IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION E/S of Old Eastern Avenue, 82 ft. N of Wilber Road 15th Election District 6th Councilmanic District

(1901 Old Eastern Avenue)

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 04-142-SPHX

Anna M. Mueller, Legal Owner and James Anderson, Lessee **Petitioners**

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as Petitions for Special Hearing and Special Exception filed by the legal owner of the subject property, Anna M. Muller and James Anderson, lessees. The Petitioners are requesting relief for property owned at 1901 Old Eastern Avenue in the eastern area of Baltimore County. The special hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), that the granting of a special exception for a service garage will have no conflict with the nonconforming used car sales use approved in Case No. 97-336-SPHA. In addition, the Petitioners are requesting a special exception for a service garage pursuant to Section 502.1 of the BCZR.

The property was posted with Notice of Hearing on November 22, 2003, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on November 20, 2003 to notify any interested persons of the scheduled hearing date.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Department of Environmental Protection & Resource Management (DEPRM) dated October 20, 2003, a copy of which is attached hereto and made a part hereof. ZAC comments were also received from the Office of Planning dated December 8, 2003 which did not oppose the relief requested provided certain conditions were imposed. Correspondence (along with attachments) dated November 5, 2003 was also received from W. Carl Richards, Jr., Zoning Supervisor for the Department of Permits & Development Management stating that approval of these requests should be denied.

Code Enforcement Comments

This matter is currently the subject of an active violation case (Case No. 02-3355) in the Division of Code Inspections and Enforcement. A citation for code violation has been issued in this matter because the service garage was constructed without a building permit.

It should be noted, for the record, that the fact that a zoning violation is issued is simply ignored in this zoning case. This means that the Petitioners cannot use the fact that a structure has been erected as a precedent to allow it to continue. Nor does the fact that removal may be costly come into consideration in the zoning case. The reason for this is that this condition is clearly self-imposed and as such cannot be a basis for the hardship or practical difficulty required by Section 307 of the B.C.Z.R. Conversely, the fact that something may have been done which could violate the law is not held against the Petitioners as some sort of an additional punishment. Zoning enforcement is conducted by the Department of Permits and Development Management, which has the authority to impose fines and other penalties for violation of law. This is not the province of this hearing of this Office.

Interested Persons

Appearing at the hearing in support of the request were James Anderson, Samuel Scarpola, Jr. and Bob Infussi. Appearing as for the Office of Planning was David Pinning, area planner.

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No protestants or citizens attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Applicable Law

Section 500.7 of the B.C.Z.R. Special Hearings

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Section 502.1 of the B.C.Z.R. - Special Exceptions

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air; [Bill No. 45-1982]
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the sprit and intent of these Zoning Regulations; [Bill No. 45-1982]
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 zone. [Bill No. 74-2000]

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this special hearing request, consists of 0.53 acres zoned BL. A used car lot and a retail sales lot which has an office and vehicle display area improve the site. The Petitioners testified that they wished to build a one-story 28 ft. x 30 ft. service garage as shown on Petitioner's Exhibit No. 1. The

addition would be used primarily to provide auto-detailing service. According to the Petitioners, they received a building permit for the new building which was then nearly complete and ready for final inspection when they were told they could not proceed. Apparently, the County inspector determined that the building was the same building denied by the Board of Appeals in Case No. 97-336. In this case, the Board confirmed the nonconforming use of the property as a used car lot but denied the expansion of the nonconforming use to include a 30 ft. \times 40 ft. building. The Petitioners point out that the proposed (and nearly erected service garage) is 28 ft. \times 30 ft. one-story building and not the 30 ft. \times 40 ft. expansion of the nonconforming use.

The Petitioner proffered that the surrounding area was zoned BL and included commercial uses such as an inn, bank, liquor store and some residences. As such, the Petitioner argued that the service garage would not be a detriment to the community and would meet all the requirements of Section 502.1 of the B.C.Z.R.

The primary thrust of the hearing, however, was not on the merits of the special exception or special hearing. Rather, it involved whether or not the property was so cluttered with wrecked vehicles and vehicle parts that the Petitioner should clean up the property as a condition of approval of the special hearing and special exception. The comments of the Zoning Office are directed to this point which state that as of November 5, 2003 the deplorable condition of the property had not been cleaned up. See history and photographs attached to the Zoning memo of November 5, 2003. Mr. Infussi, speaking for the Petitioner, declared that the intent of the owner was to clean up the site and that by the December 9, 2003 hearing date, 65% to 70% of the site had been corrected. There were some comments from the Petitioners that they had not placed the junk vehicles and debris on the property but that others in the neighborhood had done so. Nevertheless, the Petitioners promised that the site would be completely cleaned up and that all

TOTAL FORESTER

inoperable vehicles would be stored behind a privacy fence. This is particularly important as this property is located in the Eastern Avenue renewal area of the County where the County and business/residential owners are making special efforts to clean up blighted businesses.

In addition, Mr. Pinning from the Planning Office attended the hearing because he was personally aware of the site and its condition. He noted that the Planning Office requested landscaping across the front of the property. However, the Petitioners objected because this is the area where they display their used cars and they did not want to hide their offerings. Another issue was whether or not parking and travel areas of the lot should be paved with a dustless and durable surface or remain primarily crushed gravel. This site is located in the Chesapeake Critical Bay Area which favors minimum impervious surface.

In the end, the open issues became so site specific that Mr. Pinning agreed to meet the Petitioners on site and negotiate a true overall plan for the property. Although much time and apparently many discussions have ensued since the hearing, the parties finally agreed to a new site plan which is attached as Petitioners' Exhibit No. 2. Highlights of this plan include erecting a continuous stockade fence to shield the public from the disabled vehicles stored on the site, provide stone paving in lieu of the durable and dustless surface in areas of parking and travel, eliminating the need for landscaping along Eastern Avenue and, last but far from least, that the Petitioners will comply with the plan to clean up the property within 60 days of the signing of this Order.

The Petitioners' request for Special Hearing confirming that the special exception granted does not conflict with the nonconforming used car sales use approved in Case No. 97-336-

ONDER RECEIVED FOR FILMS

ON ANALYSIA

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Considering the agreed plan to cleanup the site as shown in Exhibit No. 2, I shall approve the special exception allowing a service garage on the property. I find that given the fencing, screening and clean up of the site as shown in Exhibit No. 2, the Petitioners have met the requirements of Section 502.1 of the B.C.Z.R. I find further that granting this special exception will not violate the nonconforming status of the property as granted in Case No. 97-336. This approval is subject, however, to the following conditions:

- 1. That the Petitioners shall comply with the Office of Planning comments except as they are modified by Exhibit No. 2.
- 2. That the Petitioners shall comply with DEPRM comments; and
- 3. That the site shall comply with the requirements of the revised plan shown on Exhibit No. 2 within 60 days of the date of this Order.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and for the reasons given above, the special hearing request shall be approved.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this <u>(a)</u> day of April, 2004, that the Petitioners' request for special exception filed pursuant to Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a service garage is hereby APPROVED; and

IT IS FURTHER ORDERED that the Petitioners' request for Special Hearing confirming that the special exception granted above does not conflict with the nonconforming used car sales use approved in Case No. 97-336-SPHA, be and is hereby APPROVED, subject to the following conditions:

- 1. That the Petitioners shall comply with Planning comments dated December 8, 2003 except as they are modified by Exhibit No. 2;
- 2. That the Petitioners shall comply with DEPRM comments dated October 20, 2003; and
- 3. That the site shall comply with the requirements of the revised plan shown on Exhibit No. 2 within 60 days of this Order.

STREET WESTERS

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

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner.

April 16, 2004

Robert Infussi P. O. Box 1043 Bel Air, Maryland 21014

Re: Petitions for Special Hearing & Special Exception Case No. 04-142-SPHX

Property: 1901 Old Eastern Avenue

Dear Mr. Infussi:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special hearing and special exception have been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

c: Anna M. Mueller 1909 Old Eastern Avenue Baltimore, MD 21221 Samuel S. Scarpola, Jr. 904 Homberg Avenue Baltimore, MD 21221

James Anderson 401 Torner Road Baltimore, MD 21221





Petition for Special Hearing

CBCA

to the Zoning Commissioner of Baltimore County

for the property located at 1901 OLD CASTEN A which is presently zoned 35

	which is presently zoned
This Petition shall be filed with the Department of Permits a owner(s) of the property situate in Baltimore County and which and made a part hereof, hereby petition for a Special Heat Baltimore County, to determine whether or not the Zoning Com-	h is described in the description and plat attached hereto ring under Section 500.7 of the Zoning Regulations of
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The YHON- CON Forming U	Sed of Stras Us
Approad in case No.	77-336 - SPHA
Property is to be posted and advertised as prescribed by the zo I, or we, agree to pay expenses of above Special Hearing, advertising zoning regulations and restrictions of Baltimore County adopted pursus	, posting, etc. and further agree to and are to be bounded by the
	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:	Legal Owner(s):
JAMES ANderson	ANNA M. Mueller
Name - Type or Print Name - 1	
Signature (Manufacture)	Signature // // // // // Signature
901 Toener Per 7979	
Address Telephone No. 2/22/	Name - Type or Print
City State Zip Code	Signature 1909 OLD CASTAN AM (410
Attorney For Petitioner:	-4316 STONEDRIDGE CH 681.3577 - W
	Address Telephone No.
Name - Type or Print City	BAITO, MAZILLI366 State Zip Code
	Representative to be Contacted:
Signature	Political Talker
Company	Name 70-812
	1/0-1504 1043 2236
Address Telephone No.	Address Telephone No.
City State Zip Code	City State Zip Code
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	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING
se No. 04-142-SPHX	UNAVAILABLE FOR HEARING
	By JNP per WCR Date 9/23/03
KEVIEWE	d By VIVI PEV VVVI Date 4/ C3/03



herein described property for

Petition for Special Exception

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

to the Zoning Commissioner of Baltimore County

for the property located at [901 011) CASTEN Au

which is presently zoned

nerein described property for A Service	Garciga
Property is to be posted and advertised as prescribed by the I, or we, agree to pay expenses of above Special Exception, adve zoning regulations and restrictions of Baltimore County adopted pu	rticing poeting ata and further serve to seed see the background.
	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property while is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
JAMES ANderson	+ ANNA M. MUEILER
Name - Type or Print	Name - Type or Print
Signature 410	Signature Medler
Address, Telephone No.	Theresa B. MARSCHALL deceased 6/20 Name - Type or Print
150to. md 2/22/	Harrie - Type of Fillit
City State Zip Code	Signature
Attorney For Petitioner:	* 1909 Old Eastern Due 410-594-12 Address Telephone
Nama - Tuno as Osint	+ Bo46" BO MO 2/22/
Name - Type or Print	City State Zip C
Signature	Representative to be Contacted:
Company	Kubert M INPUSSI
	Name P.O. Boy 1043 410-812-
Aldres Telephone No.	Address Telephone
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	OFFICE USE ONLY
Ese No. 04-142-SPHX	ESTIMATED LENGTH OF HEARINGUNAVAILABLE FOR HEARING
R8 09/16/98	Reviewed By JNP per WCR Date 9/23/03

DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION 1901 OLD EASTERN AVENUE

Beginning at a point distant N 23°18′34″ E 82, more or less feet and S 77°45′ E 51 feet, more or less from the point formed by the intersection of the centerline of Wilber Road (80 feet wide) with the east side of Old Eastern Avenue (60 feet wide), thence (1) N 23°18′34″ E 92 feet, more or less, thence (2) S 66°41′26″ E 43 feet, thence (3) S 23°18′34″ W 79 feet, more or less, thence (4) N 77°45′ W 45 feet, more or less to the place of beginning.

Containing 3677 square feet or 0.084 acre of land more or less. Being located in the 15th Election District, 5th Councilmanic District of Baltimore County, Maryland



BALTIMORE, COUNTY, MAF NEOUS PINK - AGENCY RECEIPT N X X AMOUNT ACCOUNT YELOW - CUSTOMER 15 47 300-100 No. 29386 38 9/75/2003 9/75/2003 705.00 C pretking anomittes 985620 CASHIER'S VALIDATION 196563 20組織 97:55:40 90R **WILLULY STATE** 25/2003 \$705.00°

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NOTIGE 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: #04-142-SPHX
1901 Old Eastern Avenue
E/side of Old Eastern Avenue
82 feet north of Wilber Road
15th Election District
6th Councilmanic District
Legal Owner(s): Anna Mueller
Special Hearing: to determine that a Special Exception for a service garage will have no conflict with the non-conforming used car sales use approved in Case
No. 97-336-SPHA. Special Exception: to pennit a service garage. service garage.
Hearing: Tuesday, December 9, 2003 at 11:00 a.m.
in Room 106, County Office Building, 111 W.
Chesapeake Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baitimore County
NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
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) 8873391.
11/183 Nov 20 C637710

CERTIFICATE OF PUBLICATION

NOV. 20, 20,03
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of\successive weeks, the first publication appearing on Nov. 20_,20_03
The Jeffersonian Arbutus Times Catonsville Times Towson Times Owings Mills Times
☐ NE Booster/Reporter ☐ North County News
S. Wilkings

LEGAL ADVERTISING

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: #04-142-SPHX
1901 Old Eastern Avenue, 82 feet north of Wilber Road
16th Election District - 6th Councilmants District
Legal Owner(s): Anna Mueller
Contract Putchaser: James Anderson
Special Hearing: to determine that a Special Exception for a service garage will have no conflict with the nonconforming used car sales use approved in Case NO. 97336-SPHA Special Exception: to permit a service garage.
Hearing: Monday, November 10, 2003 at 9:00 a.m. in Room 407, Chunty 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 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.

Contact the Zoning Review Office at (410) 887-3391.

CERTIFICATE OF PUBLICATION

10/24,20.03
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
$\frac{10 23 ,2003}{}$
X The Jeffersonian
Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
Dulusa-
LEGAL ADVERTISING

CERTIFICATE OF POSTING

Petitioner/Developer: ANNA Date of Hearing/Closing: 12 Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 ATTN: Becky Hart {(410) 887-3394} Ladies and Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: OLOLD EASTERN The sign(s) were posted on (Month, Day, Year) Sincerely, (Signature of Sign Poster) SSG Robert Black (Print Name) THE ZONING COMMISSIONER 1508 Leslie Road 相 IOWSON, MD PLACE: HOLY ICL. COUNTY CHIE HIS HINCHESTER AVE. (Address) DATE AND TIME: WITHER 9 2003 AFTICO AM

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Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

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.

	paper Advertising:
item Numb	er or Case Number: 04-142-SPHX
Petitioner:	JAMES ANDERSON ANNA M. MUELLER
Address or	Location: 1901 OLO EASTERN AVENUE
<i></i>	
Name:	DRWARD ADVERTISING BILL TO:
Name:	
Name:	JAMES ANDERSON
Name:	JAMES ANDERSON 401 TORNER ROAD



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



Baltimore County

James T. Smith, Jr., County Executive
Timothy M Kotroco, Director

November 4, 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: 04-142-SPHX

1901 Old Eastern Avenue

E/side of Old Eastern Avenue, 82 feet north of Wilber Road

15th Election District – 6th Councilmanic District

Legal Owner: Anna Mueller

Special Hearing to determine that a Special Exception for a service garage will have no conflict with the non-conforming used car sales use approved in Case No. 97-336-SPHA. Special Exception to permit a service garage.

Hearings:

Thursday, December 9, 2003, at 11:00 a.m. in Room 106, County Office

Building, 111 W. Chesapeake Avenue

Timothy Kotroco

Director

TK:klm

C: Anna Mueller, 1909 Old Eastern Ave., Baltimore 21221 James Anderson, 401 Torner Ave., Baltimore 21221 Robert Infussi, P.O. Box 1043, Bel Air 21014

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, NOVEMBER 24, 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.



TO: PATUXENT PUBLISHING COMPANY

Thursday, November 20, 2003 Issue - Jeffersonian

Please forward billing to:

James Anderson 401 Torner Road Baltimore, MD 21221

410-258-7949

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: 04-142-SPHX

1901 Old Eastern Avenue E/side of Old Eastern Avenue, 82 feet north of Wilber Road 15th Election District — 6th Councilmanic District Legal Owner: Anna Mueller

Special Hearing to determine that a Special Exception for a service garage will have no conflict with the non-conforming used car sales use approved in Case No. 97-336-SPHA. Special Exception to permit a service garage.

Hearings:

Thursday, December 9, 2003, at 11:00 a.m. in Room 106, County Office

Building, 111 W. Chesapeake Avenue

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.

Department of Permits and Development Management

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



Baltimore County

James T. Smith, Jr., County Executive Timothy M Kotroco, Director

November 4, 2003

Anna Mueller 1909 Old Eastern Avenue Baltimore, MD 21221-1366

Dear Ms. Mueller:

RE: Case Number: 04-172-SPHX, 1901 Old Eastern Avenue

The above matter, previously scheduled for November 10, 2003, has been postponed. Once the hearing has been rescheduled you will be notified by mail.

Please be advised that the responsibility of the appropriate posting of the property is with the Petitioners. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with the notice of the original hearing date, as quickly as possible after you have been notified, the new hearing date should be affixed to the sign(s).

Very truly yours,

Timothy Kotroco

Director

TK:klm

C: James Anderson, 401 Torner Road, Baltimore 21221 Robert Infussi, P.O. Box 1043, Bel Air 21014

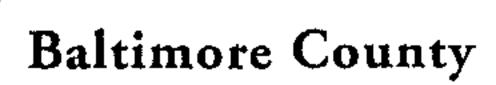


Visit the County's Website at www.baltimorecountyonline.info

Department of Permits and Development Management

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





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

October 7, 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: 04-142-SPHX

1901 Old Eastern Avenue

E/side of Old Eastern Avenue, 82 feet north of Wilber Road

15th Election District - 6th Councilmanic District

Legal Owner: Anna Mueller

Contract Purchaser: James Anderson

Special Hearing to determine that a Special Exception for a service garage will have no conflict with the non-conforming used car sales use approved in Case No. 97-336-SPHA. Special Exception to permit a service garage.

Hearings:

Monday, November 10, 2003, at 9:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Anna Mueller, 1909 Old Eastern Avenue, Baltimore 21221 James Anderson, 401 Torner Road, Baltimore 21221 Robert Infussi, P.O. Box 1043, Bel Air 21014

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, OCTOBER 25, 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.

Post-it® Fax Note 7671	Date 11 7 # of pages
To Bette	From Knoten
Co./Dept. Canning in er's	Co.
Phone #	Phone # 339(
Fax # 546 F	Fax #

Visit the C



TO: PATUXENT PUBLISHING COMPANY

Thursday, October 23, 2003 Issue - Jeffersonian

Please forward billing to:

James Anderson 401 Torner Road Baltimore, MD 21221 410-258-7949

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: 04-142-SPHX

1901 Old Eastern Avenue

E/side of Old Eastern Avenue, 82 feet north of Wilber Road

15th Election District – 6th Councilmanic District

Legal Owner: Anna Mueller

Contract Purchaser: James Anderson

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Hearings:

Monday, November 10, 2003, at 9:00 a.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

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.

Department of Permits Add Development Management

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



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

December 8, 2003

Anna M. Mueller 1909 Old Eastern Avenue Baltimore, Maryland 21224

Dear Ms. Mueller:

RE: Case Number: 04-142-SPHX Old Eastern Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 23, 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

WCR:rjc

Enclosures

C: Robert Infussi P.O. Box 1043 Bel Air, MD 21014
James Anderson 401 Toener Road Baltimore MD 21221
People's Counsel



Visit the County's Website at www.baltimorecountyonline.info



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

October 7, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: October 7, 2003

Item No.:

142/, 145, 14

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.

4. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code, (2000 edition of NFPA 1 & 101), prior to occupancy or beginning of operation.

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

cc: File

Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor



Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Maays do Deplatment of Paulsgoons, that

Date: 10.7.03

Ms. Rebecca Hart Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204 RE: Baltimore County

Item No. 142

JHP

Dear. Ms. Hart:

4 mg

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

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

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:	Tim Kotroco	DATE: October 20, 2003			
FROM:	R. Bruce Seeley RBS	75T			
DATE:	October 20, 2003	-			
SUBJECT: Zoning Item <u>04-142</u> Address <u>1901 Old Eastern Avenue (Muelle</u>		n Avenue (Mueller Property)			
$_{\cdot}$ Z_{0}	oning Advisory Committee Me	eting of October 6, 2003			
Tł	he Department of Environment omments on the above-reference	tal Protection and Resource Management has no ed zoning item.			
C+1 X	he Department of Environment extension for the review of the tent to which environmental re-	al Protection and Resource Management reques e above-referenced zoning item to determine the egulations apply to the site.			
X Th	ne Department of Environment e following comments on the a	al Protection and Resource Management offers bove-referenced zoning item:			
	the Protection of Water Q	cur on or within 200 feet of the property, the rty may need to comply with the Regulations for the public streams, Wetlands and Floodplains 14-350 of the Baltimore County Code).			
•••	Development of this property Conservation Regulations Baltimore County Code).	erty must comply with the Forest (Section 14-401 through 14-422 of the			
	X Development of this proper	erty must comply with the Chesapeake Bay			

Critical Area Regulations (Sections 26-436 through 26-461, and other

Additional Comments:

Sections, of the Baltimore County Code).

Reviewer: Keith Kelley

Date: 10/16/03

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: December 8, 2003

RECEIVED

DEC 8 2003

ZONING COMMISSIONER

SUBJECT:

1901 Old Eastern Avenue

INFORMATION:

Item Number: 04-142

Petitioner:

Robert Infussi

Zoning:

BL

Requested Action:

Special Hearing

SUMMARY OF RECOMMENDATIONS:

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

- 1. Provide low-laying landscaping along the entire frontage of the subject property adjacent Old Eastern Avenue. Submit a landscape plan to this office for review and approval.
- 2. Remove all vehicles from the wooded area show on the plan.
- 3. All vehicular traveled area shall be paved with a dustless and durable surface material.
- 4. The entire vehicular storage area shall be enclosed by an opaque stockade/board-on-board fence. Vehicular storage shall be limited to this enclosed area only.

Section Chief:

AFK/LL:MAC:

9

DRAFT

RECEIVED

BALTIMORE COUNTY, MARYLAND

NOV - 6 2003

Interoffice Correspondence

ZONING COMMISSIONER

TO: Hearing Officer

DATE: November 5, 2003

FR: W. Carl Richards, Jr. Zoning Supervisor

RE: Case 04-142 SPHX and 97-336 SPH

Zoning Comments Regarding Permit B490346C, 1901 Old Eastern Avenue

Property Condition - Violations

This office assisted the petitioner with the filing of the instant petition at the suggestion of the then Director Arnold Jablon as the only means to possibly resolve the new building built in violation of the Board of Appeals order in the prior zoning case #97-336 SPH. Also, during the processing of this petition, Mr. Robert Infussi, agent for the owner, spoke to Timothy Kotroco, PDM Director, regarding this case, and Mr. Infussi promised the Director that the property would be "cleaned up" prior to the hearing.

As of this date, the deplorable condition of the property has not been corrected, as agreed. This property is located directly in the middle of an area of Baltimore County that is undergoing tremendous revitalization. The conditions that exist on this property are offensive and are in direct contravention of the Renaissance efforts of the County Executive's administration. No relief whatsoever should be granted to this petitioner. The property has not been cleaned up and the violations continue. (See attached photos.) Based on the condition of the property, this office urges you to deny this request.

wcr/jm

Attachments

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: November 21, 2003

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 13, 2003

Item Nos. 130, 131, 132, 133, 134, 135, 138, 139, 142, 143, 145, 146, 149, and 150

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

RWB:CEN:jrb

cc: File

RE:	PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION	*	BEFORE THE
	1901 Old Eastern Avenue; E/side Old	*	ZONING COMMISSIONER
	Eastern Avenue, 82' N of Wilber Road 15 th Election & 6 th Councilmanic Districts	*	FOR
	Legal Owner(s): Anna M. Mueller &		
	(Theresa B. Marschall, Deceased) Contract Purchaser(s): James Anderson	*	BALTIMORE COUNTY
	Petitioner(s)	*	04-142-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.

RECEIVED

OCT 0 9 2003

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ____ day of October, 2003, a copy of the foregoing Entry of Appearance was mailed to Robert Infussi, P.O. Box 1043, Bel Air, MD 21014, Representative for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

DATE:	November 4, 2003				
TO:	W. Carl Richards, Jr. Zoning Review Supervi	isor			
FROM:	Rick Wisnom, Chief Division of Code Inspec	ctions & Enforce	ement		
SUBJECT:	Item No.: Legal Owner/Petitioner Contract Purchaser: Property Address: Location Description:		142 Anna Mueller & James Anderson N/A 1901 Old Eastern Ave E/side Old Eastern Ave, 82' N/Wilber Rd		
Please 1		-	O2-3355 Anna Mueller on is the subject of an active violation case. se notify the following person(s) regarding the		
NAME			ADDRESS		

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

X	1.	Complaint letter/memo/email/fax (if applicable)
X	2.	Complaint Intake Form/Code Enforcement Officer's report and notes
X	3.	State Tax Assessment printout
	4.	State Tax Parcel Map (if applicable)
	5.	MVA Registration printout (if applicable)
	6.	Deed (if applicable)
	7.	Lease-Residential or Commercial (if applicable)
	8.	Photographs including dates taken
X	9.	Correction Notice/Code Violation Notice
	10.	Citation and Proof of Service (if applicable)
	11.	Certified Mail Receipt (if applicable)
	12.	Final Order of the Code Official/Hearing Officer (if applicable)
	13.	Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)

Billing Notice/Property Lien Sheet (if applicable).

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation

Complete Chronology of Events, beginning with the first complaint through the

RSW/gb

case.

14.

C: Code Enforcement Officer



Baltimore Cracty
Department ermits and
Development Management

Code Inspections and Enforcement County Office Building 111 West Chesapeake Avei. Towson, MD 21204

Code Enforcement:

410-887-3351

Plumbing Inspection:

410-887-3620

Building Inspection:

410-887-3953

410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case	355 55	Property No.	20	3811		Zoning	<u>}</u> :	
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Barre County Dep....ment of Permits and Development Management Code Inspections d Enforcement
County Office I ng 111 West Chesapeake Avenue Towson, MD 21204

Code Enforcement: **Building Inspection:**

410-887-3351

Plumbing Inspection: Electrical Inspections

410-887-3620

410-887-3953

410-887-3960

15 17157 410-887-3780
BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE
Citation/Case No. Property No.
Name(s): R12EY CHARLES L NEGINA
Address: POBOX 7859 21221
Violation 1901 OLD FASTERN ATT
DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:
BLC02 101.2 - 102.1
PERMIT HAS BEEN RESCINDED
CONTACT FOE MERRY
(ZonE)
B490346
YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:
On or Before: Date Issued:
FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR
EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.
Print Name
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INSPECTOR: STOP WORK NOTICE
PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK
UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED, WORK CAN

RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

Not Later Then:	2-02 Date Issued: 5-02
INICOTOD.	GLENN BERRY / PRIN



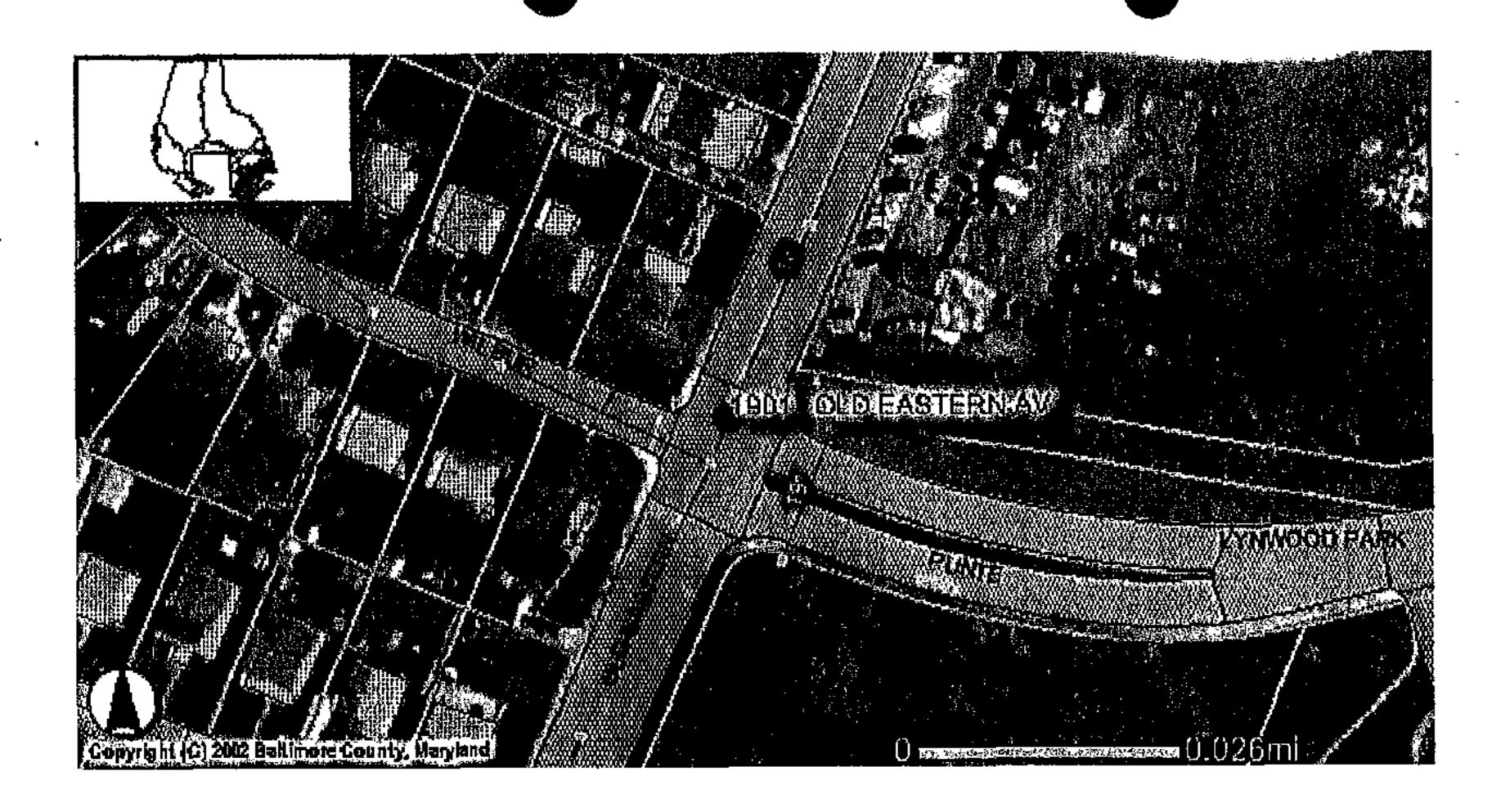
Civil Engineers / Land Planners / Surveyors 1249 Engleberth Rd. Baltimore, Md. 21221

410-391-2336

TRANSMITTO OHN ALTENNECTIONS			APRIL 24, 2003 RILEY MARINA	
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DESC-2.. 500FT SW OF EASTERN BLV

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MD 21286-1360 FORMER OWNER: BUEDEL FRANK J BALTIMORE

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MARSCHALL T B, ET AL

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STANDARD ASSESSMENT INQUIRY (2) DATE: 04/28/2003

TIME: 14:17:20 LOAD DATE DEL DIST GROUP CLASS OCC. HISTORIC PROPERTY NO. 01/08/03 15 3-1 30-00 NO. 15 13 203811 MAP.... 0090 LOT WIDTH..... .00 -BOOK 0000 LOT DEPTH.... GRID.... 0017 FOLIO... 0000 BLOCK.. LAND AREA.. 249633.000 S PARCEL.. 0999 SECTION..

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DATE: 05/20/2002 STANDARD ASSESSMENT INQUIRY (1)

TIME: 14:31:48

PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC DEL LOAD DATE 15 18 350231 15 3-3 29-00 N NO 02/20/02

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RILEY REGINA A

DESC-2. 1164 E EASTERN AV

PO BOX 7857 PREMISE, 01901 OLD EASTERN AVE

00000-0000

BALTIMO	RE	MD 2	1221-0857	FORMER OWNE	R: TAYLOR	EMMA V
	FCV			PHASED	IN	
	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	508,490	480,500		FCV	ASSESS	ASSESS
IMPV:	211,420	239,200	TOTAL	719,700	719,700	719,700
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ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

TO WHOM IT MAY CONCERN.

ON THE WEEKEND OF MAY 25, 2002, A BUILDING WAS BYILT AND ADDED ON A SMALL REXISTING BUILDING AT 1901 OLD FRASTRAN AVENUE, IN RESSEX. THENE WAS NO BUILDING PERMIT AND SEVERAL YEARS AGO, A SIMILAR BUILDING WAS PANTIALLY PENECTED, THEN WAS MADE TO
BE TORN DOUN. THIS IS AT THE SITH OF WATERVIEW SALES.

CONCRIMED NEIGHBON

RECEIVED 02-1579 6 2002

DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT Inspector - ROWE, H

Activity

Date Closed 8/21/2002

Area Case # Location

Zip Apt

Date Rec Reinsp Dt

015 02-3355 1901 EASTERN AVE

21221 5/21/2002 8/20/2002

Tax Acct #: 1518350231

Complainant Name: (Last) KRAMER

(First) ALFRED

Addr:

Str # Dir Street Name

Type Apt

City

Zip \mathtt{ST}

Phone: (Home) 410/686-7026 (Work)

Problem: BUILT GARAGE W/O PERMIT

Notes:

02-3355

05/22/02 VISITED SITE APPEARS TO BE GAR. BLT. ON OLD SLAB. NOTICE POSTED ON FRONT DOOR. CALLED MR. KRAME R. 3:10 PM. NO ANSWER. P/U 06/07/02. H.ROWE/KH.*** 06/07/02 OWNER WORKING ON PERMIT. COMPL. NOTIFIED BY PHONE 06/07/02 3:30PM. P/U 07/07/02. H.ROWE/KH.***

07/22/02 OWNER HAS HAD MEETI NG W/MR. BRYANT & IS REVISING PERMIT. P/U 08/20/02. H.ROWE/K H.***

08/21/02 PERMIT OBTAINED-B490346. CLOSE CASE. H. ROWE/KH.***



re County Ba' Depart of Permits and Development Management



1 Enforcement Code Inspection County Office L ,ng 111 West Chesapeake Avenue Towson, MD 21204

Code Enforcement: **Building Inspection:** 410-887-3351 410-887-3953

Plumbing Inspection: Electrical Inspection:

410-887-3620 410-887-3960

BALTIN	AORE COUNT	I'Y UNIFORM CO	DE ENF	ORCEMEN	T CORRECT	ION NOTICE
Citation/Case	^N 3.55	Property No. 3.	302	3/	Zoning:	
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EACH VIOL	ATION SUBJEC		NTIAL F	INES OF \$20	00, \$500, OR	\$ CONVICTION FO \$1000 PER DAY, PE
INSPECTOR	Pou	-			-	
UNTIL THE	VIOLATIONS TH THE APPR	ON OF THE FORE ARE CORRECTED	GOING V AND/O ISION O	R PROPER P F CODE INSI	ERMITS OB	L CEASE ALL WOR FAINED. WORK CA ND ENFORCEMEN
Not Later Than	;		Dat	e Issued:		,
*						
INSPECTOR						DEFENDA!





October 29, 2003

OK to post one.

Reset at Late.

Time

Mr. Timothy Kotroco, Director Department of Permits & Development Management 111 W. Chesapeake Avenue Towson, Maryland 21204

Dear Mr. Kotroco:

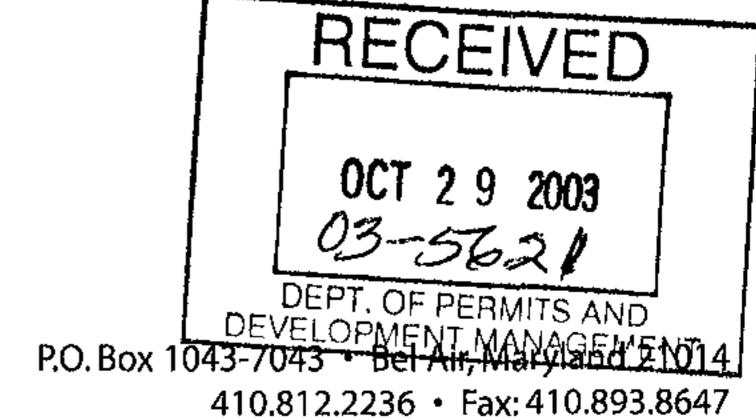
I would like to request a change of hearing date for case # 04-142-SPHX for the reason that I was out of town and did not a the required sign posted for the hearing date.

I humbly apologize for my mistake and hope that you and your office will act on my request for a new hearing date. I understand that I will be responsible for any and all costs that will be outstanding.

Thank you in advance for your help in this matter.

Robert Infussi,

Expedite, LLC



410.812.2236 • Fax: 410.893.8647 e-mail: expedite.llcrinfussi@comcast.net

12/9

DRAFT

RECEIVED

BALTIMORE COUNTY, MARYLAND

NOV - 6 2003

Interoffice Correspondence

ZONING COMMISSIONER

TO: Hearing Officer

DATE: November 5, 2003

FR: W. Carl Richards, Jr. Zoning Supervisor

RE: Case 04-142 SPHX and 97-336 SPH

Zoning Comments Regarding Permit B490346C, 1901 Old Eastern Avenue

Property Condition - Violations

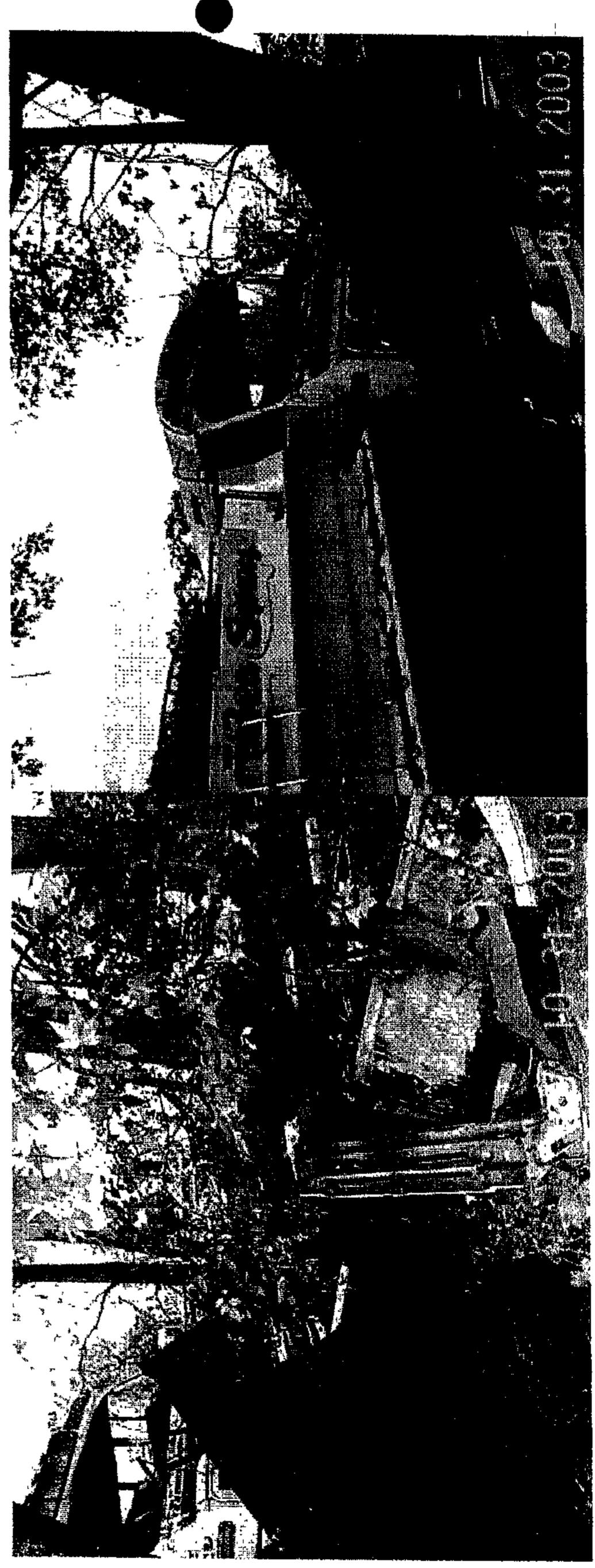
This office assisted the petitioner with the filing of the instant petition at the suggestion of the then Director Arnold Jablon as the only means to possibly resolve the new building built in violation of the Board of Appeals order in the prior zoning case #97-336 SPH. Also, during the processing of this petition, Mr. Robert Infussi, agent for the owner, spoke to Timothy Kotroco, PDM Director, regarding this case, and Mr. Infussi promised the Director that the property would be "cleaned up" prior to the hearing.

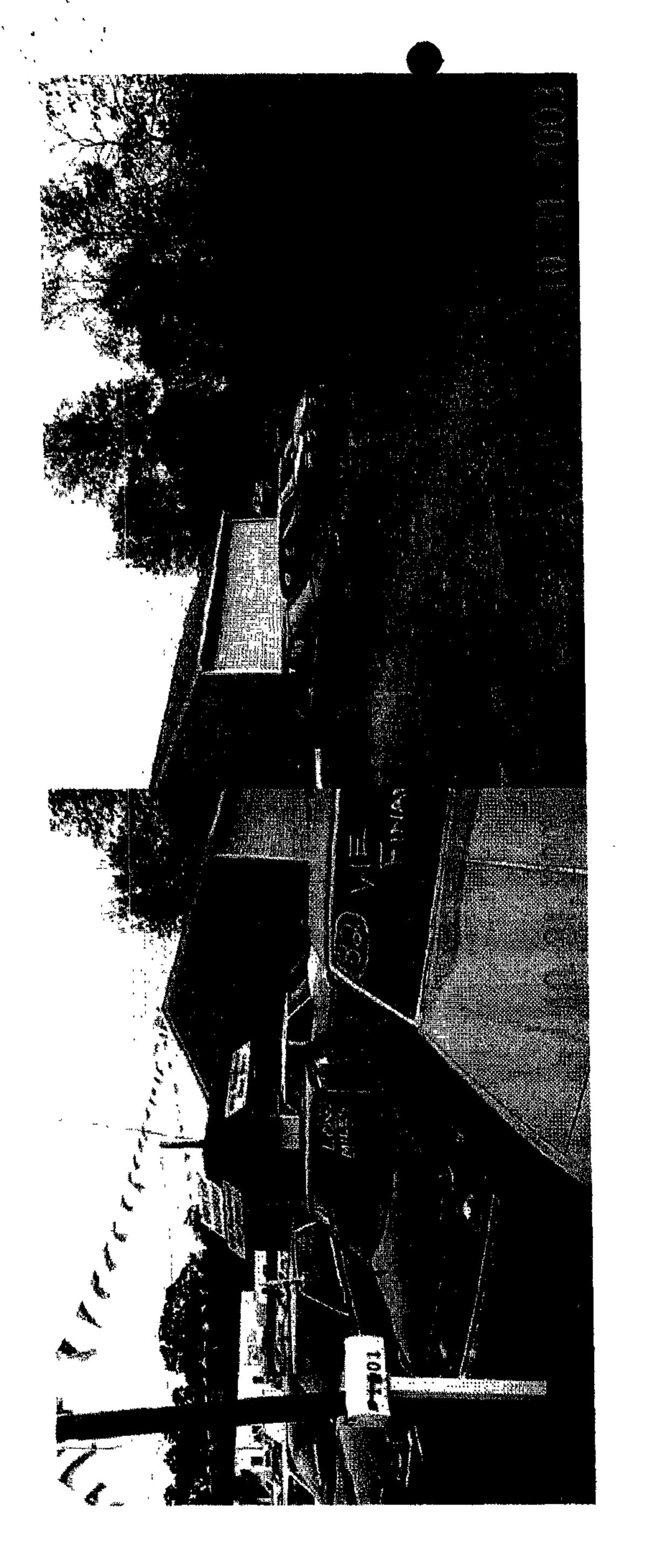
As of this date, the deplorable condition of the property has not been corrected, as agreed. This property is located directly in the middle of an area of Baltimore County that is undergoing tremendous revitalization. The conditions that exist on this property are offensive and are in direct contravention of the Renaissance efforts of the County Executive's administration. No relief whatsoever should be granted to this petitioner. The property has not been cleaned up and the violations continue. (See attached photos.) Based on the condition of the property, this office urges you to deny this request.

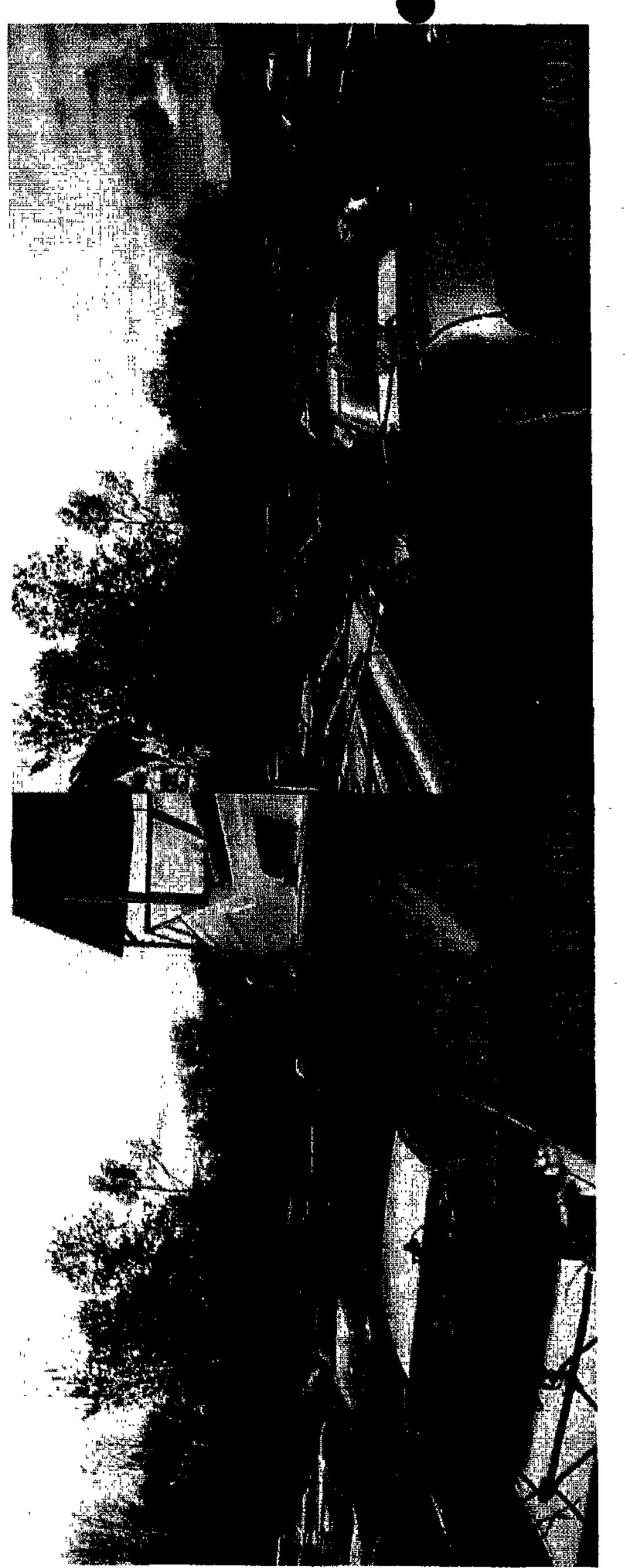
wcr/jm

Attachments

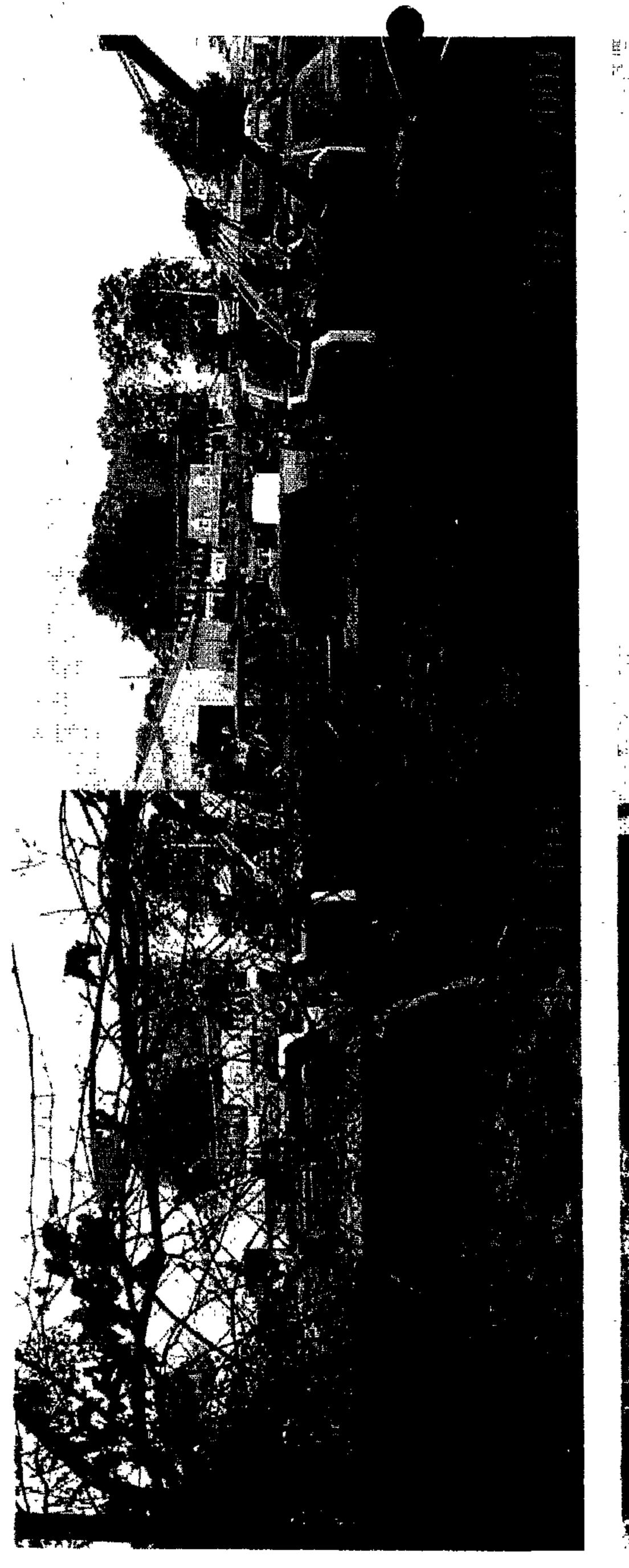
















Robert M. Infussi, Sr Principal

October 29, 2003

Mr. Timothy Kotroco, Director Department of Permits & Development Management 111 W. Chesapeake Avenue Towson, Maryland 21204

2003
10/31/03
Cox to postrore.
Reset at texture
Time

Dear Mr. Kotroco:

was for 11-10-03 I would like to request a change of hearing date for case # 04-142-SPHX for the reason that I was out of town and did not a the required sign posted for the hearing date.

I humbly apologize for my mistake and hope that you and your office will act on my request for a new hearing date. I understand that I will be responsible for any and all costs that will be outstanding.

Thank you in advance for your help in this matter.

Robert Infussi,

Expedite, LLC

rescheduled for 12.9.03

RECEIVED DEVELOPMENT MANAGENTE 1014
P.O. Box 1043-7043 Bet Air, Ward SENTE 1014

410.812.2236 • Fax: 410.893.8647 e-mail: expedite.llcrinfussi@comcast.net

OVER

. PDLV0102F Permits & Pevelopment - Livability System View Cases

Case No: 02-3355

Address: 01901 OLD EASTERN AVE 21221

Cmd No: 015 District: 000 Date Rcv: 5/21/2002 Grp: ENF Intk: HOPKINS, K

Inspec: <u>BERRY</u>, <u>G</u>. Inspec2: _____ Date Inspec: <u>11/05/2003</u>

Close: <u>0/00/0000</u> Activity: _____ Delete: _

Problem: BUILT GARAGE W/O PERMIT

CL Name: <u>KRAMER</u> <u>ALFRED</u>

CL Home Phone: <u>410-686-7026</u> CL Work Phone: _____ Tax Acct. <u>1518350231</u>

Enter=Continue F12=Cancel , PDLV0103F

Permits & Development - Livability Syst

Case No: <u>02-3355</u>

Notes: <u>02-3355</u> 05/22/02 VISITED SITE APPEARS TO BE GAR. BLT. ON OLD SLAB. NOTICE POSTED ON FRONT DOOR. CALLED MR. KRAMER. 3:10 PM. NO ANSWER. P/U 06/07/02. H.ROWE/KH.*** 06/07/02 OWNER WORKING ON PERMIT. COMPL. NOTIFIED BY PHONE 06/07/02 3:30PM. P/U 07/07/02. H.ROWE/KH.*** 07/22/02 OWNER HAS HAD MEETING W/MR. BRYANT & IS REVISING PERMIT. P/U 08/20/02. H.ROWE/KH.*** 08/21/02 PERMIT OBTAINED-B490346. CLOSE CASE. H.ROWE/KH.*** WAS RESCINDED BY ZONING. ISSUED SWO. TOLD EMPLOYEE AT SOMEONE TO CALL JOE MERREY FOR INFO. MAILED COPY OF SWO TO OWNER. P/U 09/12/02. G.BERRY/KH.*** 09/13/02 TALKED TO JOE MERREY FROM ZONE. THERE IS NO CHANGE. LEAVE STOP WORK ON SITE. P/U 10/14/02. G.BERRY/KH.*** REMAINS RESCINDED BY ZONING. P/U 11/16/02. G.BERRY/KH.*** REMAINS RESCINDED. P/U 12/18/02. G.BERRY/KH.*** 11/18/02 PERMIT 12/20/02 WORKING W/ZONING. P/U 01/23/03. G.BERRY/KH.*** *****SEE NEXT PAGE*****

Enter=Continue F12=Cancel

7 ,

PDLV0104F Permits & Development - Livability System View Cases

Case No: <u>02-3355</u>

Notes: 01/24/03 STILL RESCINDED. P/U 02/24/03. G.BERRY/KH.***	<u>)</u>
2/25/03 NO ACTION AS OF YET. P/U 04/19/03. G.BERRY/KH.***	<u>)</u>
1/24/03 MAILED CORR. NO. VIA REG & CERT MAIL TO T. MARSCHALL ETAL @ 1316 STONEBI	<u>3</u>
[DGE CT., TOWSON, MD. 211286. KH.***	4
121/03 TALKED TO OWNER AT SITE. HE HAS COUNCILMAN BARTENFELDER INVOLVED. WILL	~ =
DNTACT HIS OFFICE. CALLED COUNCILMAN'S OFFICE. LEE PETTER WILL CHECK WITH MR.BAI	<u>R</u>
TENFEDER, I WILL CHECK BACK. P/U 4/22/03 G.BERRY/NS***	4-
/22/03 CALLED LEE FROM COUNCILMAN'S OFFICE. HAS NOT TALKED TO MR. BARTENFELDER. 1	N
ENT TO J.MERRY FROM ZONING. HE HAS HAD NO CONTACT ABOUT CASE. P/U 4/25/03 G.BER	<u>R</u>
Y. 4/25/03 RE-ISSUED STOP WORK TO OBTAIN PERMIT BY 4/29/03, LEFT COPY 1	<u>W</u>
ITH JAMES ANDERESON (TENANT) AND WILL SEND COPY TO OWNERS, BOTH REG. & CERT. MA	<u>I</u>
L. P/U 4/29/03 G.BERRY/NS***	<u>0</u>
4/30/03 ACQUIRING INFO FOR R.WISNOM. P/U 05/08/03. G.BERRY/KH.***	<u>5</u>
	0
9/15/03 NO CHANCE. P/U 10/17/03. H.ROWE/KH.***	1
0/27/03 P/U 11/05/03 G.BERRY/NS***	

Enter=Continue F12=Cancel



BALTIMORE COUNTY, MARYLAND Interoffice Correspondence

TO: The Honorable Joseph Bartenfelder

DATE: September 23, 2002

Councilman, Sixth District

Attention: Lea Petr

FROM: W. Carl Richards, Zoning Supervisor

Joseph C. Merrey, Planner

RE: Response to your memo of September 6, 2002

1901 Old Eastern Avenue

Rescission of Building Permit # B490346C

Case 97-336 SPH

In June of this year, Mr. Anderson applied for a building permit for the garage that is at issue. Upon review of the building permit site plan, certain issues were identified by this Office that needed to be addressed prior to release of the permit. A letter, dated July 10, 2002 (Copy attached), was forwarded to Mr. Anderson specifically identifying those items. Paragraph number 4 of said letter advised Mr. Anderson that he needed to establish on the plan that the proposed addition had received prior approval, and that a public hearing to approve same was possible if he had not already done so. Shortly thereafter, this Office received revised plans from Mr. Raymond J. Piechocki, of Building Development Consultants. Building Development Consultants had done the first plan that had generated the initial comments of July 10, 2002, aforementioned. The revised plan had the following amendment to the "General Notes" on the plan, in response to this Office's July 10, 2002 request:

"SITE DEVELOPMENT SHOWN ON THIS PLAT FOR THIS PARCEL WAS APPROVED THROUGH ZONING CASE 97-336-SPHA."

The permit was release on August 1, 2002, based upon this affirmation of prior approval. Shortly thereafter, it was discovered that the zoning case that Mr. Piechocki had cited on his revised permit plan had actually denied any further expansion on the property by the Board of Appeals. A letter was forwarded to Mr. Piechocki on August 13, 2002, advising him that an additional hearing would be required by his client for approval of the expansion. On September 5, 2002, it came to the attention of this Office that Mr. Anderson was proceeding with the construction of the expansion (subject garage). This Office thereupon had a stop-work order issued until these issues could be properly addressed. Both Mr. Richards and Mr. Merrey have spoken by telephone to Mr. Anderson and explained in detail the issues involved. Mr. Richards has advised Mr. Anderson that this Office relied on the information submitted with the application which was clearly erroneous, that consequently, the zoning approval was in error, and that the Zoning Office had therefore withdrawn approval until such time as the application and proposed improvements agree with the Board of Appeals Order. Mr. Richards also informed Mr. Anderson that he could bring this matter before the Zoning Commissioner via a Special Hearing and attempt to resolve the conflict between his expansion and the Board of Appeals Order.

1901 Old Eastern Avenue (Notes to file) By Joe Merrey

9/5/02 Discussed with John Sullivan And Carl. First submittal for building permit did not have zoning history establishing Zoning Comm. approval for proposed building. Revised plan was resubmitted with this note added, "SITE DEVELOPMENT SHOWN ON THIS PLAT FOR THIS PARCEL WAS APPROVED THROUGH ZONING CASE# 97-336 SPH". On that basis, the permit was released. On 9/13/02, J. Sullivan sent a letter to Mr. Piechocki, of Building Development Consultants, who did the plan, and advised that the requested building was beyond the relief granted in the Boards order. Carl advised that the permit should be rescinded, as the Board had denied the necessary relief, contrary to the note that was on the revised site plan. John Altmeyer, at our request, had an inspector visit the site and place a stop work order on the job. Spoke with Mr. Anderson (Lessee) and advised him of the erroneous information on the site plan reflecting that the proposed improvements had been approved per zoning case 97-336-SPH. He indicated that he would follow-up with Carl by telephone in the p.m..

9/6/02 J. Sullivan advised that Mr. Anderson had spoken with Carl yesterday p.m. and that Carl had advised him that a hearing was necessary. Upon

speaking with Carl, he said that he had explained to Mr. Anderson that the permit was released on the condition that the relief was granted as noted on the plan. Carl said that Mr. Anderson stated that he understood the County's position, but that it did not help his situation.

9/11/02 Spoke with Carl. We discussed Mr. Anderson's letter to Mr. Barrett. Carl requested that I call Mr. Anderson and advise him that the plan, prepared by a professional, had incorrect information on it that was relied upon by the Zoning Office in releasing the permit, and that a hearing would be required. Carl advised not to call Mr. Anderson until we had had a chance to speak with Arnold.

9/12/02 Spoke with John Altmeyer. He advised that he received a call from a Mrs. Riley, an adjoining property owner, who was listed as owner of the subject property on the permit application. She advised that she is not the owner, although the tax i.d. # on the application is a number assigned to her. John confirmed the problem with the property #.

Mrs. Peterson called (Maiden name Riley above), confirming above. She advised that she has spoken to Mr. Anderson about the erroneous info. on the application identifying her as owner and referencing her tax i.d.#, but he insisted that the number was correct. She said an Anne Buedel (sp.)

owns the property, and was the owner when the slab and foundation were begun without permits. I advised WCR of 9/12/02 info and he said a meeting with Arnold will be today.

11:30 Spoke with Lee Petre. She said that Ms. Riley told her that Mr. Anderson represented that Joe Bartenfelter told him to apply for the permit and that "He would take care of it". Lee said that this is not true, that Mr. Bartenfelter has never spoken to him, has no knowledge of this matter and certainly did not make the statement that Mr. Anderson attributes to him.

9/17/02 Spoke with Carl today for update on this and he advised that he has heard nothing further. He made no recommendations at this point for additional action on my part.

9#19/02 Soke with Carl. We attempted to meet with Arnold. He was in a meeting with Les Pitler. Carl advised that he would catch Arnold when he was available and call me back.

Carl advised in the p.m. that he had spoken to Arnold and that Arnold agreed with the handling of this matter. Carl said to prepare a memo to Mr. Bartenfelter with both our names on it, with an "Attention" to Lea Petr.

9/23/02 Sent memo to J. Bartenfelder's office, attention Lea Petr

9/23/02 Carl advised me to have J.T. open an enforcement file.



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

August 13, 2002

Mr. Raymond J. Piechocki Piechocki Consultants 7500 Harford Road Baltimore, MD 21234

Dear Mr. Piechocki:

Re: Proposed addition

1901 Old Eastern Ave. (Bldg. Permit #B-490346)

Zoning Case No. 97-336-SPHA

15th Election District

Your letter to Arnold Jablon, Director of Permits and Development Management, has been referred to me for reply. Your client's request is to allow a 28 ft. x 30 ft. x 16' 3" (in height) garage addition as shown on the submitted site plan. At the time of the prior zoning case, the zoning of this site per the 1" = 200' scale zoning map Nos. NE, 3-H, and 3i was Business Local (BL). The zoning of the site has not changed since then. On March 28, 1997, the Deputy Zoning Commissioner denied the special hearing for non-conforming use and the variance (341% expansion). On April 27, 1998, the Baltimore County Board of Appeals dismissed the variance, as the request was withdrawn, but granted the non-conforming use of the 12 ft x 21.2 ft. block building.

Your client's requested 330% expansion far exceeds the 25% allowed by S.104, 3, BCZR (copy enclosed). As such, a hearing is required.

Enclosed are the petition forms as well as a self-explanatory sample procedural booklet.

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

Sincerely,

John J. Sullivan, Jr

Planner II

Zoning Review

JJS:rlh

Enclosure

c: Letter File

PLEASE PRINT CLEARLY

CASE NAME /90/01/ Easter CASE NUMBER 04-142-5 DATE 12/9/03

PETITIONER'S SIGN-IN SHEET

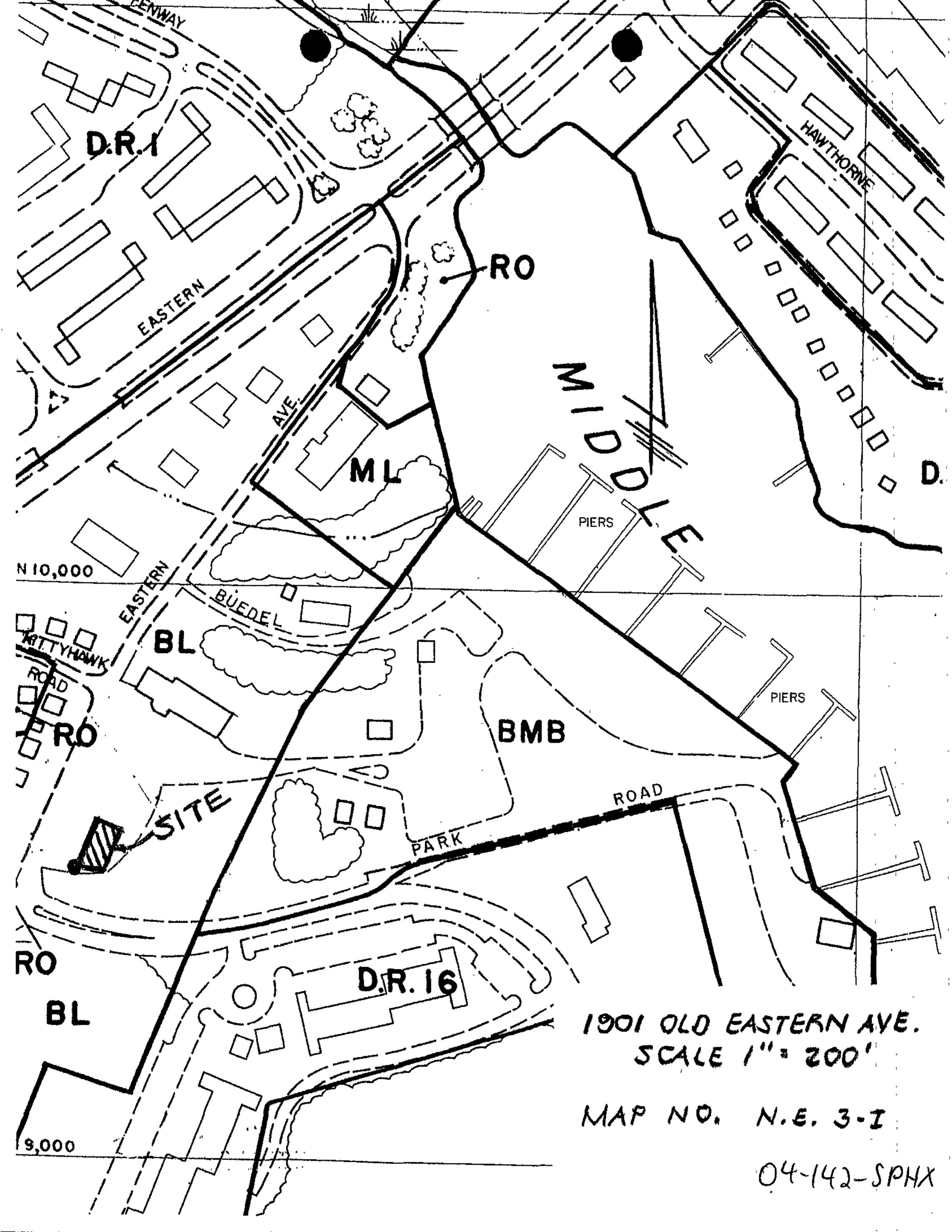
E-MAIL												
CITY, STATE, ZIP	13 MM	Salto M. di 2122	•									
ADDRESS	2/ Tenana	God Homberg ave.	7									
NAME	The Carlotte of the Contract o	Some de Lange										

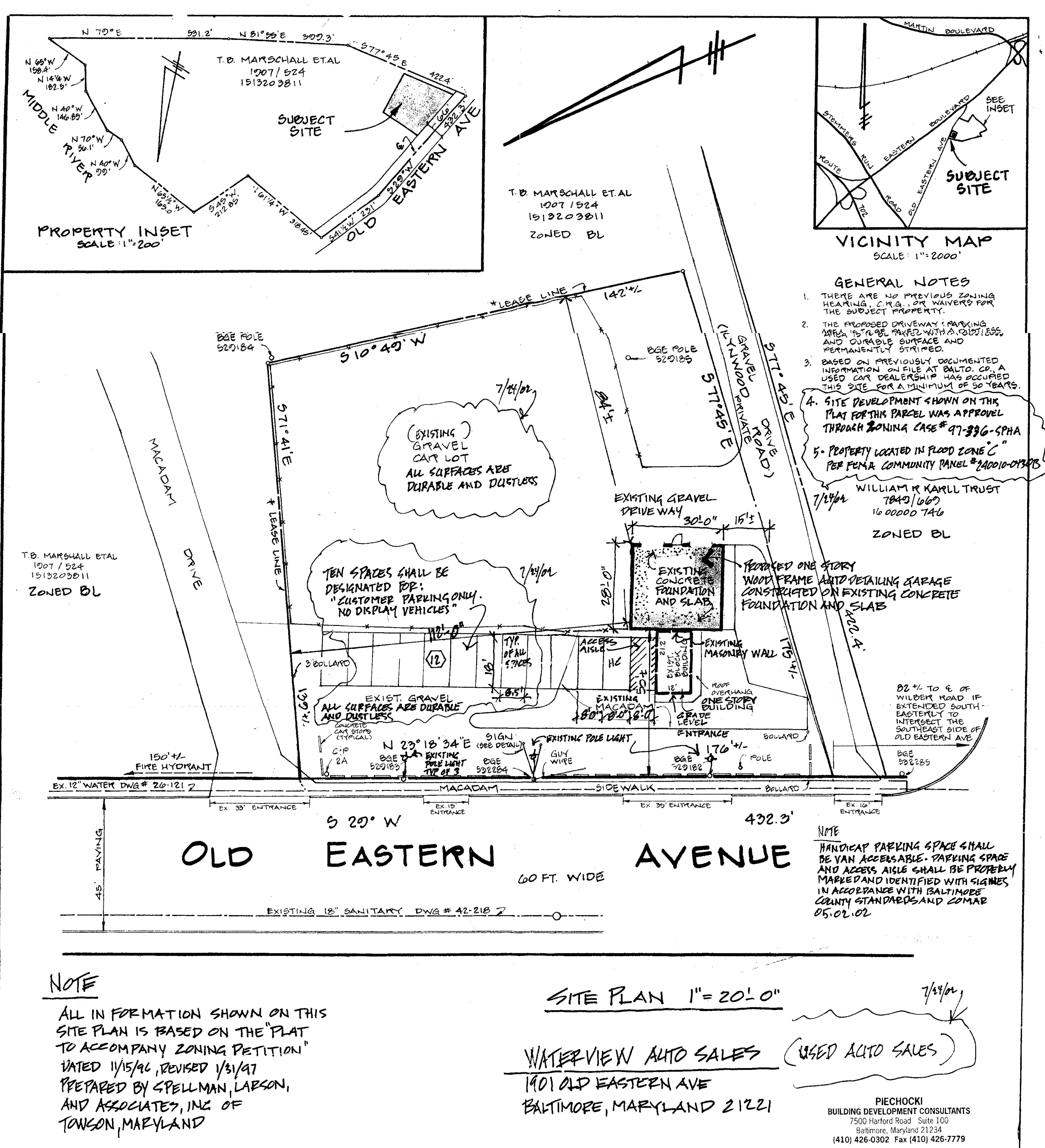
PLEASE PRINT CLEARLY

CASE NAME 1901 OLD EXCTERN AVE CASE NUMBER 04-142-594/2 DATE 12/9/03

COUNTY REPRESENTATIVE'S SIGN-IN SHEET

E- MAIL									
CITY, STATE, ZIP								•	
ADDRESS GFUE GF PANILIG									
TANID PIHHD									





GITE TATA

SITE APEA 0.53 ACT ELECTION DIST. 15 COCINCILMANIC DIST. 5 EXISTING ZONING DEED REFERENCE 1907/524 TAX MAP/PARCE44PID 90/999/23 TAX 10# 1513203810

EXISTING USE

PROPOSED USE

AUTO SALES ALITO SALES PARKING CALCULATIONS

TOTAL FLOOR AREA PROPOSED = 1094 SQ.FT.

PARKING REQUIPED

5 SPACES PER 1000 SF

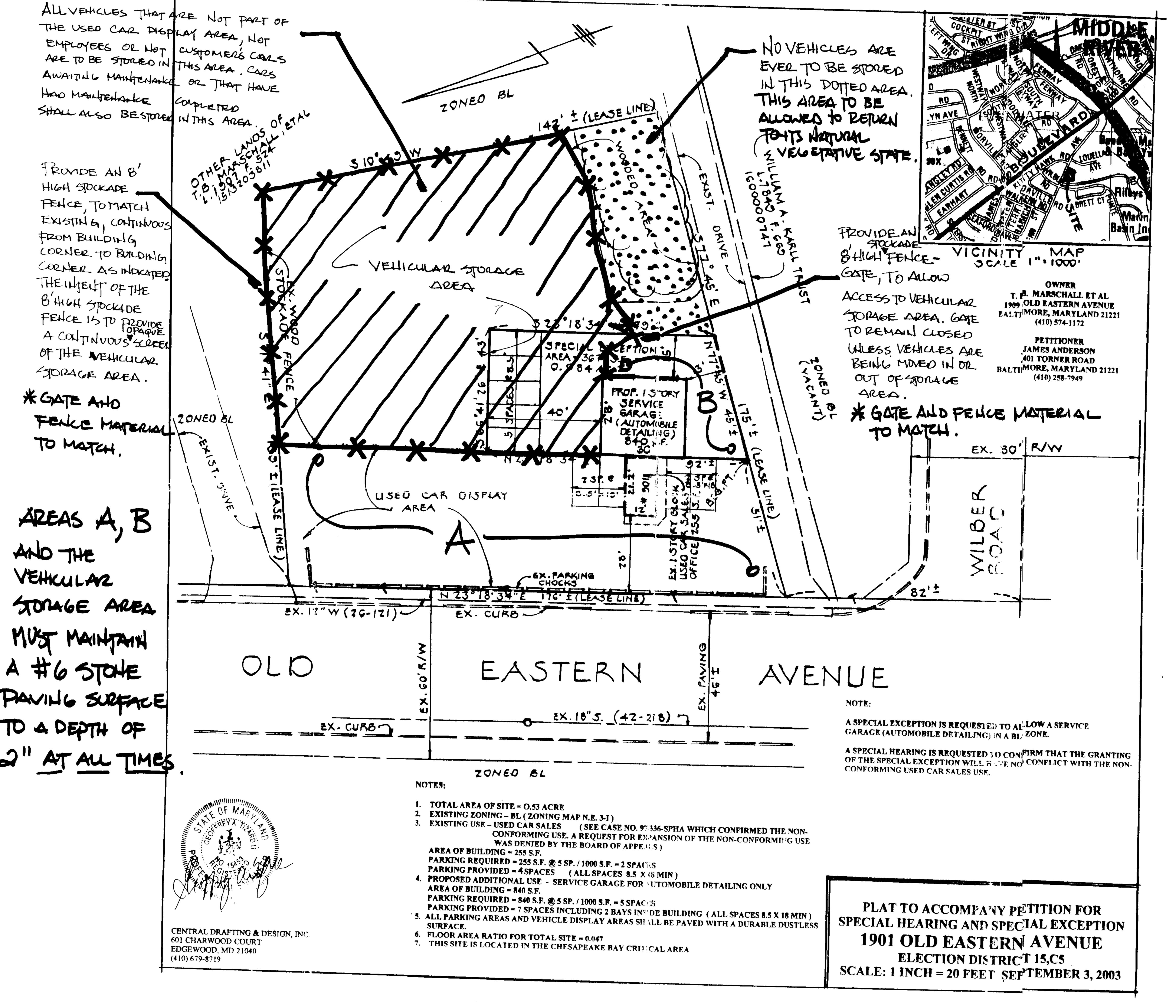
1094 SF x 5/1000 = 65PACES REQUIRED

PARKING PROVIDED 12 GPACES LANDSCAPING APPEARS ON SEPARATE PLAN #7.24

JUNE 17,2002

Rev JUNE 26,2002

REV JULY 24, 2002



Det #2

And the second second second

