

**IN RE: PETITIONS FOR SPECIAL HEARING
AND SPECIAL EXCEPTION**

W side of North Point Blvd. at intersection
with S side of Wise Avenue
15th Election District
7th Councilmanic District
(4401 North Point Boulevard)

307 Wise Ave. LLC
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2012-0057-SPHX**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of Petitions for Special Hearing and Special Exception filed by 307 Wise Ave. LLC, the legal property owner. The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") for a modified parking plan pursuant to Section 409.12 of the B.C.Z.R., and to also allow the existing commercial structure and garages with the existing building setbacks. In addition, Petitioner requests Special Exception relief to permit used motor vehicle outdoor sales. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requests were H. Sawhney, Paul Sawhney, and Gurpreet Sawhney for 307 Wise Ave. LLC and Joseph Larson of Bogart Technical Consultants, LLC, the firm who prepared the site plan. Neil Lanzi, Esquire appeared as counsel and represented the Petitioner. There were no Protestants or other interested persons present at the hearing.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated October 3, 2011. The Office of Planning met with the applicant on September 29, 2011, to discuss preliminary

ORDER RECEIVED FOR FILING

Date 10-18-11

By mm

review comments. The Petitioner has submitted a rubricated Zoning Plat dated September 30, 2011. The plan shows a reorganization of the parking spaces with removal of 4 parking spaces in front of the building that were in the public right-of-way. The revised plan shows a total of 58 spaces required and proposed. The sidewalk has been extended to connect from the building entrance to the public sidewalk. The Office of Planning recommends approval of the rubricated plan subject to the following: Remove the paving and travel way associated with the 4 parking spaces shown to be removed and submit a Final Landscape Plan to Avery Harden for review and approval.

Testimony and evidence offered at the hearing revealed that the subject property is located at the intersection of Wise Avenue and North Point Boulevard, in the Dundalk area of Baltimore County. The property was the former site of the Thompson Lincoln Mercury Dealership, but the site has been vacant for the past many years. The owners have already invested \$1 million in repair and renovation costs and plan to spend another \$1 million towards the improvement of the site. The owners intend to open a used car business on site and in order to do so, the Special Hearing and Special Exception requests are necessary.

Testimony offered at the hearing demonstrated that the Petitioner has satisfied the 502.1 requirements as imposed by the B.C.Z.R. The site will function well as a used car facility and a community benefit will be derived in that an old vacant property will be given a new life.

In addition, the parking and design of the parking lot associated with this property will function well as a used car lot. Accordingly, the request to approve a modified parking plan should be granted.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and after considering the testimony and evidence offered, I find that Petitioner's Special Exception and Special Hearing requests should be granted.

ORDER RECEIVED FOR FILING

Date 10-18-11

2

By mg

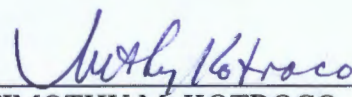
THEREFORE, IT IS ORDERED this 18th day of October, 2011, by this Administrative Law Judge, that Petitioner's request for Special Hearing filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") for a modified parking plan pursuant to Section 409.12 of the B.C.Z.R., and to also allow the existing commercial structure and garages with the existing building setbacks, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's Special Exception request to permit used motor vehicle outdoor sales, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is 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, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Remove the paving and travel way associated with the 4 parking spaces shown to be removed and submit a Final Landscape Plan to Avery Harden, Baltimore County Landscape Architect, for review and approval.

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


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/dlw

ORDER RECEIVED FOR FILING

Date 10-18-11

By mg



KEVIN KAMENETZ
County Executive

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

October 18, 2011

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

RE: **PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION**
W side of North Point Blvd. at intersection with S side of Wise Avenue
15th Election District - 7th Councilmanic District
(4401 North Point Boulevard)
307 Wise Ave. LLC - *Petitioner*
Case No. 2012-0057-SPHX

Dear Mr. Lanzi:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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, Approvals and Inspections (PAI) at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:dlw
Enclosure



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 4401 NORTH POINT BLVD.
which is presently zoned BR-AS

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

A MODIFIED PARKING PLAN PURSUANT TO
SECTION 409.12 OF THE BCZD
(REFER TO ATTACHED SHEET)

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:

Name - Type or Print NA
Signature NA
Address NA Telephone No. NA
City NA State NA Zip Code NA

Attorney For Petitioner:

Name - Type or Print [Signature]
Signature [Signature]
Company NA
Address NA Telephone No. NA
City NA State NA Zip Code NA

Legal Owner(s): 307 WISE AVE. LLC

Hamedorpal Saubury MEMBER
Name - Type or Print [Signature]
Signature [Signature]

Name - Type or Print NA
Signature NA
307 WISE AVE 443-226-4501
Address Telephone No
BALTIMORE MD. 21221
City State Zip Code

Representative to be Contacted:

JOSEPH LARSON
Name STE B-3
222 BOSLEY AVE 410-823-3535
Address Telephone No
TOWSON MD. 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1HR

UNAVAILABLE FOR HEARING NA

Reviewed By JL Date 8/29/11

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 10/18/11

By [Signature]

SPH A

Case No. 2012 0057 XSPH

Zoning Petition for Special Hearing

4401 North Point Blvd

.....to also allow the existing commercial structure and garages with the existing building setbacks.



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 4401 NORTH POINT BLVD

which is presently zoned B2-AS

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

USED MOTOR VEHICLE OUTDOOR SALES

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 NA
Signature NA
Address NA Telephone No. NA
City NA State NA Zip Code NA

Attorney For Petitioner:

Name - Type or Print [Signature]
Signature [Signature]
Company NA
Address NA Telephone No. NA
City NA State NA Zip Code NA

Legal Owner(s): 307 WISE AVE LLC

Hannaberal Sanchez, MEMBER
Name - Type or Print [Signature]

Signature [Signature]
Name - Type or Print NA
Signature NA
307 WISE AVE. 443-226-4501
Address Telephone No.
BALTO. MD. 21221
City State Zip Code

Representative to be Contacted:

JOSEPH LARSON
Name STE B-3
222 BOSLEY AVE 410-823-3535
Address Telephone No.
TOWSON MD. 21204
City State Zip Code

OFFICE USE ONLY

Case No. 2012 0057 XSPH
ORDER RECEIVED FOR FILING
Date 10-18-11
By [Signature]

ESTIMATED LENGTH OF HEARING 1 HR
UNAVAILABLE FOR HEARING NA
Reviewed By JL Date 8/29/11

0057

BOGART TECHNICAL CONSULTANTS LLC

**222 BOSLEY AVENUE, SUITE B-3
TOWSON, MARYLAND 21204
Tel (410) 823-3535 / Fax (410) 825-5215**

**LEGAL DESCRIPTION
TO ACCOMPANY ZONING PETITION**

**4401 NORTH POINT BLVD.
307 WISE AVE. LLC PROPERTY**

BEGINNING for the same on the southwest corner of the intersection of North Point Blvd. (Md. Route No. 151) and Wise Ave. and running thence along the western side of North Point Blvd. as shown on Maryland State Roads Commission Right of Way Plat No. 3430 southeasterly 252 ft. more or less to a point on the north side of a 40 ft. Right of Way as mentioned in deed recorded in Liber 30402 Folio 133; and running thence along the north side of said Right of Way south $88^{\circ}13'$ west 184 ft. more or less to a point on the easternmost boundary of Lot No. 2 as shown on the recorded Plat of North Point Industrial Center, recorded in Plat Book 63, Folio 3; and running thence along the easternmost boundary line of Lot No. 2, North $11^{\circ}18'$ West 172.23 ft.; thence leaving the easternmost boundary of Lot No. 2 and running the following courses and distances: North $67^{\circ}3'$ east 3.68 ft; North $1^{\circ}47'$ west 157 ft. more or less; South $83^{\circ}15'$ east 159 ft. more or less to the western Right of Way line of North Point Blvd; and thence continuing along said western Right of Way line Southeasterly 78 ft. more or less to the place of beginning.

Said property being identified as 4401 North Point Blvd. and containing 1.61 acres of land more or less.

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

No. **73658**

Date: **8/29/11**

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					835.00

Total: **835.00**

Rec
From:

For: **SPECIAL HEARING + SPX FILING**

2012 0057 X SP4

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2012-0057-SPHX

4401 North Point Boulevard

W/s North Point Blvd. at intersection with S/side Wise Avenue

15th Election District - 7th Councilmanic District

Legal Owner(s): Paul Sawhney, 307 Wise Ave, LLC

Special Hearing: for a modified parking plan pursuant to Section 409.12 of the BCZR; to also allow the existing commercial structure and garages with the existing building setbacks. **Special Exception** to permit used motor vehicle outdoor sales.

Hearing: Wednesday, October 5, 2011 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

JT 09/653 Sept. 20

286355

CERTIFICATE OF PUBLICATION

9/22/, 2011

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 9/20/, 2011.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 09/18/2011

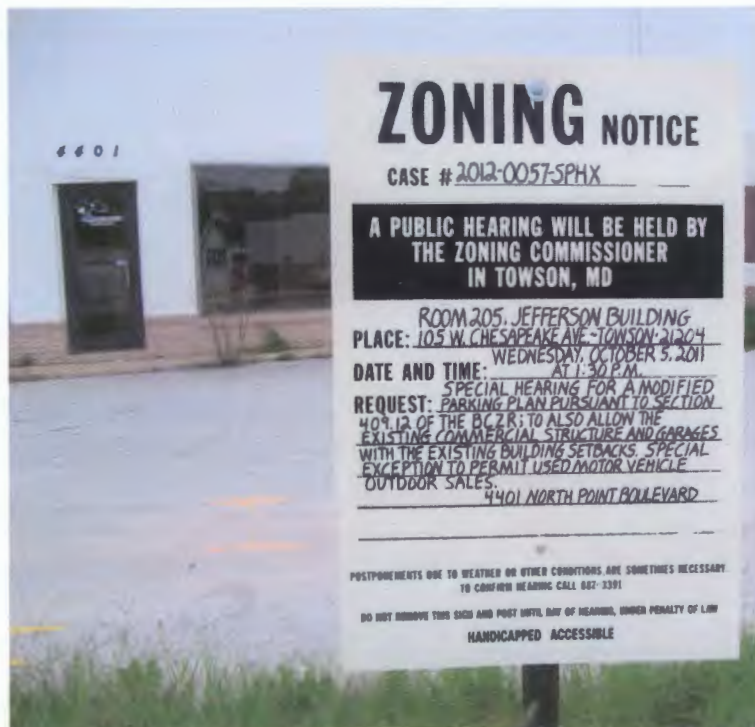
Case Number: 2012-0057-SPHX

Petitioner / Developer: MR. SAWHNEY~JOSEPH LARSON

Date of Hearing (Closing): OCTOBER 5, 2011

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
4401 NORTH POINT BOULEVARD

The sign(s) were posted on: **SEPTEMBER 18, 2011**



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 20, 2011 Issue - Jeffersonian

Please forward billing to:
Paul Sawhney
307 Wise Avenue
Baltimore, MD 21221

443-226-4501

NOTICE OF ZONING HEARING

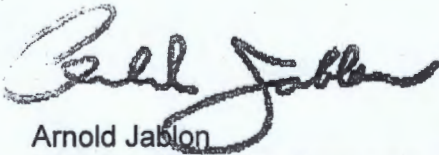
The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0057-SPHX

4401 North Point Boulevard
W/s North Point Blvd. at intersection with S/side Wise Avenue
15th Election District – 7th Councilmanic District
Legal Owners: Paul Sawhney, 307 Wise Ave, LLC

Special Hearing for a modified parking plan pursuant to Section 409.12 of the BCZR; to also allow the existing commercial structure and garages with the existing building setbacks. Special Exception to permit used motor vehicle outdoor sales.

Hearing: Wednesday, October 5, 2011 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

September 8, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0057-SPHX

4401 North Point Boulevard

W/s North Point Blvd. at intersection with S/side Wise Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Paul Sawhney, 307 Wise Ave, LLC

Special Hearing for a modified parking plan pursuant to Section 409.12 of the BCZR; to also allow the existing commercial structure and garages with the existing building setbacks. Special Exception to permit used motor vehicle outdoor sales.

Hearing: Wednesday, October 5, 2011 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Mr. Sawhney, 307 Wise Avenue, Baltimore 21221
Joseph Larson, 222 Bosley Avenue, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 20, 2011**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The 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: 2012 0057 XSPH
Petitioner: MR. PAUL SAWHNEY - 307 WISE AVE LLC
Address or Location: 4401 NORTH POINT BLVD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. PAUL SAWHNEY
Address: 307 WISE AVE
BALTO. MD. 21221
Telephone Number: 443-226-4501



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

September 26, 2011

Mr. Harvey Sawhney
307 Wise Avenue
Baltimore, MD 21221

RE: Case Number 2012-0057 XSPH, 4401 North Point Blvd.

Dear Mr. Sawhney,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 29, 2011. 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Joseph Larson, 222 Bosley Avenue, Towson, MD 21204

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: September 8, 2011

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For September 19, 2011
Item Nos. 2012-052, 053, 054, 055, 056, 057, 058
And 059

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-09192011 -NO COMMENTS.doc

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



Beverley K. Swaim-Staley, Secretary
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 8-31-11

Ms. Kristen Matthews,
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

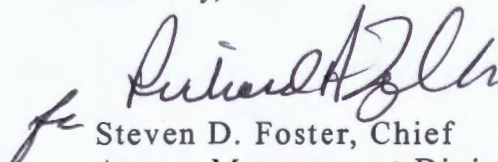
RE: Baltimore County
Item No. 2012-0057-SPHX
Special Exception Special Hearing
307 Wise Avenue, LLC
4401 North Point Blvd.

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 8-31-11. A field inspection and internal review reveals that an entrance onto MD151 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Special Exception. Case Number 2012-0057-SPHX

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may email him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/rz

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 3, 2011

FROM: Andrea Van Arsdale
Director, Office of Planning

SUBJECT: 4401 North Point Boulevard

INFORMATION:

Item Number: 12-057

Petitioner: 307 Wise Avenue, LLC

Zoning: BR-AS

Requested Action: Special Exception and Special Hearing

RECEIVED

OCT 03 2011

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

The Office of Planning met with the applicant on September 29, 2011 to discuss preliminary review comments. The petitioner has submitted a rubricated Zoning Plat dated September 30, 2011. The plan shows a reorganization of the parking spaces with removal of 4 parking spaces in front of the building that were in the public right-of-way. The revised plan shows a total of 58 spaces required and proposed. The sidewalk has been extended to connect from the building entrance to the public sidewalk.

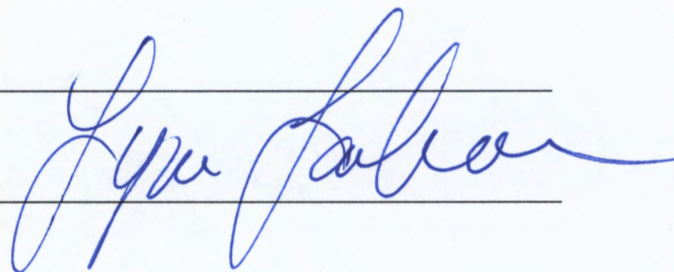
The Office of Planning recommends approval of the rubricated plan subject to the following:

Remove the paving and travel way associated with the 4 parking spaces shown to be removed and submit a Final Landscape Plan to Avery Harden for review and approval.

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

Prepared by: _____

Division Chief: _____
AVA/LL: CM



10/5 1:30 205

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: September 15, 2011

SUBJECT: DEPS Comment for Zoning Item # 12-057-SPHX
Address 4401 North Point Boulevard
(307 Wise Ave. LLC Property)

Zoning Advisory Committee Meeting of September 6, 2011.

X The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

Reviewer: *Jeff Livingston; Development Coordination*

RECEIVED

SEP 15 2011

OFFICE OF ADMINISTRATIVE HEARINGS

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
AND SPECIAL EXCEPTION		
4401 North Point Road; W/S North Point	*	ADMINISTRATIVE LAW
Road, intersection with S/S of Wise Avenue	*	
15 th Election & 7 th Councilmanic Districts	*	JUDGE FOR
Legal Owner(s): 307 Wise Avenue, LLC	*	
Petitioner(s)	*	BALTIMORE COUNTY
	*	2012-057-SPHX

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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 and all documentation filed in the case.

RECEIVED

SEP - 6 2011

.....!

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 6th day of September, 2011, a copy of the foregoing Entry of Appearance was mailed to Joseph Larson, 222 Bosley Avenue, Towson, Maryland 21204, Representative for Petitioner(s).

Peter Max Zimmerman

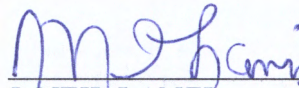
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND SPECIAL EXCEPTION *
4401 North Point Boulevard * ADMINISTRATIVE LAW JUDGE
W/s North Point Blvd. at Intersection * FOR
with S/side Wise Avenue *
15th Election & 7th Councilmanic Districts *
Legal Owners: Paul Sawhney, * BALTIMORE COUNTY
307 Wise Ave, LLC *
Case No. 2012-0057-SPHX

* * * * *

ENTRY OF APPEARANCE

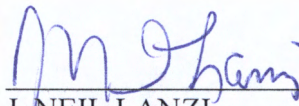
Please enter the appearance of J. Neil Lanzi and J. Neil Lanzi, P.A. for Paul Sawhney and
307 Wise Ave, LLC, Owners in the above-captioned matter.



J. NEIL LANZI
Counsel for the Petitioner
409 Washington Avenue, Suite 617
Towson, Maryland 21204
(410) 296-0686

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of September, 2011, a copy of the
foregoing Entry of Appearance was mailed to Peter Max Zimmerman, People's Counsel for
Baltimore County and Carole S. DeMilio, Deputy People's Counsel for Baltimore County, Room
204, Jefferson Building, 105 West Chesapeake Avenue, Towson, MD 21204.



J. NEIL LANZI

10/ 9Am
104**Debra Wiley - ZAC Comments - Distribution Meeting of September 6 2011**

From: Debra Wiley
To: Murray, Curtis; Lykens, David; Kennedy, Dennis; Muddiman, Don; Livingsto...
Date: 9/4/2011 2:30 PM
Subject: ZAC Comments - Distribution Meeting of September 6 2011

Good Afternoon,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

Thanks and feel free to contact me should you have any questions or concerns.

2012-0052-A - 2857 Louisiana Avenue
(Administrative Variance - Closing Date: 9/19/11)

2012-0053-SPHX - 2430--2444 Broad Avenue

2012-0054-A - 4401 Norfen Road
(Administrative Variance - Closing Date: 9/19/11)

2012-0055-A - 3501 Glenwood Road
(Administrative Variance - Closing Date: 9/19/11)

2012-0056-A -203 Saint Marys Road

2012-0057-SPHX - 4401 North Point Road

2012-0058-SPHA - 2127 York Road

2012-0059-A - 7105 Eastern Avenue

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

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

(410) 296-0686

FAX: (410) 296-0689

E-Mail: nlanzi@lanzilaw.com

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

COLUMBIA

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

Reply to Towson

September 27, 2011

Arnold Jablon, Deputy Administrative Officer
Director, Department of Permits, Approvals and Inspections
111 West Chesapeake Avenue, Room 111
Towson, MD 21204

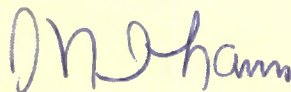
Re: Case No. 2012-0057-SPHX
4401 North Point Boulevard

Dear Mr. Jablon:

Enclosed please find an Entry of Appearance by my firm in the above captioned case.

Thank you for your assistance in this matter.

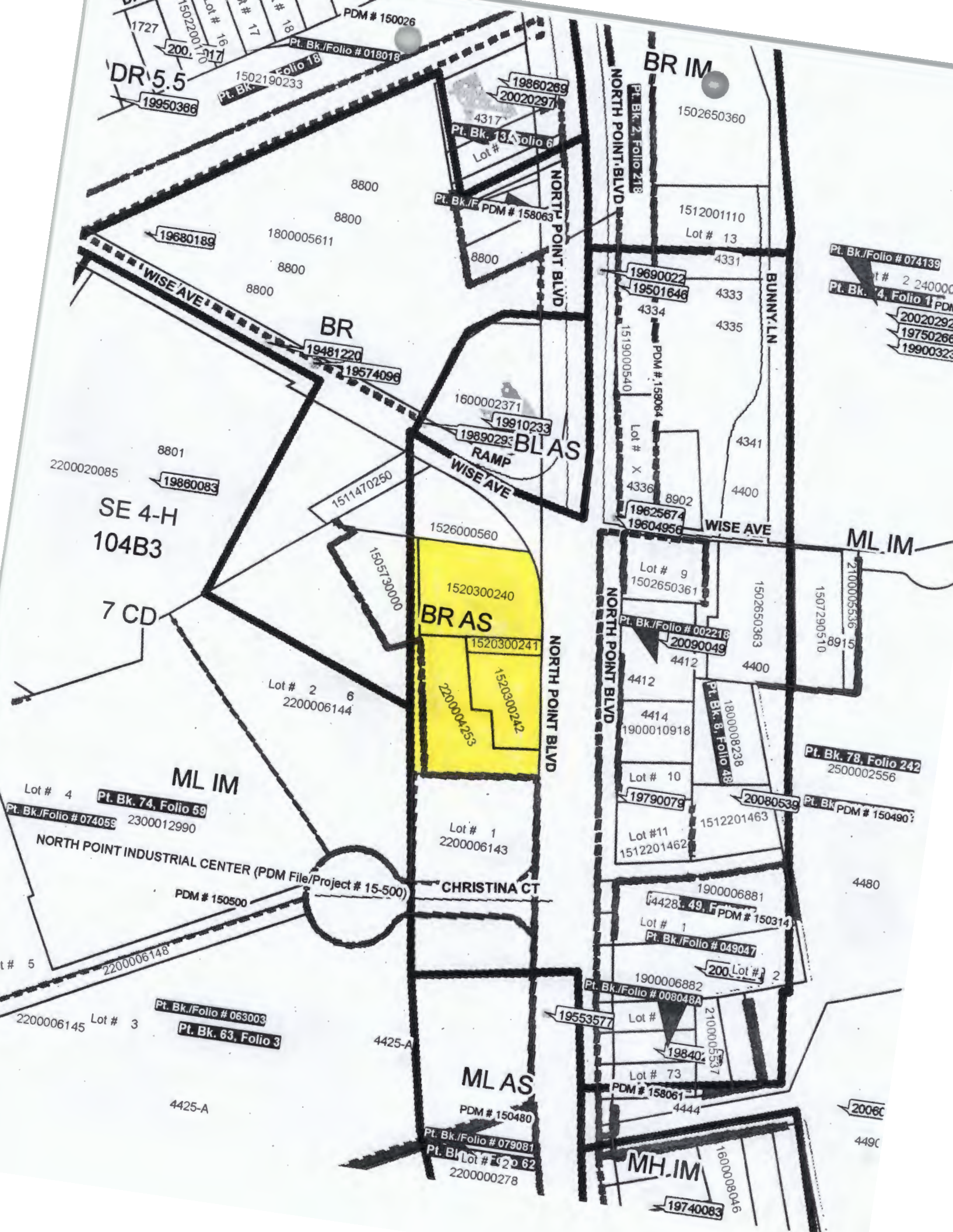
Very truly yours,



J. Neil Lanzi

JNL\mlr

cc: Paul Sawhney



DR 5.5
19950366

SE 4-H
104B3

7 CD

ML IM

BR

BR AS

ML AS

BR IM

ML IM

MH IM

NORTH POINT INDUSTRIAL CENTER (PDM File/Project # 15-500)

CHRISTINA CT

NORTH POINT BLVD

BUNNY LN

WISE AVE

CASE NAME 4401 North Point Blvd.
CASE NUMBER 2012-0057-SPHX
DATE 10-5-11

[illegible]

Case No.: 2012-0057-SPHX

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	<i>Original Plan</i>	
No. 2	<i>Redlined Plan</i>	
No. 3	<i>Final Site Plan</i>	
No. 4	<i>Site Plan + landscape Plan</i>	
No. 5	<i>Photos of the property</i>	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		





GENERAL NOTES

1. THERE ARE NO ARCHEOLOGICAL SITES, HAZARDOUS MATERIALS, ENDANGERED SPECIES HABITATS, CRITICAL AREAS OR HISTORIC BUILDINGS ON THE SUBJECT SITE.
2. THERE ARE NO STREAMS, BODIES OF WATER, OR SPRINGS ON OR ADJACENT TO THE SUBJECT SITE.
3. THE SUBJECT SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
4. ALL PROPOSED SIGNAGE WILL COMPLY WITH SECTION 450 OF THE DCZR.
5. THE SUBJECT PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD PLAIN.
6. THERE ARE NO PREVIOUS ZONING CASES THAT AFFECT THE SUBJECT PROPERTY.
7. ALL PARKING & MANUEVERING AREAS ARE TO BE DUSTLESS & DURABLE & PERMANENTLY STRIPED.
8. LEGAL DESCRIPTIONS WILL BE SIGNED & SEALED PRIOR TO THE ZONING HEARING.

LEGEND

PROPERTY LINE	---
CURB & GUTTER	=====
LIGHT POLE	+
ELECTRIC POLE	T
W/LET	⊞
SEWER MANHOLE	⊙
FENCE	x-x-x
EDGE OF PAVING	----
POLE w/G & E METER	•
TRAFFIC POLE	*
WATER METER	o

PARKING CALCULATIONS

TOTAL FLOOR AREA = 14,560 SQ. FT.
 SHOWROOM, RETAIL, OFFICE = 5,824 SQ. FT. = 5.8 x 5 = 29 SPACES
 GARAGE = 8,736 SQ. FT. = 8.7 x 3 = 27 SPACES
 TOTAL PARKING REQUIRED = 56 SPACES
 TOTAL PARKING PROVIDED = 61 SPACES
 THE FLOOR AREAS SHOWN ABOVE ARE OWNERS PROJECTIONS
 SINCE INTERIOR IMPROVEMENTS ARE NOT YET COMPLETED.

SURVEY NOTE

THE EXISTING CONDITIONS AS SHOWN HEREON ARE BASED ON A FIELD SURVEY AS BUILT SURVEY.
 THE PROPERTY OUTLINE AS SHOWN HEREON IS BASED ON DEED AND PLAT INFORMATION ON FILE AT BALTIMORE COUNTY AND THE MD. STATE HIGHWAY ADMIN.

BOGART TECHNICAL CONSULTANTS LLC

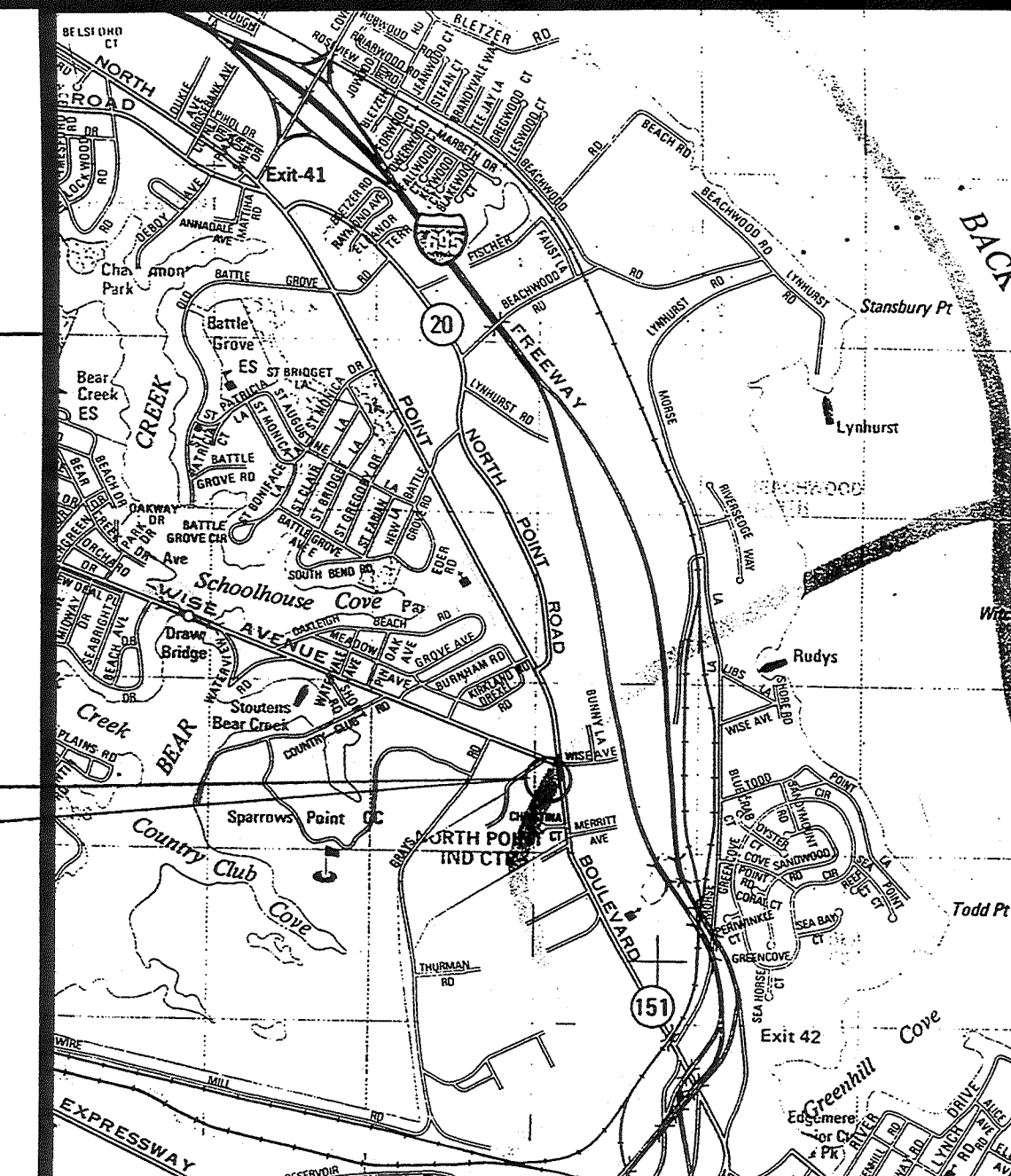
222 Bosley Avenue B-3
 Towson, Maryland 21204
 410-823-3535



Leonard G. Barber 8/14/11

PROPERTY OWNER

307 WISE AVE LLC
 307 WISE AVE
 MDLTD. MD. 21221
 443-226-4501



VICINITY MAP

SCALE: 1" = 2000'

SITE DATA

SITE AREA 1.61± ACRES
 EXIST. ZONING DR-AS
 COUNCILMANIC DISTRICT 7th
 ELECTION DISTRICT 15th
 ZONING MAP 10403
 DEED REFERENCE 30402/133
 TAX MAP/GRID/PARCEL 104/21/28
 104/21/433
 TAX ACCOUNT NO. 1520300240
 1520300241
 1520300242
 2200004253
 UTILITIES WATER-EXIST-PUBLIC
 SEWER-EXIST-PUBLIC

EQUITABLE TRUST CO.
 5656/339
 *1526000560

NEWPORT ENTERPRISES LLC
 22256/131
 *2200006144

ZONING PETITIONS

THIS PLAT ACCOMPANIES ZONING PETITIONS FOR:

- SPECIAL EXCEPTION TO ALLOW THE USE OF THE SUBJECT PROPERTY FOR OUTDOOR USED MOTOR VEHICLE SALES.
- SPECIAL HEARING TO APPROVE A MODIFIED PARKING PLAN, AND TO ALSO ALLOW THE EXISTING COMMERCIAL STRUCTURE & GARAGES WITH THE EXISTING BUILDING SETBACKS.

PLAT TO ACCOMPANY ZONING PETITION

4401 NORTH POINT BLVD

WISE AVE. LLC PROPERTY

PETITIONER'S

SPARROWS POINT

BALTC

EXHIBIT NO. 1

SCALE: 1" = 70'

APRIL 22, 2011

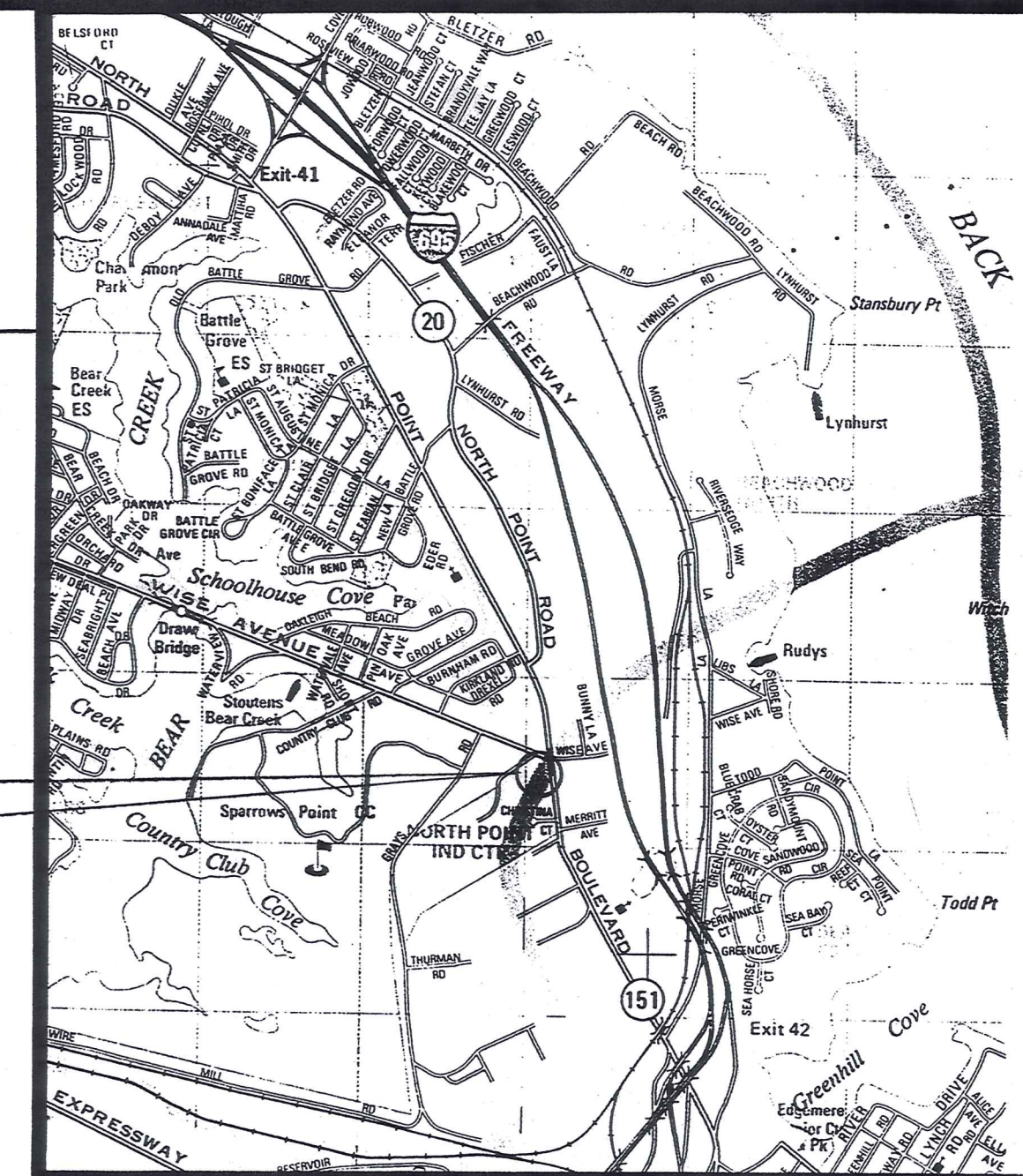
REV. AUG. 5, 2011

GENERAL NOTES

1. THERE ARE NO ARCHEOLOGICAL SITES, HAZARDOUS MATERIALS, ENDANGERED SPECIES HABITATS, CRITICAL AREAS OR HISTORIC BUILDINGS ON THE SUBJECT SITE.
2. THERE ARE NO STREAMS, BODIES OF WATER, OR SPRINGS ON OR ADJACENT TO THE SUBJECT SITE.
3. THE SUBJECT SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
4. ALL PROPOSED SIGNAGE WILL COMPLY WITH SECTION 450 OF THE DCZR.
5. THE SUBJECT PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD PLAIN.
6. THERE ARE NO PREVIOUS ZONING CASES THAT AFFECT THE SUBJECT PROPERTY.
7. ALL PARKING & MANEUVERING AREAS ARE TO BE DUSTLESS & DURABLE & PERMANENTLY STRIPED.
8. LEGAL DESCRIPTIONS WILL BE SIGNED & SEALED PRIOR TO THE ZONING HEARING.

PROPERTY OWNER

307 WISE AVE LLC
307 WISE AVE
BALTO. MD. 21221
443-226-4501



VICINITY MAP

SCALE: 1" = 2000'

SITE DATA

SITE AREA 1.61 ± ACRES
EXIST. ZONING BR-AS
COUNCILMANIC DISTRICT 7th
ELECTION DISTRICT 15th
ZONING MAP 10403
DEED REFERENCE 30402/137
TAX MAP/GRID/PARCEL 104/21/28
104/21/437
TAX ACCOUNT NO. 1520300240
1520300241
1520300242
2200004257
UTILITIES WATER-EXIST-PUBLIC
SEWER-EXIST-PUBLIC

LEGEND

PROPERTY LINE ---
CURB & GUTTER ---
LIGHT POLE ---
ELECTRIC POLE ---
INLET ---
SEWER MANHOLE ---
FENCE ---
EDGE OF PAVING ---
POLE W/G & E METER ---
TRAFFIC POLE ---
WATER METER ---

PARKING CALCULATIONS

TOTAL FLOOR AREA = 14,560 SQ. FT.
SHOWROOM, RETAIL, OFFICE = 5824 SQ. FT. = 5.8 x 5 = 29 SPACES
GARAGE = 8736 SQ. FT. = 8.7 x 3.7 = 29 SPACES
TOTAL PARKING REQUIRED = 58 SPACES
TOTAL PARKING PROVIDED = 21 SPACES
THE FLOOR AREAS SHOWN ABOVE ARE OWNERS PROJECTIONS SINCE INTERIOR IMPROVEMENTS ARE NOT YET COMPLETED.

SURVEY NOTE

THE EXISTING CONDITIONS AS SHOWN HEREON ARE BASED ON A FIELD RUN AS BUILT SURVEY.
THE PROPERTY OUTLINE AS SHOWN HEREON IS BASED ON DEED AND PLAT INFORMATION ON FILE AT BALTIMORE COUNTY AND THE MD. STATE HIGHWAY ADMIN.

BOGART TECHNICAL CONSULTANTS LLC

222 Bosley Avenue B-3
Towson, Maryland 21204
410-823-3535



Leonard G. Burchard 8/16/11

NORTH POINT BLVD. (MD. RTE #151) 120' R/W

NORTH BOUND LANE

REFER TO SRC PLAT # 3430

GRASS MEDIAN

POINT OF BEGINNING

SOUTH BOUND LANE

EXIST. LANDSCAPING TO REMAIN

SOUTHEASTERLY 78°

SOUTHEASTERLY 252°

CURB & GUTTER

MSHA R/W LINE
DEED 1068/36 DATED 6/13/39

WISE AVE.

MSHA R/W LINE
DEED 1068/36 DATED 6/13/39

EQUITABLE TRUST CO.
5656/339
#1526000560

NEWPORT ENTERPRISES LLC
22256/131
#2200006144

NORTH POINT
INDUSTRIAL CENTER
03/7

ZONING PETITIONS

THIS PLAT ACCOMPANIES ZONING PETITIONS FOR:

- SPECIAL EXCEPTION TO ALLOW THE USE OF THE SUBJECT PROPERTY FOR OUTDOOR USED MOTOR VEHICLE SALES.
- SPECIAL HEARING TO APPROVE A MODIFIED PARKING PLAN, AND TO ALSO ALLOW THE EXISTING COMMERCIAL STRUCTURE & GARAGES WITH THE EXISTING BUILDING SETBACKS.

PLAT TO ACCOMPANY ZONING PETITION

4401 NORTH PO

WISE AVE. LLC PR

PETITIONER'S

EXHIBIT NO. 2

SPARROWS POINT

BALTO. CO. MD.

SCALE: 1" = 70'

APRIL 22, 2011

REV. AUG. 5, 2011

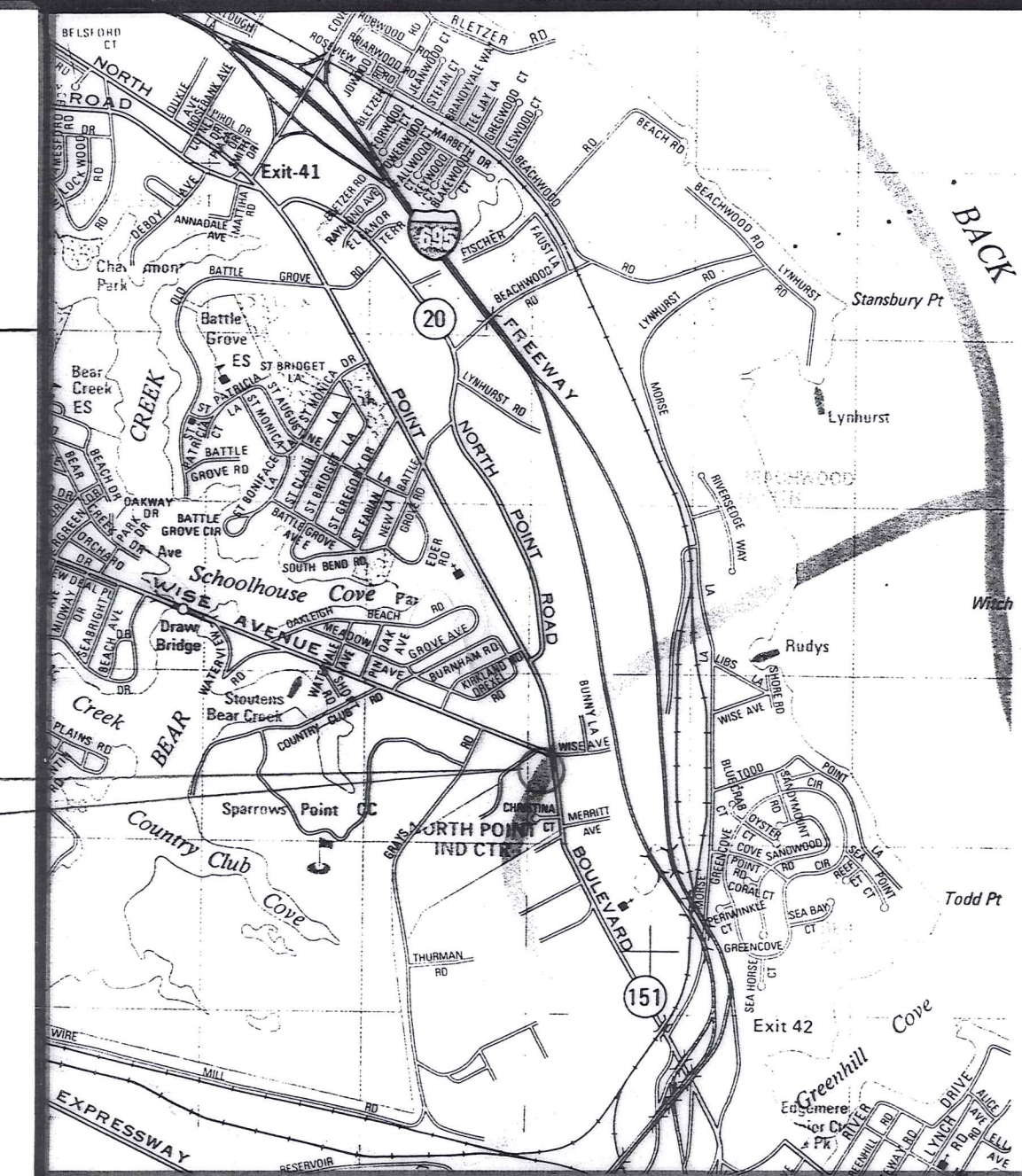
REV. SEPT. 20, 2011

GENERAL NOTES

1. THERE ARE NO ARCHEOLOGICAL SITES, HAZARDOUS MATERIALS, ENDANGERED SPECIES HABITATS, CRITICAL AREAS OR HISTORIC BUILDINGS ON THE SUBJECT SITE.
2. THERE ARE NO STREAMS, BODIES OF WATER, OR SPRINGS ON OR ADJACENT TO THE SUBJECT SITE.
3. THE SUBJECT SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
4. ALL PROPOSED SIGNAGE WILL COMPLY WITH SECTION 450 OF THE DCZR.
5. THE SUBJECT PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD PLAIN.
6. THERE ARE NO PREVIOUS ZONING CASES THAT AFFECT THE SUBJECT PROPERTY.
7. ALL PARKING & MANUEVERING AREAS ARE TO BE DUSTLESS & DURABLE & PERMANENTLY STRIPED.
8. LEGAL DESCRIPTIONS WILL BE SIGNED & SEALED PRIOR TO THE ZONING HEARING.

PROPERTY OWNER

307 WISE AVE LLC
307 WISE AVE
BALTO. MD. 21221
443-226-4501



VICINITY MAP

SCALE: 1" = 2000'

SITE DATA

SITE AREA 1.61± ACRES
EXIST. ZONING DC-AS
COUNCILMANIC DISTRICT 7th
ELECTION DISTRICT 15th
ZONING MAP 104B3
DEED REFERENCE 30402/197
TAX MAP/GRID/PARCEL 104/21/28
104/21/437
TAX ACCOUNT NO. 1520300240
1520300241
1520300242
2200004257
UTILITIES WATER-EXIST-PUBLIC
SEWER-EXIST-PUBLIC

LEGEND

PROPERTY LINE ---
CURB & GUTTER ---
LIGHT POLE ---
ELECTRIC POLE ---
INLET ---
SEWER MAINHOLE ---
FEEDER ---
EDGE OF PAVING ---
POLE W/G & E METER ---
TRAFFIC POLE ---
WATER METER ---

PARKING CALCULATIONS

TOTAL FLOOR AREA = 14,560 SQ. FT.
SHOWROOM, RETAIL, OFFICE = 5624 SQ. FT. = 5.8 x 5 = 20 SPACES
GARAGE = 8736 SQ. FT. = 8.7 x 7.7 = 20 SPACES
TOTAL PARKING REQUIRED = 38 SPACES
TOTAL PARKING PROVIDED = 38 SPACES
THE FLOOR AREAS SHOWN ABOVE ARE OWNERS PROJECTIONS
SINCE INTERIOR IMPROVEMENTS ARE NOT YET COMPLETED.

SURVEY NOTE

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BOGART TECHNICAL CONSULTANTS LLC

222 Bosley Avenue B-3
Towson, Maryland 21204
410-823-3535



Leonard Ruchman 8/14/11

NORTH POINT BLVD. (MD. RTE #151) 120' R/W

NORTH BOUND LANE

REFER TO SRC PLAT # 3470

GRASS MEDIAN

POINT OF BEGINNING

SOUTH BOUND LANE

EXIST. LANDSCAPING TO REMAIN

SOUTHEASTERLY 78'±

SOUTHEASTERLY 252'±

CURB & GUTTER

MSHA R/W LINE
DEED 1068/36 DATED 6/13/39

WISE AVE.

MSHA R/W LINE
DEED 1068/36 DATED 6/13/39

EQUITABLE TRUST CO.
5654/339
#1926000560

NEWPORT ENTERPRISES LLC
22256/131
#2200006144

NORTH POINT
INDUSTRIAL CENTER
6/3/7

ZONING PETITIONS

THIS PLAT ACCOMPANIES ZONING PETITIONS FOR:

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PLAT TO ACCOMPANY ZONING PETITION

4401 NORTH PO

WISE AVE. LLC PR

PETITIONER'S

EXHIBIT NO. 3

SPARROWS POINT

BALTO. CO. MD.

SCALE: 1" = 200'

APRIL 22, 2011

REV. AUG. 5, 2011

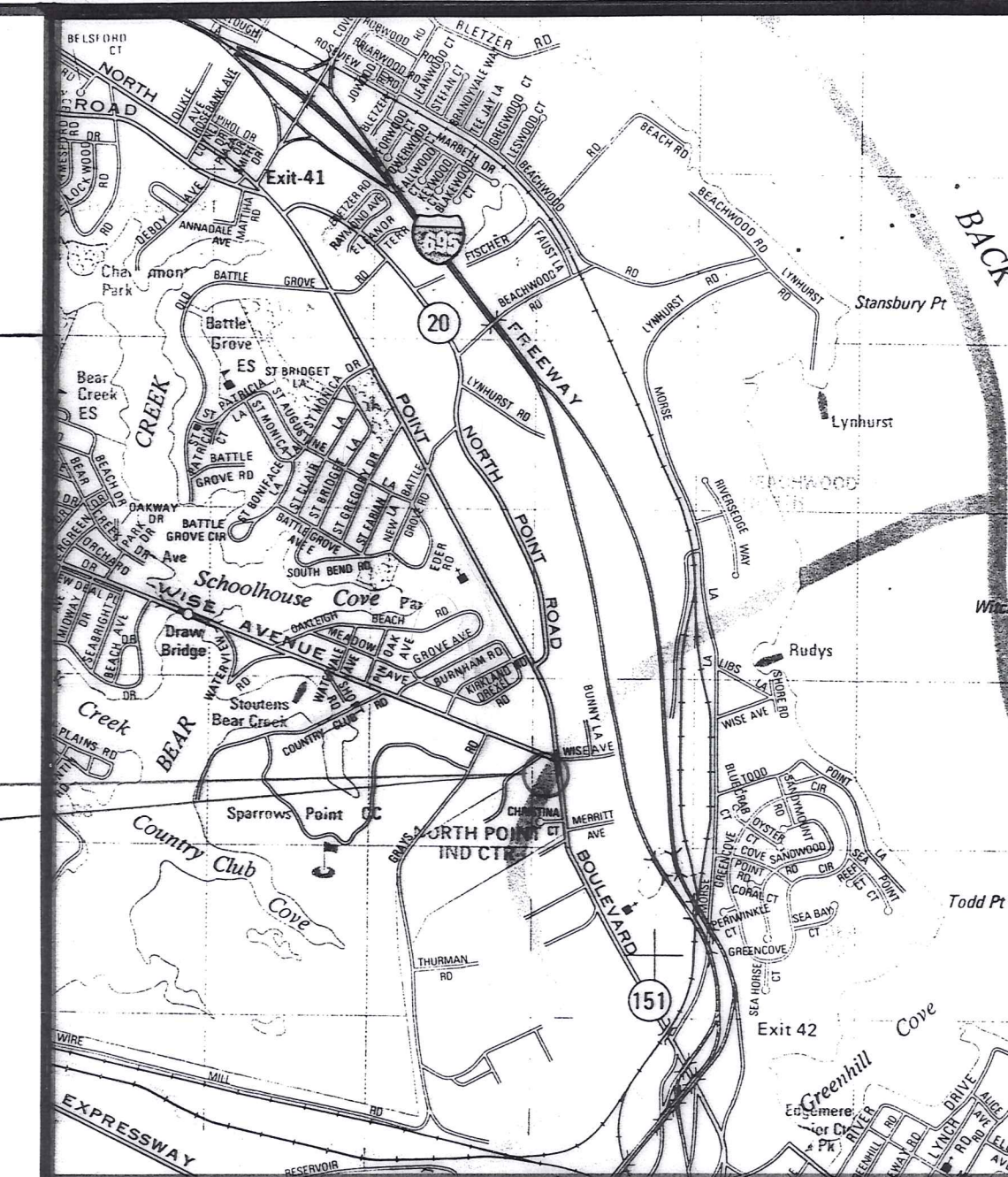
REV. SEPT. 20, 2011

GENERAL NOTES

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PROPERTY OWNER

707 WISE AVE LLC
707 WISE AVE
BALTO. MD. 21221
443-226-4501



VICINITY MAP

SCALE: 1" = 2000'

SITE DATA

SITE AREA: 1.61± ACRES
EXIST. ZONING: B2-AS
COUNCILMANIC DISTRICT: 7th
ELECTION DISTRICT: 15th
ZONING MAP: 104B3
DEED REFERENCE: 30402/199
TAX MAP/GRID/PARCEL: 104/21/28
TAX ACCOUNT NO.: 1520900240
1520900241
1520900242
2200004257
UTILITIES: WATER-EXIST-PUBLIC
SEWER-EXIST-PUBLIC

LEGEND

PROPERTY LINE: ---
CURB & GUTTER: ---
LIGHT POLE: +
ELECTRIC POLE: T
INLET: ---
SEWER MAINHOLE: ---
FENCE: x-x-x
EDGE OF PAVING: ---
POLE w/G & E METER: •
TRAFFIC POLE: *
WATER METER: •

PARKING CALCULATIONS

TOTAL FLOOR AREA: 14,560 SQ. FT.
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GARAGE = 8736 SQ. FT. = 8.7 x 3.7 = 29 SPACES
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BOGART TECHNICAL CONSULTANTS LLC

222 Bosley Avenue B-3
Towson, Maryland 21204
410-823-3535



Leonard Bogart 8/16/11

LANDSCAPE PLAN

ZONING PETITIONS

THIS PLAT ACCOMPANIES ZONING PETITIONS FOR:

- SPECIAL EXCEPTION TO ALLOW THE USE OF THE SUBJECT PROPERTY FOR OUTDOOR USED MOTOR VEHICLE SALES.
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PLAT TO ACCOMPANY ZONING PETITION

4401 NORTH POINT BLVD

WISE AVE. LLC PROPERTY

SPARROWS POINT BALTO. CO. MD.

SCALE: 1" = 200' APRIL 22, 2011

REV. AUG. 5, 2011

REV. SEP. 7, 2011

PETITIONER'S

EXHIBIT NO. 4