IN THE MATTER OF THE APPLICATIONS OF JOHN G. ROTZ, ET UX FOR ZONING VARIANCES ON PROPERTY LOCATED ON THE NORTH-WEST SIDE WASHINGTON BOULEVARD 150'+/- NORTHEAST OF MAYFIELD AVENUE (4620 WASHINGTON BLVD) 13TH ELECTION DISTRICT 1ST COUNCILMANIC DISTRICT * BEFORE THE * COUNTY BOARD OF APPEALS * OF * BALTIMORE COUNTY * CASE NO. 97-117-A and CASE NO. 97-118-A

* * * * * * * * *

ORDER OF DISMISSAL

This matter comes to this Board on appeal from a decision of the Zoning Commissioner dated November 20, 1996 in which the Petitions for Variance from Section 238.2 of the Baltimore County Zoning Regulations for side and rear setbacks were granted.

WHEREAS, the Board is in receipt of a letter of withdrawal of appeal filed by J. Neil Lanzi, Esquire, Counsel for Thomas Palacorolla and Auto Dealers, Inc., Appellants /Protestants, dated August 6, 1997 and received August 11, 1997 (a copy of which is attached hereto and made a part hereof); and

WHEREAS, Counsel for said Appellants requests that the appeals filed in this matter be dismissed as of August 6, 1997;

IT IS HEREBY ORDERED this 13th day of August, 1997 by the County Board of Appeals of Baltimore County that said appeals be and the same are hereby **DISMISSED.**

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Kristine K. Howanski, Chairman

Thomas P. Melvin

Margaret Worrall

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
300 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(410) 337-9039
FAX: (410) 337-8932

J. Neil Lanzi
OF COUNSEL
Fred L. Coover*
*Also Admitted in District of Columbia

COLUMBIA
Suite 700, Parkside Building
10500 Little Patuxent Parkway
Columbia, Maryland 21044
Reply to Towson

RECEIVED
COUNTY BOARD OF APPEALS
97 AUG 11 PM 1:52

August 6, 1997

County Board of Appeals
Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204
Attn: Robert O. Schuetz, Chairman

Re: Case No. 97-117-A, 97-118-A
In the Matter of: John G. Rotz, ET UX-Petitioner

Dear Chairman Schuetz:

On behalf of Thomas Palacorolla and Auto Dealers, Inc., Appellants in the above captioned cases, I hereby request the above Appeals be dismissed, without prejudice. The current hearing date is Wednesday, November 12, 1997.

Thank you very much for your cooperation.

Very truly yours,

J. Neil Lanzi

c.c. Mr. & Mrs. John Rotz
People's Counsel for Balto. Co.
Virginia Barnhart, County Attorney
John Mildenberg, Mildenberg, Boender & Associates
Thomas Palacorolla
Brian Isaac, Auto Dealer's, Inc.

rotzchop.ltj

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
300 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(410) 337-9039
FAX: (410) 337-8932

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OF COUNSEL
Fred L. Coover*
*Also Admitted in District of Columbia

COLUMBIA
Suite 700, Parkside Building
10500 Little Patuxent Parkway
Columbia, Maryland 21044
Reply to Towson

RECEIVED
DEC 16 1996
PDM

December 16, 1996

Hand-Delivered

Lawrence E. Schmidt, Zoning Commissioner
Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Case Nos. 97-117-A, 97-118-A
Property: 4620 Washington Blvd, Lots 1 & 2

Dear Commissioner Schmidt:

On behalf of Thomas Palacorolla and Auto Dealers, Inc., I hereby note this Appeal from Case Nos. 97-117-A and 97-118-A to the County Board of Appeals. Enclosed herewith please find the appropriate filing fee for the Appeal.

Thank you very much for your consideration.

Very truly yours,

J. Neil Lanzi

c.c. Thomas Palacorolla
Auto Dealers, Inc.

(Palacomm.ltl)

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
NW/S Washington Blvd., 150 ft. +/- NE of Mayfield Avenue * ZONING COMMISSIONER
4620 Washington Blvd. Lot 1 * OF BALTIMORE COUNTY
13th Election District
1st Councilmanic District
John G. Rotz, et ux * Case No. 97-117-A
Petitioners

****

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
NW/S Washington Blvd., 93 ft. +/- NE of Mayfield Avenue * ZONING COMMISSIONER
4620 Washington Blvd. Lot 2 * OF BALTIMORE COUNTY
13th Election District
1st Councilmanic District
John G. Rotz, et ux et ux * Case No. 97-118-A
Petitioners

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters came before the Zoning Commissioner for a combined hearing for cases 97-117-A and 97-118-A. Each case presents a Petition for Variance, for the property collectively known as 4620 Washington Boulevard, in Arbutus. In case No. 97-117-A, the Petitioners seek variance relief from from Section 238.2 of the Baltimore County Zoning Regulations (BCZR) to permit side and rear setbacks for an existing building as close as 3 ft. and 16 ft., in lieu of the required 30 ft. The property at issue in case No. 97-117-A is known as lot No. 1. In case No. 97-118-A, the Petitioners seek variance relief for Lot No. 2. Specifically, a variance is also sought from Section 238.2 of the BCZR to permit side setbacks as close as 9 ft. and 3 ft. (for an existing building) in lieu of the required 30 ft. Both lots and the subject relief are more particularly shown on the plat to accompany the Petition for Variance, marked as Petitioners' Exhibit No. 1.

Appearing at the public hearing held for this case were the property owners, John G. Rotz and Judith K. Rotz, and John Mildenberg, the engineer who prepared the site plan. Also appearing in support of the request was

Judith A. Morris. J. Neil Lanzi, Esquire, an attorney representing the owner of an adjacent property at 1826 Winans Avenue, appeared in opposition to the requested variances.

Testimony and evidence presented on behalf of the Petitioners was that they have owned the subject property for approximately 11 years. Lot No. 1 is a rectangularly shaped property which is 107 ft. wide and approximately 150 ft. deep. Lot No. 1 fronts Washington Boulevard and abuts Lot No. 2 which is located to the southwest. Presently, Lot No. 1 is improved with an existing driveway which leads to an old barn located at the rear of the lot. This barn is 728 sq. ft. in area. Lot No. 2 is 57 ft. wide (slightly larger than lot No. 1) and 150 ft. in depth. Lot No. 2 is improved with an existing two story frame dwelling.

The Petitioners indicated that they currently reside on the property, notwithstanding the fact that both lots are zoned B.R. Apparently, the property has been in Mrs. Rotz's family for many years. The Petitioners propose to alter use of the property consistent with the property's zoning classification. Mr. Rotz is employed in the tax accounting profession and intends on operating his business from this location. The dwelling will be converted so as to accommodate mixed office and retail businesses.

The requested variances are sought to legitimize existing building conditions. There are no planned external improvements to either the dwelling or barn except for some cosmetic improvements and renovations to upgrade the barn building. Also, no additional construction on site is anticipated, but for the enlargement of the driveway. This enlargement will provide additional parking spaces to accommodate the new use.

The variances are sought for the existing buildings. Variance relief is requested for both the dwelling and the barn. It is to be noted that certain of the variance requests are related to the internal lot line

which divides Lot 1 from Lot 2. The other variances are for the tract boundary with adjacent properties.

Upon review of the testimony and evidence offered, I am persuaded that the variances should be granted. It is to be emphasized that the relief sought is to legitimize the existing structures, and that no new construction is planned. The unusual shape and small area of both lots justifies the variance relief. As was noted at the hearing, the BCZR requires a 35 ft. setback. In view of the narrowness of both properties, no building would be allowed if strict adherence to the regulations were required. Surely, the Petitioner would suffer practical difficulty if the variance relief were denied. Moreover, the variances can be granted without any detriment to the surrounding locale.

A comment is also appropriate about the objection raised by Mr. Lanzi. His client apparently owns adjacent property. As I emphasized at the hearing, the case before me only concerns the Petitioner's request for variance relief and does not relate to the proposed use of the property. These properties are zoned to permit business use. The use of the property will be governed by the use provisions of the BCZR. The Petitioners may not use the property except for those uses permitted under the B.R. zoning classification. The variance relief should not be denied because the neighbor objects to a permitted use of the property.

With all that being said, it is to be emphasized that the use of the property does not actually bear on the zoning relief. Apparently, the buildings have been at their existing location for many years. The variances are necessary whether the property continues to be used residentially or for another permitted purpose.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of November, 1996 that a variance from Section 238.2 of the Baltimore County Zoning Regulations (BCZR) to permit side and rear setbacks for an existing building as close as 3 ft. and 16 ft., in lieu of the required 30 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 238.2 of the BCZR to permit side setbacks as close as 9 ft. and 3 ft. (for an existing building) in lieu of the required 30 ft., be and is hereby GRANTED.

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

November 20, 1996

Mr. and Mrs. John G. Rotz
4620 Washington Boulevard
Baltimore, Maryland 21227

RE: Case Nos. 97-117-A and 97-118-A
Petitions for Zoning Variance
Property: 4620 Washington Boulevard, Lots 1 and 2

Dear Mr. and Mrs. Rotz:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Zoning Variance have been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.
c: J. Neil Lanzi, Esquire, 300 Allegheny Avenue, Towson, Md. 21204

Printed with Soybean Ink on Recycled Paper

RE: PETITION FOR VARIANCE
4620 Washington Blvd, Lot 2, NW/S Washington Blvd, 93'+/- NE of Mayfield Avenue
13th Election District, 1st Councilmanic
John G. and Judith K. Rotz
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 97-118-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of October, 1996, a copy of the foregoing Entry of Appearance was mailed to John G. and Judith K. Rotz, 4620 Washington Blvd., Baltimore, MD 21227, Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

#116 ORIGINAL PET. FORM KEEP IN FILE.

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4620 Washington Blvd. Lot 2 which is presently zoned BR

97-118-A

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 238.2 BCZR TO

* PERMIT SIDE SETBACKS OF AS CLOSE AS 9FT. AND 3 FT. (FOR AN EXISTING BUILDING) IN LIEU OF THE REQUIRED 30 FT.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To be determined at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance 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/Lessee:
(Type or Print Name)
Signature
Address
City State Zipcode
Attorney for Petitioner:
(Type or Print Name)
Signature
Address Phone No.
City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Legal Owner(s):
John Gregory Rotz
(Type or Print Name)
John Gregory Rotz
Judith K. Rotz
(Type or Print Name)
Judith K. Rotz
Signature
4620 Washington Blvd 242-1778
Address Phone No.
Baltimore Co., Md 21227
City State Zipcode
Name, Address and phone number of representative to be contacted.
Name
Address Phone No.
OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING 2 HRS
unavailable for Hearing
the following dates Next Two Months
ALL
REVIEWED BY DATE 9/11/96

Printed with Soybean Ink on Recycled Paper

(SET WITH ITEM #115)

#116

97-118-A

ZONING DESCRIPTION

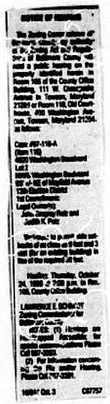
Beginning at a point on the northwest side of Washington Boulevard which is 50 wide at the distance of 93 feet northeast of the centerline of the nearest improved intersecting street, Mayfield Avenue which is 46 feet wide. Thence the following courses and distances:

1. N 40°00'22" E 57.00 ft.,
2. N 49°59'54" W 150.00 ft.,
3. S 40°00'22" W 57.00 ft.,
4. S 49°59'54" E 150.00 ft. to the place of beginning as recorded in Deed Liber 7056, Folio 419.

Excepting prescriptive right of way in the road bed of Washington Boulevard.

Being Lot # 2, in the subdivision of Mayfield Terrace as recorded in Baltimore County Plat Book W.P.C. No. 7, Folio 3, containing 8550 square feet. Also known as 4620 Washington Boulevard and located in the Thirteenth Election District.

MILDENBERG, BOENDER & ASSOC., INC.


NOTICE OF HEARING
Case: #97-118-A
(Item 116)
4620 Washington Boulevard
Lot 2
NW/S of Mayfield Avenue
93' +/- NE of Mayfield Avenue
13th Election District
1st Councilmanic
Legal Ownership
John Gregory Rotz and
Judith K. Rotz
Variance: to permit side setbacks of as close as 9 feet and 3 feet (for an existing building) in lieu of the required 30 feet.
Hearing: Thursday, October 24, 1996 at 2:00 p.m. in Rm. 106, County Office Building
LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
(2) For information concerning the File and/or Hearing, Please Call 887-3391.
10/647 Oct. 3 C87757

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/3, 1996.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/3, 1996.

THE JEFFERSONIAN,
A. Henrikson
LEGAL AD. - TOWSON

TO: PUTUXENT PUBLISHING COMPANY
October 3, 1996 Issue - Jeffersonian

Please forward billing to:

John Rotz
4620 Washington Blvd.
Baltimore, MD 21227
242-1778

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-118-A (Item 116)
4620 Washington Boulevard, Lot 2
NW/S Washington Boulevard, 93'+/- NE of Mayfield Avenue
13th Election District - 1st Councilmanic
Legal Owner(s): John Gregory Rotz and Judith K. Rotz

Variance to permit side setbacks of as close as 9 feet and 3 feet (for an existing building) in lieu of the required 30 feet.

HEARING: THURSDAY, OCTOBER 24, 1996 at 2:00 p.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
#116 BY JLL
No. 011091

DATE 9/11/96 ACCOUNT R-016150

AMOUNT $ 250.00

RECEIVED FROM Rotz
CV - SIGN IS INCLUDED ON ITEM # 115 RMT
FOR 4620 WASH BLVD LOT #2.

CV $250.00
03491402BOMICHRC
BA C002:22PM09-11-96

VALIDATION OR SIGNATURE OF CASHIER

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CERTIFICATE OF POSTING

RE: Case No.: 97-118A & 97-118G

Petitioner/Developer:

Date of Hearing/Closing:

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

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 4620 Washington Blvd Baltimore MD 21227

The sign(s) were posted on 1/30/97 (Month, Day, Year)

Sincerely,

(Signature of Sign Poster and Date)

DEREK J PROBALSKI
(Printed Name)

111 W. Chesapeake Ave Room 113
(Address)

Towson MD 21204
(City, State, Zip Code)

410 887 3351
(Telephone Number)

996
cert.doc

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

97-118-A

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements AND POSTING THE SIGN

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be accessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: #116
Petitioner: Rotz
Location: 4620 WASHINGTON BLVD LOT 2
PLEASE FORWARD ADVERTISING BILL TO:
NAME: John Rotz
ADDRESS: 4620 Washington Blvd.
Balto, MD. 21227
PHONE NUMBER: 242-1778

AJ:ggs

(Revised 04/09/93)

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 27, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-118-A (Item 116)
4620 Washington Boulevard, Lot 2
NW/S Washington Boulevard, 93'+/- NE of Mayfield Avenue
13th Election District - 1st Councilmanic
Legal Owner(s): John Gregory Rotz and Judith K. Rotz

Variance to permit side setbacks of as close as 9 feet and 3 feet (for an existing building) in lieu of the required 30 feet.

HEARING: THURSDAY, OCTOBER 24, 1996 at 2:00 p.m. in Room 106, County Office Building.

Arnold Jablon
Director

cc: John and Judith Rotz

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink on Recycled Paper

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

March 28, 1997

NOTICE OF ASSIGNMENT

CASE #: 97-117-A — IN THE MATTER OF: JOHN G. ROTZ, ET UX -Petitioner
4620 Washington Boulevard /Lot 1 13th E; 1st C
AND
CASE #: 97-118-a — 4620 Washington Boulevard /Lot 2 13th E; 1st C

(Petitions for Variance GRANTED.)

ASSIGNED FOR: WEDNESDAY, JUNE 18, 1997 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

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). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

cc: Counsel for Appellants /Protestants: J. Neil Lanzi, Esquire
Appellants /Protestants: Thomas Palacorolla and Auto Dealers, Inc.

Petitioners : John G. Rotz, et ux
John Mildenberg /Mildenberg, Boender & Assoc., Inc.

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

Printed with Soybean Ink on Recycled Paper

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
300 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(410) 337-9039
FAX: (410) 337-8932

J. Neil Lanzi
OF COUNSEL
Fred L. Coover*
*Also Admitted in District of Columbia

COLUMBIA
Suite 700, Parkside Building
10300 Little Patuxent Parkway
Columbia, Maryland 21044
Reply to Towson

April 16, 1997

County Board of Appeals
Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204
Attn: Robert O. Schuetz, Chairman

Re: Case No. 97-117-A, 97-118-a
In the Matter of : John G. Rotz, ET UX-Petitioner

Dear Chairman Schuetz:

Please be advised that I represent Thomas Palacorolla and Auto Dealers, Inc., Appellants in the above captioned cases. Tho notice of assignment has been received by your office for hearing on Wednesday, June 18, 1997 at 10:00 a.m. Please be advised that I am counsel in a civil action presently pending in the Circuit Court for Baltimore County and a mandatory settlement conference has been scheduled for June 18, 1997 at 3:00 p.m. I have attached a copy of the scheduling order issued on November 12, 1996.

Accordingly, I respectfully request a postponement of the hearing and request it be set in for the next available date other than the week of July 7, 1997. I have spoken with Mr. John Rotz and he joins in this request to postpone the hearing.

Thank you very much for your consideration of this request.

Very truly yours,

J. Neil Lanzi

c.c. Mr. & Mrs. John Rotz
People's Counsel for Balto. Co.
Virginia Barnhart, County Attorney
John Mildenberg, Mildenberg, Boender & Associates

rotzchop.ltr

COUNTY BOARD OF APPEALS
97 APR 21 AM 9:01
RECEIVED

PP to 7/23/97

County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

April 25, 1997

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 97-117-A — IN THE MATTER OF: JOHN G. ROTZ, ET UX -Petitioner
4620 Washington Boulevard /Lot 1 13th E; 1st C
AND
CASE #: 97-118-a — 4620 Washington Boulevard /Lot 2 13th E; 1st C

(Petitions for Variance GRANTED.)

which was scheduled for hearing on 6/18/97 has been POSTPONED at the request of Counsel for Appellants /Protestants, without objection by Petitioner; and has been

REASSIGNED FOR: WEDNESDAY, JULY 23, 1997 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

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). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

PP'd at request of Counsel for Appellant 6/18/97, re: 1st available date after 7/7/97 & Home Petitioner (Reg. Ltr in 97-117-A)

cc: Counsel for Appellants /Protestants: J. Neil Lanzi, Esquire
Appellants /Protestants: Thomas Palacorolla and Auto Dealers, Inc.

Petitioners : John G. Rotz, et ux
John Mildenberg /Mildenberg, Boender & Assoc., Inc.

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

Printed with Soybean Ink on Recycled Paper

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
300 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(410) 337-9039
FAX: (410) 337-8932

J. Neil Lanzi
OF COUNSEL
Fred L. Coover*
*Also Admitted in District of Columbia

COLUMBIA
Suite 700, Parkside Building
10300 Little Patuxent Parkway
Columbia, Maryland 21044
Reply to Towson

June 20, 1997

County Board of Appeals
Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204
Attn: Robert O. Schuetz, Chairman

Re: Case No. 97-117-A, 97-118-a
In the Matter of : John G. Rotz, ET UX-Petitioner

Dear Chairman Schuetz:

Please be advised that I represent Thomas Palacorolla and Auto Dealers, Inc., Appellants in the above captioned cases. The notice of postponement and reassignment date April 25, 1997 has been received indicating a new hearing date of July 23, 1997.

The purpose of this letter is to request a postponement from the July 23, 1997 hearing date. The Parties involved in this case and a related case have entered into a settlement agreement which provides for the dismissal of the above referenced appeal upon the occurrence of certain events. It is anticipated that a sixty (60) day postponement from the current hearing date will allow sufficient time for the settlement requirements to occur which should result ultimately in the dismissal of the above referenced appeal.

Accordingly, I respectfully request a postponement of the hearing for at least sixty (60) days from the current hearing date. I have spoken with Mr. John Rotz and he joins me in this request to postpone the hearing.

Thank you very much for your consideration of this request.

Very truly yours,

J. Neil Lanzi

c.c. Mr. & Mrs. John Rotz
People's Counsel for Balto. Co.
Virginia Barnhart, County Attorney
John Mildenberg, Mildenberg, Boender & Associates
Thomas Palacorolla
Brian Isaac

rotzcboy.ltr2

County Board of Appeals of Baltimore County
OLD CCURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

June 24, 1997

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 97-117-A — IN THE MATTER OF: JOHN G. ROTZ, ET UX -Petitioner
4620 Washington Boulevard /Lot 1 13th E; 1st C
AND
CASE #: 97-118-a — 4620 Washington Boulevard /Lot 2 13th E; 1st C

(Petitions for Variance GRANTED.)

which was scheduled for hearing on 7/23/97 has been POSTPONED at the request of Counsel for Appellants, without objection by Petitioner; and has been

REASSIGNED FOR: WEDNESDAY, NOVEMBER 12, 1997 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

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). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Legal Administrator

W/D by Appellant 8-11-97; to avoid Order of Dismissal

cc: Counsel for Appellants /Protestants: J. Neil Lanzi, Esquire
Appellants /Protestants: Thomas Palacorolla and Auto Dealers, Inc.

Petitioners : John G. Rotz, et ux
John Mildenberg /Mildenberg, Boender & Assoc., Inc.

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt

Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 16, 1996

Mr. and Mrs. John G. Rotz
4620 Washington Boulevard
Baltimore, MD 21227

RE: Item No.: 116
Case No.: 97-118-A
Petitioner: John G. Rotz, et ux

Dear Mr. and Mrs. Rotz:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 11, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Management

Date: October 1, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for September 30, 1996
Item No. 116

The Development Plans Review Division has reviewed the subject zoning item. All improvements, intersections, entrances, drainage requirements and construction affecting a State road right-of-way are subject to the Standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

A Final Landscape Plan must be approved by this office before a change of use or grading permit may be issued. Section IX.C.2.b.(3) of the Landscape Manual requires a 10-foot wide landscape strip between a parking lot and adjacent residential zone or use.

RWB:HJO:jrb

cc: File

ZONE28D

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Roslyn Eubanks DATE: October 7, 1996
PDM

FROM: Jeffrey Long
Planning Office

SUBJECT: ZAC

Please be advised that more time is needed to review the following petitions:

Item Nos. 115 & 116
Contact me on 887-3495 if you have any questions.

c: Gary Kerns
JL

ZAC1/PZONE/TXTJWL

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM DATE: Sep 24 96

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Sep 23, 96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 110
111
112
113
115
116
117

RBS:sp

BRUCE2/DEPRM/TXTSBP

SHA Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

9-24-96

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

RE: Baltimore County
Item No. 116 (JLL)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD/US 1 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for Ronald Burns, Chief
Engineering Access Permits
Division

BS

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-4880

DATE: 10/02/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: JOHN GREGORY ROTZ & JUDITH K. ROTZ

Location: NW/S WASHINGTON BLVD., 93' +/- NE OF MAYFIELD AVE.
(4620 WASHINGTON BLVD., LOT 2)

Item No.: 116 Zoning Agenda: VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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IN RE: PETITION FOR Variance
4620 Washington Blvd, Lot 2 and
Lotz, NW/S Washington Blvd.
150'+/- NE of Mayfield Ave.
13th Election District,
1st Councilmanic
John G. and Judith K. Rotz
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-117A; 97-118A
* * * * *

SUBPOENA

TO: Mr John Lewis
Office of Permits & Development

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room 106

and to bring all relevant documents and a map showing existing BR zones in this corridor of Rt 1 between Ridge Ave., Route 695 and Rt 1 and S.W. Blvd.

on the 24th day of October 1996 regarding the above captioned case, for the purpose of testifying at the request of John G and Judith K. Rotz.

Judith K. Rotz

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule IV(c).

Timothy Kotroco
Zoning Commissioner/Deputy
Zoning Commissioner
for Baltimore County

Issued: 10/23/96

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 27, 1996

Mr. and Mrs. John G. Rotz
4620 Washington Boulevard
Baltimore, MD 21227

RE: Petition for Zoning Variance
NW/S Washington Blvd., 93 ft. +/- NE of Mayfield Ave.
(4620 Washington Blvd. Lot 2)
13th Election District
1st Councilmanic District
John G. Rotz, et ux - Petitioners
Case No. 97-118-A

Dear Mr. and Mrs. Rotz:

Please be advised that an appeal of the above-referenced case was filed in this office on December 16, 1996 by J. Neil Lanzi, P.A. on behalf of Thomas Palacorolla and Auto Dealers, Inc. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 887-3180.

Sincerely,

ARNOLD JABLON
Director

AJ:rye

c: People's Counsel

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APPEAL

Petition for Zoning Variance
NW/S Washington Blvd., 93 ft. +/- NE of Mayfield Ave.
(4620 Washington Blvd. Lot 2)
13th Election District - 1st Councilmanic District
John G. Rotz, et ux - Petitioners
Case No. 97-118-A

Petition for Zoning Variance

Description of Property

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioner's Exhibit: 1 - Plan to Accompany Zoning Variance Petition

Zoning Commissioner's Order dated November 20, 1996 (Granted)

Notice of Appeal received on December 16, 1996 from J. Neil Lanzi, P.A. on behalf of Thomas Palacorolla and Auto Dealers, Inc.

c: Mr. and Mrs. John G. Rotz, 4620 Washington Boulevard, Baltimore, Maryland 21227
J. Neil Lanzi, Esquire, 300 Allegheny Avenue, Towson, MD 21204
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

Case No. 97-117-A — VAR -To permit side and rear setbacks for existing building as close as 3' and 16' in lieu of required 30' /Lot 1.

Case No. 97-118-A — VAR -To permit side setbacks as close as 9' and 3' (for an existing building) in lieu of required 30' /Lot 2.

11/20/96 -Zoning Commissioner's Order in which requested relief was GRANTED.

3/28/97 -Notice of Assignment for hearing scheduled for Wednesday, June 18, 1997 at 10:00 a.m. sent to following:

J. Neil Lanzi, Esquire
Thomas Palacorolla and
Auto Dealers, Inc.
John G. Rotz, et ux
John Mildenberg /Mildenberg,
Boender & Assoc., Inc.
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

4/21/97 -Letter from Neil Lanzi, Esquire, requesting postponement from 6/18/97 hearing date; indicates that John Rotz has no objection to the granting of this request.

4/25/97 -Notice of PP and Reassignment sent to parties; matter rescheduled to Wednesday, July 23, 1997 at 10:00 a.m.

6/23/97 -Received letter dated 6/20/97 from J. Neil Lanzi, requesting postponement for at least 60 days of 7/23/97 hearing to allow sufficient time for settlement negotiations between parties; no objection from Petitioner to this request.

6/24/97 -Confirmed above request by telephone with Mr. and Mrs. Rotz; case to be postponed and reassigned to hearing date in October or November, as schedule permits.

- Notice of PP and Reassignment sent to parties; postponement request granted; case reassigned to Wednesday, November 12, 1997 at 10:00 a.m.

8/11/97 -Letter of withdrawal of appeal filed by J. Neil Lanzi, Esquire, on behalf of Appellants /Protestants, Thomas Palacorolla and Auto Dealers, Inc. Order of Dismissal to be issued by CBA.

Speed Letter

December 13, 1996

13th Election District

Dear Mr. Rotz:

Based upon the information you have provided, please be advised that since building permits were obtained on the subject property prior to the zoning reclassification, the use (via permits) would represent a legal nonconforming use subject to Section 104 of the Baltimore County Zoning Regulations. This interpretation is conditioned upon that there are no appeals which would reverse the approval of zoning case 97-118-A. Should you decide to resolve this matter, in addition to this letter, a special hearing may be filed so that the Zoning Commissioner can make a ruling on the nonconforming use.

If you need further assistance, please contact me at 887-3391.

Very truly yours,

Mitchell J. Kellman
Planner II
Zoning Review

MJK:rye

c: zoning case 97-118-A

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 17, 1996

97-118-A

Mrs. Judith K. Rotz
4620 Washington Boulevard
Baltimore, MD 21227

RE: Item Nos. 115 and 116
4620 Washington Boulevard
13th Election District

Dear Mrs. Rotz:

Per your request received on September 12, 1996, you may file for a building permit at your own risk for the purpose of early review only. Final zoning approvals are conditioned upon the granting of the zoning variance public hearings under the above item numbers and subsequent revisions to your building permit site plans.

Your request for an early hearing has been forwarded to our docket clerk, who will try to set a date as soon as possible.

Please document this response on your building permit application plans.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

John L. Lewis
Planner II
Zoning Review

JLL:rye

c: Item Nos. 115 and 116

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 15, 1997

Mr. John G. Rotz
4620 Washington Boulevard
Baltimore, MD 21227

RE: Zoning Verification
4618 and 4620 Washington Boulevard
Zoning Cases 97-117-A & 97-118-A
13th Election District

Dear Mr. Rotz:

Your letter to Arnold Jablon, Director of Permits and Development Management, has been referred to me for reply. Your request is for confirmation that the above referenced properties continue to enjoy nonconforming commercial use since Mr. Mitchell Kellman's letter of December 13, 1996. Zoning Cases 97-117-A and 97-118-A, granted November 20, 1996, referenced the fact that both properties are zoned B.R. (Business Roadside) and the mixed office and retail uses are proposed at both locations.

Additionally, building permits B-288445 and B-288467 to change from residential to office and retail uses were approved and issued. The Protestants' appeal of the zoning commissioner's orders (granting), have been withdrawn. You have also submitted numerous exhibits (7) including leases, security checks, photographs of existing signs, copies of traders licenses, etc. As such, the mixed office and retail uses may continue as legal being nonconforming.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

John J. Sullivan, Jr.
Planner II
Zoning Review

JJS:rye

c: zoning cases 97-117-A & 97-118-A

Enclosure

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Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

February 19, 1998

Mr. Scott A. Lingren
Gerhold, Cross and Etzel, Ltd.
Suite 100
320 E. Towsontown Blvd.
Towson, Maryland 21286

RE: Case No. 98-118-A
Property: Doggett - 9201 Greenhouse Circle

Dear Mr. Lingren:

This is to acknowledge receipt of your letter of February 10, 1998 regarding the above captioned matter. In view of the circumstances as described therein, I hereby amend my Order so as to grant an extension of the time for which the deed must be recorded. At your request, the deed should be recorded no later than 60 days from the date of the approval of the amended Final Development Plan.

A copy of this letter will be placed in the case file to formally amend the Order. Please let me know when the amended FDP is approved or advise if an unexpected delay arises.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

December 10, 1993

Mr. John G. Rotz
4620 Washington Boulevard
Baltimore, Maryland 21227

Dear Mr. Rotz:

RE: 4618 and 4620 Washington Boulevard, Zoning Cases 97-117-A & 97-118-A
13th Election District

Your letter to Arnold Jablon, Director of Permits and Development Management, has been referred to me for reply. Your request is for confirmation that the above referenced properties continue to enjoy nonconforming commercial use since Mr. John Sullivan's letter of December 15, 1997 as it referenced Mr. Mitchell Kellman's letter of December 13, 1996. Zoning Cases 97-117-A and 97-118-A were granted November 20, 1996 and, at that time, both properties were zoned B. R. (Business, Roadside) and the mixed office and retail were proposed and subsequently were established prior to the zoning change to D. R. as stated below, at both locations..

Building permits B-288446 and B-288467 to change from residential to office and retail uses were approved and issued. The Protestants' appeal of the zoning commissioner's orders (granting) have been withdrawn. You have also submitted numerous exhibits (7) including leases, security checks, photographs, copies of traders licenses. etc. As such, the mixed office and retail uses may continue as legal being nonconforming, subject to the conditions set forth on the zoning commissioner's order.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

John L. Lewis
Planner II
Zoning Review

JLL:cjs

c: zoning cases 97-117-A & 97-118-A

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Come visit the County's Website at www.co.ba.md.us

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director **DATE:** January 8, 1998
Permits & Development Management

FROM: Charlotte E. Radcliffe
County Board of Appeals

SUBJECT: Closed Files: Case No. 97-117-A and 97-118-A
John G. Rotz, Et Ux

As no further appeals have been taken in the above captioned case, we are hereby closing the file and returning same to you herewith.

Attachment (Case File Nos. 97-117-A and 97-118-A)

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

January 11, 2000

Mr. John G. Rotz
4620 Washington Boulevard
Baltimore, Maryland 21227

Dear Mr. Rotz:

RE: Zoning Verification, (Lots 1 and 2) 4618 and 4620 Washington Blvd., Zoning Case 97-117-A and 97-118-A, 13th Election District

Thank you for your letter of November 30, 1999, to Arnold Jablon, Director of Permits and Development Management. This correspondence has been referred to me for reply. Your request is for confirmation that the referenced properties continue to enjoy nonconforming commercial uses since Mr. Lewis' letter of December 10, 1998 as it referenced Mr. John Sullivan's letter of December 15, 1997 and my letter of December 13, 1996. Zoning cases 97-117-A and 97-118-A were granted on November 20, 1996 and at that time, both properties were zoned B.R. Mixed office and retail uses were proposed and established prior to the zoning change to D.R.

Building Permits B-288446 and B288467 which changed the residential use to office and retail were approved and issued. The protestants appeal of the Zoning Commissioner's order granting the variances were withdrawn. You have also submitted, with your request, current (1999) proof that the businesses have been continuously operating to the present date. As such, the mixed office and retail uses may continue as being legal nonconforming uses, subject to the conditions set forth within the Zoning Commissioner's order.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-3391.

Very truly yours,

Mitchell J. Kellman
Planner II
Zoning Review

MJK:kew

Census 2000 For You, For Baltimore County Census 2000

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Come visit the County's Website at www.co.ba.md.us

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

December 17, 1999

John G. Rotz
4620 Washington Boulevard
Baltimore, MD 21227

Dear Mr. Rotz:

RE: Written Zoning Verification Request, 4618 & 4620 Washington Boulevard

Reference is made to your letter of November 30, 1999 requesting that this office issue a written zoning verification of the above referenced property. I understand that you have been informed of the $40.00 processing fee for written verifications. As you have not paid this fee as requested, your request has been canceled.

If you require zoning information regarding the above or any other property in Baltimore County in the future, you may visit the zoning office (counter) in Room 111, County Office Building, 111 West Chesapeake Avenue, Towson from 8:00 a.m. to 5:00 p.m., Monday through Friday, during any normal County workday. You can always receive assistance in locating properties on the zoning map, at no charge, provided that you are aware of the location and extent of the property, in addition to the address.

If you need further information or have any questions, please do not hesitate to visit this office or contact me at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

PAID Check Sent on 1/3/00

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 076622

DATE 1/3/00 ACCOUNT 001-6150
AMOUNT $ 40.00 (MJK)
RECEIVED FROM: John + Judith Rotz
FOR: 99-3091
4618 & 20 Wash Blvd

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
CASHIER'S VALIDATION

Census 2000 For You, For Baltimore County Census 2000

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

December 9, 1999

Mr. John G. Rotz
4620 Washington Boulevard
Baltimore, Maryland 21227

Dear Mr. Rotz:

RE: Zoning Verification, (Lots 1 and 2) 4618 and 4620 Washington Blvd., Zoning Case 97-117-A and 97-118-A, 13th Election District

Thank you for your letter of November 30, 1999, to Arnold Jablon, Director of Permits and Development Management. This correspondence has been referred to me for reply. Your request is for confirmation that the referenced properties continue to enjoy nonconforming commercial uses since Mr. Lewis' letter of December 10, 1998 as it referenced Mr. John Sullivan's letter of December 15, 1997 and my letter of December 13, 1996. Zoning cases 97-117-A and 97-118-A were granted on November 20, 1996 and at that time, both properties were zoned B.R. Mixed office and retail uses were proposed and established prior to the zoning change to D.R.

Building Permits B-288446 and B288467 which changed the residential use to office and retail were approved and issued. The protestants appeal of the Zoning Commissioner's order granting the variances were withdrawn. You have also submitted, with your request, current (1999) proof that the businesses have been continuously operating to the present date. As such, the mixed office and retail uses may continue as being legal nonconforming uses, subject to the conditions set forth within the Zoning Commissioner's order.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-3391.

Very truly yours,

Mitchell J. Kellman
Planner II
Zoning Review

MJK:kew

Denied

Census 2000 For You, For Baltimore County Census 2000

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Come visit the County's Website at www.co.ba.md.us

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
200 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204

(410) 337-0039
FAX: (410) 337-8932

COLUMBIA
Suite 700, Parkside Building
10500 Little Patuxent Parkway
Columbia, Maryland 21044

Reply to Towson

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

December 3, 1996

RECEIVED
DEC 3 1996
ZONING COMMISSIONER

Hand-Delivered
Lawrence E. Schmidt, Zoning Commissioner
Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Case Nos. 97-117-A, 97-118-A
Property: 4620 Washington Blvd, Lots 1 & 2

Dear Commissioner Schmidt:

Please be advised that I represent Thomas Palacorolla, owner of the property known as 1826 Winans Avenue and Auto Dealers, Inc., contract purchaser. This property is immediately adjacent to 1620 Washington Boulevard. On their behalf, I am requesting a five (5) day extension from the thirty (30) day appeal period as provided by Section 22-32 of the Baltimore County Code. The basis for the extension is as follows.

First, the parties to the above referenced cases are the same parties involved in an Appeal, Case No. 03-C-96-006679, for the property known as 1826 Winans Avenue. The parties are attempting to resolve the Appeal before the Circuit Court and the five (5) day extension is absolutely necessary as part of the proposed settlement between the parties. The deadline for filing an Appeal of the two cases listed above is presently Thursday, December 19, 1996 and the additional five (5) days would allow sufficient time to determine if the settlement can be achieved.

Simultaneously with this letter, I will be filing a postponement request of the hearing scheduled for the Circuit Court Appeal and a Request For an Extension of Time for filing my client's reply Brief required in the Appeal. Mr. and Mrs. John G. Rotz, Petitioners in the above referenced case, join my client's in this request.

Thank you very much for your consideration.

Very truly yours,

J. Neil Lanzi

cc: Mr. & Mrs. John G. Rotz

12/2/96 Hearing to file an Appeal & Postponement per Lawrence E. Schmidt

I called Neil Lanzi's office and left a message regarding the above. Lawrence E. Schmidt 12/4/96

IN RE: PETITION FOR ZONING VARIANCE
NW/S Washington Blvd., 150 ft. +/- NE of Mayfield Avenue
4620 Washington Blvd. Lot 1
13th Election District
1st Councilmanic District
John G. Rotz, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-117-A

****

IN RE: PETITION FOR ZONING VARIANCE
NW/S Washington Blvd., 93 ft. +/- NE of Mayfield Avenue
4620 Washington Blvd. Lot 2
13th Election District
1st Councilmanic District
John G. Rotz, et ux et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-118-A

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

ORDER

Upon consideration of the request of Thomas Palacorolla and Auto Dealers, Inc. to extend the time for filing an Appeal of the above listed cases, it is this _____ day of _____ , 1996 by the Zoning Commissioner of Baltimore County,

ORDERED, that the Request be and is hereby granted and the time for filing an appeal is extended thru December 24, 1996.

_____
Zoning Commissioner

(isaac.ord)

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
500 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(410) 337-9039
FAX: (410) 337-8932

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

COLUMBIA
Suite 700, Parkside Building
10500 Little Patuxent Parkway
Columbia, Maryland 21044

Reply to Towson

RECEIVED
DEC 16 1996
PDM

December 16, 1996

Hand-Delivered

Lawrence E. Schmidt, Zoning Commissioner
Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Case Nos. 97-117-A, 97-118-A
Property: 4620 Washington Blvd, Lots 1 & 2

Dear Commissioner Schmidt:

On behalf of Thomas Palacorolla and Auto Dealers, Inc., I hereby note this Appeal from Case Nos. 97-117-A and 97-118-A to the County Board of Appeals. Enclosed herewith please find the appropriate filing fee for the Appeal.

Thank you very much for your consideration.

Very truly yours,

J. Neil Lanzi

c.c. Thomas Palacorolla
Auto Dealers, Inc.

(Palacomm.ltl)

LETTER OF TRANSMITTAL

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
Phone:(410) 823-4470 · Fax:(410) 823-4473

TO: OFFICE OF ZONING COMMISSIONER	RE: DOGGETT
SUITE 405, COUNTY COURTS BUILDING	9201 GREENHOUSE CIRCLE
401 BOSLEY AVENUE	DATE: FEBRUARY 10, 1998
TOWSON, MARYLAND 21204	PHONE:
ATTN: MR. LAWRENCE E. SCHMIDT	FAX:

TRANSMISSION VIA: O FAX ⊘ DELIVERY O MAIL

WE ARE TRANSMITTING: ☑ ATTACHED ☐ UNDER SEPARATE COVER VIA _____ THE FOLLOWING ITEMS:
☐ PROPOSAL ☐ PRINTS ☐ PLANS ☐ DESCRIPTION(S) ☐ LOCATION DRAWINGS
☐ COPY OF LETTER ☐ ORIGINAL TO FOLLOW ☐ _____

QTY	DATE	ITEM	DESCRIPTION
1	2-10-98	LETTER	
1	10-27-98 97	COPY	ZONING ORDER CASE #98-118-A 97

RECEIVED
FEB 10 1998
ZONING COMMISSIONER

WE ARE TRANSMITTING:
O FOR APPROVAL O APPROVED AS SUBMITTED O RESUBMIT ____ COPIES FOR APPROVAL
O FOR YOUR USE O APPROVED AS NOTED O SUBMIT ____ COPIES FOR DISTRIBUTION
O AS REQUESTED O RETURNED FOR CORRECTIONS O RETURN ____ CORRECTED PRINTS
O FOR REVIEW AND COMMENT O _____

COMMENTS: _____

C.C. _____

SIGNED Scott A. Lindgren

GORDON T. LANGDON
EDWARD F. DEMOCO-LEWIS
BRUCE E. DOAK

GERHOLD, CROSS & ETZEL, LTD.
Registered Professional Land Surveyors
SUITE 100
320 EAST TOWSONTOWN BOULEVARD
TOWSON, MARYLAND 21286-5318
410-823-4470
FAX 410-823-4473

EMERITUS
PAUL G. DOLLENBERG
FRED H. DOLLENBERG
CARL L. GERHOLD
PHILIP A. CROSS
OF COUNSEL
JOHN F. ETZEL
WILLIAM G. ULRICH

February 10, 1998

Mr. Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Doggett Property - 9201 Greenhouse Circle
Case No. 98-118-A

Dear Commissioner Schmidt:

I am writing to you to explain why I have been unable to comply with restriction No. 2 of the above referenced Zoning Case's Order.

This Administrative Variance was required by Mr. Mitch Kellman as a condition of a Lot Line Adjustment which was approved by the DRC on June 18, 1997 (DRC No. 061697K, Dist. 11C5). Mr. Kellman indicated that it would also be necessary to amend the Final Development Plan. At the time, Mr. Kellman felt that the Doggetts should not be required to have all property owners within 300' of the change sign the amended FDP. His reasoning, behind this was that he felt the posting of the property for the Administrative Variance put the community on notice that a change was being made. Mr. Kellman indicated that he would only require the two property owners effected by the adjusted lot line to sign the amended plan. Since Mr. Kellman no longer works in the Office of Zoning, I have run into great difficulties getting this Amended FDP approved. I am currently working with Carl Richards to get this situation resolved. However, I will be unable to get the Deed recorded as required in the Zoning Order until such time as I can get the Amended Final Development Plan approved.

Due to the problems outlined above, I ask you to amend your order to reflect a requirement that the deed be recorded within sixty (60) days of the Amended Final Development Plan Approval. If you have any questions concerning this please do not hesitate to call me.

Sincerely,

Scott A. Lindgren

Scott A. Lindgren

enclosure: copy of Zoning Decision
Cc: file

11/24/99 WCK

November 30, 1999

Mr. Arnold Jablon, Director
Office of Zoning
Department of Permits and Planning Development
Baltimore County
Towson, Maryland 21204

Dear Mr. Jablon:

This letter is to confirm the continued use of lots 1 and 2, known as 4618 and 4620 Washington Blvd. in their non-conforming use. This non-conforming use was originally identified in a letter to you dated 11/30/96 and reaffirmed in subsequent letter of 11/15/97 and 11/23/98. The appropriate set-back valances were granted by Commissioner Larry Schmidt in a hearing dated 11/20/96.

We are again submitting trader's license for mixed office and retail sales use for both lots which continue to operate as businesses. Enclosed are also copies of trader's license for retail sales and notarized bill of sale, showing that at least one of several retail transactions has occurred prior to 11/30/99. Please see copies of exhibits 1 through 5 as follows:

Exhibit 1	Trader's License for Cat's Meow Trading Company (antiques, crafts & retail sales)
Exhibit 2	Notarized Bill of Sale proof of continued retail sales dated 11/27/99
Exhibit 3	Photos of signs in place on lots 1 & 2 on November 28, 1999.
Exhibit 4	Signed receipt indicating date film was developed.
Exhibit 5	Petition granting zoning Variance by Commissioner L. Schmidt 11/20/96

This information indicates that we have been in business operating since November 25, 1996, following the granting of the zoning set-back variance by Commissioner Lawrence Schmidt in case numbers 97-117A and 97-118A for lots 44618 and 4620 respectively (See attached letters from Mitch Kellman and John Sullivan, Jr.). We are respectfully requesting a certificate of compliance for lots 1 & 2 at 4618 and 4620 Washington Blvd. Please mail these confirmations to me at the 4620 Washington Blvd. address. If you have any questions, please feel free to call me at 410-242-1778 or 410-582-5735. Thank you for your assistance.

Very truly yours,

John G. Rotz

RECEIVED
99-3071
DEPT. OF PERMITS AND DEVT.

LICENSEE

30

State of Maryland 03 294038
294038
03871537
License

ROTZ JOHN G
CATS MEOW COUNTRY TRADING CO
4620 WASHINGTON BLVD
BALTIMORE MD 21227

99

COST	UNIT	TYPE OF LICENSE	NO OF LIC	COST
71	1.0	TRADERS	1	15.00
		ISSUING FEES		2.00
		TOTAL		17.00

DATE OF ISSUE MO DAY YR: 10/01/99
12

2.70 19.70

08293479

THIS LICENSE MUST BE PUBLICLY DISPLAYED AND EXPIRES ON THE LAST DAY OF APRIL 2000

ISSUED BY: SUZANNE MENSH, CLERK
CIRCUIT COURT - BALTIMORE COUNTY
401 BOSLEY AVE., P.O. BOX 6754
TOWSON, MARYLAND 21285-6754

COMPTROLLER OF THE TREASURY

Comptroller of the Treasury
Sales and Use Tax Division
301 W. Preston Street
Baltimore, Maryland
21201-2385

William Donald Schaefer
Comptroller of the Treasury

MARYLAND
SALES & USE TAX LICENSE
This license must be displayed publicly.
A separate license is required for each place of business.

Sales and Use Tax Registration Number	Issue Date
08293479	10/01/99

DUPLICATE

CATS MEOW COUNTRY TRADING CO
ROTZ JOHN G
4620 WASHINGTON BLVD
BALTIMORE MD 21227

COT/ST 114 (Rev 7/98)

AFFIDAVID OF BILL OF SALE

This is to affirm the sale of goods from seller, Cat's Meow Country Trading Company, 4618-4620 Washington Blvd. Baltimore Maryland 21227, to Buyer Ari Schrodt of 5500 Cynthia Terrace, Baltimore, Maryland 21236, on this 27th day of November for a purchase price of $5.00 plus tax.

John G. Rotz, Owner
Cat's Meow Country Trading Company
4618-4620 Washington Blvd.
Baltimore, Maryland 21227

State of Maryland
County of Baltimore
Date 11/27/99
Notary Public - Annie T. Herold
My Commission Expires 11-01-2002

ANNIE T. HEROLD NOTARY PUBLIC BALTIMORE COUNTY, MD

Ari Schrodt
5500 Cynthia Terrace
Baltimore, Maryland 21236

State of Maryland
County of Baltimore
Date 11/27/99
Notary Public - Annie T. Herold
My Commission Expires 11-01-2002

ANNIE T. HEROLD NOTARY PUBLIC BALTIMORE COUNTY, MD

RECEIPT Date 11/27/1999 No. 922526
Received From Ari Schrodt
Address 5500 Cynthia Terrace
Dollars ($5.00)
For Baskets

How Paid	Balance Due	By
CASH	-0-	John G. Rotz

IN RE: PETITION FOR ZONING VARIANCE
NW/S Washington Blvd., 150 ft. +/- NE of Mayfield Avenue
4620 Washington Blvd. Lot 1
13th Election District
1st Councilmanic District
John G. Rotz, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-117-A

****

IN RE: PETITION FOR ZONING VARIANCE
NW/S Washington Blvd., 93 ft. +/- NE of Mayfield Avenue
4620 Washington Blvd. Lot 2
13th Election District
1st Councilmanic District
John G. Rotz, et ux et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-118-A

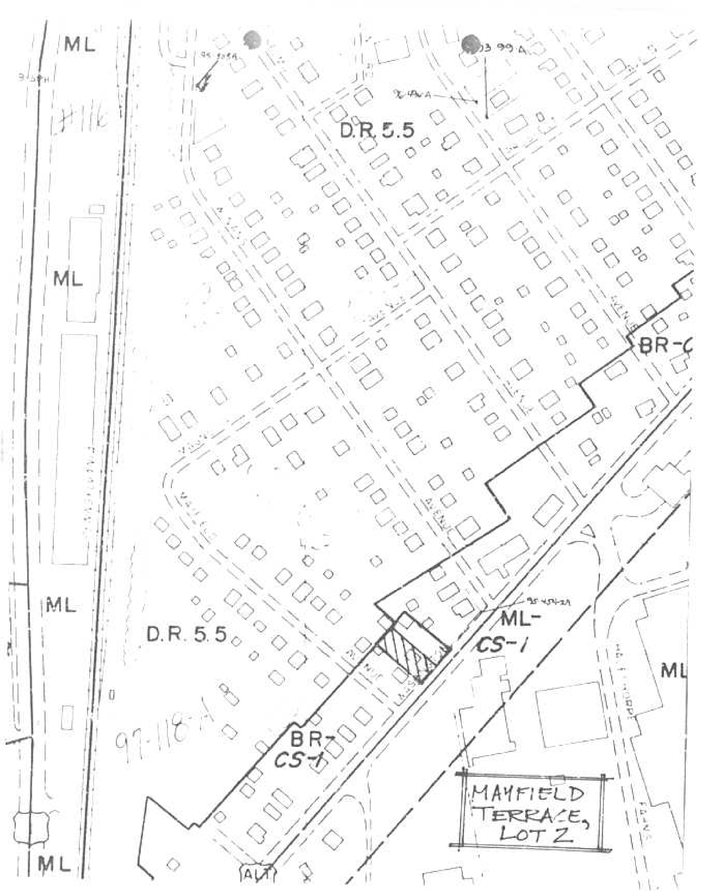
* * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters came before the Zoning Commissioner for a combined hearing for cases 97-117-A and 97-118-A. Each case presents a Petition for Variance, for the property collectively known as 4620 Washington Boulevard, in Arbutus. In case No. 97-117-A, the Petitioners seek variance relief from from Section 238.2 of the Baltimore County Zoning Regulations (BCZR) to permit side and rear setbacks for an existing building as close as 3 ft. and 16 ft., in lieu of the required 30 ft. The property at issue in case No. 97-117-A is known as lot No. 1. In case No. 97-118-A, the Petitioners seak variance relief for Lot No. 2. Specifically, a variance is also sought from Section 238.2 of the BCZR to permit side setbacks as close as 9 ft. and 3 ft. (for an existing building) in lieu of the required 30 ft. Both lots and the subject relief are more particularly shown on the plat to accompany the Petition for Variance, marked as Petitioners' Exhibit No. 1.

Appearing at the public hearing held for this case were the property owners, John G. Rotz and Judith K. Rotz, and John Hildenberg, the engineer who prepared the site plan. Also appearing in support of the request was

ORDER RECEIVED FOR FILING
Date 11/24/99
By Mr. Arnold


ML
ML
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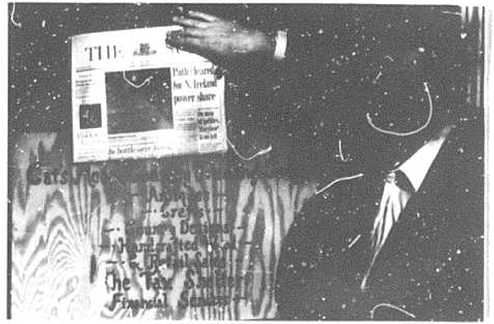
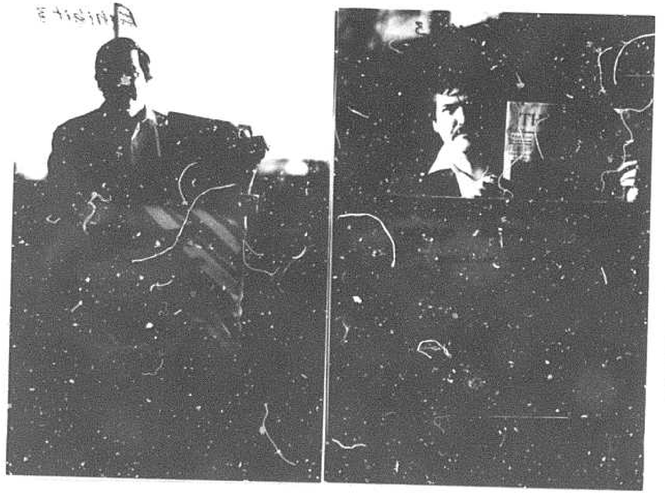
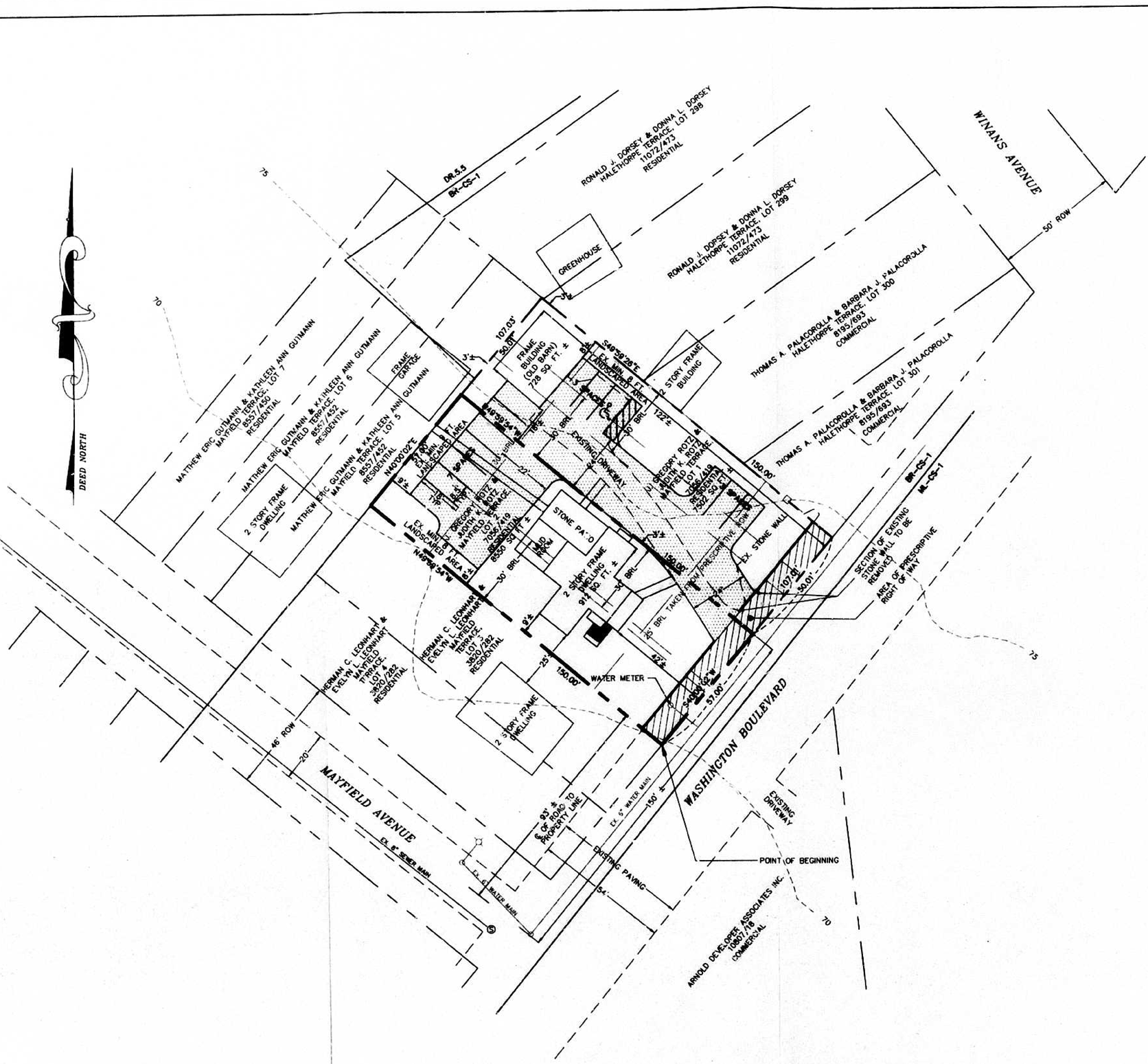
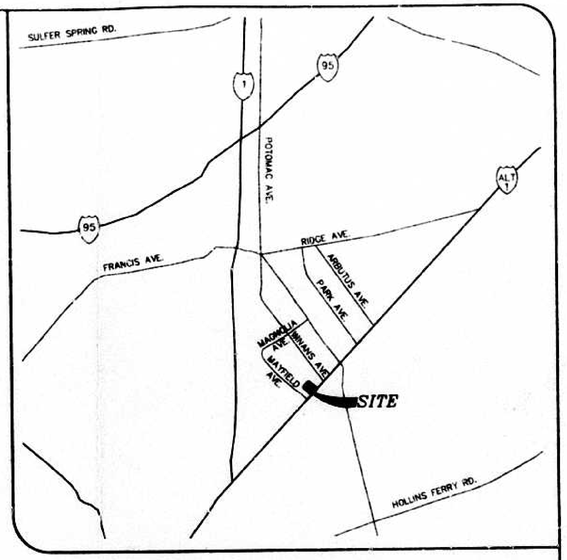
ML
D.R. 5.5
D.R. 5.5
BR-C
ML-
CS-1
ML
BR-
CS-1
MAYFIELD
TERRACE,
LOT 2
(ALY.)

THE SUN
Path cleared for N. Ireland power


THE
Path cleared for N. Ireland power share







VICINITY MAP
SCALE : 1" = 1000'

GENERAL NOTES
1. TOTAL AREA OF SITE = 16,052 SQ. FT. ± OR 0.37 ACRES ±.
2. FLOOR AREA RATIO = 2552 SQ. FT. / 16,052 SQ. FT. = 0.16.
3. COUNCILMANIC DISTRICT : FIRST.
4. EXISTING USE : RESIDENTIAL.
   PROPOSED USE : RETAIL OR BUSINESS/OFFICE.
5. BOUNDARY SURVEY BASED ON DEED NORTH.
6. SUBJECT PROPERTY CURRENTLY ZONED BR--CS-1.
7. UTILITY LOCATIONS BASED ON FIELD SURVEY CONDUCTED ON OR ABOUT AUGUST 1996.
8. SUBJECT PROPERTY UP FOR REZONING UNDER CZMP FILE # 1-005.
9. PARKING REQUIREMENT:
   IF BUSINESS/OFFICE FOR 2 STORY DWELLING:
   3.3 SPACES PER 1000 SQ FT X 912 SQ FT = 3 SPACES (1ST STORY)
   2.0 SPACES PER 1000 SQ FT X 912 SQ FT = 2 SPACES (2ND STORY)
   TOTAL = 5 SPACES
   IF RETAIL FOR 2 STORY DWELLING:
   5.0 SPACES PER 1000 SQ FT X 1824 SQ FT = 9 SPACES
10. UPON SALE OF EITHER LOT, AN EASEMENT WILL BE PLACED OVER THE DRIVEWAY AND PARKING TO ALLOW USE BY LOT 1 AND 2 JOINTLY.
11. TAX ACCOUNT NO. : 1311890020.
12. THERE ARE NO 100 YEAR FLOODPLAINS ON-SITE.
13. NO FIRE RESISTANT COMMERCIAL BUILDINGS ARE WITHIN 100 FEET OF THE SIDE LOT LINES ALONG WASHINGTON BOULEVARD.
14. PAVED MACADAM PARKING AREA TO HAVE A DURABLE, DUSTLESS SURFACE AND SPACES TO HAVE PERMANENT STRIPING.
15. REQUIRED LANDSCAPING TO BUFFER THE PARKING AREA FROM ADJACENT RESIDENTIAL LOTS TO BE SATISFIED BY EXISTING LANDSCAPED AREAS. REAR PROPERTY LINE LANDSCAPING CONSISTS OF A COMBINATION OF EVERGREEN TREES, SHADE TREES, AND DECIDUOUS SHRUBS. LANDSCAPING ALONG BOTH SIDE PROPERTY LINES CONSISTS OF HEDGE ROWS OF DECIDUOUS SHRUBS WITH A FEW SCATTERED SHADE TREES.

LEGEND

AREA OF PRESCRIPTIVE RIGHT OF WAY

PAVED MACADAM PARKING AREA

#116

97-118-A

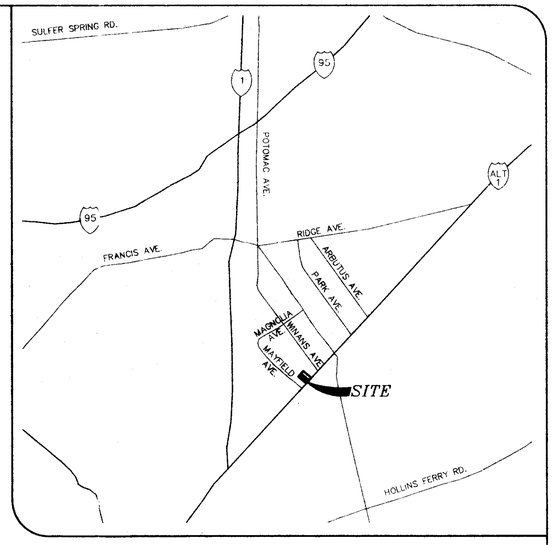
OWNER
J. GREG ROTZ AND JUDITH K. ROTZ
4620 WASHINGTON BOULEVARD
BALTIMORE, MARYLAND 21227

project	date	drawn
96080	AUG 96	JBM
	illustration	engineering
	SJD	-
	scale	approved
	1"=20'	

no.	description	date

ROTZ PROPERTY, LOT 2
4620 WASHINGTON BOULEVARD
TAX MAP 108 - P/O PARCEL 659
THIRTEENTH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
PLAN TO ACCOMPANY VARIANCE PETITION

MILDENBERG, BOENDER & ASSOC., INC.
Engineers Planners Surveyors
5072 Dorsey Hall Drive, Suite 202, Ellicott City, Maryland 21042
(410) 997-0296 Balt. (301) 621-5321 Wash. (410) 997-0298 Fax.



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#116

97-118-A

MICROFILMED

OWNER
J. GREG ROTZ AND JUDITH K. ROTZ
4620 WASHINGTON BOULEVARD
BALTIMORE, MARYLAND 21227

ROTZ PROPERTY, LOT 2
4620 WASHINGTON BOULEVARD
TAX MAP 108 - P/O PARCEL 659
THIRTEENTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

PLAN TO ACCOMPANY VARIANCE PETITION

project	date
96060	AUG 96
drawn by	engineering
SJD	-
checked by	date
-	1"=20'
	JEM

description	date
revisions	

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Engineers Planners Surveyors
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