

IN THE MATTER OF
SCHENUIT INVESTMENTS, INC
(AKA BALTIMORE TRANSIT
COMPANY SUBSTATION)

RE: LPC DECISION

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. CBA-10-021

* * * * *

ORDER OF DISMISSAL

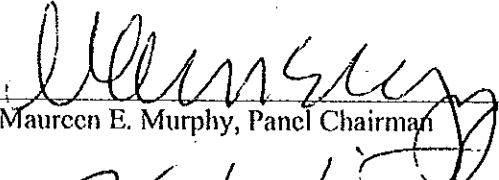
This matter comes to the Board of Appeals by way of an appeal filed by Schenuit Investment, Inc., through Appellant's Counsel, Lawrence E. Schmidt, Esquire, from a decision of the Landmarks Preservation Commission (LPC) to include the property known as 10 Towsontown Boulevard on the Preliminary County Landmarks list, pursuant to the LPC's hearing on 9/10/2009.

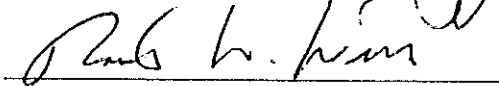
WHEREAS, the Board is in receipt of a letter dated May 21, 2010, voluntarily dismissal the appeal of the LPC's decision, in light of the passage of County Council Bill No. 18-10; filed by Lawrence E. Schmidt, Esquire, Counsel for Schenuit Investment, Inc., the sole Appellant (copies of which are attached hereto and made a part hereof); and

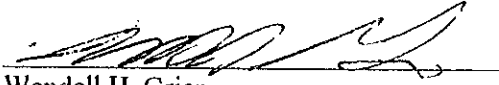
WHEREAS, said Appellant requests that the appeal taken in this matter be withdrawn and dismissed as of May 21, 2010,

IT IS ORDERED this 25th day of May, 2010 by the Board of Appeals of Baltimore County that the appeal taken in Case No. CBA-10-021 be and the same are hereby **DISMISSED**.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Maureen E. Murphy, Panel Chairman


Robert W. Witt


Wendell H. Grier

GILDEA & SCHMIDT, LLC

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D. DUSKY HOLMAN

SEBASTIAN A. CROSS

CHARLES B. MAREK, III

JASON T. VETTORI

May 21, 2010

Theresa R. Shelton
County Board of Appeals of Baltimore County
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

**Re: Schenuit Investments, Inc./10 Towsontown Blvd.
Case No.: 10-021**

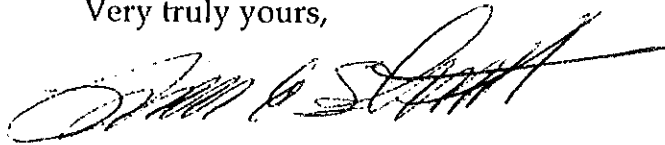
Dear Ms. Shelton:

I am in receipt of Mr. Field's letter to you dated May 12, 2010, regarding the impact of the passage of County Council Bill No. 18-10 on the above matter. I concur with Mr. Field that this legislation makes clear the Council's intent that the decision of the Landmarks Preservation Commission ("LPC") is not appealable to the Board. Thus, by this letter, I am voluntarily dismissing the appeal of the LPC's decision on behalf of Schenuit Investment, Inc.

I believe that the Board's rules permit the dismissal through this letter of counsel. If a more formal pleading is required, please contact me and I will file whatever is required.

Thank you for your consideration of this matter and your many past courtesies.

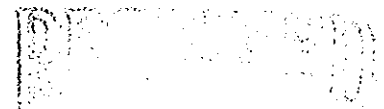
Very truly yours,



Lawrence E. Schmidt

LES: jkl

CC: Michael E. Field, Esquire, Baltimore County Office of Law
Oliver Travers, Schenuit Investment, Inc.
Robert E. Latshaw, Jr., CCIM, Latshaw Real Estate
Charles B. Marek, III, Esquire



2010
BOARD OF APPEALS

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2010, Legislative Day No. 7

Bill No. 18-10

All Councilmembers

By the County Council, April 5, 2010

A BILL
ENTITLED

AN ACT concerning

Landmarks Preservation Commission

FOR the purpose of clarifying the existing law that certain decisions of the Baltimore County Landmarks Preservation Commission are not appealable to the County Board of Appeals; and generally relating to the processes of the Baltimore County Landmarks Commission.

BY adding

Section 32-7-501
Article 32 - Planning, Zoning and Subdivision Control
Title 7 - Historical and Architectural Preservation
Baltimore County Code 2003

BY repealing and re-enacting, with amendments

Section 32-7-501(a)
Article 32 - Planning, Zoning and Subdivision Control
Title 7 - Historical and Architectural Preservation
Baltimore County Code 2003

BY renumbering

Sections 32-7-502 and 32-7-503, to be
Sections 32-7-503 and 32-7-504
Article 32 - Planning, Zoning and Subdivision Control
Title 7 - Historical and Architectural Preservation
Baltimore County Code 2003

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
{Brackets} indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

WHEREAS, Article 32, Title 7 of the Baltimore County Code establishes a legislative process for the review and approval of County historic districts and County historic landmarks in order to protect, enhance and perpetuate those districts and structures that have historic, architectural or cultural merit; and

WHEREAS, pursuant to this legislative process, the Baltimore County Landmarks Preservation Commission is authorized to make certain decisions in the form of recommendations to the Baltimore County Council; and

WHEREAS, under this legislative process, decisions of the Commission are not expressly appealable to the County Board of Appeals as a final administrative order, nor is any such decision appealable by implication, the County Council having clearly expressed its intention in the current statute; and

WHEREAS, the purpose of this Act is to explicitly state the clear and evident meaning of the statute that the legislative process for the review and approval of historic districts and historic landmarks does not authorize an appeal of Commission decisions to the Board of Appeals unless the statute is expressly amended to so provide; now, therefore

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND that Section 32-7-501 be and it is hereby added to Article 32 - Planning,
3 Zoning and Subdivision Control, Title 7 - Historical and Architectural Preservation of the Baltimore
4 County Code 2003, to read as follows: