

IN THE MATTER OF
COMMUNITY ENTERPRISE, INC. - LEGAL OWNER
AND PETITIONER FOR SPECIAL HEARING AND
VARIANCE ON THE PROPERTY LOCATED AT
4217 FITCH AVENUE

14TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 16-328-SPHA

* * * * *

ORDER OF DISMISSAL

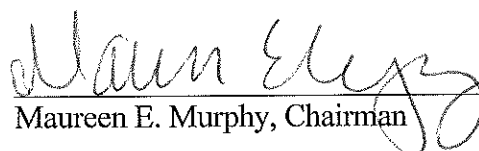
This matter comes to the Board of Appeals by way of an appeal filed by Edward J. Gilliss, Esquire on behalf of Community Enterprise, Inc., Legal Owner/Petitioner, from a final decision of the Administrative Law Judge dated August 24, 2016, in which the requested variance relief was denied, and Amended Opinion and Order of the Administrative Law Judge dated September 9, 2016 wherein the requested variance relief was denied and the requested special hearing relief was dismissed as moot.

WHEREAS, the Board is in receipt of a Motion to Dismiss filed on December 1, 2016 by Edward J. Gilliss, Esquire on behalf of Community Enterprise, Inc. requesting that the appeal in this matter be dismissed as of December 1, 2016; and

WHEREAS, the Board is in receipt of People's Counsel for Baltimore County's Response to the Motion to Dismiss, filed December 2, 2016 wherein People's Counsel does not oppose the dismissal of this matter.

IT IS ORDERED this 9th day of December, 2016 by the Board of Appeals of Baltimore County that the appeal taken in Case No. 16-328-SPHA be and the same is hereby **DISMISSED with prejudice**.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Maureen E. Murphy, Chairman



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

December 9, 2016

Edward J. Gilliss, Esquire
Royston, Mueller, McLean & Reid, LLP
The Royston Building
102 West Pennsylvania Avenue, Suite 600
Towson, Maryland 21204-4575

RE: In the Matter of: *Community Enterprise, Inc. – Legal Owner*
Case No.: 16-328-SPHA

Dear Mr. Gilliss:

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".

Krysundra "Sunny" Cannington
Administrator

KLC/tam
Enclosure

c: Paul Redding, President/Community Enterprise, Inc.
Thomas J. Hoff
Gloria Kelly
Mike Pierce
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Deputy Administrative Officer, and Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law