

2/19/13

IN RE: PETITIONS FOR SPECIAL HEARING, *
SPECIAL EXCEPTION AND VARIANCE *
(513 and 515 Pleasant Hill Road) *
4th Election District *
4th Councilmanic District *
513 and 515 Pleasant Hill, LLC *
Louis Fritz, Sr. *
Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2009-0289-SPHXA

* * * * *

ORDER ON REMAND FROM THE BOARD OF APPEALS
OF BALTIMORE COUNTY

IT IS ORDERED this 19th day of February, 2013, that Petitioners' motion to voluntarily dismiss the captioned case without prejudice, be and is hereby GRANTED.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

February 19, 2013

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

J. Carroll Holzer, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, MD 21204

RE: **ORDER ON REMAND FROM BOARD OF APPEALS**
Petitions for Special Hearing, Special Exception and Variance
Case No.: 2009-0289-SPHXA
Property: 513 and 515 Pleasant Hill Avenue

Dear Counsel:

I am in receipt of Mr. Schmidt's motion to voluntarily dismiss the above-captioned matter.

Enclosed herewith is an Order dismissing this case, without prejudice.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Baltimore County Board of Appeals
People's Counsel

RECEIVED

IN THE MATTER OF:

FEB 13 2013

BEFORE THE

LOUIS FRITZ, SR.

OFFICE OF ADMINISTRATIVE HEARINGS

ADMINISTRATIVE LAW JUDGE

513 & 515 PLEASANT HILL, LLC

513 & 515 PLEASANT HILL ROAD

*

OF

4TH ELECTION DISTRICT

*

BALTIMORE COUNTY

4TH COUNCILMANIC DISTRICT

*

CASE NO.: 09-289-SPHXA

* * * * *

MOTION TO VOLUNTARILY DISMISS PETITIONS FOR SPECIAL EXCEPTION,
SPECIAL HEARING AND VARIANCE

WHEREAS this matter previously came before the Office of Administrative Hearings (previously known as the Office of the Zoning Commissioner of Baltimore County) on Petitions for Special Exception, Special Hearing and Variance for the properties known as 513-515 Pleasant Hill Avenue, filed by the owners of the aforesaid properties, namely, 513 Pleasant Hill Avenue, LLC and 515 Pleasant Hill Avenue, LLC, respectively; and,

WHEREAS, by Opinion and Order of the Zoning Commissioner for Baltimore County dated July 15, 2009, the aforesaid Petitions for Special Exception, Special Hearing and Variance were denied; and,

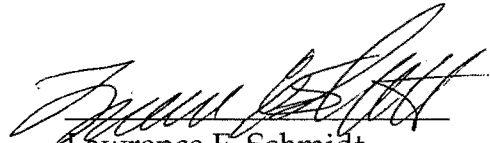
WHEREAS, a timely appeal of the Opinion and Order dated July 15, 2009, was taken to the County Board of Appeals of Baltimore County by the Petitioners; and

WHEREAS, by order of the Board of Appeals dated September 28, 2012, this matter was remanded by the Board of Appeals to the Office of Administrative Hearings for further proceedings; and,

WHEREAS, the Petitioners, 513 Pleasant Hill Road LLC and 515 Pleasant Hill Road LLC have determined to abandon their plans for utilization of the subject properties as a service garage and determined that other and further zoning relief is not now required nor requested.

WHEREFORE, the Petitioners, 513 Pleasant Hill Road LLC and 515 Pleasant Hill Road LLC hereby move that the foregoing petitions be dismissed and withdrawn, without prejudice.

Respectfully submitted,

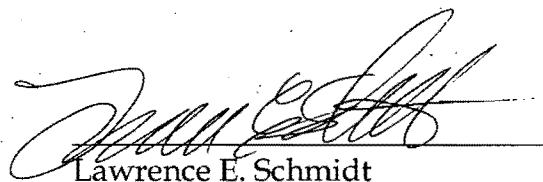


Lawrence E. Schmidt
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
Attorney for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of **February, 2013**, a copy of the foregoing Motion to Voluntarily Dismiss Petitions for Special Exception, Special Hearing and Variance was mailed via first-class mail, postage prepaid to:

J. Carroll Holzer, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, MD 21204



Lawrence E. Schmidt

9/28/12

IN THE MATTER OF:

LOUIS FRITZ, SR.
513 & 515 PLEASANT HILL, LLC
513 & 515 PLEASANT HILL ROAD

4TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
* CASE NO.: 09-289-SPHXA

**REMAND TO ADMINISTRATIVE LAW JUDGE
UPON APPELLEE'S UNCONTESTED MOTION TO REMAND**

This matter comes before this Board on appeal filed by Lawrence E. Schmidt, Esquire, on behalf of Louis Fritz, Sr., 513 and 515 Pleasant Hill LLC, from a decision of the Zoning Commissioner (now known as Administrative Law Judge "ALJ") dated July 15, 2009, in which the subject request for a special exception and variance were denied. On August 13, 2009, a timely appeal of the Order of the Zoning Commissioner ("ALJ") was noted to this Board.

This Board convened for public hearing on the scheduled date of May 24, 2012 (Day #1) and the matter was postponed on the record. The Board re-convened for the continuation, Day #2 on September 12, 2012. Lawrence E. Schmidt, Esquire, appeared on behalf of the Petitioner/Appellant and J. Carroll Holzer, Esquire, appeared on behalf of the Protestants. At that time, and for reasons as stated on the record, Lawrence E. Schmidt, Esquire, on behalf of Louis Fritz, Sr., 513 and 515 Pleasant Hill LLC, moved for the matter to be remanded to the Office of Administrative Hearings for consideration of the of the amendment to the Petition for Special Hearing and Variance.

Upon consideration of Appellee's Uncontested Motion to Remand Appeal, and after a hearing held on September 12, 2012 (Day #2), it is this 28th day of September, 2012, by the Board of Appeals of Baltimore County

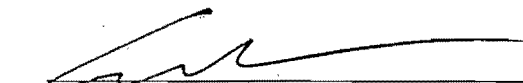
ORDERED that said request for remand be and is hereby **GRANTED**; and it is further

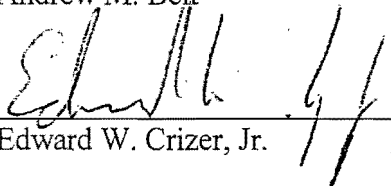
ORDERED that the above captioned case is **REMANDED** to the Administrative Law Judge for Baltimore County for consideration of the amendment and issues presented on the record, as agreed by all parties thereto; and it is further

ORDERED that a final ruling on the appeal filed in case number 09-289-SPHXA, will not be issued by the Board of Appeals at this time but rather the matter shall be held *sub curia*, with no further action to be taken by this Board until such time as the Administrative Law Judge issues his decision on the Remand Order.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Wendell H. Grier, Chairman


Andrew M. Bell


Edward W. Crizer, Jr.

A COPY OF THIS ORDER TO BE MAILED TO:

Lawrence E. Schmidt, Esquire
600 Washington Avenue, Ste 200
Towson, MD 21204

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, MD 21286



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

September 28, 2012

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt
600 Washington Avenue, Ste 200
Towson, MD 21204

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, MD 21286

RE: *In the Matter of: Louis Fritz, Sr., 513 & 515 Pleasant Hill, LLC*
Case No.: 09-289-SPHXA

Dear Counsel:

Enclosed please find a copy of the Remand to Administrative Law Judge issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Theresa R. Shelton
Administrator

TRS/klc
Enclosure
Duplicate Original Cover Letter

c: Louis Fritz, Sr.
Pleasant Hill Development Associates, II, LLC
St. John Properties, Inc.
Charles E. Keller
Lee Keller
Office of People's Counsel
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney
Vincent J. Gardina, Director/EPS

Charles R. Crocken, P.E.
Hanover Gardens Four, LLC
Stuart Foard/Merritt DMI, LLC
Michael Schiller
Christopher Schoster
Lawrence M. Stahl, Managing Administrative Judge
Andrea Van Arsdale, Director/Department of Planning
Michael Field, County Attorney, Office of Law

9/11/12

IN THE MATTER OF:

Louis Fritz, Sr. 513 and 515 Pleasant Hill, LLC

513 AMD 515 Pleasant Hill Road

4TH ELECTION DISTRICT

4TH COUNCILMANIC DISTRICT

* BEFORE THE

* BOARD OF APPEALS

* OF

* BALTIMORE COUNTY

* CASE NO.: 09-289-SPHXA

* * * * *

AFFIDAVIT OF SERVICE

I, Kelly M. Benton, hereby certify that on the 10th day of September, 2012, I served a copy of the Subpoena to appear in the above-captioned matter by hand delivery to Ms. Tammy Barrett, at 513 Pleasant Hill Road in Owings Mills, MD 21117. Ms. Barrett identified herself to me and is further described as: approximately 5'8" tall, 140 lbs., female with blonde hair.

I do solemnly affirm under the penalties of perjury and upon personal knowledge, that the contents of the foregoing affidavit of service are true and that I am competent to testify thereto.

The undersigned further certifies that she is a competent private person over eighteen (18) years of age and is not a party to this action.

September 11, 2012
Date

Kelly M. Benton
Kelly M. Benton
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204
(410) 821-0070

RECEIVED
SEP 11 2012
BALTIMORE COUNTY
BOARD OF APPEALS

7/15/11

IN THE MATTER OF:
Louis Fritz, Sr.
513 & 515 Pleasant Hill. LLC
513 & 515 Pleasant Hill Road

4th Election District
4th Councilmanic District

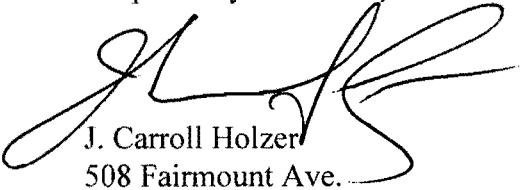
* BEFORE THE
* BALTIMORE COUNTY
* BOARD OF APPEALS
* Case No. 09-289-SPHXA

* * * * *

ENTRY OF APPEARANCE

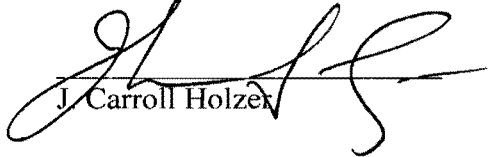
Please enter the appearance of J. Carroll Holzer, Esquire on behalf of Protestants Pleasant Hill Development Associates; Hanover Gardens Four, LLC; St. John Properties, Inc.; Merritt-DMI, LLC, and individuals Charles Kellar,; Lee Kellar; Christopher Schoster, and Michael Schiller in the above captioned case. Notice should be sent of any hearings, motions and other proceedings in this matter, and of the passage of any preliminary or final Order to undersigned counsel at the address contained herein. All parties should copy J. Carroll Holzer on all correspondence and documents in the instant matter.

RECEIVED
JUL 18 2011
BALTIMORE COUNTY
BOARD OF APPEALS

Respectfully submitted,

J. Carroll Holzer
508 Fairmount Ave.
Towson, MD 21286
(410) 825-6961
Attorney for Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15th day of July, 2011, a copy of the foregoing Entry of Appearance was mailed first class postage pre-paid to: Lawrence Schmidt, Esquire, Gildea & Schmidt, LLC, 600 Washington Ave., Suite 200, Towson, MD 21204.


J. Carroll Holzer

8/11/09

**IN RE: PETITIONS FOR SPECIAL HEARING,
SPECIAL EXCEPTION AND VARIANCE
SE Corner of Pleasant Hill Road and Fritch Road
(513 and 515 Pleasant Hill Road)**

4th Election District
4th Councilmanic District

513 Pleasant Hill, LLC and
515 Pleasant Hill, LLC

Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
* **Case No. 2009-0289-SPHXA**

* * * * *

NOTICE OF APPEAL

513 Pleasant Hill, LLC and 515 Pleasant Hill, LLC, Petitioners in the above-captioned case, feeling aggrieved by the decision of the Zoning Commissioner for Baltimore County in the Findings of Fact and Conclusions of Law dated July 15, 2009, attached hereto and incorporated herein as Exhibit No. 1, hereby appeal the aforementioned Findings of Fact and Conclusions of Law and Order to the County Board of Appeals of Baltimore County for a de novo hearing.

Filed concurrently with this Notice of Appeal is Petitioners' check made payable to Baltimore County in full payment of the costs of the appeal. Petitioners were a party below and fully participated in the proceedings.

Respectfully submitted,



LOUIS FRITZ, Sr.
Authorized Representative for
513 Pleasant Hill, LLC and
515 Pleasant Hill, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11th day of August, 2009, a copy of the foregoing Notice of Appeal was mailed first class, postage pre-paid to:

Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
105 West Chesapeake Avenue, Room 204
Towson, MD 21204

Arnold E. Jablon, Esquire and David H. Karceski, Esquire
Venable, LLP
210 West Pennsylvania Avenue, Suite 500
Towson, MD 21204

Charles E. Kellar
511 Pleasant Hill Road
Owings Mills, MD 21117

Stuart Foard
Merritt-DMI, LLC
2066 Lord Baltimore Drive
Baltimore, MD 21244

Lee Kellar
511 Pleasant Hill Road
Owings Mills, MD 21117

Christopher Schoster
601 Pleasant Hill Road
Owings Mills, MD 21117

Michael S. Schiller
509 Pleasant Hill Road
Owings Mills, MD 21117

Jacqueline Geary
507 Pleasant Hill Road
Owings Mills, MD 21117



LOUIS FRITZ, Sr.

GILDEA & SCHMIDT, LLC

600 WASHINGTON AVENUE

SUITE 200

TOWSON, MARYLAND 21204

TELEPHONE 410-821-0070

FACSIMILE 410-821-0071

www.gildeallc.com

DAVID K. GILDEA

LAWRENCE E. SCHMIDT

D. DUSKY HOLMAN

SEBASTIAN A. CROSS

CHARLES B. MAREK, III

JASON T. VETTORI

August 11, 2009

Via Hand Delivery

Timothy M. Kotroco
Department of Permits and Development Management
111 W. Chesapeake Avenue, Room 105
Towson, MD 21204

RECEIVED

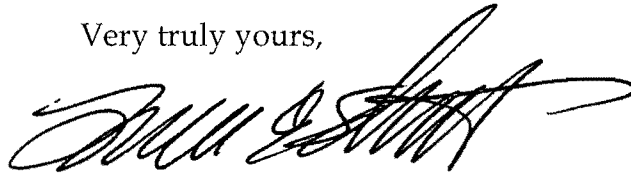
AUG 13 2009

Re: 513 and 515 Pleasant Hill Road
Case No.: 2009-0289-SPHXA

Dear Mr. Kotroco:

Enclosed please find our Notice of Appeal and a check for Four Hundred Dollars (\$400.00) for the above referenced case. Should you have any questions or comments, please contact me. With kind regards, I am

Very truly yours,



Lawrence E. Schmidt

LES: dls

Enclosure

CC: Louis Fritz, Sr., 513&515 Pleasant Hill, LLC
Theresa R. Shelton, Baltimore County Board of Appeals

7/15/09

IN RE: PETITIONS FOR SPECIAL HEARING,
SPECIAL EXCEPTION AND VARIANCE

SE Corner of Pleasant Hill Road and
Fritsch Road

(513 and 515 Pleasant Hill Road)

4th Election District

4th Council District

513 & 515 Pleasant Hill, LLC

Petitioner

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

Case No. 2009-0289-SPHXA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by Louis E. Fritz, Sr., managing member of 513 Pleasant Hill, LLC and 515 Pleasant Hill, LLC, the legal owners of the subject property, by and through their attorney, Kenneth E. Crocken, Esquire. The Petitioners request a special exception to permit a service garage for a tow truck operation in an M.L.-I.M. zone pursuant to Section 253.2.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, the Petitioners request special hearing relief to (1) permit continuance of existing residential uses on 513 and 515 Pleasant Hill Road, (2) confirm approval for the sale of incidental used vehicles as an accessory use in the operation of a used vehicle rental business and (3) permit a shared septic reserve area for the improvements on 513 and 515 Pleasant Hill Road. The Petitioners also request variance relief from the B.C.Z.R. as follows: to permit a side yard set back of six (6) feet in lieu of the required thirty (30) feet (Sections 255.1 [238.2]), to allow a disabled vehicle storage lot with stone paving in lieu of the required permanent all-weather materials (Section 409.8.A.2), a used car rental lot on stone paving in lieu of the required permanent all-weather materials (Section 409.8.A.2), and un-striped parking spaces in lieu of the required permanent

COPIES RECEIVED FOR FILING

Date 7-15-09

By 103

striping on areas not paved with permanent materials (Section 409.8.A.6). The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Louis Fritz, Sr., managing member of the property owners, Louis Fritz, Jr., his son, who runs the day-to-day business operations of Pikesville Auto Towing Inc., Charles R. Crocken, the Professional Engineer who prepared the site plan, and Kenneth E. Crocken, Esquire, attorney for Petitioners. The issues presented in this case generated significant public interest and a number of individuals from the area appeared and testified in opposition to a towing and vehicle storage yard operating in their neighborhood, namely, Arnold Jablon, Esquire and David H. Karceski, Esquire, of Venable LLP, representing the Pleasant Hill Development Associates II, LLC, Hannover Gardens Four, LLC, St. John Properties, Inc., and Stuart Foard with Merritt-DMI, LLC. Also appearing in opposition were unrepresented nearby neighbors, Charles E. Kellar, Lee Kellar, Christopher Schoster, Michael S. Schiller, and Jacqueline Geary.

The request for the special exception or conditional use drives the need for the other requests before this Commission. Thus, before any of the auxiliary issues are confronted and decided, the request for special exception must be addressed. Section 253.2.B.1 of the B.C.Z.R. permits through special exception "automotive-service stations, subject, further, to the provisions of Section 405." In order for approval of this special exception, in addition to meeting the requirements enumerated in Section 507.1, the Petitioners whose property is within the Industrial, Major district regulations must prove pursuant to Section 253.2.B that "such use will serve primarily the industrial uses and related activities in the surrounding industrial area."

RECEIVED FOR FILING
Date 7-15-09
By 103

Testimony and evidence offered revealed that the subject properties, 513-515 Pleasant Hill Road ("subject properties"), combine to form a rectangular-shaped parcel located on the northeast corner of the intersection of Pleasant Hill Road and Fritsch Road in the Owings Mills area of Baltimore County. The property contains collectively 1.37 acres, more or less, zoned M.L.-I.M. and has historically been used for residential purposes. The subject properties are surrounded to the north, south, and east by numerous residential properties. A complex comprised of Class-A office buildings occupies the area west of the subject property. Currently, the subject properties are used residentially, and are improved with single-family dwellings (one on each lot) with related accessory structures. *See* Protestant's Exhibit 5. The subject properties were purchased by the Petitioners on a piecemeal basis in 2008.

Mr. Fritz testified that he has owned and operated, along with his son, a business known as Pikesville Auto Towing Inc., since 1966. The business mainly focuses on towing and storage operations. The business has operated at its current location, 346 Pleasant Hill Road, about 3 tenths of a mile away from the subject properties, since 2002¹. Pikesville Auto Towing Inc. is called by the Baltimore County Police ("Police-initiated towing") to remove vehicles involved in automobile accidents, disabled causing traffic hazards, or abandoned and also by private businesses and citizens ("trespass towing") to perform the same from private property. These cars are towed to the site and stored until reclaimed by the owners or removed to auto repair shops or salvage yards. The Petitioners testified that they did not know whether they have contracts with industries and businesses in the vicinity of Pleasant Hill Road. Mr. Fritz and Charles Crocken, the Professional Engineer who prepared the site plan, testified that the

¹ 346 Pleasant Hill Road was the subject of Special Exception Case No. 02-380-SPHXA subsequently granted by former Zoning Commissioner Lawrence E. Schmidt. This Order was submitted into evidence by Mr. Jablon, himself a former Zoning Commissioner, as Protestants' Exhibit 1.

RECEIVED FOR FILING
Date 7-15-08
By [Signature]

Petitioners desire to move their towing business to the subject properties due to the creation of adverse road conditions at the current site that hinder the successful operation of their business. The Petitioners indicated that the existing single-family dwellings on the subject properties would remain, and that the towing business would be placed behind 515 Pleasant Hill Road within a 0.45 acre area identified as a 'stone vehicle storage yard' on the site plan submitted as Petitioners' Exhibit 1.

As noted above, Section 253.2.B of the B.C.Z.R. permits a service garage for a towing operation in an M.L.-I.M. zone, *[so long as the business proposed will serve primarily the industrial uses and related activities in the surrounding industrial area]*. I cannot find, based on the testimony and evidence offered at the hearing before me, that the Petitioners have satisfied this requirement. Therefore, I must deny the special exception request. Since the special exception drives the need for the special hearing and variance requests, the denial of the requested special exception use renders the special hearing and variance requests moot.

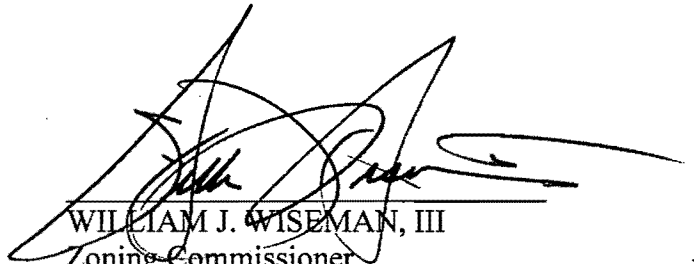
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of July 2009, that the Petition for Special Exception to permit a service garage for a tow truck operation in an M.L.-I.M. zone, pursuant to Section 253.2.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby DENIED.

IT IS FURTHER ORDERED that the Petition for Special Hearing relief to (1) permit continuance of existing residential uses on 513 and 515 Pleasant Hill Road, (2) confirm approval for the sale of incidental used vehicles as an accessory use in the operation of a used vehicle rental business and (3) permit a shared septic reserve area for 513 and 515 Pleasant Hill Road, be and is hereby dismissed as MOOT.

COPIES RECEIVED FOR FILING
Date 7-15-09
BY [Signature]

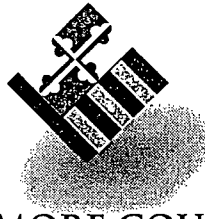
IT IS FURTHER ORDERED that the Petition for Variance relief from the B.C.Z.R. as follows: to permit a side yard set back of six (6) feet in lieu of the required thirty (30) feet (Sections 255.1 [238.2]), to allow a disabled vehicle storage lot with stone paving in lieu of the required permanent all-weather materials (Section 409.8.A.2), a used car rental lot on stone paving in lieu of the required permanent all-weather materials (Section 409.8.A.2), and un-striped parking spaces in lieu of the required permanent striping on areas not paved with permanent materials (Section 409.8.A.6), be and is hereby dismissed as MOOT.

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


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:esl

COPIES RECEIVED FOR FILING
Date 7-15-09
By [signature]



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

July 15, 2009

WILLIAM J. WISEMAN III
Zoning Commissioner

Kenneth E. Crocken, Esquire
10451 Mill Run Circle, Suite 400
Owings Mills, Maryland 21117

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE
SE Corner of Pleasant Hill Road and Fritsch Road
(513 and 515 Pleasant Hill Road)
4th Election District - 4th Council District
513-515 Pleasant Hill, LLC - *Petitioner*
Case No. 2009-0289-SPHXA

Dear Mr. Crocken:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been denied and the Petitions for Special Hearing and Variance have been dismissed as moot, 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,

A handwritten signature in black ink, appearing to read "Bill Wiseman", written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Louis Fritz, Sr., 503 Sunfield Court, Reisterstown, MD 21136
Charles R. Crocken, 902 Lee Avenue, Sykesville, MD 21784
Arnold E. Jablon, Esquire & David H. Karceski, Esquire, Venable, LLP,
210 West Pennsylvania Avenue, Suite 500, Towson, MD 21204
Charles E. Kellar, 511 Pleasant Hill Road, Owings Mills, MD 21117
Stuart Foard, Merritt-DMI, LLC, 2066 Lord Baltimore Drive, Baltimore, MD 21244
Lee Kellar, 511 Pleasant Hill Road, Owings Mills, MD 21117
Christopher Schoster, 601 Pleasant Hill Road, Owings Mills, MD 21117
Michael S. Schiller, 509 Pleasant Hill Road, Owings Mills, MD 21117
Jacqueline Geary, 507 Pleasant Hill Road, Owings Mills, MD 21117
People's Counsel; Office of Planning; DEPRM; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 513 & 515 PLEASANT HILL RD.

which is presently zoned ML-1M

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

SEE ITEMS # 2, 3 AND 4 OF SUMMARY ATTACHED.

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

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

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

Contract Purchaser/Lessee:

N/A
Name - Type or Print
Signature
Address Telephone No.
City State Zip Code

Attorney For Petitioner:

KENNETH E. CROCKEN
Name - Type or Print
Signature Kenneth E. Crocken
LAW OFFICE OF
KENNETH E. CROCKEN
Company SUITE (410)
10451 MILL RUN CIRCLE 400 878-2905
Address Telephone No.
OWINGS MILLS MD. 21117
City State Zip Code

Legal Owner(s):

513 PLEASANT HILL LLC / LOUIS E. FRITZ.
Name - Type or Print
Signature
515 PLEASANT HILL LLC / LOUIS E. FRITZ
Name - Type or Print
Signature
(410)
503 SUNFIELD COURT 833-4113
Address Telephone No.
REISTERSTOWN MD. 21136
City State Zip Code

Representative to be Contacted:

CHARLES R. CROCKEN P.E.
Name (410)
902 LEE AVENUE 549-2708
Address Telephone No.
SYKESVILLE MD. 21784
City State Zip Code
CRCENGR2@COMCAST.NET.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2009-0289-SPHXA

UNAVAILABLE FOR HEARING _____

UNDER RECEIVED FOR HEARING

Date 7-15-09 Reviewed By D.T.

Date 4/29/09

REV 9/15/98

By DW



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 513 & 515 PLEASANT HILL RD.
which is presently zoned ML-IM

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

SEE ITEM #1 OF SUMMARY ATTACHED.

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:

Name - Type or Print N/A
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print KENNETH E. CROCKEN City _____
Signature [Signature]
Company LAW OFFICE OF KENNETH E. CROCKEN
Address 10451 MILL RUN CIRCLE SUITE 400 Telephone No. (410) 878-2905
City OWINGS MILLS State MD. Zip Code 21117

Legal Owner(s):

Name - Type or Print 513 PLEASANT HILL LLC/LOUISE FRITZ
Signature [Signature]
Name - Type or Print 515 PLEASANT HILL LLC/LOUISE FRITZ
Signature [Signature]
Address 503 SUNFIELD COURT Telephone No. (410) 833-4113
City REISTERSTOWN State MD. Zip Code 21136

Representative to be Contacted:

Name CHARLES R. CROCKEN P.E.
Address 902 LEE AVENUE Telephone No. (410) 549-1708
City SYKESVILLE State MD. Zip Code 21784
CROCKEN R 2 @ COMCAST.NET
OFFICE USE ONLY

Case No. 009-0289-SPHXA

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D.T. Date 4/29/09

REV 09/15/98

COPIES RECEIVED FOR FILING

Date 7-15-09

By [Signature]



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 513 & 515 PLEASANT HILL RD.

which is presently zoned ML-IM.

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

SEE ITEMS #5 THRU #8 OF SUMMARY ATTACHED.

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

SEE COVER LETTER ATTACHED

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

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

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

Contract Purchaser/Lessee:

N/A
Name - Type or Print
Signature
Address Telephone No.
City State Zip Code

Attorney For Petitioner:

KENNETH E. CROCKEN
Name - Type or Print
[Signature]
Signature
LAW OFFICE OF KENNETH E. CROCKEN
Company
10451 MILL RUN CIRCLE SUITE 400 878-2905
Address Telephone No.
OWINGS MILLS MD 21117
City State Zip Code

Legal Owner(s):

513 PLEASANT HILL LLC / LOUISE FRITZ
Name - Type or Print
[Signature]
Signature
515 PLEASANT HILL LLC / LOUISE FRITZ
Name - Type or Print
[Signature]
Signature
507 SUNFIELD COURT
Address Telephone No.
REISTERSTOWN MD. 21136
City State Zip Code

Representative to be Contacted:

CHARLES R. CROCKEN
Name
902 LEE AVE. 549-2708
Address Telephone No.
SYKESVILLE MD. 21784
City State Zip Code
CRCENGR2@COMCAST.NET
OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2009-0289-SPHXA

ORDER RECEIVED FOR FILING

UNAVAILABLE FOR HEARING

Reviewed By D.T. Date 4/29/09

Date 7-15-09

3v [Signature]

R20 9/15/98

443-802-7145 for 443-372-4434

SUMMARY OF ZONING REQUESTS:

- ✓ 1. SPECIAL EXCEPTION IS REQUESTED TO PERMIT A SERVICE GARAGE FOR A TOW TRUCK OPERATION IN AN "ML-1M" ZONE ON 513 AND 515 PLEASANT HILL ROAD.
2. A SPECIAL HEARING IS REQUESTED TO PERMIT CONTINUANCE OF EXISTING RESIDENTIAL USE ON 513 AND 515 PLEASANT HILL ROAD.
- ✓ 3. A SPECIAL HEARING IS REQUESTED TO CONFIRM APPROVAL FOR THE SALE OF INCIDENTAL USED VEHICLES AS AN ACCESSORY USE IN THE OPERATION OF A USED VEHICLE RENTAL BUSINESS.
4. A SPECIAL HEARING IS REQUESTED TO PERMIT A SHARED SEPTIC RESERVE AREA FOR 513 AND 515 PLEASANT HILL ROAD LOCATED ON 513 PLEASANT HILL ROAD.
5. 515 PLEASANT HILL RD. A VARIANCE IS REQUESTED TO PERMIT A SIDE YARD SETBACK OF 6 FT. IN LIEU OF 30 FT. REQUIRED.
- ✓ 6. 513 AND 515 PLEASANT HILL RD. A VARIANCE IS REQUESTED FROM BCZR SECTION 405.2 TO PERMIT A DISABLED VEHICLE STORAGE ON A LOT WITH STONE PAVING IN LIEU OF THE REQUIRED PERMANENT ALL WEATHER MATERIALS.
7. 513 AND 515 PLEASANT HILL RD. A VARIANCE IS REQUESTED FROM BCZR SECTION 405.2 TO PERMIT A USED CAR RENTAL LOT ON STONE PAVING IN LIEU OF THE REQUIRED PERMANENT ALL WEATHER MATERIALS.
8. 513 PLEASANT HILL ROAD A VARIANCE IS REQUESTED FROM BCZR SEC. 409.8A6 TO PERMIT PARKING SPACES TO BE UN-STRIPED IN LIEU OF THE PERMANENT STRIPING ON AREAS NOT PAVED WITH PERMANENT MATERIALS.

ZONING HISTORY

513 AND 515 PLEASANT HILL ROAD ARE NOT SUBJECT TO ANY PRIOR ZONING CASES.

zon req

**ZONING DESCRIPTION FOR
PIKESVILLE AUTO TOWING
513 AND 515 PLEASANT HILL ROAD**

**BEGINNING AT A POINT ON THE SOUTH EAST CORNER OF PLEASANT HILL RD. AND
FRITSCH RD. THENCE 1.) S 70 58'00" E-200.00' TO A POINT THENCE 2.) N 19 02' 00" E -300.00'
TO A POINT THENCE 3.) N 70 58'00"W-200.00' TO A POINT ON THE EAST SIDE OF PLEASANT
HILL ROAD THENCE 4.) S 19 02'00" W-300.00' TO THE POINT OF BEGINNING.
CONTAINING 1.374 ACRES OF LAND MORE OR LESS.**

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: # 2009-0289-SPHXA

513 & 515 Pleasant Hill Road

East corner of Pleasant Hill Road and Fristch Road

4th Election District-4th Councilmanic District

Legal Owner(s): Louis Fritz, 513 & 515 Pleasant Hill LLC

Special Exception: to permit a service garage for a tow truck operation in an ML-IM zone; **Special Hearing:** to permit continuance of existing residential use, to confirm approval for the sale of incidental used vehicles as an accessory use in the operation of a used vehicle rental business. To permit a shared septic reserve area for 513 & 515 Pleasant Hill Rd. located on 513 Pleasant Hill Rd. **Variance:** to permit a side yard setback of 6 feet in lieu of the required 30 feet required; to permit a disabled vehicle storage on a lot with stone paving in lieu of the required permanent all weather materials; to permit a used car rental lot on stone paving in lieu of the required permanent all weather materials; to permit parking spaces to be un-striped in lieu of the permanent striping on areas not paved with permanent materials.

Hearing: Thursday, July 9, 2009 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

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.

JT/6/890 June 23

204130

CERTIFICATE OF PUBLICATION

6/25/2009

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/23/2009

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 2009-0289-SPHXA

Petitioner/Developer: LOU FRITZ

CHARLES R CROCKEN & ASSOCIATES INC

Date of Hearing/Closing: 7/09/09

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

Attention:

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 at

513/515 PLEASANT HILL RD

DWINGS MILLS MD 21117

The sign(s) were posted on 6/23/09
(Month/Day/Year)

Sincerely,

B. Leddon
(Signature of Sign Poster/Date)

BILL LEDDON
(Printed Name)

SHANNON-BAUM SIGNS INC.
105 COMPETITIVE GOALS DR.
ELDERSBURG, MD. 21784

410-781-4000



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **37532**

Date: **4/29/09**

PAID RECEIPT

BUSINESS ACTUAL TIME DOW
 4/30/2009 4/29/2009 14:41:27 1

NO W01 MARKIN JRIC JMR

RECEIPT # 416041 4/29/2009 0001

DATE 5 525 ZONING VERIFICATION

NO. 037532

Recpt Tot \$000.00

\$000.00 (1) 0.00 DASH

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				800.00

Total: **800.00**

Rec

From: **CHARLES R. CROOKEN, P.E.**

For: **2009-0289-SPHXA**

512 + 515 PLEASANT HILL RD

D. THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

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: 2009-0289-SPHXA
Petitioner: 513 PLEASANT HILL LLC & 515 PLEASANT HILL LLC.
Address or Location: MR. LOUIS E. FRITZ SR. 503 SUNFIELD COURT
REISTERSTOWN, MD. 21136-6113.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. LOUIS E. FRITZ SR.
Address: 503 SUNFIELD COURT
REISTERSTOWN, MD. 21136-6113.
Telephone Number: (410) 833-4113 (Hm.)

Requested: November 6, 2009

APPEAL SIGN POSTING REQUEST

CASE NO.: 09-289-SPHXA

513 & 515 Pleasant Hill Road

4th ELECTION DISTRICT

APPEALED: 8/13/09

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

*****COMPLETE AND RETURN BELOW INFORMATION*****

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
The Jefferson Building, Suite 203
102 W. Chesapeake Avenue
Towson, MD 21204

Attention: Theresa Shelton
Administrator

CASE NO.: 09-289-SPHXA

LEGAL OWNER: Louis Fritz, Sr.; 513 Pleasant Hill, LLC; and 515 Pleasant Hill, LLC

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

**513 & 515 PLEASANT HILL ROAD
S/E CORNER OF PLEASANT HILL ROAD AND FRITSCH ROAD**

RECEIVED
MAR 24 2010
BALTIMORE COUNTY
BOARD OF APPEALS

The sign was posted on _____, 200____.

By: _____
(Signature of Sign Poster)

(Print Name)

CASE NUMBER: 2009-0289--SPHXA

Pleasant Hill Road
Location: SE corner of Pleasant Hill Road and Fritsch Road.
4th Election District, 4th Councilmanic District
Legal Owner: Louise E. Fritz

SPECIAL HEARING 1) To permit continuance of existing residential use on 513 and 515 Pleasant Hill Road; 2) To confirm approval for the sale of incidental used vehicles as an accessory use in the operation of a used vehicle rental business; 3) To permit a shared septic reserve area for 513 and 515 Pleasant Hill Road located on 513 Pleasant Hill Road.

SPECIAL EXCEPTION To permit a service garage for a tow truck operation in an ML-IM zone on 513 and 515 Pleasant Hill Road.

VARIANCE 1) To permit a side yard setback of 6 feet in lieu of 30 feet required; 2) To permit a disabled vehicle storage on a lot with stone paving in lieu of the required permanent all weather materials; 3) To permit a used car rental lot on stone paving in lieu of the required permanent all weather materials; 4) To permit parking spaces to be un striped in lieu of the permanent striping on areas not paved with permanent materials.

Hearing: Thursday, 07/09/09 at 9:00:00 AM County Office Building, 111 West Chesapeake Avenue, Room 106, Towson, MD 21204

2009-0289-SPHXA

DEEM	6/3	Comments
Weber/PC	6/30	No objections
DDR	5/15	Comment
FID	4/9	Comply w/ Code
SHA	5/14	No objection
Ltr. from Council 4/29		
Notice ✓	Posting ✓	PC Appearance ✓

Missing
OP

See
Chair
attended

From: Debra Wiley
To: Murray, Curtis
Date: 7/7/2009 8:46 AM
Subject: Comment Needed for Bill - Hearing Tomorrow 7/8

Good Morning Curtis,

Bill has a hearing tomorrow, 7/8 at 9 AM (in the County Office Bldg.) and needs a comment from your office. I have provided a case description for your convenience as follows:

CASE NUMBER: 2009-0289--SPHXA

Pleasant Hill Road

Location: SE corner of Pleasant Hill Road and Fritsch Road.

4th Election District, 4th Councilmanic District

Legal Owner: Louise E. Fritz

SPECIAL HEARING 1) To permit continuance of existing residential use on 513 and 515 Pleasant Hill Road; 2) To confirm approval for the sale of incidental used vehicles as an accessory use in the operation of a used vehicle rental business; 3) To permit a shared septic reserve area for 513 and 515 Pleasant Hill Road located on 513 Pleasant Hill Road.

SPECIAL EXCEPTION To permit a service garage for a tow truck operation in an ML- IM zone on 513 and 515 Pleasant Hill Road.

VARIANCE 1) To permit a side yard setback of 6 feet in lieu of 30 feet required; 2) To permit a disabled vehicle storage on a lot with stone paving in lieu of the required permanent all weather materials; 3) To permit a used car rental lot on stone paving in lieu of the required permanent all weather materials; 4) To permit parking spaces to be un striped in lieu of the permanent striping on areas not paved with permanent materials.

Thanks and have a great day !

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

*Murray
of 7/7*

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 23, 2009 Issue - Jeffersonian

Please forward billing to:
Louis E. Fritz, Sr.
503 Sunfield Court
Reisterstown, MD 21136

410-833-4113

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: 2009-0289-SPHXA

513 & 515 Pleasant Hill Road

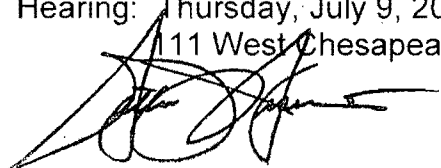
S/east corner of Pleasant Hill Road and Fristch Road

4th Election District – 4th Councilmanic District

Legal Owners: Louis Fritz, 513 & 515 Pleasant Hill LLC

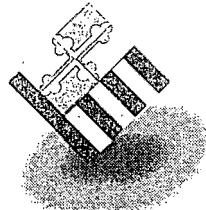
Special Exception to permit a service garage for a tow truck operation in an ML-IM zone; Special Hearing to permit continuance of existing residential use, to confirm approval for the sale of incidental used vehicles as an accessory use in the operation of a used vehicle rental business. To permit a shared septic reserve area for 513 & 515 Pleasant Hill Rd. located on 513 Pleasant Hill Rd. Variance to permit a side yard setback of 6 feet in lieu of the required 30 feet required; to permit a disabled vehicle storage on a lot with stone paving in lieu of the required permanent all weather materials; to permit a used car rental lot on stone paving in lieu of the required permanent all weather materials; to permit parking spaces to be un-striped in lieu of the permanent striping on areas not paved with permanent materials.

Hearing: Thursday, July 9, 2009 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake 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



BALTIMORE COUNTY

M A R Y L A N D

June 2, 2009

JAMES T. SMITH, JR.
County Executive

NOTICE OF ZONING HEARING

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

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: 2009-0289-SPHXA

513 & 515 Pleasant Hill Road

S/east corner of Pleasant Hill Road and Fristch Road

4th Election District – 4th Councilmanic District

Legal Owners: Louis Fritz, 513 & 515 Pleasant Hill LLC

Special Exception to permit a service garage for a tow truck operation in an ML-IM zone; Special Hearing to permit continuance of existing residential use, to confirm approval for the sale of incidental used vehicles as an accessory use in the operation of a used vehicle rental business. To permit a shared septic reserve area for 513 & 515 Pleasant Hill Rd. located on 513 Pleasant Hill Rd. Variance to permit a side yard setback of 6 feet in lieu of the required 30 feet required; to permit a disabled vehicle storage on a lot with stone paving in lieu of the required permanent all weather materials; to permit a used car rental lot on stone paving in lieu of the required permanent all weather materials; to permit parking spaces to be un-striped in lieu of the permanent striping on areas not paved with permanent materials.

Hearing: Thursday, July 9, 2009 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Kenneth Crocken, 10451 Mill Run Circle, Ste. 400, Owings Mills 21117
Louis Fritz, 503 Sunfield Ct., Reisterstown 21136
Charles Crocken, 902 Lee Avenue, Sykesville 21784

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JUNE 24, 2009.**
- (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.



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

December 3, 2009

NOTICE OF ASSIGNMENT

CASE #: 09-289-SPHXA **IN THE MATTER OF: Louis Fritz, Sr.,**
513 and 515 Pleasant Hill LLC, LO /Petitioner
513 and 515 Pleasant Hill Road
4th Election District; 4th Councilmanic District

- Re:
1. Special Exception to permit a service garage for a tow truck operation in an "ML-IM" Zone on 513 and 515 Pleasant Hill Road;
 2. Special Hearing to permit continuance of existing residential use on 513 and 515 Pleasant Hill Road;
 3. Special Hearing to confirm approval for the sale of incidental used vehicles as an accessory use in the operation of a used vehicle rental business;
 4. Special hearing to permit a shared septic reserve area for 513 and 515 Pleasant Hill Road located on 513 Pleasant Hill Road
 5. Variance to permit a side yard setback of 6 feet in lieu of the required 30 feet on 515 Pleasant Hill Road
 6. Variance to permit a used car rental lot on stone paving in lieu of the required permanent all weather materials on 513 and 515 Pleasant Hill Road
 7. Variance to permit parking spaces to be un-striped in lieu of the permanent striping on areas not paved with permanent materials on 513 Pleasant Hill Road.

7/15/09 Finding of Fact and Conclusion issued by Zoning Commissioner DENYING relief requested.

ASSIGNED FOR: TUESDAY, FEBRUARY 9, 2010, AT 10:00 A.M.

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

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

continued on next page for Notification list

CASE #: 09-289-SPHXA
PAGE 2

IN THE MATTER OF: Louis Fritz, Sr.,
513 and 515 Pleasant Hill LLC, LO /Petitioner
513 and 515 Pleasant Hill Road
4th Election District; 4th Councilmanic District

Notification List

c: Counsel for Appellants/Petitioners : Lawrence E. Schmidt, Esquire
Appellants/Petitioners : Louis Fritz, Sr., 513 & 515 Pleasant Hill, LLC

Counsel for Protestants : Arnold Jablon, Esquire
: David H. Karceski, Esquire
Protestants : Pleasant Hill Development Associates II
: Hannover Gardens Four, LLC
: St. John Properties, Inc.
: Stuart Foard / Merritt-DMI, LLC

Charles E. Keller
Lee Keller
Christopher Schoster
Michael S. Schiller
Jacqueline Geary

Charles R. Crocken P.E.

People's Counsel for Baltimore County
William Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director/PDM
JONAS JACOBSON, DIRECTOR, DEPRM,
ARNOLD F. "PAT" KELLER, DIRECTOR/OFFICE OF PLANNING
NANCY C. WEST, ASSISTANT COUNTY ATTORNEY
JOHN E. BEVERUNGEN, COUNTY ATTORNEY/OFFICE OF LAW

GILDEA & SCHMIDT, LLC

600 WASHINGTON AVENUE

SUITE 200

TOWSON, MARYLAND 21204

TELEPHONE 410-821-0070

FACSIMILE 410-821-0071

www.gildeallc.com

DAVID K. GILDEA

LAWRENCE E. SCHMIDT

D. DUSKY HOLMAN

SEBASTIAN A. CROSS

CHARLES B. MAREK, III

JASON T. VETTORI

RECEIVED

JAN 20 2010

**BALTIMORE COUNTY
BOARD OF APPEALS**

January 20, 2010

Sent via Facsimile

Theresa R. Shelton

County Board of Appeals of Baltimore County

The Jefferson Building

105 W. Chesapeake Avenue, Suite 203

Towson, MD 21204

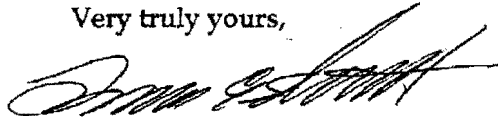
**Re: In the Matter of: Louis Fritz, Sr.
513 & 515 Pleasant Hill, LLC, Petitioner
513 & 515 Pleasant Hill Road
4th Election District, 4th Councilmanic District
Case No. 2009-0289-SPHXA**

Dear Ms. Shelton:

In accordance with Rule 2(b) of the Rules of Practice and Procedure of the Baltimore County Board of Appeals, please accept this letter as a formal request for postponement of the hearing scheduled for the appeal of the Zoning Commissioner's decision in the above referenced matter. The undersigned has spoken with Peter Max Zimmerman, People's Counsel, and left message for David H. Karceski (counsel for Protestant) regarding 513 & 515 Pleasant Hill, LLC's potential sale of their business (possibly to be relocated elsewhere) which would obviate the need for the zoning relief sought in the instant matter. Additional time is needed to consummate this transaction. People's Counsel has no objection to the instant request for postponement and we are awaiting word from Protestant's counsel regarding their position.

Copies of this request for a postponement, as indicated herein, have been given to every attorney and party of record, in accordance with Section 500.11 of the Baltimore County Zoning Regulations. Furthermore, this request for a postponement is not being requested within 15 days of the scheduled hearing date. Thank you in advance for your consideration of this most important matter.

Very truly yours,



Lawrence E. Schmidt

LES: jkl

CC: Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County
Arnold E. Jablon, Esquire, Venable, LLP
David H. Karceski, Esquire, Venable, LLP
Louis E. Fritz, Sr., 513 & 515 Pleasant Hill, LLC
Jason T. Vettori, Esquire

GILDEA & SCHMIDT, LLC

600 WASHINGTON AVENUE

SUITE 200

TOWSON, MARYLAND 21204

TELEPHONE 410-821-0070

FACSIMILE 410-821-0071

www.gildeslc.com

DAVID K. GILDEA

LAWRENCE E. SCHMIDT

D. DUSKY HOLMAN

SEBASTIAN A. CROSS

CHARLES B. MAREK, III

JASON T. VETTORI

FACSIMILE TRANSMITTAL SHEET

TO:

Theresa R. Shelton

FROM:

Lawrence E. Schmidt

COMPANY:

Board of Appeals

DATE:

January 20, 2010

FAX NUMBER:

410-887-3182

TOTAL NO. OF PAGES (INCLUDING COVER):

2

RE:

Case No.: 2009-0289-SPHXA☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Please see attached.

RECEIVED

JAN 20 2010

**BALTIMORE COUNTY
BOARD OF APPEALS**

This facsimile contains information from the law firm of Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this facsimile in error, please notify Gildea & Schmidt, LLC by telephone (410-821-0070) immediately.



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

January 26, 2010

NOTICE OF POSTPONEMENT

**CASE #: 09-289-SPHXA IN THE MATTER OF: Louis Fritz, Sr.,
513 and 515 Pleasant Hill LLC, LO /Petitioner
513 and 515 Pleasant Hill Road
4th Election District; 4th Councilmanic District**

- Re:
1. Special Exception to permit a service garage for a tow truck operation in an "ML-IM" Zone on 513 and 515 Pleasant Hill Road;
 2. Special Hearing to permit continuance of existing residential use on 513 and 515 Pleasant Hill Road;
 3. Special Hearing to confirm approval for the sale of incidental used vehicles as an accessory use in the operation of a used vehicle rental business;
 4. Special hearing to permit a shared septic reserve area for 513 and 515 Pleasant Hill Road located on 513 Pleasant Hill Road
 5. Variance to permit a side yard setback of 6 feet in lieu of the required 30 feet on 515 Pleasant Hill Road
 6. Variance to permit a used car rental lot on stone paving in lieu of the required permanent all weather materials on 513 and 515 Pleasant Hill Road
 7. Variance to permit parking spaces to be un-striped in lieu of the permanent striping on areas not paved with permanent materials on 513 Pleasant Hill Road.

7/15/09 Finding of Fact and Conclusion issued by Zoning Commissioner DENYING relief requested.

This matter was scheduled to be heard on Tuesday, February 9, 2010 and has been postponed.

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

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

continued on next page for Notification list

CASE #: 09-289-SPHXA
PAGE 2

IN THE MATTER OF: Louis Fritz, Sr.,
513 and 515 Pleasant Hill LLC, LO /Petitioner
513 and 515 Pleasant Hill Road
4th Election District; 4th Councilmanic District

Notification List

c: Counsel for Appellants/Petitioners : Lawrence E. Schmidt, Esquire (via facsimile)
Appellants/Petitioners : Louis Fritz, Sr., 513 & 515 Pleasant Hill, LLC

Counsel for Protestants : Arnold Jablon, Esquire (via facsimile)
: David H. Karceski, Esquire
Protestants : Pleasant Hill Development Associates II
: Hannover Gardens Four, LLC
: St. John Properties, Inc.
: Stuart Foard / Merritt-DMI, LLC

Charles E. Keller
Lee Keller
Christopher Schoster
Michael S. Schiller
Jacqueline Geary

Charles R. Crocken P.E.

People's Counsel for Baltimore County – **Hand Delivered**
William Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director/PDM
JONAS JACOBSON, DIRECTOR, DEPRM,
ARNOLD F. "PAT" KELLER, DIRECTOR/OFFICE OF PLANNING
NANCY C. WEST, ASSISTANT COUNTY ATTORNEY
JOHN E. BEVERUNGEN, COUNTY ATTORNEY/OFFICE OF LAW



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

January 26, 2010

VIA FACSIMILE

Lawrence E. Schmidt, Esquire
GILDEA & SCHMIDT LLC
600 Washington Avenue
Suite 200
Towson, MD 21204

Re: In the Matter of: Louis Fritz, Sr.,
513 and 515 Pleasant Hill LLC, LO /Petitioner
513 and 515 Pleasant Hill Road
Case No.: 09-289-SPHXA

Dear Mr. Schmidt:

I am in receipt of your request for postponement dated January 20, 2010. This letter is to advise you that your request for a postponement of the hearing scheduled for February 9, 2010 has been granted.

Please notify this office upon the conclusion of the negotiations at hand with regards to the appeal filed in this matter.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact this office.

Very truly yours,


Theresa R. Shelton
Administrator

cc: Arnold E. Jablon, Esquire (via facsimile)
Peter Max Zimmerman, People's Counsel for Baltimore County (via Hand Delivery)



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND. 21204
410-887-3180
FAX: 410-887-3182

April 13, 2010

Lawrence E. Schmidt, Esquire
GILDEA & SCHMIDT LLC
600 Washington Avenue
Suite 200
Towson, MD 21204

Re: In the Matter of: Louis Fritz, Sr.,
513 and 515 Pleasant Hill LLC, LO /Petitioner
513 and 515 Pleasant Hill Road
Case No.: 09-289-SPHXA

Dear Mr. Schmidt:

The Board postponed a hearing that was scheduled for February 9, 2010 on the above captioned matter due to a possible relocation and potential sale of the business, with respect to this appeal.

In accordance with my Facsimile cover sheet dated January 26, 2010, this letter is to inquire regarding the status of the above referenced matter. To date, the Board of Appeals has not been contacted with regards to re-scheduling this matter, nor has a Petition to Withdrawal the Petition/Appeal been received. This matter is still pending before the Board. Please contact this office upon receipt of this letter to provide a status and available dates for a hearing, if needed.

Thank you for your time and assistance. I remain,

Very truly yours,

A handwritten signature in cursive script, reading "Theresa R. Shelton".

Theresa R. Shelton
Administrator

/trs

cc: Arnold E. Jablon, Esquire
Peter Max Zimmerman
People's Counsel for Baltimore County



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

August 3, 2010

NOTICE OF RE-ASSIGNMENT

CASE #: 09-289-SPHXA IN THE MATTER OF: Louis Fritz, Sr.,
513 and 515 Pleasant Hill LLC, LO /Petitioner
513 and 515 Pleasant Hill Road
4th Election District; 4th Councilmanic District

- Re:
1. Special Exception to permit a service garage for a tow truck operation in an "ML-IM" Zone on 513 and 515 Pleasant Hill Road;
 2. Special Hearing to permit continuance of existing residential use on 513 and 515 Pleasant Hill Road;
 3. Special Hearing to confirm approval for the sale of incidental used vehicles as an accessory use in the operation of a used vehicle rental business;
 4. Special hearing to permit a shared septic reserve area for 513 and 515 Pleasant Hill Road located on 513 Pleasant Hill Road
 5. Variance to permit a side yard setback of 6 feet in lieu of the required 30 feet on 515 Pleasant Hill Road
 6. Variance to permit a used car rental lot on stone paving in lieu of the required permanent all weather materials on 513 and 515 Pleasant Hill Road
 7. Variance to permit parking spaces to be un-striped in lieu of the permanent striping on areas not paved with permanent materials on 513 Pleasant Hill Road.

7/15/09 Finding of Fact and Conclusion issued by Zoning Commissioner DENYING relief requested.

This matter was scheduled for a hearing on February 9, 2010 and was postponed due to a possible resolution. The matter is being re-assigned to the following date and time:

RE-ASSIGNED FOR: TUESDAY, NOVEMBER 16, 2010 AT 10:00 A.M.

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

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

continued on next page for Notification list

CASE #: 09-289-SPHXA
PAGE 2

IN THE MATTER OF: Louis Fritz, Sr.,
513 and 515 Pleasant Hill LLC, LO /Petitioner
513 and 515 Pleasant Hill Road
4th Election District; 4th Councilmanic District

Notification List

c: Counsel for Appellants/Petitioners : Lawrence E. Schmidt, Esquire
Appellants/Petitioners : Louis Fritz, Sr., 513 & 515 Pleasant Hill, LLC

Counsel for Protestants : Arnold Jablon, Esquire
Protestants : David H. Karceski, Esquire
: Pleasant Hill Development Associates II
: Hannover Gardens Four, LLC
: St. John Properties, Inc.
: Stuart Foard / Merritt-DMI, LLC

Charles E. Keller
Lee Keller
Christopher Schoster
Michael S. Schiller
Jacqueline Geary

Charles R. Crocken P.E.

People's Counsel for Baltimore County
William Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director/PDM
JONAS JACOBSON, DIRECTOR, DEPRM,
ARNOLD F. "PAT" KELLER, DIRECTOR/OFFICE OF PLANNING
NANCY C. WEST, ASSISTANT COUNTY ATTORNEY
JOHN E. BEVERUNGEN, COUNTY ATTORNEY/OFFICE OF LAW

LOUIS E. FRITZ, Sr.

Louis E. Fritz, Sr.

503 Sunfield Ct.
Reisterstown, Md. 21136

Phone 410 833 4113

Cell 443 831 0681

October 14, 2010

Ms. Theresa R. Shelton, Administrator
County Board of Appeals of Baltimore County
Jefferson Building-Second Floor
105 W. Chesapeake Avenue
Towson, Md. 21204

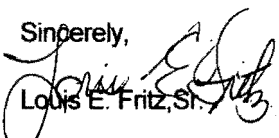
Dear Ms. Shelton:

Re: Case # 09-289-SPHXA IN THE MATTER OF : Louis Fritz, Sr. 513/515 Pleasant Hill LLC

I am requesting a postponement for a hearing scheduled for November 16, 2010 at 10:00 am.

I am still in negotiations for a different property that will have less objections.

Sincerely,


Louis E. Fritz, Sr.

Cc: Arnold Jablon, Esq.
David H. Karceski, Esq.
Stuart Foard/Merritt Properties

Docs: BaltoCoBoardofAppeals.doc

RECEIVED
OCT 15 2010

BALTIMORE COUNTY
BOARD OF APPEALS



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

October 18, 2010

Louis Fritz, Sr.
503 Sunfield Court
Reisterstown, MD 21136

Re: In the Matter of: Louis Fritz, Sr.,
513 and 515 Pleasant Hill LLC, LO /Petitioner
513 and 515 Pleasant Hill Road
Case No.: 09-289-SPHXA

Dear Mr. Fritz, Sr.:

I am in receipt of your request for postponement dated October 14, 2010. This letter is to advise you that your request for a postponement of the hearing scheduled for Tuesday, November 16, 2010 has been granted.

The Board postponed a hearing that was scheduled for February 9, 2010 on the above captioned matter due to a possible relocation and potential sale of the business, with respect to this appeal; and this is the second request for postponement for the same consideration. Please note that no further postponements will be granted in this matter.

The Notice of Postponement is enclosed. If the matter is still open on the Board's docket as of February, 2011; a hearing before the Board will be re-assigned to a date in March, 2011.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact this office.

Very truly yours,

A handwritten signature in cursive script, reading "Theresa R. Shelton".
Theresa R. Shelton
Administrator

cc: Arnold E. Jablon, Esquire
Peter Max Zimmerman, People's Counsel for Baltimore County
Lawrence E. Schmidt, Esquire



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

October 18, 2010

SECOND NOTICE OF POSTPONEMENT

**CASE #: 09-289-SPHXA IN THE MATTER OF: Louis Fritz, Sr.,
513 and 515 Pleasant Hill LLC, LO /Petitioner
513 and 515 Pleasant Hill Road
4th Election District; 4th Councilmanic District**

- Re:
1. Special Exception to permit a service garage for a tow truck operation in an "ML-IM" Zone on 513 and 515 Pleasant Hill Road;
 2. Special Hearing to permit continuance of existing residential use on 513 and 515 Pleasant Hill Road;
 3. Special Hearing to confirm approval for the sale of incidental used vehicles as an accessory use in the operation of a used vehicle rental business;
 4. Special hearing to permit a shared septic reserve area for 513 and 515 Pleasant Hill Road located on 513 Pleasant Hill Road
 5. Variance to permit a side yard setback of 6 feet in lieu of the required 30 feet on 515 Pleasant Hill Road
 6. Variance to permit a used car rental lot on stone paving in lieu of the required permanent all weather materials on 513 and 515 Pleasant Hill Road
 7. Variance to permit parking spaces to be un-striped in lieu of the permanent striping on areas not paved with permanent materials on 513 Pleasant Hill Road.

7/15/09 Finding of Fact and Conclusion issued by Zoning Commissioner DENYING relief requested.

This matter was scheduled to be heard on Tuesday, November 16, 2010 and has been postponed. There will be no further postponements granted in this matter.

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

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

continued on next page for Notification list

CASE #: 09-289-SPHXA
PAGE 2

IN THE MATTER OF: Louis Fritz, Sr.,
513 and 515 Pleasant Hill LLC, LO /Petitioner
513 and 515 Pleasant Hill Road
4th Election District; 4th Councilmanic District

Notification List

c: Counsel for Appellants/Petitioners : Lawrence E. Schmidt, Esquire
Appellants/Petitioners : Louis Fritz, Sr., 513 & 515 Pleasant Hill, LLC

Counsel for Protestants : Arnold Jablon, Esquire
: David H. Karceski, Esquire
Protestants : Pleasant Hill Development Associates II
: Hannover Gardens Four, LLC
: St. John Properties, Inc.
: Stuart Foard / Merritt-DMI, LLC

Charles E. Keller
Lee Keller
Christopher Schoster
Michael S. Schiller
Jacqueline Geary

Charles R. Crocken P.E.

People's Counsel for Baltimore County
William Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director/PDM
JONAS JACOBSON, DIRECTOR, DEPRM,
ARNOLD F. "PAT" KELLER, DIRECTOR/OFFICE OF PLANNING
NANCY C. WEST, ASSISTANT COUNTY ATTORNEY
JOHN E. BEVERUNGEN, COUNTY ATTORNEY/OFFICE OF LAW

28 October 2010

Arnold E. Jablon

t 410-494-6298
f 410.821.0147
aejablon@venable.com

Ms. Theresa R. Shelton
Administrator
County Board of Appeals of Baltimore County
Jefferson Bldg
105 West Chesapeake Ave
Towson, Maryland 21204

Re: Case No. 09-289SPHXA
In Re: Louis Fritz, Sr.

Dear Ms. Shelton:

Please be advised I represent the Protestants in this matter. On behalf of my clients, I oppose his request to postpone.

This matter has been scheduled for hearing many months ago, and, at the Petitioner's request, was postponed. Now, the Petitioner again requests a postponement, for the very same reason he gave before.

This matter has been pending for a long time and its time for the Petitioner to either go forward with the hearing or dismiss his petition. This has become an inconvenience and a distraction to the Board as well as to my clients, and to the residential neighbors adjoining and adjacent to the subject property.

Thank you for your consideration.

Sincerely,



Arnold Jablon

c: Louis E. Fritz, Sr.



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

PP

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

February 16, 2011

NOTICE OF RE-ASSIGNMENT

**CASE #: 09-289-SPHXA IN THE MATTER OF: Louis Fritz, Sr.,
513 and 515 Pleasant Hill LLC, LO /Petitioner
513 and 515 Pleasant Hill Road
4th Election District; 4th Councilmanic District**

- Re:
1. Special Exception to permit a service garage for a tow truck operation in an "ML-IM" Zone on 513 and 515 Pleasant Hill Road;
 2. Special Hearing to permit continuance of existing residential use on 513 and 515 Pleasant Hill Road;
 3. Special Hearing to confirm approval for the sale of incidental used vehicles as an accessory use in the operation of a used vehicle rental business;
 4. Special hearing to permit a shared septic reserve area for 513 and 515 Pleasant Hill Road located on 513 Pleasant Hill Road
 5. Variance to permit a side yard setback of 6 feet in lieu of the required 30 feet on 515 Pleasant Hill Road
 6. Variance to permit a used car rental lot on stone paving in lieu of the required permanent all weather materials on 513 and 515 Pleasant Hill Road
 7. Variance to permit parking spaces to be un-striped in lieu of the permanent striping on areas not paved with permanent materials on 513 Pleasant Hill Road.

7/15/09 Finding of Fact and Conclusion issued by Zoning Commissioner DENYING relief requested.

This matter was scheduled for a hearing on November 16, 2011 and was postponed. The matter is being re-assigned to the following date and time:

RE-ASSIGNED FOR: TUESDAY, APRIL 19, 2011 AT 10:00 A.M.

No further postponements will be granted in this matter, for any reason; for any party, except under extreme/extraordinary circumstances and upon review by the Board.

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

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

continued on next page for Notification list

Trity ~~telev~~
2/10 Charles Crocker

→ 410 549-2708

09-289-
SPHXA

PAGE 2

**CASE #: 09-289-SPHXA Louis Fritz, Sr.,
513 and 515 Pleasant Hill LLC, LO /Petitioner
513 and 515 Pleasant Hill Road
4th Election District; 4th Councilmanic District**

*OK to Schmidt 2/11 -
send letter to
in to let*

- Re:
1. Special Exception to permit a service garage for a tow truck operation in an "ML-IM" Zone on 513 and 515 Pleasant Hill Road;
 2. Special Hearing to permit continuance of existing residential use on 513 and 515 Pleasant Hill Road;
 3. Special Hearing to confirm approval for the sale of incidental used vehicles as an accessory use in the operation of a used vehicle rental business;
 4. Special hearing to permit a shared septic reserve area for 513 and 515 Pleasant Hill Road located on 513 Pleasant Hill Road
 5. Variance to permit a side yard setback of 6 feet in lieu of the required 30 feet on 515 Pleasant Hill Road
 6. Variance to permit a used car rental lot on stone paving in lieu of the required permanent all weather materials on 513 and 515 Pleasant Hill Road
 7. Variance to permit parking spaces to be un-striped in lieu of the permanent striping on areas not paved with permanent materials on 513 Pleasant Hill Road.

7/15/09 Finding of Fact and Conclusion issued by Zoning Commissioner DENYING relief requested.

1/20/10 Notice of Postponement requested / possible sale of building

1/24/10 Letter granting postponement. Notices sent to all the parties. Board notified.

HOLD UNTIL APRIL THEN FOLLOW UP. FILE TRS

4/13/10 Status letter to Mr. Schmidt re: relocation of business.

6/23/10 Telephoned Mr. Schmidt's office RE: status. Spoke to Jennifer. She will check and advise. Not sure if still representing client. Hold until August, if no letter, schedule in November.

8/3/10 Hearing scheduled for Tuesday, November 16, 2010 @ 10 am
Notices sent to all the parties. Board notified.

10/15/10 Letter from Mr. Fritz requesting PP – still in negotiations for a different property – Matter PP – NO FURTHER POSTPONEMENTS
Letter granting postponement. Notices sent to all the parties. Board notified

HOLD UNTIL FEBRUARY; THEN SCHEDULE IN MARCH

TRS HAS FILE.

David H. Karceski

T 410.494.6285
F 410.821.0147
DHKarceski@Venable.com

February 23, 2011

HAND-DELIVERED

Lawrence S. Wescott, Chairman
County Board of Appeals for Baltimore County
Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: **Case No.: CBA-09-289-SPHXA**
Location: 513 and 515 Pleasant Hill Road

RECEIVED
FEB 23 2011

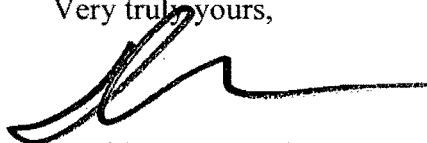
**BALTIMORE COUNTY
BOARD OF APPEALS**

Dear Mr. Wescott:

I am writing as counsel for Protestants Merritt-DMI, LLC, St. John Properties, Inc., Pleasant Hill Development Associates II, and Hannover Gardens Four, LLC, in the above-referenced case. As you know, the public hearing for this case was postponed on two separate occasions at the request of Petitioner. I just received the Board of Appeals' Notice of Re-Assignment, dated February 16, 2011, indicating that the public hearing has now been rescheduled for April 19, 2011. Unfortunately, I will be out of the country from April 16th to April 23rd. By way of this letter, I am requesting that the Board of Appeals postpone the hearing scheduled for April 19th.

I appreciate your consideration of this request.

Very truly yours,



David H. Karceski

cc: Theresa R. Shelton, Administrator for County Board of Appeals
Lawrence E. Schmidt, Esquire
Peter Max Zimmerman, People's Counsel for Baltimore County

TO:DOCS1/DHK01/#296164v2

2/24/11 - no objection Schmidt's office
bs

Hold until
Monday
↔
of objection

message

For T
From David Karcecki
Time 10:30am Date 2/18
Phone 410-494-6285

☐ URGENT!
Re: 09-289-SPHXA

David heard from
Pete about the hearing
set for 4/19 -

David is out of the
Country that week
and Pete is out the
next week -



He hasn't requested
any of the previous
postponements - Appellants
did -



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

February 25, 2011

NOTICE OF POSTPONEMENT

CASE #: 09-289-SPHXA **IN THE MATTER OF: Louis Fritz, Sr.,**
513 and 515 Pleasant Hill LLC, LO /Petitioner
513 and 515 Pleasant Hill Road
4th Election District; 4th Councilmanic District

- Re:
1. Special Exception to permit a service garage for a tow truck operation in an "ML-IM" Zone on 513 and 515 Pleasant Hill Road;
 2. Special Hearing to permit continuance of existing residential use on 513 and 515 Pleasant Hill Road;
 3. Special Hearing to confirm approval for the sale of incidental used vehicles as an accessory use in the operation of a used vehicle rental business;
 4. Special hearing to permit a shared septic reserve area for 513 and 515 Pleasant Hill Road located on 513 Pleasant Hill Road
 5. Variance to permit a side yard setback of 6 feet in lieu of the required 30 feet on 515 Pleasant Hill Road
 6. Variance to permit a used car rental lot on stone paving in lieu of the required permanent all weather materials on 513 and 515 Pleasant Hill Road
 7. Variance to permit parking spaces to be un-striped in lieu of the permanent striping on areas not paved with permanent materials on 513 Pleasant Hill Road.

7/15/09 Finding of Fact and Conclusion issued by Zoning Commissioner DENYING relief requested.

This matter was scheduled to be heard on April 19, 2011 and has been postponed. This matter will be reassigned to an agreed date by Counsel. TO BE RE-ASSIGNED.

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

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

CASE #: 09-289-SPHXA
PAGE 2

IN THE MATTER OF: Louis Fritz, Sr.,
513 and 515 Pleasant Hill LLC, LO /Petitioner
513 and 515 Pleasant Hill Road
4th Election District; 4th Councilmanic District

Notification List

c: Counsel for Appellants/Petitioners : Lawrence E. Schmidt, Esquire **(via facsimile)**
Appellants/Petitioners : Louis Fritz, Sr., 513 & 515 Pleasant Hill, LLC

Counsel for Protestants : David H. Karceski, Esquire **(via facsimile)**
Protestants : Pleasant Hill Development Associates II
: Hanover Gardens Four, LLC
: St. John Properties, Inc.
: Stuart Foard / Merritt-DMI, LLC

Charles E. Keller
Lee Keller
Christopher Schoster
Michael S. Schiller
Jacqueline Geary

Charles R. Crocken P.E.

People's Counsel for Baltimore County **(via Hand Delivery)**
Lawrence M. Stahl, Administrative Law Judge
Arnold Jablon, Director/PAI
Jeff Mayhew, Acting Director/Office of Planning
Vincent Gardina, Director/DEPS
Nancy C. West, Assistant County Attorney
Michael E. Field, County Attorney



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

April 29, 2011

NOTICE OF RE-ASSIGNMENT

**CASE #: 09-289-SPHXA IN THE MATTER OF: Louis Fritz, Sr.,
513 and 515 Pleasant Hill LLC, LO /Petitioner
513 and 515 Pleasant Hill Road
4th Election District; 4th Councilmanic District**

- Re:
1. Special Exception to permit a service garage for a tow truck operation in an "ML-IM" Zone on 513 and 515 Pleasant Hill Road;
 2. Special Hearing to permit continuance of existing residential use on 513 and 515 Pleasant Hill Road;
 3. Special Hearing to confirm approval for the sale of incidental used vehicles as an accessory use in the operation of a used vehicle rental business;
 4. Special hearing to permit a shared septic reserve area for 513 and 515 Pleasant Hill Road located on 513 Pleasant Hill Road
 5. Variance to permit a side yard setback of 6 feet in lieu of the required 30 feet on 515 Pleasant Hill Road
 6. Variance to permit a used car rental lot on stone paving in lieu of the required permanent all weather materials on 513 and 515 Pleasant Hill Road
 7. Variance to permit parking spaces to be un-striped in lieu of the permanent striping on areas not paved with permanent materials on 513 Pleasant Hill Road.

7/15/09 Finding of Fact and Conclusion issued by Zoning Commissioner DENYING relief requested.

This matter was scheduled for a hearing on November 16, 2011 and has had several postponements. The matter is being re-assigned to dates as agreed to by Counsel. The matter is re-assigned as follows:

**RE-ASSIGNED FOR: TUESDAY, JULY 19, 2011 AT 10:00 A.M.; DAY #1;
WEDNESDAY, JULY 20, 2011 AT 10:00 A.M.; DAY #2 (IF NEEDED); AND
THURSDAY, JULY 21, 2011 AT 10:00 A.M.; DAY #3 (IF NEEDED)**

No further postponements will be granted in this matter, for any reason; for any party, except under extreme/extraordinary circumstances and upon review by the Board.

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

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

continued on next page for Notification list

CASE #: 09-289-SPHXA IN THE MATTER OF: Louis Fritz, Sr.,
513 and 515 Pleasant Hill LLC, LO /Petitioner
513 and 515 Pleasant Hill Road
4th Election District; 4th Councilmanic District

c: Counsel for Appellants/Petitioners : Lawrence E. Schmidt, Esquire
Appellants/Petitioners : Louis Fritz, Sr., 513 & 515 Pleasant Hill, LLC

Counsel for Protestants	: J. Carroll Holzer, Esquire
Protestants	: Pleasant Hill Development Associates II
	: Hanover Gardens Four, LLC
	: St. John Properties, Inc.
	: Stuart Foard / Merritt-DMI, LLC

David Karceski, Esquire (Information Only)

People's Counsel for Baltimore County
Lawrence M. Stahl, Administrative Law Judge
Arnold Jablon, Director/PAI
Jeff Mayhew, Acting Director/Office of Planning
Vincent Gardina, Director/EPS
Nancy C. West, Assistant County Attorney
Michael E. Field, County Attorney

Long w/ Larry 7/10

Age
Larry

Week of July
18-

Holmstrom taking
over for Kowalski

PAGE 4

CASE #: 09-289-SPHXA

Louis Fritz, Sr.,
513 and 515 Pleasant Hill LLC, LO /Petitioner
513 and 515 Pleasant Hill Road
4th Election District; 4th Councilmanic District

- Re:
1. Special Exception to permit a service garage for a tow truck operation in an "ML-IM" Zone on 513 and 515 Pleasant Hill Road;
 2. Special Hearing to permit continuance of existing residential use on 513 and 515 Pleasant Hill Road;
 3. Special Hearing to confirm approval for the sale of incidental used vehicles as an accessory use in the operation of a used vehicle rental business;
 4. Special hearing to permit a shared septic reserve area for 513 and 515 Pleasant Hill Road located on 513 Pleasant Hill Road
 5. Variance to permit a side yard setback of 6 feet in lieu of the required 30 feet on 515 Pleasant Hill Road
 6. Variance to permit a used car rental lot on stone paving in lieu of the required permanent all weather materials on 513 and 515 Pleasant Hill Road
 7. Variance to permit parking spaces to be un-striped in lieu of the permanent striping on areas not paved with permanent materials on 513 Pleasant Hill Road.

7/15/09 Finding of Fact and Conclusion issued by Zoning Commissioner DENYING relief requested.

- 2/23/11 Received hand delivered PP request from Mr. Karceski – out of Country.
- 2/24/11 No objection from Mr. Schmidt's office.
- 2/25/11 Letter to Karceski faxed granting PP and giving available dates on the docket. Notices sent to all the parties. Board notified.

Available dates are 5/11; and 5/12

TRS HAS FILE.
HOLD APRIL.

Spoke to Karceski web

4/7 - Karceski called - asking for PP
too many to notify
4/m w/ Schmidt

Not opposed

Holzner took over for Karceski

Ho. Kales 4/29/11
Entered

Hand delivered
2/23/11
2/24/11
2/25/11



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

July 15, 2011

NOTICE OF POSTPONEMENT / via email

**CASE #: 09-289-SPHXA IN THE MATTER OF: Louis Fritz, Sr.,
513 and 515 Pleasant Hill LLC, LO /Petitioner
513 and 515 Pleasant Hill Road
4th Election District; 4th Councilmanic District**

- Re:
1. Special Exception to permit a service garage for a tow truck operation in an "ML-IM" Zone on 513 and 515 Pleasant Hill Road;
 2. Special Hearing to permit continuance of existing residential use on 513 and 515 Pleasant Hill Road;
 3. Special Hearing to confirm approval for the sale of incidental used vehicles as an accessory use in the operation of a used vehicle rental business;
 4. Special hearing to permit a shared septic reserve area for 513 and 515 Pleasant Hill Road located on 513 Pleasant Hill Road
 5. Variance to permit a side yard setback of 6 feet in lieu of the required 30 feet on 515 Pleasant Hill Road
 6. Variance to permit a used car rental lot on stone paving in lieu of the required permanent all weather materials on 513 and 515 Pleasant Hill Road
 7. Variance to permit parking spaces to be un-striped in lieu of the permanent striping on areas not paved with permanent materials on 513 Pleasant Hill Road.

7/15/09 Finding of Fact and Conclusion issued by Zoning Commissioner DENYING relief requested.

This matter was scheduled to be heard on July 19, 20 and 21, 2011 and has been postponed by agreement of Counsel. TO BE RE-ASSIGNED.

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

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

CASE #: 09-289-SPHXA IN THE MATTER OF: Louis Fritz, Sr.,
513 and 515 Pleasant Hill LLC, LO /Petitioner
513 and 515 Pleasant Hill Road
4th Election District; 4th Councilmanic District

c: Counsel for Appellants/Petitioners : Lawrence E. Schmidt, Esquire (**via email**)
: Jason T. Vettori, Esquire (**via email**)
Appellants/Petitioners : Louis Fritz, Sr., 513 & 515 Pleasant Hill, LLC

Charles E. Keller
Lee Keller
Christopher Schoster
Michael S. Schiller
Charles R. Crocken P.E.

People's Counsel for Baltimore County **(via email)**
Lawrence M. Stahl, Administrative Law Judge **(via email)**
Arnold Jablon, Director/PAI **(via email)**
Andrea Van Arsdale Director/Office of Planning **(via email)**
Curtis Murray/ Office of Planning **(via email)**
Dennis Kennedy, Supervisor, Bureau of Development Plans Review **(via email)**
Vincent Gardina, Director/EPS **(via email)**
Dave Lykens/DEPS **(via email)**
Nancy C. West, Assistant County Attorney **(via email)**
Michael E. Field, County Attorney **(via email)**

PAGE 5

**CASE #: 09-289-SPHXA Louis Fritz, Sr.,
513 and 515 Pleasant Hill LLC, LO /Petitioner
513 and 515 Pleasant Hill Road
4th Election District; 4th Councilmanic District**

- Re:
1. Special Exception to permit a service garage for a tow truck operation in an "ML-IM" Zone on 513 and 515 Pleasant Hill Road;
 2. Special Hearing to permit continuance of existing residential use on 513 and 515 Pleasant Hill Road;
 3. Special Hearing to confirm approval for the sale of incidental used vehicles as an accessory use in the operation of a used vehicle rental business;
 4. Special hearing to permit a shared septic reserve area for 513 and 515 Pleasant Hill Road located on 513 Pleasant Hill Road
 5. Variance to permit a side yard setback of 6 feet in lieu of the required 30 feet on 515 Pleasant Hill Road
 6. Variance to permit a used car rental lot on stone paving in lieu of the required permanent all weather materials on 513 and 515 Pleasant Hill Road
 7. Variance to permit parking spaces to be un-striped in lieu of the permanent striping on areas not paved with permanent materials on 513 Pleasant Hill Road.

7/15/09 Finding of Fact and Conclusion issued by Zoning Commissioner DENYING relief requested.

7/15/11 Mr. Schmidt (in person) requested PP of hearing. Witness unavailable.
Mr. Holzer called while Mr. Schmidt in office. Counsel spoke.
No objection to PP.

Formal Entry of Appearance filed by Mr. Holzer.
Hand Delivered request for PP

Notice of PP sent to all parties via email and US Mail (w/no email address)

Board notified.

TRS HAS FILE.

Hold October for follow-up to schedule or possible settlement.

10/28
Holzer +
Schmidt
Will wait
on
11/3/12 → held until 3/12



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

April 2, 2012

FOURTH NOTICE OF RE-ASSIGNMENT

CASE #: 09-289-SPHXA IN THE MATTER OF: Louis Fritz, Sr.,
513 and 515 Pleasant Hill LLC, LO /Petitioner
513 and 515 Pleasant Hill Road
4th Election District; 4th Councilmanic District

- Re:
1. Special Exception to permit a service garage for a tow truck operation in an "ML-IM" Zone on 513 and 515 Pleasant Hill Road;
 2. Special Hearing to permit continuance of existing residential use on 513 and 515 Pleasant Hill Road;
 3. Special Hearing to confirm approval for the sale of incidental used vehicles as an accessory use in the operation of a used vehicle rental business;
 4. Special hearing to permit a shared septic reserve area for 513 and 515 Pleasant Hill Road located on 513 Pleasant Hill Road
 5. Variance to permit a side yard setback of 6 feet in lieu of the required 30 feet on 515 Pleasant Hill Road
 6. Variance to permit a used car rental lot on stone paving in lieu of the required permanent all weather materials on 513 and 515 Pleasant Hill Road
 7. Variance to permit parking spaces to be un-striped in lieu of the permanent striping on areas not paved with permanent materials on 513 Pleasant Hill Road.

7/15/09 Finding of Fact and Conclusion issued by Zoning Commissioner DENYING relief requested.

This matter has been pending since February 2010 with multiple postponements for a possible settlement of the matter. This matter has been-assigned as follows:

ASSIGNED FOR **THURSDAY, MAY 24, 2012 at 11:00 a.m.**

LOCATION:

Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

No further postponements will be granted in this matter, for any reason; for any party, except under extreme/extraordinary circumstances and upon review by the Board.

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

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

continued on next page for Notification list

CASE #: 09-289-SPHXA IN THE MATTER OF: Louis Fritz, Sr.,
513 and 515 Pleasant Hill LLC, LO /Petitioner
513 and 515 Pleasant Hill Road
 4th Election District; 4th Councilmanic District

c: Counsel for Appellants/Petitioners : Lawrence E. Schmidt, Esquire
Appellants/Petitioners : Louis Fritz, Sr., 513 & 515 Pleasant Hill, LLC

Counsel for Protestants	: J. Carroll Holzer, Esquire
Protestants	: Pleasant Hill Development Associates II
	: Hanover Gardens Four, LLC
	: St. John Properties, Inc.
	: Stuart Foard / Merritt-DMI, LLC

Charles E. Keller
Lee Keller
Christopher Schoster
Michael S. Schiller
Rick Chadsey
Charles R. Crocken P.E.

People's Counsel for Baltimore County
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Vincent J. Gardina, Director/EPS
Nancy C. West, Assistant County Attorney
Michael E. Field, County Attorney

b.c.c.: David Karceski, Esquire (Information Only)



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

4-5-7

(4)

Chair

Get New Date for Hearing

April 2, 2012

FOURTH NOTICE OF RE-ASSIGNMENT

CASE #: 09-289-SPHXA IN THE MATTER OF: Louis Fritz, Sr.,
513 and 515 Pleasant Hill LLC, LO /Petitioner
513 and 515 Pleasant Hill Road
4th Election District; 4th Councilmanic District

- Re:
1. Special Exception to permit a service garage for a tow truck operation in an "ML-IM" Zone on 513 and 515 Pleasant Hill Road;
 2. Special Hearing to permit continuance of existing residential use on 513 and 515 Pleasant Hill Road;
 3. Special Hearing to confirm approval for the sale of incidental used vehicles as an accessory use in the operation of a used vehicle rental business;
 4. Special hearing to permit a shared septic reserve area for 513 and 515 Pleasant Hill Road located on 513 Pleasant Hill Road
 5. Variance to permit a side yard setback of 6 feet in lieu of the required 30 feet on 515 Pleasant Hill Road
 6. Variance to permit a used car rental lot on stone paving in lieu of the required permanent all weather materials on 513 and 515 Pleasant Hill Road
 7. Variance to permit parking spaces to be un-striped in lieu of the permanent striping on areas not paved with permanent materials on 513 Pleasant Hill Road.

7/15/09 Finding of Fact and Conclusion issued by Zoning Commissioner DENYING relief requested.

This matter has been pending since February 2010 with multiple postponements for a possible settlement of the matter. This matter has been-assigned as follows:

ASSIGNED FOR **THURSDAY, MAY 24, 2012 at 11:00 a.m.**

LOCATION:

Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

No further postponements will be granted in this matter, for any reason; for any party, except under extreme/extraordinary circumstances and upon review by the Board.

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

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

continued on next page for Notification list



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

June 21, 2012

NOTICE OF ASSIGNMENT/ DAY #2

CASE #: 09-289-SPHXA IN THE MATTER OF: Louis Fritz, Sr.,
513 and 515 Pleasant Hill LLC, LO /Petitioner
513 and 515 Pleasant Hill Road
4th Election District; 4th Councilmanic District

- Re:
1. Special Exception to permit a service garage for a tow truck operation in an "ML-IM" Zone on 513 and 515 Pleasant Hill Road;
 2. Special Hearing to permit continuance of existing residential use on 513 and 515 Pleasant Hill Road;
 3. Special Hearing to confirm approval for the sale of incidental used vehicles as an accessory use in the operation of a used vehicle rental business;
 4. Special hearing to permit a shared septic reserve area for 513 and 515 Pleasant Hill Road located on 513 Pleasant Hill Road
 5. Variance to permit a side yard setback of 6 feet in lieu of the required 30 feet on 515 Pleasant Hill Road
 6. Variance to permit a used car rental lot on stone paving in lieu of the required permanent all weather materials on 513 and 515 Pleasant Hill Road
 7. Variance to permit parking spaces to be un-striped in lieu of the permanent striping on areas not paved with permanent materials on 513 Pleasant Hill Road.

7/15/09 Finding of Fact and Conclusion issued by Zoning Commissioner DENYING relief requested.

*This matter WAS OPENED ON THE RECORD AFTER MULTIPLE POSTPONEMENTS ON MAY 24, 2012
AND HAS BEEN CONTINUED TO THE AGREED DATES AS FOLLOWS:*

RE-ASSIGNED FOR **WEDNESDAY, SEPTEMBER 12, 2012 at 10:00 a.m. (Day #1);**
THURSDAY, SEPTEMBER 13, 2012 at 10:00 a.m. (Day #2, IF NEEDED).

LOCATION:

Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

**No further postponements will be granted in this matter, for any reason; for any party,
except under extreme/extraordinary circumstances and upon review by the Board.**

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

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

continued on next page for Notification list

CASE #: 09-289-SPHXA IN THE MATTER OF: Louis Fritz, Sr.,
513 and 515 Pleasant Hill LLC, LO /Petitioner
513 and 515 Pleasant Hill Road
4th Election District; 4th Councilmanic District

c: Counsel for Appellants/Petitioners : Lawrence E. Schmidt, Esquire
Appellants/Petitioners : Louis Fritz, Sr., 513 & 515 Pleasant Hill, LLC

Counsel for Protestants : J. Carroll Holzer, Esquire
Protestants : Pleasant Hill Development Associates II
: Hanover Gardens Four, LLC
: St. John Properties, Inc.
: Stuart Foard / Merritt-DMI, LLC

Charles E. Keller
Lee Keller
Christopher Schoster
Michael S. Schiller
Rick Chadsey
Charles R. Crocken P.E.

People's Counsel for Baltimore County
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Vincent J. Gardina, Director/EPS
Nancy C. West, Assistant County Attorney
Michael E. Field, County Attorney

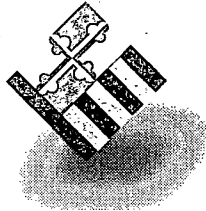
Fritz

~2 days

Want Sept dates

9/12 & 9/13 OK for both
Schmidt & Holzer
checking with their clients

Please call upon your
return.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

July 1, 2009

Kenneth E. Crocken
Law Office of Kenneth E. Crocken
10451 Mill Run Cir. Ste. 400
Owings Mill, MD 21117

Dear: Kenneth E. Crocken

RE: Case Number 2009-0289-SPHXA, 513 & 515 Pleasant Hill Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 29, 2009. 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Charles Crocken; 902 Lee Ave.; Skyesville, MD 21784
513; 515 Pleasant Hill LLC; 503 Sunfield Ct.; Reisterstown, MD 21136

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: May 15, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For May 18, 2009
Item No. 2009-0289

We have no problem with the proposed use; however, regarding the proposed shared septic reserve area, we wish to point out that there is public sewer in Fritsch Road about 600 feet away. Because of the slope of the proposed vehicle storage area, we will not support the use of stone (gravel) paving. The steepness prevents gravel or crusher run from being durable and the nearby residences should not be subjected to dust.

DAK:CEN:cab
cc: File

ZAC-ITEM NO 2009-0289-05182009



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

April 9, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 11, 2009

Item Numbers 0234, **0289**

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File



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

State Highway
Administration

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

Maryland Department of Transportation

Date: MAY 14, 2009

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

RE: Baltimore County
Item No 2009-0289-SPHXA
513 & 516 PLEASANT HILL RD
FRITZ PROPERTY
SPECIAL EXCEPTION
SPECIAL HEARING
VARIANCE

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. 2009-0289-SPHXA.

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,

For ¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



BW

7/9

9 AM Page 1

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: June 3, 2009

SUBJECT: Zoning Item # 09-289-SPHXA
Address 513 & 515 Pleasant Hill Road
(Fritz Property)

Zoning Advisory Committee Meeting of May 18, 2009

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

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

Forest Conservation requirements may be addressed by either offsite retention or payment of a fee in lieu.

Reviewer: Glenn Shaffer

Date: May 19, 2009

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 2, 2009

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

SUBJECT: Petition for Special Exception, Special Hearing and Variance

INFORMATION: 513 and 515 Pleasant Hill Road (1.37 Acres)

Item Number: 09-289

Petitioner: Pikesville Auto Towing

Zoning: ML-IM

Requested Action:

Special Exception:

- To permit a service garage for a towing operation in an "ML-IM Zone

Variances:

- To permit a side yard set back of 6 feet in lieu of the required 30 feet.
- From BCZR 405.2 to permit a disabled vehicle storage area on a lot with stone paving in lieu of the required permanent all weather materials.
- From BCZR 405.2 to permit a used car rental lot on stone paving in lieu of the required permanent all weather materials.
- From BCZR Sec. 409.8A6 to permit parking spaces to be un-stripped in lieu of the required permanent striping on areas not paved with permanent materials.

Special Hearing:

- To permit continuance of existing residential use on 513 and 5155 Pleasant Hill Road.
- To confirm approval of the sale of incidental used vehicles as an accessory use in the operation of a used vehicle rental area.
- To permit a shared septic reserve area for 513 and 515 Pleasant Hill Road.

SUMMARY OF RECOMMENDATIONS:

The proposed site is located in a Master Plan Designated Growth Area. The uses and relief requested by the petitioner could have several detrimental effects on the adjacent properties, the communities in the vicinity the site and the environmentally sensitive areas (Red Run Stream Valley Trail) in the community.

The site is located next to existing residential uses. The proposed operation of a service garage, towing yard, used car lot, and disabled vehicle storage lot could generate traffic during evening and late night

hours. This could interfere with the residential enjoyment of properties located near this site. Tow truck traffic generated by this site after normal business hours could also be detrimental to residential uses located south of this site.

The site is located immediately north of Red Run. The Red Run is classified as a Use 3 Stream, which is natural trout breeding stream and should be afforded maximum protection against contamination and uses that alter the temperature of the valuable environmentally sensitive resource. The site is located immediately north of The Red Run Stream Valley Trail. The proposed use and relief requested to use stone paving could increase the possibility of contaminating soils and could alter the temperature of the stream.

The Office of Planning recommends denial of the requested special exception, special hearing, and variances. The uses and relief requested are too intense to be located on the proposed a site. For information concerning the matters stated here in, please contact Dave Green at 410-887-3480.

Reviewed by: _____

Division Chief: _____
AFK/LL: CM

BW 7/9
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 8, 2009

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

SUBJECT: 513 and 515 Pleasant Hill Road

INFORMATION:

Item Number: 9-289

Petitioner: Pikesville Towing Inc.

Zoning: ML-IM

Requested Action: Special Exception, Special Hearing and Variance

The petitioner requests the following:

Special Exception:

- To permit a service garage for a towing operation in an "ML-IM Zone

Variances:

- To permit a side yard set back of 6 feet in lieu of the required 30 feet.
- From BCZR 405.2 to permit a disabled vehicle storage area on a lot with stone paving in lieu of the required permanent all weather materials.
- From BCZR 405.2 to permit a used car rental lot on stone paving in lieu of the required permanent all weather materials.
- From BCZR Sec. 409.8A6 to permit parking spaces to be un-stripped in lieu of the required permanent striping on areas not paved with permanent materials.

Special Hearing:

- To permit continuance of existing residential use on 513 and 515 Pleasant Hill Road.
- To confirm approval of the sale of incidental used vehicles as an accessory use in the operation of a used vehicle rental area.
- To permit a shared septic reserve area for 513 and 515 Pleasant Hill Road.

SUMMARY OF RECOMMENDATIONS:

The proposed site is located in a Master Plan Designated Growth Area. The uses and relief requested by the petitioner could have several detrimental effects on the adjacent properties, the communities in the vicinity the site and the environmentally sensitive areas (Red Run Stream Valley Trail) in the community.

RECEIVED
JUL 09 2009
ZONING COMMISSIONER

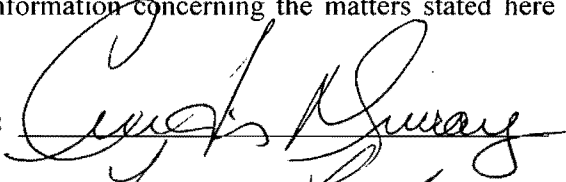
The site is located adjacent to existing residential uses. The proposed operation of a service garage, towing yard, used car lot, and disabled vehicle storage lot could generate traffic during evening and late night hours. This could interfere with the residential enjoyment of properties located near this site. Tow truck traffic generated by this site after normal business hours could also be detrimental to residential uses located south of this site.

The site is located immediately north of Red Run. The Red Run is classified as a Use 3 Stream, which is natural trout breeding stream and should be afforded maximum protection against contamination and uses that alter the temperature of the valuable environmentally sensitive resource. The site is located immediately north of The Red Run Stream Valley Trail. The proposed use and relief requested to use stone paving could increase the possibility of contaminating soils and could alter the temperature of the stream.

The Office of Planning recommends **denial** of the requested special exception, special hearing, and variances. The uses and relief requested are too intense and have many relative negative impacts to be located on the site proposed.

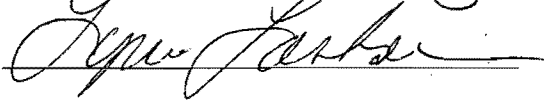
For further information concerning the matters stated here in, please contact Dave Green at 410-887-3480.

Prepared by:



Division Chief:

AFK/LL: CM



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: July 8, 2009

SUBJECT: Zoning Item # 09-289-SPHXA - revised 7/8/09
Address 513-515 Pleasant Hill Road
(Fritz Property)

Zoning Advisory Committee Meeting of May 18, 2009

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

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

1. Forest Conservation requirements may be addressed by either offsite retention or payment of a fee in lieu. – *Glenn Shaffer; Environmental Impact Review*
2. Prior to approval of a Zoning Variance, a septic system must be installed to serve the property at 515 Pleasant Hill Rd. A usage letter must be submitted to determine the size of the septic system and septic reserve area. A certification of the septic system serving 513 Pleasant Hill Rd must be submitted to this office. The water well located at 513 Pleasant Hill Rd must be abandoned and sealed by a licensed well driller, as public water is available to the property. For more information, contact GWM at X2762.
– *S. Farinetti; Groundwater Mangement*

BW 7/9 9am



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

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

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

July 1, 2009

RECEIVED

HAND DELIVERED

William J. Wiseman, III, Zoning Commissioner
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

JUL 01 2009

ZONING COMMISSIONER

Re: PETITION FOR SPECIAL HEARING, SPECIAL EXCEPTION
AND VARIANCE
513/515 Pleasant Hill LLC – Legal Owners
513 & 515 Pleasant Hill Road
Case No: 09-289-SPHXA

Dear Mr. Wiseman,

We asked Stephen E. Weber, Chief of Traffic Engineering, to review the petition and site plan in this case because they present traffic/parking issues. As a result, he sent the enclosed e-mail dated June 30, 2009. As is our custom, we forward it to you for consideration. The hearing is currently scheduled for July 9, 2009.

For reasons explained in his e-mail correspondence, and based on the petition and site plan, Mr. Weber's office has no objections to the proposed service garage/towing truck operation.

As always, we ask for your careful consideration of this matter.

Sincerely,

A handwritten signature in cursive script that reads "Peter Max Zimmerman".

Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ/rmw

cc: Kenneth E. Crocken, Esquire
Stephen E. Weber, Division of Traffic Engineering

From: Stephen Weber
To: People's Counsel
CC: Dennis Kennedy
Date: 6/30/2009 6:56 PM
Subject: Case No. 09-289-SPHXA, 513 & 515 Pleasant Hill Rd

Dear Mr. Zimmerman:

Please be advised that we have reviewed the request for allowance of a service garage/tow truck operation on the subject site and have no objections to the request. All the homes on this portion of Pleasant Hill Rd are within areas converted over to Industrial zoning several years ago. Early this year, a developer to the west of this site completed the southern portion of Dolfield Blvd which resulted in severing the portion of Pleasant Hill Rd in front of this site and caused it to become a dead-end street. There are 3 houses north of this site at which point Pleasant Hill Rd terminates. All traffic to/from this site must access this piece of dead-end Pleasant Hill Rd from a point 300 feet south of Fritsch Rd (a private street).

In addition, the large tract of ground behind this subject site is scheduled to become an office/warehouse type complex, so the subject proposal would not be that incompatible with this type of adjacent use.

Should you have any questions or wish to discuss the matter further, please feel free to give me a call.

Stephen E. Weber, Chief
Div. of Traffic Engineering
Baltimore County, Maryland
111 W. Chesapeake Avenue, Rm. 326
Towson, MD 21204
(410) 887-3554

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
SPECIAL EXCEPTION & VARIANCE *
513 & 515 Pleasant Hill Road; Se corner of * ZONING COMMISSIONER
Pleasant Hill Road & Fritsch Road *
4th Election & 4th Councilmanic Districts * FOR
Legal Owner(s): Louise Fritz *
Petitioner(s) * BALTIMORE COUNTY
* 09-289-SPHXA

* * * * *

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

MAY 28 2009

.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

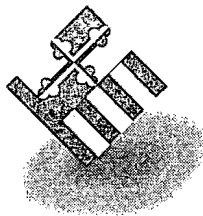
CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of May, 2009, a copy of the foregoing Entry of Appearance was mailed to Charles Crocken, 902 Lee Avenue, Sykesville, MD 21784 and Kenneth Crocken, Esquire, 10451 Mill Run Circle, Suite 400, Owings Mills, MD 21117, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
October 26, 2009

Kenneth Crocken, Esq.
10451 Mill Run Circle, Ste. 400
Owings Mills, Maryland 21117

Dear Mr. Crocken:

RE: Case 2009-0289-SPHXA, 513-515 Pleasant Hill Road

Please be advised that an appeal of the above-referenced case was filed in this office on August 13, 2009 from Lawrence Schmidt for Louis Fritz, Sr.. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

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

Sincerely,

A handwritten signature in black ink that reads "Timothy Kotroco".
Timothy Kotroco
Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Lawrence Schmidt, 600 Washington Ave., Ste. 200, Towson 21204
Louis Fritz, Sr., 503 Sunfield Court, Reisterstown 21136
Arnold Jablon, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
Charles & Lee Kellar, 511 Pleasant Hill Road, Owings Mills 21117
Stuart Foard, Merritt-DMI, LLC, 2066 Lord Baltimore Drive., Baltimore 21244
Christopher Schoster, 601 Pleasant Hill Road, Owings Mills 21117
Michael Schiller, 509 Pleasant Hill Road, Owings Mills 21117
Jacqueline Geary, 507 Pleasant Hill Road, Owings Mills 21117

APPEAL

Petition for Variance/Special Hearing/Special Exception
513 & 515 Pleasant Hill Road
S/east corner of Pleasant Hill Road and Fritsch Road
4th Election District – 4th Councilmanic District
Legal Owners: Louis Fritz, Sr., 513 & 515 Pleasant Hill LLC

Case No.: 2009-0289-SPHXA

- ✓ Petition for Special Hearing/Variance/Special Exception (April 29, 2009)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (June 2, 2009)
- ✓ Certification of Publication (The Jeffersonian – June 23, 2009)
- ✓ Certificate of Posting (June 23, 2009) by Bill Leddon
- ✓ Entry of Appearance by People's Counsel (May 28, 2009)
- ✓ Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet None

- ✓ Citizen(s) Sign-In Sheet – One Sheet
- ✓ Zoning Advisory Committee Comments
- ✓ Petitioners' Exhibit
 - ✓ 1. Site Plan

- ✓ Protestants' Exhibits:
 - ✓ 1. Previous Review for current site (02-380-SPHXA)
 - ✓ 2. Aerial Photo
 - ✓ 3. Magnified Photo of current location
 - ✓ 4. Photos (A thru L)
 - ✓ 5. Aerial Photo of new, proposed location
 - ✓ 6. Magnified Aerial Photo
 - ✓ 7. Deed for 515
 - ✓ 8. July 7, 1975 assignment for 515 to Knight
 - ✓ 9. June 16, 2005, Knight to 515 PH, LLC
 - ✓ 10. September 4, 1954, Disney to Keller, Deed
 - ✓ 11. July 15, 2008 Deed from Keller to 513 PH, LLC
 - ✓ 12. Identification only, letter 2002 SPHXA

Miscellaneous (Not Marked as Exhibit)

- ✓ 1. 2 Discs for Fritz Property
- ✓ 2. Listing of Opposing clients
- ✓ 3. Letter from People's Counsel dated July 1, 2009
- ✓ 4. Correspondence regarding previous cases
- ✓ Zoning Commissioner's Order (DENIED – July 15, 2009)
- ✓ Notice of Appeal received on August 13, 2009 from Lawrence Schmidt for Petitioners

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Arnold Jablon
Charles & Lee Kellar
Christopher Schoster
Michael Schiller
Stuart Foard
Jacqueline Geary

date sent October 26, 2009, klm

RECEIVED
OCT 26 2009
BALTIMORE COUNTY
BOARD OF APPEALS

Address List

Petitioners:

Lawrence E. Schmidt, Esquire
Gildea & Schmidt, LLC
600 Washington Avenue, Ste 200
Towson, MD 21204

Louis Fritz, Sr.
503 Sunfield Court
Reisterstown, MD 21136

Charles R. Crocken
902 Lee Avenue
Sykesville, MD 21784

Protestants:

Arnold Jablon, Esquire
David Karceski, Esquire
Venable, LLP
210 W. Pennsylvania Ave, Ste 500
Towson, MD 21204

Pleasant Hill Development Associates, II,
LLC
1010 St. Georges Road
Baltimore, MD 21210

Hanover Gardens Four, LLC
1010 St. Georges Road
Baltimore, MD 21210

St. John Properties, Inc.
2560 Lord Baltimore Drive
Baltimore, MD 21244

Stuart Foard
Merritt DMI, LLC
2066 Lord Baltimore Drive
Baltimore, MD 21244

Interested Persons:

Jacqueline Geary
507 Pleasant Hill Road
Owings Mills, MD 21117

Charles E. Keller
511 Pleasant Hill Road
Owings Mills, MD 21117

Michael Schiller
509 Pleasant Hill Road
Owings Mills, MD 21117

Lee Keller
511 Pleasant Hill Road
Owings Mills, MD 21117

Christopher Schoster
601 Pleasant Hill Road
Owings Mills, MD 21117

Interoffice:

Office of People's Counsel
William J. Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director/PDM
Arnold F. "Pat" Keller, III, Director/Planning
John Beverungen, County Attorney

Address List

Petitioners:

Lawrence E. Schmidt, Esquire
Gildea & Schmidt, LLC
600 Washington Avenue, Ste 200
Towson, MD 21204

Louis Fritz, Sr.
503 Sunfield Court
Reisterstown, MD 21136

Charles R. Crocken, P.E.
902 Lee Avenue
Sykesville, MD 21784

Protestants:

Arnold Jablon, Esquire
David Karceski, Esquire
Venable, LLP
210 W. Pennsylvania Ave, Ste 500
Towson, MD 21204

Pleasant Hill Development Associates, II,
LLC
1010 St. Georges Road
Baltimore, MD 21210

Hanover Gardens Four, LLC
1010 St. Georges Road
Baltimore, MD 21210

St. John Properties, Inc.
2560 Lord Baltimore Drive
Baltimore, MD 21244

Stuart Foard
Merritt DMI, LLC
2066 Lord Baltimore Drive
Baltimore, MD 21244

Interested Persons:

Jacqueline Geary
507 Pleasant Hill Road
Owings Mills, MD 21117

Charles E. Keller
511 Pleasant Hill Road
Owings Mills, MD 21117

Michael Schiller
509 Pleasant Hill Road
Owings Mills, MD 21117

Lee Keller
511 Pleasant Hill Road
Owings Mills, MD 21117

Christopher Schoster
601 Pleasant Hill Road
Owings Mills, MD 21117

Interoffice:

People's Counsel for Baltimore County
William Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director/PDM
JONAS JACOBSON, DIRECTOR, DEPRM,
ARNOLD F. "PAT" KELLER, DIRECTOR/OFFICE OF PLANNING
NANCY C. WEST, ASSISTANT COUNTY ATTORNEY
JOHN E. BEVERUNGEN, COUNTY ATTORNEY/OFFICE OF LAW

IN THE MATTER OF:

Louis Fritz, Sr.

513 & 515 Pleasant Hill, LLC

513 & 515 Pleasant Hill Road

4th Election District

4th Councilmanic District

* BEFORE THE BOARD OF APPEALS

* OF BALTIMORE COUNTY

* CASE NO.: 09-289-SPHXA

*

* * * * *

SUBPOENA

Please issue a subpoena to the following witness to appear before the Board of Appeals for Baltimore County:

TO: Dennis Kennedy, Supervisor
Bureau of Development Plans Review
County Office Bldg., 1st Floor
Towson, MD 21204

YOU ARE HEREBY COMMANDED TO: () Personally appear; () Produce documents and or objects only;

(X) Personally appear and produce documents or objects;

(Place where attendance is required)

TUESDAY, WED. & THURSDAY, JULY 19, 20 & 21, 2011 AT 10 AM. Jefferson Bldg., 105 W. Chesapeake Ave., Towson, MD 21204, Hearing Room 2, Second Floor and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board of Appeals without the need of an additional subpoena. (See attached Notice of Assignment)

YOU ARE COMMANDED TO produce the following documents or objects:

Any and all maps, e-mails, correspondence, reports, analyses, minutes of mtgs., etc. related to the above referenced matter

J. Carroll Holzer, 508 Fairmount Ave., Towson, MD 21286 410-825-6961

(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date **RECEIVED**
JUL 12 2011

**BALTIMORE COUNTY
BOARD OF APPEALS**

Sunny Cannington
BALTIMORE COUNTY BOARD OF APPEALS

IN THE MATTER OF:

Louis Fritz, Sr.

513 & 515 Pleasant Hill, LLC

513 & 515 Pleasant Hill Road

4th Election District

4th Councilmanic District

* BEFORE THE BOARD OF APPEALS

* OF BALTIMORE COUNTY

* CASE NO.: 09-289-SPHXA

*

* * * * *

SUBPOENA

Please issue a subpoena to the following witness to appear before the Board of Appeals for Baltimore County:

TO: Dave Lykens
DEPS
Jefferson Bldg., 4th Floor
Towson, MD 21204

YOU ARE HEREBY COMMANDED TO: () Personally appear; () Produce documents and or objects only;

(X) Personally appear and produce documents or objects;

(Place where attendance is required)

TUESDAY, WED. & THURSDAY, JULY 19, 20 & 21, 2011 AT 10 AM. Jefferson Bldg., 105 W. Chesapeake Ave., Towson, MD 21204, Hearing Room 2, Second Floor and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board of Appeals without the need of an additional subpoena. (See attached Notice of Assignment)

YOU ARE COMMANDED TO produce the following documents or objects:

Any and all maps, e-mails, correspondence, reports, analyses, minutes of mtgs., etc. related to the above referenced matter

J. Carroll Holzer, 508 Fairmount Ave., Towson, MD 21286 410-825-6961

(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date

RECEIVED
JUL 12 2011

**BALTIMORE COUNTY
BOARD OF APPEALS**

Sunny Cannington
BALTIMORE COUNTY BOARD OF APPEALS

IN THE MATTER OF:
Louis Fritz, Sr.
513 & 515 Pleasant Hill, LLC
513 & 515 Pleasant Hill Road
4th Election District
4th Councilmanic District

* BEFORE THE BOARD OF APPEALS
* OF BALTIMORE COUNTY
* CASE NO.: 09-289-SPHXA
*

* * * * *

SUBPOENA

Please issue a subpoena to the following witness to appear before the Board of Appeals for Baltimore County:

TO: Curtis Murray
Office of Planning
Jefferson Bldg., 1st Floor
Towson, MD 21204

YOU ARE HEREBY COMMANDED TO: () Personally appear; () Produce documents and or objects only;

(X) Personally appear and produce documents or objects;

(Place where attendance is required)

TUESDAY, WED. & THURSDAY, JULY 19, 20 & 21, 2011 AT 10 AM. Jefferson Bldg., 105 W. Chesapeake Ave., Towson, MD 21204, Hearing Room 2, Second Floor and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board of Appeals without the need of an additional subpoena. (See attached Notice of Assignment)

YOU ARE COMMANDED TO produce the following documents or objects:

Any and all maps, e-mails, correspondence, reports, analyses, minutes of mtgs., etc. related to the above referenced matter

J. Carroll Holzer, 508 Fairmount Ave., Towson, MD 21286 410-825-6961

(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date **RECEIVED**
JUL 12 2011
BALTIMORE COUNTY
BOARD OF APPEALS

Sunny Cannington
BALTIMORE COUNTY BOARD OF APPEALS

IN THE MATTER OF:
Louis Fritz, Sr.
513 & 515 Pleasant Hill, LLC
513 & 515 Pleasant Hill Road
4th Election District
4th Councilmanic District

* BEFORE THE BOARD OF APPEALS
* OF BALTIMORE COUNTY
* CASE NO.: 09-289-SPHXA
*

* * * * *

SUBPOENA

Please issue a subpoena to the following witness to appear before the Board of Appeals for Baltimore County:

TO: Curtis Murray
Office of Planning
Jefferson Bldg., 1st Floor
Towson, MD 21204

YOU ARE HEREBY COMMANDED TO: () Personally appear; () Produce documents and or objects only;
(X) Personally appear and produce documents or objects;

(Place where attendance is required)

WED. & THURSDAY, Sept. 12 & 13, 2012 AT 10 AM. Jefferson Bldg., 105 W. Chesapeake Ave., Towson, MD 21204, Hearing Room 2, Second Floor and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board of Appeals without the need of an additional subpoena. (See attached Notice of Assignment)

YOU ARE COMMANDED TO produce the following documents or objects:

Any and all maps, e-mails, correspondence, reports, analyses, minutes of mtgs., etc. related to the above referenced matter

J. Carroll Holzer, 508 Fairmount Ave., Towson, MD 21286 410-825-6961
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date _____

RECEIVED
SEP 5 2012

BALTIMORE COUNTY
BOARD OF APPEALS

Sunny Cannington
BALTIMORE COUNTY BOARD OF APPEALS

IN THE MATTER OF:
Louis Fritz, Sr.
513 & 515 Pleasant Hill, LLC
513 & 515 Pleasant Hill Road
4th Election District
4th Councilmanic District

* BEFORE THE BOARD OF APPEALS
* OF BALTIMORE COUNTY
* CASE NO.: 09-289-SPHXA
*

* * * * *

SUBPOENA

Please issue a subpoena to the following witness to appear before the Board of Appeals for Baltimore County:

TO: Dave Lykens
DEPS
Jefferson Bldg., 4th Floor
Towson, MD 21204

YOU ARE HEREBY COMMANDED TO: () Personally appear; () Produce documents and or objects only;
(X) Personally appear and produce documents or objects;

(Place where attendance is required)

WED. & THURSDAY, Sept. 12 & 13, 2012 AT 10 AM. Jefferson Bldg., 105 W. Chesapeake Ave., Towson, MD 21204, Hearing Room 2, Second Floor and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board of Appeals without the need of an additional subpoena. (See attached Notice of Assignment)

YOU ARE COMMANDED TO produce the following documents or objects:
Any and all maps, e-mails, correspondence, reports, analyses, minutes of mtgs., etc. related to the above referenced matter

J. Carroll Holzer, 508 Fairmount Ave., Towson, MD 21286 410-825-6961
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date _____

Sunny Carrington
BALTIMORE COUNTY BOARD OF APPEALS

RECEIVED
SEP 5 2012

BALTIMORE COUNTY
BOARD OF APPEALS
C:\My Docs\Subpoenas 2011-Pleasant Hill, LLC 9-4-12

IN THE MATTER OF:
Louis Fritz, Sr.
513 & 515 Pleasant Hill, LLC
513 & 515 Pleasant Hill Road
4th Election District
4th Councilmanic District

* BEFORE THE BOARD OF APPEALS
* OF BALTIMORE COUNTY
* CASE NO.: 09-289-SPHXA
*

* * * * *

SUBPOENA

Please issue a subpoena to the following witness to appear before the Board of Appeals for Baltimore County:

TO: Dennis Kennedy, Supervisor
Bureau of Development Plans Review
County Office Bldg., 1st Floor
Towson, MD 21204

YOU ARE HEREBY COMMANDED TO: () Personally appear; () Produce documents and or objects only;
(X) Personally appear and produce documents or objects;

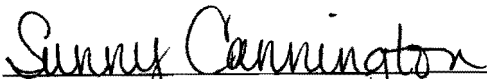
(Place where attendance is required)

WED. & THURSDAY, Sept. 12 & 13, 2012 AT 10 AM. Jefferson Bldg., 105 W. Chesapeake Ave., Towson, MD 21204, Hearing Room 2, Second Floor and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board of Appeals without the need of an additional subpoena. (See attached Notice of Assignment)

YOU ARE COMMANDED TO produce the following documents or objects:
Any and all maps, e-mails, correspondence, reports, analyses, minutes of mtgs., etc. related to the above referenced matter

J. Carroll Holzer, 508 Fairmount Ave., Towson, MD 21286 410-825-6961
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date _____


BALTIMORE COUNTY BOARD OF APPEALS

RECEIVED
SEP 5 2012

BALTIMORE COUNTY
BOARD OF APPEALS

IN THE MATTER OF:

Louis Fritz, Sr. 513 and 515 Pleasant Hill, LLC

513 and 515 Pleasant Hill Road

4TH ELECTION DISTRICT

4RD COUNCILMATIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO.: 09-289-SPHXA

* * * * *

SUBPOENA

Please issue a Subpoena to the following named witness to appear before the Board of Appeals of Baltimore County at the hearing for the above captioned matter currently scheduled on September 12, 2012 and September 13, 2012, at 10:00 a.m. a.m./p.m. in Hearing Room 2, The Jefferson Building, located at 105 W. Chesapeake Avenue, Towson, Maryland 21204, and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Witness: Tammy Barrett
Address: 513 Pleasant Hill Road
Owings Mills, MD 21117

Requested by:

Name: Lawrence E. Schmidt
Firm: Smith, Gildea & Schmidt, LLC
Address: 600 Washington Avenue, Suite 200
Towson, MD 21204

The witness named above is hereby ORDERED to so appear before the Board of Appeals of Baltimore County. The Board requests () the Sheriff, () Private Process Server, to issue the summons set forth herein.

RECEIVED

SEP 7 2012

BALTIMORE COUNTY
BOARD OF APPEALS

Sunny Cannington
Board of Appeals for Baltimore County

IN THE MATTER OF:

Louis Fritz, Sr.

513 & 515 Pleasant Hill, LLC

513 & 515 Pleasant Hill Road

4th Election District

4th Councilmanic District

* BEFORE THE OFFICE OF
* ADMINISTRATIVE HEARINGS
* CASE NO.: 09-289-SPHXA
*

* * * * *

SUBPOENA

Please issue a subpoena to the following witness to appear before the Administrative Law Judge for Baltimore County:

TO: Dave Lykens

DEPS

Jefferson Bldg., 4th. Floor

Towson, MD 21204

YOU ARE HEREBY COMMANDED TO: () Personally appear; () Produce documents and or objects only;

(X) Personally appear and produce documents or objects;

(Place where attendance is required)

MON. & WED., Nov. 5 & 7, 2012 AT 10 AM. Jefferson Bldg., 105 W. Chesapeake Ave., Towson, MD 21204, Hearing Room 205, Second Floor and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board of Appeals without the need of an additional subpoena. (See attached Notice of Assignment)

YOU ARE COMMANDED TO produce the following documents or objects:

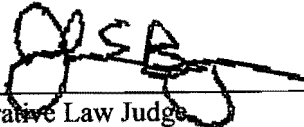
Any and all maps, e-mails, correspondence, reports, analyses, minutes of mtgs., etc. related to the above referenced matter

J. Carroll Holzer, 508 Fairmount Ave., Towson, MD 21286 410-825-6961

(Name of Party or Attorney, Address and Phone Number requesting subpoena)

RECEIVED

Date OCT 31 2012



Administrative Law Judge

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF:

Louis Fritz, Sr.

513 & 515 Pleasant Hill, LLC

513 & 515 Pleasant Hill Road

4th Election District

4th Councilmanic District

* BEFORE THE OFFICE OF
* ADMINISTRATIVE HEARINGS
* CASE NO.: 09-289-SPHXA
*

* * * * *

SUBPOENA

Please issue a subpoena to the following witness to appear before the Administrative Law Judge for Baltimore County:

TO: Curtis Murray
Planning
Jefferson Bldg., 1st Floor
Towson, MD 21204

YOU ARE HEREBY COMMANDED TO: () Personally appear; () Produce documents and or objects only;

(X) Personally appear and produce documents or objects;

(Place where attendance is required)

MON. & WED., Nov. 5 & 7, 2012 AT 10 AM. Jefferson Bldg., 105 W. Chesapeake Ave., Towson, MD 21204, Hearing Room 205, Second Floor and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board of Appeals without the need of an additional subpoena. (See attached Notice of Assignment)

YOU ARE COMMANDED TO produce the following documents or objects:

Any and all maps, e-mails, correspondence, reports, analyses, minutes of mtgs., etc. related to the above referenced matter

J. Carroll Holzer, 508 Fairmount Ave., Towson, MD 21286 410-825-6961

(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date RECEIVED
OCT 31 2012



Administrative Law Judge

OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF:
Louis Fritz, Sr.
513 & 515 Pleasant Hill, LLC
513 & 515 Pleasant Hill Road
4th Election District
4th Councilmanic District

* BEFORE THE OFFICE OF
* ADMINISTRATIVE HEARINGS
* CASE NO.: 09-289-SPHXA
*

* * * * *

SUBPOENA

Please issue a subpoena to the following witness to appear before the Administrative Law Judge for Baltimore County:

TO: Custodian of the Record
Permits, Approval & Inspections
County Office Bldg.
Towson, MD 21204

YOU ARE HEREBY COMMANDED TO: () Personally appear; () Produce documents and or objects only;

(X) Personally appear and produce documents or objects;

(Place where attendance is required)

MON. & WED., Nov. 5 & 7, 2012 AT 10 AM. Jefferson Bldg., 105 W. Chesapeake Ave., Towson, MD 21204, Hearing Room 205, Second Floor and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board of Appeals without the need of an additional subpoena. (See attached Notice of Assignment)

YOU ARE COMMANDED TO produce the following documents or objects:

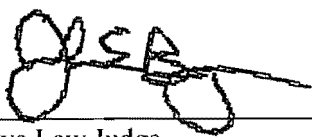
Any and all maps, e-mails, correspondence, reports, analyses, minutes of mtgs., etc., previous zoning case related to the property located at 346 Pleasant Hill Rd., Case No. 02-380-SPHXA (see attached)

J. Carroll Holzer, 508 Fairmount Ave., Towson, MD 21286 410-825-6961

(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date RECEIVED

OCT 31 2012



Administrative Law Judge

OFFICE OF ADMINISTRATIVE HEARINGS



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

October 11, 2012

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

J. Carroll Holzer, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, MD 21286

RE: REMAND FROM BOARD OF APPEALS
Petitions for Special Hearing, Special Exception and Variance
Case No.: 2009-0289-SPHXA
Property: 513 and 515 Pleasant Hill Road

Dear Counsel:

Please be advised that we are in receipt of the case file from the Board of Appeals of Baltimore County pertaining to the above-referenced matter. As you are aware, this matter was appealed to the Board of Appeals from an Order issued by Zoning Commissioner Wiseman on July 15, 2009.

The matter came before the Board of Appeals on May 24, 2012 and September 12, 2012. On September 28, 2012, the Board issued an Order that the case be remanded to the Office of Administrative Hearings for consideration of the amendment and issues presented on the record, as agreed by all parties.

The purpose of this letter is to advise you that the above-referenced case has been scheduled for 10:00 AM, Room 205, of the Jefferson Building, 105 West Chesapeake Avenue, Towson, for two days -- Monday, November 5, 2012 and Wednesday, November 7, 2012.

Thank you for your prompt attention to this matter.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

Addressees:

- c: Louis Fritz, Sr., 503 Sunfield Court, Reisterstown, MD 21136
Charles R. Crocken, P.E., 902 Lee Avenue, Sykesville, MD 21784
David H. Karceski, Esquire, Venable, LLP, 210 West Pennsylvania Avenue,
Suite 500, Towson, MD 21204
Pleasant Hill Development Associates, II, LLC, 1010 St. Georges Road,
Baltimore, MD 21210
Hanover Gardens Four, LLC, 1010 St. Georges Road, Baltimore, MD 21210
St. John Properties, Inc., 2560 Lord Baltimore Drive, Baltimore, MD 21244
Stuart Foard, Merritt-DMI, LLC, 2066 Lord Baltimore Drive, Baltimore, MD 21244
Jacqueline Geary, 507 Pleasant Hill Road, Owings Mills, MD 21117
Charles E. Kellar, 511 Pleasant Hill Road, Owings Mills, MD 21117
Michael S. Schiller, 509 Pleasant Hill Road, Owings Mills, MD 21117
Lee Kellar, 511 Pleasant Hill Road, Owings Mills, MD 21117
Christopher Schoster, 601 Pleasant Hill Road, Owings Mills, MD 21117
Theresa R. Shelton, Administrator, Baltimore County Board of Appeals
Peter Max Zimmerman, People's Counsel, Office of People's Counsel
Arnold Jablon, Director, Department of Permits, Approvals and Inspections
Andrea Van Arsdale, Director, Department of Planning
Vincent J. Gardina, Director, Department of Environmental Protection and Sustainability
Michael Field, County Attorney, Office of Law
Nancy West, Assistant County Attorney, Office of Law



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

November 5, 2012

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

J. Carroll Holzer, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, MD 21286

RE: REMAND FROM BOARD OF APPEALS
Petitions for Special Hearing, Special Exception and Variance
Case No.: 2009-0289-SPHXA
Property: 513 and 515 Pleasant Hill Road

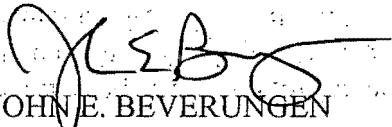
Dear Counsel:

As you know, at the public hearing today in the above matter, Mr. Schmidt indicated his clients are attempting to relocate their towing business to 1 Nicodémus Road, which is zoned BL and would require a special exception to operate the business. Mr. Schmidt indicated his engineer will soon prepare a site plan for the new location, and he hoped to file a petition for special exception in the next several days.

To provide the Petitioner with a window of opportunity to seek approval for the new location, counsel agreed to a postponement of the above case. Accordingly, the above matter shall be postponed, indefinitely, to allow Petitioner to secure the necessary approvals for operating the business at the new location. Mr. Schmidt indicated he hoped a special hearing could be scheduled in December, and I have copied Ms. Lewis on this correspondence to let her know that I am certainly amenable to such a request and will assist in any way I can to expedite the matter.

Assuming the Petitioner is granted approval to open and operate at the new location, the petition in the above case would at that time be withdrawn, and counsel have indicated they will keep me posted with any developments in that regard.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

Addressees:

- c: Louis Fritz, Sr. and Mary Jane Fritz, 503 Sunfield Court, Reisterstown, MD 21136
Louis E. Fritz, Jr., 11258 Delfield Boulevard, Owings Mills, MD 21117
Charles R. Crocken, P.E., 902 Lee Avenue, Sykesville, MD 21784
David H. Karceski, Esquire, Venable, LLP, 210 West Pennsylvania Avenue,
Suite 500, Towson, MD 21204
Pleasant Hill Development Associates, II, LLC, 1010 St. Georges Road,
Baltimore, MD 21210
Hanover Gardens Four, LLC, 1010 St. Georges Road, Baltimore, MD 21210
St. John Properties, Inc., 2560 Lord Baltimore Drive, Baltimore, MD 21244
Stuart Foard, Merritt-DMI, LLC, 2066 Lord Baltimore Drive, Baltimore, MD 21244
Jacqueline Geary, 507 Pleasant Hill Road, Owings Mills, MD 21117
Charles E. Kellar, 511 Pleasant Hill Road, Owings Mills, MD 21117
Michael S. Schiller, 509 Pleasant Hill Road, Owings Mills, MD 21117
Lee Kellar, 511 Pleasant Hill Road, Owings Mills, MD 21117
Christopher Schoster, 601 Pleasant Hill Road, Owings Mills, MD 21117
Kenneth Wells, 7403 New Cut Road, Kingsville, MD 21087
David Martin, Martin and Phillips Design Associates, Inc., 222 Bosley Avenue,
Towson, MD 21204
Jennifer McLaughlin & Thomas Pilon, 2560 Lord Baltimore Drive,
Baltimore, MD 21244
Matthew Allen, 11299 Owings Mills Boulevard, Suite 200, Owings Mills, MD 21117
Theresa R. Shelton, Administrator, Baltimore County Board of Appeals
Peter Max Zimmerman, People's Counsel, Office of People's Counsel
Arnold Jablon, Director, Department of Permits, Approvals and Inspections
Andrea Van Arsdale, Director, Department of Planning
Vincent J. Gardina, Director, Department of Environmental Protection and Sustainability
Michael Field, County Attorney, Office of Law
Nancy West, Assistant County Attorney, Office of Law
Kristen Lewis, Zoning Review Office, PAI

Addressees:

c: Louis Fritz, Sr. and Mary Jane Fritz, 503 Sunfield Court, Reisterstown, MD 21136
Louis E. Fritz, Jr., 11258 Dolfield Boulevard, Owings Mills, MD 21117
Charles R. Crocken, P.E., 902 Lee Avenue, Sykesville, MD 21784
David H. Karceski, Esquire, Venable, LLP, 210 West Pennsylvania Avenue,
Suite 500, Towson, MD 21204
Pleasant Hill Development Associates, II, LLC, 1010 St. Georges Road,
Baltimore, MD 21210
Hanover Gardens Four, LLC, 1010 St. Georges Road, Baltimore, MD 21210
St. John Properties, Inc., 2560 Lord Baltimore Drive, Baltimore, MD 21244
Stuart Foard, Merritt-DMI, LLC, 2066 Lord Baltimore Drive, Baltimore, MD 21244
Jacqueline Geary, 507 Pleasant Hill Road, Owings Mills, MD 21117
Charles E. Kellar, 511 Pleasant Hill Road, Owings Mills, MD 21117
Michael S. Schiller, 509 Pleasant Hill Road, Owings Mills, MD 21117
Lee Kellar, 511 Pleasant Hill Road, Owings Mills, MD 21117
Christopher Schoster, 601 Pleasant Hill Road, Owings Mills, MD 21117
Kenneth Wells, 7403 New Cut Road, Kingsville, MD 21087
David Martin, Martin and Phillips Design Associates, Inc., 222 Bosley Avenue,
Towson, MD 21204
Jennifer McLaughlin & Thomas Pilon, 2560 Lord Baltimore Drive,
Baltimore, MD 21244
Matthew Allen, 11299 Owings Mills Boulevard, Suite 200, Owings Mills, MD 21117
Theresa R. Shelton, Administrator, Baltimore County Board of Appeals
Peter Max Zimmerman, People's Counsel, Office of People's Counsel
Arnold Jablon, Director, Department of Permits, Approvals and Inspections
Andrea Van Arsdale, Director, Department of Planning
Vincent J. Gardina, Director, Department of Environmental Protection and Sustainability
Michael Field, County Attorney, Office of Law
Nancy West, Assistant County Attorney, Office of Law
Kristen Lewis, Zoning Review Office, PAI



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

November 5, 2012

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

J. Carroll Holzer, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, MD 21286

RE: REMAND FROM BOARD OF APPEALS
Petitions for Special Hearing, Special Exception and Variance
Case No.: 2009-0289-SPHXA
Property: 513 and 515 Pleasant Hill Road

Dear Counsel:

As you know, at the public hearing today in the above matter, Mr. Schmidt indicated his clients are attempting to relocate their towing business to 1 Nicodemus Road, which is zoned BL and would require a special exception to operate the business. Mr. Schmidt indicated his engineer will soon prepare a site plan for the new location, and he hoped to file a petition for special exception in the next several days.

To provide the Petitioner with a window of opportunity to seek approval for the new location, counsel agreed to a postponement of the above case. Accordingly, the above matter shall be postponed, indefinitely, to allow Petitioner to secure the necessary approvals for operating the business at the new location. Mr. Schmidt indicated he hoped a special hearing could be scheduled in December, and I have copied Ms. Lewis on this correspondence to let her know that I am certainly amenable to such a request and will assist in any way I can to expedite the matter.

Assuming the Petitioner is granted approval to open and operate at the new location, the petition in the above case would at that time be withdrawn, and counsel have indicated they will keep me posted with any developments in that regard.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

November 1, 2010

Louis Fritz, Sr.
503 Sunfield Court
Reisterstown, MD 21136

Re: In the Matter of: Louis Fritz, Sr.,
513 and 515 Pleasant Hill LLC, LO /Petitioner
513 and 515 Pleasant Hill Road

Case No.: 09-289-SPHXA

Dear Mr. Fritz, Sr.:

By letter dated October 18, 2010, your request for postponement of the November 16, 2010 hearing date was granted.

This letter is to advise you that on October 28, 2010, this office received a communication from Arnold E. Jablon, Esquire, opposing/objecting to your postponement request.

It is to be noted that this postponement was granted over the objection of Mr. Jablon and his clients.

As stated in the October 18, 2010 letter, please note that no further postponements will be granted in this matter, for any reason; for any party, except under extreme/extraordinary circumstances and upon review by the Board.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact this office.

Very truly yours,

A handwritten signature in cursive script, reading "Theresa R. Shelton".

Theresa R. Shelton
Administrator

cc: Arnold E. Jablon, Esquire
Peter Max Zimmerman, People's Counsel for Baltimore County
Lawrence E. Schmidt, Esquire

Theresa Shelton - 09-289SPHXA

From: "Jablon, Arnold E." <AEJablon@Venable.com>
To: <tshelton@baltimorecountymd.gov>
Date: 10/19/2010 4:55 PM
Subject: 09-289SPHXA
Attachments: opposition to request for pp.doc

Theresa, I attach my opposition to the petitioner's request to pp. Thanks.

U.S. Treasury Circular 230 Notice: Any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (a) avoiding penalties that may be imposed under the Internal Revenue Code or by any other applicable tax authority; or (b) promoting, marketing or recommending to another party any tax-related matter addressed herein. We provide this disclosure on all outbound e-mails to assure compliance with new standards of professional practice, pursuant to which certain tax advice must satisfy requirements as to form and substance.

This electronic mail transmission may contain confidential or privileged information. If you believe you have received this message in error, please notify the sender by reply transmission and delete the message without copying or disclosing it.

Theresa Shelton - 513 & 515

From: Jennifer Lewis <jlewis@sgs-law.com>
To: "tshelton@baltimorecountymd.gov" <tshelton@baltimorecountymd.gov>
Date: 4/29/2011 10:12 AM
Subject: 513 & 515

Theresa:

Below is the address:

Rick Chadsey
1129 Gypsy Lane West
Towson, MD 21286

Have a great weekend!

Jen

--
Jennifer K. Lewis
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
(410) 821-0071 – fax
jlewis@sgs-law.com /

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this email in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: November 1, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

NOV 02 2012

SUBJECT: 513 and 515 Pleasant Hill Road

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Item Number: 9-289 REMAND FROM BOARD OF APPEALS

Petitioner: Pikesville Towing Inc.

Zoning: ML-IM

Requested Action: Special Exception and Special Hearing

The petitioner requests the following relief (according to plan dated 8/30/2012):

Special Exception:

- To permit a service garage for a towing operation in an "ML-IM Zone"

Special Hearing:

- To permit continuance of existing residential uses in existing structures on 513 and 515 Pleasant Hill Road.
- To permit a shared septic reserve area for 513 and 515 Pleasant Hill Road.

SUMMARY OF RECOMMENDATIONS:

The proposed site is located in a Master Plan Designated Growth Area. The uses and relief requested by the petitioner could have several detrimental effects on the adjacent properties, the communities in the vicinity of the site and the environmentally sensitive areas (Red Run Stream Valley Trail) in the community.

The site is located adjacent to existing and proposed residential uses. The proposed operation of a service garage, towing yard, used car lot, and disabled vehicle storage lot could generate traffic during evening and late night hours. This could interfere with the residential enjoyment of properties located near this site. Tow truck traffic generated by this site after normal business hours could also be detrimental to residential uses located south and west of this site.

A residential development plan for 110 condominium units, Run Crossing, PAI # 04-665, has been approved (7/19/2010) immediately south of this request. In addition, just south of the Run Crossing development on the Friedler Property, a mid-rise multi-family residential project, PAI # 04-414, of 36 units has been built, as well as the Kentmar development, PAI # 04-563, with 192 multi-family units across Pleasant Hill Road to the southwest.

The site is located north of the Red Run. The Red Run is classified as a Use 3 Stream, which is natural trout breeding stream and should be afforded maximum protection against contamination and uses that alter the temperature of the valuable environmentally sensitive resource. The Red Run is part of the Owings Mills Park and Open Space Concept Plan adopted by the Baltimore County Council on May 15, 1995 which proposed the Red Run Stream Valley Trail, an important recreational amenity for the community.

The Office of Planning recommends denial of the requested special exception and special hearing. The uses and relief requested are too intense and have many relative negative impacts to be located on the site proposed.

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

Prepared by:

Division Chief:

AVA/LL: CM



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

October 18, 2002

Michael H. Davis
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

Re: Accessory Sales by Cromwell Valley Automotive
1101 Cromwell Valley Bridge Road
District 9th Councilmanic 6th – Zoning ML-IM
Zoning Case 96-281-X

Dear Mr. Davis:

Reference is made to your letter and attachments sent to Arnold Jablon, Director of Permits Development Management on 10/14/02 which as been referred to me for reply. You have requested, on behalf of your client Cromwell Valley Automotive, approval for a limited number of accessory used auto sales at the above location. The above location is zoned to permit a service garage (minor repairs and detailing) via a Special Exception granted 3/18/96, zoning case # 96-281-X.

I have discussed this request with the Director and based on the information that you have provided this office will approve a Use Permit for Limited Sales (20 per year) provided that the following conditions are complied with:

1. You client is restricted to offering for sale a maximum of 6 vehicles at any one time.
2. Your client is restricted to selling no more than 20 vehicles per year.
3. The revised plan must comply with Section 255.1 (238.4) 10 foot street setback for display, and the required parking must be provided in addition to the display spaces.
4. At the request of Code Enforcement, your client will be required to produce all records necessary to prove compliance with the restricted number of vehicles permitted to be sold in a year.

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



Michael H. Davis
October 18, 2002
Page 2

5. Compliance with original restriction #4 in zoning case # 96-281-X including this approval

After approval the revised plan will be included in the zoning case file and 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,



W. Carl Richards, Jr.
Zoning Supervisor

WCR/rjc
enc.
file

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: February 20, 2013

TO: David Duvall
Zoning Review Office
Permits, Approvals & Inspections

FROM: Sunny Cannington, Legal Secretary
Board of Appeals

SUBJECT: CLOSED APPEAL CASE FILES/CASES DISMISSED

The following cases have been closed as of the above date and are being returned to your office for storage.

<u>Case No:</u>	<u>Case Name:</u>
09-289-SPHXA	513 and 515 Pleasant Hill, LLC and Louis Fritz, Sr.
10-109-SPH	Linda Schulte (See also CBA-10-022 Schulte Property/DRC #120109B)
13-021-A	Ingeborg and Domenico Occorso

c: Arnold Jablon, Director/PAI
Michael Field, County Attorney
Nancy West, Assistant County Attorney

Patricia Zook - Fwd: 2009-0298-SPHXA - revised DEPRM comments

From: Patricia Zook
To: crcengr2@comcast.net
Date: 7/8/2009 11:33 AM
Subject: Fwd: 2009-0298-SPHXA - revised DEPRM comments
CC: Wiley, Debra; Wiseman, Bill

Good morning Mr. Crocken -

Please find attached revised comments from the Department of Environmental Protection and Resource Management. The revised comments were also faxed to you today.

The revised comments will also be faxed to Kenneth E. Crocken, Esquire.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

>>> Jeffrey Livingston 7/8/2009 11:16 AM >>>
Here's the revised comment.

Jeff

Debra Wiley - Re: Remand Case from BOA - 2009-0289-SPHXA

From: Debra Wiley
To: Lewis, Kristen
Date: 9/24/2012 1:18 PM
Subject: Re: Remand Case from BOA - 2009-0289-SPHXA

Hi Kristen,

I spoke to John Beverungen and he had me call Holzer's office; a voice mail was left indicating that any and all dates must be run through you for October and they need to be worked out with Larry Schmidt.

Thanks in advance.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

>>> Kristen Lewis 9/24/2012 12:35 PM >>>
Good morning Debbie,

The dates that I have marked for this remand, was October 23, 24 and 30th all starting at 1:30 in Room 205. Last Thursday, however, i saw Larry briefly and he indicated that one of his witnesses was not available one of those dates and I would be hearing from his secretary about adding another time, but have yet to hear from anyone. I should be pretty much thru the October calendar by tomorrow, just waiting on a few confirmations.

>>> Debra Wiley 9/24/2012 11:46 AM >>>
Good Morning Kristen,

Please see attached from Holzer and see if these dates work since you're working on the October calendar. Our office advised Larry Schmidt's office on Sept. 12th to contact you for any dates in October since it wasn't yet available and we have not been involved since that time. We really can't confirm Oct. dates that we cannot see so not sure what Holzer wants us to do.

Let me know. Thanks.

P.S. We haven't even received the BOA Opinion yet

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

*Boa Remand***Debra Wiley - 513 & 515 Pleasant Hill**

From: John Beverungen<jbeverungen@baltimorecountymd.gov> (John Beverungen)
To: Carl Richards
Date: 9/25/2012 10:42 AM
Subject: 513 & 515 Pleasant Hill
CC: Debra Wiley; Kristen Lewis; ajablon@baltimorecountymd.gov

Carl,

I trust you received a copy of attorney Schmidt's 9-19-12 letter in the above case. Though my tenure in this department has been short, I must confess that I have never had a developer or its attorney file zoning or development plans with this office.

In any event, Mr. Schmidt asked me to forward to you the 13 copies of the engineer's revised plan, which I will do today. You will also note that this matter is on "remand" from the board of appeals, but as of today I have not received an order from the CBA on this case, just the attorney's letter.

Finally, I am copying Kristen on this email because in the letter the attorney states that dates have already been chosen for the zoning hearing (Oct. 23, 24 and 30) and I just wanted to be sure she was aware of that issue.

Thanks, John.

*Copies put in
pl's box
for
Carl Richards
9/25
AM*

Debra Wiley - 513 & 515 Pleasant Hill - BOA REMAND - 2009-0289-SPHXA

From: Debra Wiley
To: jcholzer@cavtel.net; Ischmidt@gildeallc.com
Date: 9/25/2012 12:36 PM
Subject: 513 & 515 Pleasant Hill - BOA REMAND - 2009-0289-SPHXA
CC: Lewis, Kristen

Good Afternoon,

We understand that there are still some unresolved dates in October concerning the above. Please understand that our office needs to have the October calendar released to us this week and this unfortunate situation is somewhat preventing that. Please be advised that Judge Beverungen has added a much needed appointment on October 30th; therefore, if this is one of your dates, he is only available from 10 to 12.

Please contact Kristen Lewis ASAP to get these dates resolved; we'd appreciate it.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Debra Wiley - 513-515 Pleasant Hill, LLC (Case No. 09-289-SPHXA)

From: Alyssa Fiore <afiore@sgs-law.com>
To: "dwiley@baltimorecountymd.gov" <dwiley@baltimorecountymd.gov>
Date: 10/4/2012 12:36 PM
Subject: 513-515 Pleasant Hill, LLC (Case No. 09-289-SPHXA)
CC: Alyssa Fiore <afiore@sgs-law.com>, Lawrence Schmidt <lschmidt@sgs-law.com>
Attachments: Order remanding case to ALJ.PDF; Letter to Stahl re_ remand of case - pdf.PDF

Bill
Wisenen
case

Debbie,

As we discussed today, when the above matter went to public hearing on September 12, 2012 at the Board of Appeals, the new plan was noted as a preliminary matter and the Board orally advised that the matter would be remanded to your office. A written order from the Board is attached; remanding the case to your office for further proceedings to consider the new plan and adjusted relief. A letter was forwarded to Mr. Stahl on September 19, 2012 (a copy of which I have attached for your convenient reference), enclosing thirteen (13) copies of the new plan. I understand you are waiting to receive the file from the Board.

As we further discussed, Kristen Lewis has tentatively scheduled the hearing before Mr. Stahl on November 5th and 7th.

Please call me if you have any questions.

Alyssa M. Fiore
Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
(410) 821-0070
(410) 821-0071 - fax
afiore@sgs-law.com

Rec'd file 10/11
Jury
to deliver
Rec'd 10/11

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this e-mail in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

Debra Wiley - Nov. 5th and 7th Dates - REMAND from BOA

From: Debra Wiley
To: Lewis, Kristen
Date: 10/11/2012 1:21 PM
Subject: Nov. 5th and 7th Dates - REMAND from BOA

Hi Kristen,

In reference to the Remand case from the BOA, you and I discussed that you were tentatively holding Nov. 5th and 7th. I have spoken to John Beverungen who is in agreement with these dates. Before I send a letter, can you confirm 10 AM for both dates and is it in Room 205?

Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

*yes per
Kristen
11-10-12
3:28 PM*

Debra Wiley - Ltr.2009-0289-SPHXA REMAND FR BOA HEARING NOTIF.doc

From: Debra Wiley
To: Lewis, Kristen
Date: 10/11/2012 3:30 PM
Subject: Ltr.2009-0289-SPHXA REMAND FR BOA HEARING NOTIF.doc
Attachments: Ltr.2009-0289-SPHXA REMAND FR BOA HEARING NOTIF.doc

Hi Kristen,

For your Nov. calendar. Thanks !

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

October 11, 2012

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

J. Carroll Holzer, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, MD 21286

RE: REMAND FROM BOARD OF APPEALS
Petitions for Special Hearing, Special Exception and Variance
Case No.: 2009-0289-SPHXA
Property: 513 and 515 Pleasant Hill Road

Dear Counsel:

Please be advised that we are in receipt of the case file from the Board of Appeals of Baltimore County pertaining to the above-referenced matter. As you are aware, this matter was appealed to the Board of Appeals from an Order issued by Zoning Commissioner Wiseman on July 15, 2009.

The matter came before the Board of Appeals on May 24, 2012 and September 12, 2012. On September 28, 2012, the Board issued an Order that the case be remanded to the Office of Administrative Hearings for consideration of the amendment and issues presented on the record, as agreed by all parties.

The purpose of this letter is to advise you that the above-referenced case has been scheduled for 10:00 AM, Room 205, of the Jefferson Building, 105 West Chesapeake Avenue, Towson, for two days -- Monday, November 5, 2012 and Wednesday, November 7, 2012.

Thank you for your prompt attention to this matter.

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

Addressees:

c: Louis Fritz, Sr., 503 Sunfield Court, Reisterstown, MD 21136
Charles R. Crocken, P.E., 902 Lee Avenue, Sykesville, MD 21784
David H. Karceski, Esquire, Venable, LLP, 210 West Pennsylvania Avenue,
Suite 500, Towson, MD 21204
Pleasant Hill Development Associates, II, LLC, 1010 St. Georges Road,
Baltimore, MD 21210
Hanover Gardens Four, LLC, 1010 St. Georges Road, Baltimore, MD 21210
St. John Properties, Inc., 2560 Lord Baltimore Drive, Baltimore, MD 21244
Stuart Foard, Merritt-DMI, LLC, 2066 Lord Baltimore Drive, Baltimore, MD 21244
Jacqueline Geary, 507 Pleasant Hill Road, Owings Mills, MD 21117
Charles E. Kellar, 511 Pleasant Hill Road, Owings Mills, MD 21117
Michael S. Schiller, 509 Pleasant Hill Road, Owings Mills, MD 21117
Lee Kellar, 511 Pleasant Hill Road, Owings Mills, MD 21117
Christopher Schoster, 601 Pleasant Hill Road, Owings Mills, MD 21117
Theresa R. Shelton, Administrator, Baltimore County Board of Appeals
Peter Max Zimmerman, People's Counsel, Office of People's Counsel
Arnold Jablon, Director, Department of Permits, Approvals and Inspections
Andrea Van Arsdale, Director, Department of Planning
Vincent J. Gardina, Director, Department of Environmental Protection and Sustainability
Michael Field, County Attorney, Office of Law
Nancy West, Assistant County Attorney, Office of Law

Debra Wiley - Re: 513-515 Pleasant Hill Road (Case No. 2009-0289-SPHXA)

From: John Beverungen
To: Alyssa Fiore
Date: 10/16/2012 10:30 AM
Subject: Re: 513-515 Pleasant Hill Road (Case No. 2009-0289-SPHXA)
CC: Debra Wiley; LawrenceSchmidt

No sign posting is necessary for this remanded case.

>>> Alyssa Fiore <afiore@sgs-law.com> 10/15/12 4:02 PM >>>
ALJ Beverungen,

I write by way of follow up to your October 11th letter with regard to the above referenced matter. I have attached the letter for your convenient reference.

Please clarify whether you require a sign posted for the November 5th and 7th hearings.

Thank you for your attention to this matter.

Alyssa M. Fiore
Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
(410) 821-0070
(410) 821-0071 - fax
afiore@sgs-law.com

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this e-mail in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

Debra Wiley - 2009-0289-SPHXA - REMAND 11/5 & 11/7 - Pleasant Hill Rd.

From: Debra Wiley
To: jcholzer@cavtel.net; Ischmidt@gildeallc.com
Date: 11/2/2012 10:58 AM
Subject: 2009-0289-SPHXA - REMAND 11/5 & 11/7 - Pleasant Hill Rd.
Attachments: 9-289 REMAND_1.doc

Good Morning,

Please be advised that the attached ZAC comment was received today from the Department of Planning for the above-referenced case.

Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Subject: 2009-0289-SPHXA - REMAND 11/5 & 11/7 - Pleasant Hill Rd.
Created By: dwiley@baltimorecountymd.gov
Scheduled Date:
Creation Date: 11/2/2012 10:58 AM
From: Debra Wiley

Recipient	Action	Date & Time	Comment
To: jcholzer@cavtel.net (jcholzer@cavtel.net)	Pending		
To: lschmidt@gildeallc.com (lschmidt@gildeallc.com)	Pending		

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: November 1, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 513 and 515 Pleasant Hill Road

INFORMATION:

Item Number: 9-289 REMAND FROM BOARD OF APPEALS

Petitioner: Pikesville Towing Inc.

Zoning: ML-IM

Requested Action: Special Exception and Special Hearing

The petitioner requests the following relief (according to plan dated 8/30/2012):

Special Exception:

- To permit a service garage for a towing operation in an "ML-IM Zone

Special Hearing:

- To permit continuance of existing residential uses in existing structures on 513 and 515 Pleasant Hill Road.
- To permit a shared septic reserve area for 513 and 515 Pleasant Hill Road.

SUMMARY OF RECOMMENDATIONS:

The proposed site is located in a Master Plan Designated Growth Area. The uses and relief requested by the petitioner could have several detrimental effects on the adjacent properties, the communities in the vicinity of the site and the environmentally sensitive areas (Red Run Stream Valley Trail) in the community.

The site is located adjacent to existing and proposed residential uses. The proposed operation of a service garage, towing yard, used car lot, and disabled vehicle storage lot could generate traffic during evening and late night hours. This could interfere with the residential enjoyment of properties located near this site. Tow truck traffic generated by this site after normal business hours could also be detrimental to residential uses located south and west of this site.

A residential development plan for 110 condominium units, Run Crossing, PAI # 04-665, has been approved (7/19/2010) immediately south of this request. In addition, just south of the Run Crossing development on the Friedler Property, a mid-rise multi-family residential project, PAI # 04-414, of 36 units has been built, as well as the Kentmar development, PAI # 04-563, with 192 multi-family units across Pleasant Hill Road to the southwest.

The site is located north of the Red Run. The Red Run is classified as a Use 3 Stream, which is natural trout breeding stream and should be afforded maximum protection against contamination and uses that alter the temperature of the valuable environmentally sensitive resource. The Red Run is part of the Owings Mills Park and Open Space Concept Plan adopted by the Baltimore County Council on May 15, 1995 which proposed the Red Run Stream Valley Trail, an important recreational amenity for the community.

The Office of Planning recommends **denial** of the requested special exception and special hearing. The uses and relief requested are too intense and have many relative negative impacts to be located on the site proposed.

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

Prepared by: _____

Division Chief: _____
AVA/LL: CM

Debra Wiley - RE: 2009-0289-SPHXA

From: Lawrence Schmidt <lschmidt@sgs-law.com>
To: Debra Wiley <dwiley@baltimorecountymd.gov>, "lschmidt@gildeallc.com" <ls...
Date: 2/1/2013 11:30 AM
Subject: RE: 2009-0289-SPHXA
CC: John Beverungen <jbeverungen@baltimorecountymd.gov>

Thanks Debbie. My secretary is out today and I have a hearing with John this afternoon so I'll be getting something over to you early next week.

Larry

Lawrence E. Schmidt
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
(410) 821-0071 - fax
lschmidt@sgs-law.com

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this email in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

From: Debra Wiley [mailto:dwiley@baltimorecountymd.gov]
Sent: Friday, February 01, 2013 11:19 AM
To: lschmidt@gildeallc.com
Cc: John Beverungen
Subject: RE: 2009-0289-SPHXA

Hi Larry,

Since this case was Remanded to OAH, we have the file folder. Could you send us a copy at the same time when notifying the Board of Appeals. Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

>>> John Beverungen 2/1/2013 10:36 AM >>>

Thanks Larry. I think the 2009 case is still in our office. I think Bill Wiseman began a hearing on the matter, and then the case was put on hold, so to speak. So I think file the dismissal here, and then Deb can close the file. and send it back to PAI. Thanks, John

>>> Lawrence Schmidt <lschmidt@sgs-law.com> 01/31/13 5:05 PM >>>

John: Coincidentally, I emailed Carroll Holzer today and informed him that the appeal period for your order (1 Nicodemus) expired. The appeal deadline was yesterday and we checked this morning. No appeal was filed. Carroll represents the opponents in the 513-515 Pleasant Hill case. As you know, he did not participate in the 1 Nicodemus case.

Since 1 Nicodemus is now "final", I'll be filing an order of dismissal in the 513-515 Pleasant Hill case. I believe that case is pending at the Board of Appeals and I should file it there??? I wanted to wait until the appeal period expired before I moved forward with dismissing the older case.

Larry

Lawrence E. Schmidt
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
(410) 821-0071 - fax
lschmidt@sgs-law.com

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this email in error, please notify Smith, Gildea & Schmidt,

LLC by telephone immediately.

From: John Beverungen [<mailto:jbeverungen@baltimorecountymd.gov>]

Sent: Thursday, January 31, 2013 4:15 PM

To: lschmidt@gildeallc.com

Cc: Debra Wiley

Subject: 2009-0289-SPHXA

Larry,

this concerns your client Louis Fritz. On 12-31-12, in case 2013-0120-SPHX, 1 Nicodemus Road, he was granted relief for a tow truck operation.

As you know, an earlier case, 2009-0289-SPHXA, sought similar relief for a tow truck operation at 513 and 515 Pleasant Hill Rd. I believe you said you were going to dismiss this earlier case after the 30 day appeal period ran on the new 2013 case. Can you please let us know where things stand with the 2009 case.

Thanks.

Arnold Jablon
David H. Karceski
Venable LLP

July 8, 2008

The following represents our clients who are opposed to the requested zoning relief:

Pleasant Hill Development Associates II LLC
1010 St. Georges Road
Baltimore, MD 21210-1413

Hannover Gardens Four LLC
1010 St. Georges Road
Baltimore, MD 21210-1413

St. John Properties, Inc.
2560 Lord Baltimore Drive
Baltimore, MD 21244

Merritt DM1, LLC

2066 Lord Baltimore Drive
Baltimore Maryland 21244

Law Office of Kenneth E. Crocken Attorney At Law
10451 Mill Run Circle Suite 400 Owings Mills MD 21117 Tel. 410-878-2905

April 29 , 2009

Baltimore County Maryland
Office of Zoning
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Special Exception, Special Hearing and Variances
513 and 515 Pleasant Hill Road
Owings Mills, MD
Property #
Zoning: ML-IM
Owner: 513 Pleasant Hill LLC & 515 Pleasant Hill LLC
c/o Mr. Louis E. Fritz

Attention;

On behalf of my client Mr. Louis E. Fritz, we are submitting for your review and comment copies of the Petition for Special Exception, the Petition for Special Hearing and the Petition for Variances concerning the above reference properties.

We have also included copies of the zoning map and zoning description for review and comment.

Mr. Fritz has sold his property located at 345 Pleasant Hill Road and plans to relocate to the referenced property because of adverse traffic conditions created by the construction of improvements to Pleasant Hill Road (Dolfield Blvd.) at the former location.

The Special Exception is requested to permit the property to be used as a service garage including vehicle storage, car towing and rental. A service garage is a pre-determined use permitted in the ML-IM Zone under the county zoning regulations.

The special hearing is requested to confirm the approval for the sale of used vehicles as an accessory use to the operation of a used vehicle rental business and for approval of a shared septic system for 513 and 515 Pleasant Hill Rd. Located on 513 Pleasant Hill Rd.

2009-0289-SPHX-A

The Petition for Variances has been prepared requesting several internal area variances to make the property comply with current set back requirements relating to the existing building at 515 Pleasant Hill Rd and to the construction of the proposed vehicle storage lots. A variance is requested to permit the use of stone pavement to satisfy the Counties requirement to infiltrate storm water runoff from the site for storm water quality management. A variance is requested to permit parking spaces to be un-striped in lieu of permanent striping on areas not paved with permanent materials.

Without the requested variances the petitioner would suffer practical difficulty and undue hardship taking in to consideration the uniqueness of the property, its location size, soil types and topography.

The petitioner is anxious to submit the project, the review and comments by the zoning office is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenneth E. Crocken', written in a cursive style.

Kenneth E. Crocken,

enclosures

cc

Louis E. Fritz

Charles R. Crocken

MARYLAND DUI DEFENSE - CONSUMER PROTECTION

LAW OFFICE OF KENNETH E. CROCKEN, PC

10451 MILL RUN CIRCLE, SUITE 400 - OWINGS MILLS, MARYLAND 21117 - TEL (443) 802-7145 - FAX (443) 372-4434

HOME - LOCATIONS - CALL (410) 878-2905 FOR A FREE INITIAL CONSULTATION

*# not in service***CONTACT AN ATTORNEY**

FIRST NAME:	
LAST NAME:	
EMAIL:	
PHONE NO.:	
COMMENTS AND ADDITIONAL INFORMATION:	

SUBMIT

KENNETH E. CROCKEN HAS SERVED CLIENTS THROUGHOUT MARYLAND CENTERED AROUND HIS PHILOSOPHY OF A PERSONALIZED ATTORNEY-CLIENT RELATIONSHIP. CLIENTS CAN EXPECT PROMPT ATTENTION AND QUALITY LEGAL REPRESENTATION DELIVERED IN AN EFFICIENT, AFFORDABLE MANNER.

*2009-0289-3PHXA***DUI DEFENSE**

There are time sensitive issues regarding your privilege to drive after being cited for a DUI. Know your rights - Contact a Maryland Lawyer

- MARYLAND DUI NEWS
- MARYLAND DUI FAQ
- TEMPORARY LICENSE

CONSUMER PROTECTION

If you are in foreclosure and someone has contacted you about saving your home, call a attorney first.

KNOW YOUR RIGHTS - FORECLOSURE RES

LAW OFFICES
J. CARROLL HOLZER, P.A.

508 FAIRMOUNT AVENUE
TOWSON, MARYLAND 21286
(410) 825-6961

FAX (410) 825-4923 / E-MAIL: JCHOLZER@CAVTEL.NET

—•••••—
Facsimile Cover Sheet
—•••••—

To: The Honorable Lawrence M. Stahl

From: J. Carroll Holzer

Date: 9/24/12

Time: 11:30 a.m.

Total Number of Pages Including this Cover: 3

Original Will. ____ / Will Not X Follow.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

For Sending Office Purposes:

Fax Number: 410-887-3468

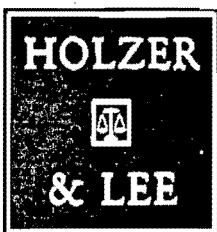
Main Number:

Client & Matter:

File Number:

CONFIDENTIALITY NOTICE

The information in this transmittal is intended only for the individual or entity named above. The attached letter or documents may be legally privileged and confidential. If you have received this information in error, please notify the sender immediately and return the original transmission to us by mail. Return postage is guaranteed. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure, dissemination, distribution or copying of this communication or its contents is strictly prohibited and a breach of confidentiality.



LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER

1997-1989

THOMAS J. LEE

OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.

TOWSON, MD 21286

(410) 825-6961

FAX: (410) 825-4923

E-MAIL: JCHOLZER@CAVTEL.NET

September 24, 2012

#7972

SENT VIA FAX - 410-887-3468

The Honorable Lawrence M. Stahl
Chief Administrative Law Judge
Jefferson Building
111 West Chesapeake Avenue
Suite 105
Towson, Maryland 21204

RE: *513 & 515 Pleasant Hill, LLC/513 & 515 Pleasant Hill Road*
Case No.: *2009-0289-SPHXA*

Dear Judge Stahl:

I have just received a letter from Lawrence E. Schmidt dated September 19, 2012, in which references the above-captioned matter.

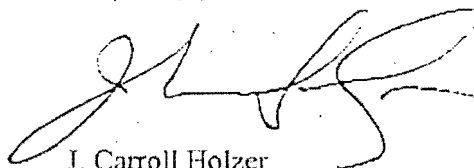
In his last paragraph, he indicates that there have been tentative days for a hearing before Administrative Law Judge Beverungen on Tuesday, October 23rd, Wednesday, October 24th and Tuesday, October 30, 2012, and a fourth day may also be scheduled.

Please be advised that I have notified Mr. Schmidt that a key witness who will be required to be at the hearing is unavailable for Monday, October 22nd, Tuesday, October 23rd and Wednesday, October 24, 2012, which were the proposed dates provided by the Assignment Office. I now see that Mr. Schmidt is suggesting that October 23rd, 24th and 30th be scheduled. I am in the process of contacting my clients again to be sure that they are available at least for October 23rd, 24th and 30th before those days are accepted as final.

The Honorable Lawrence M. Stahl
Chief Administrative Law Judge
September 24, 2012
Page two

I would appreciate having the opportunity to confirm these dates with the Assignment Office as well as my clients before these dates become final.

Very truly yours,

A handwritten signature in black ink, appearing to be 'JCH', written over a horizontal line.

J. Carroll Holzer

JCH:mlg

cc: Lawrence E. Schmidt, Esquire
Mr. Stuart Foard, P.E.
Merritt Properties
Mr. Thomas Pilon, P.E.
St. John Properties
Mr. Lee Kellar

From: Lawrence Schmidt <lschmidt@sgs-law.com>
To: Theresa Shelton <tshelton@baltimorecountymd.gov>
CC: Krysundra Cannington
<kcannington@baltimorecountymd.gov>, J Carroll Holz...
Date: 5/15/2012 3:47 PM
Subject: RE: Schulte & Pikesville Towing

Theresa: That is all correct. Carroll and I agreed it made sense to make sure we finished Schulte on May 24 and not have the witnesses in Fritz hanging around waiting on that.

I'll check with my clients and witnesses on Fritz and let you know which dates are acceptable.

Larry

Lawrence E. Schmidt
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
(410) 821-0071 - fax
lschmidt@sgs-law.com

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this email in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

-----Original Message-----

From: Theresa Shelton [mailto:tshelton@baltimorecountymd.gov]
Sent: Tuesday, May 15, 2012 3:44 PM
To: Lawrence Schmidt
Cc: Krysundra Cannington; J Carroll Holzer; wendell.grier@comcast.net; andybelt7@gmail.com; Ed Crizer; Amy Gillespie
Subject: Re: Schulte & Pikesville Towing

Larry:

Good Afternoon and thank you for your e-mail with regard to the cases scheduled on May 24, 2012.

To confirm: Schulte will proceed as scheduled. Fritz will be opened and postponed on the record by Counsel.

Witnesses do not need to appear on Fritz. Counsel will try to establish an agreed date(s) for Fritz from the dates given below. Upon agreed dates being established, the Notice of Re-assignment will be issued.

May I propose the following dates for re-scheduling Fritz. Just let me know if any of these dates are acceptable to Counsel and your clients.

The dates are as follows:

7/10; 7/11; 7/12; 7/17; 7/19; 8/22 and 8/23. I am thinking that Fritz may need 2 days.

Thank you for your support and assistance with these matters.

Theresa
Semper Fi

Theresa R. Shelton, Administrator
Board of Appeals for Baltimore County
Suite 203, The Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

410-887-3180
410-887-3182 (FAX)
tshelton@baltimorecountymd.gov

I took the Green @ Work Energy Challenge Pledge.

Confidentiality Statement

This electronic mail transmission contains confidential information belonging to the sender which is legally privileged and confidential. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking of any action based on

the contents of this electronic mail transmission is strictly prohibited. If you have received this electronic mail transmission in error, please immediately notify the sender.

>>> Lawrence Schmidt <lschmidt@sgs-law.com> 5/15/2012 2:52 PM >>>
Hi Theresa:

I talked to Sterling in Carroll Holzer's office today and he was able to reach Carroll on vacation in Florida. We have agreed to keep the Schulte matter in for next week (the 24th) so that it can be handled on that date.

We have been discussing settlement and although the differences have been narrowed we are still not there.

We are going to keep talking and are hoping to reach an agreement. I do believe, however, that Carroll will need to be back in town and available so that we can possibly meet face to face and work out the remaining issues. Therefore, I don't see any settlement being finalized until next week. If the case cannot be settled, then we will be ready to move forward next week, so, one way or the other, we will finish that matter (Schulte) next week.

Since we don't know how that will resolve itself, we are requesting that the Pikesville Towing (513 & 515 Pleasant View) be postponed. We can open the case on the record and then continue it. We have agreed that the clients or witnesses need not be there.

The issue is that the Pikesville case may entail a number of witnesses and might consume some time and it is not advisable to bring all of those people into the hearing in the event Schulte doesn't settle and runs over the allotted time of one hour.

Therefore, in summary, I will be there first thing for the Mattes deliberation (Carroll isn't in that matter) and then Carroll and I will be ready to proceed at 10:00 on Schulte. Hopefully, we'll have an agreement to put on the record but if not, we will be ready to move forward. Sometime during the course of the day we'll open, and immediately continue, Pikesville Towing.

At least we know that one of these long standing cases can be moved and hopefully concluded next week. I'll bring my calendar to set a continued date on Pikesville Towing.

Thanks Theresa and let me know if this is all ok.

Larry

Lawrence E. Schmidt
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
(410) 821-0071 - fax
lschmidt@sgs-law.com<mailto:lschmidt@sgs-law.com>

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this email in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN
MICHAEL G. DEHAVEN
RAY M. SHEPARD

LAUREN M. DODRILL
CHARLES B. MAREK, III
NATALIE MAYO
ELYANA TARLOW
JASON T. VETTORI
REBECCA G. WYATT

RECEIVED

SEP 20 2012

of counsel:

JAMES T. SMITH, JR.

OFFICE OF ADMINISTRATIVE HEARINGS

September 19, 2012

Via Hand-Delivery

Honorable Lawrence M. Stahl
Administrative Law Judge
111 West Chesapeake Ave, Suite 105
Towson, MD 21204

**Re: 513 & 515 Pleasant Hill, LLC/513 & 515 Pleasant Hill Road
Case No. 2009-0289-SPHXA**

Dear Mr. Stahl:

Kindly be advised that I represent 513 & 515 Pleasant Hill, LLC, Petitioners in the above matter. This case was originally filed as a Petition for Special Exception, Special Hearing and Variance for the property located at 513 & 515 Pleasant Hill Road. As originally filed, the Petitioner requested the following relief:

1. Special Exception to permit a service garage for a tow truck operation in an ML-IM Zone at the subject property.
2. Special Hearing to permit continuance of existing residential use on 513 and 515 Pleasant Hill Road.
3. Special Hearing to confirm approval for the sale of incidental used vehicles as an accessory use in the operation of a used vehicle rental business.
4. Special Hearing to permit a shared septic reserve area for 513 and 515 Pleasant Hill Road located on 513 Pleasant Hill Road.
5. A variance to permit a side yard setback of 6 feet in lieu of 30 feet.
6. A variance to allow a disabled vehicle storage lot with stone paving in lieu of the required permanent all weather paving.
7. A Variance to allow a used car rental lot on stone paving in lieu of the required permanent all weather paving.
8. A variance to allow un-stripped parking spaces.

Honorable John E. Beverungen
September 19, 2012
Page 2

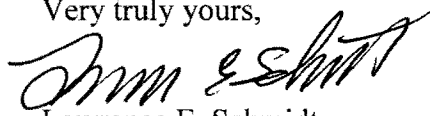
Following a public hearing, the Petitions were denied by Order of then Zoning Commissioner William J. Wiseman III dated July 15, 2009. His order denied the petitions and the relief requested therein, as shown on a plan prepared by the Petitioner's engineer, Charles Crocken. The matter was timely appealed to the Baltimore County Board of Appeals.

Both the Petitioner and the Protestants retained new counsel for the Board of Appeals hearing. I was retained by Petitioner and J. Carroll Holzer, Esquire was retained by Protestant. Additionally, the Petitioner engaged the services of Kenneth J. Wells, surveyor, to prepare a new site plan, replacing Mr. Crocken's plan. The new site plan prepared by Mr. Wells slightly amended the proposal. The proposed use (i.e. a special exception for a proposed tow operation/service garage) remains the same. However, the most significant change from the old plan to the new was that a proposed loose stone and gravel parking/storage area was replaced with a durable and dustless surface parking area. The durable and dustless surface alteration eliminated three of the four variances and a portion of the special hearing request. There are several other modest changes to the plan and notes thereon which may revise the nature of the requested relief.

When the matter went to public hearing at the Board, the new plan was noted as a preliminary matter and the Board orally advised that the matter (because it has been amended and there is a new plan) should be remanded to your office. A written order from the Board is expected shortly; remanding the case to your office for further proceedings to consider the new plan and adjusted relief. At the Board's direction, I enclose herewith thirteen (13) copies of Mr. Wells' plan. As is the practice in any zoning case and at the Board's direction, I request that you transmit these copies to Carl Richards for distribution to the Zoning Advisory Committee ("ZAC"). Upon the review of the plan by these County agencies and departments, their written comments should be submitted to you for your consideration at the remand hearing for this matter. In this regard, Kristen Lewis has tentatively scheduled the hearing before Mr. Beverungen on October 23th, 24th and 30th. A fourth day may also be scheduled. The hearings are to begin at 1:30 p.m. on each day. Given the time from now until the first hearing date, the ZAC advisory comments should be easily available to you (with copies to the parties) by the first hearing date.

Please contact me should you have any questions regarding this matter.

Very truly yours,



Lawrence E. Schmidt

LES: amf
Enclosure

cc: Louis E. Fritz, Sr., 513 & 515 Pleasant Hill, LLC
Kenneth J. Wells
J. Carroll Holzer, Esquire
Theresa Shelton, Board of Appeals
W. Carl Richards

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN
MICHAEL G. DEHAVEN
RAY M. SHEPARD

LAUREN M. DODRILL
MICHAEL J. LIPPENHOLZ
CHARLES B. MAREK, III
ELYANA TARLOW
JASON T. VETTORI
REBECCA G. WYATT

of counsel:

JAMES T. SMITH, JR.

July 15, 2011

Sent via Hand Delivery

Theresa R. Shelton
County Board of Appeals of Baltimore County
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

RECEIVED
JUL 15 2011

**BALTIMORE COUNTY
BOARD OF APPEALS**

**Re: 513 & 515 Pleasant Hill, LLC/513 & 515 Pleasant Hill Road
Case No. 2009-0289-SPHXA**

Dear Ms. Shelton:

As you know, I represent the Petitioner, 513 & 515 Pleasant Hill, LLC, in the above referenced matter. This letter is a formal request for postponement of the hearing scheduled for this matter on July 19, 20 and 21, 2011.

I was advised this morning that due to circumstances beyond our control, a key expert witness who was scheduled to testify at the hearing is now unavailable. Due to these circumstances, I will be unable to present an adequate presentation in support of the Petitions filed.

I have spoken with J. Carroll Holzer (attorney for Protestants) regarding this postponement and he has no objection. Mr. Holzer and I request that this matter not be set in for a new hearing to give the parties an opportunity to explore a settlement. I will advise you within thirty (30) days of the date of this letter with the status of our negotiations.

Thank you in advance for your consideration of this most important matter.

Very truly yours,

Lawrence E. Schmidt /e

Lawrence E. Schmidt

LES: jkl

CC: J. Carroll Holzer, Holzer & Lee
Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County
Louis E. Fritz, Sr., 513 & 515 Pleasant Hill, LLC
Jason T. Vettori, Esquire

IN THE MATTER OF:

Louis Fritz, Sr.

513 & 515 Pleasant Hill, LLC

513 & 515 Pleasant Hill Road

4th Election District

4th Councilmanic District

*

BEFORE THE

*

BALTIMORE COUNTY

*

BOARD OF APPEALS

*

Case No. 09-289-SPHXA

*

*

*

*

*

*

*

*

*

*

*

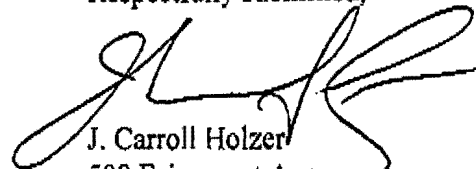
*

*

ENTRY OF APPEARANCE

Please enter the appearance of J. Carroll Holzer, Esquire on behalf of Protestants Pleasant Hill Development Associates; Hanover Gardens Four, LLC; St. John Properties, Inc.; Merritt-DMI, LLC, and individuals Charles Kellar,; Lee Kellar; Christopher Schoster, and Michael Schiller in the above captioned case. Notice should be sent of any hearings, motions and other proceedings in this matter, and of the passage of any preliminary or final Order to undersigned counsel at the address contained herein. All parties should copy J. Carroll Holzer on all correspondence and documents in the instant matter.

Respectfully submitted,



J. Carroll Holzer

508 Fairmount Ave.

Towson, MD 21286

(410) 825-6961

Attorney for Protestants

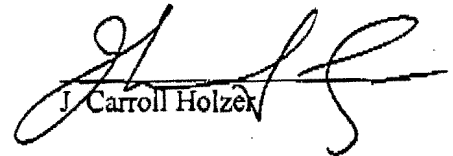
RECEIVED

JUL 15 2011

**BALTIMORE COUNTY
BOARD OF APPEALS**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15th day of July, 2011, a copy of the foregoing Entry of Appearance was mailed first class postage pre-paid to: Lawrence Schmidt, Esquire, Gildea & Schmidt, LLC, 600 Washington Ave., Suite 200, Towson, MD 21204.



J. Carroll Holzer

ARNOLD JABLON
T (410) 494-6298

aejablon@venable.com

8 December 2010

Theresa R. Shelton
Administrator
County Board of Appeals
Jefferson Bldg, 2nd Floor
Suite 203
Towson, Maryland 21204

Re: Case No. 09-289 SPHXA
In Re: Louis Fritz, Sr

Dear Ms. Shelton:

By this letter, I am withdrawing my appearance as co-counsel in the above captioned zoning matter. David Karceski, Esq., of 210 West Pennsylvania Ave., Towson, Maryland 21204, will continue to represent the Protestants.

Thank you.

Sincerely,



Arnold Jablon
AEJ/aj

c: Peter M. Zimmerman, Esq.
People's Counsel
Lawrence E. Schmidt, Esq.

RECEIVED
DEC - 8 2010

BALTIMORE COUNTY
BOARD OF APPEALS

VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147
www.venable.com

VENABLE
ATTORNEYS AT LAW

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

Michael H. Davis
(410) 494-6284

mhdavis@venable.com

*register
with
all the
new stuff we
will have to
can place*

October 14, 2002

HAND-DELIVERED

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

Re: Cromwell Valley Automotive
1101 Cromwell Valley Bridge Road
9th Election District, 6th Councilmanic District

Dear Mr. Jablon:

This firm represents Ricky A. McCain, the lessee of the above-referenced property containing approximately 0.788 acres of land (the "Property"). According to the Baltimore County 200' Scale Comprehensive Zoning Maps (Map No. NE-10C), the Property is zoned ML-IM. On the Property, Mr. McCain operates Cromwell Valley Automotive, Inc. ("Cromwell Valley"), a service garage. Cromwell Valley's primary business is the minor servicing and repair of automobiles.

In addition to its current operations, Cromwell Valley proposes to keep for sale a limited number of automobiles. Only those vehicles repaired or serviced on the property would be offered for sale, and the number of vehicles sold would be limited to twenty (20) per year. Additionally, no more than six (6) vehicles would be kept for sale on the property at any one time. For your convenience, I have attached a copy of the Order and site plan filed in Case No. 96-281-X, prepared by Spellman, Larson & Associates, Inc., that indicates the portion of the parking area to be devoted to the display of automobiles (that Cromwell Valley has repaired or serviced) for sale. I am writing to confirm that this

Arnold Jablon, Director
October 14, 2002
Page 2

change to Cromwell Valley's operations is within the spirit and intent of the Deputy Zoning Commissioner's Order in Case No. 96-281-X, dated March 18, 1996.

By way of brief history, the property owner received approval of its site plan, entitled "PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION," and Petition for Special Exception to permit a service garage in a ML-IM for, in part, the minor servicing and repair of vehicles in the 1996 case. The Deputy Zoning Commissioner indicated on page 2 of the Order that no protestants were present at the public hearing. In Case No. 98-331-SPH, the Property owner filed a Petition for Special Hearing to approve an extension of the time period to utilize the special exception granted in Case No. 96-281-X. The Zoning Commissioner granted the extension and, again, noted that no protestants or other interested persons were present. In the 1998 case, the Zoning Commissioner determined that "it is obvious that the proposed use of the subject site is appropriate and will not be detrimental to the health, safety or general welfare of the locale."

A service garage is defined as "[a] garage, other than a residential garage, where motor driven vehicles are stored, equipped for operation, repaired or *kept for renumeration, hire or sale.*" Section 101 of the Baltimore County Zoning Regulations ("BCZR"). BCZR Section 253.2.B.3 permits service garages by special exception in the ML-IM zone, without limiting the permitted service garage activities listed in the service garage definition. A reading of the definition makes clear that, provided a vehicle is repaired or serviced on the property, it may also be "kept" there for sale. No additional approvals are required under the definition or by way of the ML-IM zoning regulations. Cromwell Valley's proposed change to the site plan approved in the 1996 is, therefore, consistent with the definition and the permitted operation of a service garage in the ML-IM zone.

In addition to meeting the definition of "service garage," the proposed change will result in only a minor adjustment to the site plan approved in Case No. 96-281-X. No increase in the special exception area will be required, and there is excess parking on the site to accommodate the sale of a small number of vehicles. With regard to advertising, Cromwell Valley proposes no additional signage on the property or off-site advertising of any kind devoted to the sale of automobiles. As discussed above and designated on the

Arnold Jablon, Director
October 14, 2002
Page 3

enclosed site plan, only six (6) parking spaces would be devoted to the keeping of vehicles for sale. Three (3) of those spaces are proposed along Cromwell Bridge Road and another three (3) along the rear of the parking lot. This change will not result in an increase in the number of vehicles repaired and/or serviced on the property.

At this time, I would appreciate your confirming by countersignature below that, because the sale of a limited number vehicles on the property, as discussed above, is permitted under the definition of service garage and within the spirit and intent of the Deputy Zoning Commissioner's Order, dated March 18, 1996, no additional zoning relief is required. If you need any further information in order to complete your review, please feel free to give me a call. Thank you for your assistance with this matter.

With this letter, I have enclosed a check in the amount of \$40.00 made payable to "Baltimore County, Maryland" to cover the administrative costs associated with your review. If you need any further information in order to complete your review, please feel free to give me a call.

Very truly yours,



Michael H. Davis

MHD/dhk
Enclosure

Arnold Jablon, Director
Department of Permits &
Development Management

Date

CASE NAME 513-515 File
ed
CASE NUMBER 2009-0289-
DATE 11/5/12 SPHKA
ET

CASE NAME 513-515 File
ed
CASE NUMBER 2009-0289-
DATE 11/5/12 SPHKA
ET

[illegible]

CASE NAME 513 + 515 Pleasant Hill Rd
CASE NUMBER 2009 - 289 - ~~SP~~HA
DATE NOV. 5, 2012

NAME _____

ADDRESS

CITY, STATE, ZIP

E - MAIL

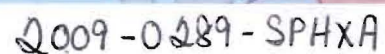
[illegible]

CASE NAME 513#515 Pleasant Hill
CASE NUMBER 2009-0289-SPHWA
DATE 7/9/2009

[illegible]

CASE NAME 2009-0289-SPHX
CASE NUMBER 2009-0289-SPHX
DATE 7/9/09

[illegible]



W 12-J

ERTY (PDM File/Project # 4-285)

2009-0289-SPHXA

ML IM

058A3

HILL ROAD

ASANT

#513

#515

SITE

ZONING
ML-IM



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw4.3)

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

Account Identifier: District - 04 Account Number - 0411015950

Owner Information

Owner Name: 513 PLEASANT HILL, LLC **Use:** RESIDENTIAL
Mailing Address: 503 SUNFIELD COURT **Principal Residence:** NO
 REISTERSTOWN MD 21136-6113 **Deed Reference:** 1) /27219/ 284
 2)

Location & Structure Information

Premises Address

513-PLEASANT-HILL-RD

Legal Description

PLEASANT HILL RD
 100FT N PROPOSED

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
58	19	354						2	Plat Ref:

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000	1,796 SF	.91 AC	07

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2008	07/01/2009
Land	229,200	229,200		
Improvements:	82,600	152,000		
Total:	311,800	381,200	334,933	358,066
Preferential Land:	0	0	0	0

Transfer Information

Seller: KELLAR JOHN DEMMITT	Date: 07/31/2008	Price: \$336,500
Type: IMPROVED ARMS-LENGTH	Deed1: /27219/ 284	Deed2:
Seller: DISNEY HARRIET E	Date: 09/08/1954	Price: \$2,500
Type: UNKNOWN	Deed1: / 2550/ 327	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

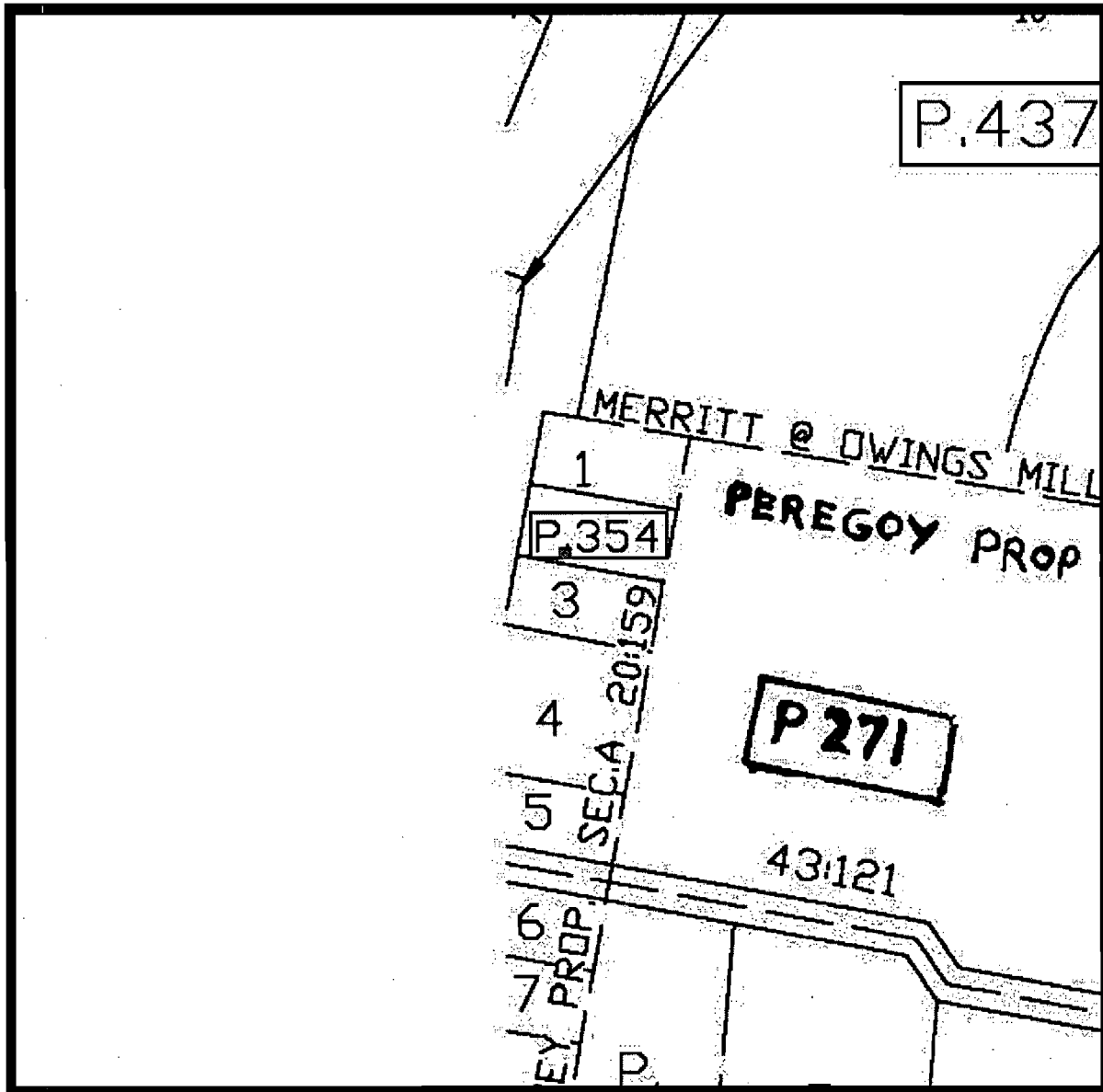
Special Tax Recapture:
 * NONE *



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

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

District - 04 Account Number - 0411015950



Property maps provided courtesy of the Maryland Department of Planning ©2008.
For more information on electronic mapping applications, visit the Maryland Department
of Planning web site at www.mdp.state.md.us/webcom/index.html



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
 Real Property Data Search (2007 vw1.1)

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

Account Identifier: District - 04 Account Number - 0402001870

Owner Information

Owner Name: 515 PLEASANT HILL LLC **Use:** RESIDENTIAL
Mailing Address: 503 SUNFIELD CT **Principal Residence:** NO
 REISTERSTOWN MD 21136-6113 **Deed Reference:** 1) /27140/ 454
 2)

Location & Structure Information

Premises Address 515 PLEASANT HILL RD **Legal Description**
 .46 AC
 515 PLEASANT HILL RD
 DISNEY PLAT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
58	19	354					6	2	Plat Ref: 20/ 159

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000	1,716 SF	.46 AC	07

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2008	07/01/2009
Land	115,000	115,000		
Improvements:	91,400	175,700		
Total:	206,400	290,700	234,500	262,600
Preferential Land:	0	0	0	0

Transfer Information

Seller: KNIGHT LOUIS J	Date: 06/27/2008	Price: \$250,000
Type: IMPROVED ARMS-LENGTH	Deed1: /27140/ 454	Deed2:
Seller: BARRY THOMAS M	Date: 08/01/1975	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 5552/ 781	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

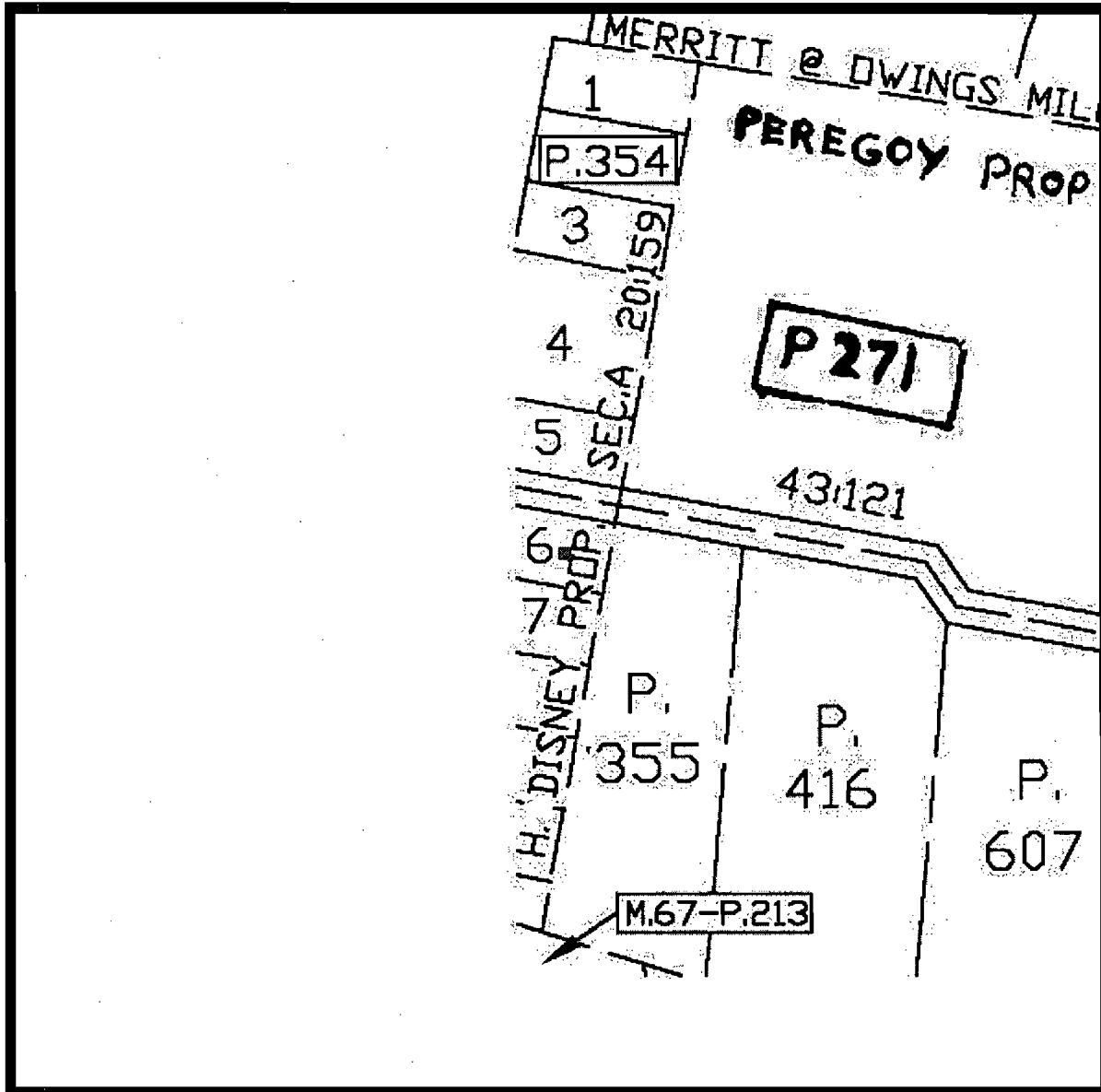
Special Tax Recapture:
 * NONE *



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

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

District - 04 Account Number - 0402001870



Property maps provided courtesy of the Maryland Department of Planning ©2008.
For more information on electronic mapping applications, visit the Maryland Department
of Planning web site at www.mdp.state.md.us/webcom/index.html

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
SE/S Cromwell Bridge Road, *
opposite Glen Eagles Court * DEPUTY ZONING COMMISSIONER
(1101 Cromwell Bridge Road) *
9th Election District * OF BALTIMORE COUNTY
6th Councilmanic District *
W. Worth McKeithan, et ux * Case No. 96-281-X
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception for that property known as 1101 Cromwell Bridge Road, located in the vicinity of Loch Raven Boulevard in Towson. The Petition was filed by the owners of the property, W. Worth and Evelyn B. McKeithan, through their attorney, Anthony J. DiPaula, Esquire. The Petitioners seek a special exception for an automotive detailing shop (service garage) as an auxiliary service use in an I.M. District, pursuant to Section 253.2.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were William S. Fitzell, the Petitioners' son-in-law, Joseph Larson with Spellman, Larson & Associates, Inc., who prepared the site plan for this project, and Anthony J. DiPaula, Esquire, attorney for the Petitioners. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 0.788 acres, more or less, zoned M.L.-I.M., and is improved with a one-story metal building, which has been abandoned for some time. The Petitioners are desirous of renovating the property and to relocate

ORDER RECEIVED FOR FILING

Date 3/18/96

By [Signature]

RECORDED

Roscoe's Auto Detailing business from its present location on Joppa Road to the subject site. Testimony revealed that the Petitioners presently operate McKeithan's Auto Sales on Joppa Road and that they utilize Roscoe's to clean and detail the automobiles they sell. Further testimony revealed that Roscoe's also cleans and details the automobiles sold by Bob Davidson Ford. Both of these dealerships are located in close proximity to the subject site. Testimony indicated that Roscoe's current operation on Joppa Road has caused some traffic congestion when vehicles are being taken to and from the site. Thus, the Petitioners believe the proposed relocation will not only be of benefit to Roscoe's Automobile Detailing business, but will also bring a viable tenant to the subject site.

On behalf of the Petitioners, Mr. DiPaula testified that he approached the Cromwell Valley Community Association regarding his clients' intended use of the property. He testified that the Community Association was very happy to hear that a tenant intended to locate to the subject site and that the Association had realized that the abandoned gasoline service station had become an eyesore. The Association supports the proposed automotive detailing shop provided there is compliance with certain conditions as contained in a letter offered into evidence by Mr. DiPaula and marked as Petitioner's Exhibit 2. Therefore, approval of the relief granted shall be conditioned upon the Petitioners' compliance with the terms and conditions set forth therein.

It is clear that the B.C.Z.R. permits the use proposed in a M.L.-I.M. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 18th day of March, 1996 that the Petition for Special Exception seeking approval of an automotive detailing shop (service garage) as an auxiliary service use in an I.M. District, pursuant to Section 253.2.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.),

ORDER RECEIVED FOR FILING

Date

By

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

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners shall not allow any body and fender work, or painting to take place on the subject site. Any minor mechanical repairs beyond detailing, cleaning and waxing, must be performed within the service bays of the subject building.
- 3) No damaged or disabled, or partially or fully dismantled vehicles, or parts, shall be stored on the subject site.
- 4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By

Case No.: 2009-0289-SPHXA 513 & 515 PLEASANT HILL RD.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	02-330-SPHXA - Previous Relief for current Site
No. 2		Aerial Photo of current location
No. 3		magnified Photo of current location
No. 4		4a-4L Photos of property area
No. 5		Aerial Photo of New, proposed location
No. 6		magnified Aerial Photo of SIS - 513 Pleasant Hill Rd.
No. 7		Nov. 9, 1954; Deed for SIS
No. 8		July 7, 1975; assignment - - - SIS to Knight
No. 9		June 14, 2003; Knight to SIS PH LLC, Assignment
No. 10		Sept 4, 1954; Disney to Keller, Deed; SIS PH Road
No. 11		July 15, 2003; Deed from Keller to SIS PH LLC;
No. 12		Identification only: letter from 2003 SPHXA

IN RE: PETITIONS FOR SPECIAL HEARING,	*	BEFORE THE
SPECIAL EXCEPTION & VARIANCE -		
W/S Pleasant Hill Road, 900' N of the c/l	*	ZONING COMMISSIONER
Easter Court		
(346 Pleasant Hill Road)	*	OF BALTIMORE COUNTY
4 th Election District		
3 rd Council District	*	Case No. 02-380-SPHXA
 Louis E. Fritz, Sr., et ux	*	
Petitioners		

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owners of the subject property, Louis E. Fritz, Sr., and his wife, Mary Jane Fritz, through their attorney, Michael B. Sauer, Esquire. The Petitioners request a special exception for a service garage (vehicle storage, rental and towing) in an "ML-IM" zone, and a special hearing to confirm approval of the incidental sale of used vehicles as an accessory use in the operation of a used vehicle rental business. In addition, the Petitioners request variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.4.A to permit a two-way driveway with a width as narrow as 10 feet in lieu of the required 20 feet; from Section 409.8.A.2 to permit an access driveway and car rental lot with stone paving in lieu of the required durable and dustless surface; from Section 405.A.2 to permit disabled vehicle storage on a lot with stone paving in lieu of the required permanent all-weather materials; from Section 409.8.A.6 to permit parking spaces to be unstriped in lieu of the required permanent striping; from Section 255.1 to permit side yard setbacks of 10 feet, 12 feet and 19 feet, in lieu of the required 30 feet for Buildings A, B and C, respectively, and rear yard setbacks of 21 feet, 23 feet, and 2 feet in lieu of the required 30 feet for Buildings B, C and D, respectively; and from Sections 255.1 and 102.2 to permit between building setbacks of 2 feet between Buildings B and C, and 25 feet between Buildings C and D and Buildings A and D in lieu of the minimum required 60 feet between each. The subject property and requested relief are more particularly

PROTESTANT' S

EXHIBIT NO. 1

described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Louis Fritz, Sr., property owner, and his son, Louis Fritz, Jr., who is also involved in the business; Charles R. Crocken, the Professional Engineer who prepared the site plan; and, Michael B. Sauer, Esquire, attorney for the Petitioners. Appearing as an interested party on behalf of adjacent property owners was Arthur Adler. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the west side of Pleasant Hill Road, just south of its intersection with Red Run Boulevard in Owings Mills. The property is a flag-shaped lot and vehicular access thereto is by way of a driveway located through the stem of the property accessing Pleasant Hill Road. The property contains 1.3931 acres in area, zoned M.L.-I.M. and has historically been used for commercial purposes. In addition to this parcel, Mr. & Mrs. Fritz own three abutting lots which front on Pleasant Hill Road. These lots are used residentially and total approximately 3.0 acres in area. As shown on the site plan, there are three single family dwellings (one on each lot) with related accessory structures. Apparently, Mr. Fritz acquired these properties on a piecemeal basis.

The issue in the instant case relates to the use of the 1.3931-acre parcel. Mr. Fritz testified that he has owned and operated the business known as Pikesville Auto Towing and Rental since 1966. The business formerly operated in Reisterstown; however, was recently relocated to the subject property. Although body and fender work was performed at its previous location in Reisterstown, Mr. Fritz indicated that the scope of the business has narrowed since its relocation. There is no body and fender work done on the subject property and the main focus of the business at this location is the towing and storage operation. In this regard, Mr. Fritz has been licensed to tow vehicles in Baltimore County for nearly 40 years. He maintains four tow trucks on the subject property and indicated that he tows anywhere from 2 to 10 vehicles per day; 4 vehicles per day on average. Mr. Fritz is called by the Baltimore County Police to remove vehicles involved in automobile accidents or abandoned. Generally, they are towed to the site and stored until

reclaimed by the owners. Frequently, they will be towed from the site to off-site repair shops. In addition to the towing business, Mr. Fritz also rents used cars from the property. He typically maintains anywhere from 15 to 40 rental cars in his fleet. They are frequently leased on a daily or weekly basis to people whose cars have been damaged in accidents. Mr. Fritz indicated that there are no mechanical repairs done on the property, but for the servicing of the rental cars. That is, although relief is requested for a service garage, the business does not do automotive repairs or maintenance work on vehicles other than those that are in the rental fleet. In addition to the towing and rental business, Mr. Fritz also has a limited sales operation. Often, a car from the rental fleet is sold to an individual who has leased that vehicle.

In addition to the testimony offered by Mr. Fritz, testimony was also received from Charles Crocken, the engineer who prepared the site plan. Mr. Crocken described the overall tract, which is actually a combination of three separate lots. As noted above, the lots adjacent to Pleasant Hill Road are used residentially. The rear portion of the tract which totals approximately 1.3931 acres, is utilized for Mr. Fritz' business. The rear of the property is actually divided into several distinct areas. The first is a vehicle storage area, which is used to store vehicles that are towed to the premises. As shown on the plan, this area contains approximately .370 acres and features an 8-foot chain link fence around the perimeter for security of the vehicles.

The second area of the rear portion of the lot is used for the storage of rental vehicles. That area is likewise shown on the plan and contains .426 acres in area. The third area of the rear portion of the property is .4882 acres in area and is improved with a building, which contains both a business office and living quarters. There is also an existing garage and an open shed.

Following the hearing, I visited the site. The property is located within the Owings Mills community. Nearby and adjacent properties have recently been redeveloped with Class A office buildings. In this regard, Mr. Adler expressed some concerns at the hearing regarding potential adverse impacts caused by the subject use on the surrounding locale. I noted the topography of the land is such that the site sits lower than the major nearby intersection of Pleasant Hill Road and Red Run Boulevard. Indeed, the parcel is separated from Red Run Boulevard (a

major connecting road in this locale), by a parcel owned by Baltimore County. In my view, the change in grade and existing vegetation provide a significant buffer from the activities that occur on the site.

Turning first to the Petition for Special Exception, I am persuaded that same should be granted, with certain restrictions. The testimony and evidence offered was persuasive that the proposed use can be conducted on this site without detrimental impacts to the health, safety and general welfare of the locale. It is to be particularly noted that the service garage definition found in Section 101 of the B.C.Z.R. permits a wide number of uses. These include the storage, equipping, repair, and rental, etc. of motor vehicles. As noted above, Mr. Fritz' business is limited and does not encompass all of the activities described in that definition. A restriction permitting only the activities that comprise his business is appropriate.

As to the Petition for Special Hearing, relief is requested to approve the incidental sale of vehicles as an accessory use to the used vehicle rental business. Again, based on the testimony and evidence presented, it is clear that the sale of vehicles from this site is accessory and not a primary activity. The number of sales are limited and the vehicles sold largely come from Mr. Fritz' rental fleet. This is not a new or used car sales operation. As an accessory use incidental to the primary activity of renting cars and the towing business, the use may continue.

Finally, a series of variances are requested. It is to be noted that all of these variances involve internal lot lines or relate to existing conditions. As noted above, the overall tract actually encompasses three separate parcels which were acquired piecemeal by Mr. Fritz. Additionally, the buildings have existed for many years and there is no new construction planned. Due to these circumstances I am persuaded that variance relief should be granted. The property is surely unique by virtue of its topography and the fact that Mr. Fritz has accumulated adjacent lots and combined same into one overall tract. With proper screening, the activity on the site is appropriate and variance relief can be granted.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this ____ day of May, 2002 that the Petition for Special Exception for a service garage (vehicle storage, rental and towing) in an "ML-IM" zone, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to confirm approval of the incidental sale of used vehicles as an accessory use in the operation of a used vehicle rental business, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.4.A to permit a two-way driveway with a width as narrow as 10 feet in lieu of the required 20 feet; from Section 409.8.A.2 to permit an access driveway and car rental lot with stone paving in lieu of the required durable and dustless surface; from Section 405.A.2 to permit disabled vehicle storage on a lot with stone paving in lieu of the required permanent all-weather materials; from Section 409.8.A.6 to permit parking spaces to be unstriped in lieu of the required permanent striping; from Section 255.1 to permit side yard setbacks of 10 feet, 12 feet and 19 feet, in lieu of the required 30 feet for Buildings A, B and C, respectively, and rear yard setbacks of 21 feet, 23 feet, and 2 feet in lieu of the required 30 feet for Buildings B, C and D, respectively; and from Sections 255.1 and 102.2 to permit between building setbacks of 2 feet between Buildings B and C, and 25 feet between Buildings C and D and Buildings A and D in lieu of the minimum required 60 feet between each, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) There shall be no body or fender work performed on the premises.
- 3) There shall be no mechanical repair or maintenance of vehicles on the subject site except those owned by Mr. Fritz which are part of the rental

fleet or are to be sold in connection with the incidental sale of used cars, pursuant to the special exception relief granted herein.

- 4) There shall be no more than 15 vehicles sold per month and the Petitioner shall keep accurate records of all sales for inspection, upon request, by a representative of the Code Enforcement Division of DPDM.
- 5) The Petitioner shall be limited to one sign advertising the use, located adjacent to Pleasant Hill Road. Said sign shall be substantially in accordance with the sign detail shown on the plan and in compliance with the sign regulations set forth in the B.C.Z.R.
- 6) Petitioner shall submit a landscape plan for review and approval by the Office of Planning. Said plan shall incorporate existing vegetation, fencing and screening and use of the topography. The main focus of the landscape plan shall be to buffer visibility of the use from traffic on Red Run Boulevard on the north side of the property, and to the south and west along the border of the property owned by Red Run and Associates.
- 7) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

LES:bjs

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County.

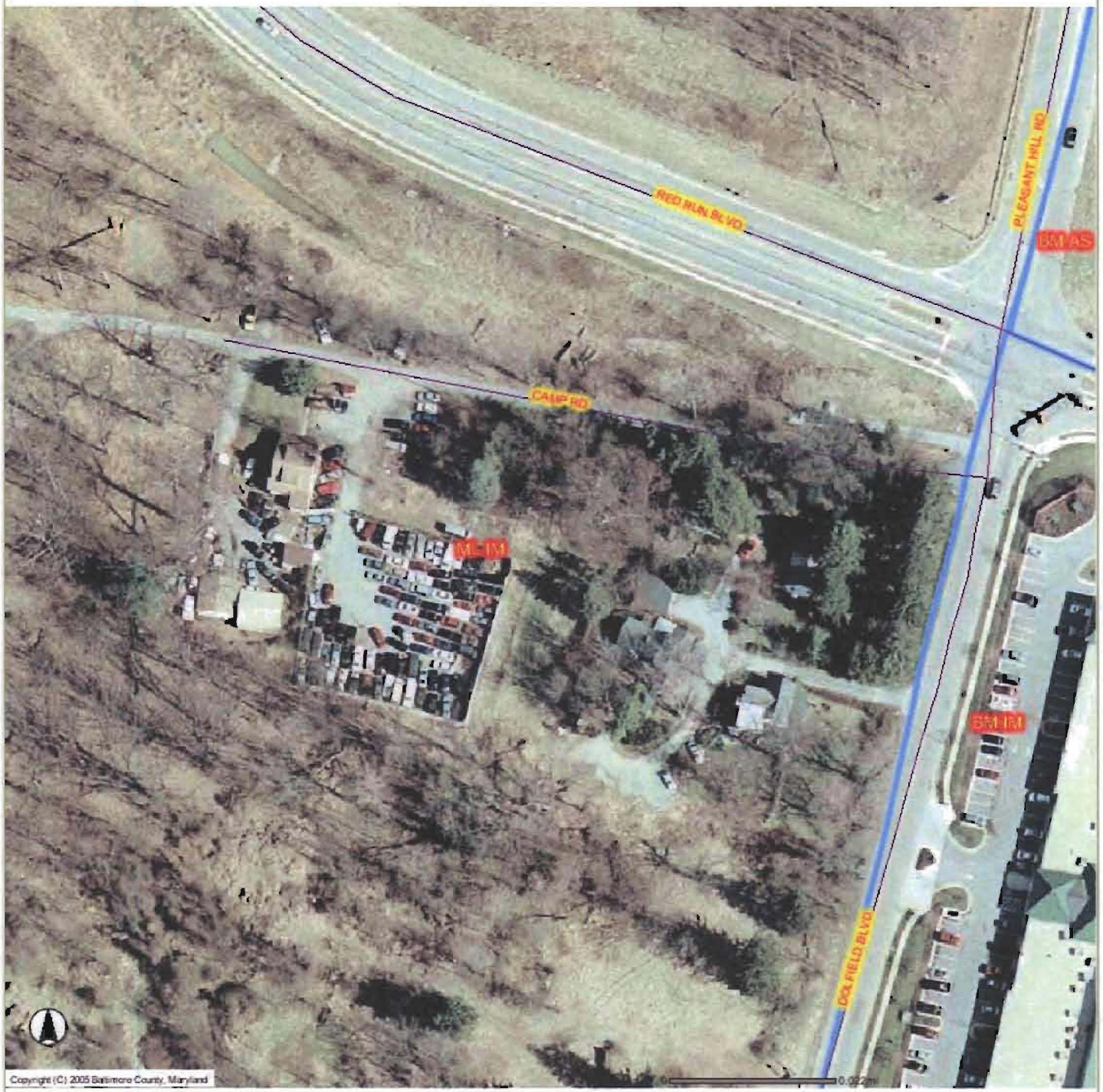
Baltimore County - My Neighborhood



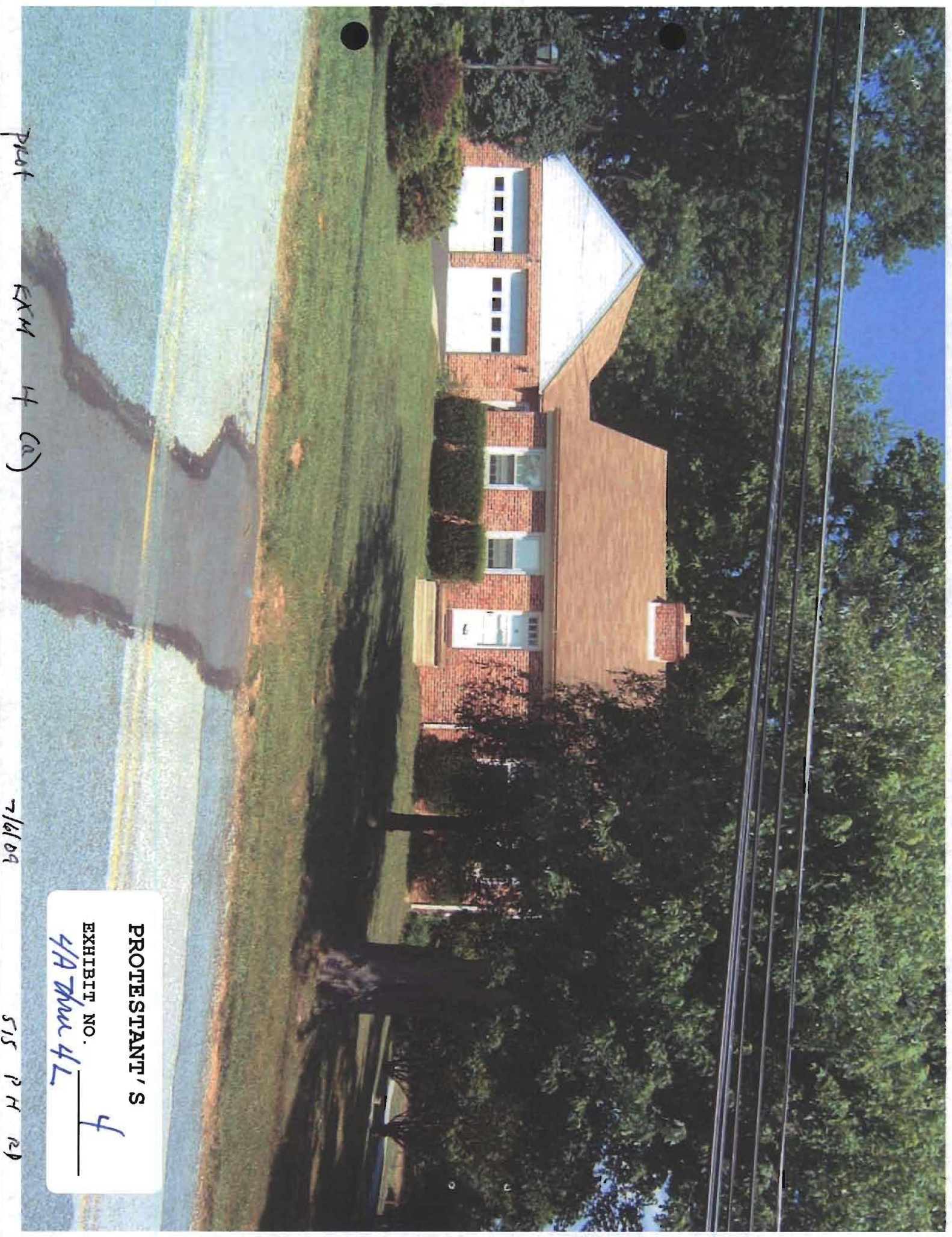
PROTESTANT' S

EXHIBIT NO. 2

Baltimore County - My Neighborhood



PROTESTANT' S
EXHIBIT NO. 3



prot EXH 4 (a)

7/6/09

515 PM RD

PROTESTANT'S

EXHIBIT NO.

4A thru 4L 4

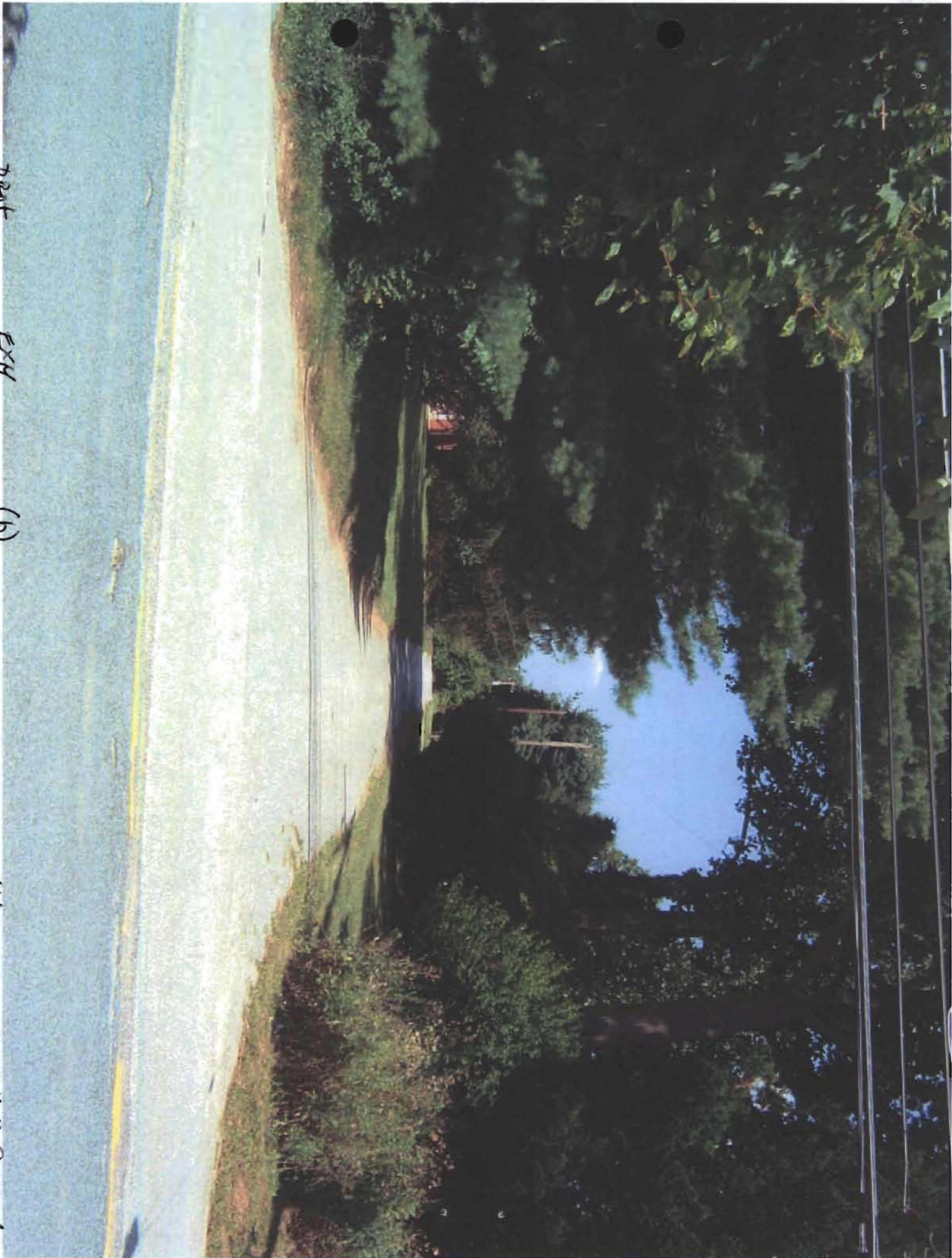
Plot

EXH

(6)

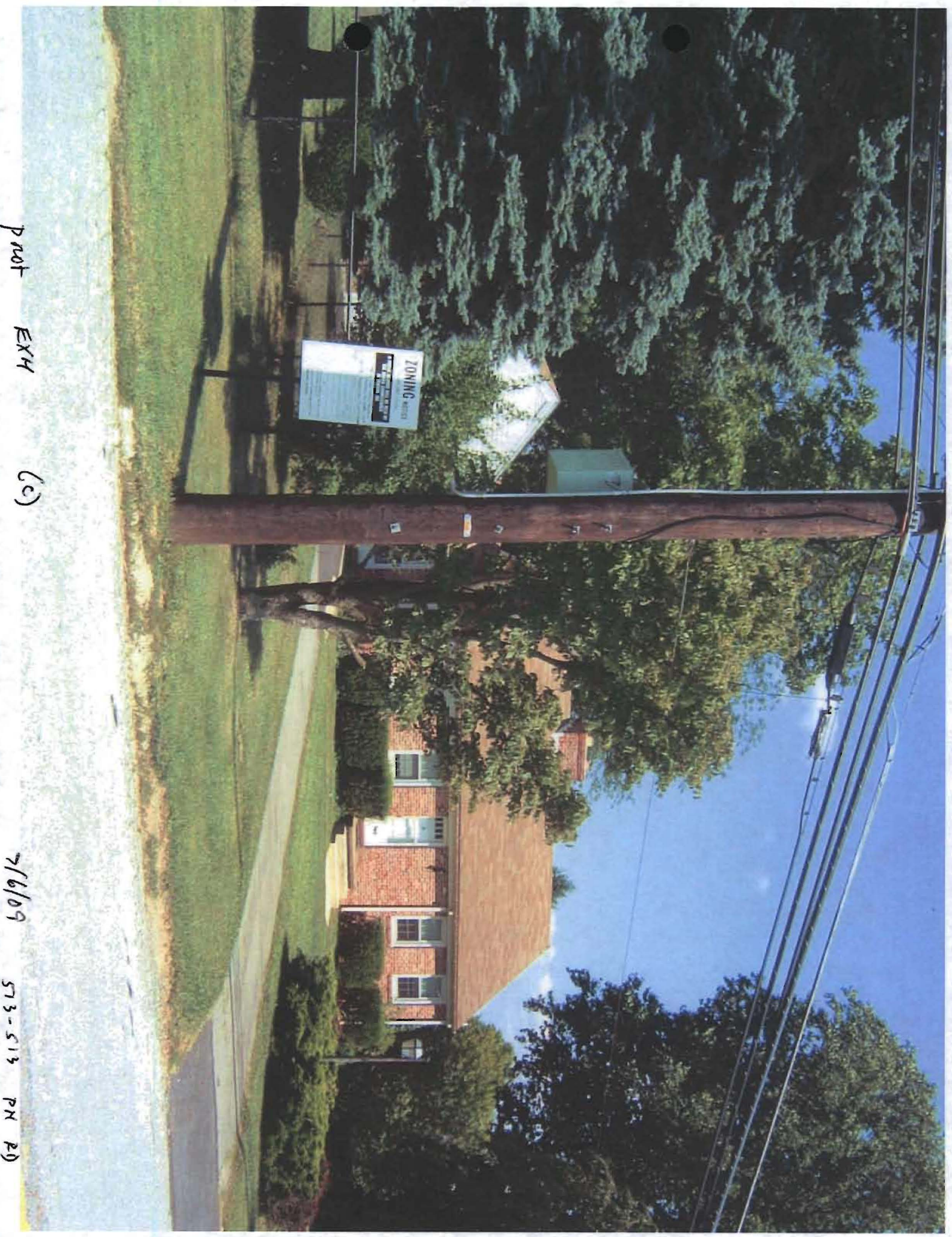
7/6/09

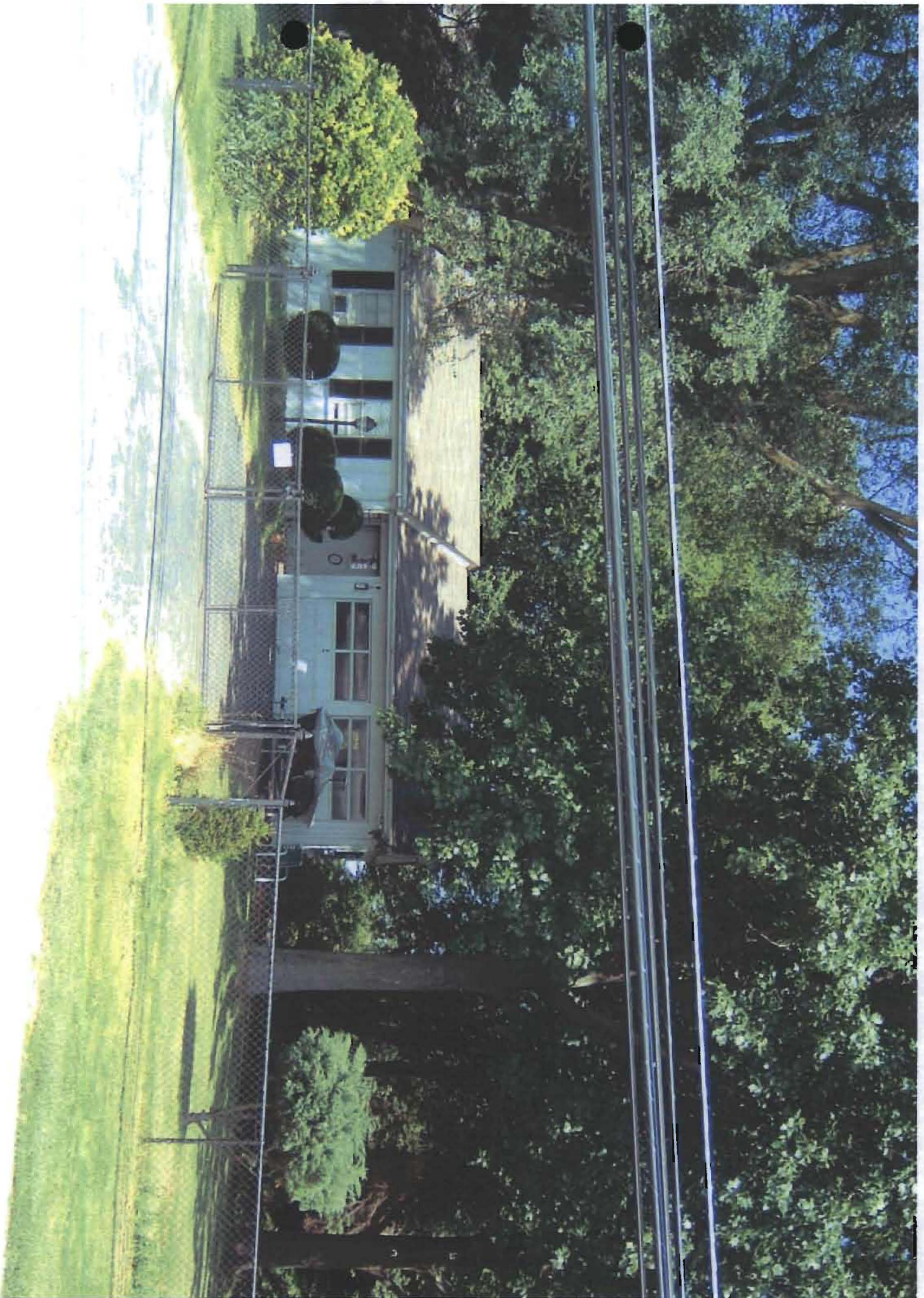
515 P H RD @ Carroll



prot EXH (c)

7/6/09 573-513 PM RD





prot EXM (2)

7/6/09 5:13 PM 29

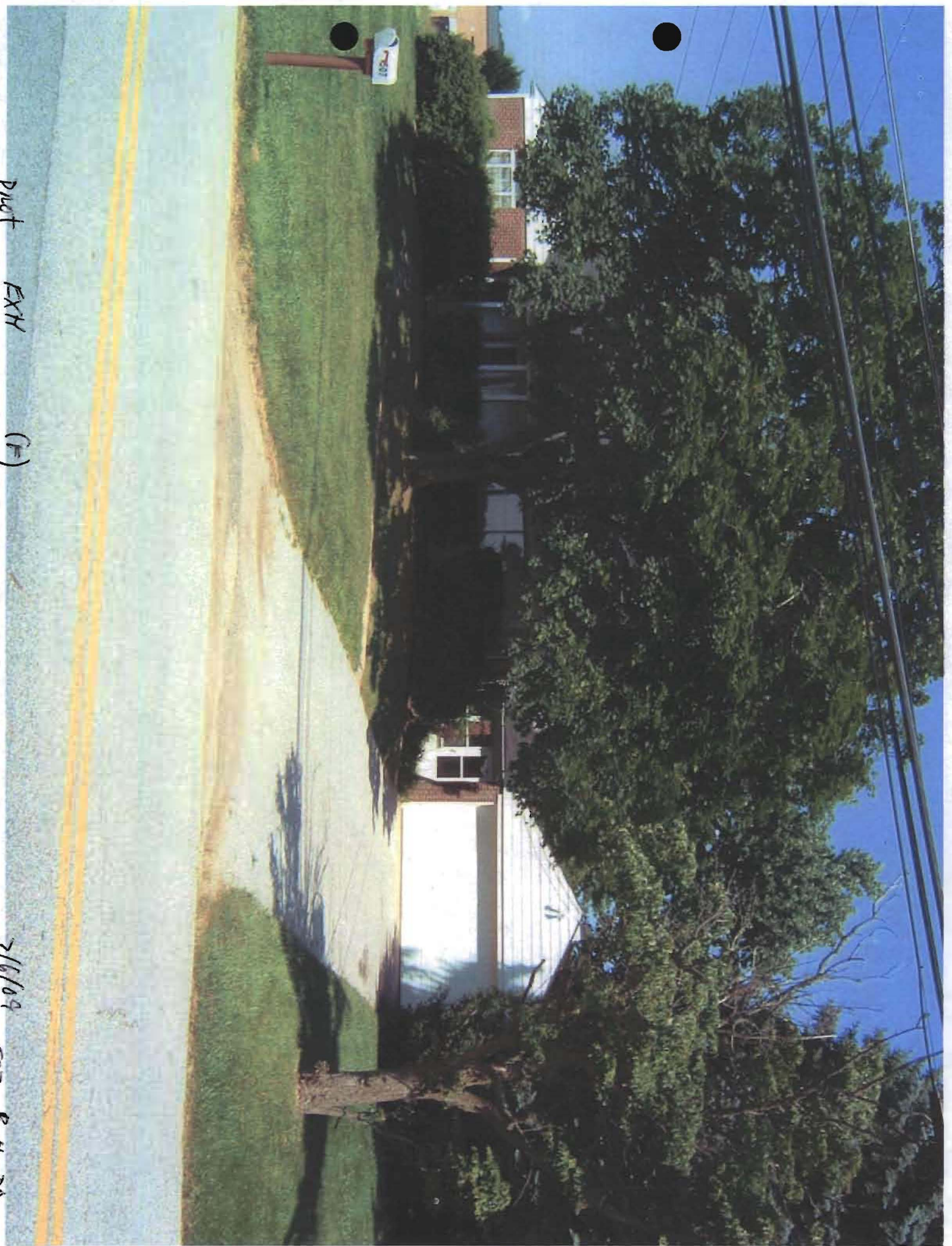
front EXH (c)

7/6/09 N/S @ DEAN RD RD



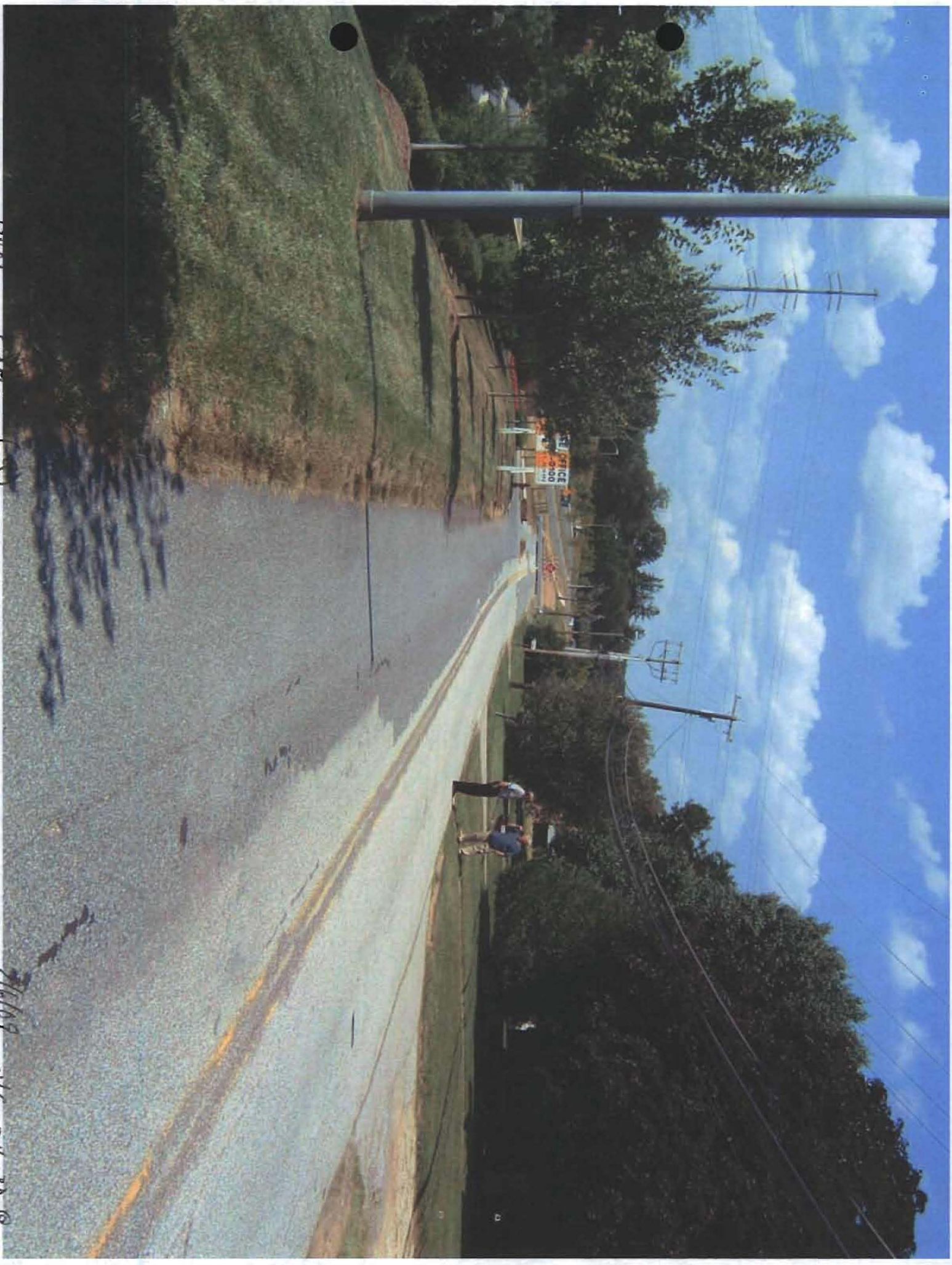
Plot EXH (F)

7/6/09 502 P H RD



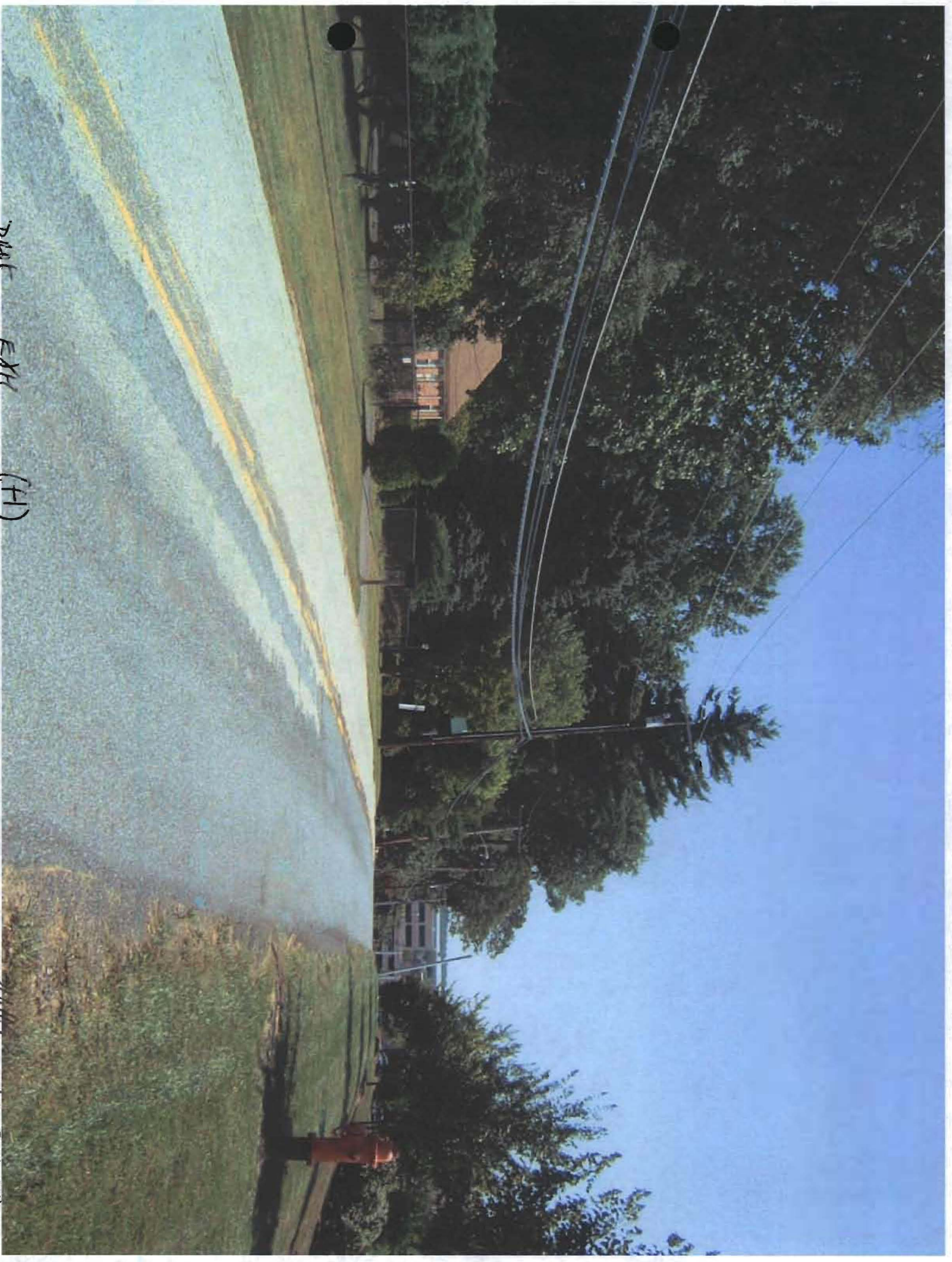
PROJ EXN (35)

MEI09 215 PM 10 00



plot EXH (H)

July 5/5 PM (H)



Plot EXH (E)

7/6/04 → S





put EXM (S)

7/6/09 → S

prot EXH (K)

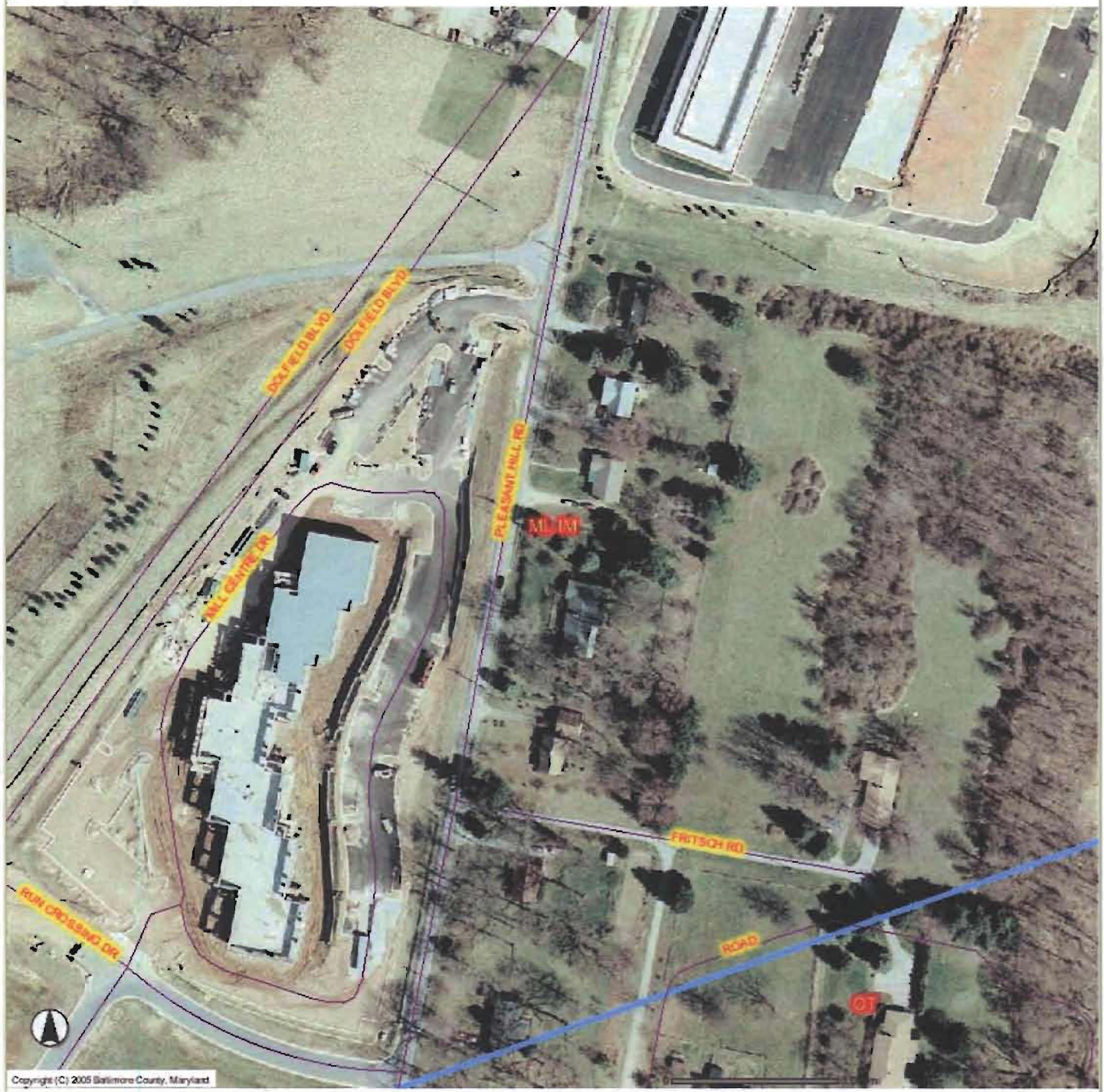
7/6/09 2:15 PM RD





part EXH (2) 7/6/09 2:15 PM FD

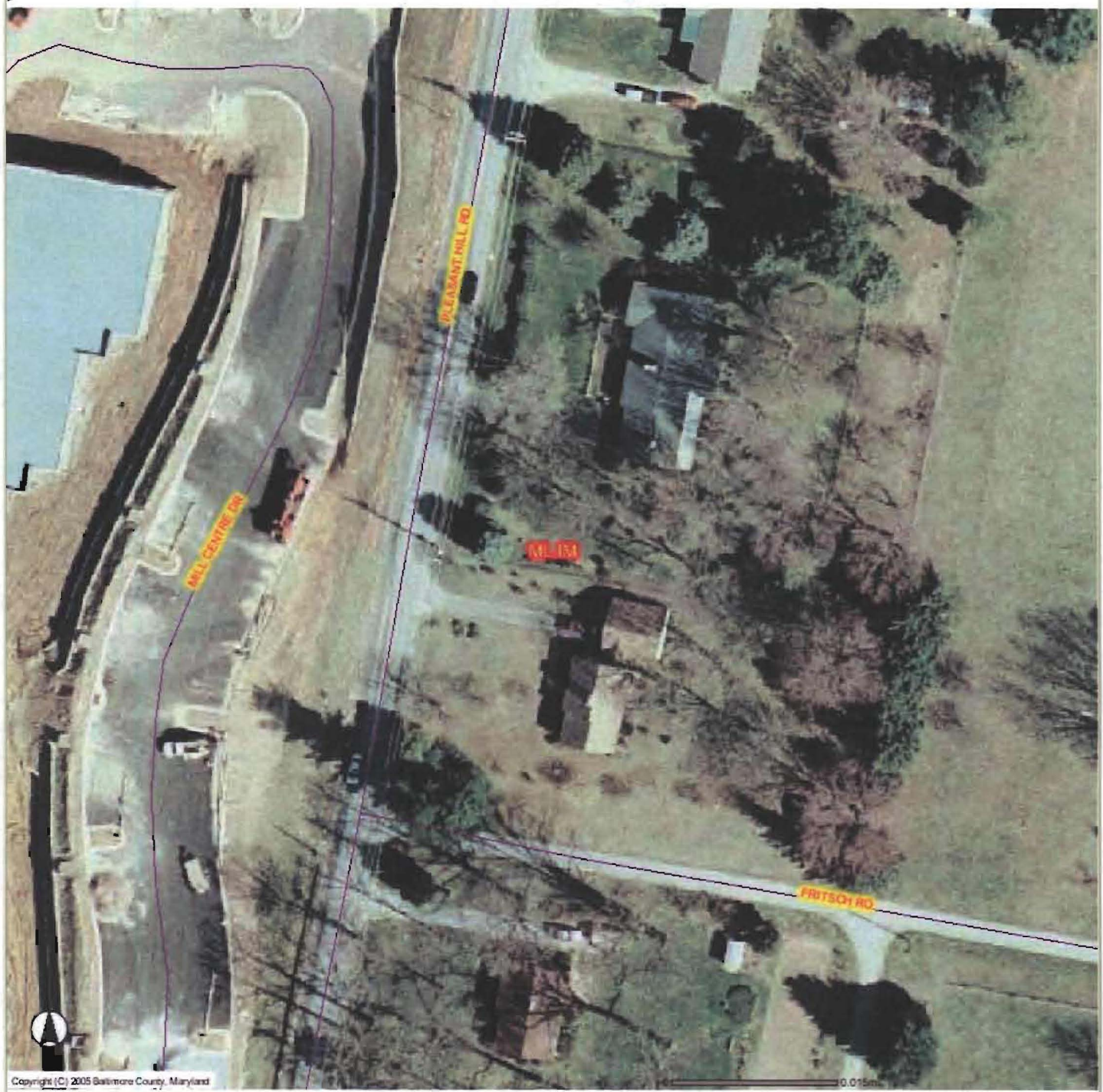
Baltimore County - My Neighborhood



PROTESTANT' S

EXHIBIT NO. 5

Baltimore County - My Neighborhood



PROTESTANT' S
EXHIBIT NO. 6



2596 458

This Deed, Made this 9th day of November

in the year one thousand nine hundred and fifty-four, by and between

Harriet E. Disney, widow,

of Baltimore County, in the State of Maryland, of the first part, and

F. Carroll Turner and Ruth L. Turner, his wife, of the County and State aforesaid, of the second part.

Witnesseth, that in consideration of the sum of Five (\$5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged,

the said Harriet E. Disney, widow, party of the first part

do hereby grant and convey unto the said F. Carroll Turner and Ruth L. Turner, his wife,

as tenants by the entireties, the survey of them and the heirs and assigns

of the survivor of them, all that certain

heirs and assigns in fee simple, all that certain of ground, situate, lying and being in

the Fourth Election District of Baltimore County, State of Maryland, and described as follows, that is to say:

Beginning for the same at a point on the center of Pleasant Hill Road, south 19 degrees 02 minutes west 100.0 feet from the end of the first line of the land described in a deed from Abraham Cook, Junr. to Harriett Disney, dated May 11, 1909 and recorded in the Land Records of Baltimore County in Liber M. 10, 223, folio 507, thence running along the center of said road and ending on a point of the seventh line of said deed south 19 degrees 02 minutes west 100.0 feet; thence running south 73 degrees 55 minutes east 25 feet to a line set on the east side of Pleasant Hill Road, as now widened on the east side; thence continuing said course and ending on the north side of a fifty foot road to be opened in the future south 70 degrees 58 minutes east 200 feet to a line now set; thence running on a line parallel to the center of Pleasant Hill Road north 19 degrees 02 minutes east 100.0 feet to a line now set; thence running north 70 degrees 58 minutes west 200.0 feet to a line set on the east side of Pleasant Hill Road, as now widened on the east side; thence continuing said course north 70 degrees 58 minutes west 25.0 feet to the point of beginning. Containing 0.66 of an acre more or less, exclusive of the land within the right of way of Pleasant Hill Road, as now established, and being a part of the land conveyed in the deed mentioned above.

A part of the land described in a deed dated October 2, 1917 and recorded among the Land Records of Baltimore County in Liber M.E. 31, 1016, folio 54, etc., which was granted and conveyed by Watson E. Sherwood, widower to Andrew J. Disney and Harriett E. Disney, his wife. The said Andrew J. Disney having departed this life prior thereto.

PROTESTANT'S

EXHIBIT NO.

7

FILED UNDER DEC 8 1954

subject however to the following restrictions:

1. Only one residence is to be built on each lot, facing Pleasant Hill Road.
2. Any new house is to have a minimum ground floor space for a one story dwelling of 750 square feet and for a dwelling of more than one story, a minimum ground floor space of 750 square feet, both exclusive of open porches, breezeway and garage.
3. Said residence is to be built on said lot not less than 50' from the side of Pleasant Hill Road.
4. Said lot to be used for residential and not for commercial purposes or for a cemetery.
5. All animals other than domestic pets are to be fenced in. No swine are to be raised thereon.
6. No houses, buildings, wells or cesspools to be closer than 10 feet from the dividing line of said lots. The laws of Baltimore County and the State of Maryland in regard to placement of well, septic tanks, cesspools, etc. are to be complied with.
7. No home, residence, out building or garage shall be erected on said lot unless the plans and specifications are submitted to and approved in writing by the Planning, Building, and Zoning Commission, Baltimore County, Maryland or Monumental Realty Company, 1121 Calverton Street, Baltimore 2, Maryland.
8. The purchaser, his heirs and assigns, consent to the erection of telephone or electric poles over or across said lot, if necessary and further, in the event of any other public utility work coming to this locality, the purchaser, his heirs and assigns, consent, if necessary, to any public utility across or over or under the front 15 feet portion of said lot adjacent to Pleasant Hill Road, or adjacent to the said road, if a corner lot.
9. All the covenants and restrictions contained herein shall be in perpetuity, but after twenty years from the date hereof, a majority of the then owners of the lots of fee simple interest (but not reversionary or mortgages) in possession of the building plots in this section may amend, cancel or nullify any and all the covenants and restrictions by a writing duly executed and properly recorded with the Land Records of Baltimore County.
10. A structure of a temporary character, trailer, tent, shed, etc. shall not be erected or permitted to remain on any part of the land conveyed hereunder, except as may be used by builders during the course of the building operation. A structure of a temporary character, trailer, overhang, shed, shack, garage, barn, or other out-buildings shall be used on any part of the land conveyed at any time as a residence either temporarily or permanently.
11. Until Baltimore County water or sewage facilities become available no building shall be erected or placed on any part of the land conveyed on a lot having an area of less than twenty thousand (20,000) square feet.
12. No noxious or offensive activity shall be carried on upon any portion of the land conveyed, nor shall anything be done thereon which may be or may become a nuisance or annoyance in the neighborhood. Vacant land shall be kept reasonably cleared of weeds, vines, underbrush and other noxious vegetation. Nothing shall be nor permitted to exist on any part of the land conveyed which shall be a hazard to safety or health.
13. No portion of the land conveyed shall be used or maintained as a dump, except as authorized by the Board of Health. No refuse or other waste shall not be kept except in a container, and generators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.
14. No sign or advertisement shall be displayed to the public view on any building except a professional sign of not more than one square foot. One sign not more than five square feet advertising the property for sale or rent, shall be used by the owner to advertise the property during the construction of the same.

GLE 2556-1460

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

To Have and To Hold the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining and to the proper use and benefit of the said

By Currell, Thomas and John B. Currell, his wife, we transfer, do and assign, let and convey unto them and their heirs, assigns and assigns forever, all and singular the rights, privileges, appurtenances and advantages, to the same belonging or appertaining, and to the proper use and benefit of the said

And the said part of the first part hereby conveyed, that she has not done or suffered to be done any act, matter or thing whatsoever to encumber the property hereby conveyed, that she well warrant specially the property granted and that she will execute such further assurances of the same as may be requisite.

Witness the hand and seal of said grantor.

TEST:
William C. Currell
[SEAL]
[SEAL]
[SEAL]

STATE OF MARYLAND.
I HEREBY CERTIFY, that on this 22 day of November, 1908, before me, the subscriber, a Notary Public of the State of Maryland, in and for

personally appeared John B. Currell, Esq. and for aforesaid

the above named grantor, and she, acknowledged the foregoing deed to be her act, and

As Witness, my hand and Notarial Seal.
William C. Currell
Notary Public for the State of Maryland.
Filed for record Nov 22 1908 at 11:11 A.M.
Per George L. Beverly, Clerk.

day of

in the year one thousand nine hundred and seventy-five

by and between

FERN L. BARRY KNIGHT-

of Baltimore County, State of Maryland

of the first part, and

LOUIS J. KNIGHT and FERN L. KNIGHT, his wife

of Baltimore County, State of Maryland.

of the second part.

TRANSFER TAX NOT REQUIRED

William F. Loudsman

Acting Director of Finance

Per: Ulrich M. Mueller
Authorized Signature
Robert K. 10 A

WITNESSETH, That in consideration of the sum of five dollars (\$5.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the said Fern L. Barry Knight-----
~~the said~~

does grant and assign to the said LOUIS J. KNIGHT and FERN L. KNIGHT, his wife, as tenants by the entireties, their assigns, the survivor of them and the survivor's heirs and assigns-----

~~personal or financial interest~~ and on behalf of all that

lot of ground

situate in Baltimore County, State of Maryland

and

described as follows, that is to say:

BEGINNING for the same at a point in the center of Pleasant Hill Road South 19 degrees 02 minutes West 500 feet from the end of the 5th line of the land described in a deed from Georgianna Cook, Administratrix to Harriet Disney, dated May 4, 1900, recorded among the Land Records of Baltimore County in Liber N.B.M. 243 folio 567 thence running along the center of said road and binding on a part of the 7th line of said deed South 19 degrees 02 minutes West 100 feet thence running South 70 degrees 58 minutes East 25 feet to a pipe set on the East side of Pleasant Hill Road as now widened on the East side thence continuing said course and binding on the North side of a 50 foot road to be opened in the future South 70 degrees 58 minutes East 200 feet to a pipe now set thence running on a line parallel to the center of Pleasant Hill Road North 19 degrees 02 minutes East 100 feet to a pipe now set thence running North 70 degrees 58 minutes West 200 feet to a pipe set on the East side of Pleasant Hill Road as now widened on the East side, thence continuing said course North 70 degrees 58 minutes West 25 feet to the point of beginning. Containing 0.46 acres exclusive of the land within the right of way of Pleasant Hill Road as now established and being part of the land contained in Deed abovementioned. The improvements thereon being known as 515 Pleasant Hill Road. Subject to restrictions in Liber G.L.B. 2596 folio 458.

PROTESTANT'S

EXHIBIT NO.

BEING the same lot of ground and premises which, be Deed dated October 13, 1959, and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3610 folio 453, was granted and conveyed by Ann K. Rahil to Thomas M. Barry and Fern L. Barry, his wife; the said Thomas M. Barry having since departed this life, thereby vesting absolute title to the wife in their leasehold interests. The said Fern L. Barry, the grantor herein, having since married Louis J. Knight and is now known as Fern L. Knight.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in any wise appertaining.

To HAVE AND To HOLD the said described lot of ground and premises to the said Louis J. Knight and Fern L. Knight, his wife, as tenants by the entirety, their assigns, the survivor of them and the survivor's heirs and assigns-----

and assigns, for all the residue of the term of years yet to come and unexpired therein, with the benefit of renewal forever; subject to the payment of the annual rent of Dollars
One hundred twenty Dollars (\$120.00)-----
payable half-yearly on the 13th days of April and October-----
in each and every year.

And the said part Y of the first part hereby covenant s that she has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that she will warrant specially the property hereby granted; and that she will execute such further assurances of the same as may be requisite.

Witness the hand and seal of said grantor .

Test:

Fern L. Barry Knight (SEAL)
FERN L. BARRY KNIGHT

STATE OF MARYLAND, County of Baltimore, to wit:
I HENRY CENTERT, That on this 7th day of June, 1901,
in the year one thousand nine hundred and seventy-five, before me,
the subscriber, a Notary Public of the State aforesaid, personally appeared
FERN L. BARRY KNIGHT-----

known to me (or satisfactorily proven) to be the person whose name is/are subscribed to the within instrument, and acknowledged that she executed the same for the purposes therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires: Rec'd for record AUG 1 1975 at

Per Elmer H. Kahline, Jr., Clerk

Mail to C Victor H C Fox

Receipt No. 1

This Deed of Assignment, made this 16th day of June, 2008, by and between

FERN L. KNIGHT BY JANICE D. ANGLIN, ATTORNEY IN FACT, Grantor, party of the first part;

and

515 PLEASANT HILL LLC, Grantee, party of the second part.

- Witnesseth -

That in consideration of the sum of TWO HUNDRED FIFTY THOUSAND DOLLARS 00/100 (\$250,000.00), and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said Grantor does grant and assign to the said Grantee, its successors and/or assigns the LEASEHOLD interest in all that lot of ground situate in BALTIMORE COUNTY, STATE OF MARYLAND, and described as follows, that is to say:

Beginning for the same at a point in the center of Pleasant Hill Road South 19 degrees 02 minutes West 500 feet from the end of the 5th line of the land described in a deed from Georgianna Cook, Administratrix to Harriet Disney, dated May 4, 1900, recorded among the Land Records of Baltimore County in Liber N.B.M. 243 folio 567 thence running along the center of said road and binding on a part of the 7th line of said deed South 19 degrees 02 minutes West 100 feet thence running South 70 degrees 58 minutes East 25 feet to a pipe set on the East side of Pleasant Hill Road as now widened on the East side thence continuing said course and binding on the North side of a 50 foot road to be opened in the future South 70 degrees 58 minutes East 200 feet to a pipe now set thence running on a line parallel to the center of Pleasant Hill Road North 19 degrees 02 minutes East 100 feet to a pipe now set thence running North 70 degrees 58 minutes West 200 feet to a pipe set on the East side of Pleasant Hill Road as now widened on the East side, thence continuing said course North 70 degrees 58 minutes West 25 feet to the point of beginning. Containing 0.46 acres exclusive of the land within the right of way of Pleasant Hill Road as now established and being part of the land contained in Deed abovementioned. The improvements thereon being known as 515 Pleasant Hill Road, Owings Mills, Maryland 21117.

BEING the same lot of ground which by Assignment dated July 7, 1975 and recorded among the Land Records of Baltimore County in Liber No. 5552, folio 781 was granted and conveyed by Fern L. Barry Knight unto Louis J. Knight and Fern L. Knight. The said Louis J. Knight having departed this life on or about May 21, 2003, thereby vesting sole title in Fern L. Knight, the Grantor herein.

See Power of Attorney dated May 15, 2008 recorded or intended to be recorded immediately prior hereto whereby Janice D. Anglin is appointed Power of Attorney for Fern Lenore Knight.

By the execution of this Deed, the party of the first part does hereby certify under the penalties of perjury that the actual consideration paid or to be paid, including the amount of any Mortgage or Deed of Trust outstanding, is as hereinbefore set forth.

Together with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging or in anywise appertaining.

To Have and To Hold the said described lot of ground and premises to the said Grantee, its successors and/or assigns, for all the residue of the term of years yet to come and unexpired therein, with the benefit of renewal forever, subject to the payment of the annual rent of \$120.00 payable **half-yearly** on the 13th days of April and October in each and every year.

And the said party of the first part hereby covenants that she has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that she will warrant specially the property hereby granted; and that she will execute such further assurances of the same as may be requisite.

Grantor hereby declares and affirms that the property herein described, in the **County of Baltimore**, has not been occupied by a tenant for a period of at least six months prior to the date hereof.

Witness the hand and seal of the said Grantor.

WITNESS:


Witness

Fern L. Knight by Janice D. Anglin, Attorney in Fact

(SEAL)

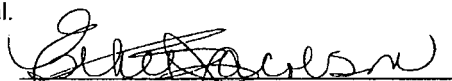
**FERN L. KNIGHT BY JANICE D. ANGLIN,
ATTORNEY IN FACT**

State of Maryland :
County of Baltimore :

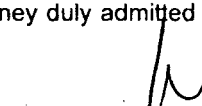
On this the ____ day of **June, 2008**, before me, a Notary Public, in the jurisdiction aforesaid, the undersigned Officer, personally appeared **JANICE D. ANGLIN, ATTORNEY IN FACT FOR FERN L. KNIGHT**, known to me (satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same in my presence for the purposes therein contained.

I hereunto set my hand and official seal.




Notary Public
My commission expires 9/4/11

THIS IS TO CERTIFY that the within Deed of Assignment was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.


Howard B. Coren, Attorney

AFTER RECORDING, PLEASE RETURN TO:

**Supreme Title Company
1864 Reisterstown Road
Suite A
Pikesville, MD 21208**

2008

MARYLAND
FORM

0027140 456

Certification of Exemption from Withholding Upon Disposition of Maryland Real Estate Affidavit of Residence or Principal Residence

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland. Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor

FERN L. KNIGHT BY JANICE D. ANGLIN, ATTORNEY IN FACT

2. Reasons for Exemption

**Resident
Status**

- ☒ I, Transferor, am a resident of the State of Maryland.
☐ Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR) 03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

**Principal
Residence**

- ☐ Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 and is recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

Witness

**FERN L. KNIGHT BY JANICE D. ANGLIN,
ATTORNEY IN FACT**

Name

Signature

3b. Entity Transferors

Witness/Attest

Name of Entity

By

Name

Title

ST-26328

Application No. 122,164
Written By: CJC:sfu

LIBER 2550 PAGE 327

THIS DEED, Made this 4th day of September
in the year one thousand nine hundred and fifty-four, by and between, HARRIET E.
DISNEY, widow, of Baltimore County, in the State of Maryland, party of the first
part; and JOHN DEMITT KELLAR and PEGGYE HEISEY KELLAR, his wife, of Baltimore
County, in the State of Maryland, parties of the second part.

W.I.T.N.E.S.S.E.T.H. That in consideration of the sum of Five Dollars
(\$5.00) and other good and valuable considerations, the receipt whereof is hereby
acknowledged, the said party of the first part does hereby grant and convey unto
the said parties of the second part, as tenants by the entireties, their assigns
and unto the survivor of them, his or her heirs and assigns, in fee simple, all
that lot of ground situate in the Fourth Election District of Baltimore County,
in the State of Maryland, and described as follows, that is to say:-

BEGINNING for the same at a point in the center of Pleasant Hill Road,
South 19 degrees 02 minutes West 300.00 feet from the end of the fifth line of
the land described in the deed from Georgiana Cook, Adm. to Harriet Disney, dated
May 4, 1900 and recorded in the Land Records of Baltimore County in Liber N.B.M.
No. 243, folio 567, etc.; thence running along the center of said road and binding
on a part of the seventh line of said deed South 19 degrees 02 minutes West 200.00
feet; thence running for lines of division South 70 degrees 58 minutes East 25
feet to a pipe set on the East side of Pleasant Hill Road, as now widened on the
East side; thence continuing the same course South 70 degrees 58 minutes East
200.00 feet to a pipe now set; thence running on a line parallel to the center of
said road North 19 degrees 02 minutes East 200.00 feet to a pipe now set; thence
running North 70 degrees 58 minutes West 200.00 feet to a pipe set on the East
side of Pleasant Hill Road, as now widened on the East side; thence continuing
said course North 70 degrees 58 minutes West 25.00 feet to the center line and
the point of beginning.

Containing 0.92 of an acre more or less, exclusive of the land within
the right-of-way of Pleasant Hill Road, as now established, and being a part of
the land conveyed in the deed mentioned above.

BEING part of the lot of ground described in a Deed dated October 2,
1937, from Watson E. Sherwood, widower, to Andrew J. Disney and Harriet E. Disney,
his wife. The said Andrew J. Disney died the 8th day of October 1952.

T.O.G.E.T.H.E.R. with the buildings and improvements thereupon; and the
rights, alleys, ways, waters, privileges, appurtenances and advantages to the
same belonging or in anywise appertaining.



PROTESTANT'S

EXHIBIT NO. 10

TO HAVE AND TO HOLD, the said lot of ground and premises, unto and to the use of the said parties of the second part, as tenants by the entireties, their assigns and unto the survivor of them, his or her heirs and assigns, in fee simple, forever; subject, however, to the following covenants, conditions and restrictions as hereinafter set forth, which are to run with the land and to be binding upon the Grantees and their heirs and assigns:

1. Only one residence is to be built on each lot, facing Pleasant Hill Road, and any residence thereon to have a minimum ground floor space for a one story dwelling of 950 square feet and for a dwelling of more than one story, a minimum ground floor space of 750 square feet, both exclusive of open porches, breezeways and garages.
2. Said residence to be built on said lot not less than 50 feet from the side of Pleasant Hill Road.
3. Said lot to be used for residential and not for commercial purposes or for a cemetery.
4. All animals other than domestic pets are to be fenced in. No swine are to be raised thereon.
5. No houses, building, wells or cesspools to be closer than 10 feet from the dividing line of said lots. The laws of Baltimore County and the State of Maryland in regard to placement of well, septic tanks, cesspools, etc. are to be complied with.
6. No home, residence, out building or garage shall be erected on said lot unless and until plans and specifications are submitted to and approved in writing by David Disney, Owings Mill, Maryland or Monumental Realty Company, 1321 N. Calvert Street, Baltimore 2, Maryland.
7. The purchasers, their heirs and assigns, consent to the erection of telephone or electric poles over or across said lot, if necessary and further, in the event of any other public utility work coming to this locality, the purchasers, their heirs or assigns, consent, if necessary, to any public utility across or over or under the front 15 feet portion of said lot adjacent to Pleasant Hill Road, or adjacent to the side road, if a corner lot.
8. All the covenants and restrictions contained herein shall be in perpetuity, but on and after twenty years from the date hereof, a majority of the then owners of the leasehold or fee simple interest (but not reversionary or mortgage interests) of the building plots in this Section may amend, cancel, annul or abrogate any and all the covenants and restrictions by a writing duly executed and properly recorded among the Land Records of Baltimore County.
9. No structure of a temporary character, trailer, tent, shack, or other out-building shall be erected or permitted to remain on any part of the land conveyed, except such as may be used by builders during the course of the building operations thereon. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other out-buildings shall be used on any part of the land conveyed at any time as a residence either temporarily or permanently.

10. Until Baltimore County water or sewage facilities become available no dwelling shall be erected or placed on any part of the land conveyed on a lot having an area of less than twenty thousand (20,000) square feet.

11. No noxious or offensive activity shall be carried on upon any portion of the land conveyed, nor shall anything be done thereon which may be or may become an annoyance or nuisance in the neighborhood. Vacant land shall be kept reasonably cleared of weeds, vines, underbrush and other noxious vegetation. Nothing shall be done nor permitted to exist on any part of the land conveyed which shall be a menace to safety or health.

12. No portion of the land conveyed shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

13. No sign of any kind shall be displayed to the public view on any building plot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

A N D the said Grantor hereby covenants that she has not done nor suffered to be done any act, matter or thing whatsoever to encumber the property hereby granted; that she will warrant specially the property hereby granted and conveyed, and she will execute such further assurances of said land as may be requisite.

WITNESS: the hand and seal of the within named Grantor.

WITNESS:

Mrs. Ethel L. Williams *Harriet E. Disney* (SEAL)
Mrs. Ethel L. Williams Harriet E. Disney

STATE OF MARYLAND, BALTIMORE CITY, TO WIT:

I HEREBY CERTIFY, that on this *4th* day of *September* in the year one thousand nine hundred and fifty-four, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City, personally appeared HARRIET E. DISNEY, widow, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she has executed the same for the purposes therein contained, and in my presence signed and sealed the same.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix my Notarial Seal.

Rec'd for record *Sept 8, 1954* at *1:30 P.M.*
Per George L. Byerly, Clerk.

Frances F. Niemeyer
Notary Public
Frances F. Niemeyer

513 Pleasant Hill Road
Tax Id No. 04-11-015950

THIS DEED, made this 15th day of July, 2008, by and between Peggye Heisey Kellar, Grantor and party of the first part, and 513 Pleasant Hill, LLC, a Maryland limited liability company, Grantee and party of the second part.

WITNESSETH, that in consideration of the sum of Three Hundred Thirty Six Thousand Five Hundred and no/100ths Dollars (\$336,500.00), and other good and valuable considerations, the receipt of which is hereby acknowledged, the said party of the first part does hereby grant and convey to the said party of the second part, its successors and assigns, forever, in fee simple, all that lot of ground situated in Baltimore County, Maryland, and described as follows, that is to say:

Beginning for the same at a point in the center of Pleasant Hill Road, South 19 degrees 02 minutes West 300.00 feet from the end of the fifth line of the land described in the Deed from Georgiana Cook, Adm. To Harriett Disney, dated May 4, 1900 and recorded in the Land Records of Baltimore County in Liber N.B.M. No. 243, folio 567, etc; thence running along the center of said road and binding on a part of the seventh line of said deed South 19 degrees 02 minutes West 200.00 feet; thence running for lines of division South 70 degrees 58 minutes East 25 feet to a pipe set on the East side of Pleasant Hill Road, as now widened on the East side; thence continuing the same course South 70 degrees 58 minutes East 200.00 feet to a pipe now set; thence running on a line parallel to the center of said road North 19 degrees 02 minutes East 200.00 feet to a pipe now set; thence running North 70 degrees 58 minutes West 200.00 feet to a pipe set on the East side of Pleasant Hill Road, as now widened on the East side, thence continuing said course North 70 degrees 58 minutes West 25.00 feet to the center line and the point of beginning. Containing 0.92 of an acre, More or less, exclusive of the land within the right of way of Pleasant Hill Road, as now established and being a part of the land conveyed in the deed mentioned above.

Being the same lot of ground which by Deed dated September 4, 1954 and recorded among the Land Records of Baltimore County in Liber No. 2550, folio 327, was granted and conveyed by Harriet E. Disney unto John Demmitt Kellar and Peggye Heisey Kellar, his wife.

The said John Demmitt Kellar having since departed this life on or about the 14th day of October 2006 thereby vesting absolute fee simple title in Peggye Heisey Kellar, the grantor herein.

TOGETHER with the buildings thereupon, and the rights, alley, way, waters, privileges, appurtenances and advantages thereto belonging, or in any wise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises to the said party of the second part, its successors and assigns, forever, in fee simple.

AND the said party of the first part hereby covenants that she has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that she will warrant specially the property hereby granted; and that she will execute such further assurances of the same as may be requisite.



**RESIDENTIAL TITLE
& ESCROW COMPANY**
1829 Reisterstown Road
Suite 380
Woodholme Center
Baltimore, MD 21208
(410) 653-3400

PROTESTANT'S

EXHIBIT NO. 11

WITNESS the hand and seal of said grantor.

WITNESS/ATTEST

Peggy Heisey Kellar
Peggy Heisey Kellar

STATE OF MARYLAND, County of Baltimore, to wit:

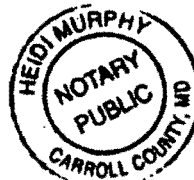
I HEREBY CERTIFY, that on this 15th day of July, 2008, before me the subscriber, a Notary Public of the State aforesaid, personally appeared Peggy Heisey Kellar known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she/they executed the same for the purposes therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires: 2/1/10

File No. 56546

RECORD AND RETURN TO:
RESIDENTIAL TITLE & ESCROW COMPANY
1829 Reisterstown Road, Suite 380
Baltimore, Md. 21208
410.653.3400
413 Pleasant Hill Road /deeds



This is to certify that the within instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

William E. Murphy

Attorney



RESIDENTIAL TITLE
& ESCROW COMPANY
1829 Reisterstown Road
Suite 380
Woodholme Center
Baltimore, MD 21208
(410) 653-3400

2008MARYLAND
FORM**Certification of Exemption Form Withholding
Upon Disposition of Maryland Real Estate
Affidavit of Residence or Principal Residence**

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax General Article, Annotated Code of Maryland.. Section 10-912 provides that certain tax payments must be withheld when a deed or other instrument that affects a change in ownership of real property is recorded. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor:

Peggye H. Kellar

2. Reason for Exemption**Resident
Status**☒ I, Transferor, am a resident of the State of Maryland☐ Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR) 03.04.12.02B(11), I am an agent of Transferor, and I have authority to sign this documents on Transferor's behalf.**Principal
Residence**☐ Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 and is recorded as such with the State Department of Assessments and Taxation

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct and complete.

3a. Individual Transferors

Witness

Name

Peggye Heiser Kellar

Signature

3b. Entity Transferors

Witness/Attest

Name of Entity

By:

Name:

Title:

0027219-287

☒ County: Baltimore

INP FD SURE \$	20.00
RECORDING FEE	20.00
TR TAX STATE	1,682.50
TOTAL	1,722.50
Res# DAB1	Rcpt # 12815
SN ID	Blk # 2878
Jul 31, 2000	12:03 PM

Space Reserved for Circuit
Court Clerk Recording Violation

1	Type(s) of Instruments	☐ Deed ☐ Deed of Trust	☐ Mortgage ☐ Lease	☐ Other:		RECORDING FEE 28.00 TR TAX STATE 1,682.50 TOTAL 1,722.50 Rest BAO1 Rcpt # 12815 SM TD Bk # 2878 Jul 31, 2008 12:03 PM Space Reserved for Circuit Court Clerk Recording Violation
2	Conveyance Type Check Box	☐ Improved Sale	☐ Unimproved Sale	☐ Mult. Accounts	☐ Not an Arms-	
		Arms-Length [1]	Arms-Length [2]	Arms-Length [3]	Length Sale [9]	
3	Tax Exemptions (if Applicable) Cite or Explain Authority	☐ Recordation ☐ State Transfer ☐ County Transfer				
4	Consideration and Tax Calculations	Consideration Amount		Finance Officer Use Only		
Purchase Price/Consideration		\$336,500.00		Transfer and Recordation Tax Consideration		
Any New Mortgage				Transfer Tax Consideration \$		
Balance of Existing Mortgage				X ()% = \$		
Other				Less Exemption Amount \$		
Other				Total Transfer Tax = \$		
				Recordation Tax Consideration \$		
				X ()% = \$		
		Full Cash Value		TOTAL DUE \$		
5	Fees	Amount of Fees		Doc. 1		
Recording Charge		20.00		Doc. 2		
Surcharge		20.00		Agent		
State Recordation Tax		1682.50		Tax Bill:		
State Transfer Tax		1682.50		C.B. Credit:		
County Transfer Tax (if Applicable)		5047.50		Ag. Tax/Other:		
Other						
6	Description of Property	District		Parcel No.		
04		04-11-015950		2550/327		
		58		354		
		Location/Address of Property Being Conveyed (2)		513 Pleasant Hill Road, Owings Mills, MD 21117		
		Other Property Identifiers (if applicable)		Water Meter Account No.		
7	Transferred From	Doc. 1: Grantor(s) Name(s)		Doc. 2: Grantor(s) Name(s)		
Peggye Heisey Keller		513 Pleasant Hill, LLC				
8	Transferred To	Doc. 1: Grantee(s) Name(s)		Doc. 2: Grantee(s) Name(s)		
513 Pleasant Hill, LLC		Cash				
9	Other Names to be Indexed	Doc. 1: Additional Names to be Indexed (Optional)		Doc. 2: Additional Names to be Indexed (Optional)		
10	Contact/Mail Information	Instrument Submitted By or Contact Person		☒ Return to Contact Person ☐ Hold for Pickup ☐ Return Address Provided		
Name: HEIDI MURPHY		Firm: Residential Title & Escrow Company				
Address: 1829 Reisterstown Road Ste. 380, Baltimore, MD 21208	Phone: 410-653-3400					
Space Reserved for County Validation	Assessment Information	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER. ☐ Yes ☒ No Will the property being conveyed be the grantee's principal residence? ☐ Yes ☒ No Does transfer include personal property? If yes, identify: ☐ Yes ☒ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).				
		Assessment Use Only: Do Not Write Below This Line				
		☐ Terminal Verification ☐ Agricultural Verification ☐ Whole ☐ Partial ☐ Process Verification ☐ Subsequent ☐ Date Received ☐ Date of Deed ☐ Reference ☐ Assigned Property No.				
		☐ Zoning ☐ Code ☐ Plat ☐ Block ☐ Section ☐ Doc. Cd.				

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS (Office of Finance)
 (Public Records) [MSA CE 62-2707-4] SM 27219, p. 0267. Printed 07/07/2009. Image available as

DUPLICATE PAID RECEIPT

ESTABLISHED 1933

David S. Brown enterprises

100 Painters Mill Road, Suite 900
P. O. Box 548
Owings Mills, MD 21117
410-363-3434 / FAX: 410-363-6758
www.davidsbrown.com

October 29, 2001

The Honorable T. Bryan McIntire
Courthouse
400 Washington Avenue
Mezzanine Level
Towson, MD 21204

Mr. Robert Ha
Director, Econ Development
Baltimore County
400 Washington Avenue
Towson, MD 21204

RE: Red Run Boulevard

Dear Mr. McIntire and Mr. Hannon:

Last week, I had the pleasure of touring the Red Run Boulevard area and our Red Brook Corporate Center with Tim Conlon, the Director of Real Estate for Toyota Financial Services, who was in town from California. Our company and, I am sure, Baltimore County are pleased to have a tenant such as Toyota locate in the Owings Mills Growth Area. Overall, Mr. Conlon was pleased with the Red Brook Corporate Center and the progress of our building. Toyota is looking forward to taking occupancy by the end of the year.

Unfortunately, two issues arose during our tour of the area that caused him some concern. I am bringing both of these matters to your attention as they are reasonable complaints. The Red Run corridor was designed to attract tenants such as Legg Mason, ADP, Toyota and Global Payments and we need many more such companies to make the entire area a success. The two concerns raised were as follows:

As you drive up Red Run Boulevard from Owings Mills Boulevard to Red Brook Corporate Center, Mr. Conlon realized that no street lights existed on Red Run Boulevard. In addition, he noted that the general condition of the landscaping along Red Run Boulevard is deplorable. The street light issue is naturally a safety issue and everybody is conscious of these matters especially in light of the recent tragedies. As far as the lack of landscaping, trees or simple grounds maintenance along Red Run Boulevard, it effects the curb appeal of a corporate location which is important to Toyota. I hope that you can talk with the Director of Public Works to determine how quickly we could potentially erect street lights on Red Run Boulevard. In addition, can you work with the County and property owners to clean up the landscaping along Red Run Boulevard?

PROTESTANT' S

EXHIBIT NO. 12

ent / Construction / Leasing / Property Management

Fax to: x2824
Jim Thompson
Tom: Kossie
Lewis
Please call
x8027

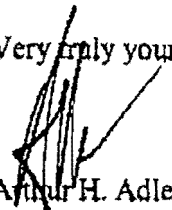
The Honorable T. Bryan McIntire
Courthouse
October 29, 2001
Page 2

Mr. Robert Hannon
Director, Economic Development

1. As part of an overall tour of the area, I drove Mr. Conlon up to see the Legg Mason building and some of the other features of Red Run Boulevard. I pointed out to him where the future interchange, hopefully, will exist in the near future at Pleasant Hill/Dolfield Road. A surprising issue arose as we left the Legg Mason building on Redland Court and came back towards Owings Mills Boulevard. I am not sure if either one of you is aware that a company called Pikesville Auto has leased a property at the intersection of Red Run Boulevard and Pleasant Hill Road. Earlier this year, this company had a demolished car sitting out in front of their entrance with a sign on it promoting a demolition derby in the area. Now that winter is upon us and the trees are starting to thin, a "junkyard type setup" of cars is clearly visible from Red Run Boulevard at the intersection with Pleasant Hill Road. I cannot imagine that this use was in the plans for this corporate center area in Owings Mills when the County invested in Red Run Boulevard. I strongly urge that the County and the Zoning Department review this use of the property to see if there is any way that, at a minimum, the view of this used car lot can be screened from the major intersection of Red Run Boulevard and Pleasant Hill Road. As we market our buildings over the winter months, it is going to be difficult to explain away a very unattractive car lot at this prime corner. I know that Mr. McIntire was especially concerned with architecture for some proposed buildings that we had along this street and I hope that you will help change this condition.

If you have any questions concerning either of these issues or requests, please do not hesitate to contact me. As always, we appreciate your help in promoting the Red Run Corridor and the Owings Mills Growth Area in general.

Very truly yours,


Arthur H. Adler

Aha/jc

Cc: Howard S. Brown
Leroy Merritt
Sidney Emmer
John McSherry
Aamcintirehannon

Case No.:

2009-0289-SPHXA

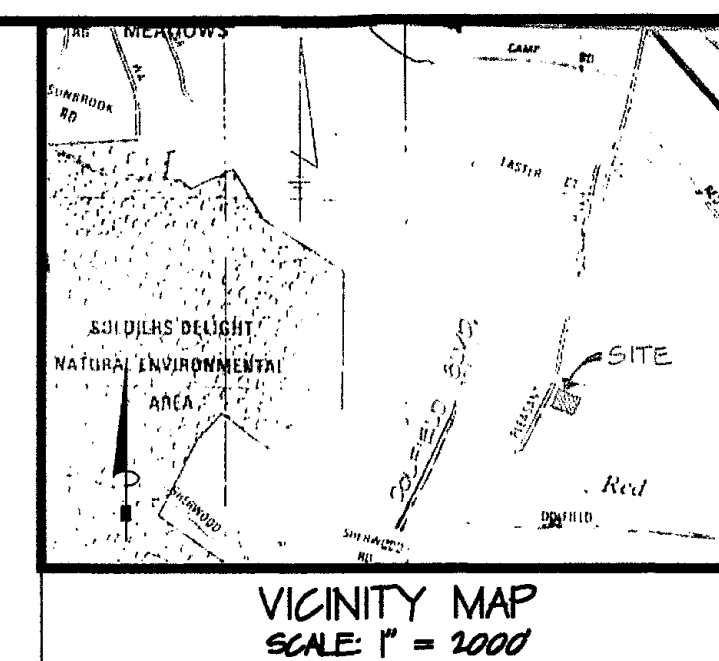
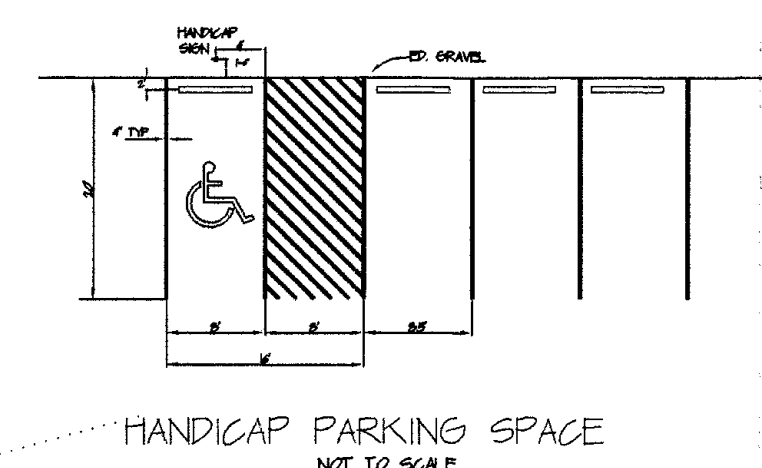
513 & 515 PLEASANT HILL RD.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	02-380-SPHXA - Previous Relief for current site
No. 2		Aerial photo of current location
No. 3		magnified photo of current location
No. 4		4a-4L Photos of property area
No. 5		Aerial photo of new, proposed location
No. 6		magnified aerial photo of 515-513 Pleasant Hill Rd.
No. 7		Nov. 9, 1954; Deed to 515
No. 8		July 7, 1975; assignment - - - 515 to Knight
No. 9		June 14, 2008; Knight to 515 PH LLC, Assignment
No. 10		Sept. 4, 1954; Disney to Keller, Deed; 513 PH Road
No. 11		July 15, 2008; Deed from Keller to 513 PH LLC;
No. 12		Identification only: letter from 2002 SPHXA



SITE NOTES:

1. AREA OF SITE: (BY DEED)
519 PLEASANT HILL RD. = 0.2983 AC.
515 PLEASANT HILL RD. = 0.4561 AC.
TOTAL AREA = 1.9744 AC.
2. SITE ZONING = M-IM
3. LANDSCAPING IN ACCORDANCE WITH BALTIMORE CO. CODE
4. LIGHTING SHALL BE ATTACHED TO WALLS OF BUILDING 515 PLEASANT HILL RD.
AND WILL BE ARRANGED TO DIRECT LIGHT DOWNWARD AND AWAY FROM ADJOINING PROPERTIES.
5. NO NEW UTILITY CONNECTIONS ARE PROPOSED FOR THIS PROPERTY, SITE SERVED BY PUBLIC WATER AND PRIVATE SEWER
6. PARKING TABULATION:
515 PLEASANT HILL RD. AUTOMOBILE TOWING & SALES LOWER LEVEL
NUMBER OF EMPLOYEES = 4 @ 1 SP. / EMPLOYEE = 4 SPACES REQUIRED
SPACES PROVIDED = 4 SPACES
USED CAR SALES 4 CARS @ 1 SP. / CARE = 4 SPACES REQUIRED
SPACES PROVIDED = 4 SPACES
FIRST FLOOR RENTAL DWELLING @ 2 SP. / DWLG = 2 SPACES REQUIRED
SPACES PROVIDED = 2 SPACES
519 PLEASANT HILL RD. RENTAL DWLG. @ 2 SP. / DWLG. = 2 SP. REQUIRED
SPACES PROVIDED = 2 SPACES
7. BUILDING AREAS AND FLOOR AREA RATIOS:
519 PLEASANT HILL RD. BLDG. = 1736 SF. = 0.0412 AC. FAR = 0.0412 / 0.989 = 0.0415
515 PLEASANT HILL RD. BLDG. = 1716 SF. = 0.0393 AC. FAR = 0.0394 / .4561 = 0.086
ALLOWABLE FAR M. - IM ZONING 0.40
8. TAX ACCOUNT NUMBERS:
519 PLEASANT HILL RD. = 041019950
515 PLEASANT HILL RD. = 040102010
9. THERE ARE NO EXISTING STRUCTURES LOCATED WITHIN 200' OF THE SITE EXCEPT .AS SHOWN HEREON.
10. THERE ARE NO EXISTING WELLS AND SEPTIC SYSTEMS LOCATED WITHIN 100' OF THE SITE EXCEPT .AS SHOWN HEREON.

OWNER / DEVELOPER
513 PLEASANT HILL, LLC
515 PLEASANT HILL, LLC
c/o LOUIS E. FRITZ, SR.
503 SUNFIELD COURT
REISTERSTOWN, MD 21136-6113

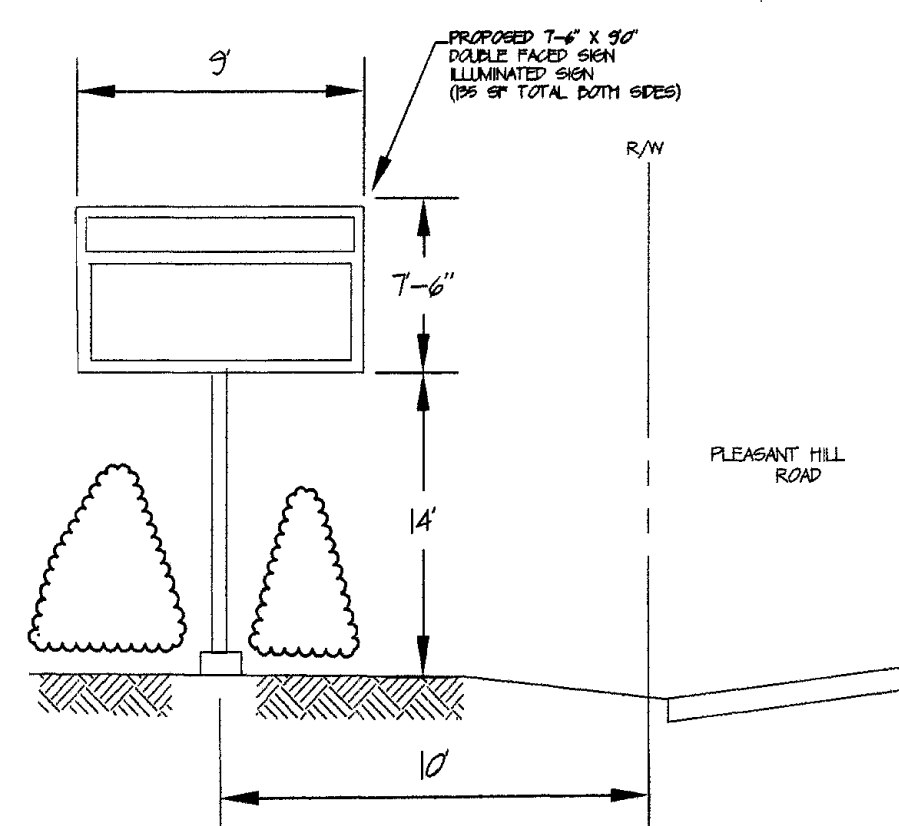
PLAT TO ACCOMPANY ZONING SPECIAL EXCEPTION
SPECIAL HEARING AND VARIANCES
FOR
PIKESVILLE AUTO TOWING
515 & 513 PLEASANT HILL ROAD

SUMMARY OF ZONING REQUESTS;

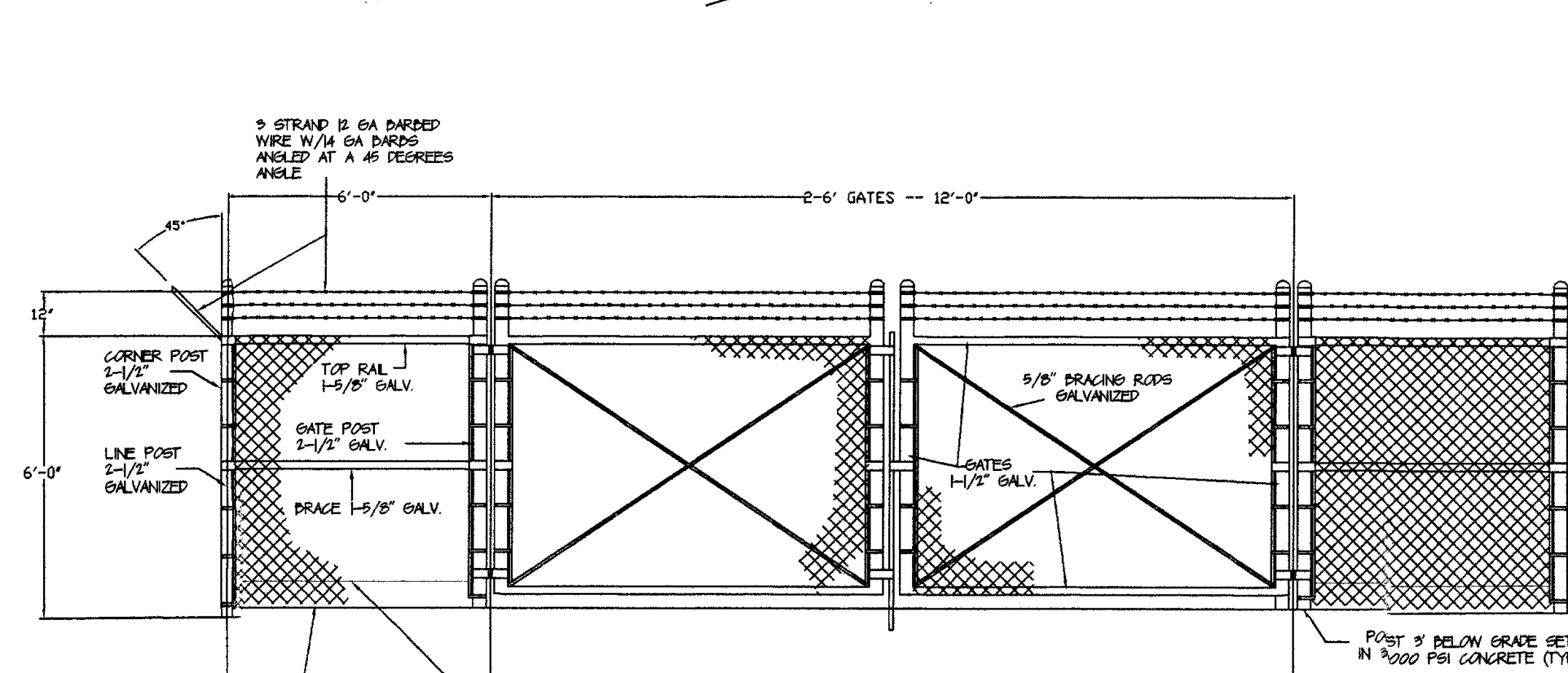
1. SPECIAL EXCEPTION IS REQUESTED TO PERMIT A SERVICE GARAGE FOR A TON TRUCK OPERATION IN AN "ML-M" ZONE ON 519 AND 516 PLEASANT HILL ROAD.
2. A SPECIAL HEARING IS REQUESTED TO PERMIT CONTINUANCE OF EXISTING RESIDENTIAL USE ON 519 AND 516 PLEASANT HILL ROAD.
3. A SPECIAL HEARING IS REQUESTED TO CONFIRM APPROVAL FOR THE SALE OF USED VEHICLE USED VEHICLES AS AN ACCESSORY USE IN THE OPERATION OF A USED VEHICLE TRAIL BUSINESS.
4. A SPECIAL HEARING IS REQUESTED TO PERMIT A SHARED SEPTIC RESERVE AREA FOR 519 AND 516 PLEASANT HILL ROAD LOCATED ON 519 PLEASANT HILL ROAD.
5. 516 PLEASANT HILL ROAD A VARIANCE IS REQUESTED TO PERMIT A SIDE YARD SETBACK OF 6 FT. IN LIEU OF 30 FT. REQUIRED
6. 519 AND 516 PLEASANT HILL ROAD A VARIANCE IS REQUESTED FROM DC2R SECTION 405A2 TO PERMIT A DISABLED VEHICLE STORAGE ON A LOT WITH STONE PAVING IN LIEU OF THE REQUIRED PERMANENT ALL WEATHER MATERIALS.
7. 519 AND 516 PLEASANT HILL RD. A VARIANCE IS REQUESTED FROM DC2R SECTION 405B TO PERMIT A USED CAR RENTAL LOT AND EMPLOYEE PARKING ON STONE PAVING IN LIEU OF THE REQUIRED PERMANENT ALL WEATHER MATERIALS.
8. 519 PLEASANT HILL RD A VARIANCE IS REQUESTED FROM DC2R SEC. 405B.6 TO PERMIT PARKING SPACES TO BE UN-STRIPED IN LIEU OF THE PERMANENT STRIPING ON ARE.

SUMMARY OF ZC² MINING REQUESTS;

1. 513 AND 515 PLEASANT HILL ROAD ARE NOT SUBJECT TO ANY PRIOR ZONING CASES.



SIGN DETAIL
NOT TO SCALE



FENCE DETAIL
NOT TO SCALE

[illegible]

PETITIONER'S
EXHIBIT NO. 1

RELIEF REQUESTED AS FILED:
SPECIAL EXCEPTION:
1) TO PERMIT A SERVICE GARAGE FOR A TOW TRUCK OPERATION IN AN ML-IM ZONE;
AND
SPECIAL HEARING:
1) TO PERMIT CONTINUANCE OF EXISTING RESIDENTIAL USE ON 513 AND 515 PLEASANT HILL ROAD; AND
2) TO CONFIRM APPROVAL OF THE SALE OF INCIDENTAL USED VEHICLES AS AN ACCESSORY USE IN THE OPERATION OF A USED VEHICLE RENTAL AREA; AND
3) TO PERMIT A SHARED SEPTIC RESERVE AREA FOR 513 AND 515 PLEASANT HILL ROAD;
VARIANCES:
1) TO PERMIT A SIDE YARD SETBACK OF 6 FEET IN LIEU OF THE REQUIRED 30 FEET; AND
2) FROM BCZR SECTION 405.2 TO PERMIT A DISABLED VEHICLE STORAGE AREA ON A LOT WITH STONE PAVING IN LIEU OF THE REQUIRED PERMANENT ALL WEATHER MATERIALS; AND
3) FROM BCZR SECTION 405.2 TO PERMIT A USED CAR RENTAL LOT ON STONE PAVING IN LIEU OF THE REQUIRED PERMANENT ALL WEATHER MATERIALS; AND
4) FROM BCZR SECTION 409.8.A.6 TO PERMIT PARKING SPACES TO BE UNSTRIPPED IN LIEU OF THE REQUIRED PERMANENT STRIPING ON AREAS NOT PAVED WITH PERMANENT ALL WEATHER MATERIALS.

WELL, SEPTIC RESERVE AREA AND PUBLIC WATER SERVICE NOTE:
NO USE AND OCCUPANCY PERMIT MAY BE ISSUED UNTIL SUCCESSFUL PERCOLATION TEST HAVE BEEN PERFORMED AS REQUIRED BY DEPS, CONSOLIDATION OF THE LOTS, AND PUBLIC WATER SERVICE HAS BEEN CONNECTED TO 513 PLEASANT HILL ROAD.

STORM WATER MANAGEMENT NOTE:
NO USE AND OCCUPANCY PERMIT MAY BE ISSUED UNTIL STORM WATER MANAGEMENT PLANS AND DOCUMENTS HAVE BEEN APPROVED AND THE MANAGEMENT DEVICES BY DEPS HAVE BEEN INSTALLED.

LANDSCAPING NOTE:
NO USE AND OCCUPANCY PERMIT MAY BE ISSUED UNTIL A FINAL LANDSCAPE PLAN HAS BEEN APPROVED AND PLANTS INSTALLED.

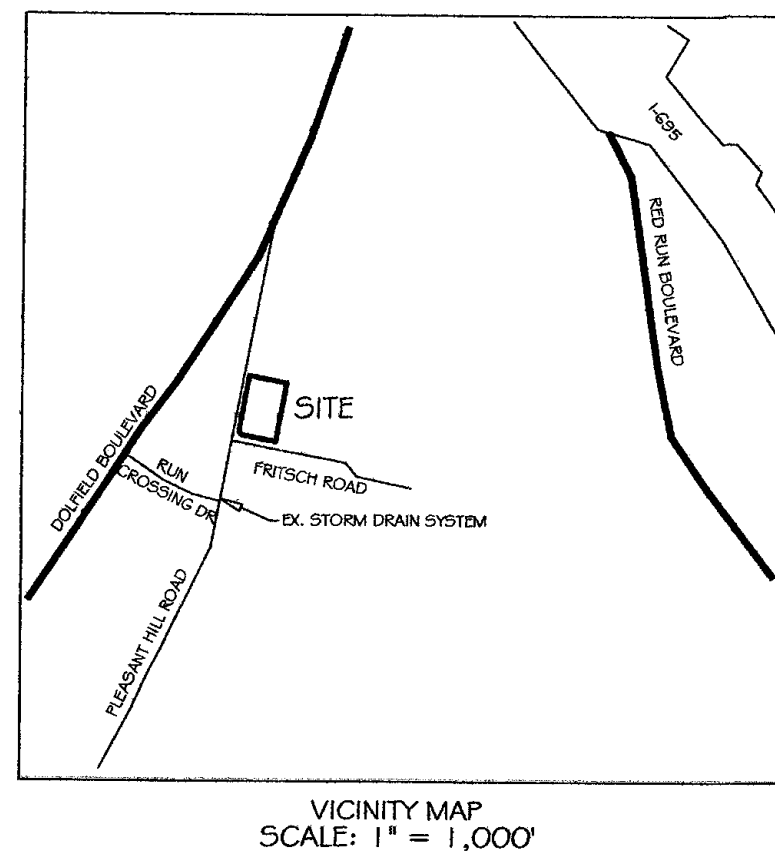
LIGHTING NOTE:
ALL PROPOSED LIGHTING SHOWN HEREON SHALL BE DESIGNED IN ACCORDANCE WITH RECOMMENDATIONS PROVIDED IN DIVISION VI SECTION 717.0 OF THE BALTIMORE COUNTY COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES AND SHALL ALSO BE DESIGNED IN ACCORDANCE WITH THE DESIGN STANDARDS SPECIFIED IN SECTION 409.8.3 OF THE BALTIMORE COUNTY ZONING REGULATIONS AND IN ACCORDANCE WITH ARTICLE 21-16-119.2 OF THE BALTIMORE COUNTY CODE.

REVISED REQUESTS:
SPECIAL EXCEPTION:
1) IF NECESSARY, TO PERMIT A SERVICE GARAGE FOR A TOW TRUCK OPERATION IN AN ML-IM ZONE; AND
2) FOR OTHER SUCH RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.
SPECIAL HEARING:
1) TO PERMIT CONTINUANCE OF EXISTING RESIDENTIAL USES IN EXISTING STRUCTURES ON 513 AND 515 PLEASANT HILL ROAD AS MORE PARTICULARLY SHOWN HEREON; AND
2) TO PERMIT A SHARED SEPTIC RESERVE AREA FOR THE USES SHOWN HEREON; AND
3) FOR OTHER SUCH RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

VARIANCES:
THE PETITION FOR VARIANCE IS WITHDRAWN.



SOURCE NOTE:
THE INFORMATION SHOWN HEREON WAS BASED IN PART ON A PLAN PREPARED BY CHARLES R. CROCKEN AND ASSOCIATES, INC. DATED JANUARY 2009, ENTITLED 'ZONING PLAT 513 & 515 PLEASANT HILL ROAD'. VARIOUS UTILITY DRAWINGS FROM BALTIMORE COUNTY, NEIGHBORHOOD MAP OFFERED BY BALTIMORE COUNTY, 200 SCALE ZONING MAP BY BALTIMORE COUNTY AND AERIAL IMAGING, THE INFORMATION SHOWN HEREON AND THE CONTENT OF THIS PLAN ARE NOT TO BE USED FOR ANY OTHER PURPOSE THEN TO ACCOMPANY A PETITION FOR ZONING HEARING FOR THE SPECIFIED REQUESTS. USE OF THIS PLAN FOR OTHER PURPOSES WILL BE DONE AT USER'S OWN RISK.



SITE DATA:
1) OWNER (513): 513 PLEASANT HILL LLC
OWNER (515): 515 PLEASANT HILL LLC
2) OWNERS ADDRESS: 503 SUNFIELD COURT
REISTERSTOWN, MARYLAND 21136
3) OWNERS TELEPHONE NO.: 410-825-1440
4) TAX ACCOUNT NUMBERS: (513) 0411015950 & (515) 0402001870
5) TAX MAP: G9 PARCEL: 354
6) DEED REFERENCE: (513) 27219/284 & (515) 27140/454
7) PLAT REFERENCE: (515) LOT 6 OF 20/159
8) ZONING MAPS: 057C3 & 058A3
9) ZONING: ML-IM
10) GROSS AREA: 1.37 ACRES
11) THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE CBCA.
12) THE SUBJECT PROPERTY IS NOT LOCATED WITHIN A 100-YEAR FLOOD PLAIN PER FEMA MAP 2400100235F.
13) PREVIOUS HEARINGS OR PERMITS: NONE
14) NO HISTORICALLY SIGNIFICANT STRUCTURES ON THE SUBJECT PROPERTY.
15) THE SUBJECT SITE IS SERVED BY PRIVATE SEPTIC AND PUBLIC WATER SERVICE AREA.
16) THE SUBJECT SITE DOES NOT LIE WITHIN A DEFICIENT BASIC SERVICE AREA.
17) AMENITY OPEN SPACE: NONE REQUIRED
18) F.A.R.:
MAXIMUM PERMITTED = 2.0
EXISTING AND PROPOSED = 3,512/59,677 = 0.06
19) PARKING:
REQUIRED:
OFFICE AREA (600 SF/1,000x3.3) = 2 SPACES
TOW TRUCK OPERATION: 4 EMPLOYEES / 1 EMPLOYEE = 4 SPACES
TRESSPASS VEHICLE STORAGE = 10 SPACES
POLICE-INITIATED TOWING = 30 SPACES
RESIDENTIAL USE: 2 RENTAL DWELLINGS 2/DWELLING = 4 SPACES
TOTAL REQUIRED: 50 SPACES
PROVIDED:
OFFICE AREA = 25 SPACES
TOW TRUCK OPERATION = 4 SPACES
TRESSPASS VEHICLE STORAGE = 10 SPACES
POLICE-INITIATED TOWING = 41 SPACES
TOTAL PROVIDED = 51 SPACES
20) PROPOSED USES: OFFICE, SERVICE GARAGE (TOW TRUCK OPERATION) AND RESIDENTIAL.
21) SIGNS ARE TO COMPLY WITH SECTION 450 OF THE BCZR.

REVISIONS:
NO. DATE

REVISED ZONING PLAT
513 & 515 PLEASANT HILL ROAD

BALTIMORE COUNTY
MARYLAND
4th ELECTION DISTRICT 4th COUNCILMANIC DISTRICT

DRAWN BY: KJW

CHECKED BY: KJW

DATE: 8/30/2012

PROJECT NO.:

2012-027

SHEET 1 OF 1