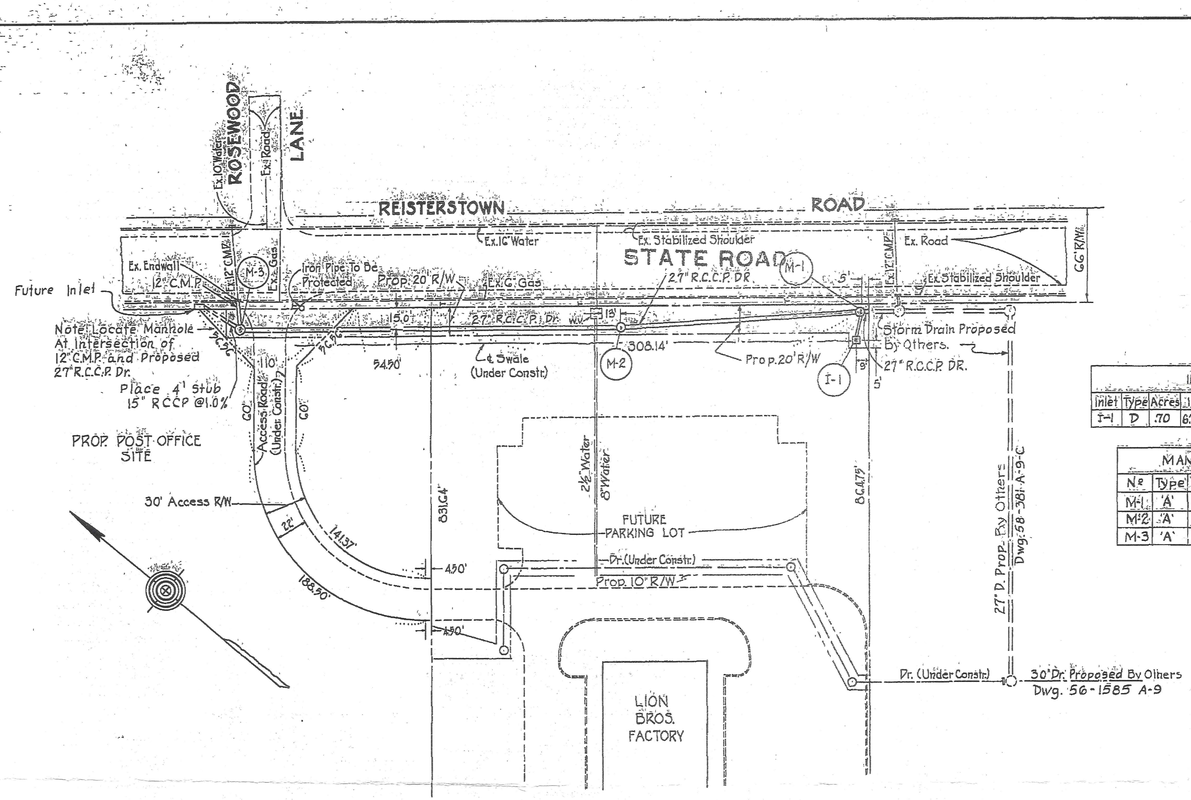
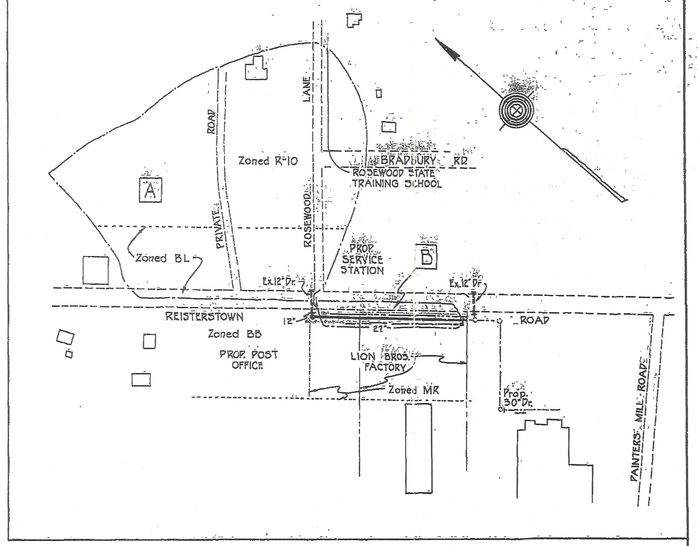


INLET SCHEDULE						
Inlet	Type	Acres	I	Coeff.	Q	Inv. Out	Top Elev.
I-1	D	.70	6.7	.48	2.3	506.75	Set in Field

MANHOLE SCHEDULE				
№	Type	Size	Inv. Out	Top Elev.
M-1	'A'	48"	504.75	Set in Field
M-2	'A'	48"	508.93	"
M-3	'A'	48"	514.20	"



DRAINAGE AREA AND LOCATION MAP

Scale: 1"=200'

STORM DRAIN DESIGN DATA										
Area	Total Acres	Comp. "C"	T.C. Min.	"I" In./Hr.	"Q" C.F.S.	Pipe Dia.	Pipe Grad. %	"V" F.P.S.	Storm Frequency
A	10.5	.57	12	5.8	34.6	27"	1.52	8.7	10
A+B	11.2	.57	13	5.6	35.5	27"	1.88	8.9	10

B.M. Fin. Floor Geroter May Corp. Elev. 490.78. Ref. Balto. Co. Met. Dist. Datum

RECORD DRAWING NUMBERS:
Water - File A4C Dwg. 3C-282

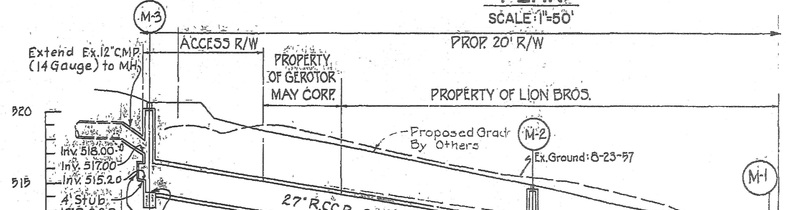
Obstructions shown on this drawing are for the convenience of the Contractor only. The County does not warrant or guarantee the correctness or the completeness of the information given. The Contractor must verify all such information to his own satisfaction.

ALL CONSTRUCTION WILL BE ACCOMPLISHED IN ACCORDANCE WITH BALTIMORE COUNTY STANDARD DETAILS DATED 1955

CONTRACTOR - Please notify Baltimore Gas & Electric Co. LE. 9-8000, Ext. 691 at least three days before starting work shown on this drawing.

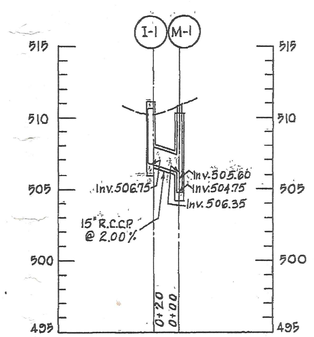
PLAN

SCALE 1"=50'



PROFILE

SCALE HORZ. 1"=50'
VERT. 1"=5'



TO BE BUILT BY DEVELOPER

Line & Grade Subject to State Road Approval

ROAD PERMIT AND GRADES
PERMIT REQUESTED
PERMIT NUMBER
GRADE ESTABLISHED
PROFILE NUMBER

DATE	RIGHT OF WAY REF.

ENGINEER BENJAMIN E. BEAVIN COMPANY
REG. NO. 78 DESIGNED F.W.K.
DRAWN F.W.K.
DATE 2-14-58 CHECKED B.E.B. JR.

DEPARTMENT OF PUBLIC WORKS
APPROVED John A. Pomeroy
DIRECTOR & CHIEF SANITARY ENGINEER
DATE 5/23/58

BUREAU OF ENGINEERING
APPROVED David H. Fackler
CHIEF.
DATE 5-22-58

	STORM DRAINS	WATER	SEWER	HIGHWAYS	STRUCTURES	FIELD LOCATION
	DES.	DES.	DES.	DES.		
	5-22-58	5-22-58	5-22-58	5/22/58		5/14/58

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING

STORM DRAINS

REISTERSTOWN ROAD - FROM ROSEWOOD LANE, 445 FT. SOUTHERLY

OWINGS MILL ELECTION DISTRICT NO. 4

SCALE: AS SHOWN

KEY SHEET: T.SE. & T.SW.
POSITION SHEET: 44 NW. 31
SHEET NO. 1 OF 1

J.O. 4-1-433
52-254
FILE: A-9

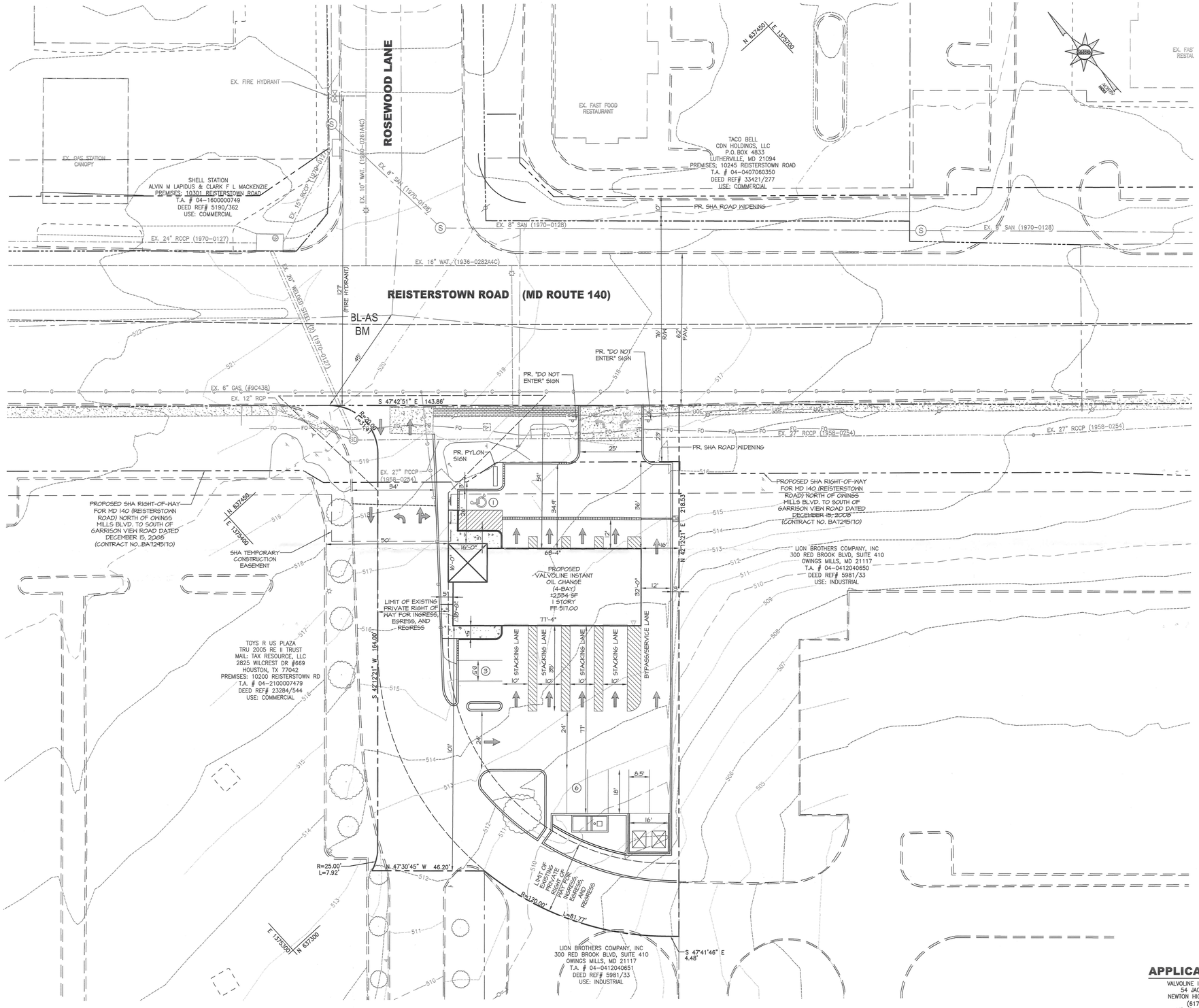
DATE	REVISION	BY
7-23-58	REVISED AS PER RECORD PRINT	H.S.
6-4-58	27" Drain Waterline	E.W.M.
DRAWING COMPLETED		

4-1-433

MICROFILMED

PETITIONER'S EXHIBIT # 3

Backups Oct 30, 2018 1:01:53 PM



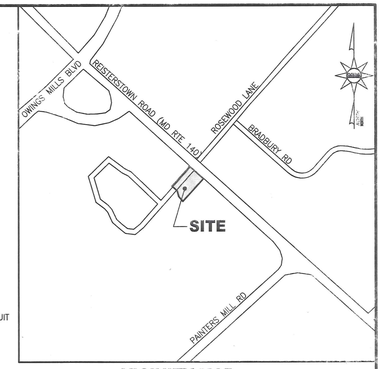
PLAN

SCALE : 1" = 20'

20 0 20 40 80

LEGEND

- EX. RIGHT-OF-WAY LINE
- EX. PROPERTY BOUNDARY LINE
- EX. ADJACENT PROPERTY LINE
- EX. EASEMENT
- EX. 1' CONTOUR
- EX. 2' CONTOUR
- EX. 10' CONTOUR
- EX. BUILDING
- EX. EDGE OF PAVEMENT
- EX. EDGE OF CONCRETE
- EX. CURB
- EX. SANITARY SEWER
- EX. STORM DRAIN
- EX. WATER MAIN
- EX. WATER VALVE
- EX. FIRE HYDRANT
- EX. WATER METER
- EX. UNDERGROUND ELECTRIC/CONDUIT
- EX. OVERHEAD ELECTRIC
- EX. POWER POLE
- EX. PEDESTRIAN SIGNAL POLE
- EX. FIBER OPTIC
- EX. GAS
- EX. TREE
- PR. STD. SLOPE C&G
- PR. WALL
- PR. BUILDING
- PR. RIGHT-OF-WAY LINE



VICINITY MAP

SCALE 1" = 500'

GENERAL NOTES

1. PROPERTY INFORMATION:
   - A. PROPERTY ADDRESS: 10244 REISTERSTOWN ROAD, BALTIMORE COUNTY, MD
   - B. SITE AREA: 23,914 S.F. / 0.549 AC.
   - C. ELECTION DISTRICT: 4
   - D. COUNCILMANIC DISTRICT: 4
   - E. DEED REFERENCE: 04733/00501
   - F. ADC MAP: 48B6
   - G. CENSUS TRACT: 404102
   - H. TAX MAP: 0058
   - I. GRID: 0022
   - J. PARCEL: 0606
   - K. TAX ACCOUNT NO.: 0414001070
2. ZONING: BM (BUSINESS MAJOR)
3. ZONING MAP/GIS TILE NO.: 058B3
4. FLOOR AREA RATIO: MAXIMUM PERMITTED = 4.0; PROVIDED = 0.106 (2,534 S.F. / 23,914 S.F. = 0.106)
5. EXISTING LAND USE: RESTAURANT
   PROPOSED LAND USE: AUTOMOTIVE SERVICE
6. BUILDING TYPE: IIIB (1 STORY BUILDING)
   BUILDING USE GROUP: S-1
7. LIMIT OF DISTURBANCE: ±20,000 SQUARE FEET
8. BM ZONE SETBACKS (SECTION 233):

	REQUIRED	PROVIDED (MIN.)
FRONT	MIN 15' *	59'
FRONT (AFTER SHA R/W DEDICATION)	MIN 15' *	26'
INTERIOR SIDE	0'	16'
STREET CORNER SIDE	NA	NA
REAR	0'	101'

   *FRONT YARD AVERAGING DOES NOT APPLY.
9. PARKING: (AUTOMOTIVE SERVICE STATION)
   REQUIRED: 3.3 SPACES PER 1,000 GROSS SQUARE FEET = 9 SPACES
   PROVIDED: 10 SPACES (1 VAN ACCESSIBLE SPACE)
10. BUILDING HEIGHT: 26 FEET
    MAXIMUM PERMITTED: DETERMINED BY HEIGHT TENT CALCULATIONS. 40' MAX. THEN APPLY HEIGHT TENT TO GO HIGHER IF NEEDED.
11. THIS SITE IS SERVICED BY PUBLIC WATER AND SEWER.
12. THIS SITE IS LOCATED IN THE GWYNN FALLS WATERSHED.
13. SCREENING AND LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.
14. THE SITE IS NOT LOCATED IN A 100 YEAR FLOODPLAIN (F.E.M.A. PANEL NO. 2400100220D).
15. THE SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICES AREAS.
16. THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THIS PROPERTY.
17. THERE ARE NO HISTORIC BUILDINGS ON SITE.
18. THIS SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
19. ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
20. ALL TRASH COLLECTION SHALL TAKE PLACE DURING NORMAL BUSINESS HOURS.
21. SIGNAGE ON THIS SITE SHALL CONFORM WITH THE SIGNAGE REQUIREMENTS OF THE BALTIMORE COUNTY ZONING REGULATIONS SECTION 450, OR A VARIANCE WILL BE REQUESTED.
22. ENTRANCE ON STATE ROADS ARE SUBJECT TO THE APPROVAL OF THE STATE HIGHWAY ADMINISTRATION.
23. BASE INFORMATION DERIVED FROM AVAILABLE BALTIMORE COUNTY GIS DATA.
24. UNDERGROUND STORAGE FACILITY MAY BE INCLUDED IN STORMWATER MANAGEMENT.

PROTESTANT'S EXHIBIT NO. 2

ZONING HISTORY

1987-0285-A	PARKING VARIANCE REQUEST, PIZZA HUT TO HAVE 44 SPACES IN LIEU OF REQ'D 51 SPACES. GRANTED JANUARY 16, 1987.
R-86-344	PETITION FOR ZONING RECLASSIFICATION, PRESENT ZONING IN ERROR, RE-ZONED DECEMBER 3, 1986.
R-1967-0248	PETITION FOR ZONING RECLASSIFICATION GRANTED JULY 10TH 1968.
1958-4390-A	SIDE YARD ZONING VARIANCE REQUESTED, DENIED APRIL 3RD, 1958.
R-1952-2387	SETBACK FRONT YARD VARIANCE REQUEST, GRANTED NOVEMBER 26TH 1952.

APPLICANT / OWNER

VALVOLINE INSTANT OIL CHANGE
54 JACONNET STREET
NEWTON HIGHLANDS, MA 02461
(617) 243-0404
MR. RANDOLPH KAZAZIAN

DESIGN & DRAWING BASED ON MARYLAND COORDINATE SYSTEM: HORIZONTAL NAD 83 (1991) VERTICAL NAVD 88

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 34479 EXPIRATION DATE: 06/21/2018.

THE CORRECTNESS OR COMPLETENESS OF EXISTING INFORMATION SHOWN ON THE DRAWINGS IS NOT WARRANTED OR GUARANTEED. THE CONTRACTOR SHALL VERIFY THE LOCATION OF UTILITIES AND UNDERGROUND FACILITIES, BY TEST PITS OR OTHER METHODS APPROVED BY THE OWNER'S REPRESENTATIVE, AS REQUIRED TO VERIFY EXACT LOCATIONS AND DEPTHS WITHIN THE LIMIT OF DISTURBANCE. ALL DISCREPANCIES BETWEEN INFORMATION SHOWN ON THE DRAWINGS AND THAT VERIFIED IN THE FIELD SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING.

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748
MRAGTA.COM

Copyright 2018 Morris & Ritchie Associates, Inc.

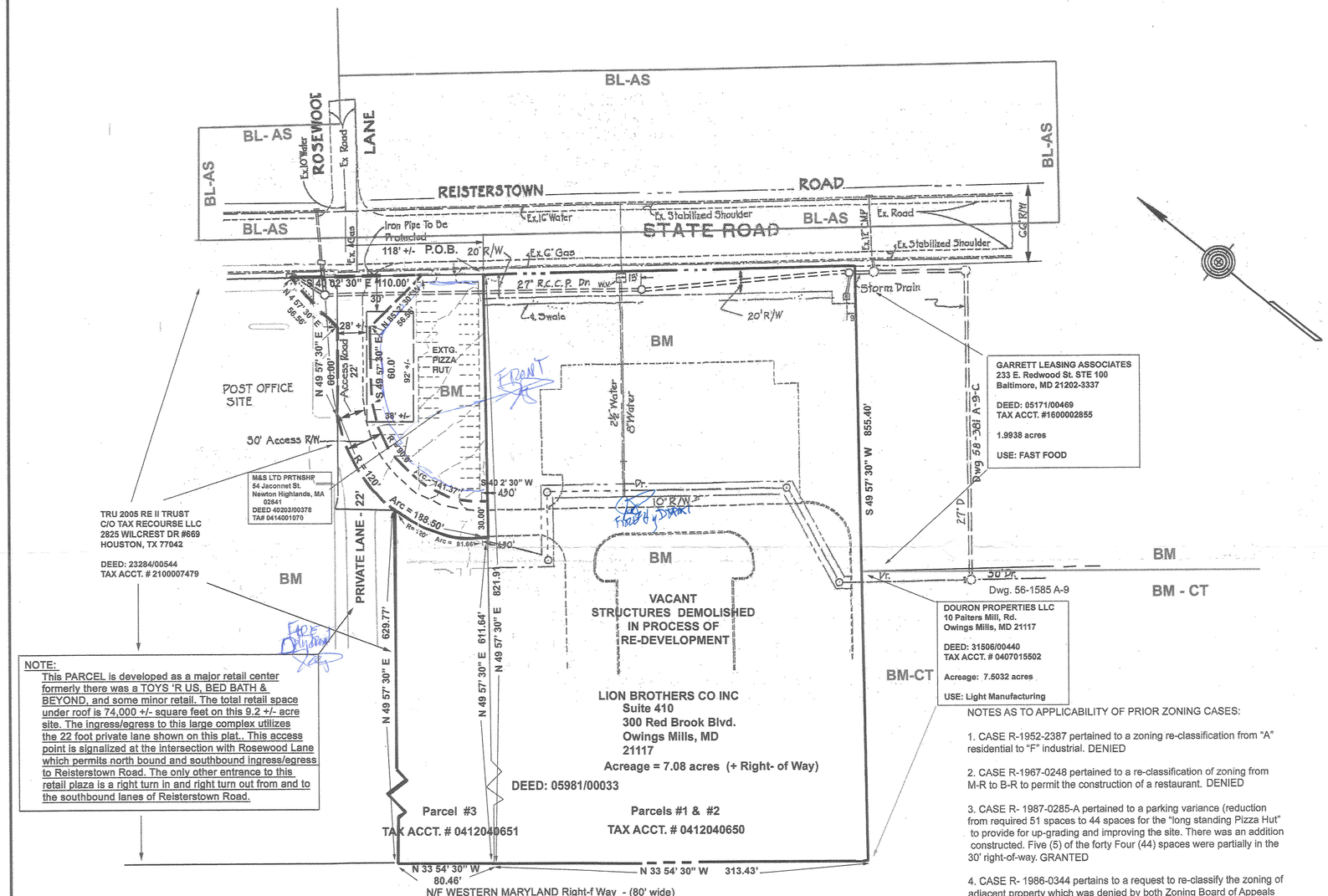
STATE OF MARYLAND · JOSHUA THOMAS STEVENS · No. 34479 · PROFESSIONAL ENGINEER

VALVOLINE INSTANT OIL CHANGE

PLAN TO ACCOMPANY DRC REQUEST

10244 REISTERSTOWN ROAD
BALTIMORE COUNTY, MD

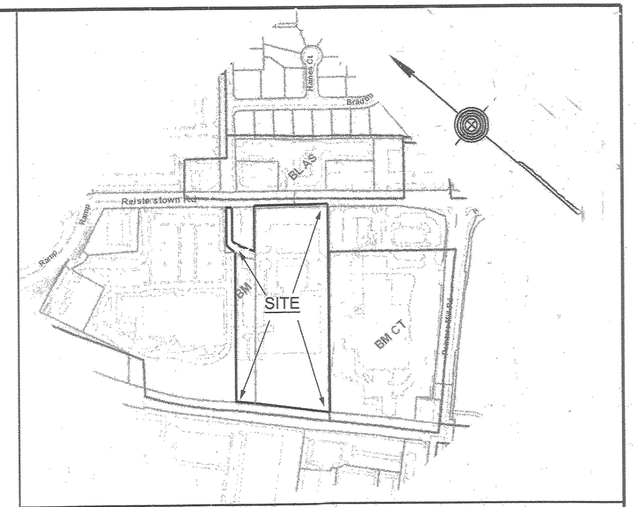
DATE	REVISIONS		
		JOB NO.:	19974X01
		SCALE:	1"= 20'
		DATE:	08/16/2018
		DRAWN BY:	MLE/DTP
		DESIGN BY:	MLE/JTS
		REVIEW BY:	JTS
		SHEET:	1 OF 1



PLAN

SCALE: 1" =50'

0 50' 100'



VICINITY MAP SCALE : 1"=200'

NOTES:

1. OWNER:
LION BROTHERS CO. INC.
Suite 410, 300 Red Brook Blvd.
Owings Mills,MD 21117
2. DEED: 05981/00033; TAX ACCOUNTS: 0412040650 & 0412040651; TAX MAP: 0058, PARCELS: 0704 & 0567
2. SITE AREA:
GROSS: 319,235 +/- sq. ft. or 7.329 +/- acres
NET: 308,405 +/- sq.ft. or 7.080 +/- acres
3. BUILDING AREA: NO STRUCTURES at present time.
4. PUBLIC WATER AND PUBLIC SEWER.
5. SETBACKS TO BE DEFINED BY THE HEARING OF THIS PETITION.
6. ZONING: BM.
7. COUNCILMANIC DISTRICT: 4; ELECTION DISTRICT: 4; REGIONAL PLANNING DISTRICT: CENSUS TRACT: 4041.02;
8. Structures on the subject property have been demolished. Plans are being developed for future use of the property. The former manufacturing structure dates back to the 1950's.
9. PREVIOUS ZONING CASES: R-1952-2387; R-1967-0248; 1987-0285-A; R-1986-0344
10. No 100 year flood plain exists near or on the property. There are no historic structures on the site, nor is the site in an Historic District.
11. The Gross Floor area Calculations are not applicable in this instance.
12. No buildings are above 40 feet in height. Therefore no Height Determination is required.
13. Amenity Open Space (AOS) does not apply.
14. Required OFF-STREET PARKING AND CALCULATIONS are not applicable regarding this Petition.
15. No SPECIAL USE REQUIREMENTS apply.
16. There are no failed Basic Services Maps impacting this Petition.
17. An issue impacting this Petition is, in part, related to setback of an existing building.
18. WATERSHED: Gwynns Falls.
19. No signs exist on the site.
20. The site does not lie within the Chesapeake Bay Critical Area.
21. **NO active zoning violations, as known.**

NOTES AS TO APPLICABILITY OF PRIOR ZONING CASES:

1. CASE R-1952-2387 pertained to a zoning re-classification from "A" residential to "F" industrial. DENIED

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4. CASE R- 1986-0344 pertains to a request to re-classify the zoning of adjacent property which was denied by both Zoning Board of Appeals and Baltimore County Circuit Court. DENIED

ZONING MAP # 44NW31

PLAN PREPARED BY
PATTON CONSULTANTS, LTD.
508 Fairmount Avenue
Towson MD 21286
e-mail: jsp@pattonconsultants.net cell: 410-960-8280

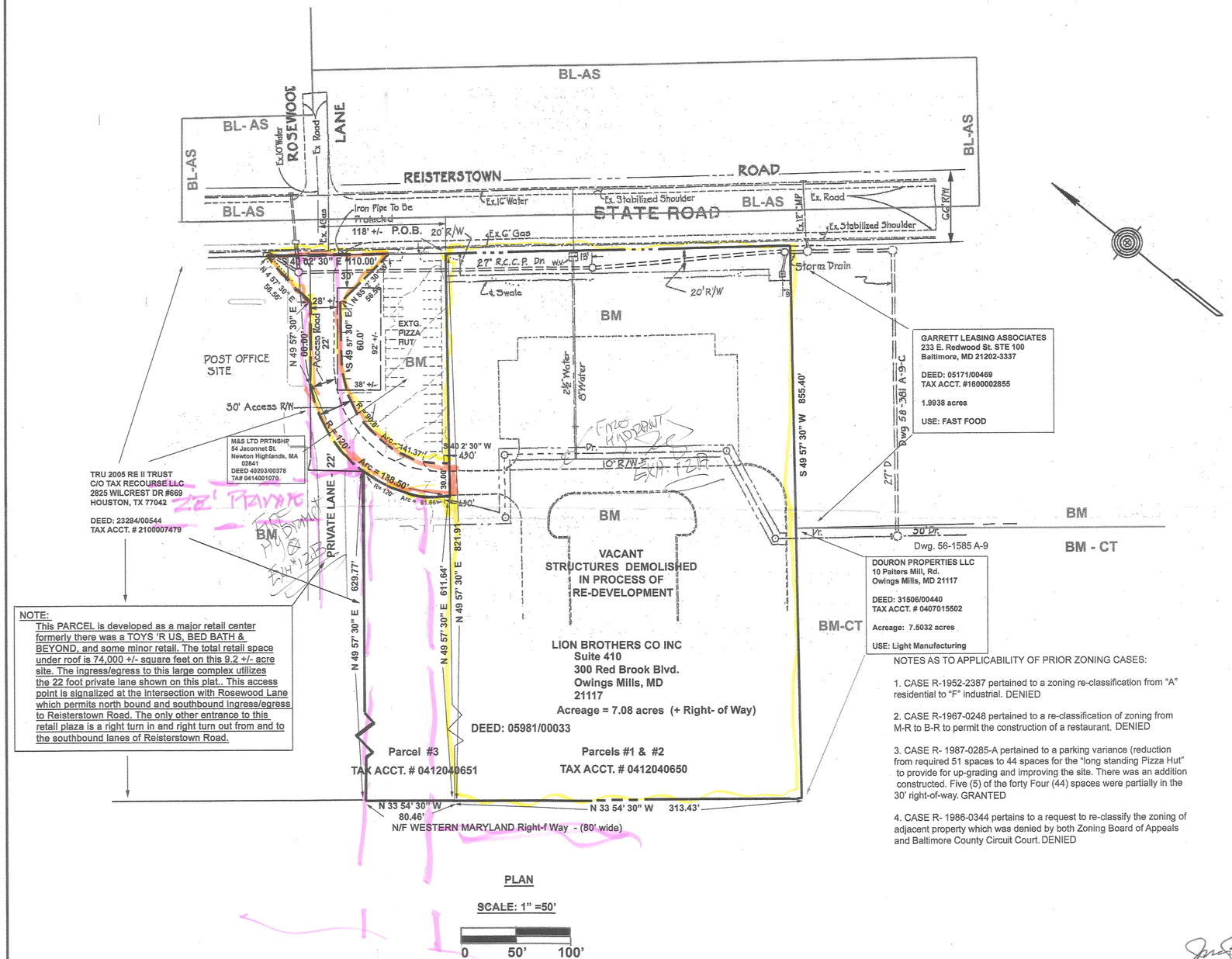
STATE OF MARYLAND JAMES S. PATTON 9493 PROFESSIONAL ENGINEER
My license expires 9/25/2019

PLAN TO ACCOMPANY SPECIAL HEARING PETITION

LION BROTHERS CO. INC.
AND/OR ASSIGNS

10246 Reisterstown Road, Owings Mill, Baltimore County, MD 21117
Election District: 4 Councilmanic District: 4

PETITIONER'S EXHIBIT
 # 2



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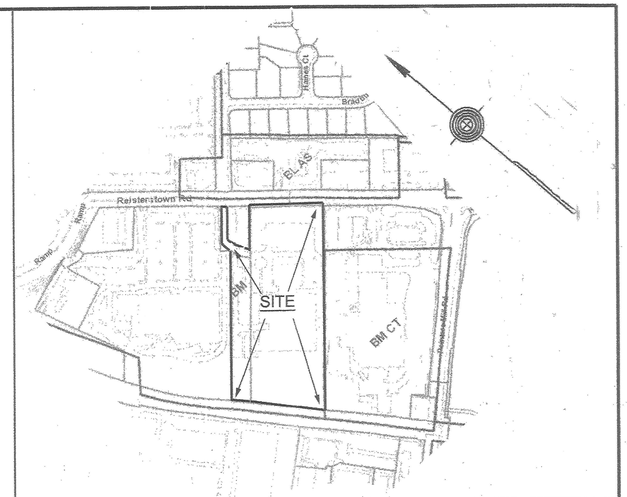
SCALE: 1" =50'

0 50' 100'



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My license expires 9/26/2019

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Petitioner
CBA Exhibit
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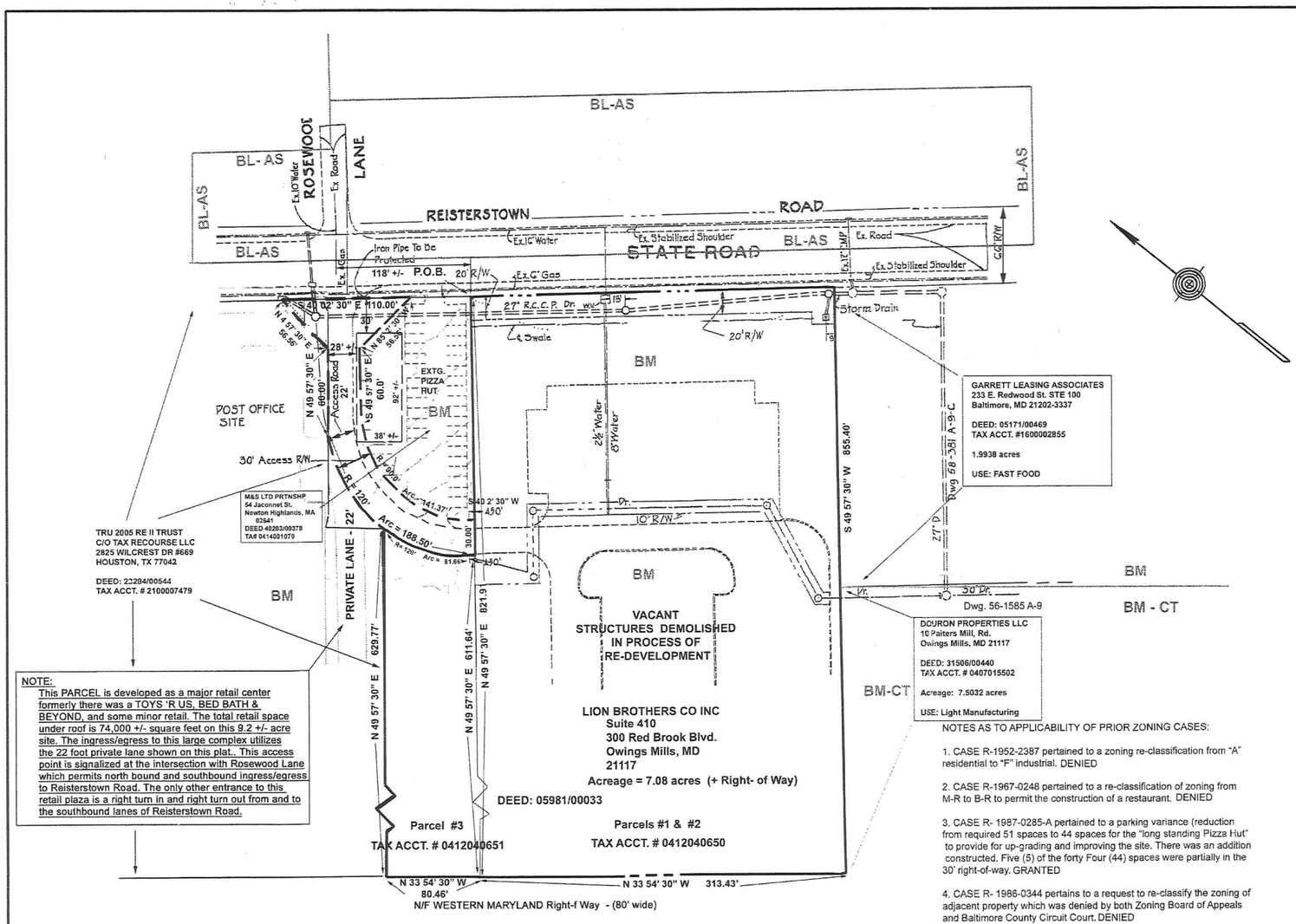


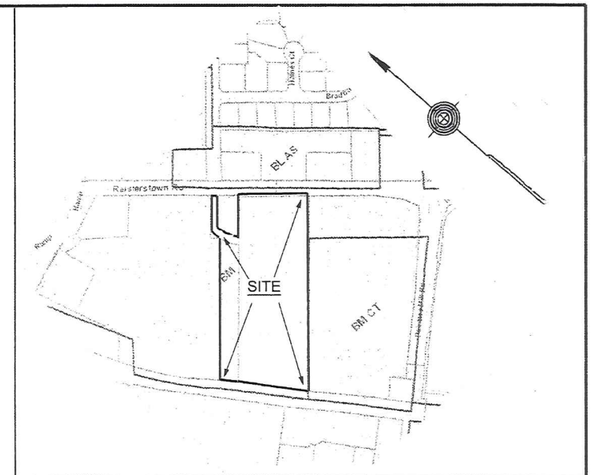
NOTE:
This PARCEL is developed as a major retail center formerly there was a TOYS 'R US, BED BATH & BEYOND, and some minor retail. The total retail space under roof is 74,000 +/- square feet on this 9.2 +/- acre site. The ingress/egress to this large complex utilizes the 22 foot private lane shown on this plat.. This access point is signalized at the intersection with Rosewood Lane which permits north bound and southbound ingress/egress to Reisterstown Road. The only other entrance to this retail plaza is a right turn in and right turn out from and to the southbound lanes of Reisterstown Road.

PLAN

SCALE: 1" =50'

0 50' 100'

ZONING MAP # 44NW31



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STATE OF MARYLAND JAMES S. PATTON 5421 PROFESSIONAL ENGINEER
My license expires 9/29/2019

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LION BROTHERS CO. INC.
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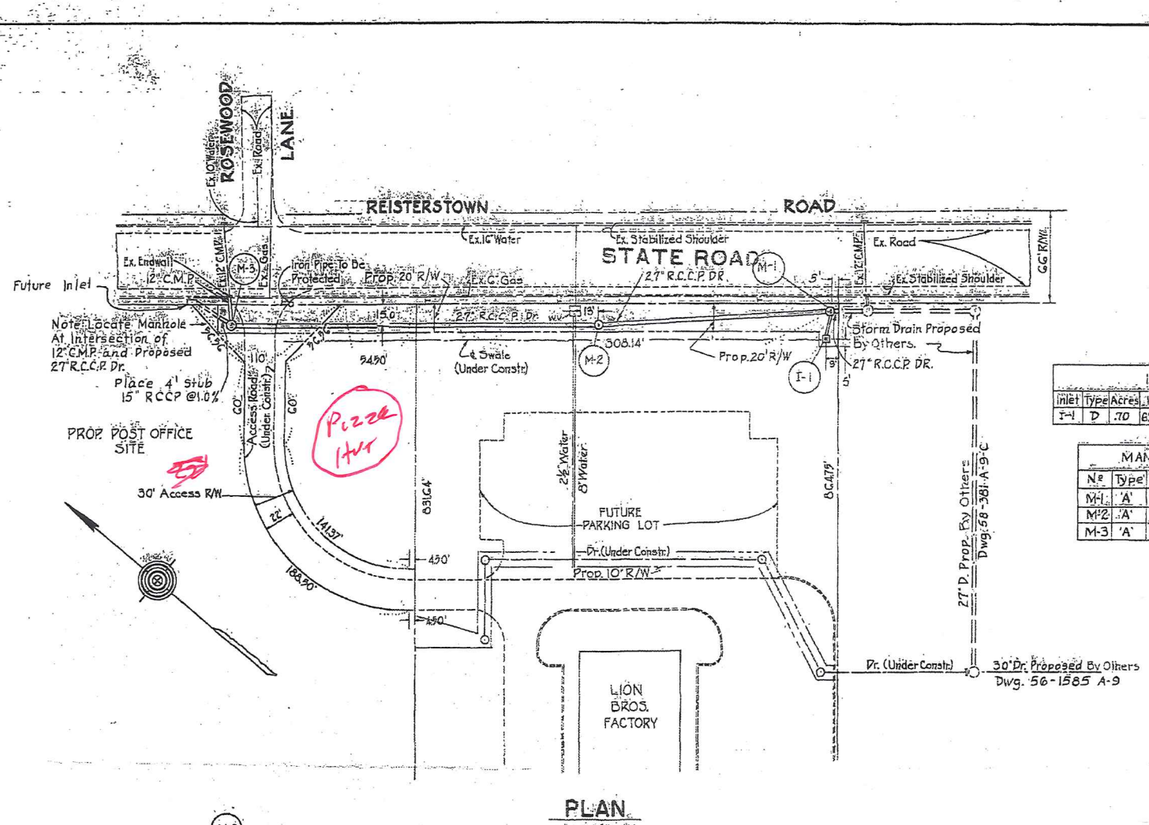
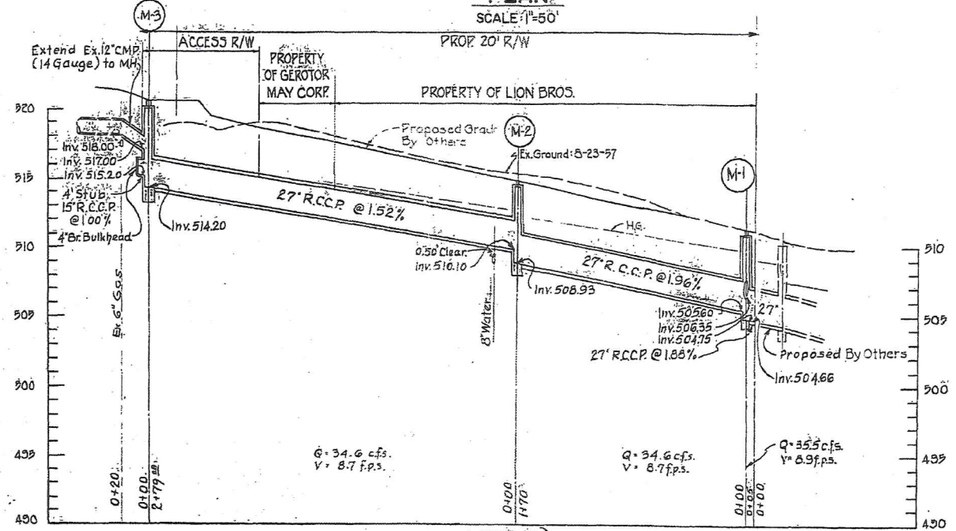


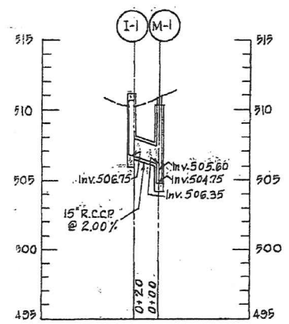
PLAN

SCALE 1"=50'



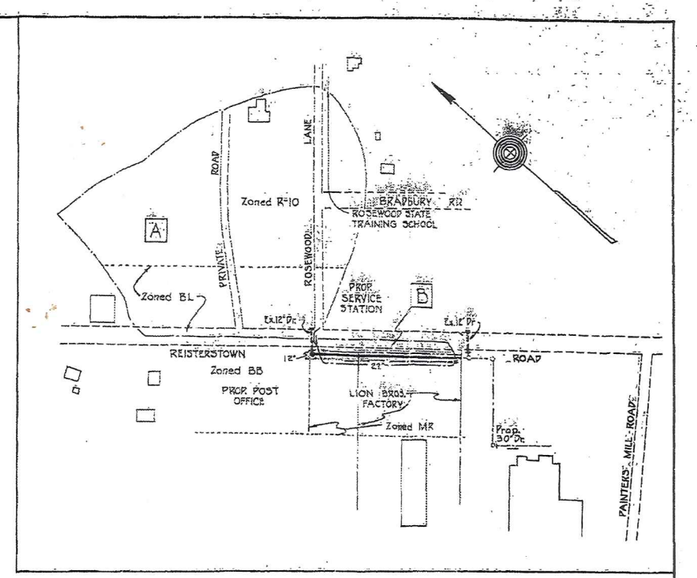
PROFILE

SCALE HORZ. 1"=50'
VERT. 1"=5'



INLET SCHEDULE							
Inlet	Type	Acres	I	Coeff.	Q	Inv. Out	Top Elev.
I-1	D	.70	6.7	.48	2.3	508.75	Set In Field

MANHOLE SCHEDULE					
№	Type	Size	Inv. Out	Top Elev.
M-1	'A'	48"	504.75	Set In Field
M-2	'A'	48"	508.93	"
M-3	'A'	48"	514.20	"



DRAINAGE AREA AND LOCATION MAP

Scale: 1"=200'

STORM DRAIN DESIGN DATA										
Area	Total Acres	Comp. 'C'	T.C. Min.	'I' in/Hr	Q c.f.s.	Pipe Dia.	Grade %	'V' F.P.S.	Storm Frequency
A	10.5	.57	12	5.8	34.6	27"	1.96	8.7	10
A+B	11.2	.57	13	5.6	35.5	27"	1.88	8.9	10

B.M. Fin. Floor Gerotor May Corp. Elev. 490.73. Ref. Balto. Co. Met. Dist. Datum

RECORD DRAWING NUMBERS:
Water - File A4C Dwg. 36-282

Obstructions shown on this drawing are for the convenience of the Contractor only. The County does not warrant or guarantee the correctness or the completeness of the information given. The Contractor must verify all such information to his own satisfaction.

ALL CONSTRUCTION WILL BE ACCOMPLISHED IN ACCORDANCE WITH BALTIMORE COUNTY STANDARD DETAILS DATED 1955

CONTRACTOR - Please notify Baltimore Gas & Electric Co. LE. 9-8000, Ext. 691 at least three days before starting work shown on this drawing.

TO BE BUILT BY DEVELOPER

ROAD PERMIT AND GRADES
PERMIT REQUESTED
PERMIT NUMBER
GRADE ESTABLISHED
PROFILE NUMBER

DATE	RIGHT OF WAY REF.

ENGINEER BENJAMIN E. BEAVIN COMPANY
REG. No. 78 DESIGNED F.W.K.
DATE 2-16-58 DRAWN F.W.K.
CHECKED B.E.B./J.B.

DEPARTMENT OF PUBLIC WORKS
APPROVED John A. Disney DIRECTOR & CHIEF SANITARY ENGINEER
DATE 3/23/58

Line & Grade Subject to State Road Approval

BUREAU OF ENGINEERING
APPROVED David H. Fackler CHIEF
DATE 5-23-58

STORM DRAINS	WATER	SEWER	HIGHWAYS	STRUCTURES	FIELD LOCATION
DES'D	DES'D	DES'D	2007		6/16/58
5-22-58	5-22-58	5-22-58	5/22/58		5/16/58

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING

STORM DRAINS

REISTERSTOWN ROAD - FROM ROSEWOOD LANE, 445 FT. SOUTHERLY

OWINGS MILL ELECTION DISTRICT NO. 4

SCALE AS SHOWN

NO.	REVISION	BY
7-23-58	REVISED AS PER RECORD PRINT	F.W.K.
6-16-58	REVISION - Balance Line	F.W.K.
DATE	REVISION	BY
DRAWING COMPLETED		

KEY SHEET T.S.E. & S.W.
POSITION SHEET 44 NW 31
SHEET NO. 1 OF 1
1.0.47-433
58-254
FILE: A-9

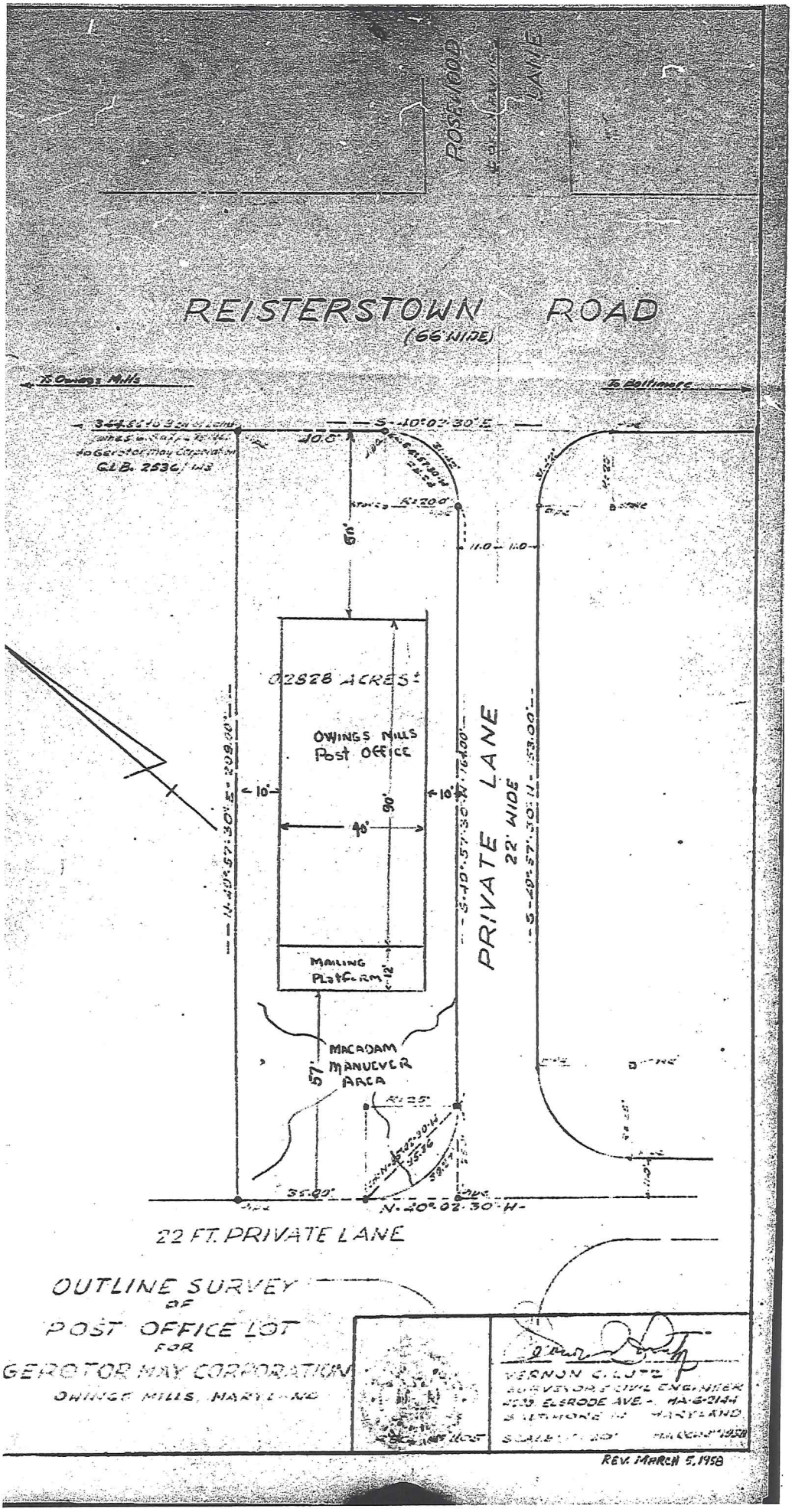
4-1-58

MICROFILMED

Petitioner
CBA Exhibit
3

PETITIONER'S EXHIBIT
3

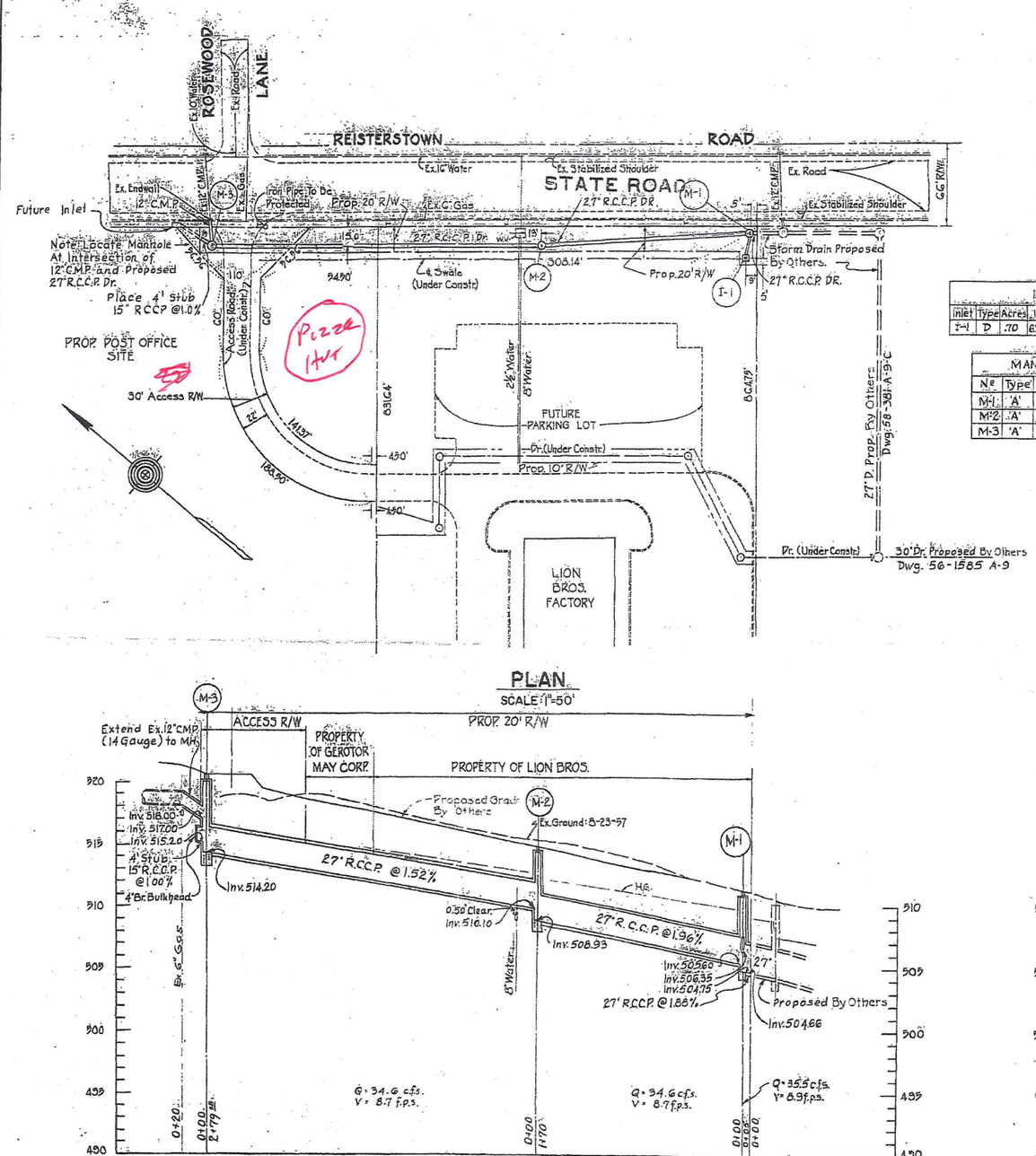
rockups Oct 30, 2018 1:01:53 PM



PETITIONER'S EXHIBIT
 # 4

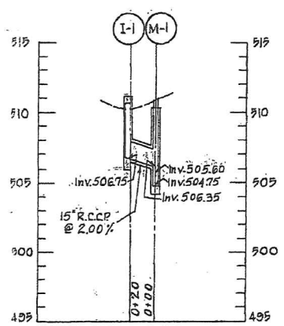
PETITIONER'S EXHIBIT

 # 5



PLAN
SCALE 1"=50'

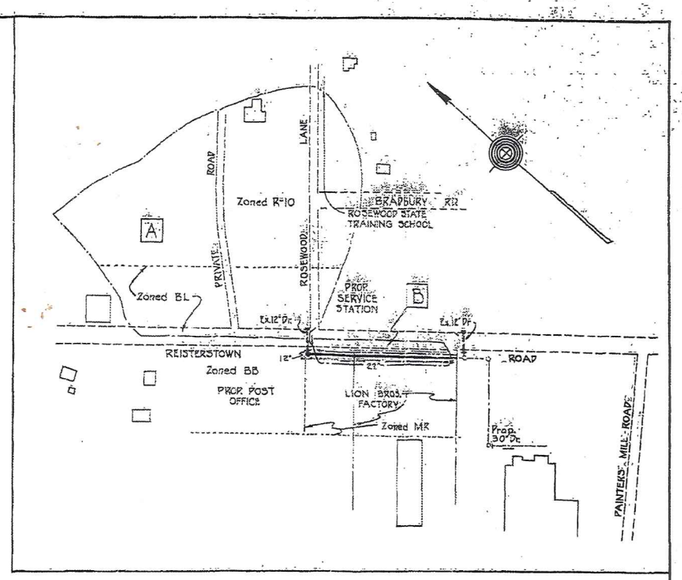
PROFILE
SCALE HORZ. 1"=50'
VERT. 1"=5'



TO BE BUILT BY DEVELOPER

INLET SCHEDULE							
Inlet	Type	Acres	I	Coeff.	Q	Inv. Out	Top Elev.
I-1	D	.70	6.7	.48	12.3	506.75	Set In Field

MANHOLE SCHEDULE					
№	Type	Size	Inv. Out	Top Elev.
M-1	'A'	48"	504.75	Set In Field
M-2	'A'	48"	508.93	"
M-3	'A'	48"	514.20	"



DRAINAGE AREA AND LOCATION MAP
Scale: 1"=200'

STORM DRAIN DESIGN DATA										
Area	Total Acres	Comp. 'C'	T.C. Min.	'I' In/Hr.	Q C.F.S.	Pipe Dia.	Grade %	'V' F.P.S.	Storm Frequency
A	10.5	.57	12	5.8	34.6	27"	1.52	8.7	10
A+B	11.2	.57	13	5.6	35.5	27"	1.88	8.9	10

B.M. Fin. Floor Geroter May Corp. Elev. 490.73. Ref. Balto. Co. Met. Dist. Datum

RECORD DRAWING NUMBERS:
Water - File A4C Dwg. 3C-282

Obstructions shown on this drawing are for the convenience of the Contractor only. The County does not warrant or guarantee the correctness or the completeness of the information given. The Contractor must verify all such information to his own satisfaction.

ALL CONSTRUCTION WILL BE ACCOMPLISHED IN ACCORDANCE WITH BALTIMORE COUNTY STANDARD DETAILS DATED 1955

CONTRACTOR - Please notify Baltimore Gas & Electric Co. I.E. 9-8000, Ext. 691 at least three days before starting work shown on this drawing.

ROAD PERMIT AND GRADES
PERMIT REQUESTED
PERMIT NUMBER
GRADE ESTABLISHED
PROFILE NUMBER

DATE RIGHT OF WAY REF.

ENGINEER BENJAMIN E. BEAVIN COMPANY
REG. No. 79 — DESIGNED F.W.K.
DRAWN F.W.K.
DATE 2-14-58 — CHECKED B.E.B. JR.

DEPARTMENT OF PUBLIC WORKS
APPROVED John E. Turk
DIRECTOR & CHIEF SANITARY ENGINEER
DATE 3/23/58

Line & Grade Subject to State Road Approval

BUREAU OF ENGINEERING
APPROVED David H. Ruhlmann
CHIEF.
DATE 5-23-58

	STORM DRAINS	WATER	SEWER	HIGHWAYS	STRUCTURES	FIELD LOCATION
DATE	5-22-58	5-22-58	5-22-58	5/23/58		5/14/58

BALTIMORE COUNTY — DEPARTMENT OF PUBLIC WORKS — BUREAU OF ENGINEERING

STORM DRAINS

REISTERSTOWN ROAD — FROM ROSEWOOD LANE, 445 FT. SOUTHERLY

OWINGS MILL — ELECTION DISTRICT NO. 4

SCALE: AS SHOWN

NOTES		
7-23-58	REVISED AS PER RECORD PRINT	J.S.
6-24-58	270 Cubic Yds. Excavation	F.W.K.
DATE	REVISION	BY
DRAWING COMPLETED 1958		

KEY SHEET T.SE. & T.SW. — SHEET NO. 1 — 10 4 1/2 - 203 — 58-254

POSITION SHEET 44 NW 31 — OF 1 — FILE: A-9

4-1-58

MICROFILMED

Petitioner
CBA Exhibit
3

PETITIONER'S EXHIBIT
3

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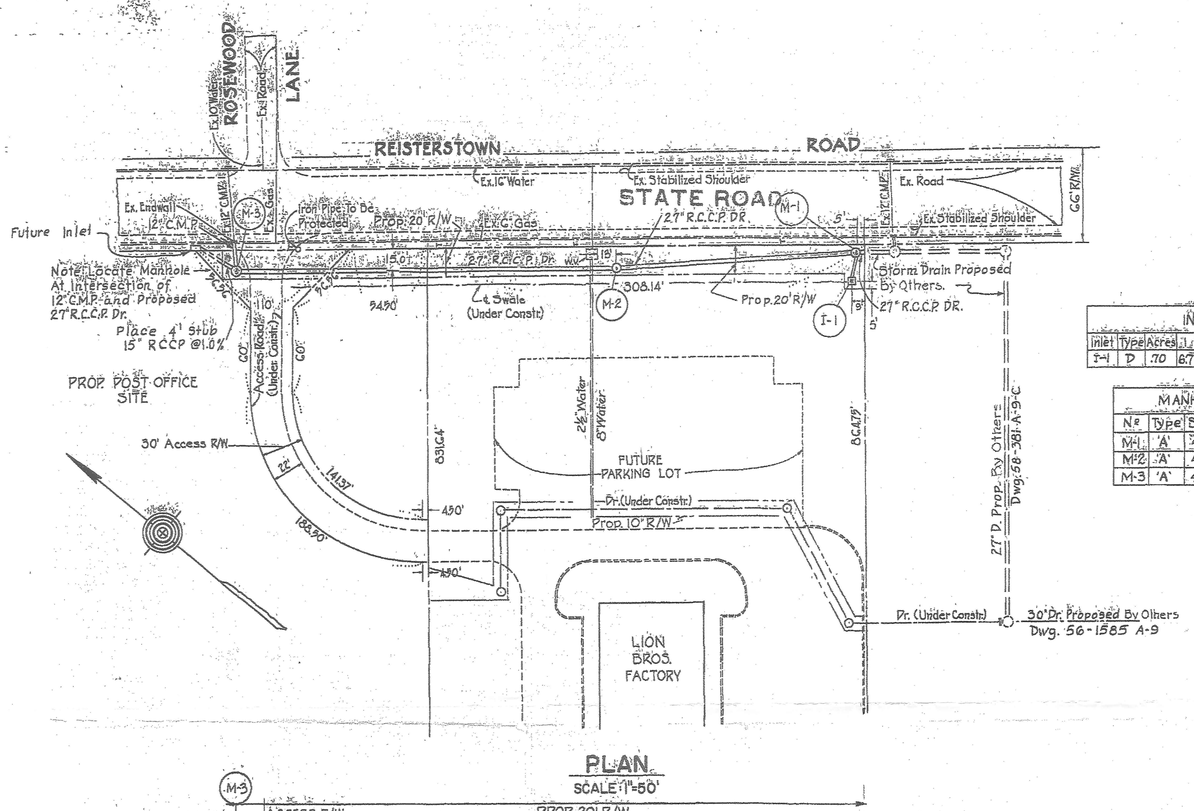

INLET SCHEDULE							
Inlet	Type	Acres	"C"	Coeff.	Q	Inv. Out	Top Elev.
I-1	D	.70	67	.48	2.3	506.75	Set In Field

MANHOLE SCHEDULE				
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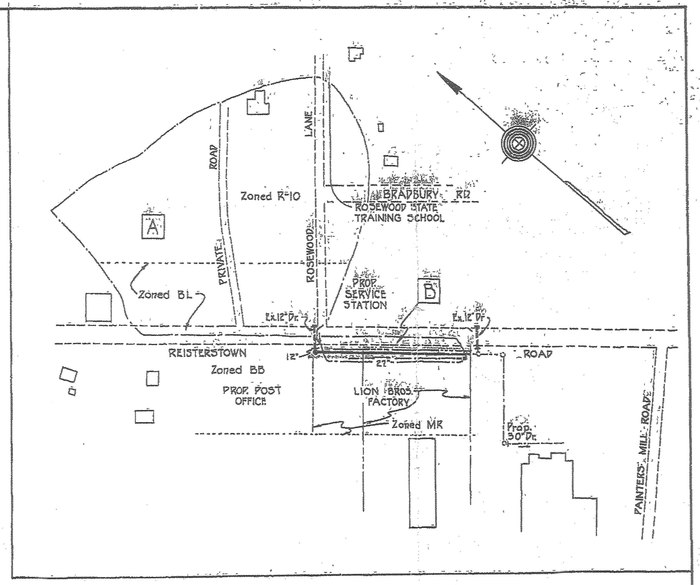

DRAINAGE AREA AND LOCATION MAP
Scale: 1"=200'

STORM DRAIN DESIGN DATA									
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							1.96	8.7	
A+B	11.2	.57	13	5.6	35.5	27"	1.88	8.9	10

B.M. Fin. Floor Gerotor May Corp. Elev. 490.73. Ref. Balto. Co. Met. Dist. Datum

RECORD DRAWING NUMBERS:
Water - File A4C Dwg. 3C-282

Obstructions shown on this drawing are for the convenience of the Contractor only. The County does not warrant or guarantee the correctness or the completeness of the information given. The Contractor must verify all such information to his own satisfaction.

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CONTRACTOR - Please notify Baltimore Gas & Electric Co. LE. 9-8000, Ext. 691 at least three days before starting work shown on this drawing.

TO BE BUILT BY DEVELOPER

ROAD PERMIT AND GRADES	
PERMIT REQUESTED	
PERMIT NUMBER	
GRADE ESTABLISHED	
PROFILE NUMBER	

DATE	RIGHT OF WAY REF.

ENGINEER: BENJAMIN S. BRAVIN COMPANY
REG. NO. 78 DESIGNED F.W.K.
DRAWN F.W.K.
CHECKED B.E.B. JR.
DATE 2-14-58

DEPARTMENT OF PUBLIC WORKS
APPROVED John A. Dugan, Jr. DIRECTOR & CHIEF SANITARY ENGINEER
DATE 5/23/58

BUREAU OF ENGINEERING
APPROVED David H. Fraley, Jr. CHIEF
DATE 5-22-58

Line & Grade Subject to State Road Approval

	STORM DRAINS	WATER	SEWER	HIGHWAYS	STRUCTURES	FIELD LOCATION
DES.				5-22-58		
DRAWN				5-22-58		11/16/56
CHECKED				5-22-58		5/14/58

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING
STORM DRAINS
REISTERSTOWN ROAD - FROM ROSEWOOD LANE, 445 FT. SOUTHERLY
OWINGS MILL
ELECTION DISTRICT NO. 4

SCALE AS SHOWN

KEY SHEET 7 SE 8 SW
POSITION SHEET 44 NW 31
SHEET No. 1 OF 1

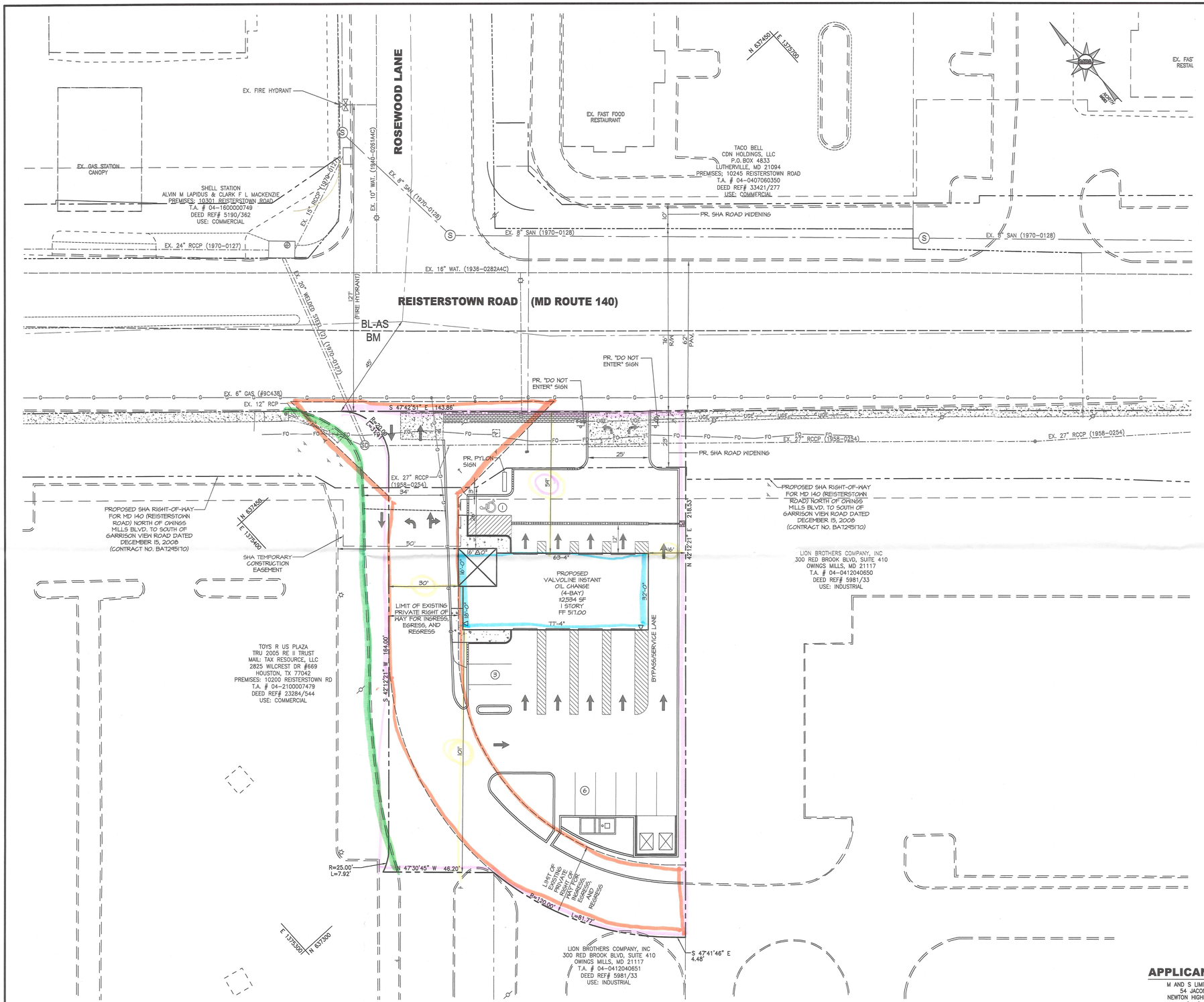
J.O. 45-4403
52-254
FILE A-9

ISSUED	PLOTTED	REVISION	BY
7-25-58	7-25-58	REVISED AS PER RECORD PRINT	F.W.K.
5-22-58	5-21-58	ADD STORM DRAIN IN ST.	F.W.K.
DATE	DATE	REVISION	BY
DRAWING COMPLETED			

MICROFILMED

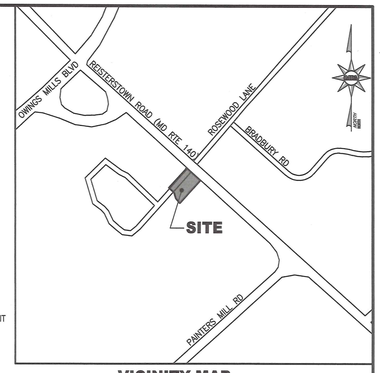
PETITIONER'S EXHIBIT # 3

Oct 30, 2018 1:01:53 PM



LEGEND

- EX. RIGHT-OF-WAY LINE
- EX. PROPERTY BOUNDARY LINE
- EX. ADJACENT PROPERTY LINE
- EX. EASEMENT
- EX. 1' CONTOUR
- EX. 2' CONTOUR
- EX. 10' CONTOUR
- EX. BUILDING
- EX. EDGE OF PAVEMENT
- EX. EDGE OF CONCRETE
- EX. CURB
- EX. SANITARY SEWER
- EX. STORM DRAIN
- EX. WATER MAIN
- EX. WATER VALVE
- EX. FIRE HYDRANT
- EX. WATER METER
- EX. UNDERGROUND ELECTRIC/CONDUIT
- EX. OVERHEAD ELECTRIC
- EX. POWER POLE
- EX. PEDESTRIAN SIGNAL POLE
- EX. FIBER OPTIC
- EX. GAS
- EX. TREE
- PR. STD. SLOPE C&G
- PR. WALL
- PR. BUILDING
- PR. RIGHT-OF-WAY LINE



VICINITY MAP

SCALE 1" = 500'

PLAN

SCALE : 1" = 20'

20 0 20 40 80

ZONING HISTORY

1987-0285-A	PARKING VARIANCE REQUEST, PIZZA HUT TO HAVE 44 SPACES IN LIEU OF REQ'D 51 SPACES. GRANTED JANUARY 16, 1987.
R-86-344	PETITION FOR ZONING RECLASSIFICATION, PRESENT ZONING IN ERROR, RE-ZONED DECEMBER 3, 1986.
R-1967-0248	PETITION FOR ZONING RECLASSIFICATION GRANTED JULY 10TH 1968.
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R-1952-2387	SETBACK FRONT YARD VARIANCE REQUEST, GRANTED NOVEMBER 26TH 1952.

APPLICANT / OWNER

M AND S LIMITED PARTNERSHIP
54 JACONNET STREET
NEWTON HIGHLANDS, MA 02461
(617) 243-0404
MR. RANDOLPH KAZAZIAN

DESIGN & DRAWING BASED ON MARYLAND COORDINATE SYSTEM:
HORIZONTAL NAD 83 (1991)
VERTICAL NAVD 88

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 34479 EXPIRATION DATE: 06/21/2020.

THE CORRECTNESS OR COMPLETENESS OF EXISTING INFORMATION SHOWN ON THE DRAWINGS IS NOT WARRANTED OR GUARANTEED. THE CONTRACTOR SHALL VERIFY THE LOCATION OF UTILITIES AND UNDERGROUND FACILITIES, BY TEST PITS OR OTHER METHODS APPROVED BY THE OWNER'S REPRESENTATIVE, AS REQUIRED TO VERIFY EXACT LOCATIONS AND DEPTHS WITHIN THE LIMIT OF DISTURBANCE. ALL DISCREPANCIES BETWEEN INFORMATION SHOWN ON THE DRAWINGS AND THAT VERIFIED IN THE FIELD SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING.

Protestant
CBA Exhibit
3

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX: (410) 821-1748
MRAGTA.COM

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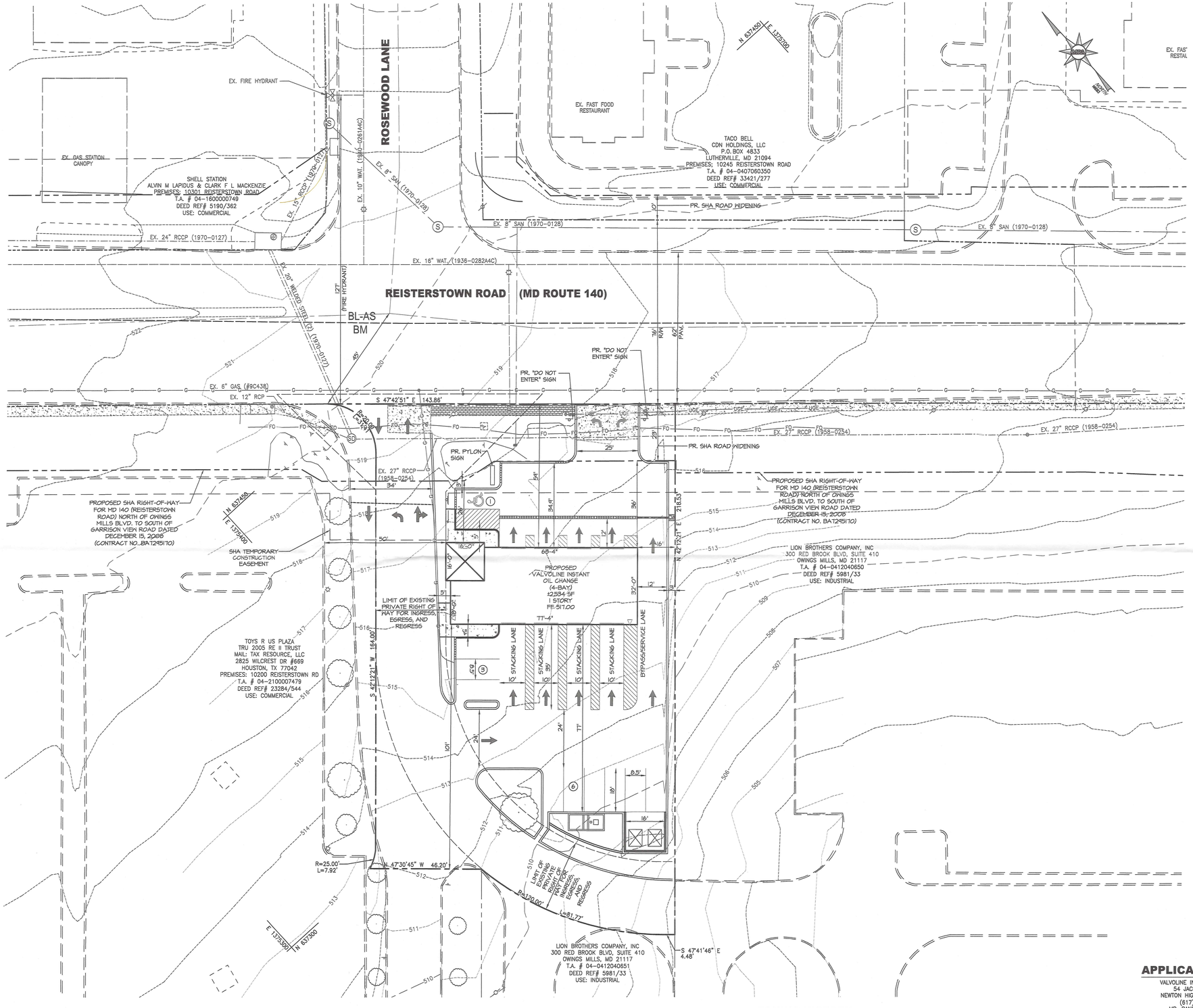
STATE OF MARYLAND · JESSICA THOMAS · No. 34479 · PROFESSIONAL LANDSCAPE ARCHITECT

VALVOLINE INSTANT OIL CHANGE
10244 REISTERSTOWN ROAD

PLAN PREPARED PER APPROVAL FROM DRC #052918D

BALTIMORE COUNTY, MD

DATE	REVISIONS		
		JOB NO.:	19974X01
		SCALE:	1"= 20'
		DATE:	10/21/2019
		DRAWN BY:	MLE/DTP
		DESIGN BY:	MLE/JTS
		REVIEW BY:	JTS
		SHEET:	1 OF 1



PLAN

SCALE : 1" = 20'

20 0 20 40 80

LEGEND

- EX. RIGHT-OF-WAY LINE
- EX. PROPERTY BOUNDARY LINE
- EX. ADJACENT PROPERTY LINE
- EX. EASEMENT
- EX. 1' CONTOUR
- EX. 2' CONTOUR
- EX. 10' CONTOUR
- EX. BUILDING
- EX. EDGE OF PAVEMENT
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- EX. WATER MAIN
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- EX. UNDERGROUND ELECTRIC/CONDUIT
- EX. OVERHEAD ELECTRIC
- EX. POWER POLE
- EX. PEDESTRIAN SIGNAL POLE
- EX. FIBER OPTIC
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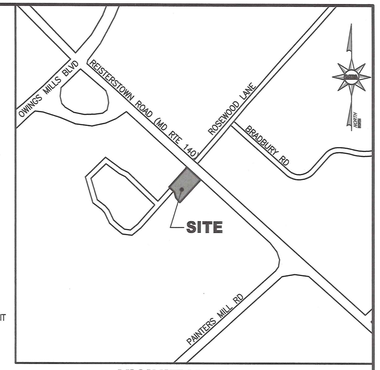

VICINITY MAP

SCALE 1" = 500'

GENERAL NOTES

1. PROPERTY INFORMATION:
   - A. PROPERTY ADDRESS: 10244 REISTERSTOWN ROAD, BALTIMORE COUNTY, MD
   - B. SITE AREA: 23,914 S.F. / 0.549 AC.
   - C. ELECTION DISTRICT: 4
   - D. COUNCILMANIC DISTRICT: 4
   - E. DEED REFERENCE: 04733/00501
   - F. ADC MAP: 4856
   - G. CENSUS TRACT: 404102
   - H. TAX MAP: 0058
   - I. GRID: 0022
   - J. PARCEL: 0606
   - K. TAX ACCOUNT NO.: 0414001070
2. ZONING: BM (BUSINESS MAJOR)
3. ZONING MAP/GIS TILE NO.: 058B3
4. FLOOR AREA RATIO: MAXIMUM PERMITTED = 4.0; PROVIDED = 0.106 (2,534 S.F. / 23,914 S.F. = 0.106)
5. EXISTING LAND USE: RESTAURANT
   PROPOSED LAND USE: AUTOMOTIVE SERVICE
6. BUILDING TYPE: IIIB (1 STORY BUILDING)
   BUILDING USE GROUP: S-1
7. LIMIT OF DISTURBANCE: ±20,000 SQUARE FEET
8. BM ZONE SETBACKS (SECTION 233)

	REQUIRED	PROVIDED (MIN.)
FRONT	MIN 15' *	59'
FRONT (AFTER SHA R/W DEDICATION)	MIN 15' *	28'
INTERIOR SIDE	0'	16'
STREET CORNER SIDE	NA	NA
REAR	0'	101'

   *FRONT YARD AVERAGING DOES NOT APPLY.
9. PARKING: (AUTOMOTIVE SERVICE STATION)
   REQUIRED: 3.3 SPACES PER 1,000 GROSS SQUARE FEET = 9 SPACES
   PROVIDED: 10 SPACES (1 VAN ACCESSIBLE SPACE)
10. BUILDING HEIGHT: 26 FEET
    MAXIMUM PERMITTED: DETERMINED BY HEIGHT TENT CALCULATIONS. 40' MAX. THEN APPLY HEIGHT TENT TO GO HIGHER IF NEEDED.
11. THIS SITE IS SERVICED BY PUBLIC WATER AND SEWER.
12. THIS SITE IS LOCATED IN THE GWYNN FALLS WATERSHED.
13. SCREENING AND LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.
14. THE SITE IS NOT LOCATED IN A 100 YEAR FLOODPLAIN (F.E.M.A. PANEL NO. 2400100220D).
15. THE SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICES AREAS.
16. THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THIS PROPERTY.
17. THERE ARE NO HISTORIC BUILDINGS ON SITE.
18. THIS SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
19. ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
20. ALL TRASH COLLECTION SHALL TAKE PLACE DURING NORMAL BUSINESS HOURS.
21. SIGNAGE ON THIS SITE SHALL CONFORM WITH THE SIGNAGE REQUIREMENTS OF THE BALTIMORE COUNTY ZONING REGULATIONS SECTION 450, OR A VARIANCE WILL BE REQUESTED.
22. ENTRANCE ON STATE ROADS ARE SUBJECT TO THE APPROVAL OF THE STATE HIGHWAY ADMINISTRATION.
23. BASE INFORMATION DERIVED FROM AVAILABLE BALTIMORE COUNTY GIS DATA.
24. UNDERGROUND STORAGE FACILITY MAY BE INCLUDED IN STORMWATER MANAGEMENT.

Protestant
CBA Exhibit
7

ZONING HISTORY

1987-0285-A	PARKING VARIANCE REQUEST, PIZZA HUT TO HAVE 44 SPACES IN LIEU OF REQ'D 51 SPACES. GRANTED JANUARY 16, 1987.
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VALVOLINE INSTANT OIL CHANGE
54 JACONNET STREET
NEWTON HIGHLANDS, MA 02461
(617) 243-0404
MR. RANDOLPH KAZAZIAN

DESIGN & DRAWING BASED ON MARYLAND COORDINATE SYSTEM:
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STATE OF MARYLAND — JESSICA THOMAS KARAS — No. 34479 — PROFESSIONAL LANDSCAPE ARCHITECT

VALVOLINE INSTANT OIL CHANGE

PLAN TO ACCOMPANY DRC REQUEST

10244 REISTERSTOWN ROAD
BALTIMORE COUNTY, MD

DATE	REVISIONS		
		JOB NO.:	19974X01
		SCALE:	1"= 20'
		DATE:	08/16/2018
		DRAWN BY:	MLE/DTP
		DESIGN BY:	MLE/JTS
		REVIEW BY:	JTS
		SHEET:	1 OF 1

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NOTES:
1. EX. ZONING - BR-IM.
2. AREA OF SITE - 0.87 AC.±
3. PARKING DATA:
EXISTING BUILDING - 2100 SF / 50 = 42
PROPOSED ADDITION - 450 SF / 50 = 9
TOTAL REQUIRED - 51 SPACES
TOTAL PROVIDED - 44 SPACES

BALTO. G & E. CO.
347/628

RICHARD IRVIN
4963/50

ZONED BR-IM

N 42° 27' 41" E 98

CONCRETE (EXIST.)

EXIST. RIGHT-OF-WAY

EXISTING ENTRANCE & DRIVE

CH. N 42° 32' 19" E 25.88
R=20 L=31.43

PIZZA HUT RESTAURANT
EXIST. STRUCTURE (2,100 ± SF)
FIN. FLR. ELEV. 98.0

PROPOSED 1 STORY ADDITION 450 ± SQ. FT.

EXIST. PARKING

EXIST. GRASS

RETAINING WALL TO BE REMOVED

V/M 1/6/86

EXISTING CURBING & LANDSCAPING AREA

SIDEWALK (EXIST.)

EXIST. CURB

S 47° 32' 19" E 149.19

TO REISTERSTOWN (MD. RTE. 140)

ZONED BL-IM

TO BALTIMORE

ZONED ML-IM

R=20.0 L=31.66' CH. N 18° 32' 19" W 28.28'

ZONED BR-IM

SIDEWALK

EXIST. ENTRANCE

NOTE: ALL PARKING EXISTING
ALL CURBS EXISTING

PAVING (A.)

68'

PAVING

S 42° 27' 41" W 222.0'

N 47° 32' 19" W 82.5 FROM CENTER OF MILL ROAD

POB

RIGHT-OF-WAY (EXIST.)

ZONED ML-IM

LION BROTHERS
308/33

HUDKINS ASSOCIATES, INC.
200 E. PENNSYLVANIA AVE.
TOWSON, MARYLAND 21204

REISTERSTOWN (MD. RTE. 140)

OFFICE COPY

PETITIONER'S EXHIBIT #1

PLAN TO ACCOMPANY PETITION FOR
PARKING VARIANCE
10244 REISTERSTOWN ROAD
ELECTION DISTRICT 61
BALTIMORE COUNTY, MARYLAND
SCALE 1"=10' SEPT. 5, 1986

Protestant
CBA Exhibit
13