

IN RE: PETITION FOR SPECIAL EXCEPTION *

(4325 Washington Blvd.)

13th Election District *

1st Council District

Octavia L. Carter *

Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2015-0214-X

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Special Exception filed for property located at 4325 Washington Blvd. The Petition was filed on behalf of the legal owner of the subject property, Octavia L. Carter. The Special Exception petition seeks relief pursuant to § 236.2 of the Baltimore County Zoning Regulations (B.C.Z.R) to use the property for a contractor's equipment storage yard. The subject property and requested relief are more fully described on the "Amended – January 2017" site plan which was marked and accepted into evidence as Petitioner's Exhibit No. 1.

Appearing in support of the request was Tyrone Carter (son of the owner) and John Motsco, a professional engineer with Little & Associates, Inc., who prepared the site plan. Dino C. La Fiandra, Esquire, represented the Petitioner. No protestants or interested citizens attended the hearing.

Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). The DOP did not object to the request while the Bureau of DPR indicated a landscape plan would be required.

The subject property is approximately 1.57 acres although the special exception area depicted on the plan is approximately 1.75 acres. This discrepancy in site area is due to circuit court

ORDER RECEIVED FOR FILING

Date

3/6/17

By

sen

litigation (a boundary dispute) between Petitioner and an adjoining business, which Mr. LaFiandra indicated was now resolved. The property was originally split-zoned BR and DR-2, although as noted by the DOP the entire site was rezoned to BR in the 2016 CZMP (issue 1-019). Petitioner's family has owned the property for nearly 50 years, and they have for many years operated a contractor's equipment storage yard at the site. Petitioner never obtained a special exception to operate such a business in this location, and this case was filed to "legitimize" the operation.

Special Exception Law in Maryland

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. Schultz v. Pritts, 291 Md. 1 (1981). The Schultz standard was revisited in People's Counsel v. Loyola College, 406 Md. 54 (2008), where the court emphasized that a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

In this case, Mr. Motsco opined (via proffer) that Petitioner satisfied the B.C.Z.R. §502.1 standards, and I concur. The property is located along an industrial/commercial stretch of Washington Blvd. The site is large and well-suited for the operation of a storage yard. Indeed, Petitioner has operated the business at this location for many years without complaint, which is perhaps the best evidence the use will not have a detrimental impact upon the community. As such, the petition for special exception will be granted.

The only remaining issue concerns the Bureau of DPR ZAC comment regarding the need for a landscape plan. Counsel noted the preparation and submittal of a formal landscape plan is expensive and should not be required in this instance, where the business has been in operation for many years. Mr. Carter indicated the entire Washington Boulevard frontage of the site is screened

ORDER RECEIVED FOR FILING

Date 3/6/17

By Sen

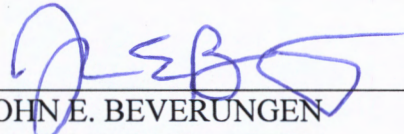
by an opaque fence, so I do not believe the property is an eyesore to passing motorists or pedestrians. Even so, I will include a condition that will allow Petitioner's consultants to meet with the County landscape architect to determine what (if any) further enhancements should be made to the existing landscaping/screening.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 6th day of **March**, 2017, that the Petition for Special Exception to use the subject property for a contractor's equipment storage yard, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner must provide landscaping, fencing or other screening at the site as determined in the sole discretion of the Baltimore County landscape architect.

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

ORDER RECEIVED FOR FILING

Date 3/6/17

By sln



KEVIN KAMENETZ
County Executive

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

November 1, 2016

Dino C. La Fiandra, Esquire
Pessin Katz Law, P.A.
901 Dulaney Valley Road, Suite 500
Towson, MD 21204

RE: **MOTION FOR RECONSIDERATION** - Petition for Special Exception
Case No.: 2015-0214-X
Property: 4325 Washington Blvd.

Dear Mr. La Fiandra:

Enclosed please find a copy of the Order on Motion for Reconsideration 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,

A handwritten signature in black ink, appearing to read "JEB", is written over the name John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Dan Whitney, Jr., Esq., Whitney & Bogris, 401 Washington Avenue, Towson, MD 21204
Jeffrey W. Hauf, 4333 Washington Blvd., Baltimore, MD 21227

IN RE: PETITION FOR SPECIAL EXCEPTION *

(4325 Washington Blvd.)

13th Election District *

1st Council District

Octavia L. Carter *

Legal Owner

Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2015-0214-X

* * * * *

ORDER ON
MOTION FOR RECONSIDERATION

By letter dated October 27, 2016, Petitioner seeks reconsideration of the dismissal without prejudice entered in the above case on October 18, 2016. Petitioner's counsel indicates the failure to provide status updates requested by the Office of Administrative Hearings (OAH) was inadvertent, and that a portion of the property was rezoned during the 2016 Comprehensive Zoning Map Process (CZMP). As such, Petitioner anticipates preparing a revised site plan and petition within the next two months.

WHEREFORE, for the foregoing reasons, it is this 1st day of **November, 2016** ORDERED by the Administrative Law Judge for Baltimore County that the Motion for Reconsideration be and is hereby GRANTED.

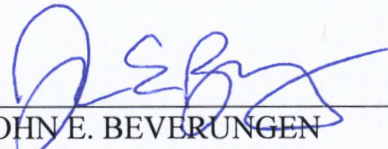
IT IS FURTHER ORDERED Petitioner's counsel (after consultation with Dan Whitney, Esq.) contact the Department of Permits, Approvals and Inspections (PAI) on or before January 13, 2017 to reschedule the above matter for a public hearing. No further posting and/or newspaper advertisement is required at this juncture.

JEB/dlw

ORDER RECEIVED FOR FILING

Date 11-1-16

By (Signature)


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County



KEVIN KAMENETZ
County Executive

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

October 18, 2016

Dino C. La Fiandra, Esquire
Pessin Katz Law, P.A.
901 Dulaney Valley Road, Suite 500
Towson, MD 21204

RE: ORDER OF DISMISSAL - Petition for Special Exception
Case No.: 2015-0214-X
Property: 4325 Washington Blvd.

Dear Mr. La Fiandra:

Enclosed please find a copy of the Order of Dismissal 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,

A handwritten signature in black ink, appearing to read "JEB", with a stylized flourish at the end.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Louis J. Glick, 2 Reservoir Circle, Baltimore, MD 21208
Jeffrey W. Hauf, 4333 Washington Blvd., Baltimore, MD 21227

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 18th day of **October, 2016**, that the Petition for Special Exception to use the herein described property for a contractor's equipment storage yard, be and is hereby DISMISSED without prejudice.



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 10-18-16

By dlw



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 4325 Washington Boulevard, Halethorpe, MD 21227

which is presently zoned BR

Deed References: 12954/00384

10 Digit Tax Account # 1303000141, 1303000142, 1303000143

Property Owner(s) Printed Name(s) Octavia L. Carter

(SELECT THE HEARING(S) BY MARKING X 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

2. X a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for contractor's equipment storage yard. § 236.2

3. a Variance from Section(s)

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)

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:

Dino C. La Fiandra, Esquire, Pessin Katz Law, P.A.

Name- Type or Print

Signature

901 Dulaney Valley Road, Suite 500 Towson MD

Mailing Address City State

21204 (410) 938-8800 dlafiandra@pklaw.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Octavia L. Carter

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

898 Timber Ridge Drive

Hanover

Maryland

Mailing Address

City

State

21076

Zip Code

Telephone #

Email Address

Representative to be contacted:

Dino C. La Fiandra, Esquire, Pessin Katz Law, P.A.

Name - Type or Print

Signature

901 Dulaney Valley Road, Suite 500 Towson MD

Mailing Address City State

21204 (410) 938-8800 dlafiandra@pklaw.com

Zip Code Telephone # Email Address

CASE NUMBER 2015-0214-X Filing Date 3/31/15

Do Not Schedule Dates: _____

Reviewer AT

ZONING DESCRIPTION FOR
4325 WASHINGTON BOULEVARD

Beginning at a point on the southeast side of Washington Boulevard which is 60 feet wide at the distance of 165 feet northeast of the centerline of Hannah Avenue which is 20 feet wide; thence the following courses and distances:

North 41 degrees 15 minutes 26 seconds East 263.19 feet;
South 41 degrees 07 minutes 35 seconds East 174.61 feet;
South 43 degrees 35 minutes 14 seconds West 215.47 feet;
North 48 degrees 44 minutes 34 seconds West 14.32 feet;
South 41 degrees 15 minutes 26 seconds West 25.75 feet;
North 48 degrees 21 minutes 41 seconds West 150.00 feet to the place of beginning.

Being part of that land as recorded in Deed Liber S.M. 12954, folio 384. Containing 0.97 acres, more or less, and located in the 13th Election District and 1st Council District.



James G. Wiest
Professional Land Surveyor
MD Registration No. 21390
License Expires February 5, 2016

2015-0214-X

ZONING DESCRIPTION FOR
4325 WASHINGTON BOULEVARD
AMENDED JANUARY, 2017

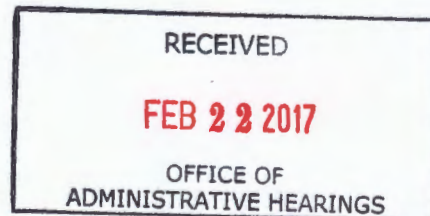
Beginning at a point on the southeast side of Washington Boulevard which is 60 feet wide at the distance of 160 feet northeast of the centerline of Hannah Avenue which is 20 feet wide; thence the following courses and distances:

North 41 degrees 15 minutes 26 seconds East 270.37 feet;
South 41 degrees 07 minutes 35 seconds East 202.08 feet;
South 38 degrees 18 minutes 35 seconds West 122.49 feet;
South 42 degrees 27 minutes 21 seconds West 70.08 feet;
South 03 degrees 55 minutes 39 seconds West 242.85 feet;
North 52 degrees 58 minutes 04 seconds West 116.71 feet;
North 20 degrees 05 minutes 33 seconds East 20.91 feet;
North 52 degrees 58 minutes 04 seconds West 77.67 feet;
North 38 degrees 25 minutes 24 seconds East 116.47 feet;
North 40 degrees 44 minutes 40 seconds West 146.66 feet to the place of beginning.

Being part of those lands as recorded in Deed Liber S.M. 12954, folio 384, Deed Liber 34287, folio 437 and Deed Liber 26594, folio 193. Containing 1.75 acres, more or less, and located in the 13th Election District and 1st Council District.



James G. Wiest
Professional Land Surveyor
MD Registration No. 21390
License Exp./Renewal: February 5, 2018



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

Nº 147497

Date: 1/13/17

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$250.00

Total: \$250.00

Rec From:

Anio La Fianza

For:

4325 Washington Blvd 2015-214X

Amended Site Plan

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
1/13/2017 1/13/2017 13:18:29 1
REG WS01 WALKIN LJR
>>RECEIPT # 703308 1/13/2017 OFLN
Dept 5 528 ZONING VERIFICATION
CK NO. 147497
Recpt Tot \$250.00
\$250.00 CK \$.00 CA
Baltimore County, Maryland

**CASHIER'S
VALIDATION**



MEMORANDUM

DATE: April 7, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 201~~5~~-0214- X – Appeal Period Expired

The appeal period for the above-referenced case expired on April 5, 2017. 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

PLEASE PRINT CLEARLY

CASE NAME Carter Property
CASE NUMBER 2015-214-X
DATE 2/28/17

PETITIONER'S SIGN-IN SHEET

[illegible]

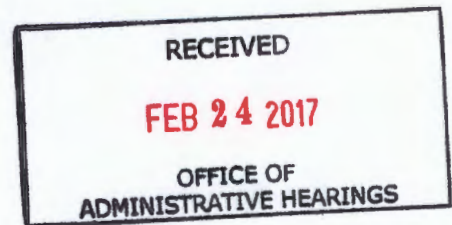
**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM**

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

DATE: 2/22/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 15-214



INFORMATION:

Property Address: 4325 Washington Boulevard
Petitioner: Octavia L. Carter
Zoning: BR
Requested Action: Special Exception

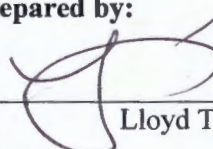
The Department of Planning has reviewed the petition for a special exception to use the property for a contractor's equipment storage yard and also the revised site plan submitted in support of the petition and received by this Department on February 22, 2017.

The Department of Planning has no objection to granting the petitioned zoning relief.

The DR2 zoned portion of the property was rezoned to BR in the 2016 CZMP (Issue 1-019). The entire property is now zoned BR.

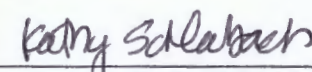
For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Dennis Wertz
Dino C. La Fiandra, Esquire, Pessin Katz Law, P.A.
Office of the Administrative Hearings
People's Counsel for Baltimore County



KEVIN KAMENETZ
County Executive

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

January 23, 2017

Dino C. La Fiandra, Esquire
Pessin Katz Law, P.A.
901 Dulaney Valley Road, Suite 500
Towson, MD 21204

RE: **HEARING - Petition for Special Exception**
Case No. 2015-0214-X - (Octavia L. Carter)
Property: 4325 Washington Blvd.

Dear Mr. La Fiandra:

Please be advised that the hearing for the above-referenced matter has been scheduled for **Tuesday, February 28, 2017, at 1:30 PM in Room 205**, Jefferson Building, 105 West Chesapeake Avenue, Towson, Maryland.

Please contact our office if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a long horizontal stroke extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Dan Whitney, Jr., Esq., Whitney & Bogris, 401 Washington Avenue, Towson, MD 21204
Jeffrey W. Hauf, 4333 Washington Blvd., Baltimore, MD 21227

813 5-12-15

IN RE: PETITION FOR SPECIAL EXCEPTION *

(4325 Washington Blvd.)

13th Election District *

1st Council District

Octavia L. Carter *

Legal Owner

Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2015-0214-X

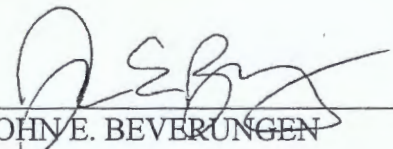
* * * * *

ORDER ON
MOTION FOR RECONSIDERATION

By letter dated October 27, 2016, Petitioner seeks reconsideration of the dismissal without prejudice entered in the above case on October 18, 2016. Petitioner's counsel indicates the failure to provide status updates requested by the Office of Administrative Hearings (OAH) was inadvertent, and that a portion of the property was rezoned during the 2016 Comprehensive Zoning Map Process (CZMP). As such, Petitioner anticipates preparing a revised site plan and petition within the next two months.

WHEREFORE, for the foregoing reasons, it is this 1st day of **November, 2016** ORDERED by the Administrative Law Judge for Baltimore County that the Motion for Reconsideration be and is hereby GRANTED.

IT IS FURTHER ORDERED Petitioner's counsel (after consultation with Dan Whitney, Esq.) contact the Department of Permits, Approvals and Inspections (PAI) on or before January 13, 2017 to reschedule the above matter for a public hearing. No further posting and/or newspaper advertisement is required at this juncture.


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

Debra Wiley

From: Debra Wiley
Sent: Wednesday, February 22, 2017 9:25 AM
To: June Wisnom; Kristen L Lewis
Subject: Case No. 2015-0214-X - 2/28 @ 1:30 PM
Attachments: 20170222093126900.pdf

Hi Ladies,

Please find attached paperwork/receipt for amended site plan/description we received for the above matter.

Please let me know as soon as you can.

Thanks.

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

From: adminhearingscpr@baltimorecountymd.gov [mailto:adminhearingscpr@baltimorecountymd.gov]
Sent: Wednesday, February 22, 2017 9:31 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Admin Hearings Copier

This E-mail was sent from "RNP002673903BB1" (MP 3054).

Scan Date: 02.22.2017 09:31:26 (-0500)

Queries to: adminhearingscpr@baltimorecountymd.gov

Debra Wiley

From: Debra Wiley
Sent: Friday, January 13, 2017 9:36 AM
To: John E. Beverungen
Subject: Case No. 2015-0214-X (Carter - 4325 Washington Blvd.) [IWOV-FirmLive.FID499618]
Attachments: 20161122100809895.pdf

Hi John,

Please see Dinp's email below and let me know if I need to respond to his second paragraph. In addition, please note that your Order on the Motion for Reconsideration (attached) indicated that no further posting and/or newspaper advertisement was required.

Thanks.

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

From: Dino La Fiandra [mailto:dlafiandra@pklaw.com]
Sent: Friday, January 13, 2017 9:04 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Cc: Kristen L Lewis <klewis@baltimorecountymd.gov>; Special Exception E_Mail <{F499618}.FirmLive@PK-WS-APP1.hupklaw.net>
Subject: FW: REMINDER - Case No. 2015-0214-X (Carter - 4325 Washington Blvd.) [IWOV-FirmLive.FID499618]

Hi Ms. Wiley,

In accordance with Judge Beverungen's order (attached) in the above-referenced matter, I contacted PAI yesterday (1/12/17) to schedule the continuation of the zoning hearing in this matter. I spoke to Kristen Matthews and asked for potential dates for the hearing. Ms. Matthews had to check the calendar and the file and get back to me before she could offer me any dates. I did not hear back from Ms. Matthews yesterday so I stopped in to see her this morning. I was advised that she is off today. Accordingly, I would anticipate securing a date for the continuation of the hearing on Tuesday 1/17.

Also in terms of status updates, I have filed the amended zoning site plan and amended zoning description referred to in Judge Beverungen's order. Thus, I anticipate that when this matter comes for hearing, it will be in a procedural posture that will enable it to be ruled upon without further delay.

Please let me know if you have any questions. Otherwise, I'll advise you once I have secured the hearing date. Thanks, and have a nice weekend.

Regards,
Dino

Dino C. La Fiandra
Member
901 Dulany Valley Road | Suite 500 | Towson, MD | 21204 Direct Dial: 410.938.8705 | Direct Fax: 410.832.5651
| Mobile: 443-204-3473 dlafiandra@pklaw.com | About Us | Attorney Bio | Download V-Card

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

PK | LAW[®]

901 DULANEY VALLEY ROAD
SUITE 500
BALTIMORE, MD 21204

BALTIMORE | COLUMBIA | BEL AIR

TELEPHONE 410-938-8800
FAX 410-832-5600
PKLAW.COM



Dino C. La Fiandra
Telephone: 410.938.8705
Facsimile: 410.832.5651
DLaFiandra@PKLaw.com

January 12, 2017

Mr. Carl Richards, Supervisor
Bureau of Zoning Review
Department of Permits, Approvals and Inspections
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204

Re: Case No. 2015-214-X
4325 Washington Blvd
Amended Site Plan and Amended Zoning Description

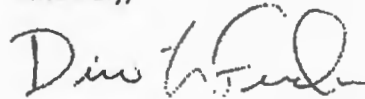
Dear Mr. Richards:

Kindly accept the enclosed Amended Site Plan (12 copies) and Amended Zoning Description (3 copies) in the above-referenced matter. Also enclosed is a check in the amount of \$250.00 to cover the fee for filing the referenced documents.

The purpose of the amendments is to expand the special exception area to include land which was reclassified to the B.R. zone as a result of the 2016 CZMP. If you have any questions, please call.

Thank you for your assistance with this matter.

Sincerely,



Dino La Fiandra

DCL/tek
Enclosures

ZONING DESCRIPTION FOR
4325 WASHINGTON BOULEVARD
AMENDED JANUARY, 2017

Beginning at a point on the southeast side of Washington Boulevard which is 60 feet wide at the distance of 160 feet northeast of the centerline of Hannah Avenue which is 20 feet wide; thence the following courses and distances:

North 41 degrees 15 minutes 26 seconds East 270.37 feet;
South 41 degrees 07 minutes 35 seconds East 202.08 feet;
South 38 degrees 18 minutes 35 seconds West 122.49 feet;
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North 20 degrees 05 minutes 33 seconds East 20.91 feet;
North 52 degrees 58 minutes 04 seconds West 77.67 feet;
North 38 degrees 25 minutes 24 seconds East 116.47 feet;
North 40 degrees 44 minutes 40 seconds West 146.66 feet to the place of beginning.

Being part of those lands as recorded in Deed Liber S.M. 12954, folio 384, Deed Liber 34287, folio 437 and Deed Liber 26594, folio 193. Containing 1.75 acres, more or less, and located in the 13th Election District and 1st Council District.



James G. Wiest
Professional Land Surveyor
MD Registration No. 21390
License Exp./Renewal: February 5, 2018

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

NO 147497

Date: 1/13/17

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$250.00

Total: \$250.00

Rec From: *Amo La Fianza*
For: *4325 Washington Blvd 2015-214X*
Completed Site Plan

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME BRN
1/13/2017 1/13/2017 13:18:29 1
REG 0501 WALKIN LJR
RECEIPT # 703008 1/13/2017 DFLH
Dept 5 528 ZONING VERIFICATION
CK NO. 147497
Recpt Tot \$250.00
\$250.00 CK \$0.00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION

Debra Wiley

From: Debra Wiley
Sent: Wednesday, February 22, 2017 8:25 AM
To: Kristen L Lewis
Cc: Sherry Nuffer (snuffer@baltimorecountymd.gov)
Subject: Case No. 2015-0214-X - 2/28 @ 1:30 PM
Attachments: 20170222083056465.pdf

Hi Kristen,

Just wanted to remind you to send our office the revised petition for the above hearing. See attached for additional info.

Thanks again.

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

From: adminhearingscpr@baltimorecountymd.gov [mailto:adminhearingscpr@baltimorecountymd.gov]
Sent: Wednesday, February 22, 2017 8:31 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Admin Hearings Copier

This E-mail was sent from "RNP002673903BB1" (MP 3054).

Scan Date: 02.22.2017 08:30:56 (-0500)
Queries to: adminhearingscpr@baltimorecountymd.gov



KEVIN KAMENETZ
County Executive

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

January 23, 2017

Dino C. La Fiandra, Esquire
Pessin Katz Law, P.A.
901 Dulaney Valley Road, Suite 500
Towson, MD 21204

RE: **HEARING - Petition for Special Exception**
Case No. 2015-0214-X - (Octavia L. Carter)
Property: 4325 Washington Blvd.

Dear Mr. La Fiandra:

Please be advised that the hearing for the above-referenced matter has been scheduled for Tuesday, February 28, 2017, at 1:30 PM in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson, Maryland.

Please contact our office if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a long horizontal stroke extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Dan Whitney, Jr., Esq., Whitney & Bogris, 401 Washington Avenue, Towson, MD 21204
Jeffrey W. Hauf, 4333 Washington Blvd., Baltimore, MD 21227

Debra Wiley

From: Debra Wiley
Sent: Monday, January 23, 2017 11:17 AM
To: Kristen L Lewis
Cc: Sherry Nuffer (snuffer@baltimorecountymd.gov)
Subject: Hearing Confirmation - Case No. 2015-0214-X - 2/28/17
Attachments: 20170123112615501.pdf

Please find attached confirmation of hearing scheduled for the above.

Thanks.

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

From: adminhearingscpr@baltimorecountymd.gov [mailto:adminhearingscpr@baltimorecountymd.gov]
Sent: Monday, January 23, 2017 11:26 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Admin Hearings Copier

This E-mail was sent from "RNP002673903BB1" (MP 3054).

Scan Date: 01.23.2017 11:26:15 (-0500)
Queries to: adminhearingscpr@baltimorecountymd.gov



KEVIN KAMENETZ
County Executive

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

January 23, 2017

Dino C. La Fiandra, Esquire
Pessin Katz Law, P.A.
901 Dulaney Valley Road, Suite 500
Towson, MD 21204

RE: **HEARING - Petition for Special Exception**
Case No. 2015-0214-X - (Octavia L. Carter)
Property: 4325 Washington Blvd.

Dear Mr. La Fiandra:

Please be advised that the hearing for the above-referenced matter has been scheduled for Tuesday, February 28, 2017, at 1:30 PM in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson, Maryland.

Please contact our office if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a long horizontal line extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Dan Whitney, Jr., Esq., Whitney & Bogris, 401 Washington Avenue, Towson, MD 21204
Jeffrey W. Hauf, 4333 Washington Blvd., Baltimore, MD 21227

Debra Wiley

From: Dino La Fiandra <dlafiandra@pklaw.com>
Sent: Wednesday, January 18, 2017 1:21 PM
To: Debra Wiley
Subject: RE: Carter Paving - 2015-214-X

Dan no longer represents Mr. Hauf, but he sent Mr. Hauf an email asking him to call me. I likewise sent Mr. Hauf an email asking him to call me. That was yesterday afternoon and I have not heard from Mr. Hauf. The email indicated that I wanted to speak to Mr. Hauf about the scheduling of this matter.

In order to get the hearing scheduled, I took the only hearing slot that Ms. Lewis was able to offer me at this time. Because there is no posting or advertisement of the property required, I intend to advise Mr. Hauf of the hearing date and time by separate letter directly to him, with a copy to the ALJ.

Please let me know if that presents any issues.

As always, thank you very much for your help.

Dino

Dino C. La Fiandra

Member

901 Dulaney Valley Road | Suite 500 | Towson, MD | 21204

Direct Dial: 410.938.8705 | Direct Fax: 410.832.5651 | Mobile: 443-204-3473

dlafiandra@pklaw.com | [About Us](#) | [Attorney Bio](#) | [Download V-Card](#)

PK LAW®

From: Debra Wiley [mailto:dwiley@baltimorecountymd.gov]
Sent: Wednesday, January 18, 2017 1:10 PM
To: Dino La Fiandra
Subject: RE: Carter Paving - 2015-214-X

Mr. La Fiandra,

Thanks for making our office aware of the new date; it is appreciated. Can you confirm that Mr. Dan Whitney was notified of the new hearing date as well?

Thank you.

From: Dino La Fiandra [mailto:dlafiandra@pklaw.com]
Sent: Wednesday, January 18, 2017 1:01 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Cc: kmatthews@baltimorecountymd.gov
Subject: Carter Paving - 2015-214-X

Ms. Wiley,

The hearing in the above-referenced matter has been scheduled for February 28, 2017 at 1:30. Please let me know if you need any other information at this time.

Thanks.

Dino

Dino C. La Fiandra

Member

901 Dulaney Valley Road | Suite 500 | Towson, MD | 21204

Direct Dial: 410.938.8705 | Direct Fax: 410.832.5651 | Mobile: 443-204-3473

dlaifiandra@pklaw.com | [About Us](#) | [Attorney Bio](#) | [Download V-Card](#)

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Debra Wiley

From: Debra Wiley
Sent: Wednesday, January 18, 2017 1:10 PM
To: 'Dino La Fiandra'
Subject: RE: Carter Paving - 2015-214-X

Mr. La Fiandra,

Thanks for making our office aware of the new date; it is appreciated. Can you confirm that Mr. Dan Whitney was notified of the new hearing date as well?

Thank you.

From: Dino La Fiandra [mailto:dlafiandra@pklaw.com]
Sent: Wednesday, January 18, 2017 1:01 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Cc: kmatthews@baltimorecountymd.gov
Subject: Carter Paving - 2015-214-X

Ms. Wiley,

The hearing in the above-referenced matter has been scheduled for February 28, 2017 at 1:30. Please let me know if you need any other information at this time.

Thanks.

Dino

Dino C. La Fiandra

Member

901 Dulaney Valley Road | Suite 500 | Towson, MD | 21204

Direct Dial: 410.938.8705 | Direct Fax: 410.832.5651 | Mobile: 443-204-3473

dlafiandra@pklaw.com | [About Us](#) | [Attorney Bio](#) | [Download V-Card](#)

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related matter addressed herein. PKLAW provides this disclosure on all outbound e-mails to assure compliance with new standards of professional practice, pursuant to which certain tax advice must satisfy requirements as to form and substance.

Debra Wiley

From: Dino La Fiandra <dlaifiandra@pklaw.com>
Sent: Wednesday, January 18, 2017 1:01 PM
To: Debra Wiley
Cc: kmatthews@baltimorecountymd.gov
Subject: Carter Paving - 2015-214-X

Ms. Wiley,

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Thanks.

Dino

Dino C. La Fiandra

Member

901 Dulaney Valley Road | Suite 500 | Towson, MD | 21204

Direct Dial: 410.938.8705 | Direct Fax: 410.832.5651 | Mobile: 443-204-3473

dlaifiandra@pklaw.com | [About Us](#) | [Attorney Bio](#) | [Download V-Card](#)

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BALTIMORE, MD 21204

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TELEPHONE 410-938-8800
FAX 410-832-5600
PKLAW.COM



Dino C. La Fiandra
Telephone: 410.938.8705
Facsimile: 410.832.5651
DLaFiandra@PKLaw.com

January 12, 2017

Mr. Carl Richards, Supervisor
Bureau of Zoning Review
Department of Permits, Approvals and Inspections
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204

Re: Case No. 2015-214-X
4325 Washington Blvd
Amended Site Plan and Amended Zoning Description

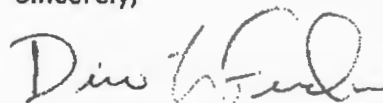
Dear Mr. Richards:

Kindly accept the enclosed Amended Site Plan (12 copies) and Amended Zoning Description (3 copies) in the above-referenced matter. Also enclosed is a check in the amount of \$250.00 to cover the fee for filing the referenced documents.

The purpose of the amendments is to expand the special exception area to include land which was reclassified to the B.R. zone as a result of the 2016 CZMP. If you have any questions, please call.

Thank you for your assistance with this matter.

Sincerely,



Dino La Fiandra

DCL/tek
Enclosures

ZONING DESCRIPTION FOR
4325 WASHINGTON BOULEVARD
AMENDED JANUARY, 2017

Beginning at a point on the southeast side of Washington Boulevard which is 60 feet wide at the distance of 160 feet northeast of the centerline of Hannah Avenue which is 20 feet wide; thence the following courses and distances:

North 41 degrees 15 minutes 26 seconds East 270.37 feet;
South 41 degrees 07 minutes 35 seconds East 202.08 feet;
South 38 degrees 18 minutes 35 seconds West 122.49 feet;
South 42 degrees 27 minutes 21 seconds West 70.08 feet;
South 03 degrees 55 minutes 39 seconds West 242.85 feet;
North 52 degrees 58 minutes 04 seconds West 116.71 feet;
North 20 degrees 05 minutes 33 seconds East 20.91 feet;
North 52 degrees 58 minutes 04 seconds West 77.67 feet;
North 38 degrees 25 minutes 24 seconds East 116.47 feet;
North 40 degrees 44 minutes 40 seconds West 146.66 feet to the place of beginning.

Being part of those lands as recorded in Deed Liber S.M. 12954, folio 384, Deed Liber 34287, folio 437 and Deed Liber 26594, folio 193. Containing 1.75 acres, more or less, and located in the 13th Election District and 1st Council District.



James G. Wiest
Professional Land Surveyor
MD Registration No. 21390
License Exp./Renewal: February 5, 2018

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

Nº 147497

Date:

1/13/17

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
1/13/2017 1/13/2017 13:10:29 1

REG #501 WALKIN LJR
RECEIPT # 703308 1/13/2017 OFLH
Dept 5 528 ZONING VERIFICATION
CK NO. 147497

Recpt Tot \$250.00
\$250.00 CK \$0.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$250.00
Total:								\$250.00

Rec From:

Amis La Fianza

For:

4325 Washington Blvd 2015-214X

Amended Site Plan

DISTRIBUTION

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

**CASHIER'S
VALIDATION**

Debra Wiley

From: Debra Wiley
Sent: Friday, January 13, 2017 9:36 AM
To: John E. Beverungen
Subject: Case No. 2015-0214-X (Carter - 4325 Washington Blvd.) [IWOV-FirmLive.FID499618]
Attachments: 20161122100809895.pdf

Hi John,

Please see Dino's email below and let me know if I need to respond to his second paragraph. In addition, please note that your Order on the Motion for Reconsideration (attached) indicated that no further posting and/or newspaper advertisement was required.

Thanks.

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

From: Dino La Fiandra [mailto:dlafiandra@pklaw.com]
Sent: Friday, January 13, 2017 9:04 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Cc: Kristen L Lewis <klewis@baltimorecountymd.gov>; Special Exception E_Mail <{F499618}.FirmLive@PK-WS-APP1.hupklaw.net>
Subject: FW: REMINDER - Case No. 2015-0214-X (Carter - 4325 Washington Blvd.) [IWOV-FirmLive.FID499618]

Hi Ms. Wiley,

In accordance with Judge Beverungen's order (attached) in the above-referenced matter, I contacted PAI yesterday (1/12/17) to schedule the continuation of the zoning hearing in this matter. I spoke to Kristen Matthews and asked for potential dates for the hearing. Ms. Matthews had to check the calendar and the file and get back to me before she could offer me any dates. I did not hear back from Ms. Matthews yesterday so I stopped in to see her this morning. I was advised that she is off today. Accordingly, I would anticipate securing a date for the continuation of the hearing on Tuesday 1/17.

Also in terms of status updates, I have filed the amended zoning site plan and amended zoning description referred to in Judge Beverungen's order. Thus, I anticipate that when this matter comes for hearing, it will be in a procedural posture that will enable it to be ruled upon without further delay.

Please let me know if you have any questions. Otherwise, I'll advise you once I have secured the hearing date and have

Regards
Dino

Dino C.
Member
901 Dul
| Mobile

-----Orig

John - ~~John~~ ^{Dino} contacted

Kristen re: scheduling this
matter. How much time

should she schedule?

Half
day

1-12-17

Relayed
to
Kristen
1-12
12:14
PM
DLS

Direct Fax:
-Card

set?
holding
2-28
1130
205

Debra Wiley

From: Dino La Fiandra <dlafiandra@pklaw.com>
Sent: Friday, January 13, 2017 9:04 AM
To: Debra Wiley
Cc: Kristen L Lewis; Special Exception E_Mail
Subject: FW: REMINDER - Case No. 2015-0214-X (Carter - 4325 Washington Blvd.) [TWOV-FirmLive.FID499618]
Attachments: 20161122100809895.pdf

Hi Ms. Wiley,

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Also in terms of status updates, I have filed the amended zoning site plan and amended zoning description referred to in Judge Beverungen's order. Thus, I anticipate that when this matter comes for hearing, it will be in a procedural posture that will enable it to be ruled upon without further delay.

Please let me know if you have any questions. Otherwise, I'll advise you once I have secured the hearing date. Thanks, and have a nice weekend.

Regards,
Dino

Dino C. La Fiandra
Member
901 Dulaney Valley Road | Suite 500 | Towson, MD | 21204 Direct Dial: 410.938.8705 | Direct Fax: 410.832.5651
| Mobile: 443-204-3473 dlafiandra@pklaw.com | About Us | Attorney Bio | Download V-Card

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

From: Debra Wiley [mailto:dwiley@baltimorecountymd.gov]
Sent: Tuesday, November 22, 2016 10:02 AM
To: Dino La Fiandra
Cc: Kristen L Lewis
Subject: REMINDER - Case No. 2015-0214-X (Carter - 4325 Washington Blvd.)

Mr. La Fiandra,

Please see attached and contact Kristen Lewis to schedule the matter for a public hearing within the timeframe designated by ALJ Beverungen.

Thank you.

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

From: adminhearingscpr@baltimorecountymd.gov [mailto:adminhearingscpr@baltimorecountymd.gov]
Sent: Tuesday, November 22, 2016 10:08 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Admin Hearings Copier

This E-mail was sent from "RNP002673903BB1" (MP 3054).

Scan Date: 11.22.2016 10:08:09 (-0500)

Queries to: adminhearingscpr@baltimorecountymd.gov

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Del

From

Sen

To:

Subject:

Attachment:

Debra Wiley

Monday, December 05, 2016 11:38 AM

Kristen L Lewis

V: REMINDER - Case No. 2015-0214-X (Carter - 4325 Washington Blvd.)

161122100809895.pdf

Hi Kristen,

Before I give 1-6-17 Per just wanted to check if you've been contacted by Mr. La Fiandra to schedule.

Thanks in ad

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

From: Debra Wiley

Sent: Tuesday, November 22, 2016 10:02 AM

To: Dino C. LaFiandra Esq. (dlafiandra@pklaw.com) <dlafiandra@pklaw.com>

Cc: Kristen L Lewis <klewis@baltimorecountymd.gov>

Subject: REMINDER - Case No. 2015-0214-X (Carter - 4325 Washington Blvd.)

Mr. La Fiandra,

Please see attached and contact Kristen Lewis to schedule the matter for a public hearing within the timeframe designated by ALJ Beverungen.

Thank you.

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From: adminhearingscpr@baltimorecountymd.gov [mailto:adminhearingscpr@baltimorecountymd.gov]

Sent: Tuesday, November 22, 2016 10:08 AM

To: Debra Wiley <dwiley@baltimorecountymd.gov>

Subject: Admin Hearings Copier

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Queries to: adminhearingscpr@baltimorecountymd.gov

Debra Wiley

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To: Dino C. LaFiandra Esq. (dlafiandra@pklaw.com)
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Attachments: 20161122100809895.pdf

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Subject: Admin Hearings Copier

This E-mail was sent from "RNP002673903BB1" (MP 3054).

Scan Date: 11.22.2016 10:08:09 (-0500)
Queries to: adminhearingscpr@baltimorecountymd.gov

Debra Wiley

From: Debra Wiley
Sent: Tuesday, November 01, 2016 8:32 AM
To: Kristen L Lewis
Subject: Case No. 2015-0214-X
Attachments: 20161101083649861.pdf

Hi Kristen,

Please see attached in reference to the above matter. Motion Order indicates that Mr. La Fiandra (after consultation w/Dan Whitney, Esq.) contact you ON OR BEFORE JANUARY 13, 2017 to reschedule.

Let me know if you have any questions.

Thanks.

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

From: adminhearingscpr@baltimorecountymd.gov [mailto:adminhearingscpr@baltimorecountymd.gov]
Sent: Tuesday, November 01, 2016 8:37 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Admin Hearings Copier

This E-mail was sent from "RNP002673903BB1" (MP 3054).

Scan Date: 11.01.2016 08:36:49 (-0400)
Queries to: adminhearingscpr@baltimorecountymd.gov

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SUITE 500
BALTIMORE, MD 21204

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TELEPHONE 410-938-8800
FAX 410-832-5600
PKLAW.COM

Dino C. La Fiandra

Telephone: 410.938.8705

Facsimile: 410.832.5651

DLaFiandra@PKLaw.com

October 27, 2016

Hon. John E. Beverungen
Office of Administrative Hearings of Baltimore County
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

RECEIVED

OCT 31 2016

Re: MOTION FOR RECONSIDERATION
4325 Washington Boulevard
Case No. 2015-0214-X

OFFICE OF ADMINISTRATIVE HEARINGS

Dear Judge Beverungen:

I am in receipt of your Order of Dismissal without prejudice in the above-referenced case. Please pardon my failure to update the Court with status and plans to move forward as you referenced in your Order. It was unintentional. I mistakenly believed I had provided the updates you requested. Pursuant to Rule 4(K) of the Rules of the Zoning Commissioner, I respectfully request that you reconsider your decision to dismiss the case and I offer the following status update.

As you may recall, the Petitioner's property was split-zoned BR/DR 5.5. Originally, in response to a code enforcement citation, the Petitioner sought a special exception for contractor's equipment storage yard on that portion of the property within the BR zone. However, there remained a significant portion of the property that was within the DR 5.5 zone, which was not eligible for the special exception. During the 2016 CZMP, as a result of Petitioner's request to rezone the DR 5.5 zoned portion of the land to the BR zone, and in accordance with an agreement between the Petitioner and the adjoining property owner Mr. Hauf, the DR 5.5 zoned portion of the property was rezoned to BR. Now, the Petitioner's entire property is BR zoned.

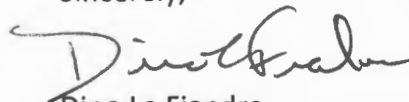
Now that the Petitioner's entire property is within the BR zone, the Petitioner intends to amend its Petition for Special Exception to include the entire property. On behalf of my client, I am working with the engineer who prepared the original zoning plan and zoning description to

Hon. John E. Beverungen
October 27, 2016
Page 2

determine the most efficient way of amending the Petition for Special Exception to include the entire property. I would expect an amended zoning plan and zoning description to be filed within the next two months. Thereafter, we should be ready for a hearing and your decision on the Petition.

Please reconsider your dismissal of the case, especially with consideration that my inadvertent omission to update you was no fault of the Petitioner. Please accept my sincere apologies for failure to update the Court. I respectfully request that you reinstate the case so that we may amend the Petition and move forward as I set forth above.

Sincerely,



Dino La Fiandra

cc: Dan Whitney, Esquire, Attorney for Mr. Hauf
Carter Paving & Excavating



KEVIN KAMENETZ
County Executive

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

October 18, 2016

Dino C. La Fiandra, Esquire
Pessin Katz Law, P.A.
901 Dulaney Valley Road, Suite 500
Towson, MD 21204

RE: ORDER OF DISMISSAL - Petition for Special Exception
Case No.: 2015-0214-X
Property: 4325 Washington Blvd.

Dear Mr. La Fiandra:

Enclosed please find a copy of the Order of Dismissal 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,

A handwritten signature in black ink, appearing to read "JEB", followed by a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Louis J. Glick, 2 Reservoir Circle, Baltimore, MD 21208
Jeffrey W. Hauf, 4333 Washington Blvd., Baltimore, MD 21227

IN RE: PETITION FOR SPECIAL EXCEPTION *

(4325 Washington Blvd.)

13th Election District *

1st Council District

Octavia L. Carter *

Legal Owner

Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2015-0214-X

* * * * *

ORDER OF DISMISSAL

The above-captioned matter was scheduled for a public hearing before the Office of Administrative Hearings (OAH) on May 12, 2015 to consider a Petition for Special Exception filed by Octavia L. Carter. The Petitioner sought relief from § 236.2 of the Baltimore County Zoning Regulations (B.C.Z.R) to use the above described property for a contractor's equipment storage yard.

The May 12, 2015 hearing was opened and then postponed at the request of Petitioner's attorney, Dino LaFiandra. A neighbor attended and opposed the petition and was represented by counsel. Mr. LaFiandra indicated he would contact the Office of Zoning Review when ready to reschedule the case, and would also provide notice to the neighbor and his counsel.

Counsel for Petitioner was contacted by OAH via email on November 2, 2015 requesting a status update. By letter dated November 9, 2015, counsel indicated that his client and the adjoining neighbor who initially appeared in opposition have amicably resolved the outstanding issues in the case. Having heard nothing further, counsel for Petitioner was again contacted by OAH via email on March 17, 2016 and July 6, 2016 requesting a status update. There being no verbal or written response received from counsel for Petitioner, the relief requested shall be dismissed without prejudice.

Real Property Data Search (w3)

[Guide to searching the database](#)

Search Result for BALTIMORE COUNTY

Name	Account	Street	Own Occ	Map	Parcel
JUST HEART CARDIOV	03 2200000587	2 RESERVOIR CIR	N	0068	0559
MATZ STEPHEN R	03 2200007268	2 RESERVOIR CIR	N	0068	0559
REDCO LLC	03 2200007269	2 RESERVOIR CIR	N	0068	0559
RESERVOIR LIMITED	03 2200000586	2 RESERVOIR CIR	N	0068	0559
RESERVOIR LIMITED	03 2200000585	2 RESERVOIR CIR	N	0068	0559
RESERVOIR LIMITED	03 2200007270	2 RESERVOIR CIR	N	0068	0559
RESERVOIR LIMITED	03 2200007271	2 RESERVOIR CIR	N	0068	0559
RESERVOIR LIMITED	03 2200007272	2 RESERVOIR CIR	N	0068	0559

Debra Wiley

From: Debra Wiley
Sent: Wednesday, July 06, 2016 10:44 AM
To: Dino C. LaFiandra Esq. (dlafiandra@pklaw.com)
Subject: FW: Case No. 2015-0214-X
Attachments: 20160317111719949.pdf

Good Morning,

Please see below and provide a status update. Thanks again.

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

From: Debra Wiley
Sent: Thursday, March 17, 2016 11:13 AM
To: Dino C. LaFiandra Esq. (dlafiandra@pklaw.com) <dlafiandra@pklaw.com>
Subject: Case No. 2015-0214-X

Good Morning,

Please see attached and kindly provide a status update.

Thank you.

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

From: adminhearingscpr@baltimorecountymd.gov [mailto:adminhearingscpr@baltimorecountymd.gov]
Sent: Thursday, March 17, 2016 11:17 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Admin Hearings Copier

This E-mail was sent from "RNP002673903BB1" (MP 3054).

Scan Date: 03.17.2016 11:17:19 (-0400)
Queries to: adminhearingscpr@baltimorecountymd.gov

Debra Wiley

From: Debra Wiley
Sent: Thursday, March 17, 2016 11:13 AM
To: Dino C. LaFiandra Esq. (dlafiandra@pklaw.com)
Subject: Case No. 2015-0214-X
Attachments: 20160317111719949.pdf

Good Morning,

Please see attached and kindly provide a status update.

Thank you.

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

From: adminhearingscpr@baltimorecountymd.gov [mailto:adminhearingscpr@baltimorecountymd.gov]
Sent: Thursday, March 17, 2016 11:17 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Admin Hearings Copier

This E-mail was sent from "RNP002673903BB1" (MP 3054).

Scan Date: 03.17.2016 11:17:19 (-0400)
Queries to: adminhearingscpr@baltimorecountymd.gov

JB 5-12-15

PK || LAW[®]

901 DULANEY VALLEY ROAD
SUITE 500
BALTIMORE, MD 21204

BALTIMORE | COLUMBIA | BEL AIR

TELEPHONE 410-938-8800
FAX 410-832-5600
PKLAW.COM

Dino C. La Fiandra
Telephone: 410.938.8705
Facsimile: 410.832.5651
DLaFiandra@PKLaw.com

November 9, 2015

VIA U.S. MAIL

Ms. Debbie Wiley
Baltimore County Office of Administrative Hearings
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

RECEIVED

NOV 12 2015

OFFICE OF ADMINISTRATIVE HEARINGS

Re: Zoning Case No. 2016-0214-X
4325 Washington Blvd.

Dear Ms. Wiley:

This letter responds to your request for a status update on the above-referenced matter. My client and the adjoining neighbor who initially appeared in opposition to the requested special exception have settled their issues. As a result of the settlement, my client and the neighbor are in the process of adjusting the lot line that separates their two properties. Once the lot line has been adjusted, my client intend to adjust the use area delineated in the Petition for Special Exception so that it conforms to the new lot line. At that time, we will be in a position to move forward with the hearing on the Petition.

Presently, we are in the process of surveying the new lot line and preparing legal descriptions of the lot line adjustment area. I am not in a position to say when that work and the lot line adjustment will be completed. I will gladly provide another update for you if that work is not completed by the end of January, 2016.

Accordingly, we ask that you continue to hold the case in abeyance and we will bring it back for hearing as soon as possible. Please let me know if you have any questions or require any other information.

Sincerely,


Dino La Fiandra

John Guerin
Copy, 11-12

3-17-16 Not Scheduled.

Debbie Wiley
November 9, 2015
Page 2

cc: Tyrone Carter
Daniel W. Whitney, Esquire

Debra Wiley

From: Dino La Fiandra <dlafiandra@pklaw.com>
Sent: Monday, November 02, 2015 2:01 PM
To: Debra Wiley
Subject: RE: 2015-0214-X (4325 Washington Blvd.)

I will provide an update. Thanks.

Dino

Dino C. La Fiandra
Member

901 Dulaney Valley Road | Suite 500 | Towson, MD | 21204 Direct Dial: 410.938.8705 | Direct Fax: 410.832.5651
| Mobile: 443-204-3473 dlafiandra@pklaw.com | About Us | Attorney Bio | Download V-Card

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

From: Debra Wiley [mailto:dwiley@baltimorecountymd.gov]
Sent: Monday, November 02, 2015 1:05 PM
To: Dino La Fiandra
Subject: 2015-0214-X (4325 Washington Blvd.)

Mr. LaFiandra.

Please see attached and provide our office a status update. If you're no longer pursuing this matter, please let us know so that we can dismiss the case.

Thanks.

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

From: adminhearingscpr@baltimorecountymd.gov [mailto:adminhearingscpr@baltimorecountymd.gov]
Sent: Monday, November 02, 2015 12:58 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Admin Hearings Copier

This E-mail was sent from "RNP002673903BB1" (MP 3054).

Scan Date: 11.02.2015 12:58:14 (-0500)
Queries to: adminhearingscpr@baltimorecountymd.gov

[http://www.baltimorecountymd.gov/sebin/n/n/county_seal.jpg]<<http://www.baltimorecountymd.gov>>

Connect with Baltimore County

[http://www.baltimorecountymd.gov/sebin/p/i/socialmedia_fb.jpg]<<https://www.facebook.com/Baltimorecounty>>
[http://www.baltimorecountymd.gov/sebin/r/j/socialmedia_twitter.jpg] <<https://twitter.com/BaltCoGov>>

Debra Wiley

From: Debra Wiley
Sent: Monday, November 02, 2015 1:05 PM
To: 'dlafiandra@pklaw.com'
Subject: 2015-0214-X (4325 Washington Blvd.)
Attachments: 20151102125814608.pdf

Mr. LaFiandra.

Please see attached and provide our office a status update. If you're no longer pursuing this matter, please let us know so that we can dismiss the case.

Thanks.

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

From: adminhearingscpr@baltimorecountymd.gov [mailto:adminhearingscpr@baltimorecountymd.gov]
Sent: Monday, November 02, 2015 12:58 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Admin Hearings Copier

This E-mail was sent from "RNP002673903BB1" (MP 3054).

Scan Date: 11.02.2015 12:58:14 (-0500)
Queries to: adminhearingscpr@baltimorecountymd.gov

Debra Wiley

From: Kristen L Lewis
Sent: Monday, November 02, 2015 1:08 PM
To: Debra Wiley
Subject: RE: 2015-0214-X

Hi Debbie,

This case is still on my desk, waiting to hear from Dino as per your memo. No one has contacted me asking about it, or to set it in.

Kristen Lewis
PAI – Zoning Review
410-887-3391

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

From: Debra Wiley
Sent: Monday, November 02, 2015 12:56 PM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>
Subject: 2015-0214-X

Hi Kristen,

Would you know anything about this? If not, I'll send an email to Dino LaFiandra.

Thanks.

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

From: adminhearingscpr@baltimorecountymd.gov [mailto:adminhearingscpr@baltimorecountymd.gov]
Sent: Monday, November 02, 2015 12:58 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Admin Hearings Copier

This E-mail was sent from "RNP002673903BB1" (MP 3054).

Scan Date: 11.02.2015 12:58:14 (-0500)
Queries to: adminhearingscpr@baltimorecountymd.gov

NOT reset
per data base
or Aug. case.
NOT for Sept. 9-22-15
for new case
in base
9-9

JB 5-12-15
2:30

MEMORANDUM

TO: Kristen Lewis
Office of Zoning Review

FROM: Debbie Wiley
Office of Administrative Hearings

DATE: May 14, 2015

SUBJECT: Case No. 2015-0214-X - 4325 Washington Blvd.
Hearing: May 12, 2015 @ 2:30 PM

As you are aware, the above-referenced case was scheduled to come before Judge Beverungen on Tuesday, May 12, 2015 at 2:30 PM, in Room 205 of the Jefferson Building. The hearing was opened and then postponed at the request of Petitioner's attorney, Dino LaFiandra. A neighbor attended and opposed the petition and was represented by counsel. Mr. LaFiandra indicated he would contact you when he is ready to reschedule the case, and will also provide notice to the neighbor and his counsel. The property does not need to again be posted or the hearing advertised.

This matter is now being returned to you for rescheduling and processing.
Thanks.

c: File

Debra Wiley

JB 5/12

From: John E. Beverungen
Sent: Tuesday, May 12, 2015 2:54 PM
To: Kristen L Lewis; Debra Wiley
Subject: 2015-0214-X

The hearing in this case was opened and then postponed at the request of Petitioner's attorney Dino La Fiandra. A neighbor attended and opposed the petition, and was represented by counsel. Mr. La Fiandra indicated he would contact Ms. Lewis when he is ready to reschedule the case, and he will also provide notice to the neighbor and his counsel. The property does not need to again be posted or the hearing advertised.

Debra Wiley

From: John E. Beverungen
Sent: Tuesday, May 12, 2015 3:06 PM
To: Lionel Van Dommelen
Cc: Sarah M. Adams; dlafiandra@pklaw.com; Debra Wiley
Subject: Code Citation No. cc 1413755

Lionel,

I am writing to give you an update in regard to the above matter. I understand a code hearing was held on this case, and the respondent (Tyrone/Octavia Carter) was instructed to seek zoning relief to "legitimize" the operation of a contractor's storage yard being operated at the property (4325 Washington Blvd.) The owner did file a petition for special exception (Case # 2015-214-X), and a hearing was scheduled for today. The owner's attorney (who is copied on this email) sought a postponement, which was granted. The owner is hoping to resolve a disagreement with his neighbor Jeffrey Hauf, who owns the property at 4333 Washington Blvd.

Please continue to hold the enforcement action in abeyance, and I will send you a copy of the zoning order after the case is rescheduled and heard.

Thanks.

John Beverungen
ALJ

MEMORANDUM

TO: Kristen Lewis
Office of Zoning Review

FROM: Debbie Wiley *DW*
Office of Administrative Hearings

DATE: May 14, 2015

SUBJECT: Case No. 2015-0214-X – 4325 Washington Blvd.
Hearing: May 12, 2015 @ 2:30 PM

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Thanks.

c: *✓* File

Debra Wiley

From: John E. Beverungen
Sent: Tuesday, May 12, 2015 2:54 PM
To: Kristen L Lewis; Debra Wiley
Subject: 2015-0214-X

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Debra Wiley

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Sent: Tuesday, May 12, 2015 3:06 PM
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Cc: Sarah M. Adams; dlafiandra@pklaw.com; Debra Wiley
Subject: Code Citation No. cc 1413755

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Please continue to hold the enforcement action in abeyance, and I will send you a copy of the zoning order after the case is rescheduled and heard.

Thanks.

John Beverungen
ALJ

DATE _____

4325. Washington
Blvd.

2015-214-X

5-12-2015

PETITIONER'S SIGN-IN SHEET

[illegible]

4325 Washington Blvd.

CASE NAME

CASE NUMBER

DATE _____

CITIZEN'S SIGN - IN SHEET

[illegible]

CASE NO. 2015-

0214-X

CHECKLISTSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment

4/13/15

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

G

DEPS
(if not received, date e-mail sent _____)

FIRE DEPARTMENT

4/24/15

PLANNING
(if not received, date e-mail sent _____)no obj
w/cond.

4/13/15

STATE HIGHWAY ADMINISTRATION

no obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

4/21/15

SIGN POSTING

Date:

4/22/15

by

SSG Black

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 13 Account Number - 1303000141			
Owner Information					
Owner Name:		CARTER OCTAVIA L		Use:	COMMERCIAL
Mailing Address:		898 TIMBER RIDGE DR HANOVER MD 21076-1607		Principal Residence:	NO
				Deed Reference:	/12954/ 00384
Location & Structure Information					
Premises Address:		4325 WASHINGTON BLVD 0-0000		Legal Description:	1.007 AC 200 NE OF HANNA AVE EAST HALETHORPE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0108	0012	0469		0000	
Special Tax Areas:				Town:	NONE
				Ad Valorem:	
				Tax Class:	
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area		Property Land Area
					1.0000 AC
County Use	06				
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
		Base Value	Value	Phase-In Assessments	
			As of	As of	As of
			01/01/2014	07/01/2014	07/01/2015
Land:		402,800	402,800		
Improvements		70,600	70,600		
Total:		473,400	473,400	473,400	473,400
Preferential Land:		0			0
Transfer Information					
Seller: CARTER JAMES B		Date: 06/19/1998		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /12954/ 00384		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2014		07/01/2015	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)District: **13** Account Number: **1303000141**

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 (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imsweb05.mdp.state.md.us/website/mosp/>)

☒ Loading... Please Wait. Loading... Please Wait.

-->



KEVIN KAMENETZ
County Executive

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

May 7, 2015

Octavia L Carter
898 Timber Ridge Drive
Hanover MD 21076

RE: Case Number: 2015-0214 X, Address: 4325 Washington Boulevard

Dear Ms. Carter:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 31, 2015. 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 that reads "W. Carl Richards, Jr." The signature is written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Dino La Fiandra, Esquire, 901 Dulany Valley Road, Suite 500, Towson MD 21204

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Melinda Peters, Administrator

Date: 4/13/15

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

RE: Baltimore County
Item No. 2015-0214-X
Special Exception
Octavia Center
4325 Washington Boulevard

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 4/8/15. A field inspection and internal review reveals that an entrance onto USIAH consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Special Exception Case Number 2015-0214-X.

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/
Development Manager
Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 24, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 4325 Washington Boulevard

INFORMATION:

Item Number: 15-214

Petitioner: Octavia L. Carter

Zoning: BR, DR 2

Requested Action: Special Exception

RECEIVED
APR 27 2015
OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the Petition for Special Exception to use the property for a contractor's equipment storage yard pursuant to BCZR Section 236.2.

The Department of Planning has no objection to the granting of the request subject to the following:

- The Department does not support any part of the Special Exception use to be located in the D.R.2 zone, outside of the petitioned special exception area now or in the future. Remove all non-residential structures and commercial equipment from the D.R.2 zoned portion of property.
- The existing opaque fence fronting Washington Boulevard shall be maintained in good condition at all times.

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

Division Chief:
AVA/KS/LTM

Kathy Schlabach

c: Joe Wiley

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For April 13, 2015
Item No. 2015-0214

DATE: April 13, 2015

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

Landscape Manual requirements must be met through approval of a final landscape plan and posting of security prior to any permit issuance.

* * * * *

DAK: CEN
cc:file

ZAC-ITEM NO 15-0214-04132015.doc

4/28/15
wcl

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 24, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 4325 Washington Boulevard

INFORMATION:

Item Number: 15-214

Petitioner: Octavia L. Carter

Zoning: BR, DR 2

Requested Action: Special Exception

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the Petition for Special Exception to use the property for a contractor's equipment storage yard pursuant to BCZR Section 236.2.

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- The Department does not support any part of the Special Exception use to be located in the D.R.2 zone, outside of the petitioned special exception area now or in the future. Remove all non-residential structures and commercial equipment from the D.R.2 zoned portion of property.
- The existing opaque fence fronting Washington Boulevard shall be maintained in good condition at all times.

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

Division Chief: Kathy A. Nelson
AVA/KS/LTM

c: Joe Wiley



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3214348

Sold To:

PESSIN KATZ LAW PA - CU00194898
901 Dulaney Valley Rd
Ste 400
Towson, MD 21204

Bill To:

PESSIN KATZ LAW PA - CU00194898
901 Dulaney Valley Rd
Ste 400
Towson, MD 21204

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Apr 21, 2015

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

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: # 2015-0214-X

4325 Washington Boulevard
S/s Washington Blvd., 165 ft. NE of centerline of Hannah Avenue

13th Election District - 1st Councilmanic District

Legal Owner(s) Octavia Carter

Special Exception: to use property for a contractor's equipment storage yard.

Hearing: Tuesday, May 12, 2015 at 2:30 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 4/145 Apr. 21

3214348

CERTIFICATE OF POSTING

2015-0214-X

RE: Case No.: _____

Petitioner/Developer: _____

Octavia Carter

May 12, 2015

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: _____

4325 Washington Blvd

April 22, 2015

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



Sincerely,



(Signature of Sign Poster) April 22, 2015
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



KEVIN KAMENETZ
County Executive

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

April 8, 2015

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: 2015-0214-X

4325 Washington Boulevard
S/s Washington Blvd., 165 ft. NE of centerline of Hannah Avenue
13th Election District – 1st Councilmanic District
Legal Owners: Octavia Carter

Special Exception to use property for a contractor's equipment storage yard.

Hearing: Tuesday, May 12, 2015 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Dino LaFiandra, 901 Dulaney Valley Rd., Ste. 500, Towson 21204
Octavia Carter, 898 Timber Ridge Drive, Hanover 21076

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, APRIL 22, 2015**
- (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
Tuesday, April 21, 2015 Issue - Jeffersonian

Please forward billing to:

Dino LaFiandra
Pessin Katz Law, P.A.
901 Dulaney Valley Road, Ste. 500
Towson, MD 21204

410-938-8800

NOTICE OF ZONING HEARING

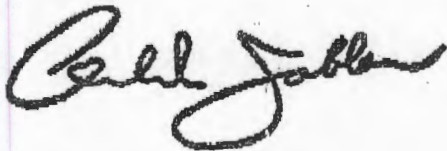
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Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE OFFICE
4325 Washington Boulevard; S/S Washington *
Blvd, 165' NE of c/line Hannah Avenue * OF ADMINISTRATIVE
13th Election & 1st Councilmanic Districts *
Legal Owner(s): Octavia L. Carter * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2015-214-X

* * * * *

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
APR 10 2015

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of April, 2015, a copy of the foregoing Entry of Appearance was mailed to Dino LaFiandra, Esquire, Pessin, Katz Law, P.A., 901 Dulaney Valley Road, Suite 400, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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: 2015-0214-X

Petitioner: Octavia L. Carter

Address or Location: 4325 Washington Blvd

PLEASE FORWARD ADVERTISING BILL TO:

Name: Dino C. LaFiandra, Pk Law PA

Address: 901 Dulaney Valley Road, Suite 500
Towson MD 21204

Telephone Number: ~~443 204 3422~~ 410 938 8800

Case No.: 2015-0214-X

Exhibit Sheet

Petitioner/Developer

DA-7-17

Protestant

Slr
3-6-17

No. 1	Plan (redlined)	
No. 2	CZMP Log of Issues	
No. 3	Aerial photo	
No. 4	vicinity photos	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

BALTIMORE COUNTY

2016 Comprehensive Zoning Map Process Final Log of Issues

Adopted August 30, 2016



PETITIONER' S

EXHIBIT NO. _____

2



Baltimore County 2016 Comprehensive Zoning Map Process

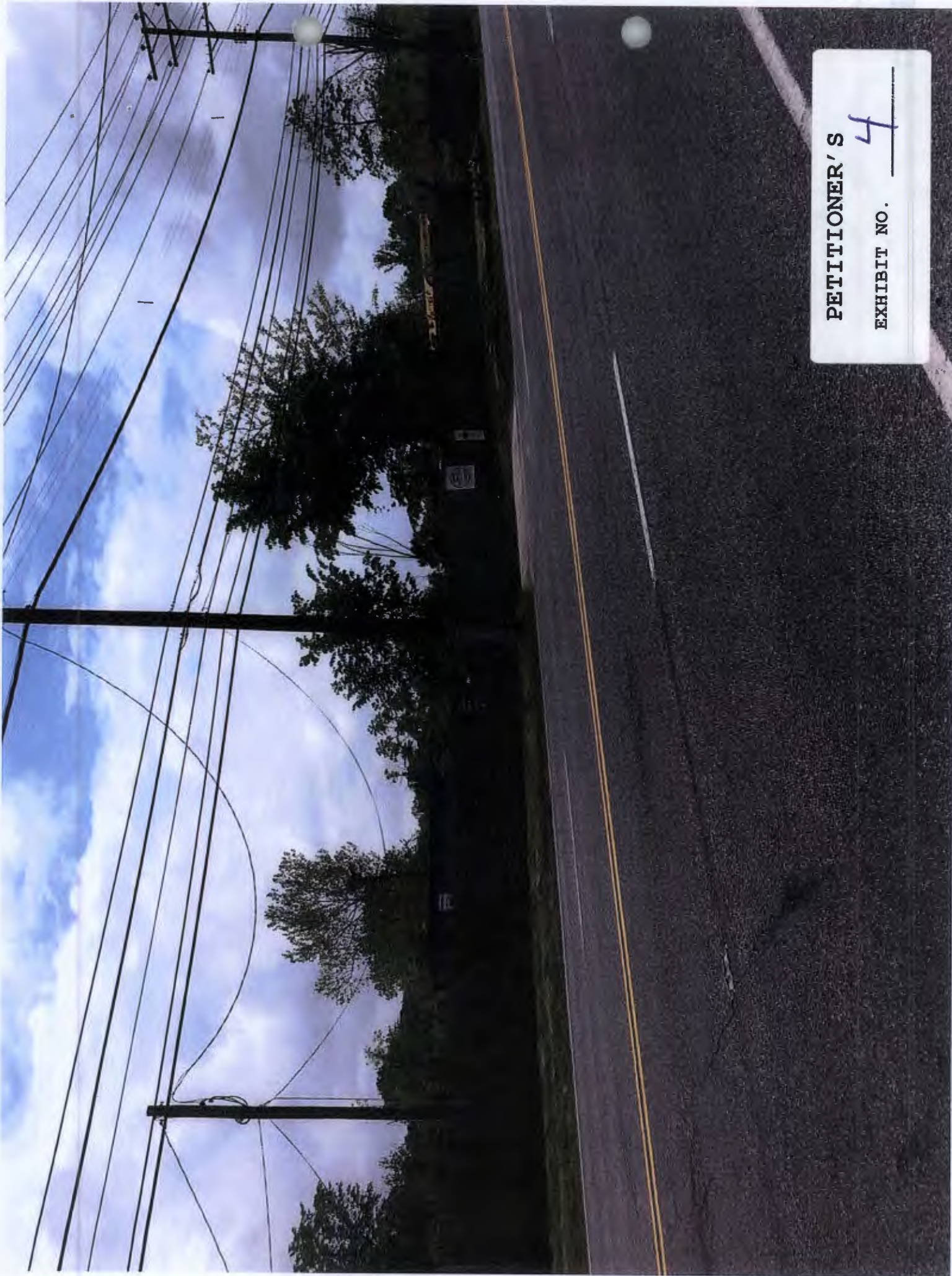
Log of Issues - District 1

September 13, 2016

Issue Number	1-019	Petitioner	Carter Paving & Excavating, Inc.	Location	Northeast corner of Washington St and Hannah Ave				
Existing Zoning and Acres		Requested Zoning and Acres		Final Staff Recommendations		Planning Board Recommendations		County Council Decision	
DR 2	0.75	BR	0.75	BR	0.75	BR	0.75	BR	0.75
	0.75		0.75		0.75		0.75		0.75
Comments	See Issue 1-034								

Issue Number	1-020	Petitioner	Mile One Acquisitions, LLC	Location	1924 & 1928 Powers Ln				
Existing Zoning and Acres		Requested Zoning and Acres		Final Staff Recommendations		Planning Board Recommendations		County Council Decision	
DR 1	0.01	BM	2.08	DR 2	1.18	DR 2	1.18	DR 2	1.18
DR 2	1.17			RO	0.90	RO	0.90	RO	0.90
RO	0.90		2.08		2.08		2.08		2.08
<u>2.08</u>									
2.08									
Comments	See Issues 1-016, 1-017, 1-026, 1-027.								

Issue Number	1-021	Petitioner	Greenfield Partners	Location	5001 Washington Blvd				
Existing Zoning and Acres		Requested Zoning and Acres		Final Staff Recommendations		Planning Board Recommendations		County Council Decision	
MH IM	42.31	BM IM	23.95	MH IM	42.31	MH IM	42.31	MH IM	42.31
ML	9.08	RAE 2	41.29	ML	9.08	ML	9.08	ML	9.08
ML IM	13.84			ML IM	13.84	ML IM	13.84	ML IM	13.84
	65.23		65.24		65.23		65.23		65.23
Comments									



PETITIONER'S

EXHIBIT NO.

4











GRADALL





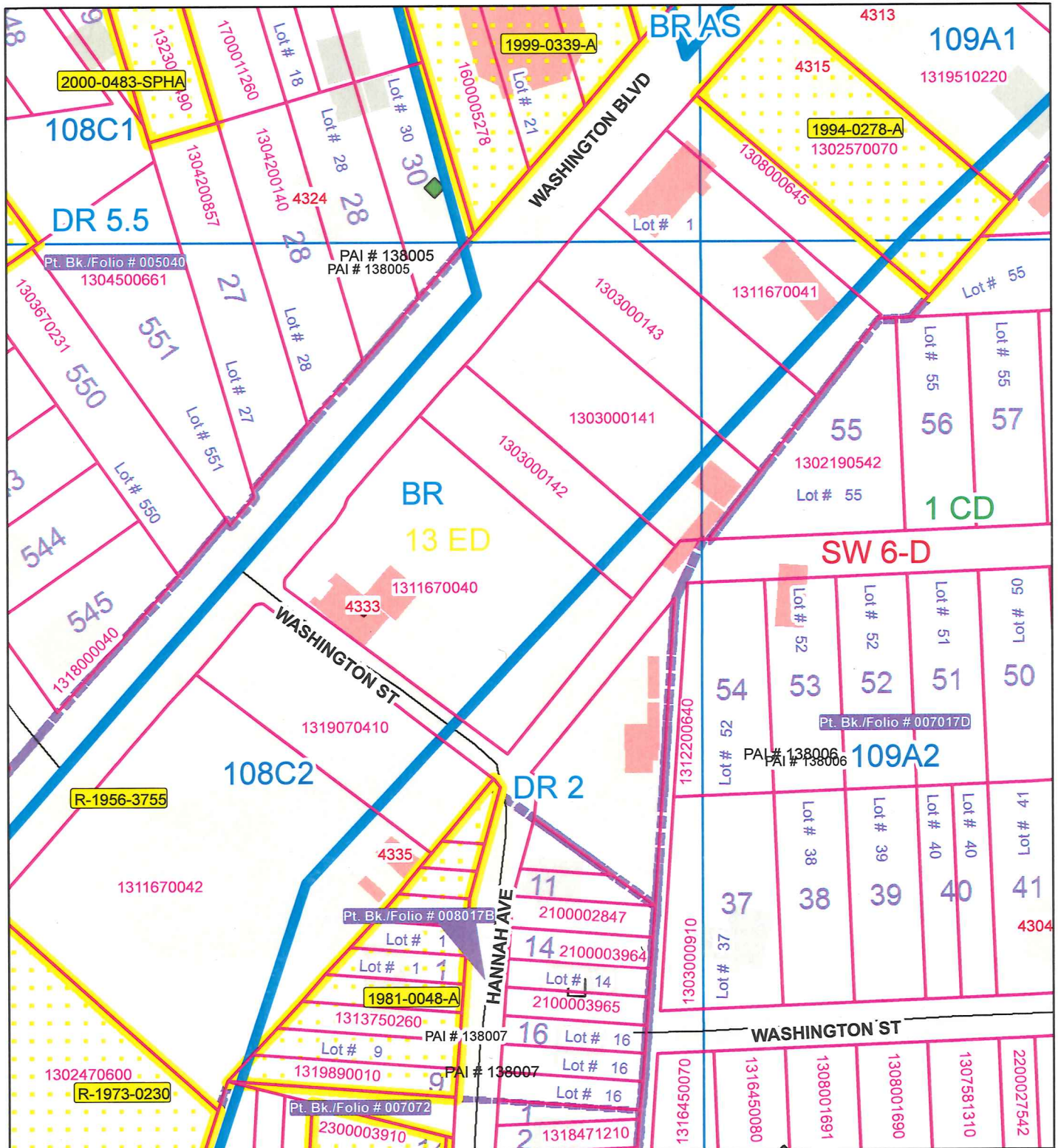
C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
2/22/17	PLANNING (if not received, date e-mail sent _____)	NO objection
_____	STATE HIGHWAY ADMINISTRATION	_____
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION (Case No. _____)		
PRIOR ZONING (Case No. _____)		
NEWSPAPER ADVERTISEMENT Date: _____		
SIGN POSTING Date: _____ by _____		
PEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐		
PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐		

Comments, if any: _____



Tax #13-11-670-040, 13-03-000-141,-142, and -143



Publication Date: 3/3/2015



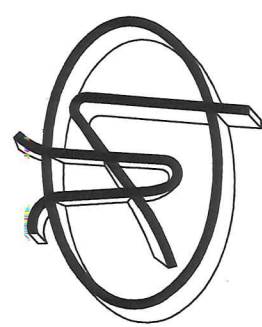
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 25 50 100 150 200 Feet

1 inch = 100 feet

2015-0214-X

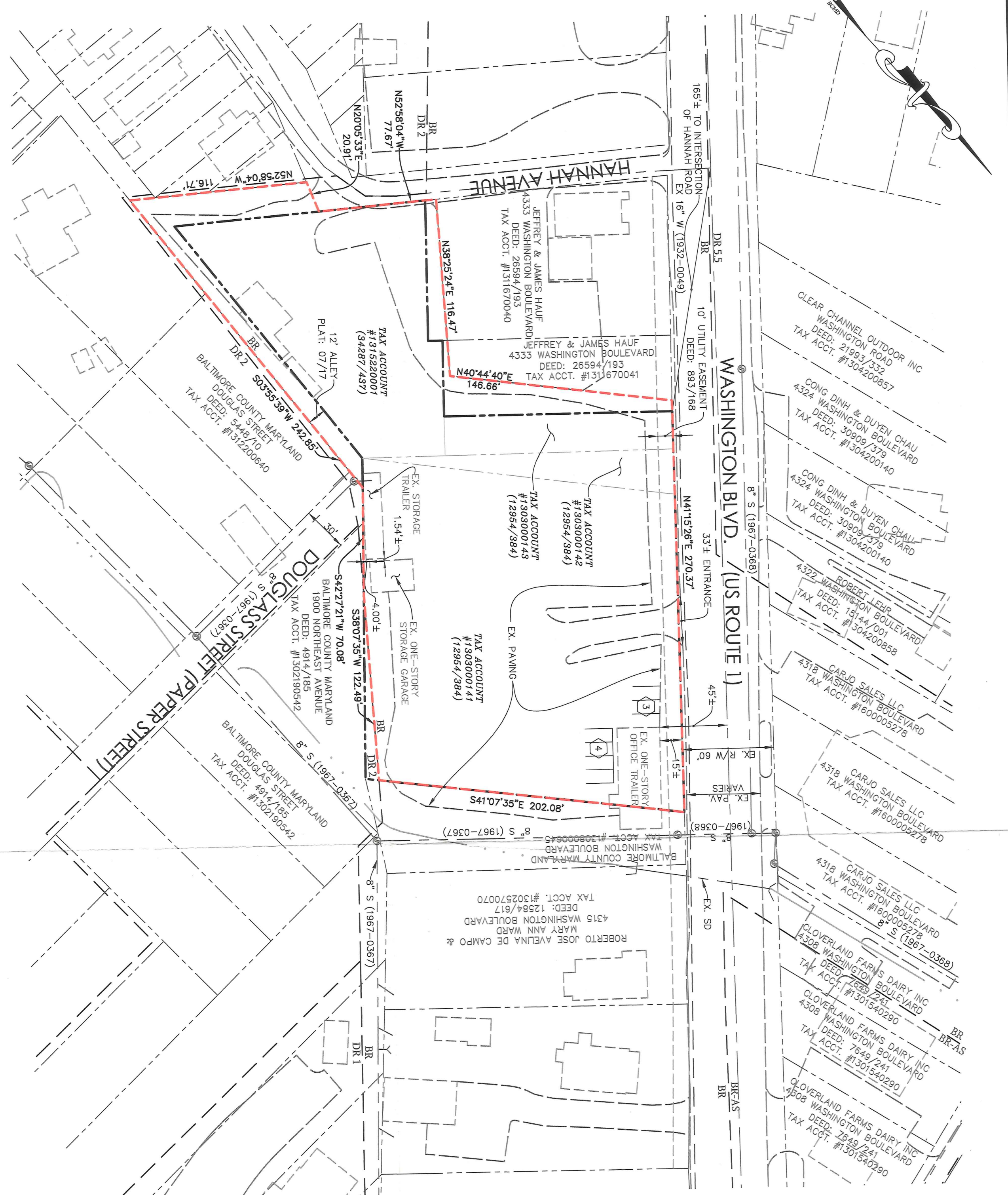


LITTLE & ASSOCIATES, INC.
ENGINEERS~LAND PLANNERS~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639



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. 16019, EXPIRATION DATE: 5/8/18.

RECEIVED
FEB 22 2017
OFFICE OF
ADMINISTRATIVE HEARINGS



VICINITY MAP
SCALE: 1"=500'

PROPERTY INFORMATION

1. OWNER: OCTAVIA L. CARTER
898 TIMBER RIDGE DRIVE
HANOVER, MD 21076
2. TAX ACCOUNT #: 1303000141, 1303000142, 1303000143, 1315220001
3. DEED REF: 12954/384, 34287/437
4. SITE AREA: 1.57± AC. (88,398± S.F.)
5. AREA OF SPECIAL EXCEPTION REQUEST: 0.175± AC. (76,200± S.F.)
6. EXISTING ZONING: BR, DR 2, ZONING MAP: 4938A2
7. PARKING DATA:
OFFICE = 3.3 P.S. PER 1,000 S.F. GROSS FLOOR AREA
OFFICE GROSS FLOOR AREA = 1,914 S.F.
(3.3 P.S. x (1,914 S.F. / 1,000 S.F.)) = 7 P.S.
STORAGE = 0 P.S. PER 1,000 S.F. GROSS FLOOR AREA
STORAGE GROSS FLOOR AREA = 1,264 S.F.
(0 P.S. x (1,264 S.F. / 1,000 S.F.)) = 0 P.S.
TOTAL PARKING REQUIRED: 7 P.S. + 0 P.S. = 7 P.S.
PARKING PROVIDED = 7 P.S.
8. BASIC SERVICES MAP: THE SITE IS NOT ON ANY FAILED BASIC SERVICES MAP

ZONING HISTORY

THERE HAVE BEEN NO PREVIOUS ZONING CASES FOR THIS SITE.

REQUESTED RELIEF

1. SPECIAL EXCEPTION FOR CONTRACTOR'S EQUIPMENT STORAGE YARD

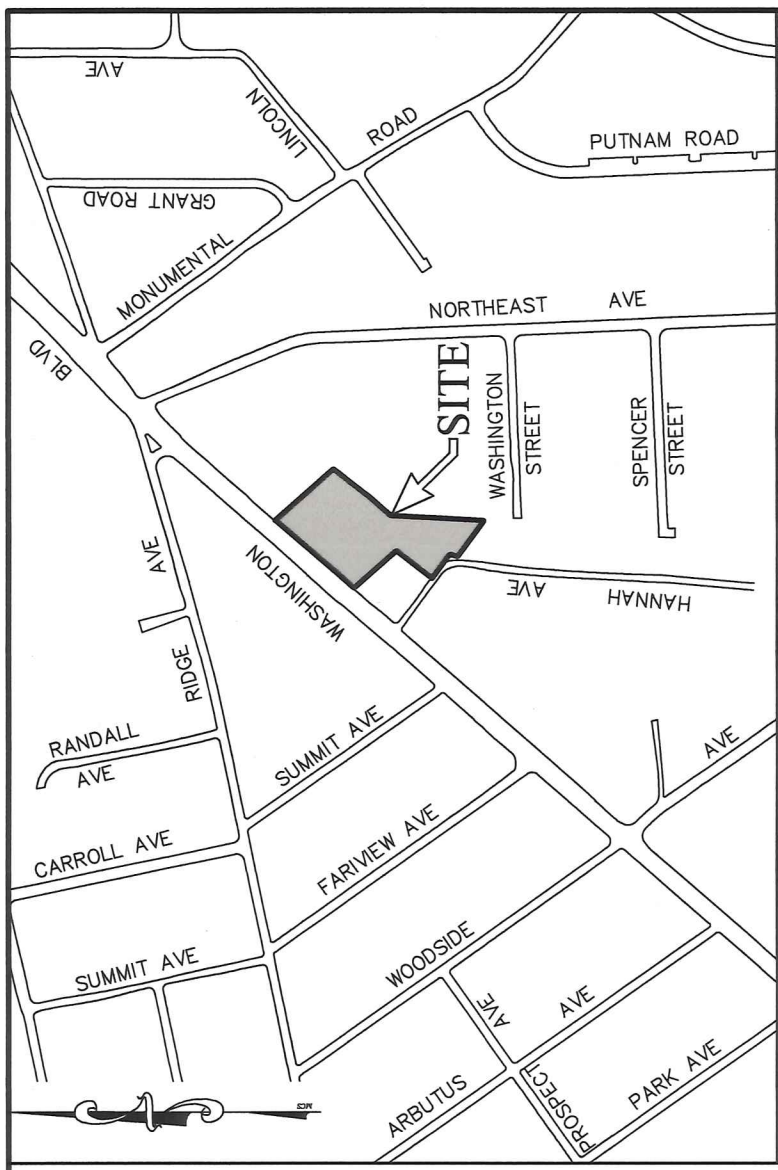
CODE ENFORCEMENT CITATION #CC1413755

Revised

CASE #2015-0214-X

'AMENDED - JANUARY 2017'
PLAN TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION
#4325 WASHINGTON BLVD.

DISTRICT 13c1
SCALE: 1"=50'
BALTIMORE COUNTY, MD
MARCH 30, 2015



VICINITY MAP

SCALE: 1"=500'

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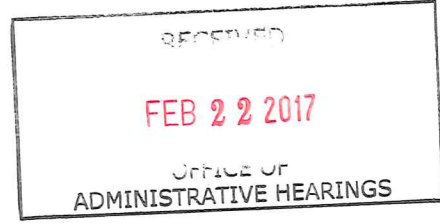
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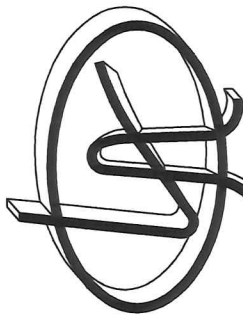
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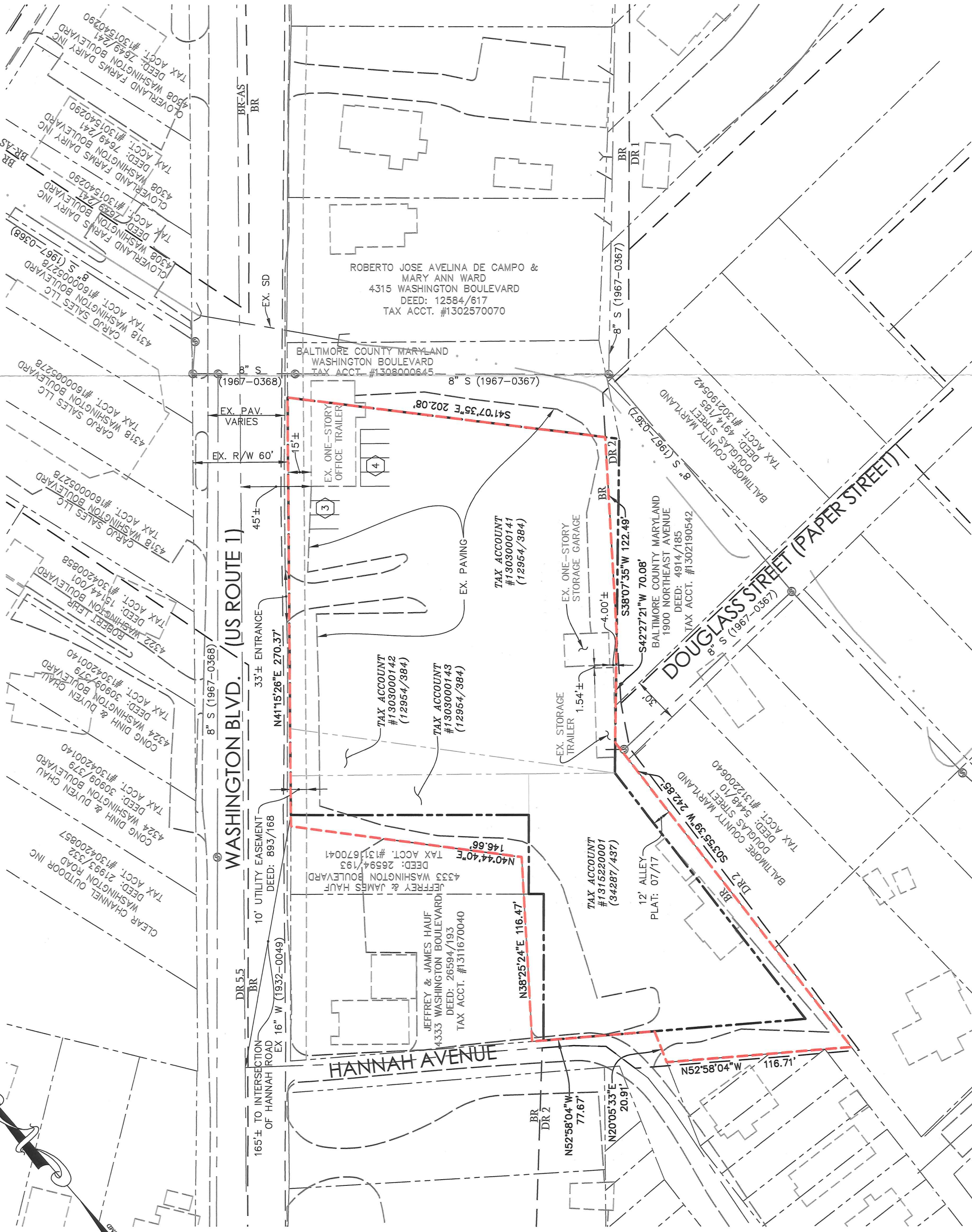
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SCALE: 1"=50'
BALTIMORE COUNTY, MD
MARCH 30, 2015

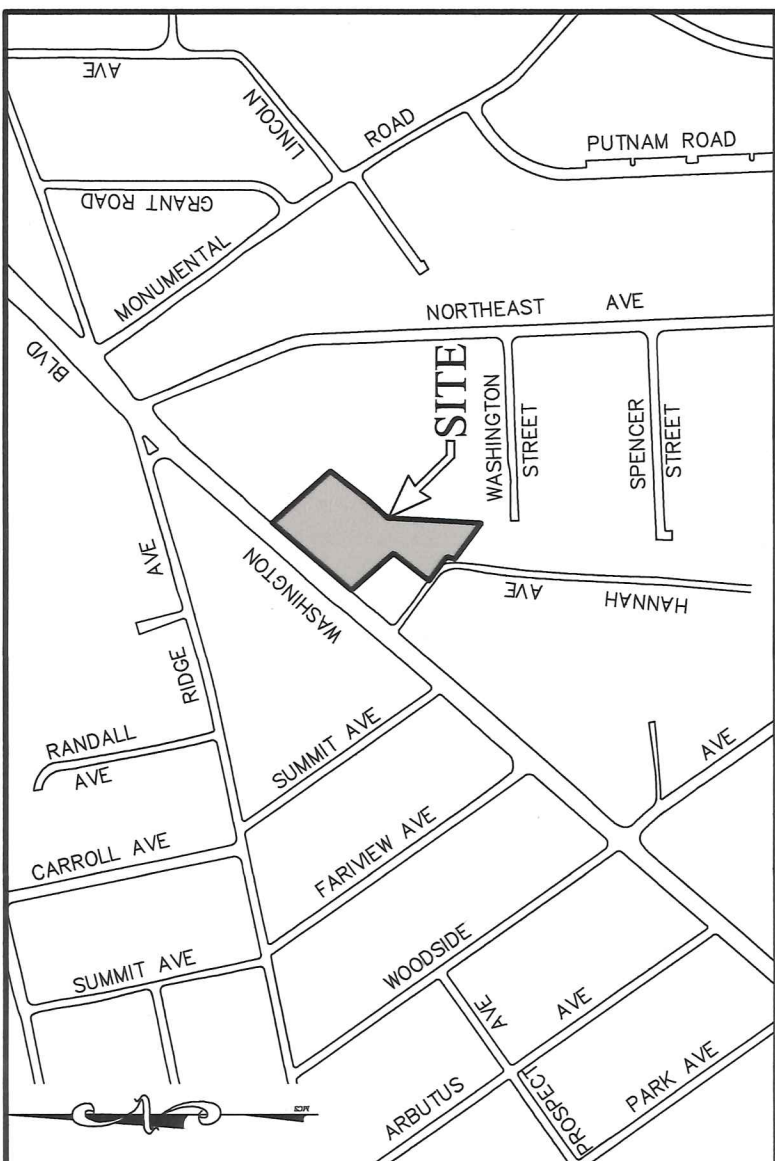


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CODE ENFORCEMENT CITATION #CC1413755

CASE #2015-0214-X

Revised

'AMENDED - JANUARY 2017'
PLAN TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION

#4325 WASHINGTON BLVD.

DISTRICT 13c1
BALTIMORE COUNTY, MD
MARCH 30, 2015
SCALE: 1"=50'

PETITIONER'S

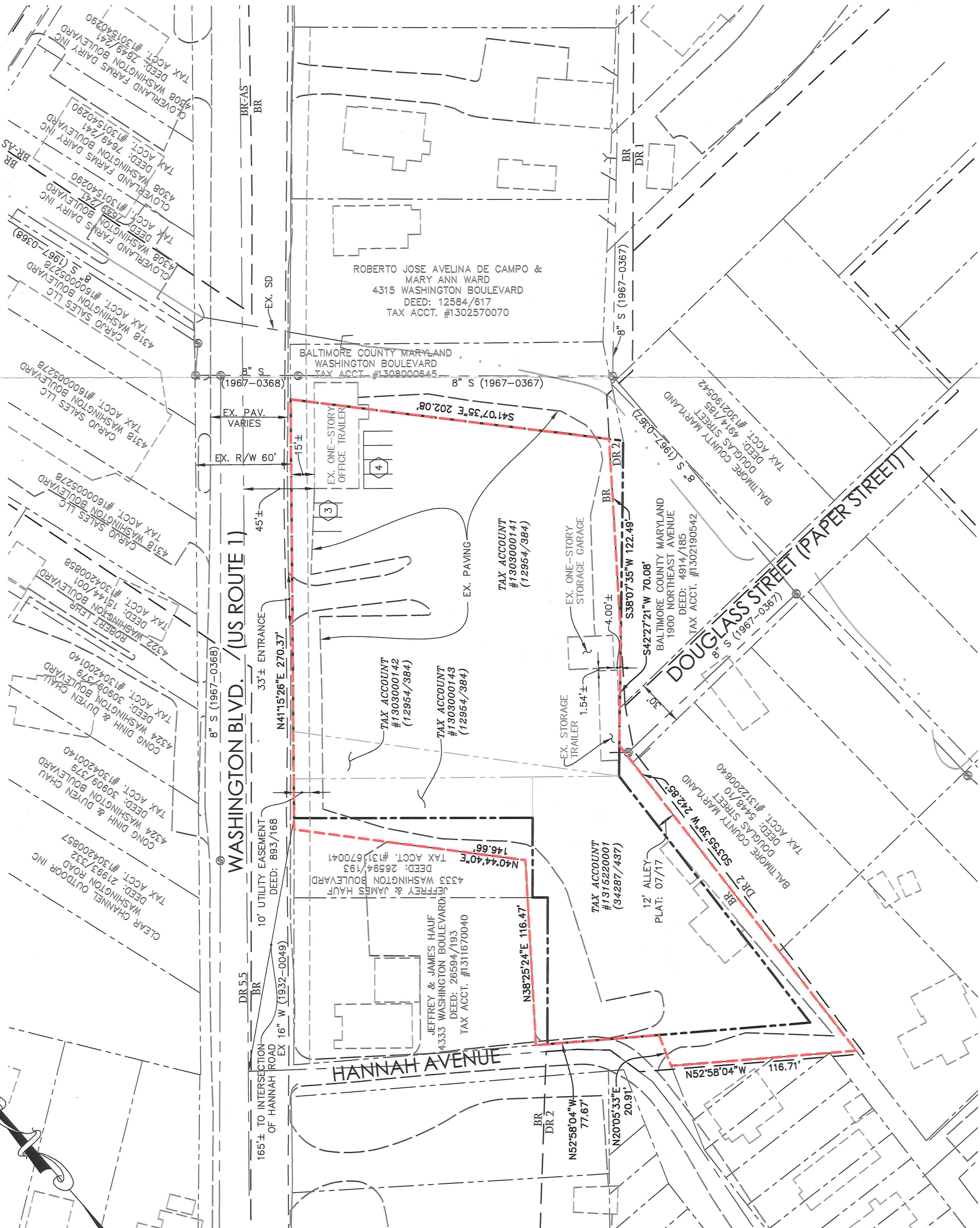
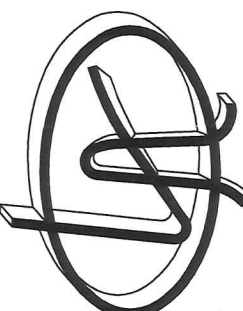
15010 A



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#4325 WASHINGTON BLVD.

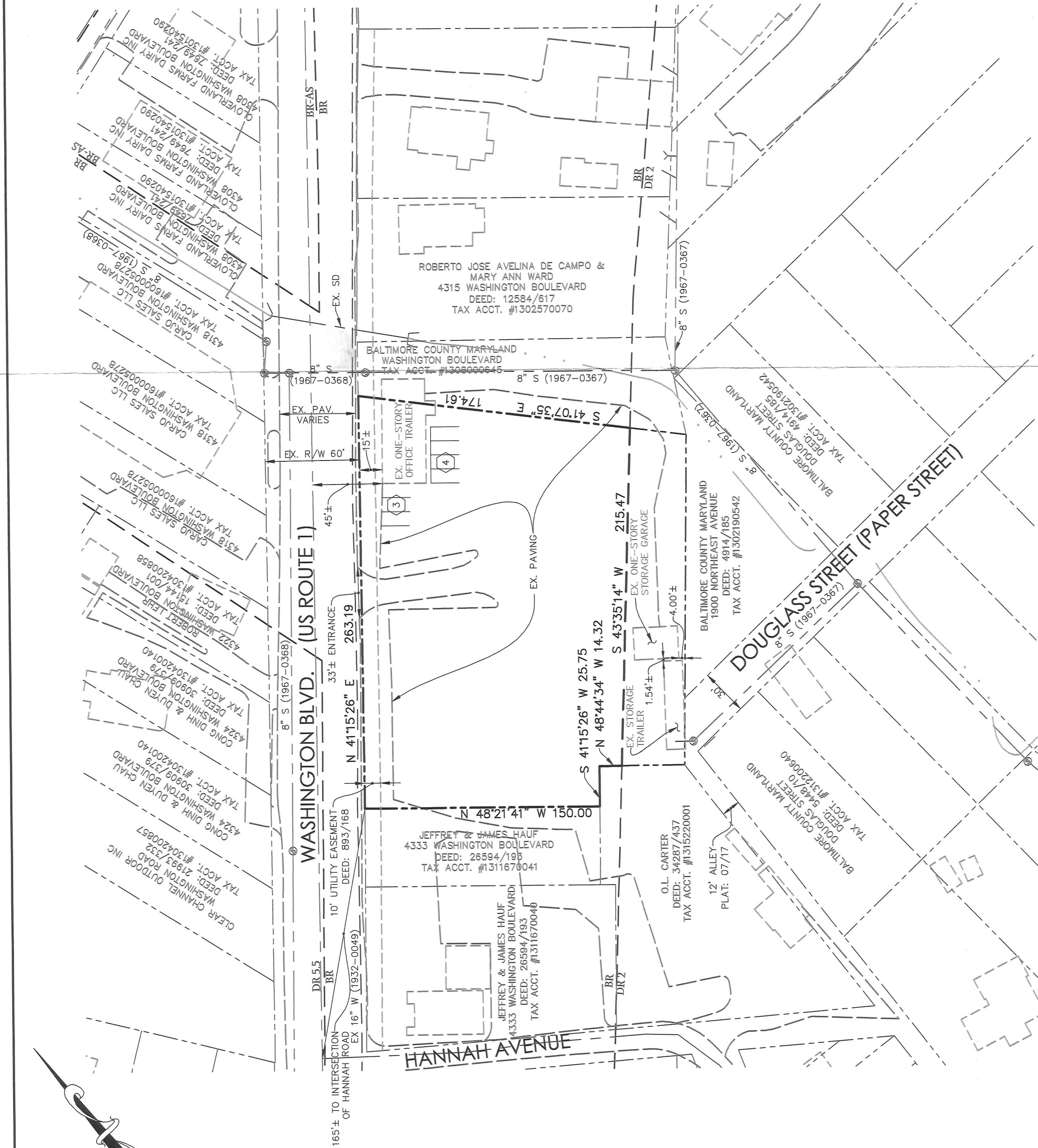
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SCALE: 1"=50'

BALTIMORE COUNTY, MD
MARCH 30, 2015

SCALE: 1"=50'

2015-0214-X

* CODE ENFORCEMENT CITATION # CC 1413755-



VICINITY MAP

SCALE: 1"=500'

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 $(3.3 \text{ P.S.} \times 1,914 \text{ S.F.} / 1,000 \text{ S.F.}) = 7 \text{ P.S.}$
STORAGE = 0 P.S. PER 1,000 S.F. GROSS FLOOR AREA
STORAGE GROSS FLOOR AREA = 1,284 S.F.
STORAGE PARKING REQUIRED:
 $(0 \text{ P.S.} \times 1,284 \text{ S.F.} / 1,000 \text{ S.F.}) = 0 \text{ P.S.}$
TOTAL PARKING REQUIRED: 7 P.S. + 0 P.S. = 7 P.S.
PARKING PROVIDED = 7 P.S.
BASIC SERVICES MAP: THE SITE IS NOT ON ANY FAILED BASIC SERVICE MAP.

ZONING HISTORY

UNITS PROPOSED: THERE HAVE BEEN NO PREVIOUS ZONING CASES FOR THIS SITE.

REQUESTED RELIEF

- ### I. SPECIAL EXCEPTION FOR CONTRACTOR'S EQUIPMENT STORAGE YARD