IN RE: **PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION**	*	BEFORE THE
N/S East Joppa Road, 210′ E of c/line of Walther Boulevard	*	ZONING COMMISSIONER
(3510 East Joppa Road)	*	OF
11th Election District	*	BALTIMORE COUNTY
5th Council District		
	*	**Case No. 08-015-SPHX**
Ralph M. Vitale, et ux		
Petitioners	*	

* * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing or, in the alternative, Special Exception, filed by the owners of the subject property, Ralph M. Vitale and his wife, Audrey J. Vitale, through their attorney, Arnold Jablon, Esquire. The Petitioners seek confirmation, pursuant to Section 1B01.1A.18.c. of the Baltimore County Zoning Regulations (B.C.Z.R.), that the use of a part of their home as an office is a home occupation, or, in the alternative, request approval of a special exception, pursuant to Section 1B01.1.C.12 of the B.C.Z.R., for their use of a part of their home as an office for a professional plumber. The subject property and requested relief are more particularly described on the site plan submitted and accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Ralph M. and Audrey J. Vitale, property owners, Paul Lee, P.E., a registered civil engineer with Century Engineering, Inc., the consultant who prepared the site plan, and Arnold Jablon, Esquire, attorney for Petitioners.

The Petitioners filed their request for zoning relief after a complaint was filed with Code Enforcement that they were operating a business from their home. However, there were no

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By

Protestants or other interested persons appearing at the public hearing. In fact, Petitioners presented a petition signed by numerous neighbors in support of their request for zoning relief. *See* Petitioners' Exhibit 6.

Testimony and evidence offered revealed that the subject property is located on the north side of Joppa Road not far from Walther Boulevard in the Perry Hall/Carney area. The property contains a gross area of 0.519 acres or 19,079 square feet, more or less, and zoned D.R.5.5. The house was constructed in the 1930's; the Vitale's since their purchase of the property in 1963 have lived there continuously and without interruption to the present day. They bought the house because it was of sufficient size to live, in which to raise their five (5) children, and additionally afforded them sufficient size to enable an office from which they would operate their plumbing business and they have done so since 1963.

The house is a 1-½ story dwelling with 2,233 square feet on the first floor, 891 square feet on the second floor, and 1,566 square feet in the basement. The total square footage of the house (4,690) is illustrated on the site plan prepared by Mr. Lee and photographs presented. *See* Petitioners' Exhibits 1 and 7. The office in question is in the basement and is 621 square feet. There is also a 2-car detached garage on the property. The surrounding neighborhood, on both sides of East Joppa Road, is comprised of numerous dwellings converted into commercial uses, either in their entirety or as incidental uses to the dwelling. Immediately adjacent to the Petitioners, on one side, is a computer programmer, an accountant, a surveyor and other similar commercial uses, located in an office building; there is no residential use. On the other side is a home improvement contractor, who has his office in his home. Most are existing dwellings in which the owner has an office. Others are no longer dwellings and have been converted entirely into commercial use as demonstrated by Petitioners' photographs. As noted, the subject property

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is Mr. and Mrs. Vitale's home and is the primary use of the property. There is no exterior evidence to indicate that their home is being utilized for any purpose other than that of their home.

Mr. Vitale is a licensed Master Plumber, who has been in business for approximately 50 years. Mrs. Vitale is Mr. Vitale's office manager. They both testified that there are no customers who come to the house, no advertising, no signage, no deliveries of materials, and no storage of inventory on the premises. No commodities are kept for sale or display on the premises. There is no mechanical equipment other than a computer, printer, fax, and similar office equipment, all of which is in the basement office. The Petitioners' son, also a licensed Master Plumber, works with his father. The Petitioners' grandson helps out part time; however, he is not yet a plumber and works full-time elsewhere. Neither their son nor grandson reside in the Petitioners' home. There are no other employees.

I find that this home office does not occupy more than 25% of the total floor area of the house, and does not involve the employment of more than one non-resident professional associate nor two other non-resident employees and, therefore, meets the Home Occupation definition of B.C.Z.R. Section 101. The Petitioners do request permission to store some inventory inside of the garage, none to be stored in the house or on the outside. This inventory would not be for sale on site or for sale to the general public but will be more easily accessible for use in their business. All the business conducted by the Petitioners is off site, except for the scheduling of appointments and bookkeeping conducted by Mrs. Vitale.

The Petitioners have one commercial vehicle, a panel truck, shown in the photos presented by them, Petitioners' Exhibit 7. The vehicle has the name of the business lettered on

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its doors. It is too tall to fit into the garage, and they are requesting permission to park the vehicle on their driveway.

The facts of this case are quite unusual. The Petitioners have both resided and operated their office on the subject property for almost 45 years. They are obviously well respected in the community, keep their property in immaculate condition and have been excellent neighbors. Clearly, everyone in the community knows of the Vitale's. The Petitioners' business is small, totally family owned and operated for 45 years at the same location.

As indicated, the Petitioners present their request in the alternative. A home occupation is a permitted use as of right in a residential zone. The testimony and evidence presented clearly demonstrate that the building in which the Petitioners live is principally their home and the home office is unequivocally incidental to the main use for dwelling purposes. The Petitioners bought their home to live in, to raise their family, and to enable them to have their home office. The building is their home. There is no exterior evidence that there is a home office on site. All exterior evidence is that the building is a dwelling. There is no commodity kept for sale. Only the immediate family is connected to the business. There is no mechanical equipment, other than that which is otherwise permitted by law, in the house. The office use as described by the Petitioners satisfy the criteria for a home occupation.

In the event that I should ultimately determine that the office is not a home occupation, then, in the alternative, the Petitioners have requested special exception relief for the approval of a professional office in their home. In this regard, they presented evidence and testimony in support of their request for the special exception. Offices of professional persons are permitted as of right by special exception in a residential zone, providing there is compliance with certain prerequisites. The building in which the office is located must be the professional person's

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primary residence at the time of application; it cannot occupy more than 25% of the total floor area of the dwelling; and it cannot involve the employment of more than one non-resident professional associate nor two other non-resident employees. As set forth above, each of these prerequisites are satisfied in the instant matter.

Mr. Lee, Petitioners' expert witness and consultant, testified that in his opinion there is compliance with Section 502.1 of the B.C.Z.R. Mr. Lee testified that there would be no detriment to the health, safety or general welfare of the locality involved. Specifically, he testified that this conclusion is supported by the longevity of the Petitioners and of their home office at this particular location. He testified as to each of the conditions enumerated in Section 502.1 and concluded that this use is not adverse or in contradiction to any of them. He testified in his opinion that the office is not inconsistent with the property's zoning classification nor inconsistent with the spirit and intent of the B.C.Z.R. He concluded that the use of Petitioners' home for their office would not cause or create more of a problem at this location than if it were located elsewhere in the same zone. The office use is consistent with the surrounding neighborhood of primarily commercial with some residential uses.

Mr. Lee presented evidence and testimony to confirm that a licensed master plumber is a profession. Diane P. Kastner, Executive Director of the Maryland Plumbing-Heating-Cooling Contractors, Inc., verified that Mr. Vitale has been a member of the Association since 1966, including involvement on its Board of Directors and with its educational training programs and apprenticeship school. Ms. Kastner confirms that plumbing is a profession, subject to a code of ethics and licensure requirements imposed by the State of Maryland. See Petitioners' Exhibits 8, 10 and 11. Pursuant to Sections 12-302 and 12-401 of the Business Occupations and Professions Article, Annotated Code of Maryland, plumbing is a profession, which requires licensure after

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By

compliance with vigorous educational and training standards. Plumbers, architects, landscape architects, land surveyors, and certified public accountants are just some of the professions required to seek licensure from the Division of Occupational and Professional Licensing of the State Department of Labor, Licensing & Regulations. Ms. Kastner points out that Thomas E. Perez, Secretary of the Department of Labor, Licensing and Regulations, agrees. *See* Petitioners' Exhibit 10. After due consideration of the testimony and evidence presented, I am persuaded to grant the special hearing relief and confirm that the Vitales' use of part of their home as an office to serve their plumbing business is a home occupation as permitted by right in a density residential zone. All of the conditions required pursuant to definitional Section 101, for Home Occupation, are satisfied. Further, even if it were not construed as a home occupation, I find from the weight of testimony and evidence presented that the Petitioners are entitled to special exception relief.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of September 2007 that the Petition for Special Hearing to confirm the use of a part of the subject property, by these property owners, as an office to be a home occupation, pursuant to Section 1B01.1A.18.c. of the Baltimore County Zoning Regulations (B.C.Z.R.), as more particularly described in Petitioners' Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED, in the alternative, that the Petition for Special Exception for the use of part of the Petitioners' home for an office for a professional plumber, pursuant to the Baltimore County Zoning Regulations (B.C.Z.R.) Sections 1B01.1.C.12 and 502.1, in

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By

accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1. The Petitioners may park their commercial truck on their driveway provided any lettering on the truck is covered.

2. The Petitioners may store inventory inside their garage. No inventory may be stored in the house or on the property outside. No sale of such inventory may be advertised or made to the public.

3. The relief is personal. Should the Petitioners sell their home to non-family members, any new owners must seek special hearing relief to determine whether the home occupation continues.

4. The special exception shall terminate upon either of the following: the sale of the property to non-family or the termination of the office, whichever occurs first.

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

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 9-17-97
By

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

September 17, 2007

Arnold Jablon, Esquire
Venable, LLP
210 Allegheny Avenue
Towson, Maryland 21204

RE: **PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION**
N/S East Joppa Road, 210' E of c/line of Walther Boulevard
(3510 East Joppa Road)
11th Election District - 5th Council District
Ralph M. Vitale, et ux - Petitioners
Case No. 08-015-SPHX

Dear Mr. Jablon:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted with restrictions 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,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Ralph M. and Audrey J. Vitale, 3510 East Joppa Road, Baltimore, Md. 21234
Paul Lee, P.E., Century Engineering, Inc., 10710 Gilroy Road, Hunt Valley, Md. 21031
People's Counsel; Code Enforcement Division, DPDM; File

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 3510 EAST JOPPA ROAD

which is presently zoned DR 5.5

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 SECTION 1B01.1.C.12 TO APPROVE A SPECIAL EXCEPTION FOR THE USE OF PART OF THE SUBJECT PROPERTY FOR AN OFFICE FOR A PROFESSIONAL PLUMBER.

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

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

~~Contract Purchaser/Lessee~~ ENGINEER:
CENTURY ENGINEERING, INC.
PAUL LEE
Name - Type or Print

Signature

10710 GILROY ROAD 443-589-2400
Address Telephone No.

HUNT VALLEY MARYLAND 21031
City State Zip Code

Legal Owner(s):

RALPH M. VITALE
Name - Type or Print

Signature

AUDREY J. VITALE
Name - Type or Print

Signature

3510 EAST JOPPA ROAD 410-665-6262
Address Telephone No.

BALTIMORE MARYLAND 21234-3313
City State Zip Code

Attorney For Petitioner:

ARNOLD JABLON
Name - Type or Print

Signature

VENABLE, LLP
Company

210 ALLEGHENY AVENUE 410-494-6298
Address Telephone No.

TOWSON MARYLAND 21204
City State Zip Code

Representative to be Contacted:

ARNOLD JABLON
Name

210 ALLEGHENY AVENUE 410-494-6298
Address Telephone No.

TOWSON MARYLAND 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JF Date 7-6-07

Case No. 08-015-SPHX

REV 09/15/98

ORDER RECEIVED FOR FILING
Date 9-17-07
By DW

CENTURY ENGINEERING

10710 Gilroy Road
Hunt Valley, MD 21031

DESCRIPTION
3510 E. JOPPA ROAD
ELECT. DISTR. 11C5 BALTIMORE CO., MD
PROJECT # 27153.00

Beginning for the same at a point on the north side of E. Joppa Road, said point also located southwesterly, 210' ± from the center of Walther Blvd.; thence running with and binding on said north side (Baltimore Co. RW -88-136-22). 1) South 87° 04' 13" West 140.80' to a point on said line, thence leaving said point and running for the three following courses and distances; 2) North 01° 16' East 137.62' to a point intersecting the southern boundary line of Plat Two "Cloverfield Manor" as recorded in Plat Book E.H.K. JR. 53 folio 91, thence running with and binding on said line 3) South 85° 21' East 140.92' (140'-11" Deed) to a point on line, thence leaving said point 4) South 01° 15' West 133.39' to the north side of E. Joppa Road as deed to Baltimore County (RW-88-136-22) and place of beginning.

Containing 19,079 square feet (0.438 Ac.) of land, more or less.

Wfile/login2/ld/ld07/description/E. Joppa Road 3510-pl-5-31-07

08-015-SPHX

STATE OF MARYLAND
PAUL LEE
4047
PROFESSIONAL ENGINEER

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 00856

Date: 7-6-07

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				705.00

Total: 705.00

Rec From: VENABLE

For: SPHX 3510 E. Joppa Rd. Item # 015

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS DATE	ACTUAL DATE	TIME	DRW
7/06/2007	7/06/2007	11:55:35	4

JOB 3006 BALKTN KRSN KOH
>>RECEIPT # 0001003 7/06/2007 DELR
Dept 5 520 ZONING VERIFICATION
Acct 000856
Rcpt Tot $705.00
$705.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 98-015-SPHX

Petitioner/Developer: RALPH M + AUDREY VITALE

Date of Hearing/Closing: 9-5-07

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

ATTN: Kristen Matthews {(410) 887-3394}

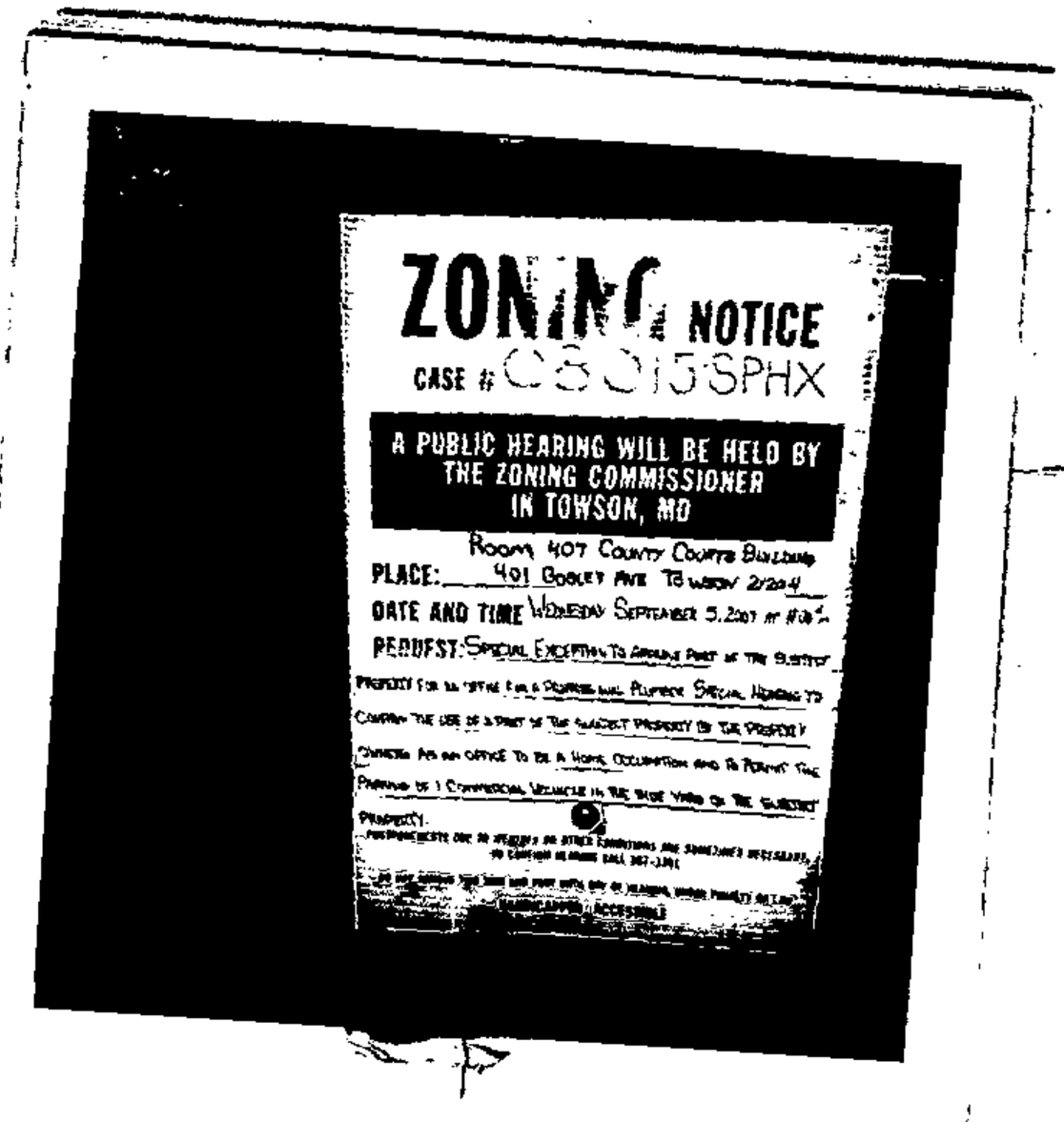
Ladies and Gentlemen:

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:

3510 E. JOPPA RD

The sign(s) were posted on 8-21-07
(Month, Day, Year)

Sincerely,



Robert Black 8-22-07
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

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 Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the 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: 08-015-SPHX

Petitioner: RALPH M. & AUDREY J. VITALE

Address or Location: 3510 E. JOPPA ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: VENABLE LLP ATT: ARNOLD JABLON

Address: 210 ALLEGHENY AVE

TOWSON, MD 21204

Telephone Number: 410-494-6298

Revised 7/11/05 - SCJ

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

August 9, 2007
TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

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: 08-015-SPHX
3510 E. Joppa Road
N/side of East Joppa Rd. at the distance of 210 feet +/- east from the centerline of Walther Blvd.
11th Election District – 5th Councilmanic District
Legal Owners: Ralph M. & Audrey Vitale
Engineer: Century Engineering, Inc.

Special Exception to approve part of the subject property for an office for a professional plumber. Special Hearing to confirm the use of a part of the subject property by the property owners as an office to be a home occupation and to permit the parking of 1 commercial vehicle in the side yard on the subject property.

Hearing: Wednesday, September 5, 2007 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Arnold Jablon, Venable, 210 Allegheny Avenue, Towson 21204
Ralph & Audrey Vitale, 3510 E. Joppa Road, Baltimore 21234
Paul Lee, 10710 Gilroy Road, Hunt Valley 21031

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, AUGUST 31, 2007.**
(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, August 30, 2007 Issue - Jeffersonian

Please forward billing to:
Arnold Jablon
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

410-494-6298

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: 08-015-SPHX
3510 E. Joppa Road
N/side of East Joppa Rd. at the distance of 210 feet +/- east from the centerline of Walther Blvd.
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Special Exception to approve part of the subject property for an office for a professional plumber.
Special Hearing to confirm the use of a part of the subject property by the property owners as an office to be a home occupation and to permit the parking of 1 commercial vehicle in the side yard on the subject property.

Hearing: Wednesday, September 5, 2007 at 11:00 a.m. in Room 407,
County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III
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.

Zoning Office
Department of Permits and Development Management
111 West Chesapeake Ave
Towson, Maryland 21204

Zoning Office:

Please be advised that we, the undersigned, has authorized Arnold Jablon, Esq., Venable, LLP, 210 Allegheny Ave., Towson, Maryland 21204, to be our attorney-in-fact and attorney-at-law and on our behalf file the attached petitions for zoning relief and for the applicable use permit. We hereby understand that the relief requested is for property we own and we hereby and herewith acknowledge our express permission for said petitions to be filed on our behalf. The petition(s) filed is/are for property located at 3510 E Joppa Rd, Baltimore, Maryland 21234, property we own.

Further, the undersigned is the contract purchaser of said property, and hereby and herewith authorize Mr. Jablon to be my attorney-in-fact and attorney-at-law and represent me in this matter.

Ralph Vitale (owner)

Ralph M Vitale Jr 7-3-07 (Date)
Ralph Vitale

Audrey Vitale

Audrey Vitale 7-3-07 (Date)
Audrey Vitale

3510 E Joppa Rd, Baltimore, Maryland 121234
address

08-015-SPHX

IN RE: **PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION**	*	BEFORE THE
N/S East Joppa Road, 210' E of c/line of Walther Boulevard	*	ZONING COMMISSIONER
(3510 East Joppa Road)	*	OF
11th Election District 5th Council District	*	BALTIMORE COUNTY
	*	**Case No. 08-015-SPHX**
Ralph M. Vitale, et ux Petitioners	*	

* * * * * * * *

AMENDED ORDER

Pursuant to Petitioners' Motion for Reconsideration timely filed pursuant to Rule 4, Section K of the Rules of Practice and Procedure, by and through their attorney Arnold Jablon, Esquire, and in consideration that there were no Protestants or other interested parties at the hearing on the petitions filed in the instant matter, said hearing having been held on September 5, 2007;

IT IS ORDERED by the Zoning Commissioner of Baltimore County, on this 15th day of October, 2007 that the Petitioners request to withdraw their Petition for Special Exception for the use of part of their home as an office for a professional plumber, pursuant to Sections 1B01.1.C12 and 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), is GRANTED;

IT IS FURTHER ORDERED that the effect of Petitioners election to withdraw their Petition for Special Exception, is as if it was never filed, and therefore, the approval of the Special Exception relief as set forth in this matter is rendered MOOT, and that *condition number 4 of the September 17, 2007* decision and Order is hereby deleted and also rendered MOOT, and

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Date 10-15-07
By

08-015-SPHX

IT IS FURTHER ORDERED that the remainder of the Order as set forth in the September 17, 2007 decision be and is hereby adopted and made a part of this Amended Order and continues in full force and effect, and specifically that the Petitioners have a valid home occupation set forth and described in the prior Order and that *condition numbers 1, 2 and 3 of that Order* are adopted in their entirety as part of this Order.

Any appeal of this Amended Order must be entered within thirty (30) days of the date hereof.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

c: Arnold Jablon, Esquire, Venable, LLP, 210 Allegheny Avenue,
Towson, Maryland 21204
Ralph M. and Audrey J. Vitale, 3510 East Joppa Road, Baltimore, Md. 21234
Paul Lee, P.E., Century Engineering, Inc., 10710 Gilroy Road, Hunt Valley, Md. 21031
People's Counsel; Code Enforcement Division, DPDM; File

ORDER RECEIVED FOR FILING
Date 10-15-07
By

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

August 29, 2007

Arnold Jablon
Venable, LLP
210 Allegheny Avenue
Towson, Maryland 21204

Dear Mr. Jablon:

RE: Case Number: 08-015-SPHX, 3510 East Joppa Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 6, 2007. This letter is not an approval, but only a **NOTIFICATION.**

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

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

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf
Enclosures
c: People's Counsel
Ralph M. Vitale Audrey J. Vitale 3510 East Joppa Road Baltimore 21234-3313
Century Engineering, Inc. Paul Lee 10710 Gilroy Road Hunt Valley 21031

Vitale Plumbing & Heating Co., Inc.

3510 East Joppa Road Baltimore, Maryland 21234 (410) 665-0283

August 27, 2007.

To Whom I May Concern:

This is to certify that the following listed neighbors of Ralph and Audrey Vitale have no objections to Baltimore County zoning changes to enable the continuation of their office at the present address.

LARRY P. JOHNSON
3514 E. JOPPA RD PARKVILLE MD. 21234 410-661-4640
3514 E. JOPPA RD BALTO MD 21234 410 661-4640
3513 E JOPPA RD 21234 410 668-1929
3513 E Joppa RD 21234 410-668-1929
3515 E Joppa Rd Balto 21234 410-882-6955
3511 E. Joppa Rd Balto 21234 410-668-5345
3511 E JOPPA RD. BALTO. 21234 410-668-5343
3504 Joppa Rd. Balto MD 21234 (410) 668-2229
3508 E JOPPA RD BALTO MD 21234 410 661 2069

PETITIONER'S EXHIBIT 6

MARYLAND PLUMBING-HEATING-COOLING CONTRACTORS, INC.
10176 Baltimore National Pike ~ Suite 205
Ellicott City, MD 21042
(410) 461-5977 (800) 723-4900 FAX (410) 750-2507
E-MAIL: phccmd@aol.com

OFFICERS

Jim Bernitt
President
Bruce Solomon
1st Vice President
Edgar W. Zepp, IV
2nd Vice President
Tim Feldmann
Secretary
Edgar W. Zepp, III
Treasurer
Diane P. Kastner
Executive Director

August 30, 2007

To Whom It May Concern:

This letter is to verify that Ralph Vitale, Sr. has been a member of the Maryland Plumbing-Heating-Cooling Contractors Association since 1966.

Mr. Vitale has been an active member, serving in many capacities. He was elected to serve as a member of the Board of Directors. His total service on the Board was more than 25 years.

He was a founding member of the Maryland Plumbing-Heating-Cooling Contractors Plumbing Apprenticeship program. He served as Chairman for the Plumbing Apprenticeship School for over 15 years. He continues to be involved in our educational training programs and is currently co-chairman of the Maryland PHCC Plumbing Apprenticeship school.

Mr. Vitale has been involved in all phases of planning and curriculum review for our apprenticeship program and various other training courses including Journey and Master Gas Fitters training, Backflow Certification and Plumbing Code classes. He was instrumental in the design and installation of the gas lab at the Essex and Dundalk Community Colleges.

Ralph is a man who strongly supports the education and training of young men and women entering the plumbing trade. Ralph is a man of integrity, hard working and a dedicated member of this Association.

Ralph, was honored by our Association in 1996 as Contractor of the Year and is an "Honorary" member of our Association.

It has been my pleasure to have worked with Ralph for nearly 25 years.

Sincerely,

Diane P. Kastner
Executive Director

dpk

Vitale Plumbing & Heating Co., Inc.

3510 East Joppa Road Baltimore, Maryland 21234 (410) 665-0283

August 27, 2007.

To Whom I May Concern:

This is to certify that the following listed neighbors of Ralph and Audrey Vitale have no objections to Baltimore County zoning changes to enable the continuation of their office at the present address.

LARRY P. JOHNSON
3514 E. JOPPA RD PARKVILLE MD. 21234 410-661-4640
3514 E. JOPPA RD BALTO MD 21234 410 661-4640
3513 E JOPPA RD BALTO MD 21234 410 668-1929
3515 E Joppa Rd Balto 21234 410-668-1929
3515 E. Joppa Rd Balto 21234 410-882-6955
3511 E. Joppa Rd Balto 21234 410-668-5345
3511 E JOPPA RD. BALTO. 21234 410-668-5343
3504 Joppa Rd. Balto MD 21234 (410) 668-2229
3508 E JOPPA RD BALTO MD 21234 410 661 2069

Code of Ethics

To consider our trade worthy as affording us distinct opportunities to serve society.

To improve ourselves, increase our efficiency and enlarge our service, and by so doing attest our faith in the fundamental principles of life, that we profit most who serve best.

To realize that we are businessmen and ambitious to succeed; but that we are first ethical men, and wish no success that is not founded on the highest justice and morality.

To maintain the highest ethical standards of advertising, pricing, selling, installation and service guided by the principles of honesty and integrity.

To promote the latest technological advances in the design, types and methods of installation of plumbing-heating-cooling systems; using equipment and materials complying with the standards recognized by this industry.

To enter enthusiastically into the association work, to give as well as take, and do our part in elevating the industry.

To support all progressive moves that are being carried out along the lines of trade extension, standardizations and sanitation.

To conduct our affairs that others in our business will find it wise, profitable and conducive to happiness to emulate our example.

To follow and execute our work in conformity with federal, state, county and city building, safety, energy and water conservation, fire and housing codes; and refusing to be a party to any action that violates these regulations.

To promote conservation of water and energy to the public we serve through improved, adequate, safe, and modern installation of energy efficient equipment.

Pride In Our Past – Faith In Our Future

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

October 15, 2007

William J. Wiseman, III, Zoning Commissioner
County Courts Building
401 Bosley Avenue, Suite 405
Towson, Maryland 21204

RECEIVED
OCT 1 5 2007
BY:_____

Re: PETITION FOR SPECIAL HEARING
AND SPECIAL EXCEPTION
Ralph M. Vitales, et ux.– Legal Owners
Case Nos: 08-015-SPHX

Dear Mr. Wiseman:

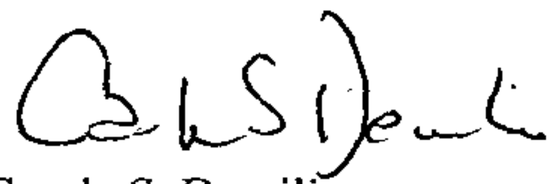
Please accept this letter as a Motion for Reconsideration of the Findings of Fact and Conclusions of Law and Order dated September 17, 2007. . Our office opposes that portion of your Order granting a special exception for use of Petitioner's home as an office for a professional plumber.

However, after discussions with Petitioner's attorney, Arnold Jablon, we believe the matter can be resolved with an amended Order.

In order to allow counsel the opportunity for further discussions and submission of necessary pleadings, please accept this letter as a Motion for Reconsideration of your Order.

Thank you for your consideration.

Sincerely,



Carole S. Demilio
Deputy People's Counsel for Baltimore County

CSD/rmw
cc: Arnold Jablon, Esquire (via faxsimile)

IN RE: DEVELOPMENT PLAN HEARING N/S East Joppa Road, 210' E of c/l of Walther Blvd (3510 East Joppa Road) 11th Councilmanic District 5th Election District	* * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
Ralph M. Vitale, et us Petitioners	* * *	Case No.: 08-015 SPHX

* * * * * * * * *

MOTION FOR RECONSIDERATION

Pursuant to Rule 4, Section K of the Rules of Practice and Procedure Before the Zoning Commissioner of Baltimore County, the Petitioner files this motion for reconsideration of the opinion and order dated 17 October 2007 .

1. The Petitioners request of the Zoning Commissioner to confirm by petition for Special Hearing that their use of a part of their property for an office is a home occupation, pursuant to §1B01.1A.18c, BCZR, was approved by the instant opinion.

2. The Petitioners request, in the alternative, of the Zoning Commissioner to approve by petition for Special Exception the use of the same part of their home for an office for a professional plumber, pursuant to §1B01.1.C12 and 502.1, BCZR, was also approved.

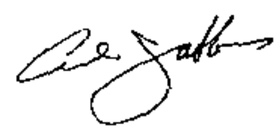
3. The Petitioners hereby request that they be permitted to withdraw their petition for Special Exception, which would make moot the approval granted for a special exception by the Zoning Commissioner in the instant matter.

4. The Petitioners further request condition number 4 as delineated in the instant

opinion be withdrawn as moot as it relates solely to the special exception.

5. The Petitioners further request that the remainder of the opinion: the approval of the Special Hearing to confirm the existence of a home occupation and conditions numbers 1-3 , be continued and adopted in their entirety as part of the new order.

THEREFORE, the Petitioners request that the Zoning Commissioner reconsider the decision as it relates only to the withdrawal by the Petitioners of their Petition for Special Exception and to the deletion of condition # 4 of the order issued on 17 September 2007.



Arnold Jablon
Venable, LLP
210 Allegheny Ave.
Towson, Maryland 21204
410-494-6298

Attorney for Petitioners

Certification of Service

I HEREBY CERTIFY that on this 12th day of October , 2007, copies of this Motion for Reconsideration were mailed to Peter M. Zimmerman, Esq. People's Counsel for Baltimore County, Old Court House, Baltimore, Maryland 21207, by first class delivery, postage prepaid.

Arnold Jablon

9/5 11 AM

From: Debra Wiley
To: Wiseman, Bill
Date: 09/04/07 11:21:00 AM
Subject: Cases - Wed. 9/5

Hi Bill,

Hope all is well and you had a nice time with your son and family. Here's an update regarding your cases for tomorrow:

Case No. 08-008-A - 10:00 AM - Tokarski

- Acquired DEPRM comment
- Acquired copy of violation
- Posting not available from Kristen 8/31 & Andrea 9/4
- Unable to reach Tokarski's (477-3092 is fax #). Tried to locate them via DPM's dummy file (same #), phone book, violation notice (no phone #), etc. - All Attempts Unsuccessful

Case No. 08-015-SPHX - 11:00 AM - Vitale

- Advised Gardina's office (Ann Marie)
- Acquired publication from Kristen

See you tomorrow!

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

BLS 9/5
11 AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: July 31, 2007

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

SUBJECT: 3510 East Joppa Road

RECEIVED
AUG 0 6 2007
BY:

INFORMATION:

Item Number: 8-015

Petitioner: Ralph M. Vitale

Zoning: DR 5.5

Requested Action: **Special Exception**

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. After visiting the site the Office of Planning does not oppose the petitioner's request provided the following conditions are met:

1. The existing signage on the property shall not increase in size or the number thereof.
2. There shall not be any storage of materials or any other accessory items on the property.
3. The office shall only operate during normal business hours.

For further information concerning the matters stated here in, please contact Donnell Zeigler at 410-887-3480.

Reviewed by: Cindy Mahaney

Division Chief: Lynn Lanham
AFK/LL: CM

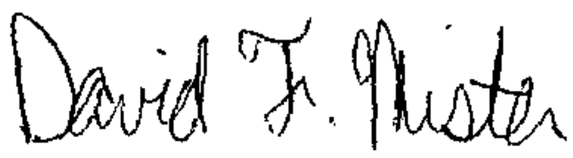
W:\DEVREV\ZAC\8-015.doc

Scheduling is made more problematic by the fact that Mr. Hoffman left for vacation at the end of last week and Mr. Jablon does not return from vacation until Tuesday, March 13.

For the foregoing reasons I believe a further postponement of this matter is merited. If granted, this matter should be scheduled in coordination with Mr. Jablon's trial schedule.

I am available to discuss this request at your convenience. I will be spending the afternoon across the hall before the Board of Liquor License Commissioners for three hearings. I will present to your office at the conclusion of the hearings to be available for further inquiry or receive your ruling on this request.

Respectfully Submitted,



David F. Mister

DFM:amc
cc: Robert Hoffman, Esquire
Arnold Jablon, Esquire
Mr. and Mrs. Ralph Vitale
M:\Wpwin60\CLIENTS\Vitale, Ralph and Audrey\Kotroco 031207.wpd

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: July 18, 2007

FROM: Dennis A. Kennedy, Supervisor DAK for
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 20, 2007
Item Nos. 07-470, 08-001, 002, 003, 004,
005, 006, 007, 008, 009, 011, 012, 013, 014,
015, 016, 017, 018 and 019

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

DAK:CEN:cab
cc: File
ZAC-NO COMMENTS-07202007.doc

Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*

SHA
State Highway Administration
Maryland Department of Transportation

John D. Porcari, *Secretary*
Neil J. Pedersen, *Administrator*

Date: JULY 16, 2007

Ms. Kristen Matthews
Baltimore County Office Of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 8-15-SPHX
3510 JOPPA ROAD
VITALE PROPERTY
SPECIAL EXCEPTION
SPECIAL HEARING

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 8-15-SPHX.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Michael P. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: July 31, 2007

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

SUBJECT: 3510 East Joppa Road

INFORMATION:

Item Number: 8-015

Petitioner: Ralph M. Vitale

Zoning: DR 5.5

Requested Action: **Special Exception**

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. After visiting the site the Office of Planning does not oppose the petitioner's request provided the following conditions are met:

1. The existing signage on the property shall not increase in size or the number thereof.
2. There shall not be any storage of materials or any other accessory items on the property.
3. The office shall only operate during normal business hours.

For further information concerning the matters stated here in, please contact Donnell Zeigler at 410-887-3480.

Reviewed by: Curtis Murray

Division Chief: Lynn Lanham
AFK/LL: CM

W:\DEVREV\ZAC\8-015.doc

RE: PETITION FOR SPECIAL HEARING AND SPECIAL EXCEPTION	*	BEFORE THE
3510 East Joppa Road; N/S East Joppa Rd, 210' E c/line of Walther Blvd	*	ZONING COMMISSIONER
11th Election & 5th Councilmanic Districts	*	FOR
Legal Owner(s): Ralph & Audrey Vitale Petitioner(s)	*	BALTIMORE COUNTY
	*	08-015-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 Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of July, 2007, a copy of the foregoing Entry of Appearance was mailed to Arnold Jablon, Esquire,Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
JUL 26 2007
Per.....

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

VIOLATION CASE DOCUMENTS

VIOLATION CASE: 07-0115

3510 E. Joppa Road

ZONING CASE: 08-15-SPHX
3510 E. JOPPA ROAD

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

DATE: July 30, 2007

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Hearing Officer
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 015
Legal Owner/Petitioner: Ralph M. and Audrey J. Vitale
Contract Purchaser:
Property Address: 3510 East Joppa Road
Location Description: North side of East Joppa Road at the distance of 210 feet +/- east from the centerline of Walther Blvd.

VIOLATION INFORMATION: **Case No.: 07-0115**
Defendants: Ralph M. and Audrey J. Vitale

Please be advised that the aforementioned petition is the subject of an active violation case. **When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:**

Councilman Vince Gardina
M.S. 2201

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:

Complaint Intake Form
State Tax Assessment printout
Correction Notice/Code Violation Notice
Photographs
Citation
Other: correspondences

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Lisa Henson in Room 213 in order that the appropriate action may be taken relative to the violation case.

RSW/
c: Derek Propalis

ODE ENFORCEMENT REPO

No Active Case

DATE: 1/4/07 INTAKE BY: CJH CASE #: 07-0115 INSPEC: 11th

COMPLAINT LOCATION: 3510 E. Joppa Road

ZIP CODE: 21234 DIST: 11th

COMPLAINANT NAME: Councilman Cardina PHONE #: (H) (W)

ADDRESS: ZIP CODE:

PROBLEM: Business From Residence; Commercial Vehicles

IS THIS A RENTAL UNIT? YES NO

IF YES, IS THIS SECTION 8? YES NO

OWNER/TENANT INFORMATION: Ralph M. Vitale
Audrey J. Vitale

TAX ACCOUNT #: 11-22-035390 ZONING: DR-5.5

INSPECTION: Note: Update Cardina!

REINSPECTION:

REINSPECTION:

REINSPECTION:

RA1001B

DATE: 07/30/2007 STANDARD ASSESSMENT INQUIRY

TIME: 09:01:18

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
11 22 035390	11	3-0	04-00	H	NO		04/18/07

VITALE RALPH M
VITALE AUDREY J
3510 E JOPPA RD

DESC-1.. IMPSNS E JOPPA RD
DESC-2.. 2380 E MAGLEDT RD
PREMISE. 03510 JOPPA RD E
00000-0000

BALTIMORE MD 21234-3313 FORMER OWNER:

---------- FCV ----------			---------- PHASED IN ----------		
	PRIOR	PROPOSED		CURR FCV	CURR ASSESS	PRIOR ASSESS
LAND:	40,010	80,010				
IMPV:	110,380	149,920	TOTAL..	203,416	203,416	176,903
TOTL:	150,390	229,930	PREF...	0	0	0
PREF:	0	0	CURT...	203,416	203,416	176,903
CURT:	150,390	229,930	EXEMPT.		0	0
DATE:	09/02	09/04				

---- TAXABLE BASIS ----		FM DATE
ASSESS:	203,416	08/19/06
ASSESS:	176,903	
ASSESS:	0	

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

Permits and Development Management
Code Inspections and Enforcement
County Office Building, [illegible] 213
111 West Chesapeake Av[illegible]
Towson, Maryland 21204

Code Enforcement 410-887-3351
Building Insp[illegible]ion 410-887-3953
Electrical In[illegible]on 410-887-3960
Plumbing Inspection 410-887-3620
Signs/ Fences 410-887-3896

CODE INSPECTIONS AND ENFORCEMENT CORRECTION NOTICE

CASE NUMBER	PROPERTY TAX ID	DATE ISSUED
07- 0115	1122035390	1/9/07

NAME(S): Ralph Vitale
Audrey Vitale

MAILING ADDRESS: 3510 E Joppa Rd
CITY: Balto STATE: MD ZIP CODE: 21234

VIOLATION ADDRESS: Same
CITY: BALTIMORE STATE: MARYLAND ZIP CODE:

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

RESIDENTIAL ZONE CLASSIFICATION

☐ DR1 ☐ DR2 ☐ DR3.5 ☑ DR5.5 ☐ DR10.5 ☐ DR16
☐ RC2(1A01) ☐ RC4(1A03) ☐ RC20 & 50 (1A05) ☐ RC6(1A07)
☐ RC3(1A02) ☐ RC5(1A04) ☐ RCC (1A06) ☐ RC7 (1A08)
☐ OTHER: _____

NON-RESIDENTIAL CLASSIFICATION

☐ BL (230) ☐ BR (236) ☐ BM (233)
☐ MR (240) ☐ ML (253) ☐ MH (256)
☐ OTHER: _____

BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.)

AUTHORITY TO ENFORCE ZONING REGULATIONS: 32-3-102; 32-3-602; 32-3-603; 32-4-114

☑ 101; 102.1: Definitions; general use
☑ 1B01.1: DR Zones-use regulations
☐ 428: License/ Remove all untagged/ inoperative or damaged/ disabled motor vehicle(s)
☐ 1B01.1D: Remove open dump/ junk yard
☐ 431: Remove commercial vehicle(s)
☑ 101; 102.1: Remove contractors equip. storage yard
☐ 101; 102.1; ZCPM: Cease service garage activities
☐ 402: Illegal conversion of dwelling
☑ 101; 102.1; ZCPM: Illegal home occupation
☐ 415A: License/ remove untagged recreation vehicle
☐ 415A: Improperly parked recreation vehicle
☐ 415A: One recreational vehicle per property
☐ 410: Illegal Class II trucking facility
☐ 400: Illegal accessory structure placement.
☐ 1B02.1; 270; 421.1: Illegal kennel. Limit 3 dogs
☐ 102.5: Residential site line violation /obstruction
☐ 408B: Illegal rooming/ boarding house
☐ BCC: 32-3-102; 500.9 BCZR; ZCPM: Violation of commercial site plan and/or zoning order

BALTIMORE COUNTY CODE (B.C.C)

☑ 13-7-112: Cease all nuisance activity
☑ 13-7-115: County to abate nuisance & lien costs
☑ 13-7-310: Remove all trash & debris from property
☑ 13-7-312: Remove accumulations of debris, materials, etc
☐ 13-7-201(2): Cease stagnant pool water
☐ 12-3-106: Remove animal feces daily
☐ 35-5-208(a)(c): Seal exterior openings from rodents & pests
☐ 13-4-201(b)(d): Store garbage in containers w/tight lids
☐ 35-2-301: Obtain building/ fence/ sign permit
☐ 18-2-601: Remove all obstruction(s) at street, alley, road
☐ 13-7-310(2): Remove bird seed / other food for rats
☐ 32-3-102: Violation of development plan/ site plan
☐ IBC 115; BCBC 115: Remove/ Repair unsafe structure board and secure all openings to premise
☐ 13-7-401; 13-7-402; 13-7-403: Cut & remove all tall grass and weeds to three (3) inches in height

OWNER OCCUPIED HOUSING (B.C.C)

☐ 35-5-302(a)(1): Unsanitary conditions.
☐ 35-5-302(a)(3): Cease _____ infestation from prop.
☐ 35-5-302(b)(1)(2): Repair decorative trim, cornices, etc
☐ 35-5-302(b)(1)(4): Repair chimney & similar extentions
☐ 35-5-302(b)(1)(6): Repair defective door(s) / window(s)
☐ 35-5-302(a)(2): Store all garbage in trash cans
☐ 35-5-302(b)(1): Repair exterior structure
☐ 35-5-302(b)(1)(3): Repair exterior extentions
☐ 35-5-302(b)(1)(5): Repair metal/wood surfaces
☐ 35-5-302(b)(1)(7): Repair defective fence

INVESTMENT PROPERTY (B.C.C)

☐ 35-2-404(a)(1)(i): Remove hazardous or unsafe condition
☐ 35-2-404(a)(1)(iii): Repair roof or horizontal members
☐ 35-2-404(a)(1)(v): Repair ext. plaster or masonry
☐ 35-2-404(a)(1)(vii): Repair exterior construction (see below)
☐ 35-2-404(a)(1)(3): Repair /remove defective exterior sign(s)
☐ 35-2-404(a)(1)(ii): Repair ext. walls / vertical members
☐ 35-2-404(a)(1)(iv): Repair exterior chimney
☐ 35-2-404(a)(1)(vi) Waterproof walls/ roof /foundations
☐ 35-2-404(a)(1)(2): Remove trash, rubbish, & debris
☐ 35-2-404(a)(4)(i)(ii): Board & secure. Material to match building color of structure

OTHER VIOLATIONS OR REMARKS: no plumbing supplies or debris can be seen
no vehicles with commercial markings
no employees coming + going

☑ NOTICE POSTED AND MAILED

POTENTIAL FINE: ☑ $200 ☐ $500 ☐ $1000 per day, per violation and to be placed as a lien upon your tax bill.

COMPLIANCE DATE: 2/9/07 INSPECTOR NAME: Propalis
PRINT NAME (Rev 9/05)
AGENCY

889M218 7114494 10/08 [redacted] 35128348 5LMEU88H84ZJ4[redacted]2 04 LINC TK
N/A +3700 00N/A $76.50 N/A 5 STL:NO SUB:NO FR:
FLAG:NO SDX FLAG:NO
V-ST: N V-INSP-ST: V-INSP-DT:041807 V-EXP-DT:041807V-ACC-DT: 102406
INS.CO: STATE FARM MUT AUT INS C POLICY#: 343370920 FLEET:NO
REG-VAL-DT: 102406
RFND:N ODOMETER: 000006 CODE:A

Z-975-002-018-452
VITALE PLUMBING & HEATING INC
3510 E JOPPA RD BALTIMORE MD 21234 2

>>>> LIEN HOLDER INFORMATION <<<<

LIEN HOLDER: FORD MOTOR CREDIT CO.
ADDR: P.O. BOX 105704 DATE: 2004-09-16
CITY: ATLANTA STATE: GA ZIP: 30348

-END OF RECORD-
>>> INTERROGATION COMPLETE; M/889M218 <<<
PAGING MODE: PAGE 1 OF 1||PF1-FWD PF2-BWD PF3-EX PF4-1ST PF5-LST

TIME: 09:03:15 PLUMBING LICENSE SYSTEM PB1005
DATE: 02/21/2007 FM - CHANGE

LICENSE..... MP522 MO/JO/2G CODE...
STATUS..... A
LAST NAME..... VITALE SR
FIRST NAME..... RALPH
MIDDLE INITIAL.. M
FIRM NAME..... VITALE PLUMBING & HEATING CO.
ADDRESS LINE 1.. 03510 E JOPPA RD
ADDRESS LINE 2..
CITY..... BALTIMORE
STATE..... MD
ZIP CODE..... 21234 - 0000
RECIPROCITY.....
FIRM PHONE..... 410 - 665 - 0283
HOME PHONE..... 410 - 665 - 0283
INSUR EXP. DATE 01 / 01 / 2008 EXPIRATION DATE 2007 CASH SLIP A 515931
SUSPENSION DATE 00 / 00 / 0000 PRINT LICENSE... N
COMMENTS:
AUTH.PULL PERM: RALPH VITALE, JR.
PF01 - MENU ENTER - UPDATE

LAW OFFICES
MISTER, WINTER & BARTLETT, LLC
SUITE 404-PADONIA CENTRE
30 E. PADONIA ROAD
TIMONIUM, MD 21093
mwblaw@mwblaw.net
(410) 561-3000
FACSIMILE
(410)560-0588

DAVID F. MISTER
LESLIE A. WINTER
ANTHONY T. BARTLETT

AMY K. FINNERAN

OF COUNSEL:
ANDREW H. VANCE
ROBERT L. FRANK
ELIZABETH C. YAREMA

WRITER'S EMAIL
dmister@mwblaw.net

February 28, 2007

Mr. Raymond S. Wisnom, Jr.
Hearing Officer
Baltimore County Department
of Permits and Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Code Violation
Quasi Judicial Hearing
Citation Case No.: 07-0115
Property Tax ID No.: 1122035390

HAND DELIVERED

Ralph Vitale and Audrey Vitale
3510 E. Joppa Road
Baltimore, MD 21234

Dear Mr. Wisnon:

Please be advised that I was retained to represent the above property owners on Monday, February 26, 2007. The property owners were served with the above-referenced Uniform Code Enforcement Citation on Friday, February 23, 2007. The quasi-judicial hearing is scheduled for March 1, 2007 (one week after service of the citation).

After consulting with my clients, we request a postponement of the quasi-judicial code violation hearing.

This case is more complicated than it may initially appear. I believe that further investigation and research will show substantial, if not dispositive, defenses to the Code violation. Among those defenses:

(a) *permitted commercial vehicles on residential property;*
(b) qualified home office use; and,
(c) possible non-conforming use zoning exceptions or defenses.

I ask that this matter be postponed for a reasonable time (perhaps 60 days) to allow time for me to investigate, research, and confer with James Thompson, Carl Richards and other supervisors and staff of DPDM; to determine the agency's position on the property owners' eligibility for such exceptions to the zoning code or defense to the pending enforcement. It would also allow sufficient time, if necessary, to file a Petition for Special Hearing with the Zoning Commissioner to have a factual/legal determination, as necessary, of any such exceptions/defenses.

The citizens of Baltimore County will not be harmed or potentially harmed by any possible delay in enforcement, since the same property owners have owned this property and occupied it as their home with a home business office since 1962.

Respectfully Submitted,

David F. Mister

DFM:amc
cc: Timothy Kotroco
Director, Department of Permits
and Development Management
Mr. And Mrs. Ralph Vitale
M:\Wpwin60\CLIENTS\Vitale, Ralph and Audrey\Wisnom Postpone req 022807.wpd

LAW OFFICES
MISTER, WINTER & BARTLETT, LLC
SUITE 404-PADONIA CENTRE
30 E. PADONIA ROAD
TIMONIUM, MD 21093
mwblaw@mwblaw.net
(410) 561-3000
FACSIMILE
(410) 560-0588

DAVID F. MISTER
LESLIE A. WINTER
ANTHONY T. BARTLETT

AMY K. FINNERAN

OF COUNSEL:
ANDREW H. VANCE
ROBERT L. FRANK
ELIZABETH C. YAREMA

WRITER'S E-MAIL
dmister@mwblaw.net

March 12, 2007

Timothy Kotroco
Director, Department of Permits
and Development Management
Baltimore County Department
of Permits and Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

VIA FACSIMILE (410-887-5708)

Re: Current Quasi-Judicial Hearing
Date: Tuesday, March 13, 2007

Ralph and Audrey Vitale
3510 E. Joppa Road
Baltimore, MD 21234

Dear Director Kotroco:

I apologize for an apparent misunderstanding between our office and your code enforcement inspector, Mr. Propalis.

Apparently, the expectation of the inspector was to telephonically inform us of the rescheduled hearing. My secretary, Amanda Carman, informed Mr. Propalis that the proposed hearing date would be cleared with me and my clients, and I would subsequently return his call to discuss the need to further postpone the hearing. However, upon calling Mr. Propalis on Friday, March 9, 2007 I was informed that the hearing had in fact been scheduled for Tuesday, March 13, 2007. No written notice was served on me or my clients of the proposed rescheduled hearing date.

During the intervening time I have referred this matter to Robert Hoffman, Esquire and Arnold Jablon, Esquire of Venable, LLP. I have turned my file over to them, not knowing this case had actually been scheduled for Tuesday, March 13, 2007.

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 08-015 SpHX
DATE

PETITIONER'S SIGN-IN SHEET

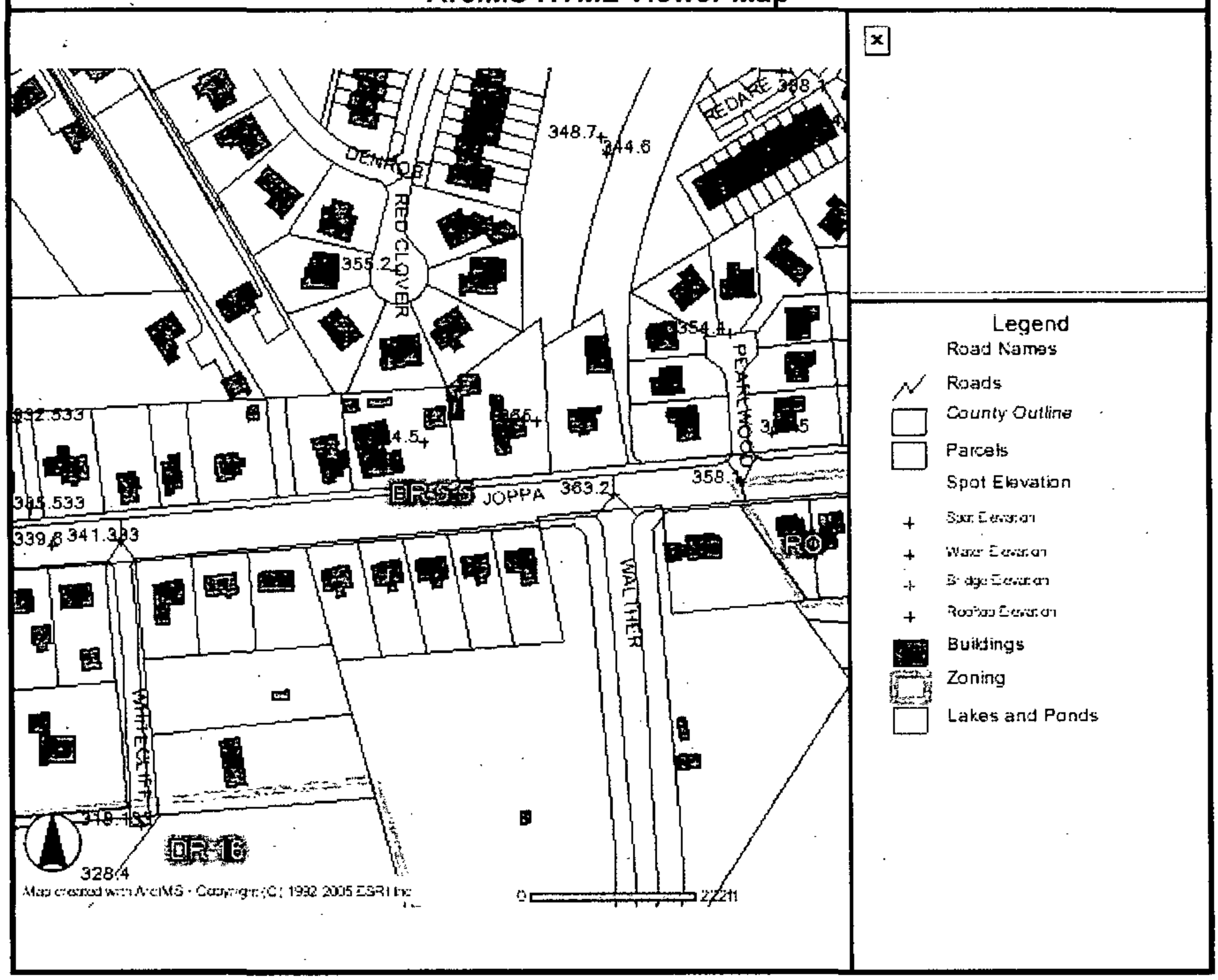
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Ralph Vitale	3510 E. Joppa Rd	21234	ajVitale@verizon.net
Audrey Vitale	"	"	"
PAUL LEE	10710 Gilroy Rd	21031	
ARNOLD JABLON	210 ALLEGHENY AVE	21204	

Case No.: 08-015 SPHX 3510 E. JOPPA RD

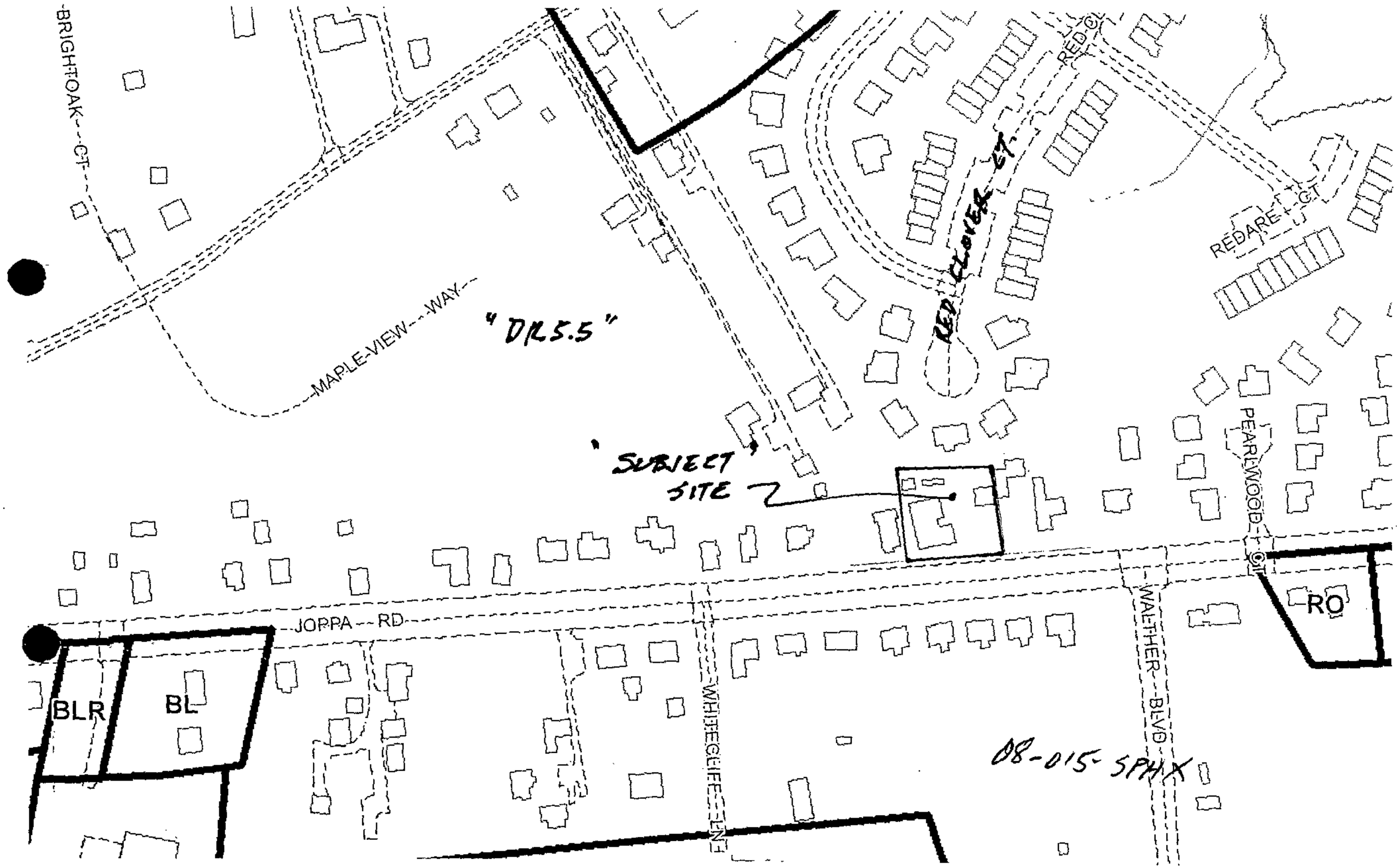
Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	SITE PLAN	
No. 2	2004 ZONING MAP. Zoned Residential but used Commercially	
No. 3	Actual ZONING MAP	
No. 4	Aerial View of other Plumbing Business in area	
No. 5	TOPO MAP	
No. 6	Petition signed by Residents - Across Street & Near Them	
No. 7	Collectively Photographs of Existing Conditions	
No. 8	Master Plumber in good standing 1966	
No. 9	Md. Code Section 12-401 - Professional	
No. 10	Md. Plumbing & Heating Contractors.	
No. 11	CODE OF ETHICS	
No. 12		

ArcIMS HTML Viewer Map

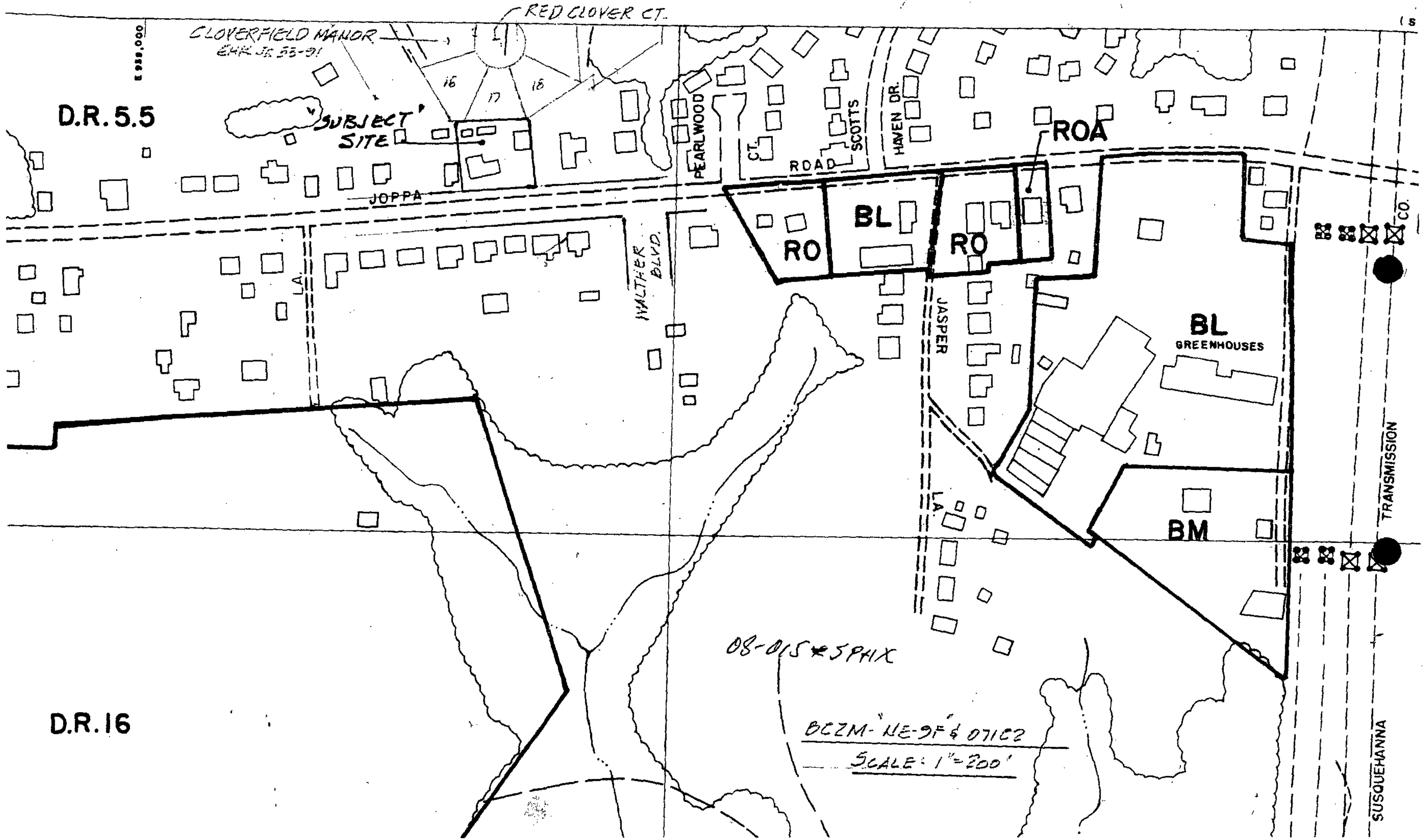


DR 5.5



"07102"

SCALE: 1" = 200'


RED CLOVER CT.
CLOVERFIELD MANOR
EHR Jk 53-91
16
17
18
D.R. 5.5
SUBJECT SITE
JOPPA
PEARLWOOD
CT.
SCOTTS
ROAD
HAVEN DR.
ROA
RO
BL
RO
WALTHER BLVD.
LA.
JASPER
BL
GREENHOUSES
BM
TRANSMISSION
CO.
SUSQUEHANNA
08-015*5PHIX
BCZM-"NE-9F" & 07102
SCALE: 1"=200'
D.R. 16

Article - Business Occupations and Professions

[Previous][Next][Another Article]

§12–302.

(a) In this section, "licensed master plumber" means an individual who holds:

(1) a master plumber license or a limited master plumber license issued by the Board;

(2) a master plumber license issued by the Baltimore County Plumbing Board;

(3) a master plumber license issued by the Washington Suburban Sanitary Commission; or

(4) a master plumber license issued by another state, if the individual became licensed in that state after passing an examination that is equivalent to the examination for a master plumber license given in this State.

(b) To qualify for a license, an applicant shall be an individual who meets the requirements of this section.

(c) (1) An applicant for a journey plumber license:

(i) 1. shall have held, for a period of at least 4 years, an apprentice plumber license or a license of equal stature, as determined by the Board, that is issued by another state; and

2. during that period, shall have completed at least 7,500 hours of training in providing plumbing services under the direction and control of a licensed master plumber; and

(ii) shall have completed at least 32 hours of training in the testing of backflow prevention devices, in a manner approved by the Board.

(2) The Board may allow the applicant to apply up to 1,500 hours of accredited, approved school study toward the experience requirement of paragraph (1)(i)2 of this subsection.

(d) An applicant for a master plumber license:

(1) shall have completed at least 3,750 hours of training in providing plumbing services as a journey plumber licensed in this State or another state and under the direction and control of a licensed master plumber;

(2) (i) if an applicant resides in this State, shall have a journey plumber license for at least 2 years; or

(ii) shall have been licensed in another state as a journey plumber after:

1. completing at least 7,500 hours of training in providing plumbing services under the direction and control of a licensed master plumber; and

2. passing a written examination that is equivalent to the examination for a journey plumber license given in this State; and

(3) shall have completed at least 32 hours of training in the testing of backflow prevention devices, in a manner approved by the Board.

(e) Except as otherwise provided in this subtitle, an applicant for a master plumber license or a journey plumber license shall pass an examination given by the Board under this subtitle.

(f) An applicant for a propane gas fitter certificate shall:

(1) hold a current certification of completion of the National Propane Gas Association Certified Training Program for Distribution Systems Operations;

(2) hold a gas fitters license from a county or municipal corporation authorizing the individual to provide propane gas services under a licensing program that is in existence prior to July 1, 1995 and that is acceptable to the Board; or

(3) otherwise demonstrate qualifications that are satisfactory to the Board and that are at least equivalent to the qualifications required by the National Propane Gas Association Certified Training Program for Distribution Systems Operations.

(g) (1) An applicant for a journeyman natural gas fitters license:

(i) shall have acquired 3,750 working hours as an apprentice natural gas fitter over a period of at least 2 years; and

(ii) shall have demonstrated successful completion of a training course approved by the Board relating to natural gas services.

(2) Except as otherwise provided in this subtitle, an applicant for a journeyman natural gas fitters license shall pass an examination given by the Board under this subtitle.

(h) An applicant for a master natural gas fitters license shall:

(1) hold a gas fitters license from a county or municipal corporation authorizing the individual to provide natural gas services under a licensing program that is in existence prior to July 1, 1999, is acceptable to the Board, and at a minimum requires:

(i) successful completion of the licensing examination with a passing score of no less than 70; and

(ii) 2 years of work experience as a journeyman natural gas fitter under the direction of a:

1. licensed master plumber; or

2. licensed master gas fitter;

(2) apply to the Board for a master natural gas fitters license before October 1, 2002 and provide proof that:

(i) the applicant has completed a natural gas certification program offered by a third party that:

1. was in existence prior to July 1, 1999;

2. is approved by the Board; and

3. provides theoretical and practical training relating to natural gas services; and

(ii) the applicant has acquired 4 years of work experience in providing natural gas services; or

(3) pass a written examination given by the Board and meet any other requirements specified by the Board, and at a minimum requires:

(i) proof of a current master or master restricted heating license in good standing issued by the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors that is deemed acceptable by the Board; and

(ii) 2 years of work experience as a journeyman natural gas fitter under the direction of a:

1. licensed master plumber;

2. licensed master gas fitter; or

3. holder of a master or master restricted heating license in good standing issued by the State Board of Heating, Ventilation, Air-Conditioning, and Refrigeration Contractors, who demonstrates qualification as a natural gas fitter that is deemed acceptable by the Board.

[Previous][Next][Another Article]

MARYLAND PLUMBING-HEATING-COOLING CONTRACTORS, INC.
10176 Baltimore National Pike ~ Suite 205
Ellicott City, MD 21042
(410) 461-5977 (800) 723-4900 FAX (410) 750-2507
E-MAIL: phccmd@aol.com

OFFICERS

Jim Berndt
President
Bruce Solomon
1st Vice President
Edgar W. Zepp, IV
2nd Vice President
Tim Feldman
Secretary
Edgar W. Zepp, III
Treasurer
Diane P. Kastner
Executive Director

September 4, 2007

To Whom It May Concern:

This letter is to verify that Plumbing is a Professional Business and licensees are regulated by the Maryland State Board of Plumbing.

If you have any questions regarding the "Professional" Business of Plumbing I would recommend you contact the office of Thomas E. Perez, Secretary, Maryland Department of Labor, Licensing & Regulations.

Sincerely,

Diane P. Kastner
Executive Director

dpk

PETITIONER'S
EXHIBIT NO. 10

Code of Ethics

To consider our trade worthy as affording us distinct opportunities to serve society.

To improve ourselves, increase our efficiency and enlarge our service, and by so doing attest our faith in the fundamental principles of life, that we profit most who serve best.

To realize that we are businessmen and ambitious to succeed; but that we are first ethical men, and wish no success that is not founded on the highest justice and morality.

To maintain the highest ethical standards of advertising, pricing, selling, installation and service guided by the principles of honesty and integrity.

To promote the latest technological advances in the design, types and methods of installation of plumbing-heating-cooling systems; using equipment and materials complying with the standards recognized by this industry.

To enter enthusiastically into the association work, to give as well as take, and do our part in elevating the industry.

To support all progressive moves that are being carried out along the lines of trade extension, standardizations and sanitation.

To conduct our affairs that others in our business will find it wise, profitable and conducive to happiness to emulate our example.

To follow and execute our work in conformity with federal, state, county and city building, safety, energy and water conservation, fire and housing codes; and refusing to be a party to any action that violates these regulations.

To promote conservation of water and energy to the public we serve through improved, adequate, safe, and modern installation of energy efficient equipment.

Pride In Our Past – Faith In Our Future

PETITIONER'S EXHIBIT 11

MARYLAND PLUMBING-HEATING-COOLING CONTRACTORS, INC.
10176 Baltimore National Pike ~ Suite 205
Ellicott City, MD 21042
(410) 461-5977 (800) 723-4900 FAX (410) 750-2507
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2nd Vice President
Tim Feldmann
Secretary
Edgar W. Zepp, III
Treasurer
Diane P. Kastner
Executive Director

August 30, 2007

To Whom It May Concern:

This letter is to verify that Ralph Vitale, Sr. has been a member of the Maryland Plumbing-Heating-Cooling Contractors Association since 1966.

Mr. Vitale has been an active member, serving in many capacities. He was elected to serve as a member of the Board of Directors. His total service on the Board was more than 25 years.

He was a founding member of the Maryland Plumbing-Heating-Cooling Contractors Plumbing Apprenticeship program. He served as Chairman for the Plumbing Apprenticeship School for over 15 years. He continues to be involved in our educational training programs and is currently co-chairman of the Maryland PHCC Plumbing Apprenticeship school.

Mr. Vitale has been involved in all phases of planning and curriculum review for our apprenticeship program and various other training courses including Journey and Master Gas Fitters training, Backflow Certification and Plumbing Code classes. He was instrumental in the design and installation of the gas lab at the Essex and Dundalk Community Colleges.

Ralph is a man who strongly supports the education and training of young men and women entering the plumbing trade. Ralph is a man of integrity, hard working and a dedicated member of this Association.

Ralph, was honored by our Association in 1996 as Contractor of the Year and is an "Honorary" member of our Association.

It has been my pleasure to have worked with Ralph for nearly 25 years.

Sincerely,

Diane P. Kastner

Diane P. Kastner
Executive Director

dpk

PETITIONER'S EXHIBIT 8

Article - Business Occupations and Professions

[Previous][Next][Another Article]

§12–401.

(a) A person may engage in the business of providing plumbing services if:

(1) the person is a master plumber or holder of a limited master plumber license; or

(2) the person:

(i) designates a master plumber or holder of a limited master plumber license who actively directs, controls, and is responsible for all plumbing services; and

(ii) otherwise provides the plumbing services in accordance with this title.

(b) A person may engage in the business of providing propane gas services if:

(1) the person is the holder of a propane gas fitter certificate; or

(2) the person:

(i) designates a holder of a propane gas fitter certificate who actively directs, controls, and is responsible for all propane gas services; and

(ii) otherwise provides the propane gas services in accordance with this title.

(c) A person may engage in the business of providing natural gas services if:

(1) the person is the holder of a master natural gas fitters license; or

(2) the person:

(i) designates a holder of a master natural gas fitters license who actively directs, controls, and is responsible for all natural gas services; and

(ii) otherwise provides natural gas services in accordance with this title.

[Previous][Next][Another Article]

PETITIONER'S
EXHIBIT NO. 9

Division of Occupational and Professional Licensing

Licensing Queries

Check to see if an individual or business is licensed before they do business for you. Choose the profession from the list below and click to see if they are licensed by the State of Maryland. If a particular profession is not on this list please check with the Maryland Business License Information System (BLIS).

NOTE: The date format used in this application is YYYY-MM-DD. For example, January 5, 2007 would appear as 2007-01-05.

Architects	Barbers	Bay Pilots	Certified Interior Designers
Certified Public Accountants	Cosmetologists	Foresters	Home Improvement
HVACR Contractors	Landscape Architects	Land Surveyors	Master Electricians
Plumbers	Professional Engineers	Real Estate	Real Estate Appraisers and Home Inspectors
Secondhand Precious Metal Object Dealers and Pawnbrokers		Stationary Engineers	

The public query applications have been upgraded to serve you better. If you have an old public query page bookmarked, please update your bookmark with the appropriate link provided above.

If you are experiencing a problem: obtaining or renewing your license online is fast and easy, but if you are unable to complete the transaction due to unexplained problems, you may need to update your browser. A common problem, involving Microsoft Internet Explorer version 5.0, results in a blank screen, when your licensing transaction proceeds (links) from one screen to the next. You may upgrade to the latest version of Internet Explorer or Netscape by clicking on browser updates and information.

Return to the Occupational and Professional Licensing home page

Please direct any questions about Occupational and Professional Licensing to opl@dllr.state.md.us
Questions or comments regarding the DLLR website may be directed to webmaster@dllr.state.md.us

Updated April 4, 2007

PHOTOGRAPHIC RECORD

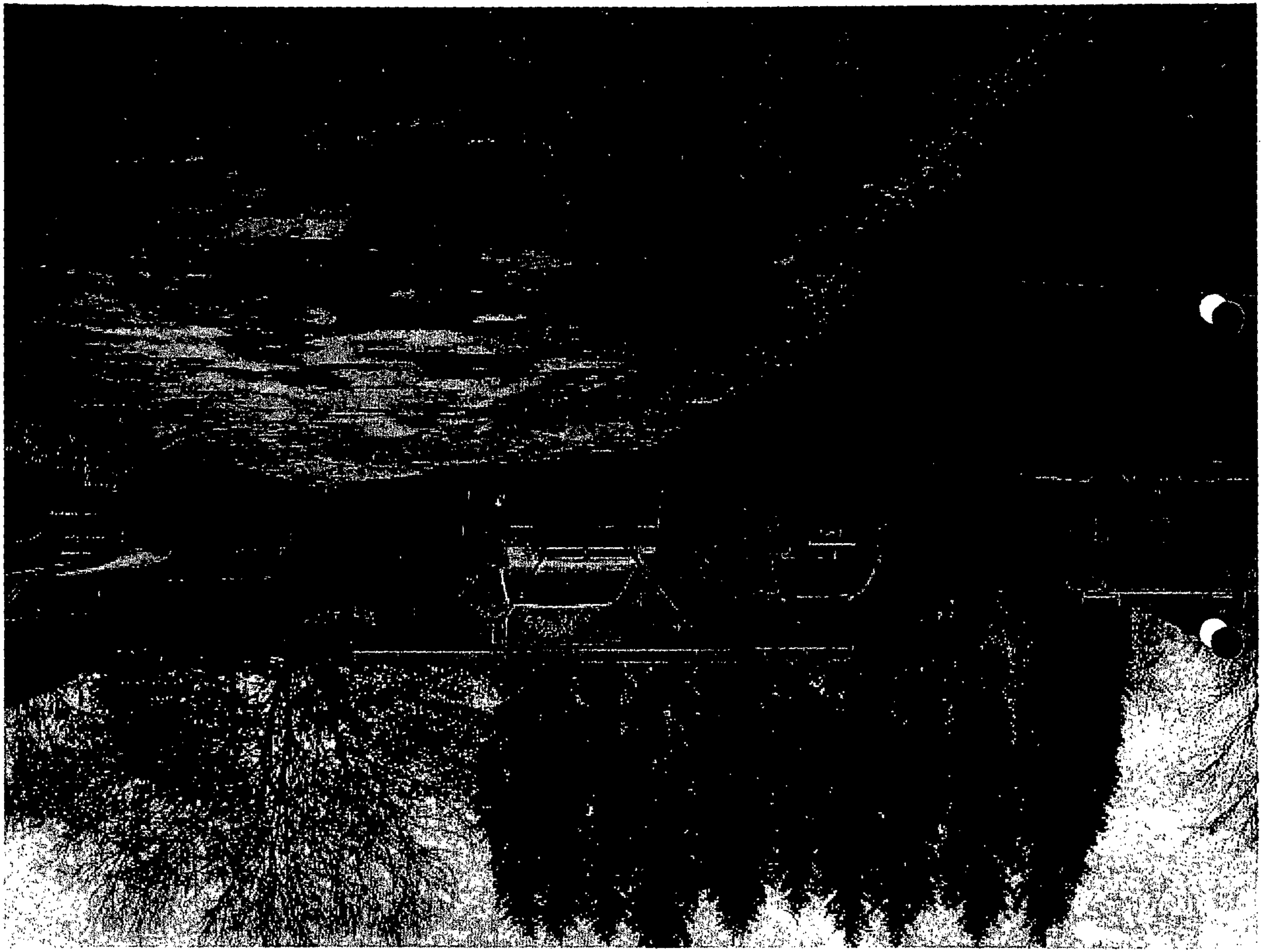
Citation/Case No.: 07- 0115

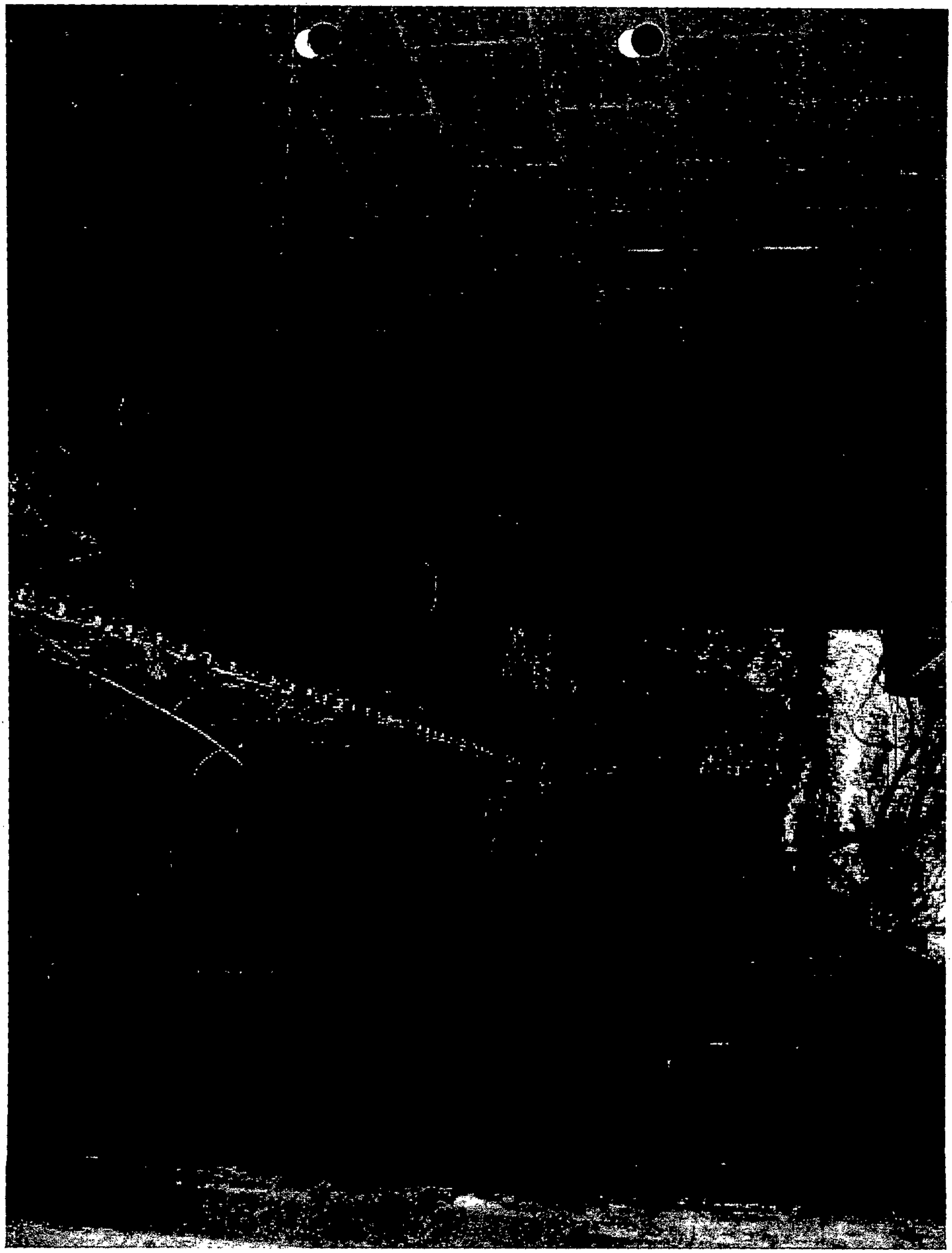
Date of Photographs: 2/22/07

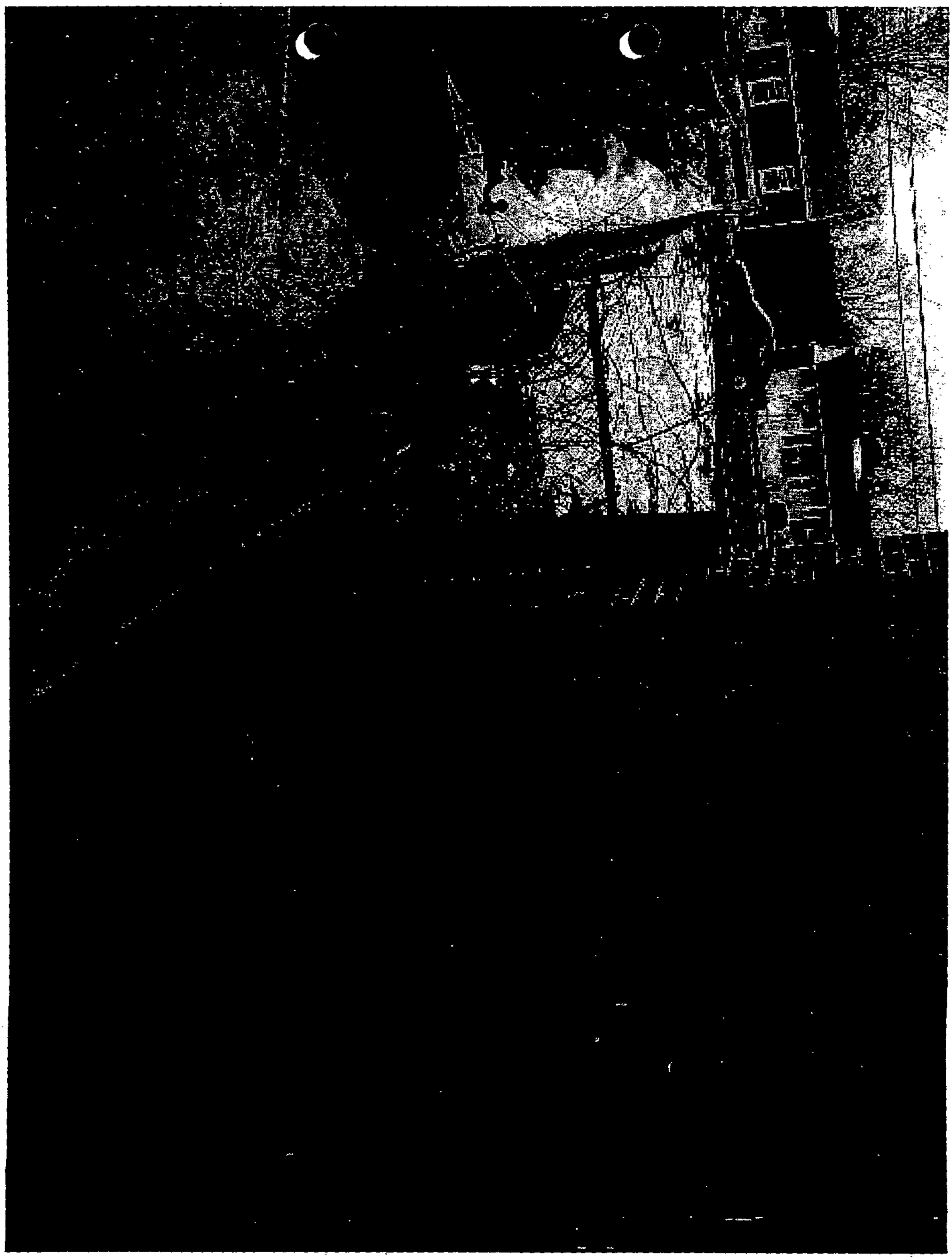
I HEREBY CERTIFY that I took the 6 photographs set out above, and that these photographs
(number of photos)
fairly and accurately depict the condition of the property that is the subject of the above-referenced citation/case number on the date set out above.

Enforcement Officer

11/14/00







PHOTOGRAPHIC RECORD

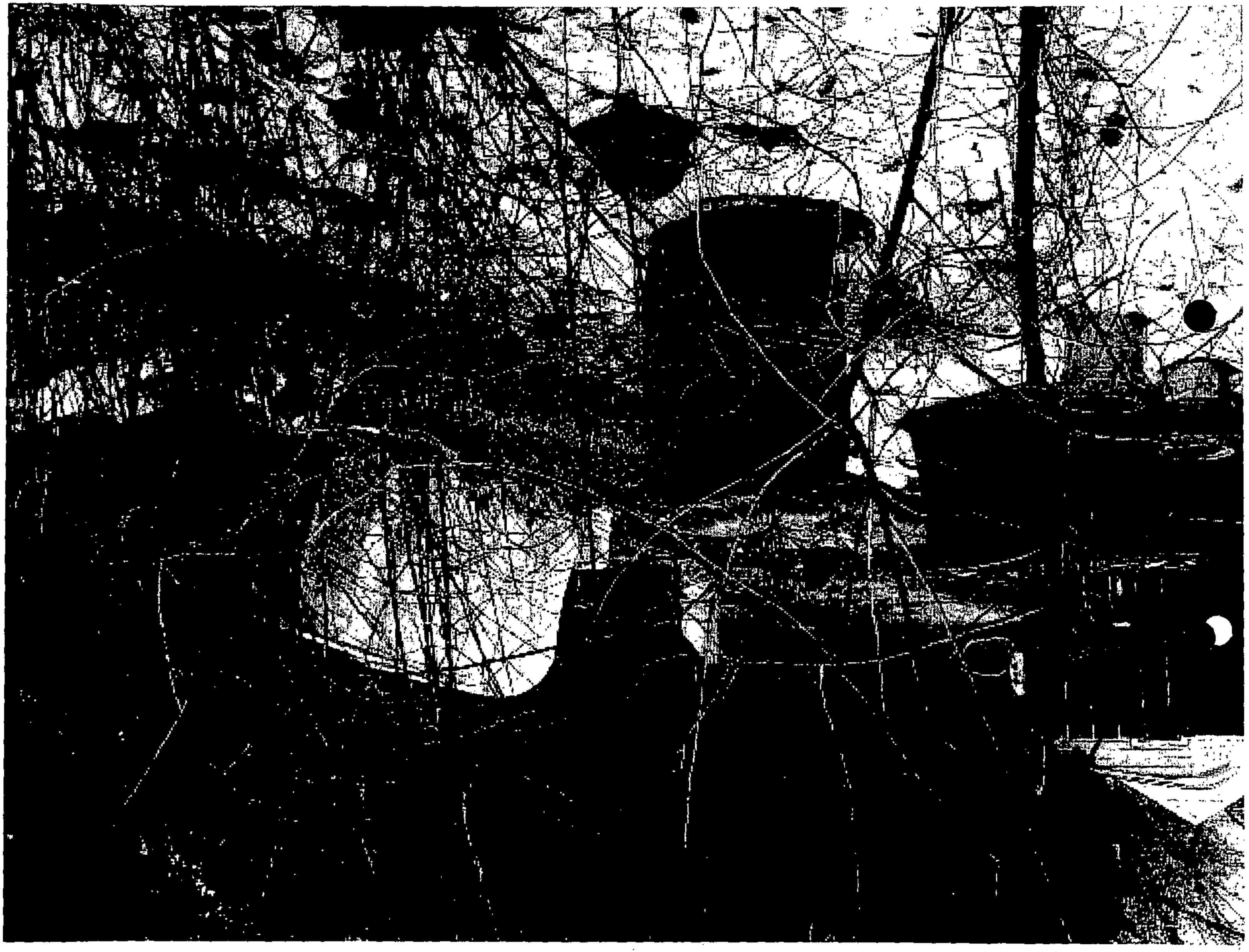
Citation/Case No.: 07- 0115

Date of Photographs: 2/21/07

I HEREBY CERTIFY that I took the 3 (number of photos) photographs set out above, and that these photographs fairly and accurately depict the condition of the property that is the subject of the above-referenced citation/case number on the date set out above.

Enforcement Officer

11/14/00



UPDATE/MESSAGE FORM

Date: 2/21/07

Time:

Inspector: DP

Case No: ~~06-7396~~ 07-0115

Address: 3510 E Joppa

Comments: Jim Thompson runs plumbing license for Vitale and an on-line yellow pages Both show Vitale Plumbing at 3510 E Joppa rd. ~~I promise~~ Mark Gavel will go by there today. I promise to inspect ~~tomi~~ after work 2:30 to 5:15 I parked at 3512's lot to observe activity the unlettered white van of previous inspections was there. An SUV with md. plates 889 M218 and a pickup 92R059 was observed. By 4:30 a Vitale Plumbing truck ~~was~~ came on the property ~~Dot~~ No other activity by 5:15 was noted. Photos taken 9:30 PM No change from earlier →

REGISTERED

PHOTOGRAPHIC RECORD

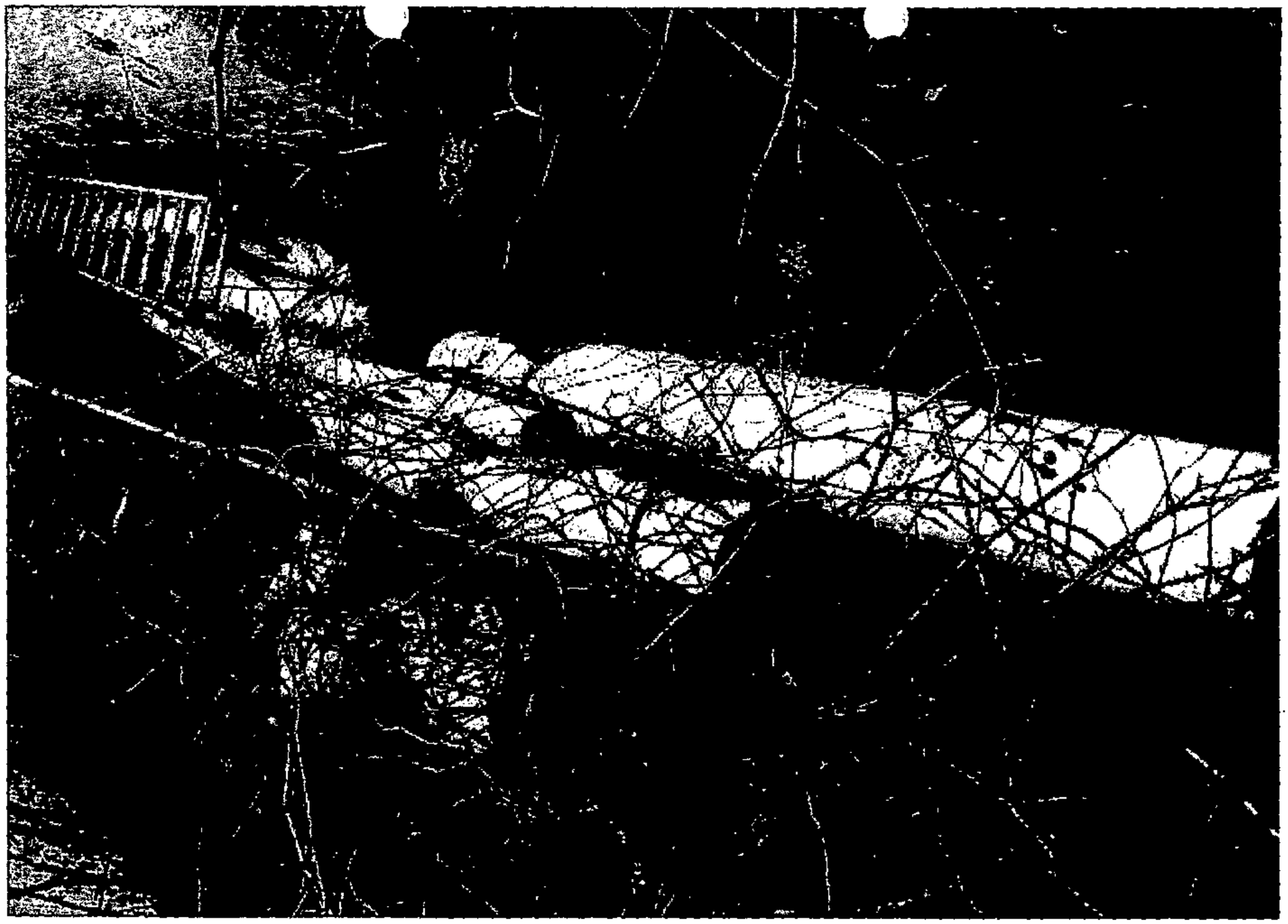
Citation/Case No.: 07-0115, 3510 E Jappard

Date of Photographs: 1/5/07

I HEREBY CERTIFY that I took the 6 photographs set out above, and that these photographs
(number of photos)
fairly and accurately depict the condition of the property that is the subject of the above-referenced citation/case number on the date set out above.

Enforcement Officer

11/14/00



Balt[redacted]ounty
Depa[redacted] of Permits and
Development Management

Code Inspections a[redacted] Enforcement
County Office Bu[redacted]
111 West Chesapeake Avenue
Towson, MD 21204

Code Enforcement: 410-887-3351 Plumbing Inspection: 410-887-3620
Building Inspection: 410-887-3953 Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT

SERVE ON RESIDENT AGENT, CORPORATE OFFICER, OWNER, TENANT, AS APPLICABLE

Citation/Case No.	Property No.	Zoning:
07-0115	1122 035 390	DR 5.5

Name(s): Ralph Vitale
Audrey Vitale

Address: 3510 E Poppa Rd Balto MD 21234

Violation Location: Same

Violation Date: ~~2/9/07~~ 1/9/07 to 2/22/07

BALTIMORE COUNTY FORMALLY CHARGES THAT THE ABOVE NAMED PERSON(S) DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS OR REGULATIONS:

BCZR 101 / 102 / 1B01 / A 431

(1) Operation of a business from a residence
(2) Storage of a commercial vehicle

Pursuant to Section 1.8, Baltimore County Code, a civil penalty has been assessed, as a result of the violation cited herein, in the amount indicated: $ 7000

A quasi-judicial hearing has been pre-scheduled in Room 116, 111 West Chesapeake Avenue, Towson, Maryland, for: Date: 3/1/07 Time: 9 AM.

Citation must be served by: Date:

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief.

Print Name: Derek Propalis

2/23/07 Derek Propalis
Date Inspector's Signature

SEE REVERSE SIDE FOR ADDITIONAL DETAILS AND INFORMATION

NOTICE OF INTENTION TO DEFEND

Print Name: Citation/Case No.:

Address:

Date Defendant's Signature

AGENCY

RETURN THIS PORTION ONLY WITH CHECK OR MONEY ORDER MADE OUT TO: BALTIMORE COUNTY

BALTIMORE COUNTY PLUMBING BOARD
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

MP522
VITALE SR, RALPH M.
VITALE PLUMBING & HEATING CO.
3510 E. JOPPA RD
BALTIMORE MD 21234

TEAR HERE

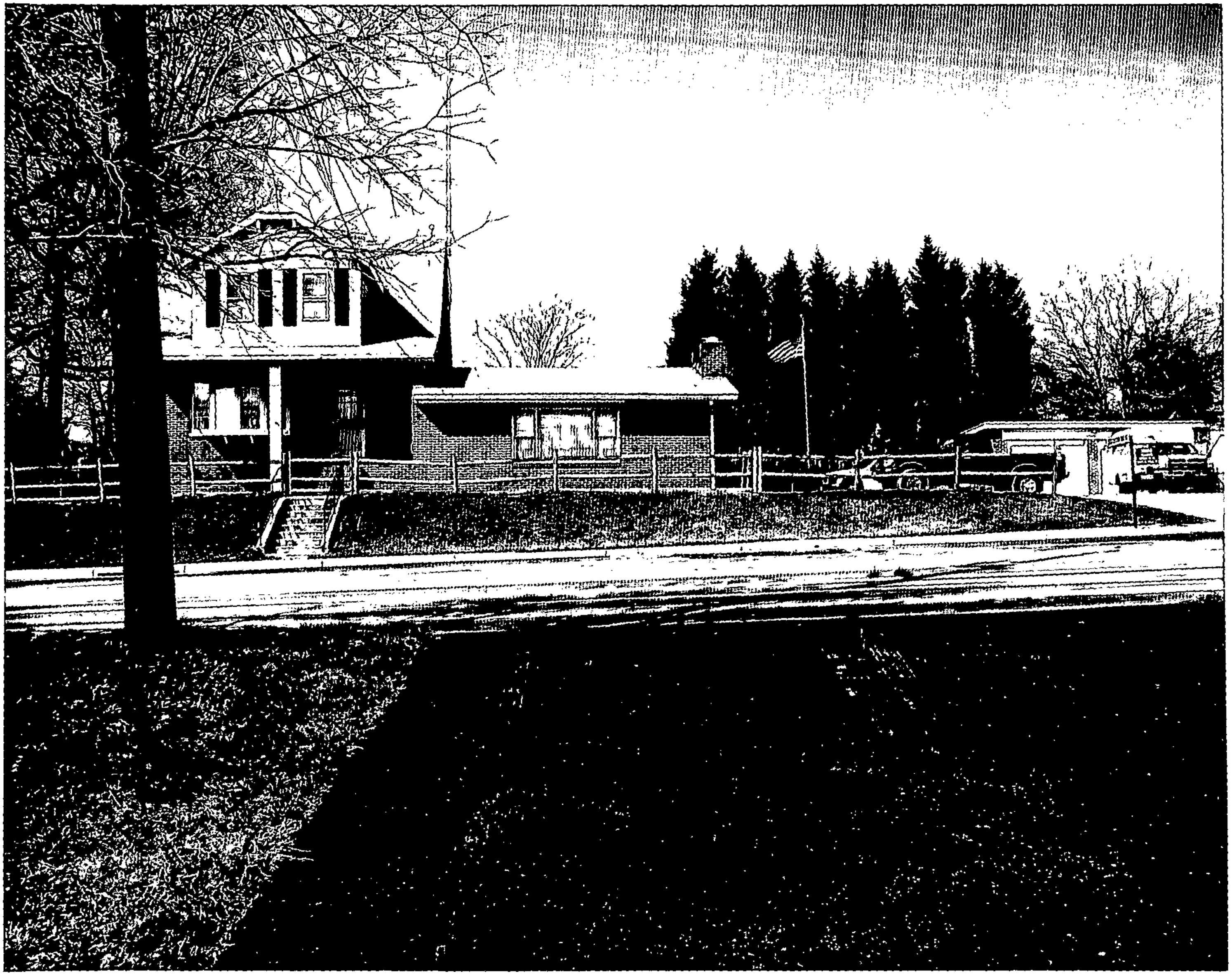
Cash Receipt # 515931 Date 4/14/05 Ck# 2628 Fee 170.00

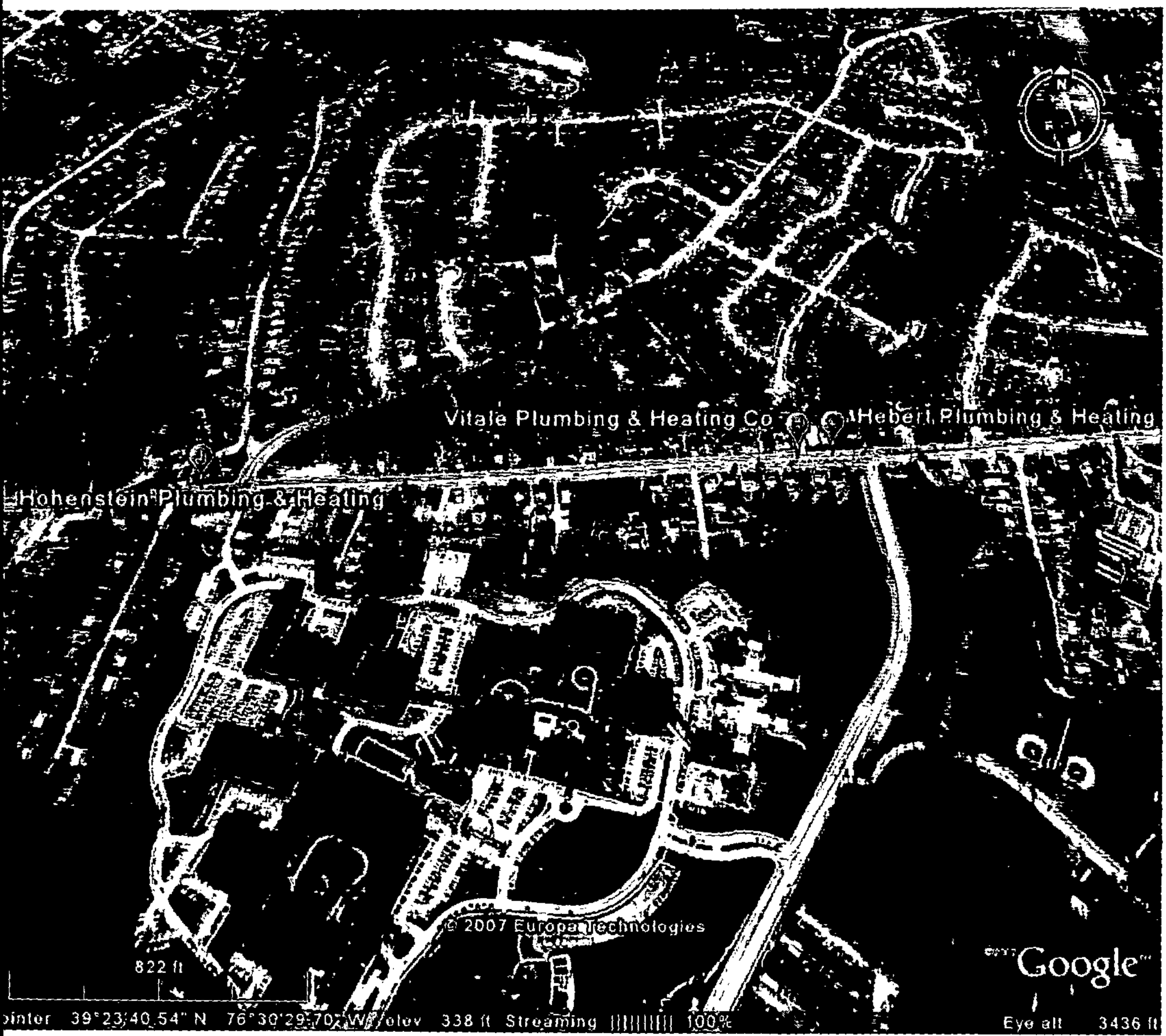
PB03X3

OFFICE USE ONLY

Vitale Plumbing & Heating Co
Hebert Plumbing & Heating
Hohenstein Plumbing & Heating
PETITIONER'S
EXHIBIT NO. 4

Vitale – 3510 E. Joppa Rd.



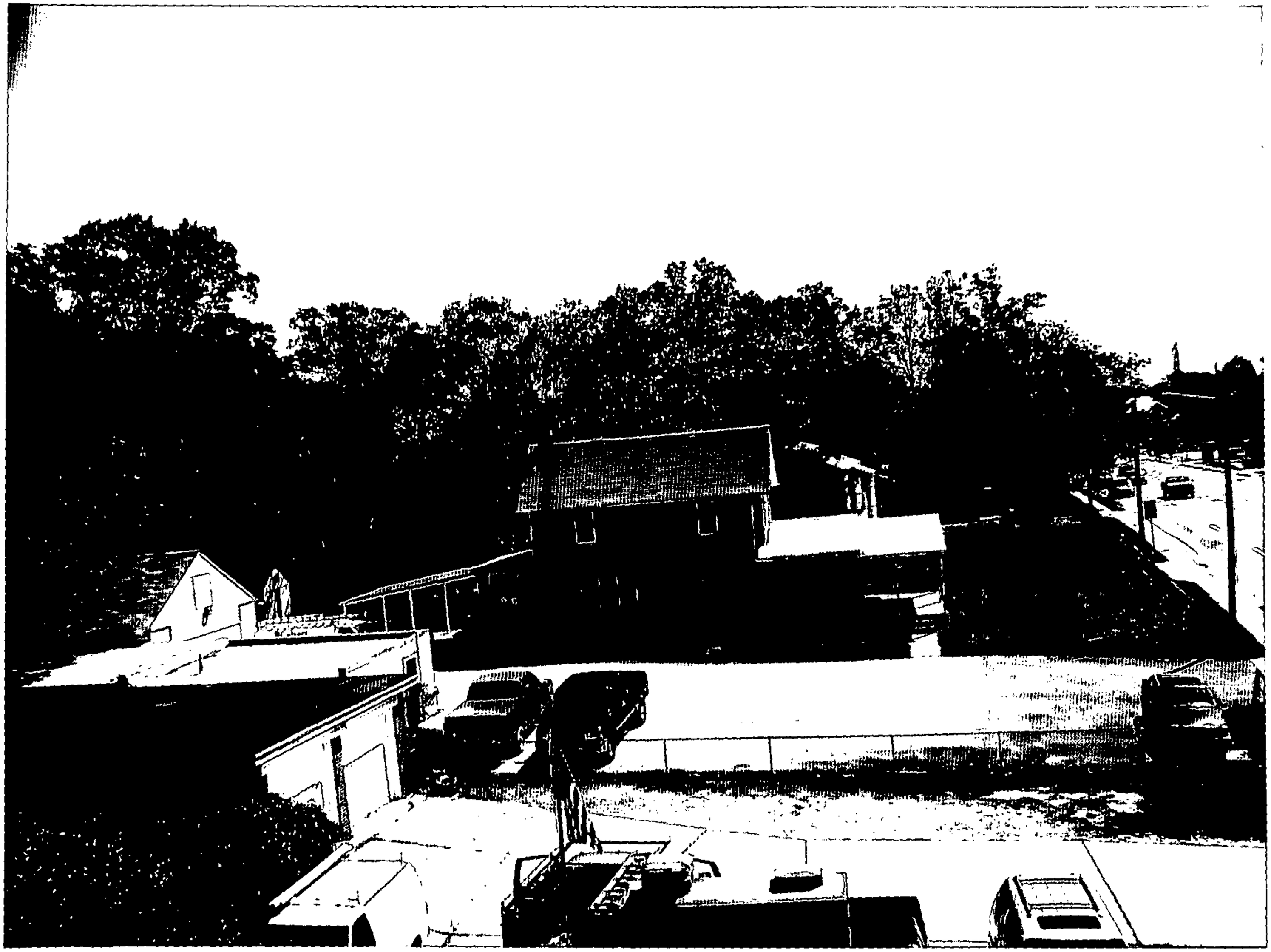

Vitale Plumbing & Heating Co
Hebert Plumbing & Heating
Hohenstein Plumbing & Heating
© 2007 Europa Technologies
822 ft
Google
Pointer 39°23'40.54" N 76°30'29.70" W elev 338 ft Streaming 100%
Eye alt 3436 ft

3500 BLK E. JOPPA Rd

img_0016 (2048x1536x24b jpeg)

Looking East

img_0017 (2048x1536x24b jpeg)

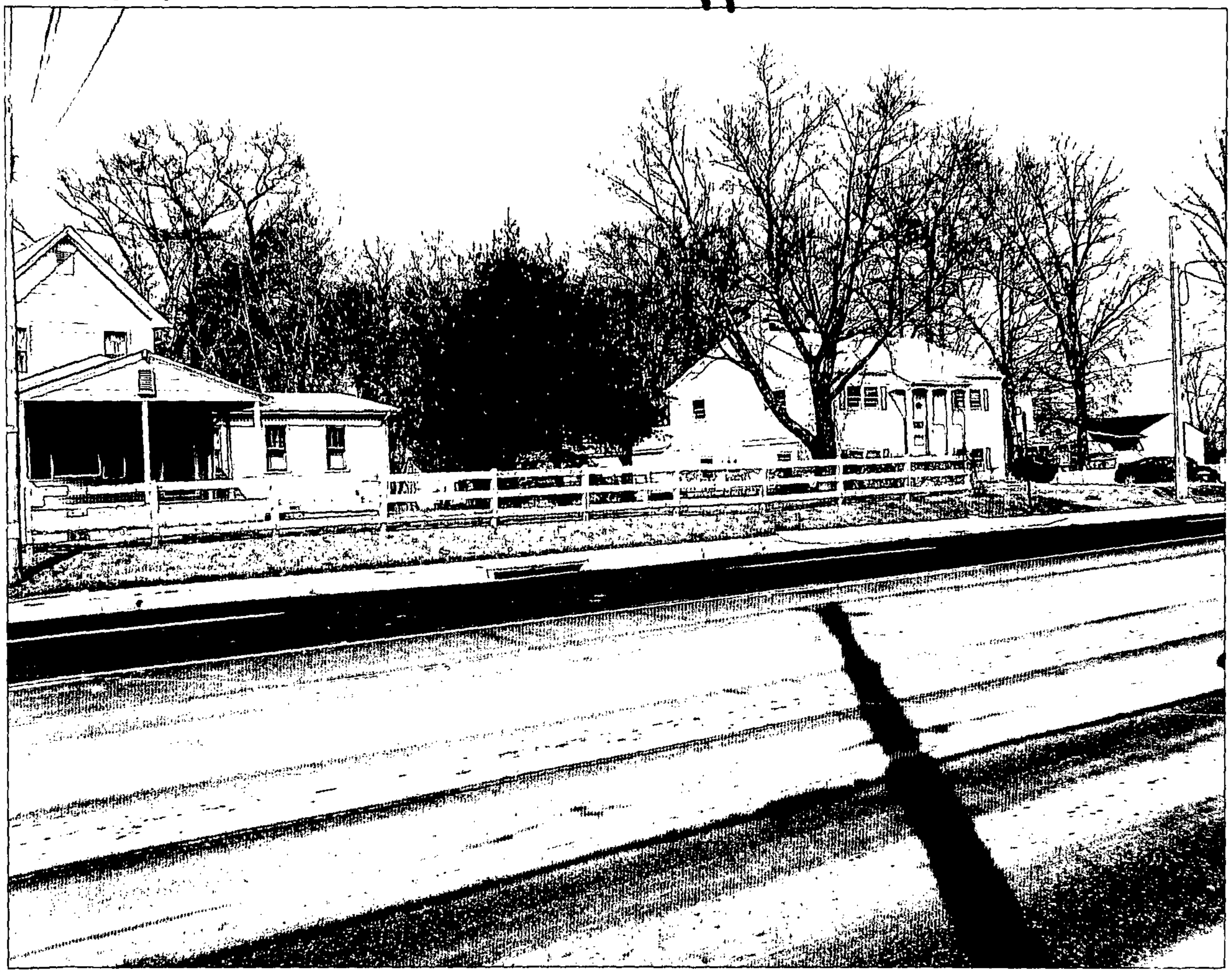


3512-14 E. Joppa Rd 5

3512-14 E. Joppa Rd 5

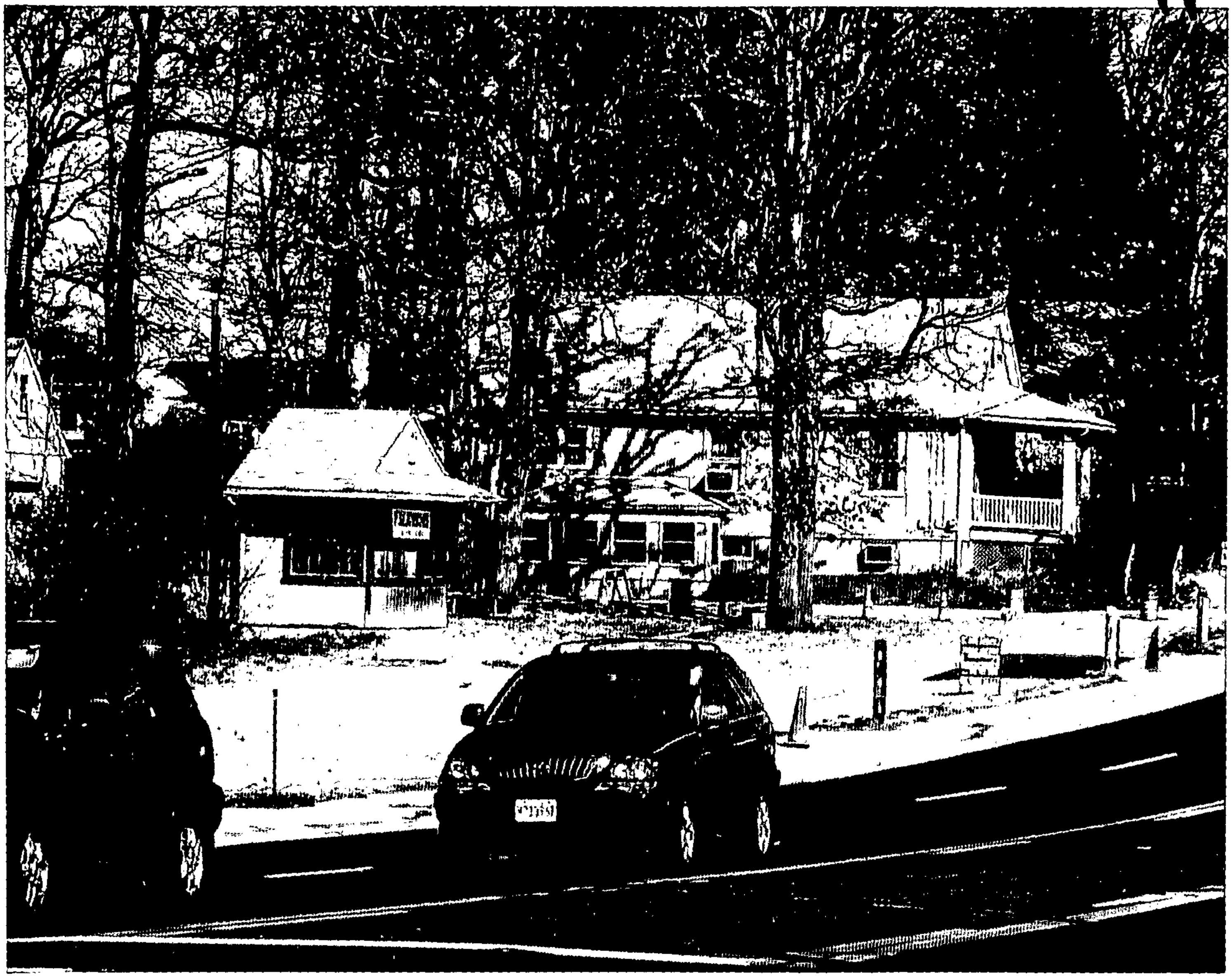
3512 - 14 E. Joppa Rd 5 Businesses

3514 + 3516 E. Joppa Rd



Snowballs

3326 E. Joppa Rd



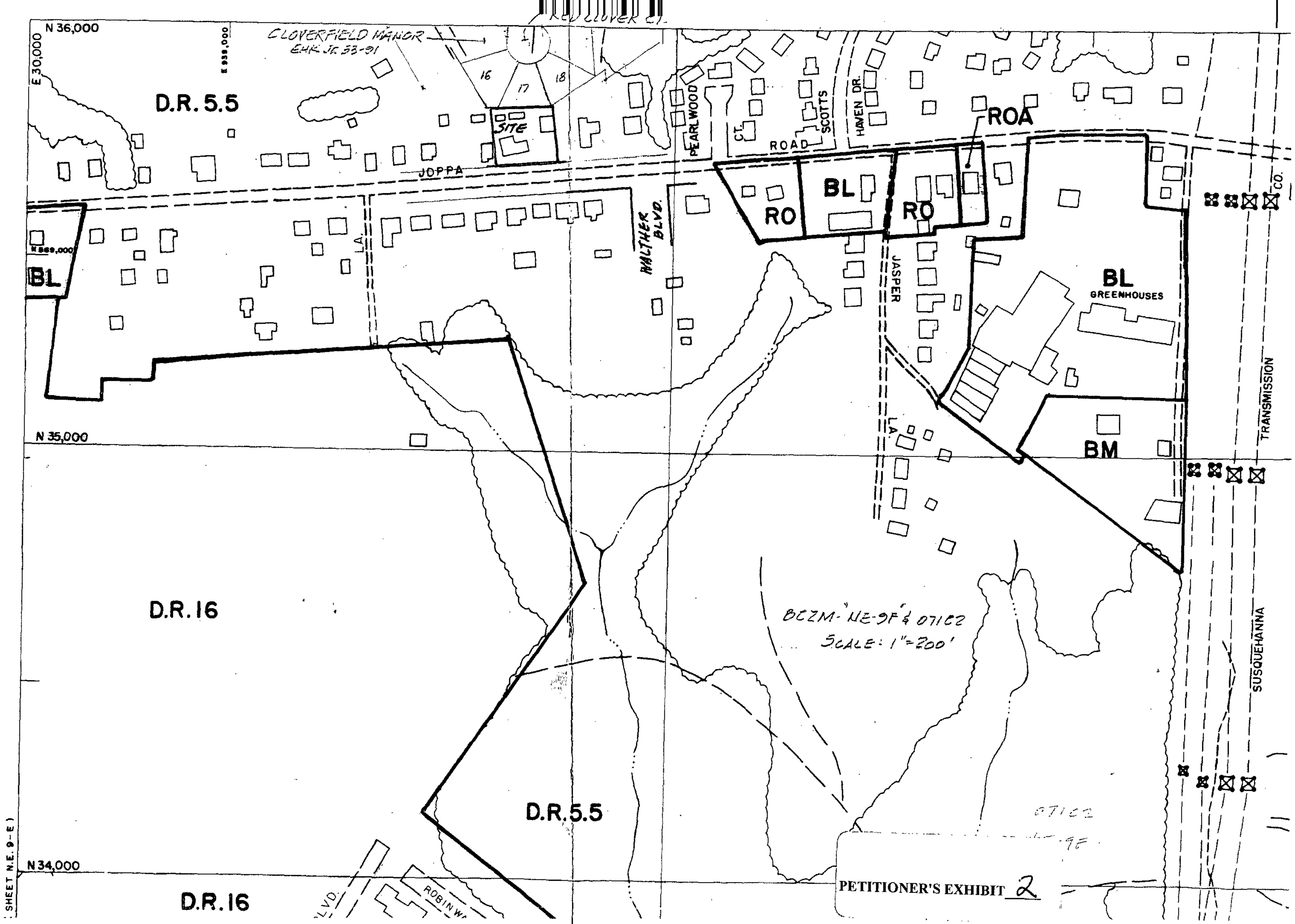
3333 E. Joppa Rd NEW

img_0113 (2048x1536x24b jpeg)

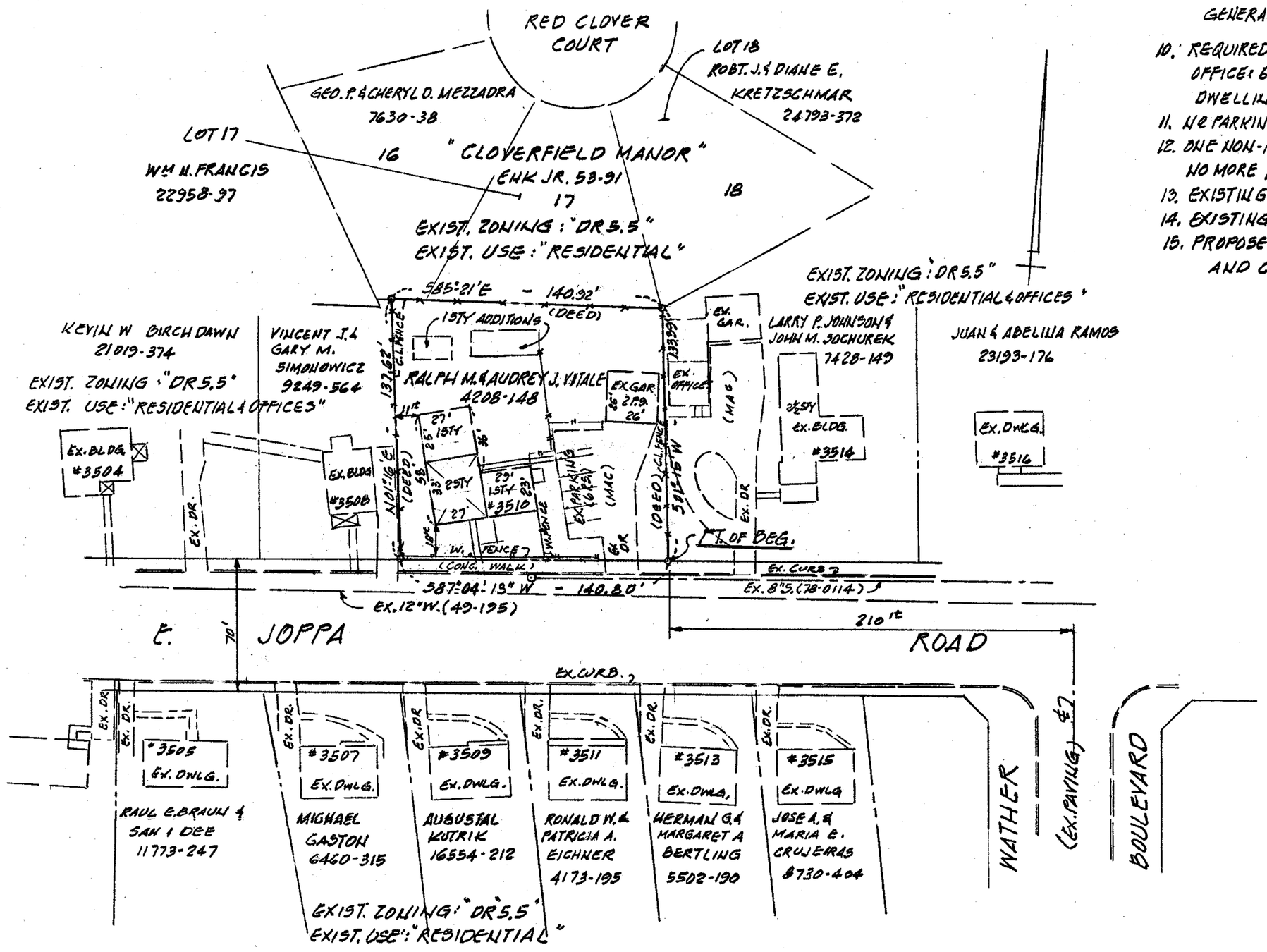
3504 3508 3510

West

img_0116 (2048x1536x24b jpeg)



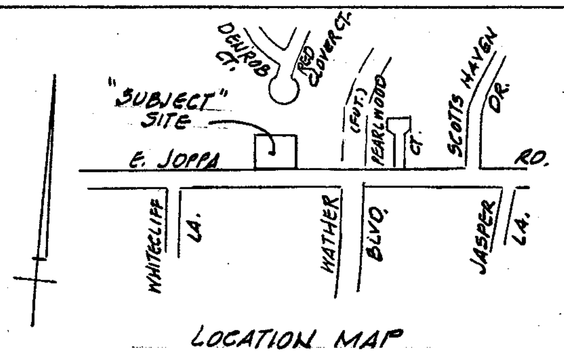
PETITIONER'S EXHIBIT 2



PLAN SCALE: 1" = 50'

GENERAL NOTES CONT.

10. REQUIRED OFFSTREET PARKING: TOTAL = 5 P.S.
    OFFICE: 621 S.F. @ 3.3/1000 = 2.05 = 3 P.S
    DWELLING (2 P.S GARAGE) = 2 P.S.
11. 1/2 PARKING SPACES PROVIDED 6+2 = 8 P.S.
12. ONE NON-RESIDENT PROFESSIONAL ASSOCIATE (SOH) - PART TIME
    NO MORE THAN TWO NON-RESIDENT EMPLOYEES - PART TIME
13. EXISTING DWELLING BUILT IN 1932
14. EXISTING PROPERTY HAS NO ZONING HISTORY
15. PROPOSED SIGNS IN ACCORDANCE WITH SECTION 413 AND CURRENT EXISTING POLICIES.

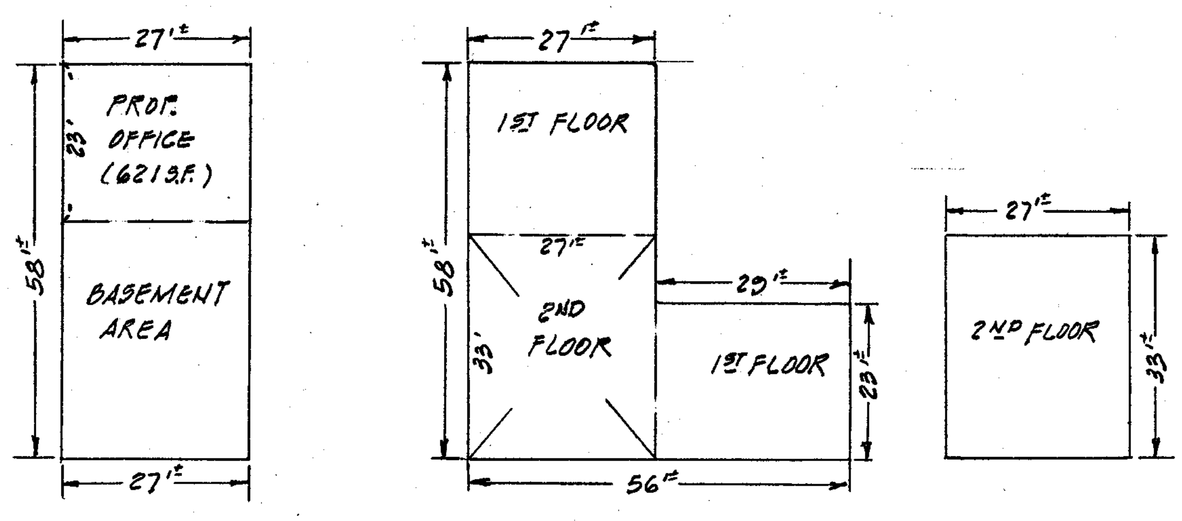


LOCATION MAP
SCALE: 1" = 500'

GENERAL NOTES:

1. AREA OF PROPERTY = 19,079 S.F. (0.438 Ac.) GROSS: 22600 S.F. (0.519 Ac.)
2. EXISTING ZONING OF PROPERTY = "DR 5.5"
3. EXISTING USE OF PROPERTY = "RESIDENTIAL"
4. PROPOSED ZONING OF PROPERTY = "DR 5.5"
5. PROPOSED USE OF PROPERTY = "RESIDENTIAL & OFFICE"
6. PROPERTY SERVED BY PUBLIC UTILITIES
7. PETITIONER REQUESTING A SPECIAL HEARING TO CONFIRM THE USE OF A PART OF THE SUBJECT PROPERTY BY THE PROPERTY OWNERS AS AN OFFICE TO BE A HOME OCCUPATION AND TO PERMIT THE PARKING OF 1 COMMERCIAL VEHICLE IN THE SIDE YARD ON THE SUBJECT PROPERTY OR IN THE ALTERNATIVE A PETITION FOR SPECIAL EXCEPTION PURSUANT TO SECTION 1B01.1.C.12 TO APPROVE A SPECIAL EXCEPTION FOR THE USE OF PART OF THE SUBJECT PROPERTY FOR AN OFFICE FOR A PROFESSIONAL PLUMBER.
8. AREA OF EXISTING 1½ STORY DWELLING: (SEE DETAIL)
   1ST FLOOR = 56'x23' + 27'x35' = 1288 + 945 = 2233 S.F.
   2ND FLOOR = 27'x33' = 891 S.F.
   BASEMENT = 27'x58' = 1566 S.F.
   TOTAL = 4690 S.F.
9. AREA OF PROFESSIONAL OFFICE PERMITTED = 1172 S.F. (25% TOTAL)
   AREA OF PROPOSED OFFICE = 621 S.F.

ITEM - 08-015-SPHX



EXISTING BASEMENT (1566 S.F.)

EXIST 1ST FLOOR (2233 S.F.)

2ND FLOOR (891 S.F.)

EXISTING BUILDING AREA
SCALE: 1" = 20'

PLAT TO ACCOMPANY PETITION
FOR
SPECIAL HEARING & SPECIAL EXCEPTION
3510 EAST JOPPA ROAD
RALPH M. & AUDREY J. VITALE PROPERTY

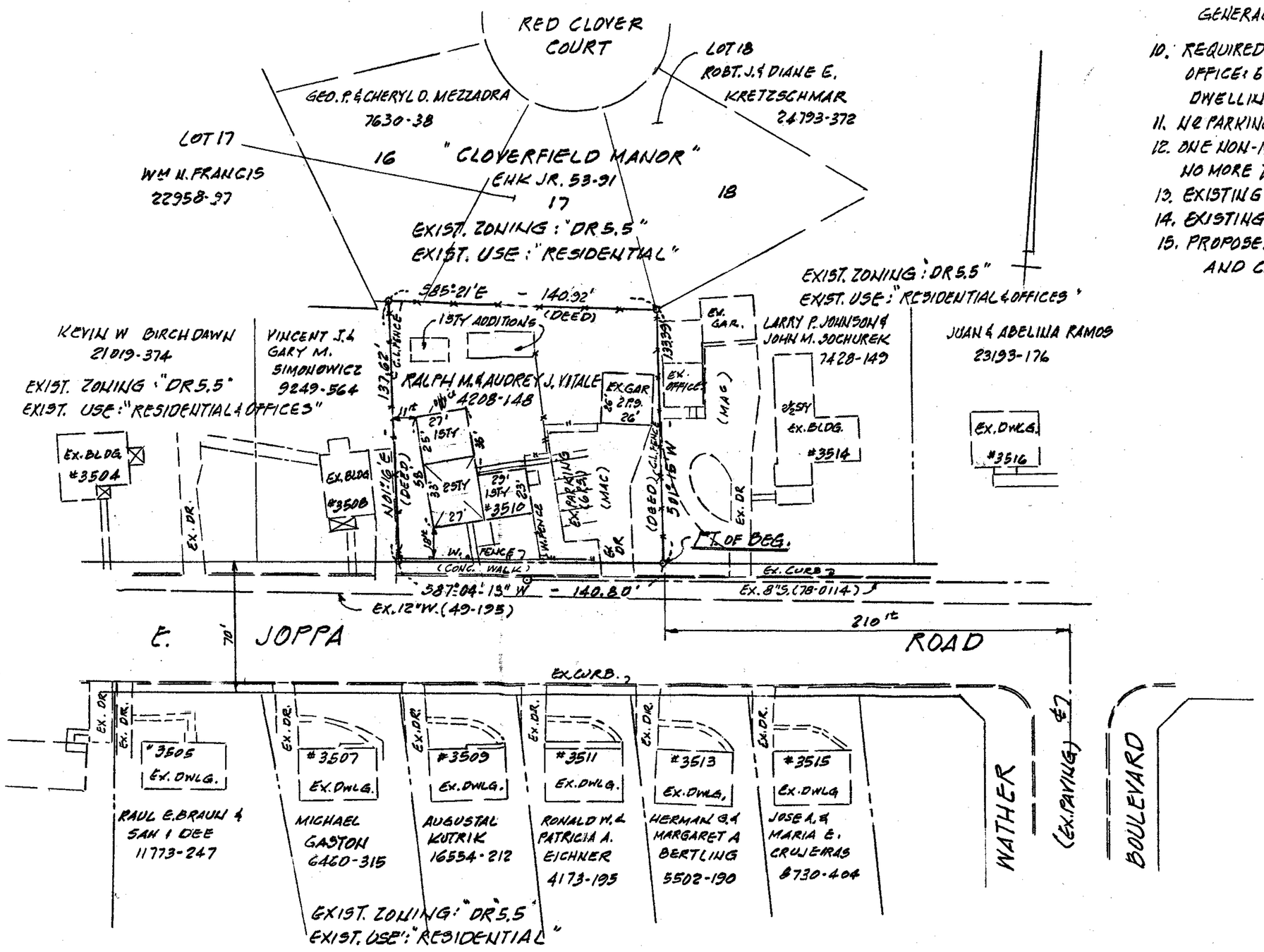
ELECT. DIST. 11C5 — BALTIMORE CO., MD.
SCALE: 1" = 50' — JUNE 29, 2007

OWNERS:
RALPH & AUDREY VITALE
3510 E. JOPPA RD
BALTIMORE, MD. 21234

CENTURY ENGINEERING
CONSULTING ENGINEERS - PLANNERS
10710 GILROY ROAD
HUNT VALLEY, MD 21031
Phone: 443.589.2400 Fax: 443.589.2401

STATE OF MARYLAND — PAUL LEE — 4047 — PROFESSIONAL ENGINEER

27-153.00



PLAN SCALE: 1" = 50'

GENERAL NOTES CON'T.

10. REQUIRED OFFSTREET PARKING: TOTAL = 5 P.S.
    OFFICE: 621 S.F. @ 3.3/1000 = 2.05 = 3 P.S.
    DWELLING (2 P.S. GARAGE) = 2 P.S.
11. NO PARKING SPACES PROVIDED 6+2 = 8 P.S.
12. ONE NON-RESIDENT PROFESSIONAL ASSOCIATE (SON) - PART TIME
    NO MORE THAN TWO NON-RESIDENT EMPLOYEES - PART TIME
13. EXISTING DWELLING BUILT IN 1932
14. EXISTING PROPERTY HAS NO ZONING HISTORY
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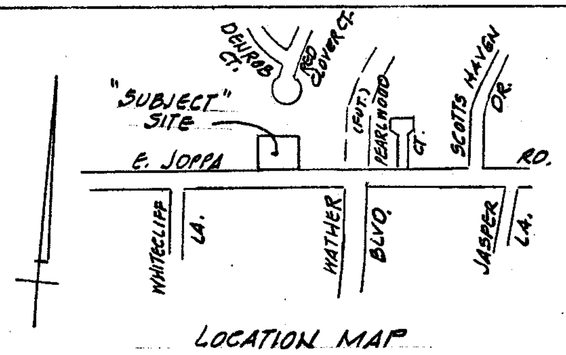

LOCATION MAP
SCALE: 1" = 500'

GENERAL NOTES:

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   BASEMENT = 27'x58' = 1566 S.F.
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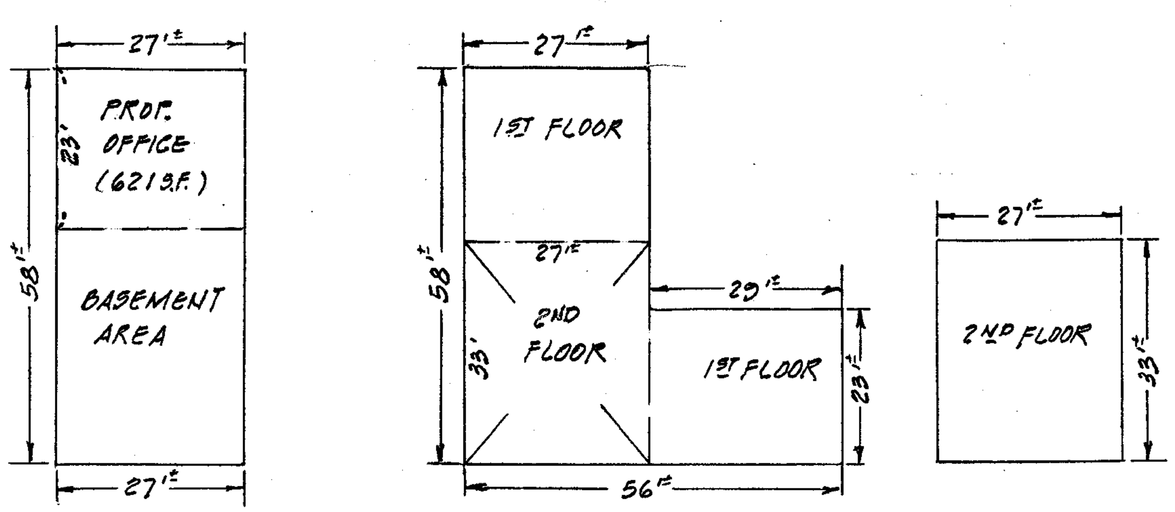
PLAT TO ACCOMPANY PETITION
FOR
SPECIAL HEARING & SPECIAL EXCEPTION
3510 EAST JOPPA ROAD
RALPH M. & AUDREY J. VITALE PROPERTY

ELECT. DIST. 11 C5 — BALTIMORE CO., MD.
SCALE: 1" = 50' — JUNE 29, 2007



EXISTING BASEMENT (1566 S.F.) — EXIST 1ST FLOOR (2233 S.F.) — 2ND FLOOR (891 S.F.)

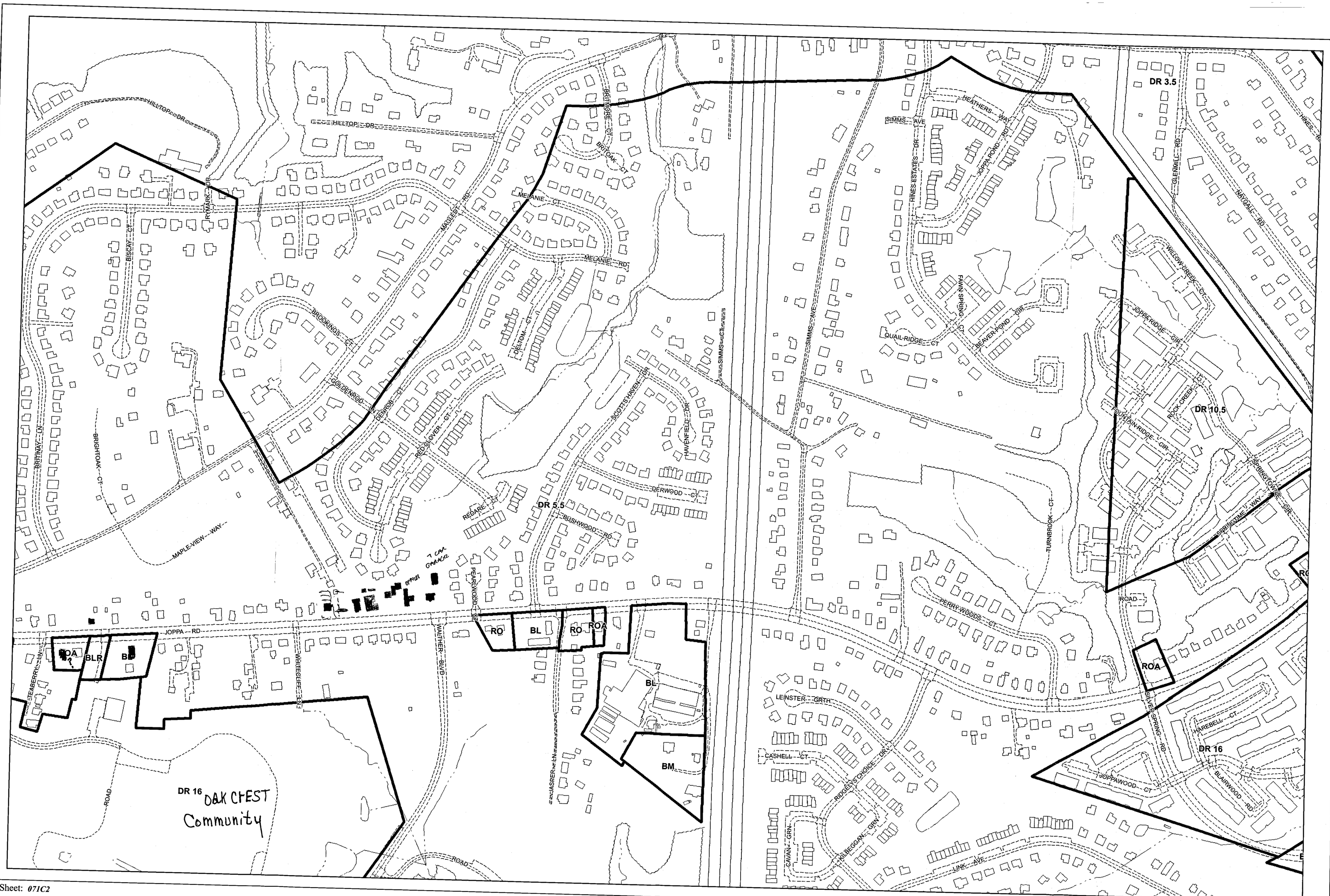
EXISTING BUILDING AREA
SCALE: 1" = 20'

OWNERS:
RALPH & AUDREY VITALE
3510 E. JOPPA RD
BALTIMORE, MD. 21234

PETITIONER'S EXHIBIT 1

CENTURY ENGINEERING
CONSULTING ENGINEERS - PLANNERS
10710 GILROY ROAD
HUNT VALLEY, MD 21031
Phone: 443-589-2400 Fax: 443-589-2401

STATE OF MARYLAND — PAUL LEE — 4047 — PROFESSIONAL ENGINEER



Plan Sheet: *071C2*

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Legend

Zoning — Streams — Vegetation
Buildings — Roads — Rail Lines

Baltimore County
Office of Planning and Zoning
Official Zoning Map

071A1	071B1	071C1	072A1	072B1
071A2	071B2	071C2	072A2	072B2
071A3	071B3	071C3	072A3	072B3

Scale

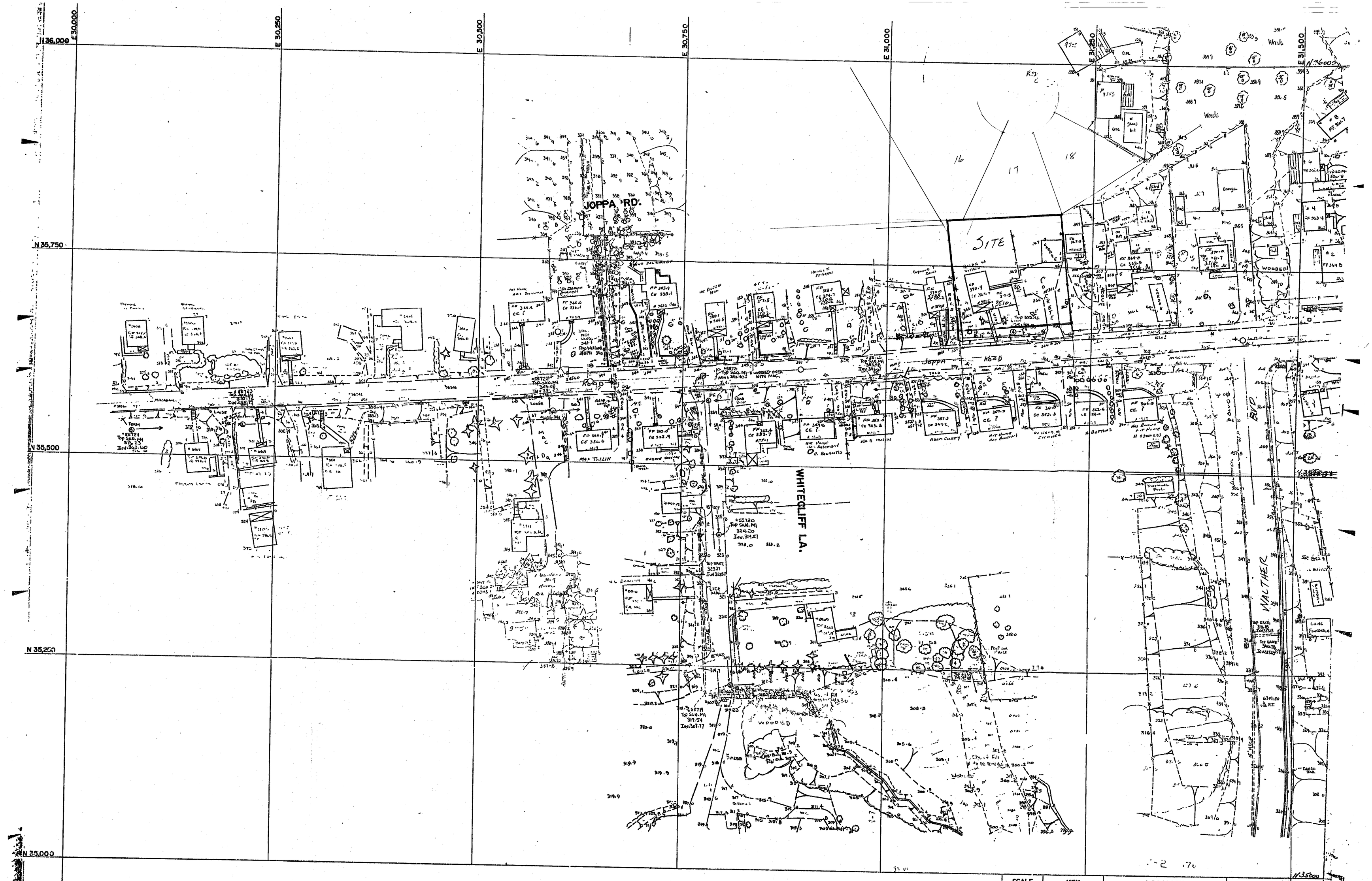
1" = 200'

0 100 200 400 Feet

1

Data Sources:
Planametric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004

PETITIONER'S EXHIBIT 3


N 36,000
E 30,000
E 30,250
E 30,500
E 30,750
E 31,000
E 31,250
E 31,500
N 35,750
N 35,500
N 35,250
N 35,000
JOPPA RD.
JOPPA ROAD
SITE
WHITECLIFF LA.
WALTHER
BLVD.
WOODED
Weeds
Garage
Swimming Pool
Max Tullin
Adam Carey
Cock Creek
Wooded
Stones
Fill
Poor Use Table
Long Foundation
Paved Road
Top Gas 324.20
Inv. 314.27
Top Gas 323.71
Inv. 321.87
Top San. Mh 311.54
Inv. 301.17
Top Gas 324.14
Inv. 321.23
Top San. Mh 324.14
Inv. 321.23
Top San. Mh 324.14
Inv. 321.23
Top San. Mh