

IN THE MATTER OF
NPR, LLC-LEGAL OWNER
AND PETITIONER FOR SPECIAL EXCEPTION
AND VARIANCE ON THE PROPERTY LOCATED
AT 4428 NORTH POINT ROAD

15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 19-364-XA

* * * * *

ORDER OF DISMISSAL

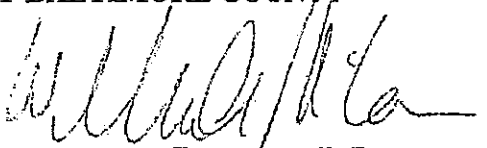
This matter comes to the Board of Appeals by way of an appeal filed by Michael T. Wyatt, Esquire on behalf of Edwin Hayes, Dorothy Hayes, and Travis Hayes, Protestants and Appellants, from a final decision of the Administrative Law Judge dated October 8, 2019, in which the requested zoning relief was granted with conditions.

WHEREAS, the Board is in receipt of an email from Michael T. Wyatt, Esquire on behalf of Protestants/Appellants indicating the parties had reached an agreement and voluntarily withdrawing the appeal filed on November 1, 2019 (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Petitioner /Appellant requests that the appeal taken in this matter be withdrawn and dismissed as of July 27, 2020,

IT IS ORDERED this 3rd day of August, 2020 by the Board of Appeals of Baltimore County that the appeal taken in Case No. 19-364-XA be and the same is hereby **DISMISSED with prejudice**.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


William A. McComas, Chair



Board of Appeals of Baltimore County

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

August 3, 2020

Michael T. Wyatt, Esquire
Wyatt & Gunning LLC
100 W. Pennsylvania Avenue, Suite 10
Towson, Maryland 21204

David H. Cole, Esquire
Coon & Cole, LLC
305 W. Chesapeake Avenue, Suite 510
Towson, Maryland 21204

Re: In the matter of: *NPR, LLC – Legal Owner*
Case No.: 19-364-XA

Dear Counsel:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington" with a small "Hay" written below it.

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure
Duplicate Original Cover Letter

c: Pete Forakis/NPR, LLC
Patrick C. Richardson, Jr., P.E./Richardson Engineering, LLC
Edwin J. Hayes
Dorothy M. Hayes
Travis Hayes
Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge
C. Pete Gutwald, Director/Department of Planning
Michael D. Mallinoff, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

Krysundra Cannington

From: Michael Wyatt <mwyatt@wyattgunning.com>
Sent: Monday, July 27, 2020 2:53 PM
To: Krysundra Cannington
Cc: 'David H. Cole'; Katie Bukowsky; a-1-travis@verizon.net
Subject: NPR LLC-Case No: 19-364-XA
Attachments: 20200727143627.pdf

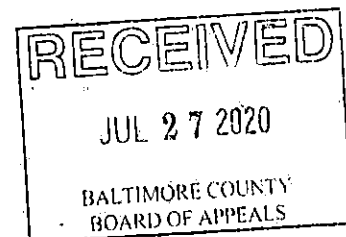
CAUTION: This message from mwyatt@wyattgunning.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Sunny: I am in receipt of the attached Notice of Reassignment in the above-referenced zoning appeal, setting this matter in for a video hearing on August 19, 2020.

I'm pleased to report that the parties have reached an agreement, and on behalf of Edwin Hayes, Dorothy Hayes and Travis Hayes, please treat this as Appellants' notice of withdrawal of the appeal. If you need anything further to effect the withdrawal of the subject appeal, please let me know.

Thank you.

Michael T. Wyatt
Wyatt & Gunning LLC
100 W. Pennsylvania Ave.
Suite 10
Towson, MD 21204
Ph: 410-296-5960
Fax: 410-296-3443
Cell: 410-804-7098



wyattgunning.com

This email transmission may contain CONFIDENTIAL and PRIVILEGED information. If you are not the intended recipient, please notify the sender by email, do not disseminate and delete immediately.

Debt Collection: *It is possible that a portion of this law firm's practice can be considered debt collection. If you are a debtor, be advised that this is an attempt to collect a debt and any information obtained may be used for that purpose.*

Krysundra Cannington

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Subject: NPR LLC-Case No: 19-364-XA
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Thank you.

Michael T. Wyatt
Wyatt & Gunning LLC
100 W. Pennsylvania Ave.
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Board of Appeals of Baltimore County

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

July 23, 2020

NOTICE OF REASSIGNMENT

IN THE MATTER OF: NPR, LLC – Legal Owner
4428 North Point Blvd.
19-364-XA 15th Election District; 7th Councilmanic District

Re: Petition for Special Exception pursuant to BCZR § 236.2 to allow a contractor's equipment storage yard; and

Petition for Variance pursuant to BCZR § 238.2 for a side yard setback of 4 ft. in lieu of the required 30 ft.

10/8/19 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Exception and the Petition for Variance were GRANTED, with conditions.

ASSIGNED FOR: AUGUST 19, 2020, AT 10:00 A.M.

The above scheduled hearing will be held remotely using WebEx for audio and video participation. **Call-in information and a link to the hearing will be posted on our web calendar at www.baltimorecountymd.gov/Agencies/appeals/index.html the night before.**

A complete set of **exhibits must be emailed at least 48 hours before the hearing to appealsboard@baltimorecountymd.gov** in a format that complies with MDEC (Maryland Electronic Court) standards.

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you require special accommodations, please contact this office at least one week prior to hearing date.

If you do not have access to a computing device, please contact our office for the call-in information the day before the scheduled deliberation.

Krysundra Cannington, Administrator

Notice of Reassignment
In the matter of: NPR, LLC
Case number: 19-364-XA
July 23, 2020
Page 2

c. Counsel for Petitioners
Legal Owner

: David H. Cole, Esquire
: NPR, LLC

Counsel for Protestants
Protestants

: Michael T. Wyatt, Esquire
: Edwin Hayes, Dorothy Hayes, and Travis Hayes

C. Pete Gutwald, Director/Department of Planning
James R. Benjamin, Jr., County Attorney
Michael D. Mallinoff, Director/PAI
Nancy C. West, Assistant County Attorney
Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge



Board of Appeals of Baltimore County

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SECOND FLOOR, SUITE 203
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TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 30, 2020

To whom it may concern:

Due to concerns about COVID-19, all Board of Appeals hearings and deliberations are being cancelled through May 1, 2020. Including but not limited to the matters of:

MGJ Properties, LLC, Case No.: 18-342-SPH;
Donna Bair, Case No.: 19-342-SPHA;
Robb Cohen and Gail Schwartz, Case No.: CBA-20-013;
NPR, LLC, Case No.: 19-364-XA;

We will continue to evaluate and adjust as the situation progresses. All hearings and deliberations will be reassigned as soon as possible. Notices will be sent upon rescheduling and our website, www.baltimorecountymd.gov/Agencies/appeals/index.html, will be updated with any changes.

We kindly request that you forward this letter to the parties, or anyone else you know involved in this matter.

Please contact our office with any questions.

Very truly yours,

A handwritten signature in black ink that reads "Krysundra Cannington" followed by a small mark.

Krysundra Cannington
Administrator



Board of Appeals of Baltimore County

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

February 24, 2020

NOTICE OF REASSIGNMENT

IN THE MATTER OF: NPR, LLC – Legal Owner
4428 North Point Blvd.
19-364-XA 15th Election District; 7th Councilmanic District

Re: Petition for Special Exception pursuant to BCZR § 236.2 to allow a contractor's equipment storage yard; and

Petition for Variance pursuant to BCZR § 238.2 for a side yard setback of 4 ft. in lieu of the required 30 ft.

10/8/19 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Exception and the Petition for Variance were GRANTED, with conditions.

The Board convened for hearing on January 14, 2020 at which time the parties requested a postponement to negotiate a possible settlement. At this time, the parties are requesting this matter be set in for hearing. Therefore a hearing in this matter has been

ASSIGNED FOR: **APRIL 23, 2020, AT 10:00 A.M.**

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

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
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- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.
- Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits with the Board unless otherwise requested. Said Motions, Memoranda and exhibits must be in MDEC compliant formats pursuant to the Maryland Rules, unless otherwise requested.
- Please contact our office for information about projection equipment. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

Notice of Reassignment
In the matter of: NPR, LLC
Case number: 19-364-XA
February 24, 2020
Page 2

For further information, including our inclement weather policy, please visit our website
www.baltimorecountymd.gov/Agencies/appeals/index.html

**Krysundra Cannington,
Administrator**

c. Counsel for Petitioners
Legal Owner

: David H. Cole, Esquire
: NPR, LLC

Counsel for Protestants
Protestants

: Michael T. Wyatt, Esquire
: Edwin Hayes, Dorothy Hayes, and Travis Hayes

C. Pete Gutwald, Director/Department of Planning
James R. Benjamin, Jr., County Attorney
Michael D. Mallinoff, Director/PAI
Nancy C. West, Assistant County Attorney
Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge

Krysundra Cannington

From: Michael Wyatt <mwyatt@wyattgunning.com>
Sent: Wednesday, February 19, 2020 12:01 PM
To: Appeals Board
Cc: 'David H. Cole'; Katie Bukowsky
Subject: NPR, LLC-4428 N. Point Blvd., Case No: 19 – 364 – XA

CAUTION: This message from mwyatt@wyattgunning.com originated from a non-Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Dear Sir/Madam: This firm represents Protestants/Appellants, Edwin Hayes, Dorothy Hayes, and Travis Hayes. I am writing to request that this matter be scheduled in for a hearing in the normal course.

This matter was originally scheduled for January 14, 2020. At that time, Appellants and Appellees jointly requested a postponement as they were working through issues and had reached an agreement in principal. On the record, the parties agreed that if the matter was not been dismissed by my clients it could be rescheduled.

Unfortunately, a definitive agreement memorializing the settlement terms (in form and substance for recording among the Land Records of Baltimore County) has not been finalized and my clients would like this matter rescheduled at this time.

Thank you for your prompt attention to this matter

Michael T. Wyatt
Wyatt & Gunning LLC
100 W. Pennsylvania Ave.
Suite 10
Towson, MD 21204
Ph: 410-296-5960
Fax: 410-296-3443
Cell: 410-804-7098

wyattgunning.com

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1/14/89

Patterson asked for a postponement.

- Petitioners will agree w/ ALJ's opinion and whatever they work out with Protestant.

- Have until January 30th to withdraw appeal - if not, Board will set-in for a hearing.

1/14/20

Patterson asked for a postponement.

Patterson will agree w/ left's opinion and
whatever they want out with Patterson.

-Have until January 30th to withdraw
appeal - if not, board will set in
for a hearing.



Board of Appeals of Baltimore County

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

November 21, 2019

NOTICE OF ASSIGNMENT

IN THE MATTER OF: NPR, LLC – Legal Owner
4428 North Point Blvd.
19-364-XA 15th Election District; 7th Councilmanic District

Re: Petition for Special Exception pursuant to BCZR § 236.2 to allow a contractor's equipment storage yard; and

Petition for Variance pursuant to BCZR § 238.2 for a side yard setback of 4 ft. in lieu of the required 30 ft.

10/8/19 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Exception and the Petition for Variance were GRANTED, with conditions.

ASSIGNED FOR: **JANUARY 14, 2020, AT 10:00 A.M.**

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

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For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

**Krysundra Cannington,
Administrator**

Notice of Assignment
In the matter of: NPR, LLC
Case number: 19-364-XA
November 21, 2019
Page 2

c. Counsel for Petitioners
Legal Owner

: David H. Cole, Esquire
: NPR, LLC

Counsel for Protestants
Protestants

: Michael T. Wyatt, Esquire
: Edwin Hayes, Dorothy Hayes, and Travis Hayes

C. Pete Gutwald, Director/Department of Planning
James R. Benjamin, Jr., County Attorney
Michael D. Mallinoff, Director/PAI
Nancy C. West, Assistant County Attorney
Office of People's Counsel
Paul M. Mayhew, Managing Administrative Law Judge

Krysundra Cannington

From: Baltimore County Faxcom System <Faxcom@baltimorecountymd.gov>
Sent: Monday, November 25, 2019 12:57 PM
To: Appeals Board
Subject: Fax Received From: 4103880599
Attachments: 4956112519.PDF

This message was sent via the Baltimore County Government Faxcom fax System.

-----Fax Reception Report-----

Result: All pages received OK

Pages Received:002

Received: 11/25/19 12:55

Connect Time: 00066

Sender TSID:

From: 4103880599

Destination DID: 4108873182

Your fax is attached as a PDF image.



Board of Appeals of Baltimore County

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

November 21, 2019

To: Mr. Wayatt
From: D. Hayes
443-9923276

NOTICE OF ASSIGNMENT

IN THE MATTER OF: NPR, LLC – Legal Owner
4428 North Point Blvd.
19-364-XA 15th Election District; 7th Councilmanic District

Re: Petition for Special Exception pursuant to BCZR § 236.2 to allow a contractor's equipment storage yard; and

Petition for Variance pursuant to BCZR § 238.2 for a side yard setback of 4 ft. in lieu of the required 30 ft.

10/8/19 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Exception and the Petition for Variance were GRANTED, with conditions.

ASSIGNED FOR: **JANUARY 14, 2020, AT 10:00 A.M.** ✓

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

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Krysundra Cannington,
Administrator

410-821-1073

Notice of Assignment
In the matter of: NPR, LLC
Case number: 19-364-XA
November 21, 2019
Page 2

c. Counsel for Petitioners
Legal Owner

: David H. Cole, Esquire
: NPR, LLC

Counsel for Protestants
Protestants

: Michael T. Wyatt, Esquire
: Edwin Hayes, Dorothy Hayes, and Travis Hayes

C. Pete Gutwald, Director/Department of Planning
James R. Benjamin, Jr., County Attorney
Michael D. Mallinoff, Director/PAI
Nancy C. West, Assistant County Attorney
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Paul M. Mayhew, Managing Administrative Law Judge

WYATT & GUNNING LLC
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410-296-5960
FAX 410-296-3443
WWW.WYATTGUNNING.COM

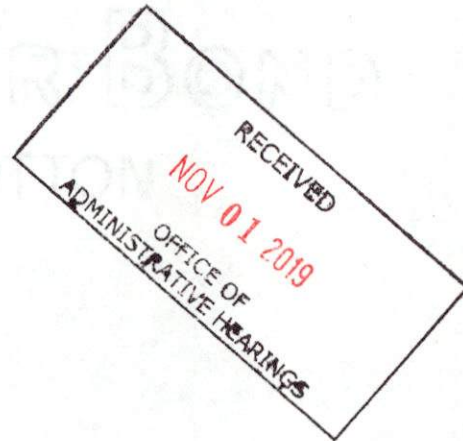
MICHAEL T. WYATT
MWYATT@WYATTGUNNING.COM

ADMITTED IN MD AND DC

November 1, 2019

Via Hand Delivery

Office of Administrative Hearings
Room 103
The Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204



RE: NPR, LLC
4428 North Point Boulevard
Edgemere, MD 21117
Case No. 2019-0364-XA

Dear Sir/Madam:

This firm represents Edwin J. ("Tommy") Hayes, Dorothy M. Hayes and Travis Hayes. I am enclosing a copy of my clients' Notice of Appeal in the above-referenced civil citation case, along with a check in the amount of \$700 to cover the filing fee.

Thank you for your customary courtesies.

Very truly yours,

Michael T. Wyatt

MTW:jld
Encs.

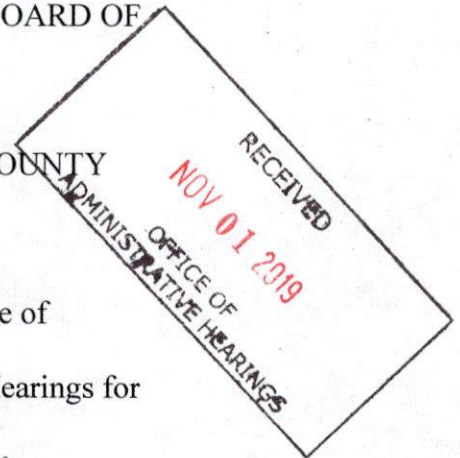
cc: The Honorable Lawrence M. Stahl (w/enc.)
David H. Cole, Esquire (w/enc.)
County Board of Appeals for Baltimore County (w/enc.)

IN THE MATTER OF:

PETITION FOR SPECIAL
EXCEPTION AND VARIANCE

NPR, LLC
4428 North Point Boulevard
Edgemere, Maryland 21219

* BEFORE THE BOARD OF
* APPEALS OF
* BALTIMORE COUNTY
* Appeal No:
* (Before the Office of
* Administrative Hearings for
* Baltimore County
* Case No: 2019-0364-XA



* * * * *

NOTICE OF APPEAL

EDWIN J. ("TOMMY") HAYES, DOROTHY M. HAYES, and TRAVIS HAYES,
Appellants, hereby file an appeal in this matter to the Board of Appeals of Baltimore County
from the October 8, 2019 decision of the Honorable Lawrence M. Stahl, Administrative Law
Judge of the Office of Administrative Hearings for Baltimore County.

Respectfully submitted,

Michael T. Wyatt
Wyatt & Gunning LLC
100 W. Pennsylvania Avenue, Ste 10
Towson, MD 21204
410-296-5960
mwyatt@wyattgunning.com
Attorney for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of November, 2019, a copy of the foregoing was
mailed, postage prepaid, to:

David H. Cole, Esquire
305 W. Chesapeake Avenue
Suite 510
Towson, MD 21204
Attorney for NPR, LLC



Michael T. Wyatt

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

No.

174838

Date:

11/1/19

PAID RECEIPT

BUSINESS ACTUAL TIME DRW

1/04/2019 11/01/2019 14:23:48 3

REG WSO3 WALKIN CAM

RECEIPT # 037339 11/01/2019 OFLN

5 528 ZONING VERIFICATION

NO. 174838

Recpt Tot \$ 700.00

700.00 CK .00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
------	------	------	----------	-----------------	--------------	----------	---------	--------

001	806	000		650				700.00

Total:

700.00

Rec From: Michael T. Whitt, Esq

For: 2019-0364-XA

4428 NORTH POINT Blvd

CK # 2223

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
LAWRENCE M. STAHL
Administrative Law Judge

November 1, 2019

David Cole, Esq.
Coon & Cole
401 Washington Avenue, Suite 501
Towson, Maryland 21204



Re: Petitions for Special Exception and Variance
Case Number: 2019-0364-XA
Location: 4428 North Point Blvd.

Dear Mr. Cole:

Please be advised that an appeal of the above-referenced case was filed in this Office on November 1, 2019. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

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

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

Sincerely,

A handwritten signature in black ink, reading "Paul M. Mayhew".

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:slm

c: Baltimore County Board of Appeals
Peter Max Zimmerman, People's Counsel for Baltimore County
Michael T. Wyatt, Esq., Wyatt & Gunning, LLC, 100 W. Pennsylvania Avenue,
Suite 10, Towson, Maryland 21204

APPEAL

**Petition for Special Exception and Variance
(4428 North Point Blvd.)
15th Election District – 7th Councilmanic District
Legal Owner: NPR, LLC**

Case No. 2019-0364-XA

Petition for Variance (June 12, 2019)

Zoning Description of Property

Notice of Zoning Hearing (September 4, 2019)

Certificate of Publication (The Daily Record- September 13, 2019)

Certificate of Posting:

1st Posting (September 13, 2019) by SSG Robert Black

2nd Posting (October 2, 2019) by SSG Robert Black

Entry of Appearance by People's Counsel (June 20, 2019)

Petitioner(s) Sign-in Sheet – 1 sheet

Citizen(s) Sign-in Sheet – 1 sheet

Zoning Advisory Committee Comments

Petitioner(s) Exhibits

1. Deed & Attached plat
2. Photo from July 28-Old Building
3. Aerial View of site
4. Letter to NPR
5. Plat to accompany zoning petition
6. 03.224-A
7. 2008-0539-SPHX
8. Boundary survey

Protestant(s) Exhibits –

- 1.

Miscellaneous (Not Marked as Exhibits) – SDAT

Administrative Law Judge Order and Letter (GRANTED with Conditions – October 8, 2019)

Appeal Letter, Notice & Receipt received from Michael T. Wyatt, Esq. November 1, 2019

WYATT & GUNNING LLC
100 W. PENNSYLVANIA AVENUE, SUITE 10
TOWSON, MARYLAND 21204
410-296-5960
FAX 410-296-3443
WWW.WYATTGUNNING.COM

MICHAEL T. WYATT
MWYATT@WYATTGUNNING.COM

ADMITTED IN MD AND DC

November 1, 2019

Via Hand Delivery

Office of Administrative Hearings
Room 103
The Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

RE: NPR, LLC
4428 North Point Boulevard
Edgemere, MD 21117
Case No. 2019-0364-XA



Dear Sir/Madam:

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Thank you for your customary courtesies.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael T. Wyatt", written over a horizontal line.

Michael T. Wyatt

MTW:jld

Encs.

cc: The Honorable Lawrence M. Stahl (w/enc.)
David H. Cole, Esquire (w/enc.)
County Board of Appeals for Baltimore County (w/enc.)

IN THE MATTER OF:

PETITION FOR SPECIAL
EXCEPTION AND VARIANCE

NPR, LLC
4428 North Point Boulevard
Edgemere, Maryland 21219

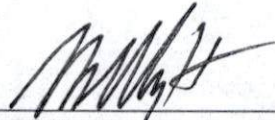
* BEFORE THE BOARD OF
* APPEALS OF
* BALTIMORE COUNTY
* Appeal No:
* (Before the Office of
* Administrative Hearings for
* Baltimore County
* Case No: 2019-0364-XA

* * * * *

NOTICE OF APPEAL

EDWIN J. ("TOMMY") HAYES, DOROTHY M. HAYES, and TRAVIS HAYES,
Appellants, hereby file an appeal in this matter to the Board of Appeals of Baltimore County
from the October 8, 2019 decision of the Honorable Lawrence M. Stahl, Administrative Law
Judge of the Office of Administrative Hearings for Baltimore County.

Respectfully submitted,



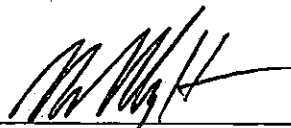
Michael T. Wyatt
Wyatt & Gunning LLC
100 W. Pennsylvania Avenue, Ste 10
Towson, MD 21204
410-296-5960
mwyatt@wyattgunning.com
Attorney for Appellants



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of November, 2019, a copy of the foregoing was mailed, postage prepaid, to:

David H. Cole, Esquire
305 W. Chesapeake Avenue
Suite 510
Towson, MD 21204
Attorney for NPR, LLC



Michael T. Wyatt

**IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE
(4428 North Point Blvd.)
15th Election District
7th Council District
NPR, LLC
*Legal Owner***

Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2019-0364-XA**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 4428 North Point Blvd. The Petitions were filed on behalf of NPR, LLC, legal owner of the subject property ("Petitioner"). The Special Exception petition seeks approval to allow a contractor's equipment storage yard, pursuant to § 236.2 of the Baltimore County Zoning Regulations ("BCZR"). The Petition for Variance seeks a side yard setback of 4 ft. in lieu of the required 30 ft., pursuant to § 238.2. A site plan was marked as Petitioner's Exhibit 1.

Appearing in support of the petitions were Rick Richardson of Richardson Engineering and Brian Dietz, a registered surveyor. David Cole, Esq. represented the Petitioner. Protestants Thomas and Dorothy Hayes were represented by Leslie Pittler, Esq. also attended. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee ("ZAC") comment was received from the Department of Planning ("DOP"). That agency did not oppose the request.

Pete Forakis, a principal of Petitioner NPR, LLC appeared and testified that the property was purchased in January of 2019. At that time an abandoned building which has since been demolished was on the site. He stated that this site, zoned BR-AS and ML-IM is in an area

ORDER RECEIVED FOR FILING

Date 10/8/19
By Sen

including a boat repair company, an auto repair company, manufacturing warehouses the A1 Abatement company, with a contractor yard and storage facilities, as well as other like businesses.

The witness noted that the LLC's intention is to improve the property with a structure and to rent it, including the ability to have it utilized as a contractor yard. He observed that they already have two verbal rental commitments from prospective tenants. He further stated that he has reached out to neighboring owners who have no objection (other than the Protestants at the hearing) to his petition, and produced a letter from the next door neighbor in support of his petition (Petitioner's Exhibit 4).

Patrick Richardson, principal of Richardson Engineering was offered and after voir dire by Mr. Pittler was accepted as an expert in land development and zoning in Baltimore County. He stated that he prepared the plat to accompany this petition and confirmed the site, which is approximately 28,183 square feet, split zoned BR-AS and ML-IM. He opined that the Petitioner's plans for the site do meet the definition of a contractors yard and noted the nature of the businesses in the area, a number of which have already qualified in the past four (4) special exception relief (Petitioners Exhibit 6 & 7). He identified a paved road with a 25 ft. right-of-way on the north side of the site. He was questioned as an expert familiar with the site, the surrounding area uses and the proposed use by the Petitioner as to the requirements for a special exception set out in BCZR §502.1 and cases arising therefrom. He responded to each that no adverse or negative impacts would occur, and in his opinion the requirements for special exception to be granted were met by the Petitioner.

As to the requested variance relief, he stated that the subject site was deep but not wide, and if the existing setbacks were left in force, there would be very little buildable land on the site.

ORDER RECEIVED FOR FILING

Date

10/8/19

By

sen

Furthermore, he stated that without the variance relief there would not be sufficient access to the right-of-way, nor would there be sufficient space for vehicle and equipment turnaround.

The Protestants presented no witnesses or evidence.

SPECIAL EXCEPTION

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 *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized 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.

Mr. Richardson, an expert familiar with the project and its envisions testified unequivocally that the Petitioner met the requirements of the law and §502.1. I find that is more than sufficient to meet the burden for that relief.

VARIANCES

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).

I believe that the site configuration limiting the space for construction of a building along with the needed access to the right-of-way renders the site unique. If the BCZR were strictly

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Date 10/8/19

By Sen

interpreted Petitioner would suffer a practical difficulty because it would be unable to utilize the site for the intended purpose, including vehicle turnaround and construction of a building on the site. Finally, I find that the variances can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of County and/or community opposition.

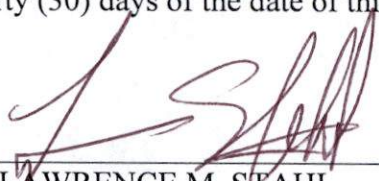
THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 8th day of **October, 2019**, that the Petition for Special Exception to allow a contractor's equipment storage yard, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance to seek a side yard setback of 4 ft. in lieu of the required 30 ft., 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. Prior to issuance of permits Petitioner must comply with the ZAC comment submitted by the DOP, a copy of which is attached hereto and made a part hereof.

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



LAWRENCE M. STAHL
Administrative Law Judge
for Baltimore County

LMS/sln

ORDER RECEIVED FOR FILING

Date 10/8/19
By sln



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
LAWRENCE M. STAHL
Administrative Law Judge

October 8, 2019

David Cole, Esq.
Coon & Cole
401 Washington Avenue, Suite 501
Towson, Maryland 21204

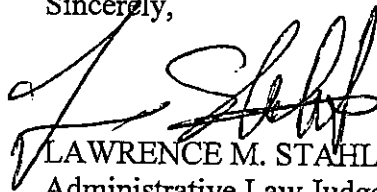
RE: Petitions for Special Exception and Variance
Case No. 2019-0364-XA
Property: 4428 North Point Blvd.

Dear Mr. Cole:

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,


LAWRENCE M. STAHL
Administrative Law Judge
for Baltimore County

LMS:slh
Enclosure

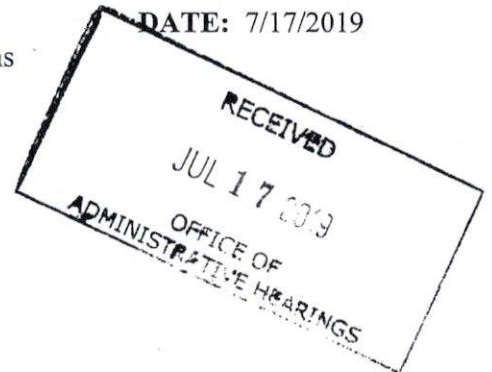
c: Leslie Pittler, Esq., 25 Wardsworth Bridge Way,
Lutherville, Maryland 21093

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-364



INFORMATION:

Property Address: 4428 North Point Boulevard
Petitioner: NPR, LLC
Zoning: BR-AS, ML-IM
Requested Action: Special Exception

The Department of Planning has reviewed the petition for special exception to allow a contractors equipment storage yard and a petition for variance for a side yard setback of 4 feet in lieu of the required 10 feet.

A site visit was conducted on 6/27/2019.

The Department of Planning has no objection to granting the petitioned zoning relief conditioned upon the following:

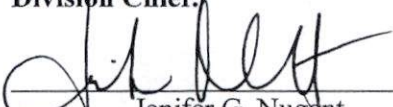
- The building and signage elevations, as well as the landscape plan are submitted for review and approval by the Department of Planning at the time of building permit.

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

Prepared by:


Jessie Bialek

Division Chief:


Jenifer G. Nugent

CPG/JGN/JAB/

c: Laurie Hay

James Hermann, R.L.A., Department of Permits, Approvals and Inspections

Patrick C. Richardson, Jr.

David Cole, Coon & Cole

ORDER RECEIVED FOR FILING

Date 10/18/19

By sen

Date: 7/17/2019
Subject: ZAC # 19-364
Page 2

Office of the Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date 10/8/19

By sen

CASE NAME _____
CASE NUMBER _____
DATE _____

NAME

CITY, STATE, ZIP

E - MAIL

[illegible]

CASE NAME 4479 North Point Blvd.
CASE NUMBER 2019-0364-7A
DATE October 4, 2019

NAME

CITY, STATE, ZIP

[illegible]

James Hunter
Joseph Hunter
Feb 10 W. Hunter

John Hunter
John Hunter
John Hunter

John Hunter
John Hunter
John Hunter

John Hunter
John Hunter
John Hunter

John Hunter
John Hunter
John Hunter

25 10-4-19
1:30 PM

Debra Wiley

From: SGT ROBERT BLACK <1opie@comcast.net>
Sent: Wednesday, October 2, 2019 7:12 PM
To: Rick Richardson; Administrative Hearings
Subject: Recertification's For 2019-0389-A AND 2019-0364-XA
Attachments: Re-Cert 1 2019-0380-A.doc; Re-Cert 2 2019-0380-A.doc; Re-Cert 1 2019-0364-XA.doc;
Re-Cert 2 2019-0364-XA.doc

CAUTION: This message from 1opie@comcast.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Recertification's For 4428 North Point Boulevard & 6618 Wickfield Road. Thanks.



CERTIFICATE OF POSTING

2019-0364-XA

RE: Case No.: _____

Petitioner/Developer: _____

NPR, LLC

October 4, 2019

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: _____

4428 North Point Boulevard

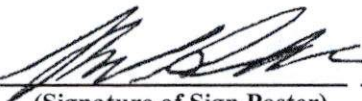
SIGN 1 Recertification

September 13, 2019

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



Sincerely,

 October 2, 2019
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0364-XA

RE: Case No.: _____

Petitioner/Developer: _____

NPR, LLC

October 4, 2019

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:

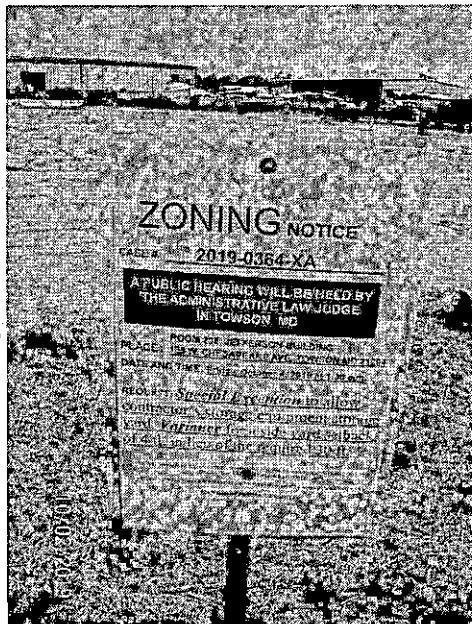
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

4428 North Point Boulevard

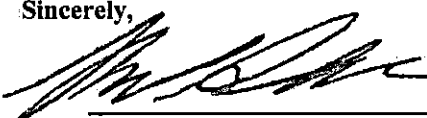
SIGN 2 Recertification

September 13, 2019

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



Sincerely,

 October 2, 2019

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

September 26, 2019

Coon & Cole-David Cole
401 Washington Ave Ste 501
Towson MD 21204

ZAC
Comments

RE: Case Number: 2019-0364-XA, 4428 North Point Boulevard

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 17, 2019. 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, appearing to read "W. Carl Richards, Jr.", written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Richardson Engineering, LLC 30 E. Padonia Road Suite 500 Timonium MD 21093

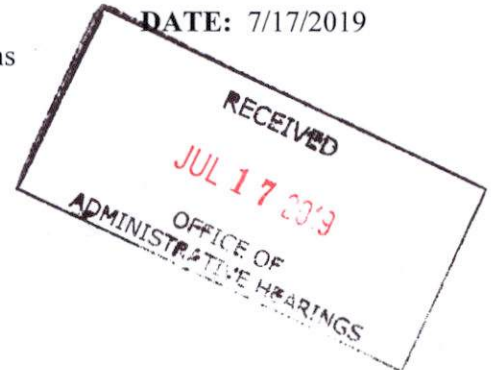
BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-364



INFORMATION:

Property Address: 4428 North Point Boulevard
Petitioner: NPR, LLC
Zoning: BR-AS, ML-IM
Requested Action: Special Exception

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A site visit was conducted on 6/27/2019.

The Department of Planning has no objection to granting the petitioned zoning relief conditioned upon the following:

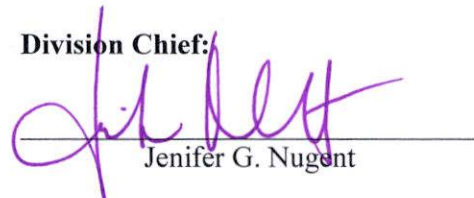
- The building and signage elevations, as well as the landscape plan are submitted for review and approval by the Department of Planning at the time of building permit.

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

Prepared by:


Jessie Bialek

Division Chief:


Jenifer G. Nugent

CPG/JGN/JAB/

c: Laurie Hay
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Patrick C. Richardson, Jr.
David Cole, Coon & Cole

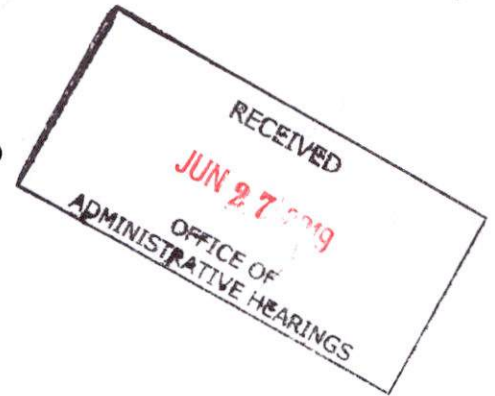
Date: 7/17/2019
Subject: ZAC # 19-364
Page 2

Office of the Administrative Hearings
People's Counsel for Baltimore County

10-4-19

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: June 27, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0364-XA
Address 4428 North Point Boulevard
(NPR, LLC Property)

Zoning Advisory Committee Meeting of **June 24, 2019**.

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

Reviewer: Steve Ford

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION

STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 6/19/19

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

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 6/19/19. A field inspection and internal review reveals that an entrance onto MD151 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Special Exception, Varinco, Case Number 2019-0364-XA.
NDR, LLC
4428 North Point Boulevard

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

Sincerely,


Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Tax Exempt: None		Special Tax Recapture: None			
Exempt Class: None					
Account Identifier:		District - 15 Account Number - 1900006881			
Owner Information					
Owner Name:		NPR LLC		Use: COMMERCIAL	
Mailing Address:		4319 CROSS BROOK DR PERRY HALL MD 21128-		Principal Residence: NO	
				Deed Reference: /41110/ 00452	
Location & Structure Information					
Premises Address:		4428 NORTH POINT RD DUNDALK 21222-		Legal Description: 28183 SQ FT 0.647 AC	
MCALLISTER-RATLIFF PROP					
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No:
0104	0021	0538	30000.04	0000	1 2018 Plat Ref: 0049/0047
Special Tax Areas: None			Town: None		
			Ad Valorem: None		
			Tax Class: None		
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
1947		3,024 SF		28,183 SF	
Property Land Area		County Use			
28,183 SF		06			
Stories	Basement	Type	Exterior	Quality	Full/Half Bath
		SERVICE GARAGE	/	C3	
Last Notice of Major Improvements					
Value Information					
Base Value		Value		Phase-in Assessments	
		As of		As of	
		01/01/2018		07/01/2019	
				As of	
				07/01/2020	
Land:	278,800	278,800			
Improvements	68,800	71,600			
Total:	347,600	350,400		349,467	
Preferential Land:	0			350,400	
Transfer Information					
Seller: RATLIFF CHARLES S		Date: 02/01/2019		Price: \$325,000	
Type: ARMS LENGTH IMPROVED		Deed1: /41110/ 00452		Deed2:	
Seller: GRALAN COMPANY		Date: 09/24/1982		Price: \$30,000	
Type: ARMS LENGTH IMPROVED		Deed1: /06437/ 00027		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2019 07/01/2020	
County:		000		0.00	
State:		000		0.00	
Municipal:		000		0.00 0.00 0.00 0.00	
Tax Exempt: None		Special Tax Recapture: None			
Exempt Class: None					
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					

CERTIFICATE OF POSTING

2019-0364-XA

RE: Case No.: _____

Petitioner/Developer: _____

NPR, LLC

October 4, 2019

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: _____

4428 North Point Boulevard

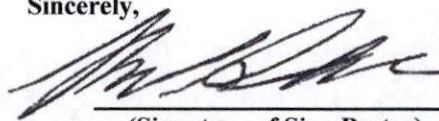
SIGN 1

September 13, 2019

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



Sincerely,

 September 13, 2019

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0364-XA

RE: Case No.: _____

Petitioner/Developer: _____

NPR, LLC

October 4, 2019

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: _____

4428 North Point Boulevard

SIGN 2

September 13, 2019

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



Sincerely,

September 13, 2019

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0364-XA

RE: Case No.: _____

Petitioner/Developer: _____

NPR, LLC

October 4, 2019
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:

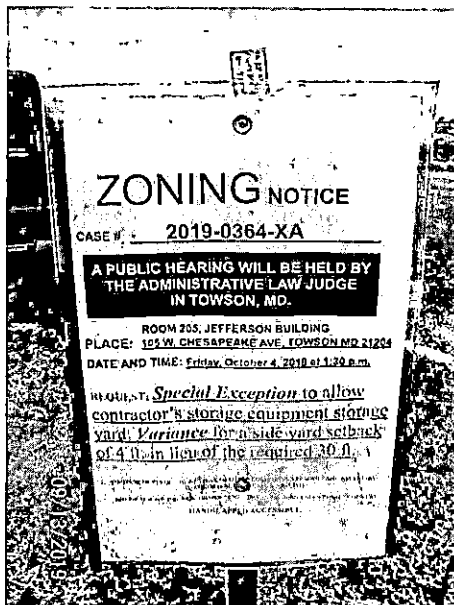
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

4428 North Point Boulevard

SIGN 1

September 13, 2019

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



Sincerely,

 September 13, 2019

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0364-XA

RE: Case No.: _____

Petitioner/Developer: _____

NPR, LLC

October 4, 2019

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:

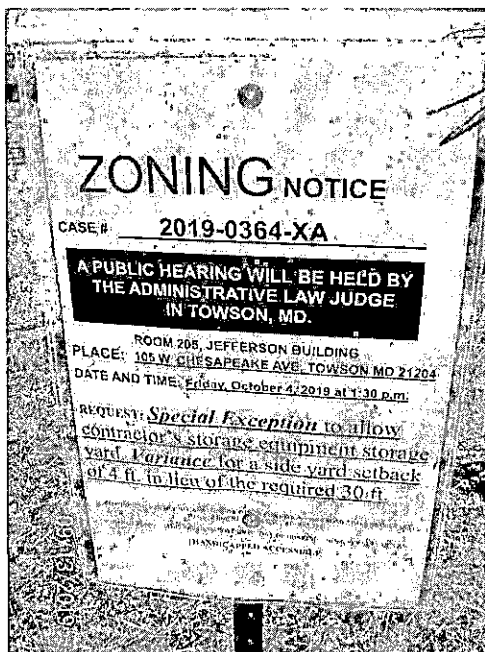
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

4428 North Point Boulevard

SIGN 2

September 13, 2019

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



Sincerely,

September 13, 2019

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

9/13/2019

Order #: 11789618
Case #: 2019-0364-XA
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2019-0364-XA



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County
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: 2019-0364-XA East side of North Point Boulevard, south of Wise Avenue 15th Election District - 7th Councilmanic District Legal Owners: NPR, LLC Special Exception to allow contractor's storage equipment storage yard. Variance for side yard setback of 4 ft. in lieu of the required 30 ft. Hearing: Friday, October 4, 2019 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204 Michael Mallinoff 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 410-837-3963. (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-837-3391. s13



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

September 4, 2019

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: 2019-0364-XA

4428 North Point Boulevard
East side of North Point Boulevard, south of Wise Avenue
15th Election District – 7th Councilmanic District
Legal Owners: NPR, LLC

Special Exception to allow contractor's storage equipment storage yard. Variance for side yard setback of 4 ft. in lieu of the required 30 ft.

Hearing: Friday, October 4, 2019 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: David Cole, 401 Washington Avenue, Ste. 501, Towson 21204
NPR, LLC, 4319 Cross Brook Drive, Perry Hall 21128
Richardson Engineering, 30 E. Padonia Road, Ste. 500, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, SEPTEMBER 13, 2019.**
- (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.

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE OFFICE
AND VARIANCE *
4428 North Point Boulevard; E/S of North * OF ADMINISTRATIVE
Point Blvd, S of Wise Avenue *
15th Election & 7th Councilmanic Districts * HEARINGS FOR
Legal Owner(s): NPR, LLC *
Petitioner(s) * BALTIMORE COUNTY
* 2019-364-XA

* * * * *

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

JUN 20 2019

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 20th day of June, 2019, a copy of the foregoing Entry of Appearance was mailed to Richardson Engineering, LLC, 30 E. Padonia Road, Suite 500, Timonium, Maryland 21093 and David Cole, Esquire, Coon & Cole, 401 Washington Avenue, Suite 501, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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 4428 North Point Boulevard which is presently zoned BR-AS & ML-IM
Deed References: 41110/452 10 Digit Tax Account # 1900006881
Property Owner(s) Printed Name(s) NPC, 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. 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
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)

TO BE PRESENTED AT THE HEARING

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Coon & Cole- David Cole
Name- Type or Print _____
Signature _____
401 Washington Avenue, Ste 501 Towson MD
Mailing Address _____ City _____ State _____
21204 / 410-244-8800 / dhc@cooncolelaw.com
Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

NPR, LLC /
Name #1 - Type or Print _____ Name #2 - Type or Print _____
Signature #1 _____ Signature #2 _____
4319 CROSS BROOK DR PERRY HALL MD
Mailing Address _____ City _____ State _____
21128 / 410-344-6471 / chuck@platinumautoandtruck.com
Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

Richardson Engineering, LLC
Name - Type or Print _____
Signature _____
30 E. Padonia Road, Suite 500 Timonium MD
Mailing Address _____ City _____ State _____
21093 / 410-560-1502 / Rick@RichardsonEngineering.net
Zip Code _____ Telephone # _____ Email Address _____

CASE NUMBER 2019-0364-1A Filing Date 6/12/19

Do Not Schedule Dates: _____ Reviewer gh

REV. 10/4/14

SPECIAL EXCEPTION
ZONING DESCRIPTION
4428 NORTH POINT BOULEVARD
15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the East side of North Point Boulevard, 120 feet wide right-of-way; at a distance of 574' +/- South of the centerline of the nearest improved intersecting street Wise Avenue, which is 25' wide right-of-way; thence binding on said East side of North Point Boulevard and running the following courses and distances, (1) North 80 degrees 11 minutes 53 seconds East 124.20 feet, (2) North 71 degrees 3 minutes 52 seconds East 150.00 feet, (3) South 18 degrees 55 minutes 7 seconds East 98.72 feet, (4) South 70 degrees 52 minutes 34 seconds West 165.91 feet, (5) South 80 degrees 26 minutes 41 seconds West 127.80 feet, and (6) North 7 degrees 45 minutes 09 seconds West 100.05 feet, to the point of beginning as recorded as, being part of Lot #1 in the subdivision Plat "McAllister-Ratliff Property" as recorded in Plat Book 49, Folio 47.

Containing an area of 28,267 square feet or 0.65 acres of land, more or less.



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 NUMBER 16597,
EXPIRATION DATE: 08-15-2019

2019-0364-XA

Case No.:

2019-0364-XA

Exhibit Sheet

11-8-19
lowBen
10-8-19

Petitioner/Developer

Protestants

No. 1	deed & attached plot	
No. 2	photos in July 2018 old building	and as it now
No. 3	aerial view of site & surrounding	
No. 4	letter dated to PPR- INCO	
No. 5	plot to occupy young plot	
No. 6	03 22 11	
No. 7	2008-05799 AX	
No. 8	Boundary survey	
No. 9		
No. 10		
No. 11		
No. 12		

Lawyers Trust Title Company
File No. 18-812MSH
Tax ID # (15)-19-00-006881

LR - Deed (w Taxes)
Recording only \$120.00
Name: NPR LLC
Ref: LR - Deed (with Taxes)
Surcharge 40.00
LR - Deed State
Transfer Tax 1,685.00
LR - NR Tax - 1kd 0.00
SubTotal: 2,685.00
Total: 1,685.00
02/01/2019 02:33
#1506271 CC03-56
Baltimore
County/CC03.01.03 -
Register 03

This Deed, made this 12th day of January, 2019, by and between James Ratliff,
Personal Representative of the Estate of Betty Ann Ratliff known of record as Betty A. Ratliff,
GRANTOR, and NPR, LLC, a Maryland limited liability company, GRANTEE.

Whereas, on April 5, 2018, the Orphans' Court of Baltimore County, State of Maryland (the "Court") granted administration of the Estate of Betty Ann Ratliff (the Decedent) to James Ratliff as Personal Representative of the Estate of the Decedent in Estate No. 198077.

Whereas, Grantor in the capacity as Personal Representative in the Estate of the Decedent has complete and full power and authority by law, to grant and convey the entire fee simple interest in the hereinafter described property; and

Whereas, as part of the administration of the Estate of the Decedent, Grantor desires to convey the entire fee simple estate in the hereinafter described property to the Grantee.

- **Witnesseth** -

That in consideration of the sum of Three Hundred Twenty-Five Thousand And 00/100 Dollars (\$325,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantor as Personal Representative as the Estate of the Decedent, does hereby grant and convey to NPR, LLC, in fee simple, all that lot of ground situate in the County of Baltimore, State of Maryland and described as follows, that is to say:

Being known and designated as Lot 1 as shown on a Plat entitled "Subdivision McAllister-Ratliff Property", which Plat is recorded among the land Records of Baltimore County in Plat Book EHK, Jr. No. 49, folio 47. The improvements thereon being known as 4428 North Point Boulevard.

Being the same property, which by deed dated September 23, 1982 and recorded among the Land Records of Baltimore County in EKH, Jr. 6437 at Folio 027, was granted and conveyed by The Gralan Company unto Charles S. Ratliff and Betty A. Ratliff. The said Charles S. Ratliff having departed this life on April 12, 1989 thereby vesting title unto Betty A. Ratliff. The said Betty A. Ratliff having departed this life on February 15, 2018. See Baltimore County Estate No. 198077 where James Ratliff having been appointed Personal Representative of the Estate of Betty A. Ratliff.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said NPR, LLC, a Maryland limited liability company, its successors and or assigns, in fee simple.

And Grantor does hereby covenant to execute such further assurances of title requisite.

PETITIONER'S

EXHIBIT NO. 1

Witness the hand and seal of Grantor the day and year first above written.
James Ratliff, Personal Representative
of the Estate of Betty Ann Ratliff
By: James Ratliff, Personal Representative
of the Estate of Betty Ann Ratliff

STATE OF MARYLAND
COUNTY OF BALTIMORE

I hereby certify that on this 17th day of January, 2019 before me, the undersigned officer, a Notary Public in and for the State aforesaid, personally appeared James Ratliff, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument, and acknowledged himself to be the Personal Representative of the Estate of Betty Ann Ratliff and who, in my presence, signed and sealed the foregoing Deed and acknowledged it to be his act and deed as Personal Representative of the foregoing Estate, giving oath under penalties of perjury that the consideration recited herein is correct.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Notary Public
My commission expires 6-23-2021

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

Attorney

Paul Jednorski

AFTER RECORDING, PLEASE RETURN TO:
Lawyers Trust Title Company
901 Dulaney Valley Rd
Suite 708
Towson, MD 21286

MARYLAND
FORM
WH-AR

**Certification of Exemption from Withholding Upon
Disposition of Maryland Real Estate Affidavit of
Residence or Principal Residence**

2019

Based on the certification below, Transferor claims exemption from the tax withholding requirements of §10-912 of the Tax-General Article, Annotated Code of Maryland, Section 10-912 provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change

in ownership of real property is presented for recordation. The requirements of §10-912 do not apply when a transferor provides a certification of Maryland residence or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor James Rutliff, P.R. of the estate of Betty Ann Rutliff

2. Description of Property (Street address. If no address is available, include county, district, subdistrict and lot numbers).

4428 North Point Blvd.

3. Reasons for Exemption

Resident Status

☐

As of the date this form is signed, I, Transferor, am a resident of the State of Maryland.

☒

Transferor is a resident entity as defined in Code of Maryland Regulations (COMAR)03.04.12.028(11), I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.

Principal Residence

☐

Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC 121 (principal residence for 2 (two) of the last 5 (five) years) and is currently recorded as such with the State Department of Assessments and Taxation.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3a. Individual Transferors

Witness

Name

**Date

Signature

3b. Entity Transferors

Witness/Attest

Name of Entity

James S Rutliff Personal Representative of the estate of Betty Ann Rutliff

By

James S Rutliff

Name

11/17/19

**Date

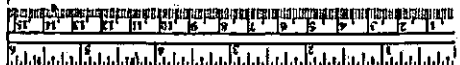
Title

** Form must be dated to be valid.

Note: Form is only valid if it was executed on the date the Property was transferred and is properly recorded with the Clerk of the Court.

To the Clerk of the Court: Only an un-altered Form WH-AR should be considered a valid certification for purposes of Section 10-912.

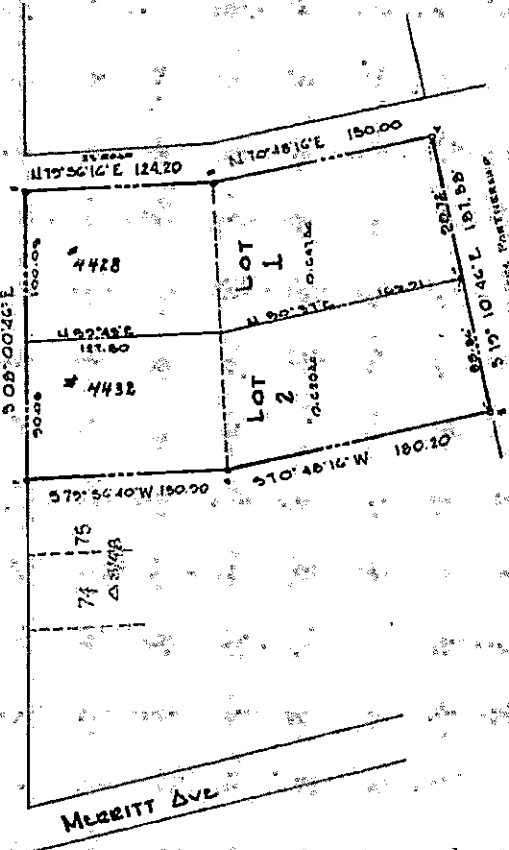
18-812MSH



COORDINATES		
No	SOUTH	EAST
1	15244.51	4310.14
2	15244.52	4310.14
3	15244.53	4310.14
4	15244.54	4310.14
5	15244.55	4310.14
6	15244.56	4310.14
7	15244.57	4310.14
8	15244.58	4310.14
9	15244.59	4310.14
10	15244.60	4310.14

Palto Co. Telephone Systems
8000 11110

NORTH POINT BOULEVARD
150' 0" W



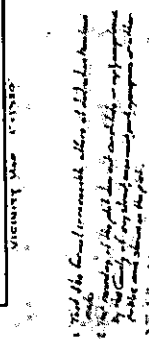
ENL. JR. 49 FOLIO 47

FILED FOR RECORD
Date: AUG 28 1962
City

[Signature]

QUINCE
Roy H. McAllister
4125 Union City Highway
Baltimore, MD

WATERBURY 55
COLUMBIA TRUST 4524
QUINCE, JOHN 42



Find the final monumentation of the lot lines...
NOTE: This plat contains a subdivision of Lot 15.16...
Zoning: R-10-C-1
Gross Acreage: 1.267 ac.
Lot 1: 0.647 ac.
Lot 2: 0.620 ac.

SUBDIVISION
McAllister-Katuff Property
United Point, Baltimore
15" SECTION DIST. BALTO CO. MD
Scale: 1" = 50' Date: 8-1-62

APPROVED
[Signature]
DIRECTOR, PUBLIC WORKS
DATE: 8/1/62

[Signature]
DIRECTOR, PLANNING & ZONING
DATE: 8/1/62

[Signature]
DIRECTOR, UTILITIES
DATE: 8/1/62

QUINCE'S Certificate
This document is a Certificate of Survey...
DATE: 8/1/62

SURVEYOR'S Certificate
I, the undersigned, a duly Licensed Surveyor...
DATE: 8/1/62



1000 SSU 1960 7385 49-47

10/4/2019

North Point Blvd - Google Maps

Google Maps North Point Blvd



Image capture: Jul 2018 © 2019 Google

Edgemere, Maryland



Street View - Jul 2018

PETITIONER'S

EXHIBIT NO.

2













EXHIBIT NO.

3

Michael H. Spivey
Rebecca L. Spivey
4432 North Point Road
Baltimore, Maryland 21222

NPR, LLC
4428 North Point Road
Baltimore, Maryland 21222
Attn: Pete Forakis

Re: 4428 North Point Road, Baltimore, Maryland

Dear Pete:

This will confirm that we own the improved real property located at 4432 North Point Road, immediately adjacent to your property.

This will further confirm that we **APPROVE** your petition for certain zoning relief, including the following:

1. A special exception to use the property as a contractor's yard; and
2. Variances to reduce the front yard setback to 30' and the side yard setback to 4'.

Very truly yours



Michael H. Spivey

with dog neighbor

PETITIONER'S

EXHIBIT NO. 4

IN RE: PETITION FOR VARIANCE
E/S North Point Boulevard, 640' S
centerline of Wise Avenue
15th Election District
7th Councilmanic District
(4432 North Point Boulevard)

Rebecca L. & Michael H. Spivey
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-224-A

*
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Rebecca L. and Michael H. Spivey. The Petitioners are requesting variance relief for property they own at 4432 North Point Boulevard located in the Dundalk area of Baltimore County. The variance request is to permit a side yard setback of 2 ft. and 4 ft. in lieu of the required 30 ft. and to waive the required 6-ft. parking set backs against adjacent commercial properties.

Appearing at the hearing on behalf of the variance request were Michael Spivey, owner of the property and Paul Gietka. There were no protestants or others in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.68 acres, more or less, zoned BR-AS. The property is improved at this time with two single-family residential dwellings. Mr. Spivey has owned the property for the past five years and currently rents those single-family homes out to tenants. He is interested in tearing down the two old residences and constructing a new commercial building in their place. Mr. Spivey intends to operate his commercial business from the subject site. He is in the business of repairing engines and boat motors and their out-drives and intends to relocate his business to this site. In order to proceed with the construction of this new commercial building, the variance relief as previously specified is necessary.

PETITIONER' S

EXHIBIT NO. 6

1/2/03
S. P. Spivey

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

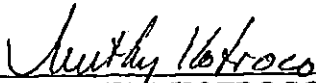
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, this 7th day of January, 2003, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 238.2 of the Baltimore County Zoning Regulations, to permit a side yard setback of 2 ft. and 4 ft. in lieu of the required

30 ft. and to waive the required 6-ft. parking set backs against adjacent commercial properties, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

January 7, 2003

Mr. & Mrs. Michael H. Spivey
7206 Waldman Avenue
Baltimore, Maryland 21222

Re: Petition for Variance
Case No. 03-224-A
Property: 4432 North Point Boulevard

Dear Mr. & Mrs. Spivey:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

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

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4437 NORTH POINT BLVD

which is presently zoned BR-AS

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 238.2 to permit side yard setback of 2 and 4 feet in lieu of the required 30 feet and Condition B, standard 1B of the Landscape Manual - to waive the required 6 foot parking setbacks against adjacent commercial property

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

To be discussed at hearing

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

MICHAEL H. SPIVEY

Name - Type or Print

Signature

REBECCA L. SPIVEY

Name - Type or Print

Signature

7206 WALDMAN AVE 410-282-6339

Address

Telephone No.

BALTIMORE

MD

21219

City

State

Zip Code

Representative to be Contacted:

MICHAEL H. SPIVEY

Name

7206 WALDMAN AVE 410-282-6339

Address

Telephone No.

BALTIMORE

MD

21222

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By _____ Date _____

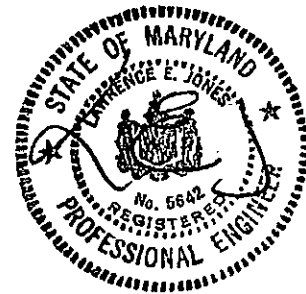
Case No. 03-224-A

REV 8/15/98

ZONING DESCRIPTION FOR 4432 NORTH POINT BOULEVARD

Beginning at a point on the East side of North Point Boulevard, which is 120 feet wide at the distance of 640 feet South of the centerline of Wise Avenue which is 30 feet wide.

Being Lot Number 2, in the subdivision of the McAllister-Ratliff Property as recorded in Baltimore County Plat Book 49 Folio 47, containing 27,007 square feet. Also known as 4432 North Point Boulevard and located in the 15th Election District, 7th Councilmanic District.



Item #224

NOTICE OF ZONING HEARING

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

Case: #03-224-A

4432 North Point Blvd.

E/side North Point Blvd. 640 feet south of centerline

Wise Avenue

15th Election District

7th Councilmanic District

Legal Owner(s): Michael and Rebecca Spivey

Variance: to permit side yard setback of 2 and 4 feet in lieu of the required 30 feet and condition B, standard 1B of the landscape manual to waive the required 6 feet parking setbacks against adjacent commercial property.

Hearing: Monday, January 6, 2003 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

12/18/02 Dec. 19

0579475

CERTIFICATE OF PUBLICATION

12/19/ 2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/19/ 2002.

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

J. Wilkinson

LEGAL ADVERTISING

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. 16370

DATE 11/6/02 ACCOUNT 001 006 6150
AMOUNT \$ 250⁰⁰

RECEIVED
FROM: _____

FOR: Zoning hearing - case # 03-224-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME
11/07/2002	11/06/2002	14:40:05
REG MS02	MAIL	JEVA JEE DRAMER 2
>>RECEIPT # 233868		11/06/2002 OFLN
Dept	5 528 ZONING VERIFICATION	
CR NO.	016370	

Recpt Tot \$250.00
250.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 03-224-A

Petitioner/Developer: MICHAEL F

REBECCA SPIVEY

Date of Hearing/Closing: 1/6/03

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

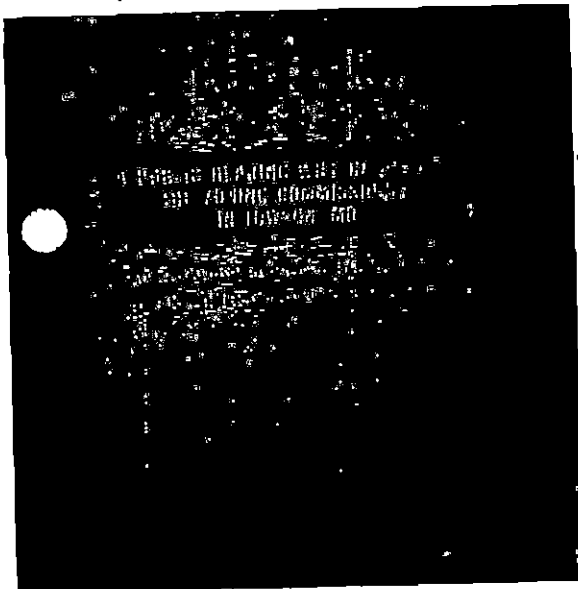
Attention: Ms. Gwendolyn Stephens

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 4432 NORTH POINT BLVD

The sign(s) were posted on 12/20/02
(Month, Day, Year)

Sincerely,



[Signature] 12/20/02
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

December 10, 2002

NOTICE OF ZONING HEARING

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

CASE NUMBER: 03-224-A

4432 North Point Blvd.

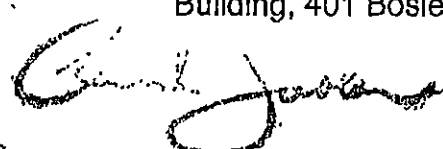
E/side North Point Blvd. 640 feet south of centerline Wise Avenue

15th Election District – 7th Councilmanic District

Legal Owner: Michael and Rebecca Spivey

Variance to permit side yard setback of 2 and 4 feet in lieu of the required 30 feet and condition B, standard IB of the landscape manual to waive the required 6 feet parking setbacks against adjacent commercial property.

Hearings: Monday, January 6, 2003 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue



Arnold Jablon
Director

AJ:rlh

C: Mr. and Mrs. Michael Spivey, 7206 Waldman Avenue, Baltimore 21219

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, DECEMBER 20, 2002.
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Thursday, December 19, 2002 Issue - Jeffersonian

Please forward billing to:
George D. McClelland 410-477-9136
25 Waterview Road
Baltimore, MD 21227

NOTICE OF ZONING HEARING

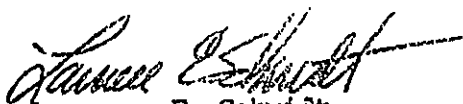
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 03-224-A

4432 North Point Blvd.
E/side North Point Blvd. 640 feet south of centerline Wise Avenue
15th Election District – 7th Councilmanic District
Legal Owner: Michael and Rebecca Spivey

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Hearings: Monday, January 6, 2003 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 03-224-A
Petitioner: George D. McClelland
Address or Location: 25 Waterview Rd Baltimore MD 21222

PLEASE FORWARD ADVERTISING BILL TO:

Name: George D. McClelland
Address: 25 Waterview Rd
Baltimore, MD 21222
Telephone Number: 410-477-9136

Revised 2/20/98 - SCJ



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

January 3, 2003

Mr. and Mrs. Michael H. Spivey
7206 Waldman Avenue
Baltimore, MD 21222

Dear Mr. and Mrs. Spivey:

RE: Case Number: 03-224-A, 4437 North Point Blvd.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 6, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rlh

Enclosures

c: People's Counsel

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



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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS/TGS*

DATE: January 14, 2003

Zoning Petitions

Zoning Advisory Committee Meeting of December 9, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

224, 225, 229, 233, 234, 237, 239, 240



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 12.6.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 224 RDD

Dear Mr. Zahner:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 151, are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

December 11, 2002

ATTENTION: George Zahner

Property Owner:

Location:

Item No.: Distribution Meeting of 12/9/02

Dear Mr. Zahner:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Marshal's Office has no comments at this time, in reference to the following items:

224240

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File



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on Recycled Paper

Visit the County's Website at www.baltimorecountyonline.info



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

November 20, 2002

ATTENTION: George Zahner

Property Owner:

Location:

Item No.: ZAC Dist. Meeting of 11/18/2002

Dear Mr. Zahner:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Marshal's Office has no comments at this time, in reference to the following items:

203-209, 211-227

224

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File



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on Recycled Paper

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BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits &
Development Management

DATE: January 17, 2003

FROM: *RWB* Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For December 16, 2002
Item Nos. 224, 225, 228, 229, 230, 231,
232, 233, 234, 235, 236, 238, 239, and
240

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

RWB:CEN:jrb

cc: File

RE: PETITION FOR VARIANCE	*	BEFORE
4432 North Point Boulevard		
E/side North Point Blvd, 640 ft S of Ctrline	*	ZONING COMMISSIONER
Wise Avenue		
15 th Election District	*	FOR
7 th Councilmanic District		
Legal Owner: Michael & Rebecca Spivey	*	BALTIMORE COUNTY
Petitioner(s)		
	*	03-224-A

* * * * *

ENTRY OF APPEARANCE

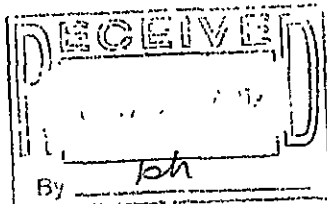
Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

Peter Max Zimmerman
 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

Carole S. Demilio
 CAROLE S. DEMILIO
 Deputy People's Counsel
 Old Courthouse, Room 47
 400 Washington Avenue
 Towson, MD 21204
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of December, 2002, a copy of the foregoing Entry of Appearance was mailed to, Michael and Rebecca Spivey, 7206 Waldman Avenue, Baltimore, MD 21222, Petitioners.



Peter Max Zimmerman
 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County



Maryland Department of Planning

Parris N. Glendening
Governor
Kathleen Kennedy Townsend
Lt. Governor

Roy W. Kienitz
Secretary
Mary Abrams
Deputy Secretary

December 11, 2002

Mr. George Zahner
Baltimore County Department of Permits and Development Management
Count Office Building
111 West Chesapeake Avenue, Room 111
Mail Stop # 1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, 12/16/02 re: case numbers 03-224-A, 03-225-SPH, 03-226-SPH, 03-228-A, 03-229-A, 03-230-A, 03-231-SPH, 03-232-SPH, 03-233-SPHA, 03-234-A, 03-235-SPHA, 03-236-A, 03-237-A, 03-238-A, 03-239-A, 03-240-A

Dear Mr. Zahner:

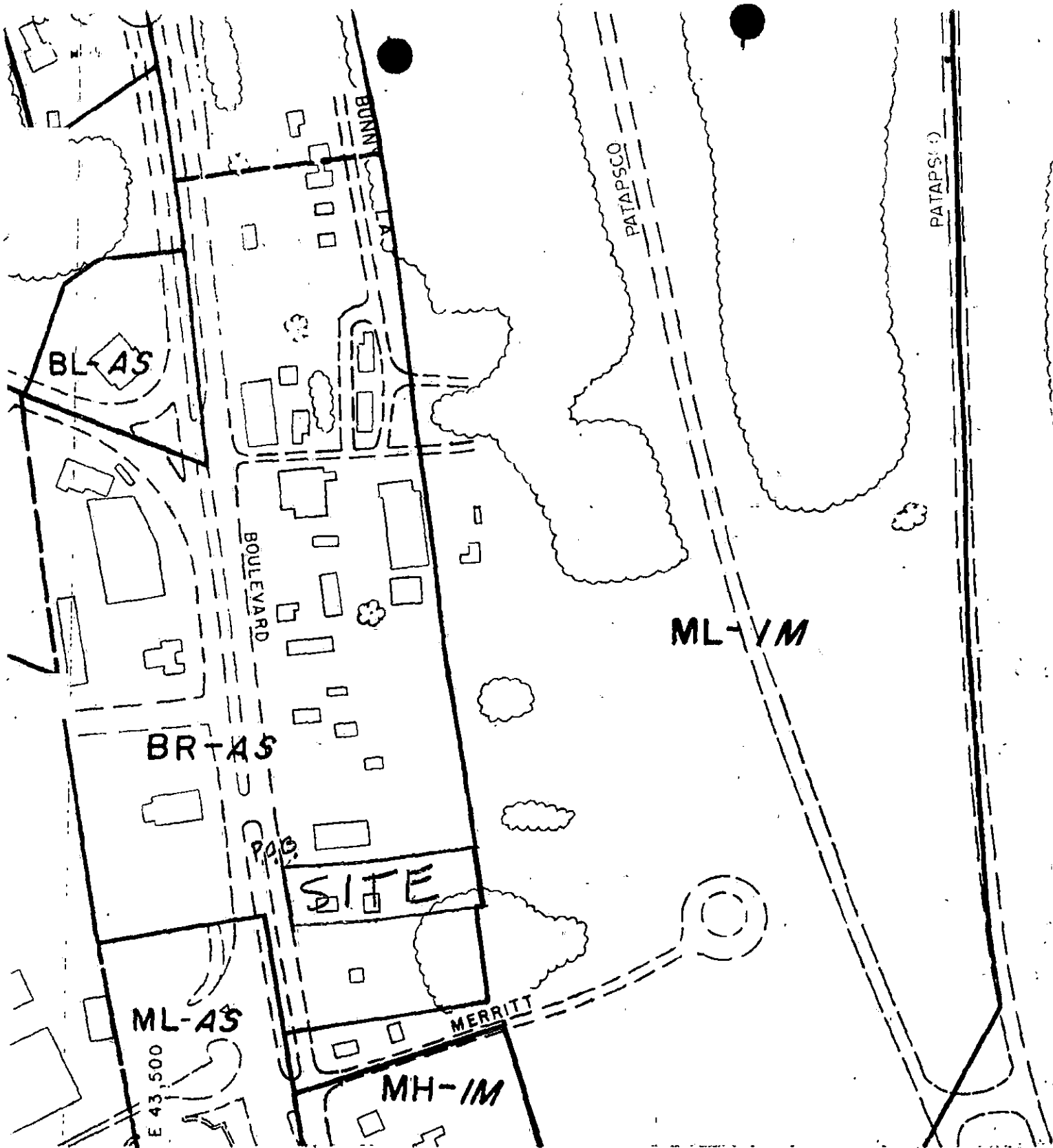
The Maryland Department of Planning has received the above-referenced information on 12/11/02. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto
Manager
Metropolitan Planning
Local Planning Assistance Unit

cc: Mike Nortrup



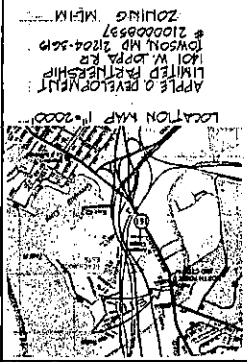
SE
4-4
Item #224

BALTIMORE
OFFICE OF PL
OFFICIAL

PART TO ACCOMMODATE
 VARIANCE AND BUILDING PERMIT
 4432 NORTH POINT BOULEVARD
 DALLAMORE, ND 12119
 ACCOUNT NO. 19000006002
 Owners: Michael H. & Rebecca L. Spruay
 7202 WYNNE AVE.
 MAP AS 4th ZONED: BR-49, PUBLIC UTILITIES & SERVICES
 15th Section Dist. 7, 27.007 S.E., 0.62 Acres
 Gross Area: 27.007 + 27.007 S.E., 27.007 S.E., 0.62 AC
 F.A. A.C. 4.000 L. 29.071 = 0.16
 Site is NOT in the CSEA, 1.000 Yr. Roadway or, Historic Area
 NO PRIOR ZONING CHANGES ON SITE
 SCALE: 1" = 20'
 DATE: 11-4-2002
 JAMES ASSOCIATES CONSULTING ENGINEERS
 444 BROADWAY DRIVE
 TOWSON, MD 21286
 TELEPHONE: 410-296-1111

1. 5. 19

PARKING DATA
NET, BOAT ENGINE REPAIR
BUILDING AREA, 6,000 SF
OFFICE AREA 288 SF x 9,911,000 SF x
4 EMPLOYEES (1 PER EMPLOYEE = 4
TOTAL REQUIRED, 4 SPACES
TOTAL PROVIDED, 7 SPACES
TYPICAL SPACE, 0.5 x 1.0
PAVING TYPE, MACADAM
SPACES PERMANENTLY STIPPLED



CHARLES S. & BETTY A. KATLIPP
4428 NORTH POINT BLVD
BALTIMORE, MD 21219-1004
#1900006881
ZONING: B2-AS

CHARLES FRONTEND SERVICE

NORTH POINTE BLVD 120' RM
North Pointe Lane

CONCEPT-MEDIAN

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

E side of North Point Blvd., 451 feet N
of Merritt Lane
15th Election District
7th Councilmanic District
(4420 North Point Blvd.)

Charles S. and Betty A. Ratliff
Petitioners
Edwin and Dorothy Hayes
Contract Purchasers

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* **Case No. 2008-0539-SPHX**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Special Exception filed by Charles S. Ratliff (deceased) and Betty A. Ratliff, the legal property owners, and Edwin and Dorothy Hayes, the contract purchasers. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to determine that an asbestos, lead, and mold remediation and demolition contractor's equipment storage constitutes a contractor's equipment storage yard pursuant to Section 101 of the B.C.Z.R. The Special Exception is to allow a contractor's equipment storage yard in a B.R. Zone in accordance with Section 236.4 of the B.C.Z.R. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing and special exception were Petitioners Edwin and Dorothy Hayes, the contract purchasers. Leslie M. Pittler, Esquire, appeared and represented Petitioners, and Betty Ratliff also appeared. Also appearing in support of the requested relief was Kenneth Colbert, with Colbert Matz Rosenfelt,

PETITIONER'S

EXHIBIT NO. 7

STAMP RECEIVED FOR FILED

8-13-08

B

Inc., the professional engineer who prepared the site plan. There were no Protestants or other interested citizens in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is L-shaped and consists of approximately 45,738 square feet or 1.05 acre, more or less, zoned B.R.-A.S. The property is located on the east side of North Point Boulevard, south of Wise Avenue, in the Sparrows Point area of Baltimore County. As shown on the site plan, the property is actually made up of three separate parcels. Parcel 219, Lot 11 (0.31 acre) is situated along North Point Boulevard and has an entry way directly to the road. This parcel is proposed to be improved with a one-story 1,600 square foot warehouse for administrative offices and storage. Parcel 491 (0.28 acre) is located to the east of (directly behind) Parcel 219. It is currently unimproved and is proposed for the contractor's equipment storage yard. Parcel 212 (0.46 acre) is located to the north of (directly above) Parcel 491 and is also proposed for the contractor's equipment storage yard.

Petitioners Edwin and Dorothy Hayes have owned and operated A-1 Demolition for approximately 20 years. They have operated at the subject location for approximately the last 10 years. Petitioners recently became interested in purchasing the subject property and according to Mr. Pittler, settlement on the property already occurred between Mr. and Mrs. Hayes and Betty Ratliff and Petitioners are now the legal owners of the property. Because Petitioners are now owners of the property and because they wish to make certain improvements to the property in order to increase the efficiency of their business and enhance the appearance of the site, they desire to legitimize the existing conditions and uses on the site; hence the Petitions for Special Hearing and Special Exception.

Petitioners' business specializes in demolition, removal, and temporary storage of hazardous materials including asbestos abatement and mold and lead paint removal. The company also performs general demolition services that do not require the stringent demolition and storage

procedures that accompany hazardous materials abatement. The company utilizes closed trailers for the temporary storage of the hazardous materials and dumpsters for non-hazardous general demolition. The company also stores general construction equipment as well as equipment specifically for hazardous material removal. The company is certified by the Maryland Department of the Environment (MDE) and is re-certified each year. As such, MDE will visit the site each year and inspect various aspects of hazardous materials storage to ensure compliance with MDE standards.

As shown on the aerial photograph that was marked and accepted into evidence as Petitioners' Exhibit 2, the surrounding area is a mix of industrial and commercial uses. To the west of the subject property are large, heavy industrial uses. The aerial photograph that was marked and accepted into evidence as Petitioner's Exhibit 3 shows a closer view of the subject property and surrounding businesses. These include a metal processing company, a crane company, a rental systems company, a general contractor, and an auto service business. There is also a lumber and hardware company, another auto repair business, a marine service business, and a used car sales lot. Located to the east, behind the subject property is a wooded area that backs up to Interstate 695 and the Amtrak railroad tracks. A zoning map marked and accepted into evidence as Petitioners' Exhibit 4 shows the zoning in the area to be predominantly business and manufacturing, including B.L., B.M., B.R., M.L., and M.H., with portions having an A.S. and I.M. overlay.

Photographs of the site which were marked and accepted into evidence as Petitioners' Exhibit 5 show the appearance of the site and the surrounding properties. Two photographs labeled "site frontage" depict the front parcel (Parcel 219, Lot 11) with the 1,600 foot warehouse that has been constructed pursuant to Baltimore County permit number B698070. The photographs labeled "rear parcels" depict the other two parcels (Parcels 491 and 212) where the

contractor's equipment storage yard is proposed. It is apparent based on the photographs that the site is well maintained and organized. Debris is placed in closed containers or dumpsters, depending on whether the debris consists of hazardous materials or general demolition materials. The photo labeled "containers" shows the containers that are used to temporarily store the hazardous materials.

In addressing the special hearing to determine whether Petitioners' storage of asbestos, lead, and mold materials and demolition and remediation equipment constitutes a contractor's equipment storage yard pursuant to Section 101 of the B.C.Z.R., Petitioners' consulting engineer, Kenneth Colbert, testified at the hearing. Mr. Colbert is a registered professional engineer in the State of Maryland and has practiced in the field of civil engineering and site planning and land development for approximately 40 years. He has testified extensively as an expert in the field of civil engineering and land development before this Commission and the Board of Appeals. He was offered and accepted as an expert in this case.

A Contractor's Equipment Storage Yard is defined in Section 101 of the B.C.Z.R. as follows:

The use of any space, whether inside or outside a building, for the storage or keeping of contractor's equipment or machinery, including building materials storage, construction equipment storage or landscaping equipment and associated materials.

Mr. Colbert indicated that Petitioners utilize the subject property, and specifically Parcels 491 and 212, to store their construction equipment related to their general demolition work and their demolition and removal of hazardous materials. He also indicated that Petitioners utilize the parcels to temporarily store the hazardous materials in the closed storage trailers, in compliance with MDE requirements, and to store general demolition materials in dumpsters. Mr. Colbert

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offered his opinion that these activities are consistent with the definition of a Contractor's Equipment Storage Yard.

~~Mr. Colbert then addressed the Special Exception criteria set forth in Section 502.1 of the~~ B.C.Z.R. pertaining to the request to use the property as a contractor's equipment storage yard in a B.R. Zone pursuant to Section 236.4 of the B.C.Z.R. Mr. Colbert opined that the use would not be detrimental to the health, safety or general welfare of the locale. The manner in which the materials are handled and stored will not result in any negative impacts to the surrounding community. Mr. Colbert also indicated that the use would not have a negative impact on any of the other 502.1 criteria, and in particular would not be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of the Zoning Regulations. And again, based on the manner in which materials are handled and stored, Mr. Colbert opined that the use would not be detrimental to the environmental and natural resources of the site and vicinity. In addition, the site is sufficiently screened from other properties with landscaping and fencing so as not to cause any adverse impact.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated June 26, 2008 which indicates that the site currently has stored on it a number of dumpsters full of plastic bags, as well as building material debris, pieces of mechanical equipment, lumber (under a large storage roof) and two closed truck trailers. There is a mixture of industrial, retail and office uses proximate to the site. The Planning Office recommends that Petitioner clean up and clear the existing site to meet the description on the site plan. Provide a clear and accurate description of the procedures for transporting, unloading and storing the referenced materials, so as to convince the Zoning Commissioner that there will be no contamination of the subject property or adjacent properties.

8-13-08
B7

Based on the testimony and evidence presented, I am persuaded to grant the special hearing relief. I agree with the uncontroverted testimony of Petitioner's expert, Mr. Colbert, that the storage of Petitioners' construction equipment related to their general demolition work and their demolition and removal of hazardous materials, the temporary storage of the hazardous materials in the closed storage trailers -- in compliance with MDE requirements, and the storage of general demolition materials in dumpsters, are consistent with the definition of a Contractor's Equipment Storage Yard in Section 101 of the B.C.Z.R..

I am also persuaded to grant the requested special exception relief pursuant to Section 236.4 of the B.C.Z.R. Again, the testimony is uncontroverted that Petitioners' use of the property will not have any detrimental impacts on the criteria set forth in Section 502.1 of the B.C.Z.R. I am convinced that as long as the site is well kept and maintained, that all equipment and materials are properly stored and the property secured, and that storage of hazardous materials is in compliance with the standards required by the MDE, that the use can be permitted with no adverse impacts on the surrounding community.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and after considering the testimony and evidence offered by Petitioners, I find that Petitioners' request for special hearing and special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 13th day of August, 2008 that Petitioners' request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to determine that an asbestos, lead, and mold remediation and demolition contractor's equipment storage constitutes a contractor's equipment storage yard pursuant to Section 101 of the B.C.Z.R. be and is hereby GRANTED.

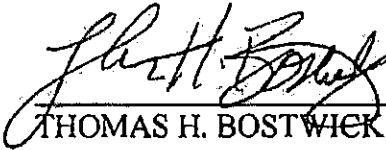
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8-13-08
1027

IT IS FURTHER ORDERED that the request for Special Exception to allow a contractor's equipment storage yard in a B.R. Zone in accordance with Section 236.4 of the B.C.Z.R. be and is hereby GRANTED.

This Order is subject to the following restrictions which are conditions precedent to the relief granted herein:

1. Petitioners may apply for permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioners shall properly maintain the site and keep the site well organized and clear of unnecessary debris, with the storage of construction and demolition equipment in designated areas, and the storage of general demolition materials and hazardous materials in designated areas and in proper dumpsters or closed trailers.
3. Petitioners shall maintain their certification with the Maryland Department of the Environment (MDE) for the demolition, remediation, and temporary storage of hazardous materials. Petitioner shall comply with all MDE standards and/or requirements.
4. Petitioners shall permit the property to be subject to inspections by the Baltimore County Division of Code Inspections and Enforcement to ensure that the site is well maintained and in compliance with all County Codes and Regulations.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

STAMP RECEIVED PER PERMIT
8.13.08
127



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at: 4420 NORTH POINT BOULEVARD

which is presently zoned BR AS

Deed References 6975/321 and 6913/126 Tax Account # 1800008238, 1512201463, and 1512201462

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

Special Hearing to determine that an asbestos, lead, and mold remediation and demolition contractor's equipment storage is a contractor's equipment storage yard pursuant to Section 101 of the BCZR.

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

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

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

Contract Purchaser/Lessee:

Edwin and Dorothy Hayes

Name - Type or Print

Signature Edwin Hayes Dorothy Hayes

525 Bayside Drive

443-992-3276

Address.

Telephone No.

Baltimore

MD 21222

City

State Zip Code

Attorney For Petitioner:

Les Pittler

Name - Type or Print

Signature Les Pittler

Company

25 Wandsworth Bridge Way

410-823-4455

Address

Telephone No.

Lutherville

MD 21093

City

State Zip Code

Case No. 2000-0539-SPHX

Legal Owner(s):

Charles S Ratliff

Name - Type or Print

Signature deceased

Betty A Ratliff

Name - Type or Print

Signature Betty A. Ratliff

4428 North Point Boulevard

410-477-8160

Address.

Telephone No.

Baltimore

MD 21219

City

State Zip Code

Representative to be Contacted:

Kenneth J Colbert

COLBERT MATZ ROSENFELT, INC

2835 Smith Avenue, Suite G

410-653-3838

Address

Telephone No.

Baltimore

MD 21209

City

State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By CM Date 05-19-00

8-13-00
8-13-00



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at: 4420 North Point Boulevard

which is presently zoned BR AS

Deed Reference 6975/321 and 6913/126 Tax Account # 1800008238, 1512201463, 1512201462

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

A contractor's equipment storage yard in a BR zone in accordance with Section 236.4 of the BCZR.

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

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

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

Contract Purchaser/Lessee:

Edwin and Dorothy Hayes

Name - Type or Print

Edwin Hayes Dorothy Hayes

Signature

525 Bayside Avenue

443-992-3276

Address

Telephone No.

Baltimore

MD 21222

City

State Zip Code

Attorney For Petitioner:

Les Pittler

Name - Type or Print

Les Pittler

Signature

Company

25 Wandsworth Bridge Way

410-823-4455

Address

Telephone No.

Lutherville

MD 21093

City

State Zip Code

Legal Owner(s):

Charles S Ratliff

Name - Type or Print

deceased

Signature

Betty A Ratliff

Name - Type or Print

Betty A. Ratliff

Signature

4428 North Point Boulevard

410-477-8160

Address

Telephone No.

Baltimore

MD 21219

City

State Zip Code

Representative to be Contacted:

Kenneth J Colbert

COLBERT MATZ ROSENFELT, INC

2835 Smith Avenue, Suite G

410-653-3838

Address

Telephone No.

Baltimore

MD 21209

City

State Zip Code

Case No. 2008-0539-SAX

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By CM Date 05-19-08

8-13-08
PM

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No.

10010

PAID RECEIPT

Date:

5/19/08

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001		000						

Total:

Rec

From:

For:

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
VALIDATION**

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION 4420 NORTH POINT BOULEVARD

Beginning at a point on the east side of North Point Boulevard, which is of variable width, at a distance of 451 feet, more or less, north of the centerline of Merritt Lane, which is of variable width, thence the following courses and distances:

N 08°06'W, 100 ft.;
N 80°40'E, 123.2 ft.;
N 08°39'W, 191.2 ft.
N 85°41'E, 90.1 ft.
S 20°01'E, 272.6 ft.
S 70°03'W, 147.5 ft.
N 08°30'W, 11.8 ft. thence
S 80°40'W, 123.1 ft. to the Point of Beginning

Containing 1.05 acre of land, more or less, as recorded in Deed Liber 6975, folio 321 and Deed Liber 6913, folio 126. Also known as #4420 North Point Boulevard and located in the 15th Election District, 7th Councilmanic District.



2008-0539-5/H
- 012-015

NOTICE OF ZONING HEARING

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

Case: # 2008-0639-SPHX

4420 North Point Boulevard

East of North Point Blvd., 451 feet north of Merritt Lane

15th Election District — 7th Councilmanic District

Legal Owner(s): Charles & Betty Ratliff

Contract Purchaser: Edwin & Dorothy Hayes

Special Hearing: to determine that an asbestos, lead, and mold remediation and demolition contractor's equipment storage is contractor's equipment storage yard pursuant to Section 101 of the BCZR. Special Exception: for a contractor's equipment storage yard in a BR zone in accordance with Section 236.4 of the BCZR.

Hearing: Thursday, July 31, 2008 at 9:00 a.m. in the Jefferson Building, 1st Floor, 105 W. Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

JT 7/6/08 July 15

178335

CERTIFICATE OF PUBLICATION

7/17/2008

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/15/2008.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 07/17/08

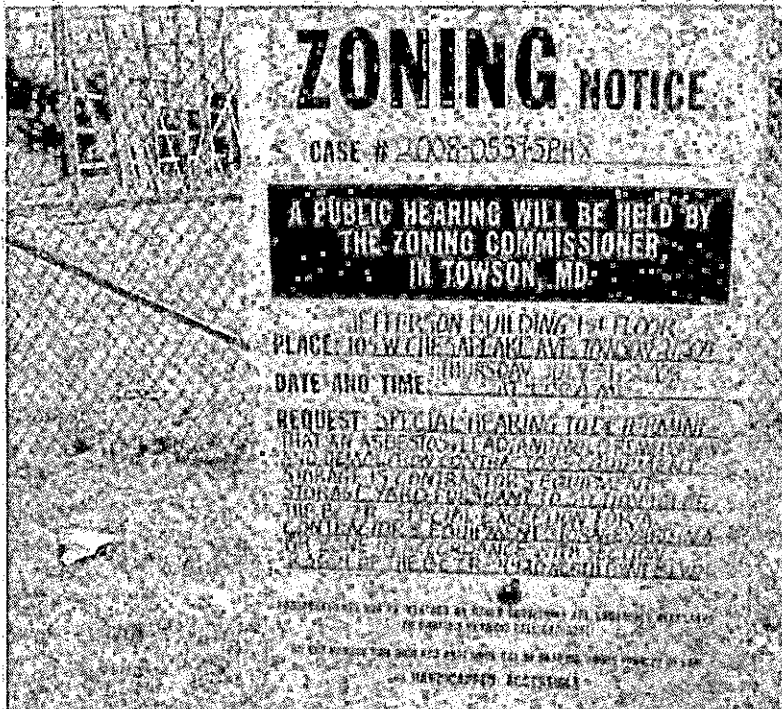
Case Number: 2008-0539-SPHX

Petitioner / Developer: LES PITLER, ESQ.~MR. & MRS. HAYES~
MR. & MRS. RATLIFF~KENNETH COLBERT

Date of Hearing (Closing): JULY 31, 2008

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:
4420 NORTH POINT BOULEVARD

The sign(s) were posted on: JULY 16, 2008



Linda O'Keefe
(Signature of Sign-Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

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

DEPARTMENT C. PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

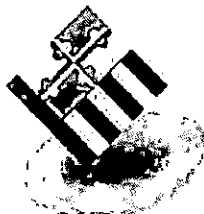
For Newspaper Advertising:

Item Number or Case Number: 2008-0539-SPHX
Petitioner: E & D. HAYES
Address or Location: 4420 NORTH POINTE BLVD. 71222

PLEASE FORWARD ADVERTISING BILL TO:

Name: LEE LITTLE
Address: 25 WANDERWORTH BRIDGE WAY
LUTHERVILLE MD 21043
Telephone Number: 410-873-4455

Revised 2/20/98 - SCJ



BALTIMORE COUNTY

M A R Y L A N D

June 18, 2008

JAMES T. SMITH, JR.
County Executive

NOTICE OF ZONING HEARING

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

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

CASE NUMBER: 2008-0539-SPHX

4420 North Point Boulevard

E/side of North Point Blvd., 451 feet north of Merritt Lane

15th Election District – 7th Councilmanic District

Legal Owners: Charles & Betty Ratliff

Contract Purchaser: Edwin & Dorothy Hayes

Special Hearing to determine that an asbestos, lead, and mold remediation and demolition contractor's equipment storage is contractor's equipment storage yard pursuant to Section 101 of the BCZR. Special Exception for a contractor's equipment storage yard in a BR zone in accordance with Section 236.4 of the BCZR.

Hearing: Thursday, July 31, 2008 at 9:00 a.m. in the Jefferson Building, 1st Floor,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Les Pittler, 25 Wandsworth Bridge Way, Lutherville 21093
Mr. & Mrs. Hayes, 525 Bayside Avenue, Baltimore 21222
Mr. & Mrs. Ratliff, 4428 North Point Blvd., Baltimore 21219
Kenneth Colbert, 2835 Smith Avenue, Ste. G., Baltimore 21209

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JULY 16, 2008.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 15, 2008 Issue - Jeffersonian

Please forward billing to:

Les Pittler
25 Wandsworth Bridge Way
Lutherville, MD 21093

410-823-4455

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2008-0539-SPHX

4420 North Point Boulevard

E/side of North Point Blvd., 451 feet north of Merritt Lane

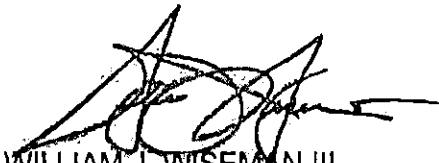
15th Election District – 7th Councilmanic District

Legal Owners: Charles & Betty Ratliff

Contract Purchaser: Edwin & Dorothy Hayes

Special Hearing to determine that an asbestos, lead, and mold remediation and demolition contractor's equipment storage is contractor's equipment storage yard pursuant to Section 101 of the BCZR. Special Exception for a contractor's equipment storage yard in a BR zone in accordance with Section 236.4 of the BCZR.

Hearing: Thursday, July 31, 2008 at 9:00 a.m. in the Jefferson Building, 1st Floor,
105 W. Chesapeake Avenue, Towson 21204

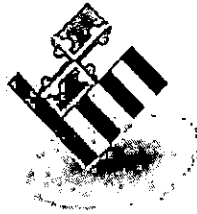


WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development July 22, 2008

Les Pittler
25 Wandsworth Bridge Way
Lutherville, Md. 21093

Dear: Les Pittler

RE: Case Number 2008-0539-SPHX, Address: 25 Wandsworth Bridge Way

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 19, 2008. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Charles S. & Betty A. Ratliff, 4428 North Point Boulevard, Baltimore, Md. 21219
Kenneth J. Colbert, 2835 Smith Avenue, Suite G, Baltimore, Md. 21209
Edwin and Dorothy Hayes, 525 Bayside Avenue, Baltimore, Md. 21222

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 26, 2008

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

SUBJECT: 4420 North Point Boulevard

INFORMATION:

Item Number: 8-539

Petitioner: Betty A. Ratliff

Zoning: BR-AS

Requested Action: Special Hearing and Special Exception

The petitioner is seeking a Special Hearing and Special Exception to store toxic materials on site.

SUMMARY OF RECOMMENDATIONS:

The site currently has stored on it, a number of filled dumpsters full plastic bags, as well as building material debris, pieces of mechanical equipment, lumber (under a large storage roof), and two closed truck trailers.

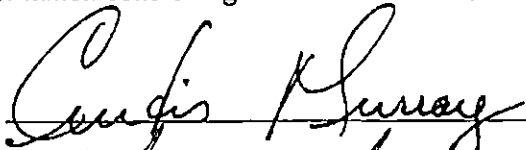
There is a mixture of industrial, retail, and office uses proximate to the site.

The Office of Planning recommends that the applicant clean up and clear the existing site to meet the description on the site plan.

Provide a clear and accurate description of the procedures for transporting, unloading and storing the referenced materials, so as to convince the Zoning Commissioner that there will be no contamination of the subject property or adjacent properties.

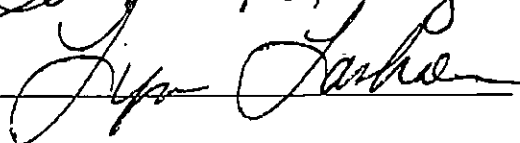
For further information concerning the matters stated here in, please contact John Alexander at 410-887-3480.

Reviewed by:



Division Chief:

AFK/LL: CM



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: May 28, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For June 2, 2008
Item Nos. 08-0311, 0535, 0536, 0537,
0538, 0539, and 0540

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

DAK:~~CEN~~:lrk
cc: File

ZAC-05282008-NO COMMENTS



JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

June 2, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 26, 2008

Item Number: 2008-0535-A, 0311-A, 0536-A, 0537-SPH, 0538-A, 0539-SPHX

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

1The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File



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

State Highway
Administration

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

Maryland Department of Transportation

Date: June 20, 2008

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

RE: Baltimore County
Item No. 2008-0539-SPHX
MD 151 (North Point Blvd)
4420 North Point Blvd.
Ratiff Property
Special Exception
Special Hearing

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 06/16/2008. A field inspection and internal review reveals that an entrance onto MD 151 (North Point Blvd.) consistent with current State Highway Administration guidelines is required. As a condition of approval for 4420 North Point Boulevard, Case Number 2008-0539-SPHX the applicant must contact the State Highway Administration to obtain an entrance permit.

Should you have any questions regarding this matter feel free to contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (m Bailey@sha.state.md.us). Thank you for your attention.

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258/Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND SPECIAL EXCEPTION *
4420 Old North Point Blvd; E/S North * ZONING COMMISSIONER
Point Blvd, 451 N of Merritt Lane *
15th Election & 7th Councilmanic Districts * FOR
Legal Owner(s): Charles & Betty Ratliff
Contract Purchasers: Edwin & Dorothy Hayes* BALTIMORE COUNTY
Petitioner(s) *
08-539-SPHX

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

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

02

Per

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of June, 2008, a copy of the foregoing Entry of Appearance was mailed to Kenneth Colbert, PE, Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209 and Leslie Pittler, Esquire, 25 Wandsworth Bridge Way, Lutherville, MD 21093, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

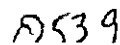
CASE NAME

CASE NUM

DATE '5

PETITIONER'S SIGN-IN SHEET

[illegible]



RESUME

PROFESSIONAL BACKGROUND AND EXPERIENCE

KENNETH J. COLBERT
2835 SMITH AVENUE, SUITE G
BALTIMORE, MD 21209

PROFESSIONAL STATUS: Professional Engineer, Maryland, PE No. 9752

EDUCATION: University of Missouri-Rolla
Rolla, Missouri
B.S. in Civil Engineering

PROFESSIONAL BACKGROUND AND EXPERIENCE:

Practiced in the field of Civil Engineering and Site Planning for Land Development projects since 1968.
Accepted as an expert in those areas, and testified before the following:

Anne Arundel County Administrative Hearing Officer
Anne Arundel County Board of Appeals
City of Annapolis City Council
City of Annapolis Planning Commission
Baltimore County Board of Appeals
Baltimore County Zoning Commissioner
Baltimore City Board of Municipal Zoning Appeals
Cecil County Board of Appeals
City of Elkton Planning Board
City of Elkton City Council
City of Gaithersburg Planning Board
City of Gaithersburg City Council
Harford County Board of Appeals
Howard County Hearing Examiner
Howard County Board of Appeals
Montgomery County Planning Board
Montgomery County Hearing Examiner
Montgomery County Board of Appeals
City of Rockville Planning Commission
City of Rockville Board of Appeals
City of Westminster Planning Board

Testified as an expert witness in the field of Civil Engineering for Land Development in the District Courts of Baltimore County and Howard County.

PROFESSIONAL EXPERIENCE:

April, 1987 – Present Colbert Engineering, Inc. / Colbert Matz Rosenfelt, Inc.
Consulting Civil Engineers & Surveyors
Baltimore, Maryland

Established a private consulting firm for design and construction management of land development projects. Primary services include site design and preparation of plans for commercial and residential land development projects, as well as complete survey and construction stakeout services.

In September 1994 Colbert Engineering, Inc. merged its operations with another consulting engineering firm to form Colbert Matz Rosenfelt, Inc. This merger enabled the new firm to expand its client base and to better, and more effectively serve its existing clients.

Mr. Colbert is the managing partner of the company while maintaining project management responsibilities. In addition, he is the principal responsible for operation of the Survey Department.

Jan., 1986 – Apr., 1987 Security Management Corporation
Builders and Developers
Baltimore, Maryland

Employed by Security Management Corporation as Engineering Manager for Land Development activities with responsibility for budgeting, management and supervision of the land development phases for all projects. Projects included single family and multi-family developments ranging in size from 50 units to 1500 units in four governmental jurisdictions.

Nov., 1978 – Jan., 1986 Colbert Engineering, Inc. / CDH Engineering Corp. / Kidde Consultants
Consulting Civil Engineers and Surveyors
Glen Burnie, Maryland

Established a private consulting firm for design and construction management of land development projects. Services included site design and preparation of site development plans for residential and commercial developments.

In June 1982, Colbert Engineering, Inc. merged its operation with that of another consulting engineering firm to form CDH Engineering Corporation. This merger enabled the new firm to expand its engineering and surveying capabilities, and grow to maintain a staff of approximately 20 people. As engineering and managing partner, duties and responsibilities continued as before but on an expanded basis

CDH Engineering Corporation was purchased by Kidde Consultants, Inc., a top 500 engineering company, in June 1984. The office became one of eight branch offices spread throughout Maryland, Virginia, Delaware and Pennsylvania. As Branch Office Manager, duties and responsibilities continued to include engineering for land development projects of various types and sizes, as well as interaction with the main office on management, marketing and budget matters.

Mar., 1976 – Nov., 1978 Anne Arundel County, Maryland
Department of Public Works
Annapolis, Maryland

Employed by Anne Arundel County as a Senior Engineer responsible for the Engineering Review Section of the Development Services Division, Department of Public Works. This Section, which had a complement of four engineers, reviewed the engineering plans for all Land Development activities within the County. Promoted to Chief of the Development Services Division. The Division staff consisted of 13 Engineers, Engineering Technicians, Construction Inspectors and Clerical personnel. The function of this Division was the review and processing of all private construction within the County.

May, 1973 – Mar., 1976 Purdum & Jeschke
Consulting Engineers & Surveyors
Baltimore, Maryland

Employed by Purdum & Jeschke as a Design Engineer with prime areas of responsibilities being design of Storm Drainage Systems and Site Grading for various land development projects. Advanced to Project Engineer responsible for residential and commercial development projects.

Sept., 1971 – May, 1973 Mathews-Phillips, Inc.
Builders and Developers
Silver Spring, Maryland

Employed by Mathews-Phillips, Inc. as an Assistant Construction Superintendent for Garden Apartment and Townhouse Projects. Prime area of responsibility was for installation of Underground Utilities, Storm Drainage, Site Grading and Paving.

July, 1970 – Sept., 1971 Richard P. Browne Associates
Consulting Engineers and Surveyors
Columbia, Maryland

Employed by Richard P. Brown Associates as a Design Engineer with prime responsibility being design of Storm Drain Systems and Site Grading

for various land development projects including single family residential and multi-family sites

June, 1968 – July, 1970 Clayton Surveying and Engineering Company
Consulting Engineers and Surveyors
St. Louis, Missouri

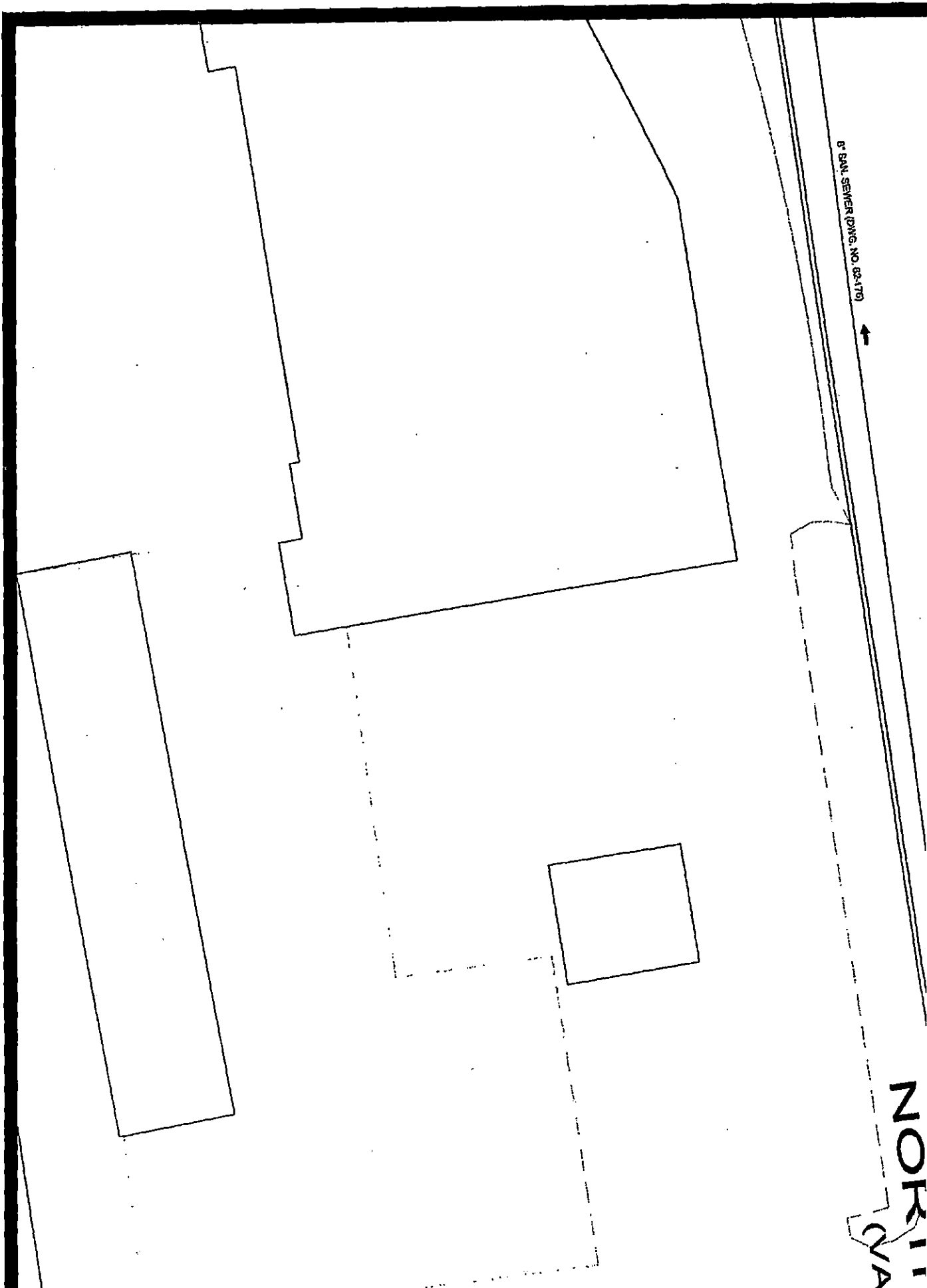
Joined Clayton Surveying and Engineering Company immediately following graduation from college as a Design Engineer working primarily on the design of Road Systems, Storm Drains and Sanitary Sewer Systems for residential subdivisions and commercial sites.

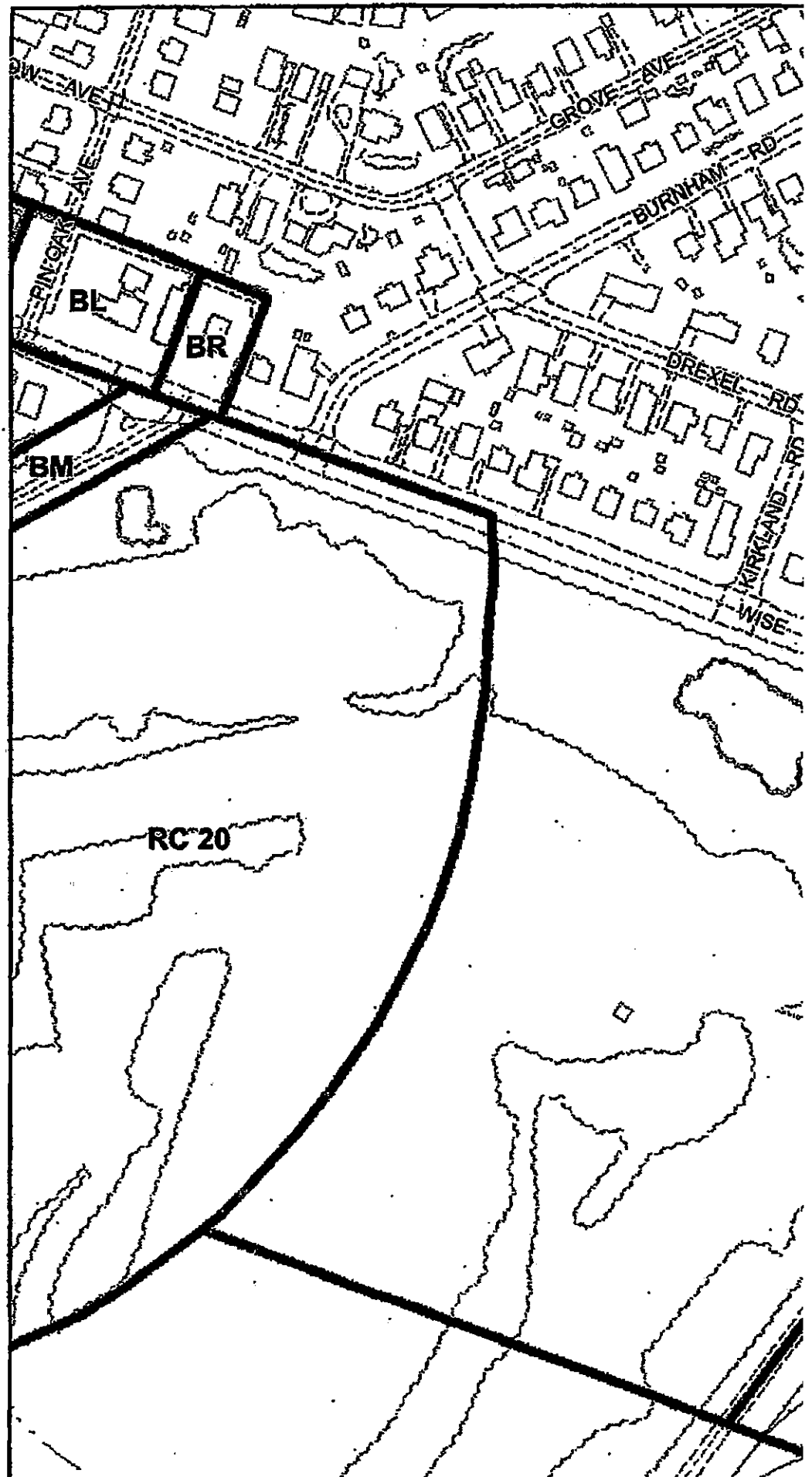
I:\RESMES\RESUME.KEN.ZONING

8" SAN. SEWER (P.W.G. NO. 68-176)

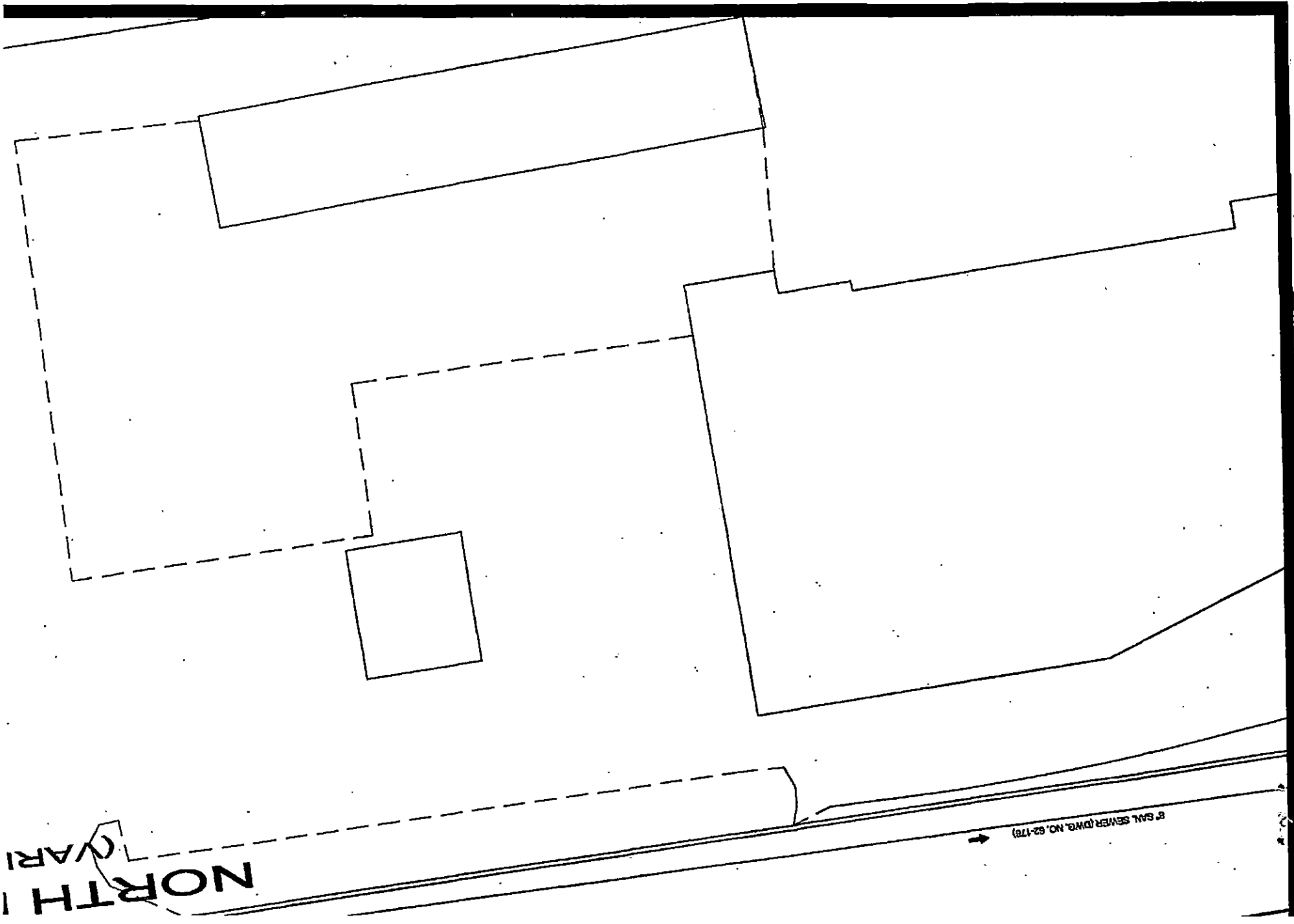


NOKIA
CVA



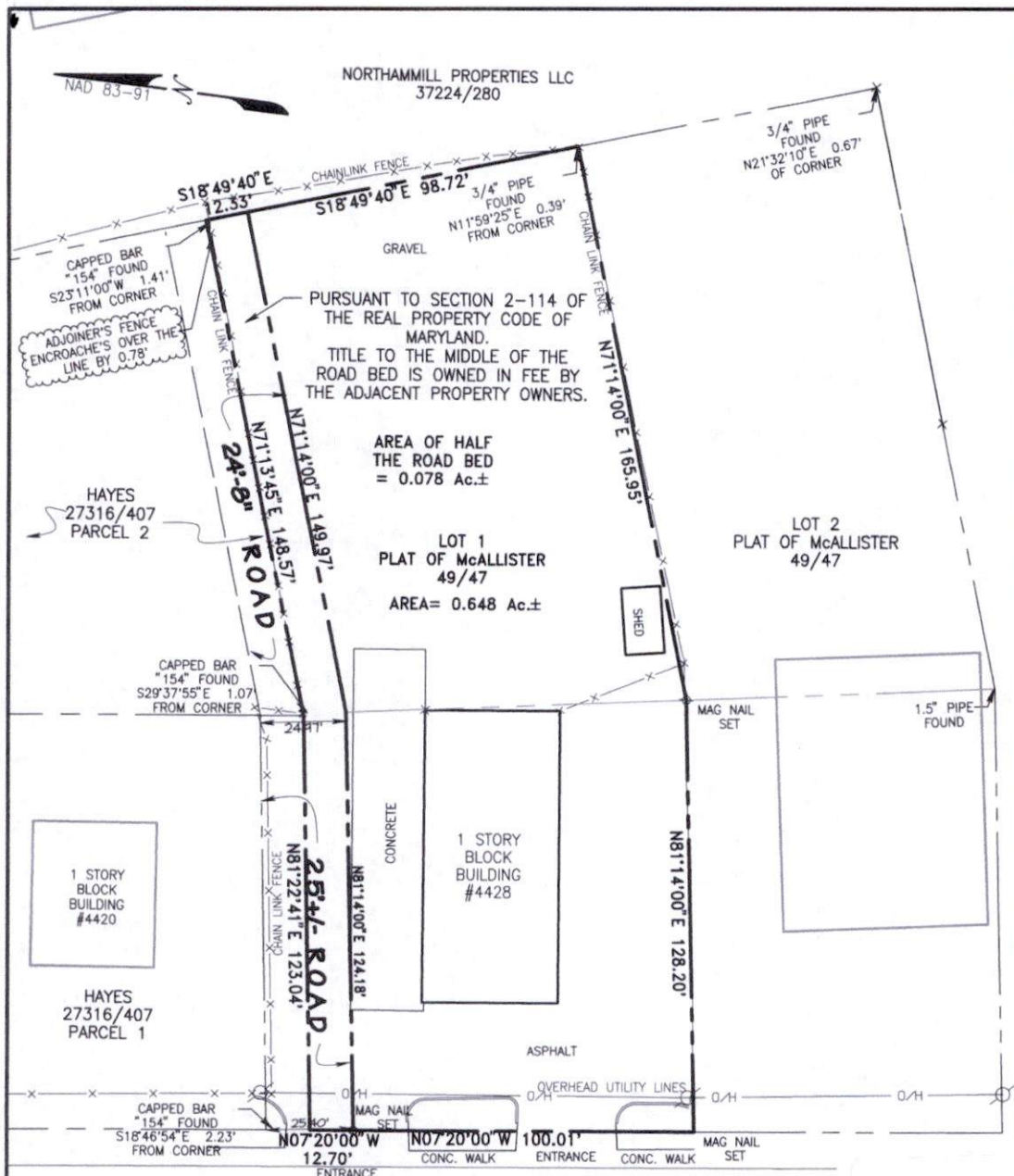






NORTH
(VARI)

8" SALT SEWER (DWG. NO. 62-178) →



NORTH POINT ROAD

PETITIONER'S

EXHIBIT NO. 8

SURVEYORS CERTIFICATE

THIS BOUNDARY SURVEY HAS BEEN PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND IN ACCORDANCE WITH THE "MINIMUM STANDARDS OF PRACTICE FOR PROFESSIONAL LAND SURVEYORS" AS ADOPTED BY THE STATE OF MARYLAND. MY LICENSE EXPIRES ON 2-12-2021.

Brian R. Dietz 5219
BRIAN R. DIETZ
PROFESSIONAL LAND SURVEYOR NO. 21080

1. BEING THAT PROPERTY DESCRIBED IN DEED 4110/452.
2. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
3. THIS SURVEY IS BASED ON THE ORIGINAL SURVEY RECORDS FROM S. J. MARTENET & Co.



BRIAN DIETZ, INC.
PROFESSIONAL LAND SURVEYOR #21080
8119 Oakleigh Road
Baltimore MD. 21234
Ph 410-661-3160
Fax 410-661-3163

BOUNDARY SURVEY
of
4428 North Point Road
BALTIMORE COUNTY, MD.

DRAWN: BRD

FIELD: BRD

DATE: 5-02-19

JOB NO. 19055

SCALE: 1"=40'

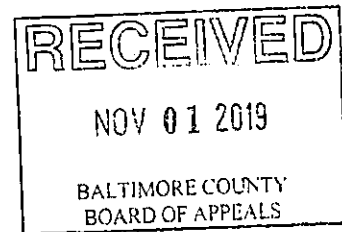


JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
LAWRENCE M. STAHL
Administrative Law Judge

November 1, 2019

David Cole, Esq.
Coon & Cole
401 Washington Avenue, Suite 501
Towson, Maryland 21204



Re: Petitions for Special Exception and Variance
Case Number: 2019-0364-XA
Location: 4428 North Point Blvd.

Dear Mr. Cole:

Please be advised that an appeal of the above-referenced case was filed in this Office on November 1, 2019. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

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

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

Sincerely,

A handwritten signature in cursive script that reads "Paul M. Mayhew".

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:sln

c: Baltimore County Board of Appeals
Peter Max Zimmerman, People's Counsel for Baltimore County
Michael T. Wyatt, Esq., Wyatt & Gunning, LLC, 100 W. Pennsylvania Avenue,
Suite 10, Towson, Maryland 21204

APPEAL

**Petition for Special Exception and Variance
(4428 North Point Blvd.)
15th Election District – 7th Councilmanic District
Legal Owner: NPR, LLC**

Case No. 2019-0364-XA

Petition for Variance (June 12, 2019)

Zoning Description of Property

Notice of Zoning Hearing (September 4, 2019)

Certificate of Publication (The Daily Record- September 13, 2019)

Certificate of Posting:

1st Posting (September 13, 2019) by SSG Robert Black

2nd Posting (October 2, 2019) by SSG Robert Black

Entry of Appearance by People's Counsel (June 20, 2019)

Petitioner(s) Sign-in Sheet – 1 sheet

Citizen(s) Sign-in Sheet – 1 sheet

Zoning Advisory Committee Comments

Petitioner(s) Exhibits

1. Deed & Attached plat
2. Photo from July 28-Old Building
3. Aerial View of site
4. Letter to NPR
5. Plat to accompany zoning petition
6. 03.224-A
7. 2008-0539-SPHX
8. Boundary survey

Protestant(s) Exhibits –

- 1.

Miscellaneous (Not Marked as Exhibits) – SDAT

Administrative Law Judge Order and Letter (GRANTED with Conditions – October 8, 2019)

Appeal Letter, Notice & Receipt received from Michael T. Wyatt, Esq. November 1, 2019

Zoning Relief

4428 North Point Boulevard

~~Variance per section 238.1 for front yard setbacks of 30' in lieu of the required 50'.~~

Variance per section 238.2 for a side yard setback of 4' in lieu of the required 30'

Special Exception per Section 236.2 to allow a Contractors equipment storage yard

2019-0364-XA



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 4428 North Point Boulevard which is presently zoned BR-AS & ML-IM
 Deed References: 41110/452 10 Digit Tax Account # 1900006881
 Property Owner(s) Printed Name(s) NPC, 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. 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

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)

TO BE PRESENTED AT THE HEARING

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print _____
 Signature _____
 Mailing Address _____ City _____ State _____
 Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Coon & Cole- David Cole
 Name- Type or Print _____
 Signature _____
 401 Washington Avenue, Ste 501 Towson MD
 Mailing Address _____ City _____ State _____
 21204 / 410-244-8800 / dhc@cooncolelaw.com
 Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

NPR, LLC /
 Name #1 - Type or Print _____ Name #2 - Type or Print _____
 Signature #1 _____ Signature #2 _____
 4319 CROSS BROOK DR PERRY HALL MD
 Mailing Address _____ City _____ State _____
 21128 / 410-344-6471 / chuck@platinumautoandtruck.com
 Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

Richardson Engineering, LLC
 Name - Type or Print _____
 Signature _____
 30 E. Padonia Road, Suite 500 Timonium MD
 Mailing Address _____ City _____ State _____
 21093 / 410-560-1502 / Rick@RichardsonEngineering.net
 Zip Code _____ Telephone # _____ Email Address _____

CASE NUMBER 299-0364XA Filing Date 6/12/19

Do Not Schedule Dates: _____ Reviewer gn

Zoning Relief

4428 North Point Boulevard

~~Variance per section 238.1 for front yard setbacks of 30' in lieu of the required 50'.~~

Variance per section 238.2 for a side yard setback of 4' in lieu of the required 30'

Special Exception per Section 236.2 to allow a Contractors equipment storage yard



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 4428 North Point Boulevard which is presently zoned BR-AS & ML-IM

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Property Owner(s) Printed Name(s) NPC, LLC

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

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:
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TO BE PRESENTED AT THE HEARING

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print _____

Signature _____

Mailing Address _____ City _____ State _____

Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Coon & Cole- David Cole
Name- Type or Print _____

Signature _____

401 Washington Avenue, Ste 501 Towson MD
Mailing Address _____ City _____ State _____

21204 / 410-244-8800 / dhc@cooncolelaw.com
Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

NPR, LLC /
Name #1 - Type or Print _____ Name #2 - Type or Print _____

Signature #1 _____ Signature #2 _____

4319 CROSS BROOK DR PERRY HALL MD
Mailing Address _____ City _____ State _____

21128 / 410-344-6471 / chuck@platinumautoandtruck.com
Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

Richardson Engineering, LLC
Name - Type or Print _____

Signature _____

30 E. Padonia Road, Suite 500 Timonium MD
Mailing Address _____ City _____ State _____

21093 / 410-560-1502 / Rick@RichardsonEngineering.net
Zip Code _____ Telephone # _____ Email Address _____

CASE NUMBER 2019-0364-XA Filing Date 6/19/19

Do Not Schedule Dates: _____ Reviewer gh

REV. 10/4/11

Zoning Relief

4428 North Point Boulevard

~~Variance per section 238.1 for front yard setbacks of 30' in lieu of the required 50'.~~

BCZR Variance per section 238.2 for a side yard setback of 4' in lieu of the required 30'

BCZR Special Exception per Section 236.2 to allow a Contractors equipment storage yard

SPECIAL EXCEPTION
ZONING DESCRIPTION
4428 NORTH POINT BOULEVARD
15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the East side of North Point Boulevard, 120 feet wide right-of-way; at a distance of 574' +/- South of the centerline of the nearest improved intersecting street Wise Avenue, which is 25' wide right-of-way; thence binding on said East side of North Point Boulevard and running the following courses and distances, (1) North 80 degrees 11 minutes 53 seconds East 124.20 feet, (2) North 71 degrees 3 minutes 52 seconds East 150.00 feet, (3) South 18 degrees 55 minutes 7 seconds East 98.72 feet, (4) South 70 degrees 52 minutes 34 seconds West 165.91 feet, (5) South 80 degrees 26 minutes 41 seconds West 127.80 feet, and (6) North 7 degrees 45 minutes 09 seconds West 100.05 feet, to the point of beginning as recorded as, being part of Lot #1 in the subdivision Plat "McAllister-Ratliff Property" as recorded in Plat Book 49, Folio 47.

Containing an area of 28,267 square feet or 0.65 acres of land, more or less.



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 NUMBER 16597,
EXPIRATION DATE: 08-15-2019

2019-0364-XA

SPECIAL EXCEPTION
ZONING DESCRIPTION
4428 NORTH POINT BOULEVARD
15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the East side of North Point Boulevard, 120 feet wide right-of-way; at a distance of 574' +/- South of the centerline of the nearest improved intersecting street Wise Avenue, which is 25' wide right-of-way; thence binding on said East side of North Point Boulevard and running the following courses and distances, (1) North 80 degrees 11 minutes 53 seconds East 124.20 feet, (2) North 71 degrees 3 minutes 52 seconds East 150.00 feet, (3) South 18 degrees 55 minutes 7 seconds East 98.72 feet, (4) South 70 degrees 52 minutes 34 seconds West 165.91 feet, (5) South 80 degrees 26 minutes 41 seconds West 127.80 feet, and (6) North 7 degrees 45 minutes 09 seconds West 100.05 feet, to the point of beginning as recorded as, being part of Lot #1 in the subdivision Plat "McAllister-Ratliff Property" as recorded in Plat Book 49, Folio 47.

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LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF
THE STATE OF MARYLAND, LICENSE NUMBER 16597,
EXPIRATION DATE: 08-15-2019

2019-0364-XA

CHECKLIST

<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 _____)	_____
6/27	DEPS (if not received, date e-mail sent _____)	No Comment
7/17	FIRE DEPARTMENT PLANNING (if not received, date e-mail sent _____)	No objection w/ condition
6/19	STATE HIGHWAY ADMINISTRATION	No Objection
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: 9/13/19	
SIGN POSTING (1 st)	Date: 9/13/19	by SSG Black
SIGN POSTING (2 nd)	Date: 10/2/19	by SSG Black
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

TO: THE DAILY RECORD
Friday, September 13, 2019 - Issue

Please forward billing to:

Pete Forakis
NPR, LLC
4319 Cross Brook Drive
Perry Hall, MD 21128

410-477-1857

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: 2019-0364-XA

East side of North Point Boulevard, south of Wise Avenue
15th Election District – 7th Councilmanic District
Legal Owners: NPR, LLC

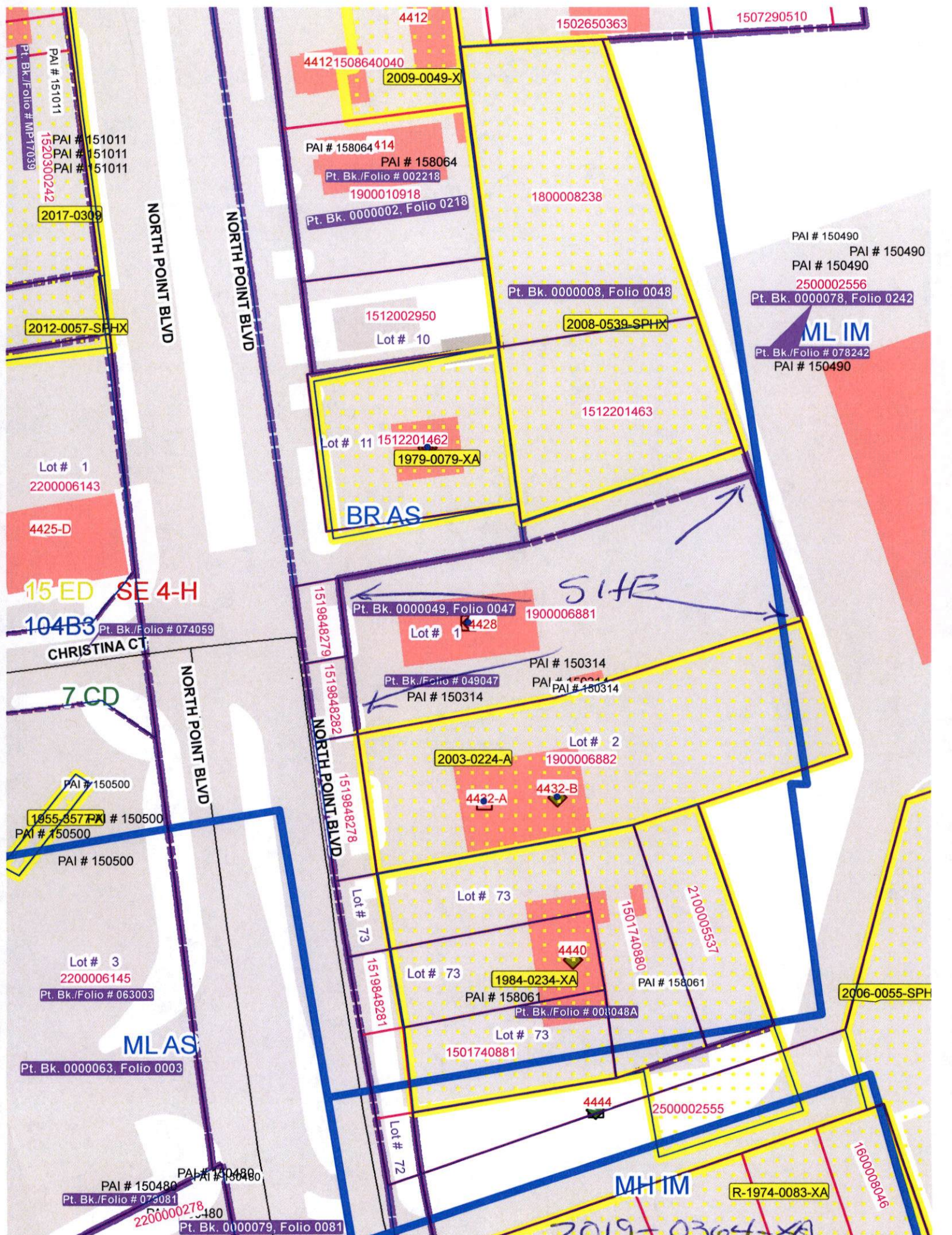
Special Exception to allow contractor's storage equipment storage yard. Variance for side yard setback of 4 ft. in lieu of the required 30 ft.

Hearing: Friday, October 4, 2019 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Michael Mallinoff
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.



4412
44121508640040
2009-0049-X

PAI # 158064 414
PAI # 158064
Pt. Bk./Folio # 002218
1900010918
Pt. Bk. 0000002, Folio 0218

1512002950
Lot # 10

Lot # 11 1512201462
1979-0079-XA

Pt. Bk. 0000008, Folio 0048

2008-0539-SPHX

PAI # 150490
PAI # 150490
PAI # 150490
2500002556
Pt. Bk. 0000078, Folio 0242
ML IM
Pt. Bk./Folio # 078242
PAI # 150490

Lot # 1
2200006143

4425-D

15 ED SE 4-H
104B3
Pt. Bk./Folio # 074059

7 CD

PAI # 150500
1555-357 PAI # 150500
PAI # 150500

PAI # 150500

Lot # 3
2200006145
Pt. Bk./Folio # 063003

ML AS
Pt. Bk. 0000063, Folio 0003

PAI # 150480
Pt. Bk./Folio # 073081
2200000278
PAI # 150480
Pt. Bk. 0000079, Folio 0081

1519848279
1519848282
Pt. Bk. 0000049, Folio 0047
Lot # 1 4428
Pt. Bk./Folio # 049047
PAI # 150314

PAI # 150314
PAI # 150314

2003-0224-A
Lot # 2
1900006882

442-A

4432-B

Lot # 73

Lot # 73

Lot # 73

1984-0234-XA
PAI # 158061

Pt. Bk./Folio # 000048A

Lot # 73
1501740881

1501740880

PAI # 158061

2100005537

2006-0055-SPH

4444

2500002555

MH IM

R-1974-0083-XA

1600008046

2019-0304-XA

**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: 2019-0364-XA
Property Address: 4428 NORTH POINT BLVD
Property Description: _____

Legal Owners (Petitioners): NPR, LLC
Contract Purchaser/Lessee: _____

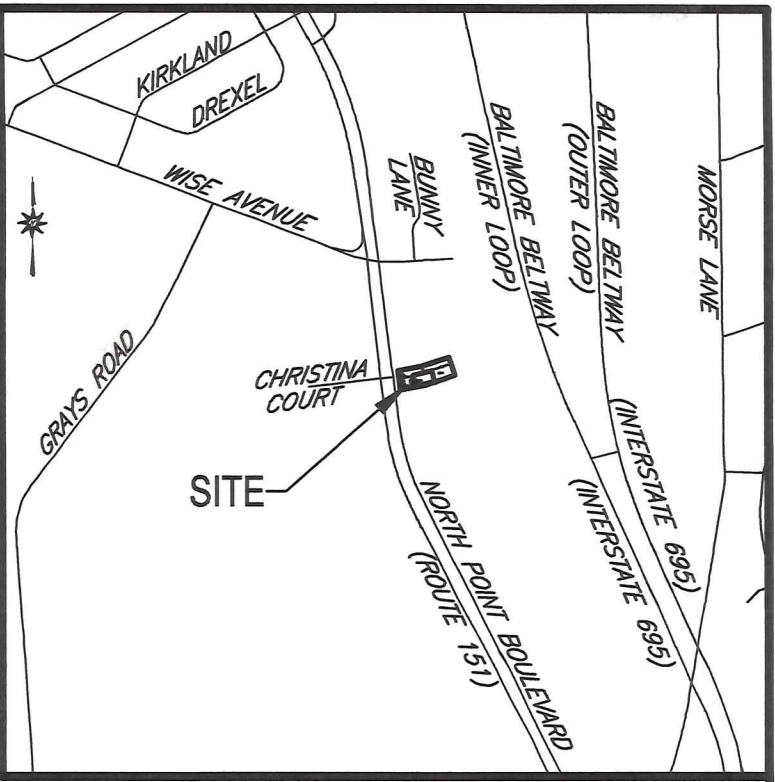
PLEASE FORWARD ADVERTISING BILL TO:

Name: NPR, LLC
Company/Firm (if applicable): PETE FORAKIS
Address: 4319 CROSS BROOK DR
PERRY HALL, MD 21128

Telephone Number: 410-471-1857

Revised 7/9/2015

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



LOCATION MAP

SCALE: 1" = 1000'

GENERAL NOTES:

- OWNER: NPR LLC
4319 CROSS BROOK DR
PERRY HALL MD 21128
- SITE AREA:
GROSS: 31,269 Sq.Ft. or 0.72 Ac.±
NET: 28,267 Sq.Ft. or 0.65 Ac.±
- EXISTING BUILDING AREA: 3,393 Sq.Ft.
- UTILITIES
PUBLIC WATER
PUBLIC SEWER
- DEED REF: 41110/482
- TAX ACCOUNT: #1900006881
- COUNCILMANIC DISTRICT: 7TH
- REGIONAL PLANNING DISTRICT: NORTH POINT
- CENSUS TRACT: 4524
- WATERSHED: BALTIMORE HARBOR & BACK RIVER
- EXISTING ZONING: BR AS & ML IM
(PER 200 SCALE GIS TILE # 10493)
- TAX MAP #104, GRID #21, PARCEL #538,
MCALLISTER-RATLIFF PROPERTY, LOT #1.
- PLAT REF: 49-47
- NO KNOWN PRIOR PERMITS ON FILE.
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THE SITE DOES NOT LIE WITHIN THE FLOODPLAIN AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) PANEL 240100440G, DATED MAY 5, 2014.
- THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC.
- BASIC SERVICE MAPS (2017)
- TYPE DEFICIENT (Y/N) NOTE
WATER N
SEWER N
TRANSPORTATION N
- NO KNOWN PREVIOUS ZONING CASES ON FILE.
- FLOOR AREA RATIO (FAR) BR ZONE
MAX PERMITTED: 2.0
EXISTING: 3,393/31,269 = 0.11
PROPOSED: 5,800/31,269 = 0.16
- ANY PROPOSED SIGNS ARE TO CONFORM TO THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR)
- SETBACKS FOR BR ZONE
TYPE REQUIRED PROVIDED
FRONT 50' 74'±
SIDE 30' 4'±
REAR 30' 107'±
- USE
EXISTING: SERVICE GARAGE
PROPOSED: CONTRACTOR'S OFFICE AND STORAGE YARD
- PARKING
REQUIRED:
OFFICE: 500 Sq.Ft. @ 3.3/1000 Sq.Ft. = 2 SPACES
WAREHOUSE: 1/EMPLOYEE = 1 SPACE
TOTAL REQUIRED: 3 SPACES
PROVIDED:
13 SPACES (12 H.C., 7 STANDARD)

PETITIONER'S

EXHIBIT NO. 5

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION
FOR

4428 NORTH POINT
BOULEVARD

BALTIMORE, MD 21219

BALTIMORE COUNTY
15TH ELECTION DISTRICT

MARYLAND
7TH COUNCILMANIC DISTRICT

REVISIONS

DRAWN BY:
PCR

CHECKED BY:
PCR

SCALE:
1" = 20'

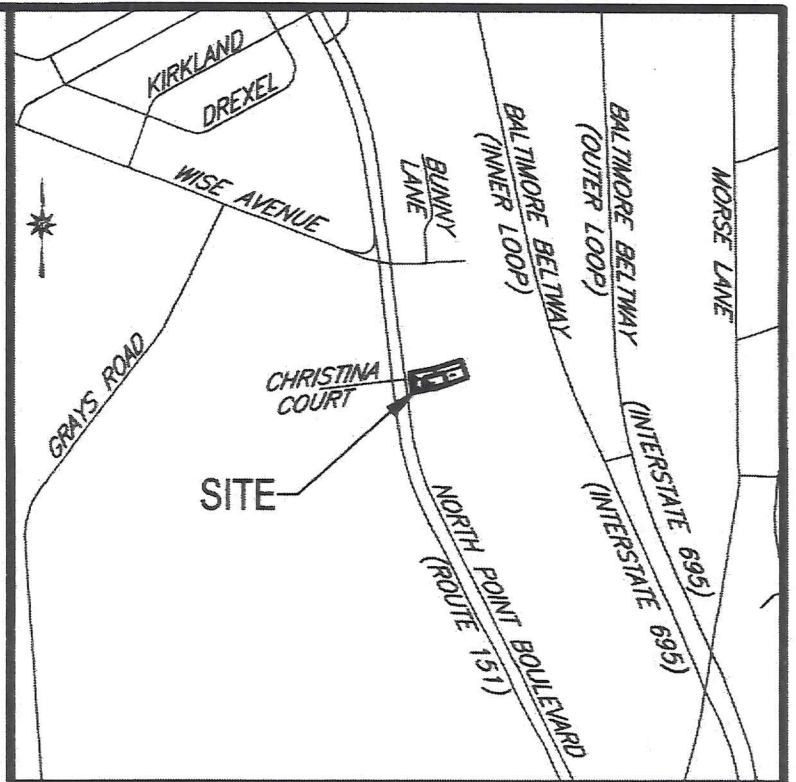
DATE:
2-18-19

JOB NO.:
19018

SHEET NO.:
1 OF 1

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
NUMBER 16597, EXPIRATION DATE: 08-15-2019





LOCATION MAP
SCALE: 1" = 1000'

GENERAL NOTES:

- OWNER: NPR LLC, 4319 CROSS BROOK DR, PERRY HALL MD 21128
- SITE AREA: GROSS: 31,269 Sq.Ft. or 0.72 Ac.±; NET: 28,267 Sq.Ft. or 0.65 Ac.±; EXISTING BUILDING AREA: 3,393 Sq.Ft.
- UTILITIES: PUBLIC WATER, PUBLIC SEWER
- DEED REF: 41110/452
- TAX ACCOUNT: #1900006881
- COUNCILMANIC DISTRICT: 7TH
- REGIONAL PLANNING DISTRICT: NORTH POINT
- CENSUS TRACT: 4524
- WATERSHED: BALTIMORE HARBOR & BACK RIVER
- EXISTING ZONING: BR AS & ML IM (PER 200 SCALE GIS TILE # 10483)
- TAX MAP #104, GRID #21, PARCEL #538, MCALLISTER-RATLUFF PROPERTY, LOT #1.
- PLAT REF: 49-47
- NO KNOWN PRIOR PERMITS ON FILE.
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THE SITE DOES NOT LIE WITHIN THE FLOODPLAIN AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) PANEL 240100440G, DATED MAY 5, 2014.
- THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC.
- BASIC SERVICE MAPS (2017)
- TYPE DEFICIENT (Y/N) NOTE: WATER N, SEWER N, TRANSPORTATION N
- NO KNOWN PREVIOUS ZONING CASES ON FILE.
- FLOOR AREA RATIO (FAR) BR ZONE: MAX PERMITTED: 2.0; EXISTING: 3,393/51,269 = 0.11; PROPOSED: 5,800/31,269 = 0.16
- ANY PROPOSED SIGNS ARE TO CONFORM TO THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR).
- SETBACKS FOR BR ZONE: TYPE REQUIRED PROVIDED; FRONT 50' 74'±; SIDE 30' 4'±; REAR 30' 107'±
- USE: EXISTING: SERVICE GARAGE; PROPOSED: CONTRACTOR'S OFFICE AND STORAGE YARD
- PARKING REQUIRED: OFFICE: 500 Sq.Ft. @ 3.3/1000 Sq.Ft. = 2 SPACES; WAREHOUSE: 1/EMPLOYEE = 1 SPACE; TOTAL REQUIRED: 3 SPACES; PROVIDED: 13 SPACES (12 H.C., 7 STANDARD)

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION
FOR

4428 NORTH POINT
BOULEVARD

BALTIMORE, MD 21219

BALTIMORE COUNTY
15TH ELECTION DISTRICT

MARYLAND
7TH COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	PCR	PCR	1" = 20'
	DATE:	JOB NO.:	SHEET NO.:
	2-18-19	19018	1 OF 1

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
NUMBER 16897, EXPIRATION DATE: 08-15-2019

