IN RE: PETITIONS FOR SPECIAL HEARING & \*

SPECIAL EXCEPTION - NW/Corner

Washington Blvd. & Winans Avenue

(1824 & 1826 Winans Avenue)

13<sup>th</sup> Election District

1<sup>st</sup> Council District

Tacka Properties, LLC, et al Petitioners

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 03-353-SPHX

\*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Special Exception filed by the owners of the subject adjacent properties, Tacka Properties, LLC (1826 Winans Avenue), Timothy W. Tacka, Jr. (1824 Winans Avenue), and Tacka Motors, Inc., Contract Lessee, through their attorney, J. Neil Lanzi, Esquire. The Petitioner requests a special exception for a used motor vehicle outdoor sales area on the subject property, and a special hearing to approve an amendment to the previously approved site plan in Case No. 97-390-SPHA to reflect the proposed modifications. The subject property and requested relief are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Timothy Tacka, Jr., property owner; Christine Tacka; Iwona Roster-Zarska, the Professional Engineer who prepared the site plan for this property; and, J. Neil Lanzi, Esquire, attorney for the Petitioners. Also appearing on behalf of the Petitioners were Joseph P. Kinsey, President of the Halethorpe Improvement Association, Inc., and Kathie Phillips, adjacent property owner at 1822 Winans Avenue. John and Judith Rotz, adjacent property owners at 4620 Washington Boulevard, appeared as Protestants in the matter and were represented by Michael P. Tanczyn, Esquire. Also appearing were George E. Whetstone, and Avery Harden, Landscape Architect for Baltimore County.

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ORDER RECEMBEOR FILING Date The subject property under consideration is comprised of two adjacent parcels known as 1824 and 1826 Winans Avenue in Halethorpe. The property known as 1826 Winans Avenue is located immediately adjacent to the northwest corner of the intersection of Washington Boulevard and Winans Avenue, and contains .375 acres in area. The parcel known as 1824 Winans Avenue is located immediately adjacent thereto, and contains .261 acres in area. Both parcels are zoned B.R. (Business-Roadside), and collectively contain .636 acres in area. The property at 1824 Winans Avenue is improved with an existing building that at one time was used as a dwelling; however, that house will be razed to accommodate the proposed improvements.

There is a significant zoning history regarding this site. In prior Case No. 95-454-XA, Deputy Zoning Commissioner Timothy Kotroco granted special exception and variance relief to the previous owner to operate a used motor vehicle outdoor sales area on the corner property (1826 Winans Avenue), subject to certain restrictions, on September 7, 1995. Thereafter, in Case No. 97-390-SPHA, the undersigned granted special hearing and variance relief to the previous owner to approve an amendment to the previously approved site plan in Case No. 95-454-XA for an existing office/sales building on the site, again, subject to a series of restrictions. Most recently, in Case No. 03-030-SPHXA, Deputy Zoning Commissioner Kotroco granted special hearing, special exception and variance relief to the current owner on October 7, 2002 to continue the use and expand same onto the adjacent property, known as 1824 Winans Avenue, again subject to a series of restrictions. Mr. & Mrs. Rotz appealed that decision to the County Board of Appeals and a hearing on that appeal is pending. The Petitioner now comes before me seeking similar relief to permit a redevelopment of the entire parcel.

In this regard, testimony and evidence offered revealed that Mr. Tacka has owned and operated the used motor vehicle sales business at 1826 Winans Avenue since 1999. In November 2000, he purchased the adjacent parcel (1824 Winans Avenue) with the intention of using both properties in conjunction with his business. He has made numerous improvements to the property at 1826 Winans Avenue and apparently intended to do the same with the adjacent parcel. As noted above, he filed Petitions for Special Hearing, Special Exception and Variance relief in Case No.

03-030-SPHXA for that purpose; however, as a result of the appeal pending before the Board, he has been unable to proceed.

The instant Petitions were filed to modify the previously approved plans in Case No. 97-390-SPHA and obtain special exception relief for the entire parcel. Specifically, Mr. Tacka now proposes razing the existing building on 1824 Winans Avenue and utilizing a 1200 sq.ft. trailer/building as the management/sales office for the business. As shown on the site plan, that structure will actually straddle the internal property line between 1824 and 1826 Winans Avenue. The balance of the overall site will be used for the storage and display of used motor vehicles. In addition, an area to the rear of the site will be used for detailing and cleaning cars for resale.

As noted above, this is a used car sales operation and no new cars are sold at this location. Mr. Tacka acquires vehicles from various sources and brings them to the site for resale. Moreover, there is no service garage work performed at the site. That is, there is no mechanical repair or body/fender type operation proposed. However, special exception relief is necessary in order to permit the storage and display of used motor vehicles on the newly configured property. In view of the proposed modifications, it appears that the relief granted in prior Cases Nos. 03-030-SPHXA and 97-390-SPHA are now rendered moot, and, pending a favorable disposition in the instant case and no appeal being filed, the appeal pending before the Board of Appeals shall be dismissed and the underlying Petition withdrawn.

Mr. & Mrs. Rotz reside on the adjacent property on Washington Boulevard and have actively participated in the prior cases. In open hearing in the instant case, Counsel for both parties indicated that an agreement had been reached by and between the Petitioner and Mr. & Mrs. Rotz. The parties believe that this agreement addresses all outstanding issues between them. It was jointly requested that relief be granted with certain restrictions attached thereto. Those restrictions are as follows:

1) That a board-on-board, site-tight fence shall be constructed/maintained along the western property line of the overall tract to buffer the subject property and uses thereon from the Rotz residence. Presently, there is a section of fence 6 feet high that begins approximately 20 feet

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from Washington Boulevard and extends approximately 8 feet, which will be replaced with a new 6-foot high fence beginning at the same point along the property line. The next several sections of the existing 6-foot high fence will be replaced with a new fence to rise in height to 10 feet. In some places, due to changes in grade, the new fence may be up to 12 feet in height; however, the new fence will be a uniform dimension, approximately 10 feet in height. As shown on the site plan, the final sections of the existing 6-foot high fence along the western property line will start at a point in line with the front of the Rotz' red building (identified as existing frame garage on Petitioner's Exhibit 1), closest to the Washington Boulevard side. The existing 6-foot high fence will remain and will be relocated to the Rotz side of the Cypress trees, 3 feet from the Rotz red building while still remaining on the Tacka property. The 10-foot high fence sections will taper to 6 feet in height at the point in line with the Rotz garage. The parties agreed that the construction of the new fence as outlined above and ongoing maintenance of that fence by the Petitioner shall be required as a condition to the grant of the relief. All fencing shall be in accordance with the applicable provisions of the Baltimore County Code and B.C.Z.R.

2) The hours of operation of the business shall be 9:00 AM to 9:00 PM, Monday through Friday, and 9:00 AM to 7:00 PM on Saturdays. Additionally for up to 26 Saturdays per year, it was agreed that the business could stay open until 9:00 PM. It is envisioned that Mr. Tacka may have special promotions on these weekends and that the business will remain open until 9:00 PM for those events. The timing of those special promotions will be at the sole discretion of Mr. Tacka. Moreover, if the Petitioner or his staff wish to work at the location before or after hours, same shall be permitted with the lot chained on Washington Boulevard for before opening activity and with the lot chained on both Washington Boulevard and Winans Avenue for after-hour activity. Petitioner agrees that no compressor-driven or other mechanical equipment will be used on the property during off-business hours except for maintenance of the property as necessary (i.e., snow removal, property maintenance, etc.) It is also recognized that occasionally, a customer may drop off or pick up a vehicle beyond the hours of operation, which activity shall be permitted.

3) Insofar as outdoor advertising, up to 20 flags will be permitted on the display area of the property facing Washington Avenue and 10 flags on that side facing Winans Avenue. As shown in photographs of the site, these will be either the United States flag or the State of Maryland flag. Additionally, a sign and/or banner will be permitted on the subject building facing Washington Avenue and a second sign and/or banner on the building side facing Winans Avenue. The painting of Petitioners' logo and the hanging of banners will be permitted on the Petitioners' side of and below the top of the fence separating the Rotz property and the subject property. Seasonal/promotional figures such as, but not limited to, Santa Claus, pumpkins and Easter Bunnies will also be permitted. The use of live promotional figures will be limited to no more than ten days per year upon reasonable advance notice by Petitioner to Mr. & Mrs. Rotz, when possible. The live promotional figures will be located at either the entrance to be closed on Winans Avenue or on the subject property at the corner of Washington Boulevard and Winans Avenue. Finally, balloons and banners will be permitted on displayed automobiles and a sign along the fence separating the Rotz and the subject property will be allowed. No other streamers or banners shall be permitted on this site. The balloons, banners and seasonal/promotional figures placed on the property and/or display vehicles will be placed in such a manner so as to not obstruct the sight lines for persons leaving the site or the Rotz property. It is recognized that these restrictions regarding signage are by and between the parties, only. The Petitioner will be required however, to comply with all County sign regulations. The limitations established herein reflect only the agreement of the parties and the incorporation of this agreement does not constitute a waiver of the County's right and ability to enforce its sign ordinance.

- 4) There will be no outdoor paging or outdoor sound system.
- 5) There will be no service garage work performed on the site. That is, no mechanical work or body/fender work will be allowed. Minor repairs, detailing and/or cleaning of vehicles with detergent on the premises is acceptable and shall include car washing.
- 6) A lighting plan for the site will be prepared and submitted for review and approval by Avery Harden, the County's Landscape Architect. The lighting plan shall provide for security

lighting on the site; however, all lighting shall be designed and erected in such a manner so that it does not reflect and/or shine onto adjacent residential properties. Mr. Harden will resolve any disputes that arise regarding the lighting.

7) Following the removal of the dwelling at 1824 Winans Avenue, the property shall be graded so that storm water runoff will flow away from the Rotz property and directed towards Washington Boulevard and the existing public storm drain system in that street. If necessary, Petitioner agrees to take all reasonable steps to prevent storm water runoff onto the Rotz property and will follow the recommendation of Avery Harden, the County's Landscape Architect, and Department of Environmental Protection and Resource Management (DEPRM) requirements.

The parties indicated in open hearing that the above restrictions fully represented their agreement. Thereafter, Counsel for the Petitioner offered a lengthy proffer regarding the history of this site and proposed improvements as described above. Additionally, a series of letters from adjacent business owners/residents was submitted in support of the request. These letters include correspondence from the Arbutus Volunteer Fire Department, and the Halethorpe Improvement Association. Additionally, Mrs. Phillips who resides immediately adjacent to the property at 1822 Winans Avenue indicated her support for the proposal. Mr. Tacka is apparently a well-known small businessman in this area and enjoys the support of the community.

Based upon the testimony and evidence offered, I am persuaded to grant the relief requested and impose the restrictions contained in the agreement between the parties as set forth above. In my judgment, the Petitioner has adduced testimony and evidence indicating that the proposed improvements are appropriate for this site and will not be detrimental to the health, safety or general welfare of the surrounding locale. I am persuaded that the Petitioner has met the requirements set out in Section 502.1 of the B.C.Z.R. for special exception relief to be granted.

It is also to be noted that a question arose at the hearing regarding a proposed freestanding sign on the site. An elevation drawing of the proposed sign was offered into evidence as Petitioner's Exhibit 4. The drawing shows that the sign will be 20 feet in height and will advertise the business (Tacka Motors) and include three lines of changeable copy, Petitioner's

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website, and a telephone number for the business. In my view, the proposed sign falls within the definition of an enterprise sign, which is a sign that displays the identity of a business and advertises the products associated therewith. The sign is also freestanding and as defined in the Table of Sign Uses contained in Section 450 of the B.C.Z.R., is accessory to the used motor vehicle dealership. That Section limits the height of such a freestanding sign to 25 feet and the subject sign is below that limitation. Additionally, that Section indicates that any such sign can be a maximum of 50 sq.ft. in area; however, can be increased to 75 sq.ft. if combined with other signage on the same structure. Moreover, the Section limits total sign area on any one structure to 300 sq.ft. The sign in the instant case will be a double-faced sign, 72 sq.ft. in area on each side, or 144 sq.ft. total. Thus, it appears that the proposed sign is permitted as of right and that variance relief is not necessary.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

IT IS FURTHER ORDERED that the Petition for Special Exception to allow a used motor vehicle outdoor sales area on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner may apply for his permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the terms and conditions of the Agreement entered into by and between the Petitioner and Mr. & Mrs. Rotz, as set forth above.
- 3) A lighting plan shall be submitted to Avery Harden, Landscape Architect

for Baltimore County for review and approval prior to the issuance of any use and occupancy permits.

4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the proposed freestanding sign 'depicted on the schematic drawing submitted into evidence as Petitioner's Exhibit 4 is permitted as of right and no variance relief is necessary.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs



April 4, 2003

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

Fax: 410-887-3468

J. Neil Lanzi, Esquire 409 Washington Avenue, Suite 617 Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING & SPECIAL EXCEPTION NW/Corner Washington Boulevard & Winans Avenue (1824 & 1826 Winans Avenue)

13<sup>th</sup> Election District – 1<sup>st</sup> Council District Tacka Properties, LLC, et al - Petitioners Case No. 03-353-SPHX

Dear Mr. Lanzi:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Special Exception have been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:bjs

cc: Mr. Timothy W. Tacka, Jr., 1826 Winans Avenue, Baltimore, Md. 21227

Mr. Iwona Rostek-Zarska, 222 Schilling Circle, Suite 105, Hunt Valley, Md. 21031

Mr. Joseph P. Kinsey, Pres., Halethorpe I.A., P.O. Box 7306 Halethorpe, Md. 21227

Michael P. Tanczyn, Esquire, 606 Baltimore Avenue, #106, Towson, Md. 21204

Mr. & Mrs. John Rotz, 4620 Washington Boulevard, Baltimore, Md. 2122/1

Mr. George E. Whetstone, 507 Hilton Avenue, Baltimore, Md. 21228

Mr. Avery Harden, Landscape Architect, DPDM; People's Counsel; Case File



# Petition for Special Hearing

to the Zoning Commissioner of 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

which is					_	
for the property located at	1824	and	1826	Winans	Avenue	

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.

			is the subject of this Petition.		
	Contract Purchaser/Lessee:		Legal Owner(s):		
	Tacka Motors, Inc.		Tacka Properties, LLC	for 18:	26 Winans <u>Aven</u> ue
	Name - Type or Print / 105.		Name - Type or Print		
	Signature 1826 Winans Avenue 410	737–6900	Signature) Timothy W. Tacka Jr.	for 182	4 Winans Avenue
	Address // Baltimore, Maryland 21227	Telephone No.	Name - Type or Print		
	City State	Zip Code	Signature	<del>-</del>	<u> </u>
	Attorney For Petitioner:		1826 Winans Avenue	410	0-737-6900
	J. Neil Lanzi		Address Baltimore, Maryland 2	1227	Telephone No.
	Name - Type or Print		City	State	Žip Code
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	Signature Signature		Kepresentative to be Co	macieu.	
	J. Neil Lanzi, P.A.		J. Neil Lanzi		
Ø	Company		Name		· · · · · · · · · · · · · · · · · · ·
<u>S</u>	409 Washington Ave, Ste 617 4	110-296-0686	409 Washington Ave St	e 617	410-296-0686
	Address	Telephone No.	Address		Telephone No.
	Towson, MD 21204		Towson, Maryland 2120		
E C	City	Zip Code	City	State	Žip Code
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ORDER Date	REV 9115198		*		7
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ORDER RECEIVED F

Date\_

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# Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 1824 and 1826 Winans Avenue

I/We do solemnly declare and affirm, under the penalties of

BR which is presently zoned 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.

	perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
Tacka Motors	Tacka Properties LLC for 1826 Winans Ave
Name - Type or Print (es.	Name /Type or Print/
Signature 3/	Signature //
1826 Winans Avenue 410-737-6900	Timothy W. Tacka, Jr. for 1824 Winans Ave
Address Telephone No.	Name - Type or Print / //
Baltimore, Maryland 21227	Will Letter
City State Zip Code	Signature
Attorney For Petitioner:	1826 Winans Avenue 410-737-6900
	Address Telephone No
J. Neil Lanzi	Baltimore, Maryland 21227
Name - Type or Print	City State Zip Code
Wy Chang	Poprocontativo to be Contacted:
Signature	Representative to be Contacted:
آل. Neil Lanzi, P.A.	J. Neil Lanzi
Сотрапу	Name
409 Washington Avenue, Ste 617 410-296-0686	409 Washington Ave Ste 617 410-296-0686
Address Telephone No.	Address Telephone No.
Towson, Maryland 21204 State Zin Code	Towson, Maryland 21204
State Zip Code	City State Zip Code
	OFFICE USE ONLY
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# BLDG

# BALTIMORE LAND DESIGN GROUP, INC. CONSULTING ENGINEERS

DESCRIPTION TO ACCOMPANY ZONING PETITION TACKA MOTORS 1824 AND 1826 WINANS AVENUE 13<sup>TH</sup> ELECTION DISTRICT, C-1

January 27, 2003

Beginning for the same at a point distant 126.77 feet from the corner formed by the intersection of the northwest side of Washington Boulevard, U.S. Route 1 Alt., which is a 50 foot wide right-of-way, with the southernmost side of Winans Avenue, which is 50 feet wide right-of-way, running thence:

- 1. North 43° 30' 34" West 96.44 feet thence,
- 2. North 43° 21' 54" West 51.54 feet thence,
- 3. North 60° 14' 10" East 37.79 feet thence,
- 4. North 57° 25' 18" East 120.26 feet thence,
- 5. South 29° 46' 06" East 56.00 feet along south side of Winans Avenue thence,
- 6. South 29° 46' 06" East 62.50 feet along south side of Winans Avenue thence,
- 7. South 46° 00' 05" West 126.77 feet along west side of Washington Boulevard, U.S. Route 1 Alt. to the place of beginning.

Containing 0.428 acres +/-

This description is intended for zoning purposes only and shall not be used for conveyance of land.



# BLDG

# BALTIMORE LAND DESIGN GROUP, INC. CONSULTING ENGINEERS

DESCRIPTION TO ACCOMPANY ZONING PETITION TACKA MOTORS 1826 WINANS AVENUE 13<sup>TH</sup> ELECTION DISTRICT, C-1

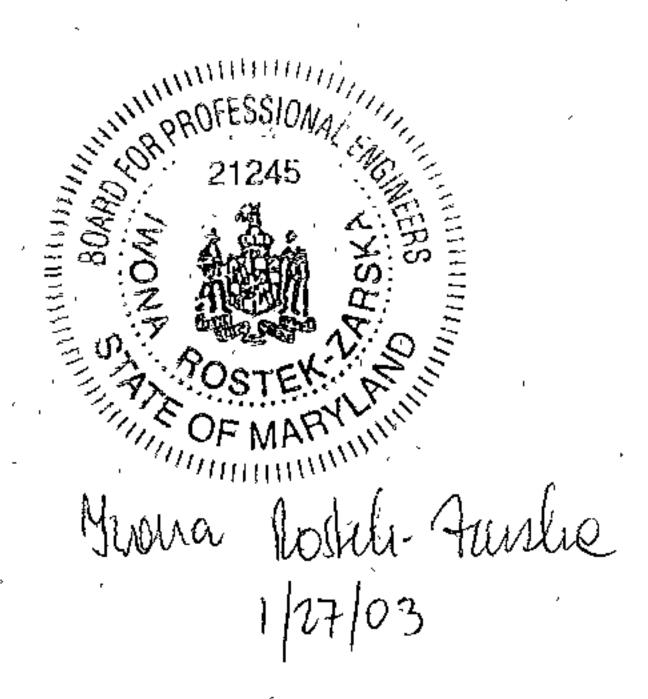
January 27, 2003

Beginning for the same at a point distant 126.77 feet from the corner formed by the intersection of the northwest side of Washington Boulevard, U.S. Route 1 Alt., which is a 50 foot wide right-of-way, with the southernmost side of Winans Avenue, which is 50 feet wide right-of-way, running thence:

- 1. North 43° 30' 34" West 96.44 feet thence,
- 2. North 60° 14' 10" East 145.79 feet thence,
- 3. South 29° 46' 06" East 62.50 feet along south side of Winans Avenue thence,
- 4. South 46° 00' 05" West 126.77 feet along west side of Washington Boulevard, U.S. Route 1 Alt. to the place of beginning.

Containing 0.245 acres +/-

This description is intended for zoning purposes only and shall not be used for conveyance of land.



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT
, <b>!</b>

PINK - AGENCY

WHITE - CASHIER

No. 21057

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FOR: 1TEM # 353 03-553-SPHX		
1824 + 1826 WINANS AVE., BY D. THOMPSON		
DISTRIBUTION		

YELLOW - CUSTOMER

**CASHIER'S VALIDATION** 

5 SE WHE WILLIAM

Baltima e Coare, Karyland

M. Marke

#### **NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in <u>Towson, Maryland</u> on the property identified herein as follows:

Case: #03-353-SPHX

1824 and 1826 Winans Avenue

N/west side of Washington Blvd corner southwest side of Winans Avenue

13th Election District - 1st Councilmanic District

Legal Owner(s): Tacka Properties, LLC for 1826 Winans Avenue and Timothy W. Tacha for 1824 Winans Avenue

Contract Purchaser: Tacka Motors, Inc

Special Hearing: to approve the Amendment of previously approved site plan in case #97-390-SPHA Special Exception: to permit the used motor vehicle outdoor sales

Hearing: Friday, March 14, 2003 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

#### LAWRENCE E SCHMIDT

Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Com-

missioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. 2/372 Feb. 27

### CERTIFICATE OF PUBLICATION

$\frac{228}{,2003}$
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on $227/2003$ .
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
« w <sub>&gt;</sub>
S. Willings
CONTROL OF THE PROPERTISING

## CERTIFICATE OF POSTING

	•	RE: Case No.: 03.353-SPHX
	•	Petitioner/Developer: TACKA
•		MOTORSIENC
	•	Date of Hearing/Closing: 3/14/03
	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 propert	ty located at 1824 AND: 1826
		WINANS AVE
	——————————————————————————————————————	<del></del>
	The sign(s) were posted on	2/24/03
		(Month, Day, Year)
		Sincerely,
	•	
		2/26/03
		(Signature of Sign Poster and Date)
		SSG ROBERT BLACK
	-	(Printed Name)
		1508 Leslie Rd (Address)
		Dundalk, Maryland 21222
		(City, State, Zip Code)
		(410) 282-7940
	Marita Control of the	(Telephone Number)
	اه المعربية	
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docu	imentation filed in the case.	PETER MAX ZIMMERMAN People's Counsel for Baltimore County  CAROLE S. DEMILIO Deputy People's Counsel
		Old Courthouse, Room 47
		400 Washington Avenue Towson, MD 21204
		(410) 887-2188
		E OF SERVICE
	I HEREBY CERTIFY that on this 13 da	ay of February, 2003, a copy of the foregoing

I HEREBY CERTIFY that on this 15 day of February, 2003, a copy of the foregoing Entry of Appearance was mailed to J Neil Lanzi, 409 Washington Avenue, Suite 617, Towson, MD 21204, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY

Thursday, February 27, 2003 Issue - Jeffersonian

Please forward billing to:

J. Neil Lanzi, Esquire 409 Washington Avenue, Ste. 617 Towson, MD 21204

410-296-0686

#### **NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 03-353-SPHX

1824 and 1826 Winans Avenue

N/west side of Washington Blvd. corner southwest side of Winans Avenue

13<sup>th</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owner: Tacka Properties, LLC for 1826 Winans Avenue and Timothy W. Tacha

for 1824 Winans Avenue

Contract Purchaser: Tacka Motors, Inc.

Special Hearing to approve the Amendment of previously approved site plan in case #97-390-SPHA. Special Exception to permit the used motor vehicle outdoor sales area.

Hearings:

Friday, March 14, 2003 at 2:00 p.m. in Room 407, County Courts Building,

401 Bosley Avenue

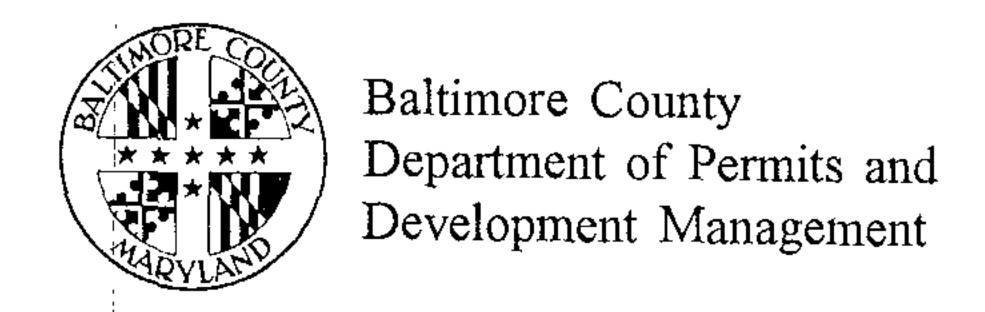
immence E. Schmidt

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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



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

Fax: 410-887-5708

February 11, 2003

#### NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 03-353-SPHX

1824 and 1826 Winans Avenue

N/west side of Washington Blvd. corner southwest side of Winans Avenue 13<sup>th</sup> Election District – 1<sup>st</sup> Councilmanic District

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for 1824 Winans Avenue

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Special Hearing to approve the Amendment of previously approved site plan in case #97-390-SPHA. Special Exception to permit the used motor vehicle outdoor sales area.

Hearings:

Friday, March 14, 2003 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon

Director

AJ:rlh

C: Tacka Properties, LLC, Timothy Tacka, Jr., 1826 Winans Avenue, Baltimore 21227 J. Neil Lanzi, 409 Washington Avenue, Suite 617, Towson 21204 Tacka Motors, Inc., 1826 Winans Avenue, Baltimore 21227

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, FEBRUARY 27, 2003.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

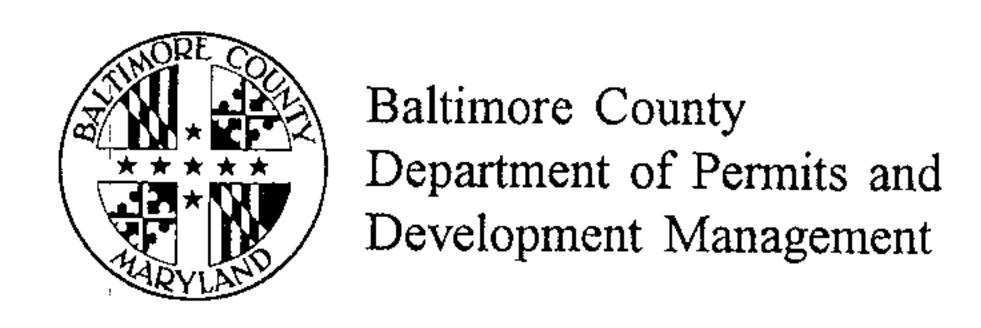
#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 03-353-SPHX
Petitioner: TACKA MOTORS
Address or Location: 1824 + 1826 WINANS AVE.
PLEASE FORWARD ADVERTISING BILL TO:
Name: J. NEU CANZI
Address: 409 WASHINGTON QUE #617
10W50n MD 21204
Telephone Number: 410 296 - 0686



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

March 7, 2003

Timothy W. Tacka, Jr. Tacka Properties, LLC 1826 Winans Avenue Baltimore, MD 21227

Dear Mr. Tacka:

RE: Case Number: 03-353-SPHX, 1824 and 1826 Winans Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 4, 2003.

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

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

Very truly yours,

W. Carl Richards, Jr. Supervisor, Zoning Review

U. Callibal D

WCR:klm

**Enclosures** 

c: People's Counsel J. Neil, J. Neil, P.A. 409 Washington Avenue, Suite 617, Towson, MD 21204



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

February 11, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: February 11, 2003

Item No.:

351-360

Dear Ms. Hart:

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.

7. The Fire Marshal's Office has no comments at this time.

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

cc: File

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

**DATE:** February 27, 2003

TO:

Arnold Jablon, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For February 18, 2003 Item Nos. 351, 352 353, 354, 355,

356, 357, 358, and 360

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

RWB:CEN:jrb

cc: File

### BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley 285 167

DATE:

March 24, 2003

SUBJECT:

Zoning Item 353

Address

1824 WinansRoad

Zoning Advisory Committee Meeting of February 10, 2003

<u>X</u> The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Mike Tanczyn is representing the adjacent property owners and their concerns regarding runoff. The Storm Water Management requirements will be looked at by our staff.

Reviewer: Bruce Seeley Date: March 24, 2003

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** February 14, 2003

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

Zoning Advisory Petition(s): Case(s) 03-353 & 03-355

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

RECEIVED

FEB 2 0 2003

**Section Chief:** 

AFK/LL:MAC



#### MARSE AND DEPARTMENT OF TRANSPORTATION

Robert L. Ehrlich, Jr., Governor · Michael S. Steele, Lt. Governor · Trent M. Kittleman, Acting Secretary

Date: 2.7.03

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

RE: Baltimore County

Item No. 353

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,

1/5

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



#### COUNTY COUNCIL OF BALTIMORE COUNTY COURT HOUSE, TOWSON, MARYLAND 21204

S.G. SAMUEL MOXLEY COUNCILMAN, FIRST DISTRICT

RECEIVED

DISTRICT OFFICE: 764 FREDERICK ROAD CATONSVILLE, MARYLAND 21228 410-887-0896 FAX: 410-887-1012 COUNCIL OFFICE: 410-887-3196

MAR 1 2 2003

ZONING COMMISSIONER

March 10, 2003

Lawrence E. Schmidt Baltimore County Zoning Commissioner 401 Bosley Avenue Towson, Maryland 21204

(# 13-353-5t. **RE: 1824-1826 Winans Avenue** 

Dear Mr. Schmidt:

Later this week, Mr. Timothy Tacka will come before your office seeking a favorable ruling to allow a used car dealership on the above property.

This case may seem familiar as Mr. Tacka sought and gained approval for the dealership last fall. Unfortunately, Mr. Tacka feels it is imperative to resubmit his request with some revisions and clarification to avoid baseless claims against him.

I wrote in support of Mr. Tacka's first request, and I am reaffirming my support for the upcoming request. I have met with Mr. Tacka and the neighborhood improvement association on this matter several times and can tell you that Mr. Tacka has been a welcome addition to the community and improvements to his property were well received by every member of that association. Mr. Tacka has transformed this property from an eye sore to an attractive community based business.

I offer this for your review.

Sincerely,

S. D. Sommelprosphy S.G. Samuel Moxley Councilman, First District

SGM:bes

Mr. Timothy Tacka CC.

Mr. Joseph Kinsey, President

Halethorpe Improvement Association

#### Arbutus Volunteer Fire Department, Inc.

5200 Southwestern Boulevard, Baltimore, MD 21227



March 10, 2003

Station 350 Fire • Rescue • EMS

Baltimore County Zoning Commissioner County Court Building Room-407 401 Bosley Avenue Towson, MD 21204 RECEIVED

MAR 1 3 2003

ZONING COMMISSIONER

RE: Tacka Motors, Inc. 1824-1826 Winans Avenue Petition For Special Exception

#### Dear Commissioner:

I wrote to you an August 30, 2002. I am writing again to support Mr. Tacka's Request to make improvements to his business, Tacka Motors at 1824 Winans Avenue.

As a volunteer fireman for the Arbutus Volunteer Fire Department, Inc. and Chairman of the annual Volunteer Fireman's Carnival, I have seen first hand how businessmen like Tim are essential to the community and the continued success of the Fire Department. Not only has Mr. Tacka donated his time to the betterment of the Fire Department he also generously donates thousands of dollars worth of automobiles that are raffled at the annual carnival. All proceeds have been given to the Fire Department without Tim asking for a dime involving any expenses he has incurred. At a time where corrupt businessmen are talked about every night on evening news, we need more business people in the community like Tim that are willing to go the extra mile for his neighbors.

I would like to thank you for the opportunity to endorse both Tacka Motors and Tim Tacka.

Sincerely,

David DiSante Chairman of the

Arbutus Volunteer Fire Department, Inc.

Carnival

#### BOYDS BODY SHOP INC. 4610 WASHINGTON BOULEVARD. BALTIMORE, MD. 21227 410-247-3887 FAX# 410-247-5492

March 10, 2003

Baltimore County Zoning Commissioner County Court Building, Room 407 401 Bosley Avenue Towson, Maryland 21204

Re: Tacka Motors, Inc.

1824-1826 Winans Avenue
Halethorpe, Maryland 21227
Petition for Special Exemptions and Variances

RECEIVED

MAR 1 3 2003

ZONING COMMISSIONER

Dear Commissioner,

I have run our business across the street from Tacka Motors for 16 years. During Those years, it has been a relief to see the major improvements Tim has made to the property. There is no doubt that his efforts have resulted in a more visually attractive view of his location.

The adjoining lot has unfortunately, not been included in these renovations. It's condition has steadily deteriorated for the last several years. I would be very pleased to see the area turned into a amore attractive and useful property. As I understand it, the lot is to be integrated into the existing business of Tacka Motors.

I hope you will consider my comments in the coming evaluation. I believe his intensions for the property will benefit the entire neighborhood.

James & Donna Boyd President, & Owner

#### 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

Reply to Towson

**COLUMBIA** 

Suite 420, Parkside Bldg

10500 Little Patuxent Parkway

Columbia, Maryland 21044-3563

\*Also Admitted in District of Columbia

J. Neil Lanzi

OF COUNSEL

Fred L. Coover\*

February 10, 2003

#### HAND-DELIVERED

Arnold Jablon, Director
Department of Permits and Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204
Attn: W. Carl Richards, Jr., Supervisor Zoning Review

Re: Case No. 03-353-SPHXA

Tacka Motors

1824 and 1826 Winans Avenue

Dear Carl:

Please be advised that I represent Tacka Motors with regard to the above referenced Petitions. The Petitions were filed and accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management on or about February 4, 2003. The purpose of this letter is to request an expedited hearing of the Petitions for Special Hearing and Special Exception.

The basis for the request is the financial hardship my client has experienced as a result of delays caused by adjoining property owners. A substantial amount of time was spent in an effort to resolve this matter prior to the most recent case on this property, Case No. 03-030 SPHXA. As a result of the delay, my client was caused to substantially alter his plan for the site and borrow additional money, which loans have required utilizing my client's primary residence as collateral. The plans which are now the subject of this Petition are dependent on the current financing and time is of the essence.

FEB 10 2003 03-0349 Department of Permits and Development Management February 10, 2003 Page Two

Your consideration for an expedited hearing will be greatly appreciated.

Very truly yours,

J. Neil Lanzi

cc: Tim Tacka, Jr.

### HALETHORPE IMPROVEMENT ASSOCIATION, INC. P. O. Box 7306

Halethorpe, MD 21227

"DEDICATED TO SERVING THE COMMUNITY"

RECEIVED

MAR 1 3 2003

March 12, 2003

ZONING COMMISSIONER

Baltimore County Zoning Commissioner County Courts Building - Room 407 401 Bosley Avenue Towson, MD 21204

RE:

Case No. 03-353-SPHX Timothy W. Tacka, Jr.

Dear Commissioner:

I am writing on behalf of the Halethorpe Improvement Association, Inc., a 500+ member civic organization representing over 260 households in Halethorpe. The association fully supports and endorses the requested special exception request of Timothy W. Tacka, Jr. for the property located at 1824 Winans Avenue.

Tacka Motors is an exemplary corporate citizens in our community and is a committed partner in sustaining the community's quality of life. Tacka Motors is located at a gateway entrance into the community and the proposed amendment of the previously approved site plan in Case #97-390-SPHA will continue to enhance this particular gateway entry. This proposal represents an upgrade that will result in simultaneous improvement to the site and this gateway entry. This proposal has the full endorsement of our association.

As always, on behalf of the association, we thank you for the opportunity to comment. We look forward to learning the outcome of the hearing.

Sincerely,

Joseph P. Kinsen

President

Timothy W. Tacka, Jr. CC:

Baltimore County Zoning Commissioner County Court Building-Room 407 401 Bosley Avenue RECEIVED

MAR 1 3 2003

ZONING COMMISSIONER

RE: Tacka Motors, Inc. 1824-1826 Winans Avenue Petition for Special Exception

We live at 1822 Winans Avenue next door to 1824 Winans Avenue. We wrote and I also attended the hearing last year to show my support for Tacka Motors. We were very happy to hear that the plan was approved and we were disappointed to see that an appeal was filed. Tim has shown us a revised plan he filed to remove the existing house and place his office where a special Exception for variances would not be needed. We are very concerned that if Tim is not permitted to expand his business to 1824 Winans Avenue it will revert back to a larger problem than what we explained to you in my last letter. We also think it is terrible that one person can create so much controversy and financial hardship to a small business man who is an asset to our community and has been spending his own money to eliminate an eyesore to the neighborhood!

We state again even though Tacka Motors is a "business" Tim is one of the best neighbor's we ever had. The decision still affects us more than anyone else and we support Tacka Motors (Tim) 100%.

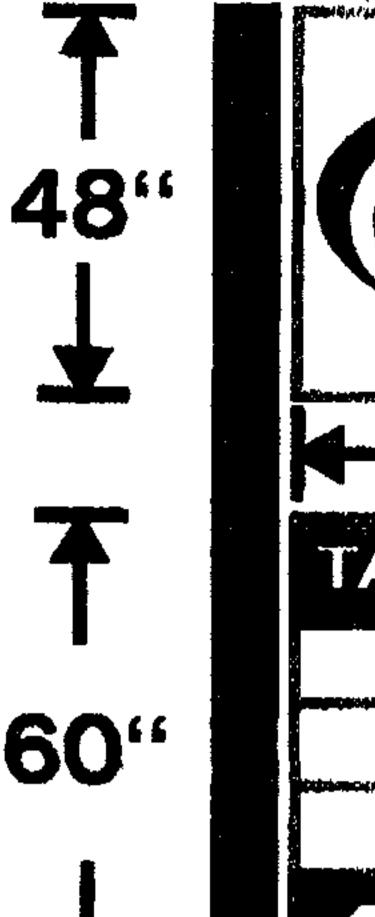
Sincerely,

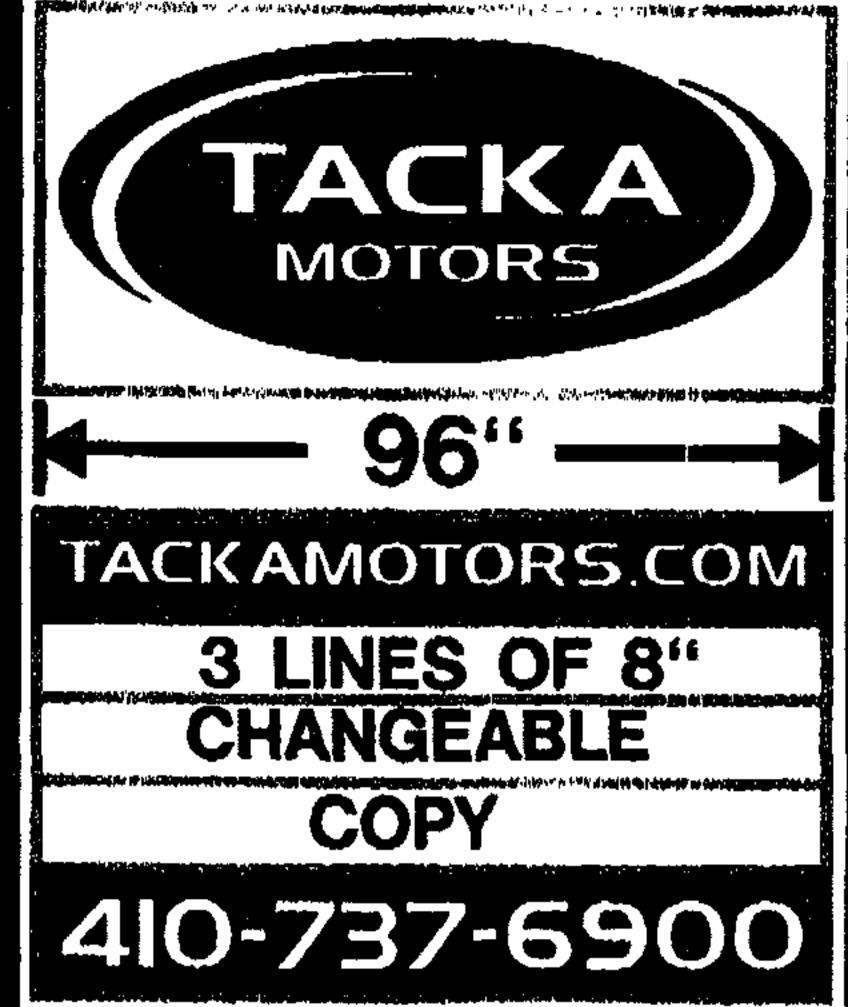
Mr. & Mrs. Phillips

Mr. and Mrs. Phillips

5015 Hebana Dika Suite e

5915 Urbana Pike, Suite E Frederick Md 21704 301-682-9833





20'





OPTIONAL BRICK PLANTER BASE, Skotch & S



Sketch # Properly of Affordable
Signe & Neon
May Not Be Duplicated
without written consent

PL	EASE	<b>PRINT</b>	CL	EARL	Y
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CASE NAME	
CASE NUMBER	
DATE	

### PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
11M TACKA	1826 Wings Ave	Bato Mb 21227	
TIM TACKA IWONA ROSTEK-ZARSVA	221 SCHILLING CIRCUE, STE 105	HUNT VALVEY 21031	blagince winstarmail. com
KATHIE PHILLIPS	1822 WINANS AVE	BALTO MD 21227	
MJoseph P. Kinsey	P.O. Box 7306	Halethorpe, Md. #21227	
President of Hale thor	pe Improve ment ASS'N. INC		
Christine TACKe	1824 Winous Ave	Balf MD 21227	· · · · · · · · · · · · · · · · · · ·
Neck Canzi	409 washington On #617	TOWS on MD 21204	Lanzilan @ CS. (om
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PLEASE PRINT CLEARL	ARLY
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CASE NAME	
CASE NUMBER	
DATE	

### CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Sarah Bruce	1701 BOITON St. 1A-pt 2-12	Baltimore, mo 21217	sarand bruce@homaila
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32-358-SPA



























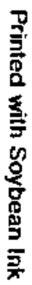


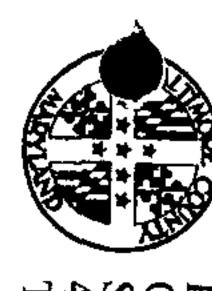








Althorophs #13-353-5PW





Baltimore County Zoning Commissioner Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204





RE:	PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION	*	BEFORE THE		
	1824 & 182 6 Winans Avenue; NS side	*	ZONING COMMISSIONER		
RE:	Washington Blvd corner SW side Winans Ave				
	13 <sup>th</sup> Election & 1 <sup>st</sup> Councilmanic Districts	*	FOR		
	Legal Owner(s): Tacka Properties, LLC				
	Contract Purchaser(s): Tacka Motors	*	BALTIMORE COUNTY		
	Petitioner(s)				
		*	03-353-SPHX		

## 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 ZÍMMERMAN

People's Counsel for Baltimore County

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 day of February, 2003, a copy of the foregoing Entry of Appearance was mailed to J Neil Lanzi, 409 Washington Avenue, Suite 617, Towson, MD 21204, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Case Number 93 - 353

## PLEASE <u>PRINT</u> LEGIBLY

## PROTESTANT'S SIGN-IN SHEET

Name	Address	City, State	Zip Code
1288 27 6 64 Fresh			
Michael TANCESM	STE 106, 606 BALTIMORE ALVE	Towson Md	21204
JOHN ROTZ	4620Washington Blood	BARRO, UD.	2027
	4600 Washington Bl.	Bullo, Ma	2127
BEDROE ENHETSION	F 507 HITONANE	BALTOMO	21228
AUERYHARRAY	Brew.Co.		
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