

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE

15th Election District *

6th Councilmanic District *

(9301 Philadelphia Road) *

Iacoboni Realty, LLC, Thomas J. Iacoboni *
Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2013-0127-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed by Lawrence E. Schmidt, Esquire, on behalf of Iacoboni Realty, LLC, legal owner. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), seeking the following relief: (1) Iacoboni Site Specialist's request for confirmation that the existing operation on site is a contractor's equipment storage yard; (2) Iacoboni Site Specialist's request for confirmation that the proposed on site operation is a Recycling Facility (a combination of Concrete Products Manufacturing and Wood Products Manufacturing), a use permitted in the ML and MH zones, as a principal or accessory use, or in the alternative, that the Recycling Facility constitutes "any other industrial or manufacturing use except those listed in Section 256.2", a use permitted in the MH zone; (3) The continuing use of the trailers; and (4) Business or industrial parking in a residential zone.

The petition for variance seeks the following relief: (1) To permit the Recycling Facility (manufacturing use) to be located at least 575 ft. from any residential zone in lieu of the minimum required 1,000 ft. (if, and only if, the Recycling Facility constitutes "any other industrial or manufacturing use, except those listed in Section 256.2"); (2) To permit (for an existing 1 story metal storage building shown on the plan) a side yard setback of 10 ft. in lieu of

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the minimum 30 ft. requirement; and (3) Such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

The subject property and requested relief is more fully depicted on the redlined site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the requests were Richard E. Matz from Colbert Matz Rosenfelt, Inc. and Edward S. Schaffer. Lawrence E. Schmidt, Esquire and Jason T. Vettori, Esquire appeared as counsel and represented the Petitioner.

The file reveals that the Petition was properly posted and advertised as required by the Baltimore County Zoning Regulations.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Substantive comments were received from Department of Planning (DOP) and Bureau of Development Plans Review (DPR), both of which will be discussed below.

The subject property is approximately 21 acres and is zoned predominately ML-IM and MH-IM, with small portions DR 5.5 and BL. The Petitioner has since 1988 used the site as the base of its operations for a site clearing and construction company.

The Petition for Special Hearing seeks a variety of relief, the first aspect of which is confirmation that the current operations at the site constitute a "contractor's equipment storage yard" as defined under B.C.Z.R. §101.1. That regulation provides that such a use involves the "storage or keeping of ...machinery, including building materials storage..." B.C.Z.R. §101.1. Photographs were submitted showing overhead views of the site, on which is stored various construction materials and machinery (i.e., backhoes and bulldozers). See Exhibits 2A, 2Z, 2AA and 2BB. Based on this evidence, and the proffered testimony of Edward Schaeffer (a manager

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employed by Petitioner), it is clear that the Petitioner currently uses the site as a "contractor's equipment storage yard."

The Petitioner indicated it would like to begin on-site recycling of dirt, concrete and wood, which are the materials most often extracted from demolition sites by Iacoboni. As shown on the plan, the Petitioner would recycle these materials with machinery in its yard (See Exhibit 1), and would re-use the materials on subsequent sites and projects. While wood & concrete processing is permitted as of right in the ML and MH zones (§§256.1.A.1 & 253.1.A.10 & 54), the processing of dirt or soil is not specifically addressed by the B.C.Z.R. There is however a "catch-all" in the regulations, permitting in the MH zones "any other industrial or manufacturing use...when located at least 1000 feet from any residential zone." B.C.Z.R. §256.1.A.3. Employing this catch all provision necessitates variance relief (discussed below), given that there is a residentially zoned property approximately 575 feet from the proposed recycling use area. Thus, the concrete, wood and soil products manufacturing & recycling proposed by Petitioner are permissible as "industrial" uses under B.C.Z.R. §256.1.A.3.

The next category of relief under §500.7 concerns two portable trailers used on site by Petitioner as administrative office space. These trailers (shown in photos 2X & 2y) are temporary construction style trailers one frequently sees on building sites. They are permitted under §§ 253.1.F.3 and 415.6 as accessory structures.

The final aspect of Special Hearing relief involves business and industrial parking in a residential zone. The parking at issue is for Petitioner's employees, and is shown on the plan at the northwest corner of the site, adjoining Philadelphia Road. The parking lot is of modest size, and there is no indication that this use will have a negative impact upon the surrounding neighborhood. As such, the request will be approved.

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Based on the evidence presented, I also find that the variances can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

As shown on the site plan, the large property is of irregular dimensions (counsel referred to it as being shaped like a soup ladle). In addition, a large portion of the site contains protected wetlands (which are shown and delineated on the plan), which impose constraints on where Petitioner can conduct its operations. Thus the property is clearly "unique." And it is equally clear Petitioner would experience a practical difficulty if relief were denied, given it would be unable to recycle the building materials on site as proposed.

AGENCY COMMENTS

As noted at the outset, both the DOP and the DPR submitted substantive comments in this case. Per the DOP's comments, I will require Petitioner to provide landscaping along Philadelphia Road, and to remove or replace the dilapidated wood fencing on site. The more significant issue, according to both DOP and DPR, involves the right-of-way for Yellow Brick Road, which is apparently shown on a record plat, although Mr. Matz noted its precise location has not been fixed. In any event, as requested by the agencies, the right-of-way has been shown on the redlined plan, and the relief granted herein shall contain the caveat suggested by the County's Director of Real Estate compliance. As for the ultimate right-of-way line for Philadelphia Road, I will not require the Petitioner to relocate the proposed employee parking lot. As noted in Mr. Kennedy's January 28, 2013 e-mail (Exhibit 3) "it would be wise (but not required)" for Petitioner to relocate the parking lot in case the State (Philadelphia Road is a state highway) eventually required highway widening at this location. But that is a matter best left to

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By sls

the Petitioner and the State Highway Administration, especially since the SHA noted in its December 13, 2012 ZAC comment that it had "no objection to approval" of the zoning petitions.

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

THEREFORE, IT IS ORDERED this 12th day of February, 2013 by the Administrative Law Judge, that the Petition for Special Hearing seeking the following relief under § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."); (1) Iacoboni Site Specialist's request for confirmation that the existing operation on site is a contractor's equipment storage yard; (2) Iacoboni Site Specialist's request for confirmation that the Recycling Facility constitutes "any other industrial or manufacturing use except those listed in Section 256.2", a use permitted in the MH zone; (3) The continuing use of the trailers; and (4) Business or industrial parking in a residential zone, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance seeking the following relief: (1) To permit the Recycling Facility (manufacturing use) to be located at least 575 ft. from any residential zone in lieu of the minimum required 1,000 ft.; and (2) To permit a side yard setback of 0 ft. in lieu of the minimum 30 ft. requirement, be and is hereby GRANTED.

The relief granted herein shall be subject to and expressly conditioned upon the following:

1. Petitioners may apply for appropriate permits 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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By sln

2. Petitioner must provide landscaping (as determined by the County's landscape architect) along Philadelphia Road, and remove all dilapidated wood fencing on site.
3. The Petitioner shall not store construction equipment, machinery or materials of any sort along or between Philadelphia Road and the proposed employee parking area.
4. Some of the recycling activities permitted herein, as shown on the redlined plan, are within the Yellow Brick Road right-of-way, established in 2000. Any uses approved that are inconsistent with the offer of dedication for the bed of Yellow Brick Road are temporary in nature and undertaken at the property owner's own risk. The County shall not be liable for any cost to or alleged damages suffered by the property owner in connection with the uses in the right of way when Yellow Brick Road is conveyed and built.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

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Date

2/12/13

By

sln



KEVIN KAMENETZ
County Executive

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

February 12, 2013

Lawrence E. Schmidt, Esquire
Jason T. Vettori, Esquire
600 Washington Avenue
Suite 200
Towson, Maryland 21204

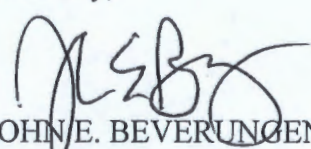
RE: Petitions for Special Hearing and Variance
Case No.: 2013-0127-SPHA
Property: 9301 Philadelphia Road

Dear Mr. Schmidt and Mr. Vettori :

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Richard E. Matz, 2835 Smith Avenue, Suite G, Baltimore, Maryland 21209
Edward S. Schaffer, 9301 Philadelphia Road, Baltimore, Maryland 21237



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

address 9301 Philadelphia Road which is presently zoned ML-IM, MH-IM, DR 5.5, BL

Deed Reference Please see attached. 10 Digit Tax Account # Please see attached.

Property Owner(s) Printed Name(s) Please see attached.

CASE NUMBER 2013-027-SHA Filing Date 12/4/12 Estimated Posting Date 12/16/12 Reviewer JS

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☒ 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 attached.

2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a **Variance** from Section(s)

See attached.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "To Be Presented At Hearing". If you need additional space, you may add an attachment to this petition)

To be presented at hearing.

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200, Towson, MD

Mailing Address

City

State

21204

410-821-0070

lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

Legal Owners:

Please see attached.

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name - Type or Print

Signature

600 Washington Avenue, Suite 200, Towson, MD

Mailing Address

City

State

21204

410-821-0070

lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

ATTACHMENT TO
PETITION FOR ZONING RELIEF
SIGNATURES AND PROPERTY INFORMATION

Legal Owner(s):

Map 82, Parcel 656, Lot 1
(9301 Philadelphia Road)
Tax Acct. No.: 2300009130

DEED REF: 12769/0308

Map 82, Parcel 392
Tax Acct. No.: 1501500000

Map 82, Parcel 393
(9223 Philadelphia Road)
Tax Acct. No.: 1523002810

Map 82, Parcel 272
Tax Acct. No.: 1503850040

Thomas J. Iacoboni, Authorized Signator
Iacoboni Realty, LLC
P.O. Box 72550
Baltimore, MD 21237

By: _____

Thomas J. Iacoboni

2013-0127-SPHA

ATTACHMENT TO PETITION FOR ZONING RELIEF

9301 Philadelphia Road

Special Hearing relief to determine whether or not the Administrative Law Judge should approve:

1. Iacoboni Site Specialists' request for confirmation that the existing operation on site is a contractor's equipment storage yard as defined in Section 101.1 of the BCZR;
2. Iacoboni Site Specialists' request for confirmation that the proposed on site operation is a Recycling Facility (a combination of Concrete Products Manufacturing (BCZR §§ 256.1.A.1 & 253.1.A.10) and Wood Products Manufacturing (BCZR §§ 256.1.A.1 & 253.1.A.54)), a use permitted in the ML and MH zones, as a principal or accessory use, or in the alternative, that the Recycling Facility constitutes "[a]ny other industrial or manufacturing use, except those listed in Section 256.2", a use permitted in the MH zone, in accordance with BCZR § 256.1.A.3;
3. The continuing use of the trailers in accordance with BCZR §§ 253 & 415;
4. Business or industrial parking in a residential zone in accordance with BCZR § 409.8.B; and
5. Such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Variance relief from Section(s):

1. 256.1.A.3 of the BCZR to permit the Recycling Facility (manufacturing use) to be located at least 575 feet from any residential zone in lieu of the minimum required 1,000 feet (if, and only if, the Recycling Facility constitutes "[a]ny other industrial or manufacturing use, except those listed in Section 256.2", a use permitted under BCZR § 256.1.A.3); and
2. 258.1 and 238.2 of the BCZR to permit a side yard setback of 0 feet in lieu of the minimum 30 foot requirement; and
3. Such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

2013-0127-SP4A



ZONING DESCRIPTION 9301 PHILADELPHIA ROAD AND 9223 PHILADELPHIA ROAD

Beginning at a point on the south side of Philadelphia Road, which is 80 feet wide, at the distance of 245.5 feet west of the centerline of Palamon Drive, which is of varying width. Thence the following courses and distances:

N 46° 35' 42" E 116.72 feet;
N 48° 26' 40" E 18.54 feet;
S 56° 00' 18" E 707.87 feet;
N 47° 10' 16" E 925.33 feet;
S 50° 44' 18" E 381.00 feet;
S 51° 04' 34" E 472.17 feet;
N 47° 13' 26" E 876.67 feet;
N 53° 31' 23" W 212.46 feet;
S 37° 52' 42" W 117.00 feet: thence
N 55° 53' 18" W 1385.60 feet to the point of beginning.

As recorded in Deed Liber 14622, Folio 00279, Liber 12769 Folio 00308, and Liber 21309, Folio 00550 and containing 922,137.6 square feet (21.17 acres) more or less. Also known as Parcels 656 (Lot 1), 392, 393, and 272 on Tax Map 82 and in part known as 9301 and 9223 Philadelphia Road, located in the 15th Election District and 6th Councilmanic District.



Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.

License No. 13203, Expiration Date: 11/2/2014

2013-0127-SPHA

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

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: 2013-0127-SPHA

Petitioner: IACOBONI REALTY, LLC

Address or Location: 9301 PHILADELPHIA ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: JASON T. VETTORI (SMITH, GILDEA & SCHMIDT, LLC)

Address: 600 WASHINGTON AVENUE

SUITE 200

TOWSON, MD 21204

Telephone Number: (410) 821-0070

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

No. **90143**

Date: **12/3/12**

PAID RECEIPT

BUSINESS ACTUAL TIME NEW
 12/03/2012 12/03/2012 10:45:15 2

REL MS02 MAIL JENNA WEE
 >>RECEIPT # 000122 12/03/2012 OFFIN

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	006	0000		6550				\$ 770.00

Dept 5 528 ZONING PERMIT FEE
 CR NO. 090143

Recpt Tot: \$770.00
 \$770.00 CR \$1.00 CA
 Baltimore County, Maryland

Total: **\$ 770.00**

Rec From: **IACOBONI - 9301 PHILADELPHIA ROAD**

For: **CASE # 2013-0127 SPHA**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

2013-0127-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Thomas Iacoboni, Iacoboni Realty, LLC

February 1, 2013

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

9301 Philadelphia Rd

January 11, 2013

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,



January 11, 2013

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE # 2013-0127-SPHA

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

ROOM 205, JEFFERSON BUILDING

PLACE: 105 W. CHESAPEAKE AVE, TOWSON MD 21204

DATE AND TIME: Friday, Feb. 1, 2013 at 1:30 p.m.

REQUEST: Special Hearing to approve Iacoboni Site Specialist's request for confirmation that the existing operation on site is a contractors equipment storage yard; request for confirmation that the proposed on-site operation is a Recycling Facility (combination of Concrete Products Manufacturing and Wood Products Manufacturing), a use permitted in the ML and MH zones; as a principal or accessory use, or in the alternative that the Recycling Facility constitutes "any other industrial or manufacturing uses except those listed in its Sec. 256.2", a use permitted in the MH zone; to permit the continuing use

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM THE HEARING. CALL 410-339-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE # 2013-0127-SPHA (Continued)

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

ROOM 205, JEFFERSON BUILDING

PLACE: 105 W. CHESAPEAKE AVE, TOWSON MD 21204

DATE AND TIME: Friday, Feb. 1, 2013 at 1:30 p.m.

REQUEST: of trailers; business or industrial parking in a residential zone; such other and further relief as may be deemed necessary by the ALJ. Variance to permit the Recycling Facility (manufacturing use) to be located at least 575 ft. From any residential zone in lieu of the minimum required 1,000 sq ft. (if and only if, the Recycling Facility constitutes "any other industrial or manufacturing use, except those listed Section 256.2", to permit side yard setback of 0 ft. in lieu of the minimum 30 ft. requirement, and such other and further relief as may be deemed necessary by the ALJ of Baltimore County.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM THE HEARING. CALL 410-339-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

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: #2013-0127-SPHA

9301 Philadelphia Road

S/s Philadelphia Road, 245.5 ft. west of centerline of Palamon Drive

15th Election District - 6th Councilmanic District

Legal Owner(s): Thomas Iacoboni, Iacoboni Realty, LLC

Special Hearing to approve Iacoboni Site Specialist's request for confirmation that the existing operation on site is a contractor's equipment storage yard; request for confirmation that the proposed on site operation is a Recycling Facility (combination of Concrete Products Manufacturing and Wood Products Manufacturing), a use permitted in the ML and MH zones; as a principal or accessory use, or in the alternative that the Recycling Facility constitutes "any other industrial or manufacturing uses except those listed in Sec. 256.2", a use permitted in the MH zone; to permit the continuing use of trailers; business or industrial parking in a residential zone; such other and further relief as may be deemed necessary by the ALJ. **Variance** to permit the Recycling Facility (manufacturing use) to be located at least 575 ft. from any residential zone in lieu of the minimum required 1,000 sq. ft. (if and only if, the Recycling Facility constitutes "any other industrial or manufacturing use, except those listed Section 256.2"; to permit side yard setback of 0 ft. in lieu of the minimum 30 ft. requirement, and such other and further relief as may be deemed necessary by the ALJ of Baltimore County.

Hearing: Friday, February 1, 2013 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.
01/108 January 10 897523



501 N. Calvert Street, Baltimore, MD 21278

January 10, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on January 10, 2013.

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

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

Susan Wilkinson



KEVIN KAMENETZ
County Executive

January 2, 2013

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

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: 2013-0127-SPHA

9301 Philadelphia Road

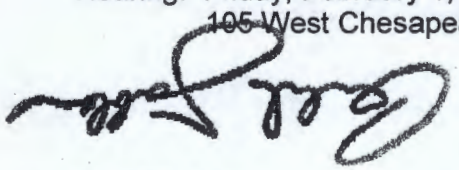
S/s Philadelphia Road, 245.5 ft. west of centerline of Palamon Drive

15th Election District – 6th Councilmanic District

Legal Owners: Thomas Iacoboni, Iacoboni Realty, LLC

Special Hearing to approve Iacoboni Site Specialist's request for confirmation that the existing operation on site is a contractor's equipment storage yard; request for confirmation that the proposed on site operation is a Recycling Facility (combination of Concrete Products Manufacturing and Wood Products Manufacturing), a use permitted in the ML and MH zones; as a principal or accessory use, or in the alternative that the Recycling Facility constitutes "any other industrial or manufacturing uses except those listed in Sec. 256.2", a use permitted in the MH zone; to permit the continuing use of trailers; business or industrial parking in a residential zone; such other and further relief as may be deemed necessary by the ALJ. Variance to permit the Recycling Facility (manufacturing use) to be located at least 575 ft. from any residential zone in lieu of the minimum required 1,000 sq. ft. (if and only if, the Recycling Facility constitutes "any other industrial or manufacturing use, except those listed Section 256.2"; to permit side yard setback of 0 ft. in lieu of the minimum 30 ft. requirement, and such other and further relief as may be deemed necessary by the ALJ of Baltimore County.

Hearing: Friday, February 1, 2013 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director

AJ:kl

C: Lawrence Schmidt, 600 Washington Ave., Ste. 200, Towson 21201
Thomas Iacoboni, P.O. Box 72550, Baltimore 21237

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JANUARY 12, 2013.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 10, 2013 Issue - Jeffersonian

Please forward billing to:

Jason Vettori
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2013-0127-SPHA

9301 Philadelphia Road

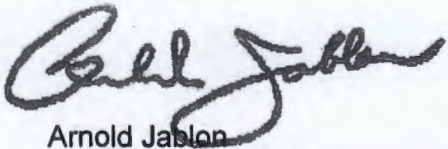
S/s Philadelphia Road, 245.5 ft. west of centerline of Palamon Drive

15th Election District – 6th Councilmanic District

Legal Owners: Thomas Iacoboni, Iacoboni Realty, LLC

Special Hearing to approve Iacoboni Site Specialist's request for confirmation that the existing operation on site is a contractor's equipment storage yard; request for confirmation that the proposed on site operation is a Recycling Facility (combination of Concrete Products Manufacturing and Wood Products Manufacturing), a use permitted in the ML and MH zones; as a principal or accessory use, or in the alternative that the Recycling Facility constitutes "any other industrial or manufacturing uses except those listed in Sec. 256.2", a use permitted in the MH zone; to permit the continuing use of trailers; business or industrial parking in a residential zone; such other and further relief as may be deemed necessary by the ALJ. Variance to permit the Recycling Facility (manufacturing use) to be located at least 575 ft. from any residential zone in lieu of the minimum required 1,000 sq. ft. (if and only if, the Recycling Facility constitutes "any other industrial or manufacturing use, except those listed Section 256.2"; to permit side yard setback of 0 ft. in lieu of the minimum 30 ft. requirement, and such other and further relief as may be deemed necessary by the ALJ of Baltimore County.

Hearing: Friday, February 1, 2013 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*

January 24, 2013

Iacoboni Realty LLC
Thomas J. Iacoboni
P. O. Box 72550
Baltimore MD 21237

RE: Case Number: 2013-0127 SPHA, Address: 9301 Philadelphia Road

Dear Mr. Iacoboni :

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 4, 2012. 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: jaf

Enclosures

c: People's Counsel
Lawrence E. Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

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



Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12-13-12

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

RE: Baltimore County
Item No. 2013-0127-SPHA
Special Hearing Variance
Iacoboni Realty LLC.
Thomas J. Iacoboni
1787
9301 Philadelphia Road.

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 12-11-12. A field inspection and internal review reveals that an entrance onto MD7 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance. Case Number 2013-0127-SPHA.

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,

A handwritten signature in black ink, appearing to read "Steven D. Foster".
Steven D. Foster, Chief
Access Management Division

SDF/raz

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
9301 Philadelphia Road; S/S Philadelphia Rd,	*	OF ADMINISTRATIVE
245.5' W/S c/line Palamon Drive		
15 th Election & 6 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Iacoboni Realty LLC		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2013-127-SPHA

* * * * *

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.

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

RECEIVED

DEC 14 2012

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of December, 2012, a copy of the foregoing Entry of Appearance was mailed to Lawrence Schmidt, Esquire, Smith, Gildea & Schmidt, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 28, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 9301 Philadelphia Road

INFORMATION:

Item Number: 13-127 AMENDED COMMENTS

Petitioner: Thomas J. Iacoboni

Zoning: ML-IM, MH-IM, DR 5.5 and BL

Requested Action: Special Hearing and Variance

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JAN 29 2013
OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. Shift the location of the employee parking area so that no parking spaces are closer than 10 feet to the ultimate right-of-way line for Philadelphia Road in accordance with Section 409.8.A.4 of the BCZR.

This department requests that the Administrative Law Judge prohibit the storage of equipment and materials along Philadelphia Road between the road and the employee parking area. Also, expressly prohibit the storage of equipment and materials in any area not specifically shown/delineated on the site plan for "proposed equipment & material storage."

The petitioner shall provide landscaping along Philadelphia Road. Additionally, remove or replace the dilapidated wood fencing on the subject site.

The plan accompanying the zoning petition should be revised to show the right of way and revertible easements for Yellow Brick Road shown on record plat 72/129, not merely a centerline. Notes should be included on the plan with language that makes reference to the record plat, and explicitly reserves the right of way. The Department of Planning seeks to avoid any future confusion about the offer of dedication in the event that the zoning petition is granted, recognizing that the plan submitted by the petitioner shows uses in the right of way.

After consulting with the County's Director of Real Estate Compliance, we suggest that the following language be included in the Law Judge's order and on the plan: *Any uses approved that are inconsistent with the offer of dedication for the bed of Yellow Brick Road are temporary in nature and undertaken at the property owner's own risk. The County will not be liable for any cost to the property owner of any of the uses in the right of way when Yellow Brick Road is built and conveyed.*

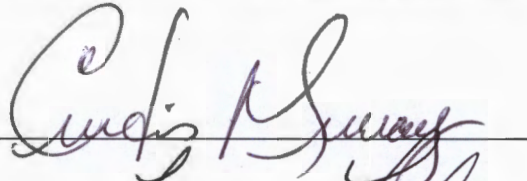
The Department of Planning identified a 900-acre redevelopment planning area and conducted feasibility studies in 2009 and 2010 to test the area's potential for future redevelopment. The subject property and the Yellow Brick Road extension, which is designated in Master Plan 2020, lie within the redevelopment

area. Among the studies that were conducted, a market study found significant potential to increase property values and generate high-quality jobs through redevelopment over 25 years, and a traffic study found that the extension of Yellow Brick Road is a critical connection needed to realize this potential.

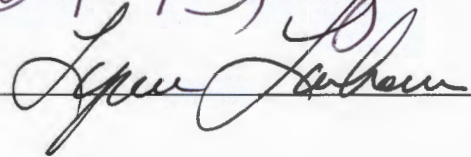
The Department has subsequently received an FHWA grant to undertake planning for this area, building upon the prior studies. A consultant contract has been executed, and planning work initiated. The consultant will be working with property owners and other stakeholders over the next several months to build consensus about the future of this area, and create a plan. The success of this effort depends in part on the continued reservation of the Yellow Brick Road right of way.

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

Prepared by:



Division Chief:
AVA/LL: CM



Ac: Amy Grossi
Dennis Kennedy

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 31, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 9301 Philadelphia Road

INFORMATION:

Item Number: 13-127

Petitioner: Thomas J. Iacoboni

Zoning: ML-IM, MH-IM, DR 5.5 and BL

Requested Action: Special Hearing and Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. Shift the location of the employee parking area so that no parking spaces are closer than 10 feet to the ultimate right-of-way line for Philadelphia Road in accordance with Section 409.8.A.4 of the BCZR.

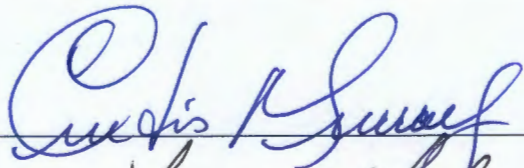
This department requests that the Administrative Law Judge prohibit the storage of equipment and materials along Philadelphia Road between the road and the employee parking area. Also, expressly prohibit the storage of equipment and materials in any area not specifically shown/delineated on the site plan for "proposed equipment & material storage."

The petitioner shall provide landscaping along Philadelphia Road. Additionally, remove or replace the dilapidated wood fencing on the subject site.

Reserve the future right-of-way for Yellow Brick Road. Show the right-of-way on the site plan. The portion of the petitioner's property that is located within the Philadelphia Road ultimate right-of-way line should be dedicated to the State Highway Administration. The petitioner shall discuss the aforementioned with the Department of Public Works and the State Highway Administration.

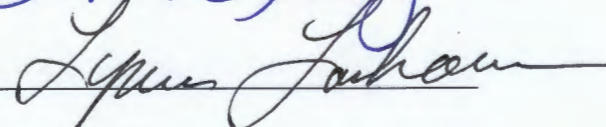
For further information concerning the matters stated here in, please contact Dennis Wertz at 410-887-3480.

Prepared by:



Division Chief:

AVA/LL: CM



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JAN 03 2013

OFFICE OF ADMINISTRATIVE HEARINGS

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: January 24, 2013

SUBJECT: DEPS Comment for Zoning Item # 2013-0127-SPHA
Address 9301 Philadelphia Road
(Iacoboni Realty, LLC Property)

Zoning Advisory Committee Meeting of December 10, 2012.

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

- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- 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).

Reviewer: *Paul Dennis – Environmental Impact Review*

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OFFICE OF ADMINISTRATIVE HEARINGS

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JAN 24 2013

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For December 24, 2012
Item No. 2013-0127

DATE: December 17, 2012

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

We have no objection to granting the special hearing and variance requests; however, the plan must be revised to show the right-of-way and the revertible slope easements for Yellow Brick Road. All proposed operating and stock piling areas should be removed from the right-of-way including the access road along the northwest property line. The Yellow Brick Road right-of-way was established in the year 2000 and shown on record plat (72/129) and therefore takes precedence over this proposed use. If it is claimed that a Recycling Facility cannot function in the smaller area, the petitioner may use the future right-of-way area but he is hereby advised that no monetary consideration will be given for any of the Recycling Facility if it is still there when Yellow Brick Road is extended across the property. In other words, when and if the County buys the right-of-way, slope easements or any other easements appurtenant to the extension of Yellow Brick Road across this property, the County will not pay for the loss of the Recycling Facility.

A grading permit will be required for the proposed parking area and the proposed Recycling Facility. An approved landscape plan is required. Also, an MDE (Maryland Department of the Environment) permit is required for the Recycling Facility, and possibly this site will have to be included in the County's Solid Waste Management Plan. Approval of a grading permit will only occur after these other requirements are met.

DAK: CEN
Cc: file

MEMORANDUM

DATE: March 18, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0127-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on March 14, 2013. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

CASE NAME Iacoboni
CASE NUMBER 2013-127-SP4A
DATE 2/1/13

[illegible]

CASE NO. 2013- 0127-SPHA

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>12/17/13</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NO objection with Comments</u>
<u>1/24/13</u>	DEPS (if not received, date e-mail sent _____)	<u>Comments</u>
_____	FIRE DEPARTMENT	_____
<u>12/31/12</u>	PLANNING (if not received, date e-mail sent _____)	<u>Comments</u>
<u>12/13/12</u>	STATE HIGHWAY ADMINISTRATION	<u>NO Obj</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION (Case No. _____)		
PRIOR ZONING (Case No. _____)		
NEWSPAPER ADVERTISEMENT Date: <u>1/10/13</u>		
SIGN POSTING Date: <u>1/11/13</u> by <u>Black</u>		
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: <u>JOHN - 4 parcels - 4 SDATS</u>		

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Account Identifier: District - 15 Account Number - 2300009130

Owner Information			
Owner Name:	IACOBONI REALTY LLC	Use:	INDUSTRIAL
Mailing Address:	P O BOX 72550 BALTIMORE MD 21237-8550	Principal Residence:	NO
		Deed Reference:	1) /14622/ 00279 2)

Location & Structure Information	
Premises Address 9301 PHILADELPHIA RD 0-0000	Legal Description 8.058 AC 9301 PHILADELPHIA RD SS IACOBONI PROPERTY

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0082	0021	0656		0000			1	3	Plat Ref: 0072/0129

Special Tax Areas	Town NONE
	Ad Valorem
	Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		8.0600 AC	07

Stories **Basement** **Type** **Exterior**

Value Information				
	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2012	07/01/2013
Land	967,200	404,000		
Improvements:	20,300	56,000		
Total:	987,500	460,000	460,000	460,000
Preferential Land:	0			0

Transfer Information			
Seller:	IACOBONI SHIRLEY NATALIE	Date:	08/08/2000
Type:	ARMS LENGTH IMPROVED	Deed1:	/14622/ 00279
Seller:		Date:	
Type:		Deed1:	
Seller:		Date:	
Type:		Deed1:	
Seller:		Date:	
Type:		Deed1:	

Exemption Information			
Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00
Tax Exempt:		Special Tax Recapture:	NONE
Exempt Class:			

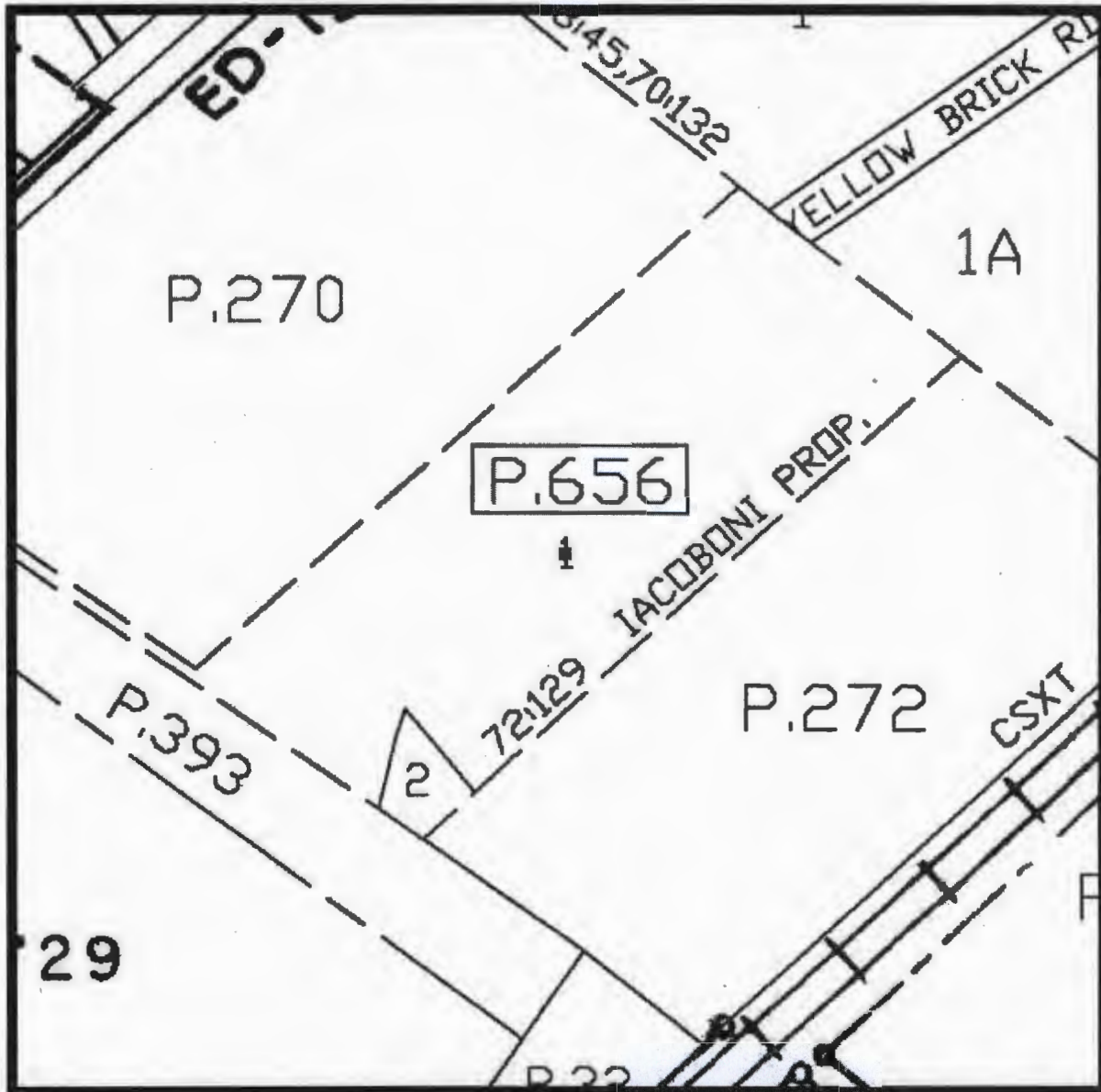
Homestead Application Information	
Homestead Application Status:	No Application



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District - 15 Account Number - 2300009130



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If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

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Account Identifier: District - 15 Account Number - 1501500000

Owner Information

Owner Name: IACOBONI REALTY LLC **Use:** RESIDENTIAL
Principal Residence: NO
Mailing Address: PO BOX 72550 **Deed Reference:** 1) /12769/ 00308
BALTIMORE MD 21237-8550 2)

Location & Structure Information

Premises Address **Legal Description**
PHILADELPHIA RD .1118 AC SES
0-0000 PHILADELPHIA RD
2525 SE MIDDLE RIVER RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0082	0021	0392		0000				3	Plat Ref:

Special Tax Areas **Town** NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		4,960 SF	04

Stories **Basement** **Type** **Exterior**

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2012	07/01/2013
Land	2,400	2,400		
Improvements:	0	0		
Total:	2,400	2,400	2,400	2,400
Preferential Land:	0			0

Transfer Information

Seller: 9223 PHILADELPHIA ROAD INC	Date: 04/06/1998	Price: \$250,000
Type: ARMS LENGTH MULTIPLE	Deed1: /12769/ 00308	Deed2:
Seller: WALL HAROLD R	Date: 07/18/1996	Price: \$115,000
Type: ARMS LENGTH MULTIPLE	Deed1: /11704/ 00514	Deed2:
Seller: AMERICAN TELEPHO NE & TELEGRAPH CO	Date: 09/17/1976	Price: \$350
Type: ARMS LENGTH IMPROVED	Deed1: /05676/ 00911	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information

Homestead Application Status: No Application



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District - 15 Account Number - 1501500000



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If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

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Account Identifier: District - 15 Account Number - 1523002810

Owner Information

Owner Name:	IACOBONI REALTY LLC	Use:	INDUSTRIAL
Mailing Address:	PO BOX 72550 BALTIMORE MD 21237-8550	Principal Residence:	NO
		Deed Reference:	1) /12769/ 00308 2)

Location & Structure Information

Premises Address	Legal Description
9223 PHILADELPHIA RD 0-0000	3.59 AC SES PHILADELPHIA RD AT 9 MILE HOUSE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0082	0021	0393		0000				3	
									Plat Ref:

Special Tax Areas	Town	NONE
	Ad Valorem	
	Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		3.5900 AC	07

Stories	Basement	Type	Exterior
----------------	-----------------	-------------	-----------------

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2012	07/01/2013
Land	359,000	359,000		
Improvements:	0	0		
Total:	359,000	359,000	359,000	359,000
Preferential Land:	0			0

Transfer Information

Seller:	9223 PHILADELPHIA ROAD INC	Date:	04/06/1998	Price:	\$250,000
Type:	ARMS LENGTH MULTIPLE	Deed1:	/12769/ 00308	Deed2:	
Seller:	WALL HAROLD R	Date:	07/18/1996	Price:	\$115,000
Type:	ARMS LENGTH MULTIPLE	Deed1:	/11704/ 00514	Deed2:	
Seller:	KUEHNE HENRY	Date:	12/29/1960	Price:	\$11,000
Type:	ARMS LENGTH IMPROVED	Deed1:	/03796/ 00391	Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:	Special Tax Recapture:
Exempt Class:	NONE

Homestead Application Information

Homestead Application Status:	No Application
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If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

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Account Identifier:

District - 15 Account Number - 1503850040

Owner Information

Owner Name:	IACOBONI REALTY LLC	Use:	INDUSTRIAL
Mailing Address:	P.O. BOX 72550 BALTIMORE MD 21237-8550	Principal Residence:	NO
		Deed Reference:	1) /21309/ 00550 2)

Location & Structure Information

Premises Address	Legal Description
B&O RR	9.407 AC
0-0000	NWS B&ORR
	1320 SW MIDDLE RIVER RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0082	0021	0272		0000				3	Plat Ref:

Special Tax Areas	Town	NONE
	Ad Valorem	
	Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		9.4100 AC	07

Stories	Basement	Type	Exterior
----------------	-----------------	-------------	-----------------

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2012	07/01/2013
Land	207,400	167,400		
Improvements:	0	0		
Total:	207,400	167,400	167,400	167,400
Preferential Land:	0			0

Transfer Information

Seller:	DRYDEN LINDSAY D	Date:	01/21/2005	Price:	\$162,500
Type:	ARMS LENGTH IMPROVED	Deed1:	/21309/ 00550	Deed2:	
Seller:	CYPRUS MINES COR P	Date:	06/03/1986	Price:	\$95,000
Type:	ARMS LENGTH IMPROVED	Deed1:	/07178/ 00010	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:	Special Tax Recapture:
Exempt Class:	NONE

Homestead Application Information

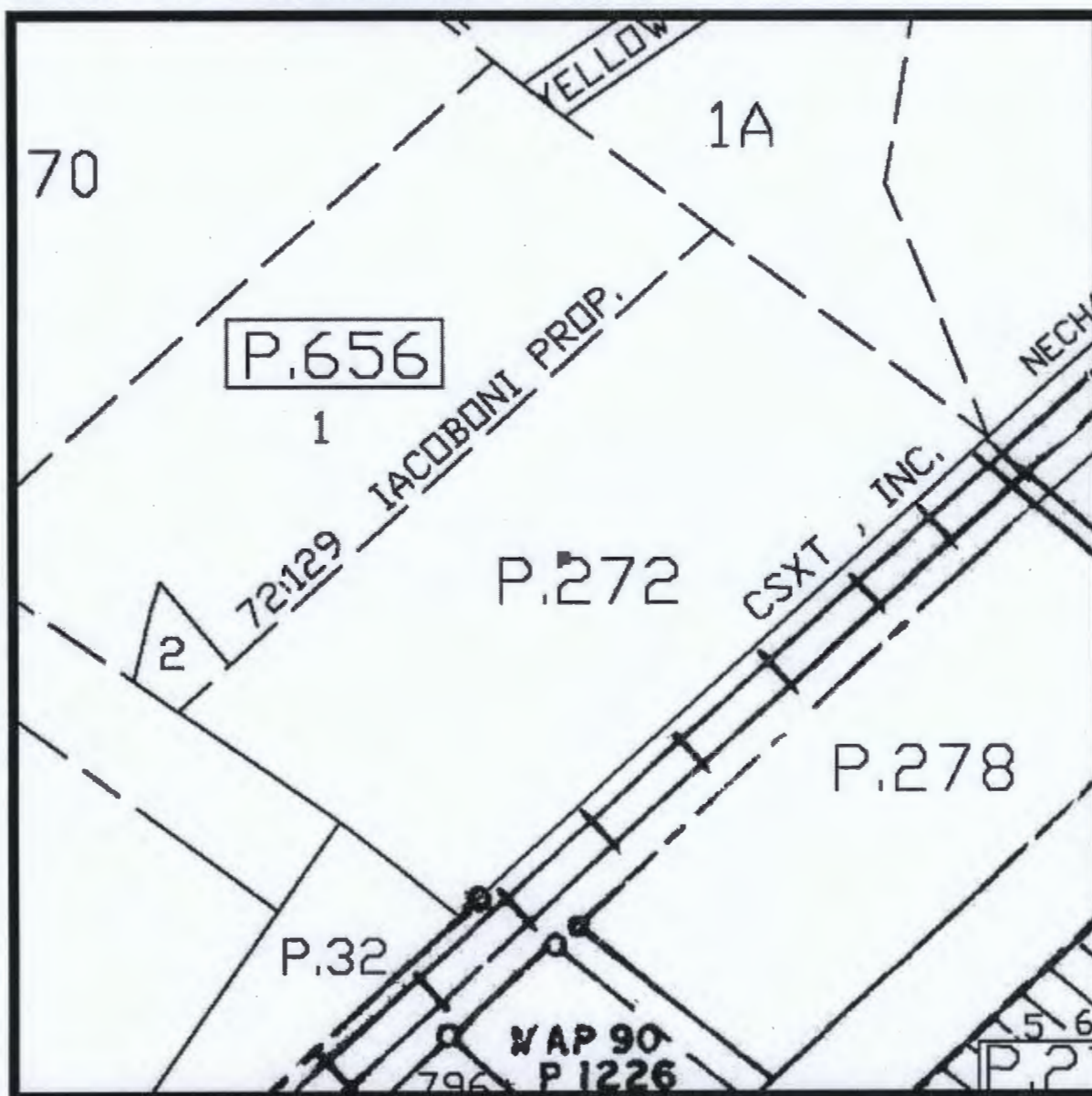
Homestead Application Status:	No Application
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District - 15 Account Number - 1503850040



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Case No.: 2013-0127-SHA

Exhibit Sheet

DO
3-18-13

SN
2-12-13

Petitioner/Developer

Protestant

No. 1	Redlined Site Plan	
No. 2	Photos (A-II)	
No. 3	Email from D. Kennedy	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Lawrence Schmidt

From: Jason Vettori
Sent: Tuesday, January 29, 2013 9:11 AM
To: Lawrence Schmidt
Cc: Alyssa Fiore
Subject: Fwd: Iacoboni/9301 Philadelphia Road (Case No. 2013-127-SPHA)

Sent from my iPhone

Begin forwarded message:

From: Dennis Kennedy <DKennedy@baltimorecountymd.gov>
Date: January 28, 2013, 9:55:38 AM EST
To: Jason Vettori <jvettori@sgs-law.com>
Cc: Lynn Lanham <mlanham@baltimorecountymd.gov>, richard zeller <rzejler@sha.state.md.us>
Subject: Re: Iacoboni/9301 Philadelphia Road (Case No. 2013-127-SPHA)

Jason:

Regarding our conversation, I made no statement regarding the SHA. I can't speak for them. As far as the County is concerned, the proposed parking lot is not development, but Philadelphia Road is a State road and the SHA can require highway widening if a permit is required and they make it part of the permit requirements. You should check with Rich Zeller at the SHA to see if a permit will be required. That being said, it would be wise (but not required) to move the proposed parking lot out of the ultimate right-of-way to avoid problems later.

Dennis Kennedy

>>> Jason Vettori <jvettori@sgs-law.com> 1/25/2013 10:41 AM >>>

Mr. Kennedy,

I am writing to you in follow up to our meeting on Wednesday regarding PAI-DPR's and Planning's ZAC Comments.

First, I want to acknowledge that Iacoboni has informed me that they are aware that should the County seek to construct a right of way for the proposed Yellow Brick Road in the future that it will not be paying for "any of the Recycling Facility" that would be authorized to utilize the future right-of-way area. It is this possible acquisition by the County that has Iacoboni using the land in the way being proposed in the instant Petition for Zoning Relief (i.e. no permanent structures being constructed).

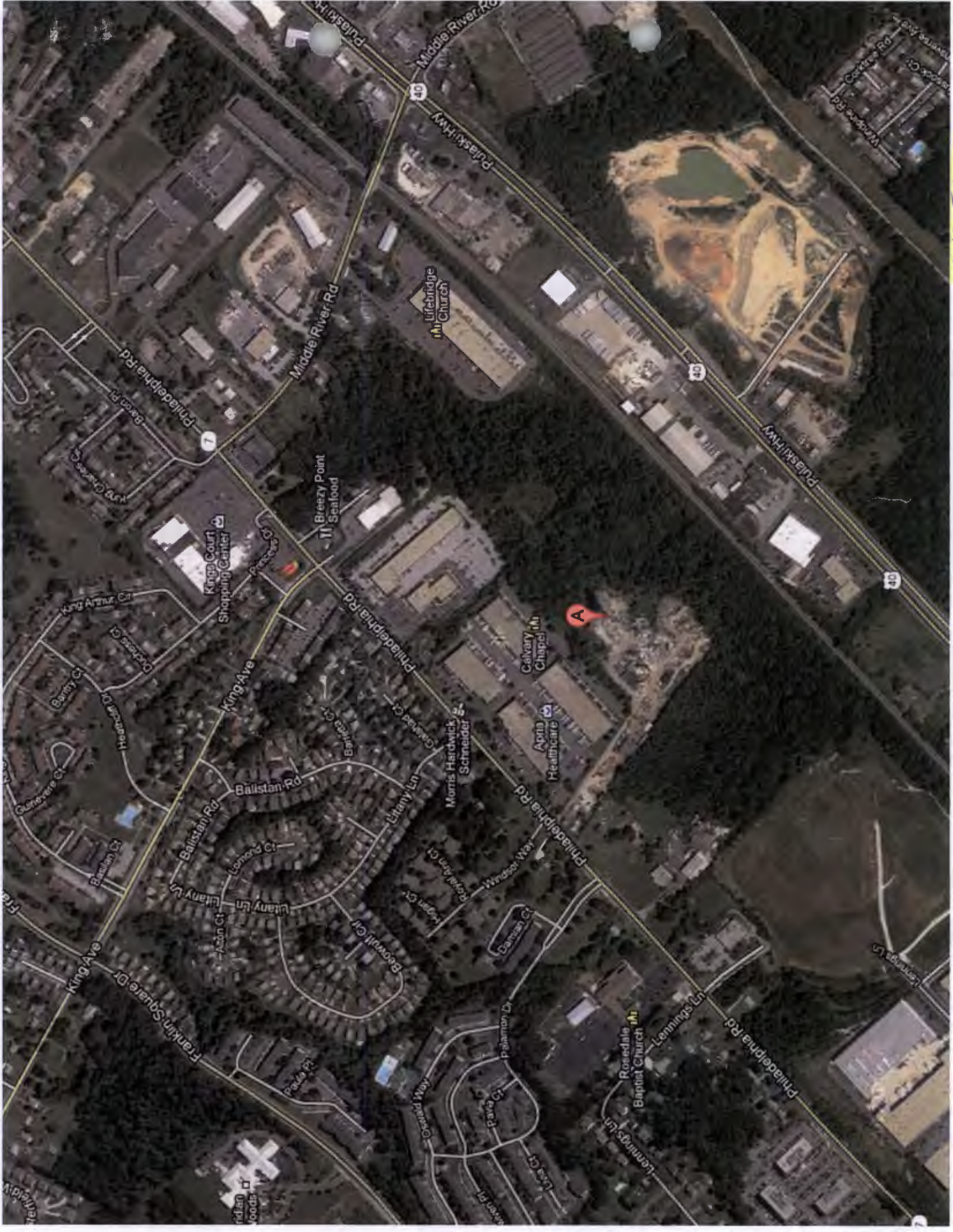
Second, we are seeking confirmation that the County does not have the right to require dedication of the "portion of the petitioner's property that is located within the Philadelphia Road ultimate right-of-way line" to the SHA, as indicated in Planning's ZAC Comment. As we discussed, the petitioner is only proposing to construct a parking lot for employees on the property's frontage on Philadelphia Road. A parking lot does not constitute "development" under the definition in BCC § 32-4-101(p). Among other things, development is defined as "[t]he improvement of property for any purpose involving building." In this case, we are proposing to improve the subject lot with a parking lot. A parking lot does not constitute "building." Building "means a structure that is enclosed within exterior walls or firewalls for the shelter, support, or enclosure of persons, animals or property of any kind." BCC § 32-4-101(g). As

such, we assert that DPR and SHA do not have the right to require dedication of ultimate right-of-way line for Philadelphia Road. Having discussed the aforementioned with you and understanding that you have reached the same conclusion, please confirm as much in a reply to the instant e-mail.

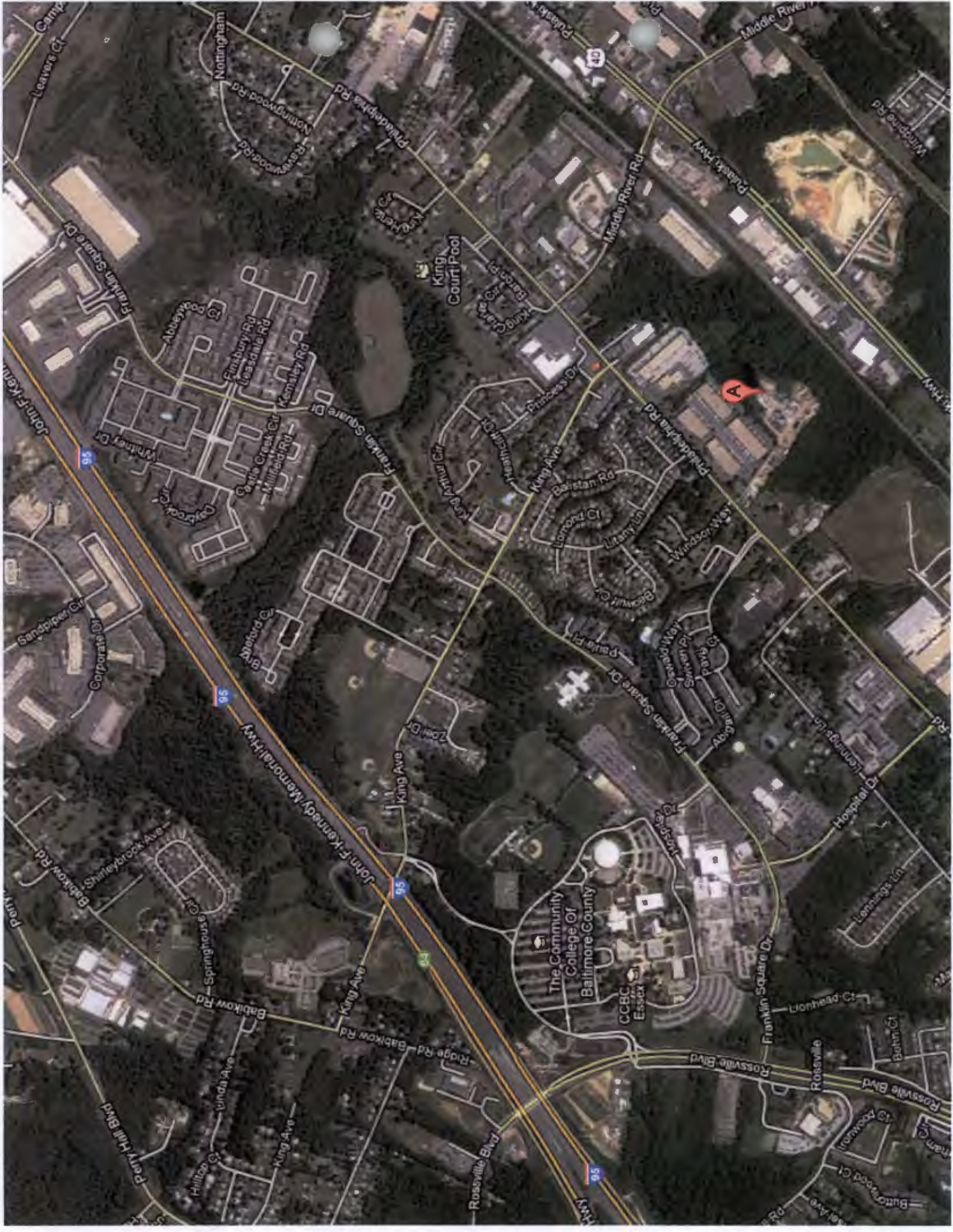
Thank you for your prompt attention to this most important matter.

Jason T. Vettori
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204
Phone: (410) 821-0070
Facsimile: (410) 821-0071
<http://sgs-law.com>

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Part: Exh. 2











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