

May 4, 2006

Code Inspections and Enforcement
ATTN: Jim Thompson
County Office Building
111 W Chesapeake Ave
Towson, MD 21204

Re: Code violations at 11717 Belair Rd, Kingsville (Castle) Mitsubishi

Dear Mr. Thompson,

Several people suggested that I speak with you about this case, but I believe that a letter would better suite the purpose at this time. If you have questions or would like to discuss this matter, I would be glad to come to your office at most any time.

On September 9, 2005, I submitted a code violation complaint regarding the subject property (at that time dba "Kingsville Dodge") detailing a number of violations, including the following:

1. Violation of § 235.2

As shown in the enclosed photos #1a and 1b [of the original complaint] , vehicles are parked too close to the adjacent Goettner Rd. The survey stake in the photo is inscribed "Prop cor", and I believe it is the north-most corner of the L-shaped parcel. The parked vehicles are well beyond this property line into the road right-of-way, sometimes even blocking sight of the traffic sign. § 235.2 requires a 10 ft "sideyard" (as stated in § 232.2B) and it must be landscaped.

7. Violation of BCZR § 450.6A6

The balloons ... are prohibited as "tethered balloons".

8. Violation of BCZR § 1A04.2

According to the information contained on the Baltimore County web site, a portion of the area being used for this business is not zoned BM, but rather RC5. The attached aerial photo from the web site (Figure 1) shows the extent of the BM zone (which apparently coincides with the property lines). In this photo, as at present, vehicles for sale are parked beyond the extent of the part zoned BM on the southwest side. In fact, it would appear that they are on the neighboring church property. (Note the edge of the BM zone relative to the location of the wooden guardrail and its alignment with Longfield Dr. on the opposite side of Belair Rd in this aerial view)

There will likely be a disagreement over the exact location of this southwest boundary, however, it should be easy to measure 275.2 ft from the property corner chiseled into the sidewalk at the north corner.

The case was closed without resolution of these issues, although vehicles were moved somewhat back from Goettner Rd. Therefore, on January 11, I resubmitted a new complaint at the Code Enforcement office. At that time, I was able to include a copy of the SWM site plan submitted to the County last fall by the property owner, which clearly shows the property line and the extent of the BM zone with respect to the existing building (in reference to complaint #8 above).

I was subsequently called, on January 17, by the code inspector who stated that he had visited the site and found no violations. When asked if he had measured the 72 feet from the building face as indicated on the site plan, the inspector stated that he was not a surveyor and could not determine where the property line was, and that the county (code enforcement) does not get

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involved in property line disputes. When I explained that this is not a property line dispute since the site plan clearly shows the line, the inspector stated that he just was not going to do anything about it and he didn't feel that it was an "egregious" problem. He stated that if I wanted to do anything further about this complaint, I would have to get it surveyed.

When asked about the balloons tied to vehicles, the inspector stated that these were not a violation since they "did not have any writing on them". In addition, he noted that I was the only one to complain about this. He also stated that it was the county's policy to not cite properties for "party balloons" as long as there is no more than one per vehicle.

I suspect that the short form I completed in your office on January 11 did not adequately explain the basis for this complaint. This letter should provide the basis for this complaint and I request that you take specific action to bring about a correction to these violations.

As I stated in the phone conversation of January 17, this is not a property line dispute between parcel 266 and 237. The property owner (parcel 266) has submitted a site plan to the County which clearly shows where the property line is in relation to their building, as well as with the road on the opposite side of Belair Rd. I have again attached, as Figure 3, a copy of a portion of this site plan, which was prepared by a licensed engineering company, to show that the edge of the BM zone and the beginning of the RC-5 zone is 72 feet from the SW building face. In addition, I have included, as Figure 4, a portion of Plat S.M. 72-46 for the neighboring church property, which shows the coordinates of a point in the property line, as well as the location of that property line in relation to the drainage easement in which the current ditch is located.

I have also attached, as Figure 5, a portion of the official 200' scale zoning map which clearly shows that the SW limit of this BM zone is aligned almost exactly with the center of Longfield Dr on the opposite side of Belair Rd.

All of these references, as well as our measurements from the property corner clearly marked at the north corner of the property, are consistent in their depiction of the limits of this BM zone.

I request that you determine the location of the edge of the business zone by either

- locating the point on the property line shown on the Plat S.M. 72-46 as N53,760.346, E54,886.111
- making the measurement of 72' from the SW building face
- judging from the location of the center of Longfield Dr

and inform the owner that vehicles parked for sale must remain a sufficient distance behind this line in order to provide the setback which I understand is required by BCZR § 235.2. A simple measurement indicates that the vehicles for sale are currently parked about 30' beyond the property line into the RC-5 zoned area.

As shown in the attached photo #1, the cars are parked well beyond the edge of the pavement, and the submitted site plan shows that the pavement itself is a little beyond the property line. I have also been told by another inspector that such parking on the grass is itself a violation of county codes.

Since the code inspector can not make these measurement, I request that the necessary county resources be obtained to assist, the same as must be done for other such cases.

Further, I request that you take action with regards to the balloons which are tied to vehicles on a regular basis ("tethered balloons") as shown on the attached photo. These are in violation of BCZR § 450.6A6, whether or not they have writing. In fact, the attached photo shows multiple balloons per vehicle.

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In addition, I request that you determine and enforce the appropriate setback from Belair Rd for parcel 266. Vehicles for sale are currently parked up to, and often in, the right-of-way line of Belair Rd as shown on the attached photo #4, creating a dangerous situation (for vehicles exiting the driveway). I believe that a 10' setback is required. Parcel 266 was purchased by the "dealership" from an individual in 2004 and the house on it was demolished last year, so there should be no claim of "grandfathering" with regards to setback requirements on this parcel.

And finally, I request that you require all vehicles to be set-back the proper 10 feet from the right-of-way of Goettner road. Since the times of my original and followup complaints, I have located the metal survey pin for the corner of this property, as indicated on a portion of the owner's site plan attached as Figure 6, on which I have also noted the location of the "+" etched in the sidewalk, which was identified as "Prop Cor" when I took a photo on September 4, 2005.

I also request that you put an immediate stop to the steps being taken to fill this entire area adjacent to (and in) the Goettner Rd r/w for parking in contradiction to the site plan and county code. I have been told that the appropriate departments have not approved any such development (parking lot paving).

Parcel 265 was also purchased by the dealership in 2004 and a 14.55' strip along Goettner was later added by exchange of parcels (with Parcel 424) in September 2005, so there can be no claim of "grandfathering" on this parcel with respect to set-backs. (In fact, the site plan attached indicates that the parking lot curb should be 15 feet behind this r/w line to allow for eventual widening of Goettner Rd).

I hope that this matter can be resolved in an expeditious manner before additional construction takes place. I am available to discuss these issues at most any time.

Thank you for your assistance.

Regards,

Michael A Pierce
7448 Bradshaw Rd
Kingsville, MD 21087
410 817-4795

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Figure 1 - Blue lines from County Web site, black property lines (approximate location) added for reference (Note: Houses on north and south-most parcels have been removed.)

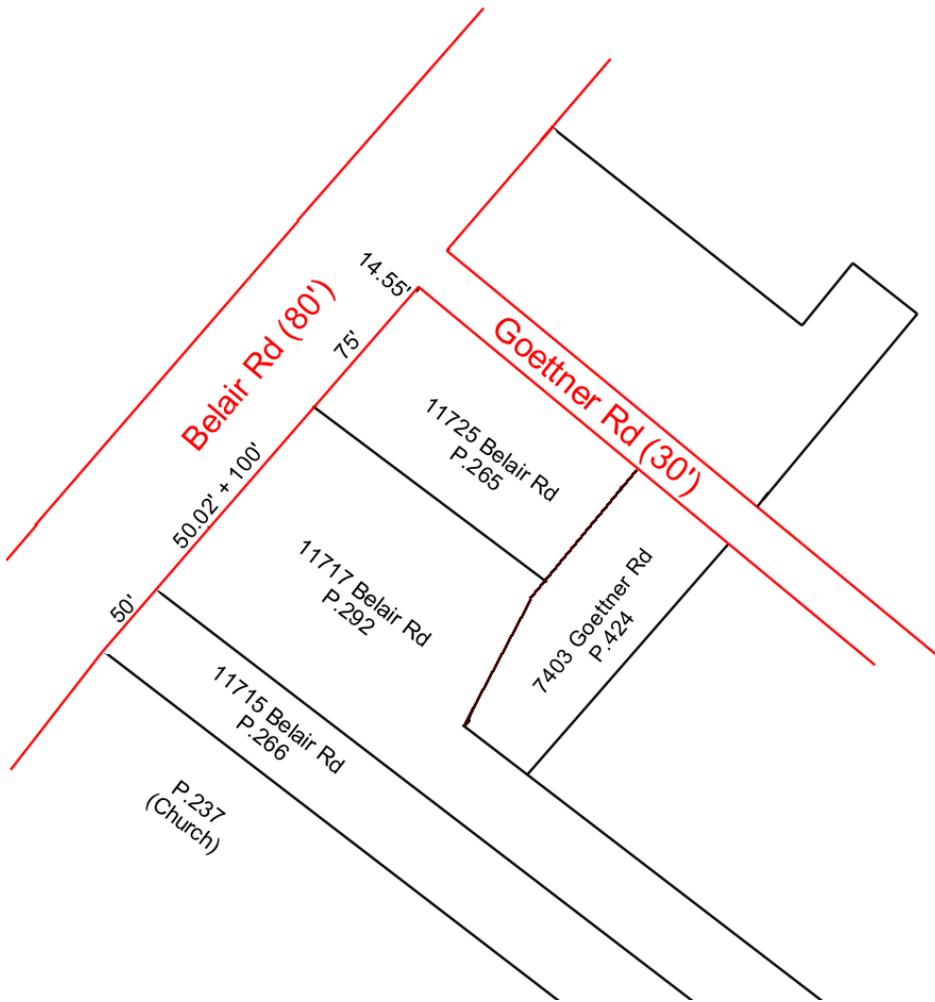
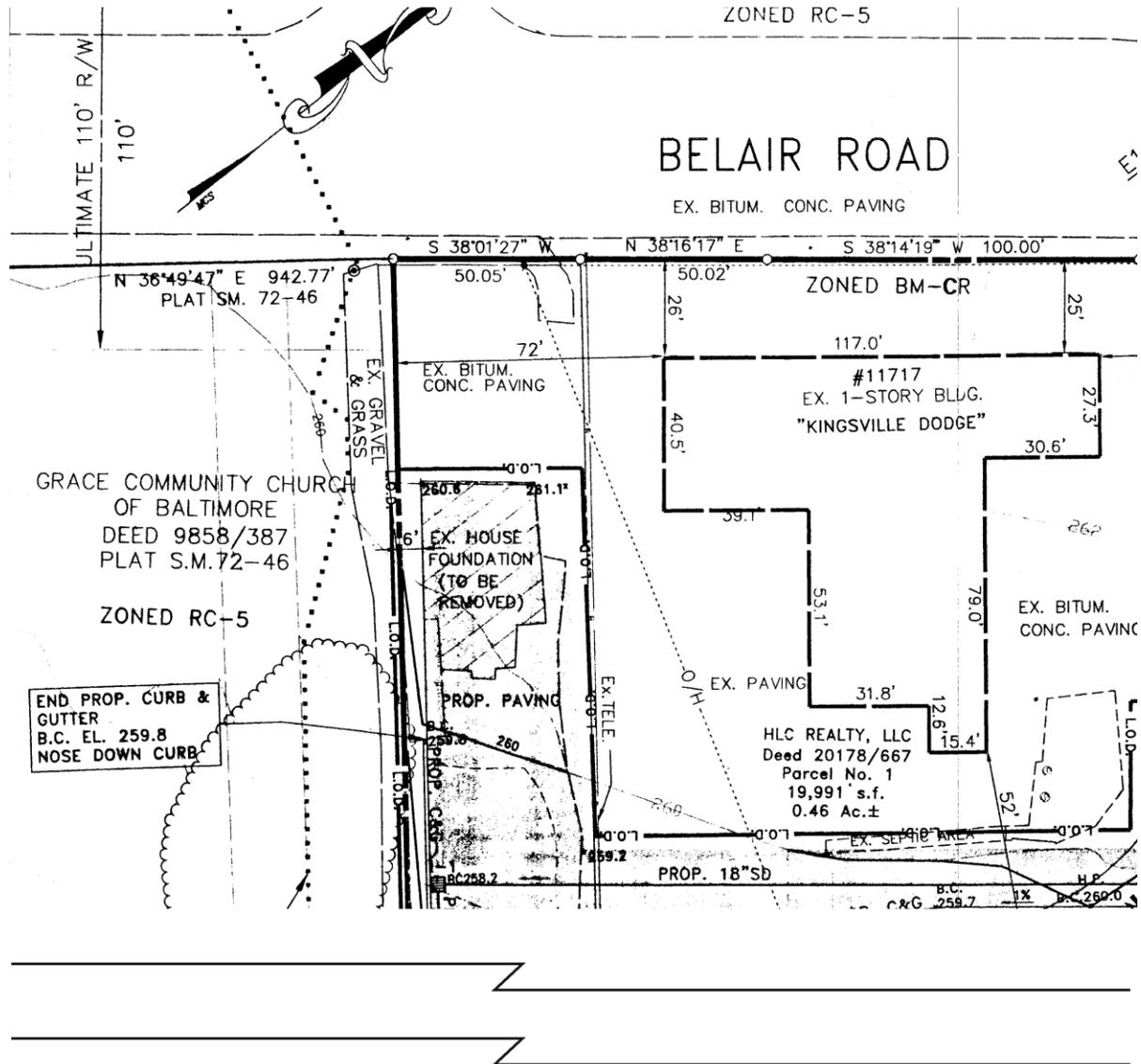


Figure 2 - Parcels involved - Mitsubishi dealership is P.265, P.292, and P.266.

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KCW
ENGINEERING
TECHNOLOGIES

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www.KCW-ET.com

HLC REALTY, LLC
Deed 20178/667
Parcel No. 2-
39,856 s.f.
0.92 Ac.±

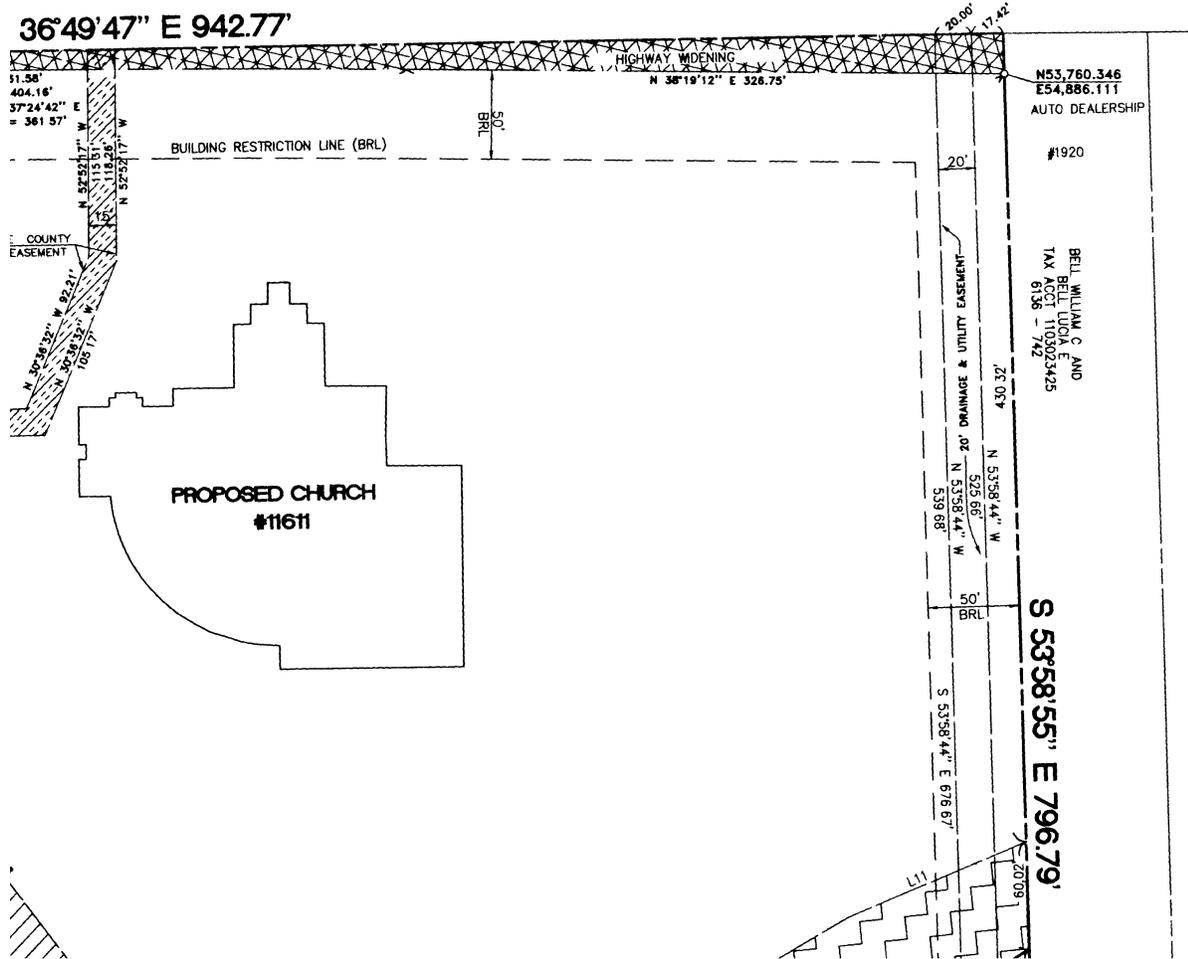
PLAN.

ROAD PERMIT AND GRADES	REVISED AS PER RECORD PRINT	DATE
PERMIT REQUESTED _____	DRAFTSMAN _____	DATE _____
PERMIT NUMBER _____		
GRADE ESTABLISHED _____		
PROFILE NUMBER _____		
 <p>KCW ENGINEERING TECHNOLOGIES, Inc. <i>Douglas L. Kennedy</i> ENGINEER DOUGLAS L. KENNEDY DATE: 10-17-2005 LIC. No.: 10748</p>	DESIGNED <u>DLK</u>	BUREAU OF ENGINEERING AND CONSTRUCTION HIGHWA
	DRAWN <u>ST</u>	REVIEWED _____
	CHECKED <u>DLK</u>	DATE _____

Figure 3 - p/o Site Plan for SWM prepared by KCW for Kingsville Dodge DWG #2005-2549

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(STATE ROAD) (U.S. Rte. 1)



SVYOR'S CERTIFICATE

Registered Professional Land Surveyor of the State of Maryland hereby certify that I am the Surveyor who prepared this Plat and that the land shown on this Plat has been surveyed in compliance with the provisions of Article 3-108 of the Real Property Article of the Maryland Code, particularly insofar as same concerns the setting of the markers.



[Signature]
5/11/99
Date

**Subdivision Plat of
GRACE COMMUNITY CHURCH**

11611 BELAIR ROAD
11th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=60'

Date: August 30, 1998

9599RP DWG

MSA SSU1236-10621 72-46

Figure 4 - p/o Plat 72-46

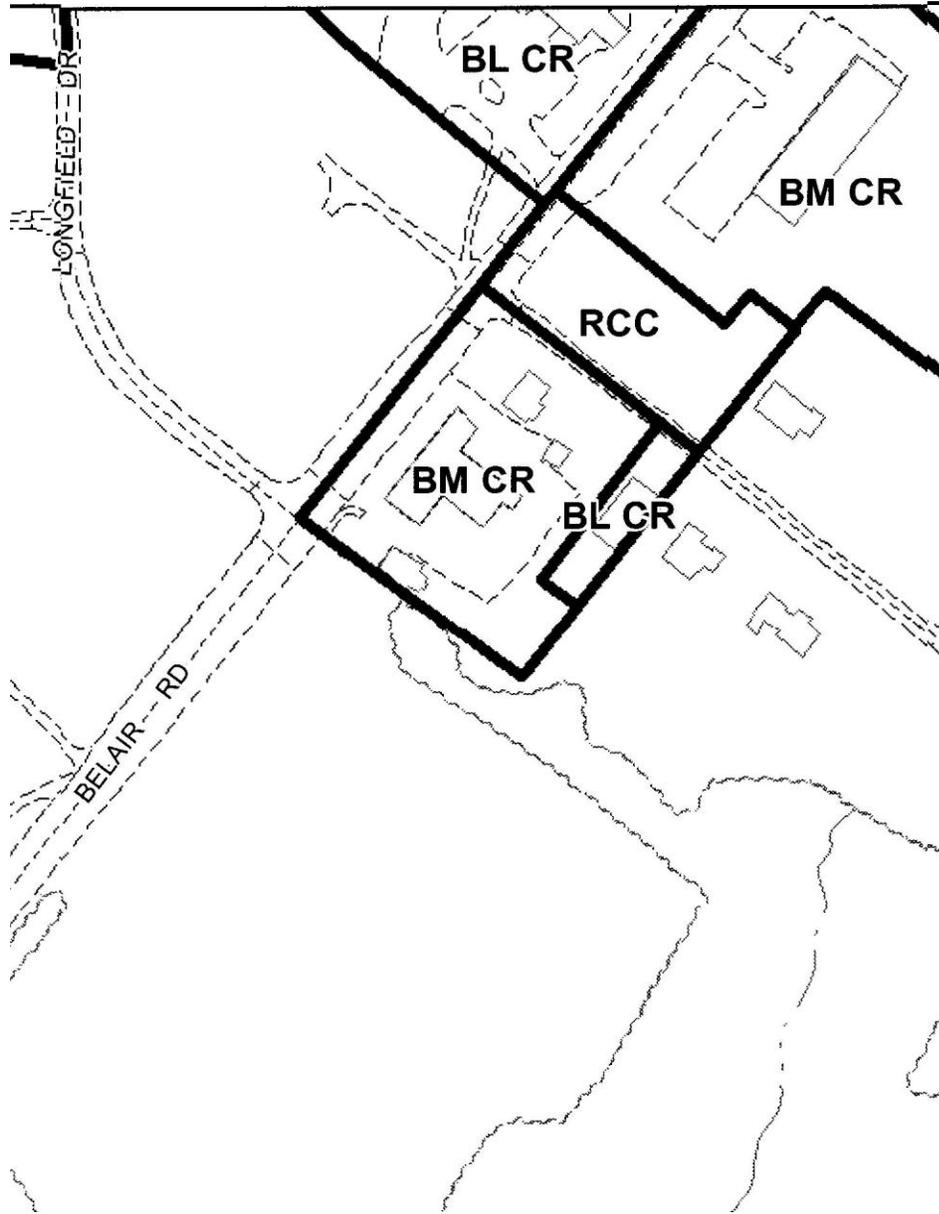


Figure 5 - Portion of Official 200' Zoning Map, sheet 064A1

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#1 Cars parked beyond property onto RC-5 area (boundary generally along edge of pavement)



#2 Cars parked on church (RC-5) property



#3 Tethered balloons (multiple) on cars



#4 Cars parked up to and across Belair Rd r/w line (which is near the back edge of the sidewalk and just behind the guard-rail)

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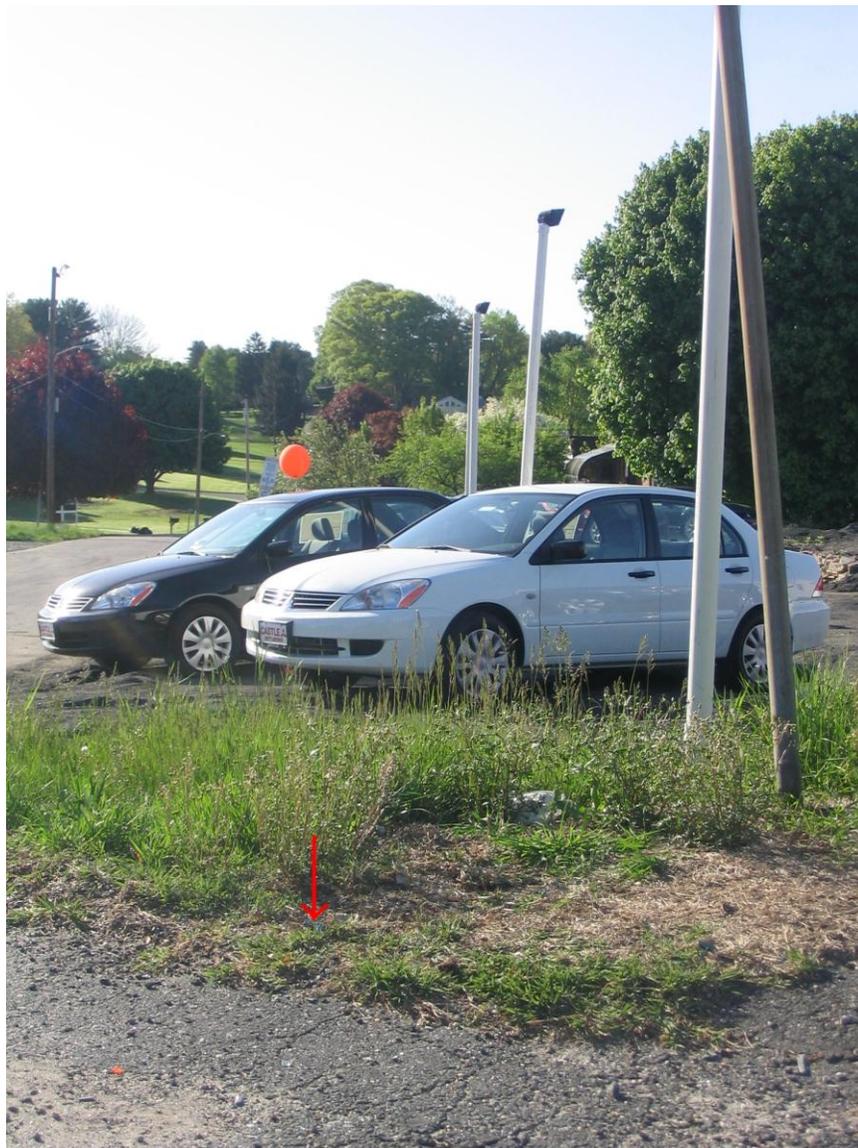


Photo #5 - Vehicles parked onto r/w of Goettner Rd (which is on the left). Added red line indicates location of survey stake recently found (with blue plastic ribbon on stake barely visible in photo.) Also shows recent fill being placed in required setback/landscaping area.

