

M E M O R A N D U M

DATE: May 29, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0246-SPH - Appeal Period Expired

The appeal period for the above-referenced case expired on May 28, 2019. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

/dlw

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(NO PARTICULAR LOCATION)		
N/A Election District	*	OFFICE OF
N/A Council District		
GSD White Marsh, LLC	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
	*	FOR BALTIMORE COUNTY
Petitioner		
	*	Case No. 2019-0246-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 GSD White Marsh, LLC, legal owner ("Petitioner"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to approve the "cannibalized" re-use of shipping containers as permanently affixed (and covered by brick or other siding) construction material in the build-out of a multi-story warehouse, a permitted use in a BM zone, so that the repurposed containers would not be deemed a Trucking Facility.

David Ledoux appeared in support of the petition. Edward J. Gilliss, Esq. represented Petitioner. Mike Pierce attended the hearing to obtain additional information regarding the request. The Petition was advertised and posted as required by the BCZR. No substantive Zoning Advisory Committee (ZAC) comments were received from any of the reviewing County agencies.

SPECIAL HEARING

This is a unique case in that it does not involve any particular piece of property. Instead, as permitted by BCZR §500.7, Petitioner seeks an interpretation of the regulations; specifically the definition of "trucking facility." As noted by the court of appeals a "request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Balto. Co.*, 163

ORDER RECEIVED FOR FILING

Date

4/26/19

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Md. App. 194, 209 (2005). For present purposes, the BCZR defines “trucking facility” in pertinent part as including “facilities for the storage of freight-shipping containers designed to be mounted on chassis for part or all of their transport.” BCZR §101.1.

Mr. Ledoux testified his firm has a patented method of constructing self-storage facilities which involves an adaptive reuse of shipping containers. He explained his company would use as many as 400 such containers which are welded together and then affixed to a concrete or steel foundation. The containers are then “skinned” with stucco, brick or other durable and attractive exterior finish, and when complete an observer could not tell the difference between a facility constructed in this fashion versus one using traditional construction methods. Numerous photos were submitted of a recently completed self-storage facility in Texas (Pet. Ex. 3) which is attractive and looks exactly like any other such facility.

From a legal perspective, I believe the containers when welded together and to a foundation cease being shipping containers or personal property. Since they are permanently affixed to the structure and land I believe they would become “fixtures,” which are considered part of the real estate. *Maryland SDAT v. Metrovision of Prince George’s Co.*, 92 Md. App. 194, 201 (1992)(a fixture is an item “which has been actually or constructively affixed either to the soil itself, or some structure legally a part of such soil”). In addition, Mr. Ledoux testified that after they are welded and incorporated into the foundation of the building the containers could never again be transported by motor carrier or vessel. In light of the above I believe that post-construction these are no longer shipping containers and that the self-storage facility could not reasonably be labeled a “trucking facility” as that term is defined in the BCZR.

THEREFORE, IT IS ORDERED this 26th day of **April, 2019** by this Administrative Law Judge, that the Petition for Special Hearing to approve the “cannibalized” re-use of shipping

ORDER RECEIVED FOR FILING

Date

4/26/19

By

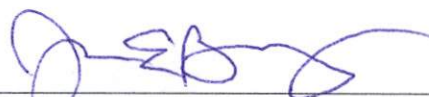
sen

containers as permanently affixed (and covered by brick or other siding) construction material in the build-out of a multi-story warehouse, a permitted use in a BM zone, so that the re-purposed containers would not be deemed a Trucking Facility, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

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:slh

ORDER RECEIVED FOR FILING

Date 4/26/19

By slh



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 NO PARTICULAR LOCATION which is presently zoned BM

Deed References: _____ 10 Digit Tax Account # _____

Petitioner's Printed Name(s) GSD White Marsh, LLC

(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 a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve the "cannibalized" re-use of shipping containers as permanently affixed (and covered by brick or other siding) construction material in the build-out of a multi-story warehouse, a permitted use in a BM zone (BCZR sec. 233.1), so that the re-purposed containers would not be deemed a Trucking Facility (BCZR sec. 101.1).
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 bound 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:

N/A
Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Edward J. Gilliss
Name- Type or Print

Signature

102 W. Pennsylvania Ave., Ste. 600, Towson, MD
Mailing Address City State

21204 / 410-823-1800 / egilliss@rmmr.com
Zip Code Telephone # Email Address

Petitioners:

GSD White Marsh, LLC /
Name #1 - Type or Print Name #2 - Type or Print

Signature #1 David Ledoux Signature #2

c/o GreenSpace Holdings, LLC
Mailing Address 1100 NASA Pkwy., Ste. 685 Houston TX
City State

77058 / 832-982-0603 / david@greenspaceholdings.com
Zip Code Telephone # Email Address

Representative to be contacted:

David Ledoux
Name - Type or Print

Signature

c/o GreenSpace Holdings, LLC
Mailing Address 1100 NASA Pkwy., Ste. 685 Houston TX
City State

77058 / 832-982-0603 / david@greenspaceholdings.com
Zip Code Telephone # Email Address

CASE NUMBER 2019-0246-SPH Filing Date 2/27/2019 Do Not Schedule Dates: _____ Reviewer JNP per WCR

REV. 10/4/11

DROP OFF-NO REVIEW

4-25

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: March 19, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0246-SPH
Address No Address
(GSD White Marsh, LLC Property)

Zoning Advisory Committee Meeting of **March 11, 2019**.

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

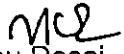
Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Mohler, Acting Director
Department of Permits, Approvals

DATE: March 18, 2019

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 11, 2019
Item No. 2019-0238-SPH, 0240-A, 0241-A, 0242-A, 0243-A, 0244-A, 0246-
SPH, 0247-A, 0248-A, 0249-A, 0250-SPH, 0251-A & 0252-A

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

*

*

*

*

*

VKD: cen
cc: file

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100

<http://www.thedailyrecord.com>

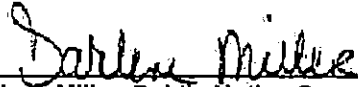
PUBLISHER'S AFFIDAVIT

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:

4/5/2019

Order #: 11723180
Case #: 2019-0246-SPH
Description:

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:



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: 2019-0246-SPH

No particular location

Legal Owners: GSD White Marsh, LLC

Special Hearing to determine whether or not the Administrative Law Judge should approve the "cannibalized" re-use of shipping containers as permanently affixed (and covered by brick or other siding) construction material in the build-out of a multi-story warehouse, a permitted use in a BM zone; so that re-purposed containers would not be deemed a Trucking Facility.

Hearing: Thursday, April 25, 2019 at 10:00 a.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 ACCOMMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3368.

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

ap6



JOHN A. OLSZEWSKI, JR.
County Executive

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

March 25, 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: 2019-0246-SPH

No particular location

Legal Owners: GSD White Marsh, LLC

Special Hearing to determine whether or not the Administrative Law Judge should approve the "cannibalized" re-use of shipping containers as permanently affixed (and covered by brick or other siding) construction material in the build-out of a multi-story warehouse, a permitted use in a BM zone; so that re-purposed containers would not be deemed a Trucking Facility.

Hearing: Thursday, April 25, 2019 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Mike Mohler", is written over a horizontal line.

Mike Mohler
Director

MM:kl

C: Edward Gillis, 102 W. Pennsylvania Avenue, Ste. 600, Towson 21204
David Ledoux, GSD White Marsh, LLC, 1100 Nasa Parkway, Ste. 685, Houston TX 77058

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, APRIL 5, 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.

TO: THE DAILY RECORD
Friday, April 5, 2019 - Issue

Please forward billing to:

Edward Gillis
Royston, Mueller, McClean & Reid
102 W. Pennsylvania Avenue, Ste. 600
Towson, MD 21204

410-823-1800

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: 2019-0246-SPH

No particular location

Legal Owners: GSD White Marsh, LLC

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RE: PETITION FOR SPECIAL HEARING
No Particular Location
Legal Owner(s): GSD White Marsh, LLC
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2019-246-SPH

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

MAR 08 2019

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of March, 2019, a copy of the foregoing Entry of Appearance was mailed to David Ledoux, c/o GreenSpace Holdings, LLC, 1100 NASA Parkway, Suite 685, Houston, TX 77058 and Edward Gilliss, Esquire, 102 West Pennsylvania Avenue, Suite 600, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**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: 2019-0246-SPH
Property Address: NO PARTICULAR LOCATION
Property Description: NO PARTICULAR LOCATION

~~Legal Owners~~ (Petitioners): GSD White Marsh, LLC
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Edward J. Gilliss
Company/Firm (if applicable): Royston, Mueller, McLean & Reid, LLP
Address: 102 W. Pennsylvania Avenue, Suite 600
Towson, MD 21204

Telephone Number: 410-823-1800



JOHN A. OLSZEWSKI, JR.
County Executive

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

April 17, 2019

Edward J. Gilliss
102 W. Pennsylvania Ave, Ste 600
Towson MD 21204

RE: Case Number: 2019-0246-SPH, NO PARTICULAR LOCATION

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 February 27, 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,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
GSD White Marsh LLC, Attn: David Ledoux 1100NASA Pkwy Ste 685 Houston TX 77058

4-25-19
10 AM

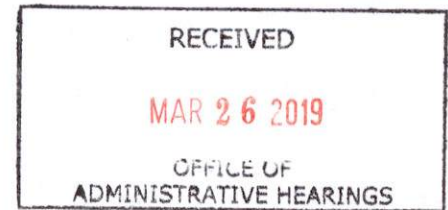
BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 3/25/2019

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-246



INFORMATION:

Property Address: To be determined
Petitioner: David Ledoux
Zoning: BM
Requested Action: Special Hearing

The Department of Planning has reviewed the petition special hearing to determine whether or not the Administrative Law Judge should approve the use of shipping containers re-purposed as construction materials to be incorporated into a multi-story warehouse and that the proposal does not constitute a trucking facility as defined by the BCZR.

Subsequent to staff meeting with a representative for the petitioner, the Department understands that the shipping containers will be modified and permanently attached to one another in a patented construction which will then be enclosed within more traditional materials of a solid nature such as brick, stone or steel. All re-purposed containers will be interior and there shall be no evidence of their presence on-site from the outside.

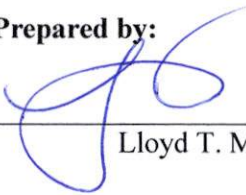
The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- If approved, petitioners shall submit to the Department of Planning, Neighborhood Response Team architectural elevations prior to application for building permit.

The Department submits that a single re-purposed shipping container, no matter how its modified or finished, does not establish a warehouse. The Department recommends the Administrative Law Judge set a minimum number of re-purposed shipping containers in such constructions that would function as a warehouse use as defined in BCZR § 101.

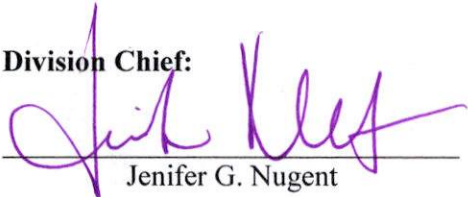
For further information concerning the matters stated herein, please contact Lloyd Moxley at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

JM/JGN/LTM/

c: Lloyd Moxley
David Ledoux
Edward J. Gilliss
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 3/25/2019

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-246

INFORMATION:

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Petitioner: David Ledoux
Zoning: BM
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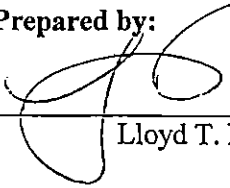
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Date: 3/25/2019
Subject: ZAC # 19-246
Page 2

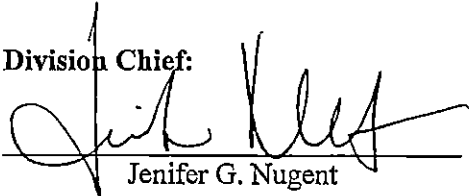
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Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

JM/JGN/LTM/

c: Lloyd Moxley
David Ledoux
Edward J. Gilliss
Office of the Administrative Hearings
People's Counsel for Baltimore County

CASE NAME 2019-246-SPH
CASE NUMBER _____
DATE 4-25-2019

NAME _____

CITY, STATE, ZIP

E - MAIL

7448 Bradshaw Rd

Kingsville MD 21087

MPIERCE1@AOL.COM

CASE NAME 2019-246-SPH
CASE NUMBER _____
DATE 4.25-2019

[illegible]

John E. Beverungen

From: Edward J. Gilliss <egilliss@rmmr.com>
Sent: Wednesday, April 24, 2019 1:26 PM
To: John E. Beverungen
Cc: Sherry Nuffer; Debra Wiley
Subject: RE: Case No. 2019-0246-SPH

Mr. Beverungen,

I will add that Carl Richards and Jeff Perlow both advised that no posting was required as there is no site associated with this Special Hearing. Instead, it is simply a hearing to confirm that an as-of-right use in a BM zone (construction of a self-storage/warehouse facility) may employ former shipping containers as building materials...and not be deemed a trucking facility.

The testimony will include evidence of the permanence of the structure and that the former containers will nowhere be visible, as the exterior of the multi-story building will be clad in brick, stone, or some other attractive and traditional material.

In light of the fact that no specific site is required, I will assert that this Special Hearing is not a traditional development plan review. In light of the County representatives' direction that no posting is required, I will assert that a strict reading of the Code is not required.

Thanks.

Edward J. Gilliss
Royston, Mueller, McLean & Reid, LLP
102 W. Pennsylvania Avenue, Suite 600
Towson, Maryland 21204
(office) 410-823-1800
(fax) 410-583-5330
(email) egilliss@rmmr.com

From: Edward J. Gilliss
Sent: Wednesday, April 24, 2019 12:34 PM
To: John E. Beverungen <jbeverungen@baltimorecountymd.gov>
Cc: Sherry Nuffer <snuffer@baltimorecountymd.gov>; Debra Wiley <dwiley@baltimorecountymd.gov>; Kristen L Lewis <klewis@baltimorecountymd.gov>
Subject: RE: Case No. 2019-0246-SPH

Mr. Beverungen,

The petitioner's representative is now travelling from Texas for the hearing.

I appreciate your notice of the issue, and also appreciate your willingness to proceed with tomorrow's hearing which is the petitioner's desire.

Thanks.

Ed Gilliss

Edward J. Gilliss
Royston, Mueller, McLean & Reid, LLP
102 W. Pennsylvania Avenue, Suite 600
Towson, Maryland 21204
(office) 410-823-1800
(fax) 410-583-5330
(email) egilliss@rmmr.com

From: John E. Beverungen [<mailto:jbeverungen@baltimorecountymd.gov>]
Sent: Wednesday, April 24, 2019 11:40 AM
To: Edward J. Gilliss <egilliss@rmmr.com>
Cc: Sherry Nuffer <snuffer@baltimorecountymd.gov>; Debra Wiley <dwiley@baltimorecountymd.gov>; Kristen L Lewis <klewis@baltimorecountymd.gov>
Subject: Case No. 2019-0246-SPH

Mr. Gilliss,

A citizen notified our office that the hearing notice in the above case was not posted on the County's website, as required by the County Code. The Code states it is the Department of PAI's responsibility to post the notice on the internet, so the Petitioner is not to blame for the mistake. Even so, the law states the ALJ "may not consider the petition" unless all posting requirements are satisfied.

Since the failure to post the notice was due to the County's oversight I am willing to hold the hearing as scheduled. If however you would prefer the case be postponed please contact my office ASAP and we can remove the case from our calendar. In that event, a new hearing date would have to be obtained from Ms. Lewis at PAI, and you would need to ensure the notice is posted on the internet at least 15 days before the new date. No additional sign posting or newspaper advertisement would be required.

John Beverungen

ALJ



CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

John E. Beverungen

From: Edward J. Gilliss <egilliss@rmmr.com>
Sent: Wednesday, April 24, 2019 12:34 PM
To: John E. Beverungen
Cc: Sherry Nuffer; Debra Wiley; Kristen L Lewis
Subject: RE: Case No. 2019-0246-SPH

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Thanks.

Ed Gilliss

Edward J. Gilliss
Royston, Mueller, McLean & Reid, LLP
102 W. Pennsylvania Avenue, Suite 600
Towson, Maryland 21204
(office) 410-823-1800
(fax) 410-583-5330
(email) egilliss@rmmr.com

From: John E. Beverungen [mailto:jbeverungen@baltimorecountymd.gov]
Sent: Wednesday, April 24, 2019 11:40 AM
To: Edward J. Gilliss <egilliss@rmmr.com>
Cc: Sherry Nuffer <snuffer@baltimorecountymd.gov>; Debra Wiley <dwiley@baltimorecountymd.gov>; Kristen L Lewis <klewis@baltimorecountymd.gov>
Subject: Case No. 2019-0246-SPH

Mr. Gilliss,

A citizen notified our office that the hearing notice in the above case was not posted on the County's website, as required by the County Code. The Code states it is the Department of PAI's responsibility to post the notice on the internet, so the Petitioner is not to blame for the mistake. Even so, the law states the ALJ "may not consider the petition" unless all posting requirements are satisfied.

Since the failure to post the notice was due to the County's oversight I am willing to hold the hearing as scheduled. If however you would prefer the case be postponed please contact my office ASAP and we can remove the case from our calendar. In that event, a new hearing date would have to be obtained from Ms. Lewis at PAI, and you would need to ensure the notice is posted on the internet at least 15 days before the new date. No additional sign posting or newspaper advertisement would be required.

Sherry Nuffer

From: John E. Beverungen
Sent: Wednesday, April 24, 2019 11:40 AM
To: Edward J. Gilliss
Cc: Sherry Nuffer; Debra Wiley; Kristen L Lewis
Subject: Case No. 2019-0246-SPH

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John Beverungen
ALJ

4-25-19

CASE NO. 2019-

0246-SPH

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment3/18DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)NO
Comment3/19DEPS
(if not received, date e-mail sent _____)NO
Comment

FIRE DEPARTMENT

3/25PLANNING
(if not received, date e-mail sent _____)NO Obj
w/ Conditions

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 4/5/19SIGN POSTING (1st) Date: _____ by _____SIGN POSTING (2nd) Date: _____ by _____PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

4-20-19

ROYSTON

ROYSTON, MUELLER, McLEAN & REID, LLP

Edward J. Gilliss, Esq.
egilliss@rmmr.com

The Royston Building
Suite 600
102 West Pennsylvania Avenue
Towson, Maryland 21204-4575

Tel: 410.823.1800
Fax: 410.823.3832
www.rmmr.com

April 1, 2019

VIA HAND DELIVERY

Office of Administrative Hearings
Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, Maryland 21204



Re: Case No. 2019-0246-SPH
No Particular Location
Legal Owners: GSD White Marsh, LLC
Date of Hearing: Thursday, April 25, 2019 at 10:00 a.m.

Dear Sirs:

With this letter I confirm that Baltimore County has advised that since there is no particular location associated with the special hearing referenced above, there is no posting required. On Thursday, March 7, 2019 Carl Richards of Baltimore County's Department of Permits, Approvals and Inspections so advised.

Thank you for your cooperation.

Very truly yours,

Edward J. Gilliss

EJG/vrk

APRIL 2019

Case Number: 2019-0246-SPH

Property Address: NO PARTICULAR LOCATION

Location: No particular location.

Election District: Council District:

Legal Owner: GSD White Marsh LLC,

Contract Purchaser: No Contract Purchaser was set.

SPECIAL HEARING: To determine whether or not the Zoning Commissioner should approve the cannibalized re-use of shipping containers as permanently affixed (and covered by brick or other siding) construction material in the build-out of a multi-story warehouse, a permitted use in a BM zone, so that the re-purposed containers would not be deemed a Trucking Facility.

Hearing: Thursday - 04/25/2019 10:00 AM, JEFFERSON BUILDING, 105 WEST CHESAPEAKE AVENUE TOWSON, MD 21204 - Rm. 205

Case Number: 2019-0240-A

Property Address: 101 COMPASS RD.

Location: S of compass Road intersecting Cord Street

Election District: 15 Council District: 6

Legal Owner: John P. Reusr & Betty M. Kruse-Rea

Contract Purchaser: No Contract Purchaser was set.

VARIANCE: To allow a recreational vehicle to be parked in the side yard in lieu of the required 8ft to the rear of the front foundation of the dwelling.

Hearing: Thursday - 04/25/2019 11:00 AM, JEFFERSON BUILDING, 105 WEST CHESAPEAKE AVENUE TOWSON, MD 21204 - Rm. 205

Case Number: 2019-0245-XA

Property Address: 6426, 6430, 6434 BALTIMORE NATIONAL PIKE

Location: NE/S of Baltimore National Pike, 1,680 W of N. Rolling Road

Election District: 1 Council District: 1

Legal Owner: McComas Associates

Contract Purchaser: Frank Gargiulo

SPECIAL EXCEPTION: For a fuel service station pursuant to section 405.2.B.1 of the B.C.Z.R.

VARIANCE: To allow a total of four enterprise signs (two wall-mounted and two canopy) in lieu of the three signs permitted with no more than two signs on any single façade.

Hearing: Friday - 04/25/2019 01:30 PM, JEFFERSON BUILDING, 105 WEST CHESAPEAKE AVENUE TOWSON, MD 21204 - Rm. 205

Case No.: 2019-0246-SPH GSD White Marsh, LLC

Exhibit Sheet

Petitioner/Developer

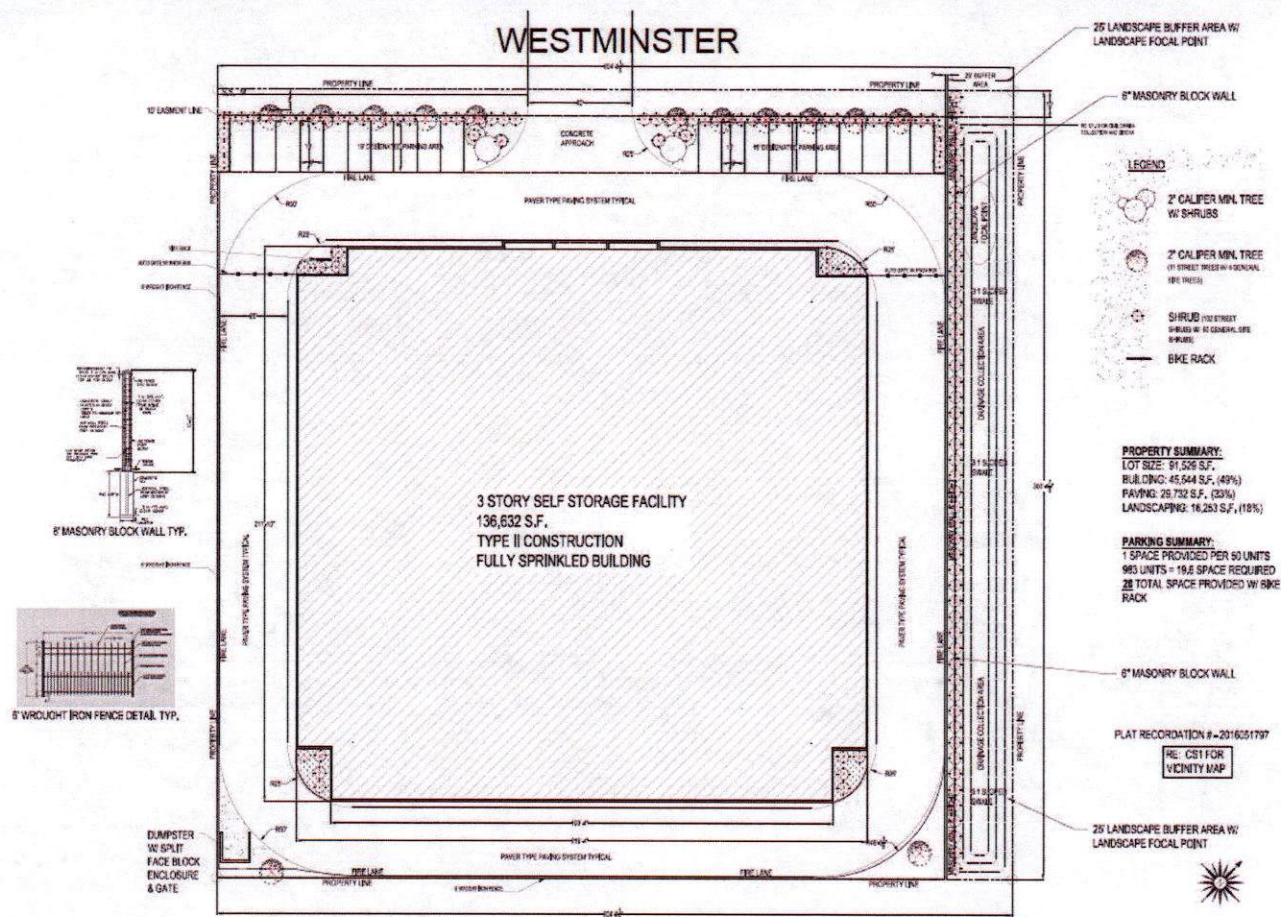
103
5-29-19

Protestants

4-26-19
Sen

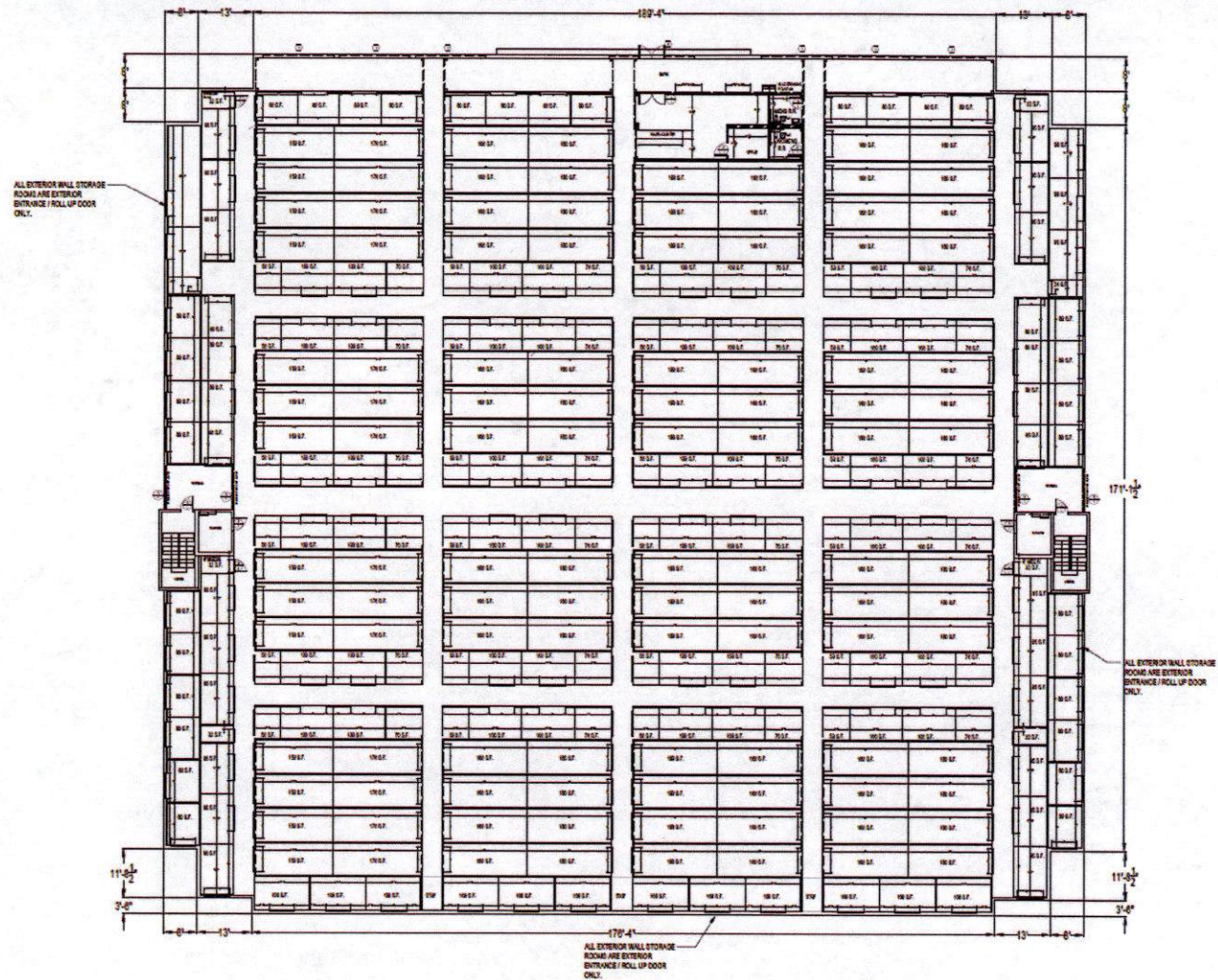
No. 1	Photos Floorplan of Texas self-storage facility	
No. 2	Photos of Texas facility	
No. 3	Photos (exterior + hallways) of Texas self-storage facility	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

WESTMINSTER

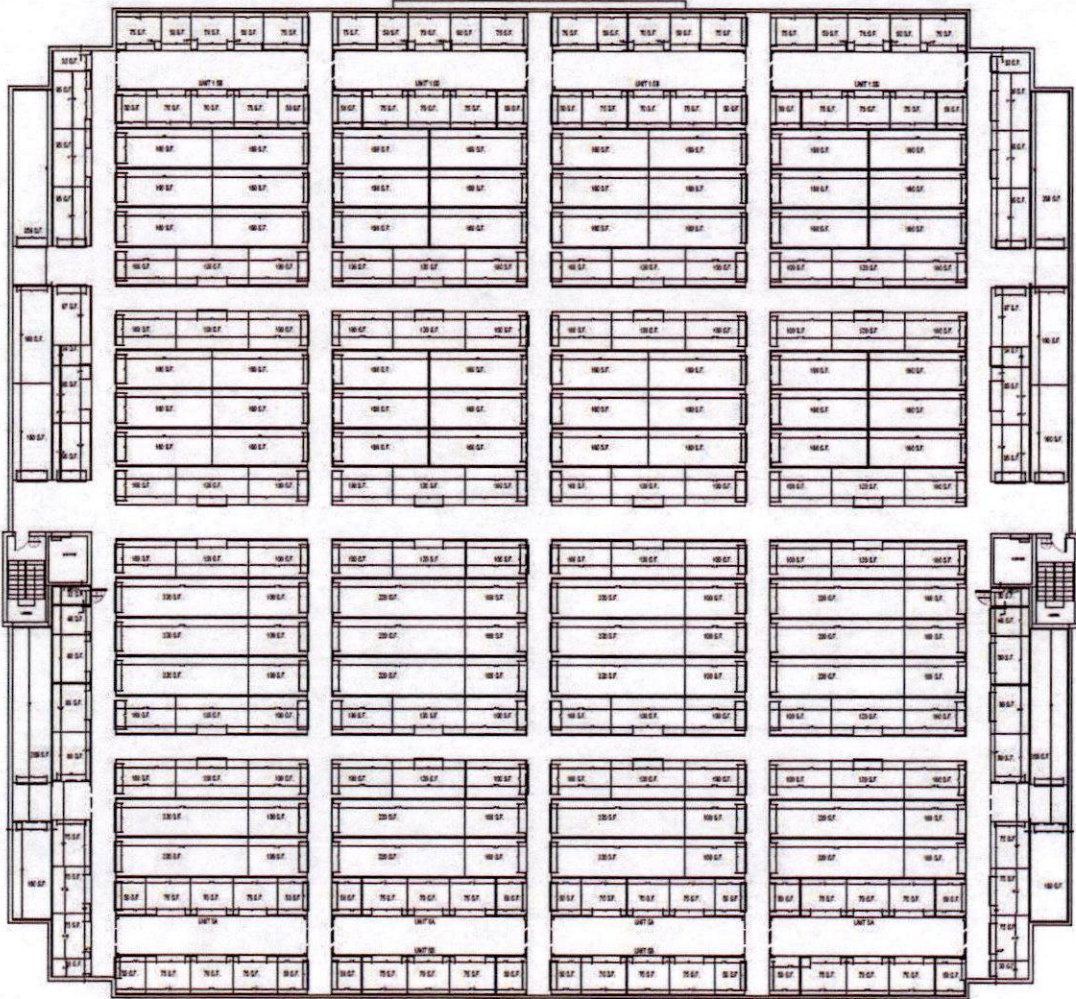


PET No 1

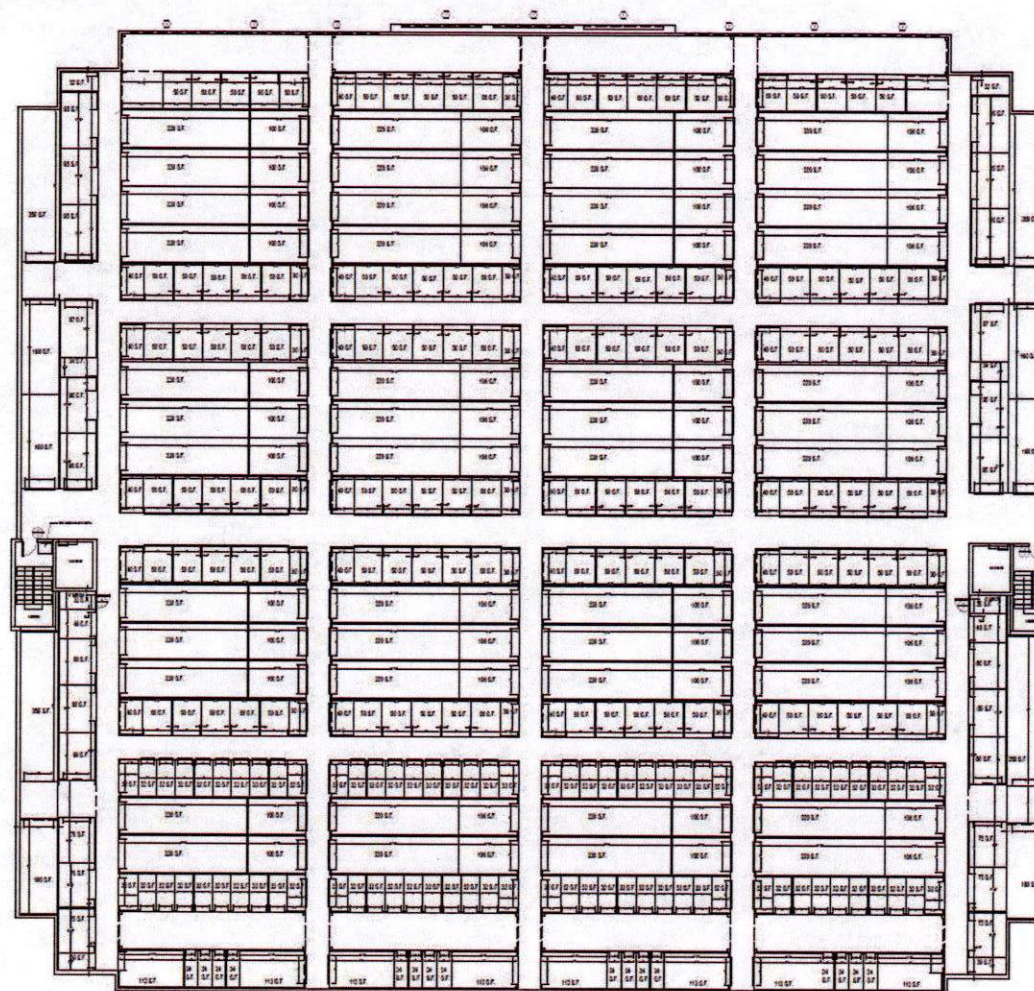
FLOOR PLAN – FIRST FLOOR



FLOOR PLAN – SECOND FLOOR

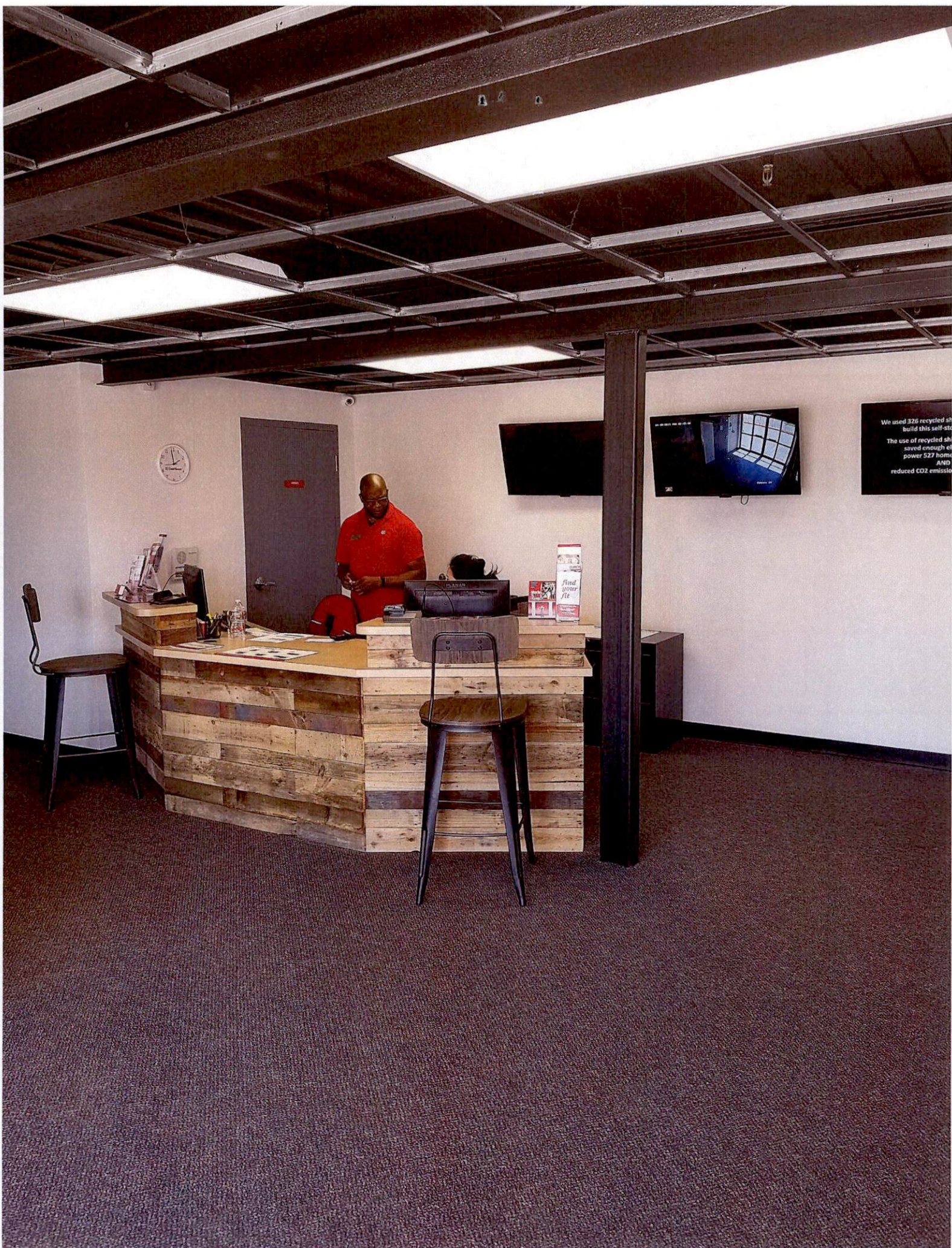


FLOOR PLAN – THIRD FLOOR



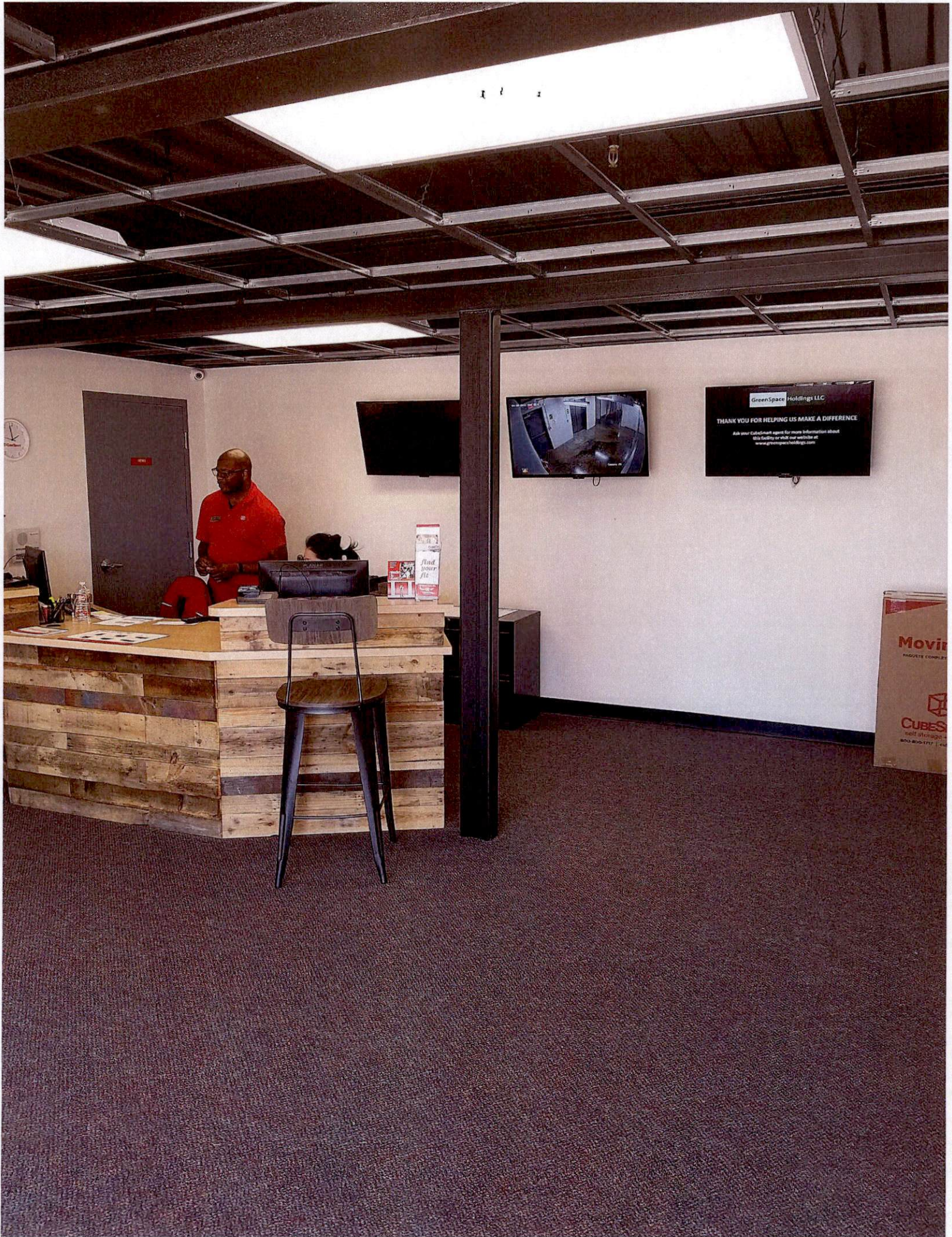






We used 336 recycled steel
to build this self-storage
center. The use of recycled steel
saved enough energy to power 527 homes.
AND
reduced CO2 emissions by 100 tons.





GreenSpace Holdings LLC

THANK YOU FOR HELPING US MAKE A DIFFERENCE

Ask your Cubesmart agent for more information about
this facility or visit our website at
www.greenspaceholdings.com

Moving

PACKETS COMPLETED

CUBES

self storage

800-800-1117











CUBESMART

self storage



First month FREE
CUESMART
No contract • No hidden fees
Call 800-333-3333 or visit cuesmart.com





keypad instructions
Please enter your unit number and your PIN to access your unit. If you are having trouble, please call 1-800-555-1234.

welcome to
CUBESMART
self storage
office hours
Monday - Friday
9:00 am - 5:00 pm
Saturday
9:00 am - 1:00 pm
Sunday
10:00 am - 2:00 pm
gate hours
Every day
6:00 am - 11:00 pm
1-800-555-1234



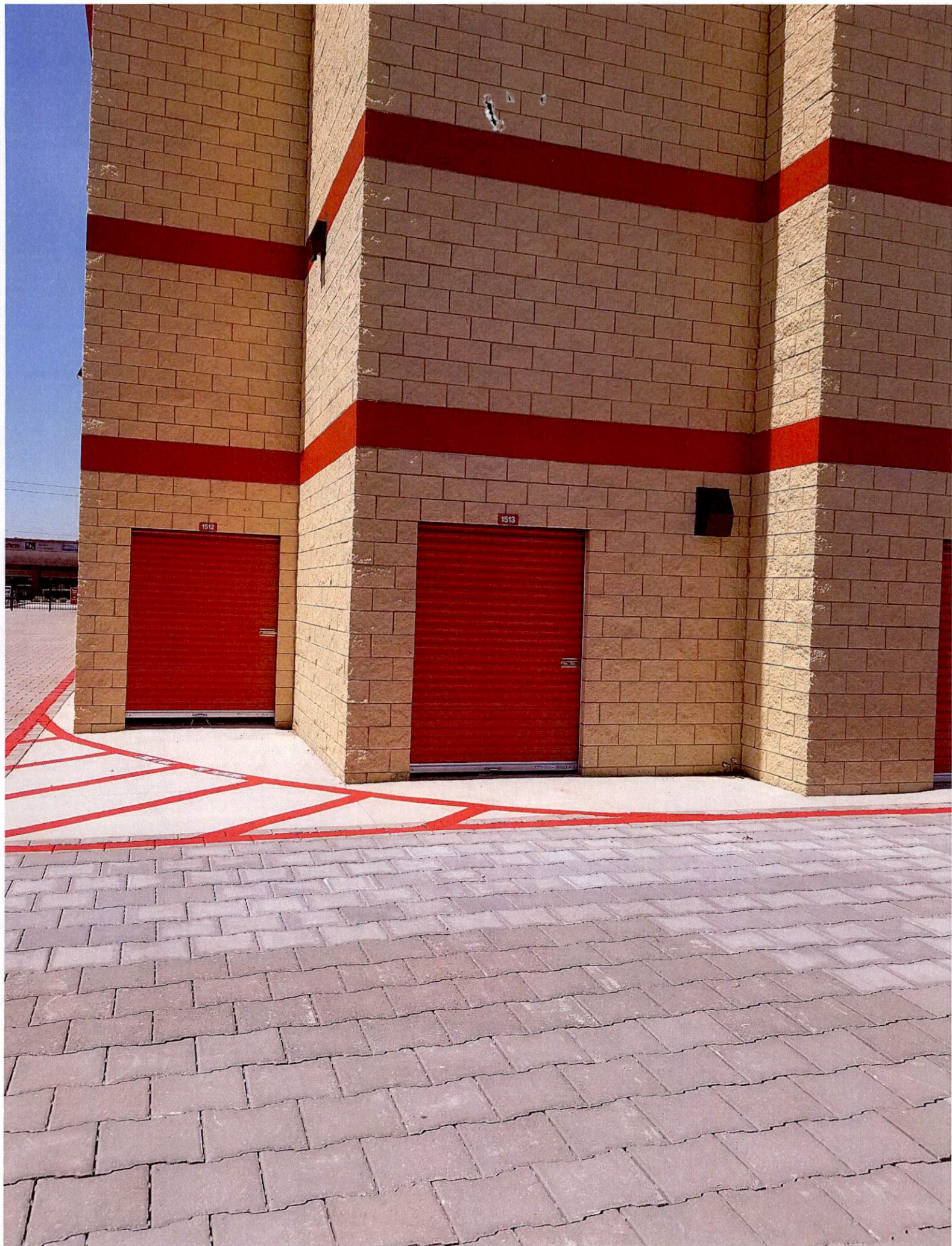








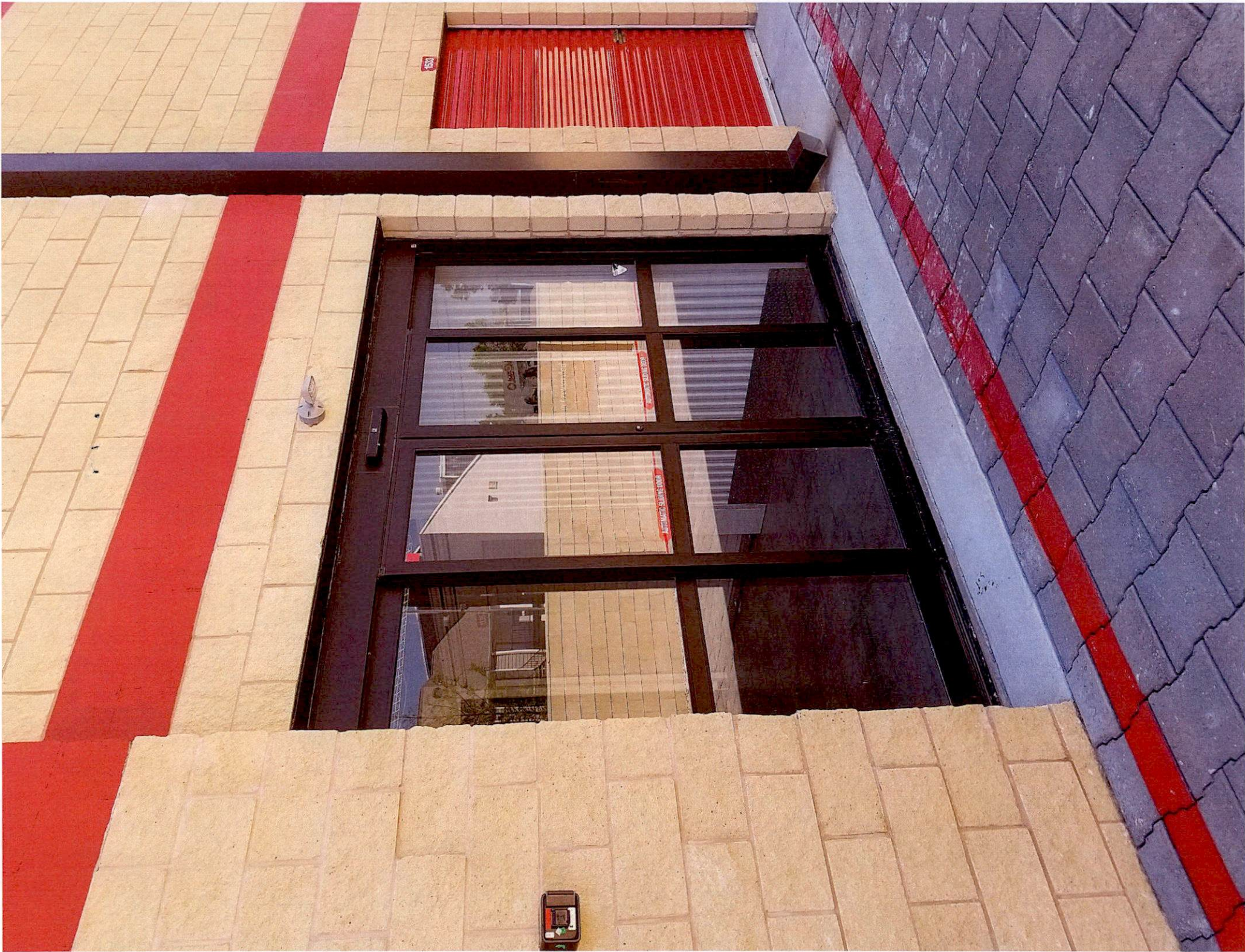






















1060

WARNING
FIRE
Hazard
NO OPEN
FLAMES
NO SMOKING
NO CIGARETTES
NO CIGARETTES
NO CIGARETTES





Cubesmart
2515 Westminister Road
Pearland, Brazoria County, TX 77581

MAIN ENTRANCE TO THE FACILITY



TYPICAL INTERIOR HALLWAY



2019-0246-SPH

DROP OFF - NO REVIEW



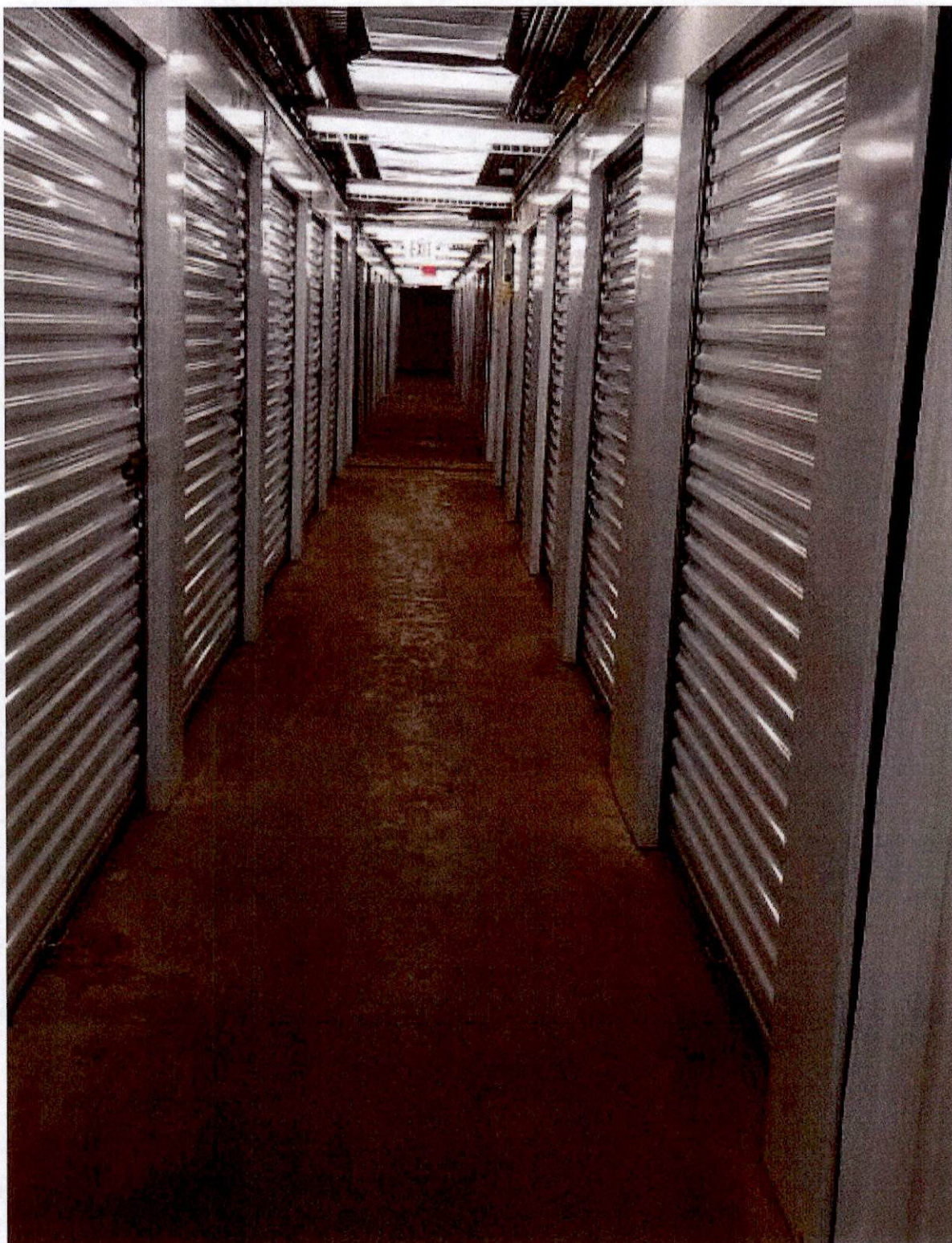


2019-0246-SPH

DROP OFF- NO REVIEW

DROP OFF-NO REVIEW

2019-0246-SPH



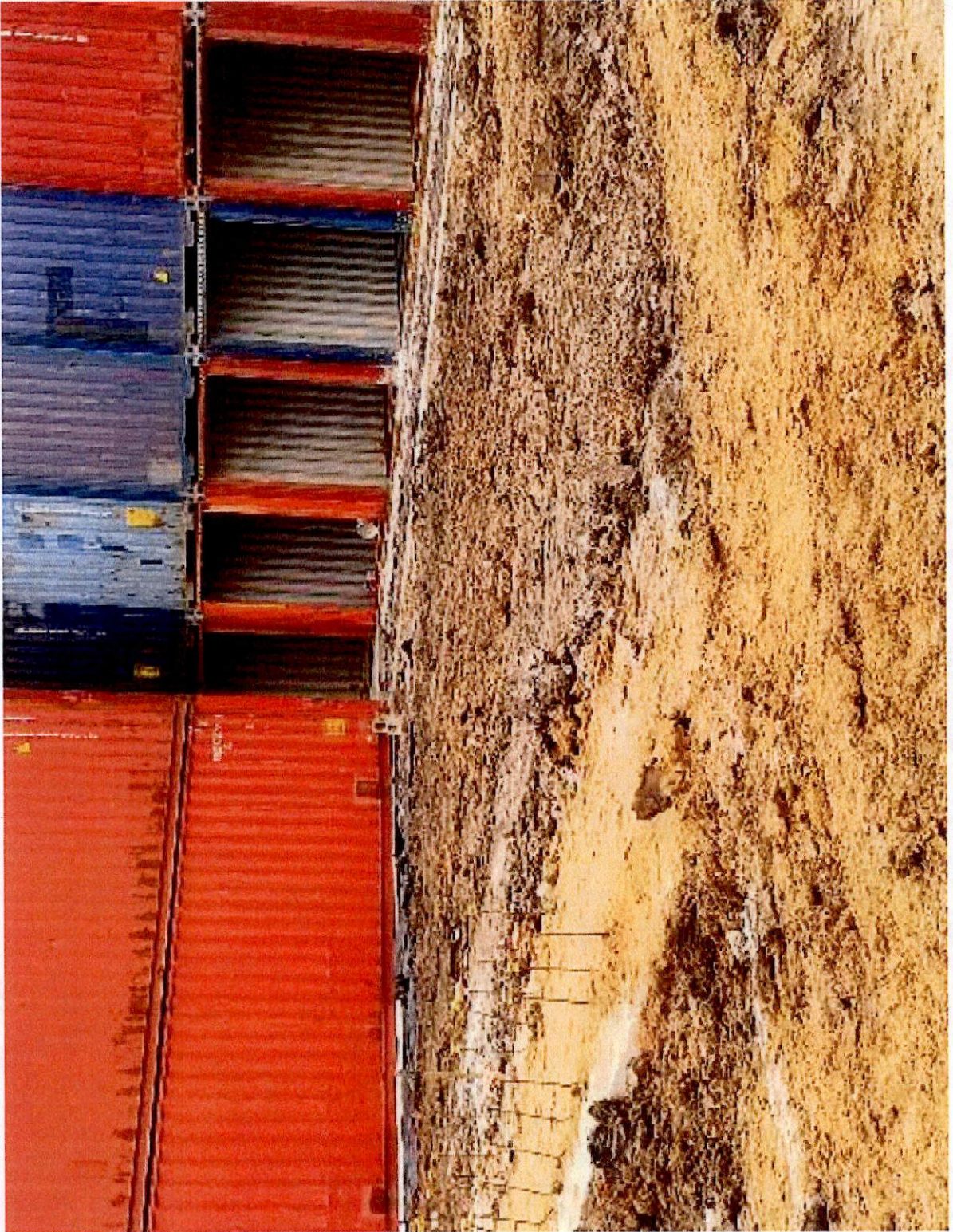
2019-0246-SPH

DROP OFF-NO REVIEW



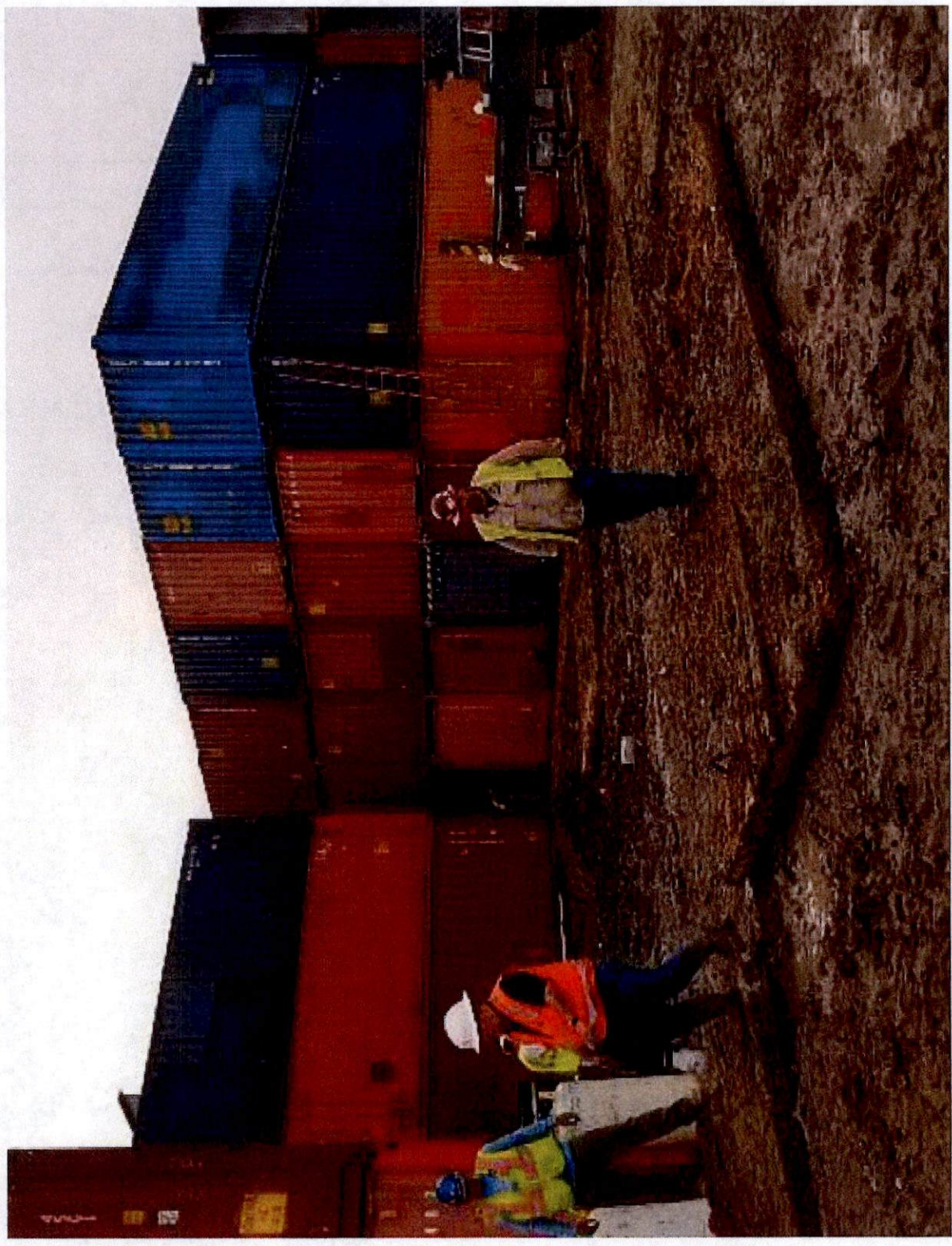
2019-0246-SPH

DROP OFF-NO REVIEW



2019-0246-5PH

DROP OFF-NO REVIEW





2019-0246-SPH

DROP OFF-NO REVIEW