

IN THE MATTER OF
THE APPLICATION OF
TACKA PROPERTIES -LEGAL OWNER;
TACKA MOTORS, INC.-CP FOR SPECIAL
HEARING, SPECIAL EXCEPTION, AND
VARIANCE ON PROPERTY LOCATED ON
THE NW/COR OF WASHINGTON BLVD.
AND WINANS AVENUE
(1824 AND 1826 WINANS AVENUE)
13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 03-030-SPHXA
*

* * * * *

ORDER OF DISMISSAL OF PETITIONS

This case comes to the Board on appeal filed by Jack Wade, Individually, and on behalf of Halethorpe Community Conservation and Preservation Association, Inc., and J. Gregory and Judith Rotz, Appellants /Protestants, from the decision of the Deputy Zoning Commissioner dated October 7, 2002 in which Petitioners' requested relief was granted subject to conditions and restrictions.

WHEREAS, the Board is in receipt of a letter of withdrawal of petitions filed on May 12, 2003 by J. Neil Lanzi, Esquire, Counsel for Petitioners, Tacka Motors, Inc., Contract Purchaser, and Tacka Properties, LLC, Legal Owner, (a copy of which is attached hereto and made a part hereof); and

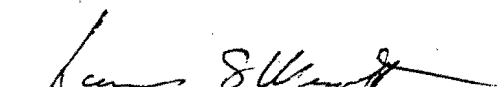
WHEREAS, said Counsel for Petitioners requests that the Petitions filed in the above-referenced matter be withdrawn as of May 12, 2003,

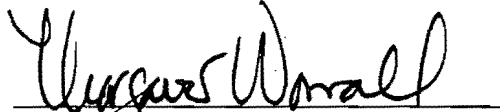
IT IS THEREFORE this 28th day of May, 2003, by the County Board of Appeals of Baltimore County

ORDERED that the Petitions for Special Hearing, Special Exception, and Variance filed in Case No. 03-030-SPHXA are **WITHDRAWN AND DISMISSED**, rendering moot the appeal filed in this matter by the Appellants /Protestants and, further, that the Deputy Zoning Commissioner's Order of October 7, 2002, including any and all relief granted to Petitioners therein, is rendered **NULL AND VOID**.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Charles L. Marks

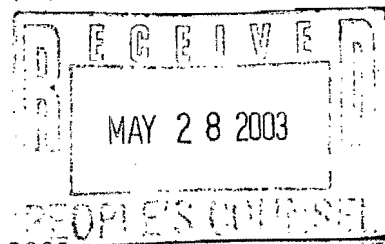

Lawrence S. Wescott


Margaret Worrall



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182



May 28, 2003

J. Neil Lanzi, Esquire
Mercantile Building, Suite 617
409 Washington Avenue
Towson, MD 21204

RE: *In the Matter of: Tacka Properties, LLC; Tacka Motors, Inc.*
Case No. 03-030-SPHXA /Order of Dismissal of Petitions

Dear Mr. Lanzi:

Enclosed please find a copy of the Order of Dismissal of Petitions issued this date by the County Board of Appeals of Baltimore County in the subject matter in which the above-referenced Petitions have been withdrawn and dismissed.

Inasmuch as the subject Petitions have been withdrawn, there is no further action pending before the Board of Appeals with the issuance of the subject Order.

Very truly yours,

Kathleen C. Bianco
Kathleen C. Bianco
Administrator

Enclosure

c: Halethorpe Community Conservation and
Preservation Association, Inc.
Jack Wade, Individually and for HCCPA, Inc.
J. Gregory and Judith Rotz, Individually
Tacka Motors, Inc. /Tacka Properties, LLC
Timothy W. Tacka, Jr.
Office of People's Counsel
Lawrence E. Schmidt, Zoning Commissioner
Pat Keller, Planning Director
Arnold Jablon, Director /PDM

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

COLUMBIA

Suite 420, Parkside Bldg
10500 Little Patuxent Parkway
Columbia, Maryland 21044-3563

Reply to Towson

May 9, 2003

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204
Attn: Kathleen C. Bianco, Administrator

Re: Case No. 03-030-SPHXA
In the Matter of: Tacka Motors, Inc.
1824 & 1826 Winans Avenue

Dear Ms. Bianco:

Please be advised that I represent the contract purchaser, Tacka Motors, Inc. and the legal owner, Tacka Properties, LLC in the above referenced case. On behalf of the Petitioners, I hereby withdraw the Petition for Special Exception, Petition for Special Hearing and Petition for Variance and now enclose a proposed Order of Dismissal. The hearing had been set for Thursday, June 12, 2003.

Thank you for your consideration and should you require anything further, please do not hesitate to contact me.

Very truly yours,

Moham

J. Neil Lanzi

JNL\mal

cc: Office of People's Counsel
Timothy W. Tacka, Jr.
Michael P. Tanczyn, Esquire

RECEIVED

MAY 12 2003

BALTIMORE COUNTY
BOARD OF APPEALS

W/D

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

J. Neil Lanzi

OF COUNSEL

Fred L. Coover*

*Also Admitted in District of Columbia

COLUMBIA

Suite 420, Parkside Bldg

10500 Little Patuxent Parkway

Columbia, Maryland 21044-3563

Reply to Towson

May 9, 2003

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204
Attn: Kathleen C. Bianco, Administrator

Re: Case No. 03-030-SPHXA
In the Matter of: Tacka Motors, Inc.
1824 & 1826 Winans Avenue

Dear Ms. Bianco:

Please be advised that I represent the contract purchaser, Tacka Motors, Inc. and the legal owner, Tacka Properties, LLC in the above referenced case. On behalf of the Petitioners, I hereby withdraw the Petition for Special Exception, Petition for Special Hearing and Petition for Variance and now enclose a proposed Order of Dismissal. The hearing had been set for Thursday, June 12, 2003.

Thank you for your consideration and should you require anything further, please do not hesitate to contact me.

Very truly yours,

Moham

J. Neil Lanzi

JNL\mal

cc: Office of People's Counsel
Timothy W. Tacka, Jr.
Michael P. Tanczyn, Esquire

*Neil Lanzi asked if
we would advise her
if we are in this yet
gets to CBA or if we
would appeal*

IN RE: PETITIONS FOR SPECIAL HEARING,
SPECIAL EXCEPTION & VARIANCE
NW/Corner of Washington Boulevard
and Winans Avenue
13th Election District
1st Councilmanic District
(1824 & 1826 Winans Avenue)

Tacka Properties, LLC for
1826 Winans Avenue, *Legal Owners*
Petitioners

10/7

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-030-SPHXA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception, Special Hearing, and Variance filed by the legal owners of the property, Tacka Properties, LLC. The Petitioners are requesting a special exception for a used motor vehicle outdoor sales area. In addition, a special hearing to amend the previously approved site plan in Case No. 97-390-SPHA is also requested. Finally, the Petitioners are requesting the following variances:

1. from §238.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a front yard setback of 19 ft. in lieu of the required 25 ft.;
2. from §238.2 of the B.C.Z.R., to allow a side yard setback of 11 ft. in lieu of the required 30 ft.; and
3. from §238.2 of the B.C.Z.R., to allow a rear yard setback of 3 ft. in lieu of the required 30 ft.;

Appearing at the hearing on behalf of the requested relief were Timothy Tacka, Jr., owner of the subject property, Richard Beall, the architect and land planner who prepared the site plan of the property, Joseph Kinsey, President of the Halethorpe Improvement Association, Kathleen Phillips, adjacent property owner, and Neil Lanzi, attorney at law, representing the Petitioner.

Appearing in opposition to the Petitioners' request were adjacent property owners, John and Judy Rotz.

Testimony and evidence indicated that the property, which is the subject of this zoning relief, is known as 1824 and 1826 Winans Avenue, located in the southwestern portion of Baltimore County. The property is located on the northwest corner of the intersection of Winans Avenue and Washington Boulevard in Halethorpe. There currently exists a used motor vehicle sales operation located on the property known as 1826 Winans Avenue. That used car business received zoning approval pursuant to Case No. 97-390-SPHA.

Testimony indicated that Mr. Timothy Tacka purchased the subject used car business in 1999. Recently, he acquired the property adjacent to the used car business shown on the site plan as 1824 Winans Avenue. The recently acquired property is zoned BR. It is improved with a structure, which was formerly used as a rental house. Mr. Tacka is desirous of converting the house into a new sales office for his used car business and proposes to construct an addition to the rear of the house wherein his automobiles will be prepped for sale. In order to expand his used car business onto this newly acquired property, the special exception, special hearing and variance relief are necessary.

It should also be noted that Mr. Tacka proposes to tear down the old used car sales office, which is located on the northwest corner of his existing business. That building will be no longer needed in the event his request to expand onto the adjacent property is granted.

As stated previously, Mr. Joseph Kinsey, President of the Halethorpe Improvement Association, appeared in support of Mr. Tacka's request. Mr. Kinsey is very familiar with the zoning process as he appears regularly on cases involving his area of Baltimore County. Mr. Kinsey fully supports Mr. Tacka in his request and believes the expansion will be a nice addition

to the Halethorpe community. Ms. Kathleen Phillips who resides in the house immediately adjacent to the area where the Petitioner proposes to expand his business offered the same support. Ms. Phillips testified that the previous owner of the property in question rented the subject building out to tenants. Living next to this rental property was unbearable and Ms. Phillips is very excited about Mr. Tacka's expansion onto the property adjacent to her home. She fully supports Mr. Tacka in his expansion plans.

As stated previously, Mr. & Mrs. Rotz, the owners of property located at 4620 Washington Boulevard, appeared in opposition to Mr. Tacka's expansion plans. The Rotz's testified that the current used car operation has a detrimental impact on their quiet enjoyment of their property. A portion of the Rotz's property is zoned BR. However, the portion whereupon their home is situated is zoned D.R.5.5. The Rotz's have lived on the subject property for many years. They not only object to the current used car operation, but believe that any efforts to expand the sales business will exacerbate the adverse conditions they already experience. They oppose these expansion efforts and ask that the zoning relief be denied.

After considering the testimony and evidence offered at the hearing, both in support and in opposition to the Petitioners' request, I find that Mr. Tacka's proposal to expand his business onto the adjacent property should be approved.

It is clear the Baltimore County Zoning Regulations permit the Petitioners' use in a BR zone by special exception. It is equally clear that the proposed use is not detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioners had the burden of adducing testimony and evidence which shows that the use meets the prescribed standards and requirements set forth in Section 502.1 of the Baltimore

County Zoning Regulations. The Petitioners have shown that the use is conducted without real detriment to the neighborhood and does not adversely affect the public interest. The facts and circumstances do not show that the use at this particular location described by Petitioners' Exhibit No. 1 has any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981). The use is not detrimental to the health, safety, or general welfare of the locality, nor tends to create congestion in roads, streets, or alleys therein, nor is it inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the B.C.Z.R.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioners and their property. McLean v. Solev, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will

unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

It should be noted that the Office of Planning, by their comment dated August 5, 2002, supports the Petitioners' expansion efforts so long as certain conditions and restrictions are met. Accordingly, the relief granted herein shall be conditioned upon certain restrictions as are imposed at the end of this Order.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 7th day of October, 2002, that the Petitioners' request for Special Exception, for a used motor vehicle outdoor sales area, be and is hereby GRANTED;

IT IS FURTHER ORDERED, that the Petitioners' request for Special Hearing, to amend the previously approved site plan in Case No. 97-390-SPHA, be and is hereby GRANTED;

IT IS FURTHER ORDERED, that the Petitioners' request for Variances, as follows:

1. from §238.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a front yard setback of 19 ft. in lieu of the required 25 ft.;
2. from §238.2 of the B.C.Z.R., to allow a side yard setback of 11 ft. in lieu of the required 30 ft.; and
3. from §238.2 of the B.C.Z.R., to allow a rear yard setback of 3 ft. in lieu of the required 30 ft.;

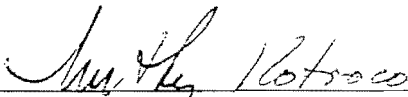
are also hereby GRANTED.

IT IS FURTHER ORDERED, that the relief granted herein is subject to the following conditions and restrictions:

1. The building wall adjacent to the property owned by Kathleen Phillips (1822 Winans Avenue) shall be void of any windows, doors, or any other openings;
2. That continuous landscaping shall be planted along the northern property line of the subject site, beginning at the existing fence and ending at the right-of-way line;

3. That the residential appearance of the front of the existing structure on the subject site shall be maintained. The proposed addition should be architecturally compatible with the existing structure. Building elevations of the proposed addition should be submitted to this office for review and approval prior to the issuance of any building permit;
4. That auto repairs shall not be permitted at the subject location;
5. That all signs shall comply with current sign regulations; and
6. That all existing and proposed lighting on the subject property shall be modified so as not to shine into adjacent properties.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 5, 2002

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 1824 Winands Avenue

INFORMATION:

Item Number: 03-030

Petitioner: Tacka Properties, LLC.

Zoning: BR

Requested Action: Special Hearing/Special Exception/Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the following are met:

1. The building wall adjacent the property owned by Kathleen Phillips (1822 Winans Avenue) shall be void of any windows, doors, or any other openings.
2. Continuous landscaping shall be planted along the northern property line of the subject site, beginning at the existing fence and ending at the right-of-way line.
3. The residential appearance of the front of the existing structure on the subject site shall be maintained. The proposed addition should be architecturally compatible with the existing structure. Building elevations of the proposed addition should be submitted to this office for review and approval prior to the issuance of any building permit.
4. Auto repairs shall not be permitted at the subject location.

5. All signs shall comply with current sign regulations.

Prepared by: Nate A. Gough

Section Chief: Super Lander

AFK/LL:MAC:



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1824 and 1826 Winans Avenue

which is presently zoned BR

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

Amendment of previously approved site plan in Case No. 97-390-SPHA

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

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Tacka Motors, Inc.
Name - Type or Print
Signature
1826 Winans Avenue 410-737-6900
Address Telephone No.
Baltimore, Maryland 21227
City State Zip Code

Legal Owner(s):

Tacka Properties, LLC for 1826 Winans Avenue
Name - Type or Print
Signature
Timothy W. Tacka Jr. for 1824 Winans Avenue
Name - Type or Print
Signature
1826 Winans Avenue 410-737-6900
Address Telephone No.
Baltimore, Maryland 21227
City State Zip Code

Attorney For Petitioner:

J. Neil lanzi
Name - Type or Print
Signature
J. Neil Lanzi, P.A.
Company
409 Washington Ave, Ste 617 410-296-0686
Address Telephone No.
Towson, Maryland 21204
City State Zip Code

Representative to be Contacted:

J. Neil Lanzi
Name
409 Washington Ave, Ste 617 410-296-0686
Address Telephone No.
Towson, Maryland 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 03-030-SPHXA

Reviewed By DTHOMPSON Date 7/16/02



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 1824 and 1826 Winans Avenue

which is presently zoned BR

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

used motor vehicle outdoor sales area.

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

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Tacka Motors, Inc.
Name - Type or Print
Signature [Signature], President
1826 Winans Avenue 410-737-6900
Address Telephone No.
Baltimore Maryland 21227
City State Zip Code

Attorney For Petitioner:

J. Neil Lanzi
Name - Type or Print
Signature [Signature]
J. Neil Lanzi, P.A.
Company
409 Washington Avenue, Ste 617 410-296-0686
Address Telephone No.
Towson, MD 21204
City State Zip Code

Legal Owner(s):

Tacka Properties LLC for 1826 Winans Ave
Name - Type or Print
Signature [Signature]
Timothy W. Tacka, Jr. for 1824 Winans Ave
Name - Type or Print
Signature [Signature]
1826 Winans Avenue 410-737-6900
Address Telephone No.
Baltimore, Maryland 21227
City State Zip Code

Representative to be Contacted:

J. Neil Lanzi
Name
409 Washington Ave, Ste 617 410-296-0686
Address Telephone No.
Towson Maryland 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____
UNAVAILABLE FOR HEARING _____

Reviewed By D THOMPSON Date 7/16/02

Case No. 03-030-SPHXA



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1824 and 1826 Winans Avenue

which is presently zoned BR

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

238 of the BCZR.

See attached

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

See attached

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Tacka Motors, Inc.

Name - Type or Print

Signature

, President

1826 Winans Avenue 410-737-6900

Address Telephone No.

Baltimore, Maryland 21227

City State Zip Code

Attorney For Petitioner:

J. Neil Lanzi

Name - Type or Print

Signature

J. Neil Lanzi, P.A.

Company

409 Washington Ave, Ste 617 410-296-0686

Address Telephone No.

Towson, Maryland 21204

City State Zip Code

Legal Owner(s):

Tacka Properties, LLC for 1826 Winans Avenue

Name - Type or Print

Signature

Timothy W. Tacka Jr. for 1824 Winans Avenue

Name - Type or Print

Signature

1826 Winans Avenue 410-737-6900

Address Telephone No.

Baltimore, Maryland 21227

City State Zip Code

Representative to be Contacted:

J. Neil Lanzi

Name

409 Washington Ave, Ste 617 410-296-0686

Address Telephone No.

Towson, Maryland 21204

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By D. THOMPSON Date 7/16/02

Case No. 03-030-SP4XA

PETITION FOR VARIANCE

Petitioner, Tacka Motors, Inc., for the properties known as 1824 and 1826 Winans Avenue, hereby petitions the zoning commissioner for the following variances from the Baltimore County Zoning Regulations:

1. Variance from Section 238.1 to allow a front yard setback of 19 feet in lieu of the required 25 feet.
2. Variance from Section 238.2 to allow a side yard setback of 11 feet in lieu of the required 30 feet.
3. Variance from Section 238.2 to allow a rear yard setback of 3 feet in lieu of the required 30 feet.

The zoning commissioner has the power to grant variances in cases where strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty or unreasonable hardship to Petitioner. Petitioner further states the granting of the variances requested will provide substantial justice to the Petitioner and will allow for the observance of the spirit of the BCZR while maintaining the security of the public safety and welfare.



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 1826 WINANS AVENUE

which is presently zoned BR

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

Amendment of the previously approved plan in Case No. 95-454XA.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing 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:

Auto Dealers, Inc.

(Type or Print Name)

Brian Isaac resident

Signature

Brian Isaac, President

13940 Rover Mill Road

Address P.O. Box 37

West Friendship, MD 21794

City

State

Zipcode

Attorney for Petitioner:

J. Neil Lanzi

(Type or Print Name)

J. Neil Lanzi

Signature

300 Allegheny Ave (410) 337-9039

Address

Phone No.

Towson, MD 21204

City

State

Zipcode

Legal Owner(s):

Thomas Palacorolla

(Type or Print Name)

Thomas Palacorolla

Signature

Barbara J. Palacorolla

(Type or Print Name)

Barbara J. Palacorolla

Signature

12183 Tridelfphia Road

Address

Phone No.

Ellicott City, MD 21042

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

J. Neil Lanzi

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following date Next Two Months

ALL OTHER

REVIEWED BY: mk DATE 3/13/97



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

September 6, 2002

J Neil Lanzi
409 Washington Avenue
Suite 617
Towson MD 21204

Dear Mr. Lanzi:

RE: Case Number: 03-030-SPHXA, 1824 & 1826 Winans Avenue - *Tacka*

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 16, 2002.

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

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

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Tacka Properties, Timothy W Tacka Jr, 1826 Winans Avenue, Baltimore 21227
People's Counsel

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



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 5, 2002

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 1824 Winands Avenue

INFORMATION:

Item Number: 03-030

Petitioner: Tacka Properties, LLC.

Zoning: BR

Requested Action: Special Hearing/Special Exception/Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the following are met:

1. The building wall adjacent the property owned by Kathleen Phillips (1822 Winans Avenue) shall be void of any windows, doors, or any other openings.
2. Continuous landscaping shall be planted along the northern property line of the subject site, beginning at the existing fence and ending at the right-of-way line.
3. The residential appearance of the front of the existing structure on the subject site shall be maintained. The proposed addition should be architecturally compatible with the existing structure. Building elevations of the proposed addition should be submitted to this office for review and approval prior to the issuance of any building permit.
4. Auto repairs shall not be permitted at the subject location.

5. All signs shall comply with current sign regulations.

Prepared by: Mark A. Gump

Section Chief: Super Lashaw

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 5, 2002

FROM: Arnold F. 'Pat' Keller, III
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SUBJECT: 1824 Winands Avenue

INFORMATION:

Item Number: 03-030

Petitioner: Tacka Properties, LLC.

Zoning: BR

Requested Action: Special Hearing/Special Exception/Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the following are met:

1. The building wall adjacent the property owned by Kathleen Phillips (1822 Winans Avenue) shall be void of any windows, doors, or any other openings.
2. Continuous landscaping shall be planted along the northern property line of the subject site, beginning at the existing fence and ending at the right-of-way line.
3. The residential appearance of the front of the existing structure on the subject site shall be maintained. The proposed addition should be architecturally compatible with the existing structure. Building elevations of the proposed addition should be submitted to this office for review and approval prior to the issuance of any building permit.
4. Auto repairs shall not be permitted at the subject location.



Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

July 23, 2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF July 23, 2002

Item No.: See Below

Dear Mr. Zahner:

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.

The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

018-023, 025, 027-030

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt. **DATE:** August 21, 2002

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 29, 2002
Item No. 030

The Bureau of Development Plans Review has reviewed the subject zoning item.

The right-of-way line shown along Washington Boulevard is incorrect.

Delineate correct right-of-way line for Washington Boulevard.

Delineate required 15-foot-wide landscape strip along Washington Boulevard.

**See Condition C of the Landscape Manual.*

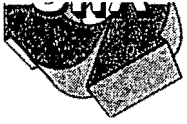
Delineate required 10-foot-wide landscape strip against residential use along west and northern property lines. **Use takes precedence over zone.*

Delineate required 15-foot-wide landscape strip along Winans Avenue

Submit a landscape plan that conforms to the *Landscape Manual*.

RWB:CEN:jrb

cc: File



State Highway Administration

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 7.19.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 030

DT

Dear Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS | TGT*

DATE: August 16, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of July 22, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

17,19,20,22-30

RE: PETITION FOR SPECIAL HEARING
SPECIAL EXCEPTION & VARIANCE
1824 & 1826 Winans Avenue, N/west
corner of Washington Blvd. & Winans Ave.
13th Election District 1st Councilmanic
District
Legal Owner: Timothy W. Tacka Jr.
Contract Purchaser: Tacka Motors Inc.

BEFORE THE
ZONING COMMISSIONER
FOR

BALTIMORE COUNTY

Petitioner

CASE NO. : 03-030-SPHXA

FILE COPY

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel 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/ documentation filed in the case.

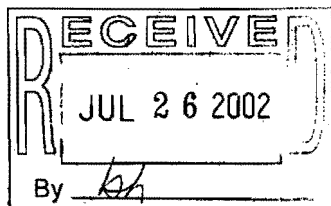
Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26TH day of July, 2002, a copy of the foregoing Entry of Appearance was mailed to J. Neil Lanzi, P.A. 409 Washington Avenue, Suite 617, Towson, Maryland 21204 Attorney for Petitioner(s).

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





Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

November 12, 2002

J. Gregory Rotz
4620 Washington Blvd.
Baltimore, MD 21227

Dear Mr. Rotz:

RE: Case No. 03-30-SPHXA, 1824 and 1826 Winans Avenue

Please be advised that an appeal of the above-referenced case was filed in this office on November 1, 2002 by J. Gregory Rotz on behalf of Halethorpe Community Conservation and Preservation Assoc., Inc. and J. Gregory and Judith Rotz. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

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

Sincerely,

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

Arnold Jablon
Director

AJ:rlh

c: , Timothy Kotroko, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM
✓ People's Counsel
J. Neal Lanzi, 409 Washington Ave., Towson 21204
Tacka Motors, Inc., 1826 Winans Avenue, Baltimore 21227
Tacka Properties, LLC, Timothy Tacka, Jr., 1824 Winans Avenue,
Baltimore 21227



APPEAL

Petition for Special Hearing
Petition for Special Exception
Petition for Variance
1824 and 1826 Winans Avenue
NW/corner of Washington Blvd. & Winans Avenue
13th Election District – 1st Councilmanic District
Tacka Properties- Legal Owner
Tacka Motors, Inc.- Contract Purchaser
Case No.: 03-030-SPHXA

Petition for Special Hearing, Special Exception and Variance (July 16, 2002)

Zoning Description of Property

Notice of Zoning Hearing (July 25, 2002)

Certification of Publication (The Jeffersonian issue August 27, 2002)

Certificate of Posting (August 25, 2002 posted SSG Robert Black)

Entry of Appearance by People's Counsel (July 26, 2002)

Petitioner(s) Sign-In Sheet (One Sheet)

Protestant(s) Sign-In Sheet (One Sheet)

Citizen(s) Sign-In Sheet (None)

Zoning Advisory Committee Comments

Petitioners' Exhibits:

1. Site Plan for Tacka Motor Cars and copies of prior hearings
2. Site Plan for Tacka Motor Cars
3. Site Plan for Tacka Motor Cars
4. Publication copies and photographs and cassette tape
- 5.a-5f Letters of opinion of requested changes

Protestants' Exhibits:

None

Miscellaneous (Not Marked as Exhibits):

None

Deputy Zoning Commissioner's Order (October 7, 2002 – GRANTED subject to following conditions and restrictions)

Notice of Appeal received on November 4, 2002 from J. Gregory Rotz on behalf of Halethorpe Community Conservation and Preservation Assn., Inc., and J. Gregory and Judith Rotz.

c: People's Counsel of Baltimore County, MS #2010
Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM
J. Gregory Rotz, 4620 Washington Blvd., Baltimore 21227
J. Neil Lanzi, 409 Washington Avenue, Baltimore 21204

4620 Washington Blvd.
Baltimore, Maryland 21227

November 4, 2002

Hand Delivered

Arnold Jablon, Director
Baltimore County Department of
Permits and Development Management
County Office Building
111 West Chesapeake Ave.
Towson, Maryland 21204

Re: Tacka Properties, LLC, Tacka Motors Inc.
(1824 & 1826 Winans Avenue)
Petitions for Special Hearing
Special Exception & Variances
Before the Deputy Zoning Commissioner
For Baltimore County
Case No 03-030-SPHXA

Dear Mr. Jablon:

Enclosed please find Greater Halethorpe Community Conservation & Preservation Association and J. Gregory and Judith Rotz's Notice of Appeal of the Deputy Zoning Commissioner's October 7, 2002 decision in the above referenced matter, along with the filing fee of \$ _____. Please date-stamp one copy of the Notice of Appeal and return the date-stamped copy to the messenger.

Thank you for your attention to this matter.

Very truly yours,

President, Greater Halethorpe
Community Conservation & Pres. Assn.

J. Gregory Rotz

Petition for Special Hearing	*	Before the
Special Exception and Variances	*	Deputy Zoning Commissioner
NW/Corner of Washington Blvd.	*	Of Baltimore County
And Winans Ave.	*	Case No. 03-030-SPHXA
13 th Election District	*	
1 st Councilmanic District	*	
(1824 7 1826 Winans Ave.)	*	
Tacka Properties, LLC for	*	
1826 Winans Ave., Legal Owners	*	
Petitions	*	
	*	

.....

NOTICE OF APPEAL

The Greater Halethorpe Community Conservation and Preservation Association and J. Gregory and Judith Rotz (collectively "Appellants"), pursuant to section 500.10 of the Baltimore County Zoning Regulations and Section 26-132 of the Baltimore County Code, hereby notice an appeal of the Deputy Zoning Commissioner's October 7, 2002 decision in the above captioned matter. Appellants appeal the Deputy Zoning Commissioner's granting of the petition for Special hearing, petition for Special Exception and petition for Variances.

Pursuant to Rule 3 of the Rules of Practice and Procedure of the Baltimore County Board of Appeals, the names and addresses of Appellants are as follows:

Greater Halethorpe Community	J. Gregory & Judith Rotz
Conservation & Preservation Assn.	4620 Washington Blvd.
Baltimore, Maryland 21227	Baltimore, Md 21227

Respectfully Submitted,

J. Gregory Rotz
Filing for Appellants

Dated: November 4, 2002,

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 4th day of November, 2002, a copy of the foregoing Notice of Appeal was mailed, first class, postage prepaid, to:

J. Neil Lanzi, Esquire
409 Washington Ave.
Suite 617
Towson, Md. 21204

Attorney for Petitioners

J. Gregory Rotz

4620 Washington Blvd.
Baltimore, Maryland 21227

November 4, 2002

Hand Delivered

Arnold Jablon, Director
Baltimore County Department of
Permits and Development Management
County Office Building
111 West Chesapeake Ave.
Towson, Maryland 21204

Re: Tacka Properties, LLC, Tacka Motors Inc.
(1824 & 1826 Winans Avenue)
Petitions for Special Hearing
Special Exception & Variances
Before the Deputy Zoning Commissioner
For Baltimore County
Case No 03-030-SPHXA

Dear Mr. Jablon:

Enclosed please find J. Gregory and Judith Rotz's Notice of Appeal of the Deputy Zoning Commissioner's October 7, 2002 decision in the above referenced matter, along with the filing fee of \$_____. Please date-stamp one copy of the Notice of Appeal and return the date-stamped copy to the messenger.

Thank you for your attention to this matter.

Very truly yours,

J. Gregory Rotz



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Owner Information	
Owner Name	
Owner Address	
Owner City	
Owner State	
Owner Zip	
Owner Phone	
Owner Email	
Owner Signature	
Owner Title	
Owner Company	
Owner Fax	
Owner Filing Office	
Owner Filing Date	
Owner Filing Time	
Owner Filing Status	
Owner Filing Type	
Owner Filing Method	
Owner Filing Fee	
Owner Filing Cost	
Owner Filing Amount	
Owner Filing Balance	
Owner Filing Total	
Owner Filing Net	
Owner Filing Gross	
Owner Filing Profit	
Owner Filing Loss	
Owner Filing Income	
Owner Filing Expense	
Owner Filing Asset	
Owner Filing Liability	
Owner Filing Equity	
Owner Filing Debt	
Owner Filing Credit	
Owner Filing Interest	
Owner Filing Dividend	
Owner Filing Capital	
Owner Filing Revenue	
Owner Filing Cost of Sales	
Owner Filing Gross Profit	
Owner Filing Operating Profit	
Owner Filing Pre-tax Profit	
Owner Filing Taxable Income	
Owner Filing Tax Liability	
Owner Filing Tax Credit	
Owner Filing Tax Expense	
Owner Filing Tax Payment	
Owner Filing Tax Refund	
Owner Filing Tax Overpayment	
Owner Filing Tax Underpayment	
Owner Filing Tax Due	
Owner Filing Tax Paid	
Owner Filing Tax Balance	
Owner Filing Tax Total	
Owner Filing Tax Net	
Owner Filing Tax Gross	
Owner Filing Tax Profit	
Owner Filing Tax Loss	
Owner Filing Tax Income	
Owner Filing Tax Expense	
Owner Filing Tax Asset	
Owner Filing Tax Liability	
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Owner Filing Tax Tax Tax Tax Taxable Income	
Owner Filing Tax Tax Tax Tax Tax Liability	
Owner Filing Tax Tax Tax Tax Tax Credit	
Owner Filing Tax Tax Tax	

Owner Name:	TACKA TIMOTHY W,JR	Use:	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	502 CHALFONTE DR BALTIMORE MD 21227-4020	Deed Reference:	1) /14766/ 512 2)

Location & Structure Information					
---	--	--	--	--	--

Premises Address	Zoning	Legal Description
1824 WINANS AVE		LT 299 PT 298 1824 WINANS RD HALETHORPE

Map	Grid	Parcel	Subdivision	Section	Block	Lot	Group	Plat No:	
108	12	594				299	80	Plat Ref:	1/ 60

Special Tax Areas	Town Ad Valorem Tax Class
-------------------	---------------------------------

Primary Structure Built 1910	Enclosed Area 1,611 SF	Property Land Area 8,835.00 SF	County Use 04
--	----------------------------------	--	-------------------------

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	ASBESTOS SHINGLE

Value Information

	Base Value	Value As Of 01/01/2001	Phase-in Assessments As Of 07/01/2002	As Of 07/01/2003
Land:	35,200	35,200		
Improvements:	71,880	74,440		
Total:	107,080	109,640	108,786	109,640
Preferential Land:	0	0	0	0

Transfer Information	
Transfer Date	Transfer Time
Transfer Location	Transfer Method
Transfer Status	Transfer Notes

Seller: DORSEY RONALD J	Date: 10/23/2000	Price: \$70,000
Type: NOT ARMS-LENGTH	Deed1: /14766/ 512	Deed2:
Seller: ROEMER PAUL WILLIAM	Date: 06/06/1995	Price: \$87,500
Type: NOT ARMS-LENGTH	Deed1: /11072/ 473	Deed2:
Seller: ROEMER WILLIAM J	Date: 07/05/1990	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 8533/ 219	Deed2:

Exemption Information	
------------------------------	--



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 13 **Account Number -** 1313750950

Owner Information

Owner Name: TACKA PROPERTIES LLC **Use:** COMMERCIAL
Principal Residence: NO
Mailing Address: 502 CHALFONTE DR **Deed Reference:** 1) /13711/ 547
 BALTIMORE MD 21228-4020 2)

Location & Structure Information

Premises Address 1826 WINANS AVE **Zoning** DR5.5 **Legal Description** LT 300-301
 1826 WINANS AVE
 HALETHORPE

Map	Grid	Parcel	Subdivision	Section	Block	Lot	Group	Plat No:	Plat Ref:
108	12	594				300	81		1/ 60

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		10,744.00 SF	06
Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2002	Phase-in Assessments As Of 07/01/2002	As Of 07/01/2003
Land:	98,700	150,400		
Improvements:	23,600	38,600		
Total:	122,300	189,000	144,533	166,766
Preferential Land:	0	0	0	0

Transfer Information

Seller: PALACOROLLA THOMAS A/BARBARA J	Date: 04/30/1999	Price: \$180,000
Type: IMPROVED ARMS-LENGTH	Deed1: /13711/ 547	Deed2:
Seller: PALACOROLLA THOMAS A	Date: 04/12/1999	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /13666/ 526	Deed2:
Seller: ELINE WILLIAM F	Date: 06/12/1989	Price: \$36,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 8195/ 693	Deed2:

Exemption Information

May 19, 2002

Dear Mr. Zimmerman:

I am writing as a follow-up to a conversation I had recently with your administrative assistant. Once again we find ourselves in a contentious situation with the owners of the used car lot next door at 1826 Winans Avenue. You will no doubt recall the zoning appeals case (95-454-XA) in which you represented us against Thomas Palacarolla and Used Cars Inc. Although we were unable to prevent the development of this site as a used car lot, the settlement agreement and attendant covenants provided for a reasonable level of quiet enjoyment of our property.

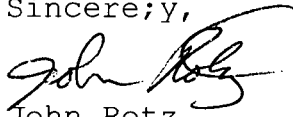
Several years ago, the car lot was purchased by Tim Tacka, doing business as Tacka Motors, Inc. and the adjacent property on Winans at 1824. Now Mr. Tacka wants to remove all covenants from the site plan and construct a vehicle repair shop on the combined properties of 1824 and 1826 Winans. A repair shop is strictly forbidden in the present covenants. Additionally, Mr. Tacka is seeking new variances and special use in conjunction with these combined properties.

I understand that your present schedule would preclude you from representing us in any initial hearings arising from the used car lot petitions. However, if this matter should continue to the appeals stage, would you be able to represent us again. We ask this in light of:

your previous involvement in this matter
Tacka Motors complete disregard for covenants
additional impact on us and the community

Attached is a preliminary site plan for Tacka Motors' anticipated changes. No hearing is scheduled as yet. Please advise if you would be available should the need arise.

Sincerely,


John Rotz

5/20/2002

410 582-5735
WORK #

1. NAME OF LANDMARK:
2. LOCATION: 1826 Winans Ave
No. and street
Halothorpe, MD - 21227 (13/12A)
City Zip Code Councilmanic District

3. CLASSIFICATION:

Category

- ☒ Historic District
- ☒ Building(s) might include but not be limited to dwelling, private meeting place, public building
- ☒ Structure(s) (Ex: bridges, gates, wall)
- ☒ Site (Ex: battleground or building now removed)
- ☐ Object (Ex: milestone)
- ☐ Other

Historic Use

Period

Historic Barn with cupola, part of Jack Kaihoffer Farm homestead (across from Fair of the Iron Horse along old Rt 1)	Prehistoric	
	1600-1699	
	1700-1799	
	1800-1899	☒
	1900-	☒

Present Use

- | | |
|---|--|
| ☒ Agriculture | ☐ Museum |
| ☐ Commercial | ☐ Park |
| ☐ Educational | ☐ Private Residence |
| ☐ Entertainment | ☐ Religious |
| ☐ Government | ☐ Scientific |
| ☐ Industrial | ☐ Transportation |
| ☐ Military | ☐ Other |

Status

Accessible

Public Acquisition

- | | | |
|--|---|---|
| ☒ Occupied | ☒ Yes, restricted | ☐ In progress |
| ☐ Unoccupied | ☒ Yes, unrestricted | ☐ Being considered |
| ☐ Work in progress | ☐ No | |

Pete 5:16 11/8/12
Judy Ratz was here & dropped these off for you to look at.

PREINFO.LPC/PZONE/LANDMARK

Property in process of transfer _____ (yes or no)
Property available on sales market _____ (yes or no)

5. LEGAL DESCRIPTION:

Liber _____
Folio _____ (This information available on deed)

Is entire property being considered for inclusion as a landmark? No, just historic

Acreage .19 Current zoning BR
just area of historic (if known)

6. REPRESENTATION IN EXISTING SURVEYS:

Is property listed under any historic preservation agencies? Being filed at Md. State Trust

If yes, please check: ☒ National Register of Historic Places
☒ Maryland Historical Trust
Other: _____

Specify currently being filed
(pending in process)

7. DESCRIPTION:

Condition		Check One	Check One
☒ excellent	_____ deteriorated	☒ <u>(see below)</u> unaltered	☒ original site
☒ good	_____ ruins	_____ altered	_____ moved
_____ fair	_____ unexposed		<u>pre 1900</u> date
	_____ endangered*		<u>1900?</u>

8. FORM PREPARED BY:

J. Gregg & Judith Rotz Jack Wade (410) 247-2903
Name Bus. Telephone

4620 Washington Blvd 1416 Knecht. Ave.
No. and street

Halethorpe, Md. Baltimore, Md. 21227
City State Zip Code

Halethorpe Community Conservation and Preservation Assoc., Inc.
Organization (if any)

Jack Wade, President J. Gregg & Judith Rotz

Jack Wade 11-4-02
Signature Date

*If landmark is endangered, explain circumstances:

yes, endangered owner plans to file for
razing permit (with Rick Wisnom)
Beth. County

C

1. NAME OF LANDMARK:

2. LOCATION:

4620 (4618) Washington Blvd.
No. and street
Halethorpe, MD. 21227
City Zip Code
13/12A
Councilmanic District

3. CLASSIFICATION:

Category

- ☒ Historic District
- ☒ Building(s) might include but not be limited to dwelling, private meeting place, public building
- ☒ Structure(s) (Ex: bridges, gates, wall)
- ☒ Site (Ex: battleground or building now removed)
- ☐ Object (Ex: milestone)
- ☐ Other

Historic Use

Period

Historic Homestead of
Irene Kneifhoffer
Farm, old well & pump
historic dwelling at
(4620) entire site (4620)
(4618) & (1826 Winans site
of existing ~~Maletta~~ Historic
across from Fair of ~~Barn~~ part of homestead
House on Old Rt. 1 in Halethorpe

Prehistoric	☐
1600-1699	☐
1700-1799	☐
1800-1899	☒
1900-	☒

Present Use

- | | |
|---|---|
| ☒ Agriculture | ☐ Museum |
| ☒ Commercial | ☐ Park |
| ☐ Educational | ☒ Private Residence |
| ☐ Entertainment | ☐ Religious |
| ☐ Government | ☐ Scientific |
| ☐ Industrial | ☐ Transportation |
| ☐ Military | ☐ Other |

Status

Accessible

Public Acquisition

- | | | |
|--|---|---|
| ☒ Occupied | ☐ Yes, restricted | ☐ In progress |
| ☐ Unoccupied | ☒ Yes, unrestricted | ☐ Being considered |
| ☐ Work in progress | ☐ No | |

Halethorpe, MD 21227
City State Zip Code

Property in process of transfer _____ (yes or no)
Property available on sales market _____ (yes or no)

5. LEGAL DESCRIPTION:

Liber _____
Folio _____ (This information available on deed)

Is entire property being considered for inclusion as a landmark? Yes Being Filed at MD. State Agency
Acreage .47 Current zoning DR 55/4 BR (if known)

6. REPRESENTATION IN EXISTING SURVEYS:

Is property listed under any historic preservation agencies? Being Filed both pending
If yes, please check: National Register of Historic Places
Maryland Historical Trust
Other: _____
Specify currently being filed Pending (In progress)

7. DESCRIPTION:

Condition		Check One	Check One
☒ excellent	☐ deteriorated	☒ unaltered	☒ original site
☒ good	☐ ruins	☒ altered	☐ moved
☐ fair	☐ unexposed	(both)	<u>pre-1900</u> date
	☐ endangered*		<u>1800s</u>

8. FORM PREPARED BY: Phone (410) 242-1725
J. Gregg & Judith K. Retz; Jack Wade (410) 247-2903
Name Bus. Telephone
4620 Washington Blvd. 1416 Knecht Ave
No. and street
Halethorpe, MD-21227 Baltimore, MD-21227
City State Zip Code
Halethorpe Community Conservation and Preservation Assoc. Inc.
Organization (if any)
Jack Wade, President Gregory Retz Judith K. Retz
Jack Wade 11-4-01
Signature Date

*If landmark is endangered, explain circumstances:
Yes, endangered by expansion & plans to remove historic barn bldg at 1826 Wmms.
Also endangered by further development at adjacent property part of which was the original Jake Kuthoffer farm homestead

1. C. 7/13/97
Jase
7/23/97

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
N/S WASHINGTON BOULEVARD * ZONING COMMISSIONER
25' SW Of The C/L Of WINANS AVENUE * OF BALTIMORE COUNTY
(1826 WINANS AVENUE) *
13TH ELECTION DISTRICT *
1ST COUNCILMANIC DISTRICT *

THOMAS A. PALACOROLLA, ET UX-OWNERS * CASE NO. 97-390-SPHA
AUTO DEALERS, INC.-CONTRACT PURCHASERS *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner of Baltimore County as a Petition for Special Hearing and Variance for the property known as 1826 Winans Avenue, located in the vicinity of Southwestern Boulevard in Halethorpe. The Petitions were filed by the owners of the property, Thomas A. and Barbara J. Palacorolla and the Contract Purchasers, Auto Dealers, Inc. by Brian Isaac, President, through J. Neil Lanzi, Esquire. The Petitioners seek approval of an Amendment to the previously approved plan in Case No. 95-454XA to reflect the proposed improvement of the subject property. It is noted that Petitioners are not seeking to modify or amend the Special Exception relief previously granted. The Petitioners also seek Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

From Section 238.2 to allow a 1 ft. side yard setback for the existing office/sales building in lieu of the required 30 ft. and from Section 238.2 to allow a 0 ft. rear yard setback for the existing office/sales building in lieu of the required 30 ft. The subject property and relief sought are more particularly described on the site plans submitted and accepted into evidence as Petitioner's Exhibits 1 and 2.

No appeal.
Modification, new conditions
worked out with neighbors (Retjes)
compare 95-454-XA



- * PROPERTY ZONED BR, 13TH ELECTION DISTRICT, 1ST COUNCILMANIC DISTRICT.
- * SITE AREA:
- * BR GROSS AREA =
- * PARKING REQUIREMENTS:
SALES OFFICE TOTAL AREA = 1,630 SQ. FT.
5 SPACES FOR EACH 1,000 SQ. FT.
 $5 \times 1.63 = 8$ SPACES
BUSINESS AREA = 853 SQ. FT.
3.3 SPACES FOR EACH 1,000 SQ. FT.
 $3.3 \times .85 = 2.8$ SPACES USE 3
TOTAL SPACES REQUIRED = 11
TOTAL SPACES PROVIDED = 13
TYPICAL PARKING SPACE SIZE = $8.5' \times 18'$ (TO BE STRIPED), PAVING TYPE MACADAM
- * PER SECTION 405(g) NO DAMAGED OR DISABLED VEHICLES WILL BE STORED OUTSIDE OF THE SERVICE BAYS.
- * THE EXISTING SPECIAL EXCEPTION AREA CONSISTS OF AN EXISTING PAVED VEHICLE DISPLAY LOT AND EXISTING TWO STORY WOOD FRAME SALES OFFICE.
- * THE PROPOSED SPECIAL EXCEPTION AREA CONTAINS THE EXISTING SPACE DESCRIBED ABOVE AS WELL AS THE ADJACENT LOT TO THE NORTH ALONG MINANS AVENUE CONTAINING AN EXISTING TWO STORY WOOD FRAME STRUCTURE WHICH WILL BE USED AS A VEHICLE SALES AREA ALONG WITH A ATTACHED NEW VEHICLE PREPARATION AREA.
- * SITE LIGHTING SHALL CONFORM TO THE REQUIREMENTS OF THE BCZR.

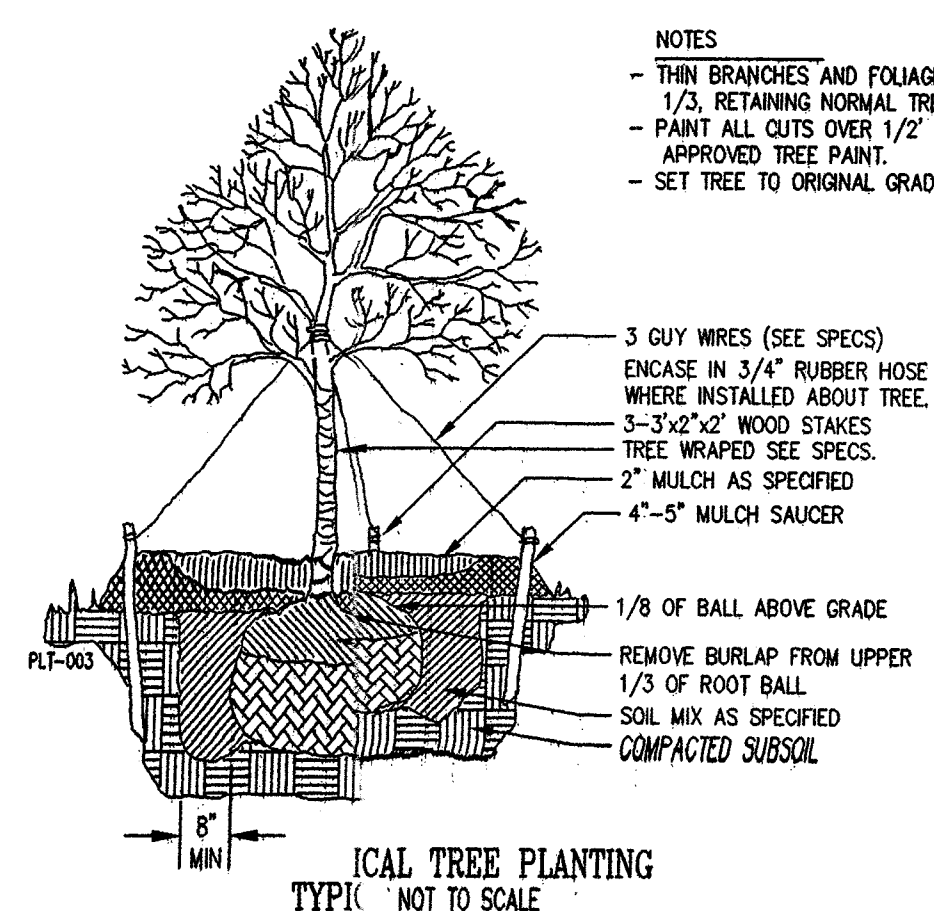
ZONING RELIEF REQUESTED

1. PETITION FOR SPECIAL EXCEPTION PURSUANT TO 236.4 OF THE BC2R TO ALLOW A USED MOTOR OUTDOOR SALES AREA.
2. PETITION FOR SPECIAL HEARING TO AMEND THE PREVIOUSLY APPROVED SITE PLAN IN CASE NO. 97-390-SPHA.
3. PETITION FOR VARIANCES AS FOLLOWS:
 - A. VARIANCE TO ALLOW A FRONT YARD SETBACK AS CLOSE AS 18 FEET AND 14 FEET RESPECTIVELY IN LIEU OF THE REQUIRED 25 FEET.
 - B. VARIANCE TO ALLOW A SIDE YARD SET BACK OF 4 FEET IN LIEU OF THE REQUIRED 30 FEET.
 - C. VARIANCE TO ALLOW A REAR SETBACK IN LIEU OF THE REQUIRED 30 FFET.

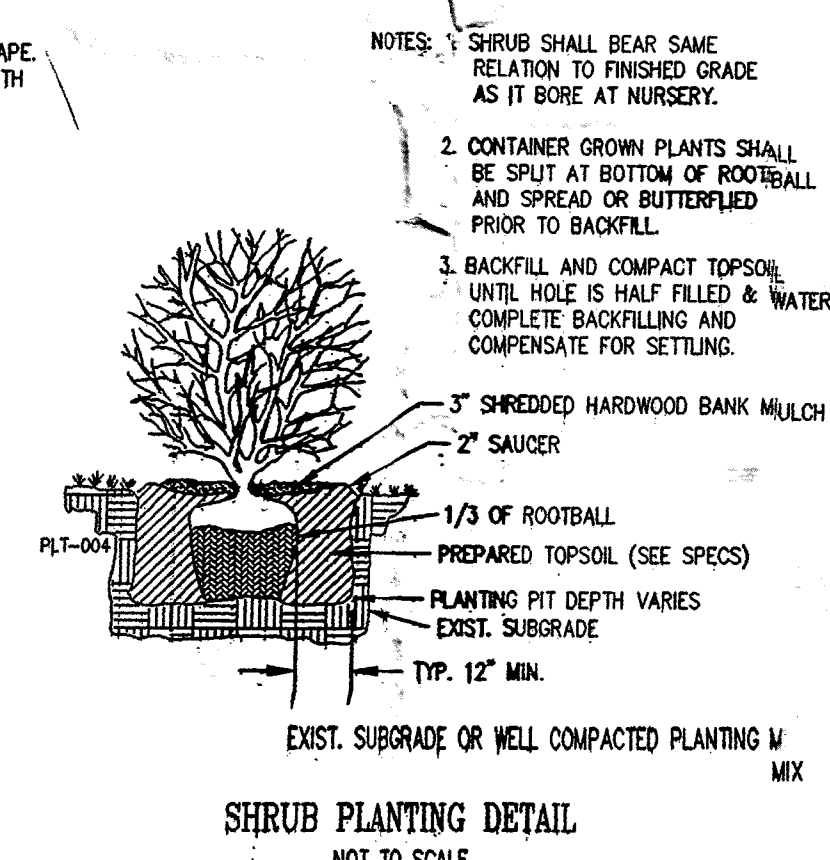
off 344
back where
off in rear
along
property line

SITE PLAN

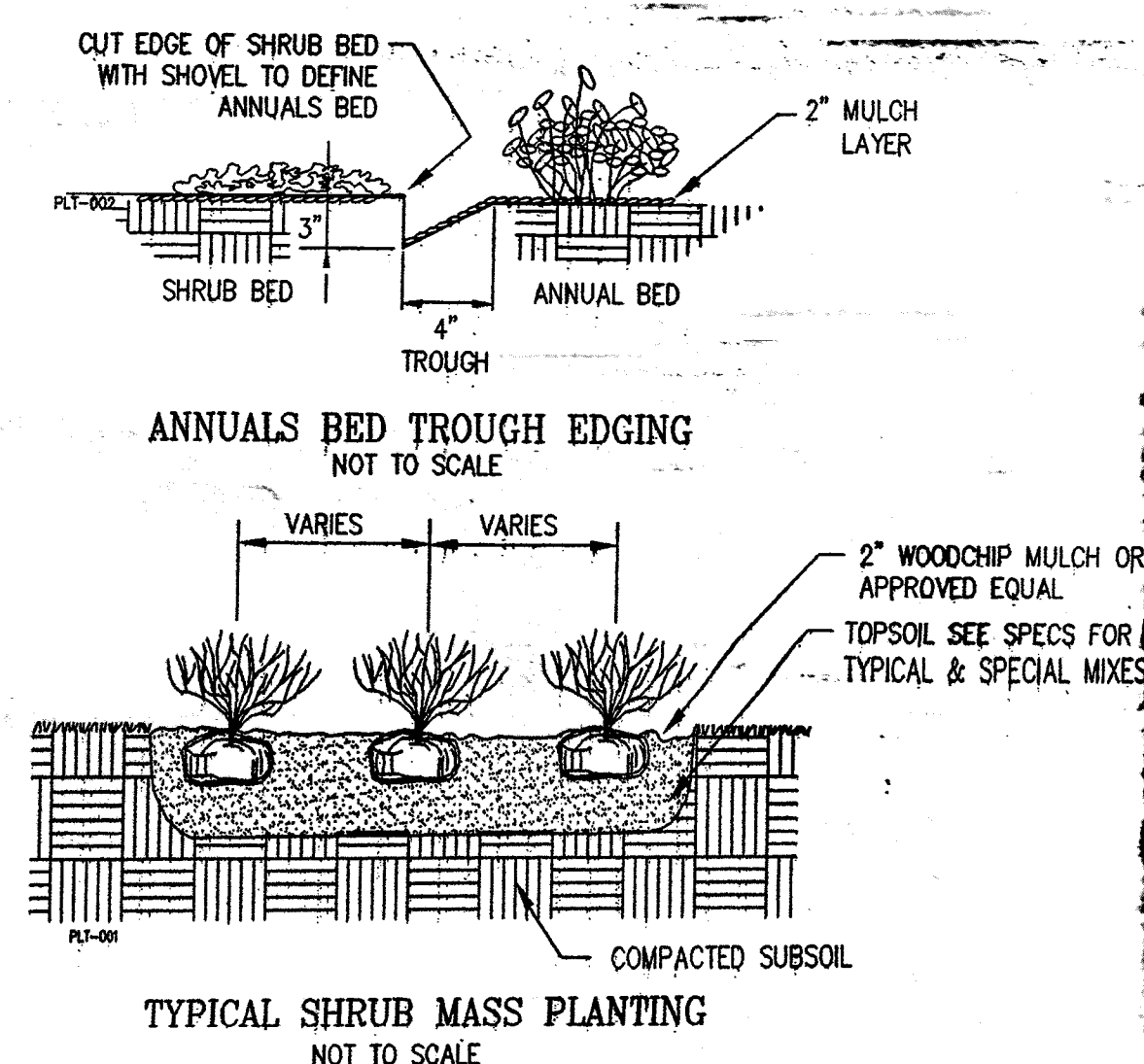
SCALE: 1" = 20'



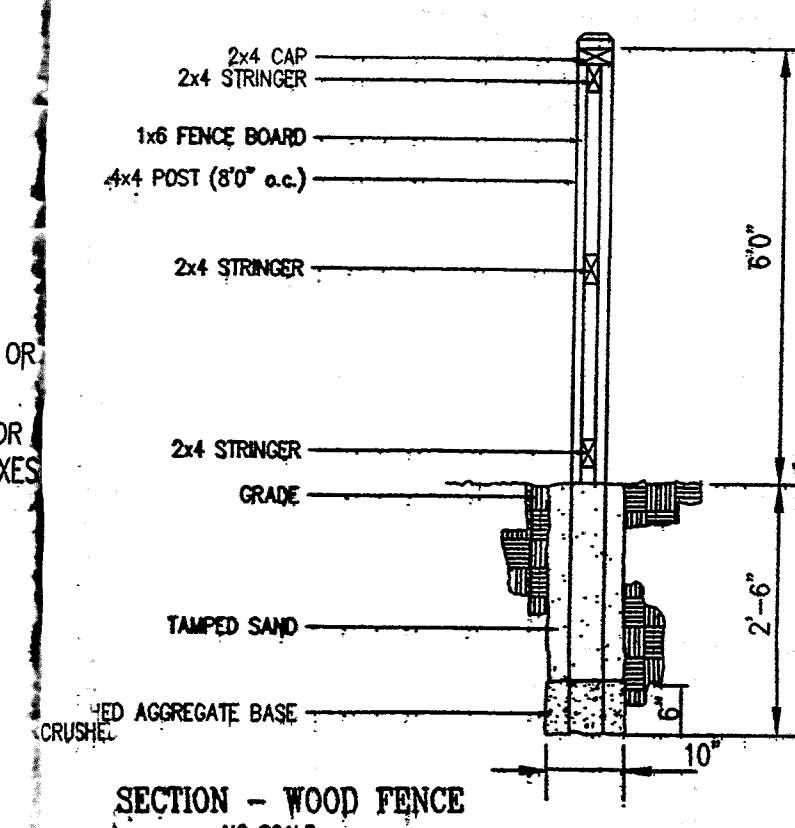
ICAL TREE PLANTING
TYPICAL (NOT TO SCALE)



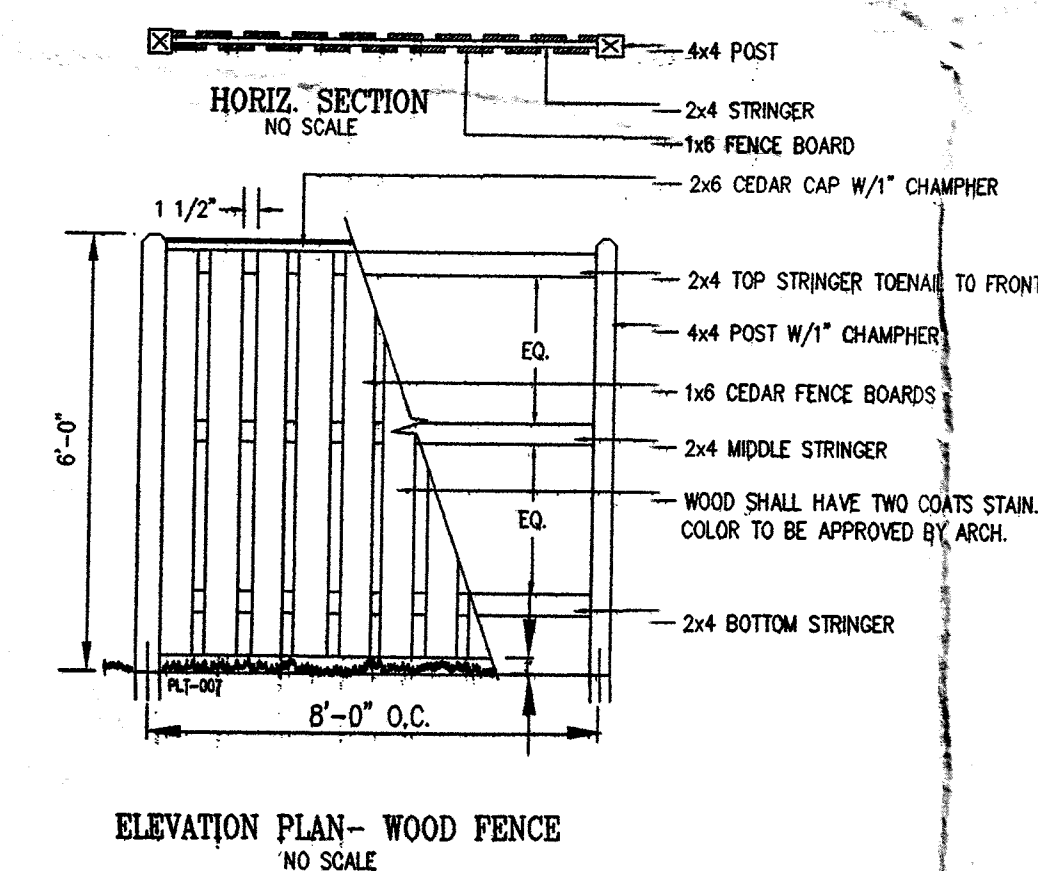
SHRUB PLANTING DETAIL
NOT TO SCALE



TYPICAL SHRUB MASS PLANTING
NOT TO SCALE



SECTION - WOOD FENCE
NO SCALE



ELEVATION PLAN- WOOD FENCE
NO SCALE

RICHARD L. BEALL, INC., A.I.A.
ARCHITECT AND PLANNER

360 JONES STATION ROAD, ARNOLD, MARYLAND 21012-1869
PHONE: 410-544-2010 * FAX: 410-647-1960

"I CERTIFY THAT THESE DOCUMENTS WERE PREPARED OF APPROVED BY ME, AND I AM DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NUMBER 7975A, EXPIRATION DATE 1-15-02"

TACKA MOTOR CARS
1826 AND 1824 WINANS AVENUE
HALETHORPE, MARYLAND

NO.	REVISIONS	BY	APP	DATE	PERMIT NO.	DRAWING NO.
					DATE:	C1
					SHEET OF	

C1

NOTES

1. ALL DIMENSIONS ARE BASED ON ZONING MAP NO. SW-6-D)
2. ALL DIMENSIONS ARE BASED ON THE PREVIOUSLY
APPROVED SITE PLAN IN CASE NO. 95-454-XA

3. ALL DIMENSIONS ARE BASED ON THE PREVIOUSLY
APPROVED SITE PLAN IN CASE NO. 95-454-XA

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APPROVED SITE PLAN IN CASE NO. 95-454-XA

ZONING HISTORY CASE NO. 97-390-SFHA

PETITION FOR SPECIAL HEARING TO APPROVE AN AMENDMENT TO THE PREVIOUSLY
APPROVED SITE PLAN IN CASE NO. 95-454-XA TO REFLECT THE PROPOSED
IMPROVEMENTS IN ACCORDANCE WITH PETITIONER'S EXHIBIT 1, WAS GRANTED BY
THE ZONING COMMISSIONER FOR BALTIMORE COUNTY ON JULY 3, 1997.

SETTLEMENT AGREEMENT

This Agreement is entered into this 31st day of December, 1996 by and
between, Thomas Palacorolla, Auto Dealers, Inc. and John Rotz and Judith
Rotz.

WHEREAS, Thomas Palacorolla, ("Palacorolla") is the owner of the
property known as 1816 Winans Avenue ("Palacorolla Property"); and
WHEREAS, Auto Dealers, Inc. ("Auto"), is the contract purchaser of
1816 Winans Avenue and intends to utilize this property as a used car lot;
and

WHEREAS, John Rotz and Judith Rotz, collectively "Rotz", are the
owners of the property known as 4818 and 4820 Washington Boulevard
collectively the "Rotz Property"; and

WHEREAS, the Rotz Property has two zoning cases pending, Case Nos. 97-
117-A and 97-118-A (collectively the "Variance Cases"), which cases have
been appealed by Palacorolla and Auto; and

WHEREAS, Civil Action 03-C-98-6679 ("Appeal") is pending before the
Circuit Court for Baltimore County for the Palacorolla Property;

NOW THEREFORE, in consideration of the promises and mutual covenants
of each of the Parties, the Parties hereby agree as follows:

1. The Parties have mutually agreed to postpone the December 19,
1996 hearing date for the Appeal until after January 13, 1997. The new
hearing date is March 4, 1997 at 9:30 a.m.

2. The Parties have mutually agreed to extend the time for Auto to
file and Answering Memorandum in the Appeal until January 13, 1997.
(Granted by the Court on December 3, 1996).

3. Rotz agree to file with the Circuit Court for Baltimore County, a
written disclaimer with prejudice of the Appeal by January 7, 1997, with a
True Test Copy of the filed Dismissal and Order delivered to the office of
J. Neil Lantz, P.A. by January 7, 1997.

4. Rotz agree to execute a letter to the Zoning Commissioner (or to
any other interested party as requested by Auto or Palacorolla), indicating
that they have no objection to and are in favor of any new variance
Petitions or any other Zoning Petitions which may be filed by Auto and
Palacorolla for use of the Palacorolla Property as a used car lot to the
extent and such Petition and plans are in substantial conformance with any
of the Site Plans filed in Case No. 95-454-XA. Any such letters shall be
approved by J. Neil Lantz and shall be filed with the Zoning Commissioner
prior to any zoning hearings necessary for those Zoning Petitions filed by
Palacorolla and/or Auto.

5. Rotz agree to take absolutely no direct or indirect action, by
themselves, through third parties, or otherwise, (including via neighbors,
community association members, Donald Hawkins, etc.) to oppose any new
variance petitions or any other Zoning Petitions which may be filed by Auto
and Palacorolla for use of the Palacorolla Property as a used car lot to the
extent any such petition and plans are in substantial conformance with any
of the site plans filed in Case No. 95-454-XA.

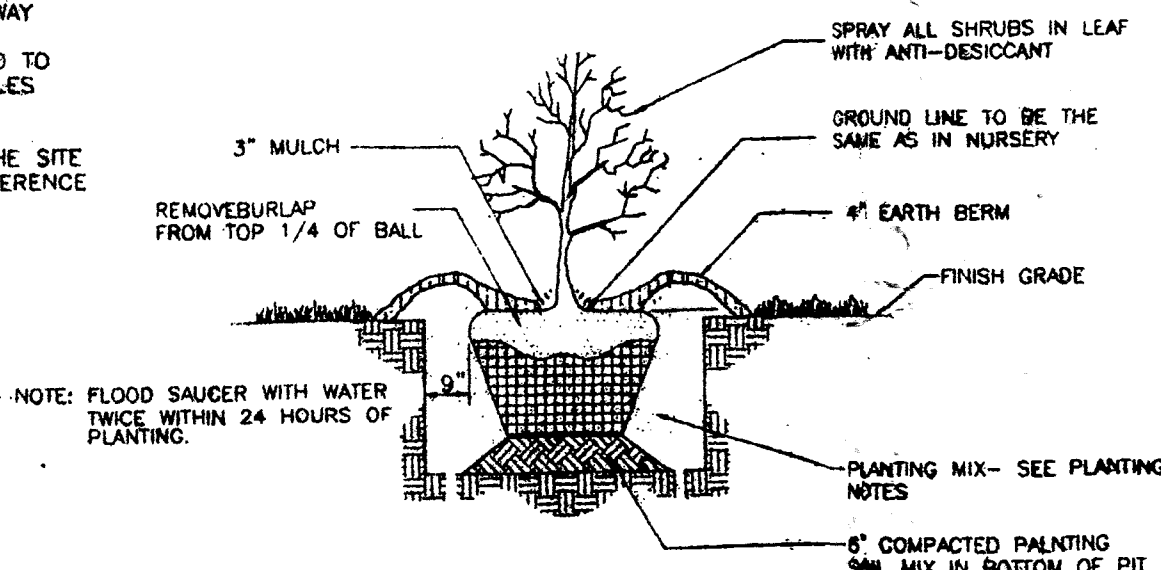
6. Rotz agree to take no action, directly or indirectly, in
opposition to any building permits or other permits necessary for Auto to
commence use of the Palacorolla Property as a used car lot in furtherance
of the site plans filed in Case No. 95-454-XA or any site plan obtained or
filed pursuant to this Agreement.

7. Palacorolla and Auto agree that in the event new zoning filings
are presented for the Palacorolla Property, any site plans filed therewith
will be in substantial conformance with any of the site plans filed before
the Zoning Commissioner and before the County Board of Appeals in Case No.
95-454-XA, subject to revised screening (as defined herein) between the
Palacorolla property and the Rotz Property and subject to any requested
revisions by county agencies, unless otherwise agreed by the Parties
hereto, any such petition shall be subject to the eight restrictions
specified by the County Board of Appeals for Baltimore County in its
written Decision and Order in Case No. 95-454-XA, dated June 3, 1996.

I CERTIFY THAT I HAVE REVIEWED THIS FINAL LANDSCAPE PLAN,
THAT I AM AWARE OF THE LANDSCAPE REGULATIONS PRESENTED IN
THE BALTIMORE COUNTY LANDSCAPE MANUAL, LATEST EDITION,
AND I AGREE TO COMPLY WITH THESE REGULATIONS AND ALL
APPLICABLE POLICIES, GUIDELINES, AND ORDINANCES. I AGREE
TO IMPLEMENT THIS PLAN WITHIN ONE YEAR OF APPROVAL BY
BALTIMORE COUNTY AND ASSURE THE MAINTENANCE AND
SURVIVABILITY OF THE MATERIAL PLANTED FOR ONE YEAR.

SIGNATURE OF APPLICANT DATE

NAME PRINTED AND ADDRESS



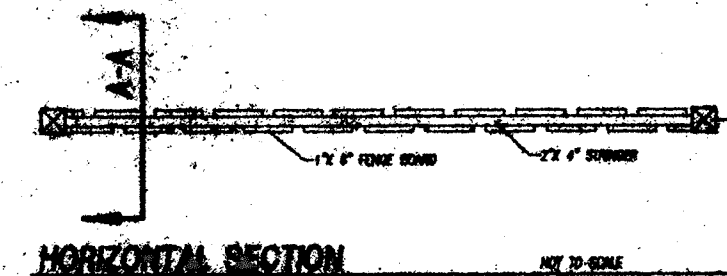
SHRUB PLANTING DETAIL
NOT TO SCALE

KEY	QTY	BOTANICAL NAME / COMMON NAME	SIZE
Z	2	ZELKOVIA SERATA VILLAGE GREEN / VILLAGE GREEN JAPANESE ZELKOVIA	1"-1 1/2" CAL
T	10	TAXUS CUSPIDATA "NANA/DWARF" JAPANESE YEW	10"-24" SP
CL	20	CORYMPHOCA PARS LEPIDUM / LEPIDUM CYPRESS	5"-6" HT
LM	20	LIRIOPE MUSCARI / PURPLE LIRIOPE	1 GAL
DAF	100	DAFFODIL	TOP SIZE

LANDSCAPE SCHEDULE
PLAN: 1" - 20'

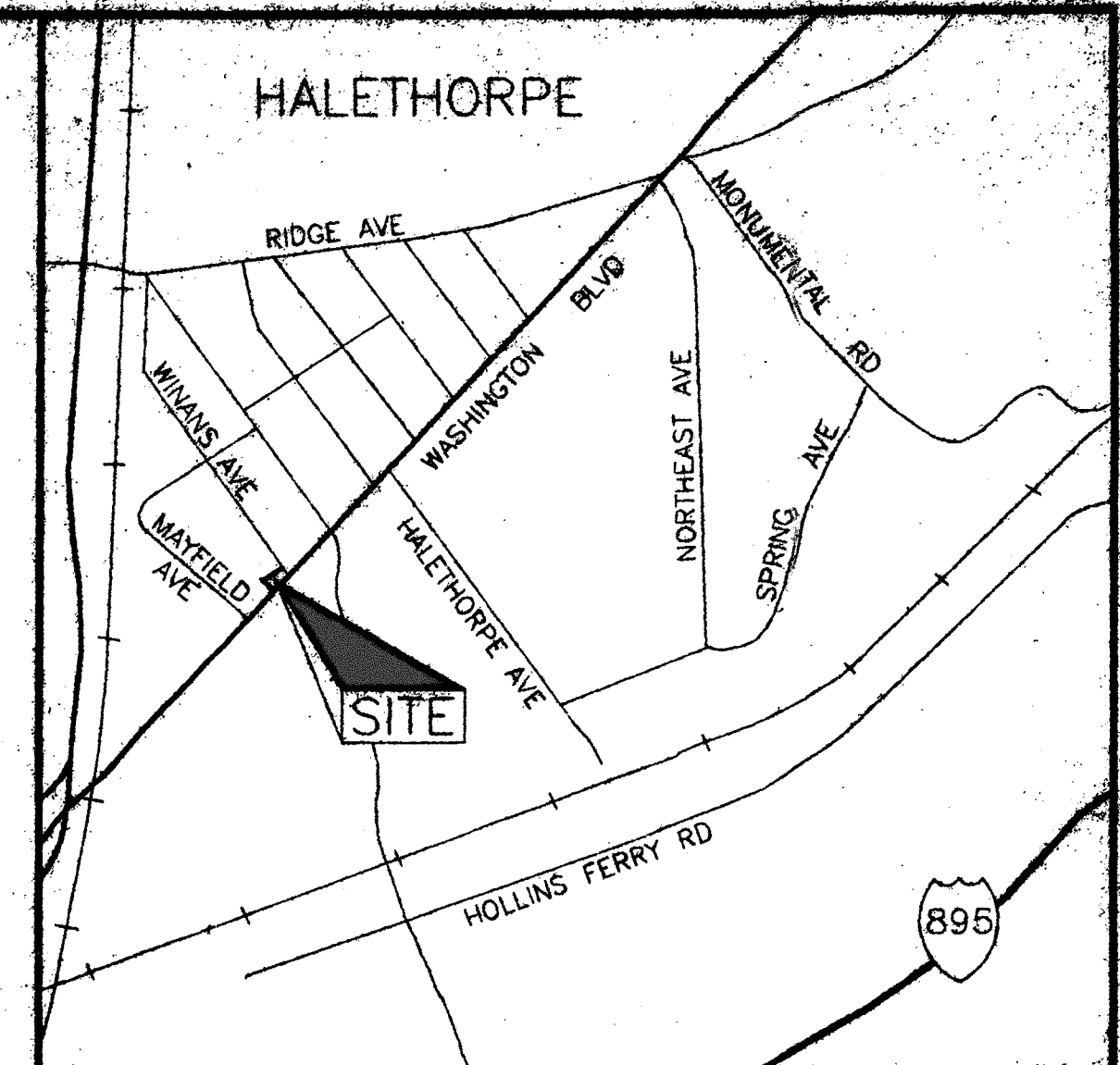
NOTES:

- ALL PLANT MATERIAL SHALL BE NURSERY GROWN AND SHALL CONFORM TO AMERICAN ASSOCIATION OF NURSERYMEN, INC. STANDARDS.
- ALL PLANTING PROCEDURES AND SPECIFICATIONS SHALL CONFORM TO LANDSCAPE SPECIFICATIONS GUIDELINES FOR BALTIMORE-WASHINGTON METROPOLITAN AREA, LATEST EDITION.



WOODEN FENCE DETAIL (ELEVATION)
NOT TO SCALE

SECTION A-A
NOT TO SCALE



VICINITY MAP
SCALE: 1"=1000'

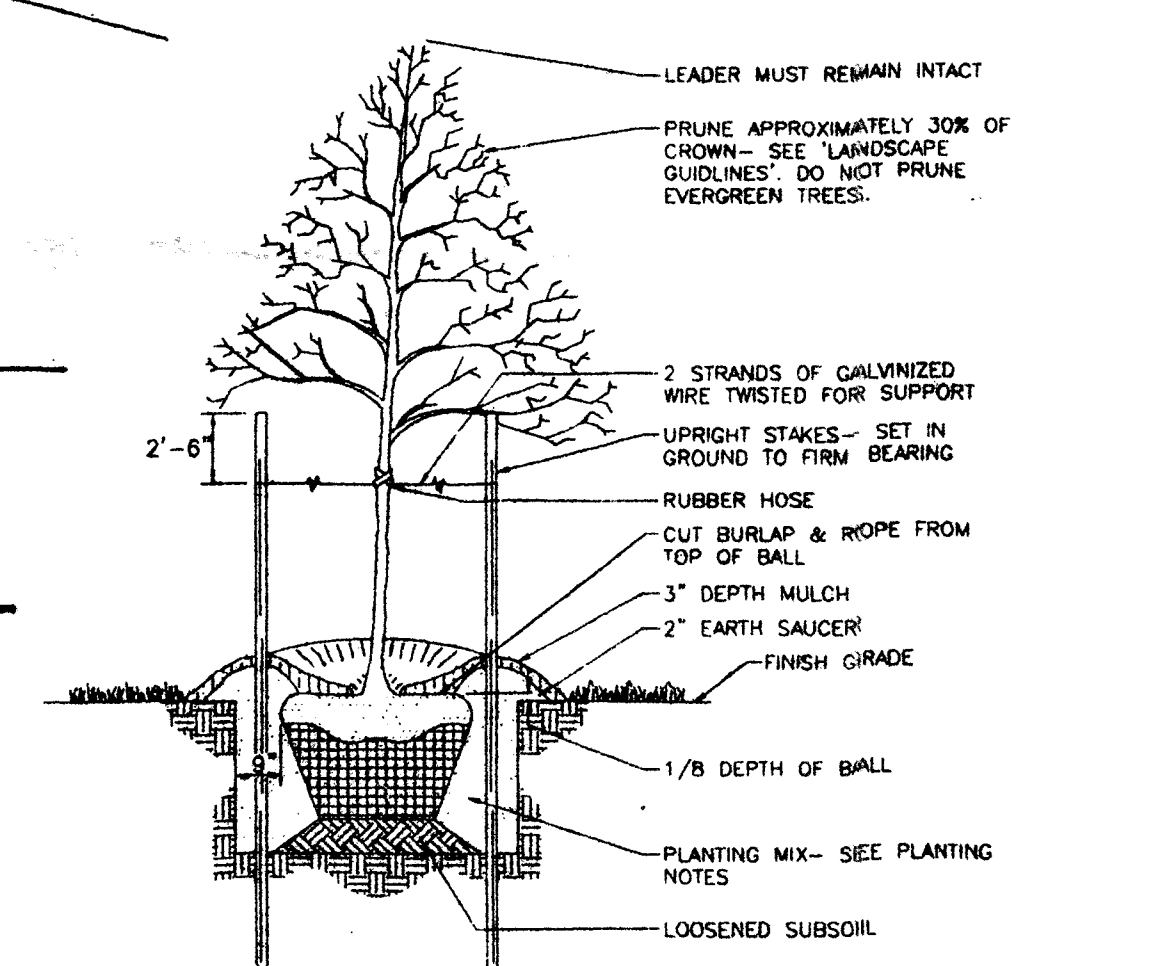
LANDSCAPE COMPUTATIONS FOR 1826 WINANS AVENUE, HALETHORPE, MARYLAND

LANDSCAPE TYPE	PLANTING UNITS REQUIRED	PLANTING UNITS PROVIDED
ADJACENT ROAD (ROUTE 1) 127' / 40' = 3 P.U.	3 P.U.	0 P.U.
ADJACENT ROAD (WINANS AVE) 62.5' / 40' = 1.5 P.U.	1.5 P.U.	1.5 P.U.
REAR YARD SCREEN (CLASS A) 148.25' / 15' = 10 P.U.	10 P.U.	10 P.U.
SIDE YARD SCREEN (CLASS A) 175' / 15' = 11.6 P.U.	6.5 P.U.	0 P.U.
PARKING LOT SCREEN (ROUTE 1) 80' / 15' = 5.3 P.U.	5.5 P.U.	0 P.U.
PARKING LOT SCREEN (WINANS AVE) 24' / 15' = 1.6 P.U.	1.5 P.U.	1.5 P.U.
TOTAL	28 P.U.	13 P.U.

ROUTE 1 LANDSCAPE STRIP - 10' REQUIRED
WINANS AVE. LANDSCAPE STRIP - 10' REQUIRED
REAR YARD LANDSCAPE STRIP - 10' REQUIRED
SIDE YARD LANDSCAPE STRIP - 10' REQUIRED
NO INTERNAL PARKING LOT LANDSCAPING REQUIRED (LESS THAN 15 SPACES)

BALTIMORE COUNTY DEPT. OF PERMITS & DEV. MGMT. LANDSCAPE PLAN APPROVED

BY: *E. O. [Signature]*
DATE: 2-26-98



TREE PLANTING AND STAKING
DECIDUOUS AND EVERGREEN TREES UP TO 2-1/2" CALIPER NOT TO SCALE



Marks & Vogel Associates, Inc.
Engineers-Surveyors-Planners

3691 Park
Ellicott Ck Avenue Suite 101
Ellicott City, Maryland 21043
Telephone: (410) 461-5828

DES:
DRN: M.D.M.
CHK: R.H.V.
DATE: 02-12-98 BY NO.

REVISION DATE TAX MAP NO. 108, GRID 12, PARCEL NO. 594

LANDSCAPE PLAN
THOMAS A. and BARBARA J. PALACOROLLA
1826 WINANS AVENUE, HALETHORPE MD. 21227

SCALE AS SHOWN
SHEET 1 OF 1