

IN THE MATTER OF
THE APPLICATION OF
1600 FREDERICK ROAD, LLC
LEGAL OWNERS/PETITIONERS
PETITION FOR SPECIAL HEARING
1600 FREDERICK ROAD
1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 13-071-SPH

* * * * *

ORDER OF DISMISSAL

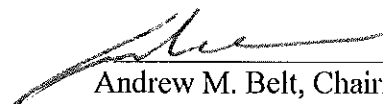
This matter comes to the Board of Appeals by way of an appeal filed by Thomas E. Neary from a decision of the Administrative Law Judge dated December 5, 2012, in which the requested zoning relief was denied and Order on Motion for Reconsideration dated January 30, 2013 wherein the Motion for Reconsideration was granted.

WHEREAS, the Board is in receipt of a Request to Withdraw the Petition filed by Jason T. Vettori, Esquire on behalf of 1600 Frederick Road, LLC, Petitioner (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Petitioner requests that the Petition for Special Hearing, that is the subject matter of this appeal be withdrawn and dismissed without prejudice,

IT IS THEREFORE ORDERED this 14th day of May, 2013 by the Board of Appeals of Baltimore County that the Petition for Special Hearing filed in Case No. 13-071-SPH be and the same is hereby **WITHDRAWN AND DISMISSED**, and that the Administrative Law Judge's Order dated December 5, 2012, including any and all relief granted therein or after, is hereby rendered **null and void**.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Andrew M. Belt, Chairman

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN
MICHAEL G. DEHAVEN
RAY M. SHEPARD
JASON T. VETTORI

LAUREN M. DODRILL
CHARLES B. MAREK, III
NATALIE MAYO
ELYANA TARLOW
REBECCA G. WYATT
of counsel:
JAMES T. SMITH, JR.

May 10, 2013

Sent Via Hand Delivery

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

RECEIVED
MAY 10 2013

BALTIMORE COUNTY
BOARD OF APPEALS

Re: **Matthew's 1600 - 1600 Frederick Road**
IN RE: PETITION FOR SPECIAL HEARING
(1600 Frederick Road)
1st Election District
1st Councilmanic District
1600 Frederick Road, LLC, Petitioner
Case No. 13-071-SPH

Dear Ms. Shelton:

On behalf of the Legal Owner/Petitioner in the above referenced Petition for Zoning Relief, 1600 Frederick Road, LLC, please accept this request for withdrawal of the petition for zoning relief in accordance with Rule 3.b.2 of the Rules of Practice and Procedure of the Baltimore County Board of Appeals.

The Legal Owner/Petitioner wishes to have the petition withdrawn and dismissed without prejudice. As such, this withdrawal is being filed not less than 10 days before the scheduled hearing date, May 21, 2013. The Legal Owner/Petitioner understands and acknowledges that the withdrawal of the petition will render the Administrative Law Judge's January 30, 2013 decision moot.

Thank you for your time and consideration of this most important matter.

Very truly yours,


Jason T. Vettori

JTV:amf

cc: Alan Parsons
David K. Gildea, Esquire
Kenneth J. Wells, P.E.



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

May 14, 2013

Jason Vettori, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Ste 200
Towson, MD 21204

Thomas Neary
1 Montrose Avenue
Catonsville, MD 21228

RE: *In the Matter of: 1600 Frederick Road, LLC – Legal Owner/Petitioner*
Case No.: 13-071-SPH

Dear Messers Vettori and Neary:

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 "Theresa Shelton/kc".

Theresa R. Shelton
Administrator

TRS/kc
Enclosure
Duplicate Original Cover Letter

c: Allen Parsons, Representative/1600 Frederick Road, LLC
Ronald Johnston
Mike S. Iverman
Jason Schiffman
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning

Allen and Lori Parsons
Kenneth Wells
James Styer
Office of People's Counsel
John E. Beverungen, Administrative Law Judge
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law