

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE
(7404 Windsor Mill Road) *
2nd Election District *
4th Council District *
Rasha Realty, LLC *
Owner *
Petitioner *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2017-0231-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Rasha Realty, LLC, legal owner ("Petitioner"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to allow business parking (customer & employees) in a residential zone. In addition, a Petition for Variance seeks: (1) to allow an 8 ft. residential transition area (RTA) buffer width in lieu of the required 50 ft.; (2) to allow an 8 ft. setback in lieu of the RTA required setback of 75 ft.; and (3) to allow a gravel parking surface in lieu of the required durable and dustless surface. A redline site plan was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the requests was Craig Rodger and Paul Douglas Farace. Timothy M. Kotroco, Esq. represented Petitioner. There were no protestants or interested citizens in attendance, although the Office of People's Counsel submitted a letter dated April 10, 2017 concerning an issue in the case. That correspondence is contained in the case file and will be discussed below. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Bureau of Development Plans Review (DPR) and the Department of Planning (DOP). Neither agency opposed the requests. DPR requested Petitioner show on the plan a County

ORDER RECEIVED FOR FILING

Date 4/26/17

By Sen

sewer easement and proposed right-of-way for Pine Avenue, and those changes were made to the site plan.

The subject property is approximately one acre in size and is split-zoned DR 5.5 and BM. In the BM zoned portion of the property Petitioner conducts a towing operation, which has been in business at this location for over 35 years. Petitioner owns three flat-bed roll-off tow trucks, and is a county-approved accident tower. Petitioner explained many of the vehicles towed to his lot are never claimed, and the vehicles must remain at the subject property until the police department processes the requisite paperwork to have the cars deemed abandoned. At that point the vehicles are sold to scrap dealers.

The stockpile of unclaimed vehicles (all of which are stored on the BM zoned portion of the site) has grown, and those vehicles now occupy parking spaces Petitioner would otherwise use for customers and/or employees. As such, Petitioner seeks to relocate customer and employee parking onto the D.R. zoned portion of the site. This tract of land is unimproved and is not at present being used in connection with the towing business. No other construction or improvements are proposed.

SPECIAL HEARING

Numerous photographs were submitted which show the subject property is surrounded by several other vehicle towing businesses, as well as a school bus depot. See Ex. Nos. 6-8. While there are single-family dwellings on either side of the site, the owners have indicated they do not oppose the zoning requests. See Ex. No. 5. After reviewing the photographs and site plan I do not believe parking passenger vehicles on this portion of the property would have a detrimental impact upon the community. I also find Petitioner has satisfied the requirements set forth at B.C.Z.R. §409.8.B., which authorizes business or industrial parking in a residential zone.

VARIANCE

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Date 4/26/17
By Sen

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioner has met this test. The property has irregular dimensions and is split-zoned. As such it is unique. Petitioner would experience practical difficulty if the regulations were strictly interpreted because it would be unable to expand the parking required for the business. Finally, as demonstrated by the lack of County and/or community opposition, I do not believe granting the request would have a detrimental impact upon the community.

As noted above, the Office of People's Counsel submitted a letter to the undersigned contending this case should be dismissed based on *res judicata*. Mr. Zimmerman notes that a variance request was denied by the Deputy Zoning Commissioner in a previous case involving this property. See Case No. 2004-0491-A. In that case Petitioner proposed to construct a large (50' x 96') commercial building on the property and sought variances to do so. Mr. Zimmerman points out the plan in this case also shows a 50' x 96' building on the property, and that since the circumstances are the same or substantially similar to those in the 2004 case *res judicata* is applicable.

If Petitioner proposed to construct such a building at this time, I would agree the case should be dismissed based on *res judicata*. But Petitioner indicated that the building was mistakenly shown on the original plan filed with the petition, and it was removed on the plan submitted at the hearing (See Ex. No.1). Petitioner does not propose to construct such a building and the relief granted herein shall not entitle it to do so. Since the commercial building has been

ORDER RECEIVED FOR FILING

Date

4/26/17

By

Sen

removed from the plan, I believe there has been a significant change in circumstances compared to the 2004 case. As such I do not believe *res judicata* is applicable in these circumstances. *See, e.g., Alvey v. Hedin*, 243 Md. 334, 340 (1966) (*res judicata* will not apply when there is a significant change in circumstances between the earlier and subsequent action).

THEREFORE, IT IS ORDERED this 26th day of **April, 2017**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to allow business parking (customer & employees) in a residential zone, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance: (1) to allow an 8 ft. residential transition area (RTA) buffer width in lieu of the required 50 ft.; (2) to allow an 8 ft. setback in lieu of the RTA required setback of 75 ft.; and (3) to allow a gravel parking surface in lieu of the required durable and dustless surface, be and is hereby GRANTED.

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

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. No damaged, disabled and/or inoperative vehicles shall be parked or stored on the D.R. zoned portion of the property.
3. Petitioner shall be permitted to park no more than three (3) tow trucks on the D.R. zoned portion of the property.
4. Petitioner shall provide landscaping at the site as determined in the sole discretion of the Baltimore County landscape architect.

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Date 4/26/17

By Sen

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 4/26/17

By sln



KEVIN KAMENETZ
County Executive

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

April 26, 2017

Timothy M. Kotroco, Esq.
305 Washington Avenue, Suite 502
Towson, Maryland 21204

RE: Petitions for Special Hearing and Variance
Case No. 2017-0231-SPHA
Property: 7404 Windsor Mill Road

Dear Mr. Kotroco:

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,

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

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure



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 7404 Windsor Mill Road which is presently zoned DR 5.5 & BM
Deed References: 15343/00011 10 Digit Tax Account # 0207001270
Property Owner(s) Printed Name(s) Rasha Realty, LLC

(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. **X** 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

SEE ATTACHED

3. **X** 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)

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:

Timothy M. Kotroco

Name- Type or Print

Signature

305 Washington Avenue, Suite 502, Towson, Maryland

Mailing Address City State

21204 / 410-299-2943 / TKotroco@gmail.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Rasha Realty, LLC by:

Name #1 - Type or Print Name #2 - Type or Print

Signature #1 Signature #2

7404 Windsor Mill Road Baltimore Md
Mailing Address City State

21244 / 410-655-0480 /
Zip Code Telephone # Email Address

Representative to be contacted:

Same As Attorney for Petitioner

Name - Type or Print

Signature

Date

Mailing Address City State

By
Zip Code Telephone # Email Address

CASE NUMBER 2017-0231-SHA Filing Date 3/1/17

Do Not Schedule Dates: Reviewer g

2017-0231-SPHA

The Petitioner, requests the following zoning relief:

Special Hearing: section 409.8.B of the BCZR to allow business parking (customer & employees) in a residential zone and for any such other and further relief as the nature of this cause may require.

Variance; from section 1B01.1.B.1e(5) of the BCZR to allow a 8' buffer width in lieu of the required 50 'and to allow a 8' setback in lieu of the RTA required setback of 75'. Additional request relief from section 409.8.A.2 to allow a gravel parking surface in lieu of the required durable dustless surface and for such other and further relief as the nature of this may require.

ZONING DESCRIPTION FOR A PORTION OF
7404 WINDSOR MILL ROAD

Beginning for the same at point on the North side of Pine Avenue which is 16.0 feet wide at the distance of 160.82 feet North of the north side of Windsor Mill Road, thence the following courses and distances; N55°30'00"E 171.00', thence N51°25'00"W 111.2', thence S43°19'18"W 164.16', thence S51°25'00"E 76.0', back to the point of beginning as recorded in Deed Liber 15,343, Folio 11 containing 15,684.552 S.F./0.36 acres ±, located in the Second Election District and Fourth Council District.

2017-0231-SP/AA

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

NO 150353

Date: 3/1/17

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	800	000		6150				1000.00

Total: 1000.00

Rec From: Timothy M. Kotroco, Attorney at Law

For: Case # 2017-0231-SPHA

7404 Windsor Mill Rd

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
3/03/2017 3/02/2017 10:32:40 3
REG WSO3 WALKIN CAM
>>RECEIPT # 717709 3/02/2017 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 150353
Recpt Tot \$1,000.00
\$1,000.00 CK \$0.00 CA
Baltimore County, Maryland

**CASHIER'S
VALIDATION**

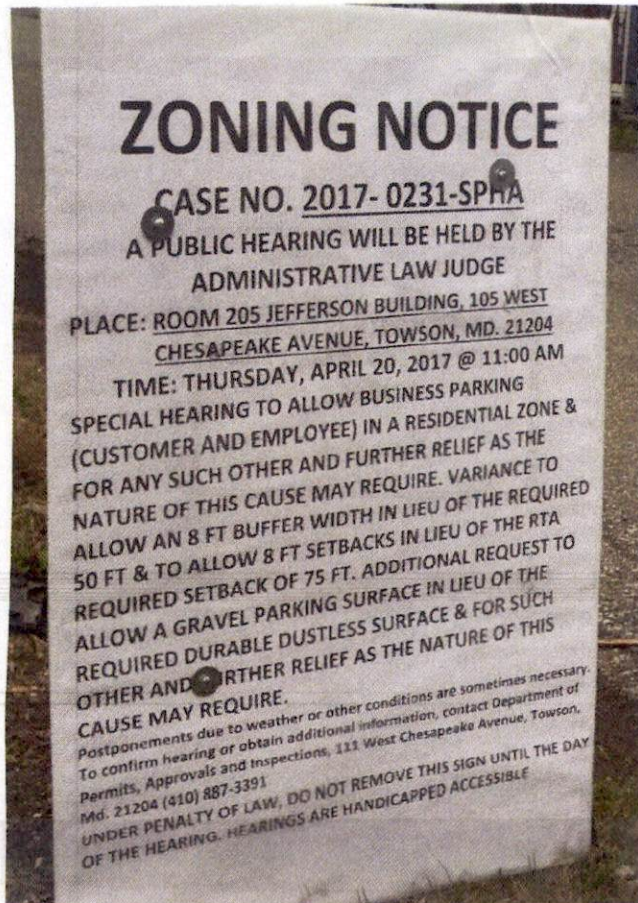
CERTIFICATE OF POSTING

Date: MARCH 30, 2017

RE: Project Name: 7404 WINDSOR MILL ROAD
Case Number /PAI Number: 2017-0231-SPHA
Petitioner/Developer: RASHA REALTY, LLC
Date of Hearing/Closing: APRIL 20, 2017

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 7404 WINDSOR MILL ROAD

The sign(s) were posted on MARCH 30, 2017
(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)



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 4858123

Sold To:

Timothy Kotroco - CU00421252
305 Washington Avenue
#502
Towson, MD 21204

Bill To:

Timothy Kotroco - CU00421252
305 Washington Avenue
#502
Towson, MD 21204

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

Mar 30, 2017

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: # 2017-0231-SPHA
7404 Windsor Mill Road
N/S Pine Avenue, 160 ft. to centerline of Windsor Mill Road

2nd Election District - 4th Councilmanic District
Legal Owner(s) Rasha Realty, LLC

SPECIAL HEARING: to allow business parking (customer and employees) in a residential zone and for any such other and further relief as the nature of this cause may require.

VARIANCE: to allow an 8 ft. buffer width in lieu of the required 50 ft. and to allow an 8 ft. setback in lieu of the RTA required setback of 75 ft. Additional request relief to allow a gravel parking surface in lieu of the required durable dustless surface and for such other and further relief as the nature of this may require.

Hearing: Thursday, April 20, 2017 at 11:00 a.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.

3/203 March 30 4858123

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 30, 2017 Issue - Jeffersonian

Please forward billing to:
Timothy Kotroco
305 Washington Avenue, Ste. 502
Towson, MD 21204

410-299-2943

NOTICE OF ZONING HEARING

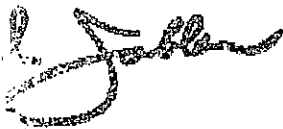
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2017-0231-SPHA

7404 Windsor Mill Road
N/s Pine Avenue, 160 ft. to centerline of Windsor Mill Road
2nd Election District – 4th Councilmanic District
Legal Owners: Rasha Realty, LLC

Special Hearing to allow business parking (customer and employees) in a residential zone and for any such other and further relief as the nature of this cause may require. **Variance** to allow a 8 ft. buffer width in lieu of the required 50 ft. and to allow a 8 ft. setback in lieu of the RTA required setback of 75 ft. Additional request relief to allow a gravel parking surface in lieu of the required durable dustless surface and for such other and further relief as the nature of this may require.

Hearing: Thursday, April 20, 2017 at 11:00 a.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

March 21, 2017

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: 2017-0231-SPHA

7404 Windsor Mill Road

N/s Pine Avenue, 160 ft. to centerline of Windsor Mill Road

2nd Election District – 4th Councilmanic District

Legal Owners: Rasha Realty, LLC

Special Hearing to allow business parking (customer and employees) in a residential zone and for any such other and further relief as the nature of this cause may require. **Variance** to allow a 8 ft. buffer width in lieu of the required 50 ft. and to allow a 8 ft. setback in lieu of the RTA required setback of 75 ft. Additional request relief to allow a gravel parking surface in lieu of the required durable dustless surface and for such other and further relief as the nature of this may require.

Hearing: Thursday, April 20, 2017 at 11:00 a.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: Timothy Kotroco, 305 Washington Avenue, Ste. 502, Towson 21204
Rasha Realty, LLC, 7404 Windsor Mill Road, Baltimore 21244

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, MARCH 31, 2017.**
- (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.

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2017-0231-SPHA

Property Address: 7404 Windsor Mill Rd 21244

Property Description: _____

Legal Owners (Petitioners): Rasha Realty Inc / Ed Litchfield

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: * Timothy M. Kotroco

Company/Firm (if applicable): _____

Address: 305 Washington Avenue, Suite 502
Towson, Maryland 21204

Telephone Number: _____



KEVIN KAMENETZ
County Executive

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

April 12, 2017

Rasha Realty, LLC
7404 Windsor Mill Road
Baltimore MD 21244

RE: Case Number: 2017-0231 SPHA, Address: 7404 Windsor Mill Road

Dear Mr. Litchfield:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 1, 2017. 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, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Timothy M Kotroco, 305 Washington Avenue, Suite 502, Towson MD 21204



Larry Hogan, **Governor**
Boyd K. Rutherford, **Lt. Governor**
Pete K. Rahn, **Secretary**
Gregory C. Johnson, P.E., **Administrator**

Date: 3/6/17

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2017-0231-SPHA.

*Special Planning Variance
Rasha Realty LLC, Ed Fitchfield
7404 Windsor Mill Road.*

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

Wendy Wolcott, PLA
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

Maryland Department of Transportation
State Highway Administration

320 West Warren Road, Hunt Valley, MD 21030

410.229.2300 | TTY 800.735.2258 | roads.maryland.gov

My telephone number/toll-free number is 866.998.0367

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 4/19/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-231

RECEIVED
MAY 01 2017

INFORMATION:

Property Address: 7404 Windsor Mill Road
Petitioner: Rash Realty, LLC
Zoning: DR 5.5
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for special hearing to allow business parking (customer & employees) in a residential zone and the petition for variance to allow an 8' RTA buffer width and 8' RTA setback in lieu of the required 50' and 75' respectively and to allow a gravel parking surface in lieu of the required durable dustless surface.

A site visit was conducted on March 13, 2017. The site was the subject of 2012 CZMP Issue 4-015 wherein the County Council denied the property owner's request for BM zoning and retained the current DR 5.5 zoning. The Department has met with the petitioner's legal representative resulting in changes to the proposal as shown on a site plan received by this Department April 10, 2017.

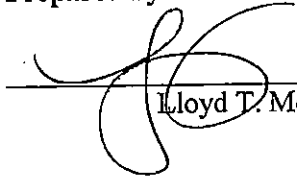
The Department does not object to granting the petitioned zoning relief conditioned upon the following:

- Consistent with comments generated by the Bureau of Development Plans Review, the ultimate 40' right-of-way (r-o-w) for Pine Avenue should be shown. Then, offset 25' northwesterly from said r-o-w line, the petitioner should establish the limits of a 25' RTA landscape buffer. An opaque wood fence shall be installed at the limit of the buffer and run parallel to the 40' r-o-w line to where it may connect to the existing fence. That section of the existing chain-link fence adjacent to the 40' r-o-w line is to be removed. Petitioners shall plant the 25' RTA landscape buffer and road frontage in a way that meets the requirements of the Baltimore County landscape Manual taking care to avoid the existing 8" sanitary sewer line and any easements associated therewith.
- Pursuant to ZCPM Section 102.6, there shall be no ingress or egress from Pine Avenue.
- Parking shall be limited to licensed cars directly associated with employees and/or customers; no damaged or disabled cars shall be parked on the residentially zoned property; no loading, auto servicing or any other use other than parking. Revise the note on the plan to include "no unlicensed vehicles, buses, delivery trucks or tow trucks".
- No additional site lighting shall be installed in the residentially zoned property.
- A 14' vegetative screening buffer shall extend northwesterly from the northernmost point on the tract boundary a minimum of 75' onto the adjacent 7404 Windsor Mill Road property.
- There shall be no signage located in the residentially zoned property.

Date: 4/19/2017
Subject: ZAC #17-231
Page 2

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
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Timothy M. Kotroco
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 4/19/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-231



INFORMATION:

Property Address: 7404 Windsor Mill Road
Petitioner: Rash Realty, LLC
Zoning: DR 5.5
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for special hearing to allow business parking (customer & employees) in a residential zone and the petition for variance to allow an 8' RTA buffer width and 8' RTA setback in lieu of the required 50' and 75' respectively and to allow a gravel parking surface in lieu of the required durable dustless surface.

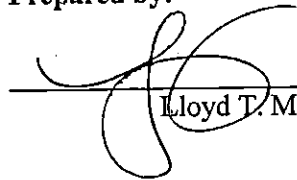
A site visit was conducted on March 13, 2017. The site was the subject of 2012 CZMP Issue 4-015 wherein the County Council denied the property owner's request for BM zoning and retained the current DR 5.5 zoning. The Department has met with the petitioner's legal representative resulting in changes to the proposal as shown on a site plan received by this Department April 10, 2017.

The Department does not object to granting the petitioned zoning relief conditioned upon the following:

- Consistent with comments generated by the Bureau of Development Plans Review, the ultimate 40' right-of-way (r-o-w) for Pine Avenue should be shown. Then, offset 25' northwesterly from said r-o-w line, the petitioner should establish the limits of a 25' RTA landscape buffer. An opaque wood fence shall be installed at the limit of the buffer and run parallel to the 40' r-o-w line to where it may connect to the existing fence. That section of the existing chain-link fence adjacent to the 40' r-o-w line is to be removed. Petitioners shall plant the 25' RTA landscape buffer and road frontage in a way that meets the requirements of the Baltimore County landscape Manual taking care to avoid the existing 8" sanitary sewer line and any easements associated therewith.
- Pursuant to ZCPM Section 102.6, there shall be no ingress or egress from Pine Avenue.
- Parking shall be limited to licensed cars directly associated with employees and/or customers; no damaged or disabled cars shall be parked on the residentially zoned property; no loading, auto servicing or any other use other than parking. Revise the note on the plan to include "no unlicensed vehicles, buses, delivery trucks or tow trucks".
- No additional site lighting shall be installed in the residentially zoned property.
- A 14' vegetative screening buffer shall extend northwesterly from the northernmost point on the tract boundary a minimum of 75' onto the adjacent 7404 Windsor Mill Road property.
- There shall be no signage located in the residentially zoned property.

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
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Timothy M. Kotroco
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For March 13, 2017
Item No. 2017-0231

DATE: March 17, 2017

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

Show the ultimate 40-foot-wide right-of-way for Pine Avenue and move the parking spaces to be at least 10-feet behind the ultimate line.

There is a sewer in a drainage and utility easement crossing this property. The easement should be shown on this and all subsequent plans.

We do not support allowing a gravel parking surface because of the closeness of homes, the steepness of the land and the lack of a suitable outfall.

A minimum 25 foot RTA/Landscape Buffer along both 2104 and 2112 Pine Avenue and along the Pine Avenue frontage is required. The petitioner shall install an opaque wood board-on-board fence (not chain link with slats). If the zoning relief is granted, Landscape and Lighting Plans are required per the requirements of the Landscape Manual

* * * * *

DAK:CEN
cc:file
ZAC-ITEM NO 17-0231-03132017.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: March 13, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0231-SPHA
Address 7404 Windsor Mill Road
(Rasha Realty, LLC Property)

Zoning Advisory Committee Meeting of **March 13, 2017**.

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

Reviewer: Steve Ford Date: 3-13-2017

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE *
7404 Windsor Mill Road; N/S Pine Avenue, * OF ADMINISTRATIVE
N 160' to c/line of Windsor Mill Road *
2nd Election & 4th Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Rasha Realty, LLC *
Petitioner(s) * BALTIMORE COUNTY
* 2017-231-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.

RECEIVED
MAR 06 2017

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of March, 2017, a copy of the foregoing Entry of Appearance was mailed to Timothy Kotroco, Esquire, 305 Washington Avenue, Suite 502, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

M E M O R A N D U M

DATE: May 30, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0231-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on May 26, 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



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

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

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

PETER MAX ZIMMERMAN
People's Counsel

April 10, 2017

CAROLE S. DEMILIO
Deputy People's Counsel

HAND DELIVERED

John Beverungen, Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204



Re: Rasha Realty, LLC/Hebbville Auto Repair, Inc.
7404 Windsor Mill Road
Case No.: 2017-231-SPHA
Hearing Date: April 20th, 11 A.M.

Dear Judge Beverungen,

This appears to be yet another case where *res judicata* comes into play. The site plan makes reference in Note 5 to "Previous Zoning Case: 04-491A" but lacks explanation. Our office participated in that case, which concluded with the enclosed County Board of Appeals (CBA) final decision dated May 13, 2005 denying the petition for variances. There is an existing service garage. The 2004 case centered on the request for an additional building, 50 x 96 feet, to service tow trucks and allow space for more repairs. The present petition, styled slightly differently, includes prominently the same additional future building in the same location and shape, described again as 50 x 96 SF. (The CBA inadvertently described it on page 2 as 59 x 96 SF, an apparent typographical error.

We enclose the 2004-05 documentary history from the My Neighborhood online zoning link. The case had begun with Deputy Zoning Commissioner John Murphy's denial of the petition both initially and upon reconsideration. We also include a copy of the 2004 site plan, with both an 8.5 x 11 inch reduction and a more readable 3-page version, each showing a section. The full copy is the only one we have, but the reproductions are being sent to counsel. Timothy Kotroco, then Director of Permits, is now Petitioner's attorney.

We know of no change in circumstances to justify a different conclusion here. We recently discussed the relevant law in RREF, decided March 13, 2017, opinion enclosed (on appeal to the CBA). In light of your familiarity with the settled case law, we see no need to repeat it here.

7-10-68

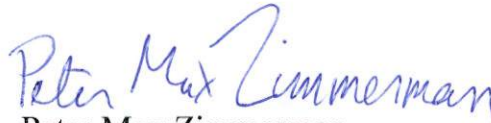
John Beverungen, Administrative Law Judge

April 10, 2017

Page 2

The new petition does add Residential Transition Area variances for employee and customer parking on a part of the property fronting on Pine Avenue, contiguous to the area addressed in 2004-05. Given the Board's 2005 finding that the property is not unique, it is questionable how the new RTA variances can be justified, especially since the proposed parking lot reaches to 8 feet from the property lines instead of the required 50/75 feet. Even if the law is not applied strictly to this aspect of the petition, the degree of these variances may be excessive in relation to nearby dwellings. We trust your judgment on this situation.

Sincerely,



Peter Max Zimmerman

People's Counsel for Baltimore County

cc: Timothy Kotroco, Esquire
Kathy Schlabach, Department of Planning

IN THE MATTER OF
THE APPLICATION OF
RASHA REALTY, LLC BY ED LITCHFIELD
- PETITIONER FOR VARIANCE ON PROPERTY
LOCATED ON THE N/S PINE AVE, 160' E C/L
WINDSOR MILL ROAD
(7404 WINDSOR MILL ROAD)
2ND ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 04-491-A

* * * * *
OPINION

This matter comes before the Baltimore County Board of Appeals as a Petition for Variance filed by the legal owners of the subject property, Rasha Realty LLC, by Ed Litchfield, Managing Member. The Petitioners request relief for property located at 7404 Windsor Mill Road in the western area of Baltimore County. The variance request is from §§ 235, 409.4(A) and 409.8(A)(2) of the *Baltimore County Zoning Regulations*.

There were three requests:

1. To permit a setback variance to allow for a 0-foot setback from an easterly property line;
2. To permit a variance to allow the current parking lot to remain gravel instead of paved, which had been requested by the County Inspector when Hebbville Auto Repair, Inc., received its towing license; and
3. In the alternative, if the parking arrangement illustrated on the site plan, which contemplates only 50% of the interior parking having direct access to the aisle since the parking of the vehicles will be done by an attendant, is not permissible, a variance to allow for the parking of the vehicles on the interior.

The Petitioners were present and represented by counsel. People's Counsel Peter M. Zimmerman represented his office.

Testimony indicated that the property is in the Windsor Mills area of the County and is approximately one acre. Part of the lot is zoned B.M. (0.7 acre) and part is zoned DR 5.5. There is presently an auto towing and repair shop located on the lot, which has State and County towing licenses. The licenses require the Petitioners to service an area of State and County roads in which they are able to respond in twenty minutes. Access to the property is by a common 12-

Case No. 04-491-A /Rasha Realty, LLC By Ed Litchfield, Managing Member

2

foot right-of-way from Windsor Mill Road. The majority of the business, approximately 80%, is towing. The balance of the business is automobile repair. The Petitioners testified that they are in need of a larger building for the repair, service and maintenance of their towing vehicles as well as to continue with the towing business and auto repairs. The present building is too small to bring the tow trucks inside for service. The current service and repairs of the tow vehicles are made outside. This presents a problem in the winter.

The current building was built in the 1940s. What is proposed is an additional building of 59 feet by 96 feet. This would allow the Petitioners to both service their tow trucks and allow space for more repairs. Part of the lot is needed to store damaged vehicles, thus further limiting the building area. The gate to this area must be 20 feet to allow for the tow trucks to bring in the damaged vehicles.

Applicable Law

Section 307 of the BCZR - Variances.

The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or

Case # 2004-0491-A

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
 (502 & 504 Montclair Court) * OFFICE OF
 7th Election District *
 3rd Council District * ADMINISTRATIVE HEARINGS
 RREF II SB-MD, LLC *
 Legal Owner *
 Petitioner * FOR BALTIMORE COUNTY
 Case No. 2017-0113-SPH

OPINION AND ORDER

This case involves a residential subdivision in northern Baltimore County. Following a series of contested hearings and appeals, Developer obtained approval for a 16 lot subdivision. The approval imposed conditions that the dwellings on Lot Nos. 14 and 15 be limited to one-story structures and a rear yard setback of 100 feet was also required for these lots.

Developer has filed a petition for special hearing, seeking to have these restrictions modified. I believe the relief sought herein is barred by the doctrine of *res judicata*. In addition, the Administrative Law Judge (ALJ) is not authorized to modify the 100 ft. rear yard setbacks. As such, this case will be dismissed.

While it is unusual to dismiss a zoning case prior to a public hearing, it is not without precedent. *See, e.g.,* Case No. 2014-0064-SPH. In fact, a legal defense like *res judicata* should be decided at the earliest possible juncture, so the parties do not need to incur the time and expense of a hearing in a case that will ultimately not be resolved on the merits. In a series of e-mails (included in the case file) the parties have briefed the *res judicata* issue, which I believe can be decided as a matter of law.

Under Maryland law, an agency determination affirmed on appeal is entitled to preclusive effect. *Seminary Galleria, LLC v. Dulaney Valley Improv. Ass'n, Inc.*, 192 Md. App. 719, 736

(2010); *Esslinger v. Balto. City*, 95 Md. App. 607, 621 (1993). This is the case, and *res judicata* will apply, unless there is a significant change in circumstances between the earlier and subsequent action. *See, e.g., Alvey v. Hedin*, 243 Md. 334, 340 (1966). In light of this authority I believe the doctrine of *res judicata* mandates that the petition in this case be dismissed.

In its submissions Petitioner contends there have been significant changes in the community since the 2004 hearing. Petitioner notes nearly all of the homes in the subdivision have been constructed and sold, and the trees and other landscaping required in the 2004 order are now fully grown, obscuring some of the views sought to be preserved. Petitioner also contends a large barn was constructed in the rear yard of the Wiseburg Inn historic property (though such a structure is not shown on Petitioner's site plan), which also obscures the view shed sought to be preserved.

These are not the sort of significant changes contemplated by the case law. *See, e.g., Woodlawn Area Citizens Ass'n v. Board of County Commissioners*, 241 Md. 187 (1966). Of course, it was intended and expected the homes in the subdivision would be constructed, and the same can be said regarding the maturation and growth of the vegetative buffer. These were anticipated and within the contemplation of the hearing officer when the conditions were imposed. As for the barn, the owner of the Wiseburg Inn testified at the 2004 hearing he had obtained a building permit for that structure, a fact expressly noted in the 2004 order. Thus, it is also clear the hearing officer was aware of this fact when the conditions were imposed. The neighborhood was in 2004, and remains today, a rural residential community. As such, the doctrine of *res judicata* is applicable.

In addition to the foregoing, the ALJ cannot grant the relief sought by Petitioner. The 100 foot rear yard setback was imposed by the Planning Board, to whom this case was referred pursuant to a Code provision concerning development proposals "involving" an historic structure.

Case # 2017-0113-SPH

CASE NAME _____
CASE NUMBER 2017-0231-
DATE 4-20-2017 SPHA

[illegible]

Case No.: 2017-0231-SPHA

Exhibit Sheet

Petitioner/Developer

5-30-17
OW

Protestant

slu
4-26-17

No. 1	redline site plan	
No. 2	photos of site	
No. 3	Aerial photo w/ highlighting	
No. 4	Photos + tax record "Timko Property"	
No. 5	Photos and letter of support: "Bard property"	
No. 6	Photos "Bus Depot"	
No. 7	Photos: "Windsor Towing"	
No. 8	Photos: Henry's "Towing"	
No. 9	Map showing "surrounding neighborhood"	
No. 10		
No. 11		
No. 12		

THE UNIVERSITY OF CHICAGO

1961

1. The first part of the paper is devoted to a study of the properties of the function $f(x)$ defined by the equation $f(x) = \sum_{n=0}^{\infty} \frac{f_n(x)}{n!}$ where $f_n(x)$ is a polynomial of degree n . It is shown that $f(x)$ is a smooth function and that its derivatives are given by the formula $f^{(k)}(x) = \sum_{n=k}^{\infty} \frac{f_n(x)}{(n-k)!}$. The second part of the paper is devoted to a study of the properties of the function $g(x)$ defined by the equation $g(x) = \sum_{n=0}^{\infty} \frac{g_n(x)}{n!}$ where $g_n(x)$ is a polynomial of degree n . It is shown that $g(x)$ is a smooth function and that its derivatives are given by the formula $g^{(k)}(x) = \sum_{n=k}^{\infty} \frac{g_n(x)}{(n-k)!}$.

2. The third part of the paper is devoted to a study of the properties of the function $h(x)$ defined by the equation $h(x) = \sum_{n=0}^{\infty} \frac{h_n(x)}{n!}$ where $h_n(x)$ is a polynomial of degree n . It is shown that $h(x)$ is a smooth function and that its derivatives are given by the formula $h^{(k)}(x) = \sum_{n=k}^{\infty} \frac{h_n(x)}{(n-k)!}$. The fourth part of the paper is devoted to a study of the properties of the function $i(x)$ defined by the equation $i(x) = \sum_{n=0}^{\infty} \frac{i_n(x)}{n!}$ where $i_n(x)$ is a polynomial of degree n . It is shown that $i(x)$ is a smooth function and that its derivatives are given by the formula $i^{(k)}(x) = \sum_{n=k}^{\infty} \frac{i_n(x)}{(n-k)!}$.

Pt. Bk. 0000045, Folio 0027

0206200060

Lot # 11

Lot # 9

3128

2000007034

Lot # 8
2000007033

37

2000007015

Lot # 37

36

2000007014

Lot # 36

35

2000007013

Lot # 35

0206450540

34

2000007012

Lot # 34

3127

33

2000007011

Lot # 33

3125

32

2000007010

Lot # 32

2000007009

Lot # 31

3123

31

29

NW 5-G

Lot # 30
2000007008

30

7410
0206571370

087C1

1997-0065-XA
1987-0002-A

00014391

2 ED

BL

7408

7408

7408

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BM

7404

2004-0491-A 0207001270

4 CD

1997-0394-SPHX
R-1959-4606-X

0206571372 PAI # 020573

Pt. Bk. / Folio # MP97060

PAI # 020573

PAI # 020573

PAI # 020573

2003-0373-X

0216350040

PINE AVE

2500001733

2111

2500003100

2500003101

PAI # 020640

R-1941-0159 08300510

Pt. Bk. / Folio # 078425

PAI # 020640

Pt. Bk. 0000078, Folio 0423

PAI # 020640

2006-0441
R-1982-01

23

2500003109

R-1951-2118

2500003108

Pt. Bk. / Folio # MP08100

PAI # 020752

0221350000

PAI # 020752

PAI # 020752

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0213550210

0213550211

0219710840

7405

7407
0207830100

0212590010

BLAS

WINDSOR MILL RD

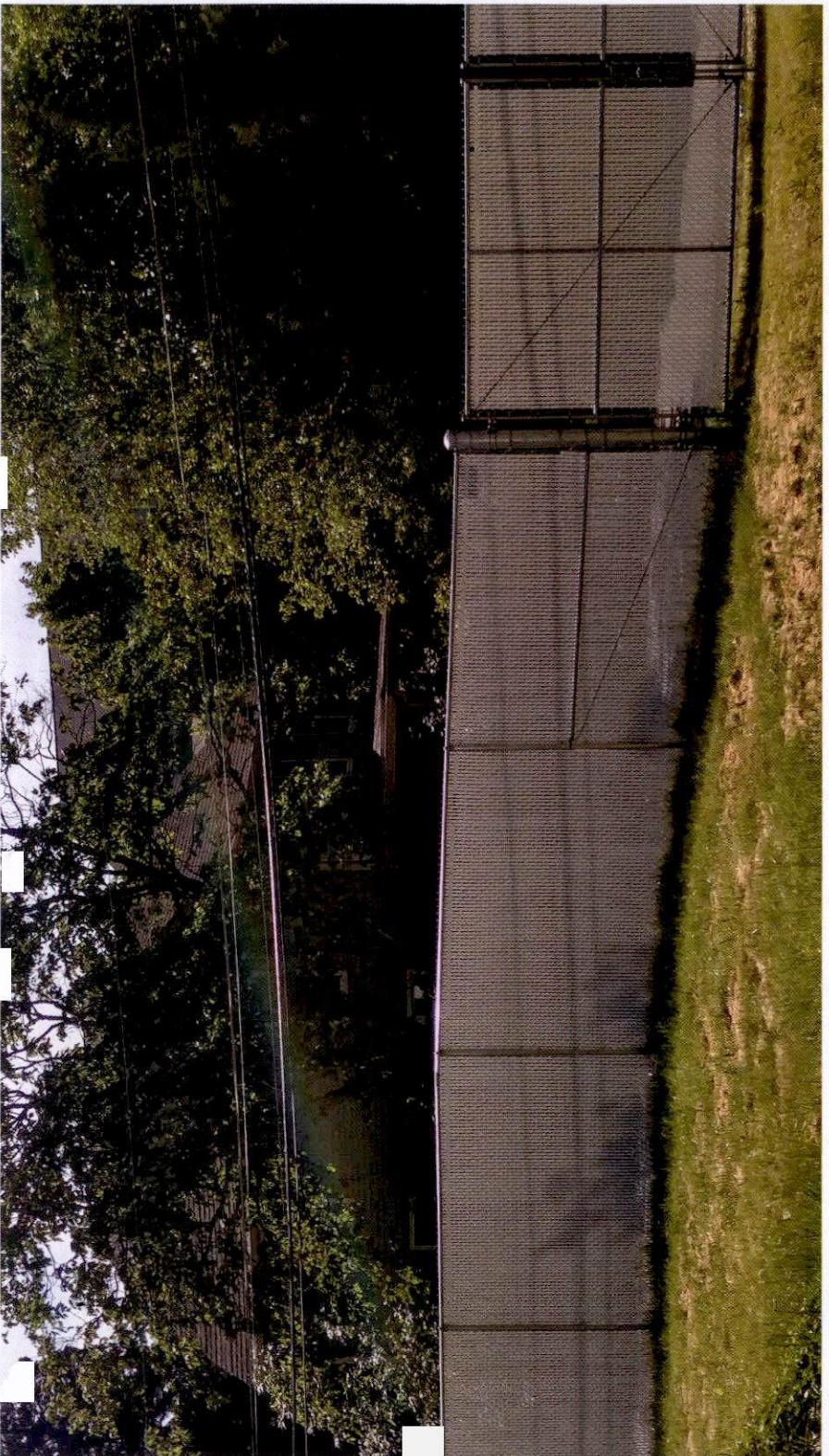
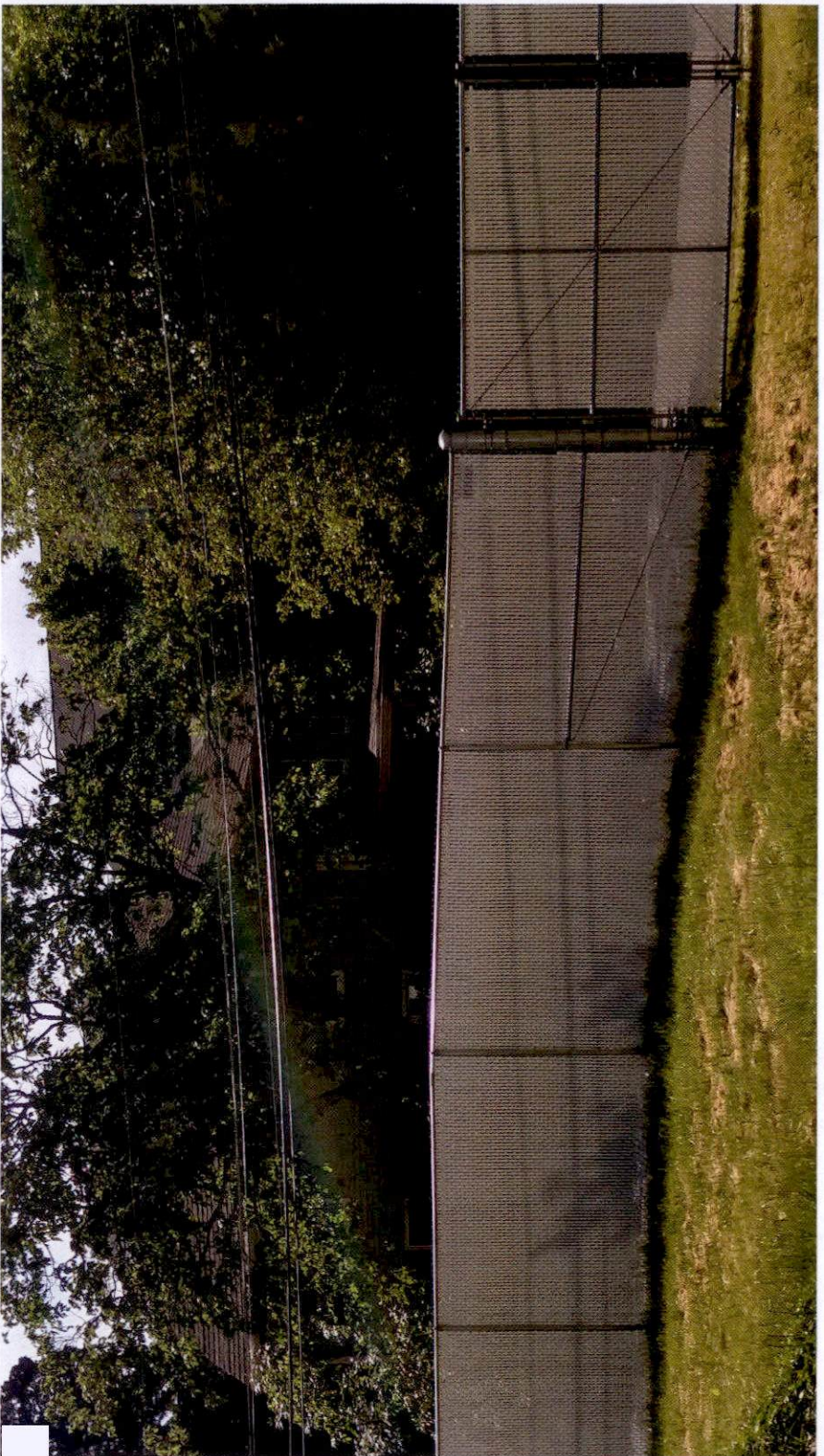
WINDSOR MILL RD

2017-0231-SDHA

EX. 2



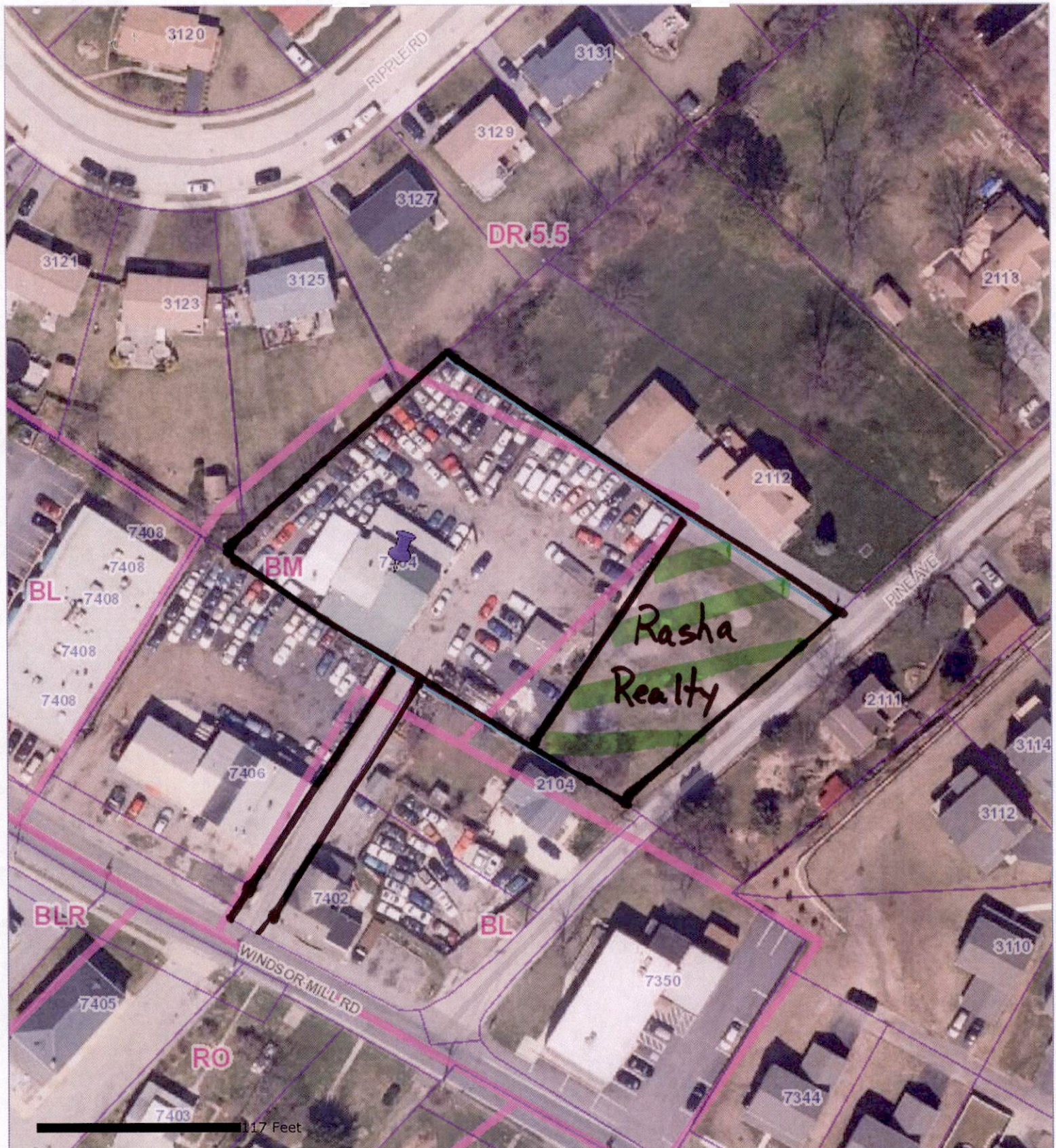










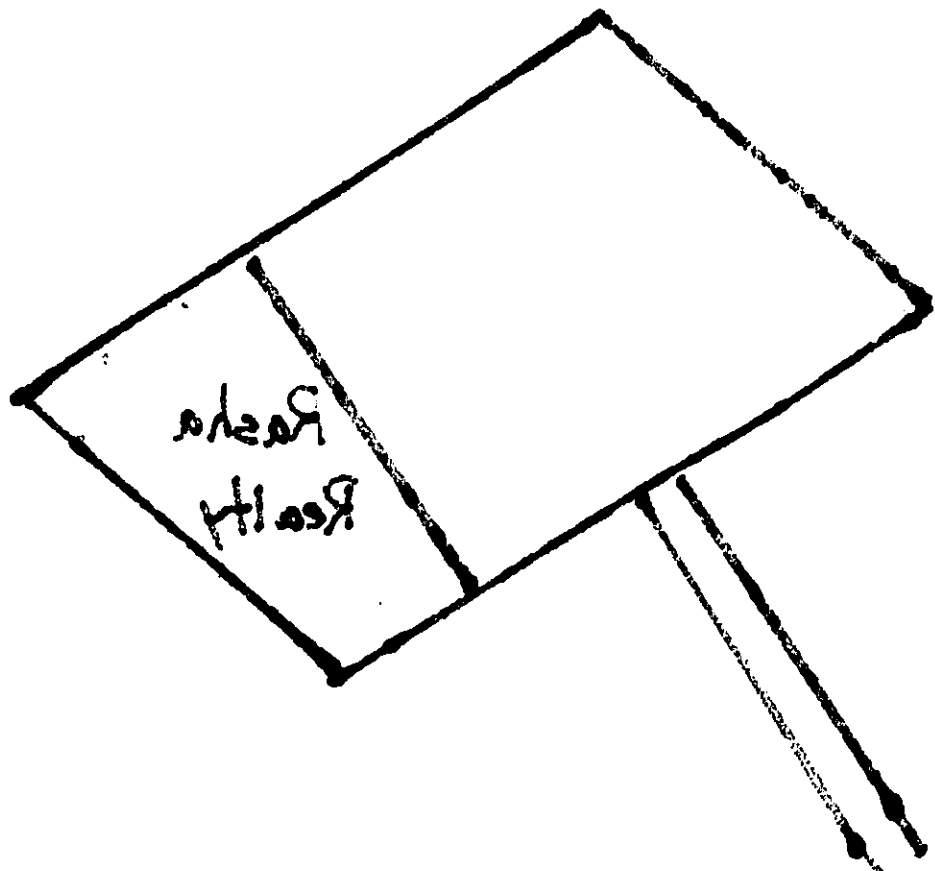


My Neighborhood Map

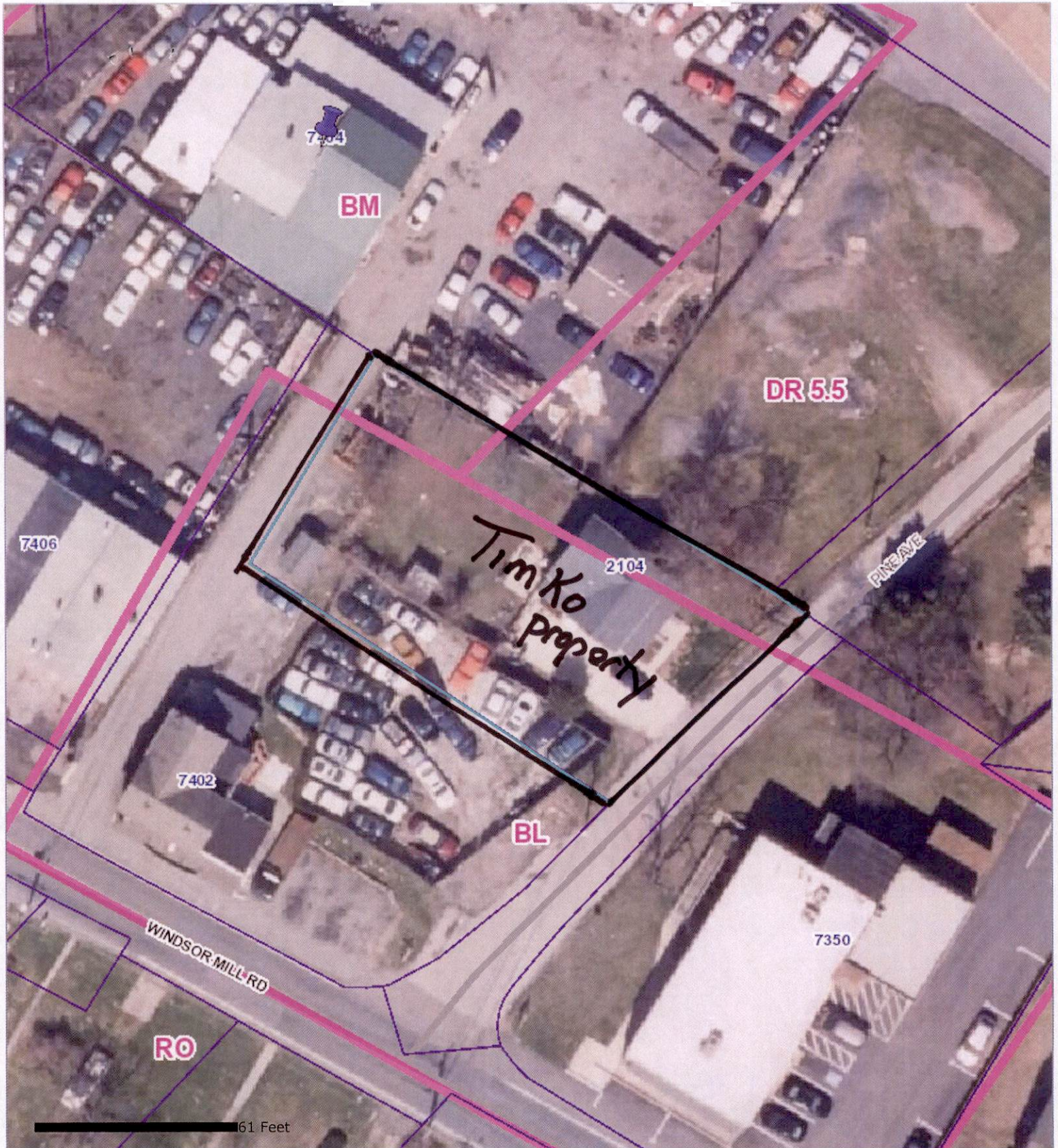
Created By
Baltimore County
My Neighborhood



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EX.4



My Neighborhood Map

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Baltimore County
My Neighborhood



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Printed 12/12/16

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 02 Account Number - 0216350040			
Owner Information					
Owner Name:		TIMKO JOSEPH PETER		Use:	RESIDENTIAL
Mailing Address:		2104 PINE AVE BALTIMORE MD 21244-		Principal Residence:	YES
				Deed Reference:	/36650/ 00303
Location & Structure Information					
Premises Address:		2104 PINE AVE BALTIMORE 21244-		Legal Description:	.17 AC 2104 PINE AVE 100 N WINDSOR MILL RD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0087	0005	0551		0000	
				Assessment Year:	Plat No:
				2016	Plat Ref:
Special Tax Areas:			Town:		
			NONE		
Ad Valorem:					
Tax Class:					
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1901	1,712 SF		7,290 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2 1/2	YES	STANDARD UNIT	ASBESTOS SHINGLE	1 full/ 1 half	
Value Information					
		Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2016 As of 07/01/2017	
Land:		57,400	57,400		
Improvements		86,400	137,600		
Total:		143,800	195,000	160,867	177,933
Preferential Land:		0			0
Transfer Information					
Seller: TRINITY STONE CREATIONS INC		Date: 09/14/2015		Price: \$203,000	
Type: ARMS LENGTH IMPROVED		Deed1: /36650/ 00303		Deed2:	
Seller: DEUTSCHE BANK NATIONAL		Date: 04/23/2015		Price: \$79,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /36092/ 00437		Deed2:	
Seller: DAVIS TRANEDA COOPER		Date: 08/06/2013		Price: \$76,796	
Type: ARMS LENGTH IMPROVED		Deed1: /34037/ 00482		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
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					









EX. 5



My Neighborhood Map

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Baltimore County
My Neighborhood



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Printed 4/19/17



MR. & MRS. EDWARD BARD
2112 Pine Avenue
Baltimore, Maryland 21244

December 21, 2016

Re: Parking employee and customer cars on vacant lot

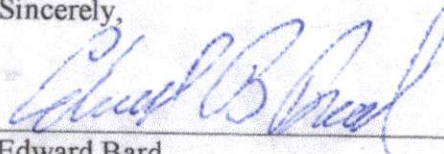
To Whom It May Concern:

My name is Edward Bard and I live directly next to the vacant lot located on Pine Avenue. My address is 2112 Pine Avenue and my house is shown in the picture attached to this letter.

I am aware that Mr. Farace is requesting permission to park customer cars as well as cars belonging to his employees on the vacant lot directly next to my house. I have seen a copy of the plan that he is submitting to Baltimore County for approval.

I have no objection to his employees parking on this lot as well as customers cars being parked on the vacant lot. The lot is already screened with an existing fence. This area of Windsor Mill is home to a great deal of automotive uses and the request by Mr. Farace is consistent with those other automotive uses.

Sincerely,



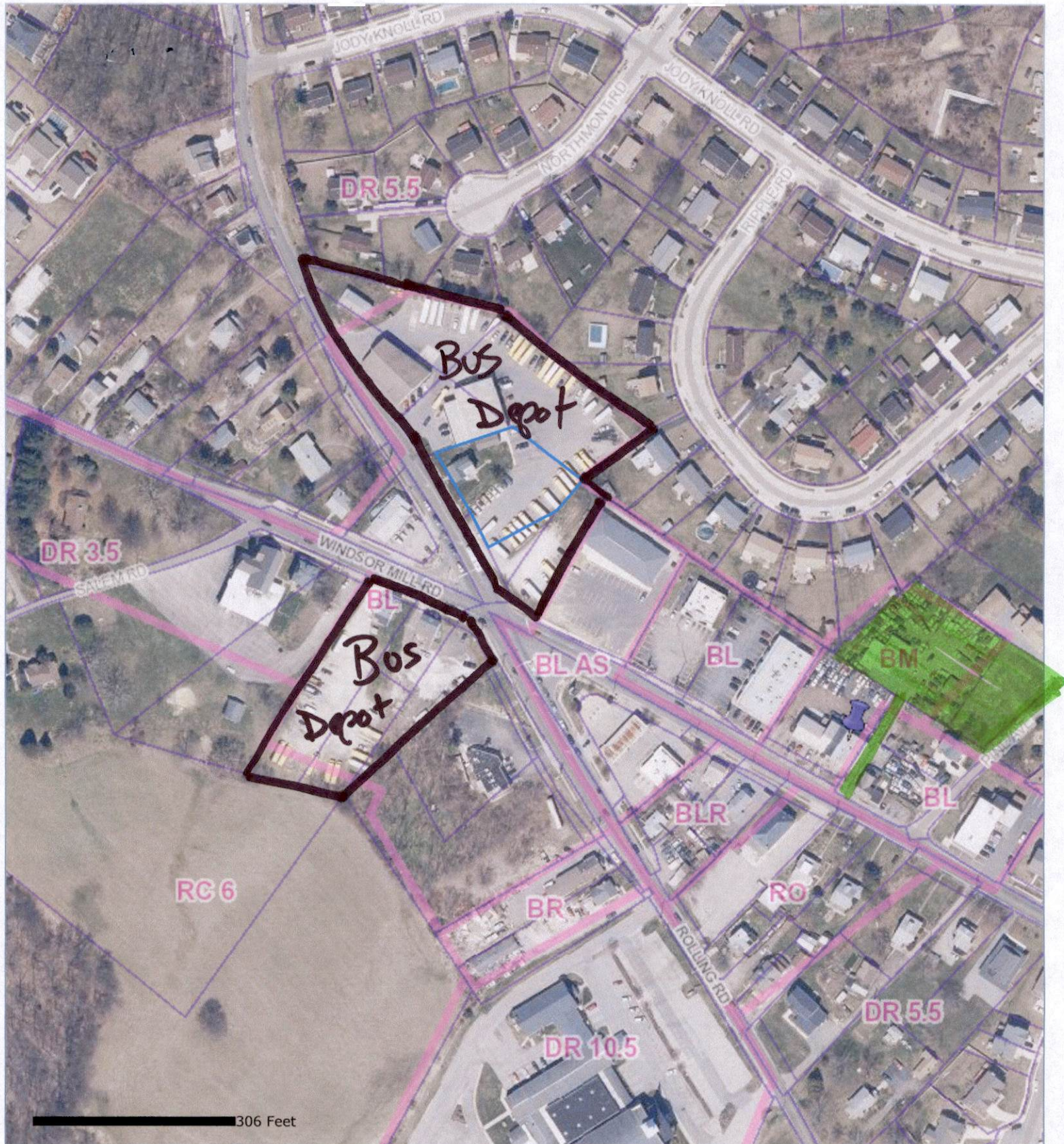
Edward Bard

4 Jan 17
DATE

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 02 Account Number - 0204200210			
Owner Information					
Owner Name:		BARD EDWARD BARD CLAUDETTE		Use:	RESIDENTIAL
Mailing Address:		2112 PINE AVE BALTIMORE MD 21244-2826		Principal Residence:	YES
				Deed Reference:	/20674/ 00089
Location & Structure Information					
Premises Address:		2112 PINE AVE 0-0000		Legal Description: 2112 PINE AVE NWS 400 E WINDSOR MILL RD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0087	0005	0612		0000	
				Block:	Lot:
				Assessment Year:	Plat No:
				2016	Plat Ref:
Special Tax Areas:				Town:	NONE
				Ad Valorem:	
				Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1925	1,736 SF		21,780 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1 1/2	YES	STANDARD UNIT	SIDING	2 full	1 Detached
Value Information					
		Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2016 As of 07/01/2017	
Land:		61,600	61,600		
Improvements		98,700	122,000		
Total:		160,300	183,600	168,067	175,833
Preferential Land:		0			0
Transfer Information					
Seller: BONILLA JOSE A		Date: 09/13/2004		Price: \$210,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /20674/ 00089		Deed2:	
Seller: PINE AVENUE LLC		Date: 12/17/2003		Price: \$175,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /19313/ 00036		Deed2:	
Seller: PARSON EDMUND L		Date: 09/01/1998		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /13117/ 00208		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
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: Approved 12/31/2012					

3. The Baltimore County Department of Public Works, Planning and Zoning Department, hereby certifies that the information provided herein is true and correct to the best of our knowledge and belief, and we have confidence in

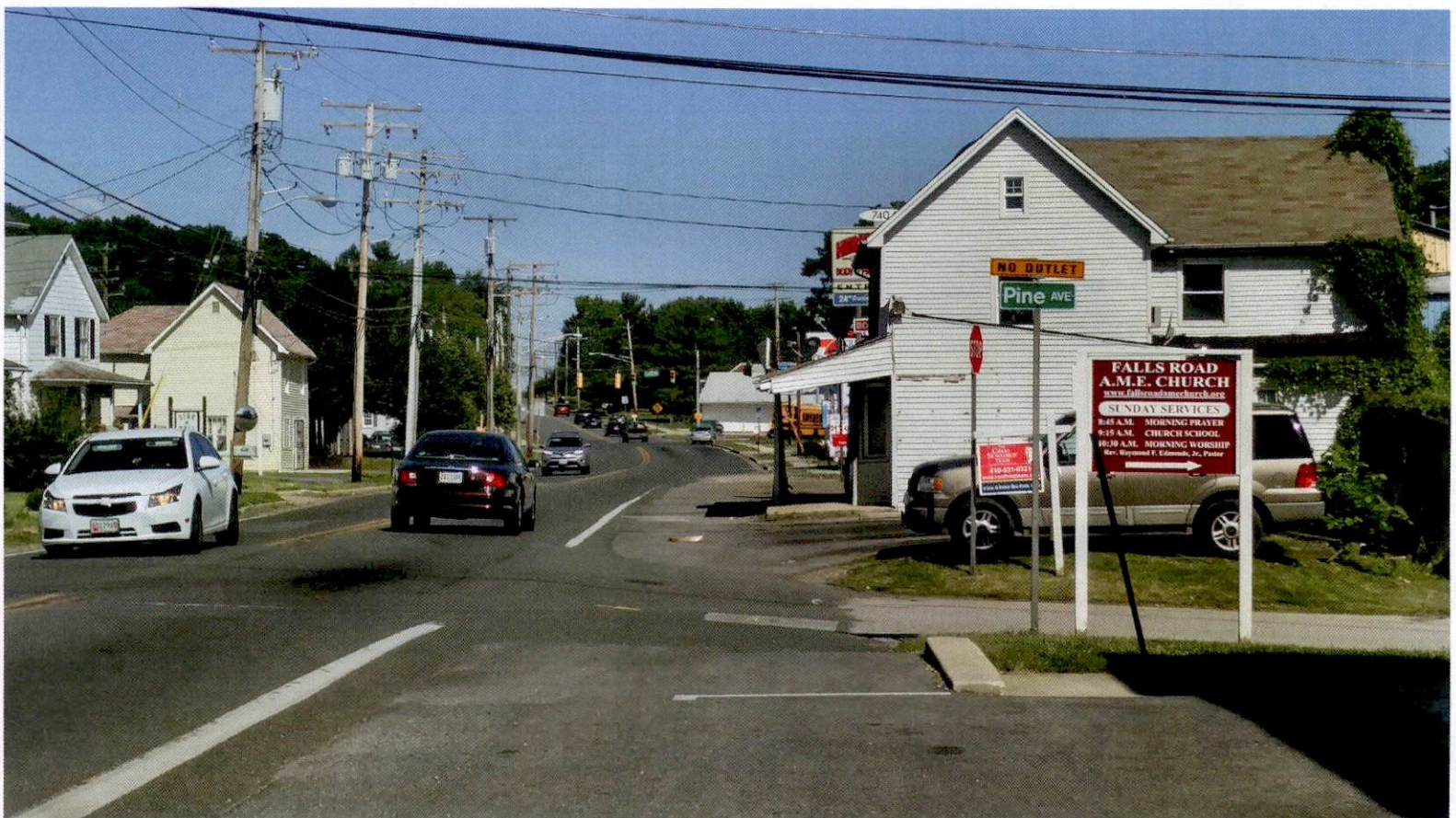


My Neighborhood Map

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Baltimore County
My Neighborhood



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Ex. 7



My Neighborhood Map

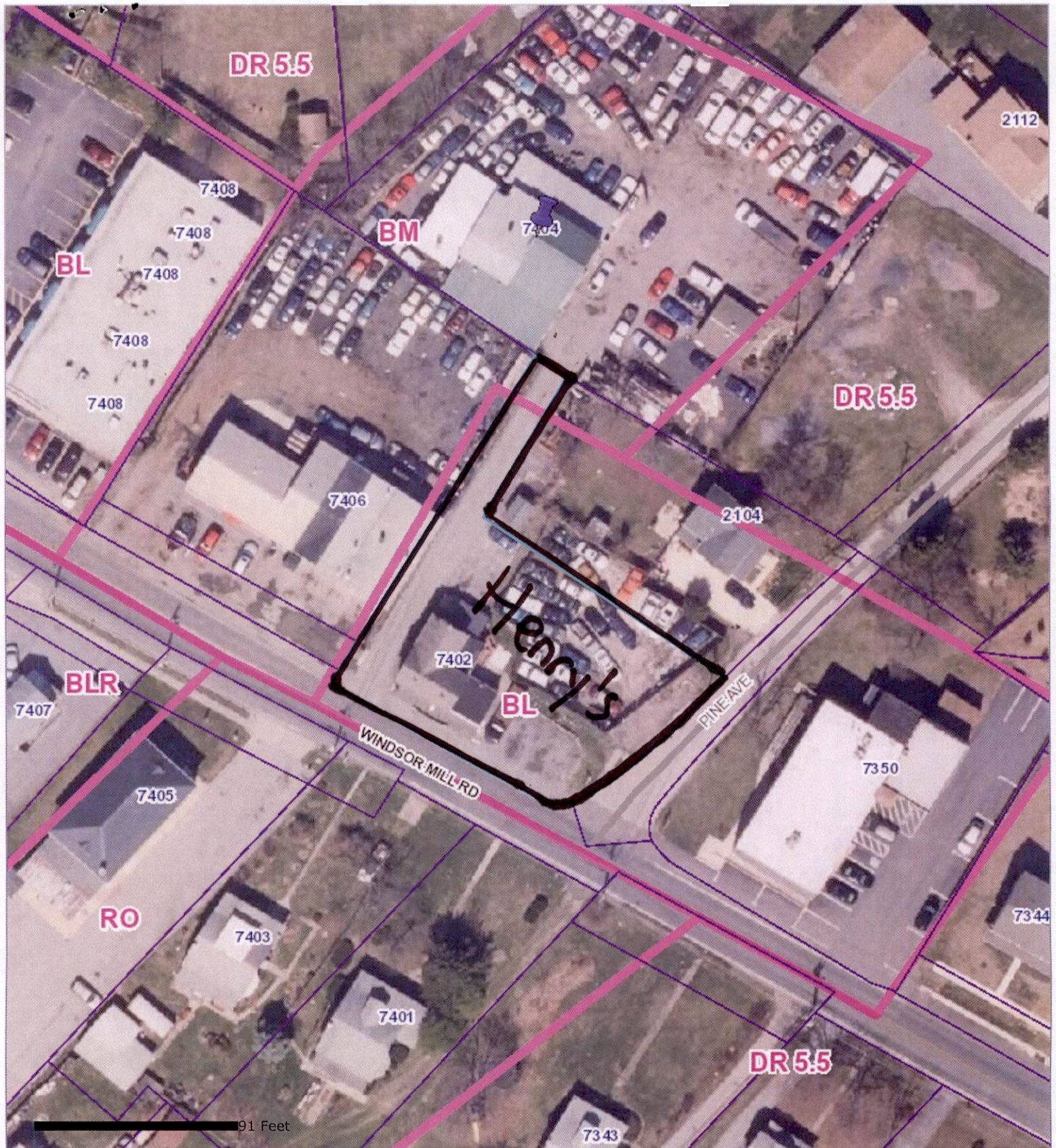
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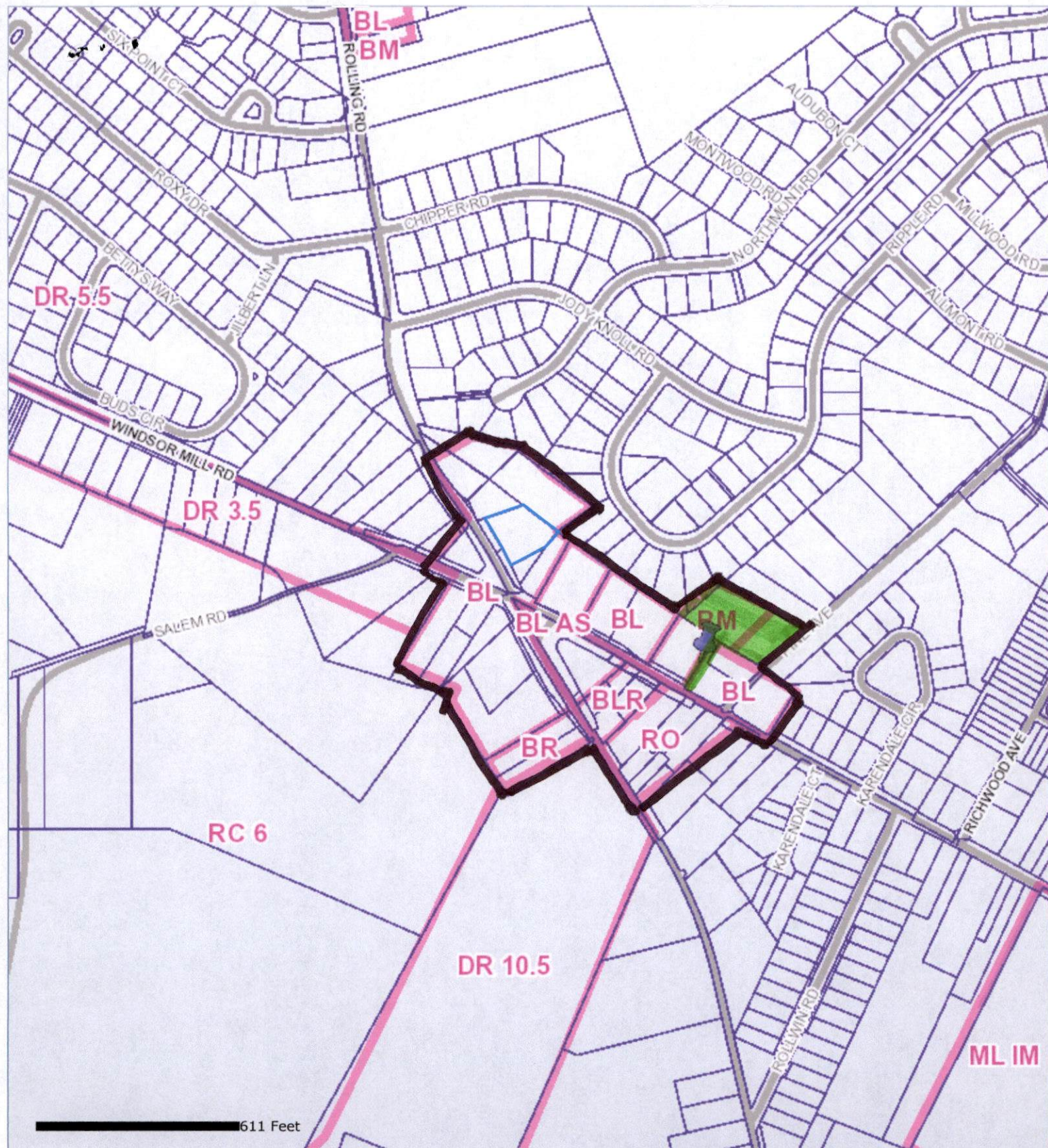
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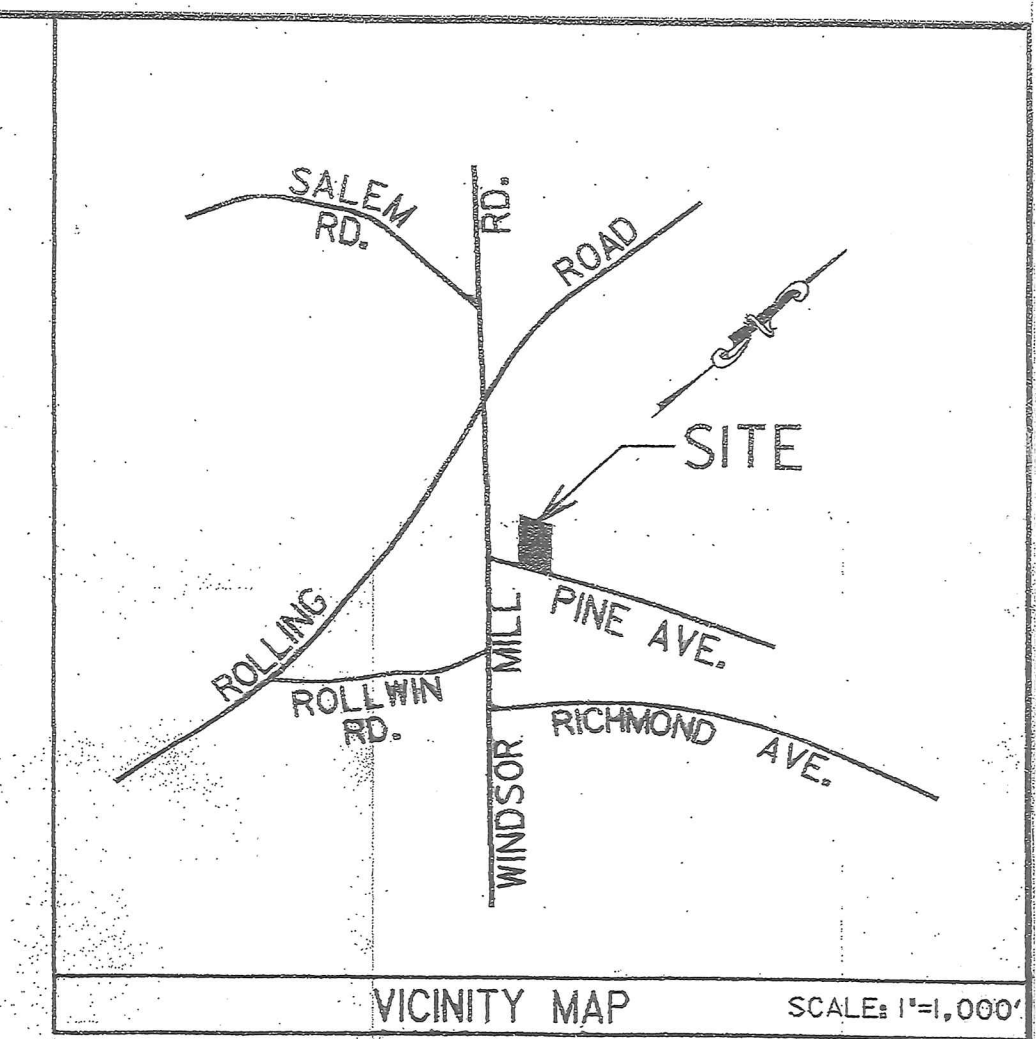
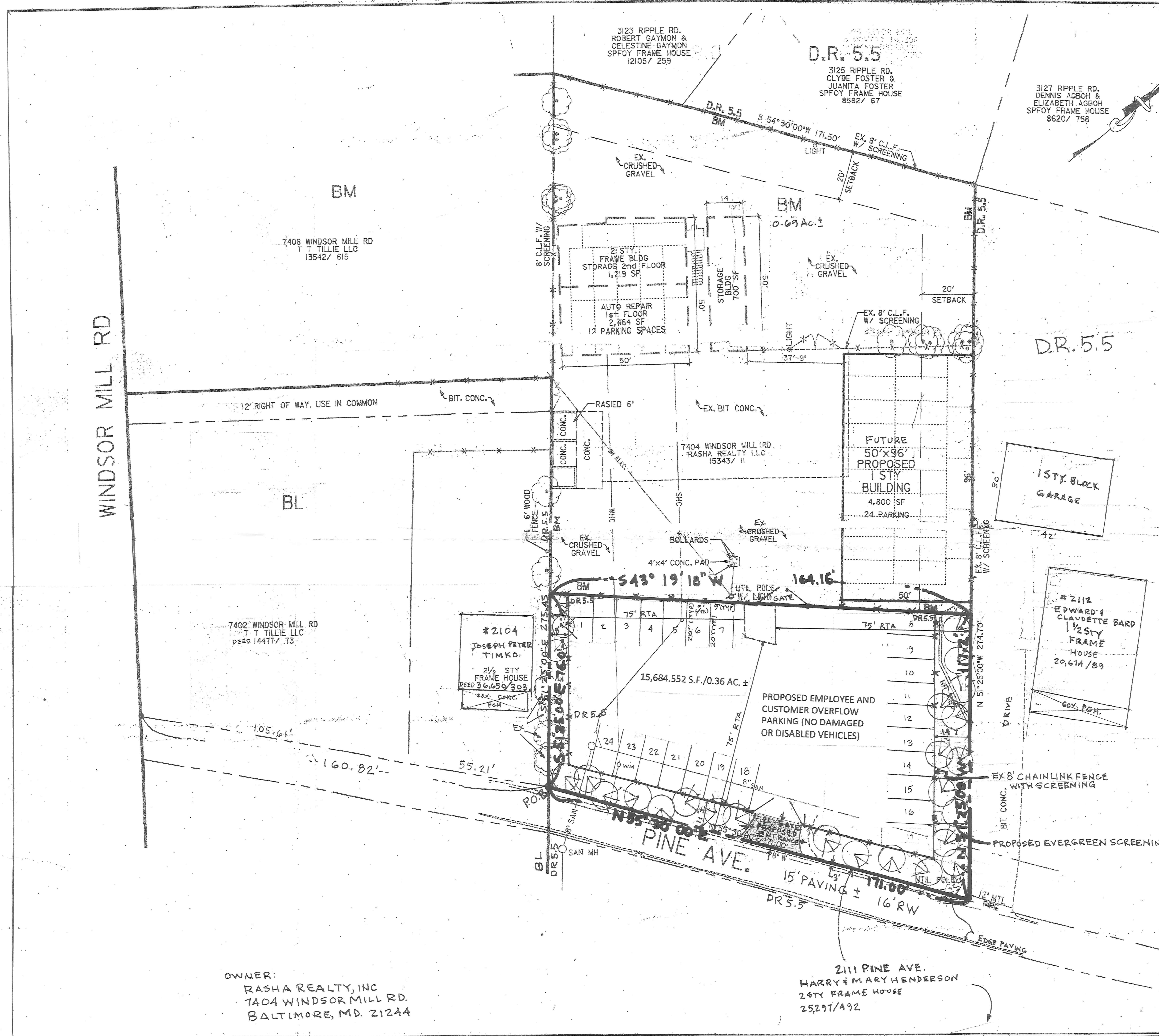


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- GENERAL NOTES
1. ALL PROPOSED PARKING WILL BE OF A DURABLE, DUSTLESS SURFACE WITH POSITIVE DRAINAGE.
 2. LIGHTING TO BE PROVIDED WILL BE IN COMPLIANCE WITH SECTION 409.8.B.2 IN THE DESIGN STANDARDS OF B.C.Z.R. AND THEREFORE SHALL BE REGULATED AS TO LOCATION, DIRECTION, HOURS OF ILLUMINATION, GLARE AND INTENSITY, AS REQUIRED.
 3. ALL SPACES SHOWN ARE 9' X 20'.
 4. THE PROPOSED PARKING AREA IS ENCLOSED BY AN EXISTING 8' CHAIN LINK FENCE W/SCREENING.
 5. PREVIOUS ZONING CASE: 04-491A
 6. ONLY PASSENGER VEHICLES, EXCLUDING BUSES, MAY USE THE PARKING FACILITY.
 7. NO LOADING, SERVICE OR ANY USE OTHER THAN PARKING SHALL BE PERMITTED.
 8. A SATISFACTORY PLAN SHOWING PARKING ARRANGEMENT AND VEHICULAR ACCESS HAS BEEN PROVIDED.

PLAN TO ACCOMPANY A USE PERMIT APPLICATION TO ALLOW PROPOSED BUSINESS OR INDUSTRIAL PARKING IN A RESIDENTIAL ZONE AND A VARIANCE FROM RTA REQUIREMENT PER BCZR SECTION 1B01.1.B1.C FOR:

HEBBVILLE AUTO REPAIR, INC.
7404 WINDSOR MILL ROAD
ELECTION DISTRICT 2C4
BALTIMORE COUNTY

T.A. NO.: 0207001270 DEED REF: 15,343/11
ZONED: BM & D.R. 5.5
T.M. 87, GRID 5, PARCEL 383
SCALE: 1"=20' DATE: NOVEMBER 21, 2016

PREPARED BY:
CRAIG CONSULTING, LLC
7024 GREENBANK RD.
BALTIMORE, MD 21220