

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(910 Frederick Road)	*	OFFICE OF
1 st Election District		
1 st Councilmanic District	*	ADMINISTRATIVE HEARINGS
Joanne L. Booth, Personal Representative		
for the Estate of Thomas E. Booth,	*	FOR
<i>Legal Owner</i>		
Stephen D. Maddock,	*	BALTIMORE COUNTY
<i>Contract Purchaser/Lessee</i>		
Petitioners	*	Case No. 2013-0200-SPHA

* * * * *

ORDER OF DISMISSAL

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed by Charles B. Marek, III, Esq., with Smith Gildea & Schmidt, LLC, on behalf of Joanne L. Booth, Personal Representative for the Estate of Thomas E. Booth, legal owner, and Stephen D. Maddock, contract purchaser/lessee, (“Petitioners”). The Special Hearing was filed pursuant to the Baltimore County Zoning Regulations (“B.C.Z.R.”), as follows: **(1)** to approve commercial parking in a residential zone pursuant to §409.8.B; **(2)** to approve a shared parking adjustment between a church and an office pursuant to §409.6.A.3; **(3)** to approve modifications to the landscape design and screening requirements pursuant to §409.8.A.1; **(4)** to approve a modified parking plan pursuant to §409.12.B, and **(5)** For such other and further relief as may be deemed necessary by the Administrative Law Judge. In addition, Variance relief was sought pursuant to B.C.Z.R. as follows: **(1)** to permit an existing Residential Transition Area (RTA) buffer of 0 ft. in lieu of the required 50 ft. pursuant to §§1B01.1.B.1.e (2) and (5); **(2)** to permit existing RTA setbacks of 7 ft. for an existing parking lot, 8 ft. for an existing accessory structure in lieu of the required 75 ft. pursuant to §§1B01.1.B.1.e (2) and (5); **(3)** to permit an existing setback for a parking lot from a

right-of-way of 3 feet in lieu of the required 10 feet pursuant to §409.8.A; (4) to permit an amenity open space ratio of 0.16 in lieu of the required 0.2 pursuant to §238A.4; and (5) For such other and further relief as may be deemed necessary by the Administrative Law Judge.

Although the initial public hearing was scheduled for April 15, 2013, Jason T. Vettori, Esq. with Smith, Gildea & Schmidt, LLC, counsel for Petitioners, appeared on that date and requested a postponement and continuance, which was granted. David Wasmund and Berchie & Jack Manley were also in attendance on April 3, 2013. The file reveals that the Petition was properly advertised and posted as required by the B.C.Z.R.

By letter dated February 17, 2014, Mr. Vettori indicated this hearing had been rescheduled for March 26, 2014. But the undersigned received another letter also dated February 17, 2014, from Jason T. Vettori, Esq. indicating that the requested relief is no longer needed and requesting a withdrawal of the Petition.

By letter dated February 24, 2014, Ms. Manley and Mr. Wasmund asked the undersigned to deny Mr. Vettori's withdraw request and proceed with the March 26, 2014 hearing date. Under the Zoning Commissioner's Rules, a zoning petition may be withdrawn by the Petitioner. B.C.Z.R. Appendix G, Rule 4F (a copy of which is attached hereto). As such, the request will be granted.

THEREFORE, IT IS ORDERED, this 26th day of February, 2014, by the Administrative Law Judge for Baltimore County, that the Petitions for Special Hearing and Variance filed in the above case, be and are hereby DISMISSED with prejudice.

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

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw